

# DOES HUD UNDERSTAND US?

## Applying Fair Housing Requirements to Cities in the West

March 10, 2016

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### Presented to

Rocky Mountain Land Use Institute  
*25th Annual Land Use Conference*

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# PRESENTATION GOALS

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- 1) Provide background on recent fair housing developments
- 2) Discuss what that means for you in:
  - 1) Making zoning and land use decisions
  - 2) Meeting federal housing program requirements



# AFFH: THE LEGAL UNDERPINNINGS

From the Fair Housing Act to *Westchester County*

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# SOURCES OF FAIR AND AFFORDABLE HOUSING LAW

**Federal law** provides limitations on governmental authority, civil rights law, and funding mechanisms

**State law** enables and limits local authority and provides additional protections for home seekers

**Local law** restricts particular types of development while demanding other forms of development

# FEDERAL LAW

## – Constitutional limitations

- Takings Clause, Equal Protection Clause, Due Process Clause

## – Civil rights laws

- Fair Housing Act of 1968, 42 U.S.C. § 3601 *et seq.*
- Fair Housing Amendments Act, 42 U.S.C. § 3601 *et seq.*
- Rehabilitation Act, 29 U.S.C. § 701
- Americans With Disabilities Act, 42 U.S.C. § 12101 *et seq.*

## – Funding sources

- Housing and Community Development Act of 1974 (CDBG): 42 U.S.C. § 5301 *et seq.*
- Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Investment Partnership Program): 42 U.S.C. § 12703 *et seq.*

# STATE LAW

- Constitutional limitations: mirror federal
- Civil rights laws: mirror federal
- Limitations on local government authority
  - “Group home” statutes, C.R.S. § 30-28-115; 31-23-303
  - Rent control statute, C.R.S. § 38-12-301
  - Housing Authority Law, C.R.S. § 29-4-201 *et seq.*
- Consumer/landowner protection laws
  - Construction Defect Action Reform Act of 2001
  - Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-101 *et seq.*
- Funding programs
  - Colorado Affordable Housing Construction Grants Fund

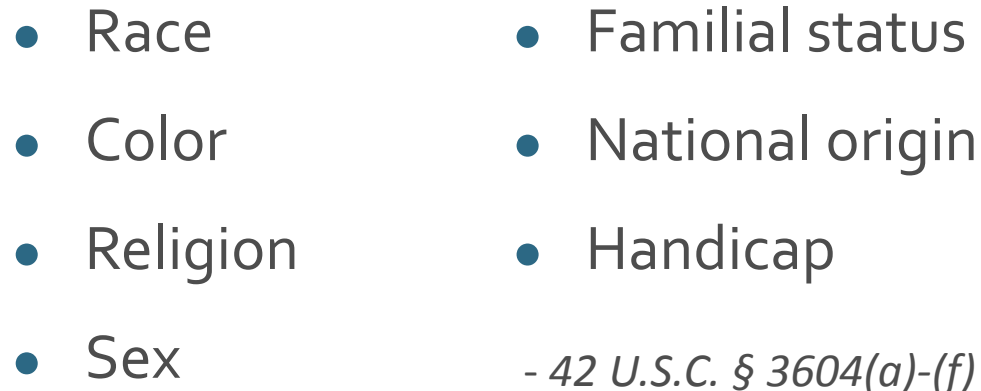
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# LOCAL LAW

- Zoning codes
- Building, housing codes
- Mandatory inclusionary housing
- Affordable housing funds
- Public housing authorities

# FAIR HOUSING ACT: WHO IS PROTECTED?

Protected classes under the Fair Housing Act include:

- 
- Race
  - Color
  - Religion
  - Sex
  - Familial status
  - National origin
  - Handicap
- 42 U.S.C. § 3604(a)-(f)

*\* State fair housing laws may add classes*



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# FAIR HOUSING ACT: WHO IS PROTECTED?

## Familial status

*Protects parents with children under 18 from discrimination*

- Protects foster families, recipients of Aid to Families With Dependent Children
- Not interpreted to ban housing restrictions in favor of households with children
- Licensed, age-restricted elderly living communities are exempted from compliance with prohibitions against discrimination based on familial status

*-42 U.S.C. § § 3602(k), 3607(b)*

# FAIR HOUSING ACT: WHO IS PROTECTED?

## Handicap

*Protects persons with disabilities or those associated with the disabled person*



*"(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance"*

- Disabilities under the FHA also include past drug or alcohol addictions and HIV infections

-42 U.S.C. § § 3602(h)

# FAIR HOUSING ACT: WHO IS PROTECTED?

**Handicap** conditions not considered disabilities under the FHA

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- Emotional disturbance
  - History of abuse
  - Homelessness
  - Post-incarceration halfway houses
  - Juvenile delinquency
  - Current drug users

# FAIR HOUSING ACT: WHAT HOUSING IS COVERED?

FHA protections apply to  
dwellings:

*“‘Dwelling’ means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.”*



Source: <http://myemail.constantcontact.com/Shelter-from-the-Cold.html?soid=1103391372388&aid=SOqwdSMxsTc>

# FAIR HOUSING ACT: WHAT HOUSING IS COVERED?

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*While it is generally easy to determine whether a place is a dwelling, some are not so easy...*

- Temporary housing vs. transitional living facilities
- Homeless shelters
- Hotels/motels
- “Sell or rent”

# FAIR HOUSING ACT: PROHIBITIONS

- *“To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise **make unavailable or deny**, a dwelling ...”*  
-42 U.S.C. § 3604(a)
- Zoning or building regulations
- *“To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the **provision of services or facilities** ...”*  
-42 U.S.C. § 3604(b)
- Local government services, such as utilities

# FAIR HOUSING ACT: PROHIBITIONS

- *“a refusal to permit, at the expense of the handicapped person, **reasonable modifications** of existing premises occupied or to be occupied by such person if such modifications may be **necessary to afford such person full enjoyment of the premises**”*

-42 U.S.C. § 3604(f)(3)(a)

- Modification—physical alterations of a property
  - Installation of ramps, railings, etc. at the expense of the disabled person
  - Landlord may require restoration of the alterations to the condition that existed prior to the alterations

# FAIR HOUSING ACT: PROHIBITIONS

- *“a refusal to make **reasonable accommodations in rules, policies, practices, or services**, when such accommodations may be necessary to afford [a disabled] person **equal opportunity to use and enjoy** a dwelling”*

*-42 U.S.C. § 3604(f)(3)(b)*

- Applies to both private and public rules, policies, practices or services
  - Private rules: homeowners' association rules, condo association rules, apartment policies
  - Public rules: zoning, building and other laws



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# FAIR HOUSING ACT: CONSTRUCTION

## “Broad and inclusive”

- Definitions of the various protected classes have been read broadly; “dwelling” is a broad term

## Standing rules

- Supreme Court has granted standing to anyone in a housing unit who is injured by discrimination
- Role of fair housing organizations
- Can bring suit when discrimination is *likely* to occur

# FAIR HOUSING ACT: ENFORCEMENT

## Three options under FHA:

- Administrative enforcement (HUD)
  - File a written complaint with HUD, or refer to a HUD-certified fair housing agency
  - HUD may refer the complaint to the Department of Justice
  - Encourages conciliation agreements
- Direct lawsuit
- Department of Justice proceeding  
OR enforce via compliance with Housing and Community Development Act



Source:  
<http://www.law.ou.edu/gallery/bell%20courtroom>

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# FAIR HOUSING ACT: ENFORCEMENT

## Damage awards

- Sometimes difficult to calculate since the bulk of the injury is often loss of rights, humiliation, etc.—difficult to quantify
- No statutory cap on punitive damage awards

## Injunctive relief

- More common in land use regulation cases

## Attorneys' fees



## AFFIRMATIVELY FURTHERING FAIR HOUSING: What's Changed?

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# WHERE DOES AFFH COME FROM?

## Housing and Community Development Act of 1974

- HCDA establishes CDBG program
- 42 U.S.C. § 5304(b)(2): certification by grantee that “the grant will be conducted and administered in conformity with the Civil Rights Act of 1964 . . . and the Fair Housing Act . . . , and the grantee will *affirmatively further fair housing*.”

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# RECENT CHANGES IN AFFH LAW

- *Westchester County* litigation
- *Inclusive Communities Project* decision
- *California Building Industry Ass'n* decision
- AFFH Final Rule
- Implementation of AFFH Final Rule through Assessment of Fair Housing (AFH) template and guidebook

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# WESTCHESTER COUNTY LITIGATION

*United States ex rel. Anti-Discrimination Ctr. of Metro New York v. Westchester Cty.*, 668 F. Supp. 2d 548 (S.D.N.Y. 2009)

Summary judgment entered against County in False Claims Act suit relating to County's certification that it would use HUD funds to affirmatively further fair housing

- False Claims Act, 31 U.S.C. § 3729 *et seq.*: person who knowingly makes a false or fraudulent claim to U.S. is liable for treble damages; actions may be brought by relator
- District court determined that County made a false or fraudulent claim in that it had done an insufficient job of analyzing racial discrimination as an impediment to fair housing and had not taken steps to require production of affordable housing in certain municipalities
- \$62M settlement: County must build 750 units in non-minority areas, affirmative marketing obligations, etc.

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# *INCLUSIVE COMMUNITIES*

Resolved long-standing question mark regarding whether disparate impact claims are cognizable under the Fair Housing Act

- Court majority determined that Fair Housing Act purpose, background case law supported disparate impact under Title VIII
- Limited to broad policies, not one-time actions
- While not directly connected, AFFH is rooted in disparate impact: local government obligations under HCDA, FHA require removal of barriers to fair housing



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# CALIFORNIA BUILDING INDUSTRY ASS'N

California Supreme Court says mandatory affordable housing set-asides are not unconstitutional taking of private property

- Determined that mandatory set-asides don't get *Nollan* and *Dolan* heightened scrutiny—they are simply a land use regulation that limits the value of private property
- *Nollan* and *Dolan* require showing of essential nexus and rough proportionality to avoid takings liability

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# AFFH RULE

Codified the result of *Westchester Cty.* litigation and settlement: recipients of HUD funds must take steps to affirmatively further fair housing

- New Assessment of Fair Housing process, tools
- Strong focus on patterns of segregation as compared to prior regulatory regime
- Closer focus on regulatory approach, i.e., zoning
  - Zoning codes need to address all areas of fair housing—not just race, disability, etc.

Policy consequences? (addressed later)

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## FHA AND AFFH CHANGES: *HOW DO THEY AFFECT MY COMMUNITY?*

- All cities, counties, and states held to FHA
- No “exemption” if you do not receive HUD block grant or other federal housing funds
- If HUD entitlement community, may receive greater scrutiny through AFFH obligation



# MAKING ZONING DECISIONS IN THE CONTEXT OF FAIR HOUSING

# ZONING AND FAIR HOUSING

## Ways that regulations can violate the FHA:

- Failure to reasonably accommodate (*disability cases only*)
- Disparate *treatment*
- Disparate *impact*



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# REASONABLE ACCOMMODATION

Applies in the disability context only

## Three components

- *Reasonableness* of the accommodation
- *Necessity* of the accommodation
- *Equal enjoyment* by the disabled resident

Requests for accommodation

Lone exception: if the accommodation would cause a public safety problem (very limited)

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# DISPARATE TREATMENT

## Facial discrimination

- *Example:* “Group homes for the mentally disabled shall not be located within 1,500 feet of a school zone”
- May be permissible if the facially disparate treatment *benefits* the protected class

## Discriminatory intent

- Focus mostly on perceived discriminatory animus in passing the regulation

# DISPARATE IMPACT

Looks at whether a particular action has greater *effect* on a particular protected group—it's a tough call!

Three-pronged test:

- (1) showing of impact; (2) government's interest in the decision; (3) is the government being compelled to provide housing, or just restrained from interfering with property owners' interests?



# ZONING ENABLING ACTS

Many state zoning enabling acts contain fair housing provisions

- Many address group homes for persons with disabilities
- For example:

*"A statutory or home rule city or town or city and county shall not enact an ordinance prohibiting the use of a state-licensed group home for either persons with **developmental disabilities or mental illness** that serves not more than eight persons with developmental disabilities or eight persons with mental illness and appropriate staff as a residential use of property for zoning purposes."*

# ZONING ENABLING ACTS

## History

- Many predate the 1988 FHAA
- Protected groups often do not align with FHAA
- Generally include limits on the size of protected group homes
  - Protected groups are often some version of “developmentally disabled”—thus, AIDS/HIV patients and recovering substance abusers are not protected



# ZONING ENABLING ACTS

**Some state laws also provide that group homes below a certain size be “treated as a residential use”**

- Generally means you need to allow them in at least one residential zone district where similar sized homes are permitted
- Some argue that it means you must allow them in all such zones – but few courts have agreed
- Some states require that they be allowed in all SFD – but not Colorado
- Spacing requirements and special permits are not per se illegal, but may be hard to defend in court



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# WHAT HUD WILL PAY ATTENTION TO IN ZONING

## Focus areas recommended in AFH:

- Availability of affordable units in a range of sizes
- Affordable, integrated housing for persons with disabilities/persons who need supportive services
- Occupancy restrictions.
- Limits on multifamily developments.
- Facility spacing or dispersal requirements. Special use permit requirements
- Growth management ordinances
- Inclusionary zoning practices

# PRACTICAL TIPS

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**1) Remember that actions that restrict the supply of affordable housing can have a “disparate impact” on the supply and availability of housing for those protected by the FHAA.**

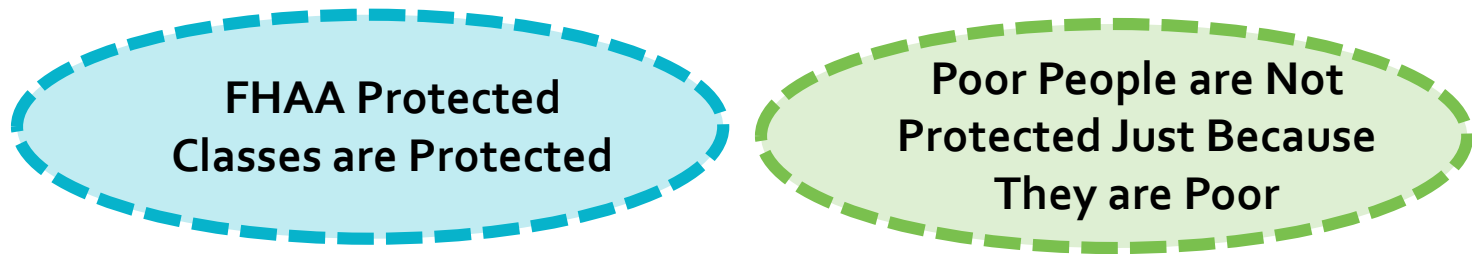
- The issues of affordability and disability are increasingly linked
- Yes, a challenger will still have to prove the actions affecting the supply of affordable housing “caused” the unavailability of housing required by the FHAA

# PRACTICAL TIPS

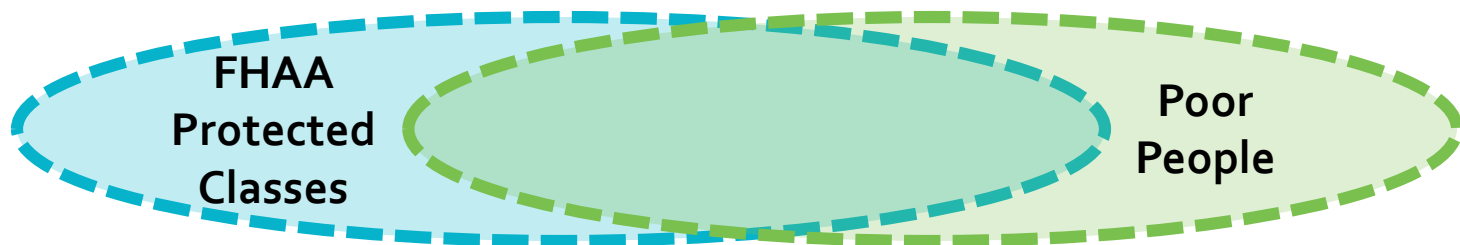
## Fair Housing and Affordable Housing

- a much more complicated distinction than it sounds

### In Theory:



### In Reality – the two circles overlap – a LOT



# PRACTICAL TIPS

## Examples of the Overlap

—Lots of data that:

- Women earn less than men
- Minorities earn less than majorities
- Many people with disabilities have low incomes

That's where the circles overlap



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# PRACTICAL TIPS

## Local land use restrictions

### – Zoning Regulations

- Minimum lot sizes
- Minimum house sizes
- Restrictions on multi-family development or density
- Restrictions on manufactured housing
- Restrictions on group living arrangements,
- Restrictive definitions of “family”
- Expensive design and site development standards (open space, landscaping, materials)
- Requirements for hearings and conditional use approval

### – Restrictive Definitions of “Family” or “Household”



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# PRACTICAL TIPS

## Local land use restrictions

### – Subdivision Regulations

- Large minimum lot sizes
- Expensive infrastructure and land dedication requirements

### – Building Construction Codes

- Expensive/exclusionary versions of the International Residential Code

### – Private Covenants

- Generally not local government responsibility
- Barring group homes as commercial uses is unenforceable
- FHAA serves as bar to enforceability of certain covenant restrictions, but state laws, AFFH, etc. generally do not apply

# PRACTICAL TIPS

## Typical Troublesome Zoning Provisions

- Restrictive Definitions of “Family” or “Household”
  - Typical definition:
    - *“Any number of persons related by blood or marriage; or*
    - *No more than (3 or) 4 unrelated individuals”*
  - You might want to add
    - *“or any group of persons whose right to occupy a structure or dwelling unit of that type is protected by the federal Fair Housing Act Amendments or by state law.”*

# PRACTICAL TIPS

## Typical Troublesome Zoning Provisions

### – Spacing Requirements for Group Homes

- **Typical definition:**

- *"No group home may be located within (500/750/1000, 1320 ft/1 mile) of another group home"*

- **Problem**

- *Courts are split on whether this is enforceable; if that type of group home could include an FHAA protected person, the burden will be on the local government to prove that spacing was included for the benefit of the protected persons (not the neighborhood, and there is little/no medical evidence to support that claim*

# PRACTICAL TIPS

## Typical Troublesome Zoning Provisions

### – Conditional Use Permits Required for Group Homes

- **Typical provision:**
  - *Occupancy of a single-family detached dwelling for a group home requires a conditional use permit (usually after a public hearing) in front of the Planning Commission, Board of Adjustment, or City Council.*
- **Problem**
  - *Stigmatizing the population FHAA was designed to protect*
  - *Making the housing less “available” than it is for a single family or household*
- **Best to require no hearings—or if you have to then administrative hearings**

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# PRACTICAL TIPS

## Typical Troublesome Zoning Provisions

### – Higher Development Standards for Group Homes

- **Typical provision:**

- *A group home occupying a single-family home needs to require more parking, or more landscaping, or fencing, or ensure that lighting does not trespass into neighbors property*

- **Solution**

- *Don't do it*
- *"A congregate living facility may occupy a dwelling unit under the same conditions applicable to household occupancy of the same dwelling unit"*

# PRACTICAL TIPS

- 2) **Make sure your definition of “Group Home” is broad enough to cover all FHAA protected persons and all state protected persons**



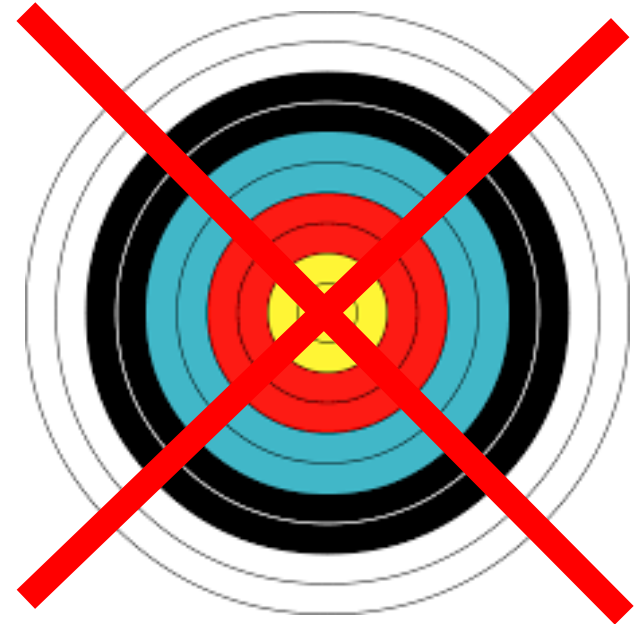
*“An establishment providing housing and/or supportive services for no more than eight persons whose right to occupy a structure or dwelling unit is protected by the federal Fair Housing Act or by state law, as those laws may be amended in the future, and as interpreted by the courts.”*

This may require you to also revise your definition of “family” or “household”

# PRACTICAL TIPS

## 3) Allow small group homes in as many residential zoning districts as possible

- Best to allow them in all zoning districts where single-family detached homes are permitted
- Best to allow them by-right – i.e.. without a public hearing or discretionary approval process
- But when that fails, best to allow them as broadly as possible even if it is subject to a conditional use approval – but make sure the criteria for approval do not mention the types of persons who will occupy the facility



# PRACTICAL TIPS

## 4) Allow larger group living facilities in multi-family and mixed use zone districts on the same basis you would allow apartment buildings and condos occupied by families or households

- Same numbers of people
- Same development quality standards
- Same approval processes

### One Possible Zoning Scheme

**Group Home** (defined to include everyone protected under the FHAA)

- Small (8 or less)
- Large

**Group Living Facility** (includes all others – i.e. domestic violence shelters, homeless shelters, diversion shelters, wet houses)

- Small
- Large



# PRACTICAL TIPS

## 5) Include a process for responding to requests for “reasonable accommodations” or “reasonable modifications”

- If you use a variance process – be sure the criteria reflect the FHAA requirements – not the usual “hardship” standard.
- Best not to require conditional permit or a public hearing
- Best to have an administrative adjustment approvable by the director or manager
- You don’t need to define “reasonable” ahead of time



# PRACTICAL TIPS

## 6) Widen the variety of housing types allowed in your community to include smaller and more efficient units:

- Small lot single-family
- Manufactured/modular
- Accessory Dwelling Units (ADUs)
- 3- and 4-plexes
- Attached townhomes
- Cottage developments

Because of the potential overlap of income and FHAA protected groups (and the market is headed that way anyway)

Chapter 18-05: Bulk and Use Standards Page 5

All cluster lots must be located within a "cluster" development as permitted in Section 10-03-021-0002 and conforming to the residential performance standards contained in Section 10-04-002-0003 and Table 10-04-002-0003.

	RR	ER	SR
A = Min. Lot Area <sup>1</sup>	130,580 sf (3 ac)	25,000 sf	7,000 sf
B = Max. Bldg. Coverage	.10	.22	.36
C = Max. Bldg. Height	55 ft.	35 ft.	35 ft.
<b>Minimum Yards</b>			
D = Front	75 ft.	30 ft.	25 ft.
E = Side	15/40 ft. <sup>2</sup>	15/35 ft. <sup>2</sup>	6/18 ft. <sup>2</sup>
F = Rear	50 ft.	30 ft.	30 ft.
G = Min. Lot Width	130 ft.	100 ft.	80 ft.

<sup>1</sup>Excluding required open space areas.  
<sup>2</sup>The first number (the lower) applies to a single yard and the second to the combined side yard total.

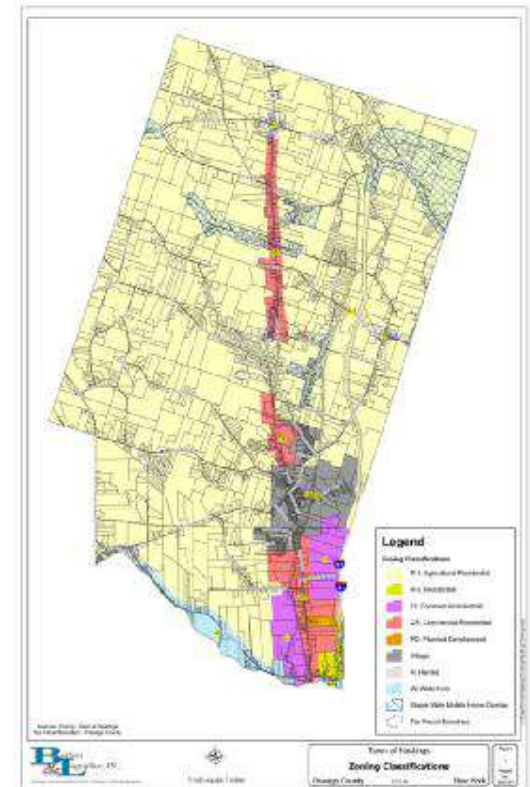
See Division 10-03-005 for accessory use regulations and Division 10-07-002 for off-street parking standards. Attached garages are required.

The diagram illustrates a cluster house development. It shows two lots, A and B, separated by a dashed line representing the property line. Lot A is a larger lot with a house and a detached garage. Lot B is a smaller lot with a house. The diagram shows setbacks (D, E, F, G) and an open space area. The text 'CLUSTER HOUSE (SINGLE-FAMILY DETACHED)' is written below the diagram.

# PRACTICAL TIPS

## 7) Make sure a reasonable amount of land is zoned into districts that allow for facilities for the full range of FHAA protected classes

- Judges take a dim view of “well, we allow them in our code but we never zoned any land into that district”

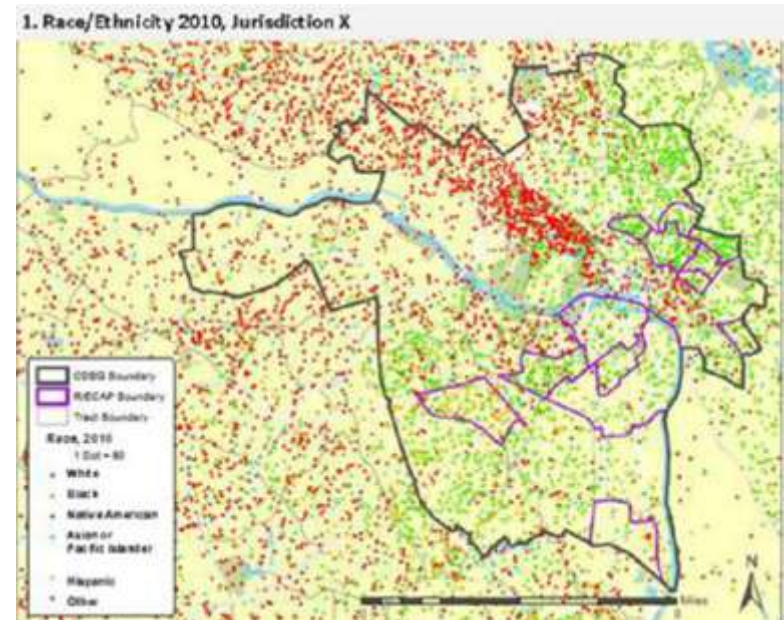


While you're at it, make sure a reasonable amount of land is zoned to allow attached and multifamily development

# PRACTICAL TIPS

8) As you stare at the AFH databases provided by HUD, ask yourself why those concentrations of poverty, race, and handicap residents occur and get past “they can’t afford anything else”

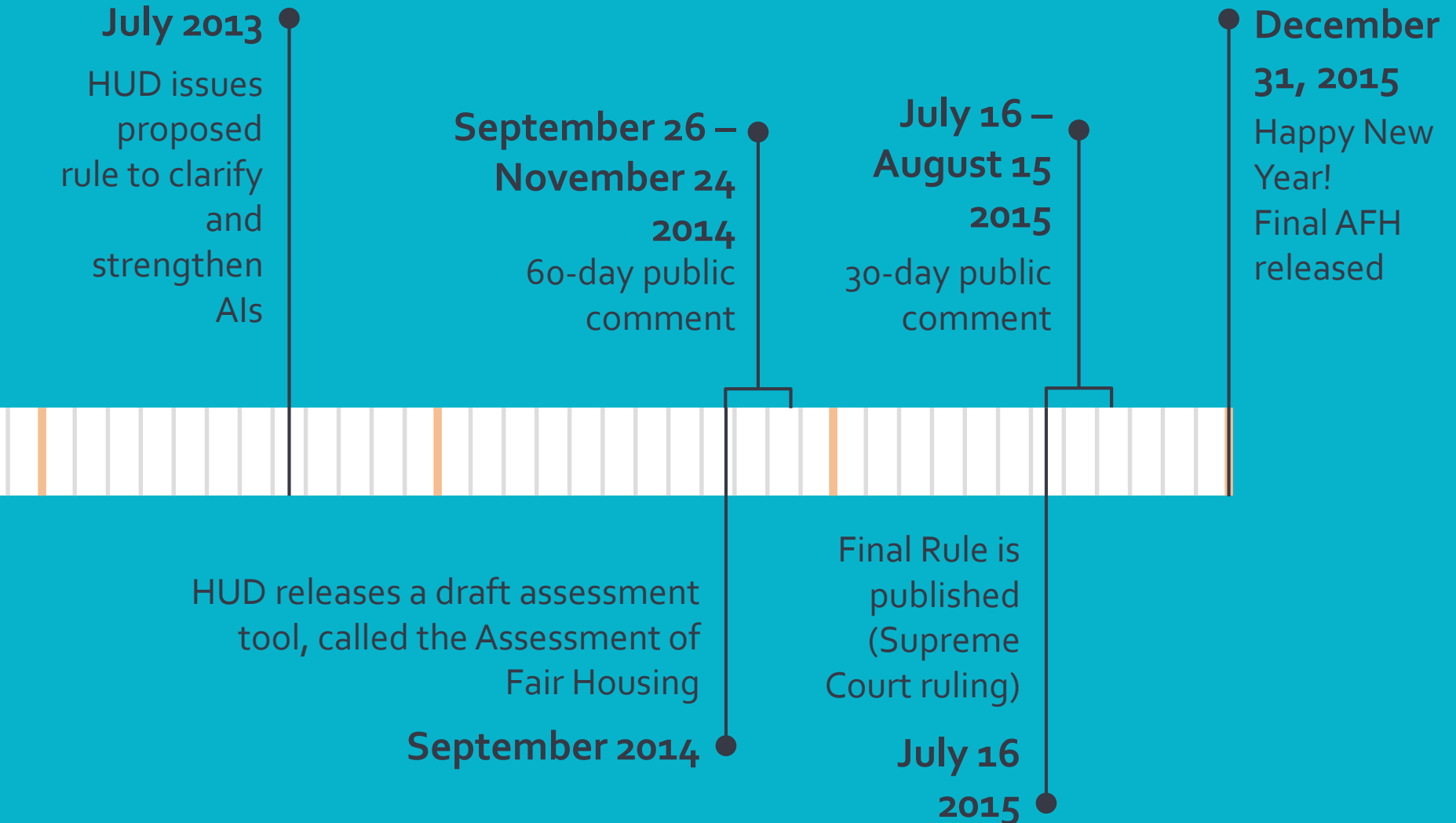
- Ask yourself whether any of your community’s land use regulations, procedures, or mapping restrictions could be unreasonably restricting the availability of some types of housing in some areas, or the occupancy of that housing by persons protected by the FHAA





# ASSESSMENT OF FAIR HOUSING APPLIED TO WESTERN CITIES

# THE AI BECOMES THE AFH



# WHAT HAS CHANGED? REVIEW

## Community Participation and HUD Review

- 1) Real date for submittal to HUD (9 months before next 3-5 year Consolidated Plan)
- 2) Required public comment period
- 3) Sincere community participation efforts with **representation of populations that are typically underrepresented** in the planning process

*How does this change affect me?* May need to work harder to find and encourage underrepresented populations. Ideas: targeted focus groups, piggybacking on ESL classes, community events.

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# WHAT HAS CHANGED? ANALYSIS

## Required Measures of Racial and Ethnic Segregation

Segregation is areas of concentration due to policies, programs, discrimination

Concentrations can be due to housing preferences; segregation is caused by more than preferences.

Dot density maps will show:

- Race
- Ethnicity (Hispanic/non)
- National origin
- Limited English Proficiency

*How does this change affect me?* In predominantly white, non-Hispanic communities, will need to explain lack of diversity. Discuss historical settlement patterns, market forces. Ask if community appears inclusive.



# WHAT HAS CHANGED? ANALYSIS

**R/ECAPs are “racially or ethnically concentrated areas of poverty.”**

Defined as concentrated areas + 40% family poverty rate or higher, or a poverty rate exceeding three times the region's rate

# WHAT HAS CHANGED? ANALYSIS

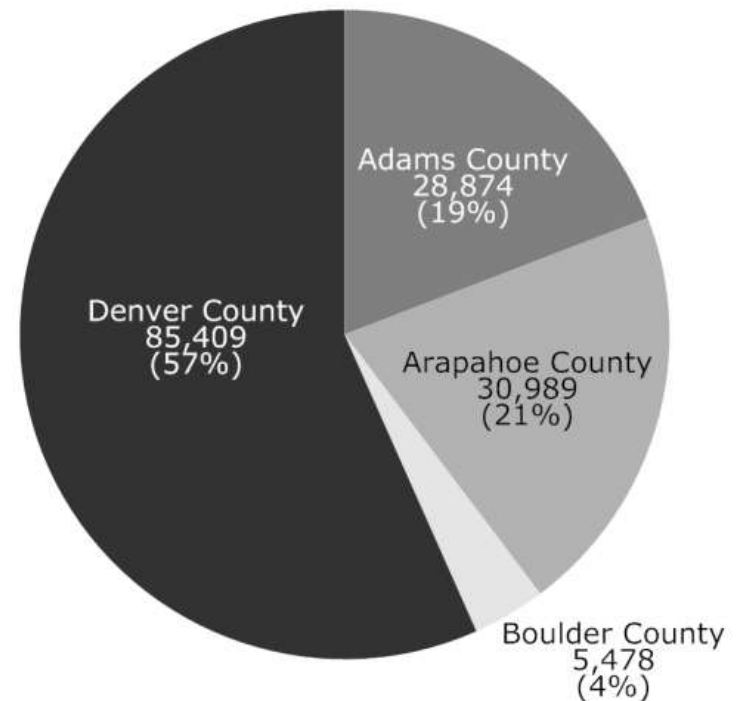
## In the Denver region there are:

37 Census RCAPs/ECAPs

- 20 in Denver County,
- 8 in Adams County,
- 8 in Arapahoe County,
- 1 in Boulder County.

Altogether, RCAPs/ECAPs = 5 percent of Census tracts in the region.

Residents of RCAPs/ECAPs, 2010



Source: 2010 Census, DRCOG and BBC Research & Consulting.

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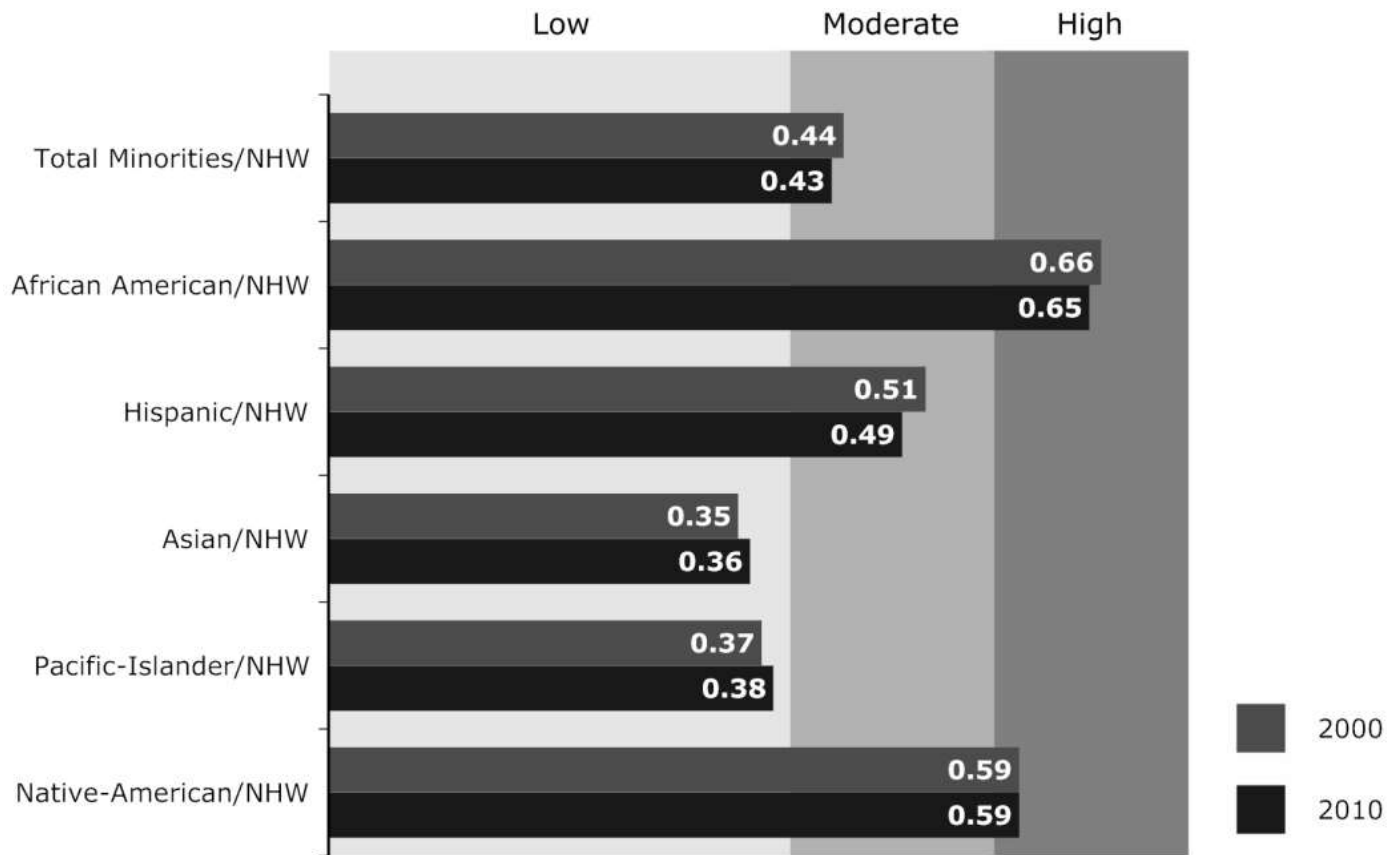
# WHAT HAS CHANGED? ANALYSIS

**Dissimilarity Index:** Measures “evenness” in which two separate groups are distributed across geographic units—such as a county

- The dissimilarity index is somewhere between 0 and 1
- An index near 0 indicates perfect distribution of racial groups across all Census tracts in a region
- An index of 1 indicates perfect segregation of racial groups across the region
- Use caution when protected class population is small (< 1,000 people)

# WHAT HAS CHANGED? ANALYSIS

Dissimilarity Index, Denver Region, 2000 and 2010



Note: NHW is non-Hispanic white. A dissimilarity index below 0.4 indicates low segregation and a dissimilarity index above 0.55 indicates high segregation.

Source: HUD and BBC Research & Consulting.

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# WHAT HAS CHANGED? PUBLIC HOUSING

## Concentrations of racial/ethnic groups in public housing and voucher holders in certain neighborhoods

- Who is concentrated? Why?
- What are the characteristics of these neighborhoods?

## Difference in demographic composition of persons living in assisted housing v. income-eligible population overall

- Are certain protected classes under- or over-represented? Why?

## Differences in siting of public-assisted housing

## Public housing authority policies, decisions

*How does this change affect me?* Closer cooperation with local PHA

# WHAT HAS CHANGED? ACCESS TO OPPORTUNITY

## Data HUD provides:

- Low poverty index—includes receipt of public assistance. High score=low poverty
- School proficiency index—based on 4th grade state tests in reading and math. Complicated by choice and magnet/charter schools enrollment.
- Labor [engagement] market index—measures human capital and labor market engagement by neighborhood.
- Jobs proximity index—examines location of neighborhoods to employment concentrations (DIA, downtown Denver, tech center)

# DISPARITIES IN ACCESS TO OPPORTUNITY

## Data HUD provides:

- Transit trips index—likelihood that low income renters in that neighborhood use public transit
- Low transportation cost index—transportation costs for low income renters
- Environmental health index—exposure to toxins

*How does this change affect me?* Will require consideration of community factors that affect housing choice.

**Advice:** Focus on 1-2 Access to Opportunity indicator to actively address city or region wide.

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# WHAT HAS CHANGED? DISABILITY AND ACCESS ANALYSIS

- Is there sufficient affordable and accessible housing in a range of unit sizes?
- To what extent do persons with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?
- Can persons with disabilities access community resources and amenities? \*Crossover with general walkability

*How does this change affect me?* Brings issues of disability and housing to the forefront, consistent with demographic trends



# FAIR HOUSING CONTRIBUTING FACTORS

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## Defined by rule as:

“a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues.”

*-24 C.F.R. Sec. 5.152*

# FAIR HOUSING CONTRIBUTING FACTORS

Excellent description beginning on page 202 of AFFH Rule Guidebook:

Access to financial services	Lack of local private fair housing outreach and enforcement
Access to proficient schools for person with disabilities	Lack of local public fair housing enforcement
Access to publicly supported housing for persons with disabilities	Lack of private investment in specific neighborhoods
Access to transportation for persons with disabilities	Lack of public investment in specific neighborhoods, including services or amenities
<b>Admissions and occupancy policies and procedures, including preferences in publicly supported housing</b>	<b>Lack of regional cooperation</b>
<b>The availability of affordable units in a range of sizes</b>	Lack of resources for fair housing agencies and organizations
The availability, type, frequency, and reliability of public transportation	Lack of state or local fair housing laws
<b>Community opposition</b>	<b>Land use and zoning laws</b>
<b>Deteriorated and abandoned properties</b>	Lending discrimination
Displacement of residents due to economic pressures	Location of accessible housing
Impediments to mobility	Location of employers
<b>Inaccessible buildings, sidewalks, pedestrian crossings, or other infrastructures</b>	Location of environmental health hazards
Inaccessible government facilities or services	Location of proficient schools and school assignment policies
Lack of affordable, accessible housing in a range of unit sizes	Location and types of affordable housing
Lack of affordable in-home or community-based supportive services	<b>Occupancy codes and restrictions</b>
Lack of affordable, integrated housing for individuals who need supportive services	Private discrimination
Lack of assistance for housing accessibility modifications	Quality of affordable housing information programs
Lack of assistance for transitioning from institutional settings to integrated housing	Regulatory barriers to providing housing and supportive services for persons with disabilities
Lack of community revitalization strategies	

# QUESTIONS?

Thank you for your participation!



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