

Memorandum



CITY OF DALLAS

DATE January 3, 2014

TO Housing Committee Members: Carolyn R. Davis, Chair, Scott Griggs, Vice-Chair, Monica Alonzo, Rick Callahan, Dwaine Caraway, and Philip Kingston

SUBJECT Fair Housing Overview

On Monday January 6, 2014, you will be briefed on Fair Housing Overview. A copy of the briefing is attached.

Please let me know if you have any questions.

A handwritten signature in black ink that reads "Theresa O'Donnell".

Theresa O'Donnell
Interim Assistant City Manager

c: The Honorable Mayor and Members of the City Council
A. C. Gonzalez, Interim City Manager
Rosa A. Rios, City Secretary
Warren M.S. Ernst, City Attorney
Craig Kinton, City Auditor
Judge Daniel Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager
Forest E. Turner, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Bernadette Mitchell, Housing/Community Services, Interim Director
Elsa Cantu, Assistant to the City Manager – Mayor and Council

FAIR HOUSING OVERVIEW

Housing Committee
January 6, 2014



HISTORICAL BACKGROUND

- Thirteenth Amendment – Abolished Slavery
- Fourteenth Amendment – Equal Rights Protection
- Civil Rights Act of 1866 – “All citizens of the US shall have the same right, in every State and Territory, as is enjoyed by White citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property”
- Executive Order No. 11,063 – Signed by President Kennedy – Prohibits discrimination in housing owned, operated or assisted by the federal government
- Civil Rights Act of 1964 – Bans discrimination under any program or activity receiving Federal financial assistance
- Civil Rights Act of 1968 (Title VIII – Fair Housing Act) – Bans discrimination in housing and housing related services, based on race, color, religion and national origin

HISTORICAL BACKGROUND (CONT.)

Events that led to the passing of the federal Fair Housing Act of 1968:

- Civil Rights Movement
- Kerner Commission Report – A report by the National Advisory Commission on Civil Disorders, concluded that America was “moving towards two societies, black and white, separate and unequal.” The report recommended that a comprehensive federal open fair housing law be enacted
- Dr. Martin Luther King, Jr.
- “Fair Housing Month”

PROTECTED CLASSES

- Race
- Color
- National Origin
- Religion
- Sex (1974)
- Familial Status (1988)
- Handicap (1988)
- *Sexual Orientation (Dallas Ordinance Only) (2002)

Common factors not protected by the federal Fair Housing Act

- Credit History
- Rental History
- Criminal History
- Marital Status
- Age
- Income Status

WHAT IS PROHIBITED?

In the Sale and Rental of Housing: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status, handicap, or sexual orientation:

- Refuse to rent or sale housing
- Refuse to negotiate for housing
- Make housing unavailable

WHAT IS PROHIBITED? (CONT.)

- Set different terms, conditions or privileges for sale, rental or financing of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- Steering individuals to or from a residence, because of their membership in a protected class

WHAT IS PROHIBITED? (CONT.)

- Refuse to let resident make reasonable modifications to their dwelling or common use areas, at their expense, if necessary to afford person (s) with disabilities equal opportunity to use and enjoy a dwelling
- Refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford person (s) with disabilities equal opportunity to use and enjoy a dwelling
- Advertise or make any statement that indicates a limitation or preference based on a protected class
- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right

FUNCTIONS OF THE DALLAS FAIR HOUSING OFFICE

- Enforce the City's Fair Housing Ordinance (Chapter 20A)
- Coordinate with city departments on fair housing issues to ensure compliance with fair housing law
- Educate and train various housing providers, general public, community organizations and city employees on the rights and responsibilities under the fair housing law

FUNCTIONS OF THE DALLAS FAIR HOUSING OFFICE (CONT.)

- Provide low-income housing assistance information
- Provide training and monitoring of Affirmative Fair Housing Marketing plans
- Conduct Analysis of Impediments study every five (5) years

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

HUD required certification to Affirmatively Further Fair Housing:

- Analyze and identify impediments to fair housing
- Take appropriate actions to overcome the effects
- Maintain records reflecting the analysis and actions
- Part of Consolidated Plan process. Covers CDBG, HOME, ESG, and NSP

2013 ANALYSIS OF IMPEDIMENTS

- Previous Analysis of Impediments completed in 2007
- New Analysis of Impediments study underway
- Impediments defined:

Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices

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

EXAMPLES OF IMPEDIMENTS

- Lack of awareness and education on fair housing
- Affordability of housing to protected classes
- Accessibility to housing for persons with disabilities
- Loan denials versus applications
- Growth and Development patterns – concentration of public housing and affordable housing in certain areas (patterns of segregation)

ANALYSIS OF IMPEDIMENTS

Analysis of Impediments (AI) Process

- Review of demographic and housing market data, legislation, zoning and land use, accessibility, education and awareness, mechanism to receive and process complaints, mortgage lending patterns, foreclosures, legal cases and complaints, public housing, fair housing testing, public education and outreach, and a community fair housing survey
- Review of past impediments and progress
- Identification and discussion of impediments including actions and recommendations

ANALYSIS OF IMPEDIMENTS

Citizen Participation Process

1. Fair Housing agencies and civil rights organizations
2. Housing Authority and housing providers
3. Realtors, property managers and lenders
4. Chambers of Commerce
5. Advocates for the elderly, persons with disabilities, etc.

ANALYSIS OF IMPEDIMENTS

6. Ethnic & racial groups, including African-Americans, Asians and Hispanics
7. GLBT Community
8. Neighborhood Associations
9. City Departments
10. HUD Field Office

NEXT STEPS

1. Complete draft Analysis of Impediments and make available for public review
2. Seek public comment on draft Analysis of Impediments
3. Production of final product