
Analysis of Impediments To Fair Housing Choice



**Nashville-Davidson
Metropolitan Development
and Housing Agency**

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Executive Summary

In Fiscal Year 2008, the U.S. Department of Housing and Urban Development (HUD) reported a record number of housing discrimination complaints for the nation as a whole. The 10,552 complaints, a four percent increase over the previous year, can be viewed positively and negatively. An increase in the number of complaints indicates that more people are aware of their right to fair housing choice and are willing to take action to protect that right. Conversely, the record number of complaints serves as a reminder that housing discrimination remains prevalent in today's society. As a recipient of the Community Development Block Grant (CDBG), the Nashville-Davidson Metropolitan Development and Housing Agency (MDHA) certifies in its application for federal funds that it will affirmatively further fair housing by conducting an analysis of impediments to fair housing choice, take appropriate actions to overcome the effects of any impediments identified, and maintain records reflecting that analysis and actions in this regard.

MDHA is committed to ensuring fair housing choice for all residents within Davidson County. In the fall of 2009, MDHA conducted an Analysis of Impediments to Fair Housing Choice, or AI for short, in order to identify barriers to fair housing choice and develop strategies to overcome those barriers. The AI is a formal evaluation of housing discrimination and barriers to fair housing choice. This analysis serves as the basis for fair housing planning within Davidson County and provides essential information to policy makers, administrative staff, housing providers, lenders, and advocates to help affirmatively further fair housing choice. The AI is organized into the following sections:

Introduction

The Introduction discusses fair housing in general and the types of impediments to fair housing choice.

Community Profile

The Community Profile provides demographic information to put fair housing within a local context and analyzes the degree of segregation and restricted housing by race, ethnicity, disability or familial status.

Analysis of Impediments to Fair Housing

The analysis is divided into three sections: the public sector, private sector, and the public-private sector. Public sector analysis reviews the local policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices. These policies can play a significant role in limiting or promoting fair housing choice. The private sector analysis examines impediments within the private marketplace, including the actions of landlords, property managers, real estate agents, lenders, and other parties involved in the provision of housing. The public-private sector analysis focuses on areas of fair housing that are provided through a partnership of both the public and private sector, including enforcement, education and outreach. The analysis revealed the following impediments to fair housing choice within the county:

- **Impediment #1: Lack of Public Awareness:** There is evidence that a substantial number of persons who suffer from discrimination do not report it. A HUD study found that of the people who suspect housing discrimination, only 1% reported the case to a government agency.¹ Among the reasons for a lack of reporting include the inability to identify the discrimination and the belief that nothing will result from the report. In some cases, limited English proficiency plays a role as well. The largest impediment to fair housing choice is a lack of consumer education regarding fair housing rights. There is a need for a multi-faceted approach that can effectively reach all affected parties, including housing consumers, housing professionals and landlords, government officials, and public advocacy groups.
- **Impediment #2: Need for Greater Coordination:** Greater coordination is needed among housing providers, housing professionals, government agencies, and advocacy groups. Coordination can be increased in both quality and quantity. The agencies already involved in fair housing efforts can collaborate more to maximize effectiveness. In addition, there is a need to include a greater number of organizations in the process in a more consistent manner. These agencies include other departments of Metro government, outside agencies, and federally-funded subrecipients.

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- **Impediment #3: Disparate Treatment in the Rental Market:** The statistics reported by local fair housing agencies and the U.S. Department of Housing and Urban Development indicate discrimination based on race, disability and familial status, especially in the rental market. Disparate treatment in the provision of rental housing is a clear impediment to fair housing choice.
- **Impediment #4: Disparate Treatment in Subprime Lending:** Analysis of lending data required by the Home Mortgage Disclosure Act (HMDA) revealed that minority households were more likely to receive a high-cost loan than White households. Disparate treatment in mortgage lending is a clear impediment to fair housing choice.

Proposed Actions to Affirmatively Further Fair Housing

The report concludes with a list of suggested actions that MDHA can undertake to eliminate the effects of the identified impediments and to affirmatively further fair housing choice within its jurisdiction.

Public Awareness

MDHA will utilize multiple avenues to outreach to the public to communicate their right to fair housing choice and how to identify and report potential discrimination. Efforts will include:

- 1.1 Material Distribution:** MDHA will distribute fair housing marketing materials aimed at educating County residents of their right to fair housing, how to identify discrimination, and how to report it. The goal of the material is to reach people who experience discrimination but do not report it. MDHA will research strategies for increasing awareness in “low minority” areas and collaboration opportunities with other agencies, institutions of higher education, churches, and schools.
- 1.2 Fair Housing Website and Hotline:** MDHA will maintain a dedicated fair housing page on its website. The webpage will act as an information clearinghouse for residents, housing professionals working in Davidson County, and all Metro employees. The website will also include periodic updates related to fair housing. For those without internet access, MDHA will continue to sponsor the Fair Housing Hotline, a recorded

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message system that provides information on how to file a complaint and referral information to local fair housing agencies.

- 1.3 Media Advertising and Press Releases:** MDHA will use display ads in minority papers to advertise local fair housing resources, including its web page. MDHA will issue periodic press releases to highlight current issues, publication of reports, the Fair Housing Conference and other newsworthy events.
- 1.4 Coordination with Non-Profits and Other Government Agencies:** MDHA will work closely with fair housing agencies, non-profit housing professionals, and other local government agencies to ensure fair housing efforts are coordinated amongst agencies. MDHA will serve as an information resource to other Metro departments for fair housing-related issues.
- 1.5 Fair Housing Conference:** MDHA will continue to sponsor an annual fair housing conference to highlight local fair housing issues, solutions, and to raise awareness. The conference will serve as an educational forum for the general public and local housing professionals. The conference will be held in April to coincide with the national celebration of Fair Housing Month.

Metro Nashville and Davidson County Compliance and Procedure

- 2.1 FHA Compliance Officer:** The Metro Planning Department will continue to support an FHA compliance officer to respond to complaints regarding land use discrimination. This action is required as part of the consent decree between the Department of Justice and the Metro government.
- 2.2 Staff Training:** New Metro staff and elected officials involved with land use and zoning decisions will receive training on fair housing and the Fair Housing Act. This includes Metropolitan Council, Director of Council Staff, Special Counsel advising on zoning and land use, Metro Planning Commission (MPC), Advisors to the MPC, Zoning Administrator, and the Board of Zoning Appeals.

MDHA Compliance and Procedure

2.3 Subrecipient Monitoring Compliance and Capacity Building: MDHA will continually monitor all of its subrecipient organizations and contractors for compliance with federal rules and regulations. Before participating in MDHA's programs, the subrecipient must agree to:

- comply with all federal, state and local laws relating to fair housing and equal opportunity,
- operate their facilities and services and conduct their outreach in a nondiscriminatory basis, and
- adopt policies to ensure effective communication with applicants, beneficiaries, and members of the public who have hearing, vision, or speech impairments regarding the availability of accessible services, activities and facilities.

Where necessary, MDHA will sponsor capacity building sessions to ensure all subrecipients are well-trained to administer their programs in a manner that affirmatively furthers fair housing.

2.4 Neighborhood Improvement: MDHA's Neighborhood Improvement Program will fund infrastructure and community development projects in low-income areas. The goal of the program is to provide opportunities for collaboration and expand existing resources for investments that are critical to neighborhood infrastructure and that support neighborhood enhancement. MDHA will give additional consideration to areas with high minority concentration. Over the course of the five-year plan, it is expected that this program will receive approximately 30% of CDBG allocations.

2.5 Site and Neighborhood Standards: New rental housing assisted with HOME funds must meet site and neighborhood standards per the HOME regulations. One purpose of these standards is to ensure that rental housing is not concentrated in minority neighborhoods. MDHA will review each proposal to determine its potential effect on the racial makeup of the neighborhood and all viable alternatives. The goal of this standard is to produce a reasonable distribution and balance of housing choices within and outside areas of minority concentration.

2.6 Affirmative Marketing Plans: MDHA will require each HOME-funded project containing 5 or more HOME-assisted housing units to develop an Affirmative Marketing Plan. Affirmative marketing differs from general marketing activities as it specifically targets potential tenants and homebuyers who are least likely to apply for the housing in order to make them aware of available affordable housing opportunities.

Each project will summarize what segment of the populations it is targeting and specific actions it will take to market to those populations. Specific actions include use of commercial media, neighborhood outreach, and marketing through local organizations such as community organizations, places of worship, employment centers, fair housing groups, and housing counseling agencies. In addition, each covered project will:

- Distribute information to potential owners and tenants about federal fair housing laws and MDHA's affirmative marketing policy.
- Use the Equal Housing Opportunity logo on all advertising for the property and on all tenant applications.
- Visibly display a fair housing poster in the office where tenants pick up applications.
- Maintain records that describe actions taken by the property to affirmatively market units and records to assess the results of these actions.

MDHA will review its affirmative marketing performance and that of HOME-assisted properties as part of the monitoring process and on an annual basis as part of the CAPER report. The review will include an analysis of deficiencies and will recommend corrective actions where necessary.

2.7 Visitability: Visitability is a design concept that enables persons with disabilities to visit relatives, friends, and neighbors in their homes within a community. Visitability also expands the availability of housing options for individuals who may not require full accessibility. Applicants to MDHA's Affordable Housing Program and Rental Rehabilitation Program will receive additional consideration for incorporating visitability elements into their properties. A visitable unit is defined as a unit where at least one entrance at grade (with no step), is approached by an accessible route, such as a sidewalk,

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and the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space.

- 2.8 Accessibility and Section 504 Compliance:** MDHA will ensure compliance with Section 504 of the Rehabilitation Act of 1973 for all of its CDBG and HOME-funded projects. This includes accessibility for all new non-housing facilities, feasible alterations to existing non-housing facilities, and operation of its existing non-housing facilities. MDHA will periodically update its self-assessment and transition plan to ensure all facilities are in compliance.

Applicants to MDHA's Affordable Housing Program and Rental Rehabilitation Program will receive additional consideration for providing more than the required number of accessible units. In addition, MDHA will encourage its partners to distribute accessible units throughout its funded properties and make them available in a sufficient range of sizes and amenities so as not to limit choice. All funded properties will be required to adopt policies that reasonable accommodation/ modification and outreach regarding the availability of accessible units.

- 2.9 Limited English Proficiency:** MDHA will conduct a four factor analysis to ensure that persons with Limited English Proficiency have meaningful access to programs funded by the Consolidated Plan. MDHA will develop a Language Assistance Plan (LAP) to provide a framework for the provision of timely and reasonable language assistance.

- 2.10 Homeowner Rehabilitation:** MDHA's Homeowner Rehabilitation Program will provide deferred loans to disabled homeowners to make needed home repairs and accessibility modifications.

- 2.11 Homebuyer Outreach and Education:** MDHA will affirmatively market its Downpayment Assistance Program to minority populations. In addition, the program will incorporate fair housing and fair lending education into its required counseling component. The goal of the program is to increase the affordability of homeownership for households earning less than 80% of the area median income.

- 2.12 Referral and Enforcement:** MDHA will continue to partner with the Tennessee Human Rights Commission (THRC) and the Tennessee Fair Housing Council, and the Metro

Human Relations Commission to respond to and investigate fair housing complaints. Fair housing agencies will be encouraged to apply to the CDBG Community Services Program for funding of testing and enforcement efforts. Potential projects would include in-depth audit testing of housing practices within the rental and sales markets focused on identifying any patterns and practices, such as neighborhood steering, or other forms of housing choice denials that could be potential violations of fair housing laws.

- 2.13 Fair Housing Initiatives Program (FHIP):** MDHA will explore the possibility of participating in the FHIP program. Through FHIP, MDHA can participate in the Education and Outreach Initiative (EOI) to offer a comprehensive range of fair housing activities that explain to the general public and housing providers what equal opportunity in housing means and what housing providers need to do to comply with the Fair Housing Act. Activities may include developing education materials, analyzing local impediments to housing choice, providing housing counseling and classes, convening meetings that bring together the housing industry with fair housing groups, developing technical materials on accessibility, and mounting public information campaigns.

Introduction

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability. This protection extends to most housing.ⁱ The law makes the following actions illegal if based on race, color, national origin, religion, sex, familial statusⁱⁱ, or disability:

- Refusal to rent or sell housing
- Refusal to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

Given its importance in the ability to acquire housing, the law extends to mortgage lending activities as well. The Fair Housing Act prohibits the following actions based on race, color, national origin, religion, sex, familial status or disability:

- Refusal to make a mortgage loan
- Failure to provide information regarding loans

ⁱ In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

ⁱⁱ Familial status includes households with children under the age of 18 living with parents or legal custodians, pregnant women, and people in the process of getting custody of children under the age of 18.

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- Impose different terms or conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Refuse to purchase a loan, or
- Set different terms or conditions for purchasing a loan.

The Act provides protection for persons exercising a fair housing right and persons assisting others against threats, coercion, intimidation, and interference. In addition, the law prohibits advertisements and statements that indicate a limitation or preference based on race, color, national origin, religion, sex, familial status, or disability. The advertising prohibition applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Finally, the act extends additional protection to persons with disabilities. Federal law defines a disability as any "physical or mental impairment which substantially limits one or more of [a] person's major life activities, a record of having such an impairment, or being regarded as having such an impairment." Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

A landlord or property manager may not refuse a request to make reasonable modifications to a dwelling or common use area if the modification is necessary for the disabled person to use the housing. A reasonable accommodation is at the resident's request and when a client voluntarily makes exceptions to their standard rules/policies to accommodate the resident's disability. The requested accommodation must be reasonable and should not present an undue burden on the landlord. If the accommodation is not reasonable or if it would impose an undue hardship on the landlord, the request may be denied.

Nor is the landlord allowed to refuse a request to make reasonable accommodations in rules, policies, practices, or services if the modification is necessary for the disabled person to use the housing. Landlords may require a resident to pay for modifications to the property and require that those modifications be removed when the resident vacates the property. If the modification were for something that federal law already requires a landlord to have in place then the landlord would be responsible for the cost of the modifications. As with accommodations, the modifications must be reasonable.

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The Fair Housing Act also requires newly constructed multifamily dwellings with four or more units to include certain basic design features of accessibility intended to make the units usable by a person who is or becomes disabled. Accessibility standards include: (a) public use and common use areas which are readily accessible to and usable by persons with disabilities; (b) doors designed to allow passage into and within the units which are sufficiently wide to allow passage by persons in wheelchairs; (c) an accessible route into and through each unit; (d) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (e) reinforcements in bathroom walls to allow later installation of grab bars; and (f) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Housing developments also have to comply with the American Disabilities Act (ADA). While the ADA does not generally apply to residential housing, certain ADA issues arise with the accessibility of common use areas in residential developments if the facilities are open to persons other than owners, residents, and their guests. Examples include: sales and rental offices, sales areas in model homes, pools and clubs open to the general public and reception rooms that can be rented to non-residents.

As a recipient of the Community Development Block Grant (CDBG), MDHA certifies in its application for federal funds that it will affirmatively further fair housing by conducting an analysis of impediments to fair housing choice, take appropriate actions to overcome the effects of any impediments identified, and maintain records reflecting that analysis and actions in this regard.

The Department of Housing and Urban Development (HUD) defines impediments to fair housing as:

- 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 choice; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choice on the basis of race, color, religion, sex, disability, familial status, or national origin.

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It is important to note that the concept of impediments to fair housing choice includes local laws and administrative policies that affect the location, availability, and accessibility of housing. Policies and practices that appear neutral may serve to adversely affect a person's ability to secure housing because of their race, color, religion, sex, disability, familial status, or national origin.

Community Profile

The City of Nashville was first chartered in 1806 and became the permanent capital of Tennessee in 1843. In 1963, the City of Nashville and Davidson County merged to form the “Metropolitan Government of Nashville and Davidson County”. Today, Metro Nashville is a friendly, progressive city with a diverse economy, strong transportation links, and many institutions of higher education. The area enjoys a reputation as an excellent place to live due to its attractive natural setting, pleasant neighborhoods, relatively low cost of living, and the quality of amenities. Nashville consistently ranks among the lowest for cost-of-living in comparable cities across the nation and within the Southeast. The overall cost of living is 95% of the national average. All components (groceries, housing, utilities, etc.) of cost-of-living are typically below the national average.

Situated on the Cumberland River in middle Tennessee, Nashville Metro serves as the regional center of the 13-county Nashville-Davidson–Murfreesboro–Franklin Metropolitan Statistical Area (MSA). The region has enjoyed steady growth over the last several decades. Over the last forty years, Nashville’s population has increased by an average of 4,294 persons on annual basis. If the rate of growth from 2000 to 2008 would continue at its current rate, Nashville’s population would reach 640,207 in 2010 and top 675,000 by 2015 (TABLE 2.1).

TABLE 2.1: Davidson County Growth and Projections

Year	Population	Ten Year Change	% Change
1970 Census	448,003		
1980 Census	477,811	29,808	6.7%
1990 Census	510,784	32,973	6.9%
2000 Census	569,891	59,107	11.6%
2008 ACS	626,144		
2010 projection	640,207	70,316	12.3%
2015 projection	675,365		

The most recent data projections performed by the Metro Planning Department show large population gains in the central business district, and the eastern and southeastern sections of the county. At the same time, the majority of the areas immediately outside of the central business district show population decline. Like most metropolitan regions, much of the growth in the

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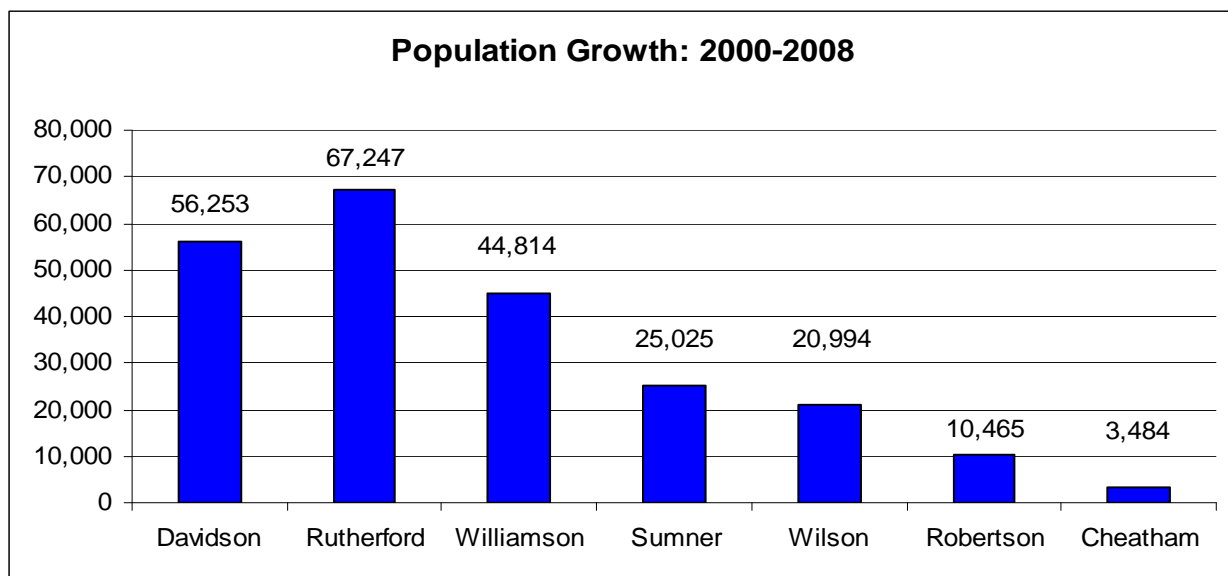
Nashville MSA is occurring in the suburban areas (TABLE 2.2). Rutherford and Williamson County account for a large portion of the area's growth (GRAPH 2.1).

TABLE 2.2: Population Growth 1980 to 2008

	1980-1990	1990-2000	2000-2008
Davidson	7%	12%	10%
MSA	16%	25%	23%
Tennessee	7%	16%	8%
US	10%	13%	7%

Note: Cannon, Hickman, Macon, Smith, and Trousdale counties were added to the Nashville MSA as of December 2003.

GRAPH 2.1: Population Increase by County



Over the last twenty years, Metro Nashville has grown more diverse in terms of racial and ethnic background (TABLE 2.3). In 1990, three out of every four County residents were White. According to the estimates for 2006-08, White residents now account for two out of every three residents. These numbers do not suggest a pattern of “white flight”. The numbers suggest that minority populations have grown at a faster rate than the White population. In fact, the White population grew by approximately 37,000 (7%). By comparison, the African American population grew by 44%. The number of residents identifying themselves as Other Race or Multiracial is six times larger (600%) in 2008 than in 1990. The Asian population almost tripled in size and the American Indian/Alaskan Native population nearly doubled. The Hispanic population, which is considered an ethnicity for purposes of the census and therefore not

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mutually exclusive of the other racial categories, grew by a factor of 9 from less than one percent of the population to 7.9% of the population.

The large growth in “Other” race can be explained in part by the categories offered in the census. Specifically, Hispanic is not listed as a choice of race on the census instruments. Studies have documented that a growing number of Hispanics do not identify with any of the choices offered and therefore select the “Other” category.² Nationally, 42% of the Hispanic population selected “Other” as their race in the 2000 U.S. Census. The growth of the Other category corresponds with a rapid growth of the Hispanic population.

Because of its relatively low cost of living and large job market, Nashville has become a popular city for immigrants. Metro’s foreign-born population tripled in size between 1990 and 2000, increasing from 12,662 to 39,596. This includes Mexicans, Kurds, and immigrants from Southeast Asia.

TABLE 2.3 County Population Growth by Race and Ethnicity

Race / Ethnicity	1990		2000		2008	
White	381740	74.74%	397,698	69.78%	421,930	67.39%
African American	119273	23.35%	149,362	26.21%	171,829	27.44%
American Indian / Alaska Native	1162	0.23%	1,826	0.32%	3,012	0.48%
Asian (including Pacific Islander)	7081	1.39%	14,255	2.50%	18,850	3.01%
Other (including Multi)	1528	0.30%	6,750	1.18%	10,523	1.68%
TOTAL	510784	100.00%	569,891	100.00%	626,144	100.00%
Hispanic origin:	4775	0.93%	26,091	4.58%	49,441	7.90%

Source: 1990, 2000 US Census and 2006-08 American Community Survey

Household Profile

According to the 2006-08 American Community Survey, there were 252,000 households in Davidson County. Families account for roughly half (56%) of households and the average household size is 2.4. Most of the non-family households were people living alone. Eleven percent of Davidson County residents were foreign born, while 55% of all residents were born in Tennessee. 14 percent of residents speak a language other than English at home. Approximately half of this group (49%) reported that they did not speak English "very well." In addition, 49% of residents who speak a language other than English at home speak Spanish. In

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terms of educational attainment, 85% people 25 years and over graduated from high school and one-third have a bachelor's degree or higher.

Disability

In the 2000 census, twenty percent of county residents over the age of five reported some form of disability. A summary of the disabled population by type of disability is reported in TABLE 2.4. Approximately twenty thousand residents reported a sensory disability, which includes blindness, deafness, or a severe vision or hearing impairment. 45,863 residents reported a physical disability, including disabilities that substantially limit one or more basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying. Of the 35,885 disabled persons of working age, 13,070 (36%) were reported as unemployed.

TABLE 2.4: Disabled Population by Age and Type of Disability

Disability Type	under 15	16 to 64	65 and older	Total
Sensory disability	793	10,042	9,240	20,075
Physical disability	1,029	25,170	19,664	45,863
Mental disability	4,035	15,936	7,979	27,950
Self-care disability	904	7,617	7,078	15,599
Go-outside-home disability	--	24,338	14,410	38,748
Employment disability	--	44,821	--	44,821
Total	6,761	127,924	58,371	193,056
Source: 2000 Census				

Income

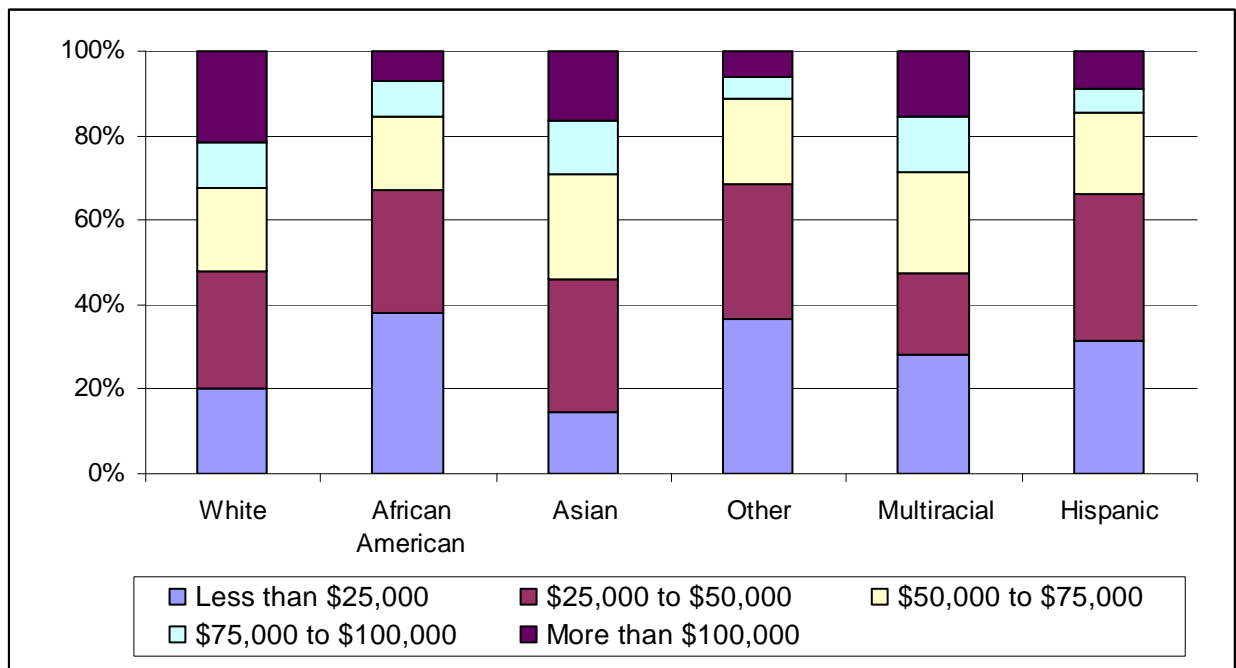
Per capita personal income in the Nashville MSA has been steadily rising since 1999. In 2008, per capita personal income was \$39,325. This represents a small 1.2% increase over 2007. Personal income as a whole increased by 5.8 percent from 2006 to 2007 and by an additional 3.3 percent from 2007 to 2008.

The median household income in Davidson County was \$46,780 according to the 2006-2008 American Community Survey (ACS). There are some correlations between household income and race and ethnicity (TABLE 2.5). African American, Hispanic, and "Other Race" households are more heavily represented in the lower income levels and have fewer households in the upper income levels. Other Race households have the greatest correlation. 69% of all Other Race households were in the lowest two income groupings while only 11% placed in the highest two income groupings.

TABLE 2.5: Household Income by Race and Hispanic Ethnicity

Income Level	White	African American	Asian	Other	Multiracial	Hispanic
Less than \$25,000	20%	38%	14%	37%	28%	31%
\$25,000 to \$50,000	28%	29%	31%	32%	19%	35%
\$50,000 to \$75,000	20%	17%	25%	20%	24%	19%
\$75,000 to \$100,000	11%	8%	12%	5%	13%	6%
More than \$100,000	22%	7%	17%	6%	16%	9%

GRAPH 2.2: Household Income by Race and Hispanic Ethnicity



According to the ACS, approximately sixteen percent of people were below the poverty line. The presence of children in a household, especially those with a single parent, is one of the greatest indicators of poverty. Twenty-six percent of children under 18 were below the poverty level and 30% of single-mother families had incomes below the poverty level. In addition, eleven percent of all seniors had incomes below the poverty level.

Racial and Ethnic Concentrations within Davidson County

There are several significant geographic concentrations of minorities within Davidson County. In addition, there are several areas that have a significantly lower percentage of minority households than the county as a whole. The dissimilarity index is one tool used to describe the level of racial and ethnic segregation and integration within a community. The dissimilarity

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index represents the percentage of one group that would have to move to a new neighborhood to achieve perfect integration with another group. An index score can range in value from 0 (complete integration) to 100 (complete segregation). It should be stressed that while it is statistically possible for the index to approach zero, it is unrealistic for communities to be completely uniform given the general preference for a household to choose housing near others who share similar cultural characteristics and values such as language and religion. The dissimilarity index is more appropriately used a relative measure to compare different communities.

TABLE 2.6: Dissimilarity Index for Davidson County by Race and Census

Race / Ethnicity	1980	1990	2000
American Indian and Alaska Native	0.30	0.26	0.21
Asian & Pacific Islander	0.42	0.43	0.41
Black / African American	0.66	0.61	0.57
Hispanic	0.22	0.23	0.46

Source: U.S. Census Housing Patterns: Racial and Ethnic Residential Segregation in the United States: 1980-2000

According to 2000 Census numbers, Davidson County has a dissimilarity index between Non-Hispanic Whites and African Americans of 0.57 at the census tract level. This suggests that 57 percent of the African American population would need to relocate to a new census tract within the county to achieve a perfectly uniform distribution throughout the county. The dissimilarity index in 2000 is significantly lower than the 1980 measurement (0.66) and 1990 (0.61).

By comparison, Davidson County was less segregated (had a lower dissimilarity index) than thirty-four out of forty-four large metropolitan areas in the last census. The average dissimilarity index for Non-Hispanic Whites and African Americans in the areas studied was 0.64.

The dissimilarity index shows that Hispanic households are becoming more concentrated (segregated). In 1980 and 1990, the index was low at 0.22 and 0.23, respectively. In 2000, the index essentially doubled to 0.46. This increase brings the county's index in line with southern metropolitan areas and the nation's metropolitan areas on average. Census housing patterns in 2000 show that larger metro areas and metros areas with a higher percent of Hispanic households

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are more likely to be more segregated. In addition, metropolitan areas with the largest increases in Hispanic population between 1980 and 2000 generally experienced larger increases in segregation than metropolitan areas with relatively small increases in the Hispanic or Latino population.

The dissimilarity index for Asian and Pacific Islander households remained fairly steady at 0.41 to 0.43. Nationally, there was a correlation between the rate of growth of the Asian and Pacific Islander population and increases in dissimilarity. This trend mirrors the trend for Hispanic households described above. One contributing factor to this increased segregation could be the desire for newly arrived immigrants to settle into ethnic enclaves to ease the transition into a new area.

TABLE 2.7: Racial Composition of Davidson County Municipalities

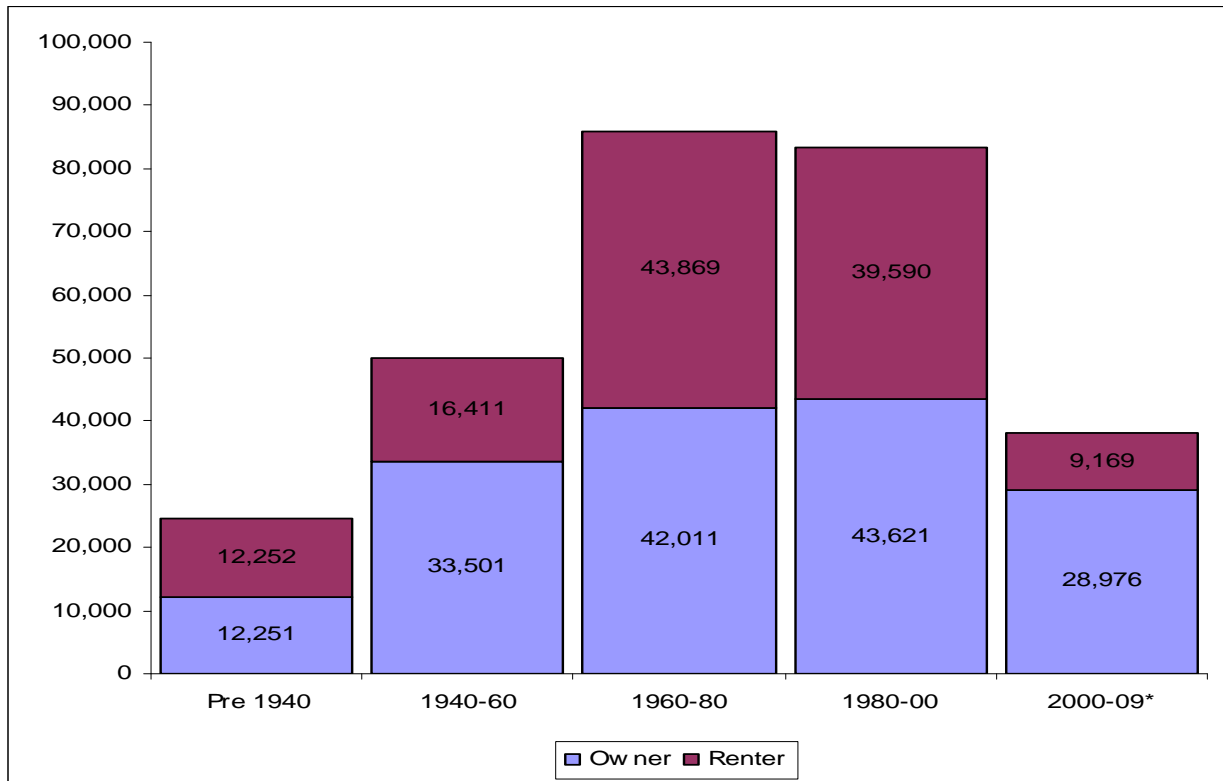
	White	African American	American Indian	Asian	Pacific Islander	Other Race	Multi-racial	Total	Hispanic
Davidson County	381,783	147,696	1,679	13,275	403	13,816	11,239	569,891	26,091
Nashville (balance)	359,581	146,235	1,639	12,992	400	13,677	11,000	545,524	25,774
Ridgetop	1,041	16	1	6	-	2	17	1,083	11
Lakewood	2,230	69	6	6	-	13	17	2,341	44
Goodlettsville	11,909	1,354	30	226	2	90	169	13,780	204
Forest Hills	4,528	66	3	65	-	19	29	4,710	36
Berry Hill	515	109	1	16	-	13	20	674	23
Belle Meade	2,903	10	1	14	-	6	9	2,943	21
Oak Hill	4,325	44	5	74	1	12	32	4,493	34
Davidson County	67%	26%	0%	2%	0%	2%	2%	100%	5%
Nashville (balance)	66%	27%	0%	2%	0%	3%	2%	100%	5%
Ridgetop	96%	1%	0%	1%	0%	0%	2%	100%	1%
Lakewood	95%	3%	0%	0%	0%	1%	1%	100%	2%
Goodlettsville	86%	10%	0%	2%	0%	1%	1%	100%	1%
Forest Hills	96%	1%	0%	1%	0%	0%	1%	100%	1%
Berry Hill	76%	16%	0%	2%	0%	2%	3%	100%	3%
Belle Meade	99%	0%	0%	0%	0%	0%	0%	100%	1%
Oak Hill	96%	1%	0%	2%	0%	0%	1%	100%	1%

Housing

Metro Nashville has a diverse selection of neighborhoods and housing, including downtown condominiums, urban historic districts, and suburban single-family subdivisions. Approximately 63% of the housing stock is single unit housing. The remainder is divided somewhat evenly between small multifamily buildings with less than 10 units (15%) and larger developments

(21%). A majority of the housing stock is more than thirty years old (GRAPH 2.3). However, during the last housing boom, owners took advantage of low interest rates to make a large number of renovations and repairs. In 2006, Metro Codes issued 3,469 permits for additions and alterations, a 24.29 percent increase from 2005.

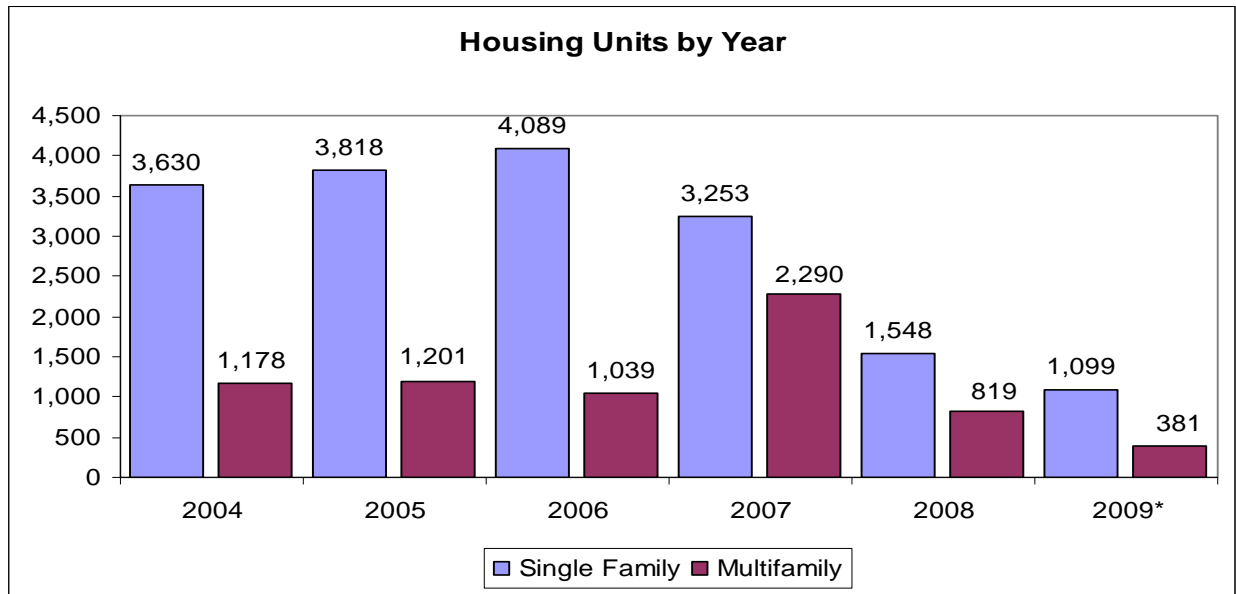
GRAPH 2.3: Age of Housing Stock by Tenure



Nashville experienced the same housing bubble as the rest of the nation. In 2006, Metro issued a record number of building permits only for that number to drop substantially in the following three years (GRAPH 2.4). Most housing markets in the southeastern region are soft because of weak economic conditions and more restrictive credit standards. During the 12 months ending September 2009, sales of single-family homes and condominium units decreased by 25 percent to 16,600 homes. The number of condominium units sold decreased by 38 percent to 2,400 units. The median price of a single-family home sold in September 2009 decreased by nearly 6 percent to \$160,000 and the median price of a condominium unit sold decreased by 4 percent to \$142,500, compared with median prices recorded in September 2008. Local housing professionals are confident that the Nashville market will experience a rebound in sales volume

in 2010 as excessive inventory is exhausted, aided in part by the extension of federal tax credits, government-backed lending assistance, and low mortgage rates.

GRAPH 2.4: Housing Permits by Year



Housing Needs

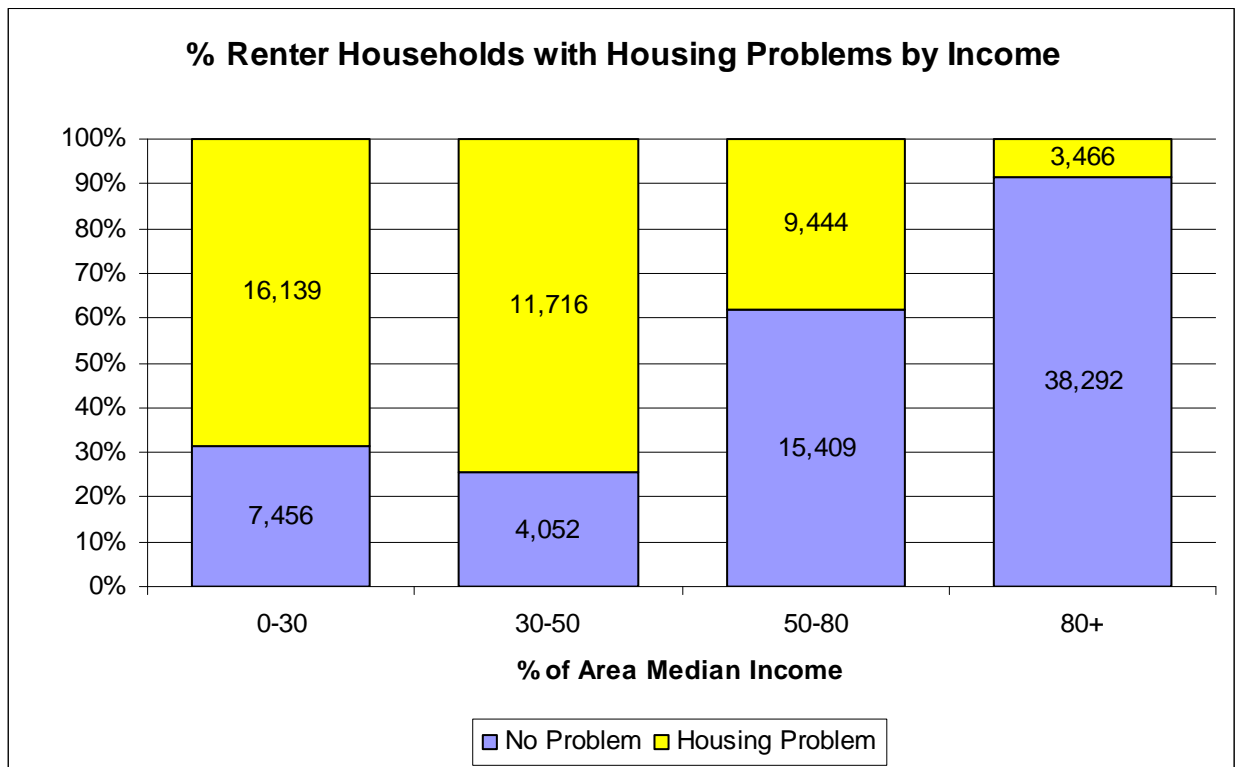
Davidson County’s homeownership rate of 61% is lower than the state’s homeownership rate (70%) and the nation’s (67%), but comparable to other urban counties such as Fulton, GA (59%), Shelby, TN (63%), and Knox, TN (68%). Many homeowners in the county may be overextended. HUD identifies any household paying more than thirty percent of household income as cost burdened. Cost burdened households are at a greater risk of facing foreclosure in times of fiscal distress such as unemployment.

HUD considers any household that has a cost burden, is overcrowded (defined as more than person per room), or is without complete kitchen or plumbing facilities to have a housing problem. The graphs below depict the number of households with housing problems for renters (GRAPH 2.5) and owners (GRAPH 2.6). The great majority of these households are cost burdened. There is a clear and direct correlation between income and the number of households with a housing problem. Approximately 70% of all renters who earn less than 50% of the area median income are considered to have a housing problem.

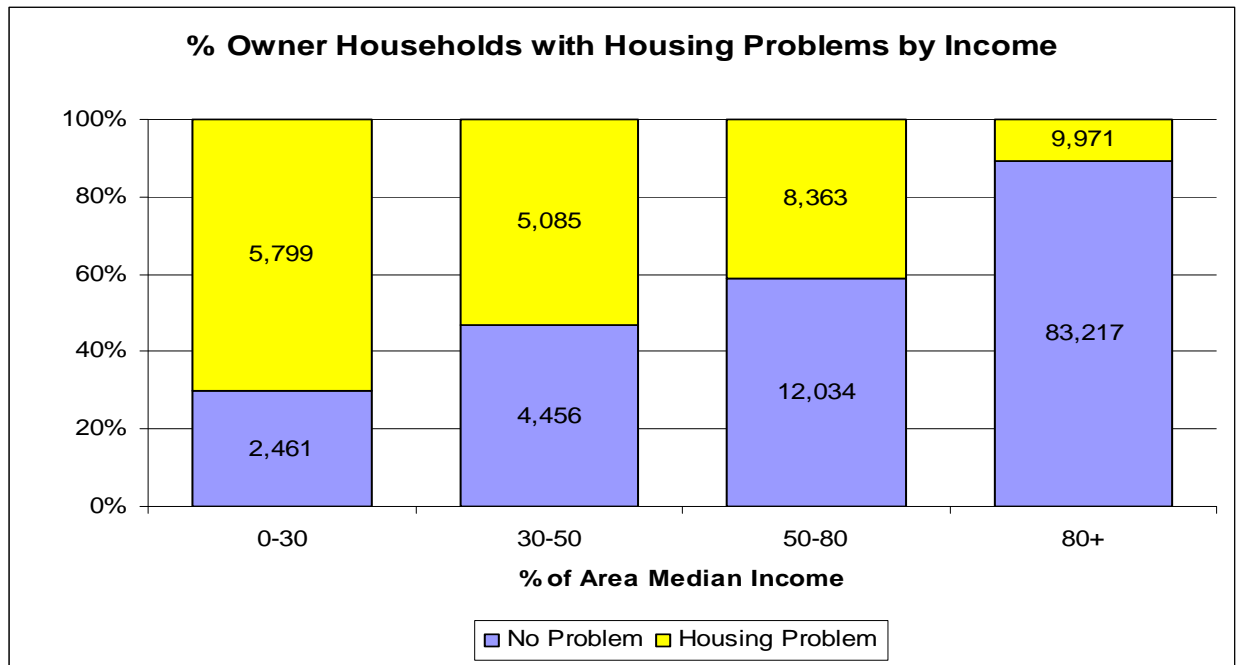
MDHA Analysis of Impediments to Fair Housing

In Davidson County, the Fair Market Rent (FMR) for a two-bedroom apartment is \$761. In order to afford this level of rent and utilities, without paying more than 30% of income on housing, a household must earn \$30,440 annually or approximately \$14.63 an hour (assuming full-time work). In order to afford the FMR for a two-bedroom apartment, a minimum wage earner must work 89 hours per week, 52 weeks per year. Alternatively, a household must include 2.2 minimum wage earner(s) working 40 hours per week year-round in order to make the two bedroom FMR affordable. Monthly Supplemental Security Income (SSI) payments for an individual are \$674 in Davidson County. If SSI represents an individual's sole source of income, \$202 in monthly rent is affordable, while the FMR for a one-bedroom is \$662.

GRAPH 2.5: Renter Housing Problems as Percent of Income



GRAPH 2.6: Owner-Occupied Housing Problems as Percent of Income



Disproportionate Housing Needs

After every census, HUD publishes a dataset called the Comprehensive Housing Affordability Strategy (CHAS) data set that must be included in a jurisdiction’s Consolidated Plan. The 2000 CHAS data provides a breakdown of housing problems by tenure, income, race, and household type. As defined by HUD, a disproportionate housing need exists for a specific racial or ethnic group if the percentage of that racial or ethnic group’s households within a particular category of need is at least 10% higher than found for the category as a whole.

The CHAS data below (TABLE 2.8) reveals the following disproportionate level of housing need:

- African American Owners (30-50% AMI)
- Hispanic Owners and Renters at all income levels
- Native American Renters (0-30% AMI)
- Native American Owners (30-50% AMI)
- Asian Renters (30-50% AMI)
- Asian Owners at all income levels

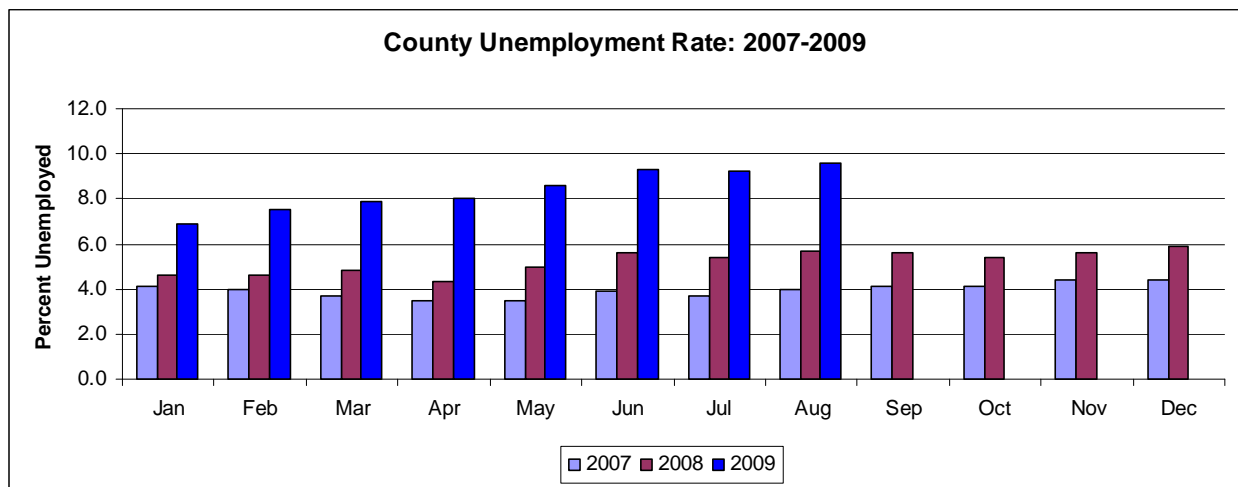
TABLE 2.8: CHAS Data by Race

Household by Type, Income, & Housing Problem	Renters	Owners	Total
All Households			
0-30% income	68.4	70.2	68.9
30-50% income	74.3	53.3	66.4
50-80% income	38	41	39.3
all incomes	38.5	22.2	29.5
Number of Households	105,974	131,386	237,360
Number with Housing Problems	40,800	29,168	70,021
African American			
0-30% income	66.7	75.2	68.1
30-50% income	66.8	63.7	65.9
50-80% income	31.8	46.8	37.4
all incomes	43.8	29.6	37.9
Number of Households	31,980	22,490	54,470
Number with Housing Problems	14,007	6,657	20,644
Hispanic			
0-30% income	79.2	94.2	81
30-50% income	85.8	82.1	85.1
50-80% income	49.8	61.5	52.2
all incomes	57.1	43.1	53.6
Number of Households	4,963	1,666	6,629
Number with Housing Problems	2,834	718	3,553
Native American			
0-30% income	94.2	0	82.3
30-50% income	56.3	78.9	60.6
50-80% income	26.7	9.1	22.7
all incomes	32	14.6	26.1
Number of Households	528	268	796
Number with Housing Problems	169	39	208
Asian			
0-30% income	73	86.7	75
30-50% income	97.3	56.3	89.9
50-80% income	33.7	55.4	42.7
all incomes	47.1	36.3	42.7
Number of Households	2,280	1,570	3,850
Number with Housing Problems	1,074	570	1,644
Native Hawaiian/Pacific Islander			
0-30% income	57.1	0	57.1
30-50% income	0	0	0
50-80% income	13.8	0	13.8
all incomes	32.4	21.1	30.1
Number of Households	74	19	93
Number with Housing Problems	24	4	28

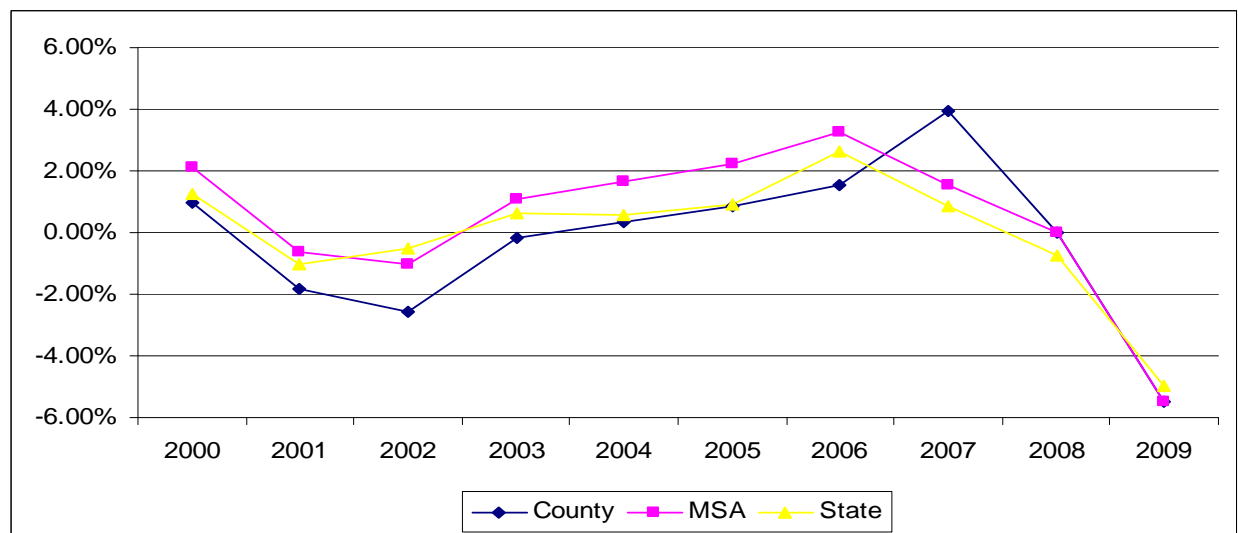
Economy

Like the rest of the nation, Davidson County's economy entered into recession toward the end of 2007. Unemployment spiked to its highest levels at the end of 2009. The graph below demonstrates the jump from 2007 to 2009 where the rate is approaching 10% (GRAPH 2.7). Economists forecast that the recession should end in the next year and unemployment will return to previous levels within two to three years. GRAPH 2.8 depicts trends in annual employment growth.

GRAPH 2.7: Labor Force and Unemployment



GRAPH 2.8: Employment by County, Metro Area, and State



MDHA Analysis of Impediments to Fair Housing

Before the recession began, the area benefited from low unemployment, consistent job growth, and significant investment. The recession has been somewhat softened by the local economy's diversity. Nashville's economic base is anchored in several areas, including finance and insurance, health care, music and entertainment, publishing, transportation technology, higher education, biotechnology, and tourism and conventions (TABLE 2.9).

TABLE 2.9: Businesses and Employment by Industry Group

Industry Group	Establishments	Employees
Health Care and Social Assistance	1542	54,265
Public Administration	113	47,218
Retail Trade	2349	45,847
Accommodation and Food Services	1251	40,717
Education Services	183	3,146
Admin., Support, Waste Mgmt., Remediation	1065	29,648
Manufacturing	770	26,990
Wholesale Trade	1585	22,182
Professional, Scientific and Technical Services	2018	21,495
Transportation and Warehousing	437	20,359
Finance and Insurance	1212	18,976
Construction	1239	17,147
Other Services (except Public Admin.)	1941	14,558
Information	570	11,593
Real Estate and Rental and Leasing	834	7,706
Arts, Entertainment, and Recreation	563	5,263
Management of Companies and Enterprises	91	4,250
Utilities	16	1,682
Unclassified Establishments	67	355
Agriculture, Forestry, Fishing and Hunting	8	209
Mining	12	197

Source: TN Dept. of Labor & Workforce Dev

Transportation

Transportation within the county is heavily dependent on the automobile. According to the latest census numbers, 81% of workers within the county drove to work alone and 9% carpooled. Only 2 percent took public transportation. Among those who commuted to work, it took them on average 23.1 minutes to get to work.

Davidson County is served by the Metropolitan Transit Authority. The AccessRide program is a publicly funded paratransit service, which operates specialized van services for persons with disabilities who are unable to use regular fixed-route buses. AccessRide provides door-to-door

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paratransit service within Davidson County 1.5 miles from a regular bus route, excluding commuter or express service.

Nashville is also served by the regional Nashville Area Metropolitan Planning Organization (MPO). The MPO coordinates, directs, and allocates federal funds for various transportation projects and programs. The Board provides policy direction, a forum for transportation and air quality decisions, and approves major transportation planning reports and documents. Federal law requires all urbanized areas with a population of at least 50,000 to maintain a “3-C” transportation planning process: Continuing, Comprehensive, and Cooperative. The MPO serves that function in Davidson, Rutherford, Sumner, Wilson, and Williamson counties, and parts of Maury and Robertson counties.

Impediments to Fair Housing Choice

The analysis of impediments is divided into three sections: the public sector, private sector, and the public-private sector. Public sector analysis reviews the local policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices. These policies can play a significant role in limiting or promoting fair housing choice. The private sector analysis examines impediments within the private marketplace, including the actions of landlords, property managers, real estate agents, lenders, and other parties involved in the provision of housing. The public-private sector analysis focuses on areas of fair housing that are provided through a partnership of both the public and private sector, including enforcement, education, and outreach.

Public Sector

An analysis of impediments would not be complete without examining the actions within in the public sector that have an effect on fair housing choice. Government policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices can play a significant role in promoting fair housing choice.

State of Tennessee Fair Housing Law

Tennessee's fair housing law has received substantial equivalence certification from the U.S. Department of Housing and Urban Development (HUD). This certification indicates that the State has a fair housing law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act and has the capacity to enforce it. The Tennessee Human Rights Commission (THRC) has cooperative agreements with the U.S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC) that allows THRC to coordinate their investigations and avoid duplication of efforts in seeking an end to discrimination. THRC is an independent state agency charged with preventing and eradicating discrimination in employment, public accommodations, and housing. The Commission has its central office in Nashville.

Zoning and Building Codes

Building codes, zoning ordinances, and other local policies that overwhelmingly serve the public good can have disparate impacts on the housing choice of the protected classes. Building codes provide minimum standards for the design, construction, and use of buildings in order to protect public health and safety. Codes that require certain amenities or setbacks can affect the feasibility of providing low- and moderate-income housing development. These requirements may serve as an impediment to fair housing choice if the low income population consists primarily of protected classes, such as racial minorities.

The County has incorporated the 2003 and 2006 International Building Codes into its building code. HUD has found that these codes are in compliance with the Fair Housing Act in terms of design standards.

Zoning ordinances regulate how property can be utilized, maintain the character of a neighborhood and provide for orderly growth. Some state and local governments have enacted laws that limit or exclude housing facilities for persons with disabilities or homeless people from certain residential areas. The Department of Justice, HUD, and most courts that have addressed the issue agree that density restrictions are generally inconsistent with the Fair Housing Act. MDHA reviewed the local zoning ordinance and found no adverse effects on the availability of housing for minorities, families with children, and persons with disabilities. Nor did the review reveal any zoning policies promoting a pattern or concentration of low income housing or overly restrictive policies that would prevent affordable housing development.

Zoning ordinances with a single-family zoning district must contain a definition of family. The definition cannot be written in a way to exclude certain family members, families which are not biologically related or are non-traditional, or have a disparate impact on one of the protected classes. In 1995, the Supreme Court reviewed *City of Edmonds v. Oxford House, Inc.* where the City of Edmonds cited a halfway house for violating a city ordinance because it was located in a neighborhood zoned for single-family residences. The ordinance defined “family” as “persons related by genetics, adoption, or marriage, or a group of five or fewer [unrelated] persons.” While the Court did not find the ordinance in violation of the Fair Housing Act, the Court ruled that the ordinance was not exempt from the Fair Housing Act since it sets a limit for the number of unrelated occupants but not related occupants.

MDHA Analysis of Impediments to Fair Housing

Upon its review, MDHA found that the zoning code is not overly restrictive in its definition of occupancy or family. The ordinance uses the following definition for family:

An individual, or two or more persons related by blood, marriage or law, or, unless otherwise required by federal or state law, a group of not more than three unrelated persons living together in a dwelling unit. Servants and temporary nonpaying guests having common housekeeping facilities with a family are a part of the family for this code;

A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102. For purposes of this subsection, 'mentally handicapped' and 'physically handicapped' includes persons being professionally treated for drug and/or alcohol dependency or abuse.

A group of not more than eight unrelated persons over the age of sixty-five, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit.

The updates to the Fair Housing Act in 1988 was in part intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of (the disabled) to live in the residence of their choice in the community. This also includes regulation and licensing requirements for group homes. The great majority of group homes for persons with disabilities are subject to state regulations intended to protect the health and safety of their residents. HUD has found that licensing requirements are necessary and serve a legitimate purpose. However, local decision makers must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection and requests for reasonable accommodation should be honored where appropriate. The zoning ordinance was revised in 2009 to include language that specifically states the procedures to be followed for persons making reasonable accommodation requests and that a determination must be made within 30 days:

MDHA Analysis of Impediments to Fair Housing

The provisions of this title shall in every instance be construed, applied and enforced in a manner consistent with applicable federal law, including but not limited to the Fair Housing Act, 42 U.S.C. § 3601 et. seq.; the Americans with Disabilities Act, 42 U.S.C. § 12132, et. seq.; and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et. seq. Notwithstanding any other provision of this title to the contrary, the zoning administrator shall make reasonable accommodations in the rules, policies, and practices of his office so that handicapped or disabled persons or a provider of housing for a handicapped or disabled person are not discriminated against and are afforded an equal opportunity to use and enjoy dwellings.

In 2009, the Metropolitan Government entered into a consent decree to resolve a federal lawsuit regarding land use discrimination. The Metropolitan Government had denied a building permit to an organization that wanted to operate a substance abuse program. The consent decree requires the Metropolitan Government to train nearly 100 employees and officials who make zoning and land use decisions on the requirements of the FHA, to appoint a compliance officer to receive complaints and ensure compliance with the settlement, and to provide periodic reports to the Justice Department. As part of the settlement, the Metropolitan Government rescinded the amendment to its zoning code and adopted a reasonable accommodation policy for individuals with disabilities.

Municipal Services and Neighborhood Revitalization

In 1963, the City of Nashville and the Davidson County government merged to form the “Metropolitan Government of Nashville and Davidson County”. Delivery of municipal services was organized into the General Services District (GSD) and the Urban Services District (USD). The GSD embraces the entire area of Davidson County and its residents are taxed to support those services, functions and debt obligations which are deemed properly chargeable to the whole population. Such services include general administration, police, fire protection, courts, jails, health, welfare, hospitals, streets and roads, traffic, schools, parks and recreation, airport facilities, auditoriums, public housing, urban renewal, planning and public libraries. USD residents are charged an additional tax to support those services, functions and debt obligations

MDHA Analysis of Impediments to Fair Housing

which benefit only the USD. Such services include additional police protection, storm sewers, street lighting and refuse collection.

There are also seven smaller municipalities within Davidson County: Belle Meade, Berry Hill, Forest Hills, Lakewood, Oak Hill, a portion of Goodlettsville, and a portion of Ridgetop. These municipalities share responsibilities of municipal services and governance with Metro.

MDHA reviewed the provision of municipal services and did not find evidence of an impediment to fair housing choice. MDHA also reviewed racial and ethnic demographic data collected for its annual performance reports for HUD and found no evidence of impediments.

MDHA Design Review Committee

MDHA provides for some oversight of its redevelopment districts through the Design Review Committees. These committees review building permit applications referred by the Codes Department for developments within the eight redevelopment districts, and provides informal feedback on proposed development projects. Each redevelopment district has two local representatives. The Committee's decisions can be appealed to an Administrative Appeals Board comprised of three members of MDHA management.

Affordable Housing Programs

New rental housing assisted with HOME funds must meet site and neighborhood standards per the HOME regulations. One purpose of these standards is to ensure that rental housing is not concentrated in minority neighborhoods. MDHA reviews each proposal to determine its potential effect on the racial makeup of the neighborhood and all viable alternatives.

Planning Commission

The Metro Planning Commission (MPC) reviews and approves subdivision plats, minor changes to planned unit developments and urban design overlay districts, detailed neighborhood design plans, community plan (sub area) updates and amendments, and bonds. It also reviews and recommends to the Board of Zoning Appeals all special exception uses within Metro and all variances within the Urban Zoning Overlay district.

The Commission is made up of 10 members who serve a four-year term without compensation, except for the Metro Councilmember who serves a two-year term. A member may serve no more

than two consecutive terms. Eight of the 10 members are appointed by the Mayor and confirmed by a majority vote of the Metro Council. The ninth member is the chair of the Metro Council's Planning & Zoning Committee and the tenth member is the Mayor.

Zoning Board of Appeals

The Metropolitan Board of Zoning Appeals (BZA) reviews and approves variances to zoning code standards, special exception permits, changes to non-conforming uses and structures, and appeals of a zoning administrator interpretation of the zoning code. The BZA holds public hearings on any of these items within 60 days of an application being filed. The Board of Zoning Appeals (BZA) is made up of seven members who serve a five-year term without compensation. A member may serve no more than two consecutive terms. To be eligible to serve, a nominee may not hold any public office or be employed by the Metro Government. Members are appointed by the Mayor and confirmed by the Metro Council.

Visitability

While not required by law, the lack of visitable housing could potentially serve as an impediment to fair housing choice for persons with disabilities. HUD defines a visitable unit as a unit where at least one entrance at grade (with no step), is approached by an accessible route, such as a sidewalk, and the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space. Other design features can include:

- All wall switches controlling light fixtures and fans not more than 48 inches above finished floor
- Step-free entrances with an accessible route from a parking area or public way
- Reinforced bathroom walls to support grab bars
- First floor washroom/powder room designed to provide wheelchair access to both the water closet and lavatory
- All exterior and interior doors provide at least thirty two inches of clearance
- Hallway width of at least forty two inches

- An accessible route through the hallways and passageways of the floor level served by the step free entrance.

Private Sector

Discrimination is the most common form of impediments to fair housing choice within the private sector. Discrimination exists when a tenant, prospective tenant or homebuyer is treated differently than others on the basis of belonging to one of the protected classes. This may involve refusing to rent or sell to someone, or doing so under different terms and conditions. Discrimination can be found in many areas of the housing market, including but not limited to:

- The sale and rental of housing and real estate practices such as blockbusting, deed restrictions, trust or lease provisions, conversions of apartments to all-adult occupancy, inaccessible design, or management firm “occupancy quotas”
- Banking and insurance policies and practices pertaining to the financing, sale, purchase, rehabilitation, and rental of housing that may affect the achievement of fair housing choice
- The discriminatory provision of mortgage brokerage services

Housing discrimination also includes the refusal to make reasonable accommodation for persons with disabilities, such as waiving a no-pets policy for service animals or allowing alterations to the unit. Based on the number of complaints received by HUD (Table 3.1), the most common forms of discrimination on a national basis include the refusal to rent a dwelling and disparate terms, conditions, and privileges associated with renting or sales of a housing unit. Table 3.2 shows that approximately four out of every five discrimination complaints were based on race or disability. It should be noted that these statistics are based on the number of complaints received. Actual discrimination may differ due to lack of reporting for certain types of discrimination. The lack of reporting is discussed in greater detail in the next section.

MDHA held a public forum on September 16, 2009 to discuss housing discrimination with community advocates and professionals in the housing industry. Minutes from the meeting can be found in Appendix A.

TABLE 3.1: National Housing Discrimination Complaints by Discriminatory Action

Discriminatory Action	FY2005	FY2006	FY2007	FY2008
Terms, Conditions, Privileges, Services, and Facilities in the Rental or Sale of Property	57%	58%	58%	56%
Refusal to Rent	25%	26%	26%	26%
Failure to Make a Reasonable Accommodation	18%	18%	21%	23%
Coercion, Intimidation, Threats, Interference, and Retaliation	13%	13%	15%	13%
Discriminatory Financing	6%	5%	4%	3%
Discriminatory Notices, Statements, or Advertisements	7%	5%	6%	8%
Refusal to Sell	4%	3%	2%	2%
False Representation that a Dwelling is Not Available	3%	2%	2%	3%
Non-compliance with Design and Construction Requirements	4%	2%	2%	2%
Failure to Permit a Reasonable Modification	2%	1%	2%	2%
Steering	1%	1%	1%	1%
Redlining	<0.5%	<0.5%	<0.5%	<0.5%
Insurance Discrimination	<0.5%	<0.5%	<0.5%	<0.5%

TABLE 3.2: National Housing Discrimination Complaints by Basis for Discrimination

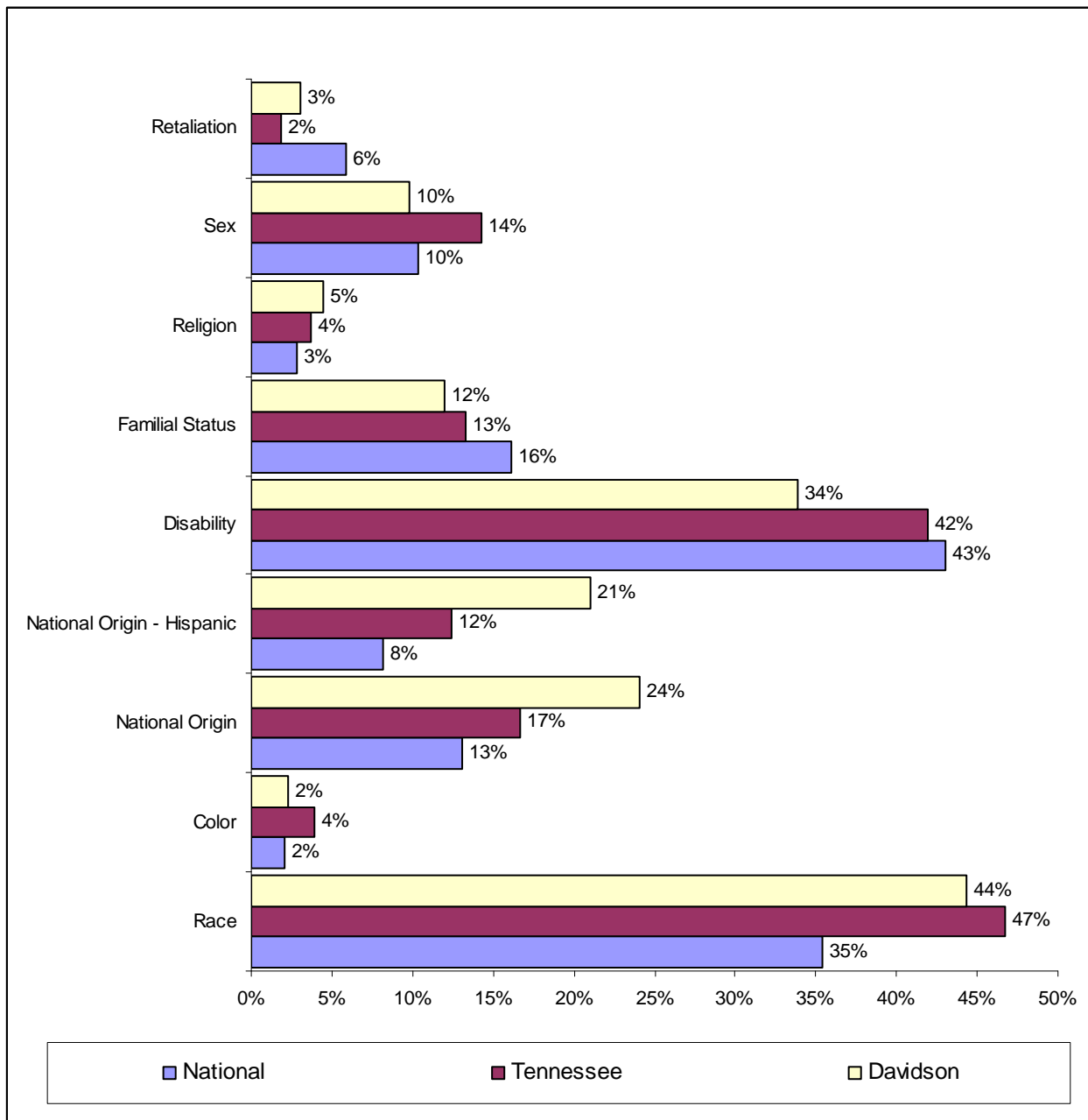
Basis for Discrimination	FY2005		FY2006		FY2007		FY2008	
	#	%	#	%	#	%	#	%
Disability	3,766	41%	4,110	40%	4,410	43%	4,675	44%
Race	3,472	38%	4,043	39%	3,750	37%	3,669	35%
Familial Status	1,414	15%	1,433	14%	1,441	14%	1,690	16%
Sex	961	10%	997	10%	1,008	10%	1,133	11%
National Origin	1,225	13%	1,427	14%	1,299	13%	1,364	13%
Hispanic/Latino	860	9%	931	9%	784	8%	848	8%
Religion	218	2%	258	2%	266	3%	339	3%
Color	142	2%	154	1%	173	2%	262	2%
Retaliation	452	5%	577	6%	588	6%	575	5%
Total Complaints Filed	9,254		10,328		10,154		10,552	

Table 3.3 and Graph 3.1 present complaints data summarized at the county, state, and national level. The data was collected from HUD's Office of Fair Housing and Equal Opportunity (FHEO) reporting system (TEAPOTS). A filed complaint does not mean that a discriminatory act occurred; only that it was alleged. Davidson County's statistics mirror those of the nation and the state, except for the number of complaints based on National Origin.

TABLE 3.3: Housing Discrimination Complaints by Basis

Basis	National		Tennessee		Davidson	
Race	14,148	35%	331	47%	59	44%
Asian	290	1%	1	0%	0	0%
Asian and White	33	0%	0	0%	0	0%
Black or African American	11,516	29%	244	34%	46	35%
Black and White	617	2%	27	4%	7	5%
Hawaiian or Pacific Islander	24	0%	0	0%	0	0%
Native American	216	1%	5	1%	3	2%
Native American and Black	62	0%	1	0%	1	1%
Native American and White	37	0%	2	0%	1	1%
White	1,148	3%	30	4%	1	1%
Other Multi-Racial	205	1%	21	3%	0	0%
Color	828	2%	28	4%	3	2%
National Origin	5,234	13%	118	17%	32	24%
National Origin - Hispanic	3,283	8%	88	12%	28	21%
Disability	17,233	43%	297	42%	45	34%
Familial Status	6,467	16%	94	13%	16	12%
Religion	1,139	3%	26	4%	6	5%
Sex	4,139	10%	101	14%	13	10%
Retaliation	2,363	6%	13	2%	4	3%
Total	40,009		708		133	

GRAPH 3.1 FHEO Cases by Type of Discrimination



MDHA Analysis of Impediments to Fair Housing

The data in Table 3.4 was provided by the Tennessee Fair Housing Council (TFHC). 83% of the complaints received by TFHC centered on rental issues.

TABLE 3.4: TFHC Housing Discrimination Complaints by Basis

Basis	Rental	Sales	Lending	Insurance	Zoning	Harassment	Other	Totals	Percent
Race	45	0	0	0	0	5	0	50	30%
Color	3	0	0	0	0	0	0	3	2%
Religion	2	0	0	0	0	0	0	2	1%
National origin	11	1	0	0	0	1	0	13	8%
Sex	4	0	0	0	0	0	0	4	2%
Disability	61	2	1	0	15	0	2	81	49%
Familial status	13	0	0	0	0	1	0	14	8%
Total	139	3	1	0	15	7	2	167	
Percent	83%	2%	1%	0%	9%	4%	1%		

TABLE 3.5: THRC Housing Discrimination Complaints by Basis

Basis	Rental Refusal	Sales Refusal	All Complaints	Percent
Race/Color	5	1	27	28%
National Origin	1		13	14%
Familial status			11	11%
Disability	2	1	24	2%
Sex (Gender)	1		10	10%
Religion			2	2%
Harassment/Coercion			9	9%
Total	9	2	96	

TABLE 3.6: THRC Housing Discrimination Complaints by Basis

Basis	Nashville	Antioch	Joelton	Madison	Cane Ridge	Goodlettsville	Hermitage	Old Hickory
Race/Color	20	1		1	1	1	3	
National Origin	7	5		1				
Familial status	7	1		2				
Disability	18	2		1			2	1
Sex (Gender)	8		1	1				
Religion	1					1		
Harassment								

Developers

The Fair Housing Act also requires newly constructed multifamily dwellings with four or more units to include certain basic design features of accessibility intended to make the units usable by a person who is or becomes disabled. In 2009, a complaint was filed against a local developer on the basis of discrimination by failing to design and construct seven multi-family apartment complexes in or around Nashville to be accessible to persons with disabilities in compliance with the Fair Housing Act. The developments include Meadowcreek Apartments, Miller Town Apartments, 17th Street Apartments, Forest View Apartments, Swiss Ridge Apartments, Lakeside Apartments and Stonebridge Apartments.

Lenders and Lending Services

In the past, lenders would routinely refuse loans to sections of a community in a practice known as redlining. Several federal initiatives, such as the Community Reinvestment Act, have curtailed redlining and made credit more readily available to these communities. In addition, advancements in computerized underwriting practices have removed some of the subjectivity of local loan officers, and the potential for illegal discrimination, in the determination of creditworthiness. As a result, discrimination in today's financial services market is not as blatant and is more difficult to detect. Financing is more available to borrowers, but the terms in which the financing is offered can be discriminatory.

Subprime loans, taken on their own, are not predatory. They are necessary in order to provide credit for borrowers who pose a higher credit risk for the lender because of poor credit histories, high loan-to-home-value ratios, or other credit risk characteristics that would disqualify the borrower from lower cost, prime-rate loans.

It is a violation of the Fair Housing Act to impose different terms or conditions on a loan, such as different interest rates, points or fees based a person's race, color, national origin, religion, sex, familial status or disability. A recent study by the Urban Institute found that African-American and Hispanic homebuyers received disparate treatment in terms of financing options.³ In addition, Freddie Mac indicates that a third to a half of borrowers who qualify for low cost loans receive subprime loans instead.

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Minority consumers often have unequal access to loans at the best price and on the best terms based on credit history, income, and other risk factors. High cost loans can be defined as first mortgages with interest rates 3 percentage points higher than a benchmark rate and second mortgages with interest rates 5 percentage points or higher than a benchmark rate. According to a recent Woodstock Institute study, sixty percent of mortgages obtained by African American households and 46 percent obtained by Hispanic families were high-cost loans.

This disparate treatment was not limited to lower income households. In fact, there was a higher level of discrepancy when analyzing upper income households. A low-income African American borrower was three times more likely to receive a high-cost loan than a low-income White borrower. An African American earning more than \$135,000 annually was five times more likely to receive a high-cost loan than a White borrower at the same income level.

An investigation undertaken by the National Community Reinvestment Committee from 2004 to 2006 revealed disparate treatment by mortgage brokerages based on race and national origin in 46 percent of cases. The results of the investigation showed that White testers were offered better pricing than African American or Hispanic testers.

As part of the analysis, MDHA analyzed data reported by lending institutions per the Home Mortgage Disclosure Act (HMDA) for 2008 (Table 3.7). While HMDA data cannot be used to "prove" discrimination by banks and other lending institutions, data can be used to determine whether discrimination may be occurring. The data revealed that African Americans (38%) and Hispanics (32%) were more likely to receive a high-cost loan than White borrowers (16%). MDHA also calculated the ratio of denials to the number of loan originations for each race and ethnic group. The data shows that while White borrowers received 1.5 denials for every ten originations, Hispanics and African Americans received 4 and 3 denials for every ten originations, respectively. It is important to note that this analysis does not account for differences in credit risk of the borrower.

HMDA data defines high cost loans as first mortgages with interest rates 3 percentage points higher than a benchmark rate and second mortgages with interest rates 5 percentage points or higher than a benchmark rate.⁴

TABLE 3.7: 2008 Loan Originations, High Cost Loans, and Denials by Race and Ethnicity

Race/Ethnicity	Originations	High Cost Loans		Denials	
		#	%	#	Ratio
American Indian	51	13	25%	16	31%
Asian	511	91	18%	93	18%
African American	3,025	1,161	38%	1,223	40%
Pacific Islander	65	13	20%	19	29%
White	13,673	2,211	16%	2,042	15%
Not Provided	2,126	406	19%	643	30%
Total	19,451	3,895	20%	4,036	21%
Hispanic	1,043	335	32%	325	31%

source: 2008 HMDA

Real Estate Services

The services of real estate professionals are critical in the provision of fair housing choice. Homebuyers rely heavily on the professional’s expertise of the local market. The National Fair Housing Alliance (NFHA) has focused recent studies on the role of real estate agents and the prevalence of discrimination within the profession. The results of the study reveal discriminatory steering practices and disparate treatment. Racial steering is the practice of limiting a buyer’s choice, through comments or actions, to specific neighborhoods based on race or national origin.

MDHA convened a focus group on local fair housing issues during the development of this analysis. A real estate agent in attendance stated that steering exists in the community, but buyers affected by the steering do not feel filing a complaint is worth the trouble. The agent also had encountered cases where sellers had discriminated against Arab purchasers.

The NFHA study showed that African-American and Latino buyers were refused appointments or offered very limited service by real estate agents one out of every five times. The limited service was described as the buyer never receiving a return call from the agent after several messages and scheduling appointments that the agent never kept. In paired testing, agents showed white buyers an average of eight homes, while African-American and Latino testers saw an average of five homes.

Per state licensing requirements, Tennessee realtors must meet educational requirements that include a fair housing component. The educational requirements include initial work before receiving a license and continuing education as well.

Public and Private Sector

Fair Housing Enforcement

Effective fair housing enforcement lies at the heart of a comprehensive program to affirmatively further fair housing. Testing has proven to be one of the most effective ways to combat discrimination and enforce fair housing choice.⁵ In most communities, this role is undertaken by fair housing advocacy organizations whose sole mission is to promote fair housing choice. Davidson County is served by the Tennessee Fair Housing Council (TFHC) and the Tennessee Human Rights Commission (THRC). Both TFHC and THRC receive funds directly from HUD to conduct fair housing activities.

The Tennessee Human Rights Commission is an independent state agency charged with preventing and eradicating discrimination in employment, public accommodations, and housing. The Commission has cooperative agreements with the U.S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). These agreements allow the federal and state agencies to coordinate their investigations and avoid duplication of efforts in seeking to end discrimination. The Commission has its central office in Nashville.

The Tennessee Fair Housing Council is a private, non-profit advocacy organization whose mission is to eliminate housing discrimination throughout Tennessee. The Council undertakes outreach, education and enforcement actions. Enforcement includes the receipt of complaints, investigation, counseling, and administrative actions or lawsuits. Their enforcement program is based in Nashville and concentrates on Davidson, Cheatham, Dickson, Rutherford, Sumner, Williamson and Wilson counties.

Informational Programs

A 2002 HUD study found that only seventeen percent of individuals who believed they had experienced housing discrimination took some action in response. Of those who took action, only one percent said they reported the discrimination to a government agency. Recent studies have shown that discrimination based on national origin is largely underreported, specifically by Latinos, Asian-Americans, and Native Americans. These studies suggest several reasons for the underreporting of housing discrimination:

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- Housing discrimination is often not readily identifiable by consumers
- Language barriers and other cultural issues, including immigration status, hesitancy to challenge authority, and a general lack of faith in the justice system
- Low expectations of a good result. Two-thirds of those who expected that filing a complaint would bring about a good outcome said they would be very likely to file one if they were discriminated against, compared to less than one-fourth of those who did not anticipate good results.

Aggressive informational programs have shown to be effective in encouraging persons who suffer from discrimination to report it. The five counties across the country with the highest rate of complaints reported 51 to 96 housing discrimination complaints per 100,000 households.⁶ All five counties cited informational and outreach programs as effective tools.

There is also a need for greater financial literacy in general. A recent study by the FDIC revealed that a substantial proportion of minority households did not have a banking relationship with a formal financial institution. These households are considered “unbanked” and often turn to high-cost financial services such as pay-day loan stores. An earlier study by the Chicago Federal Reserve showed that language and culture play an important role for Hispanic consumers seeking financial services. The County can take an active role in bridging the language/cultural gap by organizing English language and financial literacy programs, potentially in tandem with financial institutions.⁷ A study commissioned by the Mortgage Bankers Association of America (MBAA) documented a widespread view among minority renters that they would fare poorly when obtaining a mortgage. Among those who had never applied for a mortgage, 32 percent of African-Americans and 24 percent of Hispanics believed they would encounter discrimination because of their race or ethnic background.⁸

Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English are defined as Limited English Proficient (LEP) and may be entitled to language assistance with respect to participating in federally-funded programs. Language for LEP persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally-funded programs and activities. Per Section 601 of Title VI of the Civil Rights Act of 1964, recipients of federal financial assistance

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have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government programs, services, and activities.

Summary of Impediments to Fair Housing Choice

- **Impediment #1: Lack of Public Awareness:** There is evidence that a substantial number of persons who suffer from discrimination do not report it. A HUD study found that of the people who suspect housing discrimination, only 1% reported the case to a government agency.⁹ Among the reasons for a lack of reporting include the inability to identify the discrimination and the belief that nothing will result from the report. In some cases, limited English proficiency plays a role as well. The largest impediment to fair housing choice is a lack of consumer education regarding fair housing rights. There is a need for a multi-faceted approach that can effectively reach all effected parties, including housing consumers, housing professionals and landlords, government officials, and public advocacy groups.
- **Impediment #2: Need for Greater Coordination:** Greater coordination is needed among housing providers, housing professionals, government agencies, and advocacy groups. Coordination can be increased in both quality and quantity. The agencies already involved in fair housing efforts can collaborate more to maximize effectiveness. In addition, there is a need to include a greater number of organizations to the process in a more consistent manner. These agencies include other departments of Metro government, outside agencies, and federally-funded subrecipients.
- **Impediment #3: Disparate Treatment in the Rental Market:** The statistics reported by local fair housing agencies and the U.S. Department of Housing and Urban Development indicate discrimination based on race, disability and familial status, especially in the rental market. Disparate treatment in the provision of rental housing is a clear impediment to fair housing choice.
- **Impediment #4: Disparate Treatment in Subprime Lending:** Analysis of lending data required by the Home Mortgage Disclosure Act (HMDA) revealed that minority households were more likely to receive a high-cost loan than White households. Disparate treatment in mortgage lending is a clear impediment to fair housing choice.

Proposed Actions to Affirmatively Further Fair Housing

As a recipient of the Community Development Block Grant (CDBG), MDHA must take appropriate actions to overcome the effects of the impediments identified within this plan and maintain records reflecting that analysis and actions in this regard. MDHA proposes to undertake the following actions to affirmatively further fair housing choice within its jurisdiction.

Public Awareness

MDHA will utilize multiple avenues to outreach to the public to communicate their right to fair housing choice and how to identify and report potential discrimination. Efforts will include:

- 1.6 Material Distribution:** MDHA will distribute fair housing marketing materials aimed at educating County residents of their right to fair housing, how to identify discrimination, and how to report it. The goal of the material is to reach people who experience discrimination but do not report it. MDHA will research strategies for increasing awareness in “low minority” areas and collaboration opportunities with other agencies, institutions of higher education, churches, and schools.
- 1.7 Fair Housing Website and Hotline:** MDHA will maintain a dedicated fair housing page on its website. The webpage will act as an information clearinghouse for residents, housing professionals working in Davidson County, and all Metro employees. The website will also include periodic updates related to fair housing. For those without internet access, MDHA will continue to sponsor the Fair Housing Hotline, a recorded message system that provides information on how to file a complaint and referral information to local fair housing agencies.
- 1.8 Media Advertising and Press Releases:** MDHA will use display ads in minority papers to advertise local fair housing resources, including its web page. MDHA will issue periodic press releases to highlight current issues, publication of reports, the Fair Housing Conference and other newsworthy events.
- 1.9 Coordination with Non-Profits and Other Government Agencies:** MDHA will work closely with fair housing agencies, non-profit housing professionals, and other local government agencies to ensure fair housing efforts are coordinated amongst agencies.

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MDHA will serve as an information resource to other Metro departments for fair housing-related issues.

- 1.10 Fair Housing Conference:** MDHA will continue to sponsor an annual fair housing conference to highlight local fair housing issues, solutions, and to raise awareness. The conference will serve as an educational forum for the general public and local housing professionals. The conference will be held in April to coincide with the national celebration of Fair Housing Month.

Metro Nashville and Davidson County Compliance and Procedure

- 2.14 FHA Compliance Officer:** The Metro Planning Department will continue to support an FHA compliance officer to respond to complaints regarding land use discrimination. This action is required as part of the consent decree between the Department of Justice and the Metro government.
- 2.15 Staff Training:** New Metro staff and elected officials involved with land use and zoning decisions will receive training on fair housing and the Fair Housing Act. This includes Metropolitan Council, Director of Council Staff, Special Counsel advising on zoning and land use, Metro Planning Commission (MPC), Advisors to the MPC, Zoning Administrator, and the Board of Zoning Appeals.

MDHA Compliance and Procedure

- 2.16 Subrecipient Monitoring Compliance and Capacity Building:** MDHA will continually monitor all of its subrecipient organizations and contractors for compliance with federal rules and regulations. Before participating in MDHA's programs, the subrecipient must agree to:
- comply all federal, state and local laws relating to fair housing and equal opportunity,
 - operate their facilities and services and conduct their outreach on a nondiscriminatory basis, and
 - adopt policies to ensure effective communication with applicants, beneficiaries, and members of the public who have hearing, vision, or speech impairments regarding the availability of accessible services, activities and facilities.

Where necessary, MDHA will sponsor capacity building sessions to ensure all subrecipients are well-trained to administer their programs in a manner that affirmatively furthers fair housing.

2.17 Neighborhood Improvement: MDHA's Neighborhood Improvement Program will fund infrastructure and community development projects in low-income areas. The goal of the program is to provide opportunities for collaboration and expand existing resources for investments that are critical to neighborhood infrastructure and that support neighborhood enhancement. MDHA will give additional consideration to areas with high minority concentration. Over the course of the five-year plan, it is expected that this program will receive approximately 30% of CDBG allocations.

2.18 Site and Neighborhood Standards: New rental housing assisted with HOME funds must meet site and neighborhood standards per the HOME regulations. One purpose of these standards is to ensure that rental housing is not concentrated in minority neighborhoods. MDHA will review each proposal to determine its potential effect on the racial makeup of the neighborhood and all viable alternatives. The goal of this standard is to produce a reasonable distribution and balance of housing choices within and outside areas of minority concentration.

2.19 Affirmative Marketing Plans: MDHA will require each HOME-funded project containing 5 or more HOME-assisted housing units to develop an Affirmative Marketing Plan. Affirmative marketing differs from general marketing activities as it specifically targets potential tenants and homebuyers who are least likely to apply for the housing, in order to make them aware of available affordable housing opportunities.

Each project will summarize what segment of the populations it is targeting and specific actions it will take to market to those populations. Specific actions include use of commercial media, neighborhood outreach, and marketing through local organizations such as community organizations, places of worship, employment centers, fair housing groups, and housing counseling agencies. In addition, each covered project will:

- Distribute information to potential owners and tenants about Federal fair housing laws and MDHA's affirmative marketing policy.

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- Use the Equal Housing Opportunity logo on all advertising for the property and on all tenant applications.
- Visibly display a fair housing poster in the office where tenants pick up applications.
- Maintain records that describe actions taken by the property to affirmatively market units and records to assess the results of these actions.

MDHA will review its affirmative marketing performance and that of HOME-assisted properties as part of the monitoring process and on an annual basis as part of the CAPER report. The review will include an analysis of deficiencies and will recommend corrective actions where necessary.

2.20 Visitability: Visitability is a design concept that enables persons with disabilities to visit relatives, friends, and neighbors in their homes within a community. Visitability also expands the availability of housing options for individuals who may not require full accessibility. Applicants to MDHA's Affordable Housing Program and Rental Rehabilitation Program will receive additional consideration for incorporating visitability elements into their properties. A visitable unit is defined as a unit where at least one entrance at grade (with no step), is approached by an accessible route, such as a sidewalk, and the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space.

2.21 Accessibility and Section 504 Compliance: MDHA will ensure compliance with Section 504 of the Rehabilitation Act of 1973 for all of its CDBG and HOME-funded projects. This includes accessibility for all new non-housing facilities, feasible alterations to existing non-housing facilities, and operation of its existing non-housing facilities. MDHA will periodically update its self-assessment and transition plan to ensure all facilities are in compliance.

Applicants to MDHA's Affordable Housing Program and Rental Rehabilitation Program will receive additional consideration for providing more than the required number of accessible units. In addition, MDHA will encourage its partners to distribute accessible units throughout its funded properties and make them available in a sufficient range of sizes and amenities so as not to limit choice. All funded properties will be required to

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adopt policies that reasonable accommodation/ modification and outreach regarding the availability of accessible units.

2.22 Limited English Proficiency: MDHA will conduct a four factor analysis to ensure that persons with Limited English Proficiency have meaningful access to programs funded by the Consolidated Plan. MDHA will develop a Language Assistance Plan (LAP) to provide a framework for the provision of timely and reasonable language assistance.

2.23 Homeowner Rehabilitation: MDHA's Homeowner Rehabilitation Program will provide deferred loans to disabled homeowners to make needed home repairs and accessibility modifications.

2.24 Homebuyer Outreach and Education: MDHA will affirmatively market its Downpayment Assistance Program to minority populations. In addition, the program will incorporate fair housing and fair lending education into its required counseling component. The goal of the program is to increase the affordability of homeownership for households earning less than 80% of the area median income.

2.25 Referral and Enforcement: MDHA will continue to partner with the Tennessee Human Rights Commission (THRC) and the Tennessee Fair Housing Council, and the Metro Human Relations Commission to respond to and investigate fair housing complaints. Fair housing agencies will be encouraged to apply to the CDBG Community Services Program for funding of testing and enforcement efforts. Potential projects would include in-depth audit testing of housing practices within the rental and sales markets focused on identifying any patterns and practices, such as neighborhood steering, or other forms of housing choice denials that could be potential violations of fair housing laws.

2.26 Fair Housing Initiatives Program (FHIP): MDHA will explore the possibility of participating in the FHIP program. Through FHIP, MDHA can participate in the Education and Outreach Initiative (EOI) to offer a comprehensive range of fair housing activities that explain to the general public and housing providers what equal opportunity in housing means and what housing providers need to do to comply with the Fair Housing Act. Activities may include developing education materials, analyzing local impediments to housing choice, providing housing counseling and classes, convening

meetings that bring together the housing industry with fair housing groups, developing technical materials on accessibility, and mounting public information campaigns.

Recordkeeping

MDHA will maintain the following records regarding fair housing and equal opportunity:

- Documentation of the analysis of impediments and the actions the recipient has carried out with its housing and community development and other resources to remedy or ameliorate any impediments to fair housing choice in the recipient's community.
- Data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with CDBG funds. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements.
- Data on employment in the categories prescribed on the Equal Employment Opportunity Commission's EEO-4 form; and documentation of any actions undertaken to assure equal employment opportunities to all persons regardless of race, color, national origin, sex or handicap.
- Data indicating the race and ethnicity of households (and gender of single heads of households) displaced as a result of CDBG funded activities, together with the address and census tract of the housing units to which each displaced household relocated. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements.
- Documentation of actions undertaken to meet the requirements of Sec. 570.607(b) which implements section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701U) relative to the hiring and training of low and moderate income persons and the use of local businesses.
- Data indicating the racial/ethnic character of each business entity receiving a contract or subcontract of \$25,000 or more paid, or to be paid, with CDBG funds. This information will include the amount of the contract or subcontract, and documentation of recipient's

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affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services.

- If applicable, documentation of the affirmative action measures the recipient has taken to overcome prior discrimination, where the courts or HUD have found that the recipient has previously discriminated against persons on the ground of race, color, national origin or sex in administering a program or activity funded in whole or in part with CDBG funds.

**Appendix A: Meeting Notes from Public Forum on Housing
Discrimination**

Endnotes

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- ⁵ Fix, Michael E., and Turner, Margery Austin. A National Report Card on Discrimination in America: The Role of Testing. Urban Institute. March 01, 1998.
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- ⁹ Abravanel, Martin D. and Cunningham, Mary K. How Much Do We Know. US. Department of Housing and Urban Development. April, 2002.