RESOLUTION NO. 2016-74

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE; APPROVING SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD AS APPROVED TO FORM BY THE CITY ATTORNEY.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires all jurisdictions that receive federal entitlement funds prepare an Analysis of Impediments to Fair Housing Choice; and

WHEREAS, the City has conducted an Analysis of Impediments to Fair Housing Choice; and

WHEREAS, the thirty-day public review and comment period concluded on May 8, 2016; and

WHEREAS, the City desires to submit the Analysis of Impediments to Fair Housing Choice to HUD to reflect changes made by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO AS FOLLOWS:

1. The above recitals are true and correct and incorporated herein.

2. The Council of the City of Fresno, California, approves submission of the Analysis of Impediments to Fair Housing Choice to HUD.

3. The City Manager is authorized to sign all implementing documents required by HUD, subject to prior approval as to form by the City Attorney's Office.

Date Adopted: 05/12/2016
Date Approved: 05/12/2016
Effective Date: 05/12/2016

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 12th day of May, 2016.

AYES	Baines, Brand, Brandau, Olivier, Quintero, Caprioglio
NOES	None
ABSENT	Soria
ABSTAIN	None

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: Tracy N. Parvanian
TRACY N. PARVANIAN Date
Deputy 6-8-16

Attachment: Analysis of Impediments to Fair Housing Choice

2016 City of Fresno Analysis of Impediments to Fair Housing Choice

The City of Fresno
May 5, 2016

2016 City of Fresno
Analysis of Impediments to Fair Housing Choice:

EQUAL HOUSING OPPORTUNITY

Prepared for the:
The City of Fresno Housing and Community Development Division

Prepared by:
Western Economic Services, LLC
212 SE 18th Avenue
Portland, OR 97214
Phone: (503) 239-9091
Toll Free: (866) 937-9437
Fax: (503) 239-0236

Website: http://www.westernes.com

Draft Report for Public Review
May 5, 2016

HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

If you feel you have experienced discrimination in the housing industry, please contact:

California Department of Fair Employment and Housing

2218 Kausen Drive, Suite 100
Elk Grove, California 95758
Telephone: (800) 884-1684
Email: contact.center@dfeh.ca.gov (For general information)
www.www.dfeh.ca.gov/Contact.htm (To file a complaint)

U.S. Department of Housing and Urban Development

San Francisco Regional Office
Department of Housing and Urban Development
One Sansome Street, Suite 1200
San Francisco, CA 94104
Telephone: (415) 489-6526
FAX: (415) 489-6559
Website: www.HUD.gov

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000
Telephone: (202) 708-1112
Toll Free: (800) 669-9777
Web Site: www.HUD.gov

Local and State Non-Profit Organizations

Fair Housing Council of Central California
333 West Shaw Avenue, Suite 14
Fresno, California 93704
Telephone: (559) 244-2950
FAX: (559) 244-2956
Toll Free: (888) 498-FAIR (3247)
Email: Online contact form available at http://www.fhc-cc.org/contact-us.html.

California Rural Legal Assistance
1430 Franklin Street, Suite 103
Oakland, California 94612
Telephone: (510) 267-0762
Website: http://www.crla.org/office-locations.

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CITY OF FRESNO
INCORPORATED OCT. 12, 1885

EXECUTIVE SUMMARY

AI PURPOSE AND PROCESS

As a requirement of receiving funds under the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), Housing Opportunities for Persons with Aids (HOPWA), and the Emergency Solutions Grant (ESG) programs, entitlement jurisdictions must submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three elements:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified, and
3. Maintain records reflecting the actions taken in response to the analysis.

In the *Fair Housing Planning Guide*, page 2-8, HUD provides a definition of impediments to fair housing choice 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 choices [and]
- Any actions, omissions, or decisions which have [this] effect.[1]

The list of protected classes included in the above definition is drawn from the federal Fair Housing Act, which was first enacted in 1968. However, state and local governments may enact fair housing laws that extend protection to other groups, and the AI is expected to address housing choice for these additional protected classes as well.

The AI process involves a thorough examination of a variety of sources related to housing, the fair housing delivery system, and housing transactions, particularly for persons who are protected under fair housing law. It does not, however, address the State's elimination of all local redevelopment programs, a key factor in the development of affordable housing. The development of the AI process and the elimination of local redevelopment programs in the State of California both predate emerging jurisprudence on disparate impact.[2]

The development of an AI also includes public input and review via direct contact with stakeholders, public meetings to collect input from citizens and interested parties, distribution of draft reports for citizen review, and formal presentations of findings and impediments, along with actions to overcome the identified impediments.

METHODOLOGY

As part of the consolidated planning process, and as a requirement for receiving HUD formula grant funding, the City of Fresno is undertaking this AI to evaluate impediments to fair housing choice within the city. The City is doing so even though a new governing the duty to

[1] U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide.* Vol. 1, p. 2-8. http://www.hud.gov/offices/cpd/about/conplan/fairhousingexs/Module5_TopSevenAFFH.pdf
[2] A discussion of disparate impact in fair housing law and policy is included in Section III.

affirmatively further fair housing is in place. This rule, which replaces the AI with the assessment of fair housing (AFH), will not take effect in Fresno until the City begins developing its next Consolidated Plan. Some aspects of the current Fresno AI will reflect the AFH requirements.

Residents of the City of Fresno are protected from discrimination in the housing market by the federal Fair Housing Act and the California Fair Employment and Housing Act: The former includes protections based on race, color, religion, national origin, sex, disability, and familial status[3]. The latter prohibits discrimination on these same bases, as well as discrimination based on gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, or genetic information.[4]

The purpose of this report is to determine current impediments to fair housing choice at work in the City of Fresno and to suggest actions that the local community can consider in order to overcome the identified impediments. Thus, this report represents only the first step in the three-part certification process presented on the previous page.

This AI was conducted through the assessment of a number of quantitative and qualitative sources. Quantitative sources used in analyzing fair housing choice in the City of Fresno included:

- Socio-economic and housing data from the U.S. Census Bureau,
- Employment data from the U.S. Bureau of Labor Statistics,
- Economic data from the U.S. Bureau of Economic Analysis,
- Investment data gathered in accordance with the Community Reinvestment Act,
- Home loan application data from the Home Mortgage Disclosure Act, and
- Housing complaint data from HUD.

Qualitative research included evaluation of relevant existing fair housing research and national and city fair housing legal cases. Additionally, this research included the evaluation of information gathered from several public input opportunities conducted in relation to this AI. This also included the 2016 City of Fresno Fair Housing Survey distributed to stakeholders, interested parties, and participants in the public input process.

Geographic analyses of demographic data were conducted by calculating race or ethnicity as the percentage of total population and then plotting the data on a geographic map of Census block groups and tracts within the City of Fresno. For the purposes of this AI, maps were produced for several racial and ethnic groups based on both 2000 and 2010 Census data in order to examine how the concentrations of these populations changed over time.

Ultimately, a list of potential impediments was drawn from these sources and further evaluated based on HUD's definition of impediments to fair housing choice, as presented on the previous page. Potential impediments to fair housing choice present within the city were identified; along with actions the city may consider in attempting to address possible impediments.

[3] 42 U.S.C.A. §3601
[4] Cal. Gov. Code §12955 *et seq.*

Overview of Findings

This AI includes a review of both public and private sector housing markets in the City of Fresno to identify practices or conditions that may operate to limit fair housing choice in the city. Analysis of demographic, economic, and housing data included in that review establish the context in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the city's residents.

The contextual analysis described above provides a foundation for detailed review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, city, and federal fair housing laws shapes the complaint and advocacy processes available in the city, as do the services provided by local, city, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have a considerable influence on housing choice. Public sector policies and practices can also significantly affect housing choice.

Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and support findings from the contextual and supporting data.

Socio-Economic Context

According to recent estimates, the City of Fresno has grown by nearly 90,000 residents since 2000, reaching 515,986 by 2014. The population grew by 15.7 percent between 2000 and 2010 alone, increasing from 427,652 to 494,665 residents. During that ten-year period, the city's population experienced several modest, though notable, changes: The number of children and residents aged 35 to 54 grew relatively slowly, and these groups accounted for a smaller percentage of the population at the end of the decade than at the beginning. By contrast, the city experienced relatively rapid growth in the number of residents aged 55 to 64. These residents, who represented 6.2 percent of the city population in 2000, accounted for 9.0 percent of its residents in 2010.

The racial make-up of the city did not change dramatically, and most groups accounted for approximately the same percentage of the city population in 2010 that they had in 2000. The most pronounced change in this regard was observed among Asian residents, who grew from 11.2 to 12.6 percent of the population over the decade, an addition of 1.4 percentage points and 14,500 residents.

More pronounced were changes to the city's ethnic composition, or the percentages of city residents who identified either as Hispanic or non-Hispanic.[5] The two populations grew closer to parity over the decade, as Hispanic residents increased from 39.9 to 46.9 percent of the population and non-Hispanic residents fell from 60.1 to 53.1 percent of the population. This

[5] Note: Race is treated as separate from ethnicity in Census counts and American Community Survey (ACS) figures. Accordingly, someone who identifies as Hispanic on the Census form may identify themselves as black, white, Asian, etc. Non-Hispanic residents may similarly be of any race.

shift was due to rapid growth among the Hispanic population, and a comparatively slow growth rate among non-Hispanic residents.

Hispanic residents lived in Census block groups throughout the city, but tended to account for larger shares of the population in areas in the south of the city, notably to the east of the city center. This was true both in 2000 and 2010, though the population shifted northward slightly over the decade as Hispanic residents came to account for larger shares of the population in areas to the west of Old Fig Garden. The same was true of the black population, though the highest concentrations of black residents were observed in block groups to the southwest of the city center. Asian residents tended to be concentrated to the east of the city center in both years, though these residents came to account for larger shares of the population in outlying Census tracts over the decade.

Residents with disabilities were not as geographically concentrated, though a majority of Census tracts with above-average shares of these residents were located to the south of Shields Avenue in 2000. By 2010-2014, these above-average tracts were observed to be more evenly distributed throughout the city. Around one resident in seven was counted as living with some form of disability at that time.

Growth in the number of employed persons has been relatively steady since 1990, even if it has not always kept pace with growth in the labor force. However, with the recession of the late 2000s, the number of employed fell by over 10,000 from 2008 through 2010, even as the labor force continued to grow. These trends together constituted a dramatic spike in the unemployment rate, which reached 18 percent in 2010. With growth in the labor force having leveled off after 2011, steady growth in employment has brought the unemployment rate down sharply. In 2014 the unemployment rate stood at 12.6 percent.

At the county level, a period of steady growth in the number of full- and part-time jobs dating back to at least 1969 continued, largely unabated, until 2007. Fresno County lost nearly 24,000 jobs over the following three years, as the nation entered into a period of economic recession; however, with the resumption of relatively robust job growth after 2010, the number of full- and part-time jobs in the county had returned to pre-recession levels by 2013.

County residents have generally earned more per job, on average, than California residents since 1969. However, 2004 saw the end of a decade of strong growth in inflation-adjusted earnings, which have fluctuated since that time, falling to $50,432 in 2014, slightly below average state-level earnings per job. Unlike earnings per job, real per capita income in Fresno County has been roughly half of state-level per capita income, in inflation-adjusted dollars, since 1969. In 2014, the average resident had an income of $36,141, compared to $64,456 at the state level.

Nevertheless, household incomes in the city, as measured in current dollars[6], did rise between 2000 and 2010-2014. Over a quarter of city households were earning at least $75,000 per year in 2010-2014, up more than ten percentage points from 2000. In spite of this, the poverty rate rose from 26.2 to 30.6 percent over the same time period. Like Hispanic, black, and Asian

[6] Current dollars have not been adjusted for inflation.

residents, households living in poverty tended to be more highly concentrated in Census tracts in the south of the city.

The same was true of renter-occupied households: between 2000 and 2010, the percentage of occupied housing units that were home to rental tenants went from just below to just above 50 percent, while the share of owner-occupied units declined. Accompanying this shift toward rental housing was a modest shift in owner-occupied units toward outlying Census tracts, particularly in the north of the city, as many central areas came to hold higher shares of renter-occupied housing. High concentrations of black and Hispanic residents, whose incomes were considerably lower than the population as a whole, are likely driven in large part by a need to secure affordable rental housing, which also tended to be concentrated in the south of the city.

Between 2000 and 2010, the city added housing units faster than it added new households to fill them. The result was an increase in the percentage of units lying vacant, which rose from 6 to 7.6 percent over the decade. Part of the reason that housing construction outpaced household formation was an increase in the size of the average household. In 2000, just over half of city households were living with either no one else or with only one other person. By 2010, those smaller households accounted for 48.5 percent of Fresno households.

In spite of this increase in the size of the average households after 2000, severe overcrowding had become considerably less prevalent by 2010-2014. Households are considered overcrowded when they include more than one member per room but less than 1.5. Severely overcrowded households include 1.5 members or more for each room in the house. Nearly ten percent of households were overcrowded in 2000; by 2010-2014, that figure had fallen to 3.3 percent. Overcrowding is one of several issues that HUD identifies as "housing problems".

Other housing problems include incomplete plumbing or kitchen facilities and cost-burdening. Households that lacked complete plumbing or kitchen facilities accounted for one percent or fewer of all city households in 2000 and 2010-2014, and came to represent smaller percentages of all city households over time. By contrast, cost-burdening became more prevalent between 2000 and 2010-2014. Households are considered cost-burdened if 30 to 50 percent of their income goes toward housing costs, and severely cost burdened if they spend more than half of their monthly income on housing. More than a fifth of all households were cost-burdened in 2000 and 2010-2014, with renters about as likely as homeowners with a mortgage to experience a cost-burden. When it came to severe cost-burdening, however, renters were more than twice as likely as mortgagors to be cost-burdened. Renters in particular saw a dramatic increase in severe cost-burdening after 2000, though mortgage-holders also saw a 4.3 percentage-point jump in severe cost-burdening. Median rental costs increased by over 41 percent during the same time period while median home values grew by over 80 percent.

Considered together, the housing problems described above were more likely to impact renter-occupied households than owner-occupied households. In addition, black households were considerably more likely to face housing problems than households as a whole; the same was true of Hispanic households.

Review of Fair Housing Laws, Studies, and Cases

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As

originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act. Amendments to the FHA passed from 1964 to the present have generally broadened the protections guaranteed under the FHA, applying stricter and more comprehensive protections that apply to housing providers who benefit from federal funding.

In addition to the protections guaranteed under the FHA, California residents are protected from discrimination in the housing market by the California Fair Employment and Housing Act.[7] This law prohibits discrimination on the same bases identified in the federal law while expanding those protections to outlaw discrimination based on gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information. California's housing discrimination law has been judged to be "substantially equivalent" to the federal FHA, which allows for HUD-subsidized, state-level enforcement of fair housing law.

Housing law and jurisprudence has evolved considerably since the FHA was first enacted in 1968. The Fair Housing Amendments Act of 1988 added additional protections, strengthened the Act's relatively weak enforcement provisions, and gave the Department of Housing and Urban Development enhanced authority to enforce the Act. In addition, since the early 1970s the FHA has consistently been interpreted to apply to laws and policies that are apparently neutral with respect to protected class status, but which nevertheless "actually or predictably[8]" result in discrimination. In 2013, HUD finalized a rule formalizing its interpretation of discriminatory effects liability under the FHA.

That interpretation was reaffirmed in a June 25, 2015 Supreme Court decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* The case originated in a lawsuit against the Texas Department of Housing and Community Affairs ("the Department") based on the claim that the process by which it awarded low income housing tax credits had the effect of concentrating affordable housing in areas with high concentrations of minority residents. In bringing the suit, the Inclusive Communities Project relied in part on the disparate impact theory, and it was that theory that the Department sought to challenge in asking the Supreme Court to hear the case. Ultimately, the Court held that individuals, businesses, and government agencies could be held liable for the disparate impacts of their policies.

Following on the heels of the Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. Generally speaking, the new rule will apply to local entitlement jurisdictions that are due to begin their next five-year planning cycle in 2017 or later. For smaller entitlement jurisdictions,

[7] C.R.S. 24-34-500, *et seq.*

[8] *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974) It was racial discrimination, specifically, that was at issue in this case.

as well as states and insular areas, the new rule will apply to those set to begin their next planning cycle in 2018 or later. Until jurisdictions are required to submit an AFH, they are required to continue submitting analyses of impediments.

Under certain circumstances, the United States Department of Justice (DOJ) will file a fair housing complaint on behalf of residents who are suspected to have suffered a violation of fair housing law. The DOJ has filed three such cases against housing providers in California's Eastern Federal Court District in the last ten years: In one of those cases, a housing provider who adopted a policy requiring constant supervision of children in all common areas of an apartment complex was accused of discrimination based on familial status. In a second case, a Chicago-based manager of retirement communities was accused of disability-based discrimination when it adopted policies that placed significant restrictions on the use of mobility aids in its retirement communities. Finally, the DOJ filed a case against a Bakersfield property owner and manager, who was accused of habitual sexual harassment of female tenants. All cases were settled, with monetary damages and penalties in the latter case totaling more than $2.1 million.

Finally, in a series of paired fair housing tests conducted late in 2014 and early in 2015, the Fair Housing Council of Central California documented racial and national origin discrimination in the home sales markets of Fresno and Clovis. Discriminatory treatment, which included misrepresenting the availability of housing units, withholding information, steering, and failure to record contact information, was revealed in 40 percent of race-based tests and 32 percent of tests based on national origin, according to the Council.

Fair Housing Structure

A California resident who believes that he or she may have suffered illegal discrimination in the housing market may file a complaint with the State Department of Fair Employment and Housing (DFEH). The DFEH enforces the State's Fair Employment and Housing Act (FEHA), which prohibits discrimination in the housing market on the basis of race, color, religion, sex, national origin, disability, familial status, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.

HUD has deemed the FEHA to be "substantially equivalent" to the federal Fair Housing Act (FHA), meaning that the state law provides for equivalent rights, responsibilities, and remedies to those included in the federal law. Certification of substantial equivalency also makes the DFEH eligible to participate in the Fair Housing Assistance Program (FHAP). As a FHAP participant, the DFEH receives various types of funding from HUD, including reimbursement for investigation and processing of complaints alleging violations of the federal Fair Housing Act.

When the DFEH receives a complaint alleging discrimination in the housing market, it will generally notify the accused party ("the respondent") and begin an investigation within thirty days. During the investigation, the complaint may be voluntarily resolved through an agreement between the complainant and respondent. During the investigation, the DFEH determines whether the complaint has merit; If not, the complaint will be dismissed, though the complainant retains the option of filing a lawsuit against the respondent. If the complaint is found to have merit, the DFEH will initiate a mandatory dispute resolution process. If that

process fails, the respondent and complainant may elect to proceed through an administrative hearing or an action in a civil court.

If the DFEH fails to complete an investigation within 100 days after the complaint is received, HUD may take the complaint back for investigation, unless the DFEH has demonstrated that it was impracticable to complete the complaint in that time frame. However, any complaints that are filed with HUD will be dually-filed with the DFEH and referred to the state agency for investigation.

HUD and the DFEH; which are responsible for enforcing the FHA and FEHA, respectively; represent the backbone of fair housing enforcement and administration in the state. However, there are a number of private, non-profit organizations that work to promote fair housing choice in the state. Many of these are participants in HUD's Fair Housing Initiatives Program (FHIP), and several provide services that are available to Fresno residents. California Rural Legal Assistance provides a variety of legal services to low-income resident of the state's rural areas, and has done so since 1966. As a FHIP participant, it has focused its efforts on aiding in the fair housing enforcement process as well as addressing fair housing issues in the home lending industry. The Fair Housing Council of Central California, another FHIP participant, has provided fair housing services to residents of the Central Valley since 1995. Both organizations accept fair housing complaints from Fresno residents.

Fair Housing in the Private Sector

For the purposes of this study, analysis of the private housing market included an assessment of home lending practices, geographic trends in small business lending, potential issues highlighted in fair housing complaints, and stakeholder perception of a variety of industries and practices in the private sector.

Banks and other lending institutions handled a reported 386,017 home loans and loan applications for housing in Fresno from 2004 through 2014. Over a third of these loans were intended to finance the purchase of a home, and 84.2 percent of these home purchase loans, or around 118,000, were intended to finance the purchase of homes in which the purchasers intended to live themselves. Over a fifth of these "owner-occupied" home purchase loan applications in the city were denied over the eleven-year period, though denial rates were considerably higher in the run-up to 2008 than they have been since.

Loan denial rates were generally at or below average in Census tracts in the northeast and northwest of the city. Generally speaking, the further to the south and southeast a prospective home was located, the more likely the loan application was to be denied, though Census tracts near Pinedale and the University of California at Fresno were notable exceptions to this rule. Denial rates ranged from 30 to 53.3 percent throughout much of the area in and around the city center. Relatively high denial rates have persisted in that area, even as denial rates throughout the city have fallen in recent years.

Denial rates have also differed according to the gender of the loan applicants: the overall denial rate for female applicants exceeded that of male applicants by just over two percentage points. However, more pronounced differences were observed along racial and ethnic lines. The denial rate for white applicants from 2004 through 2014 was below average at 19.6 percent, while the denial rate for black applicants was over nine percentage points higher, at

28.7 percent, and the denial rate for Asian residents was roughly four percentage points higher than for white residents. The denial rate for non-Hispanic applicants was over four percentage points below average, while the denial rate for Hispanic applicants exceeded the average rate by roughly the same amount.

Lending institutions gave a variety of reasons for loan denials and, not surprisingly, debt-to-income ratios, credit history, and collateral ranked among the most common. Given the prominence of debt-to-income ratios, in particular, it is also not surprising that denial rates were observed to be lower for applicants in higher income brackets, though it should be noted that the effect of rising incomes on denial rates was relatively minor at the upper end of the income range.

However, in spite of the positive effect of higher incomes on an applicant's chances of securing a loan, denial rates were still observed to differ among racial and ethnic groups, even when income was taken into account. For example, black applicants earning between $60,000 and $75,000 per year were denied 28.3 percent of the time. The denial rate for white applicants in that same income range was nearly ten percentage points lower at 18.9 percent. Similarly, over a quarter of applications from Hispanic applicants in that income range were denied, compared to a denial rate of 16.2 percent for non-Hispanic applicants who were similarly situated with respect to income.

Many of the loan applicants in Fresno who were able to successfully secure a home purchase loan were issued a loan with relatively high annual-percentage rates (HAL). These HALs, which were a prominent feature of the sub-prime mortgage market in the run-up to the national recession, restrict the ability of residents to build wealth through homeownership and often place them at increased risk of foreclosure.

Just over one-fifth of home purchase loans issued in Fresno from 2004 through 2014 were HALs. However, this overall figure, which includes recent years in which HALs were comparatively rare, conceals a considerably greater prevalence of HALs in 2005 and 2006, when these high-cost loans accounted for nearly half of all home purchase loans issued in the city. HALs were even more prevalent among black and Hispanic borrowers in those years, topping 60 percent of all home purchase loans to these residents in both years. The overall HAL rate for Hispanic borrowers was, at 31.3 percent, just over twice as high as the HAL rate for non-Hispanic borrowers over the eleven-year period. Similarly, black borrowers faced a HAL rate that was, at 34 percent, nearly fourteen percentage points higher than the HAL rate for white borrowers.

Unlike loan denials, it was not the lowest income borrowers who were most likely to receive HALs over the eleven-year period. In fact, above the $15,000 per year income level, HAL rates tended to rise with incomes, with the highest HAL rates occurring among those making $60,000 to $75,000 per year.

Generally speaking, home purchase loans were more likely to be HALs the closer the prospective home lay to the city center. More than two-thirds of home-purchase loans were HALs in Census tracts to the east and southwest of the inner loop: areas with relatively large concentrations of black and Hispanic residents.

Lending institutions regulated by the Comptroller of the Currency, Federal Reserve System, Federal Deposit Insurance Corporation, and the Office of Thrift Supervision lent around $4.1 billion to small business throughout the city from 2000 through 2014. Around a quarter of these loans were issued in moderate-income Census tracts, while roughly 9 percent were issued in low-income tracts. Middle- and high-income tracts received about 65.2 percent of individuals loans issued, and around 60 percent of the total value of loans issued in the city over the fifteen-year period. Census tracts that tended to be passed over by small business lending included those in areas with relatively high concentrations of black and Hispanic residents to the east and southwest of the city center.

The Department of Housing and Urban Development (HUD) received 92 fair housing complaints from 2008 through 2015. The California Department of Fair Employment and Housing received 98 between 2012 and 2015. In both sets of complaints, which likely include many duplicate complaints that were dual-filed with both organizations, disability-based discrimination ranked as by far the most commonly perceived form of discrimination in the city. This trend was further borne out in complaint data provided by the Fair Housing Council of Central California, which also highlighted race-based discrimination and discrimination in the rental housing market as relatively frequent in the city.

Among the most common discriminatory *issues*, or alleged discriminatory practice, were denial of equal terms and conditions, failure to make reasonable accommodations for residents with disabilities, or outright refusal to rent.

Fair Housing in the Public Sector

Analysis of factors in the public sector that may impact fair housing choice in the city included a review of the distribution of affordable housing in the city, policies and codes that affect the availability of housing, and public perceptions of local government policies and practices that relate to housing.

Affordable housing units, whether financed directly through a variety of HUD program subsidies or through low-income housing tax credits (LIHTC), tended to be concentrated in the south of the city. This tendency was stronger among HUD-financed multifamily developments: roughly seventy percent of those developments, and nearly 80 percent of the total units in those developments, were located to the south of Shield's Avenue in areas with relatively high concentrations of black, Hispanic, and Asian residents and households living in poverty. LIHTC units were more widely distributed throughout the city; however, even developments that lay further to the north of the city tended to be concentrated in areas with above-average poverty rates and concentrations of racial or ethnic minority residents.

The updated Development Code has the potential to mitigate some of the impediments facing the city to the extent that it promotes economic, infrastructural, and housing development in areas with relatively high poverty rates and concentrations of racial/ethnic minority residents. However, the City should seek to balance this "place-based" approach with policies that afford low- and moderate-income residents a greater ability to pursue housing opportunities beyond low-income, high-poverty areas of the city. Because the City cannot institute a citywide inclusionary zoning requirement, pursuant to §15-2201(H) of the Development Code, other options will have to be considered; e.g., mobility counseling, incentives to developers, etc.

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Public Involvement

Efforts to promote the participation of stakeholders and members of the public in the AI process included a series of fair housing forums, presentations to the Housing and Community Development Commission and City Council, and the 2016 Fair Housing Survey.

Three Fair Housing Forum presentations were held in the City of Fresno at two different locations: the City Council Chambers at 7:00 PM on the 25th of January and the West Fresno Resource Center the following day at 3:00 PM and 6:00 PM. The purpose of these presentations was not only to present the public with preliminary findings from the AI, but also to solicit their feedback on those findings and their experiences in the Fresno housing market more generally.

In commenting on the AI process and preliminary findings, forum participants highlighted a range of trends and issues. In commenting on what was perceived to be a low level of fair housing complaints from Fresno residents, as gauged by complaint data provided by HUD and the California Department of Fair Employment and Housing, respondents stated that potential respondents might not know where to turn when they believe they have been subjected to unfair treatment. Respondents also observed that subsidized, affordable housing units tended to be concentrated in the southern part of the city, with some suggesting that extending the transit network may allow these units to be placed in areas beyond those in which they are currently concentrated.

Impediments to Fair Housing Choice And Suggested Actions

Private Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Black and Hispanic home purchase loan applicants have been denied home-purchase loans at a higher rate than white or non-Hispanic residents.** This impediment was identified through review of home lending data gathered under the Home Mortgage Disclosure Act. Black loan applicants were considerably more likely than white applicants to be denied a home-purchase loan from 2004 through 2014, even among those who were similarly situated with respect to income. The same was true of Hispanic loan applicants, as compared to non-Hispanic loan applicants.

Action 1.1: Convene a panel of banks and advocacy organizations, such as the Greenlining Coalition, to develop recommendations on how to promote lending in areas with relatively high concentrations of racial/ethnic minority residents.

Measurable Objective 1.1: The convening of the panel, development of recommendations, and record of the panel meetings.

Action 1.2: Promote credit and personal finance education among area high school students, focusing on the effective use of consumer debt and methods to build and maintain good credit.

Measurable Objective 1.2: Number of credit counseling classes held in city high schools and civic organizations, and the number of participating schools, students, and local organizations.

Action 1.3: Continue to explore opportunities for potential partnerships with non-profit entities to support the development of a land bank or community land trust to

acquire properties for rehabilitation and/or development of affordable and mixed-income housing.

Measureable Objective 1.3: Record of discussions with non-profit entities and the identification of opportunities for potential partnerships.

***Impediment 2*: Failure to make reasonable modification or accommodation.** This was one of the most common discriminatory issues cited in complaints filed with HUD, the California Department of Fair Employment and Housing, and the Fair Housing Council of Central California. Complaints lodged by city residents were most commonly filed by or on behalf of residents with disabilities.

Action 2.1: Conduct outreach and education to area landlords, in partnership with local and state organizations such as the California Apartment Association, relating to reasonable accommodation requirements under the Fair Housing Act, Americans with Disabilities Act, the California Fair Employment and Housing Act, and other related legislation.

Measurable Objective 2.1: Number of outreach and education sessions offered, number of participating organizations, and number of participating landlords/property managers.

Action 2.2: Include information relating to reasonable accommodation, and fair housing more generally, among licensing materials for new landlords.

Measurable Objective 2.2: The development and inclusion of new materials to be included in licensing documents.

Action 2.3: Conduct accessibility audits among newly constructed multifamily housing units in partnership with the Fair Housing Council of Central California.

Measurable Objective 2.3: The number of audit tests conducted and the results of those tests.

Action 2.4: Promote the provision of disabled-accessible units and housing for persons with mental and physical disabilities.

Measurable Objective 2.4: Efforts and policies to promote the provision of disabled-accessible units.

Action 2.5: Accommodate persons with disabilities who seek reasonable waiver or modification of land use controls and/or development standards pursuant to procedures and criteria set forth in the Development Code.

Measurable Objective 2.5: Record of permitted accommodations of land-use controls and/or development standards.

***Impediment 3*: Relatively low levels of private investment in racial/ethnic minority neighborhoods and areas with comparatively high poverty rates.** This impediment was identified through review of data gathered under the Community Reinvestment Act (CRA) and from the Census Bureau. Though around 40 percent of the $4.1 billion in small business loans issued in the city from 2000 through 2014 went to low- and moderate-income Census tracts, the number of loans issued in Census tracts with relatively high concentrations of black and Hispanic residents, and those with high poverty rates, was often at or below median.

Action 3.1: Consider funding, matching funds, training programs and Section 3 opportunities for small business loan investment and to prepare small businesses for loans.

Measurable Objective 3.1: The amount of funding dedicated to investment in small business and Section 3 training opportunities, and the amount of private sector investment supported or facilitated by those public investments.

Action 3.2: Continue to explore development of a Transit Oriented Affordable Housing Loan Fund, which could pool local, state, federal, and private Community Reinvestment Act (CRA) sources to support mixed-income housing.

Measurable Objective 3.2: Record of discussions and actions taken to explore development of Transit Oriented Affordable Housing Loan Fund.

***Impediment 4*: Low use of available fair housing resources/infrastructure.** This impediment was identified through review of complaint data filed with HUD and the California Department of Fair Employment and Housing.

Action 4.1: Include a web page on the city website detailing the rights and responsibilities of city residents under federal and state fair housing law, and hyperlinks to a variety of fair housing resources, including complaint forms for HUD and the California Department of Fair Employment and Housing.

Measurable Objective 4.1: The inclusion of the web-link and number of visits and the click-through rate[9] of visitors who access any of the links included on the web page.

Action 4.2: Use CDBG to fund specific Fair Housing education and outreach in areas of concentration.

Measurable Objective 4.2: The amount of CDBG funding dedicated to Fair Housing outreach and education, the number of training sessions, and the number of participants in those training sessions.

Action 4.3: Through continuing contract with the Fair Housing Council of Central California, provide fair housing services that include advertising fair housing laws and complaint procedures in multiple languages through literature displays at City and County offices and through local non-profit groups.

Measurable Objective 4.3: Continuing contract with the Fair Housing Council and a record of marketing efforts to promote broader awareness of fair housing laws and complaint procedures.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Persistence of concentrated areas of poverty with disproportionate shares of racial/ethnic minorities.** This impediment was identified through review of data gathered from the Census Bureau during the 2000 Census and 2010-2014 American Community Survey. Census tracts with high poverty rates also tended to have relatively high concentrations of black, Asian, and Hispanic residents. With few exceptions, these Census tracts were located in and around the city center.

Action 1.1: Expanding upon Private Sector Action 3.1 above, identify methods by which CDBG funding may be used to promote investment and leverage lending in areas of the city with high poverty and high concentrations of racial/ethnic minority residents in 2000 and 2010-2014.

[9] The "click-through rate" refers in this context to the ratio of visitors who click on one of the web links included on the web page to the total number of viewers who view the page.

Measurable Objective 1.1: The amount of lending that is generated, facilitated, or supported by funding in areas with high concentrations of poverty and racial/ethnic minority residents.

Action 1.2: Expand or reallocate CDBG funding for infrastructural improvements, public works projects, and housing rehabilitation/preservation, focusing on areas of poverty and high concentrations of minority residents.

Measurable Objective 1.2: The amount of new or additional CDBG funding designated for improvements to infrastructure, public works projects, and housing rehabilitation/preservation in areas of poverty and high concentrations of minority residents.

Action 1.3: Create enhanced infrastructure financing districts (EIDF) in distressed areas around the city center, with the goal of securing additional redevelopment funding for those areas.

Measurable Objective 1.3: The designation of EIDFs and the amount of funding allocated for redevelopment of existing housing units as affordable housing.

Action 1.4: Advocate and facilitate the conservation and rehabilitation of substandard residential properties by homeowners and landlords.

Measurable Objective 1.4: Policies and actions designed to facilitate conservation and rehabilitation of substandard housing.

Action 1.5: Continue to facilitate access to rehabilitation programs that provide financial and technical assistance to low- and moderate-income households for the repair and rehabilitation of existing housing with substandard conditions.

Measurable Objective 1.5: Policies and actions designed to facilitate access to rehabilitation programs.

***Impediment 2*: Concentration of assisted housing in concentrated areas of poverty with relatively high concentrations of racial/ethnic minority residents.** This impediment was identified in review of the location of housing developments funded by HUD or subsidized by low-income housing tax credits, as well as analysis of data gathered in the 2000 and 2010 Censuses and 2010-2014 American Community Survey. A majority of both types of units were located in areas with above-average concentrations of minority residents and households living in poverty.

Action 2.1: Open a dialogue with affordable housing developers to identify barriers to entry for construction outside of areas in which affordable units are currently concentrated.

Measurable Objective 2.1.1: The record of dialogue between the City and affordable housing developers.

Measurable Objective 2.1.2: Identify resources to bridge the gap for developers of affordable housing units who face barriers to entry in neighborhoods with relatively low concentrations of affordable housing.

Action 2.2: Encourage the Fresno Housing Authority to provide mobility counseling to voucher recipients.

Measurable Objective 2.2: The number of voucher recipients who have been provided mobility counseling.

Action 2.3: Actively pursue funding to assist in the development, preservation, and rehabilitation of any existing housing type with a particular emphasis on the development of mixed-income neighborhoods.

Measurable Objective 2.3: Policies and actions designed to secure funding for development, preservation, and rehabilitation of housing with an emphasis on developing mixed-income neighborhoods.

Action 2.4: Ensure that all development applications are considered, reviewed, and approved without prejudice to the proposed residents.

Measurable Objective 2.4: Efforts and policies designed to ensure equitable processing of development applications.

***Impediment 3*: Need to promote active public participation and involvement on issues impacting city residents.** Though the City conducted public outreach and marketing through a variety of media and in partnership with local agencies, organizations, and advocacy groups, securing public participation during the AI process proved to be a challenge. This was most notable in seeking public and stakeholder input through the 2016 Fair Housing Survey, which only received a few responses.

Action 3.1: Establish an initiative, in partnership with local organizations and advocacy groups, to identify ways to promote public participation in housing and community development planning. Such organizations may include Stone Soup, the Center for New Americans, and the school districts, among others.

Measurable Objective 3.1: Train agencies on City resources so they can hold additional public input sessions.

Action 3.2: Create a "meeting in a box" that will allow agencies to hold meetings at different times and locations and provide feedback to City.

Measurable Objective 3.2: Development of meeting materials and logistics.

Action 3.3: Through continuing contract with the Fair Housing Council of Central California (FHCCC) and collaboration with the State Department of Fair Employment and Housing, disseminate fair housing information through city events, workshops, and local media.

Measurable Objective 3.3: Continued contract with the FHCCC and a record of marketing and public outreach efforts.

***Impediment 4*: Lack of use of the state fair housing system.** This impediment was identified through review of complaint data filed with HUD and the state Department of Fair Employment and Housing.

Action 4.1: Include a web page on the city website detailing the rights and responsibilities of city residents under federal and state fair housing law, and hyperlinks to a variety of fair housing resources, including complaint forms for HUD and the California Department of Fair Employment and Housing.

Measurable Objective 4.1: The inclusion of the web-link and number of visits and the click-through rate of visitors who access any of the links included on the web page.

Action 4.2: Include data-sharing provisions in future contracts with the Fair Housing Council to receive fair housing complaints and testing data.

Measurable Objective 4.2: The revision of contracts with the Fair Housing Council for the purposes of receiving and managing fair housing data.

Action 4.3: Open a dialogue with the Fair Housing Council: the purposes of this dialogue would be to share the results of the current AI study and to identify

ways in which the city can collaborate with the Council on addressing the impediments included in the study.

Measurable Objective 4.3: Revise contract to include areas of collaboration between the two on addressing impediments identified in the study.

Action 4.4: Through continuing contract with the Fair Housing Council of Central California, provide fair housing services that include advertising fair housing laws and complaint procedures in multiple languages through literature displays at City and County offices and through local non-profit groups.

Measurable Objective 4.4: Continuing contract with the Fair Housing Council and a record of marketing efforts to promote broader awareness of fair housing laws and complaint procedures.

SECTION I. INTRODUCTION

Title VIII of the 1968 Civil Rights Act, also known as the Federal Fair Housing Act (FHA), made it illegal to discriminate in the buying, selling, or renting of housing based on a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970s, and in 1988, the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes.

Federal fair housing law and policy in the United States is largely founded on the following three pieces of legislation:

1. The Fair Housing Act,
2. The Housing Amendments Act, and
3. The Americans with Disabilities Act.

The purpose of fair housing law is to protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination. The goal of fair housing law is to allow everyone equal access to housing.

WHY ASSESS FAIR HOUSING?

Provisions to affirmatively further fair housing are long-standing components of the U.S. Department of Housing and Urban Development's (HUD's) housing and community development programs. These provisions come from Section 808(e)(5) of the federal Fair Housing Act, which requires that the Secretary of HUD administer federal housing and urban development programs in a manner that affirmatively furthers fair housing.

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single planning process. This action grouped the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants (ESG)[10], and Housing Opportunities for Persons with AIDS (HOPWA) programs into the Consolidated Plan for Housing and Community Development, which then created a single application cycle.

As a part of the consolidated planning process, states and entitlement communities that receive such funds as a formula allocation directly from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing (AFFH), signed by the chief elected official of the jurisdiction requesting funding. The AFFH certification process has three parts:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified through the analysis, and
3. Maintain records reflecting the analysis and actions taken.

[10] The Emergency Shelter Grants program was renamed the Emergency Solutions Grants program in 2011.

In the *Fair Housing Planning Guide*, page 2-8, HUD notes that impediments to fair housing choice are:

- "Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
- Any actions, omissions, or decisions which have [this] effect."[11]

State and local governments may enact fair housing laws that extend protection to other groups as well. For example, California's Fair Employment and Housing Act (FEHA) prohibits discrimination on all of the bases identified in the federal FHA, but also prohibits discrimination based on gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.[12] A comparison of protected class designations by federal and state law is presented below in Table I.1.

Table I.1
Comparison of Fair Housing Laws
City of Fresno

Protected Group	Federal Fair Housing Act	California Fair Employment and Housing Law
Race	X	X
Sex	X	X
Religion	X	X
Familial Status	X	X
Disability	X	X
National Origin	X	X
Color	X	X
Gender		X
Gender Identity		X
Gender Expression		X
Sexual Orientation		X
Marital Status		X
Ancestry		X
Source of Income		X
Genetic Information		X

As discussed above, fair housing protections at the federal level do not include consideration of income and do not address housing affordability outside the context of housing discrimination. While lack of affordable housing can be a significant concern to policymakers, it is not, on its own, a fair housing problem unless members of protected classes face this issue disproportionately. In fact, a large increase in affordable units in close proximity to one another can challenge efforts to affirmatively further fair housing in some cases. For example, if racial or ethnic minority residents are overrepresented among affordable housing tenants and affordable housing developments or units are built in areas with already-high concentrations of racial or ethnic minority residents and relatively high poverty rates, this could have the effect of increasing the concentration of racial or ethnic minority residents in those areas.

[11] *Fair Housing Planning Guide.*
[12] Cal. Gov. Code §12920

PURPOSE OF THIS RESEARCH

HUD interprets the broad objectives of affirmatively furthering fair housing to include:

- "Analyzing and working to eliminate housing discrimination in the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to, and usable by, all persons, particularly individuals with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act."[13]

The objective of the 2016 AI process was to research, analyze, and identify prospective impediments to fair housing choice throughout the city. The goal of the completed AI is to suggest actions that the sponsoring jurisdictions can consider when working toward eliminating or mitigating the identified impediments.

LEAD AGENCY

The agency that led the effort of preparing this report on behalf of the City of Fresno was the City's Housing and Community Development Division.

Commitment to Fair Housing

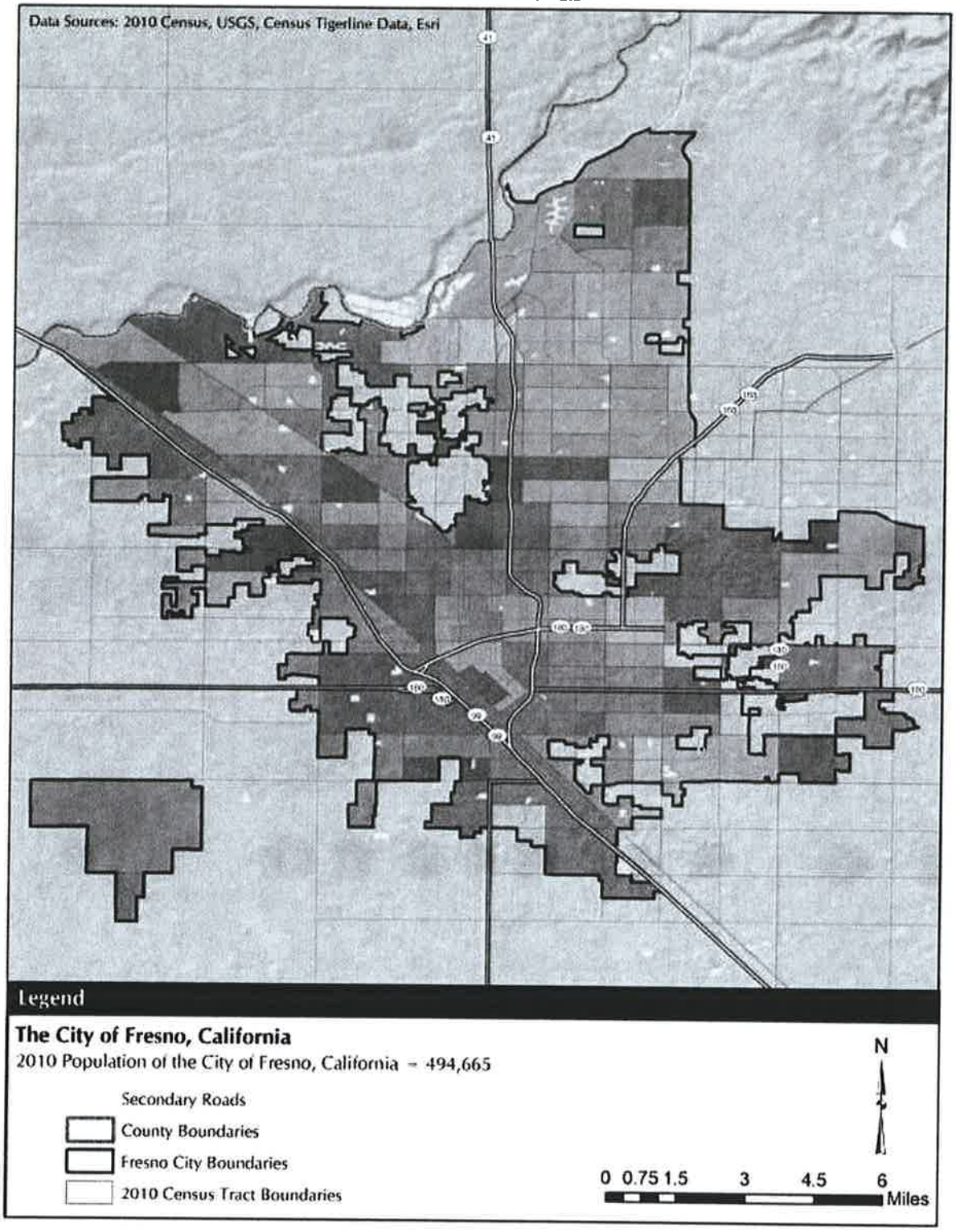
In accordance with the applicable statutes and regulations governing the Consolidated Plan, the city certifies that it will *affirmatively further fair housing*. This statement means that the City has conducted an AI, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and will maintain records that reflect the analysis and actions taken in this regard.

GEOGRAPHIC SCOPE OF THE ANALYSIS

This AI addresses the status of fair housing within the City of Fresno. Map I.1 on the following page displays the city boundaries, along with selected major highways and county and Census block group boundaries. Wherever possible, demographic, housing, and economic data will be displayed by block group to provide greater detail in the geographic analyses included in this study. However, in some cases data are not available at the block group level, and will instead be presented at the Census tract level. Such cases include maps that present data drawn from the 2010-2014 American Community Survey (ACS) and the Federal Financial Institutions Examination Council. This latter source provides data on home and small business lending gathered under the Home Mortgage Disclosure Act (HMDA) and Community Reinvestment Act (CRA).

[13] *Fair Housing Planning Guide*, p.1-3.

Map I.1
City of Fresno Study Area
City of Fresno
2010 Census Bureau Data



RESEARCH METHODOLOGY

The AI process involves a thorough examination of a variety of data related to housing, particularly for persons who are protected under fair housing laws. AI sources include Census data, employment and income information, home mortgage application data, business lending data, fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain. Relevant information was collected and evaluated via four general approaches:

1. *Primary Research*, or the collection and analysis of raw data that did not previously exist;
2. *Secondary Research*, or the review of existing data and studies;
3. *Quantitative Analysis*, or the evaluation of objective, measurable, and numerical data; and
4. *Qualitative Analysis*, or the evaluation and assessment of subjective data such as individuals' beliefs, feelings, attitudes, opinions, and experiences.

Some baseline secondary and quantitative data were drawn from the Census Bureau, including 2000 and 2010 Census counts, as well as American Community Survey data averages from 2010 through 2014. Data from these sources detail population, personal income, poverty, housing units by tenure, cost burdens, and housing conditions. Other data were drawn from records provided by the Bureau of Labor Statistics, the Bureau of Economic Analysis, and a variety of other sources. The following narrative offers a brief description of other key data sources employed for the 2016 AI for the City of Fresno.

Home Mortgage Disclosure Act Data

To examine possible fair housing issues in the home mortgage market, Home Mortgage Disclosure Act (HMDA) data were analyzed. The HMDA was enacted by Congress in 1975 and has since been amended several times. It is intended to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns. The HMDA requires lenders to publicly disclose the race, ethnicity, and sex of mortgage applicants, along with loan application amounts, household income, the Census tract in which the home is located, and information concerning prospective lender actions related to the loan application. This analysis of impediments includes HMDA data from 2004 through 2014, with the measurement of denial rates by Census tract and by race and ethnicity of applicants the key research objectives. These data were also examined to identify the groups and geographic areas most likely to encounter higher denial rates and receive loans with unusually high interest rates.

Fair Housing Complaint Data

Housing complaint data were used to analyze discrimination in the renting and selling of housing. HUD provided fair housing complaint data for the city from 2008 through 2015. This information included the basis, or alleged motivation for discrimination; the issue, or alleged discriminatory action; and the closure status, or outcome of the complaint. The review of 92 fair housing complaints filed with HUD allowed for inspection of the tone, the relative degree

and frequency of certain types of unfair housing practices, and the degree to which complaints were found to be with cause.

Analysis of complaint data focused on determining which protected classes may have been disproportionately impacted by housing discrimination based on the number of complaints, while acknowledging that many individuals may be reluctant to step forward with a fair housing complaint for fear of retaliation or similar repercussion. This analysis also included data on 98 fair housing complaints filed with the California Department of Fair Employment and Housing (DFEH) from 2012 through 2015.

Fair Housing Survey

HUD recommends that surveys be conducted during the AI process to gain input for the public regarding perceived impediments to fair housing choice in an area. As such, the City elected to utilize a survey instrument as a means to encourage public input in the AI process. The survey targeted individuals involved in the housing arena, although anyone was allowed to complete the survey. In addition to gathering data, this survey was utilized to help promote public involvement during the AI process. The 2016 City of Fresno Fair Housing Survey, an internet-based instrument, has received six responses as of the early March of 2016.

The survey was designed to address a wide variety of issues related to fair housing and affirmatively furthering fair housing. If limited input on a particular topic was received, it was assumed that the entirety of stakeholders did not view the issue as one of high pervasiveness or impact. This does not mean that the issue was nonexistent in the city, but rather that there was no widespread perception of its prevalence, as gauged by survey participants. The following narrative summarizes key survey themes and data that were addressed in the survey instrument.

Federal, State, and Local Fair Housing Laws

The first section of the survey asked respondents to address a number of questions related to fair housing laws, including assessment of their familiarity with and understanding of these laws, knowledge of classes of persons protected by these laws, the process for filing fair housing complaints, and an inquiry into whether or not fair housing laws should be changed.

Fair Housing Activities

The second section of the survey evaluated stakeholders' awareness of and participation in fair housing activities in the city, including outreach activities such as trainings and seminars, as well as monitoring and enforcement activities such as fair housing testing exercises.

Barriers to Fair Housing Choice in the Private Sector

This section addressed fair housing in the City of Fresno's private housing sector and offered a series of two-part questions. The first part asked respondents to indicate awareness of questionable practices or barriers to fair housing choice in a variety of private sector industries, and the second part requested a narrative description of these questionable practices or concerns if an affirmative response was received. The specific areas of the private sector that respondents were asked to examine included the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industries,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

The use of open-ended questions allowed respondents to address any number of concerns such as redlining, neighborhood issues, lease provisions, steering, substandard rental housing, occupancy rules, and other fair housing issues in the private housing sector of the city.

Fair Housing in the Public Sector

Just as in the section of the survey concerning private sector barriers, respondents were asked to offer insight into their awareness of questionable practices or barriers to fair housing in the public sector. A list of areas within the public sector was provided, and respondents were asked first to specify their awareness of fair housing issues within each area. If they were aware of any fair housing issues, they were asked to further describe these issues in a narrative fashion. Respondents were asked to identify fair housing issues within the following public sector areas related to housing:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies, and
- Any other public administrative actions or regulations.

The questions in this section were used to identify fair housing issues in the city regarding zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, and NIMBYism.[14]

Additional Questions

Finally, respondents were asked about their awareness of any local fair housing plans or specific geographic areas of the city with fair housing problems. Respondents were also asked to leave additional comments.

[14] "Not In My Backyard" mentality

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Research Conclusions

The final list of impediments to fair housing choice for the City of Fresno was drawn from all quantitative, qualitative, and public input sources, and was based on HUD's definition of an impediment to fair housing choice as any action, omission, or decision that affects housing choice because of protected class status. The determination of qualification as an impediment was derived from the frequency and severity of occurrences drawn from quantitative and qualitative data evaluation and findings.

Public Involvement

This section discusses analysis of fair housing in the City of Fresno as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of city-wide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

SECTION II. SOCIO-ECONOMIC CONTEXT

This section presents demographic, economic, and housing information collected from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, and other sources. Data were used to analyze a broad range of socio-economic characteristics, including population growth, race, ethnicity, disability, employment, poverty, and housing trends. Ultimately, the information presented in this section illustrates the underlying conditions that shape housing market behavior and housing choice in the City of Fresno.

To supplement 2000 and 2010 Census data, data for this analysis were also gathered from the Census Bureau's American Community Survey (ACS). The ACS data cover similar topics to the decennial counts but include data not appearing in the 2010 Census, such as household income and poverty. The key difference of these datasets is that ACS data represent a five-year average of annual data estimates as opposed to a point-in-time 100 percent count. The ACS data reported here, which span the years from 2010 through 2014, are not directly comparable to decennial Census counts because they do not account for certain population groups such as the homeless and because they are based on samples rather than counts of the population. However, percentage distributions from the ACS data can be compared to distributions from the 2000 and 2010 Censuses.

DEMOGRAPHICS

In order to establish the background context of the markets in which housing choices are made in the City of Fresno, detailed population and demographic data are included to describe the city's residents. These data summarize characteristics of the total population, as well as the outcome of housing location choices. These data help to address whether over-concentrations of racial and ethnic minorities exist, and if so, which areas of the city are most affected.

POPULATION DYNAMICS

The population of Fresno has grown by an estimated 20.7 percent since 2000, as shown in Table II.1 at right. According to population estimates from years between the 2000 and 2010 decennial Census counts, the number of city residents grew steadily during that time, at a rate of about 6,700 persons per year. Recent figures indicate that this rate of growth has slackened somewhat since 2010, falling to an estimated 5,300 per year.

Table II.1
Census and Intercensal Population Estimates
The City of Fresno
2000, 2010 Census and Intercensal Estimates

Year	Estimate
Census 2000	**427,652**
July 2001 Est.	436,525
July 2002 Est.	444,960
July 2003 Est.	453,763
July 2004 Est.	460,601
July 2005 Est.	466,179
July 2006 Est.	471,748
July 2007 Est.	477,659
July 2008 Est.	484,443
July 2009 Est.	490,262
Census 2010	**494,665**
July 2011 Est.	501,357
July 2012 Est.	506,064
July 2013 Est.	510,288
July 2014 Est.	515,986
Change 00 – 14	**20.7%**

POPULATION BY AGE

The City of Fresno grew by just over 67,000 between 2000 and 2010, or around 15.7 percent. As shown in Table II.2 on the following page, residents aged 35 to 54 accounted for a quarter of the city's population in 2000, exceeded only by residents aged 5 to 19, who represented 27.3 percent of the population in that year. However, both groups grew relatively slowly over the next ten

years, making up smaller shares of the population in 2010. By contrast, the number of residents aged 20 to 24 grew by 24.4 percent, well above the average of 15.7 percent, while the number of residents aged 55 to 64 grew by 67 percent. Each group accounted for about nine percent of the population in 2010.

Table II.2
Population by Age
City of Fresno
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
Under 5	38,996	9.1%	43,911	8.9%	12.6%
5 to 19	116,935	27.3%	123,588	25.0%	5.7%
20 to 24	35,309	8.3%	43,925	8.9%	24.4%
25 to 34	63,085	14.8%	75,463	15.3%	19.6%
35 to 54	107,104	25.0%	117,165	23.7%	9.4%
55 to 64	26,649	6.2%	44,512	9.0%	67.0%
65 or Older	39,574	9.3%	46,101	9.3%	16.5%
Total	**427,652**	**100.0%**	**494,665**	**100.0%**	**15.7%**

The elderly population, composed of residents aged 65 and older, grew by 16.5 percent over the decade, just over the overall average for the population as a whole. As a result, this group represented approximately the same percentage of the overall population in both years, approximately 9.3 percent. However, as shown in Table II.3 below, growth varied considerably within the elderly population, and was most pronounced at the lowest and youngest ends of the cohort. Meanwhile, the number of residents aged 70 to 74 grew by a relatively slow 3.2 percent, and the number of residents aged 75 to 79 fell by 6.6 percent.

Table II.3
Elderly Population by Age
City of Fresno
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
65 to 66	4,185	10.6%	6,115	13.3%	46.1%
67 to 69	6,063	15.3%	7,784	16.9%	28.4%
70 to 74	9,813	24.8%	10,131	22.0%	3.2%
75 to 79	8,640	21.8%	8,069	17.5%	-6.6%
80 to 84	5,662	14.3%	6,797	14.7%	20.0%
85 or Older	5,211	13.2%	7,205	15.6%	38.3%
Total	**39,574**	**100.0%**	**46,101**	**100.0%**	**16.5%**

POPULATION BY RACE AND ETHNICITY

The racial composition of the city changed little over the decade, as shown in Table II.4 on the following page. White residents, who represented a bare majority, or 50.2 percent, of city residents in 2000, made up 49.6 percent of the population in 2010. Black residents also slipped as a share of the overall population, from 8.4 to 8.3 percent. In both cases, this reduction reflected slower-than-average growth rather than a true numerical drop in the population. The number of American Indian and Asian residents grew by more than 25 percent over the same time period, and Asian residents grew as a share of the total population by around 1.4 percentage points, to 12.6 percent in 2010. Residents who identified their race as "other" continued to represent the second largest racial group in the city, at 22.6 percent in 2010, though this group also grew more slowly than the overall population.

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More pronounced than any change to the racial composition of the city was the shift in its ethnic composition: The number of Hispanic residents, who accounted for 39.9 percent of the population in 2000, increased by 36.1 percent, more than doubling the average rate of growth of the population as a whole from 2000 to 2010. By the end of the decade, Hispanic residents represented 46.9 percent of the city's population. By contrast, the number of non-Hispanic residents grew by only 2.1 percent and these residents fell from 60.1 to 53.1 percent of the total population.

Table II.4
Population by Race and Ethnicity
City of Fresno
2000 & 2010 Census SF1 Data

Race	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
White	214,556	50.2%	245,306	49.6%	14.3%
Black	35,763	8.4%	40,960	8.3%	14.5%
American Indian	6,763	1.6%	8,525	1.7%	26.1%
Asian	48,028	11.2%	62,528	12.6%	30.2%
Native Hawaiian/ Pacific Islander	583	.1%	849	.2%	45.6%
Other	99,898	23.4%	111,984	22.6%	12.1%
Two or More Races	22,061	5.2%	24,513	5.0%	11.1%
Total	**427,652**	**100.0%**	**494,665**	**100.0%**	**15.7%**
Non-Hispanic	257,132	60.1%	262,610	53.1%	2.1%
Hispanic	170,520	39.9%	232,055	46.9%	36.1%

The distributions of city residents from select racial and ethnic groups are presented in a series of maps beginning on the following page. These distributions are presented by Census block group, which are color-coded according to the proportion of block group residents that are from a specific racial or ethnic group. For the purposes of this analysis, the share of residents in a block group is considered to be "disproportionate" if that share exceeds the citywide average by more than ten percentage points. For example, Hispanic residents represented 39.9 percent of the city population in 2000; accordingly, Hispanic residents would be considered disproportionately concentrated in any block group in which they represented more than 49.9 percent of the population.

The Hispanic population was generally concentrated in the southern part of the city in 2000, particularly in areas to the east of the city center. As shown in Map II.1 on the following page, Hispanic residents accounted for more than 61 percent of the population in Census block groups in areas surrounding the city center, and more than 73.5 percent of the population in block groups surrounding the Fresno Fair Grounds. This was well above average at that time; citywide, Hispanic residents represented 39.9 percent of the population in 2000.

As the Hispanic population grew between 2000 and 2010, the area to the east of the city center continued to see relatively high concentrations of Hispanic residents, as shown in Map II.2 on page 29. Hispanic residents accounted for more than three-quarters of the population throughout much of that area, and more than half of the population throughout much of the southern part of the city. However, the population did shift northward as Hispanic residents began to make up larger shares of the population in block groups to the north of the city center, including block groups to the west of Old Fig Garden.

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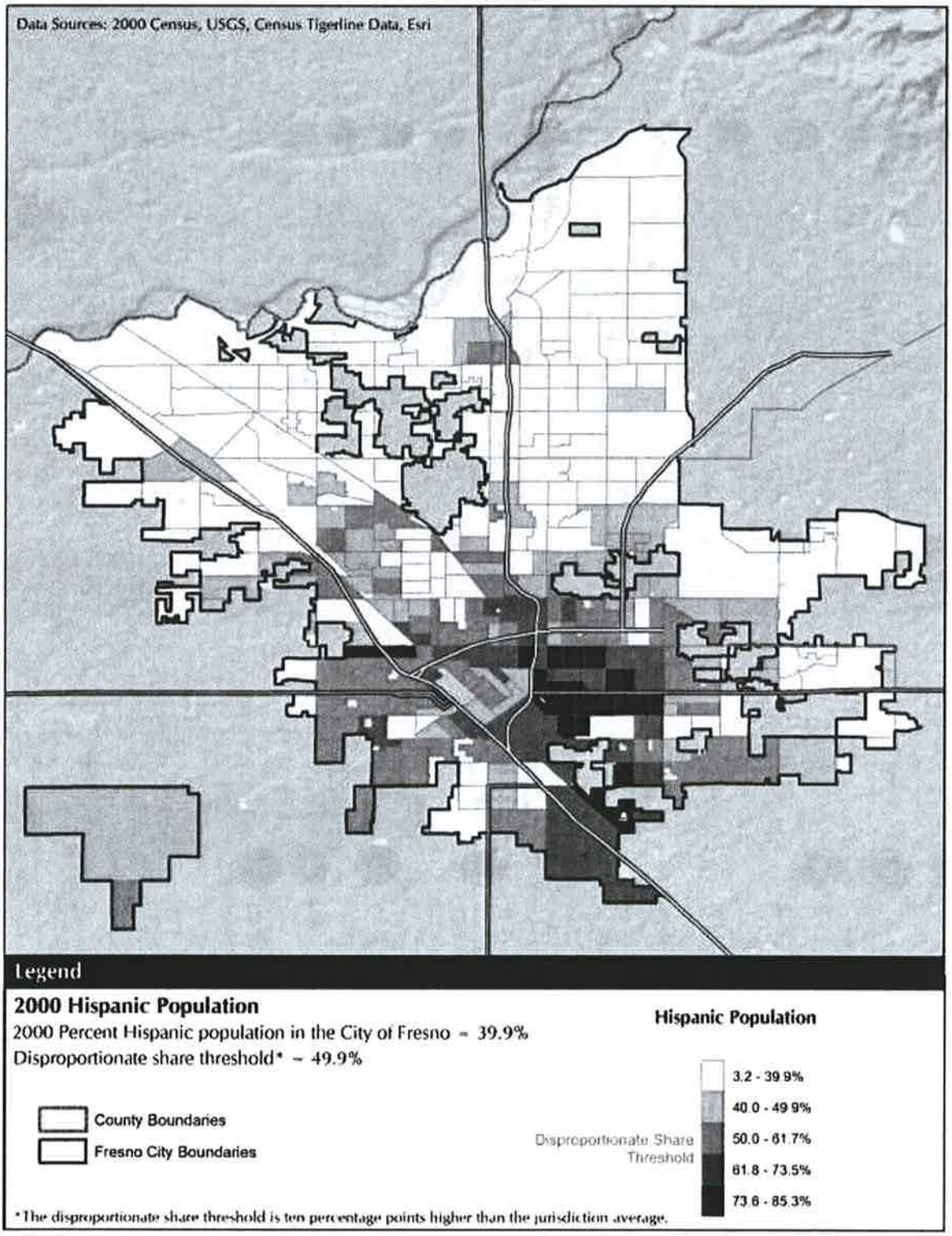
Map II.1
Hispanic Population by Census Block Group, 2000
The City of Fresno
2000 Census Data



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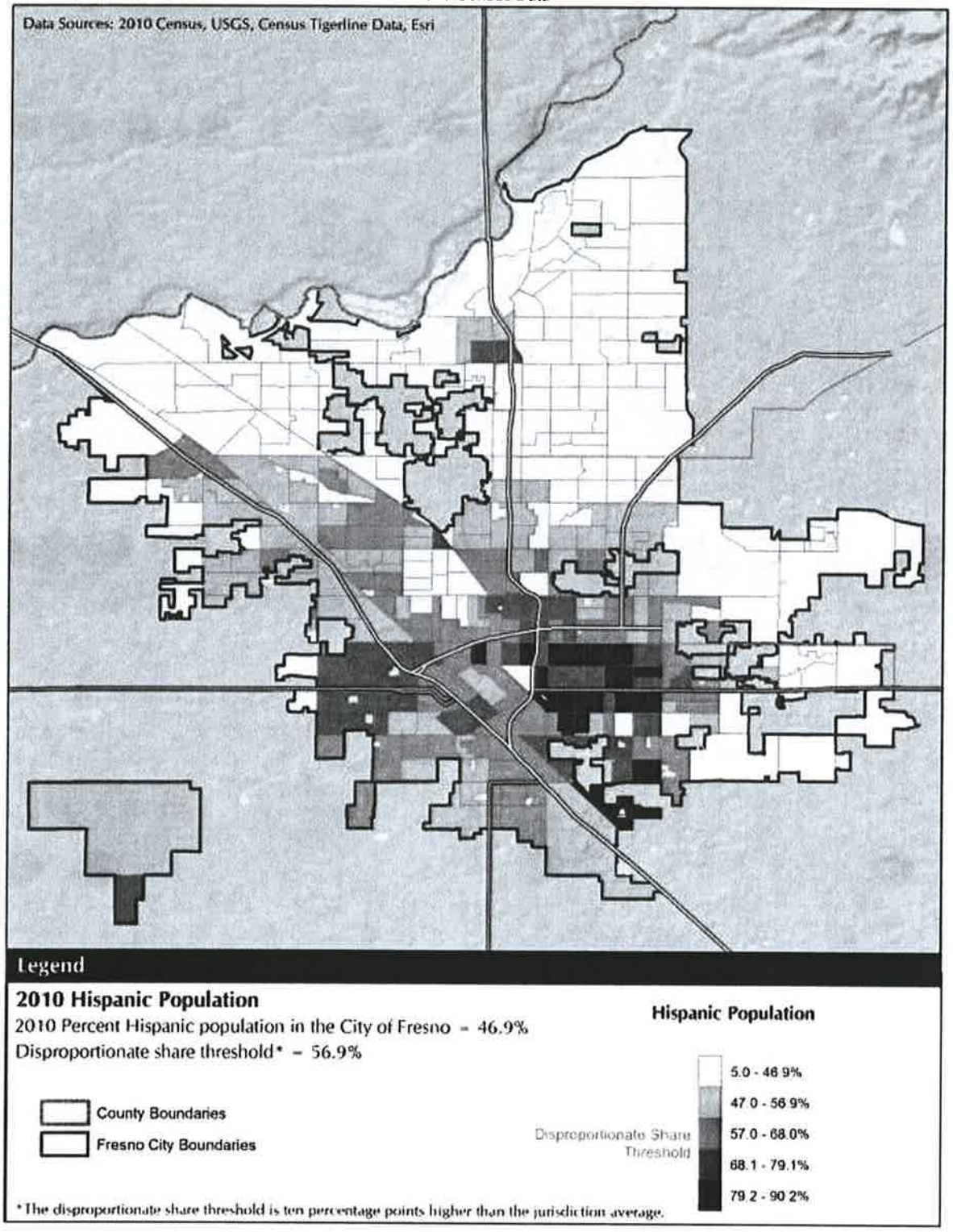
Map II.2
Hispanic Population by Census Block Group, 2010
City of Fresno
2010 Census Data



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Asian residents formed relatively large shares of the population in Census block groups near the interchange of Highways 180 and 168. As shown in Map II.3 on the following page, more than a fifth of block group residents in much of that area were Asian. Beyond this area, block groups with relatively high concentrations of Asian residents were located to the west of Fresno Pacific University and California State University's Fresno Campus, to the northwest of the International Airport, and in a handful of outlying areas in the west and east of the city.

The following decade saw a marked shift in the Asian population away from some of the areas with traditionally high concentrations of Asian residents. As shown in Map II.4 on page 32, the interchange of Highways 180 and 168, though still the site of above-average concentrations of Asian residents, held smaller concentrations of these residents in 2010 than in 2000. At the same time, the Asian population began to account for larger shares of the overall population in outlying block groups in the northeast, northwest, and east of the city.

Like the Hispanic population, the black population shifted to the north between 2000 and 2010, as black residents began to represent larger percentages of the population in block groups to the north of the city center, including in areas to the west of Old Fig Garden and California State University's Fresno Campus. Nevertheless, block groups with the highest concentrations of black residents tended to be in the same overall area in both years; specifically, Southwest Fresno.

In 2000, black residents were observed to be highly concentrated in Census block groups in Southwest Fresno, as shown in Map II.5 on page 33. More than 18.5 percent of residents were black throughout much of this area, and in several block groups black residents accounted for roughly one-half to two-thirds of all residents.

As noted previously, the same area held relatively high concentrations of black residents in 2010, as shown in Map II.6 on page 34. However, there were some signs that black residents had become less concentrated in that area over the decade: for one thing, there were no block groups in which the black population approached two-thirds of the total population, as had been the case in 2000. Furthermore, as noted previously, black residents began to account for larger shares of the population in several block groups to the west of Old Fig Garden, as well as the university, shifting the overall black population northward.

Disability Status

Over a fifth of the city's residents were living with some form of disability in 2000, as counted in the 2000 Census. As shown in Table II.5 at right, disability rates were higher among elderly residents, or those aged 65 and older, nearly half of whom were counted as living with a disability in 2000.

Table II.5
Disability by Age
City of Fresno
2000 Census SF3 Data

Age	Total	
	Disabled Population	Disability Rate
5 to 15	5,312	6.1%
16 to 64	61,169	23.6%
65 and older	18,567	49.9%
Total	**85,048**	**22.1%**

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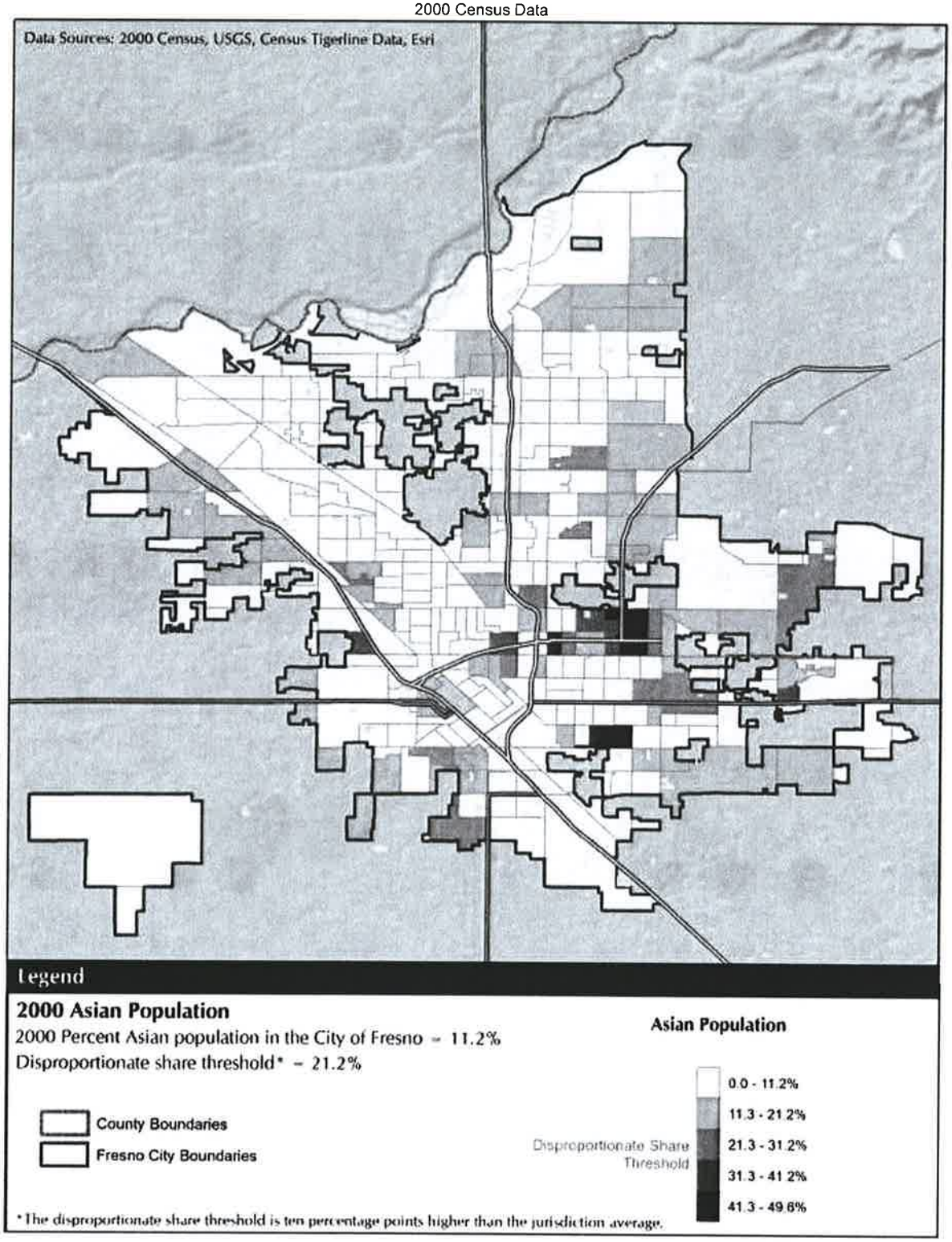
Map II.3
Asian Population by Census Block Group, 2000
City of Fresno
2000 Census Data



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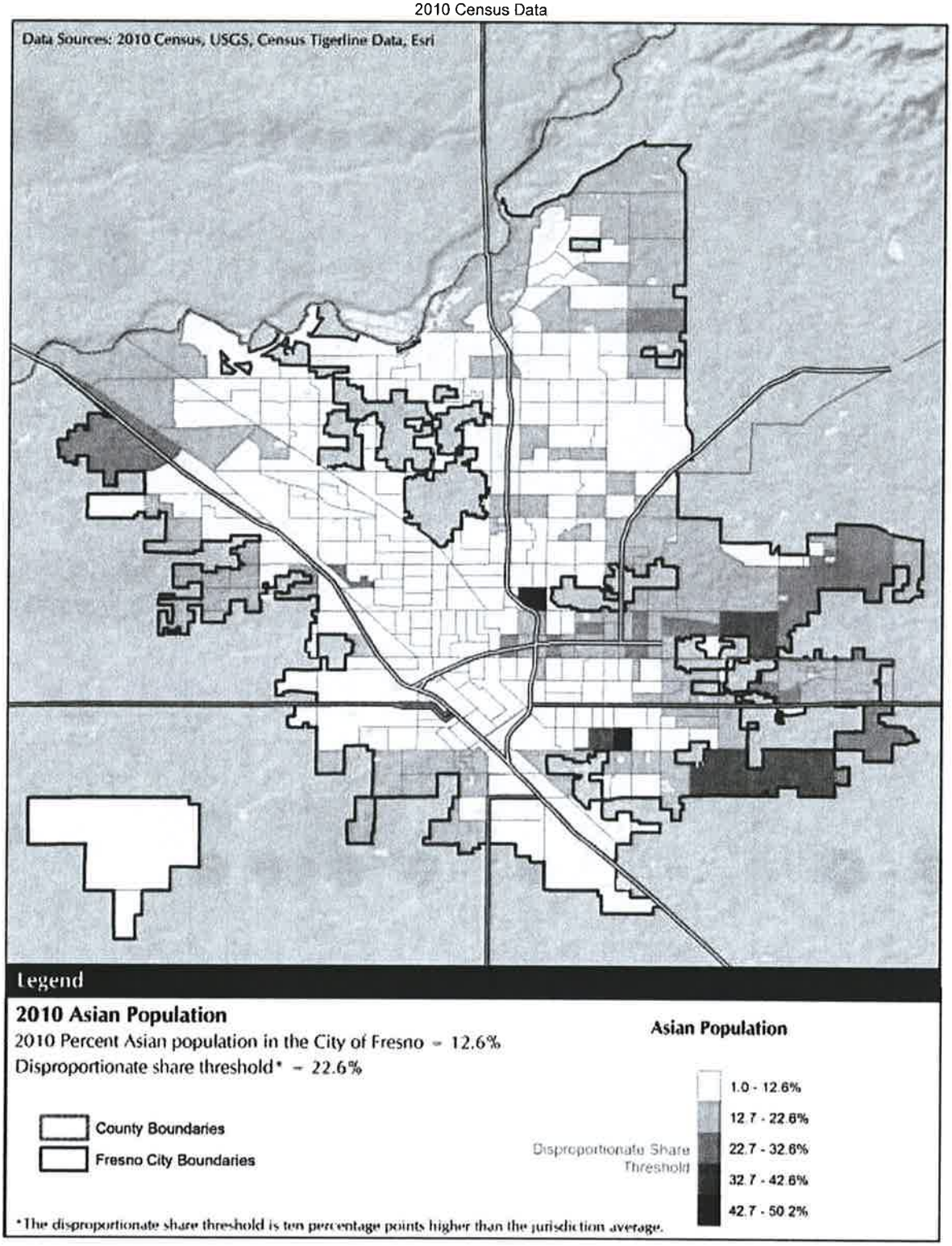
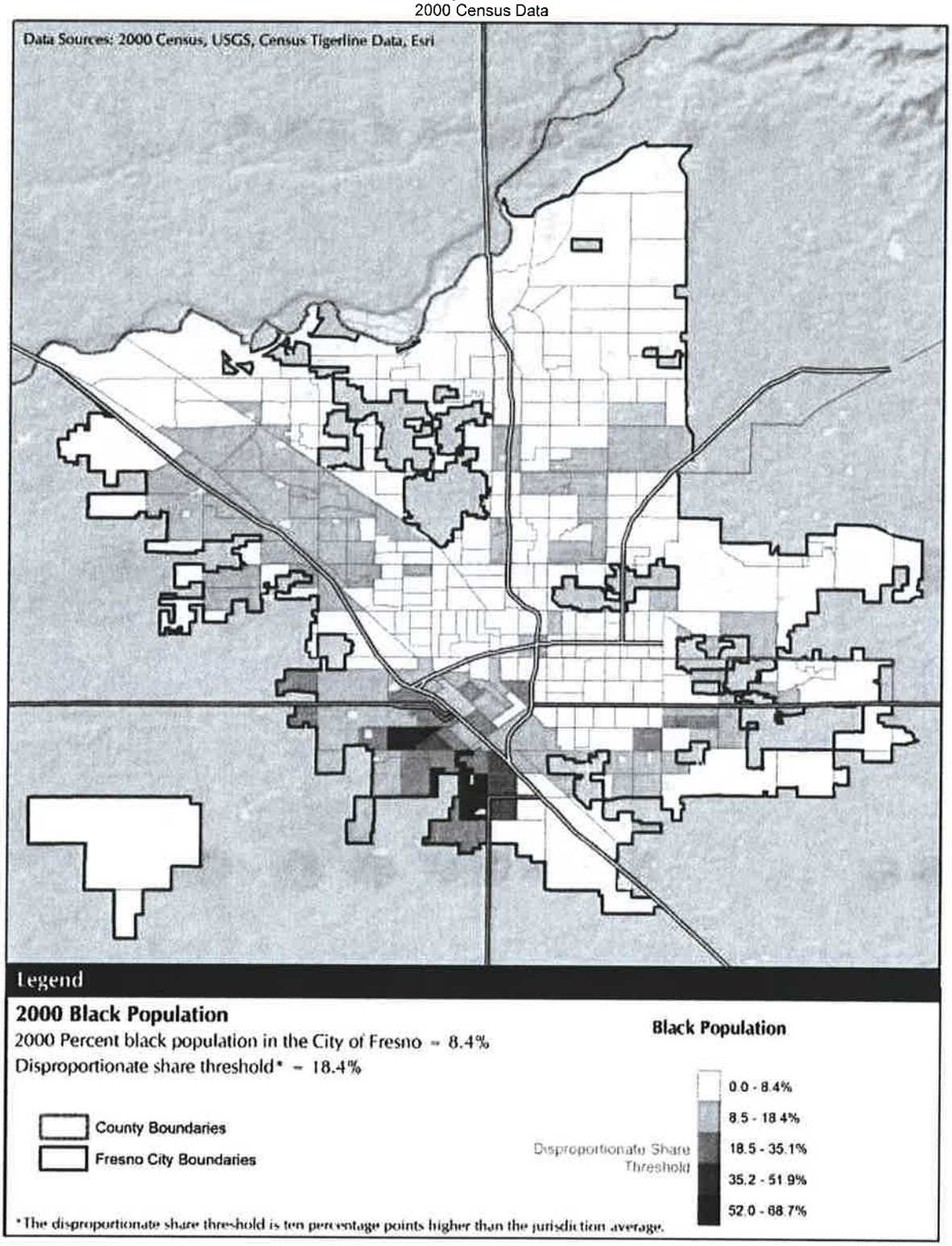
Map II.4
Asian Population by Census Block Group, 2010
City of Fresno
2010 Census Data



Map II.5
Black Population by Census Block Group, 2000
City of Fresno
2000 Census Data



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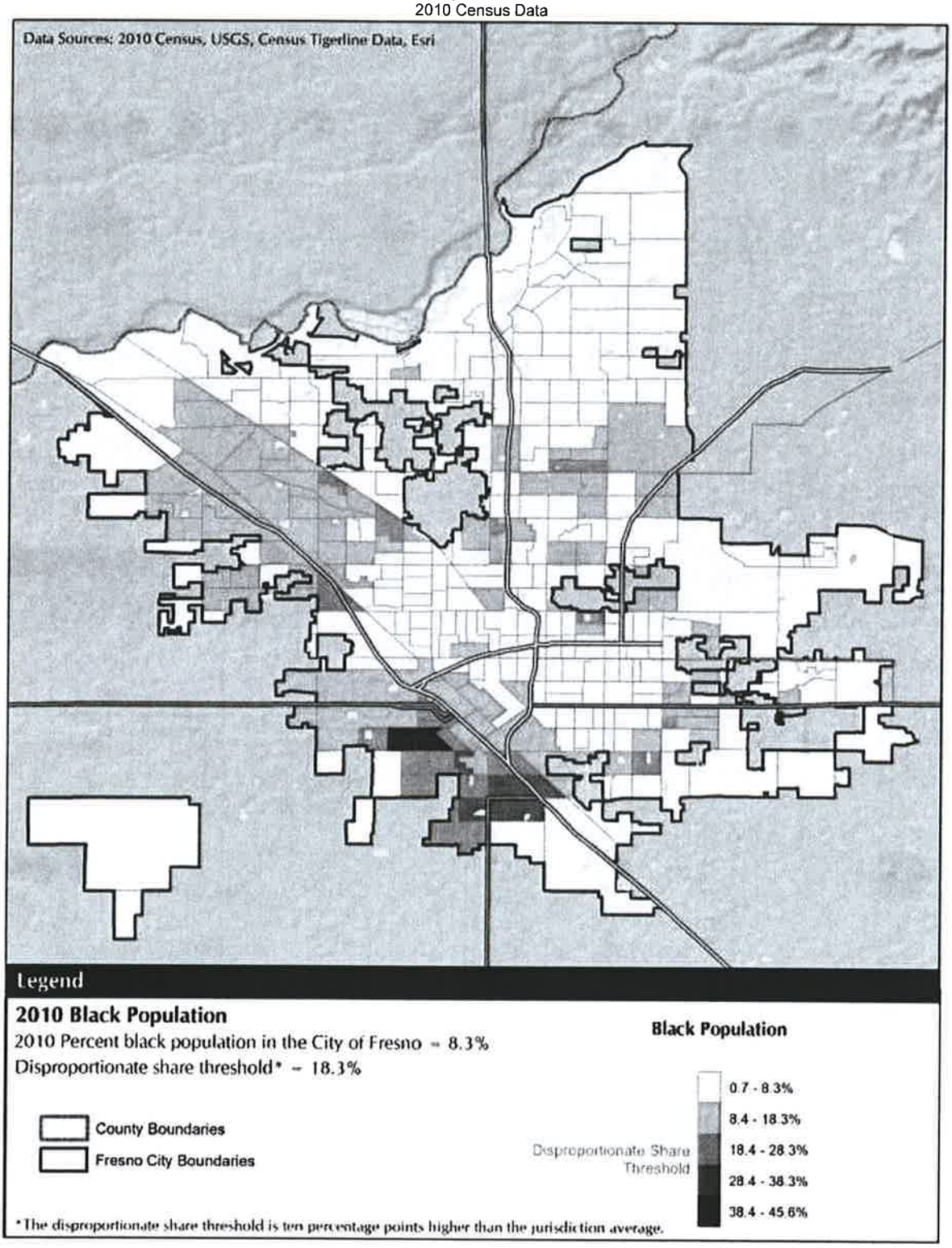
INCORPORATED DEC. 1, 1885

Map II.6
Black Population by Census Block Group, 2010
City of Fresno
2010 Census Data



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In 2010-2014, a reported 12.7 percent of the city's population was living with a disability, as shown in Table II.6 below.[15] As had been the case in 2000, residents with disabilities tended to account for larger shares of the population among older residents. For example, more than half of residents aged 75 or older were living with some form of disability in 2010-2014. Overall disability rates did not differ appreciably according to whether or not a given resident was male or female.

Table II.6
Disability by Age
City of Fresno
2014 Five-Year ACS Data

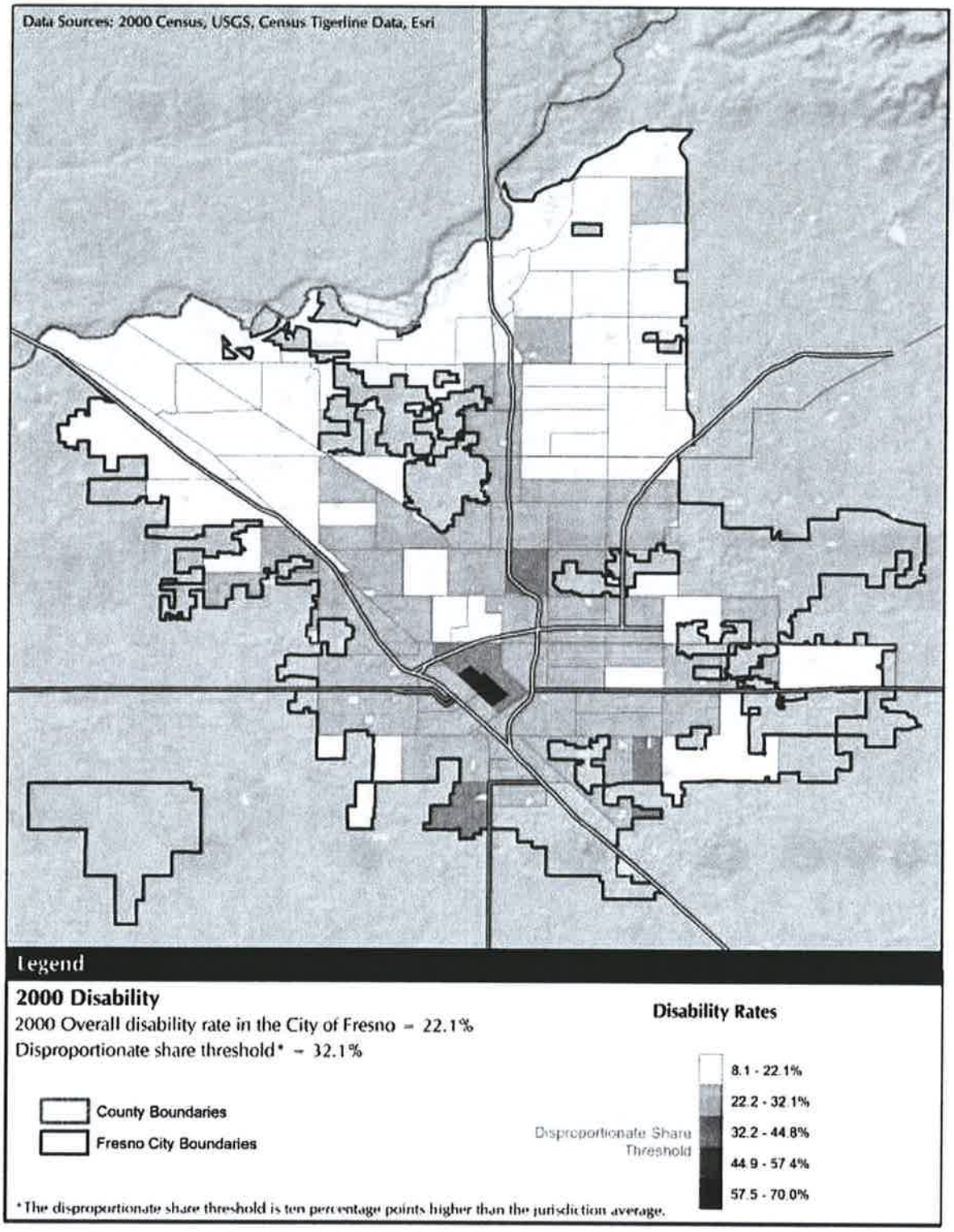
Age	Male		Female		Total	
	Disabled Population	Disability Rate	Disabled Population	Disability Rate	Disabled Population	Disability Rate
Under 5	178	.8%	118	.5%	296	.7%
5 to 17	3,768	7.0%	2,108	4.1%	5,876	5.6%
18 to 34	5,439	7.8%	3,955	5.6%	9,394	6.7%
35 to 64	12,674	16.0%	14,846	17.4%	27,520	16.7%
65 to 74	4,151	33.7%	4,668	32.0%	8,819	32.8%
75 or Older	5,087	59.8%	6,746	56.3%	11,833	57.7%
Total	**31,297**	**12.7%**	**32,441**	**12.7%**	**63,738**	**12.7%**

As had been the case with the racial and ethnic minority groups discussed previously, residents with disabilities tended to be more concentrated in the south of Fresno. As shown in Map II.7 on the following page, these residents accounted for more than 32 percent of the population in Census tracts in the downtown area in 2000, as well as to the south and southeast of the downtown area and the Veteran's Affairs Medical Center. Areas with lower, though still above-average, concentrations of residents with disabilities were more common, though generally were confined to the southern part of the city.

The distribution of the population with disabilities observed in 2010-2014 was similar to 2000, as shown in Map II.8 on page 37: these residents tended to be more concentrated in the southern part of the city, particular in the downtown area and in and around the Roosevelt neighborhood. However, Census tracts with above-average shares of residents with disabilities were more widespread in the north of the city than they had been in 2000.

[15] It is important to note that this figure does not necessarily represent a true decline in the number or share of persons with disabilities, as the Census Bureau's conception of "disability" was considerably revised in 2008. Consequently, American Community Survey (ACS) disability figures from 2008 onward capture a population that is substantively different from the population counted as having disabilities in the 2000 Census (though there is of course considerable overlap between the two populations). For this reason, the Census Bureau discourages direct comparisons between pre- and post-2008 disability figures.

Map II.7
Population with Disabilities by Census Block Group, 2000
City of Fresno
2000 SF3 Census Data



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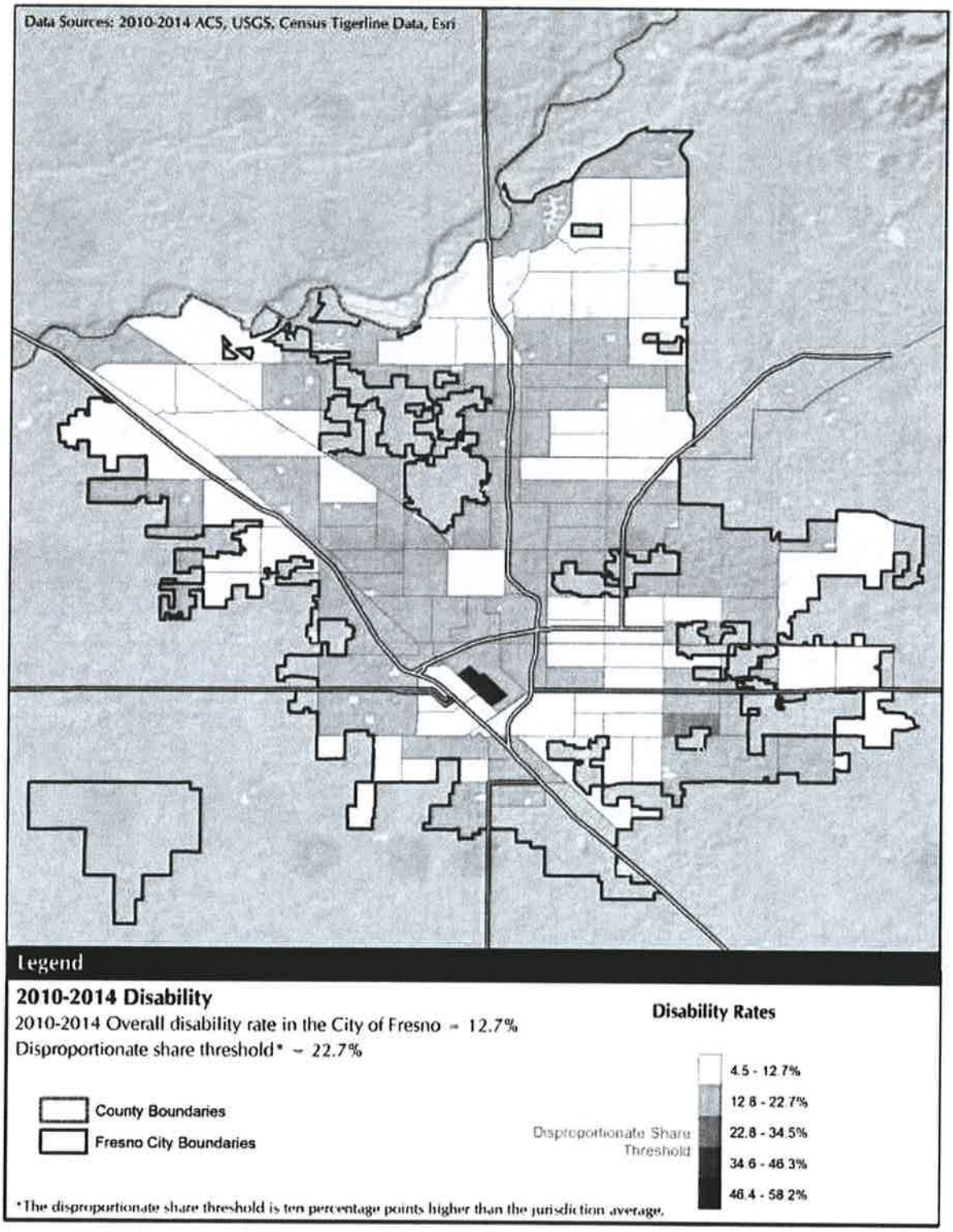
Map II.8
Population with Disabilities by Census Tract, 2010-2014
City of Fresno
2010-2014 Five-Year ACS Data



ECONOMICS

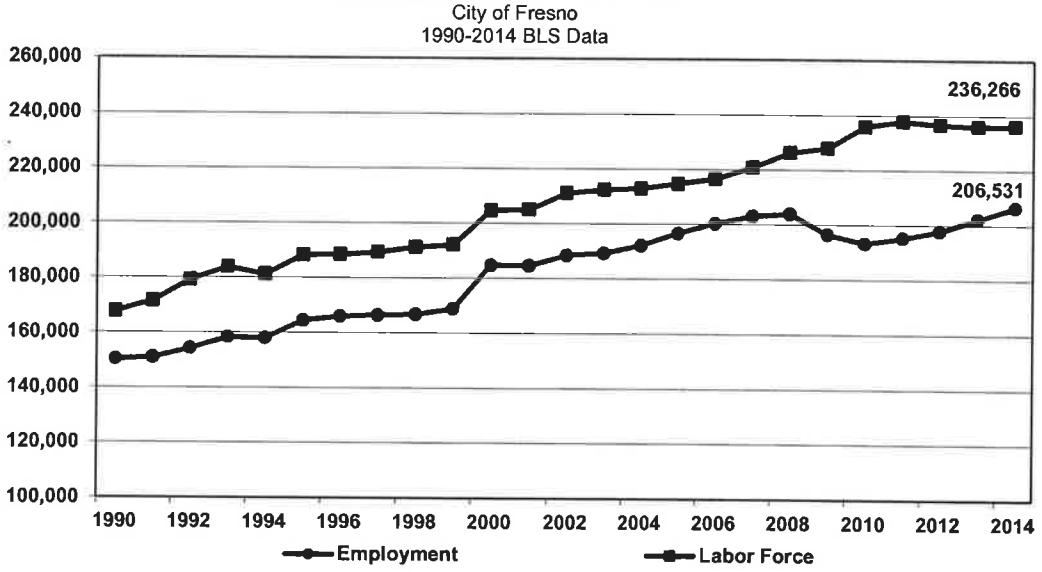
Data indicating the size and dynamics of the City of Fresno's job markets, workforce, incomes, and persons in poverty provide essential contextual background and indicate the potential buying power or other limitations of city residents when making a housing choice.

LABOR FORCE AND EMPLOYMENT

The Bureau of Labor Statistics collects data on labor force participation and employment, and this represents a count of people either working or seeking work. These data are collected through the Current Employment Statistics program, which surveys about 144,000 businesses and government agencies each month.

For the most part, growth in the Fresno labor force was steady and positive from 1990 through 2008, as shown in Diagram II.1 below. Roughly 168,000 Fresno residents were either working or looking for work in 1990, and the city added around 5,340 to the labor force on average over the following three years. This growth was interrupted by a brief drop in the labor force in 1994, but resumed the following year, albeit at a slower pace than earlier in the decade, continuing through 2011. Growth in the number of employed did not match the pace of growth in the labor market in the early nineties, though the gap between the two narrowed between 1994 and 2006. However, with the national recession of the late 2000s, the number of employed fell by over 10,000 in the space of two years, and the gap between the number of employed and the number of persons in the labor force widened.

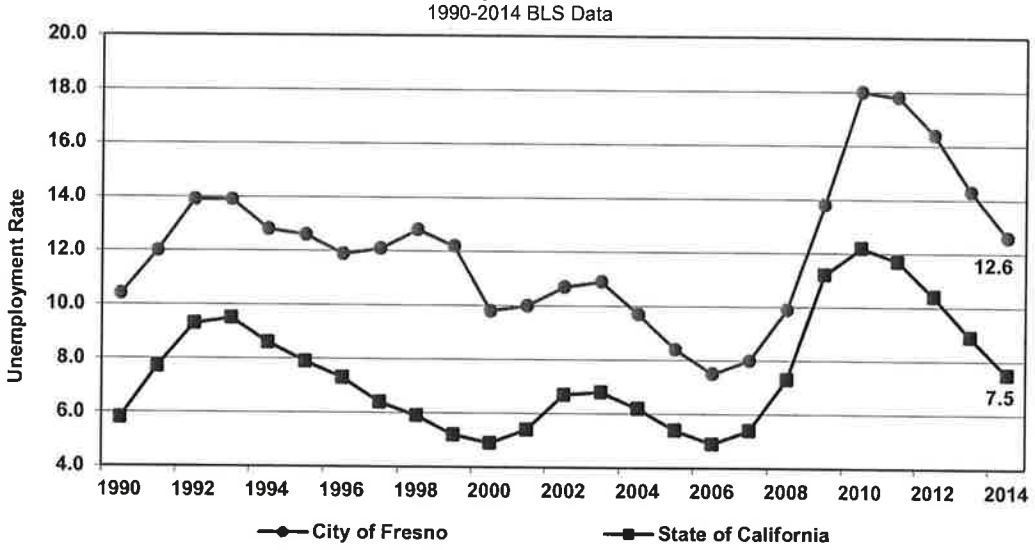
Diagram II.1
Employment and Labor Force
City of Fresno
1990-2014 BLS Data



That gap represents the segment of the Fresno labor force that is officially unemployed: as shown in Diagram II.2 on the following page, the decline in employment after 2008, combined with continued growth in the labor force, led to a marked spike in the unemployment rate in 2010. In that year, fully 18 percent of the city's labor force was unable to find work. Since that

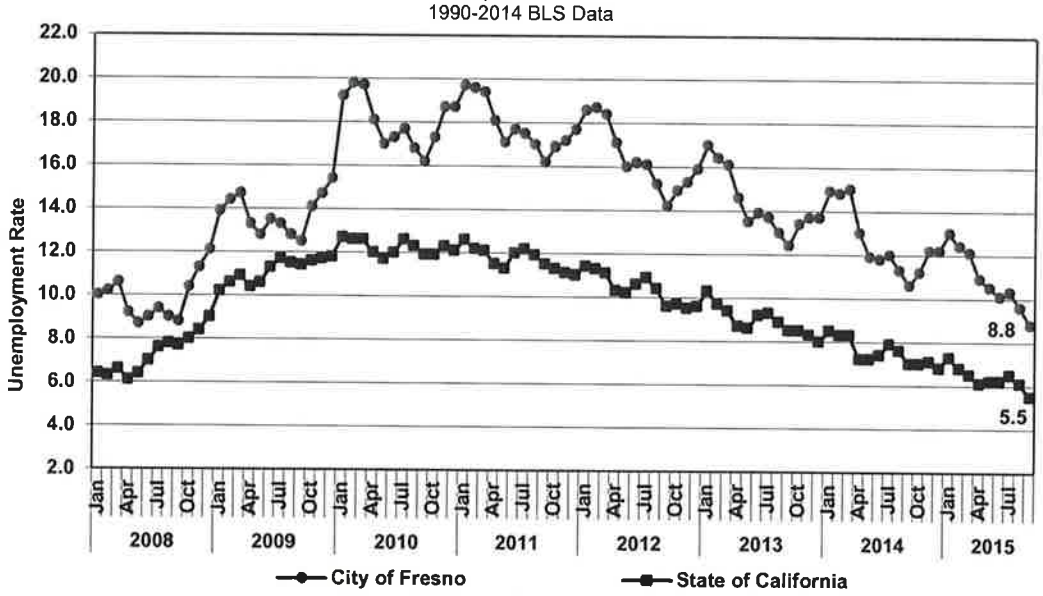
time, slackened growth in the labor force, together with a rebound in employment, has contributed to lower levels of unemployment. By 2014, the unemployment rate had fallen to 12.6 percent, though in keeping with trends established over the prior 24 years, this unemployment rate remained considerably higher than the statewide average.

Diagram II.2
Unemployment Rate
City of Fresno
1990-2014 BLS Data



This recent decline in the unemployment rate began in earnest late in 2011 or early in 2012. As shown in Diagram II.3 below, the unemployment rate has fallen steadily since that time, though there has been pronounced seasonal variation in the unemployment rate.

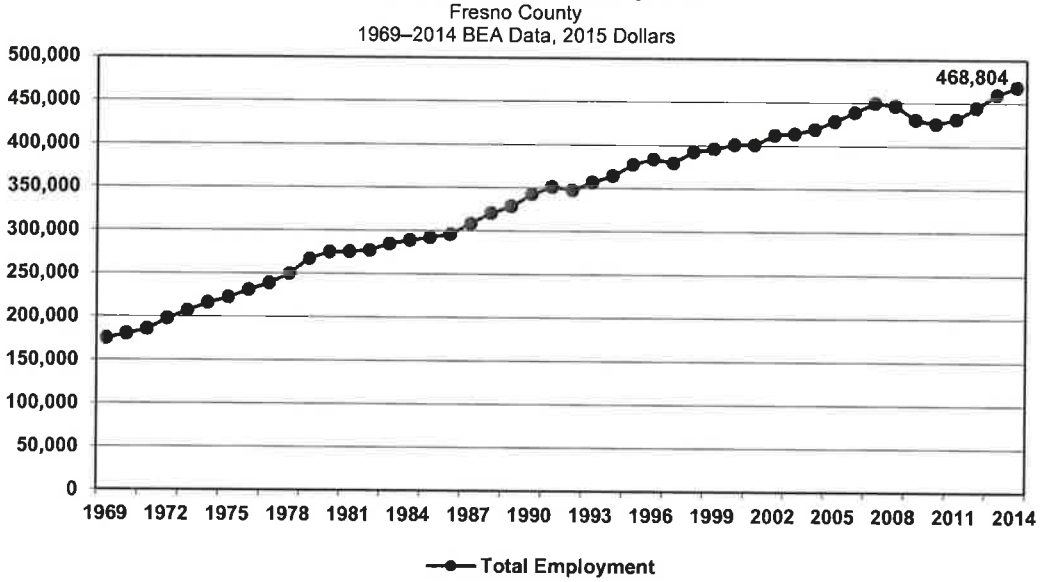
Diagram II.3
Monthly Unemployment Rate
City of Fresno
1990-2014 BLS Data



Full- and Part-Time Employment and Earnings

The Bureau of Economic Analysis (BEA) defines "total employment" as a count of jobs rather than workers, so workers can be counted twice in these data, e.g., those who work two or more part-time jobs. While these data are not available at the city-level, county-level data are presented below. Growth in the total number of jobs in the county has generally been steady since 1969. However, as shown in Diagram II.4 below, the county was impacted by the national recession of the late 2000s, and lost nearly 24,000 jobs between 2007 and 2010 before job growth resumed. By 2013 the number of jobs in the city had risen to pre-recession levels, and stood at 468,804 in 2014.

Diagram II.4
Full- and Part-Time Employment
Fresno County
1969–2014 BEA Data, 2015 Dollars



Unlike total employment, trends in real average earnings per job have varied dramatically since 1969. As shown in Diagram II.5 on the following page, the average amount that Fresno county residents earned at their jobs, in inflation-adjusted dollars, grew slowly and sporadically prior to 1995. That year saw the beginning of a relatively prolonged period of steady and rapid growth in real wages that lasted until 2004. Since that time, the trend in real wages has been downward, in spite of a brief period of recovery from 2008 through 2011. Until 2014, jobs in the county had paid more, on average, than jobs in the state. At present, wages at jobs in the city are roughly on par with state-level wages, both of which were around $50,000 in 2014.

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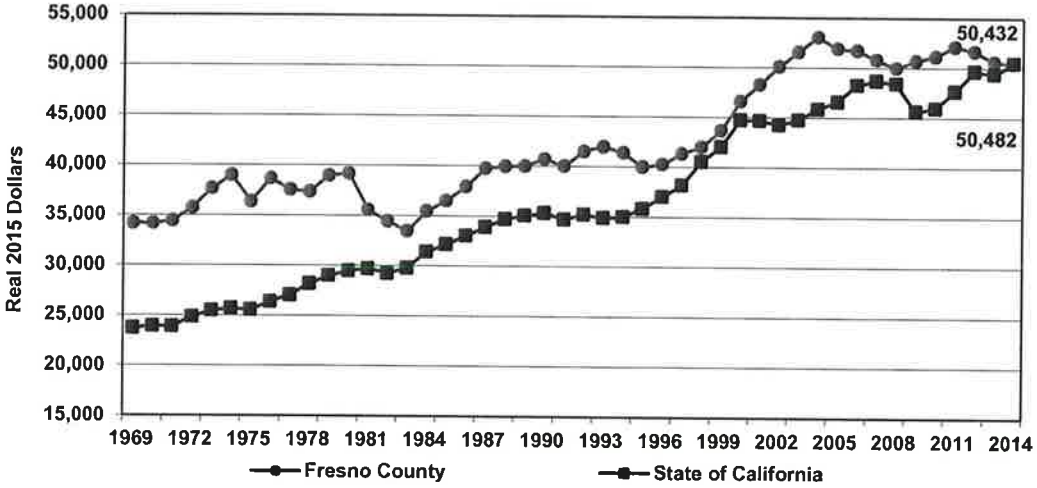
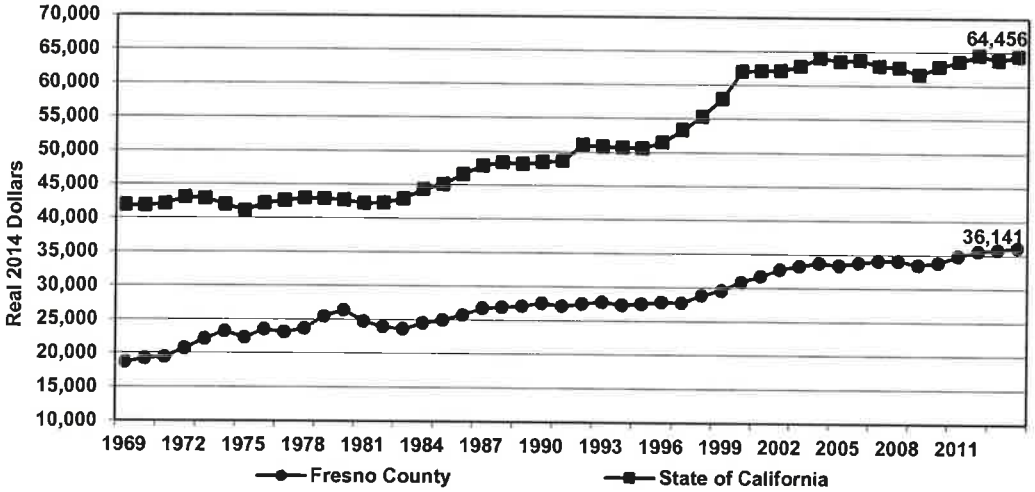
Diagram II.5
Real Average Earnings per Job
Fresno County
1969–2014 BEA Data, 2015 Dollars



Conversely, average per capita income in the county has been well below the statewide average since the late 1960s, as shown in Diagram II.6 below. Like real average earnings per job, growth in real per capita income was slow prior to the mid-1990s. At that point, per capita income began to grow more steadily, and this period of growth lasted until around 2004. Income growth largely stagnated after that year before dropping slightly in 2009. Since that time, the average amount of income that each county resident earned has climbed slowly but steadily, rising above $35,000 in inflation-adjusted dollars for the first time in 2012.

Diagram II.6
Real Average per Capita Income
Fresno County
1969–2014 BEA Data, 2015 Dollars



HOUSEHOLD INCOME

Household incomes in the city rose between 2000 and 2014, as measured in current dollars. The largest share of households in the city, or 22.6 percent, were earning less than $15,000 per year in 2000, as shown in Table II.7 on the following page. Households in the same income

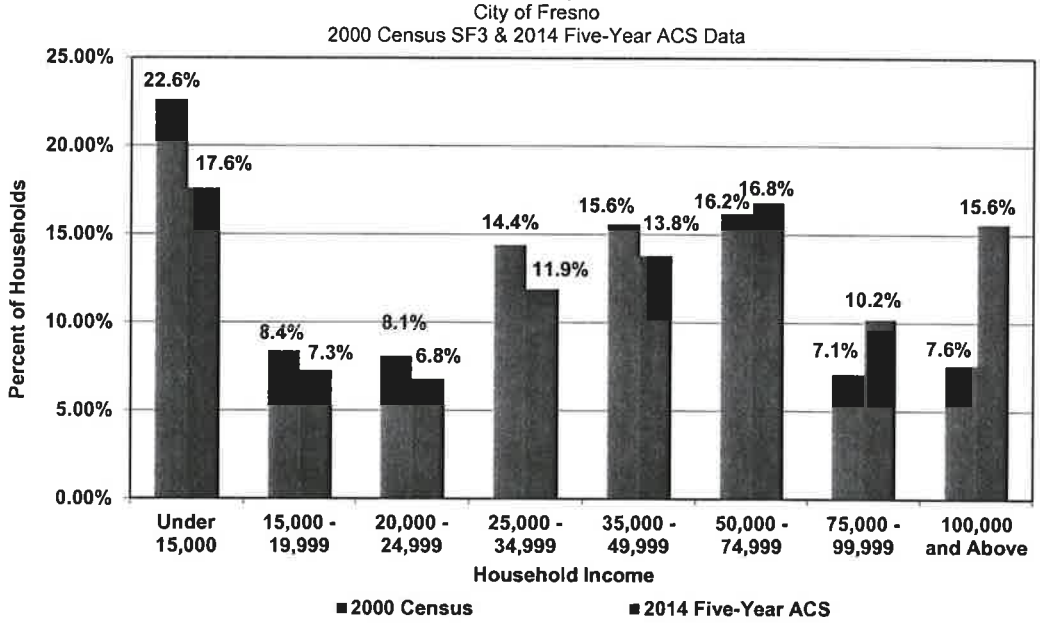
range also accounted for the largest share of city households in 2010-2014; however, by that time the percentage of low-income households had dropped by five percentage points to 17.6 percent of all households. In fact, households in all income categories below $50,000 per year accounted for smaller percentages of households in 2010-2014 than they had in 2000. At the same time, households earning more than $50,000 per year came to represent larger shares of the city's households. By 2010-2014, more than a quarter of the city's households were earning $75,000 per year or more, up from around 15 percent in 2000.

Table II.7
Households by Income
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Income	2000 Census		2014 Five-Year ACS	
	Households	% of Total	Households	% of Total
Less than $15,000	31,689	22.6%	28,149	17.6%
$15,000 to $19,999	11,744	8.4%	11,768	7.3%
$20,000 to $24,999	11,370	8.1%	10,830	6.8%
$25,000 to $34,999	20,110	14.4%	19,129	11.9%
$35,000 to $49,999	21,767	15.6%	22,119	13.8%
$50,000 to $74,999	22,646	16.2%	26,848	16.8%
$75,000 to $99,999	9,998	7.1%	16,325	10.2%
$100,000 or More	10,645	7.6%	25,004	15.6%
Total	**139,969**	**100.0%**	**160,172**	**100.0%**

Diagram II.7 below portrays the shift toward higher incomes in the city between 2000 and 2010-2014.

Diagram II.7
Households by Income
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data



Household incomes were also observed to vary according to the race or ethnicity of the head of household. As shown in Table II.8 below, white households had a median income of $47,678 per year, higher than any other group except for Asian households, which had a median income of $48,201. By comparison, the median income for black households throughout the city was $24,451, well below the overall median of $41,455. The median income of Hispanic householders was $34,092.

Table II.8
Households by Income by Race
City of Fresno
2014 Five-Year ACS Data

Household Income	White	Black	American Indian	Asian	Native Hawaiian	Other Race	Two or More	Total	Hispanic or Latino
Less than $15,000	13,425	4,785	268	2,746	74	5,999	852	28,149	12,616
$15,000 to $19,999	6,235	1,418	130	970	39	2,667	309	11,768	5,488
$20,000 to $24,999	5,709	1,048	179	816	3	2,731	344	10,830	5,262
$25,000 to $34,999	10,672	1,382	360	1,709	0	4,317	689	19,129	9,233
$35,000 to $49,999	12,928	1,633	419	1,916	21	4,398	804	22,119	10,107
$50,000 to $74,999	16,424	2,121	256	2,715	7	4,382	943	26,848	10,532
$75,000 to $99,999	11,044	750	109	1,559	57	2,205	601	16,325	5,557
$100,000 or More	17,733	1,094	190	3,470	12	1,681	824	25,004	4,905
Total	**94,170**	**14,231**	**1,911**	**15,901**	**213**	**28,380**	**5,366**	**160,172**	**63,700**
Median Income	$47,678	$24,451	$35,289	$48,201	$19,549	$31,137	$43,221	$41,455$	$34,092

POVERTY

In spite of the rise in household incomes described above, the poverty rate in the city rose from 26.2 to 30.6 percent, as shown in Table II.9 below. A majority of those living in poverty were aged 18 to 64 in both years: 54.4 percent of residents living in poverty fell in this age range in 2010-2014, up from 50.2 percent in 2000. Meanwhile, residents aged 6 to 17 came to represent smaller shares of the population living in poverty. Even so, the number of residents living in poverty rose for all age groups, and the total number of residents in poverty rose from 109,703 to an estimated 152,516.

Table II.9
Poverty by Age
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Age	2000 Census		2014 Five-Year ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 6	17,504	16.0%	24,302	15.9%
6 to 17	33,113	30.2%	38,909	25.5%
18 to 64	55,096	50.2%	82,948	54.4%
65 or Older	3,990	3.6%	6,357	4.2%
Total	**109,703**	**100.0%**	**152,516**	**100.0%**
Poverty Rate	**26.2%**	.	**30.6%**	.

As with geographic data concerning disability, the smallest geographical area for which poverty data from the 2010-2014 five-year ACS are tabulated is the Census tract. For that reason, the geographic distribution of households living in poverty in 2000 and 2010-2014 is presented, for ease of comparison, by Census tracts in maps on the following pages.

More than a quarter of Fresno households were living in poverty in 2000: as shown in Map II.9 on the following page, Census tracts with relatively high concentrations of households in

poverty were largely located in the southern part of the city, particularly in and around the downtown area. Census tracts with higher poverty rates generally corresponded to areas in which Hispanic, Asian, and black residents made up relatively large shares of the population in that year.

The same was true in 2010-2014, though like black, Asian, and Hispanic residents, households in poverty shifted northward somewhat as poverty rates rose in Census tracts surrounding Old Fig Garden and the university. The distribution of poverty in the city is portrayed in Map II.10 on page 46.

EDUCATIONAL ATTAINMENT

White and Asian residents were more likely than members of other racial or ethnic groups to hold a bachelor's degree, as shown in Table II.10 below. 23.9 percent of white residents had a bachelor's degree, along with 28 percent of Asian residents, compared to 20.1 percent of residents overall. In terms of ethnicity, only 9.2 percent of Hispanic residents had received a college degree, and 40.8 percent of the Hispanic population had not attained a high school diploma or equivalent certification.

Table II.10
Educational Attainment by Race (Population 25 years and over)
City of Fresno
2014 Five-Year ACS Data

Educational Attainment	White	Black	American Indian	Asian	Native Hawaiian	Other Race	Two or More	Total	Hispanic or Latino
Less than high school diploma	30,244	3,898	663	10,869	142	26,433	2,232	74,481	50,013
High school graduate (includes equivalency)	38,660	5,765	887	6,827	128	13,732	1,710	67,709	28,860
Some college or associate's degree	57,994	9,626	1,298	8,743	140	12,266	3,527	93,594	32,600
Bachelor's degree or higher	39,948	2,906	475	10,300	84	3,439	2,110	59,262	11,249
Total	**166,846**	**22,195**	**3,323**	**36,739**	**494**	**55,870**	**9,579**	**295,046**	**122,722**

RACIALLY/ETHNICALLY CONCENTRATED AREAS OF POVERTY

Census tracts are counted as "racially/ethnically concentrated areas of poverty" (R/ECAPs) if non-Hispanic white residents account for less than half of the population and if one of the following conditions is satisfied: (1) the poverty rate in the tract equals or surpasses 40 percent, or (2) the poverty rate is three times the jurisdiction average, whichever threshold is lower.

As shown in Map II.11 on page 47, almost all of the R/ECAPs in 2000 were located in and around the city center; not surprisingly, in areas with relatively high concentrations of Asian, black, and non-white Hispanic residents. Beyond this area there were only two R/ECAPs in 2000, one located near California State University's Fresno Campus and the other to the southwest of Old Fig Garden. R/ECAPs were generally concentrated in the same overall area in 2010-2014, as shown in Map II.12 on page 48.

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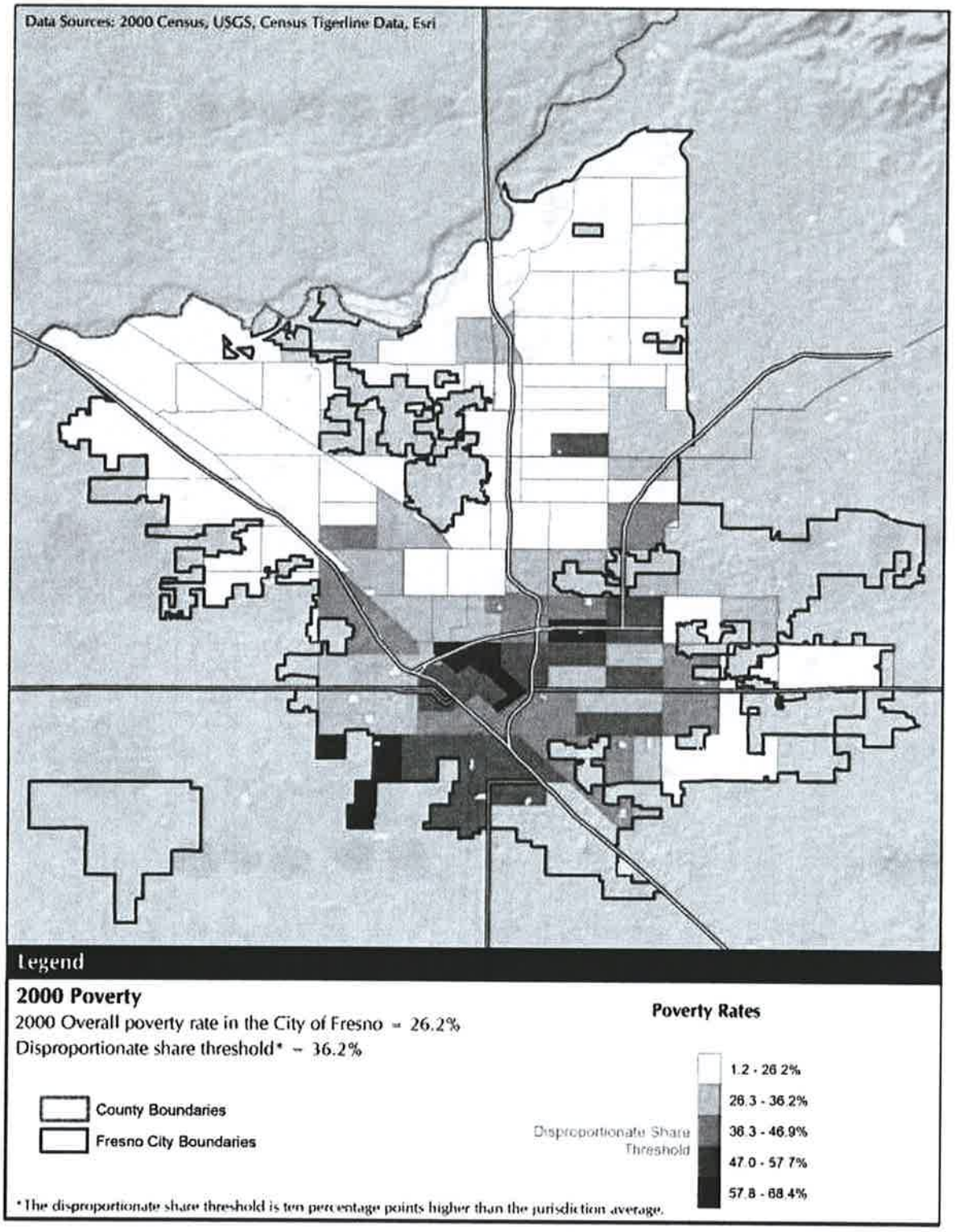
Map II.9
Poverty Rate by Census Tract, 2000
City of Fresno
2000 Census Data



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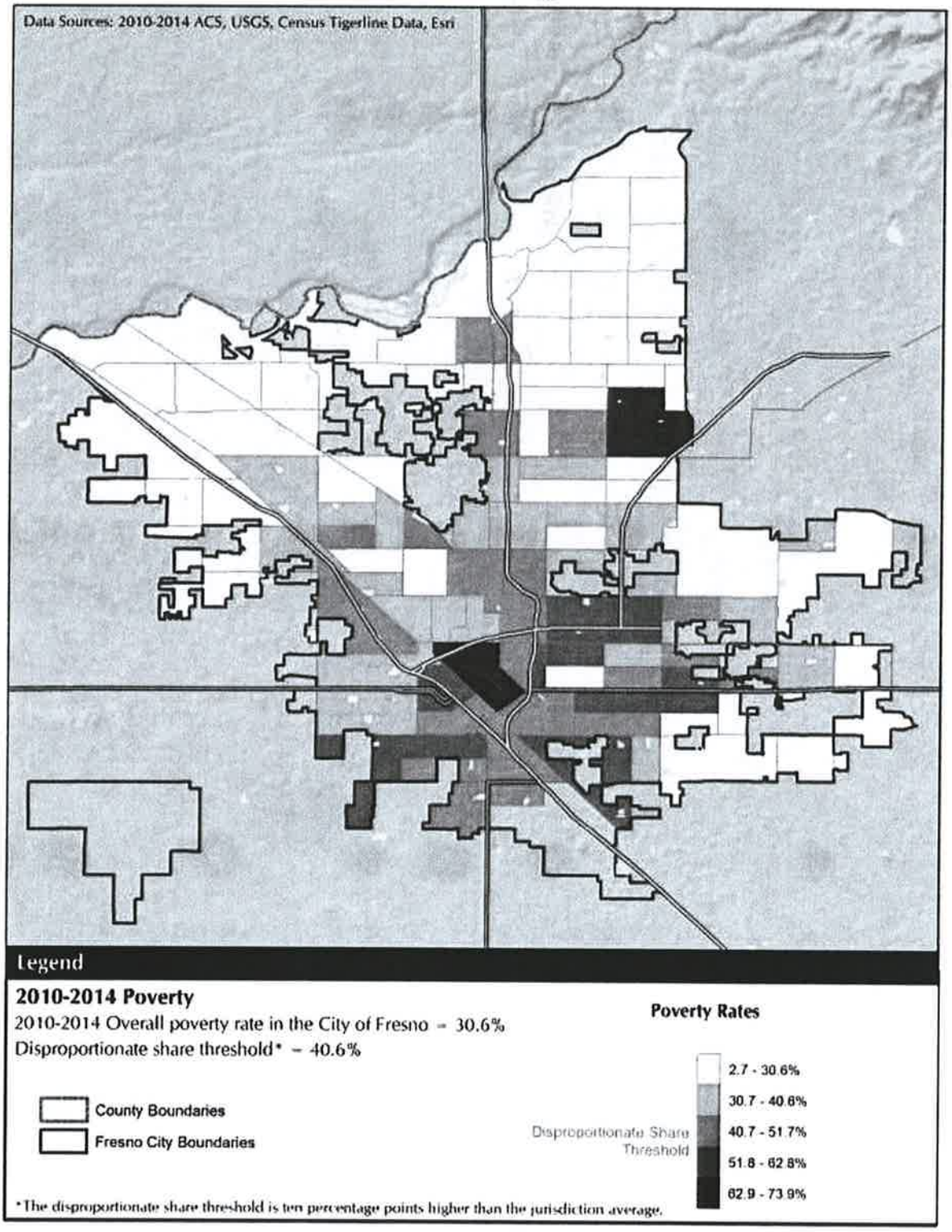
Map II.10
Poverty Rate by Census Tract, 2010-2014
City of Fresno
2010-2014 ACS Data



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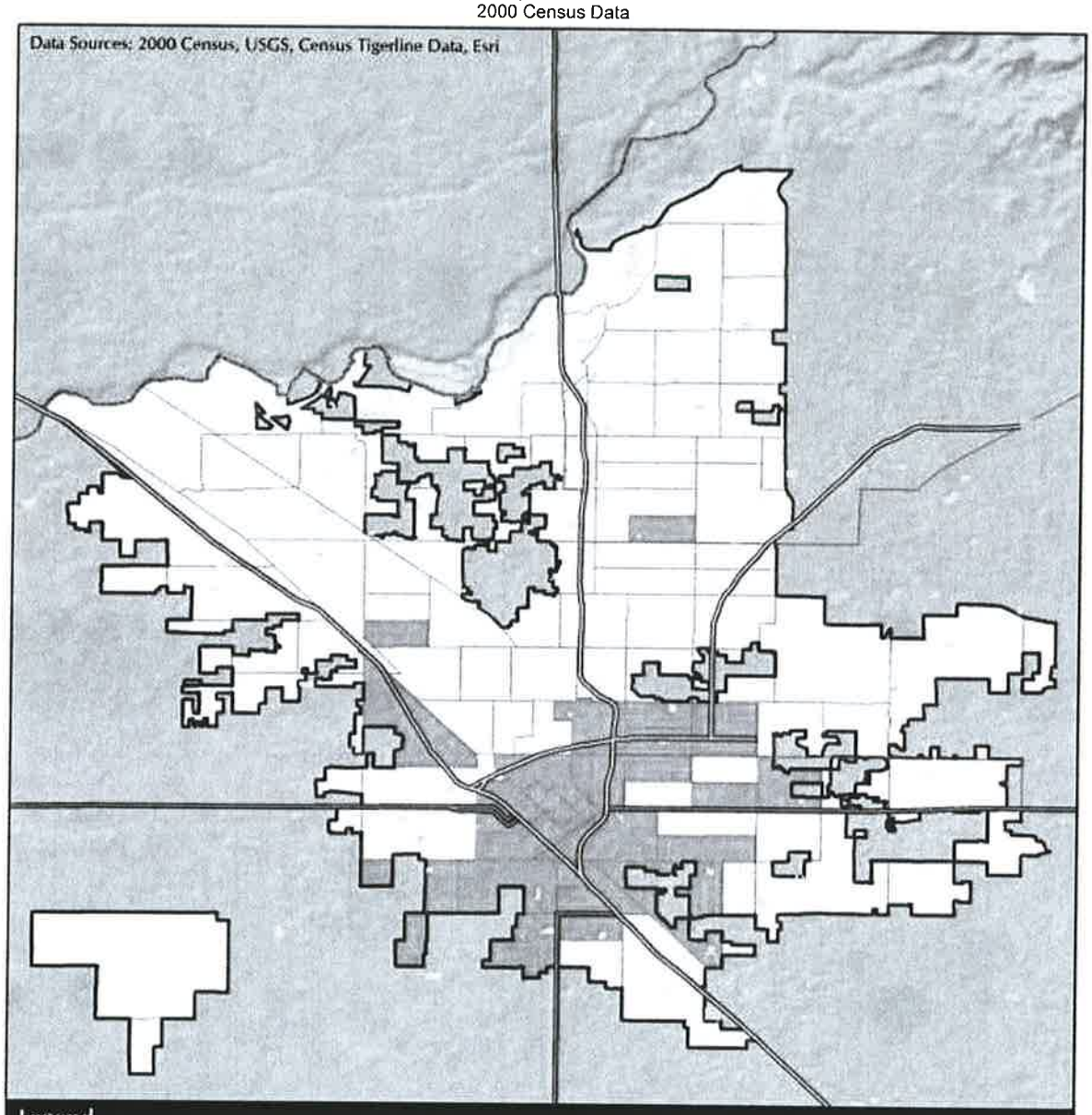
Map II.11
Racially/Ethnically Concentrated Areas of Poverty, 2000
City of Fresno
2000 Census Data



Legend

2000 Racially/Ethnically Concentrated Areas of Poverty

Racially/ethnically-concentrated areas of poverty (R/ECAPs) are Census tracts in which non-Hispanic white residents account for less than half of the population and (1) the poverty rate exceeds 40 percent, or (2) the poverty rate is three times the jurisdiction average, whichever threshold is lower.

- County Boundaries
- Fresno City Boundaries
- R/ECAPs

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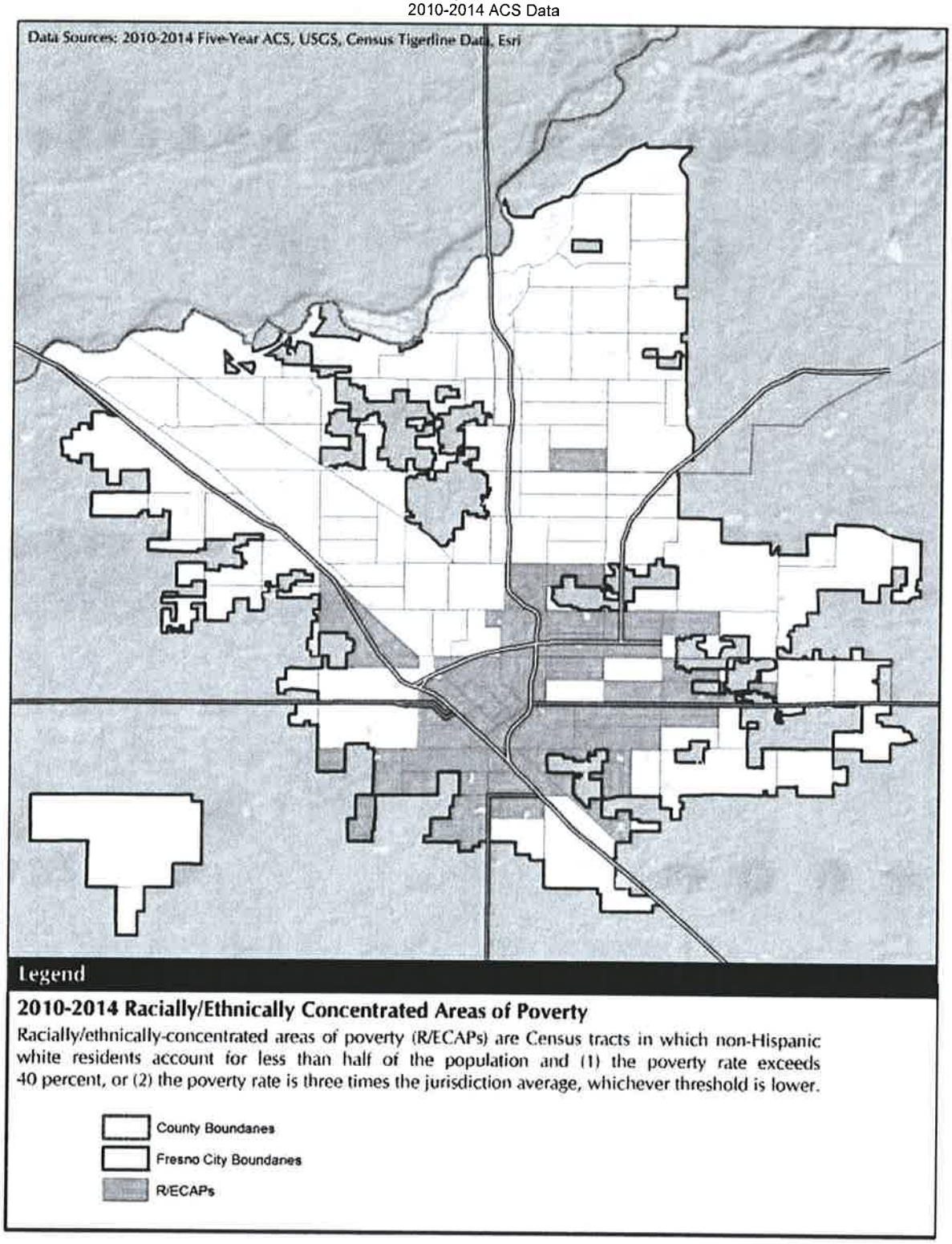
Map II.12
Racially/Ethnically Concentrated Areas of Poverty, 2010-2014
City of Fresno
2010-2014 ACS Data



HOUSING

Simple counts of housing by age, type, tenure, and other characteristics form the basis for the housing stock background, suggesting the available housing in the city from which residents have to choose. Examination of households, on the other hand, shows how residents use the available housing, and shows household size and housing problems such as incomplete plumbing and/or kitchen facilities. Review of housing costs reveals the markets in which housing consumers in the city can shop, and may suggest needs for certain populations.

CHARACTERISTICS OF THE HOUSING STOCK

The city's housing stock grew by 14.9 percent between 2000 and 2010. Occupied housing units were almost evenly divided between rental tenants and homeowners, as shown in Table II.11 below. However, there was a modest shift toward rental tenancy over the decade, as the share of units that were renter-occupied rose from 49.4 to 50.9 percent. Growth in the housing stock slightly outpaced the rate of household formation between 2000 and 2010: as a result, the vacancy rate rose by 1.6 percentage points. By 2010 nearly 13,000 units were vacant, 7.6 percent of the total housing stock.

Table II.11
Housing Units by Tenure
City of Fresno
2000 & 2010 Census SF1 Data

Tenure	2000 Census		2010 Census		% Change
	Units	% of Total	Units	% of Total	00–10
Occupied Housing Units	140,079	94.0%	158,349	92.4%	13.0%
Owner-Occupied	70,884	50.6%	77,757	49.1%	9.7%
Renter-Occupied	69,195	49.4%	80,592	50.9%	16.5%
Vacant Housing Units	8,946	6.0%	12,939	7.6%	44.6%
Total Housing Units	**149,025**	**100.0%**	**171,288**	**100.0%**	**14.94%**

The share of housing units that were occupied by their owners tended to be higher in block groups that lay farther from the city center in 2000. As shown in Map II.13 on the following page, homeowners were the occupants of 87 to 100 percent of all occupied units in outlying areas in the northeast of the city, as well as in the northwest and extreme southeast. Closer to the city center, there were some areas with relatively high rates of homeownership; including blocks groups to the southwest and east of Old Fig Garden, as well as to the immediate east of the city center. There was one Census tract in the downtown area with a high rate of homeownership: it should be noted that this figure is based on a very low number of occupied units: two in 2000.

Between 2000 and 2010, as occupied housing in the city as a whole shifted more toward a rental-occupancy, owner-occupied housing units became further concentrated in outlying areas. Owner-occupied housing units were also coming to account for a smaller percentage of occupied units in more centrally-located block groups, as shown in Map II.14 on page 51.

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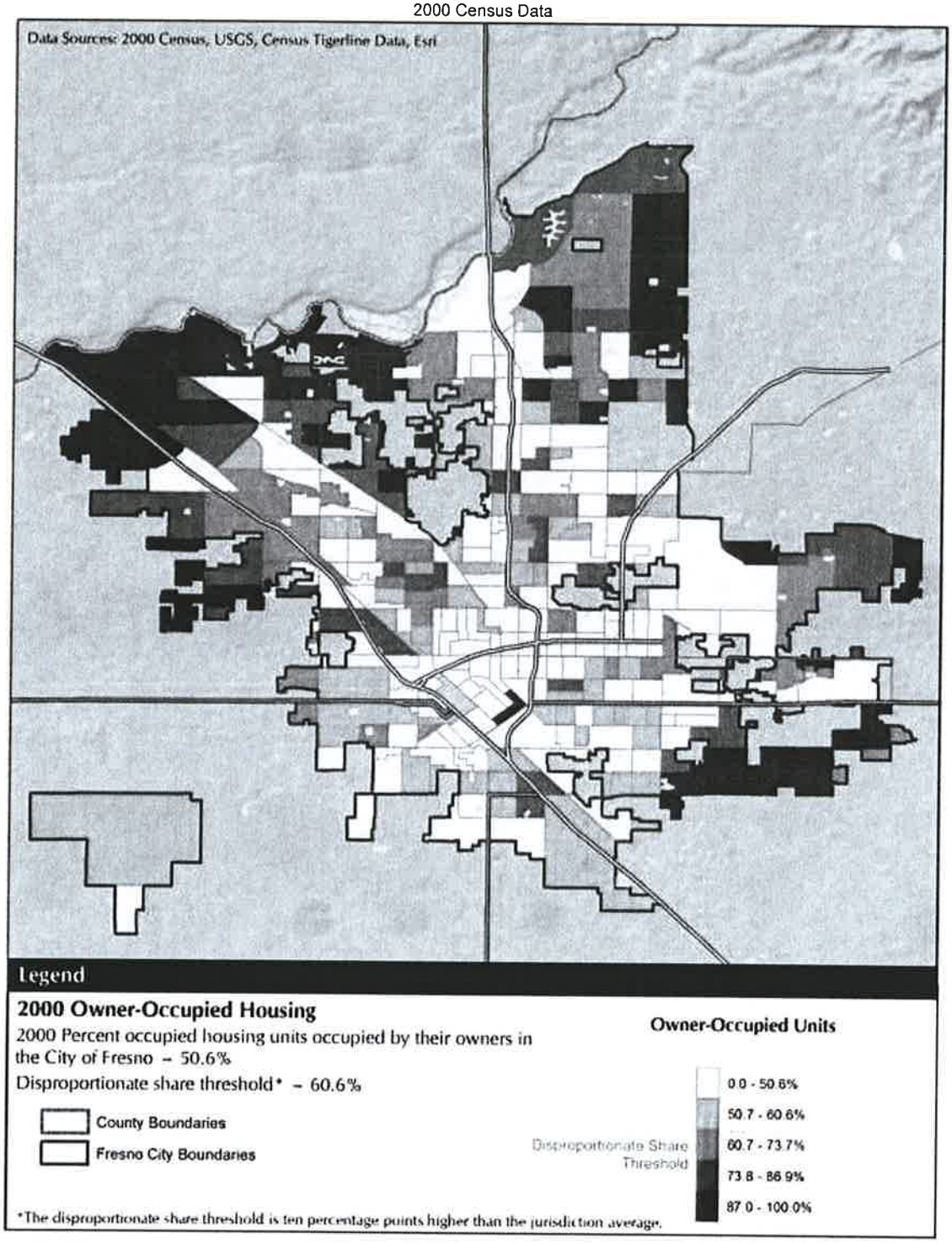
Map II.13
Owner-Occupied Housing Units by Census Block Group, 2000
City of Fresno
2000 Census Data



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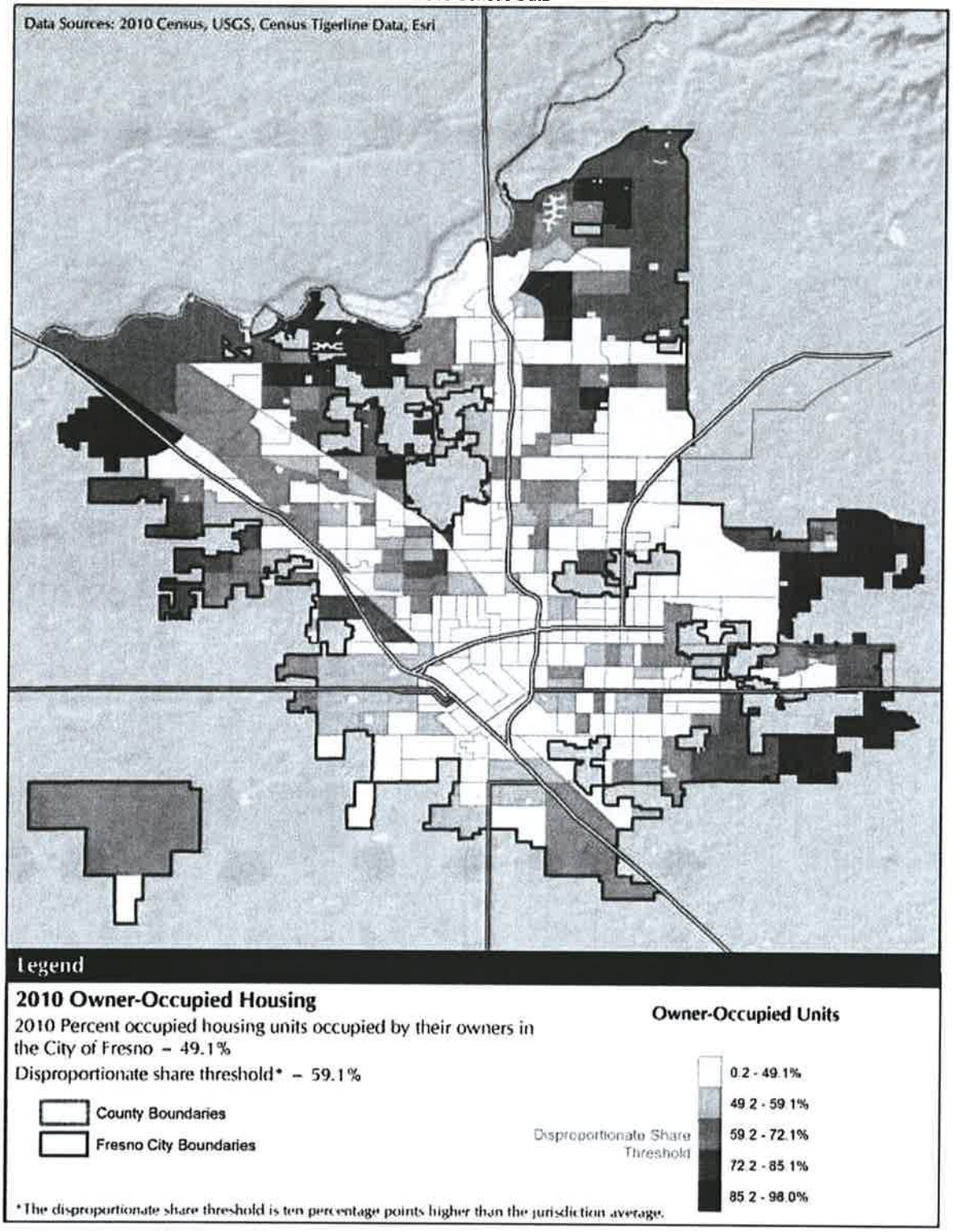
Map II.14
Owner-Occupied Housing Units by Census Block Group, 2010
City of Fresno
2010 Census Data



At the same time, central areas of the city were coming to hold larger and larger shares of rental households. As shown in Map II.15 on the following page, renters accounted for a majority of households in block groups in and around the city center in 2000, as well as areas surrounding Old Fig Garden and California State University's Fresno campus to the north.

This tendency toward rental-tenancy in central areas of the city only became stronger over the following decade. As shown in Map II.16 on page 54, rental households were beginning to represent majorities in more block groups throughout the southern part of the city, notably to the north of the city center.

Vacant Housing

Housing units may lie vacant for a variety of reasons: Table II.12 below presents the *disposition* of vacant housing units in the city, or the type of use for which vacant units are designated. The share of vacant units available for rent fell by two percentage points between 2000 and 2010, while units that were available for sale grew as share of the overall vacant housing stock by half a percentage point. Approximately 21.1 percent of the vacant housing stock was classified as "other vacant" in 2000, a share which had grown to 24 percent by 2010. These "other vacant" units are often a greater cause for concern that vacant units in general, as they are not available to the market place and may constitute a blighting influence where they are grouped in close proximity to one another.

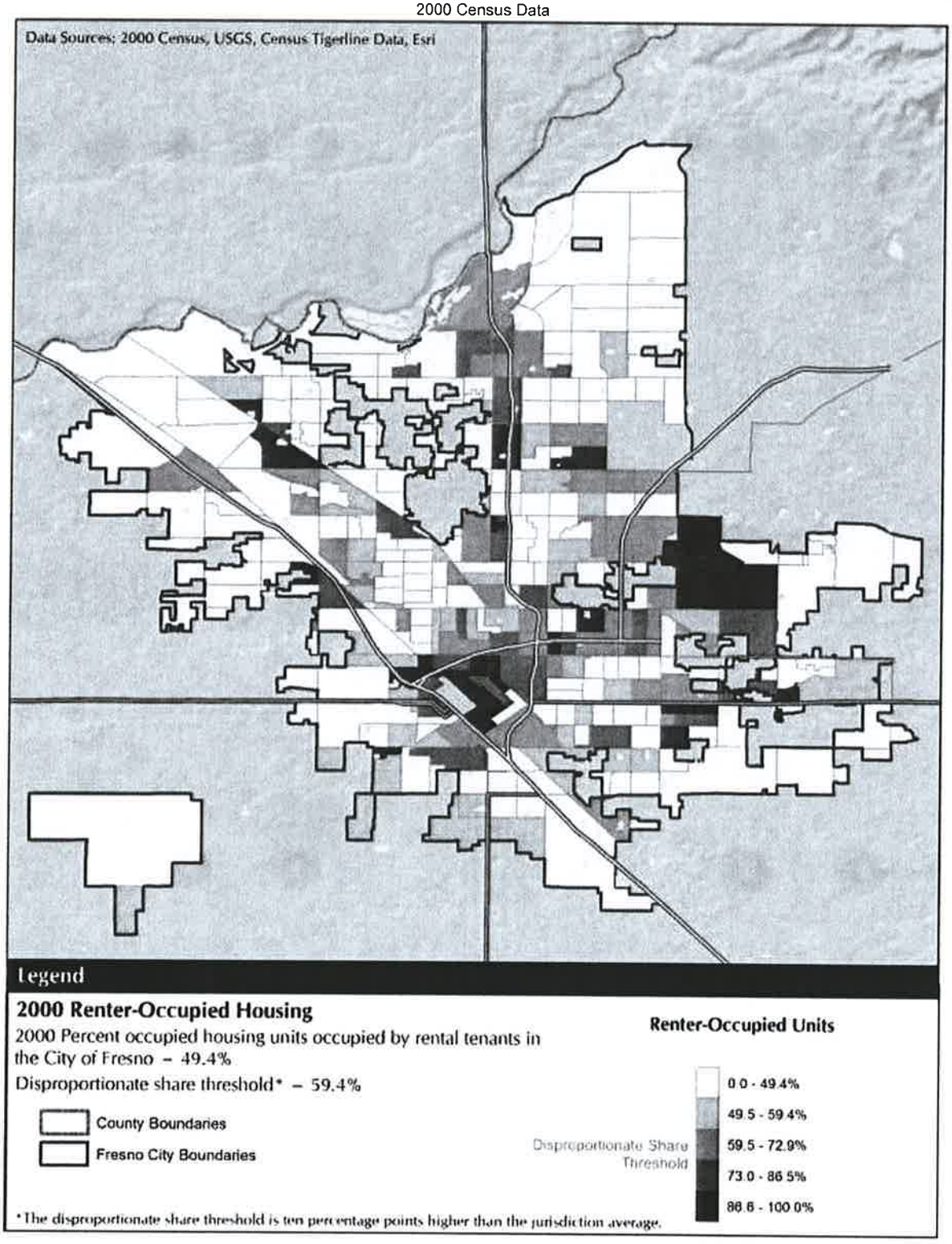
Table II.12
Disposition of Vacant Housing Units
City of Fresno
2000 & 2010 Census SF1 Data

Disposition	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
For Rent	4,769	53.3%	6,638	51.3%	39.19%
For Sale	1,385	15.5%	2,071	16.0%	49.53%
Rented or Sold, Not Occupied	532	5.9%	678	5.2%	27.44%
For Seasonal, Recreational, or Occasional Use	363	4.1%	449	3.5%	23.69%
For Migrant Workers	6	0.1%	4	0.0%	-33.33%
Other Vacant	1,891	21.1%	3,099	24.0%	63.88%
Total	**8,946**	**100.0%**	**12,939**	**100.0%**	**44.6%**

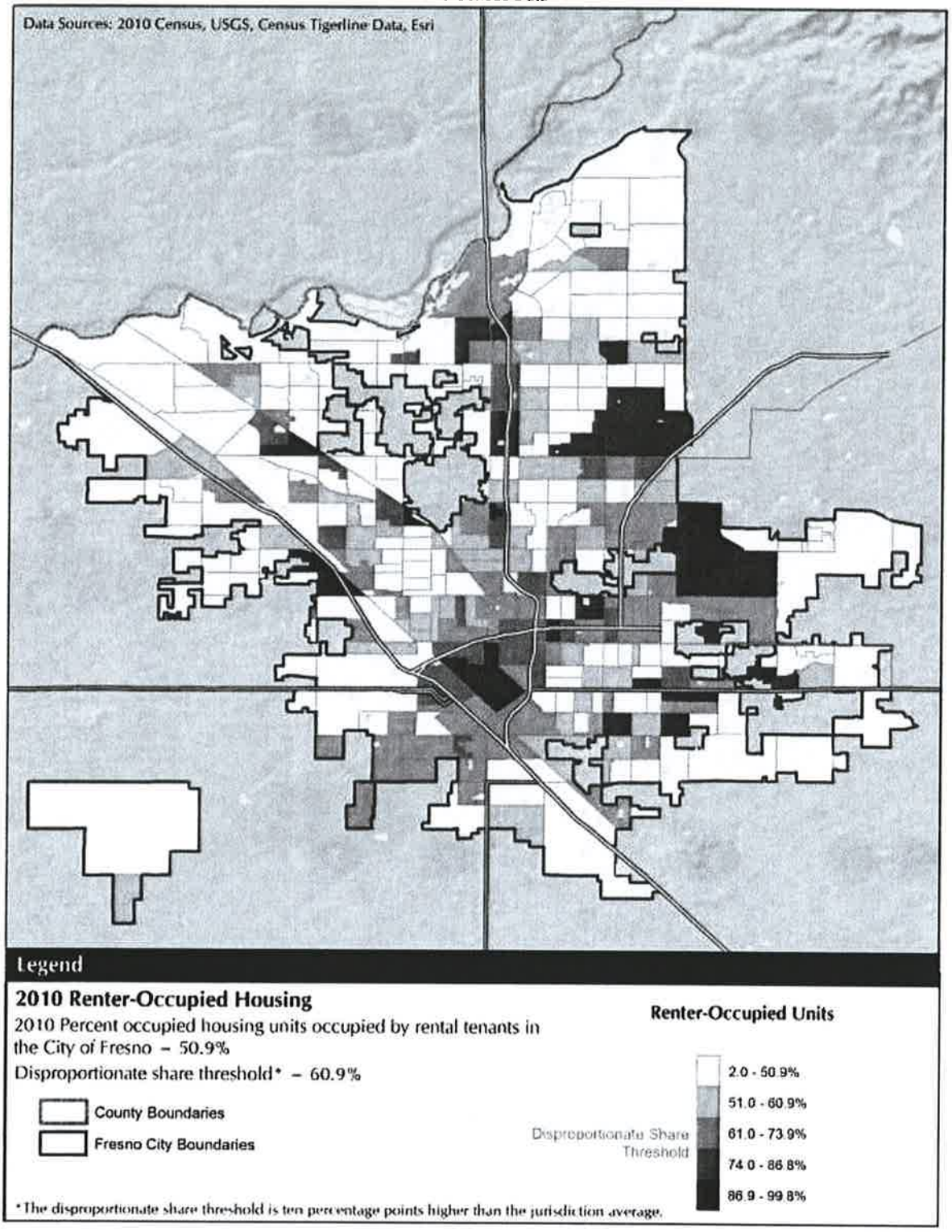
As had been the case with racial and ethnic minority residents, as well as households living in poverty, vacant housing units tended to be more concentrated in block groups in the south of the city in 2010, as shown in Map II.17 on page 55. Though there were many areas with above-average concentrations of vacant units, there were few in which the share of vacant units exceeded the citywide average by more than ten percentage points: exceptions included block groups in and around the city center, along the Kings Canyon Road corridor to the east, and in block groups near California State University's Fresno campus.

"Other vacant" units also tended to be more highly concentrated in Census block groups in the south of the city in 2010, as shown in Map II.18 on page 56. Some of the highest concentrations of these units were observed in areas around the city center, to the southwest of the city center, and near Fresno State, where more than a third of vacant housing units were classified as "other vacant".

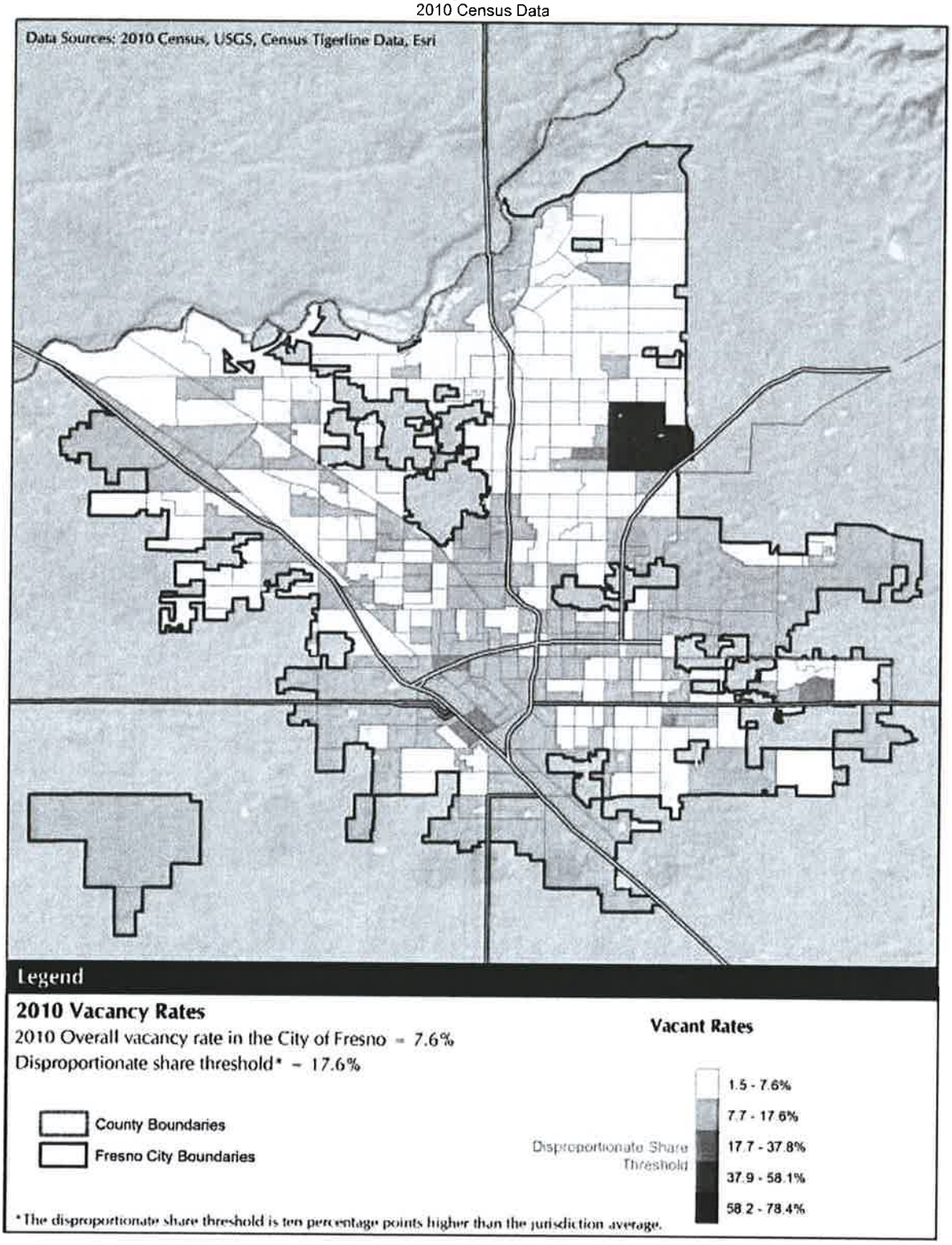
Map II.15
Renter-Occupied Housing Units by Census Block Group, 2000
City of Fresno
2000 Census Data



Map II.16
Renter-Occupied Housing Units by Census Block Group, 2010
City of Fresno
2010 Census Data



Map II.17
Vacant Housing Units by Census Block Group, 2010
City of Fresno
2010 Census Data



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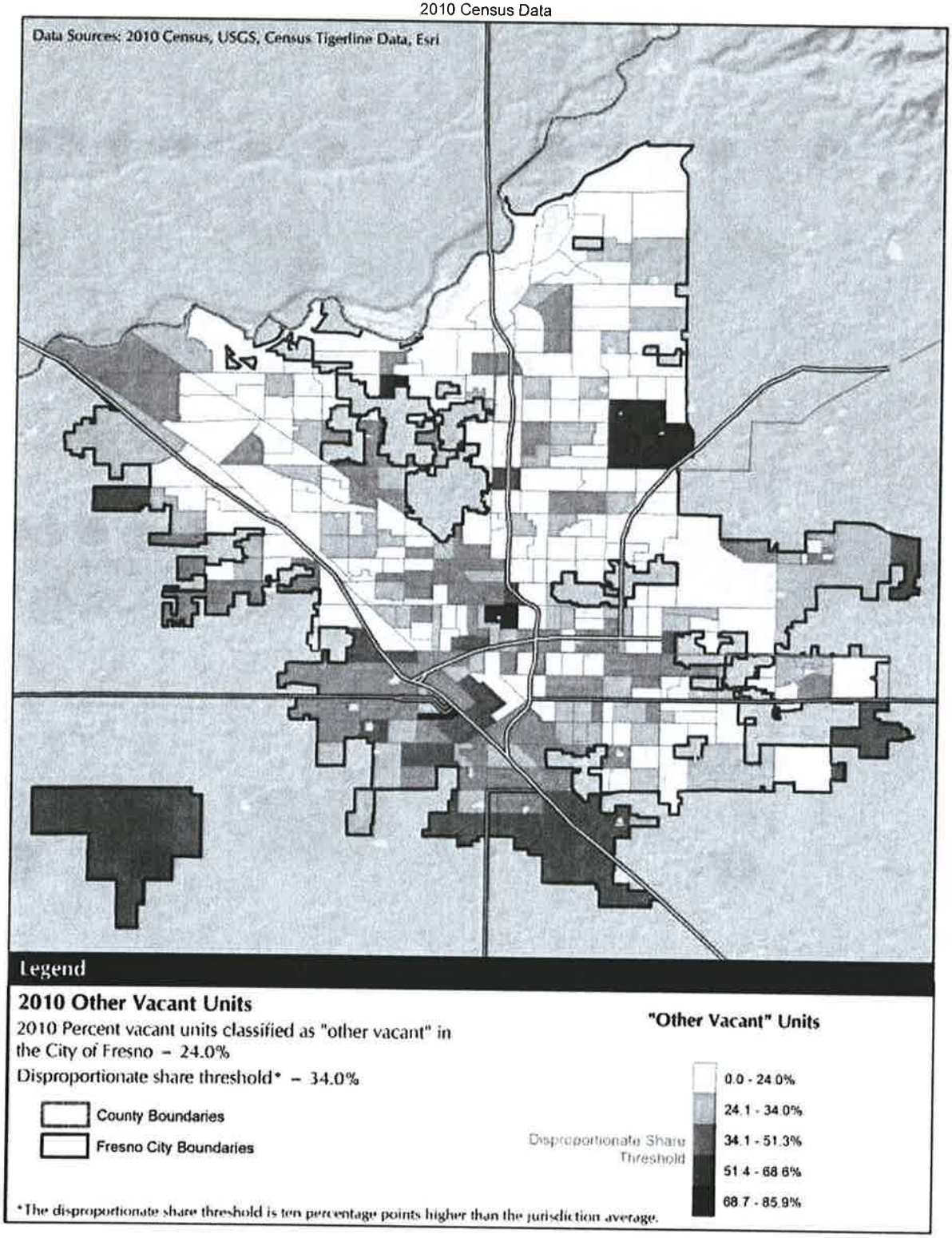
Map II.18
"Other Vacant" Housing Units by Census Block Group, 2010
City of Fresno
2010 Census Data



HOUSEHOLD SIZE

Households grew larger between 2000 and 2010, according to Census counts from both years. Just over half of all Fresno households included one or two members in 2000, as shown in Table II.13 below. That share had slipped below 50 percent by 2010 due to relatively strong growth among households with three or more members.

Table II.13
Households by Household Size
City of Fresno
2000 & 2010 Census SF1 Data

Size	2000 Census		2010 Census		% Change 00–10
	Households	% of Total	Households	% of Total	
One Person	32,646	23.3%	35,064	22.1%	7.4%
Two Persons	38,385	27.4%	41,732	26.4%	8.7%
Three Persons	22,805	16.3%	26,355	16.6%	15.6%
Four Persons	20,390	14.6%	23,708	15.0%	16.3%
Five Persons	12,335	8.8%	15,006	9.5%	21.7%
Six Persons	6,213	4.4%	7,748	4.9%	24.7%
Seven Persons or More	7,305	5.2%	8,736	5.5%	19.6%
Total	**140,079**	**100.0%**	**158,349**	**100.0%**	**013.0%**

Single family housing units represented a large and growing majority of housing units in the city in 2000 and 2010-2014. As shown in Table II.14 below, these units grew as a share of the overall housing stock from 62.2 percent in 2000 to 63.5 by the end of the decade. Duplexes and multi-plexes also became a more prominent part of the housing landscape over the time period. Together, these three unit types constituted over three quarters of the housing stock in 2010-2014. Meanwhile, apartment units slipped from 24.3 to 21.8 percent of housing units in the city over the same time period.

Table II.14
Housing Units by Type
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Unit Type	2000 Census		2014 Five-Year ACS	
	Units	% of Total	Units	% of Total
Single-Family	92,561	62.2%	110,493	63.5%
Duplex	4,442	3.0%	5,937	3.4%
Tri- or Four-Plex	11,856	8.0%	15,394	8.8%
Apartment	36,151	24.3%	37,967	21.8%
Mobile Home	3,696	2.5%	4,217	2.4%
Boat, RV, Van, Etc.	225	.2%	96	0.1%
Total	**148,931**	**100.0%**	**174,104**	**100.0%**

As the size of the average household increased after 2000, Fresno residents were opting for larger and larger housing units. As shown in Table II.15 on the following page, housing units with less than four rooms accounted for a smaller share of housing units in 2010-2014 than they had in 2000. At the same time, the share of larger housing units, i.e., those with four rooms or more, grew from 74 to 84.9 percent of all housing units. This shift was especially pronounced among renter-occupied units, which saw a considerable increase in the number of four- to seven-bedroom units.

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Table II.15
Rooms by Tenure
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Rooms	Owner		Renter		Total	
	2000	2014 5-Year	2000	2014 5-Year	2000	2014 5-Year
1	0.24%	0.34%	6.05%	4.32%	3.11%	2.43%
2	2.35%	0.32%	16.82%	4.63%	9.49%	2.59%
3	8.28%	1.79%	18.69%	17.55%	13.42%	10.08%
4	7.58%	9.71%	27.45%	31.02%	17.38%	20.91%
5	25.20%	26.37%	17.68%	23.06%	21.49%	24.63%
6	28.38%	27.57%	9.42%	12.17%	19.03%	19.47%
7	15.25%	15.99%	2.54%	4.20%	8.98%	9.79%
8	7.04%	9.65%	0.97%	1.99%	4.05%	5.62%
9 or More	5.68%	8.27%	0.38%	1.06%	3.06%	4.48%
Total Number:	**70,915**	**75,933**	**69,036**	**84,239**	**139,951**	**160,172**

As shown in Table II.16 below housing units with fewer than three bedrooms represented a smaller share of all occupied housing units in 2010-2014 than they had in 2000. Meanwhile, housing units with three bedrooms or more made up larger shares of the occupied housing stock in 2010-2014 than they had in 2000. Both owner- and renter-occupied units increased in size after 2000.

Table II.16
Bedrooms by Tenure
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Bedrooms	Owner		Renter		Total	
	2000	2014 5-Year	2000	2014 5-Year	2000	2014 5-Year
No bedroom	2.1%	0.6%	10.0%	4.7%	6.0%	2.8%
1	5.0%	1.1%	28.8%	18.2%	16.7%	10.1%
2	19.7%	14.7%	40.2%	42.4%	29.8%	29.3%
3	54.8%	55.6%	18.2%	26.8%	36.7%	40.4%
4	16.1%	23.3%	2.5%	6.8%	9.4%	14.6%
5 or More	2.4%	4.7%	0.4%	1.2%	1.4%	2.9%
Total Number	**70,915**	**75,933**	**69,036**	**84,239**	**139,951**	**160,172**

Housing Problems

While the full 2000 Census did not report significant details regarding the physical condition of housing units, some information can be derived from the SF3 data. These data relate to overcrowding, incomplete plumbing or kitchen facilities, and cost burdens. Though the same data were not collected during the 2010 Census, data were available for comparison from the 2010 to 2014 ACS averages.

In spite of an increasing average household size in the city after 2000, a smaller percentage of housing units were overcrowded in 2010-2014. Households are considered overcrowded when they include more than one member per room, but less than 1.5. Households with more than 1.5 persons per room are considered severely overcrowded. As shown in Table II.17 on the following page, around 10.4 percent of housing units were overcrowded or severely overcrowded in 2010-2014, down from 16.9 percent in 2000. Rental households were over twice as likely to be overcrowded as homeowners in both years, and more than three times as likely to be severely overcrowded in 2010-2014.

Table II.17
Overcrowding and Severe Overcrowding
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Data Source	No Overcrowding		Overcrowding		Severe Overcrowding		Total
	Households	% of Total	Households	% of Total	Households	% of Total	
Owner							
2000 Census	64,061	90.3%	3,344	4.7%	3,510	4.9%	70,915
2014 Five-Year ACS	71,990	94.8%	3,075	4.0%	868	1.1%	75,933
Renter							
2000 Census	52,228	75.7%	6,796	9.8%	10,012	14.5%	69,036
2014 Five-Year ACS	71,629	85.0%	8,231	9.8%	4,379	05.2%	84,239
Total							
2000 Census	116,289	83.1%	10,140	7.2%	13,522	9.7%	139,951
2014 Five-Year ACS	143,619	89.7%	11,306	7.1%	5,247	3.3%	160,172

Unusually, households were more likely to be severely overcrowded than simply overcrowded in 2000[16]. It was primarily among those severely overcrowded households that the city experienced the greatest reduction from 2000 through 2014. Households with between 1 and 1.5 members per room; that is, households that were overcrowded but not severely overcrowded; accounted for roughly the same share of households in 2010-2014 as they had in 2000. However, the share of households that were severely overcrowded fell by 6.4 percentage points, representing 3.3 percent of households in 2010-2014.

Households with incomplete plumbing facilities accounted for less than one percent of city households in 2000, as shown in Table II.18 below, and that share only fell after 2000. Households are considered to have incomplete plumbing facilities if they are missing a flush toilet, piped hot and cold running water, a bathtub, or a shower.

Table II.18
Households with Incomplete Plumbing Facilities
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Households	2000 Census	2014 Five-Year ACS
With Complete Plumbing Facilities	138,710	159,447
Lacking Complete Plumbing Facilities	1,241	725
Total Households	**139,951**	**160,172**
Percent Lacking	**.9%**	**0.5%**

Households with incomplete kitchen facilities also accounted for a relative few households in the city, as shown in Table II.19 on the following page. Nevertheless, it was more common for a household to lack complete kitchen facilities than plumbing facilities in both years. In 2010-2014, over 1,400 city households lacked one or more of the following: a range or cook top and oven, a sink with piped hot and cold running water, and a refrigerator. These households represented 0.9 percent of all city households at that time, down from 1.0 percent in 2000.

[16] That is, households were more likely to have more than 1.5 members per room than between 1 and 1.5 members per room.

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Table II.19
Households with Incomplete Kitchen Facilities
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Households	2000 Census	2014 Five-Year ACS
With Complete Kitchen Facilities	138,594	158,770
Lacking Complete Kitchen Facilities	1,357	1,402
Total Households	**139,951**	**160,172**
Percent Lacking	**1.0%**	**.9%**

Relatively few households lacked complete plumbing or kitchen facilities, and though a larger share of households was overcrowded in both years, overcrowding has become less prevalent since 2000. By contrast, the number and share of households spending more than thirty percent of their monthly income has risen considerably. Such households are considered cost-burdened if they are paying up to fifty percent of their monthly income on housing costs, while households who spend more than fifty percent of their monthly income on housing are considered severely cost-burdened.

As with overcrowding, the increase in cost-burden since 2000 has been more pronounced the more severely impacted the household. As shown in Table II.20 below, around 17.3 percent of Fresno households were severely cost-burdened in 2000, including 11.9 percent of mortgagors and nearly a quarter of renters. By 2014, some 24.2 percent of households were severely cost-burdened, including over a third of rental tenants. Nearly half of all households were experiencing some degree of cost burden in 2010-2014.

Table II.20
Cost Burden and Severe Cost Burden by Tenure
City of Fresno
2000 Census & 2014 Five-Year ACS Data

Data Source	Less Than 30%		31%-50%		Above 50%		Not Computed		Total
	Households	% of Total	Households	% of Total	Households	% of Total	Households	% of Total	
Owner With a Mortgage									
2000 Census	33,617	65.2%	11,575	22.4%	6,133	11.9%	254	.5%	51,579
2014 Five-Year ACS	32,692	57.9%	14,346	25.4%	9,123	16.2%	318	0.6%	56,479
Owner Without a Mortgage									
2000 Census	11,537	86.1%	965	7.2%	615	4.6%	286	2.1%	13,403
2014 Five-Year ACS	17,022	87.5%	1,314	6.8%	812	4.2%	306	1.6%	19,454
Renter									
2000 Census	32,935	47.8%	16,122	23.4%	16,389	23.8%	3,418	5.0%	68,864
2014 Five-Year ACS	30,987	36.8%	20,681	24.6%	28,780	34.2%	3,791	4.5%	84,239
Total									
2000 Census	78,089	58.3%	28,662	21.4%	23,137	17.3%	3,958	3.0%	133,846
2014 Five-Year ACS	80,701	50.4%	36,341	22.7%	38,715	24.2%	4,415	2.8%	160,172

In total, 51.4 percent of households had at least one housing problem, as shown in Table II.21 on the following page. Renter-occupied households were more likely to face housing problems than owner-occupied households: 63 percent of renter-occupied households occupied by renters experienced one or more housing problems, compared to 39 percent of homeowner households. White households; whether homeowner or rental; were less likely to face housing problems than any other racial group, and black homeowners experienced housing problems at a rate that was over nine percentage points higher than average. Moreover, the incidence of housing problems among black households of either type was over ten percentage points higher than among households as a whole. In terms of ethnicity, the incidence of housing problems among Hispanic homeowners was nearly ten percentage points higher than for the

population as a whole. Additional tables detailing the extent of housing problems by race and ethnicity are included in Appendix D as Tables D.10 through D.12.

Table II.21
Housing Problems by Race/Ethnicity and Tenure
City of Fresno
2008-2012 CHAS Data

Tenure	Non-Hispanic By Race						Hispanic	Total
	White	Black	Asian	American Indian	Pacific Islander	Other Race		
Homeowner	31.7%	48.1%	43.8%	43.1%	9.1%	42.2%	48.6%	**39.0%**
Renter	53.7%	66.7%	63.1%	63.9%	84.6%	69.3%	67.9%	**63.0%**
Total	**40.1%**	**61.6%**	**53.8%**	**57.8%**	**65.5%**	**56.1%**	**60.5%**	**51.4%**

Housing Costs

The increased incidence of cost-burdened households came amidst a marked rise in housing costs after 2000. As shown in Table II.22 at right, half of city households were paying $538 or less in 2000 in contract rental costs, which do not include utilities, garbage, or other additional housing costs. By 2010-2014, half were paying more than $760 per month. Similarly, median home prices rose from $97,300 to $175,600 over the same time period.

Table II.22
Median Housing Costs
City of Fresno
2000 Census SF3 & 2014 Five-Year ACS Data

Housing Cost	2000	2010
Median Contract Rent	$538	$760
Median Home Value	$97,300	$175,600

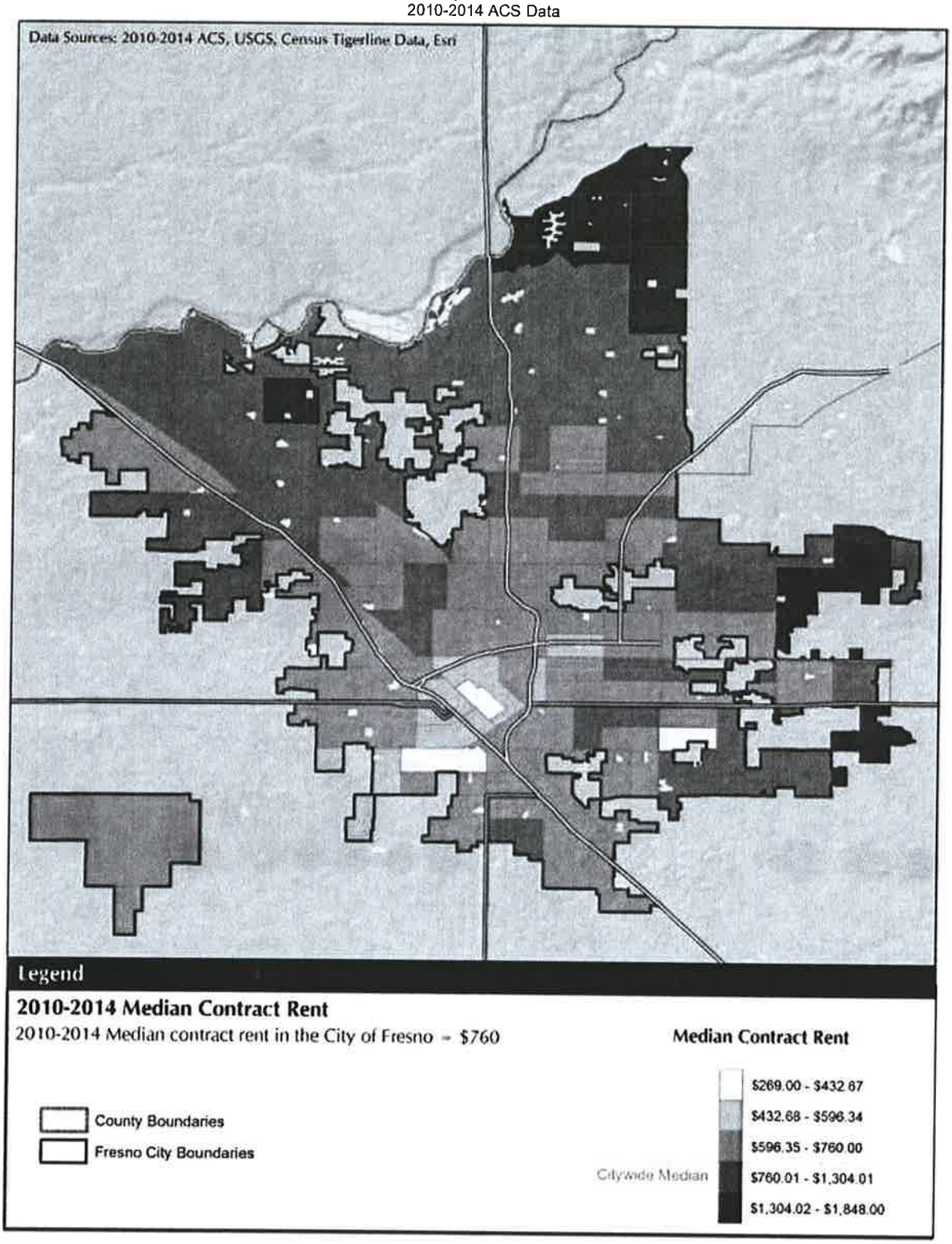
As one might expect, home values tended to be higher in areas with relatively low poverty rates. As shown in Map II.19 on the following page, Census tracts in which the median home value exceeded the overall, citywide median were largely confined to the periphery, notably Census tracts in the northeast and northwest of the city, as well as to the east. By contrast, home values near the city center tended to be at or below the citywide median, especially in areas with larger racial or ethnic minority populations.

Contract rental costs followed a similar pattern, as shown in Map II.20 on page 63. The highest contract rental costs were observed in Census tracts on the northern and eastern outskirts of the city, where the median cost of renting a unit ranged from $1,304 to $1,848. At the same time, rental costs in and around the city center tended to be at or below the citywide median of $760.

Summary

According to recent estimates, the City of Fresno grew by nearly 90,000 residents between 2000 and 2014. The population grew by 15.7 percent between 2000 and 2010 alone, rising from 427,652 to 494,665. During that ten-year period, the city's population experienced several modest, though notable, changes: The number of children and residents aged 35 to 54 grew relatively slowly, and these groups accounted for a smaller percentage of the population at the end of the decade than at the beginning. By contrast, the city experienced relatively rapid growth in the number of residents aged 55 to 64. These residents, who represented 6.2 percent of the city population in 2000, accounted for 9.0 percent of its residents in 2010.

Map II.19
Median Contract Rent, 2010-2014
City of Fresno
2010-2014 ACS Data



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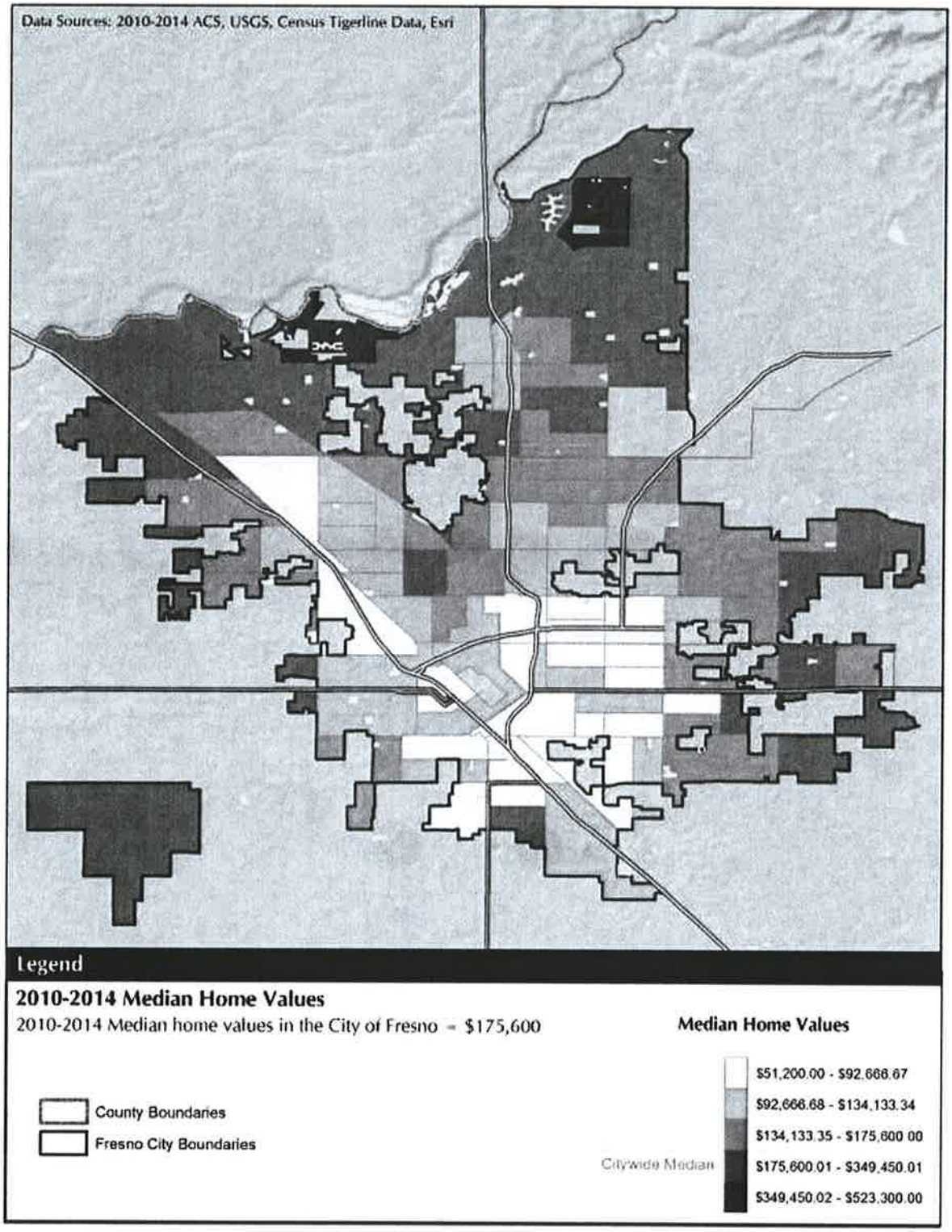
Map II.20
Median Home Value, 2010-2014
City of Fresno
2010-2014 ACS Data



The racial make-up of the city did not change dramatically, and most groups accounted for approximately the same percentage of the city population in 2010 that they had in 2000. The most pronounced change in this regard was observed among Asian residents, who grew from 11.2 to 12.6 percent of the population over the decade, an addition of 1.4 percentage points and 14,500 residents.

More pronounced were changes to the city's ethnic composition, or the percentages of city residents who identified either as Hispanic or non-Hispanic.[17] The two populations grew closer to parity over the decade, as Hispanic residents increased from 39.9 to 46.9 percent of the population and non-Hispanic residents fell to 53.1 percent of the population. This shift was due to rapid growth among the Hispanic population, and a slow growth rate of 2.1 percent in the number of non-Hispanic residents.

Hispanic, black, and Asian residents also tended to be concentrated in the south of the city in 2000 and 2010. Hispanic residents lived in Census block groups throughout the city, but tended to account for larger shares of the population in areas in the south of the city, notably to the east of the city center. This was true both in 2000 and 2010, though the population shifted northward slightly over the decade as Hispanic residents came to account for larger shares of the population in areas to the west of Old Fig Garden. The same was true of the black population, though the highest concentrations of black residents were observed in block groups to the southwest of the city center. Asian residents tended to be concentrated to the east of the city center in both years, though these residents came to account for larger shares of the population in outlying Census tracts over the decade.

Residents with disabilities were not as geographically concentrated, though a majority of Census tracts with above-average shares of these residents were located to the south of Shields Avenue in 2000. By 2010-2014, these above-average tracts were observed to be more evenly distributed throughout the city. Around one resident in seven was counted as living with some form of disability at that time.

Growth in the number of employed has been relatively steady since 1990, even if it has not always kept pace with growth in the labor force. However, with the recession of the late 2000s, the number of employed fell by over 10,000 from 2008 through 2010, even as the labor force continued to grow. These trends together constituted a dramatic spike in the unemployment rate, which reached 18 percent in 2010. With growth in the labor force having leveled off after 2011, strong growth in the number of employed has brought the unemployment rate down sharply. In 2014 the unemployment rate stood at 12.6 percent.

At the county level, a period of steady growth in the number of full- and part-time jobs dating back to at least 1969 continued, largely unabated, until 2007. The county lost nearly 24,000 jobs over the following three years; however, with the resumption of relatively robust job growth after 2010, the number of full- and part-time jobs in the county had returned to pre-recession levels by 2013.

[17] Note: Race is treated as separate from ethnicity in Census counts and American Community Survey (ACS) figures. Accordingly, someone who identifies as Hispanic may identify themselves as black, white, Asian, etc. Non-Hispanic residents may similarly be of any race.

County residents have generally earned more per job, on average, than California residents since 1969. However, 2004 saw the end of a decade of strong growth in inflation-adjusted earnings, which have fluctuated since that time, falling to $50,432 in 2014, slightly below average state-level earnings per job. Unlike earnings per job, real per capita income in Fresno County has been roughly half of state-level per capita income, in inflation-adjusted dollars, since 1969. In 2014, the average resident had an income of $36,141, compared to $64,456 at the state level.

Nevertheless, household incomes in the city, as measured in current dollars[18], did rise between 2000 and 2010-2014. Over a quarter of city households were earning at least $75,000 per year in 2010-2014, up more than ten percentage points from 2000. In spite of this, the poverty rate rose from 26.2 to 30.6 percent over the same time period. Like Hispanic, black, and Asian residents, households living in poverty tended to be more highly concentrated in Census tracts in the south of the city.

The same was true of renter-occupied households: between 2000 and 2010, the percentage of occupied housing units that were home to rental tenants went from just below to just above 50 percent, while the share of owner-occupied units declined. Accompanying this shift toward rental housing was a modest shift in owner-occupied units toward outlying Census tracts, particularly in the north of the city, as many central areas came to hold higher shares of renter-occupied housing. High concentrations of black and Hispanic residents, whose incomes were considerably lower than the population as a whole, are likely driven in large part by a need to secure affordable rental housing, which also tended to be concentrated in the south of the city.

Between 2000 and 2010, the city added housing units faster than it added new households to fill them. The result was an increase in the percentage of units lying vacant, which rose from 6 to 7.6 percent over the decade. Part of the reason that housing construction outpaced household formation was an increase in the size of the average household. In 2000, just over half of city households were living with either no one else or with only one other person. By 2010, those smaller households accounted for 48.5 percent of Fresno households.

In spite of this increase in the size of the average households after 2000, severe overcrowding had become considerably less prevalent by 2010-2014. Households are considered overcrowded when they include more than one member per room but less than 1.5. Severely overcrowded households include 1.5 members or more for each room in the house. Nearly ten percent of households were overcrowded in 2000; by 2010-2014, that figure had fallen to 3.3 percent. Overcrowding is one of several issues that HUD identifies as "housing problems".

Other housing problems include incomplete plumbing or kitchen facilities and cost-burdening. Households that lacked complete plumbing or kitchen facilities accounted for one percent or fewer of all city households in 2000 and 2010-2014, and came to represent smaller percentages of all city households over time. By contrast, cost-burdening became more prevalent between 2000 and 2010-2014. Households are considered cost-burdened if 30 to 50 percent of their income goes toward housing costs, and severely cost burdened if they spend more than half of their monthly income on housing. More than a fifth of all households were cost-burdened in 2000 and 2010-2014, with renters about as likely as homeowners with a

[18] Current dollars have not been adjusted for inflation.

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mortgage to experience a cost-burden. When it came to severe cost-burdening, however, renters were more than twice as likely as mortgagors to be cost-burdened. Renters in particular saw a dramatic increase in severe cost-burdening after 2000, though mortgage-holders also saw a 4.3 percentage-point jump in severe cost-burdening. Median rental costs increased by over 41 percent during the same time period while median home values grew by over 80 percent.

Considered together, the housing problems described above were more likely to impact renter-occupied households than owner-occupied households. In addition, black households were considerably more likely to face housing problems than households as a whole; the same was true of Hispanic households.

SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW

As part of the AI process, existing fair housing laws, studies, cases, and other relevant materials were reviewed on a national and local scale. Results of this review are presented below.

FAIR HOUSING LAWS

FEDERAL FAIR HOUSING LAWS

Federal laws provide the foundation for U.S. fair housing regulations. While some laws have been previously discussed in this report, a brief list of laws related to fair housing, as defined on the U.S. Department of Housing and Urban Development's (HUD's) website, is presented below:

> *Fair Housing Act* 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 (including children under the age of 18 living with parents or legal custodians, pregnant women, and persons securing custody of children under the age of 18), and handicap (disability).[19]
>
> Title VIII was amended in 1988 (effective March 12, 1989) by the *Fair Housing Amendments Act* . . . In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multi-family dwellings developed for first occupancy on or after March 13, 1991.[20]
>
> *Title VI of the Civil Rights Act of 1964.* Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
>
> *Section 504 of the Rehabilitation Act of 1973* Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.
>
> *Section 109 of the Housing and Community Development Act of 1974* Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.
>
> *Title II of the Americans with Disabilities Act of 1990.* Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

[19] "HUD Fair Housing Laws and Presidential Executive Orders." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

[20] "Title VIII: Fair Housing and Equal Opportunity." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

Architectural Barriers Act of 1968 The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975 The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972 Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.[21]

STATE FAIR HOUSING LAW

In addition to federal law, citizens of the City of Fresno are also protected by the State of California's Fair Employment and Housing Act.[22] In addition to all of the groups currently protected under federal law, the California law prohibits discrimination on the basis of gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information. The California Department of Fair Employment and Housing is charged with administering and enforcing the law.

FAIR HOUSING IN THE UNITED STATES

THE FIRST FORTY YEARS OF THE FAIR HOUSING ACT

The Fair Housing Act of 1968 was a product of the tumultuous time in which it was passed. Coming near the end of a decade marked by concerted and often violent struggles for civil rights, it was a profound statement of a nation's commitment, despite considerable reluctance in many quarters, to work toward the end of segregation by race, color, religion, sex, and national origin. It was also, upon its passage, a relatively weak law. Indeed, it was only after the enforcement provisions of the Act were considerably blunted that it was able to secure enough support to ensure its passage.[23]

Due in part to the weakening of those enforcement provisions, the Act was initially of only limited effectiveness in eradicating residential segregation, one of the policy goals that motivated passage of the law. According to one analyst, the first two decades of the Fair Housing Act constitute a "lost opportunity in terms of race relations in the United States[24]". Nevertheless, the period following the passage of the Act was marked by a "minority rights revolution[25]", whose germinal moment was the movement for civil rights for black Americans. This revolution was soon expanded to encompass the drive for equality for women, ethnic minorities, gays and lesbians, and the disabled.[26] The civil rights movement had a limited impact on residential segregation, however, which has persisted since 1968 due in part to persistent discrimination in the housing market[27][28]

[21] "HUD Fair Housing Laws and Presidential Executive Orders."
[22] *Cal. Gov. Code §12900 et seq.*
[23] Denton, Nancy A. *Half Empty or Half Full: Segregation and Segregated Neighborhoods 30 Years After the Fair Housing Act.* Cityscape: A Journal of Policy Development and Research, 1999. Vol. 4, No. 3. P. 111.
[24] *Ibid.*
[25] Skrentny 2002. *The Minority Rights Revolution.* Harvard University Press, 2004.
[26] Marsden, Peter V. *Social Trends in American Life: Findings from the General Social Survey since 1972.*
[27] Denton 1999.

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However, the cultural shifts of the late twentieth century helped to pave the way for passage of the Fair Housing Amendments Act of 1988, which broadened the enforcement provisions of the Act, gave increased authority to the US Department of Housing and Urban Development (HUD) to administer and enforce fair housing law, and increased the penalties to those who violated the act.[29] In addition, reflecting the impact of advocacy on behalf of those with disabilities as well as marked changes to the traditional family structure over the previous two decades[30], the 1988 law added new protections based on "handicap" and "familial status."

The ten years following the passage of the 1988 amendments saw an increase in the number of fair housing complaints filed with HUD, as well as an evolution in housing discrimination to a form that was, in the estimation of former HUD Secretary Andrew Cuomo, "more sophisticated, less obvious, but more insidious."[31] An example of such segregation was to be found, according to a 1999 HUD study, in the home lending market. That study, which was based on the results of paired testing of home mortgage lenders in selected cities, concluded that minority applicants were given less time with loan officers than non-minority applicants, received less information on prospective loan products, and were quoted higher interests rates in most of the cities included in the study. This differential treatment occurred in spite of the fact that the paired testers represented themselves as being similarly situated with respect to credit history and other relevant characteristics.[32]

It was not clear in the late 1990s whether HUD's increasing fair housing case load was the result of increasing segregation or growth in the number of US residents taking advantage of newly expanded fair housing enforcement measures. To help answer this question, HUD conducted a massive three-part study of discrimination in metropolitan housing markets, publishing the results of the first phase in 2000. In the course of the study HUD, once again availing itself of the paired testing employed in earlier studies, demonstrated the persistence of housing discrimination on the basis of race and ethnicity and its continuation into the twenty-first century. As in the 1999 study in mortgage lending, the HUD report revealed that minority housing seekers were, on average, shown fewer units and given fewer housing options than their majority counterparts, even when their financial circumstances were similar.[33] These findings were reinforced by a study conducted jointly by the University of Southern California and Oregon State University on the Los Angeles County housing market in 2006.[34]

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[28] Yinger, John. *Measuring Racial Discrimination with Fair Housing Audits: Caught in the Act.* The American Economic Review, Vol. 76, No. 5: 1986. P. 881. This study, based on the results of paired fair housing tests in the city of Boston, concluded that housing agents, in "[catering] to the prejudices of current or potential white customers", told black housing seekers about 30 percent fewer available housing units. A similar methodology was employed in a 2012, which demonstrated the persistence of this form of discrimination (See "Housing Discrimination Against Racial and Ethnic Minorities 2012," published by the US Department of Housing and Urban Development).

[29] Denton 1999.

[30] Marsden 2008

[31] Janofsky, Michael. "HUD Plans Nationwide Inquiry on Housing Bias." *The New York Times*, 17 November 1998.

[32] Turner, Margery A. et al. "What We Know About Mortgage Lending Discrimination in America". The Urban Institute. September 1999.

[33] *The Housing Discrimination Study*. Department of Housing and Urban Development. (HDS 2000).

[34] Carpusor, Adrian and William Loges. "Rental Discrimination and Ethnicity in Names." *Journal of Applied Social Psychology* 36(4).

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Recent Trends in Fair Housing Law and Policy

Released by the Poverty & Race Research Action Council in January 2008, *Residential Segregation and Housing Discrimination in the United States* asserts that many current governmental efforts to further fair housing actually result in furthering unfair housing practices across the U.S. This article suggests that fair housing efforts can cause residential segregation. For example, if the majority of public housing residents are non-white and most public housing accommodations are grouped in the same Census tracts, residential segregation is resultant. Similarly, many Section 8 voucher holders are racial or ethnic minorities, and most housing that accepts Section 8 vouchers is grouped in selected areas, which again results in residential segregation. The report offers recommendations to curb such residential segregation, including dispersing public housing developments throughout cities and communities and providing greater incentives for landlords with several properties to accept the vouchers.[35]

Published in 2009 by the National Fair Housing Alliance, *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination* presented research on the prevalence of discriminatory housing advertisements on popular websites such as Craigslist. According to the article, while newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites like Craigslist, as they are considered interactive internet providers rather than publishers of content. As such, they are not held to the same legal standards as newspapers. While individual landlords who post discriminatory advertisements may be held responsible, there are no such standards for companies like Craigslist that post the discriminatory advertisements. Newspapers and other publishers of content are required to screen the advertisements they accept for publishing for content that could be seen as discriminatory. This may include phrases like "no children" or "Christian only," which violate provisions of the Fair Housing Act that state families with children and religious individuals are federally protected groups.[36]

In May 2010, the National Fair Housing Alliance published a fair housing trends report, *A Step in the Right Direction,* which indicated that recent years have demonstrated forward movement in furthering fair housing. The report began with a commendation of HUD's federal enforcement of fair housing law and noted the agency's willingness to challenge local jurisdictions that failed to affirmatively further fair housing. In response to the recent foreclosure crisis, many credit institutions have implemented tactics to reduce risk. However, this report suggests that policies that tighten credit markets, such as requiring larger cash reserves, higher down payments, and better credit scores, may disproportionally affect lending options for communities of color and women. *A Step in the Right Direction* concludes with examples of ways in which the fair housing situation could be further improved, including addressing discriminatory internet advertisements and adding gender identity, sexual orientation, and source of income as federally protected classes.[37]

The positive note that the NFHA struck in its 2010 report carried over into the following year's *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized*

[35] U.S. Housing Scholars and Research and Advocacy Organizations. *Residential Segregation and Housing Discrimination in the United States*. January 2008. http://prrac.org/pdf/FinalCERDHousingDiscriminationReport.pdf
[36] National Fair Housing Alliance. *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination*. August 2009. http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM%3D&tabid=2510&mid=8347
[37] National Fair Housing Alliance. *A Step in the Right Direction: 2010 Fair Housing Trends Report*. May 2010. http://www.nationalfairhousing.org/Portals/33/Fair%20Housing%20Trends%20Report%202010.pdf

Discrimination, published by the Alliance in April of 2011. This report began by noting an encouraging downward trend in the proportion of individuals in large metropolitan areas living in segregation, which had dropped from 69 to 65 percent between 2000 and 2010, according to census data from 2010. The report also highlighted the work of fair housing organizations to combat systemic and institutionalized discrimination produced by exclusionary zoning, NIMBYism, the dual credit market, and other fair housing challenges, often on limited budgets and with limited personnel. The NFHA closed its 2011 report by praising the work of private fair housing organizations while underscoring the need for continued work.[38]

The 2012 report from the NFHA focused on issues of fair housing in the context of the shifting demographic composition of the United States, where the white population is projected to no longer represent a majority of residents within thirty years. The report discussed encouraging signals from HUD and the Justice Department, who have "increased their efforts and announced landmark cases of mortgage lending, zoning, and other issues that get to the heart of the [Fair Housing] Act: promoting diverse and inclusive communities[39]." The report also highlights a new arena for discrimination in housing, which has emerged as a result of the massive level of foreclosures in the country in recent years: uneven maintenance of Real Estate Owned (REO) properties in white and minority areas. In concluding, the report hails the creation of the Consumer Financial Protection Bureau as a new ally for fair housing and equal opportunity.[40]

However, even as the 2012 NFHA underscored maintenance of foreclosed properties as a nascent form of housing discrimination, a HUD report issued in the following year demonstrated the persistence of more traditional forms of discrimination. Echoing the results of earlier paired tests for housing discrimination, the study demonstrated that where differences in the treatment of minority and white housing seekers occur, it is the white housing seekers who are more likely to benefit from such differential treatment. However, on an encouraging note, the study also demonstrated that well-qualified buyers are generally equally likely to get an appointment to hear about at least one available unit, regardless of race.[41]

The 2013 from the NFHA outlines an ambitious policy goal: expansion of the Fair Housing Act to prohibit discrimination based on source of income, sexual orientation, gender identity, and marital status. The report relates that cases of housing discrimination in general increased between 2011 and 2012, and that complaints based on non-protected statuses (source of income, etc.) were included in that upward trend. In spite of this, only 12 states include protections based on source of income, 21 states prohibit discrimination based on sexual orientation, sixteen states protect against discrimination based on gender identity, and 22 states offer protections based on marital status (the District of Columbia also extends protections on all of these bases). In concluding the report, the NFHA advocates the modernization and expansion of the FHA to bring the protection of individuals based on source of income, sexual orientation, gender identity, and marital status within its compass.

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[38] *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination.* National Fair Housing Alliance 2011 Fair Housing Trends Report. 29 April 2011.
http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SbZH3pTEZhs%3d&tabid=3917&mid=5321

[39] http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=GBv0ZVJp6Gg%3d&tabid=3917&mid=5321

[40] *Ibid.*

[41] Turner, Margery A. et al. "Housing Discrimination Against Racial and Ethnic Minorities 2012." The Urban Institute. June 2013.

In its 2014 Fair Housing trends report, entitled "Expanding Opportunities: Systemic Approaches to Fair Housing", the NFHA began by lauding the efforts of HUD, DOJ, and private non-profit fair housing organizations for their efforts over the past year in promoting fair housing choice across the United States. The report also noted an increase in the number of fair housing complaints relating to real estate sales, homeowner's insurance, and housing advertisements, even as the overall number of housing complaints remained relatively steady. The 2014 report also featured a regional analysis of housing discrimination complaints, which indicated that complaints of housing discrimination were more common in the more racially and ethnically segregated metropolitan statistical areas of the country.[42]

A Changing Fair Housing Landscape

National Fair Housing Cases

As noted in the introduction to this report, provisions to affirmatively further fair housing (AFFH) are long-standing components of HUD's Housing and Community Development programs. In fact, in 1970, Shannon v. HUD challenged the development of a subsidized low-income housing project in an urban renewal area of Philadelphia that was racially and economically integrated. Under the Fair Housing Act, federal funding for housing must further integrate community development as part of furthering fair housing, but the plaintiffs in the Shannon case claimed that the development would create segregation and destroy the existing balance of the neighborhood. As a result of the case, HUD was required to develop a system to consider the racial and socio-economic impacts of their projects.[43] The specifics of the system were not decided upon by the court, but HUD was encouraged to consider the racial composition and income distribution of neighborhoods, racial effects of local regulations, and practices of local authorities.[44] The Shannon case gave entitlement jurisdictions the responsibility of considering the segregation effects of publicly-funded housing projects on their communities as they affirmatively further fair housing.

More recently, in a landmark fraud case, Westchester County, New York, was ordered to pay more than $50 million to resolve allegations of misusing federal funds for public housing projects and falsely claiming their certification of affirmatively furthering fair housing. The lawsuit was filed in 2007 by the Anti-Discrimination Center (ADC), a New York-based non-profit organization, under the False Claims Act. According to the ADC, the County "failed to consider race-based impediments to fair housing choice; failed to identify and take steps to overcome impediments; and failed to meet its obligations to maintain records concerning its efforts."

In a summary judgment in February 2009, a judge ruled that the County had made "false certifications on seven annual AFFH certifications and on more than a thousand implied certifications of compliance when it requested a drawdown of HUD funds". Pursuant to a settlement agreement brokered by the Obama Administration in April 2009, Westchester County was required to pay more than $30 million to the federal government, with roughly

[42] *Expanding Opportunity: Systemic Approaches to Fair Housing.* National Fair Housing Alliance. August 13, 2014.
[43] U.S. HUD. *39 Steps Toward Fair Housing.* http://www.hud.gov/offices/fheo/39steps.pdf
[44] Orfield, Myron. "Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit." *Vanderbilt Law Review*, November 2005.

$20 million eligible to return to the County to aid in public housing projects. The County was also ordered set aside $20 million to build public housing units in suburbs and areas with mostly white populations, and to promote legislation "currently before the Board of Legislators to ban 'source-of-income' discrimination in housing (§33(g))".[45]

Finding that Westchester had failed to affirmatively further fair housing in the manner agreed upon in the earlier settlement, HUD rejected the County's AFFH certification and discontinued federal funding in 2011. As of April 2013, HUD's decision had been upheld through several rounds of appeals by the County[46]. The case is likely to have ramifications for entitlement communities across the nation; activities taken to affirmatively further fair housing will likely be held to higher levels of scrutiny to ensure that federal funds are being spent to promote fair housing and affirmatively further fair housing. The case also signals an increased willingness on the part of HUD to bring enforcement pressure to bear in order to insure that state and local jurisdictions comply with the AFFH requirements.

Affirmatively Furthering Fair Housing

At the same time that HUD has pursued a more active role in fair housing enforcement, the agency has sought to bring additional guidance and clarity to fair housing policy. This effort was inspired in part by the agency's own assessment of shortcomings in current policy and in part by criticism from other agencies; notably the Government Accountability Office (GAO).[47]

In 2009, HUD noted that many of the AI's it reviewed as part of an internal study did not conform to the agency's guidelines. This finding was reaffirmed in a 2010 study conducted by the GAO, which sought to assess the effectiveness of Analyses of Impediments as a tool to affirmatively further fair housing, as well as their effectiveness as planning documents. According to the GAO, an estimated 29 percent of CDBG and HOME grantees' AIs had been prepared in 2004 or earlier, and were therefore likely to be of limited usefulness in current planning efforts. Furthermore, the GAO found that those AIs that were up to date largely lacked features that would render them more effective as planning documents, including timetables and the signatures of top elected officials. More generally, the GAO noted that HUD guidelines concerning AIs are unclear, and that its requirements for the analyses are minimal[48]. Under those requirements, the agency observed, grantees are "not required through regulation to update their AIs periodically, include certain information, follow a specific format in preparing AIs, or submit them to HUD for review[49]."

The conclusion of the GAO study is reflected in its title: *HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans*. In response to the criticism of the GAO, as well as a longstanding recognition on the part of HUD that fair housing policy stood in need of improvement and clarification, the agency developed and published a proposed rule entitled *Affirmatively Furthering Fair Housing* in July of 2013. The propose rule represents a substantial restructuring of the AFFH process, eliminating the AI and replacing it with the Assessment of Fair Housing (AFH). According to the rule, the AFH will (1) incorporate

[45] http://www.hud.gov/content/releases/settlement-westchester.pdf
[46] *United States v Westchester County* 712 F.3d 761 2013 U.S. App.
[47] 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)
[48] "HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans". *Government Accountability Office.* September 2010.
[49] *Ibid.*, page 32.

key demographic and economic metrics specifically identified by HUD, (2) be completed with nationally uniform data provided by HUD, and (3) be submitted to HUD for review in advance of the consolidated plan to insure that the findings of the fair housing analysis are fully integrated into the consolidated planning process.[50] The comment period for the proposed rule ended in September of 2013. The final rule was announced on July 8, 2015 and published on July 16, 2015.

As noted in the winter edition of the Pennsylvania Association of Housing and Redevelopment Agencies Monitor, "the [proposed rule's] four specifically articulated goals are [as follows]:

1. "Improve integrated living patterns and overcome historic patterns of segregation;
2. Reduce or eliminate racially and ethnically concentrated areas of poverty;
3. Reduce disparities in access to community assets such as education, transit access, employment, as well as exposure to environmental health hazards and other stressors that harm a person's quality of life; and
4. Address disproportionate housing needs by protected classes[51]."

Note that because the new requirements set forth in the rule will not take effect immediately, the current AI effort is being undertaken in conformance with HUD guidance that is currently in place, as articulated in the Fair Housing Planning Guide, subsequent memoranda, and as required by the AFFH rule itself.

Discriminatory Effects and the Fair Housing Act

Prior to publishing the proposed AFFH rule, HUD finalized a rule in February 2013 that was intended to "formalize HUD's long-held interpretation of the availability of 'discriminatory effects' liability under the Fair Housing Act[52]." According to HUD, individuals and businesses may be held liable for policies and actions that are neutral on their face but have a discriminatory effect on housing choice. This theory of liability had not yet been articulated by the signing of the Civil Rights Acts of 1964 or 1968; however, it has been an important test for discrimination in employment since the Supreme Court found in 1971[53] that the Civil Rights Act "proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation[54]."

The first test of "disparate impact theory" in housing law came in 1974, *with United States v. City of Black Jack*[55]. In that case, the government alleged that the City of Black Jack had "exercised its zoning powers to exclude... a federally-subsidized housing development", thereby excluding residents of low-income housing, who were disproportionately black.[56] In deciding the matter, the Eight Circuit Court maintained that a plaintiff "need prove no more than that the conduct of the defendant actually or predictably results in racial discrimination" to

[50] 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)
[51] Poltrock, Leigh A. "Affirmatively Furthering Fair Housing: The Good, the Bad, and the Ugly of the Proposed Rule and Draft Assessment Tool." *Pennsylvania Association of Housing and Redevelopment Agencies Monitor.* Winter 2014-2015, page 19. Accessible at http://pahra.org/wp-content/uploads/2015/01/PAHRA-Monitor-Winter-2014-15.pdf
[52] 24 CFR §100 (2013)
[53] Garrow, David J. "Toward a Definitive History of *Griggs v. Duke Power Company*". 67 Vand. L. Rev. 197 (2014).
[54] *Griggs v. Duke Power Co.*, 401 U.S. 430 (1971).
[55] Rich, Joseph D. "HUD's New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation." Lawyers' Committee for Civil Rights Under Law. May 2013.
[56] *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974)

make a case that the conduct is itself discriminatory[57]. The theory of discriminatory effect established in this case has been consistently applied in fair housing cases and upheld in numerous district court decisions.[58]

However, disparate impact theory was to face a considerable legal challenge in early 2015 in the case of *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project*. In this case, the Supreme Court of the United States was asked to finally settle the question of whether or not housing providers and policy makers could be held liable not just for intentional discrimination, but for the effects of neutral policies that produce discriminatory outcomes.

Texas Department of Housing and Community Affairs v. The Inclusive Communities Project

In 2008, a Dallas-based non-profit organization called the Inclusive Communities Project ("the Project") sued the Texas Department of Housing and Community Affairs ("the Department"), claiming that the point system by which it allocates federal tax subsidies serves to concentrate subsidized housing in low-income communities.[59] In the lawsuit, the Project relied in part on disparate impact theory, which had been established through decades of jurisprudence but upon which the Supreme Court had, at the time, never definitively ruled.

According to the Project, the Department disproportionately allocated low-income housing tax credits in minority areas while denying those credits in predominantly white communities. In addition to the direct effect of concentrating units subsidized through these tax credits, the Project alleged that this manner of allocation led to the further concentration of Section 8 Housing in those same areas[60], which served to limit housing options for low-income, minority residents to areas with high concentrations of racial minority residents.[61] In its original complaint, the Project argued both that the point scheme was intentionally discriminatory and that it produced a disparate impact on minority residents. The District Court for the Northern District of Texas found that the Project had failed to prove intentional discrimination but had proved its disparate impact claim.

Having been upheld in the U.S. Court of Appeals for the Fifth Circuit, the matter then moved to the Supreme Court at the request of the Department.[62] In asking the Supreme Court to consider the case, the Department presented the court with two questions: First, "are disparate-impact claims cognizable under the Fair Housing Act?"[63] In other words, does the Act permit disparate-impact claims? Second, in the event that the Court finds that the FHA does allow such claims, the Department also asked "what are the standards and burdens of proof that should

[57] *Ibid.*
[58] 24 CFR §100 (2013); Rich, Joseph D. "HUD's New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation." Lawyers' Committee for Civil Rights Under Law. May 2013.
[59] *Inclusive Communities Project v. Texas Department of Housing and Community Affairs* (2014).
[60] *Ibid.* Section 8 housing vouchers, which are often not accepted by private landlords, cannot be turned down by those who receive low income housing tax credits.
[61] *Ibid.*
[62] Howe, Amy. "Will the third time be the charm for the Fair Housing Act and disparate-impact claims? In Plain English." Supreme Court of the United States Blog. January 6, 2015. Accessible at "http://www.scotusblog.com/2015/01/will-the-third-time-be-the-charm-for-the-fair-housing-act-and-disparate-impact-claims-in-plain-english/"
[63] *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2014). Petition for a Writ of Certiorari.

apply?"[64] The Court's decision on this matter, handed down on June 25, 2015, upheld the availability of discriminatory effects liability under the Fair Housing Act.[65]

Local Fair Housing Cases

Sabi v. Sterling

Although the California Fair Employment and Housing Act (FEHA) prohibits discrimination on the basis of source of income, a California appellate court held in 2010 that this prohibition does not apply to Section 8 housing choice vouchers. The rationale for this decision; as laid out in *Sabi v. Sterling*; rests on the definition of income under the FEHA and the manner in which housing choice vouchers are paid out.[66] According to the FEHA, "'source of income' means lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant[67]". Because housing choice voucher payments are made directly to landlords, and because landlords are not considered representatives of the tenant under the FEHA, the court held that state law did not require landlords to accept housing choice vouchers.[68]

Recent U.S. Department of Justice Cases

The U.S. Department of Justice (DOJ) enacts lawsuits on behalf of individuals based on referrals from HUD. Under the Fair Housing Act, the DOJ may file lawsuits in the following instances:

- Where there is reason to believe that a person or entity is engaged in what is termed a "pattern or practice" of discrimination or where a denial of rights to a group of people raises an issue of general public importance;
- Where force or threat of force is used to deny or interfere with fair housing rights; and
- Where persons who believe that they have been victims of an illegal housing practice file a complaint with HUD or file their own lawsuit in federal or state court.[69]

The City of Fresno lies within the California's Eastern Federal Court District. The Department of Justice has filed three fair housing complaints against housing providers and policymakers in the state in the last ten years: one of these involved discriminatory actions or practices that affected residents with disabilities, one involved sexual discrimination on the part of a landlord, and one alleged discrimination on the basis of family status. These cases are summarized below.

United States v. Sandpointe Associates, et al.

In November of 2006, the Department of Justice filed a complaint against the owner and property manager of an apartment complex in Redding on behalf of a mother and her children. The basis of the complaint was a memorandum issued by the property manager, stating that

[64] *Ibid.*
[65] *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2015)
[66] *Sabi v. Sterling* (2010).
[67] *Cal. Gov. Code §12955* (p)(1)
[68] *Sabi v. Sterling* (2010).
[69] "The Fair Housing Act." The United States Department of Justice. http://www.justice.gov/crt/about/hce/housing_coverage.php

children under the age of 14 must be under constant adult supervision, and would not be allowed unaccompanied in public areas of the complex. After vacating her apartment, the complainant filed a complaint with HUD, which after an investigation determined that there was reasonable cause to believe that the property manager had adopted a discriminatory policy toward families with children. HUD referred the matter to the DOJ at the request of the respondents, and it was settled in July of 2007.[70] As terms of the settlement agreement, the respondents were required to adopt a family status-neutral common area policy, undergo fair housing training, and pay $20,000 in damages to the complainant and her children, among other requirements.[71]

United States v. Covenant Retirement Community

In August of 2007, the Department of Justice filed an amended complaint against Covenant Retirement Communities West, Inc., accusing the Chicago-based management company of adopting discriminatory policies toward its residents with disabilities. In the complaint, the DOJ cited company policies requiring residents of a Turlock retirement community who used motorized mobility aids to take out personal liability insurance, obtain certification from their physician that they needed the motorized aid, and secure the approval of an administrator for their use. In addition, the company barred residents with mobility aids from the dining area, where daily meals were served, and directed residents who required mobility aids to live in assisted living facilities.[72] In a consent order filed at the same time as the amended complaint, the Company agreed to end current discriminatory policies, to adopt and advertise a non-discrimination policy, undergo fair housing training, and pay monetary damages in excess of $530,000 to residents that were adversely affected by its policies.[73]

Hawecker, et al. v. Sorensen

In March of 2011, the DOJ filed a fair housing complaint against a Bakersfield property owner and manager, alleging that he had engaged in a pattern or practice of fair housing violations by subjecting female residents to continual sexual harassment over a period of at least eight years. Among the accusations were allegations that he had exposed himself to female residents; made unwelcome sexual advances and comments; entered their residences without notice or permission; offered to reduce rent, excuse late payments, or stop eviction proceedings in exchange for sexual favors; and took adverse action against female tenants who refused to grant or continue to grant such favors, including by evicting or threatening to evict them.[74] The matter was settled in 2012, with the respondents agreeing to undergo fair housing training and transfer responsibility for managing his properties to an independent property manager.[75] In addition, he was required to pay the maximum civil penalty available under the FHA, or $55,000, to the United States, and to pay the 25 women identified in the complaint as being adversely impacted by his actions damages in the amount of $2,075,000, one of the largest

[70] *United States v. Sandpointe Associates, et al. (2006)* Complaint
[71] *United States v. Sandpointe Associates, et al. (2007)* Consent Decree
[72] *United States v. Covenant Retirement Communities West, Inc.*, (2007) Complaint
[73] *United States v. Covenant Retirement Communities West, Inc.*, 2007 Consent Order
[74] *Hawecker, et al. v. Sorensen (2011)* Complaint
[75] *Hawecker, et al. v. Sorensen (2012)* Consent Decree

settlements ever reached in a sexual harassment lawsuit that the DOJ has brought under the FHA.[76]

Local Fair Housing Study

The Fair Housing Council of Central California, a Fresno-based fair housing organization, conducted 50 paired fair housing tests beginning in late 2014 and ending in early 2015. The purpose of these tests was to identify whether any discrimination was occurring in the home sales markets of Clovis and Fresno on the basis of race or ethnicity, and to attempt to gauge the extent of such discrimination. Twenty-five paired tests were designed to test for racial discrimination, and twenty-five for national origin discrimination.

In tests designed to test for racial discrimination, one white tester and one black tester each met with real estate agents at the same housing development. These testers were assigned profiles detailing their financial and employment statuses. According to those profiles, the buyers were, roughly speaking, equally qualified to purchase a home at the selling price for each home being tested (in fact, the black testers were presented as slightly more qualified than their white counterparts). The same methodology was replicated for tests of national origin discrimination, with the substitution of Hispanic and non-Hispanic testers for white and black testers.

According to this study, 40 percent of the race-based tests conducted in Fresno and Clovis revealed some form of discrimination, whether lying about the availability of housing, steering, withholding information that the other tester was given, or failure to record contact information. Some of the same issues were revealed in national origin-based fair housing tests, 32 percent of which revealed discriminatory treatment. Additional issues identified during these tests were higher price quotes and rude treatment.[77]

Summary

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act. Amendments to the FHA passed from 1964 to the present have generally broadened the protections guaranteed under the FHA by applying stricter and more comprehensive protections applying to housing providers who benefit from federal funding.

In addition to the protections guaranteed under the FHA, California residents are protected from discrimination in the housing market by the California Fair Employment and Housing Act.[78] This law prohibits discrimination on the same bases identified in the federal law while expanding those protections to outlaw discrimination based on gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic

[76] "Housing and Civil Enforcement Cases: Case Summaries". United States Department of Justice. Accessed June 17, 2015. www.justice.gov. Website.
[77] Fair Housing council of Central California. *Systemic Home Sales Testing*. February 2015.
[78] C.R.S. 24-34-500, *et seq.*

information. California's housing discrimination law has been judged to be "substantially equivalent" to the federal FHA, which allows for HUD-subsidized, state-level enforcement of fair housing law.

Housing law and jurisprudence has evolved considerably since the FHA was first enacted in 1968. The Fair Housing Amendments Act of 1988 added additional protections, strengthened the Act's relatively weak enforcement provisions, and gave the Department of Housing and Urban Development enhanced authority to enforce the Act. In addition, since the early 1970s the FHA has consistently been interpreted to apply to laws and policies that are apparently neutral with respect to protected class status, but which nevertheless "actually or predictably[79]" result in discrimination. In 2013, HUD finalized a rule formalizing its interpretation of discriminatory effects liability under the FHA.

That interpretation was reaffirmed in a June 25, 2015 Supreme Court decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* The case originated in a lawsuit against the Texas Department of Housing and Community Affairs ("the Department") based on the claim that the process by which it awarded low income housing tax credits had the effect of concentrating affordable housing in areas with high concentrations of minority residents. In bringing the suit, the Inclusive Communities Project relied in part on the disparate impact theory, and it was that theory that the Department sought to challenge in asking the Supreme Court to hear the case. Ultimately, the Court held that individuals, businesses, and government agencies could be held liable for the disparate impacts of their housing policies.

Following on the heels of the Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. Generally speaking, the new rule will apply to local entitlement jurisdictions that are due to begin their next five-year planning cycle in 2017 or later. For smaller entitlement jurisdictions, as well as states and insular areas, the new rule will apply to those set to begin their next planning cycle in 2018 or later. Until jurisdictions are required to submit an AFH, they are required to continue submitting analyses of impediments.

Under certain circumstances, the United States Department of Justice (DOJ) will file a fair housing complaint on behalf of residents who are suspected to have suffered a violation of fair housing law. The DOJ has filed three such cases against housing providers in California's Eastern Federal Court District in the last ten years: In one of those cases, a housing provider who adopted a policy requiring constant supervision of children in all common areas of an apartment complex was accused of discrimination based on familial status. In a second case, a Chicago-based manager of retirement communities was accused of disability-based discrimination when it adopted policies that placed significant restrictions on the use of mobility aids in its retirement communities. Finally, the DOJ filed a case against a Bakersfield

[79] *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974) It was racial discrimination, specifically, that was at issue in this case.

property owner and manager, who was accused of habitual sexual harassment of female tenants. All cases were settled, with monetary damages and penalties in the latter case totaling more than $2.1 million.

Finally, in a series of paired fair housing tests conducted late in 2014 and early in 2015, the Fair Housing Council of Central California documented racial and national origin discrimination in the home sales markets of Fresno and Clovis. Discriminatory treatment, which included misrepresenting the availability of housing units, withholding information, steering, and failure to record contact information, was revealed in 40 percent of race-based tests and 32 percent of tests based on national origin, according to the Council.

SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

The purpose of this section is to provide a profile of fair housing in the City of Fresno. This profile includes an enumeration of key agencies and organizations that contribute to affirmatively furthering fair housing, evaluation of the presence and scope of services of existing fair housing organizations, and a review of the complaint process.

FAIR HOUSING AGENCIES

FEDERAL AGENCIES

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) oversees, administers, and enforces the federal Fair Housing Act. HUD's regional office in San Francisco oversees housing, community development, and fair housing enforcement in California, as well as in American Samoa, Arizona, Guam, Hawaii, and Nevada. The contact information for the regional HUD office in San Francisco is as follows:

Address:
San Francisco Regional Office
U.S. Department of Housing and Urban Development
One Sansome Street, Suite 1200
San Francisco, CA 94104
Telephone: (415) 489-6526
FAX: (415) 489-6559
Website: www.HUD.gov

Contact information for HUD's Washington, D.C. office is listed below:

Address:
Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000
Telephone: (202) 708-1112
Toll Free: (800) 669-9777
Web Site: www.HUD.gov

The Office of Fair Housing and Equal Opportunity (FHEO) within HUD's San Francisco office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions in the City of Fresno. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with city and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP), as described below.

Fair Housing Assistance Program

The Fair Housing Assistance Program (FHAP) was designed to support local and city agencies that enforce local fair housing laws, provided that these laws are substantially equivalent to the Fair Housing Act. Substantial equivalency certification is a two-phase process: in the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity makes a *prima facie* determination on the substantial equivalency of a city or local law to the federal Fair Housing Act. Once this determination has been made, and the law has been judged to be substantially equivalent, the agency enforcing the law is certified on an interim basis for a period of three years. During those three years, the local enforcement organization "builds its capacity to operate as a fully certified substantially equivalent agency." FHAP grants during this time period are issued to support the process of building capacity. When the interim certification period ends after three years, the Assistant Secretary issues a determination on whether or not the city law is substantially equivalent to the Fair Housing Act "in operation", this is the second phase of the certification process. If the law is judged to be substantially equivalent in operation, the agency enforcing the law is fully certified as a substantially equivalent agency for five years.

HUD will typically refer most complaints of housing discrimination to a substantially equivalent city or local agency for investigation (such complaints are dual-filed at HUD and the city or local agency), if such an agency exists and has jurisdiction in the area in which the housing discrimination was alleged to have occurred. When federally subsidized housing is involved, however, HUD will typically investigate the complaint.

The benefits of substantially equivalent certification include the availability of funding for local fair housing activities, shifted enforcement power from federal to local authorities, and the potential to make the fair housing complaint process more efficient by vesting enforcement authority in those who are more familiar with the local housing market. In addition, additional funding may be available to support partnerships between local FHAP grantees and private fair housing organizations. The California Department of Employment and Housing currently serves state residents as a FHAP participant.

Fair Housing Initiative Program

The Fair Housing Initiative Program (FHIP) is designed to support fair housing organizations and other non-profits that provide fair housing services to people who believe they have faced discrimination in the housing market. These organizations provide a range of services including initial intake and complaint processing, referral of complainants to government agencies that enforce fair housing law, preliminary investigations of fair housing complaints, and education and outreach on fair housing law and policy.

FHIP funding is available through three initiatives[80]: the Fair Housing Organizations Initiative (FHOI), the Private Enforcement Initiative (PEI), and the Education and Outreach Initiative (EOI). These initiatives are discussed in more detail below:

[80] Though there are four initiatives included in the FHIP, no funds are currently available through the Administrative Enforcement Initiative.

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- **The Fair Housing Organizations Initiative (FHOI)**: FHOI funds are designed to help non-profit fair housing organizations build capacity to effectively handle fair housing enforcement and outreach activities. A broader goal of FHOI funding is to strengthen the national fair housing movement by encouraging the creation of fair housing organizations.
- **The Private Enforcement Initiative (PEI)**: PEI funds are intended to support the fair housing activities of established non-profit organizations, including testing and enforcement, and more generally to offer a "range of assistance to the nationwide network of fair housing groups".
- **The Education and Outreach Initiative (EOI)**: EOI funding is available to qualified fair housing non-profit organizations as well as city and local government agencies. The purpose of the EOI is to promote initiatives that explain fair housing to the general public and housing providers, and provide the latter with information on how to comply with the requirements of the FHA.

Non-profit organizations are eligible to apply for funding under each or all of these initiatives. To receive FHOI funding, such organizations must have at least two years' experience in complaint intake and investigation, fair housing testing, and meritorious claims in the three years prior to applying for funding. Eligibility for PEI funding is subject to requirements related to "the length and quality of previous fair housing enforcement experience." Organizations applying for the EOI must also have two years' experience in the relevant fair housing activities; EOI funds are also potentially available to city and local government agencies. At least as far back as 2010, there have been two FHIP grantees providing fair housing services to Fresno residents: the Fair Housing Council of Central California, based in Fresno, and the San Francisco-based California Rural Legal Assistance. Both organizations have consistently been awarded funding under the PEI, though the specific focus of the services funded through that initiative have differed between organizations, and from year to year.

STATE AGENCIES

The California Department of Fair Employment and Housing

The California Department of Fair Employment and Housing (DFEH) was established in 1980 with the merging of the California Fair Employment Practices Act and the Rumford Fair Housing Act into the Fair Employment and Housing Act (FEHA). The DFEH is charged with the administration and enforcement of the FEHA, and serves as a "substantially equivalent" enforcement agency under the Fair Housing Assistance Program (FHAP). Accordingly, any fair housing complaints filed with HUD will be dually filed with the DFEH, and investigated by the state agency. California residents who believe that their fair housing rights have been violated may file a complaint with the agency, which has several offices throughout the state. The main office is located in Elk Grove, at the following address:

Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, California 95758
Telephone: (916) 478-7251
Email: contact.center@dfeh.ca.gov (For general information)

Those wishing to file a complaint with the DFEH may file online through the link posted on www.www.dfeh.ca.gov/Contact.htm, or call the Department's Communication Center at (800) 884-1684.

NON-PROFIT ORGANIZATIONS

The Fair Housing Council of Central California

Dedicated to the "elimination of discrimination in housing and the expansion of housing opportunities for all persons[81]", the Fair Housing Council of Central California has served residents of the Central Valley since 1995.[82] A FHIP grantee, the organization has made use of its 2014 HUD funding in a variety of activities designed to promote fair housing enforcement and remedy housing discrimination, both overt and subtle, in the Central Valley. Residents of the Central Valley who believe that they have been subjected to illegal discrimination in the housing market may contact the organization through the following information:

Fair Housing Council of Central California
333 West Shaw Avenue, Suite 14
Fresno, California 93704
Telephone: (559) 244-2950
FAX: (559) 244-2956
Toll Free: (888) 498-FAIR (3247)
Email: Online contact form available at http://www.fhc-cc.org/contact-us.html.

California Rural Legal Assistance

Founded in 1966, California Rural Legal Assistance, Inc. (CLRA) provides a wide range of legal services and outreach and education programs in service of its mission to "strive for economic justice and human rights on behalf of California's rural poor[83]." The organization serves residents of Fresno County as FHIP grantee, and has typically received PEI funding under two different components, the first relating to general enforcement and the second to fair housing issues in the home lending market. Recently, the organization has been active in addressing fair housing issues stemming from foreclosures in Fresno County, among others. CLRA has offices throughout the state; contact information for the administrative office in Oakland is as follows:

California Rural Legal Assistance
1430 Franklin Street, Suite 103
Oakland, California 94612
Telephone: (510) 267-0762
Website: A full list of offices in the state, along with contact information, is available at http://www.crla.org/office-locations.

[81] "What is the Fair Housing Council of Central California?" Fair Housing Council of Central California Website. Accessed June 18, 2015. www.fhc-cc.org.
[82] "HUD Awards More Than $38 Million to Fight Housing Discrimination". Press Releases-2014. Department of Housing and Urban Development Website. Accessed June 18, 2015. www.hud.gov
[83] "About Us". California Rural Legal Assistance Website. Accessed June 18, 2015. www.crla.org/about-us.

COMPLAINT PROCESS REVIEW

COMPLAINT PROCESSES FOR FAIR HOUSING AGENCIES

U.S. Department of Housing and Urban Development

The intake stage is the first step in the complaint process. When a complaint is submitted, intake specialists review the information and contact the complainant (the party alleging housing discrimination) in order to gather additional details and determine if the case qualifies as possible housing discrimination. If the discriminatory act alleged in the complaint occurred within the jurisdiction of a substantially equivalent state or local agency under the FHAP, the complaint is referred to that agency, which then has 30 days to address the complaint. If that agency fails to address the complaint within that time period, HUD can take the complaint back.

If HUD determines that it has jurisdiction and accepts the complaint for investigation, it will draft a formal complaint and send it to the complainant to be signed. Once HUD receives the signed complaint, it will notify the respondent (the party alleged to have discriminated against the complainant) within ten days that a complaint has been filed against him or her. HUD also sends a copy of the formal complaint to the respondent at this stage. Within ten days of receiving the formal complaint, the respondent must respond to the complaint.

Next, the circumstances of the complaint are investigated through interviews and examination of relevant documents. During this time, the investigator attempts to have the parties rectify the complaint through conciliation. The case is closed if conciliation of the two parties is achieved or if the investigator determines that there was no reasonable cause of discrimination. If conciliation fails, and reasonable cause is found, then either a federal judge or a HUD Administrative Law Judge hears the case and determines damages, if any.[84] In the event that the federal court judge finds the discrimination alleged in a complaint to have actually occurred, the respondent may be ordered to:

- Compensate for actual damages, including humiliation, pain, and suffering;
- Provide injunctive or other equitable relief to make the housing available;
- Pay the federal government a civil penalty to vindicate the public interest, with a maximum penalty of $10,000 for a first violation and $50,000 for an additional violation within seven years; and/or
- Pay reasonable attorneys' fees and costs.[85]

If neither party elects to go to federal court, a HUD Administrative Law Judge will hear the case. Once the judge has decided the case, he or she issues an initial decision. If the judge finds that housing discrimination has occurred, he or she may award a civil penalty of up to $11,000 to the complainant, along with actual damages, court costs, and attorney's fees. When the initial decision is rendered, any party that is adversely affected by that decision can petition the Secretary of HUD for review within 15 days. The Secretary has 30 days following the

[84] "HUD's Title VIII Fair Housing Complaint Process." http://www.hud.gov/offices/fheo/complaint-process.cfm
[85] "Fair Housing—It's Your Right." http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm

issuance of the initial decision to affirm, modify, or set aside the decision, or call for further review of the case. If the Secretary does not take any further action on the complaint within 30 days of the initial decision, the decision will be considered final. After that, any aggrieved party must appeal to take up their grievance in the appropriate court of appeals.[86]

The California Department of Fair Employment and Housing

In 1980, the California legislature combined the 1959 Fair Employment Practices Act and the 1963 Rumford Fair Housing Act into a single law, the Fair Employment and Housing Act. This law vests enforcement authority in the California Department of Fair Employment and Housing. In its present form, it prohibits discrimination on all of the bases included in the federal Fair Housing Act, as well as discrimination on the basis of gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.

Because HUD has deemed the protections and remedies offered by the state law to be "substantially equivalent" to those offered under the Fair Housing Act, the DFEH has been eligible to participate in HUD's Fair Housing Assistance Program (FHAP). As a FHAP grantee, the state agency assumes responsibility for the investigation and resolution of fair housing complaints, and HUD compensates the DFEH for its fair housing efforts. Accordingly, fair housing complaints filed with HUD are dually filed with the DFEH, and forwarded to the state agency for investigation.

Those who believe that they have been subjected to unlawful discrimination in the housing market must file a written complaint with the DFEH within a year of the alleged discriminatory act. Once the DFEH receives a fair housing complaint, whether from an individual or by referral from HUD, the agency will initiate an investigation within thirty days. That investigation will typically be completed in one-hundred days, unless it proves "impracticable to do so", in which case the agency must provide a written notification and explanation to the complainant and respondent.

During the investigation of the complaint, respondents and complainants may attempt to voluntarily resolve the dispute. At the end of the investigation, the DFEH will issue a finding of merit, which states whether or not the complaint is determined to be valid. If the DFEH finds that the case has no merit, it will close the complaint. In such a case, the complainant has the option to proceed with a civil action in an appropriate state court. If the complaint is found to have merit, the DFEH will initiate a mandatory dispute resolution process in an attempt to resolve the complaint.

On the other hand, if the parties are unable to reach a conciliation agreement, the DFEH may file a complaint in civil court on behalf of the complainant, serving as the prosecution in the subsequent court proceedings. The parties may also elect to proceed in an administrative hearing before the Fair Employment and Housing Commission. Unless the parties are able to agree to a settlement during prosecution of the complaint, the court or Commission will issue a judgment.

[86] "HUD's Title VIII Fair Housing Complaint Process." http://www.hud.gov/offices/fheo/complaint-process.cfm

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In an administrative hearing, if the Commission determines that the respondent has indeed engaged in discrimination, he or she may be required to pay for out-of-pocket losses, desist and refrain from any discriminatory practices, provide access to the housing previously denied, pay damages for emotional distress, and civil penalties of up to $10,000 for the first offense. In a civil action, the same remedies are available, except that the respondent may be required to pay unlimited punitive damages in lieu of a civil penalty.

SUMMARY

A California resident who believes that he or she may have suffered illegal discrimination in the housing market may file a complaint with the state Department of Fair Employment and Housing (DFEH). The DFEH enforces the state's Fair Employment and Housing Act (FEHA), which prohibits discrimination in the housing market on the basis of race, color, religion, sex, national origin, disability, familial status, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.

HUD has deemed the FEHA to be "substantially equivalent" to the federal Fair Housing Act (FHA), meaning that the state law provides for equivalent rights, responsibilities, and remedies to those included in the federal law. Certification of substantial equivalency also makes the DFEH eligible to participate in the Fair Housing Assistance Program (FHAP). As a FHAP participant, the DFEH receives various types of funding from HUD, including reimbursement for investigation and processing of complaints alleging violations of the federal Fair Housing Act.

When the DFEH receives a complaint alleging discrimination in the housing market, it will generally notify the accused party ("the respondent") and begin an investigation within thirty days. During the investigation, the complaint may be voluntarily resolved through an agreement between the complainant and respondent. During the investigation, the DFEH determines whether the complaint has merit; If not, the complaint will be dismissed, though the complainant retains the option of filing a lawsuit against the respondent. If the complaint is found to have merit, the DFEH will initiate a mandatory dispute resolution process. If that process fails, the respondent and complainant may elect to proceed through an administrative hearing or an action in a civil court.

If the DFEH fails to complete an investigation within 100 days after the complaint is received, HUD may take the complaint back for investigation, unless the DFEH has demonstrated that it was impracticable to complete the complaint in that time frame. However, any complaints that are filed with HUD will be dually-filed with the DFEH and referred to the state agency for investigation.

HUD and the DFEH; which are responsible for enforcing the FHA and FEHA, respectively; represent the backbone of fair housing enforcement and administration in the state. However, there are a number of private, non-profit organizations that work to promote fair housing choice in the state. Many of these are participants in HUD's Fair Housing Initiatives Program (FHIP), and several provide services that are available to Fresno residents. California Rural Legal Assistance provides a variety of legal services to low-income resident of the state's rural areas, and has done so since 1966. As a FHIP participant, it has focused its efforts on aiding in the fair housing enforcement process as well as addressing fair housing issues in the home

lending industry. The Fair Housing Council of Central California, another FHIP participant, has provided fair housing services to residents of the Central Valley since 1995. Both organizations accept fair housing complaints from Fresno residents.

SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR

As part of the AI process, the U.S. Department of Housing and Urban Development (HUD) suggests that the analysis focus on possible housing discrimination issues in both the private and public sectors. Examination of housing factors in the City of Fresno's public sector is presented in **Section VI**, while this section focuses on research regarding the city's private sector, including the mortgage lending market, the real estate market, the rental market, and other private sector housing industries.

LENDING ANALYSIS

HOME MORTGAGE DISCLOSURE ACT

Since the 1970s, the federal government has enacted several laws aimed at promoting fair lending practices in the banking and financial services industries. A brief description of selected federal laws aimed at promoting fair lending follows:

- The 1968 *Fair Housing Act* prohibits discrimination in housing based on race, color, religion, and national origin. Later amendments added sex, familial status, and disability. Under the Fair Housing Act, it is illegal to discriminate against any of the protected classes in the following types of residential real estate transactions: making loans to buy, build, or repair a dwelling; selling, brokering, or appraising residential real estate; and selling or renting a dwelling.

- The *Equal Credit Opportunity Act* was passed in 1974 and prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance, and the exercise of any right under the Consumer Credit Protection Act.

- The *Community Reinvestment Act* was enacted in 1977 and requires each federal financial supervisory agency to encourage financial institutions in order to help meet the credit needs of the entire community, including low- and moderate-income neighborhoods.

- Under the *Home Mortgage Disclosure Act (HMDA)*, enacted in 1975 and later amended, financial institutions are required to publicly disclose the race, sex, ethnicity, and household income of mortgage applicants by the Census tract in which the loan is proposed as well as outcome of the loan application.[87] The analysis presented herein is from the HMDA data system.

[87] *Closing the Gap: A Guide to Equal Opportunity Lending,* The Federal Reserve Bank of Boston, April 1993. http://www.bos.frb.org/commdev/closing-the-gap/closingt.pdf

The HMDA requires both depository and non-depository lenders to collect and publicly disclose information about housing-related applications and loans.[88] Both types of lending institutions must meet the following set of reporting criteria:

1. The institution must be a bank, credit union, or savings association;
2. The total assets must exceed the coverage threshold;[89]
3. The institution must have had an office in a Metropolitan Statistical Area (MSA);
4. The institution must have originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one- to four-family dwelling;
5. The institution must be federally insured or regulated; and
6. The mortgage loan must have been insured, guaranteed, or supplemented by a federal agency or intended for sale to the Federal National Mortgage Association (FNMA or Fannie Mae) or the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac). These agencies purchase mortgages from lenders and repackage them as securities for investors, making more funds available for lenders to make new loans.

For other institutions, including non-depository institutions, additional reporting criteria are as follows:

1. The institution must be a for-profit organization;
2. The institution's home purchase loan originations must equal or exceed 10 percent of the institution's total loan originations, or more than $25 million;
3. The institution must have had a home or branch office in an MSA or have received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancing mortgages on property located in an MSA in the preceding calendar year; and
4. The institution must have assets exceeding $10 million or have originated 100 or more home purchases in the preceding calendar year.

HMDA data represent most mortgage lending activity and are thus the most comprehensive collection of information available regarding home purchase originations, home remodel loan originations, and refinancing. The Federal Financial Institutions Examination Council (FFIEC) makes HMDA data available on its website. While HMDA data are available for more years than are presented in the following pages, modifications were made in 2004 for documenting loan applicants' race and ethnicity, so data are most easily compared after that point.

Home Purchase Loans

Banks and other lending institutions handled 386,017 home loans and loan applications from 2004 through 2014, as shown in Table V.1 on the following page. Nearly 140,000 of these were home purchase, or 36.2 percent. A further 6.6 percent of were intended to finance home improvement projects, but a majority, or 57.2 percent, were refinance loans.

[88] Data are considered "raw" because they contain entry errors and incomplete loan applications. Starting in 2004, the HMDA data made significant changes in reporting, particularly regarding ethnicity data, loan interest rates, and the multi-family loan applications.

[89] Each December, the Federal Reserve announces the threshold for the following year. The asset threshold may change from year to year based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

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Table V.1
Purpose of Loan by Year
City of Fresno
2004–2014 HMDA Data

Purpose	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Home Purchase	20,667	26,435	22,118	13,049	8,873	9,795	7,725	7,580	8,086	8,308	7,286	139,922
Home Improvement	5,034	6,263	5,393	3,722	1,526	703	410	570	422	568	734	25,345
Refinancing	40,456	43,217	38,763	28,243	10,717	9,060	8,108	7,130	15,063	13,218	6,775	220,750
Total	**66,157**	**75,915**	**66,274**	**45,014**	**21,116**	**19,558**	**16,243**	**15,280**	**23,571**	**22,094**	**14,795**	**386,017**

Among home purchase loans, a majority were intended to finance the purchase of a home in which the borrower intended to live. As shown in Table V.2 below, these "owner-occupied" home purchase loans accounted for 84.2 percent of home purchase loans from 2004 through 2014. Analysis of denial rates for home purchase loans will focus on these owner-occupied home purchase loans as the most direct index of a borrower's ability to choose where he or she will live: other loan types are often intended to finance the purchase of investment property or for other similar uses.

Table V.2
Occupancy Status for Home Purchase Loan Applications
City of Fresno
2004–2014 HMDA Data

Status	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Owner-Occupied	16,737	20,942	18,946	11,296	7,537	8,527	6,797	6,393	6,992	7,243	6,406	117,816
Not Owner-Occupied	3,657	5,237	3,105	1,719	1,256	1,248	911	1,173	1,080	1,030	841	21,257
Not Applicable	273	256	67	34	80	20	17	14	14	35	39	849
Total	**20,667**	**26,435**	**22,118**	**13,049**	**8,873**	**9,795**	**7,725**	**7,580**	**8,086**	**8,308**	**7,286**	**139,922**

Denial Rates

After the owner-occupied home purchase loan application is submitted, the applicant receives one of the following status designations:

- "Originated," which indicates that the loan was made by the lending institution;
- "Approved but not accepted," which notes loans approved by the lender but not accepted by the applicant;
- "Application denied by financial institution," which defines a situation wherein the loan application failed;
- "Application withdrawn by applicant," which means that the applicant closed the application process;
- "File closed for incompleteness" which indicates the loan application process was closed by the institution due to incomplete information; or
- "Loan purchased by the institution," which means that the previously originated loan was purchased on the secondary market.

These outcomes were used to determine denial rates presented in the following section. Factors in denial of home purchase loans, such as credit scores or down payment amounts, are not reported in every report submitted through the HMDA, so the reasons for specific loan denials are often unknown. However, with that caveat in mind, the ratio of loan originations to loan denials can be seen as an indicator of the overall success or failure of home purchase loan applicants. As shown in Table V.3 on the following page, some 52,885 owner-occupied home

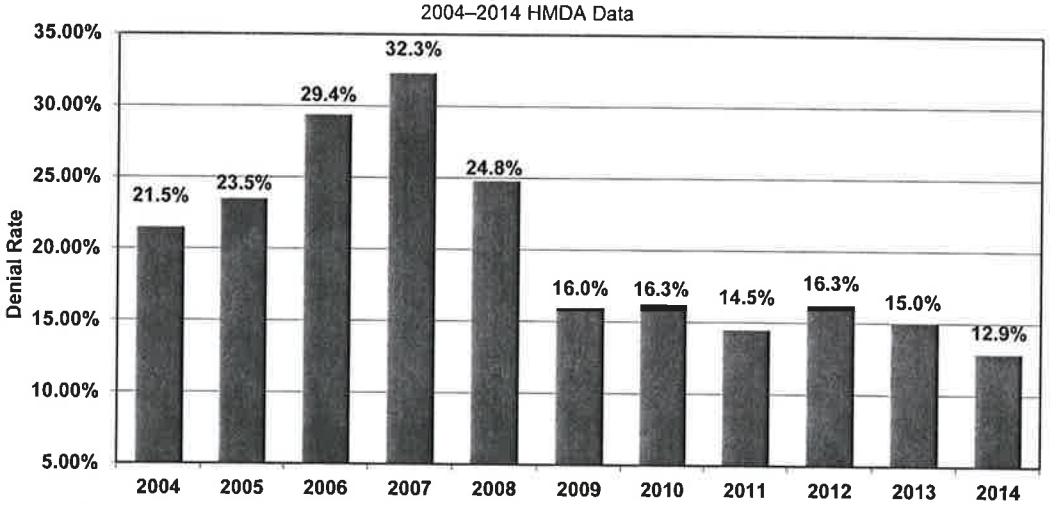
purchase loans were originated from 2004 through 2014 in the City of Fresno, and 15,010 were denied, for an overall denial rate of 22.1 percent.

Table V.3
Loan Applications by Action Taken
City of Fresno
2004–2014 HMDA Data

Action	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Loan Originated	8,090	9,477	7,704	4,213	3,092	3,623	3,149	3,042	3,267	3,578	3,650	52,885
Application Approved but not Accepted	1,295	1,630	1,693	1,123	566	387	236	206	181	189	130	7,636
Application Denied	2,216	2,919	3,211	2,011	1,022	689	613	516	638	633	542	15,010
Application Withdrawn by Applicant	1,315	2,019	1,442	755	490	484	432	437	473	522	516	8,885
File Closed for Incompleteness	249	397	343	222	157	88	88	98	71	83	73	1,869
Loan Purchased by the Institution	3,572	4,495	4,510	2,970	2,208	3,230	2,278	2,094	2,362	2,228	1,483	31,430
Preapproval Request Denied	0	5	41	2	2	26	1	0	0	2	12	91
Preapproval Approved but not Accepted	0	0	2	0	0	0	0	0	0	8	0	10
Total	**16,737**	**20,942**	**18,946**	**11,296**	**7,537**	**8,527**	**6,797**	**6,393**	**6,992**	**7,243**	**6,406**	**117,816**
Denial Rate	**21.5%**	**23.5%**	**29.4%**	**32.3%**	**24.8%**	**16.0%**	**16.3%**	**14.5%**	**16.3%**	**15.0%**	**12.9%**	**22.1%**

However, denial rates have varied considerably over time, as shown in Diagram V.1 below. From 21.5 percent in 2004, denial rates rose each following year until 2007, when nearly a third of loan applications ended in denial. However, following that year, denial rates fell considerably, and have remained below 20 percent since 2009.

Diagram V.1
Denial Rates by Year
City of Fresno
2004–2014 HMDA Data



Fresno residents (and prospective residents) who submitted a home purchase loan application from 2004 through 2011 were more likely to be turned down if they lived in the south of the city, as shown in Map V.1 on the following page. More than a fifth of loan applications were denied in all Census tracts to the south of Gettysburg Avenue, with the exception of one to the south of Old Fig Garden. In and around the city center, denial rates were higher still: roughly one-third to one-half of applications for home purchases in and around the city center were not approved over the eight-year period.

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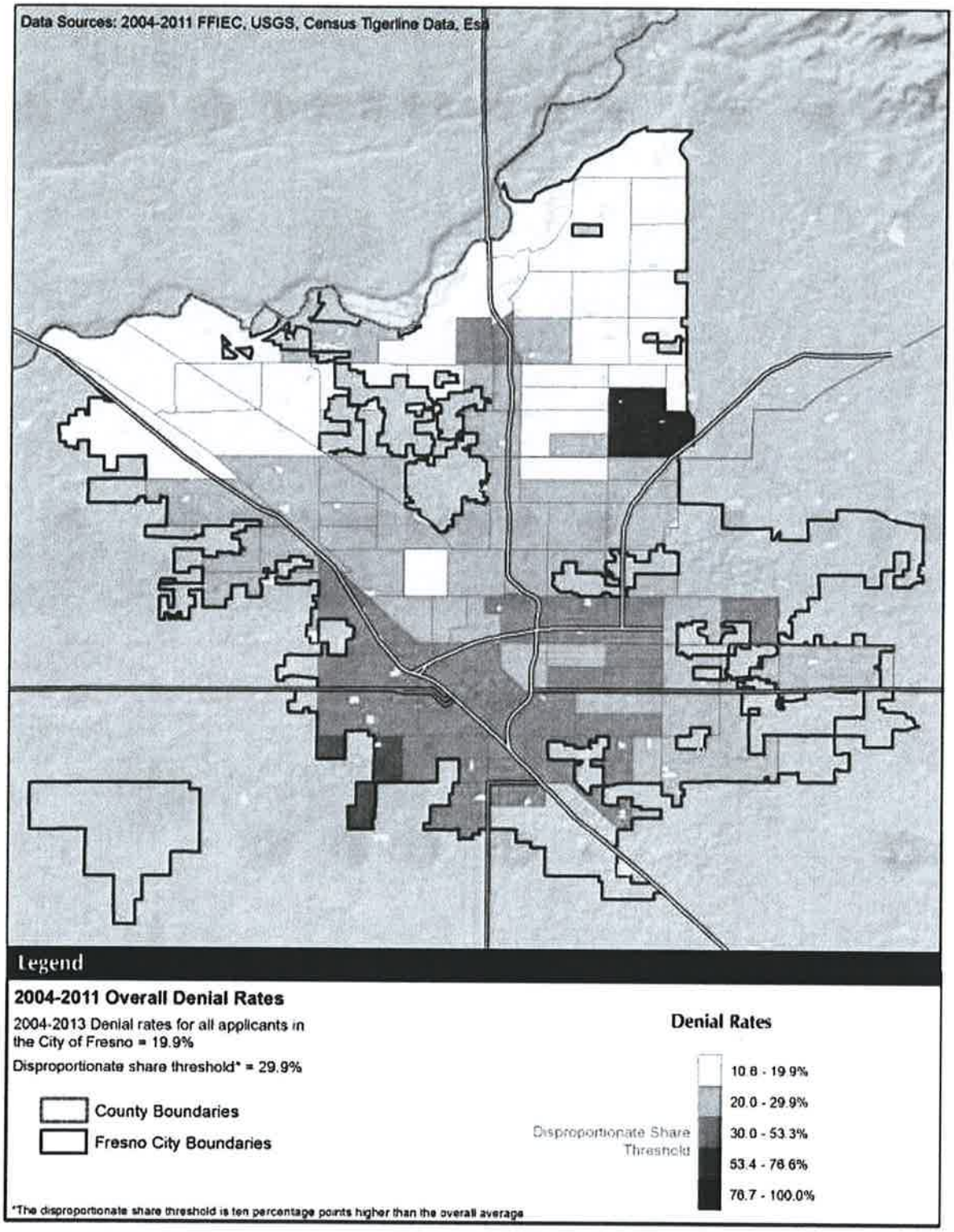
Map V.1
Denial Rates by Census Tract, 2004-2011
City of Fresno
2004-2011 HMDA Data



As shown in Map V.2 on the following page, loan applicants seeking to buy a home in and around the city center continued to face relatively high denial rates after 2011.

Male and female applicants experienced differing rates of loan denials. As shown in Table V.4 below, male applicants were turned down in 21.1 percent of loan applications: one percentage point below average. Female applicants were denied in 23.2 percent of loan applications, or 1.1 percentage points above average. The difference between denial rates for male and female applicants varied considerably by year, ranging from a 6.4 percentage-point difference in 2007 to a difference of 0.4 percentage points in 2012.

Table V.4
Denial Rates by Gender of Applicant
City of Fresno
2004–2013 HMDA Data

Year	Male	Female	Not Available	Not Applicable	Average
2004	20.1%	22.5%	38.5%	.0%	21.5%
2005	22.7%	24.5%	32.6%	.0%	23.5%
2006	28.5%	30.4%	35.1%	.0%	29.4%
2007	29.6%	36.0%	46.9%	.0%	32.3%
2008	23.7%	25.9%	35.7%	%	24.8%
2009	16.0%	14.9%	26.1%	%	16.0%
2010	15.1%	17.4%	25.5%	.0%	16.3%
2011	14.9%	13.1%	20.2%	.0%	14.5%
2012	16.2%	16.6%	16.4%	%	16.3%
2013	14.2%	16.7%	15.9%	.0%	15.0%
2014	12.7%	13.5%	12.3%	%	12.9%
Average	**21.1%**	**23.2%**	**30.6%**	**.0%**	**22.1%**

Denial rates also differed considerably according to the race or ethnicity of applicant, as shown in Table V.5 below. White applicants saw an average denial rate of 19.6 percent over the eleven-year period, around 2.5 percentage points below average. The denial rate for black applicants was over nine percentage points higher, at 28.7 percent, while the denial rate for American Indian applicants stood at 26.4 percent. Denial rates for Asian applicants were lower: though still above average at 23.8 percent. In terms of ethnicity, Hispanic applicants experienced higher denial rates than non-Hispanic applicants: 25.8 percent compared to 18 percent.

Table V.5
Denial Rates by Race/Ethnicity of Applicant
City of Fresno
2004–2014 HMDA Data

Race/Ethnicity	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Average
American Indian	24.0%	22.1%	34.7%	39.1%	25.8%	15.2%	26.7%	15.6%	9.1%	26.2%	28.9%	26.4%
Asian	20.3%	25.7%	28.4%	33.7%	30.8%	20.2%	22.8%	18.9%	19.1%	19.2%	17.2%	23.8%
Black	26.9%	28.6%	35.3%	39.0%	35.8%	23.4%	22.5%	14.1%	24.1%	15.7%	19.4%	28.7%
White	18.5%	20.4%	27.4%	30.0%	22.2%	14.2%	13.7%	12.7%	14.9%	13.4%	11.5%	19.6%
Not Available	31.0%	34.8%	38.9%	43.3%	35.1%	26.2%	23.5%	24.8%	21.8%	20.3%	13.7%	32.4%
Not Applicable	21.2%	100.0%	100.0%	%	%	0%	0.0%	.0%	%	.0%	%	21.7%
Average	**21.5%**	**23.5%**	**29.4%**	**32.3%**	**24.8%**	**16.0%**	**16.3%**	**14.5%**	**16.3%**	**15.0%**	**12.9%**	**22.1%**
Non-Hispanic	16.9%	19.8%	24.1%	24.4%	21.4%	14.4%	15.1%	11.8%	14.2%	12.8%	12.8%	18.0%
Hispanic	25.7%	25.6%	32.8%	40.6%	29.4%	16.9%	17.0%	16.1%	19.2%	18.5%	13.2%	25.8%

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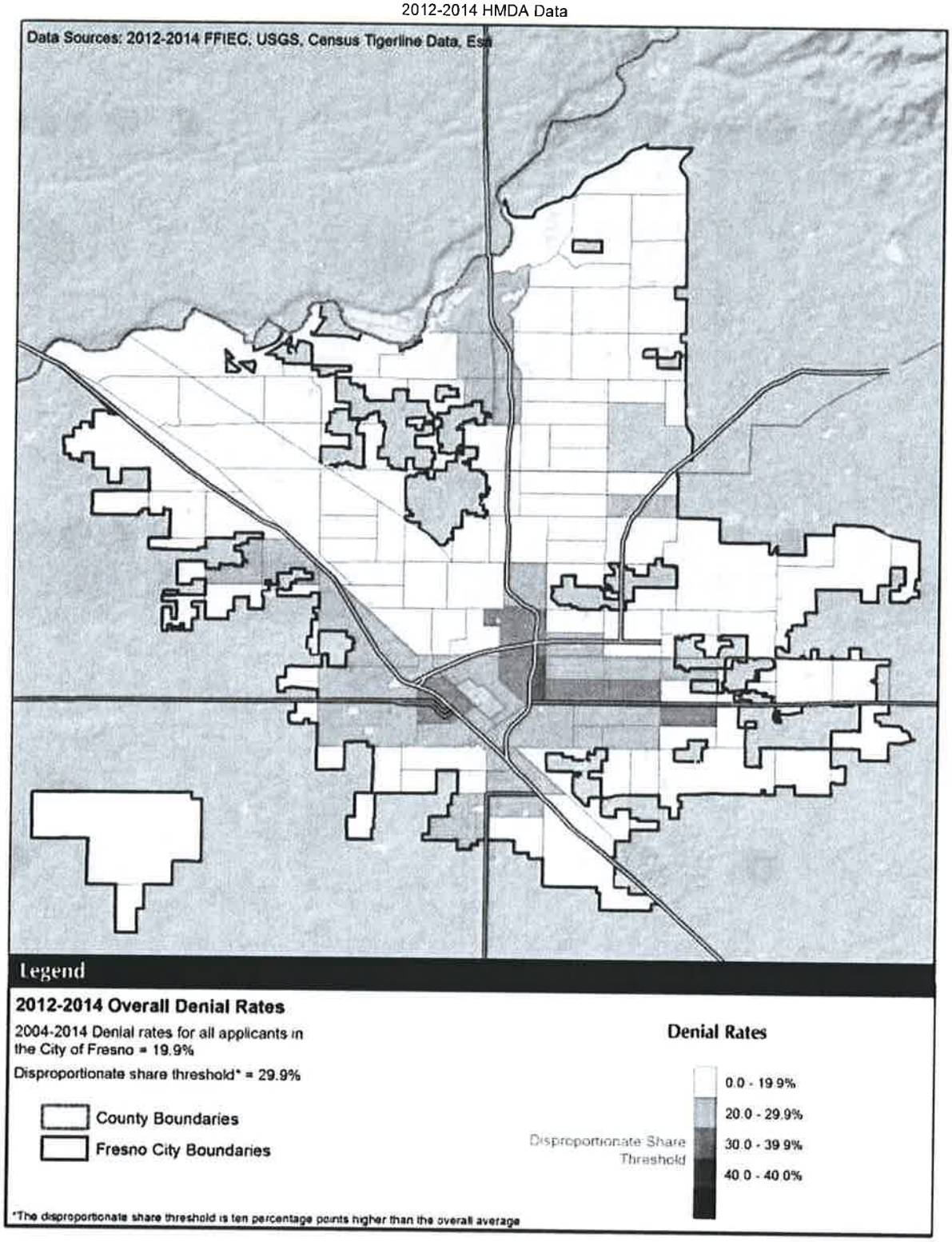
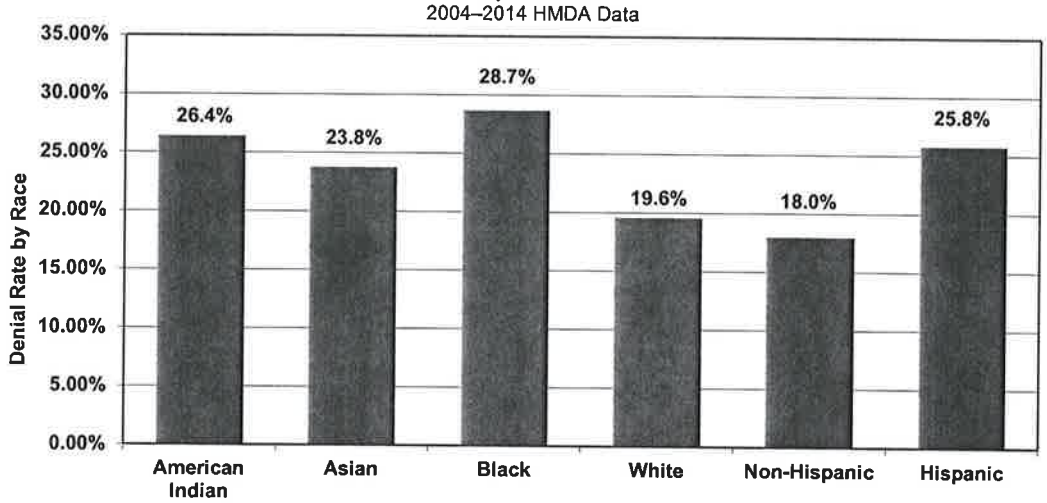
Map V.2
Denial Rates by Census Tract, 2012-2014
City of Fresno
2012-2014 HMDA Data



Overall differences in denial rates by race and ethnicity are presented in Diagram V.2 below.

Diagram V.2
Denial Rates by Race/Ethnicity of Applicant
City of Fresno
2004–2014 HMDA Data



Like home purchase loan applicants in general, Hispanic applicants tended to face higher rates of home denials in the south of the city from 2004 through 2011. However, as shown in Map V.3 on the following page, there were several Census tracts in the north of the city, notably in the northeast and around Old Fig Garden, where the denial rate for Hispanic applicants was above the citywide average of 23.9 percent.

Black loan applicants, who were more likely to be denied a home-purchase loan than applicants overall, faced relatively high denial rates in and around the city center and along Highway 41 to the north, as shown in Map V.4 on page 98. Black applicants were more successful in securing loans in Census tracts in the northwest of the city, particularly along Highway 99, many of which saw a relatively high number of loan applications from black applicants over the eight-year period.

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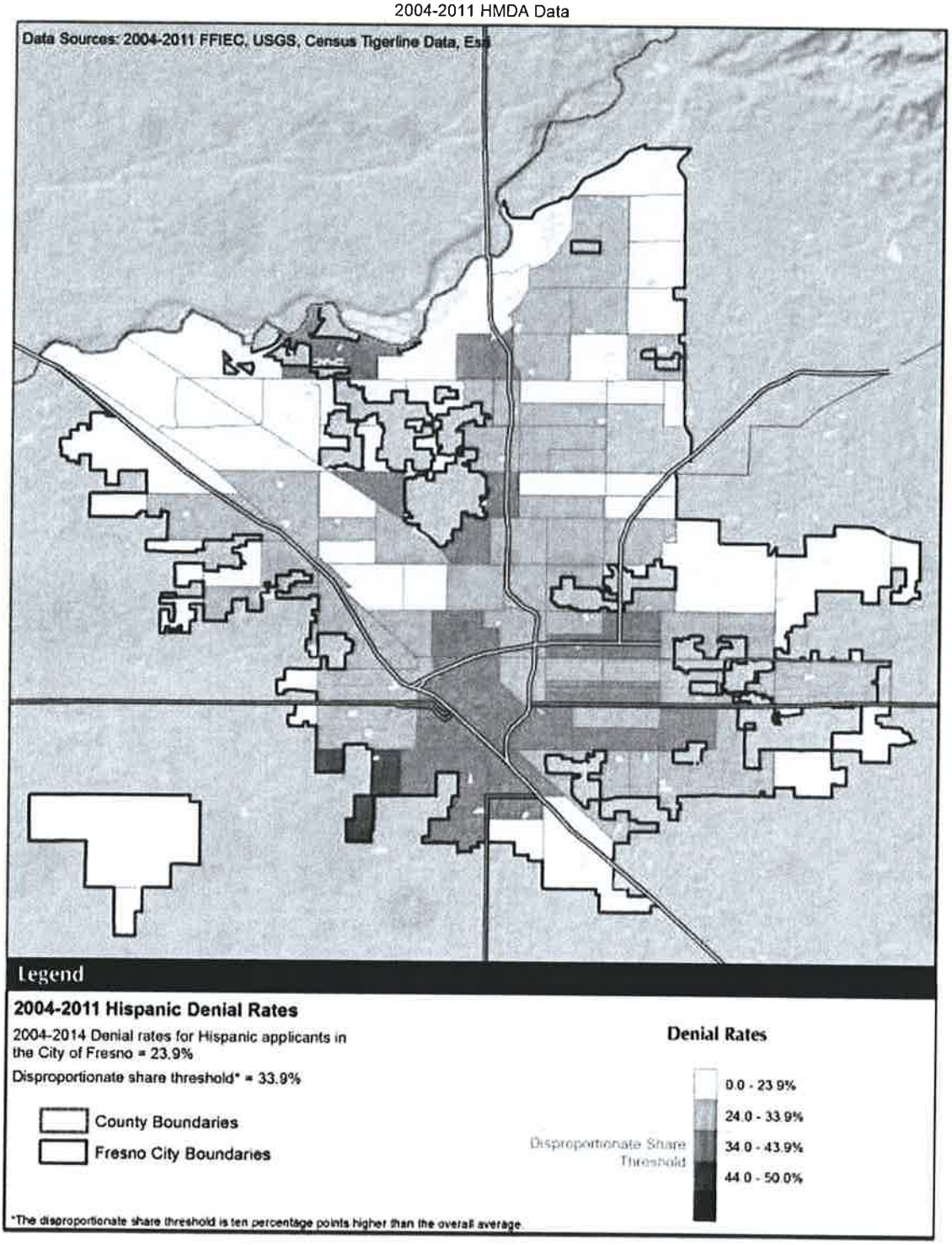
Map V.3
Denial Rates for Hispanic Applicants by Census Tract, 2004-2011
City of Fresno
2004-2011 HMDA Data



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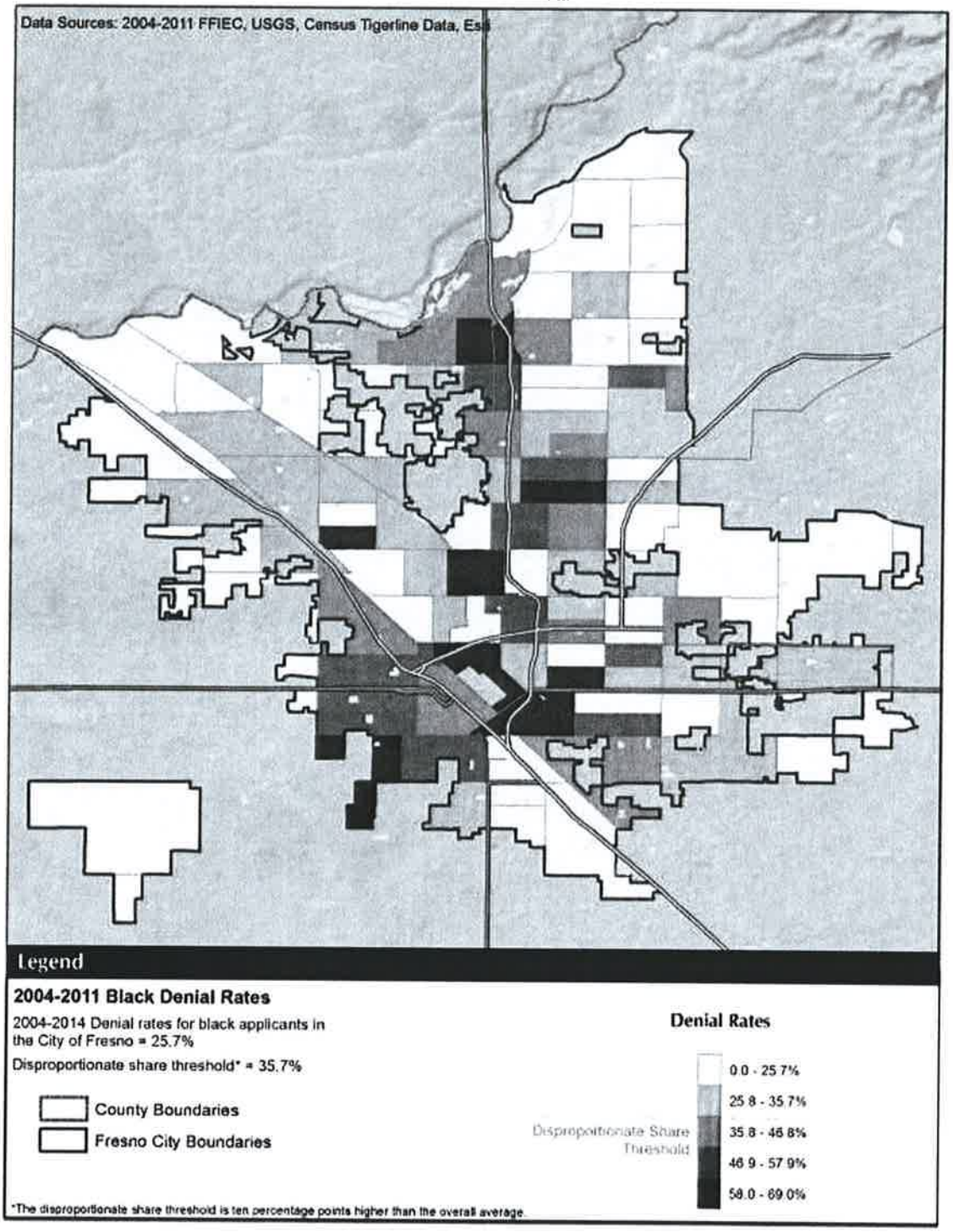
Map V.4
Denial Rates for Black Applicants by Census Tract, 2004-2011
City of Fresno
2004-2011 HMDA Data



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Lending institutions gave a variety of reasons for denying home purchase loan applications, but as shown in Table V.6 below the most common related to the credit history or debt-to-income ratio of the applicant. These factors became increasingly important over time: in 2004, credit history was listed as the primary factor in 17.7 percent of loan denials, and though that figure had fallen to 11 percent by 2008, the share of loans denied primarily due to credit history rose steadily over the next four years. By 2012, over a fifth of denied loan applications listed credit history as a primary factor. The rise in the importance of debt-to-income ratio as a factor in loan denials came earlier: in 2006, less than 8 percent of loan denials listed debt-to-income ratio as a primary factor. However, within two years more than 23 percent of denied loan applications cited debt-to-income ratio as a primary factor, a figure which rose above 25 percent in 2010.

Table V.6
Loan Applications by Reason for Denial
City of Fresno
2004–2014 HMDA Data

Denial Reason	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Debt-to-Income Ratio	218	259	252	254	242	161	160	121	127	128	132	2,054
Employment History	49	48	55	39	16	23	14	16	14	18	15	307
Credit History	392	483	486	285	112	85	88	85	134	128	71	2,349
Collateral	135	159	117	122	91	94	75	55	58	82	45	1,033
Insufficient Cash	78	54	49	63	33	18	17	12	16	30	26	396
Unverifiable Information	188	377	303	224	83	43	45	47	33	38	24	1,405
Credit Application Incomplete	207	290	181	271	63	41	45	43	95	63	40	1,339
Mortgage Insurance Denied	0	1	0	2	11	6	1	0	2	0	1	24
Other	579	535	648	359	173	87	85	65	64	56	37	2,688
Missing	370	713	1,120	392	198	131	83	72	95	90	151	3,415
Total	**2,216**	**2,919**	**3,211**	**2,011**	**1,022**	**689**	**613**	**516**	**638**	**633**	**542**	**15,010**

Income had an impact on denial rates of home purchase loan applicants, and the effect was predictable. As shown in Table V.7 below, denial rates fell as the income of the applicant rose. This effect was most pronounced at the lowest end of the income range: the denial rate for those earning between $15,000 and $30,000 per year was, at 27.9 percent, roughly half the denial rate for those earning $15,000 per year or less, which was 52.1 percent. The effect of rising incomes became progressively more muted above $30,000 per year, to the point that entry into the highest income bracket yielded only a 0.6 percentage point drop in the denial rate over the second highest income bracket. Around a fifth of applications from those earning more than $75,000 per year were denied from 2004 through 2014.

Table V.7
Denial Rates by Income of Applicant
City of Fresno
2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
$15,000 or Below	65.8%	80.0%	52.0%	75.0%	76.7%	34.0%	34.7%	33.3%	44.7%	60.0%	68.8%	52.1%
$15,001–$30,000	37.8%	40.1%	50.9%	46.1%	39.7%	21.3%	24.3%	20.5%	20.1%	21.4%	19.8%	27.9%
$30,001–$45,000	26.9%	29.1%	36.4%	37.3%	26.8%	16.2%	15.2%	14.1%	16.7%	16.9%	13.4%	22.5%
$45,001–$60,000	21.9%	23.1%	31.7%	33.9%	21.9%	11.4%	13.2%	13.8%	16.7%	13.8%	12.3%	21.5%
$60,001–$75,000	17.4%	20.9%	28.2%	33.6%	20.5%	14.1%	14.6%	9.8%	16.5%	11.3%	9.6%	20.8%
Above $75,000	15.5%	21.2%	27.2%	28.4%	22.2%	14.8%	12.9%	11.3%	11.1%	11.2%	10.3%	20.2%
Data Missing	27.7%	37.1%	33.5%	33.7%	34.7%	40.0%	51.9%	27.0%	35.3%	57.1%	66.0%	35.3%
Total	**21.5%**	**23.5%**	**29.4%**	**32.3%**	**24.8%**	**16.0%**	**16.3%**	**14.5%**	**16.3%**	**15.0%**	**12.9%**	**22.1%**

Though higher incomes generally tended to improve an applicant's chances of securing a loan, denial rates still varied with the race or ethnicity of the applicant, even among those who fell in

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the same income range. As shown in Table V.8 below, white applicants earning $60,000 to $75,000 per year were denied in 18.9 percent of home loan applications, while black applicants in the same income range were denied 28.3 percent of the time, a difference of nearly ten percentage points. Similarly, 25.5 percent of applications from Hispanic applicants in the same income range were denied, compared to a denial rate of 16.2 percent for non-Hispanic applicants who were similarly situated with respect to income. Interestingly, denial rates for Hispanic applicants were lower than their non-Hispanic counterparts among residents earning less than $30,000 per year.

Table V.8
Denial Rates of Loans by Race/Ethnicity and Income of Applicant
City of Fresno
2004–2013 HMDA Data

Race	<= $15K	$15K–$30K	$30K–$45K	$45K–$60K	$60K–$75K	Above $75K	Data Missing	Average
American Indian	30.0%	36.1%	26.7%	21.3%	19.9%	28.9%	54.8%	26.4%
Asian	69.2%	28.8%	22.6%	24.3%	21.0%	23.1%	30.2%	23.8%
Black	66.7%	34.4%	30.1%	27.2%	28.3%	27.5%	32.4%	28.7%
White	45.3%	24.8%	20.0%	19.1%	18.9%	17.7%	33.1%	19.6%
Not Available	70.2%	47.7%	35.7%	31.7%	29.5%	27.7%	49.2%	32.4%
Not Applicable	%	35.0%	26.8%	16.3%	22.7%	16.1%	19.2%	21.7%
Average	**52.1%**	**27.9%**	**22.5%**	**21.5%**	**20.8%**	**20.2%**	**35.3%**	**22.1%**
Non-Hispanic	52.3%	27.3%	19.0%	17.5%	16.2%	16.5%	29.4%	18.0%
Hispanic	47.2%	26.1%	24.1%	24.4%	25.5%	26.5%	38.3%	25.8%

Predatory Lending

In addition to modifications implemented in 2004 to correctly document loan applicants' race and ethnicity, the HMDA reporting requirements were changed in response to the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

1. If they are HOEPA loans;[90]
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of high annual percentage rate (APR) loans (HALs), defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.[91]

For the 2015 AI analysis, originated owner-occupied home purchase loans qualifying as HALs were examined for 2004 through 2014. As shown in Table V.9 on the following page, these high-cost loans accounted for more than one-fifth of all home purchase loans originated in the City of Fresno from 2004 through 2014.

[90] Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." http://www.ffiec.gov/hmda/glossary.htm#H
[91] 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

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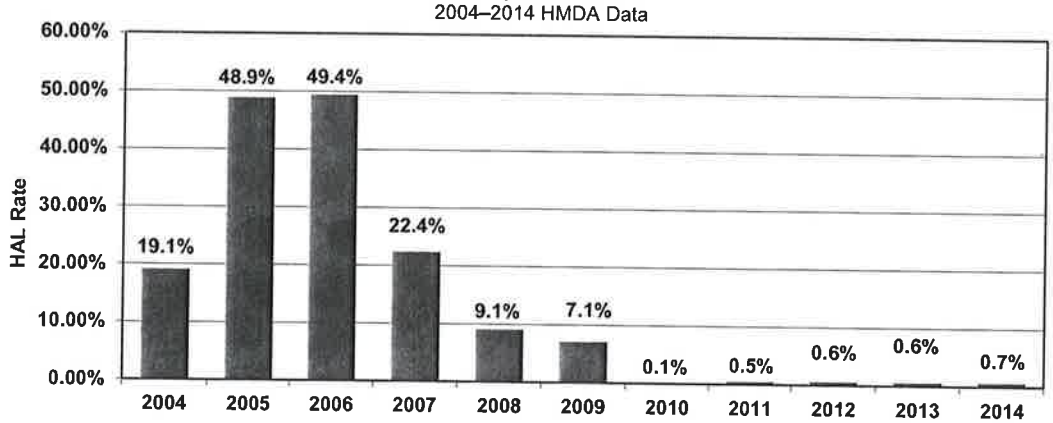
Table V.9
Originated Owner-Occupied Loans by HAL Status
City of Fresno
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Other	6,542	4,841	3,897	3,271	2,792	3,366	3,146	3,026	3,246	3,558	3,626	41,311
HAL	1,548	4,636	3,807	942	300	257	3	16	21	20	24	11,574
Total	**8,090**	**9,477**	**7,704**	**4,213**	**3,092**	**3,623**	**3,149**	**3,042**	**3,267**	**3,578**	**3,650**	**52,885**
Percent HAL	19.1%	48.9%	49.4%	22.4%	9.7%	7.1%	0.1%	0.5%	0.6%	0.6%	0.7%	21.9%

As shown in Diagram V.3 below, HALs represented a considerably larger share of home purchase loans in 2005 and 2006, when nearly half of all loans originated in the city were HALs.

Diagram V.3
HAL Rates by Year
City of Fresno
2004–2014 HMDA Data



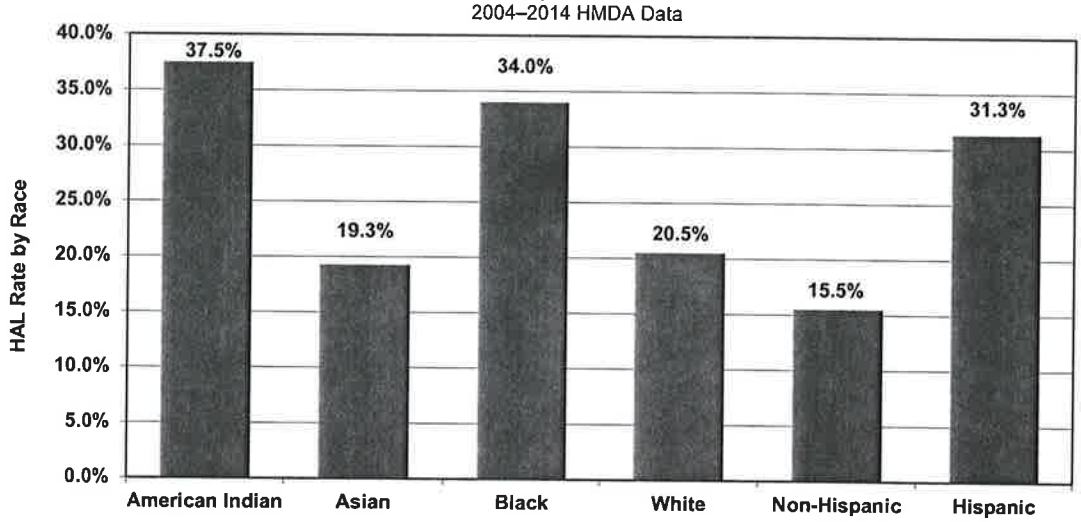
Just over 20 percent of loans issued to white applicants were HALs over the eleven-year period, compared to a HAL rate of 34 percent for black applicants, 19.3 percent for Asian applicants, and 37.5 percent for American Indian applicants. The HAL rate for Hispanic applicants was 31.3 percent over the period from 2004 through 2014, compared to a HAL rate of 15.5 percent for non-Hispanic applicants. At their peak in 2005 and 2006, HALs constituted nearly two-thirds of all home purchase loans issued to Hispanic applicants in the city. The same was true for black applicants, as shown in Table V.10 below.

Table V.10
Rate of HALs Originated by Race/Ethnicity of Borrower
City of Fresno
2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Average
American Indian	26.8%	67.8%	59.5%	25.7%	8.7%	5.4%	3.0%	.0%	.0%	.0%	.0%	37.5%
Asian	14.1%	47.3%	41.9%	21.0%	6.9%	6.7%	.0%	.2%	.4%	.0%	.2%	19.3%
Black	31.2%	64.6%	65.2%	28.6%	11.4%	5.1%	.0%	2.4%	.8%	2.9%	.0%	34.0%
White	18.6%	46.0%	49.5%	21.5%	10.4%	7.4%	.0%	.5%	.7%	.6%	.8%	20.5%
Not Available	21.7%	57.7%	49.1%	28.6%	5.9%	5.6%	.4%	.6%	.0%	.4%	.9%	28.6%
Not Applicable	13.8%	%	%	%	%	%	.0%	.0%	%	.0%	%	13.5%
Average	**19.1%**	**48.9%**	**49.4%**	**22.4%**	**9.7%**	**7.1%**	**.1%**	**.5%**	**.6%**	**.6%**	**.7%**	**21.9%**
Non-Hispanic	15.7%	37.2%	36.7%	16.7%	7.8%	5.9%	.1%	.4%	.4%	.5%	.4%	15.5%
Hispanic	27.2%	64.3%	63.8%	31.5%	13.9%	9.1%	.1%	.7%	1.1%	.6%	.9%	31.3%

The racial and ethnic variation in HAL rates from 2004 through 2014 is presented in Diagram V.4 below.

Diagram V.4
HAL Rates by Race
City of Fresno
2004–2014 HMDA Data



Like denial rates, HAL rates also varied according to the income of the borrower, as shown in Table V.11 below. However, unlike denial rates, HALs accounted for a relatively few home purchase loans among applicants earning $30,000 per year or less. From 6.8 percent for borrowers in the $15,001 to $30,000 income range, HAL rates rose to 28.9 percent for borrowers earning $60,001 to $75,000 per year. The HAL rate for borrowers in the highest income bracket was lower; however, at 23.7 percent it was still considerably higher than HAL rates for borrowers earning $30,000 per year or less.

Table V.11
Rates of HALs by Income of Borrower
City of Fresno
2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Average
$15,000 or Below	.0%	.0%	41.7%	.0%	14.3%	24.2%	.0%	3.1%	.0%	.0%	.0%	8.2%
$15,001–$30,000	12.7%	30.7%	23.8%	12.6%	19.7%	9.7%	.2%	.4%	1.4%	.3%	.0%	6.8%
$30,001–$45,000	22.7%	51.6%	38.4%	16.6%	12.4%	8.5%	.1%	.5%	.0%	.5%	.6%	14.1%
$45,001 -$60,000	24.0%	56.3%	55.2%	22.8%	9.1%	6.6%	.0%	.9%	.8%	.8%	.8%	23.8%
$60,001–$75,000	20.9%	55.9%	56.5%	26.1%	8.5%	6.0%	.0%	.9%	1.5%	1.1%	1.0%	28.9%
Above $75,000	14.8%	43.6%	46.8%	20.6%	6.7%	4.4%	.1%	.1%	.0%	.3%	.6%	23.7%
Data Missing	9.7%	29.0%	48.1%	45.1%	15.6%	7.4%	.0%	.0%	13.6%	.0%	.0%	31.1%
Average	**19.1%**	**48.9%**	**49.4%**	**22.4%**	**9.7%**	**7.1%**	**.1%**	**.5%**	**.6%**	**.6%**	**.7%**	**21.9%**

As had been the case with home purchase loan denials, home purchase loans issued in the city were more likely to be HALs the closer the prospective home was located to the city center. As shown in Map V.5 on the following page, more than two-thirds of the home-purchase loans were HALs in most Census tracts in and around the city center, including areas with relatively high concentrations of black, Hispanic, and Asian residents.

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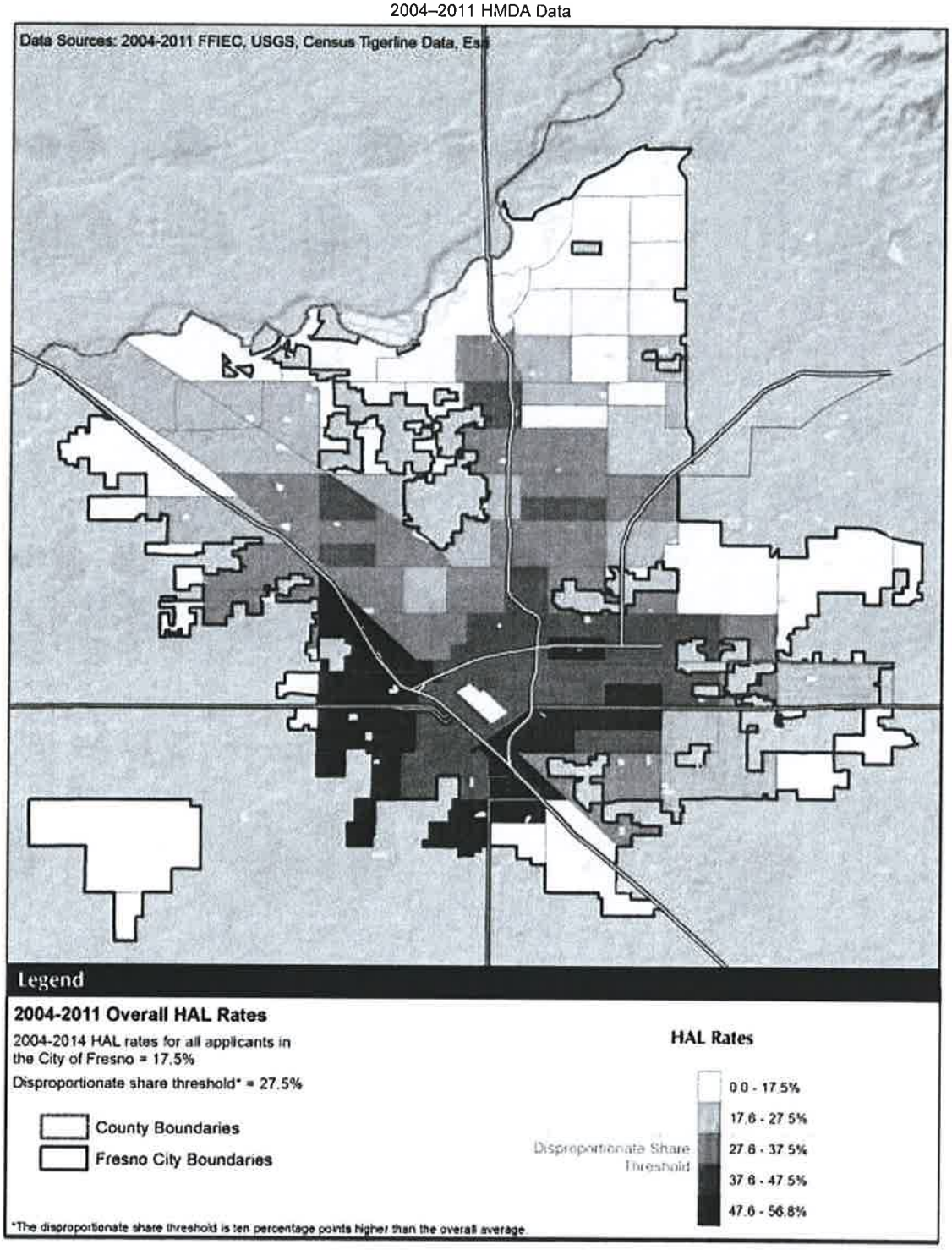
Map V.5
Rate of HALs by Census Tract, 2004-2011
City of Fresno
2004–2011 HMDA Data



Hispanic borrowers also faced relatively high HAL rates in and around the city center, as shown in Map V.6 on the following page. Many of these Census tracts encompassed areas with traditionally high concentrations of Hispanic residents, as seen in Section II of this report in Maps II.1 and II.2. However, Hispanic residents were more successful in securing loans on more favorable terms in peripheral Census tracts in the northwest of the city, as well as several large, outlying tracts in the southeast. These were also areas with relatively high numbers of home purchase loan originations to Hispanic applicants during that time period.

It was noted previously that black applicants submitted a relatively high number of loan applications in outlying Census tracts in the northwest of the city. Many of those loans were approved and originated. However, as shown in Map V.7 on page 106, loans issued in a line of Census tracts to the immediate northeast of Highway 99 were more likely to be HALs than the average loan issued to black borrowers throughout the city. Black borrowers also tended to see relatively high HAL rates in the southwest of the city, an area in which black borrowers received comparatively many home purchase loans. This was also an area with a relatively high concentration of black residents in 2000 and 2010.

Community Reinvestment Act Data

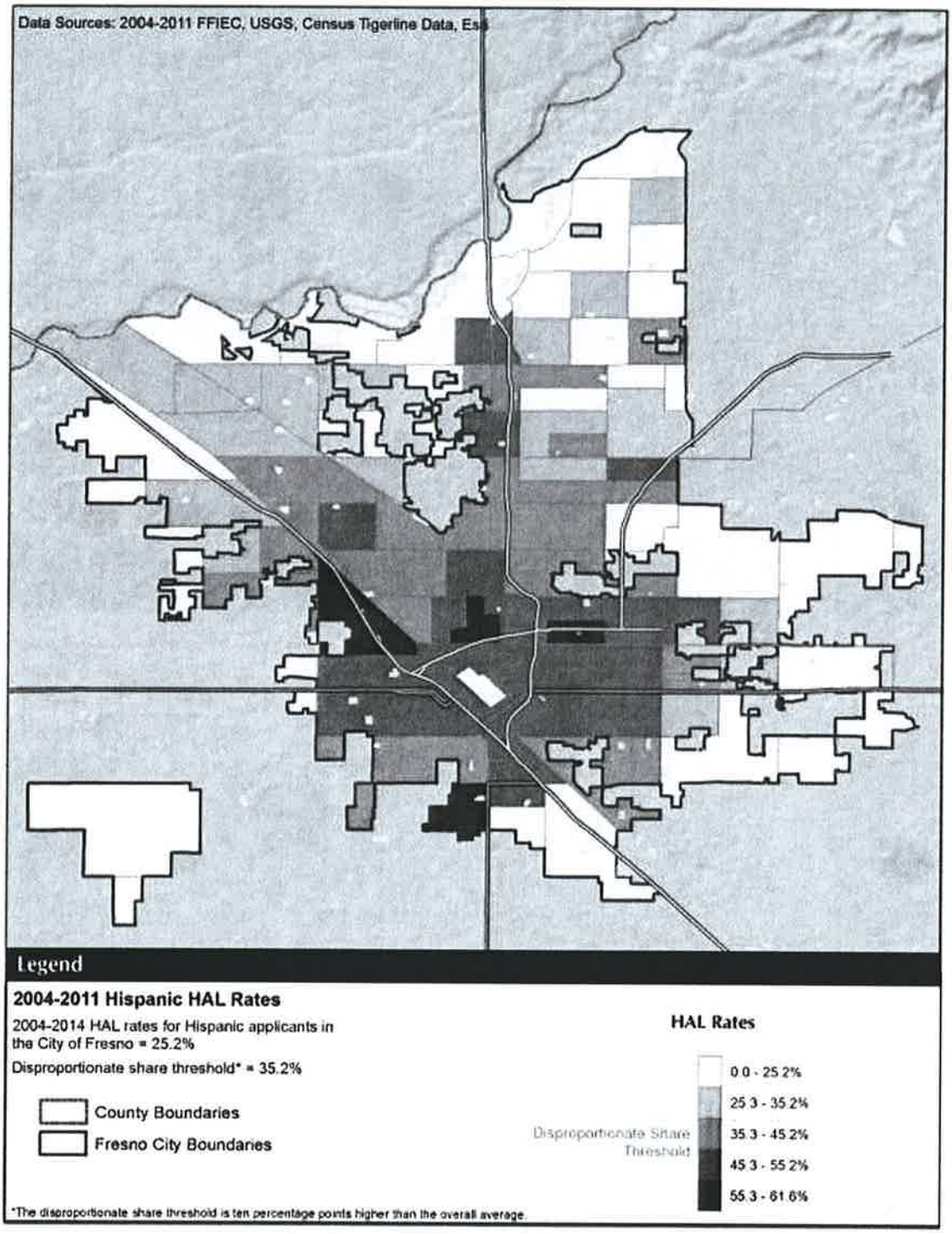
Economic vitality of neighborhoods can partly be measured through Community Reinvestment Act (CRA) data. According to these data, 135,501 small business loans were extended to businesses in the City of Fresno during the period from 2000 to 2014, of which 51,221 went to businesses with annual revenues of less than $1 million. The total value of loans issued in the city during this time was around $4.1 billion, and 94.8 percent of these loans were valued at less than $100,000. Tables with complete CRA data are presented in Appendix A.

Small business loans were also analyzed to determine to degree to which their distribution varied according to the income level of the Census tract in which they were issued. Census tracts were considered low-income if the median family income (MFI) for the tract's residents was less than 50 percent of the MFI for Fresno County ("area MFI"). The area MFI for Fresno County, as estimated by the FFIEC, was $48,700 in 2014.[92] Moderate-income tracts were those in which the tract MFI ranged from 50.1 to 80 percent of the area MFI, middle-income tracts had tract MFI's that ranged from 80.1 to 120 percent of the area MFI, and tracts were considered high-income if the tract MFI exceeded 120 percent of the area MFI.

As shown in Diagram V.5 on page 107, moderate-, middle-, and high-income Census tracts each received over 25 percent of the small business loans issued in the city from 2000 through 2014. Around 40 percent of the total value of small business loans issued in the city went to moderate- and low-income tracts.

[92] "FFIEC Median Family Income Report". Federal Financial Institutions Examination Council website. Accessed June 5, 2015 from https://www.ffiec.gov/pdf/msa14inc.pdf.

Map V.6
HALs to Hispanic Applicants by Census Tract, 2004-2011
City of Fresno
2004-2011 HMDA Data



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Map V.7
HALs to Black Applicants by Census Tract, 2004-2011
City of Fresno
2004-2011 HMDA Data

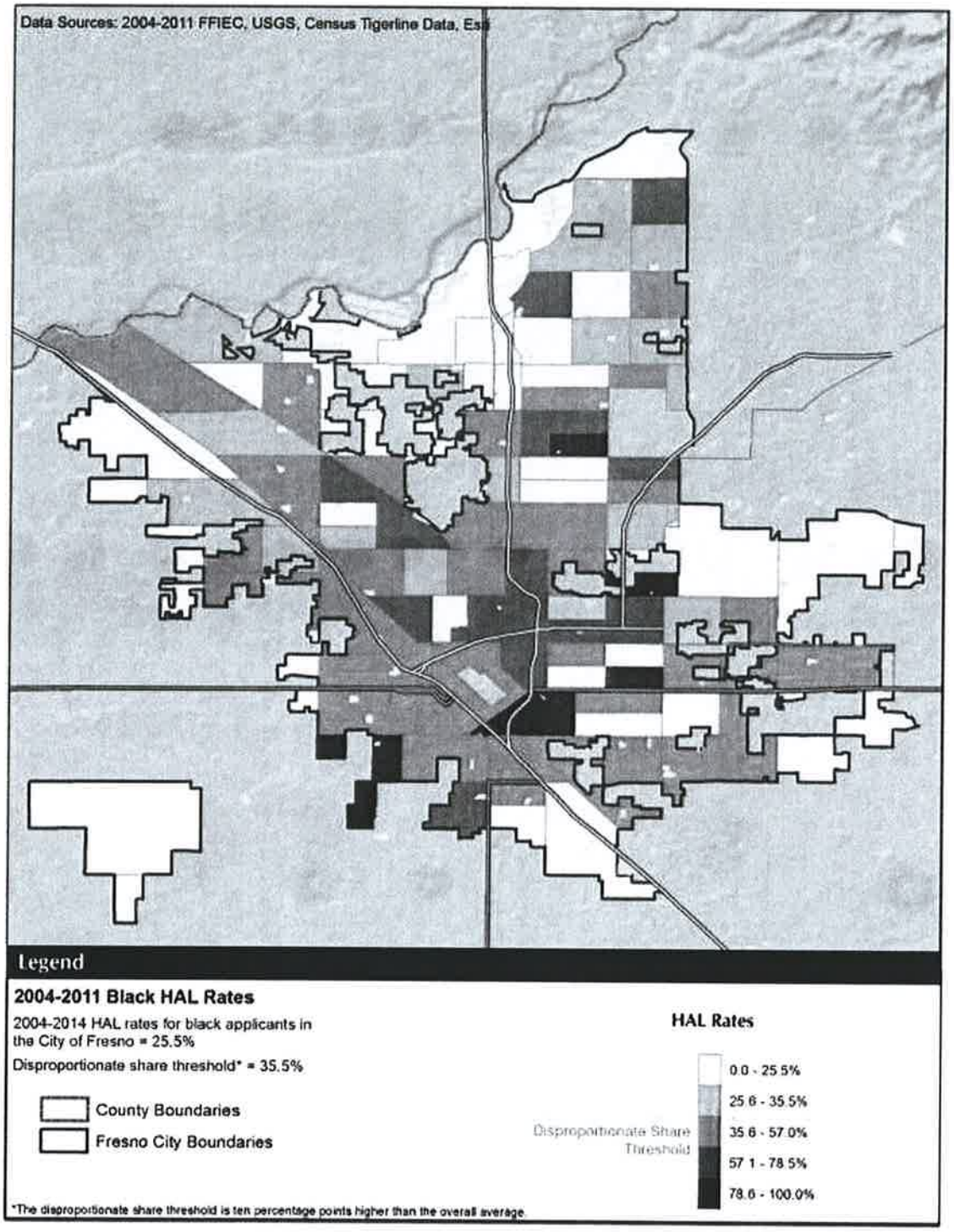
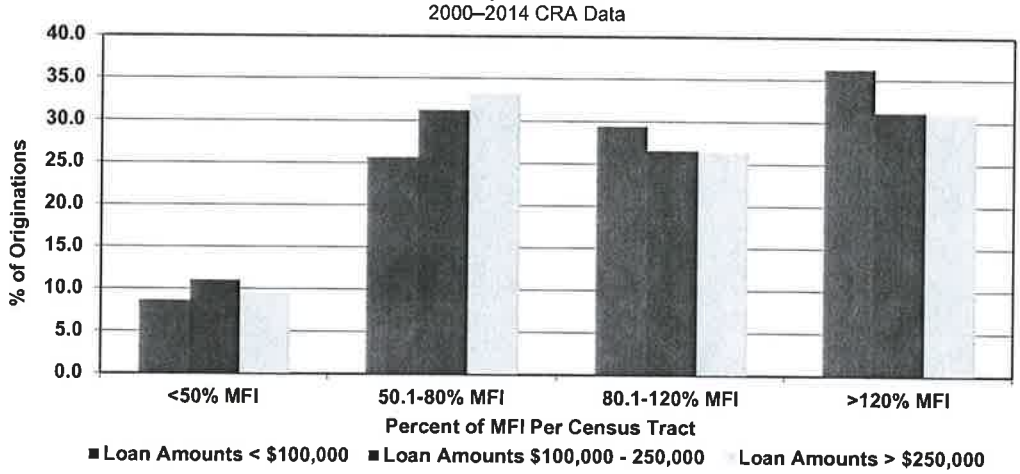


Diagram V.5
Percent of Small Business Loans Originated by Census Tract MFI
City of Fresno
2000–2014 CRA Data



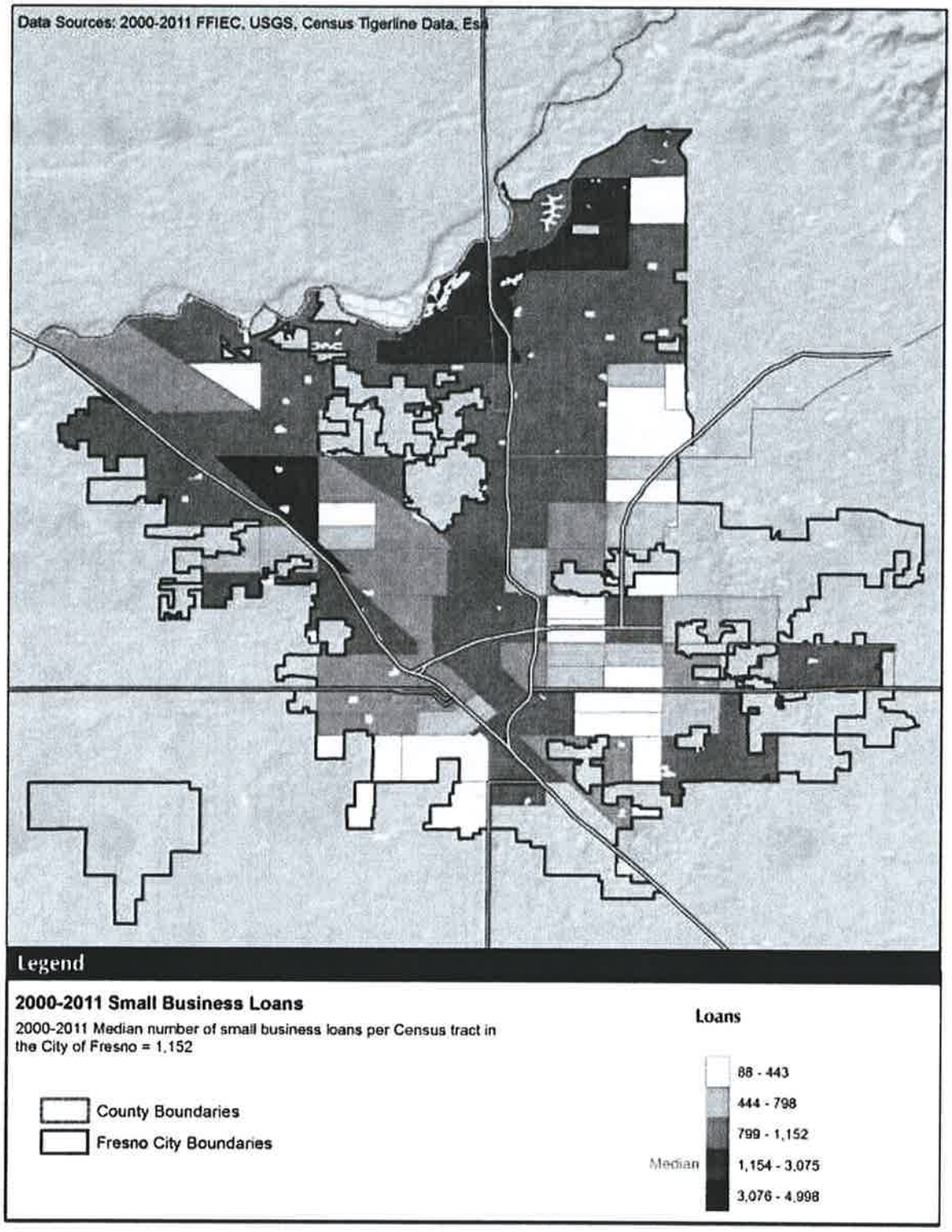
Half of the Census tracts in the City of Fresno received more than 1,152 small business loans, the citywide median, from 2000 through 2011. These Census tracts were located in outlying areas to the southeast, in the city center and along the Highway 41 corridor to the north, in a majority of Census tracts to the north of Shaw Avenue, and in the northwest of the city. In other words, small business lenders were fairly active in many areas throughout the city. However, as shown in Map V.8 on the following page, those tracts that received well below the citywide median tended to be in areas with relatively high concentrations of black, Asian, or Hispanic residents. These tracts were largely located to the east and southwest of the city center. The poverty rates in many of those tracts also tended to be above-average.

Those areas also tended to be bypassed by small business lending after 2011, as shown in Map V.9 on page 109. Again, the half of those city Census tracts that received more than the citywide median of 117 loans were largely clustered in the north, along Highway 41, in the northwest, and in other outlying areas. Areas receiving considerably less than the citywide median after 2011 tended to be located to the east and southwest of the city center.

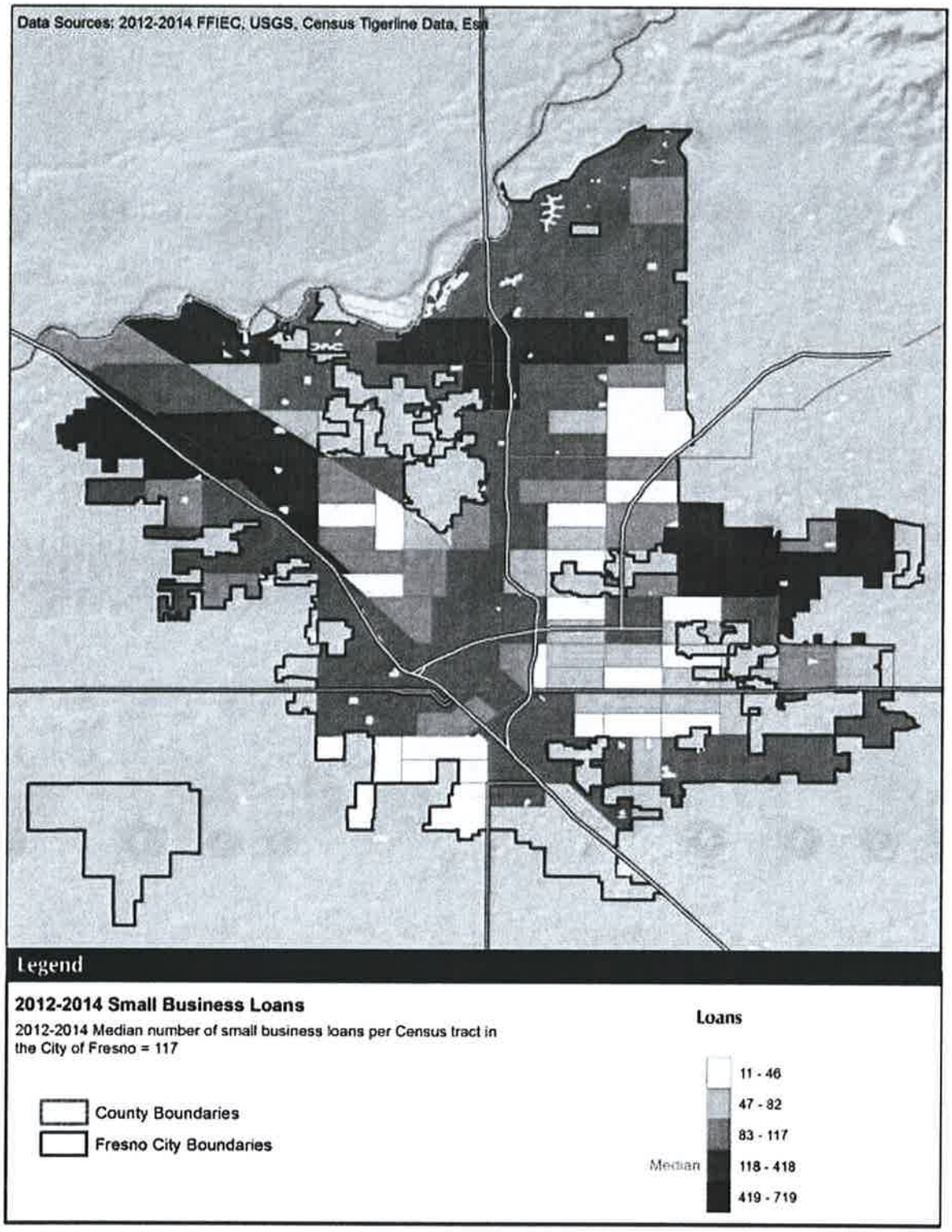
As one might expect, the more loans a Census tract received, the greater the total value of loans issued in that tract tended to be. Accordingly, the areas that received the greatest amount of loan dollars from 2000 through 2011 tended to be located in the north, along the Highway 41 corridor, in the city center, and in other outlying areas, as shown in Map V.10 on page 110. By contrast, areas in which the total value of loans was less than the citywide median of $24.4 million tended to be areas in the inner southwest, to the east of the city center, around the university to the north, and to the west of Old Fig Garden. Many of the Census tracts in these areas also had above-average and high concentrations of black, Hispanic, and Asian residents, as well as households living in poverty.

The distribution of small business loans issued after 2011 generally followed the pre-2011 pattern discussed above: as shown in Map V.11 on page 111, loan dollars issued from 2012 through 2014 were most plentiful in outlying Census tracts, those in and around the city center, and those that lay in the north of the city. Areas in the southwest and to the east of the city center continued to received less in the way of small business lending, along with Census tracts near the university and to the west of Old Fig Garden.

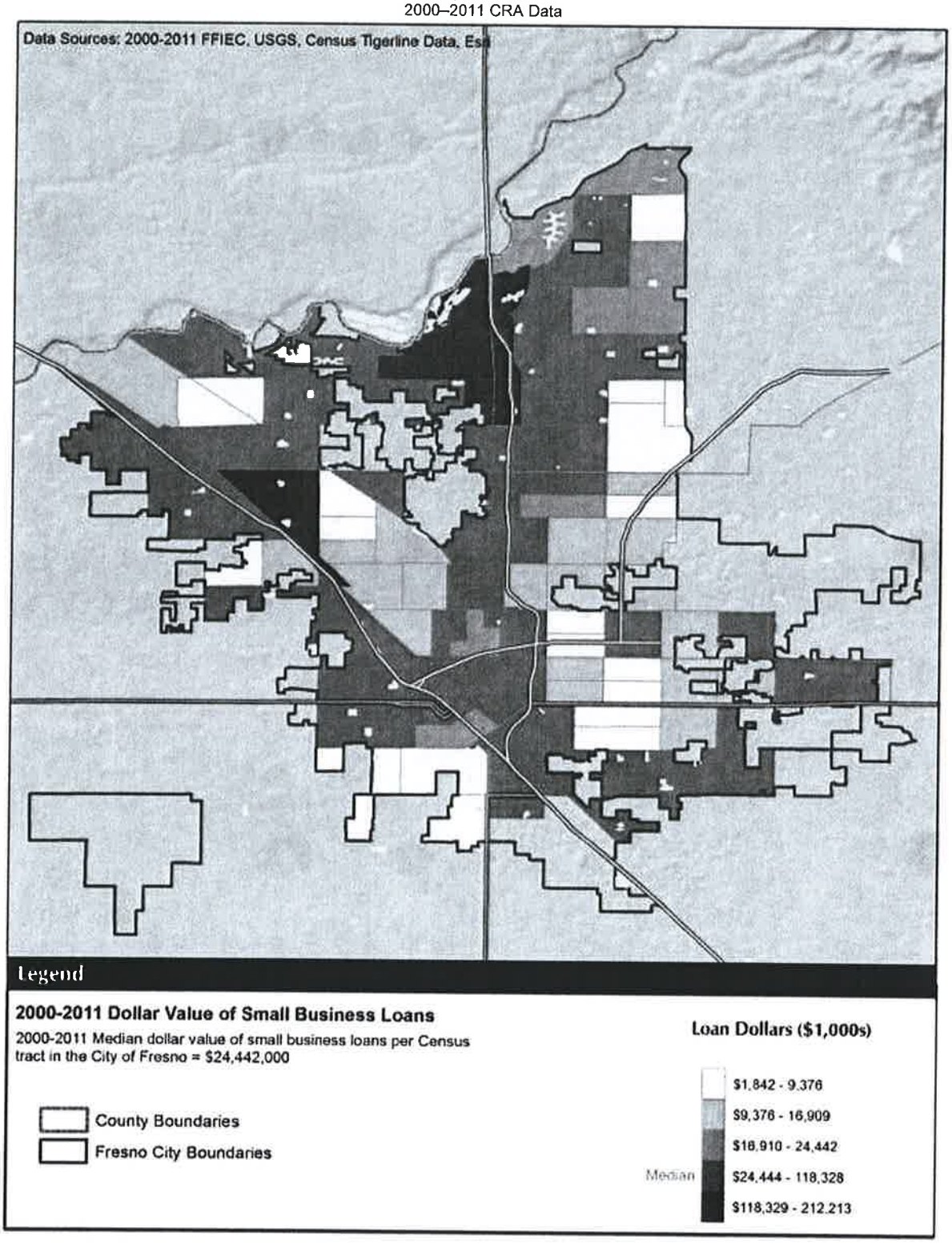
Map V.8
Number of Small Business Loans per Census Tract, 2000-2011
City of Fresno
2000–2011 CRA Data



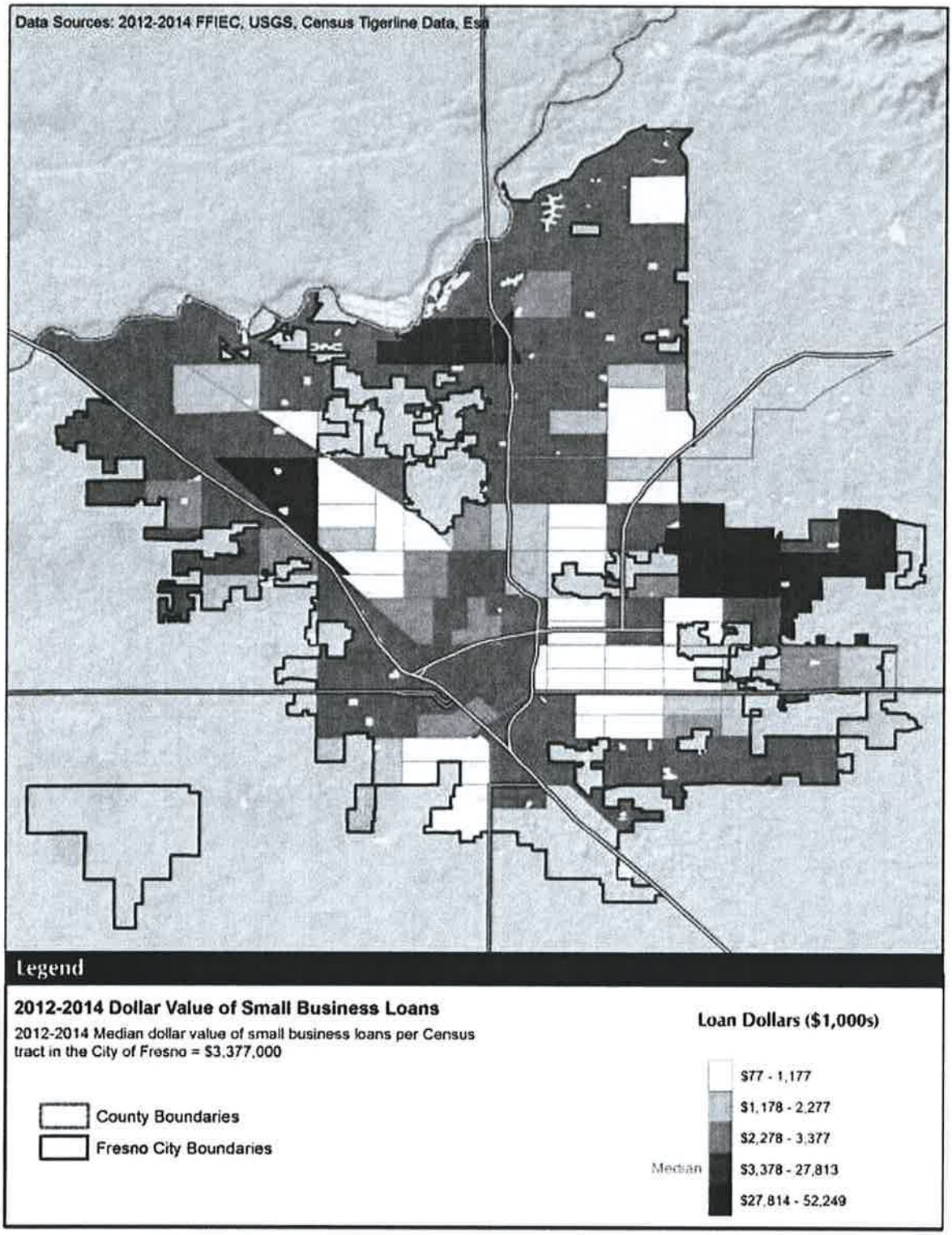
Map V.9
Number of Small Business Loans per Census Tract, 2012-2014
City of Fresno
2012–2014 CRA Data



Map V.10
Dollar Value of Small Business Loan Dollars per Census Tract, 2000-2011
City of Fresno
2000–2011 CRA Data



Map V.11
Dollar Value of Small Business Loan Dollars per Census Tract, 2012-2014
City of Fresno
2012-2014 CRA Data



FAIR HOUSING COMPLAINTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The United States Department of Housing and Urban Development (HUD) accepts complaints from residents who believe that they have been subjected to discrimination in the housing market. As shown in Table V.12 below, HUD has received 92 complaints from Fresno residents since 2008. Disability figured in 40 complaints, making it the most common discriminatory "basis" cited in these complaints. Twenty-nine complainants cited race as the perceived basis for discrimination, while retaliation and family status figured in 15 and 14 complaints, respectively. Note that more than one discriminatory basis may be cited in each complaint, explaining why there are more total bases than complaints.

Table V.12
Fair Housing Complaints by Basis
City of Fresno
2004–2014 HUD Data

Basis	2008	2009	2010	2011	2012	2013	2014	2015	Total
Disability	9	4	3	3	3	9	7	2	40
Race	6	3	1	3	4		6	6	29
Retaliation	2		1	5	3		2	2	15
Family Status		2	3		3		1	5	14
National Origin		2	1	2	1	1	2		9
Sex			2	1		2		3	8
Color		1						1	2
Religion			1						1
Total Bases	**17**	**12**	**12**	**14**	**14**	**12**	**18**	**19**	**118**
Total Complaints	15	9	8	11	9	12	17	11	92

Those who filed a complaint with HUD most commonly stated that they had been subject to discriminatory terms, conditions, privileges, or services and facilities by a housing provider or prospective housing provider. As shown in Table V.13 on the following page, this discriminatory "issue" figured in 29 complaints. As one might expect, given the prevalence of complaints based on disability, a relatively large number of complainants also cited the failure of a housing provider to make reasonable accommodation for their disability. Refusal to rent, which figured in 25 complaints, was also a relatively common complaint, along with discriminatory acts under Section 818, cited in 24 complaints. This last issue relates to actions taken by a housing provider to prevent a resident or potential resident from exercising his or her fair housing rights. An example of discrimination under Section 818 is the threat to evict a tenant if he or she files a fair housing complaint against the landlord.

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Table V.13
Fair Housing Complaints by Issue
City of Fresno
2004–2014 HUD Data

Issue	2008	2009	2010	2011	2012	2013	2014	2015	Total
Discriminatory terms, conditions, privileges, or services and facilities	3	4	3	3	3	2	5	6	29
Failure to make reasonable accommodation	6	2		1	2	9	6	2	28
Discriminatory refusal to rent	4		5	1	5	1	4	5	25
Discriminatory acts under Section 818 (coercion, etc.)	4	2	1	3	3	6	4	1	24
Discrimination in term, conditions or privileges relating to rental	3	1	3	3	1	4	7		22
Discriminatory refusal to rent and negotiate for rental	3	3	1	1		4	4		16
Discriminatory advertising, statements and notices	1	1			1	2	6		11
Other discriminatory acts	1	1		4					6
Discriminatory financing (includes real estate transactions)	1			1				1	3
Discriminatory refusal to negotiate for rental	1				1				2
Discrimination in terms, conditions, privileges relating to sale	1							1	2
Discriminatory refusal to sell				1					1
Discriminatory refusal to sell and negotiate for sale	1								1
False denial or representation of availability - rental						1			1
Discrimination in the terms or conditions for making loans		1							1
Steering		1							1
Otherwise deny or make housing available								1	1
Failure to provide accessible and usable public and common user areas						1			1
Total Issues	**29**	**16**	**13**	**18**	**16**	**30**	**36**	**17**	**175**
Total Complaints	15	9	8	11	9	12	17	11	92

Nearly 40 percent of complaints filed since 2008 against housing providers in Fresno have been determined to have no cause, meaning that the HUD or FHAP investigation could not find sufficient evidence to establish that illegal discrimination had occurred. As shown in Table V.14 below, some 19 complaints were conciliated or settled and 13 were withdrawn after resolution. Together, these complaints constitute the 32 complaints that are considered to have been resolved during the complaint process.

Table V.14
Fair Housing Complaints by Closure Status
City of Fresno
2004–2014 HUD Data

Closure Status	2008	2009	2010	2011	2012	2013	2014	2015	Total
No Cause	9	4	5	4	2	3	7	1	35
Conciliated / Settled	2	1		1	4	4	3	4	19
Withdrawal After Resolution	3	1	2	4		1	2		13
Complainant Failed to Cooperate	1	2	1		2	2	1		9
Open							2	6	8
Withdrawal Without Resolution				1	1	1	1		4
Unable to Locate Respondent				1		1	1		3
Unable to Identify Respondent		1							1
Total Complaints	**15**	**9**	**8**	**11**	**9**	**12**	**17**	**11**	**92**

Among those complaints that were resolved through conciliation or settlement, or were withdrawn after the complainant and respondent resolved them, the most common once again related to perceived discrimination based on disability. As shown in Table V.15 on the following page, disability-based discrimination figured in 14 complaints that were later

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resolved. As with HUD complaints in general, race was the second most common discriminatory basis, figuring in 10 resolved complaints since 2008.

Table V.15
Resolved Fair Housing Complaints by Basis
City of Fresno
2004–2014 HUD Data

Basis	2008	2009	2010	2011	2012	2013	2014	2015	Total
Disability	4	1		1	1	4	3		14
Race	1			2	2		2	3	10
Family Status			2		2			4	8
Sex			1			1		3	5
National Origin		1		2			1		4
Retaliation	1			1	1				3
Total Bases	**6**	**2**	**3**	**6**	**6**	**5**	**6**	**10**	**44**
Total Complaints	5	2	2	5	4	5	5	4	32

Similarly, the most common issues cited in resolved HUD complaints largely mirrored those of complaints in general, as shown in Table V.16 below. The most common discriminatory practice alleged in these resolved complaints was discrimination in terms, conditions, privileges, or services and facilities, which was included in 11 complaints. Discriminatory refusal to rent and alleged violations of Section 818 figured in ten complaints each, and failure to make reasonable accommodation was tied for third most common, figuring in 9 complaints. Also included in 9 complaints were allegations of discrimination in terms, conditions, or privileges relating specifically to rental.

Table V.16
Resolved Fair Housing Complaints by Issue
City of Fresno
2004–2014 HUD Data

Issue	2008	2009	2010	2011	2012	2013	2014	2015	Total
Discriminatory terms, conditions, privileges, or services and facilities			2	1	2	1	2	3	11
Discriminatory refusal to rent	3		2		2			3	10
Discriminatory acts under Section 818 (coercion, etc.)	3			1	1	5			10
Discrimination in term, conditions or privileges relating to rental	1				1	4	3		9
Failure to make reasonable accommodation	2				1	4	2		9
Other discriminatory acts		1		4					5
Discriminatory refusal to rent and negotiate for rental	1			1		1	1		4
Discriminatory advertising, statements and notices					1	1	2		4
Discriminatory financing (includes real estate transactions)								1	1
Discrimination in the terms or conditions for making loans		1							1
Discrimination in terms, conditions, privileges relating to sale								1	1
Otherwise deny or make housing available								1	1
Failure to provide accessible and usable public and common user areas						1			1
Total Issues	**10**	**2**	**4**	**7**	**8**	**17**	**10**	**9**	**67**
Total Complaints	5	2	2	5	4	5	5	4	32

California Department of Fair Employment and Housing

The California Department of Fair Employment and Housing (DFEH) received 98 fair housing complaints from Fresno residents between March of 2012 and December of 2015. As shown in

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Table V.17 below, those who filed complaints with the DFEH most commonly cited discrimination on the basis of disability, accounting for more than 37 percent of complaints. The next most common complaint basis was national origin, which figured in 23 complaints over the period. Complaints citing other discriminatory bases figured in fewer than ten percent of complaints from 2012 through 2015.

Table V.17
Fair Housing Complaints by Basis
City of Fresno
California Department of Fair Employment and Housing

	2012	2013	2014	2015	Total
Disability	9	13	8	7	37
National Origin	5	5	9	4	23
Religion		3	2	3	8
Family Care	2	1	2	2	7
Sexual Orientation	2	3	1	1	7
Marital Status		1	2	1	4
Protected Activity			2	1	3
Pregnancy		2		1	3
Race		1	2		3
Genetic Information	1	1			2
Source of Income			2		2
Age				1	1
Sex			1		1
Ancestry			1		1
Familial Status			1		1
Total Bases	**19**	**30**	**33**	**21**	**103**
Total Complaints	19	30	28	21	98

Nearly half of those who filed complaints with the DFEH believed that they had been denied equal terms and conditions in their housing, as shown in Table V.18 below. Also common were complaints alleging denial of reasonable accommodation: more than a third of complainants cited this discriminatory issue, which impacts residents and potential residents with disabilities. In addition, more than thirty percent of complaints claimed that they had been denied the opportunity to rent or own a home or had been subjected to harassment.

Table V.18
Fair Housing Complaints by Issue
City of Fresno
California Department of Fair Employment and Housing

	2012	2013	2014	2015	Total
Denied Equal Terms and Conditions	7	15	16	10	48
Denied Reasonable Accommodation	7	10	8	11	36
Denied Rental/Lease/Sale	6	9	8	9	32
Harassed	6	11	8	6	31
Subjected to Discriminatory Statements/Advertisements	3	8	8	5	24
Evicted	3	4	7	5	19
Subjected to Restrictive Covenant		3	1	2	6
Subjected to Discriminatory Zoning/Land Use	1			1	2
Total Issues	**33**	**60**	**56**	**49**	**198**
Total Complaints	19	30	28	21	98

More than half of the complaints filed with the DFEH from 2012 through 2014 were dismissed after an investigation or found to have no basis, as shown in Table V.19 on the following page. In some cases, complaints were dismissed after having been withdrawn by the complainant; in others, the investigation produced insufficient evidence to conclude that discrimination had

occurred. Twelve complaints, or roughly 12 percent, were closed after the complainant and respondent were able to reach a settlement agreement. Nineteen were still open as of December of 2015.

Table V.19
Fair Housing Complaints by Closure Status
City of Fresno
California Department of Fair Employment and Housing

	2012	2013	2014	2015	Total
Dismissed After Investigation	6	11	12	3	32
No Basis	6	9	5		20
Open			2	17	19
Settlement	2	3	7		12
Withdrawn	3	3	1	1	8
Administrative Dismissal	1	2			3
No Jurisdiction	1		1		2
Missing		1			1
Accepted and Failed to Return Complaint		1			1
Total Complaints	**19**	**30**	**28**	**21**	**98**

THE FAIR HOUSING COUNCIL OF CENTRAL CALIFORNIA

As noted previously, the Fair Housing Council of Central California serves residents of Fresno and the Central Valley as a participant in the Fair Housing Initiatives Program (FHIP), accepting and investigating complaints from residents who believe that they have been subjected to illegal discrimination in the housing market. Complaints that the organization received between August of 2011 and September of 2013 are presented by period in Table V.20 below. As shown, the most common complaints were based on handicap and race.

Table V.20
Fair Housing Complaints by Basis
City of Fresno
2011 – 2013 Fair Housing Council of Central California Data

Bases	Aug 11-Oct 11	Nov 11-Jan 12	Apr 12-Jun 12	May 12-Jul 12	Jul 12-Sept 12	Aug 12-Oct 12	Jan 13-Mar 13	Apr 13 - Jun 13	Jul 13-Sept 13
Handicap	15	8	11	2	14	2	18	18	29
Race	6	3	5		10	20	10	9	19
Religion							1		
Color		1			9				
Sex/Gender	1		3		5	2	4		5
Familial Status	6	14	4		6	2	1	4	6
National Origin	5	2	2		4	1	3	3	5
Other	3	7	4			4	2	4	5
Total Bases	36	35	29	2	48	31	39	38	69
Total Complaints	25	26	23	2	31	20	33	32	57

In addition, nearly all of the complaints included in the data provided by the Fair Housing Council related to discrimination in the rental housing market. As shown in Table V.21 on the following page, only two complaints alleged discrimination in home sales. Complainants most frequently cited issues relating to accessibility, the terms and conditions of their housing, and harassment.

Table V.21
Fair Housing Complaints by Issue
City of Fresno
2011 – 2013 Fair Housing Council of Central California Data

Issues	Aug 11-Oct 11	Nov 11-Jan 12	Apr 12-Jun 12	May 12-Jul 12	Jul 12-Sept 12	Aug 12-Oct 12	Jan 13-Mar 13	Apr 13 - Jun 13	Jul 13-Sept 13
Rental	25	26	22	2	30	20	33	32	57
Sales			1		1				
Advertising									
Lending/Red-Lining									
Insurance									
Zoning									
Accessibility	15	8	8	2	9		11	13	18
Terms/Conditions	11	18	12		16	10	8	12	29
Harassment	2	3	8		9	5	7	10	12
Total Issues	53	55	51	4	65	35	59	67	116
Total Complaints	25	26	23	2	31	20	33	32	57

FAIR HOUSING SURVEY – PRIVATE SECTOR RESULTS

Additional evaluation of fair housing within the City of Fresno was attempted via an online survey of stakeholders that began in January of 2016. The purpose of the survey, a relatively qualitative component of the AI, was to gather insight into the knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing. Results and comments related to the questions in the private sector are presented in the following narrative, and additional survey results are discussed in **Sections VI** and **VII**.

Unfortunately, the 2016 City of Fresno Fair Housing Survey was completed by only 7 persons. This is very unusual. When conducted in the City of Rochester, NY, with a population of 210,000, some 254 surveys were completed. In Tulsa, Oklahoma, with a population of approximately 391,000 people, over 200 surveys were completed. The same survey garnered 504 responses in the City of Fort Worth, which has a population of 741,000. All these pertained to surveys received in English. We anticipated that the City of Fresno would be able to have 200 to 400 replies in English. Further, while Spanish and Hmong surveys are available in Fresno, no replies to either have been received. Consequently, a review of the City's distribution methodology may be in order.

Individuals solicited for participation included representatives of housing groups, minority organizations, disability resource groups, real estate and property management associations, banking entities, and other groups involved in the fair housing arena. Most questions in the survey required simple "yes," "no," or "don't know" responses, although many questions allowed the respondent to offer written comments. When many respondents reported that they were aware of questionable practices or barriers, or when multiple narrative responses indicated similar issues, findings suggested likely impediments to fair housing choice.

Numerical tallies of results and summaries of some comment-driven questions are presented in this section. A complete list of written responses is available in Appendix B.

Fair Housing in the Private Sector

In order to address perceptions of fair housing in the City of Fresno's private housing sector, survey respondents were asked to identify their awareness of possible housing discrimination issues in a number of areas within the private housing sector, including the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industry,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

If respondents indicated that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion.

Table V.22
Barriers to Fair Housing in the Private Sector
City of Fresno
2016 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
The rental housing market?					
The real estate industry?					
The mortgage and home lending industry?					
The housing construction or accessible housing design fields?					
The home insurance industry?					
The home appraisal industry?					
Maintenance of foreclosed vacant properties by mortgage lenders?					
Any other housing services?					

Summary

For the purposes of this study, analysis of the private housing market included an assessment of home lending practices, geographic trends in small business lending, potential issues highlighted in fair housing complaints, and stakeholder perception of a variety of industries and practices in the private sector.

Banks and other lending institutions handled a reported 386,017 home loans and loan applications for housing in Fresno from 2004 through 2014. Over a third of these loans were intended to finance the purchase of a home, and 84.2 percent of these home purchase loans, or around 118,000, were intended to finance the purchase of homes in which the purchasers intended to live themselves. Over a fifth of the "owner-occupied" home purchase loan applications in the city were denied over the eleven-year period, though denial rates were considerably higher in the run-up to 2008 than they have been since.

Loan denial rates were generally at or below average in Census tracts in the northeast and northwest of the city. Generally speaking, the further to the south and southeast a prospective home was located, the more likely the loan application was to be denied, though Census tracts

near Pinedale and the University of California at Fresno were notable exceptions to this rule. Denial rates ranged from 30 to 53.3 percent throughout much of the area in and around the city center. Relatively high denial rates have persisted in that area, even as denial rates throughout the city have fallen in recent years.

Denial rates have also differed according to the gender of the loan applicants: the overall denial rate for female applicants exceeded that of male applicants by just over two percentage points. However, more pronounced differences were observed along racial and ethnic lines. The denial rate for white applicants from 2004 through 2014 was below average at 19.6 percent, while the denial rate for black applicants was over nine percentage points higher, at 28.7 percent, and the denial rate for Asian residents was roughly four percentage points higher than for white residents. The denial rate for non-Hispanic applicants was over four percentage points below average, while the denial rate for Hispanic applicants exceeded the average rate by roughly the same amount.

Lending institutions gave a variety of reasons for loan denials and, not surprisingly, debt-to-income ratios, credit history, and collateral ranked among the most common. Given the prominence of debt-to-income ratios, in particular, it is also not surprising that denial rates were observed to be lower for applicants in higher income brackets, though it should be noted that the effect of rising incomes on denial rates was relatively minor at the upper end of the income range.

However, in spite of the positive effect of higher incomes on an applicant's chances of securing a loan, denial rates were still observed to differ among racial and ethnic groups, even when income was taken into account. For example, black applicants earning between $60,000 and $75,000 per year were denied 28.3 percent of the time. The denial rate for white applicants in that same income range was nearly ten percentage points lower at 18.9 percent. Similarly, over a quarter of applications from Hispanic applicants in that income range were denied, compared to a denial rate of 16.2 percent for non-Hispanic applicants who were similarly situated with respect to income.

Many of the loan applicants in Fresno who were able to successfully secure a home purchase loan were issued a loan with relatively high annual-percentage rates (HAL). These HALs, which were a prominent feature of the sub-prime mortgage market in the run-up to the national recession, restrict the ability of residents to build wealth through homeownership and often place them at increased risk of foreclosure.

Just over one-fifth of home purchase loans issued in Fresno from 2004 through 2014 were HALs. However, this overall figure, which includes recent years in which HALs were comparatively rare, conceals a considerably greater prevalence of HALs in 2005 and 2006, when these high-cost loans accounted for nearly half of all home purchase loans issued in the city. HALs were even more prevalent among black and Hispanic borrowers in those years, topping 60 percent of all home purchase loans to these residents in both years. The overall HAL rate for Hispanic borrowers was, at 31.3 percent, just over twice as high as the HAL rate for non-Hispanic borrowers over the eleven-year period. Similarly, black borrowers faced a HAL rate that was, at 34 percent, nearly fourteen percentage points higher than the HAL rate for white borrowers.

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Unlike loan denials, it was not the lowest income borrowers who were most likely to receive HALs over the eleven-year period. In fact, above the $15,000 per year income level, HAL rates tended to rise with incomes, with the highest HAL rates occurring among those making $60,000 to $75,000 per year.

Generally speaking, home purchase loans were more likely to be HALs the closer the prospective home lay to the city center. More than two-thirds of home-purchase loans were HALs in Census tracts to the east and southwest of the inner loop: areas with relatively large concentrations of black and Hispanic residents.

Lending institutions regulated by the Comptroller of the Currency, Federal Reserve System, Federal Deposit Insurance Corporation, and the Office of Thrift Supervision lent around $4.1 billion to small business throughout the city from 2000 through 2014. Around a quarter of these loans were issued in moderate-income Census tracts, while roughly 9 percent were issued in low-income tracts. Middle- and high-income tracts received about 65.2 percent of individuals loans issued, and around 60 percent of the total value of loans issued in the city over the fifteen-year period. Census tracts that tended to be passed over by small business lending included those in areas with relatively high concentrations of black and Hispanic residents to the east and southwest of the city center.

The Department of Housing and Urban Development (HUD) received 92 fair housing complaints from 2008 through 2015. The California Department of Fair Employment and Housing received 98 between 2012 and 2015. In both sets of complaints, which likely include many duplicate complaints that were dual-filed with both organizations, disability-based discrimination ranked as by far the most commonly perceived form of discrimination in the city. This trend was further borne out in complaint data provided by the Fair Housing Council of Central California, which also highlighted race-based discrimination and discrimination in the rental housing market as relatively frequent in the city.

Among the most common discriminatory *issues*, or alleged discriminatory practice, were denial of equal terms and conditions, failure to make reasonable accommodations for residents with disabilities, or outright refusal to rent.

SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR

While the previous section presented a review of the status of fair housing in the private sector, this section will focus specifically on fair housing in the public sector. The U.S. Department of Housing and Urban Development (HUD) recommends that the AI investigate a number of housing factors within the public sector, including health and safety codes, construction standards, zoning and land use policies, tax policies, and development standards. The AI should also examine the placement of public housing as well as its access to government services.

PUBLIC SERVICES

Community features, including public services and facilities, and the location of public and assisted housing are essential parts of good neighborhoods, leading to a more desirable community and more demand for housing in these areas.

MULTI-FAMILY ASSISTED HOUSING UNITS

HUD maintains a database of housing projects that are funded through a variety of federal programs, including Housing Choice Vouchers and supportive housing for elderly residents and residents with disabilities. As shown in Map VI.1 on the following page, these HUD-assisted affordable housing developments were largely located in the south of the city. Moreover, these developments tended to be located in areas with relatively high concentrations of households living in poverty and racial- or ethnic-minority residents. Census tracts in the extreme northeast and northwest of the city generally had no affordable developments.

LOW-INCOME HOUSING TAX CREDIT PROGRAM

The same was true of developments financed through low-income housing tax credits ("LIHTC developments") which, though more numerous than those included in the HUD Multifamily Housing database, tended to follow a similar geographic pattern. As shown in Map VI.2 on page 123, most LIHTC developments were located to the south of Shaw Avenue, and were largely confined to Census tracts where the poverty rates were above-average.

The LIHTC program is designed to promote investment in affordable rental housing by providing tax credits to developers of qualified projects. To qualify for the tax credits, housing projects must be residential rental properties in which a proportion of available units are rent-restricted and reserved for low-income families. Property owners are required to maintain rent and income restrictions for at least thirty years, pursuant to the HUD-mandated minimum affordability period, though in some areas they are required to operate under these restrictions for longer time periods. For example, housing projects that receive funding under California's low income housing tax credit program are often required to preserve affordability for up to 55 years, depending on the credit amount allotted to the project.[93]

[93] "Description of California Tax Credit Allocation Committee Programs". California Tax Credit Allocation Committee. Accessed June 24, 2015 at www.treasurer.ca.gov/ctac/program.pdf. Memorandum.

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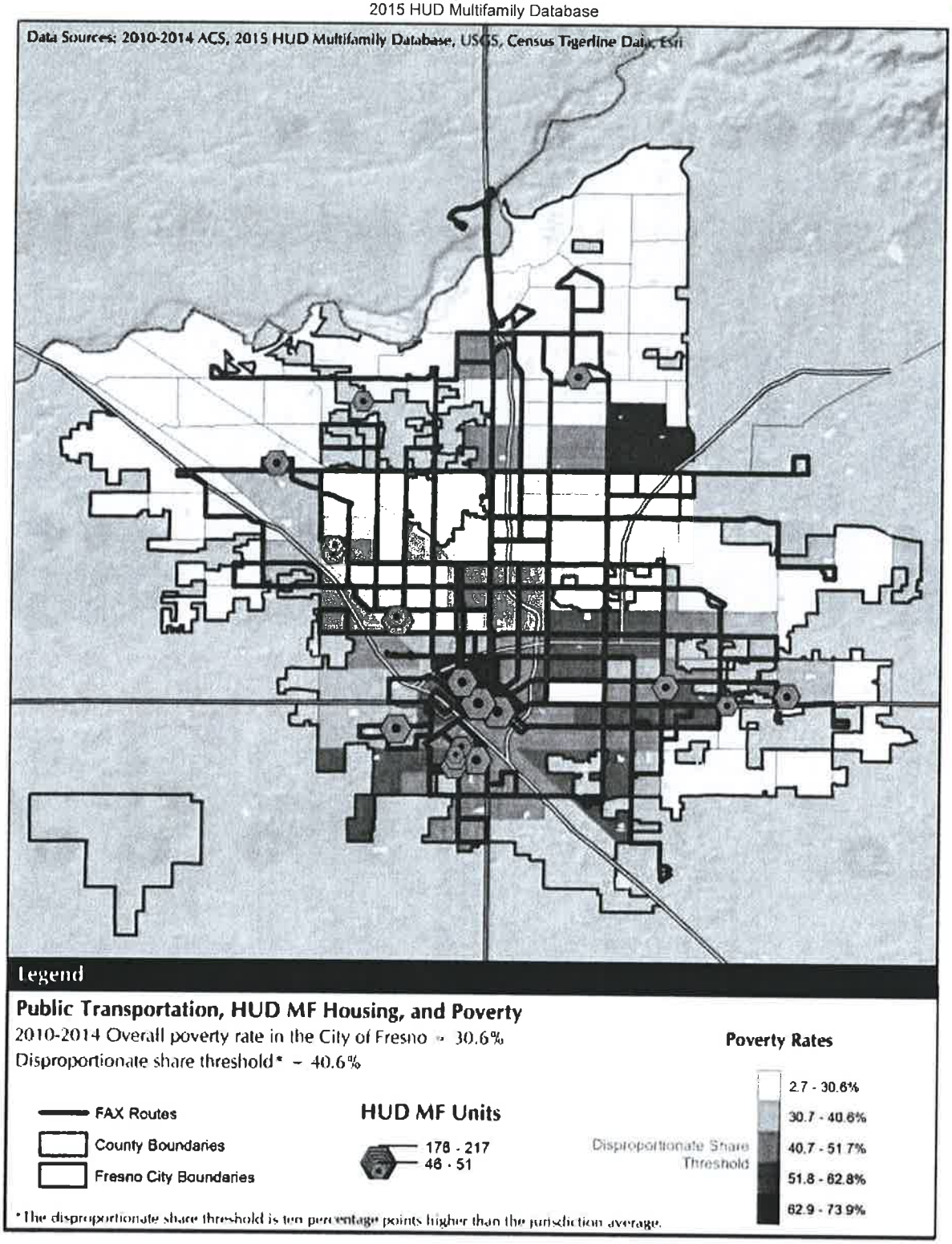
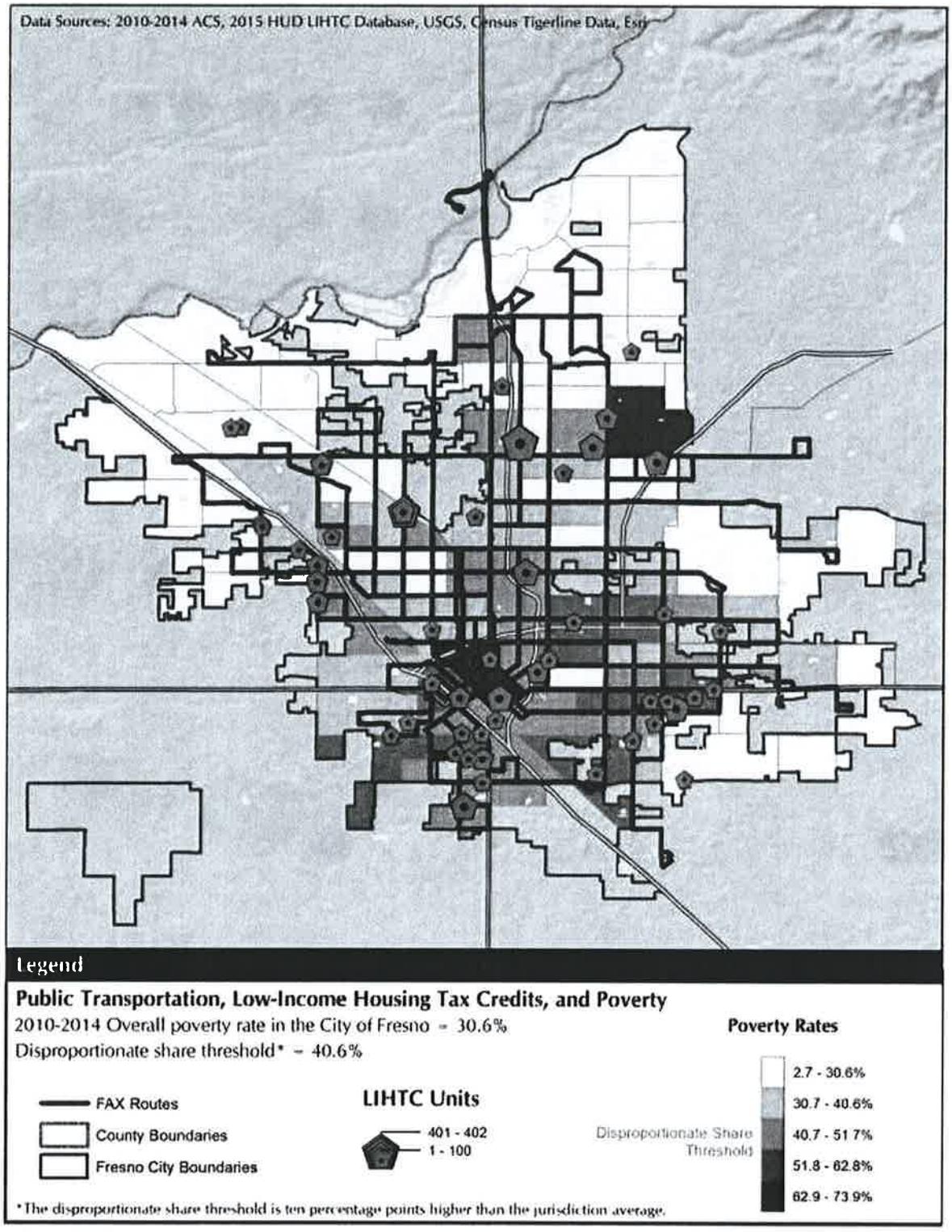
Map VI.1
Multi-Family Assisted Housing Units
City of Fresno
2015 HUD Multifamily Database



Map VI.2
Low Income Housing Tax Credits
City of Fresno
2015 HUD LIHTC Database



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PUBLIC HOUSING DEVELOPMENTS

Public housing developments units are financed by HUD with the purpose of providing safe and affordable housing to low-income families, elderly residents, and those with disabilities. Map VI.3 on the following page presents the location of multifamily public housing developments in the City of Fresno, as reported by HUD[94]. As shown, all local public housing developments were located in areas with above-average concentrations of poverty, and all except one were located in the south of the city.

In the future, the City should seek avenues to promote development/acquisition of units for public housing outside of areas where, at present, these units appear in relatively high concentrations.

HOUSING CHOICE VOUCHERS

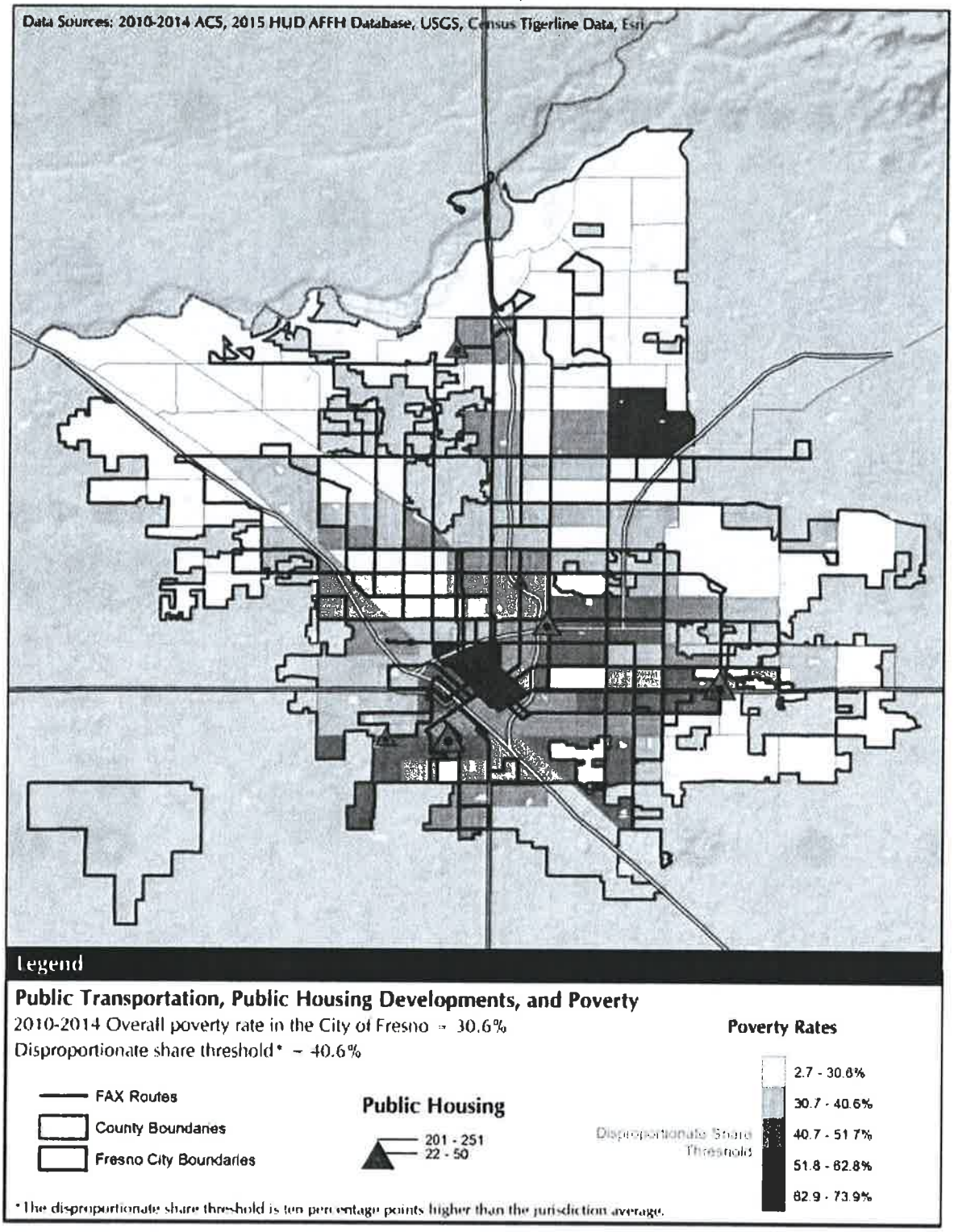
Housing Choice Vouchers (HCV) are federal subsidies designed to assist low-income and elderly residents in affording quality housing in the private market. Unlike Project Based Section 8 subsidies, HCV's are "portable", meaning that they move with the resident, and residents can use them anywhere that landlords accept vouchers as rent payment. In spite of this portability, vouchers in Fresno were generally concentrated in the same areas as development-based subsidized housing: namely, in the southern part of the city and in areas with above-average concentrations of minority residents and households living in poverty. As shown in Map VI.4 on page 126, there were relatively few voucher recipients living in the north of the city, and those were largely located in the northwestern part of the city. Census tracts in the extreme northeast of the city had few, if any, residents using vouchers.

Furthermore, though only around 35 percent of housing choice vouchers lay within areas designated racially/ethnically concentrated areas of poverty (RECAPs) in 2010-2014, these tracts themselves accounted for fewer than 24 percent of all Census tracts in the city, and roughly a quarter of the city's population lived in those Census tracts. In other words, these units were more likely to be located in RECAPs than they would be if vouchers were evenly distributed throughout the city, suggesting an over-concentration of housing choice vouchers in RECAPs. The location of RECAPs in the city is presented in Map VI.5 on page 127, along with the approximate location of housing choice vouchers.

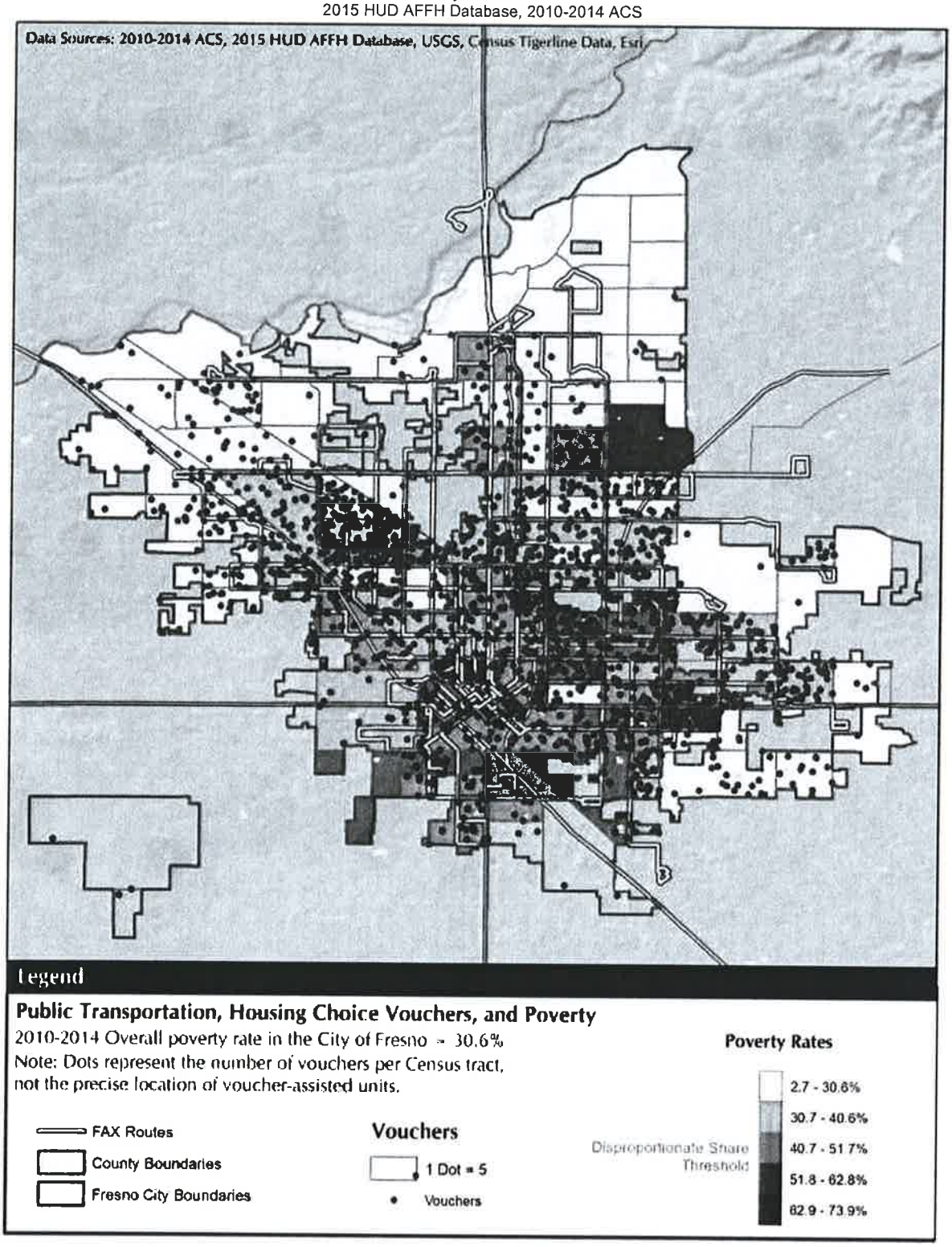
It is important to emphasize that while one of the purposes of housing choice vouchers is to insure that low-income residents have a choice in where to live, these residents are still limited to locations that will accept vouchers as payment, and private landlords are generally not required by law to accept vouchers.[95] Accordingly, the absence of vouchers in a particular area does not necessarily entail a preference of voucher holders against that area, but may signal a lack of available multifamily housing, high housing prices, or an unwillingness of local landlords to accept vouchers. However, residents may be aided in moving to more desirable neighborhoods through mobility counseling, thereby allowing them to pursue better locations.

[94] Data were drawn from HUD's affirmatively furthering fair housing (AFFH) raw data. The Fresno Housing Authority, which administers the public housing program locally, may have a more complete database of public housing units.
[95] This is not true of all property managers or landlords. For instance, managers and landlords of properties financed in part through low-income housing tax credits are required to accept housing choice vouchers.

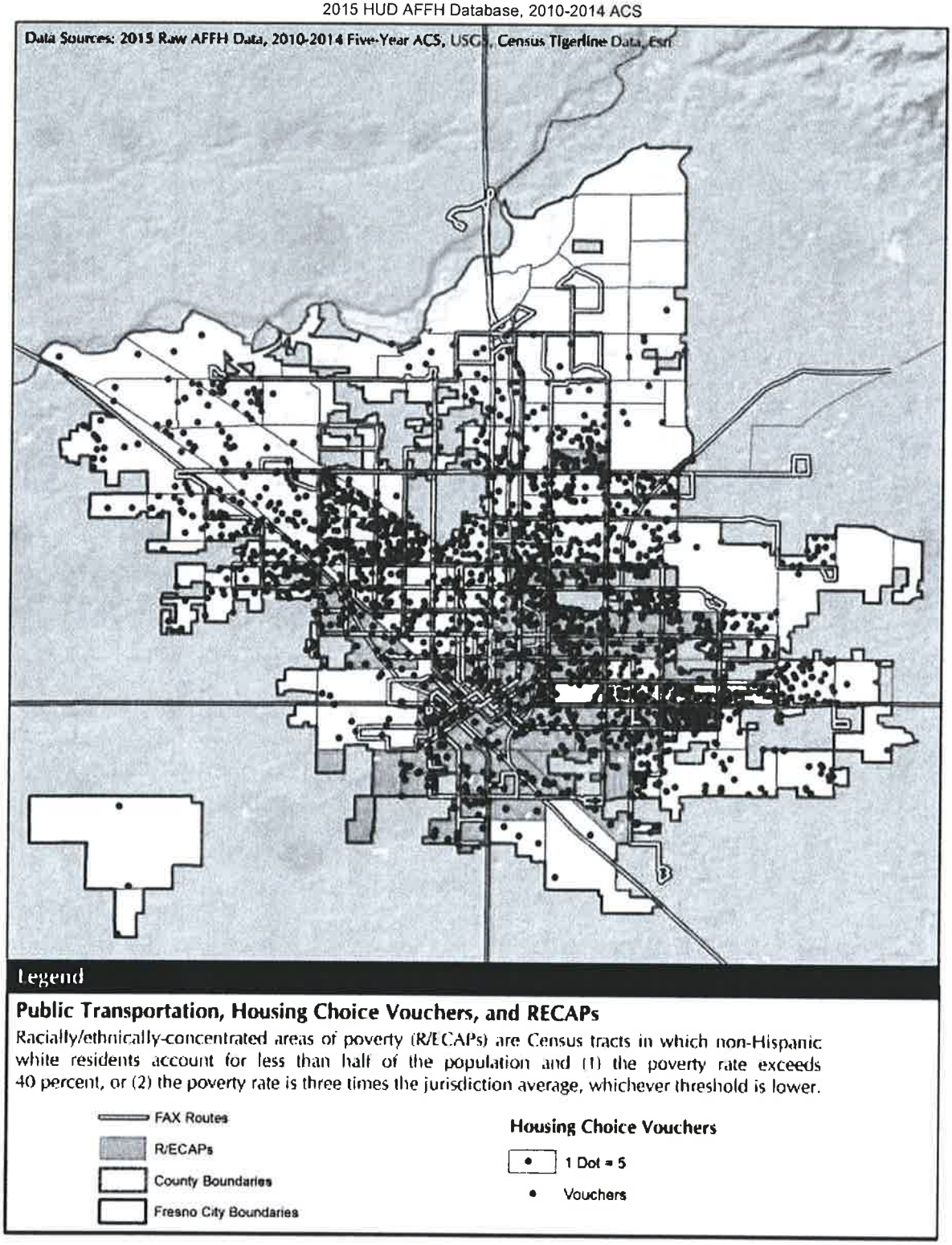
Map VI.3
Public Housing Developments and Poverty
City of Fresno
2015 HUD AFFH Database, 2010-2014 ACS



Map VI.4
Housing Choice Vouchers and Poverty
City of Fresno
2015 HUD AFFH Database, 2010-2014 ACS



Map VI.5
Housing Choice Vouchers and Racially/Ethnically Concentrated Areas of Poverty
City of Fresno
2015 HUD AFFH Database, 2010-2014 ACS



POLICIES AND CODES

Part of the analysis of public sector influences on housing choice involved consultation with city planning officials on several aspects of land-use and zoning codes and policies. This was done with two approaches: (1) by use of the fair housing survey, and (2) telephone interviews with city planners. The purpose of this analysis was to identify any element of those codes and policies that may serve to limit the capacity of city residents to choose where they live based on characteristics such as race, color, religion, etc. To facilitate this consultation, the City developed a list of five land-use or planning officials to be contacted and surveyed, three of whom completed the survey.

In commenting on land-use and planning codes and ordinances generally, respondents noted the recent completion of a new development code. The timing of the code's passage (December of 2015) meant that respondents were not conversant in every aspect of the code, but were able to confirm that the new code did not contain a definition of "family".[96] As shown in Table VI.1 below, all three stated that there were definitions for the terms "dwelling unit" or "residential unit", as well as for "group home". There was less unanimity on whether local codes included a definition of "disability": one said there was, one said there was not, and one skipped the question.

Table VI.1
Definitions in Local Zoning/Planning Codes
The City of Fresno
2016 Land-Use Planner Survey Data

In your local zoning codes, is/are there:	Yes	No	Don't Know	Missing	Total
Definitions for the terms "dwelling unit" or "residential unit"?	3				3
A definition for the term "family"?		3			3
A definition for the term "disability"?	1	1		1	3
A definition for the term "group home"?	3				3

Respondents were also asked a series of questions relating to the demolition or sale of public housing units in the city. As shown in Table VI.2 below, no official had noticed any significant changes following the sale or demolition of any public housing units, or any changes to the difficulties that protected class individuals faced in trying to move into assisted housing. On the other hand, there were no programs available to assist public housing residents in relocating following the sale or demolition of public housing units.

Table VI.2
Demolition of Public Housing Units
The City of Fresno
2016 Land-Use Planner Survey Data

Demolition of public housing units in Fresno:	Yes	No	Don't Know	Missing	Total
Have you noticed any significant changes in the city since the sale or demolition of public housing units?		3			3
Has it become more or less difficult for protected class individuals to move into assisted housing?		2	1		3
Does the City provide any programs to assist residents in relocation during the sale or demolition of public housing units?		2	1		3

[96] The former Development Code did include a definition for "family" at 12-105 (F)(1)

Finally, those officials who participated in the survey were asked a series of questions relating to the development of assisted, subsidized, and supportive housing. As shown in Table VI.3 on the following page, all three officials affirmed that city codes included guidelines that allow or encourage the development of mixed-use housing, and two of the three agreed that there were policies designed to promote the creation of sustainable, inclusive, and mixed communities, along with affordable housing units. By contrast, one respondent felt that there were complications that could potentially hinder the development of affordable housing for low- and moderate-income residents; this respondent and one other cited NIMBYism as such a complication, though one noted that NIMBYism was not as severe at present as it has been in the past.

There were no occupancy standards or limits included in city codes, outside of the standard building codes, according to these respondents. Respondents were divided on the question of whether or not there were development standards that promote accessibility among persons with disabilities, beyond standard building codes, with one each answering "no", "yes", and "don't know". However, there are provisions allowing persons with disabilities to request a variance for reasonable accommodations or modifications to Fresno's policies. In addition, two out of the three officials stated that city codes had inclusionary policies requiring new residential buildings to meet visitability/universal design standards.

Regarding other housing types, all officials stated that there were standards for the development of senior housing, as well as policies that distinguish senior citizen housing from other multifamily residential uses. In addition, group homes are permitted in single-family residential areas.

Finally, two officials affirmed that Fresno codes included a fair housing ordinance, policy, or regulation. However, no officials were aware of policies or practices for affirmatively furthering fair housing.

Table VI.3
Development of Assisted/Affordable Housing
The City of Fresno
2016 Land-Use Planner Survey Data

	Yes	No	Don't Know	Missing	Total
Guidelines that allow or encourage the development of mixed use housing?	3				3
Policies for the creation of sustainable, inclusive, and mixed communities throughout the city?	2	1			3
Guidelines that encourage the development of affordable housing units?	2	1			3
Any complications that may hinder developing low- to moderate-income housing?	1	2			3
Residential occupancy standards or limits?		3			3
Development standards for making housing accessible to persons with disabilities?	1	1	1		3
A special administrative process by which persons with disabilities can request a variance for reasonable accommodations/modifications to the jurisdiction's policies?	3				3
Inclusionary policies, by which a certain percentage of all new residential buildings meet visitability/universal design requirements?	2	1			3
Standards for the development of senior housing?	2	1			3
Policies that distinguish senior citizen housing from other (multi-family) residential uses?	3				3
Are group homes permitted in single-family residential areas?	3				3
A fair housing ordinance, policy, or regulation?	2		1		3
Policies or practices for affirmatively furthering fair housing?		3			3

LOCAL DEVELOPMENT POLICY

Following the adoption of a new General Plan in December of 2014, the City of Fresno began updating its Development Code to better align with the goals and policies of the General Plan. The new Code is designed to be simpler and more intelligible than the former development plan, which consisted of a patchwork of 1960s-era provisions and piecemeal modifications. The purpose of the Code is to ensure that Fresno's future growth takes place in "an attractive, orderly manner."[97]

From a fair housing perspective, the plan has the potential to reduce the regulatory burden of the old development code, and mitigate impediments relating to those regulations "to the extent it permits more by-right uses[98]." The code also promises to "enhance multifamily communities that are connected to jobs and transit[99]," a majority of which currently lay in areas with high concentrations of poverty and racial/ethnic minorities. To the extent that these enhancements materialize, and the benefits of these enhancements improve the economic conditions of residents in those neighborhoods, the new development code may have a positive effect on the city from a fair housing perspective.

On the other hand, stakeholders and commenters who have weighed in during the AI process have expressed some concerns about the Development Code: specifically, about a provision in the code relating to inclusionary zoning. The text of that provision, located at §15-2201(H), is as follows:

> "Nothing [relating to the Code's Affordable Housing Density Bonus] shall be construed as a provision for inclusionary zoning where an applicant is required to provide housing affordable to moderate, low, and very low income households as a condition of approval for a residential development. Furthermore, the Council shall not adopt a provision for inclusionary zoning, as described above, unless and until the Fresno General Plan adopted in December 2014 is updated and superseded by a new General Plan."

One of the concerns about this provision is that it appears to foreclose upon a potential remedy for some of the impediments facing city residents, particularly those that stem from the high concentration of assisted, rental, and affordable housing units in the south of the city. It does so by barring the City from requiring inclusionary zoning, which has been adopted in many jurisdictions throughout the country in an effort to help low-income residents move into traditionally higher-income areas, through the duration of its current General Plan, set to run through around 2034.

The City has made available a User's Guide to the New Development Code, which can be accessed through the City website at the following address: http://www.fresno.gov/Government/DepartmentDirectory/DARM/AdvancedPlanning/DevCodeUpdate.htm.

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[97] "City of Fresno User's Guide to the New Development Code." Available for download at http://www.fresno.gov/NR/rdonlyres/7DA77DA2-5E34-49C4-8534-69D2AC2AA7B0/0/DevCode_UsersGuidetotheNewDevelopmentCode.pdf

[98] Fox, John W. and Lona Laymon. *Analysis of Impediments to Fair Housing Choice ("AI"): General Comments.*

[99] "City of Fresno User's Guide to the New Development Code."

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FAIR HOUSING SURVEY – PUBLIC SECTOR RESULTS

As mentioned previously, further evaluation of the status of fair housing within the City of Fresno was conducted via an online 2015 Fair Housing Survey, which was completed by 7 stakeholders and citizens. Those solicited for participation included a wide variety of individuals in the fair housing arena. Most questions in the survey required "yes," "no," or "don't know" responses, and many allowed the respondent to offer written comments. While the numerical tallies of results are presented in this section, along with summaries of some comment-heavy questions, a complete list of written responses is available in Appendix B. Other survey results are also discussed in **Sections V** and **VII**.

FAIR HOUSING IN THE PUBLIC SECTOR

Public sector effects on housing can be complex and varied. The questions in this section of the survey asked respondents to think about possible barriers to fair housing choice within very specific areas of the public sector, as follows:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

If respondents indicated affirmatively that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented in Table VI.1 below. The survey will remain open through mid-April, and the City will continue to attempt distribution of the survey.

Table VI.1
Barriers to Fair Housing in the Public Sector
City of Fresno
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
Land use policies?					
Zoning laws?					
Occupancy standards or health and safety codes?					
Property tax policies?					
Permitting process?					
Housing construction standards?					
Neighborhood or community development policies?					
Limited access to government services, such as employment services?					
Public administrative actions or regulations?					

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SUMMARY

Analysis of factors in the public sector that may impact fair housing choice in the city included a review of the distribution of affordable housing in the city, policies and codes that affect the availability of housing, and public perceptions of local government policies and practices that relate to housing.

Affordable housing units, whether financed directly through a variety of HUD program subsidies or through low-income housing tax credits (LIHTC), tended to be concentrated in the south of the city. This tendency was stronger among HUD-financed multifamily developments: roughly seventy percent of those developments, and nearly 80 percent of the total units in those developments, were located to the south of Shield's Avenue in areas with relatively high concentrations of black, Hispanic, and Asian residents and households living in poverty. LIHTC units were more widely distributed throughout the city; however, even developments that lay further to the north of the city tended to be concentrated in areas with above-average poverty rates and concentrations of racial or ethnic minority residents.

The updated Development Code has the potential to mitigate some of the impediments facing the city to the extent that it promotes economic, infrastructural, and housing development in areas with relatively high poverty rates and concentrations of racial/ethnic minority residents. However, the City should seek to balance this "place-based" approach with policies that afford low- and moderate-income residents a greater ability to pursue housing opportunities beyond low-income, high-poverty areas of the city. Because the City cannot institute a citywide inclusionary zoning requirement, pursuant to §15-2201(H) of the Development Code, other options will have to be considered; e.g., mobility counseling, incentives to developers, etc.

SECTION VII. PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the City of Fresno as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of citywide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

FAIR HOUSING SURVEY

As discussed in previous sections, a 2016 Fair Housing Survey comprised a large portion of the public involvement efforts associated with the development of the 2016 AI. While data from the survey regarding policies and practices within the private and public sectors have already been discussed, the remaining survey findings are presented below.

The purpose of the 2016 Fair Housing Survey, a relatively qualitative component of the AI, was to gather insight into knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing as well as to gauge the ability of informed and interested parties to understand and affirmatively further fair housing. Many organizations throughout the city were solicited to participate.

A total of 7 persons in the City of Fresno completed the survey, which was conducted entirely online. A complete list of responses is included in Appendix B. Other survey results are also discussed in **Sections V and VI.** (A more complete discussion of the survey results will be included once more respondents complete the survey, or prior to the publication of the draft for public review, whichever is earlier).

Table VII.1
Role of Respondent
City of Fresno
2016 Fair Housing Survey Data

Primary Role	Total
Property Management	
Advocate/Service Provider	
Service Provider	
Other Role	
Missing	
Total	

Respondents of the 2016 Fair Housing Survey were asked to identify their primary role within the housing industry.

Table VII.2
How Familiar are you with Fair Housing Laws?
City of Fresno
2016 Fair Housing Survey Data

Familiarity	Total
Not Familiar	
Somewhat Familiar	
Very Familiar	
Missing	
Total	

The next question asked respondents about their familiarity with fair housing laws. Results of this question are presented in Table VII.2 at left.

Table VII.3 on the following page shows the responses to four questions regarding federal, city, and local fair housing laws.

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Table VII.3
Federal, State, and Local Fair Housing Laws
City of Fresno
2016 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Do you think fair housing laws are useful?					
Are fair housing laws difficult to understand or follow?					
Do you think fair housing laws should be changed?					
Do you thing fair housing laws are adequately enforced?					

The next section in the survey related to fair housing activities, including outreach and education and testing and enforcement.

Table VII.4
Fair Housing Activities
City of Fresno
2016 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Is there a training process available to learn about fair housing laws?					
Have you participated in fair housing training?					
Are you aware of any fair housing testing?					

Testing and education	Too Little	Right Amount	Too Much	Don't Know	Missing	Total
Is there sufficient outreach and education activity?						
Is there sufficient testing?						

As part of the process of measuring understanding of fair housing law through the survey instrument, respondents were asked to list their awareness of classes of persons protected by fair housing laws on federal, state, and local levels. Race and disability were offered as examples of protected classes in the question narrative, and respondents were encouraged to continue on and list other protected classes. Results of this question are presented at right in Table VII.5.

Table VII.5
Protected Classes
City of Fresno
2016 Fair Housing Survey Data

Protected Class	Total
Family Status	
Gender	
Religion	
Age	
Ethnicity	
Sexual Orientation	
Color	
Disability	
Income	
National Origin	
Race	
Marital Status	
Retaliation	
Other	
Total	

In a final series of questions, survey respondents were asked about their awareness of fair housing policies and challenges at the local level. Responses to these questions are summarized in Table VII.6 on the following page.

Table VII.6
Local Fair Housing
City of Fresno
2016 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any city or county fair housing ordinance, regulation, or plan?					
Are there any specific geographic areas that have fair housing problems?					

FAIR HOUSING FORUM

FAIR HOUSING FORUM

The City held a series of three fair housing forum presentations in early 2016. The purpose of these presentations, which were held relatively early in the AI process, was to present the preliminary findings of the AI process to Fresno citizens and stakeholders and to receive feedback from members of the public on their experiences in the Fresno housing market. In order to promote the involvement of a wide-variety of community members and stakeholders, these meetings were held in two locations: The first presentation was held at 7 PM on Monday, January 25th in the City Hall Council Chambers. The second and third presentations were held at 3 PM and 6 PM the following day at the West Fresno Resource Center. Spanish and Hmong translators were present at the presentations on Tuesday.

While transcripts from those meetings are included, where available, in Appendix C, the following offers a brief summary of the topics raised for discussion in those meetings. Among the topics and issues that stakeholders and citizens highlighted in the first fair housing forum presentation were the following:

- The number of fair housing complaints filed with HUD over the last eight years, which was perceived to be lower than might be expected from a city the size of Fresno. Respondents speculated that potential respondents may simply not know where to turn when they believe they have faced housing discrimination.
- There was some discussion of how placement of LIHTC units is often limited to the extent of the transit network, and suggestions that extending the transit routes further into northeast Fresno may open up affordable housing options in areas with currently low levels of affordable housing.
- Financial challenges of mobile home residents
- The forthcoming Housing Element and its relationship to the AI process
- The Green-Lining Coalition as an organization currently working to promote home lending among minority residents
- The Fair Housing Survey, and ideas on how to disseminate it.

Among the topics and issues that stakeholders and citizens highlighted in the second fair housing forum presentation were the following:

- Development of over-market housing which, according to a recent study, has been overemphasized in Fresno, contributing to a shortage of below-market units in some areas of the city

- The prevalence of large-lot subdivisions in the north of the city, which restricts the placement of multifamily housing to areas in the south of the city
- Housing problems and substandard conditions in the south of the city, which were perceived to be a result of lax code enforcement and reluctance on the part of property managers and landlords to invest in repairs and maintenance

Among the topics and issues that stakeholders and citizens highlighted in the third fair housing forum presentation were the following:

- The tendency (also noted in the previous section) of subsidized housing units to be concentrated in areas in which minority and low-income residents accounted for a relatively large percentage of the population. This was noted to have been a long-standing issue in the community.
- One participant noted that her organization would be interested in working with the city and other organizations to promote public involvement, both in the AI process and more generally.

SUMMARY

Efforts to promote the participation of stakeholders and members of the public in the AI process included a series of fair housing forums, presentations to the Housing and Community Development Commission and City Council, and the 2016 Fair Housing Survey.

Three Fair Housing Forum presentations were held in the City of Fresno at two different locations: the City Council Chambers at 7:00 PM on the 25th of January and the West Fresno Resource Center the following day at 3:00 PM and 6:00 PM. The purpose of these presentations was not only to present the public with preliminary findings from the AI, but also to solicit their feedback on those findings and their experiences in the Fresno housing market more generally.

In commenting on the AI process and preliminary findings, forum participants highlighted a range of trends and issues. In commenting on what was perceived to be a low level of fair housing complaints from Fresno residents, as gauged by complaint data provided by HUD and the California Department of Fair Employment and Housing, respondents stated that potential respondents might not know where to turn when they believe they have been subjected to unfair treatment. Respondents also observed that subsidized, affordable housing units tended to be concentrated in the southern part of the city, with some suggesting that extending the transit network may allow these units to be placed in areas beyond those in which they are currently concentrated.

SECTION VIII. SUMMARY OF FINDINGS

This AI reviews both the public and private sector contexts for the City of Fresno's housing markets, in order to determine the effects these forces have on housing choice. As part of that review, analysis of demographic, economic, and housing data provide background context for the environments in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the city's residents.

Analysis of demographic, housing, and economic data establish the context for a detailed review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the city, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have considerable influence on fair housing choice. In the public sector, policies and codes of local governments and a limited location of affordable rental units can significantly affect the housing available in each area, as well as neighborhood and community development trends. Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

According to recent estimates, the City of Fresno has grown by nearly 90,000 residents since 2000, reaching 515,986 by 2014. The population grew by 15.7 percent between 2000 and 2010 alone, increasing from 427,652 to 494,665 residents. During that ten-year period, the city's population experienced several modest, though notable, changes: The number of children and residents aged 35 to 54 grew relatively slowly, and these groups accounted for a smaller percentage of the population at the end of the decade than at the beginning. By contrast, the city experienced relatively rapid growth in the number of residents aged 55 to 64. These residents, who represented 6.2 percent of the city population in 2000, accounted for 9.0 percent of its residents in 2010.

The racial make-up of the city did not change dramatically, and most groups accounted for approximately the same percentage of the city population in 2010 that they had in 2000. The most pronounced change in this regard was observed among Asian residents, who grew from 11.2 to 12.6 percent of the population over the decade, an addition of 1.4 percentage points and 14,500 residents.

More pronounced were changes to the city's ethnic composition, or the percentages of city residents who identified either as Hispanic or non-Hispanic.[100] The two populations grew

[100] Note: Race is treated as separate from ethnicity in Census counts and American Community Survey (ACS) figures. Accordingly, someone who identifies as Hispanic on the Census form may identify themselves as black, white, Asian, etc. Non-Hispanic residents may similarly be of any race.

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closer to parity over the decade, as Hispanic residents increased from 39.9 to 46.9 percent of the population and non-Hispanic residents fell from 60.1 to 53.1 percent of the population. This shift was due to rapid growth among the Hispanic population, and a comparatively slow growth rate among non-Hispanic residents.

Hispanic residents lived in Census block groups throughout the city, but tended to account for larger shares of the population in areas in the south of the city, notably to the east of the city center. This was true both in 2000 and 2010, though the population shifted northward slightly over the decade as Hispanic residents came to account for larger shares of the population in areas to the west of Old Fig Garden. The same was true of the black population, though the highest concentrations of black residents were observed in block groups to the southwest of the city center. Asian residents tended to be concentrated to the east of the city center in both years, though these residents came to account for larger shares of the population in outlying Census tracts over the decade.

Residents with disabilities were not as geographically concentrated, though a majority of Census tracts with above-average shares of these residents were located to the south of Shields Avenue in 2000. By 2010-2014, these above-average tracts were observed to be more evenly distributed throughout the city. Around one resident in seven was counted as living with some form of disability at that time.

Growth in the number of employed persons has been relatively steady since 1990, even if it has not always kept pace with growth in the labor force. However, with the recession of the late 2000s, the number of employed fell by over 10,000 from 2008 through 2010, even as the labor force continued to grow. These trends together constituted a dramatic spike in the unemployment rate, which reached 18 percent in 2010. With growth in the labor force having leveled off after 2011, steady growth in employment has brought the unemployment rate down sharply. In 2014 the unemployment rate stood at 12.6 percent.

At the county level, a period of steady growth in the number of full- and part-time jobs dating back to at least 1969 continued, largely unabated, until 2007. Fresno County lost nearly 24,000 jobs over the following three years, as the nation entered into a period of economic recession; however, with the resumption of relatively robust job growth after 2010, the number of full- and part-time jobs in the county had returned to pre-recession levels by 2013.

County residents have generally earned more per job, on average, than California residents since 1969. However, 2004 saw the end of a decade of strong growth in inflation-adjusted earnings, which have fluctuated since that time, falling to $50,432 in 2014, slightly below average state-level earnings per job. Unlike earnings per job, real per capita income in Fresno County has been roughly half of state-level per capita income, in inflation-adjusted dollars, since 1969. In 2014, the average resident had an income of $36,141, compared to $64,456 at the state level.

Nevertheless, household incomes in the city, as measured in current dollars[101], did rise between 2000 and 2010-2014. Over a quarter of city households were earning at least $75,000 per year in 2010-2014, up more than ten percentage points from 2000. In spite of this,

[101] Current dollars have not been adjusted for inflation.

the poverty rate rose from 26.2 to 30.6 percent over the same time period. Like Hispanic, black, and Asian residents, households living in poverty tended to be more highly concentrated in Census tracts in the south of the city.

The same was true of renter-occupied households: between 2000 and 2010, the percentage of occupied housing units that were home to rental tenants went from just below to just above 50 percent, while the share of owner-occupied units declined. Accompanying this shift toward rental housing was a modest shift in owner-occupied units toward outlying Census tracts, particularly in the north of the city, as many central areas came to hold higher shares of renter-occupied housing. High concentrations of black and Hispanic residents, whose incomes were considerably lower than the population as a whole, are likely driven in large part by a need to secure affordable rental housing, which also tended to be concentrated in the south of the city.

Between 2000 and 2010, the city added housing units faster than it added new households to fill them. The result was an increase in the percentage of units lying vacant, which rose from 6 to 7.6 percent over the decade. Part of the reason that housing construction outpaced household formation was an increase in the size of the average household. In 2000, just over half of city households were living with either no one else or with only one other person. By 2010, those smaller households accounted for 48.5 percent of Fresno households.

In spite of this increase in the size of the average households after 2000, severe overcrowding had become considerably less prevalent by 2010-2014. Households are considered overcrowded when they include more than one member per room but less than 1.5. Severely overcrowded households include 1.5 members or more for each room in the house. Nearly ten percent of households were overcrowded in 2000; by 2010-2014, that figure had fallen to 3.3 percent. Overcrowding is one of several issues that HUD identifies as "housing problems".

Other housing problems include incomplete plumbing or kitchen facilities and cost-burdening. Households that lacked complete plumbing or kitchen facilities accounted for one percent or fewer of all city households in 2000 and 2010-2014, and came to represent smaller percentages of all city households over time. By contrast, cost-burdening became more prevalent between 2000 and 2010-2014. Households are considered cost-burdened if 30 to 50 percent of their income goes toward housing costs, and severely cost burdened if they spend more than half of their monthly income on housing. More than a fifth of all households were cost-burdened in 2000 and 2010-2014, with renters about as likely as homeowners with a mortgage to experience a cost-burden. When it came to severe cost-burdening, however, renters were more than twice as likely as mortgagors to be cost-burdened. Renters in particular saw a dramatic increase in severe cost-burdening after 2000, though mortgage-holders also saw a 4.3 percentage-point jump in severe cost-burdening. Median rental costs increased by over 41 percent during the same time period while median home values grew by over 80 percent.

Considered together, the housing problems described above were more likely to impact renter-occupied households than owner-occupied households. In addition, black households were considerably more likely to face housing problems than households as a whole; the same was true of Hispanic households.

Review of Fair Housing Laws, Studies, and Cases

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act. Amendments to the FHA passed from 1964 to the present have generally broadened the protections guaranteed under the FHA, applying stricter and more comprehensive protections that apply to housing providers who benefit from federal funding.

In addition to the protections guaranteed under the FHA, California residents are protected from discrimination in the housing market by the California Fair Employment and Housing Act.[102] This law prohibits discrimination on the same bases identified in the federal law while expanding those protections to outlaw discrimination based on gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information. California's housing discrimination law has been judged to be "substantially equivalent" to the federal FHA, which allows for HUD-subsidized, state-level enforcement of fair housing law.

Housing law and jurisprudence has evolved considerably since the FHA was first enacted in 1968. The Fair Housing Amendments Act of 1988 added additional protections, strengthened the Act's relatively weak enforcement provisions, and gave the Department of Housing and Urban Development enhanced authority to enforce the Act. In addition, since the early 1970s the FHA has consistently been interpreted to apply to laws and policies that are apparently neutral with respect to protected class status, but which nevertheless "actually or predictably[103]" result in discrimination. In 2013, HUD finalized a rule formalizing its interpretation of discriminatory effects liability under the FHA.

That interpretation was reaffirmed in a June 25, 2015 Supreme Court decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* The case originated in a lawsuit against the Texas Department of Housing and Community Affairs ("the Department") based on the claim that the process by which it awarded low income housing tax credits had the effect of concentrating affordable housing in areas with high concentrations of minority residents. In bringing the suit, the Inclusive Communities Project relied in part on the disparate impact theory, and it was that theory that the Department sought to challenge in asking the Supreme Court to hear the case. Ultimately, the Court held that individuals, businesses, and government agencies could be held liable for the disparate impacts of their policies.

Following on the heels of the Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2)

[102] C.R.S. 24-34-500, *et seq.*

[103] *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974) It was racial discrimination, specifically, that was at issue in this case.

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integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. Generally speaking, the new rule will apply to local entitlement jurisdictions that are due to begin their next five-year planning cycle in 2017 or later. For smaller entitlement jurisdictions, as well as states and insular areas, the new rule will apply to those set to begin their next planning cycle in 2018 or later. Until jurisdictions are required to submit an AFH, they are required to continue submitting analyses of impediments.

Under certain circumstances, the United States Department of Justice (DOJ) will file a fair housing complaint on behalf of residents who are suspected to have suffered a violation of fair housing law. The DOJ has filed three such cases against housing providers in California's Eastern Federal Court District in the last ten years: In one of those cases, a housing provider who adopted a policy requiring constant supervision of children in all common areas of an apartment complex was accused of discrimination based on familial status. In a second case, a Chicago-based manager of retirement communities was accused of disability-based discrimination when it adopted policies that placed significant restrictions on the use of mobility aids in its retirement communities. Finally, the DOJ filed a case against a Bakersfield property owner and manager, who was accused of habitual sexual harassment of female tenants. All cases were settled, with monetary damages and penalties in the latter case totaling more than $2.1 million.

Finally, in a series of paired fair housing tests conducted late in 2014 and early in 2015, the Fair Housing Council of Central California documented racial and national origin discrimination in the home sales markets of Fresno and Clovis. Discriminatory treatment, which included misrepresenting the availability of housing units, withholding information, steering, and failure to record contact information, was revealed in 40 percent of race-based tests and 32 percent of tests based on national origin, according to the Council.

Fair Housing Structure

A California resident who believes that he or she may have suffered illegal discrimination in the housing market may file a complaint with the State Department of Fair Employment and Housing (DFEH). The DFEH enforces the State's Fair Employment and Housing Act (FEHA), which prohibits discrimination in the housing market on the basis of race, color, religion, sex, national origin, disability, familial status, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.

HUD has deemed the FEHA to be "substantially equivalent" to the federal Fair Housing Act (FHA), meaning that the state law provides for equivalent rights, responsibilities, and remedies to those included in the federal law. Certification of substantial equivalency also makes the DFEH eligible to participate in the Fair Housing Assistance Program (FHAP). As a FHAP participant, the DFEH receives various types of funding from HUD, including reimbursement for investigation and processing of complaints alleging violations of the federal Fair Housing Act.

When the DFEH receives a complaint alleging discrimination in the housing market, it will generally notify the accused party ("the respondent") and begin an investigation within thirty days. During the investigation, the complaint may be voluntarily resolved through an

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agreement between the complainant and respondent. During the investigation, the DFEH determines whether the complaint has merit; If not, the complaint will be dismissed, though the complainant retains the option of filing a lawsuit against the respondent. If the complaint is found to have merit, the DFEH will initiate a mandatory dispute resolution process. If that process fails, the respondent and complainant may elect to proceed through an administrative hearing or an action in a civil court.

If the DFEH fails to complete an investigation within 100 days after the complaint is received, HUD may take the complaint back for investigation, unless the DFEH has demonstrated that it was impracticable to complete the complaint in that time frame. However, any complaints that are filed with HUD will be dually-filed with the DFEH and referred to the state agency for investigation.

HUD and the DFEH; which are responsible for enforcing the FHA and FEHA, respectively; represent the backbone of fair housing enforcement and administration in the state. However, there are a number of private, non-profit organizations that work to promote fair housing choice in the state. Many of these are participants in HUD's Fair Housing Initiatives Program (FHIP), and several provide services that are available to Fresno residents. California Rural Legal Assistance provides a variety of legal services to low-income resident of the state's rural areas, and has done so since 1966. As a FHIP participant, it has focused its efforts on aiding in the fair housing enforcement process as well as addressing fair housing issues in the home lending industry. The Fair Housing Council of Central California, another FHIP participant, has provided fair housing services to residents of the Central Valley since 1995. Both organizations accept fair housing complaints from Fresno residents.

Fair Housing in the Private Sector

For the purposes of this study, analysis of the private housing market included an assessment of home lending practices, geographic trends in small business lending, potential issues highlighted in fair housing complaints, and stakeholder perception of a variety of industries and practices in the private sector.

Banks and other lending institutions handled a reported 386,017 home loans and loan applications for housing in Fresno from 2004 through 2014. Over a third of these loans were intended to finance the purchase of a home, and 84.2 percent of these home purchase loans, or around 118,000, were intended to finance the purchase of homes in which the purchasers intended to live themselves. Over a fifth of these "owner-occupied" home purchase loan applications in the city were denied over the eleven-year period, though denial rates were considerably higher in the run-up to 2008 than they have been since.

Loan denial rates were generally at or below average in Census tracts in the northeast and northwest of the city. Generally speaking, the further to the south and southeast a prospective home was located, the more likely the loan application was to be denied, though Census tracts near Pinedale and the University of California at Fresno were notable exceptions to this rule. Denial rates ranged from 30 to 53.3 percent throughout much of the area in and around the city center. Relatively high denial rates have persisted in that area, even as denial rates throughout the city have fallen in recent years.

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Denial rates have also differed according to the gender of the loan applicants: the overall denial rate for female applicants exceeded that of male applicants by just over two percentage points. However, more pronounced differences were observed along racial and ethnic lines. The denial rate for white applicants from 2004 through 2014 was below average at 19.6 percent, while the denial rate for black applicants was over nine percentage points higher, at 28.7 percent, and the denial rate for Asian residents was roughly four percentage points higher than for white residents. The denial rate for non-Hispanic applicants was over four percentage points below average, while the denial rate for Hispanic applicants exceeded the average rate by roughly the same amount.

Lending institutions gave a variety of reasons for loan denials and, not surprisingly, debt-to-income ratios, credit history, and collateral ranked among the most common. Given the prominence of debt-to-income ratios, in particular, it is also not surprising that denial rates were observed to be lower for applicants in higher income brackets, though it should be noted that the effect of rising incomes on denial rates was relatively minor at the upper end of the income range.

However, in spite of the positive effect of higher incomes on an applicant's chances of securing a loan, denial rates were still observed to differ among racial and ethnic groups, even when income was taken into account. For example, black applicants earning between $60,000 and $75,000 per year were denied 28.3 percent of the time. The denial rate for white applicants in that same income range was nearly ten percentage points lower at 18.9 percent. Similarly, over a quarter of applications from Hispanic applicants in that income range were denied, compared to a denial rate of 16.2 percent for non-Hispanic applicants who were similarly situated with respect to income.

Many of the loan applicants in Fresno who were able to successfully secure a home purchase loan were issued a loan with relatively high annual-percentage rates (HAL). These HALs, which were a prominent feature of the sub-prime mortgage market in the run-up to the national recession, restrict the ability of residents to build wealth through homeownership and often place them at increased risk of foreclosure.

Just over one-fifth of home purchase loans issued in Fresno from 2004 through 2014 were HALs. However, this overall figure, which includes recent years in which HALs were comparatively rare, conceals a considerably greater prevalence of HALs in 2005 and 2006, when these high-cost loans accounted for nearly half of all home purchase loans issued in the city. HALs were even more prevalent among black and Hispanic borrowers in those years, topping 60 percent of all home purchase loans to these residents in both years. The overall HAL rate for Hispanic borrowers was, at 31.3 percent, just over twice as high as the HAL rate for non-Hispanic borrowers over the eleven-year period. Similarly, black borrowers faced a HAL rate that was, at 34 percent, nearly fourteen percentage points higher than the HAL rate for white borrowers.

Unlike loan denials, it was not the lowest income borrowers who were most likely to receive HALs over the eleven-year period. In fact, above the $15,000 per year income level, HAL rates tended to rise with incomes, with the highest HAL rates occurring among those making $60,000 to $75,000 per year.

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Generally speaking, home purchase loans were more likely to be HALs the closer the prospective home lay to the city center. More than two-thirds of home-purchase loans were HALs in Census tracts to the east and southwest of the inner loop: areas with relatively large concentrations of black and Hispanic residents.

Lending institutions regulated by the Comptroller of the Currency, Federal Reserve System, Federal Deposit Insurance Corporation, and the Office of Thrift Supervision lent around $4.1 billion to small business throughout the city from 2000 through 2014. Around a quarter of these loans were issued in moderate-income Census tracts, while roughly 9 percent were issued in low-income tracts. Middle- and high-income tracts received about 65.2 percent of individuals loans issued, and around 60 percent of the total value of loans issued in the city over the fifteen-year period. Census tracts that tended to be passed over by small business lending included those in areas with relatively high concentrations of black and Hispanic residents to the east and southwest of the city center.

The Department of Housing and Urban Development (HUD) received 92 fair housing complaints from 2008 through 2015. The California Department of Fair Employment and Housing received 98 between 2012 and 2015. In both sets of complaints, which likely include many duplicate complaints that were dual-filed with both organizations, disability-based discrimination ranked as by far the most commonly perceived form of discrimination in the city. This trend was further borne out in complaint data provided by the Fair Housing Council of Central California, which also highlighted race-based discrimination and discrimination in the rental housing market as relatively frequent in the city.

Among the most common discriminatory *issues*, or alleged discriminatory practice, were denial of equal terms and conditions, failure to make reasonable accommodations for residents with disabilities, or outright refusal to rent.

Fair Housing in the Public Sector

Analysis of factors in the public sector that may impact fair housing choice in the city included a review of the distribution of affordable housing in the city, policies and codes that affect the availability of housing, and public perceptions of local government policies and practices that relate to housing.

Affordable housing units, whether financed directly through a variety of HUD program subsidies or through low-income housing tax credits (LIHTC), tended to be concentrated in the south of the city. This tendency was stronger among HUD-financed multifamily developments: roughly seventy percent of those developments, and nearly 80 percent of the total units in those developments, were located to the south of Shield's Avenue in areas with relatively high concentrations of black, Hispanic, and Asian residents and households living in poverty. LIHTC units were more widely distributed throughout the city; however, even developments that lay further to the north of the city tended to be concentrated in areas with above-average poverty rates and concentrations of racial or ethnic minority residents.

The updated Development Code has the potential to mitigate some of the impediments facing the city to the extent that it promotes economic, infrastructural, and housing development in areas with relatively high poverty rates and concentrations of racial/ethnic minority residents.

However, the City should seek to balance this "place-based" approach with policies that afford low- and moderate-income residents a greater ability to pursue housing opportunities beyond low-income, high-poverty areas of the city. Because the City cannot institute a citywide inclusionary zoning requirement, pursuant to §15-2201(H) of the Development Code, other options will have to be considered; e.g., mobility counseling, incentives to developers, etc.

Public Involvement

Efforts to promote the participation of stakeholders and members of the public in the AI process included a series of fair housing forums, presentations to the Housing and Community Development Commission and City Council, and the 2016 Fair Housing Survey.

Three Fair Housing Forum presentations were held in the City of Fresno at two different locations: the City Council Chambers at 7:00 PM on the 25th of January and the West Fresno Resource Center the following day at 3:00 PM and 6:00 PM. The purpose of these presentations was not only to present the public with preliminary findings from the AI, but also to solicit their feedback on those findings and their experiences in the Fresno housing market more generally.

In commenting on the AI process and preliminary findings, forum participants highlighted a range of trends and issues. In commenting on what was perceived to be a low level of fair housing complaints from Fresno residents, as gauged by complaint data provided by HUD and the California Department of Fair Employment and Housing, respondents stated that potential respondents might not know where to turn when they believe they have been subjected to unfair treatment. Respondents also observed that subsidized, affordable housing units tended to be concentrated in the southern part of the city, with some suggesting that extending the transit network may allow these units to be placed in areas beyond those in which they are currently concentrated.

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IMPEDIMENTS TO FAIR HOUSING CHOICE AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Black and Hispanic home purchase loan applicants have been denied home-purchase loans at a higher rate than white or non-Hispanic residents.** This impediment was identified through review of home lending data gathered under the Home Mortgage Disclosure Act. Black loan applicants were considerably more likely than white applicants to be denied a home-purchase loan from 2004 through 2014, even among those who were similarly situated with respect to income. The same was true of Hispanic loan applicants, as compared to non-Hispanic loan applicants.

Action 1.1: Convene a panel of banks and advocacy organizations, such as the Greenlining Coalition, to develop recommendations on how to promote lending in areas with relatively high concentrations of racial/ethnic minority residents.

Measurable Objective 1.1: The convening of the panel, development of recommendations, and record of the panel meetings.

Action 1.2: Promote credit and personal finance education among area high school students, focusing on the effective use of consumer debt and methods to build and maintain good credit.

Measurable Objective 1.2: Number of credit counseling classes held in city high schools and civic organizations, and the number of participating schools, students, and local organizations.

Action 1.3: Continue to explore opportunities for potential partnerships with non-profit entities to support the development of a land bank or community land trust to acquire properties for rehabilitation and/or development of affordable and mixed-income housing.

Measureable Objective 1.3: Record of discussions with non-profit entities and the identification of opportunities for potential partnerships.

***Impediment 2*: Failure to make reasonable modification or accommodation.** This was one of the most common discriminatory issues cited in complaints filed with HUD, the California Department of Fair Employment and Housing, and the Fair Housing Council of Central California. Complaints lodged by city residents were most commonly filed by or on behalf of residents with disabilities.

Action 2.1: Conduct outreach and education to area landlords, in partnership with local and state organizations such as the California Apartment Association, relating to reasonable accommodation requirements under the Fair Housing Act, Americans with Disabilities Act, the California Fair Employment and Housing Act, and other related legislation.

Measurable Objective 2.1: Number of outreach and education sessions offered, number of participating organizations, and number of participating landlords/property managers.

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Action 2.2: Include information relating to reasonable accommodation, and fair housing more generally, among licensing materials for new landlords.

Measurable Objective 2.2: The development and inclusion of new materials to be included in licensing documents.

Action 2.3: Conduct accessibility audits among newly constructed multifamily housing units in partnership with the Fair Housing Council of Central California.

Measurable Objective 2.3: The number of audit tests conducted and the results of those tests.

Action 2.4: Promote the provision of disabled-accessible units and housing for persons with mental and physical disabilities.

Measurable Objective 2.4: Efforts and policies to promote the provision of disabled-accessible units.

Action 2.5: Accommodate persons with disabilities who seek reasonable waiver or modification of land use controls and/or development standards pursuant to procedures and criteria set forth in the Development Code.

Measurable Objective 2.5: Record of permitted accommodations of land-use controls and/or development standards.

***Impediment 3*: Relatively low levels of private investment in racial/ethnic minority neighborhoods and areas with comparatively high poverty rates.** This impediment was identified through review of data gathered under the Community Reinvestment Act (CRA) and from the Census Bureau. Though around 40 percent of the $4.1 billion in small business loans issued in the city from 2000 through 2014 went to low- and moderate-income Census tracts, the number of loans issued in Census tracts with relatively high concentrations of black and Hispanic residents, and those with high poverty rates, was often at or below median.

Action 3.1: Consider funding, matching funds, training programs and Section 3 opportunities for small business loan investment and to prepare small businesses for loans.

Measurable Objective 3.1: The amount of funding dedicated to investment in small business and Section 3 training opportunities, and the amount of private sector investment supported or facilitated by those public investments.

Action 3.2: Continue to explore development of a Transit Oriented Affordable Housing Loan Fund, which could pool local, state, federal, and private Community Reinvestment Act (CRA) sources to support mixed-income housing.

Measurable Objective 3.2: Record of discussions and actions taken to explore development of Transit Oriented Affordable Housing Loan Fund.

***Impediment 4*: Low use of available fair housing resources/infrastructure.** This impediment was identified through review of complaint data filed with HUD and the California Department of Fair Employment and Housing.

Action 4.1: Include a web page on the city website detailing the rights and responsibilities of city residents under federal and state fair housing law, and hyperlinks to a variety of fair housing resources, including complaint forms for HUD and the California Department of Fair Employment and Housing.

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Measurable Objective 4.1: The inclusion of the web-link and number of visits and the click-through rate[104] of visitors who access any of the links included on the web page.

Action 4.2: Use CDBG to fund specific Fair Housing education and outreach in areas of concentration.

Measurable Objective 4.2: The amount of CDBG funding dedicated to Fair Housing outreach and education, the number of training sessions, and the number of participants in those training sessions.

Action 4.3: Through continuing contract with the Fair Housing Council of Central California, provide fair housing services that include advertising fair housing laws and complaint procedures in multiple languages through literature displays at City and County offices and through local non-profit groups.

Measurable Objective 4.3: Continuing contract with the Fair Housing Council and a record of marketing efforts to promote broader awareness of fair housing laws and complaint procedures.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Persistence of concentrated areas of poverty with disproportionate shares of racial/ethnic minorities.** This impediment was identified through review of data gathered from the Census Bureau during the 2000 Census and 2010-2014 American Community Survey. Census tracts with high poverty rates also tended to have relatively high concentrations of black, Asian, and Hispanic residents. With few exceptions, these Census tracts were located in and around the city center.

Action 1.1: Expanding upon Private Sector Action 3.1 above, identify methods by which CDBG funding may be used to promote investment and leverage lending in areas of the city with high poverty and high concentrations of racial/ethnic minority residents in 2000 and 2010-2014.

Measurable Objective 1.1: The amount of lending that is generated, facilitated, or supported by funding in areas with high concentrations of poverty and racial/ethnic minority residents.

Action 1.2: Expand or reallocate CDBG funding for infrastructural improvements, public works projects, and housing rehabilitation/preservation, focusing on areas of poverty and high concentrations of minority residents.

Measurable Objective 1.2: The amount of new or additional CDBG funding designated for improvements to infrastructure, public works projects, and housing rehabilitation/preservation in areas of poverty and high concentrations of minority residents.

Action 1.3: Create enhanced infrastructure financing districts (EIDF) in distressed areas around the city center, with the goal of securing additional redevelopment funding for those areas.

Measurable Objective 1.3: The designation of EIDFs and the amount of funding allocated for redevelopment of existing housing units as affordable housing.

[104] The "click-through rate" refers in this context to the ratio of visitors who click on one of the web links included on the web page to the total number of viewers who view the page.

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Action 1.4: Advocate and facilitate the conservation and rehabilitation of substandard residential properties by homeowners and landlords.

Measurable Objective 1.4: Policies and actions designed to facilitate conservation and rehabilitation of substandard housing.

Action 1.5: Continue to facilitate access to rehabilitation programs that provide financial and technical assistance to low- and moderate-income households for the repair and rehabilitation of existing housing with substandard conditions.

Measurable Objective 1.5: Policies and actions designed to facilitate access to rehabilitation programs.

***Impediment 2*: Concentration of assisted housing in concentrated areas of poverty with relatively high concentrations of racial/ethnic minority residents.** This impediment was identified in review of the location of housing developments funded by HUD or subsidized by low-income housing tax credits, as well as analysis of data gathered in the 2000 and 2010 Censuses and 2010-2014 American Community Survey. A majority of both types of units were located in areas with above-average concentrations of minority residents and households living in poverty.

Action 2.1: Open a dialogue with affordable housing developers to identify barriers to entry for construction outside of areas in which affordable units are currently concentrated.

Measurable Objective 2.1.1: The record of dialogue between the City and affordable housing developers.

Measurable Objective 2.1.2: Identify resources to bridge the gap for developers of affordable housing units who face barriers to entry in neighborhoods with relatively low concentrations of affordable housing.

Action 2.2: Encourage the Fresno Housing Authority to provide mobility counseling to voucher recipients.

Measurable Objective 2.2: The number of voucher recipients who have been provided mobility counseling.

Action 2.3: Actively pursue funding to assist in the development, preservation, and rehabilitation of any existing housing type with a particular emphasis on the development of mixed-income neighborhoods.

Measurable Objective 2.3: Policies and actions designed to secure funding for development, preservation, and rehabilitation of housing with an emphasis on developing mixed-income neighborhoods.

Action 2.4: Ensure that all development applications are considered, reviewed, and approved without prejudice to the proposed residents.

Measurable Objective 2.4: Efforts and policies designed to ensure equitable processing of development applications.

***Impediment 3*: Need to promote active public participation and involvement on issues impacting city residents.** Though the City conducted public outreach and marketing through a variety of media and in partnership with local agencies, organizations, and advocacy groups, securing public participation during the AI process proved to be a challenge. This was most notable in seeking public and stakeholder input through the 2016 Fair Housing Survey, which only received a few responses.

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Action 3.1: Establish an initiative, in partnership with local organizations and advocacy groups, to identify ways to promote public participation in housing and community development planning. Such organizations may include Stone Soup, the Center for New Americans, and the school districts, among others.

Measurable Objective 3.1: Train agencies on City resources so they can hold additional public input sessions.

Action 3.2: Create a "meeting in a box" that will allow agencies to hold meetings at different times and locations and provide feedback to City.

Measurable Objective 3.2: Development of meeting materials and logistics.

Action 3.3: Through continuing contract with the Fair Housing Council of Central California (FHCCC) and collaboration with the State Department of Fair Employment and Housing, disseminate fair housing information through city events, workshops, and local media.

Measurable Objective 3.3: Continued contract with the FHCCC and a record of marketing and public outreach efforts.

***Impediment 4*: Lack of use of the state fair housing system.** This impediment was identified through review of complaint data filed with HUD and the state Department of Fair Employment and Housing.

Action 4.1: Include a web page on the city website detailing the rights and responsibilities of city residents under federal and state fair housing law, and hyperlinks to a variety of fair housing resources, including complaint forms for HUD and the California Department of Fair Employment and Housing.

Measurable Objective 4.1: The inclusion of the web-link and number of visits and the click-through rate of visitors who access any of the links included on the web page.

Action 4.2: Include data-sharing provisions in future contracts with the Fair Housing Council to receive fair housing complaints and testing data.

Measurable Objective 4.2: The revision of contracts with the Fair Housing Council for the purposes of receiving and managing fair housing data.

Action 4.3: Open a dialogue with the Fair Housing Council: the purposes of this dialogue would be to share the results of the current AI study and to identify ways in which the city can collaborate with the Council on addressing the impediments included in the study.

Measurable Objective 4.3: Revise contract to include areas of collaboration between the two on addressing impediments identified in the study.

Action 4.4: Through continuing contract with the Fair Housing Council of Central California, provide fair housing services that include advertising fair housing laws and complaint procedures in multiple languages through literature displays at City and County offices and through local non-profit groups.

Measurable Objective 4.4: Continuing contract with the Fair Housing Council and a record of marketing efforts to promote broader awareness of fair housing laws and complaint procedures.

SECTION X. GLOSSARY

Accessible housing: Housing designed to allow easier access for physically disabled or vision impaired persons.

ACS: American Community Survey

AI: Analysis of Impediments to Fair Housing Choice

AMI: Area median income

BEA: Bureau of Economic Analysis

BLS: Bureau of Labor Statistics

CDBG: Community Development Block Grant

Census tract: Census tract boundaries are updated with each decennial census. They are drawn based on population size and ideally represent approximately the same number of persons for each tract.

Consolidated Plan: Consolidated Plan for Housing and Community Development

Cost burden: Occurs when a household has gross housing costs that range from 30.1 to 50 percent of gross household income. A **severe cost burden** occurs when gross housing costs represent 50.1 percent or more of gross household income.

CRA: Community Reinvestment Act

Disability: A lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work.

Disproportionate share: Exists when the percentage of a population is 10 percentage points or more above the study area average.

DOJ: U.S. Department of Justice

ESG: Emergency Shelter Grants program

Fannie Mae: Federal National Mortgage Association (FNMA), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

Family: A family is a group of two people or more related by birth, marriage, or adoption and residing together.

FFIEC: Federal Financial Institutions Examination Council

FHAP: Fair Housing Assistance Program

FHEO: Fair Housing and Equal Opportunity

FHIP: Fair Housing Initiative Program

Floor area ratio: The ratio of the total floor area of a building to the land on which it is situated, or the limit imposed on such a ratio.

Freddie Mac: Federal Home Loan Mortgage Corporation (FHLMC), a government-sponsored enterprise that purchases mortgages from lenders and repackage them as mortgage-backed securities for investors.

GAO: U.S. General Accounting Office

Gross housing costs: For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and electricity or natural gas energy charges.

HAL: High annual percentage rate (APR) loan, defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.[105]

HMDA: Home Mortgage Disclosure Act

HOME: HOME Investment Partnerships

HOPWA: Housing Opportunities for Persons with AIDS

Household: A household consists of all the people who occupy a housing unit. A house, an apartment or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live with any other persons in the structure and there is direct access from the outside or through a common hall.

Housing problems: Overcrowding, incomplete plumbing or kitchen facilities, or cost burdens

HUD: U.S. Department of Housing and Urban Development

Incomplete kitchen facilities: A housing unit is classified as lacking complete kitchen facilities when any of the following are not present: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

Incomplete plumbing facilities: A housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower.

Labor force: The total number of persons working or looking for work

MFI: Median family income

Mixed-use development: The use of a building, set of buildings, or neighborhood for more than one purpose.

MSA: Metropolitan Statistical Area

NIMBYism: "Not in my backyard" mentality among community members, often in protest of affordable or multi-family housing.

Other vacant units: Housing units that are not for sale or rent

Overcrowding: Overcrowding occurs when a housing unit has more than one to 1.5 persons per room. **Severe overcrowding** occurs when a housing unit has more than 1.5 persons per room.

Poverty: The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

Predatory loans: As defined by the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA), loans are considered predatory based on:

1. If they are HOEPA loans;[106]
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of HALs. For full definition, see **HAL.**

[105] 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

[106] Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." http://www.ffiec.gov/hmda/glossary.htm#H

Protected Class: Group of people protected from discrimination and harassment. Residents of the City of Fresno are protected from housing discrimination based on race, color, sex, religion, national origin, disability, familial status, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.

Public housing: Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

RDA: Redevelopment agency

Severe cost burden: (See **Cost Burden**).

Severe overcrowding: (See **Overcrowding**)

Steering: Actions of real estate agents or landlords to discourage a prospective buyer or tenant from seeing or selecting properties in certain areas due to their racial or ethnic composition.

Tenure: The status by which a housing unit is held. A housing unit is "owned" if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owned" only if the owner or co-owner lives in it. All other occupied units are classified as "rented," including units rented for cash rent and those occupied without payment of cash rent.

APPENDICES

The following sections present additional data prepared in development of the City of Fresno Analysis of Impediments to Fair Housing Choice.

A. COMMUNITY REINVESTMENT ACT DATA

Table A.1
Small Business Loans Originated: $100,000 or Less by Tract MFI
City of Fresno
2000–2014 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	343	1,070	1,462	901	3	3,779
2001	429	1,373	1,922	946	9	4,679
2002	567	1,927	2,253	1,189	14	5,950
2003	915	2,792	2,942	3,082	21	9,752
2004	916	2,766	2,957	3,303	12	9,954
2005	899	2,799	2,871	3,435	7	10,011
2006	1,428	4,610	5,197	6,483	4	17,722
2007	1,353	4,731	5,542	7,148	5	18,779
2008	981	3,058	3,843	5,311	3	13,196
2009	482	1,319	1,538	2,272	1	5,612
2010	410	1,145	1,410	1,965	1	4,931
2011	424	1,448	1,564	2,258	3	5,697
2012	677	1,301	1,412	2,719	3	6,112
2013	607	1,278	1,312	2,546	5	5,748
2014	696	1,351	1,533	3,000	4	6,584
Total	**11,127**	**32,968**	**37,758**	**46,558**	**95**	**128,506**
			Loan Amount ($1,000s)			
2000	4,379	14,714	16,490	9,020	60	44,663
2001	4,795	15,009	18,283	9,546	26	47,659
2002	6,756	22,655	24,599	13,739	42	67,791
2003	11,266	33,434	32,316	30,680	201	107,897
2004	13,088	37,788	35,344	36,824	125	123,169
2005	14,556	40,478	37,694	46,988	15	139,731
2006	17,724	50,558	51,846	65,634	10	185,772
2007	18,206	55,538	63,489	88,007	49	225,289
2008	14,111	38,375	45,939	67,587	7	166,019
2009	9,260	23,082	24,442	35,115	4	91,903
2010	7,484	19,529	20,915	29,930	1	77,859
2011	7,517	25,247	21,039	32,519	10	86,332
2012	9,552	16,498	19,092	35,569	6	80,717
2013	9,646	18,939	20,842	38,425	35	87,887
2014	11,261	20,877	25,579	45,690	36	103,443
Total	**159,601**	**432,721**	**457,909**	**585,273**	**627**	**1,636,131**

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Table A.2
Small Business Loans Originated: $100,001 to $250,000 by Tract MFI
City of Fresno
2000–2014 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	19	42	43	20	0	124
2001	20	66	83	21	0	190
2002	29	68	54	24	0	175
2003	21	93	83	82	1	280
2004	27	126	87	80	0	320
2005	23	87	81	84	2	277
2006	28	92	58	91	0	269
2007	31	95	87	105	0	318
2008	35	93	84	85	0	297
2009	29	77	63	71	0	240
2010	19	62	61	71	0	213
2011	28	60	48	65	0	201
2012	32	75	32	91	0	230
2013	31	54	46	96	0	227
2014	37	66	73	168	0	344
Total	**409**	**1,156**	**983**	**1,154**	**3**	**3,705**
			Loan Amount ($1,000s)			
2000	3,637	7,373	7,591	3,476	0	22,077
2001	3,493	12,152	15,340	3,900	0	34,885
2002	5,325	13,123	10,379	4,630	0	33,457
2003	4,183	16,941	14,914	13,227	130	49,395
2004	4,765	23,452	16,026	13,497	0	57,740
2005	4,095	16,698	15,253	15,594	350	51,990
2006	4,847	16,670	10,672	16,197	0	48,386
2007	5,669	16,520	14,640	18,788	0	55,617
2008	6,175	16,717	15,243	15,030	0	53,165
2009	5,515	13,516	10,830	12,386	0	42,247
2010	3,160	10,692	10,958	12,605	0	37,415
2011	4,880	9,959	8,638	10,797	0	34,274
2012	5,559	14,007	5,699	16,459	0	41,724
2013	5,413	9,690	7,462	17,400	0	39,965
2014	6,390	10,734	11,835	28,562	0	57,521
Total	**73,106**	**208,244**	**175,480**	**202,548**	**480**	**659,858**

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Table A.3
Small Business Loans Originated: More than $250,000 by Tract MFI
City of Fresno
2000–2014 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	6	36	29	13	0	84
2001	12	60	61	31	0	164
2002	18	66	40	28	1	153
2003	31	97	86	80	1	295
2004	25	100	88	76	0	289
2005	19	106	68	72	0	265
2006	39	87	65	73	0	264
2007	26	83	86	87	0	282
2008	28	86	68	86	0	268
2009	20	64	53	81	0	218
2010	11	62	43	57	0	173
2011	13	47	40	75	0	175
2012	25	68	39	82	0	214
2013	17	64	51	87	0	219
2014	22	66	50	89	0	227
Total	**312**	**1,092**	**867**	**1,017**	**2**	**3,290**
			Loan Amount ($1,000s)			
2000	2,946	19,653	13,677	5,715	0	41,991
2001	5,846	29,080	30,149	14,132	0	79,207
2002	10,421	35,255	21,868	14,586	425	82,555
2003	15,209	55,814	44,034	44,839	387	160,283
2004	12,660	59,019	43,107	43,616	0	158,402
2005	10,209	57,946	34,426	42,220	0	144,801
2006	20,315	49,602	32,969	43,935	0	146,821
2007	11,789	45,070	45,391	50,411	0	152,661
2008	16,529	47,800	35,064	51,434	0	150,827
2009	11,819	35,537	22,890	45,135	0	115,381
2010	5,454	35,500	20,249	33,467	0	94,670
2011	6,404	25,670	19,716	41,944	0	93,734
2012	11,325	38,532	19,654	46,442	0	115,953
2013	9,045	36,844	26,421	53,263	0	125,573
2014	10,800	37,993	24,661	48,331	0	121,785
Total	**160,771**	**609,315**	**434,276**	**579,470**	**812**	**1,784,644**

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Table A.4
Small Business Loans to Businesses with Gross Annual Revenues of Less Than $1 Million by Tract MFI

City of Fresno
2000–2014 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	148	400	585	375	3	1,511
2001	201	595	986	447	4	2,233
2002	183	540	668	356	7	1,754
2003	358	995	1,185	1,254	4	3,796
2004	323	1,006	1,111	1,380	5	3,825
2005	399	1,255	1,455	1,782	2	4,893
2006	532	1,655	1,933	2,398	0	6,518
2007	534	1,761	2,187	2,741	3	7,226
2008	351	988	1,248	1,589	1	4,177
2009	195	474	593	831	0	2,093
2010	149	427	551	755	0	1,882
2011	201	642	711	1,074	0	2,628
2012	276	521	649	1,239	1	2,686
2013	308	580	659	1,281	5	2,833
2014	330	607	736	1,492	1	3,166
Total	**4,488**	**12,446**	**15,257**	**18,994**	**36**	**51,221**
			Loan Amount ($1,000s)			
2000	4,164	13,185	17,821	9,334	60	44,564
2001	5,067	16,124	23,555	11,787	4	56,537
2002	5,363	15,214	17,163	9,693	435	47,868
2003	11,297	32,198	31,061	41,073	225	115,854
2004	6,708	35,004	34,807	40,993	44	117,556
2005	10,268	38,273	38,944	43,028	350	130,863
2006	17,847	44,098	36,491	58,572	0	157,008
2007	12,107	37,984	48,020	62,077	28	160,216
2008	11,795	25,748	33,685	50,944	2	122,174
2009	7,237	16,132	20,627	32,519	0	76,515
2010	3,735	16,173	16,276	23,012	0	59,196
2011	5,140	15,281	17,532	30,874	0	68,827
2012	6,514	17,685	12,368	31,253	2	67,822
2013	9,099	12,673	15,553	39,339	35	76,699
2014	8,214	20,422	14,400	35,500	1	78,537
Total	**124,555**	**356,194**	**378,303**	**519,998**	**1,186**	**1,380,236**

B. Fair Housing Survey Open Questions

To be included in future drafts of the Analysis of Impediments.

C. Minutes from the 2016 City of Fresno Fair Housing Forums

Fair Housing Forum I

The minutes from the first fair housing forum are not available due to technical difficulties.

Fair Housing Forum II

Comment 1: Where did you find that data, the approximately 3,100 other vacant, the Census Bureau?

Presenter: This is all from the decennial Census count. It is 100 percent count. There is the 2014 count and it is an estimate of the five-year rolling average. We like to use the five-year rolling average, because we can map it by Census tract, but it is not quite as good, because it is an estimate. So we compare this. It has typically continued to grow since 2010. So that is a challenge for communities that have this challenge in front of them.

(Presentation)

Comment 2: On the complaints, they are complaints to whom or what, formal complaints to whom I am assuming?

Presenter: These fell into the HUD compliant data base and they get in here by being sent a complaint to the like to the DFEH. Those complaints are then dually filed here and here. DFEH had a longer list of protected classes which we will get to that data in just a minute, but these are just the seven federal classes.

(Presentation)

Comment 3: On the housing page on the City's website.

(Presentation)

Comment 4: By assisted housing what do you mean specifically?

Presenter: Housing that is providing with some form of assistance or subsidy. If it is a voucher it is a subsidy, if it is public housing or a low-income tax credit or program issued pursued through some grant.

(Presentation)

Comment 5: Can you talk to us a little bit about what you know about the housing process where we just have taken a look at the index of available sites and of course they are state and you are familiar with HCD and its fair share. So we want to know that you have something for fair housing in our city and the south part of the city you will find the higher density zoning and the people of color and the people of lower-income in places that HUD would not describe as places of opportunity. In the north part of the city where white people live there are a large lot of subdivisions and everything is more expensive. So this is and I mean if you are going to help HUD figure out how to make every neighborhood a neighborhood of opportunity and this inclusion of all races. I mean we are talking a challenge to the market and we are also talking about available lots that creates the available locations for affordable

housing in the City of Fresno for zoning are pretty much in the south part of the city. So that is an observation right? So the question is what kinds of mechanisms are available? What have you seen other places creatively do to challenge the alliance on the private market which tends to go not surprisingly to the higher profit, higher income housing building that and so that we address the other kinds of issues that make neighborhoods in the south part of the city and it is not like everyone is going to move up north. So what are the infrastructure investments? What are the other public actions that the city needs to take and other public entities to create neighborhoods of opportunity throughout the city? It is a huge huge challenge.

Presenter: I am not sure what question you are asking, but I should start with first is I do want to emphasis that this is a preliminary set of data and I do want to respond to this young lady's question? She was asking about the housing element and how this will feed, if I have this correctly, the short version, how this will feed into the housing element?

Comment 6: One thing that as a matter of fact just had a quick discussion back here how we certainly see all the processes of housing and we undertake the housing element and they are all tied together. So we understand that this information will help us strategize what we might do in the future and how we help with it.

Comment 7: I guess really what I am asking is to go down because you have so much experience in so many different locations. I am hoping you can bring to Fresno proposals for actions to deal with impediments to fair housing that nobody here has though of yet that will address that alliance on the private market that unbelievable deference to the private market. There is a complete unwillingness to do inclusionary housing here; literally the City Council has said so. There is a huge overproduction of above market-rate housing, like double. Almost double, but it ought to be what HCD says we need. So there is a really deep and broad systemic challenge. I am not asking you to answer this question right now, but what I am really asking you to do is look at us here in Fresno as maybe unique kind of challenge and brings us what you know from other places.

Presenter: I believe we can do that. It is interesting you talk about we as unique. Most communities view themselves as unique and one of our great abilities is to tailor our suggestions to each unique community. So hopefully we will find some success.

Comment 8: That is a yes.

Presenter: That is a yes.

Comment 9: I will follow up on that a little bit. So (inaudible) that she just brought up. Are you comparing how our demographic shifts as compared to other cities? Does that come out in the report?

Presenter: I don't really think so. It is not really designed to be a comparative analysis. It is nice that you can compare lots of things, but I think here we should focus on the problems that you have and try to carve a path around some of the barriers we are seeing and offer some suggestions which are actionable and you can measure those in way we can get towards offering more choice in the market.

Comment 10: On your demographic charts you showed 2010 for the ethnic as Hispanic ethnicity and then when you get to disability and beyond in 2014, so I am just curious was data not available on the ethnicity side?

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Presenter: It is actually not available. They provide population total estimates for cities. They don't provide breakouts for cities on racial, ethnic households or any of that type of stuff. So it is kind of like 2010, we can collect the information on income. Then we have the ACS to fill in that inaccuracy. Hopefully, they will come back around the next time they do the Census.

Comment 11: This question probably goes to your staff, but is this PowerPoint presentation available on the website?

Presenter: It is not yet available, but it will be.

Comment 12: OK.

Presenter: Probably in a day or two. The question was is this PowerPoint available on the website.

Comment 13: We are going to make it available. I would probably say (inaudible).

Comment 14: Some of these were just too small for these old eyes.

Presenter: I totally agree.

Comment 16: Could you review your timeline and the next steps?

Presenter: We have another Fair Housing Forum right here in this location and hopefully the survey will be filled out copiously by many people. We will continue to evaluate data. I think what we will do is make a Draft for Internal Review, March 1st and then a week later get comments back, and produce it March 11th, the Draft for Public Review. It will be out for review for 30 days. Then we produce a Final Report and make a presentation on the 13th and 14th of April.

Comment 17: Once you complete your final draft and the Council accepts and approves it they forward it to HUD.

Presenter: That is correct.

Comment 18: HUD then can weigh in?

Presenter: HUD will weigh in.

Comment 19: And they can accept, reject? What are the options that HUD will have?

Presenter: HUD is not consistent with these, especially the AIs. I have seen them all over the map. My understanding and the way in which we actually have a call into the FHEO representative and I will get a better feel, but because they are stepping forward I am thinking that they would like to be involved and I assume it will end with them having and not in some other kind of place. Sometimes people go a little nutty. I have actually seen HUD, I didn't do this, but I have seen HUD say to a state that you need to make these changes with the city. So they just took some minor and changed one or two names and slapped it on. They didn't really take the time to review.

Comment 20: This lady has a comment as a person who lives in a multi-family complex structure that is very close to train tracks there are no barriers to prevent the children that live in the complex from going up to the train tracks. Also, she says there is a lot of (inaudible).

Residents are intimidated or persuaded from reporting any kind of issues. They are dissuaded by the landlords. I just want to add the comment that as far as people who live in a high poverty area and low-income have to deal with.

Presenter: I am not a lawyer, but I will say that a good an idea is to contact California Department of Fair Employment and Housing. There is a Fair Housing Council and introduce them to concepts that you are experiencing. They will likely take this very seriously and be able to investigate your case and others that are also having this problem they can also be investigated. That is a significant issue and I would take it to one of these organizations.

Comment 21: This is the type of issue that can be looked at in the Analysis of Impediments. It is an issue that effects certain populations.

Presenter: This particular issue I would say belongs to a larger family of issues. This would be handled though a complaint process. The difficulty is some landlords are equally bad to everyone. So that is not a fair housing issue. That is just a bad landlord issue, but if they are picking on individuals as opposed to different individuals that is a fair housing issue (inaudible)

Comment 22: ...having substandard housing conditions that are (inaudible) in particular concentrated poverty areas. There are conditions in the neighborhood that are unsafe. So for instance rail lines they run right outside these apartments and I don't think there are similar situations in Fresno urban county (Inaudible)

Presenter: I very much appreciate your comment, thank you.

Comment 23: Your observation was there was a low number of complaints or something along those lines.

Presenter: That is correct.

Comment 24: So what do you attribute that to. What would your observation be as to why that exists in this community?

Presenter: I have a couple of guesses. The community that is most effected is less likely to report it. The problem with a community that might be distrustful or perceived to be unfortunate, they need to understand that they have someone who has their back on this and they can step forward. The lady over here was talking about fearing harassment. That is a real issue and I think that can be covered if you approach an agent and state your case.

Comment 25: So did you notice that the south part of the city is poorer and people of color and they end up having a disproportionate impact. It is not like landlords say I own this complex in south Fresno and I will be nice to the white tenants and mean to the others, but it is very much everybody, the tenants are people of color because of the location. So there have been persistent issues with the city in terms of code enforcement or lack of code enforcement that directly relates to what this lady described. So I guess I am interested to know how systemically are you going to the 15,000 foot level, the 30,000 foot level, how systemically are you able to look at the factors that disadvantage people of color and create slums? There are decisions the city made not to pave this street, but to pave that one, to investigate this claim and not this one. Those have very significant effects on the quality of life and disproportionate impact is a legitimate measure. So part of our question is how do your mechanisms allow you to look at those disproportion impacts across systems in the city.

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Presenter: I would have to say yes it does allow us to take a look at that. It is a challenge to be quite honest with you to find a path out of it if politically we can't get there; maybe there are smaller steps to take.

Comment 26: So just for me my hope is that you will call it out, but if you don't see a solution for it, of course we are hoping you have solutions, but even if you don't I am hoping maybe, because it is important. It is very helpful to have a third party come in and say yes I see this and it helps the rest of us lift it up and hopefully solve it.

Comment 27: (Inaudible) higher interest loans, could you explain those predatory lending?

Presenter: Predatory lending, someone is being paid to adjunct and these are the examples. If you and someone else go to get a loan, you might be charged a higher interest rate, because of your skin color or your race and ethnicity. That is predatory-style, also you may be charged higher fees, higher taxes if you want to pay down your loan or refinance your loan. Those are all predatory.

Comment 29: Can you explain why you thought (inaudible) higher percentage of these types loans to blacks?

Presenter: Often blacks and Hispanics often they don't have as much exposure to financial training as some other groups, but that lack of exposure allows them to be perhaps be susceptible to these sales tactics of these loans that have predatory-style tactics to them. If they have higher denial rates sometimes that is the reason to sell them on predatory-style, they are emotionally involved. It also has to do sometimes with the types of unit that you are purchasing. If you are purchasing a manufactured home there is a higher likelihood of a predatory-style history.

Comment 30: You mentioned that you were still waiting to hear back from the Housing Authority's engagement and involvement with this process. Did I state that correctly?

Presenter: I think that is a fair assessment.

Comment 31: So looking at the map on the multi-family and the assisted housing, the largest provider of affordable housing for lower income families is the Housing Authority. So how does that?

Presenter: We have someone from the Housing Authority, would you like to field that question?

Comment 32: Are you interested in the complaints themselves or the data?

Comment 33: I am just interested in knowing whether the Housing Authority itself will participate number one and number two as you are looking over the deconcentration of lowering of housing in high concentrations minority community? What role will the Housing Authority, what impact will this analysis have on the Housing Authority's future viewpoint in terms of where it looks to deconcentrate their housing? I think I got that right?

Comment 34: We will have a discussion at our Agency on our abilities. On the second part we have been really looking at our sites and choosing and try to in other communities. (Inaudible) .... there were more points in certain areas and those were all in the southern parts of the city. We were driven by funding. So we are hoping to change the perspective to other areas.

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Fair Housing Forum III

Comment 1: One of the things that is mentioned (inaudible) bonus money (inaudible) my question to you is under HUD why are those types of markets so heavily funded and they are being located in a community that is already saturated with them?

Presenter: That is a good question. There could be a number of reasons for it and this is one of the questions that we also like to answer during the study. One of the reasons is that when your agencies are looking to locate and define places to put assisted housing units or subsidized housing units, one of the pieces of criteria used to choose locations really emphasizes, you will get more points if you locate in this community then if you locate in that community. So part of it is the criteria that the housing agencies have to look at to satisfy and part of it is how they can get the most funding. They are looking at how they can maximize their funding and development. Another thing that does come along is you can see a lot of resistance in some communities, such as in higher income communities is they will already have a lot of housing and you can see resistance from those communities and that can play into that as well.

Comment 2: Can you just add on to it that zoning plays a large roll into that. So if you do not have the zoning densities to allow for it, it can't happen.

Presenter: That is a very good point as well. A lot of areas which are higher in lower density tend to be and which don't have a lot of affordable housing tend be zoned for lower density development. So it is harder to place big multi-family developments in those areas.

Comment 3: Is that why we have to do the study?

Presenter: Does that answer your question?

Comment 4: You have made some suggestions, but my concern is that may not be an effect. (Inaudible) what you are saying is there is not chance for that change because of A,B,C,D.

Comment 5: I would like to point out here that there is of course always a chance for change and it is something which we like to scrutinize each time we do an AI. It is my knowledge that the community of Fresno here is taking a little time to take a rest from the course of business to actually study this issue, which is ongoing now. We admit we are trying to kind of audit our past in a sense and gather a notion of the kind of decisions we have been making in the past and hopefully if we can identify those decisions which have led us astray and we can correct that in the future. In a few minutes we will touch some more on housing and how that is distributed throughout the community. I believe that we have some slides to present about that.

Comment 6: Thank you very much and I didn't mean to suggest that these are reasons that it can't happen. I was trying to maybe explain why it has come to pass that way. So we will get that report after these few slides.

(Presentation)

Comment 7: Fresno is still in the old way of doing things, the AI? Why is that the case?

Presenter: Well, no one is using it yet. HUD is going to be phasing in the requirements. They didn't want to just a pass a rule that all of a sudden everyone has to do a new thing and go with the new format. So what they are doing is when you turn in your next Consolidated Plan on

January 1st, 2017. Then you are going to have to submit the AFFH to HUD for approval on October 4th. Generally speaking 90 days before your next Consolidated Plan is due and we just turned in a Consolidated Plan so, we won't have to do it till the next Consolidated Planning cycle starts in 2019. That is across the country. Very few jurisdictions are actually going to have to start doing this for a couple of years now.

Comment 8: I am a little confused. I though you said major cities will have to do this.

Presenter: They will if their next Consolidated Plan year starts January 2017. It all depends on where you are in the process. Fresno is currently at the beginning of their planning process. You turned in a Consolidated Plan in 2015, so you will not have to do it again until 2019. It is a little confusing and if you have any questions about it feel free to come talk to me afterwards.

(Presentation)

Comment 9: Would you explain the colors and what they mean.

(Presentation)

Comment 10: Is that unique to Fresno or is that a recession issue?

Presenter: It is not unique to Fresno. We have seen it quite a bit in other places, but I would assume that it could be attributed to the recession. It is taking place in Fresno as well as else ware.

(Presentation)

Comment 11: I would just like to say here that to date we don't have any of the PHA draft available to map for you. These are just multi-family projects and low-income housing tax credits. Hopefully we can get that data.

(Presentation)

Comment 12: Do you have one for those denied during the housing bubble. (Inaudible) get into affordable rent market place so easily and if you were denied housing.

Comment 13: It is our opinion that during this period many loan applicants were denied and were substituted with a different type of loan. We will get into that. That is a predatory-style instrument.

(Presentation)

Comment 14: (Inaudible)

Presenter: Yes sir, we do not have it in the presentation, but it will be in the report.

(Presentation)

Comment 15: Is that also broken down to the location where those high income loans go and also broken down to financially as well?

Presenter: Yes it is. Unfortunately, we also did not include that in this presentation, but it will be analyzed in the final report.

Comment 16: Is it possible for use to get that final report to have a hold of that information to figure in?

Presenter: It is actually not written yet, because this is a public input meeting and we haven't completed the study, but the next slide will show you what we were talking about a few minutes ago about who pays for these HALs.

Comment 17: My point is it possible to get that final report of that?

Comment 18: I am sure everybody can have one.

Comment 19: There is going to be a draft for the public review hearing. I believe it is in the beginning of March?

Comment 20: March 11th to April 11th is the public review period. The document will be posted on the City's website and made available at public libraries in the city. All of the data that we are presenting here and a tremendous amount more.

Comment 21: It will be a draft that we can read so if there is something (Inaudible)

Presenter: Thank you and that is a good opportunity to point out that this document will be available for public review in early march. So be on the lookout for it and please do submit your comments.

(Presentation)

Comment 22: I just want to point out that the print out you have is a draft. So it has the wrong slide in it. So this is the correct slide. Yours looks different. It is actually the same slide as two ago. This is the correct one where non-Hispanic is 15 and Hispanic is 33.3. So write that on your draft. It is way different.

Comment 23: Those are the corrected PowerPoint presentation be available on the housing page, the City's website. (Inaudible) That will be available on the website.

(Presentation)

Comment 24: Inaudible.

Presenter: It is kind of for the different groups as a whole, but I see your point. Your point is well taken.

(Work shop meetings discussion)

Comment 25: You mentioned some of the restrictions in placing the units that we always get. However with the City of Fresno from the southwest area and the north and then I always come across an abundance of those apartment complexes. If there is zoned availability for that why can't you say it is not zoned for low-income housing?

Presenter: That is a good point. Zoning is one piece of the puzzle. It is not the only piece of the puzzle. As we go forward with this we are going to be try to look more into that and tease out some of these factors that really do as we have seen to concentrate assisted housing and subsidized housing in certain areas of the city.

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Comment 26: Will you identify that in your report as to areas that would sustain such developments?

Presenter: I think that is a little bit outside the scope of what we are doing here, but what we will do as we take a look at it is try to identify what may be some of the factors and address some of these factors. We will try to address some of the factors that do tend to concentrated in certain areas and then we will try to base on what we see there, we can't come to any firm conclusions until we get fuller picture, but as we do get that fuller picture we are going to try to make some recommendations. As to specific areas that might be eligible and have the feasibility that might be outside of the scope of what we are doing.

Comment 27: Make a comment just in terms of like your analysis and when you are looking at options to address concentrations before we are really looking at new ways to look to see if we can go outwards, because we are looking at going outwards and we are going to be. We have a lot of specific plans in the works like less specific plans about the outgrowth. So we are looking at opportunities and reactions to make sure that there are affordable housing opportunities as we go outwards.

Comment 28: Mostly this is an observation, but so when you are breaking down the current housing and vacant in 2010, it says almost 13,000 vacant housing units. The City of Fresno passed an ordinance last year that was an attempt to try to address that crisis and part of that was an annual survey (inaudible) it was mostly observations in the gap there, but I was just curious.

Comment 29: I think I can respond to your concern. The vacant housing numbers include those which are for rent, for sale, farm worker housing that may not be occupied at that moment as well as vacation and other forms of rental property that is vacant. The category called other vacant which went from 1,800 to 3,100, the other vacant in those units is which the city did the survey so they were able to classify two of the 3,000 that we said were other vacant those which are not for rent, not for sale are probably representative of a blighted influence.

Comment 30: My thing was the survey was to this point was that to document every single vacant property. I know that this is more in line with the national averages are. I was just surprised that it was only a little over 2,000.

Presenter: That was called the Windshield Survey.

Comment 31: Annual Windshield Survey.

Comment 32: I am not sure if you are going to look at this, but one of the things that I did find out from looking at is that proportionately the City of Fresno and the County always has a higher proportion of low-income housing dedicated to them then the City of Clovis. I think historically it has been at a level of 13 percent year after year for Clovis. I don't know how you can figure out why that should remain consistent as for the year prior to the present. Have you looked at that as a means of spreading housing throughout the County of Fresno in a more equable fashion?

Presenter: The City of Fresno and the City of Clovis and I know there have been some discussion between the two of them in collaborating on future studies there. Their planning

cycles really don't quite line up this time, but in this study we are really focusing on what is going on in the City of Fresno, but I understand.

D: Additional Tables

Table D.1
Owner-Occupied Home Purchase Loan Applications by Loan Type
City of Fresno
2004–2014 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Conventional	16,039	20,766	18,790	10,976	4,156	2,803	1,643	1,801	2,155	2,851	2,792	84,772
FHA - Insured	607	144	114	254	3,161	5,358	4,853	4,270	4,380	3,897	3,098	30,136
VA - Guaranteed	91	31	40	66	219	362	300	318	453	483	515	2,878
Rural Housing Service or Farm Service Agency	0	1	2	0	1	4	1	4	4	12	1	30
Total	**16,737**	**20,942**	**18,946**	**11,296**	**7,537**	**8,527**	**6,797**	**6,393**	**6,992**	**7,243**	**6,406**	**117,816**

Table D.2
Loan Applications by Selected Action Taken by Race/Ethnicity of Applicant
City of Fresno
2004–2014 HMDA Data

Race		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
American Indian	Originated	209	258	173	70	46	56	33	27	30	31	27	960
	Denied	66	73	92	45	16	10	12	5	3	11	11	344
	Denial Rate	24.0%	22.1%	34.7%	39.1%	25.8%	26.7%	26.7%	15.6%	9.1%	26.2%	28.9%	26.4%
Asian	Originated	1,125	1,373	1,023	477	346	434	427	451	518	538	516	7,228
	Denied	286	475	406	242	154	110	126	105	122	128	107	2,261
	Denial Rate	20.3%	25.7%	28.4%	33.7%	30.8%	20.2%	22.8%	18.9%	19.1%	19.2%	17.2%	23.8%
Black	Originated	337	401	374	161	88	98	107	85	120	102	112	1,985
	Denied	124	161	204	103	49	30	31	14	38	19	27	800
	Denial Rate	26.9%	28.6%	35.3%	39.0%	35.8%	23.4%	22.5%	14.1%	24.1%	15.7%	19.4%	28.7%
White	Originated	5,031	6,351	5,371	3,155	2,392	2,838	2,350	2,308	2,416	2,667	2,768	37,647
	Denied	1,143	1,625	2,022	1,354	684	469	373	336	424	414	361	9,205
	Denial Rate	18.5%	20.4%	27.4%	30.0%	22.2%	14.2%	13.7%	12.7%	14.9%	13.4%	11.5%	19.6%
Not Available	Originated	1,243	1,094	763	350	220	197	231	170	183	239	227	4,917
	Denied	558	584	486	267	119	70	71	56	51	61	36	2,359
	Denial Rate	31.0%	34.8%	38.9%	43.3%	35.1%	26.2%	23.5%	24.8%	21.8%	20.3%	13.7%	32.4%
Not Applicable	Originated	145	0	0	0	0	0	1	1	0	1	0	148
	Denied	39	1	1	0	0	0	0	0	0	0	0	41
	Denial Rate	31.0%	34.8%	38.9%	43.3%	35.1%	26.2%	23.5%	24.8%	21.8%	20.3%	13.7%	21.7%
Total	**Originated**	**8,090**	**9,477**	**7,704**	**4,213**	**3,092**	**3,623**	**3,149**	**3,042**	**3,267**	**3,578**	**3,650**	**52,885**
	Denied	**2,216**	**2,919**	**3,211**	**2,011**	**1,022**	**689**	**613**	**516**	**638**	**633**	**542**	**15,010**
	Denial Rate	**21.5%**	**23.5%**	**29.4%**	**32.3%**	**24.8%**	**16.0%**	**16.3%**	**14.5%**	**16.3%**	**15.0%**	**12.9%**	**22.1%**
Non-Hispanic	Originated	4,246	4,984	3,661	2,477	1,896	2,173	1,889	1,830	2,054	2,195	2,127	29,532
	Denied	866	1,232	1,164	799	516	365	337	246	340	322	313	6,500
	Denial Rate	16.9%	19.8%	24.1%	24.4%	21.4%	14.4%	15.1%	11.8%	14.2%	12.8%	12.8%	18.0%
Hispanic	Originated	2,558	3,554	3,431	1,430	980	1,273	1,062	1,075	1,048	1,155	1,329	18,895
	Denied	886	1,220	1,674	977	409	258	217	207	249	262	202	6,561
	Denial Rate	25.7%	25.6%	32.8%	40.6%	29.4%	16.9%	17.0%	16.1%	19.2%	18.5%	13.2%	25.8%

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Table D.3
Loan Applications by Reason for Denial by Race/Ethnicity of Applicant
City of Fresno
2004–2014 HMDA Data

Denial Reason	American Indian	Asian	Black	White	Not Available	Not Applicable	Total	Hispanic (Ethnicity)
Debt-to-Income Ratio	46	424	98	1,252	232	2	2,054	835
Employment History	4	56	3	211	33	0	307	150
Credit History	65	294	163	1,436	388	3	2,349	1,020
Collateral	18	156	30	704	123	2	1,033	452
Insufficient Cash	8	63	21	242	58	4	396	172
Unverifiable Information	32	229	63	864	203	14	1,405	685
Credit Application Incomplete	25	245	59	835	170	5	1,339	533
Mortgage Insurance Denied	0	6	0	18	0	0	24	9
Other	73	386	141	1,579	501	8	2,688	1,181
Missing	73	402	222	2,064	651	3	3,415	1,524
Total	**344**	**2,261**	**800**	**9,205**	**2,359**	**41**	**15,010**	**6,561**
% Missing	21.2%	17.8%	27.8%	22.4%	27.6%	7.3%	22.8%	23.2%

Table D.4
Loan Applications by Selected Action Taken by Gender of Applicant
City of Fresno
2004–2014 HMDA Data

Gender		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Male	Originated	5,376	6,253	4,875	2,784	2,091	2,400	1,988	1,893	2,098	2,374	2,433	34,565
	Denied	1,353	1,833	1,947	1,171	649	457	353	332	406	393	354	9,248
	Denial Rate	20.1%	22.7%	28.5%	29.6%	23.7%	16.0%	15.1%	14.9%	16.2%	14.2%	12.7%	21.1%
Female	Originated	2,482	2,966	2,567	1,305	891	1,124	1,040	1,045	1,062	1,044	1,081	16,607
	Denied	719	963	1,123	733	312	197	219	158	211	210	169	5,014
	Denial Rate	22.5%	24.5%	30.4%	36.0%	25.9%	14.9%	17.4%	13.1%	16.6%	16.7%	13.5%	23.2%
Not Available	Originated	230	254	261	121	110	99	120	103	107	159	136	1,700
	Denied	144	123	141	107	61	35	41	26	21	30	19	748
	Denial Rate	38.5%	32.6%	35.1%	46.9%	35.7%	26.1%	25.5%	20.2%	16.4%	15.9%	12.3%	30.6%
Not Applicable	Originated	2	4	1	3	0	0	1	1	0	1	0	13
	Denied	0	0	0	0	0	0	0	0	0	0	0	0
	Denial Rate	.0%	.0%	.0%	.0%	%	%	.0%	.0%	%	.0%	%	.0%
Total	**Originated**	**8,090**	**9,477**	**7,704**	**4,213**	**3,092**	**3,623**	**3,149**	**3,042**	**3,267**	**3,578**	**3,650**	**52,885**
	Denied	**2,216**	**2,919**	**3,211**	**2,011**	**1,022**	**689**	**613**	**516**	**638**	**633**	**542**	**15,010**
	Denial Rate	**21.5%**	**23.5%**	**29.4%**	**32.3%**	**24.8%**	**16.0%**	**16.3%**	**14.5%**	**16.3%**	**15.0%**	**12.9%**	**22.1%**

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Table D.5
Loan Applications by Income of Applicant: Originated and Denied
City of Fresno
2004–2014 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
$15,000 or Below	Loan Originated	13	7	12	3	7	33	32	32	26	12	5	182
	Application Denied	25	28	13	9	23	17	17	16	21	18	11	198
	Denial Rate	65.8%	80.0%	52.0%	75.0%	76.7%	34.0%	34.7%	33.3%	44.7%	60.0%	68.8%	52.1%
$15,001 –$30,000	Loan Originated	442	212	84	111	208	559	492	529	490	382	316	3,825
	Application Denied	269	142	87	95	137	151	158	136	123	104	78	1,480
	Denial Rate	37.8%	40.1%	50.9%	46.1%	39.7%	21.3%	24.3%	20.5%	20.1%	21.4%	19.8%	27.9%
$30,001 –$45,000	Loan Originated	1,394	1,005	417	440	619	933	832	792	852	796	722	8,802
	Application Denied	513	413	239	262	227	180	149	130	171	162	112	2,558
	Denial Rate	26.9%	29.1%	36.4%	37.3%	26.8%	16.2%	15.2%	14.1%	16.7%	16.9%	13.4%	22.5%
$45,001 –$60,000	Loan Originated	1,912	1,903	1,148	781	701	725	612	576	650	662	725	10,395
	Application Denied	536	572	533	400	197	93	93	92	130	106	102	2,854
	Denial Rate	21.9%	23.1%	31.7%	33.9%	21.9%	11.4%	13.2%	13.8%	16.7%	13.8%	12.3%	21.5%
$60,001 –$75,000	Loan Originated	1,410	1,978	1,610	770	516	434	391	341	391	551	614	9,006
	Application Denied	297	522	633	389	133	71	67	37	77	70	65	2,361
	Denial Rate	17.4%	20.9%	28.2%	33.6%	20.5%	14.1%	14.6%	9.8%	16.5%	11.3%	9.6%	20.8%
Above $75,000	Loan Originated	2,723	4,162	4,073	1,935	1,009	912	777	745	836	1,154	1,252	19,578
	Application Denied	501	1,118	1,525	768	288	159	115	95	104	145	143	4,961
	Denial Rate	15.5%	21.2%	27.2%	28.4%	22.2%	14.8%	12.9%	11.3%	11.1%	11.2%	10.3%	20.2%
Data Missing	Loan Originated	196	210	360	173	32	27	13	27	22	21	16	1,097
	Application Denied	75	124	181	88	17	18	14	10	12	28	31	598
	Denial Rate	27.7%	37.1%	33.5%	33.7%	34.7%	40.0%	51.9%	27.0%	35.3%	57.1%	66.0%	35.3%
Total	**Loan Originated**	**8,090**	**9,477**	**7,704**	**4,213**	**3,092**	**3,623**	**3,149**	**3,042**	**3,267**	**3,578**	**3650.00**	**52,885**
	Application Denied	**2,216**	**2,919**	**3,211**	**2,011**	**1,022**	**689**	**613**	**516**	**638**	**633**	**542**	**15,010**
	Denial Rate	**21.5%**	**23.5%**	**29.4%**	**32.3%**	**24.8%**	**16.0%**	**16.3%**	**14.5%**	**16.3%**	**15.0%**	**12.9%**	**22.1%**

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Table D.6
Loan Applications by Income and Race/Ethnicity of Applicant: Originated and Denied
City of Fresno
2004–2014 HMDA Data

Race		<= $15K	$15K–$30K	$30K–$45K	$45K–$60K	$60K–$75K	> $75K	Data Missing	Total
American Indian	Loan Originated	7	62	176	229	181	291	14	960
	Application Denied	3	35	64	62	45	118	17	344
	Denial Rate	30.0%	36.1%	26.7%	21.3%	19.9%	28.9%	54.8%	26.4%
Asian	Loan Originated	16	545	1,254	1,284	1,194	2,736	199	7,228
	Application Denied	36	220	366	413	317	823	86	2,261
	Denial Rate	69.2%	28.8%	22.6%	24.3%	21.0%	23.1%	30.2%	23.8%
Black	Loan Originated	5	101	299	418	369	743	50	1,985
	Application Denied	10	53	129	156	146	282	24	800
	Denial Rate	66.7%	34.4%	30.1%	27.2%	28.3%	27.5%	32.4%	28.7%
White	Loan Originated	140	2,857	6,310	7,442	6,395	13,825	678	37,647
	Application Denied	116	940	1,581	1,759	1,492	2,982	335	9,205
	Denial Rate	45.3%	24.8%	20.0%	19.1%	18.9%	17.7%	33.1%	19.6%
Not Available	Loan Originated	14	247	733	981	850	1,957	135	4,917
	Application Denied	33	225	407	456	356	751	131	2,359
	Denial Rate	70.2%	47.7%	35.7%	31.7%	29.5%	27.7%	49.2%	32.4%
Not Applicable	Loan Originated	0	13	30	41	17	26	21	148
	Application Denied	0	7	11	8	5	5	5	41
	Denial Rate	%	35.0%	26.8%	16.3%	22.7%	16.1%	19.2%	21.7%
Total	**Loan Originated**	**182**	**3,825**	**8,802**	**10,395**	**9,006**	**19,578**	**1,097**	**52,885**
	Application Denied	**198**	**1,480**	**2,558**	**2,854**	**2,361**	**4,961**	**598**	**15,010**
	Denial Rate	**52.1%**	**27.9%**	**22.5%**	**21.5%**	**20.8%**	**20.2%**	**35.3%**	**22.1%**
Non-Hispanic	Loan Originated	71	1,452	4,279	5,328	5,015	12,824	563	29,532
	Application Denied	78	545	1,003	1,134	968	2,537	235	6,500
	Denial Rate	52.3%	27.3%	19.0%	17.5%	16.2%	16.5%	29.4%	18.0%
Hispanic	Loan Originated	102	2,163	3,914	4,250	3,199	4,885	382	18,895
	Application Denied	91	763	1,243	1,369	1,094	1,764	237	6,561
	Denial Rate	47.2%	26.1%	24.1%	24.4%	25.5%	26.5%	38.3%	25.8%

PREDATORY LENDING

Table D.7
HALs Originated by Race of Borrower
City of Fresno
2004–2014 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
American Indian	56	175	103	18	4	3	1	0	0	0	0	360
Asian	159	649	429	100	24	29	0	1	2	0	1	1,394
Black	105	259	244	46	10	5	0	2	1	3	0	675
White	938	2,922	2,656	678	249	209	1	12	18	16	21	7,720
Not Available	270	631	375	100	13	11	1	1	0	1	2	1,405
Not Applicable	20	0	0	0	0	0	0	0	0	0	0	20
Total	**1,548**	**4,636**	**3,807**	**942**	**300**	**257**	**3**	**16**	**21**	**20**	**24**	**11,574**
Non-Hispanic	667	1,852	1,342	414	148	128	2	7	9	12	9.00	4,590
Hispanic	697	2,286	2,190	451	136	116	1	8	12	7	12	5,916

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Table D.8
Loans by HAL Status by Race/Ethnicity of Borrower
City of Fresno
2004–2014 HMDA Data

Race	Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
American Indian	Other	153	83	70	52	42	53	32	27	30	31	27	600
	HAL	56	175	103	18	4	3	1	0	0	0	0	360
	Percent HAL	26.8%	67.8%	59.5%	25.7%	8.7%	5.4%	3.0%	.0%	.0%	.0%	.0%	37.5%
Asian	Other	966	724	594	377	322	405	427	450	516	538	515	5,834
	HAL	159	649	429	100	24	29	0	1	2	0	1	1,394
	Percent HAL	14.1%	47.3%	41.9%	21.0%	6.9%	6.7%	.0%	.2%	.4%	.0%	.2%	19.3%
Black	Other	232	142	130	115	78	93	107	83	119	99	112	1,310
	HAL	105	259	244	46	10	5	0	2	1	3	0	675
	Percent HAL	31.2%	64.6%	65.2%	28.6%	11.4%	5.1%	.0%	2.4%	.8%	2.9%	.0%	34.0%
White	Other	4,093	3,429	2,715	2,477	2,143	2,629	2,349	2,296	2,398	2,651	2,747	29,927
	HAL	938	2,922	2,656	678	249	209	1	12	18	16	21	7,720
	Percent HAL	18.6%	46.0%	49.5%	21.5%	10.4%	7.4%	.0%	.5%	.7%	.6%	.8%	20.5%
Not Available	Other	973	463	388	250	207	186	230	169	183	238	225	3,512
	HAL	270	631	375	100	13	11	1	1	0	1	2	1,405
	Percent HAL	21.7%	57.7%	49.1%	28.6%	5.9%	5.6%	.4%	.6%	.0%	.4%	.9%	28.6%
Not Applicable	Other	125	0	0	0	0	0	1	1	0	1	0	128
	HAL	20	0	0	0	0	0	0	0	0	0	0	20
	Percent HAL	13.8%	%	%	%	%	%	.0%	.0%	%	.0%	%	13.5%
Total	**Other**	**6,542**	**4,841**	**3,897**	**3,271**	**2,792**	**3,366**	**3,146**	**3,026**	**3,246**	**3,558**	**3,626**	**41,311**
	HAL	**1,548**	**4,636**	**3,807**	**942**	**300**	**257**	**3**	**16**	**21**	**20**	**24**	**11,574**
	Percent HAL	**19.1%**	**48.9%**	**49.4%**	**22.4%**	**9.7%**	**7.1%**	**.1%**	**.5%**	**.6%**	**.6%**	**.7%**	**21.9%**
Non-Hispanic	Other	3,579	3,132	2,319	2,063	1,748	2,045	1,887	1,823	2,045	2,183	2,118	24,942
	HAL	667	1,852	1,342	414	148	128	2	7	9	12	9.00	4,590
	Percent HAL	15.7%	37.2%	36.7%	16.7%	7.8%	5.9%	.1%	.4%	.4%	.5%	.4%	15.5%
Hispanic	Other	1,861	1,268	1,241	979	844	1,157	1,061	1,067	1,036	1,148	1,317	12,979
	HAL	697	2,286	2,190	451	136	116	1	8	12	7	12	5,916
	Percent HAL	27.2%	64.3%	63.8%	31.5%	13.9%	9.1%	.1%	.7%	1.1%	.6%	.9%	31.3%

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Table D.9
Loans by HAL Status by Income of Borrower
City of Fresno
2004–2014 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
$15,000 or Below	Other	13	7	7	3	6	25	32	31	26	12	5	167
	HAL	0	0	5	0	1	8	0	1	0	0	0	15
	Percent HAL	.0%	.0%	41.7%	.0%	14.3%	24.2%	.0%	3.1%	.0%	.0%	.0%	8.2%
$15,001 –$30,000	Other	386	147	64	97	167	505	491	527	483	381	316	3,564
	HAL	56	65	20	14	41	54	1	2	7	1	0	261
	Percent HAL	12.7%	30.7%	23.8%	12.6%	19.7%	9.7%	.2%	.4%	1.4%	.3%	.0%	6.8%
$30,001 –$45,000	Other	1,077	486	257	367	542	854	831	788	852	792	718	7,564
	HAL	317	519	160	73	77	79	1	4	0	4	4	1,238
	Percent HAL	22.7%	51.6%	38.4%	16.6%	12.4%	8.5%	.1%	.5%	.0%	.5%	.6%	14.1%
$45,001 –$60,000	Other	1,453	831	514	603	637	677	612	571	645	657	719	7,919
	HAL	459	1,072	634	178	64	48	0	5	5	5	6	2,476
	Percent HAL	24.0%	56.3%	55.2%	22.8%	9.1%	6.6%	.0%	.9%	.8%	.8%	.8%	23.8%
$60,001 –$75,000	Other	1,116	872	700	569	472	408	391	338	385	545	608	6,404
	HAL	294	1,106	910	201	44	26	0	3	6	6	6	2,602
	Percent HAL	20.9%	55.9%	56.5%	26.1%	8.5%	6.0%	0.0%	.9%	1.5%	1.1%	1.0%	28.9%
Above $75,000	Other	2,320	2,349	2,168	1,537	941	872	776	744	836	1,150	1,244	14,937
	HAL	403	1,813	1,905	398	68	40	1	1	0	4	8	4,641
	Percent HAL	14.8%	43.6%	46.8%	20.6%	6.7%	4.4%	.1%	.1%	.0%	.3%	.6%	23.7%
Data Missing	Other	177	149	187	95	27	25	13	27	19	21	16	756
	HAL	19	61	173	78	5	2	0	0	3	0	0	341
	Percent HAL	9.7%	29.0%	48.1%	45.1%	15.6%	7.4%	.0%	.0%	13.6%	.0%	.0%	31.1%
Total	**Other**	**6,542**	**4,841**	**3,897**	**3,271**	**2,792**	**3,366**	**3,146**	**3,026**	**3,246**	**3,558**	**3,626**	**41,311**
	HAL	**1,548**	**4,636**	**3,807**	**942**	**300**	**257**	**3**	**16**	**21**	**20**	**24**	**11,574**
	Percent HAL	**19.1%**	**48.9%**	**49.4%**	**22.4%**	**9.7%**	**7.1%**	**.1%**	**.5%**	**.6%**	**.6%**	**.7%**	**21.9%**

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Table D.10
Homeowner Households with Housing Problems by Income and Race

City of Fresno

2008–2012 HUD CHAS Data

Income	Non-Hispanic by Race/Ethnicity						Hispanic (Any Race)	Total
	White	Black	Asian	American Indian	Pacific Islander	Other Race		
With Housing Problems								
30% HAMFI or less	1,075	170	235	0	0	30	865	2,375
30.1-50% HAMFI	1,905	325	510	10	4	95	2,090	4,939
50.1-80% HAMFI	2,590	205	630	10	0	150	3,125	6,710
80.1-100% HAMFI	1,290	275	420	0	0	115	1,600	3,700
100.1% HAMFI or more	6,000	755	1,320	70	0	330	3,565	12,040
Total	12,860	1,730	3,115	90	4	720	11,245	29,764
Without Housing Problems								
30% HAMFI or less	205	35	0	0	0	0	120	360
30.1-50% HAMFI	1,165	75	165	0	0	10	665	2,080
50.1-80% HAMFI	2,055	150	190	15	0	35	1,130	3,575
80.1-100% HAMFI	1,490	70	230	4	0	70	975	2,839
100.1% HAMFI or more	22,400	1,500	3,315	100	40	845	8,835	37,035
Total	27,315	1,830	3,900	119	40	960	11,725	45,889
Not Computed								
30% HAMFI or less	360	35	100	0	0	25	180	700
30.1-50% HAMFI	0	0	0	0	0	0	0	0
50.1-80% HAMFI	0	0	0	0	0	0	0	0
80.1-100% HAMFI	0	0	0	0	0	0	0	0
100.1% HAMFI or more	0	0	0	0	0	0	0	0
Total	360	35	100	0	0	25	180	700
Total								
30% HAMFI or less	1,640	240	335	0	0	55	1,165	3,435
30.1-50% HAMFI	3,070	400	675	10	4	105	2,755	7,019
50.1-80% HAMFI	4,645	355	820	25	0	185	4,255	10,285
80.1-100% HAMFI	2,780	345	650	4	0	185	2,575	6,539
100.1% HAMFI or more	28,400	2,255	4,635	170	40	1,175	12,400	49,075
Total	**40,535**	**3,595**	**7,115**	**209**	**44**	**1,705**	**23,150**	**76,353**

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Table D.11
Renter Households with Housing Problems by Income and Race

City of Fresno

2008–2012 HUD CHAS Data

Income	Non-Hispanic by Race/Ethnicity						Hispanic (Any Race)	Total
	White	Black	Asian	American Indian	Pacific Islander	Other Race		
With Housing Problems								
30% HAMFI or less	3,585	2,785	1,680	65	40	415	9,030	17,600
30.1-50% HAMFI	3,395	1,765	1,180	70	40	270	6,990	13,710
50.1-80% HAMFI	3,470	1,260	1,150	160	0	280	5,580	11,900
80.1-100% HAMFI	1,135	260	505	30	0	210	1,685	3,825
100.1% HAMFI or more	1,765	295	345	0	30	65	1,710	4,210
Total	13,350	6,365	4,860	325	110	1,240	24,995	51,245
Without Housing Problems								
30% HAMFI or less	210	355	170	10	0	0	585	1,330
30.1-50% HAMFI	505	285	205	4	0	30	660	1,689
50.1-80% HAMFI	905	490	335	10	0	65	2,235	4,040
80.1-100% HAMFI	1,345	420	285	20	0	70	2,245	4,385
100.1% HAMFI or more	8,120	1,240	1,580	140	20	385	5,645	17,130
Total	11,085	2,790	2,575	184	20	550	11,370	28,574
Not Computed								
30% HAMFI or less	410	385	265	0	0	0	425	1,485
30.1-50% HAMFI	0	0	0	0	0	0	0	0
50.1-80% HAMFI	0	0	0	0	0	0	0	0
80.1-100% HAMFI	0	0	0	0	0	0	0	0
100.1% HAMFI or more	0	0	0	0	0	0	0	0
Total	410	385	265	0	0	0	425	1,485
Total								
30% HAMFI or less	4,205	3,525	2,115	75	40	415	10,040	20,415
30.1-50% HAMFI	3,900	2,050	1,385	74	40	300	7,650	15,399
50.1-80% HAMFI	4,375	1,750	1,485	170	0	345	7,815	15,940
80.1-100% HAMFI	2,480	680	790	50	0	280	3,930	8,210
100.1% HAMFI or more	9,885	1,535	1,925	140	50	450	7,355	21,340
Total	**24,845**	**9,540**	**7,700**	**509**	**130**	**1,790**	**36,790**	**81,304**

CITY OF FRESNO INCORPORATED OCT. 12, 1885

Table D.12
Total Households with Housing Problems by Income and Race

City of Fresno

2008–2012 HUD CHAS Data

Income	Non-Hispanic by Race/Ethnicity						Hispanic (Any Race)	Total
	White	Black	Asian	American Indian	Pacific Islander	Other Race		
With Housing Problems								
30% HAMFI or less	4,660	2,955	1,915	65	40	445	9,895	19,975
30.1-50% HAMFI	5,300	2,090	1,690	80	44	365	9,080	18,649
50.1-80% HAMFI	6,060	1,465	1,780	170	0	430	8,705	18,610
80.1-100% HAMFI	2,425	535	925	30	0	325	3,285	7,525
100.1% HAMFI or more	7,765	1,050	1,665	70	30	395	5,275	16,250
Total	26,210	8,095	7,975	415	114	1,960	36,240	81,009
Without Housing Problems								
30% HAMFI or less	415	390	170	10	0	0	705	1,690
30.1-50% HAMFI	1,670	360	370	4	0	40	1,325	3,769
50.1-80% HAMFI	2,960	640	525	25	0	100	3,365	7,615
80.1-100% HAMFI	2,835	490	515	24	0	140	3,220	7,224
100.1% HAMFI or more	30,520	2,740	4,895	240	60	1,230	14,480	54,165
Total	38,400	4,620	6,475	303	60	1,510	23,095	74,463
Not Computed								
30% HAMFI or less	770	420	365	0	0	25	605	2,185
30.1-50% HAMFI	0	0	0	0	0	0	0	0
50.1-80% HAMFI	0	0	0	0	0	0	0	0
80.1-100% HAMFI	0	0	0	0	0	0	0	0
100.1% HAMFI or more	0	0	0	0	0	0	0	0
Total	770	420	365	0	0	25	605	2,185
Total								
30% HAMFI or less	5,845	3,765	2,450	75	40	470	11,205	23,850
30.1-50% HAMFI	6,970	2,450	2,060	84	44	405	10,405	22,418
50.1-80% HAMFI	9,020	2,105	2,305	195	0	530	12,070	26,225
80.1-100% HAMFI	5,260	1,025	1,440	54	0	465	6,505	14,749
100.1% HAMFI or more	38,285	3,790	6,560	310	90	1,625	19,755	70,415
Total	**65,380**	**13,135**	**14,815**	**718**	**174**	**3,495**	**59,940**	**157,657**

E. Suggested Edits to Impediments And Recommended Actions

Private Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Black and Hispanic home purchase loan applicants have been denied home-purchase loans at a higher rate than white or non-Hispanic residents.** This impediment was identified through review of home lending data gathered under the Home Mortgage Disclosure Act. Black loan applicants were considerably more likely than white applicants to be denied a home-purchase loan from 2004 through 2014, even among those who were similarly situated with respect to income. The same was true of Hispanic loan applicants, as compared to non-Hispanic loan applicants.

Action 1.1: Convene a panel of banks and advocacy organizations, such as the Greenlining Coalition, to develop recommendations on how to promote lending in areas with relatively high concentrations of racial/ethnic minority residents.

Measurable Objective 1.1: The convening of the panel, development of recommendations, and record of the panel meetings.

Action 1.2: Promote credit and personal finance education among high school students in areas with high concentrations of black and Hispanic students, focusing on the effective use of consumer debt and methods to build and maintain good credit.

Measurable Objective 1.2: Number of credit counseling classes held in city high schools and civic organizations, and the number of participating schools, students, and local organizations.

Action 1.3: Continue to explore opportunities for potential partnerships with non-profit entities to support the development of a land bank or community land trust to acquire properties for rehabilitation and/or development of affordable and mixed-income housing.

Measureable Objective 1.3: Record of discussions with non-profit entities and the identification of opportunities for potential partnerships.

***Impediment 2*: Failure to make reasonable modification or accommodation.** This was one of the most common discriminatory issues cited in complaints filed with HUD, the California Department of Fair Employment and Housing, and the Fair Housing Council of Central California. Complaints lodged by city residents were most commonly filed by or on behalf of residents with disabilities.

Action 2.1: Conduct outreach and education to area landlords, in partnership with local and state organizations such as the California Apartment Association, relating to reasonable accommodation requirements under the Fair Housing Act, Americans with Disabilities Act, the California Fair Employment and Housing Act, and other related legislation.

Measurable Objective 2.1: Number of outreach and education sessions offered, number of participating organizations, and number of participating landlords/property managers.

Action 2.2: Include information relating to the ADA, reasonable accommodation, and fair housing more generally, among licensing materials for new landlords.

Measurable Objective 2.2: The development and inclusion of new materials to be included in licensing documents.

Action 2.3: Conduct accessibility audits among newly constructed multifamily housing units in partnership with the Fair Housing Council of Central California.

Measurable Objective 2.3: The number of audit tests conducted and the results of those tests.

Action 2.4: Promote the provision of disabled-accessible units and housing for persons with mental and physical disabilities.

Measurable Objective 2.4: Efforts and policies to promote the provision of disabled-accessible units.

Action 2.5: Accommodate persons with disabilities who seek reasonable waiver or modification of land use controls and/or development standards pursuant to procedures and criteria set forth in the Development Code.

Measurable Objective 2.5: Record of permitted accommodations of land-use controls and/or development standards.

Action 2.6: Build and maintain a database of housing units that have been rehabilitated and modified for accessibility, and make the list available to organizations working to house residents with disabilities.

Measurable Objective 2.6: The compilation of the database, the number of units identified, and the number of organizations who are made aware of the database.

***Impediment 3*: Relatively low levels of private investment in racial/ethnic minority neighborhoods and areas with comparatively high poverty rates.** This impediment was identified through review of data gathered under the Community Reinvestment Act (CRA) and from the Census Bureau. Though around 40 percent of the $4.1 billion in small business loans issued in the city from 2000 through 2014 went to low- and moderate-income Census tracts, the number of loans issued in Census tracts with relatively high concentrations of black and Hispanic residents, and those with high poverty rates, was often at or below median.

Action 3.1: Consider funding, matching funds, training programs and Section 3 opportunities for small business loan investment, and to prepare small businesses for loans, in areas with high concentrations of racial and ethnic minority residents and households living in poverty.

Measurable Objective 3.1: The amount of funding dedicated to investment in small business and Section 3 training opportunities, and the amount of private sector investment supported or facilitated in areas with high concentrations of minority residents and households living in poverty by those public investments.

Action 3.2: Continue to explore development of a Transit Oriented Affordable Housing Loan Fund, which could pool local, state, federal, and private Community Reinvestment Act (CRA) sources to support mixed-income housing in areas with high concentrations of minority residents and households living in poverty.

Measurable Objective 3.2: Record of discussions and actions taken to explore development of Transit Oriented Affordable Housing Loan Fund.

***Impediment 4*: Low use of available fair housing resources/infrastructure.** This impediment was identified through review of complaint data filed with HUD and the California Department of Fair Employment and Housing. Where this impediment is due to a general lack of knowledge of fair housing or available fair housing resources, it has the potential to impact residents of any protected class status who may face discrimination in the housing market.

Action 4.1: Include a web page on the city website detailing the rights and responsibilities of city residents under federal and state fair housing law, and hyperlinks to a variety of fair housing resources, including complaint forms for HUD and the California Department of Fair Employment and Housing.

Measurable Objective 4.1: The inclusion of the web-link and number of visits and the click-through rate[107] of visitors who access any of the links included on the web page.

Action 4.2: Use CDBG to fund specific Fair Housing education and outreach in areas of concentration.

Measurable Objective 4.2: The amount of CDBG funding dedicated to Fair Housing outreach and education, the number of training sessions, and the number of participants in those training sessions.

Action 4.3: Through continuing contract with the Fair Housing Council of Central California, provide fair housing services that include advertising fair housing laws and complaint procedures in multiple languages through literature displays at City and County offices and through local non-profit groups.

Measurable Objective 4.3: Continuing contract with the Fair Housing Council and a record of marketing efforts to promote broader awareness of fair housing laws and complaint procedures.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Persistence of concentrated areas of poverty with disproportionate shares of racial/ethnic minorities.** This impediment was identified through review of data gathered from the Census Bureau during the 2000 Census and 2010-2014 American Community Survey. Census tracts with high poverty rates also tended to have relatively high concentrations of black, Asian, and Hispanic residents. With few exceptions, these Census tracts were located in and around the city center.

Action 1.1: Expanding upon Private Sector Action 3.1 above, identify methods by which CDBG funding may be used to promote investment and leverage lending in areas of the city with high poverty and high concentrations of racial/ethnic minority residents in 2000 and 2010-2014.

Measurable Objective 1.1: The amount of lending that is generated, facilitated, or supported by funding in areas with high concentrations of poverty and racial/ethnic minority residents.

[107] The "click-through rate" refers in this context to the ratio of visitors who click on one of the web links included on the web page to the total number of viewers who view the page.

Action 1.2: Expand or reallocate CDBG funding for infrastructural improvements, public works projects, and housing rehabilitation/preservation, focusing on areas of poverty and high concentrations of minority residents.

Measurable Objective 1.2: The amount of new or additional CDBG funding designated for improvements to infrastructure, public works projects, and housing rehabilitation/preservation in areas of poverty and high concentrations of minority residents.

Action 1.3: Create enhanced infrastructure financing districts (EIDF) in distressed areas around the city center, with the goal of securing additional redevelopment funding for those areas.

Measurable Objective 1.3: The designation of EIDFs and the amount of funding allocated for redevelopment of existing housing units as affordable housing.

Action 1.4: Advocate and facilitate the conservation and rehabilitation of substandard residential properties by homeowners and landlords.

Measurable Objective 1.4: Policies and actions designed to facilitate conservation and rehabilitation of substandard housing.

Action 1.5: Continue to facilitate access to rehabilitation programs that provide financial and technical assistance to low- and moderate-income households for the repair and rehabilitation of existing housing with substandard conditions.

Measurable Objective 1.5: Policies and actions designed to facilitate access to rehabilitation programs.

Action 1.6: Work with the Fresno Housing Authority to raise housing payment standards for Housing Choice Vouchers to expand housing choice for low-income residents in areas with higher housing costs and lower concentrations of subsidized units.

Measurable Objective 1.6: Actions taken to raise the housing payment standards for Housing Choice Vouchers.

***Impediment 2*: Concentration of assisted housing in concentrated areas of poverty with relatively high concentrations of racial/ethnic minority residents.** This impediment was identified in review of the location of housing developments funded by HUD or subsidized by low-income housing tax credits, as well as analysis of data gathered in the 2000 and 2010 Censuses and 2010-2014 American Community Survey. A majority of both types of units were located in areas with above-average concentrations of minority residents and households living in poverty.

Action 2.1: Open a dialogue with affordable housing developers to identify barriers to entry for construction outside of areas in which affordable units are currently concentrated.

Measurable Objective 2.1.1: The record of dialogue between the City and affordable housing developers.

Measurable Objective 2.1.2: Identify resources to bridge the gap for developers of affordable housing units who face barriers to entry in neighborhoods with relatively low concentrations of affordable housing.

Measurable Objective 2.1.3: Hold a forum with affordable housing developers, highlighting recent and projected investments in the Bus Rapid Transit system, to

identify methods to attract and support mixed-income development/re-development.

Action 2.2: Encourage the Fresno Housing Authority to provide mobility counseling to voucher recipients.

Measurable Objective 2.2: The number of voucher recipients who have been provided mobility counseling.

Action 2.3: Actively pursue funding to assist in the development, preservation, and rehabilitation of any existing housing type with a particular emphasis on the development of mixed-income neighborhoods.

Measurable Objective 2.3: Policies and actions designed to secure funding for development, preservation, and rehabilitation of housing with an emphasis on developing mixed-income neighborhoods.

Action 2.4: Ensure that all development applications are considered, reviewed, and approved without prejudice to the proposed residents.

Measurable Objective 2.4: Efforts and policies designed to ensure equitable processing of development applications.