



Analysis of Impediments to Fair Housing Choice

City of Austin

FINAL REPORT

Final Report

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Analysis of Impediments to Fair Housing Choice

Prepared for

City of Austin

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Credits

Thousands of local residents provided information and comments to inform the City of Austin Comprehensive Housing Market Study and Analysis of Impediments to Fair Housing by completing surveys, attending public and focus group meetings, and providing written comments. The following organizations were instrumental in providing input on, or distributing information about, the Comprehensive Housing Market Study and Analysis of Impediments to Fair Housing. We thank you all!

A Resource Center for Independent Living (ARCIL)	Foundation Communities
Accessible Housing Austin (AHA!)	Foundation for the Homeless
ADAPT	Gay Lesbian Bisexual Transgender Chamber of Commerce
African American Resource Advisory Commission	Goodwill
AIDS Services of Austin	Greater Austin Asian Chamber of Commerce
Analysis of Impediments to Fair Housing Advisory Group	Greater Austin Black Chamber of Commerce
Asian American Quality of Life Advisory Commission	Greater Austin Hispanic Chamber of Commerce
Asian Contractor Association	Green Doors
Association for Talent Development, Austin Chapter	Helping the Aging, Needy and Disabled (HAND)
Austin Apartment Association	Helping a Hero
Austin Black Contractors Association	Hermanos de East Austin
Austin Board of REALTORS (ABoR)	Hispanic/Latino Quality of Life Resource Advisory Commission
Austin Community College (ACC)	HIV Planning Council
Austin Gay & Lesbian Senior Services	Home Builders Association
Austin Groups for the Elderly (AGE)	Home Repair Coalition
Austin Housing Coalition (AHC)	Homes for Our Troops
Austin Independent School District (AISD)	HousingWorks Austin
Austin Mobility	Housing Authority of the City of Austin
Austin Neighborhoods Council	Housing Authority of Travis County
Austin Nextdoor	Huston-Tillotson University
Austin Resource Center for the Homeless (ARCH)	Lifeworks
Austin Tenants Council	Meals on Wheels and More
Austin Travis County Integral Care (ATCIC)	National Association for the Advancement of Colored People
Austin Veterans Administration	OneVoice
Avance	OutYouth
Capital Metro	People's Community Clinic
Caritas Refugees	Project Transitions
Casa Marianella	Real Estate Council of Austin (RECA)
Central Health	Refugee Services of Austin
City of Cedar Park	SafePlace
City of Pflugerville	St. Edwards University
City of Round Rock	Texas Appleseed
CodeNEXT Community Advisory Committee	Texas Civil Rights Project
Community Advancement Network (CAN)	Texas Low Income Housing Information Service
Community Care Clinics	Texas Veterans Land Board
Community Development Commission	Trinity Center
Concordia University	U.S. Hispanic Contractors Association de Austin
Easter Seals	University of Texas at Austin
El Buen Samaritano	
Ending Community Homelessness Coalition (ECHO)	

SECTION I.

Executive Summary

This document contains an updated Analysis of Impediments to Fair Housing Choice (AI) for the City of Austin. An AI is required by the U.S. Department of Housing and Urban Development (HUD) for any community that receives federal housing and community development funds. At the time this report was created, HUD was in the process of revising its reporting requirements for AI documents. This AI incorporates data and information in HUD's proposed Assessment of Fair Housing, or AFH, where available.

One of the goals of the new AFH is to improve access to opportunity of protected classes and low income households. Access to opportunity should both expand housing choices in areas that have been exclusionary and improve the quality and conditions of neighborhoods affordable to protected classes and low income residents.

A growing body of research has demonstrated that limited housing choice has negative outcomes for child well-being, social mobility, and, ultimately, human capital development—all factors in public sector dependency. Limited housing choice for low income households, therefore, can inhibit a city's economic growth.

This Executive Summary presents the major findings from a 2014 analysis of housing barriers in Austin. It also presents recommended action items to address the barriers. These efforts are imperative for future economic growth in Austin, which has experienced a growth in high poverty areas and racial and ethnic concentrations, as well as a loss of the middle class, in the past decade.

Acknowledgements

This AI benefitted greatly from the contribution of stakeholders in the community, particularly those individuals and organizations who helped guide the development of the document. The stakeholder process included input from an Analysis of Impediments to Fair Housing Advisory Group comprised of industry experts who offered crucial feedback at key milestones of the study. The advisory group provided expertise about a broad spectrum of knowledge that has informed the report. Housing barriers can be difficult to detect through quantitative analyses alone; the guidance of experts helped to identify potential barriers that may be difficult to quantify, but should be considered in the city's plan nonetheless. Similarly, the rich information on housing choice barriers shared by the many residents who participated in surveys and focus groups for the Housing Market Study and AI was imperative in the development of this AI. Their honesty and frankness in describing what can be sensitive information was invaluable.

Methodological Note

The online survey—available in English and Spanish—was open to all Austin residents, including students, and those who work in Austin and live elsewhere. A total of 5,315 residents, 922 in-commuters, and 398 students participated in the online survey.

That the survey was open to anyone interested in participating means that the results are based on non-probability sampling methods. Unlike a statistically valid, random probability sample, the results from this survey are not necessarily representative of all Austin residents. However, the very large number of responses yields a robustness to the results that minimizes error around the estimates, and therefore resulted in a statistically significant sample. Compared to Austin's demographic characteristics, the survey data over-represent homeowners, whites and skew slightly higher in income. That said, there are sufficient numbers of responses from renters (1,522), low income residents—household income of \$25,000 or less (325), Hispanics (423), African American (124) and Asian (78) residents to produce estimates for these populations.

Because the data are based on a non-probability sample, they are not weighted to match Austin's demographic profile. Findings are presented based on the responses received. While the results should not necessarily be projected to Austin's population, they provide insights into how more than 5,000 Austinites and more than 900 in-commuters make complex housing decisions, their preferences and attitudes, and can inform policy development. No other source of data provides the opinions, perspectives and stories found in the survey results and echoed by the stories shared in focus groups and interviews. While the survey's design lends itself to estimates of implicit and explicit discriminatory attitudes and actions, these measures of racial or other bias are lower bound estimates, as they do not capture undisclosed bias.

Summary of Findings

The primary barriers to housing choice identified through this analysis appear below. It is important to note that data was lacking to fully examine the extent of some barriers. This includes:

- Lack of data on the beneficiaries of city incentive programs to support the production of affordable housing and the extent to which some city programs serve protected classes, and
- Limited information on the quality of parks and recreation centers by neighborhood, including the likelihood of lead-based paint in older playground equipment.

Other data that wasn't available for inclusion in the AI could be collected as part of the Fair Housing Action Plan implementation process.

Fair Housing Issues and Prioritization

The fair housing barriers identified in the AI research include the following. As specified in HUD's AFH tool, the action items to address the barriers are assigned a priority ranking. The prioritization was based on:

- The significance of the barrier in contributing to segregation,

- The significance of the barrier in limiting housing choice, and
- Ease of implementation—i.e., the ability of the city and its partners to address the barrier, especially in the next 6-12 months.

Barriers identified in this AI include:

1. Lack of affordable housing disproportionately impacts protected classes with lower incomes and higher poverty rates.
2. Lack of affordable housing citywide exacerbates segregation created through historical policies and practices.
3. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.
4. Information on housing choice is not widely available in languages other than English and/or in accessible formats. Information for people who are members of protected classes about possibilities to live in housing that was created in higher opportunity areas through city incentive and developer agreement programs is limited.
5. Complaint data signals non-compliance of property owners and builders with accessibility requirements.
6. Overly complex land use regulations limit housing choice and create impediments to housing affordability. These include: minimum site area requirements for multifamily housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.
7. Private market barriers include “steering,” (the practice of real estate agents showing certain homebuyers only certain neighborhoods because of their race or ethnicity), high loan denials for African Americans and other protected classes, and overly complex and rigorous standards for rental qualifications.
8. City incentives to create affordable housing may not be equitably distributed throughout the city and may not serve the protected classes with the greatest needs.
9. The City’s historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods may influence the housing choices of protected classes, potentially restricting access to opportunities.
10. The City’s historical lack of funding for public infrastructure and amenities, including parks, in different neighborhoods may disproportionately impact protected classes, influence housing preferences, and restrict access to opportunities.
11. Lack of knowledge about fair housing requirements creates barriers to affirmatively furthering fair housing.

12. "Crime in neighborhood" is a frequently cited reason for dissatisfaction with current housing.

Proposed Fair Housing Activities

The proposed fair housing activities on the following pages summarize the fair housing goals/activities describing how the city proposes to address the identified fair housing barriers. Many of these action items are directed towards achieving greater equity through city policy and financial actions.

The proposed fair housing activities are ambitious. Implementation will require a collaborative effort between the City of Austin and a variety of community partners. To that end, the first step in implementation will be for the city to facilitate dialogue with appropriate partners to determine lead organizations for specific action items, agree upon responsibilities and refine measurable impacts. Potential partners might include, for example, the following:

- Relevant City of Austin Departments
- Capital Metro
- Community Advancement Network
- Housing Authority of the City of Austin
- Texas Low Income Housing Information Service
- University of Texas Community Law Clinic
- Austin Tenants Council

The full Fair Housing Action Plan (FHAP) detailing the specific actions, expected outcomes and estimated timelines to address the fair housing barriers is available online at:
<http://austintexas.gov/page/reports-publications>.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITI-ZATION	FAIR HOUSING GOALS/ACTIVITIES
<p>1. Lack of affordable housing disproportionately impacts protected classes with lower incomes and higher poverty rates. 2. Lack of affordable housing citywide exacerbates segregation created through historical policies and practices. 3. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.</p>	High	The City of Austin will continue to expand affordable housing opportunities through the following:
		Maintain and strengthen policies through the CodeNEXT process that provide incentives for the development of affordable housing for households below 50%, 60% and 80% MFI.
		Strengthen and align density bonus programs in terms of formula for calculating the number of units, accessibility requirements, the affordability period, and on site requirements.
		Revise VMU, PUD to require 60% MFI rental and 80% owner throughout Austin when on-site affordable units are required.
		Develop programs to incentivize family-oriented units in high opportunity areas.
		Collect data on protected classes, as well as families with children, residing in units created through the City's density bonus and other incentive programs.
		Secure longer affordability periods for VMU and other programs that are successful in providing affordable housing.
		Enact policies, including a land bank, to acquire and preserve apartments on and near transit corridors, where affordable programs can be applied to increase housing for people who are members of protected classes.
		Work with governmental entities, including Capital Metro, to require inclusion of affordable housing opportunities for families with children on government owned land that is undergoing redevelopment.
		Create a goal to increase access to affordable housing in all council districts. The 2014 Housing Market Study recommends setting a goal of 10% of rental housing units to be affordable to households earning \$25,000 or less per year.
		Recommend adoption of a requirement that at least 25% of units be affordable on developments proposed on City-owned land.
		Require units with city incentives or subsidies to accept vouchers to be consistent with the recently adopted addition of source of income protection in the City's Fair Housing ordinance.
		Work with the Housing Authority to explore the potential for Small Area Rents, as described in Section IV of the document.
		Pursue implementation of reasonable look back periods for criminal backgrounds in rental criteria for developments with City of Austin funds to ensure that the look back periods don't screen out more people than necessary.
		Identify impediments and potential remedies to assist persons with disabilities attempting to secure accessible, affordable housing.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITI-ZATION	FAIR HOUSING GOALS/ACTIVITIES
4. Information on housing choice is not widely available in languages other than English and/or in accessible formats. Information for people who are members of protected classes about possibilities to live in housing that was created in higher opportunity areas through city incentive and developer agreement programs is limited.	High	<p>Recommend review and enhancement of publicly available information and forms on fair housing to make them easily accessible to persons with disabilities and persons with limited English proficiency.</p> <p>Work with HUD to provide better information in the new AFH tool about the needs of persons with disabilities.</p> <p>Develop an online list and map of units created through city incentives and developer agreement programs. Work with local agencies to disseminate that information.</p>
5. Complaint data signals non-compliance of property owners and builders with accessibility requirements.	High	Examine weaknesses in the current process and implement improvements to ensure accessibility compliance.
6. Overly complex land use regulations limit housing choice and create impediments to housing affordability. These include: minimum site area requirements for multifamily housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.	Medium	Work through the CodeNEXT process to modify land use and regulatory requirements to expand housing choice and reduce housing access barriers.
7. Private market barriers include steering, high loan denials for African Americans and other protected classes, and overly complex and rigorous standards for rental qualifications.	Medium	Provide for enhanced matched pair testing and enforcement for lending, steering, leasing and sales for all protected classes, especially persons with disabilities.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITIZATION	FAIR HOUSING GOALS/ACTIVITIES
8. City incentives to create affordable housing may not be equitably distributed throughout the city and may not serve the protected classes with the greatest needs.	Medium	Calibrate S.M.A.R.T. Housing incentives to function in high opportunity areas.
		Implement Homestead Preservation Districts in gentrifying areas and fully utilize inclusionary housing tools available under legislation.
9. The City's historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods may influence the housing choices of protected classes, potentially restricting access to opportunities.	Medium	Implement policies that correct health and safety deficiencies in maintenance of housing stock within the City while maintaining affordability -- informed by a report from the Entrepreneurship and Community Development Clinic of the University of Texas School of Law entitled, <i>"Addressing Problem Properties: Legal and Policy Tools for a Safer Rundberg and Safer Austin"</i> (August 2013).
		Implement new, or examine existing policies and procedures, to insure that new multi-family housing meets applicable accessibility standards and to inspect existing city funded/assisted properties to make sure the properties are still accessible.
10. The City's historical lack of funding for public infrastructure and amenities, including parks, in different neighborhoods may disproportionately impact protected classes, influence housing preferences, and restrict access to opportunities.	Medium	Expand access to public parks in areas of the City where high concentrations of persons from protected classes do not live within ¼-mile walking distance of a park. Implement the City of Austin Urban Parks Work Group recommendations.
	Medium	Review available information pertaining to public infrastructure and amenities.
	Medium	Improve areas of minority/low-income concentration and integrate housing for different incomes in these areas while improving the existing housing stock and infrastructure.
11. Lack of knowledge about fair housing requirements creates barriers to affirmatively furthering fair housing.	Medium	Provide fair housing training of city staff in planning, development review, economic development, and other city departments with impact on housing development and conditions that affect people who are members of protected classes.
		City leaders should engage neighborhood associations, CDCs and academics in a goal to create economic, racial and ethnic diversity as a core value for each neighborhood and the city as a whole. The obligation to affirmatively further fair housing should be incorporated into city policies.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITI-ZATION	FAIR HOUSING GOALS/ACTIVITIES
		Add to the City's affordable housing impact statement, which is used in code and zoning changes, a "Fair Housing Impact" statement, which would analyze the impact of the change on fair housing opportunities for all protected classes.
12. "Crime in neighborhood" is a frequently cited reason for dissatisfaction with current housing.	Medium	Review available data on police response time in high and low opportunity areas.

SECTION II.

Demographic and Housing Profile

This section of the Analysis to Impediments of Fair Housing Choice (AI):

- Provides an overview of Austin’s changing demographics to set the context for the AI;
- Discusses segregation in Austin;
- Analyzes housing choice for persons with disabilities;
- Discusses housing choices of families with children; and
- Concludes with a section on housing affordability and concentrations of subsidized housing.

Summary

Since the last comprehensive AI was conducted (2001) and updated (2007 and 2009), the City of Austin has gained 186,000 residents (more than 30% growth). As of April 2014, the city had 865,504 residents according to the City Demographer—up from 656,562 in 2000.

The most significant changes brought by this recent, strong growth include the following:

- **An older city.** City residents are older overall, due to the shifting of the Baby Boomers into older age cohorts and growth in Baby Boomers and seniors.
- **A shift away from families with children.** Proportionately fewer households are married couples with children and more households are comprised of single persons, roommates and non-married partners. Growth in the city’s Hispanic households, which generally have larger families with children, has helped the city maintain a share of families with children, which otherwise would be much smaller.
- **A “majority minority” city.** Austin is now a “majority minority” city—largely due to the growth of Hispanic residents.
- **A decline in African American residents.** Austin experienced a numerical loss of approximately 525 African American residents between 2000 and 2012. Maps of changes in African American residents demonstrate a migration away from East Austin—where residents were more highly concentrated in 2000—primarily into the northern suburbs. When asked about this migration, former African Americans residents cited “housing affordability” as the top reason for moving.
- **A declining middle class.** The proportion of middle income households declined between 2000 and 2012. This was offset by both growth in low income residents and high income households.
- **A rise in poverty.** Poverty rose overall and for all age groups except for seniors. Child poverty increased substantially, from 17 percent in 2000 to 30 percent in 2012. The

poverty rate for both African American and Hispanic residents also rose significantly, to 31 percent.

- **A declining proportion of residents with disabilities—yet increasing challenges in accessing affordable housing.** According to the U.S. Census, the proportion of Austin residents with disabilities decreased, from 15 percent in 2000 to 10 percent currently. This change is mostly due to two factors: 1) a change in definitions from the U.S. Census¹ and, 2) an influx of younger residents, who are less likely to have a disability. Although the total number of persons with disabilities changed little, the housing needs of this resident group changed dramatically with declines in rental affordability, particularly in the more transit-rich downtown neighborhoods.

The changes have affected the composition of the city—and its housing opportunities and needs—in a variety of ways, as discussed below. Each demographic category is discussed in turn.

Demographic Analysis

This section discusses the major demographic changes that have occurred in Austin since 2000. It is organized around the categories of analysis in HUD’s new Fair Housing Assessment Tool.

Age. Since 2000, Austin has grown older, due to both an aging of existing residents and immigration of Baby Boomers. Figure II-1 shows the age distribution of Austin residents, along with the change in age distribution from 2000.

**Figure II-1.
Residents by Age Cohort
and Change, City of Austin,
2000 and 2012**

Note:

Changes among age categories do not always indicate growth, but rather, show differences in the size of age cohorts. For example, the Baby Boomers were roughly between the ages of 35 and 54 in the Census 2000, and mostly captured in the 45 to 64 age cohort in the 2012 ACS.

Source:

2000 Census, 2007 and 2012 American Community Survey (ACS).

Population by Age	2000	2012	2000-2012 Change
Total population	656,562	842,595	186,033
Number of Population			
Children (Under 18)	147,548	182,530	34,982
College-Aged Adults (18-24)	109,256	111,596	2,340
Young Adults (25-44)	243,517	310,684	67,167
Baby Boomers (45-64)	112,336	176,686	64,350
Seniors (65 and older)	43,905	61,099	17,194
Percent of Population			
Children (Under 18)	22%	22%	-0.8%
College-Aged Adults (18-24)	17%	13%	-3.4%
Young Adults (25-44)	37%	37%	-0.2%
Baby Boomers (45-64)	17%	21%	3.9%
Seniors (65 and older)	7%	7%	0.6%

Austin’s increase in Baby Boomers as a proportion of the total population was similar to that of surrounding counties (Hays, Travis and Williamson). Senior growth was slightly higher in the same surrounding counties.

¹ Beginning with the 2008 American Community Survey, the U.S. Census Bureau changed from measuring physical disability to ambulatory or mobility disability (difficulty walking or climbing). Prior to 2008 the physical disability measure included difficulty reaching, lifting or carrying in addition to walking or climbing difficulty.

Impact of age on housing choice. The growth of the Baby Boomer age cohort—many of whom are in their prime earning years—has contributed to demand for higher-priced, luxury housing products, particularly as the economy and housing market recovered. Baby Boomers will continue to have a large influence on the housing market due to their large numbers. This may mean a growing demand for smaller units with walkability and transit access.

Yet many older adults choose to age in place, which could increase demand for housing modifications and supportive services such as in-home care, in the areas where Baby Boomers currently reside.

If the city's young adults follow past trends, they will seek detached single family homes after forming families, continuing the outmigration of families in Austin (see below). Recent studies on housing preferences of Millennials, however, suggest their geographic preferences for housing are different than other cohorts due to the importance they place on walkability. This may lead to a shift toward residential redevelopment activity in existing neighborhoods, further contributing to gentrification.

Families with children. Families-with-children households have declined since 1970, when the share was about 32 percent. Growth in the city's Hispanic households has helped the city maintain a share of family-with-children households, which otherwise would be much smaller.

Figure II-2 shows the breakdown of households by family type in Austin, as well as changes since 2000. Declines in family-with-children household shares have been offset by slight increases in the proportions of residents living alone and in households with alternative composition types.

Figure II-2.
Household Type and Change,
City of Austin, 2000 and 2012

Source:
2000 Census, 2007 and 2012 ACS.

Household Type	2000	2012	2000-2012 Change
Total Households	265,649	330,838	65,189
Number of Households			
Married without Children	51,950	62,254	10,304
Married with Children	49,148	53,105	3,957
Single Parent Household	22,132	30,362	8,230
Living Alone	87,026	112,092	25,066
Other Household Types	55,393	73,025	17,632
Percent of Households			
Married without Children	20%	19%	-0.7%
Married with Children	19%	16%	-2.4%
Single Parent Household	8%	9%	0.8%
Living Alone	33%	34%	1.1%
Other Household Types	21%	22%	1.2%

Compared to Travis County, Austin has a higher proportion of “non-family” (single person, roommate) households (43% for Travis County), a lower proportion of married-with-children families (20%) and about the same proportion of single parent families (9%). Hays and Williamson counties have even higher proportions of married-with-children families (24% and 28% respectively) and similar proportions of single parent households (9% and 8%). All experienced percentage point declines in families with children between 2000 and 2012.

The change in families with children differs by race and ethnicity. As shown by the figure below, the number of African Americans families with children declined by more than 1,500 between 2000 and 2010—an 18 percent decline.² In stark contrast, Hispanic families with children grew by 39 percent. Asian families with children also grew substantially and Non-Hispanic white families with children grew modestly.

Figure II-3.
Changes in
Families with
Children, by
African American,
Hispanic, Asian
and Non-Hispanic
White Households,
2000 to 2010

Source:
2000 and 2010 Census.

	African American	Hispanic	Asian	Non-Hispanic White
2000				
No. of Families with Children	8,551	24,794	3,131	33,884
% of All Households	35%	43%	26%	20%
2010				
No. of Families with Children	6,978	34,485	6,039	35,878
% of All Households	27%	41%	33%	19%
2000 to 2010 Change				
No. of Families with Children	-1,573	9,691	2,908	1,994
Percent Change	-18%	39%	93%	6%
% of All Households (pct pt change)	-8%	-2%	7%	-1%

Why have families moved from Austin? Families who responded to the Austin Housing Choice Survey who previously lived in Austin shared the primary reason why they chose to move from Austin. As shown in Figure II-4, affordability of housing and better schools/school districts were the motivations for leaving the city for the greatest proportion of former residents. This was true for residents overall and within racial and ethnic subgroups.

Affordability was a larger factor in moving for non-white families compared to white families—but less of a factor for Hispanic families than African American, white or non-white families overall. Schools were a larger factor for African American families than for other races/ethnicities. Reasons for leaving Austin were similar for families that include a member with a disability with the addition of moving for a job or a return to school (22%).

Figure II-4.
What is the primary reason why
you moved out of Austin?

Note:
Numbers add to greater than 100% due to multiple response.
There were too few Asian families to report.

Source:
BBC Research & Consulting from the Austin Housing Choice Survey.

	Affordability	Schools	Traffic	Taxes
African American families (n=20)	60%	40%	15%	5%
Hispanic families (n=57)	51%	21%	7%	7%
All non-White families (n=79)	66%	30%	11%	9%
White families (n=116)	59%	29%	9%	9%

These survey findings are supported by a recent, large survey of Central Austin workers employed full time for modest salaries and commuting at least 10 miles to work in Central

² It is important to note that other types of African American household types—except female heads of household—increased.

Austin. The survey found strong interest from workers to move back to Austin if they could find affordable housing, particularly for lower income households. These workers also preferred living in denser, more urbanized neighborhoods.³

Race and ethnicity. Figure II-5 shows the racial and ethnic composition of city residents and how the composition has changed since 2000. Austin became a “majority minority” city in the past decade, largely due to Hispanic resident growth. The number of African American residents—the city’s second largest minority group—declined.

**Figure II-5.
Numerical and
Percentage Point
Change in Residents
by Race and Ethnicity,
City of Austin, 2000
and 2012**

Note:

The ACS question on Hispanic origin was revised in 2008 to make it consistent with the Census 2010 Hispanic origin question. As such, there are slight differences in how respondents identified their origin in the 2000, 2007 and 2012 surveys.

Excludes "Some Other Race" category, due to inconsistency of reporting between 2000 and 2012 Census surveys.

Source:

2000 Census, 2007 and 2012 ACS.

Race	2000	2012	2000-2012 Change
American Indian and Alaska Native	3,889	5,272	1,383
Asian	30,960	54,084	23,124
Black or African American	65,956	65,431	(525)
Native Hawaiian and Other Pacific Islander	469	776	307
Two or More Races	19,650	28,642	8,992
White	429,100	647,851	218,751
Ethnicity			
Hispanic or Latino (of Any Race)	200,579	286,850	86,271
Non-Hispanic	455,983	555,745	99,762
Race	2000	2012	2000-2012 Change
American Indian and Alaska Native	1%	1%	0.0%
Asian	5%	6%	1.7%
Black or African American	10%	8%	-2.3%
Native Hawaiian and Other Pacific Islander	0%	0%	0.0%
Two or More Races	3%	3%	0.4%
White	65%	77%	11.5%
Ethnicity			
Hispanic or Latino (of Any Race)	30%	34%	4.0%
Non-Hispanic	70%	66%	-4.0%

The Travis County AI reports that, in 2010, African Americans made up 8.5 percent of the county’s population; Asians, 6 percent; and residents of Hispanic origin, 33.5 percent. This racial and ethnic breakdown is similar to that of Austin, which is to be expected, as the city makes up three-fourths of the county’s population. This share is declining, however, and by 2045, Austin is predicted to comprise about half of Travis County’s population.

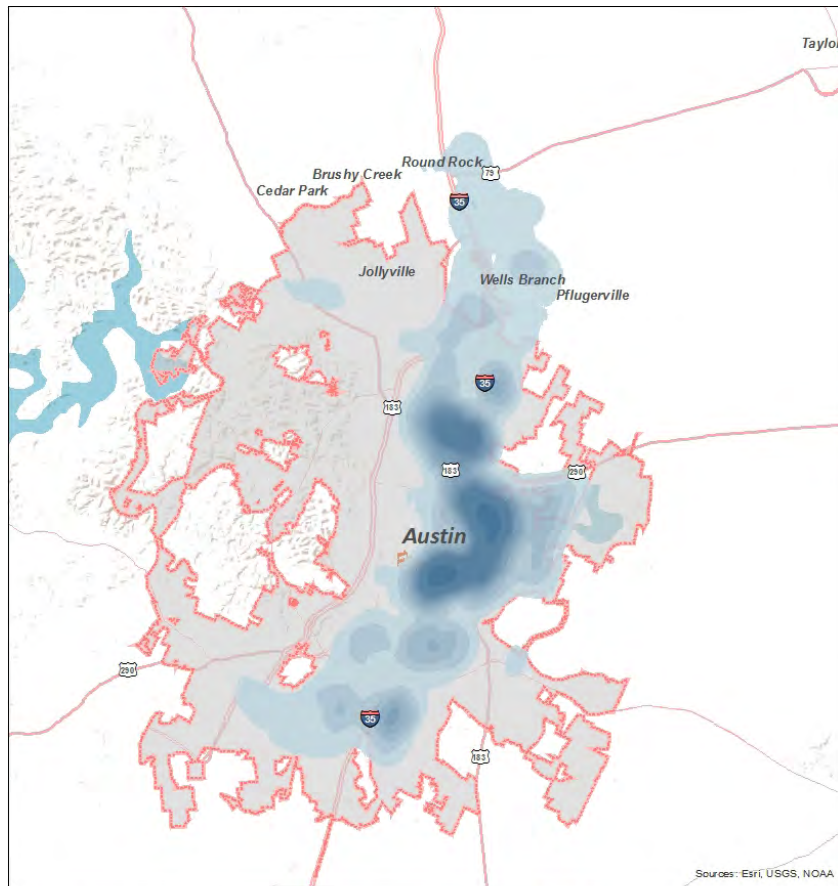
The following four maps show changes in the residences of African American and Hispanic residents between 2000 and 2010. During the past decade, African Americans migrated away from East Austin into the northern suburbs. African American concentrations in the eastern part of Austin became less pronounced.

³ “Coming Home,” Mueller, Elizabeth and Clifford Kaplan, <http://www.soa.utexas.edu/files/csd/SPPComingHome.pdf>

Hispanic residents also migrated into the suburbs—both northern and southern areas—yet their concentration in the central and southeastern part of Austin remained.

Consistent with those migration patterns, growth in the Hispanic population outpaced total population growth in both Hays and Williamson counties. The African American population also experienced strong growth in those counties, more than doubling in Williamson County.

Figure II-6.
Where African American Residents Lived, Austin and Region, 2000



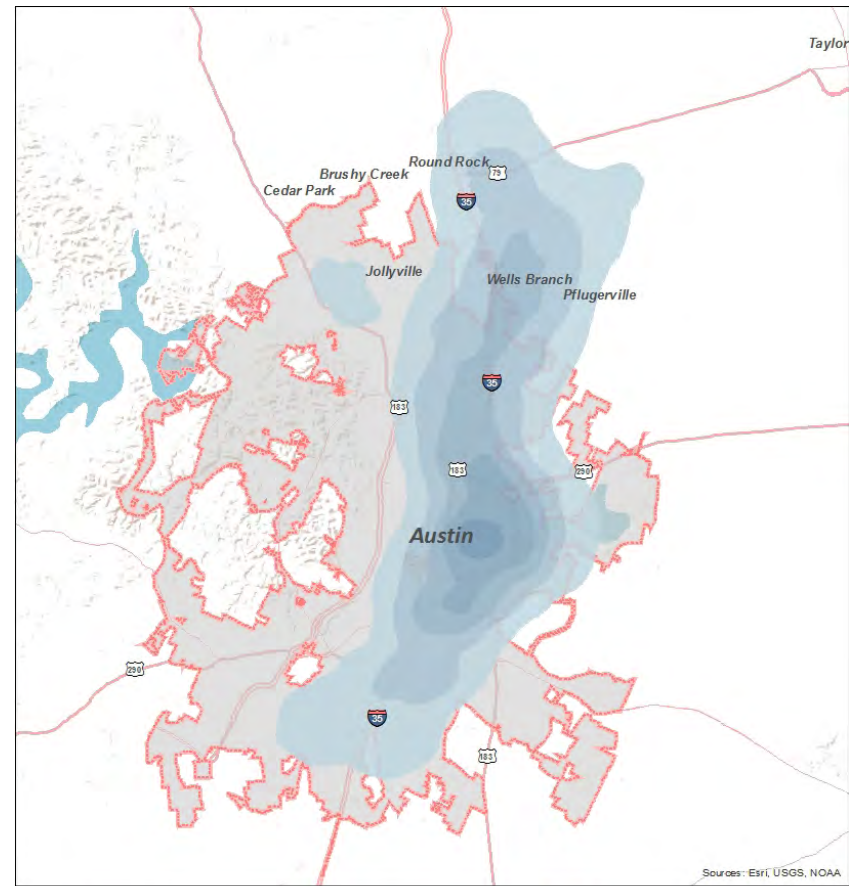
African American Population
2000 Census

Low Density
Moderate Density
High Density

University of Texas
Austin City Boundary

Source: 2000 Census and BBC Research & Consulting.

Figure II-7.
Where African American Residents Lived, Austin and Region, 2010



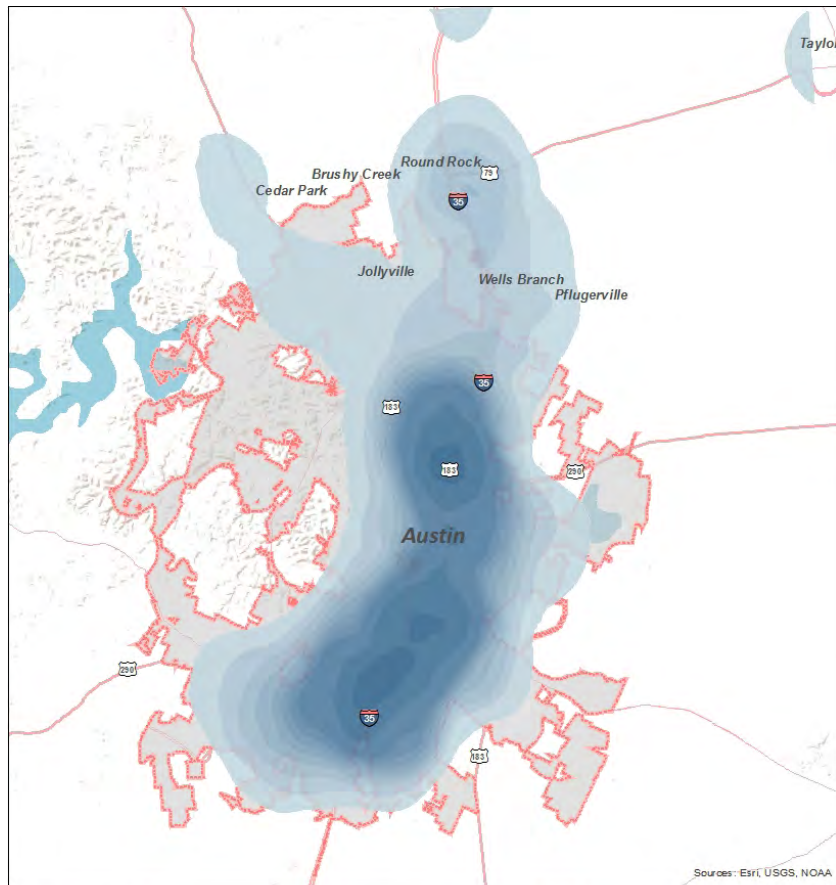
African American Population
2010 Census

Low Density
Moderate Density
High Density

University of Texas
Austin City Boundary

Source: 2010 Census and BBC Research & Consulting.

Figure II-8.
Where Hispanic Residents Lived, Austin and Region, 2000



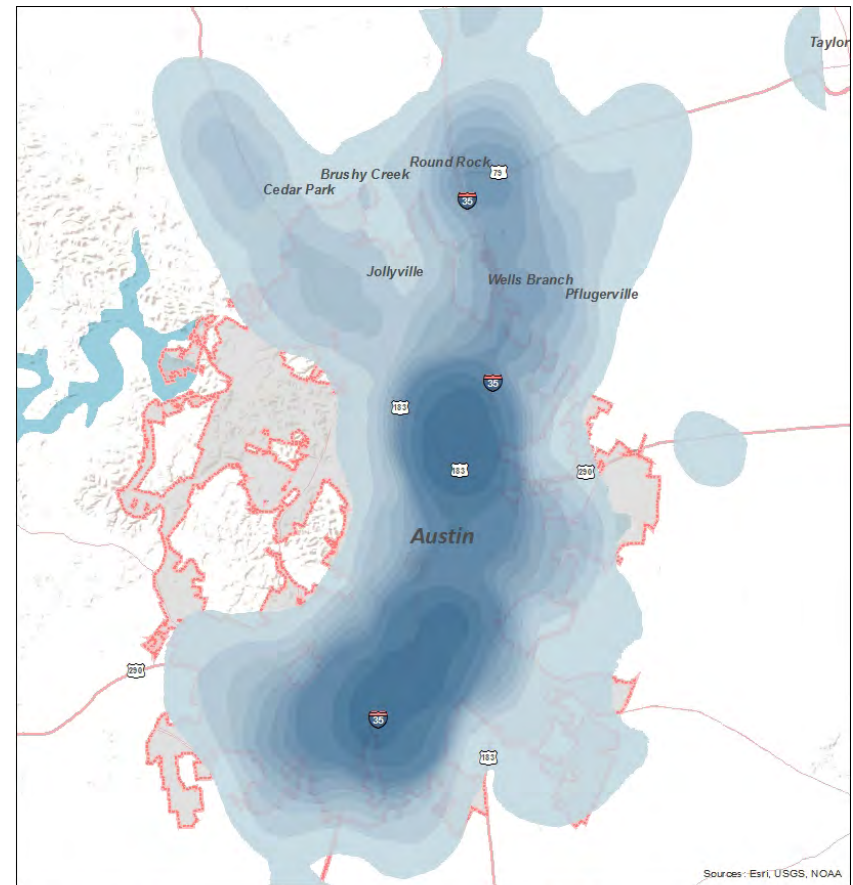
Hispanic Population
 2000 Census

Low Density
 Moderate Density
 High Density

University of Texas
 Austin City Boundary

Source: 2000 Census and BBC Research & Consulting.

Figure II-9.
Where Hispanic Residents Lived, Austin and Region, 2010



Hispanic Population
 2010 Census

Low Density
 Moderate Density
 High Density

University of Texas
 Austin City Boundary

Source: 2010 Census and BBC Research & Consulting.

Why has the African American population in Austin declined in Austin? As shown in Figure II-4 on page 4, the most common reason African American families gave for moving from Austin was the availability of affordable housing to rent or purchase outside of Austin city limits.

In addition to housing affordability, survey respondents shared they could get more house for the money or better quality for the money in the communities surrounding Austin. After housing affordability, African Americans report leaving the city for better schools/school districts; homeownership prospects; lower taxes and lower utilities; and reduced traffic or commute times.

"Bigger & better accommodations for the money. Utilities are less expensive."

(Former Austin resident, African American)

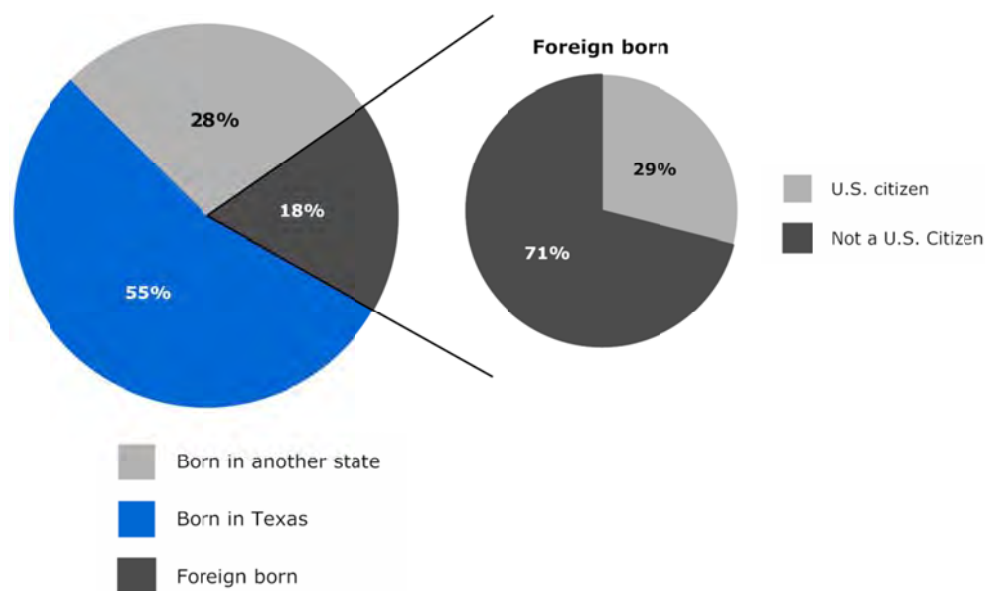
"Price of homeownership, quality of schools, and ease of shopping."

(Former Austin resident, African American)

National origin and Limited English Proficiency (LEP). The 2013 American Community Survey (ACS) estimates that 55 percent of Austinites were born in Texas; 28 percent were born in another U.S. state. Eighteen percent are foreign-born, with the majority of these non-U.S. citizens, as shown below.

There has been almost no change in the proportions of Austin residents born in the State of Texas, another state in the U.S. or foreign born between 2000 and 2013, according to the Census.

Figure II-10.
National Origin, City of Austin Residents, 2013



Source: 2013 ACS.

Figure II-11 shows the race and ethnicity of the city's foreign-born population. The majority of foreign born residents describe their race as white, followed by Asian. A slight majority are of Hispanic origin. Most speak a language other than English with about half speaking English very well.

Figure II-11.
Race/Ethnic and LEP
Characteristics of Foreign-Born
Population, City of Austin,
2013

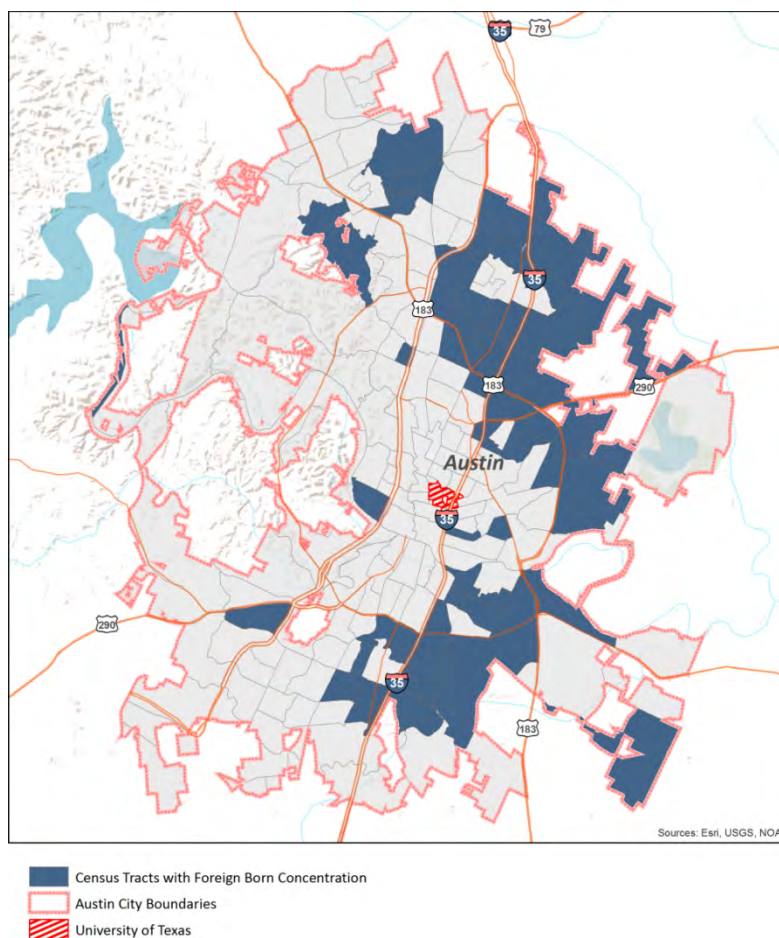
Source:
2013 ACS.

Race and Ethnicity	% Foreign-Born Population
White	60%
African American	3%
Asian	23%
Multi-racial or "other"	14%
Hispanic or Latino origin	59%
Not Hispanic or Latino origin	41%
Language Spoken	% Foreign-Born Population
English only	12%
Language other than English	88%
Speaks English less than "very well"	52%

Figure II-12 shows concentrations of the city's foreign born population.

Figure II-12.
Census Tracts with Foreign
Born Concentrations,
Austin, 2012

Source:
2008-2012 ACS and BBC Research &
Consulting.



The 2013 ACS estimates that 12 percent of Austin’s overall population over five years old—about 100,000 people—do not speak English “very well.” These residents are identified as LEP, or limited English proficiency. This rate of LEP is similar to 2000 (14%). The vast majority of LEP residents speak Spanish (82%), followed by Asian and Pacific Islander languages (12% and 6%, respectively), as shown in Figure II-13.

Figure II-13.
Language Spoken at Home and Limited English Proficiency (LEP), City of Austin Residents, 2013

	Speak English "very well"		Speak English less than "very well" (LEP)	
	2000	2010	2000	2010
Residents 5 years and older	86%	88%	14%	12%
Residents 18 years and older	85%	96%	15%	4%
Top Languages Spoken by LEP Residents				
Spanish or Spanish Creole			84%	82%
Asian and Pacific Island languages			11%	12%
Other languages			5%	6%

Source: 2013 ACS.

Housing choice challenges. Because more than half of foreign-born residents speak English less than “very well” (see Figure II-11), they are disproportionately likely to need assistance with language translation in housing, as well as other documents, making the housing search process more challenging and the potential for housing discrimination greater. These residents may also have greater challenges finding employment in Austin, especially in professions that require verbal or written proficiency in English, and, as such, have lower wages. These factors make LEP residents more likely to face barriers to housing choice.

Persons with disabilities. More than 90,000 Austin residents—or 10 percent of all residents—have a disability. This is slightly higher than the rate for Travis County (8.6%), similar to Hays (10.5%) and Williamson (10%) counties, but lower than the state overall (12%). As shown by Figure II-14, seniors are most affected by physical (ambulatory and hearing) disabilities and children are most affected by cognitive disabilities.

The probability that a resident will have a disability increases dramatically by age: 37 percent of seniors in Austin report a disability compared with 9 percent of non-senior adults.

**Figure II-14.
Persons with
Disabilities and Types,
2013**

Note:

Universe is Austin's non-institutionalized population.

Source:

2013 ACS.

	No. of Residents	% of Residents
Total Residents with a Disability	90,596	10%
Residents 5 years and younger	990	2%
Residents 5 to 17 years	8,549	6%
Hearing	676	0.5%
Vision	1,438	1%
Cognitive	6,922	5%
Ambulatory	973	1%
Self-care	867	1%
Population 18 to 64 years	56,836	9%
Hearing	10,993	2%
Vision	13,310	2%
Cognitive	24,106	4%
Ambulatory	25,040	4%
Self-care	10,757	2%
Independent living	17,840	3%
Population 65 years and over	24,221	37%
Hearing	11,094	17%
Vision	4,419	7%
Cognitive	6,739	10%
Ambulatory	15,230	23%
Self-care	4,910	8%
Independent living	9,197	14%
Disability incidence by race and ethnicity		
White		10%
African American		15%
Asian		5%
Multi-racial and "other"		13%
Hispanic or Latino origin		11%

Disability data from the 2000 Census are not directly comparable to the above data due to changes in disability categories and definitions. Overall in 2000, 93,500 Austin residents had a disability, representing 15 percent of the population. The comparison to 2013 ACS Census data suggests that the number of persons with disabilities in Austin has slightly declined since 2000 and that the proportion of the population who has a disability has declined to 10% of the city's population. Much of the decrease in the total size of the population with a disability can be attributed to a change in definition between the 2000 Census and the 2013 ACS and the influx of younger residents.

Former Austin residents whose household includes a member with a disability shared similar reasons for leaving Austin as families with children and African Americans: affordability (49%) and schools (19%) and 22 percent left Austin for job or educational opportunities or to be closer to work.⁴

⁴ The Housing Choice Survey fielded as part of the Housing Market Study (HMS) that preceded this AI surveyed residents with disabilities about their housing needs. A total of 574 households that include a member with a disability completed the survey.

Housing challenges of persons with disabilities. Based on focus groups and survey responses, the most pressing housing challenges of persons with disabilities in Austin include affordability, accessibility and access to public transportation. For many persons with disabilities, housing that is affordable *and* accessible *and* proximate to transit is needed, but in short supply.

Renters. The survey found that renters with a disability were disproportionately likely to have incomes of less than \$10,000 than both residents overall and homeowners with a disability. One in five survey respondents cannot afford housing that has the features they need for their disability. The most common accessibility features needed are: grab bars in bathrooms; wider doorways; ramps; walk-in/roll-in showers; and higher toilets.

Renter households were also disproportionately likely to need housing assistance, live with family and friends because they can't afford housing, and rely on family and friends to help them meet housing costs.

Desire to move. Half (55%) of survey participants with disabilities want to move from their current home or apartment in Austin. The top three reasons for wanting to move are: bigger home/apartment (44%); crime/safety reasons (42%) and to save money on housing expenses (40%). Most (69%) would prefer to move to another home within Austin city limits. Despite this desire to move, nearly all face barriers to moving elsewhere, including:

- Affordability (96%);
- Do not have a car (53%);
- No accessible housing elsewhere (29%); and
- No bus service elsewhere (15%).

These barriers limit where persons with disabilities can live, particularly those with lower incomes, those dependent on transit, and those requiring accessibility features. Addressing one barrier may amplify another. For example, although the cost of housing in the Austin area tends to reduce the farther one lives from the city center, the number of bus routes and frequency and times of service also decrease. This results in persons with disabilities having to choose between more affordable housing with less access to transit or more expensive housing with better access to transit. Needing access to health care or supportive services further complicates the housing choices (or lack thereof) faced by this segment of Austin's population.

An Integrated Austin

This section of the AI focuses on the integration of residents of different races and ethnicities, incomes, and disability, using many of the metrics recommended by HUD. It begins with a discussion of the reasons for existing segregation, as documented in research and analyses of Austin's historical settlement patterns.

The HMS methodology included a paper version of the Housing Choice Survey (the Targeted Outreach Survey) that was distributed to organizations serving persons with disabilities.

Historical background of segregation. Austin has a long history of racially-restrictive covenants put in place by private developers. These covenants—many of which preceded public sector involvement in land use regulations—played a critical role in the early segregation of Austin.⁵ As the maps demonstrate in earlier parts of this section, although such covenants are no longer legal, they were a strong force in creating the segregated conditions that exist in Austin today.

Race-restrictive covenants—and their lasting effects—would not have been as successful if they had not been reinforced by all levels of government. At the local level, Austin, similar to many cities, created race-based zoning, including a “Negro district,” in its first comprehensive plan.

In 1979, the City of Austin Human Relations Department and Housing Committee of the Human Relations Commission produced a report documenting the settlement patterns in Austin to support the city’s first fair housing ordinance (“Housing Patterns Study of Austin Texas”). The study reports a relatively disperse distribution of African Americans, non-Hispanic whites and residents of Hispanic descent from the city’s founding until 1880. This changed in the early 1900s, when Austin adopted as a “goal” the segregation of African American households into East Austin—the area where concentrations still exist today. Segregation was accomplished primarily through restrictions on services to African American residents outside of East Austin, as well as through policies to segregate schools.

The Texas legislature encouraged such a practice, giving cities the “power and authority” to “segregate and separate...the white and negro race” as part of the state’s bill giving cities the power to zone. At the federal level, segregation was promoted through redlining in home lending and confining minorities residing in publicly subsidized housing to certain developments and/or neighborhoods.⁶ An example is the 1972 lawsuit *Blackshear Residents v. Housing Authority of the City of Austin*, in which the Austin housing authority was found to have a tenant assignment and site selection process that racially and ethnically segregated tenants.

Other protected classes became segregated through similar, intentional segregation practices, as well as through limited affordability of housing in certain areas. As described in the Housing Patterns study, the city’s first Mexican immigrants were very poor and limited to the areas of the city with the most affordable (and also substandard) housing.

Many people with disabilities were segregated into two state “schools” (now called State Supported Living Centers) in Austin.⁷ These institutions were not necessarily educational in nature; rather, these were large facilities where the state placed people with disabilities.⁸ One of

⁵ *Austin Restricted*, Tretter, Eliot, University of Texas—Austin, Department of Geography and the Environment.

⁶ Ibid.

⁷ In 1999, the U.S. Supreme Court, in *Olmstead v. L.C.* concluded that the unjustified segregation of persons with disabilities into institutions violated the Americans with Disabilities Act. As a result of this ruling, states are transitioning into home- and community-based service provision. *Olmstead* specifies that persons with disabilities have the right to live in the most integrated setting possible.

⁸ Other types of facilities existed for persons with disabilities which encouraged the settlement of persons with disabilities in Austin. These include the School for the Deaf and the Criss Cole Rehabilitation Center.

the facilities, the Austin State Supported Living Center, is still in operation in Austin. The facility has been recently investigated and found to violate standards in resident safety and care; the facility has also been part of a Department of Justice settlement agreement related to violations.

Lack of services for persons with disabilities, along with barriers in public infrastructure (e.g., lack of sidewalks, lack of transit, lack of accessible housing) either kept residents with disabilities in institutional settings or steered them into certain parts of the city. Discrimination also played a role and is still a factor in housing access today, according to the complaints received by the Austin Tenants Council (see Section IV of the AI).

Perceptions on segregation. The 1979 Housing Patterns study is pioneering in many ways, the least of which is its survey of housing preferences of residents related to racial and ethnic biases. The study completed a resident survey that was significant for eight different geographic areas within Austin and which posed seven questions about racial and ethnic prejudices and perceptions of discrimination in housing.

Perhaps the most striking finding from the survey was the lack of racial bias. Seventy-six percent of respondents said it was not important that neighbors have race in common; 64 percent said they did not prefer to live on a block with only residents of their same race. The vast majority (96-98%) of residents said they would not object to living on the same block with *or next door to* other racial or ethnic groups.

As part of the State of Texas Phase II AI, BBC fielded a statistically valid and representative telephone survey of Texas residents. A series of questions related to neighborhood and community preferences, similar to those included in the Housing Patterns Survey, included measures to examine self-reported racially biased attitudes. Similar to the Housing Patterns Study, the Phase II AI Survey found little evidence of self-reported racial bias. On average, residents statewide prefer to live in neighborhoods with many different types of people and do not express a preference for living near people of their same race or ethnicity. Respondents from the Capital Region, which includes Austin, were less likely than those statewide to express preferences for living near people of their own race or ethnicity.

The preferences associated with racial bias in the 1979 survey did vary by geographic location, however. Although the responses are complex, in general, residents in Northwest and West Austin demonstrated higher levels of bias toward different racial and ethnic groups, while residents in Northeast Austin demonstrated the least bias. Still, despite location, the majority of residents demonstrated acceptance and tolerance of neighbors with races and ethnicities that differed from theirs. This suggests that private and public policies—through restrictions on housing choice—contributed to segregation much more than housing preferences.

In a focus group with longtime residents of East Austin, several of the participants shared their experience with redlining and being steered to East Austin in the 1970s and earlier.

“Back in the 1970s, we were qualified to buy anywhere, but some people wouldn’t sell to us. They’d say, ‘oh, we got a new offer,’ or ‘we decided not to sell.’ That was during the white flight to the suburbs.”
(African American resident of East Austin)

Now that this historically African American neighborhood is gentrifying, the opposite is happening: residents are being displaced from the neighborhood because of rising property taxes. Some residents believe this is intentional discrimination; others attribute the change to market forces.

“They taxed people out so they could take the land.”

“They’re trying to economically change the demographics. They don’t care about what happens to us.”

“Now, taxes outside of Austin have caught up—they used to be much lower—and the commute has gotten so bad people want to move back.”

Integration. HUD defines “integrated” geographic areas as those which do not contain high concentrations of protected classes when compared to the representation in a jurisdiction or Metropolitan Statistical Area (MSA) as a whole.

In the case of persons with disabilities, integration also means that residents with disabilities are housed in the most integrated setting appropriate. This means a setting in which residents with disabilities can interact with nondisabled persons to the fullest extent possible, consistent with the requirements of the Americans with Disabilities Act (ADA).

“Segregation” occurs when concentrations of protected classes are a result of fair housing barriers or impediments. For persons with disabilities, segregation could occur because of the failure to provide housing in the most integrated setting possible.

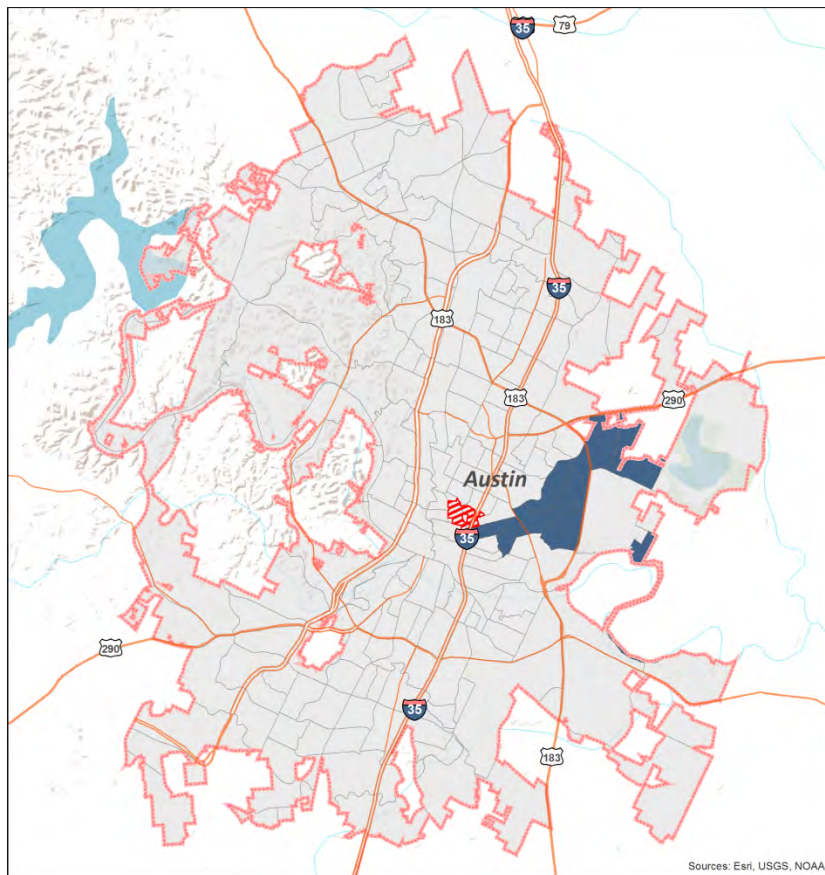
Metrics. For this analysis, two measures are used to identify concentrations. Concentrations are identified as:

- Census tracts in which the proportion of a protected class is 20 percentage points higher than that in the city overall, and
- Census tracts that are more than 50 percent minority. These include non-Hispanic residents of all races except for white, plus Hispanic or Latino residents of any race.

Figures II-15 through II-17 show concentrations of African American, Hispanic and Asian residents in Austin. Figure II-18 shows areas where the minority population exceeds 50 percent., Figure II-19, shows areas with non-Hispanic white concentrations exceeding 90 percent.

Concentrations of persons with disabilities are shown in Figures II-25 and II-26, following the HUD-required discussion of racially and ethnically concentrated areas of poverty.

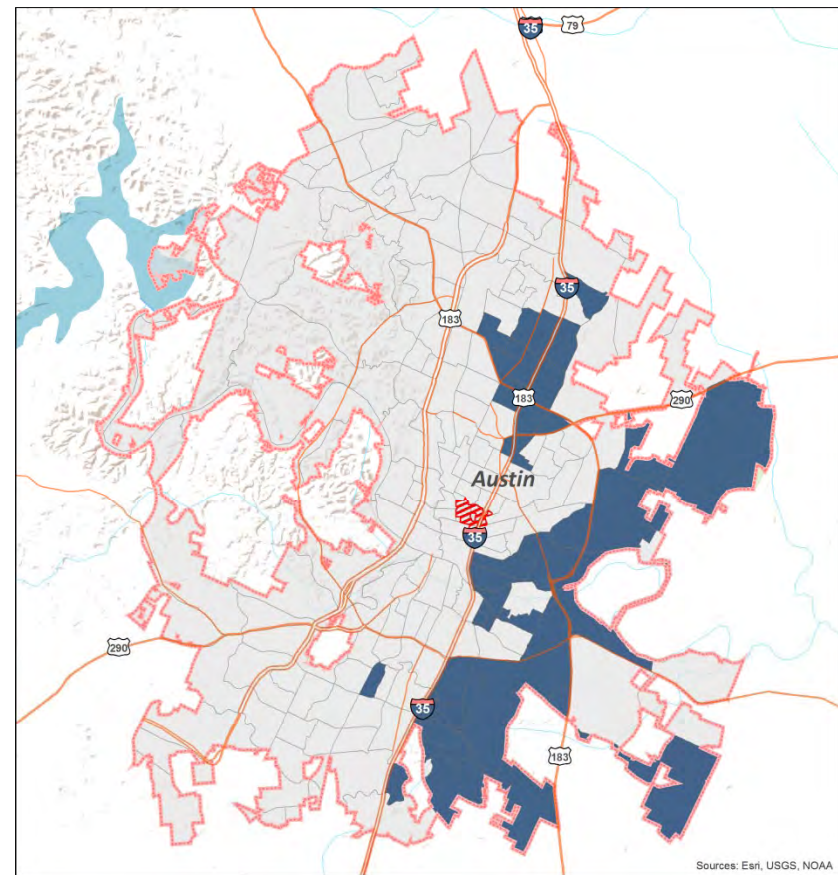
Figure II-15.
Concentrations of African American Residents by Census Tract, Austin, 2012



■ Census Tracts with African American Concentration
 ■ Austin City Boundaries
 ■ University of Texas

Source: 2008-2012 ACS and BBC Research & Consulting.

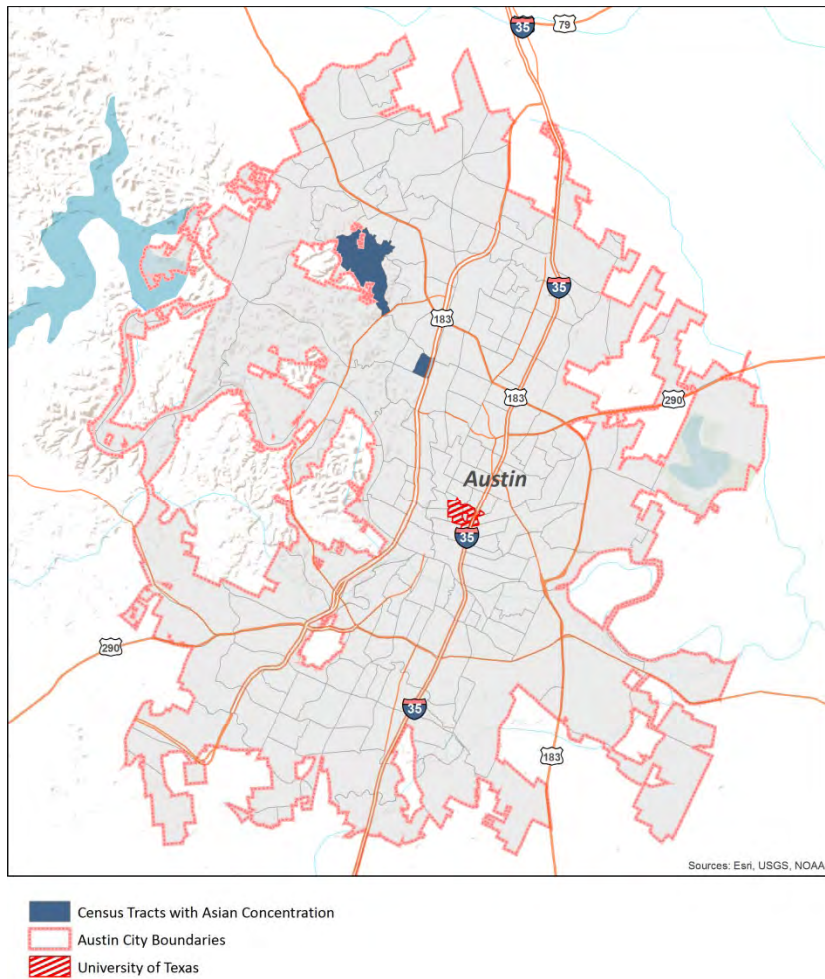
Figure II-16.
Concentrations of Hispanic Residents by Census Tract, Austin, 2012



■ Census Tracts with Hispanic Concentration
 ■ Austin City Boundaries
 ■ University of Texas

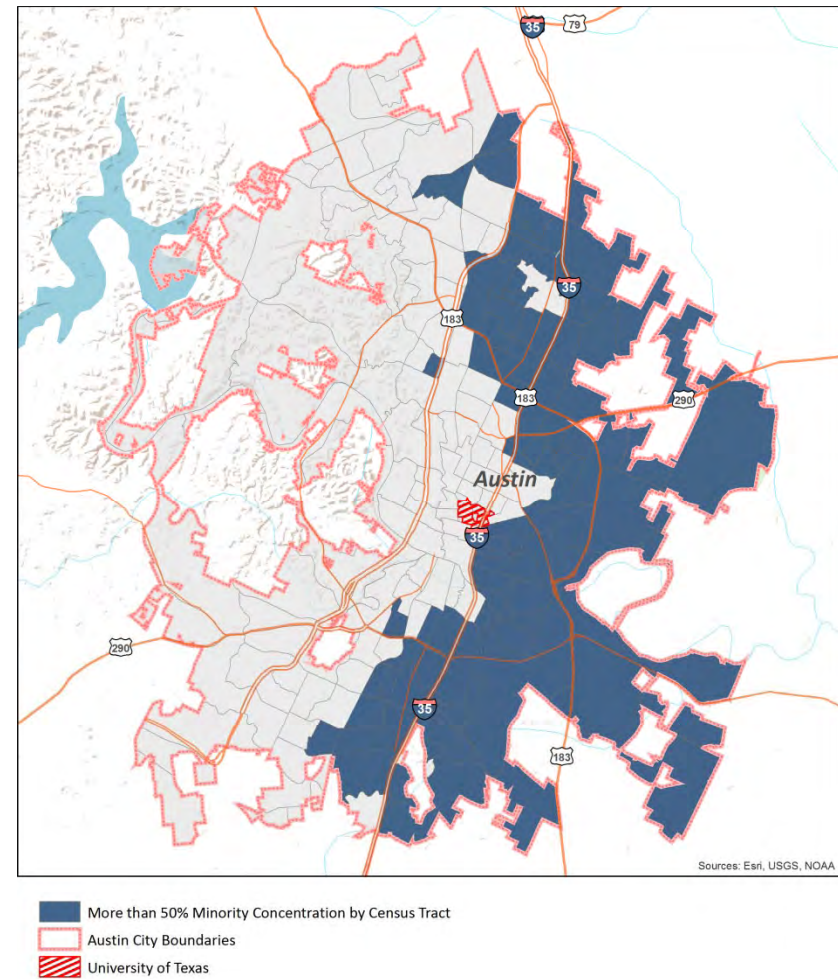
Source: 2008-2012 ACS and BBC Research & Consulting.

Figure II-17.
Concentrations of Asian Residents by Census Tract, Austin, 2012



Source: 2008-2012 ACS and BBC Research & Consulting.

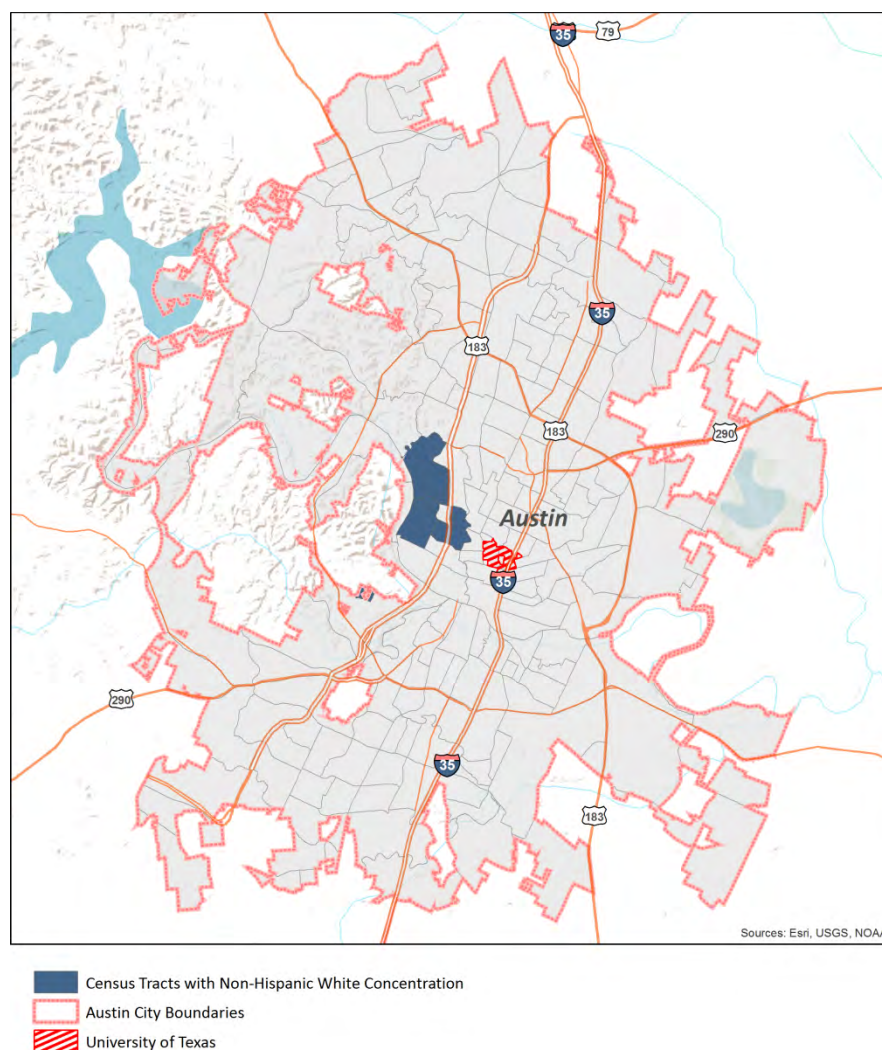
Figure II-18.
Census Tracts with Greater than 50% Minority Concentration, Austin, 2012



Source: 2008-2012 ACS and BBC Research & Consulting.

**Figure II-19.
Census Tracts with
Greater than 90%
Non-Hispanic
White
Concentration,
Austin, 2012**

Source:
2008-2012 ACS and BBC
Research & Consulting.



As the maps demonstrate, other than a couple of concentrated Census tracts in northwest Austin near McNeil High School, concentrations of minority populations are almost exclusively in the eastern portion of the city. A handful of Census tracts in West Austin, including the Tarrytown and Mt. Bonnell neighborhoods, have white populations exceeding 90 percent. Very few Census tracts in West Austin are majority minority.

RCAP/ECAP analysis. A new component of fair housing studies is an analysis of the opportunities residents are afforded in “racially or ethnically concentrated area of poverty,” also called RCAPs and ECAPs. An RCAP or ECAP is a neighborhood with significant concentrations of extreme poverty and minority populations.

HUD’s definition of an RCAP/ECAP is:

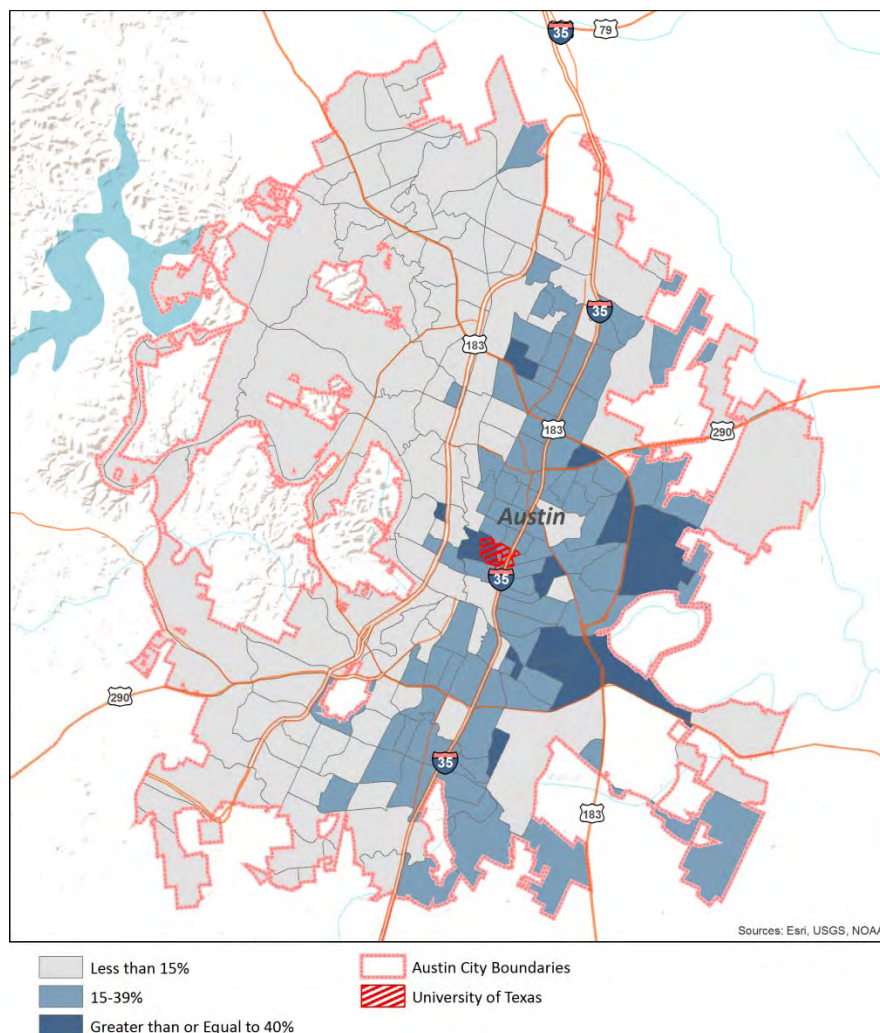
- A Census tract that has a non-white population of 50 percent or more AND a poverty rate of 40 percent or more; OR
- A Census tract that has a non-white population of 50 percent or more AND the poverty rate is three times the average tract poverty rate for the metro/micro area, whichever is lower.

Why the 40 percent threshold? The RCAP/ECAP definition is not meant to suggest that a slightly-lower-than-40 percent poverty rate is ideal or acceptable. The threshold was borne out of research that concluded a 40 percent poverty rate was the point at which a neighborhood became significantly socially and economically challenged. Conversely, research has shown that areas with up to 14 percent of poverty have no noticeable effect on community opportunity.⁹

The map in Figure II-20 shows the areas in Austin with: 1) Less than 15 percent poverty (“no noticeable effect” neighborhoods), 2) 15-39 percent poverty (moderate to high poverty) and 40 percent and higher (poverty challenged neighborhoods).

**Figure II-20.
Poverty Rates by
Census Tract,
Austin, 2012**

Source:
2008-2012 ACS and BBC
Research & Consulting.

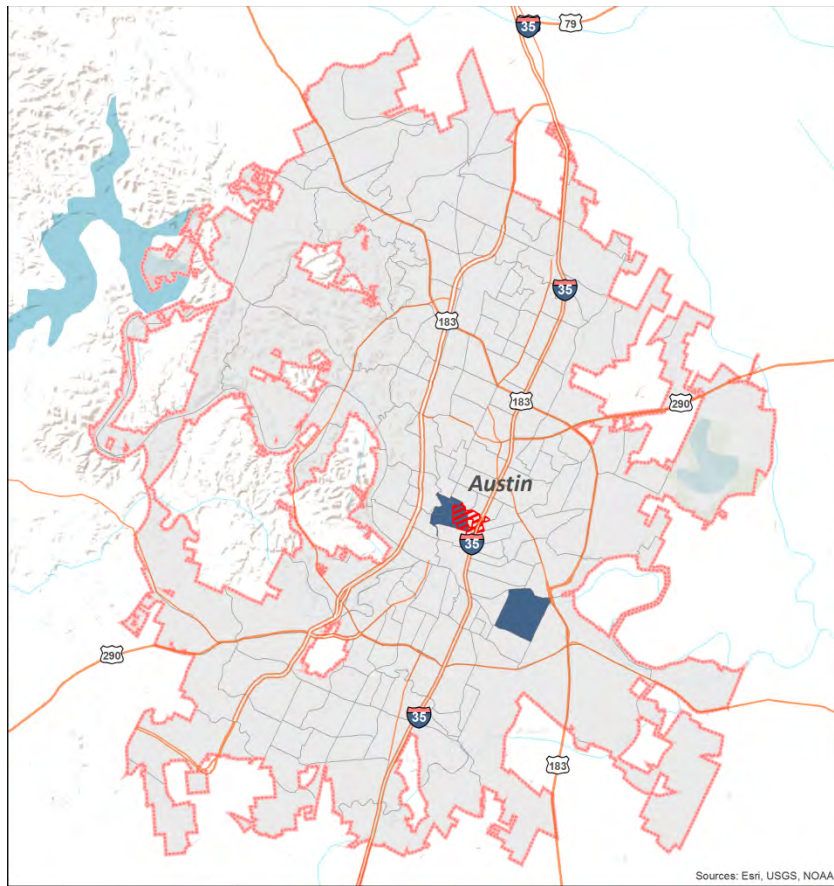


Figures II-21 and II-22 show how high poverty areas have changed over time. In 2012, the city had significantly more high poverty areas than in 2000, which, as described below, contributed to the growth in the number of racially and ethnically concentrated areas of poverty.

⁹ The Costs of Concentrated Poverty: Neighborhood Property Markets and the Dynamics of Decline.” In Nicolas P. Retsinas and Eric S. Belsky, eds., *Revisiting Rental Housing: Policies, Programs, and Priorities*. Washington, DC: Brookings Institution, 116–9.

One area of high poverty is the Austin State Supported Living Center (located west of MoPac and northwest of the University of Texas). This area is also the only concentrated area for persons with disabilities and is a “disability concentrated area of poverty” or DCAP. A discussion of the challenges in this neighborhood appears in the Disability and Access section below.

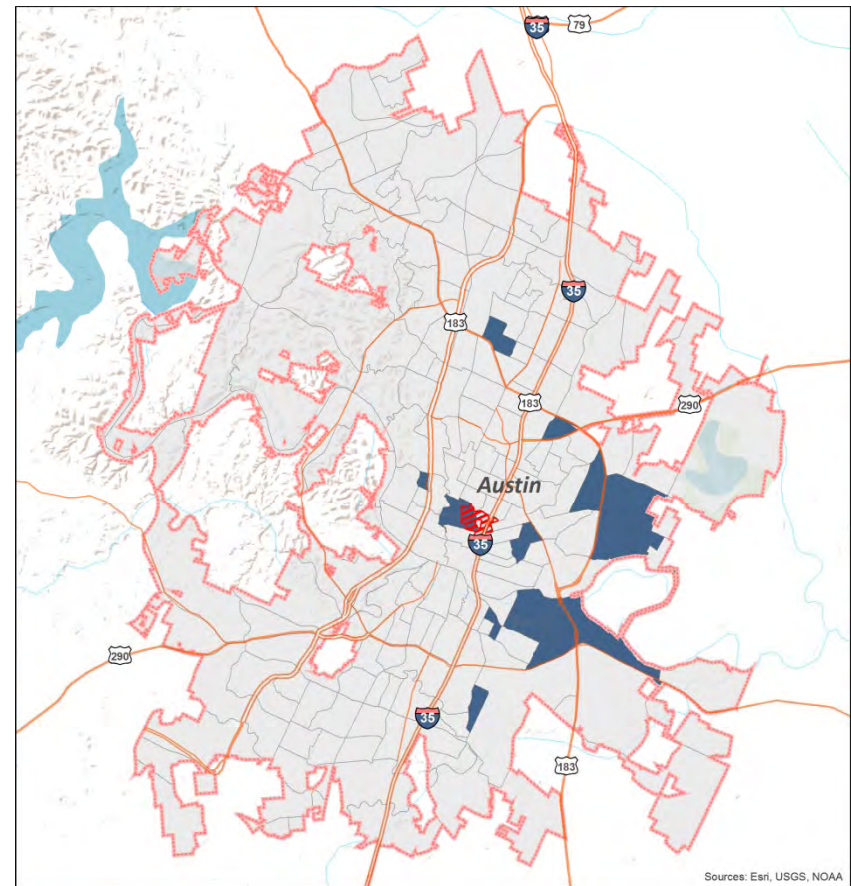
Figure II-21.
Extremely High Poverty Census Tracts, 2000



- Poverty Rates Greater than 40%
- Austin City Boundaries
- University of Texas

Source: 2000 Census and BBC Research & Consulting.

Figure II-22.
Extremely High Poverty Census Tracts, 2012



- Poverty Rates Greater than 40%
- Austin City Boundaries
- University of Texas

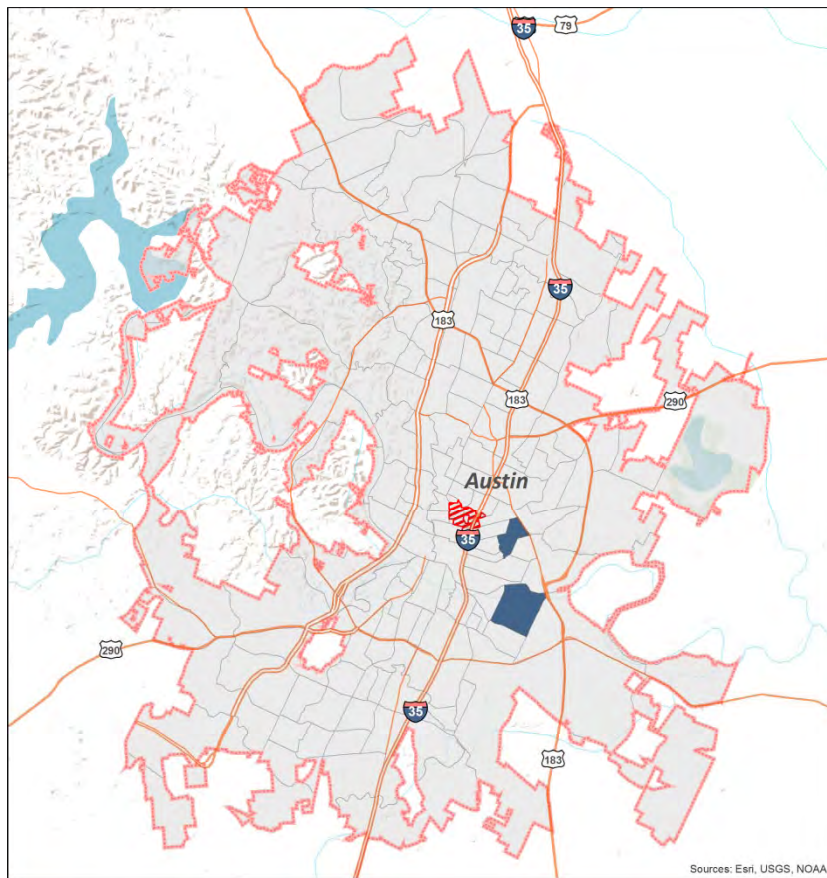
Source: 2008-2012 ACS and BBC Research & Consulting.

The 2008-2012 Five-year ACS data provides the most extensive information about the RCAPs and ECAPs in Austin. Fourteen RCAPs and ECAPs were identified using the data in the 2008-2012 ACS; these make up 4 percent of the 332 Census tracts that are wholly or partially contained within Austin.

In 2000, according to the decennial Census, there were only three RCAPs/ECAPS, making up 1 percent of the 242 Census tracts in the city at that time.

The maps below show the change in RCAPs and ECAPs between 2000 and 2010.

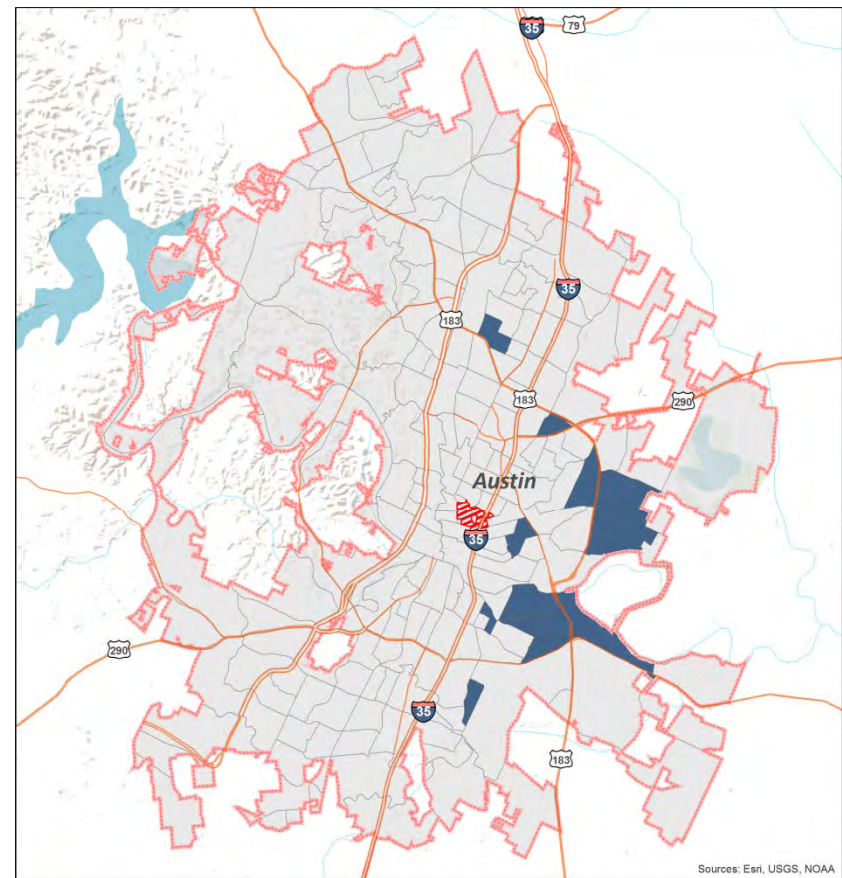
Figure II-23.
Racially and Ethnically Concentrated Areas of Poverty
(RCAPs/ECAPs) by Census Tract Austin, 2000



- 2000 RCAP/ECAPs
- Austin City Boundaries
- ▨ University of Texas

Source: 2000 Census and BBC Research & Consulting.

Figure II-24.
Racially and Ethnically Concentrated Areas of Poverty
(RCAPs/ECAPs) by Census Tract Austin, 2012



- 2008-2012 RCAP/ECAPs
- Austin City Boundaries
- ▨ University of Texas

Source: 2008-2012 ACS and BBC Research & Consulting.

The poverty rate in the city's current RCAPs/ECAPs is 47 percent. This compares to a poverty rate of just 13 percent in non-RCAPs/ECAPs. Residents living in RCAPs/ECAPs make up 9 percent of the city's population overall but 21 percent of the city's people in poverty.

Overall, only 5.6 percent of Austin's residents live in RCAPs/ECAPs. Those who do are largely racial and ethnic minorities:¹⁰

- 81 percent of residents in RCAPs/ECAPs are racial and ethnic "minorities;"
- 61 percent are Hispanic (compared to 34% overall in the city);
- 15 percent are African American (v. 8%); and
- 27 percent are foreign born (v. 19%).

In 2000, the poverty rate of RCAPs/ECAPs was the same at 47 percent. However, the 2000 RCAPs/ECAPs were less racially and ethnically concentrated overall and for Hispanics but not for African Americans. The proportion of African Americans and persons with disabilities living in RCAPs/ECAPs declined between 2000 and 2012. Specifically:

- 66 percent of RCAP/ECAPs residents were minorities in 2000 v. 81 percent in 2012;
- 43 percent were Hispanic in 2000 v. 61 percent in 2012;
- 18 percent were African American in 2000 v. 15 percent in 2012;
- 11 percent were foreign born in 2000 v. 27 percent in 2012; and
- Persons with disabilities made up a much higher proportion of RCAP/ECAP residents (20%) in 2000 than in 2012 (9%).

Disability concentrations and housing access. This section of the Austin AI is dedicated to an examination of housing opportunities and access to community assets by Austin residents with disabilities. The goal of this section is to identify the primary barriers faced by residents with disabilities in achieving equitable enjoyment of housing, neighborhoods, and community assets.

This section was informed by both quantitative data (an analysis of Census data, geographical analysis) and information gathered directly from residents with disabilities, through focus groups and surveys.

Integration of persons with disabilities. This section examines (a) the extent to which certain geographical areas have a concentration of persons with disabilities (or a particular disability); and (b) the extent to which persons with disabilities are housed in the most integrated setting appropriate.

¹⁰ Asians were only slightly over represented (3% in RCAPs/ECAPs v. 1.7% overall), as were persons with disabilities (9% in RCAPs/ECAPs v. 8% overall). Whites were significantly underrepresented (19% in RCAPs/ECAPs v. 77% overall).

As specified in federal regulations, the most integrated setting is one that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible, consistent with the requirements of the ADA, the Fair Housing Amendments Act and other civil rights legislation. Under this principle, derived from the Supreme Court's decision in *Olmstead vs. L.C.*, institutionalized settings are to be avoided to the maximum possible extent in favor of settings in which persons with disabilities are integrated with nondisabled persons.

Different types of accommodations and/or services may be needed to allow individuals with disabilities to live in integrated settings. For example, persons with physical disabilities may need units with universal design or accessibility features specific to their needs, both within the public and assisted housing stock. Persons with other types of disabilities may require access to services and supports—e.g., transportation assistance, specific health services—they need to live independently. People with psychiatric and cognitive impairments face attitudinal discrimination of being refused from some housing, being steered to other housing, and barriers to access created by the process of obtaining housing (completing paperwork, being intimidated by the system, etc).

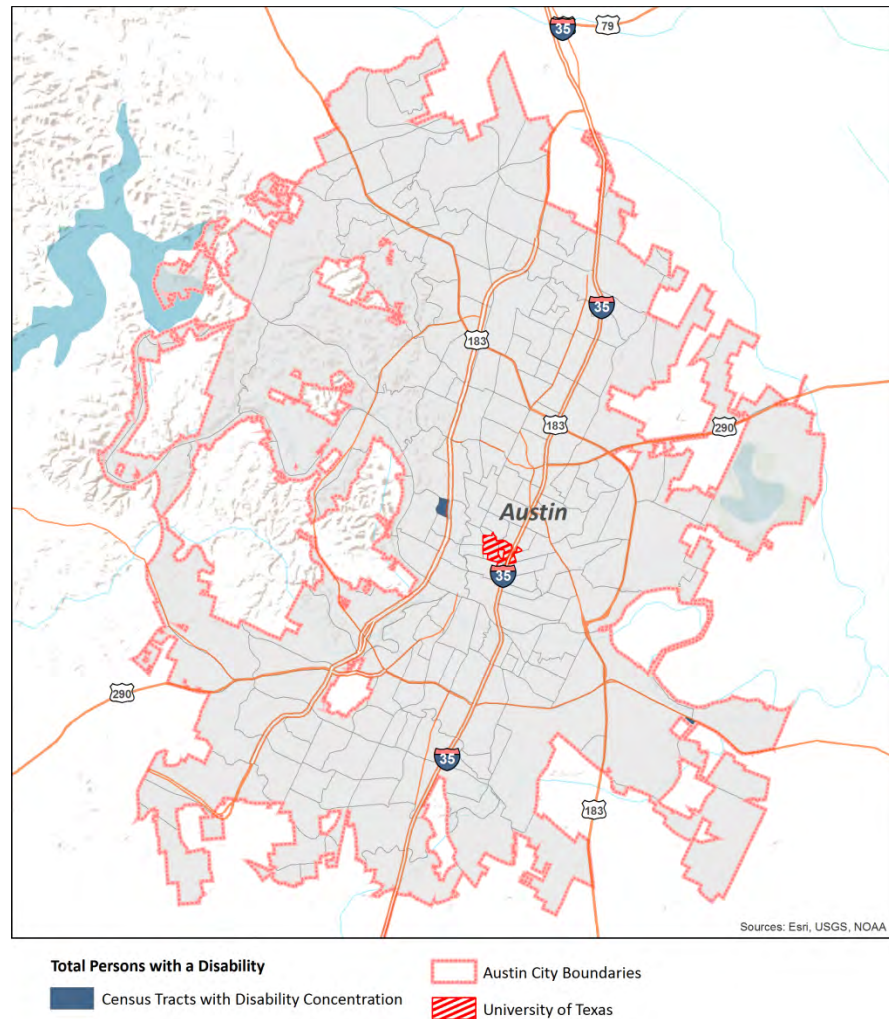
Many persons with disabilities need housing that is affordable as well as accessible. The poverty rate of persons with disabilities is very high (30%), as is unemployment. According to ADAPT, a national community that organizes disability rights activists, the incomes of persons with disabilities reliant on Social Security Income (SSI) or Social Security Disabled Insurance (SSDI) are generally well under 30 percent of the median income—more like between 14 and 18 percent. As such, most persons with disabilities require very deeply subsidized housing. Lack of deeply subsidized housing is the biggest barrier for persons with disabilities. Housing that is accessible—but not affordable—does not adequately address the needs of this protected class.

It is important to note that nursing homes should not be construed as appropriate standard residential settings for persons with disabilities. Although nursing homes meet the needs of certain residents, nursing homes are temporary residential settings for persons who are ill. Such homes are not considered as part of the geographically-dispersed housing types that should be available to persons with disabilities.

About 10 percent of Austin residents report having one or more disabilities. A concentration analysis of persons with disabilities, found only one Census tract with a concentration (more than 30 percent of residents with a disability), as shown below. As noted previously, this Census tract includes the Austin State Supported Living Center.

**Figure II-25.
Census Tracts with
Persons with a
Disability
Concentration,
Austin, 2012**

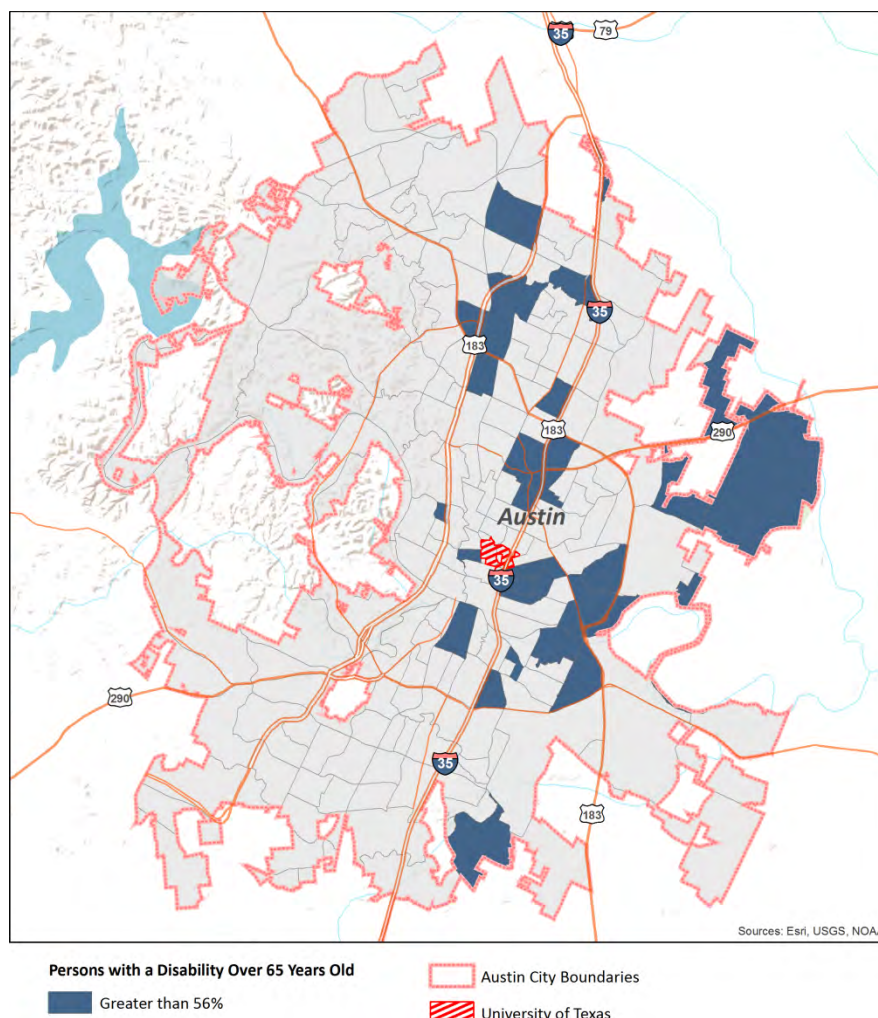
Source:
2008-2012 ACS and BBC
Research & Consulting.



Residents are very likely to become disabled as they age: indeed, 37 percent of Austin's seniors have one or more disabilities. There are many more concentrations of seniors with disabilities than persons with disabilities overall, as shown below.

**Figure II-26.
Census Tracts with
Persons with a
Disability over 65
Years Old
Concentrations,
Austin, 2012**

Source:
2008-2012 ACS and BBC
Research & Consulting.



Accessibility and housing needs. Unfortunately, specific data on the availability of accessible housing, condition of such housing and adequacy of public and private infrastructure are not easily available from secondary data sources. Instead, these factors were examined in the focus groups and surveys conducted for the AI and preceding housing market study.

Respondents to resident surveys shared the factors that were most important to them when selecting a place to live. Among persons with disabilities, the five factors selected by the greatest proportion of respondents are:

- Cost/I could afford it (69%);
- Close to bus/transit stops (61%);
- Close to grocery/fresh food (56%);
- Close to work/job opportunities (41%); and
- Low crime rate/safe (41%).

Housing that meets these characteristics facilitates the ability of persons with disabilities to participate in their community. As focus group participants shared, it is very difficult for them to find housing that meets all of these (and other) criteria. From the discussion, as well as responses to the surveys, there is a dearth of housing that is accessible and affordable and close to transit. As such, many persons with disabilities find themselves making compromises that limit their ability to fully participate in opportunities to live, work and play in Austin.

Among the persons with disabilities who responded to the resident survey, 48 percent responded, “I need housing assistance (voucher/public housing/rent assistance) but the waitlist is too long/closed.” Overall, 17 percent of respondents to this survey identified the need for housing assistance as the housing-related issue that most concerns them.

In a focus group with persons with disabilities, participants shared the difficulties they encountered in finding housing that meets their needs and is affordable. In the discussion, participants shared that in their experience most “affordable” units are reserved for those earning 80 percent of Median Family Income (MFI), which does not help people with disabilities who rely on SSI or SSDI for their income (approximately 14 to 18% of MFI). Respondents to the resident survey echoed the need for housing that is affordable and accessible to persons with disabilities.

“Most of us have to choose between accessibility and affordability. Housing that is both affordable and accessible is a needle in a haystack.”

“Austin needs to spend more on accessible housing that is affordable.”

“They (housing-related issues) are all important, but finding an accessible, affordable apartment for me, since I have a physical disability, is very hard.”

“(My greatest) need is for disabled (accessible housing). Units are very few and my disability requires easy access.”

Improvements needed. According to the resident survey, regardless of tenure, about one in four households that include a member with a disability live in housing that does not meet their accessibility needs. The most typical modifications respondents need include grab bars in bathrooms, walk-in showers, wider doorways and ramps.

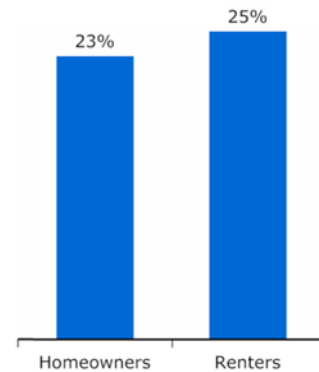
Figure II-27.
Does the house or apartment you current live in
meet your or your family's accessibility needs?
Percent Responding "No"

Note:

n=333 homeowners and n=132 renters.

Source:

BBC Research & Consulting from the Austin Housing Choice Survey.



Survey respondents whose household includes a member with a disability were mixed in their response to the question, “Do Austin’s housing choices provide homes that meet your accessibility needs?” Among homeowners, half said Austin’s housing choices provide homes that meet their accessibility needs, but 40 percent did not know. Among renters, 58 percent responded in the affirmative, while 15 percent stated that the city’s housing choices do not meet their accessibility needs.

Those respondents who did not think the city’s housing choices met their accessibility needs described the type of housing missing from the marketplace:

- Accessible multifamily rental units for persons with physical disabilities, particularly those reliant on wheelchairs for mobility;
- Affordable and accessible housing to rent or buy, including a need for units that accept Section 8 vouchers;
- Accessible housing units close to transit; and
- Single-story single family homes.

Specific experiences of residents included:

- “I came up for a Section 8 voucher, but had to let it go because I couldn’t find a place that was equally accessible as the place I live/lived.” (Resident with a disability)
- “We needed to build own home in order to have all features needed. Nothing available to buy or rent that meets our needs.” (Resident whose household includes a member with a disability)
- “Generally, disability access is an issue—stairs abound, as do narrow doorways.” (Resident whose household includes a member with a disability)

Accessibility. In a focus group with persons with disabilities, participants raised concerns about Austin’s commitment to ADA compliance in new construction—both commercial and residential. There is a perception that inspectors and code enforcement staff do not have sufficient capacity to proactively enforce ADA code and/or relevant fair housing requirements. The group recommended dedicating a code enforcement officer to ADA inspections and compliance, a similar position to the current staff member dedicated to parking accessibility.

“Code compliance should have an ADA expert on staff.”
(Resident with a disability)

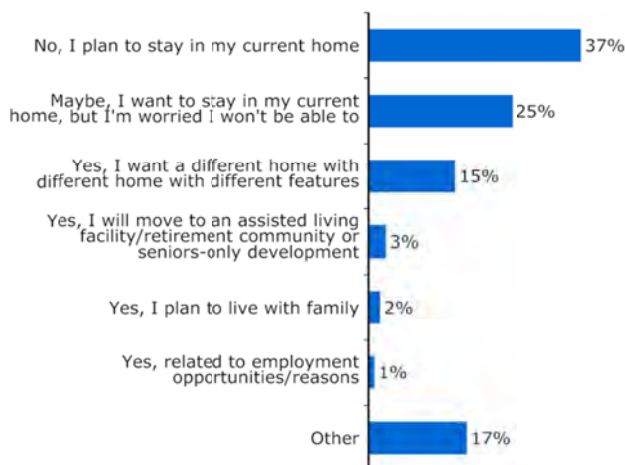
Ability of seniors with disabilities to age in place. Nearly two in four seniors whose household includes a member with a disability plans to stay in their current home as they age. One in four would like to remain, but worry that they won’t be able to stay in their home. About 15 percent of these households would like to move to a different home with different features. In a focus group with seniors in East Austin, most still lived in their family home and expressed their preference to age in place.

“I’m going to stay in my house until it falls down.”
(African American senior resident)

Figure II-28.
Do you plan to move in the next five to 15 years?
Seniors whose Household Includes a Member with a Disability

Note:
n=151.

Source:
BBC Research & Consulting from the Housing
Choice Survey.



Those seniors who worry that they will not be able to age in place are concerned about:

- Financial issues (62%);
- No longer able to drive (19%);
- Maintenance/housekeeping issues (46%);
- Too far from services (8%); and
- Health issues (41%);
- Children live too far away to help (5%).

Focus group participants shared the challenges posed by aging in place. Yard maintenance and general upkeep was a common challenge. For some, their biggest worry is their ability to pay their ever-increasing property taxes due to the rapid rise in property values in east Austin.

- “I bought my house in 1952. I have a big yard and I can’t cut the grass.” (African American senior resident)
- “The reason we decided to sell is that the tax went up and the upkeep and the insurance.” (Hispanic senior resident)
- “I like the Wildflower apartments. They have a lot of activities, like Bible Study. And, they’ll take you to the grocery store.” (Hispanic senior resident)
- “I went to apply for an apartment at Wildflowers. There’s an 18-month wait.” (African American senior resident)
- “Most of the new apartments going up, they’re already rented and they’re not for seniors.” (African American senior resident)
- “I want to move, but there’s no place for me to go.” (African American senior resident)

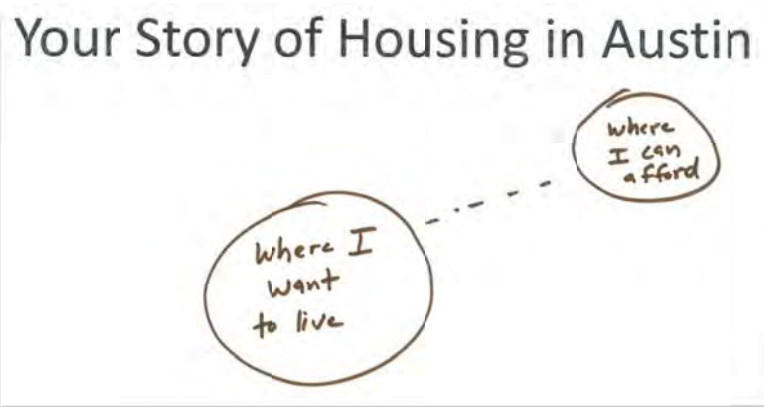
Housing Market Analysis

A Housing Market Study (HMS) conducted for the City of Austin and completed in July 2014 preceded this AI.¹¹ The HMS reported historically low rental vacancy rates and a shift in development and sales patterns towards luxury rentals and high-end homes.

The HMS estimates that more than 40,000 renters in Austin are cost burdened, paying more than 30 percent of their monthly incomes towards rent and utilities. That is, as many as 60,000 renter households in Austin earn less than \$25,000 per year and have just 19,000 affordable rental units to serve them.

The rental shortage increased from the last time it was calculated in 2008 and spanned across a higher range of household incomes.

Compared to 2000, Austin households earning between \$20,000 and \$25,000 per year have increasingly fewer private rental units to choose from. If the city had not invested in affordable housing creation to the extent it has during the past five years, the increase in need would have been larger.



¹¹ http://austintexas.gov/sites/default/files/files/NHCD/2014_Comprehensive_Housing_Market_Analysis_-_Document_reduced_for_web.pdf

Impact of lack of affordability on protected classes. The decrease in housing affordability in Austin has affected many low and moderate income households in Austin; this is evidenced in higher levels of cost burden faced by existing residents and the migration of former residents into more affordable suburbs. The impact, however, is greater for certain protected classes due to their lower incomes and that they are more likely to be renters.

Specifically:

- Thirty-two percent of renters with disabilities have incomes of less than \$10,000 per year; 28 percent have incomes of between \$10,000 and \$25,000 (HMS survey). By comparison, 13 percent of renters overall in Austin have incomes of less than \$10,000 per year and 22 percent, between \$10,000 and \$25,000 per year.
- African Americans and persons of Hispanic descent are 2.5 times more likely to be living below the poverty line than non-Hispanic whites. They are 1.5 times more likely to be living below the poverty rate than Austinites overall.
- Sixty-five percent of African Americans are renters. Sixty-seven percent of households with persons of Hispanic descent are renters. Overall, 55 percent of Austin household rents (this includes students who claim Austin as their place of residency).

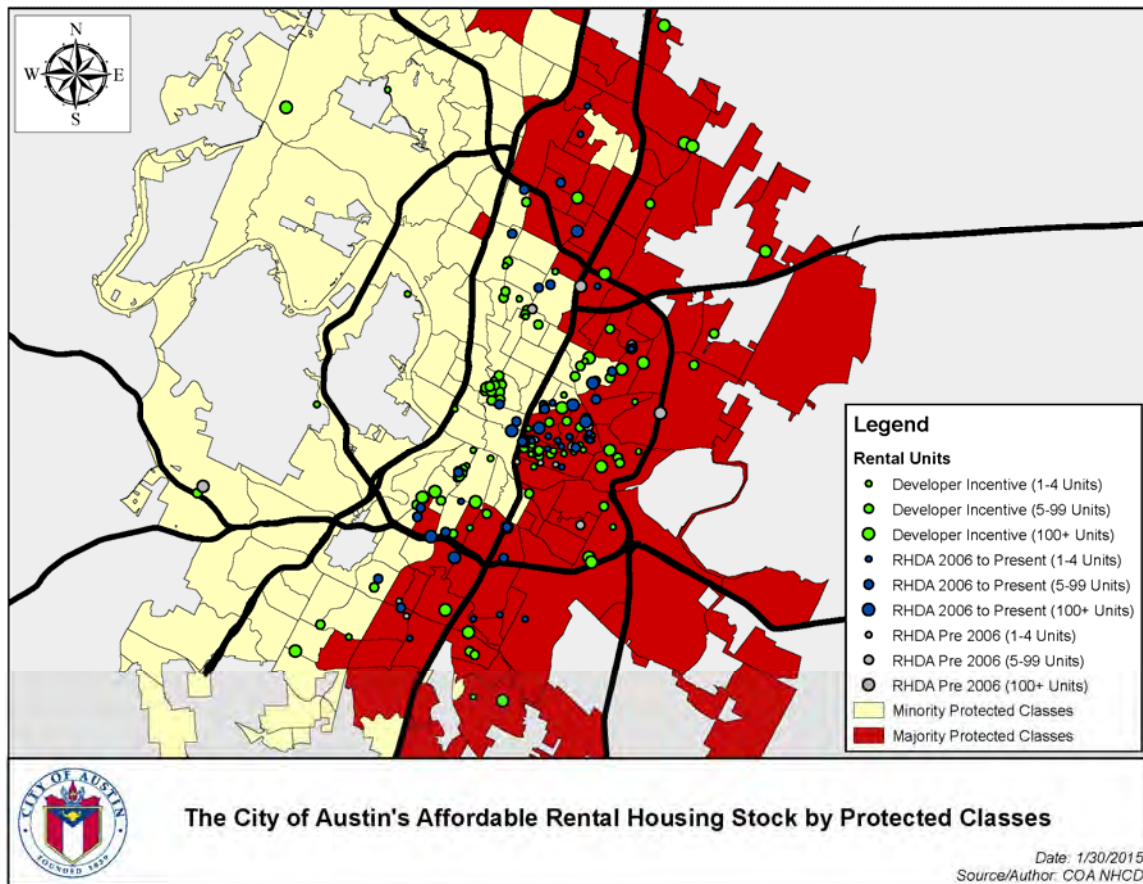
As such, persons with disabilities who rent, African Americans, and persons of Hispanic descent are more likely to need affordable rentals than Austin households overall. A lack of such units disproportionately impacts their ability to live in the city—as well as their economic well-being.¹²

Subsidized rentals and concentrations. Approximately 18,500 publicly subsidized rental units exist in Austin. Without these units, the rental shortage would be much larger and many more low income residents would be cost burdened or leave the city for more affordable housing.

Although these units reduce barriers to housing choice by providing a level of housing affordability in Austin that would not otherwise exist, the historical concentration of such units in certain parts of Austin has exacerbated racial, ethnic and income concentrations because certain protected classes have higher needs for affordable rental housing. This section demonstrates where concentrations of subsidized housing exist.

¹² The data are less clear for families, many of whom have high incomes. Data on the incomes and tenure of certain protected classes—e.g., religious affiliation—are not available.

Figure II-29.
Affordable Rental Housing Stock by Protected Classes, City of Austin, 2015



Source: COA NHCD.

The following maps show the location of subsidized rental units relative to concentrations. These include housing authority units, developments built with rental tax credits, developments funded by General Obligation (GO) bonds, SMART Housing developments and others.

Most ZIP codes contain about 3 percent of the city's subsidized rental units. Four ZIP codes have between 9 and 10 percent of the city's subsidized units: these are 78702, 78704, 78744, and 78753.

One—ZIP code 78741—contains 18 percent of the subsidized rentals. ZIP code 78741 is located in Southeast Austin and includes the East Riverside-Oltorf and Montopolis neighborhoods. About half of the area within this ZIP code is Hispanic-concentrated and very high poverty. Many persons with disabilities and students also reside in this area.

**Figure II-30.
Subsidized Rentals
Austin, 2012**

Source:
City of Austin and BBC
Research & Consulting.

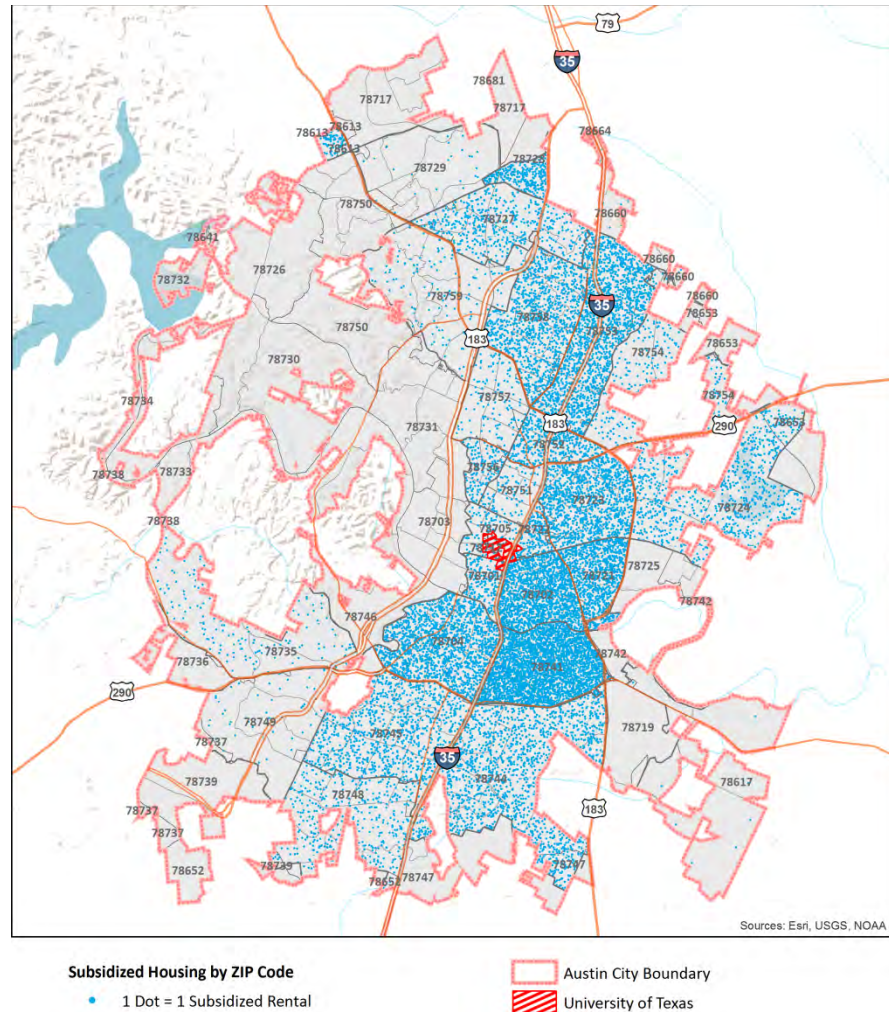
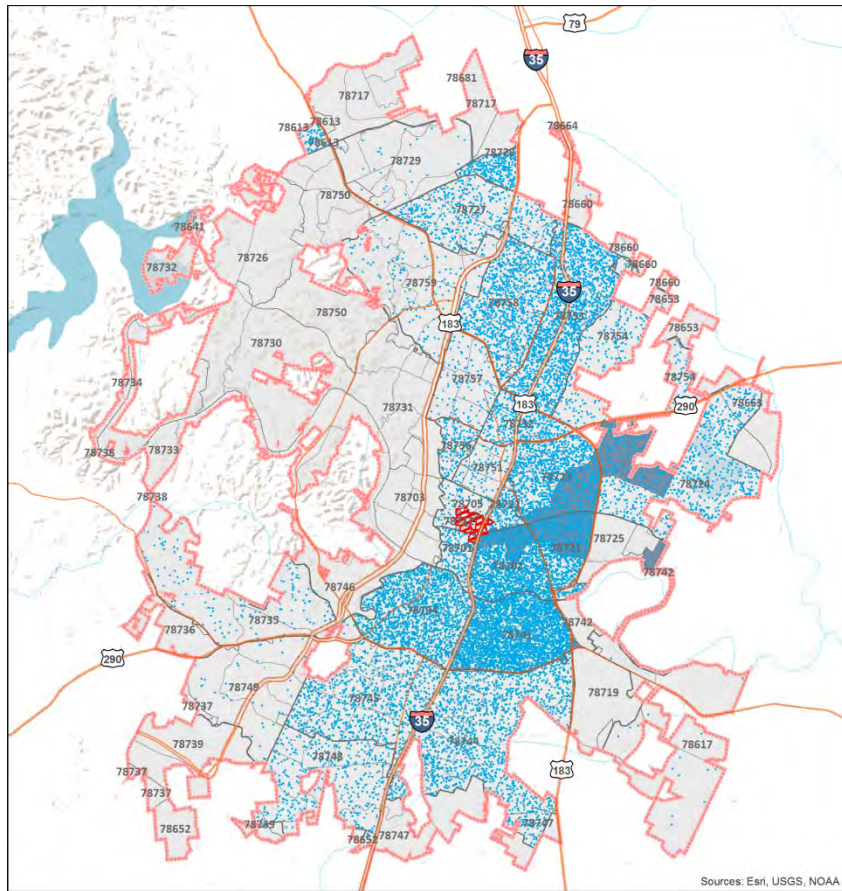


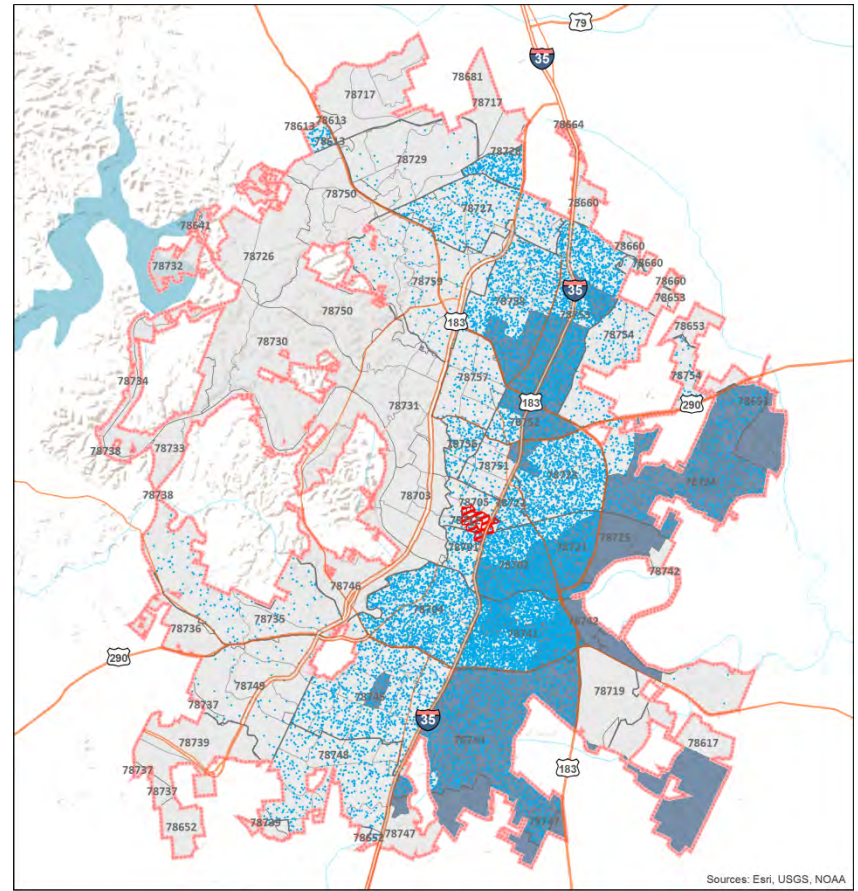
Figure II-31.
Subsidized Rentals and Census Tracts with African American Concentration, Austin, 2012



Subsidized Housing by ZIP Code
 • 1 Dot = 1 Subsidized Rental
 ■ Census Tracts with African American Concentration
 ■ Austin City Boundary
 ■ University of Texas

Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

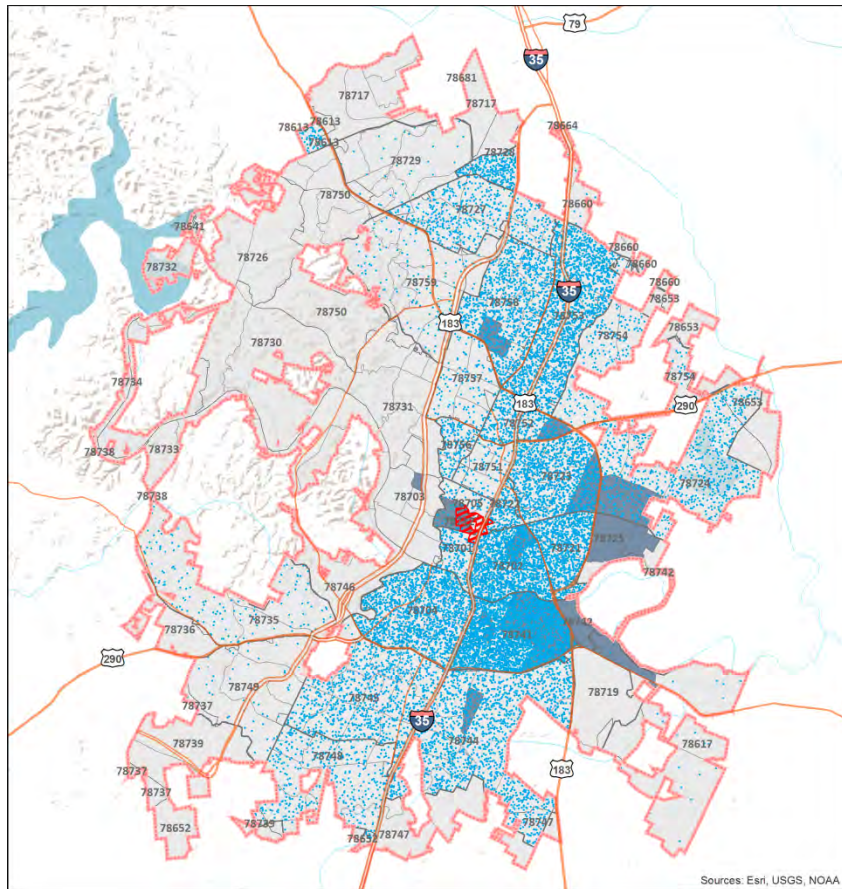
Figure II-32.
Subsidized Rentals and Census Tracts with Hispanic Concentration, Austin, 2012



Subsidized Housing by ZIP Code
 • 1 Dot = 1 Subsidized Rental
 ■ Census Tracts with Hispanic Concentration
 ■ Austin City Boundary
 ■ University of Texas

Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

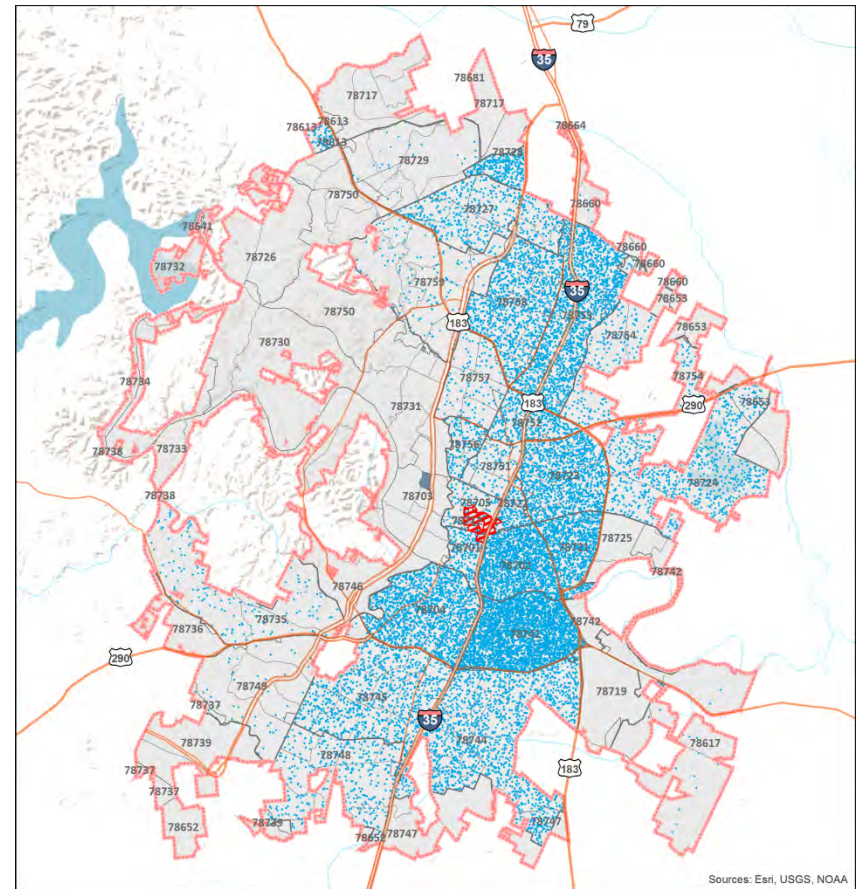
Figure II-33.
Subsidized Rentals and Census Tracts with Poverty Rates over 40 Percent, Austin, 2012



Subsidized Housing by ZIP Code
 • 1 Dot = 1 Subsidized Rental
 ■ Census Tracts with Poverty Rates Greater than 40%
 □ Austin City Boundary
 ▨ University of Texas

Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

Figure II-34.
Subsidized Rentals and Census Tracts with Persons with a Disability Concentration, Austin, 2012

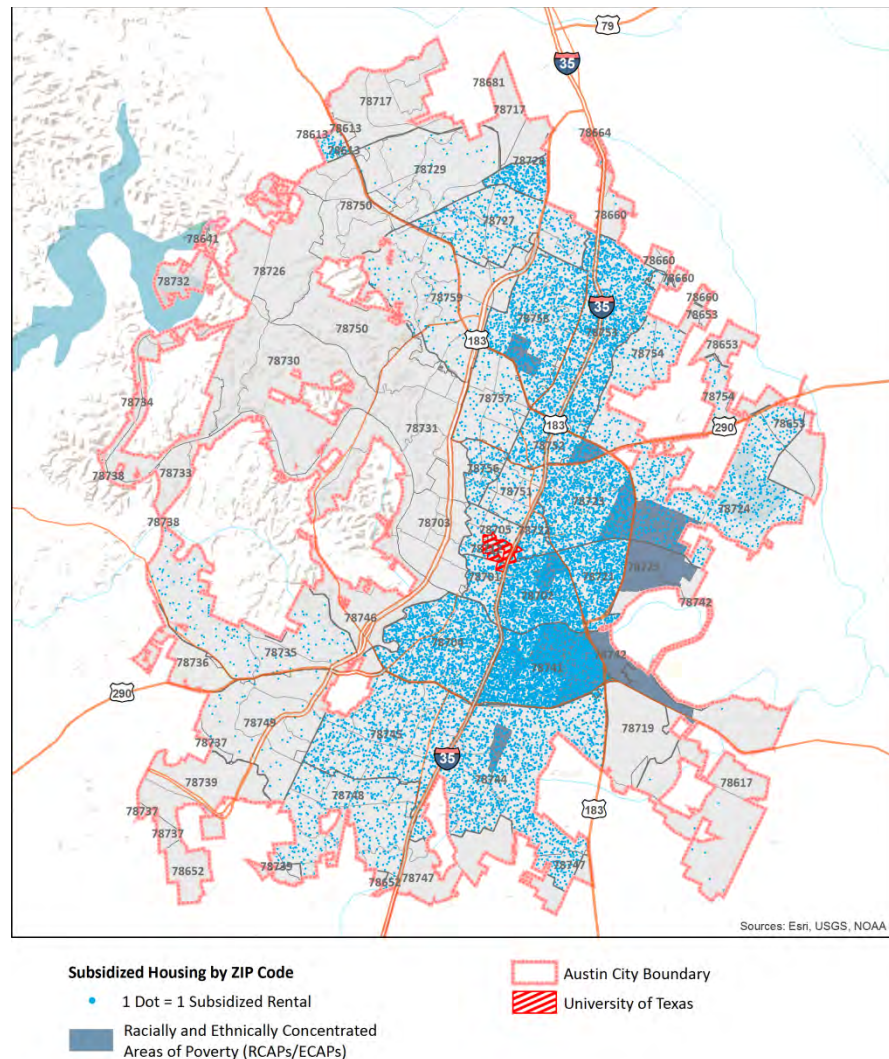


Subsidized Housing by ZIP Code
 • 1 Dot = 1 Subsidized Rental
 ■ Census Tracts with Greater than 28% Persons with a Disability
 □ Austin City Boundary
 ▨ University of Texas

Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

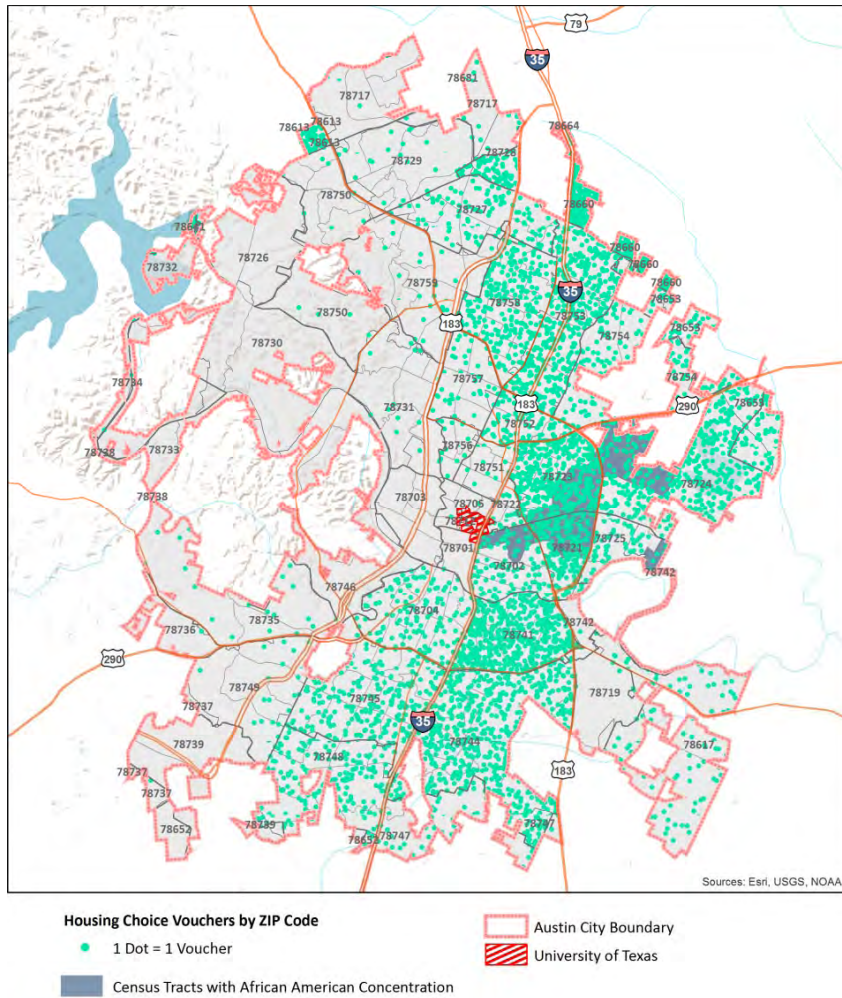
**Figure II-35.
Subsidized Rentals
and Racially and
Ethnically
Concentrated
Areas of Poverty,
Austin, 2012**

Source:
2008-2012 ACS, City of
Austin and BBC Research &
Consulting.



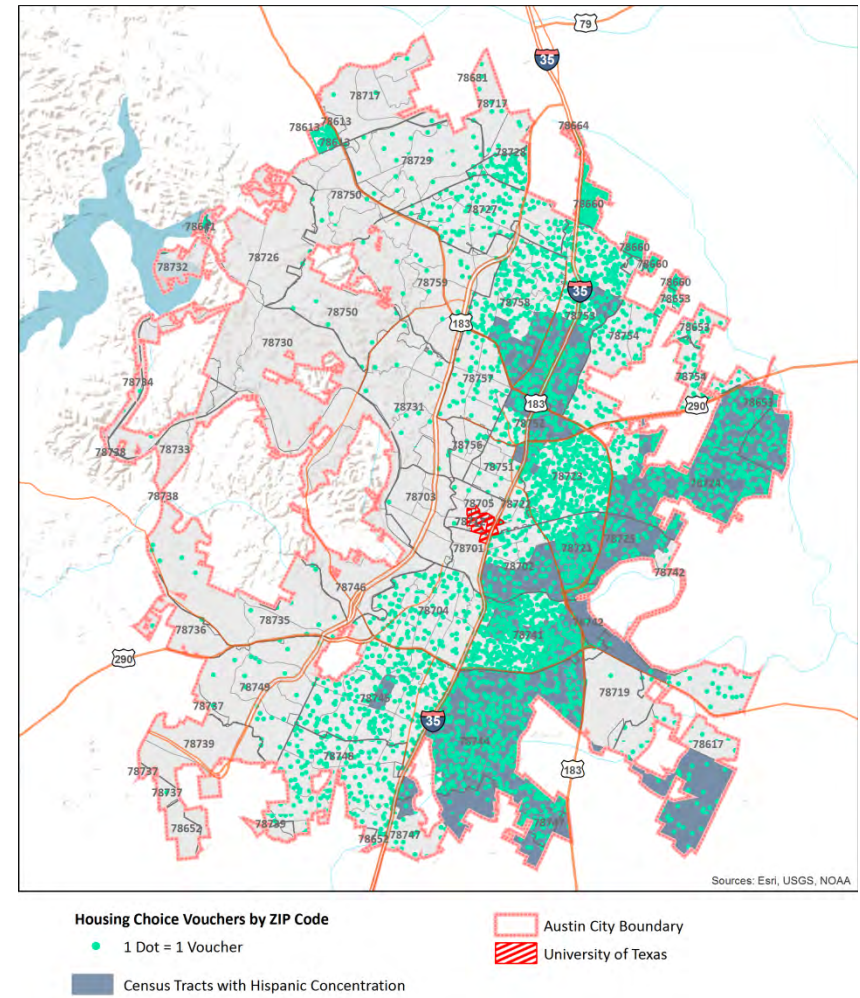
Vouchers and concentrations. The following maps show overlays of housing choice voucher holders and concentrations. Voucher holders are clustered in African American- and Hispanic-concentrated areas. Although vouchers cluster somewhat in areas of high poverty, this is less prominent than in minority-concentrated areas. Few voucher holders live west of Texas State Highway Loop 1/MoPac.

Figure II-36.
Housing Choice Vouchers and Census Tracts with African American Concentration, Austin, 2012



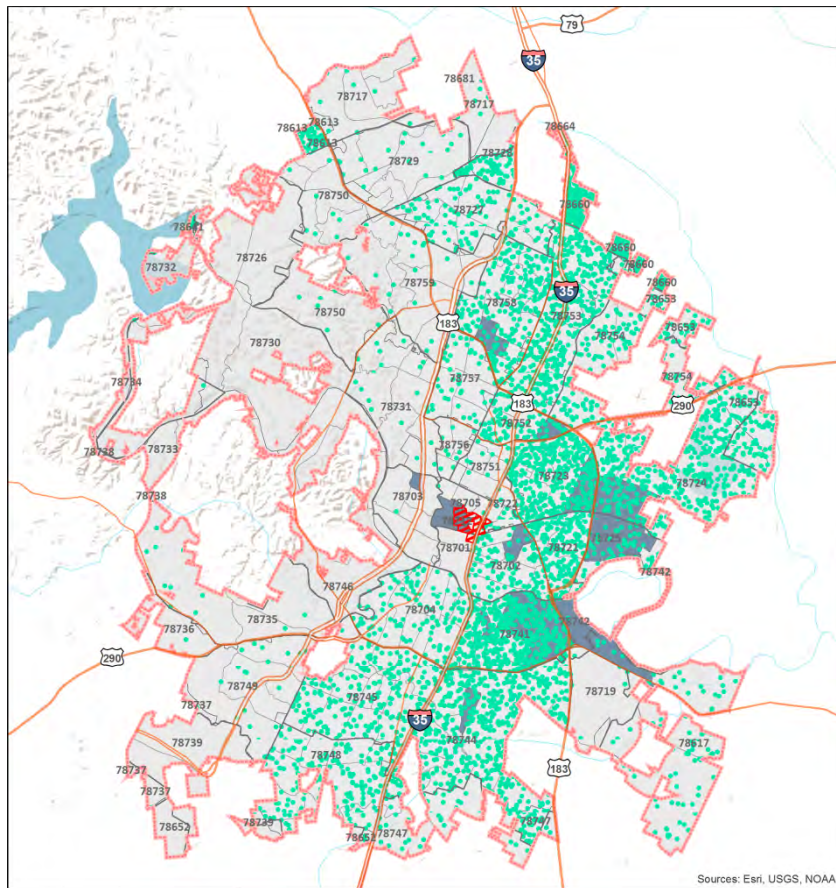
Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

Figure II-37.
Housing Choice Vouchers and Census Tracts with Hispanic Concentration, Austin, 2012



Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

Figure II-38.
Housing Choice Vouchers and Extremely High Poverty Census Tracts,
Austin, 2012



Housing Choice Vouchers by ZIP Code

● 1 Dot = 1 Voucher

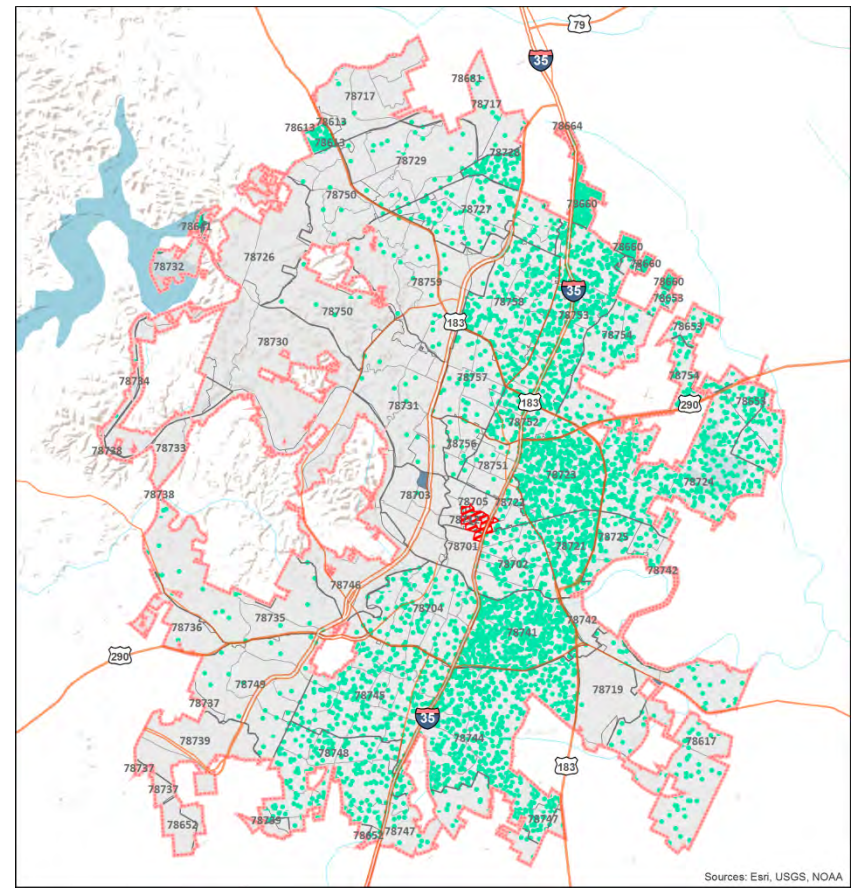
■ Census Tracts with Poverty Rates Greater than 40%

□ Austin City Boundary

▨ University of Texas

Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

Figure II-39.
Housing Choice Vouchers and Census Tracts with Persons with a
Disability Concentration, Austin, 2012



Housing Choice Vouchers by ZIP Code

● 1 Dot = 1 Voucher

■ Census Tracts with Greater than 28% Persons with a Disability

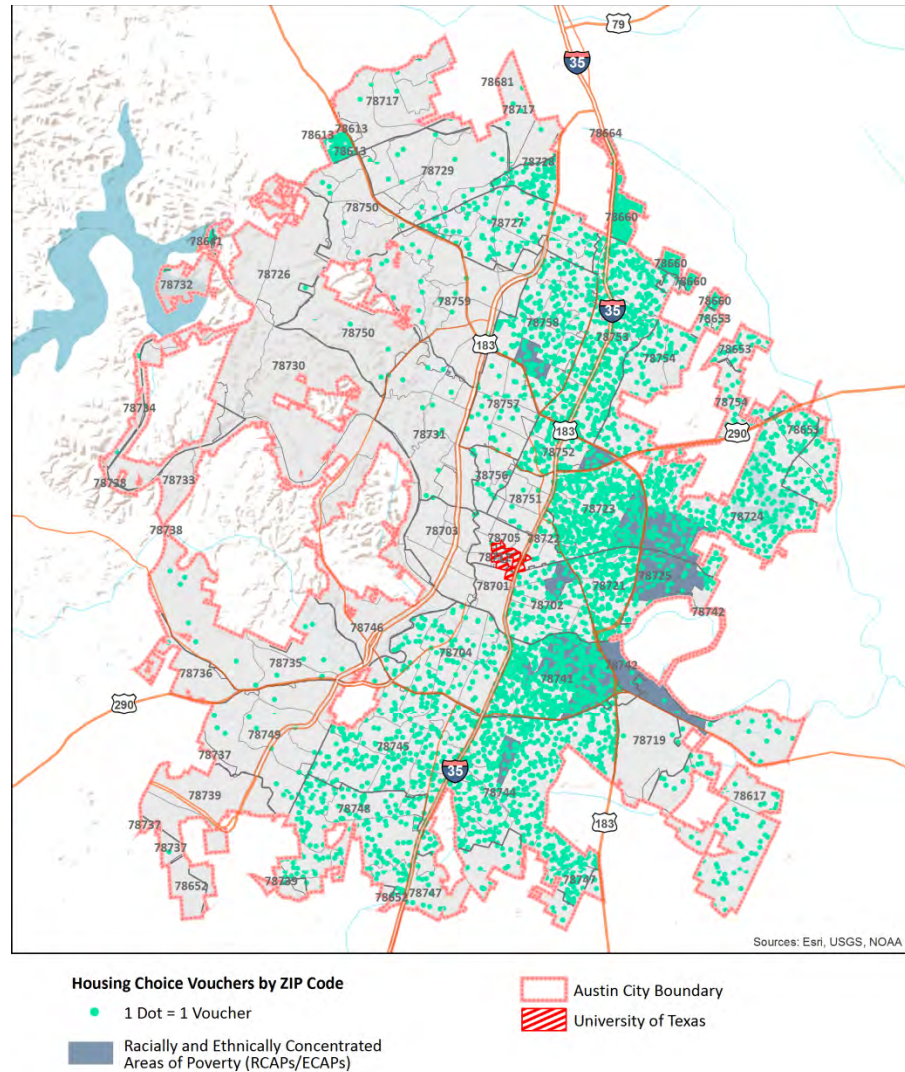
□ Austin City Boundary

▨ University of Texas

Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

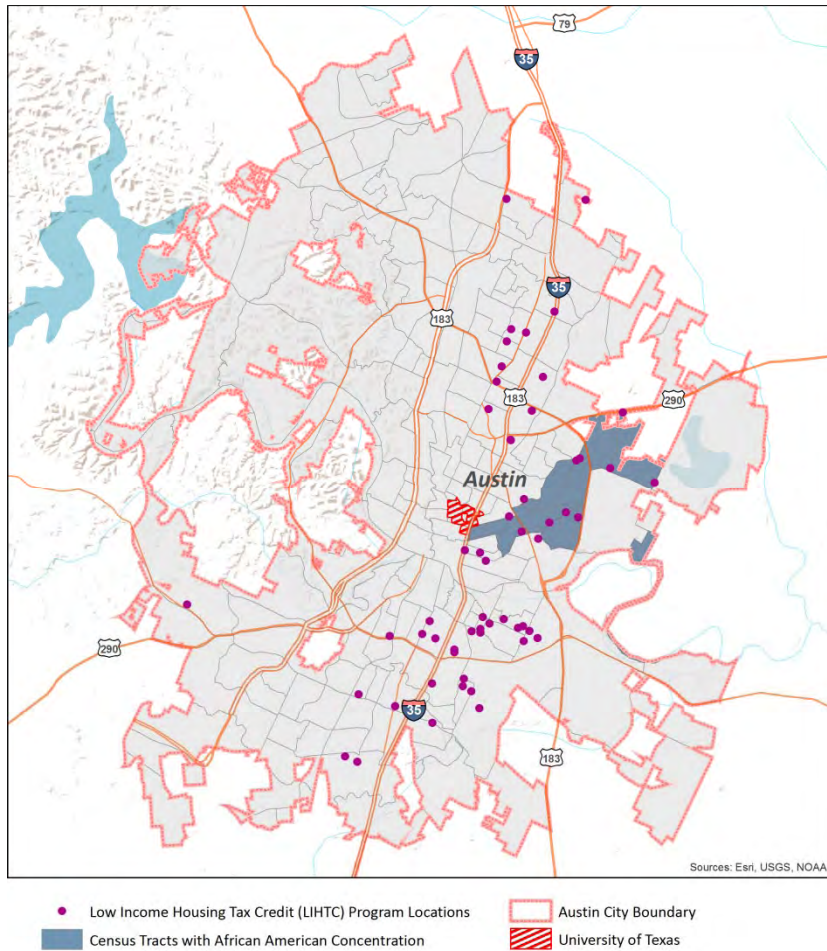
**Figure II-40.
Housing Choice
Vouchers and
Racially and
Ethnically
Concentrated
Areas of Poverty,
Austin, 2012**

Source:
2008-2012 ACS, City of
Austin and BBC Research &
Consulting.



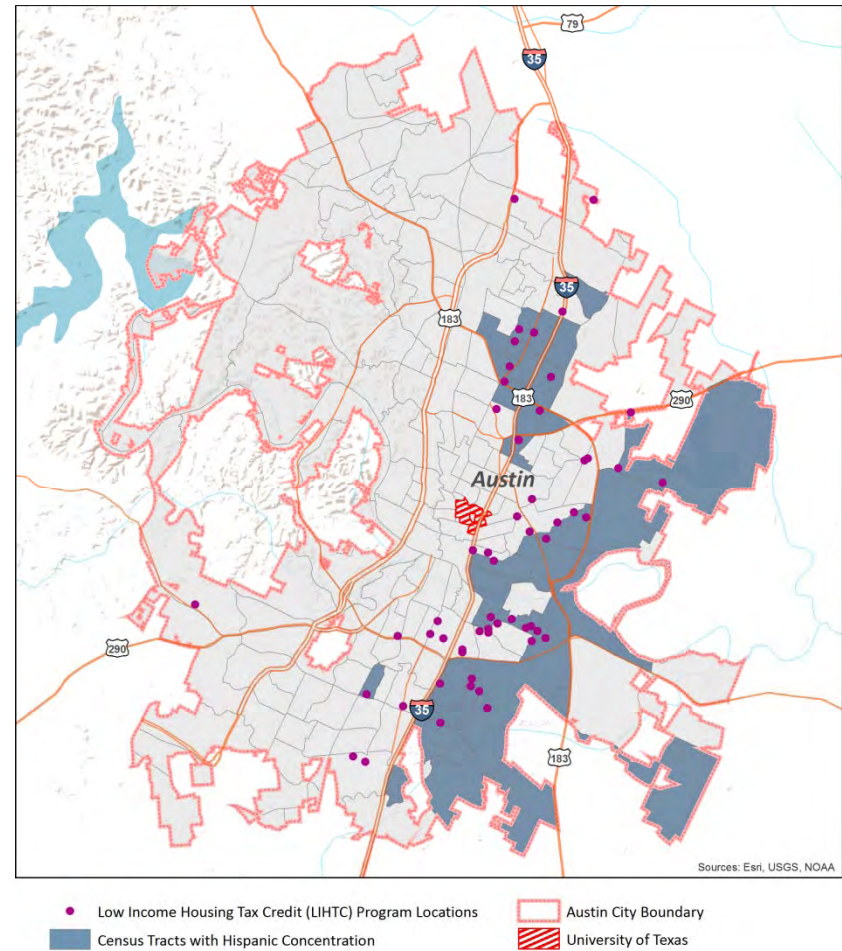
LIHTC and concentrations. The final set of housing maps show the location of Low Income Housing Tax Credit (LIHTC) properties in relation to areas of concentration. The maps show clusters of LIHTC properties in African American-, Hispanic-, and poverty-concentrated areas.

Figure II-41.
Low Income Housing Tax Credit (LIHTC) Locations and Census Tracts
with African American Concentration, Austin, 2012



Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

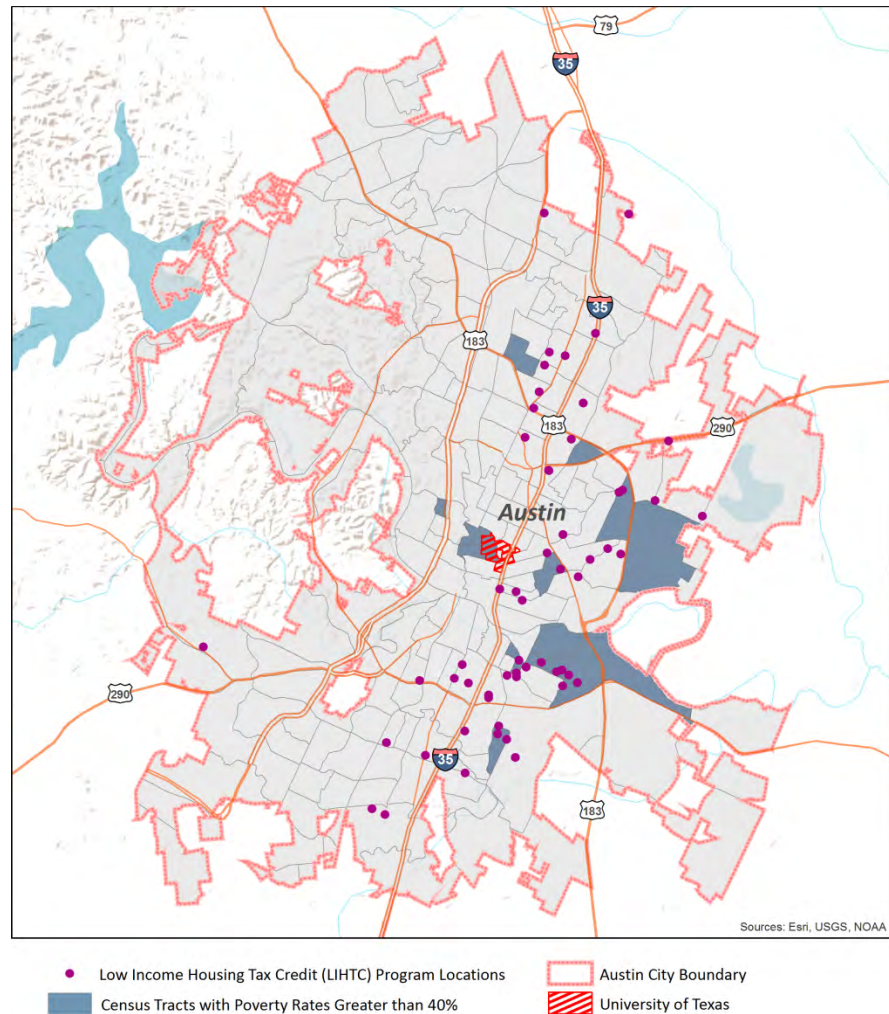
Figure II-42.
Low Income Housing Tax Credit (LIHTC) Locations and Census Tracts
with Hispanic Concentration, Austin, 2012



Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

**Figure II-43.
Low Income
Housing Tax Credit
(LIHTC) Locations
and Extremely
High Poverty
Census Tracts,
Austin, 2012**

Source:
2008-2012 ACS, City of
Austin and BBC Research &
Consulting.



Of the 56 LIHTC properties in the above maps, located within the City of Austin:

- Nine, or 16 percent, are located in African American-concentrated Census tracts,
- Thirty-three, or 59 percent, are located in Hispanic-concentrated Census tracts,
- Fifteen, or 27 percent, are located in RCAPs/ECAPs.

SECTION III.

Access to Opportunity

The purpose of this section is to examine the extent to which protected classes have equitable access to different types of community assets. This section is largely informed by residents' responses to a statistically significant resident survey on housing choice. It also incorporates relevant findings from the 2013 "The Geography of Opportunity in the Austin Region" report and secondary research on furthering access to opportunity.¹

Six measures of opportunity are discussed in this section:

- Exposure to neighborhood poverty and crime;
- Labor market engagement and access to jobs;
- Access to proficient schools;
- Access to transit;
- Housing choice; and
- Community amenities.

The section begins with a discussion of the perception of equity in the city overall, as measured by responses to questions on opportunity in the resident survey and focus groups conducted for this study.

It is important to note that this study was Austin-specific and, as such, did not examine access to transit, housing or services on a regional level. This type of analysis was partially conducted as part of the Geography of Opportunity report. Findings from that report—as well as information from stakeholders who work with protected classes—show an “inverse” set of barriers outside of Austin. Many communities outside of city boundaries offer more affordable housing, yet public transportation and services are very limited. As such, many lower income households in Austin are trapped between living in Austin and being cost burdened to be close to transit and services or moving outside of Austin for affordable housing and limiting their access to services.

Equitable Treatment in Austin

When asked whether they felt all residents of their neighborhood are treated the same as residents of other Austin neighborhoods, about 60 percent of respondents felt people in their neighborhood are treated the same as people in other neighborhoods.

¹ http://www.kirwaninstitute.osu.edu/reports/2013/04_2013_Austin-reported.pdf.

Figure III-1 examines this question by key demographic and socioeconomic characteristics. One of the most striking differences is that only 41 percent of African Americans believe people in their neighborhood are treated equally to other neighborhoods, compared to 59 percent of whites.

Figure III-1.

Do you feel that all residents of your neighborhood are treated equally or the same as residents of other neighborhoods?

Do you feel that all residents of your neighborhood are treated equally or the same as residents of other neighborhoods?								
Household Characteristic	All Respondents	Homeowners	Renters	Has Children in the Home	No Children in the Home	Disability		
Yes	58%	58%	58%	60%	57%	52%		
No	42%	42%	42%	40%	43%	48%		
n=	4,585	3,182	1,326	1,255	3,330	481		
Household Income	Less than \$10,000	\$10,000 up to \$25,000	\$25,000 up to \$65,000	\$65,000 up to \$75,000	\$75,000 up to \$100,000	\$100,000 up to \$125,000	\$125,000 up to \$150,000	\$150,000 or more
Yes	53%	53%	54%	51%	59%	59%	61%	68%
No	47%	47%	46%	49%	41%	41%	39%	32%
n=	76	258	1289	432	738	557	332	595
Race/Ethnicity	African American	Hispanic	Asian	Multi-racial	White			
Yes	41%	50%	74%	56%	59%			
No	59%	50%	26%	44%	41%			
n=	128	418	108	130	3,345			

Source: BBC Research & Consulting from the Austin Housing Choice Survey.

Those survey respondents who did not think people in their neighborhood are treated the same as people from other neighborhoods had the opportunity to describe their reasoning. Differences in treatment described often compared historically segregated East and Southeast Austin to the neighborhoods west of I-35.

Some responses concerned equal access to community amenities. Residents' examples of unequal treatment related to the public amenities yielded several major themes:

- Speed of response from City of Austin departments to address code violations, emergency maintenance, other requests;
- Locating less desirable uses in minority and/or low income neighborhoods (e.g., homeless housing, halfway houses, sex offender housing);
- Number and quality of bus facilities (e.g., no shelters, lower quality shelters, poor maintenance near bus stops) and no current or planned access to light rail to some neighborhoods;² and
- Interactions with law enforcement, including slower response times.

Specific concerns expressed by residents included:

² A 2014 bond referendum to fund urban rail and road improvements was not supported by voters.

- “Many of my neighbors live in substandard conditions with clear code violations but areas with higher income residents get more attention from the city and more pressure to maintain properties.” (African American resident)
- “City is slow to fix potholes, street lights.” (Hispanic resident)
- “Eastside is more likely to contain subsidized housing; more lax enforcement of transient laws, litter laws, and code enforcement regulations.” (Hispanic resident)
- “Northeast Austin tends to be a dumping ground for a variety of undesirable things: landfills, etc.” (African American resident)
- “I feel East Austin is not taken care of as well as other neighborhoods. It is close to downtown but still forgotten. Any developments that would not be allowed in other places are dumped in East Austin—for example, the homeless shelter that is being built just across my neighborhood.” (Hispanic resident)
- “Poor parts of Austin are treated worse, mostly by Austin Police Department. I don't want my taxes to be used to pay policemen who shoot unarmed people of color.” (Hispanic resident)
- “Travis Heights gets much better police response than many areas.” (Resident whose household includes a member with a disability)
- “I believe that housing discrimination is a severe and ongoing problem in Austin. The City does little to make housing available to ethnic and racial minorities with lower incomes in West Austin and other higher income neighborhoods.” (Resident with children)

Participants suggested several reasons for the unequal treatment they perceive among Austin’s neighborhoods:

- Race or ethnicity—treatment of predominantly white neighborhoods versus non-white neighborhoods;
- Income—treatment of affluent neighborhoods compared to neighborhoods with high poverty;
- Imbalance in political power—associated with differences in race/ethnicity, income and the neighborhood itself, particularly neighborhoods west of I-35 versus those to the east. This often manifests in NIMBYism or unequal dedication of city resources to the most organized neighborhood (i.e., the “squeaky wheel”).

For example,

- “Austin remains segregated and treatment in each segregated area varies dramatically.” (Hispanic resident)

- “No we are not treated equally because we are working class/lower to moderate income. We are black, Latino, or immigrant non-white. The City does not cater to minorities or working people. The city does not make it easy for our population to be here. The city does not acknowledge the severe discrepancies in quality of life that people endure.” (Hispanic resident)
- “Because the residents in certain areas of town are: 1) not as organized as residents in other areas of town, and 2) do not have the political/business connections—clout—needed to make changes on a timetable they see as acceptable.” (Hispanic resident)

Exposure to Neighborhood Poverty and Crime

A body of poverty research has found that a 40 percent poverty rate is the point at which a neighborhood becomes significantly socially and economically challenged. Conversely, research has shown that areas with up to 14 percent of poverty have no noticeable effect on community opportunity.³ This section discusses protected classes’ exposure to high poverty areas in Austin, as well as exposure to neighborhoods with social and economic challenges. High crime is used as a proxy for social and economic dysfunction in this section.

Figure III-2 shows areas within Austin that have 1) Poverty rates of 14 percent and less (where poverty is thought to have “no noticeable effect” on a neighborhood), 2) Poverty rates between 14 and 40 percent, and 3) Poverty rates of 40 percent and higher (“socially and economically challenged”). As the figure demonstrates, very low poverty areas are almost exclusively on the west side of Austin; high poverty areas, in east Austin; and moderate poverty areas in the central parts of the city (partially due to the presence of students).

³ The Costs of Concentrated Poverty: Neighborhood Property Markets and the Dynamics of Decline.” In Nicolas P. Retsinas and Eric S. Belsky, eds., *Revisiting Rental Housing: Policies, Programs, and Priorities*. Washington, DC: Brookings Institution, 116–9.

**Figure III-2.
Poverty Rates by
Census Tract,
Austin, 2012**

Source:
2008-2012 American
Community Survey (ACS) and
BBC Research & Consulting.

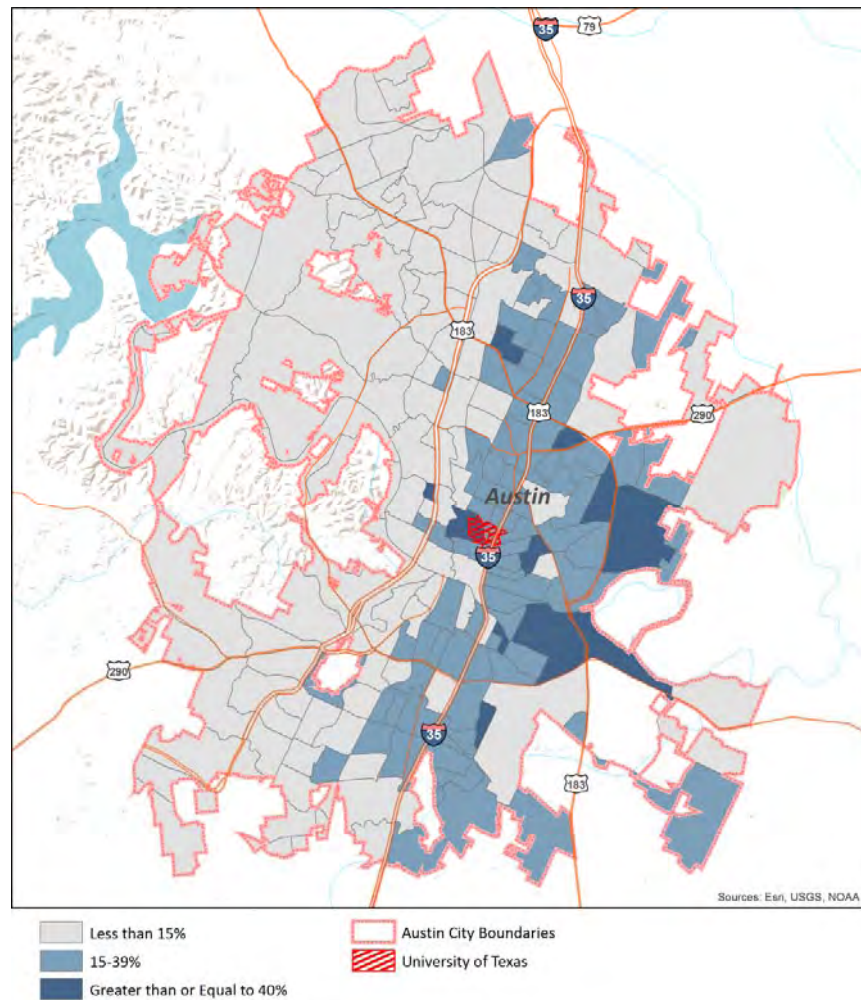
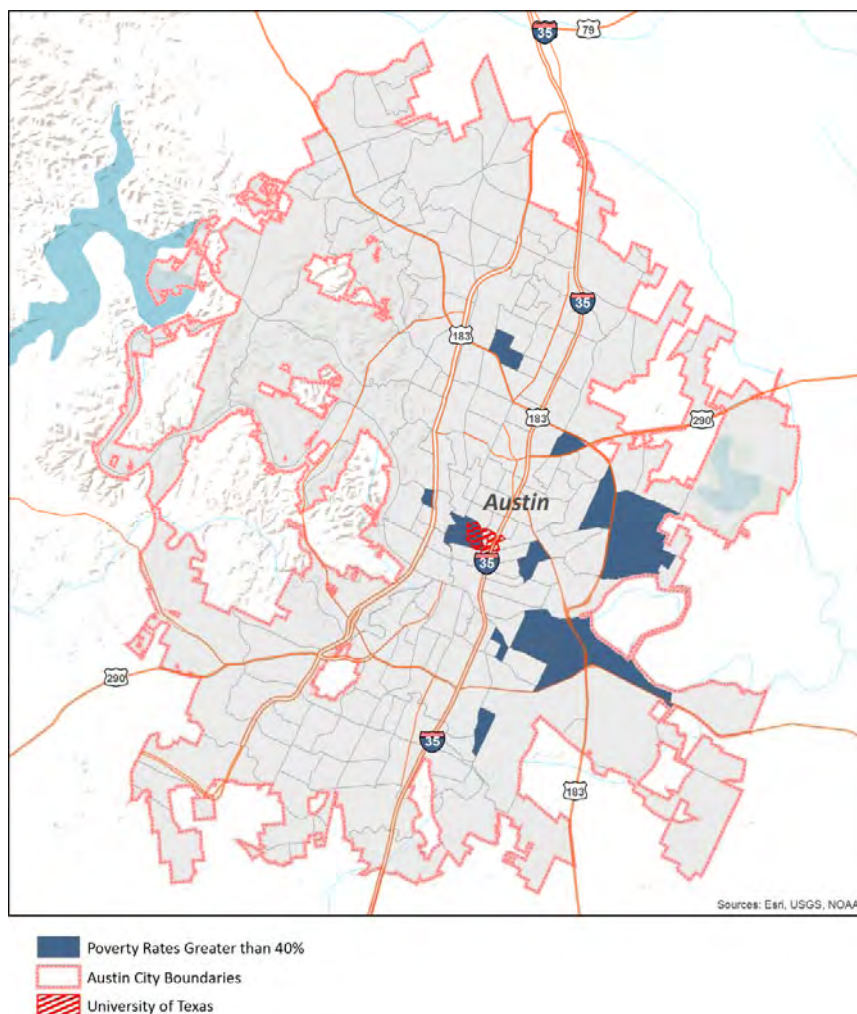


Figure III-3 shows the high poverty Census tracts only (40% poverty and greater). These areas are loosely, but not highly, correlated with minority concentrations.

**Figure III-3.
Extremely High
Poverty Census
Tracts, 2012**

Source:
2008-2012 ACS and BBC
Research & Consulting.

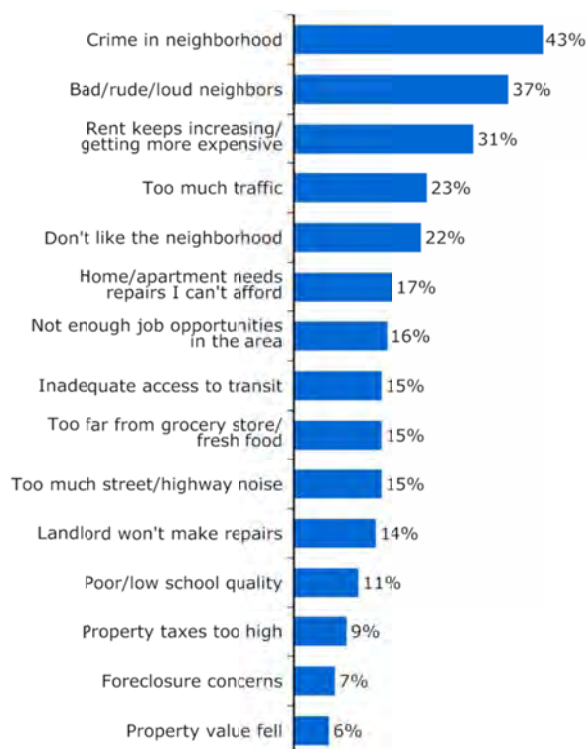


Crime rates. Exposure to neighborhood crime, as victims, perpetrators and/or bystanders, is an important challenge for minority areas and areas of poverty, including Racially/Ethnically Concentrated Areas of Poverty (RCAPs/ECAPs). Concern about crime was evident in the housing survey conducted for this Analysis of Impediments to Fair Housing Choice (AI). As shown in the figure below, 43 percent of respondents who said they were dissatisfied with their housing said this was because of crime. Other factors contributing to dissatisfaction include bad neighbors, rising rents, traffic and inadequate access to community amenities (e.g., transit, fresh food, quality schools).

Figure III-4.
Why are you dissatisfied
with your current housing?

Note:
n=94.

Source:
BBC Research & Consulting from the
Targeted Outreach Survey.

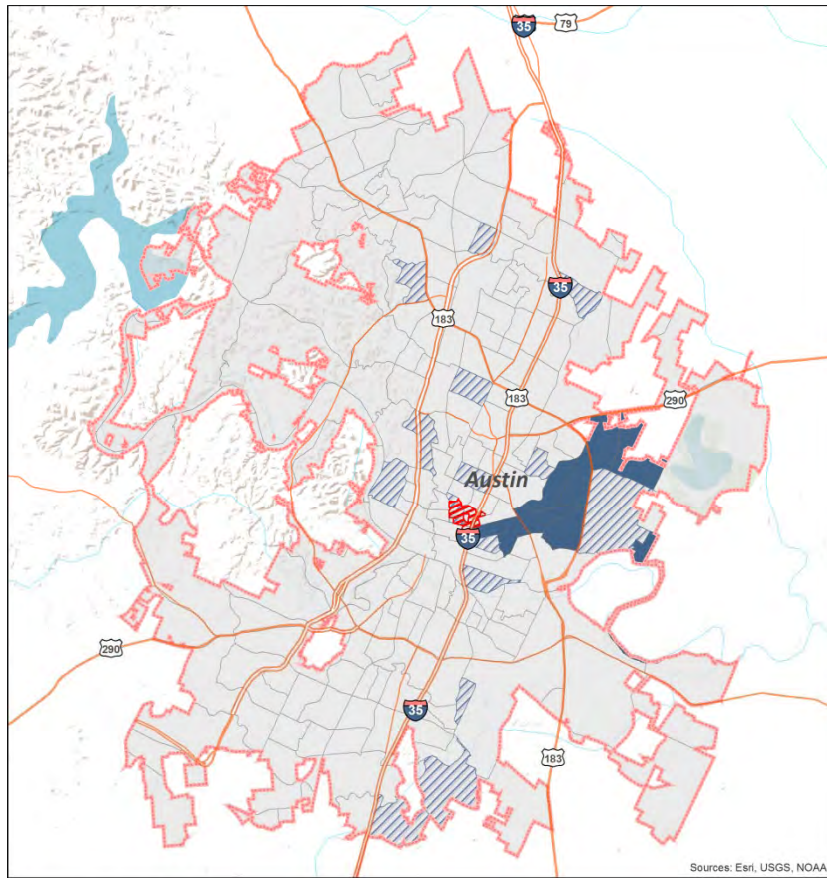






It's not surprising that when asked what they would change about their neighborhood, 46 percent of respondents answered "less crime." Cleaner streets and sidewalks; more grocery/fresh food options; and better maintained houses were suggested changes by at least one in three respondents to the survey.

Figures III-5 through III-8 show the relationship of very high crime areas, as measured by a crime index.⁴ The overlays show a limited number of areas that are minority or poverty concentrated and have very high crime rates. Where these do occur, they are mostly areas of Hispanic concentration.

⁴ The crime index is from commercial data provider ESRI and includes information about murder, rape, robbery, assault, burglary and motor vehicle theft.

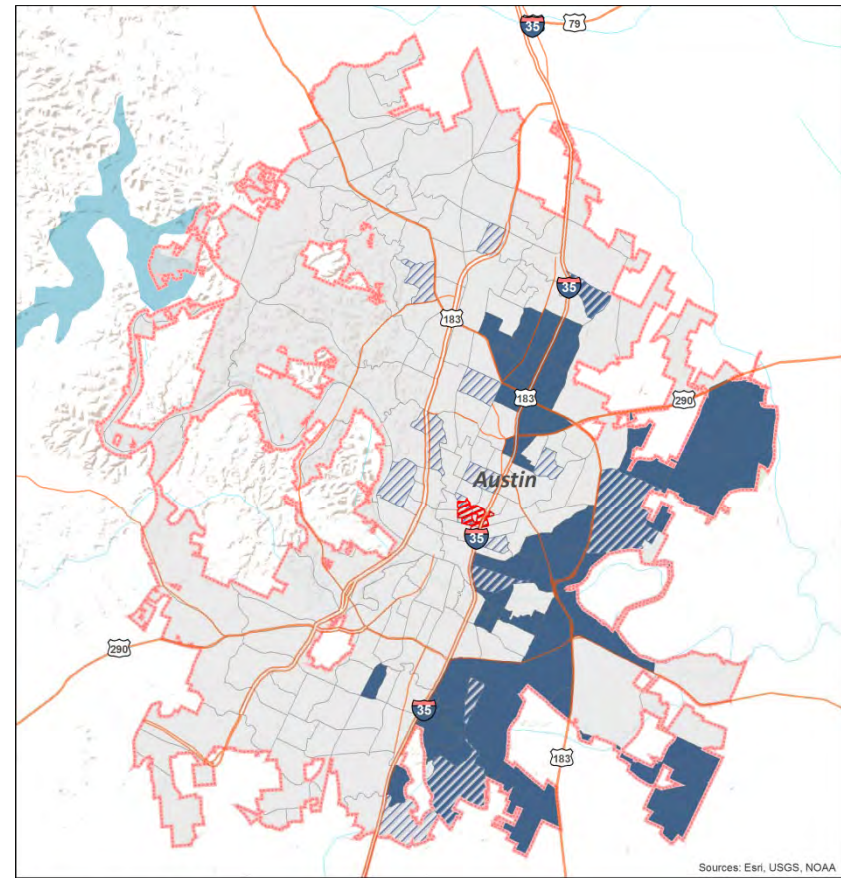
Figure III-5.
Areas with Very High Crime Rates and Census Tracts with African American Concentration, Austin, 2012







-  Census Tracts with Very High Crime Index
-  Census Tracts with African American Concentration
-  Austin City Boundaries
-  University of Texas

Source: 2008-2012 ACS, ESRI Crime Index and BBC Research & Consulting.

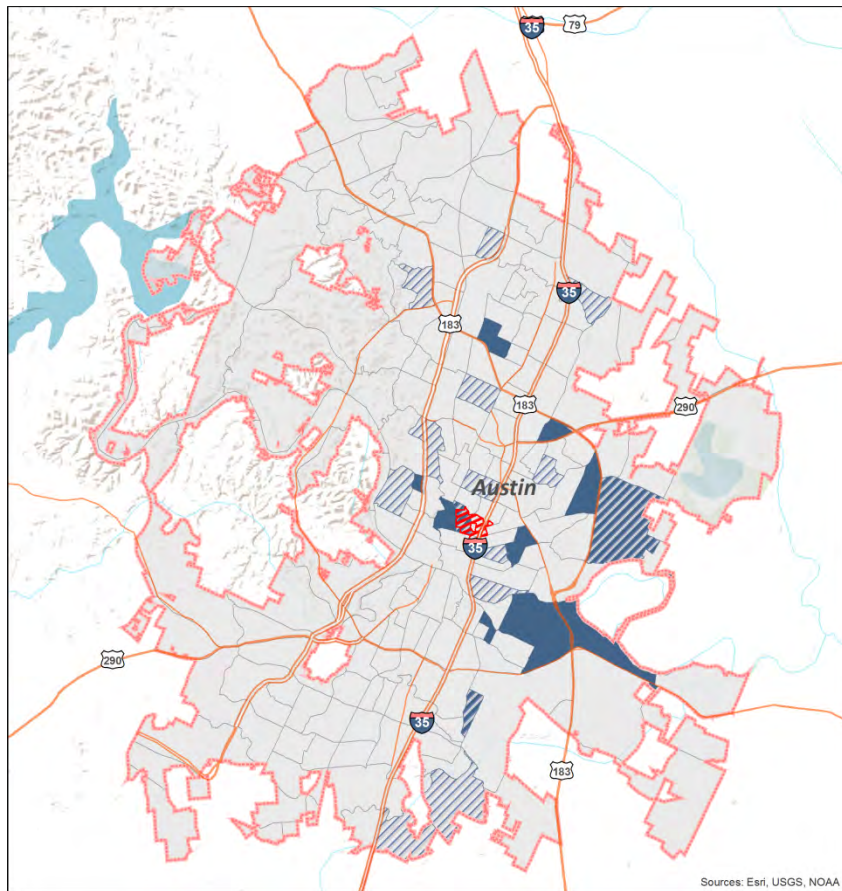
Figure III-6.
Areas with Very High Crime Rates and Census Tracts with Hispanic Concentration, Austin, 2012







-  Census Tracts with Very High Crime Index
-  Census Tracts with Hispanic Concentration
-  Austin City Boundaries
-  University of Texas

Source: 2008-2012 ACS, ESRI Crime Index and BBC Research & Consulting.

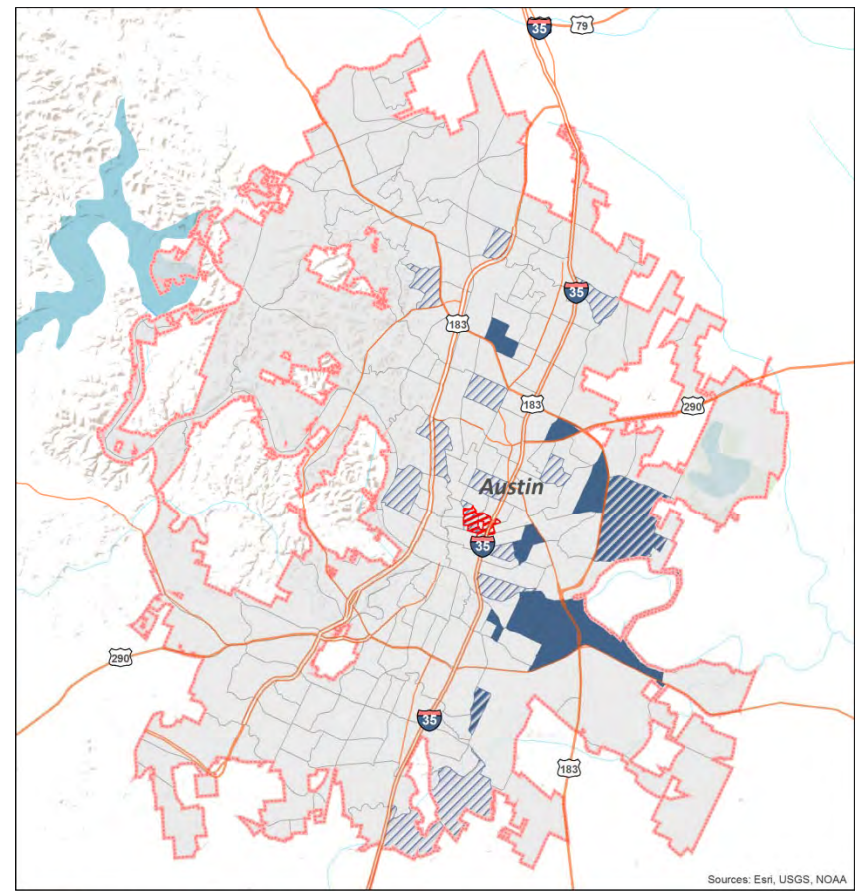
Figure III-7.
Areas with Very High Crime Rates and Extremely High Poverty
Census Tracts, Austin, 2012







-  Census Tracts with Very High Crime Index
-  Census Tracts with Poverty Rates Greater than 40%
-  Austin City Boundaries
-  University of Texas

Source: 2008-2012 ACS, ESRI Crime Index and BBC Research & Consulting.

Figure III-8.
Areas with Very High Crime Rates and Racially and Ethnically
Concentrated Areas of Poverty, Austin, 2012



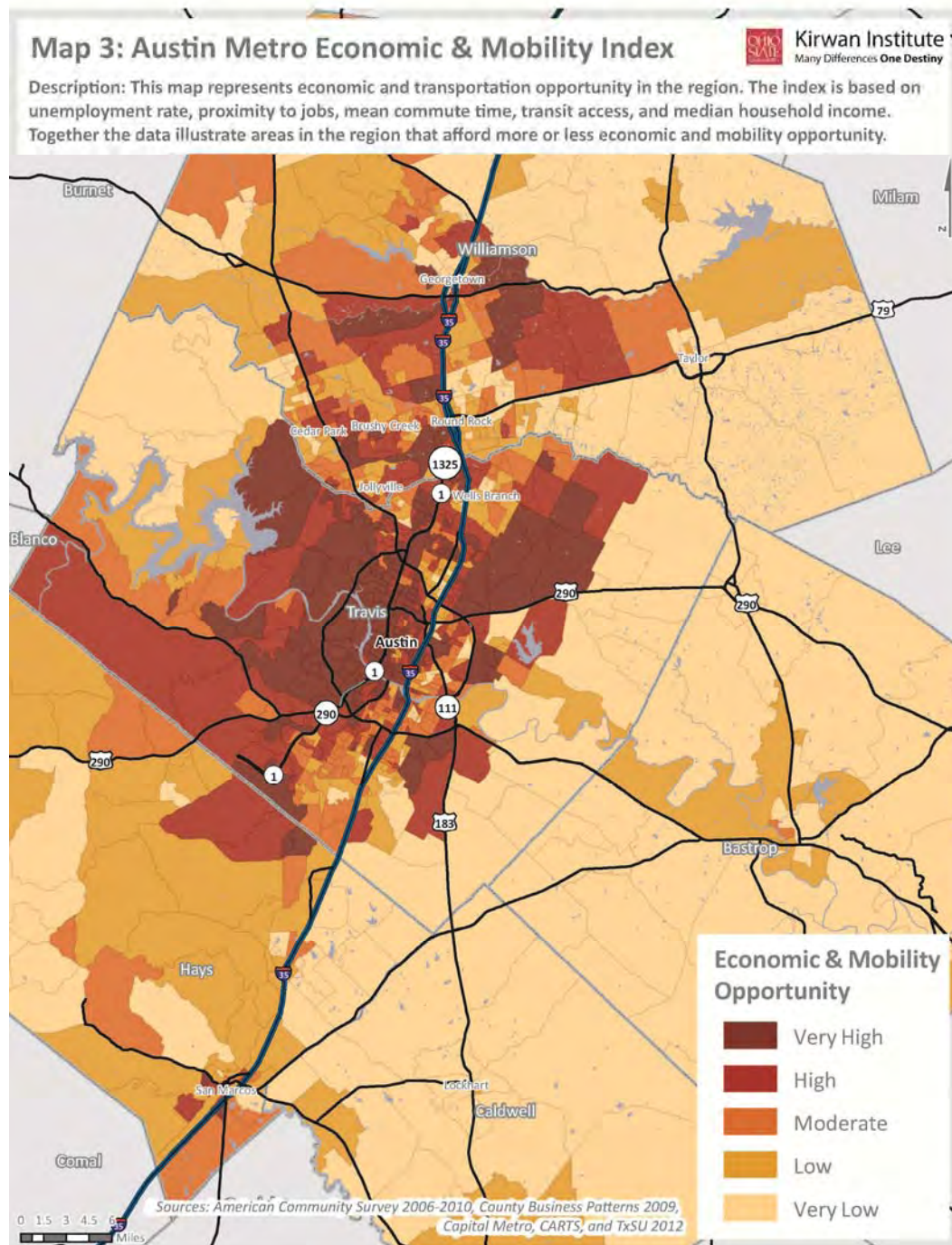
-  Census Tracts with Very High Crime Index
-  Racially and Ethnically Concentrated Areas of Poverty (RCAPs/ECAPs)
-  Austin City Boundaries
-  University of Texas

Source: 2008-2012 ACS, ESRI Crime Index and BBC Research & Consulting.

Labor Market Engagement and Jobs Access

The Geography of Opportunity study examined economic opportunity through an index (“economic and mobility index”) that measured unemployment, proximity to jobs, mean commute time, transit access and household income. The mapped index is shown in Figure III-9.

Figure III-9.
Austin Metro Economic & Mobility Index



Source: *The Geography of Opportunity in Austin and How It Is Changing*, Capital Area Council of Governments, Green Doors, and the Kirwan Institute, 2013.

The analysis found that areas with the highest economic opportunity were located in the urban core—largely because of the number of jobs, access to transit and low commute times. These areas also have some of the most expensive housing in the region, however, barring a few neighborhoods where unemployment is high and household income is low. Those areas may be the quickest to gentrify as the region grows and workers seek housing closer to places of employment.

Importance of living close to work or job opportunities. Respondents to both surveys conducted for this study identified the factors most important to them when choosing their current home or location. Proximity to work or job opportunities was one of the factors identified as most important by a large share of respondents. Figure III-10 presents the share of each population segment that considered living close to work or job opportunities as one of the most important factors in their housing decision. There is some variation in the proportion of a population that considers proximity to work one of the most important factors in selecting current housing, but overall living close to work or job opportunities is an important factor in housing choice.

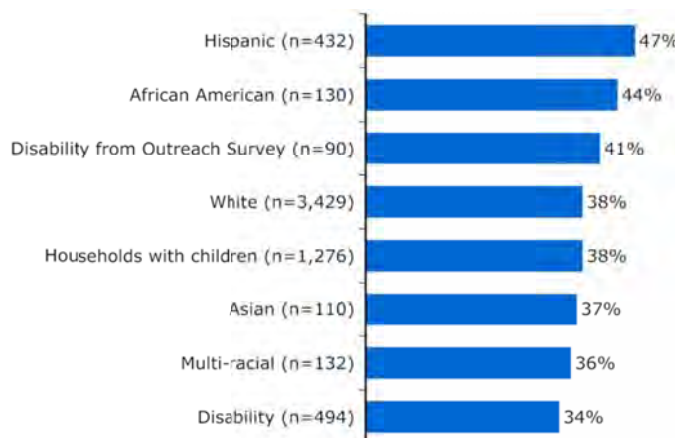
Figure III-10.
What factors were most important to you in choosing your current home or apartment in Austin? Percent responding “Close to work/job opportunities”

Note:

Unless otherwise noted data are from the Housing Choice Survey.

Source:

BBC Research & Consulting Housing Choice Survey and Targeted Outreach Survey.



Respondents to the Targeted Outreach Survey⁵ answered a series of questions about their housing and employment-related concerns. More than one in four (28%) agreed with the statement, “I don’t have a car and can’t access the jobs that I can find.”

Access to Proficient Schools

As discussed in the Historical Background portion of Section II of this AI, Demographic and Housing Profile, racially segregated schools played a role in the development of segregated housing patterns in Austin. A September 2012 report on school funding of the Austin Independent School District (AISD) by the Texas Civil Rights Project argues that the private subsidization of certain schools creates an inequitable learning environment within public schools in Austin. The emphasis that Austin residents place on school quality in making housing decisions (see Figure II-4) suggests that disparities in school quality by protected class intensify segregation in the city.

⁵ The Housing Choice Survey was supplemented by a targeted outreach survey distributed by organizations serving persons with disabilities and very low income residents.

The Civil Rights Project report analyzes the level of federal, state and local funding among schools in Austin.⁶ The report concludes that AISD’s method of distributing public funds—primarily funds generated by local property taxes—are inequitable because it fails to take into account the higher costs of educating high-needs students, who mostly reside in lower income areas. The report recommends a number of modifications to the AISD allocation of school funds that are weighted towards student needs rather than enrollment numbers.

Other recommendations include:

- Creating a district-wide foundation and endowment fund for low-equity schools;
- Creating school partnerships and supporting fundraising in low-equity schools; and
- Creating public/private partnerships to support low-equity schools.

The Geography of Opportunity study of Austin also identified gaps in educational opportunities in the city and region, similar to other factors. The majority of high or very high educational opportunity areas are located in the western portion of both the region and the City of Austin. In the city, educational opportunity overlaps with the comprehensive opportunity level of the area.

In focus groups and surveys, residents of lower income neighborhoods often described disparities in school quality in their neighborhood compared to other parts of Austin. As discussed in Section II, school quality was one of the primary factors cited by former African American, Hispanic and white Austin residents with children who departed for the suburbs.

Challenges in access to quality schools can have long term effects. The Equality of Opportunity project found that, in Austin, the chance of a child born in the lowest fifth of the income distribution was just 6.9 percent—much lower than other tech-dominated cities, such as San Jose or Seattle.⁷

Access to Transit

Equitable access to transit was a significant part of the Geography of Opportunity study, as transit was a major factor in the indices measuring access. As mentioned above, transit access is best within city limits and strongest in the urban core—areas where housing is generally more expensive.

From the perspective of some residents, access to CapMetro bus and rail lines is not equal, and some parts of Austin receive no service at all.

- “My neighborhood or area of town is not being offered or considered for better public transportation system and connectivity to other parts of the city.” (Hispanic resident)

⁶ <http://www.texascivilrightsproject.org/4650/tcrp-2012-human-rights-report-aisd-inequitable-funding-and-vestiges-of-segregation/>

⁷ www.equality-of-opportunity.org

- “South Austin does not get equal mass transit options. No rail service is planned for South Austin till many years in the future. Why?” (Hispanic resident)
- “Metro train cuts my neighborhood in half, but does not stop here.”

As the city’s transit and rail systems redevelop, it will be important to preserve and maintain affordable housing choices near transit. Housing Works in Austin, in partnership with the University of Texas at Austin School of Law, recently issued a research paper on best practices for “equitable” Transit Oriented Development (TOD).⁸ The three core best practices used by other cities to create successful, equitable TOD included:

- Zoning and land use policies that require a percentage of new TOD units be affordable in exchange for density bonuses;
- A centralized management organization—often a public/private partnership—to coordinate purchases of land and/or buildings, the assembly of capital and the master planning of mixed-income TOD sites; and
- A steady source of capital to support and influence private capital TOD investments.

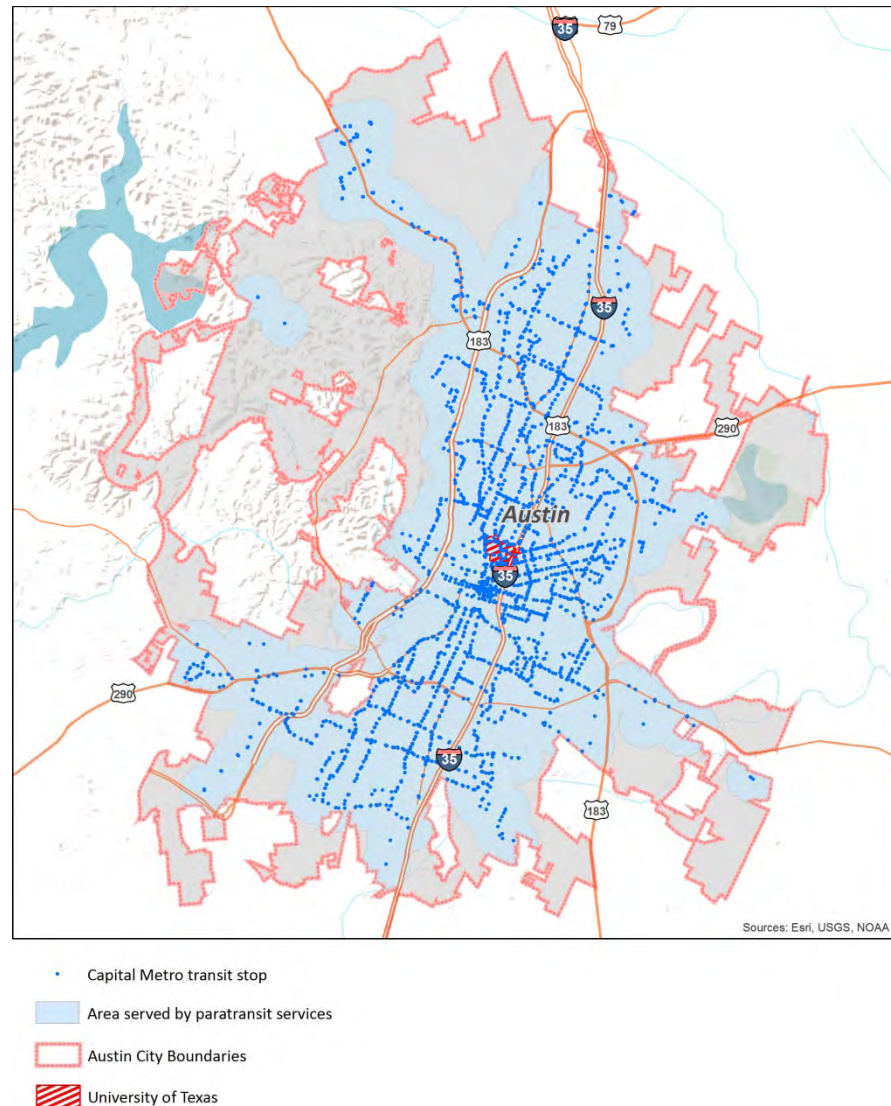
Access to transit and affordable, accessible housing for persons with disabilities. For transit-dependent persons with disabilities, living near fixed route bus stops presents the opportunity for these residents to access employment opportunities, a larger range of housing options, health care—and the ability to participate in the greater Austin community in the same way a non-disabled resident would. In addition to availability, the quality, accessibility and safety of transit stops are very important to ensure that persons with disabilities have equitable access within the city. According to many advocates, lack of sidewalks in many Austin neighborhoods, as well as inaccessible transit stops, remain a problem in many parts of Austin.

Figure III-11 shows the locations of Austin’s fixed route bus and transit stops. A ¾ mile radius is drawn around each stop to show where residents who rely on paratransit services can live and still access the service.

⁸ http://www.utexas.edu/law/clinics/community/Best_Practices_Report.pdf

**Figure III-11.
CapMetro Fixed
Route Bus and Rail
Stops Showing
Neighborhoods
where Transit-
Dependent
Residents with
Disabilities Can
Access Transit
Services**

Source:
City of Austin and BBC
Research & Consulting.



Residents who participated in the AI identified challenges with transit provision that cannot be detected in the above map:

- “I have to keep moving because they change the bus routes. Since I’m blind, I have to live by transit.” (Austin resident with a disability)
- “Due to the limited public transit, there are only two neighborhoods that meet my needs.” (Austin resident with a disability)

These quotes emphasize the importance of a transit system that is coordinated with provision of housing choice. Indeed, when asked about the most important factor for selecting their current housing, 61 percent of persons with a disability who responded to the resident survey selected close to bus/transit stops.

Equity and Housing Choice

Section II of this AI summarizes housing choice challenges documented in the recent Housing Market Study. The section also examines the location of publicly subsidized housing in relation to racial, ethnic and low income concentrations. The largest numbers of publicly subsidized units are located in minority and poverty concentrated areas, particularly in East and Southeast Austin. Few affordable housing options exist in Northwest Austin.

This section supplements the housing summary by discussing additional limits on housing choice in Austin:

- Limited reimbursements through the Housing Choice Voucher program,
- Disparities in housing condition, and
- Gentrification and housing preservation.

Figure III-12 shows how the limits on Housing Choice Voucher subsidies limit choices for low income renters who are also disproportionately likely to be racial and ethnic minorities and persons with disabilities. Areas that are darkly shaded have the highest rent levels; those with an additional crosshatch have rents exceeding the metro-wide Fair Market Rent (FMR) that is used as the basis of voucher subsidies. These are also mostly areas of “high opportunity.” To live in these areas, households would need to pay additional rent, beyond what they receive through their housing voucher subsidy. The failure of housing choice voucher payments to take into account variation in rental subsidies by geographies smaller than a metro area limits the housing choices of voucher holders to certain ZIP codes.

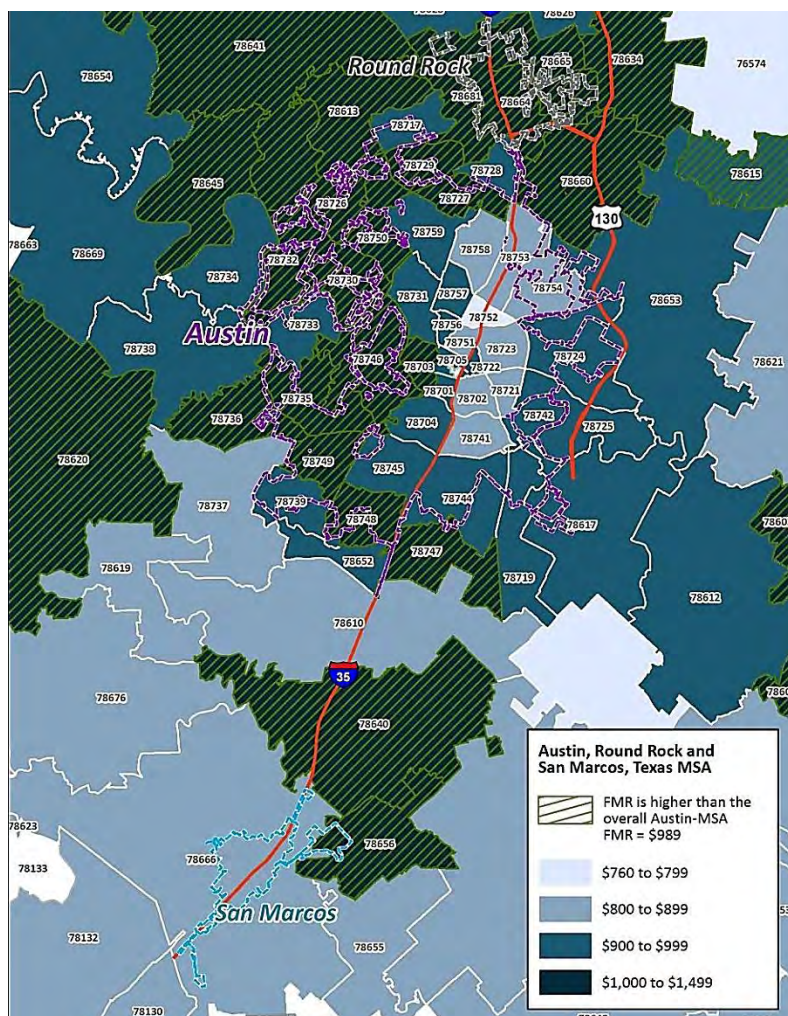
Figure III-12.
Distribution of Rental
Costs Relative to FMRs for
the Austin, Round Rock
and San Marcos
Metropolitan Statistical
Areas (MSA), 2012

Note:

The 2012 2-bedroom FMR for the Austin-Round Rock-San Marcos area is \$989. The crosshatch indicates a ZIP code where the ZIP code FMR is higher than the overall FMR.

Source:

www.huduser.org; Fair Market Rent database.



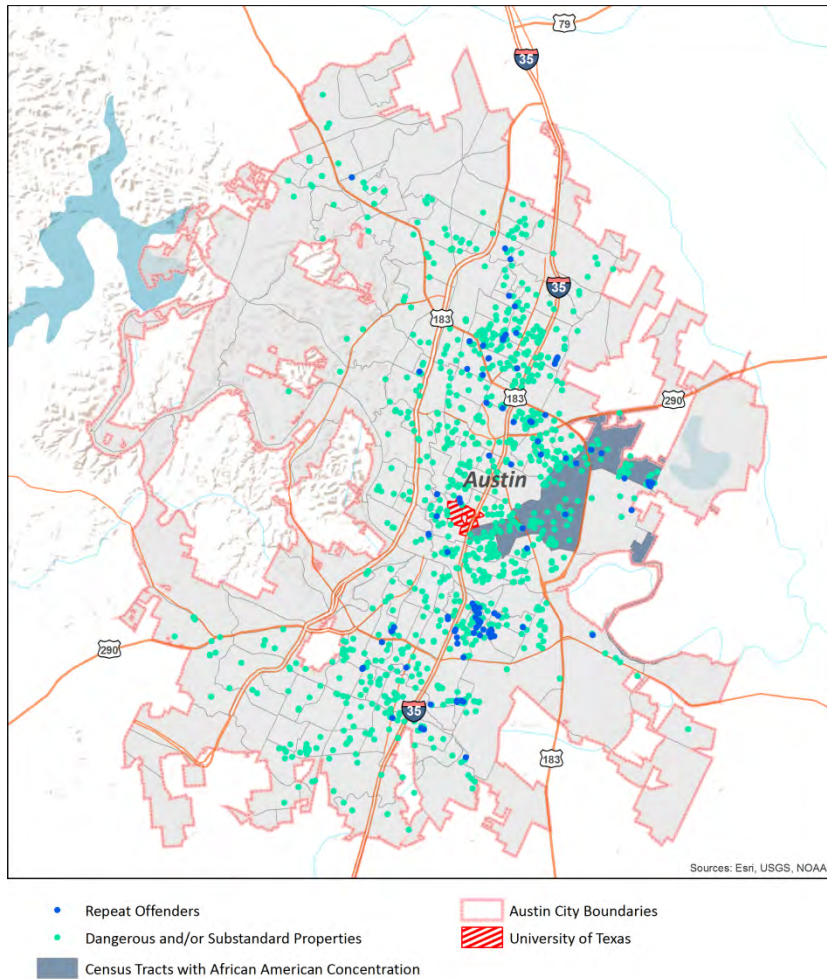
Disparities in housing condition. A recent report of housing and economic conditions in Austin’s Rundberg neighborhood—one of the poorest in the city and one of the few remaining very affordable parts of the city—describes an area with residential properties that have high levels of criminal activity, properties that violate building code standards and open-air drug markets and prostitution.⁹ The report has an extensive review of best practices for addressing problem properties, in addition to recommending that Austin move from a “reactive” approach to code enforcement to proactively addressing conditions in neighborhoods like Rundberg.

The report indicates that residents in areas like Rundberg are often reluctant to report violations for fear of losing their housing or landlord retaliation. These fears are more common in markets where rental costs are high.

⁹ <http://www.greendoors.org/advocacy/docs/Rundberg-Problem-Properties-Report-Final-August2013.pdf>

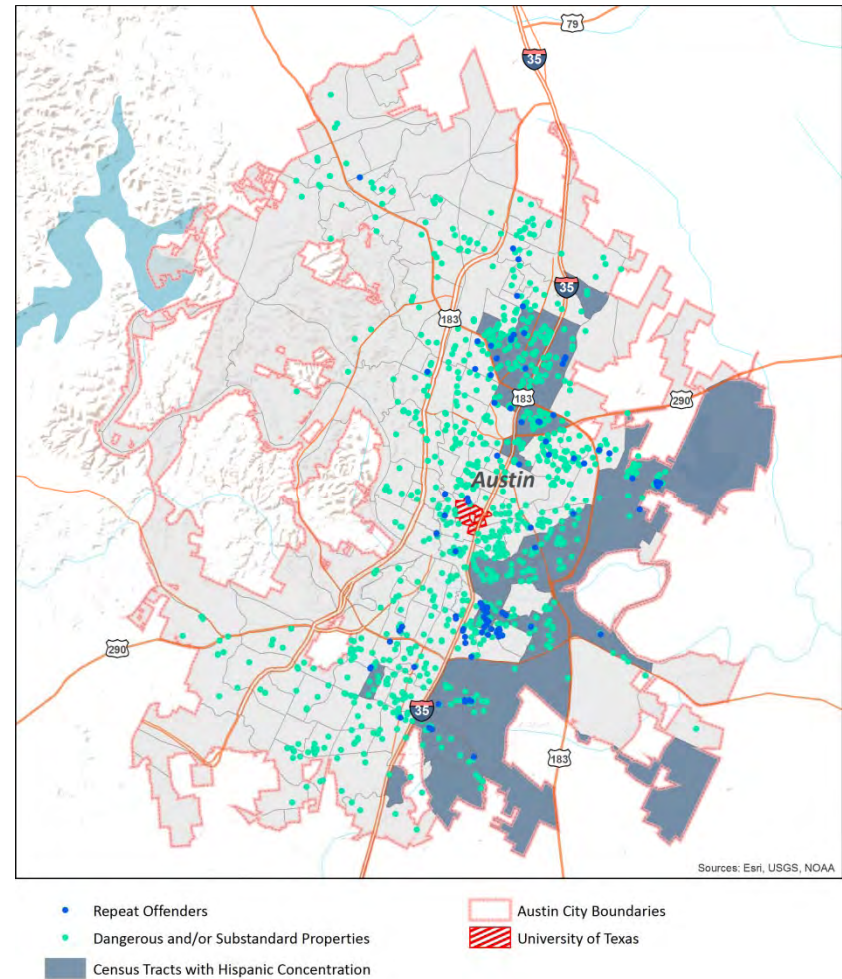
The maps in Figures III-13 and III-14 show the relationship between repeat code offenders and residential properties that have been classified as dangerous or substandard by the City of Austin and African American and Hispanic concentrations. Figure III-14 supports the findings in the Safer Rundberg study, showing a significant concentration of substandard properties in the area. In 2011-2012, according to the study, 16 percent of the city's code cases for rental properties with repeat violations were located in Rundberg; this compares to just 5 percent of the city's population.

Figure III-13.
Repeat Code Offenders, Dangerous and/or Substandard Properties, and
Census Tracts with African American Concentration, Austin, 2012



Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

Figure III-14.
Repeat Code Offenders, Dangerous and/or Substandard Properties, and
Census Tracts with Hispanic Concentration, Austin, 2012



Source: 2008-2012 ACS, City of Austin and BBC Research & Consulting.

Respondents to the Housing Choice Survey shared their home repair or maintenance needs. About 70 percent of households reported at least one home repair or maintenance need, and this did not vary by race, ethnicity or disability. Few households (1%) believe that their unmet repair needs have made their home unlivable. This did not vary, overall, by protected class. There are very modest differences between homeowners and renters. Some variation is apparent when examining renter households by race and ethnicity (although samples sizes are small). For example, renters whose unmet repair or maintenance needs result in unlivable housing include:

- 6 percent of African American renters (n=33);
- 1 percent of Hispanic renters (n=76);
- 3 percent of non-white renters overall (n=151); and
- 1 percent of white renters.

Gentrification. Gentrification is a major concern of both residents and advocates in Austin. Data show significant shifts in the residences of African Americans, and to a lesser extent, persons of Hispanic descent, between 2000 and 2010. As demonstrated by the maps in figures II-6 through II-9, during the past decade, African Americans migrated away from East Austin into the northern suburbs and African American concentrations in the eastern part of Austin became less pronounced.

African American focus group participants—long-time residents of East Austin—expressed mixed feelings about how East Austin is changing. The Mueller development served as a symbol for those changes. Participants felt that the purpose of the Mueller development and other changes in the neighborhood (e.g., addition of bike lanes, new construction of “McMansion” homes) were to attract white and higher income residents and that the changes did not benefit existing East Austin residents.

- “East side has a culture of its own, but it’s changed. It used to be you always knew everyone in the neighborhood.”
- “The addition of Mueller changed things for their purposes—bike lanes, Manor. The bike lanes are the city trying to appease the new demographic and the demographic they want to live here. Not us.”
- “They say, ‘East Austin’s changing, come change with us.’”
- “They’re trying to economically change the demographics. They don’t care about what happens to us.”

Most African American (89%) and Hispanic (77%) in-commuters used to live in Austin—as did the majority of white in-commuters (75%). The primary reasons why African American and Hispanic in-commuters left the city were:

- Cost of housing, including a lower cost of homeownership outside of Austin;

- Improved quality of housing available to rent or purchase outside of Austin;
- Better schools in districts outside of the Austin Independent School District; and
- Less traffic or reduced commute time.

The reasons why African American and Hispanic in-commuters left the city are very similar to those of white in-commuters and in-commuters whose households include a member with a disability. In-commuters with children emphasized the cost of housing and quality public schools outside of Austin:

- “Newer home, kid friendly neighborhood, better schools.” (Hispanic former resident)
- “Could not afford the home we wanted in Austin. A comparable home in Austin would have cost our family over \$100,000 more.” (Hispanic former resident)
- “As a single parent, I was unable to purchase a home in Austin that was within my budget, in a safe neighborhood, and didn't need a lot of upgrades to be livable.” (Former resident with children)

A 2014 study conducted by Housing Works in Austin¹⁰ found that a significant amount of affordable housing (rents affordable to renters earning 50% and 60% of AMI) existed in smaller, older, multifamily properties. The study also found that these properties had twice the Section 8 acceptance rate of larger rental complexes. These units could be lost to redevelopment and gentrification if not preserved.

The affordable units provided by these properties are mostly small (efficiencies and 1-bedroom) and not always affordable to large families needing 2-plus bedroom units. Still, the study highlights the role of privately-provided, affordable rental units in helping to meet the need of affordable rentals across the low income spectrum—and suggests a broader role for the city in helping to preserve the affordability of existing properties.

Equitable Access to Community Amenities

This section discusses the extent to which protected classes have equitable access to other community assets. This section focuses on disparities in the three areas that were raised the most by protected classes in focus groups and survey responses: inequities in the quality and access to public amenities, inequities in public infrastructure and inequities in commercial and retail business offerings.

Public facilities and amenities. In discussions related to equitable access to community assets, one of the strongest themes raised by participants in focus groups and survey respondents is a stark difference in the number and quality of parks and recreation facilities in east and south Austin, compared to other, more affluent areas of the city.

¹⁰ Taking Action: Preservation for Affordable Housing in the City of Austin, July 30, 2014, available at: <http://austintexas.gov/page/reports-publications>

In cases where public amenities exist, respondents suggest that the city departments tasked with amenity maintenance focus significantly more effort and attention on wealthier neighborhoods, leaving the amenities in low income neighborhoods to deteriorate.

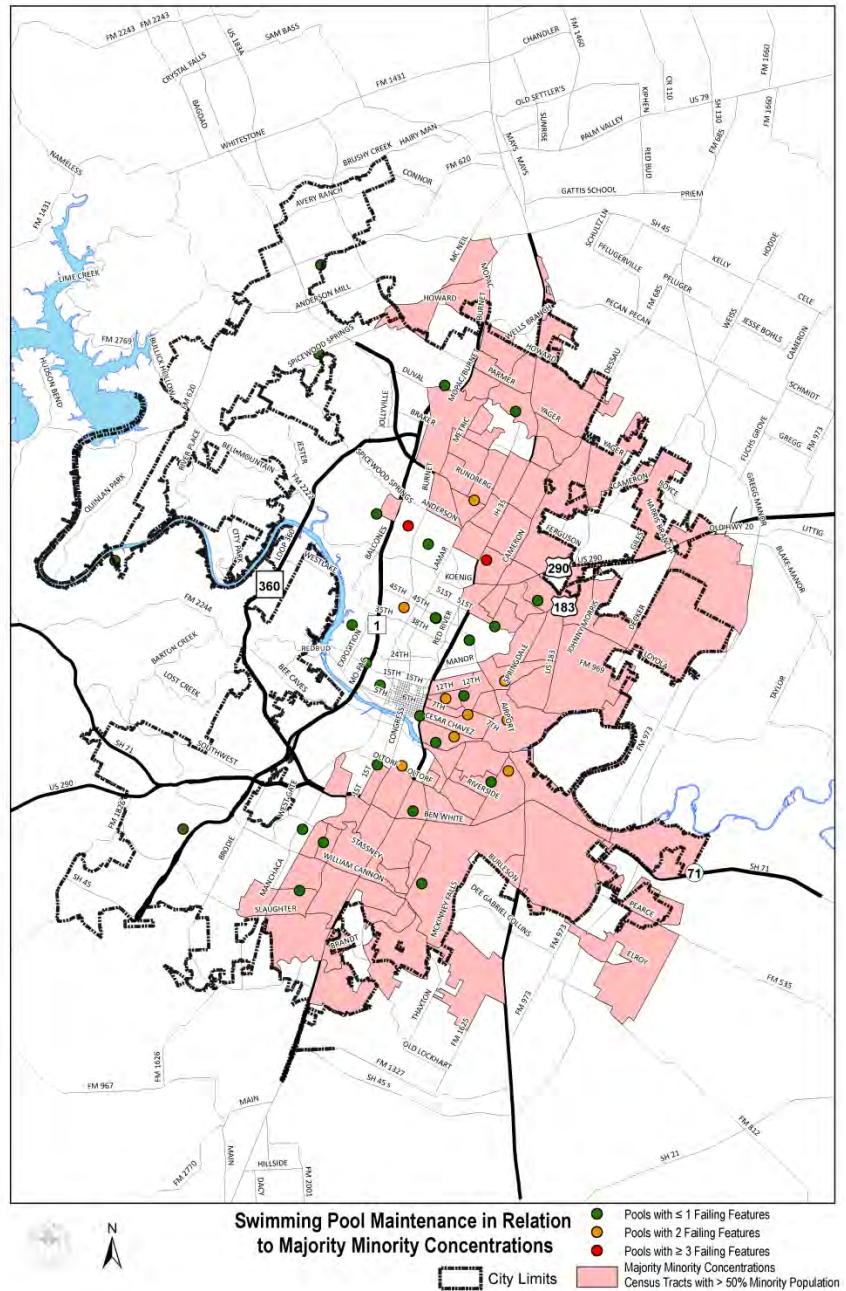
- “I want parks—there is nowhere to go—other neighborhoods have better parks. I went to the northside for water aerobics class and was amazed by the difference between their rec centers and ours. It should not be like this. My people are working damn hard and not getting the same things.” (Hispanic resident of South Austin)
- “The recreation centers in our neighborhood are not maintained, and they are not good quality.” (African American resident of East Austin)
- “There’s a hike bike trail by my house and the city is not maintaining the trail at all. The grass is long; there are snakes everywhere; tree branches fall and they don’t get picked up. The trail is behind the East Branch YMCA on 51st.” (African American resident of East Austin)
- “Seems like the richer neighborhoods get all the fun toys....i.e., sidewalks, neighborhood swimming pools, etc.” (Hispanic resident)

A review of the amenities offered at parks and recreation centers throughout Austin found that most offer after school programs and kids’ athletics, and at least one in each region of the city has senior specific programs. The hours of operation, as well as facility components, appear to be similar. One noticeable difference is in age constructed and renovations. Recreation centers in North Austin appear to be newer and/or have received more recent major renovations. This area of community equity would need further study—e.g., an in-depth review of the quality of facilities and programming by recreation center and location—to determine specific areas for equity improvement.

The maps in Figures III-15 and III-16 show the relationship between swimming pool maintenance needs and park deficient areas in relation to majority minority concentrations. These maps show that there are both pool maintenance needs and park deficient areas across the city.

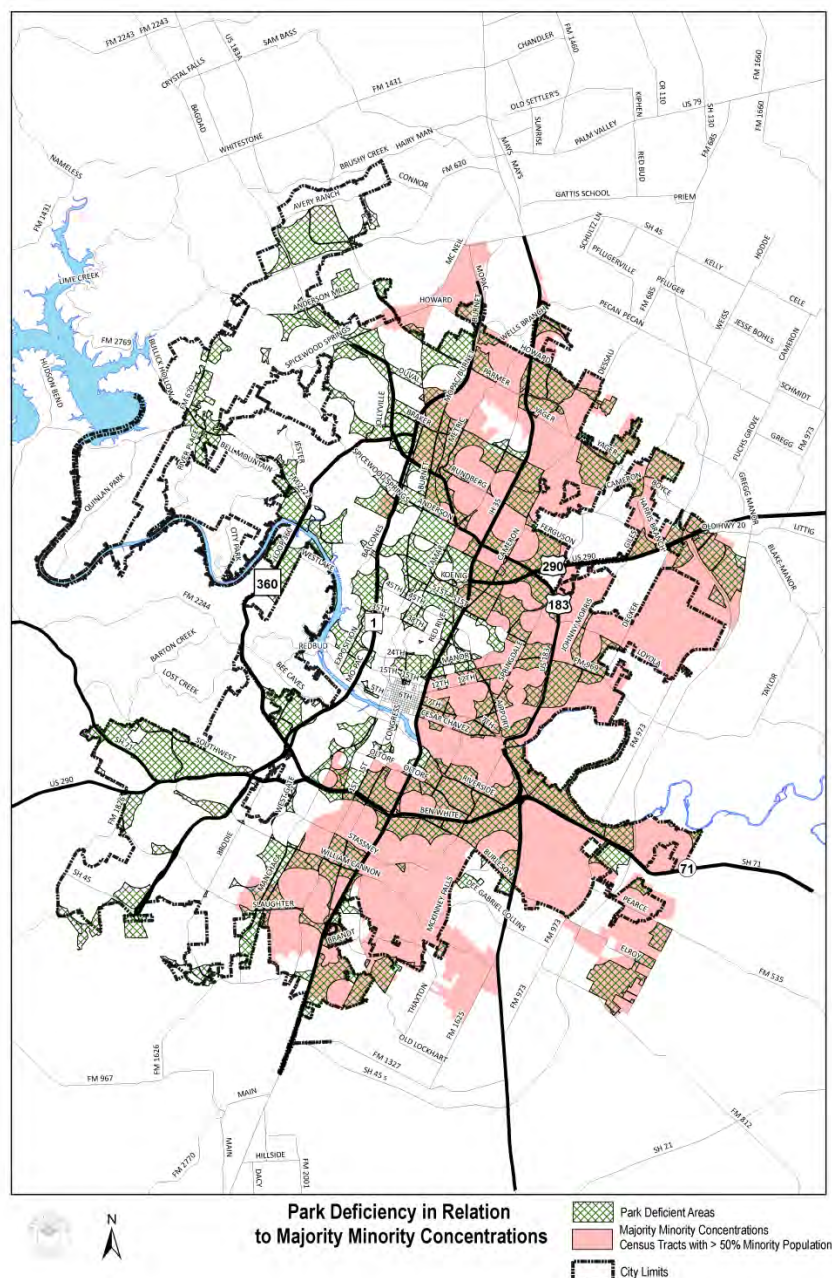
**Figure III-15.
Swimming Pool
Maintenance in Relation
to Majority Minority
Concentrations, City of
Austin**

Source:
City of Austin.



**Figure III-16.
Park Deficiency in
Relation to Majority
Minority Concentrations**

Source:
City of Austin.



Infrastructure. Many participants in the surveys and focus groups shared the perspective that lower income neighborhoods, particularly those in East and South Austin are less likely to receive infrastructure investments. Several residents with visual impairments reported that few crosswalks are equipped with accessible pedestrian signals.

- “The traffic infrastructure on the West side has always had priority; that's why there is MOPAC. In addition, the street lights along IH-35 are nonexistent south of the river, but IH-35 is lit all the way thru Georgetown.” (Hispanic resident)
- “Anyone south of Lady Bird Lake knows the city council thinks Austin ends at Riverside Drive. Public transportation is weak, road development is poor. Whenever the city releases

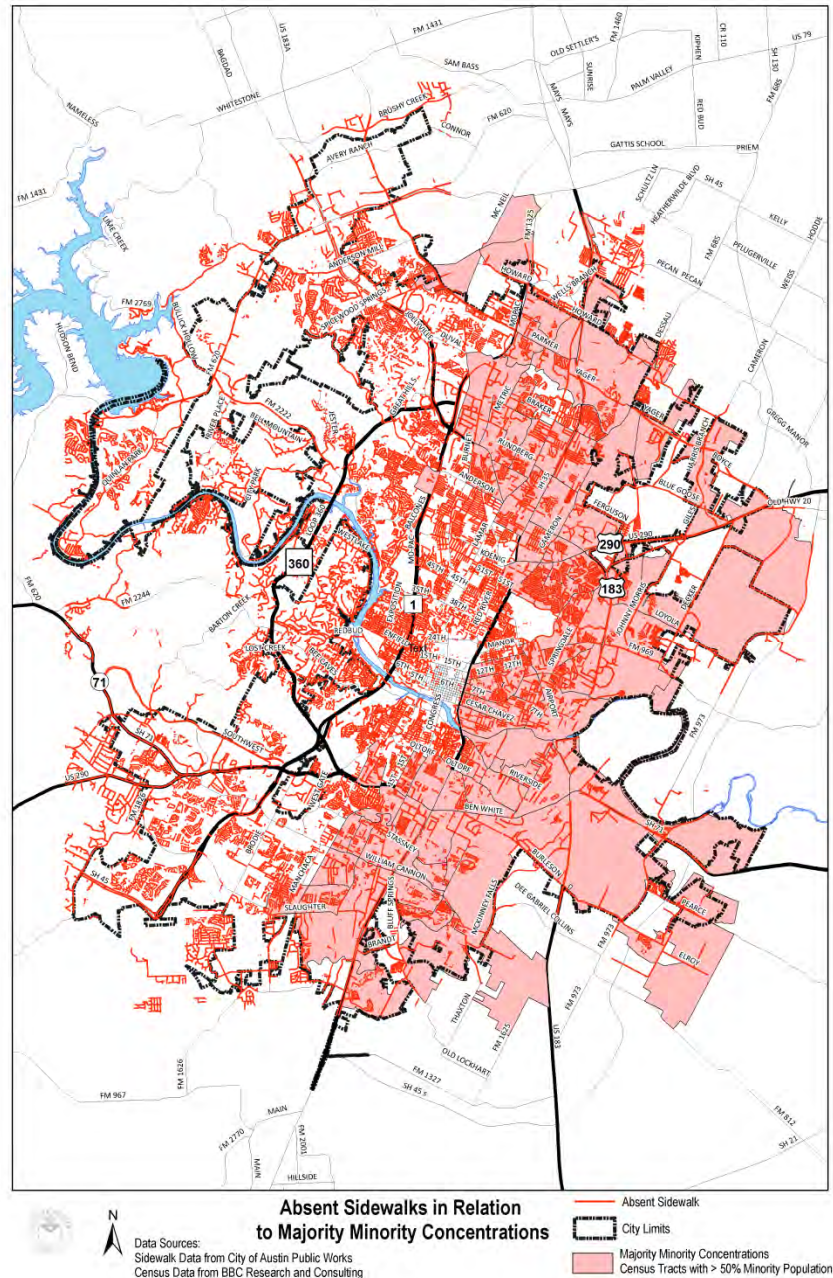
maps with plans for Austin, there's usually far more focus on Pflugerville and Leander than anyone in South Austin." (Resident whose household includes a member with a disability)

- "Go to Mueller and see their great trails and sidewalks. You can't get from my house to H-E-B on a trail or a sidewalk. We don't even have sidewalks on North Lamar for the thousands of people who use Cap Metro." (Resident whose household includes a member with a disability)
- "I know there are streets in East Austin that are unpaved; our streets are repaved too frequently." (Resident whose household includes a member with a disability)
- "Crosswalks for visually impaired not very often present." (Resident with a disability)
- "It's hard to cross streets because lights are not coordinated." (Resident with a disability)
- "Dove Springs, the perennially neglected. Even when there was flooding nearby, it was not believed because the gauges were broke. Believe gauges over people. Government help arriving a year later? Spend winter this especially cold in a tent?" (Hispanic resident)
- "Law enforcement presence and imbalance in what services are available to residents in southeast Austin. I don't feel like the city council has any idea about helping us especially after the flood last year." (Hispanic resident)

The map in Figure III-17 shows absent sidewalks in relation to majority minority concentrations. This map shows that there missing sidewalks across the city.

**Figure III-17.
Absent Sidewalks in
Relation to Majority
Minority Concentrations**

Source:
City of Austin.



Neighborhood commercial business differences. In addition to perceived differences in provision of public services and amenities in low income neighborhoods, respondents to the Housing Choice Survey and focus group participants shared differences they notice in the nature of commercial businesses that locate in their neighborhoods. These include a dearth of healthy food options offered in local grocery stores (if there is a local grocery store) and restaurants, and numerous liquor stores and check cashing locations.

- “In my neighborhood you will find a liquor store, smoke shop and even a halfway house. So what do the minority children do if they are raised by a single parent who works 40 hours a week and you find that there is nothing in your area to educate these children and/or activities for them.” (Hispanic resident)

- “Food—everything here is fast food. Just compare the quality of the food at the H-E-B on Springdale versus the H-E-B at Mueller. The one at Mueller has nicer and healthier food.” (African American resident)
- “It has been Austin’s history to treat those west of Highway 35 better environmentally, city structure and better placement of roads etc. etc. True Austinites all know that! You can even see it in the grocery stores. The same chain store in one neighborhood has better choices than other stores in another area of town. City council members can also be seen doing more for other neighborhoods than others. Very obvious.” (Hispanic resident)
- “Fewer improvements, less health care clinics, less public transportation accessibility, fewer grocery stores and new businesses on Eastside, but more destructive businesses coming in like car loans, pawn shops, fast cash...businesses that profit from those that can least afford it. Couldn't there be more rules/coding to avoid the overwhelming presence of these businesses all in specific sections of the Eastside. It breeds more problems.” (Resident whose household includes a member with a disability)
- “We have no grocery stores, banks, medical or dental facilities, cleaners, bus service.” (Resident whose household includes a member with a disability)

SECTION IV.

Fair Housing Environment

This section assesses private and public compliance with existing fair housing laws, regulations, and guidance, and an assessment of fair housing enforcement, education and outreach capacity in Austin. This analysis is informed by fair housing complaints and testing; data on mortgage lending practices; and a review of relevant public policies. To enrich this analysis, relevant data from surveys and focus groups with Austin residents are included.

Housing Discrimination

This section discusses housing discrimination as evidenced by complaint filings, investigations of violations and residents' self-reported experience with discrimination. It begins with an analysis of recent fair housing complaints.

The State of Texas Fair Housing Act prohibits discrimination on the basis of race, religion, color, sex, national origin, disability, and familial status. The Act mirrors the Federal Fair Housing Act (FFHA).

The City of Austin fair housing ordinance provides protections from discrimination in housing that exceed those in the FFHA, including additional protections for age, creed, sexual orientation, gender identity, student status, and marital status.¹ Dwellings located in the Austin city limits are subject to the ordinance. Some exemptions are provided for in the FFHA and the City's ordinance, including exemptions for single-family homes sold or rented by the owner without the use of a real estate broker, owner-occupied buildings with a maximum of four units, and properties owned by religious or nonprofit organizations or private membership clubs.²

Texas residents who feel that they might have experienced a violation of the FFHA or state fair housing laws can contact one or more of the following organizations: the U.S. Housing and Urban Development's (HUD) Office of Fair Housing and Equal Opportunity (FHEO) in Fort Worth or the Texas Workforce Commission Civil Rights Division (TWC).

At the local level, the City of Austin enforces its fair housing ordinance and the FFHA through the Austin Equal Employment and Fair Housing Office (EE/FHO), located in the Human Resources department. The city also provides funding to Austin Tenants' Council (ATC) to investigate violations of fair housing law. The ATC is a HUD-designated and funded Fair Housing Initiatives Program (FHIP).

The ATC provides a range of additional housing services such as telephone counseling regarding residential tenant-landlord disputes; meditation services, including crisis intervention and rental

¹ <http://www.austintexas.gov/edims/document.cfm?id=52706>.

² <http://www.austintexas.gov/departments/housing-discrimination>.

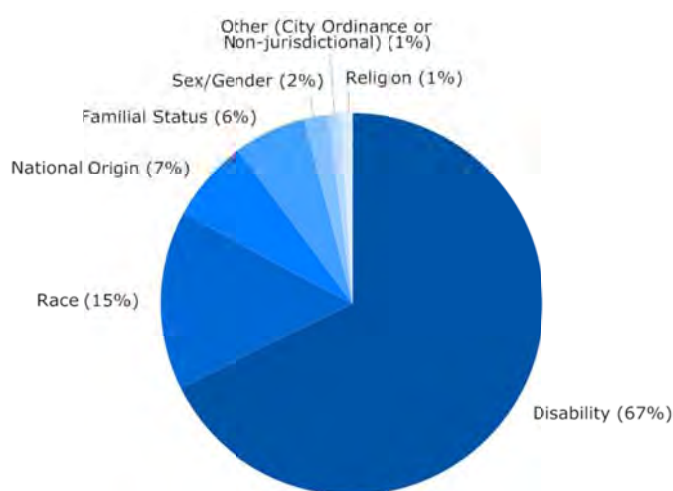
repair assistance; in-house counseling for renters or landlords about their rights and responsibilities; and lease forms for landlords.³ The ATC FHIP also engages in community education and outreach by providing seminars and presentations on fair housing issues.⁴

Fair housing complaints. As a HUD-designated and funded Fair Housing Initiatives Program (FHIP), ATC is provided funding to prevent or eliminate discriminatory housing practices.⁵ FHIP organizations “partner with HUD to help people identify government agencies that handle complaints of housing discrimination and conduct preliminary investigation of claims, including sending ‘testers’ to properties suspected of practicing housing discrimination.”⁶

During the most recent reporting period (April 2013 through March 2014), the organization conducted 325 fair housing complaint intakes. As shown below, the vast majority of complaints were related to a disability.

Figure IV-1.
Reason for Fair Housing
Complaints, Austin Tenants’
Council, April 2013 to March
2014

Source:
Austin Tenants’ Council.



The Austin Tenants’ Council also filed administrative complaints on behalf of tenants; 92 were filed between 2013 and 2014. Of these, most were disability-based (38 complaints, or 41%) and race-based (22 complaints, or 24%).

HUD also receives and investigates complaints and provided data on intakes between 2012 and 2014. HUD reported 246 fair housing cases during this period. As shown in Figure IV-2, disability was also the top reason for HUD complaint filings. Yet race-based complaints made up a much larger proportion of the HUD complaints than those filed with the Austin Tenants’ Council.

³ <http://www.housing-rights.org/index.html>.

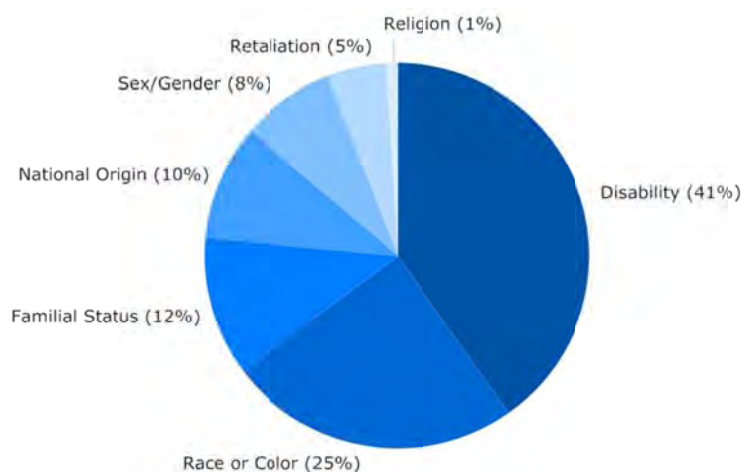
⁴ <http://www.housing-rights.org/fairhousing.html>.

⁵ http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners.

⁶ http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners/FHIP/fhip.

**Figure IV-2.
Reason for Fair Housing
Complaints, HUD
Complaints, 2012-2014**

Source:
U.S. Department of Housing and Urban
Development.



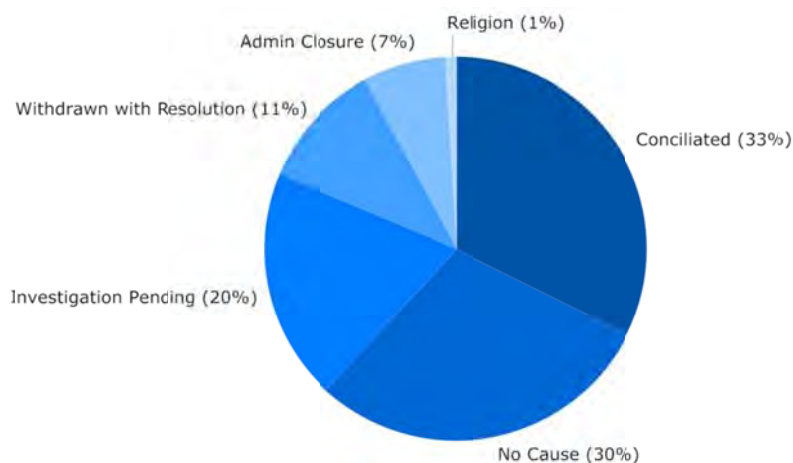
Nationwide, according to HUD's Annual Report on Fair Housing for 2012-2013, 53 percent of complaints were related to disability and 28 percent were related to race.

The most common types of discriminatory treatment in the HUD complaints were "discriminatory terms, conditions, privileges, or services and facilities," followed by coercion and harassment and refusal to make reasonable accommodations.

Of the HUD complaints, 33 percent were conciliated, 30 percent were found to have no cause and, in 20 percent of the cases, the case was still under investigation. Excluding those under investigation, 41 percent were conciliated and 37 percent were found to have no cause.

**Figure IV-3.
Complaints Filed with
HUD by Outcome, 2012-
2014**

Source:
U.S. Department of Housing and
Urban Development.



According to the most recently available fair housing complaint data from the EE/FHO, between July 1, 2012 and June 30, 2013, the city EE/FHO closed a total of 90 fair housing complaints. Of these, 42 were closed for no cause (47% of complaints), 41 were closed through conciliation/settlement (46%), and seven were closed through administrative closure (8%). Because a complainant may have more than one reason or basis for their discrimination complaint, 115 reasons were cited for filing complaints. Among the top five reasons cited for filing a complaint were discrimination based on disability (34% of complaints), race (23%),

sex/gender (14%), national origin (12%), and familial status (10%).⁷ The top reasons for complaints filed with the city were similar to those filed with HUD and ATC.

A lesser known type of discrimination—refusal to loan or rent to families based on pregnancy or maternity leave—was the focus of a large settlement during the time this Analysis of Impediments to Fair Housing Choice (AI) was completed. Since 2010, HUD has received 190 discrimination complaints related to being denied loans or rental units while on maternity leave. HUD has successfully settled and levied monetary penalties on many national lenders for denying applicants loans based on maternity leave status. Only one complaint of those analyzed was related to discriminatory financing based on familial status. However, such complaints may make up an increasing number of overall fair housing complaints in the future as a result of increasing awareness of the issue.

Fair housing testing. The Austin Tenants' Council also conducts fair housing testing and related research as funds are available. In April 2013, the Council released the results of research of landlords' willingness to rent to Housing Choice Voucher holders. The survey included more than half of the units in the Austin MSA: 600 complexes were surveyed in the City of Austin alone, representing nearly 140,000 rental units.

The survey concluded that less than 30 percent of rental units in the City of Austin have rents in line with fair market rents. Yet the vast majority of these units are not available to voucher holders because landlords do not accept Section 8 vouchers.

Overall, just 6 percent of the units surveyed were available to voucher holders—a total of about 8,600 units. This compares to the estimated 48,000 renters who need rental subsidies, according to the 2014 Housing Market Study (and accounting for current rent levels).

Residents' self-reported experience with housing discrimination. Austin Housing Choice Survey respondents were asked if they ever experienced discrimination when looking for housing in Austin. As shown in Figure IV-4, 27 percent of African Americans stated that they experienced housing discrimination, compared to 13 percent of Hispanics and 15 percent of households that include a member with a disability. It is important to note that these numbers do not capture people who do not know they are being discriminated against; as such, the incidence rate shown in Figure IV-4 may be lower than actual.

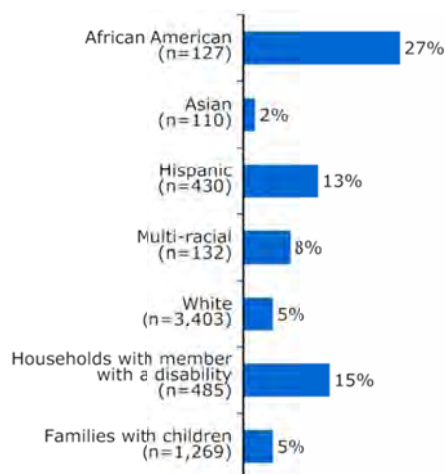
The disparity in the rates of race-based discrimination in the self-reported v. complaint data suggests that African American residents are not reporting perceived fair housing violations.

⁷ Data provided by the city EE/FHO.

Figure IV-4.
Residents' Experience with Housing Discrimination in Austin

Source:

BBC Research & Consulting from the Austin Housing Choice Survey.



Overall, renters are twice as likely as homeowners to respond that they experienced housing discrimination in Austin (12% compared to 5%). Three in 10 African American renters and 16 percent of homeowners reported that they experienced housing discrimination in Austin. One in four renter households that include a member with a disability experienced housing discrimination. Figure IV-5 presents how self-reported experience with housing discrimination varies by owner or renter.

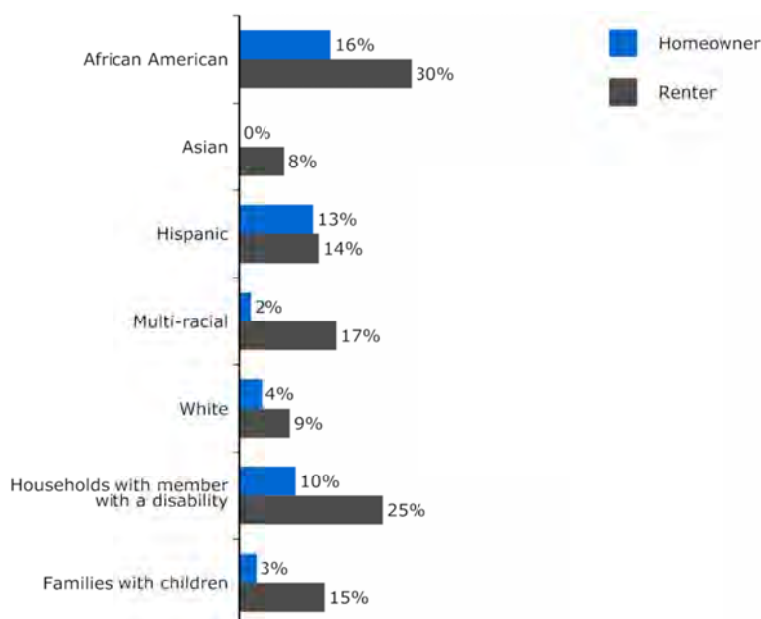
Figure IV-5.
Residents' Experience with Housing Discrimination in Austin by Owner or Renter

Note:

African American homeowners n=55, renters n=66; Asian homeowners n=83, renters n=26; Hispanic homeowners n=255 and renters n=266; Multi-racial homeowners n=83 and renters n=48; white homeowners n=2,427 and renters n=928; Disability homeowners n=334 and renters n=131; Families with children homeowners n=1,043 and renters n=209.

Source:

BBC Research & Consulting from the Austin Housing Choice Survey.



Those Austin residents who believe they experienced housing discrimination in the past described their perspective on the nature and/or the cause of the discrimination.

African Americans. Among the 33 African Americans who provided a response, 56 percent attributed their experience with housing discrimination to race and 38 percent to either insufficient income or source of income.⁸

Several of the respondents described occurrences of steering by real estate agents or subtle discrimination from leasing agents.

- “Agent tried to steer me into certain neighborhood.”
- “Because when real estate agencies lease a house in East Austin they jack the prices up; so people of color cannot afford them.”
- “Some areas where I looked, real estate open house agents would not approach to ask if I was interested in the home.”
- “Real estate agents tried to steer me *away from* neighborhoods that they perceived were mostly African American. They were racist on my behalf which I find repulsive, as well as illegal.” (Resident with a disability seeking a home to buy)

Hispanics. Of the 51 Hispanic residents who responded, 67 percent attributed their discriminatory experience to their ethnicity, and 24 percent cited income or source of income. Sexual preference and having children each accounted for 6 percent of the acts described.

As with African Americans, several of the discriminatory acts described involved steering and subtle discrimination.

- “I do feel like our Realtor only showed me options in the east side of Austin because I was Hispanic. I switched Realtors.”
- “I am Hispanic and agents tried to push me toward housing in Hispanic predominant communities.”
- “I was directed to certain neighborhoods to look for houses and was told to not bother to look in certain neighborhoods. It was more of a ‘class’ issue or profile attitudes.”
- “Realtors tend to direct Hispanic buyers to smaller, less desirable neighborhoods.”

Many also involved differential treatment in rental housing:

- [I was denied housing...] “because I was a Section 8 participant, single mom with five kids and Hispanic.”
- “I don’t think I was offered any of the specials with rent rates. I can’t say for sure.”
- “Rent was quoted to me at a higher rate than to other people that looked at the same property.”

⁸ Numbers add to greater than 100 percent because multiple reasons for discrimination could be offered.

Persons with disabilities. The majority of households with a member with a disability (54%) stated that their income or sources of income was the reason for the housing discrimination experienced. One in five said they were discriminated against because of their disability and 25 percent due to race/ethnicity.

- “Because I have a Section 8 voucher and a disability.”
- “I’m disabled, tried to get assistance thru TSAHC and believe that I was discriminated against because I’m gay. My realtor also felt this was true.”
- “Being charged an extra \$20 a month for living in a ground floor apartment, but that is necessary due to my mobility impairment.”
- “Multiple complexes would not even give me an application because I have a Great Dane service animal. Low income complexes only accept perfect credit.”
- “My husband is African American and blind and people did not want to rent to him.”

Households with children. About one in five households with children who experienced housing discrimination related the act to their having children in the home. The greatest proportion of families attributed what they perceived as discrimination to their income, high cost of living or source of income (44%), followed by race/ethnicity (39%).

- “At one point when my kids were of school age, I was told that the landlord was looking for a family and since I was a single parent I didn’t qualify.” (Hispanic resident with children)
- “Not to the extent that they absolutely wouldn’t lease to me, but when they ask how many occupants are over or under 18, it’s quickly clear you are a single parent, and adding self-employed, it’s tough to bid against dual income tech employees. Again, not an illegal kind of discrimination but just because clearly one has one income and the responsibility of three people. Found out they are allowed to require a two bedroom for three people.” (Resident with children)
- “I was a single mom with a small child and little money, bad credit from marriage.” (Resident with children)
- “Sellers chose to sell to us because they thought we fit into the neighborhood. With multiple offers on the home, they could be choosy on who they sold to, so I imagine they discriminated against others who they thought didn’t fit in.” (Resident with children)

Public and Private Sector Barriers

This section reviews private and public barriers to housing choice, beginning with lending practices of regulated financial institutions. Other private practices that were raised as potential barriers by stakeholders and residents are also discussed. The section then reviews public land use policies, Not-in-My-Backyard Syndrome (NIMBYism) and current fair housing activities of the city and its partners.

Analysis of mortgage lending. The inability of residents to obtain loans for home purchases, home improvements and mortgage refinancing not only creates barriers to choice for residents, but also has adverse effects on the neighborhoods in which private capital is limited. The Home Mortgage Disclosure Act (HMDA) data is the best source of information on lending practices to protected classes and in minority and low income neighborhoods. HMDA datasets contain loan application records with information on the race, ethnicity, gender, and income of the applicant, as well as loan terms.⁹ The data are widely used to detect evidence of discrimination in lending practices, although analysis of the publicly available data is limited by lack of applicant credit information. In coming years, HMDA data will include information on credit scores, allowing for a more robust analysis of lending practices. HMDA data are insufficient to evaluate discrimination on the basis of disability as the data lack disability status of applicants.

As shown in Figure IV-6, 16 percent of residential loan applications were denied in 2013 in the City of Austin and in Travis County. Home improvement loans were denied at a much higher rate than other types of loans for both areas (36% and 37%, respectively). Refinancing loans were denied at a slighter higher rate (17%) than mortgage loans (12%).

For all loan purposes shown in Figure IV-6, denial rates were higher for African Americans than for whites and higher for Hispanics than for non-Hispanics. Home improvement loans had the highest African American/white denial disparity (27 percentage points) and the highest Hispanic/non-Hispanic denial disparity (21 percentage points) for the City of Austin and for Travis County. There were also substantial disparities for mortgage and refinancing loans. There was not a substantial Asian American/white denial disparity. Asian Americans had an overall denial rate of 13 percent, and whites had an overall denial rate of 14 percent in Austin. Therefore, Asian American denial rates were not included in Figure IV-6 or Figure IV-7.

⁹ HMDA data includes information for mortgage loans, home improvement loans, and refinancing loans.

Figure IV-6.
Loan Denials by Race and Ethnicity, City of Austin and Travis County, 2013

Loan purpose	Percent of Loan Applications Denied					Difference	
	<i>All Race and Ethnicity</i>	<i>African American</i>	<i>White</i>	<i>Hispanic</i>	<i>Non-Hispanic</i>	<i>African American/ White</i>	<i>Hispanic/ Non-Hispanic</i>
All loan purposes							
City of Austin	16%	27%	14%	24%	14%	12%	10%
Travis County	16%	25%	15%	24%	14%	10%	10%
Mortgage loans							
City of Austin	12%	23%	11%	20%	10%	12%	10%
Travis County	12%	20%	11%	20%	10%	9%	10%
Home improvement loans							
City of Austin	36%	59%	32%	52%	31%	27%	21%
Travis County	37%	59%	33%	52%	31%	26%	21%
Refinancing loans							
City of Austin	17%	26%	16%	23%	15%	10%	8%
Travis County	17%	25%	16%	24%	15%	9%	8%

Note: Does not include loans for multifamily properties or non-occupants; City of Austin data represents aggregated data for census tracts entirely or partially within the city limits. Numbers rounded to nearest percent and thus may not sum exactly to totals. HMDA data do not include information about the disability status of applicants.

Source: FFIEC HMDA Raw Data, 2013 and BBC Research & Consulting.

BBC examined mortgage loan denial rates across different income categories to evaluate whether income differences could account for observed disparities in racial and ethnic denial rates. As shown in Figure IV-7, that analysis found that mortgage loan denial rates were higher for African Americans than for whites regardless of income and higher for Hispanics than non-Hispanics in all but the lowest income category.

Figure IV-7.
Mortgage Loan Denials by Race/Ethnicity and Income, City of Austin

County	Percent of Loan Applications Denied					Difference	
	<i>All Race and Ethnicity</i>	<i>African American</i>	<i>White</i>	<i>Hispanic</i>	<i>Non-Hispanic</i>	<i>African American/ White</i>	<i>Hispanic/ Non-Hispanic</i>
All income categories	12%	23%	11%	20%	10%	12%	10%
Less than \$25,000	48%	64%	43%	45%	45%	21%	0%
\$25,000 - \$50,000	19%	32%	17%	25%	15%	15%	9%
\$50,000 - \$100,000	11%	15%	10%	16%	10%	5%	7%
\$100,000 - \$150,000	8%	16%	7%	10%	8%	9%	2%
More than \$150,000	8%	16%	8%	10%	8%	8%	2%

Note: Does not include loans for multifamily properties or non-occupants; City of Austin data represents aggregated data for census tracts entirely or partially within the city limits. Numbers rounded to nearest percent and thus may not sum exactly to totals. HMDA data do not include information about the disability status of applicants.

Source: FFIEC HMDA Raw Data, 2013 and BBC Research & Consulting.

An analysis of subprime loans found that non-Hispanic white borrowers are less likely to get subprime loans than minority borrowers, largely for mortgage loans. In 2013, there was an African American/white disparity of eight percentage points and a Hispanic/non-Hispanic disparity of 12 percentage points for subprime mortgage loans. Disparities were negative or not significant for home improvement and refinancing loans. Asian Americans were consistently less likely to get subprime loans than non-Hispanic white borrowers. Therefore, their results are not included in Figure IV-8.

Figure IV-8.
Subprime Loans by Race and Ethnicity, City of Austin and Travis County, 2013

County	Percent of Originated Loans That Were Subprime					Difference	
	<i>All Race and Ethnicity</i>	<i>African American</i>	<i>White</i>	<i>Hispanic</i>	<i>Non-Hispanic</i>	<i>African American/White</i>	<i>Hispanic/Non-Hispanic</i>
All loan purposes							
City of Austin	5%	9%	5%	10%	4%	5%	6%
Travis County	5%	10%	5%	11%	4%	5%	6%
Mortgage loans							
City of Austin	7%	16%	8%	18%	6%	8%	12%
Travis County	8%	17%	8%	19%	7%	9%	12%
Home improvement loans							
City of Austin	4%	9%	4%	3%	4%	5%	-2%
Travis County	5%	12%	5%	4%	5%	7%	-1%
Refinancing loans							
City of Austin	2%	5%	2%	4%	2%	3%	2%
Travis County	2%	3%	2%	4%	2%	1%	2%

Note: Does not include loans for multifamily properties or non-occupants; City of Austin data represents aggregated data for census tracts entirely or partially within the city limits. Numbers rounded to nearest percent and thus may not sum exactly to totals. HMDA data do not include information about the disability status of applicants.

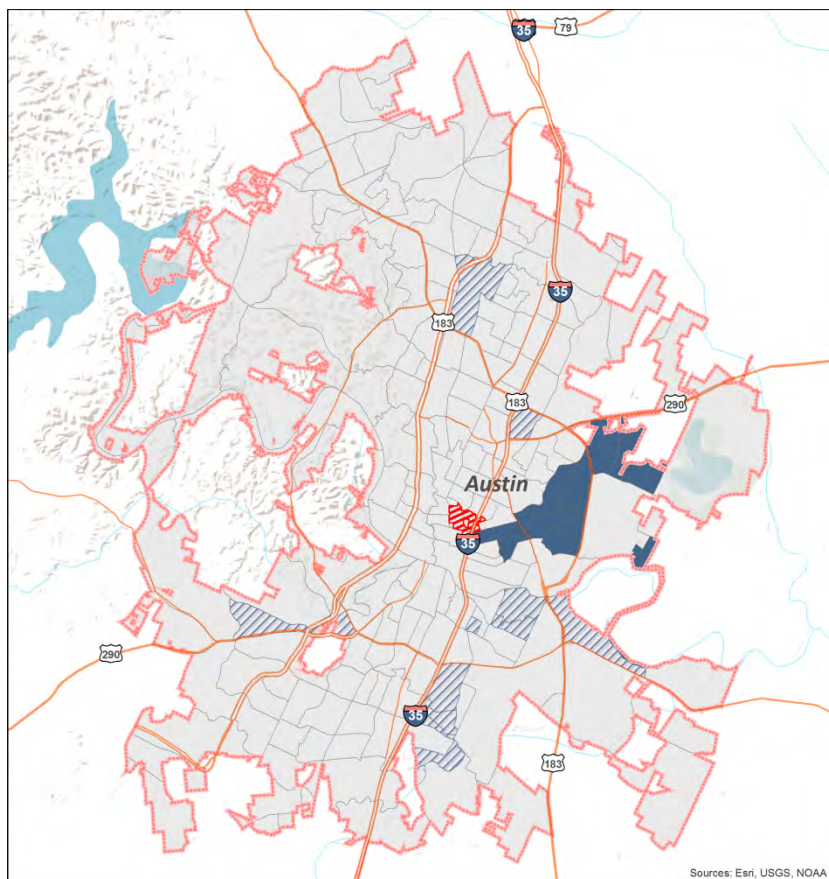
Source: FFIEC HMDA Raw Data, 2013 and BBC Research & Consulting.





Figure IV-9 shows census tracts with African American concentrations overlaid with census tracts with high loan denial rates in the City of Austin. Figure IV-10 shows census tracts with Hispanic concentrations overlaid with the same high loan denial census tracts as Figure IV-9. A census tract is defined as having a high loan denial rate if the rate is more than twice the overall denial rate for the City of Austin.

Census tracts with high loan denial rates include parts of the East Riverside-Oltorf, Del Valle, Oak Hill, and North Burnet neighborhoods. Many of those areas also have moderate to high poverty rates.

Lending to nonprofit housing providers. The above lending analysis only considers loans to households, not private sector businesses or nonprofits. Barriers may exist in this area that directly affect housing for residents. For example, Accessible Housing Austin (AHA!), a local nonprofit Community Housing Development Organization (CHDO), was turned down several times when trying to buy fourplexes and single family homes because the seller didn't want to sell to a buyer with government funding.

Figure IV-9. African American Concentrations Overlaid with Census Tracts with High Rates of Loan Denial, City of Austin, 2013

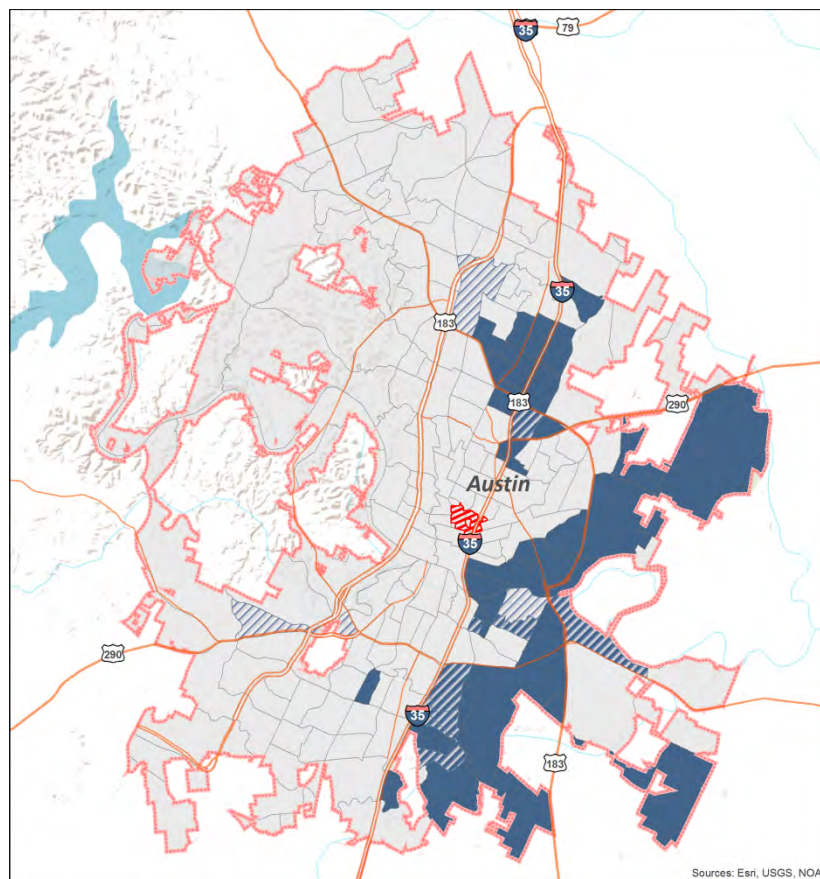






-  Census Tracts with High Loan Denials
-  Census Tracts with African American Concentration
-  Austin City Boundaries
-  University of Texas

Note: African American concentrations in this map are Census tracts in which the African American population represents at least 20 percent of the total population for that Census tract.

Source: 2013 HMDA and 2010 Census.

Figure IV-10. Hispanic Concentrations Overlaid with Census Tracts with High Rates of Loan Denial, City of Austin, 2013



-  Census Tracts with High Loan Denials
-  Census Tracts with Hispanic Concentration
-  Austin City Boundaries
-  University of Texas

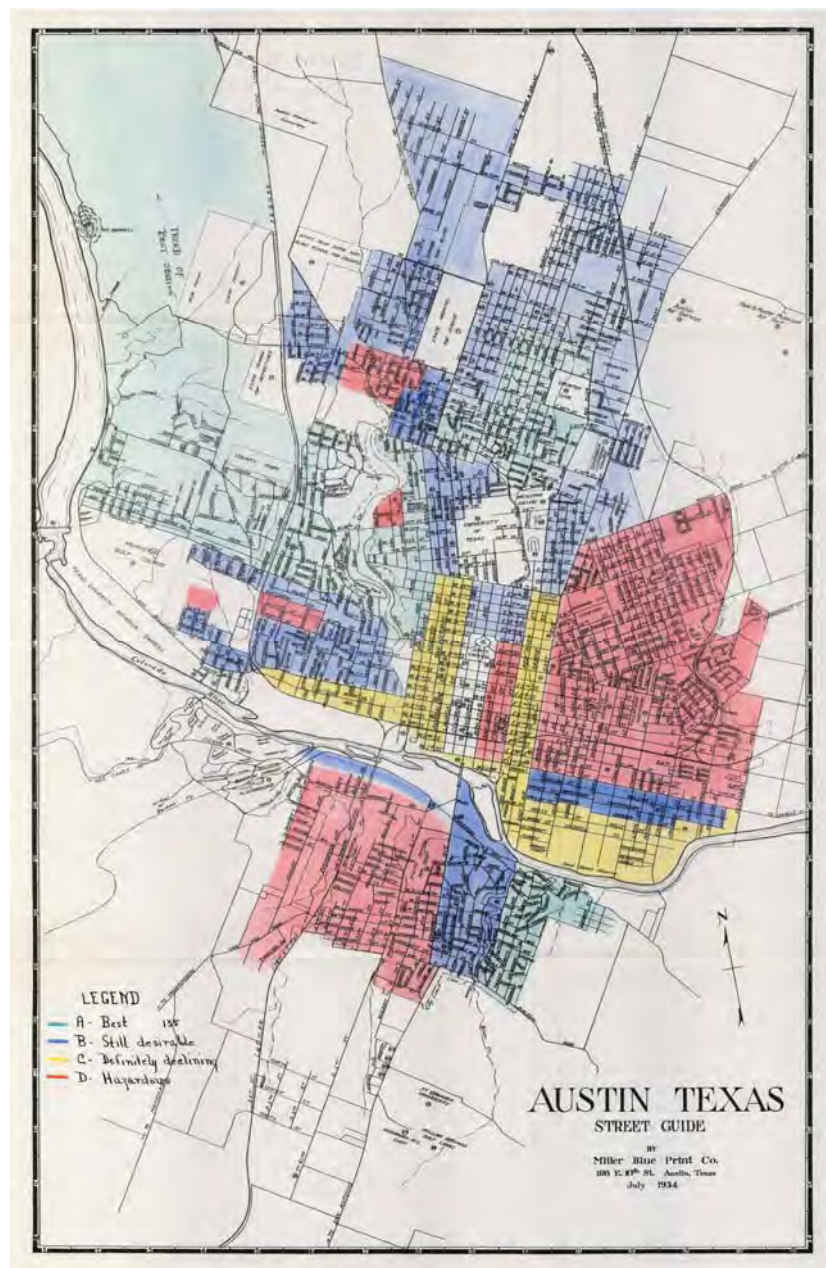
Note: Hispanic concentrations in this map are Census tracts in which the Hispanic population represents at least 20 percent of the total population for that Census tract.

Source: 2013 HMDA and 2010 Census.

As discussed in Section II, “Historical Background of Segregation,” Austin has a long history of racially-restrictive covenants put in place by private developers. These covenants—as well as lack of regulations and perceptions about the desirability of market areas within Austin—perpetuated redlining by financial institutions in Austin. An example of redlining is shown in the following map from 1937, which financial institutions used to evaluate the “desirability” of certain areas within the city. Much of East Austin was considered “hazardous” with parts of southeast Austin carrying a moderately better but still negative “definitely declining” designation. These arbitrary and racially-motivated distinctions heavily influenced settlement and ownership patterns and had the effect of concentrating wealth and, conversely, poverty.

Figure IV-11.
Austin Redlining Map,
1937

Source:
NARA II RG 195, Entry 39, Folder
“Austin, Texas,” Box 153.



Unbanked and underbanked residents. The Federal Deposit Insurance Corporation (FDIC) routinely conducts a national survey of “unbanked and underbanked” households; the last survey was conducted in 2011 and released in September 2012. Unbanked households are those that lack any kind of deposit account at an insured depository institution. Underbanked households hold a bank account, but also rely on alternative financial providers such as payday lenders or pawn shops.

The latest survey found that in the United States, 28 percent of households are unbanked or underbanked. In the Austin-Round Rock MSA, 10 percent of all households—or about 62,000 households—are unbanked. Another 20 percent of households—or about 124,000 households—are underbanked. Altogether in the region, 30 percent of households are unbanked or underbanked, which is similar to the percentage in the United States overall.

Many underbanked households rely heavily on payday lenders or pawn shops instead of conventional banks for their financial needs. Payday lenders and pawn shops generally have extremely high interest rates and unfavorable lending terms. A 2012 Austin-based payday lender compliance survey found that there is little compliance with state law and industry “best practices” among surveyed payday lenders in Austin.¹⁰ Misleading lending practices on the part of payday lenders and pawn shops may disproportionately impact the financial stability of low-income households.

Figure IV-12 shows racially and ethnically concentrated areas of poverty (RCAPs/ECAPs) overlaid with the locations of payday loan businesses and pawn shops in the City of Austin. The majority of payday loan business and pawn shops are located between Mopac Expressway and I-35 with a substantial number directly east of I-35 as well. The majority of those businesses are not located within RCAPs/ECAPs, but there are a number that are very close to RCAP/ECAP borders.

¹⁰ http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=837&Itemid=

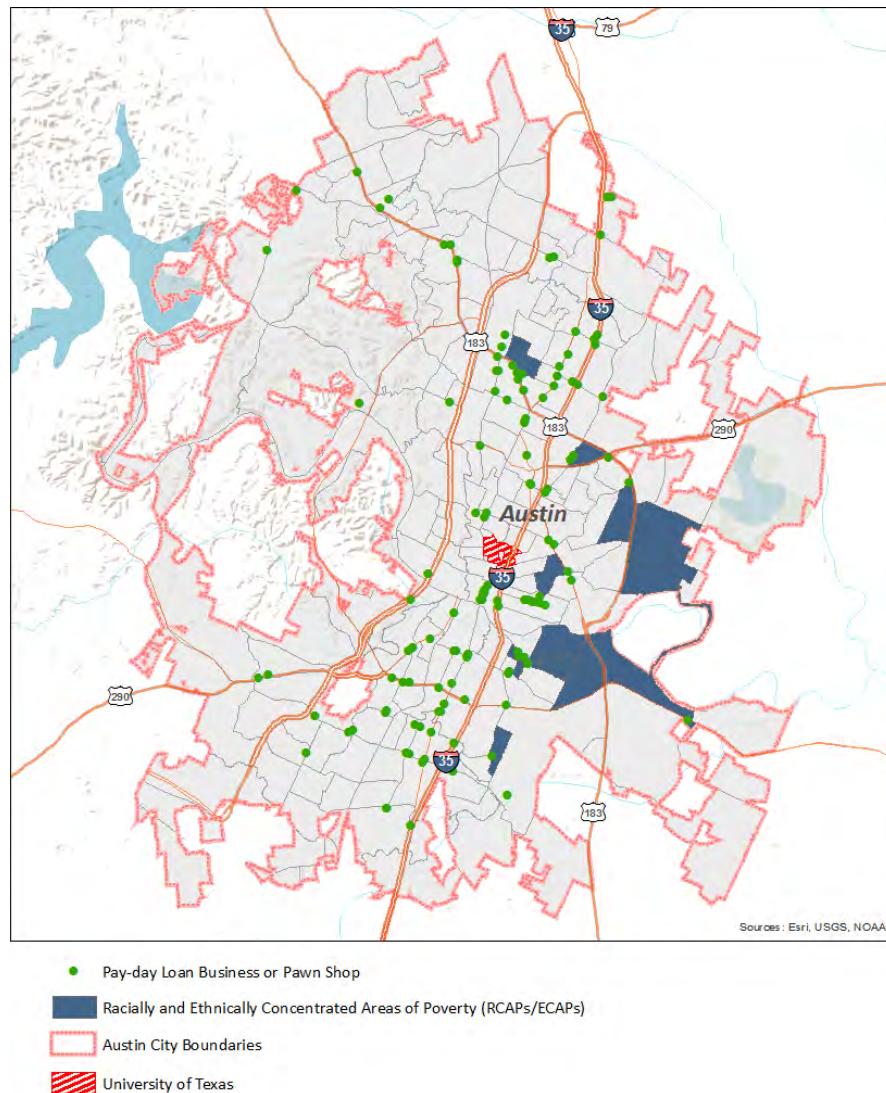
**Figure IV-12.
RCAPs/ECAPs
overlaid with
locations of Payday
Loan Businesses or
Pawn Shops, City of
Austin**

Note:

Payday loan business or pawn shop locations in this map include all businesses that were classified as either “Check Cashing/Pay-day Loans” or “Pawn Shops” and were located within Austin’s city limits on yelp.com.

Source:

Yelp.com; 2008-2012
American Community
Survey.



Reasons for lease or purchase denial. In the resident survey conducted for this study, respondents who had looked for housing to rent or purchase in Austin in the past five years were asked if they were denied. Figure IV-13 shows the proportion of respondents who sought housing to rent or buy in the past five years and were denied. One in five African Americans who looked for housing in the past five years experienced at least one denial, compared to 12 percent of Hispanics and 7 percent of whites. About 14 percent of households that include a member with a disability were denied housing.

Figure IV-13.
When you looked for housing to rent or purchase in Austin in the past five years, were you ever denied?

Source:

BBC Research & Consulting from the Austin Housing Choice Survey.

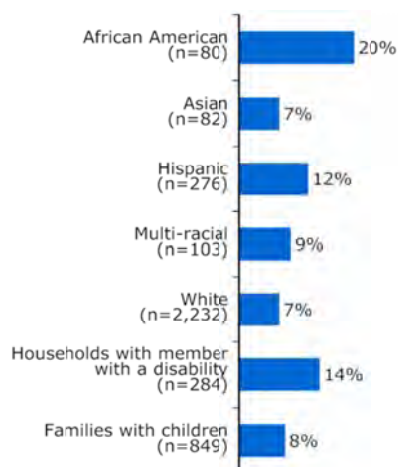
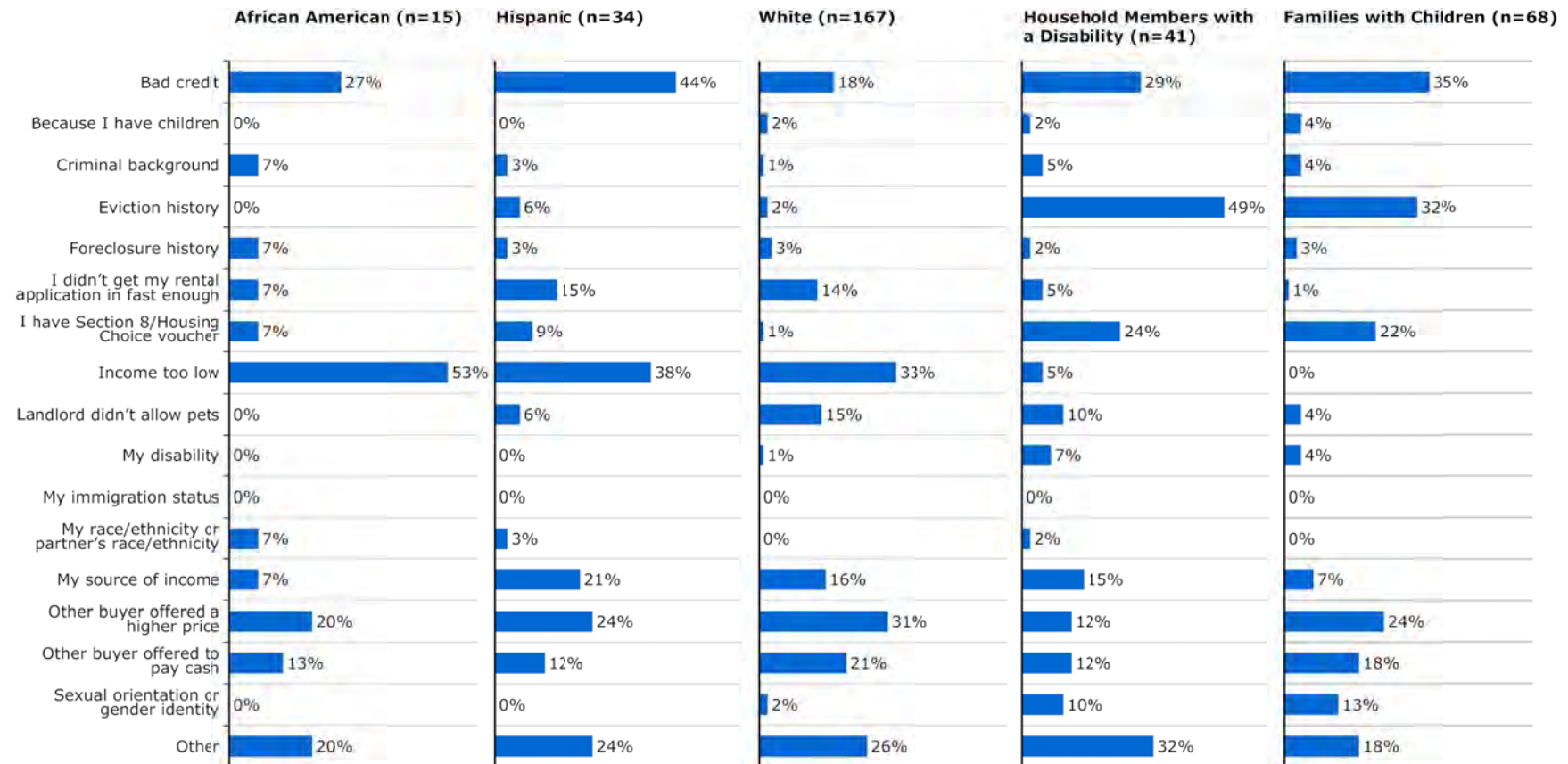


Figure IV-14 presents the reasons for denial by protected class. Although the sample sizes are small, it is clear that income and bad credit are reasons for denial for the largest proportion of African Americans and Hispanics. One in five Hispanics and whites believe they were denied because of the source of their income. Evictions, bad credit and having a Housing Choice Voucher were the reasons for denial for the greatest proportion of households that include a member with a disability. Bad credit, evictions and having a Housing Choice Voucher are the three reasons for denial offered by the greatest proportion of respondents with children.

The “other” cited by survey respondents pointed to Austin’s hot housing market: buyers offering to pay cash or a higher price or not getting a rental application in fast enough.

It is important to note that survey data are limited in capturing the discrimination that groups of people have experience in broader ways, over many years. As discussed throughout this study, segregation, lack of equitable community infrastructure for persons with disabilities and concentrations by income level were all created out of prejudice against certain types of people and have long-lasting community effects.

Figure IV-14.
Why were you denied housing to rent or purchase?



Note: Asians omitted because of too few respondents (4). Numbers add to greater than 100 percent due to multiple response. For household members with a disability who were denied because the landlord didn't allow pets, it is not clear whether or not the pets were service/support animals.

Source: BBC Research & Consulting from the Austin Housing Choice Survey.

Land use policies and practices. At the time this AI was being prepared, the City of Austin was completing a comprehensive update to its Land Development Code, a process called CodeNEXT.¹¹ This update could potentially change how land is used in the city, where residential housing is built and how housing is distributed throughout Austin.

One of the first steps in the formation of CodeNEXT was a “code diagnosis,” which identified the top “issues” with the existing Land Development Code. The issues that concerned housing choice included the following:¹²

- The city’s complicated “Opt-in, Opt-out” System applies regulations on a “pick-and-choose” basis, resulting in unpredictable development and a complicated or lack of understanding of what can be built. This lack of transparency can also fuel NIMBYism and resistance to alternative housing types.
- The code does not encourage the development of a variety of housing products to meet the growing demands for housing affordability.
- The current code is “auto-centric.” An auto-centric code is particularly restrictive for persons with disabilities, as well as all residents who cannot drive.
- The city has a development review process that is hampered by an overly complex code. Delays in approving residential housing proposals are directly connected to affordability, especially in environments where housing prices are rapidly rising.

Another barrier that was commonly mentioned during the development of the Housing Market Study was impervious cover requirements and how these contribute to housing costs and further restrict housing choice. For additional land development code barriers to creating an affordable Austin, please see Appendix B.

Early in 2014, the city adopted two notable code amendments that have fair housing implications:

- A limit on dwelling unit occupancies; and
- A visitability ordinance.

Accessibility compliance. Several Department of Justice legal cases have documented a lack of compliance with federal accessibility requirements by multifamily developers building units in Austin. One developer, JPI Construction, was required in a consent order to pay \$10.25 million to establish an accessibility fund to increase the stock of accessible housing in the communities in which their non-compliant properties were developed. Another consent order required establishment of a similar, albeit much smaller (\$50,000), accessibility fund and retrofitting of units in a Low Income Housing Tax Credit (LIHTC) development that did not comply with the Fair Housing Act.

¹¹ <http://www.austintexas.gov/codenext>.

¹² http://austintexas.gov/sites/default/files/files/Planning/CodeNEXT/Austin_CodeDiagnosis_PublicDraft_web_050514.pdf.

A 1995 complaint against the City of Austin by ADAPT of Texas found, after a HUD investigation, that the city was in noncompliance with federal accessibility regulations due to lack of accessibility in city-funded (and federal pass through) residential developments. The complaint resulted in a Voluntary Compliance Agreement which required the city to, among other requirements:

- Train staff on the requirements of Section 504 and Title II of the Americans with Disabilities Act (ADA);
- Require that all developments funded with city or federal dollars post in a conspicuous location a notice that the housing provider will make accessible units available and comply with reasonable accommodations laws;
- Increase funding for the architectural barriers removal program;
- Deny funding to developers who propose to build or acquire units that cannot be made accessible;
- Develop incentives to increase the proportion of accessible units in city funded developments; and
- Identify out-of-compliance developments and annually review developments for accessibility compliance.

Many disability advocates have called for better education for building inspectors about fair housing accessibility requirements. Additional training in these requirements may allow building inspectors to find (and resolve) violations before the multi-family construction projects are complete. Currently, the city has one citywide ADA Coordinator located in the ADA Office within the Human Resources Department, as well as ADA Coordinators in each city department.¹³ ADA staff visit all city departments annually regarding ADA requirements and compliance.¹⁴ In addition, the ADA Office provides ADA compliance training; however, the training seems to be internal to new city employees and focused on sensitivity and cultural awareness.¹⁵

Dwelling unit occupancy limit. On March 20, 2014, the City of Austin amended its city code regarding dwelling unit occupancy to reduce the maximum occupancy limits in single family homes in certain zoning districts and for duplexes from six unrelated adults to four. The ordinance has a provision excluding group home type settings from the limit.

This change has the potential to raise the cost of housing for unrelated roommates since housing costs will be split among fewer occupants. It is unclear how many of Austin's households are made up of units with five and six unrelated occupants and, thus, how many "excess" roommates

¹³ http://www.austintexas.gov/sites/default/files/files/City_of_Austin_ADA_Coordinator_List.pdf.

¹⁴ <http://www.austintexas.gov/departments/americans-disabilities-act-office>

¹⁵ <http://www.austintexas.gov/departments/americans-disabilities-training-program>.

need to find other housing units. At any rate, the change in occupancy limits will create additional demand for housing for those displaced from their current units.

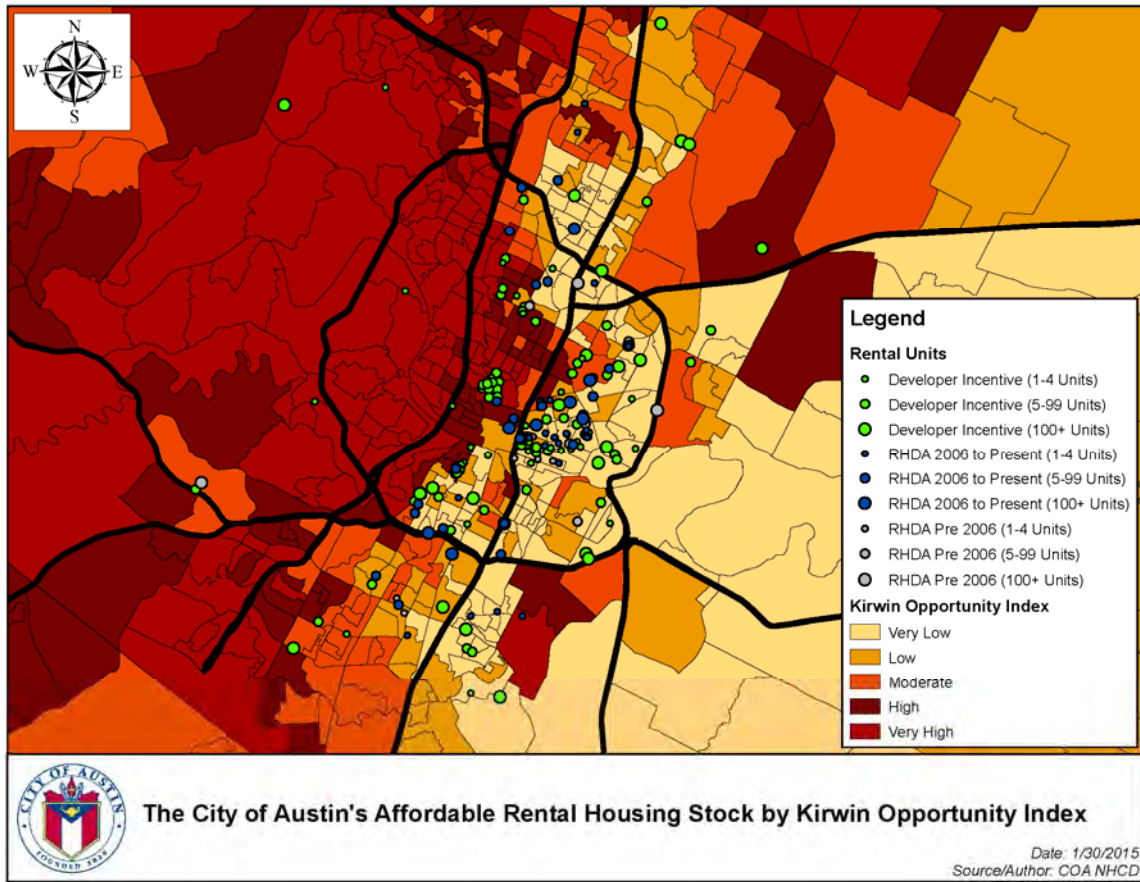
Without further study of the types of households living in five- to six-roommate situations, it is also unclear if the change disproportionately impacts a certain protected class. The change is most likely to affect the city's student population, but could also have implications for persons with disabilities who reside together in a group setting that is not a licensed group home. In this case, the city would need to make a reasonable accommodation to the ordinance to avoid fair housing violations.

Visitability ordinance. On February 10, 2014, the Austin City Council approved a visitability ordinance that requires visitability features in all new residential construction. The ordinance defines the visitability requirements for bathrooms, interior features (e.g., light switches) and entrances. The ordinance was an expansion of a requirement passed in the 1990s that requires visitability for new residential units receiving financial assistance from the city.

City density bonus programs. The City of Austin has a variety of programs to incentivize private sector developers to build affordable housing. Most of these take the form of a density bonus—building more units than would be allowed under existing regulations—in exchange for a certain number of affordable units. These programs have different requirements by geographic area. In some cases, the affordable housing requirement is negotiable by the developer and city staff. Some programs allow a cash-in-lieu in exchange for production of units. In certain programs, neighborhoods decide if they want to opt in or out of the program and choose the target income level for the affordable units.

This inconsistency in program requirements and application leads to different outcomes by geographic area, which is inconsistent with increasing opportunity throughout the city. For example, a recent analysis of unit production conducted by a student at the University of Texas (Hilde, Thomas) found that most of the affordable units produced were built in “low opportunity” parts of the city. The study examined the placement of units built under the city's Vertical Mixed-Use (VMU) and development agreement programs relative to an index measuring education quality. The analysis found that the majority of the affordable units created as part of VMU were built in areas with high educational indices. However, most of the affordable units to be produced under pending development agreements were planned in areas with very low educational indices. See Figure IV-15, showing the affordable housing units created through the City's Rental Housing Developer Assistance Program and development incentive programs.

Figure IV-15.
Affordable Rental Housing Stock by Kirwin Opportunity Index, City of Austin, 2015



Note: RHDA = Rental Housing Developer Assistance Program.

Source: COA NHCD, City of Austin.

The extent to which these programs disparately impact minorities requires enhanced data collection and further analysis. Ideally, the density bonus program should contribute to the diversity of housing stock in the city and expand the opportunity for protected classes to live throughout the city. This will require enhanced record-keeping to track:

- The bedroom sizes of units that are built (do these accommodate families?);
- Who occupies the units (do occupants represent a good cross section of lower and moderate income residents?);
- If the units have the accessibility features that are lacking for residents with disabilities and are accessible units reserved for persons with disabilities;
- If the developments are displacing existing residents and/or affordable housing;
- The opportunities afforded by the neighborhood in which units are built; and

- If the units offer a wide range of affordability for every neighborhood. This aspect may require a change in how the allowable rents are determined (higher rents are allowed for more expensive areas of the city which does not always accommodate low income households).

Another concern with the incentive programs is the variance in the affordability periods required. The affordability periods vary by program with some requiring periods of just five years, some 15 years, and others 40 years or more. The longevity of the affordable units created by geographic area should also be tracked and modified, as needed, to improve equitable distribution of affordable housing.

In September 2014, the Community Development Commission in Austin issued a recommendation that the city consider specific affordability set asides as part of the Vertical Mixed Use density bonus program.

Other exclusionary conduct: public/private. Exclusionary conduct can take a variety of forms and may be difficult to detect. Some exclusionary conduct that may be legal: for example, until recently, it was legal to discriminate against Housing Choice voucher holders in the City of Austin.¹⁶ As discussed above, recent testing by the Austin Tenants' Council found that the vast majority of landlords in Austin with eligible properties refused to rent to voucher holders. The city's December 2014 ordinance including Source of Income (and, in effect, voucher holders) as a protected class should expand housing choice for low income households. This will depend, however, on the market reaction to the ordinance. "Micro-rents," or Fair Market Rents (FMR) allowed at smaller geographic levels (see discussion Section III) may be needed in supplement expanded housing choice with Source of Income protections. On March 6, 2015, the 5th U.S. Circuit Court of Appeals granted an injunction stopping the City of Austin from enforcing the source of income ordinance. As of this writing, the matter is being litigated. In addition, the 84th Texas Legislature is considering legislation that would prohibit cities and counties from passing ordinances that bar landlords from disqualifying prospective tenants based on source of income.

"I've been treated different, due to having a Housing Choice Voucher."
(African American resident)

Many types of exclusionary conduct are harder to demonstrate. In a recent study, HUD argues that identifying housing discrimination has become increasingly complex due to the more subtle methods used to favor certain protected classes in housing transactions. This behavior is damaging to housing choice and self-reinforcing, whether real or perceived. For example, if racial and ethnic minorities believe that landlords in largely non-Hispanic white areas are likely to impose differential treatment (even if they do not), minorities are less likely to apply for housing in that area of a city—reinforcing the historical patterns of segregation.

¹⁶ Housing choice voucher holders are not a protected class under federal or state law. The Austin Apartment Association filed a lawsuit in mid-December challenging the city's new ordinance for this reason. As such, the future of the city's Source of Income ordinance was uncertain at the time this AI was prepared.

In addition to the above analyses, stakeholders who advocate for and work with lower income households and protected classes were consulted about exclusionary conduct in Austin. The two areas of conduct that they identified which were not documented in quantitative analyses included:

- Extensive requirements of rental applications which can discourage and or intimidate potential applicants; and
- NIMBYism.

Information required on rental applications. The standard rental application screening process that many landlords use in Austin is a concern for stakeholders for the reasons discussed above. Some minorities reportedly avoid rental complexes that use the standard process because they believe the requirements will be more strictly imposed on them. A review of the standard rental application—which is available on the Texas Apartment Association website in both English and Spanish—found the information required to be extensive.¹⁷ It is unclear to the applicant if all information must be completed for the application to be valid or if, for example, the contact information for a past landlord, could be left blank if unknown.

NIMBYism is another form of exclusionary conduct and often significantly restricts the supply and location of affordable housing for certain protected classes. Past actions and/or concerns about resistance by neighborhood groups can discourage developers from building in areas with NIMBY reputations.

The perception that NIMBY's affected the housing choices of protected classes was strongest for persons with disabilities:

- "NIMBYs are out to get disabled group households." (Resident whose household includes a member with a disability)
- "There isn't enough [community] support for group home facilities." (Resident whose household includes a member with a disability)
- "There's a lot of NIMBY which separates transit users and affordable housing from resources." (Resident with a disability)

Fair Housing Activities and Enforcement

This section summarizes fair housing activities and enforcement processes in Austin.

In Austin, the Equal Employment and Fair Housing Office (EE/FHO) in the City of Austin Human Resources Department and the Austin Tenants' Council (ATC), both discussed below, are charged with taking and investigating fair housing complaints within the city limits.

Fair housing enforcement. The EE/FHO is the only governmental entity authorized to investigate and enforce fair housing complaints within the Austin city limits that relate to the

¹⁷ http://www.taa.org/images/images/2013_Rental_Application_-_for_web.pdf.

city's fair housing ordinance. As a HUD-designated and funded Fair Housing Assistance Program (FHAP), the EE/FHO is also authorized to investigate and enforce complaints related to the FFHA. HUD has determined that the City's fair housing ordinance is "substantially equivalent to the Fair Housing Act."¹⁸ According to the Austin EE/FHO, a fair housing complaint can be filed with the EE/FHO in a number of ways: Austin residents may call the EE/FHO at 512-974-3251 to discuss concerns and schedule an appointment. Residents may file a complaint online using the online housing discrimination complaint form available on the EE/FHO website.¹⁹ Residents may also walk in to file a complaint (no appointment needed) at the EE/FHO physical address in Austin at 1050 East 11th Street, Suite 300.

Regardless of how the process is initiated, the complainant would need to come to the EE/FHO office for an in-person meeting to discuss their complaint, as well as create or make any changes to the complaint form. Allegations that relate to the protections provided in the FFHA and are therefore cognizable under federal law are entered by the EE/FHO investigator into HUD's Title VIII Automated Paperless Office Tracking System (TEAPOTS), which generates the complaint form. For complaints that relate to the additional protections provided in the City of Austin housing ordinance and are therefore not cognizable under federal law, the EE/FHO has a separate City of Austin complaint form that the investigator drafts for the complainant and the information would not be entered into TEAPOTS. Once generated, a complaint form is then reviewed, finalized, and signed by the complainant.

According to the Austin City Code Chapter 5-1 on Housing Discrimination, once the EE/FHO receives a complaint, staff must begin to work on the complaint within 30 days, and must make a determination of whether discrimination has occurred within 100 days.²⁰ Once finalized, the EE/FHO serves the complaint on the respondent and allows the alleged violator to submit a response. During this time, the EE/FHO investigates the complaint to determine if there has been a violation of the Austin housing ordinance, Texas state law and, if applicable, the FFHA. During the course of the investigation, the EE/FHO will attempt to reach a settlement agreement or conciliation between the parties involved. If a conciliation agreement cannot be reached and during the investigation the EE/FHO determines that there is probable or reasonable cause that discrimination has occurred, either party to the complaint may choose to have the case heard in court or in an administrative hearing. If one or both parties elect to have the case heard in court, the Law Department of the City of Austin files suit on behalf of the complainant. The option for an administrative hearing is rarely used.

The EE/FHO would refer individuals that need assistance with tenant-landlord issues (outside of fair housing) to a local, nonprofit fair housing and housing advocacy organization, like the Austin Tenants' Council.

Austin residents with fair housing complaints or concerns can also contact ATC to receive counseling and receive assistance and representation in filing a fair housing complaint with the City EE/FHO. A fair housing complaint can be filed with the ATC in two ways: by calling ATC at

¹⁸ http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners/FHAP.

¹⁹ <http://www.austintexas.gov/online-form/housing-discrimination-information-form-903>.

²⁰ https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT5CIRL.

512-474-7007 for an initial phone interview and/or to schedule an appointment or by using the online housing discrimination complaint form available on the ATC website.²¹ The City EE/FHO noted that there is no difference in the types of complaints received by their office and those received by ATC. The ATC, however, only assists with complaints related to the protections provided in the FFHA and are therefore “cognizable under federal law.” Once ATC conducts initial counseling and assists with filing such a complaint with HUD, the process is then turned over to HUD and the EE/FHO. If the ATC receives a complaint related to the additional protections provided in the City of Austin housing ordinance and is therefore not cognizable under federal law, ATC would refer the complainant directly to the City EE/FHO.

Fair housing activities. The City EE/FHO, along with the ATC, engages in a range of fair housing outreach activities. The fair housing outreach efforts of each organization, including the collaborative efforts and special activities of the City EE/FHO to support and advance fair housing, are summarized below and include the housing advocacy efforts of other local housing organizations.

The EE/FHO website is a city-wide resource for fair housing information. The website lists information on four city ordinances and relevant federal statutes the office enforces, including the city’s housing ordinance and the federal Fair Housing Act.²² The website provides links to housing discrimination information²³ and an online housing discrimination complaint form.²⁴ Language translation is available for site content via Google Translate.²⁵ Spanish language services are also available directly from EE/FHO staff.

The ATC website is another city-wide fair housing information resource. The ATC Fair Housing Program webpage provides fair housing information and a link to an online complaint form to report housing discrimination.²⁶ The website has a video link to learn more about the Fair Housing Program.²⁷ The ATC website resources tab provides a host of housing resource documents, including documents in Spanish.²⁸

While the primary function of the EE/FHO is fair housing investigation and enforcement, the agency does engage in a range of fair housing community outreach and education activities. The Office staffs a booth at various community events to inform Austin residents about their employment and housing rights, as well as issues related to employment and housing discrimination. Past events have included the Civil Rights Freedom Fest, various Martin Luther King, Jr. Day events, and an African American Heritage and Cultural event.

²¹ <http://www.housing-rights.org/fairhousing.html>.

²² <http://austintexas.gov/department/equal-employment-and-fair-housing-office>.

²³ <http://www.austintexas.gov/department/housing-discrimination>.

²⁴ <http://www.austintexas.gov/online-form/housing-discrimination-information-form-903>.

²⁵ <https://translate.google.com/>.

²⁶ <http://www.housing-rights.org/fairhousing.html>.

²⁷ <http://www.housing-rights.org/fairhousing.html>.

²⁸ <http://www.housing-rights.org/>.

The EE/FHO hosts an annual Fair Housing Compliance Training Conference focused on educating housing professionals, particularly apartment managers, about compliance with fair housing laws. In an innovative collaboration, the EE/FHO has partnered with the Austin Apartment Association (AAA), an affiliate of the Texas Apartment Association, for the past two years to certify that the content of the Fair Housing Compliance Training Conference meets relevant continuing education credits for housing professionals. At the conference in the spring of 2015, EE/FHO plans to offer a continuing legal education certification course for attorneys on recovering attorney fees for the representation of individuals in fair housing cases.

In addition, the EE/FHO utilizes traditional and nontraditional media sources to conduct fair housing outreach, such as paid and unpaid print media ads in community papers, including minority publications; targeted advertising on Facebook; a utility bill insert in the November 2014 City of Austin utility bills containing an advertisement for housing discrimination services; Spanish-language television interviews for Telemundo; and English-language radio interviews for the Austin community radio station.

EE/FHO recently made an offer to an AmeriCorps VISTA Volunteer to conduct a year-long project to engage in outreach strategies to low-income populations in Austin focused on discrimination issues in housing, employment, and public accommodations; VISTA accepted the offer and is currently working on the project. The goal of the project is to investigate the primary ways these populations access information and to utilize these existing information channels for outreach and education on discrimination issues.

EE/FHO has been engaged in two separate HUD-funded fair housing collaborative enforcement projects with ATC, the goal of which is to advance fair housing enforcement through testing to detect housing discrimination on the basis of sexual identity or orientation and to detect discrimination based on disability, particularly among individuals who are deaf or hard of hearing. The projects contain an outreach component in the form of a media awareness campaign.

Beyond these activities within the EE/FHO, it is unclear what level of coordination exists city-wide and across City of Austin departments to address fair housing issues.

Efforts to address housing barriers for persons with disabilities. Claims of housing discrimination due to disability represented more than one-third of all discrimination claims to the City of Austin from July 2012 to June 2013. The City of Austin's Architectural Barrier Removal program help tenants, landlords, and homeowners remove architectural barriers to increase the accessibility of housing for individuals with disabilities. The program provides free home improvement accessibility modifications of up to \$15,000 to renter and homeowner households in the Austin city limits with household incomes at 80 percent or less of MFI and with a household member that is 62 or older or severely disabled.²⁹

According to a longtime, knowledgeable disabilities issues stakeholder, the city Architectural Barrier Removal program in the past few years has undergone three significant changes: 1) the program cap for modifications increased from \$4,000-\$5,000 to \$15,000, 2) funding was made available to renters, not just owners, and 3) the program moved to the City of Austin after being

²⁹ <http://www.austintexas.gov/departments/architectural-barrier-removal>.

administered by a nonprofit. Increasing the program cap on accessibility modifications resulted in program participants getting more of their needed modifications rather than modifications occurring in a piecemeal fashion, with some of the same participants on the program list year after year: “people would get a ramp one year, bathroom modifications another.” For a period of time, the Department did not believe the HUD Community Development Block Grant funding source could be used for rental properties, which may have resulted in some renters being turned away, a situation that has since been corrected.

Most disability advocates wanted the program to continue to be housed with a nonprofit, the most common model for these types of programs. Advocates have been concerned about the ability of the city to conduct sufficient community outreach about the program. In addition, they were concerned that potential participants would not feel as comfortable contacting the city as they would a nonprofit organization due, in part, to the belief that the city would cite them for code violations. While the transition was characterized as “rocky,” recent feedback has been more positive. Disability service providers and advocacy organizations are referring potential participants to the city, and the city has “improved the process a lot.”

Recommendations for improvements to this program include:

- Placing particular emphasis on program funding for modifications for renters as they are often a higher need group than owners and it is believed that assistance is still provided more often for owner-occupied properties;
- Keeping the focus of the program on accessibility modifications (it should not become a home repair program);
- Allowing an option to increase the program cap, if needed, so that all of the accessibility modification needs of a particular participant can be addressed at once;
- If program participation is low, as it has been in the past, focusing on greater community outreach and carry over funds from one year to the next, rather than lowering the program allocation;
- Partnering with a community-based organization to conduct community outreach about the program.

Beyond addressing architectural barriers, a stakeholder recommends several other ways for the city to meet the housing needs of individuals with disabilities:

- Greater outreach to the disability community is needed to provide basic education on the homeownership process and available resources, including the city down payment assistance program, because lenders are not doing this. The city should partner with nonprofits in this area and information and participation opportunities related to city homeownership programs need to reach people with disabilities.
- The city has been a good partner with housing developments, but the city now needs to be proactive in developing integrated housing for people with disabilities, including scattered

sites. The city could follow the example set by HUD in addressing integration issues with its Section 811 Supportive Housing Program for Persons with Disabilities.

- The city should focus on housing assistance and creating housing opportunities for very low income groups, particularly people on disability income making 17 percent or less of the Austin median income.

Additional Local Fair Housing Outreach and Advocacy Organizations

Texas Low Income Housing Information Service. This nonprofit organization focuses on “research, advocacy, education and policy about low-income housing.”³⁰ The website provides a range of housing resources. In addition to policy information and research documents on low-income housing issues in Texas, the site hosts the *Texas Housing Counselor*, an interactive search tool that provides information on qualifying and applying for subsidized housing in Texas and estimates rents for subsidized housing programs.³¹ Another tool, the *Texas Tenant Advisor*, provides Texas tenants’ rights information; information on legal remedies, such as suing one’s landlord; and provides contact information for Texas tenant and legal aid organizations.³²

Texas Appleseed. This nonprofit organization utilizes volunteer lawyers to promote social and economic justice for Texans.³³ One of the organization’s projects, in the area of Disaster Recovery and Housing, works to ensure that governmental response to natural disasters is quick and fair, emphasizes the rebuilding and repair of affordable housing, and incorporates the most impacted communities and low-income families in long-term disaster recovery planning.³⁴

³⁰ <http://www.texashousing.org/about/about.html>.

³¹ <http://www.texashousing.org/find/find.html>.

³² <http://texastenant.org/>.

³³ http://www.texasappleseed.net/index.php?option=com_content&view=article&id=25&Itemid=204.

³⁴ http://www.texasappleseed.net/index.php?option=com_content&view=category&layout=blog&id=19&Itemid=261.

SECTION V.

Barriers and Proposed Fair Housing Activities

Consistent with HUD's expectations of an Analysis of Impediments to Fair Housing Choice (AI) study and the new Assessment of Fair Housing (AFH), this section:

- Identifies and prioritizes fair housing issues arising from the AI; and
- Discusses fair housing goals and proposed fair housing activities to mitigate and address the identified fair housing issues.

Fair Housing Issues and Prioritization

The fair housing barriers identified in the AI research are discussed below. As specified in HUD's AFH tool, the action items to address the barriers are assigned a priority ranking. The prioritization was based on:

- The significance of the barrier in contributing to segregation,
- The significance of the barrier in limiting housing choice, and
- Ease of implementation—i.e., the ability of the city and its partners to address the barrier, especially in the next 6-12 months.

Highest Priority Barriers

1. **Lack of affordable housing in Austin disproportionately impacts protected classes with lower incomes and higher poverty rates.** The data in this AI demonstrate that certain protected classes are more likely to be affected by lack of affordable housing than others because they have greater need for assisted and, in some cases, accessible housing. Specifically,

- The poverty rate for African Americans and Hispanics in Austin is 31 percent compared to 12 percent for non-Hispanic whites.
- The poverty rate for persons with disabilities is 29 percent.

Fair housing complaints suggest that these protected classes also face higher levels of discrimination when seeking housing.

2. **Lack of affordable housing citywide exacerbates segregation created through historical policies and practices.** The historical Koch and Fowler master plan implemented race-based zoning in Austin, which was followed by restrictive covenants and related public actions, all of which established patterns of racial and ethnic segregation, which remain today. The residents of these restricted areas were generally very low income and had limited economic mobility.

Lack of affordable housing citywide has perpetuated segregation. For example, racial and ethnic minorities make up 81 percent of the residents in high poverty, racially/ethnically concentrated areas, compared to just 23 percent of residents in the city overall.

The areas in Austin that offer affordable housing for these protected classes are mostly located in East, Southeast and Northeast Austin. Many of these neighborhoods have aging community amenities, lower performing schools, high rates of unemployment and high crime rates, which can restrict residents' access to opportunity.

- 3. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.** Texas state law limits municipalities' tools to expand housing choice by preventing municipalities from enacting laws that set a maximum price for privately produced residential housing (sections 214.905 and 214.902). However, there are exceptions: maximum prices established as part of development incentive programs, housing in a homestead preservation district and for sale housing developed as part of a land bank are allowed.

The statistically significant resident survey conducted for this study found that housing cost was the top reason why residents moved from Austin across race and ethnicity, with higher proportions of racial and ethnic minorities reporting cost as a factor than non-Hispanic white residents. Similarly, renters who have household members with a disability were disproportionately likely to need housing assistance, live with family and friends because they can't afford housing, and rely on family and friends to help them meet housing costs.

To the extent that inclusionary zoning requirements, if allowed, would provide housing products that would broaden the affordability choices of certain protected classes who are underserved by the housing market, lack of inclusionary zoning would be an impediment to fair housing.

- 4. Information on housing choice is not widely available in languages other than English and/or in accessible formats. Information for people who are members of protected classes about possibilities to live in housing that was created in higher opportunity areas through city incentive and developer agreement programs is limited.** Because more than half of foreign-born residents speak English less than "very well," they are disproportionately likely to need assistance with language translation in housing, as well as other, documents, making the housing search process more challenging and the potential for housing discrimination greater.

In the resident survey conducted for the AI, when asked where residents would look to obtain information about their fair housing rights, the top answers were:

- Fair housing organization (54% African Americans, 41% Hispanic residents, 39% persons with disabilities),
- Look for help on the internet (53% Asians, 33% non-Hispanic whites, 29% Hispanic residents, 29% persons with disabilities), and

- Contact city government/elected officials (about 30% for the majority of protected classes).

As such, it is important that fair and affordable housing providers and advocates, as well as city/county governments, have transparent, easy-to-find information with translation and accessible features on websites and in housing materials.

Housing choice information is also lacking for protected classes who desire to live in housing created in high opportunity neighborhoods. There is no single source of information about these opportunities that have been created through city incentive and development agreement programs.

- 5. Complaint data signals non-compliance of property owners and builders with accessibility requirements.** Non-compliance may contribute to the limited supply of accessible housing in Austin.

Moderate Priority Barriers

- 6. Overly complex land use regulations limit housing choice and create impediments to housing affordability. These include: minimum site area requirements for multifamily housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.** At the time this AI was conducted, the City of Austin was in the process of updating its land use code and regulations. This process included an examination and identification of barriers to housing choice. The barriers range from overly prescriptive site area standards for single and multifamily housing (specifically in sections 25-2-558 and 25-2-563) to limits on accessory dwelling units to a lengthy development review process, even for affordable housing incentive programs.
- 7. Private market barriers exist in the city in the forms of “steering” (the practice of real estate agents showing certain homebuyers only certain neighborhoods because of their race or ethnicity), high loan denials for African Americans, and overly complex and rigorous standards for rental agreements.**

- Residents who were surveyed and interviewed for the AI described steering as a common occurrence.
- African Americans and Hispanic borrowers were twice as likely as non-Hispanic whites to be denied home loans by traditional financial institutions. For African American borrowers, this difference in denial rates was very pronounced for low income borrowers (64% of African Americans earning less than \$25,000 were denied mortgage loans, compared to 48% for all races/ethnicities). High income African Americans still experienced twice the rate of denial as other borrowers.
- Organizations that assist low income renters identified lengthy look back periods in tenant qualifications as a barrier to housing choice. According to these organizations, in tight rental markets, landlords may impose strict guidelines and be more "choosy" in tenant selection. To the extent that expanded criteria

disproportionately affect protected classes, they may have disparate impacts on housing choice.

8. City incentives to create affordable housing may not be equitably distributed throughout the city and may not serve the protected classes with the greatest needs.

The City of Austin has a variety of programs to incentivize private sector developers to build affordable housing. Most of these take the form of a density bonus—building more units than would be allowed under existing regulations—in exchange for a certain number of affordable units. Program requirements and benefits differ by geographic area. This inconsistency can lead to different outcomes by geographic area, which is inconsistent with increasing opportunity throughout the city.

Another concern is the lack of data on whether these incentive programs have created housing opportunities for members of protected classes, particularly persons with disabilities, racial and ethnic minorities, and large families with children. Part of the challenge is a lack of data on persons with disabilities in general. This lack of data makes it difficult to assess in which ways these programs are affirmatively furthering fair housing.

9. The City's historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods disproportionately impacts protected classes, influences housing preferences and restricts access to opportunities. Housing preferences are driven by factors that influence neighborhood quality. Differences in neighborhood amenities, including maintenance of parks and recreation equipment, can lead to private sector disinvestment and contribute to neighborhood decline.

10. The City's historical lack of funding for public infrastructure and amenities, including parks, in different neighborhoods may disproportionately impact protected classes, influence housing preferences, and restrict access to opportunities. In focus group discussions and surveys conducted for this AI, three areas were identified by protected classes as having the most disparities in equitable access to community assets: inequities in the quality and access to public amenities; inequities in public infrastructure; and inequities in commercial and retail business offerings.

Survey respondents and focus group participants suggested an unfair imbalance in the amount of attention and maintenance that the city gives to public amenities in wealthier neighborhoods, seemingly leaving the parks and recreation centers in low income neighborhoods to deteriorate. Participants also shared the perspective that lower income and high minority neighborhoods, particularly East and South Austin, are low priority to receive infrastructure improvements, such as sidewalk and road repair, streetlights, or accessible pedestrian crosswalks.

"It has been Austin's history to treat those west of Highway 35 better environmentally, city structure and better placement of roads etc. etc. True Austinites all know that! You can even see it in the grocery stores. The same chain store in one neighborhood has better choices than other stores in another

area of town. City council members can also be seen doing more for other neighborhoods than others. Very obvious.” (Hispanic resident)

- 11. Lack of knowledge about fair housing requirements creates barriers to affirmatively furthering fair housing.** Austin Housing Choice Survey respondents were asked if they ever experienced discrimination when looking for housing in Austin. Twenty-seven percent of African Americans answered that they experienced housing discrimination, which was greater than the percent of race-based fair housing complaints reported by the Austin Tenants’ Council and HUD. This disparity in the rates of race-based discrimination between the self-reported data and the complaint data suggests that African American residents are not reporting all perceived fair housing violations.

Evidence of discrimination also appears in the mortgage lending practices of regulated financial institutions, city land use policies and practices, the record of accessibility compliance of multifamily developers, and other, more subtle, exclusionary conduct such as extensive rental application requirements and NIMBYism by neighborhood groups.

A lack of knowledge of the rights and protections afforded by Austin’s fair housing ordinance may contribute to the persistence of or mask instances of public and private discriminatory practices and limit residents’ housing choice and access to opportunity.

- 12. “Crime in neighborhood” is a frequently cited reason for dissatisfaction with current housing.** High crime rates have several negative and destabilizing effects on communities. While high crime obviously increases the risk of physical harm and property loss, it also diminishes property values, discourages investors, reduces community-building and outdoor activities, and causes related stress and other mental health impacts for adults and children. Concern about neighborhood crime was evident in the housing study conducted for this AI:

- 43 percent of survey respondents listed crime as the reason they were dissatisfied with their current housing situation.
- When asked what they would change about their neighborhood, 46 percent of respondents answered “less crime.”

Proposed Fair Housing Activities

This section contains the proposed fair housing activities for the city. Many of these action items are directed towards achieving greater equity through city policy and financial actions. Nonprofit and private sector partners will also play a role in addressing the fair housing activities and improving equity throughout Austin.

The proposed fair housing activities are contained in the matrix on the following pages, which links the action items to the identified impediments.

The full Fair Housing Action Plan (FHAP) detailing the specific actions, expected outcomes and estimated timelines to address the fair housing barriers is available online at:

<http://austintexas.gov/page/reports-publications>.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITI-ZATION	FAIR HOUSING GOALS/ACTIVITIES
<p>1. Lack of affordable housing disproportionately impacts protected classes with lower incomes and higher poverty rates. 2. Lack of affordable housing citywide exacerbates segregation created through historical policies and practices. 3. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.</p>	High	The City of Austin will continue to expand affordable housing opportunities through the following:
		Maintain and strengthen policies through the CodeNEXT process that provide incentives for the development of affordable housing for households below 50%, 60% and 80% MFI.
		Strengthen and align density bonus programs in terms of formula for calculating the number of units, accessibility requirements, the affordability period, and on site requirements.
		Revise VMU, PUD to require 60% MFI rental and 80% owner throughout Austin when on-site affordable units are required.
		Develop programs to incentivize family-oriented units in high opportunity areas.
		Collect data on protected classes, as well as families with children, residing in units created through the City's density bonus and other incentive programs.
		Secure longer affordability periods for VMU and other programs that are successful in providing affordable housing.
		Enact policies, including a land bank, to acquire and preserve apartments on and near transit corridors, where affordable programs can be applied to increase housing for people who are members of protected classes.
		Work with governmental entities, including Capital Metro, to require inclusion of affordable housing opportunities for families with children on government owned land that is undergoing redevelopment.
		Create a goal to increase access to affordable housing in all council districts. The 2014 Housing Market Study recommends setting a goal of 10% of rental housing units to be affordable to households earning \$25,000 or less per year.
		Recommend adoption of a requirement that at least 25% of units be affordable on developments proposed on City-owned land.
		Require units with city incentives or subsidies to accept vouchers to be consistent with the recently adopted addition of source of income protection in the City's Fair Housing ordinance.
		Work with the Housing Authority to explore the potential for Small Area Rents, as described in Section IV of the document.
		Pursue implementation of reasonable look back periods for criminal backgrounds in rental criteria for developments with City of Austin funds to ensure that the look back periods don't screen out more people than necessary.
		Identify impediments and potential remedies to assist persons with disabilities attempting to secure accessible, affordable housing.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITI-ZATION	FAIR HOUSING GOALS/ACTIVITIES
4. Information on housing choice is not widely available in languages other than English and/or in accessible formats. Information for people who are members of protected classes about possibilities to live in housing that was created in higher opportunity areas through city incentive and developer agreement programs is limited.	High	<p>Recommend review and enhancement of publicly available information and forms on fair housing to make them easily accessible to persons with disabilities and persons with limited English proficiency.</p> <p>Work with HUD to provide better information in the new AFH tool about the needs of persons with disabilities.</p> <p>Develop an online list and map of units created through city incentives and developer agreement programs. Work with local agencies to disseminate that information.</p>
5. Complaint data signals non-compliance of property owners and builders with accessibility requirements.	High	Examine weaknesses in the current process and implement improvements to ensure accessibility compliance.
6. Overly complex land use regulations limit housing choice and create impediments to housing affordability. These include: minimum site area requirements for multifamily housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.	Medium	Work through the CodeNEXT process to modify land use and regulatory requirements to expand housing choice and reduce housing access barriers.
7. Private market barriers include steering, high loan denials for African Americans and other protected classes, and overly complex and rigorous standards for rental qualifications.	Medium	Provide for enhanced matched pair testing and enforcement for lending, steering, leasing and sales for all protected classes, especially persons with disabilities.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITI-ZATION	FAIR HOUSING GOALS/ACTIVITIES
8. City incentives to create affordable housing may not be equitably distributed throughout the city and may not serve the protected classes with the greatest needs.	Medium	Calibrate S.M.A.R.T. Housing incentives to function in high opportunity areas.
		Implement Homestead Preservation Districts in gentrifying areas and fully utilize inclusionary housing tools available under legislation.
9. The City's historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods may influence the housing choices of protected classes, potentially restricting access to opportunities.	Medium	Implement policies that correct health and safety deficiencies in maintenance of housing stock within the City while maintaining affordability -- informed by a report from the Entrepreneurship and Community Development Clinic of the University of Texas School of Law entitled, <i>"Addressing Problem Properties: Legal and Policy Tools for a Safer Rundberg and Safer Austin"</i> (August 2013).
		Implement new, or examine existing policies and procedures, to insure that new multi-family housing meets applicable accessibility standards and to inspect existing city funded/assisted properties to make sure the properties are still accessible.
10. The City's historical lack of funding for public infrastructure and amenities, including parks, in different neighborhoods may disproportionately impact protected classes, influence housing preferences, and restrict access to opportunities.	Medium	Expand access to public parks in areas of the City where high concentrations of persons from protected classes do not live within ¼-mile walking distance of a park. Implement the City of Austin Urban Parks Work Group recommendations.
	Medium	Review available information pertaining to public infrastructure and amenities.
	Medium	Improve areas of minority/low-income concentration and integrate housing for different incomes in these areas while improving the existing housing stock and infrastructure.
11. Lack of knowledge about fair housing requirements creates barriers to affirmatively furthering fair housing.	Medium	Provide fair housing training of city staff in planning, development review, economic development, and other city departments with impact on housing development and conditions that affect people who are members of protected classes.
		City leaders should engage neighborhood associations, CDCs and academics in a goal to create economic, racial and ethnic diversity as a core value for each neighborhood and the city as a whole. The obligation to affirmatively further fair housing should be incorporated into city policies.

PROPOSED FAIR HOUSING ACTIVITIES - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITI-ZATION	FAIR HOUSING GOALS/ACTIVITIES
		Add to the City's affordable housing impact statement, which is used in code and zoning changes, a "Fair Housing Impact" statement, which would analyze the impact of the change on fair housing opportunities for all protected classes.
12. "Crime in neighborhood" is a frequently cited reason for dissatisfaction with current housing.	Medium	Review available data on police response time in high and low opportunity areas.