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December 12, 2023

Senator Rachel May

Chair, Cities 2 Committee

Re: Public Hearing on Poverty and Concentrated Poverty in New York's Small and Medium Cities

Dear Senator May:

CNY Fair Housing is a private non-profit organization dedicated to eliminating housing discrimination, promoting open communities, and ensuring equal access to housing opportunities for all people in Central and Northern New York.

Our services include fair housing investigations, enforcement, and litigation on behalf of victims of housing discrimination, education and outreach, and research and technical assistance for municipalities to improve housing opportunity in their communities.

We are based in Syracuse, but our 17-county service area stretches from Binghamton to the Canadian border and is home to more than 2 million people. We are the primary fair housing services provider for 1 out of every 9 people living in New York and one third of the population Upstate.

As a result of our extensive experience working on fair housing issues, I can confidently say that racial and economic segregation is rampant across Upstate New York, it is exacerbated by government policies, and the New York State legislature is not doing enough to combat the prejudice that forecloses housing opportunity for so many New Yorkers.

The Syracuse metropolitan area is the worst in the entire country for racially concentrated poverty. A higher percentage of poor people of color live in economically segregated neighborhoods in Syracuse than in any other city in America. Buffalo and Rochester also rank in the top 10 by these measures.

Upstate New York's worst-in-the-nation segregation and racial concentration of poverty is a result of government policy. From redlining to highway construction to urban renewal, we have a shameful history of using public policy to segregate our communities more thoroughly and more effectively than any private acts of discrimination ever could.

But these patterns are too extreme to persist solely because of policies from the past. Racial and economic segregation in Upstate New York is perpetuated by policies you have the power to change.

Primarily, zoning laws enacted by local municipalities play a determinative role in enforcing patterns of racial and economic segregation in Upstate communities. Onondaga County is home to fewer than half a million people, but its housing market is governed by 34 separate municipal zoning codes. These local laws enforce racial and economic segregation by banning lower-cost housing opportunities such as townhouses, duplexes, accessory dwelling units, and apartment homes from three quarters of all urbanized residential land in the county. The City of Syracuse—home to almost two-thirds of people of color living in Onondaga County—is far more likely to allow these traditionally affordable housing types

than any other municipality in the county. In the surrounding towns and villages only 1% of land is zoned to allow the construction of apartment buildings by right. We often think of these laws as being about the types of buildings that can be built, but fundamentally, they are about who is allowed to live in a community.

These zoning laws don't just constrain the private market's ability to provide a diversity of housing options in well resourced neighborhoods. They also frustrate New York State's efforts to promote fair housing by providing quality affordable housing opportunities in a variety of neighborhoods. When HCR or OMH or any other state agency funds the construction of new affordable housing, local zoning laws funnel most of that new building into the high poverty neighborhoods where it's easiest to get approval to build new multifamily housing.

Because of our inequitable local zoning laws, State spending on affordable housing has worsened racial and economic segregation and the concentration of poverty in Upstate cities like Syracuse.

Where you live matters. When a lack of housing opportunity leads to extreme concentration of poverty, it robs people of educational opportunity, economic opportunity, and social opportunity.

Things do not have to be this way, and you have the power to change them. Land use laws do not need to enforce racial and economic segregation. New York State has an interest in promoting open communities that allow all of its residents to thrive, and the state can and should take action to preempt local zoning laws where they cause segregation.

The state can and should stop spending money on housing in a way that concentrates poverty. Guidelines for Low Income Housing Tax Credits and other programs that fund the construction of new affordable housing should prioritize mixed-income projects in low-poverty communities where there are simply not enough housing opportunities right now.

The best time to make these changes was 70 years ago. The second best time is now. Upstate cities are growing for the first time in decades, and in Syracuse, the Micron announcement promises even more growth. Zoning laws will shape that growth. We need to make sure they create the housing diversity we need in order to create inclusive, thriving communities.

Sincerely,



Sally Santangelo  
Executive Director  
CNY Fair Housing