

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING



CITY OF SAN ANTONIO

CALENDAR YEAR 2010

Prepared by
City of San Antonio
Department of Community Initiatives
Community Action Division
Fair Housing Program

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I. EXECUTIVE SUMMARY

A. Introduction

The City of San Antonio is committed to eliminating discriminatory practices in housing. The fundamental goal of the Fair Housing Plan for the City of San Antonio is to make housing choice for all residents a reality.

Since 1968, the U.S. Department of Housing and Urban Development (HUD) has been under the obligation to affirmatively further fair housing in the programs it funds and administers. Recognizing that the concept of fair housing is fundamental to healthy communities and that communities must be supported to implement effective fair housing strategies in their overall planning and development process, HUD has provided guidelines to the City of San Antonio, a HUD funding recipient to develop this Fair Housing Plan. For fiscal year 2010-2011, the City will expend \$25,770,186: \$16,191,906 in CDBG, \$7,785,631 in HOME, \$641,524 in ESG, and \$1,151,125 in HOPWA Program funds.

HUD has interpreted this obligation to CDBG recipients to affirmatively further fair housing requiring a guarantee to (1) conduct an analysis to identify impediments to fair housing choice within the jurisdiction; (2) take appropriate action to overcome the effects of impediments identified through the analysis; and (3) maintain records reflecting the analysis and actions in this regard.

HUD has further interpreted the obligation to affirmatively further fair housing through broad objectives, including (1) analyze and eliminate housing discrimination in the jurisdiction; (2) promote fair housing choice for all persons; (3) provide opportunities for racially and ethnically inclusive patterns of housing occupancy; (4) promote housing that is physically accessible to and usable by all persons particularly persons with disabilities; and (5) foster compliance with the non-discrimination provisions of the Fair Housing Act.

Since 1983, the CDBG statute has contained a requirement that the CDBG grantee certify that it will affirmatively further fair housing. This requirement was not reflected in regulations in 1988. In 1995 HUD published the rule consolidating the CHAS, the Community Development Plan, and the submission and reporting requirements for the four-community development formula grant programs, (CDBG, HOME, ESG, and HOPWA), into a single plan entitled the Consolidated Plan.

As part of the Consolidated Plan, grantees must submit a certification requiring each recipient of the federal funds to undertake fair housing planning through the completion of an analysis of impediments; take actions to eliminate identified impediments, and maintain records which demonstrate affirmative furthering of fair housing. The City of San Antonio's Fair Housing Plan (FHP) is intended to accomplish those requirements.

The FHP specifically analyzes relevant demographic information and data, suggests sources of housing discrimination, and explores other fair housing issues. The FHP includes methods for diverse citizen participation and the development and implementation of fair housing planning;

examples of measurable results; and reporting requirements which document affirmative actions taken by the City to further fair housing.

The FHP contains the following three sections and components of fair housing planning: (1) the analysis of impediments of 2010; (2) strategic planning and actions to overcome impediments; and (3) reporting methods and documentation of actions. These components track the Consolidated Plan's regulatory requirements as cited at 24 CFR 91.225(a)(1), 91.325(a)(1), and 91.425(a)(1).

B. Background

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. No person shall be subjected to discrimination because of race, color, religion, gender, disability, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate related transactions. (Title 24 CFR Part 100.5)

However, such protections as described above were largely unavailable prior to the enactment of the Fair Housing Act of 1968. Enactment of the Civil Rights Act of 1968, specifically Title VIII, virtually bans discrimination in all transactions relating to housing and provides for variety of enforcement mechanisms, including suits by the Department of Justice, investigations by the Department of Housing and Urban Development (HUD), and the initiation of lawsuits by individual aggrieved persons.

Nearly 100 years prior to the enactment of the Federal Fair Housing Act of 1968, the Civil Rights Act of 1866, 42 USC 1981 et. Seq., was enacted. Section 1981 of the Civil Rights Act of

1866 guaranteed equal rights under the law for all persons within the jurisdiction of the United States. Those protections include the right to make and enforce contracts, to sue, by parties, give evidence, and to enjoy full and “equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.”

Section 1982 of the Civil Rights Act of 1866 was specifically enacted to protect the property rights of citizens from racial discrimination. Section 1982 states as follows:

“All citizens of the United States shall have the right, in every state and as is enjoyed by white citizens thereof to inherit, purchase, lease, sales, convey real and personal property.”

The enactment of Section 1982 was a direct result of legislation that enabled the 13th Amendment clause to the U.S. Constitution prohibiting slavery. The 13th Amendment states, in pertinent part:

“Neither slavery nor involuntary servitude, except as punishment for crime whereof the parties shall have been duly convicted, shall exist within the United States in any place subject to their jurisdiction.”

“Congress shall have power to enforce this article by appropriate legislation.”

C. Methodology

The strategic planning methodology used for preparing the Fair Housing Plan is the same methodology used in developing the City’s Consolidated Plan. This methodology provides the City and housing related providers/agencies with the means to develop and organize a definitive guide to action aimed at achieving fair housing goals. It facilitates focused direction, performance measures, and accountability for the next five years. The plan coordinates the City’s

housing and economic development with other public, private and non-profit community housing providers and non-housing service agencies. The resulting Consolidated Plan provides a unified vision for community development and housing actions with the primary goals of providing affordable housing, public facilities, revitalized target neighborhoods, preserve historic resources, support for homeless and special needs populations and building and maintaining existing infrastructure.

The City's Fair Housing Plan contains a vision, mission, goals, objectives and specific actions for addressing impediments. The Fair Housing Plan vision and mission are described below:

Vision – Our vision is that every San Antonio citizen has equal access to housing and related services without regard to race, color, religion, sex, national origin, handicap, or familial status.

Mission – To affirmatively further and promote fair housing choice through enforcement of applicable local and federal laws and regulation, outreach and education, so that individuals of similar incomes have similar opportunities for housing accommodations, facilitates or services without regard to their race, color, religion, sex, national origin, handicap or familial status.

D. Scope of Analysis of Impediments

The Analysis of Impediments (AI) is a review of impediments to fair housing choice in the public and private sector. The Analysis of Impediments involves a comprehensive review of an entitlement jurisdiction's laws, regulations and administrative policies, procedures, and practices.

In addition, the Analysis of Impediments is an assessment of conditions, both public and private, affecting fair housing choice.

Impediments to fair housing choice are defined as any actions, omissions, or decisions taken because of race, color, religion, gender, disability, familial status or national origin which restrict housing choices or availability of housing choices. Further, impediments to fair housing choice are any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, gender, disability, familial status or national origin.

Because equal and free access to residential housing is fundamental to meeting basic needs and pursuing personal, educational, employment and other goals, it is important that residents in the community be fully aware of the existence, nature, and extent of obstacles to housing choice and the resources available to address those obstacles.

II. OVERVIEW OF FAIR HOUSING REGULATORY REQUIREMENTS

A. Historical Development of Federal Fair Housing Law

The history of fair housing legislation in the country is complex and intertwined with civil rights legislation. Attempts to portray fair housing law in this document are intended simply to provide a summary of some of the most influential legislation in the arena. And, where appropriate, to comment on the perceived strengths and/or weakness of the various laws.

This section is by no means a comprehensive listing of fair housing legislation, nor is it an exhaustive review of the law and its nuances. Such an endeavor is beyond the scope and legal competency of this project.

What follows therefore are numerous legislative safeguards that have been introduced into the fair housing arena in an effort to help ensure that people are not discriminated in their search for housing.

B. Civil Rights Act of 1866

This was the first Act to guarantee property rights to all United States citizens. Section 1981 (a) provides that:

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and no other

Section 1982 (a) provides that:

All citizens of the United States shall have the same right in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.

Essentially, this is the earliest legislation that prohibits race or color as a factor in the housing market. The sections apply to state, local and private discrimination.

They contain no exemptions as to the type of property. That is, unlike the Fair Housing Act of 1968, the Civil Rights Act of 1866 does not exclude certain properties such as the sales or rentals of owner-occupied housing.

Some regard a shortcoming of the Civil Rights Act to be the fact that only racial discrimination is prohibited. Discrimination based on sex, family status, disability, etc. is not included. Plus, protections are limited to United States citizens.

While the Civil Rights Act of 1866 endeavored to prohibit discrimination, it was never fully enforced by the federal government. It was not until the civil rights movement of the 1960s that federal intervention began to change a system of residential segregation based on racial discrimination. That it was never fully enforced may in part be peculiar to the environment at the time of its passage, namely that the market is free of bias so discrimination is treated as an aberrant practice. Additionally, this law places the burden on the plaintiff. The latter is obligated to pay court costs and damages are capped at \$1,000.

C. Executive Order 11063 – Equal Opportunity in Housing (1962)

On November 20, 1962, President John F. Kennedy issued Executive Order 11063. Section 101 of the order directs all departments and agencies in the executive branch of the federal government to take all necessary and appropriate action to prevent discrimination because of race, color, creed, or national origin:

- *in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are:*
 - *owned and operated by the Federal Government, or*
 - *provided in whole or in part with the aid or loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government, or*
 - *provided in whole or in part by loans hereafter insured, guaranteed or otherwise secured by the credit of the Federal Government, or*
 - *provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract hereafter entered into; and*
- *in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) or lending institutions, insofar as such practices relate to loans hereafter insured or guaranteed by the Federal Government.*

For properties and related facilities provided with federal financial assistance as described above, all executive departments and agencies, HUD in particular, are directed to pursue appropriate actions permitted by law, including the use of litigation if necessary. Persons or firms found in violation of the executive order's provisions could face civil or criminal action by the U.S. Attorney General.

A highlight of the order is the creation of a President's Committee on Equal Opportunity in Housing. This committee is authorized to hold hearings, public or private, for compliance, enforcement or educational purposes.

A deficiency of the order centers on its limited applicability. The order bans discrimination based on race, color, creed, or national origin in housing owned and operated by the federal government, units that receive federal assistance and housing that is purchased with federally insured loans. But at the time of its issuance, most housing was conventionally financed. As a

result, less than 1 percent of the nation's entire housing stock and 15 percent of new construction was affected.

D. Title VI Civil Rights Act of 1964

In the history of the United States, the Civil Rights Act of 1964 is the most comprehensive civil rights legislation. It protects constitutional rights in public facilities and public education and prohibits discrimination in federally assisted programs. With respect to the prohibition of discrimination in federally assisted programs, section 601 of Title VI, Nondiscrimination in Federally Assisted Programs, specifically states that:

No persons in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Administration of federal assistance programs must be conducted in compliance with Title VI of the Civil Rights Act of 1964. Failure to comply may result in termination of funding to local jurisdictions. As with Executive Order 11063, here too, conventionally financed housing is excluded from this Act. The Act affects only federally assisted programs, such as those administered by the Veterans Administration (VA) and the Federal Housing Administration (FHA).

HUD's Fair Housing and Equal Opportunity Office investigates complaints related to this Act. Complaints are to be filed within 180 days of the alleged discrimination.

E. Fair Housing Act of 1968

Title VII of the Civil Rights Act of 1968 (i.e. the Fair Housing Act) prohibits discrimination in the sale and rental of most housing and prohibits racially discriminatory lending practices. The statute's provisions extend to agents, brokers and owners. It states that it is against the law because of race, color, national origin, religion, and sex to:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Set different terms, conditions or privileges for the sale or rental of housing
- Advertise that housing is available only to persons of a certain race, color, national origin, religion or sex
- Steer, i.e., make housing unavailable or deny that housing is available
- Blockbust, i.e., for profit, persuade owners to sell or rent by telling them that minority groups are moving into the neighborhood
- Deny or make different terms or conditions for a mortgage, home loan, insurance, or other real estate related transaction
- Directly or assist others to threaten, coerce or intimidate anyone exercising a fair housing right.

This Act applies to almost all housing sold or rented in this country, including:

- Single family homes owned by private persons when a real estate broker and/or discriminatory advertising is used to sell or rent the home
- Single family homes not owned by private persons (such as corporations or partnerships) even if a broker is not used to sell or rent the house
- Multi-family dwellings with five or more units, including rooming houses
- Multi-family dwellings with four or less units, if the owner does not live in one of the units.

Certain properties are excluded, such as noncommercial housing run by religious organizations and private clubs that limit occupancy solely to members,

The concept of “affirmatively fair housing market” is emphasized by the Act. Specifically, the law directs all participants in the U.S. Department of Housing and Urban Development (HUD) programs to develop these marketing plans in order to attract buyers and renters or similar

income levels to the same housing market, regardless of race, color, religion, sex or national origin.

Although the Fair Housing Act is a landmark decision, its effectiveness is severely limited by the following factors:

- HUD has no capacity to issue fines or sanctions it can only conciliate between two parties
- The U.S. Department of Justice can sue real estate entities that demonstrate a pattern and practice of discrimination, but it can seek no criminal penalties
- Although discrimination victims can bring civil action to the U.S. District Court, the burden of proof remains with the victims.

Persons must file an administrative complaint within one year of the alleged housing discrimination. To file a federal civil court action, there is a two-year time limit.

F. Section 504 of the Rehabilitation Act of 1973

This was the first civil rights legislation to protect the constitutional rights of people with disabilities by prohibiting discrimination against those with disabilities. Section 504 of the Act states:

No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Its jurisdiction, nonetheless, is limited as it applies solely to programs conducted by federal agencies, those receiving federal funds, such as colleges participating in federal student loan

programs, federal employment, and employment practices of businesses with federal contracts. Private funding is excluded.

While this legislation pertains to various domains including education, employment and health it also impacts housing issues. Principally, section 504 contains design requirements for public housing or assisted housing that is federally funded new construction or substantially rehabilitated after July 1988. This is multi-family housing.

New construction projects that are covered contain five or more units in the same project. Substantially rehabilitated projects that are covered to the same extent as new construction projects are those with fifteen or more units where the cost of the alteration is seventy-five percent or more of the replacement cost of the completed facility. Rehabilitated projects that do not meet the substantial alteration threshold ought to be made accessible to the extent possible if they contain five or more units.

Federally assisted housing includes housing funded through grants, loans, and mortgage insurance. For this type of housing, the legislation states that certain percentages of the housing should be fully accessible to persons with:

- mobility impairments (5 percent or at least one unit)
- visual and/or hearing impairments (additional 2 percent or at least one unit).

Full accessibility must be realized for new construction and substantially rehabilitated projects. Building spaces and elements impacted are parking (if provided), building entrance, common spaces, interior spaces, controls, as well as routes to and within living room, dining room,

bedrooms, kitchens, bathroom (one minimum), laundry, terrace, patio, balcony, and garage. Detailed construction specifications must be met to render kitchens and bathrooms accessible. Accessible units should be distributed throughout projects and sites and made available in a variety of sizes and amenities.

Furthermore, it grants the right to request and receive *reasonable* accommodations and modifications at not cost to the renter. Reasonable accommodations may be in the form of physical or policy changes, and should be undertaken unless these changes place an undue financial hardship on the landlord.

The Department of HUD is responsible for enforcing regulations related to section 504, but the latter may also be enforced through private lawsuits. Thus, individuals who are discriminated against may file a complaint with HUD or sue in federal court.

G. Age Discrimination Act of 1975

Programs or activities receiving federal financial assistance shall not discriminate on the basis of age. This Act declares that “no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected discrimination under, any program or activity receiving Federal financial assistance.”

H. Home Mortgage Disclosure Act of 1975

Certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions are impacted by the Home Mortgage Disclosure Act (HMDA). These institutions must meet explicit reporting criteria (e.g., location, asset size, and number of home loans) before they are required to complete a HMDA Loan Application Register (LAR). Institutions report data about home purchase and home improvement loans they originate or purchase, or for which they receive applications.

From the LARs, aggregate lending data is compiled annually for each Metropolitan Statistical Area (MSA). The Federal Financial Lending Institutions Examination Council prepares disclosure statements and various reports by institution for each MSA reflecting lending patterns by location, age of housing stock, income level, sex and racial traits.

Section 203.1 reveals that the intention of the Act is to provide the public with loan data that can be used:

- *to help determine whether financial institutions are serving the housing needs of their communities;*
- *to assist public officials in distributing public sector investments so as to attract private investment to areas where it is needed; and*
- *to assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.*

I. Community Reinvestment Act of 1977

In the last major wave of activist financial regulation, the Community Reinvestment Act (CRA) was one of the last laws enacted. Since then, the trend has shifted to de-regulation. Some

sources assert that it was passed on the belief that banks are chartered by the governments to serve public purposes, inclusive of community credit need. Unlike ordinary businesses, banks benefit from deposit insurance, access to central bank credit, government examinations and seals of approval. Banks exist not simply to take money out of a community in which they operate, but to put money back in the community.

While the rationale for its passage is debatable, there is no debate over the obligation that it places on federal financial regulatory agencies to *encourage* regulated financial institutions, be they state or federally chartered, to help meet the credit needs of their local communities. This includes low- and moderate-income neighborhoods. Furthermore, community lending should take place in a manner that is consistent with safe and sound operations. For example, no lending institution can be expected to make loans to persons with poor credit ratings.

With respect to CRA, the federal financial regulatory agencies are the Federal Reserve, Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of Currency (OCC) and Office of Thrift Supervision (OTS). Regulated financial institutions are FDIC insured banks, savings banks, and savings and loan associations.

It is noteworthy that credit unions and private mortgage companies are not listed as regulated financial institutions. This is particularly troubling in Texas as 49 percent of all home loans are made by mortgage companies, which are not subject to oversight and examination of lending records in low-income communities under the CRA. Meeting the credit needs of low- and

moderate-income communities may be negatively affected if mortgage companies are not regulated to do as such.

Regulated financial institutions are judged according to three areas: lending, service and investment. They receive one of four ratings: outstanding, satisfactory, needs to improve or substantial non-compliance. Institutions that receive “needs to improve” or “substantial non-compliance” ratings *may* have their applications for merger or branches denied. For most institutions, the ability to merge or open up branches is critical to maintain their competitive edge.

J. Executive Order 12259 – Leadership and Coordination of Fair Housing in Federal Programs (1980)

On December 31, 1980, President Jimmy Carter issued Executive Order 12259. The latter revises section 101 of Executive Order 11063 by adding sex to the list of persons for which discrimination is to be prevented. The mainstay of Executive Order 12259 is its revocation of certain provisions of Executive Order 11063, namely sections that established the President’s Committee on Equal Opportunity in Housing, along with its companion powers and duties.

K. Fair Housing Amendments Act of 1988

The 1988 amendments expand the number of protected classes, establish requirements for design and construction create new enforcement procedures and add an exemption to provisions barring discrimination.

First, the amendments add *handicap* and *familial* status to the list of persons protected from discrimination in any sale or rental of housing. Handicap means a physical or mental impairment that substantially limits one or more of an individual's major life activities. This includes wheelchair users; visually impaired persons; persons limited by emotional problems, mental illness or retardation; alcoholism; and, difficulties associated with old age. Familial status means family with children under the age of eighteen. This includes children living with legal custodians or an adult designated to care for the children; pregnant women; and, people in the process of securing custody of children such as adoption.

Second, the amendments establish requirements for the design and construction of new rental or for sale of multi-family housing to ensure a minimum level of accessibility for persons with disabilities. This impacts private and federally funded housing. Section 804(f)(3)(c) of the Act expressly requires that certain multi-family dwellings units designed and constructed for first occupancy on or after March 13, 1991 shall be designed and constructed in a manner that includes:

- Accessible building entrance on an accessible route
- Readily accessible public and common areas
- Doors wide enough for disabled persons in wheelchairs
- Accessible routes in and through dwelling
- Accessibly located light switches, electrical outlets, thermostats, and other environmental controls
- Reinforced bathroom walls to allow later installation of grab bars
- Ample space in kitchens and bathrooms for individuals in wheelchairs to maneuver.

Covered multi-family dwelling units are:

- dwelling units in buildings consisting of four or more units served by one or more elevators, or
- ground floor dwelling units in other buildings of four or more units.

Third, enforcement power of the federal government is augmented. HUD's investigation and conciliation role is expanded into the enforcement arena, in part by incorporating administrative law judges into the enforcement mechanism of HUD. These judges have the authority to hear and decide cases of alleged housing discrimination, as well as to award punitive damages. The Act also revises and expands the U.S. Department of Justice's jurisdiction to bring suit on behalf of victims in federal district courts.

Finally, the amendments create an exemption to the provisions that bar discrimination based on familial status. An exempt property will not violate the Fair Housing Act if it excludes families with children provided that a housing development qualifies as housing for persons age 55 or older. Clarity was given to the latter when the Housing for Older Persons Act of 1995 determined that a housing development qualifies as housing for persons 55 years of age or older when at least 80 percent of its occupied units have at least one occupant who is 55 years of age or older. Owners of the exempt property must also publish and follow policy and procedures demonstrating intentions to become housing for persons 55 years or older.

L. Americans with Disabilities Act of 1990

Commonly referred to as ADA, this Act is hailed as the most significant civil rights legislation since the Civil Rights Act of 1964. The U.S. Department of Justice (DOJ) has enforcement and coordination authority for the ADA.

This Act prohibits discrimination against persons with disabilities. Title 1 addresses employment. Titles II and III address accessibility provided by public and private entities. Title II is designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities available to persons with disabilities.

Essentially, Title II covers all state and local government programs, services, and newly constructed facilities, including residential housing. At this time, no design guidelines exist for residential housing within the Americans with Disabilities Act Accessibility Guidelines (ADAAG). In the absence of design standards within ADAAG for residential housing, some entities consult design standards within the Uniform Federal Accessibility Standards.

Recall that section 504 of the Rehabilitation Act of 1973 applies solely to federally owned or financed multi-family projects with five or more units. The ADA does not replace section 504, but in situations where the ADA affords more protection, e.g., privately owned residential housing with less than five units, the ADA standards apply. DOJ regulations, therefore, cover all state and local governments and extend prohibition of discrimination in federally assisted programs established by section 504 of the Rehabilitation Act of 1973 to all activities of state and local governments, including those that do not receive federal financial assistance.

HUD is the designated agency for all programs, services and regulatory activities related to state and local public housing, and housing assistance and referrals. Moreover, HUD has jurisdiction over a state or local government activity when HUD has jurisdiction under section 504.

M. Executive Order 12892 – Leadership and Coordination of Fair Housing Federal Programs: Affirmatively Furthering Fair Housing (1994)

On January 17, 1994, President William J. Clinton issued Executive Order 12892. To affirmatively further the goal of fair housing, this order vests in the Secretary of HUD the primary authority and responsibility for administering housing and urban development programs and activities related to affirmatively furthering fair housing. This includes the processing of complaints alleging facts that may violate the Fair Housing Act. Nothing in this order limits the authority of the U.S. Attorney General, however.

Akin to its now defunct predecessor, the President’s Committee on Equal Opportunity in Housing, which was established under Executive Order 11063 and subsequently revoked by Executive Order 12259, the President’s Fair Housing Council is created by Executive Order 12892. The Secretary of HUD presides over this advisory council. The council shall “review the design and delivery of Federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing. It shall propose revisions to existing programs and activities, develop pilot programs, and activities, and propose new programs and activities to achieve its goals.”

Sections of Executive Order 11063 are revised to increase the list of persons protected from discrimination in the sale or rental of housing by adding the categories of disability and familial status. This renders the list of persons protected from discrimination under Executive Order 12892 consistent with that in the Fair Housing Amendments Act of 1988.

N. Code of Federal Regulations

Each federal department and agency that is empowered to extend federal financial assistance to any program or activity by way of grants or loans is authorized to effect provision of various Acts by issuing rules or regulations.

Under *Title 24 of the Code of Federal Regulations*, the Department of HUD issues regulations that provide direction on the administration of federally assisted housing and community development programs. The regulations that follow are those that are applicable to the notion of fair housing choice. This is by no means a complete list of regulations on housing simply those deemed especially critical to affirmatively furthering fair housing.

1) 24 CFR 91.225

This regulation covers certifications that jurisdictions must make to HUD on an annual basis. An Affirmatively Furthering Fair Housing certification is included. This certification states that a jurisdiction is maintaining records to support its Affirmatively Furthering Fair Housing efforts. This means that a jurisdiction will conduct an analysis to identify impediments to fair housing choice, take appropriate actions to overcome impediments, and maintain records reflecting analysis and actions.

2) 24 CFR 91.520

This regulation pertains to the submittal of annual performance reports by participating jurisdictions. It covers funds received under the Community

Development Block Grant (CDBG), HOME Investment Partnerships Program, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) Program.

Subsection A of the regulation puts forth requirements on the annual review and progress report on the strategic and annual action plans contained in a jurisdiction's Consolidated Plan. The Consolidated Plan is a strategic plan that outlines a jurisdiction's housing and community development needs, typically over a five-year period. The performance report is due to HUD within ninety days after the close of a jurisdiction's program year. The report covers specific areas including actions to affirmatively further fair housing. These actions include racial and ethnic status of persons assisted.

For CDBG recipients, subsection C further states that the report shall include a description of the use of CDBG funds and its relationship to priorities and objectives identified in the Consolidated Plan. Changes in program objectives and reasons for the changes must be reported. In an effort to determine activity eligibility, the report must include the number of extremely low-income and low-income and moderate-income persons served by each activity. The latter applies when information on income by family size is required to determine the eligibility of an activity.

Subsection D pertains to jurisdictions that receive funds from the HOME program. In this instance, the report must also include:

- results from on-site inspections of affordable rental housing assisted under HOME to determine compliance with housing codes and other applicable codes;
- assessment of affirmative marketing actions;
- assessment of outreach efforts to minority-owned and women-owned businesses; and,
- data on the amount and use of program income for projects.

Subsection E applies to jurisdictions that receive HOPWA program funds. The report must include the number of individuals assisted and the types of assistance provided, too.

3) 24 CFR 92.351

This regulation covers affirmative marketing and minority outreach program requirements under the HOME program. Affirmative marketing requirements and procedures must be adopted by a jurisdiction for rental and homebuyer projects containing five or more HOME assisted housing units. Affirmative marketing steps must include actions that provide information and attract eligible persons in the housing market area to available housing without regard to race, color, national origin, sex, religion, familial status or disability. These procedures, however, do not apply to families in Section 8 tenant-based rental housing assistance or families with tenant-based rental assistance provided by HOME funds.

Minority outreach procedures must ensure the inclusion of businesses owned by minorities and women. Businesses include real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and legal services.

4) 24 CFR 570.303

Under subsection D of this regulation, each CDBG recipient certifies that the grantee will affirmatively further fair housing, and the grant will be conducted and administered in compliance with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. 2000 et seq.); and the Fair Housing Act (42 U.S.C. 3601-20).

5) 24 CFR 570.904

This regulation falls under Community Development Block Grants (CDBG) performance review requirements. Specifically, it refers to Equal Opportunity and Fair Housing review criteria. It maintains that absent independent evidence to the contrary:

- if a grantee conducts an Analysis of Impediments to Fair Housing Choice (AI) and takes actions to address identified impediments, then HUD will presume that the grantee has met its fair housing certification; and
- the grantee will also be presumed to have hiring and employment practices that are compliant with equal opportunity certifications.

In short, this regulation prohibits discrimination in any program or activity funded in whole or in part with CDBG funds. And it encourages the use of minority and women business firms. No statistical level of participation in contracting activities by race, ethnicity or gender is required, however.

6) 24 CFR 576.57

This regulation places additional requirements on the use of ESG funds. One of these requirements is that a grant recipient must make known that the use of facilities and services is available to all person's on a non-discriminatory basis. Procedures must also be adopted that make available to interested persons information concerning the location of facilities and services that are accessible to persons with disabilities.

Up to this point, discussion on fair housing laws has been limited to those promulgated by the federal government. Texas does, however, have a Fair Housing Law that mirrors the federal law. The Texas Fair Housing Act of 1993 prohibits discrimination in the sale or rental of housing based on race, color, religion, sex, national origin, disability or familial status.

As with the Federal Fair housing Act, certain properties are also excluded from the Texas statute.

These include:

- the sales or rentals of owner-occupied housing in which the owner does not own more than three single family houses at any one time; as well as,

- units in an owner-occupied building having no more than four families living independently or each other, if the owner maintains and occupies one of the living quarters as his/her residence.

A shortcoming of the Act is its limited employment. Solely projects that are funded through the Texas Department of Housing and Community Affairs (TDHCA) are accounted for by this Act.

O. Construction Requirements for Single Family Affordable Housing (1999)

Some of the most influential federal fair housing accessibility laws, namely the Fair Housing Amendments Act of 1988 and Section 504 of the Rehabilitation Act of 1973, exclusively relate accessibility issues to multi-family dwellings. Texas Senate Bill 623, Construction Requirements for Single Family Affordable Housing, was made law on May 26, 1999. It deals specifically with accessibility issues for single-family dwellings. It orders that persons awarded state or federal funds, which are administered by the TDHCA, to construct single family affordable housing for individuals and families of very low income and low income must be constructed in accordance with the following:

- At least one entrance door is on an accessible route served by a ramp or no-step entrance and has at least a standard 36 inch door;
- On the first floor of the building –
 - Each interior door is at least a standard 32 inch door unless it is a closet door;
 - Each hallway has a 36 inch width and level with ramped or beveled changes at each door threshold;
 - Each bathroom wall is reinforced for potential installation of grab bars;
 - Each electrical panel or breaker box, light switch or thermostat is not higher than 48 inches above the floor;

- Each electrical plus or other receptacle is a least 15 inches above the floor;
- Each breaker box is located inside the building on the first floor.

A waiver may be obtained if the cost of grading the terrain to meet the requirement is cost prohibited.

This Act applies only to single family affordable housing for which new construction begins after September 1, 1999.

P. City of San Antonio Municipal Codes

The City of San Antonio's public policy on fair housing dates back to July 11, 1968. At this time the City adopted language under City Ordinance No. 36650 affirming individual rights of a person to enjoy a decent dwelling without regard to race, color, religion or national origin/ancestry. The policy of the city under this ordinance further states that it is the responsibility and within the power of local government to prevent denial or access to a dwelling based on the above protected characteristics.

City Ordinance No. 36650 also charged the City's Community Relations Commission (originally established under City Ordinance No. 33863 on November 11, 1965) with conducting a full investigation within 30 days of the alleged incident of housing discrimination. A 3/5s of the Commission vote enabled it to address the charge through conciliation and persuasion. The Ordinance further assessed a fine not to exceed \$200 for any person found to be in violation of any of the provisions of this ordinance. Ordinance No. 36650 also prohibited market testing by

any person not having a bona fide intention to rent or buy from property owners or lessees or their property agents. However, on June 13, 1974, City Council repealed this prohibition under Ordinance No. 43913 as a result of the U.S. Attorney General's determination that this section of Ordinance No. 36650 "constitutes a pattern and practice of resistance to the full enjoyment of the rights secured by the Fair Housing Act."

On March 23, 1978 the City of San Antonio adopted language expanding the protections afforded under Ordinance No. 36650. On this date City Council charged the City with future responsibility and power under Ordinance No. 49162 to prohibit housing discrimination on the basis of race, color, national origin, religion, sex, age, or handicap. The Ordinance also authorized the City's Department of Human Resources and Services, Office of Consumer Services, with taking complaints of housing discrimination and then referring them to the Community Relations Commission. The Commission's fines ranged from one to two-hundred dollars for violations of any provisions of this law.

The City's Municipal Codes protecting individuals from illegal bias in their access to rental or purchased property are authorized under these three ordinances. Article III, Chapter IX of the Municipal Codes, charges the City's Community Action Division with the responsibility of handling complaints outlined in this chapter. Sections 9-39 through 9-45 enumerates seven prohibited acts against discrimination based on race, color, national origin, religion, sex, age, or handicap:

- 1) Selling or renting of a dwelling after a bonafide offer, refusing to negotiate the sale or rental, or make unavailable a dwelling based on the protected categories;

- 2) Discriminating against any person based on the protected categories in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of facilities and services in connection therewith;
- 3) Advertising the sale or rental of a dwelling that indicates or intends to show any preference, limitation or discrimination based on the protected categories;
- 4) Falsely representing that any dwelling is not available for inspection, sale or rental when in fact it is available;
- 5) Blockbusting. Persons cannot, because of profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding entry or prospective entry into a neighborhood of a person or persons identified as a protected category of the municipal codes of this section;
- 6) Financing or any other type of financial assistance of housing by banks, building and loan associations, insurance company or any type of corporation, association, firm or enterprise involved in commercial real estate loans to deny this assistance or loan because of a person's characteristics protected under the municipal codes. Nor can the fixing of the amount, interest, rate duration, or other terms or conditions of such a loan or other financial assistance be determined based on the protected categories of the municipal codes of this section; and
- 7) Using force or threat of force to willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, any person because of the protections afforded under the municipal codes in this section in selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any

dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting a dwelling.

On November 14, 1991 in sponsorship of an affordable housing project, the City of San Antonio, through an Agreement for Trust Assistance between the City's Department of Community Initiatives and the San Antonio Housing Trust Foundation, Inc. under Ordinance No. 74753, prohibits the sponsor from discriminating unlawfully on the basis of race, color, religion, sex, sexual orientation, national origin, age, handicap or familial status. It further states that it will not support any organization or individual that does.

III. OVERVIEW OF THE CITY OF SAN ANTONIO

A. Demographics

The city of San Antonio is the nation's seventh largest city according to the 2008 Census Bureau data. San Antonio is the 2nd largest city in Texas, with Bexar County's population of 1,588,136. According to Growth without Prosperity, a study commissioned by San Antonio's Partnership for Hope and the Rockefeller Foundation, the San Antonio metropolitan area, as one of the poorest large urban areas in the United States, is also characterized as having growth in population and employment.

According to 2008 American Community Survey data, 1,277,322 persons live in San Antonio. (See Table 1) Between 1990 and 2000, the city's population increased by 22%, which was considerably greater than the 18% population increase countywide. Since 2000, current estimates

indicate that city population growth has slowed to 12 % against a somewhat faster increase of 14% in Bexar County. In 2000, the foreign-born population increased 52% from since 1990 (from 87,549 to 133,675). This resulted in the share of the population that was foreign born rising (from 9% to 12%). The impact of immigration on San Antonio’s population is understated to the extent that it does not take into account the children born to the foreign-born population, because those children are part of the native-born population rather than the immigrant population.

Table 1: San Antonio Population Growth

Year	City of San Antonio	Pct change	Bexar County	Pct change
1990	935,933		1,185,394	
2000	1,144,646	22%	1,392,931	18%
2008	1,277,322	12%	1,588,136	14%

Source: City of San Antonio Five Year Consolidated Plan COSA Fiscal Years 2011-2015

Bexar County is typical of major urban centers in that minorities tend to be concentrated in the older, poorer neighborhoods. These neighborhoods tend to predominate in the inner city of San Antonio and south Bexar County. In these areas there is an immense need for public transportation, human and social services, as well as other municipal and county services.

But over the past ten years a new trend has emerged. While minority dominant areas prevail in the inner city and south Bexar County, more minorities are moving to the county’s northeast and extreme west sides, significantly changing the ethnic and racial landscape of the county. Essentially, minority groups in the cities are no longer confined to traditional minority

neighborhoods. For example, the African-American community has changed significantly as members of this group are no longer limited to black neighborhoods in the eastside of San Antonio. Many African-American families have moved away from the central section of the city to places like northeast San Antonio. Given that the city is expected to keep up its minority trend over the next thirty years, more migration by minority group members into the northern sector of the county will take place.

San Antonio, as a multi-cultural, multi-ethnic community in 2008 had a population that consists of 28.9 percent Anglo, 61.2 percent Hispanic or Latino, 6.2 percent African-American, and 3.7 percent “other”, according to the 2006-2008 American Community Survey. (See Table 2) The San Antonio Metropolitan Health District reported 26,194 births for the year 2006 which consisted of 22.9 percent Anglo, 68.3 percent Hispanic or Latino, 6.1 percent African-American, and 2.7% percent “other”.

Table 2: Racial Composition of San Antonio: 1980-2008

Racial Composition of San Antonio: 1990-2008				
Year	White	African American	Other	Hispanic or Latino
1980	38.1%	7.3%	0.9%	53.7%
1990	36.2%	6.8%	1.4%	55.6%
2000	31.8%	6.8%	2.7%	58.7%
2008	28.9%	6.2%	3.7%	61.2%

Source: Census Bureau (1980, 1990, 2000), American Community Survey (2006-2008)

Minorities make up a majority of the county population. A potent birthrate, coupled with migration from Mexico and Latin America, has helped make Hispanics the fastest growing population group in San Antonio, as well as all of Bexar County. Future increases in population are projected for Hispanics.

The median age in this city is 32.2 years, slightly younger than both the Texas average (33.2) and the national average (36.7). In San Antonio men make up 49 percent and women 51 percent of the total population.

B. Income Data

In 2000, the median household income for the City of San Antonio was \$36,214, 6% below that of Bexar County (\$38,328). By 2008, the City median household income had increased by 18% to \$42,731. At the same time, the county median household income increased by 20% to \$45,792. In 2000, the greatest number of households (18%) earned from \$50,000 and \$74,999, while another 17% earned from \$35,000 to \$49,999. At the same time, 18% of households earned less than \$15,000, and an additional 15% earned between \$15,000 and \$24,999. This means that, while one-third of the households earned between \$35,000 and \$75,000, more than one-third (34%) of San Antonio's households earned less than 69% of the median household income. By 2008, the greatest number of households (18%) still earned from \$50,000 and \$74,999. Those earning less than \$10,000 had declined from 11% in 2000 to 10% in 2008. Furthermore, both the number and percent of households earning less than \$15,000 decreased (17%), as was true of households earning between \$15,000 and \$24,999 (13%). In all, 29% of

households now earned less than 59% of the median household income. The table below provides a comparative illustration of a few of the City’s economic characteristics.

Table 3: San Antonio Economic Characteristics

<i>U.S. Census Bureau 2008</i>	San Antonio	Texas	United States
Median Household Income	\$42,731	\$49,078	\$52,175
Median Family Income	\$51,715	\$57,495	\$63,211
Per Capita Income	\$21,447	\$24,709	\$27,466
Families below Poverty Level	15%	13%	10%
Individuals 65 and over below Poverty Level	19%	12%	13%

Source: American Community Survey (2006-2008)

C. Employment Data

The largest non-agricultural employers in the San Antonio metropolitan statistical area (MSA) are services, manufacturing and the government. The fastest growing sector is service due to the demand on health care, business services and the city of San Antonio’s tourism industry.

According to a new report from Texas Comptroller Susan Combs, the economic outlook for the San Antonio is excellent, ensuring continued growth, all based on educational opportunities, health care sector and a vibrant tourist industry. More than one-quarter of San Antonio’s workforce was employed in the Education, health and social services industry in 2008. This same industry was also the top employer in 2000 (at 21%), and was the second highest employer in 1990 (at 19%). Retail trade was the top employer in 1990, employing 20% of the workforce. This industry slipped to second highest by 2000 (at 13%) and remained second in 2008, now employing 14% of the workforce. In 1990, Professional, management, and administrative services was the third largest employer in San Antonio, employing 13% of the workers. This industry slipped to fourth largest by 2000 (10%), but returned to its 2000 position by 2008

(12%). In 2000, Arts, entertainment, recreation, accommodation and food service ranked third (10%), up from employing just 1% of workers in 1990. This industry was the fourth largest in 2008, employing 12% of workers.

According to the San Antonio Economic Development Foundation, San Antonio’s top ten employers as of September 2010 are:

Table 4: San Antonio Major Regional Employers

Employer	Sector	Employees
Fort Sam Houston	Military	30,793
Lackland AFB	Military	28,100
USAA	Insurance	14,852
H-E-B Food Stores	Grocery	14,588
Northside ISD	Public Education	12,597
Randolph AFB	Military	10,700
Northeast ISD	Public Education	10,223
City of San Antonio	Government	9,000
San Antonio ISD	Public Education	7,581
Methodist Healthcare Sys	Health Care	7,013

Source: San Antonio Economic Development Foundation

As of September 2010, San Antonio’s top ten private employers are:

Table 5: San Antonio Top Private Employers

Employer	Sector	Employees
USAA	Insurance	14,852
H-E-B Food Stores	Grocery	14,588
Bill Miller Bar-B-Que	Restaurants	4,190
Cullen/Frost Bankers	Finance	3,982
Valero Energy	Oil & Gasoline	3,777
Southwest Research Institute	Research	3,300
Harland Clarke	Check Printing	3,100
Clear Channel Communications	Media	2,800
Cardell Cabinetry	Cabinets	2,429
Rackspace	Information Technology	2,412

Source: San Antonio Economic Development Foundation

Unemployment rates in San Antonio ranged from a low of 4.0 percent in 2000 to a high of 6.7 percent in 2009, currently at 7.2 according to the Bureau of Labor Statistics is higher still. Historically, San Antonio has experienced slightly lower unemployment than the state as a whole. (See Table below) San Antonio's unemployment rate has generally been on par with or slightly below the national unemployment rate.

Table 6: Unemployment Rate History

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 (Sept)
San Antonio	4.0	4.6	5.7	6.1	5.6	5.0	4.6	4.1	4.7	6.7	7.2
Texas	4.4	5.0	6.4	6.7	6.0	5.4	4.9	4.4	5.0	7.6	8.1
United States	4.0	4.7	5.8	6.0	5.5	5.1	4.6	4.6	5.8	9.3	9.6

Source: Census Bureau (1990, 2000), Bureau of Labor Statistics

According to the Texas Comptroller Susan Combs' new report, *Texas in Focus: Alamo*, economic forecasts for the local economy indicate regional employment will rise in the next 3 years (2013) by 23%.

D. Housing Profile

Accompanying the population increase in the City of San Antonio has been an increase in the number of households. At the same time, the household size increased slightly from 2.56 to 2.64 persons per household from 1990 to 2000, but declined to 2.59 by 2008. The household size for the City of San Antonio remains smaller than that of Bexar County, where household size was 2.60, 2.67 and 2.66 in the American Community Survey three study years (See Table 7). From 1990 to 2000, the population of San Antonio increased by 22.3%, while the number of households increased by 24.0%. Factors such as; postponement of marriages, and child bearing, elderly persons living longer and more independent lives, the desire of young adults to establish independence earlier, and more single-parent families, continue to create pressure on the housing supply.

Table 7: San Antonio Household Growth

Year	Population	Households	Persons per Household
1990	935,933	327,403	2.56
2000	1,144,646	405,887	2.64
2008	1,277,322	443,840	2.59

Source: Census Bureau (1980, 1990, 2000), American Community Survey (2006-2008)

IV. STATUS OF FAIR HOUSING IN SAN ANTONIO

A. Fair Housing Services

The City of San Antonio operates a Fair Housing Program within its Office of Community Initiatives and Homeless Services that is responsible for the enforcement of city and Federal Fair Housing laws. The program also assists area citizens in need of information regarding their housing rights and in the resolution of housing related discrimination complaints. The Fair Housing Law protects individuals from the refusal to sell or rent, or to negotiate for the sale or rental of a house or apartment based on discrimination because of race, color, religion, sex, national origin, familial status (guardian with children), handicap, age, within the City of San Antonio and county of Bexar. Certified Housing Counselors investigate complaints and attempt to resolve them by mediation with emphasis focused on non-judicial conciliation and compliance agreements. Other major components of this program include first-time homebuyer education, default mortgage counseling, reverse mortgages, mortgage assistance (ESG-homeless prevention funded), and a variety of information, outreach and educational services. The Fair Housing Council of Greater San Antonio is a private, non-profit 501(c)(3) corporation dedicated to promoting fair housing and eliminating discriminatory housing practices in the areas of rental housing, real estate sales, mortgage lending, and homeowners' insurance. Founded in September 1996 by a group of concerned citizens with the assistance of the National Fair Housing Alliance (NFHA) and funding from the United States Department of Housing and Urban Development (HUD), this group established the Fair Housing Council because research made clear that equal access to housing was far from a reality in many parts of the country, including San Antonio, Texas. With funding under HUD's Fair Housing Initiatives Program, the Council has maintained its Main Office in San Antonio, Texas (in Bexar County), opened a Field Office in McAllen,

Texas (in Hidalgo County), and expanded its service area to include a number of other counties in the San Antonio region.

B. Housing Needs Assessment

The City of San Antonio, in its efforts to meet the community's housing needs, must look at several factors that eventually impact or determine strategies and resources to meet current and projected housing market needs. A holistic and comprehensive examination of the housing situation in San Antonio must be looked at in relationship to other forces that will impact the area as a whole. Critically, how do these factors impact areas of the city differently? In addition, what is the current state of housing affairs locally? An examination of these external and internal elements will help forge more effective housing strategies and help the City meet its fair housing obligations. A local government's efforts, For example, at turning around a declining neighborhood's housing problems may only be hindered by a sluggish economy affecting the construction industry, lack of private sector involvement as part of the total solution, or the current conditions of the community's housing stock may affect the community's efforts to meet its housing needs.

The following internal and external factors must be addressed in order for the City of San Antonio to meet current and projected housing needs: (1) the condition, including the age of the housing; (2) the ability to replace existing housing demolished as a result of economic redevelopment or code enforcement efforts with affordable housing; and (3) policies and environmental concerns that affect redevelopment efforts which directly and indirectly impact

housing opportunities and choices.

Extreme low-income homeowners defer maintenance on their homes, using income for necessities, such as food, medicine, and transportation. There is a need for leveraged loans for homeowner rehabilitation that will improve and increase the housing stock.

The provision of affordable, safe and decent housing opportunities for extremely low, low and moderate-income residents, including the existing housing stock continues to be the low-income population. There is a need for new construction of single and multifamily units. New construction would provide low-income families with a home and opportunities to work and prosper.

C. Public Housing

Historically many of the older public housing projects were built in the inner cities of San Antonio (such as the Alazan Apache Courts and the Victoria Courts), dating back to the early 1930s. The identification of the complexes with the name “court” may be indicative of these practices. However, perhaps as late as the 1960s, construction of public housing continued to be located in the “center of the city” as the city expanded outward.

Federal housing efforts during the last sixty-five years has had significant effects on providing housing for persons caught in poverty. The federal government began competing with the private housing market after the Great Depression due to the market’s inability to meet the housing

needs of the nation. Unfortunately for many, this resulted in a greater and perhaps permanent dependence on government rather than the private housing market. In addition, the continuing efforts to help local government meet housing needs resulted in inner-cities with high concentrations of minorities and poor, who were the main beneficiaries of federal housing programs.

During the last fifteen to twenty years, as part of the nation's efforts to desegregate communities including its institutions like public schools, federal programs aimed at providing affordable housing began to have a deconcentrating purpose. The policies of the last twenty-years to deconcentrate inner cities signaled the notion that many of these older neighborhoods were plagued with many socio-economic problems. The 1980's in San Antonio is a benchmark in examining this effort. Efforts to provide public assisted, affordable, multi-family housing situated away from the inner city or older declining neighborhoods were thwarted by public resistance, namely, residents of neighborhoods located in newer neighborhoods.

The San Antonio Housing Authority (SAHA), created by resolution of the City of San Antonio in 1937 pursuant to the Texas Housing Authorities Law (now Chapter 392 of the Texas Local Government Code) and federal law, provides and maintains affordable housing for the residents of San Antonio. The current public housing inventory totals 6,177 units.

SAHA also administers the Section 8 Rental Assistance Program and the Section 8 Housing Choice Voucher Program which provides rental assistance for 12,775 privately owned rental

units and 6,399 mixed-income housing units. These units are available to eligible low-income families, seniors and people with disabilities.

Of the nearly 65,000 people utilizing SAHA programs, half are elderly or disabled. Fifty three percent of SAHA’s public housing residents are in the program for two years or less. Forty one percent of participants in SAHA’s Housing Choice Voucher (HCV) program, which administered rent vouchers to 12,775 San Antonio families in 2009, utilize the program for two years or less.

Among the 13,155 individuals on the waiting list, characteristics for family public housing are illustrated in Table 8, “Public Housing Waiting List Characteristics.”

Table 8: Public Housing Waiting List Characteristics

Apartment Size	Percentage
1-bedroom	42.34 %
2-bedroom	31.78 %
3-bedroom	19.67 %
4-bedroom	5.02 %
5-bedroom	1.18 %

Source: City of San Antonio Five Year Consolidated Plan COSA Fiscal Years 2011-2015

Some 23% are Native American, 57% are Asian or Native Hawaiian, 14.69% are African American, 67.94% are Hispanic and 16.55% are White. Within the group on the family public housing waiting list 78.05% are headed by females and 11.52% have more than 3 minor children

in the household. The vast majority of those on this waiting list (99.93%) are extremely low income households, i.e. with incomes of less than 30% of the area median income.

Among the 1,372 individuals on the waiting list, characteristics for elderly public housing are illustrated in Table 9, “Elderly Public Housing Waiting List Characteristics.”

Table 9: Elderly Public Housing Waiting List Characteristics

Apartment Size	Percentage
1-bedroom	96.72 %
2-bedroom	3.13 %
3-bedroom	0.15 %

Source: City of San Antonio Five Year Consolidated Plan COSA Fiscal Years 2011-2015

Within this population, 0.80% is Native American, 1% is Asian/Native Hawaiian, 14% are African American, 63% are Hispanic, and 21% are White. Some 47% of these households are headed by females, 90% are single person households, and 99.8% are extremely low income, i.e. with incomes of less than 30 percent of the area median income.

Among the 399 individuals on the waiting list, characteristics for handicapped accessible housing are illustrated in Table 10, “Handicapped Accessible Public Housing Waiting List Characteristics.”

Table 10: Handicapped Accessible Public Housing Waiting List Characteristics

Apartment Size	Percentage
1-bedroom	67.92 %
2-bedroom	23.06 %
3-bedroom	3.51 %
4-bedroom	5.51 %

Source: City of San Antonio Five Year Consolidated Plan COSA Fiscal Years 2011-2015

Among this group 1% is Native Americans, 1% is Asian/Native Hawaiians, 12% are African American, 58% are Hispanic, and 28% are White. Some 70% of these households are headed by females and 59% are headed by a person over 50 years of age.

D. Private Housing

The federal government’s involvement in private housing dates back to the Great Depression in the form of FHA-insured mortgages, savings and loan policies, public improvements, tax exempt bonds, and tax deductions. The mortgage and interest deduction and related deductions, viewed as tax expenditures, are the single largest mechanism that supports this country’s housing policy.

Unfortunately, in its efforts to meet the nation’s housing needs in the private market, the federal government has contributed to segregated housing patterns that still exist in this country. As late as the 1950s, the Federal Housing Administration encouraged the use of restrictive covenants in the form of home financing. From its creation in 1934 to the late 1950s, it financed 60% of all home sales. During this time, in its “Underwriter Manual”, it recommended that appraisers lower

the rating of racially mixed neighborhoods. This in effect institutionalized appraisal of property values by a federal agency, further contributing to the redlining of inner-city and poorer neighborhoods, disempowering homeowners to accumulate wealth associated with homeownership or discouraging individuals from acquiring homeownership in the inner-city. In addition, in its efforts to promote neighborhood stability by maintaining or helping to maintain racially homogenous neighborhoods, the FHA approved home financing that discriminated against minority groups seeking to move into the suburbs.

The Urban Renewal of the 1960s also contributed to rising concentrations of minorities by relocating displacements into minority communities. Blockbusting, gentrification and redevelopment in the past thirty years have also contributed to this process. Furthermore, profitability has been a common theme in these efforts. For example, cities across the country have contributed to the displacement of housing and people from their “downtown” areas in their redevelopment efforts to capture business opportunities, including the very profitable convention and tourist industry. Private-sector entities such as real estate, bankers, appraisal companies and others have all been an integral part of the dynamics that have contributed to the housing patterns evidenced across this country.

City governments are unable to address problems associated with lack of affordable housing, deteriorating and aged housing, or economic or other social issues impacting their older communities without private sector support in the form of partnerships that stimulate job growth, housing development and retail/commercial developments that address deteriorating conditions. Private sector involvement is a critical factor which must be infused in an attempt to provide

housing, as well as in formulating economic initiatives, to revitalize older and declining neighborhoods. The problems are magnified, particularly in San Antonio, where almost a quarter of the city's population is in poverty, wage growth does not match job growth, and a significant sub-population of elderly and children are or will be dependent on the working-age population.

Clearly, the present housing crisis is one of affordability to all income and racial/ethnic groups. This is associated with the rise in homelessness, the need for people to find safe, decent and secure neighborhoods, the downsizing of companies resulting in unemployment, and the increase in the general cost of living (including the maintenance of a home) while the earning power of the wage earner continues to fall. Certainly this is true in San Antonio where the earning power is reflective of underemployment and/or low wages resulting in wage earners struggling to attain affordable housing. Although the figures are based on 1989 information, it appears that this gap has widened, especially for any low and moderate-income groups in our society.

Real estate developers, builders, materials producers, mortgage lenders, investors, speculators, brokers and land developers contribute to cost of home sales. Businesses whose survival depends on profits, should not be responsible for meeting all the housing needs of the community, particularly where the profit may be marginal or non-existent in building housing for low and moderate income wage earners.

E. ALL HOUSEHOLDS

Of the 405,422 households in the City of San Antonio, 173,660 (43%) have income at or below 80 % of the Area Median Income (AMI) of \$57,200. These households can be segmented in Table 11 as follows:

Table 11: Total Households by AMI

AMI	Households	Percent
Extremely Low Income (Less than or equal to 30% AMI)	53,060	13%
Low Income (30 to 50% of AMI)	47,730	12%
Moderate Income (50 to 80% of AMI)	72,870	18%
Middle Income & Better (At or above 81% AMI)	231,762	57%

Source: American Community Survey (2006-2008)

A housing problem is defined as a cost burden of greater than 30 percent of the household income and/or other housing problems such as overcrowding (1.01+ persons/room) and/or without complete kitchen or plumbing facilities. Of the 405,422 households in San Antonio 132,978 (32.8 percent of households) are experiencing some sort of housing problem. The vast majority of those problems are associated with cost burden. Of the total households 5%, or 101,355, have a cost burden of at least 30%. Some 10 percent of all households (41,758 households) have a cost burden that exceeds 50% of the income. Costs burden is defined as the fraction of a household's total gross income that is spent on housing costs. For renters, housing costs include rent paid by the tenant plus utilities. For owners, housing costs include mortgage payments, taxes, insurance and utilities. In addition, some 31,623 households (8% of households)

have housing problems exclusively associated with substandard conditions such as overcrowding or incomplete kitchen or plumbing facilities.

Extremely low-income households are those earning 30% or less of the area median income (adjusted for family size). Given that the aggregate area median household income for San Antonio in 2009 was \$57,200 (for a household of four), households earning \$17,160 or less annually are considered extremely low-income.

Low-income households are those earning between 31% and 50% of the area median household income (adjusted for family size). Given that the aggregate area median household income for San Antonio the in 2009 is \$57,200 (for a household of four), households earning \$28,600 or less annually are considered low-income.

Moderate income households are those earning between 51 and 80% of the area median household income (adjusted for family size). Given that the aggregate area median household income for San Antonio in 2009 was \$57,200 (for a household of four), households earning \$45,760 or less annually are considered moderate income.

Middle income and more affluent households are those earning 81% or more of the area median income (adjusted for family size). Thus, such households in San Antonio earn more than \$46,332 and in many instances amounts above the 2009 area median income of \$57,200 (for a household of four).

F. HOMELESSNESS AND SPECIAL NEEDS

Originally there were two homeless organizations the San Antonio Action Homeless Coalition and the San Antonio/Bexar County Continuum of Care (CoC). The CoC was started in the early 1990's and focus was on HUD issues and the San Antonio Action Homeless Coalition focus was on putting on events for the homeless. In 2005 the two merged and became the South Alamo Regional Alliance for the Homeless (SARAH). In 2003, the U.S. Conference of Mayors (USCM) surveyed 25 major cities to obtain estimates on the causes of food security and homelessness as well as the capacity of local agencies to meet the demand. The report cites the following major factors contributing to homelessness:

- unemployment
- mental illness
- substance abuse
- domestic violence
- poverty
- a lack of affordable housing
- limited life skills

According to the 2000 U.S. Census, the poverty rate in Bexar County is 16%. The USCMR data indicates that nearly half of the homeless people in San Antonio are either mentally ill, substance abusers or suffering from HIV or AIDS.

The Secretary of HUD has stated that addressing homelessness through permanent solutions is HUD's top priority. To achieve this goal, HUD has encouraged a community-based process that

provides a comprehensive response to the homeless population's different needs. This approach, the Continuum of Care (CoC), assesses needs, inventories resources, identifies gaps, and coordinates public and private resources to fill in the gaps and avoid duplication.

The San Antonio/Bexar County CoC has worked with the Mayor's Task Force on Hunger and Homelessness, established in the summer of 2003, to develop a strategic plan to address hunger and homelessness in San Antonio. The Homeless Services Division of the City of San Antonio is responsible for ensuring optimal implementation of all strategies designed to resolve the problems associated with the homeless in San Antonio. The South Alamo Regional Alliance for the Homeless (SARAH) is now the lead decision making body for the CoC. It works in close coordination with the City of San Antonio and sets policy regarding the CoC including oversight of HMIS, developing the process for the annual CoC plan, establishing priorities for projects, and coordinating policy on issues such as discharge planning. The City works closely with SARAH members either as delegate agencies or referral partners and selects for award the most suitable agencies from within the community to provide financial assistance, housing relocation and stabilization services. As a member of SARAH, the City ensures the program adopts and promotes efficient and effective approaches to the delivery of services to homeless individuals and those at risk of becoming homeless.

Of the more than \$100 million earmarked for San Antonio under the American Recovery and Reinvestment Act, nearly \$7 million will go to homeless prevention programs. The money will cover short- and long-term rental and utility assistance, security deposits, moving costs, hotel vouchers and other eligible expenses.

VIII. IDENTIFICATION OF BARRIERS AND IMPEDIMENTS TO FAIR HOUSING CHOICE

A. Barriers to Affordable Housing

Communities that strive to ensure a diverse mix of housing face barriers when trying to provide affordable housing. The greatest barrier to affordable housing is the availability and price of land. The rising cost of land and the widening gap between income and housing costs contribute to this obstacle. Another impediment is financing. Federal funding for housing has been steadily declining and state and local governments struggle to compensate for this loss in revenue. Furthermore, building regulations and government fees can make affordable housing even more challenging. These include costs and fees associated with land development regulations, zoning, building code, and infrastructure fees (tap fees). Housing problems become apparent when there is lack of suitable, affordable housing. HUD defines housing problems as one or more of the following:

- Cost Burden— greater than 30% of income is spent on housing
- Overcrowding— a residential unit is occupied by 1.01 or more persons per bedroom
- Lacking complete kitchen or plumbing facilities

B. Regulatory Barriers

However, the concept of barriers to affordable housing is much more complex when viewed through the prism of regulatory barriers. These include the following:

Administrative Processes & Streamlining: This is the procedure by which developers receive permission to develop affordable housing. It includes the process for obtaining zoning changes, building permits, and occupancy permits. The topic also refers to receiving approvals from each government agency involved in the development process, as well as any required public hearings or citizen meetings. It includes both the pre-construction planning activities and review activities that occur during construction.

Building & Housing Codes: Building and housing codes are state or local ordinances that prescribe certain minimum standards for construction, rehabilitation, or occupancy of affordable housing. It also relates to the acceptance or rejection of new building designs, materials, or technology intended to reduce the cost of affordable housing.

Fair Housing and Neighborhood De-concentration: This topic refers to state and local laws that prohibit discrimination based on race, color, religion, sex, handicap, familial status, and national origin. It also refers to actions taken by state or local governments to enforce or evade these laws.

Fees and Dedications: Fees and Dedications are state and local requirements for the payment of fees, dedication of property, or installation of infrastructure to meet the increased demand on public services that result from a particular development.

Planning & Growth Restrictions: Barriers and solutions included in this category related to the process of developing a comprehensive land use plan and the restrictions placed on future

development based on a map of the community. The topic also covers activities such as smart growth programs, sewer and building permit moratoriums, or requirements for fiscal impact studies.

Redevelopment/Infill: This topic refers to the rules under which abandoned or underused property is redeveloped. This topic includes inner city redevelopment, single lot infill, and brown-field redevelopment, as well as the process for obtaining the state and local government authorization to proceed with such work.

Rent Controls: Rent controls are defined as state and local government actions that restrict rent increases or service fee charges to tenants.

State and Local Environmental and Historic Preservation Regulations/Enforcement Process: This topic refers to state and local enforcement of environmental and historic preservation laws. The topic also includes additional regulations promulgated by state and local governments that exceed federal requirements.

Tax Policies: Any barriers or solutions in this category are state and local tax policies that impact housing affordability, and include laws related to property taxes, tax assessments, transfer taxes, and sales taxes on building materials. It also refers to tax abatements or concessions and homestead exemptions.

Zoning, Land Development, Construction, and Subdivision Regulations: This category includes any rules and regulations that affect the use of land. It also contains rules and regulations that permit an owner to divide his land into smaller tracts. (The process for obtaining approval for zoning changes and or the subdividing of land is to be included in topic 1.) These activities include barriers, such as exclusionary zoning, as well as solutions, such as bonus density zoning. It also includes private restrictions on the use of property, such as deed restrictions. The City of San Antonio continues to review and update its development standards to identify and mitigate potential barriers to the provision and/or maintenance of affordable housing. There are several pertinent principles related to practices affecting affordable housing in San Antonio: San Antonio does not have growth control ordinances that could affect the supply of affordable housing, or add to the cost of providing housing. There are no county zoning or building codes in effect for Bexar County. There is no duplication of local jurisdictions controlling land uses and development within the City limits of San Antonio. Development-related ordinances are adopted and enforced solely by the City of San Antonio, within its corporate limits.

C. Loan Activity

The Fair Housing Council of Greater San Antonio, Inc. conducted an audit of the San Antonio MSA rental market in 1997. This audit illustrated that African-Americans who are otherwise qualified, can expect to encounter discrimination in 68 percent of their searches for rental housing in the San Antonio metropolitan area. Such a high level of discrimination severely limits and restricts the housing choice of African-Americans and helps create and maintain segregation.

The rental audit also indicated that persons of Hispanic origin, who are otherwise qualified, can expect to encounter discrimination in 52 percent of their searches for housing throughout the metropolitan area.

The audit also showed that families with children, who are otherwise qualified, can expect to encounter discrimination in 50 percent of their searches for housing throughout the metropolitan area.

Evident in the audit is the fact that rarely does discriminatory treatment consists of blatant practices such as the use of racial slurs. Rather, discrimination based on national origin most often is practiced through the use of higher rents and/or deposits as well as differences in availability. Discrimination based on race frequently takes place through screening and delaying tactics. Discrimination based on familial status typically takes the form of steering and not being informed of amenities.

The types of differential treatment documented in this rental audit confirm that discriminatory practices in housing can be quite subtle and are not likely to be suspected. People's preconceived notions and prejudices of other races and ethnicities is an age old problem that continues even in some of the more urban, multi-cultural communities such as the San Antonio MSA.

According to the Home Mortgage Disclosure Act from the Federal Financial Institutions Examination Council, 2008, the following data represents the experiences of persons of various

racess and ethnicities, ten years later, in their attempts to secure loans from banks in San Antonio. There were over 113,500 loan related transactions reported by San Antonio banks in 2008. Of that number some 89,370 could be associated with the ethnicity (Hispanic/non-Hispanic) of the applicant and 86,567 could be associated with the race of the applicant. Of the total 86,567 loans processed for which the race of the applicant could be identified, American Indians/Native Alaskans applied for 1,554 loans (1.8 percent), Asians applied for 1,925 loans (2.22 percent), Blacks applied for 4,953 loans (5.72 percent), Hawaiian/Pacific Islanders applied for 482 loans (0.56 percent) and Whites applied for 77,653 loans (89.70 percent). Persons identified as Hispanic, regardless of race, applied for 39,030 loans or 43.67 percent of all loans processed during 2008. This contrast with the fact that 62.03 percent of San Antonio's population is identified as Hispanic, while 65.74 percent is identified as White.

The denial rate for loans applied for by American Indians/Native Alaskans twice as high (53.73 percent) as those for any other racial group, all of which had denial rates within a few percentage points of the population at large (25.08 percent). However, viewed from an ethnic perspective, Hispanics were 73.53 percent more likely to have their loan applications denied as non-Hispanics. The denial rates for Hispanics and non-Hispanics for 2008 was 33.63 percent and 19.38 percent, respectively.

Credit history was the most common reason for having one's loan denied, regardless of race or ethnicity in 2008. However, American Indians/Native Alaskans were far more likely to be plagued by this problem (55.76 percent) than the population as a whole (39.12 percent) or any other individual racial group. Blacks and Hispanics had nearly identical incidences of credit

history problems causing their loan application to be denied at 44.19 percent and 44.42 percent, respectively. Asian applicants for loans were most likely to have their loans denied because of an inadequate debt-to-income ratio.

Table 12: Most Common Loan Denial Reasons by Race

	Debt- to- Income Ratio	Employment	Credit History	Collateral	Insufficient Cash	Info	Incomplete Application
American Indians	16.73%	0%	56%	12%	1%	1%	4%
Asians	30.23%	4%	16%	20%	6%	6%	8%
Blacks	15.27%	1%	44%	14%	1%	1%	9%
Pacific Islanders	21.43%	3%	39%	11%	1%	1%	10%
Whites	20%	1%	39%	15%	4%	4%	7%

Source: Home Mortgage Disclosure Act from the Federal Financial Institutions Examination Council, 2008

D. Fair Housing complaints

Between 2000 and 2009, 305 complaints were registered with the Texas Workforce Commission. However, during that period there was a considerable variation from year to year. In 2001 and 2006, the number of complaints approached 50 each year. But in 2007 that number inexplicably dropped to only 7 cases. Over the period 2000 to 2009, the vast majority of cases (62%) were found to have “no cause” while another 21 percent were concluded with successful conciliation. As of this writing (2010) there were still 4 cases open and only 1 case that had gone to trial. The bases for the filing of the complaints were primarily related to race, with 24% of the cases filed

involving fair housing problems for African Americans. Other significant problem areas involved filings because of the disability of the complainant (42%) and the family status of the complainant (12%). Note that the totals for the bases and types of complaints files do not total to the 305 count because some of the complaints had multiple bases and types of complaints alleged. The primary reasons for the filing of the complaints were refusal to sell property because of discrimination (32%) and the terms and conditions proposed by the seller/leasers (21%). Other notable reasons for filing complaints were refusal to rent property because of discrimination and the design/construction of the properties.

E. Available Fair Housing Programs in Jurisdiction

Within the SARAH service area, programs that offer specialized services for homeless people in particular subpopulations include:

- **Dwyer Avenue Center** - providing a supportive environment for homeless families and individuals while helping them attain a higher level of self-sufficiency. Residents lease an apartment at Center with a length-of-stay up to 24 months.
- **Guadalupe Home** – providing transitional housing for homeless women pregnant women with children less than 1 year old.
- **San Antonio Metropolitan Ministry (SAMM) Ministries Transitional Living and Learning Center** – providing transitional housing for homeless and at-risk families Katrina evacuees.
- **San Antonio Metropolitan Ministry (SAMM)** – providing transitional housing for homeless families.

- **Seton Home** – providing long term emergency shelters for homeless single pregnant and parenting teen mothers with their babies.
- **Youth Alternatives Inc.** – providing long term shelter and counseling for children who run away from their houses or are homeless.

Area emergency shelters accept homeless people from the street but more typically, people are referred for services from other agencies, which include mental health facilities, correctional facilities, detoxification and addiction treatment centers, churches, hospitals, veterans programs, police officers, the court system, the San Antonio Department of Community Initiatives, and many others. Case managers interview and complete an assessment of homeless individuals before admission. If the facility is inappropriate for the individual's needs, the case manager makes an appropriate referral. The shelters incorporated services into their programs including counseling, life skills training, employment counseling, support groups and training for a variety of needs and housing counseling among others. With stays ranging from eight weeks to six months, the client should emerge from the immediate crisis and have sufficient stability to move on to transitional housing. Shelters operating in the Consortium's areas include the following:

- **Family Violence Prevention Services Inc.** - Transitional long term temporary emergency housing for victims of domestic violence and Katrina evacuees.
- **Hope Action Care** - Transitional temporary emergency housing for Persons with HIV/AIDS.
- **San Antonio Metropolitan Ministries Emergency Shelter** - Temporary emergency for single men and women.

- **San Antonio Rescue Mission** - Emergency shelter for men with community food pantry prepared meals served
- **San Antonio Urban Ministries Fair Weather Lodge** - Temporary emergency shelters for victims of domestic violence especially youth.
- **Seton Home** - Long term emergency shelters for homeless single pregnant and parenting teen mothers with their babies.
- **The Children's Shelter** - Temporary emergency shelter for children specializing in care to infants and young children serving newborn up to the age of twelve years.

Transitional housing programs offer comprehensive services on-site to meet the needs of the individual population—men, women or families. The maximum length of stay is usually two years. In the shelter and transitional housing programs, a homeless individual has access to a wide variety of support services through the case manager. Throughout the area served by the consortium, the following organizations offer transitional housing:

- **Family Violence Prevention Services Inc.** - Transitional long term temporary emergency housing for victims of domestic violence and Katrina evacuees.
- **Guadalupe Home** - Transitional housing for homeless women pregnant women with children less than 1 year old.
- **Hope Action Care** - Transitional temporary emergency housing for Persons with HIV/AIDS.
- **San Antonio Metropolitan Ministries Transitional Living and Learning Center** - Transitional housing for homeless and at-risk Katrina evacuees. The Center, which has the capacity to serve 40 homeless families who have demonstrated a commitment to

gaining self-sufficiency. Private and shared living accommodations meet basic needs for families in transition for up to two years.

- **San Antonio Metropolitan Ministry (SAMM) Ministries** - Transitional housing for homeless families.
- **Visitation House** - Transitional housing for single women with children under age 12.
- **Beat The Streets** - Transitional Housing for men.
- **Family Violence Prevention Services** – Providing services to break the cycle of family violence and to strengthen families by providing the necessary tools for self sufficiency through the delivery of emergency shelter, transitional housing, education, effective parenting and early intervention with children and youth.

The San Antonio Housing Authority has made available 400 housing vouchers specifically earmarked for homeless families; additionally it is providing priority access to public housing units for homeless persons. The number of transitional beds for households with children showed a small increase (593 in 2008, 660 in 2009). This is a result of including some newly funded beds and outreach to new providers. There was a significant increase in beds for single adults (159 beds in 2008, 319 in 2009). This is the result of two factors: the identification and inclusion of additional transitional housing programs that are not receiving public support). Additionally, one facility had been inappropriately characterized as permanent housing (88 beds) and has now appropriately classified as transitional. The Haven for Hope homeless services campus opened in early 2010. This \$60 million residential and ambulatory services facility provides comprehensive services and case management and addresses the underlying issues that can prevent individuals and families from transitioning to permanent housing. This project involves the cooperating of

multiple CoC agencies and makes extensive use of HMIS. Several transitional housing programs have relocated to Haven for Hope which will facilitate access to comprehensive services.

Throughout the area served by the consortium, the following organizations offer supportive and permanent housing:

- **Alamo Area Resource Center** – Provides permanent housing for persons with HIV/AIDS.
- **Fairweather Family Lodge** – Provides supportive housing, educational assistance, job training and case management for moms with disabilities and their children. All families placed are either homeless or at immediate risk of homelessness.
- **The Center for Health Care Services (CHCS)** - Provides services to persons diagnosed with mental illness, developmental intellectual disabilities and substance abuse residing within the Bexar County. Services include but are not limited to crisis intervention, eligibility and assessment to psychiatric outpatient care, counseling, rehabilitation, case management, supported housing and employment and day programming.
- **Housing and Community Services, Inc (HCS)** - Provides services-enriched housing as well as informal case management and referral services for individuals in need and Community Learning Center Programs such as, GED classes, ESL classes, financial literacy programs, parenting classes, computer instruction, internet instruction, health fairs, arts/crafts programs, recreational programs for youth and adults, and after-school programs for youth.
- **The Refugee Resettlement Program** - Provides assistance to individuals and families entering the United States as refugees. Services include housing, emergency services, employment, English as a second language, Interpretation and translation, acculturation

counseling and development of sponsor groups such as churches, businesses and corporations.

- **San Antonio Metropolitan Ministries** - Provides 25 single family resident homes in which families can live for up to two years. The combination of comprehensive case management, supportive services, and decent neighborhoods provides families with the necessary tools to become self-sufficient, break the homeless/poverty cycle permanently, and move on to independent living.

The San Antonio Alternative Housing Corporation (SAAHC) - Provides three developments to assist individuals and families dealing with HIV/AIDS. The developments are all located near central downtown San Antonio, close to medical and social services providers who provide ongoing support and services. The three developments provide accommodations for singles, couples and families, each close to public transportation. All apartments are fully accessible.

VI. Conclusion

In 2008 the City of San Antonio adopted a Strategic Plan for Community Development.

This Plan coordinates decision-making and investment in community development. Within its three-year "rolling" time span, the Plan proposes a rationale for focused investment strategies to address all elements of the living and built environment that constitute a sustainable community.

The Strategic Plan builds on previous and ongoing community development efforts by the City of San Antonio, local public agencies, non-profit organizations, community development corporations, neighborhoods, and the private sector and includes three innovative elements:

- Coordination of public and private sector investments are facilitated through the Community Development Advisory Committee (CDAC)
- The annual identification of Reinvestment Plan Areas focuses the resources of multiple departments, agencies, and stakeholders in targeted areas to stimulate comprehensive community development
- Implementation proposals, reporting, and evaluation rely on indicators and measurable outcomes derived from a city-wide real estate market value analysis (MVA)

“At the June 26, 2007 Community Development Summit, one of the first questions stakeholders were asked to consider was, “What would our community be like if we were to succeed in accomplishing our community development goals?” The response was the following: “We seek to create and sustain a connected community comprising:

- sustainable neighborhoods that are safe, walk-able, mixed-use, diverse, compact, green and well designed;
- an ample supply and diverse range of affordable, quality and green housing that is well-integrated into mixed-use neighborhoods;
- multi-modal, integrated, accessible, efficient and comprehensively planned transportation options;
- physical infrastructure that supports community development;
- economic opportunity accessible to residences in the form of jobs and workforce education resulting in living wages and increasing per capital income;
- equitable services;
- well-preserved historic and cultural resources; and

- a clean and healthy environment with safe places and ready access to medical and health services.

“To achieve the vision of successful community development stakeholders must excel at and commit to:

- strong, continuous, committed and effective leadership in public and private sectors to help achieve the vision for community development;
- ongoing access to multiple sources of flexible capital and adequate and consistent funding;
- collaborative working relationships within and between public and private sectors;
- create and actively implement a workable Strategic Plan for community development;
- informed, engaged and supportive citizens ;
- educational opportunities that support people and capacity building ;
- maintaining low cost of living while increasing living wages through workforce development and job creation ;
- supporting and replicating successful projects/programs while encouraging innovation and experimentation;
- acting in an environmentally sound manner; and
- developing and employing high standards for community development

“In order to take the necessary first steps toward realizing the vision for community development, stakeholders agreed that the Strategic Plan should focus on the following eight elements for the next three fiscal years.

- Incentives/fees for successful community development
- Sources of capital
- Multimodal public transportation
- Real estate market analysis
- Pilot projects
- Affordable housing in mixed use areas
- Educational opportunities (including job/workforce training)
- Local business development

Of the 405,422 households in San Antonio, some 132,978 households (33%) would meet HUD's definition of having housing problems. Of that number 31,623 (8%) have problems with overcrowding and/or inadequate plumbing/kitchen facilities alone. The remainder of the households with housing problems has some combination of cost burden as well. One of San Antonio's greatest barriers to affordable housing is the unbalanced relation between the costs of housing and income. According to the SOCDs CHAS, 25% of households (101,355) in the city experience cost burden. Some 19% of homeowner households (43,614) and 34% of renter households (57,413) spend greater than 30% of their income on housing and associated costs. The National Low Income Housing Coalition reports that the Fair Market Rent (FMR) for a two-bedroom apartment is \$796. In order to afford this level of rent and utilities, without paying more than 30% of income on housing, a household must earn \$2,653 monthly or \$31,840 annually. Assuming a 40-hour work week, 52 weeks per year, and this level of income translates into a Housing Wage of \$15.31.

In the San Antonio HMFA, a minimum wage worker earns an hourly wage of \$7.25. In order to afford the FMR for a two-bedroom apartment, a minimum wage earner must work 84 hours per week, 52 weeks per year. Or, a household must include 2.1 minimum wage earner(s) working 40 hours per week year-round in order to make the two bedrooms FMR affordable.

In the San Antonio HMFA, the estimated mean (average) wage for a renter is \$12.86 an hour. In order to afford the FMR for a two-bedroom apartment at this wage, a renter must work 48 hours per week, 52 weeks per year. Or, working 40 hours per week year-round, a household must include 1.2 worker(s) earning the mean renter wage in order to make the two-bedroom FMR affordable. This translates into 45% of renters being unable to afford a two-bedroom unit at fair market rent (NLIHC Out of Reach Report, 2010).

The City of San Antonio has applied for a Neighborhood Stabilization Grant (NSP-1) for the purpose of addressing many of these barriers to affordable housing (discussed in more detail in Part Seven of the consolidated Plan. The six (6) target areas were calculated based on the single family and multi-family foreclosures densities from 2003 until 2009, vacant, and blighted areas. Specifically the proposal anticipates the following efforts:

- Establish financing mechanisms for purchase and redevelopment of foreclosed homes (including soft-seconds, loan loss reserves, and shared-equity loans for low and moderate-income homebuyers).
- Purchase and rehabilitate properties that have been abandoned or foreclosed. Rehabilitation may include improvements to increase energy efficiency or provide a renewable energy source.

- Establish land banks for homes that have been foreclosed to create land banks to assemble, temporarily manage, and dispose of vacant land for eligible outcomes.
- Demolish blighted structures.
- Redevelopment of demolished or vacant properties

The city of San Antonio can also increase fair housing awareness by participating in fair housing education campaigns. Participation by the city includes:

- contributing to the creation and distribution of fair housing literature and materials;
- actively participating in Fair Housing Month activities;
- creating Internet links to fair housing programs on the city's website, preferably a "Fair Housing and Discrimination Page; and
- posting the Fair Housing Plan on the city's website.

VII. Appendix and Charts

A. Maps

I. Population by 2000 Census Block Groups

City of San Antonio

Council Districts 1-10

II. Population Density by 2000 Census Block Groups

City of San Antonio

Council Districts 1-10

III. Percent of People in Poverty by 2000 Census Block Groups

City of San Antonio

Council Districts 1-10

IV. Number of People in Poverty by 2000 Census Block Groups

City of San Antonio

Council Districts 1-10

V. Race and Ethnicity by 2000 Census Block Groups

City of San Antonio

VI. 2000 Selected Health Demographics and Health Indicators

B. Statement of Commitment

**Analysis of Impediments to Fair Housing
The City of San Antonio
Calendar Years 2005**

Statement of Commitment

Provided that fair housing in San Antonio can only be accomplished when the housing industry and general public commit to affirmatively further fair housing initiatives, this organization agrees to support actions outlined in the Analysis of Impediments to Fair Housing for calendar year 2010.

This support is for those actions that call for our participation as a partner. And it is contingent on the availability of staff, time and other organizational considerations.

City of San Antonio
Department of Community Initiatives
Fair Housing Program

Name of Organization

Signature of Responsible Person

Program Manager

Title of Responsible Person