

# Memorandum



CITY OF DALLAS

DATE November 8, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Update on Fair Housing Assessments**

The following information is provided as an overview of the Fair Housing assessment protocol and the Fair Housing Assessment Tool that has been developed and finalized in 2021.

## Background

In 2015, the United States Department of Housing and Urban Development (HUD) promulgated revised affirmatively furthering fair housing (AFFH) regulations, which were designed to promote fair housing choices and foster inclusive communities. Under this regulation, local governments were required to conduct an assessment of fair housing.

The Assessment of Fair Housing (AFH) is a legal requirement that the City must complete to continue receiving federal funding from HUD. Specifically, the AFH required an analysis undertaken pursuant to 24 CFR Part 5.152 that includes the analysis of fair housing data, an assessment of housing issues and contributing factors, and identification of fair housing priorities and goals specific to Dallas. In the last year, the AFFH regulation was repealed and reinstated (in part); however, the City's obligation to AFFH remains.

Prior to the 2021 establishment of the Fair Housing assessment protocol and Fair Housing Assessment Tool, the Office of Fair Housing and Human Rights utilized a review checklist for all assessed projects. The three-part checklist included project data, an affirmatively furthering fair housing analysis, and a discriminatory effect analysis.

The checklist project data was filled out by the applicant and verified by the managing department. The affirmatively furthering fair housing analysis and discriminatory effect analysis was completed by the managing department and reviewed by the Office of Equity and Inclusion – Fair Housing Division. If the analysis did not meet standards, the managing department was required to contact the City Attorney's Office for a legal risk analysis.

In accordance with the AFH, in 2018 the North Texas Regional Housing Assessment (NTRHA) report was presented to the Dallas City Council. ([LINK](#)) The NTRHA report provided vital information regarding housing in the City of Dallas and concluded with six recommended goals to address disparities and inequities of housing across the region and in the City of Dallas.

In 2019, the proposed amendments to the Comprehensive Housing Policy (CHP) established a requirement that all Low Income Housing Tax Credit (LIHTC) Program

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projects be subject to a fair housing review. Prior to this proposed amendment, the CHP did not specifically state that all LIHTC projects be subject to fair housing review. ([LINK](#)) Other programs in the CHP also require fair housing review.

In 2021, the Office of Equity and Inclusion – Fair Housing Division worked to improve the Fair Housing assessment protocol and the Fair Housing Assessment Tool. The protocol and tool are utilized to assess proposed housing projects or developments that require fair housing review due to an applicant seeking city funds, tax credit, no objection and/or support.

Currently, the Fair Housing Division’s role is to assess and ensure projects affirmatively further fair housing in the City of Dallas using the established Fair Housing protocol and Fair Housing Assessment Tool.

### **Fair Housing Assessment Protocol and Timeline**

A two-track approach has been developed for the Fair Housing assessment protocol, including a newly established expedited timeline and a Request for Additional Information (RFAI) timeline. Please see Attachment A and Attachment B (pages 5 & 6).

The expedited timeline details an accelerated assessment process when additional information or inquiries are not needed to make a final assessment. The RFAI timeline makes inquiries when an application is incomplete or when the Fair Housing Division needs additional information to finalize the assessment.

Additional inquiries or missing application information prolongs the Fair Housing assessment timeline and is dependent on when the applicant provides a response. In most cases, the assessment of an application may take longer than the expedited timeline if additional time is needed due to the inquiry period found in the RFAI timeline.

### **Fair Housing Assessment Tool**

In order to fine tune the development of the Fair Housing Assessment Tool, the Fair Housing Division met with City Councilmembers between March 29 and April 9, 2021 and the Dallas community between April 13 and April 22, 2021. During this time, eight community engagement sessions were held, four times at noon and four times at 6pm, to maximize community participation. Due to the COVID pandemic, all engagement sessions were held online via Microsoft Teams. The Fair Housing Division reached 46 people in the community, including representatives from Dallas communities, developers, and the Apartment Association of Greater Dallas. The input provided by both City Council and community members has been integrated into the updated Fair Housing Assessment Tool template.

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The final Fair Housing Assessment Tool consists of three parts:

- **Scoring of goals:** The application is scored on 6 goals based on the objectives outlined in the NTRHA. A total of 30 possible points is available, with 5 points allotted per goal (Attachment C, page 7).
- **Summary analysis:** A brief synopsis of the project application and primary information is considered (Attachment D, page 8).
- **Department updates:** The Fair Housing Division will contact City departments to provide information on whether a location has any current or future planning, economic development, or transportation projects in place. Departments contacted include the Office of Economic Development, the Department of Transportation, and the Planning and Urban Design Department. The Fair Housing Division also addresses whether the property has had any fair housing complaints or issues in the past.

### **Transparency and Accessibility**

The Fair Housing Division is updating its webpage to include the Fair Housing assessment protocol and Fair Housing Assessment Tool. The Fair Housing Division will conduct community awareness sessions with updates on the newly established process.

The Fair Housing Division is also planning to utilize the software Neighborly to maintain a database for all fair housing assessments and to enhance the application and assessment process. Using the Neighborly software will allow further transparency and optimize communications with applicants seeking Fair Housing assessment. The Fair Housing Division is committed to a transparent and accessible Fair Housing assessment process.

Should you have any questions or concerns please do not hesitate to contact me or Mr. Barksdale Haggins, Fair Housing Administrator, Office of Equity and Inclusion at [barksdale.haggins@dallascityhall.com](mailto:barksdale.haggins@dallascityhall.com).



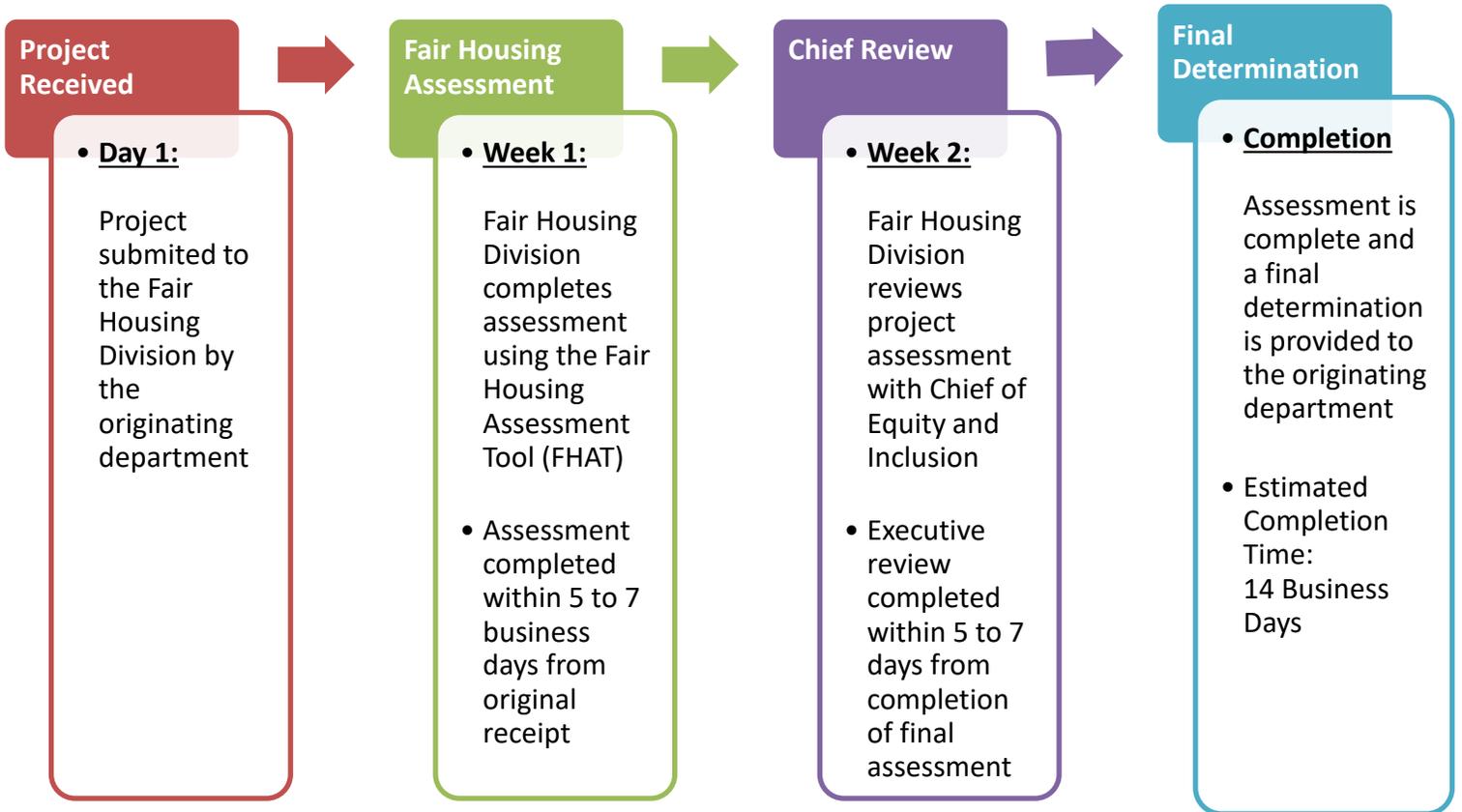
Liz Cedillo-Pereira  
Chief of Equity and Inclusion

### **[Attachments]**

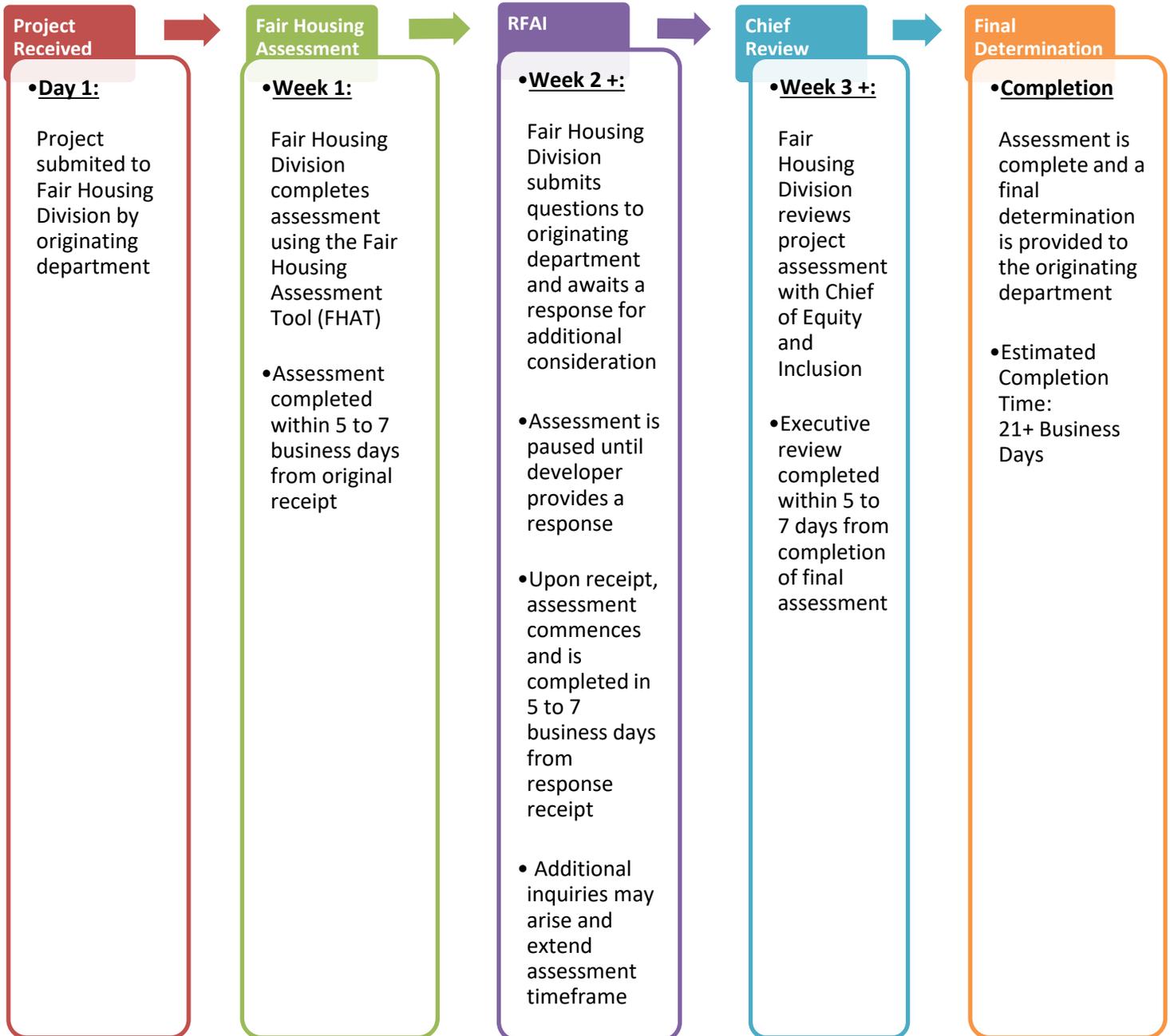
c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney  
Mark Swann, City Auditor  
Billerae Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services  
M. Elizabeth Reich, Chief Financial Officer  
Directors and Assistant Directors

### Attachment A – Expedited Timeline



### Attachment B – Request for Additional Information (RFAI) Timeline



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### **Attachment C – North Texas Region Housing Assessment Final Goals**

<b>Final Goals</b>	
<b>Goal A</b>	Increase access to affordable housing in high opportunity areas
<b>Goal B</b>	Prevent loss of existing affordable housing stock and increase supply of new affordable housing, especially in higher opportunity areas
<b>Goal C</b>	Increase supply of accessible, affordable housing for persons with disabilities
<b>Goal D</b>	Make investments in targeted and segregated neighborhoods to increase opportunity while protecting residents from displacement
<b>Goal E</b>	Increase support and services for residents of publicly supported housing, and maintain and improve the quality and management of publicly supported housing
<b>Goal F</b>	Increase access to information and resources on fair and affordable housing

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### Attachment D – Summary Analysis

	<b>Summary Analysis</b>	
<b>Project Name</b>	- Type of project	- Equity
<b>Address</b>	<ul style="list-style-type: none"><li>- Census Tract #<ul style="list-style-type: none"><li>• Poverty Rate %<ul style="list-style-type: none"><li>• Is it High Poverty Rate ?</li><li>• Is it R/ECAP ?</li></ul></li><li>• Council District #</li></ul></li><li>- # Units<ul style="list-style-type: none"><li>• % of units at market rate</li><li>• % of units are affordable at % AMI</li><li>• Unit types ( 1Bedroom, 2Bedroom, etc.)</li></ul></li><li>- Resident Services<ul style="list-style-type: none"><li>• What are services?</li></ul></li><li>- Will seek:<ul style="list-style-type: none"><li>• Land Use Restrictive Agreement (LURA) ?</li><li>• Dallas Housing Finance Corporation partnership ?</li><li>• City Affordable Housing Funds ?</li><li>• Public Facilities Corporation (PFC) ?</li></ul></li><li>- Transit<ul style="list-style-type: none"><li>• Nearest DART bus stop or DART rail # miles away</li><li>• Bike lanes available? What is the distance to the property?</li></ul></li><li>- Multifamily properties in the area<ul style="list-style-type: none"><li>• # within census tract</li><li>• # within 1 &amp; 2 mile radius</li></ul></li><li>- Number of homeless facilities<ul style="list-style-type: none"><li>• # within census tract</li><li>• # within 1 &amp; 2 mile radius</li></ul></li><li>- Are there parks/greenspace?<ul style="list-style-type: none"><li>• # within census tract</li><li>• # within 1 &amp; 2 mile radius</li></ul></li><li>- Does the area have a tree canopy?<ul style="list-style-type: none"><li>• How hot or how cool is this area?</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Does the project burden the existing neighborhood with over saturation of affordable housing? (including, but not limited to LIHTC, public housing, etc. concentration)</li><li>• Is this in a saturated area or a targeted/High Opportunity Area neighborhood?</li><li>• Does this project address or prevent gentrification or loss affordable housing? (including, but not limited to LIHTC, MIHDB, etc. projects)</li></ul> <ul style="list-style-type: none"><li>- Schools<ul style="list-style-type: none"><li>• Elementary - GRADE</li><li>• Middle School - GRADE</li><li>• High School – GRADE</li></ul></li><li>- Libraries and Recreation Centers?</li><li>- Is it in High Opportunity Area?</li><li>- Is there LIHTC Concentration? If yes, how old are they and when do they expire?<ul style="list-style-type: none"><li>• # LIHTC projects in census tract</li><li>• # LIHTC projects within 1 &amp; 2 mile radius</li></ul></li><li>- Walkability Index<ul style="list-style-type: none"><li>• What is the index of the census tract?</li></ul></li><li>- Public Safety: What is the crime % in the census tract?<ul style="list-style-type: none"><li>• # within census tract</li><li>• # within 1 &amp; 2 mile radius</li></ul></li><li>- Is the project zoned for the area?<ul style="list-style-type: none"><li>• If not, what are next steps/plans?</li></ul></li></ul>