

RESOLUTION NO.

WHEREAS, on December 15, 2011, the City Council passed Resolution No. 20111215-058 directing the city manager to work with the Community Development Commission (CDC) and other stakeholders to research and recommend strategies of achieving geographic dispersion of affordable housing in the City; and

WHEREAS, in response to that Resolution, the CDC Affordable Housing Siting Policy Work Group produced a report with various recommendations. One of their recommendations for rental assistance strategies was to consider adding “source of income” to the City’s Fair Housing Ordinance to expand acceptance of housing vouchers across the city; and

WHEREAS, the Housing Choice Voucher (HCV) Program (formerly Section 8) works to ensure that families live in quality affordable housing. The HCV Program works strictly with landlords within the private rental market, and it is funded by the U.S. Department of Housing and Urban Development (HUD). Locally, the HCV Program is administered through the Housing Authority of the City of Austin (HACA); and

WHEREAS, HACA also administers the City’s Tenant Based Rental Assistance and Veterans Affairs Supportive Housing programs which combine rental vouchers with case management and clinical services; and

WHEREAS, HACA administers 5,800 HCVs, serving 15,200 people, including 997 seniors, 3,578 persons with disabilities, and 7,765 children. The average income for a HCV participant is \$14,000. The average wait time to receive a HCV is more than five years, and the wait list for the HCV

Program has been closed since July 2006. HACA plans to re-open its wait list in October 2014, and more than 20,000 individuals are expected to apply for assistance; and

WHEREAS, HACA is expanding outreach efforts to landlords and utilizing a web-based “partner portal” and other technology to simplify the HCV Program and make it more user friendly. HACA will also require all HCV tenants to complete a training class that teaches them to be responsible tenants, how to care for their rental unit, and how to work cooperatively with a landlord when issues develop; and

WHEREAS, in an Austin Tenants’ Council report from November 2012, a survey of rental units in Travis County showed that, of the respondents, 91 percent did not accept HCVs. The apartment complexes that do accept the vouchers are located in only a few parts of the City; and

WHEREAS, a report from the Department of Housing and Urban Development (HUD) entitled “The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes” states that Source of Income laws do appear to have the potential to make a substantial difference in utilization rates and locational outcomes for voucher holders and points toward the expansion of such laws; and

WHEREAS, high occupancy rates citywide add further challenges in finding units that accept HCVs and have vacancies; and

WHEREAS, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, 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), and disability. States and local jurisdictions have added additional protected classes in their regulations; and

WHEREAS, the City of Austin prohibits discrimination in housing based on gender identity, marital status, student status, sexual orientation, age, and creed; and

WHEREAS, Connecticut, Washington, D.C., Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, and Wisconsin have regulations prohibiting discrimination based on source of income; and

WHEREAS, over 30 local jurisdictions, including Chicago, Ann Arbor, New York City, Philadelphia, Memphis, St. Louis, Seattle, and Madison have passed local ordinances prohibiting discrimination based on source of income; and

WHEREAS, New York City made its ordinance applicable only to apartment buildings of six units or above, and other jurisdictions have made similar accommodations for small landlords; and

WHEREAS, additional stakeholder feedback may provide other means of increasing housing choice by voucher holders and affirmatively furthering fair housing within the City; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to process an ordinance that amends Chapter 5-1 (*Housing Discrimination*) of the City Code to prohibit

discrimination based on an individual's "source of income." Source of income shall be defined to include a variety of Housing Vouchers. The Code amendment should be presented to a group of stakeholders to include the HACA, the Austin Apartment Association, the Austin Tenants' Council, HousingWorks, the Ending Community Homelessness Coalition, and the Austin Board of Realtors for further recommendations. The ordinance and associated recommendations should be presented to the CDC and the Human Rights Commission and return to Council by August 1, 2014.

ADOPTED: _____, 2014

ATTEST: _____

Jannette S. Goodall
City Clerk