



2019 Analysis of Impediments to Fair Housing Choice

DRAFT – January 2019

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

For Program Years 2019 to 2023

CITY OF HOBOKEN, NEW JERSEY

Community Development Department

DRAFT – January 2019

Prepared for the City of Hoboken by
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CHAPTER I.

INTRODUCTION

AFFIRMATIVELY FURTHERING FAIR HOUSING

Equal access to housing choice is crucial to America’s commitment to equality and opportunity for all. Title VIII of the United States Civil Rights Act of 1968, more commonly known as the Fair Housing Act, provides housing opportunity protection by prohibiting discrimination in the sale or rental of housing on the basis of race, color, religion, sex, and national origin. The Act was amended in 1988 to provide stiffer penalties, establish an administrative enforcement mechanism and to expand its coverage to prohibit discrimination on the basis of familial status and disability. The U.S. Department of Housing and Urban Development (HUD), specifically HUD’s Office of Fair Housing and Equal Opportunity (FHEO), is responsible for the administration and enforcement of the Fair Housing Act and other civil rights laws.

Provisions to affirmatively further fair housing (AFFH) are basic long-standing components of HUD’s housing and community development programs. The AFFH requirements are derived from Section 808(e) (5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department’s housing and urban development programs in a manner to affirmatively further fair housing.¹

In 2015, HUD published a final rule on Affirmatively Furthering Fair Housing, which outlines procedures that jurisdictions and public housing authorities who participate in HUD programs must take to promote access to fair housing and equal opportunity. This rule stipulates that grantees and housing authorities take meaningful actions to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected class characteristics. Under HUD’s final rule, grantees must take actions to:

- Address disparities in housing need;
- Replace segregated living patterns with integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity; and
- Foster and maintain compliance with civil rights and fair housing laws.

To assist grantees and housing authorities affirmatively further fair housing, HUD provides publicly-available data, maps, and an assessment tool to use to evaluate the state of fair housing within their communities and set locally-determined priorities and goals. HUD’s final rule mandated that most grantees begin submitting to HUD an assessment developed using these tool in 2017; however, a 2018 HUD notice extended that deadline until at least October 2020. The notice further required that grantees instead prepare and keep on file a current “Analysis of Impediments to Fair Housing Choice” (AI).

In an AI, local communities that receive HUD entitlement grant funds evaluate barriers to fair housing choice and develop and implement strategies and actions to overcome any identified impediments based

¹ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 13)*. March 1996.

on their individual histories, circumstances, and experiences. Through this process, local entitlement communities promote fair housing choices for all persons, including classes protected under the Fair Housing Act, and provide opportunities for racially and ethnically inclusive patterns of housing occupancy, identify structural and systemic barriers to fair housing choice, and promote housing that is physically accessible and usable by persons with disabilities.

HUD will presume that the grantee is meeting its obligation and certification to affirmatively further fair housing by taking actions that address the impediments, including:

- Analyzing and eliminating housing discrimination within the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to all persons to include those persons with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

Through its Community Planning and Development (CPD) programs, HUD's goal is to expand mobility and widen a person's freedom of choice. The Department also requires Community Development Block Grant (CDBG) program grantees to document AFFH actions in the annual performance reports that are submitted to HUD.

Mosaic Community Planning assisted the City of Hoboken with the preparation of this Analysis of Impediments to Fair Housing Choice. This AI follows the requirements in HUD's *Fair Housing Planning Guide* but is also compliant with the regulations and assessment tool established in HUD's 2015 final rule. In several chapters, it incorporates the maps and data developed by HUD for use by grantees as part of the Affirmatively Furthering Fair Housing final rule.

DEFINITIONS

Affirmatively Further Fair Housing – In keeping with the latest proposed guidance from HUD, to Affirmatively Further Fair Housing Choice (AFFH) is to comply with “the 1968 Fair Housing Act’s obligation for state and local governments to improve and achieve more meaningful outcomes from fair housing policies, so that every American has the right to fair housing, regardless of their race, color, national origin, religion, sex, disability or familial status.”²

Fair Housing Choice - In carrying out this Analysis of Impediments to Fair Housing Choice, the City of Hoboken used the following definition of “Fair Housing Choice”:

- The ability of persons of similar income levels to have available to them the same housing choices regardless of race, color, religion, sex, national origin, familial status, or handicap.

² U.S. Department of Housing and Urban Development. “HUD Publishes New Proposed Rule on Affirmatively Furthering Fair Housing Choice.” Press Release No. 13-110. July 19, 2013.

Impediments to Fair Housing Choice - As adapted from the HUD *Fair Housing Planning Guide*, impediments to fair housing choice are understood to include:³

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices.
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

Protected Classes – The following definition of federally protected classes is used in this document:

- Title VIII of the Civil Rights Act of 1968 prohibits housing discrimination based on race, color, national origin or ancestry, sex, or religion. The 1988 Fair Housing Amendments Act added familial status and mental and physical handicap as protected classes.

Affordable – Though local definitions of the term may vary, the definition used throughout this analysis is congruent with HUD’s definition:

- HUD defines as "affordable" housing that costs no more than 30% of a household's total monthly gross income. For rental housing, the 30% amount would be inclusive of any tenant-paid utility costs.
- For homeowners, the 30% amount would include the mortgage payment, property taxes, homeowners insurance, and any homeowners’ association fees.

DATA SOURCES

Decennial Census Data – Data collected by the Decennial Census for 2010 and 2000 is used in this Assessment (older Census data is only used in conjunction with more recent data in order to illustrate trends). The Decennial Census data is used by the U.S. Census Bureau to create several different datasets:

- 2010 and 2000 Census Summary File 1 (SF 1) – This dataset contains what is known as “100% data,” meaning that it contains the data collected from every household that participated in the Census and is not based on a representative sample of the population. Though this dataset is very broad in terms of coverage of the total population, it is limited in the depth of the information collected. Basic characteristics such as age, sex, and race are collected, but not more detailed information such as disability status, occupation, and income. The statistics are available for a variety of geographic levels with most tables obtainable down to the census tract or block group level.
- 2000 Census Summary File 3 (SF 3) – Containing sample data from approximately one in every six U.S. households, this dataset is compiled from respondents who received the “long form” Census survey. This comprehensive and highly detailed dataset contains information on such topics as

³ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 2: Preparing for Fair Housing Planning, Page 2-17)*. March 1996.

ancestry, level of education, occupation, commute time to work, and home value. The SF 3 dataset was discontinued for the 2010 Census, but many of the variables from SF 3 are included in the American Community Survey.

American Community Survey (ACS) – The American Community Survey is an ongoing statistical survey that samples a small percentage of the U.S. population every year, thus providing communities with more current population and housing data throughout the 10 years between censuses. This approach trades the accuracy of the Decennial Census Data for the relative immediacy of continuously polled data from every year. ACS data is compiled from an annual sample of approximately 3 million addresses rather than an actual count (like the Decennial Census’s SF 1 data) and therefore is susceptible to sampling errors. This data is released in two different formats: single-year estimates and multi-year estimates.

- ACS Multi-Year Estimates – More current than Census 2010 data, this dataset is one of the most frequently used. Because sampling error is reduced when estimates are collected over a longer period of time, 5-year estimates will be more accurate (but less recent) than 3-year estimates. ACS datasets are published for geographic areas with populations of 20,000 or greater. The 2012-2016 ACS 5-year estimates are used most often in this assessment.

Previous Works of Research – This AI is supported by, and in some cases builds upon, previous local plans and works of research conducted for and by the City of Hoboken, including:

- City of Hoboken Consolidated Plan for Program Years 2015-2019 – This plan outlines the City’s goals for addressing priority community development and housing needs over the five-year period. High-priority needs include public services, public facility improvements, and infrastructure support for affordable housing, including veterans housing and homelessness. This plan also includes data related to housing and community development needs, the existing housing stock, and resources available to address affordable housing, homelessness, and other community issues.
- City of Hoboken Annual Action Plans and CAPERs for Program Years 2015 to 2018 – Annual Action Plans identify specific projects that the City will undertake in order to work toward achieving five-year goals. CAPERs review CDBG activities completed during each program year, along with the number of people and households assisted throughout the year.
- Housing Authority of the City of Hoboken Admission and Occupancy Policies – This document establishes the policies the Hoboken Housing Authority will use to carry out its public housing program to meet HUD requirements and local goals and objectives. It includes policies related to tenant selection and admission, housing occupancy, rent payments and utility allowances, and other administrative matters.

CHAPTER 2.

COMMUNITY PARTICIPATION PROCESS

COMMUNITY ENGAGEMENT OVERVIEW

An important part of the research for this Analysis of Impediments to Fair Housing Choice involved gathering input regarding fair and affordable housing conditions, perceptions, and needs in Hoboken. The City used a variety of approaches to achieve meaningful public engagement with residents and other stakeholders, including a public meeting, focus groups, interviews, and a communitywide survey.

Public Meeting

The City held a meeting open to the general public on Thursday, October 4, 2018 at 6:30 PM at the Multi-Service Center, 124 Grand Street, Hoboken, New Jersey 07030. It began with a brief overview of the Analysis of Impediments to Fair Housing Choice, related fair housing law, and ways to provide input for the study. The remainder of the meeting was devoted to a group discussion of fair housing, housing affordability, neighborhood conditions, and community resources in Hoboken. Four people attended the public meeting.

Focus Groups

A consulting team member also conducted a focus group with Hoboken Housing Authority (HHA) Resident Leaders during their regularly-scheduled meeting on October 2, 2018 at 1:00 PM at HHA offices. A second focus group was held with guests at The Hoboken Shelter on Thursday, October 4, 2018 at 2 PM. Like the public meeting, the focus groups began with an overview of the AI and the AI planning process and then moved into a discussion of fair and affordable housing needs and access to opportunity and community resources in Hoboken. About 30 people participated in one of the focus groups at HHA and The Hoboken Shelter.

Stakeholder Interviews

During the week of October 1, 2018, individual and small group stakeholder interviews were held at Hoboken City Hall. For people unable to attend an in-person interview, telephone interviews were offered. Stakeholders invited for interviews were identified by City of Hoboken staff, and represented a variety of viewpoints, including fair housing/legal advocacy, housing, affordable housing, real estate, transportation, employment, education, and others.

Interview invitations were made to 25 stakeholders, and 14 people participated in an interview. Two organizations also hosted a focus group with their residents or clients. Organizations from which one or more representatives participated in development of this AI include:

- HOPES Community Action Partnership
- Hoboken City Council

- Hoboken Fair Housing Association
- Hoboken Office of Constituent Affairs
- Hoboken Rent Leveling and Stabilization Office
- Hoboken School District
- The Hoboken Shelter
- Housing Authority of the City of Hoboken
- Hudson County Community College
- Hudson County Division of Housing and Community Development
- Monarch Housing Associates
- PRIME Real Estate Group
- Stevens Institute of Technology

Community Survey

The fourth approach for obtaining community input was a 25-question survey available to the general public, including residents and other stakeholders. The survey was available online and in hard copy during October and November 2018. Paper copies were available at the public meeting and focus groups, as well as at City Hall. A total of 83 survey responses were received.

Public Comment Period and Hearing

The City of Hoboken will hold a 30-day public comment period and public hearing to receive input on the draft Analysis of Impediments to Fair Housing Choice during February and March 2019. Further information about the comment period, including any comments received, will be here in the final draft of this document.

Publicity for Community Engagement Activities

Opportunities to provide public input for the Analysis of Impediments were advertised to as broad an audience as possible. Notice regarding the public meeting and survey was given to residents through an announcement in *The Jersey Journal*. Additionally, a press release was sent by the City to various local media outlets.

Flyers advertising the project and opportunities to participate were placed in public places and emailed to local stakeholders for sharing with their clients ahead of the public meeting. Information about the project, including the meeting and survey, was also posted on the City's website. The flyer and public notices included information for anyone needing special accommodations (including translation and interpretation services) but none were requested.

COMMUNITY ENGAGEMENT RESULTS

During the community engagement process, 14 people participated in interviews, about 34 attended a public meeting or focus group, and 83 responded to the survey.

For the community participation process, the consulting team developed a standard question set for use in the public meeting, focus groups, and in stakeholder interviews. Listed below are the summarized comments from interview participants and meeting/focus group attendees, as well as a summary of survey results. All input was considered in development of this AI, and no comments or surveys were not accepted. Note that these comments do not necessarily reflect the views of the City of Hoboken or Mosaic Community Planning.

Public Meeting & Focus Groups

1. What factors led you to choose the neighborhood where you currently live? What about your neighborhood keeps you from moving elsewhere?
 - Hoboken is home. Everyone knows everyone and people help one another.
 - This is a compelling community, close-knit, with great access to resources.
 - Easy transit – you can get anywhere, and fast.
 - Neighbors sit out on stoops and porches; Hoboken is small enough that you can have spontaneous run-ins with neighbors on the street.
2. If you could afford to live anywhere in Hoboken, would you move somewhere else? Where would you choose to go? Why?
 - Uptown, by the river, because of the views, coffee shops, places to sit and read. Downtown Hoboken is too congested.
 - 11th and Garden because it's a beautiful area with a neighborhood feel, nice tree canopy.
 - 2nd and Jackson because it has diversity and great potential, people are neighborly.
 - Anywhere I could find something affordable.
3. What are the greatest fair housing needs in the community?
 - Availability and affordability of housing.
 - Income-based housing.
 - Not enough housing, which leads to homelessness.
 - There is a shelter for men but not for women.
 - Housing for people with disabilities is especially difficult to find, but also for the elderly and families.
 - Rent is sky-high. The only truly affordable housing available is through HHA. Other so-called affordable projects are still too expensive and people remain in their units even after their incomes increase so there are no openings.
 - It is hard to find landlords willing to accept a voucher. And some want to check things like credit score. If the rent is being paid by the voucher, why is it necessary to check credit?

- Landlords are often unwilling to work with the shelter case managers to help homeless people access housing.
4. Are you aware of any housing discrimination? What are some things that can be done to overcome discrimination?
- Not really aware of any discrimination – can't think of any examples.
 - The working class can't get housing in Hoboken, but that's not based on race.
 - Housing is hard to get in Hoboken regardless of race – it's expensive especially for people in retail or service jobs.
 - There's a lot of racism that occurs.
5. Are people in the area segregated in where they live? What causes this segregation to occur?
- There are pockets of the city with higher concentrations of some racial and ethnic groups.
 - Within the city, people don't seem too segregated, but when comparing Hoboken with the wider region, Hoboken looks much more segregated and much less diverse.
 - Diversity is relative. Hoboken is more diverse than some areas but less so than the region. There is diversity in family types, where people are from, etc. but not a lot of economic diversity.
 - Yes, Hoboken is definitely segregated – but no more so than any other city.
 - Yes, the city is segregated. The Hoboken Housing Authority and its buildings are clustered together comprising an area with higher numbers of people of color and non-English speakers in the Washington & 12th vicinity.
 - There are imaginary tracks down Jackson Street with the HHA properties all on one side. They look and feel different from the rest of Hoboken. Many HHA residents feel they are outsiders relative to the rest of Hoboken.
6. Are public resources (e.g., parks, schools, roads, police and fire services, etc.) available evenly throughout all neighborhoods?
- The Madison to Marshall and Newark to 4th quadrant of the city lacks resources. Only three restaurants, no parks (other than playgrounds), no grocery stores, and more litter on the ground.
 - The schools seem to be fairly provided.
 - Hoboken was built on a marsh. As condos are built and they drill, hammer, and pound, the rest of Hoboken sinks.
 - Infrastructure investment is needed. Water and sewer systems are 200 years old.
 - Multimodal transportation options are great in Hoboken.
7. Is there anything we haven't discussed that you feel is important to our research?
- Easy transit is what has driven up the cost of land in Hoboken. Density and height restrictions are in place to preserve the city's "neighborhood feel," but these same regulations limit housing and lead to the rising costs.
 - Hoboken has gained a reputation as being attractive to young, white people post-college. They can come here and live in an urban setting yet feel safe. It's become a college town.

- Hoboken used to have a substantial Puerto Rican population 30 years ago. Where have those residents gone?
- There used to be a vibrant Hispanic community in Hoboken; now it exists only in subsidized housing and the annual festival has just 30 people show up. It's a shame.
- It is not hard to find jobs in Hoboken – there are help-wanted signs all up and down Washington.
- Hoboken feels safe, but people often have to settle for higher-crime areas in Jersey City, Bayonne, or Union City because of cost.
- City needs to keep pushing for multimodal transportation expansion. For example, the bikeshare program is good, increases social equity, and is relatively inexpensive.
- Rental application fees add up and after paying \$50 just to apply for an apartment, it's still likely you won't get in. A program to fund application fees and rental deposits would help.
- There is poor communication of information and disorganization in the system for people who are homeless.
- Impossibly high housing costs are frustrating and demoralizing. People who are homeless have no hope of ever being able to afford housing here.
- There should be a clear path out of homelessness.
- Minimum wage should be higher. The housing market is so much more expensive, it's only right that wages should be higher too.
- There's no in-between in Hoboken. You're either a millionaire or you have Section 8.
- HHA should take the opportunity under the RAD conversion program to disperse public housing units throughout the city and make its housing blend in better. Residents should feel like they are part of Hoboken.

Stakeholder Interviews

1. What are the greatest fair housing needs in the community?
 - The high cost of housing and lack of affordable options.
 - Affordability – across all groups.
 - Affordable housing or rental assistance, particularly for seniors and families.
 - Displacement. As certain types of housing are taken down, including rent controlled multifamily housing, they are replaced with luxury housing. Latino population was displaced previously, and now it's become difficult for any middle class families to stay in Hoboken. There are regulations in place to limit displacement but landlords use tricks to get around them. There's no part of the city that hasn't gentrified.
 - Affordable housing is the issue. It is not handled or distributed equally. Hoboken may even have enough affordable units, but they are not managed so as to be available to the people who need them.
 - People stay in their affordable apartments for generations; they're not moving out and freeing up units for other households. HHA wait lists are long (about 7 years or so)
 - As affordability periods end at PILOT projects, there's a possibility that rents will increase. Many residents don't know whether they will have to move or whether affordability periods will be extended.
 - Hoboken's housing stock is frozen: no one is moving out, no one can get in.

- It's hard to find information about what subsidized housing there is here and how to apply for it. The City could have more concise information about how to search for affordable housing.
 - There is a 10% affordable requirement for new housing development over 4 units, but developers have learned how to avoid these requirements. Not much affordable housing has been built despite the requirement. The City should consider a higher requirement.
 - Homelessness is a big issue. The City is concerned and aware.
 - The need for better employment opportunities is a big issue. With higher incomes, people could better afford housing.
2. What parts of Hoboken are generally seen as areas of opportunity? What makes them attractive places to live? What barriers might someone face in moving to one of these high opportunity areas?
- Relative to the region, the whole city of Hoboken has high levels of opportunity. Some of the best jobs may be across the river but are still quite accessible.
 - Further east is better on all opportunity metrics. Southwest has more traffic congestion.
 - Northwest and west have lots of new development and its easy to access the bus and PATH from everywhere.
 - People generally want to live close to Washington Street or the waterfront because many of the parks, piers, activity, and transportation options are focused there.
 - Area around HHA properties on Jackson Street is probably the least desirable, although there has been new development nearby. Many of the people on the HA's wait list would prefer to live in HA properties scattered throughout the city rather than those in the Jackson Street area.
 - Hoboken has some of the best transportation options in the county.
 - In terms of schools, many of the families moving to Hoboken put their children in charter schools.
 - Barriers to living in Hoboken in general are the lack of affordability, parking difficulty, and limited funding for organizations and programs that assist lower income households.
3. Do residents of similar incomes generally have the same range of housing options? Are there any barriers other than income/savings that might impact housing choices?
- Are all the newer units going up smaller by design so as to exclude families with children?
 - Has heard some landlords complain about renting to people with children.
 - Don't think people would have different ranges of housing options based on their backgrounds.
 - Yes, people have the same range of housing choices if they have the same income.
 - The barriers are economic due to the high cost of living. For low income households, subsidized housing is the only option they can afford.
 - The city's old housing stock is a barrier for people with disabilities and retrofitting units can be cost-prohibitive. Small multifamily properties that don't have elevators would be very difficult for many people with physical disabilities.
 - There are not a lot of senior housing that is affordable.
 - It can be confusing what lists to get on for subsidized housing. There are lists for new development but for existing developments there's not transparency.
4. Are you aware of any housing discrimination? What are some things that can be done to overcome discrimination?

- Hope there is not any housing discrimination, but it probably does occur.
 - Not something the agency deals with directly, and doesn't have a sense of whether its occurring.
 - Have heard of landlords giving families with children a hard time.
 - No, but there may be pushback if subsidized housing was built in some neighborhoods.
 - Possibly among affordable housing properties. There is more diversity among HHA residents compared to other subsidized housing developments.
 - Residents with vouchers may be discriminated against. It takes tenant education about rights and landlord education about fair housing to overcome.
5. Are people in the area segregated in where they live? What causes this segregation to occur?
- The projects are all located in the back of the city. The poor are ghettoized in the back of town.
 - A high share of the City's Black population live in properties. A lot of the city's Latino and Black residents who don't live in HHA properties have been displaced, and the city has become whiter and richer in recent decades. Laws that would help limit displacement are not enforced.
 - Residents are divided by income and class. Hoboken has become a suburb of Manhattan and there is economic segregation.
 - The 3rd Ward still has some of Hoboken's longtime Italian families.
 - I don't see any segregation in Hoboken.
6. Is there an adequate supply of housing that is accessible to people with disabilities?
- New buildings are going up that are not ADA compliant – the City doesn't adequately enforce accessibility requirements.
 - No, the wait list at affordable housing for seniors and people with disabilities is very long.
 - No, the city needs accessible housing that is not in senior buildings. Younger residents with disabilities don't necessarily want to live in senior housing.
 - No. In addition to accessible housing, there is a need for supportive housing. There are not adequate resources to assist people over age 18 live independently.
 - A certain number of units should be ADA accessible.
 - The nature of Hoboken's housing stock – walk-ups with lots of steps – don't lend themselves to accessibility.
 - People with disabilities may not be looking for housing in Hoboken anyway – it's more than many can afford.
 - Not sure how many people with disabilities can practically get by in a 5th story walkup.
 - Not sure, but there is always demand for housing for people with disabilities near hospitals, transportation, and parks.
7. What types of fair housing services (education, complaint investigation, testing, etc.) are offered in the area? How well are they coordinated with the work of other organizations in the community?
- The Waterfront Project is fabulous. Good education events, is creative, and has consistently broadened resources.
 - The Waterfront Project, although they may primarily serve lower-income groups.
 - There is a tenant advocate, which is a City position.

- City of Hoboken tenant rights advocate – Andrew Sobel. He also represents landlords.
- Hoboken Fair Housing Association.
- HOPES provides information to residents at its workshops.
- Northeast New Jersey Legal Services will help with discrimination complaints.
- Complaints are fielded by HUD.
- There may be a need for more outreach and education about fair housing rights.

8. Are public resources (e.g., parks, schools, roads, police and fire services, etc.) available evenly throughout all neighborhoods?

- There have been improvements to the school system as more families have moved to the area; many new families want to send their children to charter schools, which are much less diverse than public schools.
- Council members seem to be more worried about moms in SUVs not able to find parking near a ballfield than about ADA compliance for people with disabilities.
- Service delivery feels consistent, but I'm not sure.
- Indirectly there may be some variation. More affluent neighborhoods are more organized and active advocates for city resources.
- Yes, resources are evenly provided.
- Yes, the city is so small that there is not much difference between different areas within it.
- One respondent said there is a big difference between the school most children living in public housing attend (Connors) and other elementary schools. Another said that HA residents prefer Connors and choose to go there.
- Common areas at HHA properties are not always well kept.
- Relationship between HHA residents and the police department have improved in recent years.
- Grocery stores access is a need near the HHA, especially for seniors, after the market that was nearby closed. There is a grocery store about a 15 minute walk from the HA, with some discussion of a possible shuttle. There are grocery stores in various other locations throughout the city, although some are more expensive than others.

9. Is there anything we haven't discussed that you feel is important to our research?

- Long-term tenants often don't complain about housing conditions unless they are severe (for example, if the heat is out) because they don't want to draw attention to deficiencies.
- Church Towers and Marine View are known for waiting list jumping. Their wait lists should be public or available for inspection. The City should do more to enforce accountability over its affordable housing investments.
- The City needs a full-time civilian tenant advocate.
- The City needs to take action to prevent displacement. It can't wait for new development, but should look at opportunities to purchase existing housing using creative approaches. There's a need to look at who is vulnerable to displacement and what can be done to keep them in existing housing.
- A plan is needed for expiring PILOT projects. Residents there don't know if they will have to move or not.

- The City needs better messaging around affordable housing – what resources are available, how can someone apply, what steps should they take if they need housing assistance.
- Affordable housing requirement (10% of new development) needs to be enforced and loopholes need to be closed.
- The public school system needs to be strong so lower-income and middle-class families who can't afford to send their children to private schools will still want to stay in Hoboken.
- Even with a voucher, it is hard to afford Hoboken's rents.
- There are advocates for people on the low end of the income spectrum; people on the high end don't need help. But people in the middle need help and don't have it. This is a loss to the city.

Community Survey

The following includes a sample of questions and responses from the community survey. Complete results are provided as an appendix to this report.

Participant Demographics

- Of the 83 people who participated in the survey, the large majority (94%) live in the city of Hoboken, and all areas of the city are represented with survey responses. Three respondents live in other areas of Hudson County, and two live outside the county.
- About two-thirds of survey takers (65%) are between the ages of 25 and 44. People age 45 to 61 make up 18% of respondents and seniors (age 62 and over) comprise 12%.
- The largest share of respondents (48%) have household incomes over \$100,000. Households with incomes under \$50,000 represent just under one-quarter (23%) of survey takers, and households with incomes from \$50,000 to \$99,999 represent just over one-quarter (28%).
- The majority of survey respondents (86%) are white. Latinos comprise 7% of survey takers and Black, Asian, and multiracial participants each make up 2% of respondents.
- Of the 83 respondents, 12 (or 14%) speak a language other than English at home. Spanish is the most common of these languages.
- About 7% of survey takers have a member of their households with a disability.
- One-third of the respondents are homeowners, while 55% are renters. Eight percent (8%) live with a relative and 2 respondents (or about 2%) are homeless. Seven respondents (8%) live in public housing or receive Section 8 rental assistance.

improved safety for pedestrians and bikers were other top responses. The word cloud on the previous page summarizes the responses from all survey participants.

- When asked to select what types of housing are needed in Hoboken, “housing that middle-income households can afford” was the most common response; about two-thirds of respondents (66%) feel a lot more of this type of housing is needed. First time homebuyer assistance, housing that low-income households can afford, and housing for people with disabilities were also popular selections.
- The majority of respondents think services like fire and police protection, garbage collection, parks and trails, banking and lending, roads and sidewalks, and NJ Transit bus service are provided evenly throughout Hoboken. Conversely, more than 50% of survey takers think grocery stores and other shopping and property maintenance are not evenly provided.

Respondents’ Thoughts about Fair Housing

- About one-third of survey participants (34%) report understanding their fair housing rights, and another one-third (34%) somewhat understand their fair housing rights. Thirty-one percent (31%) do not know their fair housing rights, and 56% do not know where to file a housing discrimination complaint.
- Five respondents (7%) report that they experienced housing discrimination since living in Hoboken. Three of these people noted who discriminated against them and on what basis. In two cases the discrimination was by a landlord or property manager and in one it was by a city or county staff person. Two of the discrimination instances were based on disability and one was based on familial status. None of these three respondents filed a housing discrimination report because they didn’t know where to file and/or didn’t know what good it would do.
- Survey participants were asked whether they think housing discrimination is an issue in Hoboken. Just under one-quarter of respondents (23%) said housing discrimination is an issue, and one-third (33%) said housing discrimination may be an issue. About 12% said housing discrimination is not an issue, and 31% don’t know whether it is.
- Asked to select any factors that are barriers to fair housing in Hoboken, survey participants most commonly identified the following impediments:
 - Not enough affordable rental housing for individuals (selected by 73% of respondents);
 - Displacement of residents due to rising housing costs (selected by 71% of respondents);
 - Not enough affordable rental housing for small families (selected by 64% of respondents);
 - Not enough affordable rental housing for large families (selected by 57% of respondents); and
 - Discrimination by landlords or rental agents (selected by 45% of respondents).

CHAPTER 3.

SOCIOECONOMIC PROFILE

DEMOGRAPHIC PROFILE

According to the most recent 5-Year American Community Survey, there are an estimated 54,117 residents in the city of Hoboken, which accounts for only a small fraction (about 0.3%) of the New York-Newark-Jersey City region's total population of 20,192,042. From 1990 to 2010, the city of Hoboken grew quickly, increasing its population by about 49.6%, which is well above the region's population growth rate of 12.1%. Table 1 provides an overview of key demographic indicators for the city and region, while Table 2 shows demographic trends since 1990.

Race and Ethnicity

Most of Hoboken's population is non-Hispanic white (73.2%), and the city became less diverse over the last two decades as this group increased its population share by 11.5 percentage points. The population growth of the white population in absolute numbers outpaced all other groups by a wide margin. Two groups – Asians/Pacific Islanders and Native Americans – had higher population growth rates than whites from 1990 to 2000. The Asian/Pacific Islander population grew by 2,676 residents (or 190%) while the Native American population added 56 residents (a 189% increase). In comparison, Hoboken's white population grew by 77%. In contrast, the New York-Newark-Jersey City region became more diverse over that time period, with white population share declining by 13.0 percentage points and a decline in absolute numbers of white residents.

In Hoboken, all other racial or ethnic groups combined account for approximately a quarter of the city's current population. The Hispanic population remains the second largest racial or ethnic group in the city, comprising 15.2% of the total population. Hoboken's Hispanic population decreased dramatically from 1990 to 2000, losing an estimated 2,445 residents and declining in population share by 14.8 percentage points. During the same period, the Hispanic population in the New York-Newark-Jersey City region expanded in proportion by 7.1 percentage points to comprise 22.7% of the region's population.

The Asian or Pacific Islander population, the third largest racial or ethnic group in Hoboken, represents 7.1% of the city and more than doubled in both number and population share since 1990. This growth was inline with regional expansion of the Asian/Pacific Islander population, which also more than doubled in both number and population share from 1990 to 2000.

Hoboken's Black population comprises 2.6% of the city's total residents. Since 1990, the Black population experienced minimal change, adding only 96 residents and dropping just a percentage point in terms of population share (from 3.6% in 1990 to 2.6% currently). In contrast, Black residents comprise about 15.9% of the region, showing a small decrease from the 1990 population share of 16.7%.

Native Americans, residents of two or more races, and other racial groups account for a combined total of about 2% of the city's population, which is roughly comparable to their regional population share.

Overall, however, the racial and ethnic composition data shows that the New York-Newark-Jersey City region is considerably more diverse than the city of Hoboken. Further, the region has become more diverse over the last two decades, while the city has become less so.

National Origin

Foreign-born residents account for 15.2% of the current population in the city of Hoboken. The foreign-born population grew in absolute number since 1990, but decreased as a percentage of total population. The proportion of foreign-born population in the city of Hoboken was highest in 1990 at 16.8% and the lowest in 2010 at 14.3%. The top countries of origin of the foreign-born population in the city of Hoboken are China, India, Dominican Republic, Italy, and France. The populations originating from China and India each comprise 8% of the foreign-born population while residents from the Dominican Republic, Italy, and France comprise around 5% of the foreign-born population in the city of Hoboken.

The foreign-born population is a significantly larger percentage (28.4%) of the total population in the New York-Newark-Jersey City region. Since 1990, the region has experienced a 60.6% increase in the number of foreign-born residents and their share of the population has grown by 8.5 percentage points. The top countries of origin for the region's foreign-born population are the Dominican Republic, China, Mexico, India, Jamaica, and Ecuador.

LEP

The demographics of the population with limited English proficiency (LEP) often resembles patterns of foreign-born residents in a community. In Hoboken, however, the LEP population drastically declined since 1990 while the foreign-born population remained relatively stable. In 1990, residents with limited English proficiency comprised 17.8% of the total population; currently, they make up only 7.7%. The stable foreign-born population and the decline in LEP residents suggests a disproportionate change in the number of foreign-born residents from countries where English is the primary language or commonly used and/or improved English language skills for existing foreign-born residents.

The top five languages spoken by the LEP population in the city of Hoboken are Spanish, Chinese, Italian, French, and Hindi. Spanish-speaking LEP residents comprise 60% of the LEP population while all other languages each account for less than 10% of the LEP population.

The LEP population in the New York-Newark-Jersey City region grew by 3.5 percentage points to comprise 15.8% of the total population, double the proportion of the LEP population in the city of Hoboken. The top languages spoken by the LEP population in the region are Spanish, Chinese, Russian, Korean, and French Creole.

Disability

The population with disabilities in the city of Hoboken and the New York-Newark-Jersey City region have similar distributions by disability type, however, the proportion of the disabled population in the city is nearly half that of the percentage of disabled persons in the region. The most common disability type in both the city and the region is difficulty with ambulatory movement. People experiencing ambulatory difficulties comprise 4.0% of the city's total population and 5.9% of the region's total population. People

with disabilities that may require extensive assistance, including independent living or self-care difficulties, make up 1.4% and 2.2% of Hoboken's population, respectively. The population of people with hearing and vision difficulties make up 1.1% and 0.7% of the city's population, respectively. For all of these disability types, the share of the population with these difficulties is higher at the regional level than in Hoboken.

Age

The age distribution of the population in the city of Hoboken and the New York-Newark-Jersey City region are drastically different. The population between the ages of 18 and 64 comprise a significant majority 81.5% of the city's population while only accounting for 64.1% of the region's population. Consequently, the city's proportions of the population under the age of 18 (12.2%) and 65 and over (6.3%) are significantly lower than those in the region (22.9% and 13.1%, respectively).

From 1990 to 2010, the population between 18 and 64 in the city of Hoboken grew at a rate of 68.6% and expanded in proportion by 9.3 percentage points. Conversely, both the under 18 and 65 and above population experienced around a 4.5 percentage point loss in share of the total population. However, the population under 18 grew in absolute numbers at a rate of 9.3% while the elderly population experienced overall population loss at a rate of 15.0%.

Sex

Gender distribution of the city of Hoboken is nearly balanced as 50.5% of the total population is male and 49.5% is female. The gender distribution of the New York-Newark-Jersey City region is slightly more skewed with the female population (51.8%) a slight majority over the male (48.2%).

Family Type

Families with children comprise 40.9% of the total families in the city of Hoboken. The number of families with children in the city of Hoboken have grown at a rate of 30.2% since 1990, but slightly decreased in proportion. The number and percentage of families with children in the New York-Newark-Jersey City region experienced fluctuations between 1990 and 2010 but currently comprises 45.8% of all families in the region.

TABLE 1 – DEMOGRAPHIC OVERVIEW

Demographic Indicator	City of Hoboken		New York-Newark-Jersey City Region			
	#	%	#	%		
Race/Ethnicity						
Non-Hispanic						
White	36,607	73.2%	9,709,880	49.6%		
Black	1,289	2.6%	3,105,386	15.9%		
Asian or Pacific Islander	3,527	7.1%	1,884,874	9.6%		
Native American	33	0.1%	32,750	0.2%		
Two or More Races	830	1.7%	313,230	1.6%		
Other	117	0.2%	95,275	0.5%		
Hispanic	7,602	15.2%	4,426,012	22.6%		
Total	50,005	-	19,567,407	-		
National Origin						
#1 country of origin	China excl. Hong Kong & Taiwan	633	1.3%	Dominican Republic	551,085	3.0%
#2 country of origin	India	622	1.3%	China excl. Hong Kong & Taiwan	372,527	2.0%
#3 country of origin	Dominican Republic	432	0.9%	Mexico	329,509	1.8%
#4 country of origin	Italy	378	0.8%	India	314,937	1.7%
#5 country of origin	France	373	0.8%	Jamaica	254,888	1.4%
#6 country of origin	Other UK	321	0.7%	Ecuador	245,937	1.3%
#7 country of origin	Germany	253	0.5%	Guyana	168,753	0.9%
#8 country of origin	Korea	250	0.5%	Colombia	168,375	0.9%
#9 country of origin	England	245	0.5%	Haiti	159,931	0.9%
#10 country of origin	Canada	224	0.5%	Philippines	154,404	0.8%
Limited English Proficiency (LEP) Language						
#1 LEP Language	Spanish	2,348	4.9%	Spanish	1,675,204	9.1%
#2 LEP Language	Chinese	360	0.8%	Chinese	364,299	2.0%
#3 LEP Language	Italian	287	0.6%	Russian	139,842	0.8%
#4 LEP Language	French	133	0.3%	Korean	93,503	0.5%

TABLE 1 – DEMOGRAPHIC OVERVIEW (CONTINUED)

Demographic Indicator	City of Hoboken		New York-Newark-Jersey City Region			
	#	%	#	%		
Limited English Proficiency (LEP) Language (continued)						
#5 LEP Language	Hindi	108	0.2%	Other Indic Language	82,700	0.5%
#6 LEP Language	Korean	105	0.2%	French Creole	81,366	0.4%
#7 LEP Language	Japanese	96	0.2%	Italian	72,819	0.4%
#8 LEP Language	Serbo-Croatian	76	0.2%	Polish	62,596	0.3%
#9 LEP Language	Other Asian Language	32	0.1%	Portuguese	52,430	0.3%
#10 LEP Language				Arabic	49,339	0.3%
Disability Type						
Hearing difficulty		507	1.1%		448,097	2.5%
Vision difficulty		339	0.7%		353,817	1.9%
Cognitive difficulty		813	1.7%		675,115	3.7%
Ambulatory difficulty		1,916	4.0%		1,085,872	5.9%
Self-care difficulty		665	1.4%		437,887	2.4%
Independent living difficulty		1,052	2.2%		751,853	4.1%
Sex						
Male		25,231	50.5%		9,433,635	48.2%
Female		24,774	49.5%		10,133,775	51.8%
Age						
Under 18		6,113	12.2%		4,478,998	22.9%
18-64		40,737	81.5%		12,533,659	64.1%
65+		3,155	6.3%		2,554,753	13.1%
Family Type						
Families with children		3,869	40.9%		2,158,097	45.8%

Note: All % represent a share of the total population within the jurisdiction or region, except family type, which is out of total families. The most populous places of birth and languages at the city and regional levels may not be the same, and are thus labeled separately.

Data Sources: Decennial Census; ACS

TABLE 2— DEMOGRAPHIC TRENDS

Demographic Indicator	City of Hoboken							
	1990		2000		2010		Current (2009-2013 ACS)	
	#	%	#	%	#	%	#	%
Race/Ethnicity								
White, Non-Hispanic	20,661	61.7%	27,194	70.5%	36,607	73.2%	36,607	73.2%
Black, Non-Hispanic	1,193	3.6%	1,440	3.7%	1,480	3.0%	1,289	2.6%
Hispanic	10,047	30.0%	7,781	20.2%	7,602	15.2%	7,602	15.2%
Asian or Pacific Islander, Non-Hispanic	1,409	4.2%	1,849	4.8%	4,085	8.2%	3,527	7.1%
Native American, Non-Hispanic	30	0.1%	56	0.2%	86	0.2%	33	0.1%
National Origin								
Foreign-born	5,633	16.8%	5,588	14.5%	7,144	14.3%	7,559	15.1%
LEP								
Limited English proficiency	5,945	17.8%	4,185	10.8%	3,783	7.6%	3,841	7.7%
Sex								
Male	16,557	49.5%	19,786	51.2%	25,231	50.5%	25,231	50.5%
Female	16,908	50.5%	18,883	48.8%	24,774	49.5%	24,774	49.5%
Age								
Under 18	5,594	16.7%	4,159	10.8%	6,113	12.2%	6,113	12.2%
18-64	24,161	72.2%	30,816	79.7%	40,737	81.5%	40,737	81.5%
65+	3,710	11.1%	3,694	9.6%	3,155	6.3%	3,155	6.3%
Family Type								
Families with children	2,971	41.4%	1,984	32.5%	3,869	40.9%	3,869	40.9%

TABLE 2 – DEMOGRAPHIC TRENDS (CONTINUED)

Demographic Indicator	New York-Newark-Jersey City Region							
	1990		2000		2010		Current (2009-2013 ACS)	
	#	%	#	%	#	%	#	%
Race/Ethnicity								
White, Non-Hispanic	10,892,165	62.6%	10,281,332	54.3%	9,709,883	49.6%	9,709,880	49.6%
Black, Non-Hispanic	2,902,877	16.7%	3,316,662	17.5%	3,247,307	16.6%	3,105,386	15.9%
Hispanic	2,710,759	15.6%	3,623,636	19.1%	4,426,012	22.6%	4,426,012	22.6%
Asian or Pacific Islander, Non-Hispanic	825,944	4.7%	1,464,179	7.7%	2,013,382	10.3%	1,884,874	9.6%
Native American, Non-Hispanic	30,081	0.2%	60,493	0.3%	60,597	0.3%	32,750	0.2%
National Origin								
Foreign-born	3,463,455	19.9%	4,898,628	25.9%	5,359,273	27.4%	5,564,296	28.4%
LEP								
Limited English proficiency	2,152,226	12.4%	2,903,416	15.3%	3,059,094	15.6%	3,098,473	15.8%
Sex								
Male	8,308,075	47.7%	9,085,660	48.0%	9,433,635	48.2%	9,433,635	48.2%
Female	9,097,804	52.3%	9,858,898	52.0%	10,133,775	51.8%	10,133,775	51.8%
Age								
Under 18	4,009,417	23.0%	4,787,133	25.3%	4,478,998	22.9%	4,478,998	22.9%
18-64	11,125,675	63.9%	11,775,916	62.2%	12,533,659	64.1%	12,533,659	64.1%
65+	2,270,788	13.1%	2,381,509	12.6%	2,554,753	13.1%	2,554,753	13.1%
Family Type								
Families with children	1,994,775	45.2%	1,871,546	48.1%	2,158,097	45.8%	2,158,097	45.8%

Note: All % represent a share of the total population within the jurisdiction or region for that year, except family type, which is out of total families.

Data Sources: Decennial Census; ACS

RACIALLY AND ETHNICALLY CONCENTRATED AREAS OF POVERTY

This study uses a methodology developed by HUD that combines demographic and economic indicators to identify racially or ethnically concentrated areas of poverty (RECAPs). These areas are defined as census tracts that have an individual poverty rate of 40% or more (or an individual poverty rate that is at least 3 times that of the tract average for the metropolitan area, whichever is lower) and a non-white population of 50% or more. Using a metric that combines demographic and economic indicators helps to identify a jurisdiction's most vulnerable communities.

The racial and ethnic composition of neighborhoods with concentrations of poverty is disproportionate relative to the U.S. population overall. According to the U.S. Department of Health and Human Services, Black and Hispanic populations comprise nearly 80% of the population living in areas of concentrated poverty in metropolitan areas, but only account for 42.6% of the total poverty population in the U.S.⁴ Overrepresentation of these groups in areas of concentrated poverty can exacerbate disparities related to safety, employment, access to jobs and quality education, and conditions that lead to poor health.

Identification of RECAPs is significant in determining priority areas for reinvestment and services to ameliorate conditions that negatively impact RECAP residents and the larger region. Since 2000, the prevalence of concentrated poverty has expanded by nearly 75% in both population and number of neighborhoods. The majority of concentration of poverty is within the largest metro areas, but suburban regions have experienced the fastest growth rate.⁵

There are no census tracts in the city of Hoboken that meet HUD's RECAP definition.

⁴ United States, Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. "Overview of Community Characteristics in Areas with Concentrated Poverty." ASPE Issue Brief, May 2014, https://aspe.hhs.gov/system/files/pdf/40651/rb_concentratedpoverty.pdf.

⁵ Kneebone, Elizabeth. "The Growth and Spread of Concentrated Poverty, 2000 to 2008-2012." *The Brookings Institution*, 29 July 2016, www.brookings.edu/interactives/the-growth-and-spread-of-concentrated-poverty-2000-to-2008-2012/.

CHAPTER 4.

SEGREGATION AND INTEGRATION

Communities experience varying levels of segregation between different racial, ethnic, and socioeconomic groups. High levels of residential segregation often lead to conditions that exacerbate inequalities among population groups within a community. Increased concentrations of poverty and unequal access to jobs, education, and other services are some of the consequences of high residential segregation.⁶

Federal housing policies and discriminatory mortgage lending practices prior to the Fair Housing Act of 1968 not only encouraged segregation, but mandated restrictions based on race in specific neighborhoods. The Fair Housing Act of 1968 outlawed discriminatory housing practices, but did little to address the existing segregation and inequalities. Other federal housing policies and programs, like Section 8 and HOPE VI, have been implemented in an effort to ameliorate the negative effects of residential segregation and reduce concentrations of poverty. Despite these efforts, the repercussions of the discriminatory policies and practices continue to have a significant impact on residential patterns today.

RACE AND ETHNICITY

As shown in Figure 1, population density and distribution is relatively uniform throughout the city of Hoboken's census tracts. The spatial distribution of the population by race and ethnicity that is visible in Figure 1 indicate low levels of segregation except for the neighborhood west of Jackson Street around the Hoboken Housing Authority properties, where higher shares of Black and Hispanic residents live. Although outside the city of Hoboken, the racial and ethnic composition of the neighborhoods adjacent to the western border are dramatically different, with a population that is majority Hispanic.

Shifts in residential patterns of racial and ethnic groups since 1990 have resulted in a more integrated, but less diverse, city. Figures 1 through 3 show a noticeable decrease in Hispanic population between 1990 and 2010. Prior to 2010, there was a large presence of Hispanic residents in the southern half of the city and along densely populated corridors like Washington Street.

While population data shows a growth in the city's Asian/Pacific Islander population from 1990 to 2010, this growth is less apparent in Figure 1 because of these residents' relatively even spatial distribution and integration throughout the city.

⁶ Massey, D. (1990). American Apartheid: Segregation and the Making of the Underclass. *American Journal of Sociology*, 96(2), 329-357. Retrieved from <http://www.jstor.org/stable/2781105>

FIGURE 1 – POPULATION BY RACE AND ETHNICITY IN THE CITY OF HOBOKEN, 2010

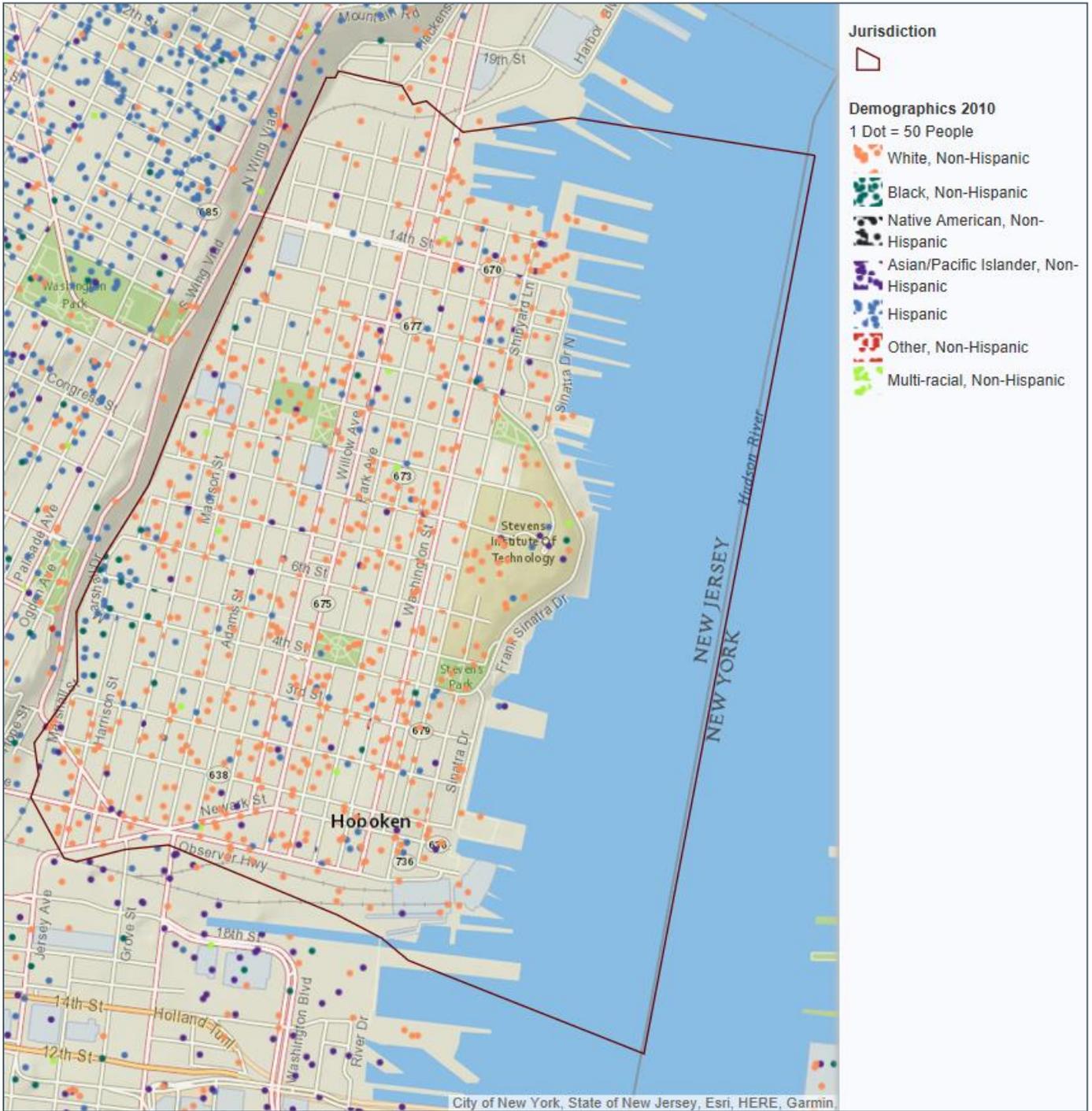


FIGURE 2 – POPULATION BY RACE AND ETHNICITY IN THE CITY OF HOBOKEN, 2000

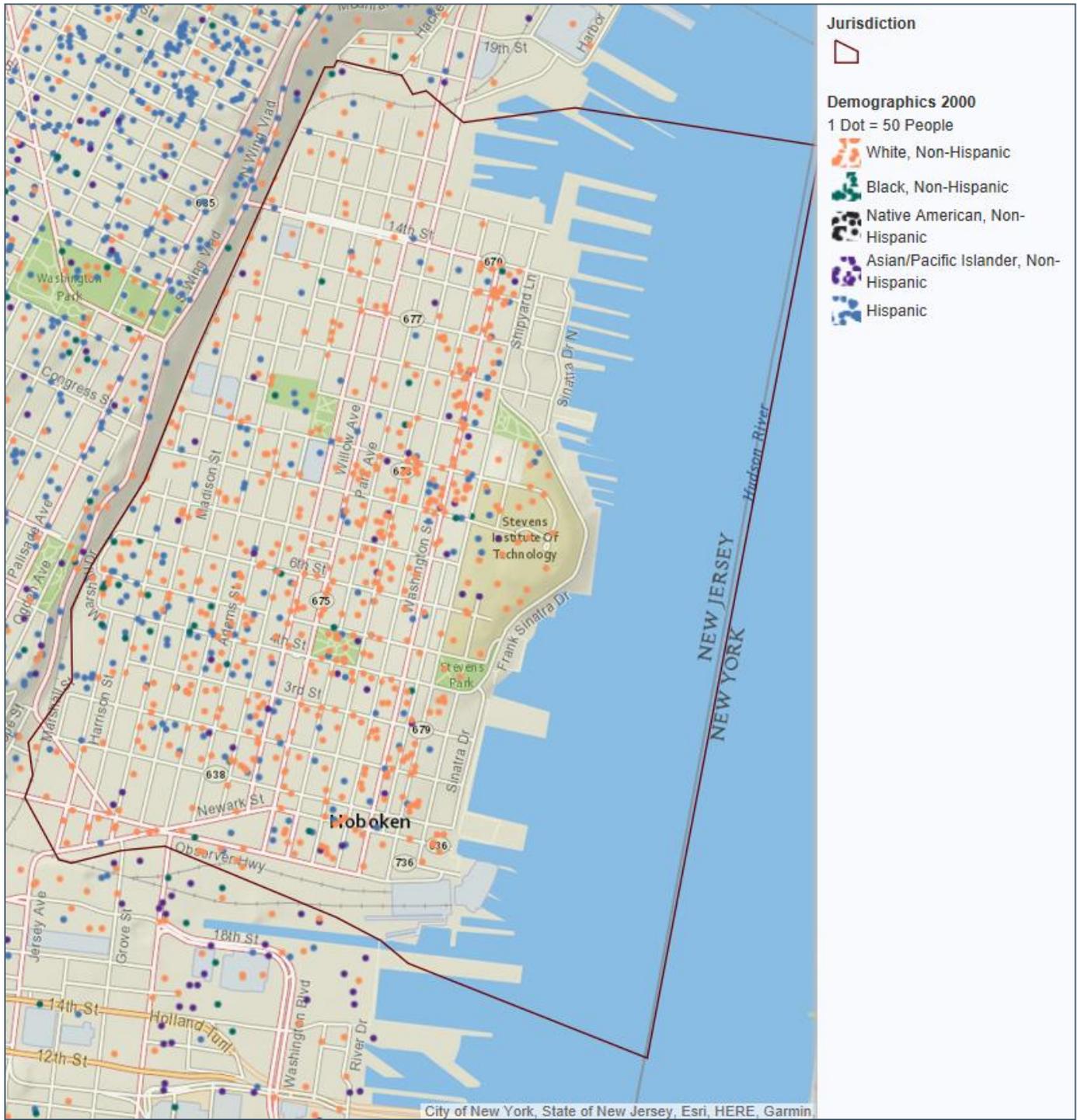
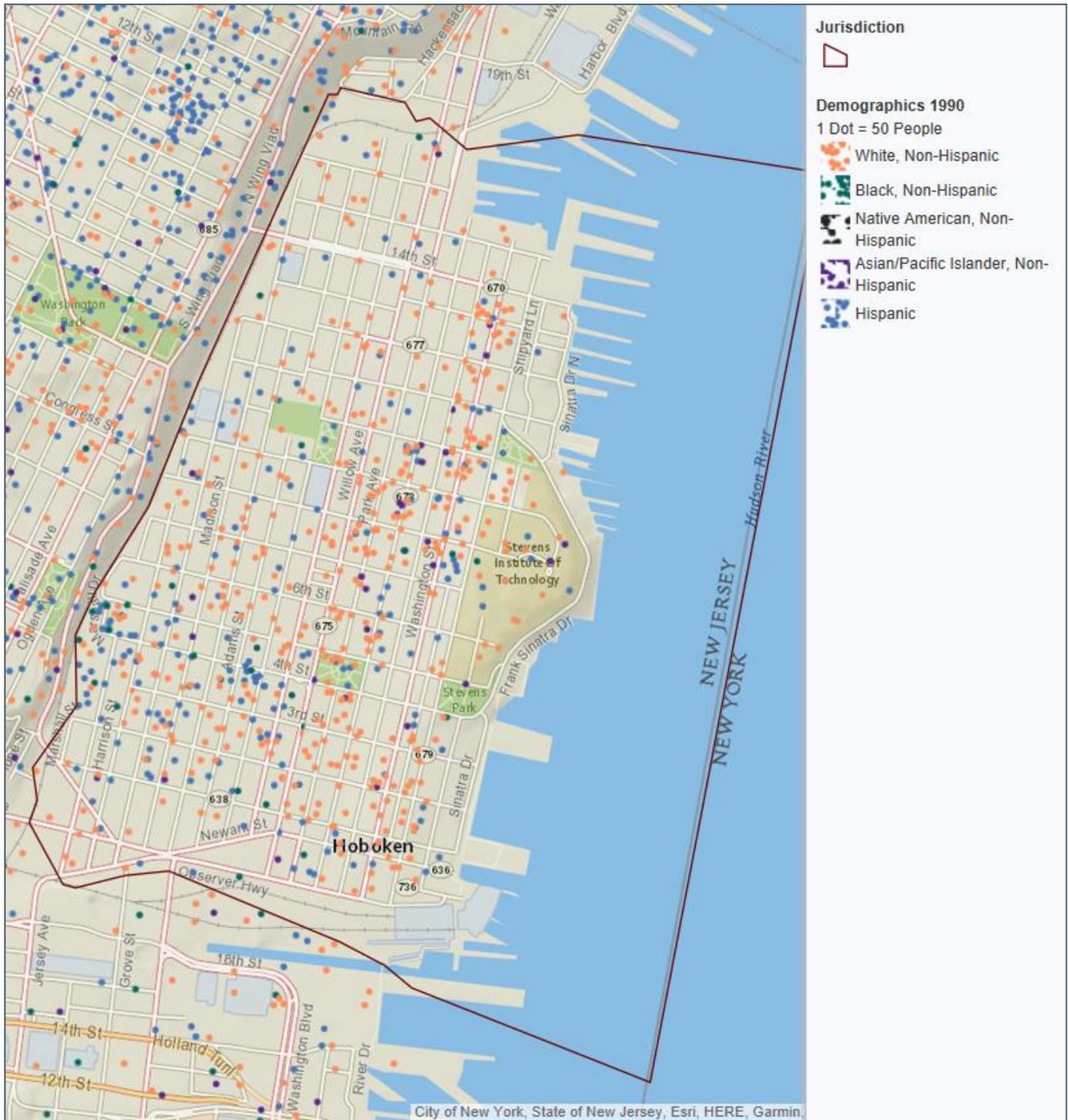


FIGURE 3 – POPULATION BY RACE AND ETHNICITY IN THE CITY OF HOBOKEN, 1990



SEGREGATION LEVELS

In addition to visualizing Hoboken’s racial and ethnic composition with the preceding maps, this study also uses a statistical analysis – referred to as dissimilarity – to evaluate how residential patterns vary by race and ethnicity, and how these patterns have changed since 1990. The Dissimilarity Index (DI) indicates the degree to which a minority group is segregated from a majority group residing in the same area because the two groups are not evenly distributed geographically. The DI methodology uses a pair-wise calculation between the racial and ethnic groups in the region. Evenness, and the DI, are maximized and segregation minimized when all small areas have the same proportion of minority and majority members as the larger area in which they live. Evenness is not measured in an absolute sense, but is scaled relative to the other group. The DI ranges from 0 (complete integration) to 100 (complete segregation). HUD identifies a DI value below 40 as low segregation, a value between 40 and 54 as moderate segregation, and a value of 55 or higher as high segregation.

The proportion of the minority population group can be small and still not segregated if evenly spread among tracts or block groups. Segregation is maximized when no minority and majority members occupy a common area. When calculated from population data broken down by race or ethnicity, the DI represents the proportion of minority members that would have to change their area of residence to match the distribution of the majority, or vice versa.

The table below shares the dissimilarity indices for four pairings in Hoboken and the New York-Newark-Jersey City region. This table presents values for 1990, 2000, and 2010, all calculated using census tracts as the area of measurement. The “current” figure is calculated using block groups. Because block groups are typically smaller geographies, they measure segregation at a finer grain than analyses that use census tracts and, as a result, often indicate slightly higher levels of segregation than tract-level calculations.⁷ This assessment begins with a discussion of segregation at the tract-level from 1990 through 2010, and then examines the “current” figures calculated using block groups.

The 2010 Dissimilarity Indices show low levels of segregation for all pairings in the city of Hoboken. The highest DI value of 34.7 was calculated for the Black/White pairing, a decrease from moderate levels of segregation in 1990 and 2000. The Asian or Pacific Islander/White pairing resulted in a DI of 9.2, the lowest by a significant margin. DI values for all pairings declined from 2000 to 2010. The Asian/White pairing was the only pairing to experience significant change between 1990 and 2000 as DI values of other pairings remained stable with minor increases in value.

DI values for all pairings in the New York-Newark-Jersey City region between 1990 and 2010 indicate moderate to high levels of segregation, a stark contrast to the city of Hoboken. The Black/White pairing has the highest DI of 76.1 and the Asian or Pacific Islander/White pairing has the lowest DI of 50.7.

⁷ Iceland, John and Erika Steinmetz. 2003. *The Effects of Using Block Groups Instead of Census Tracts When Examining Residential Housing Patterns*. U.S. Census Bureau, Washington DC: US. Accessed via https://www.census.gov/hhes/www/housing/resseg/pdf/unit_of_analysis.pdf.

This study of the effect of using census block groups instead of tracts to examine housing pattern in 331 metropolitan areas throughout the U.S. indicated that index scores were modestly higher when using block groups, by an average of 3.3 points for all metro area dissimilarity scores.

Segregation levels have decreased slightly for most pairings in the region since 1990, however, segregation between Asian and White populations slightly increased during the same period. The regional segregation indices indicate that while Hoboken may be relatively racially integrated, the considerable differences between the racial and ethnic composition in the city and the region contribute to high segregation levels overall.

TABLE 3 – RACIAL / ETHNIC DISSIMILARITY TRENDS

Race/Ethnicity	City of Hoboken				New York-Newark-Jersey City Region			
	Trends			Current (2010)	Trends			Current (2010)
	1990	2000	2010		1990	2000	2010	
Non-White/White	21.5	21.5	15.5	26.0	66.0	63.5	59.5	61.7
Black/White	41.8	42.6	34.7	46.0	80.3	78.9	76.1	78.8
Hispanic/White	25.4	25.5	24.2	36.1	66.1	65.2	61.5	63.1
Asian or Pacific Islander/White	29.7	12.2	9.2	13.8	47.6	50.4	50.7	54.2

Data Sources: Decennial Census

The “current” DI figures for the city of Hoboken (which use 2010 block groups) are significantly higher than the values calculated at the tract level in 2010. The Black/White DI of 46.0 is the highest in the city, exceeding the threshold for moderate segregation. Hispanic/White and Asian or Pacific Islander/White have higher DI values, but are still in the low segregation range. Asian or Pacific Islander/White pairing resulted in a DI of 13.8, the lowest by a significant margin. DI for all pairings at the block group level are the highest among all calculations, except for Asian or Pacific Islander/White pairing where segregation was highest in 1990.

Block group DI calculations in the New York-Newark-Jersey City region yield incrementally higher values in the high segregation range for all pairings and are significantly higher than the are city of Hoboken. DI values for all pairings are around 30 points higher in the region than in the city of Hoboken. The DI calculated for the Asian or Pacific Islander/White pairing is close to surpassing the threshold that indicates high levels of segregation.

NATIONAL ORIGIN AND LIMITED ENGLISH PROFICIENCY POPULATION

Settlement patterns of immigrants significantly impact the composition and landscape of communities across the United States. Large central cities have the largest population of foreign-born residents, but suburban areas are experiencing rapid growth of foreign-born populations recently.⁸ Clusters of immigrants of the same ethnicity form for a variety of reasons. Social capital in the form of kinship ties, social network connections, and shared cultural experiences often draw new immigrants to existing communities. Settling in neighborhoods with an abundance of social capital may be less financially burdensome for immigrants and provides opportunities to accumulate financial capital through employment and other resources that would otherwise be unattainable.⁹

Populations with limited English proficiency (LEP) are typically composed of foreign-born residents that originate from countries where English is not the primary language, however, a substantial portion (19%) of the national LEP population is born in the United States. Nationally, the LEP population has lower levels of education and is more likely to live in poverty compared to the English proficient population.¹⁰ Recent studies have also found that areas with high concentrations of LEP residents have lower rates of homeownership.¹¹

Communities of people sharing the same ethnicity and informal networks are able to provide some resources and opportunities, but numerous barriers and limited financial capital influence residential patterns of foreign-born and LEP populations.

Figure 4 shows a relatively well-integrated population of foreign-born residents throughout the city of Hoboken. Closer examination reveals faint patterns of geographic segregation among foreign-born populations by country of origin in the city. Residents originating from China and India are mostly concentrated in neighborhoods in the southwest and northeast corners, as well as the geographic center of the city. The largest concentrations of residents originating from the Dominican Republic are located in the geographic center. There are no distinguishable concentrations or residential patterns of foreign-born residents from Italy and France. Figure 4 is limited in capturing the spatial patterns of diverse foreign-born population because it only illustrates residential patterns of the top five countries of origin, which is less than half of the total population of foreign-born residents in the city of Hoboken.

The geographic distribution of residents with limited English proficiency (LEP) (Figure 5) does not suggest any concentrations or residential patterns. The Spanish-speaking LEP population is the largest and most evenly distributed population in the city of Hoboken.

⁸ James, F., Romine, J., & Zwanig, P. (1998). The Effects of Immigration on Urban Communities. *Cityscape*, 3(3), 171-192.

⁹ Massey, D. (1999). Why Does Immigration Occur?: A Theoretical Synthesis. In Hirschman C., Kasinitz P., & DeWind J. (Eds.), *Handbook of International Migration, The: The American Experience* (pp. 34-52). Russell Sage Foundation.

¹⁰ Zong, J. & Batalova, J. (2015). "The Limited English Proficient Population in the United States" *Migration Information Source*. Retrieved: <http://www.migrationpolicy.org/article/limited-english-proficient-population-united-states>

¹¹ Golding, E., Goodman, L., & Strohack, S. (2018). "Is Limited English Proficiency a Barrier to Homeownership." Urban Institute. Retrieved: <https://www.urban.org/research/publication/limited-english-proficiency-barrier-homeownership>

FIGURE 4 – FOREIGN-BORN POPULATION BY NATIONALITY IN THE CITY OF HOBOKEN

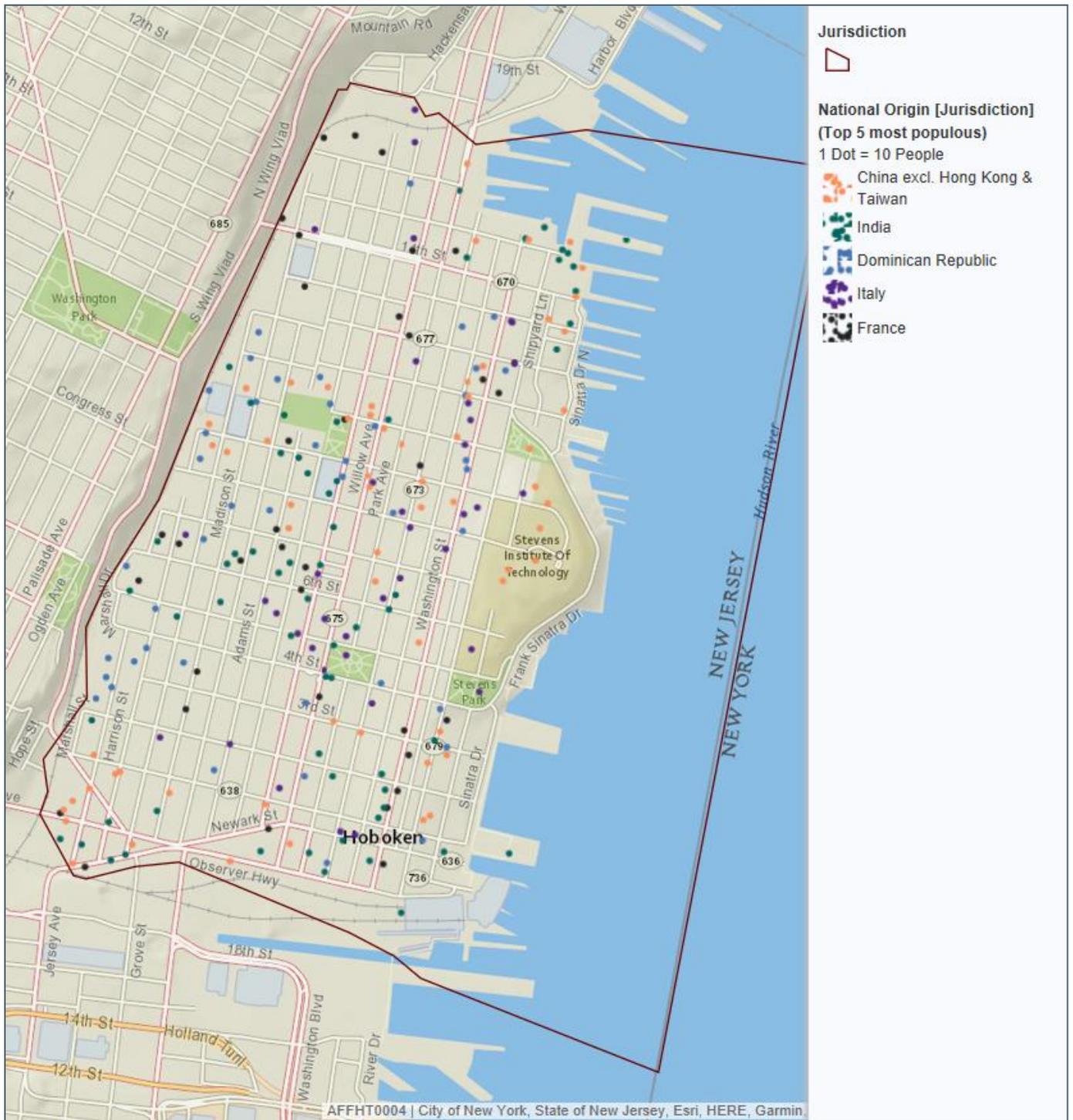
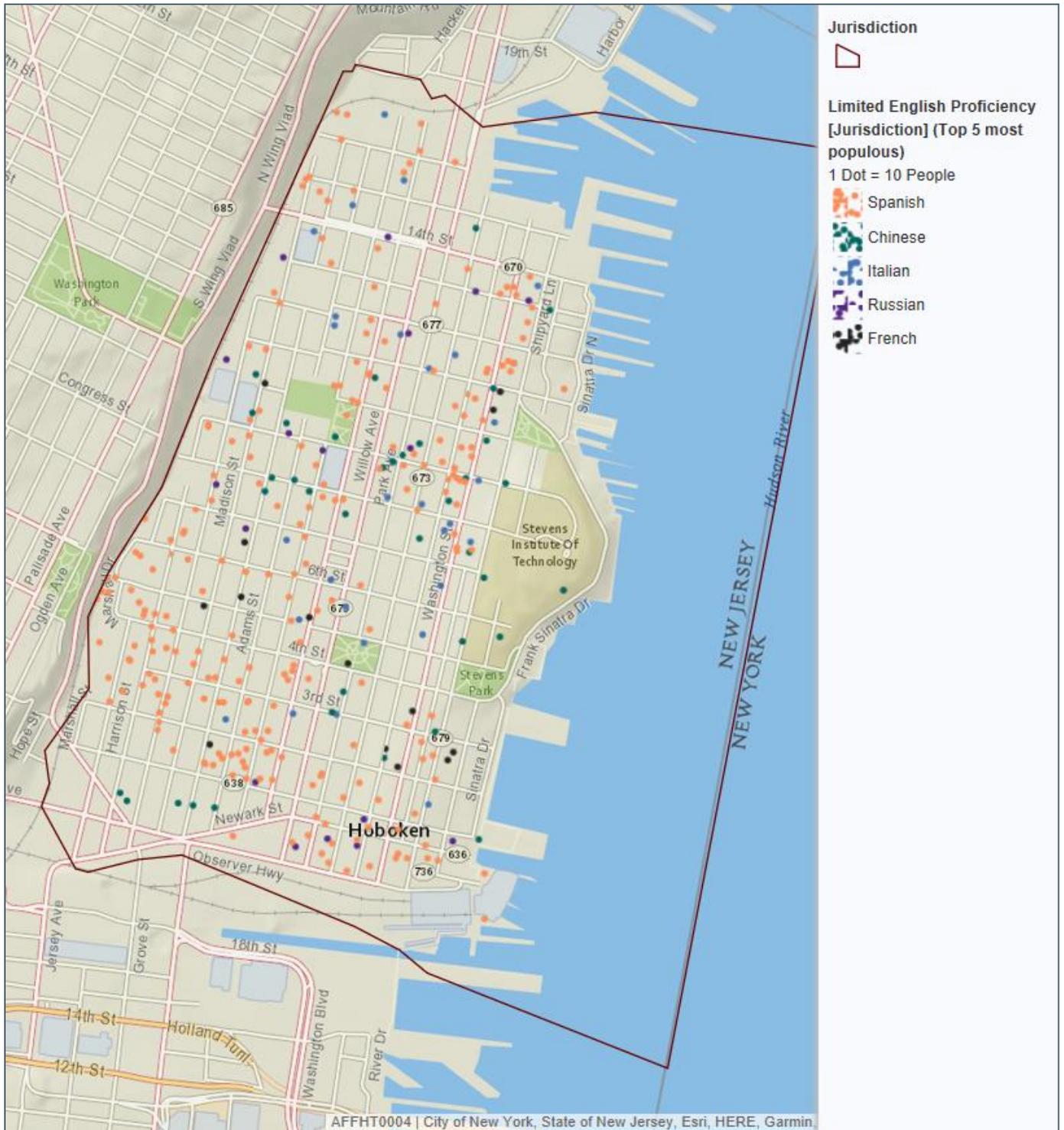


FIGURE 5 – POPULATION WITH LIMITED ENGLISH PROFICIENCY IN THE CITY OF HOBOKEN



CHAPTER 5.

ACCESS TO OPPORTUNITY

Housing discrimination and residential segregation have limited access to opportunity for specific population groups and communities. It is important to understand opportunity, as used in this context, as a subjective quality. Typically, it refers to access to resources like employment, quality education, healthcare, childcare, and other services that allow individuals and communities to achieve a high quality of life. However, researchers who interviewed residents of Baltimore, Maryland on this subject found perceptions of opportunity follow similar themes but are prioritized differently by different groups. Racial and ethnic minorities, low-income groups, and residents of distressed neighborhoods identified job access, employment, and training as important opportunities while whites, higher income groups, and residents of wealthier neighborhoods more often identified sense of community, social connections among neighbors, freedom of choice, education, and retirement savings.¹²

Proximity is often used to indicate levels of access to opportunity, however, it would be remiss to consider proximity as the only factor in determining level of access. Access to opportunity is also influenced by social, economic, and cultural factors, thus making it difficult to accurately identify and measure. HUD conducted research regarding Moving to Opportunity for Fair Housing (MTO) to understand the impact of increased access to opportunity. Researchers found residents who moved to lower-poverty neighborhoods experienced safer neighborhoods and better health outcomes, but there was no significant change in educational outcomes, employment, or income.¹³ However, recent studies show the long-term effects of MTO on the educational attainment of children who were under the age of 13 at the time they moved are overwhelmingly positive with improved college attendance rates and higher incomes. On the other hand, children who moved when they were over the age of 13 show negative long-term impacts from MTO.¹⁴

The strategy to improve access to opportunities has been two-pronged with different housing and community development programs. Tenant-based housing vouchers allow mobility of recipients to locate in lower-poverty areas while programs like the Community Development Block Grant and Choice Neighborhoods Initiative provide funds to increase opportunities in disadvantaged neighborhoods.

¹² Lung-Amam, Willow S., et al. "Opportunity for Whom? The Diverse Definitions of Neighborhood Opportunity in Baltimore." *City and Community*, vol. 17, no. 3, 27 Sept. 2018, pp. 636-657, doi:10.1111/cico.12318.

¹³ *Moving to Opportunity for Fair Housing Demonstration Program: Final Impacts Evaluation*. U.S. Department of Housing and Urban Development, Office of Policy Development and Research, www.huduser.gov/portal/publications/pdf/MTOFHD_fullreport_v2.pdf.

¹⁴ Chetty, Raj, Nathaniel Hendren, and Lawrence F. Katz. 2016. "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment." *American Economic Review*, 106 (4): 855-902. https://scholar.harvard.edu/files/hendren/files/mto_paper.pdf

OVERVIEW OF HUD-DEFINED OPPORTUNITY FACTORS

Among the many factors that drive housing choice for individuals and families are neighborhood factors including access to quality schools, jobs, and transit. To measure economic and educational conditions at a neighborhood level, HUD developed a methodology to quantify the degree to which a neighborhood provides such opportunities. For each block group in the U.S., HUD provides a score on several “opportunity dimensions,” including school proficiency, poverty, labor market engagement, jobs proximity, transportation costs, transit trips, and environmental health. For each block group, a value is calculated for each index and results are then standardized on a scale of 0 to 100 based on relative ranking within the metro area. For each opportunity dimension, a higher index score indicates more favorable neighborhood characteristics.

Average index values by race and ethnicity for the city and region are provided in Table 4 for the total population and the population living below the federal poverty line. These values can be used to assess whether some population subgroups tend to live in higher opportunity areas than others, and will be discussed in more detail by opportunity dimension throughout the remainder of this chapter. The Opportunity Index Disparity measures the difference between the scores for the white non-Hispanic group and other groups. A negative score indicates that the particular subgroup has a lower score on that dimension than the white non-Hispanic group. A positive score indicates that the subgroup has a higher score than the white non-Hispanic Group.

The following sections discuss access to opportunity related to education, poverty, jobs, transportation, and environmental health using information from Table 4 and Figures 6-14, which map each of the opportunity dimensions along with demographic information such as race and ethnicity. A summary of all opportunity data is provided following the individual discussions.

TABLE 4 – DISPARITY IN ACCESS TO NEIGHBORHOOD OPPORTUNITY

Opportunity Dimension	Race / Ethnicity					Opportunity Index Disparity between White Non-Hispanic and Other Groups			
	Non-Hispanic				Hispanic	Black	Asian	Native American	Hispanic
	White	Black	Asian or Pacific Islander	Native American					
City of Hoboken – Total Population									
Low Poverty Index	70	45	73	72	55	-24	3	2	-15
School Proficiency Index	53	37	52	50	46	-15	0	-3	-7
Labor Market Index	96	87	97	97	92	-9	1	1	-4
Transit Index	98	99	98	98	99	0	0	0	0
Low Transportation Cost Index	96	97	96	96	97	0	0	0	0
Jobs Proximity Index	60	38	61	56	47	-22	1	-4	-13
Environmental Health Index	4	4	4	3	4	0	0	-1	0
City of Hoboken – Population Below Federal Poverty Line									
Low Poverty Index	68	22	76	N/A	39	-46	8	N/A	-29
School Proficiency Index	54	37	45	N/A	40	-17	-9	N/A	-14
Labor Market Index	97	80	98	N/A	86	-16	1	N/A	-10
Transit Index	99	99	98	N/A	99	0	0	N/A	0
Low Transportation Cost Index	97	97	97	N/A	97	0	0	N/A	0
Jobs Proximity Index	58	38	56	N/A	46	-20	-2	N/A	-12
Environmental Health Index	4	4	4	N/A	4	1	0	N/A	0

TABLE 4 – DISPARITY IN ACCESS TO NEIGHBORHOOD OPPORTUNITY (CONTINUED)

Opportunity Dimension	Race / Ethnicity					Opportunity Index Disparity between White Non-Hispanic and Other Groups			
	Non-Hispanic				Hispanic	Black	Asian	Native American	Hispanic
	White	Black	Asian or Pacific Islander	Native American					
New York-Newark-Jersey City Region – Total Population									
Low Poverty Index	72	38	58	47	39	-33	-14	-25	-33
School Proficiency Index	64	33	67	45	40	-31	3	-19	-25
Labor Market Index	70	39	63	47	43	-31	-7	-23	-27
Transit Index	84	94	92	90	93	10	9	6	10
Low Transportation Cost Index	83	92	90	89	92	9	7	6	9
Jobs Proximity Index	54	40	54	46	47	-14	0	-8	-7
Environmental Health Index	39	16	19	24	18	-23	-19	-15	-21
New York-Newark-Jersey City Region – Population Below Federal Poverty Line									
Low Poverty Index	49	23	38	26	24	-26	-10	-23	-25
School Proficiency Index	53	29	61	39	32	-25	8	-14	-21
Labor Market Index	56	29	50	36	33	-27	-6	-20	-23
Transit Index	89	96	96	95	96	7	7	5	7
Low Transportation Cost Index	87	94	94	94	95	6	7	6	7
Jobs Proximity Index	55	39	52	45	44	-16	-3	-10	-11
Environmental Health Index	28	12	10	14	12	-16	-19	-14	-17

Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

EDUCATION

School proficiency is an indication of the quality of education that is available to residents of an area. High quality education is a vital community resource that can lead to more opportunities and improve quality of life. HUD's school proficiency index is calculated based on performance of 4th grade students on state reading and math exams. For each block group, the index is calculated using test results in up to the three closest schools within 1.5 miles.

The map on the following page shows HUD-provided opportunity scores related to education for the city of Hoboken's block groups, along with the demographic indicators of race/ethnicity. In each map, lighter shading indicates areas of lower opportunity and darker shading indicates higher opportunity.

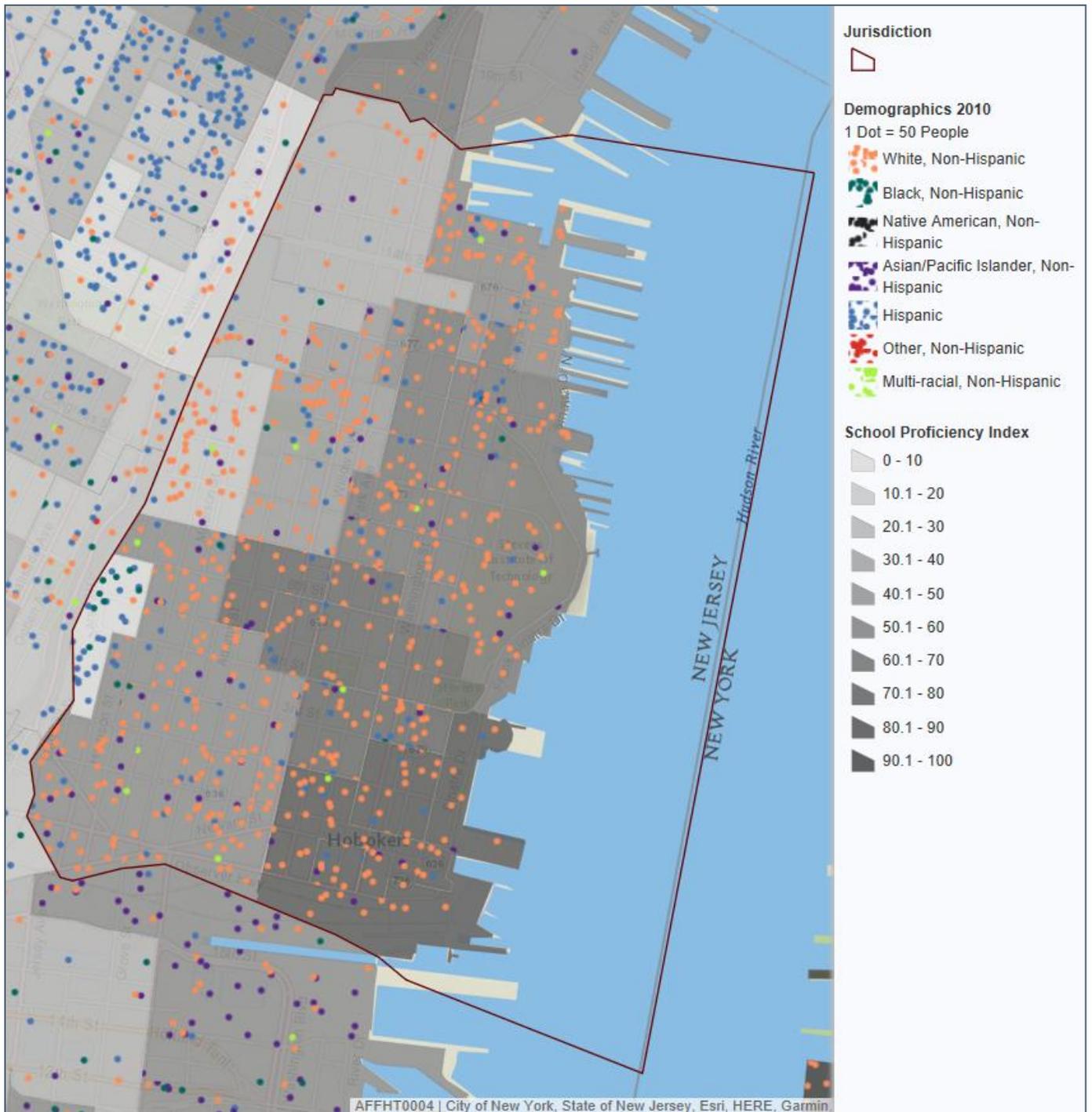
The variation in levels of access to proficient schools among block groups is high in the city of Hoboken primarily due to several block groups with low scores. School proficiency index scores of block groups in the city have a wide range with the lowest score of 8 and the highest score of 76. The lowest scoring block groups are located along the western border of the city with scores ranging from 8 to 25. The census block groups in the city with the best access to proficient schools have scores between 70 and 76 and are concentrated in the southeast corner of the city.

The spatial distribution of racial and ethnic groups and school proficiency index scores in the city of Hoboken shown in Figure 6 indicates some correlation between race, ethnicity, and access to proficient schools. Generally, the population groups are distributed relatively evenly throughout the city and there are not patterns that indicate uniformly disproportionate access to proficient schools by race or ethnicity. However, Figure 6 shows the lowest scoring block group to have a low white and Asian populations while the highest scoring block groups have a low Black population.

The opportunity dimension scores in Table 4 indicate some disparity in access to proficient schools among racial and ethnic groups in the city of Hoboken. Black, Hispanic, and Native American populations have slightly less access to proficient schools compared to white and Asian populations. Disparities increase between white and other populations below the federal poverty line, but are not significantly different from populations above the poverty line. The Black population both above and below the poverty line has least access to proficient schools according to HUD's index.

The disparities in access to proficient schools among racial and ethnic groups in the New York-Newark-Jersey City region are significantly greater than in the city of Hoboken. The Asian population both above and below the poverty line has the best access to proficient schools. Black populations both above and below the poverty line experience the greatest disparities of -31 and -25 points, respectively. Native American and Hispanic populations also experience significant disparities in access with scores averaging 20 points less than white populations.

FIGURE 6 – SCHOOL PROFICIENCY INDEX IN THE CITY OF HOBOKEN



EMPLOYMENT

Neighborhoods with jobs in close proximity are often assumed to have good access to jobs. However, distance alone does not capture many other factors that influence job access, such as transportation options, the type of jobs available, or the education and training necessary to obtain them. There may be concentrations of jobs in or near low-income neighborhoods in urban centers, but many of the jobs are unattainable for residents of the low-income neighborhoods. Therefore, this section analyzes both the labor market engagement and jobs proximity indices which, when considered together, offer a better indication of how accessible jobs are for residents of a specific area.

The Jobs Proximity Index measures the physical distance between place of residence and job locations. The Labor Market Engagement Index is based on unemployment rate, labor force participation rate, and educational attainment (i.e., the percent of the population age 25 and over with a bachelor's degree or higher). Again, lighter shading indicates areas of lower opportunity and darker shading indicates areas of higher opportunity.

The Jobs Proximity Index scores of block groups in the city of Hoboken are mapped in Figure 7, along with the population distribution by race and ethnicity. The block groups with the best access to jobs are primarily located in the northern tip and southeast corner of the city. It is difficult to determine any correlation between distance to jobs and race and ethnicity from Figure 7, however, it is apparent that there is an overrepresentation of Black and Hispanic populations in the block group with the lowest score on the western border of the city.

The Jobs Proximity Index scores by race and ethnicity listed in Table 4 indicate significant disparities between groups in the city of Hoboken. White and Asian populations reside closest to job locations with scores of 60 and 61, respectively. Black and Hispanic populations reside further from job locations with scores that are 22 and 13 points less than the white population. Index values for the Native American population are slightly lower than for the white and Asian populations. Jobs proximity scores of populations below the poverty line are nearly identical to the scores of populations above the poverty line.

Job proximity by race and ethnicity in the New York-Newark-Jersey City region resembles the city of Hoboken with a few exceptions. There is less disparity between white and Black populations, but the gap between Native Americans and whites is slightly greater compared to the city of Hoboken.

Labor market engagement is very high throughout the city of Hoboken with most block groups scoring in the high 90s. There are a few block groups in the southwest quadrant along the western border that have lower labor market engagement with scores in the 70s. Compared to the disparities in job proximity, the Labor Market Index scores in Table 4 indicate high levels of labor market engagement and less disparity among racial and ethnic groups. Asian and Native American populations have the highest level of engagement with the labor market among all groups. The greatest disparity in labor market engagement is between Asian and Black populations below the poverty line.

Labor Market Index scores are drastically lower in the New York-Newark-Jersey City region for all racial and ethnic groups. In addition to lower labor market engagement, the disparities are also significantly greater with racial and ethnic minority populations scoring 20 points less on average. These figures show that, on average, Hoboken residents tend to be considerably more engaged with the labor market – have higher employment rates, labor force participation rates, and educational attainment – than residents regionwide.

DRAFT

FIGURE 7 – JOBS PROXIMITY INDEX IN THE CITY OF HOBOKEN

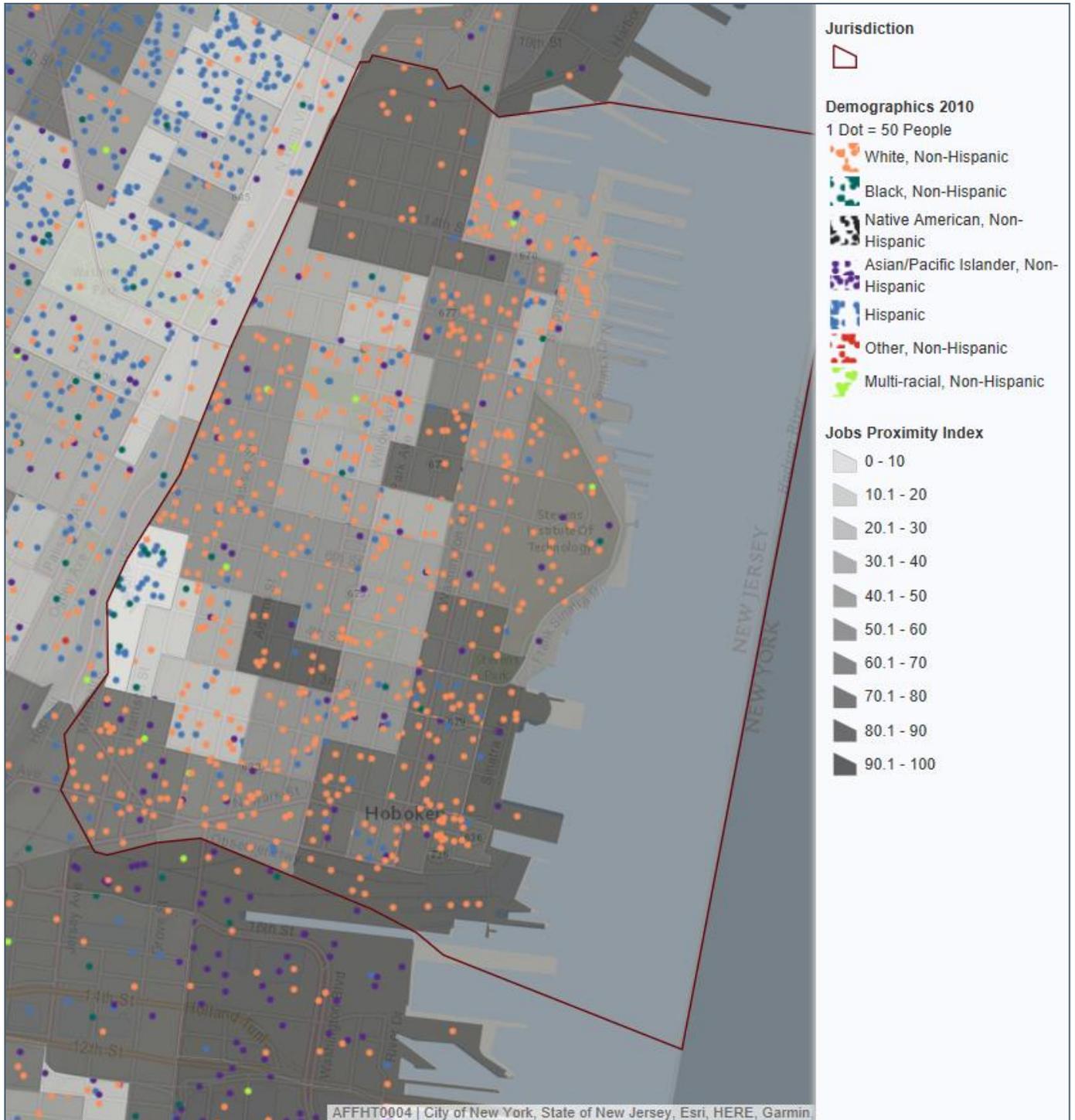
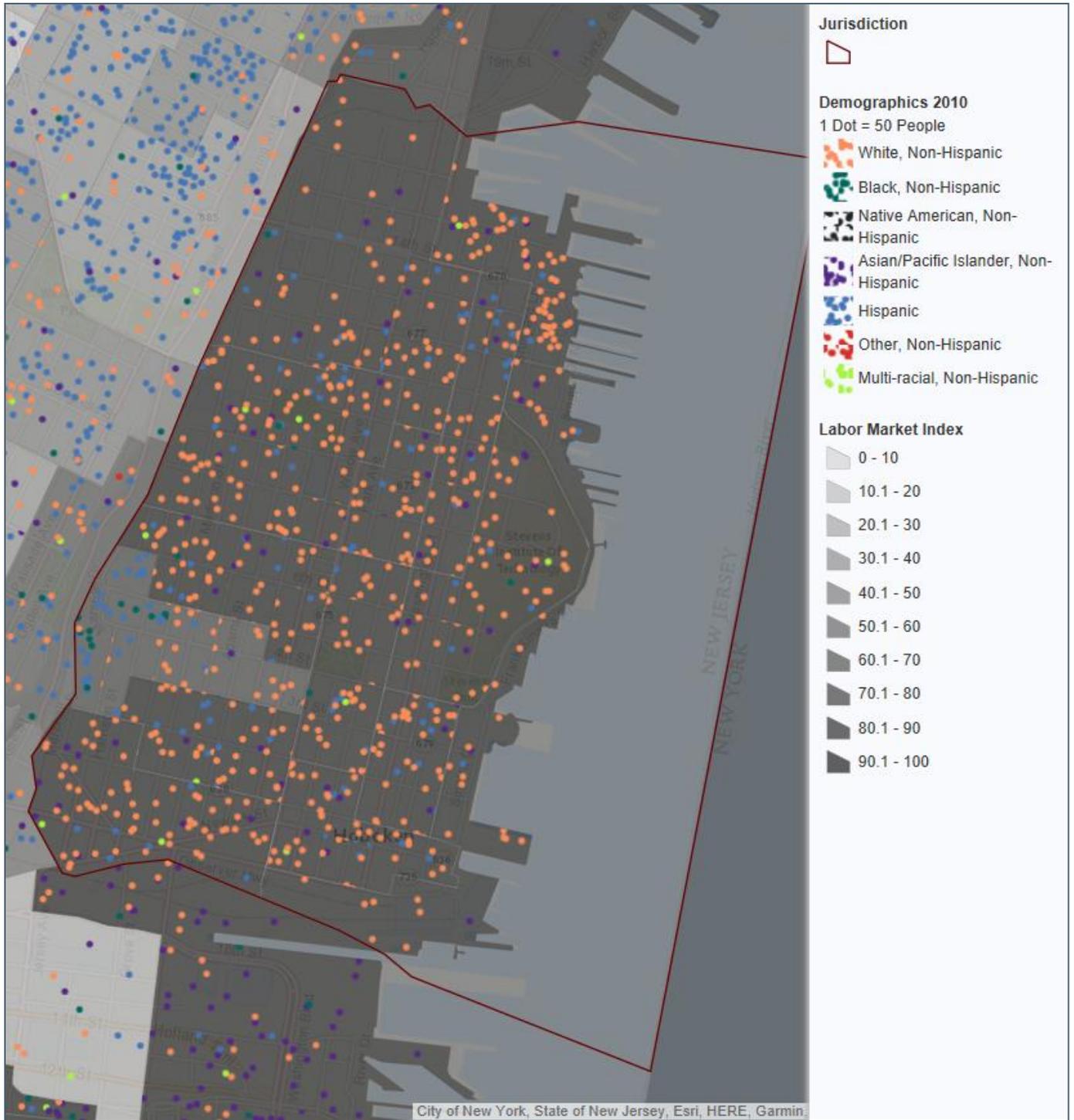


FIGURE 8 – LABOR MARKET INDEX IN THE CITY OF HOBOKEN



TRANSPORTATION

The Transit Trip Index measures how often low-income families in a neighborhood use public transportation, while the Low Transportation Cost Index measures the cost of transport and proximity to public transportation by neighborhood. The higher the Low Transportation Cost Index, the lower the cost of transportation in that block group. Again, lighter shading indicates areas of lower opportunity and darker shading indicates higher opportunity.

Figure 9 indicates very high transit usage among low-income families throughout the city of Hoboken. The dark gray shading throughout the map denotes Transit Trip Index scores of 90 or higher in all Hoboken block groups. The Transit Trip Index scores in Table 4 also indicate maximum levels of transit usage among all racial and ethnic groups that are both above and below the poverty line.

Similar to transit usage, transportation costs are low in all block groups throughout the city of Hoboken (indicated by the dark gray shading throughout Hoboken shown in Figure 10). Low Transportation Cost Index scores are at the highest levels indicating very low costs and virtually no disparity among racial and ethnic groups. These scores are not surprising given the city's PATH access and multiple bus services.

Transit Index scores and Low Transportation Cost Index scores are slightly lower in New York-Newark-Jersey City region compared to the city of Hoboken. The white population both above and below the poverty line use public transportation the least and incur the highest transportation costs. Transit usage is slightly higher and transportations costs are slightly lower for racial and ethnic minority populations below the poverty line.

FIGURE 9 – TRANSIT TRIPS INDEX IN THE CITY OF HOBOKEN

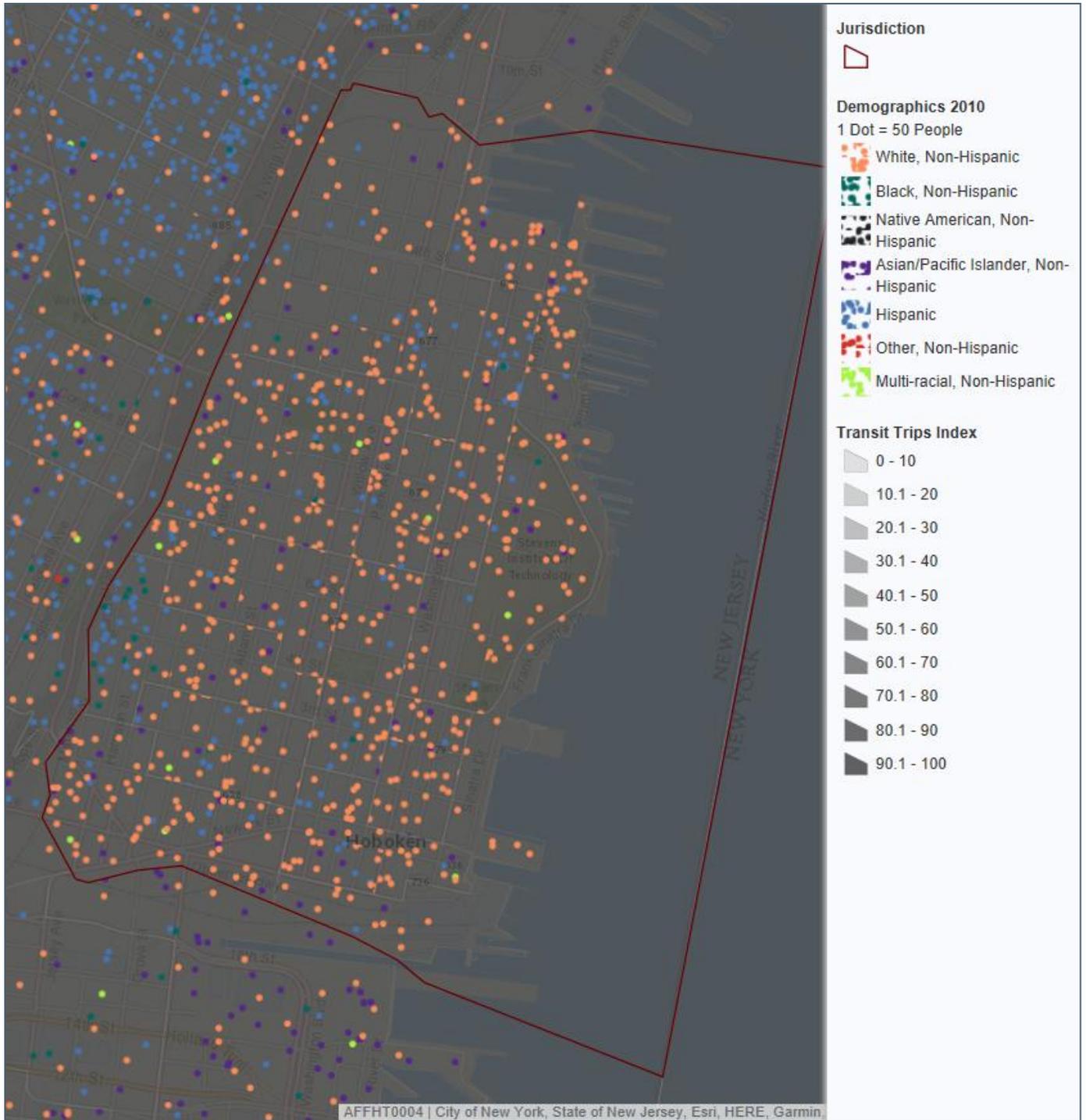


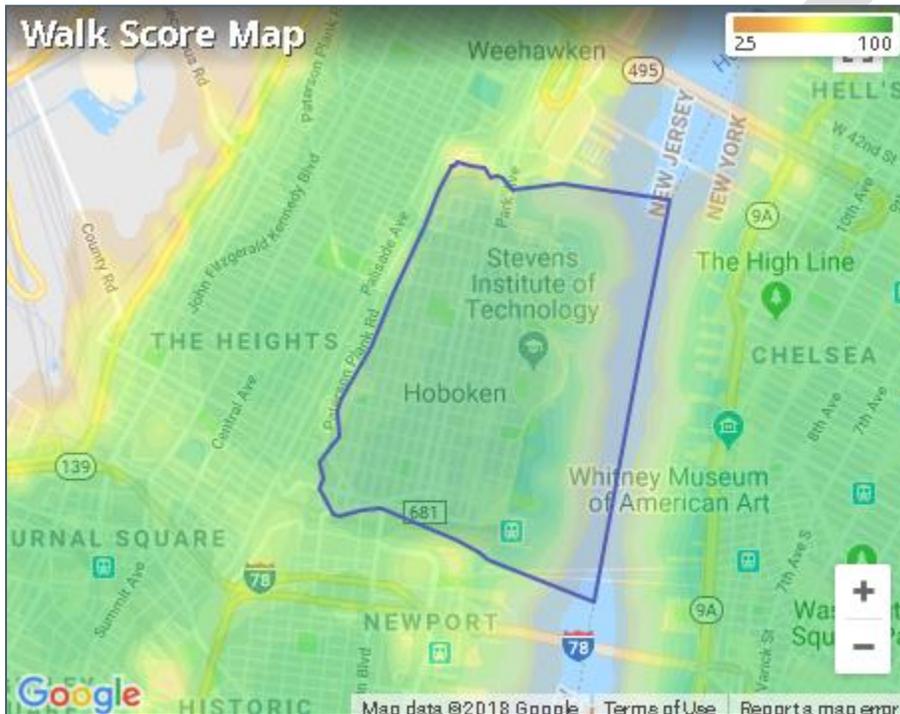
FIGURE 10 – LOW TRANSPORTATION COST INDEX IN THE CITY OF HOBOKEN



Walk Score measures the walkability of any address by analyzing hundreds of walking routes to nearby amenities using population density and road metrics such as block length and intersection density. Data sources include Google, Education.com, Open Street Map, the U.S. Census, Localeze, and places added by the Walk Score user community.

Points are awarded based on the distance to amenities in several categories including grocery stores, parks, restaurants, schools, and shopping. Not only is the measure useful for showing walkability but also access in general to critical facilities. The map below shows Walk Scores are very high throughout the city of Hoboken, a finding that echoes community input that Hoboken is generally very walkable.

FIGURE 11 – WALKABILITY IN THE CITY OF HOBOKEN



Source: Walkscore, Retrieved from: <https://www.walkscore.com/NJ/Hoboken>

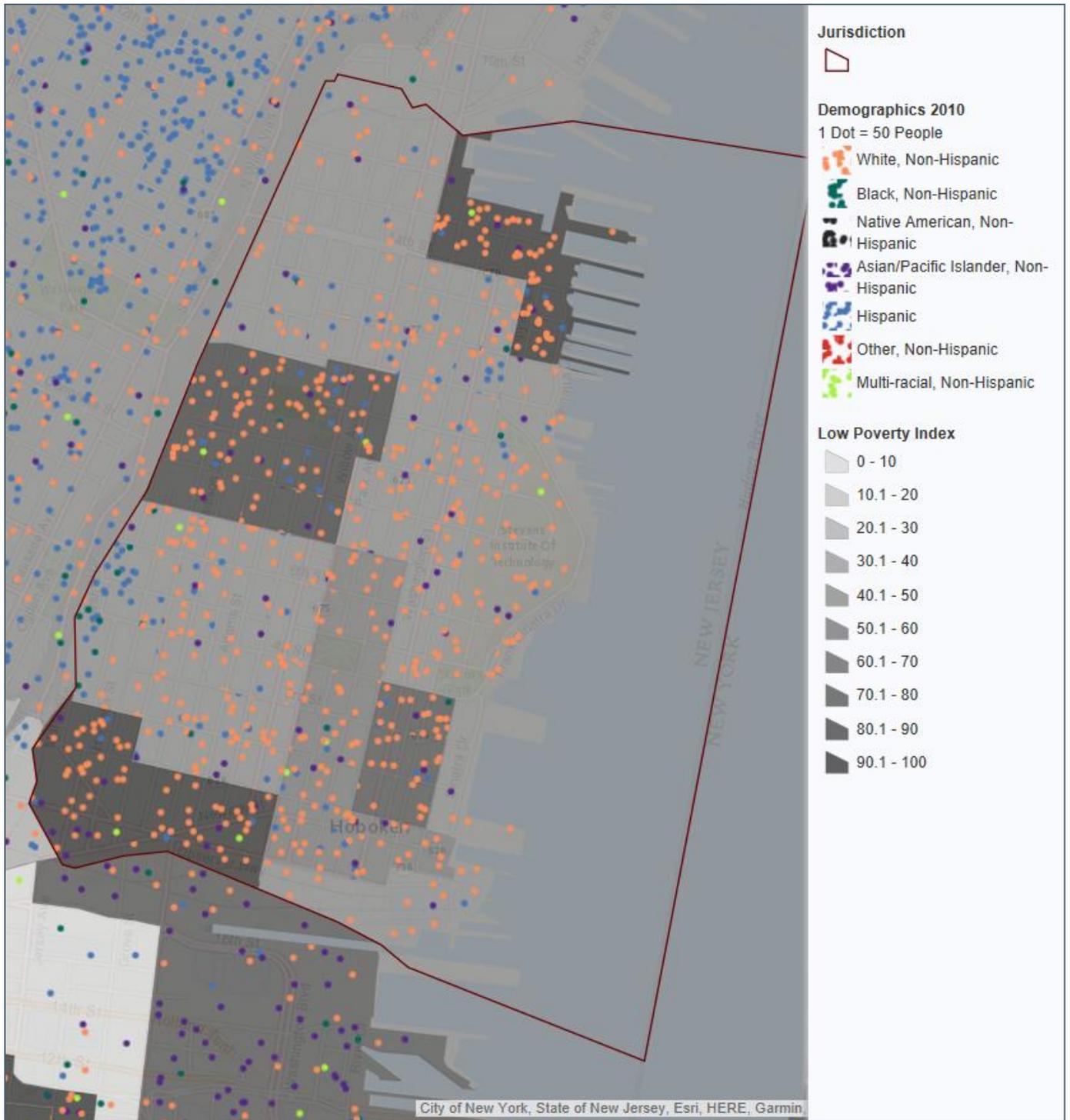
POVERTY

Residents in high poverty areas tend to have lower levels of access to opportunity due to the absence of critical resources and disinvestment in their communities. As poverty increases, disparities in access to opportunities often increase among population groups and disadvantaged communities become even more isolated. HUD's Low Poverty Index uses family poverty rates (based on the federal poverty line) to measure exposure to poverty by neighborhood. Lighter shading indicates areas of higher levels of poverty and darker shading indicates lower levels of poverty.

Figure 12 shows a cluster of block groups in the southwest quadrant of the city, particularly around the HHA campus, to have higher levels of poverty than the rest of the block groups in Hoboken. Block groups with the lowest levels of poverty are found along the Hudson River and the southwest corner of the city. The Low Poverty Index scores in Table 4 show significant disparities among racial and ethnic groups. Black and Hispanic populations are exposed to more poverty than white, Asian, and Native American populations. The disparities widen with Black and Hispanic populations below the poverty line with discrepancies of 46 points and 29 points, respectively. Asian populations, both above and below the poverty line, have the least exposure to poverty in the city of Hoboken.

All racial and ethnic minorities in the New York-Newark-Jersey City region experience more exposure to poverty and greater disparities compared to the same populations in the city of Hoboken. Low Poverty Index scores for Black and Hispanic populations in the region are 33 points less than the white population. Disparities are reduced among populations below the poverty line, but only because the white population also has a significantly lower score compared to the population above the poverty line.

FIGURE 12 – LOW POVERTY INDEX



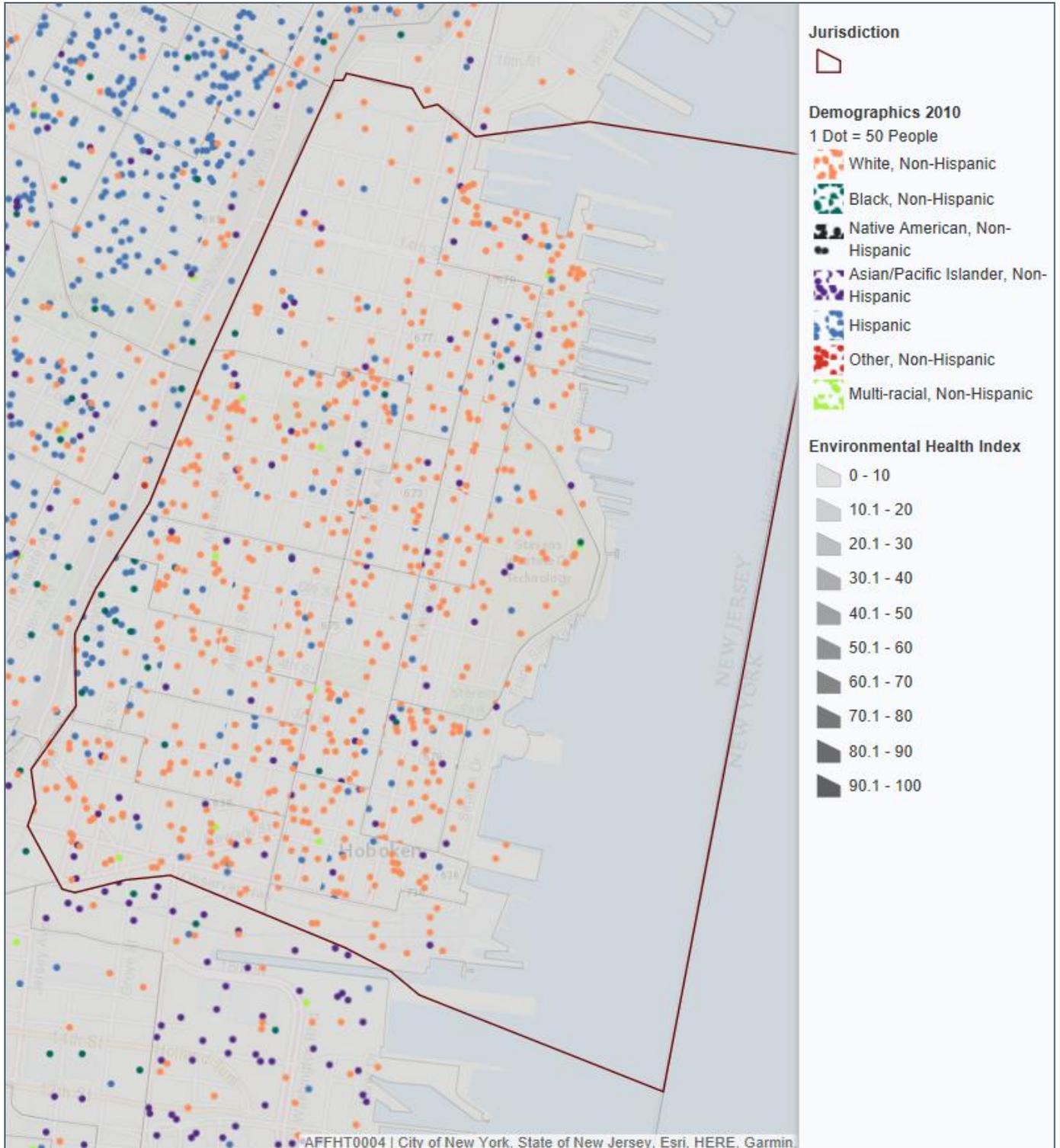
ENVIRONMENTAL HEALTH

HUD's Environmental Health Index measures exposure based on EPA estimates of air quality (considering carcinogenic, respiratory, and neurological toxins) by neighborhood. The index only measures issues related to air quality and no other factors impacting environmental health. Lighter shading indicates areas of lower opportunity/worse environmental health and darker shading indicates higher opportunity/better environmental health.

Figure 13 shows very low air quality throughout the entire city of Hoboken. The Environmental Health Index scores in Table 4 indicate virtually no disparities among all racial and ethnic groups in Hoboken. However, data in Table 4 also shows that racial and ethnic minority populations in the New York-Newark-Jersey City region are exposed to significantly lower air quality than the white population.

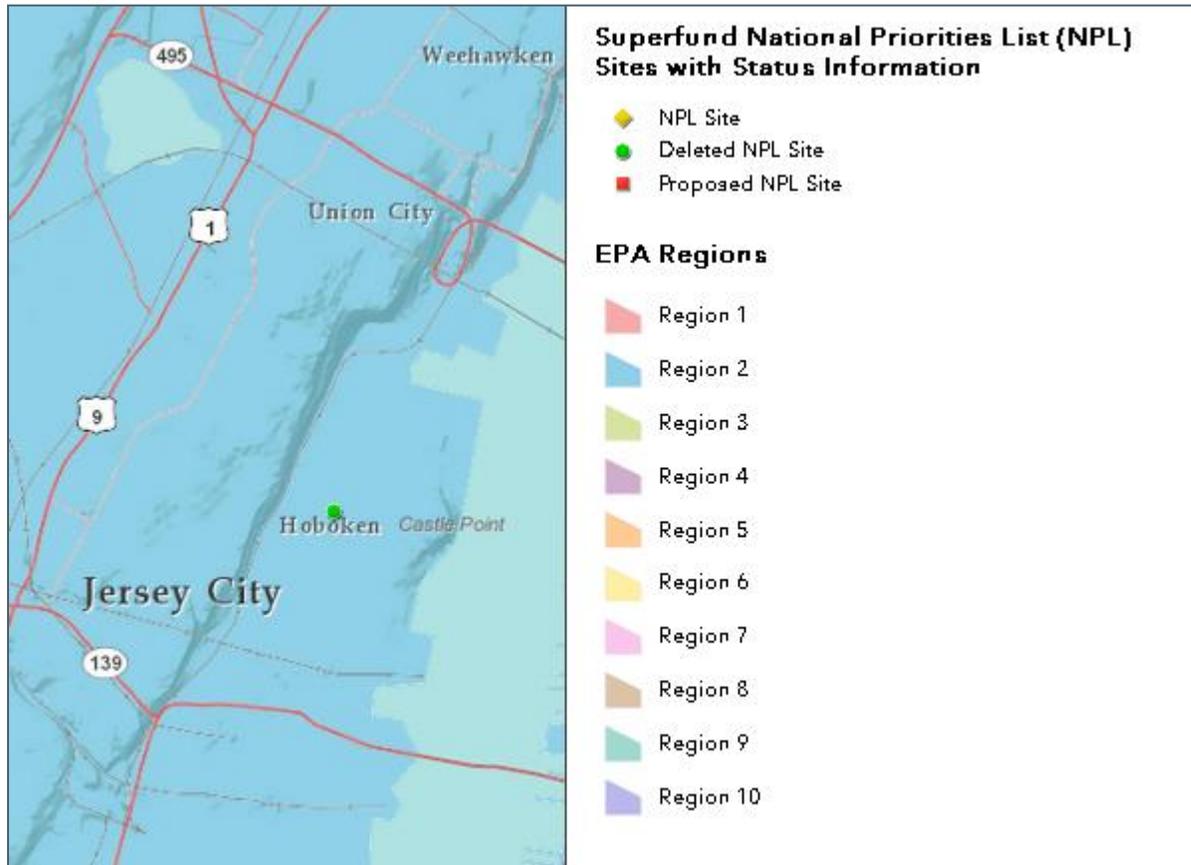
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FIGURE 13 – ENVIRONMENTAL HEALTH INDEX IN THE CITY OF HOBOKEN



A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the EPA as a candidate for cleanup because it poses a risk to human health and/or the environment. These sites are placed on the National Priorities List (NPL). There are no Superfund sites in Hoboken or the New York-Newark-Jersey City region.

FIGURE 14 – SUPERFUND NATIONAL PRIORITIES LIST (NPL) SITES IN THE CITY OF HOBOKEN AREA



Source: Environmental Protection Agency GIS Data,
Retrieved from: <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>

SUMMARY

Spatial patterns and visual data suggest equal access to opportunities for all racial and ethnic groups in the city of Hoboken. However, comparing index scores that quantify access to opportunities indicates the presence of disparities among racial and ethnic groups in access to education, employment, and poverty.

The variation in levels of access to proficient schools among block groups is high in the city of Hoboken primarily due to several block groups with low scores. Opportunity dimension scores suggest Black, Hispanic, and Native American populations have slightly less access to proficient schools compared to white and Asian populations. The disparities in access to proficient schools among racial and ethnic groups in the New York-Newark-Jersey City region are significantly greater than in the city of Hoboken.

Jobs Proximity Index scores indicate disparities in job accessibility between racial and ethnic groups in the city of Hoboken. White and Asian populations reside closest to job locations while Black and Hispanic populations reside further from job locations. Spatial patterns illustrated in Figure 7 show an overrepresentation of Black and Hispanic populations in the block group with the lowest score. Labor market engagement is very high throughout the city of Hoboken with most block groups scoring in the high 90s. Compared to the disparities in job proximity, the Labor Market Index scores indicate high levels of labor market engagement and less disparity among racial and ethnic groups.

Transit accessibility and usage is very high among all racial and ethnic groups in the city of Hoboken. Similar to transit usage, transportation costs are low throughout the city of Hoboken. There is virtually no disparity among racial and ethnic groups in regards to transit and transportation costs.

There are higher levels of poverty present in a cluster of block groups in the southwest quadrant of the city, including around several HHA properties. Low Poverty Index scores show significant disparities among racial and ethnic groups and only deepen with populations below the poverty line. Black and Hispanic populations are exposed to more poverty than white, Asian, and Native American populations.

Air quality is uniformly low in city of Hoboken and Environmental Health Index scores indicate virtually no disparities among all racial and ethnic groups since all residents of the city are exposed to extremely low air quality.

CHAPTER 6.

HOUSING PROFILE

The availability of quality affordable housing plays a vital role in ensuring housing opportunities are fairly accessible to all residents. On the surface, high housing costs in certain areas are exclusionary based solely on income. But the disproportionate representation of several protected class groups in low and middle income levels can lead to unequal access to housing options and neighborhood opportunity in high-cost housing markets. Black and Hispanic residents, immigrants, people with disabilities, and seniors often experience additional fair housing barriers when affordable housing is scarce.

Beyond providing fair housing options, the social, economic, and health benefits of providing quality affordable housing are well-documented. National studies have shown affordable housing encourages diverse, mixed-income communities, which result in many social benefits. Affordable housing also increases job accessibility for low and middle income populations and attracts a diverse labor force critical for industries that provide basic services for the community. Affordable housing is also linked to improvements in mental health, reduction of stress, and decreased cases of illnesses caused by poor-quality housing.¹⁵ Developing affordable housing is also a strategy used to prevent displacement of existing residents when housing costs increase due to economic or migratory shifts.

Conversely, a lack of affordable housing eliminates many of these benefits and increases socioeconomic segregation. High housing costs are linked to displacement of low-income households and an increased risk of homelessness.¹⁶ Often lacking the capital to relocate to better neighborhoods, displaced residents tend to move to socioeconomically disadvantaged neighborhoods where housing costs are most affordable.¹⁷

This section discusses the existing supply of housing in the city of Hoboken as well as Hudson County and the New York-Newark-Jersey City region. It also reviews housing costs, including affordability and other housing needs by householder income. Homeownership rates and access to lending for home purchases and mortgage refinancing are also assessed.

HOUSING SUPPLY SUMMARY

According to the 2012-2016 American Community Survey, there are 27,093 housing units in the city of Hoboken, which is a slight increase from 2010. There was a much larger increase between 2000 and 2010 as the city saw the addition of 6,940 units, a 35% increase.

¹⁵ Maqbool, Nabihah, et al. "The Impacts of Affordable Housing on Health: A Research Summary." *Insights from Housing Policy Research*, Center for Housing Policy, www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf.

¹⁶ "State of the Nation's Housing 2015." Joint Center for Housing Studies of Harvard University, <http://www.jchs.harvard.edu/sites/default/files/jchs-sonhr-2015-full.pdf>

¹⁷ Deirdre Oakley & Keri Burchfield (2009) Out of the Projects, Still in the Hood: The Spatial Constraints on Public-Housing Residents' Relocation in Chicago." *Journal of Urban Affairs*, 31:5, 589-614.

During this same time period the vacancy rate has tripled from 2.5% to 7.5%. From this data the reason for the increase in vacancy rate is not clear; it could be because the market is not absorbing the new units or additional older units may be vacant because of newer units are in higher demand.

Hudson County also had a small number of units added from 2010 to 2016, which was preceded by a more substantial addition of units from 2000 to 2010. The rate (12.4%) was much lower than in the city of Hoboken. Vacancy has increased overall in the County as well, from 4.2% in 2000 to 8.8% in 2016. Generally, housing growth rates in the region reflect population growth rates. Hoboken has grown at a faster rate, but the region has added many more housing units overall because of its larger size.

TABLE 5 – HOUSING UNITS BY OCCUPANCY STATUS

	2000	2010	2012-2016	2000-2016 Change
City of Hoboken				
Total Housing Units	19,915	26,855	27,093	36.0%
Occupied Housing Units	19,418	25,041	25,063	29.1%
Vacant Housing Units	497	1,814	2,030	308.5%
Vacancy Rate	2.5%	6.8%	7.5%	+5.0% points
Hudson County				
Total Housing Units	240,618	270,335	276,087	14.7%
Occupied Housing Units	230,546	246,437	251,693	9.2%
Vacant Housing Units	10,072	23,898	24,394	142.2%
Vacancy Rate	4.2%	8.8%	8.8%	+4.6% points
New York-Newark-Jersey City, NY-NJ-PA Metro Area				
Total Housing Units	--	--	7,874,833	--
Occupied Housing Units	--	--	7,138,559	--
Vacant Housing Units	--	--	736,274	--
Vacancy Rate	--	--	9.3%	--

Data Source: U.S. Census 2000 SF1 Table H003 and 2010 SF1 Table H3 and 2012-2016 5-Year American Community Survey Table B25002

Variety in terms of housing structure type is important in providing housing options suitable to meet the needs of all residents, including different members of protected classes. Multifamily housing types, including rental apartments, are often more affordable than single-family homes for low- and moderate-income households, who are disproportionately likely to be households of color. Multifamily units may also be the preference of some elderly and disabled householders who are unable or do not desire to maintain a single-family home.

The table that follows shows housing units by structure type. As shown, the city of Hoboken contains a diverse housing stock. Detached and attached single-family homes make up a small minority of housing, about 4.8% combined. More common are small multifamily properties (2 to 19 units) which account for

about 48.3%. Medium to large multifamily properties (20-49 units) are less common, at 13%. The largest multifamily properties (20 or more units per structure) make up a third (33.8%) of all units. Housing in the region is also diverse but with a different composition. Single-family homes are more common in the region, as it includes areas farther from the urban core. Mobile homes are rare in the region and nonexistent in the city of Hoboken.

TABLE 6 – HOUSING UNITS BY STRUCTURE TYPE

Units in Structure	City of Hoboken		New York-Newark-Jersey City, NY-NJ-PA Metro Area	
	Number	Percent	Number	Percent
1, detached	387	1.4%	2,901,653	36.8%
1, attached	933	3.4%	516,350	6.6%
2-4	5,383	19.9%	1,481,062	18.8%
5-19	7,678	28.3%	830,308	10.5%
20-49	3,511	13.0%	723,630	9.2%
50 or more	9,165	33.8%	1,381,427	17.5%
Mobile home	0	0.0%	37,101	0.5%
Other (RV, boat, van, etc.)	36	0.1%	3,302	0.0%
Total	27,093	100%	7,874,833	100.0%

Data Source: 2012-2016 5-Year American Community Survey Table B25004

Availability of housing in a variety of sizes is important to meet the needs of different demographic groups. Neighborhoods with multi-bedroom detached, single-family homes will typically attract larger families, whereas dense residential developments with smaller unit sizes and fewer bedrooms often accommodate single-person households or small families. But market forces and affordability impact housing choice and the ability to obtain housing of a suitable size, and markets that do not offer a variety of housing sizes at different price points can lead to barriers for some groups. Rising housing costs can, for example, lead to overcrowding as large households with lower incomes are unable to afford pricier, larger homes and are forced to reside in smaller units. On the other hand, people with disabilities or seniors with fixed incomes may not require large units but can be limited by higher housing costs in densely populated areas where most studio or one-bedroom units are located.

As the table that follows shows, most housing in Hoboken tends to be in smaller-sized units, with 85.2% of all units containing two or fewer bedrooms. The region overall contains a higher percentage of larger units, but the majority (53.5%) are two bedrooms or less.

The City's *2018 Master Plan Reexamination Report* looks at recent development trends related to unit size and concludes that the city currently has a shortage of studio, one-, and two-bedroom units, along with an oversupply of three- and four-bedroom apartments. This dynamic was the result of conversion of multi-unit buildings into large single-family or duplex units and zoning regulations and residential density calculations that favored fewer, larger-sized units, perhaps intended to encourage housing opportunities

for families. According to the Master Plan, the City is now focusing on a more balanced mix of unit types, prices, and sizes in an effort to provide more diverse housing option and better serve all residents.

TABLE 7 – HOUSING UNITS BY SIZE AND TENURE

Number of Bedrooms	City of Hoboken		New York-Newark-Jersey City, NY-NJ-PA Metro Area	
	Number	Percent	Number	Percent
Studio or one	11,308	41.7%	2,063,698	26.2%
Two	11,796	43.5%	2,150,452	27.3%
Three	3,047	11.2%	2,201,469	28.0%
Four or more	942	3.5%	1,459,214	18.5%
Total	27,093	100.0%	7,874,833	100.0%

Data Source: 2012-2016 5-Year American Community Survey

Table 8 provides information for households living in publicly supported housing, including unit size and presence of children by housing program type. Assuming households with children would need two-bedroom or larger units, comparing the number of two- and three-plus bedroom units with the number of households with children does not immediately indicate overcrowding in assisted housing. For example, the 382 households with children who live in public housing properties could theoretically be housed in the 715 units with two or more bedrooms. Likewise, there appear to be adequate units with two or more bedrooms for the 100 households with children living in project-based Section 8 units and the 105 that participate in the housing choice voucher program.

However, because data about households with children by household size is not available, precise conclusions regarding the suitability of the existing publicly supported housing stock cannot be drawn. There may be a mismatch between large family households and the availability of three bedroom or larger units, but such a situation is not discernible without information about household size. Additionally, smaller households may reside in units with more bedrooms (a 2-person household without children living in a 2-bedroom unit, for example), reducing the availability of larger units for households with children.

TABLE 8 – PUBLICLY SUPPORTED HOUSING BY PROGRAM CATEGORY: UNITS BY NUMBER OF BEDROOMS AND NUMBER OF CHILDREN IN THE CITY OF HOBOKEN

Housing Type	Households in 0-1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Unit Bedrooms		Households with Children	
	#	%	#	%	#	%	#	%
City of Hoboken								
Public Housing	553	43.3%	491	38.4%	224	17.5%	382	29.9%
Project-Based Section 8	428	66.3%	143	22.1%	62	9.6%	100	15.5%
HCV Program	183	37.3%	215	43.8%	80	16.3%	105	21.4%

Data Source: APSH

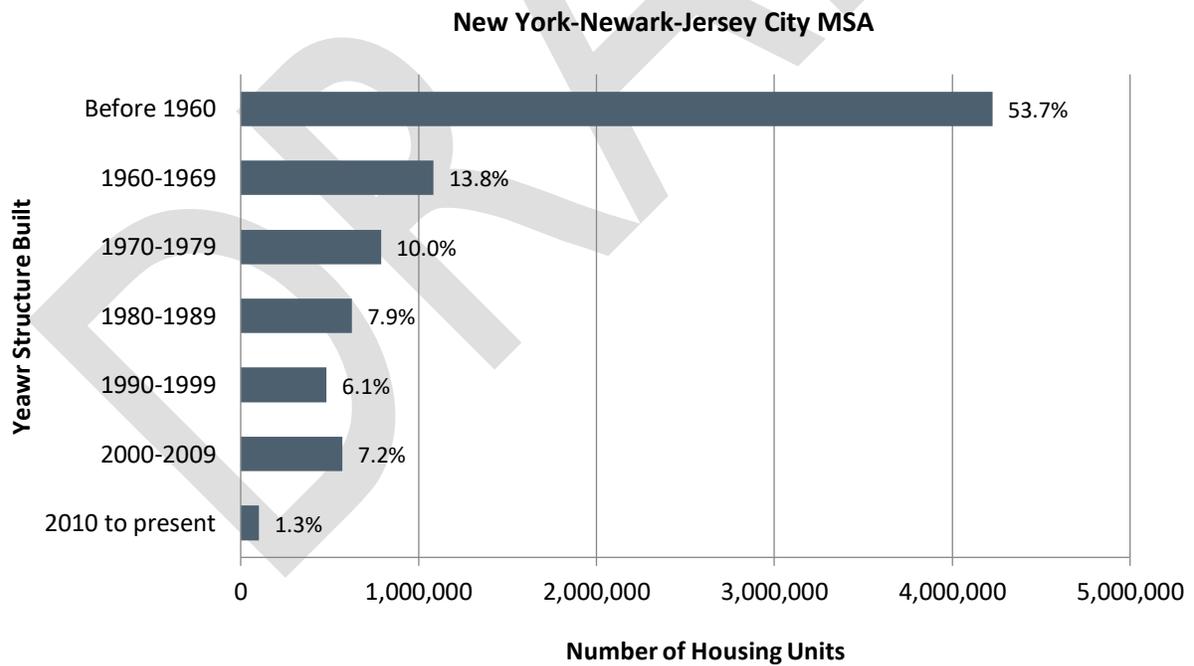
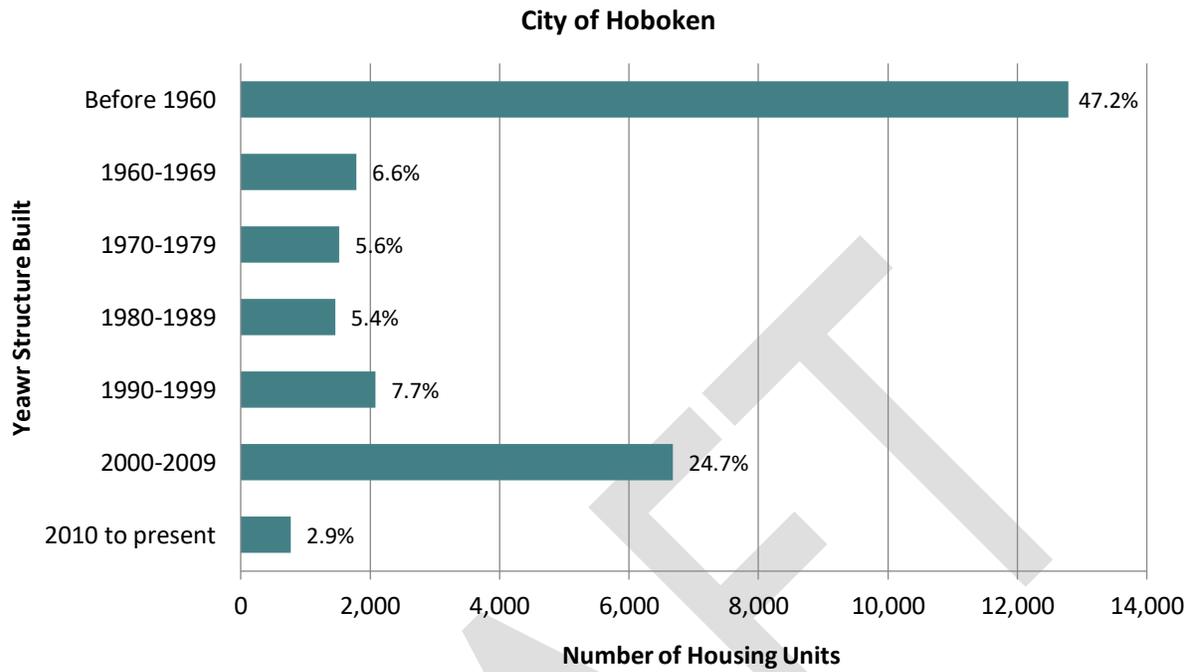
Assessing housing conditions in an area can provide a basis for developing policies and programs to maintain and preserve the quality of the housing stock. The age of an area's housing can have substantial impact on housing conditions and costs. As housing ages, maintenance costs rise, which can present significant affordability issues for low- and moderate-income homeowners. Aging rental stock can lead to rental rate increases to address physical issues or deteriorating conditions if building owners defer or ignore maintenance needs. Deteriorating housing can also depress neighboring property values, discourage reinvestment, and eventually impact the quality of life in a neighborhood. Additionally, homes built prior to 1978 present the potential for lead exposure risk due to lead-based paint.

Age of housing in the city of Hoboken and the region is shown on the following page. In both areas, the largest share of homes was built over 50 years ago, prior to 1960.

The most noticeable difference between the city of Hoboken and the region is the addition of units in the city of Hoboken from 2000 to 2009. Newer construction is more common in Hoboken, where units built since 2000 comprise 27.5% of the housing stock, respectively.

DRAFT

FIGURE 15 – AGE OF HOUSING IN THE CITY OF HOBOKEN



HOUSING COSTS AND AFFORDABILITY

The most common housing need identified by stakeholders was affordability, particularly for low- and moderate-income households. The National Low Income Housing Coalition’s annual *Out of Reach* report examines rental housing rates relative to income levels for counties throughout the U.S. Figure 16 shows annual household income and hourly wages needed to afford Fair Market Rents (FMRs) in Hudson County for one, two, and three bedroom rental units. Fair Market Rent (FMR) is a standard set by HUD at the county or regional level for use in administering its Section 8 rental voucher program. FMRs are typically the 40th percentile gross rent (i.e., rent plus utility costs) for typical, non-standard rental units in the local housing market.

To afford a one-bedroom rental unit at the Hudson County Fair Market Rent (FMR) of \$1,351 without being cost burdened (i.e., spending more than 30% of income on housing) would require an annual income of at least \$54,040. This amount translates to a 40-hour work week at an hourly wage of \$26, or an impossible 121-hour work week at the minimum wage of \$8.60. For people with incomes equal to Hudson County’s average renter wage of \$29.70 an hour, a one-bedroom unit would be affordable given at least a 35-hour work week. Hudson County’s two-bedroom FMR of \$1,614 translates to an hourly wage of \$31, a 144-hour work week at minimum wage, or a 42-hour work week at the average renter wage.

FIGURE 16 – REQUIRED INCOME, WAGES, AND HOURS TO AFFORD FAIR MARKET RENTS IN HUDSON COUNTY, NJ, 2018



Note: Required income is the annual income needed to afford Fair Market Rents without spending more than 30% of household income on rent. Minimum wage in Hudson County is \$8.60. Average renter wages are \$29.70 in Hudson County.

Source: National Low Income Housing Coalition *Out of Reach* 2018, Accessed from <http://nlihc.org/oor/newjersey>

These figures indicate that affordable housing in Hudson County may be attainable for small households earning at or below the average renter wage. However, these average wage figures are relatively high. Lower-income households and those with larger families needing more bedrooms face significant difficulty affording housing.

Furthermore, housing costs in Hoboken are higher than those in Hudson County, heightening these affordability challenges. According to the 2013-2017 American Community Survey, the median gross rent for a one-bedroom unit in Hoboken is \$1,792, which translates to a required annual household income of \$71,680 to avoid a cost burden. This figure requires 40 hours of work per week at \$34/hour, 46 hours at the Hudson County average renter wage of \$29.70, or an impossible 160 hours at minimum wage. A two-bedroom unit’s median gross rent of \$2,383 would be affordable to a household with an income of

\$95,320, which translates to 40 hours of work per week at \$45/hour, 62 hours at the average renter wage, or an again-impossible 213 hours at minimum wage. For those at or near minimum wage, attaining any housing approximating Hudson County fair market rents or median rent in Hoboken is highly unlikely. The next section looks in more detail at affordability in the city and county

HOUSING NEEDS

Housing cost and condition are key components to housing choice. Housing barriers may exist in a jurisdiction when some protected class groups have greater difficulty accessing housing in good condition and that they can afford. To assess affordability and other types of housing needs, HUD defines four housing problems:

1. A household is *cost burdened* if monthly housing costs (including mortgage payments, property taxes, insurance, and utilities for owners and rent and utilities for renters) exceed 30% of monthly income.
2. A household is *overcrowded* if there is more than 1.0 people per room, including rooms such as bedrooms, living rooms, and dining rooms, but not including kitchens or bathrooms.
3. A housing unit *lacks complete kitchen facilities* if it lacks one or more of the following: cooking facilities, a refrigerator, or a sink with piped water.
4. A housing unit *lacks complete plumbing facilities* if it lacks one or more of the following: hot and cold piped water, a flush toilet, or a bathtub or shower.

HUD also defines four severe housing problems, including a severe cost burden (more than 50% of monthly housing income is spent on housing costs), severe overcrowding (more than 1.5 people per room, not including kitchens or bathrooms), lack of complete kitchen facilities (same definition as described above), and lack of complete plumbing facilities (same definition as described above).

To assess housing need, HUD receives a special tabulation of data from the U. S. Census Bureau's American Community Survey that is largely not available through standard Census products. This data, known as Comprehensive Housing Affordability Strategy (CHAS) data, counts the number of households that fit certain combination of HUD-specified criteria, such as housing needs by race and ethnicity. CHAS data for Hoboken and the region is provided in the tables on the following pages.

In the city of Hoboken, there are 7,205 households with at least one housing problem, making up about 30% of households citywide. Nearly one-in-seven Hoboken households have a severe need (3,400 or 14.2%). Levels of need in the region are higher; about 47.3% of households have a housing problem and 27.4% have a severe housing problem.

Looking at need by householder race and ethnicity in the city of Hoboken shows that 27.9% of non-Latino white households have a housing problem and 12.4% have a severe housing problem. HUD defines a group as having a disproportionate need if its members experience housing needs at a rate that is ten percentage points or more above that of white households. In the city, only Hispanic households experience substantially disproportionate rates of housing need. Nearly half of Hispanic households have a housing problem (44.7%). Other groups with rates of need higher than whites include African American households (32.8%) and households of other or multiple races (29.2%). Looking at severe housing needs,

Hispanic households again face considerably higher rates of need at 23.7% versus 12.4% for whites. Rates of severe need for African Americans are comparable to those of whites. These figures indicate that Hispanic households are nearly twice as likely to have a severe housing need as white households. Rates of housing problems are higher overall in the region, and the discrepancy between whites and all non-white groups is greater. Hispanics have the highest rates of problems and severe problems.

Table 9 also compares housing need rates for households by size and familial status. In Hoboken, large family households have the highest percentage (38.6%) of households with problems, followed by non-family households (33.4%), and small family households (24.7%). The pattern is the same in the region, but the overall rates of households with needs are higher.

Table 10 examines only one dimension of housing need – severe cost burdens. In Hoboken, 2,805 households, or 11.7% of the total number of households, spend more than half of their income on housing. Looking at severe cost burdens by householder race and ethnicity, Hispanic households are disproportionately likely to have needs relative to whites. About one in five Hispanic households have a severe cost burden (20.3%), compared to one in ten (10.1%) white households. Hispanic households also are the most likely to have a severe cost burden in the region, but the difference between them and other groups is less than in Hoboken.

Table 10 also provides housing cost burden rates for households by size and familial status. Non-family households are most likely to spend more than 50% of their income on housing in both Hoboken and the region. About 13.5% of non-family households in the city of Hoboken have a severe cost burden, as do 27.9% in the region. In Hoboken, small families are more likely to have a severe cost burden than large families (9.1% to 7.2%, respectively). These two groups are roughly equally likely to have a severe cost burden in the region, both around 20%.

Figures 17 and 18 map the prevalence of housing cost burdens in the city of Hoboken, along with population by race, ethnicity, and national origin. The highest rates of housing needs are in the central city and in northern Hoboken, where 37% and 36% of households have a cost burden respectively. The racial composition of these two areas is similar to that of Hoboken overall – predominantly white with Hispanics and Asians the largest minorities. In all other areas of Hoboken, less than a third of all housing units have a cost burden.

TABLE 9 – DEMOGRAPHICS OF HOUSEHOLDS WITH DISPROPORTIONATE HOUSING NEEDS

Disproportionate Housing Needs	City of Hoboken			New York-Newark-Jersey City Region		
Households Experiencing any of the Four Housing Problems	# with problems	# of households	% with problems	# with problems	# of households	% with problems
Race/Ethnicity						
White, Non-Hispanic	4,985	17,880	27.9%	1,574,995	3,900,044	40.4%
Black, Non-Hispanic	153	467	32.8%	598,670	1,105,560	54.2%
Hispanic	1,670	3,740	44.7%	814,284	1,340,965	60.7%
Asian or Pacific Islander, Non-Hispanic	258	1,443	17.9%	296,945	615,106	48.3%
Native American, Non-Hispanic	0	4	0.0%	5,072	10,207	49.7%
Other, Non-Hispanic	134	459	29.2%	54,651	106,827	51.2%
Total	7,205	24,000	30.0%	3,344,650	7,078,765	47.3%
Household Type and Size						
Family households, <5 People	2,285	9,235	24.7%	1,640,865	3,899,835	42.1%
Family households, 5+ People	160	415	38.6%	482,200	799,401	60.3%
Non-family households	4,755	14,350	33.1%	1,221,570	2,379,460	51.3%
Households Experiencing any of the Four Severe Housing Problems	# with problems	# of households	% with Problems	# with problems	# of households	% with Problems
Race/Ethnicity						
White, Non-Hispanic	2,210	17,880	12.4%	810,770	3,900,044	20.8%
Black, Non-Hispanic	60	467	12.9%	362,603	1,105,560	32.8%
Hispanic	885	3,740	23.7%	537,104	1,340,965	40.1%
Asian or Pacific Islander, Non-Hispanic	183	1,443	12.7%	189,667	615,106	30.8%
Native American, Non-Hispanic	0	4	0.0%	3,177	10,207	31.1%
Other, Non-Hispanic	70	459	15.3%	33,849	106,827	31.7%
Total	3,400	24,000	14.2%	1,937,220	7,078,765	27.4%

Note: All % represent a share of the total population, except household type and size, which is out of total households.

Source: CHAS

TABLE 10 – DEMOGRAPHICS OF HOUSEHOLDS WITH SEVERE HOUSING COST BURDENS

Households with Severe Cost Burdens	City of Hoboken			New York-Newark-Jersey City Region		
	# with problems	# of households	% with Problems	# with problems	# of households	% with problems
Race/Ethnicity						
White, Non-Hispanic	1,810	17,880	10.1%	734,505	3,900,044	18.8%
Black, Non-Hispanic	25	467	5.4%	296,964	1,105,560	26.9%
Hispanic	760	3,740	20.3%	394,955	1,340,965	29.5%
Asian or Pacific Islander, Non-Hispanic	140	1,443	9.7%	137,734	615,106	22.4%
Native American, Non-Hispanic	0	4	0.0%	2,883	10,207	28.3%
Other, Non-Hispanic	70	459	15.3%	27,529	106,827	25.8%
Total	2,805	24,000	11.7%	1,594,570	7,078,765	22.5%
Household Type and Size						
Family households, <5 People	843	9,235	9.1%	766,721	3,899,835	19.7%
Family households, 5+ People	30	415	7.2%	163,106	799,401	20.4%
Non-family households	1,940	14,350	13.5%	664,736	2,379,460	27.9%

Note: Severe housing cost burden is defined as greater than 50% of income. All % represent a share of the total population within the jurisdiction or region, except household type and size, which is out of total households. The # households is the denominator for the % with problems, and may differ from the # households for the table on severe housing problems.

Source: CHAS

FIGURE 17 – HOUSING BURDEN AND RACE / ETHNICITY IN THE CITY OF HOBOKEN

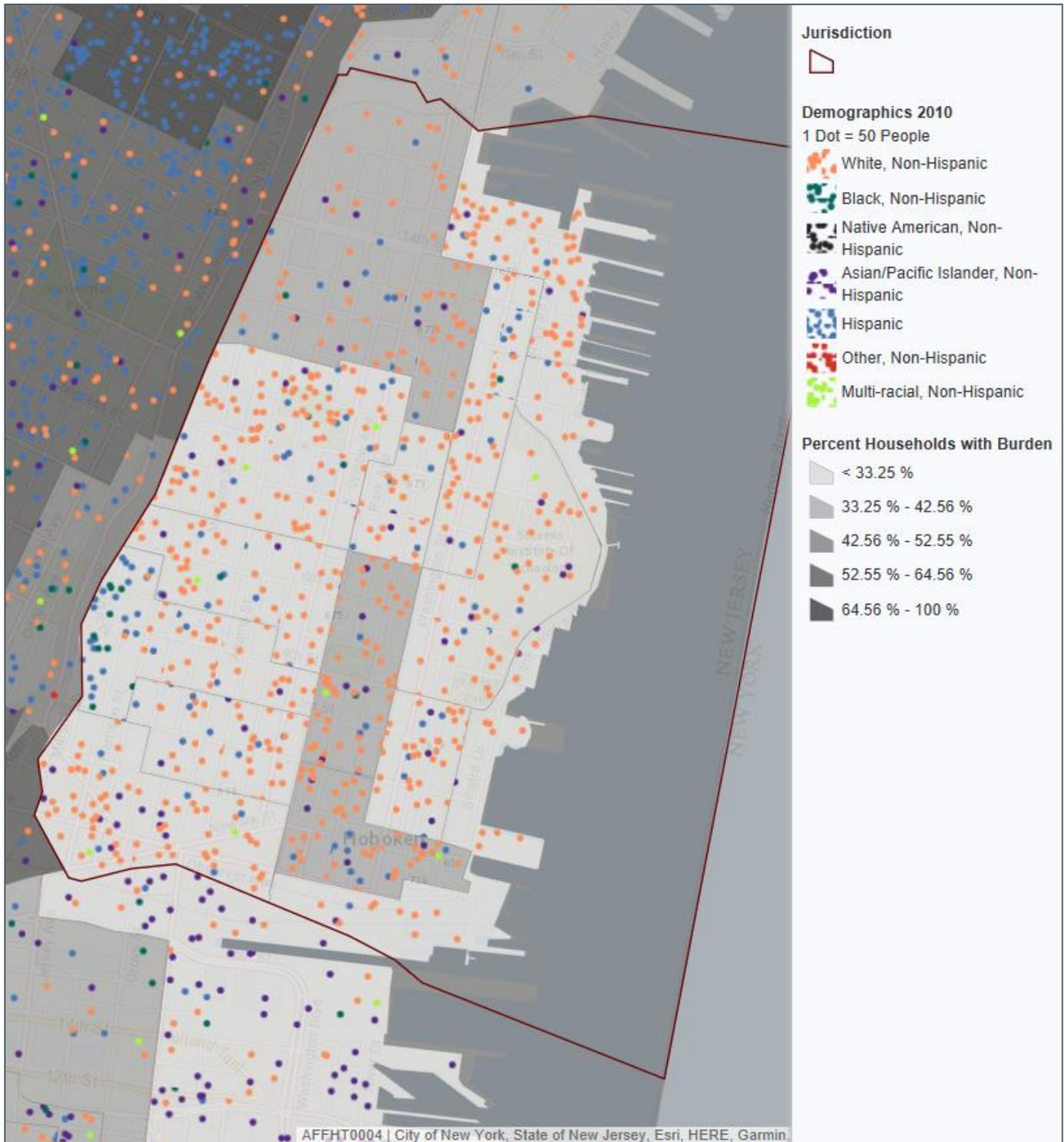
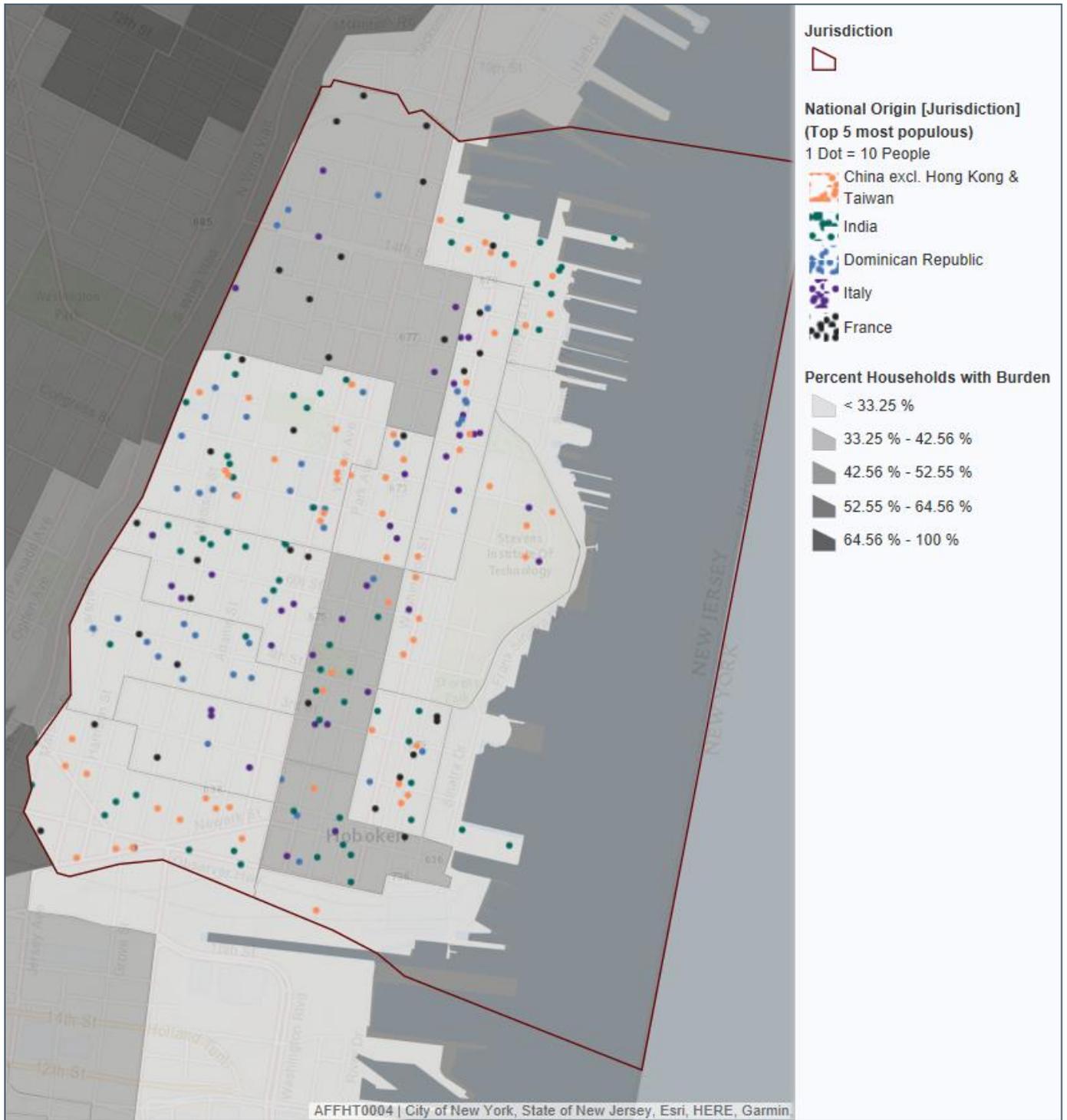


FIGURE 18 – HOUSING BURDENS AND NATIONAL ORIGIN IN THE CITY OF HOBOKEN



HOMEOWNERSHIP AND LENDING

Homeownership is vital to a community's economic well-being. It allows the opportunity to build wealth, is generally associated with higher levels of civic engagement,¹⁸ and is correlated with positive cognitive and behavioral outcomes among children.¹⁹

Federal housing policies and discriminatory mortgage lending practices prior to the Fair Housing Act of 1968, along with continuing impediments to access, have had significant impacts on the homeownership rates of racial and ethnic minorities, particularly Black and Hispanic populations. Nationally, the gap between the white and Black homeownership rate is the largest among racial and ethnic groups. In 2017, the U.S. Census Bureau reported a 21.6 percentage point gap in homeownership rate between white and Black households; just a 2.9 percentage point decrease since 1997.²⁰

Homeownership trends have changed in recent years because of significant events in the housing market and labor force. The homeownership rate for Millennials (the generation born between 1981 and 1997) is 8 percentage points lower than the two previous generations, controlling for age. This discrepancy can be attributed to a multitude of factors ranging from preference to urban areas, cost of education and associated debt, changes in marriage and childbearing patterns, rising housing costs, and the current supply of affordable houses.²¹

The table that follows shows the number of owner and renter households, as well as the homeownership rate, by race and ethnicity for the city of Hoboken and the region. In the city, about a third of households own their homes (32.7%). White households are slightly more likely to own homes (34.8%), and Asian households are significantly more likely to (59.0%). Hispanic households have the lowest ownership rates (14.1%), followed by African Americans (22.1%) and people of other races (28.6%).

In the region, homeownership rates are higher overall (52.5%), but there is an even greater discrepancy between white households (67.3% ownership rate) and others (Table 11). As in Hoboken, Hispanic households are the least likely to own their homes (26.7%), more than 40 percentage points less than the white ownership rate. The next lowest rates of ownership are found among African American households (33.3%), other races (44.2%), and Native Americans (45.2%). Unlike in the city of Hoboken, Asians in the region have lower homeownership rates (50.8%) than whites, but their rates of ownership are only just below the regional average.

Overall, tenure data indicates that households of color are less likely than white households to own their homes (except for Asians in the city of Hoboken). While homeownership gaps depend on race, ethnicity,

¹⁸ Manturuk K, Lindblad M, Quercia R. "Homeownership and civic engagement in low-income urban neighborhoods: a longitudinal analysis." *Urban Affairs Review*. 2012;48(5):731–60.

¹⁹ Haurin, Donald R. et al. "The Impact of Homeownership on Child Outcomes." *Low-Income Homeownership Working Paper Series*. Joint Center for Housing Studies of Harvard University. October 2001, <http://www.jchs.harvard.edu/sites/default/files/liho01-14.pdf>.

²⁰ U.S. Census Bureau. Homeownership Rates by Race and Ethnicity of Householder: 1994 to 2017.

²¹ Choi, Jung et al. "Millennial Homeownership: Why Is It So Low, and How Can We Increase It?" The Urban Institute. February 2000. https://www.urban.org/sites/default/files/publication/98729/millennial_homeownership_0.pdf

and geography, Hispanic households have the lowest homeownership rates in both areas, and the gap is significant.

The maps that follow show the share of owners and renters by census tract in the city of Hoboken. In the city, renting is common among all tracts but is most prevalent in two tracts along 2nd Street in southern Hoboken. In each of these two tracts, over 80% of households are renters. To the south of the westernmost tract, homeownership rates are the highest in the city. This area along Observer Highway is the only tract in the city in which a majority of households own their homes (51.1%). Other tracts range from 57% to 78% rental households.

TABLE 11 – HOMEOWNERSHIP AND RENTAL RATES BY RACE / ETHNICITY

Race/Ethnicity	City of Hoboken					New York-Newark-Jersey City Region				
	Owners		Renters		Home Ownership Rate	Owners		Renters		Home Ownership Rate
	#	%	#	%		#	%	#	%	
Non-Hispanic										
White	6,230	79.4%	11,655	72.2%	34.8%	2,624,135	70.6%	1,275,890	37.9%	67.3%
Black	105	1.3%	370	2.3%	22.1%	368,550	9.9%	737,070	21.9%	33.3%
Asian	525	6.7%	3,205	19.9%	14.1%	357,625	9.6%	983,380	29.2%	26.7%
Native American	850	10.8%	590	3.7%	59.0%	312,522	8.4%	302,615	9.0%	50.8%
Other	4	0.1%	0	0.0%	100.0%	4,614	0.1%	5,588	0.2%	45.2%
Hispanic	130	1.7%	325	2.0%	28.6%	47,255	1.3%	59,545	1.8%	44.2%
Total	7,850	-	16,150	-	32.7%	3,714,710	-	3,364,055	-	52.5%

Note: Data presented are number of households, not individuals.

Source: APSH

FIGURE 19 – SHARE OF HOUSEHOLDS THAT ARE RENTERS IN THE CITY OF HOBOKEN

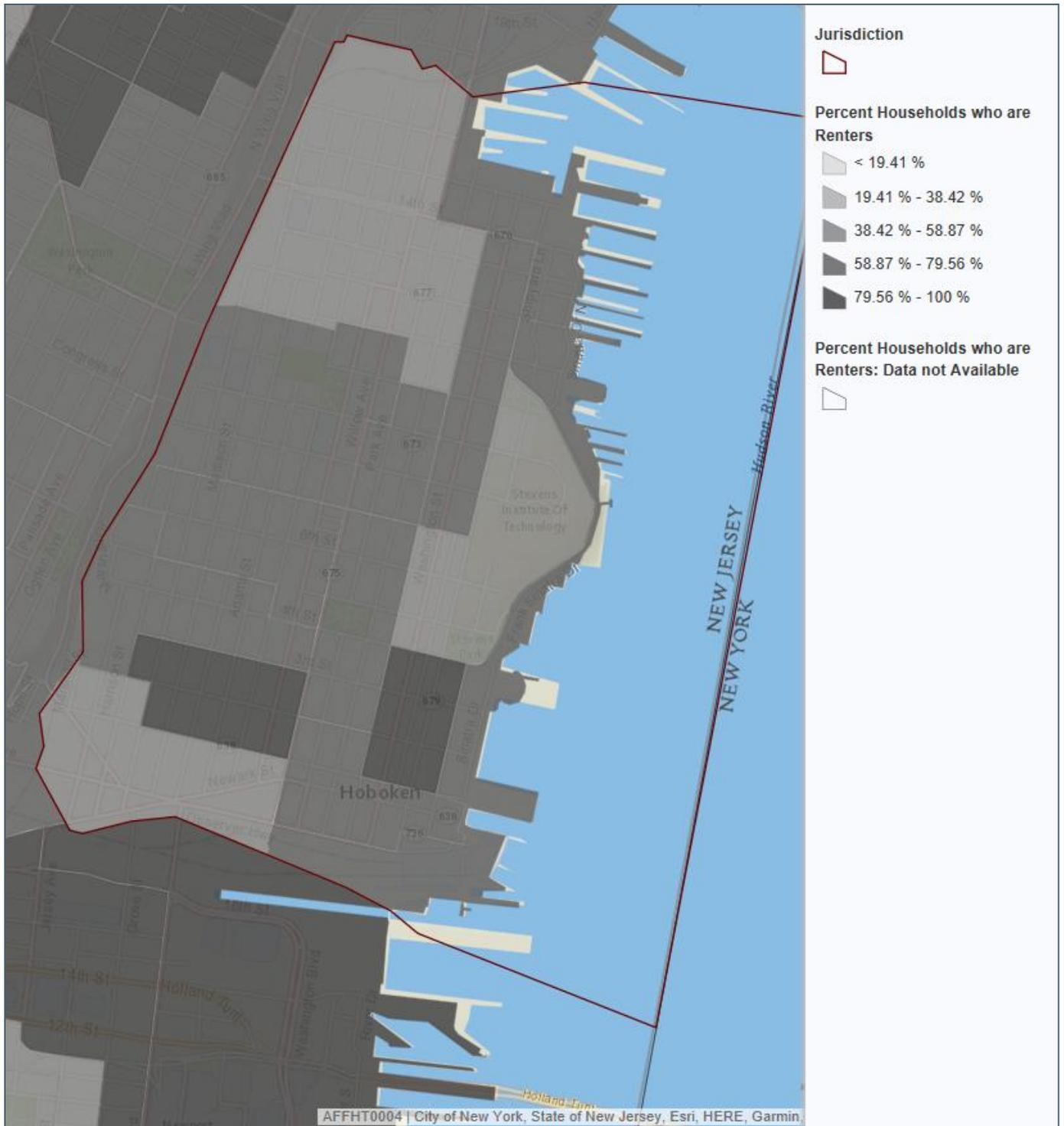
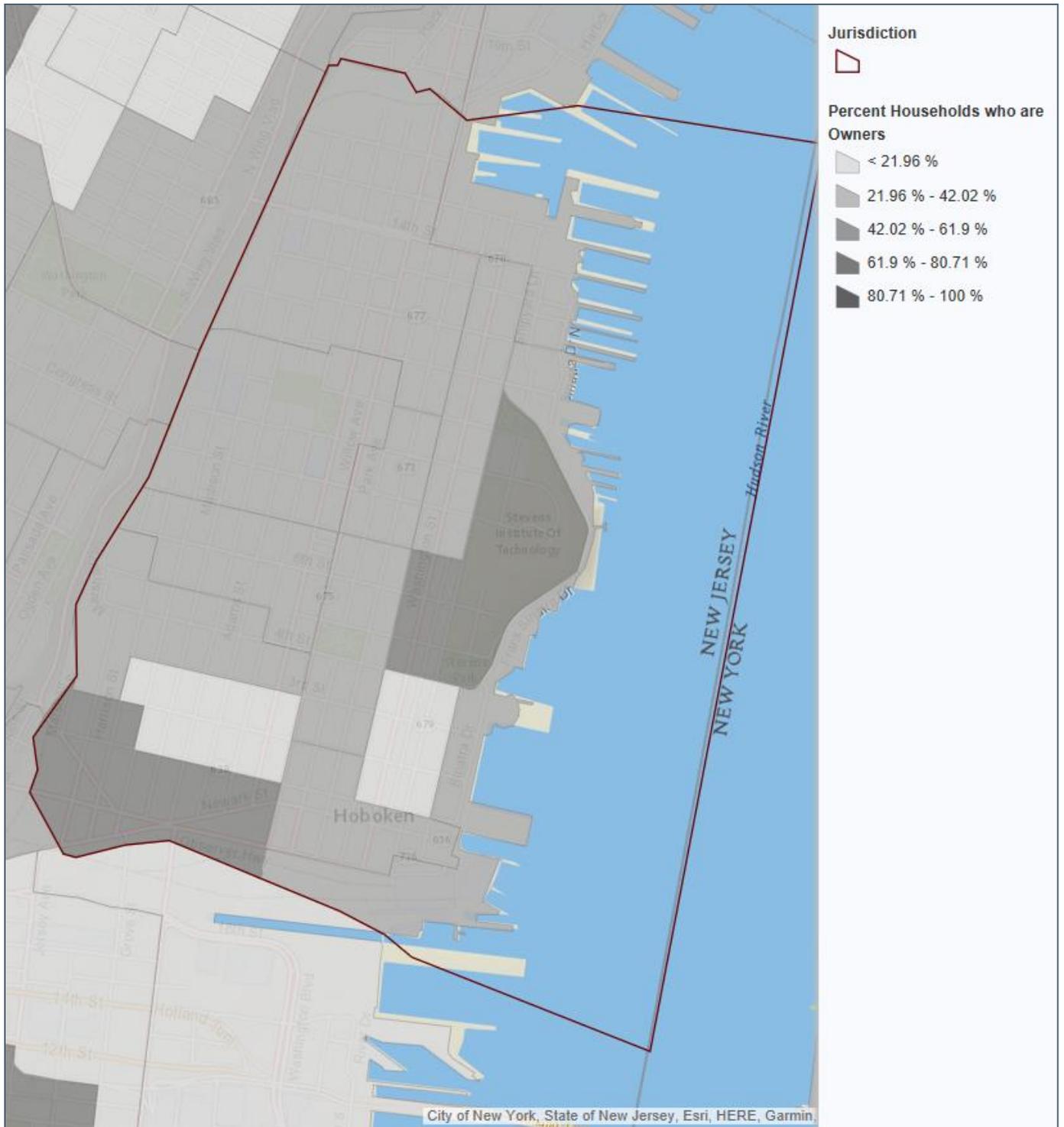


FIGURE 20 – SHARE OF HOUSEHOLDS THAT ARE OWNERS IN THE CITY OF HOBOKEN



Mortgage Lending

Prospective homebuyers need access to mortgage credit, and programs that offer homeownership should be available without discrimination. The proceeding data and analysis assesses the degree to which the housing needs of local residents are being met by home loan lenders.

The Home Mortgage Disclosure Act of 1975 (HMDA) requires most mortgage lending institutions to disclose detailed information about their home-lending activities annually. The objectives of the HMDA include ensuring that borrowers and loan applicants are receiving fair treatment in the home loan market.

The national 2017 HMDA data consists of information for 12.1 million home loan applications reported by 5,852 home lenders, including banks, savings associations, credit unions, and mortgage companies.²² HMDA data, which is provided by the Federal Financial Institutions Examination Council (FFIEC), includes the type, purpose, and characteristics of each home mortgage application that lenders receive during the calendar year. It also includes additional data related to those applications including loan pricing information, action taken, property location (by census tract), and information about loan applicants such as sex, race, ethnicity, and income.

The source for this analysis is tract-level HMDA data for census tracts in Hoboken (including any tracts partially located in Hoboken) for the years 2013 through 2017, which includes a total of 6,494 home purchase loan application records and 4,120 mortgage refinance application records.²³ Within each record, some data variables are 100% reported: “Loan Type,” “Loan Amount,” and “Action Taken,” for example, but other data fields are less complete. According to the HMDA data, these records represent applications taken entirely by mail, internet, or phone in which the applicant declined to identify their sex, race and/or ethnicity. Missing race, ethnicity, and sex data are potentially problematic for an assessment of discrimination. If the missing data are non-random there may be adverse impacts on the accuracy of the analysis. Ideally, any missing data for a specific data variable would affect a small proportion of the total number of loan records and therefore would have only a minimal effect on the results.

Of these applications, 1,077 or about 10%, were denied by the lending institution. There is no requirement for reporting reasons for a loan denial, and this information was not provided for about 9% of home purchase loan denials and 17% of refinance loan denials. Further, the HMDA data does not include a borrower’s total financial qualifications such as an actual credit score, property type and value, loan-to-value ratio, or loan product choices. Research has shown that differences in denial rates among racial or ethnic groups can arise from these credit-related factors not available in the HMDA data.²⁴ Despite these limitations, the HMDA data play an important role in fair lending enforcement. Bank examiners frequently

²² Consumer Financial Protection Bureau. “FFIEC Announces Availability of 2017 Data on Mortgage Lending.” May 7, 2018. <https://www.consumerfinance.gov/about-us/newsroom/ffiec-announces-availability-2017-data-mortgage-lending/>

²³ Includes applications for the purchase or refinance of one-to-four family dwellings in which the property is or will be occupied as the owner’s principal dwelling and in which the mortgage will be secured as first lien. Includes applications for conventional, FHA-insured, VA-guaranteed, and FSA/RHS-guaranteed loans.

²⁴ R. B. Avery, Bhutta N., Brevoort K.P., and Canne, G.B. 2012. “The Mortgage Market in 2011: Highlights from the Data Reported Under the Home Mortgage Disclosure Act.” Board of Governors of the Federal Reserve System. Federal Reserve Bulletin, Vol. 98, No. 6.

use HMDA data in conjunction with information from loan files to assess an institution's compliance with fair lending laws.

Complete information regarding applicant race, ethnicity, and income is available for 5,310 home purchase loan applications in Hoboken (82% of the total loan records). Non-Hispanic whites make up the largest group of applicants (76%), followed by Asians (20%), and Hispanics (3%). African Americans and applicants of other or multiple races each made up less than 1% of loan applicants. The shares of White and Asian applicants are higher than their respective citywide population shares of 73% and 7%. In contrast, the share of applications from Hispanics and African Americans are lower than their respective overall population shares of 15% and 3%. The table on the following page shows loan approval rates for completed loan applications by race and ethnicity at various income levels.²⁵ Not included in these figures are applications that were withdrawn or closed due to incompleteness such that no decision was made regarding approval or denial.

Hardly any of the 4,525 loan applications completed in the city of Hoboken were by households with incomes at or below 80% of the area median income (55 applications, or 1%). This figure supports what anecdotal evidence and home sales price data indicate – that only higher income households are able to afford to purchase a home in Hoboken. Of low income applicants, home purchase loan denial rates varied considerably by race and ethnicity, but the very small number of applications makes it difficult to draw strong conclusions about these variations. About 18% of low income white applicants were denied loans, compared to 33% of Asian applicants and 50% of Latino applicants. However, rates for the latter two groups were based on a combined total of only 15 completed loan applications.

Slightly more data is available at middle incomes (81 to 120% area median income), with a total of 373 completed applications. Of middle-income white applicants, 8% were denied a home loan. Asian and Latino applicants had slightly higher denial rates (11% and 13%, respectively), while none of the three applications by people of other races were denied. At both low and middle incomes, there were no Black home loan applicants.

The highest income level includes the bulk of Hoboken's home loan applications (4,097 records, or 91% of the total). At this income level, 8% of white applicants were denied a loan. Two groups – Black and Latino applicants – had lower denial rates (both 6%), while Asians had a slightly higher denial rate (9%) and applicants of other races were denied loans in 15% of cases.

Overall, loan denial rates for most racial and ethnic groups ranged from about 6 to 9%. However, one group – applicants of other races – faced higher denial rates. Of the 30 applications received from this group, four were denied, for a denial rate of about 13%. Again, it is difficult to draw strong conclusions from this data given the low number of applications by that group. While loan data does not provide significant evidence of disparate loan denials by race and ethnicity, it does suggest that high home prices in Hoboken limit homeownership to high income households, which disproportionately impacts Black, Latino, and other race households.

²⁵ The low-income category includes applicants with a household income at or below 80% of area median family income (MFI). The middle income range includes applicants with household incomes from 81% to 120% MFI, and the upper income category consists of applicants with a household income above 120% MFI.

TABLE 12 – LOAN APPROVAL RATES BY RACE AND ETHNICITY IN HOBOKEN CENSUS TRACTS, 2013 – 2017

Applicant Income		Applicant Race and Ethnicity					All Applicants
		Non-Latino				Latino	
		White	Black	Asian	Other		
Home Purchase Loans							
Low Income	Completed Applications	40	0	9	0	6	55
	Denial Rate	17.5%	N/A	33.3%	N/A	50.0%	23.6%
Middle Income	Completed Applications	290	0	65	3	15	373
	Denial Rate	7.9%	N/A	10.8%	0.0%	13.3%	8.6%
High Income	Completed Applications	3,131	18	816	27	115	4,097
	Denial Rate	8.0%	5.6%	9.1%	14.8%	6.1%	8.2%
All Applicants	Completed Applications	3,451	18	890	30	136	4,525
	Denial Rate	8.1%	5.6%	9.4%	13.3%	8.8%	8.4%
Home Refinance Loans							
Low Income	Completed Applications	32	0	7	0	6	45
	Denial Rate	37.5%	N/A	85.7%	N/A	83.3%	51.1%
Middle Income	Completed Applications	150	1	27	2	10	190
	Denial Rate	20.7%	100.0%	25.9%	0.0%	20.0%	21.6%
High Income	Completed Applications	2,116	23	361	19	84	2,603
	Denial Rate	14.3%	30.4%	13.6%	31.6%	14.3%	14.5%
All Applicants	Completed Applications	2,298	24	395	21	100	2,838
	Denial Rate	15.1%	33.3%	15.7%	28.6%	19.0%	15.5%

Note: “Completed applications” includes applications that were approved but not accepted, denied, and approved with a loan originated. It does not include applications withdrawn by the applicant or closed for incompleteness.

Data Source: FFIEC 2013-2017 Home Mortgage Disclosure Act Data, Accessed via www.consumerfinance.gov/data-research/hmda

The table also provides data for home refinance loan applications. Information regarding race, ethnicity, and income is available for 3,324 refinance applications, or 81% of the total refinance applications in Hoboken census tracts. This data is similar to home purchase loan application data in that the large majority of observations (92%) are for the higher income group. At low and middle incomes, the limited number of loan applications makes it difficult to develop any strong conclusions about disparate denial rates. At low incomes, about 38% of white applicants were denied home refinance loans; in contrast, 11 of the 13 applications by Asian and Latino applicants were denied (85%). At middle incomes, the denial rate for white applicants was 21%, roughly on par with the denial rates for Asian and Latino applicants of 26% and 20%, respectively. The only application completed by a Black applicant was denied.

The high income category provides the majority of observations. About 14% of applications by white, Asian, and Latino applicants in this income band were denied. Two groups faced higher denial rates – African Americans (30% of the 23 completed applications were denied) and people of other or multiple

racers (32% of the 19 completed applications were denied). Overall, regardless of income, about 15% of refinance loan applications by non-Latino whites were denied, as were about 16% of applications by Asians. Latino applicants had slightly higher denial rates (19%), while the remaining two groups – African Americans and other race applicants – had elevated denial rates but very low number of applications (a 33% denial rate for the 24 applications by Black applicants and a 29% denial rate for the 21 applications by applicants of other races). As with home purchase loan data, the refinance loan data does not show strong discrepancies in denial rates by race and ethnicities. It does, however, reflect that home prices in Hoboken are unaffordable for many households in certain racial and ethnic groups, particularly African Americans, Latino, and other race householders, who have lower homeownership rates and make up lower shares of loan applicants than their population shares.

The table on the following page identifies reasons for denials by applicant race and ethnicity. Within this data, a reason was provided in about 91% of home purchase loan denials and 83% of refinance loan denials. For both purchase and refinance loans, collateral, incomplete credit application, and debt to income ratio were the most common denial reasons. Given the low number of denials for several racial and ethnic groups, including African Americans, Latinos, and people of other races, which all have fewer than 20 denials, it is difficult to discern any patterns related to denial reasons by race and ethnicity. However, data regarding reasons for loan denials may provide relevant data to help financial counseling agencies better serve first time and existing homebuyers regardless of race or ethnicity.

TABLE 13 – REASONS FOR LOAN DENIAL BY APPLICANT RACE AND ETHNICITY IN HOBOKEN CENSUS TRACTS, 2013-2017

Reason for Denial	Applicant Race and Ethnicity					All Applicants
	Non-Latino				Latino	
	White	Black	Asian	Other		
Home Purchase Loans						
Denial reason provided	90.7%	100.0%	90.5%	100.0%	91.7%	90.8%
Collateral	32.9%	0.0%	28.6%	0.0%	25.0%	31.2%
Credit application incomplete	21.8%	0.0%	28.6%	100.0%	8.3%	23.6%
Credit history	5.4%	0.0%	6.0%	0.0%	0.0%	5.2%
Debt to income ratio	17.9%	0.0%	17.9%	0.0%	41.7%	18.4%
Employment history	0.7%	0.0%	2.4%	0.0%	0.0%	1.0%
Insufficient cash	8.9%	100.0%	9.5%	0.0%	16.7%	9.4%
Mortgage insurance denied	0.4%	0.0%	0.0%	0.0%	0.0%	0.3%
Other	17.1%	0.0%	14.3%	0.0%	16.7%	16.3%
Unverifiable information	7.1%	0.0%	7.1%	0.0%	8.3%	7.1%
Reason not provided	9.3%	0.0%	9.5%	0.0%	8.3%	9.2%
Total denials	280	1	84	4	12	381
Home Refinance Loans						
Denial reason provided	84.1%	87.5%	80.6%	83.3%	78.9%	83.4%
Collateral	32.9%	37.5%	27.4%	16.7%	31.6%	32.0%
Credit application incomplete	17.3%	0.0%	21.0%	33.3%	10.5%	17.5%
Credit history	6.4%	12.5%	9.7%	16.7%	10.5%	7.3%
Debt to income ratio	17.9%	25.0%	11.3%	16.7%	10.5%	16.8%
Employment history	1.7%	12.5%	1.6%	0.0%	0.0%	1.8%
Insufficient cash	5.5%	0.0%	1.6%	16.7%	10.5%	5.2%
Mortgage insurance denied	0.3%	0.0%	0.0%	0.0%	0.0%	0.2%
Other	11.3%	12.5%	11.3%	0.0%	10.5%	11.1%
Unverifiable information	6.1%	12.5%	4.8%	16.7%	0.0%	5.9%
Reason not provided	15.9%	12.5%	19.4%	16.7%	21.1%	16.6%
Total denials	346	8	62	6	19	441

Note: Some applications were denied for multiple reasons; thus, the total number of denial reasons reported are greater than the total number of loans denied.

Data Source: FFIEC 2013-2017 Home Mortgage Disclosure Act Data, Accessed via www.consumerfinance.gov/data-research/hmda

The final analysis of HMDA data looks at loan outcomes by census tract. The two maps that follow show the number of applications and denial rates by census tract for home purchase loans and mortgage refinance loans. Note that the dots provide a representation of the number of applications within a census tract and are not actual locations of properties.

For home purchase loans, most applications were made in central and southwest Hoboken, with a secondary cluster in the northeast part of the city. Denial rates were highest on the eastern side of the city, where more than 9% of loan applications were denied in a few tracts.

Looking at mortgage refinance applications, the central and southwestern parts of the city contain concentrations of applications. In three tracts, the refinance denial rate was over 18%. These tracts include the northeast corner of the city, the tract around Stevens Institute of Technology, and a tract in central Hoboken between Willow Avenue and Bloomfield Street. Overall, the maps indicate greater difficulty in obtaining loans for home purchase or mortgage refinances on the eastern side of the city.

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FIGURE 21 – HOME PURCHASE LOAN APPLICATIONS AND DENIAL RATES IN HOBOKEN, 2013-2017

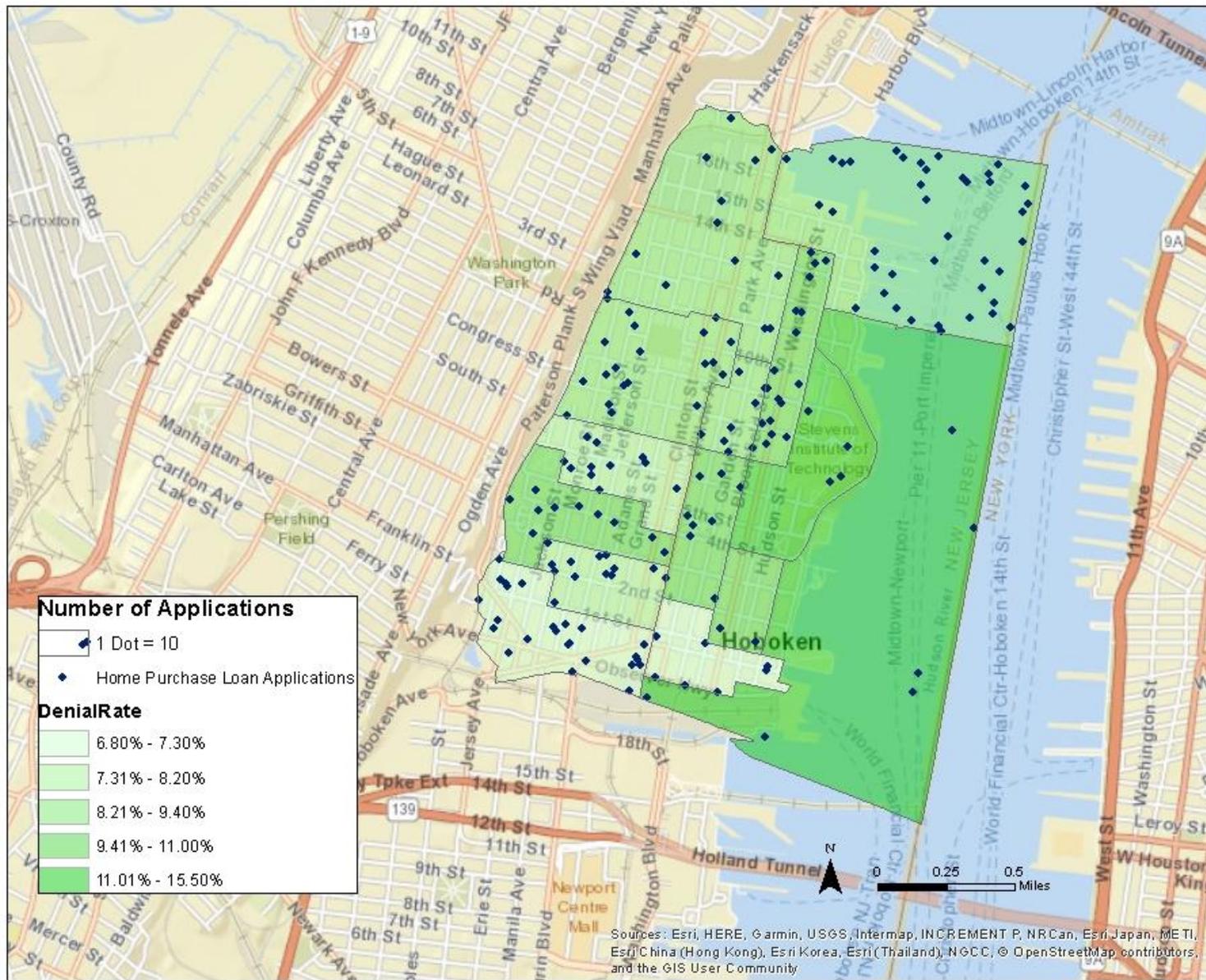
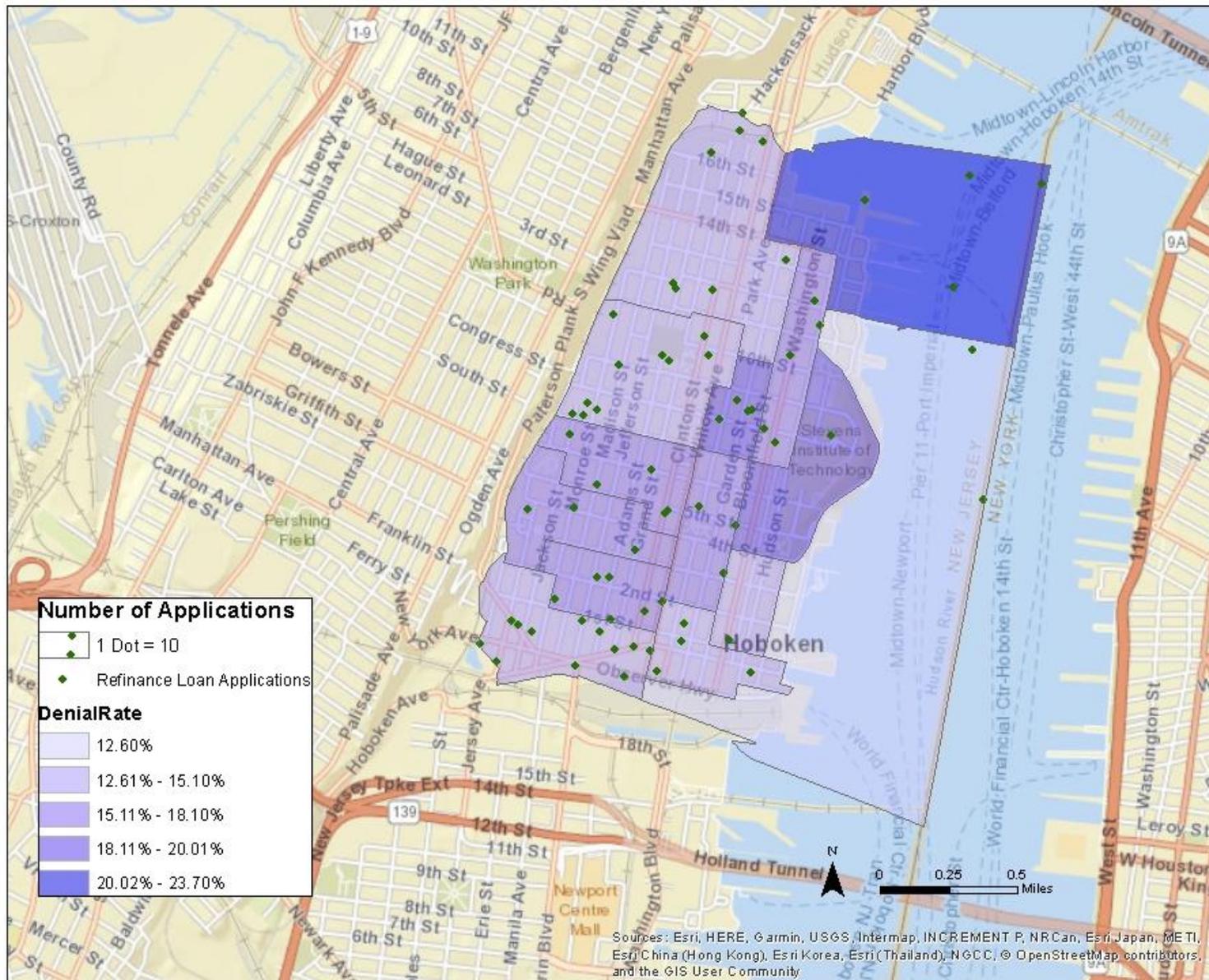


FIGURE 22 – MORTGAGE REFINANCE LOAN APPLICATIONS AND DENIAL RATES IN HOBOKEN, 2013-2017



ZONING, AFFORDABILITY, AND HOUSING CHOICE

Comprehensive land use planning is a critical process by which communities address a myriad of public policy issues such as housing, transportation, health, recreation, environmental protection, commercial and retail services, and land values, and address how the interconnection and complexity of these issues can ultimately impact the entire municipality. “The land use decisions made by a community shape its very character – what it’s like to walk through, what it’s like to drive through, who lives in it, what kinds of jobs and businesses exist in it, how well the natural environment survives, and whether the community is an attractive one or an ugly one.”²⁶ Likewise, decisions regarding land use and zoning have a direct and profound impact on affordable housing and fair housing choice, shaping a community or region’s potential diversity, growth, and opportunity for all. Zoning determines where housing can be built, the type of housing that is allowed, and the amount and density of housing that can be provided. Zoning also can directly or indirectly affect the cost of developing housing, making it harder or easier to accommodate affordable housing.

The following sections will explore (I) how New Jersey state law impacts local land use and zoning authority and decision-making and (II) how the zoning and land use codes of the City of Hoboken impact housing affordability and fair housing choice within the jurisdiction.

Intersection of Local Zoning with Federal and State Fair Housing Laws

One goal of zoning is to balance individual property rights with the power of government to promote and protect the health, safety, and general welfare of the overall community. Zoning codes regulate how a parcel of land in a community may be used and the density of development. Local governments may divide their jurisdiction into zoning districts by adopting a zoning map consistent with the “master plan” (known as a comprehensive plan in many other states); define categories of permitted and special or conditional uses for those districts; and establish design or performance standards for those uses. Zoning may regulate the height, shape, and placement of structures and lot sizes or shapes. Jurisdictions also can expressly prohibit certain types of uses within zoning districts.²⁷ In this way, local ordinances may define the type and density of housing resources available to residents, developers, and other organizations within certain areas, and as a result influence the availability and affordability of housing.

While local governments have the power to enact zoning and land use regulations, that power is limited by state and federal fair housing laws (e.g., the New Jersey Law Against Discrimination, the federal FHAA, the Americans with Disabilities Act, constitutional due process and equal protection), which apply not only

²⁶ John M. Levy. *Contemporary Urban Planning, Eighth Edition*. Upper Saddle River, NJ: Pearson Prentice Hall, 2009.

²⁷ Local government power to regulate land use derives from the state’s expressly delegated police power, as found in the state constitution and various enabling statutes of the New Jersey Statutes Annotated. See Article IV, Title 6, Section 2 of the New Jersey Constitution which grants municipalities the legal authority to adopt zoning ordinances limiting and restricting to specified districts and regulating therein, buildings and structures; MUNICIPAL LAND USE LAW, N.J.S.A. § 40:55D *et seq.* (MLUL). (County planning authority derives primarily from the County Planning Enabling Act, N.J.S.A. § 40:27-1 *et seq.*, but also derives some powers from the MLUP.) In New Jersey, the local governing body may adopt or amend its zoning code/map consistent with the land use plan element and housing plan element of its adopted master plan. A zoning ordinance or amendment not consistent with or not designed to effectuate the land use or housing plan elements of the master plan must have an affirmative vote of a majority of the full authorized membership of the governing body. N.J. STAT. ANN. § 40:55D-62(a).

to private individuals but also to government actions. In *Texas Department of Housing & Community Affairs v. Inclusive Communities Project*, a recent landmark disparate impact case under the FHA, the Supreme Court affirmed that part of the FHA's central purpose is to eradicate discriminatory housing practices, including specifically unlawful zoning laws and other housing restrictions. Besides intentional discrimination and disparate treatment, discrimination under the FHA also includes "[A] refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." This provision has similarly been held by the courts to apply to zoning and land use decisions by local governments.

New Jersey was an early pioneer of civil rights and antidiscrimination laws, passing its Laws Against Discrimination in 1941 (N.J.S.A. § 10:5-1 et seq.). In 1961, the New Jersey legislature incorporated various state law protections regarding housing accommodations into the LAD and amended the Act to prohibit discrimination in real property based on race, creed, color, national origin or ancestry—seven years before the federal Fair Housing Act was passed in 1968. The fair housing provisions of the LAD have been amended and expanded many times since to extend the classes of persons protected by the Act and to enhance the enforcement powers of the New Jersey Division on Civil Rights. In addition to the federal FHAA's protections based on a person's race, color, national origin, sex, disability, familial status, or religion, New Jersey's LAD also currently makes it illegal to discriminate against a prospective or current buyer or tenant because of a person's creed, ancestry, gender identity or expression, affectional or sexual orientation, marital status, pregnancy or breastfeeding status, liability for service in the Armed Forces of the United States, source of lawful income or rent subsidy, or nationality. 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.

In 1985, following a series of state supreme court decisions known as *Mount Laurel I* (1975) and *Mount Laurel II* (1983)²⁸, the New Jersey legislature passed a separate state Fair Housing Act (N.J.S.A. § 52:27D-301 et seq.) to address local municipalities' constitutional obligations to provide, through land use regulations, realistic opportunity for the construction of their fair share of the present and prospective regional need for low and moderate income housing. The New Jersey FHA created a process for determining each community's housing obligation and created an agency called the Council on Affordable Housing (COAH) to oversee and provide assistance for municipalities to voluntarily devise a plan to comply with *Mount Laurel* and, by doing so, receive protection from builder's remedy lawsuits. However, the FHA does not require that cities or other municipalities actually build the needed units, only that exclusionary zoning be remedied to accommodate a "realistic opportunity" for the development of the needed units. Following a 2015 state Supreme Court decision declaring the COAH "moribund," oversight of local communities' fair share affordable housing obligations again rests with the county superior courts until the legislature sets up a new process for making and enforcing those determinations.

²⁸ *South Burlington County NAACP v. Mount Laurel*, 67 N.J. 151 (1975) and *South Burlington County NAACP v. Mount Laurel*, 92 N.J. 158 (1983).

Fair housing laws apply to housing providers, mortgage lenders, brokers, realtors, developers, and to local zoning and housing authorities whose policies and decisions affect housing and property rights. Fair housing laws do not preempt local zoning laws but do apply to municipalities and local government units, and prohibit them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons. Under Section 10:5-12.5(a) of the LAD, it is unlawful discrimination for a municipality, county or other local civil or political subdivision of the State of New Jersey to exercise the power to regulate land use or housing in a manner that discriminates. If a person has evidence that his/her rights under the LAD have been violated in a final land use or zoning decision, the aggrieved person must seek remedy in a private right of action in Superior Court. HUD refers matters involving the legality of state or local zoning or other land use law or ordinance to the Department of Justice for further enforcement. *See* 42 U.S.C. 3610(g)(2)(C).

Even where a specific zoning decision does not violate a fair housing law, HUD entitlement communities must certify annually that they will set and implement standards and policies that protect and advance fair housing choice for all.

Although local jurisdictions may adopt their own antidiscrimination ordinances, the City of Hoboken has not adopted a separate fair housing ordinance.

Zoning Ordinance Review

Although comprehensive plans and zoning and land use codes play an important role in regulating the health and safety of the structural environment, overly restrictive codes can negatively impact housing affordability and fair housing choice within a jurisdiction. Examples of zoning provisions that most commonly result in barriers to fair housing choice include:

- Restrictive forms of land use that exclude any specific form of housing, particularly multi-family housing, or that require large lot sizes or low-density that deter affordable housing development by limiting its economic feasibility;
- Restrictive definitions of family that impede unrelated individuals from sharing a dwelling unit;
- Placing administrative and siting constraints on group homes for persons with disabilities;
- Restrictions making it difficult for residents with disabilities to locate housing in certain neighborhoods or to modify their housing;
- Restrictions on occupancy of alternative sources of affordable housing such as accessory dwellings, mobile homes, and mixed-use structures.

The City's treatment of these types of issues are explored and evaluated in the table and narrative below.

Because zoning codes present a crucial area of analysis for a study of impediments to fair housing choice, the latest available zoning ordinance of Hoboken was reviewed and evaluated against a list of ten common fair housing issues. Taken together, these issues give a picture of (1) the degree to which exclusionary zoning provisions may impact affordable housing opportunities within those jurisdictions and (2) the degree to which the zoning code may impact housing opportunities for persons with disabilities. The zoning ordinance was assigned a risk score of either 1, 2, or 3 for each of the ten issues and was then given

an aggregate score calculated by averaging the individual scores, with the possible scores defined as follows:

1 = low risk – the provision poses little risk for discrimination or limitation of fair housing choice, or is an affirmative action that intentionally promotes and/or protects affordable housing and fair housing choice;

2 = medium risk – the provision is neither among the most permissive nor most restrictive; while it could complicate fair housing choice, its effect is not likely to be widespread;

3 = high risk – the provision causes or has potential to result in systematic and widespread housing discrimination or the limitation of fair housing choice, or is an issue where the jurisdiction could take affirmative action to further affordable housing or fair housing choice but has not.

The following chart lists the ten issues reviewed and the City’s scores for each issue. A complete report, including citations to relevant statutes, code sections, and explanatory comments, is included as an appendix to this document.

TABLE 14 – ZONING CODE RISK SCORES

Issue	Risk Score
<p>1a. Does the jurisdiction’s definition of “family” have the effect of preventing unrelated individuals from sharing the same residence? Is the definition unreasonably restrictive?</p> <p>1b. Does the definition of “family” discriminate against or treat differently unrelated individuals with disabilities (or members of any other protected class)?</p>	3
<p>2a. Does the zoning code treat housing for individuals with disabilities (e.g. group homes, congregate living homes, supportive services housing, personal care homes, etc.) differently from other single family residential and multifamily residential uses? For example, is such housing only allowed in certain residential districts, must a special or conditional use permit be granted before siting such housing in certain residential districts, etc.?</p> <p>2b. Does the zoning ordinance unreasonably restrict housing opportunities for individuals with disabilities who require onsite supportive services? Or is housing for individuals with disabilities allowed in the same manner as other housing in residential districts?</p>	1
<p>3a. Do the jurisdiction’s policies, regulations, and/or zoning ordinances provide a process for persons with disabilities to seek reasonable modifications or reasonable accommodations to zoning, land use, or other regulatory requirements?</p> <p>3b. Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for applicants with disabilities? If so, is the public hearing process only required for applicants seeking housing for persons with disabilities or required for all applicants?</p>	2
<p>4. Does the ordinance impose spacing or dispersion requirements on certain protected housing types?</p>	1
<p>5. Does the jurisdiction restrict any inherently residential uses protected by fair housing laws (such as residential substance abuse treatment facilities) only to non-residential zones?</p>	1

Issue	Risk Score
6a. Does the jurisdiction’s zoning and land use rules constitute exclusionary zoning that precludes development of affordable or low-income housing by imposing unreasonable residential design regulations (such as high minimum lot sizes, wide street frontages, large setbacks, low FARs, large minimum building square footage or large livable floor areas, restrictions on number of bedrooms per unit, and/or low maximum building heights)?	2
7. Does the zoning ordinance fail to provide residential districts where multi-family housing is permitted as of right? Are multifamily dwellings excluded from all single family dwelling districts? 7b. Do multi-family districts restrict development only to low-density housing types?	2
8. Are unreasonable restrictions placed on the construction, rental, or occupancy of alternative types of affordable or low-income housing (for example, accessory dwellings or mobile/manufactured homes)?	2
9a. Are the jurisdiction’s design and construction requirements (as contained in the zoning ordinance or building code) congruent with the Fair Housing Amendments Act’s accessibility standards for design and construction? 9b. Is there any provision for monitoring compliance?	1
10. Does the zoning ordinance include an inclusionary zoning provision or provide any incentives for the development of affordable housing or housing for protected classes?	1
Average Risk Score	1.6

The City’s total average risk score (calculated by taking the average of the 10 individual issue scores) is 1.6, indicating that overall there is low to moderate risk of the zoning regulations contributing to discriminatory housing treatment or impeding fair housing choice. In most cases, the zoning and other land use code sections are reasonably permissive and allow for flexibility as to the most common fair housing issues. The City received a “3” (high risk) score on one issue (#1) and also received a “2” (medium risk) score on certain issues where the zoning regulations have the potential to negatively impact fair and affordable housing. These medium and high-risk scores could indicate the city may be vulnerable to fair housing complaints where the ordinance is applied in a way that impacts a protected class of persons. In such cases, improvements to the rules and policies could be made to more fully protect the fair housing rights of all the area’s residents and to better fulfill the mandate to affirmatively further fair housing.

Our research has shown that restricting housing choice for certain historically/socio-economically disadvantaged groups and protected classes can happen in any number of ways and should be viewed on a continuum. The zoning analysis matrix developed for this report and the narrative below are not designed to assert whether the City’s ordinances may create a violation of the FHA or HUD regulations, but are meant as a tool to highlight significant areas where zoning and land use ordinances may otherwise jeopardize the spirit and intent of fair housing protections and HUD’s AFFH standards for its entitlement communities.

The issues chosen for discussion show where zoning ordinances and policies could go further to protect fair housing choice for protected and disadvantaged classes, and yet still fulfill the zoning objective of

protecting the public's health, safety, and general welfare. Specifically, the issues highlighted by the matrix inform, first, the degree to which the zoning ordinance may be overly restrictive and exclusionary to the point of artificially limiting the affordable housing inventory and directly contributing to higher housing and rental costs. And secondly, the matrix helps inform the impact the local regulations may have on housing opportunities for persons with disabilities, a protected class under state and federal fair housing law.

Impact of Zoning Provisions on Affordable Housing

Academic and market research have proven what also is intuitive: land use regulations can directly limit the supply of housing units within a given jurisdiction, and thus contribute to making housing more expensive, i.e. less affordable.²⁹ Zoning policies that impose barriers to housing development and artificially limit the supply of housing units in a given area by making developable land and construction costlier than they are inherently can take different forms and may include: high minimum lot sizes, low density allowances, wide street frontages, large setbacks, low floor area ratios, large minimum building square footage or large livable floor areas, restrictions on number of bedrooms per unit, low maximum building heights, restrictions against infill development, restrictions on the types of housing that may be constructed in certain residential zones, arbitrary or antiquated historic preservation standards, minimum off-street parking requirements, restrictions against residential conversions to multi-unit buildings, lengthy permitting processes, development impact fees, and/or restrictions on accessory dwelling units. Where these zoning regulations are not congruent with the actual standards necessary to protect the health and safety of residents and prevent overcrowding, they may not be an express violation of fair housing laws but may nonetheless contribute to exclusionary zoning and have the effect of disproportionately reducing housing choice for moderate to low-income families, minorities, persons with disabilities on fixed incomes, families with children, and other protected classes by making the development of affordable housing cost prohibitive.

In many respects, Hoboken's lot and design standards and housing-type diversity do not appear facially exclusionary. For instance, there are no large lot estate districts which restrict development to only large single-family dwellings. Residential buildings, defined in the zoning code as a one- to three-family or multifamily dwelling, are permitted uses in the R-1 district, R-1(CS) (Court Street) subdistrict, R-1(E) subdistrict for faculty and staff, R-2 and R-3 districts, and in the CBD district and subdistricts and University district. Each residential district (R-1, R-2, R-3) has different lot size requirements. Minimum lot sizes range from 2,000 sq. ft. in the R-1 subdistricts, R-2 district, and CBD(H) and (CS) subdistricts; 2,500 sq. ft. in the R-3 district; 3,000 sq. ft. for a 2-family dwelling in R-1(H)(CPT); and 5,000 sq. ft. in the CBD district. Residential density in the residential zoning districts is currently calculated by dividing the lot area by a factor of 660 square feet with a typical residential lot in the 2,000 to 2,500 sq. ft. range calculating out at

²⁹ See Gyourko, Joseph, Albert Saiz, and Anita A. Summers, *A New Measure of the Local Regulatory Environment for Housing Markets: The Wharton Residential Land Use Regulatory Index (2007)*, available at real.wharton.upenn.edu; Randal O'Toole, *The Planning Penalty: How Smart Growth Makes Housing Unaffordable (2006)*, available at independent.org/pdf/policy_reports/2006-04-03-housing.pdf; Edward L. Glaeser and Joseph Gyourko, *The Impact of Zoning on Housing Affordability (2002)*, available at law.yale.edu/system/files/documents/pdf/hier1948.pdf; The White House's *Housing Development Toolkit, 2016*, available at whitehouse.gov/sites/whitehouse.gov/files/images/Housing_Development_Toolkit%20f.2.pdf.

a maximum of approximately three dwelling units. Minimum setbacks in many districts start at 0 feet, making townhomes, row houses, and multifamily and mixed-use buildings possible. The City of Hoboken's 2018 Master Plan Reexamination Report acknowledges that "[z]oning controls that allow developers to build smaller units can diversify the City's housing stock, and create greater affordability to its residents."³⁰

Compared to most jurisdictions across the country, the City's existing siting and design standards are comparatively permissive and flexible.

However, the City received "2/medium risk" score for Issues 6 and 7 regarding exclusionary zoning regulations for single and multifamily housing types because development costs and the economic feasibility of affordable housing options may be negatively impacted by (i) the zoning ordinance's maximum building height restrictions in most districts, which limit density potential, and (ii) minimum design standards regarding historic site standards; façade, roof, and building materials; decks and balconies; and variation in articulation and fenestration to achieve and maintain the "Hoboken look." Maximum height in the R-1, R-2, and R-3 districts is 40 ft. above design flood elevation. In the CBD district, buildings may be approved at 16 stories, but areas zoned CBD are a small proportion of the zoning map. All residential buildings must be 75% brick or stone and comply with articulation (variation) and fenestration design regulations and upgraded roofing materials. Permissive regulations related to lot size and setbacks do not necessarily translate into sufficient development of affordable housing, as other considerations like housing prices and rents, market conditions, existing land-use patterns, the provision of public services and infrastructure, construction costs, demand for luxury and higher-end multifamily housing, preservation of certain architectural and design styles, and other planning goals also have an impact on the quantity of multifamily and affordable housing.

To encourage more infill development and help reduce artificial barriers to development of and access to affordable housing, minimum lot size requirements could be further reduced in many areas (e.g. to 1,200 sq. ft., 800 sq. ft., and even unrestricted in some overlay zones); accessory apartments more widely permitted; economic incentives for conversion of established dwellings to affordable units; and maximum height restrictions increased to allow for more density on the same footprint. This would potentially allow for more supply of housing, which helps put downward pressure on rental prices, so that moderate and low-income families have access to those neighborhoods and all the congruent benefits that come with higher opportunity areas such as access to jobs, better schools, access to transportation, and access to cultural amenities and public accommodations. Some of these strategies, including a reduction in the 660 sq. ft. ratio for determining residential density maximums have been called for in the City's 2018 Master Plan Reexamination Report, which was approved by the City's Planning Board in June 2018.

Where there is a disconnect between current zoning requirements and design standards and demand for more affordable housing, developers seeking to add more density, infill development, or mix of housing types must go through the variance process which may be a source of uncertainty and increased cost for developers and housing providers. The zoning code design and dimensional standards may need to be updated to align with current and anticipated trends in housing demand so that developers need to rely less on the costly variance process.

³⁰ City of Hoboken 2018 Master Plan Reexamination Report, Adopted June 25, 2018, p. 85.

One tool the City has to help go beyond meeting minimum FHA standards and affirmatively further and incentivize the development of affordable housing is inclusionary zoning policies exercised via its Affordable Housing Ordinance. Hoboken first adopted an affordable housing ordinance in 1988 as a means of increasing the housing stock for income-eligible low- and moderate-income households. However, until recently the set aside requirements were not effectively enforced and the high density buildings for which variances were approved by the ZBA during the first 20+ years of the ordinance's existence were not required to provide affordable housing, and so the ordinance did little to increase the affordable housing stock in the City for lower and moderate-income families.

The City amended and updated its Affordable Housing Ordinance in 2012 (*City Code* § 65A-1 et seq.). With some exemptions, the Affordable Housing Ordinance applies to all new developments or substantial redevelopment of residential property greater than 10 units that is subject to approval by either the Planning Board or ZBA for site plan or conditional use approval; for variance involving an increase in residential density; or for an approval in conjunction with a redevelopment plan. In general, the ordinance requires a 10% set aside for affordable units, which may be provided onsite or off-site. Importantly, the ordinance contains affordability controls to ensure that restricted ownership and rental units remain subject to affordability standards for a period of 40 years. The ordinance also ensures that set aside units are constructed to accommodate different size families by providing that at least 30% of all low- and moderate-income units be two-bedroom units, 20% be three-bedroom units, no more than 20% be efficiency and one-bedroom units, and the remaining number of units be allocated among two and three-bedroom units at the discretion of the developer and market demands. The City also has adopted the Affirmative Fair Housing Marketing Plan to ensure that new affordable units are advertised throughout the region to potential buyers/renters and a guidebook entitled "Administration of Affordable Units: Policies & Procedures Manual" to set forth the policies and procedures for placing eligible individuals and families into the affordable units. The Municipal Housing Liaison is responsible for oversight and administration of the affordable housing program. Besides required set asides, the city's inclusionary policies could be strengthened further to incorporate other development incentives like reduced off-street parking, or design waivers, variances, or expedited permitting for the development of affordable or low-income housing or housing for protected classes.

CHAPTER 7.

PUBLICLY SUPPORTED HOUSING

Publicly supported housing encompasses several strategies and programs developed since the 1930s by the federal government to ameliorate housing hardships that exist in neighborhoods throughout the country. The introduction and mass implementation of slum clearance to construct public housing projects during the mid-1900s signified the beginning of publicly supported housing programs. Government-owned and managed public housing was an attempt to alleviate problems found in low-income neighborhoods such as overcrowding, substandard housing, and unsanitary conditions. Once thought of as a solution, the intense concentration of poverty in public housing projects often exacerbated negative conditions that would have lasting and profound impact on their communities.

Improving on public housing's model of high-density, fixed-site dwellings for very low-income households, publicly supported housing programs have since evolved into a more multi-faceted approach overseen by local housing agencies. The Housing and Community Development Act of 1974 created Section 8 rental assistance programs. Section 8, also referred to as the Housing Choice Voucher (HCV) program, provides two types of housing vouchers to subsidize rent for low-income households: project-based and tenant-based. Project-based vouchers can be applied to fixed housing units in scattered site locations while tenant-based vouchers allow recipients the opportunity to find and help pay for available rental housing on the private market.

The Tax Reform Act of 1986 created the Low-Income Housing Tax Credit (LIHTC) program to incentivize development of affordable, rental-housing development. Funds are distributed to state housing finance agencies that award tax credits to qualified projects to subsidize development costs. Other HUD Programs including Section 811 and Section 202 also provide funding to develop multifamily rental housing specifically for disabled and elderly populations.

The now-defunct HOPE VI program was introduced in the early 1990s to revitalize and rebuild dilapidated public housing projects and create mixed-income communities. Although HOPE VI achieved some important successes, the Choice Neighborhoods Initiative program was developed to improve on the lessons learned from HOPE VI. The scope of Choice Neighborhoods spans beyond housing and addresses employment access, education quality, public safety, health, and recreation.³¹

Current publicly supported housing programs signify a general shift in ideology toward more comprehensive community investment and de-concentration of poverty. However, studies have shown a tendency for subsidized low-income housing developments and residents utilizing housing vouchers to continue to cluster in disadvantaged, low-income neighborhoods. Programmatic rules and the point allocation systems for LIHTC are thought to play a role in this clustering and recent years have seen many

³¹ Department of Housing and Urban Development. *Evidence Matters: Transforming Knowledge Into Housing and Community Development Policy*. 2011. www.huduser.gov/portal/periodicals/em/EM-newsletter_FNL_web.pdf.

states revising their allocation formulas to discourage this pattern in new developments.³² The reasons for clustering of HCVs is more complicated since factors in decision-making vary greatly by individual household. However, there are indications that proximity to social networks, difficulties searching for housing, and perceived or actual discrimination contribute to clustering.³³ This section will review the current supply and occupancy characteristics of publicly supported housing types and its geographic distribution within the study area.

SUPPLY AND OCCUPANCY

The Hoboken Housing Authority manages 1,353 units of public housing in 28 properties at six locations across the city. In addition to these public housing units, there are Project-Based Section 8 units, and units throughout the city that are subsidized through the Housing Choice Voucher (HCV) program.

Taken together, these publicly supported housing programs account for 10% of the housing units in Hoboken (not including the PILOT units). However, because the programs are all rent-based, the share of rental units in the city supported in some form by a public subsidy is considerably higher, with 16.5% of rental households in one of the programs.

TABLE 15 – PUBLICLY SUPPORTED HOUSING UNITS BY PROGRAM CATEGORY

Housing Units	City of Hoboken	
	#	%
Total housing units	26,855	-
Public housing	1,351	5.0%
Project-based Section 8	659	2.5%
Other multifamily	N/A	N/A
HCV program	657	2.5%

Source: Decennial Census; APSH

In the city of Hoboken, 44.7% of households identify as white, yet white households make up only 15% of public housing units, 40.9% of project-based section 8 units, and 28.7% of voucher holders in the city. Hispanic households (43.6%) are overrepresented in all three of the publicly supported housing programs. African American households (5.1%) are greatly overrepresented in public housing (22.9%) but slightly underrepresented in project based section 8 and voucher units (1.9% and 2.3% respectively). Despite making up 3.8% of all Hoboken households, almost no Asian families reside in any of these types of publicly supported housing. In the region, white households are underrepresented in all programs. As in Hoboken, Hispanic households are overrepresented in all programs, though not as significantly as in the city. African

³² Dawkins, Casey J. *Exploring the Spatial Distribution of Low Income Housing Tax Credit Properties*. US Department of Housing and Urban Development, www.huduser.gov/publications/pdf/dawkins_exploringliht_assistedhousingrcr04.pdf.

³³ Galvez, Martha M. *What Do We Know About Housing Choice Voucher Program Location Outcomes? A Review of Recent Literature*. What Works Collaborative, 2010. www.urban.org/sites/default/files/publication/29176/412218-What-Do-We-Know-About-Housing-Choice-Voucher-Program-Location-Outcomes-.PDF.

American households make up a much larger share of households and are overrepresented in all programs.

In addition to these units, Hoboken has three affordable housing properties that are subsidized by the City under New Jersey's Payment In Lieu of Taxes (PILOT) program (N.J.S.A. 40A:20-1). The PILOT program allows municipalities to exempt developers from property taxes for a set period of time (up to 30 years) and instead pay a reduced fee. Income of residents is not required to be restricted. The three PILOT complexes in Hoboken are Marine View, Church Towers, and Clock Towers. One of these, Clock Towers, receives HUD funding for 68 of its 173 units, so these 68 units are included in the tables in this chapter. The others are not included in the analysis, nor are the 432 units in Marine View or the units in Church Towers.

Many stakeholders described these properties as faltering in their fulfillment of their original affordable housing mission. They state that some residents have held onto their affordable units there for decades even though their incomes have increased and they could afford market-rate housing elsewhere (though some higher earners do pay an additional fee). There are reports of units being passed down within families and seeing residents of these affordable housing complexes driving expensive cars. Despite their modest appearance, the properties are highly desirable. Marine View, for example, sits on the Hudson River with Manhattan skyline views. There is very low turnover with these units, and wait lists are either closed or number in the thousands.

TABLE 16 – PUBLICLY SUPPORTED HOUSING RESIDENTS BY RACE/ETHNICITY

Housing Type	Race/Ethnicity							
	White		Black		Hispanic		Asian or Pacific Islander	
	#	%	#	%	#	%	#	%
City of Hoboken								
Public Housing	190	15.0%	290	22.9%	785	61.9%	3	0.2%
Project-Based Section 8	260	40.9%	12	1.9%	362	57.0%	1	0.2%
Other Family	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HCV Program	136	28.2%	11	2.3%	335	69.4%	1	0.2%
0-30% AMI	17,880	74.5%	467	2.0%	3,740	15.6%	1,443	6.0%
0-50% AMI	995	36.1%	94	3.4%	1,505	54.5%	109	4.0%
0-80% AMI	1,635	40.0%	194	4.7%	1,930	47.2%	194	4.7%
Total Households	2,420	44.7%	274	5.1%	2,360	43.6%	208	3.8%
New York-Newark-Jersey City Region								
Public Housing	18,103	8.9%	89,988	44.4%	85,346	42.1%	9,010	4.5%
Project-Based Section 8	23,555	23.5%	32,278	32.2%	37,453	37.4%	6,760	6.7%
Other Family	3,882	31.9%	2,571	21.2%	3,760	30.9%	1,922	15.8%
HCV Program	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
0-30% AMI	3,900,044	55.1%	1,105,560	15.62%	1,340,965	18.9%	615,106	8.7%
0-50% AMI	466,819	37.0%	286,328	22.67%	383,405	30.4%	102,588	8.1%
0-80% AMI	683,019	31.9%	453,127	21.13%	620,223	28.9%	170,583	8.0%
Total Households	1,138,349	36.4%	648,934	20.73%	857,301	27.4%	250,304	8.0%

Note: Data presented are number of households, not individuals.

Source: Decennial Census; CHAS; APSH

Within all five of the public housing properties, the share of residents who are African American or Hispanic is significantly higher than in the total population. Conversely, the share of residents who are white or Asian is lower than their share of the total population. Some of these trends exist to some extent in project based section 8 properties as well. Asians are underrepresented in all project based section 8 properties. Whites are underrepresented as well but not to the extent as in public housing. Hispanics are overrepresented in nearly all properties. One exception to these trends for whites and Hispanics is Columbian Arms. There, residents are 91% white, with only 9% Hispanic residents and no other races. Unlike in public housing, the share of African Americans is roughly proportional to the share of the population. Three properties contain no African American residents: Northvale IV, Project Uplift, and Columbian Arms.

TABLE 17 – DEMOGRAPHICS OF PUBLICLY SUPPORTED HOUSING DEVELOPMENTS BY PROGRAM CATEGORY

Development Name	City of Hoboken						
	# Units	% White	% Black	% Hispanic	% Asian	% Households with Children	
Public Housing							
Andrew Jackson Gardens	596	9%	31%	60%	0%	48%	
Christopher Columbus Gardens	97	26%	19%	55%	0%	33%	
Harrison Gardens	208	10%	30%	60%	0%	44%	
Monroe & Adams Gardens	250	20%	11%	67%	1%	0%	
Fox Hill Gardens	200	26%	9%	64%	1%	N/A	
Project-Based Section 8							
Northvale IV	11	36%	0%	64%	0%	27%	
Project Uplift	53	61%	0%	37%	2%	18%	
Westview Associates	114	32%	2%	67%	0%	19%	
Church Square South Associates	79	26%	4%	69%	1%	41%	
Clock Towers Apartments	68	45%	3%	50%	2%	23%	
Columbian Arms	66	91%	0%	9%	0%	N/A	
Columbian Towers	134	45%	2%	53%	0%	N/A	
Eastview Associates	79	14%	3%	84%	0%	10%	
Elysian Estates	55	31%	4%	65%	N/A	27%	

Note: For LIHTC properties, this information will be supplied by local knowledge. Percentages may not add to 100 due to rounding error.

Data Sources: APSH

GEOGRAPHY OF SUPPORTED HOUSING

In the map that follows, the locations of publicly supported housing developments are represented along with levels of Housing Choice Voucher use in the city of Hoboken. The map is overlaid with dots representing racial/ethnic demographics.

The blue markers on the maps indicate the locations of public housing. Three of these are clustered in southwest Hoboken. The demographics of the neighborhood just to the east of this cluster mirror the overall demographics of the city, with whites an approximate three-quarter majority and smaller populations of other races and Hispanic and African American (around 10-15% and 2-4% respectively). To the west however, is the tract with the highest ratio of non-white population in the city. Hispanics are a two-thirds majority (67%), and African Americans make up over a quarter of the population (27.6%). The two additional public housing complexes are located in northern Hoboken, west of Willow Avenue. The northernmost areas tend to be more racially and ethnically diverse than the city in general.

The orange markers on the maps indicate the locations of Project Based Section 8 units. Three of these are clustered in southeast Hoboken. The large Hispanic population in public housing as shown in Tables 16 and 17 results in the Hispanic share of the population being larger in the tract in which this cluster is located (37.9%). The demographics in the area around this tract are more typical of the city as a whole. Another smaller cluster of two Project Based Section 8 complexes is located in the northeastern part of the city. The tracts in which they are located have higher percentages of Hispanic residents than the city overall. In addition, several complexes are located in southwest Hoboken near the public housing complexes discussed previously.

Finally, the maps also depict the locations of Low Income Housing Tax Credit developments with purple markers. The Low Income Housing Tax Credit (LIHTC) program is the primary source of subsidy for development of affordable housing by the private market. Created by the Federal Tax Reform Act of 1986, the LIHTC program makes available an indirect federal subsidy for investors in affordable rental housing. The value of the tax credits awarded to a project may be syndicated by the recipient to generate equity investment, offsetting a portion of the development cost. As a condition of the LIHTC subsidy received, the resulting housing must meet certain affordability conditions. There are three of these depicted. One is near the two Section 8 complexes in the northeast part of the city. Another is close to the cluster of three Section 8 complexes in the southeast. The third is located in north central Hoboken in an area with higher than average Hispanic and Asian population.

The rates at which Housing Choice Vouchers (HCVs) are used are represented by the shading on the maps. HCVs are issued to households and may be used at a rental unit of the tenant's choosing to reduce the tenant's share of rent payments to an affordable level. Therefore, unlike the publicly supported developments marked on the map, HCVs are portable and their distribution throughout the city is subject to fluctuate over time. The current maps show that voucher usage throughout the city is fairly low, ranging from none to 9.7% in the northeast. Voucher use is higher in northern Hoboken than in the southern part of the city.

Overall, public housing in Hoboken tends to be clustered in the southwest quadrant of the city, with some public housing and also some LIHTC and project based Section 8 properties further north. When the map of publicly supported housing locations is compared with the maps of opportunity index scores in Chapter 5 of this report, it is clear that different housing locations all carry with them different positive and negative opportunity attributes.

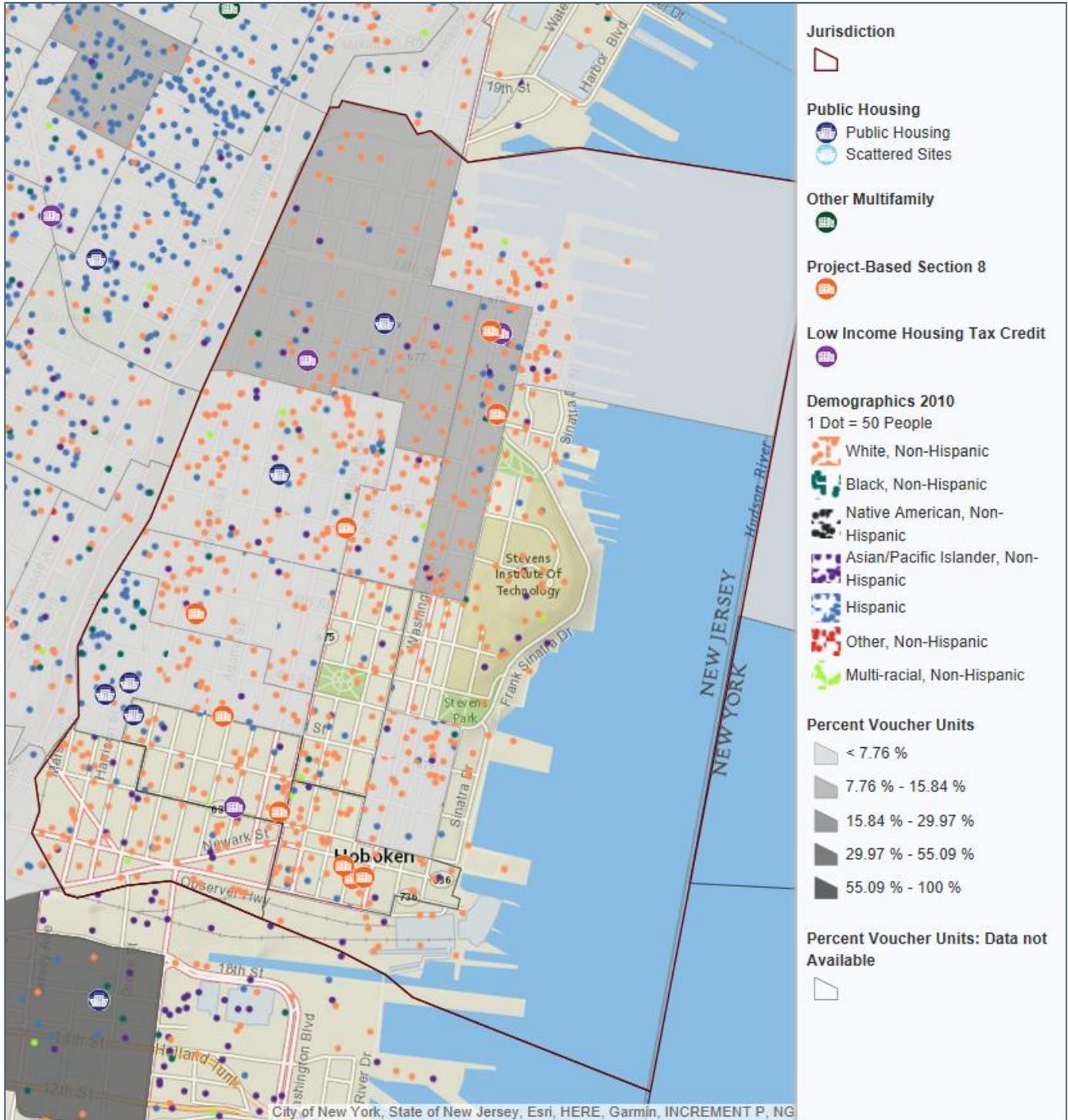
As discussed in Chapter 5, Hoboken in general provides low transportation cost, high transit usage, strong labor market engagement, and good walkability. In general, southern Hoboken has better access to proficient schools than northern Hoboken, but this is not the case for the tract in the southwest where the three public housing complexes are clustered. It has the poorest access to proficient schools in the city. Job proximity is poorest in this area as well, and labor market engagement is lower than average though still good. Poverty is generally more prevalent in the northern and southern areas where public housing is located, particularly in the southwest.

Evaluating tradeoffs in access to opportunity is an important exercise because it demonstrates that no one neighborhood has all the markers of high opportunity – and neither are high scores on all the opportunity indices likely to be imperative for any one person or household. A family with children may

opt for an affordable housing option in a neighborhood with access to better schools, even if it offers lower proximity to jobs and a longer, costlier commute. Conversely, a retiree who is no longer employed and does not have school-aged children may choose a neighborhood with many services nearby over one with good schools or jobs proximity. The relative dispersion of publicly supported housing types across Hoboken means that, to the degree housing units in those developments have vacancies and are available for rent, residents have the opportunity to access opportunity factors of particular importance to them. Of concern however are the multiple poor opportunity scores for southwest Hoboken.

DRAFT

FIGURE 23 – PUBLICLY SUPPORTED HOUSING AND RACE / ETHNICITY IN THE CITY OF HOBOKEN



POLICY REVIEW

As a public housing authority, the Hoboken Housing Authority owns 1,353 units of public housing distributed across six individual properties and is the entity responsible for administering 185 Housing Choice Vouchers that are used in neighborhoods throughout Hoboken. As required by HUD, the HHA maintains a comprehensive Five-Year PHA Plan, with annual plan updates, as well as other program-specific policies. The most pertinent of these policies for review in this analysis is the HHA's "Admissions and Continued Occupancy Policy", or ACOP. This document sets policy for who may be housed by the HHA and how those tenant households are selected. Three different aspects of the ACOP are examined here: tenant selection, local preference, and tenant screening. These three policy types all allow some degree of local determination by HHA and are among the most central to matters of fair housing choice.

Public housing, and particularly HCV assistance, is competitive and housing authorities often maintain lengthy waiting lists of potential tenants. For its public housing units, the HHA keeps an active waiting list. Applicants first submit a preliminary application and applications may be taken continuously. When a family is within approximately three months of reaching the top of the waiting list and being offered an available housing unit, a full application is taken by the HHA.

The process by which applicants are ranked on and selected from a waiting list is guided by a tenant selection policy. Selection of public housing tenants from the HHA's waiting list is determined first by the type and size of unit the family requires, whether a member of the household is elderly or disabled, the head of household's racial and/or ethnic identity, any special preference criteria for which the household may qualify, followed by the date and time of the tenant's application. The inclusion of a race/ethnicity criteria for organizing the HHA's waiting list is unusual and is not explained further in the written policies. Depending upon how it is employed, such a standard could certainly raise the possibility of discriminatory treatment or disparate outcomes and its use and impact should be studied further. Ordinarily, a "date and time" standard for waiting list selection can be somewhat problematic because it disadvantages applicants who have inflexible, hourly work schedules or transportation and childcare challenges. In the case of the HHA, however, application date and time is more akin to a tie-breaker given the unit size, preference criteria, and other factors that are applied first.

HUD allows public housing authorities to, within narrow boundaries, set local preferences for the applicants who will be selected from their waiting lists. Local preferences must be constructed carefully to avoid discrimination against protected classes but can be helpful tools to strategically adapt public housing programs to local housing needs and priorities as determined through data-driven planning processes. The HHA applies eight local preference criteria within the tenant selection process. They are listed below, in order of priority:

1. Involuntarily Displaced Local Residents
2. Disabled Local Residents who are Victims of Domestic Violence
3. Disabled or Health-Impaired Local Residents
4. Residents who Live and Work in Hoboken
5. Residents who Live in Hoboken
6. Involuntarily Displaced Non-Local Residents

7. Displaced Non-Residents who are Victims of Domestic Violence
8. Non-Residents who Work in Hoboken

Many of these preferences are designed to push toward the top of the waiting list households that are in particularly vulnerable or precarious housing situations, but others are or contain what are known as residency preferences which, when narrowly tailored to a single specific community, can have the effect of limiting housing choice on a regional basis. The HHA's preference for families who are Hoboken residents reduces opportunity for residents of outlying areas who may wish to access opportunities within Hoboken but are unable to do so because of limited housing options. However, the need for affordable housing is so great in Hoboken, that preferencing the city's own residents appears justified.

Tenant screening, specifically policies regarding criminal background checks, is another aspect of this review. Housing authorities are required to consider an applicant's criminal background as part of their screening process for public housing occupancy but must conduct the screening so as not to violate the prospective tenant's fair housing rights. Recognizing that people of color are disproportionately more likely to have experienced an encounter with the criminal justice system and to have arrest records or criminal convictions, HUD issued guidance in 2016 warning that blanket policies of refusal to rent to people with criminal records could be discriminatory. Although criminal history is not a protected class, under the Fair Housing Act, restricting housing access on the basis of criminal history could be unlawful if it results in a disparate impact on people of a specific race or ethnicity. Rather than blanket policies, exclusions of persons with criminal histories must be tailored to the housing provider's legitimate interests, be applied consistently to all applicants, and take into account the type of crime, time since conviction, and other factors.

HHA has made efforts to moderate the influence of criminal background on tenant eligibility, while also supporting the safety of its residents and communities. The HHA conducts criminal background checks on all adult household members named on a public housing application and may deny housing to a family because of drug-related criminal activity, violent criminal activity by family members, and/or registration on the National Sex Offender Registry. Federal regulations govern the barring of public housing admission in some of these cases, but HHA holds discretion in some instances to overlook certain aspects of an applicant's history. For example, documentation of mitigating circumstances and/or evidence of completion of a supervised drug rehabilitation program may have a bearing on the outcome of a tenant's application. Furthermore, a family slated to be denied housing for reasons of a background check must be presented with the HHA's findings and be given an opportunity to contest the accuracy of the record.

Finally, while not a policy of the same sort as the others reviewed here, the HHA has pursued specific development strategies that constitute a policy direction of the organization. The HHA's 2018 Annual PHA Plan reports that the Authority was granted permission by HUD to convert 100% of its public housing units to project-based vouchers under the Rental Assistance Demonstration (RAD) program. RAD has been a popular program for many public housing authorities for the flexibility it allows the local Authority in managing and leveraging its real estate portfolio. The numbers of public housing units cannot be diminished, but units can be rehabilitated, redeveloped, or demolished and replaced elsewhere in the HHA's jurisdiction as a result of the conversion. In a focus group with HHA's resident advisors, participants expressed excitement for the possibility of better integrating the HHA's developments into the urban

fabric of Hoboken and believed such action could make HHA's properties feel less isolated and their residents better connected with the resources and opportunities available in Hoboken.

DRAFT

CHAPTER 8.

HOUSING FOR PEOPLE WITH DISABILITIES

According to the U.S. Census Bureau, 19% of the U.S. population reported having a disability in 2010. Research has found an inadequate supply of housing that meets the needs of people with disabilities and allows for independent living. The U.S. Department of Housing and Urban Development identified that approximately one third of the nation's housing stock can be modified to accommodate people with disabilities, but less than 1% is currently accessible by wheelchair users.³⁴

Identifying and quantifying existing accessible housing for all disabilities is a difficult task because of varying needs associated with each disability type. People with hearing difficulty require modifications to auditory notifications like fire alarms and telecommunication systems while visually impaired individuals require tactile components in design and elimination of trip hazards. Housing for people that have difficulty with cognitive functions, self-care, and independent living often require assisted living facilities, services, and staff to be accessible.

Modifications and assisted living arrangements tend to pose significant costs for the disabled population, which already experiences higher poverty rates compared to populations with no disability. Studies have found that 55% of renter households that have a member with a disability have housing cost burdens, compared with 45% of those with no disabilities.³⁵

RESIDENTIAL PATTERNS

In the City of Hoboken, an estimated 2,941 persons 5-years-old or older have a disability, representing 5.9% of the total population. People aged 18-64 have the highest disability rate (3.6%), and the rate for those over 65 is 2.4%. In contrast, less than 1% of children between the ages of 5 and 17 are disabled. These rates of disability are lower than those of the region overall, which is significant because the absolute number of those with disabilities are much greater in the region.

Ambulatory disabilities are the most common type in Hoboken and the region, affecting 4% and 5.9% of the population respectively. Independent living disabilities are the next most common in both areas, followed by cognitive disabilities, and in Hoboken, self-care, hearing, and vision difficulties. The map that follows shows the geographic distribution of persons with disabilities throughout the city. Although the population with disabilities is relatively dispersed throughout Hoboken, there is some clustering of people with disabilities, particularly those over 64 and those with hearing disabilities, in southern Hoboken. At the edges of the map, in the areas just outside Hoboken, higher concentrations of people with disabilities are evident, showing spatial evidence of the higher regional population with disabilities in Tables 18 and 19.

³⁴ Chan, S., Boshier, L., Ellen, I., Karfunkel, B., & Liao, H. . L. (2015). Accessibility of America's Housing Stock: Analysis of the 2011 American Housing Survey. U.S. Department of Housing and Urban Development: Office of Policy Development and Research.

³⁵ America's Rental Housing 2017. (2017). Joint Center for Housing Studies of Harvard University.

As discussed in Chapter 5, Hoboken in general provides low transportation cost, high transit usage, strong labor market engagement, and good walkability. People with many different types of disabilities are limited in their ability to drive, so transit access and walkability are highly attractive opportunity features. The southern area of Hoboken where people with disabilities are clustered has the best access to proficient schools in the city. Relatively poorer access to jobs and more prevalent poverty in these areas may make them less attractive for some, but for others, the tradeoffs in opportunity features are worthwhile. As shown in the map in Chapter 7, there is also a significant cluster of publicly-supported housing in southern Hoboken.

TABLE 18 – DISABILITY BY TYPE

Disability Type	City of Hoboken		New York-Newark-Jersey City Region	
	#	%	#	%
Hearing difficulty	507	1.1%	448,097	2.5%
Vision difficulty	339	0.7%	353,817	1.9%
Cognitive difficulty	813	1.7%	675,115	3.7%
Ambulatory difficulty	1,916	4.0%	1,085,872	5.9%
Self-care difficulty	665	1.4%	437,887	2.4%
Independent living difficulty	1,052	2.2%	751,853	4.1%

Note: All % represent a share of the total population within the jurisdiction or region.

Source: ACS

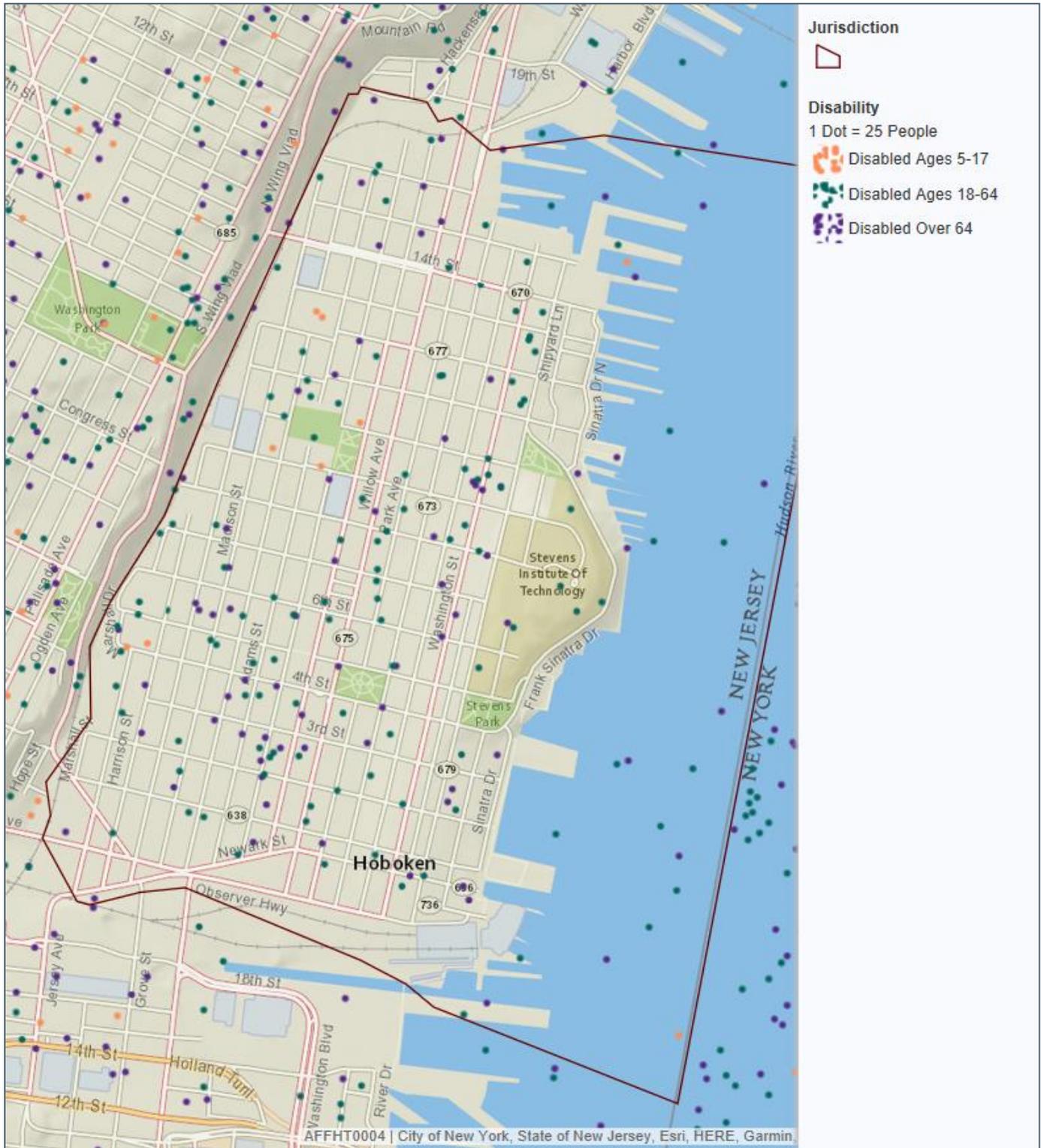
TABLE 19 – DISABILITY BY AGE GROUP

Age of People with Disabilities	City of Hoboken		New York-Newark-Jersey City Region	
	#	%	#	%
Age 5-17 with disabilities	125	0.3%	131,064	0.7%
Age 18-64 with disabilities	1,690	3.6%	906,343	5.0%
Age 65+ with disabilities	1,126	2.4%	860,668	4.7%

Note: All % represent a share of the total population within the jurisdiction or region.

Source: ACS

FIGURE 24 – PEOPLE WITH A DISABILITY BY AGE IN THE CITY OF HOBOKEN



ACCESSIBLE HOUSING SUPPLY AND AFFORDABILITY

A search using HUD’s Affordable Apartment Search Tool was conducted to identify affordable rental properties in Hoboken designed to serve people with disabilities. The search returned ten results. Three of the ten were designated for families, and the remaining three for the elderly. No properties were specifically designated for people with disabilities. A similar point-in-time search on socialserve.com for affordable apartments currently for rent in Hoboken returned six results. Of these, three were listed as having accessible features. Two of the three with accessible features had wait lists.

Based on a standard Supplemental Security Income (SSI) payment of \$764 per month (equating to an affordable rent of \$229 or less), it is highly likely that people with disabilities who are unable to work and rely on SSI as their sole source of income, face substantial cost burdens and difficulty locating affordable housing. Publicly supported housing is often a key source of accessible and affordable housing for people with disabilities, and, in the study area, these subsidized housing options are much more likely to contain households with at least one member with a disability than the housing stock in general. The table below shows that persons with disabilities are able to access all types of publicly-supported housing in Hoboken. Disability rates among all housing types are considerably higher than the citywide disability rate (5.9%).

TABLE 20 – DISABILITY BY PUBLICLY SUPPORTED HOUSING PROGRAM CATEGORY

Housing Type	People with a Disability			
	City of Hoboken		New York-Newark-Jersey City Region	
	#	%	#	%
Public Housing	70	21.9%	46,499	22.8%
Project-Based Section 8	191	41.6%	14,927	14.6%
Other Multifamily Housing	60	67.4%	1,470	11.2%
HCV Program	97	28.8%	N/A	N/A

Note: The definition of “disability” used by the Census Bureau may not be comparable to reporting requirements under HUD programs.

Source: ACS

Supportive housing, a typically subsidized long-term housing option combined with a program of wrap-around services designed to support the needs of people with disabilities, is another important source of housing for this population. Unique housing requirements for people with an ambulatory difficulty may include accessibility improvements such as ramps, widened hallways and doorways, and installation of grab bars, along with access to community services such as transit. For low- and moderate-income households, the costs of these types of home modifications can be prohibitive, and renters may face particular hardships as they could be required to pay the costs not just of the modifications, but also the costs of removing or reversing the modifications if they later choose to move.

ZONING AND ACCESSIBILITY

From a regulatory standpoint, local government measures to control land use typically rely upon zoning codes, subdivision codes, and housing and building codes, in conjunction with comprehensive plans. Local zoning authority is directed by the state enabling laws and limited by superseding state laws related to specific land use, for example the regulation of public property, flood plains, utilities, natural resources, airports, housing regulated by a state licensing authority for persons with disabilities, higher education institutions, etc. Conditions of Hoboken’s zoning code affecting accessibility are assessed in this section. Several elements of the following analysis refer back to the zoning code review presented in Chapter 6.

Definition of “Family” and Group Housing for Persons with Disabilities

Often one of the most scrutinized provisions of a municipality’s zoning code is its definition of “family.” Local governments use this provision to limit the number of unrelated persons who may live together in a single dwelling. Unreasonably restrictive definitions may have the unintended or intended (depending on the motivations behind the drafting of the jurisdiction’s definition) consequence of limiting housing for nontraditional families and for persons with disabilities who reside together in congregate living situations. Hoboken defines family as: *Any number of individuals, related by blood, marriage or adoption (or not more than five individuals who are not so related), living together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home prepared and eaten together.*

However, the New Jersey Supreme Court has held that zoning regulations which restrict residency based upon the number of unrelated individuals in a single non-profit housekeeping unit violate the state constitution under substantive due process and right to privacy. Under New Jersey case law, local ordinances defining family must, either on their face or as applied, provide a “functional” standard which is “capable of being met by either related or unrelated persons” equally. *See State v. Baker*, 405 A.2d 368 (1979) (invalidating an ordinance prohibiting more than four unrelated persons from living together); *Borough of Glassboro v. Vallorosi*, 117 N.J. 421, 431 (1990); *Cherry Hill Tp. v. Oxford House, Inc.*, 621 A.2d 952 (N.J. Super. App. Div. 1993). The recommendation is that Hoboken’s limit of up to 5 unrelated persons be excised from the definition and leave maximum occupancy per dwelling as a matter of neutral, space-related safety regulated by the building or housing code rather than the zoning regulations—i.e. limit occupants in relation to floor area or sleeping or bathroom facilities to control overcrowding regardless of biological or legal relationship and not distinguish between related and unrelated occupants as long as the residents live together as a functional family or common household sharing common space, meals, and household responsibilities. Because Hoboken’s definition is contrary to current case law, the City scored a “3/high risk” score on this issue.

The family definition does not distinguish between or treat persons with disabilities differently because of their disability and the zoning code does not separately define community or group living for persons with disabilities or restrict such housing only to certain districts. Under the plain text of the zoning ordinance, housing for individuals with disabilities is allowed in the same manner as housing for other groups of unrelated individuals. The City received a “1/low risk” score on this issue. State law specifically provides that “community residences for the developmentally disabled, community shelters for victims

of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries shall be a permitted use in all residential districts of a municipality, and the requirements therefore shall be the same as for single family dwelling units located within such districts.” (See N.J.S.A. § 40:55D-66.1.) State law protecting community residences from differing zoning treatment applies specifically to licensed community residences. But under New Jersey case precedents cited above, even unlicensed community residences should be afforded the same treatment as long as they pass the “functional relationship” test.

Reasonable Accommodations

Adopting a reasonable accommodation ordinance is one specific way to address land use regulations’ impact on housing for persons with disabilities. Federal and state fair housing laws require that municipalities provide individuals with disabilities or developers of housing for people with disabilities flexibility in the application of land use and zoning and building regulations, practices, and procedures or even waive certain requirements, when it is reasonable and necessary to eliminate barriers to housing opportunities, or “to afford persons with a disability the equal opportunity to use and enjoy a dwelling.” (The requirements for reasonable accommodation under the Americans with Disabilities Act (ADA) are the same as those under the FHA. 42 U.S.C. 12131(2).) However, the FHA does not set forth a specific process that must be used to request, review, and decide a reasonable accommodation.

The City has not adopted a clear and objective process by which persons with disabilities may request a reasonable accommodation to zoning, land use, and other regulatory requirements. Rather persons needing an accommodation may have to rely on the zoning code’s variance process for such matters. The Zoning Board of Adjustment holds the power to hear and decide applications for variances following the public notice and hearing process. This is required for any applicant seeking a variance and is not limited to housing for persons with disabilities. Whereas simple administrative procedures may be adequate for the granting of a reasonable accommodation, the variance procedures subject the applicant to the public hearing process where there is the potential that community opposition based on stereotypical assumptions about people with disabilities and unfounded speculations about the impact on neighborhoods or threats to safety may impact the outcome. Although the FHA does not require a specific process for receiving and deciding requests for reasonable accommodation, as a matter of equity, transparency, and uniformity, it is advisable that local jurisdictions adopt a standardized process.

CHAPTER 9.

FAIR HOUSING ACTIVITIES

FAIR HOUSING RESOURCES

New Jersey was an early adopter of comprehensive fair housing protections, incorporating into its Law Against Discrimination provisions related to real property beginning in the 1960s and frequently updating and amending the Act to expand the vulnerable classes of persons protected and the acts or omissions that constitute a violation. The provisions of the LAD related to housing (N.J.S.A. § 10:5-12) closely parallel Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.* (the “FHAA”). Both prohibit discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions or “otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of” sex, race, color, disability, religion, national origin, or familial status. New Jersey’s Act goes further and also protects based on creed, ancestry, gender identity or expression, affectional or sexual orientation, marital status, pregnancy or breastfeeding status, liability for service in the Armed Forces of the United States, source of lawful income or rent subsidy, or nationality. In 2007, HUD certified the fair housing portions of the LAD as “substantially equivalent” to the FHAA.

HUD provides funding annually through the Fair Housing Assistance Program (FHAP) to state and/or local agencies that partner with HUD to enforce fair housing laws certified by HUD as “substantially equivalent” to the substantive rights, procedures, remedies, and judicial review processes of the FHA. HUD has certified the New Jersey Division on Civil Rights, created by the state legislature, as a participating FHAP agency authorized to investigate, mediate, adjudicate, and otherwise enforce the state and federal fair housing laws.

Under its Fair Housing Initiatives Program (FHIP), HUD also has awarded Education and Outreach Initiative (EOI) and a Fair Housing Organizations Initiative (FHOI) grants to New Jersey Citizen Action. EOI grantees are charged with educating the public and housing providers about their rights and responsibilities under federal fair housing law. FHOI funds are required to be used to help build the capacity and effectiveness of non-profit fair housing organizations, particularly organizations that focus on the rights and needs of underserved groups. The grants can also support state and local organizations that enforce fair housing laws that are equivalent to the FHAA.

New Jersey Citizen Action (NJCA) is a grassroots nonprofit organization that works to empower low- and moderate-income people through research, education and training on public policy issues important to working families and seniors, and is a HUD designated fair housing enforcement agency. NJCA does fair housing enforcement systemically and based on complaints, specifically from individuals in Hudson, Union, Essex, Mercer, Middlesex Monmouth, Somerset, and Ocean counties and also statewide as needed. It offers education and outreach to the public, social service organizations, religious groups and government entities, providing fair housing training and technical assistance to housing providers

throughout the state. The organization also does systemic testing for design and construction violations under fair housing guidelines in rental housing throughout its service areas.

NJCA was allocated \$125,000 in EOI grant funds and \$250,000 in FHOI grant funds in FY 2017. NJCA has pledged to use the grant funds to educate traditionally underserved communities on their rights under the Fair Housing Act and other consumer protection laws; help consumers understand, avoid and report housing discrimination in all its forms; and increase identification and referral of fair housing complaints to HUD and fair housing enforcement organizations.

FAIR HOUSING LAWSUITS AND COMPLAINTS

An individual in Hoboken who believes he or she has been the victim of an illegal housing practice under the FHA or NJ LAD may seek assistance from the Division on Civil Rights or file a complaint with the appropriate HUD Regional Office of Fair Housing and Equal Opportunity (FHEO) within one year of when the discriminatory practice occurred. Typically, once certified, HUD will refer complaints of housing discrimination that it receives to the state or local FHAP agency for investigation, conciliation and enforcement activities. HUD policy favors having fair housing professionals based locally where the alleged discrimination occurred because it has found that a state or local agency's closer proximity to the site of the alleged discrimination provides greater familiarity with local housing stock and trends and may lead to greater efficiency in case processing. Because the Division on Civil Rights is a certified FHAP agency, most complaints filed with the HUD FHEO office will be referred back to the state for investigation and enforcement.

The aggrieved party also may file a lawsuit in federal district court within two years of the discriminatory act (or in the case of multiple, factually-related discriminatory acts, within two years of the last incident). Where an administrative action has been filed with HUD, the two-year statute of limitations is tolled during the period when HUD is evaluating the complaint.

After the Division on Civil Rights or FHEO receives a complaint, it will notify the alleged discriminator (respondent) and begin an investigation. During the investigation period, the agency will attempt through mediation to reach conciliation between the parties. If no conciliation agreement can be reached, the Division/FHEO must prepare a final "Determination" report finding either that there is "reasonable cause" to believe that a discriminatory act has occurred or that there is no reasonable cause. If the agency finds "reasonable cause," HUD must issue a "Charge of Discrimination." If the investigator determines that there is no "reasonable cause," the case is dismissed. The advantages of seeking redress through the administrative complaint process are that the state/FHEO takes on the duty, time, and cost of investigating the matter for the complainant and conciliation may result in a binding settlement. However, the complainant also gives up control of the investigation and ultimate findings.

If a charge is issued, a hearing will be scheduled before an administrative law judge. The ALJ may award the aggrieved party injunctive relief, actual damages, and under the LAD also impose punitive damages. Administrative proceedings are generally more expedited than the federal court trial process.

Housing discrimination claims may be brought against local governments and zoning authorities and against private housing providers, mortgage lenders, or real estate brokers.

Complaints filed with HUD

Region Two of HUD’s Office of Fair Housing and Equal Opportunity (FHEO) receives complaints by households regarding alleged violations of the Fair Housing Act for cities and counties throughout New Jersey (as well as New York). To achieve its mission of protecting individuals from discrimination, promoting economic opportunity, and achieving diverse, inclusive communities, the FHEO receives and investigates complaints of housing discrimination, and leads in the administration, development, and public education of federal fair housing laws and policies.

A request was made to the HUD regional office for complaints received regarding housing units in Hoboken for the previous five-year period. The New York Regional Office of FHEO maintains data reflecting the number of complaints of housing discrimination received by HUD, the status of all such complaints, and the basis/bases of all such complaints.

From January 1, 2013 through October 29, 2018, HUD received seven formal complaints of housing discrimination occurring within the jurisdiction of Hoboken. At the time of response, five cases had been closed and two remained open. Of the closed cases, three were closed after investigation and a no cause determination and two were successfully resolved by conciliation. In the cases resolved by settlement or conciliation, the respondents did not necessarily admit liability, but may have settled to avoid further expense, time, and the uncertainty of litigation. No monetary damages were awarded in any of the closed cases.

TABLE 21 – HUD FAIR HOUSING COMPLAINTS

Case No.	Filing Date	Basis	Issue	Closure Reason
02-15-0627-8	8/20/2015	Disability	Discriminatory acts under Section 818 (coercion, etc.); Failure to make reasonable accommodation	No cause determination
02-15-0635-8	8/31/2015	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation	No cause determination
02-15-0636-8	8/31/2015	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation	No cause determination
02-17-5128-8	10/20/2016	Disability	Discriminatory acts under Section 818 (coercion, etc.); Failure to make reasonable accommodation	Conciliation/ settlement successful
02-18-0011-8	5/15/2018	Familial status	Discriminatory refusal to rent	Open
02-17-6666-8	3/27/2017	Sex	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, etc.)	Conciliation/ settlement successful
02-18-9468-8	3/8/2018	Disability, Retaliation	Discriminatory terms, conditions, privileges, or services and facilities	Open

Source: FOIA Request to HUD Region II Office of Fair Housing and Equal Opportunity

More than one basis of discrimination may be cited in a single complaint. For the survey period, disability was cited in 5 complaints as the basis of discrimination, followed by familial status in 1 case, sex in 1 case, and retaliation in 1 case. Also, more than one discriminatory act or practice, recorded as the discriminatory *issue*, may be cited in a single complaint. For the reported cases, failure to make a reasonable accommodation was an issue cited in 4 cases; discriminatory terms, conditions, privileges, or services and facilities in 4 cases; discriminatory acts under Section 818 (coercion, etc.) was an issue in 3 cases; and discriminatory refusal to rent was cited in 1 case.

Complaints Filed with the New Jersey Division on Civil Rights

A request also was made to the Division on Civil Rights for data reflecting the number of housing discrimination related complaints received by the state regarding housing units in Hoboken. Between January 1, 2013 and November 14, 2018, the Division received five fair housing complaints related to Hoboken and provided the following data regarding the basis of complaint and case status.

TABLE 22 – HUD FAIR HOUSING COMPLAINTS

Case No.	Date	Basis	Closure Reason	Settlement Amount / Award
HJ05MT65573	10/05/2015	Disability (mental)	No probable cause	
HJ05HI65614	10/22/2015	Disability (physical)	No probable cause	
HJ05HI65657	11/05/2015	Disability (physical)	No probable cause	
HJ05MW66270	01/09/2017	Disability (mental)	Satisfactory adjudication	\$4,000
HJ05SW66632	08/31/2017	Sex	Negotiated Settlement Agreement	

Source: New Jersey Division on Civil Rights

Disability was cited in four complaints as the basis of discrimination, followed by sex in one case. As of the date of this report, all cases had been closed—three were closed due to a “no probable cause” determination following investigation; one case was adjudicated leading to a \$4,000 award to complainant; and one case was settled by agreement of the parties.

Fair Housing Lawsuits and Litigation

For the recent five-year period—January 1, 2013 through November 2018—no significant cases or precedential decisions were found regarding allegations of unlawful housing discrimination occurring in Hoboken that resulted in federal litigation, a published HUD ALJ decision/settlement, or a published opinion of the state courts. However, in 2015 the state appellate court decided an important case regarding the validity of a previous version of Hoboken’s Affordable Housing Ordinance, Section 196.68—81 of the City of Hoboken Zoning Code (adopted May 18, 1988, Ord. No. P-6), in light of New Jersey’s FHA and statewide affordable housing policies.

In Fair Share Housing Center, Inc. v. Zoning Board of the City of Hoboken, 441 N.J. Super. 483, 119 A.3d 951 (App. Div. 2015), certif. denied, 224 N.J. 246 (2016), the Appellate Division consolidated four appeals filed to determine the enforceability of Hoboken's previous affordable housing ordinance. Fair Share Housing Center (FSHC) first sued the Hoboken Zoning Board and four developers in 2011 and 2012 for their alleged failure to comply with the ordinance's mandated 10% set aside of new units for low to moderate income families, seniors, and persons with disabilities as required by the city's Affordable Housing Ordinance. The developments in question are located at 1316-1330 Willow Avenue, 1415 Park Avenue, 900 Monroe Street and 1400-1404 Clinton Street. The developers had each received significant variances from the City's zoning regulations which were supposed to be conditioned upon compliance with the affordable housing ordinance. Three of the defendant developers filed counter complaints against the City challenging the constitutionality of the AHO and its enforcement against them.

While these cases were pending, Hoboken repealed Sec. 196.68—81 and adopted a new Affordable Housing Ordinance on October 17, 2012, Chapter 65A of the Code of the City of Hoboken, Ord. No. Z-208. As of the date of this report, there have not been any legal challenges to the validity of the current AHO. However, the previous version remains in effect for development applications either pending approval prior to the enactment of the 2012 version or having received approval under the 1988 version's terms, and accordingly it remains relevant to the FSHC cases.

The trial court found in favor of the developers and on November 9, 2012, overturned the zoning approval conditions imposed by the Zoning Board and held that the affordable housing ordinance was "null, void, and unenforceable." The ruling further enjoined the City from enforcing or imposing "any requirement against the parties to construct affordable housing units and/or collect any monetary contribution related to the affordable housing from the parties."

FSHC and the City appealed. The appellate court consolidated the appeals, and in a July 28, 2015 order overturned the lower court's ruling and held that the Affordable Housing Ordinance and zoning approval conditions related to compliance with its terms were valid and enforceable. The appellate court also expressly upheld the Affordable Housing Ordinance's "payment in lieu" provision, which gives developers the choice to make voluntary payments into the local housing trust fund in lieu of compliance with the ordinance's affordable housing set asides. The appellate court held that although Hoboken's ordinance had not been certified by the state's Council on Affordable Housing (COAH), the "substantive certification" provided by COAH to those municipalities seeking its protection from builder's remedy suits is entirely voluntary, and neither the FHA nor the regulations promulgated by COAH require municipalities to submit all ordinances that impact affordable housing to COAH for approval.

If the proposed developments go through, it could translate to at least 55 new affordable rental housing units in the City.

The Appellate Division remanded the cases back to the trial court to adjudicate other issues raised by the developer defendants. The parties filed their respective motions for summary judgment on September 1, 2017, and the trial court entered consolidated orders on October 16, 2017. The trial court acknowledged that under the Appellate Division's opinion, the AHO was facially valid and enforceable and rejected the defendant developers' compensatory benefits and takings claims. However, the trial court allowed the defendant developers to proceed on their federal selective enforcement claims and estoppel claims,

reasoning that as to the first theory it was significant that “[b]etween the enactment of the Ordinance and today the only developers against whom enforcement was sought are the developers in these cases” and as to the developers’ estoppel claim that “it was reasonable for the developers to believe that the Ordinance would not be enforced against them.”

The City, FSHC, and Hoboken Zoning Board filed similar Notices of Appeal from the trial court’s Orders in November 2017. Defendants filed Notices of Cross-Appeal. The parties completed the briefing phase to the Appellate Division and are awaiting oral argument and a ruling by the Appellate Division. The City anticipates that whatever the court’s decision, the ruling could likely be further appealed to the New Jersey Supreme Court or remanded back to the trial court for further proceedings. Accordingly, resolution of the litigation and potential buildout of the proposed affordable housing units remains indefinite.

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CHAPTER 10.

IDENTIFICATION OF IMPEDIMENTS

Described below are the fair housing issues identified in this Analysis of Impediments, along with their associated contributing factors. Priority contributing factors are those that are most likely to limit or deny fair housing choice or access to opportunity; non-priority contributing factors are likely to also have a causal relationship to the fair housing issue but are less directly or immediately able to remedy the named issue. Recommendations to address priority contributing factors are provided in Table 23, along with associated activities, goals, timelines, and responsible parties.

Impediment 1: Affordable Housing Needs Disproportionately Impact Protected Classes and Contribute to Regional Segregation

The predominant impediment to fair housing choice in Hoboken is high housing costs. Historically, rising rents and home prices contributed to a loss of Latino population in the city since 1990 and to declines in both Latino and African American residents as shares of total population over the last few decades. Stakeholder input indicates that high housing costs are continuing to displace Hoboken residents, including many middle and upper-middle income residents.

Latino households in Hoboken are disproportionately impacted by housing needs, including cost burdens. About 45% of Latino households in the city have one or more problems and 20% have a severe cost burden, meaning that they spend more than one-half of their income on housing. In contrast, just over one-quarter (28%) of white households have one or more housing problems and about one-tenth (10%) have a severe cost burden. These figures mean that Latino households are 1.6 times as likely as whites to have a housing problem and 2.0 times as likely to spend more than one-half of their income on housing. Further, while segregation at the tract level is low in Hoboken, analyses at the block group level reveal moderate segregation between Black and white residents. Stakeholder input and population maps echo this finding, noting that areas in southwest Hoboken – particularly areas that include HHA properties – have higher shares of African American residents than other parts of the city where there is little to no affordable housing.

In addition to impacting Hoboken residents, the lack of housing affordable at a range of incomes also contributes to regional segregation. Elevated housing costs within the city limit access for low and moderate income households, a disproportionate share of which are Black or Latino. While the New York-Newark-Jersey City region became more diverse over the last two decades, the city of Hoboken became less so, and segregation within the region remains high as of 2010.

Hoboken has programs and regulations designed to encourage housing affordability, including a housing authority that administers public housing units and Housing Choice Vouchers, an affordability requirement for new housing development, a rent control ordinance, and PILOT (payment in lieu of taxes) projects with affordable units. However, these approaches have not met affordability needs in the face of rising housing costs and higher-priced new residential development. To more effectively meet the city's challenges, a more robust affordable housing plan is needed. Additionally, several stakeholders

mentioned the need for better information and increased transparency about existing affordable housing programs to better facilitate access for residents.

Impediment 2: Public Housing Residents Have Diminished Access to Opportunity

The Hoboken Housing Authority provides over 1,300 units of public housing for Hoboken residents, the majority of it located on a 17-acre campus in the southwest corner of the city. Two different developments, Andrew Jackson Gardens and Harrison Gardens, are located in this area and another, Monroe Gardens, is adjacent as well. Taken together, these three properties hold 930 housing units for low- and very-low income households. When asked about segregation, stakeholders often described the HHA's campus as being segregated from the rest of the city. The residents themselves, in a focus group setting, described a feeling of being looked down upon by other residents in surrounding buildings. They described feeling isolated in the "back of town" in properties that are not physically or visually integrated into the larger community. Compounding the sense of isolation expressed by HHA residents is the fact that, based on the opportunity indices analyzed in Chapter 5 of this report, this part of the city had disproportionately low opportunity scores for poverty, school proficiency, and job proximity. The low opportunity scores in this part of the city indicate that many Hoboken Housing Authority residents have diminished access to good schools, low poverty neighborhoods, and jobs that are nearby. The Hoboken Housing Authority's residents are also disproportionately people of color, compared with the demographics of the city as a whole.

On the one hand, initiatives to improve the levels of opportunity within this neighborhood would be beneficial and could improve the resources available to residents. On the other hand, initiatives to redistribute the HHA's units into locations more scattered throughout the city could also result in units located in areas with greater opportunity. The HHA provides several types of programming aimed at improving residents' access to resources and a recent financing opportunity under the Rental Assistance Demonstration program could allow the HHA to redevelop its sites with mixed income housing that would diversify the resident income mix and could also allow for the relocation of some units to other locations in the city.

Impediment 3: Accessible Housing Options for People with Disabilities are Limited

In the fair housing survey conducted as part of this analysis, 42.9% of respondents named lack of housing options for people with disabilities as a barrier to fair housing in the region. Over 58% of respondents agreed that either "some more" or "a lot more" housing for people with disabilities is needed in Hoboken. Searches for accessible rental housing using various internet search tools revealed the relative scarcity of units for this population and that properties with accessible housing often had waiting lists for those units. Compounding this scarcity are provisions of Hoboken's zoning code that could have the effect of making accessibility-related home modifications more challenging. Hoboken lacks a reasonable accommodation provision within its zoning ordinance. Such a provision creates a separate administrative process for someone to request accommodation of a disability without the undue burden of following a typical variance process, which is designed for handling special conditions associated with a lot or property rather than for ensuring equal access to housing. A reasonable accommodation process is often quicker, less expensive, and bypasses the public hearing requirements usually associated with a variance request.

Impediment 4: Need for Coordinated Fair Housing Education and Enforcement

A need for ongoing outreach, education, and enforcement regarding fair housing is evident from public input and the results of the fair housing survey. Most stakeholders were able to identify at least one agency or office that serves, in some capacity, as a fair housing resource, including the City's tenant rights advocate, the Waterfront Project, the Hoboken Fair Housing Association, Northeast New Jersey Legal Services, and HUD's field office. However, several stakeholders also noted that there is a need for more coordinated outreach and education about fair housing rights than the City and other agencies currently provide. When asked about their fair housing knowledge in the survey conducted as part of this study, only one-third of respondents report that they understand their fair housing rights (34%); another one-third somewhat understand their rights. The majority (56%) do not know where to file a fair housing complaint. Since becoming an entitlement community, the City of Hoboken has annually provided funding to The Waterfront Project for housing counseling and legal advocacy for low income Hoboken renters facing eviction, harassment, and other unfair and illegal treatment by landlords. While the City should continue providing funding for focused legal assistance to low income tenants, a more comprehensive outreach campaign to inform all residents of their fair housing rights would also help expand local knowledge amongst residents and city and social service agency staff about fair housing rights and resources, including what someone can do if they feel they have faced housing discrimination.

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TABLE 23 – FAIR HOUSING GOALS AND ACTIVITIES

Contributing Factors	Recommended Activities, Goals, and Timeframes	Responsible Parties and Partners
Impediment 1: Affordable Housing Needs Disproportionately Affect Protected Classes		
<p>Present approaches to developing and preserving affordable housing do not meet local needs</p> <p>Rising housing costs and increasingly upscale development displace existing Hoboken residents</p>	<ul style="list-style-type: none"> • Convene a committee or other group of local stakeholders to evaluate and prioritize potential policy and program alternatives for increasing the supply of affordable housing in Hoboken, including the preservation of existing affordable units. The stakeholder group should include representatives from diverse perspectives, possibly to include elected officials, city staff, housing advocates, affordable housing providers, homeless housing or service providers, and others. Based on the committee’s work, present top policy recommendations to City Council for consideration and possible adoption. Possible policy options to be considered include, but should not be limited to: <ul style="list-style-type: none"> a. Increasing the City’s current ten percent affordability requirement for new housing development b. Developing a sustainable source of funding to assist in the development of new affordable housing or preservation/rehabilitation of existing affordable units c. Alternative models such as Community Land or Community Housing Trusts d. Preservation of affordable housing in PILOT projects with soon-to-expire affordability periods e. Rent control program changes to increase tenant access to information about legal rent levels (Q2, 2020) • Separately or within the scope of the above-described committee, identify any existing barriers or loopholes to the enforcement of the City’s inclusionary zoning or anti-warehousing ordinances and procedure or policy changes needed to address them so as to better meet the intents of the laws. (Q2, 2020) 	<p>City of Hoboken</p>
<p>Stakeholders report need for increased transparency and information about available affordable units</p>	<ul style="list-style-type: none"> • Review wait list and tenant selection practices to ensure that they adhere to written policies and procedures. Also review information provided to applicants for affordable housing to identify any possible opportunities to increase transparency regarding application processes, wait lists, and tenant selection. (Q4, 2019) • Develop and keep up-to-date a clear and concise affordable housing resource list that identifies major local providers of affordable housing (e.g., City-regulated affordable rentals, HHA properties, other income-restricted affordable rental properties) and contact information for each. Make available to the public, along with public-facing City staff, social service agencies, and other interested parties. (Q3, 2019 and ongoing) 	<p>City of Hoboken</p> <p>Partner: Hoboken Housing Authority</p>

Contributing Factors	Recommended Activities, Goals, and Timeframes	Responsible Parties and Partners
Impediment 2: Public Housing Residents Have Diminished Access to Opportunity		
Improved neighborhood resources and services need strengthening in neighborhoods with low levels of opportunity	<ul style="list-style-type: none"> • During its next Consolidated Planning process, the City should identify place-based strategies focused on improving physical resources and building human capital in specific, defined high-poverty areas, including southwest Hoboken. <ul style="list-style-type: none"> a. Explore options for collaboration between the City, Hoboken School District, and Hoboken Housing Authority to connect families with local resources for tutoring, after school enrichment, and adult education with the goal of removing students' barriers to learning and increasing student achievement. (Q1, 2020) • Evaluate access to grocery stores and other neighborhood-oriented retail to identify areas with low access to neighborhood-level amenities; consider providing business and entrepreneurial support, including financial and technical assistance, to eligible new or expanding businesses that fill market niches and create jobs for low-income residents. (Q1, 2020) 	<p>City of Hoboken</p> <p>Partners: Hoboken School District Hoboken Housing Authority</p>
Clustering of public housing units on and around the HHA's main campus creates a concentration of poverty	<ul style="list-style-type: none"> • Using the HHA's recently approved RAD conversion as a springboard, seek opportunities to reduce the concentration of poverty that currently exists in southwest Hoboken. <ul style="list-style-type: none"> a. Before beginning the planning for RAD conversion, the HHA should explore the creation of an evaluation tool that could be used to review publicly-funded housing development decisions to maximize equitable outcomes (e.g. the King County Housing Development Consortium's Racial Equity Impact Tool). (Q2, 2019) b. Diversify the income demographics of southwest Hoboken by redeveloping HHA properties to attract new residents from a wide range of incomes. (Q4, 2022) • Consider opportunities to place Project-Based Vouchers from converted public housing units at scattered sites throughout Hoboken where residents have enhanced access to opportunity features including school proficiency, low poverty, and job proximity. (Q4, 2022) 	<p>City of Hoboken</p> <p>Partner: Hoboken Housing Authority</p>

Contributing Factors	Recommended Activities, Goals, and Timeframes	Responsible Parties and Partners
Impediment 3: Accessible Housing Options for People with Disabilities are Limited		
Insufficient accessible housing exists to serve the needs of people with disabilities	<ul style="list-style-type: none"> • Consider opportunities to encourage or incentivize the construction of new accessible housing units for people with disabilities. <ul style="list-style-type: none"> a. When new accessible housing is proposed by a developer, organization, or agency, express support (through letters of support and/or certifications of consistency with the Consolidated Plan) wherever possible. (Ongoing, beginning Q1, 2019) b. Review local funding mechanisms and federal grant sources for opportunities to incentivize development of new accessible housing units. (Q4, 2019) • Meet with local providers of accessible housing and permanent supportive housing to discuss resources available and potential for collaboration on future proposed housing developments. (Q3, 2020) 	City of Hoboken
The City of Hoboken does not have a clear and objective process by which persons with disabilities may request a reasonable accommodation	<ul style="list-style-type: none"> • Consider, draft, and adopt a local code amendment that would provide an administrative alternative to a variance application for people requesting accommodation or modification related to a disability. <ul style="list-style-type: none"> a. Review the City zoning code with planning staff members and consult with community partners as needed to draft potential revisions. (Q3, 2019) • Amend ordinance and policies as necessary to expand housing choice for people with disabilities. (Q1, 2020) 	City of Hoboken
Impediment 4: Need for Coordinated Fair Housing Education and Enforcement		
Stakeholder input and survey responses indicate that more fair housing education is needed for members of the general public	<ul style="list-style-type: none"> • Either using in-house staff – possibly through the City’s Office of Constituent Services – or through a contracted provider, the City should annually design and/or update and coordinate delivery of a fair housing education program that reaches the public with information about fair housing rights and responsibilities, how to recognize discrimination, and how and where to file a complaint. If done in-house, the City should consider working with existing social service agencies in the community to deliver fair housing education programs or materials to populations most vulnerable to housing discrimination. (Ongoing, beginning Q3, 2019) • Continue providing funding for legal advocacy and assistance for low income Hoboken renters facing eviction, harassment, and other unfair and illegal treatment by landlords. 	City of Hoboken