



2018 SKAGIT COUNTY HOME CONSORTIUM ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



*Skagit Habitat for Humanity homeowner
moving into their home*

**FINAL REPORT
JUNE 7, 2018**

2018 SKAGIT COUNTY HOME CONSORTIUM ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE:



Prepared for the:
Skagit County HOME Consortium

Prepared by:
Western Economic Services, LLC
212 SE 18th Avenue
Portland, OR 97214
Phone: (503) 239-9091
Toll Free: (866) 937-9437
Fax: (503) 239-0236

Website: <http://www.westernes.com>

**Final Report
June 7, 2018**

HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

If you feel you have experienced discrimination in the housing industry, please contact:

Department of Housing and Urban Development

Seattle Regional Office

Seattle Federal Office Building

909 First Avenue, Suite 200

Seattle, WA 98104-1000

Phone: (206) 220-5101

Toll-free: (877) 741-3281

Washington State Human Rights Commission

Address: 711 S. Capitol Way, Suite 402

Olympia, WA 98504

Telephone: 1-800-233-3247

Website: <https://www.hum.wa.gov/contact>

Fair Housing Center of Washington

Address: 1517 Fawcett Ave # 250

Tacoma, WA 98402

Telephone: 253-274-9523

Fax: 253-274-8220

Email: info@fhcWASHINGTON.org

Washington State Attorney General

Address: 800 5th Ave. Suite 200

Seattle, WA 98104

Telephone: 800-551-4636

800-833-6388 (State Relay Service for the hearing impaired)

Website: <http://www.atg.wa.gov/file-complaint>

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
SECTION I. INTRODUCTION	18
SECTION II. SOCIO-ECONOMIC CONTEXT	28
Demographics	28
Economics	50
Housing	59
SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW	80
Fair Housing Laws	80
Fair Housing in the United States	81
A Changing Fair Housing Landscape	86
SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE	92
Fair Housing Agencies	92
Complaint Process Review	96
SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR	100
Lending Analysis	100
Fair Housing Complaints	116
Fair Housing Survey – Private Sector Results	117
SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR	121
Public Services	121
Public Policies	123
Fair Housing Survey – Public Sector Results	127
Land Use Planner Survey	128
SECTION VII. PUBLIC INVOLVEMENT	136
Fair Housing Survey	136
Fair Housing Public Input	138
SECTION VIII. SUMMARY OF FINDINGS	140
SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS	149
SECTION X. GLOSSARY	159
APPENDIX A: ADDITIONAL PLAN DATA	163
APPENDIX B: ADDITIONAL PLAN DATA	167

EXECUTIVE SUMMARY

INTRODUCTION TO THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

This Analysis of Impediments to Fair Housing Choice (AI) was sponsored by the Skagit HOME Consortium. The Consortium encompasses 19 jurisdictions in Northwest Washington State, including the communities of Oak Harbor, Langley, Coupeville, Anacortes, Mount Vernon, Burlington, Hamilton, Concrete, Lyman, La Conner, Ferndale, Lynden, Sumas, Blaine, Everson, and Nooksack as well as Island, Skagit, and Whatcom counties. Skagit County has been designated as the lead entity for the Consortium. The Cities of Anacortes and Mount Vernon have completed their own AIs. Hence, these two communities were excluded from the analysis in this AI and the geographic area represented herein is termed the AI Study Region. Nevertheless, both the Anacortes and Mount Vernon AI findings are reproduced here, with their same impediments and actions identified.

AI PURPOSE AND PROCESS

As a requirement of receiving funds under the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), and the Emergency Solutions Grant (ESG), entitlement jurisdictions must submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three elements:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified, and
3. Maintain records reflecting the actions taken in response to the analysis.

In the *Fair Housing Planning Guide*, page 2-8, HUD provides a definition of impediments to fair housing choice as:

- 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 [and]
- Any actions, omissions, or decisions which have [this] effect.¹

The list of protected characteristics included in the above definition is drawn from the federal Fair Housing Act, which was first enacted in 1968. However, state and local governments may enact fair housing laws that extend protection to other groups. The State of Washington extends additional protections based on marital status, sexual orientation, and gender identity.²

¹ U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide*. Vol. 1, p. 2-8. http://www.hud.gov/offices/cpd/about/conplan/fairhousingexs/Module5_TopSevenAFFH.pdf

² <https://fhcwashington.org/>

The AI process involves a thorough examination of a variety of sources related to housing, the fair housing delivery system, and housing transactions. The development of an AI also includes public input and review via direct contact with stakeholders, public meetings to collect input from citizens and interested parties, distribution of draft reports for citizen review, and formal presentations of findings and impediments, along with actions to overcome the identified impediments.

METHODOLOGY

This AI was conducted through the assessment of a number of quantitative and qualitative sources. Quantitative sources used in analyzing fair housing choice in the Skagit County HOME Consortium included:

- Socio-economic and housing data from the U.S. Census Bureau,
- Employment data from the U.S. Bureau of Labor Statistics,
- Economic data from the U.S. Bureau of Economic Analysis,
- Investment data gathered in accordance with the Community Reinvestment Act,
- Home loan application data from the Home Mortgage Disclosure Act, and
- Housing complaint data from HUD.

Qualitative research included evaluation of relevant existing fair housing research and fair housing legal cases. Additionally, this research included the evaluation of information gathered from several public input opportunities conducted in relation to this AI, including the 2018 Fair Housing Survey, a fair housing forum event, public review and final presentations, and a thirty-day public review period of the draft analysis of impediments. Research also included a planning and zoning survey that interviewed local planning offices about their guidelines and policies that may impact fair housing.

Geographic analyses of racial and ethnic distribution were conducted by calculating race or ethnicity as the percentage of total population and then plotting the data on a geographic map of Census block groups or Census tracts in the AI Study Region. Block groups were used where available, as they provide for a more detailed analysis of geographic trends in the study area. However, some data are not available at the block group level, notably data concerning the distribution of households and residents by poverty and disability status. In such cases, geographic data are presented at the level of the Census tract.

Ultimately, a list of potential impediments was drawn from these sources and further evaluated based on HUD's definition of impediments to fair housing choice, as presented on the previous page. Potential impediments to fair housing choice present within the region were identified; along with actions the region may consider in attempting to address them.

OVERVIEW OF FINDINGS

This AI includes a review of both public and private sector housing market contexts in the AI Study Region to identify practices or conditions that may operate to limit fair housing choice in the region. Analysis of demographic, economic, and housing data included in that review establish the context in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected characteristics; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the region's residents.

The contextual analysis described above provides a foundation for a review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, county, and federal fair housing laws shapes the complaint and advocacy processes available in the region, as do the services provided by local, county, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have a substantial influence on fair housing choice. In the public sector, policies and practices can also significantly affect housing choice.

Complaint data and AI public involvement feedback further help define problems and possible impediments to fair housing choice, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

Socio-economic data provide an essential context for the analysis of impediments, characterizing the environment in which housing choices are made. In its 1996 *Fair Housing Planning Guide* and subsequent guidance, HUD recommends the inclusion and analysis of demographic, economic, and housing data as part of a thorough review of the local housing market and potential impediments to fair housing choice. Accordingly, this study provides a review of demographic and economic data provided by the Census Bureau along with economic and employment data gathered from the Bureau of Labor Statistics and Bureau of Economic Analysis. Data from the Census Bureau were primarily drawn from the 2000 and 2010 decennial Census counts, but were supplemented with data from the 2012-2016 American Community Survey.

The population within the AI Study Region area grew by an estimated 16.2 percent between 2000 and 2010. As it did, racial and ethnic minority residents came to account for larger and larger percentages of the study area population. This was particularly true of the Hispanic population, which grew from an estimated 6.8 percent in 2000 to 11 percent in 2016.

Review of Fair Housing Laws, Studies, and Cases

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing

market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act.

In addition to the fair housing protections provided by federal law, Washington residents are protected from discrimination in the state housing market by state-level anti-discrimination law. This law, which is enforced by the Washington State Human Rights Commission (WSHRC) prohibits discrimination on all of the bases included in the federal Fair Housing Act, as well as discrimination based on marital status, sexual orientation, and gender identity. HUD has recognized Washington's anti-discrimination statutes as "substantially equivalent" to the Fair Housing Act, meaning that the rights, responsibilities, and remedies that Washington law guarantees are at least as comprehensive as those provided under federal law.

HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. However, in January 2018, HUD released a rule postponing the implementation of the Assessment of Fair Housing (AFH). As a result, all jurisdictions without an accepted AFH must revert to the Analysis of Impediment process as described above. The Skagit County HOME Consortium is undertaking this Analysis of Impediment (AI) after this January 5, 2018 ruling.

Fair Housing Structure

There are a variety of avenues available to Skagit, Whatcom, and Island County residents who believe that they have experienced discrimination in the local housing market. The Department of Housing and Urban Development enforces the federal Fair Housing Act, and those who believe that they have suffered housing discrimination based on race, color, religion, sex, national origin, familial status, or disability, may file a complaint with the agency.

The Washington State Human Rights Commission (WSHRC) is the Fair Housing entity in the State of Washington. The Commission has a cooperative agreement with the Department of Housing and Urban Development (HUD) to process and investigate dual-filed housing complaints for which our Commission receives finding under the Fair Housing Assistance Program (FHAP). The Commission is a FHAP agency because their law is substantially equivalent to the federal Fair Housing Act.

In addition, the Fair Housing Center of Washington is a nonprofit whose mission is to assure equal access to housing and other related services to the residents of Washington through education, investigation, and enforcement of applicable laws.

The Washington State's Office of the Attorney General also responds to fair housing complaints in the State.

Contact information for HUD, WSHRC, and the FHCW are included in **Section IV** of this report and following the report's title page.

Fair Housing in the Private Sector

Fair housing choice may be influenced by factors in the private housing market, including patterns in home and small business lending and the decisions that rental housing providers to accept or reject potential tenants. To assess the degree to which these factors may influence fair housing choice in the region, this report includes an analysis of home lending data collected under the Home Mortgage Disclosure Act (HMDA), small business lending data collected in accordance with the Community Reinvestment Act (CRA), fair housing complaints filed against local housing providers, and data summarizing the experience of stakeholders and residents in the local housing market gathered through the 2018 Skagit County HOME Consortium Fair Housing Survey.

Banks and other lending institutions handled 171,321 home loans and loan applications from 2008 through 2016. Around 30.7 percent (52,687) of these were home purchase loans, and approximately 87.9 percent of those home purchase loans were intended to finance the purchase of a home in which the buyer intended to live.

Based on the 25,374 loans that were originated in the region during that time period, and the 3,608 that were denied, owner-occupied home purchase loan applicants in the study area saw an overall denial rate of 12.4 percent. The most common reasons that these loans were denied included debt-to-income ratio and credit history.

One of the reasons that it is important to examine home lending data in the context of fair housing is to determine whether there are marked differences in the success of home loan applications by protected class status. Data gathered under the HMDA include information on the race or ethnicity of the buyer, as well as his or her gender, allowing for a comparison of denial rates between these groups.

While white applicants had a denial rate of 11.8 over the period from 2008 through 2016, American Indians had a denial rate of 21.8 percent. Black applicants also had a denial rate higher than the average, at 15.5 percent versus 12.4 percent for the whole region. The denial rate for prospective female homeowners was 13.8 percent, two percentage points higher than the denial rate for male applicants. Denial rates for male and female applicants differed

considerably by year, but each year the rate of female denials were higher than that of males.

There were also no substantial fair housing concerns revealed through an analysis of small business lending data gathered under the Community Reinvestment Act (CRA). Small business lending was fairly evenly distributed by income level. Lending was not notably absent from areas with above-average concentrations of protected class groups or households living in poverty.

Region residents filed 19 fair housing complaints against housing providers in the AI Study area from 2008 through 2016. Thirteen of these complaints were on the basis of a disability, five for race, four for familial status, one for retaliation and one for national origin. Four of those complaints was successfully conciliated or settled, and twelve had no caused determination. Another one was closed after the complainant failed to cooperate, and two more complaints were withdrawn by complainant without resolution.

Respondents to the 2018 Fair Housing Survey weighed in on a range of industries and activities in the region's private housing sector:

- The rental housing market;
- The real estate industry;
- The mortgage and home lending industry;
- The housing construction or accessible design fields;
- The home insurance industry;
- The home appraisal industry; or
- Any other housing services.

A majority of respondents generally were not aware of any barriers to fair housing in the private housing market, with the exception of the rental housing market. Some 38 respondents (more than a quarter of those who responded to the question) maintained that they were aware of fair housing issues in the rental housing market. No more than ten percent of respondents noted an awareness of barriers to fair housing choice in any other private sector area mentioned.

Fair Housing in the Public Sector

The ability of residents to choose where they will live is also impacted by laws, policies, and actions in the public sector. Factors influencing the supply and location of affordable housing units may expand or restrict housing choice for certain groups, and limitations in public transit or other government services may restrict access to employment or educational opportunities. To identify any potential areas of concern in public policy, this AI report reviews the location of publicly-funded affordable housing units; a variety of

provisions in local land-use and planning codes and policies; and public input gathered through the 2018 Fair Housing Survey.

Housing choice vouchers were seen mainly in the western portions of Whatcom and Skagit Counties. A smaller number were seen in Island County, and few in the eastern portions of Skagit and Whatcom Counties. The higher levels of housing vouchers tend to correspond with areas of above average poverty, but not in areas with disproportionate shares of poverty.

Review of county land-use and zoning provisions and feedback from region officials reveals that the region has procedures in place to allow mixed-use and affordable housing development, but that local opposition to affordable housing has at times served to restrict or limit the development of public-assisted affordable housing developments, whether single-family or multi-family.

Respondents to the 2018 Fair Housing Survey noted whether they were aware of barriers or impediments to fair housing choice in the following public policy areas:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

In most cases, few respondents were aware of barriers to fair housing choice in these areas. An exception was in responses to the question relating to limited access to government services: some 44 respondents indicated they were aware of these barriers, while 30 were not aware of these barriers or questionable practices.

As of the April, 2018, according to the Department of Commerce, Island County is overdue with their Comprehensive planning process and is out of compliance with the GMA.³ According to Skagit County, Whatcom and Skagit Counties updated their periodic update of their Comprehensive Plans and are in compliance with the GMA. In Island County, Oak Harbor is out of compliance, while Coupeville and Langley are in compliance. In Skagit County, Concrete, Hamilton, La Conner, and Lyman are in compliance. In Whatcom County, Bellingham, Blaine, Everson, Nooksack, and Sumas are in compliance with the GMA, while Ferndale and Lynden are out of compliance.

³ <http://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

Responses to the Land Use Planner survey indicate that there is some inconsistency region-wide in definitions and application of family in land use planning, which may limit access to fair housing options in the region. While several jurisdictions have incentive for the development of affordable housing, but some zoning requirements may hinder the development of affordable housing. This includes minimum lot size requirements in Everson, Nooksack and Lynden. In addition, there is a lack of fair housing policies in the cities of Blaine, Burlington, Everson, Hamilton, Langley, Lyman, Lynden, Nooksack, Oak Harbor, and Sumas.

Public Involvement

Efforts to promote public involvement in the 2018 AI process included the 2018 Fair Housing Survey, a 2017 fair housing community forum, a public input presentation, a public input period that began on April 2, 2018 and ended on May 5, 2018, and a public hearing held on April 17, 2018.

A total of 189 people responded to the Fair Housing Survey. Respondents were generally supportive of fair housing laws, and considered themselves at least somewhat familiar with those laws. Many respondents also felt that current levels of fair housing testing and outreach and education were sufficient to meet the region's fair housing needs.

A common concern among those who contributed written responses to survey questions was the current state of the rental housing market. These respondents perceive the current market to be unaffordable, and the supply of decent affordable rental housing to be short.

IMPEDIMENTS TO FAIR HOUSING CHOICE AND SUGGESTED ACTIONS

The following impediments to fair housing choice are based on a range of data examined during the 2018 AI process. In recognition of both the strengths and limitations of those data, the actions and measurable objectives below reflect an emphasis on outreach and education, targeting residents, stakeholders, local government officials, and other interested parties. The topics to be addressed in outreach and education sessions range from reasonable accommodation/modification for residents with disabilities, fair housing laws and policies, home financing and methods for building credit, and other subjects related to housing.

Apart from outreach and education, the 2018 AI includes recommendations relating to the development of public-assisted affordable housing, by reiterating development goals included in the 2018-2022 Consolidated Plan and 2018-2019 Annual Action Plan and recommending continuing exploration of rehabilitation and redevelopment as a means to shore up the supply of affordable and accessible housing units.

Finally, the 2018 AI proposes actions that entities in the public sector may take, including review of land-use ordinances for consistency across provisions relating to “family”, and consideration of local government agencies to promote fair housing outreach and education (potentially with funding from HUD through the Fair Housing Initiatives Program).

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Refusal to make reasonable accommodation or modification as required by law. This impediment was identified through a review of fair housing complaints filed with the U.S. Department of Housing and Urban Development and input from the public through the 2018 Fair Housing Survey.

Action 1.1: Conduct ongoing outreach and education to local landlords, property managers, and residents. These outreach and education sessions should highlight the rights and responsibilities provided for in the Americans with Disabilities Act and the Fair Housing Act regarding reasonable accommodation. However, it is also important to include a discussion of what the laws do *not* require, e.g., an obligation for private landlords to make expensive, irreversible modifications to a property at the owner’s expense.

Measurable Objective 1.1: The number of outreach and education sessions conducted on a yearly basis, marketing materials relating to those efforts, and the number of participants.

Impediment 2: Discriminatory actions in the rental housing market. This impediment was identified through a review of fair housing complaints filed with the U.S. Department of Housing and Urban Development, input from the public through the 2018 Fair Housing Survey, and public input.

Action 2.1: Conduct ongoing fair housing outreach and education to local residents and housing providers, focusing on the rights and responsibilities provided for in federal and state fair housing laws.

Measurable Objective 2.1: The number of fair housing outreach and education sessions held on a yearly basis, marketing materials relating to those sessions, and the number of participants.

Impediment 3: Challenges in home lending. This impediment was identified through a review of home mortgage lending data gathered under the Home Mortgage Disclosure Act (HMDA). Racial and ethnic minorities, as well as female applicants had a higher rate of loan denials than male applicants over all.

Action 3.1: Conduct or promote home mortgage credit education, focusing on techniques to build and maintain good credit.

Measurable Objective 3.1: The number of credit education classes held and the number of participants who are female, and are representative of the area's racial/ethnic minority residents.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Difficulty for households to access affordable housing. This impediment was identified through review of commentary submitted with the 2018 Fair Housing Survey, housing information gathered from the Census Bureau (particularly the rate of cost burdens), and feedback provided during the public input process.

Action 1.1: Review initiative to increase funding sources for additional low-income housing

Measurable Objective 1.1: Efforts undertaken to increase the supply and condition of affordable housing in the region.

Action 1.2: Explore opportunities for redevelopment or rehabilitation of residential properties for the purposes of increasing the stock of affordable housing. Include accessibility modifications in rehabilitation efforts.

Measurable Objective 1.2.1: The number of properties identified as having a potential for rehabilitation or redevelopment for the purpose of providing affordable housing.

Measurable Objective 1.2.2: The number of properties rehabilitated or redeveloped as affordable housing units, or number of accessible features added.

Action 1.3: In fair housing outreach and education sessions, include materials relating to affordable housing, including the benefits of affordable housing and an overview of affordable housing programs.

Measurable Objective 1.3: The number of outreach and education sessions including materials of affordable housing programs.

Impediment 2: Possible barriers in land-use policies and zoning to the development of affordable housing. This impediment was identified through review of public land-use and development policies and in consultation and the 2018 Fair Housing Survey as well as interviews with selected planners throughout the AI Study Area.

Action 2.1.1: Review local land-use provisions to remove barriers to the development of affordable housing, including the definition and use of the word “family” in local ordinances and minimum lot size requirements

Action 2.1.2: Update local provisions where needed.

Measurable Objective 2.1: The results of the review of local land-use provisions and updates to development codes.

IMPEDIMENTS TO FAIR HOUSING IDENTIFIED BY MOUNT VERNON AND ANACORTES

The cities of Mount Vernon and Anacortes are within Skagit and Whatcom Counties, but administer their own CDBG programs. As such, they have each completed their own Analysis of Impediments (AI). The results from those reports are presented below.

Mount Vernon's Analysis of Impediment to Fair Housing Choice

Impediment I: The demographic make-up has changed and Mount Vernon is more diverse.

Recommendation I: Develop a Fair Housing Action Plan which addresses the increasingly diverse population in Mount Vernon.

- A. Pursuant to the GAO's 41 September 2010 AI report, it is recommended that the City of Mount Vernon establish a fair housing action plan, containing express implementation time frames, derived from the recommendations contained in this report.
- B. Work with the school district to increase resources and develop programs which target poor performing schools that include the highest concentrations of persons of color.

Impediment II: Fair Housing complaints and testing within Mount Vernon may indicate that disabled individuals face barriers to housing choice

Recommendation II: Continue Education and Outreach Efforts towards families with children, Hispanic, disabled, and other protected classes in the area.

Complaint data and testing activities in Mount Vernon demonstrate that protected classes encounter differential treatment when seeking housing. To alleviate such impediments and to measure progress in correcting discrimination, it is recommended that Mount Vernon:

- A. Conduct additional fair housing testing for discrimination of additional protected classes.
- B. Utilize complaint and testing results to inform education and outreach efforts.
- C. Provide stand-alone fair housing educational programming.

Impediment III: Mount Vernon does not have adequate resources or policies to increase the affordable housing stock in the city. Homeownership opportunities are reduced for individuals within protected classes.

Recommendation III: Target homeownership and lending marketing to Hispanic and the disabled.

- A. Analyze the local fair housing implications of the shortage of affordable housing in the area and assess where Real Estate Owned (REO) properties are located in the City.
- B. Ensure fair housing is incorporated into homeownership initiatives.
- C. Work with real estate organizations, banks and lending institutions to increase marketing to minority homebuyers.
- D. Ensure that the Mount Vernon-funded first time homebuyer programs track minority involvement in first time homebuyer classes, closure on loans and marketing to minority populations.
- E. Evaluate CDBG funding given by the City to the Home Trust of Skagit to ensure program compliance under the Fair Housing Act, including ensuring affirmative marketing and tracking participant demographic information.

Impediment IV: Subsidized housing in Mount Vernon shows that there is a need for low income individuals and farm workers to access housing, that there is an affordable housing shortage in the area, and that funding sources are limited.

Recommendation IV: Continue to Support the Development of Affordable Housing and apply for Federal Funding to reduce the number of cost-burdened households in the area.

A review of current housing and human services strategies demonstrates Mount Vernon's commitment to maximize community benefit from extremely limited CDBG resources. It is recommended the City of Mount Vernon:

- A. Look into public policy initiatives to increase funding sources in the area for additional low income housing.
- B. Develop an Affordable Housing Plan.
- C. Evaluate zoning policies utilized by neighboring governments such as Everett to assess whether the implementation of reasonable accommodation provisions in the zoning code could assist the City to better balance the enforcement of its zoning and building codes with affirmatively furthering fair housing protections for group homes.
- D. Continue implementing the housing and human services strategies articulated in the 2014-2018 Consolidated Plan.
- E. Continue to support housing providers that disproportionately serve protected classes such as the Housing Authority of Skagit County and Catholic Community Services- Farmworker Housing.

Impediment V: Public input in Mount Vernon indicates that in general individuals wish to further fair housing opportunities in the area.

Recommendation V: Continue to Monitor Fair Housing Trends

Despite limited resources, the City of Mount Vernon current's fair housing activities provide a sound foundation for affirmatively furthering fair housing. While Mount Vernon and its partners are conducting fair housing education, implementation of the following

recommendations will facilitate an increase in the confidence of officials, residents, and housing providers in their knowledge of fair housing. Code enforcement staff may benefit from receiving fair housing training to identify the potential fair housing implications of building and zoning code violations.

The City of Mount Vernon’s 2016 Fair Housing Action Plan

Assessment of Fair Housing

1. Conduct training to city staff and elected officials on new AFH requirements and findings from the Analysis of Impediments to Fair Housing Choice. Recommended Deadline: December 31, 2016
2. Require city planners and other community or economic development staff to attend fair housing training sessions.
Recommended Training Opportunities:
 - a. Annual Housing Washington Conference + Assessment of Fair Housing Track
 - b. 2016 American Planners Association Oregon-Washington Annual Conference – AFH Session
3. Identify and engage minority communities in formal dialogue through representative community organizations. Conduct five meetings, events or focus groups with local community based organizations on issues of equity and housing opportunity
Recommended Deadline: December 31, 2020
4. Identify and engage with aging and disability services organizations. Conduct two meetings, events or focus groups with local community based organizations on issues of accessible and affordable housing. Based on increasing aging population statistics identified in CAPER. Recommended Deadline: December 31, 2018
5. Conduct a study in conjunction with Mt. Vernon School District on diversity and access to housing for minority communities. This study should focus on comparing opportunity with access to housing for families. Recommended Deadline: July 31, 2017
6. Apply for Leadership STAR Community Program for two staff members. Schedule introductory call with Lacey Shaver, Manager, Community Engagement.
Recommended Deadline: June 30, 2017
7. Complete STAR Community Rating Review Recommended Deadline: December 31, 2018
8. Request Title VI data from Skagit County Transit to determine impact of change to racially and ethnically concentrated areas of poverty to services within Mount Vernon city limits. Recommended Deadline: December 31, 2016
9. Incorporate fair housing statistics and indicators into Consolidated Plan’s Strategic Plan and Market Analysis. Recommended Deadline: June 30, 2018

Affordable Housing

1. Request that Skagit County Consortium allocate specific funds to affordable housing within the city limits of Mount Vernon in high opportunity areas. Recommended Deadline: December 31, 2020
2. Work with Skagit County Consortium to consider a ballot measure that raises local revenue for housing affordability. Recommended Deadline: June 30, 2017
3. Increase funding for rental assistance programs for housing consumers with low income including employees and food system workers, in partnership with Housing Authority of Skagit County and others. Recommended Deadline: December 15, 2018
4. Develop an affordable housing plan for the City of Mount Vernon. Recommended Deadline: June 30, 2017
5. Increase number of affordable homes within the city limits of Mount Vernon under the management of the Housing Authority of Skagit County and other mission driven agencies such as Catholic Housing Services, Senior Housing, Skagit Habitat for Humanity, Home Trust of Skagit and others. Recommended Deadline: December 31, 2020

Public Education and Outreach

1. Increase educational opportunities on fair housing rights and resources by targeting service and community organizations that support minorities, low-income, persons with disabilities, refugee/immigrant populations, LGBTQ and victims of domestic violence. Provide informational materials and fair housing presentations to 10 organizations. Recommended Deadline: December 31, 2018
2. Increase methods of citizen participation through social media and community based forum. Recommended Deadline: March 31, 2017
3. Provide fair housing education to housing consumers, providers and lenders. Collaborate with North Puget Sound Association of Realtors to design and implement educational events. Recommended Deadline: December 31, 2020
4. Provide focused trainings under efforts to increase homeownership opportunities on fair lending to local banks and mortgage brokers to ensure fair lending practices. Recommended Deadline: December 31, 2020

The City of Anacortes Analysis of Impediment to Fair Housing Choice

In 2012, the City of Anacortes received commendation from HUD's Office of Fair Housing and Equal Opportunity for its efforts to assist individuals and families facing housing discrimination with the creation of a city website that provides resources and links to organizations that work to remedy housing discrimination. This can be found at:

<https://www.anacorteswa.gov/181/Fair-Housing>

Impediment I: Though complaint data in Anacortes is minimal, housing discrimination primarily affects persons with disabilities.

Recommendation I: Expand Current Education and Outreach Efforts.

It is critical that the City of Anacortes take steps to ensure that fair housing is fully integrated into its housing and human services strategies to better reach the community, especially those most affected by housing discrimination. It is recommended that the City of Anacortes:

- A. Expand education programs and materials for the community.
- B. Promote fair housing educational programs for local housing providers.
- C. Develop fair housing educational programs for housing and human services agencies and staff who serve protected classes, especially immigrants, families, persons with disabilities and Native Americans.
- D. Ensure fair housing informational resources are made available to community partners to facilitate their ability to affirmatively further fair housing.
- E. Ensure that translated fair housing materials are available to immigrant groups.
- F. Increase fair housing information and expand links to fair housing laws/programs on the City of Anacortes web site. Advocate with newspapers, real estate organizations, and housing providers to increase accessibility to fair housing internet resources on their web sites and to display fair housing information/resources in their offices. Advocate for inclusion of the publisher's non-discrimination statement in local print media and including links or information that pertain specifically to state and local protected classes.

Impediment II: Home Mortgage Lending data shows Native Americans, African Americans and Hispanics are more likely to be denied financing or obtain sub-prime mortgages.

Recommendation II: Implement Fair Housing Testing Activities

Complaint data and testing activities in Anacortes and Skagit County demonstrate that protected classes encounter differential treatment when seeking housing. To alleviate such impediments and to measure progress in correcting discrimination, it is recommended that the City of Anacortes:

- A. Initiate testing of housing providers to measure their willingness to make reasonable accommodations for prospective disabled residents. Additional Native American and Hispanic testing is also recommended.
- B. Utilize complaint and testing results to inform education and outreach efforts.

Impediment III: Members of the public, especially housing professionals and community service providers, have limited knowledge of protected classes, fair housing laws and the resources available to them.

Recommendation III: Target homeownership and lending marketing to Hispanic households and people of color.

- A. Ensure fair housing is incorporated into homeownership initiatives.

- B. Ensure that Anacortes funded housing programs are working with banks with favorable Community Reinvestment Act (CRA) ratings.
- C. Work with banks to promote high CRA ratings and to invest in Anacortes's borders.
- D. Work with real estate organizations, banks and lending institutions to increase marketing to Native American and Hispanic homebuyers.
- E. Work with developers and grantees to affirmatively market first time home buyer opportunities to communities of color, especially projects utilizing City assistance.
- F. With the foreclosure crisis, educate communities of color on sub-prime loans.

Impediment IV: Zoning and land use decisions can have a discriminatory impact on protected classes under federal and state fair housing laws.

Recommendation IV: Consider policies that encourage inclusion of individuals covered by protected classes under federal and state fair housing laws.

- A. Consider land use policy revision to ensure a mechanism for requesting reasonable accommodations and include opportunities to publicize the new provisions.
- B. Carefully consider the costs and benefits to low-income individuals of Community Land Trusts and the City's wording in the 2008 Action Plan that participants work within the city limits.

SECTION I. INTRODUCTION

Title VIII of the 1968 Civil Rights Act, also known as the Federal Fair Housing Act, made it illegal to discriminate in the buying, selling, or renting of housing based on a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970s. In 1988, the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected characteristics. Federal fair housing statutes are largely covered by the following three pieces of U.S. legislation:

1. The Fair Housing Act,
2. The Housing Amendments Act, and
3. The Americans with Disabilities Act.

The purpose of fair housing law is to protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination. The goal of fair housing law is to allow everyone equal opportunity to access housing.

WHY ASSESS FAIR HOUSING?

Provisions to affirmatively further fair housing are long-standing components of the U.S. Department of Housing and Urban Development's (HUD's) housing and community development programs. These provisions come from Section 808(e) (5) of the federal Fair Housing Act, which requires that the Secretary of HUD administer federal housing and urban development programs in a manner that affirmatively furthers fair housing.

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single planning process. This action grouped the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants (ESG)⁴, and Housing Opportunities for Persons with AIDS (HOPWA) programs into the Consolidated Plan for Housing and Community Development, which then created a single application cycle.

As a part of the consolidated planning process, states and entitlement communities that receive such funds as a formula allocation directly from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing. The AFFH certification process has three parts:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified through the analysis, and
3. Maintain records reflecting the analysis and actions taken.

⁴ The Emergency Shelter Grants program was renamed the Emergency Solutions Grants program in 2011.

However, the obligation to affirmatively further fair housing is not limited to those communities that apply directly to HUD for housing and community development funding. Non-entitlement communities that apply to the state for community development funding that HUD has granted to the state must also certify that they will use those funds in a manner that will affirmatively further fair housing, in accordance with the fair housing goals and priorities that the state has identified in its analysis of impediments.

In the *Fair Housing Planning Guide*, page 2-8, HUD notes that impediments to fair housing choice 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 [and]
- Any actions, omissions, or decisions which have [this] effect."⁵

State and local governments may enact fair housing laws that extend protection to other groups as well. For example, Washington Law provides additional protections based on veteran/military status, sexual orientation/gender identity, use of a service animal, creed, and HIV or Hepatitis C status.

Table I.1
Comparison of Fair Housing Laws
AI Study Area

Protected Group	Federal Fair Housing Act	State of Washington
Race	X	X
Sex	X	X
Religion	X	X
Familial Status	X	X
Disability	X	X
National Origin	X	X
Color	X	X
Veteran/Military Status		X
Marital Status		X
Sexual Orientation/Gender Identity		X
Use of a Service Animal		X
Creed		X
HIV or Hepatitis C		X

Affordable Housing and Fair Housing Choice

While fair housing policy and affordable housing policy can be overlapping areas of concern, it is essential to distinguish between the two. Affordable housing policy is largely concerned with the supply of units available to residents of all income levels, while the

⁵ *Fair Housing Planning Guide*.

emphasis in fair housing policy is on the ability of residents to choose where to live regardless of their protected class status. Lack of affordable housing can be a significant concern to policy makers; however, it is not on its own a fair housing problem. Where the issues of affordable housing and fair housing choice may overlap is when the supply of affordable housing is restricted in such a way as to limit housing choice for a specific group of residents.

For example, if families with children have a greater need for affordable housing and affordable units are effectively blocked from a jurisdiction, this may represent an impediment to fair housing choice for those families. As another example, if racial minority residents account for a relatively large share of affordable housing residents in a jurisdiction, and affordable units are restricted to racial or ethnically concentrated areas of poverty within that jurisdiction, this concentration could serve to further segregate the population and isolate racial minority residents to areas with poor access to opportunity.

At present, there is no area in the AI Study region that meets the definition of a “racially/ethnically concentrated area of poverty” under HUD guidelines.⁶

PURPOSE OF THIS RESEARCH

HUD interprets the broad objectives of affirmatively furthering fair housing to include:

- “Analyzing and working to eliminate housing discrimination in the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to, and usable by, all persons, particularly individuals with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.”⁷

The objective of the 2018 AI process was to research, analyze, and identify prospective impediments to fair housing choice throughout the region. The goal of the completed AI is to suggest actions that the sponsoring jurisdictions can consider when working toward eliminating or mitigating the identified impediments.

LEAD AGENCY

⁶ A Census tract is identified as a racially/ethnically concentrated area of poverty if the following conditions are true: (1) the non-white (Hispanic or non-Hispanic) population exceeds 50 percent of the Census tract population, and (2) the poverty rate in that Census tract exceeds 40 percent or three times the jurisdiction average, whichever threshold is lower.

⁷ *Fair Housing Planning Guide*, p.1-3.

The agency that led the effort of preparing this report was the Skagit County HOME Consortium. The Skagit County Consortium is comprised of 19 jurisdictions in three counties (Skagit, Island, and Whatcom) that volunteered to join the Consortium and adopted a legislative Resolution in 2014 and 2017 that authorized the signing of an Interlocal Cooperation Agreement (ICA) that establishes the Consortium. Although they are part of the Consortium, the cities of Mount Vernon and Anacortes in Skagit County have prepared their own Analysis of Impediments (AI) and are not a part of this AI.

Commitment to Fair Housing

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the Skagit County HOME Consortium certifies that it will affirmatively further fair housing, by taking appropriate actions to overcome the effects of any impediments identified in the Analysis of Impediments to Fair Housing Choice, and maintaining records that reflect the analysis and actions taken in this regard.

GEOGRAPHIC SCOPE OF THE ANALYSIS

The geographic scope of this study corresponds to the scope of the Skagit County HOME Consortium. This Consortium covers three counties: Skagit, Whatcom, and Island. This Analysis of Impediments does not include the cities of Bellingham and Sedro-Woolley, Mount Vernon, and Anacortes.

- Bellingham: receives its own HOME entitlement and is not part of the Consortium
- Sedro-Woolley: elected not to participate in the HOME Consortium
- Mount Vernon and Anacortes: members of the HOME Consortium who have completed their own AIs

Throughout this document, this study area will be referred to as the ***AI Study Region***.

RESEARCH METHODOLOGY

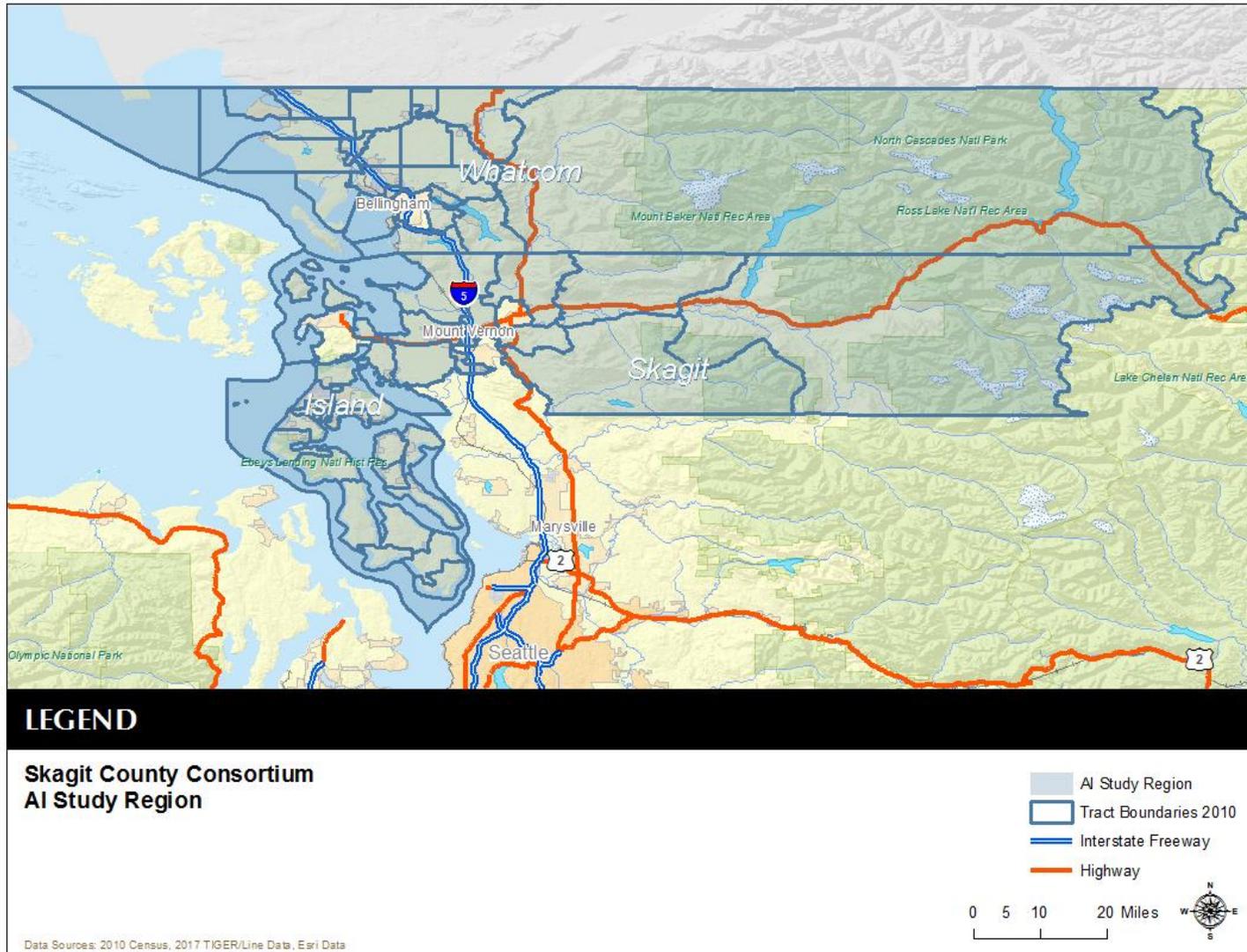
The AI process involves a thorough examination of data related to housing. AI sources include Census data, employment and income information, home mortgage application data, business lending data, fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain. Relevant information was collected and evaluated via four general approaches:

1. *Primary Research*, or the collection and analysis of raw data that did not previously exist;
2. *Secondary Research*, or the review of existing data and studies;
3. *Quantitative Analysis*, or the evaluation of objective, measurable, and numerical data; and

4. *Qualitative Analysis*, or the evaluation and assessment of subjective data such as individuals' beliefs, feelings, attitudes, opinions, and experiences.

Some baseline secondary and quantitative data were drawn from the Census Bureau, including 2000 and 2010 Census counts, as well as American Community Survey data averages from 2012 through 2016. Data from these sources detail population, personal income, poverty, housing units by tenure, cost burdens, and housing conditions. Other data were drawn from records provided by the Bureau of Labor Statistics, the Bureau of Economic Analysis, and a variety of other sources. The following narrative offers a brief description of other key data sources employed for the 2018 AI for the Skagit County HOME Consortium.

Map I.1
AI Study Region
The Skagit County HOME Consortium AI Study Area
Census, Tigerline



Home Mortgage Disclosure Act Data

To examine possible fair housing issues in the home mortgage market, Home Mortgage Disclosure Act (HMDA) data were analyzed. The HMDA was enacted by Congress in 1975 and has since been amended several times. It is intended to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns. HMDA requires lenders to publicly disclose the race, ethnicity, and sex of mortgage applicants, along with loan application amounts, household income, the Census tract in which the home is located, and information concerning prospective lender actions related to the loan application. For this analysis, HMDA data from 2008 through 2016 were analyzed, with the measurement of denial rates by Census tract and by race and ethnicity of applicants the key research objectives.

Fair Housing Complaint Data

Housing complaint data were used to analyze discrimination in the renting and selling of housing. HUD provided fair housing complaint data for the region from 2008 through 2016. These data provide the following details for each complaint:

- The basis of the complaint: Generally, one or more protected characteristic (e.g., race, color, religion, disability, etc.), which was perceived to be the motivation for the discriminatory action cited in the complaint;
- The issue of the complaint: The discriminatory action cited in the complaint; and
- The closure status of the complaint: The outcome of the complaint.

Fair Housing Survey

The Consortium elected to utilize a survey instrument as a means to encourage public input in the AI process. The 2018 Fair Housing Survey, an internet-based instrument, has received 189 responses.

The survey was designed to address a wide variety of issues related to fair housing and affirmatively furthering fair housing. If limited input on a particular topic was received, it was assumed that the entirety of stakeholders did not view the issue as one of high pervasiveness or impact. This does not mean that the issue was nonexistent in the region, but rather that there was no widespread perception of its prevalence, as gauged by survey participants. The following narrative summarizes key survey themes and data that were addressed in the survey instrument.

Federal, State, and Local Fair Housing Laws

The first section of the survey asked respondents to address a number of questions related to fair housing laws, including assessment of their familiarity with and understanding of

these laws, knowledge of characteristics protected by these laws, the process for filing fair housing complaints, and an inquiry into whether or not fair housing laws should be changed.

Fair Housing Activities

The second section of the survey evaluated stakeholders' awareness of and participation in fair housing activities in the region, including outreach activities such as trainings and seminars, as well as monitoring and enforcement activities such as fair housing testing exercises.

Barriers to Fair Housing Choice in the Private Sector

This section addressed fair housing in the region's private housing sector and offered a series of two-part questions. The first part asked respondents to indicate awareness of questionable practices or barriers to fair housing choice in a variety of private sector industries, and the second part requested a narrative description of these questionable practices or concerns if an affirmative response was received. The specific areas of the private sector that respondents were asked to examine included the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industries,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

The use of open-ended questions allowed respondents to address any number of concerns such as redlining, neighborhood issues, lease provisions, steering, substandard rental housing, occupancy rules, and other fair housing issues in the private housing sector of the region.

Fair Housing in the Public Sector

Just as in the section of the survey concerning private sector barriers, respondents were asked to offer insight into their awareness of questionable practices or barriers to fair housing in the public sector. A list of areas within the public sector was provided, and respondents were asked first to specify their awareness of fair housing issues within each area. If they were aware of any fair housing issues, they were asked to further describe these issues in a narrative fashion. Respondents were asked to identify fair housing issues within the following public sector areas related to housing:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,

- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies, and
- Any other public administrative actions or regulations.

The questions in this section were used to identify fair housing issues in the region regarding zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, and NIMBYism.⁸

Additional Questions

Finally, respondents were asked about their awareness of any local fair housing plans or specific geographic areas of the region with fair housing problems. Respondents were also asked to leave additional comments.

Research Conclusions

The final list of impediments to fair housing choice for the Skagit County HOME Consortium AI was drawn from all quantitative, qualitative, and public input sources, and was based on HUD's definition of an impediment to fair housing choice as any action, omission, or decision that affects housing choice because of protected class status. The determination of qualification as an impediment was derived from the frequency and severity of occurrences drawn from quantitative and qualitative data evaluation and findings.

PUBLIC INVOLVEMENT

This section discusses analysis of fair housing as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of region-wide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

⁸ "Not In My Backyard" mentality

SECTION II. SOCIO-ECONOMIC CONTEXT

This section presents demographic, economic, and housing information collected from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, and other sources. Data were used to analyze a broad range of socio-economic characteristics, including population growth, race, ethnicity, disability, employment, poverty, and housing trends; these data are also available by Census tract, and are shown in geographic maps. Ultimately, the information presented in this section illustrates the underlying conditions that shape housing market behavior and housing choice in the AI Study Region.

To supplement 2000 and 2010 Census data, data for this analysis was also gathered from the Census Bureau's American Community Survey (ACS). The ACS data cover similar topics to the decennial counts but include data not appearing in the 2010 Census, such as household income and poverty. The key difference of these datasets is that ACS data represent a five-year average of annual data estimates as opposed to a point-in-time count.

It should be noted that there are multiple universities and military bases found within Skagit, Whatcom, and Island Counties. The presence of these institutions may impact the demographic results presented in the following demographic narrative.

DEMOGRAPHICS

As part of the review of the background context of the AI Study Region housing markets, detailed population and demographic data are included to describe the region's residents. These data summarize characteristics of the total population for the entire study area, along with the outcome of housing location choices.

POPULATION BY AGE

In 2000, an estimated 341,351 people lived within the AI Study Region, as shown in Table II.1 below. By 2010, the population in the study area had grown by around 16.2 percent, to an estimated 396,547 residents. Various age cohorts grew at different rates. The elderly population, or persons aged 65 or older, grew by 34.3 percent to a total of 59,955 persons in 2010. Those aged 25 to 34 grew by 15.1 percent, and those aged under 5 grew by 8.1 percent.

Table II.1
Population by Age

AI Study Region
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
Under 5	21,709	6.40%	23,476	5.90%	8.10%
5 to 19	75,518	22.10%	75,862	19.10%	0.50%

20 to 24	27,004	7.90%	32,014	8.10%	18.60%
25 to 34	42,936	12.60%	49,417	12.50%	15.10%
35 to 54	99,269	29.10%	101,109	25.50%	1.90%
55 to 64	30,270	8.90%	54,714	13.80%	80.80%
65 or Older	44,645	13.10%	59,955	15.10%	34.30%
Total	341,351	100.00%	396,547	100.00%	16.20%

The elderly population is further explored in Table II.2. Those aged 65 to 66 grew by 80.2 percent between 2000 and 2010, resulting in a population of 8,617 persons. Those aged 85 or older grew by 48.5 percent during the same time period, and resulted in 8,185 persons over age 85 in 2010.

Table II.2
Elderly Population by Age
AI Study Region
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
65 to 66	4,782	10.70%	8,617	14.40%	80.20%
67 to 69	6,971	15.60%	11,109	18.50%	59.40%
70 to 74	11,128	24.90%	13,695	22.80%	23.10%
75 to 79	9,823	22%	10,309	17.20%	4.90%
80 to 84	6,431	14.40%	8,040	13.40%	25%
85 or Older	5,510	12.30%	8,185	13.70%	48.50%
Total	44,645	100.00%	59,955	100.00%	34.30%

POPULATION BY RACE AND ETHNICITY

Population by race and ethnicity is shown in Table II.3. The white population grew by 12.7 percent between 2000 and 2010, and resulted in representing 85 percent of the population in 2010. The Black population grew by 34.3 percent, represented 1.1 percent of the population in 2010. The American Indian and Asian populations represented 2.2 and 3.2 percent, respectively, in 2010. As for ethnicity, the Hispanic population grew by 72.4 percent between 2000 and 2010, compared to the 12.1 percent growth rate for non-Hispanics.

Table II.3
Population by Race and Ethnicity
AI Study Region
2000 & 2010 Census SF1 Data

Race	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
White	298,929	87.60%	336,875	85%	12.70%
Black	3,291	1%	4,419	1.10%	34.30%
American Indian	7,311	2.10%	8,857	2.20%	21.10%
Asian	9,176	2.70%	12,610	3.20%	37.40%
Native Hawaiian/ Pacific Islander	712	0.20%	1,108	0.30%	55.60%
Other	12,565	3.70%	17,876	4.50%	42.30%
Two or More Races	9,367	2.70%	14,802	3.70%	58%
Total	341,351	100.00%	396,547	100.00%	16.20%
Hispanic	23,066	6.80%	39,760	10%	72.40%

Non-Hispanic	318,285	93.20%	356,787	90%	12.10%
---------------------	---------	--------	---------	-----	--------

Population by race and ethnicity through 2016 is shown in Table II.4. The white population represented 84.8 percent of the population in 2016, compared with Black households accounting for 1.3 percent of the population. Hispanic households represented 11 percent of the population in 2016.

Table II.4
Population by Race and Ethnicity

AI Study Region
2010 Census & 2016 Five-Year ACS

Race	2010 Census		2016 Five-Year ACS	
	Population	% of Total	Population	% of Total
White	336,875	85%	347,752	84.80%
Black	4,419	1.10%	5,417	1.30%
American Indian	8,857	2.20%	9,290	2.30%
Asian	12,610	3.20%	14,374	3.50%
Native Hawaiian/ Pacific Islander	1,108	0.30%	1,341	0.30%
Other	17,876	4.50%	15,735	3.80%
Two or More Races	14,802	3.70%	16,408	4%
Total	396,547	100.00%	410,317	100.00%
Non-Hispanic	356,787	90%	365,088	89%
Hispanic	39,760	10%	45,229	11%

The population by race is broken down further by ethnicity in Table II.5. While the white non-Hispanic population changed by 10.1 percent between 2000 and 2010, the white Hispanic population changed by 99.7 percent. The black non-Hispanic population changed by 30.4 percent, while the black Hispanic population changed by 105.3 percent.

Table II.5
Population by Race and Ethnicity

AI Study Region
2000 & 2010 Census Data

Race	2000		2010 Census		% Change 00 - 10
	Population	% of Total	Population	% of Total	
Non-Hispanic					
White	290,267	91.20%	319,578	89.60%	10.10%
Black	3,121	1%	4,070	1.10%	30.40%
American Indian	6,818	2.10%	7,669	2.10%	12.50%
Asian	9,052	2.80%	12,390	3.50%	36.90%
Native Hawaiian/ Pacific Islander	660	0.20%	1,009	0.30%	52.90%
Other	666	0.20%	634	0.20%	-4.80%
Two or More Races	7,701	2.40%	11,437	3.20%	48.50%
Total Non-Hispanic	318,285	100.00%	356,787	100.00%	12.10%
Hispanic					
White	8,662	37.60%	17,297	43.50%	99.70%
Black	170	0.70%	349	0.90%	105.30%
American Indian	493	2.10%	1,188	3%	141%
Asian	124	0.50%	220	0.60%	77.40%
Native Hawaiian/ Pacific Islander	52	0.20%	99	0.20%	90.40%
Other	11,899	51.60%	17,242	43.40%	44.90%
Two or More Races	1,666	7.20%	3,365	8.50%	102%
Total Non-Hispanic	23,066	100.00%	39,760	100.00%	12.10%
Total Population	341,351	100.00%	396,547	100.00%	16.20%

The change in race and ethnicity between 2010 and 2016 is shown in Table II.6. During this time, the total non-Hispanic population was 365,088 persons in 2016. The Hispanic population was 45,229.

Table II.6
Population by Race and Ethnicity
 Al Study Region
 2010 Census & 2016 Five-Year ACS

Race	2010 Census		2016 Five-Year ACS	
	Population	% of Total	Population	% of Total
Non-Hispanic				
White	319,578	89.60%	323,641	88.60%
Black	4,070	1.10%	5,182	1.40%
American Indian	7,669	2.10%	8,372	2.30%
Asian	12,390	3.50%	14,114	3.90%
Native Hawaiian/ Pacific Islander	1,009	0.30%	1,229	0.30%
Other	634	0.20%	383	0.10%
Two or More Races	11,437	3.20%	12,167	3.30%
Total Non-Hispanic	356,787	100.00%	365,088	100.00%
Hispanic				
White	17,297	43.50%	24,111	53.30%
Black	349	0.90%	235	0.50%
American Indian	1,188	3%	918	2%
Asian	220	0.60%	260	0.60%
Native Hawaiian/ Pacific Islander	99	0.20%	112	0.20%
Other	17,242	43.40%	15,352	33.90%
Two or More Races	3,365	8.50%	4,241	9.40%
Total Non-Hispanic	39,760	100	45,229	100.00%
Total Population	396,547	100.00%	410,317	100.00%

As shown in Map II.1 on the following page, American Indian residents exceeded the study area average in block groups in the region center, near La Conner in Skagit County, and near Mountain View in Whatcom County in 2000. These two areas exceeded 12.7 percent, or the disproportionate share of American Indian residents.

The same was true in 2016, as shown in Map II.2. The same two areas saw concentrations of American Indian population that exceeded 15.8 percent, and along with another area in Whatcom County saw a disproportionate share of American Indian residents.

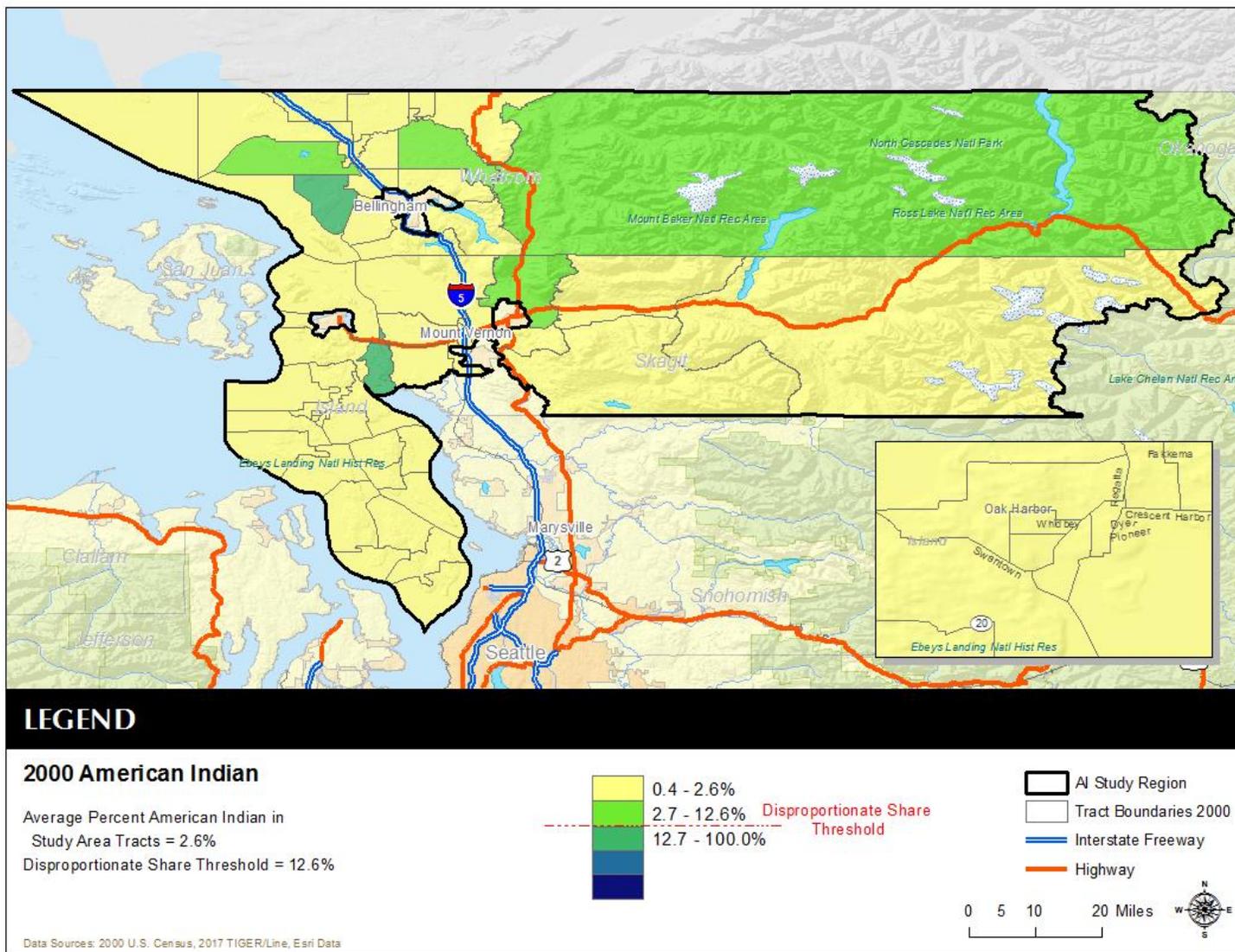
Asian residents accounted for above-average shares of the population (more than 2.5 percent) around Bellingham and on Fidalgo Island as shown in Map II.3. However, there was nowhere in the study area in which Asian residents were observed to be disproportionately concentrated in that year.

The distribution of the Asian population in 2016 is presented in Map II.4. The areas in which Asian residents accounted for above-average percentages of the population (more than 3.0 percent) were largely the same as in 2000, although represented slightly larger areas.

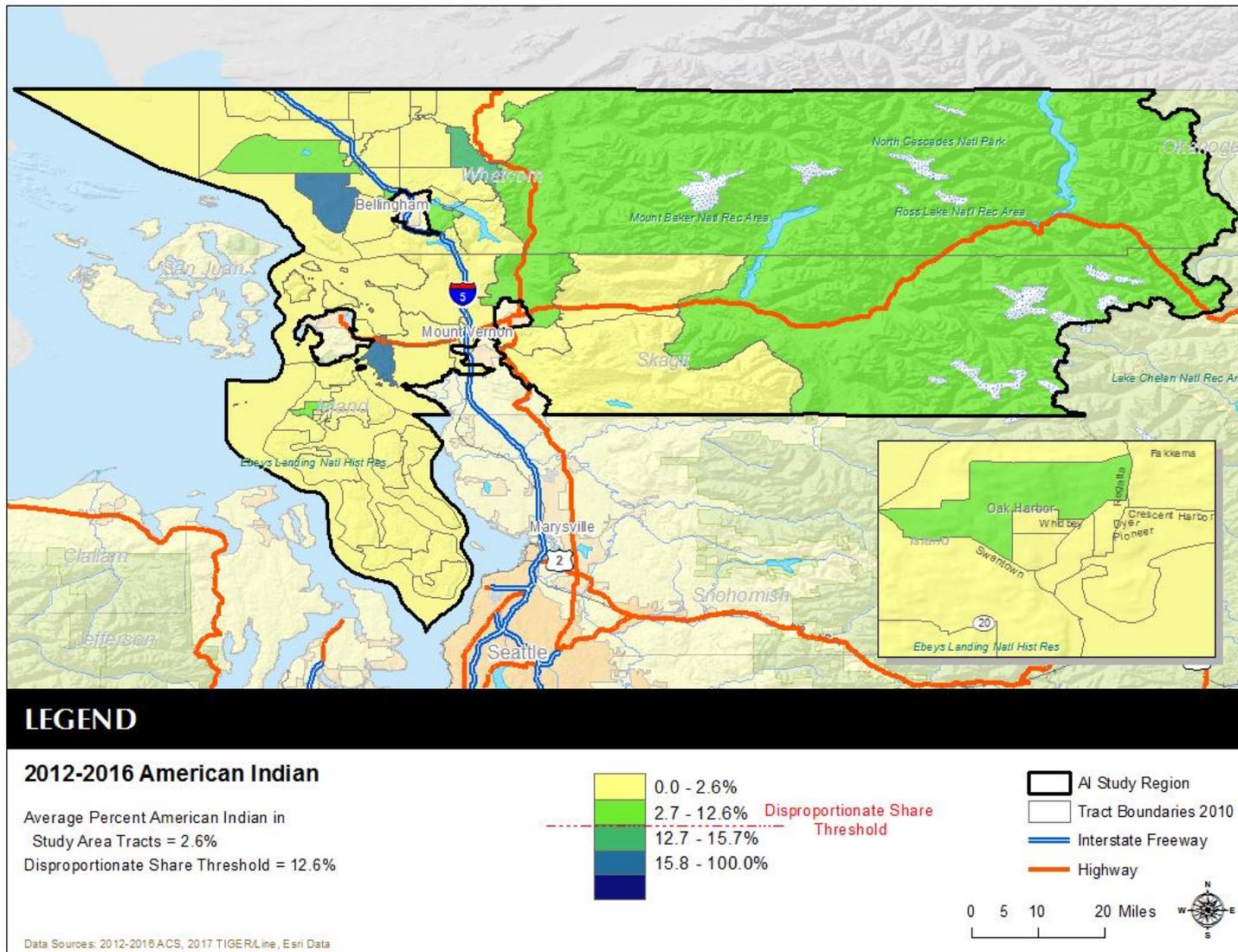
The black population, which accounted for only 1.1 percent of the study area population in 2000, tended to be slightly concentrated in areas around Mount Vernon, Bellingham, and on parts of Island County, as shown in Map II.5. However, no areas saw a disproportionate share of Black households in 2000.

By 2016, there were several areas around Oak Harbor in Island County that had disproportionate levels of Black households (exceeded 11.4 percent). This is shown in Map II.6.

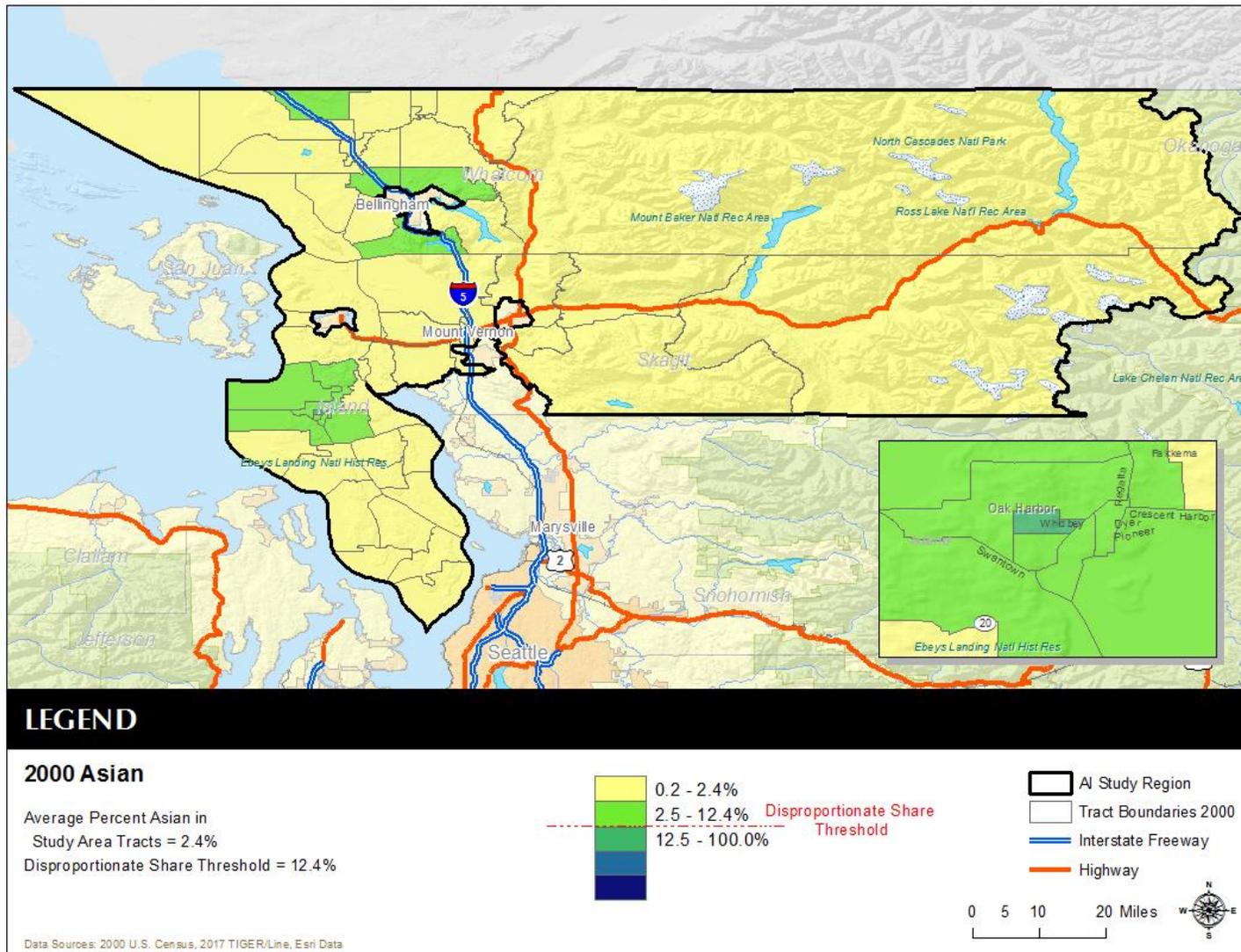
Map II.1
2000 American Indian Population
 AI Study Region
 2000 Census Data



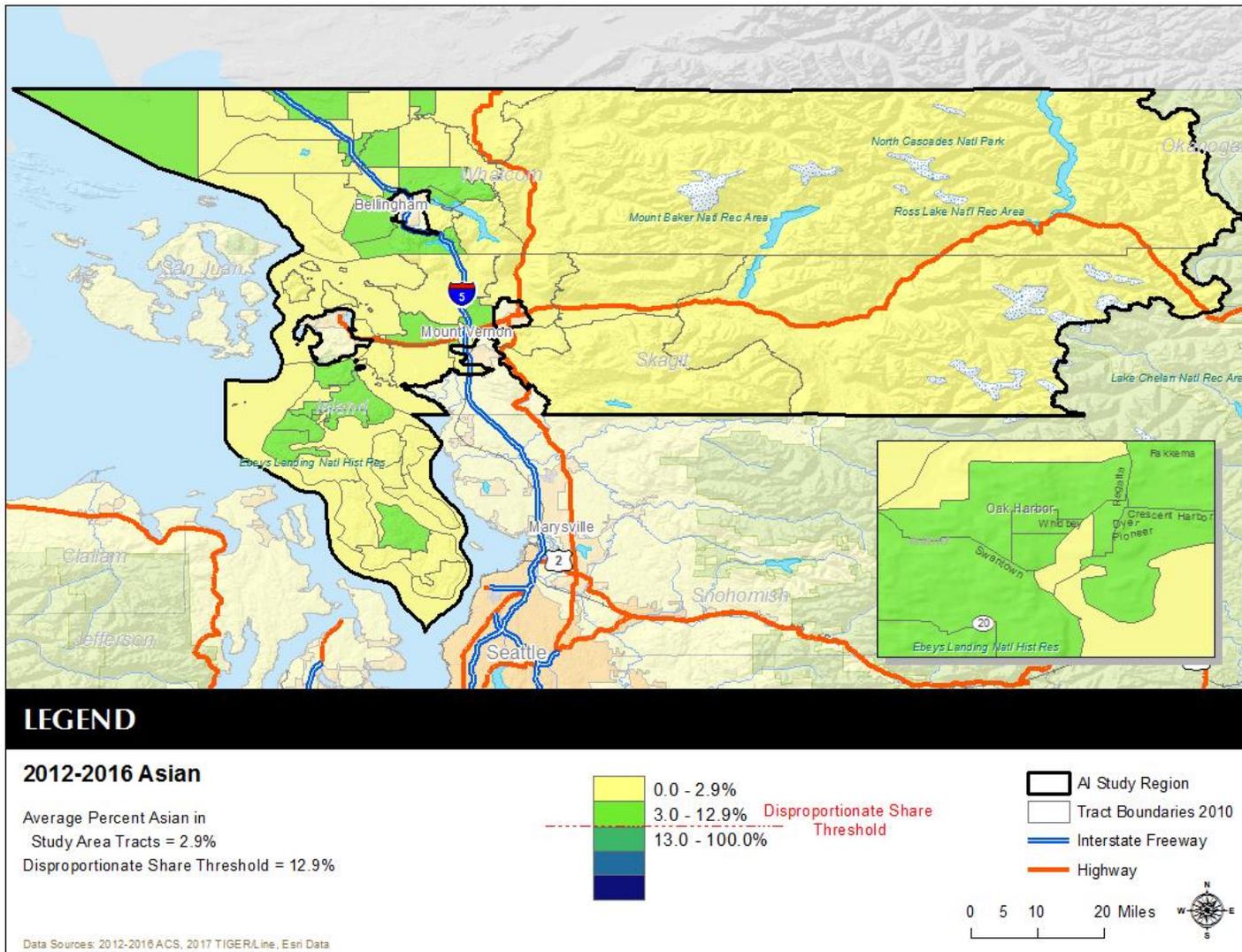
Map II.2
2016 American Indian Population
 AI Study Region
 2016 ACS Data



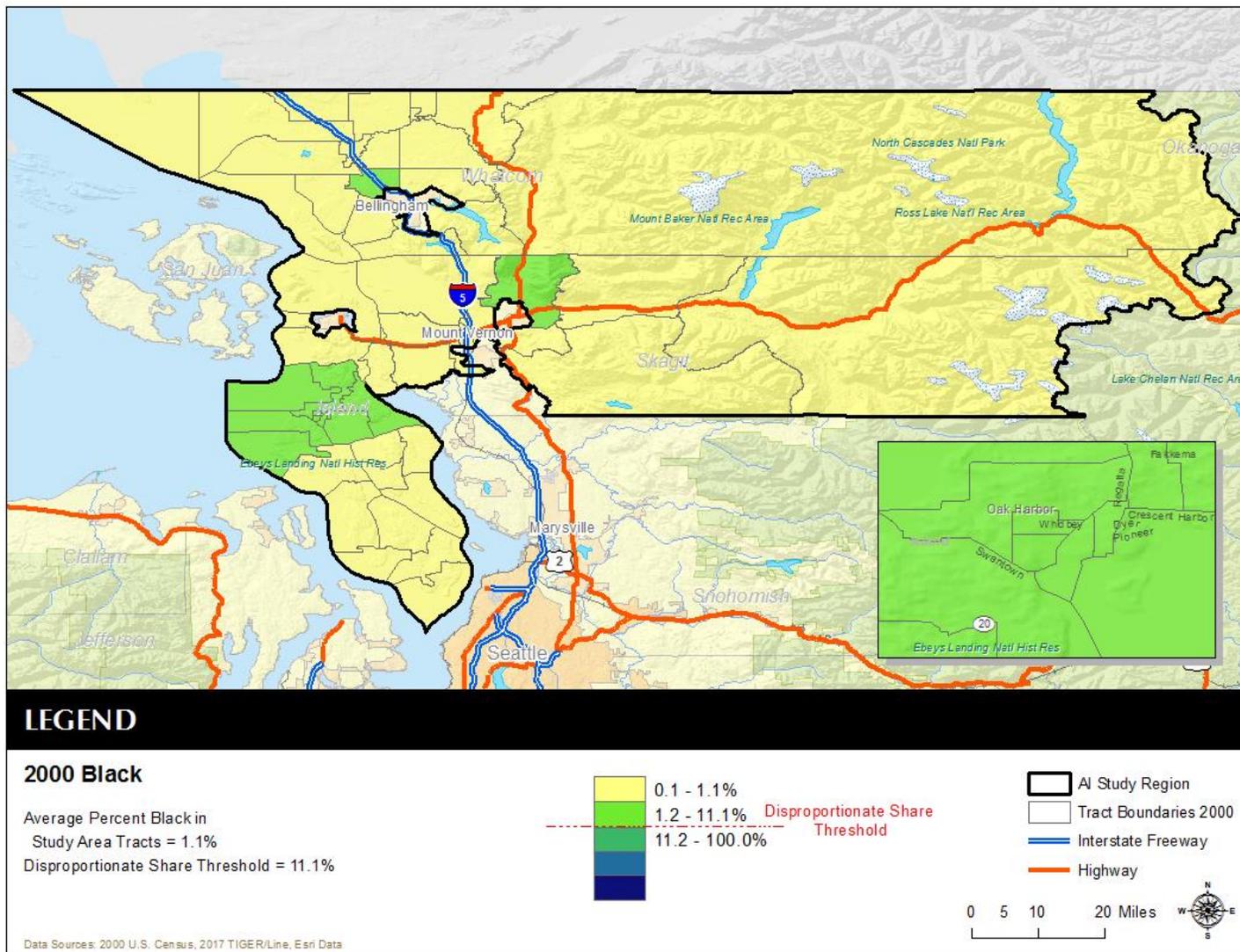
Map II.3
2000 Asian Population
 AI Study Region
 2000 Census Data



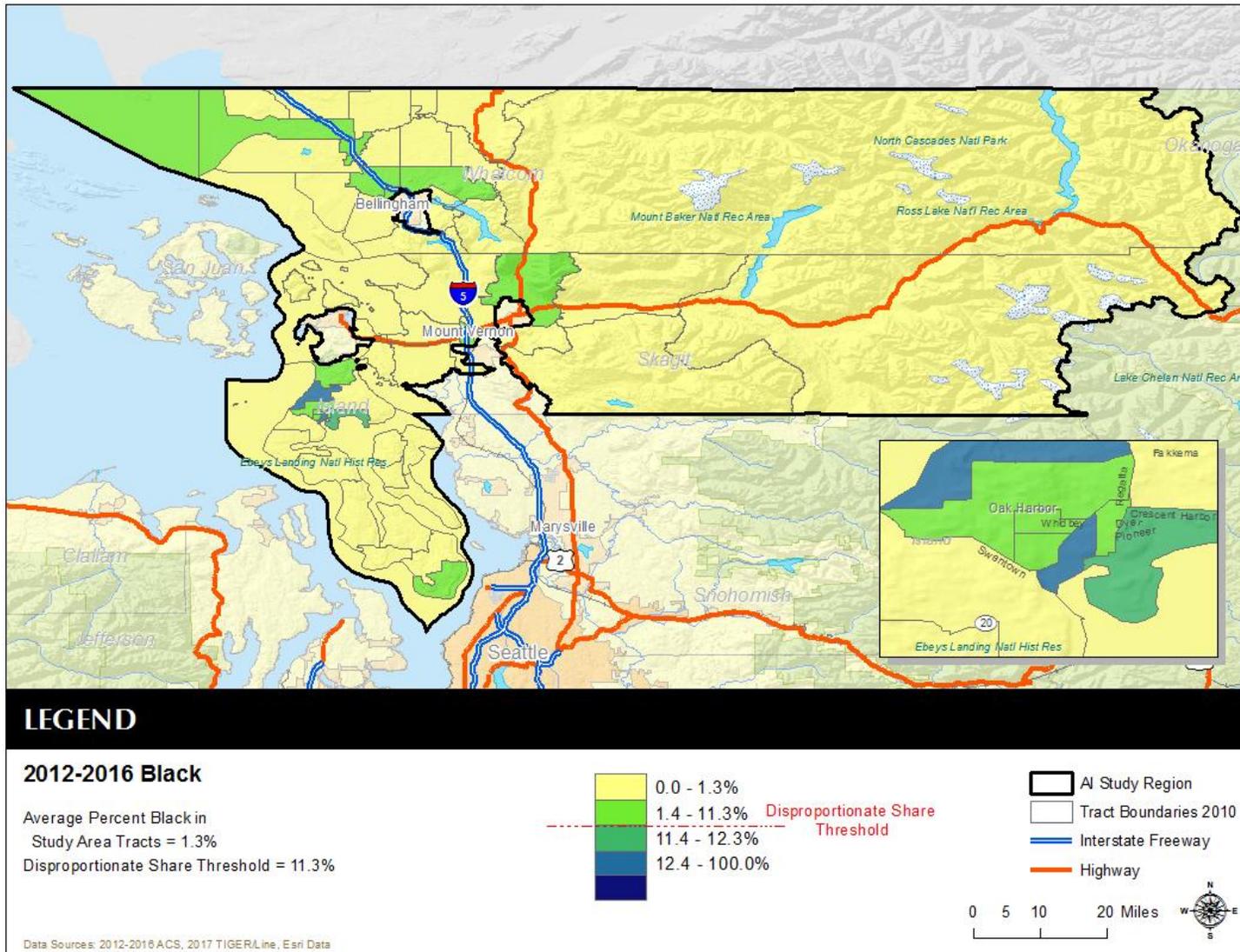
Map II.4
2016 Asian Population
 AI Study Region
 2016 ACS Data



Map II.5
2000 Black Population
 AI Study Region
 2000 Census Data



Map II.6
2016 Black Population
 AI Study Region
 2016 ACS Data



The Native Hawaiian and Pacific Islander population also accounted for a relatively small percentage of the study area population in 2000: just 0.2 percent. As shown in Map II.7, above average concentrations of Native Hawaiian/Pacific Islander residents were largely limited to Island County and areas around Mount Vernon.

In 2016, Native Hawaiian and Pacific Islander residents represented 0.4 percent of the population. As shown in Map II.8, there were no areas with disproportionate shares of Native Hawaiian and Pacific Islander residents.

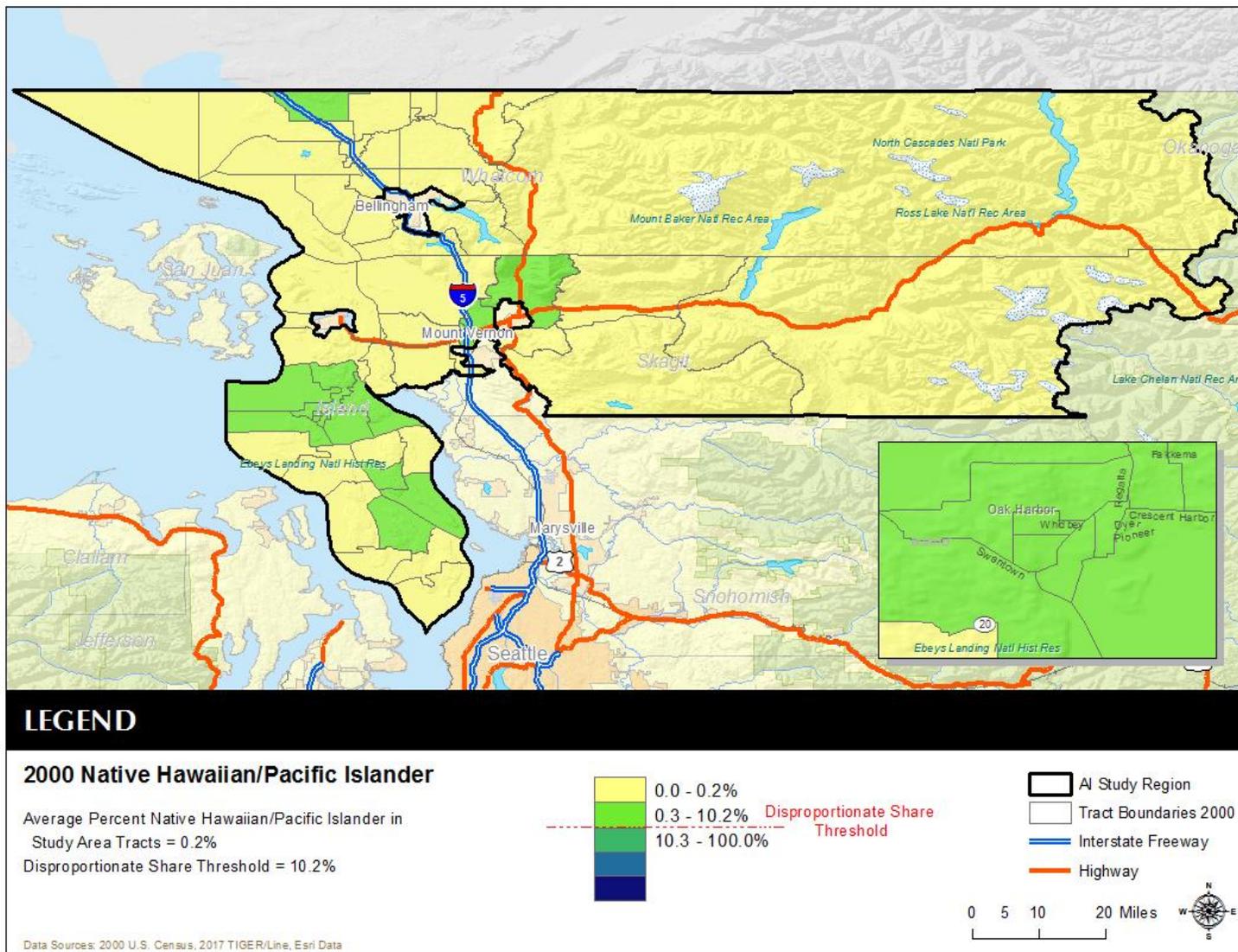
Block groups with above average concentrations of white residents were seen across all three counties. However, since the white population in 2000 was 88.4 percent, there were no areas with a disproportionate share of white households.

By 2016, the white population has declined slightly, representing 86.4 percent of the population. As shown in Map II.10, it remained the case that the white population tended to account for larger shares of the population throughout the three counties. However, there were two areas in Island County that had white populations exceeding 96.5 percent.

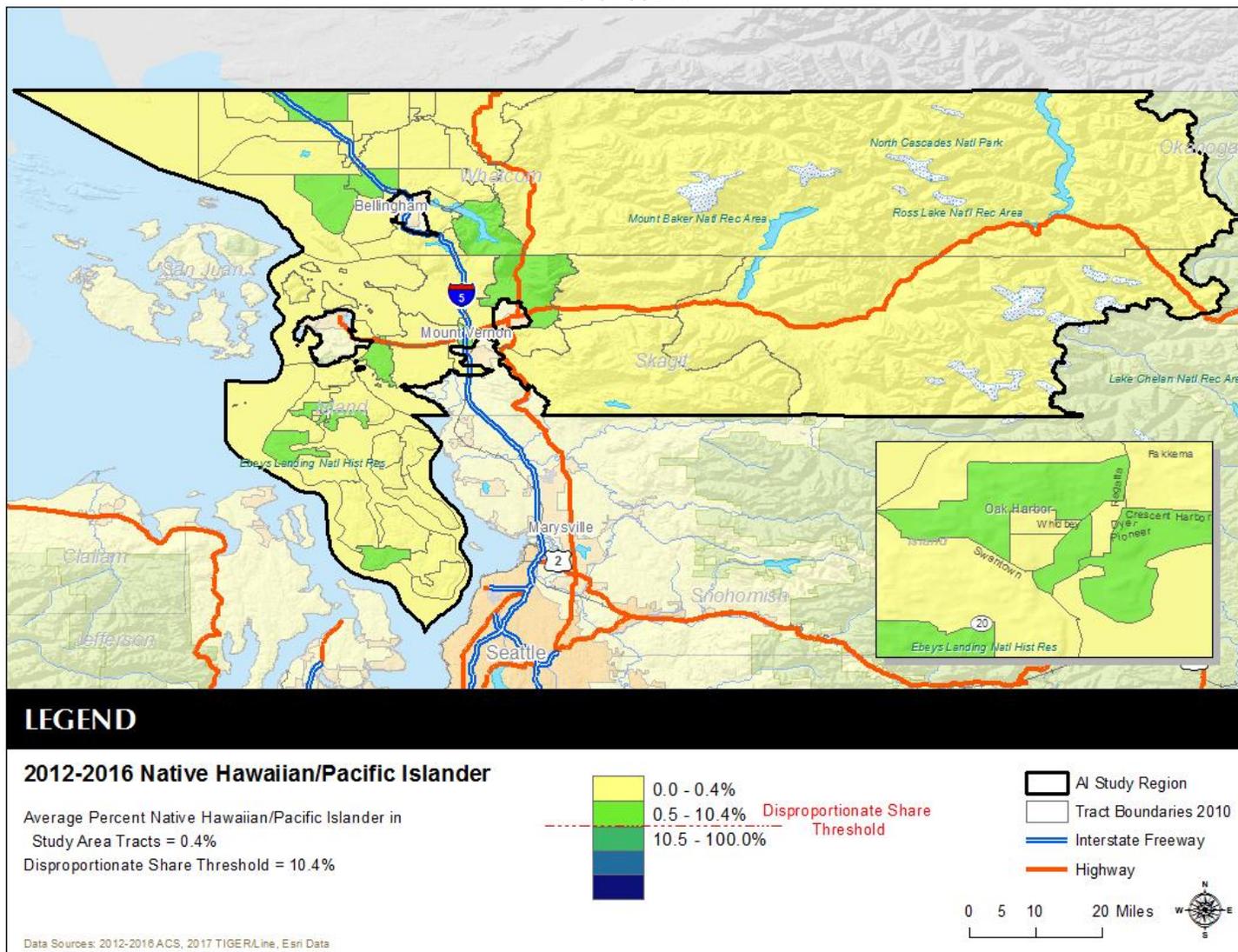
The Hispanic population tended to account for above-average shares of the population in block groups in all three counties in 2000, but did not exceed the disproportionate share threshold of 15.6 percent in any area.

By 2016, Hispanic residents were accounting for 9.2 percent of residents in the study area. There were two areas with disproportionate shares of Hispanic households, one outside Mount Vernon, and another to the northeast of Bellingham.

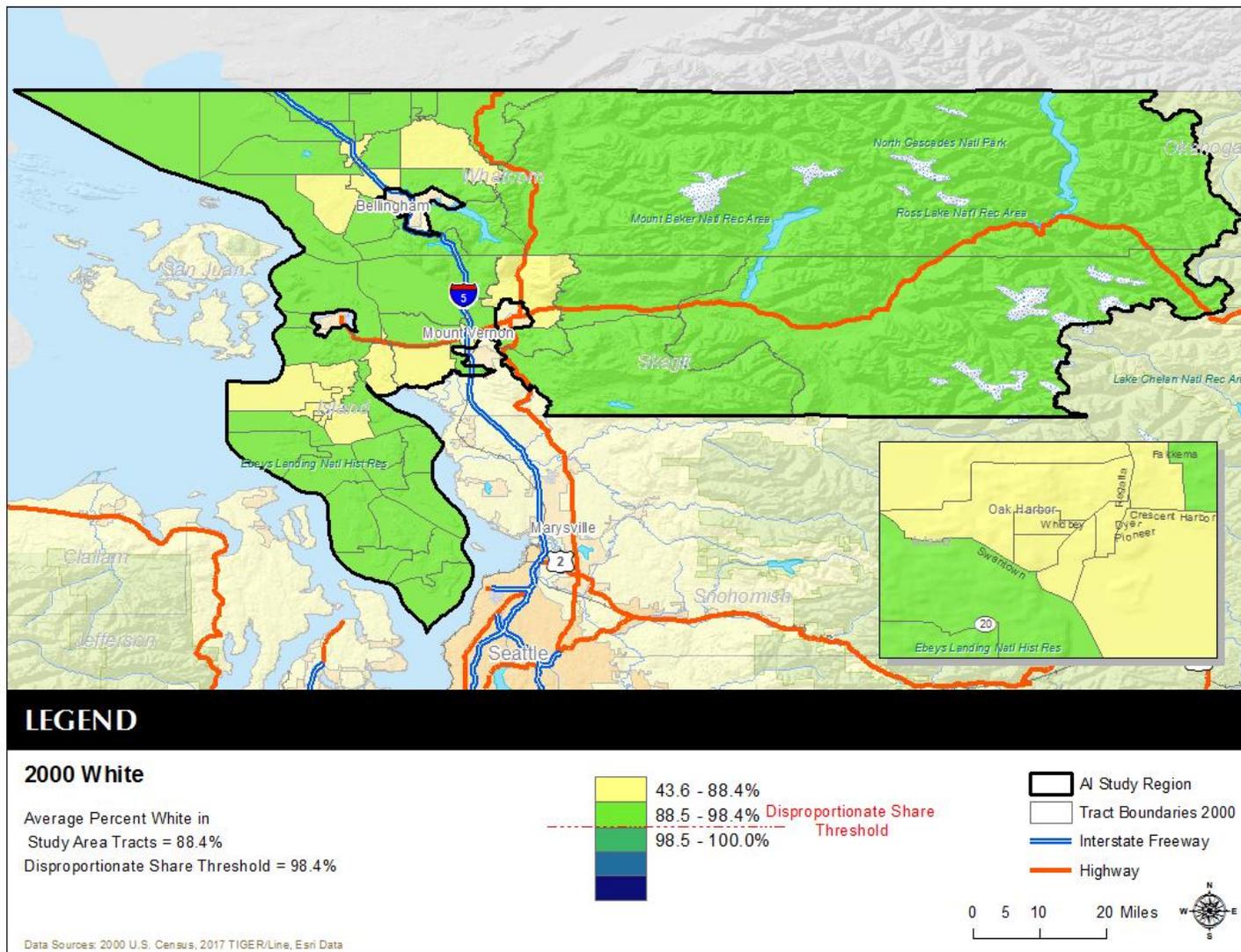
Map II.7
2000 Native Hawaiian/Pacific Islander Population
 AI Study Region
 2000 Census Data



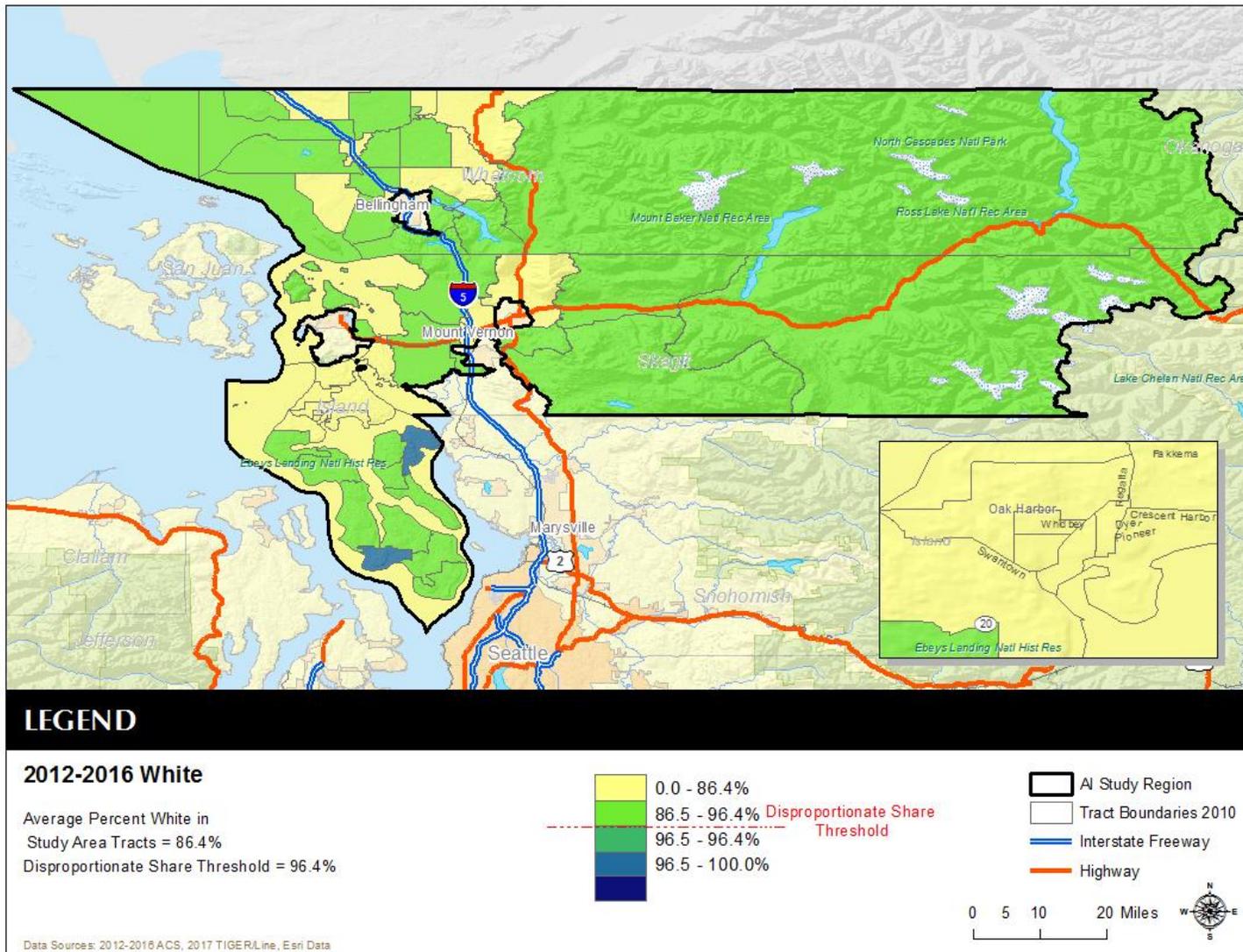
Map II.8
2016 Native Hawaiian/Pacific Islander Population
 AI Study Region
 2016 ACS Data



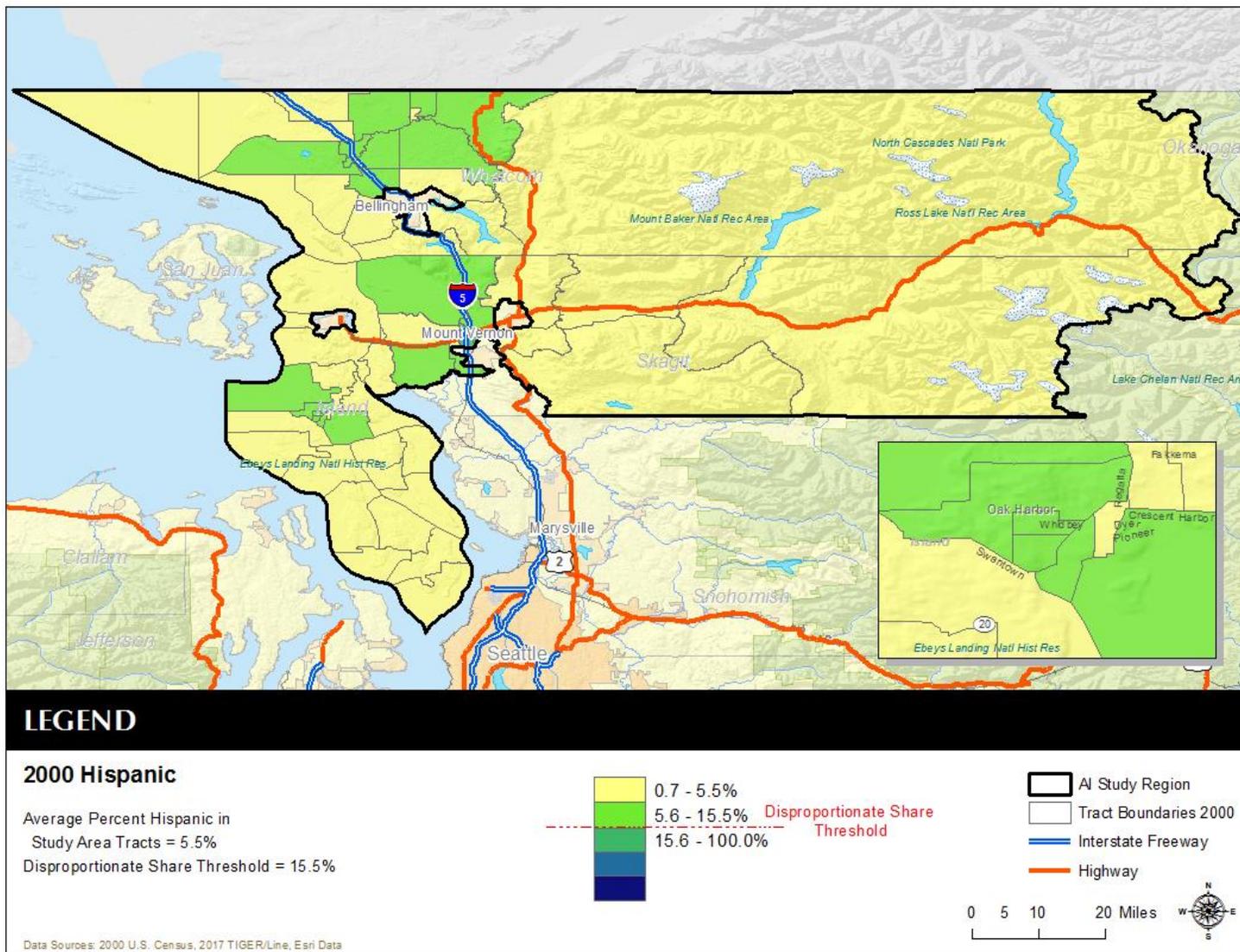
Map II.9
2000 White Population
 AI Study Region
 2000 Census Data



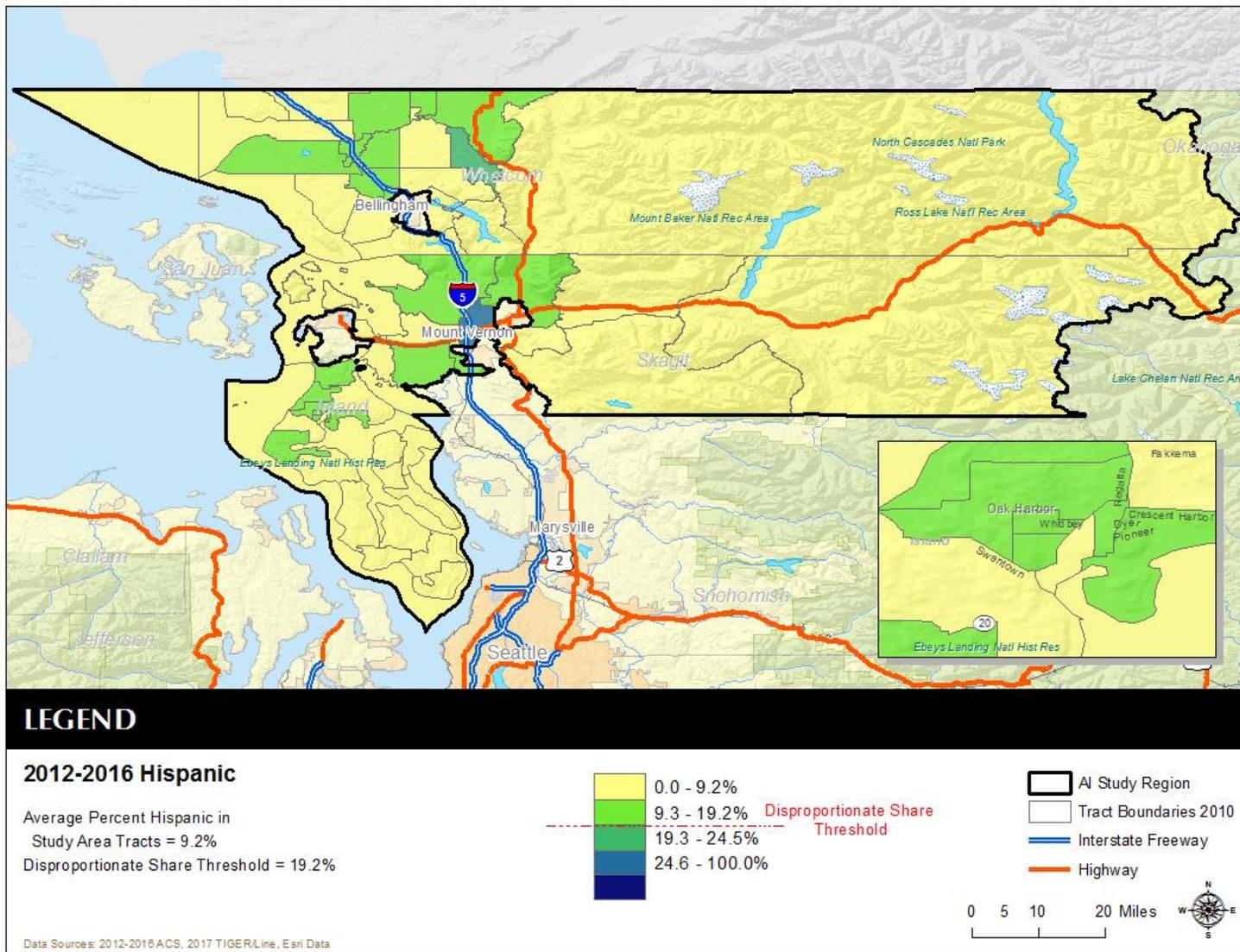
Map II.10
2016 White Population
 AI Study Region
 2016 ACS Data



Map II.11
2000 Hispanic Population
 AI Study Region
 2000 Census Data



Map II.12
2016 Hispanic Population
 AI Study Region
 2016 ACS Data



DISABILITY STATUS

The disability rate from the 2000 Census is shown in Table II.7. Some 17.1 percent of the population was disabled in 2000, or a total of 52,969 persons. The disability rate was highest for those over 65, with 40.1 percent disabled.

Table II.7
Disability by Age
 AI Study Region
 2000 Census SF3 Data

Age	Total	
	Disabled Population	Disability Rate
5 to 15	3,108	5.80%
16 to 64	32,586	15.30%
65 and older	17,275	40.10%
Total	52,969	17.10%

Table II.8 shows disability by type in 2000. There were 25,202 physical disabilities in 2000, some 19,476 employment disabilities, and 15,323 go-outside-home disabilities.

Table II.8
Total Disabilities Tallied: Aged 5 and Older
 AI Study Region
 2000 Census SF3 Data

Disability Type	Population
Sensory disability	13,006
Physical disability	25,202
Mental disability	16,066
Self-care disability	7,021
Employment disability	19,476
Go-outside-home disability	15,323
Total	96,094

Disability by age, as estimated by the 2016 ACS, is shown in Table II.9. The disability rate for females was 13.7 percent, compared to 14.5 percent for males. The disability rate grew precipitously higher with age, with 47.2 percent of those over 75 experiencing a disability.

Table II.9
Disability by Age
 AI Study Region
 2016 Five-Year ACS Data

Age	Male		Female		Total	
	Disabled Population	Disability Rate	Disabled Population	Disability Rate	Disabled Population	Disability Rate
Under 5	71	0.60%	190	1.70%	261	1.10%
5 to 17	2,058	6.60%	1,089	3.70%	3,147	5.20%
18 to 34	3,930	8.30%	3,345	7%	7,275	7.70%
35 to 64	11,388	15.50%	10,346	13.30%	21,734	14.40%
65 to 74	5,253	25.40%	5,756	25.50%	11,009	25.40%
75 or Older	5,931	47%	7,420	47.30%	13,351	47.20%

Total	28,631	14.50%	28,146	13.70%	56,777	14.10%
--------------	---------------	---------------	---------------	---------------	---------------	---------------

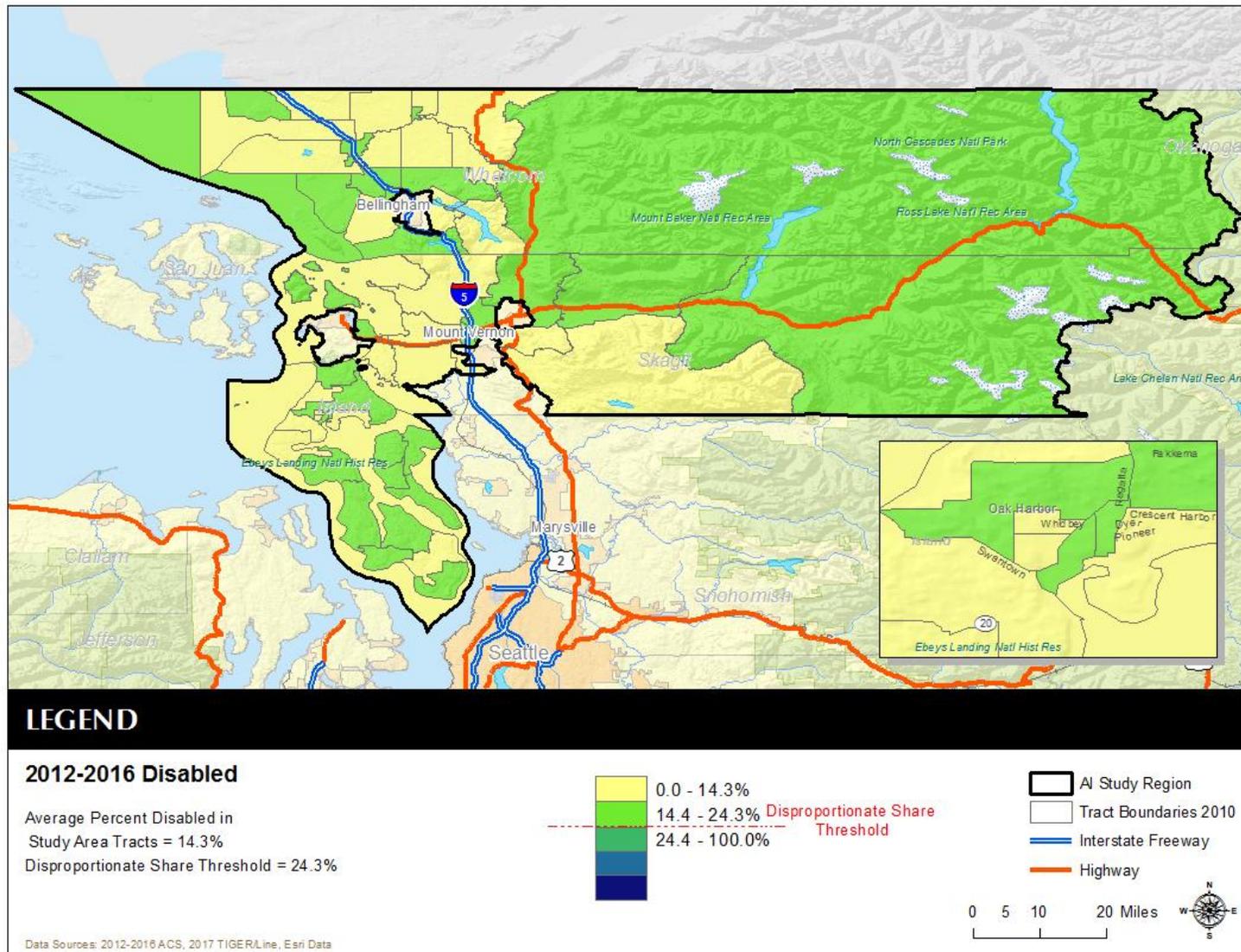
The number of disabilities by type, as estimated by the 2016 ACS, is shown in Table II.10. Some 7.1 percent have an ambulatory disability, 5.8 have an independent living disability, and 2.6 percent have a self-care disability.

Table II.10
Total Disabilities Tallied: Aged 5 and Older
 AI Study Region
 2016 Five-Year ACS

Disability Type	Population with Disability	Percent with Disability
Hearing disability	19,707	4.90%
Vision disability	9,531	2.40%
Cognitive disability	21,513	5.70%
Ambulatory disability	27,020	7.10%
Self-Care disability	9,957	2.60%
Independent living difficulty	18,411	5.80%

The concentration of persons with disabilities is shown in Map II.13, on the following page. While there are areas with higher than average concentrations of persons with disabilities (or exceeding the average of 14.3 percent) in all three counties, there are no areas with a disproportionate share of persons with disabilities.

Map II.13
2016 Population with Disabilities
 AI Study Region
 2016 ACS Data



ECONOMICS

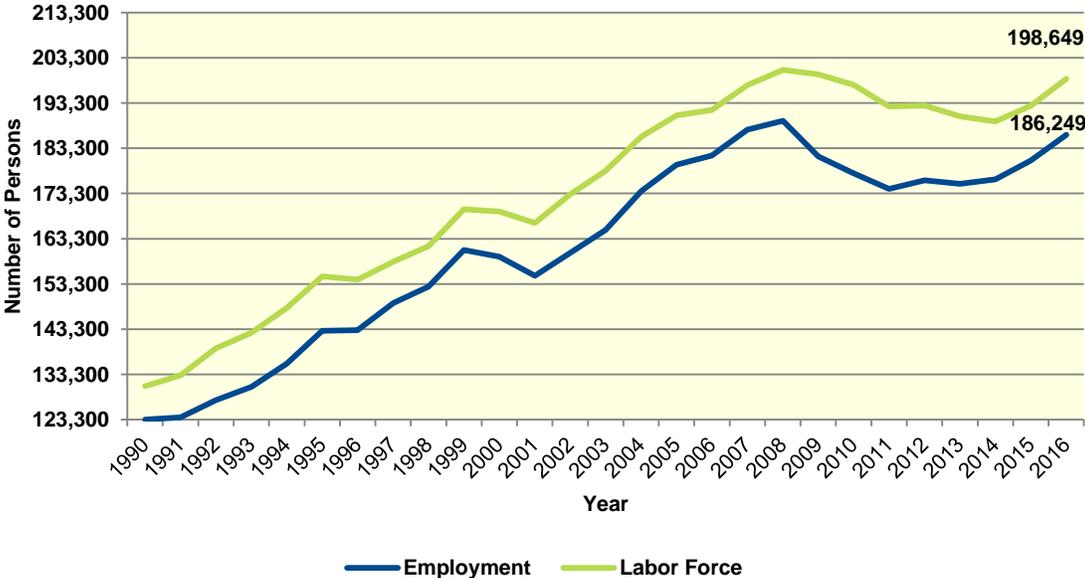
Data indicating the size and dynamics of the AI Study Region’s job markets, workforce, incomes, and persons in poverty provide essential contextual background and indicate the potential buying power or other financial limitations of region residents when making a housing choice. A review of the region’s residents in such a context shows where additional attention may be needed to address needs and challenges.

LABOR FORCE AND EMPLOYMENT

The Bureau of Labor Statistics collects data on labor force participation and employment, and represents a count of people either working or seeking work. These data are collected through the Current Employment Statistics program, which surveys about 144,000 businesses and government agencies each month. The unemployment rate is based on the gap between the number of employed persons and the total number in the labor force; this gap is represented as a percentage of the total labor force.

From 1990 through 2009, growth in the number of employed workers in the region generally kept pace with changes in the size of the labor force, as shown in Diagram II.1 below. There was a drop in both the labor force and employment beginning in 2009. Both have grown in recent years again, representing 198,649 in the labor force in 2016, and 186,249 employed.

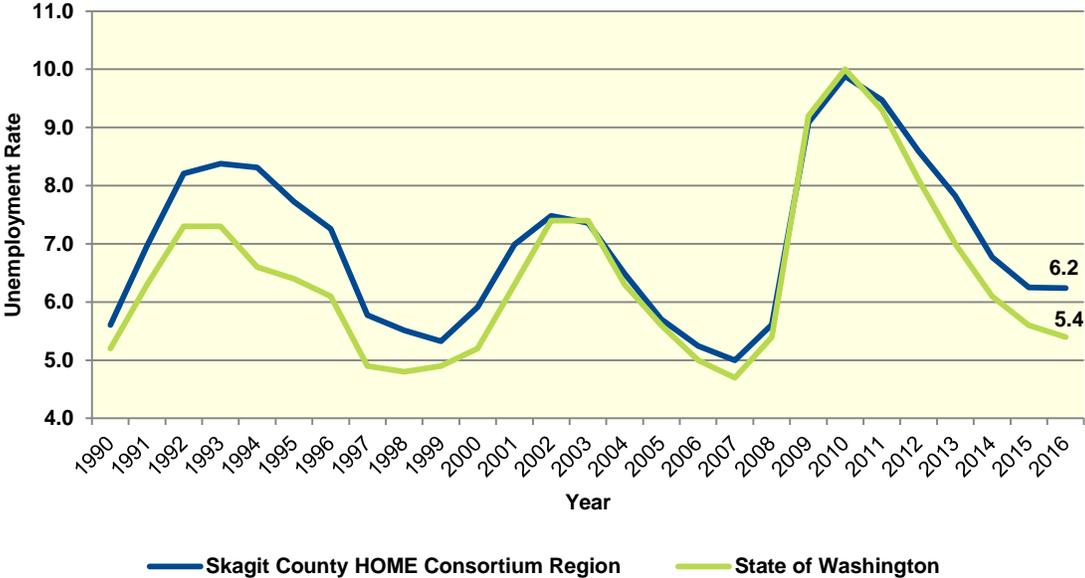
Diagram II.1
Employment and Labor Force
AI Study Region
1990 – 2016 BLS Data



The result of this drop in employment beginning in 2009, as shown in Diagram II.2 was a dramatic increase in the unemployment rate, which topped 11 percent in 2010. Since that time, the gap between the number of employed and the number in the labor force has narrowed, contributing to a steady decline in unemployment. By 2016, the unemployment rate in the region had declined to 6.2 percent, which was slightly higher than the State of Washington’s average of 5.4 percent.

Table II.11 Labor Force Statistics AI Study Region 1990 - 2016 BLS Data					
Year	AI Study Region				Statewide Unemployment Rate
	Unemployment	Employment	Labor Force	Unemployment Rate	
1990	7,325	123,369	130,694	5.6	5.2
1991	9,275	123,807	133,082	7	6.3
1992	11,413	127,644	139,057	8.2	7.3
1993	11,947	130,609	142,556	8.4	7.3
1994	12,304	135,721	148,025	8.3	6.6
1995	11,961	142,989	154,950	7.7	6.4
1996	11,197	143,106	154,303	7.3	6.1
1997	9,133	149,046	158,179	5.8	4.9
1998	8,913	152,729	161,642	5.5	4.8
1999	9,048	160,803	169,851	5.3	4.9
2000	10,006	159,321	169,327	5.9	5.2
2001	11,656	155,113	166,769	7	6.3
2002	12,952	160,183	173,135	7.5	7.4
2003	13,129	165,226	178,355	7.4	7.4
2004	12,050	173,806	185,856	6.5	6.3
2005	10,872	179,660	190,532	5.7	5.6
2006	10,058	181,684	191,742	5.2	5
2007	9,864	187,391	197,255	5	4.7
2008	11,259	189,354	200,613	5.6	5.4
2009	18,137	181,499	199,636	9.1	9.2
2010	19,495	177,790	197,285	9.9	10
2011	18,234	174,291	192,525	9.5	9.3
2012	16,563	176,213	192,776	8.6	8.1
2013	14,893	175,440	190,333	7.8	7
2014	12,807	176,422	189,229	6.8	6.1
2015	12,043	180,607	192,650	6.3	5.6
2016	12,400	186,249	198,649	6.2	5.4

Diagram II.2
Annual Unemployment Rate
AI Study Region
1990 – 2016 BLS Data



FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

The Bureau of Economic Analysis (B.E.A.) produces regional economic accounts which provide a consistent framework for analyzing and comparing individual state and local area economies. It is available on a countywide scale and therefore includes the entirety of Skagit, Whatcom, and Island Counties. The Bureau of Economic Analysis provides county-level estimates of “total employment”, i.e., the number of full- and part-time jobs at a given point in time.⁹ As shown in Table II.12, on the following page, the number of jobs in the AI Study Region generally grew steadily from the 1970’s through the mid-2000’s. There was a slight decline in employment beginning in 2007, which has since regained its losses. By 2016, there were 225,618 total employed.

⁹ Note that because one worker may hold more than one job, the same worker may appear more than once in this dataset.

Table II.12
Total Employment and Real Personal Income

AI Study Region
BEA Data 1969 Through 2016

Year	1,000s of 2016 Dollars						Per Capita Income	Total Employment	Average Real Earnings Per Job
	Earnings	Social Security Contributions	Residents Adjustments	Dividends, Interest, Rents	Transfer Payments	Personal Income			
1969	2,377,858	170,762	25,170	539,022	264,207	3,035,494	19,315	67,223	35,373
1970	2,441,898	177,084	15,504	607,069	323,743	3,211,130	19,805	68,211	35,799
1971	2,637,686	202,593	2,551	635,377	353,901	3,426,923	20,633	70,945	37,179
1972	2,721,830	215,520	5,136	663,887	378,951	3,554,284	20,663	71,487	38,074
1973	2,994,223	267,122	8,032	733,102	413,682	3,881,917	22,238	76,304	39,241
1974	2,987,364	272,970	20,625	767,752	464,763	3,967,535	22,298	77,831	38,383
1975	3,046,006	282,011	34,069	801,848	524,936	4,124,847	22,932	80,813	37,692
1976	3,319,576	313,163	32,540	837,383	536,827	4,413,163	23,240	85,611	38,775
1977	3,397,054	325,959	44,837	917,552	539,359	4,572,842	23,427	88,670	38,311
1978	3,628,426	355,913	70,151	1,015,785	544,630	4,903,079	24,501	93,845	38,664
1979	3,837,213	386,844	118,245	1,103,214	574,030	5,245,858	25,284	98,398	38,997
1980	3,709,530	378,960	124,144	1,214,124	656,577	5,325,414	24,652	98,274	37,747
1981	3,594,777	399,653	124,515	1,330,179	693,627	5,343,445	24,272	98,856	36,364
1982	3,519,524	399,176	117,370	1,376,728	735,283	5,349,730	24,076	99,026	35,541
1983	3,689,650	420,017	113,856	1,456,970	780,408	5,620,868	24,961	103,756	35,561
1984	3,728,979	439,974	170,661	1,581,276	806,484	5,847,426	25,715	105,405	35,378
1985	3,817,574	450,360	194,852	1,644,235	832,325	6,038,625	26,223	107,444	35,531
1986	4,047,534	478,895	221,323	1,688,729	858,990	6,337,681	27,116	111,244	36,384
1987	4,205,660	496,134	245,851	1,706,886	881,314	6,543,577	27,381	117,085	35,920
1988	4,481,250	543,119	276,541	1,793,963	918,643	6,927,276	28,041	125,159	35,804
1989	4,873,108	598,702	324,559	2,033,842	955,749	7,588,557	29,546	133,434	36,521
1990	5,392,428	675,177	287,213	2,065,382	1,011,016	8,080,863	29,877	143,085	37,687
1991	5,595,579	714,246	303,733	2,141,163	1,107,164	8,433,392	30,169	146,482	38,200
1992	5,891,947	749,517	345,242	2,126,347	1,207,614	8,821,633	30,418	149,885	39,310
1993	5,993,289	767,424	366,545	2,194,362	1,272,052	9,058,823	30,421	152,849	39,211
1994	6,232,377	805,147	354,410	2,331,992	1,362,244	9,475,877	31,058	160,259	38,889
1995	6,377,105	825,763	353,434	2,485,769	1,446,565	9,837,109	31,522	163,450	39,016
1996	6,585,897	826,242	425,041	2,702,674	1,517,416	10,404,785	32,724	168,078	39,184
1997	6,812,217	826,714	535,673	2,797,876	1,557,679	10,876,730	33,502	171,799	39,652
1998	7,270,732	865,472	654,072	2,985,451	1,628,187	11,672,969	35,367	176,117	41,284
1999	7,683,694	893,430	638,523	2,937,802	1,688,108	12,054,698	35,802	180,967	42,459
2000	7,852,295	935,291	593,830	3,079,315	1,841,558	12,431,707	36,244	185,903	42,239
2001	8,145,591	962,809	664,130	2,978,789	2,026,939	12,852,641	36,765	185,000	44,030
2002	8,435,267	1,004,732	677,985	2,830,664	2,109,076	13,048,260	36,724	188,535	44,741
2003	8,847,974	1,053,619	688,335	2,905,809	2,184,308	13,572,806	37,714	193,258	45,783
2004	9,285,843	1,105,611	701,753	3,152,333	2,230,769	14,265,088	38,716	198,723	46,728
2005	9,683,747	1,170,666	702,153	3,104,240	2,295,557	14,615,031	39,107	206,739	46,840
2006	9,961,922	1,198,164	721,992	3,558,413	2,401,962	15,446,125	40,575	211,998	46,991
2007	10,165,120	1,221,367	722,787	4,050,476	2,535,909	16,252,925	42,147	218,332	46,558
2008	10,310,536	1,232,373	714,922	4,285,187	2,869,214	16,947,486	43,356	217,686	47,364
2009	9,830,304	1,223,157	775,962	3,767,817	3,182,705	16,333,631	41,386	208,049	47,250
2010	9,949,498	1,235,332	728,120	3,491,987	3,478,409	16,412,682	41,311	204,113	48,745
2011	9,959,732	1,132,753	799,010	3,837,495	3,437,720	16,901,204	42,227	205,168	48,544
2012	10,369,684	1,144,621	843,903	4,128,881	3,399,793	17,597,641	43,746	207,657	49,937
2013	10,485,277	1,287,902	860,604	4,076,107	3,423,096	17,557,181	43,499	212,590	49,322
2014	10,586,429	1,307,902	877,751	4,325,836	3,645,295	18,127,410	44,441	216,693	48,855
2015	10,948,471	1,359,436	916,823	4,611,044	3,708,540	18,825,442	45,397	220,195	49,722
2016	11,291,588	1,383,244	1,045,727	4,650,141	3,863,654	19,467,866	46,011	225,618	50,047

The real average income per job is shown in Diagram II.3, on the following page. While the real average earning per job has risen in the AI Study Region since 1990, it still remains

behind the statewide average. In 2016, the AI Study Region’s average earning per job was \$50,047, compared to \$64,925 for the state. Over the period from 1990 to 2016, the average earning per job for AI Study Region was \$44,392, which was lower than the statewide average of \$55,766 over the same period.

Diagram II. 3
Real Average Earnings Per Job
AI Study Region
BEA Data 1990 - 2016

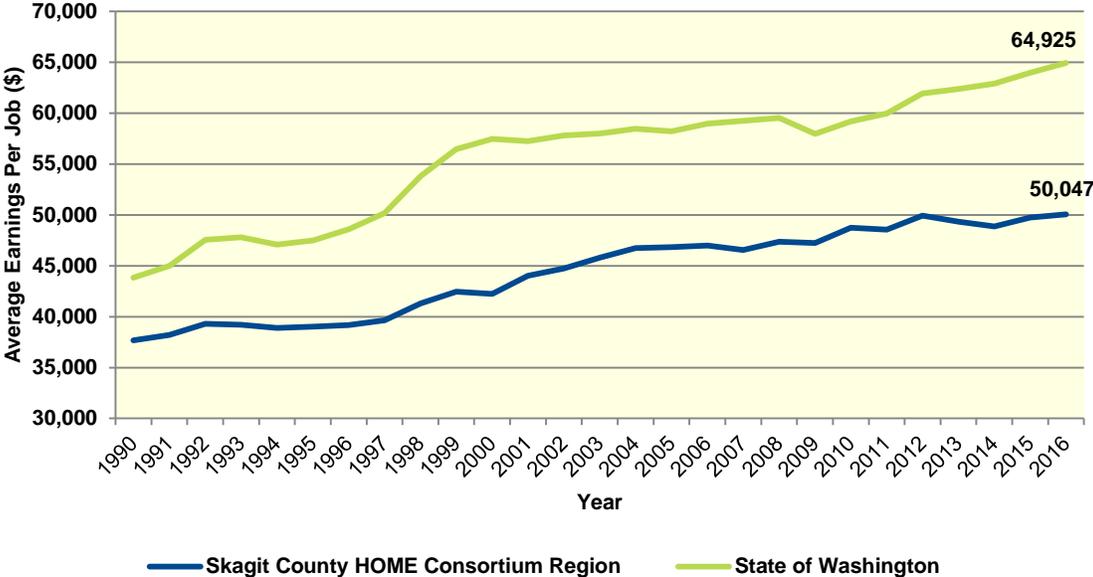
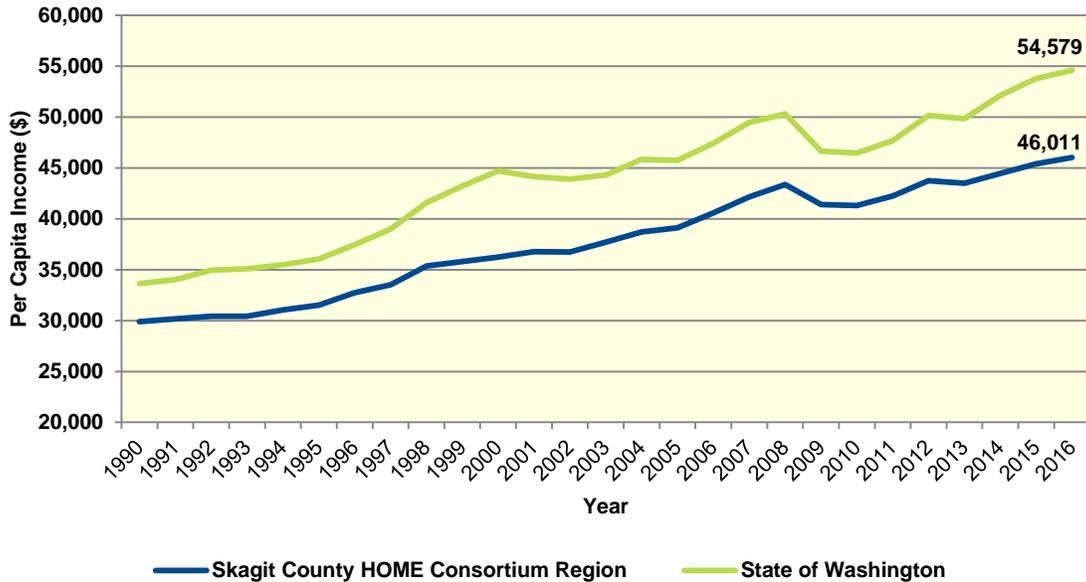


Diagram II.4 shows real per capita income AI Study Region from 1990 to 2016, which is calculated by dividing total personal income from all sources by population. Per capita income is a broader measure of wealth than real average earnings per job, which only captures the working population. Over this period the real per capita income for AI Study Region was \$37,786 dollars, which was lower than the statewide average of 43,981 dollars over the same period. In 2016, the real per capita income was \$46, 011 in the AI Study Region, while the state’s was \$54,579.

Diagram II.4
Real Per Capita Income
 AI Study Region
 BEA Data 1990 - 2016



HOUSEHOLD INCOME

There appeared to be an upward shift in the household incomes of study area residents from 2000 through 2016. Households by income is shown in Table II.13. Households earning more than \$100,000 per year represented 22.2 percent of households in 2016, compared to 9.3 percent in 2000. Households earning between \$75,000 and \$99,999 represented 13.7 percent of households in 2016, compared to 9.9 percent in 2000. Meanwhile, households earning less than \$15,000 accounted for 11.6 percent of households in 2016, compared to 14.4 percent in 2000.

Table II.13
Households by Income
 AI Study Region
 2000 Census SF3 & 2016 Five-Year ACS Data

Income	2000 Census		2016 Five-Year ACS	
	Households	% of Total	Households	% of Total
Less than \$15,000	18,866	14.40%	18,693	11.60%
\$15,000 to \$19,999	8,230	6.30%	7,603	4.70%
\$20,000 to \$24,999	8,846	6.80%	7,734	4.80%
\$25,000 to \$34,999	17,868	13.60%	15,850	9.90%
\$35,000 to \$49,999	24,182	18.50%	21,400	13.30%
\$50,000 to \$74,999	27,914	21.30%	31,634	19.70%
\$75,000 to \$99,999	12,936	9.90%	21,961	13.70%
\$100,000 or More	12,192	9.30%	35,640	22.20%
Total	131,034	100.00%	160,515	100.00%

POVERTY

The Census Bureau uses a set of income thresholds that vary by family size and composition to determine poverty status. If a family’s total income is less than the threshold for its size, then that family, and every individual in it, is counted as living in poverty. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid, and food stamps.

The rate of poverty for AI Study Region is shown in Table II.14. In 2016, there were an estimated 57,816 persons living in poverty. This represented a 14.4 percent poverty rate, compared to 11.8 percent poverty in 2000. In 2016, some 8.6 percent of those in poverty were under age 6, and 8.8 percent were 65 or older.

Table II.14
Poverty by Age
 AI Study Region

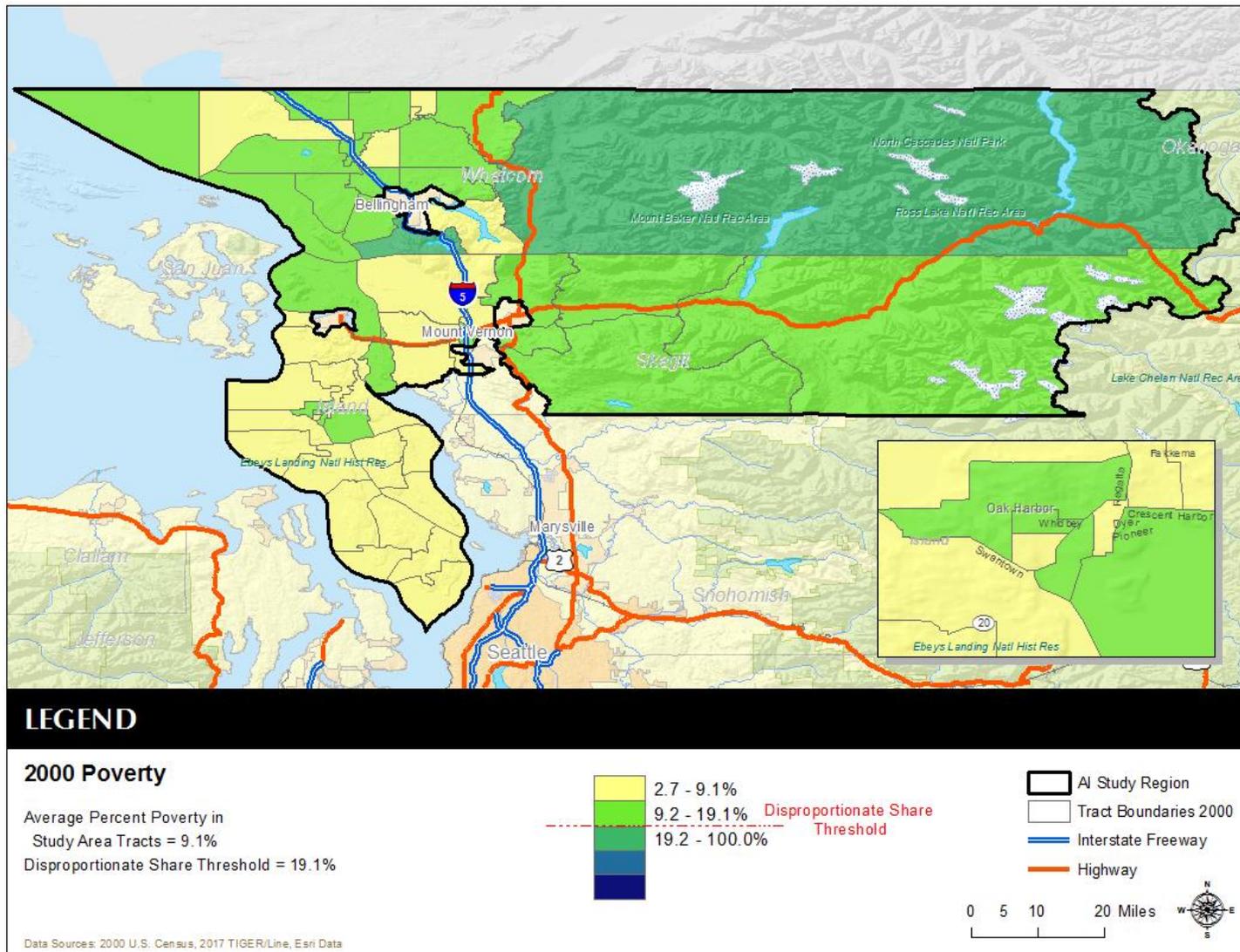
2000 Census SF3 & 2016 Five-Year ACS Data

Age	2000 Census		2016 Five-Year ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 6	4,458	11.40%	4,956	8.60%
6 to 17	6,807	17.40%	8,995	15.60%
18 to 64	24,901	63.60%	38,749	67%
65 or Older	2,976	7.60%	5,116	8.80%
Total	39,142	100.00%	57,816	100.00%
Poverty Rate	11.80%	.	14.40%	.

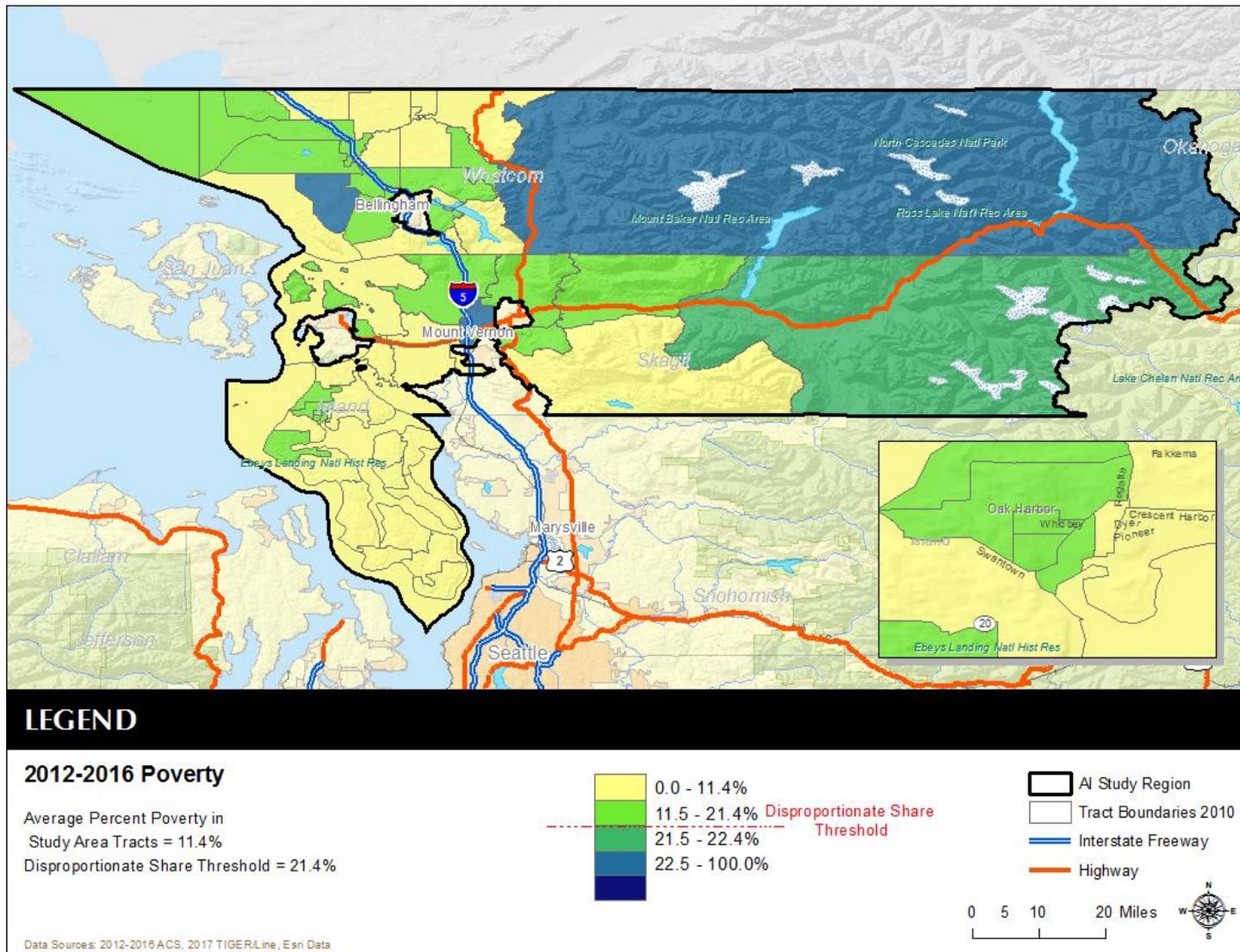
The share of households living in poverty in a given Census tract is presented in Map II.14 on the following page. As shown, households living in poverty accounted for over 19 percent of total households in parts of Whatcom County in 2000.

By 2016, the poverty rate had risen in the study area as a whole. As shown in Map II.15 more than 22.5 percent of households in areas of Whatcom County, as well as areas surrounding Mount Vernon. Areas on the eastern end of Skagit County also faced disproportionate shares of poverty.

Map II.14
2000 Poverty Rate
 AI Study Region
 2000 Census Data



Map II.15
2016 Poverty
 AI Study Region
 2016 ACS Data



HOUSING

Simple counts of housing by age, type, tenure, and other characteristics form the basis for the housing stock background, suggesting the available housing in the region from which residents have to choose. Examination of households, on the other hand, shows how residents use the available housing, and shows household size and housing problems such as incomplete plumbing and/or kitchen facilities. Review of housing costs reveals the markets in which housing consumers in the region can shop, and may suggest needs for certain populations.

TYPE AND TENURE

Housing types by unit are shown in Table II.15. In 2016, there were 185,355 housing units, up from 148,952 in 2000. Single-family units accounted for 72.5 percent of units in 2016, compared to 69.1 in 2000. Apartment units accounted for 13.1 percent in 2016, compared to 12.1 percent in 2000.

Table II.15
Housing Units by Type

AI Study Region
2000 Census SF3 & 2016 Five-Year ACS Data

Unit Type	2000 Census		2016 Five-Year ACS	
	Units	% of Total	Units	% of Total
Single-Family	102,931	69.10%	134,357	72.50%
Duplex	3,952	2.70%	5,129	2.80%
Tri- or Four-Plex	5,504	3.70%	6,670	3.60%
Apartment	18,096	12.10%	24,242	13.10%
Mobile Home	17,060	11.50%	14,611	7.90%
Boat, RV, Van, Etc.	1,409	0.90%	346	0.20%
Total	148,952	100.00%	185,355	100.00%

Some 87 percent of housing was occupied in 2010, compared to 88 percent in 2000. Owner-occupied housing changed 19.1 percent between 2000 and 2010, ending with owner-occupied units representing 65.6 percent of unit. Vacant units changed by 32.6 percent, resulting in 23,699 vacant units in 2010.

Table II.16
Housing Units by Tenure

AI Study Region
2000 & 2010 Census SF1 Data

Tenure	2000 Census		2010 Census		% Change 00-10
	Units	% of Total	Units	% of Total	
Occupied Housing Units	131,082	88%	158,673	87%	21%
Owner-Occupied	87,423	66.70%	104,092	65.60%	19.10%
Renter-Occupied	43,659	33.30%	54,581	34.40%	25%
Vacant Housing Units	17,870	12%	23,699	13%	32.60%
Total Housing Units	148,952	100.00%	182,372	100.00%	22.40%

Table II.17 shows housing units by tenure from 2010 to 2016. By 2016, there were 185,355 housing units. An estimated 64.8 percent were owner-occupied, and 13.4 percent were vacant.

Table II.17
Housing Units by Tenure

AI Study Region
2010 Census & 2016 Five-Year ACS Data

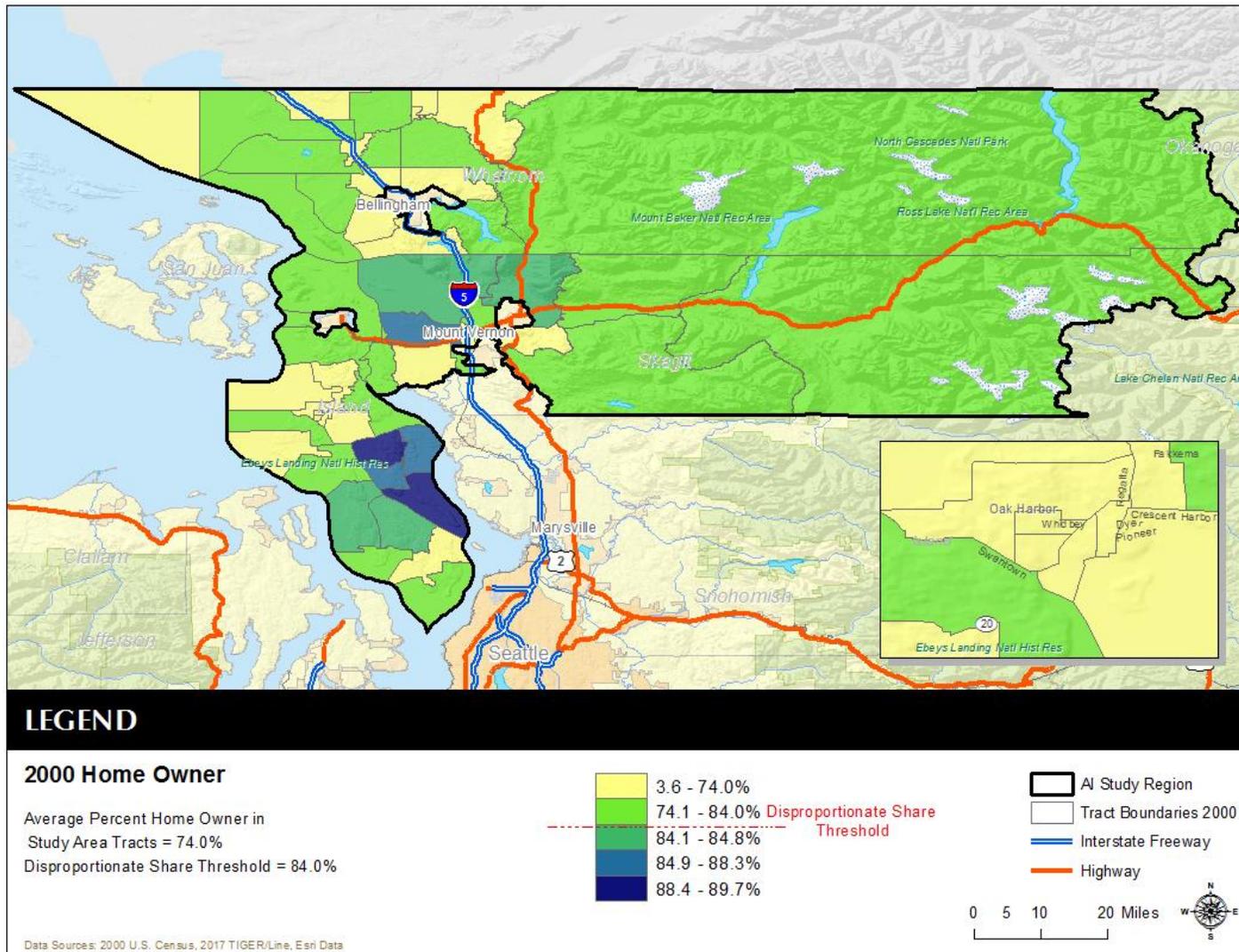
Tenure	2010 Census		2016 Five-Year ACS	
	Units	% of Total	Units	% of Total
Occupied Housing Units	158,673	87%	160,515	86.60%
Owner-Occupied	104,092	65.60%	103,965	64.80%
Renter-Occupied	54,581	34.40%	56,550	35.20%
Vacant Housing Units	23,699	13%	24,840	13.40%
Total Housing Units	182,372	100.00%	185,355	100.00%

Owner-occupied housing units tended to be concentrated on the eastern side of Island County, as well as around the Mount Vernon area in 2000.

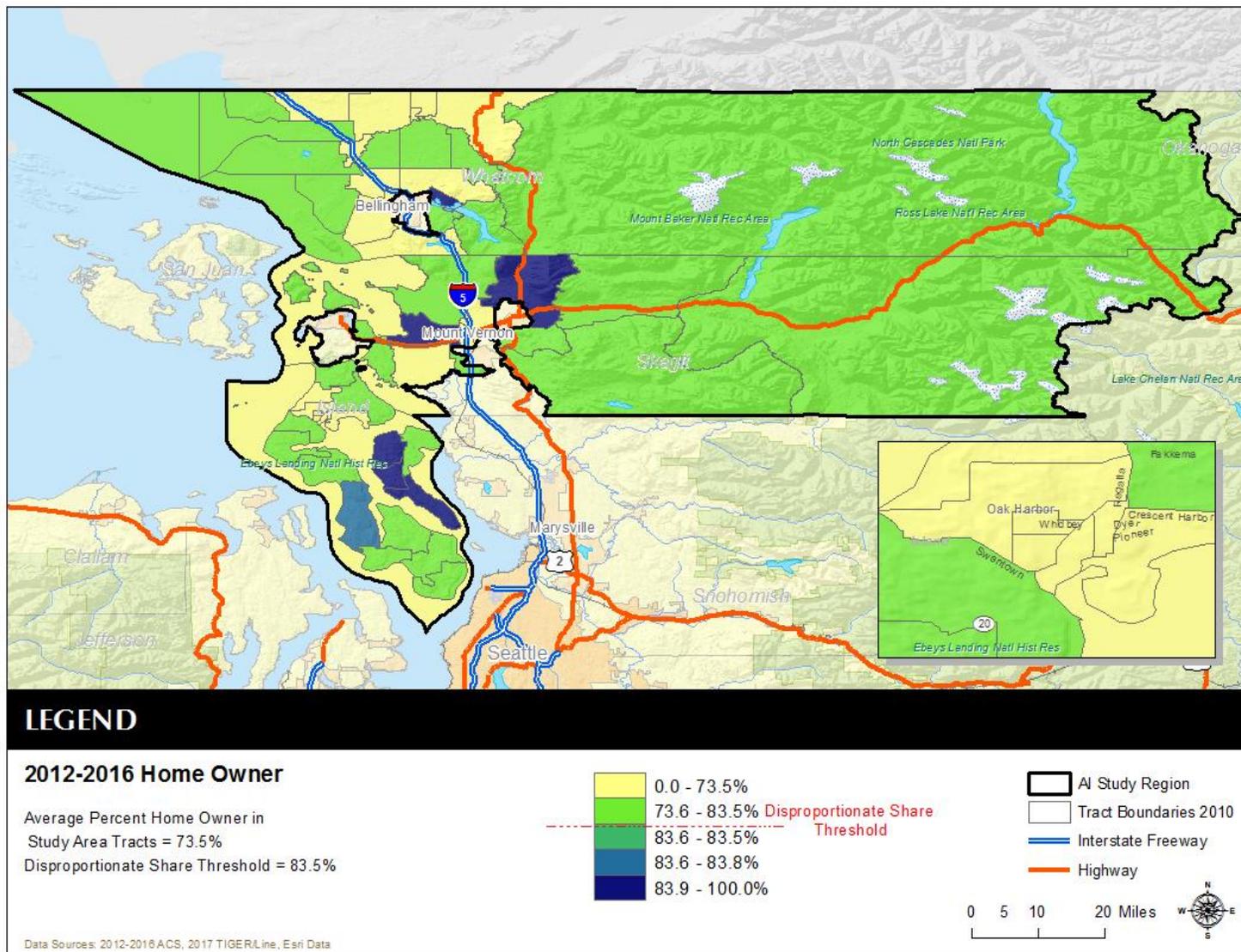
The trend toward higher concentrations of owner-occupied housing units continued through 2016. As shown in Map II.17, owner-occupied units accounted for more than 88.4 percent of occupied units in some areas in Island County, as well as areas around Mount Vernon in Skagit County.

In both 2000 and 2016, there were higher concentrations of renter households in western Island County, and in areas around Bellingham in Whatcom County. Some of these areas exceeded almost two-third of households as renters.

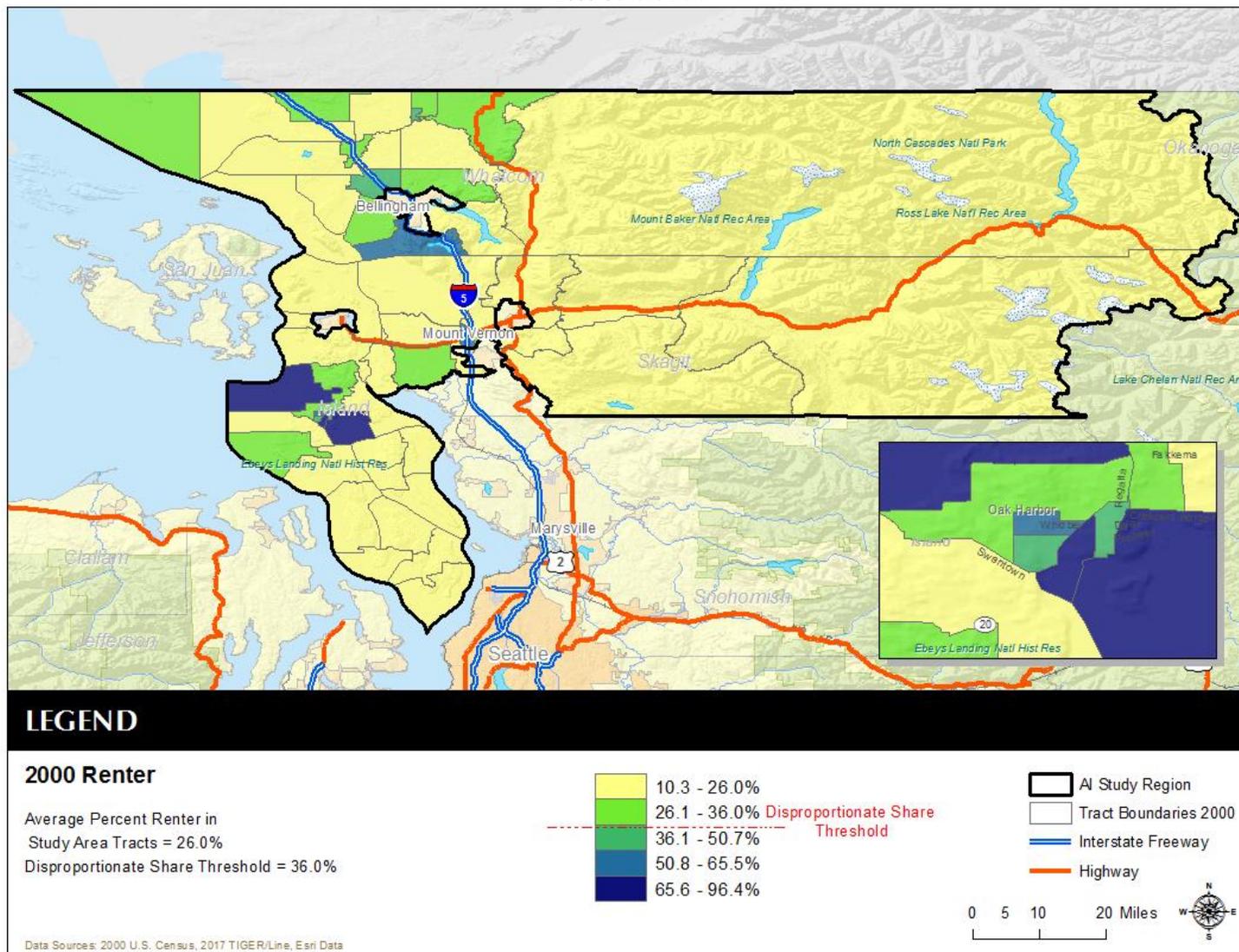
Map II.16
2000 Owner-Occupied Housing
 Al Stusy Region
 2000 Census Data



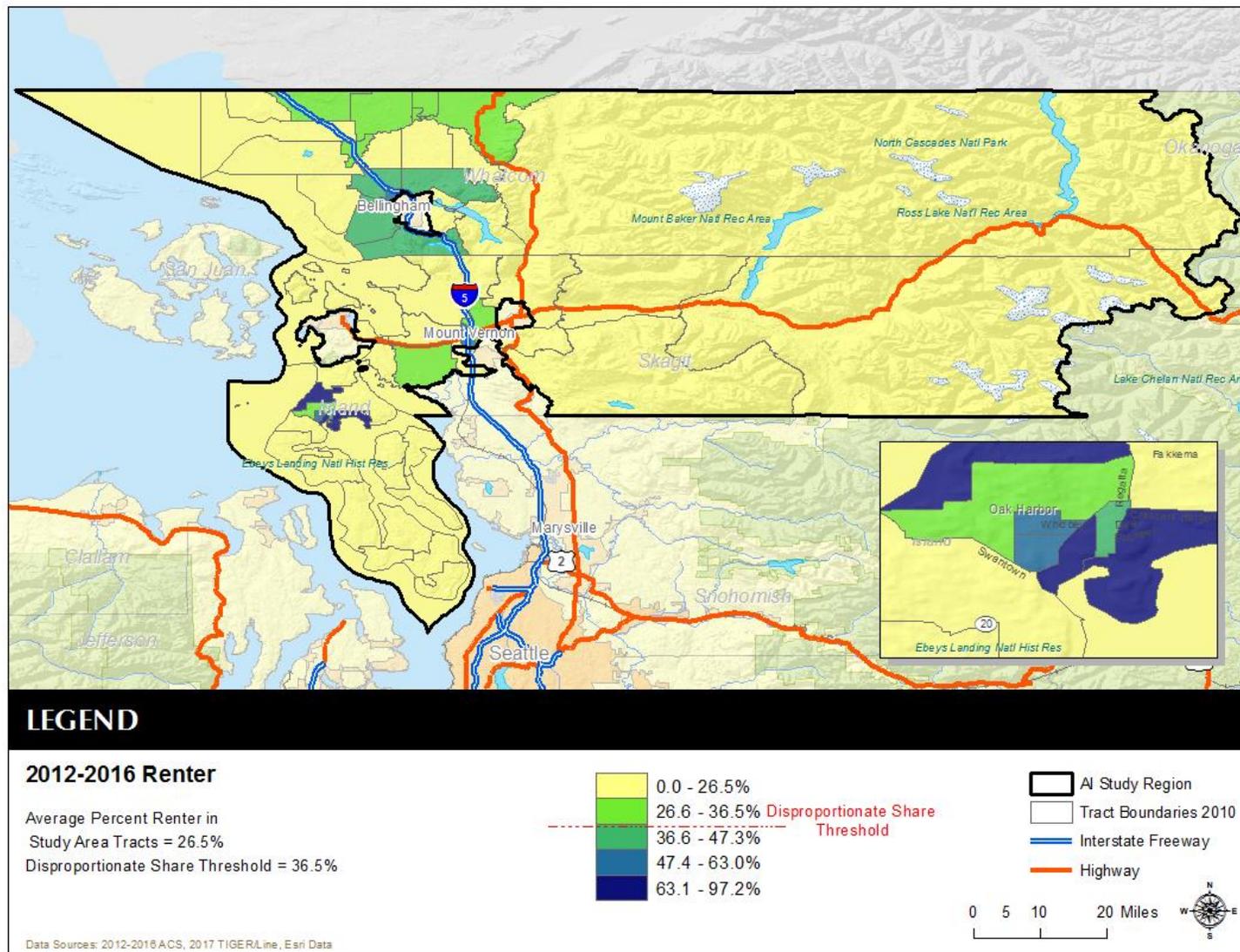
Map II.17
2016 Owner-Occupied Housing
 AI Study Region
 20116 ACS Data



Map II.18
2000 Renter-Occupied Housing
 AI Study Region
 2000 Census Data



Map II.19
2016 Renter-Occupied Housing
 AI Study Region
 2016 ACS Data



VACANT HOUSING

The disposition of vacant housing units in 2000 and 2010 are shown in Table II.18. An estimated 14.8 percent of vacant units were for rent in 2010, a 42.7 percent change since 2000. In addition, some 11.2 percent of vacant units were for sale, a change of 41.5 percent between 2000 and 2010. "Other" vacant units represented 14 percent of vacant units in 2010. This is a change of 95.7 percent since 2000. "Other" vacant units are not for sale or rent, or otherwise available to the marketplace. These units may be problematic if concentrated in certain areas, and may create a "blighting" effect.

Table II.18
Disposition of Vacant Housing Units
 AI Study Region
 2000 & 2010 Census SF1 Data

Disposition	2000 Census		2010 Census		% Change 00-10
	Units	% of Total	Units	% of Total	
For Rent	2,455	13.70%	3,504	14.80%	42.70%
For Sale	1,872	10.50%	2,648	11.20%	41.50%
Rented or Sold, Not Occupied	788	4.40%	844	3.60%	7.10%
For Seasonal, Recreational, or Occasional Use	11,024	61.70%	13,287	56.10%	20.50%
For Migrant Workers	35	0.20%	97	0.40%	177.10%
Other Vacant	1,696	9.50%	3,319	14%	95.70%
Total	17,870	100.00%	23,699	100.00%	32.60%

The disposition of vacant units between 2010 and 2016 are shown in Table II.19. By 2016, for rent units accounted for 9 percent of vacant units, while for sale units accounted for 7.5 percent. "Other" vacant units accounted for 20.4 percent of vacant units, representing a total of 5,062 "other" vacant units.

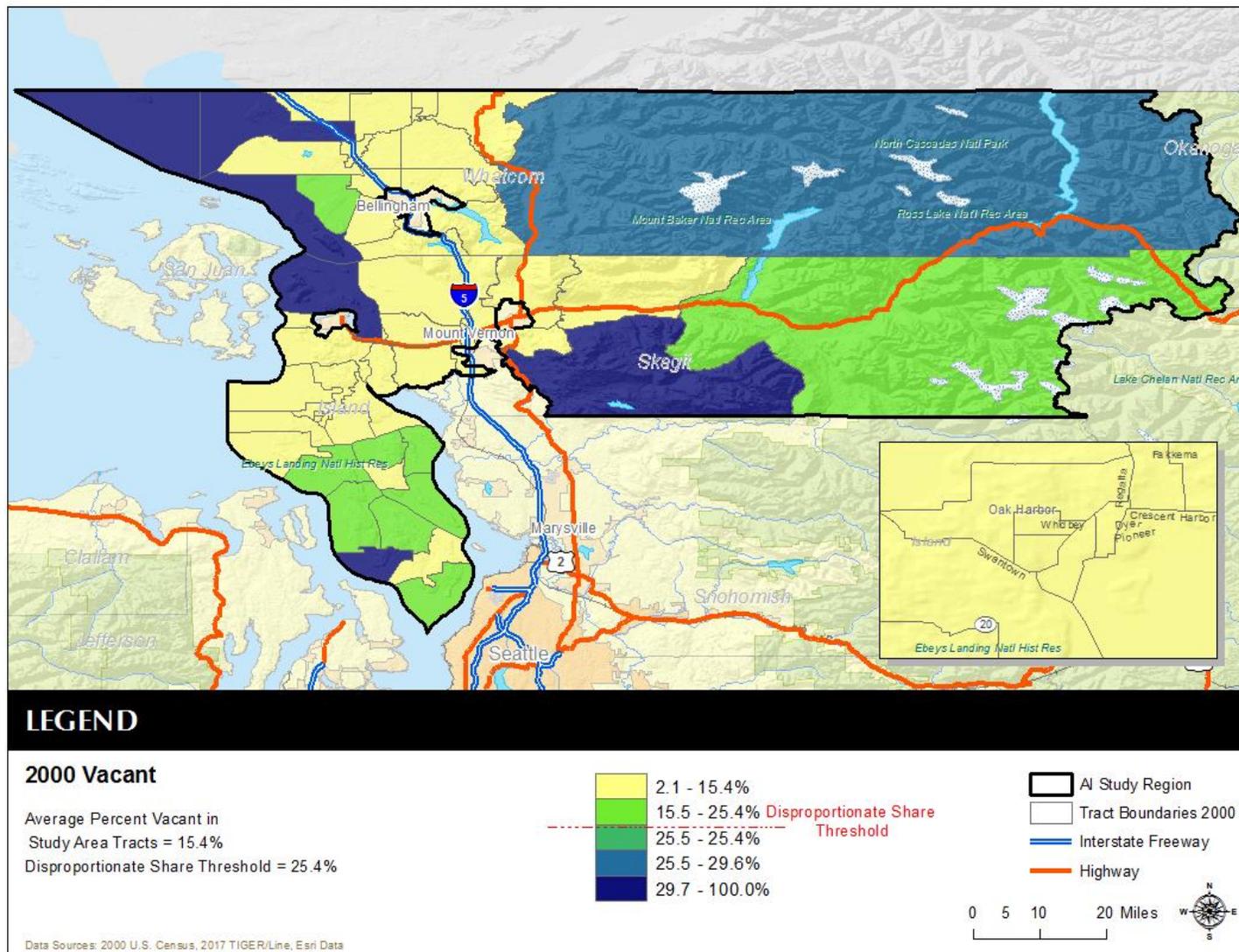
Table II.19
Disposition of Vacant Housing Units
 AI Study Region
 2010 Census & 2016 Five-Year ACS Data

Disposition	2010 Census		2016 Five-Year ACS	
	Units	% of Total	Units	% of Total
For Rent	3,504	14.80%	2,239	9%
For Sale	2,648	11.20%	1,852	7.50%
Rented Not Occupied	361	1.50%	920	3.70%
Sold Not Occupied	483	2%	722	2.90%
For Seasonal, Recreational, or Occasional Use	13,287	56.10%	13,990	56.30%
For Migrant Workers	97	0.40%	55	0.20%
Other Vacant	3,319	14%	5,062	20.40%
Total	23,699	100.00%	24,840	100.00%

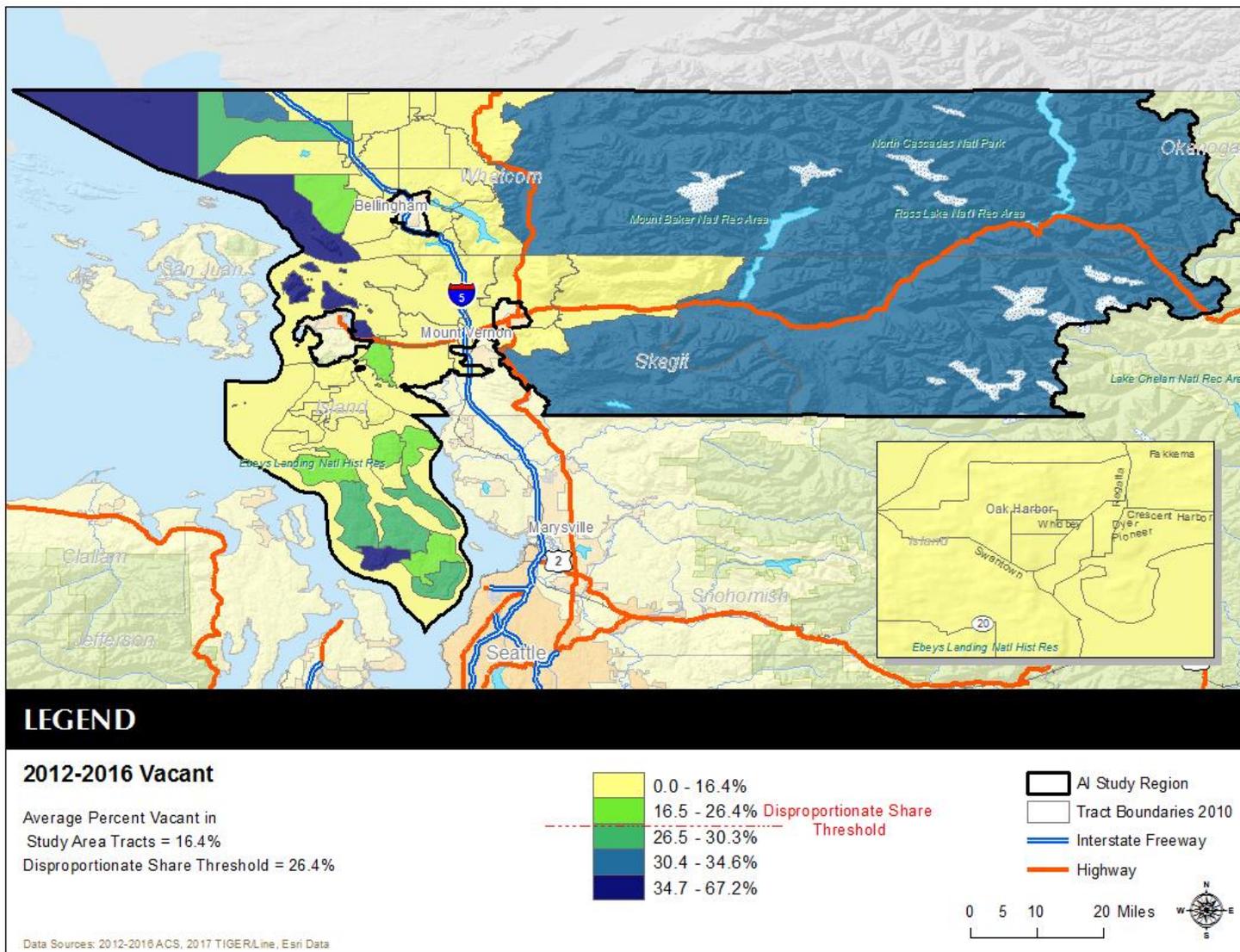
As shown in Maps II.20 and II.21 there are several areas with disproportionate levels of vacant housing. In 2000, these areas were primarily in southern Skagit County, and eastern and the far western portion of Whatcom County. By 2016, these areas remained with high

levels of vacant housing, as well as larger portions of eastern Skagit County, and southern Island County.

Map II.20
2000 Vacant Housing
 AI Study Region
 2000 Census Data



Map II.21
2016 Vacant Housing
 AI Study Region
 2016 ACS Data



The location of “other” vacant units may be problematic if found in areas with higher concentrations of these units. There were areas in all three counties in 2000 that had disproportionately high levels of “other” vacant units, all found in the northern part of the counties.

By 2016, many of these same areas continued to have disproportionately high levels of “other” vacant units, as seen in Map II.23. However, many of these areas did not have disproportionately high level of vacant units in general, as seen in Map II.21. These areas were primarily found around Mount Vernon in Skagit County, north of Bellingham in Whatcom County, and in northern parts of Island County.

The vacancy rate is further broken down by homeowner and renter vacancy rates in Maps II.24 and II.25. As seen in Map II.24, the homeowner vacancy rate was highest on the eastern edges of Whatcom County, areas adjacent to Mount Vernon, and the northern and southern portions of Island County. However a majority of the AI Study region saw homeowner vacancy rates below 3.0 percent.

Renter vacancy rates exceeded 14.0 percent in some areas, including one area in the northern edge of Whatcom County, and the northern areas of Island County. Some other areas in all three counties had higher than average rental vacancy rates, but the majority of the AI Study region saw rental vacancy rates below 3.5 percent.

HOUSEHOLD SIZE

Households by household size are shown in Table II.20. There were a total of 158,673 households in 2010, up from 131,082 in 2000. One person households changed by 131,082 percent between 2000 and 2010, while two person households changed by 23.5 percent. Three and four person households changed by 15.5 and 3.7 respectively, representing 14.6 percent and 11.7 percent of the population in 2010.

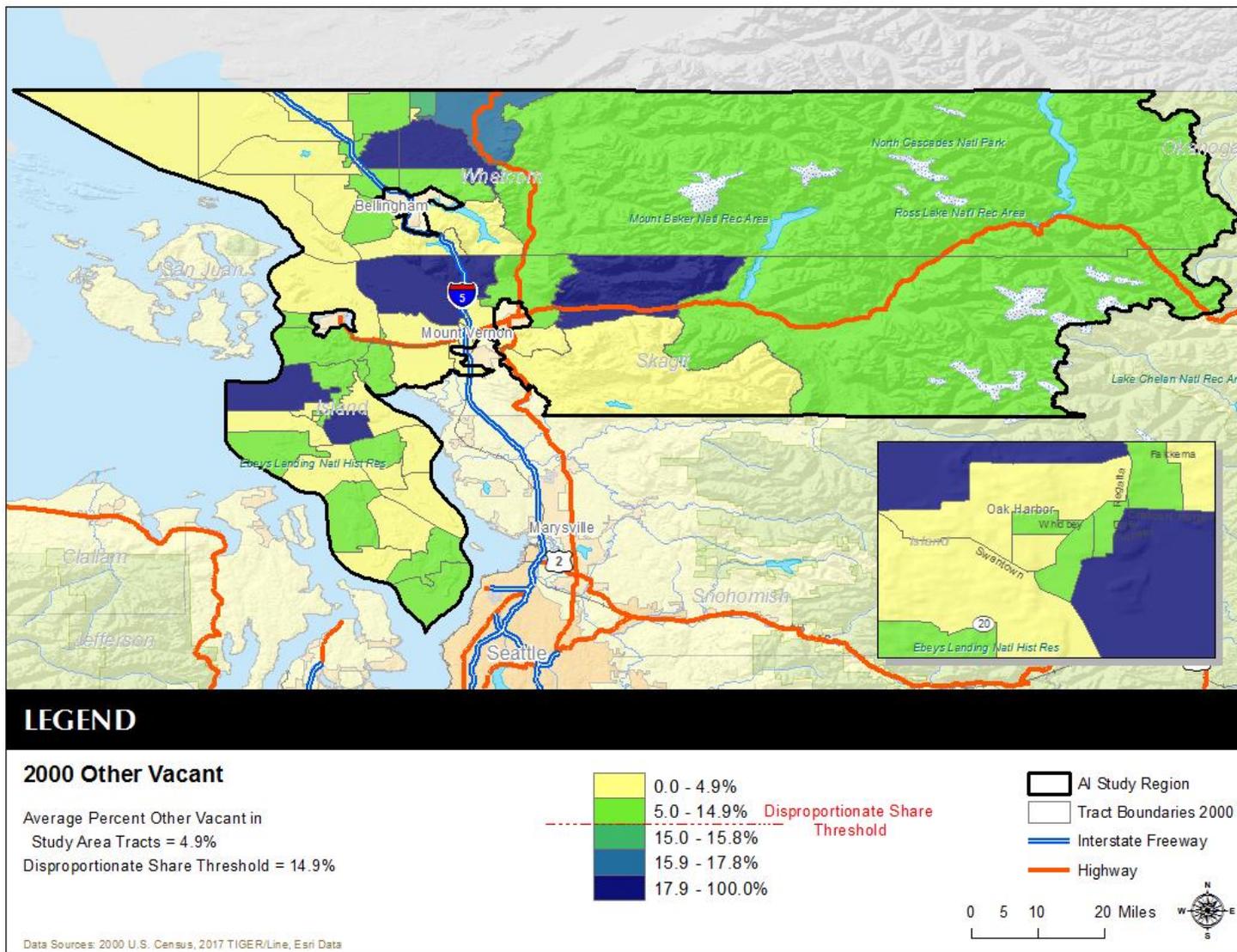
Table II.20
Households by Household Size

AI Study Region

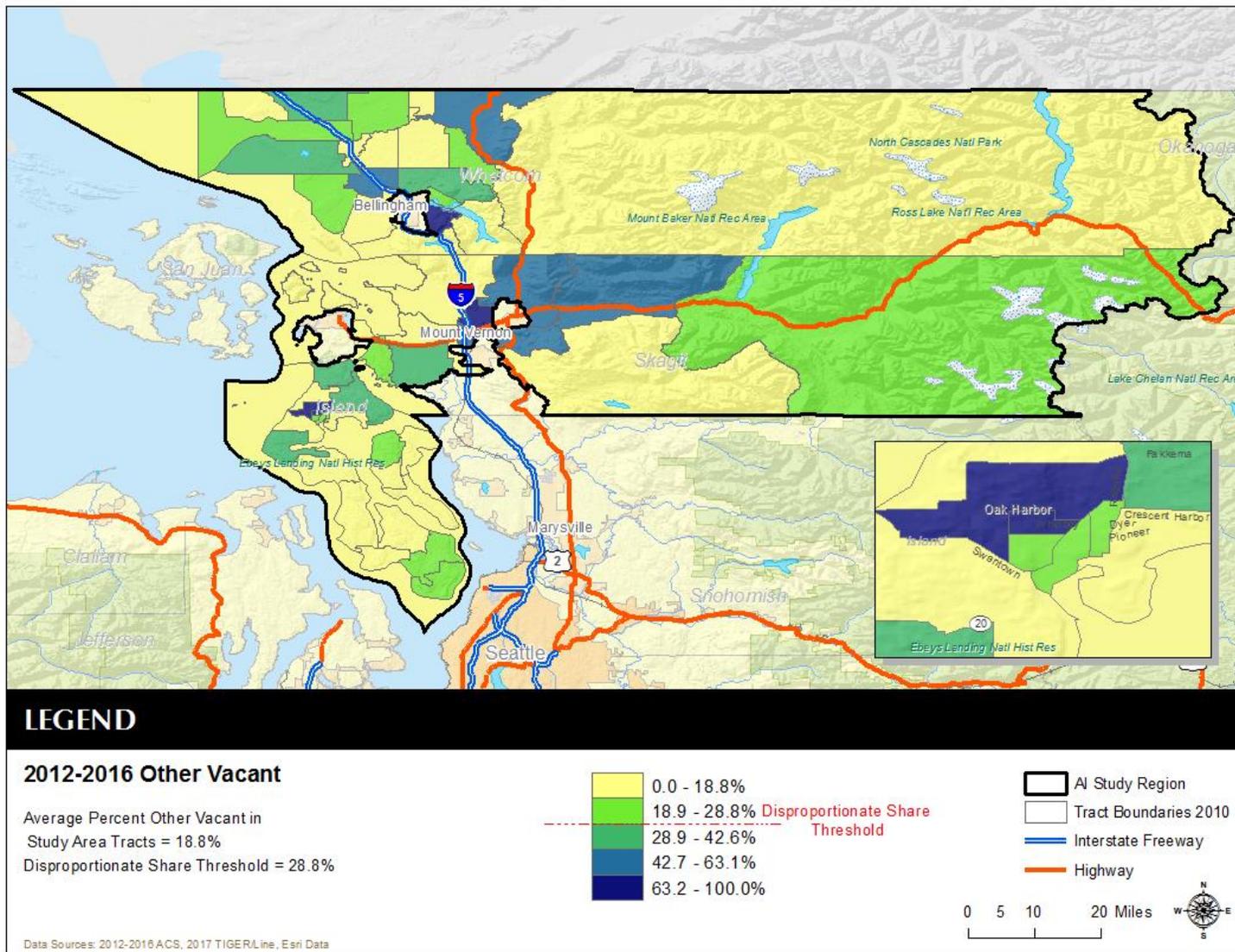
2000 & 2010 Census SF1 Data

Size	2000 Census		2010 Census		% Change 00–10
	Households	% of Total	Households	% of Total	
One Person	31,514	24%	42,493	26.80%	34.80%
Two Persons	48,857	37.30%	60,340	38%	23.50%
Three Persons	20,049	15.30%	23,161	14.60%	15.50%
Four Persons	17,929	13.70%	18,590	11.70%	3.70%
Five Persons	8,023	6.10%	8,427	5.30%	5%
Six Persons	2,872	2.20%	3,338	2.10%	16.20%
Seven Persons or More	1,838	1.40%	2,324	1.50%	26.40%
Total	131,082	100.00%	158,673	100.00%	21%

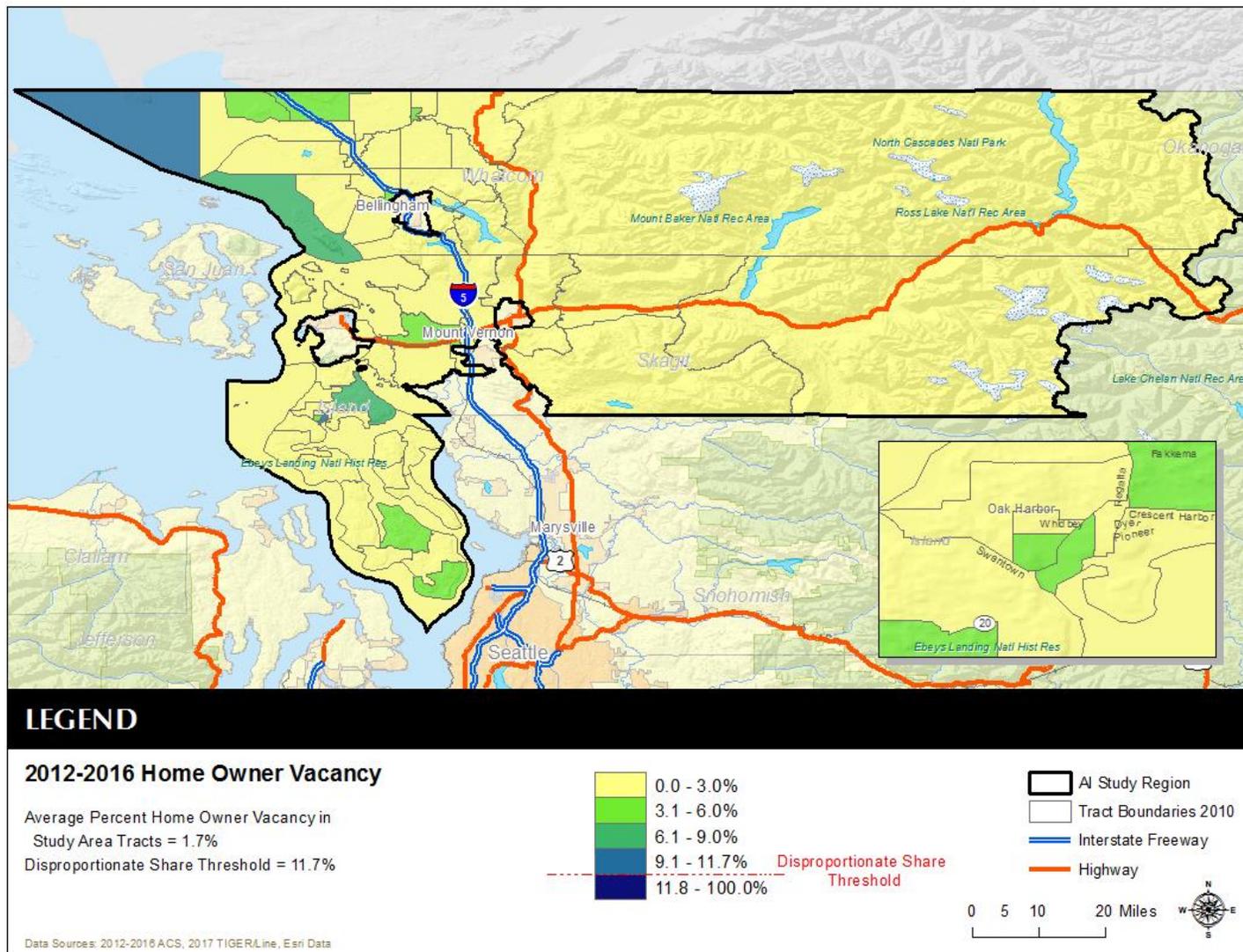
Map II.22
2000 “Other Vacant” Housing Units
 AI Study Region
 2000 Census Data



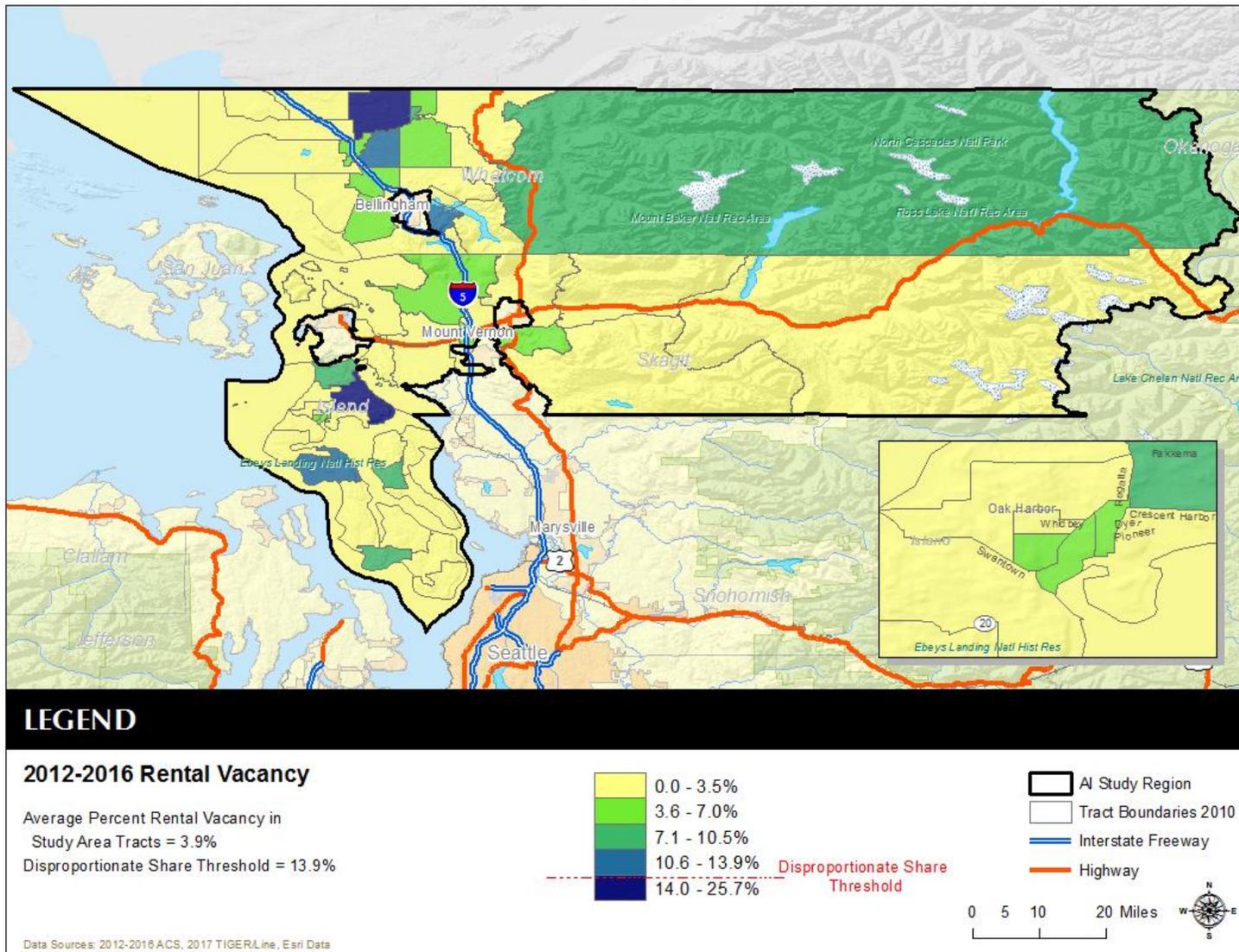
Map II.23
2016 “Other Vacant” Housing Units
 AI Study Region
 2016 ACS Data



Map II.24
2016 Homeowner Vacancy
 AI Study Region
 2016 ACS Data



Map II.25
2016 Renter Vacancy
 AI Study Region
 2016 ACS Data



HOUSING PROBLEMS

The Census Bureau collects data on several topics that HUD has identified as “housing problems”. For the purposes of this report, housing problems include overcrowding, incomplete plumbing or kitchen facilities, and cost-burden.

Overcrowding is defined as having from 1.1 to 1.5 people per room per residence, with severe overcrowding defined as having more than 1.5 people per room. Households with overcrowding are shown in Table II.21. In 2016, an estimated 2.2 percent of households were overcrowded, and an additional 1 percent were severely overcrowded.

Table II.21
Overcrowding and Severe Overcrowding

AI Study Region
2000 Census SF3 & 2016 Five-Year ACS Data

Data Source	No Overcrowding		Overcrowding		Severe Overcrowding		Total
	Households	% of Total	Households	% of Total	Households	% of Total	
Owner							
2000 Census	85,185	97.40%	1,476	1.70%	785	0.90%	87,446
2016 Five-Year ACS	102,311	98.40%	1,223	1.20%	431	0.40%	103,965
Renter							
2000 Census	40,202	92.10%	1,741	4%	1,693	3.90%	43,636
2016 Five-Year ACS	53,148	94%	2,235	4%	1,167	2.10%	160,515
Total							
2000 Census	125,387	95.70%	3,217	2.50%	2,478	1.90%	131,082
2016 Five-Year ACS	155,459	96.90%	3,458	2.20%	1,598	1%	160,515

Incomplete plumbing and kitchen facilities are another indicator of potential housing problems. According to the Census Bureau, a housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower. Likewise, a unit is categorized as deficient when any of the following are missing from the kitchen: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

There were a total of 609 households with incomplete plumbing facilities in 2016, representing 0.4 percent of households in the AI Study Region. This is compared to 0.5 percent of households lacking complete plumbing facilities in 2000.

Table II.22
Households with Incomplete Plumbing Facilities

AI Study Region
2000 Census SF3 & 2016 Five-Year ACS Data

Households	2000 Census	2016 Five-Year ACS
With Complete Plumbing Facilities	130,355	159,906
Lacking Complete Plumbing Facilities	727	609
Total Households	131,082	160,515
Percent Lacking	0.50%	0.40%

There were 1,652 households lacking complete kitchen facilities in 2016, compared to 969 households in 2000. This was a change from 0.7 percent of households in 2000 to 1.0 percent in 2016.

Table II.23
Households with Incomplete Kitchen Facilities

AI Study Region
2000 Census SF3 & 2016 Five-Year ACS Data

Households	2000 Census	2016 Five-Year ACS
With Complete Kitchen Facilities	130,113	158,863
Lacking Complete Kitchen Facilities	969	1,652
Total Households	131,082	160,515
Percent Lacking	0.70%	1%

Cost burden is defined as gross housing costs that range from 30.0 to 50.0 percent of gross household income; severe cost burden is defined as gross housing costs that exceed 50.0 percent of gross household income. For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and selected electricity and natural gas energy charges. Household income is used to calculate cost burdens, and does not take into account total household wealth.

In the AI Study Region, 19.6 percent of households had a cost burden and 16.5 percent had a severe cost burden. Some 24.7 percent of renters were cost burdened, and 27 percent were severely cost burdened. Owner-occupied households without a mortgage had a cost burden rate of 7.4 percent and a severe cost burden rate of 5.5 percent. Owner occupied households with a mortgage had a cost burden rate of 22 percent, and severe cost burden at 13.7 percent.

Table II.24
Cost Burden and Severe Cost Burden by Tenure

AI Study Region
2000 Census & 2016 Five-Year ACS Data

Data Source	Less Than 30%		31%-50%		Above 50%		Not Computed		Total
	Households	% of Total	Households	% of Total	Households	% of Total	Households	% of Total	
Owner With a Mortgage									
2000 Census	30,240	64.90%	10,988	23.60%	5,050	10.80%	316	0.70%	46,594
2016 Five-Year ACS	42,907	63.90%	14,771	22%	9,190	13.70%	285	0.40%	67,153
Owner Without a Mortgage									
2000 Census	17,717	91.30%	903	4.70%	579	3%	200	1%	19,399
2016 Five-Year ACS	31,725	86.20%	2,706	7.40%	2,022	5.50%	359	1%	36,812
Renter									
2000 Census	20,699	48.40%	9,471	22.20%	8,968	21%	3,607	8.40%	42,745
2016 Five-Year ACS	23,823	42.10%	13,947	24.70%	15,275	27%	3,505	6.20%	56,550
Total									
2000 Census	68,656	63.10%	21,362	19.60%	14,597	13.40%	4,123	3.80%	108,738

2016 Five-Year ACS	98,455	61.30%	31,424	19.60%	26,487	16.50%	4,149	2.60%	160,515
--------------------	--------	--------	--------	--------	--------	--------	-------	-------	---------

SUMMARY

Socio-economic data provide an essential context for the analysis of impediments, characterizing the environment in which housing choices are made. In its 1996 *Fair Housing Planning Guide* and subsequent guidance, HUD recommends the inclusion and analysis of demographic, economic, and housing data as part of a thorough review of the local housing market and potential impediments to fair housing choice. Accordingly, this study provides a review of demographic and economic data provided by the Census Bureau along with economic and employment data gathered from the Bureau of Labor Statistics and Bureau of Economic Analysis. Data from the Census Bureau were primarily drawn from the 2000 and 2010 decennial Census counts, but were supplemented with data from the 2012-2016 American Community Survey.

The population within the AI Study Region area grew by an estimated 16.2 percent between 2000 and 2010. As it did, racial and ethnic minority residents came to account for larger and larger percentages of the study area population. This was particularly true of the Hispanic population, which grew from an estimated 6.8 percent in 2000 to 11 percent in 2016.

From a fair housing perspective, it is important to determine the degree to which residents are segregated by race or ethnicity. Some degree of segregation may be natural, and may not represent a fair housing challenge; however, where there are high concentrations of residents of one race or ethnicity, and where those concentrations exist in areas with high poverty and low access to opportunity, such conditions are a cause for concern. For the purposes of this report, residents of different demographic groups are considered to be disproportionately concentrated in Census tracts or block groups where they account for a share of the population that exceeds the overall study area average by ten percentage points. For example, if black residents account for 0.5 percent of the population throughout the study area, they will be considered “disproportionately” concentrated in any Census block group where they make up 10.5 percent of residents or more.

In 2016, there were areas with disproportionate shares of American Indian and Black households, seen in the northern part of Island County and the western part of Whatcom County. Also, in 2016, there was an area with disproportionate share of Hispanic households outside Mount Vernon in Skagit County.

Residents with disabilities accounted for 17.1 percent of the region population in 2016. At that time, there were areas in all three counties that had higher than average concentrations of persons with disabilities, but no areas had a disproportionate share.

From 1990 through 2009, growth in the number of employed workers in the region generally kept pace with changes in the size of the labor force, but like much of the nation, the AI Study Region experienced a marked decline in employment after 2009. During this time, the unemployment rate spiked to almost 10 percent, which was fairly even with the

state unemployment rate. By 2016, there were around 198,649 workers in the region's labor force, 186,249 of whom were employed, resulting in an unemployment rate of 6.2 percent, compared to 5.4 percent for the State of Washington.

While the real average earning per job has risen in the AI Study Region since 1990, it still remains behind the statewide average. In 2016, the AI Study Region's average earning per job was \$50,047, compared to \$64,925 for the state.

On the other hand, real per capita income (PCI), which is the inflation-adjusted average income of all residents in the county, has not declined in recent years. In 2016, the real per capita income was \$46,011 in the AI Study Region, while the state's was \$54,579.

The poverty rate has also risen since 2000, from 11.8 percent to 14.4 percent in 2016. More than 22.5 percent of households in areas of Whatcom County were in poverty, as well as areas surrounding Mount Vernon. Areas on the eastern end of Skagit County also faced disproportionate shares of poverty.

As noted previously, these same areas saw an increase in the percentage of non-white residents from 2000 through 2016. The Hispanic population increased significantly as a percentage of the population over same time period. At present, these figures do not approach the demographic threshold that HUD uses to identify Census tracts as racially-ethnically concentrated areas of poverty (50 percent non-white).

However, in future fair housing studies it will be important to continually reassess demographic and economic conditions in this and other parts of the study area. This will put the region in a position of being able to anticipate and prevent the development of racially-ethnically concentrated areas of poverty, rather than having to address such areas that have already formed. This in turn will allow for greater flexibility in future planning efforts and ensure that area residents have equitable access to economic and housing opportunities.

Between 2000 and 2016, the estimated number of housing units in the study area grew by 24.4 percent, while the population grew by 20.2 percent. As a result the vacancy rate rose from 12 percent of the housing stock in 2000 to 13.4 percent in 2016. However, vacancy rates by area were dramatically different. In fact a 2016 study by the University of Washington Runstad Center for Real Estate found that vacancy rates for apartment rental housing in Skagit County was 0.2% and Whatcom County was 0.8 percent.¹⁰

Single-family units accounted for more than 72 percent of the housing stock in 2016. Apartment units grew as a share of the housing stock, from 12.1 percent in 2000 to 13.1 percent by 2016. Mobile homes declined as a share of the overall housing stock, from an estimated 11.5 to 7.9 percent.

¹⁰ <http://realestate.washington.edu/wp-content/uploads/2016/04/spring-2016.pdf>

Around 14 percent of vacant units in 2000 were classified as “other vacant”. Units may be classified as “other vacant” if the owner does not wish to sell the unit, is using it for storage, is elderly and living with relatives or in a nursing home, or the unit is foreclosed. These units are often more problematic than other types of housing units, as they are not available to the market place and may fall into dilapidation, contributing to blight in areas where they are grouped in close proximity. By 2016, these units had grown to account for over a fifth of vacant units.

Fewer than five percent of households in the study area were impacted by overcrowding, incomplete plumbing facilities, or incomplete kitchen facilities: three of four conditions that HUD categorizes as “housing problems.” The fourth, cost burden, was considerably more common. In 2016, some 19.6 percent were impacted by cost burdens, or paying between 30 and 50 percent of their income on housing costs. Another 16.5 percent were severely cost burdened, or paid more than 50 percent of their income on housing costs. Renters were even more impacted by cost burdens, as 51.7 percent of renter households in 2016 were cost burdened or severely cost burdened.

SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW

As part of the AI process, existing fair housing laws, studies, cases, and other relevant materials were reviewed on a national and local scale. Results of this review are presented below.

FAIR HOUSING LAWS

FEDERAL FAIR HOUSING LAWS

Federal laws provide the backbone for U.S. fair housing regulations. While some laws have been previously discussed in this report, a brief list of laws related to fair housing, as defined on the U.S. Department of Housing and Urban Development's (HUD's) website, is presented below:

Fair Housing Act 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 persons securing custody of children under the age of 18), and handicap (disability).¹¹

Title VIII was amended in 1988 (effective March 12, 1989) by the *Fair Housing Amendments Act* . . . In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multi-family dwellings developed for first occupancy on or after March 13, 1991.¹²

Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974 Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in

¹¹ "HUD Fair Housing Laws and Presidential Executive Orders."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

¹² "Title VIII: Fair Housing and Equal Opportunity."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

programs and activities receiving financial assistance from HUD's Community Development Block Grant Program.

Title II of the Americans with Disabilities Act of 1990. Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968 The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975 The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972 Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.¹³

STATE FAIR HOUSING LAWS

In addition to federal law, citizens of the AI Study Region and the State of Washington are protected from housing discrimination under Washington state law. Washington law provides protection from housing discrimination on the same bases included in the federal Fair Housing Act, as well as discrimination based on marital status, sexual orientation, and gender identity. Housing discrimination law in Washington is enforced by the state's Human Rights Commission.

FAIR HOUSING IN THE UNITED STATES

THE FIRST FORTY YEARS OF THE FAIR HOUSING ACT

The Fair Housing Act of 1968 was a product of the turbulent time in which it was passed. Coming near the end of a decade marked by concerted and often violent struggles for civil rights, it was a profound statement of a nation's commitment, despite considerable reluctance in many quarters, to work toward the end of segregation by race, color, religion, sex, and national origin. It was also, upon its passage, a relatively weak law. Indeed, it was only after the enforcement provisions of the Act were considerably blunted that it was able to secure enough support to ensure its passage.¹⁴

¹³ "HUD Fair Housing Laws and Presidential Executive Orders."

¹⁴ Denton, Nancy A. *Half Empty or Half Full: Segregation and Segregated Neighborhoods 30 Years After the Fair Housing Act*. Cityscape: A Journal of Policy Development and Research, 1999. Vol. 4, No. 3. P. 111.

Due in part to the weakening of those enforcement provisions, the Act was initially of only limited effectiveness in eradicating residential segregation, one of the policy goals that motivated passage of the law. According to one analyst, the first two decades of the Fair Housing Act constitute a “lost opportunity in terms of race relations in the United States¹⁵”. Nevertheless, the period following the passage of the Act was marked by a “minority rights revolution¹⁶”, the germinal moment of which was the movement for civil rights for black Americans. This revolution was soon expanded to encompass the drive for equality for women, ethnic minorities, gays and lesbians, and the disabled.¹⁷ The civil rights movement had a limited impact on residential segregation, however, which has persisted since 1968 due in part to persistent discrimination in the housing market^{18 19}

However, the cultural shifts of the late twentieth century helped to pave the way for passage of the Fair Housing Amendments Act of 1988, which broadened the enforcement provisions of the Act, gave increased authority to the US Department of Housing and Urban Development (HUD) to administer and enforce fair housing law, and increased the penalties to those who violated the act.²⁰ In addition, reflecting the impact of advocacy on behalf of those with disabilities as well as marked changes to the traditional family structure over the previous two decades²¹, the 1988 law added new protections based on “handicap” and “familial status.”

The ten years following the passage of the 1988 amendments saw an increase in the number of fair housing complaints filed with HUD, as well as an evolution in housing discrimination to a form that was, in the estimation of former HUD Secretary Andrew Cuomo, “more sophisticated, less obvious, but more insidious.”²² An example of such segregation was to be found, according to a 1999 HUD study, in the home lending market. That study, which was based on the results of paired testing of home mortgage lenders in selected cities, concluded that minority applicants were given less time with loan officers than non-minority applicants, received less information on prospective loan products, and were quoted higher interests rates in most of the cities included in the study. This differential treatment occurred in spite of the fact that the paired testers represented

¹⁵ *Ibid.*

¹⁶ Skrentny 2002. *The Minority Rights Revolution*. Harvard University Press, 2004.

¹⁷ Marsden, Peter V. *Social Trends in American Life: Findings from the General Social Survey since 1972*.

¹⁸ Denton 1999.

¹⁹ Yinger, John. *Measuring Racial Discrimination with Fair Housing Audits: Caught in the Act*. The American Economic Review, Vol. 76, No. 5: 1986. P. 881. This study, based on the results of paired fair housing tests in the city of Boston, concluded that housing agents, in “[catering] to the prejudices of current or potential white customers”, told black housing seekers about 30 percent fewer available housing units. A similar methodology was employed in a 2012, which demonstrated the persistence of this form of discrimination (See “Housing Discrimination Against Racial and Ethnic Minorities 2012,” published by the US Department of Housing and Urban Development).

²⁰ Denton 1999.

²¹ Marsden 2008

²² Janofsky, Michael. “HUD Plans Nationwide Inquiry on Housing Bias.” *The New York Times*, 17 November 1998.

themselves as being similarly situated with respect to credit history and other relevant characteristics.²³

It was not clear in the late 1990s whether HUD's increasing fair housing case load was the result of increasing segregation or growth in the number of US residents taking advantage of newly expanded fair housing enforcement measures. To help answer this question, HUD conducted a massive three-part study of discrimination in metropolitan housing markets, publishing the results of the first phase in 2000. In the course of the study HUD, once again availing itself of the paired testing employed in earlier studies, demonstrated the persistence of housing discrimination on the basis of race and ethnicity and its continuation into the twenty-first century. As in the 1999 study in mortgage lending, the HUD report revealed that minority housing seekers were, on average, shown fewer units and given fewer housing options than their majority counterparts, even when their financial circumstances were similar.²⁴ These findings were reinforced by a study conducted jointly by the University of Southern California and Oregon State University on the Los Angeles County housing market in 2006.²⁵

²³ Turner, Margery A. et al. "What We Know About Mortgage Lending Discrimination in America". The Urban Institute. September 1999.

²⁴ *The Housing Discrimination Study*. Department of Housing and Urban Development. (HDS 2000).

²⁵ Carpusor, Adrian and William Loges. "Rental Discrimination and Ethnicity in Names." *Journal of Applied Social Psychology* 36(4).

Recent Trends in Fair Housing Law and Policy

Released by the Poverty & Race Research Action Council in January 2008, *Residential Segregation and Housing Discrimination in the United States* asserts that many current governmental efforts to further fair housing actually result in furthering unfair housing practices across the U.S. This article suggests that fair housing efforts can cause residential segregation. For example, if the majority of public housing residents are non-white and most public housing accommodations are grouped in the same Census tracts, this results in residential segregation.²⁶

Published in 2009 by the National Fair Housing Alliance, *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination* presented research on the prevalence of discriminatory housing advertisements on popular websites such as Craigslist. According to the article, while newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites like Craigslist, as they are considered interactive internet providers rather than publishers of content. As such, they are not held to the same legal standards as newspapers. While individual landlords who post discriminatory advertisements may be held responsible, there are no such standards for companies like Craigslist that post the discriminatory advertisements. Newspapers and other publishers of content are required to screen the advertisements they accept for publishing for content that could be seen as discriminatory. This may include phrases like “no children” or “Christian only,” which violate provisions of the Fair Housing Act identifying familial status and religion as federally protected characteristics.²⁷

In May 2010, the National Fair Housing Alliance published a fair housing trends report, *A Step in the Right Direction*. The report began with a commendation of HUD’s federal enforcement of fair housing law and noted the agency’s willingness to challenge local jurisdictions that failed to affirmatively further fair housing. In addition, the document reported that in response to the recent foreclosure crisis, many credit institutions have implemented tactics to reduce risk. However, this report suggests that policies that tighten credit markets, such as requiring larger cash reserves, higher down payments, and better credit scores, may disproportionately affect lending options for communities of color and women. *A Step in the Right Direction* concludes with a series of policy prescriptions, including addressing discriminatory internet advertisements and adding gender identity, sexual orientation, and source of income as federally protected characteristics.²⁸

The positive note that the NFHA struck in its 2010 report carried over into the following year’s *The Big Picture: How Fair Housing Organizations Challenge Systemic and*

²⁶ U.S. Housing Scholars and Research and Advocacy Organizations. *Residential Segregation and Housing Discrimination in the United States*. January 2008. <http://prrac.org/pdf/FinalCERDHousingDiscriminationReport.pdf>

²⁷ National Fair Housing Alliance. *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination*. August 2009. <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM%3D&tabid=2510&mid=8347>

²⁸ National Fair Housing Alliance. *A Step in the Right Direction: 2010 Fair Housing Trends Report*. May 2010. <http://www.nationalfairhousing.org/Portals/33/Fair%20Housing%20Trends%20Report%202010.pdf>

Institutionalized Discrimination, published by the Alliance in April of 2011. This report began by noting a downward trend in the proportion of individuals in large metropolitan areas living in segregation, which had dropped from 69 to 65 percent between 2000 and 2010, according to census data from 2010. The report also highlighted the work of fair housing organizations to combat systemic and institutionalized discrimination produced by exclusionary zoning, NIMBYism, the dual credit market, and other fair housing challenges, often on limited budgets and with limited personnel. The NFHA closed its 2011 report by praising the work of private fair housing organizations while underscoring the need for continued work.²⁹

The 2012 report from the NFHA focused on issues of fair housing in the context of the shifting demographic composition of the United States, where the white, non-Hispanic population is projected to no longer represent a majority of residents within thirty years. The report discussed signals from HUD and the Justice Department, who have “increased their efforts and announced landmark cases of mortgage lending, zoning, and other issues that get to the heart of the [Fair Housing] Act: promoting diverse and inclusive communities³⁰.” The report also highlights a new arena for discrimination in housing, which has emerged as a result of the massive level of foreclosures in the country in recent years: uneven maintenance of Real Estate Owned (REO) properties in white and minority areas. In concluding, the report hails the creation of the Consumer Financial Protection Bureau as a new ally for fair housing and equal opportunity.³¹

However, even as the 2012 NFHA underscored lack of maintenance of foreclosed properties as a nascent form of housing discrimination, a HUD report issued in the following year highlighted the persistence of more traditional forms of discrimination. Echoing the results of earlier paired tests for housing discrimination, the study demonstrated that where differences in the treatment of minority and white housing seekers occur, it is the white housing seekers who are more likely to benefit from such differential treatment. However, on an encouraging note, the study also demonstrated that well-qualified buyers are generally equally likely to get an appointment to hear about at least one available unit, regardless of race.³²

The 2013 NFHA report outlines an ambitious policy goal: expansion of the Fair Housing Act to prohibit discrimination based on source of income, sexual orientation, gender identity, and marital status. The report relates that cases of housing discrimination in general increased between 2011 and 2012, and that complaints based on federally non-protected statuses (source of income, etc.) were included in that upward trend. In spite of this, only 12 states include protections based on source of income, 21 states prohibit discrimination

²⁹ *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*. National Fair Housing Alliance 2011 Fair Housing Trends Report. 29 April 2011.

<http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SbZH3pTEZhs%3d&tabid=3917&mid=5321>

³⁰ <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=GBv0ZVJp6Gg%3d&tabid=3917&mid=5321>

³¹ *Ibid.*

³² Turner, Margery A. et al. “Housing Discrimination Against Racial and Ethnic Minorities 2012.” The Urban Institute. June 2013.

based on sexual orientation, sixteen states protect against discrimination based on gender identity, and 22 states offer protections based on marital status (the District of Columbia also extends protections on all of these bases). In concluding the report, the NFHA advocates the modernization and expansion of the FHA to bring the protection of individuals based on source of income, sexual orientation, gender identity, and marital status within its compass.

In its 2014 Fair Housing trends report, entitled “Expanding Opportunities: Systemic Approaches to Fair Housing”, the NFHA began by lauding the efforts of HUD, DOJ, and private non-profit fair housing organizations for their efforts over the past year in promoting fair housing choice across the United States. The report also noted an increase in the number of fair housing complaints relating to real estate sales, homeowner’s insurance, and housing advertisements, even as the overall number of housing complaints remained relatively steady. The 2014 report also featured a regional analysis of housing discrimination complaints, which indicated that complaints of housing discrimination were more common in the more racially and ethnically segregated metropolitan statistical areas of the country.³³

A CHANGING FAIR HOUSING LANDSCAPE

NATIONAL FAIR HOUSING CASES

As noted in the introduction to this report, provisions to affirmatively further fair housing (AFFH) are long-standing components of HUD’s Housing and Community Development programs. In fact, in 1970, *Shannon v. HUD* challenged the development of a subsidized low-income housing project in an urban renewal area of Philadelphia that was racially and economically integrated. Under the Fair Housing Act, federal funding for housing must further integrate community development as part of furthering fair housing, but the plaintiffs in the Shannon case claimed that the development would create segregation and destroy the existing balance of the neighborhood. As a result of the case, HUD was required to develop a system to consider the racial and socio-economic impacts of their projects.³⁴ The specifics of the system were not decided upon by the court, but HUD was encouraged to consider the racial composition and income distribution of neighborhoods, racial effects of local regulations, and practices of local authorities.³⁵ The Shannon case gave entitlement jurisdictions the responsibility of considering the segregation effects of publicly-funded housing projects on their communities as they affirmatively further fair housing.

More recently, in a landmark fraud case, Westchester County, New York, was ordered to pay more than \$50 million to resolve allegations of misusing federal funds for public housing

³³ *Expanding Opportunity: Systemic Approaches to Fair Housing*. National Fair Housing Alliance. August 13, 2014.

³⁴ U.S. HUD. *39 Steps Toward Fair Housing*. <http://www.hud.gov/offices/ftheo/39steps.pdf>

³⁵ Orfield, Myron. “Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit.” *Vanderbilt Law Review*, November 2005.

projects and falsely claiming their certification of affirmatively furthering fair housing. The lawsuit was filed in 2007 by the Anti-Discrimination Center (ADC), a New York-based non-profit organization, under the False Claims Act. According to the ADC, the County “failed to consider race-based impediments to fair housing choice; failed to identify and take steps to overcome impediments; and failed to meet its obligations to maintain records concerning its efforts.”

In a summary judgment in February 2009, a judge ruled that the County had made “false certifications on seven annual AFFH certifications and on more than a thousand implied certifications of compliance when it requested a drawdown of HUD funds”. Pursuant to a settlement agreement brokered by the Obama Administration in April 2009, Westchester County was required to pay more than \$30 million to the federal government, with roughly \$20 million eligible to return to the County to aid in public housing projects. The County was also ordered set aside \$20 million to build public housing units in suburbs and areas with mostly white populations, and to promote legislation “currently before the Board of Legislators to ban ‘source-of-income’ discrimination in housing (§33(g))”³⁶

Finding that Westchester had failed to affirmatively further fair housing in the manner agreed upon in the earlier settlement, HUD rejected the County’s AFFH certification and discontinued federal funding in 2011. The case has had ramifications for entitlement communities across the nation, with activities taken to affirmatively further fair housing being held to higher levels of scrutiny to ensure that federal funds are being spent to promote fair housing and affirmatively further fair housing. The case also signals an increased willingness on the part of HUD to bring enforcement pressure to bear in order to insure that state and local jurisdictions comply with the AFFH requirements.

Affirmatively Furthering Fair Housing

At the same time that HUD has pursued a more active role in fair housing enforcement, the agency has sought to bring additional guidance and clarity to fair housing policy. This effort was inspired in part by the agency’s own assessment of shortcomings in current policy and in part by criticism from other agencies; notably the Government Accountability Office (GAO).³⁷

In 2009, HUD noted that many of the AI’s it reviewed as part of an internal study did not conform to the agency’s guidelines. This finding was reaffirmed in a 2010 study conducted by the GAO, which sought to assess the effectiveness of Analyses of Impediments as a tool to affirmatively further fair housing, as well as their effectiveness as planning documents. According to the GAO, an estimated 29 percent of CDBG and HOME grantees’ AIs had been prepared in 2004 or earlier, and were therefore likely to be of limited usefulness in current

³⁶ <http://www.hud.gov/content/releases/settlement-westchester.pdf>

³⁷ 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)

planning efforts. Furthermore, the GAO found that those AIs that were up to date largely lacked features that would render them more effective as planning documents, including timetables and the signatures of top elected officials. More generally, the GAO noted that HUD guidelines concerning AIs are unclear, and that its requirements for the analyses are minimal³⁸. Under those requirements, the agency observed, grantees are “not required through regulation to update their AIs periodically, include certain information, follow a specific format in preparing AIs, or submit them to HUD for review³⁹.”

The conclusion of the GAO study is reflected in its title: *HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans*. In response to the criticism of the GAO, as well as a longstanding recognition on the part of HUD that fair housing policy stood in need of improvement and clarification, the agency developed and published a proposed rule entitled *Affirmatively Furthering Fair Housing* in July of 2013, finalizing that rule in early July of 2015. The rule represents a substantial restructuring of the AFFH process, eliminating the AI and replacing it with the Assessment of Fair Housing (AFH). According to the rule, the AFH must (1) incorporate key demographic and economic metrics specifically identified by HUD, (2) be completed with nationally uniform data provided by HUD, and (3) be submitted to HUD for review in advance of the consolidated plan to insure that the findings of the fair housing analysis are fully integrated into the consolidated planning process.⁴⁰

However, in January 2018, HUD released a rule postponing the implementation of the Assessment of Fair Housing (AFH). As a result, all jurisdictions without an accepted AFH must revert to the Analysis of Impediment process as described above. The Skagit County HOME Consortium is undertaking this Analysis of Impediment (AI) after this January 5, 2018 ruling.

Discriminatory Effects and the Fair Housing Act

Prior to publishing the proposed AFFH rule, HUD finalized a rule in February 2013 that was intended to “formalize HUD’s long-held interpretation of the availability of ‘discriminatory effects’ liability under the Fair Housing Act⁴¹.” According to HUD, individuals and businesses may be held liable for policies and actions that are neutral on their face but have a discriminatory effect on housing choice. This theory of liability had not yet been articulated by the signing of the Civil Rights Acts of 1964 or 1968; however, it has been an important test for discrimination in employment since the Supreme Court found in 1971⁴² that the Civil

³⁸ “HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans”. *Government Accountability Office*. September 2010.

³⁹ *Ibid.*, page 32.

⁴⁰ 24 CFR §5, 91, 92, et al. (2015)(Final Rule)

⁴¹ 24 CFR §100 (2015)

⁴² Garrow, David J. “Toward a Definitive History of *Griggs v. Duke Power Company*”. 67 *Vand. L. Rev.* 197 (2014).

Rights Act “proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation⁴³.”

The first test of “disparate impact theory” in housing law came in 1974, *with United States v. City of Black Jack*⁴⁴. In that case, the government alleged that the City of Black Jack had “exercised its zoning powers to exclude... a federally-subsidized housing development”, thereby excluding residents of low-income housing, who were disproportionately black.⁴⁵ In deciding the matter, the Eight Circuit Court maintained that a plaintiff “need prove no more than that the conduct of the defendant actually or predictably results in racial discrimination” to make a case that the conduct is itself discriminatory⁴⁶. The theory of discriminatory effect established in this case has been consistently applied in fair housing cases and upheld in numerous district court decisions.⁴⁷

However, disparate impact theory was to face a considerable legal challenge in early 2015 in the case of *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project*. In this case, the Supreme Court of the United States was asked to finally settle the question of whether or not housing providers and policy makers could be held liable not just for intentional discrimination, but for the effects of neutral policies that produce discriminatory outcomes.

Texas Department of Housing and Community Affairs v. The Inclusive Communities Project

In 2008, a Dallas-based non-profit organization called the Inclusive Communities Project (“the Project”) sued the Texas Department of Housing and Community Affairs (“the Department”), claiming that the point system by which it allocates federal tax subsidies serves to concentrate subsidized housing in low-income communities.⁴⁸ In the lawsuit, the Project relied in part on disparate impact theory, which had been established through decades of jurisprudence but upon which the Supreme Court had, at the time, never definitively ruled.

According to the Project, the Department disproportionately allocated low-income housing tax credits in minority areas while denying those credits in predominantly white communities. In addition to the direct effect of concentrating units subsidized through these tax credits, the Project alleged that this manner of allocation led to the further concentration of Section 8 Housing in those same areas⁴⁹, which served to limit housing

⁴³ *Griggs v. Duke Power Co.*, 401 U.S. 430 (1971).

⁴⁴ Rich, Joseph D. “HUD’s New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation.” Lawyers’ Committee for Civil Rights Under Law. May 2013.

⁴⁵ *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974)

⁴⁶ *Ibid.*

⁴⁷ 24 CFR §100 (2013); Rich, Joseph D. “HUD’s New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation.” Lawyers’ Committee for Civil Rights Under Law. May 2013.

⁴⁸ *Inclusive Communities Project v. Texas Department of Housing and Community Affairs* (2014).

⁴⁹ *Ibid.* Section 8 housing vouchers, which are often not accepted by private landlords, cannot be turned down by those who receive low income housing tax credits.

options for low-income, minority residents to areas with high concentrations of racial minority residents.⁵⁰ In its original complaint, the Project argued both that the point scheme was intentionally discriminatory and that it produced a disparate impact on minority residents. The District Court for the Northern District of Texas found that the Project had failed to prove intentional discrimination but had proved its disparate impact claim.

Having been upheld in the U.S. Court of Appeals for the Fifth Circuit, the matter then moved to the Supreme Court at the request of the Department.⁵¹ In asking the Supreme Court to consider the case, the Department presented the court with two questions: First, “are disparate-impact claims cognizable under the Fair Housing Act?”⁵² In other words, does the Act permit disparate-impact claims? Second, in the event that the Court finds that the FHA does allow such claims, the Department also asked “what are the standards and burdens of proof that should apply?”⁵³ The Court’s decision on this matter, handed down on June 25, 2015, upheld disparate impact theory while imposing limitations on the way the theory is applied in practice. Having done so, the Court sent the case back to the lower courts to determine whether the Department’s policies were discriminatory under disparate impact theory, in light of the limitations imposed by the Court.⁵⁴ In a decision issued on August 26, 2016, the U.S. District Court for the Northern District of Texas ruled that the Inclusive Communities Project had failed to demonstrate that the Department’s policies caused a statistically-significant disparity in the location of low-income housing, and dismissed the case.

LOCAL FAIR HOUSING CASES

Recent U.S. Department of Justice Cases

The U.S. Department of Justice (DOJ) enacts lawsuits on behalf of individuals based on referrals from HUD. Under the Fair Housing Act, the DOJ may file lawsuits in the following instances:

- Where there is reason to believe that a person or entity is engaged in what is termed a “pattern or practice” of discrimination or where a denial of rights to a group of people raises an issue of general public importance;
- Where force or threat of force is used to deny or interfere with fair housing rights; and

⁵⁰ *Ibid.*

⁵¹ Howe, Amy. “Will the third time be the charm for the Fair Housing Act and disparate-impact claims? In Plain English.” Supreme Court of the United States Blog. January 6, 2015. Accessible at “<http://www.scotusblog.com/2015/01/will-the-third-time-be-the-charm-for-the-fair-housing-act-and-disparate-impact-claims-in-plain-english/>”

⁵² *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2014). Petition for a Writ of Certiorari.

⁵³ *Ibid.*

⁵⁴ *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2015). These limitations include the requirement that plaintiffs establish a robust causal connection between a challenged practice and alleged disparities in impact. For more, see “Symposium: The Supreme Court recognizes but limits disparate impact in its Fair Housing Act decision.” Supreme Court of the United States Blog. Accessed September 13, 2016 at <http://www.scotusblog.com/2015/06/paul-hancock-fha/>.

- Where persons who believe that they have been victims of an illegal housing practice file a complaint with HUD or file their own lawsuit in federal or state court.⁵⁵

The 2018 AI process included a review of fair housing cases that the Department of Justice has filed in the last decade. The review revealed no DOJ claims against housing providers in the Skagit, Whatcom, or Island Counties during that period.⁵⁶

SUMMARY

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act.

In addition to the fair housing protections provided by federal law, Washington residents are protected from discrimination in the state housing market by state-level anti-discrimination law. This law, which is enforced by the Washington State Human Rights Commission (WSHRC) prohibits discrimination on all of the bases included in the federal Fair Housing Act, as well as discrimination based on marital status, sexual orientation, and gender identity. HUD has recognized Washington's anti-discrimination statutes as "substantially equivalent" to the Fair Housing Act, meaning that the rights, responsibilities, and remedies that Washington law guarantees are at least as comprehensive as those provided under federal law.

Following the Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. However, in January 2018, HUD released a rule postponing the implementation of the Assessment of Fair Housing (AFH). As a result, all jurisdictions without an accepted AFH must revert to the Analysis of Impediment process as described above. The Skagit County HOME Consortium is undertaking this Analysis of Impediment (AI) after this January 5, 2018 ruling.

⁵⁵ "The Fair Housing Act." The United States Department of Justice. http://www.justice.gov/crt/about/hce/housing_coverage.php

⁵⁶ A summary of the fair housing cases filed by the DOJ is available at "Housing and Civil Enforcement Section Cases". The U.S. Department of Justice website. Accessed March 18, 2018 at <https://www.justice.gov/crt/housing-and-civil-enforcement-section-cases-1>.

SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

The purpose of this section is to provide a profile of fair housing in the AI Study Region based on a number of factors, including an enumeration of key agencies and organizations that contribute to affirmatively furthering fair housing, evaluation of the presence and scope of services of existing fair housing organizations, and a review of the complaint process.

FAIR HOUSING AGENCIES

FEDERAL AGENCIES

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) oversees, administers, and enforces the federal Fair Housing Act. HUD's regional office in Seattle oversees housing, community development, and fair housing enforcement in Washington, as well as in Alaska, Idaho, and Oregon.

The Office of Fair Housing and Equal Opportunity (FHEO) within HUD's Seattle office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions. HUD provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with city and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP), as described below.

Fair Housing Assistance Program

The Fair Housing Assistance Program (FHAP) was designed to support local and city agencies that enforce local fair housing laws, provided that these laws are substantially equivalent to the Fair Housing Act. Substantial equivalency certification is a two-phase process: in the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether a state or local law, as written, recognizes legal rights and provides legal remedies that are similar to those provided by the federal Fair Housing Act (FHA). Once this determination has been made, and the law has been judged to be substantially equivalent, the agency enforcing the law is certified on an interim basis for a period of three years. During those three years, the local enforcement organization "builds its capacity to operate as a fully certified substantially equivalent agency." FHAP grants during this time period are issued to support the process of building capacity. When the interim certification period ends after three years, the Assistant Secretary issues a determination on whether or not the city law is substantially equivalent to the Fair Housing Act "in operation", this is the

second phase of the certification process. If the law is judged to be substantially equivalent in operation, the agency enforcing the law is fully certified as a substantially equivalent agency for five years.

HUD will typically refer most complaints of housing discrimination to a substantially equivalent city or local agency for investigation (such complaints are dual-filed at HUD and the state or local agency), if such an agency exists and has jurisdiction in the area in which the housing discrimination was alleged to have occurred. When federally subsidized housing is involved, however, HUD will typically investigate the complaint.

The benefits of substantially equivalent certification include the availability of funding for local fair housing activities, shifted enforcement power from federal to local authorities, and the potential to make the fair housing complaint process more efficient by vesting enforcement authority in those who are more familiar with the local housing market. Furthermore, additional funding may be available to support partnerships between local FHAP grantees and private fair housing organizations. The Washington State Human Rights Commission serves state residents as a FHAP grantee.

Fair Housing Initiative Program

The Fair Housing Initiative Program (FHIP) is designed to support fair housing organizations and other non-profits that provide fair housing services to people who believe they have faced discrimination in the housing market. These organizations provide a range of services including initial intake and complaint processing, referral of complainants to government agencies that enforce fair housing law, preliminary investigations of fair housing complaints, and education and outreach on fair housing law and policy.

FHIP funding is available through three initiatives⁵⁷: the Fair Housing Organizations Initiative (FHOI), the Private Enforcement Initiative (PEI), and the Education and Outreach Initiative (EOI). These initiatives are discussed in more detail below:

- **The Fair Housing Organizations Initiative (FHOI):** FHOI funds are designed to help non-profit fair housing organizations build capacity to effectively handle fair housing enforcement and outreach activities. A broader goal of FHOI funding is to strengthen the national fair housing movement by encouraging the creation of fair housing organizations.
- **The Private Enforcement Initiative (PEI):** PEI funds are intended to support the fair housing activities of established non-profit organizations, including testing and enforcement, and more generally to offer a “range of assistance to the nationwide network of fair housing groups”.

⁵⁷ Though there are four initiatives included in the FHIP, no funds are currently available through the Administrative Enforcement Initiative.

- **The Education and Outreach Initiative (EOI):** EOI funding is available to qualified fair housing non-profit organizations as well as city and local government agencies. The purpose of the EOI is to promote initiatives that explain fair housing to the general public and housing providers, and provide the latter with information on how to comply with the requirements of the FHA.

Non-profit organizations are eligible to apply for funding under each or all of these initiatives. To receive FHOI funding, such organizations must have at least two years' experience in complaint intake and investigation, fair housing testing, and meritorious claims in the three years prior to applying for funding. Eligibility for PEI funding is subject to "certain requirements related to the length and quality of previous fair housing enforcement experience." Organizations applying for the EOI must also have two years' experience in the relevant fair housing activities. EOI funds are also potentially available to city and local government agencies.

STATE AGENCIES

The Washington State Human Rights Commission

The Commission has a cooperative agreement with the Department of Housing and Urban Development (HUD) to process and investigate dual-filed housing complaints for which our Commission receives funding under the Fair Housing Assistance Program (FHAP). The Commission is a FHAP agency because their law is substantially equivalent to the federal Fair Housing Act. Most of the Commission's housing cases are dual-filed with HUD; however, the state fair housing law is more expansive than the federal fair housing law and occasionally the Commission will prepare a complaint with Commission jurisdiction only.⁵⁸ In Washington State, it is illegal to discriminate in the rental or sale of housing because of race or color, national origin, disability, HIV/AIDS and Hepatitis C Status, Use of dog guide or Service Animal, Honorably discharges Veteran or Military Status, Creed, Sex, Marital Status, Families with children, sexual orientation or gender identity, or Retaliation. Those who believe that they have experienced illegal discrimination in the Washington housing market may contact the Civil Rights Division through the following information:

Address: 711 S. Capitol Way, Suite 402

Olympia, WA 98504

Telephone: 1-800-233-3247

Website: <https://www.hum.wa.gov/contact>

NON-PROFIT ORGANIZATIONS

⁵⁸ <https://www.hum.wa.gov/fair-housing>

The Fair Housing Center of Washington is a nonprofit whose mission is to assure equal access to housing and other related services to the residents of Washington through education, investigation, and enforcement of applicable laws.⁵⁹

Address: 1517 Fawcett Ave # 250

Tacoma, WA 98402

Telephone: 253-274-9523

Fax: 253-274-8220

Email: info@fhcwashingtton.org

⁵⁹ <https://fhcwashingtton.org/about-us/>

COMPLAINT PROCESS REVIEW

COMPLAINT PROCESSES FOR FAIR HOUSING AGENCIES

U.S. Department of Housing and Urban Development

The intake stage is the first step in the complaint process. When a complaint is submitted, intake specialists review the information and contact the complainant (the party alleging housing discrimination) in order to gather additional details and determine if the case qualifies as possible housing discrimination. If the discriminatory act alleged in the complaint occurred within the jurisdiction of a substantially equivalent city or local agency under the FHAP, the complaint is referred to that agency, which then has 30 days to address the complaint. If that agency fails to address the complaint within that time period, HUD can take the complaint back.

If HUD determines that it has jurisdiction and accepts the complaint for investigation, it will draft a formal complaint and send it to the complainant to be signed. Once HUD receives the signed complaint, it will notify the respondent (the party alleged to have discriminated against the complainant) within ten days that a complaint has been filed against him or her. HUD also sends a copy of the formal complaint to the respondent at this stage. Within ten days of receiving the formal complaint, the respondent must respond to the complaint.

Next, the circumstances of the complaint are investigated through interviews and examination of relevant documents. During this time, the investigator attempts to have the parties rectify the complaint through conciliation. The case is closed if conciliation of the two parties is achieved or if the investigator determines that there was no reasonable cause of discrimination. If conciliation fails, and reasonable cause is found, then either a federal judge or a HUD Administrative Law Judge hears the case and determines damages, if any.⁶⁰ In the event that the federal court judge finds the discrimination alleged in a complaint to have actually occurred, the respondent may be ordered to:

- Compensate for actual damages, including humiliation, pain, and suffering;
- Provide injunctive or other equitable relief to make the housing available;
- Pay the federal government a civil penalty to vindicate the public interest, with a maximum penalty of \$10,000 for a first violation and \$50,000 for an additional violation within seven years; and/or
- Pay reasonable attorneys' fees and costs.⁶¹

If neither party elects to go to federal court, a HUD Administrative Law Judge will hear the case. Once the judge has decided the case, he or she issues an initial decision. If the judge

⁶⁰ "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/fheo/complaint-process.cfm>

⁶¹ "Fair Housing—It's Your Right." <http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm>

finds that housing discrimination has occurred, he or she may award a civil penalty of up to \$11,000 to the complainant, along with actual damages, court costs, and attorney's fees. When the initial decision is rendered, any party that is adversely affected by that decision can petition the Secretary of HUD for review within 15 days. The Secretary has 30 days following the issuance of the initial decision to affirm, modify, or set aside the decision, or call for further review of the case. If the Secretary does not take any further action on the complaint within 30 days of the initial decision, the decision will be considered final. After that, any aggrieved party must appeal to take up their grievance in the appropriate court of appeals.⁶²

The Washington State Human Rights Commission

In Washington, the Human Rights Commission (WSHRC) accepts fair housing complaints as a substantially equivalent agency. A discrimination charge in housing must be filed with the WSHRC within one year from the date of the alleged violation. Before filing a complaint, review the three lists below to make sure your complaint is (1) in our jurisdiction, (2) relates to a protected class, and (3) fits our investigative process. The process begins with the complainant submitting a complaint form, which can be found at: <https://www.hum.wa.gov/discrimination-complaint> or by calling WSHRC directly at 1-800-233-3247.

After the complaint is submitted it is then be assigned to an investigator, which will follow a series of steps including: standard of proof, types of findings, review process, availability of alternative dispute resolution, and review by federal agencies.⁶³

SUMMARY

There are a variety of avenues available to Skagit, Whatcom, and Island County residents who believe that they have experienced discrimination in the local housing market. The Department of Housing and Urban Development enforces the federal Fair Housing Act, and those who believe that they have suffered housing discrimination based on race, color, religion, sex, national origin, familial status, or disability, may file a complaint with the agency.

The Washington State Human Rights Commission (WSHRC) is the Fair Housing entity in the State of Washington. The Commission has a cooperative agreement with the Department of Housing and Urban Development (HUD) to process and investigate dual-filed housing complaints for which our Commission receives finding under the Fair Housing Assistance Program (FHAP). The Commission is a FHAP agency because their law is substantially equivalent to the federal Fair Housing Act.

⁶² "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/ftheo/complaint-process.cfm>

⁶³ <https://www.hum.wa.gov/discrimination-complaint>

In addition, the Fair Housing Center of Washington is a nonprofit whose mission is to assure equal access to housing and other related services to the residents of Washington through education, investigation, and enforcement of applicable laws

Contact information for HUD, WSHRC, and the FHCW are included in **Section IV** of this report and following the report's title page.

SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR

As part of the AI process, the U.S. Department of Housing and Urban Development (HUD) suggests that the analysis focus on possible housing discrimination issues in both the private and public sectors. This section focuses on research regarding the region's private sector, including the mortgage lending market, the real estate market, the rental market, and other private sector housing industries.

LENDING ANALYSIS

HOME MORTGAGE DISCLOSURE ACT

Since the late 1960s, the federal government has enacted several laws aimed at promoting fair lending practices in the banking and financial services industries. A brief description of selected federal laws aimed at promoting fair lending follows:

- The 1968 *Fair Housing Act* prohibits discrimination in housing based on race, color, religion, and national origin. Later amendments added sex, familial status, and disability. Under the Fair Housing Act, it is illegal to discriminate on the basis of any of those protected characteristics in the following types of residential real estate transactions: making loans to buy, build, or repair a dwelling; selling, brokering, or appraising residential real estate; and selling or renting a dwelling.
- The *Equal Credit Opportunity Act* was passed in 1974 and prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance, and the exercise of any right under the Consumer Credit Protection Act.
- The *Community Reinvestment Act* was enacted in 1977 and requires each federal financial supervisory agency to encourage financial institutions in order to help meet the credit needs of the entire community, including low- and moderate-income neighborhoods.
- Under the *Home Mortgage Disclosure Act (HMDA)*, enacted in 1975 and later amended, financial institutions are required to publicly disclose the race, sex, ethnicity, and household income of mortgage applicants by the Census tract in which the loan is proposed as well as outcome of the loan application.⁶⁴ The analysis presented herein is from the HMDA data system.

Data collected under the HMDA provide a comprehensive portrait of home loan activity, including information pertaining to home purchase loans, home improvement loans, and refinancing.

⁶⁴ *Closing the Gap: A Guide to Equal Opportunity Lending*, The Federal Reserve Bank of Boston, April 1993.
<http://www.bos.frb.org/commdev/closing-the-gap/closingt.pdf>

Congress enacted the Home Mortgage Disclosure Act in 1975, permanently authorizing the law in 1988⁶⁵. The Act requires both depository and non-depository lenders to collect and publicly disclose information about housing-related applications and loans. Under the HMDA, financial institutions are required to report the race, ethnicity, sex, loan amount, and income of mortgage applicants and borrowers by Census tract. Institutions must meet a set of reporting criteria. For depository institutions, these are as follows:

1. The institution must be a bank, credit union, or savings association;
2. The total assets must exceed the coverage threshold;⁶⁶
3. The institution must have had a home or branch office in a Metropolitan Statistical Area (MSA);
4. The institution must have originated or refinanced at least one home purchase loan secured by a first lien on a one- to four-family dwelling;
5. The institution must be federally insured or regulated; and
6. The mortgage loan must have been insured, guaranteed, or supplemented by a federal agency or intended for sale to Fannie Mae or Freddie Mac.

For other institutions, including non-depository institutions, the reporting criteria are:

1. The institution must be a for-profit organization;
2. The institution's home purchase loan originations must equal or exceed 10 percent of the institution's total loan originations, or more than \$25 million;
3. The institution must have had a home or branch office in an MSA or have received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancing on property located in an MSA in the preceding calendar year; and
4. The institution must have assets exceeding \$10 million or have originated 100 or more home purchases in the preceding calendar year.

In addition to reporting race and ethnicity data for loan applicants, the HMDA reporting requirements were modified in response to the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

1. If they are HOEPA loans;
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of high-annual percentage rate loans (HALs), defined as more than three percentage points for purchases when contrasted with comparable treasury instruments or five percentage points for refinance loans.

⁶⁵ Prior to that year, Congress had to periodically reauthorize the law.

⁶⁶ Each December, the Federal Reserve announces the threshold for the following year. The asset threshold may change from year to year based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

For the purposes of this analysis, these flagged originations will be termed predatory, or at least predatory in nature. Overall, the data contained within the HMDA reporting guidelines represent the best and most complete set of information on home loan applications. This report includes HMDA data from 2008 through 2016, the most recent year for which these data are available.

Home Purchase Loans

Banks and other lending institutions handled 171,321 home purchase loans and loan applications in the AI Study Region from 2008 through 2016. As shown in Table V.1 below, a majority of these loans, or around 110,866, were refinance loans. The 52,687 home purchase loans represented around 30.1 percent of all loans and loan applications.

Table V.1
Purpose of Loan by Year
AI Study Region
2008–2016 HMDA Data

Purpose	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Home Purchase	5,728	5,260	4,919	4,500	4,800	5,901	6,194	7,315	8,070	52,687
Home Improvement	1,304	979	664	638	805	779	658	822	1,119	7,768
Refinancing	12,005	19,866	15,218	12,406	16,892	12,335	5,124	7,543	9,477	110,866
Total	19,037	26,105	20,801	17,544	22,497	19,015	11,976	15,680	18,666	171,321

It is these home purchase loans, and specifically the “owner-occupied” home purchase loans that will be the focus of the following discussion, as the outcomes of owner-occupied home purchase applications provide the most direct index of the ability of prospective homeowners to choose where they will live. As shown in Table V.2 below, around 87.9 percent of home-purchase loan applications were submitted by those who intended to live in the home that they purchased.

Table V.2
Occupancy Status for Applications
AI Study Region
2008–2016 HMDA Data

Status	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Owner-Occupied	16,697	23,706	18,224	15,100	19,554	16,243	10,344	13,910	16,791	150,569
Not Owner-Occupied	2,295	2,309	2,517	2,400	2,923	2,698	1,622	1,756	1,866	20,386
Not Applicable	45	90	60	44	20	74	10	14	9	366
Total	19,037	26,105	20,801	17,544	22,497	19,015	11,976	15,680	18,666	171,321

Denial Rates

After the owner-occupied home purchase loan application is submitted, the applicant receives one of the following status designations:

- “Originated,” which indicates that the loan was made by the lending institution;

- "Approved but not accepted," which notes loans approved by the lender but not accepted by the applicant;
- "Application denied by financial institution," which defines a situation wherein the loan application failed;
- "Application withdrawn by applicant," which means that the applicant closed the application process;
- "File closed for incompleteness" which indicates the loan application process was closed by the institution due to incomplete information; or
- "Loan purchased by the institution," which means that the previously originated loan was purchased on the secondary market.

As shown in Table V.3, just over 25,374 home purchase loan applications were originated over the 2008-2016 period, and 3,608 were denied, for an overall denial rate of 12.4 percent.

Table V.3
Loan Applications by Action Taken

AI Study Region
2008–2016 HMDA Data

Action	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Loan Originated	2,327	2,252	2,105	1,901	2,280	2,926	3,156	3,970	4,457	25,374
Application Approved but not Accepted	223	226	171	208	199	219	191	190	198	1,825
Application Denied	402	428	299	287	326	448	461	462	495	3,608
Application Withdrawn by Applicant	405	322	284	208	250	332	424	569	744	3,538
File Closed for Incompleteness	63	57	40	40	52	97	102	103	120	674
Loan Purchased by the Institution	1,291	1,365	1,365	1,200	1,017	1,073	1,075	1,174	1,160	10,720
Preapproval Request Denied	4	10	4	1	0	0	0	0	0	19
Preapproval Approved but not Accepted	2	0	4	0	0	0	0	0	0	6
Total	4,717	4,660	4,272	3,845	4,124	5,095	5,409	6,468	7,174	45,764

The most common reasons cited in the decision to deny one of these loan applications related to the debt-to-income ratio of the prospective homeowner, as shown in Table V.4 below. Employment history, credit history and collateral were also commonly given as reasons to deny home purchase loans.

Table V.4
Loan Applications by Reason for Denial

AI Study Region
2008–2016 HMDA Data

Denial Reason	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Debt-to-Income Ratio	84	89	60	65	62	86	118	89	103	756
Employment History	15	8	15	3	6	9	12	8	8	84
Credit History	58	50	19	41	43	59	59	44	56	56
Collateral	53	56	38	24	29	51	41	58	36	36
Insufficient Cash	13	18	8	8	7	19	10	17	21	21
Unverifiable Information	15	16	5	6	11	11	20	7	11	11
Credit Application Incomplete	32	44	19	21	27	40	22	18	23	23
Mortgage Insurance Denied	4	4	1	0	1	1	0	1	0	12
Other	45	31	30	17	20	17	19	39	28	28
Missing	83	112	104	102	120	155	160	181	209	2,593
Total	402	428	299	287	326	448	461	462	495	3,608

Denial rates were observed to differ by race and ethnicity, as shown in Table V.5, on the following page. While white applicants had a denial rate of 11.8 over the period from 2008 through 2016, American Indians had a denial rate of 21.8 percent. Black applicants also had a denial rate higher than the average, at 15.5 percent versus 12.4 percent for the whole region.

Table V.5
Loan Applications by Selected Action Taken by Race/Ethnicity of Applicant
 AI Study Region
 2008–2016 HMDA Data

Race		2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
American Indian	Originated	20	18	16	19	30	27	27	41	53	251
	Denied	6	10	3	3	7	11	8	8	14	70
	Denial Rate	23.1%	35.7%	15.8%	13.6%	18.9%	28.9%	22.9%	16.3%	20.9%	21.8%
Asian	Originated	66	63	57	46	67	95	96	116	122	728
	Denied	21	12	6	11	10	28	28	29	26	171
	Denial Rate	24.1%	16.0%	9.5%	19.3%	13.0%	22.8%	22.6%	20.0%	17.6%	19.0%
Black	Originated	23	24	26	25	14	31	35	37	58	273
	Denied	4	4	6	3	4	5	8	13	3	50
	Denial Rate	14.8%	14.3%	18.8%	10.7%	22.2%	13.9%	18.6%	26.0%	4.9%	15.5%
Pacific Islander	Originated	16	9	11	12	9	15	21	27	16	136
	Denied	4	0	1	2	1	3	4	1	3	19
	Denial Rate	20.0%	0.0%	8.3%	14.3%	10.0%	16.7%	16.0%	3.6%	15.8%	12.3%
White	Originated	1,956	1,955	1,833	1,676	2,012	2,531	2,770	3,359	3,733	21,825
	Denied	309	358	254	238	270	359	374	360	388	2,910
	Denial Rate	13.6%	15.5%	12.2%	12.4%	11.8%	12.4%	11.9%	9.7%	9.4%	11.8%
Not Available	Originated	243	180	159	121	146	226	202	387	472	2136
	Denied	58	44	29	30	34	42	39	51	61	388
	Denial Rate	19.3%	19.6%	15.4%	19.9%	18.9%	15.7%	16.2%	11.6%	11.4%	15.4%
Not Applicable	Originated	3	3	3	2	2	1	5	3	3	25
	Denied	0	0	0	0	0	0	0	0	0	0
	Denial Rate	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	Originated	2327	2252	2105	1901	2280	2926	3156	3970	4457	25374
	Denied	402	428	299	287	326	448	461	462	495	3608
	Denial Rate	14.7%	16.0%	12.4%	13.1%	12.5%	13.3%	12.7%	10.4%	10.0%	12.4%

As shown in Table V.6 on the following page, the denial rate for prospective female homeowners was 13.8 percent, two percentage points higher than the denial rate for male applicants. Denial rates for male and female applicants differed considerably by year, but each year the rate of female denials were higher than that of males.

Table V.6
Loan Applications by Selected Action Taken by Gender of Applicant
 Non Entitled Area
 2008–2016 HMDA Data

Gender		2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Male	Originated	1,682	1,655	1,550	1,392	1,644	2,131	2,265	2,825	3,053	18,197
	Denied	275	281	212	209	223	317	316	302	307	2,442
	Denial Rate	14.1%	14.5%	12.0%	13.1%	11.9%	12.9%	12.2%	9.7%	9.1%	11.8%
Female	Originated	523	486	433	418	541	654	759	886	1,076	5,776
	Denied	98	123	69	64	78	102	121	127	139	921
	Denial Rate	15.8%	20.2%	13.7%	13.3%	12.6%	13.5%	13.8%	12.5%	11.4%	13.8%
Not Available	Originated	119	108	118	89	93	140	127	256	325	1,375
	Denied	29	24	18	14	25	29	24	33	49	245
	Denial Rate	19.6%	18.2%	13.2%	13.6%	21.2%	17.2%	15.9%	11.4%	13.1%	15.1%
Not Applicable	Originated	3	3	4	2	2	1	5	3	3	26
	Denied	0	0	0	0	0	0	0	0	0	0
	Denial Rate	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	Originated	2,327	2,252	2,105	1,901	2,280	2,926	3,156	3,970	4,457	25,374
	Denied	402	428	299	287	326	448	461	462	495	3,608
	Denial Rate	14.7%	16.0%	12.4%	13.1%	12.5%	13.3%	12.7%	10.4%	10.0%	12.4%

In the period from 2008 through 2011, owner-occupied home purchase loans were more likely to be denied if the prospective home was located in eastern portions of Skagit and Whatcom Counties, or around the area of Mount Vernon, as seen in Map V.1.

From 2012 through 2016, the geographic pattern in denial rates was similar to those seen previously, with even higher denial rates in eastern Skagit County.

PREDATORY LENDING

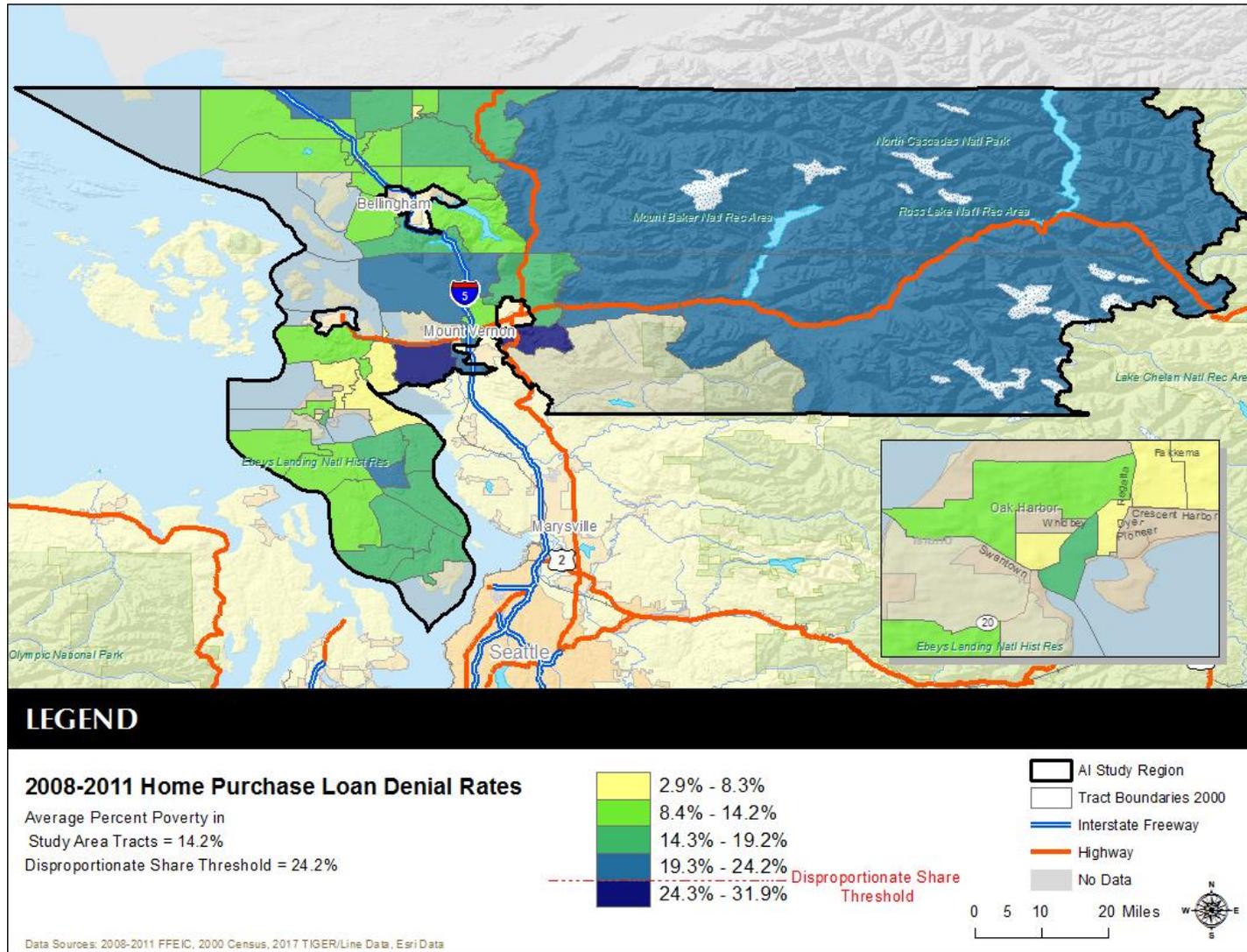
In addition to modifications implemented in 2004 to correctly document loan applicants' race and ethnicity, the HMDA reporting requirements were changed in response to the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

1. If they are HOEPA loans;
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of high annual percentage rate (APR) loans (HALs), defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.

For the 2017 AI analysis, originated owner-occupied home purchase loans qualifying as HALs were examined for 2008 through 2016. As noted previously, home loans are designated as "high-annual percentage rate" loans (HALs) where the annual percentage rate

on the loan exceeds that of a comparable treasury instruments by at least three percentage points. As shown in Table V.7 only 131 home purchase loans issued in 2008 and after have carried high-annual percentage rates, or 0.5 percent of all owner-occupied home purchase loans issued in the study area.

Map V.1
Home Purchase Loan Denial Rates: 2008-2011
 AI Study Region
 2008-2011 HMDA Data



Map V.2
Home Purchase Loan Denial Rates: 2012-2014
 AI Study Region
 2012-2016 HMDA Data

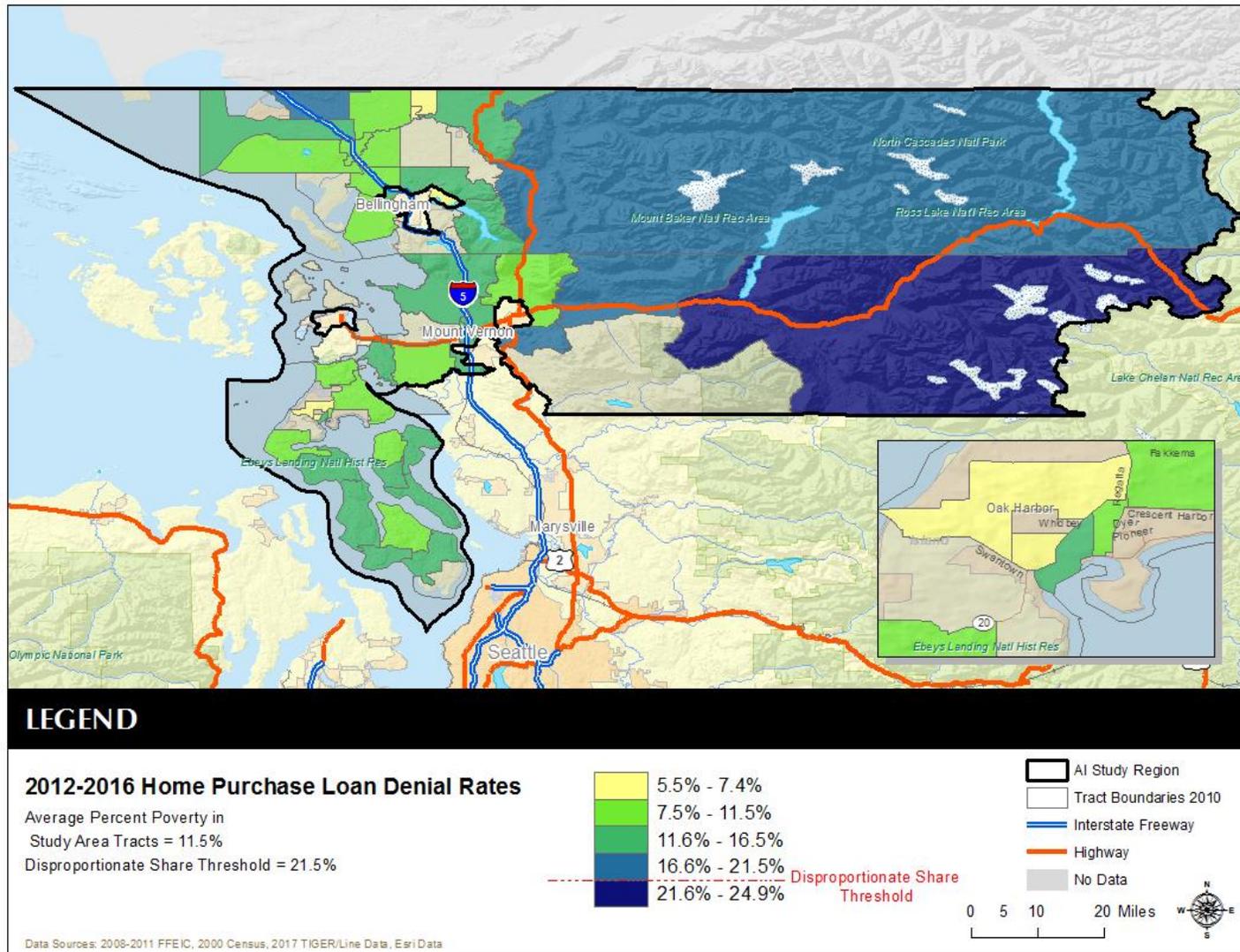


Table V.7
Originated Owner-Occupied Loans by HAL Status

AI Study Region
 2008–2016 HMDA Data

Loan Type	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
HAL	56	45	4	5	5	5	3	4	4	131
Other	2,271	2,207	2,101	1,896	2,275	2,921	3,153	3,966	4,453	25,243
Total	2,327	2,252	2,105	1,901	2,280	2,926	3,156	3,970	4,457	25,374
Percent HAL	2.4%	2.0%	0.2%	0.3%	0.2%	0.2%	0.1%	0.1%	0.1%	0.5%

While white households had the region wide average of 0.5 percent, Pacific Islander had a HAL rate of 0.7 percent. No other racial or ethnic groups had a higher than average rate of HALs during the 2008 to 2016 period.

Table V.8
Rate of HALs Originated by Race/Ethnicity of Borrower

AI Study Region
 2008–2016 HMDA Data

Race	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
American Indian	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Asian	0.0	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Black	0.0	0.0	0.0	4.0	0.0	0.0	0.0	0.0	0.0	0.4
Pacific Islander	6.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.7
White	2.6	2.0	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.5
Not Available	1.6	2.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4
Not Applicable	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Average	2.4	2.0	0.2	0.3	0.2	0.2	0.1	0.1	0.1	0.5
Hispanic	0.0	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3
Non-Hispanic	2.6	1.9	0.2	0.3	0.2	0.2	0.1	0.1	0.1	0.5

HAL rates were below average for borrowers earning less than \$75,000 per year as shown in Table V.9 below. For those earning between \$100,001 and \$150,000, the HAL rate was 1.1 percent.

Table V.9
Rates of HALs by Income of Borrower

Non Entitled Area
 2008–2016 HMDA Data

Income	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
\$30,000 or Below	2.6%	1.5%	0.0%	1.2%	1.3%	0.0%	0.0%	1.0%	0.0%	0.8%
\$30,001–\$50,000	1.6%	1.9%	0.2%	0.5%	0.2%	0.0%	0.0%	0.1%	0.1%	0.4%
\$50,001–\$75,000	2.1%	1.0%	0.3%	0.0%	0.1%	0.1%	0.1%	0.0%	0.0%	0.4%
\$75,001–\$100,000	2.1%	0.9%	0.0%	0.3%	0.2%	0.2%	0.0%	0.1%	0.1%	0.6%
\$100,001–\$150,000	2.3%	3.8%	0.3%	0.0%	0.0%	0.4%	0.4%	0.0%	0.0%	1.1%
Above \$150,000	5.8%	6.0%	0.0%	0.6%	0.0%	0.4%	0.0%	0.3%	0.2%	1.0%
Average	2.4	2.0	0.2	0.3	0.2	0.2	0.1	0.1	0.1	0.5%

COMMUNITY REINVESTMENT ACT DATA

Economic vitality of neighborhoods can partly be measured through Community Reinvestment Act (CRA) data. According to these data, 113,764 small business loans were

extended to businesses in the AI Study Region during the period from 2000 to 2016. Of these, 49,735 loans went to businesses with annual revenues of less than \$1 million. Approximately 93.3 percent of loans issued in the region were valued at less than \$100,000. Tables with complete CRA data are presented in Appendix A.

Table V.10 below presents the distribution of small business loans by value and income level of the Census tract in which those loans were issued. Roughly 7.2 percent of small business loans went to Census tracts in which the median family income ranged from 50.1 to 80 percent of the area median family income. Some 28 percent of small business loans went to upper income Census tracts, or those in which the MFI exceeded 120 percent of the area MFI. A majority of small business loans, or roughly 64.6 percent, went to middle-income Census tracts. There were 56 small business loans issued in low-income Census tracts (i.e., below 50 percent of the area MFI), representing less than 5 percent of loans originated.

Table V.10
Small Business Loans Originated: More than \$250,000 by Tract MFI

AI Study Region
2000–2016 CRA Data

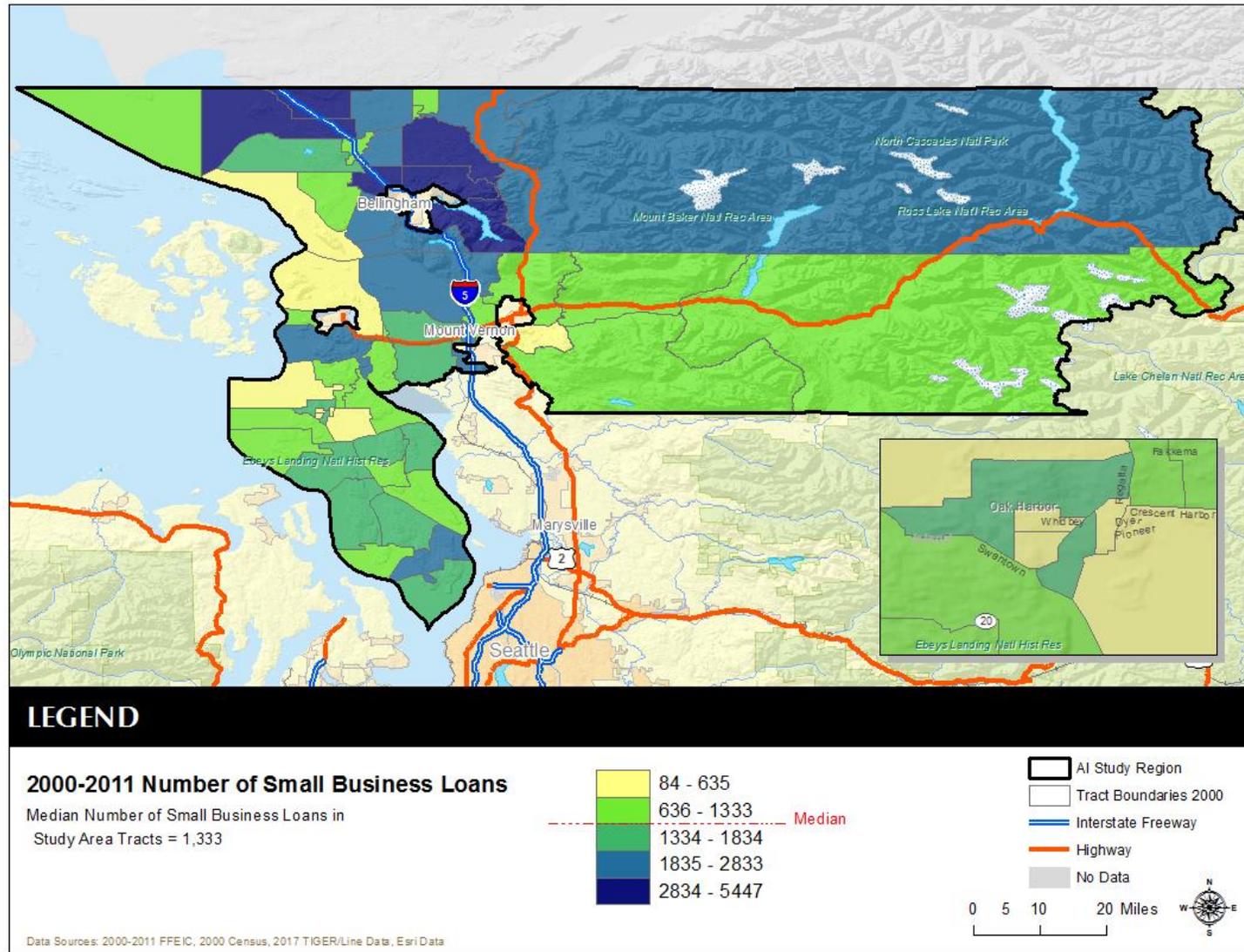
Small Business Loans Originated	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Less than \$100,000	53	7,622	68,069	30,360	4	106,108
\$100,001 to \$250,000	2	266	2,721	954	0	3,943
More than \$250,00	1	280	2,684	748	0	3,713
Total	56	8,168	73,474	32,062	4	113,764

The median number of small business loans issued in study area Census tracts from 2000 through 2011 was 1,333. As shown in Map V.3 on the following page, the number of loans issued in Whatcom County, as well, as some areas in Island County and western Skagit County, tended to be at or above median. The number of loans issued in eastern Skagit County, western Whatcom County, and northern Island County tended to be below median. The same overall pattern was observed in 2012-2016, as shown in Map V.4. During that time period the median number of loans issued in region Census tracts was 361.

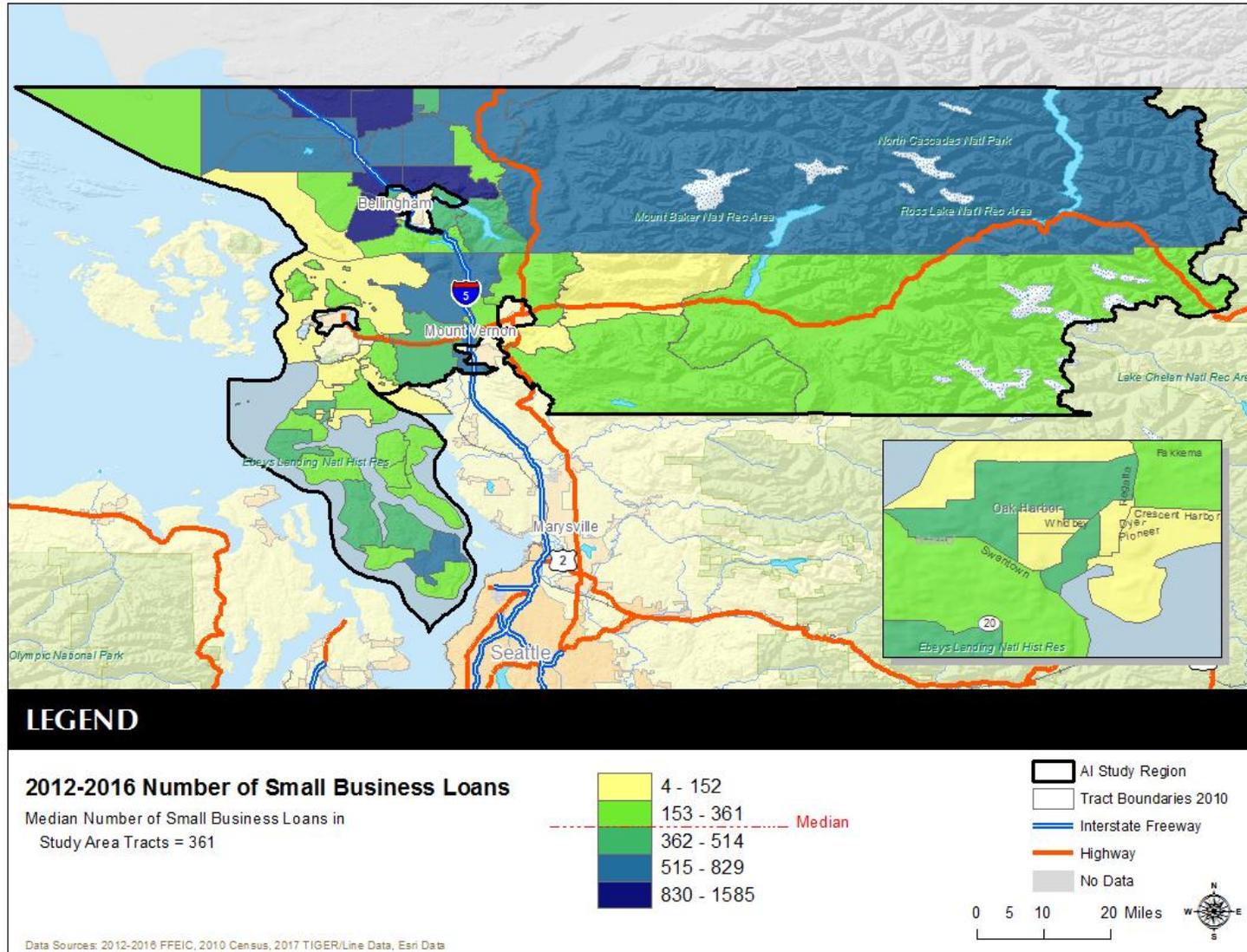
As one might expect, the total value of small business loans tended to be higher in areas that received more individual loans. As shown in Map V.5, the median value of small business loans was \$35,620 in 2000-2011. Much of Whatcom County, as well as western Skagit County, and parts of Island County had loan values above the median. Meanwhile areas in western Skagit County, eastern Whatcom County, and the rest of Island County had below median small business loan values.

Between 2011 and 2016, the same pattern was present as was in 2000-2011. The median value of small business loans, however, was \$11,704, as shown on Map V.6.

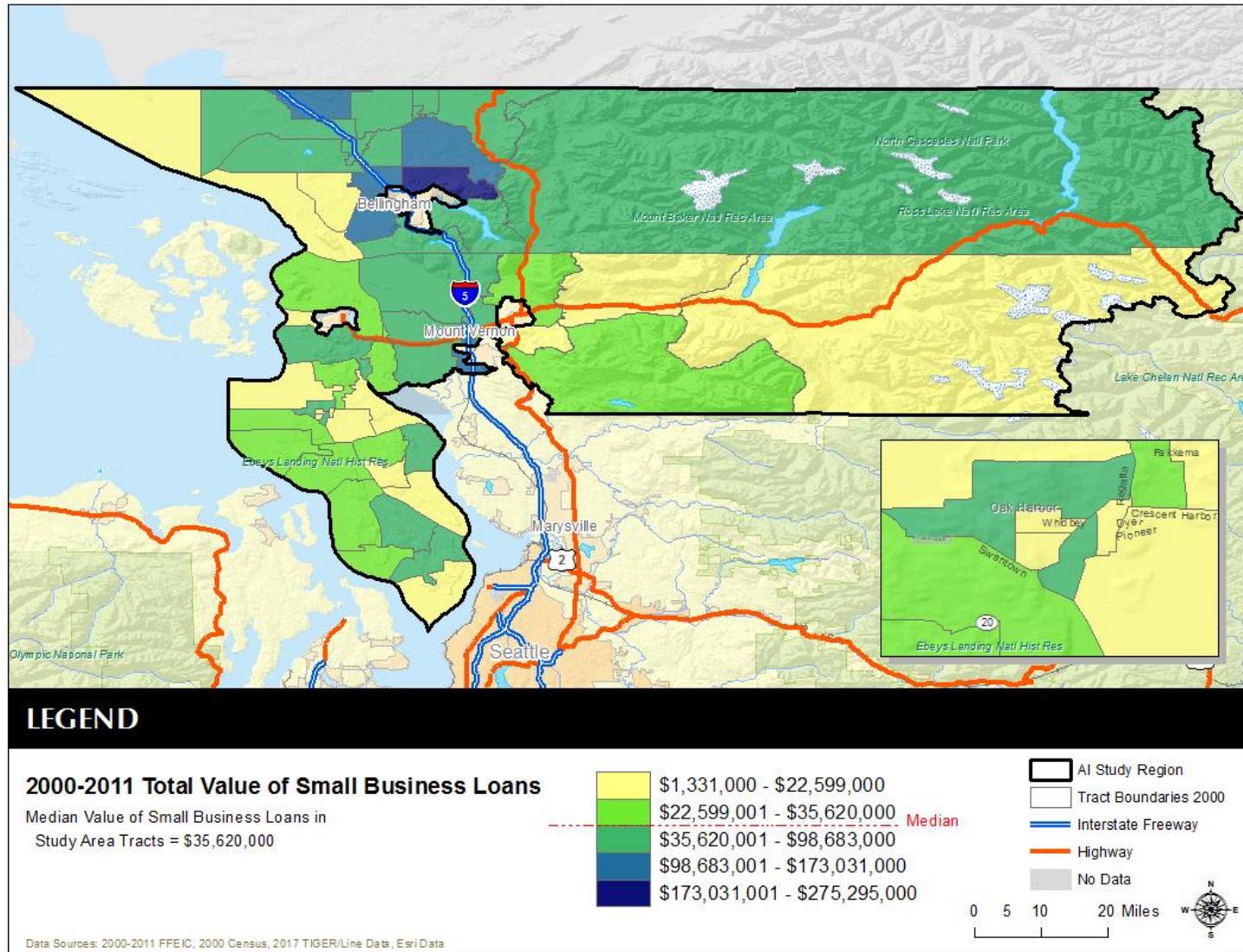
Map V.3
Number of Small Business Loans: 2000-2011
 AI Study Region
 2000-2011 FFIEC CRA



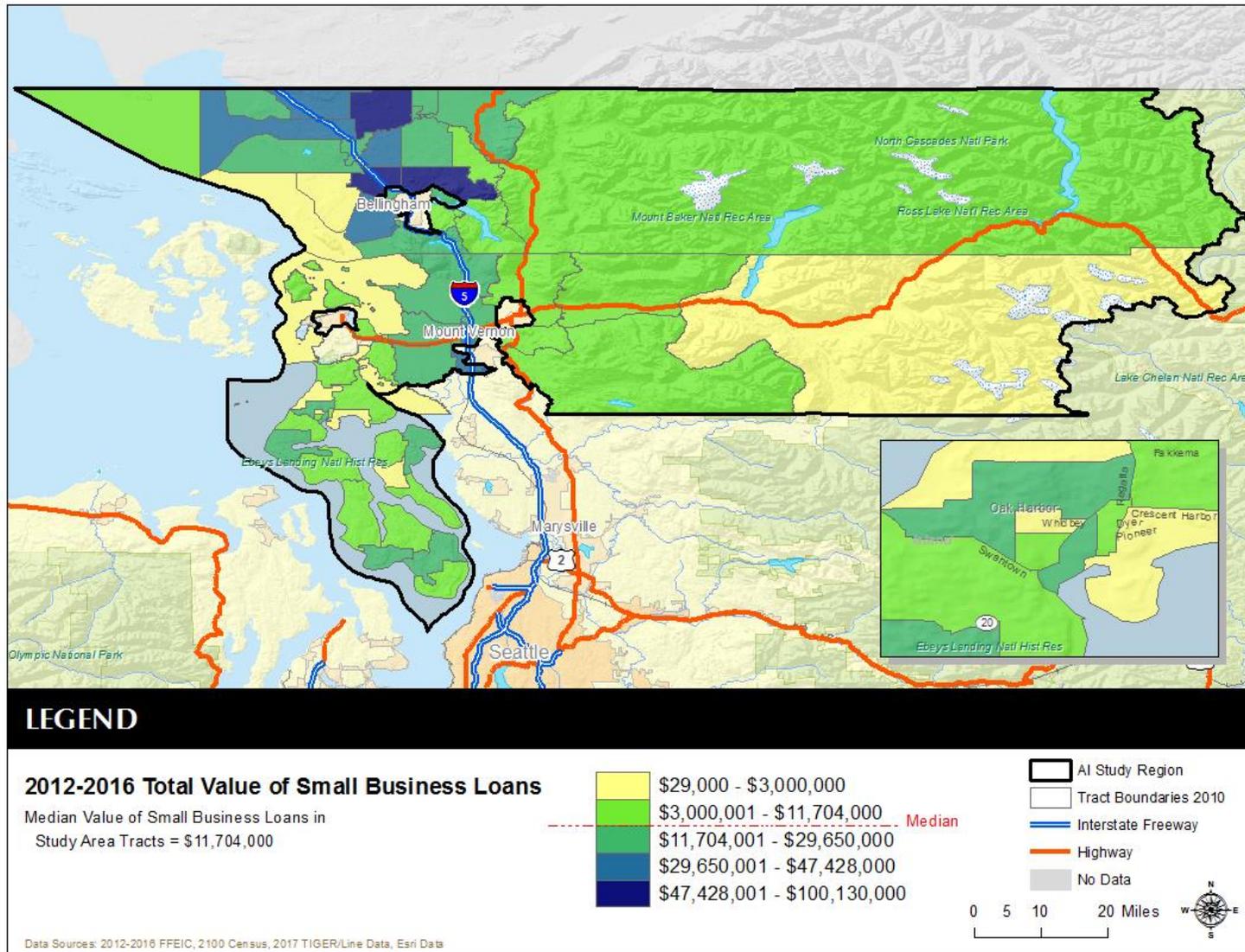
Map V.4
Number of Small Business Loans: 2012-2016
 AI Study Region
 2012-2016 FFIEC CRA



Map V.5
Total Value of Small Business Loans: 2000-2011
 AI Study Region
 2000-2011 FFIEC CRA



Map V.6
Total Value of Small Business Loans: 2012-2016
 AI Study Region
 2012-2016 FFIEC CRA



FAIR HOUSING COMPLAINTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD maintains records of complaints that represent potential and actual violations of federal housing law, as described previously in the Complaint Process Review. Over the 2008 through 2016 study period, the agency received a total of 19 complaints alleging discrimination in the AI Study Region. Thirteen of these complaints were on the basis of a disability, five for race, four for familial status, one for retaliation and one for national origin.

Table V.11
Fair Housing Complaints by Basis
 AI Study Region
 HUD Fair Housing Complaints

Basis	2010	2011	2012	2013	2014	2015	2016	Total
Race	1	0	0	3	0	0	1	5
Disability	2	0	6	2	2	0	1	13
Familial Status	0	0	0	2	0	2	0	4
National Origin	0	0	0	0	0	1	0	1
Retaliation	0	0	0	1	0	0	0	1
Total Basis	3	0	6	8	2	3	2	24
Total Complaints	2	0	6	5	2	2	2	19

Those who file fair housing complaints with the Department of Housing and Urban Development may include more than one discriminatory action, or *issue*, in those complaints. Fair housing complaints from the AI Study Region cited 39 issues total, with the most common being failure to make reasonable accommodation. This was followed by discriminatory terms, conditions, privileges, or services and facilities, discriminatory acts under Section 818 (coercion, Etc.), as shown in Table V.12 below.

Table V.12
Fair Housing Complaints by Issue
 Non-Entitled
 HUD Fair Housing Complaints

Issue	2010	2011	2012	2013	2014	2015	2016	Total
Discriminatory terms, conditions, privileges, or services and facilities	1	0	1	1	0	2	1	6
Discriminatory refusal to negotiate for rental	0	0	1	0	0	0	0	1
Failure to permit reasonable modification	0	0	2	0	2	0	0	4
Failure to make reasonable accommodation	0	0	5	2	1	0	1	9
Discriminatory refusal to rent and negotiate for rental	0	0	0	2	0	0	0	2
Discriminatory refusal to rent	1	0	0	1	1	0	2	5
Discrimination in terms/conditions/privileges relating to rental	0	0	1	2	1	0	1	5
None	0	0	0	0	0	0	0	0
Discriminatory acts under Section 818 (coercion, Etc.)	0	0	2	0	1	1	2	6
Discriminatory advertising, statements and notices	0	0	0	0	1	0	0	1
Total Issues	2	0	12	8	7	3	7	39
Total Complaints	2	0	6	5	2	2	2	19

As shown in Table V.13, four of those complaints were successfully conciliated or settled, and twelve had no caused determination. Another one was closed after the complainant

failed to cooperate, and two more complaints were withdrawn by complainant without resolution.

Table V.13
Fair Housing Complaints by Closure
AI Study Region
HUD Fair Housing Complaints

Basis	2010	2011	2012	2013	2014	2015	2016	Total
No cause determination	2	0	3	4	1	0	2	12
Complainant failed to cooperate	0	0	1	0	0	0	0	1
Complaint withdrawn by complainant without resolution	0	0	1	1	0	0	0	2
Conciliation/settlement successful	0	0	1	0	1	2	0	4
Total Closures	2	0	6	5	2	2	2	19
Total Complaints	2	0	6	5	2	2	2	19

FAIR HOUSING SURVEY – PRIVATE SECTOR RESULTS

Additional evaluation of fair housing within the AI Study Region was conducted via an online survey of stakeholders that began in early 2018. The purpose of the survey, a relatively qualitative component of the AI, was to gather insight into the knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing. Results and comments related to the questions in the private sector are presented in the following narrative, and additional survey results are discussed in **Sections VI** and **VII**.

The 2018 Fair Housing Survey was completed by 189 persons and was conducted entirely online. Individuals solicited for participation included citizens of the three county region, representatives of housing groups, minority organizations, disability resource groups, real estate and property management associations, banking entities, and other groups involved in the fair housing arena. Most questions in the survey required simple “yes,” “no,” or “don’t know” responses, although many questions allowed the respondent to offer written comments. When many respondents reported that they were aware of questionable practices or barriers, or when multiple narrative responses indicated similar issues, findings suggested likely impediments to fair housing choice.

Numerical tallies of results and summaries of some comment-driven questions are presented in this section. A complete list of written responses is available in Appendix B.

FAIR HOUSING IN THE PRIVATE SECTOR

In order to address perceptions of fair housing in the region’s private housing sector, survey respondents were asked to identify their awareness of possible housing discrimination issues in a number of areas within the private housing sector, including the following:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industry,

- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

If respondents indicated that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented on the following page in Table V.14 below. As shown, a majority of respondents generally were not aware of any barriers to fair housing in the private housing market, with the exception of the rental housing market. Some 38 respondents (more than a quarter of those who responded to the question) maintained that they were aware of fair housing issues in the rental housing market. No more than ten percent of respondents noted an awareness of barriers to fair housing choice in any other private sector area mentioned.

Table V.14
Barriers to Fair Housing in the Private Sector
Skagit County
2018 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
The rental housing market?	38	47	50	54	189
The real estate industry?	16	43	75	55	189
The mortgage and home lending industry?	7	42	85	55	189
The housing construction or accessible housing design fields?	12	37	85	55	189
The home insurance industry?	1	38	95	55	189
The home appraisal industry?	3	32	98	56	189
Any other housing services?	13	30	80	61	189

When asked to provide additional information on the types of discrimination that they had observed in the private sector, many respondents focused on perceived discrimination in the rental housing market. In some cases, commenters cited a discriminatory situation involving themselves or an acquaintance, such as discrimination based on family size or having children. A complete set of responses is available in Appendix B.

SUMMARY

Fair housing choice may be influenced by factors in the private housing market, including patterns in home and small business lending and the decisions that rental housing providers to accept or reject potential tenants. To assess the degree to which these factors may influence fair housing choice in the region, this report includes an analysis of home lending data collected under the Home Mortgage Disclosure Act (HMDA), small business lending data collected in accordance with the Community Reinvestment Act (CRA), fair housing complaints filed against local housing providers, and data summarizing the experience of stakeholders and residents in the local housing market gathered through the 2018 Skagit County HOME Consortium Fair Housing Survey.

Banks and other lending institutions handled 171,321 home loans and loan applications from 2008 through 2016. Around 30.7 percent (52,687) of these were home purchase loans, and approximately 87.9 percent of those home purchase loans were intended to finance the purchase of a home in which the buyer intended to live.

Based on the 25,374 loans that were originated in the region during that time period, and the 3,608 that were denied, owner-occupied home purchase loan applicants in the study area saw an overall denial rate of 12.4 percent. The most common reasons that these loans were denied included debt-to-income ratio and credit history.

One of the reasons that it is important to examine home lending data in the context of fair housing is to determine whether there are marked differences in the success of home loan applications by protected class status. Data gathered under the HMDA include information on the race or ethnicity of the buyer, as well as his or her gender, allowing for a comparison of denial rates between these groups.

While white applicants had a denial rate of 11.8 over the period from 2008 through 2016, American Indians had a denial rate of 21.8 percent. Black applicants also had a denial rate higher than the average, at 15.5 percent versus 12.4 percent for the whole region. The denial rate for prospective female homeowners was 13.8 percent, two percentage points higher than the denial rate for male applicants. Denial rates for male and female applicants differed considerably by year, but each year the rate of female denials was higher than that of males.

There were also no substantial fair housing concerns revealed through an analysis of small business lending data gathered under the Community Reinvestment Act (CRA). Small business lending was fairly evenly distributed by income level. Lending was not notably absent from areas with above-average concentrations of protected class groups or households living in poverty.

Region residents filed 19 fair housing complaints against housing providers in the AI Study area from 2008 through 2016. Thirteen of these complaints were on the basis of a disability, five for race, four for familial status, one for retaliation and one for national origin. Four of those complaints was successfully conciliated or settled, and twelve had no caused determination. Another one was closed after the complainant failed to cooperate, and two more complaints were withdrawn by complainant without resolution.

Respondents to the 2018 Fair Housing Survey weighed in on a range of industries and activities in the region's private housing sector:

- The rental housing market;
- The real estate industry;
- The mortgage and home lending industry;

- The housing construction or accessible design fields;
- The home insurance industry;
- The home appraisal industry; or
- Any other housing services.

A majority of respondents generally were not aware of any barriers to fair housing in the private housing market, with the exception of the rental housing market. Some 38 respondents (more than a quarter of those who responded to the question) maintained that they were aware of fair housing issues in the rental housing market. No more than ten percent of respondents noted an awareness of barriers to fair housing choice in any other private sector area mentioned.

SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR

While the previous section presented a review of the status of fair housing in the private sector, this section will focus specifically on fair housing in the public sector. The U.S. Department of Housing and Urban Development (HUD) recommends that the AI investigate a number of housing factors within the public sector, including health and safety codes, construction standards, zoning and land use policies, tax policies, and development standards. The AI should also examine the placement of public housing as well as its access to government services.

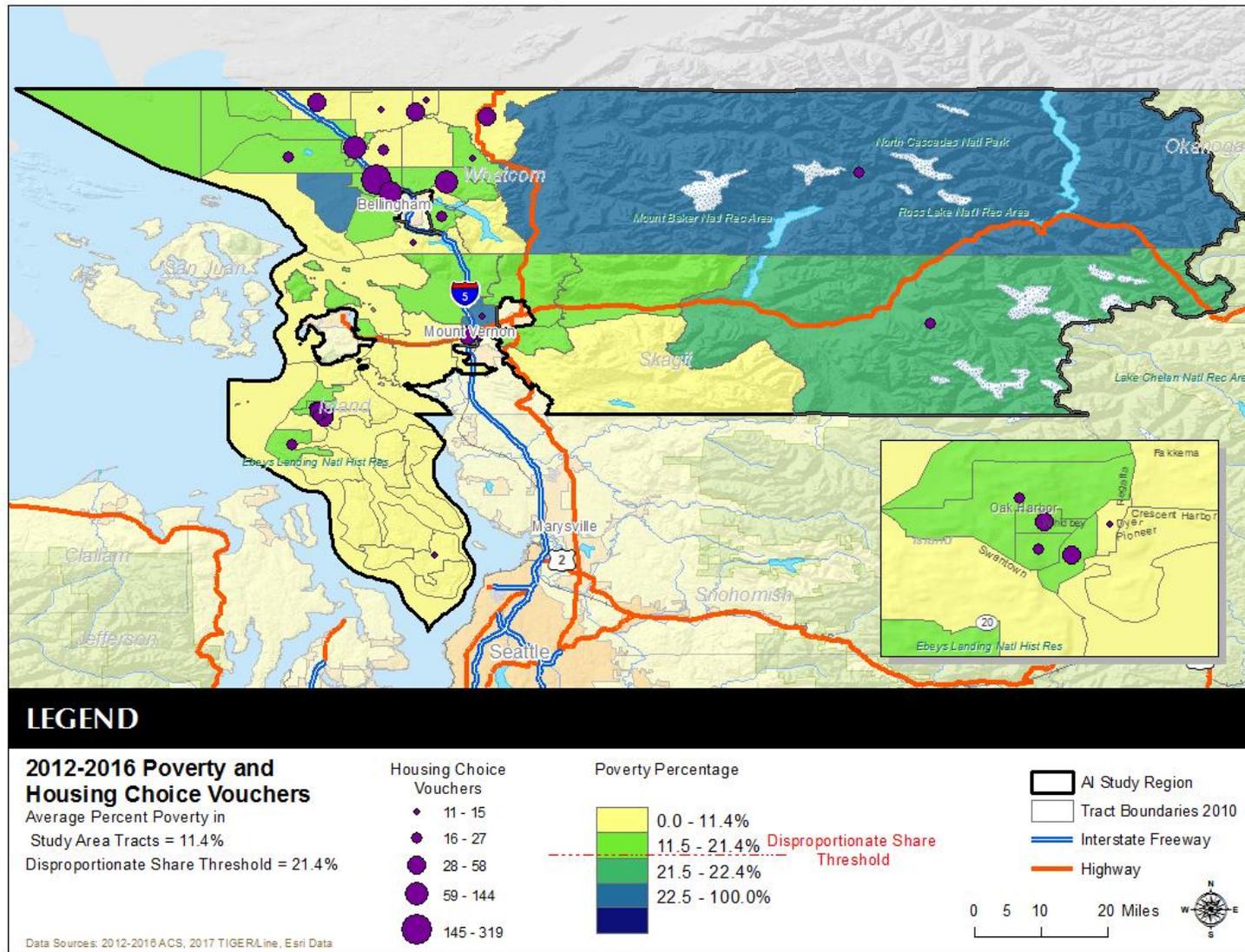
PUBLIC SERVICES

Community features, including public services and facilities, and the location of public and assisted housing are essential parts of good neighborhoods, leading to a more desirable community and more demand for housing in these areas.

HOUSING CHOICE VOUCHERS

Housing choice vouchers provide rental support to low-income families, who may use those vouchers anywhere that a landlord will accept them. As shown in Map VI.1 on the following page, housing choice vouchers were seen mainly in the western portions of Whatcom and Skagit Counties. A smaller number were seen in Island County, and few in the eastern portions of Skagit and Whatcom Counties. The higher levels of housing vouchers tend to correspond with areas of above average poverty, but not in areas with disproportionate shares of poverty.

Map VI.3
Housing Choice Vouchers
 AI Study Region
 March 2018 HUD AFFH Raw Data



PUBLIC POLICIES

Information on municipal codes, ordinances, and other local policies was reviewed to determine the degree to which they provide clear guidance on development policies that may impact residents differently depending on protected characteristics, and to identify potential challenges that might serve to restrict fair housing choice.

Zoning, Procedures, Development Standards, and Definitions

Zoning & Procedures

Zoning is typically reviewed to ensure there isn't a discriminatory disparate impact by zoning certain uses out of a community altogether. It is also reviewed to ensure there isn't disparate impact resulting from zoning which severely restricts where certain residential uses can occur within a community. Further, zoning must not have the effect of treating protected characteristics differently, such as treating housing for a group of persons with disabilities living together as a household unit more restrictively than housing for other household units.

Zoning can also serve to provide opportunity: for example, by providing locations for affordable housing which are located near transit routes and accessible to jobs and services.

Zoning Map and Permitted Uses

Island County

Residential zoning allows for a range of unit density from 3 units per acre to one unit per 2.5 acres. Rural zones permit units up to one unit per 5 acres.

In Residential and Rural Center Zones, group homes are a permitted use. In Rural Residential, Forest, and Agricultural Zones, a group home is permitted up to 6 persons, and conditional for 7 to 12 persons.

Skagit County

The maximum residential unit density varies throughout the County by rural and urban areas. The Rural Reserve Zone, a large portion of the county, allows 1 unit for every 5 acres through the County's cluster land division process. Rural Intermediate, a LAMIRD zone that covers many waterfront areas, allows 1 unit for every 2.5 acres, but many pre-existing lots are 1 acre.

Group care facilities are considered hearing examiner- special uses in most residential zoned areas, and are allowed up to 20 residents and staff.

Whatcom County

A variety of housing densities are allowed throughout the County, with areas of rural residential zoning allowing anywhere from one unit for one to ten acres. In urban residential areas, housing units vary from three units per acre to 24 units per acre.

Residential care centers, including rehabilitation centers are considered conditional uses in Urban and Rural Residential districts, including mixed-use urban residential districts.

Mixed-Use Housing

All three counties permit mixed-use development in different forms. In Whatcom County, there are specified zones for mixed-use development, while Skagit and Island Counties permit mixed-use development in some areas.

Affordable Housing

All residential zones in Skagit County allow for Accessory Dwelling Units (ADU), limited to 900 square feet, which increase housing options to accommodate additional households and may provide additional sources of income. Skagit County also allows for temporary placement of a manufactured home to accommodate the needs of a disabled or elderly family member.

The zoning and code in Whatcom County allow for some options to increase access to affordable housing options. Various zoning areas in Whatcom County allow for density bonuses. In addition, accessory dwelling units are permitted in some zones in the County, which offer opportunities to accommodate extended families, aging parents, or provide supplemental income to offset housing costs for the owner of the main dwelling.

However, region wide feedback from stakeholders also suggests that there may be factors that hinder the development of low- to moderate-income housing, including local resistance to affordable housing projects (NIMBYism), whether those projects are multifamily or single-family projects in zones where those uses are permitted by right and at permitted densities.

Development Standards

Development standards are reviewed to ensure they don't contain provisions which would have the effect of being more restrictive or cumbersome based on protected characteristics. Further, they should ensure site accessibility and reasonable accommodation of disabilities.

Codes should avoid standards that may be more extensive for affordable housing development than for equivalent non-affordable housing, where disparate impact may otherwise result.

The development standards in all three counties also contain provisions for ADA accessible parking (which is also addressed in the Building Code).

The counties also provide 'built-in' exceptions to certain development standards (such as allowing ramps and handrails within setback areas) so it isn't necessary to go through a variance process to allow for reasonable accommodations or modifications for disabilities.

Definitions

Definitions are typically reviewed to ensure definitions related to dwellings and families aren't discriminatory. As with zoning, definitions must not have the effect of treating protected characteristics differently, such as treating housing for a group of persons with disabilities living together as a household unit more restrictively than housing for other household units.

Island County

The Code of Ordinance contains several definitions that relate to residential use and development. These include: Accessory use or structure, Residential, and Single-Family Dwelling.

Skagit County

The Unified Development Code contains several definitions that relate to residential use and development. These include: Accessory dwelling unit, Co-housing, apartment dwelling, duplex dwelling, townhouse dwelling, dwelling unit (attached, detached and efficiency), group care facility, residential lot, residential structure, and seasonal worker housing.

Whatcom County

The code contains several definitions that relate to residential use and development. These include: Accessory apartment, adult family home, detached accessory dwelling unit, duplex, dwelling unit, family, family dwelling, multifamily dwelling, and single-family dwelling.

Review and addition of new definitions may be needed across the three counties. The definition of group quarters or group care facility should be added or reviewed for consistency. Single-family dwelling should also be reviewed to ensure it is mutually exclusive from the definition of "dwelling unit" which relies on the definition of "family."

Building Code

The Building Code addresses numerous issues. All jurisdictions in Washington are subject to the state building code. Along with life and safety issues, the code addresses a number of other topics, including ADA accessibility. The State of Washington uses the International Building Code for ADA standards.

Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing

facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).⁶⁷

Newly constructed residential structures having four or more multi-family dwelling units, regardless of whether they are privately owned or federally assisted, include certain features of accessible and adaptable design according to guidelines established by the U.S. Department of Housing and Urban Development (HUD). This law and the appropriate regulations should be consulted before proceeding with the design and construction of residential housing

Other Policies

Residential Occupancy Standards

There are no residential occupancy standards or limits outside of standard building codes that serve to restrict the number of persons per bedroom or based on persons per X square feet.

HOME Funding

The Skagit County HOME Consortium receives HOME Investment Partnerships Program (HOME) funds. The Consortium's Consolidated Plan also includes funding to conduct the Assessment of Fair Housing, which must be submitted before starting into the next Consolidated Planning cycle.

FAIR HOUSING SURVEY – PUBLIC SECTOR RESULTS

As mentioned previously, further evaluation of the status of fair housing within the AI Study Region was conducted via an online 2018 Fair Housing Survey, which was completed by 189 stakeholders and citizens. Those solicited for participation included a wide variety of individuals in the fair housing arena. Most questions in the survey required “yes,” “no,” or “don’t know” responses, and many allowed the respondent to offer written comments. While the numerical tallies of results are presented in this section, along with summaries of some comment-heavy questions, a complete list of written responses is available in Appendix B. Other survey results are also discussed in **Sections V** and **VII**.

⁶⁷ <https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>

FAIR HOUSING IN THE PUBLIC SECTOR

Public sector effects on housing can be complex and varied. The questions in this section of the survey asked respondents to think about possible barriers to fair housing choice within very specific areas of the public sector, as follows:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

If respondents indicated affirmatively that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented in Table VI.1 below. As was the case in questions pertaining to the private housing market (discussed in **Section V**), respondents were generally not aware of fair housing issues in the public housing market. An exception was in responses to the question relating to limited access to government services: some 44 respondents indicated they were aware of these barriers, while 30 were not aware of these barriers or questionable practices. Some additional responses indicated there may be at least a moderate barrier in zoning and land use policies.

Table VI.1
Barriers to Fair Housing in the Public Sector
 Skagit County
 2018 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
Land use policies?	30	30	68	61	189
Zoning laws?	33	27	69	60	189
Occupancy standards or health and safety codes?	13	34	80	62	189
Property tax policies?	8	29	91	61	189
Permitting process?	11	28	89	61	189
Housing construction standards?	8	26	94	61	189
Neighborhood or community development policies?	14	21	93	61	189
Limited access to government services, such as employment services?	44	30	50	65	189
Public administrative actions or regulations?	15	19	90	65	189

LAND USE PLANNER SURVEY

THE WASHINGTON GROWTH MANAGEMENT ACT

The Growth Management Act (GMA) was first adopted by the State in 1990 to manage growth. The GMA requires counties and cities to develop comprehensive plans to plan for and manage growth. The GMA has thirteen (13) goals, which include the following housing goals:⁶⁸

1. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
3. Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Some eighteen (18) counties must comply with the GMA, including Skagit, Whatcom, and Island Counties. All the cities and towns within these counties must also comply with the GMA. Each of these jurisdictions must complete comprehensive plans that include the following elements:

- Land use
- Housing
- Capital facilities plan
- Utilities
- Rural development
- Transportation
- Economic development
- Parks and recreations
- Ports (for cities with an annual maritime port revenue exceeding \$60 million)

Under the GMA, the Washington Office of Financial Management creates population projections, which are used by county and local jurisdictions for planning purposes. County's planning must identify urban growth areas (UGAs), encouraging urban growth only within those areas. The implications of the GMA on local planning includes the restriction of new multifamily units to already urbanized areas.

LAND USE PLANNER SURVEY

A land use planner survey was conducted in March 2018 to gather information about local planning and zoning practices that may impact fair housing in the region. The survey was conducted via telephone and included land use planners in various jurisdictions in Skagit, Whatcom, and Island Counties. A total of 12 respondents from various jurisdictions participated in the survey.

⁶⁸ <http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.020>

The survey asked questions about zoning and code regulations that may encourage or limit fair housing choice within each jurisdiction, and within the region as a whole. Respondents were asked about if the jurisdiction had definitions for dwelling unit, disability, and family. The use of the word family, including a strict definition of family, or limiting the number of people in "family," may limit housing choices within a jurisdiction. This includes households that may not qualify for certain housing types based on the jurisdiction's definition of family. Questions were included about the allowance of mixed-use and conditional uses, which may increase opportunities for the development of more affordable housing choices. An overly cumbersome or undisclosed code complaint process may limit access to housing options and reasonable accommodations for protected classes. Respondents were also asked about any policies that encourage the development of affordable housing, as well as any policies that promote fair housing within their communities. In addition, respondents were asked if there were any policies that may hinder the development of affordable housing, or if the jurisdiction has inclusionary policies. The survey inquired about any recent changes in the availability of public housing units to ascertain if public housing is changing within the community, as well as development standards for making housing accessible to persons with disabilities. The survey also sought to ascertain any restrictions to group housing and housing for seniors, including definitions and where these units may be permitted.

The results of these surveys, by jurisdiction, are outlined in the following narrative.

The City of Hamilton consists of approximately 301 residents according to the 2010 Census. Currently, there are no definitions for the terms dwelling unit, family, disability, and group home. Group homes are permitted in single family resident areas. The City has not seen any significant changes since the sale or demolition of public housing units in the county, but there has been an increase in the difficulty in moving persons into assisted housing due to a limited supply of housing for any class and long waiting lists of people that qualify for help for the few places that work with them. If a code violation were to be reported the following procedures take place: pictures are taken of the violation, a notice is sent of violation, and fines are implemented if the violation has not been taken care of. Additionally, the respondent was not aware of any fair housing ordinance, policy, or regulation or any practices to affirmatively further fair housing.

The City of Oak Harbor is located on Whidbey Island in Island County with a population of approximately 22,075 according to the 2010 Census. The City does have a definition of the term dwelling unit which contains the phrase for one family. There is a definition for the term family which states a limit of four or less adult persons, unless they are all related by blood, marriage, or legal adoption. There are also guidelines to allow or encourage the development of affordable housing and policies in place for more sustainable, inclusive and mixed-use communities, but there are some complication with the high cost of single-family lots and issues with infrastructure. The policy for submittal of a code violation is to

investigate and make contact with violator, request voluntary compliance, transmit a series of letters requesting compliance, and /or turn the case over to Legal Department for fines and further legal action. Although there is a definition of group homes, they are not permitted in single family residential areas. Additionally, the respondent is not aware of any fair housing ordinance or policy to affirmatively further fair housing.

The Cities of Everson, Sumas, and Nooksack share their City Planner. The Cities have a definition for dwelling unit, family, and group homes, which are allowed in single family residential areas. The family definition does contain the phrases related by blood and/or marriage and limits to five unrelated people. The Cities of Everson and Sumac allow for conditional use for mixed housing above commercial properties, while Nooksack allows for mixed-use in secondary areas. The City of Sumas has taken high density areas and has allowed for developers to build as many units as the market can bear for affordable housing. They are also working with Habitat for Humanity which allows for smaller lot sizes. The required lot size in the cities of Everson and Nooksack is a hindrance to the development of low- to moderate-income housing. If a code violation were to be reported the cities have provisions that have been adopted and a building official may issue an infraction. The cities do have a fair housing policy, but the respondent was not aware of any policy to affirmatively further fair housing.

The City of Burlington consists of approximately a population of 8,388 persons as of the 2010 Census. The City has a definition of dwelling unit that does contain the phrase for one family, but the definition of family also includes the definition of "housekeeping unit" which allows for communal living arrangements. Mixed-use development is allowed and encouraged in most of the city's zones as outright permitted use, which allows for smaller lot sizes, permits for Accessory Dwelling Units (ADUs), and residential developments in commercial and industrial zones. The respondent was not aware of any complications that might hinder the construction of low- to moderate-income housing, nor were they aware of any sale or demolition of public housing units. Senior housing developments are allowed for lower parking space requirements per unit. There is also a procedure if a code violation is reported. If the violation is not resolved it may lead to a formal procedure. Group homes are allowed in single family residential areas. The respondent was not aware of any fair housing ordinance, policy or regulation or any policy to affirmatively further fair housing.

The Town of Lyman is a small community with a population of approximately 445 persons. The Town has definitions for dwelling unit and family, but not for disability or group homes, although group homes are permitted in single family residential areas. The respondent was not aware of any incentives for the development of affordable housing or of any complications that might hinder that development. Additionally, they were not aware of any fair housing policy ordinance or regulation or any actions the Town may take to affirmatively further fair housing.

The City of Langley is located on the south end of Whidbey Island in Island County. As of the 2010 Census the population was approximately 1,035 persons. The City does have a definition for dwelling unit, which mentions by the use for one family. There are also definitions for family and group homes, which are permitted in single family residential areas. There is a policy in place that allows and encourages the development of mixed-use and affordable housing. Also, the City follows the state statute for relocation of affordable housing persons. There is a special administrative process in place to request a variance for people with disabilities. The respondent was not aware of a fair housing ordinance, policy or regulation or any policies that affirmatively further fair housing.

The City of Lynden is located in Whatcom County and according to the 2010 Census the population was approximately 11,951 persons. The City has a definition of dwelling and family which mentions for the use of one family, no more than six persons, and related by blood, adoption, and marriage. There are guidelines for the development of mixed-use housing which it is allowed in some commercial areas. Some hindrances to the development of affordable housing are NIMBYism, cost of land, and the area being zoned for larger single family lots. The respondent was not aware of any sale or demolition of public housing. The City has a definition for disability and for group homes which are allowed in single family residential areas. There is a special procedure for people with disabilities to request a variance and there are standards for the development of senior housing which includes lower parking requirements. Also, the respondent was not aware of any fair housing policy or ordinances or any practices to affirmatively further fair housing.

The City of Blaine is located in Whatcom County and according to the 2010 Census the population was approximately 4,684 persons. The City has definitions for dwelling unit and family. The definition of family does contain the phrase two or more related person with no more than five unrelated persons. There are guidelines for mixed-use housing and the City currently working on incentives for creating sustainable, inclusive, and mixed-use housing. The respondent was aware of renovations of some public housing units, but not of any policy or practice in place for the relocation of the tenants. There is a definition for disability and a special process to request a variance. Group homes are permitted in single family residential areas. Additionally, the respondent was not aware of any fair housing ordinance, policy or regulation or any practices to affirmatively further fair housing.

The Town of Coupeville is located on Whidbey Island in Island County. According to the 2010 Census the Town had approximately 1,831 persons, and due to the town's size it shares a city planner with Island County. The Town and County have a definition of dwelling unit along with a definitions for family, which contains the phrase individual or two or more persons related by blood, marriage, adoption or a group of not more than five persons. The area has guidelines to encourage mixed-use, sustainable, and affordable housing and there is a push from the community to create these options. The respondent was not aware of any sale or demolition of public housing units. The area does have a definition for disability and standards for the development of senior housing such as lower parking requirements.

Group homes are permitted in single family resident areas. The area also has adopted a fair housing ordinance, policy, and regulation and practices to affirmatively further fair housing.

As of the 2010 Census, Skagit County had a population of approximately 116,901 persons. The County does have a definition of dwelling unit, which contains the phrase for a family. The definition of family states an individual, or 2 or more persons related by genetics, adoption, marriage, or other legal means, or a group of not more than 5 persons who are not related by genetics, adoption, marriage, or other legal means. Although the cost and lack of available land is cited in the survey as a hindrance, the County's most recent Comprehensive Plan notes sufficient housing to accommodate projected growth over the next 20 years within the Urban Growth Areas. The County encourages the development of affordable housing, including developer's agreements that must include the provision of affordable housing. Additionally, the County has an inclusionary policy and encourages sustainable and mixed-use housing. There is a procedure to report a code violation and there is also a special procedure for people with disabilities to request a variance. There are standards for the development of senior housing and group homes are permitted in single family residential areas. Additionally, the County has a fair housing ordinance, policy, and regulation and has adopted practices to affirmatively further fair housing.

SURVEY SUMMARY

As of the April, 2018, according to the Department of Commerce, Island County is overdue with their Comprehensive planning process and is out of compliance with the GMA.⁶⁹ According to Skagit County, Whatcom and Skagit Counties updated their periodic update of their Comprehensive Plans and are in compliance with the GMA. In Island County, Oak Harbor is out of compliance, while Coupeville and Langley are in compliance. In Skagit County, Concrete, Hamilton, La Conner, and Lyman are in compliance. In Whatcom County, Bellingham, Blaine, Everson, Nooksack, and Sumas are in compliance with the GMA, while Ferndale and Lynden are out of compliance.

Responses to the Land Use Planner survey indicate that there is some inconsistency region-wide in definitions and application of family in land use planning, which may limit access to fair housing options in the region. While several jurisdictions have incentive for the development of affordable housing, but some zoning requirements may hinder the development of affordable housing. This includes minimum lot size requirements in Everson, Nooksack and Lynden. In addition, there is a lack of fair housing policies in the cities of Blaine, Burlington, Everson, Hamilton, Langley, Lyman, Lynden, Nooksack, Oak Harbor, and Sumas.

SUMMARY

⁶⁹ <http://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

The ability of residents to choose where they will live is also impacted by laws, policies, and actions in the public sector. Factors influencing the supply and location of affordable housing units may expand or restrict housing choice for certain groups, and limitations in public transit or other government services may restrict access to employment or educational opportunities. To identify any potential areas of concern in public policy, this AI report reviews the location of publicly-funded affordable housing units; a variety of provisions in local land-use and planning codes and policies; and public input gathered through the 2018 Fair Housing Survey.

Housing choice vouchers were seen mainly in the western portions of Whatcom and Skagit Counties. A smaller number were seen in Island County, and few in the eastern portions of Skagit and Whatcom Counties. The higher levels of housing vouchers tend to correspond with areas of above average poverty, but not in areas with disproportionate shares of poverty.

Review of county land-use and zoning provisions and feedback from region officials reveals that the region has procedures in place to allow mixed-use and affordable housing development, but that local opposition to affordable housing has at times served to restrict or limit the development of public-assisted affordable housing developments, whether single-family or multi-family.

Respondents to the 2018 Fair Housing Survey noted whether they were aware of barriers or impediments to fair housing choice in the following public policy areas:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

In most cases, few respondents were aware of barriers to fair housing choice in these areas. An exception was in responses to the question relating to limited access to government services: some 44 respondents indicated they were aware of these barriers, while 30 were not aware of these barriers or questionable practices.

As of the April, 2018, according to the Department of Commerce, Island County is overdue with their Comprehensive planning process and is out of compliance with the GMA.⁷⁰

⁷⁰ <http://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

According to Skagit County, Whatcom and Skagit Counties updated their periodic update of their Comprehensive Plans and are in compliance with the GMA. In Island County, Oak Harbor is out of compliance, while Coupeville and Langley are in compliance. In Skagit County, Concrete, Hamilton, La Conner, and Lyman are in compliance. In Whatcom County, Bellingham, Blaine, Everson, Nooksack, and Sumas are in compliance with the GMA, while Ferndale and Lynden are out of compliance.

Responses to the Land Use Planner survey indicate that there is some inconsistency region-wide in definitions and application of family in land use planning, which may limit access to fair housing options in the region. While several jurisdictions have incentive for the development of affordable housing, but some zoning requirements may hinder the development of affordable housing. This includes minimum lot size requirements in Everson, Nooksack and Lynden. In addition, there is a lack of fair housing policies in the cities of Blaine, Burlington, Everson, Hamilton, Langley, Lyman, Lynden, Nooksack, Oak Harbor, and Sumas.

SECTION VII. PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the AI Study Region as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of region-wide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis may reinforce findings concerning impediments to fair housing choice.

FAIR HOUSING SURVEY

As discussed in previous sections, a 2018 Fair Housing Survey represented a large portion of the public involvement efforts associated with the development of the 2018 AI. The purpose of the 2018 Fair Housing Survey, a relatively qualitative component of the AI, was to gather insight into knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing as well as to gauge the ability of informed and interested parties to understand and affirmatively further fair housing. Many individuals and organizations throughout the region were invited to participate.

A total of 189 people in the AI Study Region took the survey, which was conducted entirely online. A complete list of responses is included in Appendix B, including additional comments that survey respondents submitted with questions discussed in **Sections V and VI**.

Respondents were asked to identify their primary role in the housing industry. As shown in Table VII.1, at right, 96 respondents were service providers, 29 were in real estate sales/brokerage, 19 respondents were advocates/service providers, 14 were in the lending/mortgage industry, and 6 were in local government.

Table VII.1
Role of Respondent
Skagit County
2018 Fair Housing Survey Data

Primary Role	Total
Advocate/Service Provider	19
Appraisal	0
Construction/Development	0
Insurance	0
Law/Legal Services	0
Lending/Mortgage Industry	14
Local Government	6
Property Management	1
Real Estate	29
Sales/Brokerage	96
Service Provider	0
Homeowner or Renter	14
Other Role	0
Missing	0
Total	189

Table VII.2
How Familiar are you with
Fair Housing Laws?
Skagit County
2018 Fair Housing Survey Data

Familiarity	Total
Not Familiar	47
Somewhat Familiar	77
Very Familiar	31
Missing	34

Total 189

Respondents were also asked to assess their own level of familiarity with fair housing laws. As shown in Table VII.2 at left, a majority of those who responded considered themselves to be at least somewhat familiar with those laws.

A majority of respondents considered fair housing laws to be useful, as shown in Table VII.3 on the following page. About a quarter of respondents felt that fair housing laws are difficult to understand or follow, though around the same amount disagreed. There was a moderate level of support for changes to fair housing policy. Only 13.2 percent of commenters felt that fair housing laws are not adequately enforced.

**Table VII.3
Federal, State, and Local Fair Housing Laws**

Skagit County
2018 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Do you think fair housing laws are useful?	120	2	32	35	189
Are fair housing laws difficult to understand or follow?	49	49	56	35	189
Do you think fair housing laws should be changed?	36	33	78	42	189
Do you think fair housing laws are adequately enforced?	25	35	90	39	189

The next section in the survey related to fair housing activities, including outreach and education and testing and enforcement. As shown in Table VII.4 below, 58 respondents were aware of available fair housing training opportunities: nearly 40 percent of those who responded to the question. Some 72 respondents indicated there is too much outreach and education activities, and 28 respondents indicated there was too much training.

**Table VII.4
Fair Housing Activities**

Skagit County
2018 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total	
Is there a training process available to learn about fair housing laws?	58	70	17	44	189	
Have you participated in fair housing training?	42	38	5	104	189	
Are you aware of any fair housing testing?	11	91	43	44	189	
Testing and education	Too Little	Right Amount	Too Much	Don't Know	Missing	Total
Is there sufficient outreach and education activity?	4	13	72	55	45	189
Is there sufficient testing?	4	4	28	109	44	189

**Table VII.5
Protected Classes Listed**

Skagit County
2018 Fair Housing Survey Data

Protected Class	Total
Gender	54
Religion	53
Sexual Orientation	43
Age	29
Family Status	24
National Origin	24
Color	12

As part of the process of measuring understanding of fair housing law, respondents were asked to list their awareness of classes of persons protected by fair housing laws on federal, city, and local levels. Race and disability were offered as examples of protected classes in the question narrative, and respondents were encouraged to continue on and list other protected classes. Results of this question are presented at right in Table VII.5. A majority were able to correctly identify gender, religion, and sexual orientation groups protected under federal or state fair housing laws. Fewer respondents correctly identified national origin, family status, marital status, income, and color.

Marital Status	9
Disability	7
Income	7
Military	6
Ethnicity	4
AIDS	1
Criminal History	1
AIDS	1
Domestic Violence	1
Ancestry	0
Race	0
Retaliation	0

In a concluding series of questions, respondents were asked about local fair housing policy and fair housing issues. Responses to these questions are summarized in Table VII.6 on the following page. As shown, 15 respondents were aware of a city or county fair housing ordinance, regulation, or plan, or around 19 percent of those who responded to the question. Thirteen reported being aware of any policies or practices for affirmatively furthering fair housing, and fourteen reported being aware of specific geographic areas with fair housing problems.

Table VII.6
Local Fair Housing
 Skagit County
 2018 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any city or county fair housing ordinance, regulation, or plan?	15	64	43	67	189
Are you aware of any policies or practices for affirmatively furthering fair housing?	13	62	48	66	189
Are there any specific geographic areas that have fair housing problems?	14	16	90	69	189

Respondents were also asked to offer any additional comments that they might have regarding fair housing in their communities. As one might expect, this question prompted a range of responses. A complete set of comments is available in Appendix B.

FAIR HOUSING PUBLIC INPUT

Efforts to promote public involvement during the AI process also included a forum, public comment period, public input session, and a final presentation of the findings from the AI process.

PUBLIC COMMENT PERIOD

The Analysis of Impediments was available for public review from April 2, 2018 through May 5, 2018.

PUBLIC HEARING

During the Public Comment Period, a Public Review Hearing was held on March 27th and April 17, 2018.

SUMMARY

Efforts to promote public involvement in the 2018 AI process included the 2018 Fair Housing Survey, a 2017 fair housing community forum, a public input presentation, a public input period that began on April 2, 2018 and ended on May 5, 2018, and a public hearing held on April 17, 2018.

A total of 189 people responded to the Fair Housing Survey. Respondents were generally supportive of fair housing laws, and considered themselves at least somewhat familiar with those laws. Many respondents also felt that current levels of fair housing testing and outreach and education were sufficient to meet the region's fair housing needs.

A common concern among those who contributed written responses to survey questions was the current state of the rental housing market. These respondents perceive the current market to be unaffordable, and the supply of decent affordable rental housing to be short.

SECTION VIII. SUMMARY OF FINDINGS

This AI reviews both the public and private sector contexts for the Skagit County HOME Consortium's housing markets, in order to determine the effects these forces have on housing choice.

Socio-Economic Context

Socio-economic data provide an essential context for the analysis of impediments, characterizing the environment in which housing choices are made. In its 1996 *Fair Housing Planning Guide* and subsequent guidance, HUD recommends the inclusion and analysis of demographic, economic, and housing data as part of a thorough review of the local housing market and potential impediments to fair housing choice. Accordingly, this study provides a review of demographic and economic data provided by the Census Bureau along with economic and employment data gathered from the Bureau of Labor Statistics and Bureau of Economic Analysis. Data from the Census Bureau were primarily drawn from the 2000 and 2010 decennial Census counts, but were supplemented with data from the 2012-2016 American Community Survey.

The population within the AI Study Region area grew by an estimated 16.2 percent between 2000 and 2010. As it did, racial and ethnic minority residents came to account for larger and larger percentages of the study area population. This was particularly true of the Hispanic population, which grew from an estimated 6.8 percent in 2000 to 11 percent in 2016.

From a fair housing perspective, it is important to determine the degree to which residents are segregated by race or ethnicity. Some degree of segregation may be natural, and may not represent a fair housing challenge; however, where there are high concentrations of residents of one race or ethnicity, and where those concentrations exist in areas with high poverty and low access to opportunity, such conditions are a cause for concern. For the purposes of this report, residents of different demographic groups are considered to be disproportionately concentrated in Census tracts or block groups where they account for a share of the population that exceeds the overall study area average by ten percentage points. For example, if black residents account for 0.5 percent of the population throughout the study area, they will be considered "disproportionately" concentrated in any Census block group where they make up 10.5 percent of residents or more.

In 2016, there were areas with disproportionate shares of American Indian and Black households, seen in the northern part of Island County and the western part of Whatcom County. Also, in 2016, there was an area with disproportionate share of Hispanic households outside Mount Vernon in Skagit County.

Residents with disabilities accounted for 17.1 percent of the region population in 2016. At that time, there were areas in all three counties that had higher than average concentrations of persons with disabilities, but no areas had a disproportionate share.

From 1990 through 2009, growth in the number of employed workers in the region generally kept pace with changes in the size of the labor force, but like much of the nation, the AI Study Region experienced a marked decline in employment after 2009. During this time, the unemployment rate spiked to almost 10 percent, which was fairly even with the state unemployment rate. By 2016, there were around 198,649 workers in the region's labor force, 186,249 of whom were employed, resulting in an unemployment rate of 6.2 percent, compared to 5.4 percent for the State of Washington.

While the real average earning per job has risen in the AI Study Region since 1990, it still remains behind the statewide average. In 2016, the AI Study Region's average earning per job was \$50,047, compared to \$64,925 for the state.

On the other hand, real per capita income (PCI), which is the inflation-adjusted average income of all residents in the county, has not declined in recent years. In 2016, the real per capita income was \$46,011 in the AI Study Region, while the state's was \$54,579.

The poverty rate has also risen since 2000, from 11.8 percent to 14.4 percent in 2016. More than 22.5 percent of households in areas of Whatcom County were in poverty, as well as areas surrounding Mount Vernon. Areas on the eastern end of Skagit County also faced disproportionate shares of poverty.

As noted previously, these same areas saw an increase in the percentage of non-white residents from 2000 through 2016. The Hispanic population increased significantly as a percentage of the population over same time period. At present, these figures do not approach the demographic threshold that HUD uses to identify Census tracts as racially-ethnically concentrated areas of poverty (50 percent non-white).

However, in future fair housing studies it will be important to continually reassess demographic and economic conditions in this and other parts of the study area. This will put the region in a position of being able to anticipate and prevent the development of racially-ethnically concentrated areas of poverty, rather than having to address such areas that have already formed. This in turn will allow for greater flexibility in future planning efforts and ensure that area residents have equitable access to economic and housing opportunities.

Between 2000 and 2016, the estimated number of housing units in the study area grew by 24.4 percent, while the population grew by 20.2 percent. As a result the vacancy rate rose from 12 percent of the housing stock in 2000 to 13.4 percent in 2016. However, vacancy rates by area were dramatically different. In fact a 2016 study by the University of

Washington Runstad Center for Real Estate found that vacancy rates for apartment rental housing in Skagit County was 0.2% and Whatcom County was 0.8 percent.⁷¹

Single-family units accounted for more than 72 percent of the housing stock in 2016. Apartment units grew as a share of the housing stock, from 12.1 percent in 2000 to 13.1 percent by 2016. Mobile homes declined as a share of the overall housing stock, from an estimated 11.5 to 7.9 percent.

Around 14 percent of vacant units in 2000 were classified as “other vacant”. Units may be classified as “other vacant” if the owner does not wish to sell the unit, is using it for storage, is elderly and living with relatives or in a nursing home, or the unit is foreclosed. These units are often more problematic than other types of housing units, as they are not available to the market place and may fall into dilapidation, contributing to blight in areas where they are grouped in close proximity. By 2016, these units had grown to account for over a fifth of vacant units.

Fewer than five percent of households in the study area were impacted by overcrowding, incomplete plumbing facilities, or incomplete kitchen facilities: three of four conditions that HUD categorizes as “housing problems.” The fourth, cost burden, was considerably more common. In 2016, some 19.6 percent were impacted by cost burdens, or paying between 30 and 50 percent of their income on housing costs. Another 16.5 percent were severely cost burdened, or paid more than 50 percent of their income on housing costs. Renters were even more impacted by cost burdens, as 51.7 percent of renter households in 2016 were cost burdened or severely cost burdened.

Review of Fair Housing Laws, Studies, and Cases

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act.

In addition to the fair housing protections provided by federal law, Washington residents are protected from discrimination in the state housing market by state-level anti-discrimination law. This law, which is enforced by the Washington State Human Rights Commission (WSHRC) prohibits discrimination on all of the bases included in the federal Fair Housing Act, as well as discrimination based on marital status, sexual orientation, and gender identity. HUD has recognized Washington’s anti-discrimination statutes as “substantially equivalent” to the Fair Housing Act, meaning that the rights, responsibilities,

⁷¹ <http://realestate.washington.edu/wp-content/uploads/2016/04/spring-2016.pdf>

and remedies that Washington law guarantees are at least as comprehensive as those provided under federal law.

The Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. However, in January 2018, HUD released a rule postponing the implementation of the Assessment of Fair Housing (AFH). As a result, all jurisdictions without an accepted AFH must revert to the Analysis of Impediment process as described above. The Skagit County HOME Consortium is undertaking this Analysis of Impediment (AI) after this January 5, 2018 ruling.

Fair Housing Structure

There are a variety of avenues available to Skagit, Whatcom, and Island County residents who believe that they have experienced discrimination in the local housing market. The Department of Housing and Urban Development enforces the federal Fair Housing Act, and those who believe that they have suffered housing discrimination based on race, color, religion, sex, national origin, familial status, or disability, may file a complaint with the agency.

The Washington State Human Rights Commission (WSHRC) is the Fair Housing entity in the State of Washington. The Commission has a cooperative agreement with the Department of Housing and Urban Development (HUD) to process and investigate dual-filed housing complaints for which our Commission receives funding under the Fair Housing Assistance Program (FHAP). The Commission is a FHAP agency because their law is substantially equivalent to the federal Fair Housing Act.

In addition, the Fair Housing Center of Washington is a nonprofit whose mission is to assure equal access to housing and other related services to the residents of Washington through education, investigation, and enforcement of applicable laws

Contact information for HUD, WSHRC, and the FHCW are included in **Section IV** of this report and following the report's title page.

Fair Housing in the Private Sector

Fair housing choice may be influenced by factors in the private housing market, including patterns in home and small business lending and the decisions that rental housing providers make to accept or reject potential tenants. To assess the degree to which these factors may influence fair housing choice in the region, this report includes an analysis of home lending data collected under the Home Mortgage Disclosure Act (HMDA), small business lending data collected in accordance with the Community Reinvestment Act (CRA), fair housing complaints filed against local housing providers, and data summarizing the experience of stakeholders and residents in the local housing market gathered through the 2018 Skagit County HOME Consortium Fair Housing Survey.

Banks and other lending institutions handled 171,321 home loans and loan applications from 2008 through 2016. Around 30.7 percent (52,687) of these were home purchase loans, and approximately 87.9 percent of those home purchase loans were intended to finance the purchase of a home in which the buyer intended to live.

Based on the 25,374 loans that were originated in the region during that time period, and the 3,608 that were denied, owner-occupied home purchase loan applicants in the study

area saw an overall denial rate of 12.4 percent. The most common reasons that these loans were denied included debt-to-income ratio and credit history.

One of the reasons that it is important to examine home lending data in the context of fair housing is to determine whether there are marked differences in the success of home loan applications by protected class status. Data gathered under the HMDA include information on the race or ethnicity of the buyer, as well as his or her gender, allowing for a comparison of denial rates between these groups.

While white applicants had a denial rate of 11.8 percent over the period from 2008 through 2016, American Indians had a denial rate of 21.8 percent. Black applicants also had a denial rate higher than the average, at 15.5 percent versus 12.4 percent for the whole region. The denial rate for prospective female homeowners was 13.8 percent, two percentage points higher than the denial rate for male applicants. Denial rates for male and female applicants differed considerably by year, but each year the rate of female denials was higher than that of males.

There were also no substantial fair housing concerns revealed through an analysis of small business lending data gathered under the Community Reinvestment Act (CRA). Small business lending was fairly evenly distributed by income level. Lending was not notably absent from areas with above-average concentrations of protected class groups or households living in poverty.

Region residents filed 19 fair housing complaints against housing providers in the AI Study area from 2008 through 2016. Thirteen of these complaints were on the basis of a disability, five for race, four for familial status, one for retaliation and one for national origin. Four of those complaints was successfully conciliated or settled, and twelve had no caused determination. Another one was closed after the complainant failed to cooperate, and two more complaints were withdrawn by complainant without resolution.

Respondents to the 2018 Fair Housing Survey weighed in on a range of industries and activities in the region's private housing sector:

- The rental housing market;
- The real estate industry;
- The mortgage and home lending industry;
- The housing construction or accessible design fields;
- The home insurance industry;
- The home appraisal industry; or
- Any other housing services.

A majority of respondents generally were not aware of any barriers to fair housing in the private housing market, with the exception of the rental housing market. Some 38

respondents (more than a quarter of those who responded to the question) maintained that they were aware of fair housing issues in the rental housing market. No more than ten percent of respondents noted an awareness of barriers to fair housing choice in any other private sector area mentioned.

Fair Housing in the Public Sector

The ability of residents to choose where they will live is also impacted by laws, policies, and actions in the public sector. Factors influencing the supply and location of affordable housing units may expand or restrict housing choice for certain groups, and limitations in public transit or other government services may restrict access to employment or educational opportunities. To identify any potential areas of concern in public policy, this AI report reviews the location of publicly-funded affordable housing units; a variety of provisions in local land-use and planning codes and policies; and public input gathered through the 2018 Fair Housing Survey.

Housing choice vouchers were seen mainly in the western portions of Whatcom and Skagit Counties. A smaller number were seen in Island County, and few in the eastern portions of Skagit and Whatcom Counties. The higher levels of housing vouchers tend to correspond with areas of above average poverty, but not in areas with disproportionate shares of poverty.

Review of county land-use and zoning provisions and feedback from region officials reveals that the region has procedures in place to allow mixed-use and affordable housing development, but that local opposition to affordable housing has at times served to restrict or limit the development of public-assisted affordable housing developments, whether single-family or multi-family.

Respondents to the 2018 Fair Housing Survey noted whether they were aware of barriers or impediments to fair housing choice in the following public policy areas:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

In most cases, few respondents were aware of barriers to fair housing choice in these areas. An exception was in responses to the question relating to limited access to government

services: some 44 respondents indicated they were aware of these barriers, while 30 were not aware of these barriers or questionable practices.

As of the April, 2018, according to the Department of Commerce, Island County is overdue with their Comprehensive planning process and is out of compliance with the GMA.⁷² According to Skagit County, Whatcom and Skagit Counties updated their periodic update of their Comprehensive Plans and are in compliance with the GMA. In Island County, Oak Harbor is out of compliance, while Coupeville and Langley are in compliance. In Skagit County, Concrete, Hamilton, La Conner, and Lyman are in compliance. In Whatcom County, Bellingham, Blaine, Everson, Nooksack, and Sumas are in compliance with the GMA, while Ferndale and Lynden are out of compliance.

Responses to the Land Use Planner survey indicate that there is some inconsistency region-wide in definitions and application of family in land use planning, which may limit access to fair housing options in the region. While several jurisdictions have incentive for the development of affordable housing, but some zoning requirements may hinder the development of affordable housing. This includes minimum lot size requirements in Everson, Nooksack and Lynden. In addition, there is a lack of fair housing policies in the cities of Blaine, Burlington, Everson, Hamilton, Langley, Lyman, Lynden, Nooksack, Oak Harbor, and Sumas.

Public Involvement

Efforts to promote public involvement in the 2018 AI process included the 2018 Fair Housing Survey, a 2017 fair housing community forum, a public input presentation, a public input period that began on April 2, 2018 and ended on May 5, 2018, and a public hearing held on April 17, 2018.

A total of 189 people responded to the Fair Housing Survey. Respondents were generally supportive of fair housing laws, and considered themselves at least somewhat familiar with those laws. Many respondents also felt that current levels of fair housing testing and outreach and education were sufficient to meet the region's fair housing needs.

A common concern among those who contributed written responses to survey questions was the current state of the rental housing market. These respondents perceive the current market to be unaffordable, and the supply of decent affordable rental housing to be short.

⁷² <http://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS

The following impediments to fair housing choice are based on a range of data examined during the 2018 AI process. In recognition of both the strengths and limitations of those data, the actions and measurable objectives below reflect an emphasis on outreach and education, targeting residents, stakeholders, local government officials, and other interested parties. The topics to be addressed in outreach and education sessions range from reasonable accommodation/modification for residents with disabilities, fair housing laws and policies, home financing and methods for building credit, and other subjects related to housing.

Apart from outreach and education, the 2018 AI includes recommendations relating to the development of public-assisted affordable housing, by reiterating development goals included in the 2018-2022 Consolidated Plan and 2018-2019 Annual Action Plan and recommending continuing exploration of rehabilitation and redevelopment as a means to shore up the supply of affordable and accessible housing units.

Finally, the 2018 AI proposes actions that entities in the public sector may take, including review of land-use ordinances for consistency across provisions relating to “family”, and consideration of local government agencies to promote fair housing outreach and education (potentially with funding from HUD through the Fair Housing Initiatives Program).

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Refusal to make reasonable accommodation or modification as required by law. This impediment was identified through a review of fair housing complaints filed with the U.S. Department of Housing and Urban Development and input from the public through the 2018 Fair Housing Survey.

Action 1.1: Conduct ongoing outreach and education to local landlords, property managers, and residents. These outreach and education sessions should highlight the rights and responsibilities provided for in the Americans with Disabilities Act and the Fair Housing Act regarding reasonable accommodation. However, it is also important to include a discussion of what the laws do *not* require, e.g., an obligation for private landlords to make expensive, irreversible modifications to a property at the owner’s expense.

Measurable Objective 1.1: The number of outreach and education sessions conducted on a yearly basis, marketing materials relating to those efforts, and the number of participants.

Impediment 2: Discriminatory actions in the rental housing market. This impediment was identified through a review of fair housing complaints filed with the U.S. Department of

Housing and Urban Development, input from the public through the 2018 Fair Housing Survey, and public input.

Action 2.1: Conduct ongoing fair housing outreach and education to local residents and housing providers, focusing on the rights and responsibilities provided for in federal and state fair housing laws.

Measurable Objective 2.1: The number of fair housing outreach and education sessions held on a yearly basis, marketing materials relating to those sessions, and the number of participants.

Impediment 3: Challenges in home lending. This impediment was identified through a review of home mortgage lending data gathered under the Home Mortgage Disclosure Act (HMDA). Racial and ethnic minorities, as well as female applicants had a higher rate of loan denials than male applicants over all.

Action 3.1: Conduct or promote home mortgage credit education, focusing on techniques to build and maintain good credit.

Measurable Objective 3.1: The number of credit education classes held and the number of participants who are female, and are representative of the area's racial/ethnic minority residents.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Difficulty for households to access affordable housing. This impediment was identified through review of commentary submitted with the 2018 Fair Housing Survey, housing information gathered from the Census Bureau (particularly the rate of cost burdens), and feedback provided during the public input process.

Action 1.1: Review initiative to increase funding sources for additional low-income housing

Measurable Objective 1.1: Efforts undertaken to increase the supply and condition of affordable housing in the region.

Action 1.2: Explore opportunities for redevelopment or rehabilitation of residential properties for the purposes of increasing the stock of affordable housing. Include accessibility modifications in rehabilitation efforts.

Measurable Objective 1.2.1: The number of properties identified as having a potential for rehabilitation or redevelopment for the purpose of providing affordable housing.

Measurable Objective 1.2.2: The number of properties rehabilitated or redeveloped as affordable housing units, or number of accessible features added.

Action 1.3: In fair housing outreach and education sessions, include materials relating to affordable housing, including the benefits of affordable housing and an overview of affordable housing programs.

Measurable Objective 1.3: The number of outreach and education sessions including materials of affordable housing programs.

Impediment 2: Possible barriers in land-use policies and zoning to the development of affordable housing. This impediment was identified through review of public land-use and development policies and in consultation and the 2018 Fair Housing Survey.

Action 2.1.1: Review local land-use provisions to remove barriers to the development of affordable housing, including the definition and use of the word “family” in local ordinances and minimum lot size requirements

Action 2.1.2: Update local provisions where needed.

Measurable Objective 2.1: The results of the review of local land-use provisions and updates to development codes.

IMPEDIMENTS TO FAIR HOUSING IDENTIFIED BY MOUNT VERNON AND ANACORTES

The cities of Mount Vernon and Anacortes are within Skagit and Whatcom Counties, but administer their own CDBG programs. As such, they have each completed their own Analysis of Impediments (AI). The results from those reports are presented below.

Mount Vernon’s Analysis of Impediment to Fair Housing Choice

Impediment I: The demographic make-up has changed and Mount Vernon is more diverse.

Recommendation I: Develop a Fair Housing Action Plan which addresses the increasingly diverse population in Mount Vernon.

- A. Pursuant to the GAO’s 41 September 2010 AI report, it is recommended that the City of Mount Vernon establish a fair housing action plan, containing express implementation time frames, derived from the recommendations contained in this report.
- B. Work with the school district to increase resources and develop programs which target poor

Impediment II: Fair Housing complaints and testing within Mount Vernon may indicate that disabled individuals face barriers to housing choice

Recommendation II: Continue Education and Outreach Efforts towards families with children, Hispanic, disabled, and other protected classes in the area.

Complaint data and testing activities in Mount Vernon demonstrate that protected classes encounter differential treatment when seeking housing. To alleviate such impediments and to measure progress in correcting discrimination, it is recommended that Mount Vernon:

- A. Conduct additional fair housing testing for discrimination of additional protected classes.
- B. Utilize complaint and testing results to inform education and outreach efforts.
- C. Provide stand-alone fair housing educational programming.

Impediment III: Mount Vernon does not have adequate resources or policies to increase the affordable housing stock in the city. Homeownership opportunities are reduced for individuals within protected classes.

Recommendation III: Target homeownership and lending marketing to Hispanic and the disabled.

- A. Analyze the local fair housing implications of the shortage of affordable housing in the area and assess where Real Estate Owned (REO) properties are located in the City.
- B. Ensure fair housing is incorporated into homeownership initiatives.
- C. Work with real estate organizations, banks and lending institutions to increase marketing to minority homebuyers.
- D. Ensure that the Mount Vernon-funded first time homebuyer programs track minority involvement in first time homebuyer classes, closure on loans and marketing to minority populations.
- E. Evaluate CDBG funding given by the City to the Home Trust of Skagit to ensure program compliance under the Fair Housing Act, including ensuring affirmative marketing and tracking participant demographic information.

Impediment IV: Subsidized housing in Mount Vernon shows that there is a need for low income individuals and farm workers to access housing, that there is an affordable housing shortage in the area, and that funding sources are limited.

Recommendation IV: Continue to Support the Development of Affordable Housing and apply for Federal Funding to reduce the number of cost-burdened households in the area.

A review of current housing and human services strategies demonstrates Mount Vernon's commitment to maximize community benefit from extremely limited CDBG resources. It is recommended the City of Mount Vernon:

- A. Look into public policy initiatives to increase funding sources in the area for additional low income housing.
- B. Develop an Affordable Housing Plan.
- C. Evaluate zoning policies utilized by neighboring governments such as Everett to assess whether the implementation of reasonable accommodation provisions in the zoning code could assist the City to better balance the enforcement of its zoning and

building codes with affirmatively furthering fair housing protections for group homes.

- D. Continue implementing the housing and human services strategies articulated in the 2014-2018 Consolidated Plan.
- E. Continue to support housing providers that disproportionately serve protected classes such as the Housing Authority of Skagit County and Catholic Community Services- Farmworker Housing.

Impediment V: Public input in Mount Vernon indicates that in general individuals wish to further fair housing opportunities in the area.

Recommendation V: Continue to Monitor Fair Housing Trends

Despite limited resources, the City of Mount Vernon’s current fair housing activities provide a sound foundation for affirmatively furthering fair housing. While Mount Vernon and its partners are conducting fair housing education, implementation of the following recommendations will facilitate an increase in the confidence of officials, residents, and housing providers in their knowledge of fair housing. Code enforcement staff may benefit from receiving fair housing training to identify the potential fair housing implications of building and zoning code violations.

The City of Mount Vernon’s 2016 Fair Housing Action Plan

Assessment of Fair Housing

1. Conduct training to city staff and elected officials on new AFH requirements and findings from the Analysis of Impediments to Fair Housing Choice. Recommended Deadline: December 31, 2016
2. Require city planners and other community or economic development staff to attend fair housing training sessions.
Recommended Training Opportunities:
 - a. Annual Housing Washington Conference + Assessment of Fair Housing Track
 - b. 2016 American Planners Association Oregon-Washington Annual Conference – AFH Session
3. Identify and engage minority communities in formal dialogue through representative community organizations. Conduct five meetings, events or focus groups with local community based organizations on issues of equity and housing opportunity
Recommended Deadline: December 31, 2020
4. Identify and engage with aging and disability services organizations. Conduct two meetings, events or focus groups with local community based organizations on issues of accessible and affordable housing. Based on increasing aging population statistics identified in CAPER. Recommended Deadline: December 31, 2018
5. Conduct a study in conjunction with Mt. Vernon School District on diversity and access to housing for minority communities. This study should focus on comparing

opportunity with access to housing for families. Recommended Deadline: July 31, 2017

6. Apply for Leadership STAR Community Program for two staff members. Schedule introductory call with Lacey Shaver, Manager, Community Engagement. Recommended Deadline: June 30, 2017
7. Complete STAR Community Rating Review Recommended Deadline: December 31, 2018
8. Request Title VI data from Skagit County Transit to determine impact of change to racially and ethnically concentrated areas of poverty to services within Mount Vernon city limits. Recommended Deadline: December 31, 2016
9. Incorporate fair housing statistics and indicators into Consolidated Plan's Strategic Plan and Market Analysis. Recommended Deadline: June 30, 2018

Affordable Housing

1. Request that Skagit County Consortium allocate specific funds to affordable housing within the city limits of Mount Vernon in high opportunity areas. Recommended Deadline: December 31, 2020
2. Work with Skagit County Consortium to consider a ballot measure that raises local revenue for housing affordability. Recommended Deadline: June 30, 2017
3. Increase funding for rental assistance programs for housing consumers with low income including employees and food system workers, in partnership with Housing Authority of Skagit County and others. Recommended Deadline: December 15, 2018
4. Develop an affordable housing plan for the City of Mount Vernon. Recommended Deadline: June 30, 2017
5. Increase number of affordable homes within the city limits of Mount Vernon under the management of the Housing Authority of Skagit County and other mission driven agencies such as Catholic Housing Services, Senior Housing, Skagit Habitat for Humanity, Home Trust of Skagit and others. Recommended Deadline: December 31, 2020

Public Education and Outreach

1. Increase educational opportunities on fair housing rights and resources by targeting service and community organizations that support minorities, low-income, persons with disabilities, refugee/immigrant populations, LGBTQ and victims of domestic violence. Provide informational materials and fair housing presentations to 10 organizations. Recommended Deadline: December 31, 2018
2. Increase methods of citizen participation through social media and community based forum. Recommended Deadline: March 31, 2017
3. Provide fair housing education to housing consumers, providers and lenders. Collaborate with North Puget Sound Association of Realtors to design and implement educational events. Recommended Deadline: December 31, 2020
4. Provide focused trainings under efforts to increase homeownership opportunities on fair lending to local banks and mortgage brokers to ensure fair lending practices. Recommended Deadline: December 31, 2020

The City of Anacortes Analysis of Impediment to Fair Housing Choice

In 2012, the City of Anacortes received commendation from HUD's Office of Fair Housing and Equal Opportunity for its efforts to assist individuals and families facing housing discrimination with the creation of a city website that provides resources and links to organizations that work to remedy housing discrimination. This can be found at:

<https://www.anacorteswa.gov/181/Fair-Housing>

Impediment I: Though complaint data in Anacortes is minimal, housing discrimination primarily affects persons with disabilities.

Recommendation I: Expand Current Education and Outreach Efforts.

It is critical that the City of Anacortes take steps to ensure that fair housing is fully integrated into its housing and human services strategies to better reach the community, especially those most affected by housing discrimination. It is recommended that the City of Anacortes:

- A. Expand education programs and materials for the community.
- B. Promote fair housing educational programs for local housing providers.
- C. Develop fair housing educational programs for housing and human services agencies and staff who serve protected classes, especially immigrants, families, persons with disabilities and Native Americans.
- D. Ensure fair housing informational resources are made available to community partners to facilitate their ability to affirmatively further fair housing.
- E. Ensure that translated fair housing materials are available to immigrant groups.
- F. Increase fair housing information and expand links to fair housing laws/programs on the City of Anacortes web site. Advocate with newspapers, real estate organizations,

and housing providers to increase accessibility to fair housing internet resources on their web sites and to display fair housing information/resources in their offices. Advocate for inclusion of the publisher's non-discrimination statement in local print media and including links or information that pertain specifically to state and local protected classes.

Impediment II: Home Mortgage Lending data shows Native Americans, African Americans and Hispanics are more likely to be denied financing or obtain sub-prime mortgages.

Recommendation II: Implement Fair Housing Testing Activities

Complaint data and testing activities in Anacortes and Skagit County demonstrate that protected classes encounter differential treatment when seeking housing. To alleviate such impediments and to measure progress in correcting discrimination, it is recommended that the City of Anacortes:

- A. Initiate testing of housing providers to measure their willingness to make reasonable accommodations for prospective disabled residents. Additional Native American and Hispanic testing is also recommended.
- B. Utilize complaint and testing results to inform education and outreach efforts.

Impediment III: Members of the public, especially housing professionals and community service providers, have limited knowledge of protected classes, fair housing laws and the resources available to them.

Recommendation III: Target homeownership and lending marketing to Hispanic households and people of color.

- A. Ensure fair housing is incorporated into homeownership initiatives.
- B. Ensure that Anacortes funded housing programs are working with banks with favorable Community Reinvestment Act (CRA) ratings.
- C. Work with banks to promote high CRA ratings and to invest in Anacortes's borders.
- D. Work with real estate organizations, banks and lending institutions to increase marketing to Native American and Hispanic homebuyers.
- E. Work with developers and grantees to affirmatively market first time home buyer opportunities to communities of color, especially projects utilizing City assistance.
- F. With the foreclosure crisis, educate communities of color on sub-prime loans.

Impediment IV: Zoning and land use decisions can have a discriminatory impact on protected classes under federal and state fair housing laws.

Recommendation IV: Consider policies that encourage inclusion of individuals covered by protected classes under federal and state fair housing laws.

- A. Consider land use policy revision to ensure a mechanism for requesting reasonable accommodations and include opportunities to publicize the new provisions.
- B. Carefully consider the costs and benefits to low-income individuals of Community Land Trusts and the City's wording in the 2008 Action Plan that participants work within the city limits.

SECTION X. GLOSSARY

Accessible housing: Housing designed to allow easier access for physically disabled or vision impaired persons.

ACS: American Community Survey

AI: Analysis of Impediments to Fair Housing Choice

AMI: Area median income

BEA: Bureau of Economic Analysis

BLS: Bureau of Labor Statistics

CDBG: Community Development Block Grant

Census tract: Census tract boundaries are updated with each decennial census. They are drawn based on population size and ideally represent approximately the same number of persons for each tract.

Consolidated Plan: Consolidated Plan for Housing and Community Development

Cost burden: Occurs when a household has gross housing costs that range from 30.1 to 50 percent of gross household income. A **severe cost burden** occurs when gross housing costs represent 50.1 percent or more of gross household income.

CRA: Community Reinvestment Act

Disability: A lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work.

Disproportionate share: Exists when the percentage of a population is 10 percentage points or more above the study area average.

DOJ: U.S. Department of Justice

ESG: Emergency Shelter Grants program

Fannie Mae: Federal National Mortgage Association (FNMA), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

Family: A family is a group of two people or more related by birth, marriage, or adoption and residing together.

FFIEC: Federal Financial Institutions Examination Council

FHAP: Fair Housing Assistance Program

FHEO: Fair Housing and Equal Opportunity

FHIP: Fair Housing Initiative Program

Floor area ratio: The ratio of the total floor area of a building to the land on which it is situated, or the limit imposed on such a ratio.

Freddie Mac: Federal Home Loan Mortgage Corporation (FHLMC), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

GAO: U.S. General Accounting Office

Gross housing costs: For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the

homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and electricity or natural gas energy charges.

HAL: High annual percentage rate (APR) loan, defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.⁷³

HMDA: Home Mortgage Disclosure Act

HOME: HOME Investment Partnerships

HOPWA: Housing Opportunities for Persons with AIDS

Household: A household consists of all the people who occupy a housing unit. A house, an apartment or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live with any other persons in the structure and there is direct access from the outside or through a common hall.

Housing problems: Overcrowding, incomplete plumbing or kitchen facilities, or cost burdens

HUD: U.S. Department of Housing and Urban Development

Incomplete kitchen facilities: A housing unit is classified as lacking complete kitchen facilities when any of the following are not present: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

Incomplete plumbing facilities: A housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower.

Labor force: The total number of persons working or looking for work

MFI: Median family income

Mixed-use development: The use of a building, set of buildings, or neighborhood for more than one purpose.

MSA: Metropolitan Statistical Area

NIMBYism: "Not in my backyard" mentality among community members, often in protest of affordable or multi-family housing.

Other vacant units: Housing units that are not for sale or rent

Overcrowding: Overcrowding occurs when a housing unit has more than one to 1.5 persons per room. **Severe overcrowding** occurs when a housing unit has more than 1.5 persons per room.

Poverty: The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

⁷³ 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

Predatory loans: As defined by the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA), loans are considered predatory based on:

1. If they are HOEPA loans;⁷⁴
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of HALs. For full definition, see **HAL**.

Protected Class: Group of people protected from discrimination and harassment.

Public housing: Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

RDA: Redevelopment agency

Severe cost burden: (See **Cost Burden**).

Severe overcrowding: (See **Overcrowding**)

Steering: Actions of real estate agents or landlords to discourage a prospective buyer or tenant from seeing or selecting properties in certain areas due to their racial or ethnic composition.

Tenure: The status by which a housing unit is held. A housing unit is "owned" if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owned" only if the owner or co-owner lives in it. All other occupied units are classified as "rented," including units rented for cash rent and those occupied without payment of cash rent.

⁷⁴ Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." <http://www.ffiec.gov/hmda/glossary.htm#H>

APPENDIX A: ADDITIONAL PLAN DATA

Table A.1
Small Business Loans Originated: \$100,000 or Less by Tract MFI

AI Study Region
 2000–2016 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	8	386	2,253	397	0	3,044
2001	6	603	3,058	572	0	4,239
2002	2	864	4,015	750	0	5,631
2003	25	917	4,601	1,234	0	6,777
2004	0	297	4,507	2,018	0	6,822
2005	0	261	4,388	2,063	0	6,712
2006	0	595	8,163	3,760	0	12,518
2007	0	603	8,388	4,316	0	13,307
2008	0	505	7,401	3,478	0	11,384
2009	0	171	2,666	1,344	0	4,181
2010	0	142	2,257	1,156	0	3,555
2011	0	210	2,848	1,441	0	4,499
2012	0	407	2,711	1,557	0	4,675
2013	1	370	2,470	1,390	0	4,231
2014	2	398	2,579	1,513	0	4,492
2015	5	461	2,969	1,736	1	5,172
2016	4	432	2,795	1,635	3	4,869
Total	53	7,622	68,069	30,360	4	106,108
Loan Amount (\$1,000s)						
2000	210	3,697	26,428	4,817	0	35,152
2001	221	6,801	38,650	8,955	0	54,627
2002	2	9,734	46,082	10,148	0	65,966
2003	325	9,346	49,183	16,110	0	74,964
2004	0	4,059	59,235	24,849	0	88,143
2005	0	3,433	60,975	27,130	0	91,538
2006	0	4,987	80,596	36,564	0	122,147
2007	0	6,347	101,728	50,114	0	158,189
2008	0	5,262	87,282	42,695	0	135,239
2009	0	2,349	40,455	20,052	0	62,856
2010	0	1,465	33,158	16,482	0	51,105
2011	0	2,324	39,592	18,690	0	60,606
2012	0	4,688	34,889	17,709	0	57,286
2013	10	5,223	35,504	17,150	0	57,887
2014	26	5,347	37,674	19,694	0	62,741
2015	113	6,235	41,961	23,082	5	71,396
2016	104	6,606	39,221	23,390	24	69,345
Total	1,011	87,903	852,613	377,631	29	1,319,187

Table A.2
Small Business Loans Originated: \$100,001 to \$250,000 by Tract MFI

AI Study Region
 2000–2016 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	1	7	98	23	0	129
2001	0	28	154	39	0	221
2002	0	28	202	61	0	291
2003	1	36	203	91	0	331
2004	0	19	244	94	0	357
2005	0	10	205	78	0	293
2006	0	9	203	82	0	294
2007	0	10	205	70	0	285
2008	0	7	180	53	0	240
2009	0	5	124	38	0	167
2010	0	4	115	45	0	164
2011	0	4	125	46	0	175
2012	0	23	127	43	0	193
2013	0	16	129	51	0	196
2014	0	22	131	52	0	205
2015	0	20	131	52	0	203
2016	0	18	145	36	0	199
Total	2	266	2,721	954	0	3,943
Loan Amount (\$1,000s)						
2000	125	1,347	16,653	3,862	0	21,987
2001	0	5,056	26,609	6,179	0	37,844
2002	0	4,968	34,476	10,604	0	50,048
2003	106	6,371	35,466	15,405	0	57,348
2004	0	3,414	42,044	16,859	0	62,317
2005	0	1,784	35,571	13,660	0	51,015
2006	0	1,654	35,311	14,345	0	51,310
2007	0	1,662	36,452	12,313	0	50,427
2008	0	1,289	32,679	9,408	0	43,376
2009	0	1,050	22,662	6,784	0	30,496
2010	0	818	20,392	7,996	0	29,206
2011	0	695	22,788	8,453	0	31,936
2012	0	4,448	22,815	7,843	0	35,106
2013	0	2,968	22,596	8,817	0	34,381
2014	0	4,139	23,277	8,826	0	36,242
2015	0	3,887	23,387	9,371	0	36,645
2016	0	3,281	25,460	6,586	0	35,327
Total	231	48,831	478,638	167,311	0	695,011

Table A.3
Small Business Loans Originated: More than \$250,000 by Tract MFI

AI Study Region
 2000–2016 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	0	8	109	19	0	136
2001	0	27	112	36	0	175
2002	0	27	176	44	0	247
2003	1	34	207	47	0	289
2004	0	7	222	63	0	292
2005	0	12	190	45	0	247
2006	0	16	207	41	0	264
2007	0	9	202	61	0	272
2008	0	12	209	61	0	282
2009	0	8	143	40	0	191
2010	0	4	114	32	0	150
2011	0	6	116	36	0	158
2012	0	25	145	54	0	224
2013	0	21	147	45	0	213
2014	0	19	141	37	0	197
2015	0	21	121	42	0	184
Total	1	280	2,684	748	0	3,713
Loan Amount (\$1,000s)						
2000	0	3,562	53,710	10,677	0	67,949
2001	0	13,900	55,657	16,761	0	86,318
2002	0	13,026	84,714	22,388	0	120,128
2003	324	17,976	105,225	22,892	0	146,417
2004	0	3,311	109,928	30,421	0	143,660
2005	0	7,707	97,990	22,651	0	128,348
2006	0	8,531	107,139	18,402	0	134,072
2007	0	4,279	108,942	28,697	0	141,918
2008	0	7,179	113,056	31,660	0	151,895
2009	0	4,348	77,901	20,753	0	103,002
2010	0	1,500	59,494	18,214	0	79,208
2011	0	4,218	59,781	18,466	0	82,465
2012	0	13,562	73,439	29,110	0	116,111
2013	0	10,107	79,779	24,782	0	114,668
2014	0	9,540	75,452	19,093	0	104,085
2015	0	10,942	61,241	20,995	0	93,178
Total	324	145,981	1,386,702	379,297	0	1,912,304

Table A.4
Small Business Loans to Businesses with Gross Annual Revenues of Less Than \$1 Million by Tract MFI

AI Study Region
 2000–2014 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	3	188	1,168	235	0	1,594
2001	0	331	1,528	331	0	2,190
2002	0	371	1,624	367	0	2,362
2003	16	456	2,146	620	0	3,238
2004	0	152	2,149	1,050	0	3,351
2005	0	155	2,677	1,329	0	4,161
2006	0	213	3,210	1,584	0	5,007
2007	0	246	3,398	1,822	0	5,466
2008	0	131	2,218	1,108	0	3,457
2009	0	71	1,141	633	0	1,845
2010	0	56	1,020	539	0	1,615
2011	0	103	1,413	809	0	2,325
2012	0	184	1,210	775	0	2,169
2013	1	210	1,405	867	0	2,483
2014	0	210	1,400	879	0	2,489
2015	4	246	1,712	1,134	1	3,097
Total	28	3,549	31,060	15,096	2	49,735
Loan Amount (\$1,000s)						
2000	9	4,415	40,057	12,299	0	56,780
2001	0	14,834	59,624	20,652	0	95,110
2002	0	19,403	85,869	25,448	0	130,720
2003	707	19,773	100,306	30,255	0	151,041
2004	0	7,128	101,873	45,713	0	154,714
2005	0	8,793	118,522	46,405	0	173,720
2006	0	8,037	107,541	45,671	0	161,249
2007	0	7,134	104,946	48,964	0	161,044
2008	0	7,037	94,680	41,793	0	143,510
2009	0	4,251	53,261	23,266	0	80,778
2010	0	1,519	49,386	21,086	0	71,991
2011	0	3,812	43,500	25,997	0	73,309
2012	0	7,487	54,263	29,874	0	91,624
2013	10	5,470	53,565	27,233	0	86,278
2014	0	4,834	49,648	25,479	0	79,961
2015	96	8,186	44,857	30,759	5	83,903
Total	926	141,713	1,210,843	531,899	10	1,885,391

APPENDIX B: ADDITIONAL PLAN DATA

Fair Housing Survey Comments

What is your primary role in the housing industry? Other (please specify)

- High School Counselor/Liaison for Homeless students
- Designer
- emergency housing
- Employed by a Washington State Habitat for Humanity affiliate
- Advocate and homeowner
- Housing Case Manager
- Community partner
- Early learning program includes family case management
- Public Housing Authority
- Home Designer
- Landlord
- land use monitor and advocate for good planning
- Farmworker Housing
- pastor at a church

If your primary role in the housing market is homeowner or renter, are you: Other (please specify)

- Work for Concrete School District
- Doubling up with relatives.
- Both depends
- My other role is working as a Housing Case Manager
- Housing Provider
- Aware of needs for rentals in Skagit.
- but only for 6 mos. we rented for the past 40years
- USDA funded housing agency
- Builder of low income permanent housing for homeowner purchase
- Executive Director, PHA
- Landlord
- Owner - developer
- Own my own home and many rentals - affordable

How familiar are you with fair housing laws? If you selected "Somewhat familiar" or "Very familiar," please describe how you became aware of fair housing laws.

- By talking with friends who own apartments and hearing their stories about what they have to go through in selecting renters. Also, my parents owned multiple low income rental houses and had many stories.
- 16 years of property management and maintenance
- Information provided by my employer.
- Reading
- As management staff we take classes twice a year to make sure we are in compliance for our jobs.
- Reading
- I currently work for Northwest Youth Services and am informed about fair housing laws as it applies to services providers.
- Employment
- Mostly word of mouth (so who knows how accurate some things are) and through a renter's class at Community Action
- through workshops and working with students, clients in the community
- have been a landlord for people with disabilities
- Rented all my life until I finally bought a house.
- Reading articles in newspaper and on internet.
- Through trainings on fair housing laws at work.
- As landlord
- Mainly through my own research when looking to purchase a home and through my employment with a Habitat for Humanity affiliate.
- Over the internet.
- Employment as housing case manager
- Through many years of renting, through homeownership in a land trust and as an advocate
- Through trainings at work.
- Fair Housing Trainings
- Employment as a Housing Case Manager and internships at Skagit Community Action and Lydia Place.
- Working at Opportunity Council as a Housing Case Manager
- Due to the lack of housing stock in our county, I started studying increase of homelessness our county is experiencing. I learned that affordable housing and multi-family are the lowest allowed housing types due to lack of zoning and city council stigmatization.
- Have a close friend that has 9 rentals in Whatcom County.
- Having to advocate for my renters rights
- Through Renters Education class provided by Community Action.
- Everything I know about fair housing laws I learned through my job at Lydia Place.
- As a renter many years ago, working with non-profits, following housing policy, etc.
- I work in non-profit housing.
- Living life. I'm 70.

- I used to be a multi-site Property Manager in California (2016)
- my renter and landlady friends
- from all matter of news articles, usually for breaking the law
- on-line research
- Real estate license
- Reading RCWs on line
- Own rental property
- Through work in local government.
- Having bought and sold a few homes as well as being a renter before that.
- I have read through the "fair housing laws pamphlets" as well as looking up case law involving fair housing in order to help people who rent.
- Advocating research conducted for a friend.
- Part of my job to know what the rules are
- I learned about them over the years of being 23 years in mortgage lending and 19 years as director of a USDA funded housing agency.
- Through previous work with disability rights advocates.
- I was a Real Estate Agent in NJ for many years
- through closing documents
- Through my work in the community as a service provider.
- dealing with landlord/tenant issues
- Through my position at work
- Training
- attend yearly webinars to be informed.
- I have worked with clients who were having housing issues and helped them connect to free legal services and provided them with copies of landlord tenant law
- I look up RCWs when I have a question, whether for myself or clients.
- Through my previous employment position, I had a lot of interaction with renters and landlords.
- I have attended a couple of trainings on the subject
- We had many clients complaining about not get housing. They would call and the unit would be available but when they went to see the place, the Landlord would say the unit was not available any longer.
- Through my current job.
- Legislation advocacy in Olympia
- Work
- Via professional collaborations with organizations doing housing work...CAP agencies, etc.
- read them years ago
- I am the McKinney-Vento Liasion for my school district so I work with our homeless families.
- Advocacy for homeless
- By serving on the board of a non-profit organization involved in low income housing.
- Reading - Newspaper's history .
- I have participated in Fair Housing Webinars as well as in person seminars.
- Running Housing Authorities across the country and applying fair housing.

- Being a Landlord
- Mainstream media as well as planning journals, social justice publications and court cases.
- Via my involvement with property management
- Opportunity within running a family farm business
- as a landlord for a few years
- Reading newspapers, son in SF was tenet rights advocate
- News stories
- Attempts in assisting clients attain housing
- In business
- Through educational forums and and news articles.
- Real Estate training
- through my work providing case management support to families
- I am a land use planner and it is part of my job.

Where would you file a complaint if you felt that your fair housing rights had been violated? Open-Ended Response

- I am not sure.
- HUD
- I don't know.
- No
- I don't know
- I wouldn't
- HUD
- Yes
- Human Rights Commission or Housing and Urban Development
- Skagit County
- I don't know
- not sure
- Washington State Human Rights Commission
- I don't know.
- HUD
- rental agency or housing coalition
- Oh, wow. I guess I would have to ask Community Action where to go - honestly not sure.
- I would start with the county, then on to the state if need be and on.
- Northwest Justice; HUD; Housing authorities; Zoning code planner
- Don't know
- ?
- I have no idea.
- Fair Housing Center or Human Rights Commission
- EO or Human Rights or Department of Labor
- ???
- ?

- County or state housing authority.
- Washington state Fair Housing Center
- the housing authority
- Yes
- Housing Authority MV
- Not sure
- I would have to look up
- Housing authority
- HUD
- yes
- Fair Housing Office in Seattle
- Washington Housing Alliance or Washington Fair Housing
- Not entirely sure. Doing a webinar on Thursday that explains the basics and will most likely tell us where to submit violations.
- Washington State Human Rights Commission
- Through the city or county and then up the chain to HUD
- Yes.
- Housing Authority
- I don't know
- State of WA Human Rights Commission and US Dept of HUD
- To my property manager.
- Yes
- HUD
- Not sure
- HUD or Civil Rights Administration or ADA (if disabled)
- Fair Housing Authority Office
- ??
- I would check online to learn my options.
- Better Business Bureau?
- FHA
- Don't know, courthouse?
- Not sure. Maybe HUD ?
- Municipal government
- State Attorney General
- WSHRC
- Forget, but I am capable of looking it up.
- HUD and State Agencies specializing in housing.
- With the state.
- Attorneys General of Washington State & United States
- There must be a state office charged with this - I'd check with disability rights Washington to find out.
- not sure in state of WA
- don't know

- No idea
- Housing Authority? Not entirely sure.
- don't know
- (HUD) Department of Housing & Urban Development
- Law Advocates?
- County
- Fair Housing Center / Seattle HUD
- www.fhcwashington.org
- no idea
- Washington State Human Rights Commission, US Department of Housing and Urban Development
- I don't know
- I don't know.
- Possibly
- Washington State Human Rights Commission
- Don't know
- Fair Housing Center in Tacoma
- Tenants union
- I don't know
- HUD
- Better Business, Housing Authority
- not sure - human rights taskforce
- probably not
- City government
- I'd have to look it up.
- www.hum.wa.gov www.hud.gov
- Housing Authority
- agency in Olympia?
- US department of housing and urban development Or Human rights commission
- Washington state Human Rights Commission
- HUD, Human Rights Commission
- Don't know
- Seattle Regional Office of FHEO U.S. Department of Housing and Urban Development Seattle Federal Office Building 909 First Avenue, Room 205 Seattle, Washington 98104-1000 (206) 220-5170 (800) 877-0246
- HUD
- I presume the County Department of Housing. We are newly back in the country after many years abroad and have a lot to learn about this kind of stuff.
- I would start with the landlord.
- I'd have to look up which administrative and/or judicial jurisdiction applied - i.e. mortgages, renters and tenants' right, etc.
- Go to Community Action and find out where to file a complaint.
- HUD - Housing & Urban Development

- I would seek legal interpretation and then discuss personally with the authority that I believe caused the violation.
- Not sure
- HUD
- State Housing Commission
- At local housing authority in the area in which you are applying for.
- Government
- Landlord/Tenant board or County Housing Authority
- 800-669-9777
- Housing Authority?
- HUD?
- HUD
- Washington State Attorney Generals Office/ HUD

Based on your knowledge of fair housing law, do you think that fair housing laws should be changed? If you answered "Yes," how should fair housing laws be changed?

- Service animals and what qualifies as a disability too many people use this against the property
- Every housing situation is different...it's rarely a "black or white", "yes/no". There must be a balance between individual rights and property owner rights.
- Everyone should have a way to become a home owner.
- They are too strict.
- I would like to see Washington State and especially HUD recognize more protected classes, such as those with Section 8 vouchers, those who are low income, and those who might not have residency documentation. As a provider serving transition aged youth in Skagit county, age can also be discriminated against. I would like to see more education and accountability for property owners and landlords who screen applicants based on income, prior eviction or offenses, and enrollment in rental assistance programs.
- I just know as a single mom, it's not right or fair that my downstairs neighbor should be allowed to get away with what he does because he's disabled. I know this doesn't exactly answer the question, but I'm highly frustrated at how much worse my living conditions are directly due to one human's choices.
- I honestly don't know - but I can tell you this not everyone is Low-Income even though only person works and spouse does not - and even then the person makes to much - But you who runs the housing law a lot people out there abusing the system they state they are low income but then they are living with spouse and spouse works and makes good money - meaning that, the couple makes really good money but still live in a low-income community - you as the housing law don't see that or do not want to see that - why? because there are family members who work within the housing system and hide everything or have friends and they cover up - what kind of housing laws do in fact run when workers within your system abuse just like those low income renters are and how they lie to the government but- yet do not get punished for it,
- Income discrimination by landlords against people searching for housing. There should be a accommodation for people who are getting assistance to pay their rent.

- Cost of rents should be controlled-
- Include income type as protected class and eliminate denial based on felony convictions
- There should be more protected classes.
- It should include income, source of income and some criminal.
- There should be added protected classes, such as income.
- If you can prove your in our Country with the right paper work you can rent to them. If not you can't rent to them!
- Affordable housing NEEDS to be addressed in our region...too many homeowners are bankrupting renters for homes that are substandard at best
- Source of income discrimination
- Eviction process should be faster
- ?
- Strengthened to cover more groups of people.
- Not changed, but fairly regulated
- Stronger enforcement and more effort to build awareness on behalf of renters.
- there should be more oversight of Landlords to help renters not be abused
- Protect from discrimination based on source of income / vouchers
- More affordable housing in convenient locations for those being pushed out into the county to find affordable housing where less resources/transit is available.
- When a child turns 18, they shouldn't have to apply to stay in their residence.
- Financial discrimination should be addressed.
- Many service providers do not enforce fair housing laws, even when they are aware of them. Moreover, the laws are very difficult for Fair Housing to enforce, due to their lack of funding.
- Felonies and poor credit should be looked at ...this keeps a large percentage homeless
- Perhaps ensure protected status for sexual orientation
- Credit Fairness
- Felons should not be discriminated against
- The wording "Companion Animal" is commonly mistaken as a pet. I see a lot of households play the card of have a service animal without actually having to go to the doctors or have a diagnosed disability. They say they do just to get a way with not having to pay a pet fee. This right is being taken advantage of by those that don't need it. On the other hand, I see this right as well as many others being violated such as a household being discriminated against due to having too many household members or being charged a non-refundable deposit for carpet cleaning or non-refundable pet deposit.
- Should be more incentives to build affordable housing mixed with regular housing, like infill ADUs, etc. Fines should include restrictions on building in jurisdictions for a period of time.
- There may be many needed changes, however, enforcement seems to be a problem so a need for change is indicated in this area
- There are cases wherein ownership rights are not given proper regard
- Felons need housing. People with mental disabilities need supported permanent housing.
- Not sure, depends on city or county location?
- Add to the protected classes arsons, sex offenders and the homeless.

The rental housing market? (Example: Refusing to rent based on religion or color.) If you answered "Yes" to this question, please discuss the impediments or barriers to fair housing choice in regard to the rental housing market in the box below.

- My homeless friends have tried repeatedly to get housing. As soon as a background check is done, they are turned away because of a past criminal record.
- Race
- Brief experience trying to help a friend find a place...when the landlord's would speak to me (I speak perfect English) they were more than happy to show me the place... once they saw it was for my friend, Spanish speaking only, they made a ton of excuses as to why the place wasn't going to be ready afterall
- Not enough housing available, giving owners "the pick of the litter" when it comes to choosing who to rent to.
- I do feel as a white person it will be harder to get into some of the lower income options in the area
- I have encountered landlords who deny housing based on family size/composition.
- Why is that when only one person works they don't qualify for low income housing but others that have both parents working both jobs and are making real good money qualify - is your housing workers do they pick and choose or do they just become silent when family and friends apply knowing that they will not qualify because they are married -- now when the housing authority says we are going to inspect residents some how these individuals are notify because of someone within your organization tells them and therefore everything gets cleaned and children are told not say anything that dad lives with them or else they will have no place to live
- Northwest Washington has very few affordable rental options. The market has priced a lot of people out. Overcrowded conditions and homelessness are becoming more common.
- Refusing to rent to people who have housing assistance.
- Incredibly expensive rents for wage/salary in Whatcom County.
- Cost is sky-high
- income, criminal background
- Refusal based on participation in programs for people experiencing homelessness, prior criminal history, eviction history
- Landlords have said they don't want to rent to unmarried couples, families with children or "too many children" or "too young of children"
- Families and individuals are often discriminated based on their source of income. Especially if they are on a fixed income such as SSI.
- Some landlords don't want to rent to families with children due to noise or potential for damages.
- I have not experienced this directly but it is consistently reported our by farmworkers and families with low incomes
- I hear stories but I don't know details.
- Race, sex or orientation, I would assume.
- I was denied rental information or success in finding a rental. I found adequate help in buying, however. The rental agencies are far more discriminatory than the state or federal government.

- In a competitive rental market it makes sense that landlords will discriminate based on their biases. When I was looking for an apartment in Fall of 2016 I found an ad requesting a "Christian" tenant on Craigslist.
- There are many landlords who outright refuse to rent to people with known psychiatric disabilities.
- I know that there is a lack of affordable housing.
- Currently the rental market is set up for landlord to have the upper hand on possible tenant by picking the best tenant out of numerous applicant.
- Very little availability. Goes to applicant with greatest earnings income.
- I have clients of color or mental illness who have been told the apartment was rented but found out a later applicant got the apartment.
- Low-Income, obscure criminal history criteria, not allowing ESAs despite note from doctor
- Housing is too expensive.
- Rent amounts are too high
- requiring a income to rent ratio that would eliminate anyone receiving entitlements such as SSI
- There is no cap for rent increase on Skagit County. The rents keep on sky rocketing and there is a major gap with income vs. rent for many households.
- I've been impressed (having been working in even quite progressive countries in Africa for many years) at how open Washington society is on this front - more of a societal issue than a fair housing program issue - but we bought our house from a gay couple, another gay couple bought the house next door at the same time, and in chatting to all four of them we don't get the sense that sexual orientation is a problem for fair housing. I do sense that it's harder for people from communities perceived by white US citizens as "poor" or "prone to crime" to rent affordable housing, but there is also quite a lot of such housing in my town, Mt Vernon. I appreciate that there are these safeguards for people in WA.
- Fair market rent is often too high for some renters. Small subsidies for rent are inadequate to cover the need.
- On the job, I work with low income people who have numerous stories about housing discrimination. It is clear that Latinos and African Americans are routinely discriminated against.
- Seasonal farm labor
- Felonies, misdemeanors, unemployed but receiving disability, no rental history due to homelessness
- I fear some people may not want to rent to migrant families.
- Workers striking at Sakuma were kicked out of rental housing or refused as renters
- Sex offenders, arsons and the homeless

The real estate industry? (Example: Only showing properties to families with children in certain areas.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- Real estate agencies that manage properties for landlords do not ask the landlords if they will work with people who have housing assistance.

- same as above
- Families and individuals are often discriminated based on their source of income. Especially if they are on a fixed income such as SSI. Or if they are receiving assistance from a nonprofit.
- I have heard directly from land lords about who they prefer to rent to....
- The rental agencies, as above. I was denied ability to rent property until I could find something to buy. I was forced to buy sight-unseen as I was out of state.
- I've seen this happen. Families with kids are usually not shown better quality homes unless the parents look like they are professional people with money, therefore judged to be a better risk.
- By asking that possible tenant make 3 times the amount of the rent and verifying that the income has been this high longer than a year. Stating no pets allowed and avoiding possible tenant with a services animal.
- This is a ridiculous question. Real estate is out of control.
- Someone wouldn't sell me a house because I was a single mother.
- Low-Income
- Clearly there is a pervasive propensity by realtors to cherry pick .
- There don't seem to be enough incentives to encourage building affordable units into larger developments. I don't know if realtors know all available Section 8 and other subsidized housing units.
- Restrictions upon the homeless, arsons and sex offenders.

The mortgage and home lending industry? (Example: Offering higher interest rates only to women or racial minorities.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- The impediments are so intangible and un-documented: people go in and their paperwork is lost or they are treated badly or barriers are put in their way to discourage their application/process.
- Predatory Lenders
- Higher rates for minorities and single mothers
- I have a house that is a hybrid; that is, it is stick built around an old mobile home. As a result, they will not give me a mortgage.
- Banks always find a reason to make less privileged people look more 'risky'.
- When I bought a house as a white professional woman with a PhD coming from many years working abroad with no local (US) credit rating I was impressed that the bank officials told me they were working hard to make sure that I was not treated preferentially.
- Absolutely, very problematic, the Banking industry CANNOT be trusted. Credit Unions are the only institutions that can be trusted with the average consumers business.
- Isn't this against the law?

The housing construction or housing design fields? (Example: New rental complexes built with narrow doorways that do not allow wheelchair accessibility.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- All new development seems to be 55 and older developments. Where are families supposed to live?
- It seems as though for some time the majority of the housing has been geared toward those with higher incomes and those with families.
- % of wide doorways is low in new developments
- why not be fair and let 1 parent income become eligible for low income some of us are actually truthful while others lie and live in low housing community or have others live with them though they are not on the contract - have you thought about showing up just like that in the evening mostly and others in the day to same residents and watch and wait and your will catch a lot of people abusing the system every which way - and watch how they will get mad and try report the agency but you as government have proof if you play right and listen to us providing with information people will not get away with this - and have them pay for cheating the government don't let those tears that they cry suck you up if they can abuse the system they can PAY BACK THE SYSTEM
- New complexes built only for "students"
- That would be covered in the planning and permit process
- I have worked with disabled clients and older adults who have great difficulty finding accessible housing.
- Limited wheelchair accessibility
- I have noticed that there are less units that make it accessible to wheelchair individuals.
- Accessibility is often not required in multi-family permitting, but could be.
- Not just narrow doorways. But stairs rather than ramps for ingress and egress. Lack of elevators in apartments.
- City of Mount Vernon zoning regulations seem to prohibit affordable and multi housing units
- The cost of construction and over pricing of housing.
- Not a good idea because we all get old.

The home insurance industry? (Example: Limiting policies and coverages for racial minorities.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- They are very similar to the banking industry. They should be more rigorously regulated!

The home appraisal industry? (Example: Basing home values on the ethnic composition of neighborhoods.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- Appraisal industry works hand in hand with the Banksters.

- Absolutely! When we were shopping for a home in MV, the price of comparable homes was much higher in neighborhoods with mostly white residents.
- Over inflation to place restrictions to those who are unable to afford housing.

Any other housing services? If you answered "Yes" to this question, please identify the housing service and discuss the impediments or barriers in the box below.

- Due to an almost zero vacancy rate, the rental prices are beyond reach for many people.
- I have answered :Don't know, to most of your questions as I have been most concerned with the sheer lack of housing for people who's ability to afford housing in our area.
- your system is not fair read the comment boxes for you and your organization can move forward truthfully and check out workers and check those residents that proclaim to be low-income are they in fact low-income people you should really do house visits with out notifying your staff and be careful with staff that will be visiting for sometimes they have friends and or relatives living in low-income housing knowing that they live with their partner or other friends and family and abusing the system
- The decrease in HUD funding and the Section 8 waitlist is closed.
- Some shelters do not allow boys over a certain age
- Raising rental rates because Military BAH increases. Landlords raising rents on active duty military simply because the allotment increased and the Landlord wants the full allotment, leaving military families on a tighter budget for utilities. BAH is meant to cover all housing costs including rent and basic utilities, but the Landlords are raising rents to take the full allotment.
- have been refused pre paid insurance due to imcome level
- Home inspection was inadequate. At \$400 I should think such inspection should include EVERYTHING! I bought a house with no insulation under the floor, inadequate plumbing and other defects which were never listed.
- I rented a house in Everson WA that had no handrails/banisters and nobody seemed to want to accept jurisdiction for that area
- We have a severe shortage of affordable housing for lower and low middle income individuals and families.
- Those who are "couchsurfing" are ineligible for services despite having no housing options
- Not enough housing for low to median income renters.
- What I would really like to see are workshops/seminars driven for private and commercial landlords to be more aware of the rights and responsibilities of both parties (Landlord and Tennant). It would be nice to see this population more educated on Fair Housing.
- In the rental market it is common for any applicant to be told they are welcome to apply and then be denied based on background check information they shared prior to the application to determine if it would be grounds for denial. The applicant ends up providing money for a fee which is non-refundable at the point where the application is denied. Money is collected by landlords from individuals whom they had no intention of renting to in the first place, based on race, gender, disability etc...for the purpose of finding grounds to deny them housing.
- Permanent supported housing for homeless people

- There is a serious lack of low income housing and as people from the high cost of housing increases in King and Snohomish county, people are willing to pay highly inflated prices for homes in Skagit because they are cheaper in King or SnoCo.
- Discriminate against arsonist, sex offenders and those who are livin at or below the poverty level.

Land use policies? (Example: Policies that concentrate multi-family housing in limited areas.) If you answered "Yes" to this question, please discuss the impediments or barriers to fair housing choice in regard to land use policies in the box below.

- TDRs.....transferring low income reqmnts off site to less desireable areas/environment
- From what I have read in our local paper, these land use policies seem to make it very difficult for those who want to build low income housing.
- I think there has been a large push for large single family housing, again for those with the higher paying jobs or multi incomes.
- Limiting most neighborhoods to mostly single family zoning, rather than having a diverse mix of housing.
- I have experienced very limiting conversations by some city staff on their understanding of the issues on poverty and housing including the multi-family.
- We have watched delay after delay in some of our cities in addressing land use issues around housing stock in the Comprehensive Plan process.
- Permits
- restricted water access limits potential new construction of low income housing units
- I understand there are many zoning laws in the agricultural areas that prohibit multi-family units from being built.
- There are many barriers to ADUs in our area.
- Not enough.
- GMA by law restricts multifamily housing to certain areas appropriately. It would be good, however, to work with non-UGA small towns to look at options for offering more housing choices in these areas.
- Skagit county is farm land and it's hard to find places for builder to build multi family units that are aford able.
- Zoning is limiting to multi family developers.
- There is very little multi-family zoning in our region - where multi-family housing does exist, it is very much clumped into tight clusters. The majority of our zoning is for single family homes - which is not sufficient to house our population. The multi-family zoning that does exist contains maximum unit limitations that do not allow for large complexes (3+stories) to be built.
- Yes 5 acres per house
- There isn't any available housing
- Not enough multi-family housing for the need of the area.
- Policies to strict to allow for affordable housing for example not allowing more than one structure on several acres or allowing for tiny homes

- Land use in Island County is reliant on the available infrastructure.
- Currently in Skagit County we do not have appropriate zoning for new multifamily construction.
- Cities could add incentives for infill to be rent controlled for a period of time and/or a reduction in the permit fees and/or reduction in property taxes for a limited time period. More public education to encourage infill. Skagit County needs to account for the years past over-development to meet the 80-20 county planning policy.
- I don't have documented evidence for this but the plethora of brand new expensive homes for sale while affordable properties for rent disappear indicates that this is a problem that is occurring and getting worse.
- Absolutely. What is wrong with duplexes or triples in most neighborhoods?
- Zoning is a barrier
- The restrictions on homeless, arsons and sex offenders as well as those living at or below the poverty levels. Also placement of "tiny homes".
- Zoning in our city which is a good idea.
- There are too many people who show up to council meetings and complain "not in my backyard"
- No land to build low cost housing on

Zoning laws? (Example: Laws that restrict placement of group homes.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- Zoning laws make it more difficult to legally share housing with larger groups of people. People should be able to rent their garages, storage sheds or RVs to people. A shed is far better than no place to be. The homeless spend much time and energy trying to hide. Everyone deserves a place to rest and call home.
- Mt Vernon Mayor and Burlington Mayor try to stop any high density low income housing.
- There is no zoning that I am aware of in Skagit County that would encourage more mobile home parks.
- Some of our neighborhoods don't allow us to rent out our basement, even if we wanted to rent to our parents or friends.
- There used to be some group homes for mentally ill and I don't think they are around any longer
- Limiting most neighborhoods to only single family homes limits housing options and often leads to urban sprawl.
- Again, watching the city staff and council process on the comprehensive plan update has been very telling on views and stigmatization on affordable housing.
- Same answer as question 22.
- I am vaguely aware that there are some zoning issues regarding multi-family units.
- The county doesn't follow it's own rules
- See response above regarding ADUs and anti-density sentiment.
- See above

- The zoning doesn't allow for more multi family units nor accommodates the grows of this county populations.
- Set up to make local governments money. Not to provide housing.
- Same answer as above.
- See above
- More land zoned for commercial than residential
- Harder in rural areas
- There isn't any housing
- Not enough multi-family housing for the need of the area.
- As mentioned above. Currently in Skagit County we do not have appropriate zoning for new multifamily construction.
- Might be different in cities than in the county. Also same needed for encouraging re-development of sites, for example, malls could have housing around the periphery of the sites if this was allowed.
- Mount Vernon's zoning laws restrict growth
- See above. Same issue.
- This is discrimination pure and simple.
- Place of "tiny homes" and other alternative housing.
- Neighbors like to be the same. Not good allowing apartments next to single family homes - why we have zoning laws to keep problems from happening.
- Local City councils need to approve more multi family developments and change zoning laws to approve housing on top of existing businesses.
- Difficult to get buildable low income housing, need rezones

Occupancy standards or health and safety codes? (Example: Codes being inadequately enforced in immigrant communities compared to other areas.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- Again my friend previously rented an apartment, things were constantly broken or old and not updated and as many requests she put in for fixing of issues it never happened. (she lived in low-income, housing authority properties)
- I think we still have a number of apartment or problem house where the landlords seldom care for their properties. they become run down, un-kept, damaged, with long times for repair.
- how many are supposed to live in a low-income house? have you checked your residents there more than your know - you need to be careful and how to study and approach
- Occupancy standards being used to evict tenants but not to ensure safe housing
- Substandard housing all over Whatcom and Skagit Mold and mildew issues ignored...pest problems and not properly cleaning homes after toxic drugs from previous renters
- Health codes are frequently broken in the high-density area in which I live ... garbage dumps, littering, speeding ... inadequate policing ... only two sheriffs in entire area
- County doesn't enforce building codes or health codes in certain communities

- Again, house I rented in Everson had no handrails on any stairs; structural damage in foundation wall permitted massive amounts of rainwater to overwhelm sump pump and nobody could tell me how or where to get code enforcement
- I have noticed certain apartment buildings that do not take care of the units and area around the units, with safety issues.
- I do home visits as part of my job. The number of rentals that I visit that are obviously neglected by landlords is a disgrace. Moreover, single women needing maintenance often find that whoever is providing it expects sexual favors to be part of the agreement. If that is not gender discrimination I don't know what is.

Property assessment and tax policies? (Example: Lack of tax incentives for making reasonable accommodations or modifications for the disabled.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- There are not enough tax incentives for developers to build affordable properties.
- Tax Dept. accepted without question my request for senior exemption.
- Lack of incentives generally, not only for disability access and accommodation, but also for younger renters, new families, etc.
- The recognition of the need to lower valuation assessments on affordable housing due to the restricted rents and resulting income to properties
- Lack of incentives for affordable housing.
- Not fair giving breaks. All development should pay same or you are making others who are barely hanging on pay more.
- Lots could be done to help get low cost housing built for all

The permitting process? (Example: Not offering written documents on procedures in alternate languages.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- Permits are numerous and expensive for land development.
- I don't think the county offers documents in other languages. When you click "view this page in Spanish" the website is still in English.
- However I have heard that there have been many problems in basic understanding of the process and the length of time to process the paperwork.
- I'm not completely sure, but it seems like my county, which has a large Spanish-speaking population and a growing Russian population, does not have translation services.
- Someone with adequate resources are only people that can understand permitting process.
- The permitting is a very long process for group homes...took us 9 months with an already existing motel
- to obtain a building permit, it can be a very confusing process. Having an available staff in the county to assist with permits applications would be helpful.

- I do note that it seems easy to get health insurance documents in Spanish, Thai, Vietnamese, Japanese and Chinese, but I don't know if this is a better situation than for housing documents.
- Although this may not be as much a problem for builders/developers as for renters.
- Placement of tiny homes and other alternative housing.
- Way way to long to get permits

Housing construction standards? (Example: Lack of or confusing guidelines for construction of accessible housing.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- Affordable housing for those with limited incomes is difficult to find. Increasingly senior citizens are becoming homeless due to extremely limited incomes.
- Privet renters lax on reasonable working order of home and appliances
- Skagit County codes need to be updated to include accessible housing sections; don't know about the cities.
- Over inflated cost of construction and related cost.

Neighborhood or community development policies? (Example: Policies that encourage development in narrowly defined areas of the community.) If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- Housing developments are often high end housing. This makes affordable housing almost unreachable for those on limited incomes.
- Planned Unit Developments. PUDs
- Yes, I have heard this is going on in many places in the county.
- Need to allow height and not be spread out
- As above, a high-density area and green spaces are being encroached upon, no trails or walking areas, dog parks, etc. House building is accelerated and the expense of wild and/or forested areas!
- The county does as it pleases
- Whatcom County refuses to grant commercial, industrial, mixed use, and small town commercial zoning in North and East Whatcom County to long term businesses and to prospective businesses. The County practices granting only "Conditional Use" permits which hold the company "hostage," them the ability to sell their business property at commerical/industrial prices when they retire or sell. There ought to be a law!!! Whatcom County holds rural businesses "hostage" by requiring a "turd buster" installation in their septic systems in order to get a permit. The catch is that this device is only offered by ONE COMPANY and has expensive mandatory quarterly inspections. Can you say, "MONOPOLY"? There oughta be a law!!!!
- Low income areas are being over run by development - real estate market, growth in region.
- Hard to utilize land for housing in Ebey's Reserve

- At times it would seem appropriate to allow "Tiny Houses" to accommodate our growing and low-income populations. In return we would avoid homelessness or see a decrease of homelessness.
- Multiple use buildings are the most efficient use of urban lands, yet we do little of this in the County and only some in the cities. Education of city councils, planning commissions and electeds is needed. Design criteria are usually not addressed as a way to encourage development.
- It is self-evident that some areas of the community are better taken care of than others and are priority for new services. For instance a new elementary school will be built near a more affluent area
- These policies are designed to discriminate.

Are you aware of any barriers that limit access to government services, such as a lack of transportation, employment, or social services? If you answered "Yes" to this question, please discuss the impediments or barriers in the box below.

- I work at a non-profit. We used to give out gas cards to help people on the margin bridge that gap. Part of the problem for them was simply getting to and from services. Bus service is so limited for some areas that it is (almost) worthless.
- Homeless people with no income have a difficult time getting a bus pass. The agency that issues the passes seems reluctant to do so. They have to have proof of a specific appointment and even then, often are unable to get a pass.
- Cost and availability. Impossible phone connections, limited open hours
- The rural nature of the county has an impact on access to government services, especially those in east county.
- County government offices are not open later in the afternoon for those who need to do something after they get off work.
- transportation, employment
- No - one can always find a way to access services if they truly wish to.
- Transportation in our county is lacking which makes it difficult to build or move into area where the housing costs a lower.
- buss service and regional transportaion issues
- Lack of transportation into rural county areas is a barrier, especially to low-income households.
- I live in a rural area and information about fair housing is limited or non-existent. I work in the area as a information source for a non-profit and the only options I have are: Solid Ground (in Seattle 2hrs away) or law advocates (at the courthouse where many people living in poverty and/or as part of the marginalized groups which are "protected" have traumatic memories).
- all of these
- some area do not have bus transportation to the area. it makes it difficult for home owners or renters to live there and work or attend appointments.
- depending if you live in rural areas
- Legal residency requirements, criminal record exclusions
- Lack of consistent public transportation, offices that are not wheel char friendly.

- People who speak English as their second language are almost always treated differently in social services. They are not taken as seriously or are seen as unmotivated because they don't understand. I also had a deaf client who was unable to take one of our classes we offered because we didn't have the funding to pay for an interpreter for her.
- Lack of transportation in my area.
- lack of transportation employment
- WTA does not go from Kendall area to the doctors in Everson and Sumas.
- We live in Maple Falls (Kendall) there???'s nothing here
- People live so far from town..some times it's hard for them to get to places
- Transportation service is less frequent in places that are more affordable. Of course, many of these places are farther from city centers and it's more expensive to operate there, but still it's worth noting that the service is worst where it's needed most.
- Lack of employment opportunities are pandemic in North and East Whatcom County do to the County's anti-growth stance demonstrated by resistance to rezoning and over-reliance on Conditional Use Permits.
- Transportation in rural areas is difficult to secure, making it hard to access anything besides medical care.
- There is a lack of all of the above in many parts of rural Whatcom County, especially employment and social services. Some service providers are getting better about their outreach efforts, but the overall level of provision is still low.
- Lack of proper transportation in rural areas and affordable transportation
- some cities have less transit hours or limited to specific days of the week.
- Very little access to services where many people live because what they can afford.
- Public transportation is limited in Skagit County, so it is an all day prospect for many to take a bus to Mount Vernon, where most government services are offered. Need is greater than capacity for most social services.
- Most social services are in Burlington and mount vernon. Affordable housing is easier to find in Sedro woolley and further east.
- Transportation is a barrier for outlying areas of the county.
- DSHS appears to be intentionally difficult to reach.
- Yes Island Transit doesn't serve on Saturday and Sunday and is very limited for evening hours
- Restricted access to public transportation during hours when most entry-level employees need to be at work (after 7pm through 5am), and on Sundays.
- Transportation and Childcare are the biggest barriers that I've seen.
- Translation services at government offices, perhaps? I feel the transport and social services here are better than I have been used to in African countries. But since many things are much better off in Africa than in the USA, I do not take that idea for granted!
- The rural nature and size of the county hinders access to transportation and probably other services. De-centralizing services can help and has been done in a limited way up river.
- Affordable housing tends to be concentrated at the end of bus routes in Burlington and Mount Vernon or to the East where the bus service is practically unusable. Meanwhile social services, employers and medical clinics are concentrated in town or, for large manufacturing workplaces, in remote spots accessible by car only. Low income people, who are more likely to be female, of

color, disabled etc...are forced to choose between a roof over their heads and work and/or access to services.

- Many low income can only afford neighborhoods far from basic services, such as lack of supermarkets, drug stores, public transportation, and other essential services.
- County transportation
- Transportation in outlying areas along with social service out reaches employment opportunities.
- Poor transportation options

Are there any other public administrative actions or regulations in your community that act as barriers to fair housing choice? If you answered "Yes" to this question, please indicate the administrative action or regulation and discuss how it creates impediments or barriers to fair housing choice.

- Mt Vernon and Burlington local planning and governements
- There must be something or we wouldn't be so stuck!
- I marked :yes, because DSHS has made some housing impossible for people with limited income, no income, or even some shared incomes. Also we have DOC which places a number of restrictions which don't take inconsideration the availability of housing thus, sending some back to jails or prisons.
- yes don't let Families cheat or abuse the system
- Please see above: the two resources I know of are 1-2 hours away and one is located in a courthouse.
- NOT ENOUGH AFFORDABLE HOUSING
- Sober living requirements,
- Not enough housing for low income
- above mentioned restriction on water usage
- Our rental market has become extremely expensive and competitive, making it VERY difficult for low-income wage earners to obtain housing here. There are no rent restrictions and we have seen almost a 100% increase in rental prices (15yrs ago, a 1bd apt averaged around \$500 - now they're often \$1100 or more) and only modest wage increases. It is nearly impossible to afford housing here with a full-time, minimum wage job.
- Public policies have inadvertently resulted in a shortage of affordable housing options.
- Probably a lack of education about options and a lack of knowledge about need, lack of incentives to build to solutions and lack of priority due to the unfounded belief that government should not be in the housing market.
- City policies

Are you aware of any County fair housing ordinance, regulation, or plan in the Region? If you answered "Yes," please briefly describe the ordinance, regulation, or plan.

- From talking with neighbors, colleagues and friends

- Skagit county follows Federal and State fair housing regulations, and actively provides guidance for housing and shelter providers.
- Just what I learned in the renters class at Community Action, that Skagit and/or WA have more rules than federal
- I believe our county has a fair housing plan.
- As far as I know, my county follows Washington State laws
- Income discrimination laws to protect discrimination based on type of income used for housing.
- Permits uga
- We have a 10-year plan to end homelessness
- I don't know the details. Just by some discussions with a colleague who is also a new city councilor in Mt Vernon, I know that there are such plans, at least. He is very focused on affordable and fair housing in our town. It is of some concern to me (as an environmental and sustainability professional working on climate change and biodiversity in a broader societal context) that fair and affordable housing should never be built or rented out in areas (such as floodplains or wetlands) that pose environmental risks to poor or otherwise marginalized families or individuals.
- I have participated in fledgling efforts to work on a plan but it appears to have fizzled.
- I am assuming every legal jurisdiction has some form of equal housing ordinance & mandatory guidelines
- Ordinances /regulations restriction of the use and placement of tiny homes and other alternative housing.
- All of the jurisdictions in Skagit County are grappling with the issue and through SCOG are working cooperatively to address the issue as best they can.

Are you aware of any policies or practices for "affirmatively furthering fair housing" in the Region? If you answered "Yes," please briefly describe the policies or practices.

- I believe that the county has policies in place to further fair housing - I'm not familiar with the details.
- Town Mayors survey and project to do long term analysis and planning
- The Housing Justice Project takes place weekly at the Skagit County courthouse, I believe on Fridays.
- It is my understanding that there is a policy that our community is working on to pass stating that landlords cannot discriminate towards an applicant who has section 8.
- I believe the city of bellingham has a fair hearing ordinance, and the state handles most of our region under their umbrella, but I do not believe the county has anything.
- We have a 10-year plan to end homelessness
- Skagit County has grant monies used to support low income housing and housing assistance.
- As above, in Skagit County, although I suspect my friend's focus means that he believes the situation is not optimal.
- Same as above

- All federally financed affordable housing is required to employ an affirmative fair marketing plan
- Lots of talk, little action. City council candidates in forums suggested housing for poor people be built in isolated areas without access to transportation
- See answer to 31 above

Are there specific geographic areas in the Region that have fair housing problems? If you answered "Yes," please describe the geographic areas with fair housing problems and the types of problems in the areas.

- I live in an apartment complex surrounded by other low income folk. I am trapped here, because I've been here long enough that the price of rent is lower than if I had just moved. This apartment is falling apart, but I'm terrified to speak up at the risk of losing my home. There is enough pipe damage at this point that I'll certainly be asked to leave, so I can't speak up. The buildings all around me are falling apart. Yes, some of these people simply do not care about their surroundings, I get that. But many of us do. Everything I own is ruined from the smell of smoke from my neighbor. I've asked for help countless times. I respect that there are not enough resources to get things done, but I feel like I'm drowning.
- yes cascade west and summer glenn and the Stanford apts. more people live with residents than normal and a lot abuse the your system and get away with it - and some of your workers know that, but yet do not say anything for they give the residents heads up
- Birchwood Neighborhood in Bellingham and East Whatcom: Kendall, Maple Falls (Wiechert Reality is often complained about), Deming.
- Bellingham
- Every neighborhood in Bellingham
- All over
- Columbia valley
- Everywhere outside of Bellingham and Ferndale.
- Affordability in Anacortes.
- Any place with a hot real estate market
- Whidbey Island
- I would have to say all of Skagit County. We do have quite a bit of private landlords who are uneducated in the Fair Housing Act. Commercial landlords don't fall to short of that as well. Charging non-refundable deposits, refusing to house a household due to receiving rental assistance through an agency, having too many children, asking that households make 3x the rent as income. Having a credit score of 550+ or having no criminal history.
- Presumably Anacortes rents are high for new families and younger buyers can't get into the market as there is very limited supply. Lack of supply up river might be the same issues.
- All of them. Witness the number of homeless people in our community to say nothing of the number inadequately housed (doubled up with relatives or friends, living in RV's, occupying substandard housing).
- There are serious housing issues in the East county where a largely white population is openly hostile to minorities.
- City of Mount Vernon

Please share any additional comments regarding fair housing in the box below.

Open-Ended Response

- I think rent control is an issue. Rates on mobile home park space rents, etc.
- I see a lot of homeless people around town, which I never used to see before. I also have heard people I know who tried to rent and found that 40 or more people would be on the list before them to rent a somewhat affordable apartment or house. Something needs to be done to house all these people!
- There... there just has to be something that can be done to give us honest folks a shot a decent living conditions.
- The market prices a lot of people out.
- I do not want to share my apartment building or neighborhood with known criminals, terrorists or people with severe disabilities that do not have someone supervising them, I would feel unsafe
- Lakeway Reality is a slumlord company and needs new management.
- From the top to the bottom fair housing has become a huge issue. Home value assessments are extreme in Whatcom County and beginning to look like Seattle???'s elitist housing prices. This is only adding to the homeless epidemic across Washington State and until placed in check it won???'t add a solution
- i think all rentals shloud be registerd and require a inspection at a minimum of every two years
- There does not appear to be any kind of regulations on housing at all, as far as I can see.
- Housing is critical. people generally cannot succeed if they have no reasonable and affordable place to got to sleep and live.
- When landlords own and rent out property as a way to generate income they almost always attempt to maximize their profits. When earning money is the primary interest, landlords will find way to maximize their earnings to the greatest extent they can get away with. Discrimination in housing will persist in the private market as long as profits are valued more than tenants.
- Not enough reasonable priced housing for elderly and lower income workers.
- I propose zoning changes to permit low income, concentrated tiny home "villages" in residential ares on WTA bus routes adjacent to grocery stores, convenience stores, bakeries, Costco, Grocery Outlets, etc...owned by the Citizens of Whatcom County and administered by the Housing Authority.
- With the building "boom" in Bellingham, more attention needs to be paid to renters requirements and that houses etc. are up to code. There needs to be easily understood codes and there actually need to be some codes!!!
- Not enough housing period
- Lots of questions about a lot of things I don't know about - I hope this does not hinder getting more information out!
- I feel woefully under-informed to give a viable opinion.
- Thank you for focusing on this important topic.
- Providing model codes that could be adopted by municipalities would be useful. Workshops on incentives for electeds, builders/developers, homeowners for infill and/or affordable housing units is needed.

- The growing divide between the cost of housing (rising exponentially) and what people can afford to pay (wages are stagnant) is creating an untenable situation for everyone but even more so for those at most risk of housing discrimination. As more and more individuals and families are unable to find affordable housing the impact will eventually reach even those who believe they can insulate themselves from the problem. Social problems such as lack of high school completion, crime, violence, and drug use increase rapidly when day to day survival is compromised. Also, we can not expect people with nonexistent or chronically unstable housing to succeed in the work force.
- thank you for caring about those who fins it out difficult to find housing.