



CITY OF POMONA COUNCIL REPORT

June 19, 2017

To: Honorable Mayor and Members of the City Council

From: Linda C. Lowry, City Manager

Submitted By: Benita DeFrank, Neighborhood Services Director

Subject: Public Hearing to Receive Comments on the Draft Assessment of Fair Housing (AFH)

OVERVIEW

Recommendation – That the City Council, also acting as the Pomona Housing Authority, conduct a public hearing and after hearing all public comments, discussion and any amendments:

1. Authorize the City Manager to certify that the Assessment of Fair Housing (AFH) represents the City's assessment of fair housing, as well as fair housing goals and priorities; and,
2. Authorize submittal of the AFH to the U.S. Department of Housing and Urban Development (HUD).

Fiscal Impact – There is no fiscal impact to receive comments on this document.

Public Noticing Requirements – A combined notice of the public hearing and a required 45-day comment period was published on May 4, 2017, in the Inland Valley Daily Bulletin.

Previous Related Action – On October 24, 2016, the City awarded a Professional Services Agreement in the amount of \$24,500 to Veronica Tam and Associates to conduct an Assessment of Fair Housing study. On January 23, 2017, City Council approved a collaborative agreement between the City and Pomona Housing Authority for input, planning and assistance in developing the AFH.

EXECUTIVE SUMMARY

In 1995, HUD announced that entitlement communities, those that receive direct federal funding from Community Development Block Grant (CDBG), HOME Investments Partnership Act and Emergency Solutions Grant (ESG) programs, are obligated by law to reduce barriers to fair housing and to conduct a study of existing barriers to housing choice. The required study, previously referred to as the "Analysis of Impediments to Fair Housing Choice" (AI), as of July 2015 it is now known as the Assessment of Fair Housing (AFH). The AFH serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing goals.

DISCUSSION

On July 16, 2015, HUD published a final rule on Affirmatively Furthering Fair Housing (AFFH) which establishes a process required of agencies receiving HUD funds. The AFFH Rule is designed to assist HUD in meeting their long-standing obligations to affirmatively further fair housing and requires cities, states and PHAs to conduct an AFH. Additionally, conducting an AFH is a required component of the City's Five-Year Consolidated Plan and Five-Year PHA Plan.

An AFH is an analysis of fair housing data, fair housing issues and contributing factors, and an identification of fair housing priorities and goals. It covers public and private policies, practices, and procedures affecting housing choice. Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.

Joint collaborations within a jurisdiction are encouraged by HUD due to fair housing issues crossing jurisdictional boundaries. Joint collaborations may include two or more participants, including local cities, states and Public Housing Authorities (PHAs) conducting and submitting a single AFH to HUD. Joint submissions of an AFH yield savings and there is less duplication of efforts by participating parties. On January 23, 2017, City Council approved a collaborative agreement between the City and Pomona Housing Authority for coordination, planning and input in developing the AFH. The Neighborhood Services Department's Consolidated Plan staff served as lead in the development of the AFH. The AFH will be submitted as a joint submission by the City and the Pomona PHA.

AFH Development

On October 24, 2016, the City awarded a Professional Services Agreement in the amount of \$24,500 to Veronica Tam and Associates to conduct an Assessment of Fair Housing study.

Development of the AFH involved the following:

- Analysis of HUD-provided data, local data, and other information;
- Engaging the community in fair housing planning;
- Consultation with the agencies and organizations identified by Federal consultation requirements;
- Assessment of fair housing issues and contributing factors;
- Identification of fair housing priorities, goals and recommendations to address issues;
- Making any proposed analysis and the relevant documents, including the HUD-provided data and any other data to be included in the AFH, available to the public;
- Publishing the proposed AFH in a manner that affords residents and others the opportunity to examine its content and submit comments;
- Provide for at least one public hearing during the development of the AFH and provide notice of this public hearing; and

- Provide a period of 30-45 calendar days to receive comments from residents of the community.

Community Outreach Efforts

Community outreach efforts were employed to publicize the development of the AFH and engage the community by garnering relevant feedback on housing issues. Outreach efforts included the following:

- Citizen community meetings;
- Meetings with PHA tenants;
- Meetings with PHA Resident Advisory Board Members;
- Consultation with local housing agencies; and
- Distribution of a Housing Discrimination Survey.

Community Meetings

Community meetings were conducted at Pomona City Hall Council Chambers beginning in October 2016 and continued through January 2017. Outreach activities to publicize the meetings included the distribution of flyers through postings and e-mails, citywide distribution of flyer to over 45,000 households, availability of meeting information on the City's website and the display of ad notices in local newspapers. Additionally, as part of the recent development of the now obsolete AI, input from housing and service providers, housing professionals, local religious organizations, and local schools was solicited in early 2016 to ensure that the fair housing concerns of low and moderate income and special needs residents were addressed. This information was relevant to the development of the AFH.

Housing Discrimination Survey

A Housing Discrimination Survey was made available throughout the City of Pomona and on the City's website beginning in October 2016. Also, door-to-door survey distribution was conducted in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) to provide outreach to residents least likely to know about discriminatory practices. The survey was available online and in hard copy format, both in English and Spanish.

Community Input

Based on input from the residents, stakeholders, fair housing professionals, and City staff, as well as research and analysis of available local and regional data, the following represent fair housing issues identified through community input:

- **Disproportionate Housing Needs of Protected Classes and Lack of Affordable Housing:** Minority, elderly, and disabled households in Pomona are disproportionately represented in the low-income group, which subsequently leads to a lack of housing choice.
- **Use of Housing Choice Vouchers (HCV) (Formerly known as Section 8 Program):** A total of 915 households in Pomona rely on the HCV Program to afford decent and adequate housing. The HCV program is in high demand with a long waiting list of applicants. Not only do applicants have to wait a long time to receive a voucher, once a voucher is available, it often takes a long time to find a landlord who will accept it. Voucher use is primarily concentrated in the City's central and eastern neighborhoods.
- **Housing Discrimination Based on Race and Disabilities:** Residents commented that housing discrimination based on race and disabilities persists in the community.

Summary of Fair Housing Issues

The scope of the AFH was to identify any potential fair housing issues within the City so that every effort can be made to address them. The review was done in accordance with federal regulations to meet all HUD requirements for submission. Although the City's Fair Housing obligation arises in connection with the receipt of federal funding, its obligation is not restricted to the design and operation of HUD-funded programs. The obligation extends to all housing and housing-related activities in the City's jurisdictional area whether publicly or privately funded.

Development of the AFH involved an examination of the following **seven HUD-required fair housing issues** and use of a template format AFH tool for narrative input:

1. Segregation/Integration
2. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)
3. Disparities in Access to Opportunity
4. Disproportionate Housing Needs
5. Publically Supported Housing Location and Occupancy
6. Disability and Access Issues
7. Fair Housing Enforcement, Outreach Capacity and Resources

The following matrix below summarizes the factors perceived to be creating, contributing, perpetuating, or increasing the severity of each fair housing issue.

Potential Contributing Factors to Fair Housing Issues

Potential Contributing Factors	Fair Housing Issue						
	1. Segregation/Integration	2. R/ECAPs	3. Disparities in Access to Opportunity	4. Disproportionate Housing Needs	5. Publicly Supported Housing Location and Occupancy	6. Disability and Access Issues	7. Fair Housing Enforcement, Outreach Capacity, and Resources
Access to Decent, Affordable, and Adequate Housing							
Access to publicly supported housing for persons with disabilities							
Availability of affordable units in range of unit sizes				✓			
Community opposition							
Displacement of residents due to economic pressures							
Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking							
Lack of affordable, integrated housing for individuals who need supportive services						✓	
Lack of assistance for housing accessibility modifications							
Lack of assistance for transitioning from institutional settings to integrated housing						✓	
Location and type of affordable housing	✓		✓				
Lack of affordable, accessible housing in range of unit sizes						✓	
Location of accessible housing						✓	
Quality of affordable housing information system							
Lack of access to opportunity due to high housing costs							
Loss of affordable housing							
Public Policies and Regulatory Constraints to Housing Options							
Lack of local or regional cooperation							
Land use and zoning laws			✓	✓	✓		
Occupancy codes and restrictions							
Regulatory barriers to providing housing and supportive services for persons with disabilities							
State or local laws, policies, or practices that discourage individuals							

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with disabilities from being placed in integrated settings							
Siting selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs							
Admissions and occupancy policies and procedures, including preferences in publicly supported housing							
Public/Private Investment							
Deteriorated and abandoned properties							
Lack of community revitalization strategies							
Lack of private investments in specific neighborhoods		✓			✓		
Lack of public investments in specific neighborhoods		✓			✓		
Fair Housing Services, Outreach/Education, and Enforcement							
Lack of local private fair housing outreach and enforcement							✓
Lack of local public fair housing enforcement							✓
Lack of resources for fair housing agencies and organizations							
Lack of state or local fair housing laws							
Private discrimination	✓	✓	✓				
Unresolved violations of fair housing or civil rights law							
Source of income discrimination	✓				✓		
Transportation and Access to Services							
Access to financial services			✓				
Access for persons with disabilities to proficient schools							
Access to transportation for persons with disabilities							
Availability, type, and frequency of public transportation							
Inaccessible government facilities or services							

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Inaccessible public or private infrastructure							
Lack of affordable in-home or community-based supportive services							
Lack of meaningful language access							
Lending discrimination	✓	✓	✓	✓			
Location of employers			✓				
Location of environmental health hazards		✓	✓				
Location of proficient schools and school assignment policies			✓				
Impediments to mobility							

*R/ECAPs: Racially or Ethnically Concentrated Areas of Poverty

Access to Decent, Affordable, and Adequate Housing

- Availability of Affordable Units in Range of Unit Sizes: A lack of an appropriate range and size of affordable units can cause a disproportionate impact on protected classes within a city. Comprehensive Housing Affordable Strategy (CHAS) data demonstrates the extent of housing problems and needs, particularly for lower-income households in a community. Housing problems include: 1) units with physical defects, 2) overcrowded conditions, 3) housing costs burden, and 3) severe housing costs burden. In Pomona, large family households (5 or more persons) are more likely to experience any of the four housing problems.
- Lack of Affordable Integrated Housing for Individuals who Need Supportive Services: According to American Community Survey (ACS) data, approximately eight percent of residents in Pomona have some type of disability. Persons with special needs, such as the elderly and those with disabilities, may require housing that is integrated with or has

access to supportive services. Community care facilities provide a supportive housing environment to persons with special needs in a group situation. Pomona currently has three types of licensed community care facilities: adult day care, adult recreational care and residential care for the elderly. A majority of the beds are for elderly residential care. Given the City's population, this level is below the need.

- Location and Type of Affordable Housing: Pomona's stock of publicly assisted rental housing includes all multi-family rental units assisted under federal, state, and local programs, including HUD, state/local bond programs, density bonus and Pomona Successor Agency (formerly Redevelopment Programs). Affordable units primarily in segregated areas, highlight the importance of diversifying the geographic location and availability of affordable housing throughout the City. Affordable housing in the City of Pomona is generally found in central Pomona and in the City's east side, within the boundaries of Interstate 10, California State Route 71 and the City's eastern boundary.
- Lack of Affordable, Accessible Housing in a Range of Unit Sizes/Location of Accessible Housing: About five percent of the City's overall population reports having an ambulatory disability, and present a need for ADA accessible units. The majority (almost 90 percent) of housing available in the City is pre-1990, and thus not likely constructed up to ADA accessibility standards. This older housing stock indicated a significant need for continued code enforcement, property maintenance, and housing rehabilitation programs to address housing deterioration and provide ADA compliant upgrades. Housing projects in Pomona targeted for persons with disabilities do not show any specific concentration. Overall, affordable units that can accommodate the special needs of persons with disabilities are limited.

Public Policies and Regulatory Constraints to Housing Options

- Land Use and Zoning Laws: The Zoning Ordinance should be amended to address the provisions for density bonus, mobile homes, emergency shelters, transitional housing, supportive housing, SRO housing, employee housing, and reasonable accommodation.

The City is in the process of updating Emergency Shelter provisions required under State law (SB 2) and anticipates these revisions to be completed prior to submitting the Housing Element to the State Housing and Community Development Agency (HCD). The remaining provisions noted above will be addressed as action items in the Housing Element that will be submitted to the State. Implementation of actions to meet fair housing goals will not prevent the Housing Element from being certified by HCD. It is anticipated that these zoning ordinance changes will be completed with the City's Zoning Code update by the end of 2017.

Public/Private Investment

- Lack of Public and Private Investment in Specific Neighborhoods, including services and amenities: Many community facilities in the City, including streets and sidewalks, and parks and recreation facilities, are not fully ADA-compliant. The City is working diligently to increase levels of ADA compliance.

Fair Housing Services, Outreach/Education, and Enforcement

- Lack of Local Public and Private Fair Housing Outreach and Enforcement: The City currently contracts with two fair housing providers to provide outreach to residents – Housing Rights Center and Inland Fair Housing and Mediation Board. According to comments provided by community members through the outreach conducted for the AFH, further fair housing services are needed.
- Private Discrimination and Source of Income Discrimination: In Pomona, private discrimination is considered a contributing factor in perpetuating segregation. California Fair Housing law prohibits housing discrimination based on source of income. Discrimination against renters occurs based on verifiable and legitimate sources of income, which includes, but is not limited to, Social Security, Supplemental Security Income (SSI), unemployment insurance or Veteran's benefits. This is an unfair and discriminatory practice. Currently, under California law, HCVs are not considered a source of income and is therefore, not protected under the source of income protection.

Transportation and Access to Services

- Lending Discrimination: While the lending patterns in Pomona have improved between 2008 and 2013, narrowing discrepancies of lending outcomes based on race, certain discrepancies persisted. In Pomona, White and Asian applicants of upper income level tend to be the most likely to be approved for loans, compared to Hispanic and Black applicants within the same income levels.
- Location of Employers: According to HUD-provided data, Hispanic residents disproportionately face more barriers to employment based on the neighborhoods in which they reside. In Pomona, a significant proportion (40 to 80 percent) of all households in neighborhoods that have low access to employment opportunities and low levels of labor force engagement are households with children.
- Location of Environmental Health Hazards: Residents living in R/ECAPs, or residing in central and east Pomona, are the most impacted by environmental health hazards. Their proximity to major routes, Interstate 10 and Route 71, expose these households to the highest levels of environmental pollution in the City.

Fair Housing Goals

The following goals respond to the fair housing issues and contributing factors presented in the matrix. They reflect goals where actions can be implemented within the resources and authority of the City of Pomona and Pomona Housing Authority. The five recommended goals are:

1. Consistent with the City's Housing Element, preserve existing affordable housing in low-income neighborhoods and expand affordable housing supply citywide to create balanced, diversified and livable neighborhoods.
2. Improve fair housing conditions by expanding education and outreach efforts, and by implementing strategies to investigate complaints and enforcement procedures.
3. Provide for additional accessible multi-family and single-family units for persons with disabilities through a comprehensive strategy of ensuring architectural requirements are consistent with federal and state law through modifications to the zoning code.
4. Improve financial literacy and access of financing for homeownership and home improvement.
5. Improve mobility and opportunities for Housing Choice Voucher participants and publicly-supported housing residents.