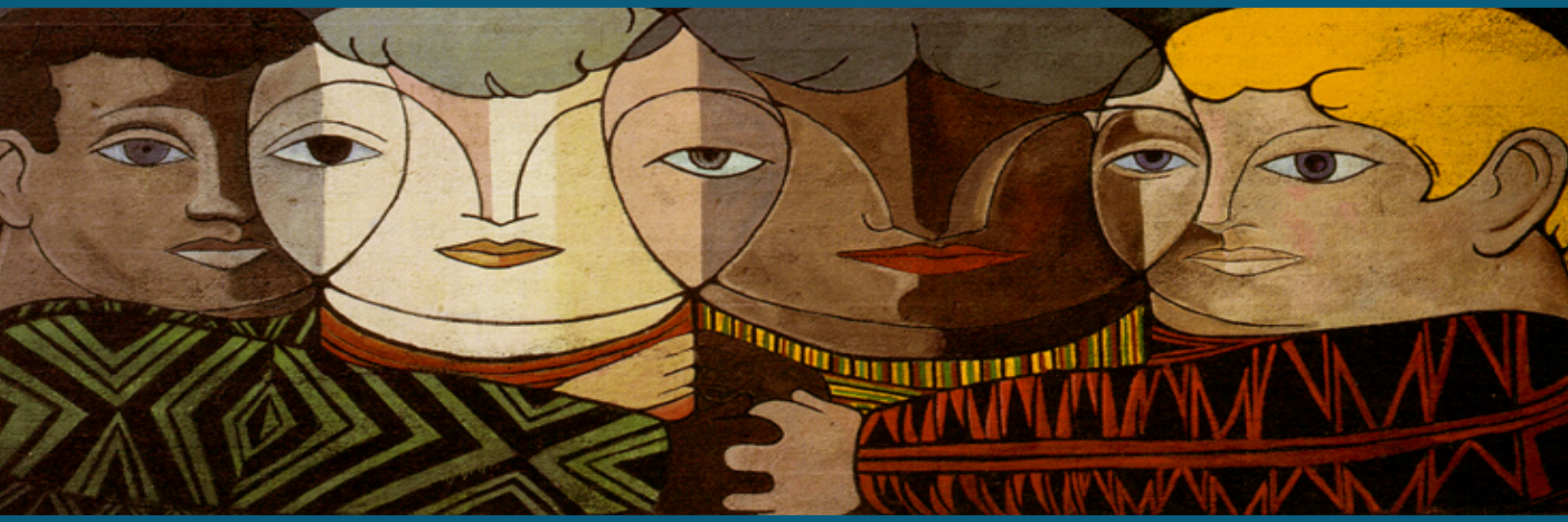
Fair Housing Planning Guide

Volume 1



U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

Childhood Is Without Prejudice/Children of Goodwill. ***Artist: William Walker***. Originally painted in 1977, this mural was a gift of appreciation to the local school for promoting the ideals of racial harmony. The mural was restored in 1993 by Chicago Public Art Group artists Olivia Gude and Bernard Williams. William Walker, as conceiver and one of the artists on the **Wall of Respect** in 1967, is credited with being one of the founders of the modern community mural movement and the Chicago Public Art Group. *Photographer: Ron Testa.*

The Fair Housing Information Clearinghouse prepared this publication.
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Volume 1

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DEVOLVING FAIR HOUSING PLANNING

Devolution, "the transfer of power from a central government to local units," will serve to empower our American cities for years to come. HUD is committed to lead in this effort.

Perhaps nowhere in the Department's mission is the prospect of devolution more challenging than in fair housing. Since 1968 the Department has been under an obligation to affirmatively further fair housing in the programs it administers. Its failures to do so have come most dramatically when that policy is not embraced or is actively resisted by local communities. There are those who do not believe that "devolution" is compatible with strong and effective fair housing enforcement. They fear that without detailed and prescriptive directives, local communities will even more aggressively ignore the need for fairness and equal opportunity by individuals and groups who are covered by the Fair Housing Act. We all know that there is a basis for that concern.

However, we also know that the Department itself has not, for a number of reasons, always been successful in ensuring results that are consistent with the Act. It should be a source of embarrassment that fair housing poster contests or other equally benign activity were ever deemed sufficient evidence of a community's efforts to affirmatively further fair housing. The Department believes that the principles embodied in the concept of "fair housing" are fundamental to healthy communities, and that communities must be encouraged and supported to include real, effective, fair housing strategies in their overall planning and development process, not only because it is the law, but because it is the right thing to do.

As the Department works to foster effective fair housing strategies, it recognizes that, as in most things, the people most knowledgeable about fair housing problems facing their communities are the people who live in those communities. In the past, the Department has too often tried to prescribe national remedies for local situations. And too often, this has not worked because the communities were not involved in the decisionmaking process, and what started out as instruments of principle became rules of process that were to be minimized or even ignored. The result has been a failure by many communities to embrace their legal and moral obligation to ensure that persons are not denied housing opportunity in that community because of their race, ethnic origin, religion, disability, or the fact that they are a family with children. The goal of devolution of responsibility in the area of fair housing means that communities will have the authority and the responsibility to decide the nature and extent of impediments to fair housing and decide what they believe can and should be done to address those impediments.

How will it work, process-wise? The Department's commitment to devolved decisionmaking is reflected in its Consolidated Plan rule. For fair housing, that means that communities will continue to certify that they will affirmatively further fair housing as a condition of receiving Federal funds. However, in defining that concept the new rule offers both certainty and flexibility. Local communities will meet this obligation by performing an analysis of the impediments to fair housing choice within their communities and developing (and implementing) strategies and actions to overcome these barriers based on their history, circumstances, and experiences. In other words, the local communities will define the problems, develop the solutions, and be held accountable for meeting the standards they set for themselves. The hitch, if there is one, is that all affected people in the community must be at the table and participate in making those decisions. The community participation requirement will never be more important to the integrity, and ultimately the success, of the process.

The Department's role will be to assist a community to fulfill its promise to its citizens. Already, the Department has conducted 22 training sessions nationwide attended by over 1,700 people representing CDBG and HOME grantees, public housing agencies, fair housing organizations, and housing industry groups. The sessions educate participants about the rights of their constituents to fair housing planning. While the Department does not require prior submission and approval of a jurisdiction's analysis of impediments to fair housing choice, it will promptly respond to complaints or concerns expressed by local citizens and groups. This may involve a review of the analysis and supporting documents. In addition, the Department will carefully review the performance indicators under the Consolidated Plan to measure the jurisdiction's progress toward meeting its goals.

Will devolution work? Will it be effective in addressing the fair housing problems in a community? HUD is committed to working with communities to make the process productive and the results real. The commitment the local communities bring to the task will tell the tale.

FOREWORD

In response to requests from State, State-funded, and Entitlement jurisdictions, the Department of Housing and Urban Development (HUD) has developed this Fair Housing Planning Guide. Many of you requested information on fulfilling the fair housing requirements of the Consolidated Plan and Community Development Block Grant (CDBG) Regulations. (The Consolidated Plan Regulation uses the term "affirmatively furthering fair housing" and the CDBG Regulation uses the term "fair housing planning." This *Guide* uses "fair housing planning" to refer to the affirmative obligations of both regulations.)

This *Guide* is written to provide you with information on how to conduct an Analysis of Impediments to Fair Housing Choice (AI), undertake activities to correct the identified impediments, and the types of documentary records to be maintained. This Guide should be used by State, State-funded, and Entitlement jurisdictions along with applicable HUD regulations pertaining to fair housing.

HUD is indebted to the many State and Entitlement jurisdictions and their national associations that contributed to this *Guide*. Their input greatly enhanced this document.

This *Guide* consist of two volumes:

Volume 1, The Fair Housing Planning Guide

- Chapter 1 deals with the historical perspective of fair housing—where did we come from and where are we going.
- Chapters 2, 3, 4, and 5 deal with how to prepare an AI, how to undertake activities to correct any identified impediments, and the types of documentary records to be maintained.

Volume 2, The Fair Housing Planning Guide—Grantee Activities

- Chapters 6 and 7 provide examples of activities that State and Entitlement jurisdictions have undertaken to affirmatively further fair housing, and information on how State and Entitlement jurisdictions may develop similar activities.

This is *your Guide*! Using it to your advantage will assist you in successful Fair Housing Planning.

All questions regarding Fair Housing Planning should be directed to your local HUD Office (see the Additional Resources section for telephone numbers and addresses).

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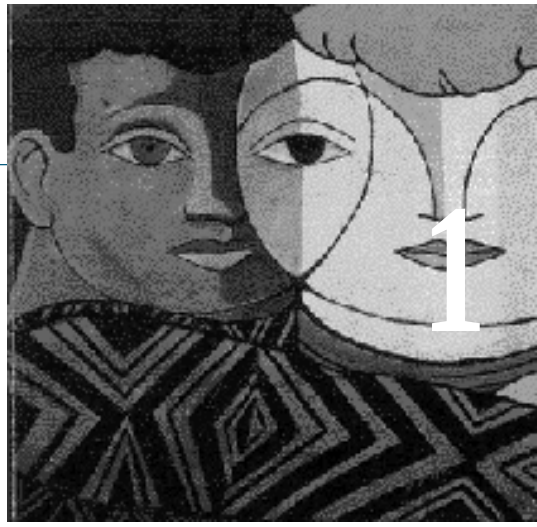

CHAPTER 1:

Fair Housing Planning: Historical Overview

1.1 INTRODUCTION

The Department of Housing and Urban Development is committed to eliminating racial and ethnic segregation, illegal physical and other barriers to persons with disabilities and other discriminatory practices in housing. Additionally, the Department will use all of its programmatic and enforcement tools to achieve this goal. The fundamental goal of HUD's fair housing policy is to make housing choice a reality through Fair Housing Planning (FHP).

1.2 HISTORICAL OVERVIEW

Provisions to affirmatively further fair housing (AFFH) are principal and long-standing components of HUD's housing and community development programs. These provisions flow from the mandate of 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.

HUD's housing and community development program regulations, handbooks, and notices interpret the statutory requirement in specific standards that State and Entitlement jurisdictions and HUD-assisted/insured housing providers must meet or actions they must take. Depending on the HUD housing or community development program, HUD interpretations include:

- Site and neighborhood standards
- Affirmative fair housing marketing requirements
- The equal housing opportunity component of the Administrative Plan in the Section 8 Certificate and Housing Voucher Programs
- Tenant selection and assignment criteria (including criteria relating to the operation of preferences)
- Fair housing advertising
- Program accessibility, including physical accessibility for persons with disabilities
- Accessible communications
- Reasonable accommodations.

In its community development (CD) programs, HUD has strongly encouraged:

1. The adoption and enforcement of State and local fair housing laws
2. The reduction of separation by race, ethnicity, or disability status.

HUD Community Planning and Development (CPD) programs include:

- Community Development Block Grant (CDBG)
- Home Investment Partnership (HOME)
- Emergency Shelter Grant (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA).

The CDBG program contains a regulatory requirement to affirmatively further fair housing based upon HUD's obligation under Section 808 of the Fair Housing Act. The CDBG regulation also reflects the CDBG statutory requirement that the grantees certify that they will affirmatively further fair housing. The HOME program regulation states the statutory requirement from the Comprehensive Housing Affordability Strategy (CHAS) that the jurisdictions must affirmatively further fair housing.

Through its CPD programs, HUD's goal is to expand mobility and widen a person's freedom of choice.

The Department also requires CD grantees (those State and Entitlement jurisdictions that administer the above identified CPD Programs) to document AFFH actions in the CDBG and CHAS annual performance reports that are submitted to HUD.

Definition of Affirmatively Furthering Fair Housing

The extent of the AFFH obligation has never been defined statutorily. However, HUD defines it as requiring a grantee to:

1. Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
2. Take appropriate actions to overcome the effects of any impediments identified through the analysis
3. Maintain records reflecting the analysis and actions taken in this regard.

HUD interprets those broad objectives to mean:

- Analyze and eliminate housing discrimination in the jurisdiction
- Promote fair housing choice for all persons
- Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability and national origin
- Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

Legislative changes in HUD programs[1] and subsequent HUD program regulations require CD grantees to certify that they will affirmatively further fair housing as part of the obligations assumed when they accept HUD program funds.

Applicability

Although the grantee's AFFH obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area whether publicly or privately funded.

Fair Housing Review Criteria

In 1988, HUD developed Fair Housing Review Criteria (24 CFR 570.904 (c)) which described the activities that the Department deemed acceptable in reviewing CDBG Entitlement grantees' AFFH performance. The criteria stated that, absent independent evidence to the contrary, if grantees conducted an Analysis of Impediments to Fair Housing Choice (AI) and took actions to address any identified impediments, HUD would presume that they had met their AFFH certification.

In 1992, as part of the regulations for the CHAS required by Congress in the National Affordable Housing Act of 1990 (NAHA), HUD referenced the Fair Housing Review Criteria as a means

[1] Sections 104(b)(2) and 106(d)(5) of the Housing and Community Development Act of 1974, as amended, specifically require CDBG Program grantees to certify they will affirmatively further fair housing. Congress reiterated this affirmative obligation in Section 105(b)(13) of the National Affordable Housing Act of 1990 (NAHA).

Also in NAHA, Congress makes clear that one of the Act's principal objective is "to improve housing opportunities for all residents of the United States, particularly members of disadvantaged minorities, on a nondiscriminatory basis."

for Entitlement jurisdictions to take a more coordinated approach to their fair housing efforts (24 CFR 91.21(e)). Similarly, in 1992, HUD further defined the AFFH role of State CDBG grantees and State-funded jurisdictions in the Department's State CDBG regulations (24 CFR 570.487(b)).

Certification to Affirmatively Further Fair Housing

Since 1983, the CDBG statute has contained a requirement that the grantee certify that it will affirmatively further fair housing. This requirement was not reflected in regulations until 1988 (24 CFR 570.303(d)). In addition, the CHAS statute, enacted in 1990, requires a certification by the jurisdiction that it will affirmatively further fair housing as part of the CHAS. The two statutes contain different language on acceptance of the certification. The CHAS statute at Section 104(21) defines the term "certification" to be:

- A written assertion
- Based on supporting evidence
- Available for inspection by the Secretary, the Inspector General and the public
- Deemed accurate for purposes of this Act unless the Secretary determines otherwise after:

1. Inspecting the evidence
2. Providing due notice and opportunity for comment.

However, with the Consolidated Plan, the acceptance of certifications and the definition of certification is the same for both certifications.

Consolidated Plan/Fair Housing Planning

In 1995, HUD published a rule consolidating the CHAS, the community development plan (required for the CDBG program), and the submission and reporting requirements for the four community development formula grant programs (CDBG, HOME, ESG, and HOPWA) into a single plan—the Consolidated Plan.

As part of the Consolidated Plan, grantees will submit an AFFH certification which requires them to undertake FHP through:

1. The completion of an AI

2. Actions to eliminate any identified impediments

3. Maintenance of AFFH records.

As with consolidated planning, the Department encourages multiple jurisdictions in metropolitan areas or regions to consult with one another and initiate metropolitan areawide or regionwide FHP.

1.3 PURPOSE OF THE GUIDE

This Guide is designed to offer guidance in complying with a certification required by the Consolidated Plan that it (the State or Entitlement jurisdiction) will affirmatively further fair housing, which means (among other things) that it will conduct the analysis of impediments to fair housing choice within the jurisdiction.

Specifically, this Guide provides:

- Suggested sources of relevant demographic information and data
- Suggested sources of authoritative studies of housing discrimination, lending, and other fair housing issues
- Methods for obtaining diverse citizen participation in the development, implementation, and evaluation of FHP
- A suggested outline, methodology, and format for FHP
- Specific questions geared to focusing the AI to relevant issues/concerns
- Potential sources of assistance for developing the AI and sample remedies, corrective actions, and solutions
- Examples of measurable results
- Examples of actions taken by State and Entitlement jurisdictions that affirmatively further fair housing
- Suggestions for complying with fair housing requirements for persons with disabilities.

The Department encourages State and Entitlement jurisdictions to establish strong performance goals to measure the success of FHP. HUD expects jurisdictions to take this Guide seriously and use it to meet their AFFH certification requirements. The Department considers the achievement of measurable results as the basis of successful FHP.

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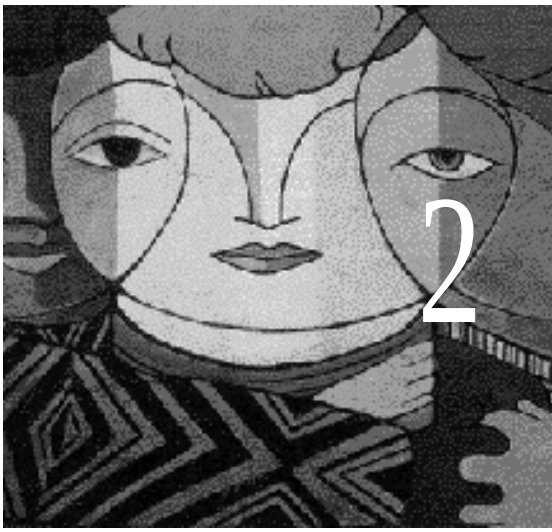

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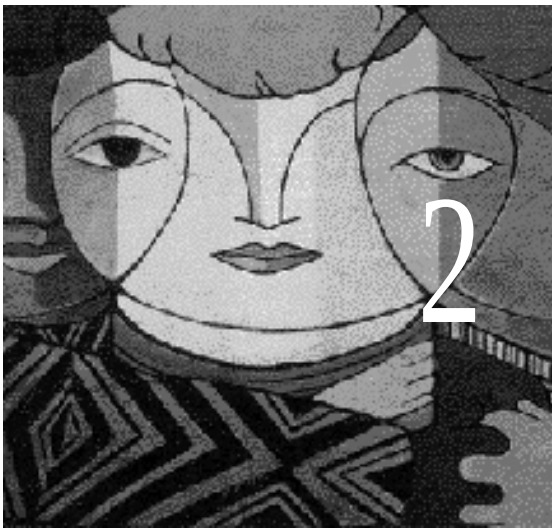
Chapter 2:

Preparing for Fair Housing Planning



2.1 Introduction

This Chapter is applicable to both State and Entitlement jurisdictions.

This Chapter provides a generic discussion on the Fair Housing Planning (FHP) responsibilities for State and Entitlement jurisdictions. It also provides suggestions on how these jurisdictions can carry out their FHP responsibilities.

Distinctions between the FHP responsibilities for State and Entitlement jurisdictions are contained in Chapters 3 and 4, respectively.

This Chapter also discusses the three components of FHP applicable to both State and Entitlement jurisdictions.

2.2 FHP Responsibilities for States and Entitlements

The Consolidated Plan's certification to affirmatively further fair housing requires States and Entitlement jurisdictions to undertake FHP. Since FHP is a component of the Consolidated Plan, the citizen participation requirement for the Consolidated Plan applies (24 CFR 91).

NOTE: *Since FHP and the Consolidated Plan are on a different time schedule for the first cycle, HUD does not expect the jurisdiction to follow the strict citizen participation requirements for their first Analysis of Impediments to Fair Housing Choice (AI). However, HUD does expect the jurisdiction to develop an AI that involves and addresses concerns of the entire community. FHP consists of the following (FHP requirements in italicized type):*

1. *The Analysis of Impediments to Fair Housing Choice*.

   HUD suggests that jurisdictions conduct or update their AI at least once every 3 to 5 years (consistent with the Consolidated Plan cycle).

2. *Actions to overcome the effects of identified impediments*.

   HUD suggests jurisdictions organize these actions into a prioritized list of specific actions:

   – With milestones, timetables, and measurable results

   – To be undertaken by the jurisdiction in each of the 4 years following completion/update of the AI

   – That are in response to the impediments identified in the AI

   – That follow public meetings, which may be held during the development of the Consolidated Plan.

3. *Maintain records to support the AFFH certification.*

   This supporting documentation includes:

   – The AI

   – Actions undertaken to eliminate any identified impediments.

   HUD suggests the following as additional types of supporting documentation:

   – Transcripts of public hearings and citizen comments/input

   – Progress reports (which should be kept available for public review).

States have a dual responsibility as it relates to FHP. Their responsibilities include:

1. Undertaking FHP at the State level

2. Ensuring that State-funded jurisdictions comply with their AFFH certification.

NOTE: *Those State and Entitlement jurisdictions that have previously completed an AI and have begun taking actions to address any identified impediments are not required to complete a new analysis at this time.*

Instead, those jurisdictions are encouraged to update their AIs consistent with this Guide.

However, all AIs, whether new or updated, must be completed by February 6, 1996 (of this current Consolidated Plan cycle) as stated in the Preamble to the Consolidated Plan Regulations. Subsequent AIs must be completed/updated in accordance with future timeframes for the Consolidated Plan.

AIs are not to be submitted to, or be approved by, HUD. However, HUD could request submission of the AI in the event of a complaint or as part of routine monitoring.

Instead of submitting its AI to HUD, a jurisdiction would provide HUD with a summary of the AI plus the jurisdiction's accomplishments for the past program year as part of the performance report required by the Consolidated Plan regulation (24 CFR 91.520(a)). (See Sections 2.13 and 2.15 for further discussion on this matter.)

As part of Fair Housing Planning, State and Entitlement jurisdictions should seek input and cooperation from other governmental agencies, community and business organizations. The involvement of these agencies can greatly assist the elimination of fair housing impediments in areas such as sales and rental of housing, lending, employment, education, social services, transportation, law enforcement, and land use laws. Additionally, jurisdictions that foresee possible future impediments should take specific actions to prevent or ameliorate those impediments.

THE THREE COMPONENTS OF FAIR HOUSING PLANNING

The following sections discuss the three components of Fair Housing Planning: the AI, the actions to be taken, and the maintenance of records. These components track the Consolidated Plan's regulatory requirements at 24 CFR 91.225(a)(1), 91.325(a)(1), and 91.425(a)(1)(I).

COMPONENT 1: ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

2.3 DEFINING THE AI

The AI is a review of impediments to fair housing choice in the public and private sector. The AI involves:

- A comprehensive review of a State or Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices
- An assessment of how those laws, etc. affect the location, availability, and accessibility of housing
- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.

Impediments to fair housing choice are:

- 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.

2.4 PURPOSE

The scope of the AI is broad. It covers the full array of public and private policies, practices, and procedures affecting housing choice.

The AI:

- Serves as the substantive, logical basis for FHP
- Provides essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates
- Assists in building public support for fair housing efforts both within a State or Entitlement jurisdiction's boundaries and beyond.

Increasing Housing Choice

Equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment, or other goals. Because housing choice is so critical, fair housing is a goal that Government, public officials, and private citizens must achieve if equality of opportunity is to become a reality.

Identifying Problems

State and Entitlement jurisdictions must become fully aware of the existence, nature, extent, and causes of all fair housing problems and the resources available to solve them. Without this information, a State or Entitlement jurisdiction's FHP will fall short of measurable results. Such jurisdictions may waste energy and resources that they could have used more effectively with careful planning and execution. A properly completed AI provides this information.

NOTE: *This Guide recommends the same type of problem-analysis and problem solving approach to FHP that is already required for the Consolidated Plan. Thus, a good deal of the information that can be used for FHP already exists and has been analyzed for community development purposes.*

Assembling Fair Housing Information

The information needed for conducting an AI includes the following. Note that it is not a conclusive list of data items, nor are all of them relevant to States. (See Chapter 3 for a specific discussion on States and State-funded jurisdictions.)

The generic data items are:

- Public policies, practices, and procedures involving housing and housing-related activities
- Zoning and land use policies, tax assessment/abatement practices
- The nature and extent of fair housing complaints/suits or other data that may evidence a State or Entitlement jurisdiction's achievement of fair housing choice
- Demographic patterns
- Home Mortgage Disclosure Act (HMDA) data
- Results of testing
- Results of Fair Housing Initiative Program (FHIP) grants
- Patterns of occupancy in Section 8, Public and Assisted Housing, and private rental housing.

NOTE: *HUD does not require State and Entitlement jurisdictions to commence a data collection effort in order to complete an AI. It believes such jurisdictions can use existing available data.*

Data sources include HUD and other Federal agency databases and studies, State and local information sources, private housing industry reports, and college and university studies.

> *However, HUD does expect State and Entitlement jurisdictions to review its existing data collection systems (e.g., collection systems for HUD reports) to determine the extent to which they provide adequate information on certain groups or persons (e.g., persons with disabilities and families with children)—prohibited bases added to Federal protection by the Fair Housing Amendments Act.*

HUD has provided all Entitlement jurisdictions with the new consolidated planning computer software package that will assist them in designing and developing their Consolidated Plan. The software package includes a project information input component, selected 1990 U.S. Census household data by race, HUD-generated income and poverty data, and a mapping component. The data populates the mapping component to create both a tabular report and a geodemographic presentation of the Entitlement jurisdiction. This geodemographic presentation then allows for a spatial analysis and a site and neighborhood standard review of the jurisdiction with the existing and proposed projects included. The Entitlement jurisdiction, the Department, and the local communities will utilize the tables and maps to assist in implementing their FHP and preparing AIs. (A State version of the consolidated planning computer software is currently under development.)

Approaching the AI in the manner described in this Guide will provide State and Entitlement jurisdictions with a comprehensive picture of the status of fair housing at local, regional, and State levels. With this information, all elements in a community can work to implement the actions that State and Entitlement jurisdictions design to eliminate any identified impediments to fair housing choice.

2.5 Establish a Structure for the Development of the AI

State and Entitlement jurisdictions should establish a structure for the AI that clearly spells out the responsibilities, objectives, measurable results, and lines of communication and coordination. The chief executive should articulate these factors and they should be endorsed by all those cooperating in the analysis.

Factors to Consider

The Consolidated Plan requires jurisdictions to identify an appropriate entity to lead and coordinate consolidated planning and the submission of the document to HUD. Jurisdictions may wish to have this entity assume the same responsibility for the AI.

This basic structure may work well because the substantive areas that are the subject of community planning and development relate closely or overlap with several of those that are appropriate for AI examination.

The AI can be conducted by the jurisdiction, local colleges, universities, local fair housing and industry groups, or any combination thereof. Jurisdictions should consider metrowide or regional FHP before structuring the AI.

Undertake Metrowide/Regional FHP

An affirmative, metrowide/regional approach to the HUD-assisted family housing programs is encouraged for States and a consortia of local governments (to include State-funded and Entitlement jurisdictions) in metropolitan areas.

Through metrowide/regional FHP, jurisdictions can:

- Overcome spatial separation and segregation by making all assisted housing available in the metropolitan area a resource to be used through establishment of a consolidated waiting list for assisted housing which overcomes jurisdictional and artificial program delivery barriers.

- Affirmatively further fair housing throughout the metropolitan area, thereby integrating waiting lists, broadening the housing choices available to all those eligible for assisted housing, and encouraging applicants to consider racially non-impacted locations (an area where the racial or ethnic group is less then 30%) and participation in programs typically avoided.

- Make public housing a path to social and economic mobility, rather than housing of last resort by targeting selected developments for modernization and for other improvements and facilities to make them attractive to current residents and to suburban residents; this also counterbalances concerns that only suburban housing opportunities are being offered.

- Secure the cooperation of other important actors whose impact upon fair housing is substantial, including jobs, schools, transportation, and social services (e.g., private providers using HUD-assisted and -insured programs, important industries in the area who can provide job opportunities, and Government and not-for-profit agencies that provide social services).

- Serve as a model approach to other situations where housing within a metropolitan area is segregated by jurisdiction and by program.

- Break down the statistically shown racial disparity between HUD's public housing program and its Section 8 Existing Housing program. Through metrowide/regional FHP jurisdictions can encourage minorities to consider assisted programs other than public housing, encourage non-minorities to consider public housing opportunities that arise sooner than Section 8 units, and encourage all to consider desegregating moves within assisted and insured programs, whether public, not-for-profit, State/local or privately provided, by establishing a one-stop, metropolitan

area-wide housing assistance, marketing, information, counseling, and referral center.

- Discourage discrimination in all programs by encouraging all persons regardless of race, color, religion, sex, disability, familial status, or national origin to consider all housing options.

Metrowide/regional FHP includes an analysis that identifies both State and Entitlement jurisdictional and regional impediments to fair housing choice and the appropriate actions to remove them.

A key aspect of metrowide/regional FHP is the creation of a centralized and consolidated applicant database for all assisted housing programs operating in the metropolitan/regional area which can be metro/regionally administered.

Establish Workable Procedures

State and Entitlement jurisdictions should have workable procedures that:

- Accommodate diverse views and interests
- Provide for input from persons who have only a limited time to meet, deliberate, review written materials, and any other necessary functions
- Provide for convenient, accessible meeting places and times
- Provide for conflict resolution and decision making in the event the initial conflicts can not be resolved.

Build Relationships and Communication

The AI structure should provide for effective, ongoing relationships with *all* elements of the community with clear and continuous exchange of concerns, ideas, analysis, and evaluation of results. Involvement by the chief executive is necessary whether the State or Entitlement jurisdiction is conducting the AI on its own or is participating with other jurisdictions in a metrowide/regional AI.

This linkage with the chief executive is important because it is the chief executive that has the ultimate responsibility for the State or Entitlement jurisdiction's FHP. This official should ensure, through focus groups, an advisory commission, town meetings, or other effective means, that regular contact and working arrangements are created and maintained with:

- *Fair Housing Organizations*

  Fair housing organizations, including human relations commissions and voluntary, nonprofit organizations focusing on fair housing problems

- *Other Governments*

  Other governments in the metropolitan area or region (even if the jurisdiction is not participating in metropolitan or regionwide FHP)

- *Advocacy Groups*

  Advocacy groups and organizations that have among their concerns the needs (including housing needs) of particular segments of the population, such as people with disabilities; families with children; immigrants and homeless persons; and specific racial or ethnic groups (Blacks, Hispanics, Native Americans, Asian Americans, Alaskan Natives)

- *Housing Providers*

  Housing provider representatives, in particular those who are aware of, and can speak to, the problems of providing moderate- and low-cost housing in the community; and representatives of landlords/owners

- *Banks and Other Financial Institutions*

  Banks and other financial institutions that can provide loans (including residential) and other financial support to improve homes or areas of the community where living conditions have deteriorated

- *Educational Institutions*

  Educational institutions and their representatives, including the administrators and teachers/professors who can assist in conducting studies and developing educational activities for delivery in formal and informal settings

- *Other Organizations*

  Other organizations and individuals, such as neighborhood organizations and representatives, that can provide information, ideas, or support in identifying impediments to fair housing choice at the neighborhood or other geographic level and in developing and implementing actions to address these problems

- *General Public*

  Communication with the general public is essential. HUD encourages State and Entitlement jurisdictions to follow the citizen participation and consultation procedures identified in Subpart B of the Consolidated Plan regulation for communicating with the public on FHP. Additionally, jurisdictions should encourage the participation of diverse population groups, and take steps to ensure that communications and activities are accessible to persons with disabilities.

Target Resources for Fair Housing Planning

Community Development Block Grant program (CDBG) and HOME Investment Partnership (HOME) administrative and planning funds may be used for FHP. State and Entitlement jurisdictions should provide administrative, financial, and other support for the AI. (Other activities associated with FHP may be covered under the administrative cost category.)

The type of support jurisdictions can give depends on what kinds and amounts of resources are or can be made available. If funds are available to cover the costs of staffing the analysis effort, preparing various documents, and other functions the jurisdiction should provide them.

Administrative support through staffing services can be helpful. Volunteer assistance can be solicited from the organizations and institutions represented in the AI structure.

Maximizing these resources is fundamental to viable FHP. This is done to:

- Obtain as much information as possible on fair housing problems
- Develop a realistic, comprehensive set of actions and measurable results
- Implement these actions within an optimal timeframe for each action
- Evaluate measurable results.

2.6 MODELS

Fair Housing Working Group/Commission Model

State and Entitlement jurisdictions may establish a body made up of representatives from diverse population groups, housing industry, and fair housing groups to assist in FHP. Whether the organization should be a working group or commission depends on the length of time the chief executive or governing body desires to have the organization in place. The characteristics of a working group and a committee are as follows:

- A working group ordinarily has a well-defined, short life-span, and once its work is completed, it disbands.
- A committee ordinarily carries out long-term activities to accomplish its objectives.

A community might begin with a working group that identifies and analyzes impediments and develops a plan. Once this is accomplished, elements of the working group might evolve into an ongoing committee or commission to oversee implementation of FHP.

One advantage of this model is that it is the direct responsibility of top policy makers. This relationship reinforces the commitment of the community to FHP. Providing administrative, financial, or other support to the working group or commission may be critical in ensuring that its mandate is fulfilled.

Contract Model

For State and Entitlement jurisdictions with limited staff resources, it may not be possible to provide services such as staff support or regular participation in fair housing working groups/ commission meetings. Contracting for an analysis may be a workable alternative. Such jurisdictions will want to weigh potential costs and benefits.

The jurisdiction should make sure that the contractor is knowledgeable about fair housing and has experience in dealing with fair housing-related issues.

Executive oversight of the analysis, interest in its conclusions, and commitment to appropriate, measurable actions to eliminate impediments are essential if FHP is to yield a measurable result:

- State and Entitlement jurisdictions should consider funding fair housing groups and organizations to conduct the AI. These groups have proven to be effective in uncovering and addressing housing discrimination. Also, they are experienced in designing remedies and programs of outreach and education which help prevent discrimination from occurring.
- State and Entitlement jurisdictions should consider funding other types of organizations (e.g., colleges, universities, and housing organizations) to conduct the AI, if the experience and capacity of the organization is strong.

With this model, the contractor should provide a process for obtaining input from the organizations and institutions that have housing-related activities, programs, and interests. (See Additional Resources for a list of organizations and institutions.)

State and Entitlement jurisdictions should make sure that the contract holds the contractor responsible for contacting and working with these groups. The public should be aware that the jurisdiction is undertaking this effort using contractor services and that the jurisdiction invites input from all citizens in the community, especially those for whom fair housing issues are important.

Establish a Permanent Structure for Oversight Responsibilities

Regardless of the model selected, there should be a structure for overseeing completion of the AI and the implementation of actions to overcome the impediments identified as a result of the analysis. The recommended solutions are likely to involve long-term and short-term actions.

A Human Relations Commission (HRC) may serve in this capacity. HRCs have civil rights enforcement responsibilities in a number of areas, including housing rights.

The State or Entitlement jurisdiction's community development agency/department might perform the oversight function once implementation of the actions is underway.

Flexibility

Jurisdictions may want to develop variations or combinations of these models other than those described here. Whichever model is selected by the jurisdiction, HUD suggests the following objectives:

- Firm and continued commitment by those responsible at the top level of State and local government to the analysis, planning, and implementation necessary to achieve fair housing goals
- Oversight by the executive level to ensure an ongoing fair housing program
- A comprehensive analysis and a carefully structured plan for addressing impediments that are firmly grounded in the AI's conclusions
- Effective actions based on a realistic assessment of available resources
- Identification of measurable results.

2.7 IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Jurisdictions should examine a wide array of issues in order to identify and address impediments to fair housing choice.

Description of Impediments to Fair Housing Choice

Impediments to fair housing choice are defined as:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice

- Any actions, omissions, or decisions that have this effect.

Policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability, and families with children may constitute such impediments.

Impediments to fair housing choice include actions or omissions in the State or Entitlement jurisdiction that:

- Constitute violations, or potential violations, of the Fair Housing Act

- Are counterproductive to fair housing choice, such as:

  – Community resistance when minorities, persons with disabilities and/or low-income persons first move into white and/or moderate- to high-income areas

  – Community resistance to the siting of housing facilities for persons with disabilities because of the persons who will occupy the housing

- Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

While the scope of examination is broad, nearly all State and Entitlement jurisdictions have looked at some of the problems in achieving fair housing choice. Many of these jurisdictions have devoted resources and efforts to an analysis of their nature, extent, and possible solutions.

Since 1974, for example, Entitlement jurisdictions have developed Housing Assistance Plans (HAP) to guide the use of federally assisted housing resources. The HAP requirement was deleted in 1990 by the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA) and was replaced by the Comprehensive Housing Affordability Strategy (CHAS).

The Consolidated Plan consolidates into a single document the CHAS, the community development plan, and the submission requirements for the CDBG, HOME, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. The Consolidated Plan more clearly ties the needs assessment, housing market analysis, and the strategy for addressing needs and achieving housing and community development objectives to the use of the program funds. Many of the fair housing-related problems revolving around the issue of choice in low- and moderate-income housing programs are already addressed in the Consolidated Plan.

The Consolidated Plan contains data and other information on:

- Affordable housing needs for different categories of residents
- Homeless needs
- Public housing needs
- Lead-based paint removal needs
- Housing market analysis (housing market characteristics in terms of supply, demand, condition, type, and housing cost)
- Barriers to affordable housing (an explanation of how the cost of housing or the incentives to develop, maintain, or improve affordable housing are affected by public policies, particularly those of the local jurisdiction. Such policies include tax policy, land use controls, zoning ordinances, building codes, fees and charges, growth limits, and other policies that affect the return on residential investment)
- Citizen comments relating to fair housing issues
- Areas of minority concentration
- Identification of special needs populations or those with a disproportionate need for housing
- Identification of housing needs of persons with disabilities.

Use Existing Studies

Identify impediments by first examining studies that relate to fair housing, access to housing, or other housing problems. If a State or local government has undertaken a study, either directly or through a contract with another entity, presumably governmental staff are fully aware of it. To determine if other studies exist, State and Entitlement jurisdictions should contact fair housing and other organizations such as councils of government or regional or State planning organizations.

A number of studies also are available through HUD USER, a reference system for research studies done by HUD. HUD USER can be reached at 1-800-245-2691 (TTY: 1-800-877-8339). Some examples of publications available through this system are listed in the Additional Resources found at the end of this Guide.

HUD strongly encourages State and Entitlement jurisdictions to become familiar with all studies that apply to their community and region as a first step in planning an AI. Jurisdictions should not waste effort restudying and reanalyzing problems for which good information already exists. Instead, they need to plan and carry out actions to address the problems.

If jurisdictions have not already done so, they should carefully consider the conclusions and recommendations of other housing studies prior to deciding what to study in the AI. Some examples are studies that focus on:

- Housing problems for families created by the presence of lead-based paint in houses built before 1950
- Problems faced by immigrant populations whose language and cultural barriers combine with a lack of affordable housing to create unique fair housing impediments
- Lending and property insurance practices
- Discrimination in housing
- Problems of providing housing for persons with disabilities in residential neighborhoods
- Problems faced by Blacks and Hispanics in securing mortgage loans as indicated in numerous audits, surveys, and other research on lending practices
- Problems faced by Section 8 Certificate and Voucher holders in exercising opportunities to select housing on a metropolitan-wide basis
- Availability of accessible housing[1] .

Many other local and regional studies have been completed that provide information but are too numerous to describe here.

Assess Prior and Current Actions to Affirmatively Further Fair Housing

Jurisdictions should have full knowledge of all of the activities that have recently been completed or are underway to affirmatively further fair housing. The chief executive and administrative staff know the strengths and weaknesses of activities that the State or Entitlement jurisdiction has initiated, or in some direct fashion, supported. However, this knowledge should extend well beyond this arena to actions taken by housing industry members, private organizations and foundations, the public housing agency (PHA), neighborhood groups, regional organizations, and others to further fair housing objectives.

[1]Accessible means that the dwelling unit or facility is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with physical disabilities (24 CFR 8.3).

Use Existing Organizational Relationships

Examine the current organizational relationships that exist in communities and regions that specifically promote fair housing goals. For example, some communities have a Community Housing Resource Board (CHRB), an organization initially fostered by HUD for the purpose of providing program implementation and monitoring assistance to housing industry groups that had signed Voluntary Affirmative Marketing Agreements (VAMAs) with HUD. FHIP, established in 1987, includes an Education and Outreach initiative; CHRBs are eligible to apply for FHIP funding. Many CHRBs have received funding under FHIP and funding from CDBG jurisdictions.

NOTE: *As a result of the Department making revisions to its VAMAs, the Department no longer has a contractual agreement to mandate CHRB involvement in VAMA implementation activities. However, under the revised VAMAs, signatories are required to formulate relationships with fair housing, civil rights, and other groups interested in fair housing to seek their assistance in VAMA implementation; and at the discretion of these signatories, CHRBs may continue to provide such assistance.*

Some communities are served by fair housing organizations that conduct a wide array of activities such as:

- Enforcement of fair housing laws
- Counseling
- Technical training for housing industry representatives and organizations
- Fair housing audits
- Education and outreach activities geared to the general public
- Advocating for disability rights and accessible housing.

Some jurisdictions contract with these organizations to carry out the jurisdiction's procedures for AFFH. In other jurisdictions, there has been a mix of activities; some are carried out directly by the Government and others through contract.

Use a Fair Housing Perspective

Where the community planning and development perspective looks directly at needs for housing and possible barriers to meeting those needs, the fair housing perspective focuses as much on the causes of needs of groups or persons protected by the Fair Housing Act as it does on the needs themselves. Thus, the explanation of barriers to affordable housing to be included in the Consolidated Plan may contain a good deal of relevant AI information but may not go far or deep enough into factors that have made poor housing conditions more severe for certain groups

in the lower-income population than for others. Jurisdictions should be aware of the extent to which discrimination or other causes that may have a discriminatory effect play a role in producing the more severe conditions for certain groups.

2.8 COMMUNICATE AI RESULTS

Once the AI is completed, HUD encourages jurisdictions to communicate conclusions and recommendations to top policy makers, key Government staff, community organizations, and the general public. Jurisdictions should:

- Provide a copy to organizations and individuals participating in the AI process and other organizations focusing on housing issues
- Advise the general public by holding meetings or other public forums in accessible meeting facilities with sign language interpreters and other accommodations made available
- Provide a means other than public forums for other citizen participation (e.g. written comments, comment via the electronic media) regarding the conclusions and recommended actions resulting from the AI
- Publicize key aspects of the AI
- Utilize alternative formats (e.g. braille, large type, tapes or readers) for persons with visual impairments
- Have sufficient copies on hand to distribute to the public, upon request
- Brief key officials and staff in the Government as well as community organizations that express an interest.

Obtaining strong and broad-based support for the ensuing fair housing actions is critical to the long-term success of the grantee's efforts to affirmatively further fair housing.

COMPONENT 2: TAKING ACTIONS TO ELIMINATE IDENTIFIED IMPEDIMENTS

2.9 INTRODUCTION

Before developing actions to eliminate the effects of any impediments identified through the AI (fair housing actions), the jurisdiction should:

- Ensure that diverse groups in the community are provided a real opportunity to

take part in the developmental process

- Create the structure for the design and implementation of the actions.

State and Entitlement jurisdictions should determine whether the structure will be the same as for the AI part of FHP. If not, it should decide which individuals or organization(s) will have primary responsibility.

The jurisdiction should provide guidance to ensure that those responsible have designed actions that include input from all the organizations and individuals it believes should be part of designing the actions.

These steps can occur before the AI is fully completed to expedite development of the fair housing actions.

2.10 STEPS TO TAKE BEFORE DEVELOPING ACTIONS

Objectives

The jurisdiction should define a clear set of objectives with measurable results that it intends to achieve. The sole measure of success for FHP is the achievement of results. These objectives should be directly related to the conclusions and recommendations contained in the AI.

For each objective, the jurisdiction should have a set of goals. These might be the completion of one or more discrete actions, or set of actions, which serve as milestones toward achieving each objective.

Fair Housing Actions

- List fair housing action(s) to be completed for each objective.
- Determine the time period for completion.
- Identify resources from local, State, and Federal agencies or programs as well as from financial, nonprofit, and other organizations that have agreed to finance or otherwise support fair housing actions.
- Identify individuals, groups, and organizations to be involved in each action and define their responsibilities. Obtain written commitments from all involved, as a formal recognition of their agreement to participate in the effort in the manner indicated. HUD recommends that jurisdictions specify these commitments in the appropriate contracts that may arise in connection with the fair housing actions.

- Set priorities. Schedule actions for a time period which is consistent with the Consolidated Plan cycle.

2.11 IMPLEMENTATION OF FAIR HOUSING ACTIONS

In order to bring the hard work of planning and analysis to fruition, it is essential that the jurisdiction implement its fair housing actions. The jurisdiction can more readily achieve effective implementation of the actions, if it has:

- Defined objectives with measurable results
- Designed achievable actions, supported by all key elements in the community and designed to address real fair housing problems
- Assessed its FHP activities on a regular basis to assure consistent oversight of, and interest in, the efforts of all individuals and organizations engaged in fair housing actions.

Government officials should exercise an appropriate level of leadership, as may be required, to resolve conflicts and oversee the implementation of corrective actions, changes, or additions in fair housing actions.

Self-Assessment

FHP should include a process for monitoring the progress in carrying out each action and evaluating its effectiveness. The process should identify:

- The entity conducting the assessment (jurisdiction or third-party contractor)
- The specific assessment activities (e.g., survey, on-site review, telephone interview)
- The standards or criteria to be used to determine the effectiveness/ineffectiveness of an action
- Any additional areas that require study and analysis or surface as a result of implementing the action
- Any recommendations for addressing additional areas.

Changes

FHP should include a process for making “mid-course” corrections, changes, or additions as the

planned actions are underway.

The importance of continuing oversight by top grantee officials cannot be overemphasized.

NOTE: *Research for this guide revealed that few jurisdictions had a system in place through which the mayor or other top officials exercised clear and direct oversight or even had significant knowledge of fair housing activities and results.*

Officials should require regular reports on the implementation of fair housing actions. They should take direct responsibility for resolving any problems as quickly as possible so that fair housing efforts may proceed smoothly.

2.12 EVALUATION OF FAIR HOUSING ACTIONS

FHP should be evaluated as a whole. HUD expects jurisdictions to carry out effective fair housing actions over a long period of time. Therefore, jurisdictions should carefully evaluate the results of:

- The AI
- The milestones and timetables
- The fair housing actions.

With this information, jurisdictions will be in the best possible position to evaluate their fair housing performance.

2.13 HUD EVALUATION

AIs will not generally be submitted to HUD for review. Instead, as part of the Consolidated Plan performance report, the jurisdiction will provide HUD with a summary of the AI and the jurisdiction's accomplishments during the past program year. The Department could request the AI in the event of a complaint and could review the AI during routine on-site monitoring. In addition:

- If HUD's year-end review suggests that the AI or actions taken were inadequate, HUD could require submission of the full AI and other documentation.
- If, after reviewing all documents and data, HUD concludes that the AI was substantially incomplete or the actions taken were plainly inappropriate to address the identified impediments, the Department would provide notice to the jurisdiction that it believes the AFFH to be inaccurate and would provide the jurisdiction an opportunity to comment.
- If, after the notice and opportunity to comment is given to the jurisdiction, HUD determines that the AFFH certification is inaccurate, HUD will reject the certification. Rejection of the certification renders the Consolidated Plan

substantially incomplete and constitutes grounds for HUD to disapprove the Consolidated Plan.

HUD will work with the jurisdiction to determine actions necessary to make the certification accurate and the Consolidated Plan complete. The actions may take the form of a special assurance which describes the actions to make the AI complete or describes actions to overcome the effects of identified impediments and which includes a timetable for accomplishing these actions.

NOTE: *A jurisdiction cannot receive its CDBG, HOME, ESG, or HOPWA program grants until the Consolidated Plan is approved.*

COMPONENT 3: MAINTENANCE OF RECORDS

2.14 INTRODUCTION

This section provides guidance on the kinds of data and other information that should be maintained in the jurisdiction's records as documentation of FHP. It provides information on the summary that State and Entitlement jurisdictions submit to HUD each year of the Consolidated Plan cycle.

2.15 THE SUMMARY REPORT

At the end of the first program year after implementation of the FHP process, the jurisdiction submits to HUD:

- A summary of the AI
- Actions taken the previous year
- An analysis of their impact.

As part of the jurisdiction's annual performance report for its Consolidated Plan, the jurisdiction will report on its actions to affirmatively further fair housing. The jurisdiction will provide a summary of its AI and a description of the actions taken during the past program year, along with an analysis of the impact of the actions.

2.16 DOCUMENTATION

Each jurisdiction must maintain records to support its AFFH certification.

NOTE: *The records must reflect the analysis and actions in this regard (24 CFR 91.225(a)(1), 91.325(a)(1), and 91.425(a)(1)(I)).*

This supporting documentation includes:

- The AI
- Actions undertaken to eliminate identified impediments.

Jurisdictions must also have available documentation of their actions to affirmatively further fair housing during the time that they are conducting the AI. All documentation must be available for public review.

Suggested Additional Documentary Support For Fair Housing Planning

As further support for AFFH certification and FHP efforts, HUD suggests that jurisdictions include the following documentation in their records:

- A description of the nature and extent of the chief executive or governing body's commitment to FHP
- A description of the financial and in-kind support for FHP, including funds or services provided by the jurisdiction, nonprofit organizations, private individuals, colleges, universities, contractors, and staff support
- A list of groups participating in the formulation of FHP
- Transcripts of public meetings/forums and citizen comments/input. (The Department encourages jurisdictions to schedule these meetings to coincide with those for the Consolidated Plan.)
- Progress reports.

2.17 SUGGESTED AI FORMAT

Jurisdictions should provide background data and other information that serve as bases for identifying impediments and making conclusions. The Consolidated Plan contains some of this information.

Those involved in FHP must be familiar with the Consolidated Plan to avoid duplicating research, data, problems, findings, and conclusions. Additionally, jurisdictions should incorporate by reference the relevant portions of the Consolidated Plan containing the same background information used by the jurisdiction in FHP.

Demographic Data

Most of the demographic data used in FHP are also used in developing the Consolidated Plan.

Income Data

HUD provides census data for all State and Entitlement jurisdictions in connection with the Consolidated Plan. However, HUD may not be able to provide census data for certain groups or persons (because such data are not available from the Census Bureau). For example, the census does not report the income status of all people with disabilities. To the extent this information may be important in FHP, a jurisdiction might obtain information from local, State or national advocacy organizations, or from its Section 504 (of the Rehabilitation Act of 1973) self-evaluation or its PHA's Section 504 needs assessment.

Employment

Data on employment centers are important for FHP and should focus on:

- The locations of job centers in the jurisdiction and in nearby jurisdictions which now offer or will offer jobs (including job training opportunities) to minorities, women and persons with disabilities at the lower-income levels of the wage/salary scale
- The geographic relationship of such centers to the current and planned locations of housing for lower-income households (employment opportunity/housing linkage impacts heavily on fair housing choice for lower-income persons)
- The need for accessible public transportation, including train or bus service, and subsidized low- or no-cost van pools to link job centers with lower-income housing locations (transportation services are essential where employment opportunities are not near lower-income housing supplies).

Housing Profile

The Consolidated Plan contains information about housing conditions in the jurisdiction for lower-income minority and other lower-income households. If lower-income housing is in short supply, it should be the focus of the housing affordability strategy.

In the AI, the jurisdiction should describe the degree of segregation and restricted housing by race, ethnicity, disability status, and families with children; how segregation and restricted housing supply occurred; and relate this information by neighborhood and cost of housing. This description should also discuss the extent to which a broad variety of accessible housing for persons with disabilities are distributed throughout the jurisdiction, demonstrating efforts made to provide such housing in an integrated setting.

Maps

Maps are an effective planning and reporting tool. Maps can clearly depict spatial relationships and the interrelationship between various phenomena in particular locations or areas.

The jurisdiction should use maps to assist in showing:

- Housing/job/transportation relationships
- Areas of racial/ethnic integration and segregation
- Locations of choices, publicly assisted housing, and, where housing (other than assisted housing) for families with children or persons with disabilities is in short supply, the location of multifamily complexes providing housing for such families and persons.

2.18 EVALUATION OF JURISDICTIONS' CURRENT FAIR HOUSING LEGAL STATUS

As an introduction to the AI, jurisdictions should include information about:

- The number and types of complaints that have been filed alleging housing discrimination, including complaints in which the Secretary of HUD has issued a charge of discrimination or suit has been filed by the Department of Justice or private plaintiffs.
- The reasons for any trends or patterns and, in the section of the analysis describing impediments, the extent to which new or revised fair housing actions may be needed because of these trends.
- Discussion of other fair housing concerns.

2.19 DESCRIPTION OF IMPEDIMENTS AND CONCLUSIONS

Jurisdictions should discuss issues in each of the areas reviewed for the AI and finish with a

conclusion (e.g., because of a PHA's historical tenant and site selection policies and practices, the PHA's public housing developments are segregated by race or ethnicity). Conclusions require appropriate actions by the jurisdiction to assist in eliminating such problems.

2.20 ASSESSMENT OF CURRENT PUBLIC AND PRIVATE FAIR HOUSING PROGRAMS/ACTIONS IN THE JURISDICTION

Jurisdictions should briefly describe actions recently completed and currently underway. Details of specific accomplishments, actual or anticipated, that have promoted or will promote fair housing should be included together with any problems related to these actions.

2.21 CONCLUSIONS AND RECOMMENDATIONS

Jurisdictions should summarize conclusions reached based on the AI, and describe in detail recommendations for resolution of the problems identified. This discussion is the link between the AI part of FHP and the actions underway and proposed to promote fair housing choice.

CHAPTER 2—APPENDIX: SUGGESTED FORMAT FOR THE ANALYSIS OF IMPEDIMENTS

Jurisdiction Name:
Date:

I. Introduction and Executive Summary of the Analysis

- A. Who Conducted
- B. Participants
- C. Methodology Used
- D. How Funded
- E. Conclusions
  - 1. Impediments Found
  - 2. Actions To Address Impediments

II. Jurisdictional Background Data

- A. Demographic Data
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4. Sale of Subsidized Housing and Possible Displacement

5. Property Tax Policies

6. Planning and Zoning Boards

7. Building Codes (Accessibility)

B. Private Sector

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C. Public and Private Sector

1. Fair Housing Enforcement

2. Informational Programs

3. Visitability in Housing

D. Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973, or where the Secretary has issued a charge under the Fair Housing Act regarding assisted housing within a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to help remedy the discriminatory condition, including actions involving the expenditure of funds by the jurisdiction.

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Chief Elected Official

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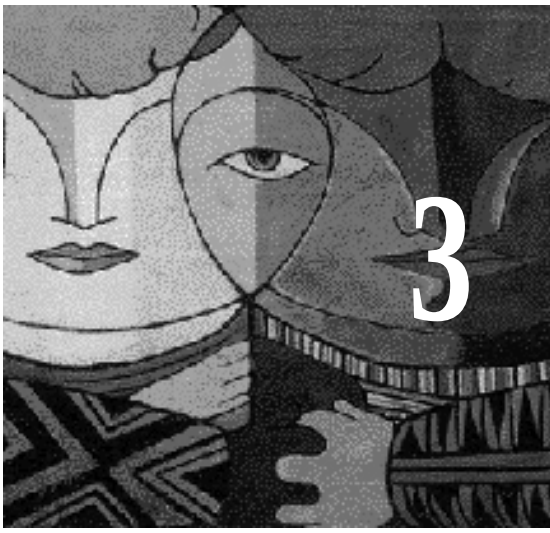

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CHAPTER 3:

Fair Housing Planning Requirements and Guidelines for States and State-Funded Jurisdictions

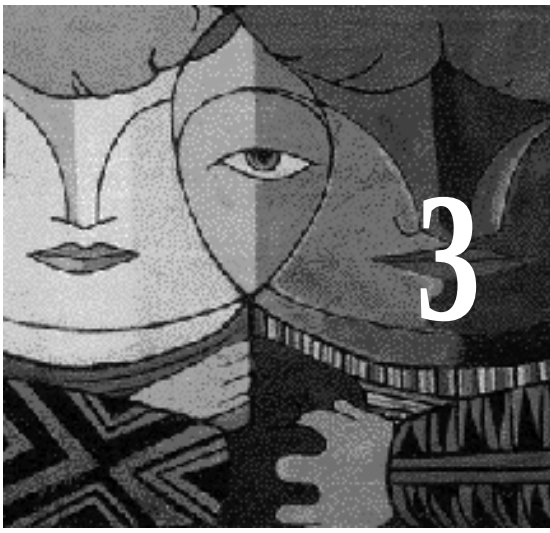
3.1 Introduction

States have a dual responsibility when it comes to fair housing—a responsibility that pertains to the State as well as to State-funded jurisdictions that receive Community Development Block Grant (CDBG) program funding.

In meeting their dual responsibility, States must:

1. Ensure that State-funded jurisdictions comply with their certifications to affirmatively further fair housing (AFFH) (e.g., overall policy, educate State-funded jurisdictions regarding AFFH.

2. Undertake Fair Housing Planning (FHP) at the State level (e.g., statewide development impact fees, State regulation of real estate agents; see Section 3.6 for more examples).



This chapter discusses the dual fair housing responsibility of States. The Chapter focuses first on State-level requirements (24 CFR 570.487(b)), and then on the responsibilities of State-funded jurisdictions. This chapter concludes with a discussion on the special considerations for States and certain State-funded jurisdictions in conducting the Analysis of Impediments to Fair Housing Choice (AI).

3.2 STATE RESPONSIBILITY: STATE LEVEL

The Consolidated Plan's certification to AFFH requires States to undertake FHP. Since FHP is a component of the Consolidated Plan, the citizen participation requirement for the Consolidated Plan applies (24 CFR 91). FHP consists of the following:

NOTE: *Since FHP and the Consolidated Plan are on a different time schedule for the first cycle, HUD does not expect the jurisdiction to follow the strict citizen participation requirements for the first AI. However, HUD does expect the jurisdiction to develop an AI that involves and addresses concerns of the entire community.*

1. Conducting an AI.

   HUD suggests that States conduct their AI at the beginning of each Consolidated Plan cycle (e.g., once every 3 to 5 years).

2. Taking appropriate actions to overcome the effects of any impediments identified through the AI.

   HUD suggests that actions to address the identified impediments should have measurable results. Additionally, before taking such actions, HUD suggests that States establish a prioritized list of impediments to address. The list should contain specific milestones and timetables.

3. Maintaining the following records:

   – Documentation of the AI

   – Actions taken in this regard.

   HUD suggests the State maintain the following additional records to further support its AFFH certification:

   – Studies evaluating the effectiveness of the actions

   – Summaries or transcripts of all public meetings, hearings, and citizen comments/input

   – FHP summary reports (e.g., a summary of the AI, the actions taken in the previous program year, and an analysis of the impact of those actions). The FHP summary report is part of the Consolidated Plan Performance Report required by 24 CFR 91.520.

3.3 STATE RESPONSIBILITY: STATE-FUNDED JURISDICTIONS

States must ensure that State-funded jurisdictions comply with their certifications to affirmatively further fair housing. To do so, States should:

- Require all State-funded jurisdictions to take actions that promote fair housing choice at the local level and that have measurable results.
- Provide guidance and technical assistance to State-funded jurisdictions in conducting an AI (for those jurisdictions where the State has determined that one will be conducted).
- Provide guidance and technical assistance to those State-funded jurisdictions that the State has determined do not have to complete an AI; such guidance should include fair housing training and education for citizens as well as ensuring that fair housing complaints are quickly addressed.

States have flexibility in prescribing how State-funded jurisdictions are to address their AFFH certification obligations. Thus, States could determine that a State-funded jurisdiction shall not conduct an AI, but rather take specific actions that promote fair housing choice.

Finally, States could (but are not required to) direct State-funded jurisdictions in a metropolitan area, as a condition of their eligibility for funding, to cooperate with Entitlement jurisdictions in joint (e.g., metrowide) FHP activities. Participation in the undertaking of fair housing activities could also be identified by the State as a condition of State funding eligibility.

Since States have a continuing relationship with many State-funded jurisdictions as they carry out activities, States have an opportunity to develop a strong hands-on relationship with their State-funded jurisdictions in affirmatively furthering fair housing. This proactive role by the States fosters a unique working partnership with the localities and their community leaders through education, capacity building, and training on Federal and State fair housing laws and procedures.

Conversely, all States work with newly funded localities every year. The State should determine how such localities should take actions to comply with their certification to affirmatively further fair housing.

States should consider State-funded jurisdictions to have met their AFFH certification if the jurisdictions have carried out the State-approved actions. In turn, HUD will evaluate the State's records of monitoring efforts to determine State performance in requiring and evaluating the actions of State-funded jurisdictions in affirmatively furthering fair housing.

3.4 RESPONSIBILITY OF STATE-FUNDED JURISDICTIONS

States, as required by 24 CFR 570.487(b)(4) of the CDBG regulation, are required to assure that units of local government funded by the State comply with their certifications to affirmatively further fair housing. In accordance with instructions from the State, State-funded jurisdictions shall undertake FHP to develop proposed actions having measurable AFFH results at their local level. These actions may be Fair Housing Planning through the conduct of an AI and the taking of actions to address identified impediments. Or they could be a series of actions to be taken by the State-funded jurisdiction without the additional requirement of conducting an AI.

NOTE: HUD encourages States to encourage State-funded jurisdictions to consult the chapters in this Guide pertaining to Entitlement jurisdictions for additional guidance on specific actions.

3.5 THE STATE-LEVEL AI

As indicated in Section 3.2, States are required to undertake FHP. One component of FHP is the AI, which is a disclosure and review of impediments to fair housing choice.

Impediments to fair housing choice include actions or omissions in the State that:

- Constitute violations, or potential violations, of the Fair Housing Act
- Are counter-productive to fair housing choice, such as NIMBYism:
  - Community resistance when minorities, persons with disabilities and/or low-income persons first move into White and/or moderate- to high-income areas
  - Community resistance to the siting of housing facilities for persons with disabilities based on their disabilities
- Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

The scope of the AI should be broad. Thus, the review of housing should not be limited to housing assisted or subsidized by the Federal or State government. Rather, the AI should assess all types of housing within the State in order to determine whether there are any impediments to fair housing choice.

States can use available data, such as census reports and housing surveys, to gauge whether impediments to fair housing choice exist and whether there are State regulatory policies, practices, and procedures that encourage segregation by race, income, and/or disability.

Actually determining whether State regulations promote or allow segregation on the basis of race, disability or income, and the degree to which these regulations have this effect, usually requires a more detailed analysis than what can be achieved through available secondary sources. Secondary sources, nonetheless, should be used at a minimum to identify “red flags” that can be examined in more detail.

Upon completion of their AIs, States should take actions that are responsive to the identified impediments.

3.6 AI AREAS FOR REVIEW: STATE LEVEL

A State-level analysis should include, but not be limited to, a review for impediments in the following areas:

Public Sector

1. State building, occupancy, health, and safety codes (including accessible design) that may affect the availability of housing for minorities, families with children, and persons with disabilities.

   Such information should be available through a review of State laws and ordinances relating to these subjects.

2. State policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of public (assisted) and private housing such as:

   – Equalization of municipal services

   – State tax policy

   – Demolition and displacement decisions pertaining to assisted housing and the removal of slums and blight (e.g., relocation policies and practices affecting persons displaced by urban renewal, revitalization, and/or private commercialization or gentrification in low-income neighborhoods).

   Such information should be available from the State housing authority/finance agency responsible for site selection and through a review of State laws and ordinances relating to these subjects.

3. Statewide policies concerning community development and housing activities such as:

   – Multifamily rehabilitation

   – The application of site and neighborhood standards for new construction activities

   – The application of accessibility standards for new construction and alterations

   – Activities causing displacement (e.g., revitalization of neighborhoods, property tax increases)

– Demolition of low-income housing which affects opportunities of minority households to select housing inside or outside areas of minority concentration or individuals with disabilities to select housing that is accessible and is in accessible locations.

4. Statewide policies that restrict the provision of housing and community development resources to areas of minority concentration, or policies that inhibit the employment of minority persons and individuals with disabilities.

5. Public policies that restrict the interdepartmental coordination between other State/ local agencies in providing housing and community development resources to areas of minority concentration or to individuals with disabilities.

6. Statewide planning, financing, and administrative social actions related to the provision and siting of public transportation and social services that may inhibit or concentrate affordable housing opportunities for persons with disabilities.

7. Policies and practices affecting the representation of all racial, ethnic, religious, and disabled segments of the community on statewide advisory boards, commissions, and committees.

Private Sector

1. State banking and insurance laws and regulations pertaining to the financing/ refinancing, sale, purchase, rehabilitation, and rental of housing that may affect the achievement of fair housing choice within the State.

   Such policies and practices, to the extent they are expressly stated in writing, should be available upon request from State licensing and other agencies that regulate banks, other financial institutions, and insurance firms operating within the State.

   The Home Mortgage Disclosure Act (HMDA) may provide additional data on the lending practices of specific banks.

2. State laws and regulations covering the sale of housing that may allow or promote real estate practices such as steering or blockbusting, deed restrictions, and discriminatory housing brokerage services.

3. State laws and regulations covering housing rentals, trust or lease provisions, and conversions of apartments to all-adult.

4. State and local laws that conflict with the accessibility requirements of federal laws.

5. State and local laws or other policies and practices that have the effect of restricting housing choices for persons with disabilities.

6. Availability and dissemination of information on the availability of programs that may be used to provide financial assistance for modification to privately owned housing to make such housing accessible to persons with disabilities and their families.

Public and Private Sector

1. The nature, extent, and disposition of housing discrimination complaints, violations, or suits against private parties within the State or in State-funded units of general local government; other evidence of private housing discrimination occurring within the State; information on any contract conditions related to fair housing considerations placed by HUD on the State; or information on any failure of the State in complying with its AFFH certification. Such information should be available from HUD, the Department of Justice, State (and local) fair housing enforcement agencies, the State Attorney General, and private fair housing groups operating within the State.

2. Evidence of segregated housing conditions (in the non-entitlement areas), and the housing desegregation plans or efforts of HUD or other Federal agencies. Such data should be available from census maps, the records of public housing authorities, HUD, and State housing agencies.

3. The delivery system for statewide programs (as related to HUD program funding) providing social services to families with children and persons with disabilities.

4. Provision of financing assistance for dwellings, such as discriminatory lending patterns, practices, and disclosures; discriminatory appraisal and insurance underwriting practices; disinvestment and insurance redlining practices. Such information may be available from Fair Housing Initiatives Program (FHIP) recipients engaged in special projects and activities to address property insurance and mortgage lending discrimination.

5. Other State laws, policies, and practices affecting the location, cost, and availability of housing. Such information should be available from the State housing finance agencies and State human rights agencies.

6. Where there is a determination of unlawful segregation or other housing discrimination by a court or a HUD Administrative Law Judge, or a finding of noncompliance with Title VI or the Fair Housing Act by HUD regarding assisted housing within a State, an analysis of the actions which could be taken by the State to help remedy the discriminatory condition, including actions involving the expenditure of funds made available under CDBG, or other funds to rehabilitate

housing units or redress neighborhood deficiencies; the provision of economic development programs for occupants of assisted housing; and development and implementation of a fair housing information program for municipal officials and employees having duties related to fair housing, zoning, planning, assisted housing, and community/economic development.

The State should not only analyze what the State can do to correct that violation, but also should ensure that the same violation is not happening elsewhere within the State.

3.7 AI AREAS OF REVIEW: STATE-FUNDED JURISDICTIONS

State-funded jurisdictions that are directed by the State to conduct an AI are encouraged to consult the chapters in this Guide pertaining to Entitlement jurisdictions for guidance. HUD suggests that at a minimum, AI areas for review should include the following:

- Review of local planning/zoning and land use controls for evidence of restrictions that impede fair housing choice
- Review of lending practices of financial institutions serving the community for evidence of discriminatory patterns
- Review of sales and rental practices within the community for discriminatory patterns
- Review of areas of minority and disabilities concentrations for patterns of discrimination, e.g., lending, rentals, or sales
- Review of the quality of services provided to areas with high concentrations of minority persons, persons with disabilities and large families.

Following are several appendices that contain sample impediments and actions to eliminate them, a listing of proposed State actions regarding the analysis of impediments to fair housing choice, and actual examples of State AI actions.

CHAPTER 3—APPENDIX A: STATE EXAMPLES OF IDENTIFIED IMPEDIMENTS AND RESPONSIVE ACTIONS

The purpose of FHP is to foster a careful examination on a statewide basis of those factors which restrict or preclude fair housing choice. FHP also brings about meaningful and substantial actions by the State which respond directly to the identified impediments. The following examples are intended to highlight the types of actions which States might take in response to specific impediments. States should not interpret the examples as required actions nor as the only response to the given set of impediments.

Example 1

Impediments

State X is a southern State with a diversified economy, including major agricultural, tourism, financial, and military sectors. Its population is 25 percent Hispanic, 10 percent African-American, and 35 percent 62 years of age and older. It has a number of major metropolitan areas that are racially and ethnically diverse. The State's AI documented the following principal impediments to fair housing choice that are common to a number of the metropolitan areas within the State:

1. The conflict between African-American populations and newly arrived Hispanic populations contributes to segregated housing patterns and prevents members of both segments from considering moving outside their own neighborhoods.

2. The suburban jurisdictions of many of the State's major cities have exclusionary zoning ordinances that preclude the construction of affordable multifamily housing and keep out lower-income and minority persons.

3. The State does not have any laws or policies dealing with the treatment of persons with mental or physical disabilities, a fact which encourages a hostile attitude in most local jurisdictions toward the existence of housing facilities for persons with disabilities, drug and alcohol treatment centers, and community-based mental health facilities.

Actions to Eliminate Impediments

In response to these impediments, State X has prioritized the following as actions to be taken:

1. The Governor plans to create a commission that will recommend ways by X date to defuse potential conflicts between African-Americans and newly arrived immigrant populations.

2. The State Human Rights Office will review all local zoning ordinances for their effects on the ability of low-income and minority families to obtain suitable housing in the suburbs, the construction of affordable housing for low-income persons, the potential for their disparate impact, and report their conclusions and recommendations to the Governor by X date.

3. The Governor will propose amending and pursue passage of a new State fair housing act to prohibit discrimination on the basis of disability and familial status, thus making it substantially equivalent in those respects to the Fair Housing Act, and will also propose amending and pursue passage of the State's home rule statutes to prohibit localities from refusing to consider applications for permits from locally-based organizations desiring to set up facilities geared toward persons with physical and mental disabilities.

4. The State will provide X number of technical assistance training hours to its State recipients on their Fair Housing Planning activities.

Example 2

Impediments

State Y is a Midwestern agricultural State with several major cities that have histories of hostile race relations. The AI describes in these major cities racially segregated housing patterns that have existed for several generations:

1. Neither the State nor the local governments has done anything to address these issues.

2. The AI also documents the results of extensive interviews with all segments of the real estate community and community leaders of all races and ethnic groups; these interviews and surveys reveal that all parties concerned feel comfortable with the status quo of segregated housing patterns, racial hostility as it relates to housing issues, and the lack of any resolve to tackle these problems.

3. Furthermore, the State has no infrastructure to enforce its fair housing law or prevent the intimidation of minority families or families with disabilities that want to move into nontraditional settings.

Actions to Eliminate Impediments

In response to these impediments, the State plans to:

1. Enact legislation by X date which will prescribe serious criminal penalties for persons convicted of forcibly preventing families from moving into the neighborhood of their choice because of their race, color, religion, sex, disability, familial status, or national origin.

2. Convene X number of workshops around the State which will address the subject of housing segregation and discrimination.

3. Establish a State Fair Housing Commission X days after enactment of a substantially equivalent fair housing law that will work with local governments to eliminate their housing segregation problems.

4. Get expert advice from at least X number of organizations within and outside of the State (e.g., National Fair Housing Alliance; National Association for the Advancement of Colored People, National Urban League, Disability Rights Action Coalition for Housing, National Council on Independent Living, National Association for the Deaf, etc.) regarding other actions to pursue.

5. Provide X number of technical assistance training hours to its State recipients on their FHP activities.

Example 3

Impediments

State Z is a major Western industrial and agricultural State that has the country's largest population of foreign-born persons. Its major cities have large racially and ethnically identifiable sections, in which live large numbers of Hispanic, Asian, and African-American households with incomes at 80 percent or below the local median family income.

The AI identified the following impediments:

1. The local fair housing agencies are under-funded and ill-equipped to enforce their local fair housing ordinances.

2. The mass exodus of nonminority middle-class families from many cities in the State has contributed to racially segregated housing patterns and an atmosphere of intolerance toward nonwhite families of any income level who move into nonminority sections.

3. The State does not have an enforceable site selection policy for affordable housing that will compel its major cities to select sites for affordable housing located outside of minority or low-income areas or allocate such housing on a metropolitanwide basis.

Actions to Eliminate Impediments

In response to these impediments, the State will do the following:

1. Increase funding by X percent for existing local fair housing and human rights agencies through a program similar to the Federal Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP), with funding to come from both State and Federal sources.

2. Enact legislation by X date mandating site selection policies for affordable housing for all localities of 50,000 or more in population. The goal is to deconcentrate communities by race and income and encourage the construction of affordable single-family and multifamily housing throughout the jurisdiction.

3. Convene X number of workshops in the State's major metropolitan areas to strongly encourage metrowide solutions to housing discrimination and segregation.

4. Provide X number of technical assistance training hours to State recipients on their FHP activities.

Example 4

Impediments

State A reviews the zoning ordinances of each locality within its jurisdiction (or requests the localities to do the same) to determine whether the local ordinances are inconsistent with the disability related prohibitions of the Fair Housing Act and other federal civil rights laws. The Fair Housing Act regulations prohibit the use of discriminatory terms and conditions on the basis of disability. Also, regulations implementing Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination against qualified persons with disabilities.

The AI identified the following impediment:

> State A determined from its review that several of its localities have zoning ordinances which appear to violate federal civil rights laws by placing restrictions on the location and/or size of housing facilities for persons with disabilities.

Actions to Eliminate Impediments

In response to this impediment, the State plans to:

1. Inform the applicable localities of its findings and advise the jurisdictions with problem zoning ordinances of their obligations to amend their ordinances.

2. Monitor the ordinance amending effort until all those ordinances have been completed.

Example 5

Impediments

State B has a sizable elderly and/or disabled population. The State documents in it's AI that several localities found the lack if accessible single family dwellings constitutes an impediment.

Actions to Eliminate Impediments

In response to the impediments, the State proposed several strategies for increasing the availability of accessible single-family units state-wide, including:

> Establishing locally based modification loan/grant funds to provide assistance to elderly disabled persons who wish to make the home they own or rent accessible.

Example 6

Impediments

State W is a southeastern state where a considerable amount of new construction of multifamily residential housing is being built. Several impediments related to housing needs for persons with disabilities were identified in the State's AI.

The AI identified the following impediments:

1. Persons with disabilities had the highest percentage of "worst case housing needs".
2. Federal and State fair housing enforcement information indicates a high degree of noncompliance with Section 504 of the Rehabilitation Act in both public housing and assisted housing programs.
3. The results of testing done by a local fair housing organization indicate that of several thousand newly built housing units, 95% of the units are not in compliance with the accessibility requirements of the Fair Housing Act, which applies to all residential buildings having four or more units and which are built for first occupancy after March 13, 1991.

Actions to Eliminate Impediments

In response to these impediments, the State plans to:

1. Set up a commission that will work with the various public and assisted housing providers and the federal and State fair housing enforcement offices to develop an action plan for meeting the unmet housing needs of persons with disabilities.

2. Implement a training program for public and assisted housing providers on requirements of Section 504, the Fair Housing Act, the Americans with Disabilities Act, the Architectural Barriers Act, and the State's barrier-free building code.

3. The State department that is in charge of construction code compliance and enforcement will implement a plan that will provide (a) education to the building industry on the accessibility requirements of the Fair Housing Act, and (b) add to the existing building permit and review process a review of compliance with these accessibility requirements with the provision that no certificate of occupancy will be issued until all requirements have been met.

CHAPTER 3—APPENDIX B:

Chart supplied by Council of State Community Development Agencies (COSCDA)—August 4, 1995

SURVEY OF STATES
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

STATE	STARTED "AI" PROCESS?	AGENCY	CONTACT	COMMENTS
Alabama	Yes	Department of Economic and Community Affairs	Paula Murphy 205-242-5462	
Arizona	No	Department of Commerce	Rivko Knox 602-280-1361	
Arkansas	No	Industrial Development Commission	Bill Young 501-682-5193	
California	No	Department of Housing and Community Development	Bill Pavao 916-327-8887	
Colorado	No	Department of Local Affairs	Terry Chavez 303-866-2771	Will do the AI in house
Connecticut	No	Department of Housing	Larry Lusardi 203-566-5310	
Delaware	No	Delaware State Housing Authority	Rourke Moore 302-739-4263	Will do the AI in house. Has already completed an AI of local zoning laws.
Florida	No	Department of Community Affairs	Tom Pierce 904-922-5434	Will probably hire a consultant to do the statewide AI. Currently, local applicants are rated on fair housing performance in CDBG application process.
Georgia	No	Department of Community Affairs and the Georgia Housing Finance Agency	Chantel Matthews or Don Watt 404-656-6200	DCA and Georgia HFA will work together in preparing AI.
Idaho	No	Department of Commerce	Jan Blickenstaff 208-334-2470	Combining with all Entitlement communities to do one large study, probably with the aid of a consultant. Will start in about a month.
Illinois	No	Department of Commerce and Community Affairs and the IL Dept. of Human Rights	Mark Gauss 217-785-6193 or Bill Pluta 312-836-5383	May Contract with IL Dept. of Human Rights, using CDBG funds, to do State AI.

STATE	STARTED "AI" PROCESS?	AGENCY	CONTACT	COMMENTS
Indiana	Yes	Department of Commerce	Betty Beecher-Smith 317-232-8333	Working in conjunction with State civil rights commission to do statewide AI Surveying all 576 local communities.
Iowa	No	Department of Economic Development	Anna Smith 515-242-4812	
Kansas	No	Department of Commerce and Housing	Don Brake 913-296-3528	Will do AI in house.
Kentucky	Yes	Department of Local Government	Scott Kimmich 502-573-2382	Contracted with State Commission of Human Rights to do AI.
Louisiana	Yes	Office of Community Development	Suzie Elkins 504-342-7412	Currently requires grantees to do local AI. Hired a consultant to do statewide AI.
Maine	Yes	Department of Economic and Community Development	Aaron Shapiro 207-624-6800 or Suzanne Guild 207-626-4615	Dept. of Econ. & Comm. Dev and ME State Hsg. Authority are working together to do statewide AI. The agencies plan to meet with their regional HUD field office this week to discuss the AI process.
Maryland	No	Department of Housing and Community Development	Ron Waters 410-514-7224	Will send out RFP 9/95 to hire a consultant to do statewide AI.
Massachusetts	No	Department of Community Affairs	Toni Hall 617-727-0494, x428	MA Commission Against Discrimination will take the lead.
Minnesota	No	Department of Trade and Economic Development	Leona Humphrey 612-297-4740	Will probably do the AI in conjunction with the MN HFA.
Mississippi	No	Department of Economic and Community Development	Willie Horton 601-949-2223	Will hire a consultant to do the statewide AI
Missouri	Yes	Department of Economic Development	Marilyn Graham 314-751-3600	Will do session on AI for local grantees at annual application meeting on August 15/16. Has developed a checksheet and questionnaire to distribute to the grantees concerning the AI. The statewide AI will be completed using the results from the questionnaire as well as with assistance from the State Human Rights Committee.
Montana	Yes	Department of Commerce	Gus Byron 406-444-4477	Hired a consultant to do AI.
Nebraska	No	Department of Economic Development	Danielle Hill 410-514-7224	Received award of $30,000 under HUD's Super NOFA to do statewide AI. Sent out RFP for a consultant to do the AI.
Nevada	No	Committee on Economic Development	Audrey Allan 702-687-4325	Nevada Fair Housing Council will send out RFP for a consultant to do AI.

STATE	STARTED "AI" PROCESS?	AGENCY	CONTACT	COMMENTS
New Hampshire	Yes	Office of State Planning	Bill Ray 603-271-2155	Will use a portion of its HUD super NOFA award to hire a consultant to do the statewide AI.
New Jersey	No	Department of Community Affairs	Shari Malnak 609-984-8453	DCA will probably do the statewide AI in house.
New Mexico	No	State Housing Division	Sam Vivian 505-827-7124	
New York	No	Division of Housing and Community Renewal	Brian McCarthy 518-473-2528	
North Carolina	No	Department of Commerce	Donna Moffitt 919-733-2850	May contract with a university to do the AI.
North Dakota	No	Office of Intergovernment Assistance	Linda Reagan 701-328-2094	Will probably do AI in house.
Ohio	Yes	Department of Development	Bill Graves 614-466-2285	Implemented statewide Fair Housing Assistance Program, using CDBG funds. The program awards funds to local communities to do AI and other activities to Affirmatively Further FH.
Oklahoma	No	Department of Commerce	Vaughn Clark 405-841-9370	May contract with State human rights agency or Universitiy of Oklahoma to do AI.
Pennsylvania	Yes	Department of Community Affairs	Ed Geiger 717-783-3910	Has prepared draft outline of statewide AI. Currently, all 207 of the State's jurisdictions are required to do local AI.
Rhode Island	No	Office of Intergovernment Relations	Jeff Gofton 401-277-2895, x319	
South Carolina	No	Division of Economic Development	Dick Scott 803-734-0420	
South Dakota	No	Division of Rural Community Development	Steve Harding 605-773-5651	Will probably work closely with State housing finance agency to undertake statewide AI.
Tennessee	No	Department of Economic and Community Development	Paula Lovett 615-741-6201	Will require FY95 grantees to do AI.
Texas	No	Department of Housing and Community Affairs	Christina Jackson 512-475-3833	
Utah	Yes	Department of Community and Economic Development	Richard Walker 801-538-8730	Regional Planning Councils will prepare AI for their region and submit to the State by the end of the year.
Vermont	No	Department of Housing and Community Affairs	Pat Peterson 802-828-3217	

STATE	STARTED "AI" PROCESS?	AGENCY	CONTACT	COMMENTS
Virginia	No	Department of Housing and Community Development	Todd Christensen 804-371-7061	Currently, all State recipients are required to carry out at least one activity designed to AFFH during each year that their grant is in effect.
Washington	No	Department of Commerce Trade and Economic Development	Charmaine Stouder 206-586-1243	Has sent out RFP to hire a consultant to do the State AI.
West Virginia	No	West Virginia Development Office	Larry Long 304-558-4010	
Wisconsin	No	Department of Development	Marti Wilson 608-266-5842	
Wyoming	No	Community Development Authority	Jim Casey 307-265-0603	

CHAPTER 3—APPENDIX C:

Information supplied by COSCDA—June 7, 1995

COMMONWEALTH OF PENNSYLVANIA
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

June 7, 1995

Background

The U.S. Department of Housing and Urban Development (HUD) requires that each state conduct an analysis to identify impediments to fair housing choice within the state. The Commonwealth also must take appropriate actions to overcome the effects of any impediments identified through that analysis.

HUD's definition of "fair housing choice" means the ability of persons, regardless of race, color, religion, sex, handicap, familial status, or national origin, of similar income levels to have available to them the same housing choices.

In 1991, the Department of Community Affairs (DCA) required all 207 jurisdictions entitled to receive an annual allocation of state-administered Community Development Block Grant funds under state Act 179 to submit a Fair Housing Analysis to DCA. The analysis required that these communities review and identify housing needs among low- and moderate-income households, minority groups, and other protected classes of people such as the elderly and persons with disabilities. The analysis included data on population, employment/transportation, housing, public policies, real estate, lending institutions, and community institutions. In addition, the analysis included findings of problems and impediments, a course of action to address impediments to fair housing, and a schedule to resolve those problems.

Work Plan for 1995 and 1996

During 1995, DCA will require each community to update their analysis by incorporating 1990 Census data (if not included in the 1991 analysis), describe the actions taken to address fair housing impediments, assess the progress or effectiveness of those actions, and identify any new impediments and/or corrective actions the community will undertake. (The instructions issued to local government grantees are attached.)

Simultaneously, DCA will conduct a review of relevant state-level data regarding fair housing choice. DCA will gather this information from other state agencies and statewide organizations which represent protected classes of people. DCA will gather data on fair housing problems/issues, complaints about fair housing choice, and any actions taken to resolve problems or further fair housing choice. (The survey process is attached.)

DCA will aggregate the results of the state-level review. DCA will identify trends, statewide problems, and common solutions among the updated local fair housing analyses. DCA will combine both the statewide and local results. Before the analysis is finalized, the statewide and local findings will be reviewed with the Pennsylvania Housing Advisory Committee (PHAC) at an open meeting. A draft of the Commonwealth's Analysis of Impediments will be shared with the PHAC before it is finalized.

Tentative Schedule

June 15, 1995 Issue instructions on updating local fair housing analyses and finalize workplan for state-level review

Dec. 1, 1995 Updated local fair housing analyses due to DCA

May 1, 1996 Analysis of Impediments completed

State-Level Review

The U.S. Department of Housing and Urban Development (HUD) requires the Commonwealth to analyze relevant state-level data on impediments to fair housing choice. These impediments could consist of real estate agent practices, rental management practices, banking practices, or insurance practices which limit people of the same income levels from having the same housing choices.

In order to solicit information about impediments to fair housing choice, the Department of Community Affairs will survey other state agencies which serve and advocacy groups which represent classes of people which are protected by federal fair housing laws. DCA also will survey state regulatory agencies which monitor financial institutions and housing professionals as well as the state's fair housing enforcement agency.

The following state service agencies will be surveyed by DCA:

Heritage Affairs Commission
African American Commission
Latino Affairs Commission

Commission on Women
Department of Aging
Department of Public Welfare
– Office of Mental Health
– Office of Mental Retardation
– Office of Social Programs
  Community Services Program for Persons with Physical Disabilities
  Bureau of Blindness and Visual Services
– Office of Children Youth & Families
– Developmental Disabilities Planning Council
Department of Labor and Industry

The following state regulatory agencies will be surveyed:

Pennsylvania Human Relations Commission
Department of Banking
Department of Insurance
Department of State
– Real Estate Commission
– Real Estate Appraisers Board

DCA will survey the following advocacy groups:

American Association of Retired Persons
National Association for the Advancement of Colored People
Hispanics/Latino Community Groups*
Asian/American Community Groups*
United American Indians of the Delaware Valley
Council of Three Rivers American Indian Center
Commissioners of Pennsylvania Heritage Affairs Commission*
National Organization for Women
Pennsylvania Council of Churches
Pennsylvania Catholic Conference
Pennsylvania Jewish Coalition
Organizations representing Muslim and other religions*
Pennsylvania Coalition of Citizens with Disabilities
Pennsylvania Alliance for the Mentally Ill
Pennsylvania Mental Health Consumers Association
Pennsylvania Association of Resources for People with Mental Retardation
Independent Living Council
Council on the Blind
Pennsylvania Partnership for Children
Pennsylvania Builders Association
Pennsylvania Manufactured Housing Association
Pennsylvania Manufactured Home Owners of America
Pennsylvania Association of Realtors

Pennsylvania Bankers Association
Pennsylvania Association of Community Bankers
Pennsylvania Association of Housing and Redevelopment Agencies
Local Human Relations Commissions
Fair Housing Councils

DCA will conduct a written survey of all the state agencies and organizations listed above. The groups listed above with an asterisk may require a two-phase survey. The first phase would be a preliminary survey to identify the most relevant groups. The second phase would include the detailed survey with the groups identified.

In addition, DCA will conduct interviews and meetings with the state regulatory agencies in order to seek more detailed information and collaborate on ways to further fair housing choice.

The written survey and interviews will seek information on:

1. Problems restricting fair housing choice.

   The survey will request quantitative data on the number of complaints or possible violations of fair housing laws which may have occurred in Pennsylvania by county.

2. Issues affecting fair housing choice.

   The survey will ask about issues which affect housing choices, even if those issues are not directly related to fair housing. The analysis will look for trends which indicate a fair housing problem even if the survey respondents do not identify it as such.

3. Existence and results of any complaint process.

   The survey will identify any formal or informal data on fair housing complaints. The analysis of this information will be broken out by urban and rural areas.

4. Any actions taken to correct or further fair housing choice.

   The survey will seek information to create an inventory of programs, services, and initiatives in Pennsylvania designed to encourage acceptance of protected classes. The list of these actions may include training/educational programs, counseling regarding professional ethics, and advertising/media campaigns to encourage diversity.

Local Fair Housing Analysis Update

Grantees must update their 1991 fair housing analysis and the implementation of the actions that have been undertaken to determine if any changes need to be made to the analysis or the types of actions being undertaken.

Grantees that utilized the 1980 census data must now update their analysis using 1990 census data. A review of actions taken to combat identified impediments must be undertaken to determine if they have alleviated the impediments or whether further actions or new actions need to be undertaken. In addition, grantees should determine if any new impediments to fair housing choice have arisen and what actions they will undertake to combat these new impediments.

This update must be completed and submitted to the Department of Community Affairs by December 1, 1995.

CHAPTER 3—APPENDIX D:

—NOTES—

(Example of Metrowide AI)
Information supplied by COSCD—August 4, 1995

STATE OF UTAH

Affirmatively Furthering Fair Housing Plan

In the absence of specific, HUD mandated guidelines concerning the Affirmatively Furthering Fair Housing Plan (AFFHP), the State of Utah decided to approach this plan in a consistent, local government manner as we do much of our consultation with the CDBG program generally. The state has put together a general outline of the kind of information which we desire to have in the plan and work directly with the seven regional planning agencies in the state to develop meaningful plans at the local level which has the very important buy in of local government. We used a portion of our one per cent (1%) Technical Assistance set-aside to fund a portion of this study. Other local funds paid for the remainder of the study. The T.A. funds were used to identify how low and moderate income persons could better access public housing funds as well as private funds to assist them in finding suitable housing by choice.

The scope of work in each of the regional agency's contracts includes the following components; the content has been reviewed by the HUD area office. The intent of this analysis is to perform a "comprehensive review of policies, practices and procedures that affect the location, availability and accessibility of housing and current residential patterns and conditions." The emphasis and the justification for using T. A. funds for this purpose is to allow low income people to first find housing and then to determine how to access CDBG funds as well as other financial resources to assist in making it more affordable. The lending practices of financial institutions are integral to making these determinations in all communities. The analysis will include an evaluation of lending practices in communities, lending practices in certain parts of communities (redlining of neighborhoods), lending practices based on sex, race, national origin, or disability, lending practices for certain types of housing, i.e; multiple family rental units. At the same time the study will also include an analysis of real estate sales practices from the same perspectives to determine biases in any of these categories. Zoning practices will also be evaluated in terms of exclusions or biases in any of these categories. Zoning practices will also be evaluated in terms of exclusions or biases of certain kinds of housing in the communities. These subjects are all identified as "barriers to fair housing choice" for lower income families and constitute the focus of the study.

Once the barriers are evaluated then the region will identify strategies to address the identified problem areas. The evaluation will be done in conjunction with area banks, real estate companies, developers, contractors, local government officials, non-profit entities, low income persons, and other interested parties. The study will include interviews, statistical reviews, data collection from various sources, reviews of policy documents and procedures manuals, discrimination complaints, etc. There is also a requirement to create a public participation program to obtain public input on the plan. Included with this narrative is a copy of a typical study outline generated by our regional agencies.

At the same time that this is going on, the regions are conducting a study of the effectiveness of Utah's non-profit organizations. They are looking at how to make the existing agencies better

and the creation of agencies where there are needs which are not being met by existing non-profits. There are no neighborhood or even community based development areas as well. There may be real opportunities for the creation of these entities in order to maximize the resources necessary to meet the needs of special populations.

Affirmatively Furthering Fair Housing Plan (AFFHP) Outline for Utah

1. Introduction

2. Provide a general housing status statement

3. Identify and evaluate policies and practices involving lending agencies (i.e., banks, mortgage Companies, Credit Unions, other financial institutions, housing agencies, and low-income groups), including geographic limitations, low-income limitations, and race

4. Identify and evaluate rental policies and practices involving property management agencies, including geographic limitations, low-income limitations, and race

5. Describe lending agency loan limitations by housing type and costs

6. Identify Fair Housing or Housing Discrimination complaints which involves lending institutions and rental property management agencies and describe the results

7. For each community, evaluate the limitation of multi-family unit construction in viable locations

8. Evaluate the lending practices within each community

9. Evaluate housing choice for persons holding certificates and vouchers

10. Evaluate sales practices of subsidized housing units

11. Identify any housing displacement, and if displacement is achieved in accordance with federal and state law

12. Determine financial limitations for developers who strictly construct single-family homes. Determine financial capabilities for developers who construct multi-family housing

13. Determine Action plan—goals and policies (cover all issues identified in the Assessment)

14. Provide Fair Housing Public scoping meeting minutes

CHAPTER 3—APPENDIX E:

Information supplied by COSCDA—August 4, 1995

STATE OF INDIANA

The housing survey was conducted in two phases. The first phase was initiated in July 1992. The purpose of the survey was to get some level of understanding from our subgrantees about housing and civil rights laws. Since the majority of our subgrantees receive Community Development Block Grants (CDBG), funds for infrastructure, community revitalization, and purchase of fire fighting equipment, the State realized being the recipient of federal funds, we were obligated to emphasize to subgrantees the importance of complying with and understanding of Federal/State Fair Housing/Civil Rights regulations. Below is an analysis of the State's survey:

A total of 528 surveys were mailed to cities/ towns and counties eligible to apply for CDBG funds. To date our office has received a total of 208 responses, a response rate of 39 percent. Of the 528 surveys mailed, 372 were sent to towns, 64 were mailed to Cities and 92 were sent to Counties around the state.

Out of the 372 surveys to towns throughout the state, 120 surveys have been received, or 32 percent. At the time the surveys were sent, 56 towns had one or more open CDBGs with the state. At the time of the survey, 29 towns had fair housing ordinances on the books, 28 percent of the respondents. There were 38 towns which had at least 1 percent of African Americans residing in the town, or 31 percent. There were 45 towns which had a percentage of Hispanics residing in their community, 37 percent. There were 67 communities that have subsidized housing, 55 percent. There were 21 towns which had scattered site housing, 17 percent. There were two towns which had received fair housing or equal employment opportunity (FH/EEO) complaints in the last two years, 1 percent. Of the total 120 respondents, there were 13 towns which have procedures in place to handle FH/EEO complaints, 10 percent. One town in Southern Indiana indicated they have personnel procedures in place to handle Civil Rights disputes. There were 49 towns, 40 percent, with housing for their senior citizens.

Of the 64 surveys sent to cities throughout the state, 49 responded, or 76 percent. There were 33 cities, or 50 percent, which had one or more open CDBG grants with the State. There were 32 cities, or 48 percent, that have a fair housing ordinance on the books. One city at the time of survey had a fair housing ordinance pending. There were 36 cities, 66 percent, which reported an African American population within their community. There were 29 cities, 51 percent, which reported having a percentage of Hispanic Americans residing in the community. There were 34 cities, 53 percent, with Asian Pacific Americans residing in the community. There were 40 cities, 62 percent, which reported having subsidized housing within their community. There were 23 cities, 35 percent, which had scattered site housing units in their community. One city reported a total of 20 scattered site housing units. Eight cities reported having received FH/EEO complaints in the last two years, the least being one complaint, the most being 25. There were 22 cities, 34 percent, that have a procedure in place for FH/EEO complaints. There were 43 cities, 67 percent, which have senior housing in their community.

There were 92 surveys mailed to County Commissioners around the State. Of the 92 surveys,

there were 33, 35 percent, which responded. Of the 92, at the time the survey was received by the state, there were 15, 16 percent, which had an open CDBG. There were 12 counties, 13 percent, which have Fair Housing Ordinances on the books. There were 26 counties, 28 percent, which have a Native American population. There were 23, 25 percent, that had Hispanic Americans residing in the Counties. The counties that reported 20, 21 percent, had a population of Asian Pacific Americans. There were 19 counties, 20 percent, which have subsidized housing. There were 10 counties, 10 percent, which reported having scattered site housing. Three counties reported having received FH/EEO complaints within the last two years. Nine counties, 9 percent, have procedures in place for handling FH/EEO complaints. One County has procedures in place to oversee EEO complaints. There were 22 counties, 23 percent, which have senior housing.

Methodology: The Community Development Division designed a simple survey document which would demonstrate the degree of sophistication, knowledge or attention given to the subject of Fair Housing and Equal Opportunity. (See Attached Document). The agency has since identified other questions which need to be included for a more accurate description of impediments.

Surveys were mailed to current and future recipients of CDBG dollars. The most difficult of the problems to overcome was the widely held perception that few or no African Americans meant that no FH/EEO problems existed.

There will probably be consultants hired to complete the analysis in order to fulfill the need to identify all impediments to fair housing—including zoning, housing patterns, educational and cultural obstacles, etc.

INDIANA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
FAIR HOUSING QUESTIONNAIRE

The guarantee of civil rights has a constitutional as well as a statutory base. Several laws overlap in their coverage of certain actions and activities. In order to determine the level of understanding and compliance with these laws, the Grants Management Staff is determining the degree of success to which the dissemination of civil rights, MBE/WBE and EEO information is being understood and utilized. Additionally, the community will benefit, because each community's Civil Rights Officer will need to identify and verify the existence and location of information relevant to compliance with Civil Rights Laws.

The attached informal questionnaire is due on or before March 10, 1994. Please return the completed questionnaire to:

Ms. Lori Thurman
Civil Rights Fair Housing Coordinator
Grants Management Office
Indiana Department of Commerce
One North Capitol Avenue, Suite 700
Indianapolis, IN 46204

Please contact Ms. Thurman at (317) 232-8355 if there are any questions. Thank you.

NAME OF GRANTEE UNIT OF GOVERNMENT: _____

TELEPHONE NUMBER: ( )_____
NUMBER OF CFF/IDIP GRANTS CURRENTLY OPEN:_____
NAME OF CIVIL RIGHTS OFFICER: _____
YEARS OF EXPERIENCE: _____
DOES YOUR LOCAL GOVERNMENT HAVE THE FOLLOWING:
YES NO
FAIR HOUSING ORDINANCE __ __ AFFIRMATIVE ACTION PLAN __ __
EQUAL OPPORTUNITY ORDINANCE __ __
NAME OF THE LARGEST CITY CLOSE TO YOUR TOWN OR TOWN OR COUNTY?
_____

ESTIMATE AS NEARLY AS POSSIBLE THE PERCENT OF EACH OF THE FOLLOWING GROUPS IN YOUR CITY/TOWN/COUNTY:

WHITE AMERICAN: _____ AFRICAN AMERICAN: _____
NATIVE AMERICAN: _____ HISPANIC AMERICAN: _____
ASIAN/PACIFIC AMERICAN: _____ OTHER: _____

ESTIMATE AS NEARLY AS POSSIBLE THE PERCENT OF LOW/MODERATE INCOME FAMILIES OR INDIVIDUALS IN YOUR CITY/TOWN/COUNTY:

VERY LOW:_____ LOW:_____ MODERATE: _____

HAS THE COMMUNITY JOINED FORCES WITH ANY OTHER GROUP, AGENCY OR ORGANIZATION TO PROMOTE FAIR HOUSING?

YES: _____ NO: _____

HAS THE COMMUNITY IDENTIFIED OR SOUGHT TO IDENTIFY ANY IMPEDIMENTS TO FAIR HOUSING?

YES: _____ NO: _____ (IF YES, EXPLAIN)

_____
_____
_____
_____

DOES YOUR COMMUNITY HAVE, OR HAVE ACCESS TO A CIVIL RIGHTS COMMISSION/OFFICE? YES: _____ NO: _____

DOES YOUR COMMUNITY HAVE SUBSIDIZED HOUSING:
YES: _____ NO: _____

LIST THE NAMES AND ADDRESS OF EACH HOUSING COMPLEX.

NAME OF COMPLEX: _____

ADDRESS: _____

NAME OF COMPLEX: _____
ADDRESS: _____

NAME OF COMPLEX:_____ _
ADDRESS: _____

DOES THE COMMUNITY INCLUDE EEO/FAIR HOUSING LOGOS OR LANGUAGE IN ALL ITS MARKETING AND ADVERTISING FOR BIDS, HOUSING AND EMPLOYMENT? (ENCLOSE SAMPLE, ANY AD WILL SUFFICE.)

YES: _____ NO: _____

DOES THE COMMUNITY HAVE A PROCEDURE IN PLACE FOR CIVIL RIGHTS COMPLAINTS: (ENCLOSE SUMMARY OF COMPLAINT PROCEDURE.)

YES: _____ NO: _____

HAVE THERE BEEN ANY FAIR HOUSING OR EQUAL OPPORTUNITY COMPLAINTS IN THE LAST TWO YEARS? YES: _____ NO: _____

IF YES HOW MANY: _____

HAVE THERE BEEN ANY OTHER EFFORTS TO AFFIRMATIVELY FURTHER FAIR HOUSING? (I.E. HOUSING WORKSHOPS, SEMINARS, OUTREACH, TRAINING, ETC.) LIST EFFORTS:

_____
_____
_____
_____

DOES THE COMMUNITY HAVE SCATTERED SITE HOUSING?

YES: _____ NO: _____

DOES THE COMMUNITY HAVE HOUSING FOR SENIOR CITIZENS:

YES: _____ NO: _____

COMMUNITIES ARE REMINDED THAT ALL RECIPIENTS OF FEDERAL FUNDS MUST COMPLY WITH FAIR HOUSING/EEO REGULATIONS, REGARDLESS OF THE TYPE OF GRANT AWARDED. THIS MEANS THAT RECIPIENTS OF FEDERAL FUNDS TO IMPROVE OR ADD INFRASTRUCTURE, PURCHASE FIRE FIGHTING EQUIPMENT, CONSTRUCT PUBLIC FACILITIES, IMPLEMENT ECONOMIC DEVELOPMENT PROJECTS, ETC, MUST AFFIRMATIVELY FURTHER FAIR HOUSING. CONTACT YOUR CIVIL RIGHTS OFFICER IF YOU HAVE
QUESTIONS.

CHAPTER 3—APPENDIX F:

Information supplied by COSCDA—August 4, 1995

STATE OF MONTANA

Analysis of Impediments to Fair Housing Choice

The purposes of this report are to review the 1991 Montana Advisory Council on Housing Discrimination's report entitled *Equal Housing Opportunity in Montana? A Study of Housing Discrimination*, prepared for the Governor and the Human Rights Commission, and to examine data gathered via the 1993 Montana Housing Survey. The objective is to present a discussion of the results of these findings as they pertain to the possibility of unfair housing practices. This report will suggest avenues for minimizing or eliminating impediments to fair housing choice, where they exist.

Summary

Over the last few years, as the housing market has tightened with rising prices and falling vacancy rates, the perception of ongoing unfair housing practices has become more widespread. Review of available data suggests that there are impediments to fair housing choice, particularly as related to "fair housing non-compliance, especially for racial minorities and women."[1] Inspection of the data also reveals that the single strongest factor relating to unfair housing practices appears to be income. Lower income households experience the greatest level of discrimination. But when coupled with additional attributes such as race, family size, marital status, or age of householder, the incidence of fair housing non-compliance rises significantly.

Overcoming unfair housing practices is an important issue to the State of Montana. The State feels that most unfair practices, though not all, are the result of ignorance. Therefore, the State intends to step up its outreach and educational efforts, thereby increasing the awareness of fair housing laws and the rights of both housing providers and consumers, whether they be renters, landlords, or real estate sellers. The State realizes that by increasing knowledge of fair housing issues, an increase in fair housing complaints is likely in the short run; but in the long run, fair housing non-compliance is expected to fall appreciably.

[1]The 1993 Montana Housing Survey, pg. 1.

Section I: Impediments To Fair Housing Choice, Montana Human Rights Commission

The Montana Human Rights Commission, to whom most formal complaints of discrimination are directed, received only nine complaints of housing discrimination each year for the first 12 years of its existence. In 1991, the number of complaints rose to 106. This was the year the Commission sponsored its Fair Housing Compliance Workshops.

Earlier, in 1983, the Commission began to participate in a memorandum of understanding for joint fair housing enforcement activities with the U.S. Department of Housing and Urban Development (HUD). The Commission applied for and received a grant from HUD to help develop private fair housing enforcement in three cities: Billings (the Billings Fair Housing Alliance), Great Falls (Council for Concerned Citizens), and Missoula (the Missoula Fair Housing Board). These groups performed tests in their local rental markets to gauge the extent of housing discrimination against American Indians. The organizations completed a total of 60 tests. Such tests gauged the response of landlords and other offerors of housing to inquiries about their housing by two persons with one varying characteristic: in this case, their race. In over 50 percent of the tests conducted, the minority tester experienced discrimination.[2] It was through this participation that the Commission gained an understanding of the nature and extent of housing discrimination.

Fair Housing Enforcement

Fair housing enforcement activities in Montana typically have focused on the rental housing, because most complaints filed are from that sector of the housing market. The Commission has not had a single complaint filed against a bank or other financial institution for housing discrimination, although some homeowners face constraints to mobility and believe these restraints are due to unfair housing practices. Only two complaints have been filed against a real estate firm (both filed against the same firm).

Between May 1988 and May 1991, the Commission received 140 housing complaints. Discrimination because of race or national origin was a factor cited in about half of those cases. The fact that a family had children was cited in nearly 30 percent of the cases, and sex discrimination was listed in one of each five of the charges. In more than 10 percent of the cases, the charge was made by or on behalf of a person with a disability. In 82 percent of cases by disabled persons, their handicap status was alleged to be the only factor considered in the denial of housing. Between 1987 and 1991, the number of housing discrimination complaints filed with the Commission doubled each year. It is not believed that there had been a sharp rise in discrimination, but rather that the laws had changed and incidents of housing discrimination were more often reported due to a better knowledge of housing rights and laws by those seeking housing.

[2]In any single test (lacking bias), using two subjects, one of a minority race and another not a minority, the minority tester.

Specific requests to the Human Rights Commission for a task force on housing discrimination came out of a 1989 conference on fair housing in Montana. Other requests for assistance in educating housing providers about fair housing laws were also received. As a response to such requests, the Human Rights Commission, in cooperation with Montana Governor Stan Stephens and the U.S. Department of Housing and Urban Development (HUD), initiated the 1991 Fair Housing Project. The Commission received a $75,000 grant from HUD to carry out the activities of the project.

As a part of the Fair Housing Project, Governor Stephens appointed a nine-member Advisory Council on Housing Discrimination to study the problem of discrimination in Montana, prepare a report of their findings, and make recommendations to his office and the Commission. The Fair Housing Project collected information at Fair Housing Compliance Workshops, which were held in 10 towns across the state. In conjunction with the workshops, the Montana Human Rights Commission's Fair Housing Project staff developed, wrote and published an Equal Housing Training Manual for use by state fair housing trainers.[3] The manual included a list of current resources and organizations available to help promote equal housing opportunities.

The report produced by the Advisory Council, Equal Housing in Montana? A Study of Housing Discrimination,[4] listed several impediments to fair housing that limited choice. The barriers ranged from ignorance of fair housing laws to pervasive negative attitudes and racial bias. The impediments to fair housing choice noted in the study can be broken down into three main issues: education, process difficulties, and bias. These differ both in the type of barrier and the method of overcoming them.

Impediments To Fair Housing Choice

Lack of Education

Educational differences fall into two categories: persons offering housing and persons seeking housing. Until the 1991 series of workshops was begun, a landlord's only ongoing source of education in fair housing issues were general and infrequent media reports, summary presentations by professional organizations, and being named as party to a fair housing violation. Although many groups provide education to their members, not all of the landlords belong to these groups. Also, there have been many changes to fair housing law since 1988, and the information that many had been using was out of date. According to the council's report, the problem of outdated information

[3]Copies of this manual can be obtained from Ms. Joan Schneider, Administrative Secretary, Montana Human Rights Commission, (406) 444-3870.

[4]*Equal Housing Opportunity in Montana? A Study of Housing Discrimination* for Governor Stan Stephens and the Montana Human Rights Commission, January 1992.

affects not only private parties, but also has impacted some local and state government agencies charged with enforcing fair housing laws. Occasionally, a city or county government will pass a restrictive ordinance or covenant covering the type of households permitted in certain locations. The council's report asserted that these restrictions are usually illegal under the fair housing laws.[5]

The council report also noted that persons seeking housing can be victims of misinformation and lack of information about their housing rights. It is difficult to combat housing discrimination if people who are discriminated against are not aware that the practice is illegal. According to the Council, some newspapers have printed illegally discriminatory advertisements, especially advertisements banning families with children. Other advertisements expressed preferences based on sex or religious belief. The presence of such advertisements may lead people to believe that these practices are allowed by law; they are not. Education for both housing providers and consumers can greatly reduce such discriminatory practices.

Enforcement Processes

Investigation, review, and enforcement processes are very slow. This leads to impediments in the process of eliminating unfair housing practices. These impediments may take the form of delays in the Human Rights Commission's investigation of a claim, or an unwillingness to report discriminatory practices. The first refers to persons who know that they are victims of illegal discrimination, yet choose to do nothing about it. For example, people in small communities may be unwilling to risk the notoriety that often accompanies filing a formal complaint. Also, Native Americans often are wary of non-Indians, and tribal governments are reluctant to rely on state laws and enforcement methods. Housing discrimination for Native Americans moving from reservations to outside towns and cities restricts their mobility. There is some evidence that this type of practice occurs, as addressed in the Montana Housing Survey, reported in Section II of this narrative.

In the fair housing workshops, people testified that it was often difficult to get an attorney to handle housing cases, as many are uninformed about housing laws or are unwilling to accept an unpopular case. The length of time between filing and resolution also deters some from filing complaints.

The success of the enforcement activities of private fair housing groups in education and outreach has overwhelmed the resources of the Human Rights Commission. In 1991, a complaint would take six months to a year before the Commission could reach a decision on the case. As filing of complaints increased rapidly in the past few years, the waiting time before a solution was reached has also grown. The increased caseload also meant that other fair housing activities, such as preventive education, might be ignored or offloaded.

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[5]*Equal Housing Opportunity in Montana?*, pg. 41.

Bias

Finally, bias and its accompanying stereotypes are an impediment to fair housing choice. This includes those who knowingly discriminate. Housing providers at the Fair Housing Workshops gave several reasons they had used in discriminating against someone who was looking for housing:

- Some of my best tenants are Indian, but I always have to tell them 'no rain dances' so they understand about living in my place.
- There's no way a single mother who works all day can keep her kids from tearing up my place.
- I'd rather rent to single men, if it's a single girl, then she has her boyfriends up there all the time.

The impediments of bias and stereotype can be the most pervasive, and are difficult to correct. As the council's study concludes, "the necessity of effective enforcement cannot be discounted. Prejudice and bigotry, though less overt today, are too often present when housing decisions are made."[6]

Section II: Attributes of Population Experiencing Unfair Housing Treatment

1993 Montana Housing Survey

In 1993, the Montana Department of Commerce implemented a mail survey of randomly selected citizens of the state. While several aspects related to housing were queried, one specific question addressed housing discrimination. This question asked respondents if they had experienced any unfair treatment related to housing (been denied or discouraged from a unit based on race, sex, family status, etc.) within the last three years. It is important to keep in mind that the figures included herein, and those derived from the survey, can be generalized to the state. For example, according to 1990 Census figures, slightly over half of Montana households earned less than $25,000 a year. The findings of the 1993 Montana Housing Survey reflect similar figures, with more than 50 percent of the households making an income below $25,000.[7] Hence, the characteristics reflected in the sample responses are presumed to be indicative of the characteristics

[6] *Equal Housing Opportunity in Montana?*, pg. 29.

[7] The 1993 Montana Housing Survey, pg. 35.

[8] The 1993 Montana Housing Survey, pgs. 40–43. Since some questions in the survey were answered by more respondents than others, the number of tabulations might vary slightly.

TABLE 1

Frequency of Unfair Housing Treatment
1993 Montana Housing Survey

Have You Experienced Unfair Housing Treatment?	Frequency	Percentage
Yes	57	4.70%
No	1,052	85.90%
Missing	11	9.40%
TOTAL	1,224	100.00%

of Montana's population.[8]

Table 1 shows the number and percent of respondent households indicating unfair housing treatment. Here, 57 of the 1,224 total respondents reported having experienced unfair housing treatment, nearly 5 percent of Montana's households. At first glance, it would appear that less than 5 percent of the population has experienced this form of discrimination. But to gain a better understanding of the situation for those who responded "yes," more detailed breakdowns were performed. Taking the analysis the additional step is particularly important when considering that not every respondent had to face a housing choice within the last three years.

The first step in this process was to separate household income into four categories. Montana's median family income (MFI), as presented in the FY 94 Comprehensive Housing Affordability Strategy (CHAS), was used as the basis for this classification.[9] The first group whose income is below or equal to 50 percent of the MFI is identified as *extremely and very low income* group; the second group with a household income of above 50 percent but less than 80 percent of MFI is the *low income* group; the third are those whose incomes fall above the 80 percent mark but no more than 95 percent of the MFI, who are classified as *moderately low income*. All those whose income is above 95 percent of MFI are aggregated in a fourth group, *other income*. For the purposes of this discussion, these groups will be termed "quartiles." Typically the respondent was the head of household.

The distributions of the income quartiles were then correlated with several attributes of the respondent (a process called cross tabulation). These attributes relate to gender, race, marital

[9] State of Montana CHAS, pg. 19.

status, age, family size, and tenure (renters and homeowners). Each is presented below.

Gender by Income

After segregating the data by income and beginning the analysis of those who reported experiencing discriminatory practices, the data was further partitioned by gender. Table 2 shows the results of this cross tabulation. Out of the 52 respondents who reported discrimination, 25, or 48 percent, were *extremely or very low income* households. The second largest group of those who experienced unfair treatment were in the *low income* group. Taken together with the *moderately low income* group, these households comprised about 85 percent of all people facing forms of perceived housing discrimination. Obviously economic discrimination is strongly correlated with fair housing non-compliance.

Yet more worrisome issues arise when looking more specifically at the gender cross tabulation. While it is important to note that there were far more male respondents than female respondents (230 females responded while 904 males responded), an equal number of males and females claimed discrimination. This implies that females have, in relative terms, higher rates of unfair housing treatment than males. Table 2 notes that while nearly 20 percent of the respondents were women, half of those reporting discrimination were women. Moreover, a higher incidence of females than males reported unfair treatment in the low and extremely or very low income

TABLE 2

Gender by Income
Those Who Reported Unfair Housing Treatment

Income Quartile	Male	Female	Total%	Total Number
Extremely or Very Low (up to $14,021)	19.23%	28.85%	48.08%	25
Low Income ($14,022 to $22,414)	13.45%	15.38%	28.83%	15
Moderately Low Income ($22,415 to $26,640)	5.80%	1.92%	7.72%	4
Others ($26,641 or more)	11.52%	3.85%	15.37%	8
Total % of Those Reporting Unfair Treatment	50.00%	50.00%	100.00%	52
% of Surveyed Population	80.10%	19.90%	100.00%	

categories.

One can see that female heads of household with low and extremely or very low incomes tend to

face greater barriers to housing choice than their male or female counterparts with higher incomes.

Race by Income

According to the 1993 Montana Housing Survey, 95 percent of Montana's population is white. The major ethnic minorities are Native Americans composing about 4 percent of the population. Other minorities are Blacks and Pacific Islanders, who count for less than 1 percent of the population. The distribution of these various racial groupings in the survey is as follows: Whites: 1,103; Blacks: 2; Native Americans: 44; and Pacific Islander: 5. It would appear that Native Americans and other minorities are slightly under-represented in the survey when compared to the 1990 Census counts. There, Native Americans comprised about 6 percent of the state's population. This implies that the following narrative also under-represents the situation for Native Americans and other racial minorities in Montana.

By looking at the race by income distribution presented in Table 3, below, 56 respondents reported unfair housing treatment. Over 14 percent of this group were Native Americans; this contrasts sharply with the fact that the percent of Native Americans responding to the survey was only 3.4 percent (noted in the last row of Table 3), and that Native Americans comprise about 6 percent of Montana's population.

When viewing this data within the income quartiles, the statistics become even more severe. For example, of all those reporting unfair treatment, 39 percent were extremely or very low income white households, but 9 percent were Native American households. This indicates that of those extremely low income households reporting discriminatory practices, nearly one in five were

TABLE 3

Race by Income
Those Who Experienced Unfair Housing Treatment

Income Quartile	White	Native American	Other	Total%	Total Number
Extremely or Very Low Income	39.20%	8.96%	0.00%	48.16%	27
Low Income	23.20%	1.78%	1.78%	26.76%	15
Moderately Low Income	7.20%	0.00%	0.00%	7.20%	4
Other Income	14.30%	3.58%	0.00%	17.88%	10
Total	83.90%	14.32%	1.78%	100.00%	56
% of Surveyed Population	94.60%	3.80%	1.60%	100.00%	

Native American, a far cry from the 6 percent of the population that Native Americans comprise.

Similar to when viewing the data by gender, lower income households encounter more unfair treatment than others. Seventy-five percent of those reporting unfair treatment across all racial classifications were low-, very low-, or extremely low-income. However, what can be deduced from the above is that nonwhite minorities with lower income levels tend to encounter more impediments to fair housing choice than other race and income segments of the population.

Marital Status by Income

In this section, an evaluation of marital status by income quartile is conducted. Table 4 presents the cross tabulation, as well as the percent of the surveyed population represented by each marital status group. The highest percent of those experiencing unfair housing treatment were married couples. However, married couples were also the largest respondent group. A more interesting view is seen when comparing the percent of unfairly treated respondents to the total respondents within each marital group. Here, nearly 9 percent of those experiencing discriminatory treatment were separated persons, although they make up only 1.7 percent of the respondent population, over a 5 to 1 ratio. Similar circumstances apply to the “never married” and “divorced” segments

TABLE 4

Marital Status by Income
Those Reporting Unfair Housing Treatment

Income Quartile	Married	Separated	Divorced	Widowed	Never Married	Total %	Total Number
Extremely or Very Low Income	12.50%	3.57%	10.71%	3.57%	17.86%	48.21%	27
Low Income	7.14%	5.36%	10.71%	0.00%	3.57%	26.79%	15
Moderately Low Income	5.36%	0.00%	0.00%	0.00%	1.79%	7.14%	4
All Other	17.86%	0.00%	0.00%	0.00%	0.00%	17.86%	10
TOTAL	42.86%	8.93%	21.43%	3.57%	23.21%	100.00%	56
% of Survey Respondent	68.70%	1.70%	12.40%	7.60%	9.70%		

of the population.

When viewing each marital group by the income quartile, the extremely or very low income and low income segments include the bulk of those who have experienced forms of unfair housing treatment. In particular, the never married have a very high incidence of impediments to housing choice if they are in the extremely or very low income quartile.

What can be deduced from the above is that single people, whether separated, divorced, or never married, are more likely to encounter unfair treatment in housing than other marital categories. Combining that with a lower income level increases the chances for encountering unfair housing treatment.

Age by Income

The ages of respondents were categorized into four subgroups: below 15, 16 to 30, 31 to 59, and finally 60 years and above. The largest age group comprised those persons between 31 and 59 years of age, who constituted about 60 percent of the surveyed population. The second largest group was the above 60 years old segment. The third group, the youngest, counted for about 10

TABLE 5

Income Distributions by the Age of Respondent for Those Who Cited Unfair Housing Treatment

Income Quartile	16-30 Years	31-59 Years	60+ Years	Total %	Total Number
Extremely or Very Low Income	25.00%	21.42%	1.79%	48.21%	27
Low Income	5.35%	21.42%	0.00%	26.77%	15
Moderately Low Income	3.75%	3.57%	0.00%	7.14%	4
Other Income	8.92%	8.93%	0.00%	17.86%	10
Total	43.00%	55.00%	1.79%	100.00%	56
% of Surveyed Population	10.00%	61.00%	29.00%	100.00%	1066

percent of the population in the sample (but are excluded from the following discussion).

Table 5 reveals that the largest group who reported unfair housing treatment is the 16 to 30 year old group. This is easily seen by comparing the age group by the percentage of total surveyed population. While the 16–30 year olds represent 10 percent of the population, 43 percent of those reporting unfair housing treatment are in this age bracket. A very interesting, although quite opposite, issue is evident in the data. While the over-60 group represents nearly 20 percent of all respondents, less than 2 percent have experienced unfair housing treatment within the last three years. This is largely due to the fact that most individuals in this age bracket tend to own their homes and have not had to make a recent housing choice.

Family Size by Income

In order to explore the prevalence of unfair housing treatment toward large families, the distribution of children under 18 living with their parents was partitioned by income. Table 6 indicates that family households with four or more members have a higher incidence of unfair housing treatment. Typically, these households have two or more children. This is seen when comparing the percent of households experiencing discrimination to the survey total, by household size. The percent of the larger households (those with a family size of six or more members) reporting unfair housing

TABLE 6

Number of Children in Household
For Those Who Cited Unfair Housing Treatment

Income Quartile	Family Size 1-3	4-5	6 or More	Total %	Total Number
Extremely or Very Low Income	36.40%	9.10%	1.80%	47.30%	26
Low Income	18.20%	9.10%	0.00%	27.30%	15
Moderately Low Income	1.80%	0.00%	5.50%	7.30%	4
Other Income	10.90%	0.00%	7.30%	18.10%	10
Total	67.30%	18.20%	14.50%	100.00%	55
% of Surveyed Population	73.00%	16.40%	10.60%		

practices is higher than the other segments.

As is the case in all previous analyses, those households with extremely low or very low income have the highest incidence of housing discrimination. The above data continues to affirm the arguments stated previously which indicate that lower income people experience more barriers when acquiring a dwelling than other segments of the general population.

Home Buyers and Renters by Income

Table 7 shows responses from both home buyers and renters who have experienced forms of unfair housing treatment. Clearly renters tend to experience the highest level of unfair housing treatment. While comprising nearly 18 percent of the respondent households, renters comprised some 67 percent of those experiencing fair housing non-compliance by rental providers. As noted earlier, the extremely or very low and low income households have the highest degree of

TABLE 7

Home Owners and Renters by Income
Those Who Reported Unfair Housing Treatment

Income Quartile	Own	Rent	Others	Total %	Total Number
Extremely or Very Low Income	13.00%	33.30%	1.80%	48.10%	26
Low Income	3.70%	22.20%	0.00%	25.90%	14
Moderately Low Income	1.80%	1.80%	3.70%	7.40%	4
Other Income	9.30%	9.30%	0.00%	18.50%	10
Total	27.80%	66.60%	5.50%	100.00%	54
% of Surveyed Population	76.60%	17.60%	5.80%		

discrimination; but it is these income renters with a very high prevalence of housing difficulty.

Restrictions to Mobility

There are two generic forms of housing discrimination that have been framed by the Montana Housing Survey. One relates to those having faced a housing choice within the last three years, and made a choice, regardless of outcome. The second pertains to those who have been unable to exercise a choice.

To illustrate this point, consider homeowners and renters and length of stay at the residence. Table 8 shows a tabulation of those at their residence from 0–3 years and those who have been at their residence more than three years, all have indicated unfair housing treatment. Housing treatment that restricts mobility, interpreted here to be those unable to exercise a choice, should also be viewed as an impediment to fair housing. The results of this cross tabulation indicate that for those staying at their residence a longer period of time, it is homeowners who tend to feel that their choices are constrained. While insufficient data limits the degree to which this homeowner group can be disaggregated by gender, age, income, or race, the Advisory Council on Housing Discrimination did note that Native Americans have had difficulties moving from on-reservation to off-reservation housing. One can infer that homeowners who wish to move to

TABLE 8

Reported Unfair Treatment on the Short and Long Run for Those Reporting Unfair Housing Treatment

Length of Stay	Own	Rent	Others	Total %	Total Number
0-3 Years	15.00%	57.00%	2.00%	74.00%	40
More Than 3 Years	13.00%	9.00%	4.00%	26.00%	14
Total	28.00%	66.00%	6.00%	100.00%	54
% of Total Respondents	76.00%	18.00%	6.00%	100.00%	1173

another residence also can experience impediments to fair housing choice. Therefore, it is not a phenomenon experienced only by renters.

Conclusion

Since 1990, the housing market has tightened, with sharp increases in home and rental prices. Because of uncertain employment prospects and falling wage rates some households have faced a wide financial gap between the supply of affordable housing and the quantity demanded. As indicated in Montana's FY 94–98 CHAS "there appear to be mostly impediments, and few opportunities, to the development of affordable housing in the current housing market."[10]

The various analyses conducted in this document reveal that households with extremely low and very low income levels, who in fact have the highest need for affordable housing, are more susceptible to encountering unfair housing treatment. We also have established that there is some correlation between racial minorities, females, young adults, large families, and single persons and experiencing fair housing non-compliance.

A factor that needs to be carefully considered in looking at the impediments to fair housing is the degree to which household income plays an inherent role in this social problem. The previous analyses indicate that low income levels are highly correlated with unfair housing treatment. More importantly, level of income appears to be the single best indicator of the potential for experiencing impediments to housing choice, with particular attributes related to race, gender, age, and marital status compounding an already difficult situation for the low income household.

Still, there is a significant difference between real and perceived discrimination. The criteria used by many federal, state, and local governments to assist people in finding housing may inhibit their housing choice, but are not illegal. HUD guidelines regarding occupancy standards

[10] State of Montana CHAS, pg. 53.

limit certain households to what is considered standard housing. As an extreme example, a six-person family cannot be awarded a one-bedroom assisted housing unit, as the unit would be considered substandard for a family of that size. To some cultures and persons, this may seem an unfair practice. This may also seem unfair to large families, because there is a scarcity of suitable housing for this group. This illustrates that discrimination can sometimes be a matter of perception rather than reality. A better understanding of fair housing practices, as they relate to standard housing guidelines, needs to be disseminated.

Private fair housing organizations have been actively seeking federal funding. In July 1994, the Billings Fair Housing Alliance was awarded $30,000 under the Fair Housing Initiatives Program (FHIP), for continuing development. The Council for Concerned Citizens in Great Falls was awarded over $575,000 in FHIP funds, to be used for enforcement, education and outreach, and establishment of new fair housing organizations.

In the conclusion of its report, the Advisory Council on Housing Discrimination cited the severe lack of information among all citizens about fair housing laws and practices; lack of proper education regarding fair housing laws tends to be one of the strongest impediments to fair housing choice. To address the need for information, the council advised the Human Rights Commission to seek funding to institute on-going, wide-spread education and outreach programs to teach fair housing practices, as well as advising housing providers of the penalties for housing discrimination. Through workshops, presentations at schools, the HRC's toll-free phone number, and private fair housing groups, education of those who are willing to learn would be an effective tool against housing discrimination.

The Montana Department of Commerce (MDOC) fully supports this position. Indeed, MDOC intends to place greater efforts in outreach, education, and information dissemination related to fair housing, fair housing laws, and the rights and obligations of both housing consumers and housing providers.

In doing so, MDOC expects that long-term change can be implemented, although the short-term impact of such outreach and educational activities will initially result in an outcome similar to the experience the Human Rights Commission had in 1991. When additional efforts were made to educate citizens about fair housing issues, complaints regarding fair housing non-compliance rose. Furthermore, MDOC will measure its short-term performance in this effort by the degree that housing complaints rise. Over the long run, though, non-compliance issues are expected to decline significantly.

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Chapter 4:

Fair Housing Planning Requirements and Guidelines for Entitlement Jurisdictions

4.1 ENTITLEMENT REQUIREMENTS

The Consolidated Plan's certification to affirmatively further fair housing (AFFH) requires Entitlement jurisdictions to undertake Fair Housing Planning (FHP). Since FHP is a component of the Consolidated Plan, the citizen participation requirement for the Consolidated Plan applies (24 CFR 91). FHP consists of the following:

NOTE: *Since FHP and the Consolidated Plan are on a different time schedule for the first cycle, HUD does not expect the jurisdiction to follow the strict citizen participation requirements for their first Analysis of Impediments to Fair Housing Choice (AI). However, HUD does expect the jurisdiction to develop an AI that involves and addresses concerns of the entire community.*

1. Conducting an AI.

   Suggests that Entitlement jurisdictions conduct their AI at the beginning of each Consolidated Plan cycle.

2. Taking appropriate actions to overcome the effects of any impediments identified through the AI.

   HUD suggests that actions to address any identified impediments should have measurable results. Additionally, before taking such actions, HUD suggests that jurisdictions establish a prioritized list of impediments to address. The list should contain specific milestones and timetables.

3. Maintaining the following records:

   – Documentation of the AI

   – Actions taken in this regard.

HUD suggests the Entitlement jurisdiction maintain the following additional records to further support its AFFH certification:

- Studies evaluating the effectiveness of the actions
- Summaries or transcripts of all public meetings, hearings, and citizen comments/input
- FHP summary reports (e.g., a summary of the AI, the actions taken in the previous program year, and an analysis of the impact of those actions). The FHP summary report is part of the Consolidated Plan Performance Report required by 24 CFR 91.520.

HUD urges all Entitlement jurisdictions to participate in metrowide or regional FHP with neighboring jurisdictions.

4.2 THE AI

The AI is a comprehensive review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

The AI is a review of impediments to fair housing choice in the public and private sector. Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions, or decisions that 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. Policies, practices, or procedures that appear neutral on their face but which operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments.

Impediments include actions or omissions in the jurisdiction's public or private housing sector that:

- Constitute violations, or potential violations, of the Fair Housing Act
- Are counterproductive to fair housing choice, such as NIMBYism:
  - Community resistance when minorities, persons with disabilities and/or low-income persons first move into White and/or moderate- to high-income areas
  - Community resistance to the siting of housing facilities for people with disabilities in residential neighborhoods based on their disabilities

Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

Upon completion of its AI, a jurisdiction should take actions that are responsive to any identified impediments. The AI should encompass all housing within a jurisdiction and should not be limited to housing assisted or subsidized by the Federal, State, or local government.

4.3AI SUBJECT AREAS

Public Sector

1. Local building, occupancy, and health and safety codes that may affect the availability of housing for minorities, families with children, and persons with disabilities, such information should be available through a review of local laws and ordinances relating to these subjects.

2. Public policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of public (assisted) and private housing such as:

   – Requirements for the provision of essential municipal services (e.g., water, sewage, electricity, public transportation, roads)

   – Real estate property tax assessments

   – Building codes

   – Accessibility standards that do not meet the accessibility requirements of the Fair Housing Act (42 U.S.C. 3604, Section 804(f)(3)(C))

   – Equalization of municipal services

   – Local zoning laws and policies (e.g., minimum lot size requirements, dispersal requirements for housing facilities for persons with disabili ties in single-family zones, and restrictions on the number of unrelated persons in dwellings based on size of unit or number of bedrooms)

   – Demolition and displacement decisions pertaining to assisted housing and the removal of slums and blight (e.g., relocation policies and prac tices affecting persons displaced by urban renewal, revitalization, and /or private commercialization or gentrification in low-income neigh borhoods).

   Such information should be available from the jurisdiction's housing authority/ finance agency responsible for site selection and through a review of local laws and ordinances relating to these subjects.

3. The administrative policies concerning community development and housing activities, such as:

   – Multifamily rehabilitation

   – The application of site and neighborhood standards for new construc tion activities

   – Activities causing displacement (e.g., revitalization of neighborhoods, property tax increases, and demolition of subsidized housing) which affect opportunities of minority households to select housing inside or outside areas of minority concentration or individuals with disabilities to select housing that is accessible and is in accessible locations.

4. Public policies that restrict the provision of housing and community development resources to areas of minority concentration, or policies that inhibit the employment of minority persons and individuals with disabilities.

5. Public policies that restrict the interdepartmental coordination between other local agencies in providing housing and community development resources to areas of minority concentration or to individuals with disabilities.

6. Planning, financing, and administrative actions related to the provision and siting of public transportation and supportive social services that may inhibit or concentrate affordable housing opportunities for persons with disabilities.

7. Policies and practices affecting the representation of all racial, ethnic, religious, and disabled segments of the community on planning and zoning boards and commissions.

Private Sector

1. The sale or rental of housing and real estate practices such as:

   – Steering or blockbusting

   – Deed restrictions

   – Trust or lease provisions

   – Conversions of apartments to all-adult

   – Inaccessible design

   – Property management firm's "occupancy quotas."

2. Banking and insurance policies and practices pertaining to the financing, sale, purchase, rehabilitation, and rental of housing that may affect the achievement of fair housing choice within the jurisdiction; such policies and practices, to the extent they are expressly stated in writing, should be available upon request from banks and other financial institutions, and insurance firms operating within the jurisdiction; the Home Mortgage Disclosure Act (HMDA) may provide additional data on the lending practices of specific banks.

3. The discriminatory provision of housing brokerage services.

4. Availability of, and dissemination of information on the availability of, programs that may be used to provide financial assistance for modifications to privately owned housing to make such housing accessible to persons with disabilities and their families.

Public and Private Sector

1. The nature, extent, and disposition of housing discrimination complaints, violations, or suits against private housing providers within the jurisdiction; other evidence of private housing discrimination occurring within the jurisdiction; information on any contract conditions related to fair housing considerations placed by HUD on the jurisdiction; or information on any failure by the jurisdiction in complying with its AFFH certification should be available from HUD, the Department of Justice, and local fair housing enforcement agencies, and private fair housing groups operating within the jurisdiction.

2. Evidence of segregated housing conditions and the housing desegregation plans or efforts of HUD or other Federal agencies should be available from census maps, the records of public housing authorities, HUD, and local housing agencies.

3. The delivery system for programs providing social services to families with children and persons with disabilities.

4. Information regarding financing assistance for dwellings may be available from Fair Housing Initiatives Program (FHIP) recipients engaged in special projects and activities to address property insurance and mortgage lending discrimination such as:

   – Discriminatory lending patterns, practices, and disclosures

   – Discriminatory appraisal and insurance underwriting practices

   – Disinvestment and insurance redlining practices.

5. Other laws, policies, and practices affecting the location, cost, and availability of housing and related information should be available from the local housing authorities/finance agencies and human rights agencies.

6. Where there is a determination of unlawful segregation or other housing discrimination by a court or a HUD Administrative Law Judge, or a finding of noncompliance with Title VI or the Fair Housing Act by HUD regarding assisted housing within a jurisdiction, an analysis of the actions that could be taken by the jurisdiction to help remedy the discriminatory condition, including actions involving the expenditure of funds made available under CDBG or other programs to rehabilitate housing units or redress neighborhood deficiencies; the provision of economic development programs for occupants of assisted housing; and development and implementation of a fair housing information program for municipal officials and employees having duties related to fair housing, zoning, planning, assisted housing, and community/economic development.

CHAPTER 4–APPENDIX: ENTITLEMENT EXAMPLES OF IDENTIFIED IMPEDIMENTS AND RESPONSIVE ACTIONS

The purpose of FHP is to foster a careful examination of those factors which restrict or preclude fair housing choice. FHP also brings about meaningful and substantial actions by the Entitlement jurisdiction which respond directly to any identified impediments. The following examples are intended to highlight the types of actions which entitlements might take in response to specific impediments. Entitlement jurisdictions should not interpret the examples as the only response to the given set of impediments.

Example 1

Impediments

Jurisdiction X is a suburban bedroom community of 75,000, just outside a major midwestern industrial city with a 40-percent minority population. Jurisdiction X's population is 60 percent White, and 90 percent of its housing stock is single family ownership. The average household income is 150 percent of the median income for the standard metropolitan statistical area (SMSA). Jurisdiction X's AI documented four principal impediments to fair housing choice:

1. The city's single family half-acre zoning requirement makes the cost of land prohibitive for the development of housing affordable to low- and moderate-income households, 60 percent of which are Black and Hispanic in the SMSA.

2. There is a reluctance on the part of local landlords to rent to persons receiving Government housing assistance.

3. A majority of persons receiving housing assistance are minority.

4. Recent home purchases by Black families appear to have provoked White homeowners in the surrounding neighborhood to place their homes on the market.

Actions to Eliminate Impediments

In response to these impediments, Jurisdiction X has prioritized the following as actions to be taken:

1. City Council plans to enact an ordinance requiring that, as of X date, all new developments of 10 or more units include a 10-percent set-aside of "moderately priced dwelling units" (MPDUs), to be reserved for sale to households with incomes at or below 80 percent of the SMSA median.

2. Council will introduce a bill, by X date, making it unlawful to refuse to rent based on a household's source of income.

3. The city and its housing agency will work to dispel the perception that assisted housing is just for minorities by conducting X number of forums to inform the public on assisted housing opportunities and report its conclusions and recommendations to the Chief Elected Official by X date. The City will target nonminority households.

4. Working with the Council of Churches, local real estate brokers, and a private fair housing organization, the City Housing Commission plans to hold X number of "neighborhood forums." City representatives will meet with local White residents in neighborhoods experiencing racial change to allay fears and counter the "white flight" syndrome. The Commission will report its conclusions and recommendations to the Chief Elected Official by X date.

Example 2

Impediments

Jurisdiction Y is a southeastern city of 750,000, with a Black population of 100,000 and an Asian population of 25,000. The city's housing profile is 50 percent single family homeownership and 50 percent rental housing, the latter evenly divided between single family and multifamily dwellings. Jurisdiction Y's AI produced the following:

1. A 6-month testing program, conducted as part of the city's AI by a private fair housing organization under contract with the city, documented both widespread discriminatory steering of minority homeseekers by real estate brokers and a high incidence of racially motivated false denials of housing availability and other discriminatory practices by local apartment owners and managers.

2. There are significant numbers of abandoned and condemned housing units where large numbers of minorities reside, resulting in declining neighborhoods and a loss in commercial and employment opportunities.

3. Most of the city's Section 8 certificate and voucher holders live in racially identifiable neighborhoods by either renting in-place or by renting elsewhere in their racially identifiable communities.

Actions to Eliminate Impediments

In response to these impediments jurisdiction Y has taken the following actions:

1. The City Council has enacted a fair housing ordinance, modeled on the Federal Fair Housing Act, established a City Commission on Human Rights (CCHR) to enforce the Act, and appropriated sufficient funds to staff the CCHR.

2. The City Council, by resolution, has further directed the CCHR to contract with one or more private fair housing groups for an ongoing real estate brokerage and apartment management testing program.

3. The city has targeted the minority area for reinvestment activities such as rehabilitation and, as necessary, demolition of vacant housing and the construction of replacement housing.

4. The city will offer economic incentives for housing developers/sponsors, businesses (for commercial and employment opportunities), bankers, and other interested entities that assist in the revitalization effort.

5. The city also will utilize strategies that increase the housing choice for Section 8 certificate and voucher holders through mobility counseling and programs such as establishment of a metropolitan clearinghouse for public and assisted housing.

Example 3

Impediments

Jurisdiction Z is a major central city in the northeast, population 1.5 million, with a minority population of 600,000 (400,000 Black, 150,000 Hispanic, 50,000 other); 80 percent of the city's minority households are at or below the low-income level.

The jurisdiction's AI identified the following impediments to fair housing choice:

1. The city's public housing projects are highly segregated, with three of four projects being 98 percent Black and Hispanic, and the fourth, an elderly project, 70 percent White.

2. There is a consent decree settling a complaint alleging that the Public Housing Agency (PHA) was in violation of the Fair Housing Act and Title VI because of discriminatory tenant selection and assignment practices and unequal maintenance practices. The decree requires the PHA to take steps to integrate its projects, equalize the services provided to all projects, and demolish and replace 15 percent of its vacant units, presently uninhabitable.

3. A review of HMDA data reveals that Blacks in the city are rejected for home mortgage and rehabilitation loans at twice the rate of Whites of similar income.

4. A comprehensive review of police assignments and the delivery schedule of other city services documents that there are markedly fewer police patrols in neighborhoods with predominantly Black and Hispanic residents than in neighborhoods where the residents are White. Trash collections and city bus runs are 40 percent less frequent in these same minority neighborhoods.

Actions to Eliminate Impediments

Jurisdiction Z has prioritized the following actions to eliminate the identified impediments:

1. The city plans to rezone, by X date, several nonracially impacted neighborhoods in order to make possible the construction of scattered site public housing replacement units by the PHA.

2. The City Comptroller will conduct X number of meetings with the leading banks in the city covered by the city's HMDA review; the city will present its HMDA analysis to the banks and encourage them to establish a "second look" procedure, adopt more flexible underwriting guidelines, and conduct X number of fair housing and sensitivity training hours for its staff.

3. The Mayor has directed the Police Commissioner to reorganize, by X date, the patrol assignment schedule to increase police coverage in minority neighborhoods, and has increased the budgets by X amount for the Sanitation and Transportation Departments to provide for X number of additional trash collections and bus routes in those minority neighborhoods presently underserved.

Example 4

Impediments

Jurisdiction A is a small northeastern city that has very old housing stock. The city has a sizable elderly and/or disabled population. There is a tremendous demand for accessible housing from the elderly/disabled residents, but there is only a small number of accessible rental units in the city. There are even fewer single family homes that are accessible.

The AI identified the following impediment:

The city's lack of accessible multi-family and single-family units.

Actions to Eliminate Impediments

Jurisdiction A plans to take the following actions to eliminate the impediments it identified:

1. The city adopted an accessibility standard for making newly constructed multifamily dwellings accessible consistent with the accessibility requirements of the Fair Housing Act.

2. The city also amended its zoning code to grant a "density bonus" to developers that build single family homes. This bonus would allow developers to build more single family homes per acre than permitted by the zoning code of the developer will make xx% of the homes "visitable." "Visitability" means that: 1)

at least one entrance is at grade (no steps), approached by an accessible route; and 2} the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space. The "visitablilty" concept recognizes that persons with disabilities should be able to enjoy the same privileges of accessibility to other homes outside of their own residence.

3. The city established a Section 8 modification fund to assist disabled/elderly persons who possess Section 8 certificates or vouchers. The city in cooperation with the housing authority will provide a certificate/voucher holder a CDBG grant of up to $5,000 to make a unit accessible to meet his/her needs.

—NOTES—

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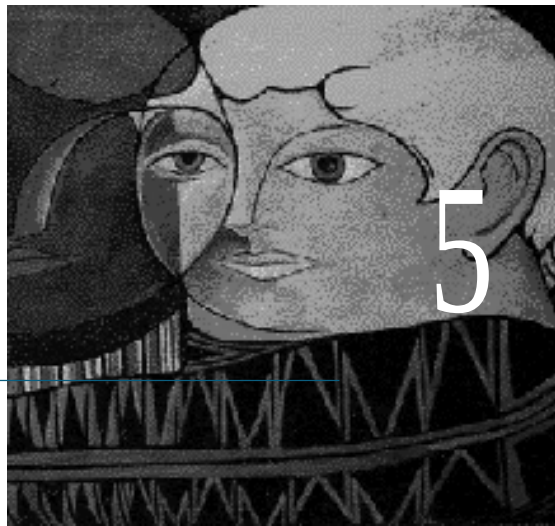

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Chapter 5:

Detailed Discussion of AI Areas For Entitlement, State, and State-Funded Jurisdictions

5.1 Introduction

This chapter provides guidance to jurisdictions in deciding the scope and focus of their Analyses of Impediments to Fair Housing Choice (AIs).

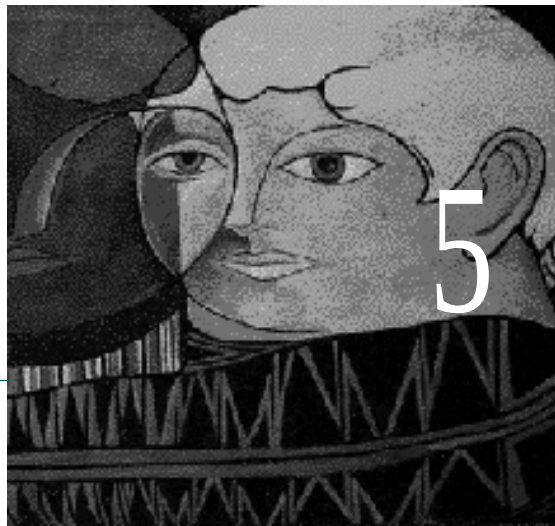
NOTE: *This Chapter is not intended to be prescriptive or required, but to provide suggested approaches to analyze the areas covered by Fair Housing Planning (FHP).*

The areas covered include:

- What impediments, if any, to fair housing choice exist in the area under the jurisdiction's control
- Whether an impediment has already been analyzed or is in need of initial or further analysis
- Which impediments are more severe and their order of priority for analysis
- What affirmatively further fair housing (AFFH) actions have been taken by the jurisdiction and which ones should be continued, strengthened, initiated, or ended.

NOTE: *Chapter 3 contains the dual responsibility for States. This chapter discusses obligations of Entitlement jurisdictions and may provide examples of activities that States may determine that State-funded jurisdictions can take as part of their obligations to AFFH.*

The discussion of specific areas under each of the major headings "Public Sector," "Private Sector," and "Public and Private Sector" is divided into three subsections:



- A general discussion of the subject
- Suggested questions the jurisdiction can ask to determine current policies, procedures, and activities
- Actions by the jurisdiction: whenever the jurisdiction decides that a particular action would be appropriate, but is one for which an entity other than the jurisdiction itself has or should have responsibility, the jurisdiction should determine what steps it can take to support such action, including who, in the jurisdiction's governmental structure, should provide such support.

AFFH and Affordable Housing

Clarification of the distinction between AFFH actions and affordable housing activities is often necessary. The two concepts are not equivalent but they are also not entirely separate. When a jurisdiction undertakes to build or rehabilitate housing for low- and moderate-income families, for example, this action is not in and of itself sufficient to affirmatively further fair housing. It may be providing an extremely useful service by increasing the supply of decent, safe, and sanitary affordable housing. Providing adequate housing and improving existing neighborhoods are vital functions and should always be encouraged.

Additionally, the provision of affordable housing is often important to minority families and to persons with disabilities because they are disproportionately represented among those that would benefit from low-cost housing. When steps are taken to assure that the housing is fully available to all residents of the community, regardless of race, color, national origin, gender, handicap, or familial status, those are the actions that affirmatively further fair housing.

5.2 PUBLIC SECTOR

This section focuses on possible actions or omissions in the public sector (including public housing, community development, transportation, and community services) that may affect housing choice. A determination should be made to see if any action or omission is influenced by public policies, practices, and procedures such as:

1. Building, occupancy, and health and safety codes that may affect the availability of housing for minorities, families with children, and persons with disabilities

2. Site selection for the construction of public (e.g., assisted) and private housing, such as those relevant to:

   – Zoning, housing lot sizes, number of persons per bedroom requirements, and other factors

   – Provision of essential municipal services

- Real estate property tax assessments affecting the cost of new construction
- Physical access, and location of housing for persons with disabilities

3. Comparative quality and array of municipal and State services across neighborhoods in local jurisdictions or among communities or regions across State jurisdictions (degree of equalization of services)

4. Demolition, displacement of residents and businesses, development of single and multifamily housing, and rehabilitation and revitalization of declining and deteriorated neighborhoods through private or public activities that impact on housing choice (such as policies that determine the future income mix of housing to be available)

5. Creation of job and training opportunities that affect, or can be affected by, the location of housing opportunities for lower-income families and persons, particularly minorities, persons with disabilities, and women.

6. Provision of public transportation services that can improve access to jobs, training opportunities, housing and community services for minority families, families with children, and persons with disabilities

7. Promotion of coordination and cooperation among jurisdictions in surrounding metropolitan or regional areas in planning and carrying out housing and housing-related activities

8. Interdepartmental cooperation, communication, and coordination in planning and executing housing, community development, community services, and transportation programs

9. Selection of members of official and other community planning and zoning boards and commissions

10. Public housing agency (PHA) and other housing assistance provider policies and procedures for:

    - Selecting individuals and families to receive the benefits of Federal, State, or local publicly assisted housing programs that provide rental or ownership opportunities for lower-income persons and families
    - Advertising rental vacancies to the public and establishing and maintaining waiting lists
    - Assisting certificate and voucher holders to find suitable rental units throughout the jurisdiction.

Zoning and Site Selection

Local government policies that limit or exclude housing facilities for persons with disabilities or other housing for homeless people from certain residential areas may violate the provisions of the Fair Housing Act. This is because they may indirectly discriminate against persons with disabilities and minorities, many of whom are homeless. Building codes which require certain amenities or setbacks also affect the feasibility of providing low- and moderate-income housing development.

Even where zoning or other government policies are permissive, neighborhood residents often resist placement of certain types of housing in their area. The attitude of local government officials, public pronouncements of general policy, and careful planning and implementation of individual housing efforts by providers are key aspects for overcoming resistance of this kind.

Placement of new or rehabilitated housing for lower-income people is one of the most controversial issues communities face. If fair housing objectives are to be achieved, the goal must be to avoid high concentrations of low-income housing. Whether the persons to be served are families with children, persons with disabilities, homeless persons, or lower-income minorities, many communities feel strongly that housing for these persons should be provided but "not in my back yard" (NIMBY). This attitude seriously affects the availability of housing for people in these groups and is one of the most difficult challenges jurisdictions encounter in promoting fair housing objectives.

HUD has regulations governing the selection of sites for certain HUD-assisted housing programs. These regulations are flexible and express the goal previously stated. Jurisdictions should strive to meet the intent and spirit of these regulations in providing or approving sites for all of the low- and moderate-income housing developed in the community.

For jurisdictions located in metropolitan areas, serious consideration should be given to ways they can participate in cooperative, interjurisdictional planning for construction of assisted housing.

Suggested Questions

- Are there concentrations of low- and moderate-income housing in one or more localities or neighborhoods within the jurisdiction's geographic area?
- Are current zoning and other policies and procedures promoting this pattern or exerting

a neutral effect on the existence of such concentrations?

- Is the jurisdiction aware of and has it evaluated the management policies and procedures of assisted housing providers (those providing housing to persons with disabilities and homeless persons) to determine if problems exist that have led or could lead to general public, specific neighborhood, or other types of opposition to such housing?

- Has the jurisdiction adopted policies and procedures that promote the placement of new or rehabilitated housing for lower-income households (including minorities, families with children, and persons with physical or other disabilities) in a wide spectrum of neighborhoods?

- What is the impact of the jurisdiction's zoning ordinance(s), building codes, and other land use or fiscal policies on the provision of lower-income housing?

- If there is vacant or other land that can be developed within the jurisdiction's geographic area, do zoning regulations permit medium- and high-density residential development for such land, or only low-density housing (and accompanying high cost)?

- Do requirements for minimum street frontage, front yard setbacks, side yard dimensions, or amenities (e.g., landscaping or air conditioning), or for offsite improvements such as restrictions on the level of density that is possible for new housing development limit affordibility to higher-income households?

- Do zoning requirements in one or more areas typically favor conventional single family homesite designs over cluster development?

- Do zoning, subdivision, or occupancy ordinances or regulations define the term "family" narrowly so as to prevent unrelated individuals from sharing the same home?

- Do zoning, subdivision, or occupancy regulations include provisions that permit housing facilities for persons with disabilities in a wide array of locations to prevent their concentration?

- Should zoning, occupancy or building ordinances, or codes or regulations be changed to provide for more inclusive development of housing for lower-income people and families, including persons with disabilities?

- Should the jurisdiction adopt incentives to promote mixed-income housing development, such as increasing the number of new units that can be built in a given development in exchange for dedication of a certain percent of the units for low-

and moderate-income households?

- Should the jurisdiction use a transfer tax on the sale of property, or establish another dedicated revenue source or sources tied to development of higher-income housing or commercial property to raise funds for lower-income housing construction or rehabilitation?

- Are there court decisions or settlements that affect the jurisdiction's zoning, building, occupancy, or other policies and regulations relating to the provision of housing for lower-income households and persons with disabilities?

- What is the result of these decisions or settlements, and has the jurisdiction met all legal requirements?

- If entities such as the PHA or other assisted, HUD-insured, or private-market housing providers are subject to one or more court decisions or settlements relating to housing site selection, have they met the legal requirements of these decisions or settlements?

- Does the jurisdiction participate in a metropolitan or regional council of governments, planning commission(s), or other intergovernmental organizations?

- Do these organizations focus on housing and housing-related issues and problems from a metropolitan or regional perspective?

- Can the jurisdiction participate with other governments in the metropolitan or regional area through one or more of these organizations, or a different organizational structure, to design and implement a metrowide or regionwide FHP process?

Possible Actions to Be Taken by the Jurisdiction

- Consider specific changes that should be made in zoning or building occupancy ordinances or regulations to foster inclusion of lower-income housing, including housing accessible to persons with disabilities and families with children in developments intended for households with higher incomes.

- Consider specific changes that should be made in policies and procedures, other than those relating to zoning and building occupancy, to promote greater variation in the location of lower-income housing in neighborhoods.

Neighborhood Revitalization, Municipal and Other Services, and the Employment-Housing-Transportation Linkage

One aspect of fair housing choice is neighborhood revitalization and the provision of good services to areas in which low- and moderate-income families live. Blacks, Hispanics, other urban minorities and persons with disabilities who are most concentrated in such neighborhoods—will benefit from better neighborhood environments so critical to good housing.

Frequently, the quality or extent of public services and facilities varies dramatically among residential neighborhoods. Public services and facilities include schools, recreational facilities and programs, social service programs, parks, roads, transportation, street lighting, trash collection, street cleaning, crime prevention, and police protection activities. Lower-income, densely populated residential areas too often lack the level and array of services that are provided in less impacted, more affluent neighborhoods. Jurisdictions should strive to equalize services as part of FHP.

To encourage a greater racial/ethnic and economic mix of residents in lower-income neighborhoods, jurisdictions might design a strategy that combines a magnet school program with enhanced services and facilities in neighborhoods surrounding magnet schools. This would attract a wide variety of families as renters and owners of vacant and available housing in these areas. As an adjunct to this strategy, or as a separate effort, a jurisdiction might work with the local PHA to create magnet public housing developments to improve housing and neighborhood conditions for current residents and attract a greater mix of tenants to fill vacant units. Jurisdictions should also strive to secure good services and facilities in neighborhoods where economic development efforts for creating jobs and enhancing small business opportunities are under way. Better overall living environments buttress economic objectives.

HUD is currently working to design and implement broad-based initiatives in several parts of the country to end segregation in low-income public housing developments. One initiative aims to raise the level of conditions in and around public housing complexes where minority households reside to a level at least equivalent to other public housing in the area. One key way that PHAs obtain local jurisdiction cooperation and assistance in this effort is to enter into cooperative agreements.

These initiatives come in response to court decisions and are part of settlements to remedy discriminatory conditions. Nonetheless, other jurisdictions can look at these initiatives for ideas to incorporate in FHP actions.

Several universities in various cities have undertaken revitalization efforts in surrounding lower-income areas to reverse neighborhood decline. For such projects to be successful in promoting fair housing objectives, housing opportunities must be preserved for low- and moderate-income households that wish to remain in the area. Permanent displacement should be minimized. To the extent displacement occurs or current residents desire to relocate outside the area, housing opportunities should be made available in other viable neighborhoods, especially nonminority neighborhoods, in addition to whatever opportunities are available to those displaced within the

area. Those responsible for the project should involve neighborhood residents in the planning and implementation to ensure adequate representation of neighborhood residents and business interests.

Initiatives to revitalize neighborhoods are severely constrained by the unwillingness of many financial institutions to invest in declining and deteriorated neighborhoods. The presence or absence of sustained residential and commercial investment by banks and other financial institutions in low-income and minority neighborhoods is the most important factor in maintaining neighborhood vitality. Without investment in mortgage and home improvement loans, residential areas decline rapidly. Without investment in small and disadvantaged businesses, many neighborhood commercial enterprises cannot thrive.

The policies and actions of financial institutions are often rooted in attitudes about the profitability of investments in lower-income and minority neighborhoods—attitudes based more on lending traditions than on solid information about business prospects in such areas.

The Community Reinvestment Act of 1977 (CRA) is intended to counter these attitudes and the policies and practices that result from them by mandating affirmative lending actions by banks and other lending institutions. Jurisdictions can use their influence to make sure that a full array of banking services are established in convenient locations throughout neighborhoods that currently lack them. Lenders that have taken these steps have learned that good business opportunities await institutions that reach out to serve pent-up demand in these areas.

The Federal Government has taken steps to strengthen community reinvestment. In July 1993, President Clinton called for funding for community development banks and for CRA regulatory reforms. In September 1994, the President signed the Community Development Financial Institutions bill to create a mechanism for giving community development financial institutions over $300 million in grant funds. Bank regulatory agencies also issued a second set of proposed CRA regulatory reforms. Among the proposed provisions are several that will require reporting on lending activities by race and gender of loan recipients (e.g., loans to small businesses). Jurisdictions can use this information in analyzing impediments to fair housing and assessing accomplishments of institutions subject to CRA reporting and performance standards.

While policies and programs to promote better living conditions in lower-income, minority neighborhoods is a significant part of a comprehensive approach to furthering fair housing for lower-income minorities, jurisdictions should not focus solely on linking such efforts. Jurisdictions should extend efforts to provide lower-income housing opportunities for minorities, families with children, and persons with disabilities to nonminority and more economically advantaged neighborhoods. This aspect of FHP will always be more effective in metropolitan areas if metropolitan jurisdictions work together to design and carry out actions.

Linking strategies to expand lower-income housing opportunities in nontraditional areas with activities to create new or expanded job opportunities not only helps lower-income families, but may help control local labor shortages. Many suburban localities experience labor shortages in

the kinds of entry-level and other jobs many low- and moderate-income persons need to become self-sufficient or to improve their economic status. By linking housing with employment, suburban communities can improve their local labor supply.

Suggested Questions

- Where are municipal and other services (transportation, social services, schools, health services, hospitals, banks, and other lending institutions) located in the jurisdiction?
- Are such services equally distributed throughout the geographic area of the jurisdiction?
- Does the jurisdiction obtain reports from banks and other financial institutions showing their investments in lower-income neighborhoods? Do these data indicate the location, race, and ethnicity of loan recipients?
- What types of funding mechanisms and programs have been successful and why?
- What can the jurisdiction learn from efforts in other communities, and what sources of information are available?
- What efforts have been made by the government, businesses, and other entities in the jurisdiction and surrounding communities to link transportation and job creation initiatives with improved and more broadly distributed housing opportunities for lower-income persons and families at the metropolitan or other regional level? What are the results of these efforts?
- Does the jurisdiction have a strategy to revitalize or enhance lower-income neighborhoods or communities that looks to all possible resources including private investment programs, such as those developed by banks and other financial institutions to meet the objectives of CRA? (For a detailed discussion of lending policies and procedures and ways in which jurisdictions can influence them, see the discussion on the Private Sector.)
- If the jurisdiction has an established strategy, what are the results and what additional elements, if any, should be added to strengthen the strategy?
- What financial resources (public, for-profit, and nonprofit) are available from sources inside and outside the jurisdiction to fund low- and moderate-income housing, community facilities and services, and small and disadvantaged business opportunities in neighborhoods in need of revitalization?

- Are accessible transportation services available in all areas or are those services restricted to a few areas, thus clustering persons with disabilities and limiting their housing choices?

Possible Action to Be Taken by the Jurisdiction

- Identify specific steps that will be taken to strengthen the fair housing aspect of community revitalization activities in poorer neighborhoods through equalizing services, revising displacement policies and procedures, initiating or strengthening agreements with banks and other lending institutions subject to CRA, creating job-housing and education-housing linkages in and outside such neighborhoods, or other appropriate actions.

PHA and Other Assisted/Insured Housing Provider Tenant Selection Procedures; Housing Choices for Certificate and Voucher Holders

HUD is undertaking several initiatives to change the manner in which the public housing and Section 8 certificate and voucher programs have operated in providing housing choices to minority homeseekers. One such initiative is the metrowide or regional FHP. Jurisdictions that participate will work together to establish a centralized, consolidated applicant database through which applicants will be selected to receive housing assistance in all of the assisted housing programs in the metropolitan area. The process is intended to provide an expanded selection of offers to persons eligible for housing assistance while at the same time allow them to select an opportunity through the program for which they have expressed a preference (for example, the Section 8 existing housing or voucher programs, public housing, or project-based Section 8 programs).

Jurisdictions are encouraged to establish a nonprofit clearinghouse mechanism to administer the process. The clearinghouse would provide counseling and other services, if possible, to encourage participants to look for and select housing in a wide variety of locations, including those outside low-income and minority areas.

HUD encourages jurisdictions to build on initiatives arising out of proposed or final court orders or settlement agreements. One such initiative has been underway in the Chicago metropolitan area for a number of years. Several recent agreements anticipate the establishment of fair housing centers to serve as focal points for many or all of the activities related to promoting mobility and fair housing choice. These centers will be established in response to court-required mandates to end racial segregation, particularly in low-income public housing. However, their elements can be replicated in other areas.

HUD is also funding a demonstration project in Chicago to test one aspect of the metropolitanwide consolidated applicant database. In the Affirmative Fair Housing Marketing (AFHM) Reinvention Lab Project, the aim is to obtain participation of as many federally assisted and insured housing providers (both rental and sales) as possible in a unified and centrally administered affirmative marketing process. Providers that will be recruited to participate currently must develop and implement individual AFHM plans. Those providers participating in the AFHM Reinvention Lab Project will no longer have to do so.

Additional information about these and other programs to foster mobility and broader housing choices for lower-income persons and families is provided in Volume 2, Chapter 7.
HUD also encourages jurisdictions to adopt initiatives that will expand housing choices for persons with disabilities so that persons with disabilities will have the same ranges of housing choices as persons without disabilities. There are a number of initiatives that jurisdictions may adopt to expand housing choice for persons with disabilities. For example, some jurisdictions have set up 3-way partnership programs that involve the PHA and the private landlords that participate in the PHA's Section 8 Certificate and Voucher program, and the state or local department that administers the CDBG, to provide funds for the removal of architectural barriers in the housing projects operated by the private landlords that participate in the Section 8 certificate/ voucher program to make these projects accessible to people with disabilities.

HUD urges metropolitan jurisdictions cooperating in FHP to consider all alternatives that could strengthen metrowide mobility for lower-income households.

Suggested Questions

- What are the application and tenant selection and assignment policies of assisted housing providers (including PHAs)?
- Is there a pattern in one or more assisted housing developments of concentration of tenants by race or ethnicity?
- Do the tenant selection policies and procedures of HUD-assisted multifamily housing providers, including PHAs, exclude—or limit the participation of—persons with disabilities in housing developments they manage?
- If the answer to either of the two preceding questions is yes, how do these policies and procedures specifically affect the manner in which applications for housing are treated and applicants rejected or selected as tenants?
- Are the policies and procedures consistent with the requirements of Federal, State, and local law and HUD regulations and guidance?
- If a HUD-assisted (including PHAs) or HUD-insured housing provider has been found in noncompliance with one or more civil rights laws or regulations, has the provider initiated appropriate corrective actions?
- Are there any court suits involving the tenant application, selection, and assignment policies and procedures of any of these providers?
- If court orders relate to any of these policies or practices, what is the status of

actions to comply with the orders, and what are the results?

- If there are concentrations of racial or ethnic groups in one or more public housing developments, has the PHA undertaken any efforts designed specifically to desegregate these developments, such as make changes to its tenant selection and assignment plan (TSAP)?

- If there are racial or ethnic concentrations does PHA policy permit applicants or transfers to state a preference for one or more projects or developments?

- Does PHA policy permit applicants to reject several unit offers without losing their place on the waiting list? What are the bases for rejecting an offer of a public housing unit? Are they narrowly construed, or so broad that an applicant could easily reject a unit in a project in which his or her race does not predominate?

- What is the pattern, by location and family type, of minority and nonminority certificate and voucher holders who rent units under the Section 8 certificate and voucher housing assistance program?

- Are minorities located primarily in minority neighborhoods and Whites in predominantly White neighborhoods regardless of family type (large, small, or elderly family)?

- If the answer to the previous question is yes, what specific steps does the local PHA take to promote housing choices for certificate and voucher holders?

- Are certificate and voucher holders using the certificates and vouchers they receive from the local PHA outside its geographic jurisdiction?

- Are Section 8 certificates and vouchers transportable across PHA and other administering agency boundaries? Does the PHA (or other agency) that administers these programs in the jurisdiction's area actively promote mobility through cooperative efforts with other agencies in the metropolitan area or region? What are the results of these efforts?

- Does the jurisdiction actively support any of the efforts enumerated above?

- If so, in what ways? Do they include cooperative efforts with surrounding jurisdictions?

- Do the policies and procedures of the PHA or other administering agency in the grantee's jurisdiction, or PHAs or agencies administering one or more assisted housing programs in neighboring jurisdictions, discourage or reject applications from lower-income households that do not reside in their jurisdiction by imposing

residency or other local preferences?

- Does the PHA assist certificate or voucher holders who have received their certificates or vouchers from PHAs in other jurisdictions? In what ways?

- Does the PHA assist certificate or voucher holders who are persons with disabilities? (HUD regulations implementing Section 504 of the Rehabilitation Act of 1973 at 24 CFR 8.28(a)(3) require PHAs to assist persons with disabilities in locating available accessible dwelling units.)

- Does the PHA help all certificate and voucher holders find suitable housing?

- Does this help include providing up-to-date information—to minority homeseekers in particular—about the various facilities and services that are available in all neighborhoods in which housing suitable to the needs of certificate or voucher holders is available? (Facilities and services include schools, day care, health and welfare and other social service agencies, employment centers, and public transportation.)

- Does the PHA encourage certificate and voucher holders, particularly minorities, to look for housing in neighborhoods that are not traditional residential areas for the holder in question?

- Does the PHA assist the search process in any other ways, such as:

  – Calling to confirm the availability of units located in nontraditional neighborhoods?

  – Helping with transportation costs or providing transportation service for those interested in housing in nontraditional neighborhoods?

  – Providing a master list of the names and addresses, number of units, and other data on multifamily developments in a metropolitan or other regional area that makes units available to Section 8 participants?

  – Providing clear information to all participants concerning their housing rights and the steps they should take, including requesting assistance from the PHA in the housing search, if they believe they have encountered housing discrimination?

- Has the jurisdiction evaluated the performance of the agency that administers the Section 8 certificate and voucher programs in its area to determine what results have been achieved under the equal housing opportunity component of the Administrative Plan?

- What steps does the PHA take to promote the availability of accessible housing resources suitable for Section 8 participant families in which one or more persons

are mobility impaired?

- What steps does the PHA take to help certificate or voucher holders with other types of disabilities find housing and to promote housing choice for such persons?

- What are the PHA and other assisted/insured housing provider policies for admitting persons with mental or other nonphysical disabilities? Are these persons restricted to certain projects? Are the policies consistent with HUD guidance and requirements? Does the jurisdiction actively support these steps? In what ways?

- Has the PHA in the jurisdiction completed its Section 504 (of the Rehabilitation Act of 1973) assessments of need for housing or other assistance among households with members who are disabled and the plans for meeting these needs?

- Has the jurisdiction completed its self-evaluation consistent with Section 504 of the Rehabilitation Act of 1973?

- Has the PHA or HUD assisted housing provider completed a self-evaluation of its policies, procedures and practices to determine whether they may adversely impact persons with disabilities during the application or tenanting process? If so, has the recipient corrected all identified deficiencies, pursuant to 24 CFR 8.51?

- Has the PHA conducted a needs assessment to identify need for accessible units and does it have a transition plan to assure access?

- Have HUD-assisted housing providers reviewed their housing program as required by Section 504 and has it carried out the steps in its transition plan to assure full accessibility of the program?

- What steps has the PHA taken to assure that persons with disabilities have access to the same range of housing choices and types as are offered to persons without disabilities?

- What steps has the PHA taken to identify funding resources and develop programs, in partnership with other public or private agencies and with private landlords participating in the Section 8 certificate and voucher program, to provide funds and incentives for making privately-owned housing units accessible to persons with disabilities?

- Has the PHA implements policies and procedures for assuring that Fair Market Rents are adjusted, as permitted by HUD regulations, to allow persons with disabilities to use certificates and vouchers in order to rent accessible, private sector housing units?

Possible Actions to Be Taken by the Jurisdiction

- In light of the jurisdiction's analysis of applicant and tenanting practices in HUD-assisted and -insured housing developments, consider instituting changes to promote more inclusive tenancy patterns. For example:
  - Limit the application of residency or other local preferences in order to provide greater opportunity to nonresident applicants
  - Change low income public housing program TSAP policies and procedures to eliminate project preferences; restrict the bases for rejecting unit offers
  - Encourage the PHA to undertake efforts to desegregate its housing programs, for example, by consolidating public housing and Section 8 waiting lists
  - Revise policies relating to persons with disabilities to make them fully consistent with HUD/civil rights requirements
- Regularly monitor tenant characteristics data for the HUD-assisted and -insured housing developments as one means of evaluating marketing policies, procedures, and practices
- Provide support to the PHA in their desegregation efforts
- Encourage the PHA to utilize scattered-site, low-density housing acquisition as a means to deconcentrate racially impacted public housing.

Sale of Subsidized Housing and Possible Displacement

In the sale of subsidized housing, the objective should be to preserve lower-income housing opportunities to the maximum extent feasible. However, if any displacement of current minority or disabled low-income families occurs, the objective then should be to provide other housing opportunities to displaced households by giving them a real choice to relocate inside and outside minority neighborhoods or in buildings that are predominantly occupied by minorities or persons with disabilities. Because a relocation plan often places sole reliance on the provision of certificates or vouchers to displaced households, a good program to promote real choice in the use of certificates and vouchers is essential.

Suggested Questions

- If PHA or other HUD-assisted or -insured housing providers (such as Section 8 housing owners) have sold or plan to sell housing projects, what policies and procedures are in place to provide alternative housing to displaced tenant households?
- Are steps taken to ensure that such households are provided a varied choice of replacement housing, particularly to give minority displaced households an opportunity to select housing outside—not just inside—minority-concentrated areas?
- Does the jurisdiction have a specific displacement policy? Are housing providers required to implement this policy when selling housing? (See Anti-displacement and Relocation Plan requirements in the Consolidated Plan Regulation at 24 CFR 91.255(a)(2)).
- Are steps taken to ensure that persons with disabilities can choose housing in a wide variety of accessible locations?

Possible Action to Be Taken by the Jurisdiction

- Policies and procedures should be adopted or changed by the jurisdiction, PHA, or other entities to ensure that displaced tenants in HUD assisted and -insured housing will be provided opportunities to select replacement housing in a full range of neighborhoods.

Property Tax Policies

Tax forgiveness, delay, or other tax relief policies can help lower-income homeowners keep their homes. Programs of this kind can be part of an overall, much larger strategy to promote fair housing because they help to preserve homeownership opportunities for groups like minority families and elderly homeowners who otherwise would have only rental options.

Tax relief can take the form of delayed payments. Property taxes become, in effect, a lien on the property to be paid at the time of sale or inheritance. Alternatively, interest-free payments can be spread over months, permitting smaller monthly payments for those who qualify. Jurisdictions can explore various options.

Suggested Questions

- Has the jurisdiction adopted property tax relief policies and provisions in its local (or State) tax codes?

- If so, do these policies and provisions benefit lower-income homeowners, particularly minority households including children or persons with disabilities?

Possible Action to Be Taken by the Jurisdiction

- Consider initiating or broadening property tax relief provisions as a means of preserving lower-income homeownership opportunities, especially if such provisions would be beneficial to minority households, elderly households, or households with one or more members who are disabled.

Planning and Zoning Boards

Jurisdictions should pay close attention to the importance of the relationship between the membership of planning and zoning boards and the decisions they make regarding neighborhood revitalization activities and lower-income housing site selection. Diversity in representation of citizens in the community, including lower-income racial and ethnic groups, gender categories, persons with disabilities, and families with children should be a basic element of a jurisdiction's efforts to AFFH.

Suggested Questions

- What is the makeup of local planning and zoning boards by race, ethnicity, gender, disability, and familial status?
- If membership is not representative of the various classes of citizens specifically protected by Federal, State, and local fair housing laws, what policies and procedures operate in the jurisdiction to select such membership?

Possible Action to Be Taken by the Jurisdiction

- Policies and procedures for selecting persons to serve as members on planning and zoning boards should be changed, if needed, in order to provide for an overall membership that is representative of all segments of the community.

Building Codes (Accessibility)

Jurisdictions should include in their AI a review of the State and local building codes to determine if they have incorporated accessibility requirements of Section 504, the Fair Housing Act, Title II of the Americans with Disabilities Act, etc. for both multifamily and single family housing.

Suggested Questions

- Has the jurisdiction adopted a State or local building code that has incorporated the accessibility provisions of the most recent edition of the American National Standards Institute A117.1 and Usable Building and Facilities or one of the three model building codes (current edition)?

Possible Action to Be Taken by the Jurisdiction

- Consider taking steps to adopt a model building code (for example, The Standard Building Code, 1997 Edition, published by Southern Building Code Conference International) current edition, which has incorporated requirements for accessible design in residential housing and public facilities.

5.3 PRIVATE SECTOR

Under the broad term "private sector" are many specific aspects of the jurisdiction's housing market that should be examined to determine whether fair housing objectives are being served. The following housing market issues and activities are included under this heading:

1. Banking and insurance policies and practices pertaining to the financing, sale, purchase, rehabilitation, and rental of housing that may affect the achievement of fair housing choice

2. The sale and rental of housing and real estate practices such as blockbusting, deed restrictions, trust or lease provisions, conversions of apartments to all-adult occupancy, inaccessible design, or management firm "occupancy quotas"

3. Availability of programs that may be used to provide financial assistance to modify privately owned housing to make it accessible to persons with disabilities and their families and dissemination of information about such programs

4. The discriminatory provision of housing brokerage services.

Government policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices can play a significant role in promoting fair housing choice. Jurisdictions should seriously consider reviewing their current policies and procedures in light of private sector practices to determine what, if any, changes might be made to strengthen their role where private sector practices appear to discriminate or otherwise contribute to restricted housing choice.

Lending Policies and Practices

Until very recently, mortgage lending and real estate appraisal policies and practices were openly discriminatory. Decisions as to property values, lending criteria, and related factors frequently rested on the race or ethnicity of the applicant and the racial or ethnic identity of the neighborhood in which the subject property was located. Lending policies and practices also treated applicants differently based on gender. Because of the close relationship between mortgage lending and appraisal activities, the policies and practices in one area significantly impact those in the other area.

Appraisal and lending criteria that look at age, size, or minimum value of a dwelling in light of "stability" factors—such as whether the neighborhood is homogeneous or changing culturally or socially—may be more recent iterations of previous policies and criteria that referred openly to neighborhood stability or change in terms of racial characteristics. Intentional or inadvertent discrimination may result from the application of these criteria or from a variety of other factors, some of which may be very difficult or impossible to detect in a fair housing review by a regulatory or other agency.

Lending policies and requirements related to credit history, current credit rating, employment history, and general character of applicants permit lenders to use a great deal of discretion and in the process deny loans even though the prospective borrower would have been an acceptable risk. In October 1992, the Federal Reserve Bank of Boston released a study of 131 Boston area lenders that shows that the subjectivity built into the loan process is a principal cause of discrimination in lending. The study is based on the review of 3,062 loan applications. The study concluded that, after controlling for all objective indicators of applicant risk, lenders still rejected members of minority groups 56 percent more often than otherwise identical Whites.[1] For Whites, "compensating factors" are considered that result in loan approval at a much higher rate than for Blacks or Hispanics.

Studies such as this clearly point to the need for affirmative action by lenders themselves to look at their policies and practices and change the manner in which judgments are made by every person who plays a role in the lending process.

Lenders may apply different terms for different applicants or for dwellings in different neighborhoods. Frequently, the terms offered to Blacks or other minority borrowers have been less favorable than those offered to nonminority borrowers. Often, however, the less favorable terms have been the only ones available in the neighborhoods in which the minority borrowers reside, or in which the dwellings they plan to purchase are located. These most often have been minority neighborhoods. Often also, the limited lending options available in such neighborhoods have been offered by lenders who operate only in such areas.

Because some banks or savings and loan institutions in cities will not make loans in minority neighborhoods, minority borrowers cannot benefit from competitive loan offerings available in the larger market.

[1] Carr, James H. and Megbolugbe, Issac F. *The Federal Reserve Bank of Boston Study on Mortgage Lending Revisited*. Fannie Mae Office of Research; February, 1994, p. v. See the Appendix for further discussion of the Fannie Mae study, which confirms the findings of the Boston Federal Reserve Bank report and addresses the criticism voiced by some against that report

Prescreening processes that are not documented by a written record are another means by which lenders may treat loan applicants differently. Those not passing the prescreening "test" will not appear in lender files as applicants because no application would be filed.

Because bias—including the bias of wanting to do business only with the type of clientele the bank or other lending institution has traditionally served and knows—is so ingrained in the perceptions about "acceptable" locations, properties, and borrowers, lenders and appraisers should take affirmative steps to:

- Review every standard, criterion, and policy
- Rewrite those standards, criteria, and policies that appear to be carryovers from openly race-based appraisal and lending practices
- Train all staff responsible for lending and appraisal activities
- Monitor implementation of the new policies and criteria to assure that personal biases do not distort the intended effect of the new standards, however inadvertent that effect might be.

The results of HUD's Housing Discrimination Study (HDS) conducted in 1989 describe the treatment of Black and Hispanic homeseekers qualified to buy or rent the average housing unit advertised in a major metropolitan newspaper. HDS audits focus on the marketing stage of a housing market transaction and do not observe unfavorable treatment in mortgage transactions or decisions to accept a potential tenant's application.[2]

The audits providing the data for HDS occurred in 25 metropolitan areas in the United States. A list of these areas and the names of all HDS reports can be found in the Additional Resources section of this Guide. HUD encourages all jurisdictions, and particularly those in the 25 areas audited, to use HDS as an important resource of information on discrimination in housing. The conclusions in this study can provide valuable information on impediments that exist to fair housing at the point when they determine what rental and sales housing is available in the market.

Because real estate brokers are often the first and most important contact with the potential homebuyer, the services they provide are critical in advancing, restricting, or denying fair housing choice. The broker is in a position to influence buyer considerations about the type and location of housing the buyer may find desirable, as well as provide key information about financing alternatives. Few communities have eliminated all kinds of broker practices that either are intended to restrict fair housing choice or have this effect. Thus this is an area in need of careful examination.

Multifamily housing complexes currently restricted to or planned specifically for adult-only occupancy may not be in compliance with the requirements of the Fair Housing Act. Jurisdictions should be aware of these requirements and the extent to which multifamily complexes in their

[2] U.S. Department of Housing and Urban Development. *Housing Discrimination Study, Incidence and Severity of Unfavorable Treatment*. October, 1991; p. xxi.

area that are covered by the requirements of this Act are conforming to HUD regulations.

Few jurisdictions require regular reports from housing providers on characteristics such as the race, ethnicity, familial or disability status of people who are interested in, apply for, or become tenants in multifamily rental complexes. However, these reports can be a significant means of furthering fair housing. They can deter discriminatory rental practices as well as indicate which housing providers might be audited to determine if discriminatory practices are occurring. Similar reports might be required of brokers and sellers of subdivision homes regarding prospective and actual homebuyers.

Finally, covenants recorded in deeds or placed in other documents which restrict purchase or occupancy on the basis of race, ethnicity, disability status, or families with children are illegal and unenforceable, except in the limited situations specified under the Fair Housing Act. Where a local jurisdiction continues to record deeds with racially restrictive covenants, it is subject to a finding that such an act is discriminatory. While such covenants are clearly unenforceable, they nonetheless should be purged from the files or a statement appended to each such deed indicating that any such covenant is clearly invalid.

Suggested Questions

- Is there evidence of discrimination in mortgage lending, property appraisal, home improvement loans or other housing-related policies, standards, and procedures used by lenders and appraisers in the jurisdiction or nearby jurisdictions?
- What is the evidence and what specific types of problems does it indicate?
- Has the jurisdiction reviewed lending and appraisal practices through formal surveys or informal means to address the following questions:
  - Have lenders, appraisers, and private mortgage insurers operating in the jurisdiction examined their policies, procedures, and practices for possible differential treatment of applicants for home mortgage loans, home insurance, or home improvement loans based on race, ethnicity, gender, disability status, and families with children? (Many policies and practices may be carryovers from discriminatory antecedents that do not openly appear to be based on discriminatory intentions but nonetheless have a discriminatory effect.)
  - Have lenders, appraisers, or private mortgage insurers removed old policies, standards, and procedures because of their association with discriminatory antecedents, and have they adopted new policies, procedures, and standards for loan origination and processing, assessing borrower credit-worthiness, appraising the value of the collateral (appraiser's responsibility) and

selecting appraisers (lender's responsibility), underwriting decisions, and providing private mortgage insurance (private mortgage insurer's responsibility) and selecting a private mortgage insurer (lender's responsibility)?

- Are loan officers, other lending personnel, appraisers, and private insurer staff fully trained in how to apply the new policies and standards, and are they aware of the reasons they have been developed?

- Do lenders, appraisers, and private mortgage insurers regularly monitor the application of these new policies and standards to determine if they are followed as intended?

- Do lenders hire fee appraisers or refer customers to an approved list of appraisers and set clear requirements regarding the standards that are acceptable for appraisers to use? Do lenders do so for private mortgage insurers as well?

- Do lenders disclose the full appraisal report to the borrower or the determination made by the private mortgage insurer regarding the lender's request for insurance for the borrower?

- Do lenders use a prescreening process and, if so, document the results, place the documentation in the applicant's file, and make the document available to the applicant?

- Do lenders examine their conventional mortgage and home improvement loan profiles to determine whether there are neighborhoods that are underrepresented or not represented in these profiles?

- Do lenders use the population and housing characteristics data that is available from the Federal financial regulatory agencies and their own Home Mortgage Disclosure Act (HMDA) data to determine whether there are neighborhoods that are underrepresented or not represented in these profiles?[3]

- Do lenders compare the home improvement loan profile to the mortgage loan profile to determine if the former, which is usually a short-term consumer loan, is made more frequently to minorities in minority neighborhoods and to homeowners in mixed neighborhoods than mortgage loans?

- Are any lending institutions aggressively marketing the availability of mortgage and home improvement loans in minority neighborhoods and encouraging minorities to apply?

[3] 12 U.S.C.A. SS 2801-2809 (1980 Supp.).

- Do the lending institutions that market loans to minorities provide such loans in all areas of the community, or only in minority neighborhoods?

- Are loans aggressively marketed to women and persons with disabilities?

■ Does the jurisdiction regularly monitor reports of financial institutions subject to HMDA?

■ If so, what are the results, and does the jurisdiction act upon this information in any specific way? For example, does the jurisdiction use this information as an incentive by depositing public funds in banks with the best performance records?

■ Has the jurisdiction asked for data from lenders or home insurance providers relative to home mortgage and improvement loans and home insurance on the race, color, religion, sex, disability status, and families with children status of applicants, approved borrowers and insurance policy holders, and rejected applicants?

■ Does the jurisdiction obtain information on the location of the properties that are the subject of approved and rejected home mortgage, home improvement, and commercial loan applications?

■ Has the jurisdiction developed and implemented any steps to foster conventional lending and other banking services in neighborhoods that appear to be underserved or to specific groups of citizens that appear to be underserved? If so, what are the results of these steps?

■ Is there evidence of racial steering or blockbusting by real estate brokers as indicated in fair housing complaints, audits, or other sources (such as press reports) originating in the jurisdiction or surrounding jurisdictions? If so, what steps has the jurisdiction taken to require corrective actions on the part of those conducting these practices?

■ In the absence of a willingness to take corrective action, if applicable, what sanctions has the jurisdiction taken, or could it take (such as restricting or withdrawing a license) against the people or agencies engaging in these practices?

■ Is there evidence of restrictive covenants, trusts, or lease provisions in use in the community that would exclude sale to or occupancy by a particular group of potential buyers or renters based on race, color, religion, sex, disability status, or familial status?

■ Are covenants that contain such restrictions recorded in deeds on file in the

jurisdiction's records office?

- Is there any evidence from complaints, audits, or other sources that landlords of privately owned rental housing or their management agents are limiting occupancy in multifamily housing complexes through use of occupancy quotas or other practices to deny or restrict available housing to people based on race, color, religion, sex, disability status, or familial status?

- Has the jurisdiction reviewed written rental and sales policies of real estate brokers and other members of the housing industry—such as large landlords or management companies—to determine whether they are consistent with applicable Federal, State, and local fair housing laws?

- Have there recently been incidents of negative community attitudes resulting from moves by Blacks, Hispanics, or other minorities into White neighborhoods, or vice versa? To the establishment of housing facilities for persons with disabilities (in particular mental disabilities or persons in recovery from drug abuse) in certain areas?

- Does the jurisdiction have a regular program to collect summary data from landlords and managers of rental housing on the racial, ethnic, gender, familial, and disability status of tenants and applicants for rental housing in the jurisdiction?

- Does the jurisdiction use this information in connection with fair housing audits of rental housing, or to target review of rental and management policies of private landlords and managers and publicly assisted housing providers as a part of its fair housing enforcement or education and outreach efforts?

- Have the real estate firms in the jurisdiction carefully examined their business relationships with mortgage lending institutions to assure that these institutions do not restrict their lending activities to certain areas of the community (such as neighborhoods in which minorities do not reside)?

- Do lenders use statistical profiles and credit scores, when making loans without looking at the financial circumstances of the individual family?

- Do the formal training and licensing requirements for real estate brokers that are applicable in the jurisdiction and surrounding jurisdictions include a requirement for demonstrated knowledge of all applicable fair housing laws?

- Is there any evidence that minority brokers are excluded from participation in multiple listing services in the jurisdiction or surrounding jurisdictions?

- Is there any evidence that minority participation in real estate brokers associations is excluded or restricted? Participation by persons with disabilities? Participation by women?

- Is there evidence that real estate offices services are assigning sales personnel based on their race, ethnicity or disability and the racial or ethnic composition of neighborhoods in which they operate?

- Are the opportunities for minorities, women, and persons with disabilities to become brokers available on the same basis as opportunities for Whites, males, and persons without a disability?

- Are there specific programs to attract minorities, women, and persons with disabilities to careers as brokers and to provide training and other assistance for this purpose?

- Are there boards of real estate brokers in the jurisdiction, or in nearby jurisdictions, that are signatory to a Voluntary Affirmative Marketing Agreement (VAMA) with HUD?

- Is there an active Community Housing Resource Board (CHRB) or other fair housing organization in the jurisdiction that monitors this agreement? (Other housing industry elements such as builder, appraiser, and apartment owner associations may be signatory to similar agreements. These also may be monitored by a local CHRB or other fair housing organization.)

- Does the jurisdiction support this monitoring activity financially or in other ways, including participating as a member of the organization or providing staff support services?

Possible Actions to Be Taken by the Jurisdiction

- Identify specific steps that the jurisdiction should take based on an examination of sales and rental practices including real estate broker practices such as adoption and dissemination of anti-redlining or anti-blockbusting policies, establishing reporting requirements for housing providers in the jurisdiction, establishing a stronger public education effort regarding the protection under fair housing laws, or other actions.

- Identify steps that the jurisdiction should take to promote specific efforts to make brokerage services more inclusive and fully consistent with the requirements and objectives of fair housing laws.

- Identify steps that the jurisdiction should take to promote cooperative efforts with other nearby communities to foster open and fair sale and rental practices and services on a metropolitan or other regionwide basis.

- Identify specific actions that the jurisdiction should take regarding restrictive covenants, leases, or other restrictive provisions recorded in deeds or restrictions that seem to be enforced in single family housing developments, condominiums, or rental complexes.

- Identify specific actions that the jurisdiction should take to encourage the lending and appraisal industries to promote fair lending and appraisal self-monitoring programs, revisions to lending and appraisal policies, procedures and standards, and training of lending institution officers and staff.

- Identify steps that the jurisdiction should take to develop and implement conventional lending and banking services in neighborhoods that appear to be underserved or to specific groups of citizens, such as African Americans, Hispanics, Native Americans, persons with disabilities, or families with children.

- Identify specific actions that the jurisdiction should take to encourage insurance providers to promote fair home and commercial property insurance policies and procedures.

- Encourage lending institutions to negotiate Fair Lending-Best Practices Agreements with HUD.

5.4 PUBLIC AND PRIVATE SECTOR

Fair Housing Enforcement

Effective fair housing enforcement lies at the heart of a comprehensive program to affirmatively further fair housing. The structure of this program varies among communities based on community size and resources. Chapter 7 contains enforcement program guidance to assist the jurisdiction in determining what the most suitable program is for the jurisdiction.

To assure good standing for HUD's Community Planning and Development (CPD) programs, the jurisdiction should address any and all concerns expressed by HUD in contract conditions that relate to fair housing and equal opportunity performance as required by the laws and regulations governing these programs. These concerns include any and all court decisions relating to fair housing and other civil rights laws to which the jurisdiction or the PHA is subject.

Suggested Questions

- What is the structure of and process in the jurisdiction's fair housing enforcement program?

- Is it the most appropriate structure and process for the jurisdiction and does it conform fully to HUD requirements (i.e., enforce a substantially equivalent fair housing law)?

- Is the enforcement program efficient and effective in providing complainants and

respondents with an objective and fair process for pursuing and settling housing complaints?

- Does the jurisdiction require reports regarding fair housing complaints from the enforcement agency and use them in fair housing enforcement-related activities such as audits or Government-supported education and outreach activities?
- Has a court determined that housing discrimination has occurred in any aspect of the jurisdiction's community development or housing programs, or the programs administered by PHA in the jurisdiction?
- What have the CDBG grantee and subrecipients done to bring their programs into compliance with Section 504 of the Rehabilitation Act of 1973 as amended?
- Has HUD made a finding of violations of the Fair Housing Act, Title VI, or Section 504, or regulations implementing these laws, in any federally funded housing or housing-related activities in the jurisdiction?
- If so, has the jurisdiction designed and implemented appropriate actions to address the court determination or HUD finding?
- Has the jurisdiction ensured that all appropriate officials and employees, including subgrantee and PHA officials and employees, are fully aware of the required actions and their responsibilities?
- If HUD has placed contract conditions on grants or loans awarded to the jurisdiction, or denied funding because of evidence of a violation of one or more applicable civil rights laws, has the jurisdiction taken all the steps required to meet the stipulations in these contract conditions or to remove the basis for funding denial?

Possible Actions to Be Taken by the Jurisdiction

- Consider changing the structure or process for enforcing applicable fair housing laws in the jurisdiction, based on the results of the jurisdiction's enforcement program.
- Undertake specific actions to address one or more court findings, contract conditions, or a funding denial because of housing-related civil rights violations or problems in the jurisdiction.

Information Programs

This section focuses on fair housing information programs for jurisdiction officials, employees, and citizens of the community. This Guide does not specifically highlight fair housing education and outreach activities in those sections that discuss impediments, but it frequently mentions such efforts in examples of actions to implement AI conclusions.

All jurisdictions, regardless of whether they have completed an AI, should be conducting education and outreach activities. FHP is not comprehensive if it fails to address the lack of knowledge in the general public and among Government and other community officials and leaders about actions constituting discriminatory behavior, fair housing laws, and fair housing objectives.

Nearly every community has these kinds of activities occurring in its geographic area. Chapter 7 contains an extensive description of education and outreach activities currently underway in a number of communities. The variety is very broad. However, jurisdictions should regularly assess the effectiveness of such activities in informing people of their rights and responsibilities and in reducing the kinds of prejudice and intolerance that lead to discriminatory actions. (See Chapter 7 for specific suggestions for teaching tolerance in school.)

Specific efforts to change the way programs have been administered are essential in situations where a determination of unlawful segregation or other housing discrimination is made by a court or where HUD makes a finding of noncompliance regarding assisted housing within a jurisdiction. These programs should describe clearly and completely each of the steps the jurisdiction and other affected administering agencies are undertaking to address the determination or finding. They should emphasize those actions that will entail revising or developing new policies and procedures in response to court or HUD requirements.

Suggested Questions

- What specific types of activities have been undertaken by the jurisdiction, and other entities in the jurisdiction—such as a human relations commission and other fair housing organizations—to provide information to the general public, Government officials and staff, community leaders, and others regarding fair housing laws and objectives?
- Are these activities confined largely to National Fair Housing Month (April), or is there a comprehensive set of activities going on throughout the calendar year?
- How effective is each of these activities in increasing knowledge of the laws, reducing discriminatory behavior, or achieving other worthy results?
- Has the jurisdiction implemented specific fair housing information programs for officials and employees having duties that impact on fair housing such as developing zoning policies, planning assisted housing, and community and economic

development activities?

- Are there areas in the jurisdiction where conflict between different racial or ethnic groups is evident? Between persons with and without a disability?

- Are there effective outreach, education, and information programs in the jurisdiction designed to create a good understanding among civic leaders, educators, and other citizens of all ages to reduce the adverse effects and force of negative attitudes among segments of the community concerning people who are different racially, ethnically, and culturally or who are disabled?

Possible Actions to Be Taken by the Jurisdiction

- Undertake specific programs to educate its officials and employees and the general public regarding the provisions of a particular court determination or HUD finding and the actions that are or will be underway to address the problems found.

- Develop new outreach, education, or information programs and activities to promote housing opportunities for particular segments of the community (such as racial or ethnic minority groups or persons with disabilities). This should be done in cooperation with fair housing organizations and organizations working on this common goal.

Visitability in Housing

HUD endorses the "visitability" concept, which is a voluntary standard promoted by the Department in new construction and existing properties. Visitability means that: (1) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk and (2) the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space.

Visitability allows mobility impaired residents to visit families and friends where this would not otherwise be possible. A visitable home also serves persons without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.). One difference between "visitability" and "accessibility" is that accessibility requires that all features of a dwelling unit be made accessible for mobility impaired persons. A visitable home provides less accessibility than an accessible home, and is meant to be those units not required to be accessible.

Suggested Questions

- Has the entity incorporated the concept of visitability in a homeownership or rental project recently built?

- Has the entity incorporated the concept of visitability into rehabilitation projects which has resulted in visitable units throughout the project?
- Has the entity developed a written visitability policy and/or a visitability transition plan in place to make all or a significant percentage of its units visitable?

Possible Actions to Be Taken by the Jurisdiction

- Identify specific steps that the jurisdiction should take to promote the concept of visitability.

ACRONYMS

ACORN	Association of Community Organizations for Reform Now
ADA	Americans With Disabilities Act
ARELLO	Association of Real Estate License Law Officials
AFFH	Affirmatively Furthering Fair Housing
AFFORD	Alternative Financing for Opening Residential Doors (Wisconsin)
AFHM	Affirmative Fair Housing Marketing
AHOME	Affordable Housing Opportunities Made Equal (Virginia)
AI	Analysis of Impediments to Fair Housing Choice
AMA	Arizona Multihousing Association
BHA	Boston Housing Authority (Massachusetts)
CAFHA	Chicago Area Fair Housing Alliance (Illinois)
CASCAP	Cambridge-Somerville Cooperative Apartment Project (Massachusetts)
CCHR	City Commission on Human Rights
CD	Community Development
CDBG	Community Development Block Grant Program
CHAS	Comprehensive Housing Affordability Strategy
CHRB	Community Housing Resource Board
CIG	Community Improvement Grant
CIL	Center for Integrated Living (Wisconsin)
COSCDA	Council of State Community Development Agencies
CPD	Community Planning and Development
CRA	Community Reinvestment Act of 1977
CRCOG	Capitol Region Council of Governments (Connecticut)
DCA	Division of Community Assistance (North Carolina)
DCA	Department of Community Affairs (Pennsylvania)
DED	Department of Economic Development (Nebraska)
DHCD	Department of Housing and Community Development (Virginia)
ECHRC	East Chicago Human Rights Commission (Illinois)
ENC	Evanston Neighborhood Conference (Illinois)
ESG	Emergency Shelter Grants Program
FAIR	Fair Access to Insurance Requirement Plan
FHA	Federal Housing Administration
FHAP	Fair Housing Assistance Program
FHCSD	Fair Housing Council of San Diego (California)
FH/EEO	Fair Housing/Equal Employment Opportunity
FHIP	Fair Housing Initiative Program
FHP	Fair Housing Planning
FHP	Fair Housing Partnership of Greater Pittsburgh (Pennsylvania)
FmHA	Farmers Home Administration
GBREB	Greater Boston Real Estate Board (Massachusetts)
IDED	Iowa Department of Economic Development
HAP	Housing Assistance Plan
HCD	State Department of Housing and Community Development (Maryland)
HDS	Housing Discrimination Study

HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HMDA	Home Mortgage Disclosure Act of 1975
HOME	Home Investment Partnership Program
HOME	Housing Opportunities Made Equal (New York)
HOME	Housing Opportunities Made Equal of Greater Cincinnati (Ohio)
HOPWA	Housing Opportunities for Persons with AIDS Program
HRC	Human Relations Commission (Montana)
HUD	Department of Housing and Urban Development
IMBY	"In My Back Yard"
MBA	Mortgage Bankers Association of America
MCHR	Maryland Commission on Human Rights
MDOC	Montana Department of Commerce
MFI	Median Family Income
MHFA	Massachusetts Housing Finance Agency
MLS	Multiple Listing Service
MPDU	Moderately Priced Dwelling Unit
MSAs	Metropolitan Statistical Areas
NAA	National Apartment Association
NAACP	National Association for the Advancement of Colored People
NAHA	National Affordable Housing Act of 1990
NAHB	National Association of Home Builders
NAPAS	National Association of Protection and Advocacy System
NAR	National Association of Realtors
NCAI	National Congress of American Indians
NCDA	National Community Development Association
NCLR	National Council of La Raza
NCRC	National Community Reinvestment Coalition
NAREB	National Association of Real Estate Brokers
NFHA	National Fair Housing Alliance
NIMBY	"Not In My Back Yard"
OCC	Office of the Comptroller of the Currency
OCRC	Ohio Civil Rights Commission
OPCHRB	Old Pueblo, Arizona, Community Housing Resources Board
PHA	Public Housing Agency
PHAC	Pennsylvania Housing Advisory Committee
PSAs	Public Service Announcements
SMSA	Standard Metropolitan Statistical Area
TSAP	Tenant Selection and Assignment Plan
TTY	Text Telephone or Teletypewriter
VA	Veterans Administration
VAMA	Voluntary Affirmative Marketing Agreements
YMCA	Young Men's Christian Association
YWCA	Young Women's Christian Association

ADDITIONAL RESOURCES

National Resources

HUD

Headquarters:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
451 Seventh Street, SW, Room 5200
Washington, DC 20410
(202) 708-4252 Fax: (202) 708-4483
Contact: Elizabeth K. Julian, Assistant Secretary for Fair Housing and Equal Opportunity

New England Field Offices:

U.S. Department of Housing and Urban Development
Massachusetts State Office
Office of Fair Housing and Equal Opportunity
Thomas P. O'Neill, Jr., Federal Building
10 Causeway Street, Room 321
Boston, MA 02222-1092
(617) 565-5319 Fax: (617) 565-7313
TTY: (617) 565-5453
Contact: Merryl Gibbs, Acting Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and Urban Development
Connecticut State Office
Office of Fair Housing and Equal Opportunity
330 Main Street, First Floor
Hartford, CT 06106-1860
(860) 240-4530 Fax: (860) 240-4744
TTY: (860) 240-4665
Contact: Carl Harris, Equal Opportunity Specialist

New York/New Jersey Field Offices:

U.S. Department of Housing and Urban Development
New York State Office
Office of Fair Housing and Equal Opportunity
26 Federal Plaza
New York, NY 10278-0068
(212) 264-1290 Fax: (212) 264-9829
TTY: (212) 264-0927
Contact: Saundra Hamilton, Acting Director, FHEO Program Operations and Compliance Center or
Ethan Harris, Director, Program Operations Division

U.S. Department of Housing and Urban Development
Buffalo Area Office
Office of Fair Housing and Equal Opportunity
465 Main Street
Buffalo, NY 14203-1780
(716) 551-5755 Fax: (716) 551-3253
TTY: (716) 551-5787
Contact: Charles E. Martin, Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and Urban Development
New Jersey State Office
Office of Fair Housing and Equal Opportunity
One Newark Center, 13th Floor
Newark, NJ 07102-5260
(201) 622-7900, Ext 3250
Fax: (201) 645-6423
TTY: (201) 645-3298 or -1798
Contact: Brenda Edmondson, Director, FHEO Program Operations and Compliance Center

Mid-Atlantic Field Offices:

U.S. Department of Housing and
Urban Development
Pennsylvania State Office
Office of Fair Housing and Equal
Opportunity
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3380
(215) 656-0662 Fax: (215) 656-3449
TTY: (215) 656-3452
Contact: Walter Valentine, Director,
FHEO Program Operations and
Compliance Center or
Milton Turner, Director, Program
Operations Division

U.S. Department of Housing and
Urban Development
Pittsburgh Area Office
Office of Fair Housing and Equal
Opportunity
339 6th Street, Sixth Floor
Pittsburgh, PA 15219-1906
(412) 644-6965 Fax: (412) 644-6499
TTY: (412) 644-5747
Contact: Cheryle E. Campbell, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Maryland State Office
Office of Fair Housing and Equal
Opportunity
City Crescent Building
10 South Howard Street, Fifth Floor
Baltimore, MD 21201-2505
(410) 962-2520, Ext 3056
Fax: (410) 962-4947
TTY: (410) 962-0106
Contact: Harold S. Jackson, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Virginia State Office
Office of Fair Housing and Equal
Opportunity
The 3600 Centre
3600 West Broad Street
Richmond, VA 23230-4920
(804) 278-4504 Fax: (804) 278-4516
TTY: (804) 278-4501
Contact: R. Thomas Day, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
District of Columbia Office
Office of Fair Housing and Equal
Opportunity
820 First Street, NE, Suite 450
Washington, DC 20002-4205
(202) 275-0848 Fax: (202) 275-0779
TTY: (202) 275-0967
Contact: James E. Black, Jr., Director,
FHEO Program Operations and
Compliance Center

Southeast/Caribbean Field Offices:

U.S. Department of Housing and
Urban Development
Georgia State Office
Office of Fair Housing and Equal
Opportunity
Richard B. Russell Federal Building
75 Spring Street, SW
Atlanta, GA 30303-3388
(404) 331-1798 or 331-6512
Fax: (404) 331-1021
TTY: (404) 730-2654
Contact: Fannie L. Chestnut-Hairston,
Director, FHEO Program Operations
and Compliance Center or
Charles E. Stigger, Director,
Program Operations Division

U.S. Department of Housing and Urban Development
Alabama State Office
Office of Fair Housing and Equal Opportunity
600 Beacon Parkway West, Suite 300
Birmingham, AL 35209-3144
(205) 290-7630 Fax: (205) 290-7593
TTY: (205) 290-7624
Contact: Ralph E. Logan, Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and Urban Development
South Carolina State Office
Office of Fair Housing and Equal Opportunity
Strom Thurmond Federal Building
1835 Assembly Street
Columbia, SC 29201-2480
(803) 765-5936 Fax: (803) 253-3437
TTY: (803) 253-3071
Contact: Milton D. Davenport, Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and Urban Development
North Carolina State Office
Office of Fair Housing and Equal Opportunity
Koger Building
2306 West Meadowview Road
Greensboro, NC 27407-3707
(910) 547-4050 Fax: (910) 547-4015
TTY: (910) 547-4055
Contact: Ophelia T. Dargan, Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and Urban Development
Mississippi State Office
Office of Fair Housing and Equal Opportunity
Dr. A.H. McCoy Federal Building
100 West Capitol Street
Jackson, MS 39269-1016
(601) 965-4762 Fax: (601) 965-5912
TTY: (601) 965-4171
Contact: Victoria E. Caldwell, Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and Urban Development
Kentucky State Office
Office of Fair Housing and Equal Opportunity
601 West Broadway
Post Office Box 1044
Louisville, KY 40201-1044
(502) 582-5250 Fax: (502) 582-6074
TTY: (502) 582-5139
Contact: Sue Darling, Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and Urban Development
Knoxville Area Office
Office of Fair Housing and Equal Opportunity
John J. Duncan Federal Building
710 Locust Street, Third Floor
Knoxville, TN 37902-2526
(423) 545-4379 Fax: (423) 545-4569
TTY: (423) 545-4559
Contact: Ernest Fulton, Director, FHEO Program Operations and Compliance Center

U.S. Department of Housing and
Urban Development
Jacksonville Area Office
Office of Fair Housing and Equal
Opportunity
Southern Bell Tower
301 West Bay Street, Suite 2200
Jacksonville, FL 32202-5121
(904) 232-1241 Fax: (904) 232-1721
TTY:(904) 232-1241
Contact: Gloria A. Rubio, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Florida State Office
Office of Fair Housing and Equal
Opportunity
Gables 1 Tower
1320 South Dixie Highway
Coral Gables, FL 33146-2926
(305) 662-4549 Fax: (305) 662-4519
TTY: (305) 662-4511
Contact: Candace M. Tapscott,
Supervisory Equal Opportunity Specialist

U.S. Department of Housing and
Urban Development
Caribbean Office
Office of Fair Housing and Equal
Opportunity
San Juan Office Building
159 Carlos E. Chardon Avenue
San Juan, PR 00918-1804
(787) 766-5825 Fax: (787) 766-5995
TTY: (787) 766-5909
Contact: Juan Walker Alvarez,
Director, FHEO Program Operations
and Compliance Center

Midwest Field Offices:

U.S. Department of Housing and
Urban Development
Illinois State Office
Office of Fair Housing and Equal
Opportunity
Ralph H. Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3507
(312) 353-8259 or 353- 7477
Fax: (312) 353-2837
TTY: (312) 353-5944
Contact: Maurice J. McGough, Director,
FHEO Program Operations and
Compliance Center or
Mary Wilkerson, Director, Program
Operations Division

U.S. Department of Housing and
Urban Development
Ohio State Office
Office of Fair Housing and Equal
Opportunity
200 North High Street
Columbus, OH 43215-2499
(614) 469-6694 Fax: (614) 469-2432
TTY: (614) 469-5518
Contact: Carolyn Murphy, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Michigan State Office
Office of Fair Housing and Equal
Opportunity
Patrick V. McNamara Federal Building
477 Michigan Avenue
Detroit, MI 48226-2592
(313) 226-6898 Fax: (313) 226-5611
TTY: (313) 226-6899
Contact: Wendell H. Holmes, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Indiana State Office
Office of Fair Housing and Equal
Opportunity
151 North Delaware Street
Indianapolis, IN 46204-2526
(317) 226-6951 Fax: (317) 226-6317
TTY: (317) 226-6309
Contact: Gretta J. Ellis, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Wisconsin State Office
Office of Fair Housing and Equal
Opportunity
Henry S. Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 1380
Milwaukee, WI 53203-2289
(414) 297-3123 Fax: (414) 297-3947
TTY: (414) 297-3123
Contact: Mildred L. Harpole, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Minnesota State Office
Office of Fair Housing and Equal
Opportunity
220 Second Street, South
Minneapolis, MN 55401-2195
(612) 370-3185 Fax: (612) 370-3046
TTY: (612) 370-3186
Contact: Jaime Pedraza, Director,
FHEO Program Operations and
Compliance Center

Southwest Field Offices:

U.S. Department of Housing and
Urban Development
Texas State Office
Office of Fair Housing and Equal
Opportunity
1600 Throckmorton Street
P.O. Box 2905
Fort Worth, TX 76113-2905
(817) 885-5491 or 885-5837
Fax: (817) 885-6022
TTY: (817) 885-5447
Contact: Lorraine Franklin-Stell, Director,
FHEO Program Operations and
Compliance Center or
Jamie K. Jamison, Director, Program
Operations Division

U.S. Department of Housing and
Urban Development
San Antonio Area Office
Office of Fair Housing and Equal
Opportunity
Washington Square
800 Dolorosa Street
San Antonio, TX 78207-4563
(210) 472-6885 Fax: (210) 229-6753
TTY: (210) 229-6885
Contact: Santos S. Villarreal
Director, FHEO Program Operations
and Compliance Center

U.S. Department of Housing and
Urban Development
Houston Area Office
Office of Fair Housing and Equal
Opportunity
Norfolk Tower
2211 Norfolk, Suite 200
Houston, TX 77098-4096
(713) 313-2274, Ext 7117
Fax: (713) 313-2305
TTY: (713) 834-3274
Contact: J. Sue Tarver, Equal
Opportunity Specialist

U.S. Department of Housing and
Urban Development
Arkansas State Office
Office of Fair Housing and Equal
Opportunity
TCBY Tower
425 West Capitol Avenue, Suite 900
Little Rock, AR 72201-3488
(501) 324-6296 Fax: (501) 324-5900
TTY: (501) 324-5931
Contact: Richard L. Young, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Louisiana State Office
Office of Fair Housing and Equal
Opportunity
Hale Boggs Federal Building
501 Magazine Street, 9th Floor
New Orleans, LA 70130-3099
(504) 589-7219 Fax: (504) 589-2917
TTY: (504) 589-7279
Contact: Bernadette Tyus, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Oklahoma State Office
Office of Fair Housing and Equal
Opportunity
500 West Main Street, Suite 400
Oklahoma City, OK 73102-2233
(405) 553-7435 Fax: (405) 553-7504
TTY: (405) 553-4891
Contact: Joyce Clower, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
New Mexico State Office
Office of Fair Housing and Equal
Opportunity
625 Truman Street, NE
Albuquerque, NM 87110-6472
(505) 262-6463 Fax: (505) 262-6604
TTY: (505) 262-6463
Contact: R. Jon Roybal, Director,
FHEO Program Operations and
Compliance Center

Great Plains Field Offices:

U.S. Department of Housing and
Urban Development
Kansas/Missouri State Office
Office of Fair Housing and Equal
Opportunity
Gateway Tower II
400 State Avenue
Kansas City, KS 66101-2406
(913) 551-6958 Fax: (913) 551-6856
TTY: (913) 551-6972
Contact: Jacqueline D. Tomlin, Acting
Director, FHEO Program Operations
and Compliance Center

U.S. Department of Housing and
Urban Development
Iowa State Office
Office of Fair Housing and Equal
Opportunity
Federal Building
210 Walnut Street, Room 239
Des Moines, IA 50309-2155
(515) 284-4706 Fax: (515) 284-6657
TTY: (515) 284-4728
Contact: Cynthia Ferrell, Equal
Opportunity Specialist

U.S. Department of Housing and
Urban Development
Nebraska State Office
Office of Fair Housing and Equal
Opportunity
Executive Tower Centre
10909 Mill Valley Road
Omaha, NE 68154-3955
(402) 492-3109 Fax: (402) 492-3150
TTY: (402) 492-3183
Contact: Betty J. Bottiger,
Director, FHEO Program Operations
and Compliance Center

U.S. Department of Housing and
Urban Development
St. Louis Area Office
Office of Fair Housing and Equal
Opportunity
Robert A. Young Federal Building
1222 Spruce Street, Third Floor
St. Louis, MO 63103-2836
(314) 539-6327 Fax: (314) 539-6575
TTY: (314) 539-6331
Contact: Roy E. Pierce, Director,
FHEO Program Operations and
Compliance Center

Rocky Mountains Field Office:

U.S. Department of Housing and
Urban Development
Colorado State Office
Office of Fair Housing and Equal
Opportunity
First Interstate Tower North
633 17th Street
Denver, CO 80202-3607
(303) 672-5430 Fax: (303) 672-5026
TTY: (303) 672-5248
Contact: Patricio B. Gonzales, Acting
Director, FHEO Program Operations
and Compliance Center or
Sheila H. Maddox, Director, Program
Operations Division

Pacific/Hawaii Field Offices:

U.S. Department of Housing and
Urban Development
California State Office
Office of Fair Housing and Equal
Opportunity
Phillip Burton Federal Building and
U.S. Courthouse
450 Golden Gate Avenue
P.O. Box 36003
San Francisco, CA 94102-3448
(415) 436-6500 Fax: (415) 436-6418
TTY: (415) 436-6564
Contact: Harold Redic, Director,
FHEO Program Operations and
Compliance Center or
Paul Berg, Director, Program
Operations Division

U.S. Department of Housing and
Urban Development
Los Angeles Area Office
Office of Fair Housing and Equal
Opportunity
1615 West Olympic Boulevard
Los Angeles, CA 90015-3801
(213) 251-7114 Fax: (213) 251-7085
TTY: (213) 251-7038
Contact: Thomas F. Honore, Director,
FHEO Program Operations and
Compliance Center

U.S. Department of Housing and
Urban Development
Sacramento Area Office
Office of Fair Housing and Equal
Opportunity
777 12th Street, Suite 200
Sacramento, CA 95814-1997
(916) 498-5220 Fax: (916) 498-5248
TTY: (916) 498-5220
Contact: David M. Philipson, Equal
Opportunity Specialist

U.S. Department of Housing and
Urban Development
Hawaii State Office
Seven Waterfront Plaza
Office of Fair Housing and Equal
Opportunity
500 Ala Moana Boulevard, Suite 500
Honolulu, HI 96813-4918
(808) 522-8182 Fax: (808) 522-8194
TTY: (808) 522-8193
Contact: Helen M. Narahara, Equal
Opportunity Specialist

Northwest/Alaska Field Offce:

U.S. Department of Housing and
Urban Development
Washington State Office
Office of Fair Housing and Equal
Opportunity
Seattle Federal Office Building
909 First Avenue, Suite 200
Seattle, WA 98104-1000
(206) 220-5183 Fax: (206) 220-5447
TTY: (206) 220-5185
Contact: Saundra J. Pavolka, Acting
Director, FHEO Program Operations
and Compliance Center

Public

Fair Housing Information Clearinghouse
P.O. Box 9146
McLean, VA 22102
(800) 343-3442 TTY: (800) 290-1617
Contact: Nina Corin, Project Director

U.S. Department of Housing and Urban
Development
Office of Administrative Law Judges
409 Third Street, SW, Suite 320
Washington, DC 20024
(202) 708-5004 Fax: (202) 708-5014

U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
P.O. Box 65998
Washington, DC 20035-5998
(202) 514-4713 Fax: (202) 514-1116

U.S. Commission on Civil Rights
National Clearinghouse Library
624 Ninth Street, NW
Washington, DC 20425
(202) 376-8110 Fax: (202) 376-7597

Private

American Civil Liberties Union
132 West 43rd Street
New York, NY 10036
(212) 944-9800
Contact: Ira Glasser, Director

Association Community Organizations for
Reform Now (ACORN)
739 Eighth Street, SE
Washington, DC 20003
(202) 547-9292 Fax: (202) 546-2483
Contact: Melanie Marcus, Director

Association of Real Estate License Law
Officials (ARELLO)
563 West 500 South, Suite 100
Bountiful, UT 84010 or
P. O. Box 129
Centerville, UT 84014-0129
(801) 298-5572 Fax: (801) 298-5576
Contact: Stephen J. Francis, Executive Vice
President

Bazelon Center for Mental Health Law
(formerly: Mental Health Law Project (MHLP))
1101 15th Street, NW, Suite 1212
Washington, DC 20005
(202) 467-5730 Fax: (202) 223-0409
TTY: (202) 467-4232
Contact: Leonard Rubenstein, Executive Director

Center for Law and Social Justice
1473 Fulton Street
Brooklyn, NY 11216-2597
(718) 953-8400 Fax: (718) 467-1399
Contact: Esmerelda Simmons, Executive Director

Center for Policy Alternatives
1875 Connecticut Ave., NW, Suite 710
Washington, DC 20009
(202) 387-6030 Fax: (202) 986-2539
Contact: Linda Tarr-Whelan, Director
Robert Stumberg, Program Manager

Children's Defense Fund
25 E Street, NW
Washington, DC 20001
(202) 628-8787 Fax: (202) 662-3550
Contact: Marian Wright Edelman, President

Disability Rights and Education Fund
2212 Sixth Street
Berkeley, CA 94710
(510) 644-2555 Fax: (510) 841-8645
Contact: Mary Lou Breslin, President

Fair Housing Institute
11838 Rock Landing Drive, Suite 140
Newport News, VA 23606
(804) 873-2240 Fax: (804) 873-0798
Contact: Charles B. Turner, Chairman of Board

Lawyers Committee for Civil Rights
1450 G Street, NW, Suite 400
Washington, DC 20005
(202) 662-8600 Fax: (202) 783-0857
Contact: Barbara R. Arnwine, Executive Director

Leadership Conference on Civil Rights
1629 K Street, NW, Suite 1010
Washington, DC 20006
(202) 466-3311 Fax: (202) 466-3435
Contact: Richard Womack, Acting Executive Director

Legal Services Corporation
750 First Street, NE
Washington, DC 20002
(202) 336-8800 Fax: (202) 336-8959
Contact: Alexander Forger, President

National American Indian Housing Council
900 Second Street, NE, Suite 220
Washington, DC 20002
(202) 789-1754 or (800) 284-9165
Fax: (202) 789-1758
Contact: Ruth Jaure, Executive Director

National Apartment Association (NAA)
1111 14th Street, NW, Suite 900
Washington, DC 20005
(202) 842-4050 Fax: (202) 842-4056
Contact: Peter Schwartz, Executive Vice President

National Association for the Advancement of Colored People (NAACP)—National Office of Housing and Education Division
4805 Mount Hope Drive
Baltimore, MD 21215
(410) 358-8900 Fax: (410) 764-7357
Contact: Kweisi Mfume, President

NAACP Legal Defense Fund
99 Hudson Street, Suite 1600
New York, NY 10013
(212) 219-1900 Fax: (212) 226-7592
Contact: Elaine Jones, Executive Director

National Association of Home Builders (NAHB)
1201 15th Street, NW
Washington, DC 20005
(202) 822-0200 Fax: (202) 822-0559
Contact: James R. Irvine, President

National Association of Protection and Advocacy Systems (NAPAS)
900 Second Street, NE, Suite 211
Washington, DC 20002
(202) 408-9514 TTY: (202) 408-9521
Fax: (202) 408-9520
Contact: Curt Ducker, Executive Director

National Association of Real Estate Brokers (NAREB)
1629 K Street, NW, Suite 602
Washington, DC 20006
(202) 785-4477 Fax: (202) 785-1244
Contact: Fred Blair, President

National Association of Realtors (NAR)
700 11th Street, NW
Washington, DC 20001
(202) 383-1000 Fax: (202) 383-7540
Contact: Fred Underwood, Staff Vice President for Equal Opportunity

National Center for Youth Law
114 Sansome Street, Suite 900
San Francisco, CA 94104
(415) 543-3307 Fax: (415) 956-9024
Contact: John O'Toole, Director

National Community Development Association
522 21st Street, NW, Suite 120
Washington, DC 20006
(202) 293-7587 Fax: (202) 887-5546
Contact: Dianne Taylor, Director

National Community Reinvestment Coalition (NCRC)
1875 Connecticut Ave., NW, Suite 1010
Washington, DC 20009
(202) 986-7898 Fax: (202) 986-7475
Contact: John Taylor, President and CEO

National Congress of American Indians (NCAI)
Second Floor
2010 Massachusetts Avenue, NW
Washington, DC 20036
(202) 466-7767 Fax: (202) 466-7797
Contact: JoAnne Chase, Executive Director

National Council of La Raza (NCLR)
1111 19th Street, NW, Suite 1000
Washington, DC 20036
(202) 785-1670 Fax: (202) 785-0851
Contact: Raul Yzaguirre, President and CEO

National Fair Housing Alliance (NFHA)
1212 New York Avenue, NW, Fifth Floor
Washington, DC 20005
(202) 898-1661 Fax: (202) 371-9744
Contact: Shanna Smith, Executive Director

National Housing Law Project
2201 Broadway, Suite 815
Oakland, CA 94612
(510) 251-9400 Fax: (510) 251-0600
Contact: Manual Romero, Executive Director

National Neighbors, Inc.
733 15th Street, NW, Suite 540
Washington, DC 20005
(202) 628-8899 Fax: (202) 628-9800
Contact: Edythe Hall, Executive Director

National Urban League
500 East 62nd Street
New York, NY 10021
(212) 310-9000 Fax: (212) 593-8250
Contact: Hugh Price, President

Paralyzed Veterans of America
801 18th Street, NW
Washington, DC 20006
(202) 872-1300 Fax: (202) 785-4450
Contact: Gordon H. Mansfield, Executive Director

Resources Available from the Agencies Listed Above

Bazelon Center for Mental Health Law (formerly MHLP)
Index of Resource Materials on Fair Housing for People with Disabilities; What Does Fair Housing Mean to People With Disabilities: A Guide for Advocates, Consumers, and Landlords. Publications Guide.

Children's Defense Fund (with translated version by National Council of La Raza), *Your Family's Rights Under the New Fair Housing Law; Los Derechos de su Familia bajo la Nueva Ley de Igualdad en va Vivienda.*

National Association of Protection and Advocacy Systems (NAPAS), *The Right of Persons with Disabilities to be Free from Discrimination in Housing Pursuant to the Federal Fair Housing Law and other Federal Statutes.*

National Council of La Raza, Publications Guide.

National Fair Housing Alliance (NFHA) annual fair housing conferences (June) and accompanying materials.

National Neighbors, Inc. *Fair Housing Resource Directory*—compendium of various fair housing groups, public and private, throughout the country, 1994.

Paralyzed Veterans of America: *Fair Housing: How to Make the Law Work for You.*

Resources Available from HUD USER at 1-800-245-2691

Directory of Information Resources in Housing and Urban Development contains information on 150 housing and urban development organizations that are national in scope; descriptions of 54 online databases and contact information for all entries. $25.00.

Not In My Back Yard: Removing Barriers to Affordable Housing presents 31 recommendations for Federal, State, and local government action and for initiatives by local groups and citizens. $3.00.

Removing Barriers to Affordable Housing: How States and Localities Are Moving Ahead explores initiatives by states and local communities to improve the regulatory climate for affordable housing. The initiatives address regulatory impediments in all parts of the country; reflect different needs and conditions; and involve legislative, judicial, and administrative changes that promise to make a long-term impact. $4.00.

Regulatory Barriers to Affordable Housing: A Resource Guide includes selections from materials reviewed by the Commission on Regulatory Barriers, established by former HUD Secretary Jack Kemp in 1990. The Guide includes information on resource organizations and a list of documents that include HUD/National Association of Home Builders case studies of affordable housing demonstrations.

Creating a Local Advisory Commission on Regulatory Barriers to Affordable Housing provides guidance to local officials on establishing an advisory commission to explore how the local regulatory environment impacts housing costs.

Housing Discrimination Study, *Incidence and Severity of Unfavorable Treatment.* November, 1991 HUD-1327-PDR.

Housing Discrimination Study, *Analyzing Racial and Ethnic Steering.* November, 1991. HUD-1325-PDR(1).

Housing Discrimination Study, Mapping Patterns of Steering for Five Metropolitan Areas. HUD-1328-PDR(1).

Housing Discrimination Study, Methodology and Data Documentation. HUD-1330-PDR(1).

Cities in which Audits Were Conducted

Atlanta, Georgia; Austin, Texas; Bergen County, New Jersey; Birmingham, Alabama; Chicago, Illinois; Cincinnati, Ohio; Dayton, Ohio; Denver, Colorado; Detroit, Michigan; Houston, Texas; Lansing, Michigan; Los Angeles, California; Macon, Georgia; Miami, Florida; New Orleans, Louisiana; New York, New York; Orlando, Florida; Philadelphia, Pennsylvania; Phoenix, Arizona; Pittsburgh, Pennsylvania; Pueblo, Colorado; San Antonio, Texas; San Diego, California; Tucson, Arizona; Washington, DC

U.S. Department of Housing and Urban Development. *Regional Housing Opportunities for Lower-Income Households, An Analysis of Affordable Housing and Regional Mobility Strategies.* March 1994.

HMDA-Related Reports

Fannie Mae Office of Research, 3900 Wisconsin Avenue, NW, Washington, DC 20016-2899. Carr, James H. and Megbolugbe, Isaac F. *The Federal Reserve Bank of Boston Study on Mortgage Lending Revisited*. HPO68UO2/94.

Munnell, Alicia H., Browne, Lynne E., McEneaney, James, and Tootell, Geoffrey. 1992. *Mortgage Lending in Boston: Interpreting HMDA Data*. Working Paper. Federal Reserve Bank of Boston.

The Federal Home Loan Mortgage Corporation. 1993. T*he Underwriting Guidelines of the Federal Home Mortgage Corporation.* Report to the Secretary of the Department of HUD, the Committee on Banking, Finance, and Urban Affairs, United States House of Representatives, and the Committee on Banking, Housing, and Urban Affairs, United States Senate.

Fannie Mae. 1993. *Underwriting Low- and Moderate-Income Borrowers, Building on the Basics.* CTO63L12/93. Available from Customer Education Group, 3900 Wisconsin Avenue, NW, Washington, DC 20016-2899.

Fannie Mae. 1993. *Report of Fannie Mae on Underwriting Guidelines to the Secretary of Housing and Urban Development, the House Committee on Banking, Finance, and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs Pursuant to P.L. 102-550 Section 1354.*

Additional Resources

Disability Law Center and Massachusetts Housing Finance Agency, *A Handbook on the Rights and Responsibilities of Tenants with Certain Disabilities: Mental Illness, Alcohol or Drug Addiction, and HIV/AIDS.* Debbie Piltch.

Disability Law Center and Massachusetts Housing Finance Agency, A Handbook on the Legal Obligations and Rights of Public and Assisted Housing Providers under Federal and State Fair Housing Law for Applicants and Tenants with Disabilities. Debbie Piltch.

Fair Housing—Fair Lending
Prentice Hall Law and Business
270 Sylvan Avenue
Englewood Cliffs, NJ 07632
Looseleaf reporting service.

Homebuilders Bookstore Catalog
National Association of Home Builders
(800) 223-2665
Fair Housing Design Guide for Accessibility and Fair Housing Compliance (under revision as of 9/94).

Kushner, James A. 1992, "Federal Enforcement and Judicial Review of the Fair Housing Amendments Act of 1988." *Housing Policy Debate*, 3(2); 537–99.

National Association of Realtors
Product and Services Catalog (free)
(800) 874-6500 or fax (312) 329-8835
Listing includes variety of Fair Housing manuals, training materials, and products available to realtors. Also available to non-members. Some fees vary based on membership status.

Relman, John, *Housing Discrimination Practice Manual*, from Clark Boardman Callahan, 155 Pfingsten Road, Deerfield, IL 60015-4998; (800) 221-9428.

Schwemm, Robert G., *Housing Discrimination* from Clark Boardman Callaghan, 155 Pfingsten Road, Deerfield, IL 60015-4998; (800)221-9428.

Teaching Tolerance. A Publication of the Southern Poverty Law Center, 400 Washington Street, Montgomery, AL 36104. Free semiannual journal for teachers promoting intercultural understanding in the classroom.
(334) 264-0286; Fax: (334) 264-3121.

U.S. Department of Housing and Urban Development's Fair Housing and Information Clearinghouse. *Fair Housing Amendments Act of 1988: A Selected Resource Guide.* Description of a variety of fair housing resources.

U.S. Department of Housing and Urban Development's Fair Housing Information Clearinghouse. *Fair Housing Catalog: Materials Developed With Funds Provided by HUD's Office of Fair Housing and Equal Opportunity.* Descriptions include education and outreach, public service announcements, research and reference studies, housing finance and insurance, enforcement, and conference and meeting materials.

List of Persons/Agencies with Contributions Noted in the Guide

Due to the evolving status of this field, some references listed may have moved or ceased to exist. References have been updated to the extent information was available. For unknown CHRBs, it may help to contact the area's Realtor Board.

Akron/Summit County CHRB
See: Fair Housing Contact Service

American Planning Association
Planners Training Service
122 South Michigan Avenue
Chicago, IL 60603
(312) 431-9100 Fax: (312) 431-9985
Contact: Carolyn Torma, Education Manager

Arizona Multihousing Association (AMA)
2400 East Arizona
Biltmore Circle, Suite 1200
Phoenix, AZ 85016
(602) 624-3707 Fax: (602) 224-0657
Contact: Suzanne Gilstrap, Executive Director

Arrow Publishing Company
P.O. Box 1287
Pembroke, NC 28372
(919) 521-0840
Contact: Dr. Reginald Oxendine

Bazelon Center for Mental Health Law
(formerly: Mental Health Law Project (MHLP))
1101 15th Street, NW, Suite 1212
Washington, DC 20005
(202) 467-5730 Fax: (202) 223-0409
TTY: (202) 467-4232
Contact: Leonard Rubenstein, Executive Director

Boston Housing Authority
52 Chauncy Street
Boston, MA 02111
(617) 451-1250 Fax: (617) 451-3559
Contact: Joseph Feaster, Administrator
William McGonagle, Deputy Administrator

City of Bridgeport Fair Housing Office
45 Lyon Terrace
Bridgeport, CT 06604
(203) 576-8323 Fax: (203) 332-5568
Contact: Joseph Wincze, Jr., Director

Cambridge Community Foundation
and Cambridge Community Services
99 Bishop Allen Drive
Cambridge, MA 02139
(617) 876-5214 or 576-9966
Fax: (617) 876-8187
Contact: Susan Golden, Director

Cambridge Community Housing
Resource Board (Inactive)
Can contact:
City of Cambridge, Community Development Department
57 Inman Street
Cambridge, MA 02139
(617) 349-4600 Fax: (617) 349-4669
Contact: Betty Hepner, Planner

Cambridge-Somerville Cooperative Apartment Project
See: CASCAP, Inc.

Capitol Region Council of Governments
221 Main Street
Hartford, CT 06106
(203) 522-2217 Fax: (203) 724-1274
Contact: Mary Ellen Kowalewski, Director, Community Development

CASCAP, Inc.
(formerly: Cambridge-Somerville Cooperative Apartment Project)
678 Massachusetts Avenue, 10th Floor
Cambridge, MA 02139
(617) 492-5559 Fax: (617) 492-6928
Contact: Michael Haran, Executive Director

Catholic Charities
49 Franklin Street
Boston, MA 02110
(617) 482-5440 Fax: (617) 451-0337
Contact: Dr. Joseph Doolin, Executive Director

Center for Integrated Living of
Metropolitan Milwaukee Fair Housing Council
See: Metropolitan Milwaukee Fair Housing Council

Center for Policy Alternatives
1875 Connecticut Ave., NW, Suite 710
Washington, DC 20009
(202) 387-6030 Fax: (202) 986-2539
Contact: Linda Tarr-Whelan, Director
Robert Stumberg, Program Manager

Chicago Area Fair Housing Alliance
P.O. Box 43142
Chicago, IL 60643-0142
(312) 332-5310
Contact: Sharon Caddigan, President

CHRB of Lake Charles, LA, Inc.
McNeese State University
P.O. Box 90670
Lake Charles, LA 70609
(318) 475-5920
Contact: Theda Ambrose

CHRB of Marin County
88 Belvedere Street, Suite A-1
San Rafael, CA 94901
(415) 457-2390 Fax: (415) 457-6382
Contact: Nancy Kenyon, Chairperson

CHRB of San Diego County
c/o Chicano Federation
610 22nd Street
San Diego, CA 92024
(619) 236-1228 Fax: (619) 236-8964
Contact: Pamela Johannsen, Chairperson

Cobb County CDBG Program
(Cobb County CHRB-Inactive)
120 Marietta Station
Marietta, GA 30060
(770) 528-4600 Fax: (770) 528-4613
Contact: John Newton, Grant Administrator

Community Human Relations Board, Inc.
(formerly: Delaware County, PA CHRB)
280 North Providence Road
Media, PA 19063
(610) 565-7711 Fax: (610) 891-1276
Contact: Matthew Crowe, Executive Director

Connecticut Housing Coalition
30 Jordan Lane
Wethersfield, CT 06109
(203) 563-2943 Fax: (203) 529-5176
Contact: Jeff Freiser

Contra Costa County Housing Authority
P.O. Box 2759
Martinez, CA 94553
(510) 372-0791 Fax: (510) 372-0236
Contact: Richard Martinez, Executive Director

The Cuyahoga Plan of Ohio, Inc.
Caxton Building
812 Huron Road, Suite 750
Cleveland, OH 44115-1602
(216) 621-4525 Fax: (216) 621-5171
Contact: Michael D. Roche, President-Executive Director

Dallas Housing Authority
3939 Northampton Road
Dallas, TX 75212
(214) 951-8300 Fax: (214) 951-8800
Contact: Alphonso Jackson, Director

DeKalb County, GA CHRB (Inactive)
Can contact:
DeKalb Board of Realtors,
1414 Montreal Road
Tucker, GA 30084
(404) 493-6100
Contact: Carolyn Ebert, Executive Vice President

Delaware Community Reinvestment Action Council
601 North Church Street
Wilmington, DE 19801
(302) 654-5024 Fax: (302) 654-5046
Contact: Rashmi Rengan, Executive Director

Delaware County, PA CHRB, See: Community Human Relations Board, Inc.

Delaware Housing Coalition
P.O. Box 1633
20 East Division
Dover, DE 19903
(302) 678-2286 Fax: (302) 678-8645
Contact: Kym Fisher

Evanston Neighborhood Conference
1129 Florence Avenue
Evanston, IL 60202
(708) 475-0858 Fax: (708) 475-0879
Contact: Karen Chavers, Director

Fairfax County Department of Housing and Community Development
(Program of Peace Child Foundation of Fairfax, VA)
3700 Pender Drive, Suite 300
Fairfax, VA 22030
(703) 246-5010 Fax: (703) 246-5115
Contact: Walter Webdale, Director

Fairfax-Falls Church United Way
8391 Old Chain Bridge Road, Suite 160
Vienna, VA 22182
(703) 847-0400 Fax: (703) 847-4754
Contact: Hilary Binder-Aziles, Associate Director for Planning

Fair Housing Center of Toledo
2116 Madison Avenue
Toledo, OH 43624-1311
(419) 243-6163 Fax: (419) 243-3536
Contact: Lisa Rice-Coleman, Director

Fair Housing Congress of Southern California
3731 Wilshire Blvd., Suite 635
Los Angeles, CA 90020
(213) 365-7184 Fax: (213) 365-7187
Contact: Marva Bush, Executive Director

Fair Housing Contact Service
(formerly: Akron/Summit County CHRB)
333 South Main Street
Akron, OH 44308
(216) 376-6191 Fax: (216) 376-8391
Contact: Lynn Clark, Executive Director

Fair Housing Council of San Diego (FHCSD)
(formerly: San Diego Regional Housing Task Force)
625 Broadway, Suite 1114
San Diego, CA 92101
(619) 699-5888 Fax: (619) 699-5885
Contact: Mary Scott Knoll, Executive Director

Fair Housing Information Clearinghouse
P.O. Box 9146
McLean VA 22102
(800) 343-3442 TTY: (800) 290-1617
Contact: Nina Corin, Project Director

Fair Housing Partnership of Greater Pittsburgh (FHP)
(formerly: Greater Pittsburgh CHRB)
120 East Ninth Avenue
Homestead, PA 15222
(412) 391-2535 Fax: (412) 391-2647
Contact: Donna Chernoff, Executive Director

Fall River, MA CHRB
111 Durfee Street
Fall River, MA 02720
P.O. Box 510
Fall River, MA 02722
(508) 677-2220 Fax: (508) 679-8068
Contact: Robert Landry, Chairperson

Freedman, Abby
c/o Somerville Community Access Television
90 Union Square
Somerville, MA 02143
(617) 628-8826

Great Falls CHRB
P.O. Box 334
Great Falls, MT 59403-0334
(406) 731-4934 Fax: (406) 731-4627
Contact: Mary Hammer, Chairperson

Greater Boston Real Estate Board (GBREB)
101 Federal Street
Wellesley, MA 02110
(617) 345-0070 Fax: (617) 345-9320
Contact: Michael Whalen, Executive Vice President

Greater Lawrence, MA CHRB (Inactive)
Can contact:
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108
(617) 854-1372 Fax: (617) 451-0859
Contact: Brenda McKinley, Former Consultant to Greater Lawrence CHRB

Greater Minneapolis CHRB (Inactive)
Can contact:
Hennepin County
10709 Wayzata Blvd., Suite 260
Minnetonka, MN 55305
(612) 541-7084 Fax: (612) 541-7090
Contact: Mark Hendrickson, Senior Planner

Greater Ogden Area Association of Realtors
(formerly: Ogden Board of Realtors)
2748 Adams Avenue
Ogden, UT 84403
(801) 399-9273 Fax: (801) 399-9276
Contact: Joan Moore, Executive Director

Greater Pittsburgh CHRB
See: Fair Housing Partnership of Greater Pittsburgh

Greater Washington Area CHRB (Inactive)
Can contact:
Washington County Redevelopment Authority
603 Courthouse Square
Washington, PA 15301
(412) 228-6875 Fax: (412) 288-6829
Contact: Joan Griffin, Rehabilitation Director

Greeley, CO CHRB (Inactive)
Can contact:
Greeley Civic Center
Greeley, CO 80631
(907) 350-9380
Contact: Terri McKellar, Planner 1

Greene, Zina
3133 Connecticut Avenue, NW
Washington, DC 20008
(202) 332-3010

Hannah House
612 M Street, NW
Washington, DC 20001
(202) 289-4840 Fax: (202) 289-5425
Contact: Kelly Sweeney, Executive Director
City of Hartford Human Relations Office
550 Main Street
Hartford, CT 06103
(860) 543-8595 Fax: (860) 722-6486
Contact: Kathryn Coffin, Director

Hawaii Civil Rights Commission
888 Mililani Street, Second Floor
Honolulu, HI 96813
(808) 586-8636 Fax: (808) 586-8655
Contact: Linda Tseu, Executive Director

HOPE Fair Housing Center
2100 Manchester Road, Suite 1070
Wheaton, IL 60187
(708) 690-6500 Fax: (708) 690-6866
Contact: Bernard Kleina, Executive Director

Housing Authority of Jefferson County
801 Vine Street
Louisville, KY 40204
(502) 574-1000 Fax: (502) 587-1027
Contact: John Van Ness, Executive Director

Housing Opportunities Made Equal of Greater Cincinnati (HOME)
2400 Reading Road
Cincinnati, OH 45202
(513) 721-4663 Fax: (513) 721-1642
Contact: Karla Irvine, Executive Director

Interfaith Housing Center of Northern Suburbs
620 Lincoln Avenue
Winnetka, IL 60093
(708) 501-5760 Fax: (708) 501-5722
Contact: Gail Schechter, Executive Director

Knoxville Area Urban League
2416 Magnolia Avenue
Knoxville, TN 37917
(615) 524-5511 Fax: (615) 525-5154
Contact: Rosemary Durant-Giles, Executive Director

Knoxville Department of Community Development
400 Main Avenue
Knoxville, TN 37902 or
P.O. Box 1631
Knoxville, TN 37901
(423) 521-2120 Fax: (423) 595-2962
Contact: J. Laurens Tullock, Director

Leadership Council for Metropolitan Open Communities
Gautreaux Program
401 South State Street
Chicago, IL 60605
(312) 341-5678 Fax: (312) 341-1958
Contact: Aurie Pennick, President

Leadership Council for Metropolitan Open Communities
401 South State Street
Chicago, IL 60605
(312) 341-5678 Fax: (312) 341-1958
Contact: Aurie Pennick, President
Kenneth Alles, Project Director

Marin Housing Center
88 Belvedere Street
San Raphael, CA 94901
(415) 457-5025 Fax: (415) 456-9860
Contact: Nancy Kenyon, Director

Massachusetts Association of Realtors
256 Second Avenue
Waltham, MA 02154
(617) 890-3700 Fax: (617) 890-4919
Contact: Robert Nash, Executive Vice President

Massachusetts Housing Finance Agency (MHFA)
One Beacon Street
Boston, MA 02108
(617) 854-1000 Fax: (617) 451-0859
Contact: Wilson Henderson, Director

Mental Health Law Project (MHLP)
See: Bazelon Center for Mental Health Law
MESA-CHRB (Multi-Ethnic Support Association) (Inactive)
Can contact:
Grand Forks Board Of Realtors
2508 South Washington
Grand Forks, ND 58201
(701) 775-4231 Fax: (701) 795-9435
Contact: Jerry Tuchscherer, Executive Officer

Metrolist
Boston Fair Housing Commission
Boston City Hall, Room 966
Boston, MA 02201
(617) 635-3321 Fax: (617) 635-3290
Contact: Marlena Richardson, Program Director

Metropolitan CHRB of Minneapolis, MN
See: Greater Minneapolis CHRB (Inactive)

Metropolitan Milwaukee Fair Housing Council
(formerly: Center for Integrated Living of Metropolitan Milwaukee Fair Housing)
600 East Mason, Suite 200
Milwaukee, WI 53202
(414) 278-1240 Fax: (414) 278-8033
Contact: William Tisdale, Executive Director

Minneapolis Area Association of Realtors
5750 Lincoln Drive
Minneapolis, MN 55436
(612) 933-9020 Fax: (612) 933-9021 Contact: Lee Doucette, Executive Vice President

Minneapolis Department of Civil Rights
City Hall, Room 239
Minneapolis, MN 55415
(612) 673-3012 Fax: (612) 673-2599
Contact: Kenneth White, Executive Director

Monmouth County Fair Housing Board
Hall of Records Annex
1 East Main Street
Freehold, NJ 07728
(908) 431-7490 Fax: (908) 308-2995
Contact: Jessie Galloway, Fair Housing Officer

Montgomery County Department of Housing and Community Development, Division of Housing-Moderately Priced Housing Office
51 Monroe Street
Rockville, MD 20850
(301) 217-3706 Fax: (301) 217-3709
Contact: Eric Larsen, MPDU Coordinator

Montgomery County Human Relations Commission
164 Rollins Avenue
Rockville, MD 20852
(301) 468-4260 Fax: (301) 468-4130
Contact: Odessa Shannon, Director

Multifamily Housing Council of Oregon
545 Union Street, NE
Salem, OR 97301
(503) 378-1912 Fax: (503) 378-0574
or: 9498 SW Barbur Blvd., Suite 302
Portland, OR 97219
(503) 245-1721
Contact: Emily Cedarleaf, Executive Director

National Association of Home Builders (NAHB)
1201 15th Street, NW
Washington, DC 20005
(202) 822-0200 Fax: (202) 822-0559
Contact: James R. Irvine, President

National Association of Real Estate Brokers (NAREB)
1629 K Street, NW, Suite 602
Washington, DC 20006
(202) 785-4477 Fax: (202) 785-1244
Contact: Fred Blair, President

National Association of Realtors (NAR)
700 11th Street, NW
Washington, DC 20001
(202) 383-1000 Fax: (202) 383-7540
Contact: Fred Underwood, Staff Vice President for Equal Opportunity

National Council of La Raza (NCLR)
1111 19th Street, NW, Suite 1000
Washington, DC 20036
(202) 785-1670 Fax: (202) 785-0851
Contact: Raul Yzaguirre, President and CEO

National Fair Housing Alliance (NFHA)
1212 New York Ave., NW, Fifth Floor
Washington, DC 20005
(202) 898-1661 Fax: (202) 371-9744
Contact: Shanna Smith, Executive Director

National Neighbors, Inc.
733 15th Street, NW, Suite 540
Washington, DC 20005
(202) 628-8899 Fax: (202) 628-9800
Contact: Edythe Hall, Executive Director

New Horizons
Salt and Pepper Productions
150 South 600 East, Suite 1A
Salt Lake City, UT 84102
(801) 363-3066 Fax: (801) 363-3067
Contact: James Brown, Executive Director

Northeastern Illinois Planning Commission
222 South Riverside Plaza, Suite 1800
Chicago, IL 60606
(312) 454-0400 Fax: (312) 454-0411
Contact: Phillip Peters, Executive Director

Northern Virginia CHRB
300 Park Avenue
Falls Church, VA 22046
(703) 241-5124 or 241-5079
Fax: (703) 241-5184
Contact: Melodie Baron, Chairperson

Ogden Board of Realtors
See: Greater Ogden Area Association of Realtors

Ohio Fair Housing Congress
P.O. Box 7050
Columbus, OH 43202
(614) 224-5409
Contact: Carl White, President

Old Pueblo CHRB
See: Southern Arizona Housing Center

City of Orlando Office of Human Relations
400 South Orange Avenue
Orlando, FL 32801
(407) 246-2122 Fax: (407) 236-2308
Contact: Albert Nelson, Director

City of Orlando Housing and Community Development Department
400 South Orange Avenue
Orlando, FL 32801
(407) 246-2708 Fax: (407) 246-2308
Contact: Lelia Allen, Housing Administrator

Pinellas County Community Development Department
14 S. Fort Harrison Avenue, Suite 3050
Clearwater, FL 34616
(813) 464-4851 Fax: (813) 464-4140
Contact: Darlene Kaloda, Director

City of Redondo Beach Housing Authority
320 Knob Hill Avenue
Redondo Beach, CA 90277
(310) 372-1171 Fax: (310) 543-1730
Contact: Sue Armstrong, Director.

San Diego Fair Housing Task Force
See: Fair Housing Council of San Diego

City At Peace
Somerville High School
Somerville, MA 02143
(617) 625-6600
Contact: James Crowther, Artistic Director

Somerville Community Corporation
Fair Housing Center
(formerly: Somerville, MA CHRB)
One Summer Street
Somerville, MA 02143
(617) 776-5931 Fax: (617) 776-0724
Contact: Jaqueline Sacks, Director

Somerville, MA CHRB
See: Somerville Community Corporation
Fair Housing Center

Southern Arizona Housing Center
(formerly: Old Pueblo CHRB)
1525 North Oracle Road, Suite 107
Tucson, AZ 85705
(520) 798-1568 Fax: (520) 620-6076
Contact: Charlotte Wade, Executive Director

The Townsend Group
3001 Pleasantree Court
Herndon, VA 22071
(703) 476-4427 Fax: (703) 478-0178
Contact: Ponda Townsend

Woodstock Institute
407 South Dearborn Street, Suite 550
Chicago, IL 60605
(312) 427-8070 Fax: (312) 427-4007
Contact: Malcolm Bush, President

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

EQUAL HOUSING OPPORTUNITY