
Fair Housing Plan, Policies, and Procedures for the City of Park City



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Introduction

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, protects the right to fair housing for all people and 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 and handicap (disability). The United States Department of Housing and Urban Development (HUD) administers and enforces the Fair Housing Act. In recent years, HUD has reported a record number of housing discrimination complaints for the nation. There are both positive and negative aspects to the increase in complaints. A higher level of complaints indicates more people are aware of the right to fair housing choice and are willing to take action to protect that right. Conversely, the record number of complaints serves as a reminder that housing discrimination remains prevalent.

The City of Park City desires to improve fair housing availability by conducting an analysis of fair housing choice issues, and taking appropriate actions to facilitate fair housing choice. This plan serves as the basis for fair housing efforts within the City and provide blueprint for suitable policymaking for elected officials, administrative staff, housing providers, lenders, and advocates to further fair housing choice.

A National HUD study found that, of the people who suspect housing discrimination, only 1% report the case to a government agency. Among the reasons for lack of reporting include the inability to identify discrimination, the belief that nothing will result from reporting discrimination, and the delays in enforcement action. In some cases, limited English proficiency plays a role as well. In this regard, the largest impediment to fair housing choice may be lack of consumer education regarding fair housing rights and lack of patience or confidence in enforcement action.

Therefore is a need to coordinate efforts to improve the connection between victims of discrimination and the officials at HUD and the State of Illinois, who enforce fair housing laws. Further, there is a need to develop the ability to provide a local response to Fair Housing Act violations through the enactment of a local ordinance, which will allow the City to take enforcement action to provide prompt relief for victims of Fair Housing Act violations.

Park City Population Characteristics

According to the 2010 U.S. Census, the City's population was 7,570. Of that population, 65.2% is Hispanic, compared to 15.8% of the population of the State of Illinois, 7.5% is Black/African American, compared to 14.5% of the population of the State of Illinois, and 5.4% is Asian, compared to 4.6% of the population of the State of Illinois. The City's population appears to be diverse, and contains a heavy concentration of Hispanics.

According to the American Community Survey conducted in 2013, there are an estimated 2,861 total housing units in the City. Of the number of housing units, an estimated 1,317 are owner occupied, and 1,370 are renter occupied. Of the estimated 2,861 total housing units in the City, 1,413 are mobile homes, which is almost 50% of the housing units in the City. For the entire State of Illinois, only 2.6% of the housing units in Illinois are estimated to be mobile homes. The City has 906 apartment units in buildings of 5 units or more, which make up approximately 32% of the total housing units in the City.

From the above characteristics, the City must develop the capacity to serve a significant Hispanic population by offering services in the Spanish language. Given the large number of apartment and mobile home units, the City must develop programs to reach out to mobile home park and apartment building owners in order to educate them and obtain their cooperation in providing fair housing to City residents.

Fair Housing Laws

The following are the available fair housing laws that may be used to assist victims of fair housing discrimination:

Federal Fair Housing Law

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, and handicap (disability). This protection extends to most housing.

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The law makes the following actions illegal if based on race, color, national origin, religion, sex, familial status or disability:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing
- Refuse to make a mortgage loan
- Fail to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Refuse to purchase a loan
- Set different terms or conditions for purchasing a loan

The Act provides protection for persons exercising a fair housing right and persons assisting others against threats, coercion, intimidation, and interference. The law prohibits advertisements and statements that indicate a limitation or preference based on race, color, national origin, religion, sex, familial status, or disability. The advertising prohibition applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

The Act extends additional protection to persons with disabilities. Federal law defines a disability as any "physical or mental impairment which substantially limits one or more of [a] person's major life activities, a record of having such impairment, or being regarded as having such impairment." Major life activities mean functions such as caring for one's self, performing tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

A landlord or property manager may not refuse a request to make a reasonable modification to a dwelling or common use area if the modification is necessary for the person with a disability to use the housing. Landlords may require a resident to pay for a modification to the property and require the modification be removed when the resident vacates the property. If the modification were for something the federal law requires a landlord to have in place, the landlord would be responsible for the cost of the modification.

The landlord is not allowed to refuse a request to make a reasonable accommodation in rules, policies, practices, or services if the accommodation is necessary for the person with a disability to use the housing. A reasonable accommodation occurs when the resident makes a request, and the landlord makes an exception to standard rules/policies to accommodate the resident's disability. The requested accommodation must be reasonable and should not present an undue burden on the landlord. If the accommodation is not reasonable or if it would impose an undue hardship on the landlord, the request may be denied.

The Fair Housing Act requires newly constructed multi-family dwellings with four or more units to include basic design features of accessibility intended to make the units usable by a disabled person. Accessibility standards include: (a) public use and common use areas which are readily accessible to and usable by persons with disabilities; (b) doors designed to allow passage into and within the units which are sufficiently wide to allow passage by persons in wheelchairs; (c) an accessible route into and through each unit; (d) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (e) reinforcements in bathroom walls to allow installation of grab bars; and (f) usable kitchen and bathroom for an individual in a wheelchair to maneuver about the space.

Housing developments must comply with the American Disabilities Act (ADA). The ADA does not generally apply to residential housing; however, ADA issues arise with the accessibility of common use areas in residential developments if the facilities are open to persons other than owners, residents, and their guests. Examples include: sales and rental offices, sales areas in model homes, pools and clubs open to the public, and reception rooms that can be rented to non-residents.

Illinois State Law

Illinois law concerning fair housing rights is codified in Article 3 of the Illinois Human Rights Act (Illinois Compiled Statutes 775 ILCS 5.) State law protects against discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service.

The state's fair housing law has been found to be substantially equivalent to federal fair housing law, which means HUD determined that the Illinois Department of Human Rights provides substantive rights, procedures, remedies, and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. Typically, after a certification determination, HUD will refer complaints of housing discrimination that it receives to the state or local agency for investigation.

City Ordinance

At the time of the writing of this report, the City Council is considering a draft ordinance to add a new Chapter 9.36 to the Park City Municipal Code entitled "FAIR HOUSING CODE." This Ordinance will prohibit discrimination "against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property." The Ordinance will create the office of "fair housing coordinator," who will oversee educational and law enforcement efforts to promote housing. The Ordinance also allows the fair housing coordinator to take City action through filing a citation in Branch Court in Lake County, Illinois, or to make referrals to other agencies for enforcement.

Proposed Policies and Procedures to Further Fair Housing:

1. **Increase Coordination:** The City of Park City will create the office of fair housing coordinator, to serve as the point person for fair housing activities, information, and fair housing laws enforcement. By City Ordinance, the Building Commissioner of the City will serve as the fair housing coordinator.

The fair housing coordinator will be responsible for increasing coordination internally and with outside parties such as landlords, tenants, fair housing advocates, and other government agencies.

Internally, the fair housing coordinator will ensure all staff and elected and appointed officials are aware of their fair housing responsibilities and take the lead on making referrals for enforcement of fair housing laws or conducting such enforcement activity personally, developing educational programs for landlords and tenants, creating informational pamphlets for distribution to citizens at City Hall, and developing additional fair housing policies and procedures, as they are needed.

With external organizations, the coordinator will build a contact list of landlords, tenants, resources, and fair housing organizations, to notify these individuals of resources and events. The coordinator will coordinate with fair housing advocates and neighboring jurisdictions to increase the level of available resources for education, outreach, and enforcement activities.

Specifically as to potential victims of discrimination, the fair housing coordinator will work to inform housing consumers on how to recognize housing discrimination, to break down language barriers, and to provide assurances to consumers who file complaints to counteract the low expectations of a fair result.

2. **Fair Housing and Financial Literacy Workshops:** Often, housing consumers or providers cannot readily define acts of housing discrimination. The City will liaison with landlords, tenants, area non-profits and businesses, including area lenders and housing professionals, to organize periodic workshops to highlight fair housing rights, housing responsibilities and financial literacy.

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The City will seek resources to provide classes to City residents on improving credit scores, and the basics of checking accounts, savings accounts, and loans, in both English and Spanish. The City will meet with residents to offer these classes, and such classes will be located at accessible locations, such as the Park City Teen Center, or the Park City Hall.

3. **Material Distribution:** The City will distribute fair housing marketing materials aimed at educating residents of their right to fair housing, of how to identify discrimination, and of how to report it. Because of the number of Spanish speaking people residing in the City, the City will ensure that the materials are available in English and Spanish. The purpose of distributing material is to reach people who experience discrimination but do not report it. The City will maintain a webpage dedicated to fair housing on its website. The webpage will be an information clearinghouse for residents, housing professionals working in the City, and government employees. The website will be updated periodically with issues related to fair housing.

4. **Media Advertising:** The City will use existing resources at its disposal to advertise local fair housing resources. This list includes: community events, signs, citizen newsletters, newspaper reports, and the City website.

5. **Limited English Proficiency:** Because of the large percentage of Spanish speaking people living in Park City, as identified in the 2010 U.S. Census, the City will make every effort to appoint a bi-lingual building commissioner/fair housing coordinator, and will endeavor to hire bi-lingual employees in City Hall and in the Police Department. Currently, the building commissioner, water-billing clerk, and three Park City Police Officers speak Spanish and English. The City will intend to keep, and hopefully expand, the number of bi-lingual employees to assist Spanish-speaking residents with fair housing issues.

6. **Referral and Enforcement:** The City's fair housing coordinator will refer all fair housing complaints to the Illinois Department of Human Rights for enforcement. If the referral does not yield a satisfactory or timely result, the fair housing coordinator will file an enforcement action for a violation of the Park City Municipal Code, if the fair housing coordinator finds that probable cause exists to believe that a violation has been committed.

7. **Improve Public Infrastructure:** Access to public transportation provides opportunity for disadvantaged people to obtain housing in Park City and pursue employment opportunities. The City has a solid commitment to investing in public infrastructure improvements to provide access to public transportation. Recently, the City has completed a sidewalk project on Greenleaf Street that has provided pedestrian access for residents living on the west side of the City to PACE bus system, such as Route 572 on Washington Street. The City has worked with the City of Waukegan to install sidewalks along Illinois Route 120, which will provide pedestrian access to Route 568 of the PACE bus system. Providing safe pedestrian walkway access to public transportation improves access to housing and employment opportunities. The City will continue to study public improvements to its infrastructure that will improve pedestrian and public transportation access to housing in Park City.

Conclusion

The City of Park City seeks to develop a multi-faceted approach to improve fair housing access within the City. The City will take realistic steps to accomplish real change in access to housing issues, primarily through the creation of the office of fair housing coordinator. The City's approach is limited by its resources, but the City intends to use its existing resources to their utmost potential, while partnering with housing advocates and neighboring communities. Using the City's bi-lingual resources, the City will reach out to its significant Spanish speaking population with its Spanish speaking staff. Further, the City, through its fair housing coordinator, will work with property owners and landlords to educate them as to their responsibilities under the Fair Housing Act, and to work with them to provide strategies to improve their fair housing practices. Where housing providers chose discriminatory practices, the City, through its fair housing coordinator, will provide referrals to the Illinois Department of Human Rights. Where such referral is not appropriate or feasible, the City will enforce the Fair Housing Act through filing a compliance citation through the Branch Court of the Lake County Court system. Through this multi-faceted approach, the City hopes to make a significant difference in the lives of its disadvantaged residents.