



**City of El Centro**

**2019-2024  
Analysis of Impediments  
To Fair Housing Choice  
and  
Fair Housing Action Plan**

**City of El Centro  
Economic Development Division**

**June 2019**



**CITY OF EL CENTRO  
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE  
AND  
FAIR HOUSING ACTION PLAN**

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**SECTION I  
INTRODUCTION AND  
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**SECTION I-INTRODUCTION AND EXECUTIVE SUMMARY**

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**A. INTRODUCTION**

**1. Format of the AI Report**

The U.S. Department of Housing and Urban Development (HUD) has not issued regulations defining the scope of analysis and the format to be used by grantees when they prepare their *Analysis of Impediments to Fair Housing Choice* (AI). In 1996, HUD published a *Fair Housing Planning Guide* which includes a “Suggested AI Format.” For two reasons, the organization of El Centro’s AI report conforms to the format suggested by HUD. First, the 1996 *Fair Housing Planning Guide* remains the only official guidance provided by HUD to grantees on how to prepare and present an AI. Second, the U.S. Department of Government Accountability Office relied on the suggested format in its review of 441 AIs. Table I-1 shows the AI format used the GAO in its review of grantee AIs.

**Table I-1  
HUD Suggested AI Format**

<b>Suggested Element</b>	<b>Description</b>
Introduction and executive summary of the analysis	Explains who conducted the AI and identifies the participants and methodology used, funding source, and summaries of impediments found and actions to address them.
Jurisdictional background data	Includes demographic, income, employment, housing profile, maps, and other relevant data.
Evaluation of jurisdiction’s current fair housing legal status	Discusses fair housing complaints and compliance reviews that have resulted in a charge or finding of discrimination, fair housing discrimination suits filed by the Department of Justice or private plaintiffs, the reasons for any trends or patterns in complaints and enforcement, and other fair housing concerns.
Identification of impediments to fair housing choice	Identifies impediments to fair housing.
Conclusions and recommendations for overcoming impediments	Summarizes any impediments identified in the analysis and presents recommendations to overcome identified impediments.
Time frames for implementing actions to overcome impediments <sup>1</sup>	Sets out the time frame for completing each action or set of actions to serve as milestones toward achieving the actions.
Signature page	Includes the signature of a chief elected official, such as a mayor.

<sup>1</sup>Please note that the GAO stated that while the suggested AI format does not include time frames for implementing recommendations to address identified impediments, time frames are discussed elsewhere in the *Fair Housing Planning Guide* as a component of fair housing planning.

Source: United States Government Accountability Office, *Housing and Community Grants: HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans*, September 2010, 48 pages

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## **Section I: Introduction and Executive Summary**

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The El Centro AI contains seven sections:

Section I Introduction and Executive Summary: The Introduction presents the AI report format; El Centro's regional setting, purpose of the report, fair housing definition and report preparation participants. The Executive Summary presents an overview of the AI including a brief description of the impediments found and actions to address impediments.

Section II Fair Housing Action Plan: This Section describes the conclusions and recommendations resulting from the AI analysis. It identifies public and private sector impediments to fair housing choice and the actions which will be implemented during the FY 2019-2020 to FY 2023-2024 time period.

Section III Evaluation of El Centro's Current Fair Housing Legal Status: This Section discusses fair housing complaints and compliance reviews and other information pertaining to El Centro's fair housing legal status.

Section IV Description of Fair Housing Programs/Actions: This Section describes current programs and actions that promote fair housing. It describes programs and actions supported by the City as well as those implemented by the private sector.

Section V Fair Housing Community Profile: This Section includes population, household and employment projections as well as the demographic and other characteristics of the fair housing protected groups such as their number and well-being in terms of household income, poverty and home ownership.

Section VI Identification of Public Sector Impediments to Fair Housing Choice: This Section presents information on the policies and practices of the Imperial Valley Housing Authority, Imperial Valley Transit, City of El Centro and the location of group homes.

Section VII Identification of Private Sector Impediments to Fair Housing Choice: This Section presents an analysis of practices prohibited by the federal Fair Housing Act and identifies which ones pose impediments to fair housing choice.

## **2. El Centro's Regional Setting**

El Centro is the county seat of Imperial County, the largest city in the Imperial Valley, east anchor of the Southern California Border Region, and the core urban area and principal city of the El Centro metropolitan area which encompasses all of Imperial County. El Centro is also the largest American city to lie entirely below sea level (-50 feet). The City, located in the far southeastern corner of California, is near the major Southern California cities of San Diego and Los Angeles to its west, Yuma, Phoenix and Tucson to its east, as well as the Mexican city of Mexicali to its south.

Founded in 1906, W. F. Holt and C.A. Barker purchased the land on which El Centro was eventually built for about \$40 an acre and invested \$100,000 in improvements. As one historian of Valley life put it, *"in only five months El Centro went from a barley field to a city..."* It is home to retail, transportation, wholesale, and agricultural industries. There are also two international border crossings nearby for commercial and noncommercial vehicles.

## **City of El Centro Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan Section I: Introduction and Executive Summary**

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Because of its large population, which is projected to reach nearly 61,000 people by 2040, El Centro's residents – especially in-place renters – have a continuing need for fair housing services.

### **3. Purpose of the Report**

The City of El Centro annually receives funds from the Federal Community Development Block Grant (CDBG) program. An Affirmatively Furthering Fair Housing (AFFH) certification is required of cities and counties that receive funds from this program. The AFFH certification states that the community receiving HUD funds:

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

HUD interprets the broad objectives of the requirement to affirmatively further fair housing choice to mean that recipients must:

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

Source: U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Memorandum on *Compliance-Based Evaluations of a Recipient's Certifications that it has Affirmatively Furthered Fair Housing*, March 5, 2013, page 4

Therefore, the fundamental purpose of the AI Report is to maintain the City of El Centro's compliance with the AFFH certification. In so doing, the City will promote fair housing and remove or ameliorate the public and private sector impediments that have been identified through the analysis.

The time period of the AI is from FY 2019-2020 through FY 2023-2024. The AI time period aligns with the City's five-year Consolidated Plan.

#### **4. Defining Fair Housing Choice**

HUD defines fair housing as:

...a condition in which individuals of *similar income levels* in the same housing market have a like range of choices available to them regardless of race, color, national origin, religion, sex, handicap, or familial status.

HUD draws an important distinction between household income, affordability and fair housing. Economic factors that impact housing choice are not fair housing issues per se. Only when the relationship between household incomes combined with other factors - such as household type or race and ethnicity - create misconceptions and biases do they become a fair housing issue.

Tenant/landlord disputes are also not typically fair housing issues, generally resulting from an inadequate understanding by the parties on their rights and responsibilities. Such disputes only become fair housing issues when they are based on factors protected by fair housing laws and result in differential treatment.

Impediments to fair housing choice, according to HUD, are --

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

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

HUD has explained that policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability, and families with children may constitute such impediments.

#### **5. Participants and Funding for the AI**

The lead agency for preparation of the *AI and Fair Housing Action Plan* is the Economic Development Division. Valuable input to the AI was provided by:

- Community Development Department
- Inland Fair Housing and Mediation Board (IFHMB)
- Imperial County Association of REALTORS
- Access to Independence
- Imperial Valley Transit
- Imperial Valley Housing Authority

CDBG funds were expended to complete the *AI*. CDBG funds paid for consultant assistance on *AI* report preparation and for staff time expended on the project. In addition, the City uses CDBG funds to support the services of the Inland Fair Housing Mediation Board (IFHMB). Inland compiled service and housing discrimination statistics for use in the *AI* and provides fair housing and tenant/landlord counseling services under contract to the City of El Centro.

## **B. EXECUTIVE SUMMARY**

The scope and content of the *AI* and *Fair Housing Action Plan* are consistent with the format suggested by HUD in the 1996 *Fair Housing Planning Guide*. Two major components comprise the report:

- An Analysis of Impediments to Fair Housing Choice
- A description of the actions to be taken by the City and its fair housing provider to overcome the effects of the identified impediments (i.e., *Fair Housing Action Plan*)

Section II describes the *Fair Housing Action Plan*. Actions are described which address both public and private sector impediments. The City will have responsibility for ameliorating or removing the identified public sector impediments which pertain primarily to zoning definitions and practices.

The City and its fair housing provider will implement actions to eliminate or ameliorate the identified private sector impediments which include, but are not limited, to:

- Processing housing discrimination complaints
- Offering fair housing training to the Imperial County Association of REALTORS
- Increasing community awareness of available fair housing services
- Informing the public of steering and appraisal practices at free community workshops
- Addressing mortgage lending practices adversely impacting fair housing protected groups

In addition, Section II outlines an implementation schedule.

Section III demonstrates that the City is in compliance with the fair housing requirements. The City has a program to process housing discrimination complaints; has not been subject to a HUD-initiated complaint; has not been subject to a compliance review; and has not been subject to a fair housing lawsuit.

Section IV explains the public and private sector fair housing programs and actions. The City contracts with a fair housing provider who provides residents with the fair housing services and tenant/landlord counseling services.

Private sector fair housing programs are implemented by the California Department of Real Estate/Imperial County Association of REALTORS, property management industry, and Apartment Owners Association (AOA).

Section V presents a detailed analysis of demographic, housing, income, and employment data. Information also is presented on population and demographic characteristics of several fair housing protected groups (e.g., race, disability, families with children, etc.).

El Centro's residents will continue to have a need for fair housing services because of the following factors:

- El Centro's population is projected to reach almost 61,000 people by the year 2040.
- There are now almost 6,700 renter households residing in El Centro.

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- The number of renter households will increase as housing is built to accommodate the projected population increase.
- In-place tenants and rental home seekers make the vast majority of all calls for service made to the City's fair housing provider.
- An increase in housing discrimination complaints is likely to occur due to the increase in the number of renter households combined with an increased knowledge by residents of fair housing rights.

Section VI contains the detailed analysis of potential and actual public sector impediments to fair housing choice.

Section VII contains the detailed analysis of potential and actual private sector impediments to fair housing choice.

As previously mentioned, Section II provides a summary of the identified impediments and the actions to be taken between FY 2019-2020 and FY 2023-2024.

**SECTION II**  
**2019-2024 FAIR HOUSING ACTION PLAN**



## SECTION II: 2019-2024 FAIR HOUSING ACTION PLAN

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## **A. INTRODUCTION**

HUD's *Fair Housing Planning Guide* states:

Jurisdictions should summarize conclusions reached based on the AI, and describe in detail recommendations for resolution of the problems identified. This discussion is the link between the AI part of FHP [Fair Housing Planning] and the actions underway and proposed to promote fair housing choice.

Furthermore, the Affirmatively Furthering Fair Housing (AFFH) certification signed by the City obligates the City to:

Take appropriate actions to overcome the effects of any impediments identified through the AI.

Therefore, Section II – El Centro's *Fair Housing Action Plan* – describes the actions to overcome the impediments identified through completion of the *Analysis of Impediments to Fair Housing Choice (AI)*. Section II is a summary of the more detailed analysis of the public sector impediments which are described in Section VI and the private sector impediments which are described in Section VII.

HUD advises entitlement jurisdictions to develop the AI and FHAP through a process similar to the development of the Consolidated Plan. More specifically, HUD recommended that:

Before developing actions to eliminate the effects of any impediments identified through the AI (fair housing actions), the jurisdiction should:

- Ensure that diverse groups in the community are provided a real opportunity to take part in the development process
- Create the structure for the design and implementation of the actions

Source: U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide – Volume 1*, March 1996, pages 2-21 and 2-22

Key elements of the process through which the recommended implementation actions were development included a public consultation and participation program.

Part B below describes the progress made toward implementing the actions recommended in the *2014-2019 AI*. The actions which were implemented are not carried for to the new five-year planning cycle.

## **B. AI IMPLEMENTATION PROGRESS**

This part describes the progress made toward implementing the recommendations of the adopted *2014-2019 AI*. Recommendations which have not been implemented will be carried forward for implementation during the FY 2019-2020 to FY 2023-2024 time period.

### **1. Public Sector Impediments**

The 2014-2019 AI included the following recommendations:

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- The Imperial Valley Housing Authority (IVHA) should provide new Section 8 voucher holders with an inventory of housing opportunities located outside of Census Tract 115.00.
- The Imperial Valley Transit (IVT) should directly inform the residents of the affordable housing developments of available transit services. For example, a flyer describing the transit services could be distributed to the occupants of these developments so they are fully aware of the available services.
- Increase the community's awareness of the Zoning Ordinance's Reasonable Accommodation Procedure.
- Revise the Zoning Ordinance definition of "disability" to mirror the one contained in California's Fair Employment and Housing Act.
- Update the Zoning Ordinance definition of "senior housing" and identify the residential zones in which such housing is permitted by right and conditionally permitted.
- Explore the potential adoption of a universal design ordinance.

The IVHA provides voucher holders with a list of landlords who accepts vouchers and encourages them to use portability. Currently, there are 954 voucher holders in El Centro. In general, 33% of all participants are elderly; 19% are a head of household with a disability; 6% are large families; and 42% are not elderly, disabled or large families.

In June 2018, IVT published Ride with Us (Viaje Con Nosotros) which describes in both English and Spanish all routes, route maps, days of service, and zone fares. The rider guide is accessible on the IVT website and provides information to all of the Imperial Valley, including the residents of El Centro's affordable housing developments.

On September 15, 2015, the City Council approved revisions to the Reasonable Accommodation Procedure. The revisions are consistent with the recommendations of the California Attorney General's Office and the 2014-2019 AI. Additionally, the \$428 Administrative Review application fee was eliminated. The revised procedure directs the Community Development Department to provide:

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the Community Development Department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Community Development Department.

The Reasonable Accommodation Procedure includes an updated definition of disability. Consistent with the California fair housing law, the revised definition now states "limits" rather than "substantially limits," which is the term used under Federal law.

The AI recommendations regarding senior housing and a universal design ordinance have not yet been implemented. Amendments to a zoning ordinance are usually more effective when considered as part of a comprehensive update. The City's *Final Vision 2050 Strategic Plan*, adopted December 1, 2015, includes a strategy to seek grant funding to update the General

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Plan and Zoning Ordinance. Consequently, zoning related recommendations will be considered and implemented in the future.

### **2. Private Sector Impediments**

The 2014-2019 AI included the following recommendations:

- Partner with the Inland Fair Housing Mediation Board (IFHMB) to provide a variety of fair housing services, landlord-tenant counseling; and to increase community awareness of Inland.
- The Imperial County Association of REALTORS should add fair housing information to its website.

Community awareness of IFHMB services have been through monthly community outreach, community events and social media. IFHMB attends a monthly Imperial Valley Continuum of Care Council Meetings. The monthly meetings are to engage individuals and organizations of the Imperial Valley in a community-based process that works to eradicate homelessness in the region. The monthly collaborative meeting is attended by many City of El Centro community organizations and provides a great opportunity to collaborate with other community organizations.

Inland also accomplished the following:

- Monthly outreach throughout the City to inform El Centro residents of programs and services the agency provides.
- Attend community events/meetings – e.g., Point in Time Count
- Transitional Fair – Resource Fair
- Radio ads – Fair Housing Month
- Social media – Facebook, Twitter, Eventbrite, Google AdWords, Mailchimp
- Agency Workshops (flyers) – are promoted using various social media platforms such as (Facebook, Twitter, Eventbrite, and Mailchimp), IFHMB website, City of Centro City Hall community board.
- Average annual agency programs and services outreach distributed 10,000.
- First Time Homebuyer workshop conducted in El Centro – 19 workshops
- Fair Housing Workshops – 13 workshops (FY-14-18)
- Attendees received information on California landlord-tenant laws, and state and federal fair housing laws, including information about the protected classes under the Fair Housing Act, with an emphasis on the reasonable accommodation and reasonable modification process for disabled persons.

Additionally, Inland accomplished the following:

- Thirty-two housing discrimination complaints were processed by Inland during the four years covered by FY 2014-2015 through FY 2017-2018.
- In FY 2018-2019, Inland has added to its intake management system the “steering” category to alleged acts.

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- Information on homeowners insurance was provided to first time homebuyers during the educational seminars.
- Inland continues to promote the May and October workshops including landlords and property managers.
- Inland does ensure that all clients are made aware of the reasonable accommodation process and highlights this topic during the workshops.

The following recommendations will be carried forward and included in the AI Update:

- Although no impediments were found concerning brokerages services, the Imperial County Association of REALTORS should consider the following:
  - ✓ Add a Fair Housing Information button (e.g., include information on steering, link to the Inland Fair Housing and Mediation Board, etc.) to the Resources tab.
  - ✓ In the current Insurance button adding information such as the value of a C.L.U.E. Report (Comprehensive Loss Underwriting Exchange) when purchasing a home
  - ✓ Enlisting the services of the Inland Fair Housing Mediation to offer onsite a 3-hour Fair Housing course.

Due to a lack of funding, Inland and the City were unable to implement the following recommendations:

- Conduct research to determine, if possible, the reasons why there are such a low number and percentage of Black households seeking a loan to purchase a home in El Centro.
- Address the potential problems associated with low equity homebuyers by:
  - ✓ Maintaining an inventory of FHA/VA and low down payment financed homes.
  - ✓ Monitor on a regular schedule the notices of default by address made available from the County Recorder's Office or through a subscription service.
  - ✓ Match the notices of default by address to the addresses of the low down payment financed homes.
  - ✓ Contact the borrowers in default and inform them of certified default and foreclosure counseling services available to homeowners at risk of losing their homes.
- Review newspaper ads to determine whether discriminatory words or phrases are used.

Non-Hispanic homebuyers, who include Black/African householders, comprise 14% of all of El Centro's homebuyers. This percentage is higher than what these groups represent of the total City and County populations. Consequently, additional research on the Black share of home buyers is not warranted at this time.

In addition, low equity homebuyers are no longer a large share of all homebuyers. Therefore, further research on this potential issue is not warranted.

Newspaper ads were reviewed during the preparation of the *2019-2024 AI*. It was found that discriminatory words and phrases are rarely included in the ads.

## **C. PUBLIC CONSULTATION AND PUBLIC PARTICIPATION PROGRAM**

### **1. Resident Fair Housing Survey**

The City posted a Resident Fair Housing Survey in the English and Spanish languages on its website for a 4-month period. However, there were no responses to the online survey.

In 2014, the City also posted a fair housing survey on its website. A brief summary of the results of the survey are as follows:

- One-third and two-thirds of the respondents were owners and renters, respectively.
- Four of every 10 households were a married couple with children.
- Two of every 10 households were a female householder with children.
- One third of the respondents stated that a member of their household has a disability.
- Four of every 10 respondents said they had or may have experience housing discrimination while a resident of El Centro.
- Among the bases mentioned by the respondents were color, familial status, source of income, age and other.
- Landlord/property manager was cited most frequently as the person who committed the discrimination.
- Among the alleged discriminatory acts were refusal to allow reasonable modifications, permission to have a service or companion animal, refusal to rent because of children, and charging to high of an interest rate.
- When asked if the respondent knew to whom housing discrimination the vast majority stated Inland, HUD, or the State. The responses, though, indicate that there should be better community awareness of Inland's fair housing services as they are located in El Centro.

### **2. Fair Housing Advisory Council**

Consultation with public and private agencies is an essential element of both a Consolidated Plan and an AI. The *2014-2019 AI* was developed with the participation of a Fair Housing Advisory Council which included representatives from the following organizations:

- Imperial County Transportation Commission
- Imperial Valley Housing Authority
- Chelsea Investments (affordable housing developer)
- Imperial County Association of REALTORS
- California Rural Legal Assistance, Inc.
- Inland Fair Housing and Mediation Board
- Access to Independence (Independent Living Center)

Additional input was obtained from these organizations during the preparation of the *2019-2024 AI*. Descriptions of the input are included in the discussions of the potential and actual public and private sector impediments.

### **3. Public Review Period**

The Draft AI was made available for public review and comment beginning on March 5, 2019. The 30-day review period ended on April 3, 2019. During this period, no public comments on the Draft AI were submitted to the City.

## **D. SUMMARY OF THE ANALYSIS OF PUBLIC SECTOR IMPEDIMENTS, FAIR HOUSING ACTION PLAN AND IMPLEMENTATION SCHEDULE**

The identification of public sector fair housing impediments involves the following:

- Policies and practices of the Imperial Valley Housing Authority
- Transit services provided to affordable housing developments and major employers by the Imperial Valley Transit
- Dispersal or concentration of group homes housing disabled and frail elderly people
- City of El Centro Planning, Zoning, and Building Policies and Practices

### **1. Imperial Valley Housing Authority**

A review was made of the IVHA policies and practices in the following areas:

- Specific steps that are being taken to promote housing choices for certificate and voucher holders
- Practices to encourage certificate and voucher holders to look for housing in neighborhoods that are not traditional residential areas for such holders
- Specific efforts undertaken to desegregate public housing developments
- Policies regarding the admittance of persons with mental and other non-physical disabilities
- Tenant application, selection and assignment policies
- Concentrations and exclusions based on race, ethnicity, disability and familial status
- Consistency of IVHA with the requirements of federal, state, local law and HUD regulations and guidelines
- Whether HUD housing providers have been found in noncompliance with one or more civil rights laws or regulations
- Whether housing rights information is conveyed to assisted households
- Location of public supported housing to accessible transit or public transportation

#### **a. Impediment #1: Section 8 Householders Disproportionately Reside in Neighborhood with a High Poverty Rate**

The analysis revealed an impediment to fair housing choice because Section 8 assisted households may disproportionately reside in neighborhoods with concentrations of poverty and low income households. HUD promotes the goal to not locate affordable housing within racially/ethnically concentrated areas of poverty which refers to neighborhoods (census tracts) with a non-white population of 50% or more and a poverty rate of 40% or more. Census Tract 115 meets the two thresholds and, therefore, is an R/ECAP. This census tract has a population of 6,232 of which 92.5% belong to a minority group population. The poverty rate is 41.3%.

In 2014, Census Tract 115.00 had the highest number and percentage of Section 8 assisted households. Almost one-third of all Section 8 householders reside in Census Tract 115.00. 17%

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of the housing units located in this census tract are occupied by Section 8 assisted households. This census tract also has a concentration of low income households and minority populations. From among the participating apartments, Section 8 voucher holders may reside in a unit of their choice. However, the IVHA should provide new Section 8 voucher holders with an inventory of housing opportunities located outside of Census Tract 115.00.

Ninety percent of Imperial County's population belongs to a minority group. As a result, the housing occupied by public housing and Section 8 assisted residents is likely to be located in a neighborhood or census tract where the majority of the population is a member of a minority group.

However, the Housing Authority explains to voucher holders the advantages of finding housing in areas with low concentrations of low income families. This allows families to rent a unit in an area where there may be a wider selection of:

- School districts
- Employment
- Medical facilities/doctors
- Shopping
- Public transportation

During the 2019-2024 period, the IVHA will take the following action:

- Continue to actively encourage families to seek housing in neighborhoods with low concentrations of low income families.

b. Impediment #2: On-Site Property Managers are Not Fully Aware of Fair Housing Laws

Surveys revealed that some on-site managers are not fully aware of fair housing laws regarding occupancy standards, reasonable accommodations, and other requirements. The IVHA has prepared a *Housing Choice Voucher Program Guide for Landlords & Owners*. The information included in the Guide can be supplemented by describing property management practices that affirmatively further fair housing such as:

- Occupancy limits which refer to the maximum number of persons who may occupy an apartment unit.
- Service and companion animals such as seeing-eye dogs.
- Reasonable housing unit modifications which refer to a structural change to existing premises to afford people with disabilities full enjoyment of a dwelling.
- Reasonable accommodations which refer to changes to rules, policies, practices or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

The IVHA will prepare a guide for landlords and owners and upload it to its website. This action will be accomplished in FY 2019/2020.

**2. Imperial Valley Transit**

In 2014, an analysis was completed of the proximity of bus stops to the locations of all affordable housing developments. Although all affordable housing developments are near bus stops on the two main transportation routes, the 2014-2019 AI concluded that it would be helpful to directly inform the residents of the affordable housing developments of available transit

## **City of El Centro Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan Section II: 2019-2024 Fair Housing Action Plan**

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services. For example, a flyer describing the transit services could be distributed to the occupants of these developments so they are fully aware of the services.

This recommended action was addressed in June 2018 when IVT published Ride with Us (Viaje Con Nosotros) which describes in both English and Spanish all routes, route maps, days of service, and zone fares. The rider guide is accessible on the IVT website and provides information to all of the Imperial Valley, including the residents of El Centro's affordable housing developments.

### **3. Group Homes Housing Disabled and Frail Elderly People**

According to HUD, the following are issues that may adversely impact fair housing choices:

- Placement of group homes
- Opportunities outside areas of concentration
- Integrated opportunities for disabled
- Restrictions on group homes

The City completed a review of public policies (State and local) that affect the decisions on the above noted issues.

No overconcentration of group homes exists. In fact, in the past five years the number of group homes located in El Centro has decreased.

The City will continue its practice of annually determining the number and location of licensed group homes. If an overconcentration appears to be emerging, the City will contact the California Department of Social Services, Community Care Licensing Division to implement measures that would avoid an overconcentration.

### **4. Planning, Zoning and Building Policies and Practices**

#### **a. Impediment #1: Senior Housing Standards are not Consistent with Federal Law on Housing for Older Persons**

HUD considers an impediment to fair housing choice exists if the standards for senior housing do not comply with federal law on housing for older persons (i.e., solely occupied by persons 62 years of age or older, or at least one person 55 years of age, or other qualified permanent resident pursuant to California Civil Code Section 51.3).

The Zoning Ordinance defines senior housing as follows:

*Senior citizen apartment project.* A residential development of thirty-five (35) dwelling units or more designed for permanent residency by qualifying residents in accordance with California Civil Code section 51.3. This definition pertains to the density bonus allowed for senior housing units allowed in accordance with the state density bonus provisions, and includes mobile home parks.

Senior Citizen Apartment Projects are conditionally permitted in the R-2 and R-3 Zones. Both these residential zones allow multiple family apartment dwellings and the R-3 Zone accommodates the development of condominium dwellings.

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The Zoning Ordinance allows senior housing only in the context of a density bonus project. Therefore, a literal interpretation of the zoning regulations means a senior housing development that does not seek a density bonus would be prohibited. Consequently, the Zoning Ordinance should be updated to more broadly define senior housing and to list the zones in which it would be a use permitted by right or conditionally permitted.

The Zoning Ordinance establishes a minimum of 35 housing units when a project is occupied by qualifying residents. However, Health and Safety Code Section 51.3 establishes no minimum project size if all the qualifying residents are 62 years of age or older. Therefore, the Zoning Ordinance should be updated to mirror the senior age thresholds provided by Section 51.3.

As previously explained, amendments to a zoning ordinance are usually more effective when considered as part of a comprehensive update. The City's *Final Vision 2050 Strategic Plan*, adopted December 1, 2015, includes a strategy to seek grant funding to update the General Plan and Zoning Ordinance. Consequently, zoning related recommendations will be considered and implemented sometime during the 2019-2014 period.

### **b. Lack of Special Provisions for Making Housing Accessible to Persons with Disabilities**

HUD considers the lack of special provisions for making housing accessible to persons with disabilities in the Zoning Ordinance or Building Code potentially to be a fair housing impediment. The City's analysis concludes that the lack of special provisions for making housing accessible to persons with disabilities is not an impediment to fair housing choice. The City's enforcement of Title 24 ensures that the minimum accessibility requirements established by federal and state laws are satisfied in new residential construction projects. However, to affirmatively furthering fair housing:

- The Community Development Department will explore the potential adoption of a Universal Design Ordinance.
- In order to increase an understanding of accessibility requirements, the Economic Development Division will continue to post the following link on their respective web pages:

[www.ada.gov/doj\\_hud\\_statement.pdf](http://www.ada.gov/doj_hud_statement.pdf)

The link is to the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity and U.S. Department of Justice, Civil Rights Division, *Joint Statement on Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act*, April 30, 2013

## **5. Assessment of Fair Housing**

Governor Brown approved AB 686 on September 30, 2018. The housing law adds fair housing as one of the required programs that must be included in a housing element that is revised or approved after January 1, 2021. By that date, a housing element must include an Assessment of Fair Housing including all the following components:

- A summary of fair housing issues;
- Assessment of the City's fair housing enforcement and outreach capacity;

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- Identification of: integration and segregation patterns and trends; racially or ethnically concentrated areas of poverty; disparities in access to opportunity; disproportionate housing needs; and displacement;
- An assessment of factors that contribute to the preceding fair housing issues;
- Identification of fair housing priorities and goals;
- Description of actions to implement the priorities and goals.

The Assessment of Fair Housing will be prepared by October 2021 which coincides with the next mandated update of housing elements for jurisdictions located in the Southern California Association of Governments (SCAG) Region.

**E. SUMMARY OF THE ANALYSIS OF PRIVATE SECTOR IMPEDIMENTS, FAIR HOUSING ACTION PLAN AND IMPLEMENTATION SCHEDULE**

Section VII of the AI presents a detailed discussion of 12 private sector practices that can create impediments to fair housing choice. Table II-1 lists the pages which discuss each prohibited practice and the actual or potential impediments to fair housing choice.

**Table II-1  
City of El Centro  
Analysis of Impediments to Fair Housing Choice  
Page References for Discussion of Private Sector Fair Housing Impediments**

<b>Fair Housing Impediment</b>	<b>Page References</b>
▪ Housing Discrimination	VII-1 to VII-4
▪ Brokerage Services	VII-4 to VII-6
▪ Steering	VII-7 to VII-9
▪ Appraisal Practices	VII-9 to VII-11
▪ Mortgage Lending Practices	VII-11 to VII-18
▪ Homeowners Insurance	VII-18 to VII-21
▪ Blockbusting/Panic Selling	VII-21 to VII-22
▪ Property Management Practices	VII-22 to VII-27
▪ Discriminatory Advertising	VII-27 to VII-29
▪ Hate Crimes	VII-29 to VII-30
▪ Population Diversity	VII-30 to VII-31
▪ Location of Affordable Housing	VII-31 to VII-34

No impediments were found to exist with regard to: brokerage services, appraisal practices, homeowners insurance, block busting/panic selling, discriminatory advertising, hate crimes, population diversity and location of affordable housing.

Impediments to fair housing choice were found to exist because of housing discrimination, mortgage lending practices, and property management practices. These actions are described in the following paragraphs as well as others intended to affirmatively further fair housing.

## **1. Housing Discrimination**

Housing discrimination is an impediment to fair housing choice. Based on past trends, 40 housing discrimination cases may be filed with the IFHMB during the five year period between FY 2019-2020 and FY 2023-2024. During the same period, it is estimated that five housing discrimination cases would be filed with HUD while two to five could be filed with the DFEH.

With respect to the fair housing impediment of housing discrimination, the following actions will be taken:

- The City will continue to offer to its residents fair housing services which will include the processing of housing discrimination complaints and landlord/tenant counseling services. Sometimes a landlord/tenant issue has as its basis a housing discrimination concern.
- Efforts will be made to increase community awareness of the IFHMB services through postings on the City's web pages, publication of newspaper display ads, and Community Newsletter articles. A greater community awareness of Inland may result in a higher number of families expressing their right to file a housing discrimination complaint.

These actions will be taken each year of the five-year AI period.

## **2. Mortgage Lending Practices**

The number one known reason why borrowers are denied approval of a loan application is an excessive debt-to-income ratio. Many of these borrowers should not be making loan applications until after they have their debts under control. Loan denial rates can be reduced by providing all homebuyers, but especially first time homebuyers, with information of the loan application and approval process.

To address possible impediments, the Inland Fair Housing and Mediation Board will:

- Continue to offer first-time home buyer seminars to explain to borrowers the need to lower debt-to-income ratios to a level acceptable to lenders. Implementation of this recommended action should result in better prepared borrowers and cause an increase in loan approval rates of all loan applicants, regardless of race or ethnicity.
- Work with the lenders to determine why a few census tracts have high loan denial rates in order to gather information that could assist would be homebuyers to increase the probability of garnering loan approval for homes in neighborhoods of their choice.

These actions will be taken each year of the five-year AI period.

In addition, AB 686 (approved by Governor Brown on September 30, 2018) requires all cities and counties to prepare an *Assessment of Fair Housing* (AFH) as part of its Housing Element Update which is due for adoption no later than October 2021. During the preparation of the AFH, the City will:

- Conduct a multi-year analysis of loan denial rates to determine with more preciseness the degree to which lending discrimination exists in El Centro.

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**3. Property Management Practices**

A survey of on-site property managers revealed that impediments to fair housing choice because of ill-informed property management practices. Therefore, subject to funding availability, the City will implement the following actions:

- Invite the apartment managers to one or more workshops; the topics could include:
  - ✓ Fair housing laws in general
  - ✓ Fair housing laws regarding occupancy limits
  - ✓ Fair housing laws regarding reasonable accommodations and modifications
  - ✓ Sample written policies regarding service and companion animals
- Distribute information on the above and other topics and distribute it to the apartment managers of all small, medium and large apartment complexes.

These actions will be implemented in FY 2020/2021. The results of implementing these actions will be described in the Assessment of Fair Housing which is due for completion by October 2021.

**4. Additional Actions to Affirmatively Further Fair Housing**

a. Brokerage Services

Although no impediments were found concerning brokerages services, the City will request in FY 2019/2021 that the Imperial County Association of REALTORS accomplish the following:

- Revise the Resources tab on its web site to:
  - ✓ Add a Fair Housing Information button (e.g., include information on steering, link to the Inland Fair Housing and Mediation Board, etc.)
  - ✓ Add information to the current Insurance button such as the value of a C.L.U.E. Report (Comprehensive Loss Underwriting Exchange) when purchasing a home
- Enlist the services of Inland to offer a 3-hour Fair Housing course. Every four years, when renewing their license, all brokers and sales persons are required to complete a course on fair housing. Currently, most renewals are accomplished through online courses.

b. Steering

It is not known with certainty if steering is an impediment to fair housing choice in El Centro. However, HUD statistics shows it is not a major issue (1% of complaints are caused by acts of steering). However, during the five-year period from FY 2019-2020 through FY 2023-2024, the City's fair housing provider – Inland Fair Housing & Mediation Board – will:

- Offer as part of its home buyer counseling services examples of how to detect “steering” during the home search process and how to detect “loan steering.”
- Provide information to renters attending workshops on how to detect steering behavior by resident property managers.
- Continue to include “steering” as a category of alleged housing discriminatory acts.

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c. Appraisal Practices

Complaints regarding discriminatory appraisal practices are not routinely collected by local, State or Federal agencies. Would-be homebuyers are in the best position to detect potentially discriminatory practices. However, it is unknown if the lack of consumer knowledge of the scope and meaning of appraisal reports is an impediment to fair housing choice in El Centro.

The following action will be taken:

- Inland will continue to offer homebuyer counseling services in order to 1) inform borrowers of their right to request the appraisal report and 2) provide information on the contents of the report and how to detect possible discriminatory practices.

d. Homeowners Insurance

Evidence is unavailable on whether homebuyers in escrow who are seeking homeowner's insurance are discriminated against because of their race, color, disability or other protected characteristics. However, without adequate knowledge would be homebuyers could pay more than they need to for appropriate insurance coverage. The lack of consumer awareness of the nature of homeowners insurance may impede fair housing choice. The following actions will continue to be taken:

- Inland will continue to explain "homeowners insurance" and "CLUE Reports" during its homebuyer counseling services.
- Inland will continue to provide educational services to home buyers/borrowers so they understand the impact of CLUE Reports and can compare homeowner's premium rates.

e. Discriminatory Advertising

Ads containing discriminatory words or phrases are infrequently published. However, ads with discriminatory words or phrases may be published in the future. Additionally, ads stating "no pets" may discourage disabled persons from applying for the apartment housing advertised in print publications.

Based on the above findings, the City will accomplish the following actions:

- Ensure, if funding is available, that Inland accomplishes the following:
  - ✓ Annually review ads published in newspapers, on-line apartment search sites, and craigslist. Ads with discriminatory words or phrases should be investigated in more detail with follow-up enforcement actions, if necessary.
- Encourage the Imperial Valley Press to publish a concise "no pets" notice that indicates rental housing owners must provide reasonable accommodations for "service animals" and "companion animals" for disabled persons.

**SECTION III**  
**EVALUATION OF EL CENTRO'S CURRENT**  
**FAIR HOUSING LEGAL STATUS**



**SECTION III: EVALUATION OF EL CENTRO'S CURRENT FAIR HOUSING LEGAL STATUS**

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<b>B. FAIR HOUSING COMPLAINTS</b> .....	<b>III-1</b>
<b>C. SECRETARY-INITIATED COMPLAINTS</b> .....	<b>III-1</b>
<b>D. COMPLIANCE REVIEWS</b> .....	<b>III-2</b>
<b>E. FAIR HOUSING DISCRIMINATION SUITS FILED BY THE DEPARTMENT OF JUSTICE OR PRIVATE PLAINTIFFS</b> .....	<b>III-3</b>
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## **A. INTRODUCTION**

Section II discusses fair housing complaints and compliance reviews and other information pertaining to El Centro’s fair housing legal status.

## **B. FAIR HOUSING COMPLAINTS**

Housing discrimination complaints can be filed directly with HUD. In California the housing discrimination complaints are processed by HUD’s San Francisco Office of Fair Housing and Equal Opportunity (FHEO). El Centro’s residents may also file complaints with the State Department of Fair Employment and Housing (DFEH), and local fair housing providers such as the Inland Fair Housing and Mediation Board.

Housing discrimination complaint data was compiled by the Inland Fair Housing and Mediation Board (IFHMB) for the period from FY 2014-2015 through FY 2017-2018. During this four-year period, 32 housing discrimination complaint cases were filed with the IFHMB. The 32 cases were filed on the following basis:

▪ Disability	19
▪ Familial Status	4
▪ National Origin	3
▪ Race	3
▪ Arbitrary	2
▪ Religion	1

The San Francisco Regional Office of HUD provided the City with housing discrimination complaint data for calendar years 2000 through 2012. During the 13 year period, 10 cases were filed with HUD. The bases were as follows:

▪ Disability	6
▪ National Origin	4
▪ Familial Status	3
▪ Sex	3
▪ Retaliation	1

The number of bases (17) exceeds the number of cases (10) because a case can have more than one basis.

HUD reported no housing discrimination for the period from 2013 to 2018.

Both the IFHMB and HUD data indicate that the most frequent bases for a housing discrimination complaint include disability, familial status, and national origin.

## **C. SECRETARY-INITIATED COMPLAINTS**

According to HUD, it files a Secretary-initiated complaint when it has evidence that a discriminatory housing practice has occurred or is about to occur. HUD also may file a Secretary-initiated complaint when it has received an individual complaint, but believes there may be additional victims of the discriminatory act or wants to obtain broader relief in the public interest. None of the Secretary-initiated complaints have involved the City of El Centro.

**D. COMPLIANCE REVIEWS**

HUD monitors HUD-funded recipients to determine their performance under the civil rights-related program requirements of HUD’s Office of Community Planning and Development, Office of Public and Indian Housing, and Office of Housing.

HUD investigates discrimination complaints against recipients of HUD funds to determine whether the recipient violated civil rights laws or civil-rights related program requirements. At the conclusion of the investigation, HUD issues written findings of violations of civil rights laws or program requirements based on its investigation.

Table III-1 shows the numbers of complaints received in FY 2016 that alleged discrimination or noncompliance by recipient of HUD funds and the civil rights law that was allegedly violated.

**Table III-1  
Complaints against Recipients of HUD Funds, FY 2016**

<b>Legal Basis for Complaint</b>	<b>Number of Complaints Filed</b>	<b>Number of Investigations Closed</b>
Section 504	352	462
Title VI	163	202
Title II of ADA	84	170
Section 109	17	49
Age Discrimination Act	0	3
Section 3	2	2
Total	618	888

Source: Office of Fair Housing and Equal Opportunity, *Annual Report to Congress FY 2016*, January 2017

- Section 504, Rehabilitation Act of 1974 prohibits discrimination against people with disabilities in programs that receive federal financial assistance.
- Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance.
- Title II extends the prohibition of discrimination established in Section 504 of the Rehabilitation Act of 1973, as amended, to all activities of State and local governments regardless of whether these entities receive federal financial assistance.
- Section 109 prohibits discrimination in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974.
- The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act applies to all ages.
- The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other

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Section III: Evaluation of El Centro’s Current Fair Housing Legal Status**

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economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very-low income persons.

HUD conducts compliance reviews to determine whether a recipient of HUD funds is in compliance with applicable civil rights laws and their implementing regulations. HUD may initiate a compliance review whenever a report, complaint, or any other information indicates a possible failure to comply with applicable civil rights laws and regulations. HUD initiates most compliance reviews based on risk analysis, issues raised during a limited monitoring review, or when a civil rights problem is detected through HUD programming.

Table III-2 shows the number of compliance reviews that HUD initiated in FY 2016 and the civil rights law under which they were conducted. The table also shows the number of reviews that were closed during FY 2016.

**Table III-2  
Compliance Reviews of Recipients of HUD Funds, FY 2016**

<b>Legal Basis for Complaint</b>	<b>Number of Compliance Reviews Initiated</b>	<b>Number of Compliance Reviews Closed</b>
Section 504	2	16
Title VI	3	13
Title II of ADA	1	5
Section 109	0	8
Section 3	1	1
AFFH	1	0
Total	8	43

Source: Office of Fair Housing and Equal Opportunity, *Annual Report to Congress FY 2016*, January 2017

**E. FAIR HOUSING DISCRIMINATION SUITS FILED BY THE DEPARTMENT OF JUSTICE OR PRIVATE PLAINTIFFS**

The federal Department of Justice (DOJ) Housing and Civil Enforcement Section of the Civil Rights Division is responsible for the Departments' enforcement of the Fair Housing Act (FHA), along with the Equal Credit Opportunity Act, the Service members Civil Relief Act (SCRA), the land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and Title II of the Civil Rights Act of 1964, which prohibits discrimination in public accommodations.

Under the FHA, the Department of Justice may bring lawsuits where there is reason to believe that a person or entity is engaged in a "pattern or practice" of discrimination or where a denial of rights to a group of persons raises an issue of general public importance. The Department of Justice also brings cases where a housing discrimination complaint has been investigated by the by HUD and HUD has issued a charge of discrimination, and one of the parties to the case has "elected" to go to federal court. In FHA cases, the DOJ can obtain injunctive relief, including affirmative requirements for training and policy changes, monetary damages and, in pattern or practice cases, civil penalties.

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Several cases we have filed or resolved recently exemplify our efforts to ensure the availability of the housing opportunities guaranteed by the Fair Housing Act. The complaints and settlement documents for the cases discussed below, as well as other cases handled by the Housing Section, are found at [www.justice.gov/crt/about/hce/caselist.php](http://www.justice.gov/crt/about/hce/caselist.php).

On November 28, 2017, the United States filed a complaint in *United States v. City of Springfield* (C.D. Ill.), alleging that the City violated the Fair Housing Act by imposing a 600-foot spacing requirement on small group homes for persons with disabilities, while not applying any spacing requirement to similarly situated housing for people without disabilities. The complaint further alleges that the City failed to provide a reasonable accommodation to a small group home that was located within 600 feet of another such home.

On June 29, 2017, the court entered a consent decree in *United States v. City of Jacksonville* (M.D. Fla.). The complaint, which was filed on December 20, 2016, alleged that the City violated the Fair Housing Act and Americans with Disabilities Act when it refused to allow the development of a 12-unit apartment building to create "permanent supportive housing" for "chronically homeless" veterans, in response to intense community pressure based on stereotypes about prospective residents with disabilities. Under the consent decree, the City has amended its zoning code, including removing restrictions that apply to housing for persons with disabilities and implementing a reasonable accommodation policy. The City has also agreed to rescind the written interpretation that prevented Ability Housing from providing the housing at issue, designate a fair housing compliance officer, provide Fair Housing Act and Americans with Disabilities Act training for City employees, and pay a \$25,000 civil penalty to the government. In a separate settlement the City agreed to pay \$400,000 to Ability Housing, a non-profit affordable housing provider, and \$25,000 to Disability Rights Florida, an advocate for people with disabilities, and to establish a \$1.5 million grant to develop permanent supportive housing in the City for people with disabilities.

On June 26, 2017, the court entered a consent decree in *United States v. City of Jackson* (S.D. Miss.). The complaint, which was filed on September 30, 2016, alleged that the city discriminated on the basis of disability in violation of the Fair Housing Act and Title II of the Americans with Disabilities Act by requiring the operator of a group home to close the home and the residents to relocate. The consent decree requires the city to pay \$100,000 to the owner of Urban Rehab, Inc., \$35,000 to the department as a civil penalty, and \$50,000 to a settlement fund that will compensate other victims. The city also agreed to revise its zoning code to permit persons in recovery to reside in all residential zones and to ease other restrictions on group homes for people with disabilities.

On March 23, 2017, the court issued an order denying the defendant's motion for summary judgment in *Southwest Key Programs, Inc. v. City of Escondido* (S.D. Cal.), finding that there were triable issues as to whether the group home at issue constitutes a dwelling under the Fair Housing Act. The United States had filed a statement of interest in this case on November 3, 2016, to address the question whether the protections of the Fair Housing Act extend to group homes for unaccompanied children in the care and custody of the United States Department of Health and Human Services. The plaintiff in the case sought to operate such a home in the City of Escondido and alleges that the city discriminated on the basis of race and national origin when it denied the request for a conditional use permit to operate the group home. The defendant moved for summary judgment, arguing, among other things, that the FHA does not apply. The United States' statement of interest urged the court to find that the proposed group home is a "dwelling" covered by the Fair Housing Act and is neither a jail nor a detention facility.

## **City of El Centro Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan Section III: Evaluation of El Centro's Current Fair Housing Legal Status**

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On July 28, 2015, the court approved a settlement agreement in *United States v. Housing Authority of the County of Los Angeles* (C.D. Cal.). The complaint, which was filed on July 20, 2015, alleged that the Housing Authority of the County of Los Angeles and the Cities of Lancaster and Palmdale engaged in a pattern or practice of Fair Housing Act discrimination against African-American participants in the federal Section 8 Housing Choice Voucher Program living in the Cities of Lancaster and Palmdale, CA. The settlement agreement provides for comprehensive reforms, a \$1.975 million victim fund and a \$25,000 civil penalty.

### **F. REASONS FOR ANY TRENDS OR PATTERNS**

The National Fair Housing Alliance in its 2018 Fair Housing Trends Report states

...we make note of some of the more recent and pending issues that the fair housing community will need to address, such as the fair housing ramifications of big data, providing housing for an aging population, advertisement of housing opportunities on digital platforms, and the need to include additional protections under the Fair Housing Act based on marital status, source of income, sexual orientation, gender identity, and gender expression.

- Improving Access to Credit for Persons and Neighborhoods of Color
- Expanding Protected Classes under the Fair Housing Act
- Gentrification and Fair Housing
- Big Data and Fair Housing
- Responsible Advertising in the Digital Advertising Space
- Accessibility, Affordability, and the Aging Population
- Addressing the Increase in Hate Crimes
- Incorporating Fair Housing into Disaster Recovery

National Fair Housing Alliance, *Making Every Neighborhood A Place of Opportunity: 2018 Fair Housing Trends Report*, April 2018, 99 pages

Over the past year, the Department of Fair Employment and Housing (DFEH) has focused intensively on increasing the accessibility of services for all Californians, including people with disabilities and people with limited English proficiency. The centerpiece of this effort was the November 2017 launch of our new case filing and case management system, Cal Civil Rights System (CCRS). The cloud-based platform allows members of the public and their representatives to submit complaints online for all of the civil rights laws DFEH enforces. Individuals can schedule appointments, view the status of their cases, submit notes to staff, request right-to-sue notices for court filing, or submit Public Records Act requests, all online. CCRS was designed to be compatible with screen readers and other assistive technologies, is securely encrypted, and can be modified to respond to changes in the law, advances in technology, and the needs of the public. The system is also available in Spanish.

Other advances in accessibility in the past year include the completion of a project to ensure all forms and publications are compatible with commonly used assistive technologies; ensuring that all DFEH employees have access to on-demand telephonic interpretation services at the office and in the field; and issuing a suite of fair housing materials developed in consultation with community members in the six most commonly spoken languages in the state.

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Source: California Department of Fair Employment and Housing, *2017 Annual Report*, August 2018, 36 pages

**SECTION IV**  
**DESCRIPTION OF FAIR HOUSING PROGRAMS/ACTIONS**



**SECTION IV-DESCRIPTION OF FAIR HOUSING PROGRAMS/ACTIONS**

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## **A. INTRODUCTION**

Section IV describes fair housing services and programs implemented by the public and private sectors: City of El Centro/Inland Fair Housing Mediation Board; California Department of Fair Employment and Housing (DFEH); California Bureau of Real Estate (BRE)/Imperial County Association of REALTORS; California Apartment Association (CAA); and HUD.

## **B. CITY OF EL CENTRO/INLAND FAIR HOUSING MEDIATION BOARD**

The City contracts with a fair housing provider who provides residents with fair housing services. Inland Fair Housing and Mediation Board's (IFHMB) scope of services provides the City with a comprehensive program committed to Fair Housing Education, Outreach and Enforcement. IFHMB aligns its work with the *City's Analysis of Impediments to Fair Housing Choice*. Inland also provides technical assistance to El Centro staff, enabling them to incorporate activities that affirmatively further fair housing into their housing and community development programs. The City also contracts with Inland to provide a comprehensive Landlord-Tenant Program that includes counseling, information dissemination, mediation and/or referral of issues.

Among the tasks completed by IFHMB are:

- Processing of housing inquiries regarding both fair housing concerns and landlord-tenant issues
- Complaint investigation and referral
- Public education and outreach on fair housing
- Monthly reporting to the City

## **C. CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (DFEH)**

DFEH is the largest state civil rights agency in the country with 220 full-time permanent staff operating out of five offices throughout California. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations (businesses) and from hate violence and human trafficking. To accomplish this mission, the Department receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, Ralph Civil Rights Act, the California Trafficking Victims Protection Act, and other laws. The DFEH receives approximately 23,000 complaints annually from members of the public who allege that they have been the victim of discrimination or hate violence.

Since 2013, the Department has housed the Fair Employment and Housing Council (FEH), a body that issues regulations to ensure that the FEHA is interpreted and implemented in a way that is fair and that protects the public to the full extent of the law.

The Department has adopted a *Strategic Plan* that was initially published in September 2016 and updated in July 2017. The *Strategic Plan* sets forth the goals and strategies that will guide the Department in working toward its vision over a period of three to five years. Among the Plan's goals are:

**City of El Centro Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan**  
**Section IV: Description of Fair Housing Programs/Actions**

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*Goal 1: Increase access to information about rights and responsibilities.*

*Goal 2: Prevent and combat discrimination and hate violence through proactive and strategic efforts.*

*Goal 3: Provide excellent services to the individuals and entities who interact with us.*

*Goal 4: Ensure that our internal processes and systems effectively and efficiently meet our business needs.*

Source: California Department of Fair Employment and Housing, *Strategic Plan*, July 2017, pages 5-7

**D. CALIFORNIA DEPARTMENT OF REAL ESTATE/IMPERIAL COUNTY ASSOCIATION OF REALTORS**

The mission of the California Department of Real Estate (DRE) is to safeguard and promote the public interests in real estate matters through licensure, regulation, education and enforcement. As a condition of license renewal, the California Bureau of Real Estate requires sales persons and brokers to complete a 3-hour course on fair housing and ethics. These courses are periodically advertised by the Imperial County Association of REALTORS.

Article 2.5; Section 10170 (Continuing Education Legislative Determination 10170) states:

The Legislature has determined that it is in the public interest of consumer protection and consumer service that all real estate licensees licensed under the provisions of this part comply with continuing education requirements adopted by the commissioner pursuant to this article as a prerequisite to the renewal of real estate licenses on and after January 1, 1981.

To renew a license 45-hours of course work are required including three hours of fair housing. The fair housing course includes topics such as:

- Fair housing laws
- Real Estate Commissioners regulations
- Department of Real Estate regulations
- Types of properties exempt from the Fair Housing Act
- Prohibited practices
- Complaint procedures
- Penalties for violating the Fair Housing Act
- That registered sex offenders are not members of a 'protected class'

**E. CALIFORNIA APARTMENT ASSOCIATION (CAA)/GREATER INLAND EMPIRE**

The California Apartment Association is the nation's largest statewide trade group representing owners, investors, developers, managers and suppliers of rental homes and apartment communities. The staff — based in Sacramento and with strategic hubs throughout California — includes experts in rental housing law, legal analysts, state and local lobbyists, member-service representatives and media-outreach specialists. For more than 75 years, CAA has served rental home and apartment owners and managers through work in public affairs, education and customer service.

## **City of El Centro Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan Section IV: Description of Fair Housing Programs/Actions**

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It frequently holds seminars on fair housing issues. These seminars have the major purpose of helping owners avoid fair housing complaints. For instance, a seminar is scheduled on September 12, 2018 on the topic of Fair Housing: Examples & Explanations from Attorneys. Among the questions to be discussed are:

- Just how many “assistive” animals can a resident have?
- How is hoarding a protected mental disability?”
- Can my tenant move in her sister and five children? When can I say no?
- Can I set rules to protect the lawn from tenant’s children?
- My residents want to smoke marijuana in common areas. Do I have to allow this?
- Am I required to take Section 8?
- Can I deny tenancy to all felons?
- Am I required to check immigration status of residents?

### **F. HUD REGION IX**

HUD’s Office of Fair Housing and Equal Opportunity (FHEO) enforces the federal Fair Housing Act and other civil rights laws that prohibit discrimination in the sale, rental, or financing of dwellings because of race, color, national origin, religion, sex, familial status (families with children under the age of 18) or handicap (disability). HUD’s Region IX office, located in San Francisco, handles the investigation and processing of housing discrimination complaints and maintains a database of complaints made in the states of California, Arizona, Hawaii, and Nevada.

**SECTION V**  
**FAIR HOUSING COMMUNITY PROFILE**



## SECTION V-FAIR HOUSING COMMUNITY PROFILE

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## **A. INTRODUCTION**

HUD’s suggested AI format includes a section on jurisdictional (meaning the City) background data. Such data may include demographics, income, employment, housing and other data relevant to the AI. Section V presents information on the following:

- Population growth trends in Imperial County and El Centro
- El Centro’s housing, demographic and economic characteristics
- Characteristics of the community’s fair housing protected groups
- Comparison of the status and well-being of the fair housing protected groups

## **B. POPULATION GROWTH IN IMPERIAL COUNTY AND EL CENTRO**

### **1. Population Growth in Imperial County**

#### **a. Population Trends and Change by Race and Ethnicity – 2000 to 2017**

Race refers to the seven categories of: White, Black, Asian, American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, Some Other Race, and Two or More Races. The races are defined specifically in Attachment A. Ethnicity refers to being Hispanic or Latino or not being Hispanic or Latino. The definition of this population group is found in Attachment B.

Table V-1 presents the Imperial County’s 2000, 2010 and 2017 population count by race and ethnicity. Between 2000 and 2017 the Hispanic population increased by almost 51,241 persons and its share of the total population increased from 72.2% in 2000 to 84.2% in 2017. During the 18-year periods the Asian, Black, and White populations decreased in both absolute and relative terms. That means that Hispanics accounted for all the population increase in Imperial County between 2000 and 2017.

**Table V-1  
Imperial County Population by Race and Ethnicity - 2000 and 2010**

<b>Race/Ethnicity</b>	<b>2000</b>		<b>2010</b>		<b>2017</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Asian	2,446	1.7%	2,201	1.3%	1,990	1.1%
Black	5,148	3.6%	5,114	2.9%	4,013	2.2%
Hispanic	102,817	72.2%	140,271	80.4%	154,058	84.2%
White	28,768	20.2%	23,927	13.7%	19,006	10.4%
All Other Races	3,182	2.2%	3,015	1.7%	3,763	2.1%
<b>Total</b>	<b>142,361</b>	<b>100.0%</b>	<b>174,528</b>	<b>100.0%</b>	<b>182,830</b>	<b>100.0%</b>

Note: All Other Races includes American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, Some Other Race, and Two or More Races

Source: Census 2000; Census 2010 Summary File 1, Imperial County, Population by Race and Ethnicity; and American Community Survey (ACS) 2017 1-Year Estimates, Table B03002 Hispanic or Latino Origin by Race.

Table construction by Castañeda & Associates

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b. Projected Population, Household and Employment Growth: 2018-2038

Part B discusses the growth dynamics of Imperial County. The State Department of Finance (DOF), Demographics Research Unit (DRU) produces population projections for each of the California's 58 counties. The growth trajectory of Imperial County shows that will gain approximately 47,400 people between 2018 and 2038, according to Table V-2. DOF projections indicate that Hispanics will account for all of Imperial County's population growth between 2018 and 2038.

**Table V-2  
Imperial County  
Population Growth by Race/Ethnicity 2018-2038**

<b>Race/Ethnicity</b>	<b>2018</b>	<b>2038</b>	<b>Numerical Change</b>	<b>Percent Change</b>
White (Non-Hispanic)	20,418	16,949	-3,469	-17.0%
Black (Non-Hispanic)	3,879	3,554	-325	-8.4%
AIAN (Non-Hispanic)	1,377	1,148	-229	-16.6%
Asian (Non-Hispanic)	1,809	1,253	-556	-30.7%
NHPI (Non-Hispanic)	58	73	15	25.9%
MR (Non-Hispanic)	824	689	-135	-16.4%
Hispanic (any race)	162,755	214,853	52,098	32.0%
<b>Total</b>	<b>191,120</b>	<b>238,519</b>	<b>47,399</b>	<b>24.8%</b>

Source: California Department of Finance, Demographic Research Unit, Total Estimated and Projected Population by Race/Ethnicity for California Counties: July 1, 2010 to July 1, 2060 in 1-Year Increments  
Table construction by Castañeda & Associates

The Southern California Association of Governments (SCAG) makes projections of population as well as household and employment growth. The 2038 DOF Imperial County population projection (238,519) differs from the one prepared by SCAG for 2040 (282,100) by approximately 43,600 people. Additionally, SCAG projects that by 2038 Imperial County will have a population of 282,100 people; 92,500 households; and 124,600 jobs. Refer to Table V-3 for details on population, household and employment projections.

**2. Population Growth in El Centro**

El Centro will share significantly in the growth projected for Imperial County. Table V-4 shows that by 2040 SCAG projects:

- A population of 61,00 which translates to a growth of 16,900 persons from the 2012 baseline
- 19,900 households which means a growth of 6,800 households from the 2012 baseline
- 43,800 jobs which translate to an increase of 23,500 jobs from the 2012 baseline

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**Table V-3  
Imperial County  
Population, Household and Employment Growth: 2012-2040**

<b>Year</b>	<b>Population</b>	<b>Households</b>	<b>Employment</b>
2012	179,600	49,300	59,000
2040	282,100	92,500	124,600
Increase	102,500	43,200	65,600

Source: Southern California Association of Governments, 2016-2040 *Regional Transportation Plan/Sustainable Communities Strategy, Demographics and Growth Forecast* (adopted by SCAG Regional Council on April 7, 2016)  
Table construction by Castañeda & Associates

**Table V-4  
City of El Centro  
Population, Household and Employment Growth: 2012-2040**

<b>Year</b>	<b>Population</b>	<b>Households</b>	<b>Employment</b>
2012	44,100	13,100	20,300
2040	61,000	19,900	43,800
Increase	16,900	6,800	23,500

Source: Southern California Association of Governments, 2016-2040 *Regional Transportation Plan/Sustainable Communities Strategy, Demographics and Growth Forecast* (adopted by SCAG Regional Council on April 7, 2016)  
Table construction by Castañeda & Associates

**C. EL CENTRO’S HOUSING, DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS**

**1. Existing Housing Stock**

An estimated 14,715 housing units comprise the housing stock. Single-family detached and attached homes comprise almost 59% of the housing stock. Duplex to 4-plex buildings and mobile homes each comprise 11% and multi-family housing 20% of the housing stock, respectively.

As of January 1, 2018, there were 13,113 occupied housing units or households. That means that approximately 1,600 housing units are vacant (10.9% vacancy rate). When most of these vacant units become occupied, there will be both a household and population increase.

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**Table V-5  
City of El Centro  
Housing Stock by Type of Unit: January 2018**

<b>Type of Unit</b>	<b>Number of Units</b>	<b>Percent</b>
1 unit, detached	8,173	55.6%
1 unit, attached	427	2.9%
2 to 4 units	1,577	10.7%
5+ units	3,007	20.4%
Mobile homes, RV, Van, Etc.	1,531	10.4%
<b>Total</b>	<b>14,715</b>	<b>100.0%</b>

State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012, with 2010 Benchmark* Sacramento, California, May 2018.

Table construction by Castañeda & Associates

**2. Homeownership**

Homeownership is a key indicator of community well-being. Increases or decreases in the percentage of owner-occupied housing, especially in communities that are not high growth, indicates a change in the balance of renter-occupied to owner-occupied housing.

Table V-6 shows the 2000, 2010 and 2017 homeownership rates for El Centro, Imperial County, California and the Nation. In all three time periods, the City had a somewhat lower home ownership rate than the Nation, State and Imperial County. Foreclosed upon homes could have contributed to the decline in the homeownership rates of both the City and County.

**Table V-6  
Comparison of Homeownership Rates by Year**

<b>Area</b>	<b>2000</b>	<b>2010</b>	<b>2017</b>
El Centro	50.2%	49.5%	49.6%
Imperial County	58.3%	55.9%	61.4%
California	56.9%	55.9%	54.8%
Nation	66.2%	65.1%	63.9%

Source: 2000 Census Summary File 1, Table H15 Tenure by Household Size

2010 Census DP-1 Profile of Population and Housing Characteristics: 2010, Housing Tenure

American Community Survey (ACS) 2017 1-Year Estimates (Imperial County, State and Nation) Table B25003 Tenure

American Community Survey (ACS) 2017 5-Year Estimates (El Centro) Table B25003 Tenure

Table construction by Castañeda & Associates

### **3. Household Income**

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

Household income is the key determinant of ability to pay for housing. For many households, their income is too limited to afford existing housing. A larger number of households have incomes too low to afford new housing, as new housing is usually more expensive than existing housing.

Between 2000 and 2017 household incomes have obviously increased. So, too, has the cost of living. Data are too limited to determine whether the economic well-being of the City's householders has been enhanced since Census 2000.

Table V-7 shows the number and percentage of households in ten income groups. El Centro's median household income in 2017 was \$45,581 compared to \$33,161 in 2000, an increase of 37.5%. Between 2000 and 2017, the number of households with annual incomes of less than \$50,000 decreased by 1,118 households. The percentage of households with incomes of less than \$50,000 also decreased between 2000 (66.9%) and 2017 (55%).

The percentage of households with incomes between \$50,000 and \$99,999 is relatively the same at 25.6% to 25.5%. In addition, the percentage of households with incomes of \$100,000 or more nearly tripled from 7.5% to 19.4%.

The City's CDBG and HOME programs as well as state and federal affordable housing programs are directed at addressing the needs of lower income households – those having incomes less than 80% of the Imperial County median income. According to HUD, 6,355 El Centro households have annual incomes below 80% of Imperial County's median household income of \$44,779. This number represents about 51% of all households. (The median family income is \$51,447.)

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**Table V-7  
City of El Centro  
Household Income Distribution: 2017**

<b>Household Income</b>	<b>Number of Households</b>	<b>Percent</b>
Less than \$10,000	866	7.3%
\$10,000 to \$14,999	1,110	9.3%
\$15,000 to \$24,999	1,597	13.4%
\$25,000 to \$34,999	1,463	12.3%
\$35,000 to \$49,999	1,512	12.7%
\$50,000 to \$74,999	1,869	15.7%
\$75,000 to \$99,999	1,160	9.8%
\$100,000 to \$149,999	1,460	12.3%
\$150,000 to \$199,999	519	4.4%
\$200,000 or more	325	2.7%
<b>Total</b>	<b>11,881</b>	<b>100.0%</b>

Source: American Community Survey (ACS), 2017 5-Year Estimates, DP03, Selected Economic Characteristics, Income and Benefits (in 2017 Inflation-Adjusted Dollars)  
Table construction by Castañeda & Associates

**4. Labor Force/Employment Characteristics**

a. Labor Force and Unemployment

Another key to people’s ability to exercise housing choice is employment. This means both jobs within the City as well as the number of local residents that are employed. Employment generates income, which leads to effective housing demand and housing choice.

Currently, the State Employment Development Department (EDD) reported that 19,900 El Centro residents were in the labor force (November 2018) and 17,100 residents were employed. The City’s unemployment rate – as of November 2018 – was 13.8%.

According to the ACS, El Centro’s unemployment rate was 14.6% in 2017.

b. Local Jobs

The Southern California Association of Governments (SCAG) also has prepared estimates of the total jobs in the El Centro. According to SCAG, total jobs include wage and salary jobs and jobs held by business owners and self-employed persons. The total job count does not include unpaid volunteers or family workers, and private household workers. In 2015, total jobs in the City of El Centro numbered 25,409, an increase of 37% from 2007. A sector-by-sector analysis is provided in the following paragraphs.

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Manufacturing jobs include those employed in various sectors including food; apparel; metal; petroleum and coal; machinery; computer and electronic products; and transportation equipment. In 2015, the total manufacturing jobs numbered 580. Between 2007 and 2015, the number of manufacturing jobs in the City decreased by 1.9%.

Construction jobs include those engaged in both residential and non-residential construction. In 2015, the total construction jobs numbered 821. Between 2007 and 2015, construction jobs in the City decreased by 9.7%

Retail trade jobs include those at various retailers including motor vehicle and parts dealers, furniture, electronics and appliances, building materials, food and beverage, clothing, sporting goods, books, and office supplies. In 2015, total retail trade jobs numbered 5,396. Between 2007 and 2015, the number of retail trade jobs in the City increased by 61.1%.

Jobs in the professional and management sector include those employed in professional and technical services, management of companies, and administration and support. In 2015, the total number of professional and management sector jobs numbered 1,193. Between 2007 and 2015, the number of professional and management jobs in the City increased by 3.3%.

Additional information on the workforce concerns their community patterns. Table V-8 shows the top 10 places where residents commute to work. Approximately 38.5% of all workers who live in the City also work in El Centro.

**Table V-8  
City of El Centro  
Top 10 Places Where Residents Commute to Work: 2015**

<b>Rank</b>	<b>Local Jurisdiction</b>	<b>Number of Commuters</b>	<b>Percent of Total Commuters</b>
1	El Centro	5,626	38.5%
2	Brawley	873	6.0%
3	Calexico	797	5.5%
4	Unincorporated Area	604	4.1%
5	Imperial	584	4.0%
6	San Diego County	569	3.9%
7	Los Angeles	260	1.8%
8	Calipatria	243	1.7%
9	Holtville	123	0.8%
All Other Destinations		4,929	33.7%

Source: Southern California Association of Governments, Profile of the City of El Centro, May 2017, page 21 and U.S. Census Bureau, 2017, LODES Data; Longitudinal-Employer Household Dynamics Program, <https://lehd.ces.census.gov/data/lodes/>  
Table construction by Castañeda & Associates

## **D.PROFILE OF EL CENTRO'S FAIR HOUSING PROTECTED CLASSES**

### **1. Introduction**

The Federal Fair Housing Act prohibits discriminatory practices which make housing unavailable because of a persons':

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

In addition, California law prohibits discriminatory housing practices because of:

- Marital Status
- Ancestry
- Source of Income
- Age
- Arbitrary Characteristic

Definitions of the fair housing protected groups are found in Attachment C.

### **2. Race/Color**

#### **a. Race and Ethnic Categories**

The Fair Housing Act does not define race. The racial categories included in the census form generally reflect a *social definition* of race recognized in this country, and are not an attempt to define race biologically, anthropologically or genetically. In addition, the U.S. Census Bureau recognizes that the race categories include both racial and national origin or socio-cultural groups. Census 2010 and the *American Community Survey* provide for six race categories:

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

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

The 2000 and 2010 Census' and 2017 ACS race and ethnic categories follow the OMB Policy Directive No. 15 (May 12, 1977) and the 1997 revisions. The OMB's efforts are to standardize

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the racial and ethnic categories so that federal government agencies can monitor discrimination, as required by the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Equal Credit Opportunity Act of 1974, and the Home Mortgage Disclosure Act of 1975.

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

Ethnicity means being of Hispanic or Latino Origin or not being of such origin.

### **b. Definitions of Minority Populations**

The populations comprising "minority" groups are defined in the same way by the OMB, Federal Department of Transportation (DOT), Federal Financial Institutions Examination Council (FFIEC), and Council on Environmental Quality (CEQ -environmental justice guidelines). The OMB and DOT both define the minority populations as Black, Hispanic (regardless of race), Asians (including Pacific Islanders) and American Indian and Alaskan Native. The FFIEC, for purposes of Home Mortgage Disclosure Act (HMDA) data collection, states that:

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

The CEQ environmental justice guidelines provide the following definition:

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

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

### **c. El Centro's Population by Race and Ethnicity**

Table V-9 shows the City's 2010 and 2017 population by Hispanic/Latino ethnicity and six race categories. The census population counts are based on *self-identification*. In both 2010 and 2017, Hispanics comprise more than 80% of El Centro's total population. Between 2010 and 2017, the Hispanic population grew by 2,928 persons and 4.2%.

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**Table V-9  
City of El Centro  
Population by Race and Ethnicity 2010 and 2017**

Category	2010		2017	
	# of Persons	% of Total	# of Persons	% of Total
<b>Not Hispanic or Latino</b>	7,847	18.4%	6,253	14.2%
White	5,758	13.5%	4,197	9.6%
Black or African American	864	2.0%	819	1.9%
American Indian/Alaska Native	95	0.2%	90	0.2%
Asian	785	1.8%	833	1.9%
Native Hawaiian/Pacific Islander	19	<0.1%	31	0.1%
Other Races or 2+ Races	326	0.8%	283	0.6%
<b>Hispanic or Latino (any race)</b>	34,751	81.6%	37,679	85.8%
<b>Total</b>	42,598	100.0%	43,932	100.0%

Source: 2010 Census, DP-1 Profile of General Population and Housing Characteristics: 2010, Hispanic or Latino and Race; American Community Survey (ACS) 2017 5-Year Estimates, DP05 Demographic and Housing Estimates.

Table construction by Castañeda & Associates

d. Race of Hispanic or Latino and Not Hispanic or Latino Populations

When the April 2010 Census was taken, 34,751 persons identified themselves as being of Hispanic or Latino Origin. Table V-10 shows that with respect to race approximately -

- 56.5% of the Hispanic population said that their race was White Alone
- 35.4% said they belonged to Some Other Race
- 5.6% identified themselves as having Two or More Races

The 2017 ACS indicates that the percentage of Hispanics stating they identified with Some Other Race increased from 35.4% to 45.3%.

Thus, many Hispanic or Latino people do not identify with the White Race Category but rather consider themselves as belonging to Some Other Race. Indeed, in 2017 almost 100% of the Some Other Race population is Hispanic or Latino.

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**Table V-10  
City of El Centro  
Race of Hispanic or Latino and Non-Hispanic or Latino Populations: 2010**

<b>Race</b>	<b>Hispanic or Latino</b>	<b>Percent Distribution</b>	<b>Not Hispanic or Latino</b>	<b>Percent Distribution</b>	<b>Total</b>	<b>Percent Distribution</b>
White Alone	19,618	56.5%	5,758	73.4%	25,376	59.6%
Black or African American Alone	217	0.6%	864	11.0%	1,081	2.5%
Asian Alone	180	0.5%	785	10.0%	965	2.3%
American Indian or Alaska Native Alone	459	1.3%	95	1.2%	554	1.3%
Hawaiian or Other Pacific Islander Alone	15	0.0%	19	0.2%	34	0.1%
Some Other Race Alone	12,302	35.4%	54	0.7%	12,356	29.0%
Two or More Races	1,960	5.6%	272	3.5%	2,232	5.2%
<b>Total</b>	<b>34,751</b>	<b>100.0%</b>	<b>7,847</b>	<b>100.0%</b>	<b>42,598</b>	<b>100.0%</b>

Source: 2010 Census, DP-1 Profile of General Population and Housing Characteristics: 2010, Hispanic or Latino and Race  
Table construction by Castañeda & Associates

**Table V-11  
City of El Centro  
Race of Hispanic or Latino and Non-Hispanic or Latino Populations: 2017**

<b>Race</b>	<b>Hispanic or Latino</b>	<b>Percent Distribution</b>	<b>Not Hispanic or Latino</b>	<b>Percent Distribution</b>	<b>Total</b>	<b>Percent Distribution</b>
White Alone	17,632	46.8%	4,197	67.1%	21,829	49.7%
Black or African American Alone	309	0.8%	819	13.1%	1,128	2.6%
Asian Alone	193	0.5%	90	1.4%	283	0.6%
American Indian or Alaska Native Alone	103	0.3%	833	13.3%	936	2.1%
Hawaiian or Other Pacific Islander Alone	76	0.2%	31	0.5%	107	0.2%
Some Other Race Alone	17,065	45.3%	12	0.2%	17,077	38.9%
Two or More Races	2,301	6.1%	271	4.3%	2,572	5.9%
<b>Total</b>	<b>37,679</b>	<b>100.0%</b>	<b>6,253</b>	<b>100.0%</b>	<b>43,932</b>	<b>100.0%</b>

Source: American Community Survey (ACS) 2017 5-Year Estimates, Table B03002 Hispanic or Latino Origin by Race  
Table construction by Castañeda & Associates

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El Centro is not unusual in terms of the racial identification of the Hispanic or Latino population. A research study of the 2000 Census found:

Almost 6 million Californians departed from the federal government’s racial categories by selecting “some other race.” Of these respondents, 99 percent were Latinos. In effect, this pattern of response converted the residual “some other race” category into a de facto Latino racial category. This conversion occurred not because of administrative need; indeed, the Hispanic ethnicity question satisfies all legal mandates. Nor did it take place because Latinos petitioned the government for change. Rather, it emerged spontaneously from a subset of Americans whose racial perceptions differed from those codified by the federal government. In the long run, this pattern of response may lead to changes in the federal government’s racial and ethnic classification system.

Source: Sonya M. Tafoya, *Latinos and Racial Identification in California*, Public Policy Institute of California. Volume 4, Number 4, May 2003, May 2003, page 12

e. Origins of the Hispanic or Latino Population

There are an estimated 37,679 Hispanic or Latino persons residing in El Centro, according to the 2017 American Community Survey. Table V-12 shows that nearly 98% of the Hispanic or Latino population is of Mexican origin, an increase of 8.2% since 2000.

**Table V-12  
City of El Centro  
Persons of Hispanic Origin — 2000 and 2010**

Hispanic Origin	2000		2010		2017	
	Number	Percent	Number	Percent	Number	Percent
Mexican	25,251	89.5%	33,206	95.6%	36,824	97.7%
Puerto Rican	79	0.3%	138	0.4%	149	0.4%
Cuban	41	0.1%	32	0.1%	20	0.1%
Other Spanish/Hispanic*	2,848	10.1%	1,375	4.0%	686	1.8%
Total	28,219	100.0%	34,751	100.0%	37,679	100.0%

\*The Census 2000 category is “Other Hispanic or Latino”  
 Census 2000, Table DP-1, Profile of General Demographic Characteristics, Hispanic or Latino and Race  
 Census 2010 Summary File 1 Table QT-P10  
 American Community Survey (ACS) 2017 5-Year Estimates, Table B03001 Hispanic or Latino Origin by Specific Origin  
 Table construction by Castañeda & Associates

f. Asian Population by Sub-Group

The 2017 American Community Survey reports an Asian population of 936 persons. Of this number, 258 are Filipino, 249 are Korean and 227 are Asian Indian.

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**3. Sex (of Householder)**

In the sale and rental of housing, fair housing laws protect several “classes” from discrimination. Federal and State fair housing laws prohibit discrimination based on a person’s sex. The United States Department of Justice (DOJ) has stated:

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

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

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

Table V-13 shows that of the City’s estimated 11,881 householders, 47.4% are male and 52.6% are female. Male householders living in family households comprise almost 38% of all householders. Women living in family households comprise almost 40% of all householders.

**Table V-13  
City of El Centro  
Sex of Householder by Family Type: 2017**

Household Type	Male Householder	Percent Distribution	Female Householder	Percent Distribution	Total	Percent Distribution
In Family Households	4,474	37.7%	4,709	39.6%	9,183	77.3%
Non-Family Households						
Living Alone	902	7.6%	1,386	11.7%	2,288	19.3%
Not Living Alone	248	2.1%	162	1.3%	410	3.4%
Total	5,624	47.4%	6,257	52.6%	11,881	100.0%

Source: American Community Survey, Table B09019, Household Type Including Living Alone) by Relationship, 2017 1-Year Estimates

Note: percent refers to percent of all households 11,881

Table construction by Castaneda & Associates

Poor women, as noted above by the DOJ, are often the victims of sexual harassment. Almost 50% of El Centro’s female householders with children less than 18 years of age have incomes below the poverty level.

#### **4. National Origin/Ancestry**

The Fair Housing Act and California Fair Employment and Housing Act prohibit discrimination based upon national origin. According to the United States Department of Justice, such discrimination can be based either upon the country of an individual’s birth or where his or her ancestors originated.

Table V-14 shows the place of birth of the foreign born population. According to the 2017 American Community Survey, the foreign born population consists of approximately 14,400 persons or 33% of the El Centro’s total population. Of the foreign born population –

- 93.8% were born in Latin America
- 5.4% were born in Asia

**Table V-14  
City of El Centro  
Place of Birth of the  
Foreign Born Population: 2017**

<b>Place of Birth</b>	<b>Number</b>	<b>Percent</b>
Europe	49	0.3%
Asia	774	5.4%
Africa	1	<0.1%
Oceania	5	<0.1%
Latin America	13,488	93.8%
North America	59	0.4%
<b>Total</b>	<b>14,376</b>	<b>99.9%</b>

Source: American FactFinder, American Community Survey 2017 5-Year Estimates. Table B05006 Place of Birth for the Foreign-Born Population in the United States  
Table construction by Castañeda & Associates

#### **5. Familial Status**

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

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

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

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

The DOJ points out that would be renters can be denied access to housing because of prohibited discriminatory practices while in-place renters can face housing discrimination due to the practices of housing providers.

Table V-15 shows there are an estimated 9,200 *family* households, which comprise about 77% of all households. Approximately 4,118 family households have children; therefore, about 35% of all households have children less than 18 years of age (4,118/11,881). Families with children represent a significant number of all households. Most families with children are husband-wife, two parent families. However, approximately 1,400 female householders have children less than 18 years of age.

**Table V-15  
City of El Centro  
Families With and Without Children: 2017**

Type of Family	With Children < 18 Years	Percent	Without Children <18 Years	Percent	Total	Percent
Husband-Wife Families	2,489	43.4%	3,243	56.6%	5,732	62.4%
Female Householder No Husband Present	1,311	48.8%	1,373	51.2%	2,684	29.2%
Male Householder No Wife Present	318	41.5%	449	58.5%	767	8.4%
Total	4,118	44.8%	5,065	55.2%	9,183	100.0%

Source: American Community Survey (ACS) 2017 5-Year Estimates, Table S1101 Households and Families.

Table construction by Castañeda & Associates

**6. Handicap/Disability**

a. Background

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

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

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

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

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

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

### **b. Estimates of People with Disabilities and Types of Disabilities**

Almost 6,900 residents have one or more disabilities, according to data from the 2017 American Community Survey. Table V-16 shows the number of disabled persons by age group. The elderly experience the highest disability prevalence rates: 44.5% of all persons 65-74 years of age and older have one or more disability while 63.3% of the elderly 75 years of age or older have one or more disability.

According to the 2017 American Community Survey (ACS), 2,185 elderly persons 65 years and over reported an ambulatory difficulty. Ambulatory difficulty refers to persons who have “serious difficulty walking or climbing stairs.”

Elderly disabled owners may need home modifications as they age in place and permission from the City to make exterior modifications such as constructing ramps in the side yard. Elderly disabled renters may need permission for reasonable physical modifications and reasonable accommodations from their apartment manager.

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**Table V-16  
City of El Centro  
Disability Status of Civilian Non-institutionalized  
Population by Age Group 2017**

<b>Age Group</b>	<b>Total Population</b>	<b>Disabled Population</b>	<b>Percent Disabled</b>
< 5 years	3,738	26	0.7%
5-17 years	9,109	609	6.7%
18-34 years	10,186	716	7.0%
35-64 years	14,914	2,632	17.6%
65 to 74 years	3,085	1,372	44.5%
75 years and over	2,435	1,542	63.3%
<b>Total</b>	<b>43,467</b>	<b>6,897</b>	<b>15.9%</b>

Source: American FactFinder, American Community Survey (ACS) 2017 5-Year Estimates, Table S1801 Disability Characteristics.  
Table construction by Castañeda & Associates

## **7. Marital Status**

The California Fair Employment and Housing Act prohibits discrimination based on marital status. The applicable state regulation defines marital status as –

(a)n individual’s state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital status.

Essentially, this means that all persons in a household or establishing a household fall within the meaning of this fair housing protect group. People are covered regardless of marital status or the state of marriage or non-marriage.

The 2017 *American Community Survey* has five “marital status” categories: Never Married, Now Married, Separated, Widowed and Divorced.

These terms refer to the marital status at the time of the survey. A married couple includes a family in which the householder and his or her spouse are enumerated as members of the same household. Table V-17 shows that 43.9% of the population 15 years of age or older are married and 36.0% have never married. The “now married” category includes all married people except those who are legally married but separated

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**Table V-17  
City of El Centro  
Marital Status of the Population 15 Years and Over: 2017**

<b>Marital Status</b>	<b>Females</b>	<b>Percent</b>	<b>Males</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>
Never Married	5,483	31.6%	6,526	40.8%	12,009	36.0%
Now Married	7,271	41.9%	7,377	46.1%	14,648	43.9%
Separated	923	5.3%	326	2.0%	1,249	3.7%
Widowed	1,912	11.0%	459	2.9%	2,371	7.1%
Divorced	1,780	10.2%	1,305	8.2%	3,085	9.2%
Total	17,369	100.0%	15,993	100.0%	33,362	100.0%

American Community Survey 2017 5-Year Estimates, Table DP02 Selected Social Characteristics in the United States.

Table construction by Castañeda & Associates

**E. COMPARISON OF THE STATUS AND WELL-BEING OF FAIR HOUSING PROTECTED GROUPS**

Part E compares the relative well-being of the fair housing protected groups in terms of poverty status and homeownership.

**1. Poverty Income by Race and Ethnicity**

Almost one in four householders has poverty incomes. Table V-18 shows the poverty rates by race and ethnicity which range from a low of 5.8% (Asian) to a high of 33.4% (Black or African American). Although poverty rates differ, households with such low incomes – regardless of race or ethnicity – are unable to afford the housing and neighborhoods of their choice.

As noted in the table footnote, the margin of error for four of the populations is quite high.

**2. Poverty Income by Familial Status and Presence of Children**

Poverty by family type offers another indicator of the well-being of the fair housing protected groups. Female householders with children often confront bias in the rental housing market. Their access to decent housing also is made more difficult by poverty. Female heads of households both with and without children under 18 experiences the highest poverty income rates. More than 800 female householders with children live in poverty, or nearly half of all such household types.

Table V-19 shows that female households have significantly higher poverty rates than other household types.

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**Table V-18  
City of El Centro  
Poverty Status by Race and Ethnicity – 2017**

<b>Race/Ethnicity</b>	<b>2017 Population</b>	<b>Number Below Poverty Level</b>	<b>Percent Below Poverty Level</b>
White Alone	21,682	4,741	21.9%
Black or African American	1,101	368	33.4%
American Indian or Alaska Native	273	31	11.4%
Asian	902	52	5.8%
Native Hawaiian or Other Pacific Islander	107	0	0.0%
Some Other Race	16,781	5,431	32.4%
Two or More Races	2,554	191	7.5%
Hispanic or Latino (of any race)	37,310	10,242	27.5%
White Alone, not Hispanic or Latino	4,110	448	10.9%

Note: Margin of error for Black or African American is 33.4%; American Indian/Alaska Native is 11.4%; Native Hawaiian or Other Pacific Islander is 37.3%; Some Other Race Alone is 27.3% and Two or More Races is 7.5%.

Source: American Community Survey (ACS) 2017 5-Year Estimates, Table S1701, Poverty Status in the Past 12 Months

Table construction by Castañeda & Associates

**Table V-19  
City of El Centro  
Poverty Status by Familial Status and Presence of Children - 2017**

<b>Family Type</b>	<b>Total Number of Families</b>	<b>Number Below Poverty Level</b>	<b>Percent Below Poverty Level</b>
Married Couple Families	5,732	717	12.5%
With related children under 18 years	2,936	523	17.8%
Female Householder, no husband present	2,684	1,090	40.6%
With related children under 18 years	1,660	825	49.7%
All Families	9,183	1,919	20.9%
With related children under 18 years	4,963	1,424	28.7%

Note: Table does not include Male Householder, No Wife Present (815) With Own Children (417).

Source: American Community Survey (ACS) 2017 5-Year Estimates, Table S1702 Poverty Status in the Past 12 Months of Families

Table construction by Castañeda & Associates

### **3. Tenure by Race and Ethnicity**

Existing and would be home owners may experience housing discrimination during the process of buying a home. For instance, discriminatory behavior could be made by real estate agents,

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appraisers, lenders, and home insurance agents. Renters, on the other hand, could be denied access to housing while in-place tenants could be discriminated against by landlords. Most housing discrimination complaints are made by renters.

According to the 2010 Census one-half of all householders owned a home. Table V-20 shows the home ownership rates by race and ethnicity. In 2010, homeownership rates ranged from a low of 41.1% (Black or African American) to a high of 68% (White Alone). Almost 45% of Hispanic householders were homeowners. Although four other groups had home ownership rates higher than the City’s average, they also comprise a very small percentage of all owners.

**Table V-20  
City of El Centro  
Homeownership Rates by Race and Ethnicity: 2010**

<b>Race/Ethnicity</b>	<b>Owners</b>	<b>Percent</b>	<b>Renters</b>	<b>Percent</b>	<b>Total Households</b>	<b>Percent*</b>
White	1,813	68.0%	855	32.0%	2,668	20.4%
Black or African American	145	41.1%	208	58.9%	353	2.7%
American Indian/Alaska Native	31	66.0%	16	34.0%	47	0.4%
Asian	140	51.5%	132	48.5%	272	2.1%
Native Hawaiian or Other Pacific Islander	1	50.0%	1	50.0%	2	0.0%
Some Other Race	8	42.1%	11	57.9%	19	0.1%
Two or More Races	43	50.6%	42	49.4%	85	0.6%
Hispanic or Latino	4,307	44.6%	5,355	55.4%	9,662	73.7%
Total	6,488	49.5%	6,620	50.5%	13,108	100.0%

Refers to % of all households

Sources: American FactFinder, Census 2010 Summary File 1, Table HCT1: Tenure by Hispanic or Latino Origin of Householder by Race of Householder

Table construction by Castañeda & Associates

The 2017 American Community Survey provides updated homeownership rates for two groups:

- White, Not Hispanic Households                      72.2%
- Hispanic Households                                      46.1%

There is a high correlation between the number and percentage of renter households and the need for fair housing services. The overwhelming majority of the alleged housing discriminatory acts reported to HUD and the Inland Fair Housing and Mediation Board were made by renter householders.

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**4. Tenure (Owner/Renter) by Familial Status**

The need for fair housing services is directly correlated to size of the fair housing protected groups against whom housing discrimination is practiced. El Centro has about 5,000 families with children. Families with children – most frequently renters – face housing discrimination. Approximately 2,700 renter households have children. Table V-21 shows the number of families with and without children by tenure.

**Table V-21  
City of El Centro  
Tenure by Presence of Children – 2017**

<b>Presence of Children</b>	<b>Owner</b>	<b>Percent</b>	<b>Renter</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>
With Own Children Under 18 Years	2,258	38.3%	2,705	45.2%	4,963	41.8%
No Own Children Under 18 Years	3,632	61.7%	3,286	54.8%	6,918	58.2%
<b>Total</b>	<b>5,890</b>	<b>100.0%</b>	<b>5,991</b>	<b>100.0%</b>	<b>11,881</b>	<b>100.0%</b>

Source: American Community Survey (ACS) 2017 5-Year Estimates, Table B25012 Tenure by Families and Presences of Own Children.

Table construction by Castañeda & Associates

**5. Homeownership by Household Type and Sex of Householder**

Table V-22 provides information on the fair housing protected groups of sex and familial status. Approximately 4,300 female householders call El Centro home, which is one-third of all households. A high percentage – 64% of all female householders are renters (2,764/4,319). That also means that almost 42% of all renters are female householders (2,764/6,620).

**Table V-22  
City of El Centro - Tenure by Household Type: 2010**

<b>Household Type</b>	<b>Owner</b>	<b>Percent</b>	<b>Renter</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>
Married Couple Families	3,372	58.8%	2,360	41.2%	5,732	48.2%
Male Householder, No Wife Present	486	63.4%	281	36.6%	767	6.4%
Female Householder, No Husband Present	965	36.0%	1,719	64.0%	2,684	22.6%
Householder Living Alone	953	41.7%	1,335	58.3%	2,288	19.3%
Householder Living With Others	114	27.8%	296	72.2%	410	3.5%
<b>Total</b>	<b>5,890</b>	<b>49.6%</b>	<b>5,991</b>	<b>50.4%</b>	<b>11,881</b>	<b>100.0%</b>

Source: American FactFinder, 2013-2017 American Community Survey 5-Year Estimates, Table B25011 Tenure by Household Type (Including Living Alone) and Age of Householder

Table construction by Castañeda & Associates

**Attachment A  
2010 Census Definitions of Race**

The data on race were derived from answers to the question on race that was asked of all people. The U.S. Census Bureau collects race data in accordance with guidelines provided by the U.S. Office of Management and Budget (OMB), and these data are based on self-identification. The racial categories included in the census questionnaire generally reflect a social definition of race recognized in this country and not an attempt to define race biologically, anthropologically, or genetically. In addition, it is recognized that the categories of the race item include racial and national origin or sociocultural groups. People may choose to report more than one race to indicate their racial mixture, such as “American Indian” *and* “White.” People who identify their origin as Hispanic, Latino, or Spanish may be of any race.

The racial classifications used by the Census Bureau adhere to the October 30, 1997, *Federal Register* notice entitled, “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity” issued by OMB. These standards govern the categories used to collect and present federal data on race and ethnicity. OMB requires five minimum categories (White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander) for race. The race categories are described below with a sixth category, “Some Other Race,” added with OMB approval. In addition to the five race groups, OMB also states that respondents should be offered the option of selecting one or more races.

If an individual did not provide a race response, the race or races of the householder or other household members were allocated using specific rules of precedence of household relationship. For example, if race was missing for a natural-born child in the household, then either the race or races of the householder, another natural-born child, or spouse of the householder were allocated.

If race was not reported for anyone in the household, then their race was assigned based on their prior Census record (either from Census 2000 or the American Community Survey), if available. If not, then the race or races of a householder in a previously processed household were allocated.

Definitions from OMB guide the Census Bureau in classifying written responses to the race question:

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

**Black or African American.** A person having origins in any of the Black racial groups of Africa. It includes people who indicate their race as “Black, African Am., or Negro” or report entries such as African American, Kenyan, Nigerian, or Haitian.

**American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. This category includes people who indicate their race as “American Indian or Alaska Native” or report entries such as Navajo, Blackfeet, Inupiat, Yup’ik, or Central American Indian groups or South American Indian groups.

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Respondents who identified themselves as “American Indian or Alaska Native” were asked to report their enrolled or principal tribe. Therefore, tribal data in tabulations reflect the written entries reported on the questionnaires. Some of the entries (for example, Metlakatla Indian Community and Umatilla) represent reservations or a confederation of tribes on a reservation.

The information on tribe is based on self-identification and therefore does not reflect any designation of federally or state-recognized tribe. The information for the 2010 Census was derived from the American Indian and Alaska Native Tribal Classification List for Census 2000 and updated from 2002 to 2009 based on the annual *Federal Register* notice entitled “Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs,” Department of the Interior, Bureau of Indian Affairs, issued by OMB, and through consultation with American Indian and Alaska Native communities and leaders.

**Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. It includes people who indicate their race as “Asian Indian,” “Chinese,” “Filipino,” “Korean,” “Japanese,” “Vietnamese,” and “Other Asian” or provide other detailed Asian responses.

**Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. It includes people who indicate their race as “Native Hawaiian,” “Guamanian or Chamorro,” “Samoan,” and “Other Pacific Islander” or provide other detailed Pacific Islander responses.

**Some Other Race.** Includes all other responses not included in the “White,” “Black or African American,” “American Indian or Alaska Native,” “Asian,” and “Native Hawaiian or Other Pacific Islander” race categories described above. Respondents reporting entries such as multiracial, mixed, interracial, or a Hispanic, Latino, or Spanish group (for example, Mexican, Puerto Rican, Cuban, or Spanish) in response to the race question are included in this category.

**Two or More Races.** People may choose to provide two or more races either by checking two or more race response check boxes, by providing multiple responses, or by some combination of check boxes and other responses. The race response categories shown on the questionnaire are collapsed into the five minimum race groups identified by OMB and the Census Bureau’s “Some Other Race” category. For data product purposes, “Two or More Races” refers to combinations of two or more of the following race categories:

1. White
2. Black or African American
3. American Indian or Alaska Native
4. Asian
5. Native Hawaiian or Other Pacific Islander
6. Some Other Race

There are 57 possible combinations involving the race categories shown above. Thus, according to this approach, a response of “White” and “Asian” was tallied as Two or More Races, while a response of “Japanese” and “Chinese” was not because “Japanese” and “Chinese” are both Asian responses.

**Attachment B  
2010 Census Definitions of Hispanic or Latino Origin**

The data on the Hispanic or Latino population were derived from answers to a question that was asked of all people. The terms “Hispanic,” “Latino,” and “Spanish” are used interchangeably. Some respondents identify with all three terms, while others may identify with only one of these three specific terms. People who identify with the terms “Hispanic,” “Latino,” or “Spanish” are those who classify themselves in one of the specific Hispanic, Latino, or Spanish categories listed on the questionnaire (“Mexican,” “Puerto Rican,” or “Cuban”) as well as those who indicate that they are “another Hispanic, Latino, or Spanish origin.” People who do not identify with one of the specific origins listed on the questionnaire but indicate that they are “another Hispanic, Latino, or Spanish origin” are those whose origins are from Spain, the Spanish-speaking countries of Central or South America, or the Dominican Republic. Up to two write-in responses to the “another Hispanic, Latino, or Spanish origin” category are coded.

Origin can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person’s parents or ancestors before their arrival in the United States. People who identify their origin as Hispanic, Latino, or Spanish may be of any race.

Some tabulations are shown by the origin of the householder. In all cases where the origin of households, families, or occupied housing units is classified as Hispanic, Latino, or Spanish, the origin of the householder is used. If an individual did not provide a Hispanic origin response, their origin was allocated using specific rules of precedence of household relationship. For example, if origin was missing for a natural-born child in the household, then either the origin of the householder, another natural-born child, or spouse of the householder was allocated.

If Hispanic origin was not reported for anyone in the household and origin could not be obtained from a response to the race question, then their origin was assigned based on their prior census record (either from Census 2000 or the American Community Survey), if available. If not, then the Hispanic origin of a householder in a previously processed household with the same race was allocated. As in Census 2000, surnames (Spanish and non-Spanish) were used to assist in allocating an origin or race.

**Comparability.** There are four changes to the Hispanic origin question for the 2010 Census. First, the wording of the question differs from that in 2000. In 2000, the question asked if the person was “Spanish/Hispanic/Latino.” In 2010, the question asks if the person is “of Hispanic, Latino, or Spanish origin.” Second, in 2000, the question provided an instruction, “Mark  the ‘No’ box if **not** Spanish/Hispanic/ Latino.” The 2010 Census question provided no specific instruction for non-Hispanics. Third, in 2010, the “Yes, another Hispanic, Latino, or Spanish origin” category provided examples of six Hispanic origin groups (Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on) and instructed respondents to “print origin.” In 2000, no Hispanic origin examples were given. Finally, the fourth change was the addition of a new instruction in the 2010 Census that was not used in Census 2000. The instruction is stated as follows: “NOTE: Please answer BOTH Question 8 about Hispanic origin and Question 9 about race. For this census, Hispanic origins are not races.”

There were two changes to the Hispanic origin question for Census 2000. First, the sequence of the race and Hispanic origin questions for Census 2000 differed from that in 1990; in 1990, the race question preceded the Hispanic origin question. Testing prior to Census 2000 indicated that response to the Hispanic origin question could be improved by placing it before the race

## **City of El Centro Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan Section V: Fair Housing Community Profile**

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question without affecting the response to the race question. Second, there was an instruction preceding the Hispanic origin question indicating that respondents should answer both the Hispanic origin and the race questions. This instruction was added to give emphasis to the distinct concepts of the Hispanic origin and race questions, and emphasized the need for both pieces of information.

Furthermore, there was a change in the processing of the Hispanic origin and race responses. In the 1990 census, respondents provided Hispanic origin responses in the race question and race responses in the Hispanic origin question. In 1990, the Hispanic origin question and the race question had separate edits; therefore, although information may have been present on the questionnaire, it was not fully utilized due to the discrete nature of the edits. However, for Census 2000, there was a joint race and Hispanic origin edit that utilized Hispanic origin and race information, regardless of the location.

Source: 2010 Census Redistricting Data (Public Law 94-171) *Summary File: Technical Documentation, Appendix B – Definitions of Subject Characteristics*, January 2011

**Attachment C  
Fair Housing Protected Classes**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Source of Income:** Source of income means lawful, verifiable income paid directly to tenant or paid to a representative of a tenant. A landlord is not considered a representative of a tenant. For purposes of the FEHA, it shall not constitute discrimination based on source of income to make a written or oral inquiry concerning the level or source of income.

**SECTION VI  
IDENTIFICATION OF  
PUBLIC SECTOR IMPEDIMENTS  
TO FAIR HOUSING CHOICE**



**SECTION VI-IDENTIFICATION OF PUBLIC SECTOR IMPEDIMENTS  
TO FAIR HOUSING CHOICE**

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## **A. INTRODUCTION**

The identification of public sector fair housing impediments involves the following:

- Policies and practices of the Imperial Valley Housing Authority
- Transit services provided to affordable housing developments and major employers by the Imperial Valley Transit
- Dispersal or concentration of group homes housing disabled and frail elderly people
- City of El Centro Planning, Zoning, and Building Policies and Practices

## **B. HOUSING SERVICES – IMPERIAL VALLEY HOUSING AUTHORITY (IVHA)**

### **1. Introduction**

Section 8 rental assistance is a critically important resource for low income and minority populations. As of August 2018, 954 extremely low and very low income households who obtain rental assistance through the Section 8 Housing Choice Voucher Program administered by the IVHA. The households receiving this rental assistance represent 8% of all the City's householders and 16% (954/5,991) of all renters. As a result, the housing policies of the IVHA greatly influence the housing choices of fair housing protected groups such as minority populations, families and disabled persons. In general, 33% of the voucher holders are elderly; 19% are head of household with a disability; and 6% are large families.

As agriculture is such a large part of the Imperial Valley economy, the Housing Authority's Farm Worker Housing units are extremely important to farm worker families residing in Imperial County. These units were developed for farm worker income families with funding provided by agencies such as USDA Rural Development and the State of California's Housing and Community Development. Farm worker income families are offered the opportunity to reside in attractive communities with rents based on the family's income. Two farm worker developments are located in El Centro:

- Tierra del Sol
- Casa de Anza

HUD has ranked the IVHA as a "High Performing" housing authority in 2014, 2015, 2016 and 2018 and "Standard Performing" in 2017. In determining the rankings, HUD assesses housing agencies on four criteria: physical condition of its properties, financials, management and resident satisfaction. To earn the highest rating, a housing authority must score at least 90 out of a possible 100 points.

A review was made of the IVHA policies and practices in the following areas:

- Specific steps that are being taken to promote housing choices for certificate and voucher holders
- Practices to encourage certificate and voucher holders to look for housing in neighborhoods that are not traditional residential areas for such holders
- Specific efforts undertaken to desegregate public housing developments
- Policies regarding the admittance of persons with mental and other non-physical disabilities

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- Tenant application, selection and assignment policies
- Concentrations and exclusions based on race, ethnicity, disability and familial status
- Consistency of IVHA with the requirements of federal, state, local law and HUD regulations and guidelines
- Whether HUD housing providers have been found in noncompliance with one or more civil rights laws or regulations
- Whether housing rights information is conveyed to assisted households
- Location of public supported housing to accessible transit or public transportation

**2. Steps to Promote Housing Choices for Certificate and Voucher Holders**

The Mission Statement of the IVHA is:

The mission of the Imperial Valley Housing Authority through non-discriminatory practices seeks to leverage resources to promote affordable, decent, safe and stable housing to enable communities to thrive and low-income families to increase their potential for long-term economic self-sufficiency and high sustained quality of life.

The Housing Authority is committed to offering a wide range of housing opportunities to its program participants and the freedom to choose the program that best meets their needs. The Housing Authority is committed to maintaining a heterogeneous and integrated community and to meeting the needs of its residents. The dwelling units will be environmentally sound and energy efficient. The Housing Authority will give due attention to planning considerations such as population density, open space, education, employment goals and crime prevention, which will improve the quality of life of our participants.

All tenants are made aware of current available housing by personal contact by IVHA staff and the posting and distribution of notices of application.

IVHA also publishes available rental units in the Imperial Valley Press newspaper and by distributing information to all member cities for display in City Halls.

**3. Practices to Encourage Certificate and Voucher Holders to look for Housing in Neighborhoods that are not Traditional Residential Areas**

IVHA has a written policy to encourage participation by owners of units outside the areas of poverty or minority concentration. However, almost 21% of Imperial County's population is below the poverty level and 90% identifies with a minority group which includes all persons other than non-Hispanic white persons.

The Housing Authority has a policy of conducting outreach to owners to ensure they are familiar with the program and its advantages. IVHA actively recruits property owners by: distributing printed material about the program to owners and managers, contacting owners in person or by phone, holding owner recruitment/information meetings, participating in community-based organizations comprised of private property owners and managers, and by developing working relationships with owners and real estate broker associates.

IVHA participates in the Family Self-Sufficiency (FSS) Program with a current enrollment of 71 participating families. There have been 171 FSS Program graduates since the inception of the

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program. The IVHA FSS Program is voluntary because IVHA met the goals of the original allocation.

IVHA also has implemented the Homeownership Program and 88 FSS families have purchased homes throughout Imperial County and 28 of those families utilized the Housing Choice Voucher Homeownership Program to purchase their homes.

HUD promotes the goal to not locate affordable housing within racially/ethnically concentrated areas of poverty. HUD has established thresholds for identifying R/ECAPs, as follows:

To assist communities in identifying racially/ethnically-concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition of R/ECAPs. The definition involves a racial/ethnic concentration threshold and a poverty test. The racial/ethnic concentration threshold is straightforward: R/ECAPs must have a non-white population of 50 percent or more. Regarding the poverty threshold, neighborhoods of extreme poverty are defined as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are substantially lower in many parts of the country, HUD supplements this with an alternate criterion. Thus, a neighborhood can be an R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower. Census tracts with this extreme poverty that satisfy the racial/ethnic concentration threshold are deemed R/ECAPs.

Census Tract 115 meets the two thresholds and, therefore, is an R/ECAP. This census tract has a population of 6,232 of which 92.5% belong to a minority group population. The poverty rate is 41.3%.

**4. Efforts to Desegregate Public Housing Developments**

The population in Imperial County is approximately 90% minority; many of them low and very low income. IVHA complies with all provisions of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, which prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

**5. Policies Regarding the Admittance of Persons with Mental and Other Non-Physical Disabilities**

Every year, the IVHA submits an annual plan to HUD. One of the fair housing objectives stated in that plan by the Housing Authority is:

Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.

It is the policy of the Imperial Valley Housing Authority to provide reasonable accommodations and to permit tenants with disabilities to make reasonable modifications to their Public Housing unit upon request. IVHA may request appropriate documentation of the need for the accommodation or modification to enable the applicant equal opportunity to use and enjoy IVHA's housing programs. According to the Annual Plan submitted by IVHA to HUD, a fair

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housing objective is to provide reasonable public housing unit modifications at no cost to the resident.

IVHA works to support and implement reasonable accommodations for participants in all its programs and for users of its facilities and housing. Its policy is responsive to individual needs for physical modifications. IVHA also provides staff training and guidance so that the staff is better able to provide assistance to its customers. It also coordinates with the Planning and Building and Safety Departments of its member cities.

It is the goal of IVHA to provide clean, safe, and affordable housing to low and moderate income persons regardless of disability. Examples of proactive efforts of the IVHA include seeking funding for the homeless and the fair housing protected groups of families (farm labor) and disabled (AIDS victims).

**6. Tenant Application/Selection/Assignment Policies**

The Housing Authority is the public housing authority for the County of Imperial and all incorporated cities with the exception of the City of Calexico which has its own housing authority.

IVHA maintains two offices in Imperial County; one in Brawley and one in the City of El Centro.

*Applications* for housing assistance are available in both English and Spanish along with easily read and understood written instructions. Bilingual staff is on-hand at both office locations to assist people in completing the application. Intake/Occupancy Specialists meet with the applicants and provide verbal and written information about available housing by location, type, and cost. To assist the general public, the IVHA regularly publishes announcements of housing availability.

*Order of Selection:* IVHA complies with the HUD Income Targeting Requirement and Extremely Low Income (ELI) households are selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met. Progress on this requirement is monitored throughout the fiscal year.

Families are selected from waiting lists based on the targeted funding or selection preferences for which they qualify. Within each targeted funding or preference category, selection is accomplished through a first-come-qualified-first served basis for the various types, size, and location of units, according to the date and time their completed application is received by IVHA.

Waiting lists are maintained for senior citizen housing; disabled persons; large families; farmworker housing; and lists for housing that have a minimum income threshold. IVHA also maintains a list of affordable mobile home rental spaces for mobile home owners.

Local preferences will be aggregated using a point system by the IVHA. The more preference points an applicant has, the higher the applicant's place on the waiting list.

All applicants are investigated for eligibility without discrimination. Applicants must provide proof of income, list the relationship and social security numbers of all members of the household, and agree to a criminal record screening.

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Applicants can indicate their preference for housing in specific towns or cities but may be offered available units in other communities. Refusal of a unit in a non-preferred location is not a reason to be removed from the waiting list.

**7. Concentrations and Exclusions of Race, Ethnicity, Disability and Familial Status**

As previously described, 90% of Imperial County’s population belongs to a minority group. As a result, the housing occupied by public housing and Section 8 assisted residents is likely to be located in a neighborhood or census tract where the majority of the population is a member of a minority group.

The Housing Authority explains to voucher holders the advantages of finding housing in areas with low concentrations of low income families. This allows families to rent a unit in an area where there may be a wider selection of:

- School districts
- Employment
- Medical facilities/doctors
- Shopping
- Public transportation

Regarding exclusions, according to the records of the Inland Fair Housing and Mediation Board offices in both El Centro and the main office in Ontario, there have been no complaints regarding exclusions based on race, ethnicity, disability, or familial status.

According to the IVHA’s Annual Plan, a fair housing objective is to “Respond to family’s needs when they are eligible for housing.”

According to the IVHA Annual Plan, the Section 8 Homeownership Program is available to persons with disabilities.

**8. Consistency of IVHA with the Requirements of Federal, State, Local Law and HUD Regulations and Guidelines**

The IVHA policies are regularly updated and revised to incorporate all changes in public housing legislation, rules, and regulations. To ensure that these changes are incorporated in a timely and correct manner, IVHA subscribes to the Nan McKay & Associates, Inc. Policy and Guideline Service ([www.nanmckay.com](http://www.nanmckay.com)).

IVHA values staff development and training, and the entire staff attended Fair Housing regulation and policy training in January 2018.

In addition, IVHA staff has an excellent relationship with local, regional, and national HUD staff and they are on both the electronic and “hard copy” HUD distribution and notification lists.

The IVHA has published a *Housing Choice Voucher Program Guide for Landlords & Owners*. The program guide explains the landlord’s rights and responsibilities which include:

- Complying with equal opportunity requirements

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- Attending fair housing training

**9. Whether HUD Housing Providers have been found in Noncompliance with one or more Civil Rights Laws or Regulations**

According to the Inland Fair Housing and Mediation Board and the staff at IVHA, no HUD assisted or HUD insured housing provider in El Centro have been found in noncompliance with one or more civil rights laws or regulations, nor have there been any corrective actions initiated.

**10. Whether Housing Rights Information is conveyed to Assisted Households**

The IVHA and all participating cities, including the City of El Centro, have public information readily available at all agency and City offices. In addition, housing rights information is available on the City of El Centro's web site.

The IVHA has several information brochures prepared by HUD, the Inland Fair Housing and Mediation Board, and by IVHA that are provided to every person that inquires about housing. This information is provided in both English and Spanish.

The information provided is written in clear and understandable terms. Additionally, contact information is provided so that members of the public can call with questions, concerns, or asking for more information.

**11. Housing Provider Property Management Practices**

As noted in number 8, the IVHA has prepared a *Housing Choice Voucher Program Guide for Landlords & Owners*. The information included in the Guide can be supplemented by describing property management practices that affirmatively further fair housing such as:

- Occupancy limits which refer to the maximum number of persons who may occupy an apartment unit.
- Service and companion animals such as seeing-eye dogs.
- Reasonable housing unit modifications which refer to a structural change to existing premises to afford people with disabilities full enjoyment of a dwelling.
- Reasonable accommodations which refer to changes to rules, policies, practices or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

The IVHA will prepare a guide for landlords and owners and upload it to its website.

**12. Conclusions and Recommendations**

The detailed review of its policies and practices demonstrate that the IVHA affirmatively furthers fair housing choice. Two actions can be taken by the IVHA to affirmatively further fair housing:

- Continue to actively encourage families to seek housing in neighborhoods with low concentrations of low income families.
- Supplement the *Housing Choice Voucher Program Guide for Landlords & Owners* with information on property management practices that affirmatively further fair housing.

## **C. TRANSPORTATION SERVICES – IMPERIAL VALLEY TRANSIT**

### **1. Introduction**

Low income persons and persons with disabilities frequently need access to public transportation to their workplace. Without access to convenient public transportation the journey to work is often difficult, if not impossible. As a result, access to public transportation can improve the ability of low income persons and disabled persons to secure employment. Full time employment, in turn, increases the capacity of such households to obtain decent housing and contributes to fair housing choice.

### **2. Transit Services Available to Affordable Housing Developments**

The City of El Centro and Imperial County is served by Imperial Valley Transit (IVT). It provides daily, regularly scheduled bus service on the Green Line and Blue Line from 6:00 in the morning until 6:30 in the afternoon. Those two routes enable riders to go to work or school from the most northern boundary of the City to the southern-most boundary. These local routes over-lap in the central City area.

An analysis was completed of the location of bus stops in relation to affordable rental housing developments. All affordable housing developments are near bus stops on the two main transportation routes, the Green Line and the Blue Line. In addition, those two lines serve the entire City with stops within two or three blocks of most of the residential areas in the City.

### **3. Transit Services in Proximity to the Location of Major Employers**

Imperial Valley Transit (IVT) provides daily, regularly scheduled bus service on the Green Line and Blue Line from 6:00 in the morning until 6:30 in the afternoon. Those two routes enable riders to go to work or school from the most northern boundary of the City to the southern-most boundary. These local routes over-lap in the central City area.

In addition, IVT has 12 regional routes providing bus transportation from Bombay Beach, along the Salton Sea, on the north to the United States/Mexico border just south of the City of Calexico. These routes go as far west as Seeley and serve employees at the Centinela State Prison and the El Centro Naval Air Facility both located about eight miles west of downtown El Centro.

IVT has six “fare zones” and discounted pricing for students, senior citizens, and the disabled. Those persons and low income persons and families are eligible to purchase discounted ticket booklets at the City Halls in El Centro, Calipatria, Holtville, Imperial and Westmorland.

According to data available from the State Employment Development Department, Table VI-1 lists 12 major employers by name and industry, site location, number of employees, and the name or number of the bus route. Bus transportation is available to all of the major employers. For some employers, there are multiple bus routes accessible by their employees. IVT services also are available to large employers located near but outside the City limits.

#### **4. Journey/Commute to Work**

El Centro workers rely on public transportation as means of transportation to work on a limited basis. As Table VI-2 demonstrates the number and percentage of workers using public transportation increased between 2010 and 2017. However, almost 91% of workers drive alone or carpool to commute to work.

The 2017 American Community Survey also reveals that the City's workers enjoy relatively short travel times to work compared to other southern California workers. For El Centro workers, the mean travel time to work was 18.4 minutes. Almost 80% of all workers have a travel time of less than 24 minutes. These low travel times can be explained by the fact that 38.5% of residents both live and work in El Centro.

#### **5. Conclusions and Recommendations**

Poor or inadequate public transportation impacts the ability of low income persons to find employment. The lack of employment or underemployment adversely impacts their capacity to generate income and, therefore, diminishes the housing choices that can be afforded. Transportation, employment and housing are so interrelated that fair housing choices can be positively or negatively impacted by their relationship.

Imperial Valley Transit (IVT) provides regularly scheduled, economical, bus service to all affordable housing developments and all major employment centers except for areas along rural Ross Road.

The services provided by IVT are comprehensive and do not create an impediment to fair housing.

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**Table VI-1  
City of El Centro  
IVT Public Transportation Available to Major Employers Located  
Within the City of El Centro – 2018**

<b>Employer Name Employer Industry</b>	<b>Location</b>	<b>Number of Employees</b>	<b>Bus Route or Other</b>
Central Union High School	1001 W. Brighton Avenue	250-499	Blue/Green
Imperial County Behavioral Health Industry: Psychiatric and substance abuse hospitals	202 N. 8 <sup>th</sup> Street	250-499	Green
8 A Packing LLC Industry: Labor unions and similar organizations	696 E. Ross Road	250-499	Blue/Green
El Centro Naval Air Facility Industry: National security	1500 8 <sup>th</sup> Street	500-999	Green
El Centro Regional Medical Center Industry: General Medical and Surgical Hospitals	1415 Ross Avenue	500-999	Blue/Green
Walmart Supercenter Industry: Department Store	2150 N Waterman	250-499	Green
Target Industry: Department Stores	2295 N. Imperial Avenue	100-249	Green
Costco Industry: Warehouse clubs and supercenters	2030 N Imperial Avenue	100-249	Green
Imperial County Coroner Industry: Legislative bodies	328 Applestill Road	250-499	Blue
Imperial County Office – Educational Foundation Industry: Civilian and social organizations	1398 Sperber Road	500-999	Blue
Imperial Irrigation District Industry:	2151 W. Adams	1,000-4,999	Green
Allstar Seed Co. Industry: Seeds & bulbs - wholesale	2015 Silsbee Road	250-499	Blue

Source: This list of major employers was extracted by the California Employment Development Department from America's Labor Market Information System (ALMIS) Employer Database, 2019 1<sup>st</sup> Edition. Employer information is provided by Infogroup, Omaha, NE  
IVT services also are available to large employers located near but outside the City limits.  
Table constructed by Castañeda & Associates

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**Table VI-2  
City of El Centro  
Means of Transportation to Work — 2010 and 2017**

<b>Means of Transportation</b>	<b>Number of Workers 2010</b>	<b>Percent</b>	<b>Number of Workers 2017</b>	<b>Percent</b>
Drove alone	12,203	79.1%	12,322	81.3%
Carpool	1,741	11.3%	1,444	9.5%
Public transportation	76	0.5%	209	1.4%
Bicycle	27	0.2%	60	0.4%
Walked	335	2.2%	321	2.1%
Taxicab, Motorcycle or Other	186	1.2%	183	1.2%
Worked at Home	864	5.5%	613	4.1%
<b>Total</b>	<b>15,432</b>	<b>100.0%</b>	<b>15,152</b>	<b>100.0%</b>

Source: American Community Survey (ACS), 2010 and 2017 5-Year Estimates, Table B08301 Means of Transportation to Work.  
Table construction by Castañeda & Associates

**D. DISPERSAL OR CONCENTRATION OF GROUP HOMES**

**1. Introduction**

Impediments exist when the fair housing protected groups such as minorities and disabled persons lack housing choice in a given housing market. According to HUD, the following are issues that may adversely impact fair housing choices:

- Placement of group homes
- Opportunities outside areas of concentration
- Integrated opportunities for disabled
- Restrictions on group homes

The City completed a review of public policies (State and local) that affect the decisions on the above noted issues.

**2. Housing for the Disabled in Group Homes**

Federal and State laws and policies promote housing for disabled persons in residential neighborhoods. In fact, under California state law, *licensed* facilities serving six persons or fewer receive special land use protection. California requires that many types of licensed facilities serving six persons or fewer be treated for zoning purposes like single-family homes. The State laws have preempted local zoning policies.

Over concentration of certain care homes in a neighborhood is regulated by the State for licensed facilities. The California Department of Social Services must deny an application for certain group homes if the new facility would result in "overconcentration." For community care

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facilities, intermediate care facilities, and pediatric day health and respite care facilities, "overconcentration" is defined as a separation of less than 300 feet from another licensed "residential care facility," measured from the outside walls of the structure housing the facility.

Congregate living health facilities must be separated by 1,000 feet.

These separation requirements do *not* apply to residential care facilities for the elderly, drug and alcohol treatment facilities, foster family homes, or "transitional shelter care facilities," which provide immediate shelter for children removed from their homes. None of the separation requirements have been challenged under the federal Fair Housing Act, although separation requirements have been challenged in other states.

These separation requirements apply only to facilities with the same type of license. For instance, a community care facility would not violate the separation requirements even if located next to a drug and alcohol treatment facility.

Even if there is adequate separation between the facilities, a city or county may ask that the license be denied based on over concentration. In order to ensure that housing for the disabled does not become overly concentrated, the City periodically updates the number and location of licensed group homes. Table VI-3 shows El Centro has seven group homes having a combined capacity of 52 beds. All group homes are adequately separated from one another and no overconcentration exists at the present time.

**Table VI-3  
City of El Centro -- Siting of Licensed Group Homes: December 2018**

Facility Type	Target Population	Capacity	Name	Address	CT/BG Location	Distance <sup>1</sup>
ARF	Developmentally Disabled	6	Smoketree	1663 Smoketree Drive	118.02/5	.87 Miles
RCFE	Elderly Dementia	8	Casa Elite	1785 Citrus Lane	113/2	2.47 Miles
RCFE	Elderly Dementia	14	Heart and Hand, Inc.	499 S. Sunset Drive	118.01/2	1.70 Miles
RCFE	Elderly Dementia	6	Vintage Village 2	1203 Driftwood	117/2	.20 Miles
RCFE	Elderly Dementia	6	Vintage Village Assisted Living	921 Ocotillo	117/2	.20 Miles
ARF	Elderly Dementia	6	Sunset Home	1878 South Second Street	117/1	1.10 Miles
RCFE	Elderly Dementia	6	Majestic Villa Assisted Living	1910 Woodside Drive	117/3	.20 Miles

ARF = Adult Residential Facility

RCFE = Residential Care Facility for the Elderly

<sup>1</sup>Distance from the next nearest facility.

In addition, there is one facility with a license pending. It is A & A Cottage View Assisted Living located at 103 S. Haskell Drive. The capacity is 9 adults.

Source: California Department of Social Services, Community Care Licensing Division, December 2018

Table construction by Castañeda & Associates

### **3. Conclusions and Recommendations**

No overconcentration of group homes exists. The City will continue its practice of annually determining the number and location of licensed group homes. If an overconcentration appears to be emerging, the City will contact the California Department of Social Services, Community Care Licensing Division to implement measures that would avoid an overconcentration.

## **E. Planning, Zoning and Building Policies and Practices**

### **1. Introduction**

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

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

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

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

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

For purposes of identifying potential public sector impediments, an analysis was completed of the City's zoning and building code policies and practices. The topics covered in the analysis were based on those described in HUD-LA's *Survey of Planning Policies and Practices, Zoning Regulations and Building Code Standards That May Pose an Impediment to Fair Housing Choice*.

The Survey has a particular focus on land use and zoning regulations, practices and procedures that can act as barriers to the situating, development, or use of housing for individuals with disabilities. However, it also touches on areas that may affect fair housing choice for families with children or otherwise serve as impediments to full fair housing choice. In identifying impediments to fair housing choice, the survey looks to distinguish between regulatory impediments based on specific code provisions and practice impediments, which arise from practices or implementing policies used by the City.

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The analysis was organized into five categories:

- Housing for Disabled People
- Housing for Special Needs Populations
- Affordable Housing Policies
- Accessible Housing and Parking
- Other Fair Housing Policies

## **2. Summary**

The completed analysis demonstrates that El Centro's practices are consistent with fair housing laws and affirmatively further fair housing. A summary of the analysis is provided below.

### **Housing for Disabled People**

1. *Does the Zoning Ordinance definition of "family" have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement?*

The City's zoning regulations explicitly state that "residential care facilities and group homes for people with disabilities" fall within the meaning of a "family." In addition, seven residential care facilities and group homes are located in El Centro.

2. *Does the Zoning Ordinance definition of "dwelling unit" or "residential unit" have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement?*

The Zoning Ordinance definitions either explicitly or implicitly interpret the occupants of a dwelling or residence as a family. Therefore, the definitions of "dwelling" and "residence" do not discriminate against unrelated individuals with disabilities who reside together in a congregate or group living arrangement.

3. *Does the Zoning Ordinance or any policy document define "disability", if at all; at least as broadly as the Fair Housing Act?*

The Reasonable Accommodation Procedure includes an updated definition of disability. Consistent with the California fair housing law, the revised definition now states "limits" rather than "substantially limits," which is the term used under Federal law.

4. *Are the personal characteristics of the occupants of housing including, but not necessarily limited to, disability considered in land use decisions?*

Licensed residential care facilities providing housing for disabled persons are permitted in residential zones that permit single family homes. The Zoning Ordinance does not create an impediment to fair housing choice.

5. *Does the Zoning Ordinance restrict housing opportunities for individuals with disabilities and mischaracterize such housing as "boarding or rooming house" or "hotel"?*

The City determined its boarding or rooming house regulations could be interpreted and applied in a manner that could limit housing opportunities for persons with disabilities. In

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April 2013, the City removed the definition of “boarding, lodging or rooming house” from the Zoning Ordinance.

6. *Do the Zoning Ordinance regulations impede the development of housing with on-site supportive services for disabled persons?*

In April 2013, the City amended the Zoning Ordinance to clarify provisions for transitional and supportive housing consistent with SB 2 (enacted 2008). Transitional and supportive housing are allowed by-right in all residential zones and the City has not adopted any special or unique development standards, findings, or other criteria for either use.

7. *Does the Zoning Ordinance allow any number of unrelated persons to reside together, but restrict such occupancy, if the residents are disabled?*

The Zoning Ordinance definition of a family does not mention the number of occupants or whether they are related or unrelated persons comprising a family. The zoning regulations also do not establish occupancy limits. Group homes and residential care facilities housing six or fewer persons are allowed by right in the single family zones.

The Zoning Ordinance was updated to describe how zoning treats group homes and residential care facilities housing seven or more persons. This update is consistent with federal and state fair housing laws.

8. *Does the Zoning Ordinance require a public hearing to obtain public input for specific exceptions to zoning and land use rules for disabled applicants and is the hearing only for disabled applicants rather than for all applicants?*

The Reasonable Accommodation Procedure does not require public hearings before the Planning Commission or City Council. Consequently, the reasonable accommodation procedure enables the City to streamline the process for disabled applicants to request exceptions from the Zoning Ordinance development standards.

9. *Does the City have, either by ordinance or policy, a process by which persons with disabilities can request reasonable accommodations (modifications or exceptions) to adopted codes and to rules, policies, practices, or services, necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling?*

On September 15, 2015, the City Council approved revisions to the Reasonable Accommodation Procedure. The revisions are consistent with the recommendations of the California Attorney General’s Office and the 2014-2019 AI. Additionally, the \$428 Administrative Review application fee was eliminated. The revised procedure directs the Community Development Department to provide:

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the Community Development Department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Community Development Department.

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10. *If the City supplies or manages housing, is there a clear policy to allow disabled persons residing in or seeking to reside in the housing to make or request reasonable physical modifications or to request reasonable accommodations? If 'Yes', is the policy communicated to applicants or residents?*

The City does not own or manage housing. The owners and property managers of apartment housing financially assisted by the City and the now dissolved Redevelopment Agency must abide by the federal and state laws requiring reasonable physical modifications and reasonable accommodations.

The Imperial Valley Housing Authority (IVHA) owns and manages housing and adheres to the federal and state requirements. The IVHA also requires the Section 8 landlords to meet the requirements for reasonable physical accommodations and reasonable modifications.

**Housing for Special Needs Populations**

11. *Does the Zoning Ordinance or other planning policy document address housing for "special needs" populations?*

The Zoning Ordinance accommodates the housing needs of special needs populations. Additionally, the Consolidated Plan and 2013-2021 *Housing Element* establish policies to address the needs of special needs populations.

12. *How does the Zoning Ordinance define "special group residential housing"?*

The Zoning Ordinance provides for special needs housing and contains specific definitions of a variety of special group housing types.

13. *Does the Zoning Ordinance distinguish senior citizen housing from other single-family residential and multifamily residential uses by the application of a conditional use permit (CUP)?*

The zoning regulations do not impede the development of senior housing. In fact, the density bonuses, concessions and incentives encourage housing specifically designed to meet the needs of El Centro's seniors.

14. *Does the Zoning Ordinance contain standards for senior housing? If 'Yes', do the standards comply with federal law on housing for older persons (i.e., solely occupied by persons 62 years of age or older, or at least one person 55 years of age, or other qualified permanent resident pursuant to Civil Code Section 51.3)? Is the location of senior housing treated differently than other rental or for-sale housing? If 'Yes', explain.*

The Zoning Ordinance defines senior housing as follows:

*Senior citizen apartment project.* A residential development of thirty-five (35) dwelling units or more designed for permanent residency by qualifying residents in accordance with California Civil Code section 51.3. This definition pertains to the density bonus allowed for senior housing units allowed in accordance with the state density bonus provisions, and includes mobile home parks.

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Senior Citizen Apartment Projects are conditionally permitted in the R-2 and R-3 Zones. Both these residential zones allow multiple family apartment dwellings and the R-3 Zone accommodates the development of condominium dwellings.

The Zoning Ordinance allows senior housing only in the context of a density bonus project. Therefore, a literal interpretation of the zoning regulations means a senior housing development that does not seek a density bonus would be prohibited. Consequently, the Zoning Ordinance should be updated to more broadly define senior housing and to list the zones in which it would be a use permitted by right or conditionally permitted.

The Zoning Ordinance establishes a minimum of 35 housing units when a project is occupied by qualifying residents. However, Health and Safety Code Section 51.3 establishes no minimum project size if all the qualifying residents are 62 years of age or older. Therefore, the Zoning Ordinance should be updated to mirror the senior age thresholds provided by Section 51.3.

**Affordable Housing Policies**

*15. Do the Zoning Ordinance or other development policy encourage or require the inclusion of housing units affordable to low- and/or moderate- income households ('inclusionary housing')?*

The City has not adopted an inclusionary housing ordinance. However, the Zoning Ordinance provides incentives for the production of affordable housing through the Density Bonus Program. In exchange for density bonus units, up to 35% of the housing units in a residential development may be affordable to low- and moderate-income households.

*16. Does the City encourage or require affordable housing developments to give an admission preference to individuals already residing within the jurisdiction? If 'Yes', is it a requirement?*

Admission preferences have not been established by the City either through an ordinance or policy. There are no impediments to fair housing choice.

**Accessible Housing and Parking**

*17. Do the Zoning Ordinance and Building Code make a specific reference to the accessibility requirements contained in the 1988 amendments to the Fair Housing Act? Is there any provision for monitoring compliance?*

The Zoning Ordinance does not make a specific reference to the accessibility requirements of the Fair Housing Act. Section 29-129 of the Zoning Ordinance mentions the ADA in connection with parking requirements.

The City enforces Title 24 of the California Code of Regulations that regulates the access and adaptability of buildings to accommodate people with disabilities. Compliance with provisions of the City's Municipal Code, California Code of Regulations, California Building Standards Code, and federal Americans with Disabilities Act (ADA) is assessed and enforced by the Building & Safety Division of the Community Development as part of the building permit submittal.

The lack of a reference to the accessibility requirements of the Fair Housing Act, as amended in 1988, is not deemed to create an impediment to fair housing choice.

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*18. Do the Zoning Ordinance or Building Code contain any special provisions for making housing accessible to persons with disabilities?*

The lack of Building Code special provisions for making housing accessible to persons with disabilities is not deemed an impediment to fair housing choice. The City's enforcement of Title 24 ensures that the minimum accessibility requirements established by federal and state laws are satisfied in new residential construction projects. For purposes of affirmatively furthering fair housing:

- The Community Development Department will explore the potential adoption of a Universal Design Ordinance.
- In order to increase an understanding of accessibility requirements, the Economic Development Division will continue to post the following link on their respective web pages:

[www.ada.gov/doj\\_hud\\_statement.pdf](http://www.ada.gov/doj_hud_statement.pdf)

The link is to the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity and U.S. Department of Justice, Civil Rights Division, *Joint Statement on Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act*, April 30, 2013

*19. Describe the minimum standards and amenities required by the Zoning Ordinance for a multiple family project with respect to handicap parking?*

The American with Disabilities Act establishes standards for provision of parking spaces reserved for the physically handicapped. To affirmatively further fair housing for disabled persons, a city's requirements should equal or exceed the minimum standards of Federal and State laws.

Section 29-129 of the Zoning Ordinance establishes the following standard:

Public accommodations or facilities, including commercial, office, manufacturing, civic, limited use, and multi-family dwellings of five (5) or more units, shall provide parking spaces for the physically handicapped in compliance with the Americans with Disabilities Act (ADA) Accessibility Guidelines.

Table 29.129.1 of the Zoning Ordinance establishes accessible parking requirements on a graduated scale. For example, if 76-100 parking spaces are required, four accessible spaces are required.

The City's parking standards are consistent with those established by Federal and State regulations. There is no impediment to fair housing choice.

**Other Fair Housing Policies**

*20. Does the Zoning Ordinance include a discussion of fair housing?*

The lack of a discussion of fair housing in the Zoning Ordinance is not considered to create an impediment to fair housing choice. The City promotes fair housing in numerous ways

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including the implementation of a *Fair Housing Action Plan* and making available fair housing services through the local office of the Inland Fair Housing and Mediation Board.

21. *Does the Zoning Code or Building Code establish occupancy standards or maximum occupancy limits that are more restrictive than state law, which incorporates the Uniform Housing Code (UHC)?*

The City's regulations do not impede housing opportunities as no occupancy standards have been established. The City follows the standards of the Uniform Housing Code. The Imperial Valley Housing Authority enforces the Section 8 occupancy standards.

22. *Does the Zoning Ordinance allow for mixed uses? If 'Yes', does the ordinance or other planning policy document consider the ability of mixed-use development to enhance housing affordability? Also, do development standards for mixed-uses take into consideration the challenges of providing housing accessible to persons with disabilities in such mixed uses?*

The Land Use Element, Housing Element and Zoning Ordinance encourage mixed-use development. The City's mixed-use policies are neutral with respect to housing for disabled persons. Accessibility and other requirements are enforced by the Building & Safety Division of the Community Development Department as part of the building permit submittal.

23. *Does the Zoning Ordinance describe any areas of El Centro as exclusive?*

The City does not identify any area of El Centro as exclusive. The City also does not limit the housing opportunities of any one population group. The General Plan emphasizes a diversity of housing and housing for all economic segments.

24. *Do real estate property tax assessments adversely impact one or more of the protected groups?*

In 1978, California voters passed Proposition 13, which substantially reduced property tax rates. As a result, the *maximum levy* cannot exceed 1% of a property's assessed value (plus bonded indebtedness and direct assessment taxes). This levy is applied to the City's residential properties as it is to all other properties in Imperial County and the State. City practices do not affect real estate property tax assessments.

Tax policy affecting land and other property is governed by California state law. Property taxes are based on a property's assessed value. Property tax bills show land and improvement values. *Improvements* include all assessable buildings and structures on the land. *It does not necessarily mean recently "improved" property.* State law mandates that all property is subject to taxation unless otherwise exempted. In general, properties that are owned and used by educational, charitable, religious or government organizations may be **exempt** from certain property taxes.

Housing for low-income households owned and operated by a qualifying nonprofit organization is eligible for exemption from property taxes. The eligibility is based on family household income and the following restrictions:

- The property use is restricted to low-income housing by a regulatory agreement, recorded deed restriction, or other legal document;

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- The funds that would have been necessary to pay property taxes are used to maintain the affordability of the housing or to reduce the rents for the units occupied by lower income households; and
- The property receives either state or federal low-income housing tax credits or government financing, or 90 percent or more of the tenants are qualified low-income tenants within the prescribed rent levels.

Therefore, El Centro's affordable housing developments owned by nonprofit organizations are eligible for exemption from property taxes.

## **F. Assessment of Fair Housing**

Governor Brown approved AB 686 on September 30, 2018. The housing law adds fair housing as one of the required programs that must be included in a housing element that is revised or approved after January 1, 2021. A housing element must now include an Assessment of Fair Housing that must include all the following components:

- A summary of fair housing issues;
- Assessment of the City's fair housing enforcement and outreach capacity;
- Identification of: integration and segregation patterns and trends; racially or ethnically concentrated areas of poverty; disparities in access to opportunity; disproportionate housing needs; and displacement;
- An assessment of factors that contribute to the preceding fair housing issues;
- Identification of fair housing priorities and goals;
- Description of actions to implement the priorities and goals.

The Assessment of Fair Housing will be prepared by October 2021 which coincides with the next mandated update of housing elements for jurisdictions located in the Southern California Association of Governments (SCAG) Region.

**SECTION VII  
IDENTIFICATION OF  
PRIVATE SECTOR IMPEDIMENTS  
TO FAIR HOUSING CHOICE**



**SECTION VII-IDENTIFICATION OF PRIVATE SECTOR IMPEDIMENTS  
TO FAIR HOUSING CHOICE**

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## **A. INTRODUCTION**

Section VII discusses 12 private sector practices that can create impediments to fair housing choice. Table VII-1 lists the pages which discuss each prohibited practice and the actual or potential impediments to fair housing choice.

**Table VII-1  
City of El Centro  
Analysis of Impediments to Fair Housing Choice  
Page References for Discussion of Private Sector Fair Housing Impediments**

<b>Fair Housing Impediment</b>	<b>Page References</b>
▪ Housing Discrimination	VII-1 to VII-4
▪ Brokerage Services	VII-4 to VII-6
▪ Steering	VII-7 to VII-9
▪ Appraisal Practices	VII-9 to VII-11
▪ Mortgage Lending Practices	VII-11 to VII-18
▪ Homeowners Insurance	VII-18 to VII-21
▪ Blockbusting/Panic Selling	VII-21 to VII-22
▪ Property Management Practices	VII-22 to VII-27
▪ Discriminatory Advertising	VII-27 to VII-29
▪ Hate Crimes	VII-29 to VII-30
▪ Population Diversity	VII-30 to VII-31
▪ Location of Affordable Housing	VII-31 to VII-34

The private sector impediments are defined as prohibited practices by the 1968 Federal Fair Housing Act, as amended, and the California Fair Employment and Housing Act. The format for presenting the information on each potential impediment includes:

- Background – an explanation of why a specific practice is prohibited and how it creates an impediment to fair housing choice.
- Analysis – a discussion of data, to the extent it is available, on the prohibited practice
- Conclusions and Recommendations – based on the available data, a brief explanation of whether an impediment to fair housing choice exists and, if appropriate, recommended actions that could be implemented by the Inland Fair Housing and Mediation Board, the City’s fair housing provider, during the five-year period from FY 2019-2020 through FY 2023-2024.

## **B. HOUSING DISCRIMINATION**

### **1. Background - Prohibited Housing Discriminatory Practices**

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

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

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- (b) To discriminate against any person in the *terms, conditions, or privileges* of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin. [Emphasis added]
- (d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

The California Fair Employment and Housing Act (FEHA) prohibits unlawful practices similar to those that are described in the 1968 Federal Fair Housing Act, as amended. The State law expands the description of prohibited practices to “harassment,” and to “harass, evict, or otherwise discriminate” for the purpose of “retaliation” against a protected class. Moreover, the State law expands the protected classes to include sexual orientation, marital status, ancestry, age, and source of income.

**2. El Centro Housing Discrimination Complaints**

Housing discrimination complaint data was compiled by the Inland Fair Housing and Mediation Board (IFHMB) for the period from FY 2014-2015 through FY 2017-2018. During this four-year period, 32 housing discrimination complaint cases were filed with the IFHMB. The 32 cases were filed on the following basis:

▪ Disability	19
▪ Familial Status	4
▪ National Origin	3
▪ Race	3
▪ Arbitrary	2
▪ Religion	1

The San Francisco Regional Office of HUD provided the City with housing discrimination complaint data for calendar years 2000 through 2012. During the 13 year period, 10 cases were filed with HUD. The bases were as follows:

▪ Disability	6
▪ National Origin	4
▪ Familial Status	3
▪ Sex	3
▪ Retaliation	1

The number of bases (17) exceeds the number of cases (10) because a case can have more than one basis.

HUD reported no housing discrimination for the period from 2013 to 2018.

Both the IFHMB and HUD data indicate that the most frequent bases for a housing discrimination complaint include disability, familial status, and national origin.

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The alleged discriminatory acts involved in the 32 IFHMB cases included:

▪ Reasonable Accommodations	12
▪ Unequal Terms and Conditions	8
▪ Intimidation/Coercion	5
▪ Refusal to Rent	3
▪ Other	4

The alleged discriminatory acts involved in the 10 HUD cases included:

▪ Discrimination in terms/conditions/privileges relating to rental	7
▪ Discriminatory refusal to rent	5
▪ Failure to make reasonable accommodation	4
▪ Discriminatory advertising, statements and notices	2
▪ Discriminatory terms, conditions, privileges, or services and facilities	1
▪ Discriminatory acts under Section 818 (coercion, etc.)	1

Both the IFHMB and HUD data indicate that the most frequent alleged discriminatory acts include unequal terms and conditions, reasonable accommodation/physical modification, and refusal to rent. These three reasons also are the most frequent alleged acts throughout the nation as compiled by HUD in FY 2017.

Discrimination in terms and conditions refers to actions that unlawfully subject individuals to different treatment, such as when a landlord makes repairs for white tenants but not for minority tenants, when a landlord charges higher deposits to wheelchair users, or when a landlord imposes stricter rules on families with children.

A reasonable accommodation is when, for example, an apartment manager grants the request of a tenant with mobility impairment to have an assigned accessible parking space.

The refusal to rent means the apartment manager will not rent an available unit to an apartment seeker.

Source: US. Department of Housing and Urban Development, *Annual Report on Fair Housing: Fiscal Year 2017*, page 23

During the period from 2001-2011, seven housing discrimination complaints were filed with the California Department of Fair Employment and Housing (DFEH). The seven complaints involved 17 bases and there was no predominant base such as disability or national origin. Since 2011 DFEH has not reported a housing discrimination complaint having been filed by an El Centro resident.

**3. Conclusions and Recommendations**

Housing discrimination is an impediment to fair housing choice. Based on past trends, 40 housing discrimination cases may be filed with the IFHMB during the five year period between FY 2019-2020 and FY 2023-2024. During the same period, it is estimated that five housing discrimination cases would be filed with HUD while two to five could be filed with the DFEH.

With respect to the fair housing impediment of housing discrimination, the following actions will be taken:

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- The City will continue to offer to its residents fair housing services which will include the processing of housing discrimination complaints and landlord/tenant counseling services. Sometimes a landlord/tenant issue has as its basis a housing discrimination concern.
- Efforts will be made to increase community awareness of the IFHMB services through postings on the City's web pages, publication of newspaper display ads, and Community Newsletter articles. A greater community awareness of Inland may result in a higher number of families expressing their right to file a housing discrimination complaint.

## **C. BROKERAGE SERVICES**

### **1. Background – Denial of Access to Real Estate Organizations**

Section 3606 of the 1968 Federal Fair Housing Act prohibits discrimination in the provision of brokerage services:

After December 31, 1968, it shall be unlawful to *deny* any person access to or *membership* or participation in any *multiple-listing service, real estate brokers' organization* or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such *access, membership, or participation*, on account of race, color, religion, sex, handicap, familial status, or national origin. [Emphasis added]

### **2. Real Estate Brokerage Services Industry**

#### **a. Size of the State's Real Estate Brokerage Industry**

As of 2018, there were 419,279 licensees in the state, and of that total, 132,817 (32%) held brokers licenses and 286,462 (68%) held salesperson licenses. Also, in 2018, there are projected to be 205,600 members of the CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.), slightly less than half (48%) of the total licensee population. The discrepancy between the number of licensees and the number of REALTORS® is attributed to a variety of factors: no longer being active in the business, real estate attorneys, appraisers, home inspectors, mortgage loan officers, etc. It is estimated that the vast majority of the licensees who are active in the business are also members of organized real estate.

#### **b. Demographic Profile of the C.A.R. Membership**

According to CAR data, the statistically "average" REALTOR® is a Baby Boomer at 56.8 years old and 60% female has 17.6 years of experience, average production of five transactions, and works full-time approximately 36 hours per week. And, like the country, the real estate brokerage industry is undergoing a significant demographic shift as Boomer agents continue to work but eye retirement soon. At 57 years, California REALTORS® are 22 years older than the state's median age of 35 years. Twenty percent of the members said that they did not expect to still be in the business in 2021 with retirement by far the most frequently cited reason for leaving. So over the next few years, the old guard will be scaling back, and a new generation of agents and brokers will be taking the lead. One plus, according to C.A.R, is that real estate

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continues to be an attractive career for newcomers — in 2018 C.A.R. welcomed 25,600 new members.

According to a membership profile, the race and ethnicity of California REALTORS is as follows:

- White 77%
- Asian/Pacific Islander 11%
- Hispanic/Latino 9%
- Black/African American 3%
- Other 3%
- American Indian/Eskimo/Aleut 1%

An overlap between the White and Hispanic/Latino groups results in the total exceeding 100%.

Source: California Association of REALTORS, *2013 Member Profile – California Report*

There are no comparable figures on the race and ethnicity of persons employed in the Imperial County real estate industry. Because of the demographic make-up of Imperial County, it is assumed that a much higher percentage of real estate employed persons identify with the Hispanic/Latino ethnicity group.

**c. Rules and Regulations and Multiple Listing Service**

Real estate brokers or salespersons whose business is located in El Centro belong to the Imperial County Association of REALTORS (ICAOR). The main office of ICAOR is located on Main Street in the City of El Centro. The ICAOR service area encompasses El Centro as well as all other cities and unincorporated areas located in Imperial County.

Like all associations, ICAOR has a Multiple Listing Service (MLS). The *Rules and Regulations of the Multiple Listing Service* define the MLS as follows:

A Multiple Listing Service is a means by which authorized MLS Broker participants establish legal relationships with other participants by making a blanket unilateral contractual offer of compensation and cooperation to other Broker participants; by which information is accumulated and disseminated to enable authorized participants to prepare appraisals, analyses and other valuations of real property for bonafide clients and customers; by which participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information among the participants so that they may better serve their clients, customers, and the public. Entitlement to compensation is determined by the cooperating broker's performance as a procuring cause of the sale or lease.

Section 14 of the Rules and Regulations states that the Association or MLS Board of Directors may take disciplinary action and impose sanctions against any MLS participant and subscriber because of a violation of any MLS rule, violation of a provision of the California Real Estate Law or a Regulation of the Real Estate Commissioner or for any violation of the National Association of REALTORS (N.A.R.) Code of Ethics while a member of any Association of REALTORS®.

There are nine categories of ICAOR membership for REALTOR and/or MLS membership. The online membership application consists of 24 entries and/or questions none of which inquire about the race, color, religion, sex, handicap, familial status, or national origin of the applicant.

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Question #22 asks if the applicant can certify that no court records exist that shows the applicant has violated civil rights laws with the last three years. If the applicant cannot so certify, then additional information is requested from the applicant.

**d. Code of Ethics**

Article 10 of the ICAOR code of ethics requires that its members shall not deny equal professional services to any person for reasons of *race, color, religion, sex, handicap, familial status, national origin, or sexual orientation*. Members also shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin or sexual orientation. Further, members shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.

**3. Conclusions and Recommendations**

Brokerage services as defined by the 1968 Federal Fair Housing Act pertain to having equal access to membership and participation in an association of REALTORS and the MLS. The ICAOR application process does not inquiry about the characteristics of the applicant other than license status and experience. Consequently, there are no overt actions to prevent membership by individuals who belong to one or more of the protected classes.

As no private sector impediment was found to exist, no recommendations are necessary concerning brokerage services. Moreover, the City has no authority to mandate revisions to ICAOR's application process for membership or its MLS, Bylaws, and Code of Ethics.

Although no impediments were found concerning brokerages services, the City will request that the Imperial County Association of REALTORS accomplish the following:

- Revise the Resources tab on its web site to:
  - ✓ Add a Fair Housing Information button (e.g., include information on steering, link to the Inland Fair Housing and Mediation Board, etc.)
  - ✓ Add information to the current Insurance button such as the value of a C.L.U.E. Report (Comprehensive Loss Underwriting Exchange) when purchasing a home
- Enlist the services of Inland to offer a 3-hour Fair Housing course. Every four years, when renewing their license, all brokers and sales persons are required to complete a course on fair housing. Currently, most renewals are accomplished through online courses.

## **D. STEERING**

### **1. Background - Prohibited Steering Practices**

According to HUD's *FY 2017 Annual Fair Housing Report*, steering is prohibited by Sections 804(a) and 804(f)(1) of the Federal 1968 Fair Housing Act:

...it shall be unlawful--

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

(f)(1) To discriminate in the sale or rental, or to *otherwise make unavailable or deny*, a dwelling to any buyer or renter because of a handicap of (A) that buyer or renter, (B) a person residing in that dwelling after it is sold, rented, or made available; or (C) any person associated with that person.

Examples of prohibited steering practices include:

- A REALTOR deliberately guiding potential purchasers toward or away from certain neighborhoods because of membership in a protected class.
- A lender who deliberately guides loan applicants toward or away from certain types of loans because of membership in a protected class.
- Limiting a renter's housing choices by guiding or encouraging the person to look elsewhere, based on a fair housing protected characteristic. This type of steering mostly affects apartment seekers as opposed in-place tenants.

Table VII-2 provides examples of illegal steering impacting apartment renters.

### **2. Analysis of Steering**

HUD's *2017 Annual Fair Housing Report* found that 1% of the complaints were based on the issue of steering. There is no comparable data compiled by the State DFEH and Inland. However, Inland has added steering as a housing discrimination issue to their data base.

Three of the 32 (about 10%) housing discrimination complaints filed with the IFHMB alleged a "refusal to rent" which HUD has cited as examples of steering. Five of the 20 (20%) alleged acts in the HUD cases involved a "refusal to rent."

The steering of home buyers, however, probably happens infrequently because the internet enables home buyers to be more active in the search process and less reliant on REALTORS during the search process.

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**Table VII-2  
U.S. Department of Housing and Urban Development  
Types and Examples of Illegal Steering Practices**

<b>Type of Illegal Steering</b>	<b>Examples of Illegal Steering</b>
<i>Discouraging You from Renting at a Building</i>	<p>Rather than saying "We don't rent to black people" or "No families allowed," some landlords claim to have nondiscriminatory policies but indirectly try to encourage prospective tenants to <i>look elsewhere</i> based on discriminatory reasons. Of course, if the apartment seeker mentions a need to rent an apartment in a building that's close to public transportation, it's valid for a landlord to point out a building isn't located near public transportation and suggest apartment seeker to look elsewhere.</p> <p>But if an apartment seeker starts to hear a landlord or broker make arguments for why a building shouldn't be considered when everything about it seems fine, the would be renter should be suspicious that they're trying to steer them away from the building for a discriminatory reason.</p>
<i>Discouraging Apartment Seeker from Renting by Exaggerating Drawbacks or Failing to Inform the Renter about Desirable Features of the Rental or Neighborhood</i>	<p>Instead of trying to show why the renter should be interested in their building, some landlords may stress the negatives, in the hope that it might discourage the apartment seeker.</p> <p>Even less directly, a landlord may simply not bother pointing out the pros of living in the building or even in the neighborhood. For example, if a building has amenities such as a swimming pool, roof deck, or fitness center and the landlord or broker isn't mentioning them, that should be considered a red flag that the apartment seeker is being steered.</p>
<i>Indicating that Apartment Seeker Wouldn't Be Comfortable or Compatible with other Tenants</i>	<p>Another steering tactic could be summarized as "It's not the building, it's the tenants." Under this scenario, a landlord will try to discourage someone from renting at the building because he believes the apartment seeker wouldn't be a good fit with the other tenants. HUD advises if someone is in this situation, the landlord or broker should be pressed to explain why he/she thinks the renter would have problems with the tenants.</p> <p>The reason could be valid. For example, the renter may have told a landlord or broker they are looking for peace and quiet and landlord might let the renter know that many tenants like to hold loud parties or that the walls are thin and several complaints have been about noise. But if a landlord says, "Well, I don't think the other tenants will like the fact you have kids," then the renter knows this is illegal steering, in this case based on familial status.</p>
<i>Trying to Assign Apartment Seeker to a Certain Floor or Section of the Building</i>	<p>This type of steering practice is about segregation. In this scenario, a landlord doesn't mind renting to certain types of people -- as long as those people rent apartments in a certain part of the building. Although this is a less obvious form of discrimination, this type of steering practice often leads to flat-out discrimination.</p>

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	An example is a landlord who tries to put tenants with disabilities in a certain area of a complex, in an attempt to minimize their visibility to other tenants and their guests. Another example is if the renter is a woman with two children and there are no more vacancies available in the "kids' part" of a building, it means the landlord must (under a discriminatory policy) turn the renter away on account of familial status -- even though there may be vacancies in the building.
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According to the California Association of REALTORS *2015 Home Buyer Survey*:

Virtually all home buyers use the internet in the home buying process and seven out of 10 access the internet on their phones. Buyers use their smartphones to look for comparable house prices, search for properties, take photos and create videos of homes and amenities, research communities and real estate agents.

While the majority of buyers (61 percent) found their home through an agent, the percentage who found their home online more than doubled from 16 percent in 2012 to a record high 37 percent in 2013. Furthermore, they are taking their time investigating homes and neighborhoods *before contacting an agent*, spending a little over seven months on this compared to about 1.5 months last year. [Emphasis added]

**3. Conclusions and Recommendations**

Steering may adversely impact homebuyers in their search process and when they apply for a loan. Steering also may adversely impact in-place renters and rental apartment seekers. Corrective actions have been taken by the Federal and State governments regarding loan steering so that abuse may not happen in the future as frequently as it occurred in the early to mid-2000s. However, the steering of apartment seekers is likely to continue, although it is not possible to measure its frequency.

It is not known with certainty if steering is an impediment to fair housing choice in El Centro. However, HUD statistics shows it is not a major issue (1% of complaints are caused by acts of steering). However, during the five-year period from FY 2019-2020 through FY 2023-2024, the City's fair housing provider – Inland Fair Housing & Mediation Board – will:

- Offer as part of its home buyer counseling services examples of how to detect "steering" during the home search process and how to detect "loan steering."
- Provide information to renters attending workshops on how to detect steering behavior by resident property managers.
- Continue to include "steering" as a category of alleged housing discriminatory acts.

**E. APPRAISAL PRACTICES**

**1. Background – Prohibited Appraisal Practices**

The 1968 Federal Fair Housing Act, as amended, makes it unlawful to discriminate against a protected class in appraising property. An appraisal is a written assessment of market value and is used by mortgage underwriters to determine whether there is sufficient collateral to lend money to a homebuyer. Unlawful discriminatory appraisal practices, for example, may include:

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- Taking into account the race and ethnic make-up of a neighborhood
- Taking into the account the race and ethnicity of the seller and/or buyer

## **2. Analysis of Appraisal Practices**

According to Home Mortgage Disclosure Act (HMDA) data almost 600 homes in El Centro were purchased in 2017 through FHA and conventional financing. Therefore, these homebuyers had an opportunity to review an appraisal. C.A.R.'s most recent analysis of California homebuyers indicates that 77% of them did an appraisal. Presumably, "all-cash" buyers represent the majority of those homebuyers who did not order an appraisal.

The Uniform Residential Appraisal Report is a six page form used by appraisers to determine the value of a home. In bold letters, the form states:

Note: Race and the racial composition of the neighborhood are not appraisal factors.

At the end of the report, there are "appraiser's certifications" which include certification #17:

I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.

Contained in the Standards section is Standard Rule 6-3 which deals with neighborhood trends when appraising a property and encourages appraisers to avoid stereotyped or biased assumptions relating to race, age, color, gender, or national origin or an assumption that race, ethnic, or religious *homogeneity* is necessary to maximize value in a neighborhood. [Emphasis added]

Under both federal law (the Equal Credit Opportunity Act of 1976 and its implementing regulations) and California law (Business & Professions Code Section 11423), a lender is generally obligated to inform a credit applicant of the right to receive a copy of the appraisal used in connection with an application, and to honor the applicant's written request for a copy of the appraisal report.

The California Association of REALTORS (C.A.R.) explains that one of the reasons a buyer should obtain an appraisal is –

To make sure the lender has not engaged in any discriminatory practices.

Consequently, a homebuyer/borrower is entitled to a copy of the appraisal. But a homebuyer and borrower during the purchase process has a bewildering array of documents to review and sign. Additionally, given an appraisal to review, they may not have the knowledge to review an appraisal report to determine if, for example, race or ethnicity were considered in making the appraisal.

## **3. Conclusions and Recommendations**

Complaints regarding discriminatory appraisal practices are not routinely collected by local, State or Federal agencies. Would-be homebuyers are in the best position to detect potentially

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discriminatory practices. However, it is unknown if the lack of consumer knowledge of the scope and meaning of appraisal reports is an impediment to fair housing choice in El Centro.

The following action will be taken:

- Inland will continue to offer homebuyer counseling services in order to 1) inform borrowers of their right to request the appraisal report and 2) provide information on the contents of the report and how to detect possible discriminatory practices.

## **F. MORTGAGE LENDING PRACTICES**

### **1. Background - Fair Housing Act, Equal Credit Opportunity Act and Home Mortgage Disclosure Act**

Equal access to credit so that borrowers can purchase a home is a fundamental goal of fair housing. Section 805 of the 1968 Federal Fair Housing Act, as amended, and the Equal Credit Opportunity Act of 1976 prohibit the denial of access to credit because of a loan applicant's race, color, religion, sex, handicap, familial status, or national origin.

The Home Mortgage Disclosure Act (HMDA) was enacted by Congress in 1975 and was implemented by the Federal Reserve Board's Regulation C. On July 21, 2011, the rule-writing authority of Regulation C was transferred to the Consumer Financial Protection Bureau (CFPB). There are three major purposes for the creation of HMDA:

HMDA was enacted to help members of the public determine whether financial institutions are serving the housing needs of their local communities and treating borrowers and loan applicants fairly, to provide information that could facilitate the efforts of public entities to distribute funds to local communities for the purpose of attracting private investment, and to help households decide where they may want to deposit their savings.

Source: Board of Governors of the Federal Reserve System, *Residential Mortgage Lending in 2016: Evidence from the Home Mortgage Disclosure Act Data*, November 2017, Vol. 103, No.6, page 1 [prepared by Neil Bhutta and Glenn B. Canner of the Division of Research and Statistics]

### **2. Analysis of 2017 Home Mortgage Disclosure Act Data**

#### **a. 2017 Conventional and FHA/VA/FSA Loan Volumes and Loan Dispositions**

According to Table VII-3, the 2017 HMDA data reported a total of 332 conventional and 343 FHA/VA/FSA loan applications to purchase homes located in El Centro:

▪ FHA/VA/FSA Loans	343	50.8%
▪ Conventional Loans	332	49.2%
Total	675	100.0%

FHA loan applications represent a much smaller market share (50.8%) in 2017 compared to 2012 (82.5%).

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A conventional loan is secured by investors, but neither insured by the FHA nor guaranteed by VA. Both fixed rate and adjustable rate loans are available with conventional financing.

The final disposition of the 675 loan applications was as follows:

▪ Approved	592	87.7%
▪ Denied	<u>83</u>	<u>12.3%</u>
Total	675	100.0%

Approved loans include loans originated and loan applications approved by the lender but not accepted by the borrower.

In both 2012 and 2017 approximately 12% of the loan applications were denied. The loan denial rate for all loan applications to purchase homes in Imperial County was 11.6%.

b. Loan Denial Rates by Type of Financing

In El Centro 11.1% of FHA loans and 13.6% of conventional loan applications were denied.

For all of Imperial County, 11.0% of FHA loans and 12.3% of conventional loan applications were denied.

By comparison, in 2012, 10.8% of the FHA loan applications in El Centro were denied, which was lower than Imperial County denial rate of 12.6%.

In 2012, 15.0% of the conventional loan applications in El Centro were denied, which was lower than Imperial County denial rate of 20.1%.

c. Loan Denial Rates by Census Tract

Three census tracts have unusually high denial rates that exceed 20% or more: 112.02, 115.00 and 116.00. There were few loans applications to buy a home located in census tract 112.02 (11) and census tract 116.00 (66). HUD is concerned when high denial rates may be caused because of the race, color or national origin characteristics of the census tract/neighborhood. However, Hispanics comprise 80% (1,099/1,369) of all loan applicants in Imperial County.

Loan application activity in census tract 112.02 and other census tracts should be monitored annually to detect trends in loan denial rates and the possible causes for unusually high loan denial rates. This could involve working with the lenders who have denied loans in order to gather information that could assist would be homebuyers to increase the probability of garnering loan approval.

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**Table VII-3  
City of El Centro  
FHA/VA/FSA and Conventional Loan Denial Rates by Census Tract: 2017**

Census Tract	FHA/VA/FSA Loans			Conventional Loans			All Loans		
	Total Apps.	Number Denied	Percent Denied	Total Apps.	Number Denied	Percent Denied	Total Apps.	Number Denied	Percent Denied
112.01	114	8	7.0%	65	6	9.2%	179	14	7.8%
112.02	2	0	0.0%	9	5	55.6%	11	5	45.5%
113.00	45	3	6.7%	22	4	18.2%	67	7	10.4%
114.00	16	2	12.5%	17	2	11.8%	33	4	12.1%
115.00	13	3	23.1%	10	2	20.0%	23	5	21.7%
116.00	31	5	16.1%	35	9	25.7%	66	14	21.2%
117.00	32	4	12.5%	36	4	11.1%	68	8	11.8%
118.01	20	3	15.0%	56	6	10.7%	76	9	11.8%
118.02	30	3	10.0%	27	1	3.7%	57	4	7.0%
118.03	40	7	17.5%	55	6	10.9%	95	13	13.7%
Total	343	38	11.1%	332	45	13.6%	675	83	12.3%

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA), Loan Application Register System (LARS) 2017  
Table construction by Castañeda & Associates

d. Loan Denial Rates by Race/Ethnicity

As noted Hispanics comprise 80% of all loan applicants. Table VII-4 shows that 11.3% of loan applications submitted by Hispanics are denied. This loan denial rate is less than that of all loan applicants but slightly higher than that of the not Hispanic or Latino borrowers. The highest loan denial rate of 23.5% is experienced by those loan applicants for which race or ethnicity is not known.

e. Loan Denial Rates by Income

Table VII-5 shows denial rate by income group. Generally speaking, the higher income groups have a lower percentage of their loan applications denied compared to lower income groups. This finding essentially confirms conventional thinking on this factor. The very low income loan applicants (<50% median income) have a denial rate that exceeds 50%. However, very few applications were submitted to lenders by this income group.

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**Table VII-4  
Imperial County  
FHA/VA/FSA and Conventional Loan Denial Rates by Ethnicity: 2017**

<b>Ethnicity</b>	<b>Loans Originated</b>	<b>Apps. Approved But Not Accepted</b>	<b>Applications Denied</b>	<b>Percent Denied</b>
FHA, FSA/RHS and VA				
Hispanic or Latino	655	48	80	10.2%
Not Hispanic or Latino	65	5	12	14.6%
Joint (Hispanic or Latino/Not Hispanic or Latino)	23	2	4	13.8%
Ethnicity Not Available	17	0	5	22.7%
<b>Total</b>	<b>760</b>	<b>55</b>	<b>101</b>	<b>11.0%</b>
Conventional				
Hispanic or Latino	444	35	70	12.8%
Not Hispanic or Latino	117	7	11	8.1%
Joint (Hispanic or Latino/Not Hispanic or Latino)	28	1	4	12.1%
Ethnicity Not Available	20	2	7	24.1%
<b>Total</b>	<b>609</b>	<b>45</b>	<b>92</b>	<b>12.3%</b>
All Loans				
Hispanic or Latino	1,099	83	150	11.3%
Not Hispanic or Latino	182	12	23	10.6%
Joint (Hispanic or Latino/Not Hispanic or Latino)	51	3	8	12.9%
Ethnicity Not Available	37	2	12	23.5%
<b>Total</b>	<b>1,369</b>	<b>100</b>	<b>193</b>	<b>11.6%</b>

Source: Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA), Loan Application Register System (LARS) 2017  
Table construction by Castañeda & Associates

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**Table VII-5  
Imperial County  
FHA/VA/FSA and Conventional Loan Denial Rates by Income: 2017**

<b>Income</b>	<b>Loans Originated</b>	<b>Apps. Approved But Not Accepted</b>	<b>Applications Denied</b>	<b>Percent Denied</b>
FHA, FSA/RHS and VA				
Less than 50% of MSA/MD median	1	0	3	75.0%
50-79% of MSA/MD median	61	11	14	16.3%
80-99% of MSA/MD median	88	8	19	16.5%
100-119% of MSA/MD median	92	3	8	7.8%
120% or more of MSA/MD median	518	33	57	9.4%
Income Not Available	0	0	0	0.0%
<b>Total</b>	<b>760</b>	<b>55</b>	<b>101</b>	<b>11.0%</b>
Conventional				
Less than 50% of MSA/MD median	4	1	5	50.0%
50-79% of MSA/MD median	57	4	9	12.9%
80-99% of MSA/MD median	59	2	8	11.6%
100-119% of MSA/MD median	66	8	14	15.9%
120% or more of MSA/MD median	423	30	56	11.0%
Income Not Available	0	0	0	0.0%
<b>Total</b>	<b>609</b>	<b>45</b>	<b>92</b>	<b>12.3%</b>
All Loans				
Less than 50% of MSA/MD median	5	1	8	57.1%
50-79% of MSA/MD median	118	15	23	14.7%
80-99% of MSA/MD median	147	10	27	14.7%
100-119% of MSA/MD median	158	11	22	11.5%
120% or more of MSA/MD median	941	63	113	10.1%
Income Not Available	0	0	0	0.0%
<b>Total</b>	<b>1,369</b>	<b>100</b>	<b>193</b>	<b>11.6%</b>

Source: Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA), Loan Application Register System (LARS) 2017

Table construction by Castañeda & Associates

**3. Analysis of Residential Mortgage Lending Activity in 2016**

A more complete understanding of El Centro's loan activity can be gained by examining the national home mortgage lending activity. The information quoted below is from a report prepared by the Board of Governors of the Federal Reserve System. It explains that:

In 2016, the overall denial rate on applications for home-purchase loans was 11.4 percent, somewhat lower than in 2015. The decrease in 2016 continues a trend of declining denial rates for home-purchase mortgages over the past decade. In addition, denial rates have exhibited significant variation, and changes in denial rates have differed by type of loan. For example, for conventional home-purchase loan applications, the denial rate of 10.2 percent in 2016 was 8.3 percentage points lower than in 2006, while for nonconventional home-purchase loan applications, the denial rate of 13.4

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percent in 2016 was 1.3 percentage points higher than in 2006. Variations in raw denial rates over time reflect not only changes in credit standards, but also changes in the demand for credit and in the composition of borrowers applying for mortgages. For example, the denial rate on applications for conventional home-purchase loans was lower in 2016 than during the housing boom years, even though most measures of credit availability suggest that credit standards are tighter today. This result may stem from a relatively large drop in applications from riskier applicants.

As in past years, black, Hispanic white, and “other minority” borrowers had notably higher denial rates in 2016 than non-Hispanic white borrowers, while denial rates for Asian borrowers were more similar to those for non-Hispanic white borrowers. For example, the denial rates for conventional home-purchase loans were about 22 percent for black borrowers, 15 percent for Hispanic white borrowers, 11 percent for Asian borrowers, 17 percent for other minority borrowers, and 8 percent for non-Hispanic white borrowers.

Previous research and experience gained in the fair lending enforcement process show that differences in denial rates and in the incidence of higher-priced lending ... among racial or ethnic groups stem, at least in part, from factors related to credit risk that are not available in the HMDA data, such as credit history (including credit score), ratio of total debt service payments to income (DTI), and LTV ratio. Differential costs of loan origination and the local competitive environment, as well as illegal discrimination, may also bear on the differences in pricing.

Despite these limitations, the HMDA data play an important role in fair lending enforcement. The data are regularly used by bank examiners to facilitate the fair lending examination and enforcement processes. When examiners for the federal banking agencies evaluate an institution’s fair lending risk, they analyze HMDA price data and loan application outcomes in conjunction with other information and risk factors that can be drawn directly from loan files or electronic records maintained by lenders, as directed by the Interagency Fair Lending Examination Procedures. The availability of broader information allows the examiners to draw stronger conclusions about institution compliance with the fair lending laws.

Lenders can, but are not required to, report up to three reasons for denying a mortgage application, selecting from nine potential denial reasons. Among denied first-lien applications for one- to four-family, owner-occupied, site-built properties in 2016, about 72 percent of denied home-purchase applications and about 46 percent of denied refinance applications had at least one reported denial reason. The two most frequently cited denial reasons for both home-purchase and refinance loans were the applicant’s credit history and DTI ratio. For both home-purchase and refinance applications, the DTI ratio and collateral are more likely to be cited as denial reasons on conventional than nonconventional applications.

Denial reasons vary across racial and ethnic groups to some degree. For example, among denied home-purchase loan applications in 2016, credit history was cited as a denial reason for about 24 percent of denied black applicants, 17 percent of denied Hispanic white applicants, 18 percent of denied non-Hispanic white applicants, and just 11 percent of denied Asian applicants. The DTI ratio was cited most often as a denial reason for home purchase applicants in all racial and ethnic groups. For Asian home-

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purchase applicants, collateral was the second most common reason cited for denial, while for other groups, credit history was the second most common reason cited.

Source: Board of Governors of the Federal Reserve System, *Residential Mortgage Lending in 2016: Evidence from the Home Mortgage Disclosure Act Data*, November 2017, Vol. 103, No.6, pages 14-15 [prepared by Neil Bhutta and Glenn B. Canner of the Division of Research and Statistics]

### **4. Conclusions and Recommendations**

The 2017 HMDA data provide a snapshot of disparities in loan denial rates by race, ethnicity, income and census tract. Although the disparities do not support definitive conclusions regarding discrimination on the bases of race or ethnicity, they are a useful screen, as observed by the Federal Reserve Board, to identify disparities in loan approval rates by the race and ethnicity of applicants and in neighborhoods where differences in denial rates warrant further investigation.

The Mortgage Bankers Association has stated:

...lenders should not lose sight of the importance of analyzing denial disparities — the difference in the rates at which minority customers are declined, compared with White customers. For example, a lender whose Black declination rate is 40% and whose White declination rate is 10% would have a denial disparity ratio of 4 to 1. And while there is no “safe harbor,” regulators have historically focused their investigative efforts on lenders whose denial disparity ratios have exceeded 2 to 1.

Source: Mortgage Bankers Association, MBA Handbook Series, *Handbook 2008-01: Fair Lending and Home Mortgage Disclosure Act Guide*, page 27.

The City’s goal is to improve the loan approval rates of all racial and ethnic populations that want to buy a home located in El Centro. To improve even further the loan approval rates, borrowers can be helped to understand the loan approval process *before* they submit a loan application.

The number one known reason why borrowers are denied approval of a loan application is an excessive debt-to-income ratio. Many of these borrowers should not be making loan applications until after they have their debts under control. Loan denial rates can be reduced by providing all homebuyers, but especially first time homebuyers, with information of the loan application and approval process.

To address possible impediments, the Inland Fair Housing and Mediation Board will:

- Continue to offer first-time home buyer seminars to explain to borrowers the need to lower debt-to-income ratios to a level acceptable to lenders. Implementation of this recommended action should result in better prepared borrowers and cause an increase in loan approval rates of all loan applicants, regardless of race or ethnicity.
- Work with the lenders to determine why a few census tracts have high loan denial rates in order to gather information that could assist would be homebuyers to increase the probability of garnering loan approval for homes in neighborhoods of their choice.

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In addition, AB 686 (approved by Governor Brown on September 30, 2018) requires all cities and counties to prepare an *Assessment of Fair Housing* (AFH) as part of its Housing Element Update which is due for adoption no later than October 2021. During the preparation of the AFH, the City will:

- Conduct a multi-year analysis of loan denial rates to determine with more preciseness the degree to which lending discrimination exists in El Centro.

## **G. HOMEOWNER’S INSURANCE**

### **1. Background - Discriminatory Homeowner’s Insurance Practices**

Studies have demonstrated that the federal Fair Housing Act (FHA) should be interpreted to include homeowner’s insurance. One recent study explained:

The language of the FHA should be interpreted to include homeowners insurance. Although insurance is not explicitly mentioned in the Act, the broad language of both § 3604 and § 3605 logically covers insurance.

Under § 3604(a), it is unlawful to do anything that makes a dwelling “unavailable.” Because insurance is required in order to qualify for a mortgage, and since most people need a mortgage in order to buy a home, discrimination in underwriting decisions or in insurance pricing can make a dwelling unavailable, in contravention of § 3604.

Although it could be argued that “otherwise make unavailable or deny” should only apply to activities similar to the refusal to sell or rent a home, not to all activities that make housing unavailable, this reading is inconsistent with other § 3604 jurisprudence. The Supreme Court has found that the FHA should be read broadly. Courts have readily applied § 3604 to a number of activities beyond the actual sale or rental transaction, such as zoning, the construction of low-income housing, and the provision of Section 8 housing vouchers.

Most courts have agreed that insurance, like zoning, is covered by § 3604.

Source: Dana L. Kaersvang, “The Fair Housing Act and Disparate Impact in Homeowner’s Insurance,” *Michigan Law Review*, Vol. 104:1993, August 2006, page 1998

Insurance companies, for the most part, do not agree that the Fair Housing Act can be interpreted to apply to insurance because of the McCarran-Ferguson Act:

The McCarran-Ferguson Act provides that federal law does not preempt state insurance law unless the federal law ‘specifically relates to insurance.’ Federal law not specifically relating to insurance should not be interpreted to ‘invalidate, impair, or supersede’ state insurance law. Some argue that, under the McCarran-Ferguson, the FHA cannot be applied to insurance because it does not explicitly mention insurance and would preempt States’ determinations of appropriate insurance discrimination regulations.

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Source: Dana L. Kaersvang, "The Fair Housing Act and Disparate Impact in Homeowner's Insurance," Michigan Law Review, Vol. 104:1993, August 2006, page 2005

HUD's final rule on the *Implementation of the Fair Housing Act's Discriminatory Effects Standard* stated that a -

'Discriminatory effect' occurs where a facially neutral housing practice actually or predictably results in a discriminatory effect on a group of persons (that is, disparate impact), or on the community as a whole (perpetuation of segregation).

Examples of a housing policy or practice that may have a disparate impact on a class of persons delineated by characteristics protected by the Act include ... the provision and pricing of homeowner's insurance....

**2. Availability and Cost of Homeowners Insurance**

According to the California Department of Insurance, "homeowner Insurance" means -

An elective combination of coverages for the risks of owning a home. Can include losses due to fire, burglary, vandalism, earthquake, and other perils.

According to the National Fair Housing Alliance:

In 2017, 23 complaints of homeowner's insurance-related discrimination were reported by private fair housing organizations, representing less than 1 percent of all cases. This represents a slight increase from the number reported in 2016 (19 complaints).

Source: National Fair Housing Alliance, *Making Every Neighborhood A Place of Opportunity: 2018 Fair Housing Trends Report*, page 54

a. Market Insurance Premiums

C.A.R. points out –

Given the increased difficulty of obtaining affordable homeowners' insurance in recent years, buyers should obtain quotes as early as possible in the home buying process. In the process of obtaining insurance, the insurance agent or underwriter will most likely be checking the insurance database, as a matter of course, without charge. Buyers should seek insurance quotes during the inspection period so that there will be clear understanding of the cost of the insurance early in the transaction, and so that buyers will have an opportunity to evaluate this fact during the inspection period.

The effect of not being able to obtain homeowners insurance will be felt mostly by minority buyers as they comprise the vast majority of the people who purchase a home in El Centro. It is important to expand the topics covered by homebuyer counseling to include the importance of obtaining CLUE reports from the sellers. Without this information, there is the potential that minority home buyers may be unable to obtain insurance not because of their claims history but that of the home they want to purchase.

The Californian Department of Insurance Homeowner's Insurance Comparison Tool was analyzed to determine the cost and availability of homeowner's insurance in the private market.

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The tool was used for an El Centro home aged 16-25 years with \$200,000 worth of coverage. The tool revealed the availability of 45 insurance companies with premiums (\$1,000 deductible) ranging from to an extremely low premium of \$347 to a high of \$2,315. Therefore, a homeowner buying a home in El Centro has numerous choices but is well-advised to shop for the best premium by using the Comparison Tool or obtaining quotes from three or more companies.

b. California FAIR Plan

If homeowners insurance becomes unavailable, California provides for insurance as a last resort. The California Fair Access to Insurance Requirements ("FAIR") Plan was created by state legislation in July 1968 following the 1960's brush fires and riots. It is an insurance pool established to assure the availability of basic property insurance to people who own insurable property in California and who, beyond their control, have been unable to obtain insurance in the voluntary insurance market.

The FAIR Plan is a private association based in Los Angeles comprised of all insurers licensed to write property insurance in California. All insurers conducting property business in California must be a member of the Association. FAIR Plan profits and losses are shared by its members in direct proportion to their market share of property insurance written in California. There is no public funding, or taxpayers' monies involved. The FAIR Plan is not a state agency.

As noted above, **The FAIR Plan issues insurance as a last resort**, and should be used only after a diligent effort to obtain coverage in the voluntary market has been made. The FAIR Plan offers limited coverage at higher premiums than available in the voluntary insurance market. The perils insured against include fire, lightning and internal explosion but do not include, for instance, overflow of water or theft and the dwelling replacement cost is optional.

c. Underserved Communities

The California Department of Insurance (DOI), Statistical Analysis Division annually prepares a *Commissioner's Report on Underserved Communities*. The Community Service Statement, under California Code of Regulations (CCR) Section 2646.6, has the purpose of addressing the issue of availability and affordability of insurance in "underserved" communities and of promoting anti-discrimination so that all have equal access to insurance coverage in California.

Communities that are considered "underserved" are with no or little insurance protection, according to the Department of Insurance. Absence of or inadequate insurance protection can be detrimental to people's lives. To ensure that all individuals and families, as well as businesses or organizations get the insurance protection they need against the adverse financial consequences of losses, is one of the goals of California Department of Insurance.

The Community Service Statement regulations require the DOI to collect and analyze data from home, personal auto, commercial multiple peril and commercial fire insurers in California, for all zip codes and report on those that are considered as "underserved". The DOI identified 145 "underserved" zip codes in California. None of El Centro's zip codes are identified as "underserved." The four "underserved" communities located in Imperial County are Calexico (Zip Code 92231); Heber (92249); Ocotillo (92259); and Seeley (92273).

### **3. Conclusions and Recommendations**

Evidence is unavailable on whether homebuyers in escrow who are seeking homeowner's insurance are discriminated against because of their race, color, disability or other protected characteristics. However, without adequate knowledge would be homebuyers could pay more than they need to for appropriate insurance coverage. The lack of consumer awareness of the nature of homeowners insurance may impede fair housing choice. The following actions will continue to be taken:

- Inland will continue to explain "homeowners insurance" and "CLUE Reports" during its homebuyer counseling services.
- Inland will continue to provide educational services to home buyers/borrowers so they understand the impact of CLUE Reports and can compare homeowner's premium rates.

## **H. BLOCKBUSTING/PANIC SELLING**

### **1. Background - Inducing Sales by Misrepresentations**

The Federal Fair Housing Act of 1968, as amended, declared it an illegal practice:

...for profit, to induce or attempt to induce sales and rentals by representations regarding the entry or prospective entry into the neighborhood of [a] person or persons of a particular race, color, religion, etc.

Section 10177(l)(1) of the California Business and Professions Code states that the Real Estate Commissioner may revoke or suspend the license of a real estate licensee if he/she has done the following:

Solicited or induced the sale, lease, or listing for sale or lease of residential property on the ground, wholly or in part, of loss of value, increase in crime, or decline of the quality of the schools due to the present or prospective entry into the neighborhood of a person or persons having a characteristic .... protected by fair housing laws (e.g., race, color, national origin, etc.).

The Realtors® Standard of Practice 10-1 states:

When involved in the sale or lease of a residence, Realtors® shall not volunteer information regarding the racial, religious or ethnic composition of any neighborhood nor shall they engage in any activity which may result in panic selling, however, Realtors® may provide other demographic information. (Adopted 1/94, Amended 1/06)

### **2. Analysis of Blockbusting/Panic Selling**

HUD and Fair Housing Assistance Program (FHAP) agencies record annually discriminatory practices in categories called "issues." Blockbusting is issue identified in 0.1% of all issues named by complainants.

Data on housing discrimination complaints based on claims of blockbusting and/or panic selling are not routinely collected by HUD, DFEH, Inland or the City. The California Department of Real

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Estate website was researched to obtain data on violations of Business and Professions Code 10177(l)(1). The DRE reported that violations cannot be filtered by this code. The DRE has indicated that there has been “no disciplinary action against a real estate licensee because of violation of 10177(l)(1).”

**3. Conclusions and Recommendations**

There is no evidence to indicate that blockbusting/panic selling has occurred in El Centro in recent years. Consequently, there are no actions recommended for future implementation.

**I. PROPERTY MANAGEMENT PRACTICES**

**1. Background – Occupancy Limits, Reasonable Accommodations and Reasonable Modifications**

Property management policies and practices are of keen importance to El Centro residents. The vast majority of the 6,200 renter households reside in apartment communities. Table VII-6 shows that the majority of renters - approximately 3,800 - live in apartments. Table VI-7 shows that El Centro renters are predominantly younger (<35 years of age) or older (>75 years of age).

**Table VII-6  
City of El Centro  
Renter Occupied Units by Units in Structure**

<b>Units in Structure</b>	<b>Number of Units</b>	<b>Percent</b>
1, Detached	2,126	34.3%
1, Attached	254	4.1%
2 Apartments	285	4.6%
3 or 4 Apartments	1,010	16.3%
5 to 9 Apartments	1,072	17.3%
10 or More Apartments	1,239	20.0%
Mobile Home or Other	211	3.4%
<b>Total</b>	<b>6,197</b>	<b>100.0%</b>

Source: American FactFinder, American Community Survey 2012-2016 5-Years Estimates Table S2504 Physical Characteristics for Occupied Housing Units. Table construction by Castañeda & Associates

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**Table VII-7  
City of El Centro  
Renter Occupied Units by Age of Householder**

<b>Age of Householder</b>	<b>Number</b>	<b>Percent</b>
Under 35 Years	3,538	57.1%
35 to 44 Years	180	2.9%
45 to 54 Years	62	1.0%
55 to 64 Years	223	3.6%
65 to 74 Years	12	0.2%
75 to 84 Years	1,760	28.4%
85 Years and Over	421	6.8%
Total	6,197	100.0%

Source: American FactFinder, American Community Survey 2012-2016 5-Years Estimates Table S2502 Demographic Characteristics for Occupied Housing Units.  
Table construction by Castañeda & Associates

a. Occupancy Limits

Occupancy limits refer to the number of persons who can occupy an apartment unit. Often, strict occupancy limits have the intent of excluding families with children from renting an apartment. HUD has stated that Congress did not intend to provide for a national occupancy standard:

The Department believes that in appropriate circumstances, owners and managers may develop and implement reasonable occupancy requirements based on factors such as the number and size of sleeping areas or bedrooms and the overall size of the dwelling unit. In this regard, it must be noted that, in connection with a complaint alleging discrimination on the basis of familial status, the Department will carefully examine any such nongovernmental restriction to determine whether it operates unreasonably to limit or exclude families with children.

Further, HUD believed that the occupancy standard it had set for HUD assisted housing (generally two persons per bedroom) would not be an appropriate basis for guiding private housing providers because –

These guidelines are designed to apply to the types and sizes of dwellings in HUD programs and they may not be reasonable for dwellings with more available space and other dwelling configurations than those found in HUD-assisted housing.

Source: 54 CFR 3232 – Implementation of the Fair Housing Amendments Act of 1988, Subpart A, Section 110.10 Exemptions, January 23, 1989

The California Department of Fair Employment and Housing (DFEH) in 1988 established an “intake guideline” of accepting complaints for investigation of the potential of an “adverse impact” where the occupancy limitations per unit are *more* restrictive than two persons per bedroom plus one, or five persons in a two bedroom unit. The intake guideline had two results: the DFEH was able to save resources for significant cases by not investigating cases where the

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landlord policy was consistent with the guideline and landlords adopted the standard of 2+1 to protect themselves from DFEH investigations.

In 1993, the California legislature enacted legislation that essentially prohibited the application of "intake guidelines" and required the DFEH to investigate all complaints unless the complainant withdraws it or "after a thorough investigation" DFEH determines the cases lacks merit on the facts. Thus, the two per bedroom plus one standard lacks legal support by law or regulation.

Thus, as an article on occupancy standards concludes:

Two persons per bedroom is presumed to be a reasonable occupancy standard under federal law, subject to rebuttal by the facts of the case and the specific configuration of the rental unit. Since the California Legislature repudiated DFEH's "intake guideline" of two persons per bedroom plus one, the only official or semi-official policy on occupancy standards is the Keating Memorandum as now published by HUD.

Source: Martin S. Snitnow, Attorney at Law, *Overcrowding and Occupancy Standards*, 2008, page 4

### **b. Reasonable Accommodations**

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

24 CFR 100.204(b)(1) provides an example that applies to all housing providers and concerns a guide dog:

A blind applicant for rental housing wants to live in a dwelling unit with a seeing-eye dog. The building has a *no pet's policy*. It is a violation of Section 100.204 for the owner or manager of the apartment complex to refuse to permit the applicant to live in the apartment with a Seeing Eye dog because, without the Seeing Eye dog, the blind person will not have an equal opportunity to use and enjoy a dwelling.

Another example is given below:

A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a dog in his unit as a reasonable accommodation. The tenant explains that the dog is an assistance animal that will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway. The housing provider must make an exception to its "no pets" policy to accommodate this tenant.

Source: U.S. Department of Justice, Civil Rights Division and U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Joint Statement on Reasonable Accommodations Under the Fair Housing Act*, May 17, 2004, pages 6-7

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c. Reasonable Modifications

According to HUD:

A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. A request for a reasonable modification may be made at any time during the tenancy. The Act makes it unlawful for a housing provider or homeowners' association to refuse to allow a reasonable modification to the premises when such a modification may be necessary to afford persons with disabilities full enjoyment of the premises.

Source: U.S. Department of Justice, Civil Rights Division and U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Joint Statement on Reasonable Modifications Under the Fair Housing Act*, March 5, 2008, page 3

**2. Analysis of Property Management Practices**

For the prior AI a telephone survey of seven affordable and eight market-rate apartment complexes was completed. The results of the telephone surveys is representative of the knowledge of fair housing laws currently held by El Centro's on-site managers.

The seven affordable developments include 633 privately owned apartment units and excluded those owned by the Imperial Valley Housing Authority. The eight market developments include 909 apartment units.

The apartment survey also included questions concerning property management policies that relate to fair housing such as:

- Occupancy limits
- Allowing service and/or companion animals
- Allowing physical modifications and reasonable accommodations
- Written policies pertaining to the above topics
- Extent of knowledge of fair housing laws

a. Occupancy Limits

Five of the seven affordable housing developments had an occupancy limit of two persons per bedroom plus one additional person. That is, a policy consistent with the DFEH's former "intake guideline." Two complexes enforce a standard of two persons in a one bedroom unit and three persons in a two bedroom unit.

Seven of the eight market rate developments had an occupancy standard of two persons per bedroom plus one additional person. One development enforced a standard of two persons in a one bedroom apartment unit.

b. Reasonable Accommodations

Five of the affordable complexes allowed reasonable accommodations. One apartment manager each responded "maybe" and "probably not."

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All seven of the affordable housing developments permitted service and companion animals.

Five of the seven affordable apartment communities had written policies concerning reasonable accommodations, service animals and companion animals. One apartment manager each answered “not sure” and “probably not.”

All eight managers of the market rate developments stated they allow service animals. Seven stated companion animals are allowed and one responded “not sure.”

Six of the eight market rate apartments permitted reasonable accommodations. One manager answered “unsure” and one stated “don’t know.”

Four of the eight market developments did not have written policies regarding reasonable accommodations, service animals and companion animals. One manager responded “not sure” to this question.

c. Reasonable Modifications

All seven of the affordable apartment managers stated reasonable modifications. Five responses added “with approval of the owner.”

Seven managers of market rate apartment said they allowed reasonable modifications were allowed. One manager was “not sure.”

d. Accessible Apartment Units

Three affordable apartment communities contain 147 accessible units. Additional apartment units have some, but not all, accessible features.

Three market rate apartment complexes have 33 accessible units. Additional apartment units have some, but not all, accessible features.

e. Knowledge of Fair Housing Laws

Two affordable apartment managers stated they are “Somewhat familiar” with fair housing laws but none stated they are “Not familiar at all.”

One of eight market-rate apartment managers stated that they were “Somewhat familiar” with fair housing laws and two apartment managers stated that they were “Not familiar at all”.

**3. Conclusions and Recommendations**

The vast majority of affordable and market rate apartment communities adhere to the DFEH “intake guideline” of 2 + 1. The occupancy limits of the apartments surveyed do not cause a fair housing impediment.

Eleven of the 15 apartment communities allowed reasonable accommodations. Almost all of the developments permitted service and companion animals.

Six of the 15 developments do not have written policies concerning reasonable accommodations, reasonable physical modifications, service animals and companion animals.

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The survey results revealed that impediments to fair housing exist in El Centro. Therefore, subject to funding availability, the City will implement the following actions:

- Invite the apartment managers to one or more workshops; the topics could include:
  - ✓ Fair housing laws in general
  - ✓ Fair housing laws regarding occupancy limits
  - ✓ Fair housing laws regarding reasonable accommodations and modifications
  - ✓ Sample written policies regarding service and companion animals
- Distribute information on the above and other topics and distribute it to the apartment managers of all small, medium and large apartment complexes.

## **J. DISCRIMINATORY ADVERTISING**

### **1. Background – Prohibitions against Preferences and Limitations**

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

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

Section 12955(c) of the California Fair Employment and Housing Act contains similar language prohibiting discriminatory advertising. That Section, however, also includes the State's additionally protected classes of sexual orientation, marital status, ancestry, and source of income.

The Realtors® Standard of Practice 10-3 states:

Realtors® shall not print, display or circulate any statement or advertisement with respect to selling or renting of a property that indicates any preference, limitations or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. (Adopted 1/94, Renumbered 1/05 and 1/06, Amended 1/14)

### **2. Analysis of Newspaper/Print Advertising and On-Line Advertising**

For rent ads were examined on randomly selected days in the month of October 2018. The ads analyzed were published in the daily Imperial Valley Press, weekly Holtville Tribune, apartment guides and posted on Craigslist.

For El Centro properties, two apartments for rent ads and one mobile home for rent ad were published in the Imperial Valley Press. The ads listed the address, number of bedrooms and baths, and monthly rents. There were no discriminatory words or phrases used in the ads.

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No for rent ads were published in the weekly Holtville Tribune.

Apartment Finder, rent.com, and Apartment Guide published 46 for rent ads. In many cases, the same apartments were advertised on two or three of these publications. The ads included basic property information such as location, size, and readers were referred to “contact property.” None of the ads contained discriminatory words or phrases. However, an ad for one affordable housing development stated “no pets.” The Imperial Valley Housing Authority was informed of this ad as it may discourage disabled applicants from applying for vacant units.

Craigslist is used as medium to post rental ads. In September 2018, 10 apartment ads were randomly selected and analyzed. Two of the 10 ads stated “No pets allowed.” Two the 10 ads specifically stated that “Section 8 was OK” and one indicated NO SECTION 8.

Ads on Facebook were not reviewed. However, HUD has announced a formal complaint against Facebook for violating the Fair Housing Act by allowing landlords and home sellers to use its advertising platform to engage in housing discrimination. HUD claims Facebook enables advertisers to control which users receive housing-related ads based upon the recipient’s race, color, religion, sex, familial status, national origin, disability, and/or zip code. Facebook then invites advertisers to express unlawful preferences by offering discriminatory options, allowing them to effectively limit housing options for these protected classes under the guise of ‘targeted advertising.’

“The Fair Housing Act prohibits housing discrimination including those who might limit or deny housing options with a click of a mouse,” said Anna María Farías, HUD’s Assistant Secretary for Fair Housing and Equal Opportunity. “When Facebook uses the vast amount of personal data it collects to help advertisers to discriminate, it’s the same as slamming the door in someone’s face.”

HUD’s Secretary-initiated complaint follows the Department’s investigation into Facebook’s advertising platform which includes targeting tools that enable advertisers to filter prospective tenants or homebuyers based on these protected classes. For example, HUD’s complaint alleges Facebook’s platform violates the Fair Housing Act by enabling advertisers to, among other things:

- Display housing ads either only to men or women;
- Not show ads to Facebook users interested in an “assistance dog,” “mobility scooter,” “accessibility” or “deaf culture”;
- Not show ads to users whom Facebook categorizes as interested in “child care” or “parenting,” or show ads only to users with children above a specified age;
- To display/not display ads to users whom Facebook categorizes as interested in a particular place of worship, religion or tenet, such as the “Christian Church,” “Sikhism,” “Hinduism,” or the “Bible.”
- Not show ads to users whom Facebook categorizes as interested in “Latin America,” “Canada,” “Southeast Asia,” “China,” “Honduras,” or “Somalia.”
- Draw a red line around zip codes and then not display ads to Facebook users who live in specific zip codes.

Additionally, Facebook promotes its advertising targeting platform for housing purposes with “success stories” for finding “the perfect homeowners,” “reaching home buyers,” “attracting renters” and “personalizing property ads.”

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A Secretary-Initiated Complaint will result in a formal fact-finding investigation. The party against whom the complaint is filed will be provided notice and an opportunity to respond. If HUD's investigation results in a determination that reasonable cause exists that there has been a violation of the Fair Housing Act, a charge of discrimination may be filed. Throughout the process, HUD will seek conciliation and voluntary resolution. Charges may be resolved through settlement, through referral to the Department of Justice, or through an administrative determination.

### **3. Conclusions and Recommendations**

Ads containing discriminatory words or phrases are infrequently published. However, ads with discriminatory words or phrases may be published in the future. Additionally, ads stating "no pets" may discourage disabled persons from applying for the apartment housing advertised in print publications.

Based on the above findings, the City will accomplish the following actions:

- Ensure, if funding is available, that Inland accomplishes the following:
  - ✓ Annually review ads published in newspapers, on-line apartment search sites, and craigslist. Ads with discriminatory words or phrases should be investigated in more detail with follow-up enforcement actions, if necessary.
- Encourage the Imperial Valley Press to publish a concise "no pets" notice that indicates rental housing owners must provide reasonable accommodations for "service animals" and "companion animals" for disabled persons.

## **K. HATE CRIMES**

### **1. Background – Hate Crimes at a Residential Location**

According to HUD, the AI should analyze *housing* related hate crimes; that is; where an event takes place at a residence, home or driveway. When hate crimes occur at a home, the victims can feel unwelcomed and threatened. The victims may feel that they have no recourse other than to move from the home and neighborhood of their choice. Hate crime means –

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

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

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

Police and Sheriff Department's report hate crime events to the DOJ.

## **2. Analysis of Hate Crime Data**

Annually, the California Attorney General publishes a report that contains the number of hate crime events by jurisdiction. In the four year period from 2014 to 2017, only two hate crimes events have been reported in Imperial County and none in El Centro.

## **3. Conclusions and Recommendations**

Hate crimes occur infrequently. When they do occur they can devastate families who believe they must move from the home and neighborhood of their choice. No actions are recommended as no hate crimes have been reported in El Centro in recent years.

# **L. POPULATION DIVERSITY - SEGREGATION/INTEGRATION**

## **1. Meaning of Diversity – Segregation/Integration**

The dissimilarity index, according to HUD's *Assessment of Fair Housing Tool for Local Governments*, measures the degree to which two groups are evenly distributed across a geographic area and is a commonly used tool for assessing residential segregation between two groups. The University of Michigan explains the dissimilarity index as follows:

The most commonly used measure of neighborhood segregation is the *index of dissimilarity*. This is a measure of the evenness with which two groups are distributed across the component geographic areas that make up a larger area. For purposes of census taking, metropolises are divided into census tracts that contain, on average, about 4,000 residents. We could consider a metropolitan area such as Los Angeles and determine the evenness with which Whites and Blacks are distributed across census tracts.

One extreme possibility would be an American Apartheid situation in which all Blacks lived in exclusively Black census tracts while all Whites lived in all-White census tracts. Of course this does not occur but this would be the maximum residential segregation of Blacks from Whites. If there were such an apartheid situation, the *index of dissimilarity* would take on its peak value of 100. Another extreme example would be a situation in which Blacks and Whites were randomly assigned to their census tracts of residence. This never happens but, if it did, the *index of dissimilarity* would equal 0 meaning that Blacks and Whites were evenly distributed across census tracts.

In metropolitan Los Angeles in 2000, the *index of dissimilarity* comparing the distribution of Blacks and Whites across census tracts was 69 indicating a moderately high degree of residential segregation. This value reports that either 69 percent of the White or 69 percent of the Black population would have to move from one census tract to another to produce a completely even distribution of the two races across census tracts; that is, an *index of dissimilarity* of 0.

University of Michigan, Population Studies Center, *Residential Segregation: What It Is and How We Measure It*, page 1

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**2. Dissimilarity Index for the Region and City**

The HUD-provided dissimilarity index provides values ranging from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured. Generally, dissimilarity index values between 0 and 39.99 generally indicate low segregation, values between 40 and 54.99 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation, as follows:

	<b>Value</b>	<b>Level of Segregation</b>
<b>Dissimilarity Index Value (0-100)</b>	0-39.99	Low Segregation
	40-54.99	Moderate Segregation
	55-100	High Segregation

HUD data shows that the El Centro Region currently experiences a Low Level of Segregation between the Asian or Pacific Islander and White populations (36.98).

A Moderate Level of Segregation among two groups: Non-White/White and Hispanic/White:

- Non-White/White 41.76
- Hispanic/White 44.30

In the Region, there is a High Level of Segregation between the Black/White populations (61.18).

In contrast, HUD’s Dissimilarity Index for the City of El Centro shows a Low Segregation Level for three groups:

- Non-White/White 29.69
- Hispanic/White 30.24
- Asian or Pacific Islander/White 31.40

The HUD data indicate there is a Moderate Level of Segregation among the Black/White populations (44.63).

**3. Conclusions and Recommendations**

a. Conclusions

Since 1990 the Dissimilarity Index trend line for the Region has been higher than that of the City of El Centro.

Between 1990 and 2016, the City’s segregation levels for the Non-White/White, Hispanic/White and Asian or Pacific Islander/White populations have remained Low. The segregation level for the Black/White populations has decreased from High to Moderate.

b. Action Plan Recommendations

No actions are necessary as the City’s Dissimilarity Index is in either the Low or Moderate range.

## **M. LOCATION OF AFFORDABLE HOUSING**

### **1. Background – Reducing and Avoiding a Perpetuation of Residential Segregation**

A lack of affordable housing in and of itself, HUD has pointed out, is not an impediment to fair housing choice, unless it creates an impediment to housing choice *because* of membership in a protected class. Courts have found that “the location of affordable housing is central to fulfilling the commitment to AFFH [affirmatively further fair housing] because it determines whether such housing will reduce or perpetuate residential segregation.” (*United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. County of Westchester, New York*)

In California, Government Code Section 65008 expressly prohibits localities from discriminating against residential development or emergency shelters if the intended occupants are low-income or if the development is subsidized (i.e., the method of financing).

### **2. Analysis of the Location of El Centro’s Affordable Housing**

#### **a. Section 8 Housing Choice Voucher Program**

One major fair housing concern is whether affordable housing is concentrated in minority neighborhoods and whether this siting pattern is the *result* of the policies of Federal, State or local funding programs. One major program that provides rental assistance to extremely and very low income families is the Section 8 Housing Choice Voucher Program.

The Imperial Valley Housing Authority was unable to provide the number of Section 8 voucher holders residing in each of El Centro’s census tracts. However, Section 8 householders are advised to seek housing in neighborhoods with low percentage of low income persons.

#### **b. Affordable Housing**

Other programs such as the Low Income Housing Tax Credit, HOME and public housing programs fund the production of affordable housing. Table VII-8 shows that the City has 21 affordable housing communities containing a combined total of 907 housing units. Most of the housing inventory is located in small projects as 15 of the 21 developments range in size from three to 50 housing units.

The affordable housing inventory is located in eight different block groups. Having the housing stock located in eight different block groups demonstrates a dispersal of such housing – however, 275 of the 907 (30%) affordable dwellings are located in Census Tract 112.02, Block Group 1.

### **3. Conclusions and Recommendations**

The Imperial Valley Housing Authority will continue to seek Section 8 rental housing opportunities outside census tracts with a high percentage of the populations having incomes below the poverty level. The City has transmitted to the IVHA the most recent data on poverty incomes at the census tract level.

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For most part, the location of El Centro's affordable housing stock is well dispersed. While most affordable housing developments are located in low and moderate income neighborhoods, only one has contributed significantly to the low- and moderate-income percentage of the neighborhood in which it is located.

The affordable housing location analysis contained in Table VII-8 will be used to evaluate the sites of new affordable housing development proposals. It is not possible at this point to declare any individual block group as an area in which new affordable housing should not be built. Among the reasons why this is not possible is that the project size and population to be housed (i.e., senior, family, disabled, etc.) are unknown at this time. Project size and population to be housed are key factors in assessing the suitability of the location of a proposed development

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**Table V-8  
City of El Centro  
Affordable Housing Inventory by Census Tract and Block Group: December 2018**

<b>Census Tract</b>	<b>Block Group</b>	<b>Project Name</b>	<b>Address</b>	<b>Affordability Type<sup>1</sup></b>	<b>Number of Units</b>	<b>Percent Below Poverty<sup>2</sup></b>
112.01	2	Las Brisas Apartments	2001 North 8th Street	LIHTC	72	5.92%
112.02	1	Turnkey Units	1648 Barbara Worth	IVHA	9	24.89%
112.02	1	Casa de Anza	1690 W. Adams Street	IVHA	36	24.89%
112.02	1	Tierra del Sol	1720 W. Adams Avenue	IVHA	40	24.89%
112.02	1	Countryside Apartments	1751 Adams Avenue	LIHTC	72	24.89%
112.02	1	Imperial Gardens Family Apartments	1798 W. Main Street	LIHTC	76	24.89%
112.02	1	Euclid Villas	1735 S. Euclid	Section 8	42	24.89%
112.02	3	Valley Apartments I, II, III & IV	970 Waterman Court	IVHA	105	24.89%
114.00	3	Fairfield Homes	632 S. Hope Street	IVHA	50	39.68%
114.00	3	Imperialwood Homes	Holt & Heil	IVHA	32	39.68%
114.00	3	El Centro Homes	300 Block of Holt & 400 Block of Hamilton	IVHA	21	39.68%
115.00	1	Green Gables	Park Avenue	IVHA	19	33.69%
115.00	1	El Centro Senior Villas	515 Park Avenue	LIHTC	80	33.69%
115.00	1	El Centro Senior Villas II	579-581 Park Avenue	LIHTC	20	33.69%
115.00	3	Cedar Homes Senior	650 Adams Avenue	IVHA	20	33.69%
115.00	3	Casa de Pajas	401 El Centro Avenue or 402 Adams	IVHA	3	33.69%
116.00	2	Turnkey Units	680 Brighton	IVHA	6	24.48%
116.00	2	Turnkey Units	580 Brighton	IVHA	6	24.48%
116.00	2	Boatwright Homes Senior	590 Holt Avenue	IVHA	20	24.48%
118.02	1	Plaza Senior Apartments	1755 Main Street	LIHTC	171	17.92%
N/A	N/A	Turnkey Units <sup>3</sup>	Commercial & Brighton	IVHA	7	N/A

<sup>1</sup>IVHA = Imperial Valley Housing Authority; LIHTC = Low Income Housing Tax Credit; Section 8 = Project based assistance, privately owned

<sup>2</sup>2013 FFIEC Census Report – Summary Census Income Information Imperial County All Tracts. Block Group percentage based on Census Tract percentage.

<sup>3</sup>These units are located on two parallel streets some distance apart and located in two different Census Tracts.