



ORANGE COUNTY FAIR HOUSING PLAN 2010-2015

■ **REGIONAL ANALYSIS OF
IMPEDIMENTS TO
FAIR HOUSING CHOICE**

■ **FAIR HOUSING ACTION PLAN**

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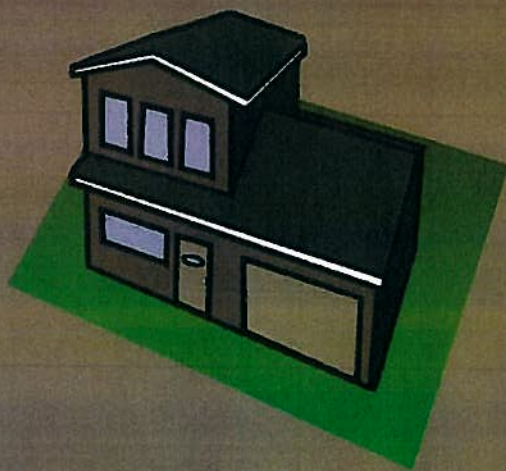
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Section 1

Introduction & Summary

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SECTION 1

INTRODUCTION

A. AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) CERTIFICATION

An Affirmatively Furthering Fair Housing (AFFH) certification is required of communities that administer the following U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) programs:

- Community Development Block Grants (CDBG)
- Home Investments Partnership Program (HOME)
- Emergency Shelter Grants (ESG)
- Housing Opportunities for People with AIDS Program (HOPWA)

The AFFH certification states that the community receiving HUD funds:

“...will affirmatively further fair housing ... by conducting an analysis to identify impediments to fair housing choice within its jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through the analysis, and maintaining records reflecting the analysis and actions in this regard.”

The certification is included in the Consolidated Plans and Action Plans that are submitted to HUD by Orange County's Entitlement Cities and the Urban County Program.

HUD interprets the board objectives of the AFFH obligation to mean:

- Analyze and eliminate housing discrimination in the jurisdiction.
- Promote fair housing choice for all persons.
- Provide opportunities for inclusive patterns of occupancy regardless of race, color, religion, sex, familial status, disability and national origin.
- Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities.
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

The first requirement of the AFFH certification is satisfied by the following:

- Conducting an analysis of impediments to fair housing choice. This is commonly called the AI.
- Identify appropriate actions to overcome the effects of identified impediments. This is accomplished through preparation of a fair housing action plan.

It is the responsibility of the Entitlement Cities and Urban County Program to “take” the actions identified in the fair housing action plan and to “maintain records on the actions taken”.

HUD's Consolidated Plan Review Guidance (i.e., Checklist) explains that the following guidance should be used by HUD CPD representatives to determine if the Certification is *not* satisfactory:

- Disregard of regulatory requirements to conduct an analysis of impediments to fair housing choice, take appropriate actions to address identified impediments, or maintain adequate records on the steps taken to affirmatively further fair housing in the jurisdiction.
- Lack of action taken on outstanding findings regarding performance under affirmatively furthering fair housing certification requirements of the Consolidated Plan or the Community Development Block Grant Program.

More specifically, HUD has issued the following guidance:

HUD can require the submission of an AI in the event of a complaint or as part of routine monitoring. If, after reviewing all documents and data, HUD concludes that

- (1) the jurisdiction does not have an AI;
- (2) an AI was substantially incomplete;
- (3) no actions were taken to address identified impediments;
- (4) the actions taken to address identified impediments were plainly inappropriate; or
- (5) the jurisdiction has no records

the Department would notify the jurisdiction that it believes the certification to be inaccurate, or, in the case of certifications applicable to the CDBG program, the certification is not satisfactory to the Secretary.

Source: Memorandum from Nelson R. Bregon, General Deputy Assistant Secretary for Community Planning and Development to CPD Office Directors, FHEO HUB Directors, FHEO Program Center Directors and FHEO Equal Opportunity Specialists, September 2, 2004, page 2

HUD also has stated:

Rejection of the certification provides the basis for HUD to disapprove the jurisdiction's Consolidated Plan.

Source: U.S. Department of Housing and Urban Development, Office of Community Planning and Development, *Fair Housing for HOME Participants*, May 2005, page 1

The way HUD determines compliance with the AFFH Certification is through a review of each entitlement city's and the Urban County's Consolidated Plan Annual Performance and Evaluation Report (CAPER). In the CAPER, the entitlement city and Urban County submit a narrative statement on actions taken to affirmatively further fair housing during the prior program year (July 1 to June 30).

HUD has issued the following guidance:

Once the jurisdiction completes the AI, it must report on its implementation by summarizing the impediments identified in the analysis and describing the actions taken to overcome the effects of the impediments identified through the analysis in its Consolidated Annual Performance and Evaluation Report (CAPER). Although AIs are not submitted or approved by HUD, each jurisdiction should maintain its AI and update

the AI annually where necessary. Jurisdictions may also include actions the jurisdiction plans to take to overcome the effects of impediments to fair housing choice during the coming year in the Annual Plan that is submitted as part of the Consolidated Plan submission.

Source: Memorandum from Nelson R. Bregon, General Deputy Assistant Secretary for Community Planning and Development to CPD Office Directors, FHEO HUB Directors, FHEO Program Center Directors and FHEO Equal Opportunity Specialists, September 2, 2004, page 2

B. MEANING AND SCOPE OF FAIR HOUSING IMPEDIMENTS

What is an impediment? According to HUD, impediments are --

*Any actions, omissions, or decisions taken **because of** race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices. (Intent)*

*Any actions, omissions, or decisions which **have the effect of** restricting housing choices or the availability of housing choices **because of** race, color, religion, sex, disability, familial status, or national origin. (Effect)*

A lack of affordable housing in and of itself, HUD has pointed out, is not an impediment to fair housing choice, unless it creates an impediment to housing choice *because* of membership in a protected class.

Impediments may exist due to one or more of the following:

- Saying or doing something openly discriminatory.
- Treating some people differently than others because of their protected class.
- A policy that on its face seems neutral, but has a disparate impact on members of a protected class.

There are two types of impediments – private and public impediments. The nature and scope of private sector impediments are essentially actions or practices that are prohibited by the following fair housing laws:

- 1968 Federal Fair Housing Act
- 1974 Federal Equal Credit Opportunity Act
- 1980 State Fair Employment and Housing Act
- 1959 Unruh Civil Rights Act
- 1977 Housing Financial Discrimination Act

These laws prohibit housing discrimination, discriminatory advertising, blockbusting, steering, denial of reasonable accommodations, redlining, and other unlawful practices.

California's Fair Employment and Housing Act states it is unlawful:

To discriminate through *public or private land use practices, decisions, and authorizations* because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry. Discrimination includes, but is not limited to, restrictive covenants, *zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law* (Title 7 (commencing with Section 65000)), that make housing opportunities unavailable.

Examples of public sector impediments include a definition of "family" inconsistent with fair housing laws, conditional use permit requirements for housing for the disabled, and the lack of a reasonable accommodation procedure.

C. PARTICIPANTS IN THE REGIONAL AI

The lead agency for preparation of the *Regional AI* is the Fair Housing Council of Orange County (FHCOC). Under contract to 15 Entitlement Cities and the Urban County Program, FHCOC provides fair housing services and tenant/landlord counseling services to the residents of Orange County. The FHCOC - a nonprofit organization - has been serving Orange County residents since 1965. The FHCOC also was the lead agency for the preparation of the 2000-2005 and 2005-2010 *Regional AIs*.

The key rationale for preparation of a *Regional AI* is that *private sector* impediments are regional in nature and affect multiple communities – that is, they are not limited to a single jurisdiction responsible for AFFH. During HUD's Affirmatively Furthering Fair Housing webcast on July 22, 2009 several participants supported the concept of addressing the AFFH certification through a regional approach, although specific models were not discussed during the webcast.

The FHCOC has a wealth of experience in dealing with fair housing impediments that occur in the private sector. HUD guidance indicates that the *Regional AI* must describe appropriate actions to overcome the effects of the private sector impediments that are identified through the analysis. The FHCOC understands the private sector and is well equipped to analyze impediments, describe appropriate actions, and to follow-through on those actions.

The *Regional AI* also identifies the *public sector* impediments to fair housing choice and describes the actions that participating cities and the Urban County will take to reduce and ameliorate these impediments. Some of the public impediments were first identified in 2008 and 2009 in the housing element updates of each jurisdiction. According to State law, each jurisdiction must adopt a housing element as part of its General Plan. A housing element must analyze constraints on housing for disabled persons and include a program for providing equal housing opportunity. The Entitlement Cities and the Urban County Program will continue to maintain records and report annually on the actions taken to overcome the public sector impediments.

The following jurisdictions participated in the preparation of the *Regional AI*:

Entitlement Cities

- Anaheim
- Buena Park
- Fountain Valley
- Fullerton
- Garden Grove
- Huntington Beach
- Irvine
- La Habra
- Lake Forest
- Newport Beach
- Orange
- Rancho Santa Margarita
- Santa Ana
- Westminster

Urban County

- Unincorporated County Target Areas, Urban County Program
- Aliso Viejo
- Brea
- Cypress
- Dana Point
- La Palma
- Laguna Beach
- Laguna Hills
- Laguna Woods
- Los Alamitos
- Placentia
- Seal Beach
- Stanton
- Villa Park
- Yorba Linda

Non-Participating Jurisdictions

- Costa Mesa
- Laguna Niguel
- Mission Viejo
- San Clemente
- San Juan Capistrano
- Tustin

The scope of work for the *Regional AI* was developed by the FHCOC in coordination with the Los Angeles Office of the U.S. Department of Housing and Urban Development (HUD-LA). HUD-LA and the FHCOC identified the types of private sector impediments that should be investigated in the *Regional AI*. The scope of work was developed in part with the

understanding that the FHCOC would take the lead for taking actions to ameliorate or eliminate the identified private sector impediments, given adequate support from participating jurisdictions.

Additionally, the scope of work incorporated the identification of public sector impediments by each city participating in the *Regional AI*. Each participating jurisdiction completed a survey of planning and zoning practices that may affect fair housing choices, particularly by disabled persons. The "Survey of Zoning and Planning Codes, Policies and Practices that May Pose an Impediment to Fair Housing Choice" was prepared by the FHCOC and approved by HUD-LA. Each jurisdiction participating in the *Regional AI* completed the 24 question survey and self identified planning and zoning impediments and the actions that would be taken to ameliorate and eliminate the impediments.

D. CITIZEN PARTICIPATION

HUD has stated that because fair housing planning is a component of the Consolidated Plan, the citizen participation requirements for the Consolidated Plan (24 CFR 91) applies to the preparation of the AI and Fair Housing Action Plan.

Source: U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide*, Volume 1, March 1996, page 4-3

The major effort undertaken by the Fair Housing Council of Orange County to obtain citizen participation was the completion of a fair housing survey. The purpose of the survey was to obtain resident opinions on housing discrimination. Respondents, for instance, were asked whether they thought housing discrimination exists in Orange County and to give examples of discriminatory practices. Additionally, information was obtained on the characteristics of the respondents in order to compare them to those of Orange County's entire population.

The survey respondents differ from Orange County's population. For example, the percentage of respondents having families with children was much higher compared to the Orange County percentage. The disability rate among the survey respondents was twice as high as that of the Orange County population. And a lower percentage of respondents belonged to a minority population compared to the Orange County population characteristics. Table 1-1 on the next page shows the comparison data.

Overall, about 47% of the respondents believe there is housing discrimination in Orange County. A higher percentage (58%) of the minority population compared to the non-minority population (40%) believes there is housing discrimination in Orange County. Table 1-2 shows the responses to the question *Do you believe that there is housing discrimination in Orange County?*

Table 1-1
Regional Analysis of Fair Housing Impediments
Survey Comparison to 2009 American Community Survey

Question/Responses	Survey Percentage	ACS Percentage
1. What is your family status? ¹		
Have Children	60.2%	37.6%
Do not have children	39.8%	62.4%
2. Does anyone in your household have a disability? ¹		
Yes	14.0%	7.3%
No	86.0%	92.7%
Minority Status ¹		
Yes	40.9%	54.7%
No	59.1%	45.3%
Tenure Status (Excluding Homeless) ¹		
Own	38.5%	60.1%
Rent	61.5%	38.5%

¹American Community Survey 1-Year Estimates 2009, Selected Social Characteristics, Selected Demographic Characteristics, and Selected Housing Characteristics

Table 1-2
Regional Analysis of Fair Housing Impediments
Resident Survey Results-Question #3 and #7 Cross Tab

<i>Do you believe that there is housing discrimination in Orange County?</i>				
Answer Options	Minority	Percent	Non-Minority	Percent
Yes	22	57.9%	22	40.0%
No	5	13.2%	11	20.0%
Unsure	11	28.9%	22	40.0%
Total	38	100.0%	55	100.0%

Table 1-3 shows the complete survey results. Among the key findings are:

- Half of the respondents stated they were “very well informed” or “somewhat informed” about housing discrimination.
- Almost 32% of the respondents stated they or someone they know has encountered housing discrimination.
- The two most common examples of housing discrimination cited by the respondents were “housing provider refuses to rent or deal with a person,” and “different terms and conditions”.
- Only 8% of those that believed they encountered housing discrimination reported the incident.
- However, almost 47% of the respondents stated they would report housing discrimination if they encountered it in the future.

The survey results indicate that a sizeable proportion of the population is “informed” about housing discrimination. Moreover, the general public recognizes examples of discriminatory practices. And in the future more people would report housing discrimination than they have in past. Although the number of survey responses is limited, it appears that a large share of the public are willing to report housing discrimination to agencies such as the Fair Housing Council of Orange County which indicates a continuing need for processing of discrimination complaints.

Table 1-3
Regional Analysis of Fair Housing Impediments
Fair Housing Survey Summary

Question/Reponses	Response Percentage	Response Count	Answered Question	Skipped Question
1. What is your family status?			93	0
Have Children	60.2%	56		
Do not have children	39.8%	37		
2. Does anyone in your household have a disability?			93	0
Yes	14.0%	13		
No	86.0%	80		
3. The U.S. Census Bureau considers the following to be "minority groups": Black, Hispanic, Asian, Pacific Islander, or American India/Alaska Native. Are you a member of a minority group?			93	0
Yes	40.9%	38		
No	59.1%	55		
4. What type of housing do you currently have?			93	0
I own a home	37.6%	35		
I rent	60.2%	56		
I live in a hotel/motel	0.0%	0		
I am homeless	2.2%	2		
5. What is your income level?			93	0
High Income	9.6%	9		
Medium Income	45.2%	42		
Low Income	45.2%	42		
6. In which Orange County City do you live? (Top 5)			93	0
Anaheim	6.5%	6		
Fullerton	26.9%	25		
Garden Grove	15.1%	14		
Huntington Beach	15.1%	14		
Newport Beach	10.8%	10		
Subtotal	74.4%	69		
7. Do you believe there is housing discrimination in Orange County?			93	0
Yes	47.3%	44		
No	17.2%	16		
Unsure	35.5%	33		

Table 1-3 - continued
Orange County
Regional Fair Housing Impediments Analysis
Resident Survey Results

Question/Responses	Response Percentage	Response Count	Answered Question	Skipped Question
8. Do you believe that there is housing discrimination in the Orange County city in which you currently/previously reside?			93	0
Yes	34.4%	32		
No	28.0%	26		
Unsure	37.6%	35		
9. Have you or someone you know ever encountered any forms of housing discrimination described above? (Check all that apply)			64	29
Yes, I have	15.8%	12	76 total responses	
I think I may have	6.6%	5		
No, I have not	30.3%	23		
Yes, I know someone who has	15.8%	12		
I think I may know someone who has	2.6%	2		
No, I don't know someone who has	19.7%	15		
I don't know	9.2%	7		
10. (See examples above) If you believe or think that someone you know encountered housing discrimination, please check the type in the list at the beginning of this page. (Check all that apply).			64	29
A. Housing provider refuses to rent or deal with a person	20.0%	11	55 examples were given by 34 respondents; N/A was stated by 30 respondents	
B. Housing provider falsely denies that housing was available	10.9%	6		
C. Housing provider refuses to make reasonable accommodations for a tenant with one or more disabilities	10.9%	6		
D. Housing provider uses discriminatory advertising	10.9%	6		
E. Real estate agent refuses to sell or deal with a person	3.6%	2		
F. Real estate agent directs persons to certain neighborhoods	7.3%	4		
G. Housing mortgage lender discriminates by denying mortgage	7.3%	4		
H. Housing lender directs persons to certain neighborhoods	3.6%	2		
I. Different terms and conditions	18.2%	10		
Other (please specify)	7.3%	4		
N/A		30		

Table 1-3 - continued
Orange County
Regional Fair Housing Impediments Analysis
Resident Survey Results

Question/Reponses	Response Percentage	Response Count	Answered Question	Skipped Question
11. If you believe you have encountered any form of housing discrimination in question #10 did you report it?			58	35
Yes	3.4%	2		
No	39.7%	23		
N/A	56.9%	33		
12. How well informed are you about housing discrimination			64	29
Very well informed	25.0%	16		
Somewhat informed	25.0%	16		
A little informed	21.9%	14		
Not informed at all	28.1%	18		
13. What would you do if you encountered housing discrimination?			64	29
Do nothing and seek other housing options	10.9%	7	Less than 100% due to rounding	
Tell the person that you believe they are discriminating	23.4%	15		
Report it	46.9%	30		
Would not know what to do	17.2%	11		
Other option	1.6%	1		

E. REPORT FORMAT

Besides this Introduction, the Report includes the following Sections:

Section 2 – Fair Housing Progress Report: The prior *Analysis of Impediments to Fair Housing Choice* contained actions that would be taken during the 2005-2010 time period. Section 2 describes the actions taken during the past five years to eliminate or ameliorate the identified impediments.

Section 3 – Fair Housing Action Plan: This Section presents a new multi-year Fair Housing Action Plan. There are two impediment categories – public sector and private sector impediments. A summary description is given of each identified impediment. The actions the FHCOC plans to undertake to overcome the private sector impediments are described in the Fair Housing Action Plan. Additionally, actions to be taken by the Entitlement Cities and Urban County are described in Section 3. Finally, actions are described to address affirmatively furthering fair housing through the location of affordable housing.

Section 4 – Fair Housing Community Profile: This Section presents demographic information on housing and population characteristics, population growth in Orange County, the protected classes, and household income for different racial groups and Hispanic households.

Section 5 – Private Sector Fair Housing Analysis: This Section presents information on the following private sector impediments: housing discrimination, discriminatory advertising, blockbusting, denial of reasonable accommodations or modifications, hate crimes and unfair lending.

Section 6 - Public Sector Fair Housing Analysis: This Section summarizes the public sector impediments. These impediments were identified through a survey regarding local governmental codes or policies and practices that may result in the creation or perpetuation of one or more impediments to fair housing choice. The survey has a particular focus on land use and zoning regulations, practices and procedures that can act as barriers to the siting, development, or use of housing for individuals with disabilities. It also touches on areas that may affect fair housing choice for families with children or otherwise serve as impediments to full fair housing choice.

Section 7 – AFFH Through the Location of Affordable Housing: A lack of affordable housing in and of itself, HUD has pointed out, is not an impediment to fair housing choice, unless it creates an impediment to housing choice *because* of membership in a protected class. However, recent court cases and recent events have demonstrated that the location of affordable housing is regarded as a means of AFFH. This Section presents information on the location of affordable and Section 8 housing in census tracts with a high and low percentage of minority populations. Additionally, the location of affordable and Section 8 housing is analyzed in terms of the income characteristics of the census tracts.

In addition, the AI contains seven Technical Appendices:

Technical Appendix A - Orange County Fair Housing Community Profile

Technical Appendix B - Minority Population by Census Tract

Technical Appendix C - Low Income Population by Census Tract and Block Group

Technical Appendix D - 2008 Home Mortgage Disclosure Act Data for Orange County

Technical Appendix E - Loan Denial Rates for Census Tracts with a High Number of Loan Applications

Technical Appendix F - FHA and Conventional Loan Denial Rates by City and Census Tract

Technical Appendix G – Completed Survey of Zoning and Planning Codes, Policies and Practices that May Pose an Impediment to Fair Housing Choice

F. PROTECTED CLASSES

The Federal and State fair housing laws prohibit discrimination against certain categories of people. These categories are referred to as “protected classes.” Attachment A provides definitions for the following protected classes:

Federal and State “Protected Classes”

- Race
- Color
- Sex
- National Origin
- Religion
- Familial Status
- Handicap/Disability

Additional State of California “Protected Classes”

- Sexual Orientation
- Marital Status
- Ancestry
- Source of Income
- Age

Attachment A

Fair Housing Protected Classes

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability). These categories of persons are “protected classes” under the provisions of the Fair Housing Act.

Race: The Fair Housing Act does not define race. Data on race is required for many federal programs and the Census Bureau collects race data in accordance with guidelines provided by the U.S. Office of Management and Budget (OMB) and these data are based on self-identification. The racial categories included in the census form generally reflect a *social definition* of race recognized in this country, and are not an attempt to define race biologically, anthropologically or genetically. In addition, the Census Bureau recognizes that the categories of the race item include both racial and *national origin* or socio-cultural groups. Census 2010 and the American Community Survey provide for six race categories: White; Black, African American or Negro; American Indian or Alaska Native; Asian; Native Hawaiian or Other Pacific Islander; and Some Other Race.

Color: The Fair Housing Act does not define color. However, it must refer to the complexion of a person's skin color or pigmentation. The 2010 racial categories can be traced to Statistical Policy Directive No.15, promulgated by the OMB on May 12, 1977. “The four racial categories stipulated in the (1977) directive parallel the classic nineteenth-century color designations of black, white, red (American Indian or Alaska native), and yellow (Asian or Pacific Islander); there is no brown race in the American ethnoracial taxonomy.” [Victoria Hattam, “Ethnicity & the Boundaries of Race: Re-reading Directive 15,” *Daedalus*, Winter 2005, page 63]

Sex: This basis refers to gender identity. California's Fair Employment and Housing Act defines “sex” as including, but not limited to, pregnancy, childbirth, medical conditions related to pregnancy or childbirth and a person's gender, as defined in Section 422.56 of the Penal Code. Government Code Section 12926(p)

National Origin: This basis refers to the real or perceived country of an individual's birth, ancestry, language and/or customs.

Religion: According to the United States Department of Justice, this prohibition covers instances of overt discrimination against members of a particular religion as well as less direct actions, such as zoning ordinances designed to limit the use of private homes as places of worship.

Familial Status: According to Section 802(k) of the Fair Housing Act, as amended, means one or more individuals (who have not attained the age of 18 years) being domiciled with--

- (1) a parent or another person having legal custody of such individual or individuals;
or
- (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Handicap (Disability): According to Section 802(h) of the Fair Housing Act, as amended, handicap/disability means -

- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) a record of having such an impairment, or
- (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

California's Fair Employment and Housing Act (FEHA) is the primary state law which prohibits discrimination in the sale, rental, lease negotiation, or financing of housing. The FEHA has five additional protected classes: sexual orientation, marital status, ancestry, source of income and age.

Sexual Orientation: The FEHA defines this basis as heterosexuality, homosexuality, and bisexuality. Government Code Section 12926(q)

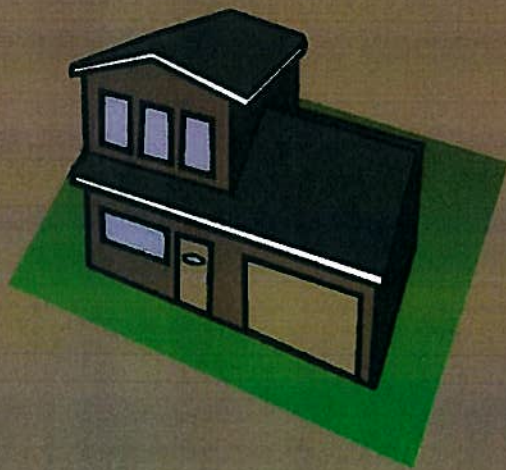
Marital Status: This basis refers to whether a person is married or not. The U.S. Census Bureau has four major "marital status" categories: never married, married, widowed, and divorced. These terms refer to the marital status at the time of the enumeration. The category married includes "married, spouse present" and "married, spouse absent."

Ancestry: According to the U.S. Census Bureau, ancestry refers to a person's ethnic origin or descent, "roots," or heritage, or the place of birth of the person or the person's parents or ancestors before their arrival in the United States. Some ethnic identities, such as "German" or "Jamaican" can be traced to geographic areas outside the United States, while other ethnicities such as "Pennsylvania Dutch" or "Cajun" evolved in the United States.

The intent of the ancestry question is not to measure the degree of attachment the respondent had to a particular ethnicity. For example, a response of "Irish" might reflect total involvement in an "Irish" community or only a memory of ancestors several generations removed from the individual. A person's ancestry is not necessarily the same as his or her place of birth, i.e., not all people of German ancestry were born in Germany.

Source of Income: The FEHA defines this basis as lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. A landlord is not considered a representative of the tenant. Government Code Section 12955(p)

Age: Refers to a person's chronological age. Civil Code Section 51.2 et. seq.



Section 2

Fair Housing Progress Report

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SECTION 2

FAIR HOUSING PROGRESS REPORT

A. INTRODUCTION

The *2005-2010 Regional AI* identified seven impediments to fair housing choice. The purpose of the “progress report” is to describe the progress made on eliminating or ameliorating the identified impediments. The *2005-2010 Regional AI* identified the following private and public sector impediments to fair housing choice.

1. Private Sector Impediments

1. Population and local government can’t differentiate landlord/tenant issues vs. discrimination
2. Housing, industry discrimination: zoning, insurance, appraisals, advertising
3. “Color” blind policy causes disparate impact (i.e., credit scores in determining a person’s insurability and occupancy restrictions.
4. Employer’s lack of support for affordable housing results in segregated housing.
5. High loan denial rates are x3 among upper income Blacks and x2 for equally situated Hispanics.

2. Public Sector Impediments

1. Community Reinvestment Act (CRA) funds are not targeted in ways assisting low income persons and neighborhoods in home ownership and financial stability. (Refer to pages 2-5 and 2-6 for an explanation of the CRA.)
2. Some jurisdictions underestimate the extent of discrimination, therefore reducing or not paying fair share of services provided by FHCOC.

B. PROGRESS ON ELIMINATING OR AMELIORATING IMPEDIMENTS

The following pages describe the nature of the fair housing impediments identified in the *2005-2010 Regional AI* and the progress made in eliminating or ameliorating the adverse impacts caused by the impediments.

1. Confusion among Residents, Housing Providers and Local Government Officials Regarding the Protection Provided by Fair Housing Laws (both State and Federal)

Laws regarding landlord and tenant relationships are not covered in State or Federal Fair Housing Laws but are frequently confused by industry professionals, residents and government officials with fair housing. Gaining knowledge of the differences between fair housing laws and tenant/landlord laws is a continuing process. It is necessary for people engaged in real estate transactions and apartment management to have knowledge of fair housing laws.

The State Department of Real Estate (DRE) requires real estate brokers and salespersons to complete DRE-approved continuing education including a course on fair housing. The Apartment Association of Orange County (AAOC) represents and supports apartment owners, managers and suppliers. Since 1961, the AAOC has been a major resource for anyone involved in the rental housing industry in Orange County. The AAOC helps its members to stay continually informed on fair housing. The AAOC, for instance, conducts fair housing seminars to educate its members. The AAOC also conducts a Certified Housing Provider Program for apartment owners, property supervisors and resident managers. A review of fair housing laws is one part of this program.

With respect to tenant/landlord issues, the California Department of Consumer Affairs has published a 108-page *Guide to Residential Tenant's and Landlords' Rights and Responsibilities*. The Guide offers information on a variety of subjects such as rental agreements and leases, landlord disclosures, evictions, and problem resolution. Many cities make this *Guide* available to the public at the planning or community development department counter. Additionally, the California Apartment Association has published *Renting: A User Manual*, a 16-page guide for renters which discusses topics such as Tips for Renters, Moving In, Moving Out, and Rights and Responsibilities.

In order to increase public knowledge, the FHCOC has posted on its website a 16-page *Landlord-Tenant Frequently Asked Questions*, which provides useful information about the rights and obligations of tenants and landlords. The FAQ discusses important topics such as security deposits, failure to deliver a habitable rental unit, and terminating the tenancy.

Although no studies have been completed in Orange County, HUD sponsored studies have shown that the general public has a basic awareness of the nature and scope of fair housing laws. According to a recent study:

Both the 2000/1 and 2005 surveys posed a series of scenarios depicting actions taken by rental building owners, a home seller, a real estate agent and mortgage lenders, which might or might not have been discriminatory. Respondents were asked, first, if they agreed with each action and, second, if they believed it to be legal under Federal law. Steps were taken to protect against the scenarios and questions being too test-like, obvious, or patterned.

The 2005 survey reveals that for five of the eight scenarios portraying discriminatory behavior under Federal law there is essentially no change in the extent of public knowledge since 2000/1. In a sixth scenario involving use of the words "Christians preferred" in advertising an apartment, *fewer* people in 2005 than in 2000/1 were aware of the fact that this is unlawful. For the remaining two scenarios—one involving a real estate agent restricting a client's housing search to geographical areas based on racial concentration, and the other an apartment owner restricting a family to a particular building because they had children—more people are aware in 2005 than were aware in 2000/1 that these actions are illegal. When all responses to scenarios depicting illegal actions are summed to create an index representing the number each respondent correctly identified as illegal, there is no difference in the distribution of scores observed in 2005 compared to 2000/1. In both cases, about one-half of the public knew the law with respect to six or more of the scenario depictions.

While knowledge of fair housing law may not have expanded since the baseline survey, public support for it has. On a scenario-by-scenario basis support improved by as much

as nine percentage points when it comes to opposing restricting home sales based on race, and eight percentage points for opposing real estate agents limiting client home searches based on neighborhood racial composition. Somewhat smaller increases in support for the law are also observed for differential treatment of families with children, advertising a religious preference for an apartment, and restricting rental occupancy based on an applicant's religion.

When responses to each of eight scenarios depicting illegal actions are summed, the share of the public expressing support for the law in six or more scenario depictions strengthened from 66 percent in 2000/1 to 73 percent in 2005. Likewise, support for a hypothetical open-housing law that would prohibit home sellers from discriminating on the basis of race, religion or nationality also increased from 67 percent of the population in 2000/1 to 70 percent in 2005.

Source: The Urban Institute, Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, February 2006, pages i and ii

2. Intentional Discrimination by Some Members of the Housing Industry Including, but not necessarily Limited to, Rental, Lending, Insurance, Zoning, Appraisals, and Advertising

Discriminatory practices are likely to persist in these fields. However, 2005 benchmark data are generally unavailable thereby impeding efforts to track changes or progress. Although lending data are available, the significant changes in underwriting practices in the past three years make it unwise to compare 2008 and 2009 Home Mortgage Disclosure Act (HMDA) data to 2004 and 2005 HMDA data. Discriminatory advertising seems to have been reduced as questionable words and phrases pertain mostly to "no pets", "source of income" and "age". The *2005-2010 Regional AI* had no specific analysis on zoning-related fair housing issues. The AI update contains an analysis of how zoning impacts fair housing on a jurisdiction-by-jurisdiction basis.

3. "Color" Blind Policy Causes Disparate Impact (i.e., Credit Scores in Determining a Person's Insurability and Occupancy Restrictions)

Data are unavailable to demonstrate the degree to which private sector policies have created disparate impacts for persons seeking a home loan, homeowners insurance, or how occupancy standards have reduced housing opportunities for families with children. Information is available on the degree to which "credit history" is a reason for denial of a home loan application. In 2008, 7.1% (White/Minority) to 22.5% (Blacks) of FHA loan applications were denied because of a poor credit history. In 2008, 3.0% (Native Hawaiian/Pacific Islander) to 20% (2 or more races) of conventional loan applications were denied because of poor credit history. However, too high a debt-to-income ratio is the most frequent reason for denial of a home loan application.

4. Employer's Lack of Support for Affordable Housing Results in Segregated Housing

Data are unavailable to determine if this impediment has been ameliorated or eliminated between 2005 and 2010.

5. High Loan Denial Rates are 3 Times among Upper Income Blacks and 2 Times for Equally Situated Hispanics

Evidence from the 2008 Home Mortgage Disclosure Act (HMDA) data indicates that loan denial disparities between White applicants and Black and Hispanic applicants have been reduced to less than 3 times for Blacks and less than 2 times for Hispanics in three of four income groups.

With respect to FHA loans, Blacks in all income groups have loan denial rates of less than *two* times compared to White applicants. With regard to conventional loans, the disparities are not as high as 3 times except for low income Black applicants (2.55). Refer to Table 2-1 for detailed rates.

Moderate-income Hispanics have a loan denial rate for FHA and conventional loans that is two times greater than White applicants. The very low, low and above moderate income Hispanics have loan denial rates less than two times the White applicant rates. Refer to Table 2-1 for detailed rates.

The disparities in loan denial rates between White applicants and Black and Hispanic applicants have been reduced since the 2005 *Regional AI* was prepared.

Table 2-1
Orange County
Disparities in Loan Denial Rates for Black and Hispanic Borrowers -2008

FHA Loans		
Income Group	Blacks	Hispanics
Very Low	N/A	1.64
Low	1.09	1.93
Moderate	1.90	1.87
Above Moderate	1.39	1.46
Conventional Loans		
Income Group	Blacks	Hispanics
Very Low	N/A	1.81
Low	2.55	1.62
Moderate	1.18	2.00
Above Moderate	1.25	1.65

Source: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act: Aggregate Table 5-1 Disposition of Applications for FHA, FSA/RHS and VA Home-Purchase Loans, 1 to 4 Family and Manufactured Home Dwellings, by Income, Race and Ethnicity of Applicant, 2008

Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act: Aggregate Table 5-2 Disposition of Applications for Conventional Home-Purchase Loans, 1 to 4 Family and Manufactured Home Dwellings, by Income, Race and Ethnicity of Applicant, 2008

6. CRA Funds are not Targeted in ways Assisting Low Income Persons and Neighborhoods in Home Ownership and Financial Stability

The Community Reinvestment Act (CRA), Title VIII of the Housing and Community Development Act of 1977, is a federal law designed to encourage commercial banks and savings and loans to meet the needs of borrowers in all segments of their communities, including low- and moderate-income neighborhoods. Congress passed the Act in 1977 to reduce discriminatory credit practices against low- and moderate income neighborhoods, a practice known as redlining.

The CRA is implemented by regulations of the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the agencies). CRA directs the agencies to encourage insured depository institutions to help meet the credit needs of the communities in which they are chartered. Institutions subject to data reporting requirements must report the aggregate number and amount of community development loans originated or purchased during the prior calendar year. A community development loan has community development as its primary purpose. As defined in the regulations, “community development” means—

- affordable housing (including multifamily rental housing) for low or moderate-income individuals;
- community services targeted to low- or moderate-income individuals;

All state member banks, state nonmember banks, national banks, and savings associations that are not small or special-purpose institutions are subject to the data collection and reporting requirements of the CRA. Institutions that are not small are considered large institutions. “Small” is defined as follows:

- “Small bank” or “small saving association” means an institution that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.098 billion.
- “Intermediate small bank” or “intermediate small savings association” means a small institution with assets of at least \$274 million as of December 31 of both of the prior two calendar years, and less than \$1.098 billion as of December 31 of either of the prior two calendar years.

The CRA requires the Federal Deposit Insurance Corporation (FDIC) and other agencies to assess an institution’s CRA performance. A financial institution’s performance is evaluated in the context of information about the institution (financial condition and business strategies), its community (demographic and economic data), and its competitors. Upon completion of a CRA examination, the FDIC rates the overall CRA performance of the financial institution using a four-tiered rating system consisting of:

- Outstanding
- Satisfactory
- Needs to Improve
- Substantial Noncompliance

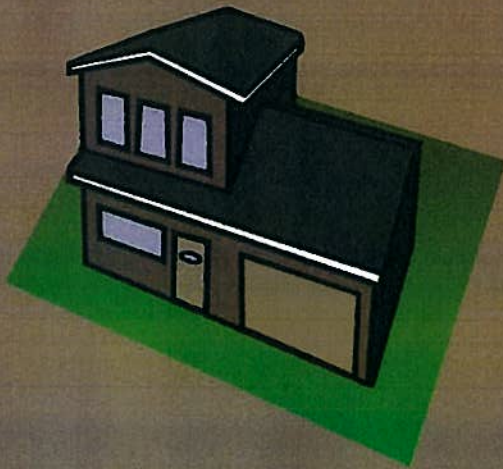
Between 2005 and 2010, 22 assessments have been conducted of financial institutions located in the area covered by the *Regional AI*. The performance evaluations resulted in the following ratings:

- Outstanding = 4
- Satisfactory = 16
- Needs to Improve = 2

Based on these ratings, the institutions covered by the CRA are meeting the objectives of the law. The FHCOC will track whether institutions rated “need to improve” move to “satisfactory” when their next assessment is completed.

7. Some Jurisdictions Underestimate the Extent of Discrimination, Therefore Reducing or not Paying Fair Share of Services Provided by FHCOC

Data on the number of housing discrimination complaints filed by residents of each city are included in Section 5 of the *2010-2015 Regional AI*. These data can be used to develop a fair share formula for payment of services provided by the FHCOC.



Section 3

**Fair Housing Action Plan
2010-2015**

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SECTION 3 FAIR HOUSING ACTION PLAN

A. INTRODUCTION

Section 3 describes the following:

- A summary of Section 4 - Fair Housing Community Profile which contains information on population and housing trends as well as the characteristics of the “protected classes.”
- A summary of Section 5 – Regional Private Sector Fair Housing Analysis which includes information on private sector impediments and a description of 25 actions to be taken by the Fair Housing Council of Orange County.
- A summary of Section 6 – Public Sector Fair Housing Analysis which includes information on the public sector impediments and a description of the actions to be taken by the Fair Housing Council of Orange County, each participating city that identified impediments, and the County of Orange.
- A summary of Section 7 – Affirmatively Furthering Fair Housing through the Location of Affordable Housing which examines if affordable housing is predominantly located outside areas of high minority and high low income population concentrations.

B. FAIR HOUSING COMMUNITY PROFILE

1. Orange County Population Growth Trends

Demographic information concerning the characteristics of the Entitlement Cities and Urban County Cities is a key element of the *Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan*. The Fair Housing Community Profile demonstrates the extensive size and diversity of the Fair Housing Council’s service area. The Fair Housing Council provides services to a service area of about 2.7 million persons who reside in 29 jurisdictions and in an area that has recently transitioned to a minority-majority county, which indicates that there will be a continuing need for a variety of housing services.

The racial and ethnic composition of Orange County’s population has been experiencing dramatic change for the past 40 years but has recently passed a major milestone. In 2000, Whites accounted for more than 50% of Orange County’s population. By 2007, the White population accounted for 43.6% of Orange County’s population and it is now a minority-majority county. Orange County’s Hispanic population has now passed the one-million mark and has grown from 30.9% of the population to 35% of the population. The Asian population has also experienced rapid growth. In 2000, the Asian population stood at 395,994 representing 13.8% of Orange County’s population and in 2007 reached 520,401 representing 16.8% of the county’s population. Both the Black population and those classified as “All Other Races” have experienced some growth since 2000.

Population change is the result of three factors: births, deaths, and migration. The White population in Orange County has decreased since 2000, because the number of births just

slightly exceeded number of deaths by approximately 3,000, while at the same time, the number of Whites moving out of Orange County exceeded the number of Whites moving into Orange County by 129,805. The net result was that the White population declined by 126,623.

On the other hand, the Hispanic population grew by 157,266 due to births and another 55,144 due to migration, while the total number of deaths was 13,159. The net result was that the Hispanic population grew by nearly 200,000 persons between 2000 and 2007. The pattern of growth for Asians is somewhat different than it is for Hispanics. Migration is the major factor for Asian population increase, while births are the major factor for Hispanic population increase. Between 2000 and 2007, the Asian population grew by 95,388 due to migration, while it added just fewer than 30,000 persons through natural increase (births minus deaths).

As Orange County's remaining developable land is consumed, the level of growth will moderate each decade. However, some of the demographic trends that have marked the first decade of the twenty-first century will continue. The Hispanic population will nearly double by 2030 from 2000. Between 2010 and 2020 it will surpass the size of the White population and will be the largest population group in the county. The same factors that have marked change from 2000 to 2007 will also influence the change in the Hispanic population. Even though the Hispanic fertility will decline, numerically higher levels of births will increase the population while migration will play a significant role, but a secondary role, in its growth.

The Asian population will also experience significant growth between 2000 and 2030, adding 283,656 persons to its population. Migration will play a larger role than fertility. The fertility rates of Asians have been diverse depending on the Asian group. It is anticipated that rates for those groups with higher fertility rates presently will decline. Thus, the number of Asian births is also expected to decline.

Continued declines for the White population can be attributed to the overall aging of the White population. First of all, the number of persons in child bearing ages will decline. Even with constant fertility rates, the number of births will decline. Second of all, the overall level of mortality will rise as the population gets older. Whites are also expected to experience a net out-migration, thus resulting in further declines in their population.

Although their impact on the population will not be as great as that of Asians, Hispanics and Whites, the Black population will decline while the population of "All Other Races" will increase. The factors that will influence the change in the White population are the same that will influence the decline in the Black population. For those classified as "All Other Races," it is births that will result in the population increase. The underlying factor will be more interracial couples having children as Orange County's population becomes more racially and ethnically diverse.

2. Population Characteristics of the Protected Classes

The Fair Housing Act, 42 U.S.C. 3601 et. seq., prohibits discriminatory practices which make housing unavailable to persons because of:

- Race
- Color
- Religion
- Sex
- National Origin

- Familial Status or
- Handicap/Disability

The California Fair Employment and Housing Act (Article 2, Section 12955) makes it unlawful:

to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person.

Under the provisions of Civil Code Section 51.2 et. seq. age is a protected class.

Hence, the California law has added the following to the group of protected classes:

- Sexual Orientation
- Marital Status
- Ancestry
- Source of Income
- Age

The Unruh Civil Rights Act, California Civil Code sections 51 through 51.3, provides protection from discrimination by all business establishments in California, including housing and public accommodations. The Unruh Civil Rights Act specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, or medical condition. While the Unruh Civil Rights Act specifically lists “sex, race, color, religion, ancestry, national origin, disability, or medical condition” as protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics. The Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.

Part C of Section 4 presents demographic data on the following protected classes: race/color, sex, national origin/ancestry, familial status, handicap/disability, and marital status. Table 3-1 on the next page is a summary of the demographic characteristics of the protected classes. The data on the number and percentage of housing discrimination complaints is based on the five year period from 2005 through 2009 as compiled for the *Regional AI* by the State Department of Fair Employment and Housing. The housing discrimination data are discussed in more detail in Section 5.

Table 3-1
Regional Analysis of Fair Housing Impediments
Characteristics of the Protected Classes

Protected Class	Demographic Characteristics	Number of Housing Discrimination Complaints	Percent of All Housing Discrimination Complaints
Race/Color	Population of 3,119,500 in Orange County: 45.9% is White Alone; 54.1% is Minority	76 of 372	20.4%
Sex	209,600 female householders live in <i>Regional AI</i> area; 146,700 male householders live in <i>Regional AI</i> area. Estimates exclude married householders.	20 of 372	5.4%
National Origin/Ancestry	County's foreign born population is 936,000, which represents 30% of the total population. Vast majority of foreign born population is from Latin America and Asia.	53 of 372	14.2%
Familial Status	Almost 280,000 families with children live in the <i>Regional AI</i> area – almost 30% of the families (80,000) reside in Anaheim and Santa Ana.	45 of 372	12.1%
Handicap/Disability	140,000 disabled persons reside in Entitlement Cities; 7.4% of non-institutionalized population is disabled. 98,900 disabled persons live outside the Entitlement Cities; 8.1% of non-institutionalized population is disabled.	129 of 372	34.7%
Marital Status	About 339,000 married couples live in Entitlement Cities; 54% of all households. About 81,200 married couples live in Urban County Cities; 55% of all households.	15 of 372	4.0%

C. PRIVATE SECTOR IMPEDIMENTS AND ACTIONS TO BE TAKEN

The *Regional AI* examines the following private sector impediments:

- Housing Discrimination
- Discriminatory Advertising
- Blockbusting
- Denial of Reasonable Accommodation
- Hate Crimes
- Unfair Lending

Part C provides a summary of the detailed information on each impediment contained in Section 5. Additionally, the actions to be taken by the FHCOC to ameliorate or eliminate the impediments are described in this part. The key rationale for preparation of a *Regional AI* is that *private sector* impediments are regional in nature and affect multiple communities – that is, they are not limited to a single jurisdiction responsible for AFFH. The FHCOC has a wealth of experience in dealing with fair housing impediments that occur in the private sector. HUD guidance indicates that the *Regional AI* must describe appropriate actions to overcome the effects of the private sector impediments that are identified through the analysis. The FHCOC understands the private sector and is well equipped to analyze impediments, describe appropriate actions, and to follow-through on those actions.

The actions to be taken between 2010 and 2015 to remove or ameliorate impediments to fair housing choice and, thereby, affirmatively further fair housing are organized according to four timelines:

- Ongoing: will be accomplished annually
- Near-Term: will be accomplished in Program Year 2010-2011
- Mid-Term: will be accomplished in Program Years 2011-2012/2012-2013
- Long-Term: will be accomplished in Program Year 2013-2014/2014-2015

Chart 3-1 on the following six pages describes each action to be taken according to the above timelines. All the actions will be implemented by the FHCOC. In August of each year, the FHCOC will report its progress on implementing the planned actions for the prior program year to the Entitlement Cities and County of Orange.

A summary of the private sector impediments and list of planned actions follows Chart 3-1.

Chart 3-1
Regional Analysis of Fair Housing Impediments
Private Sector Analysis
Private Sector Impediments
Fair Housing Action Plan: 2010-2015

Fair Housing Action	Ongoing Annually	Near-Term Program Year 2010-2011	Mid-Term Program Years 2011-2012/2012-2013	Long-Term Program Years 2013-2014/ 2014-2015
Housing Discrimination	Continue to process housing discrimination complaints filed by city and county residents.		Conduct testing of housing provider practices to determine whether there are differences in treatment based on a protected class. The 2005-2009 housing discrimination complaint data and the fair housing community profile can be used to identify the protected classes and locations of housing providers that should be tested.	
			Revise its website to provide direct access to a housing discrimination complaint form and provide a diagram or brief explanation of the process for investigating and resolving a complaint.	
			Revise its website to add more information on how residents can detect whether they have been victims of unlawful housing discrimination.	

Chart 3-1-continued

Fair Housing Action	Ongoing Annually	Near-Term Program Year 2010-2011	Mid-Term Program Years 2011-2012/2012-2013	Long-Term Program Years 2013-2014/ 2014-2015
Housing Discrimination			Publish a quarterly report on the FHCOC website summarizing the remedies pertaining to filed housing discrimination complaints.	
			Ensure that all jurisdictions provide a link to the FHCOC website	
			Compile an Annual Report on housing discrimination complaints filed with the FHCOC, the State Department of Fair Employment and Housing (DFEH) and HUD. The report will include housing discrimination complaints unique to each participating jurisdiction as well as those of the entire County. The Annual Report will describe emerging trends within the cities and County. (Annually beginning in Program Year 2011-2012)	

Chart 3-1-continued

Fair Housing Action	Ongoing Annually	Near-Term Program Year 2010-2011	Mid-Term Program Years 2011-2012/2012-2013	Long-Term Program Years 2013-2014/ 2014-2015
Housing Discrimination			<p>Transmit the Annual Report to the participating jurisdictions by August of each calendar year. This schedule allows the jurisdictions to include a summary of the report findings in the Consolidated Plan Annual Performance and Evaluation Report. That Report is published in September of each year. (Annually beginning in Program Year 2011-2012)</p>	
Discriminatory Advertising		<p>Encourage the Orange County Register to publish a Fair Housing Notice in the for rent classified ad section and to identify the FHCOG as an agency that can respond to fair housing questions.</p> <p>Encourage apartment rental websites to display more prominently their Fair Housing Notice.</p>	<p>Support an amendment to the Communications Decency Act of 1996 to state no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider, except for notices, statements, or advertisements with respect to the sale, rental, financing or insuring, or any other service of a dwelling that violate the Fair Housing Act, 42 U.S.C. § 3601 et seq.</p>	

Chart 3-1-continued

Fair Housing Action	Ongoing Annually	Near-Term Program Year 2010-2011	Mid-Term Program Years 2011-2012/2012-2013	Long-Term Program Years 2013-2014/ 2014-2015
Discriminatory Advertising	Prepare a summary of the accomplishments each year and transmit to the Entitlement Cities and Urban County in August of each year. This schedule allows the Entitlement Cities and Urban County to include a summary of the accomplishments in the Consolidated Plan Annual Performance and Evaluation Report. That Report is published in September of each year.	Encourage the Los Angeles Times and Orange County Register to publish a "no pets" disclaimer that indicates rental housing owners must provide reasonable accommodations, including "service animals" and "companion animals" for disabled persons.	Periodically review for rent and for sale ads published in the print media.	
Blockbusting				Provide information on the FHCOOC website on the unlawful practice of blockbusting including examples of this illegal practice. Work with the California Department of Real Estate to determine if any Orange County licensees have had their licenses suspended or revoked because of the illegal practice of blockbusting.

Chart 3-1-continued

Fair Housing Action	Ongoing Annually	Near-Term Program Year 2010-2011	Mid-Term Program Years 2011-2012/2012-2013	Long-Term Program Years 2013-2014/ 2014-2015
Blockbusting				In the event, a licensee has been found to have committed blockbusting, provide education and information on this practice to the responsible broker and all related salespersons.
Denial of Reasonable Modification/Reasonable Accommodation			Provide education and information on why this practice is unlawful to the owners and managers of apartment complexes and homeowner associations.	
			Provide information on the unlawful practice of denying reasonable modifications and reasonable accommodations at fair housing seminars conducted by the Apartment Association of Orange County.	
Hate Crimes			Coordinate with the Orange County Human Relations Commission, Center OC and the Orange County Victim Assistance Partnership.	
			Provide affected residents – when needed - with referrals to hate crime victim resources.	

Chart 3-1-continued

Fair Housing Action	Ongoing Annually	Near-Term Program Year 2010-2011	Mid-Term Program Years 2011-2012/2012-2013	Long-Term Program Years 2013-2014/2014-2015
Unfair Lending	Monitor the HMDA data annually using the 2008 HMDA analysis as a benchmark.		Complete a HMDA analysis of the top 10 lenders in Orange County to compare and contrast loan denial rates.	Conduct a follow-up analysis of loan denial rates at the neighborhood level to determine to what extent, if any, redlining may exist in Orange County. This follow-up will be completed when Census 2010 data are available on minority populations at the census tract level. The Census 2010 data will enable an analysis of loan activity and minority population characteristics for the same time period.
			Conduct outreach to cultural, ethnic and minority organizations to potentially increase interest and readiness in home purchases.	Provide homebuyer education programs in neighborhoods with high denial rates, high minority population concentrations and limited English speaking proficiency to help increase loan approval rates.

1. Housing Discrimination

a. Impediment

Housing discrimination, especially in the rental housing market, is an impediment to fair housing choice because 60 complaints annually are filed by residents of the participating entitlement cities and Urban County.

The California Department of Fair Employment and Housing (DFEH) compiled data on housing discrimination complaints for this *Regional AI*. In the five-year period since the prior AI, about 300 housing discrimination complaints have been filed with DFEH. Annually, the number of housing discrimination complaints averaged 60 per year. The number of cases ranged from a low of 46 in 2005 to a high of 78 in 2006. The vast majority – 244 of 302 housing discrimination complaints – have been filed in the Entitlement Cities. Irvine (58) and Anaheim (40) accounted for the highest number of complaints.

A housing discrimination complaint can have more than one basis. The bases include:

- Physical Disability
- Mental Disability
- Race/Color
- National Origin
- Familial Status
- Sex
- Marital Status
- Other - Retaliation; Religion; Source of Income; Association and Age

About 35% of the housing discrimination complaints were based on a physical or mental disability. Since the prior *Regional AI* was completed, disability has been increasing as a basis for a housing discrimination complaint. Race and color (20%) and national origin (14%) rank second and third as a basis for making a housing discrimination complaint. Although Individual cities vary in terms of the basis for a housing discrimination complaint, disability, race/color and national origin comprise the basis for the highest number of complaints.

The DFEH compiles data on number of housing discrimination cases according to nine types of alleged acts:

- Refusal to Rent
- Eviction
- Refusal to Show
- Loan Withheld
- Unequal Terms
- Harassment
- Unequal Access to Facilities
- Denied Reasonable Modification/Accommodation

A summary of the highest number and percentage of alleged acts is presented below:

- About 22% (101) of the housing discrimination complaints occurred during the eviction process.

- About 19% each of the alleged acts pertained to unequal terms (88) and to denial of a reasonable modification and/or accommodation (87).
- About 15% each of the housing cases were filed because of harassment (72) and the refusal to rent (68).

It appears that most of the alleged acts affect renters or persons seeking rental housing. This mirrors HUD's national study which found that about 70% of the persons who thought they were victims of discrimination were looking to rent at the time.

b. Actions to be Taken

During the 2010-2015 period, the FHCOC will undertake the following actions:

1. Continue to process housing discrimination complaints filed by city and county residents.
2. Conduct testing of housing provider practices to determine whether there are differences in treatment based on a protected class. The 2005-2009 housing discrimination complaint data and the fair housing community profile can be used to identify the protected classes and locations of housing providers that should be tested.
3. Revise its website to provide direct access to a housing discrimination complaint form and provide a diagram or brief explanation of the process for investigating and resolving a complaint.
4. Revise its website to add more information on how residents can detect whether they have been victims of unlawful housing discrimination.
5. Publish a quarterly report on the FHCOC website summarizing the remedies pertaining to filed housing discrimination complaints.
6. Ensure that all jurisdictions provide a link to the FHCOC website.
7. Compile an Annual Report on housing discrimination complaints filed with the FHCOC, the State Department of Fair Employment and Housing (DFEH) and HUD. The report will include housing discrimination complaints unique to each participating jurisdiction as well as those of the entire County. The Annual Report will describe emerging trends within the City and County.
8. Transmit the Annual Report to the participating jurisdictions by August of each calendar year. This schedule allows the jurisdictions to include a summary of the report findings in the Consolidated Plan Annual Performance and Evaluation Report. That Report is published in September of each year.

2. Discriminatory Advertising

a. Impediment

Rental housing ads that state “no pets” or indicate rental discounts for seniors are impediments to fair housing choice because they make housing unavailable to disabled persons and the non-elderly. “No Section 8” ads may become an impediment to fair housing choice because they could make housing unavailable disproportionately to a protected class such as persons with disabilities.

Section 804 (c) of the 1968 Fair Housing Act prohibits discriminatory advertising; it is unlawful:

To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

The California Fair Employment and Housing Act contains similar language prohibiting discriminatory advertising.

To demonstrate whether discriminatory advertising meets the threshold for being considered a regional impediment to fair housing choice, print and online advertising was reviewed during the month of January 2010. Classified ads printed in the Los Angeles Times and Orange County Register were reviewed for words and phrases that might be viewed as discriminatory. During this period, however, few for-rent ads were published in either newspaper. Because of limited newspaper print advertising, an online search of apartment ads was conducted via Apartments.com, which is provided by the Los Angeles Times.

Each ad was reviewed to determine if it might any indicate a “preference, limitation or discrimination.” Advertisements which describe the property being advertised or the services available at the property are generally considered acceptable. The review, then, focused on words and phrases that deviated from physical descriptions of the property and available services.

1. Source of Income: Source of income is a protected class under California’s fair housing law, effective January 1, 2000. Thus, it is unlawful to print or publish an advertisement that prefers, limits or discriminates on the basis of the source of the tenant’s income. An ad stating “No Section 8” would not be illegal because under the California Fair Employment and Housing Act, “source of income” refers to income paid directly to a tenant or tenant’s representative. A landlord that receives a Section 8 rental payment on behalf of a tenant from a housing authority is not considered a representative of the tenant.

The rental housing market is currently accepting tenants that receive Section 8 rental assistance. Many ads contained phrases such as “Section 8 OK”; “HUD OK”; “Section 8 Welcome”; and “Section 8 Accepted”. When the rental housing market vacancy rates become significantly lower, landlords may not have an incentive to attract tenants receiving Section 8 assistance. Under these conditions, “No Section 8” ads may become an impediment to fair housing choice because, in part, they could make such housing unavailable disproportionately to a protected class such as persons with disabilities.

2. *No Pets*: An analysis was completed of the print ads with respect to the Entitlement City in which the apartment complex is located; number of ads placed; ads with non-property related words and phrases; and the number of ads published with those words and phrases. Forty seven of the 223 apartment ads contained non-property related words or phrases. The overwhelming majority of the non-property related words or phrases was “No Pets” which occurred in 38 (17%) of the 223 apartment ads. Twenty-eight of the 204 homes for rent ads contained non-property related words or phrases. Once again, “no pets” was the most frequent non-property related word or phrase, having occurred in 26 (12.7%) of the 204 ads.

There were 62 unique ads for apartments and homes for rent in the Urban County jurisdictions. Ten ads had words and phrases that did not pertain to the physical description of the property: seven stated “no pets,” two were “Section 8” related and one ad stated “Senior Citizen”.

Under Federal and State fair housing laws, individuals with disabilities may ask their housing provider to make reasonable accommodations in the “no pets” policy to allow for their use of a companion/service animal. The housing provider may ask the disabled applicant/tenant to provide verification of the need for the animal from a qualified professional. Once that need is verified, the housing provider must generally allow the accommodation.

Some disabled persons are unaware of their fair housing rights and, as a consequence, may not consider as available to them apartments with ads that state “no pets.”

3. *Age*: Federal regulations specify that unless the housing being offered meets government requirements for “senior” or “senior only” housing, advertisers may not express a preference or limitation on the basis of age. A few ads contained phrases indicating a preference for seniors. One ad stated “senior citizen”. It appears that this ad was placed by an individual owner of a condominium. However, it is not known if the condominium complex met the requirements of a senior only complex. Two apartment complexes placed ads stating that a 5% discount was given to seniors. The complexes are located in Orange and Westminster and are managed by the same company.

b. Actions to be Taken

During the five-year of the Consolidated Plan, the FHCOC will undertake the following actions:

1. Encourage the Orange County Register to publish a Fair Housing Notice in the for rent classified ad section and to identify the FHCOC as an agency that can respond to fair housing questions. Encourage apartment rental websites to display more prominently their Fair Housing Notice.
2. Encourage the Los Angeles Times and Orange County Register to publish a “no pets” disclaimer that indicates rental housing owners must provide reasonable accommodations, including “service animals” and “companion animals” for disabled persons.
3. Support an amendment to the Communications Decency Act of 1996 to state no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider, except for notices, statements, or advertisements with respect to the sale, rental,

financing or insuring, or any other service of a dwelling that violate the Fair Housing Act, 42 U.S.C. § 3601 et seq.

4. Periodically review for rent and for sale ads published in the print media.
5. Prepare a summary of the accomplishments each year and transmit to the Entitlement Cities and Urban County in August of each year. This schedule allows the Entitlement Cities and Urban County to include a summary of the accomplishments in the Consolidated Plan Annual Performance and Evaluation Report. That Report is published in September of each year.

3. Blockbusting

a. Impediment

Blockbusting is unlawful; however, it does not appear to be a significant impediment to fair housing choice.

Section 804(e) of the 1968 Fair Housing Act makes the following act, commonly referred to as blockbusting, unlawful:

For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

With respect to blockbusting, the California law has more protected classes than the Federal Fair Housing Act.

There is no local or county agency that maintains records on actual or potential blockbusting incidents. Such incidents would take place primarily as real estate agents attempt to solicit or induce homeowners to sell their homes. The California Real Estate Commissioner is authorized to take disciplinary action against licensees who have committed the prohibited discriminatory practice of blockbusting and panic selling. The Department of Real Estate stated in June 2010 that no Orange County licensee has had their license suspended or revoked because of the illegal practice of blockbusting.

b. Actions to be Taken

During the five-year period of the Fair Housing Action Plan, the FHCOC will take the following actions:

1. Provide information on the FHCOC website on the unlawful practice of blockbusting including examples of this illegal practice.
2. Work with the California Department of Real Estate to determine if any Orange County licensees have had their licenses suspended or revoked because of the illegal practice of blockbusting.

3. In the event, a licensee has been found to have committed blockbusting, provide education and information on this practice to the responsible broker and all related salespersons.

4. Denial of Reasonable Modification/Reasonable Accommodation

a. Impediment

Denial of a reasonable modification or reasonable accommodation is an impediment to fair housing choice because they account for almost one-fifth of all alleged discriminatory acts.

It is unlawful to refuse to make reasonable accommodations for disabled persons. Section 804 (3) of the 1968 Fair Housing Act states that discrimination includes--

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

The DFEH compiles data on the number of housing discrimination cases according to nine types of alleged acts. During the 2005-2009 period, 461 alleged discriminatory acts were committed in the cases processed by the DFEH. Of this total, 87 or 18.9% involved denial of a reasonable modification/reasonable accommodation. About 17-18 denials of reasonable modification/reasonable accommodation occurred per year during the five-year period.

b. Actions to be Taken

During the five-year period of the Fair Housing Action Plan, the FHCOC will take the following actions:

1. Provide education and information on why this practice is unlawful to the owners and managers of apartment complexes and homeowner associations.
2. Provide information on the unlawful practice of denying reasonable modifications/reasonable accommodations at fair housing seminars conducted by the Apartment Association of Orange County.

5. Hate Crimes

a. Impediment

Hate crimes committed at a residence are an impediment to fair housing choice because they impact the lives of 20-30 households per year. Almost one-half of all hate crime events in Orange County had an anti-Black or anti-Latino bias motivation.

Hate crime events were reviewed for the 5-year period from 2004 to 2008 as reported by Criminal Justice Statistics Center of the California Department of Justice (DOJ). The annual average of events was 73 and, during the five-years there was a narrow low (69) to high (79) range. Except for the City of Huntington Beach, on a city-by-city basis, the number of hate crime events is low.

In 2008, according to the Orange County Human Rights Commission (OCHRC), there were 79 cases of hate crimes in Orange County, essentially unchanged from the 80 cases in 2007. Despite the fact that the African American population makes up less than 2% of Orange County's population, this group continues to be the most frequent target for hate crimes. Hate crimes against Latinos continues to increase. In fact, since 2006 there has been almost a 100% increase in the number of cases reported. After a four-year downward trend, hate crimes against Jews increased. Additionally, while there was a slight decrease in hate crimes reported against Gays and Lesbian, this group frequently underreports.

In 2008, 29% and 19% of the hate crimes in Orange County had an anti-African American and anti-Latino bias motivation.

The California DOJ reports the location of hate crime events for the entire state by 25 categories (e.g., church, park, college, etc). During the past five years two locations are predominant, accounting for about 60% of all hate crime locations: Highway/Road/Alley/Street (29.1%) and Residence/Home/Driveway (29.7%).

The application of the statewide housing location average of 29.7% to the annual Orange County average of hate crime events of 73 yields an estimate of 22 annual events occurring at a residence, home or driveway. The application of the 40% factor cited by the OCHRC yields an estimate of 29 events occurring at a housing location.

On an individual city basis, the number of hate crime events occurring at a *housing* location is small. However, the number at the countywide level is significant and, as a result, the resources to monitor and alleviate this impediment are best handled at the regional level.

b. Actions to be Taken

During the five-year of the Fair Housing Action Plan, the FHCOC will take the following actions:

1. Coordinate with the Orange County Human Relations Commission, Center OC and the Orange County Victim Assistance Partnership.
2. Provide affected residents – when needed - with referrals to hate crime victim resources.

6. Unfair Lending

a. Impediment

Disparities in the loan denial rates experienced by Hispanic and Black/African applicants create an impediment to fair housing choice as they have loans denied at rates 1.5 to 2.0 times greater than White applicants.

Section 805 of the Fair Housing Act (42 U.S.C. 3605) states that it is “unlawful for any person or other entity whose business includes ... the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling... to discriminate against any person...because of race, color, religion, sex, handicap, familial status, or national origin.”

The Equal Credit Opportunity Act (ECOA) 15 U.S.C. 1691 *et seq.* prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act.

To supplement federal legislation, state laws have been enacted to forbid the discriminatory practice known as “redlining;” a practice results in blanket refusals by some lenders to make loans in whole neighborhoods or geographic areas. Redlining is illegal in California pursuant to the Housing Financial Discrimination Act of 1977 (Holden Act). (Health & Safety Code Section 35800-35833) The Holden Act prohibits the consideration of race, color, religion, sex, marital status, national origin, or ancestry in lending for the purchase, construction, improvement, or rehabilitation of housing. Further, lenders cannot deny loan applications because of ethnic composition, conditions, characteristics, or expected trends in the neighborhood or geographic area surrounding the property.

An analysis of the 2008 Home Mortgage Disclosure Act (HMDA) data was completed in order to determine loan denial rates by census tract, race/ethnicity and income. HMDA requires lenders to report on the action taken on each loan application, as follows:

- Loan Originated
- Application Approved, Not Accepted
- Application Denied
- Application Withdrawn
- Filed Closed for Incompleteness

Many determinants of a loan decision – such as borrower credit history, debt-to-income-ratio and loan-to-value ratio - are not included in the HMDA data. Although the loan denial rates do not support definitive conclusions regarding discrimination on the bases of race or ethnicity, they are a useful screen to identify disparities in loan approval rates by the race and ethnicity of applicants and geographic markets where differences in denial rates warrant further investigation. Additionally, identifying census tracts/neighborhoods with high loan denial rates helps to target credit counseling and homebuyer education programs.

Evidence from the 2008 Home Mortgage Disclosure Act (HMDA) data reveals the loan denial disparities between White applicants and Black and Hispanic applicants. Moderate income Blacks have an FHA loan denial rate almost two times greater than moderate income White applicants. Above moderate income Blacks have an FHA loan denial rate about 1.4 times greater than White applicants with identical incomes. The conventional loan disparities are lower for moderate and above moderate income applicants than for FHA loans. However, low income Blacks have a conventional loan denial rate 2.55 times greater than White applicants.

Moderate-income Hispanics have a loan denial rate for FHA and conventional loans that is two times greater than White applicants. The very low, low and above moderate income Hispanics have loan denial rates 1.46 to 1.93 higher than White applicants.

Unfair lending is manifested more in the loan denial disparities experienced by different racial/ethnic borrowers than by the denial rate disparities experienced in neighborhoods with 20%-79% minority populations, regardless of income.

Additionally, a regression analysis was completed to determine if race/ethnicity is associated with the denial of loan applications. Two types of loans applications were considered in the analysis: (1) home purchases with conventional loans and (2) home purchases with FHA loan.

A logit regression was used to "predict" if a loan was denied based on the minority population and income ratio of the census tract, as well as the loan amount. These variables were chosen because the results of a preliminary analysis utilizing census tract level data suggested each of these variables were influencing denials. Each of the three variables was significant predictors of loan denials for conventional loan applications, while the percent minority and the income ratio of a census tract were significant predictors of denials for FHA loan applications.

For conventional loans, the probability of a loan being denied increased as the percentage *minority population* in the census tract *increased*, as the *income increased* the probability of a denial *decreased*, and as the *amount of the loan increased* the probability of a loan denial *increased*.

b. Actions to be Taken

1. Monitor the HMDA data annually using the 2008 HMDA analysis as a benchmark.
2. Complete a HMDA analysis of the top 10 lenders in Orange County to compare and contrast loan denial rates.
3. Conduct a follow-up analysis of loan denial rates at the neighborhood level to determine to what extent, if any, redlining may exist in Orange County. This follow-up will be completed when Census 2010 data are available on minority populations at the census tract level. The Census 2010 data will enable an analysis of loan activity and minority population characteristics for the *same* time period.
4. Conduct outreach to cultural, ethnic and minority organizations to potentially increase interest and readiness in home purchases.
5. Provide homebuyer education programs in neighborhoods with high denial rates, high minority population concentrations and limited English speaking proficiency to help increase loan approval rates.

D. ACTIONS TO ADDRESS PUBLIC SECTOR IMPEDIMENTS

1. Public Sector Impediments Common to Most Participating Jurisdictions

As part of the preparation of an *Analysis of Impediments to Fair Housing Choice* participating cities responded to a 24-question survey regarding local governmental codes or policies and practices that may result in the creation or perpetuation of one or more impediments to fair housing choice. The survey has a particular focus on land use and zoning regulations, practices and procedures that can act as barriers to the situating, development, or use of housing for individuals with disabilities. However, it also touches on areas that may affect fair housing choice for families with children or otherwise serve as impediments to full fair housing choice. In identifying impediments to fair housing choice, the survey looks to distinguish between *regulatory* impediments based on specific code provisions and *practice* impediments, which arise from practices or implementing policies used by the jurisdiction.

The most common public sector impediments are:

- The zoning regulations do not define “disability”.
- The zoning regulations do not define “supportive” and “transitional housing” as required by Government Code Section 65583(a)(5).
- Some cities have not adopted a reasonable accommodation procedure.
- The zoning regulations do not discuss housing for “special needs” populations.
- The zoning regulations do not discuss fair housing.

a. Definition of Disability

Question #3 asks: *Does the code or any policy document define ‘disability’, if at all, at least as broadly as the federal Fair Housing Act?*

Almost all cities do not define “disability.” Those cities with an adopted reasonable accommodation procedure define disability in the procedure.

b. Supportive Housing

Question #5 asks: *Does the code limit housing opportunities for disabled individuals through restrictions on the provision of on-site supportive services?*

Government Code Section 65583(a)(5) requires local zoning to treat supportive and transitional housing as a residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if transitional housing is a multifamily use proposed in a multifamily zone, zoning should treat transitional housing the same as other multifamily uses proposed in the zone. The purpose of Government Code Section 65583(a)(5) is to address the need for housing for the disabled.

Government Code Section 65582(f) states:

“‘Supportive housing’ has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code”

Health and Safety Code Section 50675.14(b) states:

“For purposes of this section, ‘supportive housing’ means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.”

Health and Safety Code Section 53260(d) states:

“‘Target population’ means adults with low incomes having *one or more disabilities*, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.” [emphasis added]

Government Code Section 65582(g) states:

“‘Transitional housing’ has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.”

Health and Safety Code Section 50675.2(h) states:

“‘Transitional housing’ and ‘transitional housing development’ means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.”

Health and Safety Code Section 50801(i) states:

“‘Transitional housing’ means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents to move to permanent housing.”

The population to be served by supportive and transitional housing is people with different kinds of disabilities. Actions by the entitlement cities and Urban County to provide zoning regulations will eliminate a potential impediment to the development of such housing.

c. Reasonable Accommodation Procedure

Question #7 asks: *Does the jurisdiction have, either by ordinance or policy, a process by which persons with disabilities can request reasonable accommodations (modifications or exceptions) to the jurisdiction's codes, rules, policies, practices, or services, necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling?*

Many cities have not yet adopted a reasonable accommodation procedure. The federal Departments of Justice (DOJ) and Housing and Urban Development (HUD) as well as the California Attorney General have encouraged local governments to adopt a reasonable accommodation procedure. The DOJ and HUD have stated:

"Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community."

Joint Statement of the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act*, August 18, 1999, page 5.

On May 15, 2001 the State Attorney General transmitted a letter to all local governments advising the localities to consider adoption of a reasonable accommodation procedure. In that letter, the Attorney General stated:

"Both the federal Fair Housing Act ('FHA') and the California Fair Employment and Housing Act ('FEHA') impose an affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations 'may be necessary to afford' disabled persons 'an equal opportunity to use and enjoy a dwelling.'"

Many jurisdictions currently handle requests for relief from the zoning ordinance through variance or conditional use permits. The Attorney General remarked that:

"...the criteria for determining whether to grant a variance or conditional use permit typically differ from those which govern the determination whether a requested accommodation is reasonable within the meaning of fair housing laws.

"Thus, municipalities relying upon these alternative procedures have found themselves in the position of having refused to approve a project as a result of considerations which, while sufficient to justify the refusal under the criteria applicable to grant of a variance or conditional use permit, were insufficient to justify the denial when judged in light of the fair housing laws' reasonable accommodations mandate."

The Attorney General also stated that the variance and conditional use permit procedures – with their different governing criteria – serve to encourage community opposition to projects housing the disabled. The Attorney General wrote:

"Yet this is the very type of opposition that, for example, the typical conditional use permit procedure, with its general health, safety and welfare standard, would seem rather predictably to invite, whereas a procedure conducted pursuant to the more focused criteria applicable to the reasonable accommodation determination would not."

The advice of the Attorney General is to establish a reasonable accommodation procedure instead of relying on the conditional use permit and variance procedures to process a request for disabled persons seeking specific exceptions to zoning and land-use rules (variances) necessary for them to be able to fully use and enjoy housing. A public hearing is not required for approval of a reasonable accommodation request.

Cities without an adopted procedure have stated in their housing elements that they intend to enact such a procedure pursuant to the requirements of state law.

Attachment B in Section 6 (page 6-34) is an example of a reasonable accommodation procedure.

d. Special Needs Zoning

Question #20 asks: *Does the zoning code or other planning document address housing for "special needs" populations.*

Most cities answered this question in the affirmative. However, the documents addressing special needs housing was typically a housing element and not the zoning code. Consequently, most cities do not have zoning regulations that describe development standards for special needs populations such as: homeless people, victims of domestic violence, people with disabilities, and people living with HIV/AIDS, all of whom have direct fair housing implications. There is a high incidence of disability in the homeless population, domestic violence overwhelmingly impacts women, and people with HIV/AIDS are considered disabled under fair housing law. While age is not a characteristic protected under federal fair housing law, it is covered under state law, and the higher incidence of disability in the frail elderly introduces possible fair housing implications for that population as well.

Entitlement cities and the Urban County should consider enacting special needs housing zoning regulations. Attachment C in Section 6 (page 6-37) provides an example of such zoning regulations.

e. Fair Housing Discussion

Question 24 asks: *Does the zoning ordinance or other planning or policy document include a discussion of fair housing?*

Most cities answered this question in the affirmative. However, the document discussing fair housing was typically a housing element and not the zoning code. Consequently, most cities do not have zoning regulations that discuss fair housing.

Entitlement cities and the Urban County should consider enacting fair housing zoning regulations. Attachment D in Section 6 (page 6-47) provides an example of such zoning regulations.

2. City Identified Public Sector Impediments

3. Actions to be Taken by the FHCOC and City to Ameliorate or Eliminate Public Sector Impediments.

a. Actions to be Taken by the FHCOC

The FHCOC will provide technical assistance to cities that have identified public sector impediments in the following areas:

- Family definition inconsistent with fair housing laws
- Lack of a definition of disability
- Lack of a reasonable accommodation procedure
- Lack of zoning regulations for special needs housing
- Lack of a fair housing discussion in zoning and planning documents
- Compliance with HUD AFFH requirements

The technical assistance will consist of providing background information on the above impediments and model ordinances or regulations that adequately address the fair housing concerns posed by the impediments.

b. Actions to be Taken by the City

E. ACTIONS TO AFFH THROUGH THE LOCATION OF AFFORDABLE HOUSING

As explained in Section 7, the location of affordable housing is central to fulfilling the commitment to AFFH because it determines whether such housing will reduce or perpetuate residential segregation. The data analysis shows that affordable housing is predominantly located outside areas of high minority and high low income population concentrations. Many of the developments were constructed before localities were required to develop policies to guide the location of affordable housing.

During the 2010-2015 period, the FHCOC will take the following actions:

- Provide technical assistance to participating jurisdictions on how the location of affordable housing contributes to AFFH.

This action will be accomplished on an as needed, as requested basis.

- Aggregate - for each census tract - the number of voucher holders assisted by all four housing authorities.

This action will be accomplished in calendar year 2011.

- Conduct an analysis of the location of affordable housing in census tracts with a low concentration of minority and low income populations for purposes of determining whether they offer sufficient affordable housing opportunities.

This action will be accomplished either in calendar year 2011 or as soon as Census 2010 and American Community Survey data are available.

- Extend the analysis to include census tracts with minority populations in the range of 60 to 80%.

This action will be accomplished either in calendar year 2011 or as soon as Census 2010 and American Community Survey data are available.

- Suggest policies that the Housing Authorities and/or entitlement cities and the Urban County Program can implement to promote affordable housing opportunities outside of census tracts with high percentages of poverty and minority populations.

This action will be accomplished during the Fair Housing Council of Orange County's review of the housing authority annual plans. Additionally, the Council will provide input to the entitlement cities and Urban County Program on an as needed, as requested basis.



Section 4

Fair Housing Community Profile

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SECTION 4

FAIR HOUSING COMMUNITY PROFILE

A. INTRODUCTION

Demographic information concerning the characteristics of the Entitlement Cities and Urban County Cities is a key element of the *Analysis of Impediments to Fair Housing Choice* and *Fair Housing Action Plan* for the reasons explained below.

First of all, the Fair Housing Community Profile demonstrates the extensive size and diversity of the Fair Housing Council's service area. The Fair Housing Council provides services to a service area of about 2.7 million persons who reside in 29 jurisdictions and in an area that has recently transitioned to a minority-majority county, which indicates that there will be a continuing need for a variety of housing services.

Second, demographic data provide benchmark data for the entire service area, individual cities and the County of Orange. Emerging trends can be pinpointed as Census 2010 and the 2010 *American Community Survey* data are released. Future year data can be contrasted to the statistics presented in this Fair Housing Community Profile to detect emerging trends.

Third, the Fair Housing Community Profile establishes a database that the Fair Housing Council can utilize for a number of purposes. For instance, information contained in the Profile can be used to compete for grants under HUD's competitive Fair Housing Initiatives Program as well as other public and private grant programs.

Fourth, the information in the Profile and future updates can be used to adjust and re-focus the delivery of fair housing services by the Fair Housing Council. For example, the data provide a basis to target or focus fair services geographically within Council's expansive service area. Another example is that the current and projected population characteristics indicate that a greater proportion of the population may have limited English speaking proficiency.

And, fifth, individual cities may extract information from the Fair Housing Community Profile to develop a city-specific profile that includes some or all of the characteristics included in Section 4 and Technical Appendix A.

The *Regional AI's* Fair Housing Community Profile presents an overview of the demographic characteristics of the 14 Entitlement Cities, the 14 Urban County Cities and unincorporated Orange County. The total population of the communities included in the *Regional AI* is almost 2,700,000 persons. The housing stock is comprised of about 873,600 housing units. The Profile contains information on the following:

- Population and Housing Characteristics
- Population Growth in Orange County
- Population Characteristics of the Protected Classes
- Household Income Characteristics

Three Technical Appendices include the detailed tables referenced in Section 4:

- Technical Appendix A – Fair Housing Community Profile
- Technical Appendix B – Minority Population by Census Tract

- Technical Appendix C – Low Income Population by Census Tract and Block Group

B. POPULATION AND HOUSING CHARACTERISTICS

1. Population

a. 2010 Population

Table A-1 in Technical Appendix A shows that the 2010 population of the Entitlement Cities is almost 2,105,300 persons. Santa Ana (357,754) and Anaheim (353,643) have the largest populations of the 14 Entitlement Cities. Five cities have populations between 138,610 and 217,686 (Fullerton, Garden Grove, Orange, Irvine and Huntington Beach). Seven cities have populations ranging between 58,741 and 94,294.

Table A-1 in Technical Appendix A also shows that the vast majority of people live in households; only a few people (1.6%) live in group quarters. The average household sizes range from a low of 2.21 (Newport Beach) to a high of 4.74 (Santa Ana).

Table A-2 in Technical Appendix A shows that the 2010 population of the Urban County is almost 594,000 persons. The unincorporated area comprises one-fifth (20.2%) of the total Urban County population. Of the 14 cities in the Urban County, two have populations of more than 50,000 (Placentia, Yorba Linda) and 12 have populations of less than 50,000.

Table A-2 in Technical Appendix A shows that 99.2% of the Urban County population lives in households. The average household sizes range from a low of 1.47 (Laguna Woods) to a high of 3.58 (Stanton).

Attachment A on pages A-28 and A-29 contains definitions of population related terms.

b. Population Growth Trends

Table A-3 in Technical Appendix A shows that during the 10-year period between the April 1990 and April 2000 Censuses, about 266,200 persons were added to the populations of 13 of the 14 Entitlement Cities. The City of Lake Forest was unincorporated in 1990. Additionally, the City of Rancho Santa Margarita was a Census Division Place (CDP) and not an incorporated city at the time of the 1990 Census. Thus, 1990 data for this city is based on the CDP population.

Table A-3 in Technical Appendix A indicates that almost 230,450 persons were added to the populations of the Entitlement Cities between the April 2000 Census and January 1, 2010. The largest *numerical gains* between 2000 and 2010 were experienced in Irvine (74,614), Anaheim (25,269) and Lake Forest (20,013). In fact, these three cities accounted for 52% of the total population growth of the 14 Entitlement Cities. In the same period, the highest population growth *rates* occurred in Irvine (52%), Lake Forest (34%), and Newport Beach (24%). The Newport Beach growth rate was not due to the occupancy of newly built housing, but rather to the annexation of the existing communities of Del Mar and Santa Ana Heights.

Table A-4 in Technical Appendix A shows the growth trends for the Urban County. As of January 1, 2010, the Urban County population was almost 594,000 persons.

Three of the 14 Urban County Cities were unincorporated at the time of the 1990 Census (Aliso Viejo, Laguna Hills and Laguna Woods). Only Aliso Viejo was unincorporated when the Census 2000 was taken. Table A-4 shows that the highest numerical population increases for the 11 cities incorporated at the time of the 1990 and 2000 Censuses occurred in Stanton (6,912), Yorba Linda (6,496) and Placentia (5,229). These cities also had the highest percentage increases at 22.7%, 12.4% and 12.7% respectively. Between the April 2000 Census and January 2010, the highest numerical and percentage changes in population occurred in Yorba Linda (10,355, 17.6%), Placentia (5,817, 12.5%), Brea (4,967, 14.0%) and Laguna Hills (3,702, 12.4%).

2. Housing Characteristics

a. 2010 Housing Supply

Table A-5 in Technical Appendix A shows that as of January 2010 the housing supply of the Entitlement Cities was about 655,450 housing units. The cities of Anaheim (103,242), Irvine (81,011), Huntington Beach (78,060), and Santa Ana (75,943) have the largest housing stocks. Single-family detached dwellings comprise slightly less than one half (48%) of housing units for the 14 Entitlement Cities. However, in nine of the 14 Entitlement Cities single family detached homes comprise the majority of the housing stock. The lowest percentage of single family detached homes occurred in Irvine (35%) while Fountain Valley had the highest (66%)

Table A-6 in Technical Appendix A shows that the Urban County's housing stock is comprised of about 218,160 dwelling units. Of the incorporated cities, Yorba Linda (22,103) and Aliso Viejo (18,207) have the largest housing supplies among the Urban County Cities. Unincorporated Orange County has about 38,500 housing units.

b. Housing Growth Trends

Lake Forest was unincorporated at the time of the 1990 Census. Regarding the remaining 13 incorporated cities, Table A-7 in Technical Appendix A shows that between 1990 and 2000 almost 43,800 housing units were added to housing stock of those cities. Irvine, by far, had the highest housing growth, adding 11,490 (27.2%) dwellings between 1990 and 2000. Between the April 2000 Census and January 1, 2010, the cities of Irvine (27,300, 33.7%), Newport Beach (6,227, 14.3%) and Lake Forest (5,898, 22.4%) had the largest increases in the housing stock. Rancho Santa Margarita had an increase of some 234%; however, it must be noted that it was a Census Division Place and not an incorporated city at the time of the 1990 Census

Changing boundaries and incorporations make trend analysis difficult. However, the 2010 housing supply estimate for the Urban County is 218,158 dwellings. Between the 1990 and 2000 censuses, two cities (Yorba Linda and Placentia) had growth rates above 10%. From the April 2000 Census to January 1, 2010 only Yorba Linda had a growth rate over 10%.

Yorba Linda has the largest housing stock at 22,103 units, while Villa Park has the smallest at 2,023. Single-family detached homes comprise about 55.6% of the housing stock in the 14 Urban County cities and the unincorporated area of Orange County. However, on a city-by-city basis it varies widely. Only about 5% of the housing stock in Laguna Woods is comprised of single family detached units. On the other hand, nearly 99% of Villa Park's housing stock is single family detached dwellings.

Table A-8 in Technical Appendix A provides the more detailed data.

Attachment A on page A-28 contains definitions of housing related terms.

c. Vacancy Rates

Vacancy rates reflect the supply/demand conditions that are unique to each community. Irvine has a 4.52% vacancy rate, which may be due to a significant portion (40%) of its housing stock comprised of multiple family (5+ units) and unsold housing inventory. Newport Beach has a high vacancy rate at 10.87%. This may be due to 24% of its stock being comprised of multiple family units in addition to vacation, second home and seasonal use of the housing stock.

Some of the higher vacancy rates of Urban County communities reflect beach and retirement communities. Four cities, for instance, have higher than average vacancy rates: Laguna Beach, 11.2%; Seal Beach, 8.2%; Dana Point, 7.8%; and Laguna Woods, 7.6%.

C. POPULATION GROWTH IN ORANGE COUNTY

1. Population by Race and Ethnicity

The racial and ethnic composition of Orange County's population has been experiencing dramatic change for the past 40 years but has recently passed a major milestone. In 2000, Whites accounted for more than 50% of Orange County's population. By 2007, the White population accounted for 43.6% of Orange County's population and it is now a minority-majority county. Orange County's Hispanic population has now passed the one-million mark and has grown from 30.9% of the population to 35% of the population. The Asian population has also experienced rapid growth. In 2000, the Asian population stood at 395,994 representing 13.8 % of Orange County's population and in 2007 reached 520,401 representing 16.8% of the county's population. Both the Black population and those classified as "All Other Races" have experienced some growth since 2000. Refer to Table 4-1.

Table 4-1
Orange County Population by Race and Ethnicity – 2000 and 2007

Race/Ethnicity	2000		2007	
	Number	Percent	Number	Percent
Asian	395,994	13.8%	520,401	16.8%
Black	44,191	1.5%	50,556	1.6%
Hispanic	885,377	30.9%	1,084,628	35.0%
White	1,475,045	51.5%	1,348,422	43.6%
All Other Races	62,761	2.2%	90,865	2.9%
Total	2,863,368	100.0%	3,094,872	100.0%

Source: California State Department of Finance
Table construction by Castañeda & Associates

Population change is the result of three factors: births, deaths, and migration. The White population in Orange County has decreased since 2000, because the number of births just slightly exceeded number of deaths by approximately 3,000, while at the same time, the number

of Whites moving out of Orange County exceeded the number of Whites moving into Orange County by 129,805. The net result was that the White population declined by 126,623.

On the other hand, the Hispanic population grew by 157,266 due to births and another 55,144 due to migration, while the total number of deaths was 13,159. The net result was that the Hispanic population grew by nearly 200,000 persons between 2000 and 2007. The pattern of growth for Asians is somewhat different than it is for Hispanics. Migration is the major factor for Asian population increase, while births are the major factor for Hispanic population increase. Between 2000 and 2007, the Asian population grew by 95,388 due to migration, while it added just fewer than 30,000 persons through natural increase (births minus deaths). Refer to Table 4-2.

Table 4-2
Components of Population Change
By Race and Ethnicity – 2000 and 2007

Race/Ethnicity	Births	Deaths	Net-Migration	Net Change
Asian	38,610	9,591	95,388	124,407
Black	2,505	1,459	5,319	6,365
Hispanic	157,266	13,159	55,144	199,251
White	96,375	93,193	-129,805	-126,623
All Other Races	19,058	773	9,799	28,084
Total	313,814	118,175	35,845	231,484

Source: California State Department of Finance
Table construction by Castañeda & Associates

2. Projected Population

As Orange County's remaining developable land is consumed, the level of growth will moderate each decade. However, some of the demographic trends that have marked the first decade of the twenty-first century will continue. The Hispanic population will nearly double by 2030 from 2000. Between 2010 and 2020 it will surpass the size of the White population and will be the largest population group in the county. The same factors that have marked change from 2000 to 2007 will also influence the change in the Hispanic population. Even though the Hispanic fertility will decline, numerically higher levels of births will increase the population while migration will play a significant role, but a secondary role, in its growth.

The Asian population will also experience significant growth between 2000 and 2030, adding 283,656 persons to its population. Migration will play a larger role than fertility. The fertility rates of Asians have been diverse depending on the Asian group. It is anticipated that rates for those groups with higher fertility rates presently will decline. Thus, the number of Asian births is also expected to decline. Refer to Table 4-3 on the next page.

Continued declines for the White population can be attributed to the overall aging of the White population. First of all, the number of persons in child bearing ages will decline. Even with constant fertility rates, the number of births will decline. Second of all, the overall level of mortality will rise as the population gets older. Whites are also expected to experience a net out-migration, thus resulting in further declines in their population.

**Table 4-3
Orange County
Population and Race Projections
2000 to 2030**

Year	Total	Asian	Black	Hispanic	White	All Other Races
2000	2,863,834	395,994	44,191	885,377	1,475,045	62,761
2010	3,227,836	517,787	44,873	1,158,270	1,419,887	87,019
2020	3,520,265	616,929	43,893	1,465,316	1,294,712	99,415
2030	3,705,322	679,650	40,410	1,765,105	1,107,029	113,128
Numerical Change	841,488	283,656	-3,781	879,728	-368,016	50,367
Percent Change	29.4%	71.6%	-8.6%	99.4%	-24.9%	80.3%

Source: State of California, Department of Finance, *Population Projections for California and Its Counties 2000-2050*, Sacramento, California, July 2007

Table construction by Castañeda & Associates

Although their impact on the population will not be as great as that of Asians, Hispanics and Whites, the Black population will decline while the population of "All Other Races" will increase. The factors that will influence the change in the White population are the same that will influence the decline in the Black population. For those classified as "All Other Races," it is births that will result in the population increase. The underlying factor will be more interracial couples having children as Orange County's population becomes more racially and ethnically diverse.

3. Housing Needs

Immigration has been and will continue to influence Orange County's population change. It is expected that most of the immigrants settling in Orange County will come from the same areas of the globe as those that now reside in the county: Asia and Central America. They will probably share similar characteristics as today's immigrants. They will be younger, have lower levels of education, have higher poverty rates, and have lower levels of English proficiency. Thus, the need for programs that assist immigrants in helping to provide safe and adequate housing will still persist, including fair housing services.

D. POPULATION CHARACTERISTICS OF THE PROTECTED CLASSES

The Fair Housing Act, 42 U.S.C. 3601 et. seq., prohibits discriminatory practices which make housing unavailable to persons because of:

- Race
- Color
- Religion
- Sex
- National Origin
- Familial Status or
- Handicap/Disability

The California Fair Employment and Housing Act (Article 2, Section 12955) makes it unlawful:

to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person.

Under the provisions of Civil Code Section 51.2 et. seq. age is a protected class.

Hence, the California law has added the following to the group of protected classes:

- Sexual Orientation
- Marital Status
- Ancestry
- Source of Income
- Age

The Unruh Civil Rights Act, California Civil Code sections 51 through 51.3, provides protection from discrimination by all business establishments in California, including housing and public accommodations. The Unruh Civil Rights Act specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, or medical condition. While the Unruh Civil Rights Act specifically lists "sex, race, color, religion, ancestry, national origin, disability, or medical condition" as protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics. The Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.

Part D presents demographic data on the following protected classes: race/color, sex, national origin/ancestry, familial status, handicap/disability, and marital status. Table 4-4 on the next page is a summary of the demographic characteristics of the protected classes. The data on the number and percentage of housing discrimination complaints is based on the five year period from 2005 through 2009 as compiled for the *Regional AI* by the State Department of Fair Employment and Housing. The housing discrimination data are discussed in more detail in Section 5.

Table 4-4
Regional Analysis of Fair Housing Impediments
Characteristics of the Protected Classes

Protected Class	Demographic Characteristics	Number of Housing Discrimination Complaints	Percent of All Housing Discrimination Complaints
Race/Color	Population of 3,119,500 in Orange County: 45.9% is White Alone; 54.1% is Minority	76 of 372	20.4%
Sex	209,600 female householders live in <i>Regional AI</i> area; 146,700 male householders live in <i>Regional AI</i> area. Estimates exclude married householders.	20 of 372	5.4%
National Origin/Ancestry	County's foreign born population is 936,000, which represents 30% of the total population. Vast majority of foreign born population is from Latin America and Asia.	53 of 372	14.2%
Familial Status	Almost 280,000 families with children live in the <i>Regional AI</i> area – almost 30% of the families (80,000) reside in Anaheim and Santa Ana.	45 of 372	12.1%
Handicap/Disability	140,000 disabled persons reside in Entitlement Cities; 7.4% of non-institutionalized population is disabled. 98,900 disabled persons live outside the Entitlement Cities; 8.1% of non-institutionalized population is disabled.	129 of 372	34.7%
Marital Status	About 339,000 married couples live in Entitlement Cities; 54% of all households. About 81,200 married couples live in Urban County Cities; 55% of all households.	15 of 372	4.0%

1. Race/Color

During the 2005 through 2009 period, race/color was the basis for 20% of all housing discrimination complaints filed by residents of the cities covered by the *Regional AI*, according to statistics compiled by the State Department of Fair Employment and Housing (DFEH). The State Department of Justice (DOJ) reports that during the 2004 through 2008 period race/ethnicity/national origin was the bias motivation in about two-thirds of all hate crime events. Hate crime events with an anti-Black and anti-Hispanic bias motivation accounted for 34.6% and 10.7% respectively of all hate crime events in California during the five-year period.

a. Race Categories and Definitions

1) *Race Categories*: The Fair Housing Act does not define race. Data on race is required for many federal programs and the Census Bureau collects race data in accordance with guidelines provided by the U.S. Office of Management and Budget (OMB) and these data are based on self-identification. The racial categories included in the census form generally reflect a *social definition* of race recognized in this country, and are not an attempt to define race biologically, anthropologically or genetically. In addition, the Census Bureau recognizes that the categories of the race item include both racial and *national origin* or socio-cultural groups. Census 2010 and the *American Community Survey* provide for six race categories:

- White Alone
- Black, African American or Negro Alone
- American Indian or Alaska Native Alone
- Asian Alone
- Native Hawaiian or Other Pacific Islander Alone
- Some Other Race Alone

Individuals who chose more than one of the six race categories are referred to as the *Two or more races* population, or as the group that reported *more than one* race. All respondents who indicated more than one race can be collapsed into the *Two or more races* category, which combined with the six *alone* categories, yields seven mutually exclusive and exhaustive categories.

Thus, the six race *alone* categories and the *Two or more races* category sum to the total population.

2) *Race Category and Hispanic Definitions*: Census 2000 adheres to the federal standards for collecting and presenting data on race and Hispanic origin as established by the Office of Management and Budget (OMB) Policy Directive No. 15 (May 12, 1977) and the revisions published in the Federal Register Notice on October 30, 1997 – Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. The OMB's efforts are to standardize the racial and ethnic categories so that federal government agencies can monitor discrimination, as required by the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Equal Credit Opportunity Act of 1974, and the Home Mortgage Disclosure Act of 1975.

Source: Victoria Hattam, "Ethnicity & the American Boundaries of Race: Rereading Directive 15," *Daedalus* – Journal of the American Academy of the Arts & Sciences, Winter 2005, pgs. 61-62.

The Census 2000 race and Hispanic definitions are given below:

White – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. It includes people who indicate their race as “White” or report entries such as Irish, German, Italian, Lebanese, Near Easterner, Arab, or Polish.

Black or African American – A person having origins in any of the Black racial groups of Africa. It includes people who indicate their race as “Black, African American or Negro”, or provide written entries such as African American, Afro-American, Nigerian, or Haitian.

American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment. People who classified themselves as “American Indian or Alaska Native” were asked to report their enrolled or principal tribe.

Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. It includes “Asian Indian,” “Chinese,” “Filipino,” “Korean,” “Japanese,” “Vietnamese,” or “Other Asian.”

Native Hawaiian and Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands. It includes people who indicated their race as “Native Hawaiian,” “Guamanian or Chamorro,” “Samoaan,” and other “Pacific Islander.”

Some Other Race – Includes all other responses not included in the above race categories. Respondents providing write-in entries such as multiracial, mixed, interracial, or a Hispanic/Latino group (for example, Mexican, Puerto Rican, or Cuban) in the “Some other race” write-in space are included in this category.

According to Census 2000, the terms “Hispanic,” “Latino,” and “Spanish” are used interchangeably. Hispanic or Latino origin include people who classify themselves in one of the specific Hispanic or Latino categories listed on the Census 2000 questionnaire – “Mexican,” “Puerto Rican,” or “Cuban” – as well as those who indicate that they are of “another Hispanic, Latino, or Spanish origin.” People in the latter group include those whose origins are from Spain, the Spanish-speaking countries of Central or South America, the Dominican Republic, or people identifying themselves generally as Spanish, Spanish-American, Hispanic, Hispano, Latino, and so on.

In data collection and presentation, federal agencies are required to use a minimum of two ethnicities – “Hispanic or Latino” and “Not Hispanic or Latino.”

b. Non-Hispanic White and Minority Population Characteristics

The racial and ethnic groups comprising the “minority” populations are defined in essentially the same way by the Federal Office of Management and Budget, Department of Transportation, Federal Financial Institutions Examination Council (HMDA data), and Council on Environmental Quality (environmental justice guidelines). For instance, the FFIEC, for purposes of HMDA data collection, states that:

“...the percentage minority population means, for a particular census tract, the percentage of persons of minority races and whites of Hispanic or Latino Origin, in relation to the census tract’s total population.”

The CEQ environmental justice guidelines provide the following definition:

“Minority individuals – Individuals who are members of the following population groups: Hispanic or Latino, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, multiracial minority (two or more races, at least one of which is a minority race).”

The non-minority population is White, Non-Hispanic or Latino.

Table 4-5 shows Orange County’s 2000 and 2008 population by Hispanic/Latino and seven race categories. During the eight year period, there was a net decrease in the White alone population and this race category now comprises less than one-half (46%) of the County’s population. The Hispanic and Asian populations comprise 33.8% and 16.1% respectively of the County’s population. All other minority populations equal 4.2% of Orange County’s population.

**Table 4-5
Orange County
Population by Hispanic/Latino and Race-2000 and 2008**

Hispanic/Latino or Race	2000		Mid-Year 2008		Numerical Change	Percent Change
	Number	Percent	Number	Percent		
Hispanic or Latino (of any race)	875,579	30.8%	1,054,375	33.8%	189,209	21.6%
White alone	1,458,978	51.3%	1,431,829	45.9%	-13,009	-0.9%
Black or African American alone	42,639	1.5%	49,911	1.6%	7,765	18.2%
American Indian and Alaska Native alone	8,414	0.3%	9,358	0.3%	1,037	12.3%
Asian alone	383,810	13.5%	502,232	16.1%	123,382	32.1%
Native Hawaiian and Other Pacific Islander alone	8,086	0.3%	9,358	0.3%	1,365	16.9%
Some other race alone	4,525	0.2%	9,358	0.3%	4,926	108.9%
Two or more races	64,258	2.3%	53,031	1.7%	-10,704	-16.7%
Total	2,846,289	100.0%	3,119,452	100.0%	303,970	10.7%

Note: The mid-year number is derived from applying the ACS 1-Year Estimates to an average of the total population numbers from California Department of Finance (DOF) for January 1, 2008 and January 1, 2009

Source: *American Community Survey 1-Year Estimate, 2008: Select Demographic Characteristics*. Census 2000, Summary File 1, Table P4 Hispanic or Latino by Race, Not Hispanic or Latino

Table construction by Castañeda & Associates

Between 2000 and 2008, Orange County’s population increased by nearly 304,000 people. Two population groups accounted for most of the growth: Hispanic or Latino of any race (189,209) and Asian alone (123,382).

c. Hispanic Population Growth Trends

According to the State Department of Finance, the Hispanic share of Orange County's total population increased from 30.9% in 2000 to 35% in 2007. The *American Community Survey* estimates that the Hispanic population comprised 33.8% of the County's population in 2008. The Hispanic population will nearly double by 2030 from the 2000 level. Between 2010 and 2020 it will surpass the size of the White alone population and will be the majority population group in the county.

Entitlement Cities vary greatly in terms of growth trends and their 2008 racial and ethnic compositions. Table A-9 in Technical Appendix A provides the following information:

- Population by race and Hispanic or Latino in 2000 and 2008
- Percentage of the total population by race and Hispanic or Latino in 2000 and 2008
- Numerical change by race and Hispanic or Latino in 2000 and 2008
- Percentage change by race and Hispanic or Latino in 2000 and 2008

The Entitlement Cities with the largest Hispanic populations are noted below:

<u>City</u>	<u>Hispanic Population Total</u>	<u>Percent of Total City Population</u>
Santa Ana	284,234	80.5%
Anaheim	187,122	54.0%
Garden Grove	69,476	40.1%
Orange	56,037	39.8%
Fullerton	44,988	32.8%

Table A-10 in Technical Appendix A contains Hispanic population data for the Urban County Cities. The Urban County Cities with the largest Hispanic populations are noted below:

<u>City</u>	<u>Hispanic Population Total</u>	<u>Percent of Total City Population</u>
Stanton	19,743	50.3%
Placentia	19,664	38.1%

d. Asian Population Growth Trends

The Asian population will experience significant growth between 2000 and 2030, adding 283,656 persons to its population. Migration will play a larger role in population growth than fertility. The Entitlement Cities with the largest Asian populations are listed below and on the next page.

<u>City</u>	<u>Asian Population Total</u>	<u>Percent of Total City Population</u>
Irvine	75,844	36.1%
Garden Grove	58,215	33.6%
Anaheim	46,087	13.3%

<u>City</u>	<u>Asian Population Total</u>	<u>Percent of Total City Population</u>
Westminster	38,112	41.0%
Fullerton	29,489	21.5%
Santa Ana	29,306	8.3%

Table A-10 in Technical Appendix A contains Asian population data for the Urban County Cities. The Urban County Cities with the largest Asian populations are noted below:

<u>City</u>	<u>Asian Population Total</u>	<u>Percent of Total City Population</u>
Cypress	13,842	28.0%
Yorba Linda	9,390	13.8%
Stanton	8,007	20.4%

e. Black Population Growth Trends

Between 2000 and 2007 Orange County's Black population increased by nearly 6,400 persons. However, this population group is projected to decrease by almost 3,800 persons between 2000 and 2030. The population decline will be due to fewer births, higher mortality and net out-migration from the County.

The Entitlement Cities with the largest Black populations are noted below:

<u>City</u>	<u>Black Population Total</u>	<u>Percent of Total City Population</u>
Anaheim	10,049	2.9%
Fullerton	5,486	4.0%
Santa Ana	3,885	1.1%

Table A-10 in Technical Appendix A contains Black population data for the Urban County Cities. The Urban County Cities with a Black population of more than 1,000 persons include Aliso Viejo, Cypress, Stanton and Yorba Linda.

f. Areas of Minority Population Concentrations

Census 2010 and 2008 *American Community Survey* data are unavailable at the census tract level. Thus, Technical Appendix B presents the race and ethnicity of the population residing in the Entitlement Cities and Urban County's 252 census tracts based on Census 2000 data. In 2000, "minority" persons comprised 45.3% of the County's population. The census tracts were grouped according to five intervals:

- 0.0-20.0%
- 20.1-45.3%
- 45.4-60.0%
- 60.1-80.0%
- 80.1-100.0%

Table 4-6 shows that 64 census tracts had "minority" population percentages greater than 80%. Thirty-seven of the 64 census tracts are located in Santa Ana. Anaheim had 11 census tracts and Garden Grove had four census tracts exceeding the 80% threshold. Therefore, just over four-fifths of the census tracts with "high" minority population concentrations are located in these three large cities of Orange County.

Ten of the 64 census tracts are split tracts – that is, the tract boundaries are located in two cities. Three of the 10 split tracts are located in Santa Ana/Garden Grove. Table 4-7 lists the 10 split census tracts and the population living in each city.

Ninety-four census tracts had "minority" population percentages ranging between 60% and 80%. Twenty of the census tracts are located in Anaheim and 13 are located in Garden Grove. Santa Ana and Westminster each have eight census tracts with minority populations ranging between 60% and 80%. Forty-five census tracts are located in other Orange County cities.

Table 4-6
Regional Analysis of Fair Housing Impediments
Areas of Minority Population Concentrations
Number of Census Tracts by City/Area - 2000

City/Area	Census Tract Minority Population Percentages	
	80.1%-100.0%	60.1%-80.0%
Santa Ana	37	8
Anaheim	11	20
Garden Grove	4	13
Santa Ana/Garden Grove	3	1
Stanton	1	2
Buena Park	1	4
Santa Ana/Tustin	1	0
Santa Ana/Fountain Valley	1	0
Anaheim/Placentia	1	1
Anaheim/Stanton	1	1
Anaheim/Fullerton	1	0
Garden Grove/Westminster	1	1
La Habra/Unincorporated	1	0
Fullerton	0	6
Westminster	0	8
La Habra	0	4
La Palma	0	2
Orange	0	3
Irvine	0	1
Huntington Beach	0	1
Seal Beach	0	1
Cypress	0	1
Placentia	0	1
Other ¹	0	15
Total Census Tracts	64	94

¹Includes split Census Tracts between two and three jurisdictions.

Source: Technical Appendix B

Table construction by Castañeda & Associates

Table 4-7
Regional Analysis of Fair Housing Impediments
List and Characteristics of Split Census Tracts
With 80.1%+ Minority Population

Census Tract	City	Total Population	Percent Minority
744.07	Santa Ana	3,822	98.56%
	Tustin	3,865	98.52%
	Total	7,687	92.55%
117.2	Placentia	5,339	93.73%
	Anaheim	2,196	89.66%
	Total	7,535	92.54%
891.04	Garden Grove	3,687	93.38%
	Santa Ana	2,387	91.41%
	Total	6,074	92.31%
12.01	La Habra	7,974	80.76%
	County	397	91.44%
	Total	8,371	81.55%
889.03	Garden Grove	6,656	84.84%
	Santa Ana	1,938	88.85%
	Total	8,594	85.75%
878.03	Stanton	4,821	88.76%
	Anaheim	1,621	80.26%
	Total	6,442	86.62%
116.02	Fullerton	3,306	86.48%
	Anaheim	2,456	77.89%
	Total	5,762	82.82%
992.02	Santa Ana	7,232	85.26%
	Fountain Valley	885	62.03%
	Total	8,117	82.23%
889.04	Westminster	5,142	82.52%
	Garden Grove	667	78.41%
	Total	5,809	82.05%
891.02	Garden Grove	4,418	82.01%
	Santa Ana	2,536	80.80%
	Total	6,954	81.56%

Source: California Department of Finance, Demographic Research Unit, Census 2000, Summary File 1, Population by Race/Ethnicity for Split Tracts in Orange County
Table construction by Castañeda & Associates

2. Sex (of Householder)

In the sale and rental of housing, fair housing laws protect several “classes” from discrimination. State and federal fair housing laws prohibit discrimination based a person’s based sex.

During the 2005 through 2009 period, “sex” was the basis for 5% of all housing discrimination complaints filed by residents of the cities covered by the *Regional AI*, according to statistics provided by the State DFEH to the FHCOC. The State DOJ reports that during the 2004 to 2008 period, “gender” was the bias motivation of 1.2% of all hate crime events. The DOJ also reports that “sexual orientation” was the bias motivation of 18.9% of all hate crime events.

In Technical Appendix A, Tables A-11 and A-12 present estimates of the sex of householders for the Entitlement Cities and Urban County Cities. The estimates in the two tables are for:

- *Married-couple family.* This category includes a family in which the householder and his or her spouse are enumerated as members of the same household.
- *Male householder, no wife present.* This category includes a family with a male maintaining a household with no wife of the householder present.
- *Female householder, no husband present.* This category includes a family with a female maintaining a household with no husband of the householder present.
- *Nonfamily household.* This category includes a householder living alone or with nonrelatives only.

The above are Census 2000 definitions of each household type.

Table 4-8 on the next page summarizes male and female householders for the Entitlement Cities and Urban County Cities. The counts *exclude* married couple families as homes are typically owned or rented in both spouses’ names. The number of non-family householders – those who live alone or with nonrelatives – exceeds the number of family householders. The sex of the non-family householders was based on the Census 2000 ratios of 46% male and 54% female.

Excluding married couples, there are an estimated 356,300 householders of which 59% (209,610) are female and 41% (146,709) are male. Female non-family householders – living alone or with nonrelatives - comprise about one-third of all householders.

In Table 4-8, the Urban County numbers are only for the cities that have *American Community Survey* data and exclude the cities of Laguna Woods, La Palma, Los Alamitos and Villa Park all of which have populations of less than 20,000. The *American Community Survey* 3-Year estimates are available for cities having populations between 20,000 and 65,000 persons. *American Community Survey* data for cities with populations of less than 20,000 should be available in late 2010 or early 2011.

Table 4-8
Regional Analysis of Fair Housing Impediments
Estimated Sex of Householder – 2008

Location/Household Type	Male	Female	Total
Entitlement Cities			
Family	38,453	76,553	115,006
Non-Family	81,232	93,836	175,068
Sub-Total	119,685	170,389	290,074
Urban County			
Family	5,654	14,535	20,189
Non-Family	21,370	24,686	46,056
Sub-Total	27,024	39,221	66,245
Total	146,709	209,610	356,319

Source: Technical Appendix A, Tables A-11 and A-12
Table construction by Castañeda & Associates

The United States Department of Justice has stated:

The Fair Housing Act makes it unlawful to discriminate in housing on the basis of sex. In recent years, the Department's focus in this area has been to challenge sexual harassment in housing. Women, particularly those who are poor, and with limited housing options, often have little recourse but to tolerate the humiliation and degradation of sexual harassment or risk having their families and themselves removed from their homes.

In addition, pricing discrimination in mortgage lending may also adversely affect women, particularly minority women. This type of discrimination is unlawful under both the Fair Housing Act and the Equal Credit Opportunity Act.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, pages 2 and 3

During the 2005-2009 period, harassment accounted for 15.9% of all alleged housing discriminatory acts in the jurisdictions covered by the *Regional AI*.

3. National Origin/Ancestry

The Fair Housing Act and California Fair Employment and Housing Act prohibit discrimination based upon national origin. According to the United States Department of Justice, such discrimination can be based either upon the country of an individual's birth or where his or her ancestors originated. During the 2005 through 2009 period, "national origin" was the basis for 14% of all housing discrimination complaints filed by residents of the cities covered by the *Regional AI*, according to statistics provided by the State DFEH. The DFEH data reveal that the national origin housing discrimination complaints included 16 countries; for instance, anti-South Korea or anti-Romania. However, anti-Mexico accounted for 58% of all national origin housing discrimination complaints.

Table 4-9 shows that the vast majority (70%) of the county's population was born in the United States, Puerto Rico, a United States Island Area or abroad to American parents. Thus, 30% of the county's inhabitants are foreign-born. Orange County's foreign born population totals almost 936,000 people. The largest portions of the foreign-born population come from Latin America or Asia, which together account for more than 90% of the foreign-born population.

Table 4-9
Orange County: Place of Birth and National Origin – 2008

Place of Birth/National Origin	Number	Percent
Born in the United States	2,152,421	69.0%
Born in Puerto Rico, U.S. Island Area or Born Abroad to American Parent(s)	31,195	1.0%
Foreign Born		
Europe	53,031	1.7%
Asia	380,573	12.2%
Africa	12,478	0.4%
Oceania	3,119	0.1%
Latin America	474,157	15.2%
North America	12,478	0.4%
Subtotal	935,836	30.0%
Total	3,119,452	100.0%

Source: 2008 *American Community Survey* 1-Year Estimates Selected Social Characteristics. Midpoint of 2008 and 2009 California Department of Finance (DOF) Population Estimates
Table construction by Castañeda & Associates

Data on a city-by-city basis is limited from the *American Community Survey*. However, data was available for three of the Entitlement Cities (Anaheim, Huntington Beach and Irvine). These three cities have a total foreign-born population of 231,148 persons. Table 4-10 shows that Irvine has nearly 15% of the population that was born in Asia. Anaheim has about 18% of the population that was born in Latin America.

Table 4-10
**Orange County: City Residence of
Foreign Born Population from Asia and Latin American – 2008**

Location	Total Population	Total Foreign Born	Percent of the County	Born in Asia	Percent of the County	Born in Latin America	Percent of the County
Anaheim	346,908	128,628	13.7%	33,983	8.9%	86,702	18.3%
Huntington Beach	201,804	31,445	3.4%	16,047	4.2%	7,845	1.7%
Irvine	210,321	71,075	7.6%	56,391	14.8%	5,104	1.1%
Other	2,360,419	704,688	75.3%	274,152	72.1%	374,506	78.9%
Orange County Total	3,119,452	935,836	100.0%	380,573	100.0%	474,157	15.1%

Source: 2008 *American Community Survey* 1-Year Estimates Selected Social Characteristics for Anaheim, Huntington Beach, Irvine and Orange County. Midpoint of 2008 and 2009 California Department of Finance (DOF) Population Estimates
Table construction by Castañeda & Associates

4. Familial Status

The Fair Housing Amendments Act of 1988 prohibits discriminatory housing practices based on familial status. In most instances, according to the United States Department of Justice, the Act prohibits a housing provider from refusing to rent or sell to families with children. However, housing may be designated as Housing for Older Persons (55 years + of age). This type of housing, which meets the standards set forth in the Housing for Older Persons Act of 1995, may operate as “senior housing” and exclude families with children.

The Act protects families with children less than 18 years of age, pregnant women, or families in the process of securing custody of a child under 18 years of age. The Department of Justice has stated:

In addition to prohibiting the outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants with children. For example, landlords may not locate families with children in any single portion of a complex, place an unreasonable restriction on the number of persons who may reside in a dwelling, or limit their access to recreational services provided to other tenants.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, page 3

In Orange County, complaints filed on the bases of familial status comprise 12% of all complaints filed with the State DFEH during the 2005-2009 period.

Numerically speaking, families with children are a large fair housing protected class. The Entitlement Cities have a combined total of 233,726 families with children. Table A-13 in Technical Appendix A shows, however, that families with children in the Entitlement Cities comprise less than one-half of all householders except in the City of Santa Ana. Stated another way, Santa Ana is the only Entitlement City where families with children comprise a majority (51.3%) of all households. Anaheim, Buena Park and Rancho Santa Margarita are the only other cities where families with children comprise 40% or more of all households.

The same pattern is true for the Urban County communities, as Table A-14 in Technical Appendix A shows. For the cities where data is available, none have families with children comprising more than 40% of all households. In fact, two cities, Laguna Beach and Seal Beach, have very low percentages of families with children with 17.2% and 11.8% respectively.

Overall, in the area covered by the *Regional AI* there are an estimated 279,917 families with children:

- Entitlement Cities 233,726
- Urban County* 46,191

*Excludes the cities of Laguna Woods, La Palma, Los Alamitos and Villa Park

Anaheim and Santa Ana are home to almost 30% of all the families with children living in the combined area of the Entitlement Cities and Urban County Cities.

There are nearly 39,400 and 7,200 female householders with children residing in the Entitlement Cities and Urban County Cities, respectively. Tables A-15 and A-16 in Technical Appendix A show that female householders with children less than 18 years of age experience high poverty rates. Many of these householders will have difficulty finding adequate housing not only because of their poverty incomes but also due to housing discrimination against women and/or families with children.

5. Handicap/Disability

a. Background

The Fair Housing Amendments Act of 1988 prohibits discriminatory housing practices based on handicap/disability status in all types of housing transactions. Among other prohibitions, the Act is intended to prohibit the application of special restrictive covenants and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice. Fair housing laws, therefore, make it illegal to deny a housing opportunity on the basis of disabilities.

In addition, the law prohibits applying one standard to one class of individuals while applying a different standard to another class of individuals. For example, it would be illegal to ask a disabled individual applying for an apartment to provide a credit report if non-disabled applicants did not have to provide one.

In Orange County, complaints filed on the bases of disability status comprise 35% of all complaints filed with the State DFEH. A physical or mental disability bias motivation accounted for 0.2% of all hate crime events in California in 2008, according to the State DOJ.

Housing opportunities for disabled persons are impeded by practices in both the private and public sectors. For instance, "denied reasonable modification/accommodation" comprise 18.9% of the alleged acts cited in housing discrimination complaints. Additionally, apartment rental ads often state "no pets allowed," even though disabled persons may have service or companion animals. In the public sector, housing opportunities can be impeded because a city has not adopted a reasonable accommodation procedure, or if adopted has not made the procedure widely known in the community.

The United States Department of Justice has indicated a major focus of its efforts is on public sector impediments that may restrict housing opportunities for disabled persons. The Department has stated:

The Division's enforcement of the Fair Housing Act's protections for persons with disabilities has concentrated on two major areas. One is insuring that zoning and other regulations concerning land use are not employed to hinder the residential choices of these individuals, including unnecessarily restricting communal, or congregate, residential arrangements, such as group homes. The second area is insuring that newly constructed multifamily housing is built in accordance with the Fair Housing Act's accessibility requirements so that it is accessible to and usable by people with disabilities, and, in particular, those who use wheelchairs.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, page 4

b. Disability Defined

The disabled are defined as persons with a physical or mental impairment which substantially limits one or more of such person's major life activities. People who have a history of, or are regarded, as having a physical or mental impairment that substantially limits one or more major life activities, are also covered by fair housing laws. It should be noted that California law does not include the term "substantially" with regard to "major life activities" and "impairments."

Major life activities include, but are not limited, to:

- Caring for one's self
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Working
- Performing manual tasks
- Learning

Some examples of impairments, which may substantially limit major life activities, even with the help of medication or aids/devices, include, but are not limited, to:

- AIDS
- Alcoholism
- Blindness or visual impairment
- Cancer
- Deafness or hearing impairment
- Diabetes
- Drug addiction
- Heart disease
- Mental illness
- Paraplegia
- Multiple sclerosis

c. Disabled Population Estimates

The *2008 American Community Survey* asks questions regarding six types of disability:

- Hearing disability
- Vision disability
- Cognitive disability
- Mobility disability
- Self-care disability
- Independent living disability

The ACS disability questions differ from the Census 2000 and therefore cannot be compared to the decennial census results. In effect, the ACS data provide a benchmark for comparisons in the future. Data on disability status are available for all of Orange County and 11 of the 14 Entitlement Cities. However, no data are available for any of the Urban County Cities.

There are an estimated 238,900 disabled persons among Orange County's non-institutionalized population. The disability prevalence rate for the entire Orange County area is 7.7%, according to the 2008 *American Community Survey*.

Table 4-11 shows the disability status for 11 of the 14 Entitlement Cities participating in the *Regional AI*. According to the 2008 ACS estimates, there are almost 140,000 disabled persons residing in the 11 Entitlement Cities. The overall disability prevalence rate was 7.4%. Buena Park and Westminster had significantly higher rates at 11.1% and 11.8% respectively.

Based on the data in the preceding two paragraphs, it can be estimated that there are about 98,900 (238,900 minus 140,000) disabled persons residing in areas outside the boundaries of the 11 Entitlement Cities. The disability rate for areas outside the Entitlement Cities is 8.1%.

Table 4-11
Regional Analysis of Fair Housing Impediments
Disabled Population for Entitlement Cities - 2008

City	Non-Institutionalized Population¹	Disability Rate²	Number Disabled
Anaheim	345,618	7.9%	27,304
Buena Park	82,576	11.1%	9,166
Fountain Valley	57,322	NA	NA
Fullerton	136,282	7.0%	9,540
Garden Grove	172,737	9.1%	15,719
Huntington Beach	201,308	7.8%	15,702
Irvine	210,201	5.3%	11,141
La Habra	61,943	NA	NA
Lake Forest	77,602	6.0%	4,656
Newport Beach	84,815	5.2%	4,410
Orange	137,571	7.0%	9,630
Rancho Santa Margarita	49,435	NA	NA
Santa Ana	350,095	6.2%	21,706
Westminster	92,758	11.8%	10,945
Total ³	1,891,563	7.4%	139,919

N/A means disability data are unavailable for these three cities.

¹Non-Institutionalized population is calculated from Census 2000 Summary File 1 (SF1), Table PCT16 "Group Quarters Population"

²Disability rate is from 2008 *American Community Survey* (ACS), Select Social Characteristics.

³Totals are for the cities where data are available and percentages are based on the total for known cities

Source: Census 2000, Summary File 1 (SF1), Table PCT Group Quarters Population.
2008 *American Community Survey* (ACS) 1-Year Estimates, Select Social Characteristics
State of California, Department of Finance, Demographic Research Unit, City and County Summary Report of Population and Housing -- Report E-5, January 1, 2008 and January 1, 2009

Table construction by Castañeda & Associates

During the 2005 through 2009 period, “disability” was the basis for 35% of all housing discrimination complaints filed by residents of the jurisdictions covered by the *Regional AI*. Therefore, disabled persons represent a much larger share of complainants than of the general population. This may be due to a greater understanding by disabled persons of their fair housing rights than other protected classes.

6. Marital Status

California’s fair housing law prohibits housing discrimination on the basis of marital status. This basis refers to whether a person is married or not. The U.S. Census Bureau has four major “marital status” categories: never married, married, widowed, and divorced. These terms refer to the marital status at the time of the enumeration. A married couple includes a family in which the householder and his or her spouse are enumerated as members of the same household. The DFEH reports that 4% of the cases filed were discrimination complaints based marital status.

Table A-17 in Technical Appendix A shows that there are about 339,000 married couples residing in the Entitlement Cities, or about 54% of all households. Married couples comprise a majority of all households in 13 of the 14 Entitlement Cities. In Newport Beach less than 50% of the City’s households are married. In Fountain Valley and Rancho Santa Margarita more than 60% of all households are married couples.

Table A-18 in Technical Appendix A shows that there are about 81,200 married couples living in the Urban County Cities, or 55% of all households. Married couples are the majority of all households in eight of the 10 cities for which data are available. Married couples comprise more than 70% of all households residing in Yorba Linda and more than 60% of all households having a home in Cypress and Laguna Hills. Married couples comprise less than one-half of all households in Laguna Beach and Seal Beach.

E. HOUSEHOLD INCOME CHARACTERISTICS

‘Fair housing choice’, according to HUD, means the ability of persons of *similar income levels* regardless of race, color, religion, sex, national origin, handicap and familial status to have available to them the same housing choices. [emphasis added] This means, for instance, that households of different races but with similar income levels should have available to them the same housing choices. Another example is that female householders, male householders and married couples with similar income levels should have available to them the same housing choices. A housing market that treats female and male householders with incomes of \$60,000 *differently* would not be providing fair housing choice.

1. Median Household Income

According to Census 2000, the median household income is based on the total number of households including those with no income. The median divides the income distribution in two equal parts – one-half of the cases falling below the median and one-half above the median.

Table 4-12 on the next page shows the median household income for the following householders for each Entitlement City:

- Black or African American Alone Householder
- American Indian and Alaska Native Alone Householder
- Asian Alone Householder
- Native Hawaiian and Other Pacific Islander Alone Householder
- Some Other Race Alone Householder
- Two or More Races Householder
- Hispanic or Latino Householder
- White Alone, Not Hispanic or Latino Householder
- All Householders

The entries in Table 4-12 show that the Entitlement Cities differ from one another. The general patterns are:

- Non-Hispanic White households generally have among the highest median household income, generally ranking first, second or third among the various jurisdictions.
- The Asian population usually has slightly lower medians than the Non-Hispanic White householders, but typically rank first, second or third in the various cities.
- The householders with the lowest median incomes are the Black or African American householders and Hispanic householders.
- The Hispanic householders typically have incomes slightly higher than the Black/African American householders.

Table 4-13 on page 4-26 shows the median household income for the Urban County Cities. The general patterns are:

- On the whole, the median incomes of each racial/ethnic category are higher in the Urban County as compared to the Entitlement Cities.
- The relative ranks of each race/ethnic category show more variation than among the Entitlement Cities. For instance, the Non Hispanic White householders rank the highest in only two of the 14 jurisdictions. The Asian and Black/African American householders rank among the highest median income householders in most communities.
- The median income of Hispanic householders is generally higher in the Urban County compared to the Entitlement Cities.
- Cities with a large percentage of retirees, such as Laguna Woods and Seal Beach, have comparatively low median household incomes.

Table 4-12
Regional Analysis of Fair Housing Impediments
Median Household Income in 1999 Dollars by Race/Ethnicity of Householder
Entitlement Cities – 2000

Entitlement City	BAA	AI/AN	Asian	NHOPI	SOR	TOMR	Hispanic	White	All HH
Anaheim	39,335	48,750	52,343	53,750	39,272	41,675	39,430	53,056	47,122
Buena Park	41,418	45,625	56,171	79,355	43,750	45,114	43,984	52,048	50,336
Fountain Valley	39,432	66,705	66,066	51,563	56,033	51,734	62,026	72,056	69,734
Fullerton	36,000	49,167	50,817	85,643	39,991	40,030	41,587	54,359	50,269
Garden Grove	45,966	38,819	44,111	41,111	44,169	45,338	44,080	52,260	47,754
Huntington Beach	57,656	65,852	66,077	43,594	50,979	53,113	53,111	66,377	64,824
Irvine	52,443	69,125	67,246	54,444	51,163	53,156	62,616	76,742	72,057
La Habra	40,595	45,750	67,171	30,833	42,120	49,236	44,157	49,293	47,652
Lake Forest	64,732	46,618	71,094	85,124	68,438	57,656	59,633	68,949	67,967
Newport Beach	55,729	60,469	72,578	61,518	72,159	65,500	61,766	85,549	83,455
Orange	61,875	46,563	65,678	58,036	43,321	56,068	43,486	63,927	58,994
Rancho Santa Margarita	80,776	100,470	85,935	32,083	52,917	64,286	65,431	80,716	78,475
Santa Ana	47,083	39,718	47,993	44,708	41,891	42,156	41,558	48,658	43,412
Westminster	37,750	56,875	44,395	47,750	45,849	52,000	45,933	53,614	49,450

Sources: Census 2000 Summary File 3, Median Household Income (by Race/Ethnicity), Tables P152 A, B, C, D, E, F, G, H and I.
Table P53 Median Household Income in 1999 (Dollars)

Table construction by Castañeda & Associates

Notes:

BAA	Black or African American Alone Householder
AI/AN	American Indian and Alaska Native Alone Householder
Asian	Asian Alone Householder
NHOPI	Native Hawaiian and Other Pacific Islander Alone Householder
SOR	Some Other Race Alone Householder
TOMR	Two or More Races Householder
Hispanic	Hispanic or Latino Householder
White	White Alone, Not Hispanic or Latino Householder
All HH	All Households

Table 4-13
Regional Analysis of Fair Housing Impediments
Median Household Income in 1999 Dollars by Race/Ethnicity of Householder
Urban County – 2000

Urban County City	BAA	AI/AN	Asian	NHOPI	SOR	TOMR	Hispanic	White	All HH
Aliso Viejo	53,125	71,983	76,610	72,250	61,250	61,447	72,170	78,915	76,409
Brea	54,375	30,682	62,760	66,250	49,653	50,391	52,118	61,453	59,759
Cypress	65,948	85,917	66,635	29,167	52,188	54,063	55,465	65,762	64,377
Dana Point	51,083	49,519	65,278	46,810	41,042	48,594	48,368	66,584	63,043
Laguna Beach	81,947	96,916	87,409	44,792	20,924	37,969	66,923	76,239	75,808
Laguna Hills	111,382	28,125	86,682	97,467	46,450	50,978	61,055	70,630	70,234
Laguna Woods	6,250	38,750	21,359	0	49,500	22,321	37,689	30,582	30,493
La Palma	71,250	42,000	68,750	57,969	63,884	70,446	64,183	71,172	68,438
Los Alamitos	65,500	63,205	47,440	0	49,135	55,903	60,966	54,344	55,286
Placentia	41,389	42,375	72,375	11,250	43,922	63,750	48,364	69,100	62,803
Seal Beach	50,781	51,528	95,556	36,250	51,538	46,964	44,219	40,676	42,079
Stanton	44,274	12,100	45,052	60,278	37,450	33,750	36,823	40,422	39,127
Villa Park	200,000+	0	114,850	200,000+	26,250	101,435	68,092	120,361	116,203
Yorba Linda	107,474	100,827	88,532	69,453	70,156	70,833	74,728	91,303	89,593

Sources: Census 2000 Summary File 3, Median Household Income (by Race/Ethnicity), Tables P152 A, B, C, D, E, F, G, H and I. Table P53 Median Household Income in 1999 (Dollars)
Table construction by Castañeda & Associates

Notes:

BAA	Black or African American Alone Householder
AI/AN	American Indian and Alaska Native Alone Householder
AA	Asian Alone Householder
NHOPI	Native Hawaiian and Other Pacific Islander Alone Householder
SORA	Some Other Race Alone Householder
TOMR	Two or More Races Householder
Hispanic	Hispanic or Latino Householder
White	White Alone, Not Hispanic or Latino Householder
All HH	All Households

Table 4-13 shows that the Laguna Woods' Black or African American householders had a median household income of \$6,250. Although this figure seems low, Census 2000 does report that median household income for Black or African American householders living in Laguna Woods.

The last column in Tables 4-12 and 4-13 shows the median household income for all householders. The median household incomes of each racial/ethnic group can be compared to that of all householders to determine a relative ranking of each group to all households in each jurisdiction.

2. Areas of Low/Moderate Income Concentration

Census 2010 and 2008 *American Community Survey* data are unavailable at the census tract level. Thus, Technical Appendix C presents the low- and moderate-income population residing in the Entitlement Cities and Urban County's census tracts and block groups based on Census 2000 data. The census tracts/block groups were grouped according to five intervals:

- 0%-25%
- 25.1% -50%
- 50.1%-65.0%
- 65.1%-80.0%
- 80.1%-100.0%

Table 4-14 shows that within the area included in the *Regional AI*, there are 112 block groups with more than 80% of the population in the low/mod income category. Sixty percent of these block groups are located in Santa Ana (41) and in Anaheim (26).

There are 227 block groups where 65.1% to 80% of the population has low/mod incomes. Six cities have 15 or more block groups where the percentage of the population having low/mod incomes is between 65.1% and 80.0%. Again, both Santa Ana and Anaheim have the highest numbers of block groups with 56 and 44 respectively.

Technical Appendix C contains the detailed low/mod income population by census tract and block group. The income data are presented in rank order from highest to lowest percentage of low/mod income population. For example, Block Group 2 of Census Tract 746.01 ranks as the 14th highest block group with 97.7% of the population having low/moderate incomes.

Table 4-14
Regional Analysis of Fair Housing Impediments
Number of Census Tract Block Groups by City/Location and Percent Low/Mod-2000

City/Area	# of Block Groups and Percent Low/Mod	
	80.1%-100.0%	65.1%-80.0%
Anaheim	26	44
Buena Park	3	7
Fullerton	10	17
Garden Grove	9	18
La Habra	1	15
Laguna Woods	2	9
Orange	3	8
Santa Ana	41	56
Stanton	3	7
Westminster	4	11
Other Cities/Areas	9	27
Unincorporated	1	8
Total	112	227

Source: Technical Appendix C
Table construction by Castañeda & Associates

Attachment A
Definitions of Housing and Population Characteristics
And Census Boundaries

Housing Characteristics

Housing Structure: A structure is a separate building that either has open spaces on all sides or is separated from other structures by dividing walls that extend from ground to roof. In determining the number of units in a structure, all housing units, both occupied and vacant, are counted. Stores and office space are excluded. The statistics are presented for the number of housing units in structures of specified type and size, not for the number of residential buildings.

1-unit, detached: This is a 1-unit structure detached from any other house; that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A 1-unit structure that contains a business is considered detached as long as the building has open space on all four sides. Mobile homes to which one or more permanent rooms have been added or built are also included.

1-unit, attached: This is a 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

2 or more units: These are units in structures containing 2 or more housing units, further categorized as units in structures with 2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more units.

Mobile Home: Both occupied and vacant mobile homes to which no permanent rooms have been added are counted in this category. Mobile homes used only for business purposes or for extra sleeping space and mobile homes for sale on a dealer's lot, at the factory, or in storage are not counted in the housing inventory.

Boat, RV, Van, etc.: This category is for any living quarters occupied as a housing unit that does not fit in the previous categories. Examples that fit in this category are houseboats, railroad cars, campers, and vans.

Population

Group Quarters: The group quarters population includes all people not living in households. Two general categories of people in group quarters are recognized: (1) the institutionalized population and (2) the noninstitutionalized population.

Institutionalized Population: The institutionalized population includes people under formally authorized, supervised care or custody in institutions at the time of enumeration, such as correctional institutions, nursing homes, and juvenile institutions.

Noninstitutionalized Population: The noninstitutionalized population includes all people who live in group quarters other than institutions, such as college dormitories, military quarters, and group homes. Also included is staff residing at institutional group quarters.

Household: A household includes all of the people who occupy a housing unit. (People not living in households are classified as living in group quarters.) A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room occupied (or if vacant, intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other people in the building and that have direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated people who share living quarters.

In 100-percent tabulations, the count of households or householders always equals the count of occupied housing units. In sample tabulations, the numbers may differ as a result of the weighting process.

Census Boundaries

Census Tract: Designed to be relatively homogeneous units with respect to population characteristics, economic status, and living conditions at the time of establishment, census tracts average about 4,000 inhabitants. Census tract boundaries follow visible features, but may follow governmental unit boundaries and other non-visible features in some instances; they always nest within counties.

For example, the area *generally* bounded by Pine Street, Main Street, Edinger Avenue, and Flower Street is census tract 746.01 in Santa Ana.

Block Group: A subdivision of a census tract, a block group is the smallest geographic unit for which the Census Bureau tabulates *sample* data. A block group consists of all the blocks within a census tract with the same beginning number. For example, in Census Tract 746.01, the area bounded by West Pine Street, South Cypress Avenue, West Bishop Street, and South Birch Street is Block Group 2. Block Group 2 is comprised of all the individual blocks with a beginning numbering in the 2000 range.



Section 5

Regional Private Sector Fair Housing Analysis

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SECTION 5

REGIONAL PRIVATE SECTOR FAIR HOUSING ANALYSIS

Pursuant to a Scope of Work approved by HUD-LA, the *Regional AI* examines the following private sector impediments:

- Housing Discrimination
- Discriminatory Advertising
- Blockbusting
- Denial of Reasonable Accommodation
- Hate Crimes
- Unfair Lending

A. HOUSING DISCRIMINATION

1. Prohibited Housing Discriminatory Practices

Sections 804 (a), (b) and (d) of the 1968 Fair Housing Act describe several prohibited housing discriminatory practices such as the following:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

Sections 804(f)(1), (2) and (3) prohibit the following practices because of a handicap:

(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap.

(3)(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

(3)(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

(3)(C) failure to comply with accessible design and construction requirements

The California Fair Employment and Housing Act (FEHA) prohibits unlawful practices similar to those that are described in the Federal Fair Housing Act. For example, Article 2 – Housing Discrimination - Section 12955 of FEHA states the following are unlawful practices:

(a) For the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person.

(b) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, or disability of any person seeking to purchase, rent or lease any housing accommodation.

(f) For any owner of housing accommodations to harass, evict, or otherwise discriminate against any person in the sale or rental of housing accommodations when the owner's dominant purpose is retaliation against a person who has opposed practices unlawful under this section, informed law enforcement agencies of practices believed unlawful under this section, has testified or assisted in any proceeding under this part, or has aided or encouraged a person to exercise or enjoy the rights secured by this part. Nothing herein is intended to cause or permit the delay of an unlawful detainer action.

(k) To otherwise make unavailable or deny a dwelling based on discrimination because of race, color, religion, sex, sexual orientation, familial status, source of income, disability, or national origin.

HUD, the State Department of Fair Employment and Housing (DFEH) and FHCOC handle housing discrimination complaints. However, it is not known whether the number of complaints is a true measure of the incidents of housing discrimination. Housing discrimination may be underreported; therefore, the number of complaints may not accurately measure the extent of this private sector fair housing impediment.

Evidence on underreporting is supported by a HUD-sponsored study conducted by The Urban Institute. That research study concluded:

“Another finding with implications for fair housing programs involves the fact that so few people who believed they had been discriminated against took any action, with most seeing little point in doing so.”

The Urban Institute, How Much Do We Know: Public Awareness of the Nation's Fair Housing Laws, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, April 2002, pg. 7

A follow-up study finds that between 2001 and 2005 knowledge of fair housing laws has increased in two areas – discrimination against families with children and steering of prospective homebuyers by race – but declined in one area – discrimination based on religion. On a composite index of overall knowledge, there was no change between 2001 and 2005. There was, however, a significant increase in overall support for fair housing laws.

The study also explores whether people know what to do to address perceived discrimination and why so few people who perceive they have been discriminated against do anything about it.

“Four of every five persons who believed they had experienced housing discrimination plausibly covered by the federal Act profess not ... to have done anything at all in response. Many alleged victims maintain they did not take action because they presumed doing so would not have been worth it or would not have helped. Some, however, did not know where or how to complain, supposed it would cost too much money or take too much time, were too busy, or feared retaliation. The minority who did respond mainly complained to the person thought to be discriminating or to someone else, but a small proportion also talked to or hired a lawyer or sought help from or filed a complaint with a fair housing or other group or government agency.”

The Urban Institute, Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, February 2006, pg. iii

2. Discrimination Complaints

a. Background

With respect to housing discrimination complaints, the 2006 HUD study found:

“About 17 percent of the adult public claims to have suffered discrimination at some point when trying to buy or rent a house or apartment. If, however, the explanations given about the nature of the perceived discrimination are taken into account, about eight percent of the public had experiences that might plausibly have been protected by the Act. While the frequency, actions, and bases for the alleged discrimination are diverse, majorities of this group believe they were discriminated against more than one time, were looking to rent more frequently than to buy, and identified race more so than any other attribute or characteristic as the basis of the discrimination.”

b. Number of Housing Discrimination Complaints

The California Department of Fair Employment and Housing (DFEH) provided data to the FHCOC on housing discrimination complaints. The FHCOC compiled the statistics for this *Regional AI*. In the five-year period since the prior AI, about 300 housing discrimination complaints have been filed with DFEH. Table 5-1 shows the number of housing discrimination cases by Entitlement Cities and Urban County Cities. The number of housing discrimination complaints averaged 60 per year. The number of cases ranged from a low of 46 in 2005 to a high of 78 in 2006.

The vast majority – 244 of 302 housing discrimination complaints – have been filed in the Entitlement Cities. Irvine (58) and Anaheim (40) accounted for the highest number of complaints. Table 5-2 shows the number of closed housing discrimination cases by entitlement and urban county cities. Once again, the Irvine (61) and Anaheim accounted for the highest number of closed cases (37). Closed cases refer to cases that have been completely investigated and resolved.

Table 5-1
Regional Analysis of Fair Housing Impediments
Housing Discrimination Cases Filed by Year

Jurisdiction	2005	2006	2007	2008	2009	Total
Entitlement Cities						
Anaheim	3	8	8	14	7	40
Buena Park	2	1	5	4	2	14
Fountain Valley	1	1	3	1	2	8
Fullerton	0	5	3	2	0	10
Garden Grove	5	2	0	0	6	13
Huntington Beach	2	8	5	2	1	18
Irvine	9	14	12	10	13	58
La Habra	0	2	0	0	1	3
Lake Forest	0	3	1	1	2	7
Newport Beach	4	8	3	5	3	23
Orange	2	3	3	3	4	15
Rancho Santa Margarita	0	1	0	1	0	2
Santa Ana	3	5	5	8	1	22
Westminster	0	2	4	1	4	11
Subtotal	31	63	52	52	46	244
Urban County Cities and Unincorporated Areas						
Aliso Viejo	1	1	2	0	1	5
Brea	0	0	0	3	0	3
Cypress	2	0	1	0	2	5
Dana Point	0	2	1	0	0	2
Foothill Ranch ¹	1	0	0	0	0	1
La Palma	0	0	1	0	0	1
Ladera Ranch ¹	1	2	0	0	0	3
Laguna Beach	1	1	2	1	0	5
Laguna Hills	2	3	1	1	0	7
Laguna Woods	1	0	1	0	0	2
Los Alamitos	0	0	1	0	0	1
Placentia	0	4	2	0	0	6
Seal Beach	0	1	3	0	0	4
Stanton	4	0	0	0	0	4
Villa Park	0	0	0	0	0	0
Yorba Linda	2	1	2	3	0	8
Subtotal	15	15	17	8	3	58
TOTAL	46	78	69	60	49	302

¹Unincorporated area

Source: California Department of Fair Employment and Housing

Table construction by Castañeda & Associates

Table 5-2
Regional Analysis of Fair Housing Impediments
Housing Discrimination Cases Closed by Year

Jurisdiction	2005	2006	2007	2008	2009	Total
Entitlement Cities						
Anaheim	4	2	7	13	11	37
Buena Park	3	0	4	2	5	14
Fountain Valley	0	1	2	3	2	8
Fullerton	1	3	2	5	0	11
Garden Grove	3	2	2	0	5	12
Huntington Beach	2	5	4	4	3	18
Irvine	9	14	7	13	18	61
La Habra	0	1	1	0	1	3
Lake Forest	2	2	1	1	1	7
Newport Beach	7	6	1	5	6	25
Orange	3	2	3	4	5	17
Rancho Santa Margarita	0	0	1	0	1	2
Santa Ana	1	6	7	7	3	24
Westminster	1	1	2	3	2	9
Subtotal	36	45	44	60	63	248
Urban County Cities and Unincorporated Areas						
Aliso Viejo	1	1	1	1	1	5
Brea	0	0	0	0	3	3
Cypress	2	1	0	1	0	4
Dana Point	0	0	2	1	0	3
Foothill Ranch ¹	1	0	0	0	0	1
La Palma	0	0	0	1	0	1
Ladera Ranch ¹	0	1	2	0	0	3
Laguna Beach	1	0	1	0	3	5
Laguna Hills	2	1	3	0	1	7
Laguna Woods	1	0	0	1	0	2
Los Alamitos	0	0	0	1	0	1
Placentia	0	0	3	2	1	6
Seal Beach	0	1	3	0	0	4
Stanton	0	2	0	9	0	11
Villa Park	0	0	0	0	0	0
Yorba Linda	1	1	1	2	3	8
Subtotal	9	8	16	19	12	64
TOTAL	45	53	60	79	75	312

¹Unincorporated area

Source: California Department of Fair Employment and Housing

Table construction by Castañeda & Associates

c. Bases for Housing Discrimination Complaints

Tables 5-3 and 5-4 show the bases for the housing discrimination complaints for the Entitlement Cities and Urban County Cities. A housing discrimination complaint can have more than one basis. The bases include:

- Physical Disability
- Mental Disability
- Race/Color
- National Origin
- Familial Status
- Sex
- Marital Status
- Other - Retaliation; Religion; Source of Income; Association and Age

About 35% of the housing discrimination complaints were based on a physical or mental disability. Since the prior *Regional AI* was completed, disability has been increasing as a basis for a housing discrimination complaint. Race and color (20%) and national origin (14%) rank second and third as a basis for making a housing discrimination complaint. Although Individual cities vary in terms of the basis for a housing discrimination complaint, disability, race/color and national origin also comprise the basis for the highest number of complaints.

The bases for housing discrimination complaints in Orange County vary considerably from those found in the HUD studies. HUD's 2006 study found that 58% of those who believe they experienced discrimination think it was due to their race, followed by familial status (27%) and ethnicity (17%). According to the HUD study:

"Surprisingly, less than one percent of the HUD survey respondents indicated disability as a reason for the perceived discrimination, whereas discrimination based on disability is among the most common complaints received by HUD."

However, it should be noted that the Orange County findings are based on actual complaints filed, whereas the HUD study refers to persons who perceived housing discrimination but may not have filed a complaint.

Table 5-3
Regional Analysis of Fair Housing Impediments
Housing Discrimination Cases Filed by Bases 2005-2009
For Entitlement Cities

Jurisdiction	Physical Disability	Mental Disability	Race/Color	Nat. Origin	Familial Status	Sex	Marital Status	Other¹	Total
Anaheim	14	3	5	5	7	3	5	4	46
Buena Park	4	0	7	1	3	0	0	2	17
Fountain Valley	1	2	3	1	3	0	0	0	10
Fullerton	8	0	1	1	1	0	0	1	12
Garden Grove	1	2	1	5	5	2	0	0	16
Huntington Beach	9	0	1	5	6	1	1	3	26
Irvine	18	5	18	16	1	2	4	8	72
La Habra	0	1	1	1	0	0	0	0	3
Lake Forest	3	1	1	2	0	0	0	0	7
Newport Beach	9	3	7	2	4	0	1	3	29
Orange	3	0	5	2	5	0	1	0	16
Rancho Santa Marg.	2	0	0	0	0	0	0	0	2
Santa Ana	9	1	9	2	1	3	0	0	25
Westminster	1	2	1	4	1	3	0	3	15
Subtotal	82	20	60	47	37	14	12	24	296

Note: The number of bases exceeds the number of cases because a housing discrimination complaint can have more than one basis.

Source: California Department of Fair Employment and Housing

¹Other included Retaliation (9); Religion (8); Source of Income (3); Association (3) and Age (1)

Table construction by Castañeda & Associates

Table 5-4
Regional Analysis of Fair Housing Impediments
Housing Discrimination Cases Filed by Bases 2005-2009
For Urban County Cities

Jurisdiction	Physical Disability	Mental Disability	Race/Color	Nat. Origin	Familial Status	Sex	Marital Status	Other¹	Total
Aliso Viejo	4	0	0	1	0	0	0	1	6
Brea	0	0	3	0	0	0	0	0	3
Cypress	3	1	2	0	0	2	0	2	10
Dana Point	1	0	0	0	1	2	1	0	5
Foothill Ranch	0	0	1	0	0	0	0	0	1
La Palma	0	0	0	0	0	1	1	1	3
Ladera Ranch	2	0	1	0	0	0	0	0	3
Laguna Beach	1	0	2	1	0	0	1	2	7
Laguna Hills	3	0	3	2	3	0	0	1	12
Laguna Woods	2	0	0	0	0	0	0	0	2
Los Alamitos	0	0	0	0	0	1	0	0	1
Placentia	1	3	0	2	0	0	0	0	6
Seal Beach	1	0	3	0	0	0	0	0	4
Stanton	2	0	1	0	2	0	0	0	5
Villa Park	0	0	0	0	0	0	0	0	0
Yorba Linda	3	0	0	0	2	0	0	3	8
Subtotal	23	4	16	6	8	6	3	10	76
TOTAL	105	24	76	53	45	20	15	34	372

Note: The number of bases exceeds the number of cases because a housing discrimination complaint can have more than one basis.

Source: California Department of Fair Employment and Housing

¹Other includes Retaliation (3); Religion (2); Source of Income (3); Association (2)

Table construction by Castañeda & Associates

d. Alleged Acts

The DFEH compiles data on number of housing discrimination cases according to nine types of alleged acts:

- Refusal to Rent
- Eviction
- Refusal to Show
- Refusal to Sell
- Loan Withheld
- Unequal Terms
- Harassment
- Unequal Access to Facilities
- Denied Reasonable Modification/Accommodation

Table 5-5 shows the number of housing cases filed by alleged acts between 2005 and 2009. A summary of the highest number and percentage of alleged acts is presented below:

- About 22% (101) of the housing discrimination complaints occurred during the eviction process.
- About 19% each of the alleged acts pertained to unequal terms (88) and to denial of a reasonable modification and/or accommodation (87).
- About 15% each of the housing cases were filed because of harassment (72) and the refusal to rent (68).

It appears that most of the alleged acts affect renters or persons seeking rental housing. This mirrors HUD's national study which found that about 70% of persons who thought they were victims of discrimination were looking to rent at the time.

In summary, progress on reducing housing discrimination probably cannot be measured by a reduction in the number of complaints because so few people who believe they have been victims of discrimination actually file a complaint. Therefore, progress – at least in the short run – could be measured by an increase in complaints as more people:

- Become aware that they can file a complaint
- Know where to file a complaint
- Believe that their complaint will produce tangible results

Table 5-5
Regional Analysis of Fair Housing Impediments
Housing Cases Filed By Alleged Act – 2005-2009

Alleged Act	2005	2006	2007	2008	2009	Total	Percent
Refusal to Rent	8	16	20	15	9	68	14.7%
Eviction	20	28	19	19	15	101	21.9%
Refusal to Show	1	2	0	0	0	3	0.7%
Refusal to Sell	5	4	1	0	1	11	2.4%
Loan Withheld	0	3	1	1	1	6	1.3%
Unequal Terms	13	27	23	12	13	88	19.1%
Harassment	13	23	18	8	10	72	15.6%
Unequal Access to Facilities	3	4	8	4	6	25	5.4%
Denied Reasonable Modification/Accommodations	10	14	25	18	20	87	18.9%
Total	73	121	115	77	75	461	100.0%

Source: California Department of Fair Employment and Housing

Note: includes alleged acts occurring in the cities participating in the *Regional AI*

Total acts reported exceed the total number of cases filed because some cases are filed under more than one act

Table construction by Castañeda & Associates

3. Housing Discrimination Complaint Services

The Fair Housing Council of Orange County is a private non-profit organization formed in 1965 in the wake of the civil rights movement that resulted in the Civil Rights Act of 1964. The Council incorporated in 1968, the same year that Congress extended civil rights protections to cover housing with the adoption of the Fair Housing Act. Under the direction of a volunteer board of directors and with a paid staff of 14, the agency works to fulfill a *mission of protecting the quality of life in Orange County by ensuring equal access to housing opportunities, fostering diversity and preserving dignity and human rights.*

Contracting to serve 15 Entitlement Cities and the Urban County Program for the provision of fair housing services for their residents, the Fair Housing Council handles more than 100 cases of alleged housing discrimination in the county each year.

4. Actions to be Taken

During the five-year period of the Fair Housing Action Plan, the FHCOC will take the following actions:

- Continue to process housing discrimination complaints filed by city and county residents.
- Conduct testing of housing provider practices to determine whether there are differences in treatment based on a protected class. The 2005-2009 housing discrimination complaint data and the fair housing community profile can be used to identify the protected classes and locations of housing providers that should be tested.

- Revise its website to provide direct access to a housing discrimination complaint form and provide a diagram or brief explanation of the process for investigating and resolving a complaint.
- Revise its website to add more information on how residents can detect whether they have been victims of unlawful housing discrimination.
- Publish a quarterly report on the FHCOC website summarizing the remedies pertaining to filed housing discrimination complaints.
- Ensure that all jurisdictions provide a link to the FHCOC website.
- Compile an Annual Report on housing discrimination complaints filed with the FHCOC, the State Department of Fair Employment and Housing (DFEH) and HUD. The report will include housing discrimination complaints unique to each participating jurisdiction as well as those of the entire County. The Annual Report will describe emerging trends within the City and County.
- Transmit the Annual Report to the participating jurisdictions by August of each calendar year. This schedule allows the jurisdictions to include a summary of the report findings in the Consolidated Plan Annual Performance and Evaluation Report. That Report is published in September of each year.

B. DISCRIMINATORY ADVERTISING

1. Background

Section 804 (c) of the 1968 Fair Housing Act prohibits discriminatory advertising; it is unlawful:

To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

The California Fair Employment and Housing Act contains similar language prohibiting discriminatory advertising.

To demonstrate whether discriminatory advertising meets the threshold for being considered a regional impediment to fair housing choice, print and online advertising was reviewed during the month of January 2010. Classified ads printed in the Los Angeles Times and Orange County Register were reviewed for words and phrases that might be viewed as discriminatory. During this period, however, few for-rent ads were published in either newspaper. Because of limited newspaper print advertising, an online search of apartment ads was conducted via Apartments.com, which is provided by the Los Angeles Times.

Each ad was reviewed to determine if it might any indicate a “preference, limitation or discrimination.” Advertisements which describe the property being advertised or the services available at the property are generally considered acceptable. The review, then, focused on

words and phrases that deviated from physical descriptions of the property and available services.

Guidance on specific words and phrases that are or could be interpreted as discriminatory was obtained from the following:

- Roberta Achtenberg, Assistant Secretary for Fair Housing and Equal Opportunity, HUD, "Guidance Regarding Advertisements under Section 804 (c) of the Fair Housing Act," January 9, 1995
- Bryan Green, Deputy Assistant Secretary for Enforcement, *Fair Housing Act Application to Internet Advertising*, September 20, 2006 [memorandum to FHEO Regional Directors]
- California Newspaper Publishers Association, *Fair Housing Advertising Manual*, Fourth Edition, Copyright, 2001
- 24 CFR 109.30 Appendix I to Part 109 – Fair Housing Advertising. Part 109 is no longer officially part of the Code of Regulations having been withdrawn effective May 1, 1996. However, it is still published on HUD's website
- State Department of Fair Employment and Housing, Guidance Memorandum

These sources provide guidance on the specific words and phrases that are or could be considered discriminatory with respect the following:

- Race/Color/National Origin/Ancestry
- Sex
- Disability
- Familial/Marital Status
- Religion
- Source of Income
- Sexual Orientation
- Senior Housing

Attachment A is a summary of the California Newspaper Publishers Association guidance on advertising words and phrases.

2. Review of Print Ads and Online Advertising

The newspaper print and online ads were reviewed and organized by Entitlement City and Urban County jurisdiction and a data base was developed – by city – of the number of ads, the number that contained "questionable language" and the frequency of the ads. Questionable language refers to words and phrases that deviated from the physical description of the for-rent unit and services available.

Table 5-6 shows the number of ads placed by apartment complexes located in each city. A total of 177 apartment complexes were advertised online at Apartments.com for Entitlement Cities. There were 44 online ads for complexes in Urban County Cities.

Table 5-6
Regional Analysis of Fair Housing Impediments
Number of Apartment Complexes
Publishing For Rent Ads by Jurisdiction and Unincorporated Area
(Apartment.com) – January 2010

Entitlement Cities	Number of Complexes
Anaheim	43
Buena Park	8
Fountain Valley	6
Fullerton	13
Garden Grove	9
Huntington Beach	14
Irvine	10
Lake Forest	8
La Habra	10
Newport Beach	6
Orange	9
Rancho Santa Margarita	8
Santa Ana	14
Tustin	13
Westminster	6
Urban County Cities/Area	
Aliso Viejo	11
Brea	6
Cypress	4
Dana Point/Capistrano Beach	2
Foothill Ranch ¹	2
Laguna Beach	1
Laguna Hills	4
Los Alamitos	N/A
La Palma	2
Ladera Ranch ¹	3
Laguna Woods	N/A
Midway City ¹	0
Placentia	4
Seal Beach	1
Stanton	1
Trabuco Canyon ¹	N/A
Villa Park	N/A
Yorba Linda	3

¹Unincorporated area

Source: Apartment.com website search conducted on January 4, 2010

Note: 0 denotes no listings available from Apartments.com.

N/A denotes no information available from Apartments.com

Table construction by Castañeda & Associates

The overwhelming number of ads in the Entitlement Cities conveyed information that was limited to the location of the apartment, number of bedrooms and bathrooms, and monthly rent. Very few ads – about 8% - contained language that did not pertain to the physical description of the property. The most frequent words or phrases included:

- “Section 8 Vouchers Accepted”
- “No pets allowed”

In the Urban County Cities, only three ads had questionable language. Two ads stated income restrictions and one noted its proximity to “places of worship”.

Table 5-7 provides an analysis of the print ads with respect to the city in which the apartment complex is located; number of ads placed; ads with non-property related words and phrases; and the number of ads published with those words and phrases. There was a total of 427 unique print ads published in The Orange County Register in the four January Sunday editions for apartments (223) and homes for rent (204) in Entitlement Cities. (January 3, January 10, January 17 and January 24, 2010)

The number of unique print ads corresponds to the number of apartment complexes or homes publishing an ad. Forty seven of the 223 apartment ads contained non-property related words or phrases. The overwhelming majority of the non-property related words or phrases was “No Pets” which occurred in 38 (17%) of the 223 apartment ads. There were also references to rental assistance such as “Section 8 ok” and “HUD ok”. Some ads were published multiple times during the four week period.

Twenty-eight of the 204 homes for rent ads contained non-property related words or phrases. Once again, the “no pets” was the most frequent non-property related word or phrase, having occurred in 26 (12.7%) of the 204 ads.

Table 5-8 shows the same analysis for the Urban County Cities. There were 62 unique ads for apartments and homes for rent. Ten ads had words and phrases that did not pertain to the physical description of the property: seven stated “no pets” two were “Section 8” related and one ad stated “Senior Citizen”.

3. Examples of Possible Advertising Impediments

a. Source of Income

Source of income is a protected class under California’s fair housing law, effective January 1, 2000. Thus, it is unlawful to print or publish an advertisement that prefers, limits or discriminates on the basis of the source of the tenant’s income. However, according to the California Newspaper Publishers Association, an ad referring to a government program in which an agency makes payments directly to landlords, e.g. the federal government’s Section 8 housing program, would probably not be unlawful so long as the tenant’s benefit or “income” is not paid directly to the “tenant or the tenant’s representative”. Thus, unless an ad taker knows the term is being used as a code word for unlawful discrimination, an ad that says “Section 8 ok”, or “No Section 8” would probably not expose the newspaper to liability under the law’s definition.

**Table 5-7
Analysis of Rental Ads in Entitlement Cities
Orange County Register January 2010**

City	Apartment Ads			Homes/Condos/Town Home Ads		
	Total # of Ads	Ads With Non-Property Related Words/Phrases	# of Ads	Total # of Ads	Ads With Non-Property Related Words/Phrases	# of Ads
Anaheim	38	No Pets/Sect. 8 ok	1	25	No Pets	3
		No Pets	4		HUD OK	1
		Section 8 Housing Accepted	1			
		Section 8 welcome	1			
		HUD ok	1			
Total Ads			8			4
Buena Park	10	Sec. 8 welcome/Income Qualification Apply	1	3	Section 8 ok	1
		No Pets	1			
Total Ads			2			1
Fountain Valley	2	No Pets	2	8	No Pets	1
Total Ads			2			1
Fullerton	23	Section 8 Housing ok/No Pets	1	11	None	N/A
		No Dogs	1			
		No Pets	2			
Total Ads			4			0
Garden Grove	24	No Pets	1	8	No Pet	3
		Section 8 welcome	1			
Total Ads			2			3
Huntington Beach	64	No Dog	3	60	No Pets	10
		No Pets	13			
Total Ads			16			10
Irvine	2	None	N/A	24	No Pets	4
Total Ads			0			4
La Habra	3	No Pets	1	3	None	N/A
		Sect. 8 ok	1			
Total Ads			2			0
Lake Forest	0	N/A	N/A	4	No Pets	1
Total Ads			0			1
Newport Beach	12	HUD OK	1	17	No Pets	1
		No Pets	1			
Total Ads			2			1
Orange	27	No Pets	3	23	No Pets	2
		Good Residents Wanted/No Pets	1			
Total Ads			4			2
Rancho St. Margarita	2	None	N/A	0	N/A	N/A
Total Ads			0			0
Santa Ana	8	Near Church/School	1	7	None	N/A
		No Pets	1			
Total Ads			2			0
Westminster	8	No Pets	2	11	No Pets	1
		HUD OK	1			
Total Ads			3			1
ALL ADS	223		47	204		28

Table construction by Castañeda & Associates

Table 5-8
Analysis of Rental Ads in Urban County Cities
Orange County Register January 2010

City	Apartment Ads			Homes/Condos/Town Home Ads		
	Total # of Ads	Ads With Non Property Related Language	# of Ads	Total # of Ads	Ads With Non Property Related Language	# of Ads
Aliso Viejo	0	N/A	N/A	4	None	N/A
Total Ads			0			0
Brea	3	No Pet	1	7	No Pets	2
Total Ads			1			2
Cypress	1	None	N/A	3	None	N/A
Total Ads			0			0
Dana Point	1	Section 8 welcome	1	4	None	N/A
Total Ads			1			0
Foothill Ranch	0	N/A	N/A	1	None	N/A
Total Ads			0			0
Laguna Beach	0	N/A	N/A	1	None	N/A
Total Ads			0			0
Laguna Hills	0	N/A	N/A	4	No Pets	1
Total Ads			0			1
Laguna Woods	0	N/A	N/A	4	No Pets	1
Total Ads			0			1
La Palma	0	N/A	N/A	2	None	N/A
Total Ads			0			0
Los Alamitos	0	N/A	N/A	0	N/A	N/A
Total Ads			0			0
Midway City	1	None	N/A	2	None	N/A
Total Ads			0			0
Placentia	6	Section 8 ok	1	4	No Dogs ²	1
Total Ads			1			1
Seal Beach	0	N/A	N/A	0	N/A	N/A
Total Ads			0			0
Stanton	1	None	N/A	2	None	N/A
Total Ads			0			0
Villa Park	0	N/A	N/A	1	None	N/A
Total Ads			0			0
Yorba Linda	6	SR. CITIZEN	1	4	None	N/A
		No Pets ¹	1			
Total Ads			2			0
ALL ADS	19		5	43		5

Source: Print ads in the four Sunday editions of the Orange County Register on January 3, January 10, January 17 and January 24, 2010

Table construction by Castañeda & Associates

¹The ad appeared twice, once without the No Pets comment

²The ad appears four times, once with the No Dogs comment

The rental housing market is accepting tenants that receive Section 8 rental assistance. Most of the ads contained phrases such as “Section 8 OK”; “HUD OK”; “Section 8 Welcome”; and “Section 8 Accepted”. When the rental housing market vacancy rates become significantly lower, landlords may not have an incentive to attract tenants receiving Section 8 assistance. Under these conditions, “No Section 8” ads may become an impediment to fair housing choice because, in part, it could make such housing unavailable disproportionately to a protected class such as persons with disabilities. However, an ad stating “No Section 8” would not be illegal because under the California Fair Employment and Housing Act, “source of income” refers to income paid directly to a tenant or tenant’s representative. A landlord that receives a Section 8 rental payment on behalf of a tenant from a housing authority is not considered a representative of the tenant.

b. No Pets

Persons with a disability are one of the classes protected from discrimination in housing. Apartments must allow, under certain conditions, “service animals” and “companion animals”. A service animal is one trained to do work or perform tasks for the benefit of a person with a disability. A service animal can be of varying species, breed or size. It might wear specialized equipment such as a backpack, harness, special collar or leash, but this is not a legal requirement. Companion animals, also referred to as assistive or therapeutic animals, can assist individuals with disabilities in their daily living and as with service animals, help disabled persons overcome the limitations of their disabilities and the barriers in their environment. They are typically for individuals with mental disabilities and can assist the person with depression, anxiety or provide emotional support.

Under Federal and State fair housing laws, individuals with disabilities may ask their housing provider to make reasonable accommodations in the “no pets” policy to allow for their use of a companion/service animal. The housing provider may ask the disabled applicant/tenant to provide verification of the need for the animal from a qualified professional. Once that need is verified, the housing provider must generally allow the accommodation.

Some disabled persons are unaware of their fair housing rights and, as a consequence, may not consider as available to them apartments with ads that state “no pets.” Therefore, an action to affirmatively further fair housing is to persuade the Los Angeles Times, Orange County Register and Apartments.com to publish a concise “no pets” notice that indicates rental housing owners must provide reasonable accommodations, including “service animals” and “companion animals” for disabled persons.

c. Age

Federal regulations specify that unless the housing being offered meets government requirements for “senior” or “senior only” housing, advertisers may not express a preference or limitation on the basis of age. A few ads contained phrases indicating a preference for seniors. One ad stated “senior citizen”. It appears that this ad was placed by an individual owner of a condominium. However, it is not known if the condominium complex met the requirements of a senior only complex. Two apartment complexes placed ads stating that a 5% discount was given to seniors. The complexes are located in Orange and Westminster and are managed by the same company.

4. Fair Housing Notices

The Los Angeles Times and Apartments.com publish fair housing notices. The Los Angeles Times notice is published on the same page as the rental ads and states that it is illegal to indicate any preference, limitation or discrimination because a person belongs to one of the protected classes. It also refers readers to the Housing Rights Center and the Fair Housing Council of Orange County.

Apartments.com states in its disclaimer that it and all home sellers and landlords must adhere to fair housing laws such as the Civil Rights Act of 1964, the American with Disabilities Act, and the Equal Credit Opportunity Act. It also states that those seeking to rent an apartment “have the right to expect...reasonable accommodation in rules, policies and procedures for persons with disabilities.” However, the fair housing notice is difficult to find on the website and persons placing an ad are not required to read the notice before an ad is placed.

In a review of the rental ads in both print and online editions of The Orange County Register, a fair housing disclaimer was not located. Typically, such a disclaimer is located at the beginning of the real estate classified ads section.

5. Internet Advertising

The National Fair Housing Alliance (NFHA) completed a study in 2009 of discriminatory ads placed by housing providers on various websites. The most common Fair Housing Act violation that NFHA and its members found on the Internet was advertising discriminating against families with children. NFHA found ads stating preferences for tenants who were “single” or “a couple of individuals.” Phrases such as “perfect for young couple” or “three adults” were found in ads for houses or apartments with multiple bedrooms. These ads indicate an illegal preference or limitation and discourage families with children from even considering contacting a landlord. The investigation also found discriminatory ads stating preferences based on national origin, religion and sex.

In California, the following are examples of ads that were placed on websites:

- “quiet complex of responsables without kids”
- “no kids”
- “no pets, no children

According to the NFHA study, Craigslist, the source of the overwhelming majority of housing advertising in today’s market, and other Internet sites provide a convenient forum for illegal housing discrimination. Under current court decisions, these websites are not considered to be publishers and thus can neither be held liable under the Fair Housing Act nor be required to screen out illegal housing advertisements. Only the individual landlords who create and post discriminatory ads online can be held responsible.

The Communications Decency Act (CDA) is Title V of the Telecommunications Act of 1996 and was intended to protect families from online pornography and other forms of indecency. It states that operators of Internet services are not to be construed as publishers, and thus are not legally liable for the words of third parties who use their services. The CDA makes exceptions to

this rule as it relates to federal criminal statutes and intellectual property law, but does not make explicit exceptions for civil rights laws like the Fair Housing Act.

Private fair housing organizations, according to the NFHA study, have brought two lawsuits against online housing advertisers for publishing discriminatory housing advertisements. In each instance, the Court accepted the website's argument that the CDA protected it from liability under the Fair Housing Act to the extent that users provided content.

In reaching these decisions, the Courts relied upon Section 230(c) of the CDA to find that operators of interactive websites are not to be construed as "publishers" of the words posted by users of their websites. This section, entitled Protection for 'Good Samaritan' Blocking and Screening of Offensive Material, "aim[s] to protect interactive computer service providers 'who take (steps to screen indecent) and offensive material for their customers.'" Ironically, in refusing to take responsibility for discriminatory advertisements, these websites have screened nothing, opting instead to facilitate widespread distribution of discriminatory ads.

The NFHA states that the most effective way to stop discrimination in online housing ads is to hold all housing advertisers and publishers to the same standard. In order to hold accountable websites advertising housing, just as newspapers are currently held accountable, the Communications Decency Act of 1996 must be amended. Specifically, Section 230(c)(1) is the section of the CDA that provides immunity to websites for third party content. 47 U.S.C. § 230(c)(1) currently reads:

"TREATMENT OF PUBLISHER OR SPEAKER- No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

The NFHA recommends that this section of the CDA should be amended to accommodate the requirements of the Fair Housing Act. An exemption could be made specifically for Fair Housing Act claims and amend 47 U.S.C. § 230(c)(1) as follows:

"No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider, except for notices, statements, or advertisements with respect to the sale, rental, financing or insuring, or any other service of a dwelling that violate the Fair Housing Act, 42 U.S.C. § 3601 et seq."

If the CDA is amended, websites will be responsible for the discriminatory advertisements they publish on the Internet and, therefore, will have an incentive to implement filtering systems to prevent discriminatory advertisements from ever reaching the public.

6. Actions to be Taken

During the five-year period of the Fair Housing Action Plan, the FHCOC will take the following actions:

- Encourage the Orange County Register to publish a Fair Housing Notice in the for rent classified ad section and to identify the FHCOC as an agency that can respond to fair housing questions. Encourage apartment rental websites to display more prominently their Fair Housing Notice.
- Encourage the Los Angeles Times and Orange County Register to publish a “no pets” disclaimer that indicates rental housing owners must provide reasonable accommodations, including “service animals” and “companion animals” for disabled persons.
- Support an amendment to the Communications Decency Act of 1996 to state no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider, except for notices, statements, or advertisements with respect to the sale, rental, financing or insuring, or any other service of a dwelling that violate the Fair Housing Act, 42 U.S.C. § 3601 et seq.
- Periodically review for rent and for sale ads published in the print media.
- Prepare a summary of the accomplishments each year and transmit to the Entitlement Cities and Urban County in August of each year. This schedule allows the Entitlement Cities and Urban County to include a summary of the accomplishments in the Consolidated Plan Annual Performance and Evaluation Report. That Report is published in September of each year.

C. BLOCKBUSTING

1. Background

Section 804(e) of the 1968 Fair Housing Act makes the following act, commonly referred to as blockbusting, unlawful:

For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

Blockbusting and panic selling can occur when an individual, possibly a real estate licensee, claims that an impending change in the demographic composition of a neighborhood will cause property values to fall, crime to increase or schools to decline in quality. Section 10177(l)(1) of the Business and Professions Code states that the Real Estate Commissioner may revoke or suspend the license of a real estate licensee if he/she has done the following:

Solicited or induced the sale, lease, or listing for sale or lease of residential property on the ground, wholly or in part, of loss of value, increase in crime, or decline of the quality of the schools due to the present or prospective entry into the neighborhood of a person or persons having a characteristic listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those characteristics are defined in Sections 12926 and 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code.

Government Code Section 12955 states it shall be unlawful:

(a) For the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person.

(d) For any person subject to the provisions of Section 51 of the Civil Code, as that Section applies to housing accommodations, to discriminate against any person on the basis of sex, sexual orientation, color, race, religion, ancestry, national origin, familial status, marital status, disability, source of income, or on any other basis prohibited by that section.

With respect to blockbusting, the California law has more protected classes than the Federal Fair Housing Act.

There is no local or county agency that maintains records on actual or potential blockbusting incidents. Such incidents would take place primarily as real estate agents attempt to solicit or induce homeowners to sell their homes. As previously noted, the California Real Estate Commissioner is authorized to take disciplinary action against licensees who have committed the prohibited discriminatory practice of blockbusting and panic selling. The Department of Real Estate stated in June 2010 that no Orange County licensee has had their license suspended or revoked because of the illegal practice of blockbusting.

2. Actions to be Taken

During the five-year period of the Fair Housing Action Plan, the FHCOC will take the following actions:

- Provide information on the FHCOC website on the unlawful practice of blockbusting including examples of this illegal practice.
- Work with the California Department of Real Estate to determine if any Orange County licensees have had their licenses suspended or revoked because of the illegal practice of blockbusting.
- In the event, a licensee has been found to have committed blockbusting, provide education and information on this practice to the responsible broker and all related salespersons.

D. DENIAL OF REASONABLE MODIFICATION/ACCOMMODATION

1. Background

It is unlawful to refuse to make reasonable accommodations for disabled persons. Section 804 (3) of the 1968 Fair Housing Act states that discrimination includes--

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

The DFEH compiles data on the number of housing discrimination cases according to nine types of alleged acts. During the 2005-2009 period, 461 alleged discriminatory acts were committed in the cases processed by the DFEH. Of this total, 87 or 18.9% involved denial of a reasonable modification/reasonable accommodation. About 17-18 denials of reasonable modification/reasonable accommodation occurred per year during the five-year period.

2. Actions to be Taken

During the five-year period of the Fair Housing Action Plan, the FHCOC will take the following actions:

- Provide education and information on why this practice is unlawful to the owners and managers of apartment complexes and homeowner associations.
- Provide information on the unlawful practice of denying reasonable modifications/reasonable accommodations at fair housing seminars conducted by the Apartment Association of Orange County.

E. HATE CRIMES

1. Background

Hate crime means –

“a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation, (7) association with a person or group with one or more of these actual or perceived characteristics.” [Source: California Penal Code section 422.55]

According to the California Department of Justice (DOJ), *hate crimes are not separate distinct crimes but rather traditional offenses motivated by the offender's bias.* A bias is –

A preformed negative opinion or attitude toward a group of persons based on their race, ethnicity, national origin, religion, gender, sexual orientation and/or physical/mental disability.

Police and Sheriff Department's report to the DOJ hate crime events which are -

An occurrence where a hate crime is involved.

In the DOJ report, the information about the event is a crime report or source document that meets the criteria for a hate crime. There may be one or more suspects involved, one or more victims targeted, and one or more offenses involved for each event.

A hate crime victim –

May be an individual, a business or financial institution, a religious organization, government, or other. For example, if a church or synagogue is vandalized and/or desecrated, the victim would be a religious organization.

According to HUD, Regional AIs should analyze *housing* related hate crimes; that is; where an event takes place at a residence, home or driveway. When hate crimes occur at a home, the victims can feel unwelcome and threatened. The victims may feel that they have no choice other than to move from the dwelling and neighborhood of their choice. It is under these circumstances that hate crimes create a lack of fair housing choice.

2. Hate Crime Events

Hate crime events were reviewed for the 5-year period from 2004 to 2008 as reported by Criminal Justice Statistics Center of the California Department of Justice. Table 5-9 shows the number of hate crime events by city during the five-year period. The annual average of events was 73 and, during the five-years there was a narrow low (69) to high (79) range. Except for the City of Huntington Beach, on a city-by-city basis, the number of hate crime events is low.

In 2008, according to the Orange County Human Rights Commission (OCHRC), there were 79 cases of hate crimes in Orange County, essentially unchanged from the 80 cases in 2007. Despite the fact that the African American population makes up less than 2% of Orange County's population, this group continues to be the most frequent target for hate crimes. Hate crimes against Latinos continues to increase. In fact, since 2006 there has been almost a 100% increase in the number of cases reported. After a four-year downward trend, hate crimes against Jews increased. Additionally, while there was a slight decrease in hate crimes reported against Gays and Lesbian, this group frequently underreports.

Table 5-10 shows the number of hate crime events by bias motivation for the period from 2004 to 2008. Almost two-thirds of all hate crime events in California had race/ethnicity/national origin as the bias motivation. Just over one-third of all hate crime events in the State have a anti-Black bias motivation. Sexual orientation and anti-religion were the bias motivation of 18.9% and 16%, respectively, of all hate crime events in California.

Table 5-9
Regional Analysis of Fair Housing Impediments
Number of Hate Crime Events by
Jurisdiction/City-2004 to 2008

City/Jurisdiction	2004	2005	2006	2007	2008	Average	Percent
Sheriff's Department	9	2	0	5	6	4.4	6.0%
Aliso Viejo	0	1	1	1	0	0.6	0.8%
Anaheim	6	3	6	4	3	4.4	6.0%
Brea	0	3	3	1	1	1.6	2.2%
Buena Park	0	1	0	1	1	0.6	0.8%
Costa Mesa	1	0	3	0	2	1.2	1.6%
Cypress	1	1	0	2	2	1.2	1.6%
Dana Point	0	0	0	1	0	0.2	0.3%
Fountain Valley	3	0	8	2	1	2.8	3.8%
Fullerton	2	2	4	2	1	2.2	3.0%
Garden Grove	6	6	9	9	4	6.8	9.3%
Huntington Beach	11	27	11	9	9	13.4	18.3%
Irvine	3	2	5	2	9	4.2	5.7%
La Habra	3	2	0	3	4	2.4	3.3%
Laguna Beach	2	0	1	0	1	0.8	1.1%
Laguna Hills	1	3	1	1	1	1.4	1.9%
Laguna Niguel	0	0	1	0	0	0.2	0.3%
Lake Forest	3	0	1	0	0	0.8	1.1%
Los Alamitos	0	1	2	5	1	1.8	2.5%
Mission Viejo	1	1	2	0	3	1.4	1.9%
Newport Beach	4	5	2	7	7	5.0	6.8%
Orange	0	2	5	4	3	2.8	3.8%
Placentia	0	1	2	0	0	0.6	0.8%
Rancho Santa Margarita	2	2	2	1	0	1.4	1.9%
San Clemente	1	2	1	2	1	1.4	1.9%
San Juan Capistrano	0	0	0	2	0	0.4	0.5%
Santa Ana	2	4	3	0	1	2.0	2.7%
Stanton	0	0	0	3	1	0.8	1.1%
Tustin	0	0	0	1	4	1.0	1.4%
Villa Park	1	1	0	0	0	0.4	0.5%
Westminster	6	4	4	0	2	3.2	4.4%
Yorba Linda	3	2	0	1	0	1.2	1.6%
CSU Fullerton	0	0	1	1	1	0.6	0.8%
UC Irvine	0	1	0	0	0	0.2	0.3%
Total	71	79	78	70	69	73	100.0%

Source: California Department of Justice, Division of California Justice Information Services, Bureau of Criminal Information and Analysis, Criminal Justice Statistics Center "Hate Crimes in California, 2004, 2005, 2006, 2007 and 2008"

Table construction by Castañeda & Associates

Table 5-10
State of California
Hate Crimes Events and Bias Motivation

Bias Motivation	2004	2005	2006	2007	2008	Average	Percent
Total	1,409	1,397	1,306	1,426	1,397	1,387	100.0%
Race/Ethnicity/National Origin	921	916	844	932	800	883	63.7%
Anti-White	61	77	64	73	42	63	4.5%
Anti-Black	500	490	462	498	457	481	34.6%
Anti-Hispanic	138	147	153	160	147	149	10.7%
Anti-American Indian/Alaska Native	3	2	4	1	1	2	0.1%
Anti-Asian/Pacific Islander	69	50	52	53	37	52	3.7%
Anti-Multiple Race Groups	45	61	45	51	47	50	3.6%
Anti-Other Ethnicity/National Origin	105	89	94	96	69	91	6.5%
Religion	205	205	205	203	294	222	16.0%
Anti-Jewish	142	141	129	134	184	146	10.5%
Anti-Catholic	9	10	11	10	12	10	0.7%
Anti-Protestant	3	10	13	11	8	9	0.6%
Anti-Islamic (Muslim)	29	12	14	13	11	16	1.2%
Anti-Other Religion	19	25	23	24	63	31	2.2%
Anti-Multiple Religious, Group	3	6	14	9	15	9	0.7%
Anti-Atheism/Agnosticism/etc.	0	1	1	2	1	1	0.1%
Sexual Orientation	263	255	246	263	283	262	18.9%
Anti-Gay	188	161	163	132	154	160	11.5%
Anti-Lesbian	37	40	23	26	22	30	2.1%
Anti-Gay and Lesbian	36	49	57	101	102	69	5.0%
Anti-Heterosexual	1	1	0	2	3	1	0.1%
Anti-Bisexual	1	4	3	2	2	2	0.2%
Physical/Mental Disability	4	3	3	3	4	3	0.2%
Anti-Physical Disability	2	3	1	2	2	2	0.1%
Anti-Mental Disability	2	0	2	1	2	1	0.1%
Gender	16	18	8	25	16	17	1.2%
Anti-Male	1	1	0	0	0	0	0.0%
Anti-Female	0	4	0	2	3	2	0.2%
Anti-Transgender	15	13	8	23	13	14	1.0%

Source: California Department of Justice, Division of California Justice Information Services, Bureau of Criminal Information and Analysis, Criminal Justice Statistics Center "Hate Crimes in California, 2007 and 2008"
Table construction by Castañeda & Associates

Table 5-11 shows the hate crime bias motivation in 2007 and 2008, according to the Orange County Human Relations Commission.

Table 5-11
Hate Crimes in Orange County 2007 and 2008

Basis of Bias	2007	Percent	2008	Percent
African American	18	22.4%	23	29.0%
Latino	12	15.0%	15	19.0%
Gay/Lesbian	14	17.4%	11	13.9%
Jewish	7	8.8%	10	12.7%
Muslim/Middle Eastern	4	5.0%	4	5.1%
Christian	7	8.8%	1	1.3%
Asian	2	2.5%	2	2.5%
White	3	3.8%	0	0.0%
Multiple	13	16.3%	13	16.5%
Total	80	100.0%	79	100.0%

Source: Orange County Human Relations Commission, *2008 Orange County Hate Crime Report*

Table construction by Castañeda & Associates

According to the OCHRC, there was an increase in crimes occurring at residential locations, the majority of which involved vandalism. One-third of the hate crimes reported in 2007 were at a residential location. That number increased to 40% in 2008. There was a significant increase in the number of hate crimes taking place on school campuses. Again the majority of these were acts of vandalism. More than one half of all hate crimes reported in both 2007 and 2008 involved acts of destruction or vandalism. The vandalism most frequently involved graffiti.

The California DOJ reports the location of hate crime events for the entire state by 25 categories (e.g., church, park, college, etc). Table 5-12 indicates the location of hate crimes for the period from 2004 to 2008. During the past five years two locations are predominant, accounting for about 60% of all hate crime locations: Highway/Road/Alley/Street (29.1%) and Residence/Home/Driveway (29.7%).

The application of the statewide housing location average of 29.7% to the annual Orange County average of hate crime events of 73 yields an estimate of 22 annual events occurring at a residence, home or driveway. The application of the 40% factor cited by the OCHRC yields an estimate of 29 events occurring at a housing location.

On an individual city basis, the number of hate crime events occurring at a *housing* location is small. However, the number at the countywide level is significant and, as a result, the resources to monitor and alleviate this impediment are best handled at the regional level. The agencies best equipped to assist cities to ameliorate and reduce the impact of hate crimes on families already living in their neighborhood of choice include:

- Fair Housing Council of Orange County
- Orange County Human Relations Commission
- Center OC
- Orange County Victim Assistance Partnership

Table 5-12
State of California
Location of Hate Crimes- 2004 to 2008

Location	2004	2005	2006	2007	2008	Average	Percent
Total	1,770	1,691	1,702	1931	1,397	1,698	100.0%
Air/Bus/Train Terminal	31	17	6	16	14	17	1.0%
Bank/Savings and Loan	3	4	2	3	2	3	0.2%
Bar/Night Club	27	24	21	41	25	28	1.6%
Church/Synagogue/Temple	74	84	84	72	107	84	5.0%
Commercial/Office Building	48	38	30	38	32	37	2.2%
Construction Site	3	1	3	3	2	2	0.1%
Convenience Store	27	27	12	7	9	16	1.0%
Department/Discount Store	10	9	4	10	7	8	0.5%
Drug Store/Dr.'s Office/Hospital	11	6	5	5	5	6	0.4%
Field/Woods/Park	31	38	38	83	41	46	2.7%
Government/Public Building	10	17	25	29	29	22	1.3%
Grocery/Supermarket	11	14	11	18	8	12	0.7%
Highway/Road/Alley/Street	536	456	545	569	363	494	29.1%
Hotel/Motel/etc	13	8	9	10	7	9	0.6%
Jail/Prison	18	14	10	33	17	18	1.1%
Lake/Waterway/Beach	12	15	9	11	4	10	0.6%
Liquor Store	4	7	5	11	1	6	0.3%
Parking Lot/Garage	86	138	135	117	110	117	6.9%
Rental Storage Facility	3	0	0	0	0	1	0.0%
Residence/Home/Driveway	551	511	504	571	388	505	29.7%
Restaurant	49	48	40	48	42	45	2.7%
School/College	155	176	152	182	148	163	9.6%
Service/Gas Station	11	11	7	13	13	11	0.6%
Specialty Store (TV, Furn, etc.)	38	19	12	13	4	17	1.0%
Other/Unknown	8	9	33	28	19	19	1.1%

Source: California Department of Justice, Division of California Justice Information Services, Bureau of Criminal Information and Analysis, Criminal Justice Statistics Center "Hate Crimes in California, 2007 and 2008"

Table construction by Castañeda & Associates

3. Actions to be Taken

During the five-year of the Fair Housing Action Plan, the FHCOC will take the following actions:

- Coordinate with the Orange County Human Relations Commission, Center OC and the Orange County Victim Assistance Partnership.
- Provide affected residents – when needed - with referrals to hate crime victim resources.

(Attachment B provides definitions of key hate crime terms such as bias, event, physical and mental disability bias, and victim.)

F. UNFAIR LENDING

1. Fair Housing Act, Equal Credit Opportunity Act and the California Holden Act

In cases involving discrimination in mortgage loans or home improvement loans, the United States Department of Justice may file suit under both the Fair Housing Act and the Equal Credit Opportunity Act.

Section 805 of the Fair Housing Act (42 U.S.C. 3605) states that it is "unlawful for any person or other entity whose business includes ... the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling... to discriminate against any person...because of race, color, religion, sex, handicap, familial status, or national origin."

The Equal Credit Opportunity Act (ECOA) 15 U.S.C. 1691 *et seq.* prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act.

To supplement federal legislation, state laws have been enacted to forbid the discriminatory practice known as "redlining," a practice that results in blanket refusals by some lenders to make loans in whole neighborhoods or geographic areas. Redlining is illegal in California pursuant to the Housing Financial Discrimination Act of 1977 (Holden Act). (Health & Safety Code Section 35800-35833) The Holden Act prohibits the consideration of race, color, religion, sex, marital status, national origin, or ancestry in lending for the purchase, construction, improvement, or rehabilitation of housing. Further, lenders cannot deny loan applications because of ethnic composition, conditions, characteristics, or expected trends in the neighborhood or geographic area surrounding the property.

The Holden Act places restrictions on redlining by making it illegal for lenders to consider the racial, ethnic, religious, or national origin composition of a neighborhood or geographic area surrounding a housing accommodation.

To ensure that prospective borrowers are aware of their rights under this law, lenders must notify all applicants of the provisions of the Holden Act at the time of the loan application. The notice must include the address where complaints may be filed and where information may be obtained. The notice must be in at least 10-point type and also must be posted in a conspicuous location in the lender's place of business. A notice would state the following:

IT IS ILLEGAL TO DISCRIMINATE IN THE PROVISION OF OR IN THE AVAILABILITY OF FINANCIAL ASSISTANCE BECAUSE OF THE CONSIDERATION OF:

- 1. TRENDS, CHARACTERISTICS OR CONDITIONS IN THE NEIGHBORHOOD OR GEOGRAPHIC AREA SURROUNDING A HOUSING ACCOMMODATION UNLESS THE FINANCIAL INSTITUTION CAN DEMONSTRATE IN THE PARTICULAR CASE THAT SUCH CONSIDERATION IS REQUIRED TO AVOID UNSAFE AND UNSOUND BUSINESS; OR**

2. RACE, COLOR, RELIGION, SEX, MARITAL STATUS, NATIONAL ORIGIN OR ANCESTRY

IT IS ILLEGAL TO CONSIDER THE RACIAL, ETHNIC, RELIGIOUS, OR NATIONAL ORIGIN COMPOSITION OF A NEIGHBORHOOD OR GEOGRAPHIC AREA SURROUNDING A HOUSING ACCOMMODATION OR WHETHER OR NOT SUCH COMPOSITION IS UNDERGOING CHANGE, OR IS EXPECTED TO UNDERGO CHANGE, IN APPRAISING A HOUSING ACCOMMODATION OR IN DETERMINING WHETHER OR NOT, OR UNDER WHAT TERMS AND CONDITIONS, TO PROVIDE FINANCIAL ASSISTANCE.

THESE PROVISIONS GOVERN FINANCIAL ASSISTANCE FOR THE PURPOSE OF THE PURCHASE, CONSTRUCTION, REHABILITATION, OR REFINANCING OF ONE-TO-FOUR-UNIT RESIDENCE.

2. Underwriting, Marketing and Pricing Discrimination

Unfair lending refers to underwriting, marketing, and pricing discrimination. Underwriting discrimination refers to the process of evaluating home purchase loan applicants and is measured by the outcome of that process – i.e., the approval/denial decision. Marketing discrimination is more commonly known as redlining where a lender is alleged to provide unequal access to credit because of the income, race or ethnicity of the residents in the *area* where the property is located. Pricing discrimination means that loans are approved but with higher fees and interest rates.

The *Regional AI* examines underwriting and marketing discrimination through the use of 2008 Home Mortgage Disclosure Act (HMDA) data. HMDA grew out of public concern over credit shortages in certain urban neighborhoods. Congress believed that some financial institutions had contributed to the decline of some geographic areas by their failure to provide adequate home financing to qualified applicants on reasonable terms and conditions. Thus, one purpose of HMDA is to provide the public with information that will help show whether financial institutions are serving the housing credit needs of the neighborhoods and communities in which they are located. The 1989 amendments to HMDA require the collection and disclosure of data about applicant and borrower characteristics to assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.

Underwriting discrimination refers principally to loan denials because of the non-economic characteristics of the applicant (i.e., gender and race/ethnicity). HMDA requires lenders to report on the income of home purchase loan applicants. Income means the gross income used by the lenders to make a loan decision. Lenders also must report the race of the borrower according to five categories: American Indian/Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. Two ethnic categories must be noted: Hispanic or Latino and Not Hispanic or Latino.

Marketing discrimination refers to loan denials because of the characteristics of the area in which the property is located. The following property location information is reported by lenders: Metropolitan Statistical Area, State, County and 2000 census tract. Lenders only report the location of the property and not, for example, the housing and population characteristics of the census tract in which the property is located.

Notably, sometimes both forms of discrimination - underwriting and marketing - are linked because a borrower's loan application could be denied because of both their characteristics and those of the neighborhood.

3. Home Mortgage Disclosure Act

HMDA requires lenders to report on the action taken on each loan application, as follows:

- Loan Originated
- Application Approved, Not Accepted
- Application Denied
- Application Withdrawn
- Filed Closed for Incompleteness

Many determinants of a loan decision – such as borrower credit history, debt-to-income-ratio and loan-to-value ratio - are not included in the HMDA data. Although the loan denial rates do not support definitive conclusions regarding discrimination on the bases of race or ethnicity, they are a useful screen to identify disparities in loan approval rates by the race and ethnicity of applicants and geographic markets where differences in denial rates warrant further investigation. Additionally, identifying census tracts/neighborhoods with high loan denial rates helps to target credit counseling and homebuyer education programs.

Underwriting discrimination is examined in the *Regional AI* by the loan denial rates experienced by home purchase loan applicants in Orange County and its cities. Marketing discrimination is examined by reviewing the denial rates at the census tract level and determining whether there is a correlation between high census tract denial rates and minority populations residing in those census tracts. It should be reiterated that HMDA data alone cannot be used to prove unlawful discrimination.

4. Analysis of 2008 HMDA Data

Three Technical Appendices contain the detailed HMDA data:

- Technical Appendix D – 2008 Home Mortgage Disclosure Act Data for Orange County
- Technical Appendix E – Loan Denial Rates for Census Tracts with a High Number of Loan Applications
- Technical Appendix F – FHA and Conventional Loan Denial Rates by City and Census Tract

a. Sources for the Analysis of the HMDA Data

The key sources for the analysis of the HMDA data include:

- Robert B. Avery, et.al., *The 2008 HMDA Data: The Mortgage Market during a Turbulent Year*, Federal Reserve Bulletin, October 2009
- Federal Reserve Board, *Frequently Asked Questions About the New HMDA Data*, April 3, 2006, 9 pages

- Paul Huck, Federal Reserve Bank of Chicago, *Home Mortgage Lending by Applicant Race: Do HMDA Data Figures Provide a Distorted Picture*, Housing Policy Debate, 2001, Volume 12, Issue 4, pages 719-736
- Mortgage Bankers Association, *Fair Lending and Home Mortgage Disclosure Act Guide*, Handbook 2008-1, 35 pages
- The Urban Institute, Kathryn L.S. Pettit and Audrey E. Droesch, *A Guide to Home Mortgage Disclosure Act Data*, December 2008, 35 pages

b. Loan Denial Rates by Race/Ethnicity

Data on home purchase loan applications by the race/ethnicity of the *applicant* were calculated for the entire Orange County area. In order to determine the denial rate, only applications where a final determination was made were used. The loan denial rate is based on the number of loans denied as a percentage of loans originated + applications approved but not accepted + applications denied. Withdrawn or incomplete applications are not included in the denominator.

Of the 4,540 FHA loan applications, 47.4% (2,153) were made by White, Non-Hispanic applicants and 27.3% (1,239) were made by Hispanic borrowers. The White, Non Hispanic and Hispanic denial rates were 15.4% and 27.4%, respectively.

Race was unavailable for 459 applicants. The balance of the 689 loan applications were made by borrowers belonging to seven racial groups.

Black or African borrowers represented 2% of all FHA loan applicants. This racial group had a loan denial rate of 20.6%.

Detailed data are presented in Tables D-1 and D-2 in Technical Appendix D.

2008 HMDA data are available for almost 29,400 conventional loan applications. The racial/ethnic composition of the applicants was 45.3% White Non-Hispanic, 24.1% Asian, and almost 13% Hispanic. Almost one-third of Hispanic borrowers were denied compared to 17.9% of the Asian and 18.8% of the White, Non-Hispanic loan applicants.

Black or African borrowers represented 0.7% of all conventional loan applicants. This racial group had a loan denial rate of 27.6%.

Detailed data are presented in Table D-3 in Technical Appendix D.

c. Loan Denials by Income and Race/Ethnicity

1. *FHA Loan Applications*: Table 5-13 on the next page shows the four income categories reported in the HMDA data. The four income categories are expressed in terms of a percentage of the median income for Orange County.

Table 5-13
HMDA Census Tract
Income Categories – 2008

Census Tract Income Categories	Percent of Median MSA Income
Very Low	<50%
Low	>50% - <80%
Moderate	>80% - <120%
Above Moderate	120%+

Source: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act
Table construction by Castañeda & Associates

Loan denial rates decrease as incomes increase. White, Non-Hispanic borrowers have lower loan denial rates than those experienced by other racial/ethnic groups. Table 5-14 shows the disparities in loan denial rates by income and race/ethnicity.

Almost one half (49%) of the 4,540 FHA loan applications were made by above moderate income borrowers. Within this income group, the majority of applications were made by White, Non-Hispanic borrowers who had a denial rate of 14.8%. Hispanic, Asian and Black/African American applicants all had loan denial rates of more than 20%.

About one-third of FHA applications were made by moderate income borrowers. Within this income group, White, Non-Hispanic and Hispanic borrowers had almost the same volume of loan applications. The Hispanic loan denial rate of 27.1% was considerably higher than the White Non-Hispanic denial rate of 13.6%. The Asian loan denial rate was 17.6%. The volume of loan applications by each of the other race/ethnicity groups was small.

About one-sixth of all FHA loan applications were made by low income borrowers. Within this income group, White, Non-Hispanic and Hispanic borrowers had almost the same volume of loan applications. The Hispanic loan denial rate of 32.2% was considerably higher than the White Non-Hispanic denial rate of 16.7%. The Asian loan denial rate was 33.3%. However, the number of loan applications made by Asians and each of the other race/ethnicity groups was small.

Very few (2.5%) applications were made by very low income borrowers.

Detailed data are presented in Table D-4 in Technical Appendix D.

Table 5-14
Orange County
Disparities in FHA Loan Denial Rates
By Income Group and Race/Ethnicity - 2008

Income Group	All ¹	White Non-Hispanic	Hispanic	Asian	Black/African American
Very Low	33.9%	20.0%	32.8%	NA	NA
Low	27.5%	16.7%	32.2%	33.3%	18.2%
Moderate	20.2%	13.6%	27.1%	17.6%	25.9%
Above Moderate	17.5%	14.8%	21.4%	22.5%	20.5%

¹All includes these other groups: Joint Hispanic, American Indian/Alaska Native, Native Hawaiian/Other Pacific Islander, 2 or More Minority Races, Joint White/Minority, and Race Not Available

Note: very few loans in the NA cells

Source: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act: Aggregate Table 5-1 Disposition of Applications for FHA, FSA/RHS and VA Home-Purchase Loans, 1 to 4 Family and Manufactured Home Dwellings, by Income, Race and Ethnicity of Applicant, 2008

Table construction by Castañeda & Associates

2. Conventional Loan Applications: Conventional loan denial rates also decrease as incomes increase. However, Asian borrowers (with the exception of the very-low income category) have lower denial rates than White, Non-Hispanic borrowers. Hispanic borrowers have the highest loan denial rates experienced by the other racial/ethnic groups. In general, Black/African American borrowers had lower denial rates than Hispanic loan applicants. However, this population group comprised less than one percent of all loan applicants. Table 5-15 shows the disparities in loan denial rates by income and race/ethnicity.

Table 5-15
Orange County
Disparities in Conventional Loan Denial Rates
By Income Group and Race/Ethnicity – 2008

Income Group	All ¹	White Non-Hispanic	Hispanic	Asian	Black/African American
Very Low	36.4%	24.8%	44.9%	33.0%	NA
Low	21.7%	18.5%	30.0%	14.9%	47.2%
Moderate	20.4%	16.4%	32.9%	16.1%	19.4%
Above Moderate	20.3%	19.1%	31.5%	18.7%	23.9%

¹All includes these other groups: Joint Hispanic, American Indian/Alaska Native, Native Hawaiian/Other Pacific Islander, 2 or More Minority Races, Joint White/Minority, and Race Not Available

Note: very few loans in the N/A cell

Source: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act: Aggregate Table 5-2 Disposition of Applications for Conventional Home-Purchase Loans, 1 to 4 Family and Manufactured Home Dwellings, by Income, Race and Ethnicity of Applicant, 2008

Table construction by Castañeda & Associates

Almost 60% of the 29,000 conventional loan applications were made by above moderate income borrowers. Within this income group, about one-half of applications were made by White, Non-Hispanic borrowers who had a denial rate of 19.1%. Within this income group, 21.4% of the conventional loan applications were made by Asian borrowers, who had a loan denial rate of 18.7%. Hispanic borrowers experienced a loan denial rate of 31.5% and comprised 7.4% of all above moderate income loan applicants

About one-fourth of conventional loan applications were made by moderate income borrowers. Within this income group, the largest numbers of applicants were White, Non-Hispanic (39%); Asian (28%); and Hispanic (18%). The Hispanic loan denial rate of 32.9% was considerably higher than Asian denial rate of 16.1% and the White Non-Hispanic denial rate of 16.4%. The volume of loan applications by each of the other race/ethnicity groups was small.

About 13% of conventional loan applications were made by low income borrowers. Within this income group, the largest numbers of applicants were White, Non-Hispanic (34%); Asian (28%); and Hispanic (23%). The Hispanic loan denial rate of 30% was considerably higher than Asian denial rate of 14.9% and the White Non-Hispanic denial rate of 18.5%. The volume of loan applications by each of the other race/ethnicity groups was small.

Very few (3%) applications were made by very low income borrowers. Within this income group, the largest numbers of applications were made, in order, by White, Non-Hispanic, Hispanic and Asian borrowers. All racial/ethnic groups experience loan denial rates of more than 25%.

Detailed data are presented in Table D-5 in Technical Appendix D.

d. Loan Denials by Census Tract Characteristics of Income and Minority Concentration

HMDA data are available on the loan denials by two census tract characteristics - income categories and minority population concentration levels. The census tract characteristics are based on demographic information from Census 2000 and they are *not based on the applicant characteristics*. Minority means all races other than White and Whites of Hispanic or Latino Origin. Table 5-13 shows census tract income categories.

For FHA loans, the data reveal that very low income borrowers reside in census tracts where the minority population exceeds 80% of the population. In these very low income/high minority census tracts, 39% of the loan applications were denied. In low income neighborhoods, the loan denial rate increases as the minority population increases. In moderate and above moderate income neighborhoods, they do not always increase as the percentage of the minority population increases.

Detailed FHA loan data are presented in Table D-6 in Technical Appendix D.

For conventional loans, the data also reveal that very low income borrowers reside in census tracts where the minority population exceeds 80% of the population. In these neighborhoods, 36.2% of the loan applications were denied. In low income neighborhoods, the loan denial rates increase as the percentage of the minority population increases. For instance, in low income/<10% minority population neighborhoods, 2.6% of the loan applications are denied. In contrast, in low income/>80% minority population neighborhoods, 31.2% of the loan applications are denied. These numbers and percentages, though, need to be interpreted with caution

because the number of applications for home purchases in <10% minority neighborhoods is very small.

In moderate income neighborhoods, denial rates generally increase as the percentage of the minority population increases. For example, in moderate income/<10% minority population neighborhoods, 13.7% of the loan applications are denied. By comparison, in moderate income/>80% minority population neighborhoods, 24.7% of the loan applications are denied. These numbers and percentages again need to be interpreted with caution because the number of applications for home purchases in <10% and > 80% minority neighborhoods is very small.

Detailed conventional loan data are presented in Table D-7 in Technical Appendix D.

Perhaps, more representative of Orange County is the loan applications for homes located in census tracts where the minority population ranges from 20%-79%. In fact, 73% of the 29,400 conventional loan applications were made in these census tracts. Table 5-16 shows that the denial rates in neighborhoods with 20%-79% minority populations are about the same for low and moderate income neighborhoods and somewhat lower for above moderate income neighborhoods.

Table 5-16
Orange County
Denial Rates for Neighborhoods with 20%-79%
Minority Populations by Income Level of Census Tracts - 2008

Census Tract Income Level	Number of Applications	Number Denied	Percent Denied
Low	4,911	1,080	22.0%
Moderate	8,321	1,729	20.8%
Above Moderate	8,133	1,432	17.6%

Source: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act: Aggregate Table 7-1 Disposition of Applications for FHA, FSA/RHS and VA Home-Purchase Loans, 1 to 4 Family and Manufactured Home Dwellings, by Characteristics of Census Tract in Which Property is Located, 2008. Table 7-2 Disposition of Applications for Conventional Home-Purchase Loans, 1 to 4 Family and Manufactured Home Dwellings, by Characteristics of Census Tract in Which Property is Located, 2008
Table construction by Castañeda & Associates

e. Reasons for Loan Denial

Reasons for loan denial are summarized on a county-wide basis in Table D-8 in Technical Appendix D. There are eight "known" reasons for a loan denial and one "other" category. With respect to FHA loans, the most frequent reason for a loan denial was "debt-to-income ratio". The percentage of loans denied for this reason ranged from 27.3% for Black or African American applicants to 57.1% for Native Hawaiian/Other Pacific Islander applicants. It must be noted, however, that there were few applications for these two groups. White and Hispanic/Latino applicants were denied because of debt to income ratio at nearly the same percentages - 37.9% and 40.2% respectively.

The second most frequent known reason for denial of FHA loan applications was credit history. These denials ranged from a low of 7.1% for joint applicants to 22.7% for Black/African American applicants. Again there were few applications for these groups. Credit history was the reason for denial for 13.3% of White applicants and 16.0% of Hispanic applicants.

Similar to FHA loans, conventional loans were most frequently denied due to “debt-to-income” ratio as the known reason. These denials ranged from 20.9% for Asian applicants to 40.0% for applicants of two or more races. There were, however, only five applications denied for the group two or more races. Nearly 4,100 White applicants were denied conventional loans with 23.1% denied due to “debt-to-income ratio”. Hispanic applicants were slightly lower at 21.1%. Unlike FHA loans however, the second most frequent known reason for denial in most instances is “collateral”. Nearly 20% of the joint applicants, 15.4% of Asian applicants and 10.3% of the Hispanic applicants were denied due to “collateral”. It is unclear exactly what “collateral” encompasses; however, it could refer to declining home values and the inability for homes to meet appraisal requirements.

About 9,250 refinance loans were denied for White applicants. About one half of the loans were denied because of “debt-to-income” or “collateral” reasons. More than half of the refinance applications for Asian and Hispanic applicants were denied for these two reasons. For seven out of the 10 groups, “collateral” was more frequently the reason for denial rather than “debt-to-income”. Again this may be due to homes not meeting appraisal requirements.

County-wide there are relatively few home improvement loan applications. The two most frequent reasons for loan denial for most groups was “debt-to-income” and “credit history”.

f. Association of High Denial Rates and Minority Population Concentrations

As previously noted, HMDA was designed so that the public and regulators could better determine whether or not *individuals* or specific *neighborhoods* were being unfairly denied access to credit. A fair housing issue is whether there is an association between neighborhoods with high minority population concentrations and high denial rates. That is, *do applicants for home purchases in minority neighborhoods experience high loan denial rates compared to applicants in non-minority neighborhoods?*

This issue was examined for the following:

- Entitlement and Urban County census tracts with 15 or more FHA loan applications
- Entitlement and Urban County census tracts with 50 or more conventional loan applications
- Percent minority population for each census was determined
- Census tracts were ranked ordered in terms of denial rates (high to low)

A preliminary analysis was completed to determine if race/ethnicity is associated with the denial of loan applications. The percent minority, percent of the median county income, and the loan denial rates were determined for each census tract in Orange County where there was loan activity in 2008.

The initial analysis indicated that there was no relationship between the percent minority in a census tract and the percent of loans that were denied in that census tract. However, inspection of the data suggested that there were some confounding factors in that there were

high denial rates in very high income areas. Often these areas have loan applications for very large sums of money to finance the purchase of very expensive homes. Although the loan amount was not in the data set, there was a "proxy" variable in the income of the census tract. It was assumed that higher income areas were more likely to have more expensive homes.

A second regression analysis was conducted only on those areas where the median income was at or below 100% of the median income. Focusing on this sub-sample of the data did reveal a relationship between denial rates and percent minority. The R^2 value was .2 which is statistically significant. Another regression analysis was performed on a subset of the data where the income was at 80% or below the median income. The resulting R^2 was .33.

[The value r^2 is a fraction between 0.0 and 1.0, and has no units. An r^2 value of 0.0 means that knowing X does not help you predict Y. There is no linear relationship between X and Y, and the best-fit line is a horizontal line going through the mean of all Y values. When r^2 equals 1.0, all points lie exactly on a straight line with no scatter. Knowing X lets you predict Y perfectly.]

The results suggested that further analysis was warranted. Each record in the HMDA Loan Application Register includes the Census Tract Minority Population Percentage and the Census Tract Percentage of the Metropolitan Statistical Area Median Family Income, as well as the loan amount. An analysis was completed to determine if race/ethnicity is associated with the denial of loan applications. Two types of loans applications were considered in the analysis: (1) home purchases with conventional loans and (2) home purchases with FHA loan.

A logit regression was used to "predict" if a loan was denied based on the minority population and income ratio of the census tract, as well as the loan amount. These variables were chosen because the results of a preliminary analysis utilizing census tract level data suggested each of these variables were influencing denials. Each of the three variables was significant predictors of loan denials for conventional loan applications, while the percent minority and the income ratio of a census tract were significant predictors of denials for FHA loan applications.

The key to logit regression is the analysis of maximum likelihood estimates. It estimates the log odds of an event occurring (loan denial) given a one unit increase in a variable. The statistical significance of these log odds are measured using a Wald chi-square, which would be zero or near zero if the two events and the predictor variable were independent. The chi-square values are presented in Table 5-17.

Table 5-17
Analysis of Maximum Likelihood Estimates

Parameter	Conventional Loans		FHA Loans	
	Wald Chi-Square	Pr >Chi-Square	Wald Chi-Square	Pr >Chi-Square
Percent Minority Population	39.99	<.0001	24.05	<.0001
Tract to MSA Median Family Income	8.83	0.003	4.05	0.0441
Loan Amount	114.57	<.0001	0.73	0.3935

By way of elaboration, the logit regression is based on the probability of an event occurring, i.e. loan denial. It measures the likelihood that the probability of the event increases as the independent variables increase. For conventional loans, the probability of a loan being denied increased as the percentage *minority population* in the census tract *increased*, as the *income increased* the probability of a denial *decreased*, and as the *amount of the loan increased* the probability of a loan denial *increased*.

It should be noted that the association analysis suffers because the data sets are from two different points in time: loan activity in 2008 and minority population characteristics per Census 2000. Since 2000, the census tract income, racial and ethnic characteristics are likely to have changed since the time the census data was collected. With more current data, a more robust analysis of the relationship between the probability of a denial and the independent variables can be developed.

Consequently, a more definitive analysis should be conducted when the 2010 census tract information is available on income, racial and ethnic characteristics. HMDA data for 2010 will be available in September 2011.

5. Actions to be Taken

A summary of the examination of the 2008 HMDA data is given below:

- Disparities exist in loan approval/denial rates among the racial and ethnic borrowers. In particular, Hispanic applicants have higher loan denial rates than White, Non-Hispanic borrowers.
- Black/African American borrowers also have high loan denial rates compared to White alone loan applicants.
- Loan denial rates in neighborhoods with 20%-79% minority populations are about the same regardless of census tract income level (low, moderate and above moderate).
- Unfair lending is manifested more in the loan denial disparities experienced by different racial/ethnic borrowers than by the denial rate disparities experienced in neighborhoods with 20%-79% minority populations, regardless of income.

Unfair lending is a fair housing issue best addressed at the regional level rather on a city-by-city basis. The FHCOC will undertake the following actions during the 2010-2015 period:

- Monitor the HMDA data annually using the 2008 HMDA analysis as a benchmark.
- Complete a HMDA analysis of the top 10 lenders in Orange County to compare and contrast loan denial rates.
- Conduct a follow-up analysis of loan denial rates at the neighborhood level to determine to what extent, if any, redlining may exist in Orange County. This follow-up will be completed when Census 2010 data are available on minority populations at the census tract level. The Census 2010 data will enable an analysis of loan activity and minority population characteristics for the *same* time period.

- Conduct outreach to cultural, ethnic and minority organizations to potentially increase interest and readiness in home purchases.
- Provide homebuyer education programs in neighborhoods with high denial rates, high minority population concentrations and limited English speaking proficiency to help increase loan approval rates.

Attachment A
California Newspaper Publishers Association
Guidance on Advertising Words and Phrases

The Civil Rights Act of 1968 is a federal law that prohibits discrimination in many different sectors, including housing and employment. Title VIII of the Civil Rights Act of 1968 is the section that is popularly referred to as the Fair Housing Act, and applies to everyone in the United States. Title VIII [42 U.S.C. Section 3604 9(c)] as amended, makes it unlawful to:

Make, print, or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicated any preference, limitation, or discrimination based on *race, color, religion, sex, handicap, familial status, or national origin*, or an intention to make any such preference, limitation, or discrimination.

California has enacted a similar anti-discrimination provision. California Government Code Section 12955 (a), part of the Fair Employment and Housing Act, makes it unlawful:

For the owner of any housing accommodation to discriminate against any person because of the *race, color, religion, sex, marital status, national origin, ancestry, familial status, sexual orientation, source of income, or disability* of that person.

California Government Code Section 12955 (c) further makes it unlawful:

For any person to make, print, or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of housing that indicates any preference, limitation, or discrimination based on *race, color, religion, sex, marital status, national origin, ancestry, familial status, disability, sexual orientation, source of income*, or an intention to make any such preference, limitation, or discrimination.

California's Unruh Civil Rights Act (Civil Code Section 51 et. seq.) further prohibits discrimination in housing based on age. The Act has also been interpreted by the courts in California to protect individuals based on sexual orientation. More broadly, the Unruh law prohibits discrimination based on any of the characteristics listed above as well as any other arbitrary basis.

The FEHA expressly incorporates the anti-discrimination housing provisions (Government code Section 12955[d]).

1. Race / Color / National Origin / Ancestry

These four classes are generally discussed together. Race and color refer to a person's skin color and to ethnological (e.g. Asian, African American) as well as unscientific distinctions (e.g. "Middle Eastern"). National origin and ancestry refer to one's country of origin and ethnic heritage.

The following are some words and terms that state and federal regulators discourage because they discriminate based on race, color, ancestry, or national origin: *white, black, asian,*

integrated, restricted, private, board approval, ethnic landmarks, executive, exclusive, membership approval, a specific nationality such as Chinese and any specific race.

Federal and state regulations and guidelines discourage words and terms such as “membership approval,” “restricted,” “integrated,” and “exclusive.” These and other words and phrases may be discriminatory, according to regulators, because someone reading the advertisement is likely to believe that people of a certain race or national origin will be preferred over others in the sale or rental of the advertised housing.

2. Sex

Discrimination on the basis of sex protects both men and women. It is illegal to specify either “male preferred” or “female preferred.” No preference on the basis of sex should be stated in an advertisement. DFEH stated that terms such as “bachelor pad,” “granny flat,” “mother-in-law suite” and others are commonly used as physical descriptions of housing units do not violate the Act.

3. Disability

The following are a few of the words and phrases that federal regulations state convey an overt or tacit discriminatory preference and should be avoided: *crippled, blind, deaf, mentally ill, retarded, impaired, alcoholic, handicapped, able-bodied, and physically fit.*

Physical descriptions of property (e.g. “great view,” “walk-in closet” and second floor walk-up”) or descriptions of services or facilities (e.g. “jogging trails”) are not facially discriminatory

4. Marital Status/Familial Status

Marital status, as the term suggests, protects people from discrimination based on whether or not they are married. Familial status refers to whether or not an individual has minor children living with them.

Words and phrases that, according to state and federal regulators, bring up the issue of discrimination on the basis of marital or familial status: *retired, one child, one person, number of people, family, (“great for family,” etc.) family park, adult, adults only, children, single, single person, student, two people, seniors, senior discount, couples (e.g. “ideal for couples”), and older person.*

Advertisements which describe the property being advertised or the services or facilities available at the property are generally considered to be acceptable. Examples include “family room” and “playground”

It may be unlawful to limit the number of persons who can live in a housing unit if it would have the effect of discriminating on the basis of familial or marital status.

CNPA recommends rejecting any advertisement that limits the number of occupants, even where the owner specifies that the limitation is required by local law. The reason is that a newspaper publisher cannot investigate the facts surrounding every proposed advertisement to determine if the advertiser’s claim is correct.

5. Religion

Discrimination in housing on the basis of religion is prohibited under both state and federal law. According to the state Guidance Memorandum, "advertisements should not contain an explicit preference, limitation or discrimination on account of religion (i.e. "no Jews," "Christian home")." Some of the words and phrases that regulators say may draw a complaint based on religious discrimination include *Jewish, Mormon Temple, Catholic Church, Christian home, religious name, any religious landmark.*

6. Sexual Orientation

Any reference to an individual's sexual orientation, e.g. lesbian, gay, and straight, etc. should be eliminated from housing ads.

Publishing an ad that says, "lesbian, vegetarian seeking roommate," would expressly indicate a preference for a person on the basis of her sexual orientation.

7. Age

Federal regulations specify that unless the housing being offered meets government requirements for "senior" or "senior only" housing, advertisers may not express a preference or limitation on the basis of age.

Federal and state guidance memorandums specifying that if an advertiser represents to the newspaper that the housing meets the requirements of "senior housing," the newspaper is allowed to rely on the representation.

Attachment B

Hate Crimes Glossary

Bias – A preformed negative opinion or attitude toward a group of persons based on their race, ethnicity, national origin, religion, gender, sexual orientation and/or physical/mental disability.

Ethnic Bias – A preformed negative opinion or attitude toward a group of persons of the same race or national origin that share common or similar traits in language, custom, and tradition, such as Arabs or Hispanics.

Event – An event is an occurrence where a hate crime is involved. (In this DOJ report, the information about the event is a crime report or source document that meets the criteria for a hate crime.) There may be one or more suspects involved, one or more victims targeted, and one or more offenses involved for each event.

Known Suspect(s) – A suspect can be any person alleged to have committed a criminal act(s) or attempted criminal act(s) to cause physical injury, emotional suffering, or property damage. The known suspect category contains the number of suspects that have been identified and/or alleged to have committed hate crimes as stated in the crime report. For example, witnesses observe three suspects fleeing the scene of a crime. The word “known” does not necessarily refer to specific identities.

Offenses – Offenses that are recorded are as follows; murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, simple assault, intimidation, and destruction/vandalism as defined in the national UCR and the national Hate Crimes Statistics Report.

Physical/Mental Disability Bias – A preformed negative opinion or attitude toward a group of persons based on physical or mental impediments/challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.

Racial Bias – A preformed negative opinion or attitude toward a group of persons such as Asians, blacks, or whites, based on common physical characteristics.

Religious Bias – A preformed negative opinion or attitude toward a group of persons that share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, such as Catholics, Jews, Protestants, or Atheists.

Sexual-Orientation Bias – A preformed negative opinion or attitude toward a group of persons based on sexual preferences and/or attractions toward and responsiveness to members of their own or opposite sexes.

Victim – A victim may be an individual, a business or financial institution, a religious organization, government, or other. For example, if a church or synagogue is vandalized and/or desecrated, the victim would be a religious organization.



Section 6

Public Sector Fair Housing Analysis

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SECTION 6

PUBLIC SECTOR FAIR HOUSING ANALYSIS

A. INTRODUCTION

The United States Department of Justice has indicated a major focus of its efforts is on public sector impediments that may restrict housing opportunities for disabled persons. The Department has stated:

The Division's enforcement of the Fair Housing Act's protections for persons with disabilities has concentrated on two major areas. One is insuring that zoning and other regulations concerning land use are not employed to hinder the residential choices of these individuals, including unnecessarily restricting communal, or congregate, residential arrangements, such as group homes. The second area is insuring that newly constructed multifamily housing is built in accordance with the Fair Housing Act's accessibility requirements so that it is accessible to and usable by people with disabilities, and, in particular, those who use wheelchairs.

Source: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, *The Fair Housing Act*, July 25, 2008, page 4

California's Fair Employment and Housing Act states that it is unlawful:

To discriminate through *public or private land use practices, decisions, and authorizations* because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry. Discrimination includes, but is not limited to, restrictive covenants, *zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law* (Title 7 (commencing with Section 65000)), that make housing opportunities unavailable. [emphasis added]

The analysis of public sector impediments involves following:

- A description of the actions taken by the County's four housing authorities to affirmatively further fair housing
- A description of the housing authorities policies on reasonable physical modifications and reasonable accommodations
- A discussion on the most frequent land use and zoning impediments identified by the Entitlement Cities and the County of Orange
- An identification of the land use and zoning impediments identified by each participating Entitlement City and the County of Orange
- A description of the actions to be taken by the FHCOC and the participating jurisdictions to ameliorate or eliminate public sector impediments

B. DESCRIPTION OF HOUSING AUTHORITY FAIR HOUSING POLICIES

Orange County's four housing authorities provide rental assistance through the Housing Choice Voucher Program (HCVP) to an estimated 21,000 households. Thus, the authorities' fair housing policies affect the well-being of a significant number of renter households, most of whom are very low- and low-income families. The assisted tenant's are informed about fair housing rights and the services provided by the FHCOC.

The housing authorities' policies contribute to attaining HUD's mandate to affirmatively further fair housing. If this mandate were not effectively carried out it would adversely impact thousands of very low and low income renter households. All four housing authorities are performing well, however. For example, HUD evaluates the performance of housing authorities through the Section Eight Management Assessment Program (SEMAP). This program measures the performances of public housing agencies (PHAs) that administer the HCVP in 14 key areas, including "Expand housing choice outside areas of poverty or minority concentration." All four housing authorities have received a "high performance rating" with SEMAP scores of 90% or greater. The Orange County Housing Authority has consistently received five bonus points in SEMAP for de-concentration.

1. Fair Housing Policies of Housing Authorities

The paragraphs below summarize key fair housing policies of the housing authorities.

a. Anaheim Housing Authority (AHA)

The AHA 5-Year Plan for the Housing Choice Voucher Program contains a goal to expand housing opportunities by completing a survey of Section 8 landlords to establish an inventory of units that are accessible to the disabled. Another important goal is to ensure equal opportunity and affirmatively further fair housing by ensuring accessible housing to persons with all varieties of disabilities regardless of unit size required.

The Administrative Plan contains policies promoting fair housing and equal opportunity. Policies are established for nondiscrimination, for persons with disabilities, and improving access to services for persons with limited English speaking proficiency.

As noted in the Administrative Plan, Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as PHA policies, prohibit discrimination against additional classes of people. The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called "protected classes")

Anaheim PHA Policy:

The PHA will not discriminate on the basis of marital status or sexual orientation.

The PHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the housing choice voucher program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment

- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or participant toward or away from a particular area based any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

b. Garden Grove Housing Authority (GGHA)

It is the policy of the Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing protected classes of the Fair Housing Act and Equal Opportunity in Housing and Employment.

The GGHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the HCVP on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability, or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the GGHA will provide Federal/State/local information to voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session and all applicable Fair Housing Information and Discrimination Complaint forms will be made a part of the voucher holder's briefing packet. They also will be available upon request at the front desk.

All Housing Authority staff will be informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families; including providing reasonable accommodations to persons with disabilities as a part of the overall commitment to quality customer service.

Fair Housing posters are posted in the Housing Authority office lobby and the equal opportunity logo will be used on specific outreach materials. When available, staff will attend local Fair Housing update training sessions sponsored by HUD and other local organizations to keep current with new developments.

c. Santa Ana Housing Authority (SAHA)

The SAHA's Annual Plan states that it will take affirmative measures to ensure equal opportunity and affirmatively further fair housing. These measures include:

- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability.

- Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status, and disability.
- Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.

Among the action steps taken to implement these measures are the following:

- Provide referrals to the Fair Housing Council of Orange County when the Housing Authority receives complaints of possible housing discrimination.
- Invite the Fair Housing Council of Orange County to make presentations to Authority staff regarding equal opportunities for fair housing (at least one presentation per year).
- Include fair housing information in all tenant briefing packets.
- Provide fair housing information and materials at all landlord training sessions.

Other activities to affirmatively further fair housing include:

- Counsel Section 8 tenants as to location of units outside areas of poverty or minority concentration and assist them to locate those units.
- Market the Section 8 program to owners outside of areas of poverty/minority concentrations.
- Awareness training will be provided to staff by representatives of the Fair Housing Council of Orange County.

d. Orange County Housing Authority (OCHA)

OCHA furthers the HUD strategic goal of ensuring equal opportunity for all Americans by undertaking affirmative measures to provide access to a suitable living environment in assisted housing regardless of race, color, religion, national origin, sex, familial status, or disability, in any bedroom size unit. Examples of specific affirmative measures are given below:

OCHA undertakes affirmative measures, initially at program briefings and again during annual re-certifications, to keep participant and applicant families advised of their civil rights regarding access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability. In addition, OCHA networks with over 180 community organizations and 31 participating cities to ensure awareness of and enforcement of fair housing laws. OCHA's Annual Plan is also consistent with Orange County's Consolidated Plan in furthering these objectives.

OCHA includes a Fair Housing brochure in all Briefing Packets, advising applicants and participants on how to file a fair housing complaint. The brochure includes the toll-free number for the Housing Discrimination Hotline: 1-800-669-9777, and the Federal Information Relay Service number: 800-877-8339. In addition, Fair Housing posters are

printed in three Languages; English, Spanish and Vietnamese and are placed in OCHA's lobby for distribution.

OCHA affirmatively furthers fair housing by certifying to HUD that it will:

- Examine OCHA's programs and proposed programs
- Identify any impediments to fair housing choice within those programs
- Address those impediments in a reasonable fashion in view of the resources available
- Work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that requires OCHA's involvement
- Maintain records reflecting these analyses and actions

Additionally, OCHA implements the following policies for persons with disabilities:

- In accordance with rent reasonableness requirements, approve higher rents to owners that provide accessible units with structural modifications for persons with disabilities.
- Provide technical assistance, through referrals to the Fair Housing Council of Orange County, to owners interested in making reasonable accommodations or units accessible to persons with disabilities.

OCHA's Administrative Plan further explains its role in implementing laws and HUD regulations requiring OCHA to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of OCHA's Housing Choice Voucher (HCV) operations. The Administrative Plan Fair Housing and Equal Opportunity rules and policies include:

- Nondiscrimination: Laws and regulations governing the responsibilities of OCHA regarding nondiscrimination.
- Policies Related to Persons with Disabilities: Rules and policies of the HCVP related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.
- Prohibition of Discrimination Against Limited English Proficiency Persons: Obligations of OCHA to ensure meaningful access to the HCVP and its activities by persons with limited English proficiency (LEP). This part incorporates HUD and DOJ's Notice of Guidance, published December 19, 2003 in the *Federal Register*.

2. Section 8 Housing Policies on Reasonable Physical Modifications and Reasonable Accommodations

Question #8 of the *Zoning and Planning Survey* (Attachment A) asks:

If the jurisdiction supplies or manages housing, is there a clear policy to allow disabled persons residing in or seeking to reside in the housing to make or request reasonable physical modifications or to request reasonable accommodations?

As previously noted, four housing authorities administer the Section 8 Housing Choice Voucher Program:

- Anaheim Housing Authority
- Garden Grove Housing Authority
- Santa Ana Housing Authority
- Orange County Housing Authority

The Anaheim Housing Authority administers about 6,300 Section 8 Housing Choice Voucher units. As a consequence, this rental assistance program represents a significant segment of the rental housing market.

The Garden Grove Housing Authority administers about 2,500 Section 8 Housing Choice Voucher units. Of this total, 2,026 Section 8 families reside in rental housing located in Garden Grove, a number that represents 10% of the City's rental housing stock.

The Santa Ana Housing Authority administers about 2,600 Section 8 Housing Choice Voucher units.

The Orange County Housing Authority administers about 9,600 Section 8 Housing Choice Vouchers. The housing units are located in the unincorporated area and 31 participating cities in Orange County.

HUD stipulates a number of reasonable accommodations that can be made available to persons with disabilities who are recipients of Housing Choice Vouchers. Examples of the types of accommodations include:

- Approval to perform annual reexaminations of household income by telephone
- Approval to add a live-in aide/care provider
- Approval to rent a unit owned by a relative
- Approval of an extra bedroom for large, intrusive medical equipment
- Approval to use a voucher in special housing types such as shared housing, group homes, congregate housing and assisted living

Each housing authority has adopted policies - as part of their Administrative Plans - related to persons with disabilities, including reasonable accommodation. For example, the Anaheim Housing Authority has the following policy:

If you or anyone in your family is a person with disabilities, and you require specific accommodation in order to fully utilize our programs and services, please contact the housing authority.

Another example is the Garden Grove Housing Authority policy which states:

The GGHA shall make reasonable adjustments to their rules, policies, practices and procedures in order to enable an applicant or participant with a disability to have an equal opportunity to access the HCVP. If providing the accommodations would result in a fundamental alteration in the nature of the HCVP or an undue financial or administrative burden, then the GGHA need not provide the accommodation, however it may present an alternate accommodation that will still meet the need of the person. An undue administrative burden is one that requires a fundamental alteration of the essential functions of the GGHA (i.e., waiving a family obligation). An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the GGHA.

A participant with a disability must request a change to a policy or practice as an accommodation of his or her disability before the GGHA will treat a person differently than anyone else. The GGHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities.

3. Fair Housing and Lead-Based Paint

The issue of lead based paint in housing is recognized as a fair housing concern because of the overconcentration of housing containing lead based paint in very low and low income neighborhoods coupled with the over concentration of protected classes residing in these neighborhoods. Lead based paint also is a fair housing issue because it relates especially to rental housing for children. Under the Fair Housing Act, it is illegal to not rent to families unless the housing is exempt because it is housing for older persons.

The Orange County Childhood Lead Poisoning Prevention Program (CLPPP) explains that high blood lead levels are a concern because they may cause harmful effects to a child's developing organ systems such as the kidneys, brain, liver, and blood-forming tissues. This may affect a child's ability to learn. Very high blood levels can cause devastating health consequences, including seizures, coma, and even death. Children are much more vulnerable to lead poisoning than adults because they put many kinds of items into their mouths. Their bodies absorb up to 40% of the lead with which they come into contact as opposed to only 10% absorbed by adults. Lead enters the body through breathing or ingestion. Some possible sources of lead include

- Living in an older home painted with lead-based paint
- Ceramic pottery
- Lead-based paint dust from a household contact's work clothing
- A home remedy
- A crib painted with lead-based paint

The CLPPP follows children with abnormal or high blood lead levels. CLPPP receives reports of abnormal lead results from the State, laboratories, or physicians/clinics who have ordered the test.

In order to better protect children and families against lead poisoning; in 1999 HUD instituted revised lead-based paint regulations focused on the following five activities:

- Notification – disclosure, distribution of pamphlet, notice of lead hazard evaluation or presumption, and notice of lead hazard reduction activity
- Lead Hazard Evaluation – visual assessment, paint testing, and risk assessment or lead hazard screen
- Lead Hazard Reduction – paint stabilization, interim controls, and abatement
- Ongoing Maintenance – inspect and maintain lead hazard reduction work
- Response to Children with Environmental Intervention Blood Lead Level – sharing and comparing information, risk assessment, interim controls or abatement, and notices of disclosure

On April 22, 2008, EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Starting on April 22, 2010, the rule affected paid renovators who work in pre-1978 housing and child-occupied facilities, including:

- Renovation contractors
- Maintenance workers in multi-family housing
- Painters and other specialty trades

Under the rule, child-occupied facilities are defined as residential, public or commercial buildings where children under age six are present on a regular basis. The requirements apply to renovation, repair or painting activities. The rule does not apply to minor maintenance or repair activities where less than six square feet of lead-based paint is disturbed in a room or where less than 20 square feet of lead-based paint is disturbed on the exterior. Window replacement is not minor maintenance or repair.

HUD has indicated that lead-based paint in assisted housing occupied by families with children is a fair housing concern. The County's four housing authorities provide rental assistance to a combined total of about 21,000 households/housing units. Many of the assisted households are families with children. Efforts to reduce lead based paint hazards are integrated into the County's four housing authority's administrative procedures. For example, as of May, 2010 the Orange County Housing Authority was assisting 1,226 families that include one or more children under the age of six. The Housing Authority developed a report listing the address of the assisted units with children under the age of six. The County's Health Care Agency (HCA) then compared the assisted unit addresses with the address of any children in their records that had an elevated blood level. HCA completed a check of current, open State-defined cases against OCHA's list. These are children with one blood lead level (BLL) of 20 mcg/dL or greater or two BLLs of 15-19 mcg/dL. There have been no matches at this time. HCA is continuing to compare the addresses for other identified elevated blood lead levels for those addresses.

C. DESCRIPTION OF CITY AND COUNTY PUBLIC SECTOR IMPEDIMENTS

As part of the preparation of an *Analysis of Impediments to Fair Housing Choice* participating cities responded to a 24-question survey regarding local governmental codes or policies and practices that may result in the creation or perpetuation of one or more impediments to fair housing choice. The survey has a particular focus on land use and zoning regulations, practices and procedures that can act as barriers to the situating, development, or use of housing for individuals with disabilities. However, it also touches on areas that may affect fair housing choice for families with children or otherwise serve as impediments to full fair housing choice. In identifying impediments to fair housing choice, the survey looks to distinguish between *regulatory* impediments based on specific code provisions and *practice* impediments, which arise from practices or implementing policies used by the jurisdiction.

Attachment A is the complete *Survey of Zoning and Planning Codes, Policies and Practices That May Pose an Impediment to Fair Housing Choice*. The survey provides background information that explains the fair housing issues and concerns posed by each question. Three examples of background information are provided below:

- The *City of Santa Barbara v Adamson* case explains why cities should not have a definition of “family” that restricts housing opportunities for disabled persons living in a group home.
- The *U.S. ex re. Anti-Discrimination Center v. Westchester County* indicates that in appropriate circumstances affordable housing can be a tool to address a lack of fair housing choice in highly segregated communities.
- The Housing for Older Persons Act explains the conditions under which senior housing is exempt from the prohibition against familial discrimination.

Chart 6-1 on the next page lists the 24 topics/questions included in the *Survey of Zoning and Planning Codes, Policies and Practices*.

The results of the *Zoning and Planning Survey* are presented in the following pages. The analysis is presented in two parts:

- First, a summary is presented of public sector impediments that are common to most participating jurisdictions.
- Second, the public sector impediments unique to each participating jurisdiction are identified.

Chart 6-1
Orange County Regional Analysis of Impediments to Fair Housing Choice
Topics Included in the Survey of Zoning and Planning Codes, Policies and Practices
That May Pose an Impediment to Fair Housing Choice

1. Lack of a Family Definition Consistent with Fair Housing Laws
2. Mischaracterize Housing for the Disabled as "Boarding or Rooming house"
3. Lack of a Definition of Disability Consistent with Fair Housing Laws
4. Treating Housing for Disabled Persons Differently than Other Housing
5. Restrict On-Site Supportive Services for Housing for Disabled Persons
6. Occupancy Limits on Housing for Disabled Persons
7. Lack of a Reasonable Accommodation Procedure
8. Lack of Reasonable Modifications/Accommodations in Section 8 Housing
9. Public Hearing Requirements on Requests for Exceptions to Zoning Rules
10. CUP Requirement for Housing for Disabled Persons
11. Lack of Disabled-Accessible Parking for Multiple-Family Projects
12. Lack of Development Standards for Making Housing Accessible to Disabled Persons
13. Plan Check for Accessibility Compliance of Covered Multi-Family New Construction
14. Zoning Ordinance or Policy for Inclusionary Housing
15. Zoning Ordinance or Policy for Mixed Use Development
16. Development Incentives for the Provision of Affordable Housing
17. Ordinance or Policy Limiting Housing to Fair Housing Protected Classes
18. Zoning Development Standards for Senior Housing/Compliance with Unruh Civil Rights Act
19. CUP Requirements for Senior Housing Developments
20. Zoning and Policies for Special Needs Housing
21. Occupancy Standards More Restrictive than State Law
22. Policy on Admission Preference to Persons Already Residing in the Jurisdiction
23. Impact of Redevelopment Activities on Fair Housing Choice
24. Zoning Ordinance or Policies that Discuss Fair Housing

1. Public Sector Impediments Common to Most Participating Jurisdictions

The most common public sector impediments are:

- The zoning regulations do not define “disability”.
- The zoning regulations do not define “supportive” and “transitional housing” as required by Government Code Section 65583(a)(5).
- Some cities have not adopted a reasonable accommodation procedure.
- The zoning regulations do not discuss housing for “special needs” populations.
- The zoning regulations do not discuss fair housing.

a. Definition of Disability

Question #3 asks: *Does the code or any policy document define ‘disability’, if at all, at least as broadly as the federal Fair Housing Act?*

Almost all cities do not define “disability.” Those cities with an adopted reasonable accommodation procedure define disability in the procedure.

Jurisdictions planning to define disability in either or both the zoning regulations and a reasonable accommodation procedure need to be aware of what the Fair Housing Act (FHA) and American with Disabilities Act (ADA) cover. The ADA covers the activities of state and local governments, their buildings as well as public accommodations in movie theaters, restaurants, hotels, etc. The FHA applies to residential dwellings. Because of this difference, at one time both builders and developers believed that they were meeting the guidelines of the ADA and, therefore, believed that they were fulfilling all of their responsibilities in regards to accessibility, which was not necessarily true.

Also, the protections for persons with disabilities are very different from protections provided for other protected cases under the FHA in that the provisions actually call for affirmative actions to be taken by housing providers, municipalities and others in removing barriers to fair housing choice for people with disabilities. That is why some cities have adopted an ordinance incorporating provisions to provide people with disabilities reasonable accommodations in rules, policies, practices and procedures that may be necessary to ensure equal access to housing.

b. Supportive Housing

Question #5 asks: *Does the code limit housing opportunities for disabled individuals through restrictions on the provision of on-site supportive services?*

Government Code Section 65583(a)(5) requires local zoning to treat supportive and transitional housing as a residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if transitional housing is a multifamily use proposed in a multifamily zone, zoning should treat transitional housing the same as other multifamily uses proposed in the zone. The purpose of Government Code Section 65583(a)(5) is to address the need for housing for the disabled.

Government Code Section 65582(f) states:

“‘Supportive housing’ has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.”

Health and Safety Code Section 50675.14(b) states:

“For purposes of this section, ‘supportive housing’ means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.”

Health and Safety Code Section 53260(d) states:

“‘Target population’ means adults with low incomes having *one or more disabilities*, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.” [emphasis added]

Government Code Section 65582(g) states:

“‘Transitional housing’ has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.”

Health and Safety Code Section 50675.2(h) states:

“‘Transitional housing’ and ‘transitional housing development’ means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.”

Health and Safety Code Section 50801(i) states:

“‘Transitional housing’ means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents to move to permanent housing.”

The population to be served by supportive and transitional housing is people with different kinds of disabilities. Actions by the entitlement cities and Urban County to provide zoning regulations will eliminate a potential impediment to the development of such housing.

c. Reasonable Accommodation Procedure

Question #7 asks: *Does the jurisdiction have, either by ordinance or policy, a process by which persons with disabilities can request reasonable accommodations (modifications or exceptions) to the jurisdiction's codes, rules, policies, practices, or services, necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling?*

Many cities have not yet adopted a reasonable accommodation procedure. The federal Departments of Justice (DOJ) and Housing and Urban Development (HUD) as well as the California Attorney General have encouraged local governments to adopt a reasonable accommodation procedure. The DOJ and HUD have stated:

"Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community."

Joint Statement of the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act*, August 18, 1999, page 5.

On May 15, 2001 the State Attorney General transmitted a letter to all local governments advising the localities to consider adoption of a reasonable accommodation procedure. In that letter, the Attorney General stated:

"Both the federal Fair Housing Act ('FHA') and the California Fair Employment and Housing Act ('FEHA') impose an affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations 'may be necessary to afford' disabled persons 'an equal opportunity to use and enjoy a dwelling.'"

Many jurisdictions currently handle requests for relief from the zoning ordinance through variance or conditional use permits. The Attorney General remarked that:

"...the criteria for determining whether to grant a variance or conditional use permit typically differ from those which govern the determination whether a requested accommodation is reasonable within the meaning of fair housing laws.

"Thus, municipalities relying upon these alternative procedures have found themselves in the position of having refused to approve a project as a result of considerations which, while sufficient to justify the refusal under the criteria applicable to grant of a variance or conditional use permit, were insufficient to justify the denial when judged in light of the fair housing laws' reasonable accommodations mandate."

The Attorney General also stated that the variance and conditional use permit procedures – with their different governing criteria – serve to encourage community opposition to projects housing the disabled. The Attorney General wrote:

"Yet this is the very type of opposition that, for example, the typical conditional use permit procedure, with its general health, safety and welfare standard, would seem rather

predictably to invite, whereas a procedure conducted pursuant to the more focused criteria applicable to the reasonable accommodation determination would not.”

The advice of the Attorney General is to establish a reasonable accommodation procedure instead of relying on the conditional use permit and variance procedures to process a request for disabled persons seeking specific exceptions to zoning and land-use rules (variances) necessary for them to be able to fully use and enjoy housing. A public hearing is not required for approval of a reasonable accommodation request.

Cities without an adopted procedure have stated in their housing elements that they intend to enact such a procedure pursuant to the requirements of state law.

Attachment B on page 6-34 is an example of a reasonable accommodation procedure (City of La Habra).

d. Special Needs Zoning

Question #20 asks: *Does the zoning code or other planning document address housing for “special needs” populations.*

Most cities answered this question in the affirmative. However, the documents addressing special needs housing was typically a housing element and not the zoning code. Consequently, most cities do not have zoning regulations that describe development standards for special needs populations such as: homeless people, victims of domestic violence, people with disabilities, and people living with HIV/AIDS, all of whom have direct fair housing implications. There is a high incidence of disability in the homeless population, domestic violence overwhelmingly impacts women, and people with HIV/AIDS are considered disabled under fair housing law. While age is not a characteristic protected under federal fair housing law, it is covered under state law, and the higher incidence of disability in the frail elderly introduces possible fair housing implications for that population as well.

Entitlement cities and the Urban County should consider enacting special needs housing zoning regulations. Attachment C on page 6-37 is an example of such zoning regulations (City of La Habra).

e. Fair Housing Discussion

Question 24 asks: *Does the zoning ordinance or other planning or policy document include a discussion of fair housing?*

Most cities answered this question in the affirmative. However, the document discussing fair housing was typically a housing element and not the zoning code. Consequently, most cities do not have zoning regulations that discuss fair housing.

Entitlement cities and the Urban County should consider enacting fair housing zoning regulations. Attachment D on page 6-47 is an example of such zoning regulations (City of San Francisco Fair Housing Implementation Ordinance).

2. City Identified Public Sector Impediments

D. ACTIONS TO BE TAKEN BY THE FHCOC AND CITY TO AMELIORATE OR ELIMINATE PUBLIC SECTOR IMPEDIMENTS

1. Actions to be Taken by the FHCOC

The FHCOC will provide technical assistance to cities that have identified public sector impediments in the following areas:

- Family definition inconsistent with fair housing laws
- Lack of a definition of disability
- Lack of a reasonable accommodation procedure
- Lack of zoning regulations for special needs housing
- Lack of a fair housing discussion in zoning and planning documents
- Compliance with HUD AFFH requirements

The technical assistance will consist of providing background information on the above impediments and model ordinances or regulations that adequately address the fair housing concerns posed by the impediments.

2. Actions to be Taken by the City

Attachment A
SURVEY OF ZONING AND PLANNING
CODES, POLICIES AND PRACTICES
THAT MAY POSE AN IMPEDIMENT TO FAIR HOUSING CHOICE



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**SURVEY OF ZONING AND PLANNING
CODES, POLICIES AND PRACTICES
THAT MAY POSE AN IMPEDIMENT TO FAIR HOUSING CHOICE**

Name of Jurisdiction: _____

Completing Department: _____

Completed By: _____

Date Completed: _____

INTRODUCTION

As part of the preparation of an Analysis of Impediments to Fair Housing Choice, which is required for the receipt of certain federal funds, this survey seeks answers to 24 questions regarding local governmental codes or policies and practices that may result in the creation or perpetuation of one or more impediments to fair housing choice. It has a particular focus on land use and zoning regulations, practices and procedures that can act as barriers to the siting, development, or use of housing for individuals with disabilities. However, it also touches on areas that may affect fair housing choice for families with children or otherwise serve as impediments to full fair housing choice.

The survey will help with the analysis of the codes and other documents related to land use and zoning decision-making provided by the jurisdiction. Additional information may be sought through interviews with appropriate staff and local developers of housing. In identifying impediments to fair housing choice, the survey looks to distinguish between *regulatory* impediments based on specific code provisions and *practice* impediments, which arise from practices or implementing policies used by the jurisdiction.

QUESTIONS

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then double click check boxes to check or uncheck]

1. Does the code definition of “family” have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement? Yes ☐ No ☐

Background

Both State and Federal fair housing laws prohibit definitions of family that either *intentionally* discriminate against people with disabilities or *have the effect* of excluding such individuals from housing. Fair housing laws, for instance, prohibit definitions of family that limit the development and siting of group homes for individuals with disabilities (but not families similarly sized and

situated). Such definitions are prohibited because they could have the effect of denying housing opportunities to those who, because of their disability, live in a group setting. The failure to modify the definition of family or make an exception for group homes for people with disabilities may also constitute a refusal to make a reasonable accommodation under the Fair Housing Act.

In 1980, the California Supreme Court in *City of Santa Barbara v. Adamson* struck down the City's ordinance that permitted any number of *related* people to live in a house in a R1 zone, but limited the number of *unrelated people* who were allowed to do so to five. Under the invalidated Santa Barbara ordinance, a group home for individuals with disabilities that functions like a family could be excluded from the R1 zone solely because the residents are *unrelated* by blood, marriage or adoption.

For example, a city may have a definition of 'family' as follows:

"Family" means a householder and one or more other people living in the same household who are *related* to the householder by birth, marriage or adoption. *[emphasis added]*

A definition of family should look to whether the household functions as a cohesive unit instead of distinguishing between related and unrelated persons.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

2. Does the code definition of "dwelling unit" or "residential unit" have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement? Yes ☐ No ☐

Background

The definition of a "dwelling unit" or "residential unit" may exclude or restrict housing opportunities for individuals with disabilities by mischaracterizing congregate or group living arrangements as "boarding or rooming house" a "hotel" or a "residential care facility". Both State and Federal fair housing laws prohibit definitions of dwelling that either *intentionally* discriminate against people with disabilities or *have the effect* of excluding such individuals from housing. Generally, all dwellings are covered by fair housing laws, with a "dwelling" being defined as "a temporary or permanent dwelling place, abode or habitation to which one intends to return as distinguished from the place of temporary sojourn or transient visit."

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

3. Does the code or any policy document define “disability”, if at all; at least as broadly as the federal Fair Housing Act? Yes ☐ No ☐

Background

The federal Fair Housing Act (FHA) defines disability/handicap as follows:

"Handicap" means, with respect to a person--

- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) a record of having such an impairment, or
- (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

The term “physical or mental impairment” may include conditions such as blindness, hearing impairment, mobility impairment, HIV infections, AIDS, AIDS Related Complex, mental retardation, chronic alcoholism, drug addiction, chronic fatigue, learning disability, head injury and mental illness. The term “major life activities” may include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

The California Fair Employment and Housing Act (FEHA) definition is somewhat broader, in that removes the word “substantially”. The FEHA definition is:

- (1) A physical or mental impairment that limits one or more of a person's major life activities
- (2) A record of having, or being perceived as having, a physical or mental impairment. It does not include current illegal use of, or addiction to, a controlled substance (as defined by Section 102 of the Federal Controlled Substance Act, 21 U.S.C. Sec. 802).

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

4. Are personal characteristics of residents, including, but not necessarily limited to, disability, considered? Yes ☐ No ☐

Background

Under the Fair Housing Act, cities may have reasonable restrictions on the maximum number of occupants permitted to occupy a dwelling; however, the restrictions cannot be based on the *characteristics* of the occupants; the restrictions must apply to all people, and are based upon health and safety standards. Similarly, a conditional use permit or variance requirement triggered by the number of people with certain *characteristics* (such as a disability) who will be living in a particular dwelling is prohibited. Because licensed residential care facilities serve people with disabilities, imposing a conditional use permit or variance requirement on family-like facilities of a certain size and not similarly sized housing for people without disabilities, violates fair housing laws.

According to the DOJ and HUD, “group home” does not have a specific legal meaning. In the DOJ/HUD Joint Statement –

“...the term ‘group home’ refers to housing occupied by groups of unrelated individuals with disabilities. Sometimes, but not always, housing is provided by organizations that also offer services for individuals with disabilities living in the group home. Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.

“The term ‘group home’ is also sometimes applied to any group of unrelated persons who live together in a dwelling – such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

“Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act.”*

Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act*, August 18, 1999, pages 2 and 3.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

5. Does the code limit housing opportunities for disabled individuals through restrictions on the provision of on-site supportive services?

Yes ☐

No ☐

Background

Housing for disabled persons, to be sustainable, successful and to allow them to fully use and enjoy the housing, often must incorporate on-site supportive services. Zoning provisions that limit on-site supportive services will, in effect, curtail the development of adequate housing for the disabled. As the joint statement by DOJ and HUD indicates:

“Sometimes, but not always, housing is provided by organizations that also offer services for individuals with disabilities living in the group home.”

Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act*, August 18, 1999, page 2.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

6. Does the jurisdiction policy have more restrictive limits for occupancies involving disabled residents than for other occupancies of unrelated, non-disabled persons?
Yes ☐ No ☐

Background

The joint statement by DOJ and HUD describes this issue as follows:

"A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home of seven unrelated people with disabilities was not allowed to locate in single-family zoned neighborhood, because a group of seven unrelated people without disabilities would also not be allowed."

Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act*, August 18, 1999, page 3.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

7. Does the jurisdiction have, either by ordinance or policy, a process by which persons with disabilities can request reasonable accommodations (modifications or exceptions) to the jurisdiction's codes, rules, policies, practices, or services, necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling?
Yes ☐ No ☐

Background

A joint statement by DOJ and HUD explains this issue as follows:

"As a general rule, the Fair Housing Act makes it unlawful to refuse to make 'reasonable accommodations' (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

"Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a

setback required so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.

"Where a local zoning scheme specifies procedures for seeking a departure from the general rule, courts have decided, and the Department of Justice and HUD agree, that these procedures must ordinarily be followed. If no procedure is specified, persons with disabilities may, nevertheless, request a reasonable accommodation in some other way, and a local government is obligated to grant it if it meets the criteria discussed above. A local government's failure to respond to a request for reasonable accommodation or an inordinate delay in responding could also violate the Act.

"Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community."*

*Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act*, August 18, 1999, pages 4 and 5.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

8. If the jurisdiction supplies or manages housing, is there a clear policy to allow disabled persons residing in or seeking to reside in the housing to make or request reasonable physical modifications or to request reasonable accommodations?

Yes ☐ No ☐ N/A ☐

If 'Yes', is the policy communicated to applicants or residents?

Yes ☐ No ☐

Explanation of Answer Given Above

Please provide a brief description of the policy, its dissemination and its process:

9. Does the jurisdiction require a public hearing for disabled persons seeking specific exceptions to zoning and land-use rules (variances) necessary for them to be able fully use and enjoy housing? Yes ☐ No ☐
If 'Yes', is the process the same as for other applications for variances, or does it impose added requirements?

Background

Persons with disabilities cannot be treated differently from non-disabled persons in the application, interpretation and enforcement of a community's land use and zoning policies. In acting consistently with "affirmatively furthering fair housing," it is considered preferable to have a reasonable accommodation procedure intended to facilitate a disabled applicant's request for exceptions to zoning and land use rules, that does not require a public hearing process. As previously explained in the joint statement by DOJ and HUD:

"Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community."*

*Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act*, August 18, 1999, page 5.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer, and an explanation of any differences for persons with disabilities:

10. Does the zoning code distinguish housing for persons with disabilities from other residential uses by requiring an application for a conditional use permit (CUP)? Yes ☐ No ☐

Background

See the Background section for questions 7 and 9 above.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and what aspects of use trigger the need for a permit:

11. Describe the development standards, if any, for the provision of disabled-accessible parking for multiple-family projects.

12. Does the code contain any development standards or special provisions for making housing accessible to persons with disabilities?

Yes ☐ No ☐

Does it specifically reference the accessibility requirements contained in the Fair Housing Amendments Act of 1988?

Yes ☐ No ☐

Background

Generally, under the federal Fair Housing Amendments Act of 1988, both privately owned and publicly assisted single-story, multi-family housing units built for first occupancy on or after March 13, 1991— including both rental and for sale units – must meet the accessibility requirements when they are located in 1) buildings of four or more dwellings if such buildings have one or more elevators, or 2) are ground floor units in non-elevator buildings containing four or more units. These standards, encompassing seven basic provisions, are codified at Code of Federal Regulations Title 24, Part 100.205.

Additionally, under Section 504 of the Rehabilitation Act of 1973, it is unlawful to discriminate based on disability in federally assisted programs. This section provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits, or be subjected to discrimination on account of disability under any program or activity receiving federal funding assistance. Section 504 also contains accessibility provisions for dwellings developed or substantially rehabilitated with federal funds.

For the purposes of compliance with Section 504, “accessible” means ensuring that programs and activities, when viewed in their entirety, are accessible to and usable by individuals with disabilities. For housing purposes, the Section 504 regulations define an accessible dwelling unit as a unit that is located on an accessible route and can be approached, entered, and used by individuals with physical disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in Code of Federal Regulations Title 24, Part 8.32 is accessible. In addition, the Section 504 regulations impose specific accessibility requirements for new construction and alteration of housing and non-housing facilities in HUD assisted programs. Section 8.32 of the regulations states that compliance with the appropriate technical criteria in the Uniform Federal Accessibility Standards (UFAS), or a standard that is equivalent to or stricter than the UFAS, is an acceptable means of meeting the technical accessibility requirements in Sections 8.21, 8.22, 8.23 and 8.25 of the Section 504 regulations. However, meeting Section 504 accessibility requirements does not exempt housing from other accessibility requirements that may be required under fair housing laws.

The following Section 504 requirements apply to all federally assisted newly constructed housing and to *substantial rehabilitation* of housing with 15 or more units:

- A minimum of five percent of total dwelling units (but not less than one unit) accessible for individuals with mobility impairments;
- An additional two percent of dwelling units (but not less than one) accessible for persons with hearing or vision impairments; and
- All units made adaptable that are on the ground level or can be reached by an elevator.

Fair housing laws do not impose a duty on local jurisdictions to include accessibility provisions in their codes, or to enforce the accessibility provisions of fair housing laws. However, the inclusions of accessibility standards and/or plan checking for accessibility compliance are significant ways that jurisdictions can affirmatively further fair housing choice for persons with disabilities.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and of the standards, if any:

13. Does the jurisdiction conduct plan checking for accessibility compliance of covered multi-family new construction?

Yes ☐

No ☐

Background

See the final paragraph of the Background section of question 12.

If 'Yes', please give a brief description of process and what items are checked.

14. Is there a zoning ordinance or other development policy that encourages or requires the inclusion of housing units affordable to low and/or moderate income households (so-called 'inclusionary housing')?

Yes ☐

No ☐

Background

An analysis of impediments to fair housing choice must be careful to not substitute or conflate housing affordability policy with policies intended to affirmatively further fair housing. While household income is not a characteristic addressed by fair housing laws, it is appropriate to recognize that a lack of affordable housing can have a disparate impact on housing choice, on the basis of characteristics protected by fair housing laws.

As demonstrated in the outcome in the recent court case of *U.S. ex rel. Anti-Discrimination Center v. Westchester County*, which involved failures to affirmatively further fair housing by Westchester County, New York, in appropriate circumstances the provision and situation of affordable housing can be a tool to address a lack of fair housing choice in highly segregated communities.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

15. Does the zoning ordinance allow for mixed uses?

Yes ☐ No ☐

If 'Yes', does the ordinance or other planning policy document consider the ability of mixed-use development to enhance housing affordability? Also, do development standards for mixed-uses take into consideration the challenges of providing housing accessible to persons with disabilities in such mixed uses?

Background

The purpose of this inquiry relates to housing affordability and fair housing choice as discussed in the Background section of question 14. Also, housing for disabled persons in a mixed-use development that includes commercial and residential land uses in a multi-story building could be a challenge. In such a development, it is especially important to correctly interpret the CFR Title 24, Part 100.205 and CCR Title 24 accessibility requirements.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and a brief overview of the development standards:

16. Does the zoning ordinance provide for any of the following: 1) development incentives for the provision of affordable housing beyond those provided by state law; 2) development by right of affordable housing; or, 3) a zoning overlay to allow for affordable housing development?

Yes ☐ No ☐

Background

The purpose of this inquiry relates to housing affordability and fair housing choice as discussed in the Background section of the question 14.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and a brief overview of the development standards:

17. Does the zoning ordinance describe any areas in this jurisdiction as exclusive?

Yes ☐ No ☐

Are there exclusions or discussions in the ordinance or any planning policy document of limiting housing on the basis of any of the following characteristics covered by fair housing laws?

Yes ☐ No ☐

If 'Yes', check all of the following that apply:

Race ☐ Color ☐ Sex ☐ Religion ☐ Age ☐ Disability ☐
Familial Status ☐ National Origin ☐

Explanation of Answer Given Above

Please provide a brief explanation of the how you arrived at the answer:

18. Are there any standards for Senior Housing in the zoning ordinance?Yes ☐ No ☐

If 'Yes', do the standards comply with state or federal law on housing for older persons (i.e., solely occupied by persons 62 years of age or older, or occupied by at least one person 55 years of age, or other qualified permanent resident pursuant to Civil Code §51.3)?

Yes ☐ No ☐

Is the location of Senior Housing treated differently than that other rental or for-sale housing?

Yes ☐ No ☐

If 'Yes', explain.

Background

Under federal law housing discrimination against families with children is permitted only in housing in which all the residents are 62 years of age or older or where at least 80% of the occupied units have one person who is 55 years of age or older. Generally, California law states that a housing provider using the lower age limitation of 55 years must have at least 35 units to use the familial status discrimination exemption. Also, California law, with narrow exceptions, requires all residents to be "senior citizens" or "qualified permanent residents", pursuant to Civil Code §51.3.

The 1988 amendments to the federal Fair Housing Act exempt "housing for older persons" from the prohibitions against familial discrimination. This means that housing communities and facilities that meet the criteria for the federal Housing for Older Persons Act (HOPA) may legally exclude families with children. Such housing is still bound by all other aspects of fair housing law (such as prohibition of discrimination based on race, national origin or disability).

Section 3607(b)(2) defines "housing for older persons" as housing:

- (A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State of Federal program); or
- (B) intended for, and solely occupied by, persons 62 years of age or older; or
- (C) intended and operated for occupancy by persons 55 years of age or older and –
 - (i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;
 - (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and
 - (iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall –

- (I) provide for verification by reliable surveys and affidavits, and
- (II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

Subsection (C) was changed by the Housing for Older Persons Act of 1995 (HOPA) to remove some of the uncertainties created by a provision in the 1988 Amendments that required the "existence of significant facilities and services specifically designed to meet the physical and social needs of older persons." The HOPA also provides for a good faith defense in an action for monetary damages under this subsection.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and a brief overview of the development standards, if any:

19. Does the zoning code distinguish senior citizen housing from other residential uses by the application of a conditional use permit (CUP)?

Yes ☐ No ☐

Background

Senior housing is an important component of the community's housing stock. Demographic projections show that many communities will experience a growth in the elderly population. As a population ages, seniors need a variety of housing opportunities. Also, there is a higher prevalence of persons with disabilities within the senior population.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and what aspects of use trigger the need for a permit:

20. Does the zoning code or other planning policy document address housing for "special needs" populations?

Yes ☐ No ☐

Background

Special needs populations typically are considered to be homeless people, victims of domestic violence, people with disabilities (including those recovering from substance abuse), youth in crisis, people living with HIV/AIDS and the frail elderly. Of these groups, homeless people, victims of domestic violence, people with disabilities, and people living with HIV/AIDS have direct fair housing implications. There is a high incidence of disability in the homeless population, domestic violence overwhelming impacts women; and people living with HIV/AIDS are considered disabled under fair housing laws. While age is not a characteristic protected under federal fair housing law, it is covered under state law, and the higher incidence of disability in the frail elderly introduces possible fair housing implication for that population as well.

These populations often rely on group homes or service-enriched multi-family settings for housing opportunities. To the extent that zoning and other planning policy documents fail to provide for, or impose barriers to, these types of housing an impediment to fair housing choice might exist.

As previously noted, according to the DOJ and HUD, the term 'group home' does not have a specific legal meaning. While it often implies a living situation for people with disabilities, it also applies to any group of unrelated persons, often sharing common characteristics, who live together in a dwelling. This broader use of the term encompasses 'special needs' individuals.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and a brief explanation of 'special needs' provisions, if any:

21. Does the zoning ordinance establish occupancy standards or maximum occupancy limits that are more restrictive than state law, which incorporates the Uniform Housing Code (UHC)?

Yes ☐

No ☐

Background

Occupancy standards sometimes can impede housing choice for families with children or for disabled persons. For example, some jurisdiction's zoning regulations have attempted to limit occupancy to five related persons occupying a single family home, or to strictly establish an occupancy standard of no more than two persons per bedroom. Such regulations can limit housing availability for some families with children, or prevent the development of housing for disabled persons.

The federal Fair Housing Act (FHA) also provides that nothing in the Act "limits the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling." [Section 807(b)(1)]

HUD implements section 589 of the Quality Housing and Work Responsibility Act (QHWRA) of 1988 by adopting as its policy on occupancy standards for purposes of enforcement actions under the FHA, the standards provided in the Memorandum of General Counsel Frank Keating to Regional Counsel dated March 20, 1991. The purpose of that Memorandum was "to articulate more fully the Department's position on reasonable occupancy policies and to describe the approach that the Department takes on its review of occupancy cases." The Memorandum states the following:

"Specifically, the Department believes that an occupancy policy of two persons in a bedroom, as a general rule, is reasonable under the Fair Housing Act. [. . .] However, the reasonableness of any occupancy policy is rebuttable, and **neither the February 21 [1991] memorandum nor this memorandum implies that Department will determine compliance with the Fair Housing Act based solely on the number of people permitted in each bedroom.**" *[emphasis added]*

The memorandum goes on to reiterate statements taken from the final rule implementing the Fair Housing Amendments Act of 1988 as follows:

- “[T]here is nothing in the legislative history that indicates any intent on the part of Congress to provide for the development of a national occupancy code”
- “Thus, the Department believes that in appropriate circumstances, owners and managers may develop and implement reasonable occupancy requirements based on factors such as the number and size of sleeping areas or bedrooms and the overall size of the dwelling unit. In this regard, it must be noted that, in connection with a complaint alleging discrimination on the basis of familial status, the Department will carefully examine any such nongovernmental restriction to determine whether it operates unreasonably to limit or exclude families with children.”*

*U.S. Department of Housing and Urban Development, Memorandum to All Regional Counsel from Frank Keating on the subject of *Fair Housing Enforcement Policy: Occupancy Cases*, March 20, 1991.

Essentially, HUD has established a starting point for assessing the reasonableness of occupancy restrictions, but has stated that the specific facts of each living situation must inform the final determination of reasonableness. While the above discussion relates to matters of discrimination affecting families with children, a similar analysis applies to standards that may limit housing choice for persons with disabilities.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer and the standards, if any:

22. Does the jurisdiction encourage or require affordable housing developments to give an admission preference to individuals already residing within the jurisdiction?

	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If ‘Yes’, is it a requirement?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Background

This practice may have fair housing implications if the population of the jurisdiction lacks diversity or does not reflect the demographic makeup of the larger region in which it is located. There may be a barrier to fair housing choice, in that the policy can have a discriminatory affect on the basis of characteristics considered by fair housing laws.

For example if a jurisdiction already lacks housing suitable to people with mobility-related disabilities, the local population may have an under representation of such individuals, when compared to the population generally. Newly developed accessible housing that could meet the needs of such individuals, but which has a local resident admission preference, would be less likely to improve the ability of people with mobility-related disabilities to live in the jurisdiction. Likewise, a jurisdiction with an under representation of minority residents is likely to perpetuate that situation if a local resident admission preference is implemented for new affordable housing development.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

23. Does the jurisdiction have any redevelopment areas?

Yes ☐

No ☐

If 'Yes', does the jurisdiction analyze possible impacts on fair housing choice resulting from its redevelopment activities?

Yes ☐

No ☐

Background

Redevelopment activities can result in the permanent displacement of residents. If the housing opportunities created by the redevelopment activity could result in a different demographic mix of residents, consideration needs to be given as to whether this difference represents an impediment, an enhancement or is neutral with respect to fair housing choice.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer:

24. Does the zoning ordinance or other planning or policy document include a discussion of fair housing?

Yes ☐

No ☐

If 'Yes', how does the jurisdiction propose to further fair housing?

Background

Affirmatively furthering fair housing is an important responsibility of local government. In order to receive certain federal funds a jurisdiction must certify that it is taking actions to "affirmatively further fair housing" (AFFH). Although a jurisdiction may have numerous plans, policies, and standards, fair housing is rarely discussed in a zoning ordinance. Other documents of a jurisdiction may discuss the need to affirmatively further fair housing and the policies and actions that are in place to do so.

Explanation of Answer Given Above

In light of the background provided, please provide a brief explanation of the how you arrived at the answer, a description of where AFFH discussions, if any, may be found, and a brief summary of how AFFH is accomplished:

IDENTIFIED IMPEDIMENTS AND PROPOSED CORRECTIVE ACTIONS

Based on your responses to questions 1-24, please:

a) provide a concise list of the zoning and planning impediments to fair housing choice that you have identified

b) describe the actions that will be taken over the next five years to remove or ameliorate the identified impediments.

ACKNOWLEDGMENTS:

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PLEASE RETURN COMPLETED SURVEY VIA E-MAIL TO DAVID LEVY AT:
dlevy@fairhousingoc.org

**Attachment B
City of La Habra
Chapter 18.09
Reasonable Accommodations in Housing to Disabled Individuals**

18.09.010 Purpose.

It is the purpose of this chapter, pursuant to Fair Housing Laws, to provide individuals with disabilities reasonable accommodation in the application of the city's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose of this chapter is to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the city, where warranted. (Ord. 1684 § 22 (part), 2007)

18.09.020 Definitions.

- A. Applicant. A person, business, or organization making a written request to city for reasonable accommodation in the strict application of land use or zoning provisions of this title.
- B. City. The city of La Habra.
- C. Code. The La Habra Municipal Code.
- D. Department. The community development department of city.
- E. Director. The community development director of city.
- F. Disabled or Handicapped Person. An individual who has a physical or mental impairment that substantially limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual's current, illegal use of a controlled substance.
- G. Fair Housing Laws. The "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601, et seq.), including reasonable accommodation required by 42 U.S.C. § 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(1), as any of these statutory provisions now exist or may be amended from time to time. (Ord. 1684 § 22 (part), 2007)

18.09.030 Notice to the public of availability of accommodation process.

The department shall prominently display in the public areas of the planning and building and safety department at city hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this chapter. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation. (Ord. 1684 § 22 (part), 2007)

18.09.040 Requesting reasonable accommodation.

- A. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation, pursuant to this chapter, relating to the application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the city.
- B. If an individual or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation,

the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative.

C. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures must be filed on an application form provided by the department and shall include the following information:

1. A description of how the property will be used by the disabled individual(s);
2. The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence; and

3. The specific reason the requested accommodation is necessary to make particular housing available to the disabled individual(s).

D. A filing fee in an amount as determined from time to time by resolution of the city council, but not to exceed the reasonable estimated costs to the city in processing the application. (Ord. 1684 § 22 (part), 2007)

18.09.050 Decision on application.

A. The director shall have the authority to consider and act on requests for reasonable accommodation. The director shall issue a written determination within thirty days of the date of receipt of a completed application and may (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, (3) deny the request, or (4) may refer the matter to the planning commission, which shall render a decision on the application in the same manner as it considers an appeal. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of determination shall be sent to the applicant by first class mail.

B. If necessary to reach a determination on the request for reasonable accommodation, the director may request further information from the applicant consistent with this chapter, specifying in detail what information is required. In the event a request for further information is made, the thirty-day period to issue a written determination shall be stayed until the applicant reasonably responds to the request. (Ord. 1684 § 22 (part), 2007)

18.09.060 Required findings.

The following findings must be made in order to approve a request for reasonable accommodation:

A. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Fair Housing Laws.

B. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.

C. The requested reasonable accommodation will not impose an undue financial or administrative burden on the city.

D. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the city.

If, based upon all of the evidence presented to the director, the above findings may reasonably be made, the director shall grant the requested reasonable accommodation. (Ord. 1684 § 22 (part), 2007)

18.09.070 Appeals.

A. Within thirty days of the date the director issues a written determination, any person aggrieved or affected by a decision on an application requesting the accommodation may appeal such determination in writing to the planning commission or to the city council, as applicable.

B. All appeals shall contain a statement of the grounds for the appeal.

C. No such appeal shall be accepted unless there is, paid contemporaneously with the filing of such letter, a filing and processing fee in a sum to be set by resolution of the city council. Upon receipt of a timely filed appeal, together with the filing and processing fee, the secretary of the planning commission or the city clerk shall set the matter for a de novo hearing before the planning commission or city council, as applicable, at its next most convenient meeting.

D. Appeals shall be to the planning commission, or the city council as applicable, which shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty days after an appeal has been filed, or after an application has been referred to it by the director. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

E. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

F. Any determination by the planning commission or city council on an application or appeal shall be by a de novo hearing.

G. An applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed by the director to the planning commission and the planning commission's decision to the city council, in accordance with this section. In the case of an appeal of the director's decision to the planning commission or the planning commission's decision to the city council, the planning commission and city council decisions shall be final. (Ord. 1684 § 22 (part), 2007)

18.09.080 Waiver of time periods.

Notwithstanding any provisions in this chapter regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this chapter or may request a continuance regarding any decision or consideration by the city of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city, shall not constitute failure by the city to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this chapter. (Ord. 1684 § 22 (part), 2007)

**Attachment C
City of La Habra
Chapter 18.21
Special Needs Housing**

18.21.010 Purpose.

The purpose of this chapter is to establish uniform standards, land use regulations and permit processes for the development of congregate housing, domestic violence shelters, homeless shelters, senior hotel, single-room occupancy housing (SROs), and transitional housing; and to implement general plan policies regarding special needs households. (Ord. 1460 § 1 (part), 1993)

18.21.020 Definitions.

“Congregate housing” means a residential facility with shared common living areas, restricted by an agreement approved by the city for occupancy by low and very low income households, providing services which may include meals, housekeeping, child care, and other services as well as common areas for residents of the facility.

“Domestic violence shelter” means a residential facility which provides temporary accommodations to persons and/or families who have been the victims of domestic violence. Such a facility may provide meals, child care, counseling, and other services. The term “temporary accommodations” means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months.

“Homeless shelter” means a residential facility which provides temporary accommodations to homeless persons and/or families and which meet standards for shelters contained in Title 25 California Administrative Code, Part 1, Chapter F, Subchapter 12, Section 7972. The facility may provide, or contract with recognized community organizations to provide, emergency or temporary shelter, and may also provide meals, child care, counseling, and other services. Such facility may have individual rooms, but is not developed with individual dwelling units, with the exception of manager units. The term “temporary accommodations” means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months.

“Low income family” means any household whose income exceeds fifty percent but does not exceed eighty percent of median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the Anaheim-Santa Ana Primary Metropolitan Statistical Area.

“Senior hotel” means a cluster of guest units with shared common living areas, restricted for occupancy by persons who are sixty-two years of age or older, providing services which may provide meals, housekeeping and other services.

“Single-room occupancy housing” means a cluster of guest units within a residential hotel providing sleeping and living facilities restricted by an agreement approved by the city for occupancy by low and very low income individuals, designed for occupancy for periods of one month or longer.

“Transitional housing” means a residential facility that provides accommodations to low and very low income persons and families for periods of up to two years, and which also may provide meals, child care, counseling, and other services, as well as common areas for residents of the facility. The intent of this type of facility is to provide a stable environment for the homeless and to facilitate self-sufficiency. This type of facility typically involves a situation wherein the resident is accountable to the owner/operator for his location and conduct among other factors.

“Very low income” means any household whose income does not exceed fifty percent of median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the Anaheim-Santa Ana Primary Metropolitan Statistical Area. (Ord. 1684 § 13, 2007; Ord. 1460 § 1 (part), 1993)

18.21.030 Applicability.

A. The specific requirements of this chapter are applicable to the development of congregate housing, domestic violence shelters, homeless shelters, senior hotels, single-room occupancy housing (SROs), and transitional housing as defined in Section 18.21.020.

B. Congregate housing, domestic violence shelters, homeless shelters, senior hotels, single-room occupancy (SROs), and transitional housing projects are permitted within commercial, industrial, and high density land use designated areas within multiple family zone with an approved conditional use permit pursuant to the procedures established in Chapter 18.58. (Ord. 1460 § 1 (part), 1993)

18.21.040 General provisions.

A. All facilities shall maintain a scale, character, and design consistent with the area and compatible with the surrounding developments.

B. All congregate housing, domestic violence shelter, homeless shelter, senior hotel, single room occupancy (SROs) and transitional housing projects within permitted commercial, industrial, and residential zones shall be subject to the special development standards established in Section 18.18.070.

C. Site Access. A single controlled entryway for routine ingress to the site shall be situated adjacent to and in full view of the manager's office.

D. Laundry Facilities. Washer and dryer shall be provided in a separate room in a location accessible to all the residents of the facility. Washers and dryers may be coin-operated.

E. Child Care Area. All facilities providing child care on-site shall provide yard area in compliance with all state regulations. The yard area required for child care shall be provided in addition to the required usable yard area for the facility.

F. Pay Telephone. A minimum of two pay telephones shall be provided in the facility.

G. On-site Manager. Each congregate housing, domestic violence shelter, homeless shelter, single room occupancy (SROs), senior citizen hotel and transitional housing project shall have a twenty-four hour on-site manager.

H. Management Plan. A management plan shall be submitted for review and approval with the conditional use permit application. The management plan shall contain the following information, as applicable:

1. Child care;
2. Emergency procedures;
3. Maintenance plans;
4. Management policies;
5. Operation of the facility;
6. Rental procedures and policies;
7. Residency rules;
8. Screening of residents to insure compatibility with services provided at the facility;
9. Security programs;
10. Services, training, counseling, and treatment programs for residents to be provided by the facility, including services to assist resident to obtain permanent income and shelter;
11. Staffing needs;
12. Staff training;
13. Tenants responsibility.

I. Project Review.

1. Annual Review. Each project shall be subject to annual review by the city which includes the review of management services. The project owner shall be responsible for filing an annual report to the city which includes the range of monthly rents, average length of tenancy, range of monthly income of residents, occupancy rates, number of family served, the number of vehicles owned by the residents, and services provided at the facility;

2. Management Plan Revisions. Management plan revisions shall be reviewed and approved by the chief planner, before implementation of changes. Substantive changes or revisions as determined by the chief planner shall be approved by the planning commission. (Ord. 1460 § 1 (part), 1993)

18.21.050 Congregate housing, domestic violence shelter and transitional housing.

Congregate housing, domestic violence shelter and transitional housing shall conform to all standards of development of the zoning in which it is located except as provided in this section.

A. Density.

1. In high density residential land use designated areas within multiple family residential zones, the number of families shall not exceed the number of families permitted pursuant to the appropriate zoning designation provided for in Table 18.18.060.1-C, plus twenty-five percent.

2. In all commercial and industrial zones, the number of families shall not exceed that pursuant to the zoning designation provided in Table 18.21.050A, plus twenty-five percent. The maximum floor area ratio (FAR), shall not exceed that established within the appropriate land use designation of the general plan land use element.

Table 18.21.050A

Total Area Of Parcel Being Developed	Minimum Area Per Family Within: CP; C-1; C-2; C-3; PC-I; M-1
Under 10,000 square feet	1,980
10,001 through 20,000 square feet	1,742
20,001 square feet and over	1,555

B. Building Design.

1. Each facility within the high density residential, commercial, and industrial land use designated areas shall contain common kitchen, dining and living room areas adequate for the number of residents serviced.

- a. Bathrooms shall contain lavatory, toilet, and shower or bathtub adequate for the number of residents serviced,
- b. Each bedroom shall have access to a bathroom,
- c. Each bedroom shall have a minimum of eighteen square feet of closet/storage space,
- d. Bedroom occupancy shall be determined in accordance with the Uniform Building Code or as limited by the planning commission;

2. Each facility shall provide private sleeping areas per families serviced in accordance with the requirements of the building code.

C. Recreational and Usable Yard Area.

1. Minimum Area Per Parcel. Such usable yard area shall have no dimension of less than fifteen feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street. This area may be divided into not more than two separate subareas.

- a. Within the multiple family zone, no parcel of land shall have less than one thousand square feet of usable yard area plus one hundred square feet per bedroom,
- b. Within commercial and industrial zones, no parcel of land shall have less than eight hundred square feet of usable yard area plus eighty square feet per bedroom.

D. Parking.

1. Automobiles. For each facility located within an allowed designation, a minimum of two parking spaces shall be provided per the standards established in Chapter 18.56. (Ord. 1693 § 2(b), 2008; Ord. 1460 § 1 (part), 1993)

18.21.060 Homeless shelter.

Homeless shelters shall conform to all standards of development of the zoning in which it is located except as provided in this section.

A. Density.

1. In high density residential land use designated areas within a multiple family zone, the number of beds shall be limited to three times the maximum units permitted within the zoning designation in which the facility is located as established in Table 18.18.060.1-C;
2. In all commercial and industrial zones, the number of beds shall be limited to three times the maximum number of units allowed within the commercial/industrial zone as provided in Table 18.21.050A. The proposed development shall not exceed the maximum floor area ratio (FAR) established within the general plan land use element for the appropriate land use designation.

B. Building Design.

1. Each facility shall provide common kitchen and dining room area adequate for the number of residents serviced;
2. Each facility shall provide bathroom with lavatory, toilet, and showers adequate for the number of residents serviced.

C. Recreational and Usable Yard Area.

1. Minimum Area Per Parcel. Such usable yard area shall have no dimension of less than fifteen feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street. Subareas may be divided into not more than two separate subareas.
 - a. Within multiple family zones, no parcel of land shall have less than one thousand square feet of usable yard area plus sixty-two square feet per bed,
 - b. Within the commercial and industrial zones, no parcel of land shall have less than five hundred square feet of usable yard area plus ten square feet of additional usable yard area per each additional bed over twenty-five.

D. Parking. (See Chapter 18.56.)

E. Operating and Location Requirements.

1. No more than one federal, state or youth authority parolee shall be allowed to live in a homeless shelter at any one time.
2. The conditional use application submitted for any homeless shelter shall provide information, including identifying information such as the full name and age of the parolee and the proposed time of residency at the facility, regarding any proposed residents who will be, at the time of proposed residency in the homeless shelter, federal, state or youth authority parolees. Such information shall be updated with the city by the owner or landlord of the facility as to each lessee, renter, resident or occupant upon the signing, entering into, or otherwise commencing any rental or lease agreement, arrangement or accommodation within three business days.
3. All homeless shelters shall require residents or occupants to sign an agreement that provides that a conviction for any criminal violation, not including infractions and minor traffic

violations, during residency or occupancy in the transitional shelter/house, is grounds for termination of the residency, tenancy, occupancy or accommodations of that resident or occupant, whether the rental, lease, or sublease agreement is written or oral.

4. Homeless shelters shall be in compliance with all requirements of the city's zoning code at all times, as well as any other applicable provisions of this code, including obtaining any other permits or licenses, such as building permits or a business license, required before establishing, expanding or maintaining the use.

5. No homeless shelter shall be maintained as a nuisance. The conduct of any homeless shelter within the city in violation of any of the terms of this chapter or other applicable provisions of this code found and declared to be a public nuisance, and the city attorney or the district attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such homeless shelter and restrain and enjoin any person from conducting, operating or maintaining a homeless shelter contrary to the provisions of this chapter or code.

6. Any violation of any local, state or federal laws by residents or occupants of homeless shelters while on the premises shall be grounds for revocation of the homeless shelter's conditional use permit, including but not limited to any violations of this section, California Penal Code Section 3003.5 or Chapter 9.66 of this code, where the property owner contributed to or did not take all reasonable steps to protect against or prevent the violation.

7. Any owner, operator, manager, employee or independent contractor of a homeless shelter violating or permitting, counseling, or assisting the violation of any of the provisions of this chapter or applicable provisions of this code regulating homeless shelters shall be subject to any and all civil remedies, including conditional permit revocation, criminal penalties pursuant to Chapter 1.08 of this code, and/or administrative citations pursuant to Chapter 1.09. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued. (Ord. 1693 § 2(c), 2008; Ord. 1684 § 14, 2007; Ord. 1460 § 1 (part), 1993)

18.21.070 Senior hotel.

Senior hotels shall conform with all local state and federal requirements for senior housing. Each facility shall conform to all property development standards of the zoning in which it is located except as provided in this section.

A. Density.

1. In high density residential land use designated areas within multiple family residential zoned areas, the number of units shall not exceed that pursuant to the zoning designation provided in Table 18.18.060.1-C, plus twenty-five percent;

2. In all commercial and industrial zones, the number of units shall be limited by the maximum floor area ratio (FAR) as established within the general plan land use element for the appropriate land use designation.

B. Building Design. Each guest unit shall contain a bathroom.

1. Bathrooms shall contain a lavatory, toilet, and shower or bathtub;
2. Each unit shall have a minimum forty-eight cubic feet of closet/storage space.

C. Recreational and Usable Yard Area.

1. Minimum Area Per Parcel. Such usable yard area shall have no dimension of less than fifteen feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street.

- a. Within multiple family zones, no parcel of land shall have less than one thousand square feet of usable yard area plus one hundred square feet per bedroom.
- b. Within the commercial and industrial zones, no parcel of land shall have less than one thousand square feet of common usable yard area plus fifteen square feet of common recreational area per guest unit for projects over twenty-five units.

2. Common recreational space may be indoor or outdoor provided there is at least forty percent allotted towards outdoor space; the balance may be indoors or outdoors.

D. Parking. (See Chapter 18.56.)

E. Common Facilities. The development may provide one or more of the following common facilities for the exclusive use of the senior citizen residents:

1. Central cooking and dining room;
2. Recreation room;
3. Library;
4. Beauty salon and barber shop;
5. Small pharmacy;
6. Laundry facilities or laundry services.

F. Occupancy.

1. No more than one person shall be permitted to reside in any unit which is less than two hundred twenty square feet in size. No more than two persons shall be permitted to reside in any unit.

2. Residential occupancy shall be limited to single persons sixty-two years of age or older, or to couples in which one person is sixty-two years of age or older. (Ord. 1693 § 2(d), 2008; Ord. 1460 § 1 (part), 1993)

18.21.080 Single-room occupancy housing (SROs).

SRO projects shall conform to all standards of development of the zoning in which it is located except as provided below.

A. Density.

1. In high density residential land use designated areas with multiple family residential zones, the number of units shall not exceed that pursuant to the zoning designation provided in Table 18.18.060.1-C, plus twenty-five percent;
2. In all commercial and industrial zones, the number of units shall be limited by the maximum floor area ratio (FAR), as established within the appropriate land use designation of the general plan land use element.

B. Building Design.

1. Unit Size. Minimum unit size for all SROs shall be one hundred seventy square feet and maximum unit size for all SROs shall be four hundred square feet;
2. Each unit shall contain a kitchen and bathroom.
 - a. Kitchens shall contain a sink with garbage disposal, counter top minimum sixteen by twenty-four inch, refrigerator, and stove or microwave oven,
 - b. If stoves are not provided in each unit, then stoves shall be provided in a common
 - c. Bathrooms shall contain a lavatory, toilet, and shower or bathtub,
 - d. Each unit shall have a minimum forty-eight cubic feet of closet/storage space.

C. Recreational and Usable Yard Area.

1. Minimum Area Per Parcel.
 - a. Within multiple-family zones, no parcel of land shall have less than one thousand square feet of usable yard area plus one hundred square feet per unit,
 - b. Within the commercial and industrial zones, no parcel of land shall have less than five hundred square feet of common usable yard area plus fifteen square feet of common recreational area per unit for projects over twenty-five units. Such usable yard area shall have no dimension of less than fifteen feet. This area may be provided at any location on the lot except in the required front yard or in a required side yard abutting a street;
2. Common recreational space may be indoor or outdoor provided there is at least forty percent allotted towards outdoor space; the balance may be indoors or outdoors.

D. Parking. (See Chapter 18.56.)

E. Occupancy. No more than one person shall be permitted to reside in any unit which is less than two hundred twenty square feet in size. No more than two persons shall be permitted to reside in any unit. (Ord. 1693 § 2(e), 2008; Ord. 1460 § 1 (part), 1993)

18.21.090 Transitional housing project.

Transitional housing projects shall also comply with the following operating and location requirements:

- A. No more than one federal, state or youth authority parolee shall be allowed to live in a transitional housing project at any one time.
- B. No transitional housing project shall be within five hundred feet of any other transitional housing project. The distance requirement herein shall be measured from property line to property line, along a straight line extended between the two points.
- C. The conditional use application submitted for any transitional housing project shall provide information, including identifying information such as the full name and age of the parolee and the proposed time of residency at the facility, regarding any proposed residents who will be, at the time of proposed residency in the transitional housing project, federal, state or youth authority parolees. Such information shall be updated with the city by the owner or landlord of the facility as to each lessee, renter, resident or occupant upon the signing, entering into, or otherwise commencing any rental or lease agreement, arrangement or accommodation within three business days.
- D. All transitional housing projects shall require residents or occupants to sign an agreement that provides that a conviction for any criminal violation, not including infractions and minor traffic violations, during residency or occupancy at the transitional housing project, is grounds for termination of the residency, tenancy, occupancy or accommodations of that resident or occupant, whether the rental, lease, or sublease agreement is written or oral.
- E. Transitional housing projects shall be in compliance with all requirements of the city's zoning code at all times.
- F. No transitional housing project shall be maintained as a nuisance. The conduct of any transitional housing project within the city in violation of any of the terms of this chapter or other applicable provisions of this code found and declared to be a public nuisance, and the city attorney or the district attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such transitional housing project and restrain and enjoin any person from conducting, operating or maintaining a transitional housing project contrary to the provisions of this chapter or code.
- G. Any violation of any local, state or federal laws by residents or occupants of transitional housing projects while on the premises shall be grounds for revocation of the transitional housing project's conditional use permit, including but not limited to any violations of this section, California Penal Code Section 3003.5 or Chapter 9.66 of this code, where the property owner contributed to or did not take all reasonable steps to protect against or prevent the violation.
- H. Any owner, operator, manager, employee or independent contractor of a transitional housing project violating or permitting, counseling, or assisting the violation of any of the provisions of this chapter or applicable provisions of this code regulating transitional housing projects shall be subject to any and all civil remedies, including conditional permit revocation,

criminal penalties pursuant to Chapter 1.08 of this code, and/or administrative citations pursuant to Chapter 1.09. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued. (Ord. 1684 § 15, 2007)

**Attachment D
City of San Francisco
Chapter 87
Fair Housing Implementation Ordinance**

SEC. 87.1. - SHORT TITLE.

This ordinance shall be entitled the "Fair Housing Implementation Ordinance."
(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.2. - FINDINGS.

The Board of Supervisors finds that:

(a) Federal, state and local fair housing laws protect certain classes of individuals from housing discrimination that may occur through zoning laws, land use authorizations, funding decisions and other activities of local government. These laws include, but are not limited to:

(1) The federal Fair Housing Act, 42 U.S.C. §§ 3601 et seq. This law prohibits, among other things, local government from making dwellings unavailable because of the race, color, religion, sex, familial status, national origin, or handicap of the individual(s) seeking such dwellings.

(2) California Government Code Section 12955 (the "California Fair Employment and Housing Act"). This law prohibits local government from (i) making housing unavailable, and (ii) discriminating through land use practices, decisions, and authorizations, because of race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry. Prohibited practices include, but are not limited to, zoning laws, denials of use permits, and other actions under the Planning and Zoning Law, Government Code § 65000 et seq., that make housing opportunities unavailable because of protected class status.

(3) California Government Code Section 12955.8(a) (the "California Fair Employment and Housing Act"). This law establishes that a local government engages in unlawful housing discrimination if race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry is a motivating factor when a land use practice, decision, authorization, or other local action makes housing unavailable to members of a protected class.

(4) California Government Code Section 12955.8(b) (the "California Fair Employment and Housing Act"). This law establishes that a local government engages in unlawful housing discrimination if a land use practice, decision, authorization, or other local action has an unjustified discriminatory effect, regardless of intent, on the basis of race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry.

(5) California Government Code Section 65008 (the "California Planning and Zoning Law"). This law prohibits, among other things, local government, in the enactment or administration of zoning laws, from discriminating against a residential development because the development is intended for occupancy by low and moderate income persons. This Act also prohibits local government from imposing different requirements on residential developments because of race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation or age of the intended occupants of the development, or because of the income

level of the intended occupants of the development, unless the local government imposes those requirements on developments generally or the requirements promote the availability of the residential development for lower income persons.

(6) California Government Code Section 65589.5 (the "California Planning and Zoning Law"). This law prohibits a local government agency from disapproving a housing development for low- and moderate-income households or conditioning approval in a manner which renders the project infeasible for development for use by low- and moderate-income households unless the local agency makes one of six findings justifying such disapproval or conditions.

(7) Section 3604(f)(B)(3) of Title 42 of the United State Code (the "Fair Housing Act") and Section 12927(c)(1) of the California Government Code (the "California Fair Employment and Housing Act"). These laws prohibit local government from refusing to make reasonable accommodations in policies and practices when these accommodations are necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.

(8) Section 3304 of Article 33 of the San Francisco Police Code. This ordinance establishes, among other things, that local government engages in unlawful housing discrimination if the inclusion of restrictions, terms or conditions on real property transactions, the imposition of different conditions on financing for the construction, rehabilitation, or maintenance of real property, or the restriction of facilities for any tenant or lessee is based wholly or partially on race, religion, color, ancestry, age, sex, sexual orientation, gender identity, disability or place of birth.

(b) Federal, state and local fair housing laws require that departments, agencies, commissions, officers, and employees of the City and County of San Francisco shall not base any decision about housing development on evidence that discriminates against the classes protected by these laws.

(c) Federal, state and local fair housing laws require that departments, agencies, commissions, officers and employees of the City and County of San Francisco shall not impose, when approving a housing development, any conditions that discriminate against the classes protected by these laws.

(d) This ordinance will facilitate compliance with federal, state and local fair housing laws, and promote housing opportunities for residents of San Francisco.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.3. - DEFINITIONS.

(a) Protected Class. "Protected class" means those groups that receive protection from housing discrimination under the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., the California Fair Employment and Housing Act, Government Code §§ 12900 et seq., Sections 65008 and 65589.5 of the Government Code, and Section 3304 of Article 33 of the San Francisco Police Code.

(b) City Entity. "City entity" includes the Board of Supervisors, the Executive Branch as described in Articles III, IV, and V of the Charter of the City and County of San Francisco, and any department, agency, commission, officer, employee, or advisory group of the City and County of San Francisco.

(c) Dwelling. "Dwelling" shall have the same meaning as the definition of "dwelling" in Section 3602 of Title 42 of the United States Code (the "Fair Housing Act").

(d) Fair Housing Laws. "Fair housing laws" shall mean those laws described in Section 87.2, above, together with any other federal, State or local laws related to housing discrimination.

(e) Family. "Family" shall have the same meaning as in Section 401 of the San Francisco Housing Code.

(f) Supportive Services. "Supportive services" means services that are provided to residents of a housing development and that are based on their particular needs and circumstances. These services include, but are not limited to, counseling, vocational training, case management, medical services, peer-based services, rehabilitative services, skills development, and recreational activities. The use of a portion of a residential building to provide supportive services for the building's residents shall be a permissible accessory use to the building.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.4. - COMPLIANCE WITH FAIR HOUSING LAWS.

When any City entity considers an application or proposal for the development, use, or funding of dwellings in which protected class members are likely to reside, or when any City entity applies existing City codes, regulations, or other standards to such dwellings, the City entity shall comply with all applicable fair housing laws and administer local policies, procedures, and practices in a manner that affirmatively furthers those laws.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.5. - NO DECISIONS BASED ON DISCRIMINATORY INFORMATION.

With respect to applications or proposals for the development, use, or funding of dwellings in which protected class members are likely to reside, a City entity shall not base any decision regarding the development, use, or funding of the dwellings on information which may be discriminatory to any member of a protected class. This discriminatory information includes, but is not limited to, the following:

- (a) That the dwellings will lower the property values of surrounding parcels of land because members of a protected class will reside in the dwellings;
- (b) That the dwellings will increase crime in the neighborhood because members of a protected class will reside in the dwellings;
- (c) That the dwellings will generate an increased demand for parking or generate more traffic because members of a protected class will reside in the dwellings;
- (d) That the dwellings will not be compatible with a neighborhood or community because members of a protected class will reside in the dwellings;
- (e) That the dwellings will increase the concentration of dwellings or services for members of a protected class in a particular neighborhood or area of the city;
- (f) That the dwellings will be detrimental to, or have a specific, adverse impact upon, the health, safety, convenience or general welfare of persons residing or working in the vicinity because members of a protected class will reside in the dwellings;
- (g) That the dwellings will be injurious to property, improvements or potential development in the vicinity because members of a protected class will reside in the dwellings;
- (h) That the dwellings will generate an increased demand for city services because members of a protected class will reside in the dwellings.

- (i) That the dwellings will not be appropriate for the neighborhood because supportive services will be provided to members of a protected class residing in the dwellings.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.6. - NONDISCRIMINATORY CONDITIONS OF APPROVAL.

With respect to applications or proposals for the development, use, or funding of dwellings in which protected class members are likely to reside, a City entity shall not impose on the approval of the dwellings (a) any condition that it does not impose on other dwellings of similar scale and size in the use district or zoning classification specified in the San Francisco Planning Code, or (b) any conditions of approval which are based on the fact that protected class members are likely to reside in the dwellings, including but not limited to restrictions on the activities of residents in or around the dwellings, restrictions on visitors to the dwellings, requirements for additional off-street parking, special review or monitoring of the dwellings by a City entity or neighborhood group, restrictions on services provided to residents, special design or maintenance requirements for the dwellings, and restrictions on future development on or near the site.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.7. - REASONABLE ACCOMMODATIONS.

With respect to applications or proposals for the development, use, or funding of dwellings in which protected class members are likely to reside, a City entity shall make reasonable accommodations in its rules, policies, practices, or services when those accommodations may be necessary to afford persons with disabilities equal opportunities to use and enjoy the dwellings.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.8. - NONDISCRIMINATORY APPLICATION OF STANDARDS.

Nothing in this Chapter shall be construed to prohibit a City entity from applying building and planning standards, design review, health and safety standards, environmental standards, or any other standards within the jurisdiction of the City entity as long as those standards are identical to those applied to other dwellings of similar scale and size in the use district or zoning classification specified in the San Francisco Planning Code, unless the City entity is required to make a reasonable accommodation under Section 87.7 of this Chapter.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.9. - APPLICABILITY.

This Chapter shall, among other things, apply to all actions, practices, and other decisions of any City entity having discretionary authority over permits, funding, conditions of approval, or other matters related to the development of dwellings. These actions, practices, and decisions include, but are not limited to, conditional use authorizations under Section 303 of the San Francisco Planning Code, variances under Section 305 of the San Francisco Planning Code, permits under Article 1 of Part III of the San Francisco Municipal Code, discretionary review of permits under Section 26 of Article 1 of Part III of the San Francisco Municipal Code, subdivision approvals under the San Francisco

Subdivision Code, permit approvals under the San Francisco Public Works Code, and any actions authorized under law by the Board of Appeals, the Building Inspection Commission, the Health Commission, and other city entities, regardless of whether the laws or regulations describing such discretionary authority specifically refer to the City entity's obligations under this Chapter.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.10. - COMPLIANCE BY STATE-AUTHORIZED AGENCIES.

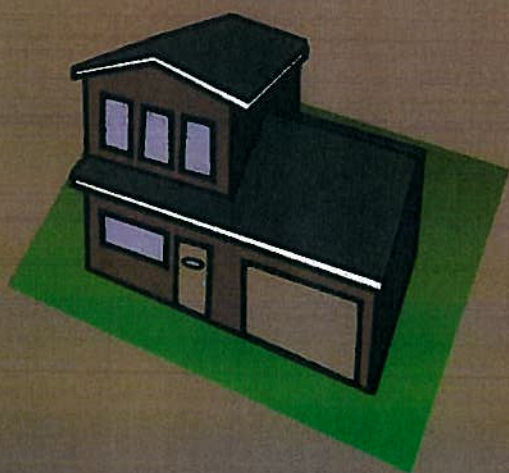
Upon the effective date of this ordinance, the Mayor shall request, in writing, compliance with this ordinance by any state-authorized agency operating solely within the City and County of San Francisco and having authority over permits, funding, conditions of approval, or other matters related to the development of dwellings.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)

SEC. 87.11. - SEVERABILITY.

If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

(Added by Ord. 303-99, File No. 990494, App. 12/3/99)



Section 7

**AFFH Through the Location of
Affordable Housing**

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SECTION 7

AFFH THROUGH THE LOCATION OF AFFORDABLE HOUSING

A. BACKGROUND

A lack of affordable housing in and of itself, HUD has pointed out, is not an impediment to fair housing choice, unless it creates an impediment to housing choice *because* of membership in a protected class. However, recent court cases and recent events have demonstrated that the location of affordable housing is regarded as a means of AFFH. As a result of a court settlement, Westchester County (New York) must adopt a policy statement providing that “the location of affordable housing is central to fulfilling the commitment to AFFH because it determines whether such housing will reduce or perpetuate residential segregation.” (*United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. County of Westchester, New York*)

In order to meet the requirements of the settlement agreement, Westchester County must develop an implementation plan that includes, but is not limited, to:

- A model ordinance that the County will promote to municipalities to advance fair housing that shall include:
 - ✓ A model inclusionary housing ordinance that requires new development projects to include a certain percentage of affordable units, including criteria and standards for the affordable housing units and definitions of who is eligible for affordable housing;
 - ✓ Standards for affirmative marketing of new housing developments to ensure outreach to racially and ethnically diverse households;
 - ✓ Standards for expedited review of proposals for affordable housing that AFFH including procedures for streamlining the approval process for the design, permitting, and development of these units; and
 - ✓ Standards for legal mechanisms to ensure the continued affordability of new affordable units.

Housing developed pursuant to the plan:

- Must be located predominantly in municipalities where the African American and Hispanic population comprise less than 3% and 7% of the population, respectively.
- *Not* be developed in any census block which has an African American population of more than 10% and a total population of 20 or more.
- *Not* be developed in any census block which has a Hispanic population of more than 10% and total population of 20 or more.

The Westchester County settlement agreement demonstrates that a means to AFFH is by the development of affordable housing outside of areas with concentrations of minority populations.

Another example is the State of North Carolina which added “affordable housing” to the group of protected classes. The State passed an act providing that it is a violation of the State’s fair housing act to discriminate in land use decisions or the permitting of development based on the fact that a development contains affordable housing units. The Act states:

It is an unlawful discriminatory housing practice to discriminate in land-use decisions or in the permitting of development based on race, color, religion, sex, national origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact that a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income. It is not a violation of this Chapter if land-use decisions or permitting of development is based on considerations of limiting high concentrations of affordable housing.

In 2000, Florida’s Affordable Housing Study Commission adopted a proposal made by 1000 Friends of Florida to amend the Florida Fair Housing Act by extending protection to affordable housing developments. Florida Statute 760.26 reads:

It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion, or, except as otherwise provided by law, the source of financing of a development or proposed development.

The decision to not specifically use the term “affordable housing” in statutory language has not diminished the intended application of Fair Housing Act protection, according to its advocates. Since enactment, county and city attorneys have regularly advised their commissions that affordable housing developments cannot be treated differently from market-rate developments in land use or permitting decisions.

In California, Government Code Section 65008 expressly prohibits localities from discriminating against residential development or emergency shelters if the intended occupants are low-income or if the development is subsidized (i.e., the method of financing).

B. DATA SOURCES

The purpose of the analysis was to determine whether affordable housing developments are concentrated in neighborhoods with a high concentration of minority populations and low income populations. Neighborhoods with “high concentrations” were determined as follows:

- Census tracts with 80% or more minority population
- Census tracts with 80% or more of the population having low incomes (that is, incomes less than 80% of the County’s median income)

Census 2000 is the data source for the minority population data. The low income population is based on HUD calculations, which are based on the Census 2000 data. The statistical information used by HUD in the calculation of the estimates comes from three tables in Summary File (SF) 3: P9 — Household Type (Including Living Alone) by Relationship; P76 — Family Income in 1999; and P79 — Non-family Household Income in 1999.

The inventory of affordable housing was determined primarily from two data sources:

- County of Orange, Orange County Community Services, *2009 County of Orange Affordable Rental Housing List*
- California Tax Credit Allocation Committee, *Active Projects Receiving Tax Credits 1987-2010 Year to Date*, May 2010

The affordable housing developments from these two sources were merged and duplicates were eliminated. The overall inventory was further refined by consulting the affordable housing lists maintained by the cities of Anaheim, Garden Grove and Santa Ana. Consulting these lists resulted in adding projects and eliminating a few in cases of duplicates due to different project names with same address.

Field surveys were necessary in a few cases because more than one project was located within the same address range. Lastly, phone calls became necessary to confirm the city location of a project and the number of housing units.

The census tract location of each affordable housing development is identified in the CTAC list. The census tract location of all other projects was identified by using American Factfinder: U.S. Census Bureau, American Factfinder Website, Advanced Geography Search, Census Program Year, Address Search.

An analysis also was completed on the extent to which Section 8 assisted housing (families) is located in census tracts/neighborhoods with a high percentage (80%) of minority populations. Housing authorities encourage Section 8 voucher holders to find housing located outside areas of poverty and minority concentration. The Los Angeles Area Office of the U.S. Department of Housing and Urban Development reviewed the *Draft Regional AI* and requested the analysis of the location of Section 8 housing. Data on the census tract location of Section 8 voucher holders was provided by:

- Garden Grove Housing Authority (GGHA)
- Santa Ana Housing Authority (SAHA)
- Orange County Housing Authority (OCHA)

Data was unavailable from the Anaheim Housing Authority (AHA).

C. ANALYSIS OF THE LOCATION OF THE AFFORDABLE HOUSING INVENTORY

1. Affordable Housing Units Located in Neighborhoods with a High Percentage (>80%) of Minority Populations

Altogether there are 64 census tracts with a minority population of 80% or more. Attachment A on page 7-29 describes the population composition of the 64 census tracts. Table 7-1 (pages 7-5 and 7-6) shows the number of affordable housing units located in these "high concentration" census tracts as well as the percentage of affordable housing units located in those tracts and each tract's percentage of all affordable housing units.

The merged database has a total of 20,379 affordable housing units located within the geographic area covered by the *Regional AI*. Attachment B (page 7-32) shows the affordable housing stock arranged by census tract. Within this *Regional AI* area, the affordable housing stock is not concentrated in neighborhoods with a high percentage (80%+) of minority populations for the reasons cited below:

- Forty-two of the high concentration census tracts have no affordable housing units.
- Almost 16% (3,200) of all affordable housing units (20,379) are located in 22 of 64 high concentration census tracts.
- 84% of the affordable housing stock is located in census tracts with less than 80% minority population.
- About 8% of the affordable housing stock is located in three census tracts: 744.03 (Santa Ana); 751.02 (Santa Ana); and Anaheim (866.01).

There are five census tracts where affordable housing units represent a high percentage of tract's total housing stock:

▪ Santa Ana	744.03	38.2%, 500 of 1,310
▪ Santa Ana	745.01	23.4%, 326 of 1,391
▪ Santa Ana	750.02	21.1%, 496 of 2,348
▪ Anaheim	866.01	24.5%, 576 of 2,348
▪ Stanton/Anaheim	878.03	21.6%, 298 of 1,379

Table 7-2 on page 7-7 lists the individual developments which are located in these five census tracts.

The three developments located in census tracts 744.03 and 745.01 are located in close proximity. Refer to Map 1 on page 7-8. The rear property line of Minnie Street is essentially the boundary between the two census tracts.

Table 7-1
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a High Percentage (>80%) of Minority Populations -2010

Census Tract	City	Percent Minority	Total Housing Units 2008¹	Number of Affordable Housing Units²	Percent of Units in Census Tract	Percent of All Affordable Units
12.01	La Habra/County	81.55%	1,461	0	0.0%	0.0%
116.02	Fullerton/Anaheim	82.82%	1,647	16	1.0%	0.1%
117.14	Anaheim	80.79%	82	0	0.0%	0.0%
117.2	Anaheim/Placentia	92.54%	1,518	54	3.6%	0.3%
740.03	Santa Ana	94.97%	810	6	0.7%	0.0%
740.05	Santa Ana	86.27%	1,478	0	0.0%	0.0%
741.02	Santa Ana	92.95%	1,301	0	0.0%	0.0%
741.03	Santa Ana	92.59%	918	0	0.0%	0.0%
741.08	Santa Ana	94.08%	887	0	0.0%	0.0%
741.09	Santa Ana	95.04%	663	0	0.0%	0.0%
741.11	Santa Ana	80.83%	1,370	0	0.0%	0.0%
742	Santa Ana	94.76%	1,747	0	0.0%	0.0%
743	Santa Ana	96.67%	797	0	0.0%	0.0%
744.03	Santa Ana	95.32%	1,310	500	38.2%	2.5%
744.05	Santa Ana	94.67%	1,468	24	1.6%	0.1%
744.06	Santa Ana	91.90%	847	0	0.0%	0.0%
744.07	Santa Ana/Tustin	92.55%	1,866	0	0.0%	0.0%
745.01	Santa Ana	99.00%	1,391	326	23.4%	1.6%
745.02	Santa Ana	97.17%	1,010	0	0.0%	0.0%
746.01	Santa Ana	92.94%	1,675	3	0.2%	0.0%
746.02	Santa Ana	97.06%	1,691	0	0.0%	0.0%
747.01	Santa Ana	97.82%	1,410	0	0.0%	0.0%
747.02	Santa Ana	95.96%	1,096	0	0.0%	0.0%
748.01	Santa Ana	98.29%	986	8	0.8%	0.0%
748.02	Santa Ana	93.79%	1,109	60	5.4%	0.3%
748.03	Santa Ana	92.24%	1,781	0	0.0%	0.0%
748.05	Santa Ana	97.68%	1,123	112	10.0%	0.5%
748.06	Santa Ana	98.70%	910	0	0.0%	0.0%
749.01	Santa Ana	98.17%	1,924	204	10.6%	1.0%
749.02	Santa Ana	98.60%	1,184	12	1.0%	0.1%
750.02	Santa Ana	95.57%	2,348	496	21.1%	2.4%
750.03	Santa Ana	96.37%	1,729	48	2.8%	0.2%
750.04	Santa Ana	95.73%	1,316	4	0.3%	0.0%
752.01	Santa Ana	97.28%	1,107	0	0.0%	0.0%
752.02	Santa Ana	94.75%	1,186	0	0.0%	0.0%
753.02	Santa Ana	81.51%	1,125	0	0.0%	0.0%
864.04	Anaheim	81.97%	1,503	0	0.0%	0.0%

Table 7-1 continued
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a High Percentage (>80%) of Minority Populations -2010

Census Tract	City	Percent Minority	Total Housing Units 2008¹	Number of Affordable Housing Units²	Percent of Units in Census Tract	Percent of All Affordable Units
864.05	Anaheim	82.83%	1,658	0	0.0%	0.0%
865.01	Anaheim	84.58%	1,172	0	0.0%	0.0%
865.02	Anaheim	92.36%	1,389	0	0.0%	0.0%
866.01	Anaheim	87.29%	2,348	576	24.5%	2.8%
873	Anaheim	85.04%	2,839	151	5.3%	0.7%
874.03	Anaheim	85.78%	813	0	0.0%	0.0%
874.04	Anaheim	91.47%	786	0	0.0%	0.0%
874.05	Anaheim	89.23%	1,609	0	0.0%	0.0%
875.04	Anaheim	87.42%	1,937	0	0.0%	0.0%
878.03	Stanton/Anaheim	86.62%	1,379	298	21.6%	1.5%
879.02	Stanton	82.08%	1,311	0	0.0%	0.0%
888.01	Garden Grove	81.15%	2,604	0	0.0%	0.0%
889.02	Garden Grove	81.33%	1,199	80	6.7%	0.4%
889.03	Garden Grove/Santa Ana	85.75%	1,942	0	0.0%	0.0%
889.04	Westminster/Garden Grove	82.05%	1,418	0	0.0%	0.0%
890.01	Santa Ana	89.52%	1,668	0	0.0%	0.0%
890.03	Garden Grove	88.55%	862	0	0.0%	0.0%
890.04	Santa Ana	89.08%	1,791	60	3.4%	0.3%
891.02	Garden Grove/Santa Ana	81.56%	1,607	0	0.0%	0.0%
891.04	Santa Ana/Garden Grove	92.61%	1,358	194	14.3%	1.0%
891.05	Santa Ana	96.72%	1,132	12	1.1%	0.1%
891.06	Garden Grove	81.79%	930	0	0.0%	0.0%
992.02	Santa Ana/Fountain Valley	82.73%	1,832	0	0.0%	0.0%
992.47	Santa Ana	88.88%	798	0	0.0%	0.0%
992.48	Santa Ana	88.67%	1,420	0	0.0%	0.0%
992.49	Santa Ana	97.28%	820	0	0.0%	0.0%
1106.1	Buena Park	83.52%	1,303	0	0.0%	0.0%
Total			87,699	3,232	3.7%	15.9%

Note: The merged database has a total of 20,379 affordable units in the area covered by the *Regional AI*

¹California State University, Fullerton, Center for Demographic Research, *Orange County Population & Dwelling Unit Estimates by Census Tract*, January 1, 2008

²Number of affordable housing units per census tract is obtained from Attachment B on page 7-32.

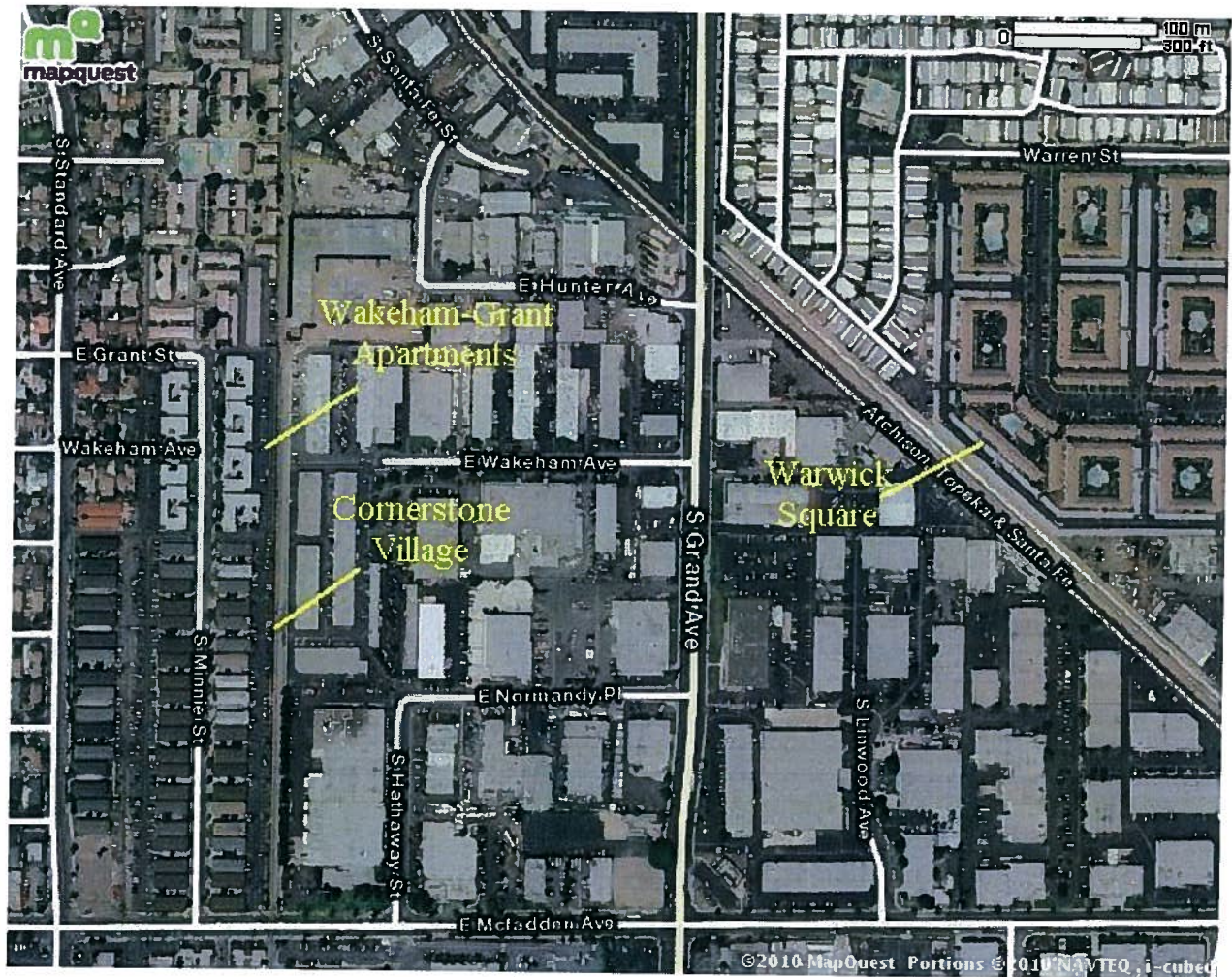
Table construction by Castañeda & Associates

Table 7-2
Regional Analysis of Fair Housing Impediments
Census Tracts with a High Percentage of Affordable Housing Units

City/Location	Census Tract	Project(s)	Number of Affordable Units
Santa Ana	744.03	Warwick Square	500
Santa Ana	745.01	Wakeham Grant Apartments	126
		Cornerstone Village	200
Santa Ana	750.02	Heninger Village Apartments	58
		Santa Ana Towers	198
		Rosswood Villas	198
		Garden Court	42
Anaheim	866.01	Park Vista Apartments	390
		Paseo Village	174
		Casa Delia	12
Stanton/Anaheim	878.03	Continental Garden Apartments	298

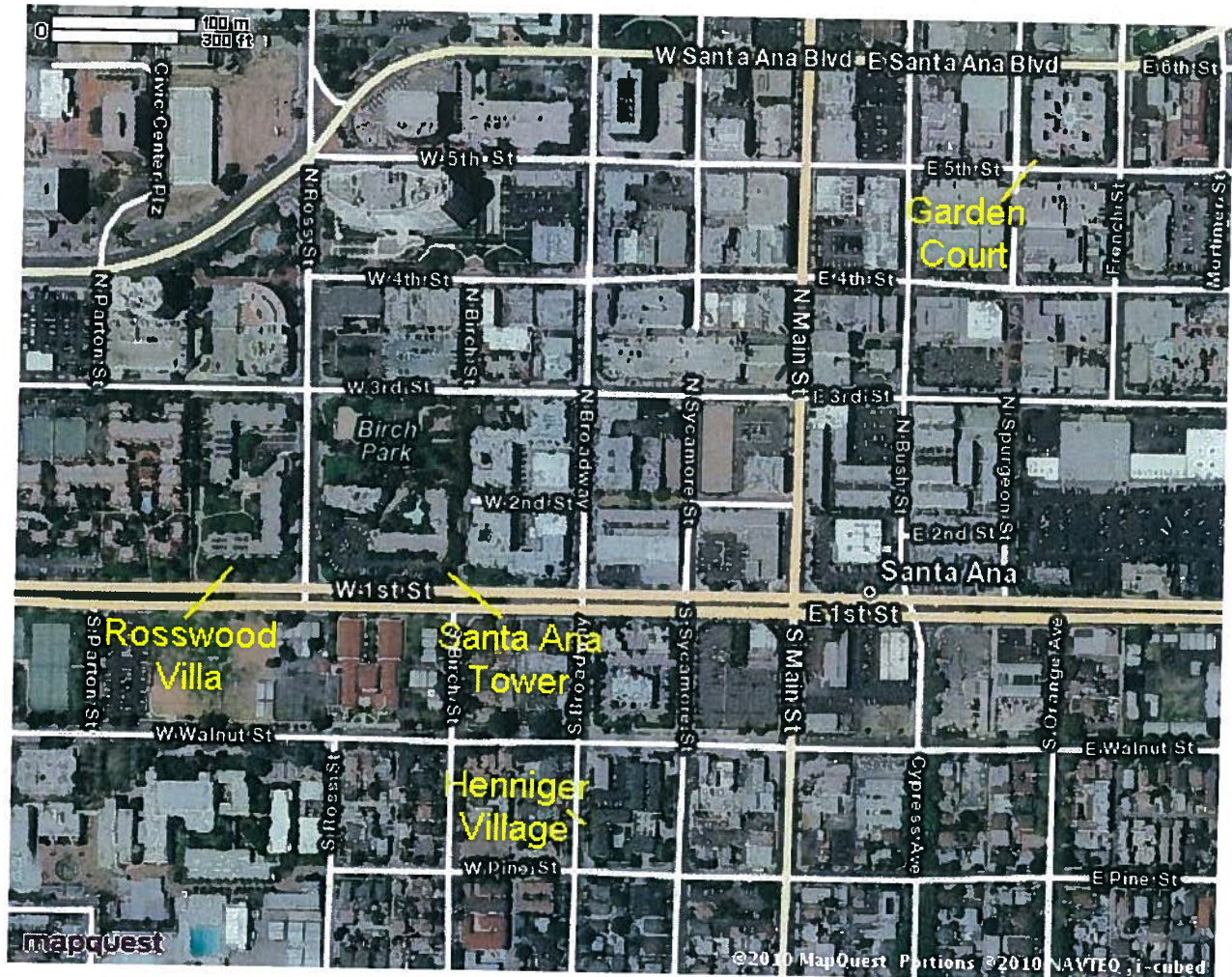
Although near one another, Warwick Square is physically separated from the Minnie Street developments by physical barriers (Metrolink and the Santa Ana-Santa Fe Channel). More importantly, all three complexes were constructed before State law required localities to conduct housing policy planning (i.e., the housing element of the general plan). Warwick Square was built in 1969. The Wakeman Grant Apartments were built in 1961. The Cornerstone Village dwellings were constructed in 1959 and rehabilitated in 2000. In effect, at least for the last two developments, the housing complexes probably accommodated the population already residing in the developments at the time of rehabilitation or the population living near the developments.

Map 1
Santa Ana: Warwick Square and Minnie Street Developments
Census Tracts 744.03 and 745.01



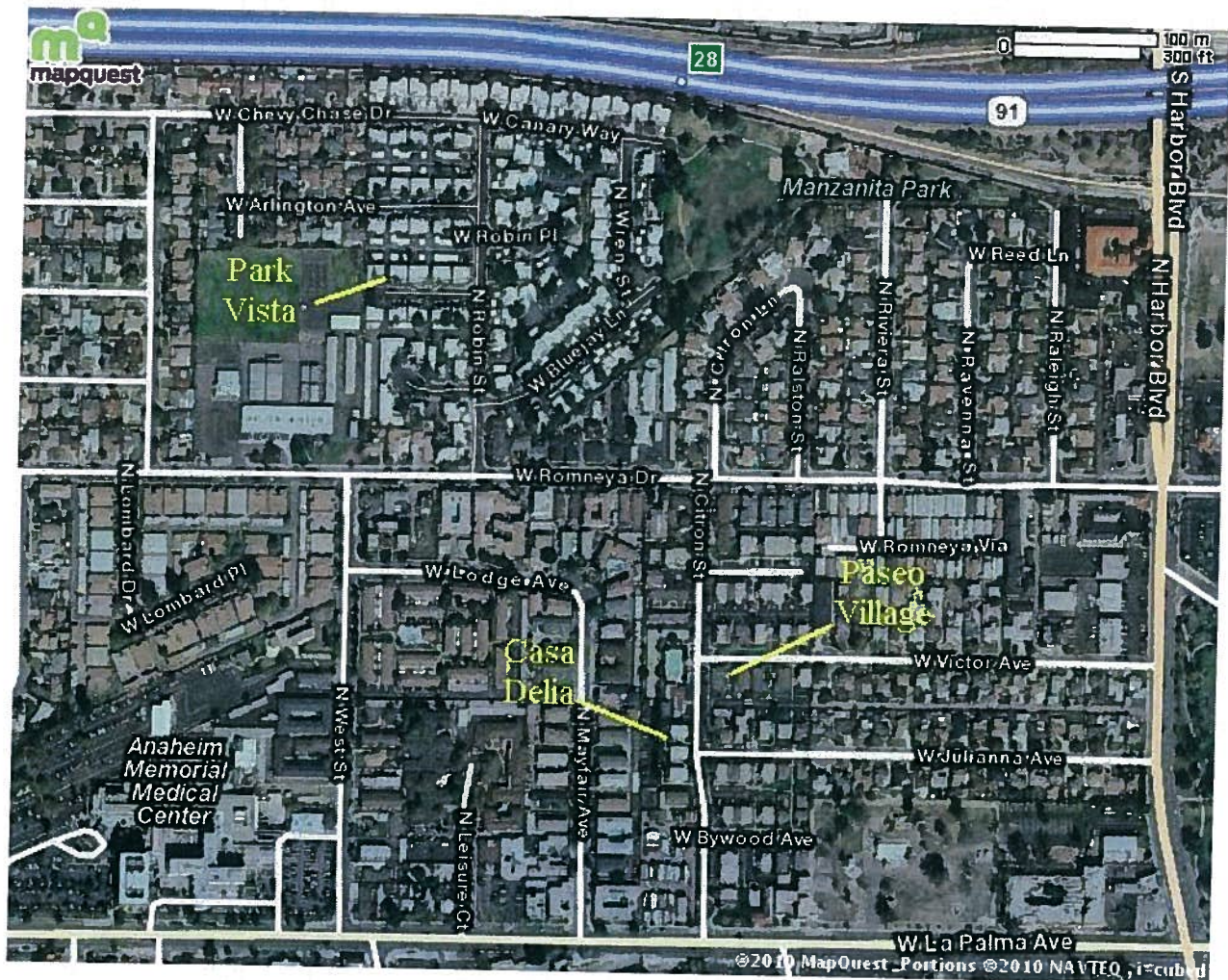
Map 2 below shows the locations of the four affordable housing developments located in downtown Santa Ana. Three developments contain a total of 454 senior (62+) housing units. Two developments (Santa Ana Towers and Rosswood Villas) were built in the mid-1970s. The third senior housing complex (Heninger Village) was constructed in 1988 and rehabilitated in 2001. Built in 1986, the Garden Court complex has 42 of the 84 family housing units rent restricted.

Map 2
Santa Ana: Downtown Santa Ana Affordable Housing Developments
Census Tract 750.02



Census tract 866.01, which is located in Anaheim, contains three family projects having a total of 576 housing units. Map 3 below shows the locations of the three developments. The construction dates for these developments are: Park Vista, 1958; Paseo Village, 1957; and Casa Delia, 1961. These developments, like many others located in high concentrations areas, were built before local housing policy planning was required and probably became affordable as a result of acquisition/rehabilitation programs. As a result, the housing complexes probably accommodated the population already residing in the developments at the time of rehabilitation or the population living near the developments.

Map 3
Anaheim: Park Vista, Paseo Village and Casa Delia
Census Tract 866.01



2. Affordable Housing Units Located in Neighborhoods with a Low Percentage (<20%) of Minority Populations

This part examines the existence of affordable housing opportunities in neighborhoods (census tracts) with a low percentage (<20%) of minority populations. Altogether there are 74 census tracts that meet the definition of a neighborhood with a low percentage of minority populations. Thirteen of the 74 census tracts have affordable housing units. In sum, there are 1,108 affordable housing units located in the 13 census tracts, which represents 5.4% of all the affordable housing located within the area covered by the *Regional AI*.

Consequently, it can be stated that affordable housing opportunities exist in neighborhoods with a low percentage of minority populations. The affordable housing units are located in the following cities and communities:

▪ Newport Beach	442
▪ Huntington Beach	185
▪ Laguna Beach	135
▪ Irvine	118
▪ Yorba Linda	100
▪ Dana Point	84
▪ Ladera Ranch	44

Table 7-3 on the next two pages lists the number of affordable housing units located in these “low concentration” census tracts as well as the percentage of affordable housing units located in those tracts and each tract’s percentage of all affordable housing units.

Table 7-3
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a Low Percentage (<20%) of Minority Populations -2010

Census Tract	City/Area	Percent Minority	Total Housing Units 2008	Number of Affordable Housing Units	Percent of Units in Tract	Percent of All Affordable Housing Units
993.10	Huntington Beach	19.79%	2,227	0	0.0%	0.0%
994.07	Huntington Beach	19.75%	968	11	1.1%	0.1%
423.25	Laguna Beach	19.75%	1,550	0	0.0%	0.0%
992.20	Huntington Beach	19.68%	2,407	68	2.8%	0.3%
993.06	Huntington Beach	19.63%	2,836	0	0.0%	0.0%
219.12	Orange/Unincorporated	19.46%	1,379	0	0.0%	0.0%
524.15	Lake Forest	19.32%	1,315	0	0.0%	0.0%
114.02	Fullerton	19.24%	874	0	0.0%	0.0%
992.43	Huntington Beach	19.17%	1,844	0	0.0%	0.0%
320.42	Rancho Santa Margarita/Uninc.	19.14%	1,778	0	0.0%	0.0%
631.02	Unincorporated	19.11%	2,803	0	0.0%	0.0%
993.07	Huntington Beach	18.38%	1,457	0	0.0%	0.0%
993.11	Huntington Beach	18.10%	2,230	0	0.0%	0.0%
995.12	Seal Beach	18.08%	1,776	0	0.0%	0.0%
218.09	Yorba Linda	18.04%	881	100	11.4%	0.5%
757.03	Unincorporated	17.94%	1,384	0	0.0%	0.0%
219.17	Orange/Unincorporated	17.71%	1,195	0	0.0%	0.0%
1100.06	Unincorporated	17.56%	1,102	0	0.0%	0.0%
626.45	Newport Beach/Uninc.	17.35%	2,692	0	0.0%	0.0%
218.16	Yorba Linda/Uninc.	17.26%	1,770	0	0.0%	0.0%
1100.08	Seal Beach	17.19%	1,731	0	0.0%	0.0%
995.14	Huntington Beach	17.09%	2,455	0	0.0%	0.0%
992.17	Huntington Beach	16.67%	891	0	0.0%	0.0%
320.23	Unincorporated	16.45%	4,345	0	0.0%	0.0%
626.05	Laguna Beach	16.31%	2,183	65	3.0%	0.3%
421.03	Unincorporated	15.74%	3,430	0	0.0%	0.0%
423.28	Laguna Hills	15.17%	843	0	0.0%	0.0%
1100.07	Los Alamitos	14.72%	1,686	0	0.0%	0.0%
320.43	Rancho Santa Margarita	14.65%	1,249	0	0.0%	0.0%
993.09	Huntington Beach	14.64%	1,702	106	6.2%	0.5%
636.03	Newport Beach	14.39%	3,293	91	2.8%	0.4%
995.13	Huntington Beach/Uninc.	14.35%	1,337	0	0.0%	0.0%
995.11	Seal Beach	14.26%	2,032	0	0.0%	0.0%
423.38	Dana Point	13.86%	2,050	0	0.0%	0.0%
320.46	Coto de Caza	13.68%	1,878	0	0.0%	0.0%
421.13	Dana Point	13.56%	1,851	0	0.0%	0.0%
633.02	Newport Beach	13.40%	1,727	0	0.0%	0.0%
630.10	Newport Beach	13.29%	3,372	0	0.0%	0.0%

Table 7-3 continued
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a Low Percentage (<20%) of Minority Populations -2010

Census Tract	City/Area	Percent Minority	Total Housing Units 2008	Number of Affordable Housing Units	Percent of Units in Tract	Percent of All Affordable Housing Units
995.06	Seal Beach/Uninc.	12.71%	863	0	0.0%	0.0%
320.52	Ladera Ranch	12.67%	8,124	44	0.5%	0.2%
320.44	Coto de Caza	12.60%	2,013	0	0.0%	0.0%
626.44	Newport Beach	12.52%	3,479	99	2.8%	0.5%
995.04	Seal Beach	12.47%	999	0	0.0%	0.0%
626.32	Laguna Beach	12.40%	2,191	70	3.2%	0.3%
630.09	Newport Beach	12.27%	752	0	0.0%	0.0%
992.44	Huntington Beach	12.19%	1,928	0	0.0%	0.0%
630.07	Newport Beach	12.04%	3,326	133	4.0%	0.7%
631.03	Newport Beach/Uninc.	11.64%	1,097	0	0.0%	0.0%
423.23	Dana Point	11.64%	2,717	0	0.0%	0.0%
423.24	Dana Point	11.51%	2,282	84	3.7%	0.4%
635.00	Newport Beach	11.48%	3,586	0	0.0%	0.0%
626.42	Newport Beach	11.32%	1,611	0	0.0%	0.0%
630.08	Newport Beach	11.29%	658	0	0.0%	0.0%
626.20	Laguna Beach	11.26%	2,663	0	0.0%	0.0%
626.22	Laguna Hills/Laguna Woods	10.75%	2,992	0	0.0%	0.0%
422.06	Dana Point	10.65%	1,459	0	0.0%	0.0%
626.04	Irvine	10.53%	6,267	118	1.9%	0.6%
320.11	Unincorporated	10.33%	826	0	0.0%	0.0%
630.04	Newport Beach	10.23%	3,491	119	3.4%	0.6%
628.00	Newport Beach	9.78%	3,031	0	0.0%	0.0%
320.37	Unincorporated	9.30%	2,437	0	0.0%	0.0%
423.05	Laguna Beach/Dana Point	8.59%	1,991	0	0.0%	0.0%
626.19	Laguna Beach	8.56%	2,063	0	0.0%	0.0%
627.02	Newport Beach	8.35%	2,702	0	0.0%	0.0%
995.10	Seal Beach	8.13%	3,644	0	0.0%	0.0%
630.05	Newport Beach	8.13%	1,023	0	0.0%	0.0%
626.23	Laguna Beach/Laguna Hills/Laguna Woods	8.07%	4,584	0	0.0%	0.0%
627.01	Newport Beach	7.86%	1,651	0	0.0%	0.0%
421.06	Dana Point/Uninc.	7.49%	738	0	0.0%	0.0%
634.00	Newport Beach	7.37%	2,207	0	0.0%	0.0%
626.46	Laguna Woods	6.84%	2,979	0	0.0%	0.0%
630.06	Newport Beach	6.83%	2,148	0	0.0%	0.0%
995.09	Seal Beach	6.48%	2,950	0	0.0%	0.0%
629.00	Newport Beach	5.33%	944	0	0.0%	0.0%
Total			160,939	1,108	0.7%	5.4%

3. Affordable Housing Units Located in Neighborhoods with a High Percentage (>80%) of Low Income Populations

Table 7-4 on the next page shows the number of affordable housing units located in 18 census tracts with a high percentage (80%+) of low income population. As previously indicated, the merged database has a total of 20,379 affordable housing units located within the geographic area covered by the *Regional AI*. Within this geographic area, the affordable housing stock is not concentrated in neighborhoods with a high percentage (80%+) of low income population for the reasons cited below:

- Nine of the 18 high percentage census tracts have zero or less than 12 affordable housing units.
- Only about 10% (2,055) of all affordable housing units (20,379) are located in census tracts with a high percentage of low income population.
- About 90% of all affordable housing units are located outside census tracts with a high percentage of low income population.

There are three census tracts that have high percentages of *both* minority and low income populations *and* a large percentage of affordable housing units located within the tracts: 744.03, 745.01 and 750.02. These tracts are located in Santa Ana and Maps 1 and 2 show the locations of the affordable housing developments.

4. Affordable Housing Units Located in Neighborhoods with a Low Percentage (<20%) of Low Income Populations

Table 7-5 (on pages 7-16 to 7-18) shows that affordable housing opportunities exist in census tracts with a low percentage of low income populations. Fourteen of the 101 census tracts with a low percentage of low income populations have affordable housing units. Almost 6% of all the affordable housing units are located in neighborhoods having 20% or less of its population with low incomes. However, the number of affordable housing units (1,205) represents a very small percentage (0.6%) of the housing stock (186,329) located in these census tracts.

The affordable housing opportunities are located in the following cities and communities:

▪ Aliso Viejo	174
▪ Anaheim	157
▪ Cypress	13
▪ Dana Point	84
▪ Fullerton	24
▪ Irvine	183
▪ Ladera Ranch	44
▪ Laguna Beach	70
▪ Newport Beach	232
▪ Yorba Linda	224

Table 7-4
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a High Percentage (>80%) of Low Income Populations-2010

City	Census Tract	# Low/Mod	Total Pop.	Percent Low/Mod	Total Housing Units 2008 ¹	Number of Affordable Housing Units ²	Percent of Units in Census Tract	Percent of All Affordable Units
Anaheim/Placentia	117.20	6,097	7,535	80.9%	1,518	54	3.6%	0.3%
Santa Ana	744.03	5,556	6,374	87.2%	1,310	500	38.2%	2.5%
Santa Ana	744.05	6,024	6,766	89.0%	1,468	24	1.6%	0.1%
Santa Ana	744.06	3,132	3,706	84.5%	847	0	0.0%	0.0%
Santa Ana/Tustin	744.07	6,651	7,687	86.5%	1,866	0	0.0%	0.0%
Santa Ana	745.01	10,197	12,055	84.6%	1,391	326	23.4%	1.6%
Santa Ana	748.05	5,577	6,710	83.1%	1,123	112	10.0%	0.5%
Santa Ana	748.06	5,080	6,136	82.8%	910	0	0.0%	0.0%
Santa Ana	749.01	8,512	10,102	84.3%	1,924	204	10.6%	1.0%
Santa Ana	749.02	6,122	7,243	84.5%	1,184	12	1.0%	0.1%
Santa Ana	750.02	8,000	9,466	84.5%	2,348	496	21.1%	2.8%
Santa Ana	750.03	7,198	8,200	87.8%	1,729	48	2.8%	0.2%
Santa Ana	750.04	4,865	5,713	85.2%	1,316	4	0.3%	0.0%
Orange/Villa Park*	758.11	1,354	1,569	86.3%	828	0	0.0%	0.0%
Anaheim	865.02	5,488	6,669	82.3%	1,389	0	0.0%	0.0%
Anaheim	874.05	5,489	6,580	83.4%	1,609	0	0.0%	0.0%
Santa Ana/Garden Grove	891.04	4,303	5,085	84.6%	1,358	194	14.3%	1.0%
Santa Ana	891.05	5,935	6,991	84.9%	1,132	12	1.1%	0.1%
Total		105,580	124,587	84.7%	25,250	2,055	8.1%	10.1%

*All of the Low/Mod population is located within the City of Orange, 1,354 of 1,490 (90.9%).

Note: The merged database has a total of 20,379 affordable units in Orange County.

¹California State University, Fullerton, Center for Demographic Research, *Orange County Population & Dwelling Unit Estimates by Census Tract*, January 1, 2008

²Number of affordable housing units per census tract is obtained from Attachment B on page 7-28.

Table construction by Castañeda & Associates

Table 7-5
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a Low Percentage (<20%) of Low Income Populations-2010

Census Tract	City	Percent Minority	Total Housing Units 2008	Number of Affordable Housing Units	Percent of Units in Census Tract	Percent of All Affordable Units
16.02	Fullerton	13.8%	1,858	0	0.0%	0.0%
17.06	Fullerton	19.1%	1,373	24	1.7%	0.1%
114.02	Fullerton	16.4%	874	0	0.0%	0.0%
117.15	Placentia/Unincorporated	14.6%	2,058	0	0.0%	0.0%
117.18	Placentia/Unincorporated	17.8%	1,110	0	0.0%	0.0%
218.09	Yorba Linda	19.8%	881	100	11.4%	0.5%
218.10	Yorba Linda/Placentia	19.8%	1,226	0	0.0%	0.0%
218.20	Yorba Linda/Placentia	19.2%	1,380	0	0.0%	0.0%
218.23	Yorba Linda	17.5%	1,057	0	0.0%	0.0%
218.24	Yorba Linda	11.0%	867	0	0.0%	0.0%
218.25	Yorba Linda	16.3%	1,158	124	10.7%	0.6%
218.27	Yorba Linda	11.7%	1,079	0	0.0%	0.0%
218.28	Yorba Linda	5.4%	1,331	0	0.0%	0.0%
218.29	Yorba Linda	11.4%	1,812	0	0.0%	0.0%
218.30	Yorba Linda	12.1%	2,037	0	0.0%	0.0%
219.05	Anaheim	19.5%	1,803	27	1.5%	0.1%
219.12	Orange	10.3%	1,379	0	0.0%	0.0%
219.15	Anaheim/Orange	19.7%	1,501	0	0.0%	0.0%
219.17	Orange/Unincorporated	13.7%	1,195	0	0.0%	0.0%
219.20	Anaheim	12.9%	2,326	0	0.0%	0.0%
219.21	Anaheim	11.7%	1,427	0	0.0%	0.0%
219.22	Anaheim	15.1%	2,266	130	5.7%	0.6%
219.23	Anaheim	13.2%	2,322	0	0.0%	0.0%
219.24	Anaheim/Unincorporated	15.3%	1,532	0	0.0%	0.0%
320.11	Unincorporated	15.4%	826	0	0.0%	0.0%
320.34	Rancho Santa Margarita	14.5%	1,852	0	0.0%	0.0%
320.41	Unincorporated	12.1%	411	0	0.0%	0.0%
320.42	Rancho Santa Margarita	13.6%	1,778	0	0.0%	0.0%
320.43	Rancho Santa Margarita	6.9%	1,249	0	0.0%	0.0%
320.44	Coto de Caza	9.0%	2,013	0	0.0%	0.0%
320.45	Coto de Caza	11.3%	922	0	0.0%	0.0%
320.46	Coto de Caza	5.5%	1,878	0	0.0%	0.0%
320.48	Rancho Santa Margarita	11.5%	2,255	0	0.0%	0.0%
320.49	Rancho Santa Margarita/Unincorporated	11.9%	3,106	0	0.0%	0.0%
320.50	Rancho Santa Margarita	16.6%	1,740	0	0.0%	0.0%
320.52	Ladera Ranch	19.2%	8,124	44	0.5%	0.2%

Table 7-5 continued
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a Low Percentage (<20%) of Low Income Populations-2010

Census Tract	City	Percent Minority	Total Housing Units 2008	Number of Affordable Housing Units	Percent of Units in Census Tract	Percent of All Affordable Units
320.53	Rancho Santa Margarita/Unincorporated	18.5%	3,095	0	0.0%	0.0%
320.56	Rancho Santa Margarita/Unincorporated	6.5%	2,002	0	0.0%	0.0%
423.05	Laguna Beach/Dana Point	18.6%	1,991	0	0.0%	0.0%
423.07	Laguna Hills	19.0%	2,316	0	0.0%	0.0%
423.24	Dana Point	14.3%	2,282	84	3.7%	0.4%
423.27	Laguna Hills	15.7%	1,735	0	0.0%	0.0%
423.28	Laguna Hills	14.7%	843	0	0.0%	0.0%
423.33	Laguna Hills	5.4%	1,332	0	0.0%	0.0%
423.35	Unincorporated	17.0%	2,300	0	0.0%	0.0%
524.04	Unincorporated	0.0%	979	0	0.0%	0.0%
524.08	Lake Forest	15.8%	2,153	0	0.0%	0.0%
524.15	Lake Forest	12.5%	1,315	0	0.0%	0.0%
524.17	Irvine	18.7%	2,302	0	0.0%	0.0%
524.20	Irvine	6.1%	6,304	0	0.0%	0.0%
524.21	Irvine	13.3%	1,964	0	0.0%	0.0%
524.22	Lake Forest	18.9%	1,491	0	0.0%	0.0%
524.26	Lake Forest/Unincorporated	8.9%	2,217	0	0.0%	0.0%
524.27	Lake Forest	12.4%	1,741	0	0.0%	0.0%
524.28	Lake Forest/Unincorporated	12.8%	2,181	0	0.0%	0.0%
525.06	Irvine	16.0%	828	0	0.0%	0.0%
525.22	Irvine	12.9%	1,446	59	4.1%	0.3%
525.23	Irvine	15.1%	1,544	0	0.0%	0.0%
525.26	Irvine	19.5%	1,366	0	0.0%	0.0%
525.27	Irvine	19.2%	2,713	124	4.6%	0.6%
626.20	Laguna Beach	18.3%	2,663	0	0.0%	0.0%
626.30	Irvine	16.7%	801	0	0.0%	0.0%
626.31	Irvine	7.9%	1,275	0	0.0%	0.0%
626.32	Laguna Beach	19.8%	2,191	70	3.2%	0.3%
626.33	Aliso Viejo	7.0%	1,742	0	0.0%	0.0%
626.34	Aliso Viejo	16.8%	2,066	0	0.0%	0.0%
626.35	Aliso Viejo/Laguna Woods	15.1%	1,713	0	0.0%	0.0%
626.38	Aliso Viejo	13.3%	2,432	0	0.0%	0.0%
626.39	Aliso Viejo	17.6%	2,504	174	6.9%	0.9%
626.43	Newport Beach	10.0%	2,017	0	0.0%	0.0%
626.44	Newport Beach	17.6%	3,479	99	2.8%	0.5%
626.45	Newport Beach	9.3%	2,692	0	0.0%	0.0%

Table 7-5 continued
Regional Analysis of Fair Housing Impediments
Affordable Housing Units Located in Neighborhoods
With a Low Percentage (<20%) of Low Income Populations-2010

Census Tract	City	Percent Minority	Total Housing Units 2008	Number of Affordable Housing Units	Percent of Units in Census Tract	Percent of All Affordable Units
627.01	Newport Beach	16.1%	1,651	0	0.0%	0.0%
627.02	Newport Beach	17.3%	2,702	0	0.0%	0.0%
629.00	Newport Beach	19.6%	944	0	0.0%	0.0%
630.05	Newport Beach	15.0%	1,023	0	0.0%	0.0%
630.07	Newport Beach	18.6%	3,326	133	4.0%	0.7%
630.08	Newport Beach	12.5%	658	0	0.0%	0.0%
630.09	Newport Beach/Unincorporated	18.4%	752	0	0.0%	0.0%
630.10	Newport Beach	19.4%	3,372	0	0.0%	0.0%
636.01	Newport Beach	12.8%	1,393	0	0.0%	0.0%
756.04	Orange/Unincorporated	12.6%	2,726	0	0.0%	0.0%
756.05	Orange/Unincorporated	12.7%	2,198	0	0.0%	0.0%
756.06	Unincorporated	8.8%	2,270	0	0.0%	0.0%
757.03	Unincorporated	18.9%	1,384	0	0.0%	0.0%
758.09	Villa Park/Orange	13.7%	1,092	0	0.0%	0.0%
758.10	Villa Park/Orange	15.9%	1,033	0	0.0%	0.0%
758.14	Orange/Villa Park	14.0%	1,184	0	0.0%	0.0%
992.38	Huntington Beach	18.4%	1,396	0	0.0%	0.0%
992.39	Huntington Beach	19.3%	1,379	0	0.0%	0.0%
992.40	Huntington Beach	18.8%	2,166	0	0.0%	0.0%
992.43	Huntington Beach	19.8%	1,844	0	0.0%	0.0%
992.46	Huntington Beach	12.6%	1,241	0	0.0%	0.0%
993.08	Huntington Beach	10.3%	2,256	0	0.0%	0.0%
994.15	Huntington Beach	11.2%	2,095	0	0.0%	0.0%
995.04	Seal Beach	19.7%	999	0	0.0%	0.0%
995.13	Huntington Beach/Unincorporated	18.5%	1,337	0	0.0%	0.0%
995.14	Huntington Beach	9.8%	2,455	0	0.0%	0.0%
1100.07	Unincorporated/Seal Beach	15.7%	1,686	0	0.0%	0.0%
1100.11	Cypress	12.2%	1,112	13	1.2%	0.1%
1100.12	Seal Beach/Los Alamitos	14.6%	1,867	0	0.0%	0.0%
1101.18	Cypress	16.9%	767	0	0.0%	0.0%
Total			186,329	1,205	0.6%	5.9%

D. ANALYSIS OF THE LOCATION OF THE SECTION 8 HOUSING INVENTORY

1. Garden Grove Housing Authority (GGHA)

The GGHA administers 2,504 Section 8 Housing Choice Vouchers. Of this total, 2,489 voucher holders reside in Garden Grove and other cities participating in the *Regional AI*. Table 7-6 below lists the city residence of the Section 8 voucher holders. About 80.5% of the voucher holders live in Garden Grove (2,003 of 2,489). This table also lists the four census tracts having 5% or more of the Garden Grove's Section 8 voucher holders.

**Table 7-6
Garden Grove Housing Authority
Section 8 Assisted Families by City**

City	Number of Families
Anaheim	89
Buena Park	4
Cypress	0
Fountain Valley	13
Garden Grove Census Tract 881.07	137
Garden Grove Census Tract 887.01	156
Garden Grove Census Tract 889.01	135
Garden Grove Census Tract 891.04	265
Garden Grove-Balance of City	1,310
Huntington Beach	29
Irvine	19
La Habra	1
Laguna Woods	1
Newport Beach	3
Orange	14
Stanton	21
Westminster	160
Yorba Linda	2
Split Tracts*	130
Total	2,489

Source: Garden Grove Housing Authority

*The data was provided by Census Tract and these tracts were split between two or more cities.

Note: Census tracts listed have 5% (125) or more of the total (2,489) Section 8 assisted households.

Tabulation by Castañeda & Associates

Table 7-7 below identifies the number of Section 8 voucher holders residing in census tracts with a high percentage (80%+) of minority populations. Only about one-fourth (660 of 2,489) of the GGHA voucher holders live in census tracts with a high percentage of minority populations. Within these census tracts Section 8 assisted housing – for the most part - comprises a small percentage of all the housing units. Only in census tract 891.04 does Section 8 housing comprise a “high” percentage (23.4%) of all the housing units located in a census tract. Consequently, the vast majority (75%) of Section 8 assisted housing is located in census tracts that do not have a high percentage of minority populations.

Table 7-7
Garden Grove Housing Authority
Number of Section 8 Housing Units Located in Census Tracts
With a High Percentage (>80%) of Minority Populations

Census Tract	City	Total Population¹	Percent Minority	# of Section 8 Assisted Units
891.04	Santa Ana/Garden Grove	6,074	92.61%	265
874.05	Anaheim	6,649	89.23%	1
890.03	Garden Grove	3,808	88.55%	63
875.04	Anaheim	8,248	87.42%	4
866.01	Anaheim	9,872	87.29%	1
874.03	Anaheim	3,735	85.78%	2
889.03	Garden Grove/Santa Ana	8,594	85.75%	84
873.00	Anaheim	10,041	85.04%	1
116.02	Anaheim	5,762	82.82%	1
891.06	Garden Grove	3,784	81.79%	96
891.02	Garden Grove	6,954	81.56%	20
12.01	La Habra/County	5,371	81.55%	1
888.01	Garden Grove	8,206	81.15%	121
Total				660

¹2000 population

Source: Garden Grove Housing Authority

Tabulation by Castañeda & Associates

2. Santa Ana Housing Authority (SAHA)

The SAHA administers Section 8 Housing Choice Vouchers predominately within the City of Santa Ana. Data on the census tract location of the voucher holders was provided by the SAHA. However, the census tract location is not available for all Section 8 voucher holders. (In some cases the census tract is unknown or an incorrect census tract was assigned to the voucher holder.) Table 7-8 below and on the next page shows the census tract location of 653 Section 8 voucher holders. As noted by this table, the vast majority of Section 8 assisted families reside in Santa Ana.

Table 7-8
Santa Ana Housing Authority
Section 8 Assisted Families by Census Tract

Census Tract	City	Number of Section 8 Vouchers
740.03	Santa Ana	4
740.04	Santa Ana	10
740.05	Santa Ana	16
740.06	Santa Ana	9
741.02	Santa Ana	9
741.03	Santa Ana	1
741.06	Santa Ana/Unincorporated ¹	19
741.07	Santa Ana	8
741.08	Santa Ana/Unincorporated ¹	6
741.09	Santa Ana	5
741.10	Santa Ana	9
741.11	Santa Ana	1
742.00	Santa Ana	5
744.03	Santa Ana	9
744.05	Santa Ana	4
744.06	Santa Ana	5
744.07	Santa Ana	7
745.01	Santa Ana	1
745.02	Santa Ana	5
746.01	Santa Ana	5
746.02	Santa Ana	11
747.01	Santa Ana	6
747.02	Santa Ana	2
748.01	Santa Ana	10
748.02	Santa Ana	3
748.03	Santa Ana/Unincorporated ¹	11
748.05	Santa Ana	5
748.06	Santa Ana	3
749.01	Santa Ana	4

Table 7-8 - continued
Santa Ana Housing Authority
Section 8 Assisted Families by Census Tract

Census Tract	City	Number of Section 8 Vouchers
749.02	Santa Ana	5
750.02	Santa Ana	8
750.03	Santa Ana	1
750.04	Santa Ana	2
751.00	Santa Ana	5
752.01	Santa Ana	7
752.02	Santa Ana	10
753.01	Santa Ana/Orange ¹	11
753.02	Santa Ana	31
753.03	Santa Ana	2
754.01	Santa Ana	3
754.03	Santa Ana	15
754.04	Santa Ana	9
754.05	Santa Ana	4
755.04	Santa Ana	5
757.01	Santa Ana	9
889.03	Santa Ana/Garden Grove/Westminster ²	8
890.01	Santa Ana/Garden Grove	64
890.04	Santa Ana	27
891.02	Santa Ana/Garden Grove	9
891.04	Santa Ana/Garden Grove	13
891.05	Santa Ana	41
891.07	Santa Ana/Garden Grove	2
992.02	Santa Ana/Fountain Valley	38
992.03	Santa Ana/Fountain Valley/ Garden Grove/Westminster	22
992.47	Santa Ana	46
992.48	Santa Ana	40
992.49	Santa Ana	23
Total		653

¹ Although this tract is split with Orange, all the population is located within the City of Santa Ana.

² There was no population within the City of Westminster.

Source: Santa Ana Housing Authority

Tabulation by Castañeda & Associates

Table 7-9 on the next page indicates the number of Section 8 voucher holders residing in census tracts with a high percentage (80%+) of minority populations. Only about 28% (184 of 653) of the SAHA voucher holders live in census tracts with a high percentage of minority

populations. Within these census tracts Section 8 assisted housing – for the most part - comprises a small percentage of all the housing units. Consequently, the vast majority (72%) of Section 8 assisted housing is located in census tracts that do not have a high percentage of minority populations.

Table 7-9
Santa Ana Housing Authority
Number of Section 8 Housing Units Located in Census Tracts
With a High Percentage (>80%) of Minority Populations

Census Tract	City	Total Population¹	Minority Population	Percent Minority	Number of Section 8 Vouchers
749.02	Santa Ana	7,261	7,080	97.51%	5
744.07	Santa Ana	3,822	3,701	96.83%	7
746.02	Santa Ana	9,649	9,222	95.57%	11
747.02	Santa Ana	6,680	6,328	94.73%	2
747.01	Santa Ana	9,075	8,588	94.63%	6
750.03	Santa Ana	8,232	7,773	94.42%	1
748.06	Santa Ana	6,154	5,801	94.26%	3
750.04	Santa Ana	5,779	5,444	94.20%	2
749.01	Santa Ana	10,129	9,533	94.12%	4
748.05	Santa Ana	6,710	6,298	93.86%	5
744.05	Santa Ana	6,965	6,450	92.61%	4
742.00	Santa Ana	9,611	8,899	92.59%	5
744.03	Santa Ana	6,374	5,861	91.95%	9
748.01	Santa Ana	6,267	5,722	91.30%	10
752.01	Santa Ana	5,948	5,426	91.22%	7
740.03	Santa Ana	2,484	2,266	91.22%	4
746.01	Santa Ana	8,861	7,998	90.26%	5
752.02	Santa Ana	6,137	5,519	89.93%	10
750.02	Santa Ana	9,610	8,639	89.90%	8
745.02	Santa Ana	6,280	5,637	89.76%	5
741.03	Santa Ana	5,196	4,646	89.41%	1
744.06	Santa Ana	3,838	3,402	88.64%	5
891.05	Santa Ana	7,081	6,133	86.61%	41
741.09	Santa Ana	4,032	3,486	86.46%	5
745.01	Santa Ana	8,233	7,115	86.42%	1
748.02	Santa Ana	6,041	5,218	86.38%	3
741.08	Santa Ana/Unincorporated ²	5,287	4,515	85.40%	6
741.02	Santa Ana	7,428	5,996	80.72%	9
Total					184

¹2000 population

²Although this tract is split with an unincorporated area of the County, all the population is within the City of Santa Ana

Source: Santa Ana Housing Authority
 Tabulation by Castañeda & Associates

3. Anaheim Housing Authority (AHA)

Data are not available from the AHA.

4. Orange County Housing Authority (OCHA)

OCHA administers 8,089 Section 8 Housing Choice Vouchers within the cities participating in the *Regional AI*. Data was available on the census tract location of 6,832 voucher holders. (The census tract location was not available for 989 recipients and another 268 had discrepancies with respect to a census tract number.)

The geographic area covered by the OCHA spans from the City of La Habra in the north down to Dana Point in the south. Of the 6,832 voucher holders, 3,153 reside in census tracts entirely within an entitlement city as shown in Table 7-10 on the next page. With respect to Urban County cities, 762 voucher holders reside in census tracts entirely within these jurisdictions as shown in Table 7-11 on the next page.

Almost 3,000 voucher holders reside in census tracts split between two or more jurisdictions. These shared jurisdictions include entitlement cities with entitlement cities and entitlement cities with urban county cities. Nearly 1,700 of these “shared” locations were with the City of Westminster.

The geographic distribution of all Section 8 voucher holders is as follows:

▪ Entitlement Cities	3,153
▪ Urban County Cities	762
▪ Split Tract Locations	<u>2,917</u>
Total	6,832

Table 7-12 on page 7-26 identifies the number of Section 8 voucher holders residing in census tracts with a high percentage (80%+) of minority populations. Only about 5.3% (363 of 6,832) of the OCHA voucher holders live in census tracts with a high percentage of minority populations. Within these census tracts Section 8 assisted housing – for the most part - comprises a small percentage of all the housing units. Only in census tract 525.18 does Section 8 housing comprise a “high” percentage (67%) of all housing in a census tract. However, the population in the tract is extremely low. Consequently, the vast majority (95%) of Section 8 assisted housing is located in census tracts that do not have a high percentage of minority populations.

An analysis also was completed to determine the number of Section 8 voucher holders residing in census tracts with a low (<20%) minority population. Some 258 (almost 4%) OCHA Section 8 voucher holders reside in 34 low minority population neighborhoods/census tracts. Consequently, the number (258) of voucher holders residing in low minority population neighborhoods is about 100 less than the number (363) living in high minority population census tracts. Table 7-13 on page 7-27 presents the data analysis.

Table 7-10
Orange County Housing Authority
Section 8 Assisted Families by Entitlement City

Entitlement Cities	Number of Section 8 Vouchers
Anaheim	92
Buena Park	117
Fountain Valley	193
Fullerton	251
Garden Grove	156
Huntington Beach	498
Irvine	538
La Habra	108
Lake Forest	169
Newport Beach	110
Orange	447
Rancho Santa Margarita	42
Santa Ana	2
Westminster	430
Total	3,153

Source: Orange County Housing Authority

Table 7-11
Orange County Housing Authority
Section 8 Assisted Families by Urban County City

Urban County	Number of Section 8 Vouchers
Aliso Viejo	13
Brea	129
Cypress	74
Dana Point	37
Laguna Beach	13
Laguna Hills	8
Laguna Woods	1
La Palma	46
Los Alamitos	11
Placentia	121
Seal Beach	3
Stanton	220
Villa Park	0
Yorba Linda	76
Unincorporated	10
Total	762

Source: Orange County Housing Authority

Table 7-12
Orange County Housing Authority
Number of Section 8 Housing Units Located in Census Tracts
With a High Percentage (>80%) of Minority Populations

Census Tract	City	Total Population¹	Minority Population	Percent Minority	Number of Section 8 Vouchers
525.18	Irvine	3	3	100.00%	2
992.49	Orange	4,443	4,322	97.28%	1
741.02	Santa Ana	7,428	6,904	92.95%	1
891.04	Garden Grove	6,074	5,625	92.61%	13
117.20	Placentia	7,535	6,973	92.54%	17
865.02	Anaheim	6,678	6,168	92.36%	1
874.05	Anaheim	6,649	5,933	89.23%	1
992.48	Santa Ana	5,365	4,757	88.67%	1
890.03	Garden Grove	3,808	3,372	88.55%	9
875.04	Anaheim	8,248	7,210	87.42%	1
878.03	Stanton	6,442	5,580	86.62%	87
874.03	Anaheim	3,735	3,204	85.78%	1
889.03	Garden Grove/Westminster	8,594	7,369	85.75%	21
873.00	Anaheim	10,041	8,539	85.04%	1
1106.06	Buena Park	4,841	4,043	83.52%	41
864.05	Anaheim	6,699	5,549	82.83%	1
116.02	Fullerton	5,762	4,772	82.82%	6
992.02	Fountain Valley	8,117	6,715	82.73%	2
744.08	Orange	5,239	4,323	82.52%	1
879.02	Anaheim/Stanton	5,983	4,911	82.08%	22
889.04	Garden Grove/Westminster	5,809	4,766	82.05%	72
891.06	Garden Grove	3,784	3,095	81.79%	2
891.02	Garden Grove/Orange	6,954	5,672	81.56%	3
12.01	La Habra	5,371	4,380	81.55%	13
889.02	Garden Grove/Westminster	5,136	4,177	81.33%	16
888.01	Garden Grove	8,206	6,659	81.15%	27
Total					363

¹2000 population

Source: Orange County Housing Authority

Tabulation by Castañeda & Associates

Table 7-13
Orange County Housing Authority
Number of Section 8 Housing Units Located in Census Tracts
With a Low Percentage (<20%) of Minority Populations

Census Tract	City	Total Population¹	Minority Population	Percent Minority	Number of Section 8 Vouchers
994.07	Huntington Beach/Westminster	2,491	492	19.75%	44
992.20	Huntington Beach	5,421	1,067	19.68%	1
993.06	Huntington Beach	5,931	1,164	19.63%	11
632.01	Orange	3,611	701	19.41%	1
320.42	Trabuco Canyon	6,135	1,174	19.14%	1
993.07	Huntington Beach	2,377	437	18.38%	14
993.11	Huntington Beach	3,818	691	18.10%	2
995.12	Seal Beach	2,766	500	18.08%	3
218.09	Yorba Linda	2,616	472	18.04%	6
219.17	Orange	3,366	596	17.71%	4
218.16	Yorba Linda	4,943	853	17.26%	3
1100.08	Los Alamitos/Seal Beach	4,304	740	17.19%	2
626.05	Laguna Beach	3,396	554	16.31%	10
320.13	Ladera Ranch	3,528	569	16.13%	1
993.09	Huntington Beach	3,565	522	14.64%	4
636.03	Newport Beach	6,263	901	14.39%	41
423.38	Dana Point	4,814	667	13.86%	2
630.10	Newport Beach	6,495	863	13.29%	4
995.06	Sunset Beach	1,267	161	12.71%	1
320.52	Ladera Ranch	3,330	422	12.67%	1
626.44	Corona del Mar/Newport Beach	6,558	821	12.52%	9
626.32	Laguna Beach	4,058	503	12.40%	1
992.44	Huntington Beach	3,846	469	12.19%	3
630.07	Newport Beach	5,928	714	12.04%	18
423.23	Dana Point	4,717	549	11.64%	2
635.00	Newport Beach	6,191	711	11.48%	4
630.08	Irvine	868	98	11.29%	2
626.22	Irvine/Laguna Hills/Laguna Woods	4,231	455	10.75%	26
630.04	Newport Beach	5,602	573	10.23%	18
628.00	Newport Beach	4,732	463	9.78%	3
423.05	Laguna Beach	3,782	325	8.59%	1
626.23	Laguna Hills/Laguna Woods	6,435	519	8.07%	11
634.00	Newport Beach	4,995	368	7.37%	3
626.46	Laguna Woods	3,643	249	6.84%	1
Total					258

¹2000 population

Source: Orange County Housing Authority

E. ACTIONS TO BE TAKEN

As explained on page one, the location of affordable housing is central to fulfilling the commitment to AFFH because it determines whether such housing will reduce or perpetuate residential segregation. The data analysis shows that affordable housing is predominantly located outside areas of high minority and high low income population concentrations. Many of the developments were constructed before localities were required to develop policies to guide the location of affordable housing.

During the 2010-2015 period, the FHCOC will take the following actions:

- Provide technical assistance to participating jurisdictions on how the location of affordable housing contributes to AFFH.
- Aggregate - for each census tract - the number of voucher holders assisted by all four housing authorities.
- Conduct an analysis of the location of affordable housing in census tracts with a low concentration of minority and low income populations for purposes of determining whether they offer sufficient affordable housing opportunities.
- Extend the analysis to include census tracts with minority populations in the range of 60 to 80%.
- Suggest policies that the Housing Authorities and/or entitlement cities and the Urban County Program can implement to promote affordable housing opportunities outside of census tracts with high percentages of poverty and minority populations.

Attachment A
Census Tracts With 80%+ Minority Populations

Census Tract	City	White alone	Hispanic or Latino	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some other race alone	Pop. of two or more races	2000 Total Pop.	Minority	Percent Minority	2008 Total Pop.	Pop. Change 2000-2008
745.01	Santa Ana	82	7,115	5	21	842	13	7	148	8,233	8,151	99.00%	8,547	314
748.06	Santa Ana	80	5,801	161	2	74	14	13	9	6,154	6,074	98.70%	6,395	241
749.02	Santa Ana	102	7,080	15	4	43	2	0	15	7,261	7,159	98.60%	7,539	278
748.01	Santa Ana	107	5,722	244	30	130	20	1	13	6,267	6,160	98.29%	6,448	181
749.01	Santa Ana	185	9,533	50	30	272	22	8	29	10,129	9,944	98.17%	10,520	391
747.01	Santa Ana	198	8,588	72	6	135	34	0	42	9,075	8,877	97.82%	9,419	344
748.05	Santa Ana	156	6,298	76	15	100	27	14	24	6,710	6,554	97.68%	6,966	256
992.49	Santa Ana	121	3,472	26	8	770	21	0	25	4,443	4,322	97.28%	4,612	169
752.01	Santa Ana	162	5,426	71	16	240	1	2	30	5,948	5,786	97.28%	6,206	258
745.02	Santa Ana	178	5,637	7	19	361	32	0	46	6,280	6,102	97.17%	6,527	247
746.02	Santa Ana	284	9,222	27	5	76	14	3	18	9,649	9,365	97.06%	10,008	359
891.05	Santa Ana	232	6,133	18	22	635	11	5	25	7,081	6,849	96.72%	7,144	63
743.00	Santa Ana	147	4,204	5	19	15	3	0	22	4,415	4,268	96.67%	4,584	169
750.03	Santa Ana	299	7,773	49	42	25	0	16	28	8,232	7,933	96.37%	8,531	299
747.02	Santa Ana	270	6,328	9	19	18	15	4	17	6,680	6,410	95.96%	6,953	273
750.04	Santa Ana	247	5,444	29	0	44	4	2	9	5,779	5,532	95.73%	6,018	239
750.02	Santa Ana	426	8,639	86	20	395	2	3	39	9,610	9,184	95.57%	10,145	535
744.03	Santa Ana	298	5,861	18	19	153	4	0	21	6,374	6,076	95.32%	6,617	243
741.09	Santa Ana	200	3,486	13	25	270	15	1	22	4,032	3,832	95.04%	4,198	166
740.03	Santa Ana	125	2,266	25	8	39	4	1	16	2,484	2,359	94.97%	3,462	978
742.00	Santa Ana	504	8,899	23	16	118	16	8	27	9,611	9,107	94.76%	9,976	365
752.02	Santa Ana	322	5,519	98	25	139	0	11	23	6,137	5,815	94.75%	6,366	229
744.05	Santa Ana	371	6,450	32	5	64	3	11	29	6,965	6,594	94.67%	7,429	464
741.08	Santa Ana	313	4,515	40	13	331	37	0	38	5,287	4,974	94.08%	5,496	209
748.02	Santa Ana	375	5,218	163	22	180	22	3	58	6,041	5,666	93.79%	6,278	237
741.02	Santa Ana	524	5,996	110	19	696	30	9	44	7,428	6,904	92.95%	7,709	281

Census Tract	City	White alone	Hispanic or Latino	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some other race alone	Pop. of two or more races	2000 Total Pop.	Minority	Percent Minority	2008 Total Pop.	Pop. Change 2000-2008
746.01	Santa Ana	626	7,998	29	29	110	23	4	42	8,861	8,235	92.94%	9,208	347
891.04	Santa Ana/Garden Grove													
741.03	Santa Ana	449	4,384	37	10	1,130	19	0	45	6,074	5,625	92.61%	6,293	219
744.07	Santa Ana/Tustin	385	4,646	13	21	79	21	1	30	5,196	4,811	92.59%	5,394	198
117.20	Anaheim/Placentia	573	6,765	100	6	161	8	6	68	7,687	7,114	92.55%	8,005	318
865.02	Anaheim	562	6,612	93	24	158	11	10	65	7,535	6,973	92.54%	8,008	473
748.03	Anaheim	510	5,995	34	24	77	1	1	36	6,678	6,168	92.36%	6,916	238
744.06	Santa Ana	702	6,623	177	26	1,409	33	4	78	9,052	8,350	92.24%	9,416	364
874.04	Santa Ana	311	3,402	31	14	55	8	1	16	3,838	3,527	91.90%	3,994	156
890.01	Anaheim	323	3,338	34	14	53	9	0	14	3,785	3,462	91.47%	3,926	141
874.05	Santa Ana	794	3,704	54	30	2,835	46	1	110	7,574	6,780	89.52%	7,900	326
890.04	Anaheim	716	5,504	101	20	235	16	4	53	6,649	5,933	89.23%	6,977	328
992.47	Santa Ana	812	4,865	68	5	1,596	34	6	53	7,439	6,627	89.08%	7,823	384
992.48	Santa Ana	380	1,765	24	14	1,176	31	1	27	3,418	3,038	88.88%	3,558	140
890.03	Santa Ana	608	3,297	73	3	1,300	44	1	39	5,365	4,757	88.67%	5,595	230
875.04	Garden Grove	436	2,009	84	4	1,155	37	1	82	3,808	3,372	88.55%	3,973	165
866.01	Anaheim	1,038	6,342	106	35	587	22	0	118	8,248	7,210	87.42%	8,542	294
878.03	Anaheim	1,255	7,746	247	26	455	29	13	101	9,872	8,617	87.29%	10,343	471
740.05	Stanton/Anaheim	862	4,415	135	16	808	89	12	105	6,442	5,580	86.62%	6,671	229
874.03	Santa Ana	1,051	5,238	103	21	1,110	26	20	85	7,654	6,603	86.27%	7,947	293
889.03	Anaheim	531	3,059	21	9	92	2	0	21	3,735	3,204	85.78%	3,861	126
	Garden Grove/Santa Ana													
873.00	Anaheim	1,225	2,289	45	16	4,776	59	12	172	8,594	7,369	85.75%	9,001	407
865.01	Anaheim	1,502	7,428	216	23	716	16	3	137	10,041	8,539	85.04%	10,933	892
1106.06	Anaheim	732	3,843	36	16	79	1	2	39	4,748	4,016	84.58%	4,929	181
864.05	Buena Park	798	2,805	249	18	860	10	6	95	4,841	4,043	83.52%	5,215	374
116.02	Anaheim	1,150	5,067	100	8	288	10	17	59	6,699	5,549	82.83%	6,961	262
	Fullerton/Anaheim	990	4,460	113	19	123	3	1	53	5,762	4,772	82.82%	5,990	228

Census Tract	City	White alone	Hispanic or Latino	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some other race alone	Pop. of two or more races	2000 Total Pop.	Minority	Percent Minority	2008 Total Pop.	Pop. Change 2000-2008
992.02	Santa Ana/Fountain Valley	1,402	4,206	88	54	2,194	49	10	114	8,117	6,715	82.73%	8,402	285
879.02	Stanton	1,072	3,586	81	11	1,019	86	1	127	5,983	4,911	82.08%	6,143	160
889.04	Westminster/Garden Grove	1,043	682	20	3	3,927	26	7	101	5,809	4,766	82.05%	6,072	263
864.04	Anaheim	1,121	4,347	57	24	585	5	6	72	6,217	5,096	81.97%	6,451	234
891.06	Garden Grove	689	2,317	32	7	680	12	3	44	3,784	3,095	81.79%	3,933	149
891.02	Garden Grove/Santa Ana	1,282	4,232	69	23	1,182	57	4	105	6,954	5,672	81.56%	7,234	280
12.01	La Habra/County	991	3,991	59	18	213	3	0	96	5,371	4,380	81.55%	5,586	215
753.02	Santa Ana	852	3,440	86	3	181	6	6	34	4,608	3,756	81.51%	4,782	174
889.02	Garden Grove	959	1,363	34	14	2,601	82	4	79	5,136	4,177	81.33%	5,387	251
888.01	Garden Grove	1,547	1,593	108	17	4,701	53	8	179	8,206	6,659	81.15%	8,633	427
741.11	Santa Ana	1,135	3,579	153	12	938	15	6	84	5,922	4,787	80.83%	6,148	226
117.14	Anaheim	58	227	0	3	9	0	0	5	302	244	80.79%	311	9

Attachment B
Affordable Housing Inventory
Arranged by Census Tract

City	Name	Address	Zip Code	Census Tract	Housing Type	Total Units	Low Income Units
La Habra	Casa Nicolina	1510 W. La Habra Blvd.	90631	11.03	Family	562	22
La Habra	La Habra Inn Senior Apartments	700 N. Beach Blvd.	90631	11.03	Senior SRO 55+	70	70
La Habra	Casa El Centro	101 N. Cypress St.	90631	12.02	Senior/Disabled 62+	55	55
La Habra	Las Lomas Gardens	900 S. Las Lomas Dr.	90631	13.03	Family	112	93
La Habra	Cypress Villa Apartments	900 North Cypress Street	90631	14.01	Non Targeted	72	71
Brea	Vintage Creek Sr. Apartments	855 North Brea Blvd.	92821	15.02	Senior	105	105
Brea	Birch Street Loft Apartments	260 & 330 W. Birch St.	92821	15.03	1 Bedroom Lofts	30	25
Brea	Imperial Terrace Apartments	430 W. Imperial Hwy.	92821	15.03	Family	36	18
Brea	Loft Apartments	215 S. Brea Blvd.	92821	15.03	Artist's Lofts	32	8
Brea	South Walnut Bungalows	302-314 S. Walnut Ave.	92821	15.03	Family	9	9
Brea	Walnut Village Apartments	620 Walnut Ave	92821	15.03	Large Family	46	46
Brea	Birch Terrace Apartments	601 E. Birch St.	92821	15.04	Family	36	18
Brea	BREAL Senior Apartments	111 N. Orange Ave.	92821	15.04	Senior 65+	30	30
Brea	Civic Center Apartments	651 E. Birch St.	92821	15.04	Family	30	16
Brea	Orange Villa Senior Apartments	137 N. Orange Ave.	92821	15.04	Senior 62+	36	9
Brea	Williams Senior Apartments	212 S. Orange Ave.	92821	15.04	Senior 62+	28	28
Brea	Town and Country Apartments	800 S. Brea Blvd.	92821	15.05	Family	122	50
Brea	Brea Woods Senior Apartments	195 W. Central Ave.	92821	15.06	Senior 55+	151	36
Brea	Tamarack Pointe Villas	330 W. Central Ave.	92821	15.07	Family	48	5
Fullerton	North Hills Apartments	570 East Imperial Highway	92835	16.01	Non Targeted	204	203

City	Name	Address	Zip Code	Census Tract	Housing Type	Total Units	Low Income Units
Fullerton	Harborview Terrace Apartments	2305 N. Harbor Blvd.	92835	17.06	Physical Disability	25	24
Fullerton	Courtyard Apartments	4127 West Valencia	92633	18.01	Large Family	108	108
Fullerton	Franklin Garden Apartment Homes	3828 Franklin Ave.	92833	18.01	Family	15	11
Fullerton	Fullerton Residential Manor	2441 W. Orangethorpe Ave.	92632	18.02	Senior 62+ (Board & Care)	97	97
Fullerton	Amerige Villa Apartments	343 W. Amerige Ave.	92832	112.00	Senior 62+ or Disabled	101	100
Fullerton	Fullerton City Lights	224 E. Commonwealth Ave.	92832	113.00	1 or 2 person	137	136
Fullerton	Klimpel Manor	229 E Amerige Ave.	92832	113.00	Senior	59	59
Fullerton	Casa Maria Del Rio	2130 E. Chapman Ave.	92831	115.02	Mobility Impaired	24	24
Fullerton	East Fullerton Villas	2140-2190 East Chapman Avenue	92821	115.02	Large Family	27	27
Fullerton	Palm Garden Apartments	400 West Orangethorpe Avenue	92832	116.01	Non Targeted	223	223
Fullerton	Richman Park I	436-442 W. Valencia Dr.	92832	116.01	Family	8	8
Fullerton	Richman Park II	461 West Ave.	92832	116.01	Family	4	4
Fullerton	Truslow Village	220 W. Truslow Ave.	92832	116.01	Family	12	1
Fullerton	Allen Hotel Apartments	410 S. Harbor Blvd.	92832	116.02	Family	16	16
Fullerton	Las Palmas Apartments	2598 N. Associated Rd.	92835	117.07	Family	259	52
Fullerton	Garnet Housing	3012-3024 Garnet Ln. 1512 & 1518 Placentia	92831	117.11	Family	20	20
Fullerton	Garnet Lane Apartments	3125-3149 Garnet Ln.	92631	117.11	Family	18	17
Placentia	Imperial Villas	1050 E. Imperial Hwy.	92870	117.17	Family	58	58
Placentia	Villa La Jolla	734 W. La Jolla Blvd.	92870	117.20	At-Risk	55	54
Placentia	No Name Provided	219 Melrose St.	92870	117.21	Family	2	2
Placentia	No Name Provided	307 Santa Fe Ave.	92870	117.21	Family	2	2

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Placentia	No Name Provided	338 Santa Fe Ave.	92870	117.21	Family	4	4
Placentia	Ramona Gardens	415 & 421 Ramona St.	92670	117.21	Family	6	6
Yorba Linda	Evergreen Villas	5100 Avocado Circle	92886	218.02	Senior 55+	52	25
Yorba Linda	Yorba Linda Family Apartments	18542 Yorba Linda Blvd.	92886	218.02	Large Family	44	43
Yorba Linda	Parkwood Apartments	4075 Prospect Avenue	92885	218.09	Senior	101	100
Placentia	Arbor Lane East	1621 & 1931 Cherry St.	92870	218.21	Family	2	2
Placentia	Highland Orchard Apartments	140 S. Highland Ave.	92870	218.21	Family	104	10
Yorba Linda	Victoria Woods Yorba Linda	5303 Stonehaven Drive	92887	218.25	Senior	124	124
Yorba Linda	Riverbend (Archstone Yorba Linda)	25550 River Bend Dr.	92887	218.26	Family	400	100
Anaheim	Palacio Villas	435 S. Anaheim Hills Rd.	92807	219.05	Senior 62+	117	27
Orange	Villa Modena	4431 E. Marmon Ave.	92869	219.13	Family	5	5
Anaheim	Fountain Glen	225 S. Festival Dr.	92808	219.22	Senior 55+	259	130
Trabuco Canyon	Trabuco Highlands	31872 Joshua Dr.	92679	320.04	Family	184	37
Rancho Santa Margarita	Villa Aliento	114 Aliento St.	92688	320.51	Family	225	23
Ladera Ranch	Laurel Glen	70 Sklar St.	92694	320.52	Family	220	44
Rancho Santa Margarita	Fountain Glen Senior Apartments	30751 El Corazon	92688	320.54	Senior 55+	166	34
Rancho Santa Margarita	Villa La Paz	2 Via Amistosa	92688	320.55	Family	500	100
Dana Point	OC Community Housing Corp.	25942 Domingo	92624	422.01	Family	24	24
Dana Point	Monarch Coast	32400 Crown Valley Pkwy.	92629	423.24	Family	418	84
Irvine	Northwood Affordable Apartments	Jeffrey and Trabuco Road	92620	524.18	Large Family	96	94

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Irvine	Northwood Place	1300 Hayes St.	92620	524.18	Family	604	186
Irvine	Woodbury NE Apartments	North of Talisman, South of Mission Park, East of Pink Sage, West of Hallmark in Planning Area 9A	92620	524.18	Large Family	150	148
Irvine	Woodbury Apts. – Phase I	Sand Canyon/Trabuco	92620	524.18	Family	90	90
Lake Forest	Alexan Bellecour	21041 Osterman Rd.	92630	524.23	Family	131	6
Lake Forest	Arbors	26356 Vintage Woods Rd.	92630	524.23	Family	328	22
Lake Forest	Emerald Court	21141 Canada Rd.	92630	524.23	Family	288	58
Lake Forest	Westridge	26571 Normadale Dr.	92630	524.23	Family & Senior	390	78
Lake Forest	Trabuco Woods	22159 Rimhurst Dr.	92630	524.24	Family	72	15
Lake Forest	Spring Lakes	21641 Canada Rd.	92630	524.25	Family	180	36
Irvine	Woodbridge Manor	27 Lake Road	92604	525.11	Senior	165	164
Irvine	The Inn At Woodbridge	3 Osborne	92714	525.13	Senior	116	116
Irvine	Cedar Creek	5051 Alton Pkwy.	92604	525.14	Family	176	36
Irvine	Woodbridge Oaks	1 Knollglen	92604	525.14	Family	120	120
Irvine	Woodbridge Willows	344 Knollglen	92614	525.14	Family	200	40
Irvine	Santa Alicia Apartments	100 Santorini	92606	525.15	Family	84	82
Irvine	Orchard Park	50 Tarocco	92618	525.17	Large Family	60	60
Irvine	Woodbridge Villas	10 Thunder Run #30	92614	525.19	Family	258	60
Irvine	Cross Creek	22 Creek Rd.	92604	525.20	Family	136	45
Irvine	Woodbridge Cross Creek Apartments	22 Creek Rd., #1	92604	525.20	Family	136	45
Irvine	San Leon Villa Apartments	1 San Leon	92606	525.21	Family	247	72
Irvine	San Marco Apartments	101 Veneto	92614	525.21	Family	426	361
Irvine	San Paulo Apartments	100 Duranzo Aisle	92606	525.21	Family	382	203
Irvine	San Remo Villa	1011 San Remo	92606	525.21	Family	248	76

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Irvine	San Marino Villa Apartments	403 San Marino	92614	525.22	Family	199	59
Irvine	Montecito Vista Apartment Homes	4000 El Camino Real	92602	525.25	Large Family	162	161
Irvine	Northwood Park	146 Roosevelt St.	92620	525.25	Family	168	34
Irvine	The Parklands	1 Monroe, #11	92620	525.25	Family	120	120
Irvine	Windrow Apartments	5300 Trabuco Rd.	92620	525.25	Family	96	96
Irvine	Abilityfirst Apartments	14501 Harvard Ave.	92606	525.27	Disabled	24	24
Irvine	Windwood Glen	97 Hearthstone	92606	525.27	Family	196	40
Irvine	Windwood Knoll	2 Flagstone	92606	525.27	Family	188	60
Irvine	Deerfield Apartments	3 Bear Paw	92604	525.28	Family	288	20
Irvine	Laguna Canyon Apartments	400 Limestone Way	92618	626.04	Large Family	120	118
Laguna Beach	Glennreyre Apartments	450 Glennreyre Street	92651	626.05	Single Room	27	26
Laguna Beach	Hagan Place	383 3rd St.	92651	626.05	1 Bedroom Disabled/HIV	24	24
Laguna Beach	Harbor Cove Apartments	310-312 Broadway St.	92651	626.05	Senior 62+	15	15
Irvine	Mariposa Co-Op	3773 University Dr.	92612	626.10	Disabled/Physically Challenged/Senior	40	39
Irvine	Toscana Apartments	35 Via Lucca	92612	626.10	Family	563	84
Irvine	Villa Sienna	25 Palatine #100	92612	626.10	Family	1442	216
Irvine	Harvard Manor	21 California Ave.	92715	626.14	Senior 62+	50	35
Laguna Hills	Rancho Niguel Apartments	25952 Via Lomas	92653	626.25	Non Targeted	51	51
Irvine	Berkeley Court	307 Berkeley	92612	626.26	Family	118	32
Irvine	Columbia Court	307 Berkeley	92612	626.26	Family	58	12
Irvine	Dartmouth Court	1100 Stanford	92612	626.26	Family	294	89
Irvine	Stanford Court	400 Stanford	92612	626.26	Family	320	96
Irvine	Harvard Court	146 Berkeley	92612	626.27	Family	112	34
Irvine	Harvard Manor	50 Cornell Dr.	92712	626.27	Family	161	100

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Irvine	Turtle Rock Canyon Apartments	100 Stone Cliff Aisle	92612	626.28	Family	217	66
Laguna Beach	Vista Aliso Apartments	21544 Wesley Drive	92651	626.32	Senior	71	70
Aliso Viejo	Wood Canyon Villas	28520 Wood Canyon Dr.	92656	626.39	Family	230	46
Aliso Viejo	Woodpark Apartments	22702 Pacific Park Dr	92656	626.39	Large Family	128	128
Newport Beach (Corona del Mar)	Seaview Lutheran Plaza	2800 Pacific View Dr.	92625	626.44	Senior 62+ & Mobility Impaired	100	99
Newport Beach	Bayview Landing	1121 Back Bay Drive	92660	630.04	Senior	120	119
Newport Beach	Newport North	2 Milano Dr.	92660	630.07	Family	570	133
Newport Beach (SA Heights)	Lange Drive Family	1621 Mesa Drive	92707	631.01	Large Family	74	74
Newport Beach	Newport Seacrest Apartments	843 W. 15th St.	92663	636.03	Family	65	65
Newport Beach	Newport Seaside Apts.	1544 Placentia Avenue	-0-	636.03	Large Family	26	26
Santa Ana	La Gema Del Barrio	638-642 East Adams	92707	740.03	Large Family	6	6
Santa Ana	Warwick Square Apartments	780 South Lyon Street	92705	744.03	Large Family	500	500
Santa Ana	901 E. 6th St.	901 E. 6th St.		744.05	Family	24	24
Santa Ana	Wakeham Grant Apartments	816 Minnie Street	92701	745.01	Non Targeted	127	126
Santa Ana	Cornerstone Village	923-1117 S. Minnie		745.01	Family	200	200
Santa Ana	415-417 Birch	415-417 Birch St.	92701	746.01	Family	3	3
Santa Ana	Raitt Street Apartments	201, 271 North Raitt Street	92703	748.01	Large Family	6	2
Santa Ana	Santa Ana Civic Center	405 & 411 S. Raitt St.	92703	748.01	Family	12	6
Santa Ana	Santa Ana Civic Center	2009 W. Myrtle St.	92703	748.02	Family	6	6
Santa Ana	Sullivan Manor	2516 W. 1st St.	92703	748.02	Family	54	54
Santa Ana	Villa Del Sol Apartments	811 S. Fairview St.	92704	748.05	Family	562	112
Santa Ana	1060 W. Third	1060 W. Third St.	92701	749.01	Family/Senior	6	6
Santa Ana	Flower Park Plaza	901 West First Street	92703	749.01	Senior	199	198
Santa Ana	Highland Manor Apartments	1128 W. Highland St.	92703	749.02	Family	12	12
Santa Ana	Heninger Village Apartments	200 S. Sycamore Street	92701	750.02	Senior	58	58

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Santa Ana	Santa Ana Towers	401 W. First Street	92701	750.02	Senior	199	198
Santa Ana	Roswood Villas	100 N. Ross		750.02	Senior	199	198
Santa Ana	Garden Court	300 E. Santa Ana Bl.		750.02	Family	84	42
Santa Ana	Ross & Durant Apartments	1411 N. Durant Street & 1501 N. Ross Street	92706	750.03	Large Family	49	48
Santa Ana	1025 N. Spurgeon	1025 N. Spurgeon St.	92701	750.04	Family	4	4
Santa Ana	Wycliffe Plaza	1401 N. Flower St.	92706	751.00	Senior 62+/Disabled	199	140
Santa Ana	City Gardens Apartments	2901 N Bristol St	92706	753.01	Non Targeted	274	55
Santa Ana	Santiago Villas	939 E. 17th St.		754.01	Senior	89	89
Irvine	Alta Court Apartments	2552 Kelvin Ave.	92614	755.15	Family	132	27
Irvine	Granite Court	17421 Murphy Ave.	92612	755.15	Family	71	71
Irvine	Irvine Inn	2810 Warner Avenue	92606	755.15	Single Room	192	192
Irvine	The Camden Apts.	2801 Main St.	92614	755.15	Family	290	58
Orange	Stonegate Senior Apartments	170 N. Prospect Street	92869	758.04	Senior	20	19
Orange	Rose Avenue Apartments	1743 E. Rose Ave.	92867	758.05	Family	6	6
Orange	Casas Del Rio	1740 E. La Veta Ave.	92866	758.06	Disabled Only	40	40
Orange	Chestnut Place	1745 E. Fairway Dr.	92866	758.06	Senior 62+	50	49
Orange	Harmony Creek Sr. Apartments	1616 E. Rock Creek Dr.	92866	758.06	Senior 62+	83	82
Orange	Esplanade St. Apartments	280 S. Esplanade St.	92869	758.07	Family	27	27
Orange	Adams Triplexes	1741-1745, 1837-1841, & 1915-1919 E. Adams Ave.	92867	758.12	Family	9	9
Orange	Orange Garden Apartments (see Plaza Garden)	928 N. Highland St., #2	92867	758.12	Family	24	24

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Orange	Plaza Garden Apartments	928 N. Highland St., #2	92867	758.12	Family	56	56
Orange	Wilson Avenue Apartment I	1924 & 1934 E. Wilson Ave.	92867	758.12	Family	20	20
Orange	Wilson Avenue Apartments II	1844 E. Wilson Ave.	92867	758.12	Family	10	10
Orange	Wilson Avenue Apartments III	1944 E. Wilson Ave.	92867	758.12	Family	10	10
Orange	The Knolls Apartments	206 Prospect Avenue	92669	758.16	Non Targeted	260	260
Orange	Casa Ramon Apartments	840 West Walnut Avenue	92868	759.01	Large Family	75	74
Orange	Friendly Center	451-453 N. Lemon St.	92866	759.01	Family	8	8
Orange	Parker Street Apartments	161 N. Parker St.	92868	759.01	Family	3	3
Orange	OHDC/Orange Rotary Senior Plaza	235 W. La Veta Avenue	92866	759.02	Senior	6	6
Orange	Triangle Terrace	555 S. Shaffer St.	92866	759.02	Senior 62+	75	75
Orange	Pixley Arms	537 W. Almond Ave.	92868	760.00	Senior 62+	15	15
Orange	Citrus Village	501 N. Citrus St.	92868	761.01	Family	47	22
Orange	Community Garden Tower East	3919 W. Garden Grove Blvd.	92868	761.02	Senior 62+	333	332
Garden Grove	Arroyo Vista	12242 Haster St.	92840	761.03	Family	148	10
Garden Grove	Crystal View Apartments	12091 Bayport St.	92840	761.03	Family	402	80
Orange	Hoover Avenue	108-118, 218-228 W. Hoover Ave.	92867	762.04	Family	40	40
Orange	Orangevale Apartments	1300 North Shaffer Avenue	92867	762.05	Non Targeted	64	64
Orange	Orchid Gardens	1051 N. Glassell St.	92867	762.05	Senior 62+	33	17
Orange	Walnut-Pixley	1519 E Walnut and 537 W Almond Ave	92867	762.06	Large Family	22	22
Anaheim	Broadway Village	1245 E. Broadway	92805	863.01	Large Family	46	45

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Anaheim	Tyrol Plaza Senior Apartments	891 S. State College Blvd.	92806	863.01	Senior	60	59
Anaheim	Carbon Creek Shores	3060 E. Frontera St.	92806	864.07	Families, Mobility & Sensory Impaired	40	40
Anaheim	Park Vista Apartments	1200 N. Robin Street	92801	866.01	Family	392	390
Anaheim	Paseo Village	1115 N. Citron Ln.	92801	866.01	Family	176	174
Anaheim	Casa Delia	1105 N. Citron St.	92801	866.01	Family	12	12
Anaheim	Sage Park Apts.	810 N. Loara	92801	866.02	Senior 62+	100	25
Anaheim	Villa Catalpa Apts.	1680 Catalpa	92801	866.02	Senior 62+	18	6
Anaheim	Fairhaven Apts.	535 Fairhaven	92801	867.02	Senior 62+	17	6
Anaheim	Monarch Pointe Apartment Homes	1830 W. Crescent Avenue (Crescent and Chippewa Avenue at the I-5 Freeway)	92801	867.02	Large Family	63	62
Anaheim	Sea Wind Apartments	1924 Glenoaks & 1925 Greenleaf Avenue	92801	867.02	Non Targeted	91	18
Anaheim	Greenleaf Family Apartments	2048 Greenleaf		867.02	Family	53	53
Buena Park	Dorado Senior Apartments	8622 Stanton Ave.	90620	868.03	Senior 55+	150	150
Anaheim	Miracle Terrace	225 S. Western Ave.	92804	869.01	Senior 62+	179	177
Anaheim	Palm West Apartments	644 South Knott Avenue	92804	869.01	Non Targeted	58	23
Anaheim	Renaissance Park Apartments	3433 West Del Monte	92804	869.01	Non Targeted	127	51
Anaheim	Westchester Apartments	125 S. Westchester Dr.	92804	869.01	Family	65	64
Anaheim	Newporter Apts.	3424 W. Orange		869.01	Family	22	4
Anaheim	Cobblestone Apartments	870 South Beach Blvd.	92804	869.03	Non Targeted	64	13
Anaheim	Casa Alegre	2761 West Ball Road	92804	870.01	Disabled Persons - AIDS/HIV	23	22
Anaheim	Magnolia Acres	640 S. Magnolia Avenue	92807	870.01	Senior	40	10

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Anaheim	Harbor Village	2736 W. Lincoln		870.01	Family	111	9
Anaheim	Sunset Plaza Apartments	2771 W. Ball Rd.		870.01	Family	106	9
Anaheim	Gilbert Park Apts.	925 S. Gilbert	92804	870.02	Senior 62+	24	8
Anaheim	California Villas	935 S. Gilbert Street	92804	870.02	Senior	34	33
Anaheim	Linbrook Court	2240 W. Lincoln Avenue	92801	871.01	Senior	81	80
Anaheim	Bel-Age Manor	1660 W. Broadway	92802	871.05	Senior 55+	180	179
Anaheim	Acacia Wood Village	1415 W. Ball Rd.	92802	871.06	Seniors 62+	123	31
Anaheim	Heritage Village Apts.	707 W. Santa Ana St.	92805	872.00	Senior 62+	196	49
Anaheim	Vintage Apartments	200 S. Citron		872.00	Senior 55+	82	21
Anaheim	Diamond Asile	1232 Diamond St.		872.00	Special Needs	26	25
Anaheim	Anaheim Family Housing	415 South Vine Street	92805	873.00	Large Family	60	59
Anaheim	Anaheim Memorial Manor	275 E. Center St.	92805	873.00	Senior 62+	75	75
Anaheim	Elm Street Commons	111-125 West Elm Street	92805	873.00	Large Family	52	51
Anaheim	Village Center Apartments	200 E. Lincoln Ave.	92805	873.00	Senior 62+	100	100
Anaheim	Hermosa Village Apartments	1515 S. Calle Del Mar Dr.	92802	875.01	Large Families	517	517
Anaheim	Nutwood Park Apartments	1668 S. Nutwood St.	92802	876.02	Family	30	2
Anaheim	Cornerstone Apartments	9541 W. Ball Road	92804	877.01	Family	49	48
Anaheim	New Horizons Apts.	835 S. Brookhurst	92804	877.01	Senior 62+	80	32
Anaheim	Heritage Park Apartments	950 S. Gilbert		877.01	Senior 60+	94	29
Stanton	Casa de Esperanza	10572 Knott Ave.	90680	878.01	Special Needs	10	9
Stanton	Continental Gardens Apartments	8101 Cerritos Avenue	90680	878.03	Non Targeted	298	298
Anaheim	Pebble Cove Apartments	2555 W. Winston Rd.	95242	878.06	Family	112	45
Garden Grove	Malabar Apartments	9777 Bixby Avenue	92841	882.03	Large Family	126	126
Garden Grove	Aslam	11211 Steele St.	92840	883.01	Family	10	10
Garden Grove	Pat Stein-Palma Vista	10772-10862 Palma Vista		883.01		24	24

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Garden Grove	Tamerlane	12131, 12141, 12161, 12171 Tamerlane; 12112, 12222, 12132, 12182 Tamerlane		884.02		43	28
Anaheim	Harborcliff	2170 S. Harbor Bl.					
Garden Grove	Briar Crest and Rose Crest	Briar: 11701 Stewart St. Rose: 11762 Stewart St.	92843	884.03 885.01	Family	130 Briar - 32 Rose - 10	26 42
Garden Grove	Stuart Drive Apartments	11632 Stuart Dr. #3	92843	885.01	Family		
Garden Grove	Arbor Glen Apartments	12680 Buaro St.	92840	885.02	Family	95	95
Garden Grove	Garden Grove Senior Apartments	12739 Garden Grove Blvd.	92843	885.02	Senior	136	68
Garden Grove	Sungrove Senior Apartments	12811 Garden Grove Blvd.				85	85
Garden Grove	Acacia Villa Apartments	10931 Acacia Pkwy.	92843	885.02	Senior		
Garden Grove	Jordan Manor	11441 Acacia Pkwy.	92840	886.01	Senior 62+	82	82
Garden Grove	Rose Garden Apartment	8551 Westminster Ave.	92840	886.02	Senior 62+	161	161
Garden Grove	Orange Tree Apartments	13902 Taft	92844	889.01	Family	64	64
Santa Ana	Harbor Pointe Apartments	1500 N. Harbor Blvd.		889.02		144	144
Santa Ana	Vintage Wood Apartments	3900 W. 5th St.	92703	890.04	Family	80	80
Garden Grove	Tudor Grove	12631 Sunswept Avenue #1	92703 92843	890.04 891.04	Family	130 170	26 34
Garden Grove	Thomas House	12591-12601 Morningside				144	144
Garden Grove	La Esperanza I and II	14024, 14021, 14041, 14061 Buena St.		891.04 891.04		16 28	14 28
Garden Grove	OCCHC/Emergency Shelter for the Homeless	12602 Keel St.		891.04			
Santa Ana	Jackson Park					8	8
Santa Ana	Santa Ana Civic Center	300-304 N. Jackson St. 3524 W. Washington Ave.	92701 92703	891.05 891.05	Family Family	7 8	4 8

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Anaheim	CHOC Site	Lincoln Ave./East St.		894.05	Family	150	150
Stanton	Park Stanton Senior Apartments (Formerly Park Place Apartments)	7622 Katella Ave.	90680	897.01	Senior 55+	335	334
Stanton	Plaza Court						
Orange	Alice Clark Orange Blossom Sr. Apartments	11380-11480 Court Street	90680	897.01	Large Family	103	103
Garden Grove		141 E. Walnut Ave.	92866	962.05	Senior 62+	4	4
Westminster	Garden Grove Manor	10642 Bolsa Ave.	92843	992.03	Family	78	31
Huntington Beach	Summerville at Brookhurst	15302 Brookhurst St.	92683	992.04	Senior 62+	117	24
Fountain Valley	Huntington Breakers	21270 Beach Blvd.	92648	992.20	Family/Senior/Disabled	342	68
Fountain Valley	Club 42	17230 Newhope	92708	992.29	Family	7	7
Fountain Valley	Guadalupe Manor	17103 Magnolia St.	92708	992.33	Senior 62+ & Mobility Impaired	71	69
Huntington Beach	Fountain Valley Senior (The Jasmine)	17911 Bushard Street	92708	992.34	Senior	156	154
Huntington Beach	Beachview Villa	8102 Ellis Avenue	92648	992.35	Single Room	107	86
Huntington Beach	Huntington Villa Yorba	16000 Villa Yorba	92647	992.41	Family	198	192
Huntington Beach	Sea Air Apartments	725, 729 & 733 Utica Ave.	92648	993.05	Family	36	36
Huntington Beach	Bowen Court	1970, 1974, 1978, 1982 & 1990 Lake Street	92648	993.05	Senior	20	20
Huntington Beach	Fountain Glen @ Seaciff	7200 Garden Glen Dr (North of Main & Yorktown)	92648	993.09	Senior 55+	271	80
Huntington Beach	Main Place Apartments	7311 Luna (NW corner Clay/Gothard/Main)	92648	993.09	Family	26	26
Huntington Beach	Oceanaire Garden Apartments	7811 Talbert Ave.	92648	994.02	Family	65	65
Huntington Beach	Shelter For the Homeless	7802 Barton Dr. 7812 Barton Dr.	92647	994.02	Family	8	8

City	Name	Address	Zip Code	Census Tract	Housing Type	Total Units	Low Income Units
Huntington Beach	Shelter for the Homeless (Keelson)	17382 Keelson Ln.	92647	994.02	Family	4	4
Huntington Beach	Huntington Village Senior Apartments	16171 Springdale St.	92649	994.07	Senior 62+	114	11
Huntington Beach	Sher Lane Apartments	16112 Sher Ln.	92647	994.10	Family/Senior	66	66
Huntington Beach	Bridges Apartments	16851 Nichols St.	92647	994.11	Family	80	80
Huntington Beach	5 Points Senior Apartments	18561 Florida St.	92648	994.13	Senior 55+	166	50
Huntington Beach	Emerald Cove	18191 Parktree Cir.	92648	994.13	Senior 60+	164	164
Huntington Beach	Wycliffe Gardens	18765 Florida St.	92648	994.13	Senior 62+ & disabled	185	185
Huntington Beach	Huntington Pointe (Quo Vadis Apartments)	18992 Florida Street	92648	994.13	Non Targeted	104	102
Huntington Beach	Hermosa Vista Apartments	15353 & 15425 Goldenwest Street	92647	996.05	Non Targeted	88	87
Midway City	Jackson Aisle Apartments	15432 Jackson Street	92655	997.02	Special Needs	30	29
Midway City	Pacific Terrace Apartments	15000 Pacific St.	92655	997.02	Seniors 62+	97	97
Westminster	Cambridge Heights Senior Apartments	7541 Wyoming Street	92683-3922	998.02	Senior	22	21
Westminster	Coventry Heights	7521 Wyoming Street	92683	998.02	Senior	76	75
Westminster	Westminster Senior Apartments	7632 21st Street	92683	998.02	Senior	92	91
Westminster	The Rose Gardens*	8190 13th Street	92683	998.03	Large Family or Senior?	132	132
Westminster	Windsor Court & Stratford Place	8140 - 8156 13th Street	92683	998.03	Large Family	86	85
Garden Grove	Valley View Senior Villas	12200 Valley View St.	92845	1100.03	Senior 55+	36	36
Cypress	Cypress Park Senior Community	9021 Grindlay St.	90630	1101.04	Active Senior 55+	124	31
Cypress	Cypress Pointe Senior Community	5120 Lincoln Ave.	90630	1101.04	Senior 55+	110	11

City	Name	Address	Zip Code	Census Tract	Housing Type	Total Units	Low Income Units
Cypress	Cypress Sunrise Apartments	9151 Grindlay Street	90630	1101.04	Senior	75	74
Cypress	Tara Village Apartments	5201 Lincoln Avenue	90630	1101.04	Large Family	170	168
Cypress	OC Community Housing Corp.	8702 & 8692 LaSalle	90630	1101.11	Family	8	8
Cypress	Sumner Place	8542-8552 Sumner Pl.	90630	1101.11	Family	5	5
Los Alamitos	Laurel Park Manor	4121 Katella Ave.	90720	1101.13	Senior 62+ and Mobility Impaired	71	70
La Palma	Seasons La Palma	7051-7061 Walker St.	90623	1101.15	Senior 62+	60	60
La Palma	Camden Place Apartments	4500 Montecito Drive	90623	1101.16	Senior	35	35
La Palma	Casa La Palma Apartments	7799 Valley View Street	90623	1101.16	Non Targeted	269	269
Anaheim	Solara Court	3335 West Lincoln Avenue	92801	1102.01	Senior	132	132
Anaheim	Villa Anaheim	3305 W. Lincoln Avenue	92626	1102.01	Senior	135	47
Buena Park	Emerald Garden Apartments	8720 Valley View St.	90620	1102.01	Family	110	109
Buena Park	Casa Santa Maria	7551 Orangethorpe Ave.	90621	1105.00	Senior 62+	100	98
Buena Park	Harmony Park Apartments	7252 Melrose St.	90622	1105.00	Senior 62+	59	58
Buena Park	OC Community Housing Corp. (Palm Village)	7602-7638 W. 9th St.	90621	1105.00	Family	38	38
Buena Park	Walden Glen Apartments	6570-6680 Knott Avenue	90621	1105.00	Non Targeted	186	185
Anaheim	OC Community Housing Corp.	Various Locations	92801, 92802, 92804		Family	17	17
Garden Grove	OC Community Housing Corp.	Various Locations	92843		Family	44	44
Huntington Beach	OC Community Housing Corp.	Various Location	92647, 92648		Family	64	64
Irvine	OC Community Housing Corp.	Various locations	92604, 92618, 92620		Family	6	6

City	Name	Address	Zip Code	Census Tract	Housing Type	Total Units	Low Income Units
Orange Placentia	Lemon Street Apartments	481-491 Lemon Street	92866		Family	6	6
	OC Community Housing Corp.	Various Locations	92870		Family	14	14
Santa Ana	OC Community Housing Corp.	Various Locations	92703, 92704, 92707		Family	10	10
	Orange Housing Development Corp.	Various Locations	92701		Family	352	313
TOTAL						34,834	20,379

Exhibit A: Orange County Fair Housing Plan 2010-2015