



**Department of
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Office of Housing and Community Partnerships

How to Analyze Impediments to Fair Housing and Develop a Plan

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HOW TO ANALYZE IMPEDIMENTS TO FAIR HOUSING AND DEVELOP A PLAN

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Analyzing Impediments to Fair Housing Choice in Your Community and Developing a Plan

WHO MUST CONDUCT AN AI ?

Any community that receives CDBG or HOME funds is required to conduct an Analysis of Impediments to Fair Housing Choice (AI).

WHY MUST THE COMMUNITY CONDUCT AN AI?

OHCP Small Cities Community Development Block Grant (CDBG) recipients have always been required to sign a set of assurances as a part of their grant agreement. These certifications include the requirement that each recipient's program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and the Housing and Community Development Act, etc.

The Housing and Community Development Act, as amended, and the Community Development Block Grant Program (CDBG) final regulations establish performance standards for affirmatively furthering fair housing which apply to the entitlement communities, states and their grantees. Both CDBG and Home Investment Partnership (HOME) program grantees are required to affirmatively further fair housing. The development of an Analysis of Impediments to Fair Housing Choice is a required component of a program to "affirmatively furthering fair housing."

If done properly, an AI can be a very useful planning tool. The AI should be a working tool not a study or plan that never gets implemented or updated.

WHEN SHOULD AN AI BE CONDUCTED?

Ohio's Small Cities grantees were first required to conduct an analysis of impediments to housing choice during the FY'85 CDBG program year.

Beginning 1993, the state of Ohio required all CDBG and HOME grantees to conduct a fair housing program with standard features. Some of the features of the state's standard program include designation of a local fair housing contact, fair housing education and outreach activities. In addition, grantees were required to have an on-going process for identifying all fair housing concerns and problems and for analyzing their efforts in mitigating or remedying problems.

If your community currently doesn't have an Analysis of Impediments to Fair Housing (AI), can't find it, or it's over 5 years old, you should make arrangements to complete an AI as soon as possible.

WHAT IS FAIR HOUSING CHOICE?

The ability of persons regardless of race, color, religion, sex, disability, familial status, or national origin of similar income levels to have available to them the same housing choice.

An Analysis of Impediments should identify existing conditions or barriers that limit housing choice within the community.

Housing choice is impeded when actions, omissions, or decisions are taken...

- 1) to restrict a person's choice of housing because of the person's race, color, religion, sex, disability, national origin, or familial status, or
- 2) certain residential dwellings are not made available to persons because of race, color, religion, sex, disability, familial status or national origin.

WHAT SHOULD BE INCLUDED IN AN AI?

The AI should include...

- 1) a clear analysis of collected information,
- 2) identified impediments, fair housing concerns, or problems,
- 3) changes needed to remedy or overcome impediments, and
- 4) a plan of action with a timetable or schedule to remedy the problems

Grantees should have an on-going process to identify all fair housing concerns and problems and for analyzing local efforts in mitigating or remedying problems.

The local AI should be updated annually.

WHAT SHOULD BE ANALYZED?

- 1) Provisions of financing assistance for residential real property purchases, construction, improvements, repairs, or maintenance of dwellings;
- 2) Terms, conditions, or privileges of sale or rental of dwellings;
- 3) Advertising with respect to sale or rental of housing;
- 4) Realtor practices;
- 5) Appraisal practices;
- 6) Access to any multiple listing service, real estate brokers' organization, or facility relating to the business of selling or renting dwellings;

- 7) Administrative policies concerning community development and housing activities, site selection policies, local code requirements, local zoning requirements, and other local housing construction requirements;
- 8) Results of actions undertaken by the grantee to remedy problems identified by the analysis of the above seven (7) areas or identified in a court suit or finding of noncompliance by HUD, OCRC, or OHCP.

WHERE SHOULD THE AI BE KEPT?

Grantees are required to have a local comprehensive analysis of impediments to housing choice available upon request. A copy of the local AI should be maintained in a centralized location- preferably with the other fair housing program records.

SUGGESTED FORMAT FOR ANALYSIS OF IMPEDIMENTS

Introduction/General Summary of Analysis

Who Conducted

Methodology Used

How Funded

Findings

Conclusions

Jurisdictional Background Data

- A. Demographic Data,
- B. Income Characteristics
- C. Employment and Transportation Profile
- D. Housing Profile
- E. Maps

Evaluation of Jurisdiction's Current Fair Housing Profile

- A. Existence of fair housing complaints, or compliance reviews, or where the Secretary has issued a charge of discrimination
- B. Existence of fair housing discrimination suit filed by the Department of Justice
- C. Identification of other fair housing concerns or problems

Identification of Impediments to Fair Housing Choice (in each area identified in the 24 CFR 904(c) standard)

- 1. The Sale or Rental of Housing
- 2. Provision of Housing Brokerage Services
- 3. Provision of Financing Assistance for Dwellings
- 4. Public Policies and Actions Affecting the Approval of Sites and Other Building Requirements Used in the Approval Process for the Construction of Publicly Assisted Housing

5. The Administrative Policies Concerning Community Development and Housing Activities, such as Urban Homesteading, Multifamily Rehabilitation, and Activities Causing Displacement, which Affect Opportunities of Minority Households to Select Housing Inside or Outside Areas of Minority Concentration
6. Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD regarding assisted housing within a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to help remedy the discriminatory condition, including actions involving the expenditure of funds made available under this part.
7. Assessment of Current Public and Private Fair Housing Programs/Activities in the Jurisdiction

Conclusions and Recommendations

Signature Page

- A. Chief Elected Official
- B. CDBG Program Administrator
- C. Chairperson, Citizen Advisory Group/Task Force
- D. Housing Program Administrator

SUGGESTED COMPONENTS OF THE ANALYSIS OF IMPEDIMENTS

1. IDENTIFICATION OF FAIR HOUSING CONCERNS/PROBLEMS

- a. Information on relevant public policies/practices regarding zoning and building codes and the impact, if any, on the achievement of fair housing choice.
- b. Information on institutional practices in the real estate community as they relate to buying, selling and house rentals that may affect the achievement of fair housing choice within a jurisdiction, i.e., housing/loan rental application procedure, forms used, residential residency requirements, approval procedure for loans and insurance, types of advertising used by the real estate and lending industry, types of real estate multiple listing services, factors used in home appraisals, and locations of mortgage loan approvals by race, ethnicity, gender etc.
- c. Information on the nature and extent of fair housing complaints, violations or suits against the jurisdiction.
- d. Information on the degree of segregation, incidents of racial violence. Also, information on any CDBG contract conditions placed on the jurisdiction or any failure of the jurisdiction to comply with its fair housing certification.
- e. Data available from newspapers, other print media, law journals, fair housing groups, housing counseling agencies, local HUD office, etc.

2. DEMOGRAPHIC DATA AND INCOME CHARACTERISTICS

- a. Actual number and percentage of persons in the grantee's jurisdiction by race, color, sex, national origin, age, handicap, and familial status. Income characteristics, i.e., median income of households, by race, color, sex, national origin, age, handicap and familial status.
- b. Data available from 1990 Census, community surveys, Housing Assistance Plans, and Comprehensive Homeless Assistance Plans, and CHAS.

3. EMPLOYMENT AND TRANSPORTATION PROFILE

- a. Listing of employers, by type, and the number of people employed within the jurisdiction, by salary bands and racial group, ethnicity, gender etc, Identification of growth trends, if any.
- b. Listing of major forms of transportation. Identification of access to adjacent job centers.
- c. Data available from 1990 Census, local planning and transportation offices, major employers, and private surveys, if any.

4. HOUSING PROFILE

- a. Total number of housing units in the grantee's jurisdiction noting type (multifamily/single family), cost, condition of housing, level of accessibility and whether occupied or vacant. Identification of vacancy rate.
- b. Data available from 1990 Census, local planning office, local housing agency and private surveys, if any.

5. MAPS

- a. Location of housing for persons with disabilities (Le., group homes, independent living complexes, etc.)
- b. Racial housing patterns
- c. Housing costs and vacancy rates
- d. Location of proposed housing, including price range, subsidized or private
- e. Location of Industrial and Commercial Development and Areas Expecting to Undergo Revitalization
- f. Location of Major Employers and Mass Transportation Routes
- g. Areas of Minority Displacement
- h. Central Business District

6. IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE (for each of the areas identified in the 24 CFR 904(c) review criterion)

a) Sale or Rental of Housing

- (1) Real estate practices such as steering or blockbusting
- (2) Deed restrictions, trust or lease provisions
- (3) Conversion of apartments to all-adult
- (4) Property management firm's "occupancy quotas"

b) Provisions of Housing Brokerage Services

- (1) Exclusion of minority brokers from participation in multiple listing service and real estate brokers' association
- (2) Restricted use of privileges, services or facilities by all brokers

- (3) Assignment of brokers and areas by racial/ethnic composition of census tracts

c) Provisions of Financing Assistance for Dwellings

- (1) Discriminatory lending patterns, practices and disclosures
- (2) Discriminatory Appraisal and Underwriting Practices
- (3) Disinvestment and Redlining Practices
- (4) Racial credit steering

d) Public Policies and Actions Affecting the Approval of Sites and Other Building Requirements Used in the Approval Process for the Construction of Publicly Assisted Housing

- (1) Equalization of Municipal Services
- (2) Local Zoning Laws and Policies
- (3) Land use policies, exclusionary zoning and displacement
- (4) Sites for subsidized housing by census tracts
- (5) Make-up of planning and zoning boards (list of member names)

e) The Administrative Policies Concerning Community Development and Housing activities such as Urban Homesteading, Multi-family Rehabilitation, and Activities Causing Displacement, which Affect Opportunities of Minority Households to elect Housing Inside or Outside Areas of Minority Concentration

- (1) Displacement
- (2) Revitalization of neighborhoods
- (3) HOME Investment Trust Funds
- (4) Revolving loan funds for property repairs
- (5) Property tax increases
- (6) Demolition of subsidized housing

f) Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding by HUD regarding assisted housing within a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient

to help remedy the discriminatory condition, including actions involving the expenditure of funds made available under this part

- (1) Development and implementation of a fair housing information program for municipal officials, and employees having duties related to fair housing, zoning, planning, assisted housing and community and economic development.

7. IDENTIFICATION AND DESCRIPTION OF EXISTING PROGRAMS, SERVICES, AND ACTIVITIES THAT ASSIST IN THE PROVISION OF FAIR HOUSING

- a. Church, civic and community groups as well as local government
- b. Fair housing groups, housing groups, commissions representing persons with disabilities and civil rights organizations
- c. Community Housing Resource Boards

8. IDENTIFICATION OF DATA SOURCES

In developing the AI, the jurisdiction should include those groups which represent special interests, such as handicapped or disabled commissions, civil rights commissions, and low-moderate income representative groups, and those which are active in the housing arena such as fair housing organizations, tenants' rights organizations, and housing advocacy groups to assure that the needs of all citizens are addressed in the analysis. This is especially important, since the Fair Housing Act now includes two new protected classes, families with children and the handicapped.

9. DEVELOPMENT OF AN ACTION PLAN

In those instances where the AI identified specific impediments, the jurisdiction should develop an Action Plan with:

- a. Short-Term and Long Term Goals;
- b. A financial plan for accomplishment;
- c. A mechanism for updates;
- d. Insurance that the Action Plan will be implemented regardless of any changes in the locality's administration; and
- c. Commitment from local officials for carrying out the Action Plan.

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING (AI)

Section A: Purpose of the Analysis

The purpose of conducting a study and Analysis of Impediments to Fair Housing (AI) is to identify impediments to fair housing and to develop strategies to eliminate these impediments. The AI serves as a basis for plans and actions that a community undertakes to meet the requirement to "affirmatively further fair housing". It should contain essential and detailed information.

Before a community can carry out actions to affirmatively further fair housing, it must become aware of the fair housing problems that exist for its citizens and the resources that are available (or might be obtained) to combat these problems. Without this knowledge, actions to affirmatively further fair housing will fall seriously short of the target. The analysis of impediments to fair housing should provide this knowledge.

The analysis should focus on identifying impediments to fair housing for all persons, but particularly for all person regardless of race, color, national origin, family status, or disability. The analysis should focus, also, on any other classes of persons protected by local legislation.

The following goals are fundamental to a viable fair housing effort:

- to obtain information on fair housing related problems
- to obtain a realistic, comprehensive strategy of actions
- to implement these action with an optimal frame for each objective to be served
- to have the strategy adopted by legislation

Section B: Maximizing Resources.

The first step is to establish effective, on going relationships with all elements of the community that influence or have concerns about housing issues. There should be a clear and continual process for exchange of concerns and ideas. At the head of this network of exchange should be the chief elected official of the community. He or she has the ultimate responsibility for meeting the affirmatively furthering fair housing.

This official should assure that regular contact and working arrangements are created and maintained with:

- Other fair housing organizations regional area
- Other governments in the regional area
- Advocacy groups and organizations that have among their concerns the needs, including housing needs, of particular segments of the populations, such as persons with mental disabilities, motor impairments, visual or hearing impairments, specific racial or ethnic group problems and needs, homeless persons, etc.
- Housing provider representatives, in particular those who are aware of and can speak to the problems of providing moderate and low-cost housing in the community; representatives of multi-family housing landlords/owners, etc. Banks and other financial institutions that can provide loans and other financial support to strategies designed to improve conditions in areas of the community where conditions have deteriorated well below those with such problems, etc, with the aim to reduce the differences between such areas.
- Educational institutions, including administrators and teachers who can assist in developing educational activities for delivery in formal educational settings
- Other organizations, as identified by grantee staff or other sources, that can provide information, ideas or support in identifying impediments to fair housing and developing and implementing actions to address these problems.

There is not a single best process to adopt to develop an on going network of organizational relationships. The goal is to assure that open exchange of ideas and effective cooperation occurs.

This Fair Housing Committee should be established by the chief elected official of the community and made up of representatives of the above-described elements of the community. This committee:

- Should have clearly articulated responsibilities and objectives.
- Should have workable procedures that accommodate the views of the wide variety of groups that it represents
- Provide a means for input from representatives with limited time to meet and deliberate, review written materials, etc.
- Provide for convenient meeting places and times for all who are expected to participate
- Provide a process for conflict resolution and for making ultimate decisions.

The structure of the committee can assist that achievement of these features. For example, the structure might be a series of committees each focusing on a segment of the fair housing related problems in the community. Dividing the overall tasks into manageable segments permits persons with limited time to participate and make a substantive contribution.

Once the analysis is completed, the committees can develop proposals for actions, based on the findings of the analysis, to address the problems. Once the problems are actions are identified, the committee could continue to meet to oversee that implementation of the fair housing plan. Solutions may involve long term and short term actions.

Section C: Identifying Impediments to Fair Housing

The relationship between housing and nearly all other aspects of American life is so strong, a grantee, should examine a wide array of issues in order to identify and address impediments that exist to fair housing. Grantees may not be able to research impediments in all areas at one time. Those people who plan a key role in developing a plan for the analysis should strive to reach a consensus as to which areas should be looked into first and create a time frame for completion of the analysis of all areas in need of study.

The scope of analysis should be broad. The analysis should cover the full array of public and private policies, procedures and practices that affect housing choice and citizens attitudes that help to shape and buttress these policies.

Those in the grantee's community who are responsible for conducting the analysis should attempt to determine whether the impediments they have identified are the result of illegal discrimination or are apparently neutral factors that have the effect of limiting choices in housing for one or more specific groups of citizens. Understanding the origins of a problem is important in planning and designing measures to overcome it.

All CDBG grantees have looked at some of the problems and devoted efforts to an analysis of their nature, extent and possible solutions. Since 1974, for example, entitlement grantees have developed housing assistance plans to guide the use of federally assisted housing resources. This requirement has been expanded and today, under the provisions of the National Affordable Housing Act (NAHA) of 1990, grantees must develop a Comprehensive Housing Affordability/Improvement Strategy (CHAS/HOUSING STUDY). Many of the fair housing related problems revolving around the provision of housing choice through low and moderate income housing for minorities, families with children, and person with disabilities should be incorporated by reference in the grantee's larger analysis of impediments to fair housing.

Some grantees have looked beyond the lower income housing need aspects of impediments to fair housing to focus on problems of fair housing enforcement, education, and outreach. All grantees have undertaken activities, some limited in scope and others substantively quite varied, to promote fair housing. Very few grantees have carried out an effort to identify and describe, in a comprehensive manner, all of the most important barriers to fair housing that exist in their communities for all classes of citizens protected by Federal, State, or local laws. It is likely that most grantees are not fully aware of the variety of studies that other organizations may have carried out concerning housing or fair housing conditions in the grantee's community.

HUD regulations in Title 24 list the areas that a grantee's analysis of impediments must include in undertaking an analysis effort if HUD is to consider the analysis comprehensive. The following discussion covers each of these areas in detail to assist the grantee to decide:

- What impediments to fair housing exist in the grantee's community
- The extent to which each impediment has either already been analyzed sufficiently or is in need of initial or further analysis
- Which impediments are more severe and what the order of priority should be for studying and analyzing those that are in need of initial or further analysis, if analysis of all impediments cannot be accomplished during a single period of time
- What actions have been taken in the grantee's community to affirmatively further fair housing, which are effective and which actions should be continued, changed, or strengthened.

As the grantee considers what steps have been taken and what remains to be done, the matters to explore include the previous accomplishments in the community and region.

Completed Studies

The grantee should examine studies that have been completed in its community that relate to fair housing. If a grantee has undertaken a study, either directly or indirectly through a contract with another entity, presumably grantee staff is fully aware of the study and the grantee should assure that actions resulting from the study are appropriate in light of the findings and recommendations.

A wealth of information could exist from research the grantee has already conducted and can be used as a basis for building a fair housing action plan.

Prior and Current Actions

The grantee should review all activities and studies underway.

Current Relationships

A grantee should examine the current organizational relationships that exist in the community specifically to promote fair housing goals. Researchers found that one common element of nearly all the grantees contacted is a lack of knowledge about all of the endeavors that might be going on in a grantee's community and region and their strengths and weaknesses. This is a principle reason why having a clear understanding of organizational relationships and how they work together, or fail to do so, is so important. The grantee should be at the center of knowledge and serve as a clearinghouse of information about and evaluation of all fair housing activities in its jurisdiction and in other nearby jurisdictions.

Organizational relationships are important from another perspective as well. May fair housing objectives cannot be served fully within the confines of a central city jurisdiction or a single county. Grantees that do not currently participate with other nearby jurisdictions in efforts specially designed to broaden the geographic base and impact of fair housing initiatives should give serious consideration to designing and implementing a plan for this purpose, as part of their overall affirmatively furthering fair housing strategy.

Private Market Issues

This section focuses on private market policies, procedures, and practices that impact on the availability or quality of housing. Under this broad umbrella are many specific aspects of the grantee's housing market that should be examined to determine whether fair housing objectives are being served. These include:

- The sale or rental of housing
- The provision of brokerage services
- The provision of financing assistance for dwellings

Sale or Rental of Housing

Restrictive covenants, recorded in deed or placed in other documents, which restrict purchase or occupancy on the basis of membership in a protected class are illegal and unenforceable except in the limited situations specified under Title VIII of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988. Where a local jurisdiction continues to record deeds with racially restrictive covenants, the jurisdiction is open to a finding that such an act is discriminatory. While such covenants are clearly unenforceable, they nonetheless should be purged from the files or a statement appended to each such deed indicating that any such covenant is clearly invalid.

Multi-family housing complexes currently restricted to, or planned specifically, for "adult only" occupancy may not be in compliance with the requirements of the Fair Housing Amendments Act of 1988 and HUD implementing regulations. Grantees should be aware of these requirements and whether all multifamily complexes in their jurisdiction that are covered by the requirements of this Act are conforming to HUD regulations.

Few jurisdictions require reporting on tenant characteristics in rental housing complexes. However, it can be a significant means-of furthering fair housing. It can deter discriminatory rental and sales practices as well as indicate which housing providers might be audited to determine if discriminatory practices are occurring.

Questions to be Explored in the Sale or Rental of Housing

Is there evidence of racial steering or blockbusting by real estate brokers, or other elements of the private housing industry, as indicated in fair housing complaints, audits, or other sources originating in the grantee's community or surrounding jurisdictions?

- Is there evidence of restrictive covenants, trusts or lease provisions in use in the community that would exclude sale to, or occupancy by, a particular group of potential buyers or renters based on membership in any of the protected classes?
- Are covenants that contain such restrictions recorded in deeds on file in the grantee's deeds recordation office?
- Is there evidence, from complaints, audits or other sources, that landlords of privately owned rental housing, or their management agents, are limiting occupancy in multifamily housing complexes through use of occupancy quotas based on membership in any of the protected classes?

- Are, or have there recently been, incidents of negative community attitudes resulting from moves by minorities into nonminority, white neighborhoods, or vice versa? Moves by persons with disabilities into, for example, groups homes in certain area?
- Does the grantee have a regular program to collect summary data from landlords and managers of rental housing on the racial, ethnic, gender, and familial and disability status of tenants and applicants for rental housing in the grantee's jurisdiction?
- Does the grantee use this information in connection with fair housing audits of rental housing, as a part of its fair housing enforcement or education and outreach efforts?
- Does the grantee collect similar information from lenders, brokers, and subdivision sellers on applicants for mortgage loans, brokerage services, or home purchases?

Provision of Brokerage Services

The services that brokers provide to potential homebuyers are critical to fair housing because brokers are often the first and most important contact the buyer has in the housing market, as consideration of housing type, location, and financing arise. Few communities have eliminated all broker practices that restrict fair housing choice; thus this is an area in need of careful examination.

Questions to be Explored in the Provision of Brokerage Services

- Have the brokerage firms in the grantee's community carefully examined their business relationships with mortgage lending institutions to assure that these institutions do not restrict their lending activities to certain areas- of the community?
- Do the formal training and licensing requirements for real estate brokers that are applicable in the grantee's jurisdiction and surrounding jurisdictions include a requirement for training in and demonstrated knowledge of all applicable fair housing laws?
- Is there any evidence that minority brokers are excluded from participation in multiple listing services in the grantee's jurisdiction or surrounding areas?
- Is there any evidence that minority participants in real estate brokers associations is excluded or restricted? Participation by persons with disabilities? Participation by women?
- Is there evidence that real estate brokerage services are assigning brokers based on the race or ethnicity of the brokers and the racial or ethnic composition of neighborhoods in which brokers operate?

- Are the opportunities for minority persons and persons with disabilities to become brokers as available as opportunities for nonminority white and non-disabled persons?
- Are there specific programs to attract minority and disabled persons to careers as brokers and to provide training and other assistance for this purpose?
- Are the boards of real estate brokers in the grantee's jurisdiction and nearby jurisdictions signatory to a voluntary affirmative marketing agreement (VAMA) with HUD?

Provision of Financing Assistance for Dwellings

Until very recently, mortgage lending and real estate appraisal policies and practices were openly discriminatory. Decisions as to property values, lending criteria and related factors frequently rested on the race or ethnicity of the applicant and the racial or ethnic identity of the neighborhood in which the subject property was located. Lending policies and practices also treated applicants differently based on gender. Because of the close relationship between mortgage lending and appraisal activities, the policies and practices in one area significantly impact those in the other area.

Appraisal and lending criteria that look at age, size or minimum value of a dwelling in light of "Stability" factors such as whether the neighborhood is homogeneous or changing culturally or socially may be more recent iterations of previous policies and criteria that referred openly to neighborhood stability or change in terms of racial characteristics. Inadvertent discrimination may result from the application of these criteria or from a variety of other factors, some of which may be very difficult or impossible to detect in a fair housing audit by a regulatory agency.

Lending policies and requirements related to credit history, current credit rating, employment history, and general character of applicants permit lenders to use a great deal of discretion and in the process deny loans even though the prospective borrower would have been an acceptable risk.

In October, 1992, the Federal Reserve Bank of Boston released a study of 131 Boston area lenders that shows that the subjectivity built into the loan process is a principal cause of discrimination in lending. The study showed that discrimination occurs when similarly situated borrowers have credit flaws. For white, "compensating factors" are considered that result in loan approval ; much higher rate than for blacks or Hispanics (chance of denial was almost 60 % higher for the latter 2 groups of potential borrowers.)

Studies such as this clearly point to the need for affirmative action by lenders themselves to look at their policies and practices and change the manner in which judgements are made by every person that plays a role in the lending process.

Lenders may apply different terms for different applicants, or for dwellings in different neighborhoods. Frequently, the terms offered to black or other minority borrowers have been less favorable than those offered to nonminority white borrowers. Often, however, the less favorable terms have been the only ones available in the neighborhoods in which the minority borrowers reside, or in which the dwellings they plan to purchase are located. These most

often have been minority neighborhoods. Often also, the limited lending options available in such neighborhoods have been offered by lenders who only operate in such areas.' Because many of the larger banks or savings and loan institutions in a city would not make loans in such areas, minority borrowers could not benefit from competitive loan offerings available in the larger market.

Pre-screening processes that are not documented by a written record are another means by which lenders may treat applicants for loans differently. Those not passing the pre-screening "test" will not appear in lender files as applicants, because no application would be filed.

Finally, in many cities lending policies continue that result in denial of mortgage or home improvement loans because of the neighborhood location of a dwelling. Relining practices and decisions by former neighborhood based banking and savings and loan institutions to withdraw banking services from certain neighborhood are the major underlying cause of residential neighborhood deterioration.

Because bias -- including the bias of wanting to do business only with the type of clientele the bank or other lending institutions has traditionally served and therefore knows -- is so ingrained in the perceptions about "acceptable" borrowers that lenders and appraisers must take affirmative steps to:

- Review every standard, criterion and policy
- Rewrite those standards, criteria and policies that appear to be carryovers from openly race based appraisal and lending practices
- Train all staff responsible for lending and appraisal activity
- Monitor implementation of the new policies and criteria to assure that personal biases do not distort the intended effect of the new standard, however inadvertent that effect might be

Questions to be Explored in the Provision of Financing Assistance of Dwellings

Is there evidence of discrimination in mortgage lending, property appraisal, home improvement loan or other housing related policies, standards and procedures used by lenders and appraisers in the grantee's jurisdiction or nearby jurisdiction?

- What is the evidence and what specific types of problems does it indicate?
- Have lenders, appraisers and private mortgage insurers operating in the grantee's area carefully examined their policies, procedures and practices to determine where differential treatment based on race and ethnicity occurs?
- Where lenders, appraisers or private mortgage insurers have removed old policies, standards and procedures because of their association with discriminatory antecedents, have they adopted new policies, procedures and standards for:

✓ Loan origination

- ✓ Loan processing
 - ✓ Assessing borrower credit worthiness
 - ✓ Appraising the value of the collateral and selecting appraisers
 - ✓ Underwriting decisions
 - ✓ Providing private mortgage insurance and selecting a private mortgage insurer
- Are loan officers, other lending personnel, appraisers and private insurer staff fully trained in how to apply the new policies and standards and aware of the reasons they have been developed?
 - Do lenders, mortgage bankers, appraisers and private mortgage insurers in the area regularly monitor the application of these new policies and standards to determine if they are followed as intended?
 - If lenders and mortgage bankers hire fee appraisers, or refer customers to an approved list of appraisers, do lenders set clear requirements regarding the standards that are acceptable to the bank that appraisers and private mortgage insurers should use?
 - Do lenders and mortgage bankers disclose the full appraisal report to the borrower?
 - Do lenders and mortgage bankers use a pre-screening process and, if so, do they document the results, place the documentation in the applicant's file and make the document available to the applicant?
 - Do lenders and mortgage bankers examine their conventional mortgage and home improvement loan profiles to determine whether they are neighborhoods that are under represented or not represented in these profiles?
 - Do lenders and mortgage bankers use the population and housing characteristics data that is available from the federal financial regulatory agencies for this purpose and their Home Mortgage Disclosure Act (HMDA) data?
 - Do lenders and mortgage bankers compare the home improvement loan profile to the mortgage loan profile to determine if the former, which is usually a short term consumer loan, is made more frequently to minorities in minority neighborhood and to homeowners in mixed neighborhoods than mortgage loans?
 - Does the grantee regularly monitor reports of financial institutions subject to Home Disclosure Act (HMDA) Community Reinvestment Act (CRA)?

- If so, what are the results and does the grantee act upon this information in any specific way?
- For example, does the grantee use this information as an incentive by depositing grantee funds in banks with the best performance records?
- Do any lending institutions aggressively market the availability of mortgage and home improvement loans in minority neighborhoods and encourage minorities to apply? In. nonminority neighborhoods? In low and moderate-income neighborhood?
- If so, do these institutions provide such loans in all areas of the community, or only in minority neighborhoods?

Decisions

What specific steps should the grantee take based on an examination of sales and rental practices including real estate broker practices, e.g. adoption and dissemination of anti-redlining or anti-blockbusting policies establishing reporting requirements for housing providers in the grantee's jurisdiction; establishing a stronger public education effort regarding the protection under fair housing laws; other actions?

- What steps should the grantee take to promote specific efforts to make brokerage services more inclusive and fully consistent with the requirements and objectives of fair housing laws?
- What steps should the grantee take to promote cooperative efforts with other nearby communities to foster open and fair sale and rental practices and services on a metropolitan or other region-wide basis?
- What specific actions should the grantee take regarding restrictive covenants, leases, or other restrictive provisions that have been recorded in deeds or appear to operate in single-family housing developments, condominiums or rental complexes?
- What specific actions should the grantee direct to the lending and appraisal industries to promote fair lending and appraisal self-monitoring programs, revisions to lending and appraisal policies, procedures and standards, and training of lending institution officers and staff?
- What steps has the grantee developed and implemented to foster conventional lending services in under-served neighborhood ?

Public Policies

This section focuses on public policies and actions and grantee and other public entity administrative policies, procedures and practices concerning community development and housing activities that affect:

- The availability of affordable housing for lower income families and individuals
- Opportunities of minority households to select housing inside or outside areas of minority concentration
- Opportunities of person with disabilities to select housing in a as integrated a setting as possible in the community.
- These include:
 - ✓ Grantee policies, plans and administrative procedures geared toward equalization of municipal services and revitalization of declining and deteriorated neighborhoods; public policies and provisions regarding displacement from such areas; policies and programs creating and strengthening minority small business enterprise to enhance the viability of minority neighborhoods; programs focusing on job creation, training and other job related initiatives that attempt to link jobs and housing in order to increase housing choice and employment for lower income households.
 - ✓ Efforts to identify and address housing needs of specific groups within the community's population that might not have been recognized, as yet.
 - ✓ Local land use regulations including zoning requirements and policies.
 - ✓ Citing of public housing and other publicly assisted housing including group homes for persons with disabilities; policies, procedures and practices that affect where housing is, or will be located that:
 - will receive funding from the HOME program
 - is multifamily housing under consideration for rehabilitation loans or grants; procedures for selecting households or properties to benefit from revolving property repair loan funds
 - ✓ Grantee, public housing authority and sub-grantee policies and procedures for selection individuals and families to receive the benefits of federal, state, or locally publicly assisted housing programs that provide rental or ownership opportunities for lower income persons.
 - ✓ Policies and procedures regarding displacement and relocation that may result from demolition of subsidized housing.
 - ✓ Policies regarding property tax increases and tax relief.

- ✓ Policies and procedures for the selection of members of planning boards, zoning boards, public housing authority boards, etc.

Municipal Services, Revitalization, Employment-Housing Linkage

Public services include schools, recreational facilities and programs, social service programs, park, trash collection and street cleaning, crime prevention and police protection activities.

Focusing on the provision of goods and services, to areas that contain low and moderate income families promotes fair housing because blacks, Hispanics and minority populations, who are most concentrated in such neighborhoods, will benefit from better neighborhood environments which are so critical to good housing. Compiling these strategies with efforts to increase low and moderate income housing in areas where such housing is very limited or non-existent is the most desirable overall approach to increasing food housing choices for lower income households.

A locality might design a strategy to enhance poorer neighborhoods where magnet school programs are placed in order to attract families of a variety of racial and ethnic groups as renters and owners of vacant and available housing in these areas. A locality might target better services to such neighborhoods where economic development efforts, creating jobs and enhancing small business opportunities, are underway. A better overall living environment buttresses economic objectives.

Urban universities in various cities have undertaken revitalization efforts in lower income neighborhoods surrounding university boundaries in order to maintain the vitality of the university and turn around decline in nearby areas.

Key to the fair housing success of such efforts is preservation of housing opportunities for low and moderate income households that wish to remain in the area; minimizing permanent displacement but also making available housing opportunities in other viable neighborhoods, especially in nonminority neighborhoods, for households that are displaced; and involvement of neighborhood residents in the planning and implementation phases of the project.

Initiatives to revitalize neighborhoods are severely constrained without the willingness of financial institutions to invest in declining and deteriorated neighborhoods. the presence or absence of banking services to provide home improvement loans, mortgage loans, as well as the usual day-to-day banking services is critical to bringing back the viability of a neighborhood. Many lower income neighborhoods deteriorate because adequate banking services have not been provided in, or have left the area.

As is indicated in the discussion of financing of home purchase or repair, the actions of financial institutions are often rooted in attitudes about the profitability of investments in such areas; attitudes based more on lending traditions than on solid information about business prospects. Revitalization of such neighborhoods must include establishing a full array of such services in convenient locations throughout the neighborhood. Lenders who have taken these steps have learned that significant business opportunities await the institution that reaches out to serve the pent-up demand in these areas.

Economic development policies and strategies to promote opportunities for lower income persons in or near neighborhoods in which lower cost housing is available can be a significant part of a comprehensive approach to furthering fair housing objectives. However, grantees must not focus solely on linking such efforts in inner city neighborhoods and may call for cooperative efforts among several jurisdictions. As noted earlier, an acceptable fair housing strategy must focus on expanding housing opportunities for minorities beyond areas in which they have traditionally resided. Tying expanded housing opportunities to job opportunities not only helps lower income families. Many localities experience a shortage of persons needed to fill, jobs in public services as well as private sector service and other businesses. Provision of lower income housing assistance these areas to meet employment needs.

Finally, the extent of housing need, and the type of problems creating these needs differ widely among grantees. Grantee should address these issuers in the HOUSING STUDY, and cross reference the HOUSING STUDY, as appropriate, in the analysis of impediments to fair housing.

Questions to be Explored

- Does the grantee have a strategy to revitalize or enhance lower income neighborhoods that looks to all possible resources including private investment strategies, such as those developed by banks and other financial institutions to meet the objectives of the Community Reinvestment Act (CRA)?
- Does the grantee's strategy include a program to encourage expanded lending activity in such areas -- for housing, small business enterprise and job development or expansion -- by requiring reports of lending activity, publishing results and offering deposits of grantee funds -as an incentive to increase lender investment?
- For example, does the grantee have a formal CRA strategy that rates lender reinvestment activity, select depository of grantee funds based on these ratings and negotiate specific lending agreements for specific neighborhoods?
- If the grantee has undertaken a strategy, what are the results and what additional efforts, if any, should be made?
- Are there specific groups within the grantee's jurisdiction that have more severe problems obtaining adequate housing that other groups in the same income range because of, for example, language barriers, physical o mental disabilities, or other conditions that might affect one's ability to secure safe, decent housing?
- What financial resources are available to the community, from outside sources and those within the grantee's jurisdiction, to fund low and moderate income housing and other facilities to revitalize deteriorating neighborhoods (for profit as well as non-profit resources)?
- What types of funding mechanisms have been successful and why?
- What might the grantee learn from efforts in other communities and what sources of information are available?

- What efforts have the grantee and other entities in the grantee's community and in surrounding communities made to link job creation initiatives with improved and more broadly distributed housing opportunities for lower income persons; in particular, minorities and persons with disabilities?
- What are the results of these efforts?

Decisions

- What specific changes should the grantee make in its policies and procedures, other than in zoning or building codes, to promote a greater neighborhood variation in the location of lower income housing?

Land-use (Zoning); Site Selection Issues

Grantees should review their land-use regulations to determine the extent to which the zoning authorized through such regulations prevents development of low and moderate income housing within one or more areas of the grantee's jurisdiction. Zoning is exclusionary that permits only single family development or requires minimum lot sizes that, in effect, preclude multifamily housing complexes or that contain other features that make low and moderate income housing, including shelters and group homes, difficult or impossible to develop or locate (in existing housing) in certain neighborhoods or communities within a grantee's jurisdiction.

New residential developments can offer affordable housing units and a desirable residential environment if innovative site and housing design techniques are used to reduce land development and unit construction costs. Clustering of attached and detached units, zero lot line and planned unit development are techniques to achieve this objective. Many cities have used these techniques, in place of conventional site development, to lower housing costs and provide for a wider variety in dwelling types even where land costs are high and vacant land suitable for residential development, scarce.

Local government policies that exclude group homes or other housing for homeless from certain residential areas may violate the provisions of the Fair Housing Amendments Act of 1988 because of the potential for discriminatory impact on persons with mental disabilities or because those who are homeless are predominantly minority in particular cities. Building codes that require certain amenities or setbacks also affect the feasibility of providing low and moderate income housing development.

Even where zoning or other government policies are permissive, neighborhood residents often resist placement of certain types of housing in their area. The attitude of local government officials, public pronouncements of general policy and careful planning and implementation of individual housing efforts by the housing provider are key aspects of overcoming resistance of this kind.

Placement of new or rehabilitated housing for lower income persons is one of most controversial issues communities face, but the goal must be placement in a wide variety of areas, and avoidance of concentrations of low income housing, if fair housing objectives are to be achieved. Whether the persons to be served are members of families with children, persons with mental impairments, homeless, or other lower income persons, strong attitudes exist in

various components of many communities that housing for such persons should be provided but "not in my backyard (NIMBY)." This attitude seriously affects the availability of housing for lower income persons and is probably the most difficult challenge grantees encounter in promoting fair housing objectives.

HUD has regulations governing the selection of sites for certain HUD-assisted housing programs. These regulations are flexible, and express the goal previously stated. Grantees should strive to meet the intent and spirit of these regulations in providing or approving sites for all of the low and moderate income housing developed in the community.

Where revolving loan funds are used in connection with the rehabilitation of existing vacant housing to be made available to lower income households, selection of single and multifamily properties should be made in as wide a variety of locations as necessary to assure as much choice as possible for lower income minority households outside, and not only inside, minority neighborhoods.

Questions to be Explored

- What is the impact on lower income housing of the grantee's zoning ordinances and building codes?
- Could these regulations be changed to provide for more inclusive housing development plans that provide for lower income housing as a part of housing developed for families with incomes above the lower income levels?
- Are there court decisions or settlements which affect the grantee's zoning ordinances, building codes or other policies and regulations relating to the provision of housing for lower income households and persons with disabilities?
- What is the result of these decisions or settlements and have all legal requirements been met?
- Has the grantee adopted policies and procedures that promote the placement of new or rehabilitated housing for lower income households (including housing for minority families with children; and families or individuals in need of housing accessible to persons with physical disabilities or designed for persons with mental impairments) in the full spectrum of neighborhoods that exist in the grantee's community?
- Are there concentrations of low and moderate income housing in one or more areas of the grantee's jurisdiction?
- Are the current policies promoting this pattern, or exerting a neutral effect in the face of such concentrations?
- What specific steps will the grantee take to strengthen the fair housing aspects of community revitalization activities in poorer neighborhoods through equalization of services, revised displacement policies?

- What specific changes should be made in the grantee's zoning or building ordinances to foster the inclusion of housing for lower income households in housing developments for households with higher incomes?

Tenant Selection; Housing Choices for Certification and Voucher Holders

The Section 8 Existing Housing Certificate and Voucher Programs, and local programs similar in structure, can be positive catalysts for fair housing choice. However, the Public Housing Authority that administers these programs must undertake specific efforts to move the programs towards this objective. An examination of the results of these programs is one step in determining what efforts may be needed.

This examination should look not only at the extent to which non-resident certificate and voucher holds are becoming residents through the inter-jurisdictional mobility features of these programs. More importantly, the grantee and PHA should examine the racial and ethnic makeup of neighborhoods and multifamily apartment complexes in which participating households are residing to determine whether such households appear to have had real choices to select housing in nonminority and integrated neighborhoods and buildings or are concentrated in a manner that perpetuates concentration in minority neighborhoods and minority-occupied buildings.

Questions to be Explored

- Is there a pattern, in one or more assisted housing developments, of concentration of tenants by race or ethnicity?
- Do the tenant selection policies and procedures of HUD-assisted multi-family housing providers, including the PHA, exclude -- or limit the participation of -- persons with disabilities in one or more types of housing developments they manage?
- If the answer to either of these questions is yes, are the policies and procedures in use consistent with the requirements of federal , State and local law and HUD regulations and guidance?
- What are these policies and procedures and how do they specifically affect the manner in which applications for housing are treated, and applicants are rejected or selected as tenants?
- If any housing provider has been found in noncompliance with one or more civil rights laws or regulations, has the provider initiated appropriate corrective actions?
- Are there any court suits involving the tenant selection and assignment policies and procedures of any of these providers?
- If court order(s) relate to tenancing practices, what is the status of actions to comply with the orders) and what are the results?

- If there are concentrations of racial or ethnic groups in one or more public housing developments, has the PHA undertaken any efforts designed specifically to desegregate these developments (e.g., changes to the PHA's tenant selection and assignment plan; participation in HUD's Public Housing Affirmative Compliance Actions Program)?
- What is the location pattern of minority and nonminority certificate and voucher holders (by family type) who rent units under the Section 8 Certificate and Voucher Housing Assistance Programs?
- Are minorities located primarily in minority neighborhoods and Whites in predominantly white neighborhoods regardless of family type (e.g., large family, small family, elderly family)?
- If the answer to the previous questions is yes, what specific step does the local PHA take to promote housing choices for certificate and voucher holders?
- Can certificate and voucher holders use the certificates and vouchers they receive from the local PHA outside the PHA's geographic jurisdiction? Does the PHA assist certificate or voucher holders that have received their certificates or vouchers from other PHA's and who wish to reside in the grantee's jurisdiction? In what ways?
- Does the PHA help certificate and voucher holders to find suitable housing?
- Does this help include providing up-to-date information, to minority homeseekers in particular, about the various facilities and services that are available in all neighborhoods in which housing suitable to the needs of certificate or voucher holders is available? Facilities and services include schools, day care, health and welfare and other social services agencies, employment centers and public transportation.
- Has the Public Housing Agency (PHA) in the grantee's community completed its Section 504 assessment of the need, among households with various types of disabilities, for public housing and plan for providing such housing opportunities, if an unmet need still exists?
- Does the PHA encourage certificate and voucher holders to look for housing in neighborhoods that are not traditional residential areas for the holder in question, and in particular minority certificate or voucher holders?

- Does the PHA assist the search process in any other ways, such as:
 - ✓ Calling to confirm the availability of units located in non-traditional neighborhoods?
 - ✓ Providing a master list of the name and addresses, number of units, etc. of multifamily developments in a metropolitan or other regional area that make units available to Section 8 participants?
- What steps does the PHA take to promote the availability of accessible existing housing resources suitable for Section 8 participant families in which one or more persons are mobility impaired?
- What steps does the PHA take to promote housing choices for certificate a or voucher holders with other types of disabilities?
- Does the PHA provide clear information to all participants concerning their housing rights and the steps they should take, including requesting assistance from the PHA in the housing search, if they believe they have encountered housing discrimination?

Decisions

- If the grantee's analysis of tenancing practices in assisted housing development, should changes or new steps be instituted to promote more inclusive tenancy patterns?
- Should the grantee regular monitor tenant characteristics data for these developments as an indicator of marketing policies, procedures and practices?
- In light of efforts currently made by the PHA, and their results, should other steps be initiated to promote greater housing choice for one or more racial or ethnic group or disabled Section 8 participants?

Sale or Expiring Contracts of Subsidized Housing and Possible Displacement

In the sale or expiring contracts of subsidized housing, the objective should be to preserve lower-income housing opportunities, to the maximum extent feasible. However, if any displacement of current lower income tenants is to occur, then the objective should be to provide other housing opportunities for each displaced household so that each has a real choice to relocate outside, and not just inside, minority neighborhoods or predominantly minority buildings. Because the relocation plan often places heavy or sole reliance on the provision of certificates or vouchers to displaced households, a good PHA program to promote real choice in the use of certificates and vouchers is essential.

Questions to be Explored

- If the PHA, or other assisted housing providers (such as section 8 housing owners) have sold, plan to sell or ended their federal contracts for assisted housing projects, what policies and procedures are in place provide alternative housing to displaced tenant households?
- Are steps being taken to assure that such households are provided a varied choice of replacement housing, in particular so that minority displaced households have an opportunity to select housing outside of areas of minority concentration and not just inside areas?
- Does the grantee have a specific policy with respect to such displacement that the grantee requires housing providers owning assisted housing in grantee's jurisdiction to implement when the "opt-out" or sale of such housing occurs?

Decisions

What policies and procedures should be adopted or changed by the grantee, PHA or other agencies to assure that current tenants in assisted housing projects will be provided opportunities to select replacement housing in a full range of neighborhoods if one or more such projects are to be sold and the tenants displaced?

Should policies and procedures for selecting persons to serve as members on planning boards be changed in order to provide for an overall membership that is more representative of all segments of the community?

- If so, who within the grantee's governing structure is responsible for such selections and what specific steps should be taken to accomplish these changes?

Information Programs

This section focuses on fair housing information programs for municipal officials and employees and for citizens of the community. These include:

- Specific programs for officials and employees having duties related to fair housing, zoning, planning assisted housing and community and economic development.
- Specific outreach, education and information programs to develop a good understanding among civic leaders, educators and other citizens of all ages about the requirements and objectives of fair housing laws and to reduce the adverse affects and force of negative attitudes among segments of the community concerning people who are different racially, ethnically, and culturally or who are disabled.

Specific efforts to change the way programs are administered are essential institutions where determination of unlawful segregation or other housing discrimination have been made by a court; or where HUD has made a finding of noncompliance regarding assisted housing within a grantee's jurisdiction. these programs should describe clearly and completely each of the steps the grantee and other affected administering agencies are undertaking to address the determination or finding. They should emphasize those actions that entail revised or new policies and procedures that represent permanent features of the manner in which grantee business will be conducted in the future in response to court or HUD requirements for corrective actions.

While attitudes of individuals and groups of citizens, whether real or only perceived, are central to the policy issues listed above, a separate effort to focus on the general public's lack of knowledge about fair housing and bigoted attitudes is essential. A comprehensive strategy to affirmatively further fair housing must include a strong and ongoing outreach, education and information component addressed to these problems.

Questions to be Explored

- Has a court determine that housing discrimination has occurred in any aspect of the grantee's community development or housing programs, or the programs administered by the PHA in the grantee's jurisdiction?
- Has HUD made a finding of violation of Title VII Title VI, or Section 504, or regulations implementing these laws, in any federally funded housing or housing related activities in the grantee's jurisdiction?
- If yes, has the grantee designed and implemented all actions necessary to address the court determination or HUD finding?
- Has the grantee assured that all appropriate grantee officials and employees, including sub-grantee officials and employees and PHA officials and employees, as applicable, are fully aware of the required actions and their responsibilities?

- What specific types of actions have been undertaken by the grantee, sub-grantees, and other entities in the grantee's jurisdiction, such as human relations commissions, and other fair housing organizations to provide information to the general public regarding fair housing laws and objectives?
- Are these activities confined largely to Fair Housing Month (April) or is there a comprehensive set of activities going on throughout the calendar year?
- How effective is each of these activities?
- How much do the grantee and other entities interested in and responsible for fair housing initiatives know about creative, effective activities in other communities and who to contact for such information?

Decisions

- Should the grantee undertake specific programs to educate its officials and employees regarding the provisions of a particular court determination or HUD finding and the actions that are or will be underway to address problems found?
- How should these programs be planned and implemented?
- Should the grantee, in cooperation with fair housing organizations and organizations working to promote housing opportunities for particular segments of the community such as racial or ethnic minority groups or persons with specific types of disabilities, develop new outreach, education or information programs and activities?
- If so, what should the specific subject or focus of new efforts be?
- What resources are available to support these efforts?
- Who should design, carry out and monitor these efforts?

Local Laws and Procedures

The focus of this section is on local government laws and procedures to assure housing rights, local policies to support organizations engaged in fair housing enforcement activities.

An effective fair housing enforcement program lies at the heart of a comprehensive program to affirmatively further fair housing. The structure of this program varies among communities but should include a law that is at least equivalent to the Fair Housing Amendments Act of 1988 and provides an administrative procedure consistent with HUD's guidelines.

Beyond these critical components, grantees can take other steps to support fair housing enforcement efforts. One of the most significant steps that grantees can take is to require regular reporting from private owners and landlords, brokers, sellers of subdivision homes and PHA that shows who were interested in housing, became applicants for tenancy or home ownership and who became tenants or homeowners.

As indicated above, reporting can deter discriminatory behavior. Also, however, reporting may be used in determining where auditing might be targeted to determine whether systemic discriminatory practices are occurring.

Questions to be Explored in Local Laws and Procedures

- What is the structure of the process in the grantee's fair housing enforcement program?
- Is it the most appropriate structure and process for the grantee and does it conform to HUD requirements and guidelines and other enforcement programs recognized nationally as a model? Is the enforcement program efficient and effective in providing complainants, and respondents, with a fair process for pursuing and settling fair housing complaints?
- Does the grantee require reports as indicated above and use them in the fair housing enforcement process?

Section D - Format for the Analysis of Impediments

HUD has issued a suggested format for organizing the content of the analysis of impediments. (Appendix 2 of the August 21, 1992, Notice, FHEO 92-5) The recommended format is itemized below:

1. Introduction and General Summary of the Analysis

a. Conduct of the Analysis

Grantees should provide a brief description of the organizations and individuals that conducted the analysis and identify the issues each group or individual participated in reviewing. Grantees should describe the nature and extent of the chief elected official's and the local government's legislative body's commitment to the analysis process and fair housing plan.

Grantees should provide a description of the methodology(ies) used to conduct the analysis include a description of the structure of the process and show which organization or individuals:

- had lead responsibilities to identify impediments and sources of information
- provided information regarding impediments or suggestions for actions to address them
- actually analyzed each problem area, produced findings and recommendations

The grantee may want to provide a chart to demonstrate the organizational structure and "how it operated to obtain input from a broad spectrum of community groups and individual citizens.

b. Funding and Services

Grantees should describe how the analysis has been funded, including specific references to funds or services provided by non-profit organizations, private individuals, colleges or universities, for profit contractors/developers or others along with the funding, staff support or other services provided by the grantee.

c. **Findings**

Grantees should summarize the analysis findings and indicate the section of the report that contains each of the findings listed. In those instances in which the findings fall within the scope of subjects and analysis specifically required as part of the grantee's housing study, provide specific cross references to the study in order that State/HUD reviewers may easily find the discussion of impediments and related findings.

d. **Summary**

Grantees should summarize the analysis conclusions and provide indicators similar to those for finding in item c. above.

2. **Background Data**

The grantee should provide specific types of background data that have served as a basis for identifying impediments and arriving at findings and conclusions. The grantee's housing study should contain some of this data. The organizations and individuals responsible for writing the analysis of impediments must be aware of the specific contents of the housing study so that needless duplication of effort does not occur in researching and preparing statements of data, problems, findings, and conclusions. The grantee's housing study focuses largely on the housing needs of lower income citizens in the grantee's jurisdiction, but in doing so, should identify broad policies and practices that impact on this issue. A grantee's analysis of impediments to fair housing should not simply parrot the data, problem identification and strategies set out in the housing study.

A comprehensive analysis of impediments to fair housing goes well beyond the substantive matters a grantee must cover in its Community Housing study. In the body of the finished product, a grantee should incorporate by reference and attachment the relevant sections of the housing study that contain the exact same background data as that which HUD expects the grantee to consider in the analysis of impediments to fair housing process:

a. **Demographic Data**

Most, if not all, of the demographic data that serves a background data for the analysis of impediments is also data provided in the housing study.

b. **Income Data**

Income characteristics of the population in the grantee's jurisdiction -- most, of this data will also be in the grantee's housing study. However, the grantee should assure that income data, for all income categories and for all Fair Housing Amendments Act protected classes is included in the background data of the analysis of impediments, to the extent such data is available from the United States Census information, local advocacy organizations or other sources. This may entail the research and presentation of data beyond that provided in the grantee's housing study.

c. Employment Data

Employment and transportation profile -- Some employment related data may be in the grantee's housing study, depending on how the grantee interprets the requirement to describe the "significant characteristics" of its housing market. For the analysis of impediments to fair housing, the employment and transportation profile should focus on:

1. The locations of job centers in the grantee's jurisdiction, and in nearby jurisdictions that now offer, or will offer jobs (including job training opportunities) to persons at the lower income levels of the wage/salary scale.
2. The geographic relationship of such centers to the current and planned locations of housing for lower income households.
3. The availability of public transportation, including train and bus service, and subsidized low or no cost (to consumer) van pools to link job centers with lower income housing locations, where housing has not been and will not be provided near such centers.

d. Housing Profile

The grantee's study should contain a significant level of information about housing conditions of lower income households in the grantee's community. These are the households for which HUD assisted housing programs are intended. This type of housing is in shortest supply and is the focus of a grantee's housing affordability strategy. The grantee's Analysis of Impediments should cross reference relevant data that can be found in the local housing study regarding housing conditions.

Additionally, however, the analysis of impediments profile should describe the degree of segregation, by race and ethnicity, in the grantee's housing market overall and should relate this information by neighborhood and cost of various types of housing in each neighborhood. This description should also discuss the extent to which housing for persons with disabilities, e. g., group homes for persons with mental impairments, are distributed throughout the grantee's community in demonstration of the grantee's efforts to provide such housing in integrated settings containing housing for non-disabled households and households at a variety of income levels.

e. Maps

The grantee should include maps as graphic exhibits showing housing, job/transportation relationships; relative levels of integration and segregation in neighborhoods; locations of group homes and publicly assisted housing in the grantee's community and any other information.

3. Evaluation of Jurisdiction's Current Fair Housing Profile

Grantees should provide additional background information in discussion which:

a. Complaint review

Reviews of the types and number of complaints that have been filed alleging discrimination in housing in the grantee's community including those in which the Secretary of HUD has issued a charge of discrimination or suite has been filed by the Department of Justice. Trends in complaints should be examined in terms of overall numbers, types of complaints and classes of persons alleging discrimination. The grantee should examine the reasons for these trends, and, in the section of the analysis describing impediments, discuss these causes as barriers to be addressed in specific fair housing actions.

b. Summarizes other fair housing concerns or problems as an introduction to the detailed discussion of impediments.

4. Discussion of Impediments

Grantees should organize this discussion in the order of subject areas presented in Identification of Impediments, above. A grantee should discuss issues in each of these areas, even though there may be a particular area free, in the grantee's view, of significant barriers. If the grantee believes that notable steps have been taken to further fair housing objectives in such an area, the grantee should discuss these steps in detail in the section described in item 5 below (Assessment of Current Public and Private Fair Housing Programs/Actions in the Grantee's Jurisdiction).

5. Assessment of Current Public and Private Fair Housing Programs/Actions in the Grantee's Jurisdiction

Grantees should briefly describe actions recently completed and currently underway. Grantees should relate details of specific accomplishments, actual or anticipated, that promoted and will promote fair housing.

6. Conclusions and Recommendations

Grantees should summarize the conclusions they have reached, based on the analysis and describe in some detail the recommendations that have come out of the analysis effort. This section provided the essential link between the analysis of impediments and the grantee's plan to affirmatively further fair housing. The grantee's plan should clearly reflect the position the grantee takes with respect to each recommendation.

7. Signature Page

Grantees should provide a signature page as part of the analysis. This page should contain the signature of each key public official, private individual and representatives of a private organization, task force, contractor, etc. that participated in the analysis process or has responsibility for assuring that the grantee meets the requirements to affirmatively further fair housing.

HUD suggests that, at a minimum, the following signatures appear on this page:

- The chief elected official
- The CDBG and HOME administrators
- The chairpersons of the fair housing committee, citizen advisory group, etc.
- Housing program administrators responsible for public housing and other publicly assisted programs operated by the grantee or public agencies in the grantee's jurisdiction.

Section E: Steps Following Completion of the Analysis of Impediments

Once the analysis is complete, an immediate goal of the grantee should be to bring the major findings and recommendations to attention of the top policy makers, key government staff, community organizations, and the general public. The grantee should provide a means whereby all top officials, the executive and legislative branches will be well informed of these matters. The grantee should provide copies of the analysis to all organizations that participated in identifying impediments and researching information regarding their nature, extent and impact and to any other organizations that may not have participated, but are involved in housing issues that affect their constituent populations.

In addition to distributing copies, the grantee should consider providing briefings to key officials and staff in the government as well as to community organizations that express an interest. To advise the general public, the grantee might schedule a news conference so that the grantee can publicize key aspects in print to other medial. The grantee should have copies on hand for distribution to the public upon request.

The principle reason the grantee should publicize analysis findings and recommendations is to obtain strong and broad based support for the ensuing fair housing plan and actions. This support is critical to the long-term success of the grantee's efforts to affirmatively further fair housing.

Jurisdictional Background Data

Demographic Data and Income Characteristics

Actual number and percentage of persons in the jurisdiction's jurisdiction by race, color, sex, national origin, age, handicap, and familial status. Income characteristics, i.e., median income of households, by race, color, sex, national origin, age, handicap and familial status. Data available from the most recent available Census, community surveys, Housing Assistance Plans, and Comprehensive Homeless Assistance Plans, and CHAS.

Employment and Transportation Profile

Listing of employers, by type and the number of people employed within the jurisdiction, by salary bands and racial group, ethnicity, gender etc, identification of growth trends, if any.

Listing of major forms of transportation. Identification of access to adjacent job centers. Data available from most recent and available Census, local planning and transportation offices, major employers and private surveys, if any.

Housing Profile

Total number of housing units in the jurisdiction's jurisdiction noting type (multifamily/single family), cost, condition of housing, level of accessibility and whether occupied or vacant. Identification of vacancy rate.

Data available from 1990 Census, local planning office, local housing agency and private surveys, if any.

Maps

1. Location of housing for persons with disabilities (Le., group homes, independent living complexes, etc.)
2. Racial housing patterns
3. Housing costs and vacancy rates
4. Location of proposed housing, including price range, subsidized or private
5. Location of Industrial and Commercial Development and Areas Expecting to Undergo Revitalization
6. Location of Major Employers and Mass Transportation Routes
7. Areas of Minority Displacement
8. Central Business District

**Identification of Impediments to Fair Housing Choice
(in each area identified in the 24 CFR 904(c))**

Demographic Information

Has all demographic information been collected which could be helpful, up-to-date as possible?

YES _____ NO _____

Is there any meaningful demographic data which is not available but should be obtained by local surveys or other sources?

YES _____ NO _____

Comments: _____

Is there any meaningful demographic data that is not available specifically for the jurisdiction but statewide or area data (averages) could be used to suggest "typical characteristics?"

YES _____ NO _____

Comments: _____

Is there reason to believe that certain portions of the demographic information collected does not accurately portray the true characteristics and trends of the populations in the jurisdiction?

YES _____ NO _____

Comments: _____

Do the trends in the demographics of the past 10 or 20 years suggest any important changes that are going on in the area?

YES _____ NO _____

If yes, what causes or other factors can be attributed to these changes?

Do the demographics and trends of nearby areas suggest any future trends for the local jurisdiction?

YES _____ NO _____

Comments: _____

Are there noticeable patterns of the distribution of protected groups?

YES _____ NO _____

If yes, what causes or other factors can be attributed to these patterns?

Has the jurisdiction provided more than the numbers and offered an analysis for the cause of segregation and a plan to desegregate neighborhoods?

YES _____ NO _____

Comments: _____

Has the jurisdiction reviewed the historical information, policies, ordinances, etc. that helped establish and maintain racial and ethnic segregation?

YES _____ NO _____

Comments: _____

Does the local jurisdiction lack racial or ethnic diversity?

YES _____ NO _____

If yes, what causes or other factors can be attributed to this lack of diversity in the jurisdiction?

Are larger families with children living in overcrowded conditions?

YES _____ NO _____

Comments: _____

Has the jurisdiction translated fair housing materials into languages for new immigrant persons?

YES _____ NO _____

Comments: _____

Are translators available to help people understand their fair housing rights?

YES _____ NO _____

Comments: _____

Is there a relationship with service providers for linguistically isolated families and the fair housing office to identify and remedy problems?

YES _____ NO _____

Comments: _____

Has the jurisdiction applied for and utilized funds to make public places, streets and sidewalks accessible for people with disabilities?

YES _____ NO _____

Comments: _____

Sale of Housing

Is there evidence of restrictive covenants, trusts or lease provisions in use in the community that would exclude sale to, or occupancy by, a particular group of potential buyers or renters based on membership in any of the protected classes?

YES _____ NO _____

Comments: _____

Are covenants that contain such restrictions recorded in deeds on file in the jurisdiction's deed recordation office?

YES _____ NO _____

Comments: _____

Are, or have there recently been, incidents of negative community attitudes resulting from moves by minorities into non-minority, white neighborhoods, or vice versa? Moves by persons with disabilities into, for example, groups homes in certain area?

YES _____ NO _____

Comments: _____

Does the jurisdiction collect similar information from lenders, brokers, and subdivision sellers on applicants for mortgage loans, brokerage services, or home purchases?

YES _____ NO _____

Comments: _____

Does the jurisdiction conduct sales audits to measure whether or not homes are made available regardless of the racial composition of the neighborhood or public schools?

YES _____ NO _____

Comments: _____

Does the jurisdiction conduct investigations to insure that racial steering is not occurring and that no illegal manipulation of the market place is occurring in any neighborhood?

YES _____ NO _____

Comments: _____

Will real estate companies accept listings regardless of the value of the home?

YES _____ NO _____

Comments: _____

Have real estate companies carved out a niche market and refuse to accept listings or show homes outside of that niche market?

YES _____ NO _____

If yes, does this policy have a discriminatory effect on neighborhoods where the residents are members of protected groups?

Rentals

Do local rental complexes have policies that unduly restrict access for families with children or persons with disabilities such as high security deposits or restricting in which building families or persons with disabilities can reside?

YES _____ NO _____

Comments: _____

Are families with children or persons with disabilities restricted to first floor units?

YES _____ NO _____

Comments: _____

When families with children reside in the complex, are they limited to the times when children can have access to the pool, community room, etc?

YES _____ NO _____

Comments: _____

Is there evidence, from complaints, audits or other sources, that landlords of privately owned rental housing, or their management agents, are limiting occupancy in multifamily housing complexes through use of occupancy quotas based on membership in any of the protected classes?

YES _____ NO _____

Comments: _____

Advertising

Do the advertisements for home sales, rental, or access to rehabilitation or remodeling programs include photographs of people from different racial/ethnic backgrounds?

YES _____ NO _____

Comments: _____

Are advertisements published in newspapers that reach a wide variety of eligible applicants as well as being written in languages other than English when appropriate?

YES _____ NO _____

Comments: _____

Are newly constructed rental units advertised as "barrier free?"

YES _____ NO _____

Comments: _____

Do local newspapers use the non-discrimination disclaimer in its advertising section?

YES _____ NO _____

Comments: _____

Do the local newspapers know the fair housing law requirements for advertising?

YES _____ NO _____

Comments: _____

Does the jurisdiction monitor the advertising of newspapers for compliance with the fair housing laws?

YES _____ NO _____

Comments: _____

Insurance

Are there age restrictions that prevent the writing of replacement or guaranteed replacement cost policies for older homes?

YES _____ NO _____

Comments: _____

Do insurance companies have marketing programs that exclude writing multi-line coverage for the jurisdiction or certain neighborhoods within its jurisdiction?

YES _____ NO _____

Comments: _____

Do companies have policies that prohibit the writing of replacement or guaranteed replacement cost coverage for homes with market values that fall significantly below the estimated cost to replace the home?

YES _____ NO _____

Comments: _____

Affirmative Marketing Programs

Housing that receives federal and/or state of Ohio funding generally must develop and implement an affirmative marketing plan. The plan should be designed to attract the people least likely to apply for the housing.

Have the developers/builders of federal- or state-assisted housing identified and attempted to reach those persons least likely to apply for the housing?

YES _____ NO _____

Comments: _____

Are people with disabilities encouraged to seek housing in the new subdivisions through advertising or direct marketing through agencies that serve people with disabilities?

YES _____ NO _____

Comments: _____

Does the jurisdiction monitor subsidized housing developments for compliance with affirmative marketing requirements.

YES _____ NO _____

Comments: _____

Accessibility for Persons with Disabilities/Design Issues

Does the grantee have a system in place for the reviewed and approval of architectural designs, platting, sidewalks, curb cuts, etc. to ensure compliance with Federal, state and local accessible design requirements?

YES _____ NO _____

Please explain local process

Will local government conduct an on-site review during construction to ensure compliance with designs as submitted?

YES _____ NO _____

Comments: _____

Is there a mechanism to review and bring into compliance any builder not following the requirements of the Fair Housing Act or other applicable accessibility requirements?

YES _____ NO _____

Comments: _____

What unit of government oversees compliance with the Fair Housing Act for new construction, substantial rehabilitation, remodeling of commercial and multi-family housing, etc.?

Community Development Corporations (CDC)

Is fair housing training provided to CDCs to insure that they understand how to market programs in a non-discriminatory manner?

YES _____ NO _____

Comments: _____

Is staff trained to recognize and report fair lending or insurance problems that the CDC or its clients experience during any phase of the development of the project—acquiring land, zoning/special use issues, etc.?

YES _____ NO _____

Comments: _____

CDBG/HOME Funded Programs

Is credit scoring used by CDBG or HOME-funded programs to determine eligibility?

YES _____ NO _____

Comments: _____

Have the credit scoring systems been evaluated for possible discriminatory impact against members of the protected groups?

YES _____ NO _____

Comments: _____

Have the local CDBG and housing programs staff attended fair housing training to insure that program participants are treated fairly under the requirements of the Fair Housing Act when applying for financing or being pre-qualified by the organization for home loans?

YES _____ NO _____

Comments: _____

Is preference for program participation given to residents of the community and, if so, will this have a disparate impact of members of the protected groups? (For example, if a suburban community, which is predominately white, restricts applicants for government subsidized/built housing to local residents, this may have a discriminatory impact on people of color wanting to move from the city to the suburbs.)

YES _____ NO _____

Comments: _____

Housing Brokerage Services

Have the brokerage firms in the jurisdiction carefully examined their business relationships with mortgage lending institutions to assure that these institutions do not restrict their lending activities to certain areas of the community?

YES _____ NO _____

Comments: _____

Do the formal training and licensing requirements for real estate brokers that are applicable in the jurisdiction and surrounding jurisdictions include a requirement for training in and demonstrated knowledge of all applicable fair housing laws?

YES _____ NO _____

Comments: _____

Is there any evidence that minority brokers are excluded from participation in multiple listing services in the jurisdiction or surrounding areas?

YES _____ NO _____

Comments: _____

Is there any evidence that minority, persons with disabilities or women participants in real estate brokers associations are excluded or restricted?

YES _____ NO _____

Comments: _____

Is there evidence that real estate brokerage services are assigning brokers based on the race or ethnicity of the brokers and the racial or ethnic composition of neighborhoods in which brokers operate?

YES _____ NO _____

Comments: _____

Financing Assistance for Dwellings

Have lenders, appraisers and private mortgage insurers operating in the jurisdiction carefully examined their policies, procedures and practices to determine where differential treatment based on race and ethnicity occurs?

YES _____ NO _____

Comments: _____

Are loan officers, other lending personnel, appraisers and private insurer staff fully trained in how to apply the policies and standards and aware of the reasons they have been developed?

YES _____ NO _____

Comments: _____

Where lenders, appraisers or private mortgage insurers have removed old policies, standards and procedures because of their association with discriminatory antecedents, have they adopted new policies, procedures and standards for:

- ✓ Loan origination
- ✓ Loan processing
- ✓ Assessing borrower credit worthiness
- ✓ Appraising the value of the collateral and selecting appraisers
- ✓ Underwriting decisions
- ✓ Providing private mortgage insurance and selecting a private mortgage insurer

YES _____ NO _____

Comments: _____

Do lenders, mortgage bankers, appraisers and private mortgage insurers in the area regularly monitor the application of these new policies and standards to determine if they are followed as intended?

YES _____ NO _____

Comments: _____

If lenders and mortgage bankers hire fee appraisers, or refer customers to an approved list of appraisers, do lenders set clear requirements regarding the standards that are acceptable to the bank that appraisers and private mortgage insurers should use?

YES _____ NO _____

Comments: _____

Do lenders and mortgage bankers disclose the full appraisal report to the borrower?

YES _____ NO _____

Comments: _____

Do lenders and mortgage bankers use a pre-screening process and, if so, do they document the results, place the documentation in the applicant's file and make the document available to the applicant?

YES _____ NO _____

Comments: _____

Do lenders and mortgage bankers examine their conventional mortgage and home improvement loan profiles to determine whether they are neighborhoods that are under represented or not represented in these profiles?

YES _____ NO _____

Comments: _____

Do lenders and mortgage bankers use the population and housing characteristics data that is available from the federal financial regulatory agencies for this purpose and their Home Mortgage Disclosure Act (HMDA) data?

YES _____ NO _____

Comments: _____

Do lenders and mortgage bankers compare the home improvement loan profile to the mortgage loan profile to determine if the former, which is usually a short term consumer loan, is made more frequently to minorities in minority neighborhood and to homeowners in mixed neighborhoods than mortgage loans?

YES _____ NO _____

Comments: _____

Does the jurisdiction regularly monitor reports of financial institutions subject to Home Disclosure Act (HMDA) Community Reinvestment Act (CRA)?

YES _____ NO _____

If so, what are the results and does the jurisdiction act upon this information in any specific way?

For example, does the jurisdiction use this information as an incentive by depositing jurisdiction funds in banks with the best performance records?

YES _____ NO _____

Comments: _____

Do any lending institutions aggressively market the availability of mortgage and home improvement loans in minority neighborhoods and encourage minorities to apply in non-minority neighborhoods? In low and moderate-income neighborhood?

YES _____ NO _____

If so, do these institutions provide such loans in all areas of the community, or only in minority neighborhoods?

Are these "prime" lending institutions such as banks or are they "subprime" lending institutions such as mortgage companies?

What specific steps should the jurisdiction take based on an examination of sales and rental practices including real estate broker practices, e.g. adoption and dissemination of anti-redlining or anti-blockbusting policies establishing reporting requirements for housing providers in the jurisdiction's jurisdiction; establishing a stronger public education effort regarding the protection under fair housing laws; other actions?

What steps should the jurisdiction take to promote specific efforts to make brokerage services more inclusive and fully consistent with the requirements and objectives of fair housing laws?

What steps should the jurisdiction take to promote cooperative efforts with other nearby communities to foster open and fair sale and rental practices and services on a metropolitan or other region-wide basis?

What specific actions should the jurisdiction take regarding restrictive covenants, leases, or other restrictive provisions that have been recorded in deeds or appear to operate in single-family housing developments, condominiums or rental complexes?

Appraisal Practices

Is there a pool of appraisers familiar with all types of housing and markets throughout the jurisdiction?

YES _____ NO _____

Comments: _____

Do lenders use appraisers familiar with evaluating property in older, urban neighborhoods, if appropriate?

YES _____ NO _____

Comments: _____

Does the jurisdiction review the impact of foreclosures on the community and if foreclosures were due to faulty, discriminatory appraisal practices?

YES _____ NO _____

Comments: _____

What specific actions should the jurisdiction direct to the lending and appraisal industries to promote fair lending and appraisal self-monitoring programs, revisions to lending and appraisal policies, procedures and standards, and training of lending institution officers and staff?

Subprime Lending Issues

Has the jurisdiction identified local companies offering subprime loans within the local community?

YES _____ NO _____

Comments: _____

Has the jurisdiction attempted to identify predatory lenders soliciting loans in minority, integrated and low and moderate-income neighborhoods?

YES _____ NO _____

Comments: _____

Has predatory or abusive lending practices resulted in fast foreclosures and vacant, abandoned or boarded up properties that have an adverse affect on home values?

YES _____ NO _____

Comments: _____

Has the jurisdiction taken action to educate homeowners who are typically the victims of predatory lending – the elderly, women and people of color and persons with disabilities?

YES _____ NO _____

Comments: _____

What steps has the jurisdiction developed and implemented to foster conventional lending services in under-served neighborhoods?

What is the distribution of full service branches, offices, or ATMs in the jurisdiction?

Are full service branch offices located in low and moderate-income neighborhoods that are racially or ethnically identifiable?

YES _____ NO _____

Comments: _____

Have branch offices been closed in the past five years and what impact has this had on access to credit for people residing in the affected neighborhood?

YES _____ NO _____

Comments: _____

Are ATMs, check cashing, payday loan stores being used to provide services in minority and low-moderate income neighborhoods?

YES _____ NO _____

Comments: _____

NOTES:

Public Policies and Actions

Municipal Services, Revitalization, Employment-Housing Linkage

Does the jurisdiction have a strategy to revitalize or enhance lower income neighborhoods that looks to all possible resources including private investment strategies, such as those developed by banks and other financial institutions to meet the objectives of the Community Reinvestment Act (CRA)?

YES _____ NO _____

Comments: _____

Does the jurisdiction's strategy include a program to encourage expanded lending activity in such areas -- for housing, small business enterprise and job development or expansion -- by requiring reports of lending activity, publishing results and offering deposits of jurisdiction funds -as an incentive to increase lender investment?

YES _____ NO _____

Comments: _____

Does the jurisdiction have a formal CRA strategy that rate lender reinvestment activity, select depository of jurisdiction funds based on these ratings and negotiate specific lending agreements for specific neighborhoods?

YES _____ NO _____

Comments: _____

If the jurisdiction has undertaken a strategy, what are the results and what additional efforts, if any, should be made?

Are there specific groups within the jurisdiction's jurisdiction that have more severe problems obtaining adequate housing than other groups in the same income range because of, for example, language barriers, physical or mental disabilities, or other conditions that might affect one's ability to secure safe, decent housing?

YES _____ NO _____

Comments: _____

What financial resources are available to the community, from outside sources and those within the jurisdiction's jurisdiction, to fund low and moderate-income housing and other facilities to revitalize deteriorating neighborhoods (for profit as well as non-profit resources)?

What types of funding mechanisms have been successful and why?

What might the jurisdiction learn from efforts in other communities and what sources of information are available?

What efforts have the jurisdiction and other entities in the jurisdiction's community and in surrounding communities made to link job creation initiatives with improved and more broadly distributed housing opportunities for lower income persons; in particular, minorities and persons with disabilities?

What are the results of these efforts?

Land-use (Zoning); Site Selection Issues

Has the jurisdiction reviewed all of its zoning laws, policies and practices to guarantee that they are in compliance with the federal fair housing laws and up-to-date with the legal decisions?

YES _____ NO _____

Comments: _____

Has the jurisdiction reviewed criteria for placement of group homes and determined that any restrictions do not conflict with the Fair Housing Act and judicial decisions?

YES _____ NO _____

Comments: _____

Are there any occupancy ordinances restricting the number of people in a family when buying a home?

YES _____ NO _____

Comments: _____

Does the jurisdiction define family?

YES _____ NO _____

If yes, does the definition conflict with the Fair Housing Act?

Are there ordinances that criminalize homeless persons; thereby making it difficult if not impossible for a homeless person to qualify for subsidized or other housing?

YES _____ NO _____

Comments: _____

What is the impact on lower income housing of the jurisdiction's zoning ordinances and building codes (such as lot size requirements) ?

Could these regulations be changed to provide for more inclusive housing development plans that provide for lower income housing as a part of housing developed for families with incomes above the lower income levels?

YES _____ NO _____

Comments: _____

Are there court decisions or settlements which affect the jurisdiction's zoning ordinances, building codes or other policies and regulations relating to the provision of housing for lower income households and persons with disabilities?

YES _____ NO _____

Comments: _____

What is the result of these decisions or settlements and have all legal requirements been met?

Has the jurisdiction adopted policies and procedures that promote the placement of new or rehabilitated housing for lower income households (including housing for minorities and families with children; and families or individuals in need of housing accessible to persons with physical disabilities or designed for persons with mental impairments) in the full spectrum of neighborhoods that exist in the jurisdiction's community?

YES _____ NO _____

Comments: _____

Are there concentrations of low and moderate income housing in one or more areas of the jurisdiction's jurisdiction?

YES _____ NO _____

Comments: _____

Are the current policies promoting this pattern, or exerting a neutral effect in the face of such concentrations?

YES _____ NO _____

Comments: _____

What specific steps will the jurisdiction take to strengthen the fair housing aspects of community revitalization activities in poorer neighborhoods through equalization of services, revised displacement policies?

What specific changes should be made in the jurisdiction's zoning or building ordinances to foster the inclusion of housing for lower income households in housing developments for households with higher incomes?

Tenant Selection; Housing Choices for Subsidized Housing

Is there a pattern, in one or more assisted housing developments, of concentration of tenants by race or ethnicity?

YES _____ NO _____

Comments: _____

Do the tenant selection policies and procedures of HUD-assisted multi-family housing providers, including the PHA, exclude -- or limit the participation of -- persons with disabilities in one or more types of housing developments they manage?

YES _____ NO _____

Comments: _____

If the answer to either of these questions is yes, are the policies and procedures in use consistent with the requirements of federal, State and local law and HUD regulations and guidance?

YES _____ NO _____

Comments: _____

What are these polices and procedures and how do they specifically affect the manner in which applications for housing are treated, and applicants are rejected or selected as tenants?

Did the local public housing complete the HUD-required Analysis of Impediments to Fair Housing Choice?

If any housing provider has been found in noncompliance with one or more civil rights laws or regulations, has the provider initiated appropriate corrective actions?

YES _____ NO _____

Comments: _____

Is there any court lawsuits involving the tenant selection and assignment policies and procedures of any of these providers?

YES _____ NO _____

Comments: _____

If court order(s) relate to leasing practices, what is the status of actions to comply with the orders) and what are the results?

If there are concentrations of racial or ethnic groups in one or more public housing developments, has the PHA undertaken any efforts designed specifically to desegregate these developments (e.g., changes to the PHA's tenant selection and assignment plan; participation in HUD's Public Housing Affirmative Compliance Actions Program)?

YES _____ NO _____

Comments: _____

What is the location pattern of minority and non-minority certificate and voucher holders (by family type) who rent units under the Section 8 Certificate and Voucher Housing Assistance Programs?

Are minorities located primarily in minority neighborhoods and Whites in predominantly white neighborhoods regardless of family type (e.g., large family, small family, and elderly family)?

YES _____ NO _____

Comments: _____

If the answer to the previous questions is yes, what specific step does the local PHA take to promote housing choices with vouchers?

Can certificate and voucher holders use the certificates and vouchers they receive from the local PHA outside the PHA's geographic jurisdiction?

YES _____ NO _____

Comments: _____

Does the PHA -assist certificate or voucher holders that have received their certificates or vouchers from other PHA's and who wish to reside in the jurisdiction's jurisdiction? In what ways?

YES _____ NO _____

Comments: _____

Does the PHA help certificate and voucher holders to find suitable housing?

YES _____ NO _____

Comments: _____

Does this help include providing up-to-date information, to minority homeseekers in particular, about the various facilities and services that are available in all neighborhoods in which housing suitable to the needs of certificate or voucher holders is available? Facilities and services include schools, day care, health and welfare and other social services agencies, employment centers and public transportation.

YES _____ NO _____

Comments: _____

Does this help include assisting individuals with disabilities in finding suitable housing with accessible design features if needed?

YES _____ NO _____

Comments: _____

Has the Public Housing Agency (PHA) in the jurisdiction's community completed its Section 504 assessment of the need, among households with various types of disabilities, for public housing and developed a plan for providing such housing opportunities, if an unmet need still exists?

YES _____ NO _____

Comments: _____

Does the PHA encourage certificate and voucher holders to look for housing in neighborhoods that are not traditional residential areas for the holder in question, and in particular minority certificate or voucher holders?

YES _____ NO _____

Comments: _____

Does the PHA assist the search process in any other ways, such as:

- ✓ Calling to confirm the availability of units located in non-traditional neighborhoods?
- ✓ Providing a master list of the name and addresses, number of units, etc. of multifamily developments in a metropolitan or other regional area that make units available to Section 8 participants?

YES _____ NO _____

Comments: _____

What steps does the PHA take to promote the availability of accessible existing housing resources suitable for Section 8 participant families in which one or more persons are mobility impaired?

What steps does the PHA take to promote housing choices for certificate or voucher holders with other types of disabilities?

Does the PHA provide clear information to all participants concerning their housing rights and the steps they should take, including requesting assistance from the PHA in the housing search, if they believe they have encountered housing discrimination?

YES _____ NO _____

Comments: _____

If the jurisdiction's analysis includes review of the leasing practices in assisted housing developments, should changes or new steps be instituted to promote more inclusive tenancy patterns?

YES _____ NO _____

Comments: _____

Should the jurisdiction regularly monitor tenant characteristic data for these developments as an indicator of marketing policies, procedures and practices?

YES _____ NO _____

Comments: _____

In light of efforts currently made by the PHA, and their results, should other steps be initiated to promote greater housing choice for one or more racial or ethnic group or disabled Section 8 participants?

YES _____ NO _____

Comments: _____

Sale of Subsidized Housing and Possible Displacement

If the PHA, or other assisted housing providers (such as private section 8 housing owners) have sold or plan to sell assisted housing projects, what policies and procedures are in place provide alternative housing to displaced tenant households?

Are steps being taken to assure that such households are provided a varied choice of replacement housing, in particular so that minority displaced households have an opportunity to select housing outside of areas of minority concentration and not just inside areas?

YES _____ NO _____

Comments: _____

Does the jurisdiction have a specific policy with respect to such displacement that the jurisdiction requires housing providers owning assisted housing in jurisdiction's jurisdiction to implement when the sale of such housing occurs?

YES _____ NO _____

Comments: _____

What policies and procedures should be adopted or changed by the jurisdiction, PHA or other agencies to assure that current tenants in assisted housing projects will be provided opportunities to select replacement housing in a full range of neighborhoods if one or more such projects are to be sold and the tenants displaced?

Should policies and procedures for selecting persons to serve as members on planning boards be changed in order to provide for an overall membership that is more representative of all segments of the community?

YES _____ NO _____

If so, who within the jurisdiction's governing structure is responsible for such selections and what specific steps should be taken to accomplish these changes?

Information Programs

Has a court determine that housing discrimination has occurred in any aspect of the jurisdiction's community development or housing programs, or the programs administered by the PHA in the jurisdiction's jurisdiction?

YES _____ NO _____

Comments: _____

Has HUD made a finding of violation of Title VII Title VI, or Section 504, or regulations implementing these laws, in any federally funded housing or housing related activities in the jurisdiction's jurisdiction?

YES _____ NO _____

If yes, has the jurisdiction designed and implemented all actions necessary to address the court determination or HUD finding?

Has the jurisdiction assured that all appropriate jurisdiction officials and employees, including sub-jurisdiction officials and employees and PHA officials and employees, as applicable, are fully aware of the required actions and their responsibilities?

YES _____ NO _____

Comments: _____

What specific types of actions have been undertaken by the jurisdiction, and other entities in the jurisdiction's jurisdiction, such as human relations commissions, and other fair housing organizations to provide information to the general public regarding fair housing laws and objectives?

Are these activities confined largely to Fair Housing Month (April) or is there a comprehensive set of activities going on throughout the calendar year?

YES _____ NO _____

Comments: _____

How effective is each of these activities?

How much do the jurisdiction and other entities interested in and responsible for fair housing initiatives know about creative, effective activities in other communities and who to contact for such information?

Should the jurisdiction undertake specific programs to educate its officials and employees regarding the provisions of a particular court determination or HUD finding and the actions that are or will be underway to address problems found?

YES _____ NO _____

Comments: _____

How should these programs be planned and implemented?

Should the jurisdiction, in cooperation with fair housing organizations and organizations working to promote housing opportunities for particular segments of the community such as racial or ethnic minority groups or persons with specific types of disabilities, develop new outreach, education or information programs and activities?

YES _____ NO _____

If so, what should the specific subject or focus of new efforts be?

What resources are available to support these efforts?

Who should design, carry out and monitor these efforts?

Local Laws and Procedures

Does the jurisdiction have a local fair housing law that provides the same protections as the federal Fair Housing Act?

YES _____ NO _____

Comments: _____

What is the structure of the process in the jurisdiction's fair housing enforcement program?

Is it the most appropriate structure and process for the jurisdiction and does it conform to HUD requirements and guidelines and other enforcement programs recognized nationally as a model? Is the enforcement program efficient and effective in providing complainants, and respondents, with a fair process for pursuing and settling fair housing complaints?

YES _____ NO _____

Comments: _____

Employment Opportunities

The creation of employment opportunities has a direct impact on fostering fair housing opportunities. Local jurisdictions should take into consideration the fair housing implications when creating employment opportunities.

Barrier to job opportunities should be analyzed. They include:

- **Perception:** Barriers to people seeking the new job opportunities may include a perception that they will not be welcomed into the community, perhaps because of a history of members of the community acting in a threatening manner when people of color moved into the neighborhood.
- **Transportation:** The jurisdiction may not make transportation available to the job site. Jurisdictions using federal subsidies as loans, grants or to provide infrastructure to a site should insure that low and moderate-income people as well as people of color have equal opportunity to secure employment. The failure to provide transportation or affordable housing to the new sight is a barrier to exercising fair housing rights.
- **Affordable Housing:** Many newer jobs are being created in suburban communities where the cost of housing, both new and rental, is too high for low and moderate-income families. Plans to incorporate affordable housing units into new construction developments, reducing square footage requirements for units or increasing density of units per site can reduce the cost of housing and increase the opportunities for both racial and economic integration in the community.

NOTES:

Transportation

Is the jurisdiction using Department of Transportation funds to increase access for low and moderate-income persons, people with disabilities and people of color to locations where jobs are available and affordable housing exists?

YES _____ NO _____

Comments: _____

If affordable housing does not exist where job opportunities have been created, does the jurisdiction provide affordable transportation?

YES _____ NO _____

Comments: _____

Where mass transportation exists, are incentives provided to employers to subsidize transportation costs?

YES _____ NO _____

Comments: _____

Does the jurisdiction provide early morning and late night bus transportation to locations with employment opportunities?

YES _____ NO _____

Comments: _____

Are bus routes developed and maintained with the needs of families with children and persons with disabilities in mind?

YES _____ NO _____

Comments: _____

Fair Housing Complaint Profile

The jurisdiction should review the number of fair housing complaints received, processed and resolved annually. Attach a summary that outlines the details of the complaints including- the number of complaints carried over from year to year; type of complaint (rental, sales, lending, insurance, zoning, advertising, racially/ethnically motivated violence, etc.) ; number of complaints processed; remedies secured for the complainant including securing housing, loans, or insurance and the amount of damages recovered.

Have any complaints been filed through the Department of Housing and Urban Development (HUD), the Ohio Civil Rights Commission or a substantially equivalent agency?

YES _____ NO _____

Comments: _____

Were there any private lawsuits filed challenging discriminatory practices?

YES _____ NO _____

If so, did the allegations involve any departments under the jurisdiction's control?

Did state or federal agencies bring actions against any individual or corporation doing business in the jurisdiction? YES _____ NO _____

Comments: _____

Does the jurisdiction do business with any corporation alleged to have violated the fair housing laws? YES _____ NO _____

Comments: _____

Does the jurisdiction have a policy about doing business with entities found to have violated the fair housing laws? YES _____ NO _____

Comments: _____

<p>5. If your jurisdiction has development impact fees, are the fees specified and calculated under local or state statutory criteria? If no, skip to question #7. Alternatively, if your jurisdiction does not have impact fees, you may enter yes.</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>6. If yes to question #5, does the statute provide criteria that sets standards for the allowable type of capital investments that have a direct relationship between the fee and the development (nexus), and a method for fee calculation?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>7. If your jurisdiction has impact or other significant fees, does the jurisdiction provide waivers of these fees for affordable housing?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>8. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through graduated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: “<i>Smart Codes in Your Community: A Guide to Building Rehabilitation Codes</i>” (www.huduser.org/publications/destech/smartcodes.html)</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>9. Does your jurisdiction use a recent version (i.e. published within the last 5 years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification. In the case of a tribe or TDHE, has a recent version of one of the model building codes as described above been adopted or, alternatively, has the tribe or TDHE adopted a building code that is substantially equivalent to one or more of the recognized model building codes?</p> <p>Alternatively, if a significant technical amendment has been made to the above model codes, can the jurisdiction supply supporting data that the amendments do not negatively impact affordability.</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>10. Does your jurisdiction’s zoning ordinance or land use regulations permit manufactured (HUD-Code) housing “as of right” in all residential districts and zoning classifications in which similar site-built housing is permitted, subject to design, density, building size, foundation requirements, and other similar requirements applicable to other housing that will be deemed realty, irrespective of the method of production?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes

<p>11. Within the past five years, has a jurisdiction official (i.e., chief executive, mayor, county chairman, city manager, administrator, or a tribally recognized official, etc.), the local legislative body, or planning commission, directly, or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or hearings, or has the jurisdiction established a formal ongoing process, to review the rules, regulations, development standards, and processes of the jurisdiction to assess their impact on the supply of affordable housing?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>12. Within the past five years, has the jurisdiction initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the jurisdiction’s “HUD Consolidated Plan?” If yes, attach a brief list of these major regulatory reforms.</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>13. Within the past five years has your jurisdiction modified infrastructure standards and/or authorized the use of new infrastructure technologies (e.g. water, sewer, street width) to significantly reduce the cost of housing?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>14. Does your jurisdiction give “as-of-right” density bonuses sufficient to offset the cost of building below market units as an incentive for any market rate residential development that includes a portion of affordable housing? (As applied to density bonuses, "as of right" means a density bonus granted for a fixed percentage or number of additional market rate dwelling units in exchange for the provision of a fixed number or percentage of affordable dwelling units and without the use of discretion in determining the number of additional market rate units.)</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>15. Has your jurisdiction established a single, consolidated permit application process for housing development that includes building, zoning, engineering, environmental, and related permits? Alternatively, does your jurisdiction conduct concurrent, not sequential, reviews for all required permits and approvals?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>16. Does your jurisdiction provide for expedited or “fast track” permitting and approvals for all affordable housing projects in your community?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>17. Has your jurisdiction established time limits for government review and approval or disapproval of development permits in which failure to act, after the application is deemed complete, by the government within the designated time period, results in automatic approval?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>18. Does your jurisdiction allow “accessory apartments” either as: a) a special exception or conditional use in all single-family residential zones or, b) “as of right” in a majority of residential districts otherwise zoned for single-family housing?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>19. Does your jurisdiction have an explicit policy that adjusts or waives existing parking requirements for all affordable housing developments?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>20. Does your jurisdiction require affordable housing projects to undergo public review or special hearings when the project is otherwise in full compliance with the zoning ordinance and other development regulations?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Total Points:</p>		

Part B. State Agencies and Departments or Other Applicants for Projects Located in Unincorporated Areas or Areas Otherwise Not Covered in Part A

	1	2
1. Does your state, either in its planning and zoning enabling legislation or in any other legislation, require localities regulating development have a comprehensive plan with a “housing element?” If no, skip to question # 4	<input type="checkbox"/> No	<input type="checkbox"/> Yes
2. Does your state require that a local jurisdiction’s comprehensive plan estimate current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low, moderate, and middle income families, for at least the next five years?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
3. Does your state’s zoning enabling legislation require that a local jurisdiction’s zoning ordinance have a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and, b) sufficient land zoned or mapped in these categories, that can permit the building of affordable housing that addresses the needs identified in the comprehensive plan?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
4. Does your state have an agency or office that includes a specific mission to determine whether local governments have policies or procedures that are raising costs or otherwise discouraging affordable housing?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
5. Does your state have a legal or administrative requirement that local governments undertake periodic self-evaluation of regulations and processes to assess their impact upon housing affordability address these barriers to affordability?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
6. Does your state have a technical assistance or education program for local jurisdictions that includes assisting them in identifying regulatory barriers and in recommending strategies to local governments for their removal?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
7. Does your state have specific enabling legislation for local impact fees? If no skip to question #9.	<input type="checkbox"/> No	<input type="checkbox"/> Yes
8. If yes to the question #7, does the state statute provide criteria that sets standards for the allowable type of capital investments that have a direct relationship between the fee and the development (<i>nexus</i>) and a method for fee calculation?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
9. Does your state provide significant financial assistance to local governments for housing, community development and/or transportation that includes funding prioritization or linking funding on the basis of local regulatory barrier removal activities?	<input type="checkbox"/> No	<input type="checkbox"/> Yes

<p>10. Does your state have a mandatory state-wide building code that a) does not permit local technical amendments and b) uses a recent version (i.e. published within the last five years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification?</p> <p>Alternatively, if the state has made significant technical amendment to the model code, can the state supply supporting data that the amendments do not negatively impact affordability?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>11. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through graduated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: “<i>Smart Codes in Your Community: A Guide to Building Rehabilitation Codes</i>” (www.huduser.org/publications/destech/smartcodes.html)</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>12. Within the past five years has your state made any changes to its own processes or requirements to streamline or consolidate the state’s own approval processes involving permits for water or wastewater, environmental review, or other State-administered permits or programs involving housing development. If yes, briefly list these changes.</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>13. Within the past five years, has your state (i.e., Governor, legislature, planning department) directly or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or panels to review state or local rules, regulations, development standards, and processes to assess their impact on the supply of affordable housing?</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>14. Within the past five years, has the state initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the states’ “Consolidated Plan submitted to HUD?” If yes, briefly list these major regulatory reforms.</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>15. Has the state undertaken any other actions regarding local jurisdiction’s regulation of housing development including permitting, land use, building or subdivision regulations, or other related administrative procedures? If yes, briefly list these actions.</p>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>Total Points:</p>		

Evaluation and Recommendations

Identify any changes needed to correct or overcome impediments identified in governmental policies, real estate and lending institutions, zoning restrictions, etc.

Plan of Action

The Plan of Action should be specific with a timetable or schedule for the resolution of identified problems or impediments. Jurisdiction should have short-term and long-term goals.

Signature Page

- Chief Elected Official
- CDBG Program Administrator
- Chairperson, Citizen Advisory Group/Task Force
- Housing Program Administrator