
Analysis of Impediments to Fair Housing Choice

Update

The City of Bowling Green, Kentucky, initiated an Analysis of Impediments (AI) to Fair Housing Choice in October 2003. This study was undertaken for several reasons, among them: (1) there had been recent discussion in the community about possible expanded local enforcement of fair housing laws, and (2) the City was awarded Community Development Block Grant entitlement status.

The lead agency for undertaking the AI was the Housing and Community Development Department (HCD) staff. To aide in preparing the document, a focus group was assembled and a forum held during which Impediments to Fair Housing Choice were identified and solutions offered. Attendance at the forum was good and mirrored the demographics of the community.

An “impediment” to fair housing choice is defined as “any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice” or “any actions, omissions, or decisions that have this effect”.

The AI process resulted in the following impediments, primarily *omissions*, being recognized:

- Lack of education about discrimination and Fair Housing laws.
- Lack of mobility/access to resources.
- Lack of affordable units to rent or purchase.
- Lack of pro-active property maintenance code enforcement.
- Cumbersome legal system for evictions.

Fair Housing Legal Status

In preparing the original document in 2003, a review of housing discrimination complaints filed with the U.S. Department of Housing and Urban Development and the Kentucky Human Rights Commission showed that six complaints had been filed in the three and a half year period from January 2000 to the end of September 2003. All six were filed on the basis of disability. All six of the complaints have been closed. In 2005, three complaints were received from Warren County, two based on disability and one on familial status.

The Bowling Green Human Rights Commission is the local agency responsible for intake, referrals, and education about fair housing laws. In the period between

January 2001, and early October 2003, the Commission had 13 intake referrals related to housing discrimination (an average of .4 complaints per month). In contrast, during the 27 months since October 2003, the BGHRC received 60 intake referrals related to housing discrimination (an average of 2.2 complaints per month). Seventeen of these complaints were referred to other state enforcement agencies for further investigation. The remaining 26 complaints were either dismissed or referred to local code enforcement officials. During this same period, the Lexington Fair Housing Council received 10 complaints from individuals about housing discrimination in the Bowling Green area.

This sharp rise in local complaint activity may indicate that the public education undertaken by the BGHRC has been successful in raising awareness of activities that may be viewed as discriminatory. The willingness of a complainant to come forward when he/she feels discriminated against is perhaps one of the most revealing indicators of a positive change in the local fair housing climate.

In March 2001, the Lexington Fair Housing Council conducted testing and accessibility surveys in Bowling Green. Six tests were conducted in which three were based on race, two on familial status, and one on disability. The only test that resulted in evidence of discrimination was the test focusing on disability when an apartment complex owner would not make a pet exception for a blind tester's service animal. Housing testing was again undertaken in the Bowling Green area from early 2005 and is on-going. The following issues were identified by testers: failure by landlords to make requested reasonable accommodations; discrimination based on familial status; refusal to rent based on race, religion and national origin.

Identification of Impediments to Fair Housing Choice

The first meeting of the Fair Housing focus group, held October 21, 2003, was very well received and attended. The HCD staff invited a cross-section of the housing community to participate in an afternoon of discussion about fair housing issues in Bowling Green; over 280 invitations were mailed. The attending group of 42 included:

City/local government	11
Landlords/property managers	6
Realty/Banking/Mortgage Co	5
Service Providers	11
Advocacy	4
Builders/architect	2
WKU/HUD	3

On January 5, 2006, a follow up meeting was held to discuss progress toward addressing the impediments that had been identified at the 2003 meeting.

Although not as well attended—only 16 participants—those in attendance were engaged, vocal and insightful. In addition to recognizing current activities designed to address those previously identified impediments, the group identified new potential solutions to existing impediments and also identified a growing problem that may have become an impediment since the original document was completed.

Current activities addressing each identified solution, newly recognized impediments or newly identified solutions are indicated with italics.

Impediment #1: Lack of education about discrimination and Fair Housing Laws. The consensus among participants was that residents, landlords, realtors, and the community need more information about the Fair Housing Laws, how to avoid discriminatory practices, and what to do if housing discrimination occurs. Related issues included lack of trust in local government, fear of reprisal, NIMBY (Not In My Back Yard) attitudes, public perception, and cultural awareness.

Immediate Actions:

- Air anti-discrimination programming on cable government access and other channels.
 - *“New Horizons” television programming by the Bowling Green Human Rights Commission (BGHRC) broadcast on WBKO television.*
 - *U. S. Department of Housing and Urban Development (HUD) PSA’s broadcast on public access television.*
 - *City of Bowling Green’s Diversity Campaign which includes training, brochures, billboards, etc.*
 - *“Spotlight on Bowling Green” television programming broadcast on public access television.*
- Require City-funded agencies to distribute fair housing literature.
 - *Housing Authority of Bowling Green (HABG), Lifeskills, BGHRC and Housing Assistance and Development Services, Inc. (HANDS) all provide Fair Housing literature.*
 - *The Bowling Green Realtor’s Association distributes Fair Housing literature.*
- Air multi-lingual public services announcements on local media that includes information about where to go, what to do, and what housing discrimination is.
 - *HRC is airing Spanish language PSA’s.*
 - *HRC has a Spanish language video that is used in area churches.*
 - *BGHRC plans two additional Fair Housing PSA’s for 2006*

- *Multilingual literature is distributed by HANDS, BGHRC, Realtor's Assn., Lifeskills, Barren River Area Safe Space (BRASS). Languages available include Spanish, Bosnian, Vietnamese and Russian.*
- *The City's subsidized housing program developed a Limited English Proficiency plan in 2005, which includes a list of translation service providers.*
- **Distribute fair housing information through the schools in various translations.**
 - *Contact will be made with the school Family Resource Centers as a distribution point for Fair Housing literature in the schools.*
- **Conduct educational programs in schools, clubs, service organizations, churches.**
 - *BGHRC has developed a Fair Housing Curriculum in conjunction with the Kentucky Core Curriculum. "Justice Equals Equality" will be taught in the Warren County schools at the 4th and 5th grade level.*
 - *BGHRC will sponsor a Legal Clinic in February 2006. A similar clinic was offered in Spanish in 2005.*
 - *Realtor's Assn. sponsors an annual poster contest and publishes a Fair Housing calendar.*
 - *BGHRC began an educational series in local schools in January 2006 entitled "Justice Equals Equality".*
 - *Fair Housing Month 2005 was celebrated with a Proclamation, educational programs in two City grade schools and a coloring contest.*
- **Produce a "Spotlight on Bowling Green" (City-sponsored monthly cable program) addressing fair housing.**
 - *Produced and broadcast in 2005. Continues to be archived for re-broadcast.*
- **Post fair housing information on websites and billboards.**
 - *BGHRC and HANDS include Fair Housing information on their websites.*
 - *BGHRC Fair Housing Newsletter is posted on the City's website.*
- **Provide training for landlords, realtors, agency staff about fair housing laws.**
 - *BGHRC publishes a quarterly newsletter distributed to 1600 rental property owners and managers.*
 - *BGHRC offers workshops to church groups, public housing residents, civic groups, local agencies and apartment managers.*
 - *Western Kentucky University (WKU) offers classes on "Racial Injustice" and "Social Ethics".*

- *BGHRC provides Fair Housing Training to residents and managers of on-campus housing at W KU and to off-campus housing which targets college students.*
- Promote public meetings to gain citizen input on projects benefiting minorities and low income families.
- Identify local sources, service agencies that can assist in filing a fair housing complaint and publicize.
 - *BGHRC has organized an advocacy group is dedicated to solving housing discrimination problems in the community. “Fair Housing Partners” will hold its initial s meeting in February 2006.*

Five Year Actions:

- Study need for rental unit inspection program.
 - *The City’s Department of Housing and Community Development (HCD) has studied this need and is preparing a proposal for presentation to the Board of Commissioners (BOC).*
- Develop informal hearing process for fair housing complaints.
 - *The proposed rental unit inspection program will include an informal hearing process.*
- Study need for “continuing education” classes for landlords.
 - *The proposed rental unit inspection program will include an educational component.*
- Study need for landlord registration program for all landlords.
 - *The proposed rental unit inspection program will include a requirement for registration of property/landlords.*
- Develop ombudsman system to act as intermediary between landlords/tenants, consisting of a combination of:
 - Citizen ombudsmen representing each culture/language, and
 - City department or agency to help process complaints and settle problems informally.
 - *There has been no action to date on development of an ombudsman system.*
- Facilitate neighborhood associations, especially in the rental communities, and include fair housing information in the outreach/education program.
 - *The City’s Department of Citizen Information and Assistance (CIA) facilitates formation and support of neighborhood organizations.*
 - *A Neighborhood Coalition meeting was held in 2005, which included a panel discussion of the Uniform Residential Landlord and Tenant Act (URLTA).*
 - *Fair Housing literature is distributed at local neighborhood meetings.*

- *CIA has published a brochure entitled “Good Neighbor” in Bosnian and Spanish, as well as English.*
- *HANDS distributes Fair Housing literature to all tenant associations in apartment complexes they manage.*

Long-Range Actions:

- Encourage better participation in public hearings by all affected residents.
- Conduct diversity awareness training.
 - *The City has undertaken a diversity campaign, which includes education, literature, billboards and television programming.*
 - *Western Kentucky University has an on-going diversity program.*
- Study need for Landlord-Tenant Act and take necessary action.
 - *HCD has studied the need for this legislation and is incorporating it into the Rental Property Inspection Program.*
- Require all City and City-funded agencies to offer fair housing publications in English and Spanish, and publish telephone numbers for translation services.
 - *Although not currently required as a condition of funding, many agencies provide multilingual Fair Housing literature (HCD, HANDS, BGHRC, BRASS, CIA, Realtor’s Assn., Lifeskills, HABG and many others).*
- Undertake public information/education campaign to ensure that renters know both their rights and their responsibilities.
 - *The City provides annual funding to the BGHRC for a Fair Housing Outreach Education Coordinator whose primary responsibility is education and public information on Fair Housing issues.*

Impediment #2: Lack of mobility/access to resources. The available jobs are not located in areas where assisted housing is available. Landlords are allowed to discriminate against potential renters based on source of payment, such as Section 8 vouchers and non-employment. There is not adequate pedestrian facilities for people to walk to the services/jobs they need.

Immediate Actions:

- Expand public relations efforts for existing public transit to inform residents of availability of routes and services.
 - *Community Action of Southern Kentucky (CASK) is currently working with a consultant to expand the use of public transportation (CART).*

- *HABG has been awarded a \$300,000 grant to use for transportation of public housing residents to and from employment and other essential services.*
- Develop public relations campaign to help overcome stigma of public transit.
 - *This will be addressed as part of the CASK study.*
- *New Solution: Clearly identify public transit stops utilizing standardized signage.*

Long-Range Actions:

- Expand public transit routes for easier access to job locations.
 - *A public transit study is currently underway. Preliminary suggestions include realignment of routes based on census data.*
- Mandate private development of sidewalks, trails, and lighting.
 - *Planning and Zoning (P&Z) regulations address this in subdivision regulations.*
- Seek federal funding for expanded public transit.
 - *Transportation Cabinet funds are currently available that the City is not fully utilizing due to match requirements.*
- Provide additional funding for Greenways development.
 - *Currently, \$4.5 million in funds has been secured and an additional grant application is outstanding.*

Impediment #3: Lack of affordable units to rent/buy. Mixed income housing development and mixed housing types are needed. Existing credit, budget and housing counseling services need to be expanded and publicized. The City and housing industry need to emphasize the benefits of homeownership. Additional transitional units and disabled accessible units are needed.

Immediate Actions:

- Educate the community about the benefits of mixed income housing.
 - *“New Faces of Affordable Housing” prepared by the Campaign for Affordable Housing and broadcast on public access television.*
- Review zoning ordinance for changes to encourage mixed housing types.
 - *There has been no action to date on the review of zoning ordinances.*
- Promote education of high school students about budgeting/credit issues.
 - *Mayor’s “Dollar Wise Campaign” has been used in Head Start and Girls, Inc.*

- *“Financial Literacy” program is being offered to high school freshmen.*
- Provide adequate pre- and post- purchase credit counseling for homeowners.
 - *Pre and Post purchase counseling is offered via a variety of agencies and programs, including*
 - *Mayor’s Dollar Wise Campaign*
 - *HUD Credit Counselors*
 - *“Yes, You Can Own Your Own Home”*
 - *City’s Family and Homeownership Counselors*
 - *HANDS Homeownership Center (opening in 2006)*
 - *HABG*
 - *HANDS.*
 - *BRASS*
 - *BRASS has established an Individual Development Account (IDA) program for its clients.*
 - *The International Center will utilize recently awarded Enterprise Community funding to establish an IDA program for its clients.*
 - *HANDS offers foreclosure prevention counseling.*
- Develop publicity campaign encouraging homeownership and emphasizing the available resources for purchasing a home.
 - *The City sponsors an Affordable Homeownership Festival in June each year.*
 - *Many articles on homeownership and available resources are published in “City Page”, a quarterly publication of the City.*
 - *HCD has compiled a homeownership resource book listing available resources for potential homeowners. Staff is in the process of distilling this list into a brochure for distribution.*

Five-Year Actions:

- Develop incentive plan for builders/developers to construct affordable unit to purchase, eg. cut the red tape.
 - *There has been no action to date on development of an incentive plan for builders/developers.*
- Seek HOME, Federal Home Loan Bank, and other funds and incentives for development of homeownership opportunities.
 - *There are a variety of resources which are addressing the need for affordable homeownership.*
 - *City’s Affordable Housing Trust Fund for down payment assistance*
 - *Continuum of Care funds have been awarded to a joint project of BRASS and HANDS to develop*

affordable homeownership opportunities for BRASS clients.

- *Voucher Homeownership Counselor position funded in 2006.*
- *The City's HOME grant set-aside*
- *BGHRC offers information about housing resources and counseling services.*
- Increase education/outreach about existing homeownership programs:
 - Literature/brochures
 - Model homes/advertising
 - Community/agency involvement
 - *Annual Affordable Homeownership Festival held in June*
 - Expansion of current efforts

Long-Range Actions:

- Ensure all new construction complies with fair housing requirements.
 - City building inspectors provide fair housing information to housing construction contractors.
- Apply sanctions when violations occur.

Impediment #4: Lack of pro-active property maintenance code enforcement.

Substandard housing and low property maintenance contributes to the lack of safe, decent, and sanitary affordable housing. A pro-active code enforcement program could help with the preservation of the rental housing stock and, hopefully, reduce the NIMBY attitude of homeowners who fear rental property will adversely affect property values, as they become more confident that rental property will be properly maintained.

Immediate Actions:

- Implement pro-active code enforcement program within the City's HCD Department.
 - *HCD is preparing a proposal to implement a rental property inspection program.*
 - *HCD has implemented a targeted code inspection program.*
 - *HCD has implemented an adjacent property code enforcement inspection program.*
 - *HCD has implemented a "roaming zone" property code inspection program.*

Five-Year Actions:

- Establish a rehabilitation/renovation assistance program.

- *The City has initiated a rehab program, utilizing CDBG funds*
- *A faith based rehab initiative has emerged.*
- *HANDS participates in “Project In as Much” and “Heartland Outreach” repair programs.*
- Implement targeted neighborhood clean-up programs.
 - *The City has implemented a targeted neighborhood cleanup program.*

Long-Range Actions:

- Force the sale of property not brought into compliance with property maintenance codes.
 - *Although state legislation allows this, local legislative body does not support.*
 - *Under consideration is a tax penalty on non-compliant properties.*

Impediment #5: Legal system, as it relates to evictions, is too cumbersome.

In some cases, the 30 day eviction notice requirement is not adhered to and families are given little or no notice before an eviction. In other cases, a 30 day minimum requirement is detrimental to the neighborhood and property when the eviction is for just cause, such as drug or violence related incidents.

Immediate Actions:

- Educate landlord on requirement of 30 day eviction notice.
 - *BGHRC publishes a quarterly newsletter, which is distributed to 1600 property owners and managers. This topic will be featured in a future publication.*
- *New Solution: Educate judges on subsidized housing.*
- *New Solution: Revised system of legislative alert.*

Five-Year Actions:

- Study need for Landlord-Tenant Act and take necessary action.
 - *HCD is currently studying Uniform Residential Landlord Tenant Act for suitability in Bowling Green.*
- *New Solution: Local Enforcement of Fair Housing Laws.*

Long-Range Actions:

- Request the Commonwealth to designate a specialized judge for fair housing/discrimination cases.
- Lobby for statutory changes to allow lesser notice requirements for evictions with just cause.

New Impediment: Impediment #6: Employment discrimination based on familial status and/or race. Biracial relationships are being used as a basis for termination of employment during the employee's probationary period.

Immediate Actions:

- *Gather empirical evidence to substantiate claim.*

Summary

1. Lack of education about discrimination and Fair Housing laws.

Comprehensive efforts are underway to educate and inform the public about Fair Housing. A Fair Housing Education and Outreach Plan was submitted to the City by the BGHRC in early 2004. Funded by the City, this plan proposes a Fair Housing Outreach Education Coordinator whose responsibility is to educate rental property managers, owners, tenants, prospective home buyers, lenders, homebuilders and real estate agents in Fair Housing issues. Utilizing brochures, newsletters, workshops, local print and broadcast media, and special events, education and information is offered in a variety of languages to reach a diverse population.

In addition to the BGHRC, many other local agencies offer Fair Housing education and information to their specific clientele.

2. Lack of mobility/access to resources.

Following completion of the transportation study, Community Action of Southern Kentucky's implementation of suggestions will address issues of public transit in Bowling Green. Realignment of routes to better serve users and better public relations to encourage use should make CART a viable mode of transportation for those in the community with limited transportation resources.

3. Lack of affordable units to rent or buy.

Community-wide programs such as the "Mayor's Dollar Wise Campaign" address the need for financial education, while special programs such as "Financial Fitness" target younger populations to stress the importance of establishing habits that lead to good financial health. Many local agencies offer pre- and post-purchase counseling and there are myriad programs available to provide services and financial assistance to make homeownership possible and affordable for all citizens. Public awareness is raised by special events, such as the annual

Affordable Homeownership Festival, and through periodic publications by the City.

4. Lack of pro-active property maintenance code enforcement.

Most of the code enforcement issues identified have been addressed and others are in the process of being studied. Adoption of the proposed rental unit inspection program will identify substandard properties, help stem the deterioration of rental property and help preserve Bowling Green's housing stock. This alone will go a long way in addressing many of the issues of "slum landlords" and "gouging" of Bowling Green's undereducated, low income and foreign born rental population by removing non-compliant properties from the available rental housing stock.

Additionally, use of City's grant funds for rehabilitation of the housing stock will help low income homeowners maintain their homes in code compliant condition. Private efforts to help low income persons keep their property in good repair include programs undertaken by local non-profits and faith based initiatives.

The use of tax penalties against absentee owners who allow their property to fall into disrepair is being considered.

5. Cumbersome Legal system for evictions.

Substantial Equivalency (local enforcement of Fair Housing laws) and the Uniform Residential Tenant and Landlord Act (local legislation regulating the landlord and tenant relationship) have been studied for suitability in Bowling Green. No action has been taken on either. As adoption of either Substantial Equivalency or URLTA requires local legislative action, sponsorship from within the board of commissioners would be the first step. Until the need for either is supported by empirical data, support seems unlikely.

6. Employment Discrimination based on familial status and/or race.

Suggested at the follow-up meeting of the Fair Housing focus group, this may be emerging as a new, previously unidentified, impediment. Anecdotal evidence was offered that indicates that some young women may be being terminated from employment during their probationary period because of a relationship with a significant other of another race or because they have biracial children. Empirical evidence is needed to substantiate these claims and, if found to be factual, this prima facie discrimination could be addressed via current Fair Housing laws.

Since development of the Analysis of Impediments to Fair Housing Choice in 2003, great strides have been made in addressing the issues that were identified. Many of the *immediate* solutions have already been implemented. In addition, some of the solutions that were anticipated to be *five year* or *long term* actions have already been implemented or are under consideration. Although progress has been made, much remains to be done. Continuation of successful programs put in place since 2003 and implementation of activities currently under consideration will serve to improve Bowling Green's Fair Housing climate. Education and public information remain the key to reducing and eliminating discrimination: educated property owners are more likely to refrain from discriminatory practices while an informed public will be more likely to recognize discrimination and to take a stand against it.