

REGIONALIZATION AND ACCESS TO FAIR HOUSING IN ERIE COUNTY, NY

Christopher Holtkamp¹, Russell Weaver², Heather R. Abraham³, and Jason Knight⁴

¹Department of Plant and Earth Science
University of Wisconsin-River Falls
River Falls, WI 54022

²Cornell University ILR Co-Lab Buffalo
Buffalo, NY 14203

³School of Law
University at Buffalo
Buffalo, NY 14260

⁴Department of Geography and Planning
State University College at Buffalo
Buffalo, NY 14222

ABSTRACT: *This paper examines how political fragmentation in Erie County, NY, USA impacts the availability of affordable housing and economic opportunity for residents. In the post-World War II era, employment rapidly migrated to the suburbs, resulting in spatial disconnections between extant residential geographies of the principal City of Buffalo and older, inner-ring suburbs, and the emerging economic geographies of second- and outer-ring municipalities. Stated alternatively, the typical distance between workers and workplace steadily increased. As jobs suburbanized, affordable housing opportunities did not, leaving many low-income residents either isolated from new employment opportunities altogether or paying higher transportation costs for employment farther from their homes. Utilizing the 2020 Analysis of Impediments to Fair Housing Access we explore what contributes to this condition, with a focus on how political fragmentation is a key factor. Erie County specifically, and metropolitan areas across the U.S., are characterized by multiple jurisdictions, each with its own regulations, policies, and politics influencing their approach to affordable housing and limiting its construction. This political fragmentation makes it difficult to coordinate meaningful regional action to ensure the provision of affordable housing in proximity to suburban employment opportunities. That difficulty is compounded by federal policies and programs requiring individual municipal grantees to conduct their own (local) fair housing planning, usually independently, which tends to reinforce existing jurisdictional divisions. Understanding factors that contribute to lack of affordable housing can contribute to more effective strategies to mitigate those barriers and improve connection between affordable housing and economic opportunity.*

Keywords: *Affordable Housing, Political Fragmentation, Regionalization, Erie County, NY*

INTRODUCTION

The concepts of place and scale are deeply embedded in geography (Tuan 1975; Sheppard and McMaster 2008; Cresswell 2014). However, they are less visible in the study of housing (Easthope 2004). This failure to address issues of place and scale has reduced the capacity to better understand—and, more importantly, effectively address—housing challenges facing many communities in the United States. Our nation’s approach to housing is driven primarily by local jurisdictions through zoning and development regulations. This local focus creates a geographic mismatch between affordable housing and jobs when jurisdictions adopt restrictive policies limiting affordable housing development (Aurand 2007). It becomes an issue of scale: while housing markets function at a regional level, development control occurs at the smaller scale of individual political entities.

Local governments have strong “home rule” characteristics, where local jurisdictions have nearly complete control over issues of land use, zoning, development policy, and related regulations. Home rule also reinforces a competitive environment where jurisdictions strive to “bolster their tax bases and ensure a high level of public service provision” (Carruthers 2003). This results in suburbs limiting multi-family development and other lower-cost housing options as they are viewed as requiring more public services and not providing sufficient tax revenue. It also means that suburbs are competing for job creation, using tax incentives and other subsidies to lure employment from the

urban core (Goodman 2019). This results in economic opportunity being disconnected from housing as restrictive policies limit the development of affordable housing (Powell 2003).

Although a body of research exists examining the role of political fragmentation on urban issues, including affordable housing, sprawl, economic development, and related issues, limited research exists focusing on a single municipal region. Focusing on Erie County, NY allows us to understand how political fragmentation affects affordable housing in one metropolitan area rather than make broad generalizations using national data. Data from the *2020 Analysis of Impediments to Fair Housing Choice* (AI) developed for Erie County allows a thorough understanding of housing and economic geographies across the county and how political fragmentation is contributing to the mismatch between affordable housing and jobs.

In 2020, multiple local entities in Erie County, NY, attempted a new regional approach using the *2020 Analysis of Impediments to Fair Housing Choice* (AI), a then-federally mandated report for any entity receiving funding through the federal Department of Housing and Urban Development (HUD). The collaborating entities included Erie County, the City of Buffalo, the towns of Amherst, Cheektowaga, Hamburg, Tonawanda, and a consortium of other HUD recipients in the county. The goal was to identify impediments to fair housing across jurisdictions to increase affordable housing availability to Erie County residents. This document serves as a primary resource for this research and provides evidence supporting the argument that political fragmentation is a key challenge. Despite efforts at regional coordination, it is difficult to overcome 70 years of suburbanization and resulting political fragmentation that has resulted in the geographic mismatch between affordable housing and economic opportunity. This research is an effort to understand the role that plays and being discussion on strategies to address it.

The Process and Impact of Suburbanization

The incorporation of suburban communities into their own jurisdictions allows for continued social and economic segregation of the suburbs through control over land use, infrastructure, and, often, schools (Mills, Epple, and Vigdor 2006). In the 19th century, cities typically annexed development on the periphery, expanding their boundaries as populations grew. This pattern began to change in the 20th century, especially after World War II (Jackson 1985). Suburban communities chose to incorporate in direct response to residents' desires to insulate themselves from urban phenomena of blight, declining property values, and (often) racial integration (Weaver et al. 2016; Rothstein 2017).

After World War II, U.S. suburbs expanded precipitously, as predominantly white middle- and upper-class homeowners took advantage of new federally backed mortgages and government investments in infrastructure outside inner cities (Beauregard 2006). Newly organized suburban communities incorporated to protect themselves from annexation by neighboring cities and ensure local control over policies like exclusionary zoning to restrict low-income housing (Lassiter and Niedt 2013). Although the Supreme Court prohibited race-based zoning in 1917, suburban communities used the 1926 Zoning Enabling Act to adopt economically restrictive zoning by requiring large minimum lot sizes and prohibiting or limiting multi-family developments (Rothstein 2017). New suburbs enacted these policies as a means of excluding low-income and minority residents, thereby pushing the burden of lower-cost housing onto the principal cities. Many exclusions were implicitly racialized (while other private exclusions like deed restrictions were explicitly racialized), as most suburbs were established by and for white residents (Serkin and Wellington 2016). Federal policies enacted by the Federal Housing Administration prohibited or at least discouraged mortgage originations in minority neighborhoods, thereby reinforcing racial segregation as explicit government policy (Kimble 2007; Rothstein 2017). Reflecting path-dependencies of these choices, and despite the 1968 Fair Housing Act and the adoption of state and local policies regulating access to affordable housing, suburbs remain whiter, wealthier, and insulated from substantial affordable housing development, even as inner-ring suburbs have grown more economically and racially diverse. (Jackson 1985; Lewis-McCoy 2018).

Throughout history, households with financial resources have sought to segregate themselves from lower economic classes and the “nuisances” of city life through physical separation (Carruthers and Ulfarsson 2002; Smith, 2019). Legal capacity to incorporate reinforced the physical separation by allowing middle- and upper-class residents to create their own municipalities with regulations designed to protect their lifestyles and investments in their property while excluding those who may be different (Jackson 1985; Mills, Epple, and Vigdor 2006; Rothstein 2017). Many suburban communities adopted strict land use regulations, which continue to “...limit housing supply below competitive levels and contribute to high house values, especially in desirable neighborhoods” (Mills, Epple, and

Vigdor 2006). By limiting opportunities to build multi-family housing, small lot single family, and other forms of housing, suburbs could maintain racial and economic segregation (Carruthers 2003; Rothstein 2017).

These suburban communities were very different from the older cities in that they were designed to protect single-use zoning and an automobile-based transportation system. Grid street networks were replaced with a hierarchical pattern where “cul-de-sacs and other small residential streets feed into larger residential streets, which in turn feed into larger, higher volume ‘collector’ roads ...” (Gallagher 2013). Segregation of land uses “demonstrably increase commuting distances by segregating work and residential locations” (Mills, Epple, and Vigdor 2006). Lack of transit connections meant new employment in the suburbs was often inaccessible to lower-income residents of the urban core, contributing to convergent tendencies of spatial and economic isolation for households in principal cities.

Another consequence of exclusionary zoning in emerging suburbs is that the predominant housing type became single-family homes on relatively large lots. Such housing situations are notoriously not equally or equitably accessible to all potential households, again reinforcing growing (intentional) patterns of racial and economic segregation (Rothstein 2017; Barnett 2020). Suburban growth was encouraged by easier development processes and regulations and the ability to acquire larger parcels of land not available in the more developed urban core (Carruthers and Ulfarsson 2002).

A result of the incorporation of suburbs is political fragmentation across metropolitan areas. Rather than having a single governing entity with uniform policies and regulations, a patchwork of home rule cities exists, each responding to the political, cultural, and economic values of its residents. Additionally, this often leaves the principal city landlocked and unable to annex new development to increase tax revenues and assets. This results in an aging housing stock, which is often the most affordable housing, meaning these cities tend to bear an undue burden to provide low-cost housing even as economic opportunities migrate outward. As will be discussed below, this fragmentation makes coordinated action to address regional challenges, especially housing, very difficult. Erie County, with 40+ jurisdictions and a landlocked primary city, is an example of the challenges political fragmentation represents.

At the start of the 21st century, more Americans lived in the suburbs than in central cities and rural areas combined (Hayden 2003). Even as inner cities continued to play an important role in social and economic life, more activity and employment followed the rooftops to suburban locations. Despite trends toward re-urbanization in the early 2000s and especially after the recession of 2008 (*e.g.*, Leigh Gallagher’s *The End of Suburbia* 2013), suburbs have continued to be the destination of choice for many Americans and have continued to grow, even as some inner cities have revitalized.

Study Area: Erie County, NY

The City of Buffalo was the eighth largest city in the United States at the turn of the 20th century. It remained an economic powerhouse through World War II. After the war, population and employment migrated to the suburbs in the white flight exodus discussed above (U.S. Census n.d.). As late as 1970, Erie County continued to grow even as the City of Buffalo lost population, with suburban communities having the majority of the population of the County (Buffalo News 1997). As middle- and higher-income residents left Buffalo for the suburbs, poverty became increasingly concentrated. The concentration of poverty was exacerbated by declining revenues and increasing demand for social services which contributed to declining quality of life and an increased push for those who could relocate to the suburbs.

A crucial factor that exacerbated Buffalo’s decline was its inability to annex newly developed land at its borders, because it was encircled by incorporated municipalities prior to post-World War II suburbanization. As growth moved outward, Buffalo simply could not annex additional land, an action it last took in the 1860s (Jackson 1985). Even as the population expanded prior to World War II, Buffalo’s corporate limits did not. David Perry, then Director of the University of Buffalo’s Center for Regional Studies, explained, “This place has bunkered itself” by allowing suburban communities to essentially landlock Buffalo and keep it from annexing new development and potential revenue sources (Buffalo News 1990). It is important to note that unilateral annexation is prohibited by the New York State Constitution (N.Y. Const. art. IX, § 1(d)). In other words, surrounding jurisdictions must approve the expansion of Buffalo’s city limits, which provides suburbs with a veto over Buffalo’s annexation (Rusk 2006). Thus, the city’s choice to eschew annexation might be less of a blunder—as Perry’s statement seems to suggest—and more

a result of political calculus that determined costs of attempted annexations outweighed any potential benefits (given the likelihood that attempted annexations would be met with resistance from targeted communities).

Between 1970 and 2010, Erie County's population decreased, driven by continued decline in the City of Buffalo and its inner-ring suburbs. Even as some suburban communities and rural areas grew, Erie County lost nearly 200,000 residents across four decades. This contraction led to more residential vacancy, especially in Buffalo, and corresponding blight and overall sense of decay (Bartolotta 2011; Weaver 2013). Despite population shrinkage, however, market-rate housing development continued, particularly the construction of single-family homes in the outer suburbs and rural areas. This pattern served to concentrate poverty in the City of Buffalo and its inner-ring suburbs, maintaining the exclusivity of the outer suburbs (Hollander and Cahill 2011). The 2020 Census showed some good news, as the population increased from 919,040 in 2010 to 954,236—and even the City of Buffalo increased from 261,310 to 278,349 over the decade (U.S. Census n.d.)—but the region remains characterized by concentrated, racialized urban poverty and relatively affluent white suburbs (Erie County 2020).

The pattern of urban decline and suburban growth seen in Erie County over the middle of the 20th century is not unique. The overall population decline the County experienced between 1970 and 2010 mirrors trends across the Rust Belt. One characteristic contributing to this pattern is the proliferation of jurisdictions and the incorporation of suburban communities, making regional governance much more difficult (Weaver et al. 2016). In Erie County, there are 44 jurisdictions, each empowered with home rule authority to develop their own land use laws and regulations, making it difficult to enact regional solutions to regional challenges. With respect to municipalities (i.e., general purpose local governments), a County of just under 920,000 residents contains three cities (Buffalo, Lackawanna, and Tonawanda), 25 towns, and 16 villages.

Consistent with American urban development tendencies toward intergovernmental competition (as opposed to regional cooperation), political fragmentation leads to uneven patterns of economic development – characterized by pronounced patchiness in job creation and employment opportunity (e.g., Kantor 2010). Employment growth since World War II has been in the outer suburbs and unincorporated areas of Erie County, leaving many residents without convenient accessibility. In 2018, 58% of Erie County jobs could only be accessed by those with an automobile, and transit service is focused on the City of Buffalo and inner ring suburbs with express service for conventional 8 am to 5 pm employment. Those without a car or who work varying hours struggle with access to employment (Magavern et al. 2018). This outcome follows the patterns seen in other regions as employment moves to the suburbs because of excessive land use regulations and the movement of customers and employees to the suburbs (Mills, Epple, and Vigdor 2006).

Methods

In order to understand patterns of access to affordable housing and the relationship to economic opportunities, we draw on the most recent *Analysis of Impediments to Fair Housing Choice* (AI) developed for the City of Buffalo, the towns of Amherst, Cheektowaga, Hamburg, and Tonawanda, and Erie County (Erie County 2020). The AI is an explicit effort to address the challenges of political fragmentation by coordinating the assessment of affordable housing and impediments across the entire county. We also look to previous AI documents to determine patterns of impediments. The purpose of the analysis is to understand how political fragmentation across Erie County may be contributing to a concentration of affordable housing in the City of Buffalo and a disconnect between affordable housing and economic opportunity across Erie County.

Until 2020, completing an AI was required for all communities that receive funding from the United States Department of Housing and Urban Development (HUD) (Restoring Affirmatively Furthering Fair Housing Definitions and Certifications, 86 Fed. Reg. 30,779, 30,782 (June 10, 2021)). In Erie County, the City of Buffalo, along with the towns of Amherst, Cheektowaga, Hamburg, and Tonawanda, are HUD entitlement grantees, meaning they receive funding directly from HUD. Additionally, Erie County is its own entitlement community, referred to by HUD as an “Urban County,” meaning that it administers funding for 34 non-entitlement municipalities in the County. Jurisdictions receiving Community Development Block Grant (CDBG) funding from HUD are required to “affirmatively further fair housing” (AFFH) (42 U.S.C. 3608; 24 C.F.R. § 5.151). The term “AFFH” is defined by HUD as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” (24 C.F.R. § 5.151). The grantees’ multi-jurisdiction collaboration on the 2020 AI is an indication that interest exists in developing a regional approach to housing affordability and access. However, as will be

discussed, this has not resulted in meaningful action to effect change in policies and practices that limit affordable housing development. Although regulatory changes at HUD have eliminated the Analysis of Impediments as a federally mandated report, jurisdictions are still obligated under law to “affirmatively further fair housing,” (Abraham 2022; Abraham et al., 2022), and such reports remain meaningful data sources for examining conditions of affordable housing, and the policies and practices that contribute to those conditions.

DISCUSSION

Impediments to Affordable Housing

As the data presented above indicates, significant economic and housing segregation exists across Erie County, exacerbated by political fragmentation. Suburban jurisdictions have fewer multi-family units, more job opportunities, and higher rents, as well as residents with higher incomes than the urban core of the County. In addition, the majority of public housing units are located in the City of Buffalo. This concentration of public housing is another indication of how the affordable housing burden falls disproportionately on the City of Buffalo, while leaving low-income residents separated from employment in the suburbs.

As documented in the most recent Analysis of Impediments, a variety of conditions exist that contribute to the lack of affordable housing in suburban jurisdictions. It is important to note this is not a new issue; a review of prior AIs shows a pattern of policies and practices that have limited affordable housing in the suburbs for decades. The effects of NIMBYism are reflected both in resistance to proposed housing projects in suburban communities and through elements of zoning ordinances and other regulations. As discussed above, one of the primary reasons for suburban incorporation was to protect higher-income, largely white residents from urban nuisances and lower-income neighbors. Exploring these impediments is an area of future research to build on their contributions to patterns of housing availability discussed here.

The most common barrier to affordable housing in the suburban communities of Erie County is restrictive zoning. Other impediments include large lots, parking requirements, and architectural reviews that contribute to higher costs for development and limit opportunity for multi-family options. Another key issue is the lack of land zoned for multi-family in suburban areas. In one town, only 2.3 percent of land is zoned for multi-family, while in another, there are only two parcels that allow for multi-family housing. These are not new, a review of Analyses of Impediment reports back to 2008 for HUD grantees in Erie County shows the same issues, yet no meaningful action was taken to mitigate them. This is another indication of how a lack of regional coordination and the inability to require action from independent jurisdictions restrict the ability of Erie County to improve access to affordable housing.

Municipal independence is grounded in home rule, which allows for local control over local matters with limited opportunity for the state to intrude (Cole 1985). ‘The ability of local governments to regulate land use without regard to extraterritorial impacts encourages municipalities to act in narrowly self-interested ways...’ (Stahl 2016). Exclusionary zoning is a common example as suburban communities utilize local ordinance power to restrict unwanted land uses such as affordable housing. Some states have made efforts to address home rule by requiring cities to allow for housing development. California, among other states, has a fair share law yet still struggles to achieve the stated goals, with local municipalities consistently underperforming in allowing adequate development. This is because of a lack of enforcement mechanisms and poor incentives to achieve compliance (Agatstein 2015). The power of home rule ensures that suburbs can continue with policies that exclude affordable housing even in the face of state action.

Another impediment is the lack of transit connecting residents of the urban core to suburban employment. Suburban communities often resist transit connections because of the perception that they will attract low-income people and increase crime (Allen 2018). The lack of regional governance allows these jurisdictions to remain isolated from transit, which limits access to jobs for lower-income people. Transit in the City of Buffalo and its inner-ring suburbs is provided by Niagara Frontier Transit Authority (NFTA) and offers frequent service throughout Buffalo and the urban core, with most low-income residents living within ½ mile of a transit stop. Transit in the suburbs is limited, with para-transit service for elderly and disabled residents, but limited options for others. This lack of availability of transit services further isolates opportunities from low-income residents and makes it even more impactful that limited affordable housing exists in the suburbs.

Community sentiment and political resistance to affordable housing also limit the opportunity for housing diversity. As discussed, residents moved to the suburbs to escape urban issues and maintain separation by class, and they oppose efforts to change that through the provision of affordable housing. Because of political fragmentation, these residents control the political apparatus and can impose policies to limit undesired development. Suburban landlords were also found to be less willing to accept housing vouchers (Patterson and Silverman 2011). Although Erie County adopted a new law to prohibit source-of-income discrimination, the law is too new to have a noticeable effect at this time.

Political fragmentation contributes to these impediments through a lack of cooperation, as well as interest in maintaining the status quo. Each jurisdiction wants to promote economic development while minimizing perceived negatives like affordable housing. This leads to policies discussed above that limit affordable housing and unequal opportunity across Erie County (Erie County 2020). The AI is useful in identifying these challenges; however, it has essentially no enforcement mechanism to require action be taken to mitigate identified issues. This is indicated by the same issues being identified in AI’s going back to 2008. Without a structure of regional coordination and some mechanism to require change, suburbs can continue to implement policies that limit affordable housing.

Political Fragmentation

Despite efforts at regional coordination in the development of the AI, political fragmentation remains an issue in implementing the plan’s recommendations. As discussed, there are 44 independent jurisdictions each with its own political, economic, and social values. The suburban communities have the benefit of economic development, higher incomes, and higher value housing and want to maintain that. Home rule allows them to adopt policies that maintain the status quo and leave the burden of affordable housing to other jurisdictions.

Political fragmentation can be considered in two realms. The first is *horizontal fragmentation*, in which there are a number of independent political jurisdictions (e.g., cities, towns, villages) adjacent to one another within a region (Boyne 1992). The other is *vertical fragmentation*, in which multiple forms of government overlap (e.g., special districts, etc.) with different responsibilities, taxing authorities, and regulatory powers (Deslatte, Feiock, and Wassel 2017). In this research, we focus on the *horizontal fragmentation* in Erie County, where the core city of Buffalo is surrounded by incorporated suburbs and towns with their own policies and practices.

Despite evidence indicating political fragmentation has a negative effect on the availability of affordable housing, a study published in 2007 by Andrew Aurand found that fragmentation *increased* the supply of affordable housing in the region but did not affect the distribution. As residents moved from the urban core to more expensive suburbs, they left behind older, denser housing that was more affordable to lower-income residents. However, distribution of affordable housing is critical to ensure low-income residents have access to employment. As our research shows, political fragmentation in Erie County results in a significant geographic disconnect between affordable housing and employment, leaving low-income residents of the region isolated from economic opportunity. In Erie County, the AI provides detailed analyses of housing and economic patterns which are discussed below and support the challenge created by political fragmentation.

In addition to differences in growth rates and population change across the jurisdictions in Erie County (discussed above), a disparity in incomes also exists (see Table 1). Residents in the City of Buffalo and the towns of Cheektowaga and Tonawanda (the jurisdictions that saw population declines prior to 2010) have a significantly higher percentage of residents making less than \$25,000.00 and far fewer making over \$150,000.00. This indicates that poverty is concentrated in the urban core and older inner-ring suburbs. Unemployment rates show a similar pattern, with higher rates in the City of Buffalo, Cheektowaga, and Tonawanda and lower rates in the outer ring suburbs and urban county jurisdictions (U.S. Census n.d.).

Table 1: Household Income by Jurisdiction

| Jurisdiction | % < \$25,000 | % > \$150,000 |
|---------------------|--------------|---------------|
| City of Buffalo | 39.2% | 4.4% |
| Town of Amherst | 18.2% | 17.7% |
| Town of Cheektowaga | 21.7% | 4.3% |
| Town of Hamburg | 16.6% | 10.7% |
| Town of Tonawanda | 24.0% | 9.1% |
| Urban County | 16.5% | 11.8% |

Despite higher rates of unemployment, a significant number of low-wage jobs are concentrated in the urban core and accessible to residents with existing transit networks. However, nearly 20% of residents in poverty have low access to employment, with another 18% having medium – low access to even low-wage jobs. Given patterns of employment and access to higher wages, skilled jobs were even more limited for low-income residents, which contributed to the concentration and continuation of poverty in the urban core (Hess 2005). This is supported by the Partnership for the Public Good report indicating that economic opportunity has moved out of the City of Buffalo and left many residents without access, especially to higher-wage jobs (Partnership for the Public Good 2018; Analysis of Impediments to Fair Housing Choice 2020).

The structure type of housing also varies by jurisdiction (Table 2). Generally, multi-family housing is a more affordable option, and, as discussed above, suburban communities are more restrictive of multi-family development resulting in significantly higher amounts of multi-family housing in the urban core, which is what is seen across Erie County. One possibly surprising fact is that between 2000 and 2017, the number of single-family attached, duplexes, triplexes, and fourplexes across Erie County declined. This was largely from demolition in the City of Buffalo, where detached single-family homes as a percentage actually increased across the timeline. The loss of these higher-density housing types (often called ‘missing middle’) may be an indication that as areas of Buffalo begin to redevelop, more affordable housing options are being lost and replaced by less affordable homes. Despite this change, most multi-family housing is still found in the urban core. As will be discussed, many of the suburban jurisdictions across Erie County have restrictive policies on multi-family development, and the data in Table 2 highlights the results of those policies. This is a further indication that political fragmentation contributes to housing affordability issues by discouraging multi-family development in home rule suburbs.

Table 2: Housing by Structure Type

| Jurisdiction | Single Family (Attached / Detached) | Multi-Family | Manufactured Home / Other |
|---------------------|---|--------------|------------------------------|
| Erie County (total) | 61.3% | 37.3% | 1.6% |
| City of Buffalo | 36.6% | 63.1% | 0.3% |
| Town of Amherst | 67.8% | 32.1% | 0.1% |
| Town of Cheektowaga | 65.3% | 32.0% | 1.7% |
| Town of Hamburg | 72.6% | 24.3% | 3.1% |
| Town of Tonawanda | 72.4% | 27.2% | 0.4% |
| Urban County | 76.3% | 21.1% | 3.6% |

The clearest indication of the lack of access to affordable housing is to look at median rents across Erie County. Table 3 shows the HUD Fair Market Rent and the gross rent for a three-bedroom apartment across the jurisdictions. Median rents across the County are below the HUD Fair Market Rent (for the most part); however, rents have been rising faster than incomes, which is contributing to the high percentages of residents being considered cost-burdened. The highest rents are in Amherst and Hamburg, with the lowest in the City of Buffalo. This is because of the fewer multi-family options in those areas, along with what is available being newer construction with better community amenities. Despite availability of lower-cost options, the percentage of residents who are considered cost-burdened (paying more than 30% of income for rent or mortgage) is significantly higher in Buffalo than in surrounding jurisdictions, meaning incomes are still not enough to cover typical rents. It is another indication of the economic segregation that occurred with suburbanization and the policies of excluding lower-income residents. Political fragmentation allows suburbs to prohibit development of lower-cost housing and promote economic growth, contributing to the isolation of lower-income residents in the urban core.

Table 3: Median Rent Three-bedroom apartment

| | HUD Fair Market | City of Buffalo | Erie County | Cheektowaga | Tonawanda | Hamburg | Amherst |
|----------------|--------------------|-----------------|-------------|-------------|-----------|---------|---------|
| Median Rent | \$1,051 | \$798 | \$844 | \$857 | \$903 | \$1,053 | \$1,201 |

As discussed above, political fragmentation exacerbates the disparities in development across the County. Each suburb is competing with others for employment opportunities, often recruiting them from Buffalo or inner-ring suburbs with offers of tax abatements, etc. The following section describes how the AI is useful in highlighting the disparities created by each jurisdiction acting in its own interest. By focusing on attracting employment while limiting affordable housing development, suburbs have contributed to the concentration of poverty in the inner-city and isolated low-income residents from opportunity.

Attempts at Regional Collaboration

Despite these challenges, local jurisdictions collaborated to release a regional AI in 2020. By working across jurisdictional boundaries, the AI provided housing advocates, city, county, and town staff, elected officials, and others with a more complete picture of housing availability across Erie County and how policies, regulations, and practices in the individual jurisdictions contribute to existing patterns. However, just conducting the AI will not change conditions unless each jurisdiction implements the recommendations identified in the plan. Without an enforcement mechanism, there is limited incentive to do so. Despite regional collaboration in developing the AI, the same incentives discussed above continue to limit meaningful action to affect change. Additionally, with HUD moving on from the AI as a policy tool, there is even less incentive to address issues identified in the report and change practices to mitigate impediments to housing. The regional AI marks a good first step; however, it will take more than just a report to overcome political fragmentation as an impediment.

In 2018, Erie County adopted the Erie County Fair Housing Ordinance, which prohibits housing discrimination based on race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status, or immigration and citizenship status. Importantly, it explicitly protects residents from discrimination based on source of income, which means landlords cannot exclude renters using vouchers or other forms of assistance to pay rent. This is identified in the AI as an impediment, particularly in suburban communities, to keep low-income renters from accessing housing. Additionally, every jurisdiction is required to appoint a Fair Housing Officer who must attend training every three years focused on addressing fair housing complaints and issues. Because this ordinance is still new, it is unclear the impact it will have on addressing impediments to fair housing at this time.

The State of New York is also considering action to address housing challenges. A bill is under consideration in the state legislature that would overrule local zoning regulations to allow for accessory dwelling units (Regional Plan Association 2021). This law, while not explicitly intended to create affordable housing, would allow property owners to build accessory dwelling units by right, even in single-family districts, with the intention being to expand rental options in established neighborhoods. “Regulated, scattered-site ADUs may represent a viable strategy for producing affordable housing in places where race and class segregation, exclusionary zoning, and geographic limits to growth make the development of multi-family units difficult” (Anacker and Niedt 2019). This type of legislation passed in California in 2017 and is credited with expanding ADUs in areas of the state which had been very restrictive in their zoning policies (Garcia, Tucker, and Schmidt 2020). Were the proposed bill to pass, it may have a similar effect in providing additional affordable rental units in suburban Erie County.

CONCLUSIONS AND FURTHER RESEARCH

Despite efforts to address access to affordable housing across Erie County, significant challenges remain. One of the most significant is the lack of a coherent regional strategy to ensure balance between economic opportunity and affordable housing. A prime cause of this imbalance is political fragmentation, which inhibits common action. Suburban communities have minimal incentive to change exclusionary zoning ordinances and other policies that restrict multi-family and other low-cost options because the residents are happy with the status quo. In addition, by restricting affordable housing, they leave the responsibility for the social and economic costs to the City of Buffalo and its inner-ring suburbs to operate and manage public housing and other affordable options. This is despite receiving grant funding and other assistance from Housing and Urban Development that is intended to support access to affordable housing and improve quality of life for lower-income residents (Erie County 2020). The new Erie County Fair Housing Ordinance may reduce discrimination against voucher holders, thereby increasing access to affordable housing in suburban areas. However, for a variety of reasons, non-discrimination laws alone are insufficient to overcome the structural barriers to affordable housing found in the suburbs, like exclusionary zoning.

An opportunity for further research is to explore cities and counties that have taken a regional approach to housing access. The Metro Council that serves the Minneapolis-St. Paul region and Oregon Metro in Portland, Oregon are two examples. Whereas Erie County has limited regional coordination, these metros have explicit policies to support affordable housing development across jurisdictions. Studying these regions would provide insight into whether having an empowered regional governance structure results in a more equitable distribution of affordable housing in proximity to economic opportunity. The State of California has a state law that mandate fair share housing policies which require every jurisdiction to develop affordable housing through the Regional Housing Needs Assessment program. As discussed, this law may have limited efficacy; however, further exploration may offer insight into policies that can address limitations. Research into regional approaches may offer insight into policies that can mitigate impediments and ensure access to affordable housing in all Erie County jurisdictions.

Access to affordable housing is an enormous challenge. Changing development patterns have exacerbated this as economic opportunity has moved to the suburbs, where housing access is often restricted. In Erie County, housing policy is dispersed across 40+ jurisdictions, each with its own regulations, practices, and local politics. This results in a disconnect between affordable housing and economic opportunities. It also means the City of Buffalo shoulders a disproportionate burden as the primary provider of affordable housing. Without addressing political fragmentation, it will be very difficult for Erie County to ensure fair access to affordable housing for all its residents.

Author Notes: Jason Knight, Christopher Holtkamp, and Russell Weaver prepared the 2020 Analysis of Impediments to Fair Housing for the six grantees in Erie County.

REFERENCES

- Abraham, H.R., 2022. Segregation Autopilot: How the Government Perpetuates Segregation and How to Stop It. *Iowa Law Review* 107:1963-2025.
- Abraham, H.R., Knight, J., Weaver, R., and Holtkamp, C. 2022. Just a “Planning Rule”: Enforcing the Duty to Affirmatively Further Fair Housing. *Journal of Affordable Housing & Community Development Law*, 31: 203-225.
- Agatstein, J. 2015. The Suburbs' Fair Share: How California's Housing Element Law (and Facebook) Could Set a Housing Production Floor. *Real Estate Law Journal* (Forthcoming), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2592020.
- Allen, D. 2018. *Lost in the Transit Desert: Race, Transit Access, and Suburban Form*. New York: Routledge.
- Anacker, K., and Niedt, C. 2019. Classifying Regulatory Approaches of Jurisdictions for Accessory Dwelling Units: The Case of Long Island. *Journal of Planning Education and Research*. June: 1-21.
- Erie County, New York. 2020. *Analysis of Impediments to Fair Housing for the City of Buffalo, NY; Town of Amherst, NY; Town of Cheektowaga, NY; Town of Hamburg, NY; Town of Tonawanda, NY; and Urban County of Erie County, NY*.
- Aurand, A. 2007. The Impact of Regional Government Structure on the Concentration and Supply of Affordable Housing. *Housing Policy Debate*. 18(2): 393-430.
- Barnett, N. 2020. *Designing the Megaregion: Meeting Urban Challenges at a New Scale*. Washington, DC: Island Press.
- Bartolotta, C. 2011. The Decline of Buffalo, New York in the Postwar Era: Causes, Effects, and Proposed Solutions *History Theses* 4.
- Beauregard, R. A. 2006. *When America Became Suburban*. Minneapolis: University of Minnesota Press.

Boyne, G. 1992. Local Government Structure and Performance: Lessons from America? *Public Administration*. 70: 333–57.

Buffalo News. 1990. Is it Too Late for Buffalo to Annex? *Buffalo News*. October 21, 1990. https://buffalonews.com/news/is-it-too-late-for-buffalo-to-annex/article_448c377c-7b03-5741-a5c8-f8be29449ee2.html. (Accessed February 13, 2022).

_____. 1997. Is There a Suburban Market for Housing in the City of Buffalo? *Buffalo News, M&T Bank, Center for Urban Studies*. <https://ubwp.buffalo.edu/aps-cus/wp-content/uploads/sites/16/2015/07/Is-There-Market-for-Suburban-Housing-in-Buffalo-New-York.pdf>. (Accessed January 5, 2022).

Carruthers, J. 2003. Growth at the Fringe: The Influence of Political Fragmentation in United States Metropolitan Areas. *Papers in Regional Science*. 82: 475-499.

Carruthers, J., and Ulfarsson, G. 2002. Fragmentation and Sprawl: Evidence from Interregional Analysis. *Growth and Change*. 33(2): 312-340.

Cole, J. 1985. Constitutional Home Rule in New York: “The Ghost of Home Rule.” *St. John’s Law Review*. 59(4): 713-749.

Cresswell, T. 2014. *Place: An Introduction*. West Sussex, UK: John Wiley & Sons.

Deslatte, A., Feiock, R., and Wassel, K. 2017. Urban Pressures and Innovations: Sustainability Sommitment in the Face of Fragmentation and Inequality. *The Review of Policy Research*. 34:700-24.

Gallagher, L. 2013. *The End of the Suburbs: Where the American Dream is Moving*. New York: Penguin.

Garcia, D., Tucker, J., and Schmidt, I. 2020. *Single-family Zoning Reform: An Analysis of SB 1120*. University of California Berkeley Turner Center for Housing Innovation: Berkeley, CA.

Goodman, C.B. 2021. Political Fragmentation and Economic Growth in US Metropolitan Areas. *Journal of Urban Affairs*. 43(9): 1355-1376.

Hayden, D. 2003. *Building Suburbia: Green Fields and Urban Growth, 1820-2000*. New York: Vintage Books.

Hess, D. 2005. Access to Employment for Adults in Poverty in the Buffalo-Niagara region. *Urban Studies*. 42(7): 1177-1200.

Hollander, J., and Cahill, B. 2011. Confronting Population Decline in the Buffalo, New York, Region: A Close Reading of the “Erie-Niagara Framework for Regional Growth.” *Journal of Architectural and Planning Research*. 28(3): 252-267.

Jackson, K. 1985. *Crabgrass Frontier: The Suburbanization of the United States*. New York: Oxford University Press.

Kantor, P. (2010). City futures: Politics, Economic Crisis, and the American Model of Urban Development. *Urban Research & Practice*. 3(1): 1-11.

Kimble, J. 2007. Insuring Inequality: the Role of the Federal Housing Administration in the Urban Ghettoization of African Americans. *Law and Social Inquiry*. 32(2): 399-434.

Lassiter, M. and Niedt, C. 2013. Suburban Diversity in Post-war America. *Journal of Urban History*. 39(1): 3-14.

Lewis-McCoy, R.L. 2018. Suburban Black Lives Matter. *Urban Education*. 53(2): 145-161.

- Mills, E., Epple D., and Vigdor, J.. 2006. Sprawl and Jurisdictional Fragmentation. *Brookings-Wharton Papers on Urban Affairs*. 2006: 231-256.
- Neno, M. 1948. Erie County Gets New Tasks. *National Municipal Review*. 37(10): 534-537.
- Magavern, S., Bergsten, A., Clayton, D., Davenport, C., Dickson, O., Kathan, M., and Ross, H. 2018. *Poverty in Buffalo: Causes, Impacts, Solutions*. Buffalo Commons, Partnership for the Public Good. https://ppgbuffalo.org/files/documents/poverty_low_wage_work_income_inequality/truth_commission_report_poverty_in_buffalo_causes__impacts__solutions.pdf. (Accessed October 13, 2022).
- Patterson, K. and Silverman, R. 2011. How Local Public Administrators, Nonprofit Providers, and Elected Officials Perceive Impediments to Fair Housing in the Suburbs: An Analysis of Erie County, New York. *Housing Policy Debate*. 21(1): 165-188.
- Powell, J. 2003. Opportunity-based Housing. *Journal of Affordable Housing & Community Development Law*. 12(2): 188-288.
- Regional Plan Association. 2021. New York State Accessory Dwelling Unit (ADU) Legislation Fact Sheets. <https://rpa.org/latest/lab/new-york-state-adu-legalization-fact-sheets>. (Accessed February 19, 2022).
- Rothstein, R. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liverwright
- Rusk, D. 2006. Annexation and the Fiscal Fate of Cities. *Brooking Institution Survey Series*. August 2006.
- Serkin, C., L. Wellington. 2016. Putting Exclusionary Zoning in its Place: Affordable Housing and Geographical Scale. *Fordham Urban Law Journal*. 40(5): 1667-1695.
- Sheppard, E. and McMaster, R. 2008. *Scale and Geographic Inquiry: Nature, Society, and Method*. Malden, MA: Blackwell Publishing, Ltd.
- Smith, M. 2019. *Cities: The First 6000 Years*. New York: Viking.
- Stahl, K. 2016. Local Home Rule in the Time of Globalization. *BYU Law Review*. 2016(1): 178-260.
- Tuan, Y. 1975. Place: An Experiential Perspective. *Geographical Review*. 65(2): 151-165.
- United State Census Bureau, American Community Survey.
- Weaver, R. 2013. Re-framing the Urban Blight Problem with Transdisciplinary Insights from Ecological Economics. *Ecological Economics*. 90: 168-176.
- Weaver, R., Bagchi-Sen, S., Knight, J., and Frazier, A.E. 2016. *Shrinking Cities: Understanding Urban Decline in the United States*. New York: Routledge.