
Analysis of Impediments to Fair Housing Choice

Executive Summary

The City of Bowling Green, Kentucky, initiated an Analysis of Impediments (AI) to Fair Housing Choice in January, 2019. In conjunction with the Consolidated Plan, this study is conducted every five years in order to gain fresh perspective on the fair housing issues facing the community.

The lead agency for undertaking the AI was the Neighborhood and Community Services (NCS) staff. Existing, available data was used in the background; sources for the data are cited within the document text. A five-year Consolidated Plan is being prepared concurrent with this AI and an extensive documentation of the background housing data is contained in that Plan.

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 six impediments being recognized as those most prevalent in the community:

- Lack of landlord education about discrimination and Fair Housing laws.
- Language and cultural differences.
- Lack of accessible units to rent or purchase.
- Cumbersome and lengthy legal system for evictions.
- Lack of transition services for persons released from prison.
- Lack of local Fair Housing enforcement.

These impediments, and the actions that can be taken to overcome each impediment, are further detailed later in this document.

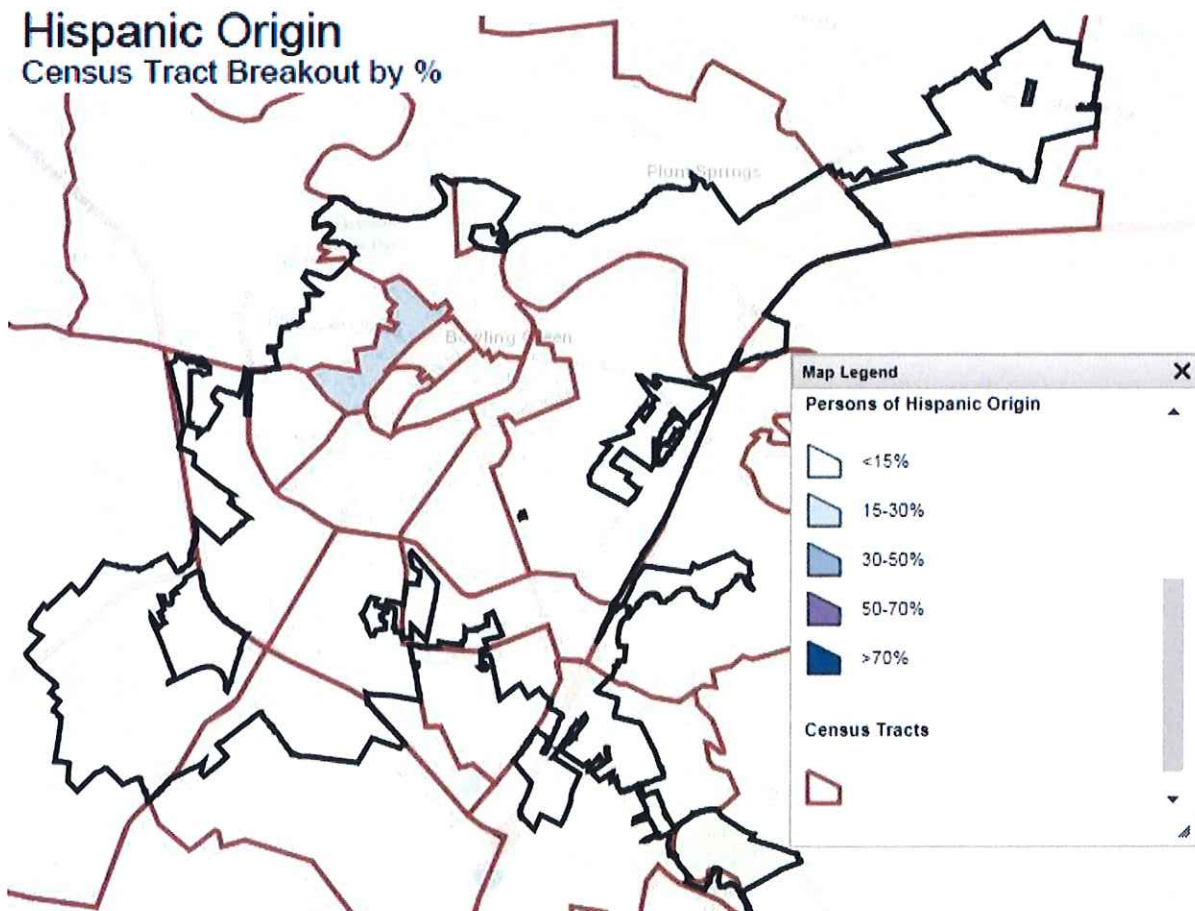
Background Data

The City of Bowling Green is the county seat of Warren County and is the central city of the Metropolitan Statistical Area that includes Allen, Butler, Edmonson, and Warren Counties. Bowling Green has become the regional service and employment center for a ten county area, particularly for retail, restaurants, and medical facilities. In the 2010 Census, Bowling Green’s population was 58,067. The population of the City grew over 18 percent in the decade from 2000 to 2010 (and the County grew by over 23 percent), placing a strong demand on the housing industry in Bowling Green and Warren County. While the latest (2020) Census hasn’t yet taken place, current estimates (2017) show additional population growth of 10.7%.

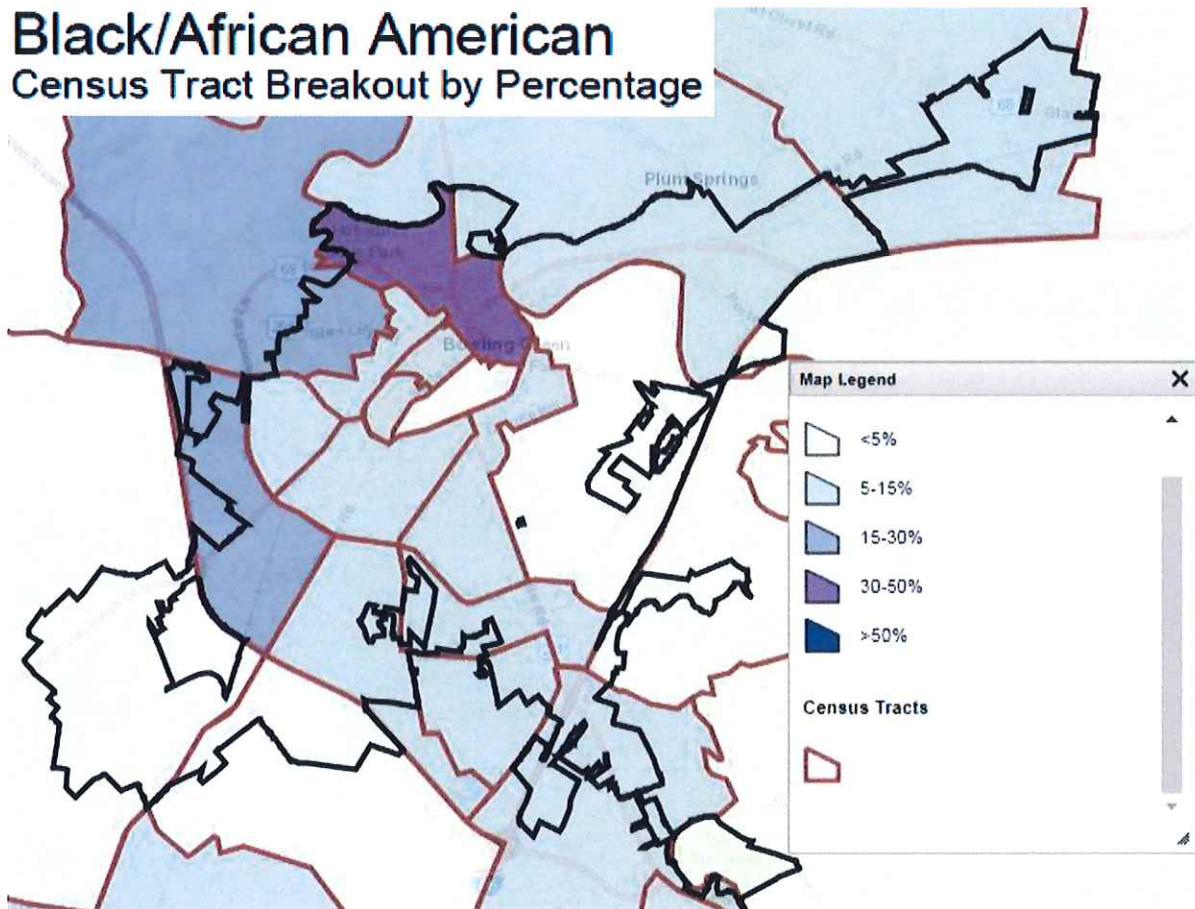
Bowling Green's population is becoming increasingly diversified as it welcomes families and individuals from all nationalities. The change in the most recent decade and current estimates is documented by census data is detailed below:

Population Characteristic	2000	2010	2000-2010 Percent Change	2017	2010-2017 Percent Change
Total Population (adjusted)	49,278	58,067	17.8%	64,302	10.7%
Race					
White only	39,842	44,013	10.4%	47,472	7.8%
Black/African American only	6,267	8,071	28.7%	8,813	9.1%
American Indian/Alaskan Native	111	158	42.3%	80	-49%
Asian or Pacific Island	1,020	2,416	136.8%	3,381	39.9%
Other (other race, two or more races)	2,056	3,303	60.6%	6,681	102.2%
Hispanic Ethnicity	2,011	3,749	86.4%	4,433	18.2%
Foreign Born	3,429	6,329	84.5%	8,777	38.6%

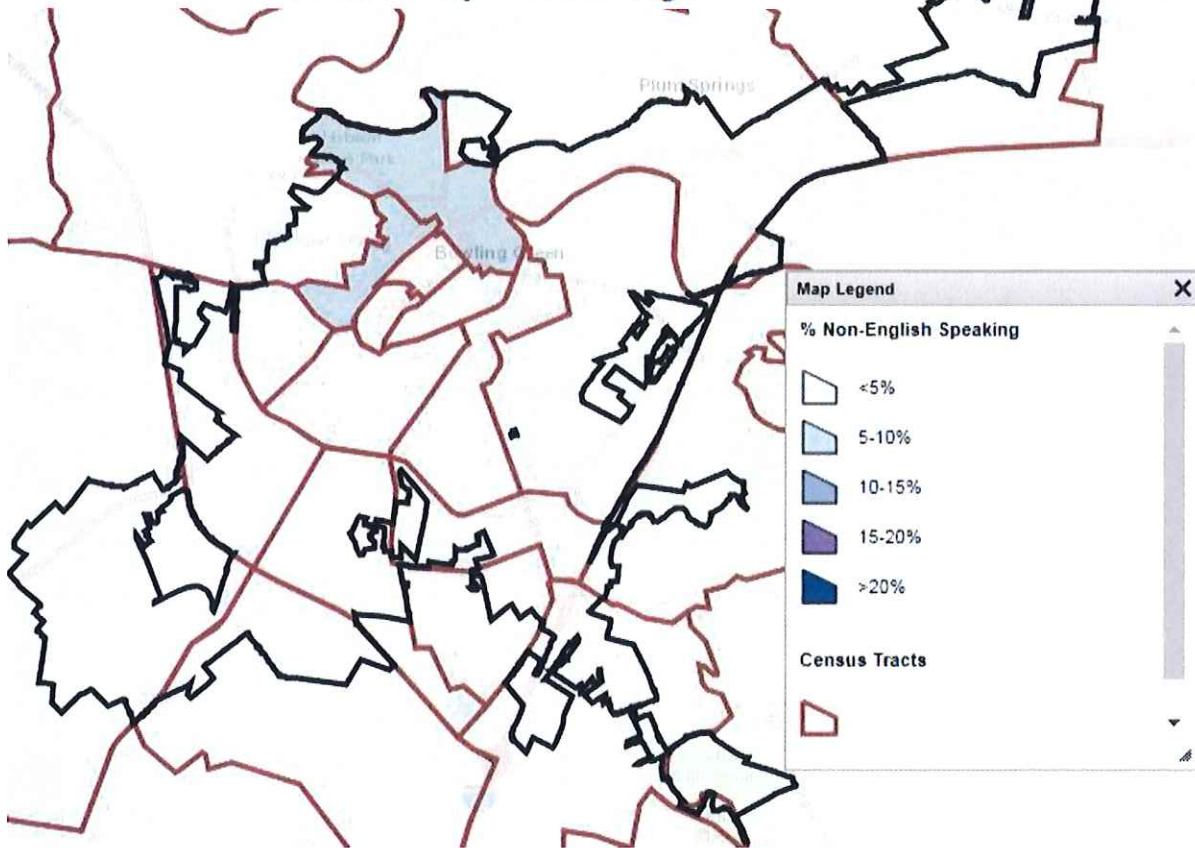
The geographic distribution of some of these populations (Hispanic ethnicity, Black/African American and % of non-English Speaking) is depicted in the following maps. Each population group is shown as a percentage of the total population in that particular Census Tract.



Black/African American Census Tract Breakout by Percentage



Non-English Speaking Households Census Tract Breakout by Percentage



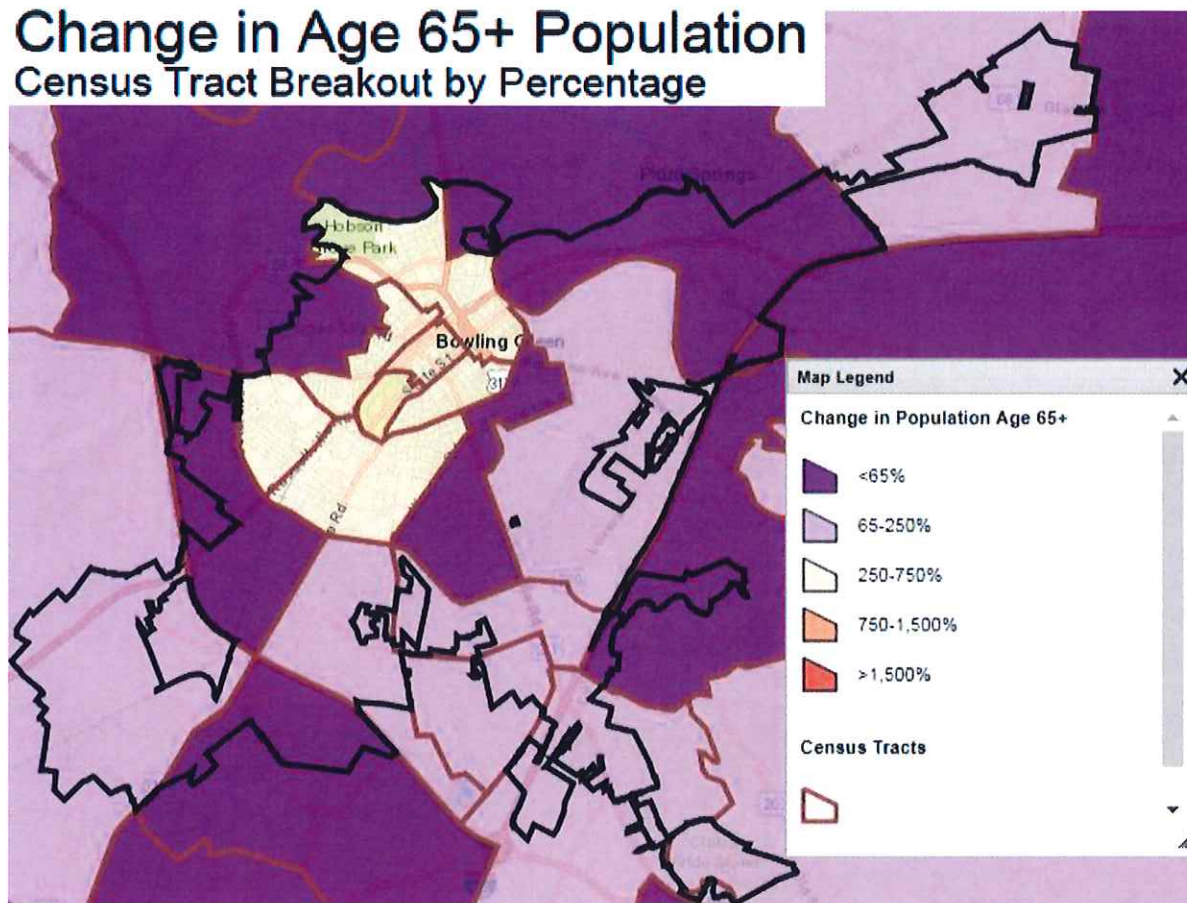
The median age in Bowling Green is fairly young at 27.6 years (Census 2010), compared to 37.2 years for Kentucky and 38.1 years for the United States. This young age has often been attributed to the fact that Bowling Green is a university town. Other age comparisons are listed in the table below:

Age Characteristic and Rate	Bowling Green	Kentucky	United States
Total Population	58,067	4,339,367	308,747,508
Median Age	27.6 years	38.1 years	37.2 years
Under 5 years	6.1%	6.5%	6.5%
School Age (5 to 19 years)	21.5 %	26.3%	20.4 %
Elderly (65 years and over)	10.7 %	13.3 %	13 %

Source: U.S. Census 2010

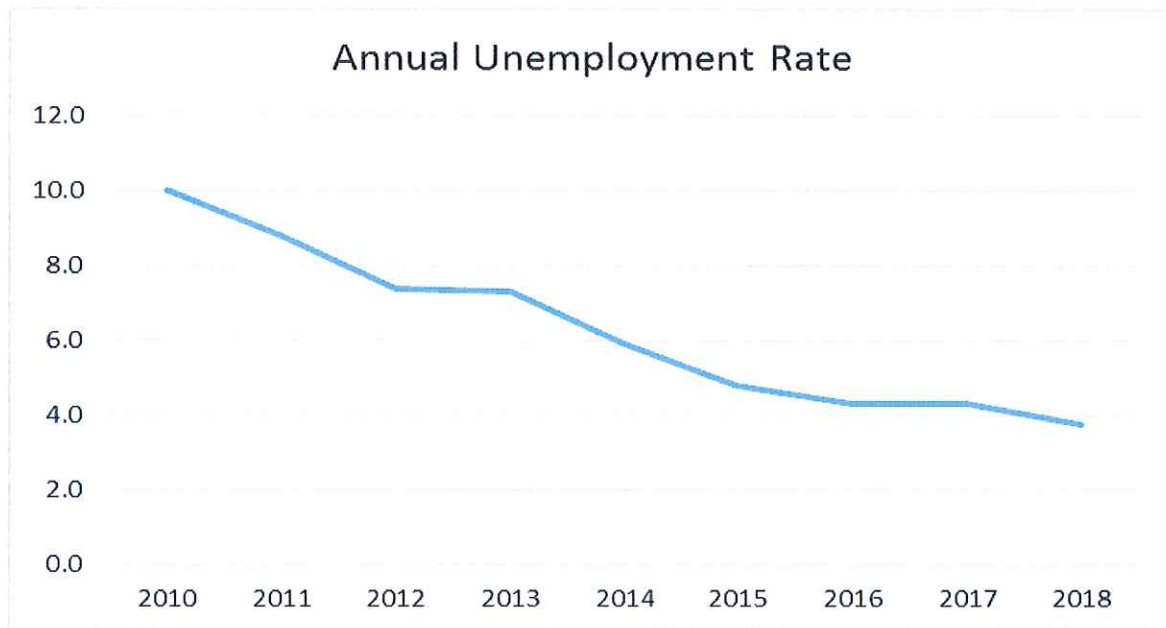
According to the 2017 ACS Estimate, just over 15 percent of the population indicated some form of self-determined disability. Applying this rate to the U. S. Census Bureau's 2017 estimated non-institutionalized Bowling Green population of 63,045 would indicate about 9,731 persons in the City as disabled, although the rate may be slightly higher in the urban setting.

Change in Age 65+ Population Census Tract Breakout by Percentage



According to HUD income information, the median family income for the Bowling Green MSA in 2018 is \$57,400. In the Census 2010, the median household income for Warren County was \$43,954 and for Bowling Green was \$33,362. In 2000, the inflation adjusted median household income for Bowling Green was \$36,782 (2010 dollars) and by 2010 it was reduced to \$33,362, representing a decrease of \$3,420 over a ten-year period. However, the current estimate (ACS 2017) is \$39,901, a 19% increase. Bowling Green saw a 68% increase in the number of individuals in poverty from 2000 to 2010, from 9,568 to 16,085. However, the current poverty estimate (ACS 2017) 15,024, or 26.4% of the population, represents a slight decrease in poverty. While Bowling Green was increasingly become a poorer community from 2000 to 2010, the current median household income and poverty estimates over the last seven (7) years indicate a slight reversal in the prior trend with incomes now rising and poverty currently decreasing.

About 63 percent of the Bowling Green population age 16 and over is in the labor force (ACS 2017). Bowling Green has been fortunate to see continued economic growth which has resulted in a continual decline in its unemployment rate over the last eight (8) years. According to the most recent employment data (December 2018), the rate of unemployment in Bowling Green was 3.3 percent. The chart below details the annual rate for Bowling Green since 2010.



Distribution of the employed population is shown by industry in the table that follows:

Industry	Percent of Bowling Green Labor Force Employed in Occupation
Agriculture, forestry, fishing and hunting, and mining	1
Construction	4
Manufacturing	15.2
Wholesale trade	2.8
Retail trade	14.6
Transportation and warehousing, and utilities	4.2
Information	1.9
Finance, insurance, real estate, and rental and leasing	4.4
Professional, scientific, management, administrative, and waste management services	7.5
Educational, health and social services	24.5
Arts, entertainment, recreation, accommodation and food services	14.3
Other services (except public administration)	3.7
Public administration	1.8

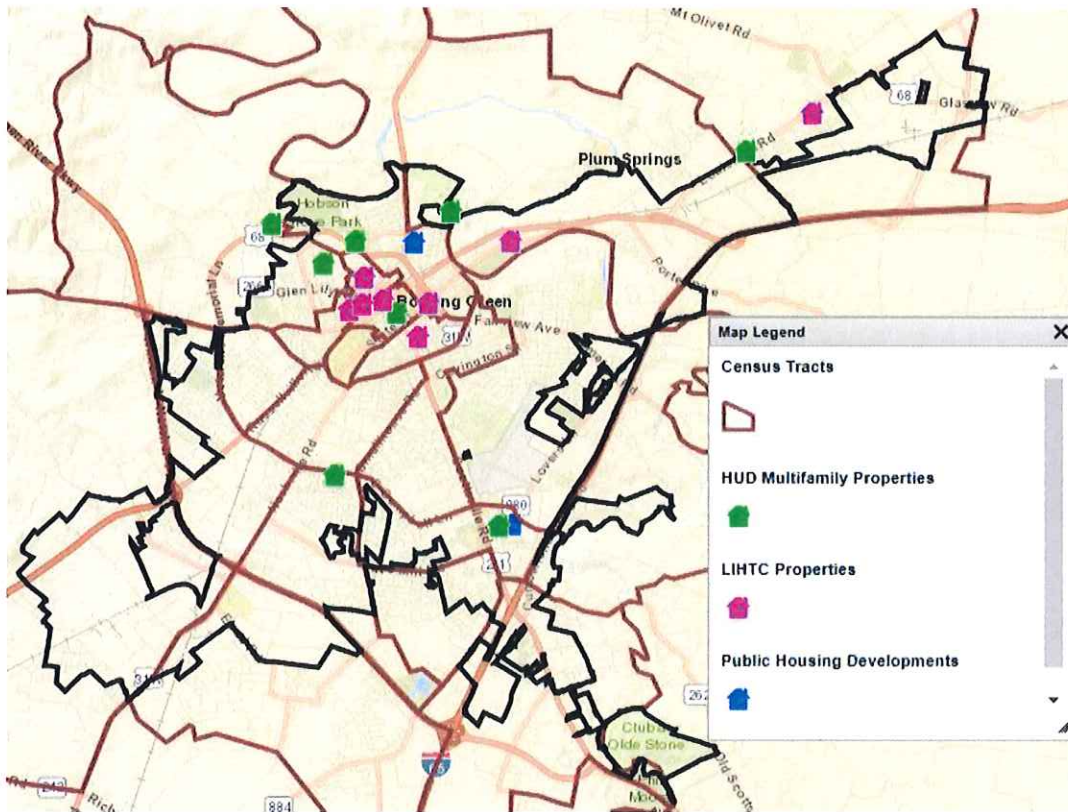
Source: American Community Survey 2017

Major employers in Bowling Green include Commonwealth Health Corporation, Warren County Board of Education, Western Kentucky University, General Motors, Bowling Green Metalforming, and Fruit of the Loom (HQ and Distribution Center). As the national economy grew in recent years, Bowling Green saw exceptional growth, especially in 2018, with \$188.5 million in new capital investment and 640 new jobs with the vast majority coming from the manufacturing sector.

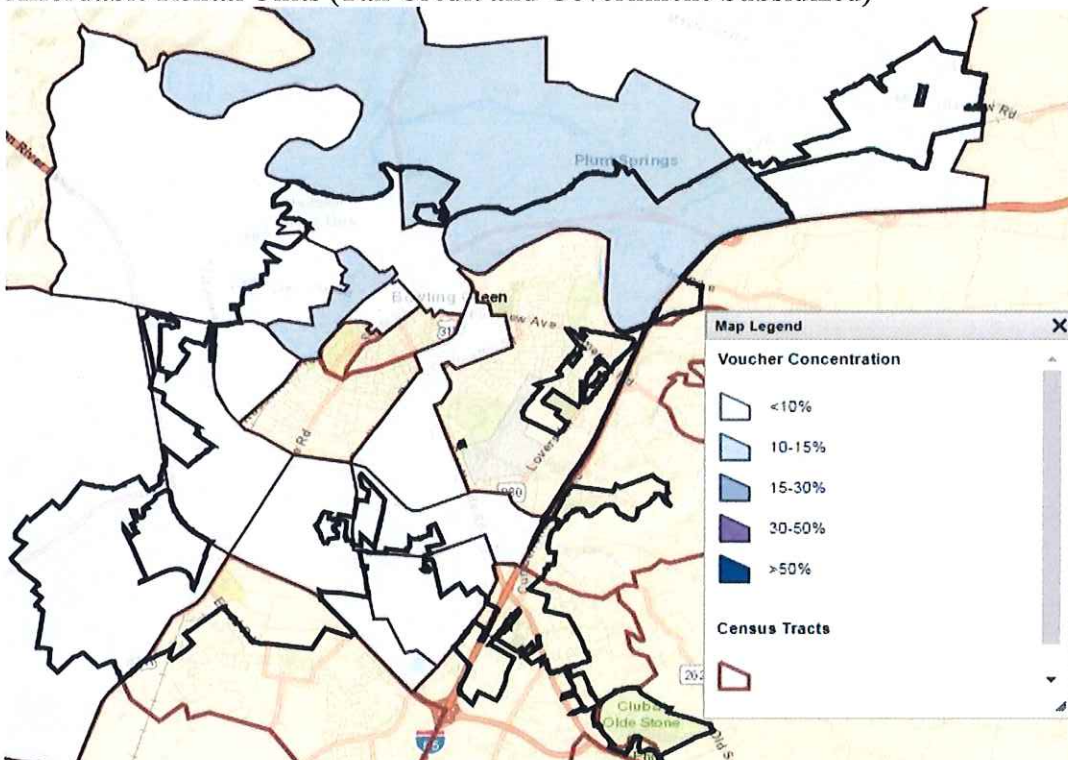
The homeownership rate for Bowling Green is only 47 percent, compared to the state rate of 68.1 percent, and the national rate of 64.7 percent (2010 Census). This community's homeownership rate has been slowly declining over the past few decades. Expedited by the significant amount of past and current multi-family development, the homeownership rate continues to decline with a current rate of 39.4% (ACS 2017). In the past three years the City issued building permits for the construction of over 1,900 multi-family units and 650 single family homes. The homeownership rate in 1990 was almost 51 percent and two decades prior to that it was 56.7 percent. With the declining homeownership rate in mind, one of the focal points of the City's NCS Department has been to increase the homeownership rate in Bowling Green through utilization of HOME funds, CDBG funds, and Voucher Homeownership Programs. It is hoped that these efforts will pay off in higher homeownership rates over time.

The homeownership disparity has brought with it many related problems, such as declining housing conditions and property maintenance code enforcement issues. A Homeowner Rehabilitation program undertaken by the City helped to address the issue of the deterioration and potential loss of viable living space by those low-income homeowners who are unable to afford general maintenance or the major repairs that inevitably result from deferred maintenance. However, that program ended eight (8) years ago with the rehab of 23 homes. To have a greater widespread impact on low income neighborhoods, over the last three years the City implemented an exterior property improvements program that removes blighting influences and improves curb appeal. Over 150 properties have been served to date by the program.

Currently there are approximately 1,400 affordable rental units (Tax Credit and government-subsidized) and 616 Housing Choice Voucher tenant-based units. These units are fully occupied with long waiting lists indicating strong demand. The following maps show the geographic distribution of the affordable rental units and tenant-based units. Although tenants with Section 8 vouchers can lease anywhere within the jurisdiction of the City of Bowling Green, the distribution map indicates that a large number of the tenant's dwell in or near the Bowling Green Reinvestment Area.



Affordable Rental Units (Tax Credit and Government-Subsidized)



Housing Choice Voucher Tenant-Based Units

Current Fair Housing Legal Status

Bowling Green residents who feel that they have experienced housing discrimination can contact one of four agencies for help: The Bowling Green Human Rights Commission; the Kentucky Commission on Human Rights; the U. S. Department of Housing and Urban Development; or the Lexington Fair Housing Council.

The Bowling Green Human Rights Commission (HRC) is the local agency responsible for intake, referrals, and education about fair housing laws. Between July 2014 and June 2018, the HRC received 226 housing related complaints. 36 of the complaints received were referred to the Lexington Fair Housing Council or the Kentucky Commission on Human Rights for further investigation. Sixty-Six of the complaints were referred to Bowling Green's Code Enforcement Division. Thirty-six of the complaints were related to evictions. According to HRC staff, many of the complaints that are routinely received center around code enforcement issues, the core issue being poor property maintenance. Ten complaints were outside the jurisdiction of the HRC and were referred accordingly.

Examples of other discrimination complaints that HRC staff received include:

- Disparate treatment—blatant discrimination against certain groups of people.
 - offering “move-in” specials to Caucasians only
 - “I don’t want to rent to Blacks, Hispanics, Bosnians”, etc.
 - Charging higher rents to certain groups.
 - Land Sales Contract sales to non-English speaking families under terms that take advantage of their limited English comprehension.
- Disability—denying rental access to the disabled.
 - “Your wheelchair will scratch the hardwood floors.”
 - Denying service animals.

Identification of Impediments to Fair Housing Choice

When identifying impediments to fair housing choice, the City of Bowling Green took a multi-pronged approach that included using the latest data available from housing market professionals, public input from the local community, and interviews with local professionals representing not only the housing community, but also vulnerable segments of the population.

Housing Needs Assessment and Market Analysis

Housing Problems

As part of the Consolidated Plan, a Housing Needs Assessment and Market Analysis was completed by Bowen National Research. The housing needs study evaluated the number of households experiencing one or more of the following housing problems: living in substandard housing (lacking complete indoor plumbing or kitchen facilities), overcrowded households, severe overcrowded households, cost burdened households, and severe cost burdened households). For purpose of the identification of impediments to fair housing choice, only the housing problems of substandard housing and overcrowded households are described below.

Substandard housing is often defined as a unit that lacks complete indoor kitchen or bathroom plumbing. Based on data reported by the 2012-2016 American Community Survey, the number of substandard housing units by tenure (renter vs. owner) is reported as follows:

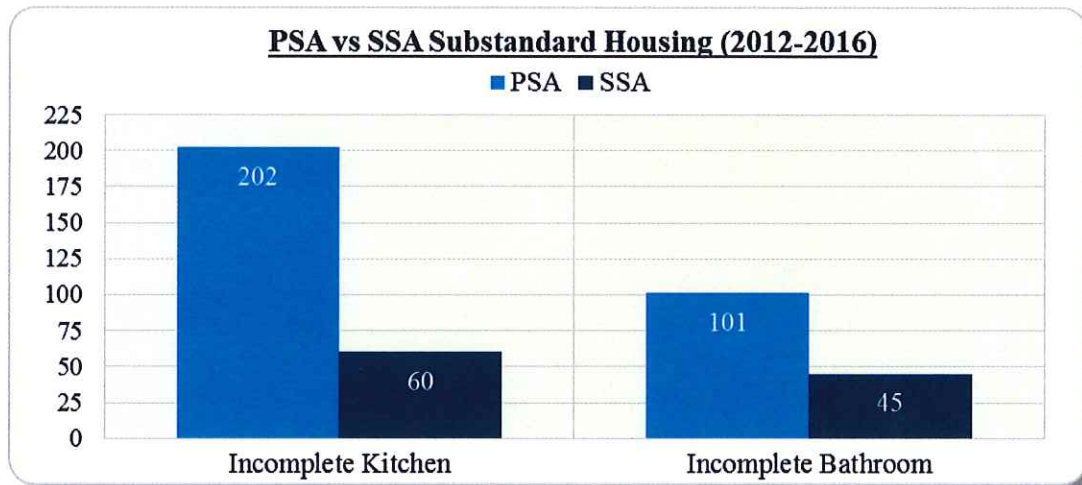
		Renter-Occupied Housing by Kitchen & Bathroom Characteristics					
		Kitchens			Bathrooms		
		Complete	Incomplete	Total	Complete	Incomplete	Total
PSA	Number	13,674	202	13,876	13,776	101	13,877
	%	98.5%	1.5%	100.0%	99.3%	0.7%	100.0%
SSA	Number	5,661	60	5,721	5,675	45	5,720
	%	99.0%	1.0%	100.0%	99.2%	0.8%	100.0%
Combined (PSA & SSA)	Number	19,335	262	19,597	19,451	146	19,597
	%	98.7%	1.3%	100.0%	99.3%	0.7%	100.0%
Kentucky	Number	562,130	8,184	570,314	566,685	3,629	570,314
	%	98.6%	1.4%	100.0%	99.4%	0.6%	100.0%

Source: American Community Survey (2012-2016); ESRI; Urban Decision Group; Bowen National Research

		Owner-Occupied Housing by Kitchen & Bathroom Characteristics					
		Kitchens			Bathrooms		
		Complete	Incomplete	Total	Complete	Incomplete	Total
PSA	Number	9,977	23	10,000	9,985	15	10,000
	%	99.8%	0.2%	100.0%	99.9%	0.2%	100.0%
SSA	Number	16,377	0	16,377	16,377	0	16,377
	%	100.0%	0.0%	100.0%	100.0%	0.0%	100.0%
Combined (PSA & SSA)	Number	26,354	23	26,377	26,362	15	26,377
	%	99.9%	0.1%	100.0%	99.9%	0.1%	100.0%
Kentucky	Number	1,143,546	4,357	1,147,903	1,143,416	4,487	1,147,903
	%	99.6%	0.4%	100.0%	99.6%	0.4%	100.0%

Source: American Community Survey (2012-2016); ESRI; Urban Decision Group; Bowen National Research

Based on the 2012-2016 ACS estimates, the percentage of renter-occupied housing with incomplete kitchen facilities was 1.5% in the Bowling Green (PSA). An additional 0.7% of renter-occupied units had incomplete bathroom plumbing facilities. As seen in the graph below, while representing small shares, there are potentially 303 renter-occupied units in the PSA that have either incomplete bathrooms or kitchens. Owner-occupied housing units which lack complete kitchen or bathroom facilities comprise only 0.4% of all owner-occupied housing units in the PSA. (SSA listed in each of the graphs represents the jurisdiction of Warren County).

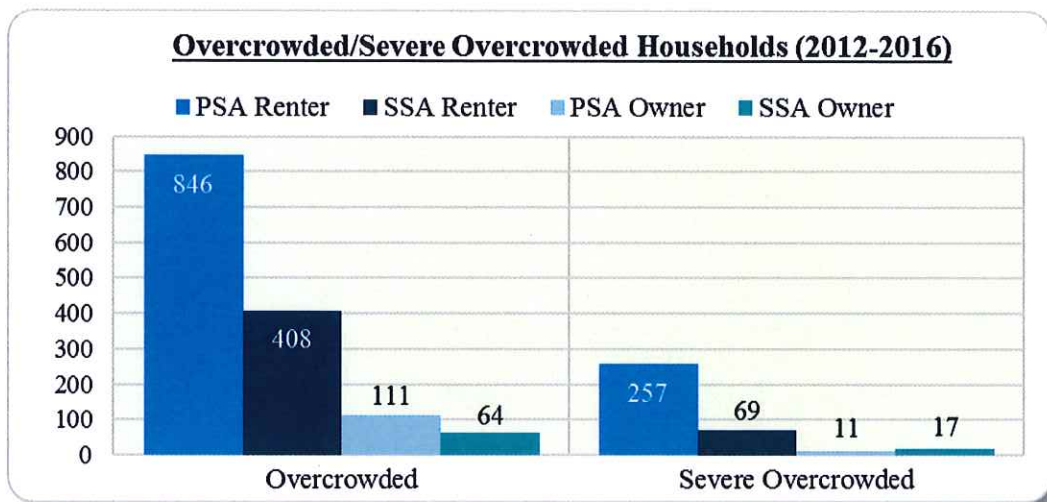


The following table illustrates the percentage of households that are living in overcrowded quarters by tenure, as defined by the presence of 1.01 or more occupants per room. While overcrowded households were discussed above, we also evaluated severe overcrowded housing, which is considered a unit with 1.51 or more persons per room. The following table illustrates the overcrowded and severe overcrowded households by tenure for the various study areas.

County	Overcrowded				Severe Overcrowded			
	Renter		Owner		Renter		Owner	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
PSA	846	6.1%	111	1.1%	257	1.9%	11	0.1%
SSA	408	7.1%	64	0.4%	69	1.2%	17	0.1%
Combined (PSA & SSA)	1,254	6.4%	175	0.7%	326	1.7%	28	0.1%
Kentucky	19,762	3.5%	12,145	1.1%	4,698	0.8%	2,247	0.2%

Source: 2012-2016 American Community Survey

Of the 13,876 *renter*-occupied housing units in the PSA, 846 (6.1%) have 1.01 or more occupants per room and are considered overcrowded. A total of 111 (1.1%) owner-occupied housing units are considered overcrowded. Severe overcrowded households total 257 renter-occupied households and only 11 owner-occupied households. As such and in seen in the below chart, it is clear that a notable number of *renter* households are struggling with severe overcrowded housing, which is considered substandard housing.



In conclusion, more than 500 Rental Housing Units in Bowling Green are Considered “Substandard” – Severe overcrowded households are those with 1.51 persons or more per room, which are considered “substandard” in today’s market. Additionally, projects lacking complete indoor kitchen or bathroom plumbing are considered “substandard”. Within Bowling Green, severe overcrowded households total 257 renter-occupied households. There are also potentially 303 renter-occupied units in the city that have either incomplete bathroom or kitchen plumbing. As a result, it is clear that many renter households are living in housing conditions that are considered to be below modern-day housing standards.

Evictions and Landlord-Tenant Laws

The housing study gathered input from residents and stakeholders that indicated that both evictions and landlord-tenant laws may be areas that should be explored further as potential housing issues.

As part of a Resident Survey, respondents were allowed to provide open-ended input on housing issues facing the city. Nearly three dozen respondents (representing just over 10% of people answering this topic) indicated that “landlord issues” should be addressed in Bowling Green. This was the third highest open-ended answer behind “affordability of rental and for-sale housing” and “too many rentals/overbuilding of apartments.”

A publication entitled “*Stories of Rental Housing Woes in the Barren River Area*”, prepared by students of WKU-Glasgow in the fall of 2013, provided several summaries of interviews and stories of residents in the region as it relates to their housing conditions and situations. Many of the stories focused on the substandard rental housing conditions in which people lived, the lack of responsiveness to maintenance and repair issues, perceived landlord harassment, property sanitary and safety issues, the inability of finding or difficulty of affording legal advice, and perceived unfair or unreasonable evictions. While the publication did not include any summary recommendations, it was clear from the seven stories/interview that were provided that some residents believe there are property and/or landlord issues that should be addressed as they relate to rental housing.

Landlord-tenant issues were confirmed and expanded upon through the housing study interviews with area stakeholders. Among some of the stakeholders interviewed, it appears a challenge many residents and landlords are facing involves shortcomings in landlord-tenant laws currently in place in Bowling Green. It was suggested by multiple interviewees that the adoption of the Kentucky Uniform Residential Landlord Tenant Act (URLTA) should be given consideration in Bowling Green. While the Kentucky Legislature previously passed the URLTA, the law enables local communities to choose whether or not they will adopt the law. Currently, only a limited number of Kentucky communities and counties have adopted the URLTA. Bowling Green has not adopted URLTA. Local stakeholders indicated that the adoption of the URLTA would help to provide better clarification on the obligations of tenants and landlords, increase the quality of housing by enforcement of certain housing standards, and provide a clearer understanding of recourse options for both parties. One interviewee commented that it may be worth looking at the city's eviction process and determine if there are ways to better protect residents' rights. It was also suggested that a study of evictions could be helpful to understanding what areas of town they most frequently occur, the grounds for evictions, timing of evictions, and other material issues. It was also suggested that an assessment of code enforcement citations on rental properties could assist in identifying where "troubled properties" were located or concentrated, the type of housing problems that might exist (e.g. safety, sanitary, or other), and how quickly issues were resolved. Finally, it was recommended that the city consider adopting a rental registry that could require a city inspection to ensure that rental properties meet a certain standard before new residents can move in. This may be similar to the Section 8 housing inspections the Code Enforcement office currently does in order to have housing units eligible to accept Housing Choice Voucher holders.

Based on the preceding information, it is recommended in the housing study that the city consider the following:

- Explore adoption of the URLTA or at least portions of it
- Research eviction process to determine if changes need to be made
- Consider establishing a Landlord-Tenant Relations task force or committee to research, evaluate and address landlord-tenant issues

Stakeholder Survey

Associates of Bowen National Research obtained input from over 20 stakeholders within Bowling Green and Warren County regarding the local housing market. Input from stakeholders was provided in the form of an online survey, as well as from individual interviews. The 24 total respondents represent a wide range of industries that deal with housing issues, including local government officials, the banking industry, the real estate and apartment industries, local education institutions, the building industry, and various social service organizations. The purpose of these stakeholder surveys was to gather input regarding the need for specific types and styles of housing, the income segments housing should target, identifying housing issues in the market, and establishing potential solutions to address housing within Bowling Green and Warren County. Several of the questions and responses addressed fair housing in Bowling Green.

Stakeholders were also asked to indicate the level of need for type of housing for the homeless population. They were asked to choose from the following, noting that they could choose multiple answers: Emergency shelter, group homes, permanent supportive housing, and transitional housing. The responses garnering the most votes as having a high need were permanent supportive housing (85.7%) and emergency shelter (71.4%). Transitional housing also received a notable share of responses, with 64.3% of respondents indicating such housing was a high need.

Stakeholders were asked to indicate the level of demand for the various housing types serving the homeless or disabled populations. Their choices included: Emergency shelters, group homes, permanent supportive housing, and transitional housing. Stakeholders indicated that the housing types in *high need* included permanent supportive housing (83.3%) and group homes (66.7%).

Stakeholders were allowed the opportunity to provide open-ended input on the obstacles they believed were limiting the development of housing for the homeless population. Challenges regarding landlords in the responses included the most common responses included such things as having landlords that are willing to work with persons having background issues (including mental health issues or substance abuse issues) and reluctance of landlords to rent properties.

Stakeholders were asked to what degree specific housing issues are experienced in Bowling Green, choosing from the following options: Not at All, Somewhat, or Often. Of the issues that received the greatest response from the respondents under the category of issues often experienced by residents, substandard housing (quality/condition) received 52.6% of the responses.

Resident Survey

To gain information, perspective and insight about Bowling Green housing issues and the factors influencing housing decisions by its residents, Bowen National Research (BNR) conducted a survey of area residents as part of this study. This survey was conducted during January and February of 2019 and resulted in 926 participants. The majority of this survey was conducted online through the SurveyMonkey.com website, while roughly one-quarter was conducted via paper copy distributed at local venues. The City of Bowling Green contributed to the survey efforts by utilizing the city's website and social media accounts to inform area residents of the survey. Several of the responses addressed fair housing. Survey respondents represented a broad cross section of individuals/ households, including a good base of representation of age, gender, income level, household sizes and current housing tenure which is detailed below:

Gender

- Male – 31.24%
- Female – 66.76%

Age

- 19 or younger – 1.33%
- 20-29 – 16.83%

- 30-39 – 24.58%
- 40-49 – 19.71%
- 50-59 – 19.16%
- 60 or older – 18.38%

Race & Ethnicity

American Indian/Alaskan Native – 1.45%
 Asian/Pacific Islander – 3.02%
 Black/African American – 8.28%
 Hispanic/Latino – 3.13%
 White/Caucasian – 76.40%
 Other – 1.68%

Income

Under \$25,000 – 17.32%
 \$25,000 - \$40,000 – 15.42%
 \$41,000 - \$60,000 – 15.53%
 \$61,000 - \$75,000 – 9.27%
 \$101,000 or more – 18.32%
 I prefer not to answer – 9.50%

Questions

Respondents were asked if they had personally experienced any of the following situations pertaining to housing: overcrowded housing, paying more than 30% of your income for housing, substandard housing, foreclosure, losing your lease/eviction, home mortgage rejection, housing doesn't meet size, or other situations. A total of 511 respondents answered this question. Most respondents (54.4%) stated that they had paid more than 30% of income towards housing costs. A significant share of respondents (35.4%) stated that their housing doesn't meet needs as it pertains to size, features, or location. Over 20.0% of respondents indicated that they have recently experienced or are currently experiencing issues with substandard housing. A total of 117 respondents (22.9% of all respondents) gave other answers apart from the choices listed. A variety of answers were provided by these "other" respondents, for reasons ranging from homelessness to affordability of rent. Several respondents noted that growth and gentrification have changed areas due to rent increases and/or increased housing density. A total of 420 respondents either skipped this question or have not experienced any of these situations.

Respondents were also asked which issues are negatively affecting the local housing market. The following is a summary of answers and the percent of respondents that indicated that a specific answer was an issue in the housing market: High prices or rents (77.6%), Limited access to public transportation (35.4%), Blighted properties (33.6%), Limited housing/rental supply (31.6%), Lack of features/amenities (25.7%), Property taxes (21.3%), High crime (16.7%), Limited employment opportunities (15.1%), Inconvenient/lack of community services (13.1%),

Limited social services/ assistance programs (12.9%). A total of 125 respondents (13.1% of all respondents) gave answers apart from those choices provided as part of the survey.

Below are the top three “other” responses received:

- Affordability of rental and for-sale housing (28 responses)
- Too many rentals/overbuilding of apartments (21 responses)
- Tenant/Landlord relations (11 responses)

Respondents were asked to share comments/concerns about housing in Bowling Green. A total of 255 respondents shared open-ended comments and/or concerns regarding the Bowling Green housing market. Comments submitted by respondents were wide-ranging and covered several topics. Popular topics discussed by 10 or more respondents included the following:

- Affordable housing/affordability (64 responses)
- Low-income housing (37 responses)
- Landlord issues (29 responses)
- Accessibility (11 responses)

Focus Group/Stakeholder Meetings

As part of a housing needs assessment and market analysis, stakeholder/ focus group meetings were held with local agencies and organizations that have direct knowledge of the local market and housing needs. There were around 35 total in attendance from over 20 agencies across three (3) different meetings lasting approximately 90 minutes each. The three focus group meetings provided local perspective on the challenges impacting residents, future residential development considerations, and factors limiting residential development.

Challenges/Issues for Residents:

When asked about challenges and issues residents face, participants believed there were very few choices available or affordable to many refugees, as many of them have large families and must live in multigenerational housing that is too small to meet their needs and often is of lower quality. These refugees cannot afford many of the options offered in the market. It was one group’s consensus that the mismatch between housing cost and wages were causing many people to live in housing that they couldn’t reasonably afford or was undesirable and forcing some people to live in multigenerational homes and in overcrowded housing situations.

Future Residential Development Considerations

In regards to the topic of future residential development considerations, participants believed the market was lacking housing affordable to retiring seniors (generally age 65+) and empty nesters (generally age 55+) seeking to downsize into more maintenance free housing. The group believed condominium product that considers accessibility designs allowing people to age in place should be supported. Other responses included persons with disabilities were cited as being in the greatest need, while people recovering from substance abuse were also cited as having housing challenges, often attributed to difficulties in qualifying for housing. A topic cited

by many participants was the lack of accessible and/or elevator-served housing choices in the market, limiting the opportunities for seniors with mobility issues.

Public Hearing and Public Comment Period Comments

As part of the development of the Consolidated Plan, the City had a 30-day public comment period and public hearing in January 2019 inviting the general public to provide comments regarding the housing, community development, and fair housing needs in Bowling Green.

Public Hearing comments from Rondell Miller, Executive Director of HOTEL INC included, the following regarding fair housing: "Substandard housing and unfair housing practices add to the daily strain for some low-income earning residents. We have encouraged people to report substandard housing issues to report substandard housing issues to Code Enforcement. These reports have included broken windows, lack of heat or water, sewer backing up in their home and other issues. Often this is met with fear and trepidation due to no protection for the tenant if code enforcement finds the unit to be uninhabitable. We have also obtained lease agreements that state rent must be paid in cash by noon or eviction is at 5pm on the same day; or tenant is responsible for all aspects of the unit including roof, water lines from the road to the house and HVAC system; or the lack of maximum amount of late fees that can be added for late rental payment. We have worked with senior citizens who have been evicted and became street homeless on grounds of the wrong color mulch or being a nosy neighbor. We have listened as people have chosen the apartment unit they are interested in only to be steered b the property manager to a different part of town based on their race. These practices should not be tolerated or allowed in a city that takes pride in being the fastest growing city the state of Kentucky.

A solution to this could be required annual inspections with timely follow-up on substandard issues found for all rental units not just subsidized. Education for landlords and tenants on federal, state, and local housing laws and codes will help mitigate unfair housing practices as well."

Emailed comments during the public comment period from Akisha Townsend Eaton included the following regarding fair housing: "Implement mechanisms for the consideration of uniform landlord and tenant protection policies as part of the Consolidated Plan. Specifically, I would like to comment on the urgent need for a Uniform Landlord Tenant Act for Bowling Green, particularly given the size and diversity of the community. This is a common sense measure that protects the interests of landlords wishing for consistency and tenants wishing for fair housing terms and processes. Though I am not sure whether this is the appropriate mechanism for encouraging the adoption of such an ordinance at the City Commission level, there does, at minimum appear to be an opportunity to provide discussion opportunities around such policy changes and related activities as part of the plan."

Homelessness Discussion

In December 2018 the City of Bowling Green held a discussion with local homeless service providers to gain a better understanding of the homeless needs in the community and determine what opportunities exist for City investments to address homeless populations. There were more

than 20 attendees participating in the discussion, which lasted approximately two hours. The discussion involved impediments to fair housing in a couple of areas.

Transitional Housing

Bowling Green is the regional center for education, economic, and medical needs. We have services that support an entire region, and people come here seeking those services. The discussion group has seen an increase of persons related to individuals exiting medical, nursing, and correctional facilities. The individuals the homeless service providers are encountering are not from Bowling Green and do not have a support network to locally assist them to transition into independence, if they have the ability.

In discussing a variety of projects that could assist the homeless populations, it seemed the need for additional shelter space isn't as imperative creating methods to get homeless people rehoused. Transitional housing is currently provided by HOTEL, INC and Salvation Army, with two units each. Transitional housing is a temporary housing solution to allow an individual to stabilize until they are able to move to long term housing. Transitional housing units are typically owned by the agency providing the services. These units are time sensitive, and the recipient individuals are provided additional supportive services to stabilize their lives and finances. This seemed to be a large area of interest among the group as a method to transition individuals from homelessness to permanent housing.

Additional Challenges

Also noted was the need for expungement events similar to what the local workforce development board has done over the past few years. Additional commentary about the creation of eviction support programs, for persons that are facing eviction to transition and avoid the impact of a full eviction.

Individual Meetings

One on one meetings were held with the Bowling Green Human Rights Commission, City of Bowling Green International Communities Liaison, and City of Bowling Green Housing Division Coordinator to evaluate the existing impediments to fair housing to determine the need to add, remove, or update the identified impediments to fair housing in Bowling Green.

Bowling Green Human Rights Commission

The City of Bowling Green Grants Coordinator met with the Executive Director and Fair Housing and Fair Housing Outreach Coordinator of the Bowling Green Human Rights Commission. The discussion included the vulnerability of the City's international population, speaking approximately 60 languages, and the need to improve translation and interpretation services in assisting these individuals. When dialogue turned to accessibility it was mentioned that efforts are being made, but must also continue, to inform housing professionals of the building code requirements. For example, the Bowling Green Apartment Association (BGAA) brings in attorneys to discuss accessibility requirements with landlords and realtors. The HRC is seeing more discrimination in the realm of substandard units being leased to members of the

international community, immigrants and refugees. A couple examples include there's been instances where landlords are providing these New Americans with units not containing heat and other instances of overcrowding discrimination. In regards to landlord education and about discrimination and fair housing laws, it was recommended that further outreach is needed to reach a greater audience. Nationwide broadcasts of fair housing commercials on TV are believed by the HRC to be impactful and that local outreach efforts should start including fair housing commercials on TV and radio. When discussing local eviction issues, it was recommended to include eviction laws or other eviction info on leases to improve this process with tenants and landlords.

There seemed to be more discussion on the need for transition services for people seeking permanent housing. Recently the HRC has noticed an uptick in the homeless population where individuals and families don't have the necessary funds for down payment assistance. Recommendations made on this topic included offering grants prioritized to this segment of the population, developing more transitional housing and fair housing education opportunities for those exiting incarceration and medical facilities. Persons exiting incarceration and medical facilities are a vulnerable population where discrimination has been seen. Also the HRC is still limited in regards to fair housing enforcement and must rely on the Lexington Fair Housing Council and Kentucky Commission on Human Rights. It was discussed to update the City website with fair housing information including how to report discrimination and resolve complaints. Overall consensus from the discussion was the existing identified impediments to fair housing are still relevant to Bowling Green, with no additional impediments identified. However, several recommendations were made for updating the actions associated with the identified impediments to address the current fair housing issues facing our community today, which are included in the identified impediments section.

City of Bowling Green International Communities Liaison

The City of Bowling Green's International Communities Liaison (ICL) serves to coordinate the City's role in communicating and working effectively with the diverse international communities represented in Bowling Green, and to serve as an advocate for LEP (Limited English Proficient) persons who may seek City services. This position is an expanded role from a position at the Bowling Green Police Department that begun in 2008 with the overall goal to build positive relationships between the police department and members of the international communities of Bowling Green. The ICL shared some of the issues faced by the City's vulnerable foreign-born population with regards to fair housing and reviewed the existing identified impediments to fair housing. As part of a cultural orientation curriculum for new arrivals in Bowling Green, the ICL has a Welcome to the Neighborhood segment which details places to live, rental agreements, general house maintenance, driving laws, safety phone numbers, and how to be a good neighbor.

Recommended action improvements to the existing identified impediments included providing cultural competency training and a language line for the HRC staff to better serve foreign born residents. Furthermore, it was recommended that the existing fair housing information disbursed by HRC to the community be updated in locally prevalent languages. Additional suggestions included developing standardized leases in locally spoken languages to disburse to landlords and international residents to clarify requirements for both parties. The ICL utilizes the Barren River

Area Renters Handbook as a resource to assist New Americans with housing. The handbook was developed by the Homeless and Housing Coalition of South Central of Kentucky in 2014. The updating and enhanced dissemination of the handbook was discussed to better inform members of the community. No additional identified impediments came out of the discussion, but rather the updating of the related actions instead.

City of Bowling Green Housing Division Coordinator

The City of Bowling Green Housing Division coordinator oversees the City's Section 8 Housing Choice Voucher Program which is funded annually from the U.S. Department of Housing and Urban Development. These vouchers serve as a resource to assist low-income households in paying their rent and utilities. When discussing accessibility, it was learned that the City's Section 8 office provides a list of accessible units in Bowling Green. Given the program is based on 'Housing Choice', tenants get to choose available accessible units from landlords willing to accept the voucher. On the topic of discrimination, typically the City's Housing Division only receives discrimination complaints from tenants regarding landlords after evictions. In these cases, the Housing Division provides the evicted tenants with contact information to the Bowling Green Human Rights Commission and HUD to report the complaints.

Prior Identification of Impediments to Fair Housing

The prior Consolidated Plan included a meeting with a cross-section of the community to discuss fair housing issues in Bowling Green. The attending group of nearly 40 included representatives from local government, neighborhood associations, housing non-profits, rental property owners/managers, lenders, service providers, advocacy, and media. The group identified impediments to fair housing and specific actions to eliminating each impediment in different time frames. The prior identification of impediments to fair housing serves as a baseline for the City to consider and reevaluate accordingly.

Identified Impediments and Associated Actions

Impediment #1: Language and cultural differences. Families speaking at least 60 languages or dialects now call Bowling Green home. The ability to read and understand the terms of a rental agreement or sales contract is limited if documents are not written in a language understood by both parties. The ability to negotiate a fair price is inhibited if both parties do not communicate in the same language. Complicating things even further, cultural differences may make it more likely that a foreign born individual will fall prey to unscrupulous landlords and be unwilling to take action against a person they perceive to be an authority figure. A heightened fear of reprisal may also keep these individuals from coming forward as victims of discrimination, simply because they believe that they have fewer options. Previously the City took steps to increase communication between the international population and the City of Bowling Green, by the creation of an International Communities Liaison (ICL). The ICL provides outreach and coordination of City services to the international community.

The perception by some landlords that certain groups may overcrowd a unit (“Hispanics always have lots of people living in the same unit” or “Congolese always have a bunch of kids”) make them less likely to rent to these groups. There have been cases of landlords renting to Hispanic persons per person and over-crowding a home. Additionally, foreign born persons who have not yet obtained documentation find it difficult to find suitable housing.

Immediate Action:

- Create a language line for translation and interpretation services for fair housing technical assistance and complaint intake.
- Conduct Cultural Competency Training with Fair Housing Education and Outreach professionals.

Short Term Action:

- Develop fair housing informational brochures in multiple languages spoken locally in Bowling Green.
- As part of cultural orientation for new arrivals in Bowling Green, continue to include up to date details on places to live, rental agreements, general house maintenance, driving laws, safety phone numbers, and how to be a good neighbor.

Long Term Action:

- Work with Community Action of Southern Kentucky and the Western Kentucky University’s Area Health Education Center (AHEC) to develop an “on demand” pool of interpreters.
- Incorporate Cultural Competency into Fair Housing Education and Outreach curriculum.
- Develop a standardized lease in locally prevalent languages available to landlords and local residents.

Impediment #2: Lack of accessible units. Substandard housing and the need for accessible units came up several times in the Stakeholder and Resident Surveys from Housing Needs Assessment and Market Analysis and Consolidated Plan Public Hearing. Additionally the study found that there are over 500 rental units in Bowling Green which are considered substandard, lacking kitchen or plumbing facilities or overcrowded. While modern building code requirements improve accessibility in newly constructed multi-family housing units, the accessibility of older units continues to lag. Recommended solutions from the study, surveys, and public comments included accessing code enforcement citations on rental properties to assist in identifying where troubled properties were located or concentrated, the type of housing problems that might exist (e.g. safety, sanitary, or other), and how quickly issues were resolved. Other solutions included required annual inspections with timely follow-up on substandard issues found for all rental units not just subsidized, adopting a rental registry that could require a city inspection to ensure that rental properties meet a certain standard before residents can move in, and educating landlords and tenants on federal, state, and local housing laws and codes will help mitigate unfair housing practices as well.

Immediate Action:

- Utilize the building permit process as a means to educate developers/builders about accessibility.

Short Term Action:

- Identify grants and other funding which might be available to underwrite the cost of new or retrofitted accessible units and make the information available to developers and builders.
- Through outlets such as the Bowling Green Human Rights Commission and Bowling Green Apartment Association, continue to engage landlords and tenants with professionals from the housing and legal sector on reasonable accommodation requirements.
- Work with the Lexington Fair Housing Council and Kentucky Commission on Human Rights to strengthen and enhance the enforcement of fair housing accessibility laws locally.

Long Term Action:

- Provide financial incentives to encourage development or retrofitting of accessible units
- Analyze code enforcement statistics to gain a better understanding of the accessibility problems in Bowling Green to offer solutions data driven solutions.

Impediment #3: Lack of landlord education about discrimination and Fair Housing laws.

From the 2019 Bowling Green Housing Needs Assessment there was consensus among stakeholder and resident survey participants on the need to address landlord issues. Further, the study recommended to consider establishing a Landlord-Tenant Relations task force or committee to research, evaluate, and address landlord-tenant issues. As mentioned above, public hearing comments indicated educating landlords and tenants on federal, state, and local housing

laws and codes will help mitigate unfair housing practices as well. Further, the ICL discussion promoted the need to not only have updated fair housing educational materials, but also have these materials in different locally spoken languages. Recommendations from the City HRC meeting included developing TV or radio commercials on fair housing to reach a wider audience and the need to continue engaging landlords and tenants with the professionals from the housing and legal sector on fair housing issues.

Immediate Action:

- Continued concentrate education efforts on developers of multi-family housing.
- Use existing points of contact (i.e. Builders Association, etc.) to distribute Fair Housing information.
 - Speakers bureau
 - Written literature
 - Brochures
- Provide up to date fair housing information and in locally spoken languages.

Short Term Action:

- Encourage landlords to conduct move-in interviews with prospective tenants
- Develop a Fair Housing information hotline where questions can be asked and answered.
- Develop Fair Housing Radio and TV Commercials and distribute through local media outlets.
- Organize and/or host Tenant/Landlord forums.

Long Term Action:

- Encourage landlords to develop and adhere to a written selection plan.
- Explore establishing a Landlord-Tenant Relations task force or committee to research, evaluate, and address landlord-tenant issues.
- Establish local enforcement of Fair Housing laws.

Impediment #4: The court eviction process is lengthy and cumbersome. The process requiring a 30 day notice sometimes has unintended consequences. In some cases, the 30 day eviction notice requirement encourages the landlord to use improper techniques to evict, circumventing the legal system (i.e., cutting off landlord furnished utilities to force the tenant to move out). 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 related or violent incidents, preventing the expeditious removal of a potentially dangerous or destructive tenant. The HRC felt there was a need to include eviction laws or related info on leases. Furthermore, eviction issues came up in the housing study and a recommendation from the study was to research the eviction process to determine if changes need to be made, and in the homelessness discussion where the need to create eviction support programs, for persons that are facing eviction to transition and avoid the impact of a full eviction.

Immediate Action:

- Educate tenants regarding eviction timelines

Short Term Action:

- Establish local enforcement of Fair Housing laws.
- Research the eviction process to determine if changes need to be made.

Long Term Action:

- Revise State laws regarding 30 day notice requirement.
- Improve follow-up after a court eviction.
- Explore putting eviction laws or other eviction information on leases.
- Explore the development of eviction support programs.

Impediment #5: Lack of transition services for persons seeking permanent housing.

Transitional housing issues was a common topic within the housing needs study and homelessness discussion. Homeless families or individuals returning to society from prison may find it difficult to find suitable housing. Many landlords use past rental history and criminal records checks as a screening tool and refuse to rent to some individuals because of past illegal activity. Landlords may also fear that the recent parolee may still associate with a “bad element” and refuse housing based on guilt by association.

In addition to parolees, the lack of transition services for persons seeking permanent housing for the homeless population and persons released from medical facilities came up several times from the housing study and homeless population.

Although not a protected class and not under the protection of Fair Housing laws, discrimination against parolee, the homeless, and persons released from medical facilities is a social issue which should be considered here, particularly to ensure the protection of the Fair Housing rights of parolees who do qualify as a member of a protected class.

Immediate Action:

- As part of an allocation of CDBG funding for new housing opportunities under the Neighborhood Improvements Program, the provision of transitional housing opportunities.

Short Term Action:

- Develop and implement a transition plan through the Probation and Parole office.
- Create more transitional housing and support opportunities through local providers

Long Term Action:

- Develop an ombudsman program to assist recent parolees, particularly those in protected classes, in securing suitable housing.

- Advocate to improve Fair Housing Laws to protect individuals re-entering society from incarceration, and homeless persons.

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Impediment #6: Lack of local enforcement of Fair Housing laws. It was the general consensus of many in the group that several of the issues discussed could be addressed through local enforcement of Fair Housing laws. The local fair housing ordinance assigns the function of administering fair housing and fair treatment ordinances to the Bowling Green Human Rights Commission (HRC). Previously the HRC attempted to work with HUD toward the goal of “substantial equivalency certification.” This certification would affirm that the local fair housing ordinance, including the enforcement of the ordinance by the HRC, provides for rights, procedures, remedies, and judicial review provisions that are equivalent to the federal Fair Housing Act. A 90 day legal analysis by HUD determines whether the local ordinance mirrors federal laws. The local ordinance was submitted to HUD for review in 2005. After addressing several items identified by HUD as deficiencies, the ordinance was revised and resubmitted. However, as local legislative support for Substantial Equivalency has been lacking, the final request for HUD review was not initiated by the local HRC and the quest for Substantial Equivalency was shelved.

The HRC has pursued this certification for several reasons, including affirmation of the local fair housing ordinance and enforcement, as well as funding for community education and awareness of fair housing rights, procedures, remedies, and judicial review. Housing discrimination complaints from Bowling Green are currently forwarded to state and federal agencies in Louisville and Lexington, Kentucky. As part of the prior Consolidated Plan, the City partnered with the HRC in an attempt to gain local enforcement approval from HUD, but unfortunately was unsuccessful.

As mentioned above landlord-tenant came up several times in the housing study and public hearing comments. It was suggested by multiple people that the adoption of the Kentucky Uniform Residential Landlord Tenant Act (URLTA) should be given consideration in Bowling Green. Some felt that the adoption of the URLTA would help to provide better clarification on the obligations of tenants and landlords, increase the quality of housing by enforcement of certain housing standards, and provide a clearer understanding of recourse options for both parties. Thus, a recommendation of the housing study was to explore the adoption of the URLTA or at least portions of it. City staff will look into this further, however adoption of such a policy requires a change in local law and would be a decision of the City Board of Commissioners.

Immediate Action:

- Utilize available websites, including the City’s, to provide more detailed information regarding how and when to file a discrimination complaint.
- Identify funding sources for funding of local enforcement.

Short Term Action:

- Establish a local enforcement agency.

Long Term Action:

- Continue to investigate the ability to enforce fair housing laws locally.
- Explore the URLTA.

It is worth noting that, although not identified in the final list as an “impediment,” there was much discussion of discrimination against, not only the protected classes, but also against groups who do not fall under the protection of Fair Housing laws. Some of the examples given include:

- Reluctance or refusal to rent to parolees, homeless persons, or persons released from medical facilities.
- Discrimination of overcrowding households.
- Reluctance or refusal to rent to college students.
- Reluctance or refusal to rent to large families
 - Landlords determining maximum occupancy based on their own perceptions of what constitutes overcrowded conditions.
 - Fear of damage to the unit caused by a family with several children.
 - Charging increased security deposits because of family size.
- Reluctance or refusal to rent to unmarried couples.
- Reluctance or refusal to rent to couples of the same sex.
- Exemption from Fair Housing laws of owner-occupied homes which may contain rental units (i.e., duplex where owner occupies one side and rents the adjoining side).

Assessment of Current Fair Housing Programs and Activities in Bowling Green

The City of Bowling Green first enacted local fair housing laws in 1969. As the federal and state fair housing laws evolved over the years with the addition of more protected classes, the local ordinance was also amended. Not long ago, the protected classes of disability and familial status were incorporated, and some clarifications were made in the complaint procedure to be used by the Bowling Green Human Rights Commission (HRC).

The City of Bowling Green contributes approximately \$66,000 per year in general fund support and \$33,000 in CDBG funds to the HRC to fund fair housing outreach and awareness activities. The local HRC advocates for fair housing treatment and provides fair housing training and materials to anyone who requests it, but does not currently investigate fair housing complaints. Complaints received locally are forwarded to agencies in Louisville and Lexington, Kentucky. Fair housing activities provided by the HRC between July 2015 and June 2018 include:

- Provided an estimated 20 Fair Housing workshops.
- Published and distributed around 10 newsletters to approximately 500 local minority businesses, churches, and organizations with updates on local housing issues and Fair Housing information.
- Organized and held four annual Fair Housing events.
- Participated in nearly 160 community activities to promote Fair Housing.
- Produced Fair Housing brochures and additional education and outreach materials.

- Accept referrals from other agencies regarding housing discrimination and Fair Housing inquiries.
- Counsel clients about Fair Housing.
- Partnered with the Housing Authority of Bowling Green to provide Fair Housing education and awareness.
- Consult with property managers and tenants on Fair Housing questions and problems.
- Partner with Fair Housing Council to promote Fair Housing activities.
- Served approximately 13,000 people in the local area.
- Conducted a Fair Housing Poster contest.

In 2019, the Bowling Green Human Rights Commission received the Georgia Davis Powers Legacy Award by the Kentucky Commission on Human Rights for their tremendous devotion to cause of furthering human rights and civil rights throughout the Commonwealth of Kentucky.

The City's NCS Department, as well as all other local agencies that receive federal housing funding, provide fair housing information and encourage the equal treatment in the housing industry. Some of the actions taken by NCS include:

- Providing annual CDBG funding to the HRC to provide fair housing education and outreach into the community.
- Display and distribution of fair housing literature in the NCS offices.
- Inclusion of fair housing information in the landlord newsletter.
- Providing referrals for customers who think they may have been discriminated against.
- Counseling clients about fair housing choice.
- Providing educational materials and information to Housing Choice Voucher participants.
 - Providing Fair Housing information in the client Briefing Packets.
 - Providing a list of known accessible units to all Housing Choice Voucher recipients.
 - Providing deconcentration information, including dispersion map, to voucher holders to encourage leasing outside of areas of poverty concentration.
- Adoption of policies and procedures to facilitate use of the Housing Choice Voucher by persons with special needs
 - Approving Exception Payment Standards as a reasonable accommodation.
 - Approving a larger subsidy to house a Live in Aide for a disabled person.
 - Waiver of the Non-Relative Rule to allow rental of property owned by a relative to a disabled person as a reasonable accommodation.
- Adoption of an Affirmative Marketing and Fair Housing Policy and Procedures Plan to help ensure compliance with all laws regarding discrimination.
- Making available to builders and contractors the Accessibility Design Guidelines.
- Development of the City of Bowling Green Language Access Plan.
- Updating of the Section 504 Plan.

Conclusions and Recommendations

Shelter is one of the most basic of human needs. Through HUD and the Fair Housing Act, the federal government has made a commitment to ensure that all individuals and families are treated fairly in choosing housing to meet their need for shelter. The City of Bowling Green has underscored its commitment to these laws with the adoption of a local fair housing ordinance.

Through this Analysis of Impediments, several issues have been identified which impede housing seeking residents in Bowling Green from realizing their right to fair and equitable treatment under the law. It is imperative that consumers of housing know their rights and that those providing housing know their responsibilities. The City of Bowling Green, through the NCS Department and the HRC, will continue the public education campaign undertaken in 2008, with emphasis on the education of rental property owners and managers. Education of both landlords and tenants may target existing points of contact, such as Neighborhood Associations, the Realtors' Association, and the Builders Association.

Understanding the City's diversity, several years ago the City created the position of, International Communities Liaison (ICL), which serves to coordinate the City's role in communicating and working effectively with the diverse international communities represented in Bowling Green, and to serve as an advocate for LEP (Limited English Proficient) persons who may seek City services.

The City will look at various means to educate landlords regarding reasonable accommodation and encourage compliance: the building permit process; organization of a landlord association; and financial incentives to encourage the development or retrofitting of accessible units. On the other hand, efforts will be undertaken to educate the consumer as to what is "reasonable".

Although homeless persons, persons released from medical facilities, and parolees returning to the community are not a protected class, through the Neighborhood Improvements Program the City will allocate funding for new transitional housing opportunities. Additionally some investigation will be undertaken to determine what might be done to facilitate their search for housing as they re-enter society, perhaps through an ombudsman program affiliated with the Probation and Parole office or through the development of transitional housing with local providers.

Over the long term, the City will continue to consider the need for and viability of Substantial Equivalency certification or other applicable Fair Housing legislation and the establishment of a local enforcement agency. As mentioned earlier in this document, it was the general consensus of several of the participants involved in this activity that local enforcement is the key to eliminating many of the issues identified herein.

Certification

I, Mayor Bruce Wilkerson, certify that the City of Bowling Green, Kentucky, will affirmatively further fair housing and that:

- This Analysis of Impediments to Fair Housing Choice was conducted by the City of Bowling Green, Kentucky, in 2019, and that this document is an accurate representation of the analysis process;
- The City of Bowling Green will take the appropriate actions as identified in this document to overcome the effects of the impediments identified in this Analysis; and
- The City of Bowling Green will maintain records of this Analysis and the actions taken to overcome the impediments to fair housing choice.

Bruce Wilkerson
Bruce Wilkerson, Mayor of Bowling Green, Kentucky

May 7, 2019
Date