2015

Regional Analysis of Impediments to Fair Housing

for Montgomery County and the Cities of Dayton and Kettering, OH

Introduction and Executive Summary

*This PDF contains only a section of the AI.
For the other sections or the entire AI,
go to http://www.mvfairhousing.com/ai2015.*

Introduction

The Consolidated Plan for Housing and Community Development[1] in large and small municipalities contains a certification to affirmatively further fair housing (AFFH) that requires all entitlement communities to implement a Fair Housing Plan and to update that plan periodically.

The U. S. Department of Housing and Urban Development (HUD) suggests that entitlement communities—such as Montgomery County, the City of Dayton and the City of Kettering—conduct fair housing planning at least once every five years. Fair housing planning consists of three components: (1) conducting an Analysis of Impediments **(AI)** to Fair Housing Choice, (2) identifying actions to eliminate any identified impediments, and (3) maintaining AFFH records. HUD also suggests that contiguous entitlement communities that regularly work together form a joint effort to conduct a Regional AI and a Regional Fair Housing Plan. Montgomery County, the City of Dayton and the City of Kettering completed that process in 2009 resulting in the *2010 Regional Fair Housing Plan*. In 2014 these three jurisdictions contracted with the **Miami Valley Fair Housing Center** (MVFHC)[2] to develop the 2015 Regional AI.[3]

Additional guidance on fair housing planning comes from the Home Investment Partnership and Community Development Block Grant (CDBG) programs' statutes and guiding regulations. These statutes and rules emphasize the need to analyze both **housing choice** and **housing availability** in all neighborhoods for all of the fair housing protected classes within a jurisdiction. MVFHC accomplished this by using existing studies and data, culling for analysis of data, and involving the public and stakeholders through public meetings, focus groups, interviews and surveys.

Once the AI is complete, a Fair Housing Plan must be developed and implemented in order to inform more accurately the Consolidated Plan (ConPlans) process and implementation. Montgomery County, the City of Dayton and the City of Kettering must certify to HUD that an AI was conducted and fair housing action steps are being implemented. Goals and objectives must be designed to identify and mitigate obstacles to fair housing choice and poor housing availability for the protected classes covered in each jurisdiction.

MVFHC has a long and successful history in the Miami Valley. Originally a program of Montgomery County, MVFHC became a private non-profit 501(c)(3) Ohio corporation in 1993. MVFHC's mission is to eliminate housing discrimination and ensure equal housing opportunity for all people in our region.

MVFHC is governed by a fourteen-member volunteer board of trustees who meet regularly to set and review policy for the organization. A professional staff of seventeen people work on MVFHC's overall programs as well as specific grant projects. The 2015 Regional AI was funded jointly by the City of Dayton, the City of Kettering and Montgomery County using CDBG program and Fair Housing Assistance Program partnership funds.

Executive Summary

This 2015 Regional AI is a comprehensive review of municipal housing, economic conditions and transportation conditions as well as public and private sector policies to determine whether they support or impede housing choice and opportunities for all persons in the region.

The AI process involves a thorough examination of a variety of sources related to housing, fair housing education and enforcement, and housing transactions—particularly for persons protected under fair housing law. HUD provides a definition of impediments to fair housing choice in its *Fair Housing Planning Guide*:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
- Any actions, omissions, or decisions which have [this] effect." [4]

Ohio has added military status, ancestry, and age (40 and over) as additional classes. The City of Dayton protects age (40 and over), marital status, sexual orientation, and gender identity. Moreover, in 2012 HUD offered guidance protecting sexual orientation and gender identity in the provision of all HUD programs, including, for example, homeless shelters funded by grants from the Emergency Solutions Grant program and the Housing Opportunities for Persons with AIDS program, federally-funded public housing, and mortgages provided through the Federal Housing Administration. [5]

MVFHC assessed a number of quantitative and qualitative sources to develop this AI. Also, an AI Advisory Group [6] formed during the project reviewed progress regularly and provided input and guidance. Staff and board members from MVFHC, staff from the three participating jurisdictions, and staff from Greater Dayton Premier Management (the agency that administers public housing and the Housing Choice Voucher program in the region) served in the group (see Appendix 3).

Quantitative sources used in analyzing fair housing choice included data from:

- Socio-economic and housing data from the U.S. Census Bureau
- Employment data from the U.S. Bureau of Labor Statistics
- Economic data from the U.S. Bureau of Economic Analysis
- Investment data from the Community Reinvestment Act
- Home loan application data from the Home Mortgage Disclosure Act
- Housing complaint data from MVFHC, the City of Dayton Human Relations Commission, the Ohio Civil Rights Commission, and HUD
- Surveys conducted online, in town meetings, and in focus groups
- Data from local and national research projects
- Earlier analyses of impediments to fair housing

Qualitative sources used in analyzing fair housing choice and housing availability:
- Interviews with community stakeholders
- Minutes from a town hall meeting
- Focus groups meeting minutes
- Notes from five community assessment panels conducted in May 2015
- Local and national news sources
- Information and minutes from meetings of the AI Advisory Group

Through this methodology MVFHC developed a list of impediments to fair housing choice and housing availability, which will be addressed by the three jurisdictions as they implement the second component of fair housing planning—identifying actions to eliminate these impediments.

Overview of Findings

Impediment One: Disability — The region's supply of affordable housing that is accessible to persons with disabilities is inadequate.

Impediment Two: Disability — Most newly constructed multi-family housing is not compliant with the Fair Housing Act's accessible design and construction requirements.

Impediment Three: Disability — People with disabilities experience a fair housing barrier when they encounter a complicated process while requesting reasonable accommodations or modifications.

Impediment Four: Transit — Public transit service is a barrier to fair housing because it is largely limited to higher-density and developed areas, limiting housing choice and employment opportunities.

Impediment Five: Race, Ethnicity and Color — Racial segregation is a persistent impediment of fair housing in the region due to income disparity, dual housing markets, and continued steering in the real estate market based on color, race and ethnicity.

Impediment Six: National Origin — Immigrants and refugees face barriers to housing choice and housing availability.

Impediment Seven: Housing Marketing — Non-compliance with Fair Housing advertising guidelines still exists.

Impediment Eight: Local Regulatory Issues — Regulatory policies and zoning guidelines exist that do not comply with the Fair Housing Amendments Act of 1988 and are a barrier to housing choice and housing availability.

Impediment Nine: Fair Housing Education and Enforcement — Ignorance and/or incorrect understanding of fair housing laws and of new regulations is a barrier to fair housing.

Impediment Ten: Systemic Lending Issues — REO disposition policies and procedures are a barrier to fair housing.

Impediment Eleven: Industries that Interconnect with Residential Homeownership — Discriminatory practices in real estate, mortgage lending, residential appraisal, and homeowner insurance markets exist which limit housing choice and availability.

Impediment Twelve: Children in the Household — Familial status, or the presence of children under 18 within the household, continues to limit housing availability and choice for families.

Impediment Thirteen: Public Sector — The selection process for siting public and affordable housing in the region is a barrier to housing choice and housing availability for low-to-moderate income families with children and people with disabilities.

[1] Consolidated Planning. U.S. Department of Housing and Urban Development. Retrieved from http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/about/conplan. The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding provided by programs offered by HUD's Office of Community Planning and Development: Community Development Block Grant program, HOME Investment Partnerships, Emergency Solutions Grant program, and Housing Opportunities for Persons with AIDS program. The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. Grantees report on accomplishments and progress toward Consolidated Plan goals in the Consolidated Annual Performance and Evaluation Report.

[2] See Appendix B — About the Miami Valley Fair Housing Center on page 176.

[3] See Appendix C — Scope of Services on page 198.

[4] Chapter 2: Preparing for Fair Housing Planning, pp. 2–8. *Fair Housing Planning Guide* (vol. 1). U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity. Retrieved from http://www.hud.gov/offices/fheo/images/fhpg.pdf.
See also: Top Seven Keys to Affirmatively Furthering Fair Housing. U.S. Department of Housing and Urban Development. Retrieved from https://www.hudexchange.info/resources/documents/Module5_TopSevenAFFH.pdf.

[5] Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, pp. 5662-676. (2012, February 3) *Federal Register*, 77.23. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=12lgbtfinalrule.pdf.

[6] See Appendix D — Advisory Committee on page 202.