

Section VI. Fair Housing Analysis

The Fair Housing Analysis contains an analysis of impediments to fair housing choice in the Boulder County/Broomfield HOME Consortium. This includes data that highlight fair lending concerns; a review of legal cases and actions related to fair housing; a review of the zoning, land use and housing policies as they relate to fair housing; and input from stakeholders about fair housing issues.

Summary Findings and Identified Impediments

Summary findings from the data reviewed and analyzed for this section include:

- Overall, the Consortium's population is largely White, with the largest minority population of persons of Hispanic origin (13 percent of the population in Boulder County and 9 percent in Broomfield County). There are some areas of minority and low-income concentrations within the Consortium's geographic boundaries, but these areas are relatively limited.
- An analysis of home mortgage, refinancing and home improvement loan transactions in 2005 showed that Hispanics in the Consortium experience comparatively higher denial rates than Whites for all loan types, regardless of applicant income. For conventional home purchases, lower-income minorities experience higher denial rates than lower-income Whites (this does not necessarily hold true for moderate- to upper-income categories).
- Fair housing complaints filed in the Consortium area between 1999 and 2006 were largely related to discrimination based on physical or mental disability. Twenty-eight percent of the complaints involved alleged discrimination based on unfair terms or conditions related to rental or sale of property; another 20 percent involved refusal/failure to make reasonable accommodations to assist a person with a disability. Forty-three percent of the complaints were from residents in the City of Boulder.
- Barriers to affordable housing development in the Consortium area are largely related to constraints on development and market bias toward single family and higher-income housing.
- A review of the policies and procedures of public housing authorities in the Consortium did not reveal impediments to fair housing choice. However, due to limited funding, the increasing complexities of serving clients with social service needs and the high-cost market in which they operate, the PHAs face numerous challenges in the future.
- Stakeholders who participated in a focus group listed several fair housing issues, including implications of the State's new immigration law; concern that not all cities in the Consortium have appropriate materials and channels to communicate with the growing Hispanic population; and discrimination faced by persons with special needs, including the elderly, in finding housing.

Impediments. The review of fair housing barriers in the HOME Consortium conducted in this section found the following impediments to fair housing choice:

1. **Limited information about fair housing.** The Cities of Broomfield, Boulder and Longmont have easily accessible information about fair housing on their websites. A review of and searches within the websites of other cities within the Consortium, as well as the Counties of Boulder and Broomfield, found little or no information on fair housing or housing discrimination available or easily accessible.
2. **Discrimination.** The complaint data reviewed for this section found that people do experience fair housing discrimination in the Consortium—however, the prevalence with which discrimination occurs is unknown. The complaint data, legal cases and comments from stakeholders suggest that persons with disabilities and persons of Hispanic descent are the most vulnerable to housing discrimination. This is supported by the City of Longmont's Analysis of Impediments to Fair Housing Choice, which identifies discrimination against the Hispanic population (e.g., differing rental terms, evictions, materials not available in Spanish) as a fair housing impediment in the City.
3. **Lending to Hispanic population.** In 2005, Hispanics in the Consortium who applied for mortgage loans experienced comparatively higher denial rates than Whites for all loan types, regardless of applicant income. For conventional home purchases, most lower-income minorities experienced higher denial rates than lower-income Whites.

4. **Cost of land and housing.** Limitations on the availability of land, slow growth controls and very high costs of for sale housing in the Consortium make it very difficult for low- and moderate-income persons to purchase housing in most areas within the Consortium.

Recommendations. Given these concerns and potential barriers to fair housing in the Consortium, the following actions are recommended:

1. **Conduct more education and outreach.** The Consortium should increase its fair housing educational and outreach activities to ensure a greater distribution of materials (bilingual) on the Internet, in public libraries and through public service radio and television ads that inform citizens on their rights and how to file complaints about housing discrimination.

We recommend that, at a minimum, all cities and counties develop and post on their websites uniform language about fair housing laws and the appropriate contacts for citizens who feel they have been discriminated against and/or have fair housing concerns and questions. The City of Longmont's fair housing information website would be a good model to follow for two reasons 1) The information is specific to the Federal Fair Housing Act and would therefore apply to all communities within the Consortium and 2) The website contains a link to and contact information for the Colorado Civil Rights Division. The information should be available in Spanish as well as English. In addition, persons who are visually or hearing impaired should have the ability to access the information in formats that accommodate their disabilities.

2. **Conduct testing.** We recommend that the Consortium fund a testing program to understand the prevalence and type of housing discrimination, focusing on discrimination based on disability and national (Hispanic) origin. Based on the results of the testing, the Consortium cities should target fair housing outreach and education programs to vulnerable populations and/or potential fair housing violators.
3. **Continue financial literacy programs.** Continue funding and promoting the financial fitness and anti-predatory lending campaigns that exist in the Consortium, with increased targeting to Hispanics/Latinos.
4. **Continue and expand affordable housing development efforts.** The more urban areas in the Consortium have adopted housing goals and policies to facilitate the development of affordable housing, and are currently supporting and funding such efforts. The newer and more suburban and rural areas in the Consortium have not enacted such goals or policies, and should do so. As these communities continue to develop, they can play a vital role in ensuring the availability and geographic diversity of affordable and attainable housing stock in the Consortium.

These communities should:

- Establish production goals for the development of affordable and attainable housing.
- Explore funding sources to support the development of affordable and attainable housing.
- Examine and mitigate barriers to affordable housing development, such as preferences for single family detached housing, and implement policies to encourage affordable housing development where they do not exist (e.g., density bonuses/building variances, fee waivers, expedited review).

In addition, we recommend that Boulder and Broomfield Counties, and all incorporated areas within the Consortium, use the data and information in the Consolidated Plan, AI and the formerly conducted Housing Needs Assessment to develop a regional strategy for affordable and attainable housing. Such a strategy should address:

- Region-wide goals for the proportion of housing that should be affordable.
- An agreed upon and balanced geographic distribution of such housing.
- Adoption of city and county policies that are consistent in their efforts to encourage and facilitate affordable housing development, while addressing individual community needs.
- Formal communication and data collection efforts that help track the types of housing proposed for development, price points, location, population served, barriers encountered, etc.

Analysis of Impediments Background

This section is the Analysis of Impediments to Fair Housing Choice (AI) for the Boulder County/Broomfield HOME Consortium. The AI is a U.S. Department of Housing and Urban Development (HUD) mandated review of impediments to fair housing choice in the public and private sector. The AI is required for the Consortium to receive federal Housing and Community Development Block Grant funding.¹

The AI involves:

- A review of a city's or county's laws, regulations, and administrative policies, procedures and practices;
- An assessment of how those laws, policies and practices affect the location, availability and accessibility of housing; and
- An assessment of public and private sector conditions affecting fair housing choice.

According to HUD, impediments to fair housing choice are:

- 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 choices.
- Any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices *on the basis of* race, color, religion, sex, disability, familial status or national origin.

Although the AI itself is not directly approved or denied by HUD, its submission is a required component of a city's, county's or state's Consolidated Plan for Housing and Community Development (Consolidated Plan). HUD desires that AIs:

- Serve as the substantive, logical basis for fair housing planning;
- Provide essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates; and
- Assist in building public support for fair housing efforts both within a City's boundaries and beyond.

Fair Housing Act. The Federal Fair Housing Act, passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, gender/sex, familial status and disability. The Fair Housing Act covers most types of housing including rental housing, home sales, mortgage and home improvement lending, and land use and zoning. Excluded from the Act are owner-occupied buildings with no more than four units, single family housing units sold or rented without the use of a real estate agent or broker, housing operated by organizations, private clubs that limit occupancy to members, and housing for older persons².

HUD has the primary authority for enforcing the Federal Fair Housing Act. HUD investigates the complaints it receives and determines if there is a "reasonable cause" to believe that discrimination occurred. If reasonable cause is established, HUD brings the complaint before an Administrative Law Judge. Parties to the action can also elect to have the trial held in a federal court (in which case the Department of Justice brings the claim on behalf of the plaintiff)³.

State and local fair housing ordinances. The City of Boulder has adopted a Human Rights Ordinance that contains fair housing protections which exceed those contained in the Federal Fair Housing Act. In addition to the classes protected in the Federal Act, the City of Boulder ordinance prohibits discrimination based on sexual orientation, gender variance, genetic characteristics, marital status and mental or physical disability of an individual or "such individual's friends or associates."

¹ The Consortium is also required to submit a Consolidated Plan for Housing and Community Development and an annual performance report to receive funding each year.

² "How Much Do We Know? Public Awareness of the Nation's Fair Housing Laws", The U.S. Department of Housing and Urban Development, Office of Policy and Research, April 2002.

³ Ibid.

The ordinance also prohibits denial of access to or participation in any multiple-listing services, real estate broker's organization or other service, or organization or facility relating to the business of selling or renting housing.

The State of Colorado has a state law that prohibits housing discrimination (Colorado Revised Statutes, Title 24, Article 34, Part 5 – Housing Practices).⁴ The state law offers the same protections as the Fair Housing Act, in addition to providing protections based on marital status, creed, and ancestry. The Colorado Civil Rights Division (CCRD) has the authority to enforce the law. The CCRD:

- "Investigates complaints of discrimination, attempting early resolution, including settlement negotiations, and issues determinations as to whether there is probable cause to believe that illegal discrimination has occurred;
- Provides expert training and information on laws and issues regarding civil rights; and
- Intervenes and helps resolve intergroup, culturally based tensions."⁵

The Division maintains formal work-sharing agreements with HUD and, through this relationship, has the authority to investigate and resolve housing discrimination complaints on behalf of HUD.

CCRD has exclusive jurisdiction in situations in which Federal antidiscrimination laws do not apply—e.g., in enforcing cases involving marital status as a basis for housing discrimination and in certain cases of discrimination related to lack of public accommodations and discriminatory advertising.

Concentration of Minority and Low Income Populations

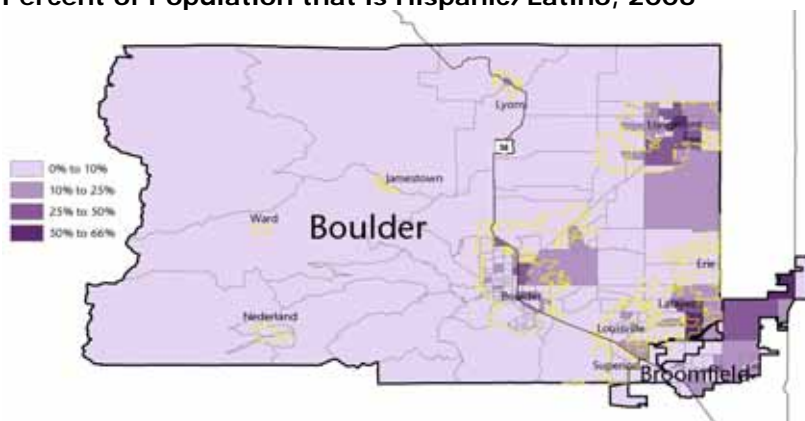
The American Community Survey (ACS) estimated that in 2005, 87 percent of Boulder County's population reported White as their race. The next largest racial category was "Some Other Race" at 6 percent. About 13 percent of the population reported to be of Hispanic descent.

Comparable data are not available for Broomfield County in 2005. However, the 2000 Census reported that 89 percent of Broomfield County's population was White. The next largest racial category was Asian at 4 percent. About 9 percent of the population reported to be of Hispanic descent.

Therefore, the largest minority population in Boulder and Broomfield Counties is the Hispanic population, at an estimated 13 percent and 9 percent, respectively.

Exhibit VI-1 shows the distribution of the Hispanic population in the HOME Consortium area, estimated as of 2006. The map shows concentrations of the Hispanic population in the southeastern portion of Lafayette, several areas within Longmont, and the eastern portion of Broomfield County.

Exhibit VI-1.
Percent of Population that is Hispanic/Latino, 2006



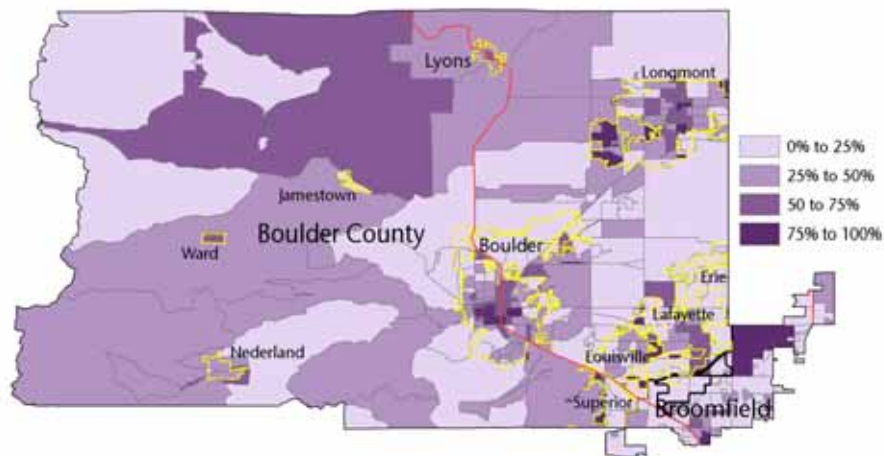
Source: BBC Research & Consulting and Claritas.

⁴ See <http://www.dora.state.co.us/civil-rights/lawsandregulations.htm> for the actual text of the law.

⁵ CCRD website at <http://www.dora.state.co.us/civil-rights/aboutthedivision.htm>

Exhibit VI-2 shows the location of low- and moderate-income populations in both counties. As the map indicates, there are various areas within Longmont where more than 75 percent of the population is low- to moderate-income, several areas in the southern portion of the City of Boulder and an area of concentration in northeast Broomfield County.

Exhibit VI-2.
Percent of Population that is Low- to Moderate-Income



Source: BBC Research & Consulting and HUD.

Fair Lending Analysis

Data and Methodology. Community Reinvestment Act (CRA) ratings and Home Mortgage Disclosure Act (HMDA) data are commonly used in AIs to examine fair lending practices within a jurisdiction. Fair housing complaint data are important to pinpoint the types of discrimination that are most prevalent and detect improvements or deterioration in fair housing conditions. Used in conjunction, these data sets can identify and then diagnose the reasons for potential or existing housing discrimination. Each data set is reviewed in turn below.

CRA Review. The CRA requires that financial institutions progressively seek to enhance community development within the area they serve. On a regular basis, financial institutions submit information about mortgage loan applications as well as materials documenting their community development activities. The records are reviewed to determine if the institution satisfied CRA requirements. The assessment includes a review of records as related to the following:

- Commitment to evaluating and servicing community credit needs;
- Offering and marketing various credit programs;
- Record of opening and closing of offices;
- Discrimination and other illegal credit practices; and
- Community development initiatives.

The data are evaluated and a rating for each institution is determined. Ratings for institutions range from “Substantial Noncompliance” in meeting credit needs to an “Outstanding” record of meeting community needs.

Exhibit VI-3 shows the CRA Ratings for 56 examinations of 24 financial institutions subject to CRA in Boulder and Broomfield Counties. No banks received a ranking of less than Satisfactory.

This distribution of rankings is much better than the distribution for the State of Colorado overall, where 18 percent of exams were Outstanding, 77 percent Satisfactory, and 4 percent Needs to Improve.

**Exhibit VI-3.
CRA Ratings, Financial Institutions
in Boulder and Broomfield Counties**

Note: Some banks may have been examined more than once.

Source: BBC Research & Consulting and
FFIEC Interagency CRA Ratings

Rating	No. of Exams	Percent
Outstanding	22	39%
Satisfactory	34	61%

In recent years, the significance of CRA ratings in measuring community investment has been questioned by many involved in local community development. As the financial condition of banks has improved, audits have become less frequent, so CRA ratings are not always a recent measure of community investment performance. Furthermore, the audit procedures required to measure CRA compliance are not as comprehensive as might be required to fully understand an institutions' performance. Finally, with the expansion of online lending and bank mergers, measures of local lending have become less important in measuring local access to credit. Therefore, it is important to examine other fair housing data along with the CRA data when considering the performance of lending institutions.

Home Mortgage Disclosure Act (HMDA) Data Analysis

HMDA data consist of information about mortgage loan applications for financial institutions, savings and loans, savings banks, credit unions and some mortgage companies.⁶ The data contain information about the location, dollar amount, and types of loans made, as well as racial and ethnic information, income, and credit characteristics of all loan applicants. The data are available for home purchases, loan refinances, and home improvement loans.

HMDA data can provide a picture of how different applicants fare in the mortgage lending process. These data can be used to identify areas of potential concern that may warrant further investigations. For example, by comparing loan approval rates of minority applicants with non-minorities who have similar income and credit characteristics, areas of potential discrimination may be detected.

The Federal Reserve is the primary regulator of compliance with fair lending regulations. When federal regulators examine financial institutions, they use HMDA data to determine if applicants of a certain gender, race or ethnicity are rejected at statistically significant higher rates than applicants with other characteristics. The Federal Reserve uses a combination of sophisticated statistical modeling and loan file sampling and review to detect lending discrimination.

Loan applications and action taken. The HMDA data tables in this section represent home mortgage, home improvement and refinancing loan transactions in Boulder and Broomfield Counties. The most recent HMDA data available are for the 2005 calendar year. During 2005, there were 30,736 loan applications made in the two counties. Over half of these applications consisted of refinances (55 percent), with an additional 40 percent made up of home purchase loans, and the balance of 5 percent representing home improvement loan applications.

The vast majority of loan applications were for conventional loans (96 percent). Just 4 percent of the applications represented government-guaranteed (FHA) loans.

Applications by race. Exhibit VI-4 shows loan applications by race and ethnicity. As shown in the Exhibit, the vast majority of applications were submitted by applicants who reported their race as White (representing 24,800 total applications). Nine percent were from persons of Hispanic origin (about 2,300 applications). The next largest percentage of applicants was Asian at 2.8 percent (723 applications).

⁶ Financial institutions are required to report HMDA data if they have assets of more than \$32 million, have a branch office in a metropolitan area, and originated at least one home purchase or refinance loan in the reporting calendar year. Mortgage companies are required to report HMDA if they are for-profit institutions, had home purchase loan originations exceeding 10 percent of all loan obligations in the past year, are located in an MSA (or originated five or more home purchase loans in an MSA) and either had more than \$10 million in assets or made at least 100 home purchase or refinance loans in the calendar year.

The Exhibit also shows that Hispanic applicants were more likely to apply for government-guaranteed loans than conventional loans. It also shows that most non-White populations are disproportionately represented as loan applicants, compared to the overall distribution of the population by race and ethnicity in the two counties.

Exhibit VI-4.

Loan Applications by Race and Ethnicity and Loan Type, 2005

Race/Ethnicity	Government Guaranteed Home Purchase	Conventional Home Purchase	Refinance	Home Improvement	Total Applications	2005 Percent of Population
American Indian/ Alaskan Native	1.1%	0.8%	1.0%	2.7%	1.0%	0.7%
Asian	1.9%	3.7%	2.1%	2.8%	2.8%	4.1%
Black/African American	0.9%	0.7%	1.0%	1.2%	0.9%	1.0%
Native Hawaiian/ Other Pacific Islander	0.2%	0.2%	0.4%	0.3%	0.3%	0.1%
White	95.9%	94.6%	95.5%	92.9%	95.0%	91.5%
Two or more races	0.0%	0.0%	0.0%	0.0%	0.0%	2.7%
Total*	467	10,314	14,109	1,229	26,119	309,113
Hispanic/Latino	17.1%	7.8%	9.6%	11.1%	9.1%	13.5%

Note: Total does not include the "other" Census population category and the HMDA categories "not provided" and not applicable."

Source: BBC Research & Consulting and FFIEC HMDA Raw Data 2005.

Loan amounts. Exhibit VI-5 shows the average loan amounts by loan purpose (purchase, refinance or improvement) by race and ethnicity. For home purchases, Asians and African Americans requested the highest level of loan funds; American Indian/Alaska Natives requested the lowest. For refinances, Whites and Asians had the highest loan balances; Hispanics had the lowest.

Exhibit VI-5.

Average Loan Amount Requested by Loan Type and Race/Ethnicity

Race/ Ethnicity	Home Purchase	Refinance	Home Improvement
American Indian/Alaskan Native	\$ 146,900	\$194,100	\$ 127,100
Asian	\$ 218,000	\$216,100	\$ 108,500
African American	\$ 246,900	\$245,900	\$ 68,500
Hispanic/Latino	\$ 151,100	\$171,400	\$ 59,300
White	\$ 217,000	\$234,200	\$ 122,500
Pacific Islander	\$ 170,500	\$232,400	\$ 34,000

Source: FFIEC HMDA raw data 2005 and BBC Research & Consulting.

Denials/approvals by race and income. Overall, 60 percent of loans were originated by the financial institutions. Seven percent of the loan offers were not accepted by the applicants and 16 percent of the loan applications were denied by the financial institutions. Fourteen percent of the loan applications were withdrawn by applicants during the application process. Three percent of the loan files were closed for incompleteness.

Exhibit VI-6 presents the action taken on the loan by race and ethnicity for all loan types. As shown in the Exhibit, Asians and Whites had the highest loan origination rates at 66 and 63 percent, respectively. These rates compare to 39 percent for American Indians, 50 percent for African Americans, 49 percent for Hispanics/Latinos and 58 percent for Native Hawaiians/Pacific Islanders. It should be noted that Asians and Whites have slightly lower application withdrawal rates than other races/ethnicities, which affects origination rates (i.e., a loan cannot be originated if the application is withdrawn).

Loan denial rates also varied by race and ethnicity, with Asians and Whites having the lowest denial rates (14 and 15 percent), compared to between 17 and 25 percent for other races/ethnicities.

**Exhibit VI-6.
Action Taken on Loan by Race/Ethnicity**

Race/ Ethnicity	Loan originated	Loan not accepted by applicant	Loan denied	Application withdrawn	File Closed	Total
American Indian/Alaska Native	39%	9%	21%	28%	4%	100%
Asian	66%	7%	14%	10%	3%	100%
African American	50%	7%	22%	17%	3%	100%
Hispanic/Latino	49%	8%	25%	15%	3%	100%
Pacific Islander	58%	7%	17%	15%	2%	100%
White	63%	7%	15%	12%	3%	100%
Other	33%	5%	19%	39%	5%	100%

Source: FFIEC HMDA raw data 2005 and BBC Research & Consulting.

Exhibit VI-7 presents the overall approval and denial rates for four loans types: government-guaranteed mortgage loans, conventional mortgage loans, refinances and home improvement loans.

In 2005, 72 percent of the conventional home purchase loans applied for resulted in loan originations. Seven percent of the loans were approved, but not accepted by the borrower. Ten percent were denied, and another 10 percent were withdrawn. The rates are similar for government-guaranteed home purchase loans, except that the origination rate is 5 percentage points higher.

Potential borrowers had lower success rates with refinancing and home improvement loans, which were originated 52 and 42 percent of the time, respectively. These loan types also had higher withdrawal rates by borrowers.

**Exhibit VI-7.
Origination and Denial Rates by Loan Type, 2005**

	Government Guaranteed Home Purchase	Conventional Home Purchase	Refinance	Home Improvement	Total Applications
Loan originated	77%	72%	52%	42%	60%
Approved, not accepted	3%	7%	7%	9%	7%
Denied	9%	10%	20%	30%	16%
Withdrawn	9%	10%	17%	15%	14%
Determined incomplete	1%	1%	4%	2%	3%
Total loan applications	504	11,777	16,901	1,554	30,736

Note: Does not include any multifamily properties or non-occupants and loans purchased by the institution. Refinance and home improvement loan applications include both government guaranteed and conventional loans.

Source: BBC Research & Consulting and FFIEC HMDA Raw Data 2005.

Exhibit VI-8 presents denial rates by race, loan type and income level. This table compares denial rates by both race and income to determine if income could be a factor in explaining disparate denial rates among races. The Exhibit shows that Hispanic applicants experience higher denial rates than Whites for mortgage loan applications regardless of income level or loan type (government guaranteed or conventional).

The Exhibit also shows that most lower-income minorities had higher denial rates than lower-income Whites (this doesn't necessarily hold true for the moderate- to upper-income categories).

Exhibit VI-8.
Mortgage Loan Denial Rates by Race/Ethnicity and Income

Race/ Ethnicity	Government Guaranteed Home Purchases			Conventional Home Purchases		
	Low-Income Applicants (<80% of Median)	Moderate-, Middle- and Upper-Income Applicants (80% of Median or Greater)	Total Applicants	Low-Income Applicants (<80% of Median)	Moderate-, Middle- and Upper-Income Applicants (80% of Median or Greater)	Total Applicants
American Indian/Alaskan Native	0%	0%	0%	4%	14%	9%
Asian	17%	0%	11%	18%	5%	9%
Black/ African American	0%	0%	0%	22%	9%	14%
Native Hawaiian/Other Pacific Islander	0%	0%	0%	25%	9%	17%
White	10%	6%	9%	12%	8%	9%
Two or more races	0%	0%	0%	0%	0%	0%
Total	11%	6%	9%	13%	8%	10%
Hispanic/Latino	16%	18%	16%	23%	18%	21%

Race/ Ethnicity	Refinances			Home Improvement Loans		
	Low-Income Applicants (<80% of Median)	Moderate-, Middle- and Upper-Income Applicants (80% of Median or Greater)	Total Applicants	Low-Income Applicants (<80% of Median)	Moderate-, Middle- and Upper-Income Applicants (80% of Median or Greater)	Total Applicants
American Indian/Alaskan Native	38%	13%	24%	33%	39%	36%
Asian	24%	18%	20%	27%	25%	26%
Black/ African American	42%	15%	25%	63%	29%	47%
Native Hawaiian/Other Pacific Islander	26%	9%	16%	25%	0%	25%
White	25%	16%	19%	37%	24%	30%
Two or more races	0%	0%	0%	0%	0%	0%
Total	26%	17%	20%	37%	16%	25%
Hispanic/Latino	30%	19%	26%	43%	41%	43%

Source: BBC Research & Consulting and FFIEC HMDA Aggregate Reports, 2005.

Reasons for denial. HMDA data also contain summary information on the reasons for denial by type of loan and applicant characteristics which can help explain some of the variation in approval rates among applicants. Exhibit VI-9 shows the reasons for denials of 2005 loan applications by race and income. The shaded percentages represent the most common reason for denial for each group of applicants.

As the Exhibit demonstrates, the most common reasons for denials are poor credit history and “other.” The reasons for denial do not vary considerably among applicants by race and ethnicity or income level.

**Exhibit VI-9.
Reasons for Denials, 2005**

	Debt-to-Income Ratio	Employment History	Credit History	Collateral	Insufficient Cash	Unverifiable Information	Credit Application Incomplete	Mortgage Insurance Denied	Other	Total Reasons Denied
Applications Denied	14%	1%	20%	11%	2%	7%	14%	0%	29%	964
Race/ Ethnicity										
American Indian/Alaska Native	0%	0%	67%	17%	0%	0%	0%	0%	17%	6
Asian/Pacific Islander	28%	0%	14%	10%	7%	7%	3%	0%	31%	29
African American	0%	0%	0%	17%	17%	0%	50%	0%	17%	6
White	14%	1%	21%	11%	2%	8%	14%	0%	29%	756
Two or more races	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0
Race not available	13%	1%	21%	10%	2%	5%	18%	0%	31%	164
Hispanic/Latino	14%	1%	30%	6%	3%	4%	7%	0%	36%	138
Income										
Less than 50% of MSA median	26%	1%	25%	7%	3%	6%	6%	0%	25%	171
50% to 79% of MSA median	13%	1%	23%	6%	1%	6%	15%	0%	35%	264
80% to 99% of MSA median	14%	4%	25%	9%	1%	7%	14%	0%	26%	117
100% to 119% of MSA median	15%	1%	19%	13%	6%	8%	9%	0%	28%	78
120% or more of MSA median	10%	1%	15%	17%	3%	8%	18%	0%	28%	292
Income not available	5%	0%	14%	14%	0%	12%	26%	0%	29%	42

Source: BBC Research & Consulting and FFIEC HMDA Raw Data 2005.

Fair Housing Complaint Data

Citizens of Boulder and Broomfield Counties who believe they have experienced discrimination may report their complaints to HUD’s Office of Fair Housing and Opportunity (FHEO) and the Colorado Civil Rights Division (CCRD). Residents of the City of Boulder may also contact the City’s Office of Human Rights.

As part of the AI, these organizations were contacted and requested to provide summary information about cases that had been filed by or against organizations or residents in Boulder and Broomfield Counties. Because of CCRD’s confidentiality provision in their statute, we were unable to identify the complaints reported to and investigated by CCRD. HUD provided data on complaints they had received from or against residents or organizations in Boulder and Broomfield Counties between 1999 and 2006.

HUD complaint data. Housing discrimination complaints filed with HUD may be done online at (<http://www.hud.gov/complaints/housediscrim.cfm>), toll free at 1-800-669-9777, or by contacting the Office of Fair Housing and Equal Opportunity in Washington D.C. or Denver.

When a complaint is received by HUD, HUD notifies the person who filed the complaint and normally notifies the alleged violator and allows that person to submit a response. The complaint will be investigated to determine whether there has been a violation of the Fair Housing Act.

A complaint may be resolved in a number of ways. First, HUD will try to reach an agreement between the two parties involved. A conciliation agreement must protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement has been breached. HUD will then recommend that the Attorney General file suit.

If HUD has determined that a state or local agency has the same housing powers (“substantial equivalency”) as HUD, they will refer the complaint to that agency and will notify the complainant of the referral. The agency must begin work on the complaint within 30 days or HUD may take it back. If, during the investigative, review, and legal process, HUD finds that discrimination has occurred, the case will be

heard in an administrative hearing within 120 days, unless either party prefers the case to be heard in Federal district court.

The Colorado Civil Rights Division has the authority to investigate and resolve complaints for HUD.

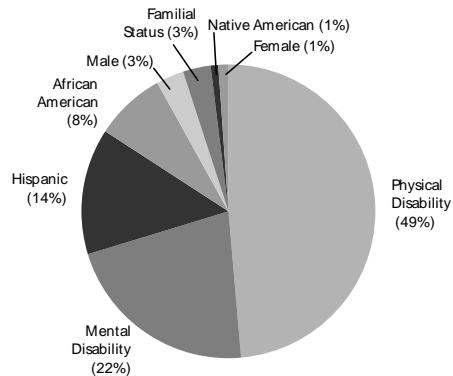
According to HUD, there were 35 complaints filed in Boulder and Broomfield Counties between 1999 and 2006. Of all of the reasons the complaints were filed, almost half—49 percent—were related to a physical disability. Another 22 percent were related to mental disability. Therefore, 71 percent of the reasons complaints were filed were related to a disability.

Fourteen percent of the complaints were related to discrimination based on ethnicity (Hispanic origin), and another 9 percent were related to race-based discrimination (African American and Native American). The reasons for the filing of the 35 complaints are shown in Exhibit VI-10.

**Exhibit VI-10.
Reasons Fair Housing Complaints Were Filed, 1999 to 2006**

Note: The data represent 65 reasons for filing covering 35 complaints. Some complaints were filed under multiple reasons.

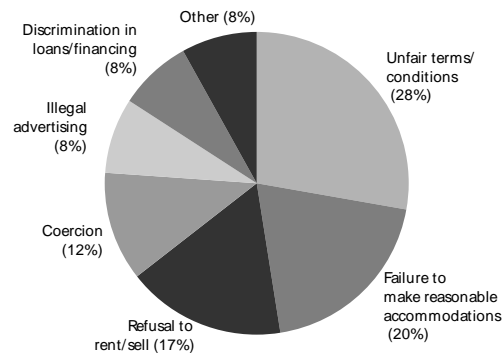
Source: BBC Research & Consulting and U.S. Department of Housing & Urban Development.



As shown in Exhibit VI-11, 28 percent of the complaints involved alleged discrimination based on unfair terms or conditions related to rental or sale of property. Another 20 percent involved refusal/failure to make reasonable accommodations to assist a person with a disability.

**Exhibit VI-11.
Activities Alleged in Fair Housing Complaints, 1999 to 2006**

Source: BBC Research & Consulting and U.S. Department of Housing & Urban Development.



Of the 35 complaints filed, 15 (43 percent) occurred in Boulder. Twenty-three percent occurred in Longmont, 11 percent in Broomfield, and 23 percent in other areas in Boulder County.

**Exhibit VI-12.
Locations of Fair Housing Complaints, 1999 to 2006**

Source: BBC Research & Consulting and U.S. Department of Housing & Urban Development.

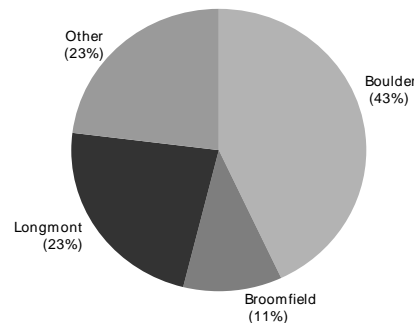
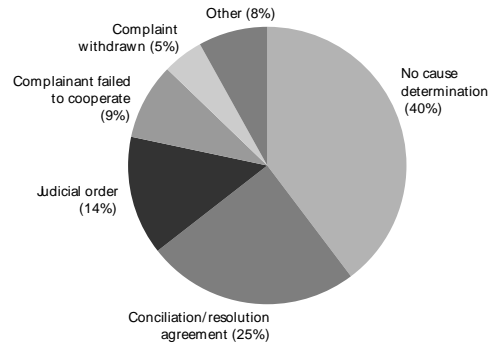


Exhibit VI-13 shows how the complaints were resolved. Forty percent were found to have no cause, 25 percent were resolved through an agreement. Fourteen percent required judicial intervention.

**Exhibit VI-13.
Resolution of Fair Housing Complaints,
1999 to 2006**

BBC Research & Consulting and U.S. Department of Housing & Urban Development.



Boulder Office of Human Rights. Residents of Boulder may file a discrimination complaint with the Office of Human Rights. The first step is to call or email the Human Rights Office to obtain a complaint form. After the form is received, the Office of Human Rights does the following:

- Confirm that the complaint is within the jurisdiction of the office and the law;
- Contact the respondent (person or organization alleged to have violated the ordinance);
- Offer mediation services provided by the City of Boulder;
- Assess the complaint and response to the complaint;
- Determine whether or not an investigation is warranted;
- Initiate an investigation;
- Develop a finding, based on the investigation; and/or
- Facilitate resolution.

Either party may appeal a finding and request a hearing before the Human Relations Commission, a 5 member panel appointed by the City Council. Findings of Probable Cause require substantive and verifiable evidence of discrimination.

Outcomes (i.e., requirements of the party who violated the law) in cases of Probable Cause may include:

- Cease and desist (stop) unfair practices;
- Correct unfair practices;
- Change in policies and practices;
- Displays of posters with civil rights laws;
- Pay actual not punitive damages; and/or
- Report on compliance.

Recent Legal Cases

As part of the fair housing analysis, legal cases involving fair housing issues were reviewed to determine significant fair housing issues and trends in Boulder County, Broomfield County and the Denver area. Case searches were completed using the National Fair Housing Advocate's case database and the U.S. Department of Justice's fair housing database. Two cases were found that occurred in Boulder County. Other cases occurring in the Denver area (but not in Boulder County) are presented here to demonstrate some of the more recent cases of fair housing violations and legal actions.

The legal cases presented in the databases include those that involved a court decision and have been reported to legal reporting services. (Open or ongoing cases would not be represented unless a prior court decision on the case has been made.) Additionally, disputes that are settled through mediation are not included in the reported cases. As such, the cases listed below may not represent all of the recent or current fair housing cases that have been brought in Boulder and Broomfield Counties.

Boulder Cases

Boulder Meadows v. Saville (2000). This case occurred in April 2000. Ms. Saville was a tenant at the Boulder Meadows mobile home park and, at the time of the lawsuit, had been a tenant for more than 10 years. The terms of her lease required that Ms. Saville pay lot rent and was responsible for the exterior maintenance of her home on the home site.

Eight years into her tenancy, Boulder Meadows posted a “notice to quit” on Ms. Saville’s home, asserting her failure to maintain her home and lot site. Ms. Saville responded with a letter explaining that she had a medical condition that “slowed her up” when doing physical and mental labor. In response to the letter, Boulder Meadows returned her rent check and commenced an unlawful detainer action. Ms. Saville prevailed in the trial; Boulder Meadows appealed.

During the time that the appeal was pending, Ms. Saville posted advertisements that offered free rent in exchange for performing maintenance work on her home and lot. A former park resident responded and moved in with Ms. Saville. Boulder Meadow’s caretaker informed Ms. Saville that this action was a violation of the covenants of the park, which prohibited anyone other than persons listed on the lease agreement from living on the premises. Boulder Meadows initiated eviction proceedings. In response, Ms. Saville delivered a letter to Boulder Meadows requesting a reasonable accommodation for her disability. She also filed a counterclaim alleging that Boulder Meadows had failed to reasonably accommodate her disability and had violated state and federal fair housing laws.

Ms. Saville won all claims in court and was awarded compensatory and punitive damages of \$150,000.

Roe v. Housing Authority of Boulder (1995). Plaintiff Leonard Roe was a resident at Northport Apartments in Boulder, a 48-unit apartment complex serving low-income elderly and/or disabled persons. The apartment is owned and operated by the Boulder Housing Authority (BHA). BHA served Roe with an eviction notice because, in large part, of his abusive and threatening behavior. Roe had struck and injured another resident and was apparently the reason the Meals on Wheels program discontinued service to the building.

Roe alleged that his behavior outlined in the eviction notice was a symptom of either his mental disability or his hearing impairment. He filed a lawsuit claiming that the BHA and the City of Boulder violated his right to be free from discrimination on the basis of his handicaps and disabilities.

The judge ruled in favor of the City of Boulder’s request for summary judgment, concluding that the City is not liable on Roe’s claims because BHA is an independent governmental entity over which the City exercises neither direct nor indirect control. The judge rejected BHA’s motion of summary judgment, citing protections under the Americans with Disabilities Act, the Fair Housing Act and Section 504 of the Rehabilitation Act.

The court also ruled that the ADA, the Fair Housing Amendment Act and the Rehabilitation Act require that a public housing provider (PHA) attempt to reasonably accommodate a disabled tenant before proceeding with eviction.

Disability-Related Cases

Weinstein v. Cherry Oaks Retirement Community (1996). Cherry Oaks is a privately owned residential care facility for senior citizens with an impaired capacity to live independently, but who are not in need of 24-hour care. It is located in Denver.

Prior to 1992, Cherry Oaks had a policy requiring facility residents who used wheelchairs or walkers to transfer to ordinary chairs when taking meals in the dining room. The wheelchairs and walkers were then removed from the dining room and placed in another room. The purpose of this policy, according to Cherry Oaks management, was to allow observation of the residents to ensure they were physically appropriate to remain in the boarding home.

In March 1992, the Weinstains visited the facility as part of the process of selecting a personal care residence. As part of their visit, they ate in the dining room and Mr. Weinstein sat in his wheelchair during the meal. Subsequent to their visit, the Weinstains entered into a one-year lease with Cherry Oaks. At that time, Mr. Weinstein was ambulatory, although he required the use of a walker and occasionally a wheelchair.

In June 1992, Mr. Weinstein's condition began to deteriorate and the transfer from his wheelchair to the dining room chair became increasingly painful. The Weinstains requested that Mr. Weinstein be allowed to dine in his wheelchair. For a while, he was allowed to eat in his wheelchair but eventually Cherry Oaks discontinued that practice and offered Mr. Weinstein two aides at no cost to assist him in the transfer. As a result of Cherry Oaks' refusal to allow Mr. Weinstein to take his meals while remaining in his wheelchair, the Weinstains ate all of their meals in their apartment and, at the end of their lease, moved out of the apartment. The Weinstains filed a complaint with the Colorado Civil Rights Commission alleging that Cherry Oaks' policies and conduct constituted a discriminatory and unfair housing practice based on his disability. The Administrative Law Judge ruled in favor of the Weinstains.

U.S. Department of Housing & Urban Development (HUD) v. Courthouse Square (2001). In this case, Rayne Hymn filed a complaint against Courthouse Square Apartments and its property managers. Courthouse Square Apartments is a 157-unit apartment complex located in Denver, which is a HUD-assisted project for the elderly and persons with disabilities. Approximately 30 percent of the tenants are non-elderly handicapped persons.

The case description is lengthy and details many interactions between Ms. Hymn and the property manager for Courthouse Square Apartments. In general, Courthouse Square Apartments considered Ms. Hymn to be a problem tenant because of her abusiveness towards management staff and other tenants. Management evicted Ms. Hymn because of her behavior and noncompliance with the company's pet policy (which was found in the case to be inconsistently enforced).

HUD investigated the case and found that reasonable cause existed to believe that discrimination had occurred based on the following:

1. Courthouse Square Apartments applied different standards regarding pets and disturbances to Complainant because of her handicap;
2. By terminating Complainant's tenancy because of her handicap, Courthouse Square Apartments directly or indirectly discriminated against Complainant in the rental of a dwelling;
3. By terminating Complainant's tenancy for creating disturbances, Respondents directly or indirectly refused to reasonably accommodate Complainant's mental handicap and thereby discriminated against Complainant; and
4. By terminating Complainant's tenancy because she assisted a fellow mentally handicapped tenant in discussing with Respondents a matter of concern regarding the other tenant's tenancy, Respondents directly or indirectly interfered with Complainant on account of her having aided another person in the exercise of rights granted by the Fair Housing Act.

The Administrative Law Judge who heard the case found in favor of Courthouse Square Apartments, determining that the Complainant had failed to prove that Courthouse Square Apartments engaged in discriminatory practices.

United States v. Housing Authority of the City of Aurora (2000). The complainants were a mother and her nine-year-old son. The son was taken hostage in their Section 8 apartment when he was four years old by a man wanted for murder, who ended the police standoff by attempting suicide in the son's presence. Both mother and son developed post traumatic stress (PTS) syndrome as a result of the incident. Their therapists urged that they be allowed out of the apartment where the tragedy occurred. The private landlord refused to allow the family out of their lease and refused to relieve the family of the responsibility for the damage caused during the hostage-taking. The family requested the Aurora Housing Authority (AHA) transfer them from the project-based Section 8 program to the Section 8 certificate program, which has since been discontinued. AHA refused the transfer. AHA also claimed that the mother and son failed to notify AHA that they had disabilities; that they were not persons with disabilities protected pursuant to Title VIII; that the transfer request was not reasonable, and that the private landlord was solely responsible for accommodating the family, not AHA.

A consent decree was issued against the AHA, which requires that AHA complete training and develop a procedure to handle accommodation requests. The decree also requires on-site monitoring and requires the AHA to notify the federal government whenever they refuse to grant a reasonable accommodation request.

Glennon Heights, Inc. v. Colorado (1983). Glennon Heights was a homeowners' association in Lakewood, Colorado. The defendants included Central Bank & Trust, trustee, the State of Colorado, and the executive director of the Colorado Department of Institutions. The State of Colorado, through the Department of Institutions, was in the process of constructing two group homes on property owned by the bank in Glennon Heights. Each home was designed to house eight developmentally disabled persons and staff personnel.

The City of Lakewood had zoning ordinances for group homes which specified that construction of group homes for the developmentally disabled within a residential district required the approval of a special use permit. The State had not applied for a special use permit at the time of the lawsuit.

Glennon Heights filed a complaint and an injunction to prevent the State's proposed use of the property. The complaint involved a number of claims, including that the plaintiffs were denied due process because the State statutes effected an amendment to local zoning ordinances without a public notice and hearing. The complaint also asserted that zoning is uniquely a matter of local concern, which the State cannot usurp. The Jefferson County District Court dismissed the complaint and the plaintiffs appealed. The case was heard by the Colorado Supreme Court and the judgment of the district court was affirmed.

Race-Based Discrimination Case

May v. Colorado Civil Rights Commission (2002). In July 1998, a White woman married to an African-American man with whom she had a child responded to an advertisement for an apartment. The landlord's property manager showed her the apartment and told her that the landlord did not want children living in the apartment. The tenant and the landlord spoke on the phone and the landlord agreed to rent the apartment to her. The landlord and the tenant signed a rental agreement and the tenant gave the landlord a postdated check as a deposit.

The next day, the tenant returned to the apartment and spoke to the property manager. When the tenant told the property manager her husband was African-American, the property manager advised the tenant to tell the landlord about her husband's race. The tenant did so by phone and, two days later, the landlord left a message on her answering machine retracting his offer to rent the apartment. When asked, the landlord said his reason for retracting the rental offer was that her deposit check was returned for insufficient funds.

The tenant filed charges of housing discrimination with the Colorado Civil Rights Commission alleging a violation of the Colorado Fair Housing Act (CFHA) because the landlord refused to rent to her based on her familial status and race. The landlord was served a notice of hearing and complaint and did not answer the complaint. When the case was heard, the landlord did not appear personally or through legal counsel at the hearing. The Administrative Law Judge (ALJ) determined that the landlord had violated the CFHA and awarded damages of \$10,000 to the tenant and her family, and ordered the landlord pay an additional \$10,000 in civil penalty to the state.

The landlord retained counsel and filed a motion to dismiss the ALJ decision and contended he was entitled to a new trial because of an impaired mental state. The Colorado Court of Appeals rejected all of the landlord's claims but did instruct the ALJ to reverse the award of damages and civil penalty and consider amounts that are more appropriate for the violation.

Familial Status Case

Mountain Side Mobile Estates Partnership v. HUD. This case involved an appeal by Mountain Side Mobile Estates Partnership against a finding of discrimination and award by an Administrative Law Judge.

Mountain Side owned a mobile home park in Jefferson County which was built during the 1960s. The park was built to accommodate older, single-wide mobile homes. Prior to 1989, the park was an “adults only” park. After the 1988 amendments to the Fair Housing Act, Mountain Side instituted a new occupancy policy of no more than three persons per mobile home.

In 1991, a couple and their three minor children purchased a home in the park. The sellers of the mobile home did not advise the buyers of the occupancy policy. Shortly after they moved into the mobile home, Mountain Side served them with a 30-day eviction notice. The husband and wife each filed complaints with the Denver HUD office alleging that Mountain Side had discriminated against them on the basis of familial status. HUD filed charges against Mountain Side and began the conciliation process of resolving the claims. An Administrative Law Judge heard the case and dismissed the claims. The Secretary of HUD overturned the ALJ rulings, entered judgment for HUD, and remanded the case for further proceedings. The ALJ granted injunctive relief to the couple and awarded damages.

In this appeal case, two of the judges reversed the decision of the Secretary of HUD; one affirmed the decision. The judges who ruled in favor of Mountain Side found that Mountain Side demonstrated that the three-person occupancy limit had a “manifest relationship” to housing in the mobile home park, primarily because of the park’s water and sewer capacity constraints.

Real Estate Professional Race Discrimination Case

The Federal Fair Housing Act also protects against discrimination that result in protected classes being denied participation in real estate brokerage services. The following case involved this type of discrimination.

Tyler v. RE/MAX (2000). Mr. Tyler was an African-American real estate agent and broker. Mr. Tyler applied to RE/MAX for a franchise, having been informed by a RE/MAX representative at a trade convention that the normal franchise fee had been reduced to \$10,000. Mr. Tyler completed the necessary paperwork, visited the corporate office to discuss his application and participated in a site visit. Mr. Tyler’s application for franchise was denied. Mr. Tyler sued RE/MAX for discrimination; the jury found in favor of Mr. Tyler.

Barriers to Affordable Housing and Land Use Policy Review

This section discusses the housing and land use policies that may affect affordable and fair housing in the Consortium area.

HUD Regulatory Barriers Clearinghouse. We consulted the Regulatory Barriers Clearinghouse maintained by HUD and did not find any unresolved barriers to housing development listed for any of the cities or counties in the Consortium area.

Zoning regulations/codes, Comprehensive Plans, Housing Policies. The Comprehensive Plans of Broomfield and Boulder Counties, and the Cities of Boulder and Longmont, all contain language meant to encourage and facilitate development of affordable housing. Some Comprehensive Plans give particular attention to fair housing. Longmont states that it “will not tolerate discrimination” against its residents.

The Boulder County Comprehensive Plan contains a Housing Policy of “Legislation and policies that enhance equal housing opportunities shall be encouraged and supported, including but not limited to:

- The elimination of discrimination against any person because of sex, race, color, religion, marital status, or national origin with regard to the sale, financing or rental of housing, and
- The elimination of exclusionary or discriminatory practices in zoning, development and construction.”

The cities in the Consortium differ in their housing policies and laws that facilitate affordable housing development.

- The Cities of Boulder, Longmont and Lafayette have adopted inclusionary zoning policies which require market rate developments of a certain size include affordable units. Louisville and Broomfield do not currently have city programs that mandate future affordable housing production. However, both have negotiated affordable housing requirements as part of recent

development approvals and are now in the process of developing housing policies and the programs needed to achieve them.

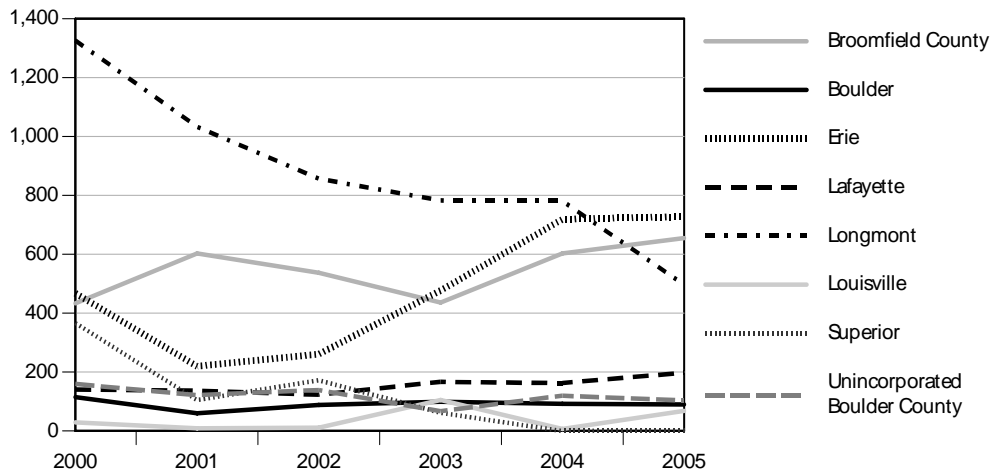
- Erie, Lyons, Superior and the smaller communities in rural Boulder County do not have any policies or implement programs to encourage and/or require development of affordable housing.

In addition:

- The City of Boulder has a goal for making 10 percent of the housing stock permanently affordable. It is also the only community in the region with a tax dedicated to the development of affordable housing (Community Housing Assistance Program (CHAP)). Boulder also allows fee waivers for affordable units and gives priority development review and approval to affordable and mixed-income developments.
- In Longmont, City Council created the Affordable Housing Fund to support affordable housing activities. This Fund is supported by the city's General Fund and by payments from housing developers in-lieu of providing affordable housing under the Community Housing Program. In addition, Longmont waives 14 development application fees on a sliding scale basis and pays a portion of the water/wastewater system development fees for developments providing more than minimum inclusionary zoning requirements.
- Broomfield has been devoting a portion of a staff person's time to affordable housing but is now hiring a full-time person to perform housing-related activities.

Many of the cities within the Consortium have growth controls that limit the number of residential building permits allowed each year. The slow growth policies are evident in the number of building permits that have been issued historically, as shown in Exhibit VI-14. The Cities of Boulder, Lafayette, Louisville and Superior and Unincorporated Boulder County have permitted the fewest units on an annual basis. Longmont, Erie and Broomfield County have permitted the most units.

Exhibit VI-14.
Permits Issued, 2000 to 2005



Source: Boulder County and Consortium cities.

Exhibit VI-15 shows the types of building permits issued by year. As demonstrated by the Exhibit, most communities are biased toward single-family permits, with the exception of the City of Boulder. The Exhibit also shows that the jurisdictions permitting the largest number of units (Longmont, Erie and Broomfield County) are also the jurisdictions that have the highest proportions of single family permits. Since single family housing is generally more expensive than multifamily housing, these high-permitting communities may not be adding significantly to the affordable housing stock.

**Exhibit VI -15.
Unit Types Permitted,
2000 to May 2006**

Source: Boulder County and Consortium cities.

	Single-Family	Multifamily
Broomfield County	68%	32%
Boulder	40%	60%
Erie	91%	9%
Lafayette	59%	41%
Longmont	82%	18%
Louisville	15%	85%
Superior	100%	0%
Uninc. Boulder County	100%	0%

The desirability to reside in the Consortium area, job growth in the area over the past decade and the inability for supply to keep up with demand has produced a high-cost housing market, particularly for housing to buy. Section II of the Consolidated Plan contains a comprehensive analysis of affordability of housing in the Consortium. Key tables are presented here to demonstrate how the high cost of housing creates impediments in the Consortium.

Exhibit VI-16 shows the incomes required to afford the median-priced attached and detached units in the Consortium in 2005, and the percentage of renter households who could afford such units. The Exhibit demonstrates how difficult it is for renters to find affordable detached housing, especially in Boulder County. Indeed, only 8 percent of Boulder's renters could afford to buy a detached home in the City (36 percent could buy an attached home). Longmont has the most affordably priced median detached home, but because the City has more lower-income renters, only 34 percent could afford to buy in the City.

**Exhibit VI -16.
Renters Who Could Afford 2005 Resales**

	Median Priced Attached Unit	Income Required to Afford	Renters Who Could Afford	% Who Could Afford	Median Priced Detached Unit	Income Required to Afford	Renters Who Could Afford	% Who Could Afford
Boulder	\$229,000	\$70,729	7,022	36%	\$568,625	\$171,177	1,486	8%
Erie	N/A	N/A	N/A	N/A	\$309,000	\$94,390	170	53%
Lafayette	\$177,500	\$55,498	1,336	60%	\$359,900	\$109,444	359	25%
Longmont	\$179,900	\$56,027	5,817	55%	\$269,000	\$82,560	3,638	34%
Louisville	\$179,500	\$56,089	1,173	70%	\$323,500	\$98,679	668	40%
Superior	\$212,000	\$65,701	1,246	75%	\$389,900	\$118,317	727	44%

Source: BBC Research & Consulting and The Genesis Group.

Exhibit VI-17 shows where households earning 50 percent of the median family income (MFI) and 95 percent of the MFI would be most likely to find homes to purchase in the Consortium, separating attached and detached homes.

For units affordable to households earning 50 percent of the MFI (\$40,800 and less), the most affordable areas are Longmont for detached housing and Boulder for attached housing, in addition to other areas in Boulder County for affordable detached housing. Longmont is also the most affordable for households earning up to 95 percent of the MFI (\$77,520), in addition to Boulder and Broomfield (for attached units only).

**Exhibit VI-17.
Location of Attached
and Detached
Affordable Units, 2005**

Source: BBC Research & Consulting and The Genesis Group.

Note: The affordable detached units contain 3 mobile homes.

Detached Units	Affordable to 50% MFI		Affordable to 95% MFI	
	No. of Units	Percent of Affordable Units	No. of Units	Percent of Affordable Units
Boulder	1	3%	14	1%
Broomfield	0	0%	330	15%
Erie	0	0%	70	3%
Lafayette	4	11%	221	10%
Longmont	13	37%	1,335	62%
Louisville	1	3%	57	3%
Superior	0	0%	6	0%
Other Areas in County	16	46%	108	5%
	35	100%	2,141	100%

Attached Units	Affordable to 50% MFI		Affordable to 95% MFI	
	No. of Units	Percent of Affordable Units	No. of Units	Percent of Affordable Units
Boulder	153	52%	1,080	39%
Broomfield	0	0%	582	21%
Erie	0	0%	0	0%
Lafayette	34	12%	244	9%
Longmont	76	26%	565	21%
Louisville	16	5%	118	4%
Superior	0	0%	124	4%
Other Areas in County	14	5%	43	2%
	293	100%	2,756	100%

Review of Public Housing Authority Policies and Procedures

This section reviews the policies and procedures of the five public housing authorities within the Consortium area. It also contains information on the wait lists of the PHAs and the location of units and vouchers holders to examine concentration.

Overview. There are five PHAs in the Consortium area. The three separate entities are the Boulder County Housing Authority, Boulder Housing Partners and the Longmont Housing Authority. The Louisville and Erie Housing Authorities are administered by the Boulder County Housing Authority. In addition to owning and operating public housing units and administering Section 8 vouchers, these housing authorities all engage in affordable housing development and manage many affordable rental developments in the Consortium area. The Boulder County Housing Authority has developed and currently manages units in the municipalities of Erie, Lafayette, Louisville, Lyons, Niwot, Gunbarrel, Nederland and Longmont.

Policies and procedures. Interviews with each of the PHAs did not reveal any concerns about the policies and procedures of the PHAs and/or their the tenant selection and management plans. The PHAs all maintain wait lists and take applications on an open enrollment basis. The PHAs also permit applicants to reject at least one unit for good cause and remain in their current place on wait lists.

Collectively, the PHAs provide vouchers to 1,725 households in the Consortium region. They also own 1,514 affordable rental units (not all PHA units). The number of vouchers and units are inadequate to meet demand, as evidenced by the 1,200 households on the wait list for Section 8 vouchers and 700 households on the wait list for affordable rental units⁷ (see Exhibit VI-18 below).

Due to shrinking funding, the PHAs close their wait lists when they reach a certain number of households. Therefore, the number of households on the wait lists does not necessarily represent the true need for the types of housing provided by the PHAs. The wait list numbers likely understate the real demand for this

⁷ The estimated duplication between the voucher and rental units wait lists varies between 10 and 50 percent.

type of housing overall. Indeed, when the Boulder County Housing Authority last closed its wait list there were 1,400 households on the list.

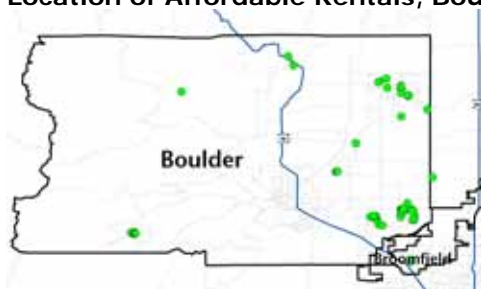
**Exhibit VI-18.
Vouchers and Units Administered by Local Housing Authorities, June 30, 2006**

Housing Authority	Longmont Housing Authority		Boulder County Housing Authority		Boulder Housing Partners		Total	
	Number	% of Total	Number	% of Total	Number	% of Total		
Section 8 Vouchers	481	28%	638	37%	606	35%	1725	100%
Affordable Rental Units	657	43%	474	31%	383	25%	1514	100%
Wait List for Vouchers	392	27%	531	36%	539	37%	1462	100%
Wait List for Units	3	0%	378	33%	750	66%	1131	100%
Estimated PHA Units Vacant	1	16.7%	1	1.6%	N/A	2.0%	2	

Source: Longmont Housing Authority, Boulder County Housing Authority and Boulder Housing Partners.

The PHAs all monitor the location and potential concentrations of their developments. Exhibits VI-19 and VI-20 show the location of the PHA units owned and operated by 1) the Boulder County Housing Authority and 2) Boulder Housing Partners.

**Exhibit VI-19.
Location of Affordable Rentals, Boulder County Housing Authority**



Source: Boulder County Housing Authority.

**Exhibit VI-20.
Location of Affordable Rentals, Boulder Housing Partners**



Source: Boulder Housing Partners.

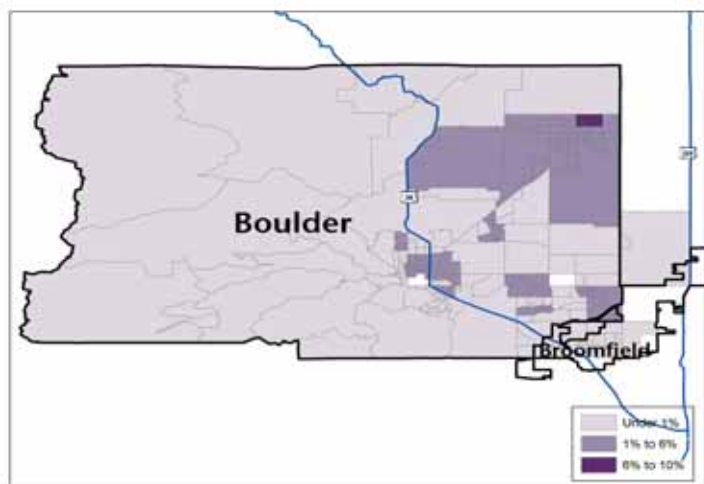
The Regional Housing Assessment examined the location of voucher holders by the administering PHAs. The report notes that most renters using vouchers issued by the Longmont Housing Authority or Boulder Housing Partners stay within those housing authorities' jurisdictional boundaries: 95 percent of the vouchers issued

by the Longmont Housing Authority were used to rent housing in Longmont; 79 percent of the vouchers issued by Boulder Housing Partners were used in the City of Boulder.

Vouchers issued by the Boulder County Housing Authority were mostly used in Longmont (37 percent), Lafayette (20 percent) and the City of Boulder (18 percent).

Exhibit VI-21 shows Census Tracts in which voucher holders who have received vouchers from the Boulder County Housing Authority, Boulder Housing Partners and Longmont Housing Authority resided as of August 2006. The map shows that the voucher holders are well-distributed throughout Boulder County, and largely located in the more urban parts of the Consortium area.

**Exhibit VI-21.
Percentage by Block Group of Section 8 Voucher Holders in Boulder County**



Source: BBC Research & Consulting and Boulder County Housing Authority.

Barriers to fair housing choice. Interviews with each of the public housing authorities included discussions about barriers—and actions to mitigate barriers—to housing choice in the Consortium area. This section summarizes these barriers and presents solutions.

Boulder County and City of Boulder. The Boulder County Housing Authority (BCHA) is a “blended-component unit” of Boulder County government, and receives financial support from Boulder County in its operations. The administrative offices of BCHA are housed within the Boulder County offices in the City of Boulder, including Boulder County Human Services (which facilitates easy referrals and is convenient for clients). BCHA owns its office space.

Both BCHA and Boulder Housing Partners reported several challenges to the future of their organizations.

These challenges could create future barriers to affordable housing if they go unaddressed. Specifically,

1. Maintenance costs of aging units and increasing demand for energy efficiency enhancements and implementation of green-building techniques. Boulder Housing Partners reports that many of its units are reaching the end of their “shelf life,” and is concerned about the ability to maintain units over time as they age and need more maintenance.
2. Increasing demand for comprehensive case management services for clients. In many respects, staff at all levels in the organizations needs to develop resource skills to ensure partnership with community service providers, including. Meeting the growing needs of clients will include:
 - Increase in Family Self Sufficiency (FSS) delivery, and expansion of FSS case management to all populations served.
 - Increase in Senior Service delivery. The population of seniors within PHA developments and who are voucher holders are aging in place.

- Increase in financial management, default and foreclosure prevention and comprehensive housing counseling.
- Increase demand for services for the Hispanic population.

However, with limited operating support and increasing costs of maintaining and development affordable housing, the PHAs worry that their ability to serve their clients will be increasingly limited. Direct operating support, land donation for development and assistance acquiring units for rehabilitation and preservation would benefit the PHAs.

Longmont Housing Authority. The Longmont Housing Authority, when originally created, was not allowed to own rental properties. For 15 years, the Housing Authority only operated a voucher program. This changed in 1989; however, until recently, the PHA was not active in the development and ownership of affordable housing. The Housing Authority has created a nonprofit housing corporation that develops, owns and operates affordable housing.

The Longmont City Council has been very supportive of the Longmont Housing Authority, providing grants, loans and other contributions (e.g., the City maintains and supports the Housing Authority’s phone system).

The Longmont Housing Authority reports a very positive relationship with landlords. The PHA also reports that some organizations have encountered Not-In-My-Backyard Syndrome (NIMBYism) when trying to develop affordable housing in Longmont, but such resistance has been limited.

Stakeholders’ Fair Housing Concerns

As part of the Boulder/Broomfield HOME Consortium Consolidated Planning and AI process, four focus groups and follow-up interviews were conducted with individuals from organizations representing PHAs and serving special populations, and local elected officials. A total of 32 individuals representing 24 organizations and city and county departments participated in the focus groups. Fair housing was a topic of discussion at the forums. This section summarizes the information on fair housing gathered through the focus groups.

A number of fair housing law violations participants were aware of varied by the populations served. For example, many of the participants in the Housing Providers group represented Housing Authorities. In their experience, households using housing vouchers do not encounter fair housing law violations because of the system. In each group participants did discuss populations they thought would or were more likely to encounter a fair housing law violation:

- There is a concern that recent changes in Colorado’s immigration law and the topic of illegal immigration being ever-present in the media may lead to violations of legal Latino households’ rights to fair housing.
- Some participants were concerned that cities within the region have not yet developed effective methods for communicating with the growing Latino population in a culturally-relevant manner. This may cause qualified Latino households to under-utilize affordable housing programs and may cause violations of fair housing law to go unreported.
- Homeless Service Providers could not think of any examples of fair housing law violations that the populations they serve encounter. However, a participant in this session thought that Boulder’s Office of Human Rights receives 300-400 calls per year regarding fair housing.
- One organization serving people with disabilities estimates that between 40-50 percent of their clients encounter fair housing law violations and that seniors are particularly at risk.