

## Fair Housing Activity Statement – Texas

Recognizing that each jurisdiction is unique, this Fair Housing Activity Statement - Texas is intended to be used in conjunction with the Analysis of Impediments, Phase I as a form to help the applying jurisdictions perform assessments of their impediments to fair housing choice, plan actions to address identified impediments, and communicate their plans to the State of Texas and HUD.

BEFORE beginning to fill out this form, each jurisdiction should:

- (1) Participate in the regional FFAST Form training.
- (2) Review the 2010 Texas Interim Phase I AI in detail;
- (3) Gather relevant information (see instructions in Appendix A);
- (4) Convene a FFAST Working Group to assess the data collected in #2 and fill out the FFAST form (see instructions in Appendix A.)

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| <b><u>Impediment #1</u></b> | Protected classes may experience disparities in home mortgage lending and high cost loans. |
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**No local action is required at this time.**

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| <b><u>Impediment #2</u></b> | There is inadequate information available to the real estate community, governments and the public about fair housing requirements and enforcement procedures. |
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**No local action is required at this time.**

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| <b><u>Impediment #3</u></b> | The public is not sufficiently aware of their Fair Housing rights and how to obtain the assistance necessary to protect those rights. |
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1. Consistent with the Fair Housing Act, the State of Texas, and funded sub-recipients should continue to promote and conduct events to celebrate April as Fair Housing Month, and direct sub-recipients to do the same. These events can demonstrate support for fair housing and build awareness.

- We will commit to undertake Fair Housing Month activities. (Check all that apply.)
  - Passage of a resolution by our governing body.
  - Activities in schools.
  - Placing posters in public buildings.
  - Governing body will hold a special hearing to solicit input from the community.
  - Other. Please specify.

When will you undertake these activities?  2011  2012  2013

Not Applicable (Explain)

2. Consistent with the Fair Housing Act, the State of Texas and funded sub-recipients have historically conducted fair housing activities at various times of the year and should continue to fund, depending on sufficient appropriations, or collaborate with public and private agencies, organizations and groups to plan and conduct fair housing activities.

- We will conduct/sponsor/fund in fair housing activities at various times of the year other than "April as Fair Housing Month". Attach a description of these activities and identify the organizations and agencies you have worked with.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

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| <b>Impediment #4</b> "Not in my Backyard" (NIMBY) may be an impediment to fair housing in Texas communities. |
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1. NIMBY opposition needs to be anticipated and planning and outreach should occur on the front end of projects. To mitigate defensive and reactive responses, planning should include strategies for education, outreach and marketing that provide accurate information and promote the positive aspects and benefits of affordable housing to build support among community residents.<sup>[1]</sup>
2. The Department of Housing and Urban Development (HUD) provides extensive information about Fair Housing and examples at [www.hud.gov](http://www.hud.gov). Generally communities should consider:
- Working with local officials, editorial boards, religious and civic organizations and other community leaders to initiate education programs.
  - Seeking opportunities to present information to community organizations by requesting to be placed on their meeting agendas.
  - Including a visit to the Group Home residence as part of an education program.
  - Answering all questions.
  - Talking with local neighborhood leaders, including elected representatives, and setting up a neighborhood meeting.
  - Setting up a liaison committee consisting of advocates, group residents, and neighborhood residents to discuss issues.
  - Identifying areas that meet AFFH targets where the community supports development, has worked with community groups and potentially uses funds to assist the development of multi-family affordable housing.

- We have developed an anti-NIMBYism action plan. [Attach a copy or description]  
 We will develop an anti-NIMBYism action plan. [Designate who will be responsible for developing this plan.]

When will you do this?  2011  2012  2013

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Not Applicable (Explain)

**Impediment #5**

Certain governmental policies and practices may not meet current HUD policy concerning affirmatively furthering fair housing. Jurisdictions should act to ensure that their policies and procedures affirmatively further fair housing, address mal-distribution of resources, and that they do not unnecessarily impact housing choice.

1. As part of certifying that a community is affirmatively furthering fair housing, jurisdictions that have long-term infrastructure plans should review them to determine if the plan promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes. While not intended to direct a community to hire a consultant, it is anticipated that a community will review its long-term infrastructure plans as part of this recommended action. In reviewing the project list (Appendix F of the Phase 1 AI) there are many projects that are listed as being of community-wide benefit. The records do not indicate the actual location of projects or provide adequate discussion of how the projects benefit the entire community.

- We have a long-term infrastructure plan and will review the plan to determine if it promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes as it relates to the availability of housing.

When will you do this?  2011

Not Applicable (Explain)

- We have already collected information on the locations of protected populations and have adequate information for insuring that new projects with "citywide benefits" will not perpetuate illegal differences in treatment.
- We will use the information in the AI to ensure that proposed projects do not perpetuate illegal differences in treatment.

When will you do this?  2011

Not Applicable (Explain)

2. As it has been determined under federal law that Fair Housing applies to all federal housing and community development funds, to reduce "siloing" the fair housing component into only housing-related programs, fair housing should be considered in all activities for all local community planning staff.

- We have determined that consideration of Fair Housing implications has already been incorporated into all aspects of planning in this jurisdiction. [Please attach supporting documentation.]
- We will review and insure that Fair Housing implications are addressed in all aspects of planning in this jurisdiction in a manner consistent with the guidelines provided by the state at the FFAST form training and maintain documentation of that review.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

3. It would be beneficial for local elected officials to require senior staff of any subrecipient such as a city or county—including managers and attorneys—to receive available Fair Housing training within the first 12 months of their employment or engagement.

We have a policy in place providing for all senior staff – including managers and attorneys – to receive Fair Housing training within their first 12 months on the job, and for long-term senior staff to receive regular updated training. [Attach copy of policy]

We do not have such a policy and will develop and implement one.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

4. As part of what is usually a common initial training by the associations that provide education opportunities for newly-appointed board members or newly-elected council or commissioners court members of cities and counties, the state should request that training include specific information on the Fair Housing Act—with a discussion of affirmatively furthering fair housing obligations.

**No local action is required at this time.**

5. Local communities should consider limiting the concentration of infrastructure improvements like wastewater treatment, solid waste disposal, or similar necessary but not desirable infrastructure projects in residential areas where there are concentrations of protected classes.

We have an official policy that limits the concentration of certain infrastructure improvements. [Attach a copy.]

We have official policies and procedures that take the location of protected classes into account when deciding where to locate undesirable infrastructure improvements. [Attach a copy.]

We do NOT have limits on the concentration of undesirable infrastructure improvements or policies and procedures that take the residential location of members of protected classes into account, but will develop formal limits or official policies and procedures.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

6. Communities electing to provide publicly financed housing incentives should be requested to call for recipients to engage in affirmative marketing.

We have a policy requiring Affirmative Marketing Plans from developers seeking tax abatements or other supports for new housing.

We do not have such a policy and will develop and implement one.

When will you do this?  2011

Not Applicable (Explain)

7. If a jurisdiction is a non-entitlement community, when working in LMI areas to replace roads or other infrastructure, the jurisdiction should consider making application for additional sources of funding to provide assistance to repair substandard housing associated with the project (i.e., TDHCA or HUD.)

We formally consider accessing supplementary funds when infrastructure proposals are developed. [Attach policies.]

We have not consistently done this in the past and we will develop a process to formally consider making housing funding applications when funds for infrastructure projects are sought.

When will you do this?  2011  2012  2013

Not Applicable (Explain) Harris County is an Entitlement Community

8. Most infrastructure projects take into account items like curb cuts, sidewalks, hearing and visually impaired indicators at intersections. When approving non-federally funded projects, similar special needs construction should be required for infrastructure improvements. Projects should also address other legacy discrimination issues, such as accessibility in public areas like courthouses, community centers and other high traffic areas.

We currently require that applications for non-federally-funded infrastructure projects are ADA compliant and address other legacy discrimination issues.

We do not have such a requirement. We will develop one.

When will you do this?  2011

Not Applicable (Explain)

9. Each jurisdiction applying for Community Development Block Grant funds or other federal housing and community development funds should submit a Fair Housing Activities Statement – Texas (FHA-ST) with their application, reviewing their infrastructure needs and housing needs and how the proposed activity promotes fair housing or results in more equitable treatment of protected classes. Projects with community-wide benefits should be accompanied by explicit commitments on the part

of the local jurisdictions to undertake additional activities to affirmatively further fair housing along with a monitoring and reporting process.

- We submit a FFAST form.

When will you begin to do this?  2011

- Not Applicable (Explain)

10. As part of the non-housing disaster recovery program, jurisdictions should consider low-income areas and areas populated principally by members of protected classes to determine the potential for flooding and consider making infrastructure expenditures to help protect the impacted communities—including colonias.

- We have reviewed LMI areas and areas populated principally by members of protected classes, and prioritized infrastructure expenditures to help protect the impacted communities—including colonias.
- We have not done this in the past but will conduct such a review and consider these infrastructure projects in the future.

When will you do this?  2011

- Not Applicable (Explain)

11. If applicable, all policies should be reviewed regarding denying applicants' access to disaster recovery CDBG funds if their residence is located in the flood plain. If the policy does not allow participation by restricting building in flood plains, then the policy should be assessed to see if alternative housing programs could be implemented for the residents. Local jurisdictions should analyze the results and see if protected classes are more frequently harmed by flood plain restrictions. This action does not apply to the GLO CDBG Disaster Relief Fund that limits property purchase "unless TXCDBG receives satisfactory evidence that the property to be purchased was not constructed or purchased by the current owner after the property site location was officially mapped and included in a designated flood plain."

- We have completed this review and analysis and will take action on our findings.
- We have not completed this review and analysis. We will do so and take appropriate actions based on our findings for Round 2 programs.

When will you do this?  2011

- Not Applicable (Explain)

12. When an entire community is in a flood plain, the community should establish clear standards that allow for proper elevation or relocation, and that also allows for visitability/special needs considerations consistent with state<sup>[3]</sup> and federal law.

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<sup>[3]</sup> Texas Government Code Section 2306.514

We have established clear standards that allow for proper elevation of homes or for relocation, and also allow for visitability/special needs considerations consistent with state and federal law. [Attach documentation.]

We have not developed these standards but will do so for Round 2 programs.

When will you do this?  2011

Not Applicable (Explain)

13. Local jurisdictions that accommodated the relocation of disaster survivors resulting in concentrations of protected class survivors in specific areas should establish Moving to Opportunity Programs and include renters in their Moving to Opportunity Programs as defined under Round 2.

This action step applies to our jurisdiction. We will establish a Moving to Opportunity Program for disaster survivors as part of our Round 2 housing recovery program.

When will you do this?  2011

Not Applicable (Explain)

14. Consistent with the process established in the Conciliation Agreement, local jurisdictions and state agencies should work together to determine a demographic and economic profile of victims of the natural disaster and establish goals for assisting these populations in no less that the proportions they were impacted by the disaster. These goals should be performance goals and disaster recovery funds should be extended incrementally in a manner to ensure that these populations are equitably assisted with benefits.

We will cooperate with state agencies to carry out this action step.

When will you do this?  2011

Not Applicable (Explain)

15. All infrastructure programs funded with disaster recovery funds should be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities.

We have established clear policies and procedures to insure that all infrastructure programs funded with disaster recovery funds will be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities. [Attach documentation.]

We have not developed these standards and policies; we will do so for Round 2 infrastructure projects. The person or entity responsible for developing these standards will be Harris County Community Services Dept.

When will you do this?  2011

Not Applicable (Explain)

16. Consistent with the Conciliation Agreement, family and elderly public housing units damaged or destroyed by the disaster should be reconstructed or repaired in a manner that affirmatively furthers fair housing utilizing disaster recovery funds within 24 months of approval of the initial application for disaster recovery assistance for the local jurisdiction.

We affirm that family and elderly public housing units damaged or destroyed by the disaster will be reconstructed or repaired in a manner that affirmatively furthers fair housing utilizing disaster recovery funds within 24 months of submission of the initial application for disaster recovery assistance by the local jurisdiction.

Not Applicable (Explain)

**Impediment #6**

Governmental entities at all levels do not appear to have been proactive in the enforcement of both the Fair Housing Act and the obligation to affirmatively further fair housing. The State and subrecipients should implement a robust and effective structure for identifying and pursuing suspected violations.

1. Given the potential for increase in Fair Housing enforcement action by federal and state agencies and private organizations, an ongoing fair housing testing program for areas that receive federal housing and community development funds could be beneficial to protect state agencies and sub-recipients from potential repayment. Fair housing enforcement is a valid use of CDBG funding and can be used to establish testing programs by agencies trained in HUD testing procedures. The state, or local jurisdictions combining together, should consider conducting tests in areas that include the following: steering in sales and rental; the denial of and different terms and conditions based on race, national origin, familial status, and disability in sales and rental; predatory and disparate terms and conditions in lending and insurance; and foreclosure modification schemes targeting minority neighborhoods. The state should also consider education to applicable entities on self-testing and self-correction.

We currently have a testing program for Fair Housing violations. For more information.

We do not have a testing program for Fair Housing violations and plan to establish one.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

2. TDHCA should, as a pilot program, allocate funds to independent third parties or a combined jurisdiction team identified in point 1 of this section to provide similar testing to determine if additional enforcement is necessary.



**No local action is required at this time.**

3. Impacted agencies that provide certification that they are affirmatively furthering fair housing as required by federal law, should consider publishing a public document on enforcement that provides the public and communities with a clear description (and chart) of the state and Federal Fair Housing Act.

- On documents concerning housing and community development programs that are provided to the public, we will list fair housing enforcement contacts and procedures consistent with the State suggested language when it is provided in 2011.

When will you do this?  2011

- Not Applicable (Explain)

4. Each community should place on its website (if one is available) the contact, at the local, state, and federal levels, for reporting a Fair Housing complaint, if citizens believe they were victims of housing discrimination.

- We have published the contact information – at the local, state and federal levels – for reporting a Fair Housing complaint. [Attach a copy or URL.]
- We have not done so but will do so.

When will you do this?  2011

- Not Applicable (Explain)

5. Each local jurisdiction should publish on its website a clear statement, approved jointly by TDHCA, expressing the jurisdiction's obligation to affirmatively further fair housing and providing a method for reporting suspected noncompliance to the state and to HUD. The jurisdiction's contact person should be able to refer to clear local Fair Housing procedures for the complaint process, keep logs and records of all inquiries, allegations, complaints and referrals. These reports should be sent to the appropriate funding agency. Where these reports show that a jurisdiction has administered programs inconsistently with the AI and had the effect of discouraging applications from members of protected classes who are deemed eligible under the plan for assistance, affirmative marketing plans should be developed and submitted to the appropriate agency.

- We have published a policy statement expressing our jurisdiction's obligation to Affirmatively Further Fair Housing. [Attach a copy or URL.]
- We will publish a policy statement consistent with the language the State provides in 2011.

When will you do this?  2011

- Not Applicable (Explain)
- We have developed clear procedures for the Fair Housing complaint process. [Attach a copy]
- We will develop clear procedures for the Fair Housing complaint process once more guidance is given by the State in 2011.

When will you do this?  2011

- Not Applicable (Explain)
- We keep complete logs and records of all Fair Housing inquiries, allegations, complaints and referrals and have a policy statement about these legal records.
- We will begin keeping required logs and records.

When will you do this?  2011

- Not Applicable (Explain)
- We have remedial procedures for developers, landlords, home sellers and others whose actions may be inconsistent with Fair Housing laws and regulations.
- We do not have remedial procedures but will develop them. The agency or person who will be responsible for developing these procedures is Harris County Community Services Dept.

When will you do this?  2011

- Not Applicable (Explain)

**Impediment #7** Many local jurisdictions have zoning codes, land use controls, and administrative practices that may impede fair housing choice and fail to affirmatively further fair housing.

1. The law anticipates that ordinances creating disparate impact should also be reviewed for change. If a disparate impact is determined to exist by the local jurisdiction, it could repeal or amend the restriction, use public funds to offset the cost through homebuyer assistance programs, or waive fees or other offsets to make the home more affordable.
  - We recently conducted or updated a Fair Housing Review of our ordinances and codes.
  - We have not done so but will conduct a review

- We have a policy statement/guidance for those responsible for developing codes/ordinances that reminds them to consider and document the Fair Housing/AFFH implications of any new rule.
- We do not have such a policy/guidance but will develop one when suggested guidelines are provided by the State in 2011.

When will you do this?  2011

- Not Applicable (Explain)

2. To help limit concentrations that could be considered impediments to affirmatively furthering fair housing, jurisdictions that have long term planning documents for housing growth or redevelopment, or revitalization plans, should consider allowing or encouraging mixed income affordable housing in the plan and provide incentives for development of this type of housing in areas that are not concentrated.

- We recently conducted a Fair Housing Review and took/are taking appropriate action concerning our planning documents. [Attach a list of plans reviewed, a summary of findings, and actions you will take to remove impediments]
- We have not done so but will conduct a Fair Housing Review after the State provides suggested guidelines in 2011.

When will you do this?  2011

- Not Applicable (Explain)

- We have identified residential areas that show concentrations or underrepresentation of protected groups, and we encourage mixed-income affordable housing and other strategies to widen housing choice throughout our jurisdiction.
- We have not done so but will include this in our FFAST plan once guidelines are provided by the State in 2011.

When will you do this?  2011  2012  2013

- Not Applicable (Explain)

3. Local jurisdictions seeking CDBG Disaster Recovery funds from the state should consider offering expedited permitting and review processes for affordable housing projects within high opportunity target zones.

- We currently offer incentives to developers to locate affordable housing projects in high opportunity neighborhoods and prevent overconcentration.
- We have not done so but will.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

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| <b><u>Impediment #8</u></b> | Inadequate planning for re-housing after an emergency situation creates a situation where persons who are uninsured or under-insured, low income, or special needs can be displaced for long periods of time. |
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1. Some legislators, the Sunset Commission, and communities acknowledge that while temporary disaster housing is a federal program, Texas should continue to provide guidance to local governments on additional planning that needs to be done as part of the emergency preparedness planning to most efficiently work with FEMA.

**No local action is required at this time.**

2. As much of what FEMA has previously offered is travel trailers or manufactured housing, local governments should review their zoning requirements or other land use provisions that restrict temporary housing or housing on an existing lot during the building process and look at potential waivers that do not risk or negatively impact health, safety, and welfare during a period after disasters so that low income persons can move back to their existing communities with temporary housing while waiting for redevelopment.

- We have reviewed our zoning requirements and other land use provisions and have provided waivers or other accommodations for post-disaster housing.
- We have not done so but will review our zoning and look at potential waivers.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

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| <b><u>Impediment #9</u></b> | There are impediments in public and private actions and private attitudes to housing choice for persons with disabilities. |
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1. To meet federal Fair Housing requirements for zoning and neighborhood uses, jurisdictions should look to determine if there are direct or indirect limitations in codes that would prevent facilities or personal residences from providing assistance or communities of choice or service-enriched environments that directly impact special needs persons.
  2. Local jurisdictions should work to ensure that zoning or code requirements do not unnecessarily impose stricter commercial building requirements, such as emergency access or protection services, on group homes, thereby dramatically increasing housing costs for persons with special needs.
- We have reviewed our codes and ordinances and have addressed/are addressing any impediments relating to special needs persons, including (1)

rules that might prevent facilities or personal residences from providing assistance or communities of choice or service-enriched environments that directly impact special needs persons, and (2) rules that might unfairly increase the costs to special needs persons.

- We have not done so but will conduct a review and address any impediments identified once guidelines are provided by the State in 2011.

When will you do this?  2011

- Not Applicable (Explain)

3. Local jurisdictions should consider coordinating with the legislatively created Housing and Health Services Coordination Council for best practices on working with supportive services.

- We agree to coordinate with the legislatively created Housing and Health Services Coordination Council staffed by TDHCA for best practices on working with supportive services.

When will you do this?  2011  2012  2013

- Not Applicable (Explain)

**Impediment #10**

There are barriers to mobility and free housing choice for Housing Choice Voucher holders including: inadequate tenant counseling services and mobility assistance, failure of PHAs to apply for the FMR pilot demonstration funds, and government policies, procedures, and regulations that tend to decrease participation by private housing providers and to restrict available housing to “racially or low-income populated neighborhoods” with little access to economic, educational, or other opportunity.

**No local action beyond compliance with Round 2 Housing Guidelines is currently required but communities are encouraged to work with local public housing authorities to understand and overcome these impediments.**

**Impediment #11**

Loss of housing stock in Hurricanes Dolly and Ike compounded the shortage of affordable housing in disaster recovery areas. This shortage is particularly acute in safe, low-poverty neighborhoods with access to standard public services, job opportunities and good schools.

**No local action is required at this time. TDHCA will develop a statewide strategic plan including guidance for local jurisdictions on the following Action Steps in 2011.**

1. To help offset the costs of developments that feature reduced rents without government support, local jurisdictions should consider establishing density

bonuses to allow for higher levels of units per site for multifamily developments and single-family developments that propose increased affordability.

2. TDHCA and HUD have developed programs that preserve affordable housing. Continuing in this vein, the state and local jurisdictions should work to preserve existing affordable housing development and discourage them from converting to market rate housing. Requirements should be included in all publicly funded developments providing tenants with early and clear notification of the intention of management to convert to market rate housing and providing first right of refusal to nonprofit and public entities and organizations to purchase units to maintain affordability.
3. The state and local jurisdictions should consider using CDBG funds to buy down the cost of land in high-cost and high-opportunity development areas to increase affordable housing options in these areas.

**Impediment #12**

Lack of financial resources for both individuals and housing providers limits Fair Housing choice. Using an effective program under Section 3 of the Housing and Urban Development Act of 1968 may help members of protected classes gain economic opportunities necessary to allow them to exercise fair housing choice.

1. The state is maximizing its resources in Round 2 of the Ike/Dolly funding to affirmatively further fair housing in single family and multi-family developments. As called for in the Conciliation Agreement, the state is looking to provide more integrated housing options for persons in racially concentrated or poverty concentrated neighborhood groups. In single-family programs, the state should require subrecipients to offer the opportunity to relocate out of floodplain areas, concentrations of racial minorities, or concentrations of poverty—through the Homeowner Opportunity Program. Any relocation should be into an area that does not result in simply relocating the high-concentration from one area to another.

**Local jurisdictions will be responsible for complying with Section 3 as part of their contract with the state.**

2. Jurisdictions receiving federal funds from HUD, directly or indirectly, should ensure they have a compliant Section 3 program to meet HUD requirements regarding notification to LMI eligible persons of potential job creation at the impacted neighborhood level with federal funds.
  - We have in place a Section 3 program that meets the requirements of federal law and regulations regarding potential job creation at the impacted neighborhood level and the use of federal funds to hire local LMI eligible persons. We confirm that appropriate staff persons in this jurisdiction have already received training on Section 3, regarding job creation for local LMI persons including members of protected classes. [Attach Section 3 plan and list of staff names and training dates]

- We have not done so but will develop a Section 3 program that meets the requirements of federal law and regulations and that ensure appropriate staff receive training.

When will you do this?  2011

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| <b>Impediment #13</b> | Location and lack of housing accessibility and visitability standards within political jurisdictions limits fair housing choice for persons with disabilities. |
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1. Local jurisdictions should consider establishing incentives for affordable housing applicants to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA integrated housing rule.
2. TDHCA and local jurisdictions should consider adding proximity to medical facilities as a scoring incentive for competitive programs using federal funds for proximity to medical facilities.
3. TDHCA should require that all federally funded housing construction be built to accessibility standards found in Texas Government Code §2306.514.

- We have formally considered: 1) establishing incentives for affordable housing developers to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA Integrated Housing Rule; 2) providing point incentives for units in proximity to medical facilities for competitive programs using federal funds; and 3) requiring new housing built with federal funds to be built with structures that allow for accessible features, regardless of whether the original occupant needs the features, as called for by state law. [Attach documentation of the review and resulting actions.]

- We have not undertaken the above review, but plan to do so.

When will you do this?  2011  2012  2013

- Not Applicable (Explain)

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| <b>Impediment #14</b> | Many colonias residents live in developments that have insufficient infrastructure and protections against flooding and are impacted by flooding beyond events like Hurricanes Dolly and Ike. |
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1. The state, COGs, and local jurisdictions should examine the infrastructure needs in colonias, in particular the use of CDBG disaster recovery funds to provide drainage improvements to correct flooding problems in the wake of Hurricane Dolly, and the historical provision of public infrastructure and housing assistance to meet those needs in border and non-border colonias.
- We have identified the unserved infrastructure needs of colonias within our jurisdiction and whether these infrastructure improvements are eligible for disaster recovery funding and, if so, whether those projects will be funded.

- We have not undertaken the above review, but plan to do so.

When will you do this?  2011

- Not Applicable (Explain) No Colonias in Harris County

**Impediment #15**

Minority neighborhoods in disaster areas are primarily served by non-regulated insurance companies that do not adhere to underwriting guidelines and may be discriminated against in the provision of insurance. Texas has passed aggressive statutes to prevent insurance "redlining." National research indicates that protected classes face unwarranted disparities in the cost of insurance, the amount of coverage, and cancellation of policies without notice to the homeowner.

**No local action is required at this time.**

**Impediment #16**

Many jurisdictions do not have adequate Analysis of Impediments to Fair Housing or Fair Housing Plans, and do not keep sufficient records of their activities.

1. Recipients of CDBG funds from HUD for housing should maintain records as required by the Fair Housing Act, HUD regulations, and the Conciliation Agreement in order to document that they are carrying out their commitments and affirmatively furthering fair housing.

- We currently maintain all required records to document our AFFH actions and compliance with Fair Housing laws, HUD and State regulations, and the Conciliation Agreement. [Attach details of the records now kept and identify the person or entity responsible for keeping these records.]

- We have not done so but do so in compliance with GLO guidance.

When will you do this?  2011  2012  2013

- Not Applicable (Explain)

2. As required under the Conciliation Agreement, the State will conduct a new Statewide AI after HUD approval of the Phase 1 AI. Entitlement communities should conduct new AIs or update current AIs to ensure that they address all recommended data and issues and specifically address issues related to all protected classes under the Fair Housing Act. Race and national origin, as well as the other protected classes, must be identified independent of low and moderate-income categories in order to understand the impact of actions, practices, regulations, ordinances, and other factors on them.

- We recently completed a formal Analysis of Impediments, are currently updating an existing AI, or are conducting our first AI. [Attach most recent AI or draft.]

- We are using the FFAST form process to analyze our impediments to fair housing and plan how to address them.



When will you do this?  2011

Not Applicable (Explain)

**Alternative or additional Local Action Steps developed by this jurisdiction:** To address unique impediments to fair housing within each community, local jurisdictions are encouraged to develop alternative action steps to be adopted in lieu of or in addition to those set out in the State of Texas Interim Analysis of Impediments to fair housing. If your jurisdiction elects to propose alternative or additional action steps, please describe them below.

We plan to take additional Action Steps, described in an Attachment.

We will not take additional FH Action Steps at this time.

When will you do this?  2011  2012  2013

Not Applicable (Explain)

## **Fair Housing Activity Statement-Texas**

### **Jurisdiction: Harris County**

#### **Attachments**

The following are additional elements and activities requested in the Fair Housing Activity Statement-Texas (FHAAT). They are organized by FHAAT form Impediment number and question.

#### **Impediment #3**

2. Attach a description of AFFH activities and identify the organizations and agencies you have worked.

Currently, Harris County conducts several Fair Housing activities during the year. The Housing Resource Center is a service provided by the county through Community Service Department that provides information on affordable housing and community resources to the public. One of the many services provided is education materials on Fair Housing at one to three community events a month throughout the county and a compliant/referral helpline and website. These activities will continue in 2012. The County's Downpayment Assistance Program (DAP) provides homeownership assistance grants to qualified homebuyers. DAP also educates mortgage lenders who wish to work with the program on Federal laws, such as Fair Housing, and the program requirements. Organizations that we have worked with include: Harris County Housing Authority, Neighborhood Centers Inc., United Way of Greater Houston, County Precincts' Community centers and social service programs, local small cities, Harris County Transit Services, Elderly Service Provider Network, Houston Apartment Association, Houston Area Realtor Association, and Coalition for the Homeless of Houston-Harris County.

#### **Impediment #4**

2. Who will develop the anti-NIMBYism action plan?

The anti-NIMBYism action plan will be incorporated into the Harris County Analysis of Impediments and Fair Housing plan, which is due to HUD with the County's Consolidated Plan in 2013. Responsible entity is the Harris County Community Services Department.

#### **Impediment #5**

1. Harris County selected that We have a long-term infrastructure plan and will review the plan to determine if it promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes as it relates to the availability of housing.

Due to the length of the County's Capital Improvement Plans, the county will need additional time to review the plans and report findings. We estimate completion by 2013 when the County completes its Analysis of Impediments for submission to U.S. HUD.

7. If a jurisdiction is a non-entitlement community, when working in LMI areas to replace roads or other infrastructure, the jurisdiction should consider making application for additional sources of funding to provide assistance to repair substandard housing associated with the project (i.e., TDHCA or HUD.)

Not Applicable as Harris County is an Entitlement community with HUD. The county is a recipient of CDBG and HOME funds which it has used to provide activities such repairs to substandard single family and multi-family housing, homeownership activities, infill housing construction, lead based paint control in single family homes, and the construction of new multi-family units for the homeless and low-income families throughout the county including LMI areas.

11. If applicable, all policies should be reviewed regarding denying applicants' access to disaster recovery CDBG funds if their residence is located in the flood plain.

After reviewing the county's housing policies governing access to disaster recovery CDBG funds, Harris County's disaster recovery single family housing rehabilitation/reconstruction nor the rental housing programs restrict participation due to residence's location in the 100 or 500 years floodplains. Harris County has State approved housing policies and procedures that allow for the provision of disaster recovery TX CDBG funds to be allocated to eligible applicants whose housing units are located in the floodplain. The single-family housing rehabilitation and reconstruction program in Harris County's Round 1 contract has served many homeowners in the 100 and 500 years floodplains with most of these, in addition to the repair of their homes, receiving elevation services to lift their homes 24 inches above base flood elevation. The Harris County Buyout program seeks eligible repetitively flooded homes, often in the floodway or floodplain, for acquisition to assist homeowners to move to areas outside the 100 years floodplain.

12. When an entire community is in a flood plain, the community should establish clear standards that allow for proper elevation or relocation, and that also allows for visitability/special needs considerations consistent with state and federal law.

Harris County has established standards for elevation in its CDBG disaster recovery housing program as 2 feet above base flood elevation as stated in the county's Hurricane Ike Recovery Program General Construction Matters document in Part II item 13 (pg II-3) and also directs the addition of visitability/special needs elements to reconstructed single family units as required by Federal and State law. Excerpt of Housing Standards on this topic is attached. These standards were approved by the State during Round One.

## **Impediment #6**

1. Fair Housing enforcement and testing program.

Harris County does not currently have official testing. The Housing Resource Center does take complaints for families seeking housing who believe they have been discriminated against. County staff seek to resolve the issue between the parties, however, if no resolution can be found cases are documented and referred to HUD Fair Housing. The County is also planning to establish a partnership with the numerous non-profit organizations who are testing to share data. This will be apart of the county's Fair Housing Plan and Analysis of Impediments due to HUD in 2013.

4. Each community should place on its website (if one is available) the contact, at the local, state, and federal levels, for reporting a Fair Housing complaint, if citizens believe they were victims of housing discrimination.

Harris County provides this information at <http://www.hrc.hctx.net/discrimination.htm>

## **Impediment #7**

2. To help limit concentrations that could be considered impediments to affirmatively furthering fair housing, jurisdictions that have long term planning documents for housing growth or redevelopment, or revitalization plans, should consider allowing or encouraging mixed income affordable housing in the plan and provide incentives for development of this type of housing in areas that are not concentrated.

### **List of Housing Related Plans Reviewed for Mixed Income Housing Goals:**

Harris County Consolidated Plan 2008-2012-This plan discusses the county's goals and objective over a five year period toward improving the quality of life in the low- and moderate-income areas of Harris County. The plan offers some encouragement to developers toward mixed income affordable housing via general housing goals and objectives, but does not offer specific programs or incentives for development.

Harris County Affordable Housing Standards-The purpose of this document is to describe the Harris County Community Services Department's housing policy objectives, the range of activities available to advance these objectives, and the manner in which those activities will be designed, evaluated, and selected for funding. The overall goal to these guidelines and standards is to ensure the development of quality affordable housing and achieve compliance with applicable Federal, State, and local laws, regulations, and policy objectives. These standards encourage the creation of quality mixed income multi-unit developments in non-concentrated areas of the county via the HCCSD's annual request for proposals process.

## **Impediment #12**

2. Jurisdictions should have a compliant Section 3 program to meet HUD requirements. Attach Section 3 plan and list of staff names and training dates.

- Section 3 Employment and Minority Business Plan is attached as Appendix A to this document.
- The following are dates and staff attending Section 3 training:
  - May 5, 2010 – HUD Section 3 Training
  - Elizabeth Winfrey
  - Judit Haracsek
  
  - October 27, 2010 – TDHCA CDBG Disaster Recovery Section 3 Training
  - Dwight Wolf
  - Gregory Frazier
  - Michelle Leija

#### **Impediment #14**

1. The state, COGs, and local jurisdictions should examine the infrastructure needs in colonias, in particular the use of CDBG disaster recovery funds to provide drainage improvements to correct flooding problems in the wake of Hurricane Dolly, and the historical provision of public infrastructure and housing assistance to meet those needs in border and non-border colonias.

Harris County has no Colonias. Harris County has done extensive research of infrastructure needs in its HUD target areas. Findings were documented in the Harris County Consolidated Plan, neighborhood plans developed by Community Services Department and the Precinct Two Infrastructure Assessment submitted to HUD in 2010.

#### **Impediment #16**

1. Recipients of CDBG funds from HUD for housing should maintain records as required by the Fair Housing Act, HUD regulations, and the Conciliation Agreement in order to document that they are carrying out their commitments and affirmatively furthering fair housing.

Harris County CSD maintains a report of AFFH actions in its annual CAPER to HUD. It describes AFFH goals to be achieved and actions taken. CSD through its Housing Resource Center (HRC) maintains records of residents seeking housing assistance (including discrimination complaints) via the HRC website and phone helpline.

2. We recently completed a formal Analysis of Impediments, are currently updating an existing AI, or are conducting our first AI. [Attach most recent AI or draft.]

Harris County has an existing Fair Housing Plan and AI, but is also in the process of creating a new plan and AI for submission with its next Consolidated Plan in January 2013. Existing plan is attached as Appendix B.