

Chapter 4

Fair Housing

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AFFIRMATIVELY FURTHERING FAIR HOUSING REPORT

Federal Guideline - Affirmatively Furthering Fair Housing: Outline actions taken to affirmatively further fair housing, summary of impediments to fair housing choice in the Analysis of Impediments (AI), and identify actions taken to overcome effects of impediments identified in the AI.

The U.S. Department of Housing and Urban Development (HUD) recommends each Participating Jurisdictions (PJs) receiving federal entitlement grants to conduct an Analysis of Impediments to Fair Housing (AI) during the each 5-Year Consolidated Plan process. Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.

An Analysis of Impediments is an assessment of the City's laws, regulations, administrative policies, procedures, and practices as they affect the location, availability and accessibility of fair housing choice. The AI identifies recommended actions for the City to reduce barriers to fair housing. Each year, the City is required to report on the progress regarding these recommended actions in both the annual Action Plan and the Consolidated Annual Performance and Evaluation Report (CAPER).

The City of Austin conducted an AI as a component of FY 2009-14 Consolidated Plan. The analysis identified and reviewed fair housing and fair lending issues in Austin. The City of Austin hired BBC Research & Consulting to conduct the City's Analysis of Impediments to Fair Housing, which was included in the FY 2009-14 Consolidated Plan. Austin's AI released in July 2009 included an analysis of:

- Home Mortgage Disclosure Act (HMDA) data highlighting fair lending concerns,
- Legal cases and actions within Austin and other Texas communities related to fair housing,
- Fair housing complaint process,
- Citizen input about fair housing issues,
- Rental and housing affordability, and
- City policy and procedure review, which primarily includes input from affordable housing developers.

To view the City's Analysis of Impediments to Fair Housing report, visit [Appendix VI](#).

The following are recommended actions from the report's findings:

Recommended Action - Item 1. Raise the visibility and resolution process of fair housing.

The report states there was a discrepancy between the number of complaints received by the City's Fair Housing Office and Austin Tenants' Council (ATC) and the number of survey respondents citing housing discrimination. This finding suggests that some residents may not be aware or fully understand their fair housing rights or know whom

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to contact when faced with discrimination. Many of the survey respondents cited their race as the reason for housing discrimination.

The report determined the majority of residents facing housing discrimination contacted the Austin Tenants' Council (ATC) regarding questions and complaints. ATC is a key partner in the City's goals to provide fair housing counseling and offers enforcement services benefiting renters in Austin. ATC is a recipient of HUD Fair Housing Initiatives program funds as well as receives funding through the City of Austin. The agency's Fair Housing Program helps any person who has been discriminated against in the rental, sale, financing, or appraisal of housing. ATC offers an array of services including telephone counseling; face-to-face and in-house counseling; mediation services; intake testing; and referral of housing discrimination complaints.

Located in Central East Austin, ATC focuses efforts on educating the public about fair housing, and participates in over 30 outreach events/efforts annually. The ATC partnered with other community organizations to hold a Housing Fair in April 2011 which showcased housing rights educational booths with information about fair housing protections, tenant-landlord laws, affordable housing resources, and homeowner guides. They also seek media opportunities to highlight the agency's resources and services, partnering with the City to offer annual tenant/landlord training, and are the most prominent source for City of Austin residents when residents experience housing discrimination.

The City of Austin's Fair Housing Office seeks the elimination of racial/ethnic discrimination, including the present effects of past discrimination, and the elimination of de facto racial/ethnic residential segregation. In order to raise the City of Austin's visibility and improve the City's resolution process to fair housing complaints, NHCD in partnership with the Fair Housing Office launched a web site (www.cityofaustin.org/housing/fairhousing.htm) in January 2010 that highlights:

- Fair housing and fair lending information,
- The City's Fair Housing Ordinance,
- The process in filing an online complaint along with form that can be downloaded online, and
- Helpful links, including:
 - The City's Fair Housing Office,
 - Austin Tenants' Council,
 - HUD Office of Fair Housing and Equal Employment,
 - National Fair Housing Advocate Online,
 - Civil and Human Rights Coalition,
 - Fair Housing Accessibility First, and
 - The City's Analysis of Impediments to Fair Housing (2009).

The City of Austin Fair Housing Office staff attends annual trainings, seminars, and conferences offered by various agencies throughout the United States. The following are trainings and upcoming trainings staff have or will participate to assist in administering Fair Housing programs and activities:

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- National Fair Housing Training Academy - March 2011,
- Fair Housing Seminar “Dare to be Fair” - April 2011,
- City of Austin Code Enforcement Training - May 2011,
- National Fair Housing Training Academy - July 2011,
- HUD Webcast- “Assessing Discrimination Allegations from Lesbian, Gay, Bisexual, and Transgender (LGBT) Persons for coverage under the Fair Housing Act” - September 2011,
- Training for Community Development Commission (CDC) on Fair Housing Laws - March 2011,
- Training for NHCD Staff on Fair Housing Laws - April 2011, and
- International Association of Official Human Rights Agencies (IAOHRA) Housing Training Academy/Conference with nationwide attendance - August 2011.

In addition, to elevate the visibility of the office and customer service for residents, the City of Austin relocated its Fair Housing Office to East 11th Street, a more centralized location near NHCD and more easily accessible to low-income residents. The Fair Housing Office investigates fair housing complaints and claims dealing with false advertising, predatory lending, and design and construction. The Fair Housing Office is also in the process of hiring a Fair Housing Outreach Coordinator that will continue to explore and seek opportunities to market current programs and enhance educational efforts to further fair housing initiatives in the Austin community.

Recommended Action - Item 2. Conduct targeted education and programming in minority neighborhoods.

The Home Mortgage Disclosure Act (HMDA) data is the best source of information on mortgage lending discrimination. HMDA data includes: mortgage loan applications for financial institutions, savings banks, credit unions, and some mortgage companies; location of home; dollar amount of loan; types of loans; racial/ethnic information about applicant; income of applicant; and credit characteristics of all loan applicants.

BBC Research & Consulting issued the following findings from the Home Mortgage Disclosure Act (HMDA) analysis:

- African American and Hispanic residents were more likely to be denied their loan than white residents in Austin; however, loan denials were not as disproportionately high for African American and Hispanic applicants by banks based in Austin.
- Higher loan denial rates were concentrated in East Austin neighborhoods.
- African American and Hispanic residents are more likely to receive subprime mortgages.
- The reasons for loan denials are more diverse for Austin residents, as compared to the denials given by Austin-based banks.

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In response to the HMDA data, the report recommended the following next steps:

1. The City should prioritize and promote a model loan application program and establish an outreach process for applicants to be informed about existing resources. The model loan program would outline quality loan products that would ensure applicants are aware of and applying for appropriate loan products that they are more likely to qualify for.
2. The City should conduct targeted campaigns or “road shows” to educate residents, landlords, housing providers and real estate professionals about fair housing and discriminatory issues that are most prevalent by area. The campaigns could take the form of public meetings, forums, and information meetings with local officials and target East Austin residents. The City, through its Fair Housing Office, has dedicated resources to hire of a Fair Housing Outreach Coordinator. NHCD continues to work closely with the Fair Housing Office in FY 2011-12 to explore partnerships to strengthen communications, marketing, and education initiatives to address issues identified in the AI.
3. The City could partner with local Austin-based banks, which have had a more reliable past record of nondiscriminatory lending practices. Their rationale for loan denials was generally more uniform and consistent across all groups of applicants. Furthermore, local lenders may have a greater interest in local residents and may be more likely to ensure that applications are complete and that residents are applying for the correct types of loans products.

The City of Austin through the Austin Housing Finance Corporation (AHFC) currently offers Housing Smarts, an AHFC housing counseling program established in 2006. The program offers financial literacy skills; lending education; homebuyer education, which includes pre and post purchase counseling; and foreclosure prevention. Housing Smarts uses NeighborWorks America's housing counseling curriculum and offers individual housing counseling sessions. Under the Housing Smarts program, the City contracts with the following non-profits to further financial literacy related to foreclosure prevention and offer the Housing Smarts program in Spanish:

- **Business and Community Lenders (BCL) of Texas.** BCL provides foreclosure prevention assistance provided through counseling sessions. Clients receive financial literacy services, including credit and budget counseling and money management courses.
- **Frameworks Community Development Corporation.** Frameworks provides the Housing Smarts program in Spanish and offers one-on-one sessions.

AHFC is applying to become a HUD certified *Housing Counseling Agency* and have an *Assets for Independence Demonstration Program*. By becoming certified, AHFC will have the opportunity to apply for additional funding that is specifically designated for certified agencies. The certification and potential funding will assist AHFC in furthering

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its financial and personnel capacity to provide housing counseling and financial stability services to low- and moderate-income households.

In addition, the City of Austin discourages predatory lending and requires that all households participating in the Down Payment Assistance Program and Mortgage Credit Certificate Program secure a fixed-rate mortgage at prevailing interest rates. The City will continue seeking partnerships with local agencies to ensure the residents are informed on quality lending opportunities that lead to positive results.

Recommended Action - Item 3. Continue leading affordable housing development efforts.

During the AI process, stakeholders and affordable housing developers identified affordability as the primary fair housing issue in Austin. The group indicated that the affordable housing stock in Austin is highly limited; thus resulting in many low-income residents living in substandard housing or tolerating discriminatory situations for fear of not finding another affordable unit.

The City of Austin will continue engaging non-profit and for-profit developers to maximize and retain affordable housing opportunities. Through the City's General Obligation (G.O.) Bonds, Acquisition and Development (A&D), Rental Housing and Development Assistance (RHDA) programs, the City creates affordable housing in addressing its core values: deeper levels of affordability, units that will remain affordable over long-term, and affordable housing that is geographically dispersed throughout the City.

Core Values

The Affordable Housing Incentives Task Force (AHITF), comprised of real estate professionals, affordable housing developers, for-profit developers, affordable housing advocates, academics, and neighborhood representatives issued a report in 2007 to the Austin City Council with recommendations for incentives for affordable housing. This task force recommended three core values for affordable housing development that are used by the City and considered high priorities. These values remain an integral part of issuance of affordable housing funds and the development of housing by the City. Through the promotion of the core values below, the initiatives serve to increase affordable housing stock and housing options to all residents throughout the community, further ensuring that housing is available to all residents in the community.

- *Deeper Affordability Targets:* Reach deeper levels of affordability to serve lower-income residents.
- *Long-term Affordability:* The City values preserving affordability for the long-term; and,
- *Geographic Dispersion:* Affordable housing geographically dispersed throughout the City of Austin.

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NHCD highlights the core value of Geographic Dispersion in several ways. First of all, geographic dispersion is a key scoring criteria for the City's Rental Housing and Developer Assistance (RHDA) and Acquisition and Development (A&D) programs. The Kirwan Institute's Opportunity Map of Austin, which shows the census tracts of Austin ranging from very high opportunity to very low opportunity, is used as the rubric for geographic dispersion. Areas of high opportunity are areas where affordable housing in Austin has not traditionally been located, and are typically areas of lower racial/ethnic minority concentration. Geographic dispersion counts as over 10 percent of the total scoring for RHDA, and over 15 percent for A&D.

As part of the S.M.A.R.T. Housing™ ordinance, NHCD staff also prepares an Affordability Impact Statement (AIS) for all proposed neighborhood plans in the City of Austin to identify any potential impacts on housing affordability. This analysis ensures that the City Council and the public are informed on how neighborhoods throughout Austin have made an effort to include opportunities for affordable housing within their plans. NHCD staff also works with neighborhood members throughout their planning process to educate the public about affordable housing and promote its benefits to the community. This is especially important for neighborhoods to the west of Austin, where affordable housing has not traditionally been located and the racial/ethnic minority concentration is typically disproportionately lower than other areas in the City. In this effort, NHCD encourages that affordable housing promotes desegregation throughout all parts of the City. Additionally, the City of Austin continues its solid partnerships with both public housing authorities, the Housing Authority of the City of Austin (HACA) and the Housing Authority of Travis County (HATC) to further education about the importance of affordable housing – and fair housing.

NHCD recognizes that with its goal to increase affordable housing stock for low-income residents, there must be a continued focus on strengthening compliance of fair housing, as well as increasing educational programs to help promote fair housing initiatives. These two goals must be aligned to ensure overall success of NHCD affordable housing programs and initiatives. NHCD will work closely with the Fair Housing Outreach Coordinator and other appropriate entities including the Austin Tenants Council (ATC), ADAPT/Austin Chapter, Chambers of Commerce and area lenders to market affordable housing options and choices to promote opportunities for all persons regardless of race, color, religion, sex, disability, familial status, national origin, student status, sexual orientation, gender identity, or age.

Affordable Housing Programs

Through the Acquisition and Development program (A&D) and Rental Housing and Development Assistance (RHDA) program, the City offers gap financing to public and private partners so that the Austin affordable housing stock is retained. Key partners include Community Housing and Development Organizations (CHDOs) who assist in the creation and retention of affordable housing for low- and moderate-income households. Recognizing that action in and of itself to create and retain affordable housing is not sufficient to affirmatively further fair housing, NHCD and AHFC take additional steps to assure that housing is fully available to all residents of the

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community, regardless of race, color, religion, sex, disability, familial status, national origin, student status, sexual orientation, gender identity, or age. The following actions are taken to affirmatively further fair housing:

NHCD staff regularly analyzes the geographic dispersion of affordable housing to ensure that the City of Austin's investment through the dispersment of local and federal funds are not concentrated to specific geographic areas. By implementing this ongoing analysis, it further increases its assurances to address the impact of face discrimination on housing opportunities and choice in its jurisdiction.

General Obligation (GO) Bonds

As of March 2011, \$48.3 million G.O. Bond funding has been expended or committed out of the \$55 million bond package received in November 2006. This funding has been used to further the development of affordable rental and ownership housing opportunities for Austin's low-to moderate-income citizens. The City of Austin's return on investment has resulted in 1,779 affordable units for rental and homeownership opportunities. A web site highlighting the committed G.O. Bonds allocated to affordable housing and the community's Return on Investment (ROI) related to its G.O. Bond funds dedicated to the affordable housing program was designed and launched in 2010. The site demonstrates the community return on investment and features award applicant information and development profiles (units created or retained for low-income residents), as well as a description of affordable housing impact, term and depth of affordability, and geographic dispersion of project. Summaries of all G.O. Bond projects can be found at the City's Return on Investment (ROI) Web site: www.cityofaustin.org/housing/roi. In FY 2011-12, NHCD will be requesting the remaining balance of G.O. Bonds funds of \$6.6 million be used to address the City's affordable housing needs.

Education & Outreach

NHCD will integrate fair housing education with all affordable housing materials and educational curriculum. This includes a fair housing web site presence on the City homepage as well as specific information about the importance of fair housing presented at multiple public presentations on NHCD programs. Integrating a fair housing component with information about City of Austin programs increases opportunities to affirmatively further fair housing.

In combination with the City's Permanent Supportive Housing (PSH) strategy, the City and Travis County sponsored a fair housing training for providers of PSH in February 2011. The training conducted by the Corporation for Supportive Housing (CSH) provided information on topics including: tenant screening & selection; serving designated populations; and enforcing leases while preventing evictions. Several key NHCD staff attended the training.

The City will continue hosting quarterly Affordable Housing Forums to enhance coordination and dialogue between industry experts, stakeholders, private developers, housing providers, and public policy makers. Four forums are planned for FY 2011-12. Topics will include Fair Housing, Design of Affordable Housing, and Asset

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Building/Financial Empowerment. For more information about NHCD's Affordable Housing Forums, visit www.cityofaustin.org/housing.

Recommended Action - Item 4. Continue educating the public about fair housing involving neighborhood groups.

The City of Austin is committed in engaging the community, neighborhood groups and its stakeholders in promoting all aspects of housing. Fair housing initiatives are a priority for the City of Austin and NHCD continues seeking opportunities to promote and highlight fair housing in its entire entirety in FY 2011-12.

Housing Education and Outreach

To promote and support all aspects of housing is one of NHCD's highest priorities. NHCD's Affordable Housing Forums, a quarterly series of conversations on important and diverse housing issues in Austin, are a critical component of NHCD's educational initiative. For more information about NHCD's Affordable Housing Forums, visit www.cityofaustin.org/housing.

Imagine Austin Comprehensive Plan and East Riverside Corridor Master Plan

The City is in the process of developing its Comprehensive Plan and the East Riverside Corridor Master Plan. NHCD staff will capitalize on the increased focus and educational opportunities influenced by the both public input processes to increase education about affordable housing and fair housing. For more information about the Comprehensive Plan, visit www.imagineaustin.net. For more information about the *East Riverside Corridor Master Plan*, visit www.cityofaustin/urbandesign/riversideplan.htm.

Expand Resources

NHCD will continue to increase its resources to educational outreach efforts in FY 2011-12. The Planning, Policy and Outreach Division will work closely with the Fair Housing Office to increase awareness about fair housing as well as to elevate to the Austin community the importance of affordable housing. In response to the action item identified in the AI, NHCD's curriculum has been updated to encompass a fair housing component for all public educational forums. NHCD sponsors more than 30 events annually including neighborhood association presentations, quarterly community forums and those hosted jointly with the Planning and Development Review Department (PDR).

These educational activities serve to inform the community and provide an assessment of conditions – both public and private, affecting fair housing choice for all protected classes. In addition, information is provided about how a community's actions and decisions regarding affordable housing investment can restrict the availability of housing choices.

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POLICIES AND PROGRAMS TO ENHANCE ACCESSIBILITY FOR PERSON WITH DISABILITIES

According to the U.S. Department of Housing and Urban Development (HUD), 24 CFR 582.5: a person shall be considered to have a disability if such a person has a physical, mental, or emotional impairment that:

- Is expected to be of long-continued and indefinite duration,
- Substantially impedes his or her ability to live independently, and
- Is of such a nature that the ability could be improved by more suitable housing conditions.

According to the 2005 to 2007 American Community Survey, approximately 6.6 percent, or 1,383,728, Texans over the age of 5 had one disability, and 7.8 percent, or 1,635,315, Texans over the age of five had two or more disabilities for that time period. Of the people with disabilities aged 16 to 64, approximately 3.1 percent had a sensory disability (severe vision or hearing impairment), 7.1 percent had a physical disability (condition that substantially limits a physical activity such as walking or carrying), 4.4 percent had a mental disability (learning or remembering impairment), 2.1 percent had a self-care disability (dressing, bathing, or getting around inside the home), 3.1 percent had a go-outside-home disability, and 6.2 percent had an employment disability from 2005 to 2007.¹

With respect to the City of Austin, the 2008 American Community Survey estimates that 63,906 people over the age of 5 (equivalent to approximately 8.3 percent) had one or more disabilities. It is also noted that 4.3 percent, or 4,985 Austinites aged 5 to 17 had at least one disability; and 7.6 percent, or 40,764 of residents, aged 18 to 64 had one or more disabilities. Of Austin's population aged 65 and older, 38.7 percent, or 18,157, were disabled in some manner. Disabilities are thus much more prevalent among Austin's older residents.

Commitment to Community Integration

The *Olmstead* Supreme Court decision held that the unjustified institutional isolation of people with disabilities is a form of unlawful discrimination under the Americans with Disabilities Act (ADA). In January 2000, Texas embarked on a Promoting Independence Initiative in response to the *Olmstead* ruling, which ruled in June 1999 that states must provide community-based services for people with disabilities who would otherwise be entitled to institutional services, when:

- The state's treatment professionals determine that such placement is appropriate;
- The affected people do not oppose such treatment; and
- The placement can be reasonably accommodated, taking into account the resources available to the state and the needs of others who are receiving state supported disability services.²

¹ 2010 State of Texas Low Income Housing Plan and Annual Report (www.tdhca.state.tx.us/housing-center/docs/10-SLIHP.pdf).

² Fact Sheet on Promoting Independence. Texas Department of Aging and Disability Services (<http://www.dads.state.tx.us/services/faqs-fact/pi.html>).

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Texas' Promoting Independence initiative supports allowing individuals with disabilities to live in the most appropriate care setting available. The statewide initiative began in 1999 when Gov. George W. Bush affirmed the value of community-based alternatives for persons with disabilities in an executive order. Gov. Rick Perry signed Executive Order RP 13 on April 18, 2002, also relating to community-based alternatives for people with disabilities. In response to Gov. Bush's order and the Supreme Court's *Olmstead* decision, the Texas Health and Human Services Commission developed the Texas Promoting Independence Plan. For more information on the Texas Promoting Independence Plan, visit www.dads.state.tx.us/providers/pi/index.html.

The City of Austin Neighborhood Housing and Community Development (NHCD) Office has received consistent feedback regarding the preference of persons with disabilities to live independently and remain in their own homes. NHCD and is strongly committed to implementation of the *Olmstead* decision and the Texas Promoting Independence Plan, which affirms the right of persons with disabilities to obtain services in the most integrated setting appropriate to their needs.

FY 2009-14 Consolidated Plan

The City of Austin FYs 2009-2014 Consolidated Plan identifies housing and non-housing needs for persons with disabilities. Chapter 4 of the Consolidated Plan is entitled Housing and Non-Housing for Special Needs Populations, and includes sections on the elderly/frail elderly and persons with physical disabilities. The Elderly/Frail Elderly section identifies a continuum of options for elderly persons as noted in Exhibit 4-1 on page 4-6 of the FY 2009-14 Consolidated Plan, which includes a list of nursing homes and assisted living facilities.

The Persons with Physical Disabilities section of Chapter 4 of the Consolidated Plan outlines housing and non-housing needs for persons with physical disabilities and also references Exhibit 4-1. NHCD is providing written clarification that the department does not take the position that nursing homes are a housing option for persons with disabilities unless the individual explicitly chooses this option. To emphasize what is stated in Chapter 4, Medicaid cannot be used to cover the cost of housing for persons with disabilities, except to be utilized for environmental modifications.

City of Austin Initiatives

Initiatives that promote the integration of persons with disabilities in affordable housing programs remain an important goal of NHCD's FY 2011-12 Investment Plan. NHCD promotes policies and programs to enhance accessibility for persons with disabilities in all of its activities, and targets investment in the following areas:

- *Tenant's Rights Assistance*
- *Deeply Affordable Rents/Permanent Supportive Housing*
- *Accessibility/Visitability Standards*
- *Architectural Barrier Removal Program*
- *Compliance Initiatives*
- *Tenants' Rights Assistance*

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The Fair Housing Analysis in the City of Austin FY 2009-2014 Consolidated Plan reports that more than half of all fair housing complaints in Austin in 2008 were regarding disability status. Likewise, the Austin Tenants' Council reports that 54 percent of the total complaints received in 2008 were from individuals with disabilities.

To address this concern as it relates to persons with disabilities, the City continues its investment in the Austin Tenants' Council (ATC). ATC is a recipient of HUD's Fair Housing Initiative Program (FHIP) funds. The Austin Tenants' Council Fair Housing Program serves to provide tenant-landlord fair housing education/outreach and counseling and document and investigate housing discrimination complaints. The agency also provides advice about remedies under fair housing laws and coordinates legal services to assist victims of housing discrimination. ATC carries out testing and enforcement activities to prevent or eliminate discriminatory housing practices.

The City of Austin Fair Housing Office also provides assistance to residents who believe they have been discriminated against as it relates to housing. NHCD will continue to work closely with both entities to address fair housing issues, with a special focus on residents with disabilities. NHCD continues to support the Austin Tenants' Council with allocation of Community Development Block Grant (CDBG) funds. The FY 2011-12 Investment Plan includes continued support to ATC's programs and activities.

Deeply Affordable Rents/Permanent Supportive Housing

The City Council passed Resolution 20100325-053 on March 25, 2010, directing the City Manager to give priority to federal and local funding to permanent supportive housing (PSH), and to develop a comprehensive strategy for the construction and operation of 350 permanent supportive housing (PSH) units over the next four years. On September 30, 2010, the City's PSH strategy was presented to City Council. Implementation is underway to achieve the 350-unit goal. The City's PSH will primarily focus efforts on chronic homelessness.

On March 10, 2011, the City Council adopted the City of Austin Permanent Supportive Housing (PSH) Strategy as a working document and authorized the City Manager to facilitate the Leadership Committee on Supportive Housing Finance with the intent to "work" together to review and analyze the report provided to the City Council and recommend a comprehensive public and private financing strategy for the City Council. For more information about Permanent Supportive Housing, visit Chapter 4. To view a map of AHFC-funded housing for person experiencing homelessness, visit **Appendix V**. This map includes shelters, transitional housing and permanent supportive housing.

Accessibility/Visitability Standards

The federal government, the State of Texas and the City of Austin all provide funding for affordable housing that have accessibility standards. Federal and state requirements include accessibility for people who are mobility-impaired, hearing-impaired, or visually impaired and are governed by the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 2306.514 of the Texas Government Code, and the City's building code. In 2005, the City of

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Austin adopted the 2003 International Building Code that federal enforcement agencies determined was in compliance with federal accessibility requirements.

In 2000, the City of Austin adopted the S.M.A.R.T. Housing™ Ordinance that encourages the development of reasonably priced units and has created more than 20,000 S.M.A.R.T. Housing™ units. The S.M.A.R.T. Housing™ ordinance has additional standards for accessibility beyond federal and state levels. In addition, all single-family S.M.A.R.T. Housing™ units must be visitable. Being visitable includes the following standards:

- Accessible entrance door with a ramp or no-step entrance,
- Lever handle hardware,
- Blocking behind the bathroom walls for future grab bar installation,
- Large interior door width, and
- Light switches that are no higher than 48 inches above the floor.

In 2008, the City Council expanded some of the elements of the Visitability Ordinance to apply to all new single-family homes and duplexes in the City of Austin. These new visitability regulations are amendments to the 2006 International Residential Code. In addition, all multi-family S.M.A.R.T. Housing™ units must include the following standards:

- All ground-floor-level units and units accessible by elevator must be adaptable,
- Ten percent of all multi-family units must be accessible,
- Accessible parking spaces are required with an accessible route to first floor units and the common areas,
- Removable cabinet doors, and
- Two percent of total parking spaces must be accessible.

In addition to the above S.M.A.R.T. Housing™ requirements, multi-family units built with Community Development Block Grant or HOME, are also subject to the Section 504 of the Rehabilitation Act of 1973. This act requires that two percent of multifamily units be accessible to individuals with sensory impairments. The S.M.A.R.T. Housing™ requirement that requires ten percent of multi-family units be accessible exceeds the Section 504 requirements, which requires that only five percent of multi-family units be accessible.

Architectural Barrier Removal Program – Rental and Owner (Accessibility Modifications)

The Architectural Barrier Removal (ABR) Program modifies the homes of seniors and persons with disabilities who have limited income and would like their homes more accessible. These programs are available for persons who rent and for those who own their home. These accessibility modifications help persons with disabilities remain in their homes longer and live with a greater degree of independence. All services are free to eligible persons. ABR Program services include:

- Wheel chair ramps,
- Handrails,

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- Door widening,
- Buzzing or flashing devices (for people with visual/hearing impairment),
- Accessible door and faucets handles,
- Shower grab bars and shower wands, and
- Accessible showers, toilets and sinks.

Compliance Initiatives

In 1995, ADAPT of Texas filed a complaint with the U.S. Department of Housing and Urban Development (HUD) providing the City of Austin was not ensuring compliance with applicable federal accessibility standards in multi-family development. As a result, ADAPT, HUD, and the City entered into a Voluntary Compliance Agreement (VCA). On October 17, 1997, HUD approved the Voluntary Compliance Agreement following the City Council adoption of the agreement on October 10, 1997. The Voluntary Compliance Agreement contained certain City performance and funding requirements from 1997 to 2002.

On August 15, 2002, the City of Austin reported to HUD that it had met or exceeded the terms of the five-year Voluntary Compliance Agreement. At that time only two (2) multi-family sites were in full compliance with applicable accessibility standards. On September 30, 2002, HUD released the City of Austin from the Voluntary Compliance Agreement and confirmed that the City had met or exceeded all terms of the agreement. Despite the fact that the Voluntary Compliance Agreement expired, the City of Austin has continued to fund a Voluntary Compliance Agreement Program designed to bring multi-family sites in compliance with applicable accessibility standards. The original Voluntary Compliance Agreement required four inspections or plan reviews per year over a five year period (a minimum of 20 reviews and/or inspections). As of September 30, 2008, 102 developments were in full compliance with applicable federal, state, and local accessibility regulations. The majority of these sites were market rate developments and not income restricted (affordable) developments.

In addition to these efforts, the City adopted the accessibility provisions of the 2003 International Building Code (2003 IBC). Since January 1, 2005, all building and site plans were required to demonstrate compliance with the 2003 IBC. The courts and federal enforcement agencies have deemed the 2003 IBC a safe harbor for compliance with the Fair Housing Act. City Council adoption of this code has resulted in many multi-family builders passing final accessibility inspection the first time.

NHCD continues to contract with Buck Group for third party accessibility review and inspection monitoring services for multi-family sites funded by AHFC. The City of Austin remains committed to ensuring there is accessibility compliance monitoring in place. The contract also includes City staff training on federal, state, and local housing accessibility requirements. In addition, the NHCD has allocated resources for additional services which will support the monitoring and compliance of multifamily units, specifically accessibility compliance.

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AFFIRMATIVE MARKETING AND MINORITY OUTREACH

As a recipient of federal funds, the City of Austin must adopt affirmative marketing procedures and requirements for rental and homebuyer projects containing five or more HOME-assisted housing units. Affirmative marketing steps consist of actions that provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status or disability.

I. Affirmative Marketing Plan

When a rental housing or homeowner project containing five or more units is planned to be constructed, the City of Austin and/or its subrecipients will provide information to the community that attract eligible persons who are least likely to access affordable housing opportunities. This may include low- to moderate-income individuals, minority residents, the Limited English Population (LEP) population, and residents of manufactured housing.

With changing demographics in Austin, there are challenges when marketing to the eligible populations that are Limited English Proficient (LEP). In areas where there is a significant LEP population, NHCD and the AHFC strive to meet this need by:

- Translating key marketing materials;
- Working with minority-owned print media, radio and television stations;
- Partnering with faith-based and community organizations that serve newly arrived immigrants;
- Promoting and offering marketing activities and educational sessions in Spanish at community outreach events, such as Homebuyer Fairs; and
- Providing a stipend to bi-lingual staff members who work directly with and provide assistance to the LEP population.

NHCD and AHFC program guidelines and requirements for business owners and builders are outlined below. Each owner is required to agree to carry out the following affirmative marketing procedures and requirements:

1. The business/builder/non-profit shall not refuse to sell or rent the subject homes to an individual because of race, color, religion or national origin.
2. The business/builder/non-profit shall not refuse to sell or rent the subject homes to an individual because that individual has children who will be residing in that dwelling.
3. The business/builder/non-profit shall not refuse to sell or rent the subject homes to an individual because that individual is eligible for public housing assistance.
4. The business/builder/non-profit shall conduct special outreach to a target groups of persons least likely to apply through advertisement in newspapers whose circulation is primarily among the target group, as well as through notification of appropriate community groups and agencies.

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5. The business/builder/non-profit shall advertise all homes for sale and apartments for rent in the appropriate local media.
6. The business/builder/non-profit shall include in all advertising HUD's Equal Housing Opportunity logo, slogan or statement, as defined in 24 CFR 200.600.
7. The business/builder/non-profit shall instruct all employees and agents both orally and in writing about the City's affirmative marketing requirements.
8. The business/builder/non-profit shall prominently display in its office HUD's Fair Housing Poster or Equal Housing Opportunity logo.
9. The business/builder/non-profit must keep on file any and all sales advertisements and applicant information. Copies of this information must be forwarded upon request to staff so that staff may properly assess the affirmative marketing practices.
10. Nondiscrimination: In the performance of its obligations under this agreement, The business/builder/non-profit will comply with the provisions of any federal, state or local law prohibiting discrimination in housing on the grounds of race, color, sex, creed or national origin, including Title IV of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241), all requirements imposed or pursuant to the Regulations of the Secretary (24 CFR, Subtitle A, Part I) or pursuant to that Title; regulations issued pursuant to Executive Order 11063, and Title VIII of the 1968 Civil Rights Act.

NHCD and AHFC maintain copies of their respective affirmative marketing efforts. Austin will continue reporting on its annual accomplishments in the annual CAPER. The City will include a comprehensive assessment of its affirmative marketing actions as required in 24 CF 92.351(a)(2)i-v in the annual CAPER. The City of Austin will work with any contractor who is not meeting the requirements of the affirmative marketing plan to provide necessary technical assistance and guidance. NHCD staff utilizes audit checklists developed by HUD. These checklists provide for review of project requirements, property standards, rent occupancy, and ongoing monitoring requirements including affirmative fair housing marketing. To view the Audit Checklist, Exhibit 26, see on page 4-18.

II. Minority Outreach Plan

The Austin City Council passed an ordinance establishing the Minority- and Women-Owned Business Enterprise (MBE/WBE) Procurement Program on February 19, 1987. The City Council approved major amendments to that ordinance on July 13, 1995. The program, which is administered by the City Department of Small and Minority Business Resources (SMBR), established procurement goals for City departments that target Minority- or Women-Owned Business Enterprises (MBE/WBE). To qualify as a MBE/WBE, the business must be certified by the Department of Small and Minority Business Resources as a sole proprietorship, partnership, corporation, joint venture or any other business entity that is owned, managed and operated by a minority or woman, and which performs a commercially useful function. Once certified, MBE/WBE vendors are included in a citywide database that details the products and services they provide by commodity code. This database is also available to prime contractors who are seeking

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to subcontract with City-certified MBE/WBE vendors. The City of Austin produces the Contractor/Subcontractor Activity Report after the close of every contract which is used to determine the amount of MBE/WBE contracts.

III. Plan for Increasing Homeownership for Special Populations

In addition to minority populations, special outreach efforts will be required to be conducted to more specialized segments of the community. The City of Austin has expanded its outreach efforts to particular segments of the community that have historically low participation levels in homeownership due to racial/ethnic discrimination or segregation. These targeted populations may include but are not limited to tenants of manufactured housing and public housing.

Through increased coordination with the Housing Authority of the City of Austin (HACA), additional criteria will be developed that may allow public housing tenants additional consideration in accessing homeowner housing developed through the AHFC and through local Community Development Housing Organizations (CHDO). Tenants of manufactured housing will be encouraged to participate through several homeownership fairs scheduled to be conducted in areas with high levels of manufactured housing. Through the information and training provided during the fairs, tenants of manufactured housing will be encouraged to become homeowners, rather than renters. Further follow up with tenants will help identify the low-income households that may be able to take advantage of existing homeownership opportunities. Low-income household tenants unable to qualify for homeownership because of issues such as debt, credit, and income may be referred to accredited housing counseling providers.

IV. Plan for Increasing Housing Options for Special Populations

The City Council passed Resolution 20100325-053 on March 25, 2010, directing the City Manager to give priority to federal and local funding to permanent supportive housing (PSH), and to develop a comprehensive strategy for the construction and operation of 350 permanent supportive housing (PSH) units over the next four years. On September 30, 2010, the City's PSH strategy was presented to City Council. Implementation is underway to achieve the 350-unit goal.

City of Austin-funded PSH will serve individuals or families in the following categories:

- Headed by individuals that are chronically homeless as established in the HEARTH Act;
- Households that would otherwise meet the HUD definition as above, but have been in an institution for over 90 days, including a jail, prison, substance abuse facility, mental health treatment facility, hospital or other similar facility;
- Unaccompanied youth or families with children defined as homeless under other federal statutes that demonstrate housing instability and have other barriers that will likely lead to continued instability, as detailed in the plan; and
- Youth aging-out of state systems, whether homeless or at-risk of homelessness.

Among those served, priority will be given to at least 225 households identified as frequent users of public systems, and at least 75 households identified using a method

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linked to 'vulnerability,' as described in the plan that can be viewed online at www.cityofaustin.org/housing.

PSH Units Funded in FY10-11

In FY 2010-11, the City Council approved \$1.775 million in G.O. Bonds for Permanent Supportive Housing (PSH), of which \$1.475 million is recommended for the following proposals to fund 86 units of PSH. Of those proposed, the following applicants have identified serving PSH sub-populations in the City's Strategy presented to the City Council on September 30, 2010:

- Foundation Communities, Suburban Lodge Single Room Occupancy (SRO), 20 PSH units,
- Green Doors, Treaty Oaks Apartments, 24 PSH units, and
- Summit Housing Partners, Marshall Apartments, 20 PSH units.

NHCD anticipates that funding to support capital cost associated with permanent supportive housing will remain consistent in FY 2011-12. In addition, NHCD and the Austin/Travis County Health and Human Services Department (HHSD), will continue to collaborate on a number of ancillary activities to support the implementation of the PSH strategy.

Project Name: _____

Project ID: _____

Owner Name: _____

Reporting Period: from _____ to _____

[illegible]

Reviewer: _____ **Date:** _____

Project Name: _____ Project ID: _____

Reviewer: _____ Date: _____

I. BACKGROUND INFORMATION

1. Amount of HOME Allocation:

2. Number HOME-assisted Units:

3. Period of Affordability:

Owner should also complete a Project Compliance Report (Checklist 6-D) on a yearly basis during the period of affordability and submit it to the PJ.

II. PROJECT COMPLIANCE

| QUESTIONS | ANSWER | | COMMENTS/ ACTIONS REQUIRED |
|--|--------|---|-------------------------------|
| | Y | N | |
| A. PROJECT REQUIREMENTS | | | |
| 1. Does the owner have tenant selection procedures that are non-discriminatory? | | | |
| 2. Does the owner provide adequate information to program applicants about program rules and expectations? | | | |
| 3. When the floating designation is used, does the owner ensure that the rental units are comparable? | | | |
| B. PROPERTY STANDARDS AND ELIGIBLE COSTS | | | |
| 4. Does the property still meet all local codes and property standards? | | | |

1
of
2

II. PROJECT COMPLIANCE

| QUESTIONS | ANSWER | | COMMENTS/ ACTIONS REQUIRED |
|--|--------|---|-------------------------------|
| | Y | N | |
| C. RENT, OCCUPANCY, AND ONGOING REQUIREMENTS | | | |
| 5. Does the owner complete a Project Compliance Report (Checklist 6-D) and submit it to the PJ on time every year? | | | |
| 6. Does the owner monitor rents in HOME-assisted units and enforce HOME rent limits in all projects? | | | |
| 7. Does the owner monitor and enforce HOME low-income occupancy requirements? | | | |
| 8. Are tenant incomes properly documented during occupancy? | | | |
| 9. Is there a copy of a lease in every tenant file? | | | |
| 10. Are all leases signed in HOME-assisted units free of prohibited provisions? | | | |
| 11. Does the owner conduct regular property inspections? | | | |
| 12. Does the owner affirmatively market units? | | | |
| 13. Does the owner follow his/her tenant selection policy? | | | |

PART I. General On-Site Observations

A. Billboards and Signs

1. Are there signs or billboards which advertise the development?
How many? () Yes () No
2. Do any of them use the Equal Housing Opportunity logo, statement or slogan? Circle appropriate one.

Is it readily seen? () Yes () No
3. Are human models used in drawings, photographs, or other graphic techniques? If yes, circle which. () Yes () No
4. If models are used, do they reasonably represent both minorities and non-minorities and (where appropriate) handicapped persons. () Yes () No
5. If there is a site sign indicating Federal construction, did it display the HUD-approved Equal Opportunity logo, slogan, or statement? () Yes () No

B. Required HUD Approved Fair Housing Poster

1. Was the Poster displayed in the sales or rental office? () Yes () No
2. Was it in a conspicuous location? () Yes () No
3. Was the Fair Housing Poster displayed conspicuously in all required locations? () Yes () No

C. Advertisements and Other Promotional Materials
in Sales/Rental Office.

1. Are there any pictures, signs, posters (other than HUD poster with logo) in the sales/rental office or model homes which advertise the development? () Yes () No

If so, how many?

2. Do any of them use the Equal Housing Opportunity logo, statement or slogan? () Yes () No

3. Are human models used in these advertisements? (photographs, or other graphic techniques)? If yes, circle which is used. () Yes () No

4. If models are used, do they reasonably represent minorities, non-minorities and (where appropriate) handicapped persons? () Yes () No

5. Do the brochures and other promotional materials contain the Equal Housing Opportunity logo, slogan or statement? () Yes () No

If yes, circle which is used.

(Obtain copies of brochures and other promotional material and attach to this form.)

D. Affirmative Marketing Plan.

1. Was the Affirmative Marketing Plan made available to you? () Yes () No
2. Was it the same as the plan approved? () Yes () No

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APPENDIX 24

PART II. PERSONS INTERVIEWED

A. Identity of Persons Interviewed.

Name

Name

Race Position

Race Position

Name of Company

Name of Company

Address

Address

How long employed

How long employed

Duties/Responsibilities

Duties/Responsibilities

Attach list of other persons interviewed.

B. Content of Interviews. Interview sales, rental and other employees to determine if they have received the following:

1. Written instructions on the fair housing laws. If yes, attach to this form. () Yes () No
2. Training sessions for all employees on:
 - a. Implementation of the fair housing laws. If yes, describe: () Yes () No
 - b. Implementation of the affirmative fair housing marketing plan. () Yes () No

C. Contents of Advertising.

1. Does the developer's plan include newspaper advertising? () Yes () No

If yes, obtain copy and list frequency of placement.

 - a. Does the advertising use the HUD logo? () Yes () No
 - b. Is the slogan used without the logo? () Yes () No

- c. Are other logos used? () Yes () No
- d. Is the HUD logo the only

- logo used? () Yes () No
- e. Is the HUD logo conspicuous? () Yes () No
- f. Are human models used (drawings, photographs, or other graphic techniques)? () Yes () No
- g. If models are used, do they reasonably represent both minorities, non-minorities and (where appropriate) handicapped persons. () Yes () No
2. Did the sponsor advertise in newspapers designated in the Plan? () Yes () No
3. Did the sponsor advertise as frequently as the plan requires? () Yes () No
4. Did the sponsor fail to comply in some other manner? If yes, describe. () Yes () No
- D. Community Contacts. Developers are directed to contact community group representative of that segment of the population for which the plan requires special outreach efforts. Obtain copies of letters if any, sent to these groups.
1. List community organizations and individuals named in the plan. Contact them and note after each if, in fact, it has been contacted, the nature of the contact, the actions taken and results, if any.
2. Verification of contacts with community groups:
- a. Date:
- b. Persons Interviewed.

E. Results of Marketing Efforts.

1. Number of present occupants?

White Black Hispanic Asian Amer. Indian

If no occupants, how many applications (or buyers) have been accepted/approved for occupancy? State by race/ethnicity.

2. Date Marketing began?

3. Date of initial occupancy?

4. Describe in detail and/or attach the written criteria for tenant selection or owner eligibility.

5. Describe in detail or attach the application processing procedure together with timetable for same.

6. Are applications maintained and reviewed when a vacancy occurs? How long?

7. Total number of applicants on waiting list?
(By race, ethnicity, handicap and familial status)

8. Total number of applications rejected?
(By race, ethnicity, handicap and familial status)

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APPENDIX 24

F. Reporting. Indicate whether the applicant has failed to submit a Form HUD-935.5.

G. Other HUD-Insured or Subsidized Activity.

1. List other HUD-insured or subsidized developments the developer has currently under construction, being rented or sold, or in development stages:

2. To your knowledge does the developer do HUD-FHA work in other States? If yes, identify project(s) and location(s).

H. If the plan has thus far been ineffective or unworkable, did the developer notify the Director, FHEO Program Operations Division/Field Office FHEO Division?

() Yes () No

If no, state applicant's(s') justification.

PART III: Summary.

- A. Is the developer complying with the approved plan? () Yes () No
- B. If the developer is not, describe what has been omitted.
- C. Describe proposed action for bringing the developer into compliance.
- D. Is the developer doing more than is required? If yes, describe:

Reviewer(s):

Date:

Property Information Update Form

Date: _____

Please complete the following information for your property. Items marked with a ★ are required. If not applicable, please enter N/A in the blank.

| | | | |
|-----------------------------|-------------------|--|---------------------------|
| ★ Property Name | | | |
| ★ | Property Address | | ★ Email |
| | Web Address | | ★ Phone # |
| ★ | Primary Contact | | ★ Primary Contact Phone # |
| ★ | Title | | ★ Email |
| | Secondary Contact | | Secondary Contact Phone # |
| | Title | | Email |
| | | | |
| ★ Organization Name | | | |
| ★ | Address | | ★ Email |
| | Web Address | | ★ Phone # |
| ★ | Primary Contact | | ★ Primary Contact Phone # |
| ★ | Title | | ★ Email |
| | Secondary Contact | | Secondary Contact Phone # |
| | Title | | Email |
| | | | |
| ★ Management Company | | | |
| ★ | Address | | ★ Email |
| | Web Address | | ★ Phone # |
| ★ | Primary Contact | | ★ Primary Contact Phone # |
| ★ | Title | | ★ Email |
| | Secondary Contact | | Secondary Contact Phone # |
| | Title | | Email |
| | | | |
| ★ Owner Name | | | |
| ★ | Address | | ★ Email |
| | Web Address | | ★ Phone # |
| ★ | Primary Contact | | ★ Primary Contact Phone # |
| ★ | Title | | ★ Email |
| | Secondary Contact | | Secondary Contact Phone # |
| | Title | | Email |

Date

PROJECT NAME
123 ANY AVE
AUSTIN, TX XXXXX

RE: Project Name

To Whom It May Concern:

This is a courtesy letter to remind you that documentation is required and due for the above-referenced property(s). Please provide copies of the following documents to our office no later than _____:

- ☐ Occupancy Report (s), including tenants who either moved in or out of a unit during the past year;
- ☐ Annual Tenant Income Recertification completed by each tenant household;
- ☐ Current property insurance certificate;
- ☐ Most recent Housing Quality Standards inspection report for each housing unit (if available); and
- ☐ Either your 2009 financial audit or a completed Audit Certification Form
- ☐ Copy of Affirmative Fair Housing Marketing Plan

You are welcome and encouraged to e-mail reports, when possible to @ci.austin.tx.us. Reports may also be mailed to:

City of Austin
Neighborhood Housing and Community Development Department
Attention:
P. O. Box 1088
Austin, Texas 78767-1088

Enclosed with this letter you will find the U.S. Department of Housing and Urban Development (HUD) Income Limits by Household Size and Rent Limits for _____; a blank Tenant Occupancy Report form and a blank Annual Tenant Income Recertification Form. These forms are also available electronically per request.

If you have any questions, comments, or need additional information, do not hesitate to contact me at (512) 974-xxxx or by e-mail at @ci.austin.tx.us.

Thank you for your prompt attention to this matter; we appreciate your cooperation.

Sincerely,