



# El Paso County, Colorado

## Assessment of Fair Housing Plan

A comprehensive regional fair housing analysis to support the Community Development Block Grant Program administration for the 2017-2021 program years

Prepared by: El Paso County, Colorado  
Administration & Financial Services- Economic Development Staff

# Assessment of Fair Housing Tool


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**I. Cover Sheet**

1. Submission date: October 4, 2016
2. Submitter name: El Paso County, Colorado
3. Type of submission (*e.g.*, single program participant, joint submission): Single Program Participant
4. Type of program participant(s) (*e.g.*, consolidated plan participant, PHA): Consolidated Plan Participant
5. For PHAs, Jurisdiction in which the program participant is located: N/A
6. Submitter members (if applicable):
7. Sole or lead submitter contact information:
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  - e. City: Colorado Springs
  - f. State: Colorado
  - g. Zip code: 80903
8. Period covered by this assessment: PY2017-PY2021
9. Initial, amended, or renewal AFH: Initial
10. To the best of its knowledge and belief, the statements and information contained herein are true, accurate, and complete and the program participant has developed this AFH in compliance with the requirements of 24 C.F.R. §§ 5.150-5.180 or comparable replacement regulations of the Department of Housing and Urban Development;
11. The program participant will take meaningful actions to further the goals identified in its AFH conducted in accordance with the requirements in §§ 5.150 through 5.180 and 24 C.F.R. §§ 91.225(a)(1), 91.325(a)(1), 91.425(a)(1), 570.487(b)(1), 570.601, 903.7(o), and 903.15(d), as applicable.

All Joint and Regional Participants are bound by the certification, except that some of the analysis, goals or priorities included in the AFH may only apply to an individual program participant as expressly stated in the AFH.

  
(Signature) (date)

12. Departmental acceptance or non-acceptance:

(Signature) (date)

Comments

## **II. Executive Summary**

1. Summarize the fair housing issues, significant contributing factors, and goals. Also include an overview of the process and analysis used to reach the goals.

El Paso County, per the Colorado state demographer's report of October, 2015, is the most populous county with an estimate of over 665,000 people spread out over 2,000 square miles with an increasingly diverse demographic. To maintain and continue nurturing a region with no significant residential segregation patterns, the County as a whole endeavors to ensure that an environment exists where equal access to housing opportunities is treated as an essential right.

Housing is an essential human need. The ability to find housing which best suits an individual's or family's needs can make a major difference in one's ability to access opportunities and affect personal, educational, employment and other goals. Because housing choice is so critical, El Paso County is committed to ensuring that to the extent possible all current and prospective residents have full and equal access to a broad range of housing options.

Equal access to housing for all is a fundamental right protected by both state and federal laws. In recognition of fair housing as an important housing goal for the region, El Paso County has, in collaboration with various community organizations, completed an Assessment of Fair Housing (AFH) in order to affirmatively further fair housing. This fair housing planning effort is also a federal requirement of the U.S. Department of Housing and Urban Development (HUD) as a part of the County's Community Development Block Grant (CDBG) Program.

The term fair housing dates back to the 1960's and was derived from a political movement to outlaw discrimination in the rental or purchase of homes. This also included a broad range of other housing-related transactions, such as advertising, mortgage lending, homeowner's insurance and zoning. Later, the same fair housing language was used in laws. At the urging of President Lyndon B. Johnson, Congress passed the federal Fair Housing Act (Title VIII of the Civil Rights Act) in April 1968.

The Fair Housing Act introduced several meaningful federal enforcement mechanisms. The Act prohibited:

- Refusal to sell or rent a dwelling to any person because of race, color, religion or national origin.
- Discrimination based on race, color, religion or national origin in the terms, conditions or privilege of the sale or rental of a dwelling.
- Advertising the sale or rental of a dwelling indicating preference of discrimination based on race, color, religion or national origin.
- Coercing, threatening, intimidating, or interfering with a person's enjoyment or exercise of housing rights based on discriminatory reasons or retaliating against a person or organization that aids or encourages the exercise or enjoyment of fair housing rights.

When the Fair Housing Act was first enacted, it prohibited discrimination only on the basis of race, color, religion and national origin. In 1974, sex was added to the list of protected classes,

and in 1988, disability and familial status were also included. HUD is the cabinet agency with the statutory authority to administer and enforce the Fair Housing Act. The State of Colorado also added creed and ancestry as protected classes at the state level.

Based on state and federal law, throughout this report fair housing is defined as:

*A condition in which individuals of similar income levels in the same housing market having a like range of housing choices available to them regardless of disability, race, creed, color, sex, sexual orientation, marital status, familial status, religion, national origin, or ancestry.*

El Paso County's Economic Development Division (ED) is the lead agency for this AFH tool. It oversees the preparation and implementation of this AFH, which has been funded with administrative CDBG funds.

El Paso County's approach to the AFH was based on a variety of sources and was modeled from the methodologies recommended in HUD's Affirmatively Furthering Fair Housing (AFFH) Rule and the Assessment of Fair Housing (AFH) Tool. The County relied on both primary and secondary data sources to complete this AFH. Sources of specific information are identified in the text below. Please also reference the complete list of sources in the Supporting Documents section of the AFH final document.

For ease of understanding, throughout this document, Urban County is defined as the Urban County CDBG jurisdiction which excludes the city of Colorado Springs. When the region is discussed, the entirety of El Paso County including the city of Colorado Springs is being referenced.

#### Primary and Secondary Data Sources:

- *HUD's Affirmatively Furthering Fair Housing Data and Mapping Tool.*
- *Regional Affordable Housing Needs Assessment* - this assessment was developed in conjunction with the City of Colorado Springs. The 2012 American Community Survey (ACS) data was calculated and assessed by consultants Mullin & Lonergan Associates. The assessment identifies key areas of concern and recommendations related to affordable housing within the region (Here after referred to as Regional Housing Assessment).
- *Affordable and Accessible Housing Needs and Barriers* - this document was developed by The Independence Center utilizing a qualitative process and focus groups made up of multiple residents and local agencies. The document outlines the needs of special populations in relation to housing (Here after referred to as the IC Study).
- *Census Data* - multiple year census and ACS data retrieved from census.gov.
- *El Paso County sponsored Public Meetings and Consults* - public meetings and small group consultations held to educate and receive public input about the Affirmatively Furthering Fair Housing (AFFH) Rule and the Assessment of Fair Housing (AFH) Tool.
- *El Paso County Assessment of Fair Housing Survey* - community survey that enabled El Paso County CDBG staff to receive public input about fair housing issues within the region.

- *Pikes Peak Area of Council of Governments (PPACG)- FY 2017-2021 Transportation Improvement Program Plan*
- *Colorado Springs Metro Transit Map & Data* - information about current available public transportation.
- *Fountain Municipal Transit Map & Data* - information about current available public transportation.
- *El Paso County School Districts Map & Data* - information about current school data and boundaries.
- *Colorado Department of Public Health and Environment (CDPHE) PFC Report & Maps* - information regarding the southeast El Paso County perfluorinated chemicals preliminary assessment of cancer and birth outcomes.
- *Fort Carson 25-Year Sustainability Goal Plan & other related news articles* - long term goals set to improve air quality on Fort Carson.
- *Colorado Housing and Finance Authority* - Low Income Housing Tax Credit Map & Data.
- *Department of Regulatory Agencies/Colorado Civil Rights Division* - List of Fair Housing Complaints filed by El Paso County residents.
- *U.S. Department of Housing and Urban Development/Fair Housing and Equal Opportunity* - List of Fair Housing Complaints filed by El Paso County residents.

The Assessment of Fair Housing (AFH) process undertaken by El Paso County included:

Assessment: assessing past goals, strategies and actions relating to the El Paso County Analysis of Impediments which was adopted in 2010.

Analyzing: collecting data (through reliable and credible federal, state and local sources) and public input (through the community efforts and local agency collaboration and partnerships) to analyze fair housing issues and identify significant contributing factors

Prioritizing: review and prioritization of present statistically significant contributing factors which affect fair housing in the region

Goal setting: El Paso County set housing priorities and goals to address current statistically significant present fair housing issues and contributing factors

Coordination: El Paso County plans to coordinate and incorporate the priorities and goals into strategies and actions included in the 2017-2021 Consolidated Plan and subsequent Annual Action Plans

The process noted above resulted in El Paso County identifying fair housing issues and contributing factors which will be addressed within four goals. These goals will ensure that meaningful action is undertaken to affirmatively further fair housing in the region.

After analyzing all primary and secondary data sources, El Paso County ED identified four recurring and prevalent fair housing issues:

Fair Housing Issue #1: There is a lack of affordable, accessible transportation which limits access to opportunities and housing choice and disproportionately affects persons with disabilities. Prioritized factors that contribute to this issue are:

- #1: The availability, type, frequency, and reliability of public transportation: The region is lacking robust public transportation infrastructure. Only two of the eight municipalities within the region have a public transit system. Those systems lack connections and a schedule that allows for residents to have access to opportunities.
- #2: Access to transportation for persons with disabilities: There is inadequate public infrastructure which would allow persons with disabilities to safely access public transit, jobs, housing, medical services, schools, and leisure activities.
- #3: Inaccessible buildings, sidewalks, pedestrian crossings, or other infrastructure: There is inadequate public infrastructure which would allow persons of all protected classes to safely access public transit, jobs, housing, medical services, schools and leisure activities
- #4: Lack of regional cooperation: There are inadequate connections between municipally operated public transit systems. While there is an agency- Pikes Peak Area Council of Governments (PPACG) that coordinates a regional transportation improvement program, the entire Urban County jurisdiction does not participate in the program. However, the PPACG efforts provide a solid foundation when looking to increase regional cooperation on transportation issues. Furthermore, El Paso County applauds the PPACG goal to ensure transportation system investment benefits are equitably distributed to minorities, and citizens with disabilities, low incomes and/or other needs. These efforts continue to affirmatively further fair housing within the region.

This issue will be addressed by improving access to transportation services and infrastructure, removing impediments to mobility and increasing access to opportunities. This can be done by increasing additional public transportation options, as well as improving infrastructure throughout a variety of areas within the county which will allow for more multimodal access to additional opportunities.

Fair Housing Issue #2: A county-wide shortage of affordable, accessible housing units which limits access to opportunities and housing choice and disproportionately affects classes protected by fair housing law. Contributing factors are:

- #1: Location and type of affordable housing: There are substantial waitlists for all publicly-supported housing. Additionally, El Paso County could benefit from more housing choices throughout the jurisdiction.
- #2: The availability of affordable units in a range of sizes: Due to changing demographics, there is increased need for smaller, affordable housing units in a variety of locations.
- #3: Impediments to mobility: Inability to move to a neighborhood or area of choice, due to lack of available, accessible, affordable units. A shortage of units and Housing Choice Vouchers limits mobility.

- #4: Location of accessible housing: Due to a shortage of accessible housing, choices are limited for persons with disabilities.
- #5: Location of employers: Areas of the County have low job proximity due to the overall size and geographic nature of the region.
- #6: Location of proficient schools and school assignment policies: Proficient schools are disproportionately concentrated in the north and west regions of the County.
- #7: Location of environmental health hazards: Decreased air quality on Fort Carson, combined with potential PFC water quality issues in the Fountain Valley, create less environmentally healthy neighborhoods.

This issue will be addressed with El Paso County assistance in the development of additional publicly- supported affordable housing units in areas of opportunity. This may be done through CDBG funding, Private Activity Bond allocation, El Paso County Housing Authority Housing Trust funds or assistance with obtaining federal and state low-income housing tax credits.

Fair Housing Issue #3: A lack of resources to ensure there are adequate accessible units to meet current and future needs. Prioritized factors that contribute to this issue are:

- #1: Lack of assistance for housing accessibility modifications: There are a minimal number of agencies that offer housing accessibility modifications and, when offered, it is usually income restricted.
- #2: Lack of affordable, accessible housing in a range of unit sizes: Due to changing demographics, there is increased need for smaller, affordable housing units in a variety of locations.
- #3: Impediments to mobility: Inability to move to a neighborhood or area of choice, due to lack of available, accessible, affordable units. A shortage of units and Housing Choice Vouchers limits mobility.

This issue will be addressed by committing additional federal and other funds to the rehabilitation of pre-existing housing inventory to increase affordable, accessible housing choices.

Fair Housing Issue #4: The lack of understanding of federal, state and local fair housing laws has resulted in the presence of housing discrimination in the region. Contributing factors are:

- #1: Lack of resources for fair housing agencies and organizations: There is a lack of agencies that produce activities which: test, enforce, coordinate and advocate about fair housing laws.
- #2: Quality of affordable housing information programs: Agencies that perform these activities have limited resources to ensure all needs are met.
- #3: Lack of local public fair housing enforcement: In a review of fair housing complaints filed with the U.S. Department of Housing and Urban Development-Fair Housing and Equal Opportunity and the Department of Regulatory Agencies-Colorado Civil Rights Division, it was discovered that most complaints filed related to disability discrimination.



Furthermore, most complaints resulted in no probable cause findings, which could be due to lack of evidence or education.

- #4: Lack of local private fair housing outreach and enforcement: Lack of agencies in the area that provide these services which can result in underreporting.
- #5: Private discrimination: In a review of fair housing complaints filed with the U.S. Department of Housing and Urban Development-Fair Housing and Equal Opportunity and the Department of Regulatory Agencies-Colorado Civil Rights Division, it was discovered that private discrimination is occurring within the region.

This issue will be addressed by increasing fair housing education, outreach and enforcement. The El Paso County CDBG program will take on the responsibility of coordinating semi-annual education and outreach opportunities.

### **III. Community Participation Process**

1. Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible. For PHAs, identify your meetings with the Resident Advisory Board.

El Paso County used a variety of outreach methods to encourage and broaden meaningful community participation in the AFH process. The initial process started with communicating with local staff and elected officials regarding the AFFH Rule and AFH Tool. This internal communication was done with local staff knowledge, HUD AFFH and AFH guidance materials and correspondence and feedback from HUD Region VIII FHEO leadership staff.

El Paso County reviewed the demographic data and then conducted several small group consultations to ensure participation from agencies that represent the demographic/geographical make-up. Upon demographic review, El Paso County made efforts to obtain community participation from agencies that represent those with disabilities (Independence Center) and those that advocate for Hispanic populations (Black/Latino Coalition Group). Additionally, work sessions were held with the El Paso County Housing Authority, the Colorado Springs Housing Authority, the Fountain Housing Authority, The Colorado Springs Regional Business Alliance, the El Paso County Community Development Advisory Board and a small focus group that was looking into affordable housing goals for the El Paso County Strategic Plan. Additionally, El Paso County took significant measures to encourage meaningful citizen participation. Every effort was made to ensure that all meetings and public hearings were inclusive. Meetings were held at times and locations convenient to all and with accommodation for those with disabilities. If non-English speaking or sensory impaired residents requested assistance to participate, the County offered to make arrangements to have an interpreter present given reasonable advanced notice.

INITIAL INFORMATIONAL MEETINGS WERE HELD AT THE FOLLOWING  
LOCATIONS AND TIMES:

El Paso County Budget and Economic Development Office

200 S. Cascade, Suite 150, Colorado Springs, CO 80903

Wednesday, August 3, 2016

8:00 a.m.- 9:00 a.m.

Town of Calhan- Town Hall

556 Colorado Ave, Calhan, CO 80808

Wednesday, August 3, 2016

12:00 p.m. - 1:00 p.m.

City of Fountain- City Hall

116 S. Main St., Fountain, CO 80817

Wednesday, August 3, 2016

4:00 p.m. - 5:00 p.m.

At the initial meetings, information was given about the AFFH Rule and AFH Tool. HUD maps and tables were also on display and available for public discussion. Staff took efforts to enlarge, laminate and apply different layers of the mapping functions to ensure citizens had access to understandable and relevant data. The public meeting information was published in two local papers (Fountain Valley News and Ranchland News) and on the El Paso County CDBG website. Postings were done in both English and Spanish.

As a way to seek additional community input, El Paso County CDBG staff developed a fair housing survey. The survey was made available from July 27, 2016 through August 12, 2016. The survey was available in two formats- online and paper copy. Surveys were made available on the El Paso County CDBG website, sent out via email to the El Paso County Authority Commissioners and the El Paso County Community Development Advisory Board and sent out

in the July utility bill statements of all Town of Calhan and Town of Ramah residents (400 mailed out).

Please note all public meeting materials can be found in the supporting documents.

During the 30 day public comment period, El Paso County made additional efforts to seek public input. The draft plan was made available on the program's website, as well as at County offices and all seven participating municipalities' town/city halls. Additionally, attempts were again made to seek public input from special interest groups by direct correspondence to the Hispanic/Black Coalition, Colorado Springs Black Chamber of Commerce, Councilio Hispano de Empresas de Colorado Springs, and the Pikes Peak Justice Commission. Furthermore, El Paso County coordinated with the Vice President of Income & Housing Stability at Pikes Peak United Way to ensure that the draft and comment period notice was emailed out to over 400 people. This encompassed 100+ organizations plus quite a few unaffiliated individuals. The organizations represented a large scope of agencies ranging from housing and emergency services, to faith-based including churches, to schools and libraries, to public/government entities including judicial organizations.

A final public hearing was held on September 29, 2016. This hearing was located at 200 S. Cascade Avenue and allowed for: a brief overview of the AFFH Rule and AFH Tool, along with the corresponding data and maps and a copy of the AFH draft which was available for any final public comments.

Again, El Paso County broadened their efforts to seek community participation, by ensuring the public notice was published in multiple newspapers, in two languages and on the County website.

2. Provide a list of organizations consulted during the community participation process.

The Independence Center (Independent Living Housing Specialist; Community Organizing Coordinator)- June 29, 2016

Repeated Outreach to the Black/Latino Coalition without response (Chair)- June 16, 2016; June 29, 2016; July 21, 2016; September 6, 2016; September 27, 2016

Repeated Outreach to the Pikes Peak Justice Commission without response (Executive Director)- August 16, 2016; September 6, 2016; September 27, 2016

Repeated Outreach to the Asian Pacific Development Center without response (Deputy Director)- August 18, 2016; September 27, 2016

Repeated Outreach to the The Colorado Springs Black Chamber of Commerce without response (President)- September 29, 2016

Concilio Hispano de Empresas de Colorado Springs without response (Main Line)- September 29, 2016

Pikes Peak United Way- Community Information Distribution Lists- Draft and comment period solicitation- the draft and comment period notice was emailed out to over 400 people. This encompassed 100+ organizations plus quite a few unaffiliated individuals. The organizations represented a large scope of agencies ranging from housing and emergency services, to faith-based including churches, to schools and libraries, to public/government entities including judicial organizations.

The Fountain Housing Authority (Executive Director)- July 6, 2016

The Colorado Springs Housing Authority (Executive Director)- July 7, 2016

Affordable Housing- El Paso County Strategic Planning Committee (El Paso County; Planning Commission/Citizen Budget Oversight Committee; Private Developer/Housing and Building Association Member)- July 14, 2016

The Colorado Springs Regional Business Alliance (Community Development Project Manager)- August 3, 2016

The El Paso County Housing Authority (Commissioners)- August 10, 2016

The El Paso County Community Development Advisory Board (District 1; District 2; District 3; District 4; District 5; City of Fountain; Town of Calhan; Town of Ramah; Town of Green Mountain Falls; Town of Palmer Lake; City of Manitou; Town of Monument)- July 6, 2016; July 26, 2016; August 17, 2016

U.S. Department of Housing and Urban Development- Fair Housing and Equal Opportunity- repeated coordination, including obtaining a list of fair housing complaints filed within the region.

Department of Regulatory Agencies- Colorado Civil Rights Division (DORA-CRD)- August 16, 2016

As well as involving representatives of local governments, community groups and organizations and the general public in the process, a variety of planning processes and documents have been examined.

3. How successful were the efforts at eliciting meaningful community participation? If there was low participation, provide the reasons.

Historically, the El Paso County CDBG Program receives little to no community participation. During the AFH planning process, public outreach efforts were redesigned to ensure information reached citizens, giving multiple opportunities and avenues to participate. While there was low attendance at public meetings, robust feedback was received from the public survey. In particular, efforts to reach citizens living in the most rural areas by supplying a fair housing survey enclosed with their utility bill was the most successful effort. El Paso County received 33 total survey responses. A detailed summary of those responses is noted in the supporting document section.

Additionally, El Paso County broadened their efforts by reaching out to multiple organizations that serve ethnic/racial minorities. This outreach was done via email and phone introductions, requests to attend agency meetings and have members attend AFH public meetings and/or provide public input on the planning process and draft document. While no response was received, El Paso County believes that broadening the efforts with more frequent communication and invitations will eventually build a foundation for a more established relationship.

4. Summarize all comments obtained in the community participation process. Include a summary of any comments or views not accepted and the reasons why.

El Paso County held a series of public meetings and published information on the program's website and in two local newspapers. The initial community engagement conducted focused on outreach, education and receiving public feedback about fair housing in the region. An initial fair housing survey was disbursed and 33 total responses were received. While the small group consults and the public meetings and surveys revealed the overarching theme that there is a lack of affordable housing options throughout El Paso County. This was expressed numerous times during small group consultation meetings with agencies that address housing in the region. Furthermore, a recurring theme was the extensive waitlists that those of low- to moderate income encounter when trying to access housing. Additionally, it was also discussed that the need for accessible units severely increases the waiting timeframe for someone to access publicly supported housing. An overall lack of units detrimentally affects a person's housing choice.

When analyzing the 33 survey responses, it is important to note that El Paso County broadened their efforts to receive public comment from the populations who are served by Community Development Block Grant funds. While the County appreciated all the public participation from local agencies, governments and businesses, it was important that the voice of the people served was also represented. That is why El Paso County strategically planned multiple meetings in areas of less opportunity, in addition to reaching out directly to the rural population through their utility bill mailer. Of those who responded, nearly 69% earn less than the area's median income and 53% spend more than 30% of their income on housing costs. Furthermore, 12 % were disabled, which mirrors the County's overall demographic disability population percentage. While many of the comments mirrored previous discussion regarding an overall lack of affordable, accessible units, the surveys also revealed what staff and other HUD data had pointed out: access to adequate transportation in the area is a barrier which limits access to housing and opportunity. Nearly 76% of survey respondents indicated that there are not reliable, affordable transportation connections between homes and opportunities in El Paso County.

Please note a summary of all the public survey responses included as the 2016 AFH Public Survey Results supporting document.

El Paso County also held a 30-day comment period (September 1, 2016- September 30, 2016) and a final public hearing on September 29, 2016. No public comments were received.

All final materials were presented for final approval to the El Paso County Board of County Commissioners at an open and public meeting on October 4, 2016. The meeting agenda is attached within the supporting documents section.

**IV. Assessment of Past Goals, Actions and Strategies**

1. Indicate what fair housing goals were selected by program participant(s) in recent Analyses of Impediments, Assessments of Fair Housing, or other relevant planning documents:

a. Discuss what progress has been made toward their achievement;

In March of 2010, El Paso County adopted an Analysis of Impediments to Fair Housing Choice-Fair Housing Plan.

<b>Impediment to fair housing choice</b>	<b>Impediment's effects</b>	<b>Recommended actions</b>	<b>Progress Made</b>
Educational and outreach regarding fair housing issues, rights, and services is limited.	Lack of education or awareness on fair housing issues is a problem for both housing providers and for residents. If housing providers do not know the laws they are likely to be in violation of them. If residents do not know their rights they may be discriminated against and not even know it, or know it but lack the information to do anything about it.	<p>The County should....</p> <ul style="list-style-type: none"> <li>• Provide a Fair Housing Resource website</li> <li>• Create and distribute a Fair Housing Guidebook for residents</li> <li>• Request Fair Housing testing with follow up training</li> </ul>	<p>The County ....</p> <ul style="list-style-type: none"> <li>• Created a website that focuses on fair housing in the region and shares local, state and federal fair housing resource</li> <li>• Sponsored a fair housing training for property managers and maintenance staff. There were 25 people in attendance and presentations regarding fair housing law were made by James Whiteside with HUD Region VIII Fair Housing and Equal Opportunity, and Wes P. Wollenweber with Donelson Ciancio &amp; Grant, PC Attorneys and Counselors at Law</li> </ul>
Predatory and unfair lending practices are common.	Despite the presence of fair housing laws enacted nearly 40 years ago, many real estate lenders continue activities that are not consistent with fair housing laws. These unlawful activities restrict housing choices and adversely affect many homeowners.	<p>The County should....</p> <ul style="list-style-type: none"> <li>• Provide education and resources</li> <li>• Work to strengthen and enforce laws</li> </ul>	<p>The County...</p> <ul style="list-style-type: none"> <li>• Created a website that focuses on fair housing in the region and shares local, state and federal fair housing resources</li> </ul>

<p>Housing choices for persons with disabilities are limited.</p>	<p>Many homes lack basic accessibility features for persons with disabilities. In addition, many people with disabilities and rental owners are not aware of reasonable accommodation laws. As a result, persons with disabilities are negatively affected and have limited housing choices.</p>	<p>The County should....</p> <ul style="list-style-type: none"> <li>• Identify and utilize resources to remove barriers</li> <li>• Request testing to determine the extent to which persons with disabilities are discriminated against and face barriers</li> <li>• Provide information about reasonable accommodations</li> </ul>	<p>The County ....</p> <ul style="list-style-type: none"> <li>• Allocates funding (CDBG and El Paso County Housing Authority Funds) to offer a barrier removal housing rehabilitation program for income qualifying owner occupied housing.</li> </ul>
<p>Residential segregation patterns have occurred due to the lack of affordable housing in a broad range of neighborhoods throughout the County.</p>	<p>Residential segregation creates a lack of housing choices for many protected classes. Educational and employment disadvantages, housing dilapidation, loss of commercial facilities and businesses, crime, social disorder, welfare dependency, and unwed parenthood are only some of the results of this type of segregation.</p>	<p>The County should....</p> <ul style="list-style-type: none"> <li>• Explore inclusionary zoning techniques</li> <li>• Provide education on the benefits of mixed-income</li> </ul>	<p>The County ....</p> <ul style="list-style-type: none"> <li>• Allocated CDBG funding to economically distressed target areas, carefully examining sites proposed for future affordable housing developments (funded with Private Activity Bond Allocation, or El Paso County Housing Authority Trust Fund monies) to ensure that sites were in environmentally healthy neighborhoods with greater access</li> </ul>

		and diverse communities.	to opportunity, and by implementing a homebuyer's program (Single Family Turnkey) that offered grant assistance for down payments, which increased mobility options for many in the community.
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- b. Discuss how you have been successful in achieving past goals, and/or how you have fallen short of achieving those goals (including potentially harmful unintended consequences); and

El Paso County has made significant strides in addressing past impediments, but there is still more work to be done. El Paso County became an entitlement community in 2009. As a result, only one Analysis of Impediments/Fair Housing Plan was completed prior to the Assessment of Fair Housing. The initial efforts to create community resources for fair housing education has been successful, however, community outreach and education should be a continual and never ending process. Addressing major social and public policy concerns has proved to be a more challenging effort. El Paso County CDBG staff is committed to continuing the outreach, education and awareness efforts that will may someday impact future local policy changes.

El Paso County identified in its most recent, and first, Analysis of Impediments that it would “explore inclusionary zoning techniques” as a potential way to address “residential segregation patterns.” Upon completion of the first Analysis of Impediments, El Paso County staff further explored inclusionary zoning techniques and residential segregation patterns. Upon further examination of El Paso County demographic data, it was concluded that there was not statistically significant residential segregation patterns within the El Paso County jurisdiction. Furthermore, staff concluded that the most effective way to remove impediments to fair housing choice and increase access to opportunity for all, was by strategically implementing various forms of publicly supported housing and ensuring public investments in specific neighborhoods, including services and amenities. This was accomplished by allocating CDBG funding to economically distressed target areas, carefully examining sites proposed for future affordable housing developments (funded with Private Activity Bond Allocation or El Paso County Housing Authority Trust Fund monies) to ensure that the sites were in environmentally healthy neighborhoods with greater access to opportunity, and by implementing a homebuyers program (Single Family Turnkey) that offered grant assistance for down payments, which increased mobility options for many in the community.

- c. Discuss any additional policies, actions, or steps that you could take to achieve past goals, or mitigate the problems you have experienced.

El Paso County has made significant initial efforts in fair housing outreach, education and awareness, but additional efforts are needed. The El Paso County Community Development



Block Grant Program has recently added additional staff which will allow more time and effort to be dedicated to providing on-going fair housing support and resources for El Paso County.

A continuation or increased usage of various tools, such as the single family down payment assistance program or scattered site approach for vouchers, will assist in maintaining few if any RE/CAPs which, as demonstrated with the Tool, currently do not exist in the Urban County. As the County has become more knowledgeable about CDBG as well as Fair Housing, additional tools can be developed.

- d. Discuss how the experience of program participant(s) with past goals has influenced the selection of current goals.

For El Paso County and the other program participants, the experience is limited to the last seven years. Not until 2008 did the area qualify as an Urban County and not until 2009 was it able to meet the necessary deadlines for submittal of the various plans. Accordingly, this Assessment of Fair Housing will actually be the first time past goals will influence the selection of current goals. Current and future goals will be identified that have a relevance to the local situation rather than national instances of segregation. Having the HUD-provided maps included in the Tool will allow the development of focused goals based on past experience.

## **V. Fair Housing Analysis**

### **A. Demographic Summary**

1. Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).

From 1990-2010, El Paso County, Colorado, experienced a number of changes to its demographic makeup. Most notable of these changes is the continuously increasing population of Hispanics in El Paso County. In 1990, the overall population representation of Hispanics was at 7.65%, which over the next 20 years increased by 60% to the 2010 population of 12.70%. This trend is the largest change of any Non-White race/ethnicity in El Paso County. Similarly, the largest group of Low English Proficiency (LEP) persons is Spanish speakers, and the number one outside country of origin is Mexico. The data from Table 1 demonstrates a clear trend of Hispanics, both English proficient and LEP, moving to and/or remaining in the area. As of 2010, Hispanics are the second-most populous race/ethnicity, with Black, Asian or Pacific Islander, and Native Americans altogether accounting for less than 10% of the total population.

Non-Hispanic Blacks have experienced a decline in population representation since 1990. This decrease has resulted in the Black Non-Hispanic population almost flat lining across the 20-year dataset, with only an increase of 2,690 additional persons of Black race/ethnicity.

For the remaining Non-White race/ethnicities, Table 2 clearly demonstrates their negligible population changes, with 10 year trends that equate to a 1% or less difference. This is particularly true of the Asian or Pacific Islander group, which experienced a slight increase in population representation from 1990 to 2000, only for that minor difference to be nearly undone

from 2000 to 2010. Across the 20-year dataset, the race/ethnic group only experienced 0.08% net increase. For Native Americans, a similar trend was noted, only the net result was actually a 0.05% decrease.

White, Non-Hispanics actually saw the largest population representation drop of any given race/ethnicity group. While this decline has been steady (at approximately 3% decrease per 10 years of data), they still make up the largest group of any ethnicity in The Urban County.

Interestingly enough, the top three LEP Languages do not correspond entirely to the top three countries of national origin. While persons emigrate primarily from Mexico, Germany and Korea, the top three LEP Languages are actually Spanish, Korean, and Chinese, respectively. This data suggests that those who come from Germany are actually more English proficient than their Mexican and Korean counterparts.

Families with children have also become a smaller portion of the population in The Urban County since 1990. Initially representing almost 56% of the population, their population declined less than 1% until after 2000, where the group began to decline more sharply and reached 50.16% in 2010.

As of 2010, The Urban County's disabled population primarily consists of persons with ambulatory and cognitive difficulties. Ambulatory is the most common, but this difference is less than one percent. Hearing and independent living difficulty are third and fourth respectively, but the difference between these is less than half a percent. According to the 2008-2012 American Community Survey, disabled persons make up less than 11% of the entire the Urban County population.

Regionally, the city of Colorado Springs has experienced a more drastic change in its demographics. In 1990, there were no R/ECAPs in Colorado Springs; however, there is a noticeably higher concentration of persons of Black, Hispanic, and Asian origin in the south/southeastern portion of the city. This trend also continues into 2000 and present day, but it is in 2000 that the R/ECAP of Hispanic persons in the southeastern portion of the city becomes noted. While there is greater disbursement of persons of Black, Hispanic, and Asian origin in the western and northern areas of the city in present day, the greatest concentrations still remains in the southeastern area of the city.

In terms of the metropolitan statistical area (MSA), Teller County is also included. However, Teller County has a significantly smaller population than the Urban County, and in a similar fashion has a very small population of persons of Non-White racial/ethnic background. However, Map 1 shows there are no clear areas of racial/ethnic concentrations or R/ECAPs.

2. Describe the location of homeowners and renters in the jurisdiction and region, and describe trends over time.

The Urban County has enjoyed a relatively high rate of homeowner occupied housing, with renter occupied housing being located primarily near the military bases located throughout the jurisdiction.

This trend has also been fairly consistent across time as well. According to the 2010 American Community Survey, of the 235,103 occupied housing units in the Urban County, 63.2% were owner occupied, and 36.8% were renter occupied. These figures are not significantly different from the data derived from the 2000 Census, which states that of the 192,409 occupied units, 64.7% were owner occupied with 35.3% renter occupied. As of the 2012 American Community Survey, the highest concentrations of renter occupied units can be found on Fort Carson and the Air Force Academy. Concentrations between 16% and 30% can be found along the northernmost and southernmost portion of the I-25, as well as along Highway 24 traveling east toward and the area surrounding Peterson Air Force Base. However, as the 2014 Housing Needs Assessment map 2 shows, affordable housing (rental units under \$799) located in the Urban County tends to be far away from major highways and bus lines.

Conversely, the 2012 American Community Survey found owner occupied housing to be in its highest concentrations (81.3% or greater) in the northeast, east, southeast areas extending away from Colorado Springs, and just to the west of Fort Carson.

In terms of a regional perspective, the Regional Housing Assessment, shows a clear trend toward rental units being located in the center and southern portion of Colorado Springs, with higher rates of homeownership located on the outer sections of the city. In particular, this is especially true in the northeastern and northwestern edges of the city. This trend holds true regardless of what kind of rental housing is being mapped. In other words, multi-family rental complexes and single family rental units are mostly located in the same general areas. In describing trends across time, Colorado Springs' homeownership rate has increased closely in line with the national average, and there is no current data to indicate that the increase in city density is due to a large influx of residents. This information is also consistent with the demographic information based on Maps 1 and 2.

## **B. General Issues**

### **i. Segregation/Integration**

#### **1. Analysis**

- a. Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.

Overall, the Urban County experiences low levels of segregation across different racial and ethnic groups. In particular, White to Asian and Pacific Islander segregation is the lowest, with a dissimilarity index of 24.80 for 2010. Hispanics to Whites is also exceptionally low at 30.51, which is relatively close to the overall Non-White to White dissimilarity index of 31.39.

However, Black to White segregation is the highest in the county, and is in the lower area of the moderate category. With a dissimilarity index (defined as the measure of the degree to which two groups are evenly distributed across a geographic area and is commonly used for assessing residential segregation between two groups) of 44.47 for 2010, there is an indication of difference between Black/White segregation and other racial/ethnic groups, but it is not apparent on AFH tool maps. This may be due in part to the extreme difference in population.

From a regional perspective, Table 3 demonstrates that Colorado Springs experiences racial/ethnic dissimilarities trends very similar to the Urban County. Much like the Urban County, the city of Colorado Springs experiences the greatest racial/ethnic dissimilarity trend between persons of Black and White racial/ethnic background. However, as previously mentioned, this difference may be exacerbated by the significantly large margin of population between persons of White and Black racial/ethnic background.

- b. Explain how these segregation levels have changed over time (since 1990).

In 1990, the Asian or Pacific Islander to White dissimilarity index was in the low segregation category at 27.69. The dissimilarity index dropped to 23.06 in 2000, and then rose slightly to reach 24.80 in 2010. Generally speaking, this data suggests that there is a low level of segregation between Whites and Asian or Pacific Islanders, and that what segregation did exist has in fact decreased since 1990.

The Hispanic to White dissimilarity index displays a trend that since 1990 Hispanic to White segregation has steadily, albeit slowly, increased. 1990 data reveals an exceptionally low dissimilarity index at 27.55 between the two racial/ethnic groups. However, in 2000 it rose to 29.04 and then again in 2010 increased to 30.51. While these numbers are all considered to be in the low segregation category, there is still a clear increase in the dissimilarity index.

The White to Non-White dissimilarity index indicates that segregations levels have maintained within a +/-2 points of 31. 1990 saw the highest value, at 32.33, but then dropped to 29.63 in 2000 and increased slightly to 31.39 in 2010. Overall these changes are very minor and display a lack of significant change between White to Non-White segregation levels.

Black to Non-White segregation has seen the greatest changes on the dissimilarity index. From 1990 to 2000, the Black/White dissimilarity index dropped from its highest point of 44.69 to its lowest at 40.67, almost into the low segregation category. However, from 2000 to 2010, the dissimilarity index rose from 40.47 to 44.47, almost to 1990 levels. While this trend is only +/-4 points on the dissimilarity index, it is still indicative of change when it is placed in comparison to the more relatively stable patterns displayed by other racial/ethnic categories on the dissimilarity index.

- c. Identify areas with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.

In the Urban County, there are no areas of significant segregation; however, there are locations with integration. The most significant area of integration across demographic, national origin, and LEP is the Fountain Valley region, which encompasses the areas commonly referred to as Security-Widefield, Stratmoor Hills, and Fountain. In particular, Fountain Valley has the highest concentration of LEP Spanish speakers in the Urban County, as well as the highest concentration of persons of German national origin, and demographically speaking, the highest integration across race/ethnicity. This area is also very close to the Fort Carson Army base. Both of these locations have a level of racial/ethnic integration similar to Fountain Valley.

Despite Hispanic being the second-highest race/ethnicity in the Urban County, there is only a very loose grouping of persons of Mexican national origin in Security-Widefield, and no clear trends elsewhere in the Urban County. Also, there is a very loose concentration of persons of Philippines national origin located due north of Colorado Springs, in the Monument/Black Forest areas. This trend is also backed by the loose concentration of the Asian or Pacific Islander demographic in the same areas. The Asian or Pacific Islander grouping in Monument/Black Forest is supported in Map 2 of the 2000 El Paso County demographics, and in the corresponding 2010 map, this trend actually grows.

- d. Consider and describe the location of owner and renter occupied housing in determining whether such housing is located in segregated or integrated areas.

In reference to the 2012 American Community Survey and local Regional Housing Assessment, there is no significant connection between owner and renter occupied housing, and segregated or integrated areas. The highest renter-occupied areas in the Urban County, Fort Carson and the Air Force Academy, having renter occupied rates in excess of 68% because the majority of service members who live on base and either in the barracks, or in some form of assigned rental housing. Conversely, the area with the highest percentage of LEP, varied national origin, and racial/ethnic diversity is Fountain Valley. However, this area has a renter-occupied rate below 30% (specifically, in the 16.8%-29.4% range). In terms of landmass, the vast majority of the Urban County has an owner-occupied rate in excess of 81%.

- e. Discuss how patterns of segregation have changed over time (since 1990).

As shown by the data in Table 1, as well as in Maps 1, 2, and 3, there is no statistically or geographically significant segregation in the Urban County. While there is more racial/ethnic diversity in the more urbanized areas of the Urban County, White Non-Hispanic persons account for more than 70% of the Urban County's population, and the remaining Non-White population is spread out more or less homogenously throughout each area of the Urban County.

- f. Discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future.

Looking forward, the Regional Housing Assessment discusses the need for additional affordable housing in all areas of El Paso County. Additionally, this housing needs to be connected to low cost transportation, an amenity that the majority of the Urban County does not have. Failure to accomplish these two objectives could very well result in the overcrowding of already existing

affordable housing units, and segregate certain neighborhoods to one or two racial/ethnic groups. In particular, individuals with Low English Proficiency may find themselves with fewer housing choices and cluster into specific neighborhoods.

## **2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about segregation in the jurisdiction and region affecting groups with other protected characteristics.

Upon reviewing all HUD maps in the AFFH Tool that cover race, color, religion, sex, familiar status, national origin, and disability, there is no statistically significant data to support any protected groups experiencing segregation in El Paso County. In addition, maps provided by the Regional Housing Assessment, were reviewed and confirmed the lack of protected class segregation in El Paso County.

Regionally speaking, Map 1 suggests that there is a certain amount of segregation experienced by Hispanics and potentially Blacks within the city of Colorado Springs. The southeastern section of the city appears to have a much higher concentration, as well as a Hispanic R/ECAP.

- b. The program participant may also describe other information relevant to its assessment of segregation, including activities such as place-based investments and mobility options for protected class groups.

Given the fact there is no statistically significant data to confirm that a HUD-protected class group is experiencing segregation in El Paso County, there is no additional information relevant to this inquiry. In terms of improving place-based investments and mobility options for protected class groups, it is worth noting that there is a correlation between persons with ambulatory disabilities living close to major roadways (i.e., I-24, Highways 24 and 94). This is almost certainly by choice to increase access to services, but to allow ambulatory disabled persons greater freedom, improving public transit and mobility services to the disabled would be necessary.

## **3. Contributing Factors of Segregation**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of segregation.*

- Community Opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending Discrimination

- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Other

As previously discussed, there is no statistically significant evidence to prove that any HUD protected class group experiences segregation in the Urban County. Failure to increase the availability of affordable housing or improve public transit in the future could contribute to future segregation issues, but, since 1990, there has been no statistical or mapped data that confirms the presence of segregation in the Urban County.

Regionally, there appears to be segregation in the southeastern area of Colorado Springs. The Regional Housing Assessment suggests this is due in part to the lower cost of living in this area, as well as a larger number of multi-family housing communities.

**ii. R/ECAPs**

**1. Analysis**

- a. Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction.

In reference to Maps 1, 3, and 4, there are no R/ECAPs present within the Urban County. This finding is also supported by the lack of statistically significant data to support the presence of segregation within the Urban County.

- b. Which protected classes disproportionately reside in R/ECAPs compared to the jurisdiction and region?

Due to the fact that there are no R/ECAPs in the Urban County, there are no protected classes that disproportionately reside in those areas. This assertion is supported by the data in Table 4, which clearly illustrates the lack of R/ECAPS as well as the absence of protected classes affected by them.

Regionally, there is a R/ECAP in southeastern Colorado Springs, where a disproportionate number of Hispanics reside. It should be noted that this R/ECAP also closely aligns with the apparent segregation of Hispanics into the southeastern area of the city, which is displayed in Map 1.

- c. Describe how R/ECAPs have changed over time (since 1990).

Because there are no R/ECAPs in the Urban County, there has been no change in them over time. Furthermore, there is no data to support the notion that there was a previous R/ECAP that eventually dissipated. The data presented in Maps 1, 2, 3, and 4 support that there has not been a R/ECAP in the Urban County since 1990.

## 2. Additional Information

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about R/ECAPs in the jurisdiction and region affecting groups with other protected characteristics.

Due to the fact that there are no R/ECAPs in the Urban County, there is no additional relevant information about R/ECAPs in the jurisdiction. The Regional Housing Assessment also supports this fact. While the R/ECAP within the city of Colorado Springs is not specifically mentioned within the Regional Housing Assessment, it is discussed that an increase in affordable housing, along with improved accessibility and transportation, could help mitigate the segregation experienced in this area.

- b. The program participant may also describe other information relevant to its assessment of R/ECAPs, including activities such as place-based investments and mobility options for protected class groups.

As previously mentioned, using Map 16 there is reason to believe that persons with ambulatory disabilities have chosen to live near major roadways in order to improve access to services. However, this does not constitute segregation, and there is no statistically significant data to support the existence of a R/ECAP in the Urban County.

## 3. Contributing Factors of R/ECAPs

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of R/ECAPs.*

- Community Opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Other

As indicated by the data from HUD and local resources, there are no R/ECAPs located in the Urban County, and as such, there are no factors that have created, contributed, perpetuated or increased the severity of R/ECAPs.

Regionally, there is one Hispanic R/ECAP within the City of Colorado Springs, and there is little doubt that the lack of affordable housing and lack of quality transportation contributes to this trend. As discussed in the Regional Housing Assessment, such trends are most likely the end



result of public investments failing to materialize in this area, as well as zoning laws slowing the progress of affordable housing within the city.

**iii. Disparities in Access to Opportunity**

**1. Analysis**

**a. Educational Opportunities**

- i. Describe any disparities in access to proficient schools based on race/ethnicity, national origin, and family status.

In reference to Table 12 and the School Proficiency Index (defined as the measurement of the proficiency of elementary schools in the attendance area; the values for the index are determined by the performance of 4<sup>th</sup> grade students on state exams), there are disparities between different racial or ethnic groups; however, these disparities only differ by a range of 14. White Non-Hispanics have the highest School Proficiency index at 59.51, with Black Non-Hispanics rating the lowest at 46.01. Hispanics, Asian or Pacific Islander, and Native American all rank in between these values, which suggests that the greatest disparity exists between White and Black Non-Hispanics.

While Table 12 does not specifically reference national origin, the AFFH map tool reveals that most persons of German and Mexican national origin live in areas where the school proficiency index is below 40. However, it is important to note that persons with top four national origins account for less than 3% of the Urban County population (as seen in Table 1). As such, this data is restricted in usefulness and trends may not indicate true disparities in access to proficient schools.

In terms of family status, two of the areas with the highest percentage of households with children, the Air Force Academy and Fort Carson, also have some of the least proficient schools. This disparity can partly be attributed to the transient nature of families on both military bases, meaning that children attending school in these areas are probably pulled out of school more frequently and their test scores suffer as a result.

- ii. Describe the relationship between the residency patterns of racial/ethnic, national origin, and family status groups and their proximity to proficient schools.

The eastern half of the Urban County is inhabited mostly by persons of White, Non-Hispanic race/ethnicity. This section of El Paso County also suffers from some of the lowest school proficiency in the Urban County, and as such, the population located here has the least accessibility to proficient schools (due mostly to their geographic distance from more proficient schools).

Hispanics that live in the southern portion of El Paso County tend to live in areas with a school proficiency index below 40, while Hispanics that live north of Colorado Springs tend to live in areas with a school proficiency index above 40. This is mostly due to the northern half of the Urban County (particularly near Monument) trending towards higher school proficiency than the southern half. Blacks and Asians in El Paso County experience a location disparity similar to Hispanics, only in smaller concentrations due to their smaller population size.

In relation to national origin, persons of Mexican and German descent tend to be located in areas with a school proficiency below 40. In contrast, persons of Philippine and Korean national origin are concentrated in areas with a school proficiency above 40.

In terms of family status, the two areas of the Urban County with the largest population of households with children, Fort Carson and the Air Force Academy, also have school proficiencies below 40. Another area with a significant number of households with children, Falcon, has a school proficiency index above 50. Although the Monument area has some of the highest school proficiency in the Urban County, the number of households with children trends below 60% and in some areas, below 40%.

- iii. Describe how school-related policies, such as school enrollment policies, affect a student's ability to attend a proficient school. Which protected class groups are least successful in accessing proficient schools?

Amongst the 17 different school districts in El Paso County, a select few (such as Cheyenne Mountain School District 12, and Academy School District 20) are exceptionally higher rated and considered high quality school districts. However, many people who would like to get their children into these schools are unable to do so due to the limited public transportation system, or fail to get accepted into the school district of their choice during the open enrollment period. The ability to get into these schools is often based on availability, which changes from year to year. Therefore, families who want get their children into a better school district must be both lucky and financially equipped to provide transportation. Based upon the low poverty index in Table 12, this would suggest that Black Non-Hispanic persons, especially in the Fountain Valley area of El Paso County, are at the greatest disadvantage when it comes to accessing proficient schools.

## **b. Employment Opportunities**

- i. Describe any disparities in access to jobs and labor markets by protected class groups.

Perhaps the greatest disparity in access to jobs and labor market is the difference between the White Non-Hispanic and Black Non-Hispanic labor market engagement index (defined as a measure of unemployment rate, labor-force participation rate, and percent of the population ages 25 and above with at least a bachelor's index, by neighborhood). While the White Non-Hispanic labor market engagement index sits at 55.39, the Black Non-Hispanic is 39.12. With a range of over 16 points, it is fairly clear that Black Non-Hispanics in El Paso County have access to fewer job markets than White Non-Hispanics, although the sizable difference in population between the two racial/ethnic groups may be partially to blame for this difference.

In contrast, it is worth mentioning that there is very little difference or disparity between different race/ethnicity's jobs proximity index (defined as the physical distance between a place of residence and jobs by race/ethnicity). With a range of fewer than 4, it is difficult to say there is disparity as there is not enough statically significant data to draw a conclusion.

Persons of Mexican or German national origin have lower job proximity than persons of other national origin due to their higher concentration in the Security-Widefield area, which has a relatively low job proximity index.

ii. How does a person's place of residence affect their ability to obtain a job?

Depending on which part of the Urban County a person lives, they have little to no opportunities to utilize public transportation, or they may have to commute long distances in a personal vehicle in order to obtain a job. This is particularly true for persons living in the eastern half of the Urban County. Map 10 clearly demonstrates that eastern sections of the Urban County have a very low job proximity index (below 30), and as such it is reasonable to assume that members of these communities commute excessively long distances to work. Coupled with the fact that there is no public transportation in these areas, having a personal vehicle is practically required to obtain a job.

Additionally, living far away from a job can make certain jobs undesirable or useless because the cost spent on transportation will be greater than the value of the income, as discussed in the Regional Housing Assessment. Combined with the potentially dangerous winters in El Paso County, jobs outside a certain distance from the home become unappealing and limits a person's pool of job opportunities.

iii. Which racial/ethnic, national origin, or family status groups are least successful in accessing employment?

As previously stated, amongst race/ethnicity, there is no statistically significant difference in relation to the jobs proximity index. With a range of less than 4, it is difficult to rationalize any claims to one race/ethnicity have advantages over the other. Percentage of households with children also does not yield any clear results, as the rural data on Map 9 skews the appearance of the map, causing members of rural El Paso County to be excessively represented. When accounting for this, there is no significant percentages of households that experiences less success in accessing employment.

As explained in (b)(i), the greatest disparity in access to jobs and labor market is the difference between the White Non-Hispanic and Black Non-Hispanic labor market engagement index. While there is a sizeable population difference between the two racial/ethnic groups, it is clear that of all races and ethnicities in the Urban County, Black Non-Hispanic persons are the least successful in accessing employment.

However, it is clear from Map 9 covering job proximity and national origin, that German and Mexican persons have a clear disadvantage due to their clustered location in Fountain Valley, which has an overall low job proximity rating.

**c. Transportation Opportunities**

- i. Describe any disparities in access to transportation based on place of residence, cost, or other transportation related factors.

As demonstrated in maps 12 and 13, there is no single area that suffers from significantly more expensive transportation costs. However, citizens of El Paso County that reside in the more rural, eastern half of the Urban County, especially suffer from having little to no public transportation available at all.

- ii. Which racial/ethnic, national origin or family status groups are most affected by the lack of a reliable, affordable transportation connection between their place of residence and opportunities?

In reference to maps 12 and 13, there are no disparities in access to transportation. Unfortunately, this is due to the fact that the public transportation system in El Paso County is severely lacking, so the truth of the matter is that everyone, regardless of protected class, suffers from this problem equally. Given the fact that El Paso County encompasses over 2,000 square miles, and much of the land being rural or undeveloped, a comprehensive county-wide transportation system would be difficult to implement.

- iii. Describe how the jurisdiction's and region's policies, such as public transportation routes or transportation systems designed for use personal vehicles, affect the ability of protected class groups to access transportation.

The overall lack of public transportation availability is damaging to all persons. This is particularly true for persons with ambulatory disabilities, who tend to live off major roads for the sake of access to necessary services. This shortcoming was also noticed during the 2016 El Paso County Assessment of Fair Housing survey, wherein approximately 76% of respondents agreed that there are no reliable transportation connections between homes and opportunities in El Paso County.

While the city of Colorado Springs has a bus service that actually reaches slightly past the city limits and into eligible areas, there is no Urban County-wide bus service that allows individuals to travel through the Urban County without a personal vehicle. The city of Fountain also offers a bus service, but this service is very limited with a minimal number of stops and routes. It is important to note for persons living in Fountain Valley, the only way to use the Fountain bus system to access the Colorado Springs bus system is to take the Fountain bus to the Pikes Peak Community College, where the Fountain bus connects to four other Colorado Springs bus lines. Additional data regarding bus service lines can be found in the supporting documents.

Another issue faced by bus users is the fact that both the Colorado Springs and Fountain bus systems are only available between the hours of 5am and 7pm. For persons who work evenings, nights, or early mornings, this transit system is inadequate for them to get to and from work. In order to improve regional access to transportation, a larger range of routes and times available would be necessary.

**d. Low Poverty Exposure Opportunities**

- i. Describe any disparities in exposure to poverty by protected class groups.

Exposure to poverty is not entirely equal among different race/ethnicities. Although White Non-Hispanics have a low poverty index of 65.05, Black Non-Hispanics have an index of 55.93. While the difference of less than 10 is not incredibly significant, it is enough to indicate that Black Non-Hispanics do in fact have greater exposure to poverty than White Non-Hispanics. This notion is also made clear through the Map 14, which shows the trend of Black Non-Hispanics to reside in the Security-Widefield area, which for the most part experiences a low poverty index below 40. While Hispanics also tend to live in similar areas as Black Non-Hispanics, their low poverty index is higher at 57.98, which may be attributed in part to their increased presence on the north side of El Paso County, which trends towards an index above 50. Interestingly enough, Table 12 describes the low poverty index for the population below the poverty line, which experiences almost exactly the same index range as the earlier data from Table 12. This would suggest that the aforementioned trends hold true for not only for the general population, but also those below the poverty line.

For persons of non-United States national origin, persons of Mexican and German national origin experience the highest exposure to poverty. The area with the greatest grouping of Mexicans and Germans, the Security-Widefield area, also has a poverty index trending below 40. As previously stated it is also important to note that there are relatively few persons of non-United States national origin in the Urban County, which potentially makes the data in regards to national origin less reliable.

In regards to households with children, there is a large cluster of families exposed to poverty on Fort Carson, which can potentially be explained in part by the increased likelihood of single family incomes among military families. Additionally, Map 14 shows that families in the southeastern area of the Urban County have high exposure to poverty, with a low poverty index below 20. The Security-Widefield area of Fountain Valley also has areas with a low poverty index below 40, however these areas have a smaller percentage of households with children.

- ii. What role does a person's place of residence play in their exposure to poverty?

Place of residence is perhaps the single greatest contributing factor to a person's exposure to poverty. There are a number of areas, particularly to the north, that have very low exposure to poverty levels. It is safe to assume, in studying Map 14, that persons in those areas regardless of race/ethnicity, national origin, or any other protected class are exposed to far less poverty than other areas of the Urban County, such as portions of Fort Carson, Stratmoor Valley, and the

western edge of the Urban County. Conversely, persons who live in areas south of Security Widefield, in sections that have a low poverty index above 40, must travel through areas with higher exposure in order to access the city of Colorado Springs, whereas persons in the southeastern area of El Paso County must leave an area with high exposure to poverty and travel through locations with less poverty exposure in order to access the city of Colorado Springs.

- iii. Which racial/ethnic, national origin or family status groups are most affected by these poverty indicators?

As previously discussed in (1)(d)(i), Table 12 clearly demonstrates that persons of Black Non-Hispanic race/ethnicity are the most affected by poverty indicators displayed in Maps 14. While it is important to note that persons of Black Non-Hispanic race/ethnicity account for less than 6% of the overall population in El Paso County, there is enough disparity in the low poverty index to confirm this trend.

For national origin, there is not enough disparity or statistical significance to the grouping of persons of Mexican or German national origin to single one national origin out. Additionally, there are enough persons of German or Mexican origin located throughout the Urban County to suggest this grouping has less to do with poverty and more to do with ease of access to Fort Carson or other economic opportunities.

Families with children do not experience more poverty than other family types per se, however it is important to note that certain locations with larger percentages of households with children (such as Fort Carson) are exposed to poverty more than families with children in other parts of the Urban County. However, this has less to do with the family status itself and more to do with the specific location of residence.

- iv. Describe how the jurisdiction's and region's policies affect the ability of protected class groups to access low poverty areas.

There are a number of barriers within the Urban County, and the city of Colorado Springs, that diminish the ability of protected class groups to access low poverty areas, mostly through a lack of affordable housing. As discussed in the Regional Housing Assessment, Colorado Spring's demanding zoning codes make additional infill of the city difficult, even more so for multi-family housing units. Please note that the city of Colorado Springs is within the region, but outside the jurisdiction so El Paso County has no authority over their zoning and land use process.

In a similar fashion, the NIMBY-ism (Not In My Backyard mentality refers to a community opposition to a proposal based on its location to their property) attitude that is present in El Paso County makes it exceedingly difficult for additional human services establishments to be built. Such establishments are especially important for disabled persons and households with children. As a result, citizens who must be near certain kinds of human service are limited in their residency options, which can ultimately force them into areas with higher poverty exposure.

**e. Environmentally Healthy Neighborhood Opportunities**

- i. Describe any disparities in access to environmentally healthy neighborhoods by protected class groups.

There is no disparity in access to environmentally healthy neighborhoods by race/ethnicity. This data is clearly displayed in Table 12, which shows that the range of the environmental health index is approximately 6 points. Such a slight range fails to illustrate any true disparity amongst racial/ethnic groups. Data from Map 15 supports this conclusion as well.

The results of national origin are similar to race/ethnicity. There are no statistically significant differences in access to environmentally healthy neighborhoods in terms of national origin. Not only is this clearly demonstrated by Map 15, but it is also supported by the lack of racial/ethnic disparity in access to environmentally healthy neighborhoods.

Households with children, however, do in fact experience a certain amount of disparity in access to environmentally healthy neighborhoods. This is particularly obvious on Fort Carson and the Air Force Academy. Both military installations have areas where more than 80% of households with children, yet the environmental health index trends below 40.

It is also important to note that while the percentages of households with children in the Security-Widefield area trends below 40%, a health hazard has been newly discovered in this area. According to the Colorado Department of Public Health and Environment (CDPHE), perfluorinated compounds (PFCs) have been discovered in the groundwater and public water sources in Security-Widefield. While not all public water sources are affected, the groundwater testing maps provided by the CDPHE show a clear difference between contaminated and non-contaminated water resources in terms of PFCs present.

This problem does not affect one protected class group more than another, but it has been noted that the number of cases of kidney and testes cancer in the area is higher than expected. This is significant because PFCs have been linked to both aforementioned kinds of cancer; however, the CDPHE assessment has noted this increase could be linked to higher than average levels of obesity and tobacco use in the area. In the future, the PFC groundwater contamination could greatly diminish the environmental healthiness of this area, so it is critical that the issue is monitored, as CDPHE is currently doing.

In addition to the monitoring being conducted by the CDPHE, local entities are taking action as well. Local non-profit Care and Share provided affected residents with free bottled water handouts, and the Widefield Water and Sanitation District has plans to set up water dispensing sites so that residents can receive 10 gallons of water per week from a clean source. Both Fountain and the Widefield Water and Sanitation District have plans to adjust their water usage to include additional surface water, which is not contaminated. Furthermore, plans are in place for Colorado Springs Utilities to increase the water they send through the Southern Delivery System; however, all of these actions are short-term and designed to mitigate the problem, not solve it.

In terms of solutions, the Air Force has recently committed to spend \$4.3 million to help filter the PFCs out of the well water. Local officials are hopeful that this will largely resolve the issue, but, in the meantime, Fountain is in the process of creating a treatment plant for their water. Ultimately, there is no immediate known threat to the health of residents in Fountain Valley, but community efforts to mitigate the possible effects have been robust.

- ii. Which racial/ethnic, national origin or family status groups have the least access to environmentally healthy neighborhoods?

Due to the fact that there is no clear disparity amongst racial/ethnic, or national origin protected groups, the only protected group that has the least access to environmentally healthy neighborhoods is families with children in the Air Force Academy and Fort Carson regions.

There are a number of reasons why neighborhoods on the Air Force Academy and Fort Carson have lower environmental health indexes. Perhaps the most obvious of reasons is the large number of non-conventional vehicles that occupy military installations, such as Humvees, helicopters, fighter aircraft, and large cargo airplanes. These kinds of vehicles need not adhere to the same standards put forth by local governments in regards to emission, and usually require different kinds of fuel from civilian vehicles. Additionally, Fort Carson has adopted a policy of doing annual prescribed burns, in an attempt to mitigate the frequent wildland fires seen on Fort Carson property, as discussed in the military article provided. While these prescribed burns may be cost-effective and improve the safety of the community, such burns also decrease the air quality.

However, it is equally important to mention that in the future, this trend will potentially change. Fort Carson has partnered with a number of agencies, to include CDPHE and EPA, to develop a sustainability goal plan. In this plan, Fort Carson plans to take steps to reduce the 1 GHG emissions by 22%, 2 GHG emissions by 11%, and HAP emissions by 75%. Although additional steps are planned, these three goals alone once completed should make a significant impact to the air quality on Fort Carson.

#### **f. Patterns in Disparities in Access to Opportunity**

- i. Identify and discuss any overarching patterns of access to opportunity and exposure to adverse community factors based on race/ethnicity, national origin or familial status. Identify areas that experience an aggregate of poor access to opportunity and high exposure to adverse factors. Include how these patterns compare to patterns of segregation and R/ECAPs.

Before digging too deeply into patterns in disparities in access to opportunity, it is important to mention that El Paso County has a number of features that make the Urban County unique, particularly in comparison to other nearby counties. El Paso County has over 2,000 square miles, which makes it exceptionally large for an Urban County, especially in Colorado. Additionally, there is an altitude range of almost 10,000 feet in the Urban County alone. A variety of climates,



from the steep western slopes to the eastern prairies, play a part in determining the shape of the community.

As discussed earlier, Table 3 shows that there is very little dissimilarity amongst different races in the Urban County. While the greatest disparity is between Black and White racial/ethnic groups, it is important to keep in mind the large difference in population between the two groups (White Non-Hispanics account for over 75% of the population, while Black Non-Hispanics account for 5.25%.) Likewise, there is also very little dissimilarity amongst Low English Proficiency groups and the general population. It is true that in viewing Map 4, it would almost appear as if LEP persons are concentrated in the Fountain Valley area, but this is simply because this is the area of the Urban County with the highest population concentration and urbanization. This trend also holds true for persons of non-United States national origin. In short, when the population of El Paso County is examined by protected class groups, there are no statistically significant disparities in access to opportunity.

Yet when the Urban County is broken down by different areas, location-specific trends begin to emerge. This is particularly true in the Fountain Valley area. While the area enjoys a relatively low housing burden and the greatest racial/ethnic diversity in the Urban County, it also has its fair share of barriers in access to opportunity. Specifically, the area suffers from a low job proximity index, low labor market index, low public transportation access, and certain areas have a low poverty index trending below 40. The moderate access to environmentally healthy neighborhoods is also threatened by the recent discovery of PFCs in the groundwater. These issues do not single out one specific protected group, but rather affect every resident of Fountain Valley.

The eastern half of El Paso County is primarily comprised of rural prairie with small towns. The rural aspect of this area is only made more clear by the fact that there is only one section 8 housing location in the entire eastern area, as well as less than 2.88% of households making use of housing vouchers. However, the housing burden in this area is significant (over 31%) and the school proficiency index is very low (below 30). Coupled with low job proximity, low labor market, and essentially no public transportation to speak of, there are clear limitations what opportunities are accessible in this location. For residents seeking a rural lifestyle, these factors may seem insignificant.

In terms of familial status, the area with the greatest barriers preventing access to opportunity is Fort Carson. Although over 80% of households on base have children and the job proximity index is high, the base has a very low school proficiency index, high housing burden, low labor market index, and low environmental health.

## **2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disparities in access to opportunity in the jurisdiction and region affecting groups with other protected characteristics.

The Regional Housing Assessment, points out that the El Paso County region as a whole suffers from low homeownership rates among Blacks, Asians, and Hispanics. The Assessment suggests

this may partially be explained by Asians and Hispanics are culturally more likely to reside in multigenerational homes. This is further compounded by the fact that since 2000, rental units that cost less than \$500 have decreased in El Paso County while units that cost more \$1000 have more than doubled. The Assessment postulates that this is due in part to the increase of high end construction in downtown Colorado Springs, but still asserts at the end of the assessment that providing more multi-generational and affordable housing is a must.

Regional issues were also highlighted in the IC Study, the assessment highlights the number of disabled persons who have difficulty finding safe and affordable housing. ADA compliant affordable housing is high demand, with little supply. This issue is further complicated by reports of landlords not complying with requests to allow service or emotional support animals, per the IC study.

- b. The program participant may also describe other information relevant to its assessment of disparities in access to opportunity, including any activities aimed at improving access to opportunities for areas that may lack such access, or in promoting access to opportunity (e.g., proficient schools, employment opportunities, and transportation).

El Paso County's upcoming goal of improving access to public transportation through infrastructure improvements has a threefold benefit. First, it will improve opportunities for families to send their children to choice schools. Second, it will improve employment opportunities by increasing ease of access to public transportation. And third, disabled persons who were previously unable to access bus stops will now have access. These efforts will be especially focused in the Fountain Valley region, which at present has particularly deficient public transportation. Overall, greater access to public transportation equals greater access to opportunities.

### **3. Contributing Factors of Disparities in Access to Opportunity**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disparities in access to opportunity.*

- Access to financial services
- The availability, type, frequency, and reliability of public transportation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending Discrimination
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination

- Other

The factors that most significantly contribute to and perpetuate the severity in access to opportunity in the jurisdiction and region are as follows: the availability and frequency of public transportation, lack of regional cooperation, and the location of environmental health hazards. The public survey indicated that the majority of the Urban County residents feel that there is not reliable, affordable transportation between homes and opportunities, and this sentiment is also backed by the data in Map 15. The region's lack of cooperation, specifically in terms of public transportation, is especially prevalent in areas where the city's boundaries end and small pockets of unincorporated El Paso County are left with no formal municipal government to support them. This issue, particularly in relation to access to government services and affordable housing, is detailed within the Regional Housing Assessment, which asserts that greater cooperation between local governments is critical, especially when looking at regional transportation planning.

The last fact, environmental health hazards, does not significantly impact access to opportunity right now, but it has the potential to become a major issue in the future for Fountain Valley. As previously discussed, the CDPHE has discovered PFCs in the wells and groundwater that supplies the Fountain Valley area with its drinking water. While there is no data yet as to this problem causing direct harm on the population, the prospect of it has already upset many residents in the area. Should this environmental issue become worse, there is little doubt that this will have far reaching effects and significantly impact citizen's access to environmentally healthy neighborhoods, as well as other opportunities.

Regional factors that create disparities in access to opportunity are not terribly dissimilar from the factors affecting the Urban County. While it is true that Mountain Metro has the best public transportation available within the region, its failure to meet a variety of work schedules and keep up with the urban sprawl of the city constrains its usefulness. Furthermore, the city has made unsuccessful attempts to coordinate a truly effective transit system with the city of Fountain and non-profits that provide transportation services, such as Silver Key. Improved regional coordination could certainly improve the issues faced by residents of the City of Colorado Springs in terms of access to opportunity.

Environmental health issues do not affect the city of Colorado Springs as significantly as certain areas of the Urban County, although it is a well-known fact that inner areas of the city unsurprisingly have lower air quality than areas on the outer edge. However, this can be mostly attributed to the emissions of vehicles and any ozone that may be created from industrial sites.

#### **iv. Disproportionate Housing Needs**

##### **1. Analysis**

- a. Which groups (by race/ethnicity and family status) experience higher rates of housing cost burden, overcrowding, or substandard housing when compared to other groups? Which

groups also experience higher rates of severe housing burdens when compared to other groups?

Overall, Native American households experience the greatest percentage of the four housing problems measured by HUD, as demonstrated on Table 9. To be more specific, out of the 349 Native American households in the Urban County, 215 of those households experienced at least one of the following: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. This difference is also statistically significant, as the percentage of Native American households with burdens is more than 14% higher than the second highest ethnicity with housing problems (Asian or Pacific Islander), and nearly 30% higher than White households with housing burdens. However, it is important to remember that this data is based on a sample size of less than 400 households, meaning that the issue should be more thoroughly examined before a definitive conclusion is drawn.

However, when severe housing cost burden or any of the four severe housing problems are taken into account on Tables 9 and 10, Asian or Pacific Islanders are actually the most disproportionately affected race/ethnicity. This statistic is unexpected because in most areas measured by the AFFH tool, Asian or Pacific Islanders measure fairly close to White Non-Hispanics in access to opportunities, including access to proficient schools and low poverty exposure.

- b. Which areas in the jurisdiction and region experience the greatest housing burdens? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?

As seen on Map 7, the area within the Urban County with the highest housing burden is Fort Carson. More than 39% of households on Fort Carson experience housing burden, and there is even a section where the housing burden is in excess of 49%. This data is derived from ACS data, which tends to be less reliable for rural or transient populations such as military installations. The most integrated area of the Urban County, Security-Widefield, has housing burden that trends below 39%.

Regionally speaking, Colorado Springs has a number of locations within its city limits that have housing burden in excess of 39%. This is particularly true for the south/southeastern area of the city, as well as the Hispanic R/ECAP located within city limits, which has a housing burden above 49%. This trend also coincides with the city's southeastern section having higher concentrations of Black and Hispanic persons. Furthermore, this area of housing burden is also where a higher number of persons of Mexican national origin reside.

- c. Compare the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing.

In reference to Tables 9 and 11, the majority of households in the Urban County are families with fewer than five people. Despite this, in the analysis of publicly supported housing, the

majority of households with children still chose to occupy Project-Based Section 8 or utilize housing choice vouchers. Furthermore, the majority of households in these two categories of housing are families with children. 0 to 1-bedroom housing appears to be the least popular type of housing, although it is important to note that this data is somewhat misleading, as there is only one public housing option in the Urban County, and it is a senior community. For this reason, it appears as if 0 to 1-bedroom public housing is disliked by families with children, when the truth of the matter is that there is a very limited amount of public housing available in the Urban County, and all of it is designed for seniors.

- d. Describe the differences in rates of renter and owner occupied housing by race/ethnicity in the jurisdiction and region.

Utilizing 2010 Census data, a number of trends emerge in regards to race/ethnicity in the jurisdiction and region of El Paso County. Perhaps most notable is the difference between Asian and Pacific Islanders that arises when the racial/ethnic groups are broken apart, rather than clumped together as they are in the HUD Affirmatively Furthering Fair Housing Tool Maps. While Asians have an owner-occupied rate within 5% of Whites, the Pacific Islander owner-occupied rate is more than 10% lower, and most closely aligned with the owner-occupied rates of Native Americans. Furthermore, the Regional Housing Assessment, demonstrates that the majority of multi-family housing is located within the city limits of Colorado Springs, while the majority of owner occupied housing units reside in the Urban County and along the fringes of Colorado Springs city limits. The renter-occupied map also reconfirms the fact that the largest concentration of renter-occupied housing in the Urban County is on Fort Carson. Within the City of Colorado Springs, the sections of higher renter-occupied housing also coincide with the concentrations of Hispanic and Black populations.

## **2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and region affecting groups with other protected characteristics.

The Regional Housing Assessment discusses the fact that within the El Paso County jurisdiction and region, three bedroom units are the most common. This is in direct contrast with the trend of less than 3 people per household, along with the increased need for affordable housing. Furthermore, a map showing the median number of rooms per housing unit reveals that the majority of housing units with more than six rooms are located to the north and west, while units with less than six rooms are located centrally and to the southeast. Lastly, the majority of cost burdened and severely cost burdened units are renter-occupied, which suggests that protected groups with cost burden are more likely to be renting than owning.

- b. The program participant may also describe other information relevant to its assessment of disproportionate housing needs. For PHAs, such information may include a PHA's overriding housing needs analysis.

In the process of developing a response to the Assessment of Fair Housing (AFH), a survey was prepared for residents within the Urban County. The majority of respondents indicated that that they feel there are safe, affordable housing choices throughout El Paso County. However,

because the majority of respondents lived in owner-occupied housing, this notion may not be shared among the larger El Paso County. Therefore, it is important to look at other forms of data to further understand disproportionate housing needs in the community.

Data from local housing authorities, specifically the Colorado Springs Housing Authority (CSHA) and Fountain Housing Authority (FHA), indicate that both have housing choice voucher waitlists that are longer than the actual number of vouchers available. This is particularly troublesome in the case of the CSHA, which has had their wait list closed for a number of years, yet still has more than 3,000 households on their waitlist. It should be noted that CSHA administers its programs on a regional basis, serving all areas of El Paso County, except for those served by FHA.

### **3. Contributing Factors of Disproportionate Housing Needs**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disproportionate housing needs.*

- The availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Lending Discrimination
- Other

Perhaps the greatest contributing factor to disproportionate housing needs regionally and by jurisdiction, is the great need for more affordable housing units. Specifically, more housing units in a greater range of sizes that are also ADA compliant. As previously discussed, there are a disproportionate number of units available that are three or more bedrooms. However, these units are also usually more expensive than smaller options, and the lack of options can be a barrier for those who live alone, such as the elderly. The exorbitantly long waitlists reported by both housing authorities is also a clear indicator of the shortage. In a similar fashion, the Independence Center reports that there is a waitlist of 250 for their 31 vouchers, which are primarily focused on providing accessible units for persons with disabilities. While their waitlist is not as long, the lack of available accessible housing is also reported by the IC Study.

Also worth noting are the efforts by non-profits REACH Pikes Peak and Brothers Development to rehabilitate housing and provide emergency assistance. Both programs operate regionally and receive CDBG funding from El Paso County. Both programs consistently utilize all funding granted and have waitlists for their services. While these investments in the region provide another layer of services to those in need of affordable housing, it does not change the fact the overall lack of available units.

Another public investment that aims to help low and moderate income households get into affordable homes is the El Paso County Housing Authority Turnkey Mortgage program. This program in conjunction with El Paso County Housing Authority's Mortgage Credit Certificate Program, helps homebuyers acquire homes by providing down payment assistance and additional tax breaks. These programs encourage redevelopment in crucial areas, specifically the targeted areas designated by HUD as underserved in mortgage loan origination.

## **C. Publicly Supported Housing Analysis**

### **1. Analysis**

#### **a. Publicly Supported Housing Demographics**

- i. Are certain racial/ethnic groups more likely to be residing in one category of publicly supported housing than other categories (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and Housing Choice Voucher (HCV))?

Of the 75,136 housing units in qualifying Urban County, a total of 713 units are publicly supported housing units. The vast majority of publicly supported housing units are HCV units (518), as well as 40 units of public housing and 155 units of project-based Section 8 units. The Urban County public housing makes up less than 1% of the jurisdiction's housing stock. When looking into the different categories of publicly supported housing, there are trends which show that certain racial/ethnic groups are more likely to be residing in certain categories. HUD Table 6 shows that those of Caucasian descent are the highest percentage users in all publicly supported housing categories. However, the data indicates that certain racial/ethnic groups are more likely to be residing in one category of publicly supported housing than other categories. When looking strictly at race and ethnicity it appears that Whites are more likely to reside in public housing; Blacks are more likely to reside in the HCV program and Hispanics are more likely to reside in project-based Section 8 units.

- ii. Compare the demographics, in terms of protected class, of residents of each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant category of publicly supported housing. Include in the comparison, a description of whether there is a higher or lower proportion of groups based on protected class.

Of the 202,645 residents that reside in the qualifying Urban County, 159,220 (75.17%) are White, 11,122 (5.25%) are Black, 26,898 (12.70%) are Hispanic and 5,405 (2.55%) are Asian or Pacific Islander. When looking at public housing, the percentages stay close to the overall population demographics with those who access public housing being 80% White, 7.5% Black, 10% Hispanic and 0% Asian or Pacific Islander. However, when looking at the other categories of publicly supported housing, the percentages are disproportionate to the overall Urban County demographics. Those utilizing project-based Section 8 units are 54% white, 20.67% Black, 24.67% Hispanic and .67% Asian or Pacific Islander. Per the statistics above, Blacks and Hispanics accessing project-based section 8 units are at a higher percentage than the overall demographic statistic. It is also important to note that Hispanics reside in this category at a

higher percentage than any other publicly supported housing category. Those utilizing the HCV program are 55.79% White, 25.30% Black, 16.55% Hispanic and 1.89% Asian or Pacific Islander. Per the statistics above, Blacks and Hispanics accessing project-based section 8 units are at a higher percentage than the overall demographic statistic. It is also important to note that Blacks reside in this category at a higher percentage than any other publicly supported housing category. Furthermore, the majority of publicly supported housing exists within the city limits of Colorado Springs. While this is within the region, it is not within Urban County jurisdiction. This is likely due to the rural nature of much of the qualifying Urban County. Within the jurisdiction there seems to be a slightly higher percentage (2.89%- 6.88%) of HCV utilization and other publicly supported housing in the Fountain Valley area. This area is the most urbanized within the Urban County and tends to have a housing stock that is more affordable.

**b. Publicly Supported Housing Location and Occupancy**

- i. Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs.

There are no R/ECAPs within the Urban County jurisdiction. It is also important to note that the majority of publicly supported housing resides within the city limits of Colorado Springs. While this is within the region, it is not within the jurisdiction. This is likely due to the rural nature of much of the qualifying Urban County. Within the jurisdiction there seems to be a slightly higher percentage (2.89%- 6.88%) of HCV utilization and other publicly supported housing in the Fountain Valley area. This area is the most urbanized within the Urban County and tends to have a housing stock that is more affordable.

- ii. Describe patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs?

It is also important to note that the majority of publicly supported housing resides within the city limits of Colorado Springs. While this is within the region, it is not within the jurisdiction. This is likely due to the rural nature of much of the qualifying Urban County. Within the jurisdiction there seems to be a slightly higher percentage (2.89%- 6.88%) of HCV utilization and other publicly supported housing in the Fountain Valley area. This area is the most urbanized within the Urban County and tends to have a housing stock that is more affordable.

- iii. How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPs?

It is also important to note that the majority of publicly supported housing resides within the city limits of Colorado Springs. While this is within the region, it is not within the jurisdiction. This is likely due to the rural nature of much of the qualifying Urban County. Within the jurisdiction there seems to be a slightly higher percentage (2.89%- 6.88%) of HCV utilization and other publicly supported housing in the Fountain Valley area. This area is the most



urbanized within the Urban County and tends to have a housing stock that is more affordable.

- iv. (A) Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class, than other developments of the same category? Describe how these developments differ.

Though the local data is limited, it appears that the majority of publicly supported housing has similar demographic composition.

- (B) Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing.

Use of the Regional Housing Assessment, in conjunction with Map 6, reveals that voucher units are used heavily in the central/southeast area of Colorado Springs. This trend is in line with the concentrations of persons of Black and Hispanic race/ethnicity in the city of Colorado Springs. In terms of the Urban County, most vouchers are used in the Fountain Valley area, however this is closely in line with the urbanization trends in the Urban County, as well as poverty exposure.

- v. Compare the demographics of occupants of developments, for each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. Describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.

The HCV program is administered through a scattered site approach, ensuring no concentrations of poverty. The public housing and project-based Section 8 developments' demographics mirror those of the overall populations they are located within. For example, in Table 8 it can be noted that the Silvercrest Villas a project based Section-8 senior community has a White population of 93%. This development is located in the rural eastern town of Calhan. Calhan has a total population of 780 residents, of which 732, or 93.8%, are White. However, the other public housing and project-based Section 8 developments are located within the city of Fountain and a small pocket of unincorporated El Paso County just north of Fountain. Fountain demographics according to census data show an overall population of about 71% White, while the White populations of the developments range from 47%-80% White. Furthermore, the households with children in the Fountain area make up about 65% of the population while the developments show 82%-86% of their developments are households with children.

The overall population of El Paso County, Colorado, is roughly 11% disabled. In Table 15, it is depicted that a larger percentage of disabled persons' access publicly supported housing. It is important to note that 37.5% of people living in public housing are disabled and 17.2% of those accessing the HCV program in our jurisdiction are disabled. Project-Based Section 8 vouchers in the jurisdiction report only 9% of their population are disabled. In summary,

public housing and the HCV program experience higher rates of utilization by residents with disabilities in relation to their county-wide distribution.

**c. Disparities in Access to Opportunity**

- i. Describe any disparities in access to opportunity for residents of publicly supported housing, including within different program categories (public housing, project-based Section 8, Other HUD Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.

As previously discussed, the majority of publicly supported housing resides within the region in the city limits of Colorado Springs, which is not within the jurisdiction. However, there are a few publicly supported developments within the Fountain Valley area and one senior development in the Town of Calhan, while the majority of services and public transportation resides within the city of Colorado Springs. The disparities to El Paso County eligible publicly supported housing residents results in their housing being located in outlying areas that have less access to services, transportation and job corridors. Reducing the disparity could be achieved through increasing transportation options and access to services, job corridors and school choice. Additionally, when planning future publicly supported housing developments, access to opportunity should be considered during the site selection process.

**2. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about publicly supported housing in the jurisdiction and region, particularly information about groups with other protected characteristics and about housing not captured in the HUD-provided data.

As previously discussed, those with disabilities trying to access publicly supported housing incur a more lengthy process which limits their access to opportunity. While there are significant waitlist for any member of the community access public supported housing, accessible units for those with disabilities are very limited. The limited availability can double or triple the waitlist timeframe. As noted by the Independence Center staff, the wait timeframe can be as long as eight years.

- b. The program participant may also describe other information relevant to its assessment of publicly supported housing. Information may include relevant programs, actions, or activities, such as tenant self-sufficiency, place-based investments, or mobility programs.

While much of the previous data discussed access to publicly supported rental housing, the El Paso County Housing Authority supports a program that assists residents with down payment assistance for homebuying. This component is also imperative when looking at fair housing issues in the region. This program also allows residents to access the option of homeownership, while also ensuring that housing choice is opened up to them regionally. The program may be utilized throughout El Paso County, including within the city limits of Colorado Springs, so residents have access to areas of opportunity regionally.

Additionally, when analyzing demographic utilization data of the program, it was apparent that those protected by class (race and ethnicity) were able to access the program. For example, of the 1,987 homeowners 12.93% were Hispanic, which closely mirrors the overall Hispanic population of 12.70% in El Paso County. These comparable demographics comparisons continued throughout of the program analysis reports.

The El Paso County Housing Authority Turnkey Mortgage Origination Program provides a competitive 30-year fixed-rate mortgage with a down payment assistance (DPA) grant equal to 4% of the mortgage amount to qualifying low and moderate income homebuyer families throughout El Paso County, including the City of Colorado Springs. The current available loans types are government loans (FHA, VA & USDA) and Freddie Mac eligible conventional loans. All loan types come with the non-repayable 4% DPA grant.

### **3. Contributing Factors-of Publicly Supported Housing Location and Occupancy**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing issues related to publicly supported housing, including Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor that is significant, note which fair housing issue(s) the selected contributing factor relates to.*

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Land use and zoning laws
- Community opposition
- Impediments to mobility
- Lack of private investment in specific neighborhoods
- Lack of public investment in specific neighborhoods, including services and amenities
- Lack of regional cooperation
- Occupancy codes and restrictions
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
- Source of income discrimination
- Other

There are several contributing factors of publicly supported housing location and occupancy. First, it is important to note that there is a significant need for additional publicly supported housing. This can be attributed to not only HUD and census data, but the thousands of current residents on waitlists to access publicly supported housing. When future publicly supported housing is being planned it is important that access to opportunities is considered during the site selection process. This means that factors such as access to adequate infrastructure, transportation, job corridors, public services and proficient schools should all be considered. Furthermore, activities should be undertaken to ensure that current publicly supported housing developments also have access to opportunities. This can be accomplished by improving

infrastructure and access to transportation, job corridors, public services and proficient schools. While much of this can be improved through providing access to improved infrastructure and transportation to areas with job corridors, public services and proficient schools, it is important to take a two pronged approach and also undertake activities that improve and bring these opportunities to the areas in which the publicly supported housing is already located. Some of the most successful past CDBG funded projects have been mobile services that essentially are taken to the neighborhoods of those in need. For example, the El Paso County CDBG Program has funded activities that bring health, food and job training mobile services right to outlying areas including Fountain Valley and rural eastern El Paso County—where current publicly supported housing is located.

Regionally, the city of Colorado Springs has much more publicly supported housing in comparison to the Urban County. However, as discussed in the Regional Housing Assessment, there is still a definitive shortage of affordable and publicly supported housing within the city as well. A particularly troublesome issue for the city of Colorado Springs is the majority of its publicly supported housing is located in the south/southeast area of the city, aligning closely with areas of high housing burden, and concentrations of persons of Black or Hispanic race/ethnicity, as well as higher concentration of persons of Mexican national origin. It is also worth noting that none of the publicly supported housing in Colorado Springs is located in the Hispanic R/ECAP.

#### **D. Disability and Access Analysis**

##### **1. Population Profile**

- a. How are persons with disabilities geographically dispersed or concentrated in the jurisdiction and region, including R/ECAPs and other segregated areas identified in previous sections?

Geographically, persons with disabilities are not concentrated disproportionately in any area. The areas that persons with disabilities are located is consistent with urbanization trends displayed in earlier maps. However, it is worthwhile to note that when using Map 16, it becomes apparent that persons with ambulatory disabilities appear to be concentrated more heavily near areas with major roadways. Specifically, this trend holds true for the northern area of the Urban County near Monument and Black Forest, south of Colorado Springs along I-25, as well as east and west of Colorado Springs along Highway 24. While this may be influenced in part by urbanization patterns, it is also potentially connected to persons with ambulatory disabilities needing greater ease of access to services.

Regionally speaking, there are no differences in concentration of different types of disabilities between the city of Colorado Springs and the Urban County. This is also true for the R/ECAP within Colorado Springs, which also appears to be homogenous with the rest of the city. This statement is also backed by Table 13, which shows that there is no statically significant difference in distribution of disability types between the jurisdiction and region.

- b. Describe whether these geographic patterns vary for persons with each type of disability or for persons with disabilities in different age ranges.

In reference to Table 14, there are no statistically significant differences between the Urban County and Colorado Springs in reference to the distribution of disabled persons by age. Both distributions are consistent with each other within less than one percent.

As previously discussed, there is only one geographic pattern of note in Map 16. This in reference to persons with ambulatory disabilities and how they appear to be located more closely along major roadways and corridors, although this may be influenced in part by urbanization in those sections. When disabilities are distributed by age group in Map 17, the distribution of persons appears to be fairly homogenous and consistent with urbanization concentrations displayed in earlier maps. However, one area of note is in the area of Fountain Valley, where it appears that there is a greater concentration of disabled persons over 64. However, given the fact that this is also the largest age group with disabilities on Table 14, it is also possible that this larger concentration is consistent with the difference in numbers between this age grouping and others.

## **2. Housing Accessibility**

- a. Describe whether the jurisdiction and region have sufficient affordable, accessible housing in a range of unit sizes.

The Regional Housing Assessment, makes it apparent that one of the major issues facing the El Paso County jurisdiction and region is a lack of affordable housing in a range of sizes. There is a surplus of 3+ bedroom housing, which for the elderly and younger adults, is most likely more house than they want (or can afford). This is further exacerbated by the fact that the average wait time for a Colorado Springs or Fountain Housing Authority housing voucher is approximately three years.

Furthermore, the majority of affordable housing is not accessible for disabled persons (this is most likely because the majority of affordable housing was built pre-1991). The IC Study makes it abundantly clear that there is a clear for affordable housing with access to transportation and physically accessible walkways.

- b. Describe the areas where affordable accessible housing units are located. Do they align with R/ECAPs or other areas that are segregated?

As previously discussed, there are no R/ECAPs or segregation within the Urban County. Because of this, there are no R/ECAPs that align with areas that are segregated. The majority of affordable housing within the Urban County is in Fountain Valley, which is racially/ethnically diverse but not segregated.

- c. To what extent are persons with different disabilities able to access and live in the different categories of publicly supported housing?

In reference to Table 15, over one third of all persons within public housing have a disability, which would suggest that public housing is very much accessible for disabled persons. In contrast, only about 9% of persons living in project-based section 8 housing have a disability, and 17% of persons in the HCV program have a disability. However, it is important to note that these numbers do not take into account the number of disabled persons on the wait lists for affordable housing vouchers, who have to usually wait longer for an accessible unit to become available.

According to the IC Study, there are a number of barriers that complicate the process of persons with disabilities having access to publicly supported housing. Most notable of these is a lack of safe and accessible housing in the jurisdiction. The assessment revealed that not all landlords honor requests to allow service dogs or reasonable accommodations for disabilities. Not all disabled persons were provided access to amenities that enabled them to live safely, such a lack of a roll-in shower, adequate accessible parking, or walkways with ramps and handlebars. While most of the issues affect persons with ambulatory disabilities, accessible shortcomings for persons with visual or hearing impairments are also elaborated within the assessment.

### **3. Integration of Persons with Disabilities Living in Institutions and Other Segregated Settings**

- a. To what extent do persons with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?

As previously stated, there is no statistically significant data to suggest that there are segregated areas in the Urban County. However, Fountain Valley is an integrated and diverse area, which also coincides where the majority of housing choice vouchers are used, as shown in Map 6.

Regionally, Map 17 shows that there is no evidence of persons with disabilities experiencing segregation within Colorado Springs. If anything, there is strong integration within the urbanized community, and higher populated areas coincide with higher concentrations of disabled persons.

- b. Describe the range of options for persons with disabilities to access affordable housing and supportive services.

While it is true that most affordable housing for disabled persons is in short supply in the Urban County, there are a number of services available to help connect them to their needs. The Independence Center, for example, works as a one stop shop that provides a number of services, most notably housing vouchers specifically for disabled persons to get into accessible affordable housing. While the waitlist for their vouchers is in excess of 200 people, the Independence Center also helps to connect disabled persons to jobs and support groups. Other organizations, such as Brothers Redevelopment, help to rehabilitate housing and make it more accessible utilizing CDBG funds. Additional agencies, such as the city of Fountain, utilize CDBG funds to make sidewalks and other infrastructure more accessible for improve their transportation options. To improve already existing housing, Emergency Home Repair helps to make home modifications and build wheelchair ramps.

In terms of supportive services, a number of local organizations, such as the Colorado Crisis Services, TESSA, and Mental Health America of Colorado, help to provide guidance and connect disabled persons to services such as therapy, group programs, or emergency support. Depending on the income level of the disabled person, some of these services are provided free or at low cost.

#### **4. Disparities in Access to Opportunity**

- a. To what extent are persons with disabilities able to access the following? Identify major barriers faced concerning:

##### **i. Government services and facilities**

While El Paso County government buildings provide accommodation for disabled persons, the movement of the El Paso County services to the Citizens Service Center (CSC) in the northwest part of town created an additional barrier for disabled persons to visit, particularly those that live in Fountain Valley. Disabled persons who must take the bus to visit the CSC must transfer bus lines potentially up to three times in order to reach the building, which makes the ride an unnecessarily expensive and lengthy ride. Improvements in transportation or the creation of additional satellite locations to the CSC.

It is also important to note that the Rocky Mountain ADA Center, located within Colorado Springs, provides information about the ADA to empower disabled persons and connect them with local resources. While they themselves do not provide advocacy or legal services, they are able act a central hub of information to connect disabled persons to groups that fit their needs.

##### **ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)**

As discussed in the Affordable Housing Assessment, based on the 2012 American Community Survey, there is a need to update aging infrastructure in order to make it ADA compliant. This includes the improvements of sidewalks, or adding sidewalks where there are none. For persons with disabilities lacking a sidewalk, particularly in inclement weather, can be a major barrier and even dangerous. Improving accessibility to transportation through improving infrastructure is a future goal of the El Paso County Economic Development Division, through the use of CDBG funds.

##### **iii. Transportation**

As has been discussed multiple times throughout this document, the public transportation within the El Paso County region is severely lacking. Major issues include a lack of bus services on weekends, as well as little variety in times of service offered. Additionally, an increase in bus routes between Fountain Valley and Colorado Springs is necessary to make commuting to work easier for those in the Fountain Valley area.

##### **iv. Proficient schools and educational programs**

Educational and job training opportunities for in-demand occupations are offered by the Pikes Peak Workforce Center, which also has a number of other disabled-focused services. Unfortunately, proficient school districts in the region do not necessarily offer comparable services for disabled students. While disabled students are eligible for the Section 504 program, in order to enroll in the program, students in District 12 must first go through a Child Find program in order to establish eligibility. Furthermore, District 12 does not offer a bus transportation service, so parents must be able to drive their children to or from work, unless said transportation is covered by their Section 504 plan. For District 20, transportation is offered, but at a price. The fee is only waived if the child is determined to need transportation as part of their individualized education plan, or if there is significant financial hardship.

#### **v. Jobs**

A major barrier for disabled persons accessing jobs is a lack of public transportation, which has been previously discussed. Additional barriers between disabled persons and jobs previously included a lack of a workforce center outside of the City of Colorado Springs limits, but that has recently changed. The Pikes Peak Workforce Center now has a satellite location in Fountain, as well as southeastern Colorado Springs by the Security-Widefield area. The Pikes Peak Workforce Center offers computers with disability hardware (such as JAWS or Open Book) as well as TTY devices.

- b. Describe the processes that exist in the jurisdiction and region for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.

For reasonable accommodations at proficient schools in the jurisdiction and region, the individuals must contact the school district directly and advocate on behalf of their child's needs. This approach is also similar for employers and educational programs. Advocacy organizations, such as the Independence Center, can assist as needed, but cannot act entirely on behalf of the individual. For disabled persons who have issues with a city or county program, they can contact the ADA/504 Coordinator of each respective government and file a complaint with them. If a disabled person feels they have not been given reasonable accommodation by the ADA/504 Coordinator or any organization, they are also able to file a complaint through the Colorado Department of Regulatory Agencies (DORA), specifically in the Civil Rights Division. Alternately, they can also file their complaint through HUD's Fair Housing and Equal Opportunity (FHEO) department.

- c. Describe any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities.

Perhaps the greatest difficulty facing disabled persons who wish to become homeowners is simply finding a home that accommodates their disabilities. Homes are not required to be ADA complaint, and as such, potential homeowners will find themselves with few to potentially no options for homes that already comply with their needs. Assuming they have the appropriate level of financing available, some homebuyers may turn to new construction in hopes of getting the house built to comply with their disability. While this approach is certainly viable, this idea may be cost prohibitive for some potential homebuyers. Additionally, it would be plausible for



some to retrofit the home to their needs, but this option will also not be financially feasible for all persons. This is where local agencies, such as Brothers Redevelopment and their Help for Homes initiative, come into use as they expend their CDBG funding to help disabled residents retrofit homes. These opportunities are not limited by a person's type of disability; any person that falls within their income requirements is eligible. Examples of repair work done include roll-in showers, hearing impaired smoke detectors, and wheelchair ramp installation. The Independence Center also offers home modifications, but generally utilizes Medicaid to fund the retrofitting.

## **5. Disproportionate Housing Needs**

- a. Describe any disproportionate housing needs experienced by persons with disabilities and by persons with certain types of disabilities.

While the concentration of disabled persons in the eastern half of the Urban County is not significant, there are enough to suggest that disabled persons in the area potentially experience a housing burden in excess of 30%, as shown in Map 7. When broken down by disability type, it does appear that there are more persons with cognitive disabilities in the area than any other single disability type, which is in line with the statistical breakdown in Table 13. A similar trend is also apparent in the areas of Monument and Black Forest. This may have less to do with where persons of cognitive disabilities want to live and more to do with their support systems live. As stated in the IC Study, persons with cognitive disabilities are often overlooked or their needs ignored because their disability is 'invisible.' The lack of understanding in their disability creates societal barriers as well, as opposed to just physical ones. The problem is further compounded if they have multiple types of disabilities, which makes them especially vulnerable to abuse or neglect at the hands of landlords or financial agencies.

As previously discussed, data from Map 16 suggests that person with ambulatory disabilities live closer to main roadways to make services and amenities more accessible for them. This would also imply that persons with ambulatory disabilities are disproportionately affected by the location of housing, and may have to live in housing that does not conform to their necessary accommodations simply to be closer to the services they need.

## **6. Additional Information**

- a. Beyond the HUD-provided data, provide additional relevant information, if any, about disability and access issues in the jurisdiction and region affecting groups with other protected characteristics.

As discussed in the Regional Housing Assessment, the need for affordable housing in both the jurisdiction and region is expected to grow. If the supply fails to meet the demand, persons with disabilities suffer disproportionately, as they must wait significantly longer for the opportunity to move into affordable, accessible housing. The IC Study discusses the fact that there are already disabled persons in the community who choose to live in housing units that do not meet their needs and potentially endangers their safety simply for the sake of living in housing that is within their means.

Disabled persons' access to homeownership can be further limited if they are a Non-White race/ethnicity, particularly Black or Hispanic. The Regional Housing Assessment states that persons of Black or Hispanic race/ethnicity have a disproportionately low percentage of homeownership, and when compounded with the additional barriers experienced by disabled persons, purchasing a home as a Non-White disabled person can become prohibitively difficult. Likewise, if someone is disabled and has Low English Proficiency, getting access to the resources they need can be especially challenging.

- b. The program participant may also describe other information relevant to its assessment of disability and access issues.

The IC Study reviews the fact that disabled persons, especially persons with cognitive disabilities, are at a higher risk of becoming homeless. This is especially true for persons with traumatic brain injuries (TBI) or other trauma-based issues, as they may not have the mental faculties to fully understand their situation, and therefore become unable to help themselves out of it. Another issue made clear by both the IC Study and the complaint list from the Colorado Department of Regulatory Agencies (DORA) Civil Rights Division, is that landlords may be discriminating against tenants based on disability. Since May of 2010, 75 complaints have been filed with DORA, and 47% of them were related to discrimination due to a disability. In a similar fashion, 71% of all complaints filed with HUD's FHEO division since January of 2011 were related to discrimination due to a disability. The trend is clear: Disabled persons not only feel as though they are discriminated against, but so much so that they are the majority of complaints filed with DORA and FHEO.

## **7. Disability and Access Issues Contributing Factors**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of disability and access issues and the fair housing issues, which are Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each contributing factor, note which fair housing issue(s) the selected contributing factor relates to.*

- Access to proficient schools for persons with disabilities
- Access to publicly supported housing for persons with disabilities
- Access to transportation for persons with disabilities
- Inaccessible government facilities or services
- Inaccessible sidewalks, pedestrian crossings, or other infrastructure
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for housing accessibility modifications
- Lack of assistance for transitioning from institutional settings to integrated housing
- Land use and zoning laws
- Lending Discrimination
- Location of accessible housing

- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- State or local laws, policies, or practices that discourage individuals with disabilities from being placed in or living in apartments, family homes, and other integrated settings
- Other

Perhaps the greatest fair housing issue facing the jurisdiction and region is a lack of housing units that are both affordable and accessible. Factors contributing to this include a lack of publicly supported accessible housing and a lack of housing units in a variety of ranges. To put this in perspective, the Independence Center provides vouchers specifically for affordable, accessible housing. There is a waitlist for these vouchers that is in excess of 200 people. When this is taken into account with the fact that there is already a shortage of affordable housing in the jurisdiction and region, there is little doubt that there is not nearly enough supply of affordable, accessible housing to meet existing demand, let alone future demand. The Regional Housing Assessment, also demonstrates that the region has a surplus of 3+ bedroom housing units available, but a lack of 0 and 1-bedroom housing units. These factor not only create difficulties for disabled persons to find affordable, accessible housing, but also increase the severity of the impact that the disability has on the person’s quality of life.

In a similar vein, another fair housing issue is the lack of infrastructure between housing and public transportation, which perpetuates a disabled person’s reliance on outside resources and only contributes to accessibility issues. As pointed out in the Regional Housing Assessment, there is a definitive lack in public transportation, which needs more stops, more routes, and available times, particularly on the weekends. However, in order for disabled persons to even access these routes and stops, additional sidewalks and ADA infrastructure to improve the ease of access for disabled persons is necessary.

**E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

1. List and summarize any of the following that have not been resolved: a charge or letter of finding from HUD concerning a violation of a civil rights-related law, a cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law, a letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing.

El Paso County made significant efforts to obtain fair housing complaints filed within the region against landlords/housing developments and financial institutions within the last five years. Information was obtained from the Department of Regulatory Agencies- Colorado Civil Rights Division and the U.S. Department of Housing and Urban Development- Fair Housing and Equal Opportunity. While regional information was obtained, it was unclear how many complaints were actually within the El Paso County CDBG jurisdiction. Please note below a brief summary of the complaints filed in El Paso County overall.

Colorado Department of Regulatory Agencies (DORA)- Colorado Civil Rights Division (CCRD): There have been 75 complaints filed Since May of 2010. Of the 75 complaints filed: 35 or 47% are related to discrimination due to a disability, 15 or 20% are related to discrimination due to retaliation, 9 or 12% are related to discrimination due to race, 6 or 8% are related to discrimination due to familial status, 4 or 5% are related to discrimination due to sex, 3 or 4% are related to discrimination due to national origin, 2 or 2% are related to discrimination due to color and 1 complaint is related to discrimination due to religion.

Of the 75 complaints filed: 49 or 65% had a finding of no probable cause, 6 or 8% were withdrawn without settlement, 3 or 4% were completed, 1 resulted in a no fault settlement, 1 is classified as other and 15 or 20% of the complaints are still considered active cases.

U.S. Department of Housing and Urban Development (HUD)- Fair Housing and Equal Opportunity (FHEO): There have been 69 complaints filed Since January of 2011. Of the 69 complaints filed: 49 or 71% are related to discrimination due to a disability, 14 or 20% are related to discrimination due to retaliation, 12 or 17% are related to discrimination due to race, 10 or 14% are related to discrimination due to sex, 7 or 10% are related to discrimination due to national origin, 3 or 4% are related to discrimination due to familial status and 1 complaint is related to discrimination due to religion.

Of the 69 complaints filed: 53 or 77% had a finding of no probable cause, 5 or 7% were settled successfully, 4 or 5% had the complainant withdraw the complaint after resolution, and 7 or 10% of the complaints are still considered active cases.

El Paso County Attorney's Office: There are no current lawsuits filed against El Paso County at this time. There is one complaint filed alleging violations of the American Disabilities Act. El Paso County denies the allegations.

Again, it is important to note that from the data received, it is unclear whether these regional complaints are from the El Paso County CDBG program jurisdiction. While the majority of complaints filed resulted in the finding of no probable cause, it is clear that additional education must be done in the area on the housing issues related to those with disabilities. That is the category with the most complaints filed, so residents and landlords must be educated about their rights and responsibilities so that the complaints filed can be reduced or so that residents understand what is protected under the law before filing a complaint that results in a no probable cause finding.

2. Describe any state or local fair housing laws. What characteristics are protected under each law?

The Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968), as amended, prohibits discrimination in housing on the basis of race, color, national origin, religion, gender, familial status, and disability. The Act covers most types of housing including rental housing, home sales, mortgages as well as land use and zoning. HUD has the primary authority for enforcing the Fair Housing Act.

The State of Colorado also has a state law that prohibits housing discrimination (Colorado Revised Statutes, Title 24, Article 34, Part 5 – Housing Practices). The state law offers the same protections as the Fair Housing Act in addition to providing protections based on marital status, creed, and ancestry. Additionally, refusing to make reasonable accommodations for persons with disabilities or to harass or interfere with a person exercising their Fair Housing rights is prohibited by these laws. The Colorado Civil Rights Division has the authority to enforce the law.

Effective May 29, 2008, the Colorado Anti-Discrimination Act was expanded to include sexual orientation, inclusive of transgender status, to the list of protected classes for housing. Colorado now prohibits discrimination against individuals because they are straight, lesbian, gay, bisexual or transgender (LGBT) in housing rentals, home sales, real estate financing, homeowner associations, and other housing situations.

In addition to complying with all applicable federal fair housing laws, rules, and regulations, El Paso County complies with all applicable state laws, rules, and regulations including sections 24-34-401 et seq., 24-34-501 et seq., and 24-34-601 et. seq., of the Colorado Revised Statutes and rules promulgated by the Colorado Civil Rights Commission. Characteristics protected under state law include, but are not necessarily limited to, disability, race, creed, color, sex, sexual orientation, marital status, familial status, religion, national origin, and ancestry.

In summary, it is illegal to discriminate in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on:

- Race
- Color
- National origin
- Religion
- Sex/Gender
- Familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18)
- Disability or Handicap
- Marital Status
- Sexual Orientation
- Creed
- Ancestry

3. Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.

U.S. Department of Housing and Urban Development (HUD)- Fair Housing and Equal Opportunity (FHEO): The mission of the Office of Fair Housing and Equal Opportunity is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development and public understanding of federal fair housing policies and laws.

Colorado Department of Regulatory Agencies (DORA)- Colorado Civil Rights Division (CCRD): The CCRD is charged with enforcing the State’s anti-discrimination laws in the areas of employment, housing and public accommodations. CCRD works to eliminate and prevent discrimination in these areas through investigation, education, mediation and enforcement.

Pikes Peak Justice and Peace Commission: The Pikes Peak Justice and Peace Commission educates, advocates, and cultivates peace, justice and sustainability in the Pikes Peak region.

People’s Access to Homes (PATH): PATH is a newly formed community organizing/advocacy group which came from efforts of the Independence Center to advance the cause of housing for all.

El Paso County Attorney’s Office: While the El Paso County Attorney’s Office does not represent residents in fair housing matters, they do educate staff and enforce fair housing laws for internal program administration purposes.

El Paso County Community Development Block Grant (CDBG) Program: The El Paso County Community Development Block Grant program staff administers and maintains a Fair Housing website on the El Paso County domain. This site not only has a copy of the program’s current Assessment of Fair Housing Tool, but also has a list of local and regional fair housing resources and contacts. Additionally, CDBG staff hosts fair housing educational and outreach opportunities and plans to increase these in the coming program years in response to identified fair housing issues in this tool.

#### **4. Additional Information**

- a. Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region.

According to the Regional Housing Assessment, it was recommended that the region engage in public education and outreach to help residents understand that there are costs associated with an undersupply of affordable housing such as lower achievement scores among school-age children, increased traffic congestion, increased commuting times and distance, increased need for road maintenance, less time for volunteer and other civic activities, etc.

Additionally, it was recommended that affordable housing developers can help change negative perceptions through quality design that is compatible with existing surrounding neighborhoods. Every effort should be made to ensure that all affordable housing is well-designed, integrated into the neighborhood and effectively managed. Residents are sensitive to affordable housing being located in their neighborhoods due to the fear that affordable housing units will decrease property values. In reality, affordable housing developments that are well-designed, smartly-integrated and effectively managed have been shown to enhance property values rather than diminish them. The design and function elements of workforce

housing is a topic that El Paso County staff and developers continue to have. Recent developments have ensured that this important component is well thought out and executed.

- b. The program participant may also include information relevant to programs, actions, or activities to promote fair housing outcomes and capacity.

El Paso County staff has also broadened their efforts to create an environment for collaboration and cooperation which promotes fair housing outcomes and capacity. This has included conducting meetings with local government planners, developers and builders to:

- o Sensitize participants to affordable housing issues and solutions
- o Reach for high quality development that addresses a defined demand
- o Advocate for housing and transportation policies to be planned together
- o Publish public education materials to inform residents of the need for and the impact of affordable housing on the region
- o Participate in a roundtable discussion of best practices.

#### **5. Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors**

*Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the severity of fair housing enforcement, outreach capacity, and resources and the fair housing issues, which are Segregation, RECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each significant contributing factor, note which fair housing issue(s) the selected contributing factor impacts.*

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law
- Other

Again, it is important to note that from the data received, it is unclear whether these regional complaints are from the El Paso County CDBG program jurisdiction. While the majority of complaints filed resulted in the finding of no probable cause, it is clear that additional education must be done in the area on the housing issues related to those with disabilities. That is the category with the most complaints filed, so residents and landlords must be educated about their rights and responsibilities so that the complaints filed can be reduced or so that residents understand what is protected under the law before filing a complaint that results in a no probable cause finding. Additionally, it would be beneficial to set up a local point of contact regarding fair housing laws and enforcement.

#### **VI. Fair Housing Goals and Priorities**

1. For each fair housing issue, prioritize the identified contributing factors. Justify the prioritization of the contributing factors that will be addressed by the goals set below in Question 2. Give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance.

Fair Housing Issue #1: There is a lack of affordable, accessible transportation which limits access to opportunities and housing choice and disproportionately affects persons with disabilities. Prioritized factors that contribute to this issue are:

#1: The availability, type, frequency, and reliability of public transportation: The region is lacking robust public transportation infrastructure. Only two of the eight municipalities within the region have a public transit system. Those systems lack connections and a schedule that allows for residents to have access to opportunities.

#2: Access to transportation for persons with disabilities: There is inadequate public infrastructure which would allow persons with disabilities to safely access public transit, jobs, housing, medical services, schools, and leisure activities.

#3: Inaccessible buildings, sidewalks, pedestrian crossings, or other infrastructure: There is inadequate public infrastructure which would allow persons of all protected classes to safely access public transit, jobs, housing, medical services, schools, and leisure activities.

#4: Lack of regional cooperation: There are inadequate connections between municipally operated public transit systems. While there is an agency- Pikes Peak Area Council of Governments (PPACG) that coordinates a regional transportation improvement program, the entire Urban County jurisdiction does not participate in the program. However, the PPACG efforts provide a solid foundation when looking to increase regional cooperation on transportation issues. Furthermore, El Paso County applauds the PPACG goal to ensure transportation system investment benefits are equitably distributed to minorities, and citizens with disabilities, low incomes and/or other needs. These efforts continue to affirmatively further fair housing within the region.

This issue will be addressed by improving access to transportation services and infrastructure, removing impediments to mobility and increasing access to opportunities. This can be done by increasing additional public transportation options, as well as improving infrastructure throughout a variety of areas within the county which will allow for more multimodal access to additional opportunities.

Fair Housing Issue #2: A county-wide shortage of affordable, accessible housing units which limits access to opportunities and housing choice and disproportionately affects classes protected by fair housing law. Contributing factors are:

#1: Location and type of affordable housing: There are substantial waitlists for all publicly-supported housing. Additionally, El Paso County could benefit from more housing choices throughout the jurisdiction.



#2: The availability of affordable units in a range of sizes: Due to changing demographics, there is increased need for smaller, affordable housing units in a variety of locations.

#3: Impediments to mobility: Inability to move to a neighborhood or area of choice, due to lack of available, accessible, affordable units. A shortage of units and Housing Choice Vouchers limits mobility.

#4: Location of accessible housing: Due to a shortage of accessible housing, choices are limited for persons with disabilities.

#5: Location of employers: Areas of the County have low job proximity due to the overall size and geographic nature of the region.

#6: Location of proficient schools and school assignment policies: Proficient schools are disproportionately concentrated in the north and west regions of the County.

#7: Location of environmental health hazards: Decreased air quality on Fort Carson, combined with potential PFC water quality issues in the Fountain Valley, create less environmentally healthy neighborhoods.

This issue will be addressed with El Paso County assistance in the development of additional publicly- supported affordable housing units in areas of opportunity. This may be done through CDBG funding, Private Activity Bond allocation, El Paso County Housing Authority Housing Trust funds or assistance with obtaining federal and state low-income housing tax credits.

Fair Housing Goal #3: A lack of resources to ensure there are adequate accessible units to meet current and future needs. Prioritized factors that contribute to this issue are:

#1: Lack of assistance for housing accessibility modifications: There are a minimal number of agencies that offer housing accessibility modifications and, when offered, it is usually income restricted.

#2: Lack of affordable, accessible housing in a range of unit sizes: Due to changing demographics, there is increased need for smaller, affordable housing units in a variety of locations.

#3: Impediments to mobility: Inability to move to a neighborhood or area of choice, due to lack of available, accessible, affordable units. A shortage of units and Housing Choice Vouchers limits mobility.

This issue will be addressed by committing additional federal and other funds to the rehabilitation of pre-existing housing inventory to increase affordable, accessible housing choices.

Fair Housing Goal #4: The lack of understanding of federal, state and local fair housing laws has resulted in the presence of housing discrimination in the region. Contributing factors are:

#1: Lack of resources for fair housing agencies and organizations: There is a lack of agencies that produce activities which: test, enforce, coordinate and advocate about fair housing laws.

#2: Quality of affordable housing information programs: Agencies that perform these activities have limited resources to ensure all needs are met.

#3: Lack of local public fair housing enforcement: In a review of fair housing complaints filed with the U.S. Department of Housing and Urban Development-Fair Housing and Equal Opportunity and the Department of Regulatory Agencies-Colorado Civil Rights Division, it was discovered that most complaints filed related to disability discrimination. Furthermore, most complaints resulted in no probable cause findings, which could be due to lack of evidence or education.

#4: Lack of local private fair housing outreach and enforcement: Lack of agencies in the area that provide these services which can result in underreporting.

#5: Private discrimination: In a review of fair housing complaints filed with the U.S. Department of Housing and Urban Development-Fair Housing and Equal Opportunity and the Department of Regulatory Agencies-Colorado Civil Rights Division, it was discovered that private discrimination is occurring within the region.

This issue will be addressed by increasing fair housing education, outreach and enforcement. The El Paso County CDBG program will take on the responsibility of coordinating semi-annual education and outreach opportunities.

2. For each fair housing issue with significant contributing factors identified in Question 1, set one or more goals. Explain how each goal is designed to overcome the identified contributing factor and related fair housing issue(s). For goals designed to overcome more than one fair housing issue, explain how the goal will overcome each issue and the related contributing factors. For each goal, identify metrics and milestones for determining what fair housing results will be achieved, and indicate the timeframe for achievement.

<u>Goal</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant</u>
<p><u>AFH Goal #1:</u> Improve access to transportation services and infrastructure, remove impediments to mobility and increase access to opportunities</p>	<p>#1: The availability, type, frequency, and reliability of public transportation</p> <p>#2: Access to transportation for persons with disabilities</p> <p>#3: Inaccessible buildings, sidewalks, pedestrian crossings, or other infrastructure</p> <p>#4: Lack of regional cooperation</p>	<p>Lack of affordable, accessible transportation which limits access to opportunities and disproportionately affects persons with disabilities</p>	<p>Utilize CDBG allocation to annually fund one activity per year related to transportation accessibility which will serve to strengthen regional collaboration and transportation connections that increase access to opportunity. The final milestone would be having funded five transportation accessibility activities by the end of the 2021 program year.</p>	<p>El Paso County</p>

Discussion:

Contributing factors are prioritized numerically one to four, number one being the most detrimental contributing factor to the fair housing issue.

This goal will mitigate the fair housing issue by reducing barriers for persons with disabilities and increasing access to opportunities for all residents. Disabled and other protected classes will have greater access to housing choices when transportation services and infrastructure are improved.

<u>Goal</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant</u>
<p><u>AFH Goal #2:</u> Assist in the development of additional publicly-supported affordable housing units in areas of opportunity</p>	<p>#1: Location and type of affordable housing</p> <p>#2: The availability of affordable units in a range of sizes</p> <p>#3: Impediments to mobility</p> <p>#4: Location of accessible housing</p> <p>#5: Location of employers</p> <p>#6: Location of proficient schools and school assignment policies</p> <p>#7: Location of environmental health hazards</p>	<p>County-wide shortage of affordable, accessible housing units which limits access to opportunities and disproportionately affects classes protected by fair housing laws</p>	<p>Facilitate activities that assist in the development of additional affordable housing units.</p> <p>The final milestone would be to assist with the development of 100 units by the end of the 2021 program year. Special attention will be made to ensure that these units are in environmentally healthy neighborhoods with greater access to opportunities.</p>	<p>El Paso County</p>
<p>Discussion:</p> <p>Contributing factors are prioritized numerically one to seven, number one being the most detrimental contributing factor to the fair housing issue.</p> <p>This goal will mitigate the fair housing issue by increasing the availability publicly-supported housing which tends to disproportionately serve, according to HUD-released data and local data sets, several of the different protected classes under fair housing law. In addition, focus will be made to ensure the development of new units is within areas that have better access to opportunities.</p>				

<u>Goal</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant</u>
<p><u>AFH Goal #3:</u> Rehabilitation of pre-existing housing inventory to increase affordable, accessible housing choices</p>	<p>#1: Lack of assistance for housing accessibility modifications</p> <p>#2: Lack of affordable, accessible housing in a range of unit sizes</p> <p>#3: Impediments to mobility</p>	<p>Lack of resources to ensure there are enough accessible units to meet current and future needs</p>	<p>Utilize CDBG allocation to annually fund activities that rehabilitate income-eligible, owner occupied housing and publicly- supported housing to increase the number of accessible units. The final milestone would be to rehabilitate 25 units by the end of the 2021 program year.</p>	<p>El Paso County</p>
<p>Discussion:</p> <p>Contributing factors are prioritized numerically one to three, number one being the most detrimental contributing factor to the fair housing issue.</p> <p>This goal will mitigate the fair housing issue by increasing accessible housing stock to improve housing choice for persons with disabilities. This will also help with the future predicted need based on regional demographics.</p>				

<u>Goal</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant</u>
<p><u>AFH Goal #4:</u> Increase fair housing education, outreach and enforcement</p>	<p>#1: Lack of resources for fair housing agencies and organizations</p> <p>#2: Quality of affordable housing information programs</p> <p>#3: Lack of local public fair housing enforcement</p> <p>#4: Lack of local private fair housing outreach and enforcement</p> <p>#5: Private discrimination</p>	<p>The lack of understanding of federal, state and local fair housing laws has resulted in the presence of housing discrimination within the region.</p>	<p>El Paso County CDBG staff will regionally coordinate semi-annual fair housing outreach and educational opportunities.</p> <p>The final milestone would be to coordinate 10 fair housing events by the end of the 2021 program year. Additionally, El Paso County will set the goal of increasing participant attendance by 10% each year.</p>	<p>El Paso County</p>
<p>Discussion:</p> <p>Contributing factors are prioritized numerically one to five, number one being the most detrimental contributing factor to the fair housing issue.</p> <p>This goal will mitigate the fair housing issue by providing education, outreach and enforcement to reduce housing discrimination. Improving education will help all parties understand their rights and responsibilities, including when and how to file complaints.</p>				

**Assessment of Fair Housing (AFH) Instructions**

**Introduction**

Program participants conducting an assessment of fair housing as required under the affirmatively furthering fair housing rule, published at 80 FR 42272, are required to complete and submit an Assessment Tool. For regulatory requirements of the AFFH rule and the AFH, see 24 C.F.R. §§ 5.150-5.180.

This Assessment Tool, including these instructions, will be used by local governments that receive Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), or Housing for Persons with AIDS (HOPWA) formula funding from HUD when conducting and submitting their own Assessment of Fair Housing (AFH). The Assessment Tool will also be used for AFHs conducted by joint and regional collaborations between: (1) local governments; (2) one or more local governments with one or more public housing agency (PHA) partners; and (3) other collaborations in which a local government (described above) is designated as the lead entity for the collaboration. A joint or regional AFH does not relieve such collaborating program participant from its obligation to analyze and address local and regional fair housing issues and contributing factors that affect fair housing choice, and set priorities and goals for its geographic area. Program participants that conduct and submit either a joint or regional AFH must provide HUD with a copy of their written agreement prior to submitting the AFH. Please see the following chart identifying which program participants will use this Assessment Tool, and the program participants that will use a different Assessment Tool.

Who must use this Assessment Tool	Who will use a different Assessment Tool
<ol style="list-style-type: none"> <li>1. Local governments (that receive CDBG, HOME, ESG or HOPWA funds) submitting an AFH alone.</li> <li>2. Joint or Regional Collaborations between:                             <ol style="list-style-type: none"> <li>a. Only local governments</li> <li>b. One or more local governments with one or more PHAs</li> <li>c. Other collaborations in which a local government is designated as the lead entity</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. States and Insular Areas submitting alone</li> <li>2. Joint or regional collaborations (with local governments and/or PHAs) where the State is designated as the lead entity</li> <li>3. PHAs submitting alone</li> <li>4. Joint collaborations among only PHAs</li> </ol>

All program participants must use the HUD-provided data, which includes data for the jurisdiction and region, to complete the AFH. A joint or regional AFH must reference the HUD-provided data for each program participant’s jurisdiction and region. The Assessment Tool and HUD-provided data will be used by various types of program participants (e.g. those in urban areas, rural areas, suburban areas, majority-minority communities), which may have unique characteristics, issues and challenges. The HUD-provided data will help program participants assess local and regional

fair housing issues and contributing factors and set priorities and goals to overcome them. However, certain HUD-provided data may have limitations, including limitations in how they apply to geographic areas with different characteristics (e.g., rural versus urban, majority minority areas). For this reason, program participants must supplement the HUD-provided data with local data and local knowledge outlined in 24 C.F.R. § 5.152 and discussed below.

HUD is only able to provide data for those protected class groups for which nationally uniform data are available. For this reason, some questions focus on specific protected classes based on the availability of such data. For those questions, local data and local knowledge may provide information to supplement the analysis for protected classes not covered by the HUD-provided data. Local data and local knowledge can be particularly helpful when program participants have local data that are more up-to-date or more accurate than the HUD-provided data or when the HUD-provided data do not cover all of the protected classes that would be relevant to program participants' analyses.

Although HUD will provide nationally available data to program participants, the regulations recognize the value of local data and knowledge. Local data is defined in the Final Rule at 24 C.F.R. § 5.152, and refers to metrics, statistics, and other quantified information, subject to a determination of statistical validity by HUD, that are relevant to program participants' geographic areas of analyses, can be found through a reasonable amount of searching, are readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool. Examples of local data include relevant demographic data or program-related data maintained by program participants, another public agency, or another entity that are readily available and easily accessible to program participants at little or no cost.

Local knowledge is defined in the Final Rule at 24 C.F.R. § 5.152, and means information to be provided by program participants that relates to program participants' geographic areas of analyses and that is relevant to program participants' AFH, is known or becomes known to program participants, and is necessary for the completion of the AFH using the Assessment Tool. Examples of local knowledge include laws and policies, common neighborhood names and borders, and information about the housing market and housing stock. HUD does not expect program participants to review every possible source to search out local knowledge. However, local knowledge includes information obtained through the community participation process. Program participants are required to consider the information received during the community participation process as they conduct an AFH using the Assessment Tool.

Program participants are required to comply with the Privacy Act of 1974 (5 U.S.C. § 552a), and applicable State laws in the collection, maintenance, use and dissemination of personally identifiable information.

Program participants must use reasonable judgment in deciding what supplemental information from among the numerous sources available would be most relevant to their analysis. HUD does not expect program participants to hire statisticians or other consultants to locate and analyze all possible sources of local data. Note that, subject to the community participation, consultation and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158, program participants are required to consider information relevant to the jurisdiction or region submitted during the community participation process, including recommendations of other data sources for program participants to assess.

In conducting the analysis, program participant must identify significant contributing factors reach section of the analysis. When identifying contributing factors, each section of the analysis contains



a discrete list of suggested factors for consideration, which includes factors commonly associated with that section of the analysis. The list contains an “other” option, for program participants to use in identifying other significant contributing factors not included in the list. A more exhaustive list of possible contributing factors is contained in Appendix C, which also includes a description of each contributing factor. Program participants are permitted to include contributing factors that are not listed in Appendix C.

A contributing factor may be outside the ability of program participants to directly control or influence; however, such factors must be identified if they are significant. For program participants submitting jointly, each program participant is responsible for identifying contributing factors within its jurisdiction. These factors will be prioritized in Section VI and used as a basis for establishing goals.

The Assessment Tool also contains the required analysis of fair housing issues and contributing factors that program participants must undertake in order for an AFH to meet the requirements set forth in 24 C.F.R. §§ 5.150 through 5.180. The content required in the AFH can be found at 24 C.F.R. § 5.154 and is outlined in the applicable Assessment Tool for each program participant. However, please note that different program participants may work through the Assessment of Fair Housing in different ways. Depending on each program participants’ familiarity with fair housing planning and planning style, each program participant may choose to complete the required components of an Assessment of Fair Housing in a variety of ways. For example, while the AFFH rule requires that program participants identify significant contributing factors, prioritize such factors, and justify the prioritization of the contributing factors that will be addressed in the program participant’s fair housing goals, it does not specify a specific process for meeting these requirements. Program participants may choose to complete the AFH in any order they choose, so long as all requirements are met.

### **Part I: Cover Sheet with Certification**

Complete the cover sheet with all requested information. The official authorized representative of each program participant must sign and date the certification.

### **Part II: Executive Summary**

To complete the Executive Summary, refer to fair housing contributing factors, issues and goals identified in parts IV and V of the Assessment Tool, as well as goals identified in the most recent previous Analyses of Impediments to Fair Housing Choice or Assessments of Fair Housing. There is no prescribed format for the Executive Summary—program participant(s) have discretion in this section as to how to summarize their findings in the AFH.

### **Part III: Community Participation Process**

Complete all three questions based on the community participation, consultation and coordination process outlined in the Final Rule at 24 C.F.R. § 5.158. Program participants should employ communications means designed to reach the broadest possible audience. Such communications may be met as appropriate, by publishing a summary of each document in one or more newspapers of general circulation, and by making copies of each document available on the Internet, on program participants’ official government Web sites, and as well at libraries, government offices, and public places.

Please note that for public housing agencies, community participation requirements are described in 24 C.F.R. §§ 903.13, 903.15, 903.17, and 903.19. For consolidated plan program participants, Citizen Participation requirements are described in 24 C.F.R. part 91. As required by applicable regulations, program participants must ensure meetings are held in physically accessible locations, provide appropriate auxiliary aids and services necessary to ensure effective communication with individuals with disabilities, and provide limited English proficient persons meaningful access to programs and services.

For question (1), provide a summary of the outreach activities undertaken. For PHAs, also include any meetings with the Resident Advisory Board.

For question (2), provide a list of any organizations consulted during the community participation process. For consolidated plan program participants, 24 C.F.R. § 5.158(a)(1), states that consolidated plan program participants must follow the policies and procedures described in 24 C.F.R. part 91 (see 24 C.F.R. §§ 91.100, 91.105, 91.110, 91.115, 91.235, and 91.401). For PHAs, 24 C.F.R. § 5.158(a)(2) states that PHAs must follow policies and procedures described in 24 C.F.R. part 903.

For question (3), describe how successful the community participation process was, and provide an explanation for any low participation rates.

In question (4), pursuant to 24 C.F.R. § 5.154(d)(6), program participants must include an explanation for why any comments or views submitted through the community participation process were not accepted – note that this includes information, such as supplemental data and reports.

#### **Part IV: Assessment of Past Goals, Actions, and Strategies**

For question (1)(a), provide an explanation of what past goals program participants selected and what progress has been made toward their achievement. Use the metrics and milestones identified in past Analyses of Impediments or past Assessments of Fair Housing in assessing progress. New program participants may still answer this question based on any other relevant planning documents and/or any past fair housing goals, actions, or strategies.

To answer question (1)(b), explain how the past goals selected influenced the selection of current goals.

For question (1)(c), program participants may provide any additional information about policies, actions, or steps that address fair housing issues in program participants' geographic areas of analyses.

#### **Part V: Fair Housing Analysis**

For all questions, program participants must use the HUD-provided data and supplement that information with local data and local knowledge when it meets the criteria under 24 C.F.R. § 5.152 (described above). HUD-provided maps are located in Appendix A and HUD-provided tables are located in Appendix B.

Where HUD has not provided data for a specific question in the Assessment Tool and program participants do not have local data or local knowledge that would assist in answering the question, program participants are expected to note this rather than leaving the question blank.

## **A. Demographic Summary**

For question (1), refer to Tables 1 and 2, which present demographic summary data for the jurisdiction and region. The demographics analyzed must include an overview of: racial/ethnic populations; national origin populations, including any limited English proficient populations; individuals with disabilities by disability type; and families with children.

For question (2), local data and local knowledge may be particularly useful in answering this question. Include any geographic patterns in the location of owner-occupied properties compared to renter-occupied properties over time. Program participants may also describe trends in the availability of affordable housing in the jurisdiction and region for that time period.

## **B. Fair Housing Issue Analysis**

### **Segregation/Integration**

For questions (1)(a) and (1)(b), refer to Table 3. Table 3 presents the dissimilarity index for the jurisdiction and region for white/non-white, black/white, Hispanic/white, and Asian/white populations for multiple census years.

This dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area and is commonly used for assessing residential segregation between two groups. Values range from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured.

Dissimilarity index values between 0 and 39 generally indicate low segregation, values between 40 and 54 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation. However, context is important in interpreting the dissimilarity index. The index does not indicate spatial patterns of segregation, just the relative degree of segregation; and, for populations that are small in absolute numbers, the dissimilarity index may be high even if the group's members are evenly distributed throughout the area. Generally, when a group's population is less than 1,000, program participants should exercise caution in interpreting associated dissimilarity indices. Also, because the index measures only two groups at a time, it is less reliable as a measure of segregation in areas with multiple demographic groups. For question 1(a) indicate whether the measures shown generally indicate that segregation in the jurisdiction and region is low, moderate or high for each racial/ethnic group represented in Table 3, and note which groups experience the highest levels of segregation.

For question 1(b), refer to Table 3, which also provides dissimilarity index values for 1990, 2000, and 2010. Note whether the dissimilarity index values have increased or decreased over time. Increasing values may indicate increasing segregation, and decreasing values may indicate decreasing segregation.

For question (1)(c), refer to Maps 1, 2, 3. Maps 1, 2, 3 are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the jurisdiction and region. A dot density map (also known as dot distribution map) uses a color-coded dot symbols representing the presence of a specified number of individuals sharing a particular characteristic to show a spatial pattern. The presence of residential segregation may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots.

While dot density maps are useful in demonstrating residential patterns, they also have limitations. Dot placement does not represent actual addresses – rather individual dots are randomly located within a particular census block to match aggregate population totals for that block group. Note also that the data provided for national origin is based on census data for the 5 most populous “foreign born” populations by country of origin, however, some jurisdictions may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge. In addition, the “foreign born” population does not track exactly with the definition of national origin under the Fair Housing Act, which includes place of birth as well as place of ancestor’s birth. LEP data shows residential segregation by language for speakers of the five most populous limited English proficient groups in the jurisdiction and region. Again, some jurisdictions may have other significant populations not included in the HUD-provided data but reflected in local data or local knowledge.

For question (1)(c), refer to Maps 1, 2, 3 to identify areas on the map that reveal clusters of race/ethnicity, national origin, or LEP groups, and areas where the map indicates are particularly integrated. In identifying those areas, and all areas throughout the tool, use commonly used neighborhood or area names.

For question (1)(d), local data and local knowledge may be particularly useful in answering this question.

For question (1)(e) refer to Maps 1, 2, 3, and Tables 1 and 2. Map 2 depicts racial/ethnic dot density distribution for previous years (1990 and 2000). A comparison of the patterns shown in Map 2 to the patterns shown in Map 1 may reveal changes in patterns of segregation by race/ethnicity over time. For instance, the comparison may show that an area previously occupied predominantly by one racial/ethnic group is now more integrated. Consider these changes in conjunction with Tables 1 and 2 showing changes in overall demographics over time, as well as local knowledge about local policies, practices, trends, and investments to answer question 1(e). Consider also Maps 3 and 4, which depict dot density distribution of national origin and LEP populations.

For question (1)(f), local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed in the introduction to these instructions, using local data and knowledge, complete question (2)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity and national origin. Include any relevant information about other protected characteristics – but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of segregation in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation, and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as increasing integration.

For question (3), identify all significant contributing factors. Consider the non-exhaustive list of factors provided and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of segregation. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

### **R/ECAPs**

For question (1)(a), refer to Maps 1, 3 and 4, which include outlined census tracts that meet the threshold criteria for racially or ethnically concentrated areas of poverty (R/ECAPs). The area within the outline meets the definition of an R/ECAP, as set forth in the rule at 24 C.F.R. § 5.152.

To answer question (1)(b), use Maps 1, 3, and 4 and Table 4. Maps 1, 3, and 4 are dot density maps showing the residential distribution of racial/ethnic, national origin, and limited English proficient (LEP) populations in the jurisdiction and region. These maps also include outlined overlays of R/ECAPs. The presence of residential segregation in R/ECAPs may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots. Table 4 shows the percentage of persons living in R/ECAPs with certain protected characteristics (race/ethnicity, families with children, national origin) in the jurisdiction and the region. Note that the percentages reflect the proportion of the total population living in R/ECAPs that has a protected characteristic, not the proportion of individuals with a particular protected characteristic living in R/ECAPs. Table 4 can be compared to Table 1, which shows the total population in the jurisdiction and region for each of the groups shown in Table 4.

To answer question (1)(c), refer to Maps 1, 2, 3. Map 1 shows the outlines of current R/ECAPs. Map 2 shows the outlines of R/ECAPs in past years (1990 and 2000). Compare the current R/ECAP outlines with previous R/ECAP outlines and describe whether R/ECAPs have remained constant, whether new R/ECAPs have emerged, or whether certain R/ECAPs no longer exist. Maps 1, 2, and 3 also show dot density distributions by race/ethnicity, national origin and LEP, including R/ECAP outlines. Note whether the maps show any changes in areas that have moved in or out of R/ECAP status over time and the groups most affected by R/ECAPs.

Understanding the limitations of the HUD-provided data discussed in the instruction's introduction, using local data and knowledge, complete question (2)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity and national origin. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V.(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of R/ECAPs in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as transforming R/ECAPs by addressing the combined effects of segregation and poverty. Relevant information may also include local assets and organizations.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with R/ECAPs, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of R/ECAPs. For additional instructions on selecting contributing factors, refer to the introduction of these instructions

### **Disparities in Access to Opportunity**

For question (1), refer to Table 12. Table 12 provides index scores or values for the following opportunity indicator indices: Low Poverty; School Proficiency; Labor Market Engagement; Jobs Proximity; Low Transportation Costs; Transit Trips Index; and Environmental Health by race/ethnicity and households below the poverty line. A higher score on each of the indices would indicate: lower neighborhood poverty rates; higher levels of school proficiency; higher levels of labor engagement; closer proximity to jobs; lower transportation costs; closer access to public transportation; and greater neighborhood environmental quality (i.e., lower exposure rates to harmful toxins). Using the indices provided, program participants will be able to compare access to key opportunity assets with relative ease by consulting a single table and a series of maps. These indices are based on nationally available data sources. Local data and local knowledge may be particularly helpful in connection with these analyses

For the questions in (1)(a), use the School Proficiency Index in Table 12 and refer to Map 9. The School Proficiency Index measures the proficiency of elementary schools in the attendance area (where this information is available) of individuals sharing a protected characteristic or the proficiency of elementary schools within 1.5 miles of individuals with a protected characteristic where attendance boundary data are not available. The values for the School Proficiency Index are determined by the performance of 4th grade students on state exams. Map 9 consists of three sub-maps, showing the spatial distribution of racial/ethnic and national origin groups and families with children overlaid by shading that shows school proficiency levels for the jurisdiction and the region. The maps also include R/ECAP outlines. To answer questions (1)(a)(i), examine the School Proficiency Index, by race/ethnicity, and Map 9, by race/ethnicity, national origin, and family status, to identify differences in access to proficient schools by protected characteristic. For question (1)(a)(ii), refer to Map 9 by race/ethnicity, national origin, and family status to assess how residency patterns relate to the location of proficient schools. Note that, to the extent the questions require consideration of middle and high schools, local policies and practices, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant. Question (1)(a)(iii), may be answered using local data or local knowledge. Program participants should consider whether local school policies provide for alternative means of access to schools that are not reflected in the HUD-provided data.

For the questions (1)(b), refer to the Jobs Proximity Index and Labor Market Engagement Index in Table 12, and to Maps 10 and 11. The Jobs Proximity Index measures the physical distances between place of residence and jobs by race/ethnicity. The Labor Market Engagement Index provides a measure of unemployment rate, labor-force participation rate, and percent of the population ages 25 and above with at least a bachelor's degree, by neighborhood. Map 10 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows the jobs proximity measure for the jurisdiction and the region. The map also includes R/ECAP outlines. Map 11 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows labor engagement for the jurisdiction and the region. The map also includes R/ECAP outlines. To answer questions (1)(b)(i)-(iii), examine the indices' values by race/ethnicity, and Maps 10 and 11, by race/ethnicity, national origin, and family status, to identify differences in proximity to jobs and labor market engagement by protected characteristic.

For the questions in (1)(c), refer to Table 12 (Low Transportation Cost Index<sup>1</sup> and the Transit Trips Index) and Maps 12 and 13. The Low Transportation Cost Index measures cost of transport and proximity to public transportation by neighborhood. The Transit Trips Index measures how often low-income families in a neighborhood use public transportation. Map 12 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that shows transportation access at the neighborhood level. Separate maps are included for the jurisdiction and the region. These maps also include R/ECAP outlines. Map 13 shows residency patterns of racial/ethnic, national origin, and families with children overlaid by shading that shows low transportation costs at the census tract level. Separate maps are included for the jurisdiction and region. To answer questions (1)(c)(i) and (ii), examine the Low Transportation Cost Index and Transit Trips Index values in Table 12, by race/ethnicity, and Maps 12 and 13, by race/ethnicity, national origin, and family status, to identify differences in access to transportation by protected characteristic. For question (1)(c)(iii), program participants should consider whether transportation-related local programs, policies, and practices affect a person's access to proficient school, jobs, and other areas with opportunities. In answering this question, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant. Program participants should consider whether transportation systems designed for use of personal vehicles impact the ability of protected class groups' access to transportation due to the lack of vehicle ownership.

For question (1)(d), refer to the Low Poverty Index in Table 12 and Map 14. The Low Poverty Index uses rates of family poverty by household (based on the federal poverty line) to measure exposure to poverty by neighborhood. A higher score generally indicates less exposure to poverty at the neighborhood level. Map 14 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading that depicts poverty levels for the jurisdiction and the region. The map also includes R/ECAP outlines. To answer questions (1)(d)(i)-(iii), examine the Low Poverty Index values, by race/ethnicity, and Map 14, by race/ethnicity, national origin, and family status, to identify differences in poverty by protected characteristic. For question (1)(d)(iv), to the extent local policies and practices are discussed, local knowledge (as defined at 24 C.F.R. § 5.152) will be relevant.

For question (1)(e)(i) and (ii), refer to the Environmental Health Index in Table 12 and Map 15. The Environmental Health Index measures exposure based on EPA estimates of air quality carcinogenic, respiratory and neurological toxins by neighborhood. Map 15 shows residency patterns of racial/ethnic and national origin groups and families with children overlaid by shading showing the level of exposure to environmental health hazards for the jurisdiction and the region. The map also includes R/ECAP outlines. To answer the questions, examine the Environmental Health Index values, by race/ethnicity, and Map 15, by race/ethnicity, national origin, and family status, to identify differences in exposure to environmental health hazards by protected characteristic. While the Environment Health Index is limited to issues related to air quality, program participants may also discuss other indicators of environmental health, based on local data and local knowledge. Environmental-related policies may include the siting of highways, industrial plants, or waste sites.

For question (1)(f)(i), refer to the answers provided in question (1)(a)-(e).

Understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, using local data and knowledge, complete question (2)(a). The Fair Housing Act

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<sup>1</sup> Please note there is no corresponding map for the Low Transportation Cost Index. HUD anticipates a map may be provided in later releases of the Data Tool.

protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, and family status. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disparities in access to opportunity in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as increasing access to opportunity.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with disparities in access to opportunity, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of disparities in access to opportunity. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

### **Disproportionate Housing Needs**

For question (1)(a), refer to Tables 9 and 10. Table 9 shows the percentage of race/ethnicity groups and families with children experiencing two potential categories of housing need. The first category is households experiencing one of four housing problems: housing cost burden (defined as paying more than 30% of income for monthly housing costs including utilities), overcrowding, lacking a complete kitchen, or lacking plumbing. The second category is households experiencing “one of four severe housing problems” which are: severe housing cost burden (defined as paying more than half of one’s income for monthly housing costs including utilities), overcrowding, and lacking a complete kitchen, or lacking plumbing. Table 10 shows the number of persons by race/ethnicity and family size experiencing severe housing cost burden.

For question (1)(b), refer to Maps 7 and 8. Map 7 shows the residential living patterns for persons by race/ethnicity, overlaid by shading indicating the percentage of households experiencing one or more housing problems. Darker shading indicates a higher prevalence of such problems. The map also includes R/ECAP outlines. Map 8 shows the same information overlaid on residential living patterns by national origin.

For question (1)(c), refer to Tables 9 and 11. Table 9 shows housing needs experienced by families with 5 or more persons (used to approximate the population of families with children). Table 11 shows the number of households occupying units of various sizes (0-1 bedrooms, 2 bedrooms, 3 or more bedrooms) in four publicly supported housing program categories (public housing, Project-based Section 8, Other HUD Multifamily, and HCV). Table 11 shows the number of households with children currently residing in each of those four program categories.

For question (1)(d), local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed in the introduction to the instruction, using local data and knowledge, complete question (2). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a



disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, and family status. Include any relevant information about other protected characteristics, but note that the analysis of disability is specifically considered in Section V(D). Program participants may include any relevant information relating to persons with disabilities here, but still must address the questions in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of disproportionate housing needs in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with disproportionate housing needs, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of disproportionate housing needs. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

### **C. Publicly Supported Housing<sup>2</sup> Analysis**

Data on publicly supported housing is grouped into five program categories: public housing; project-based Section 8; Section 8 tenant-based Housing Choice Vouchers (HCV); Other HUD Multifamily housing (including Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities); and Low-Income Housing Tax Credit (LIHTC) housing. Relevant information may also include housing converted through the Rental Assistance Demonstration (RAD), which may be analyzed as part of Housing Choice Vouchers. HUD has included RAD as a separate category for two specific questions in this section for policy reasons. Some tables and maps provided include information on some of the program categories but not others based on availability of the data. Where a housing development includes more than one category of publicly supported housing, this development is reported in data for each housing category (e.g., project-based Section 8 combined with LIHTC). Note that other publicly supported housing programs, for instance those funded through state and local programs or by other federal agencies, such as USDA's Rural Housing Service and the Veteran's Administration, or other HUD programs that are not covered in the HUD-provided data may be relevant to the analysis.

Data related to public housing may be affected by asset management project (AMP) groupings.<sup>3</sup> For instance, where public housing agencies report data for developments located at different sites

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<sup>2</sup> The term "publicly supported housing" refers to housing assisted, subsidized, or financed with funding through Federal, State, or local agencies or programs as well as housing that is financed or administered by or through any such agencies or programs. HUD is currently providing data on five specific categories of housing: Public Housing; Project-Based Section 8; "Other HUD Multifamily Housing" (including Section 202 – Supportive Housing for the Elderly and Section 811 – Supportive Housing for Persons with Disabilities); Low Income Housing Tax Credit (LIHTC) housing; and Housing Choice Vouchers (HCV). Other publicly supported housing relevant to the analysis includes housing funded through state and local programs, other federal agencies, such as USDA and VA, or other HUD-funded housing not captured in the five categories listed above.

<sup>3</sup> The Operating Fund Program final rule, published on September 19, 2005, required PHAs to convert to asset management. In practice, this allowed PHAs to group buildings under asset management. All of the

as one AMP, the map showing the locations of the categories of publicly supported housing will only display this data at one location. Similarly, the table showing the census tract and occupancy of public housing will only show AMP groupings once, rather than for each site. In certain circumstances AMP groupings may affect the fair housing analysis. For example, AMP groupings will impede siting and occupancy analyses where AMP groupings have combined buildings that are in demographically different neighborhoods. For this reason, local data and local knowledge relating to the siting and occupancy of publicly supported housing may be particularly useful in answering the questions in this section.

For questions (1)(a)(i) and (ii), refer to Tables 6 and 7. Tables 6 and 7 present data by race/ethnicity for persons occupying four categories of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily, and HCV) in the jurisdiction. The tables also provide race/ethnicity data for the total population in the jurisdiction and for persons meeting the income eligibility requirements for a relevant category of publicly supported housing. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For questions (1)(b)(i) and (ii) refer to Maps 5 and 6, which are race/ethnicity dot density maps with a publicly supported housing overlay, including outlines of R/ECAPS. In Map 5, symbols representing four categories of publicly supported housing indicate the location of a development of that category of housing. Note that some developments may represent multiple buildings or projects that are not necessarily located at the same address the symbol represents. In Map 6, the density of use of Section 8 vouchers is layered over a race/ethnicity dot density map. Darker shading represents a heavier concentration of vouchers. Map 5 does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations are often affected differently by laws, policies and practices, resulting in significantly different siting patterns. Local knowledge may be particularly useful in answering this portion of the question.

For question (1)(b)(iii), use Table 7, which shows the percentage of occupants in four publicly supported housing program categories (public housing, project-based Section 8, Other HUD Multifamily, and HCV) in units located either within R/ECAPS or outside of R/ECAPS. The table also breaks out this information by race/ethnicity, elderly and disability status. To answer the question, compare the percentage of occupants sharing a protected characteristic living in units located in R/ECAPS to the percentage of occupants sharing the same protected characteristic living in units outside of R/ECAPS. Relevant information may also include housing converted through RAD, which may be analyzed as part of Housing Choice Vouchers.

For question (1)(b)(iv)(A), refer to both the HUD-provided data and local data and local knowledge. Table 8 shows the racial/ethnic composition and percentage of households with children occupying public housing. Local data and local knowledge may be informative for both properties converted under RAD and for LIHTC developments.

Compare the demographic occupancy data of developments to other developments of the same category. In analyzing Table 8, be aware that the demographic occupancy information is affected by the size of the development – smaller developments may appear to have greater variance, but

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AMP groupings are reported as one unit and tied together through the assignment of the same project number.

note that in small developments, a difference of a few units may alter the overall percentage of the occupancy demographic composition.

For question (1)(b)(iv)(B), Table 8 is provided for program participants' use, however local data and local knowledge, including information obtained through the community participation process, may be particularly useful in answering this portion of the question.

For question (1)(b)(v), refer to Table 8 and Map 5. Table 8 includes development-level demographic characteristics of residents of three program categories (public housing, project-based Section 8, and Other HUD Multifamily). Map 5 shows the location of individual developments for four program categories (public housing, project-based Section 8, Other HUD Multifamily, and LIHTC). Note that census tract boundaries may not align with "neighborhoods" or "areas" as commonly understood at the local level, and local knowledge may be useful to assist in the comparison.

Please note that HUD will add functionality to the Data and Mapping Tool to further sort and export census tract and occupancy demographic data from Map 5 to generate a table for the categories of publicly supported housing (i.e., public housing, project-based Section 8, Other HUD Multifamily Assisted developments (e.g., Sections 202 and 811), and LIHTC, provided that it will exclude occupancy demographic data for LIHTC developments, which should be analyzed using local data and local knowledge). Until such time, HUD provides program participants and the public with this data in an alternate tabular format in three ways: (1) directly to program participants, (2) through a link on the HUD Exchange AFFH webpage, and (3) as a hyperlink for download in Map 5 of the Data and Mapping Tool.

Compare the demographic occupancy data of developments to the areas in which they are located.

For question (1)(c)(i), refer to the opportunity indicators analyzed in Section D, and Maps 5 and 6, which are race/ethnicity dot density maps showing the locations of publicly supported housing developments (Map 5) and rates of Section 8 voucher utilization (Map 6) with R/ECAP outlines. Compare the locations of publicly supported housing to Maps 9 through 15, which depict the opportunity indicators. Note that while the location of housing may be relevant to analysis, it is not the only factor in analyzing disparities in access to opportunity. "Access" in this context encompasses consideration of infrastructure or policies related to where a person lives that impact an individual's ability to benefit from an opportunity, such as available transportation to a job, school enrollment policies, program eligibility criteria, or local labor laws. As noted above, Map 5 does not distinguish between developments that serve families, elderly, or persons with disabilities; however, projects serving these populations often reveal distinct patterns. Local knowledge may be particularly useful in answering this portion of the question.

For question 2(a), understanding the limitations of the HUD-provided data discussed in the introduction to the instructions, using local data and knowledge, complete question (2). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided data for this section only on race/ethnicity, national origin, family status, and limited data on disability. Include any relevant information about other protected characteristics – but note that the analysis of disability is also specifically considered in Section V(D). Program participants may include an analysis of disability here, but still must include such analysis in Section V(D).

For question (2)(b), program participants may include any additional relevant information related to their analysis of publicly supported housing in the jurisdiction and region, including the removal

of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, transforming R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs.

For question (3), consider the non-exhaustive list of factors provided, which are those most commonly associated with publicly supported housing, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to publicly supported housing. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### **D. Disability and Access Analysis**

There are limited sources of nationally uniform data on the extent to which individuals with disabilities are able to access housing and other community assets. Local data and local knowledge may be particularly useful in completing this section, including, but not limited to, information provided by the public, outside organizations and other government agencies in the community participation process.

For question (1)(a), refer to Map 16 and Table 13. Map 16 depicts a dot density distribution by disability type (hearing, vision, cognition, ambulatory, self-care, independent living) for the jurisdiction and the region. The map also includes R/ECAP outlines. Table 13 provides data on the percentage of the population with types of disabilities in the jurisdiction and the region.

For question (1)(b), refer to Maps 16 and 17 and Table 15. Map 17 depicts a dot density distribution of persons with disabilities by age (5-17, 18-64, and 65+) for the jurisdiction and the region. Table 14 provides data on the percentage of the population with disabilities by age for the jurisdiction and the region.

For questions (2)(a) HUD is unable to provide data at this time, as there is limited nationally available disability-related data at this time, including data relating to accessible housing; however, to assist with answering these questions, program participants may refer to the maps provided by HUD to identify R/ECAPs or other segregated areas identified in previous sections.

For questions (2)(b) HUD is unable to provide data at this time. Single-family housing is generally not accessible to persons with disabilities unless state or local law requires it to be accessible or the housing is part of a HUD-funded program or other program providing for accessibility features. The Fair Housing Act requires that most multifamily properties built after 1991 meet federal accessibility standards. As a result, multifamily housing built after this date, if built in compliance with federal law would meet this minimum level of accessibility, while buildings built before this date generally would not be accessible. The age of housing stock can be a useful measure in answering this question. In addition, affordable housing subject to Section 504 of the Rehabilitation Act must include a percentage of units accessible for individuals with mobility impairments and units accessible for individuals with hearing or vision impairments. Map 5, which shows the location of four types of publicly supported housing, may also be useful in answering this question.

For question (2)(c), refer to Table 15. Table 15 provides data on the number and percentage of persons with disabilities residing in four categories of publicly supported housing in both the jurisdiction and the region. In answering the question, consider policies and practices that impact individuals' ability to access the housing, including such things as wait list procedures, admissions or occupancy policies (e.g., income targeting for new admissions), residency preferences, availability of different accessibility features, and website accessibility.

Local data and knowledge will likely be particularly useful in answering questions (3)(a) and (b). Sources of location data and local knowledge may include, among others, individuals with disabilities, federally-funded independent living centers, state protection and advocacy organizations, advocacy organizations representing the spectrum of disabilities, state developmental disability councils and agencies, and state mental health/behavioral health agencies. Topics for consideration may include the length of wait lists for accessible units in publicly supported housing, availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding (e.g. CDBG funds) or tax credits are available for reasonable modifications in rental units and/or for homeowners, whether accessible units are occupied by households requiring accessibility features, and whether publicly supported housing is in compliance with accessibility requirements.

The Fair Housing Act, Section 504, and the ADA contain mandates related to integrated settings for persons with disabilities. Integrated settings are those that enable individuals with disabilities to live and interact with individuals without disabilities to the greatest extent possible and receive the healthcare and supportive services from the provider of their choice. To answer questions (3)(a) and (b), refer to HUD's "Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*."<sup>4</sup>

Local data and local knowledge will likely be particularly useful in answering questions. To ensure meaningful analysis of these questions, program participants may need to obtain information from state disability service authorities, which may include, for example, the developmental disabilities authority, mental health authority, social or human services department, and the state Medicaid agency, each of which is likely to have ready access to reliable information concerning the location and frequency of individuals with disabilities. A state's *Olmstead* Plan may contain useful information in answering these questions.

For questions (4)(a)-(c), HUD is unable to provide data, as there is limited nationally available disability-related data. Local data and local knowledge will likely be particularly useful in answering questions.

For question (5)(a), program participants may refer to Tables 9, 10, and 11 and Maps 7 and 8 for data relating to disproportionate housing needs. However, this data is not specific to individuals with disabilities, as such local data and local knowledge may be particularly useful in answering this question.

Understanding the limitations of the HUD-provided data discussed above, complete question (6)(a). The Fair Housing Act protects individuals on the basis of race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability. HUD has provided

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<sup>4</sup> HUD's *Olmstead* Statement can be found at:  
<http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

data for this section only on certain types of disabilities and for the ages of persons with disabilities. Include any relevant information about other protected characteristics.

For question (6)(b), program participants may include any additional relevant information related to their analysis of disability and access in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, the development of affordable housing in such areas, housing mobility programs, housing preservation, and community revitalization efforts, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, transforming R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs.

For question (7), consider the list of factors provided, which are those most commonly associated with disability and access, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to disability and access. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### **E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis**

Complete question (1). A summary of cases would typically include the parties, claims, and current status.

Complete question (2).

For question (3), list the agencies and organizations that provide fair housing information in the jurisdiction and region. Include a description of their capacity and resources available to them.

For questions (4)(a) and (b), program participants may include any additional relevant information related to their analysis of fair housing enforcement, outreach capacity, and resources in the jurisdiction and region, including the removal of barriers that prevent people from accessing housing in areas of opportunity, where any such actions are designed to achieve fair housing outcomes such as reducing disproportionate housing needs, transforming R/ECAPs by addressing the combined effects of segregation coupled with poverty, increasing integration, and increasing access to opportunity, such as high-performing schools, transportation, and jobs.

For question (5), consider the list of factors provided, which are those most commonly associated with fair housing enforcement, outreach capacity, and resources, and identify those factors that significantly create, contribute to, perpetuate, or increase the severity of the fair housing issues of segregation, R/ECAPs, access to opportunity and disproportionate housing needs in relation to fair housing enforcement, outreach capacity, and resources. For additional instructions on selecting contributing factors, refer to the introduction of these instructions.

#### **Part VI: Fair Housing Goals and Priorities**

To answer question (1), use the contributing factors selected in prior sections and prioritize them. In prioritizing contributing factors, program participants shall give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance. Provide a justification for the prioritization of the factors. Also describe the prioritization method used. For example, if using a 1 through 5 ranking system, identify whether 1 or 5 reflects the highest priority.

Note that contributing factors may be outside the ability of program participants to directly control or influence. In such cases, those factors must be included in the prioritization. There still may be policy options or goals that program participants should identify, while recognizing the limitations involved.

For question (2), set one or more goals to address each fair housing issue with significant contributing factors. For each goal, program participants must identify one or more contributing factors that the goal is designed to address, describe how the goal relates to overcoming the identified contributing factor(s) and related fair housing issue, and identify metrics and milestones for determining what fair housing results will be achieved. For instance, where segregation in a development or geographic area is determined to be a fair housing issue, with at least one significant contributing factor, HUD would expect the AFH to include one or more goals to reduce the segregation.

In answering question (2), use the table provided. Provide at least one goal addressing each fair housing issue. In the “Goals” column, state the goal that is being set. In the “Contributing Factors” column, identify the contributing factors the goal is designed to overcome. In the “Fair Housing Issues” column, identify the related fair housing issues the goal is designed to address. In the “Metrics and Milestones” column, identify the metrics and milestones program participants will use for determining what fair housing results will be achieved and a timeframe for achievement. Finally, in the “Discussion” row, provide an explanation of how the goal being set is going to address the contributing factors and related fair housing issues. For program participants submitting jointly, denote which program participant is responsible for each particular goal. If program participants are setting joint goals, explain the responsibilities of each program participant with respect to the joint goal. Please note that the number of goals is not limited by the table provided. Program participants are encouraged to set more goals than the table allows for currently.<sup>5</sup>

While the statutory duty to affirmatively further fair housing requires program participants to affirmatively further fair housing, the final rule does not mandate specific outcomes for the planning process. Instead, recognizing the importance of local decision-making, the analysis conducted in the AFH is meant to help guide public sector housing and community development planning and investment decisions in being better informed about fair housing concerns and consequently help program participants to be better positioned to fulfill their obligation to affirmatively further fair housing.

Program participants should note that the strategies and actions, and the specifics of funding decisions, subject to the consolidated plan, PHA plan, or other applicable planning process are not required to be in the AFH. However, the goals set by program participants will factor into these planning processes. These goals will form the basis for strategies and actions in the subsequent planning documents. As stated in the regulatory text at 24 C.F.R. § 5.150, “a program participant’s strategies and actions must affirmatively further fair housing and may include various activities, such as developing affordable housing, and removing barriers to the development of such housing, in areas of high opportunity; strategically enhancing access to opportunity, including through targeted investment in neighborhood revitalization or stabilization; through preservation or rehabilitation of existing affordable housing; promoting greater housing choice within or outside areas of concentrated poverty and access to areas of high opportunity; and improving community

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<sup>5</sup> HUD anticipates that the online user interface that is currently under development will allow for program participants to set as many goals as a program participant wishes.

assets such as quality schools, employment, and transportation.” Goals addressing fair housing choice may include, for example, enhanced mobility options that afford access to areas of high opportunity.

### **Certification and Submission**

Please note, for a joint or regional AFH, each collaborating program participant must authorize a representative to sign the certification on the program participant's behalf. In a joint or regional AFH, when responding to each question, collaborating program participants may provide joint analyses and individual analyses. The authorized representative of each program participant certifies only to information the program participant provides individually or jointly in response to each question in the assessment. The authorized representative does not certify for information applicable only to other collaborating program participants' analyses, if any.



## **APPENDIX A – HUD-Provided Maps**

**Map 1 Race/Ethnicity** – Current (2010) race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

**Map 2 Race/Ethnicity Trends** – Past (1990 and 2000) race/ethnicity dot density maps for Jurisdiction and Region with R/ECAPs

**Map 3 National Origin** – Current 5 most populous national origin groups dot density map for Jurisdiction and Region with R/ECAPs

**Map 4 LEP** – LEP persons by 5 most populous languages dot density map for Jurisdiction and Region with R/ECAPs

**Map 5 Publicly Supported Housing and Race/Ethnicity** – Public Housing, Project-Based Section 8, Other Multifamily, and LIHTC locations mapped with race/ethnicity dot density map with R/ECAPs, distinguishing categories of publicly supported housing by color, for the Jurisdiction and Region

**Map 6 Housing Choice Vouchers and Race/Ethnicity** – Housing Choice Vouchers with race/ethnicity dot density map and R/ECAPs, for the Jurisdiction and Region

**Map 7 Housing Burden and Race/Ethnicity** – Households experiencing one or more housing burdens in Jurisdiction and Region with race/ethnicity dot density map and R/ECAPs

**Map 8 Housing Burden and National Origin** – Households experiencing one or more housing burdens in Jurisdiction and Region with national origin dot density map and R/ECAPs

**Map 9 Demographics and School Proficiency** – School proficiency thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

**Map 10 Demographics and Job Proximity** – Job proximity thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

**Map 11 Demographics and Labor Market Engagement** – Labor engagement thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

**Map 12 Demographics and Transit Trips** – Transit proximity thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

**Map 13 Demographics and Low Transportation Costs** – Low transportation cost thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

**Map 14 Demographics and Poverty** – Low poverty thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps and R/ECAPs

**Map 15 Demographics and Environmental Health** – Environmental health thematic map for Jurisdiction and Region with race/ethnicity, national origin, and family status maps with R/ECAPs

**Map 16 Disability by Type** – Population of persons with disabilities dot density map by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

**Map 17 Disability by Age Group** – All persons with disabilities by age range (5-17; 18-64; and 65+) dot density map with R/ECAPs for Jurisdiction and Region

## **APPENDIX B – HUD-Provided Tables**

**Table 1 Demographics** – Tabular demographic data for Jurisdiction and Region (including total population, the number and percentage of persons by race/ethnicity, national origin (10 most populous), LEP (10 most populous), disability (by disability type), sex, age range (under 18, 18-64, 65+), and households with children)

**Table 2 Demographic Trends** – Tabular demographic trend data for Jurisdiction and Region (including the number and percentage of persons by race/ethnicity, total national origin (foreign born), total LEP, sex, age range (under 18, 18-64, 65+), and households with children)

**Table 3 Racial/Ethnic Dissimilarity** – Tabular race/ethnicity dissimilarity index for Jurisdiction and Region

**Table 4 R/ECAP Demographics** – Tabular data for the percentage of racial/ethnic groups, families with children, and national origin groups (10 most populous) for the Jurisdiction and Region who reside in R/ECAPs

**Table 5 Publicly Supported Housing Units by Program Category** – Tabular data for total units by 4 categories of publicly supported housing in the Jurisdiction (Public Housing, Project-Based Section 8, Other Multifamily, Housing Choice Voucher (HCV) Program) for the Jurisdiction

**Table 6 Publicly Supported Housing Residents by Race/Ethnicity** – Tabular race/ethnicity data for 4 categories of publicly supported housing (Public Housing, Project-Based Section 8, Other Multifamily, HCV) in the Jurisdiction compared to the population as a whole, and to persons earning 30% AMI, in the Jurisdiction

**Table 7 R/ECAP and Non-R/ECAP Demographics by Publicly Supported Housing Program Category** – Tabular data on publicly supported housing units and R/ECAPs for the Jurisdiction

**Table 8 Demographics of Publicly Supported Housing Developments by Program Category** – Development level demographics by Public Housing, Project-Based Section 8, and Other Multifamily<sup>6</sup> for the Jurisdiction

**Table 9 Demographics of Households with Disproportionate Housing Needs** – Tabular data of total households in the Jurisdiction and Region and the total number and percentage of households experiencing one or more housing burdens by race/ethnicity and family size in the Jurisdiction and Region

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<sup>6</sup> Please note that, for the first year, census tract level demographic data in which publicly supported housing developments are located, also including LIHTC developments, are available through the AFFH Data and Mapping Tool which includes a data query function and ability to export tables.

**Table 10 Demographics of Households with Severe Housing Cost Burden** – Tabular data of the total number of households in the Jurisdiction and Region and the number and percentage of households experiencing severe housing burdens by race/ethnicity for the Jurisdiction and Region

**Table 11 Publicly Supported Housing by Program Category: Units by Number of Bedrooms and Number of Children** – Tabular data on the number of bedrooms for units of 4 categories of publicly supported housing (Public Housing, Project-Based Section 8, Other Multifamily, HCV) for the Jurisdiction

**Table 12 Opportunity Indicators by Race/Ethnicity** – Tabular data of opportunity indices for school proficiency, jobs proximity, labor-market engagement, transit trips, low transportation costs, low poverty, and environmental health for the Jurisdiction and Region by race/ethnicity and among households below the Federal poverty line.

**Table 13 Disability by Type** – Tabular data of persons with vision, hearing, cognitive, ambulatory, self-care, and independent living disabilities for the Jurisdiction and Region

**Table 14 Disability by Age Group** – Tabular data of persons with disabilities by age range (5-17, 18-64, and 65+) for the Jurisdiction and Region

**Table 15 Disability by Publicly Supported Housing Program Category** – Tabular data on disability and publicly supported housing for the Jurisdiction and Region

## **APPENDIX C – Contributing Factors Descriptions**

### **Access to financial services**

The term “financial services” refers here to economic services provided by a range of quality organizations that manage money, including credit unions, banks, credit card companies, and insurance companies. These services would also include access to credit financing for mortgages, home equity, and home repair loans. Access to these services includes physical access - often dictated by the location of banks or other physical infrastructure - as well as the ability to obtain credit, insurance or other key financial services. Access may also include equitable treatment in receiving financial services, including equal provision of information and equal access to mortgage modifications. For purposes of this contributing factor, financial services do not include predatory lending including predatory foreclosure practices, storefront check cashing, payday loan services, and similar services. Gaps in banking services can make residents vulnerable to these types of predatory lending practices, and lack of access to quality banking and financial services may jeopardize an individual’s credit and the overall sustainability of homeownership and wealth accumulation.

### **Access to proficient schools for persons with disabilities**

Individuals with disabilities may face unique barriers to accessing proficient schools. In some jurisdictions, some school facilities may not be accessible or may only be partially accessible to individuals with different types of disabilities (often these are schools built before the enactment of the ADA or the Rehabilitation Act of 1973). In general, a fully accessible building is a building that complies with all of the ADA's requirements and has no barriers to entry for persons with mobility impairments. It enables students and parents with physical or sensory disabilities to access and use all areas of the building and facilities to the same extent as students and parents without disabilities, enabling students with disabilities to attend classes and interact with students without disabilities to the fullest extent. In contrast, a partially accessible building allows for persons with mobility impairments to enter and exit the building, access all relevant programs, and have use of at least one restroom, but the entire building is not accessible and students or parents with disabilities may not access areas of the facility to the same extent as students and parents without disabilities. In addition, in some instances school policies steer individuals with certain types of disabilities to certain facilities or certain programs or certain programs do not accommodate the disability-related needs of certain students.

### **Access to publicly supported housing for persons with disabilities**

The lack of a sufficient number of accessible units or lack of access to key programs and services poses barriers to individuals with disabilities seeking to live in publicly supported housing. For purposes of this assessment, publicly supported housing refers to housing units that are subsidized by federal, state, or local entities. “Accessible housing” refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. The concept of “access” here includes physical access for individuals with different types of disabilities (for example, ramps and other accessibility features for individuals with mobility impairments, visual alarms and signals for individuals who are deaf or hard of hearing, and audio signals, accessible signage, and other accessibility features for individuals who are blind or have low vision), as well as the provision of auxiliary aids and services to provide effective communication for individuals who are deaf or hard of hearing, are blind or have low vision, or individuals who have speech impairments. The concept of “access” here also includes programmatic access, which implicates such policies as application procedures, waitlist procedures, transfer procedures and reasonable accommodation procedures.

### **Access to transportation for persons with disabilities**

Individuals with disabilities may face unique barriers to accessing transportation, including both public and private transportation, such as buses, rail services, taxis, and para-transit. The term “access” in this context includes physical accessibility, policies, physical proximity, cost, safety, reliability, etc. It includes the lack of accessible bus stops, the failure to make audio announcements for persons who are blind or have low vision, and the denial of access to persons with service animals. The absence of or clustering of accessible transportation and other transportation barriers may limit the housing choice of individuals with disabilities.

### **Admissions and occupancy policies and procedures, including preferences in publicly supported housing**

The term “admissions and occupancy policies and procedures” refers here to the policies and procedures used by publicly supported housing providers that affect who lives in the housing, including policies and procedures related to marketing, advertising vacancies, applications, tenant selection, assignment, and maintained or terminated occupancy. Procedures that may relate to fair housing include, but are not limited to:

- Admissions preferences (e.g. residency preference, preferences for local workforce, etc.)
- Application, admissions, and waitlist policies (e.g. in-person application requirements, rules regarding applicant acceptance or rejection of units, waitlist time limitations, first come first serve, waitlist maintenance, etc.).
- Income thresholds for new admissions or for continued eligibility.
- Designations of housing developments (or portions of developments) for the elderly and/or persons with disabilities.
- Occupancy limits.
- Housing providers’ policies for processing reasonable accommodations and modifications requests.
- Credit or criminal record policies.
- Eviction policies and procedures.

### **The availability of affordable units in a range of sizes**

The provision of affordable housing is often important to individuals with certain protected characteristics because groups are disproportionately represented among those who would benefit from low-cost housing. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. This contributing factor refers to the availability of units that a low- or moderate-income family could rent or buy, including one bedroom units and multi-bedroom units for larger families. When considering availability, consider transportation costs, school quality, and other important factors in housing choice. Whether affordable units are available with a greater number of bedrooms and in a range of different geographic locations may be a particular barrier facing families with children.

### **The availability, type, frequency, and reliability of public transportation**

Public transportation is shared passenger transport service available for use by the general public, including buses, light rail, and rapid transit. Public transportation includes paratransit services for persons with disabilities. The availability, type, frequency, and reliability of public transportation affect which households are connected to community assets and economic opportunities. Transportation policies that are premised upon the use of a personal vehicle may impact public transportation. “Availability” as used here includes geographic proximity, cost, safety and accessibility, as well as whether the transportation connects individuals to places they need to go

such as jobs, schools, retail establishments, and healthcare. “Type” refers to method of transportation such as bus or rail. “Frequency” refers to the interval at which the transportation runs. “Reliability” includes such factors as an assessment of how often trips are late or delayed, the frequency of outages, and whether the transportation functions in inclement weather.

### **Community opposition**

The opposition of community members to proposed or existing developments—including housing developments, affordable housing, publicly supported housing (including use of housing choice vouchers), multifamily housing, or housing for persons with disabilities—is often referred to as “Not in my Backyard,” or NIMBY-ism. This opposition is often expressed in protests, challenges to land-use requests or zoning waivers or variances, lobbying of decision-making bodies, or even harassment and intimidation. Community opposition can be based on factual concerns (concerns are concrete and not speculative, based on rational, demonstrable evidence, focused on measurable impact on a neighborhood) or can be based on biases (concerns are focused on stereotypes, prejudice, and anxiety about the new residents or the units in which they will live). Community opposition, when successful at blocking housing options, may limit or deny housing choice for individuals with certain protected characteristics.

### **Deteriorated and abandoned properties**

The term “deteriorated and abandoned properties” refers here to residential and commercial properties unoccupied by an owner or a tenant, which are in disrepair, unsafe, or in arrears on real property taxes. Deteriorated and abandoned properties may be signs of a community’s distress and disinvestment and are often associated with crime, increased risk to health and welfare, plunging decreasing property values, and municipal costs. The presence of multiple unused or abandoned properties in a particular neighborhood may have resulted from mortgage or property tax foreclosures. The presence of such properties can raise serious health and safety concerns and may also affect the ability of homeowners with protected characteristics to access opportunity through the accumulation of home equity. Demolition without strategic revitalization and investment can result in further deterioration of already damaged neighborhoods.

### **Displacement of residents due to economic pressures**

The term “displacement” refers here to a resident’s undesired departure from a place where an individual has been living. “Economic pressures” may include, but are not limited to, rising rents, rising property taxes related to home prices, rehabilitation of existing structures, demolition of subsidized housing, loss of affordability restrictions, and public and private investments in neighborhoods. Such pressures can lead to loss of existing affordable housing in areas experiencing rapid economic growth and a resulting loss of access to opportunity assets for lower income families that previously lived there. Where displacement disproportionately affects persons with certain protected characteristic, the displacement of residents due to economic pressures may exacerbate patterns of residential segregation.

### **Impediments to mobility**

The term “impediments to mobility” refers here to barriers faced by individuals and families when attempting to move to a neighborhood or area of their choice, especially integrated areas and areas of opportunity. This refers to both Housing Choice Vouchers and other public and private housing options. Many factors may impede mobility, including, but not limited to:

- Lack of quality mobility counseling. Mobility counseling is designed to assist families in moving from high-poverty to low-poverty neighborhoods that have greater access to opportunity assets appropriate for each family (e.g. proficient schools for families with children or effective public transportation.). Mobility counseling can include a range of

options including, assistance for families for “second moves” after they have accessed stable housing, and ongoing post-move support for families.

- Lack of appropriate payment standards, including exception payment standards to the standard fair market rent (FMR). Because FMRs are generally set at the 40th percentile of the metropolitan-wide rent distribution, some of the most desirable neighborhoods do not have a significant number of units available in the FMR range. Exception payment standards are separate payment standard amounts within the basic range for a designated part of an FMR area. Small areas FMRs, which vary by zip code, may be used in the determination of potential exception payment standard levels to support a greater range of payment standards.
- Jurisdictional fragmentation among multiple providers of publicly supported housing that serve single metropolitan areas and lack of regional cooperation mechanisms, including PHA jurisdictional limitations.
- HCV portability issues that prevent a household from using a housing assistance voucher issued in one jurisdiction when moving to another jurisdiction where the program is administered by a different local PHA.
- Lack of a consolidated waitlist for all assisted housing available in the metropolitan area.
- Discrimination based on source of income, including SSDI, Housing Choice Vouchers, or other tenant-based rental assistance.

#### **Inaccessible buildings, sidewalks, pedestrian crossings, or other infrastructure**

Many public buildings, sidewalks, pedestrian crossings, or other infrastructure components are inaccessible to individuals with disabilities including persons with mobility impairments, individuals who are deaf or hard of hearing, and persons who are blind or have low vision. These accessibility issues can limit realistic housing choice for individuals with disabilities.

Inaccessibility is often manifest by the lack of curb cuts, lack of ramps, and the lack of audible pedestrian signals. While the Americans with Disabilities Act and related civil rights laws establish accessibility requirements for infrastructure, these laws do not apply everywhere and/or may be inadequately enforced.

#### **Inaccessible government facilities or services**

Inaccessible government facilities and services may pose a barrier to fair housing choice for individuals with disabilities by limiting access to important community assets such as public meetings, social services, libraries, and recreational facilities. Note that the concept of accessibility includes both physical access (including to websites and other forms of communication) as well as policies and procedures. While the Americans with Disabilities Act and related civil rights laws require that newly constructed and altered government facilities, as well as programs and services, be accessible to individuals with disabilities, these laws may not apply in all circumstances and/or may be inadequately enforced.

#### **Lack of affordable, accessible housing in a range of unit sizes**

What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. For purposes of this assessment, “accessible housing” refers to housing that accords individuals with disabilities equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, or lack of information about affordable accessible housing. The clustering of affordable, accessible housing with a range of unit sizes may also limit fair housing choice for individuals with disabilities.



### **Lack of affordable in-home or community-based supportive services**

The term “in-home or community-based supportive services” refers here to medical and other supportive services available for targeted populations, such as individuals with mental illnesses, cognitive or developmental disabilities, and/or physical disabilities in their own home or community (as opposed to in institutional settings). Such services include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services (including, but not limited to, medical, social, education, transportation, housing, nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, and respite). They also include assistance with activities of daily living such as bathing, dressing, eating, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry. Public entities must provide services to individuals with disabilities in community settings rather than institutions when: 1) such services are appropriate to the needs of the individual; 2) the affected persons do not oppose community-based treatment; and 3) community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability-related services from the entity. Assessing the cost and availability of these services is also an important consideration, including the role of state Medicaid agencies. The outreach of government entities around the availability of community supports to persons with disabilities in institutions may impact these individuals’ knowledge of such supports and their ability to transition to community-based settings.

### **Lack of affordable, integrated housing for individuals who need supportive services**

What is “affordable” varies by the circumstances affecting the individual, and includes the cost of housing and services taken together. Integrated housing is housing where individuals with disabilities can live and interact with persons without disabilities to the fullest extent possible. In its 1991 rulemaking implementing Title II of the ADA, the U.S. Department of Justice defined “the most integrated setting appropriate to the needs of qualified individuals with disabilities” as “a setting that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible.” By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities. Segregated settings sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals’ ability to engage freely in community activities and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities. For purposes of this tool “supportive services” means medical and other voluntary supportive services available for targeted populations groups, such as individuals with mental illnesses, intellectual or developmental disabilities, and/or physical disabilities, in their own home or community (as opposed to institutional settings). Such services may include personal care, assistance with housekeeping, transportation, in-home meal service, integrated adult day services and other services. They also include assistance with activities of daily living such as bathing, dressing, and using the toilet, shopping, managing money or medications, and various household management activities, such as doing laundry.

### **Lack of assistance for housing accessibility modifications**

The term “housing accessibility modification” refers here to structural changes made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment and use of the premises. Housing accessibility modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Under the Fair Housing Act, landlords are required by fair housing laws to permit certain reasonable modifications to a housing unit, but are not required to pay for the modification unless the housing provider is a recipient of Federal financial assistance and therefore subject to Section 504 of the Rehabilitation Act or is covered by the Americans with Disabilities Act (in such cases the recipient must pay for

the structural modification as a reasonable accommodation for an individual with disabilities). However, the cost of these modifications can be prohibitively expensive. Jurisdictions may consider establishing a modification fund to assist individuals with disabilities in paying for modifications or providing assistance to individuals applying for grants to pay for modifications.

### **Lack of assistance for transitioning from institutional settings to integrated housing**

The integration mandate of the ADA and *Olmstead v. L.C.*, 527 U.S. 581 (1999) (*Olmstead*) compels states to offer community-based health care services and long-term services and supports for individuals with disabilities who can live successfully in housing with access to those services and supports. In practical terms, this means that states must find housing that enables them to assist individuals with disabilities to transition out of institutions and other segregated settings and into the most integrated setting appropriate to the needs of each individual with a disability. A critical consideration in each state is the range of housing options available in the community for individuals with disabilities and whether those options are largely limited to living with other individuals with disabilities, or whether those options include substantial opportunities for individuals with disabilities to live and interact with individuals without disabilities. For further information on the obligation to provide integrated housing opportunities, please refer to HUD's Statement on the Role of Housing in Accomplishing the Goals of *Olmstead*, the U.S. Department of Justice's Statement on *Olmstead* Enforcement, as well as the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services final rule and regulations regarding Home and Community-Based Setting requirements. Policies that perpetuate segregation may include: inadequate community-based services; reimbursement and other policies that make needed services unavailable to support individuals with disabilities in mainstream housing; conditioning access to housing on willingness to receive supportive services; incentivizing the development or rehabilitation of segregated settings. Policies or practices that promote community integration may include: the administration of long-term State or locally-funded tenant-based rental assistance programs; applying for funds under the Section 811 Project Rental Assistance Demonstration; implementing special population preferences in the HCV and other programs; incentivizing the development of integrated supportive housing through the LIHTC program; ordinances banning housing discrimination on the basis of source of income; coordination between housing and disability services agencies; increasing the availability of accessible public transportation.

### **Lack of community revitalization strategies**

The term "community revitalization strategies" refers here to realistic planned activities to improve the quality of life in areas that lack public and private investment, services and amenities, have significant deteriorated and abandoned properties, or other indicators of community distress. Revitalization can include a range of activities such as improving housing, attracting private investment, creating jobs, and expanding educational opportunities or providing links to other community assets. Strategies may include such actions as rehabilitating housing; offering economic incentives for housing developers/sponsors, businesses (for commercial and employment opportunities), bankers, and other interested entities that assist in the revitalization effort; and securing financial resources (public, for-profit, and nonprofit) from sources inside and outside the jurisdiction to fund housing improvements, community facilities and services, and business opportunities in neighborhoods in need of revitalization. When a community is being revitalized, the preservation of affordable housing units can be a strategy to promote integration.

### **Lack of local private fair housing outreach and enforcement**

The term "local private fair housing outreach and enforcement" refers to outreach and enforcement actions by private individuals and organizations, including such actions as fair housing education, conducting testing, bring lawsuits, arranging and implementing settlement agreements. A lack of private enforcement is often the result of a lack of resources or a lack of awareness about rights

under fair housing and civil rights laws, which can lead to under-reporting of discrimination, failure to take advantage of remedies under the law, and the continuation of discriminatory practices. Activities to raise awareness may include technical training for housing industry representatives and organizations, education and outreach activities geared to the general public, advocacy campaigns, fair housing testing and enforcement.

**Lack of local public fair housing enforcement**

The term “local public fair housing enforcement” refers here to enforcement actions by State and local agencies or non-profits charged with enforcing fair housing laws, including testing, lawsuits, settlements, and fair housing audits. A lack of enforcement is a failure to enforce existing requirements under state or local fair housing laws. This may be assessed by reference to the nature, extent, and disposition of housing discrimination complaints filed in the jurisdiction.

**Lack of private investment in specific neighborhoods**

The term “private investment” refers here to investment by non-governmental entities, such as corporations, financial institutions, individuals, philanthropies, and non-profits, in housing and community development infrastructure. Private investment can be used as a tool to advance fair housing, through innovative strategies such as mixed-use developments, targeted investment, and public-private partnerships. Private investments may include, but are not limited to: housing construction or rehabilitation; investment in businesses; the creation of community amenities, such as recreational facilities and providing social services; and economic development of the neighborhoods that creates jobs and increase access to amenities such as grocery stores, pharmacies, and banks. It should be noted that investment solely in housing construction or rehabilitation in areas that lack other types of investment may perpetuate fair housing issues. While “private investment” may include many types of investment, to achieve fair housing outcomes such investments should be strategic and part of a comprehensive community development strategy.

**Lack of public investment in specific neighborhoods, including services or amenities**

The term “public investment” refers here to the money government spends on housing and community development, including public facilities, infrastructure, services. Services and amenities refer to services and amenities provided by local or state governments. These services often include sanitation, water, streets, schools, emergency services, social services, parks and transportation. Lack of or disparities in the provision of municipal and state services and amenities have an impact on housing choice and the quality of communities. Inequalities can include, but are not limited to disparity in physical infrastructure (such as whether or not roads are paved or sidewalks are provided and kept up); differences in access to water or sewer lines, trash pickup, or snow plowing. Amenities can include, but are not limited to recreational facilities, libraries, and parks. Variance in the comparative quality and array of municipal and state services across neighborhoods impacts fair housing choice.

**Lack of regional cooperation**

The term “regional cooperation” refers here to formal networks or coalitions of organizations, people, and entities working together to plan for regional development. Cooperation in regional planning can be a useful approach to coordinate responses to identified fair housing issues and contributing factors because fair housing issues and contributing factors not only cross multiple sectors—including housing, education, transportation, and commercial and economic development—but these issues are often not constrained by political-geographic boundaries. When there are regional patterns in segregation or R/ECAP, access to opportunity, disproportionate housing needs, or the concentration of affordable housing there may be a lack of regional cooperation and fair housing choice may be restricted.

### **Lack of resources for fair housing agencies and organizations**

A lack of resources refers to insufficient resources for public or private organizations to conduct fair housing activities including testing, enforcement, coordination, advocacy, and awareness-raising. Fair housing testing has been particularly effective in advancing fair housing, but is rarely used today because of costs. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information which may indicate whether a housing provider is complying with fair housing laws. “Resources” as used in this factor can be either public or private funding or other resources. Consider also coordination mechanisms between different enforcement actors.

### **Lack of state or local fair housing laws**

State and local fair housing laws are important to fair housing outcomes. Consider laws that are comparable or “substantially equivalent” to the Fair Housing Act or other relevant federal laws affecting fair housing laws, as well as those that include additional protections. Examples of state and local laws affecting fair housing include legislation banning source of income discrimination, protections for individuals based on sexual orientation, age, survivors of domestic violence, or other characteristics, mandates to construct affordable housing, and site selection policies. Also consider changes to existing State or local fair housing laws, including the proposed repeal or dilution of such legislation.

### **Land use and zoning laws**

The term “land use and zoning laws” generally refers to regulation by State or local government of the use of land and buildings, including regulation of the types of activities that may be conducted, the density at which those activities may be performed, and the size, shape and location of buildings and other structures or amenities. Zoning and land use laws affect housing choice by determining where housing is built, what type of housing is built, who can live in that housing, and the cost and accessibility of the housing. Examples of such laws and policies include, but are not limited to:

- Limits on multi-unit developments, which may include outright bans on multi-unit developments or indirect limits such as height limits and minimum parking requirements.
- Minimum lot sizes, which require residences to be located on a certain minimum sized area of land.
- Occupancy restrictions, which regulate how many persons may occupy a property and, sometimes, the relationship between those persons (refer also to occupancy codes and restrictions for further information).
- Inclusionary zoning practices that mandate or incentivize the creation of affordable units.
- Requirements for special use permits for all multifamily properties or multifamily properties serving individuals with disabilities.
- Growth management ordinances.

### **Lending Discrimination**

The term “lending discrimination” refers here to unequal treatment based on protected class in the receipt of financial services and in residential real estate related transactions. These services and transactions encompass a broad range of transactions, including but not limited to: the making or purchasing of loans or other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling, as well as the selling, brokering, or appraising or residential real estate property. Discrimination in these transaction includes, but is not limited to: refusal to make a mortgage loan or refinance a mortgage loan; refusal to provide information regarding loans or providing unequal information; imposing different terms or conditions on a loan, such as different

interest rates, points, or fees; discriminating in appraising property; refusal to purchase a loan or set different terms or conditions for purchasing a loan; discrimination in providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or other financial assistance secured by residential real estate; and discrimination in foreclosures and the maintenance of real estate owned properties.

### **Location of accessible housing**

The location of accessible housing can limit fair housing choice for individuals with disabilities. For purposes of this assessment, accessible housing refers to housing opportunities in which individuals with disabilities have equal opportunity to use and enjoy a dwelling. Characteristics that affect accessibility may include physical accessibility of units and public and common use areas of housing, as well as application procedures, such as first come first serve waitlists, inaccessible websites or other technology, denial of access to individuals with assistance animals, or lack of information about affordable accessible housing. Federal, state, and local laws apply different accessibility requirements to housing. Generally speaking, multifamily housing built in 1991 or later must have accessibility features in units and in public and common use areas for persons with disabilities in accordance with the requirements of the Fair Housing Act. Housing built by recipients of Federal financial assistance or by, on behalf of, or through programs of public entities must have accessibility features in units and in public and common use areas, but the level of accessibility required may differ depending on when the housing was constructed or altered. Single family housing is generally not required to be accessible by Federal law, except accessibility requirements typically apply to housing constructed or operated by a recipient of Federal financial assistance or a public entity. State and local laws differ regarding accessibility requirements. An approximation that may be useful in this assessment is that buildings built before 1992 tend not to be accessible.

### **Location of employers**

The geographic relationship of job centers and large employers to housing, and the linkages between the two (including, in particular, public transportation) are important components of fair housing choice. Include consideration of the type of jobs available, variety of jobs available, job training opportunities, benefits and other key aspects that affect job access.

### **Location of environmental health hazards**

The geographic relationship of environmental health hazards to housing is an important component of fair housing choice. When environmental health hazards are concentrated in particular areas, neighborhood health and safety may be compromised and patterns of segregation entrenched. Relevant factors to consider include the type and number of hazards, the degree of concentration or dispersion, and health effects such as asthma, cancer clusters, obesity, etc. Additionally, industrial siting policies and incentives for the location of housing may be relevant to this factor.

### **Location of proficient schools and school assignment policies**

The geographic relationship of proficient schools to housing, and the policies that govern attendance, are important components of fair housing choice. The quality of schools is often a major factor in deciding where to live and school quality is also a key component of economic mobility. Relevant factors to consider include whether proficient schools are clustered in a portion of the jurisdiction or region, the range of housing opportunities close to proficient schools, and whether the jurisdiction has policies that enable students to attend a school of choice regardless of place of residence. Policies to consider include, but are not limited to: inter-district transfer programs, limits on how many students from other areas a particular school will accept, and enrollment lotteries that do not provide access for the majority of children.

### **Location and type of affordable housing**

Affordable housing includes, but is not limited to publicly supported housing; however each category of publicly supported housing often serves different income-eligible populations at different levels of affordability. What is “affordable” varies by circumstance, but an often used rule of thumb is that a low- or moderate-income family can afford to rent or buy a decent-quality dwelling without spending more than 30 percent of its income. The location of housing encompasses the current location as well as past siting decisions. The location of affordable housing can limit fair housing choice, especially if the housing is located in segregated areas, R/ECAPs, or areas that lack access to opportunity. The type of housing (whether the housing primarily serves families with children, elderly persons, or persons with disabilities) can also limit housing choice, especially if certain types of affordable housing are located in segregated areas, R/ECAPs, or areas that lack access to opportunity, while other types of affordable housing are not. The provision of affordable housing is often important to individuals with protected characteristics because they are disproportionately represented among those that would benefit from low-cost housing.

### **Occupancy codes and restrictions**

The term “occupancy codes and restrictions” refers here to State and local laws, ordinances, and regulations that regulate who may occupy a property and, sometimes, the relationship between those persons. Standards for occupancy of dwellings and the implication of those standards for persons with certain protected characteristics may affect fair housing choice. Occupancy codes and restrictions include, but are not limited to:

- Occupancy codes with “persons per square foot” standards.
- Occupancy codes with “bedrooms per persons” standards.
- Restrictions on number of unrelated individuals in a definition of “family.”
- Restrictions on occupancy to one family in single family housing along with a restricted definition of “family.”
- Restrictions that directly or indirectly affect occupancy based on national origin, religion, or any other protected characteristic.
- Restrictions on where voucher holders can live.

### **Private Discrimination**

The term “private discrimination” refers here to discrimination in the private housing market that is illegal under the Fair Housing Act or related civil rights statutes. This may include, but is not limited to, discrimination by landlords, property managers, home sellers, real estate agents, lenders, homeowners’ associations, and condominium boards. Some examples of private discrimination include:

- Refusal of housing providers to rent to individuals because of a protected characteristic.
- The provision of disparate terms, conditions, or information related to the sale or rental of a dwelling to individuals with protected characteristics.
- Steering of individuals with protected characteristics by a real estate agent to a particular neighborhood or area at the exclusion of other areas.
- Failure to grant a reasonable accommodation or modification to persons with disabilities.
- Prohibitions, restrictions, or limitations on the presence or activities of children within or around a dwelling.

Useful references for the extent of private discrimination may be number and nature of complaints filed against housing providers in the jurisdiction, testing evidence, and unresolved violations of fair housing and civil rights laws.

### **Quality of affordable housing information programs**

The term “affordable housing information programs” refers here to the provision of information related to affordable housing to potential tenants and organizations that serve potential tenants, including the maintenance, updating, and distribution of the information. This information includes: but is not limited to, listings of affordable housing opportunities or local landlords who accept Housing Choice Vouchers; mobility counseling programs; and community outreach to potential beneficiaries. The quality of such information relates to, but is not limited to:

- How comprehensive the information is (e.g. that the information provided includes a variety of neighborhoods, including those with access to opportunity indicators)
- How up-to-date the information is (e.g. that the publicly supported housing entity is taking active steps to maintain, update and improve the information).
- Pro-active outreach to widen the pool of participating rental housing providers, including both owners of individual residences and larger rental management companies.

### **Regulatory barriers to providing housing and supportive services for persons with disabilities**

Some local governments require special use permits for or place other restrictions on housing and supportive services for persons with disabilities, as opposed to allowing these uses as of right. These requirements sometimes apply to all groups of unrelated individuals living together or to some subset of unrelated individuals. Such restrictions may include, but are not limited to, dispersion requirements or limits on the number of individuals residing together. Because special use permits require specific approval by local bodies, they can enable community opposition to housing for persons with disabilities and lead to difficulty constructing this type of units in areas of opportunity or anywhere at all. Other restrictions that limit fair housing choice include requirements that life-safety features appropriate for large institutional settings be installed in housing where supportive services are provided to one or more individuals with disabilities. Note that the Fair Housing Act makes it unlawful to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of persons without disabilities, to take action against, or deny a permit, for a home because of the disability of individuals who live or would live there, or to refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

### **Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs**

The term “siting selection” refers here to the placement of new publicly supported housing developments. Placement of new housing refers to new construction or acquisition with rehabilitation of previously unsubsidized housing. State and local policies, practices, and decisions can significantly affect the location of new publicly supported housing. Local policies, practices, and decisions that may influence where developments are sited include, but are not limited to, local funding approval processes, zoning and land use laws, local approval of LIHTC applications, and donations of land and other municipal contributions. For example, for LIHTC developments, the priorities and requirements set out in the governing Qualified Allocation Plan (QAP) influence where developments are located through significant provisions in QAPs such as local veto or support requirements and criteria and points awarded for project location.

### **Source of income discrimination**

The term “source of income discrimination” refers here to the refusal by a housing provider to accept tenants based on type of income. This type of discrimination often occurs against individuals receiving assistance payments such as Supplemental Security Income (SSI) or other disability income, social security or other retirement income, or tenant-based rental assistance, including Housing Choice Vouchers. Source of income discrimination may significantly limit fair housing choice for individuals with certain protected characteristics. The elimination of source of income discrimination and the acceptance of payment for housing, regardless of source or type of income, increases fair housing choice and access to opportunity.

### **State or local laws, policies, or practices that discourage individuals with disabilities from being placed in or living in apartments, family homes, and other integrated settings**

State and local laws, policies, or practices may discourage individuals with disabilities from moving to or being placed in integrated settings. Such laws, policies, or practices may include medical assistance or social service programs that require individuals to reside in institutional or other segregated settings in order to receive services, a lack of supportive services or affordable, accessible housing, or a lack of access to transportation, education, or jobs that would enable persons with disabilities to live in integrated, community-based settings.

### **Unresolved violations of fair housing or civil rights law**

Unresolved violations of fair housing and civil rights laws include determinations or adjudications of a violation or relevant laws that have not been settled or remedied. This includes determinations of housing discrimination by an agency, court, or Administrative Law Judge; findings of noncompliance by HUD or state or local agencies; and noncompliance with fair housing settlement agreements.