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City of Flagstaff

Analysis of Impediments to Fair Housing May 15, 2021

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Consolidated Plan and Analysis of Impediments to Fair Housing Choice

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Introduction and Executive Summary

Background

In addition to prohibiting discrimination in housing, the Fair Housing Act also promotes the creation of diverse, inclusive communities with equal access to community resources such as good schools, transportation and jobs, and healthy environments. To accomplish this goal, the Fair Housing Act explicitly requires that federal housing and community development programs affirmatively advance fair housing and expand opportunity, or “affirmatively further fair housing” (AFFH), regardless of race, color, religion, national origin, family status, disability, and gender.

The City of Flagstaff receives an annual entitlement allocation of Community Development Block Grant (CDBG) funding from the US Department of Housing and Urban Development. The amount of CDBG funding received by the City varies from year-to-year. In Program Year 2021-2022, the City received \$571,367. The purposes of CDBG funding are:

1. Providing Decent Housing,
2. Providing a Suitable Living Environment, and
3. Expanding Economic Opportunities.

In order to receive CDBG funding, the City must complete a Consolidated Plan every five years. The City’s Consolidated Plan for HUD Program Years 2021 – 2026 was recently completed. In addition to the 5-year Consolidated Plan, the City must complete an Annual Action Plan that describes how CDBG funds will be used in the coming year. As part of the 5-year Consolidated Plan and Annual Action Plans, the City certifies it will affirmatively further fair housing. As part of this certification, the City must complete an Analysis of Impediments to Fair Housing Choice (AI), take appropriate actions to overcome the effects of any impediments identified through the analysis, and maintain records reflecting the actions taken.

AI Purpose and Goals

The City of Flagstaff has consistently supported the concept of the provision of fair housing for its residents without regard to race, color, religion, sex, national origin, handicap, or familial status. The purpose of this AI is to identify legitimate fair housing problems (impediments) faced by people seeking housing in Flagstaff. The AI reviews current information and data available from a number of sources, identifies current impediments to fair housing in the City of Flagstaff, evaluates the efficacy of the 2016 Plan of Action and develops a new Plan of Action to address current impediments.

The City’s goals in developing this AI and implementing the Plan of Action include to:

1. Increase affordable and accessible housing opportunities to provide for greater Housing Choice among low- and moderate income and/or disabled citizens.
2. Create public awareness of fair housing laws and reporting processes and destigmatize housing choice voucher holders among housing sector stakeholders, populations at-risk for discrimination and the community as a whole.
3. Advocate for local and regional policy changes that increase affordable housing development and availability, with a focus on promoting development outside of minority and low income areas of concentration.

Methodology

Statistical Analysis

Multiple statistical analyses were conducted, drawing on data from the following sources:

- 2015-2019 US Census Bureau American Community Survey Data
- Census 2010 Census Tract Block Group level data for the City of Flagstaff
- Census 2010 City of Flagstaff and Coconino County Data
- Federal Financial Institutions Examination Council (FFIEC)
- Home Mortgage Disclosure Act (HMDA) Data
- HUD Fair Housing complaint data
- HUD CHAS data.

In addition to data and information from the US Census, HUD and FFEIC, the City collected information and data for this Analysis from the following sources:

- A survey of 84 Flagstaff area residents.
- Interviews with 25 individuals working in the housing and related industries in Flagstaff
- Reports, data, and studies conducted on the national level
- The City of Flagstaff Consolidated Plans for FY2016-2020 and FY2021-2025
- The City of Flagstaff HUD Consolidated Annual Performance Reports for FY2015 through FY2019; and
- The City of Flagstaff 2016 Analysis of Impediments to Fair Housing Choice.

Resident Survey

A resident survey was conducted during November and December 2020 in both English and Spanish. The survey was designed to identify possible events of housing discrimination, identify resident's understanding of fair housing laws and how to file a complaint, and glean ideas about what might be done to prevent housing discrimination. The survey was developed by the Southwest Fair Housing Council and shared with the City.

Industry Stakeholder Interviews

During November and December 2020, nearly 60 industry stakeholders were contacted to discuss fair housing in Flagstaff and 44 stakeholders agreed to participate in the interview. The goal of the interviews was to contact people with expert knowledge about housing or housing-related services, assess their awareness of fair housing compliance, and collect their thoughts on perceived impediments and barriers to fair housing choice in the City of Flagstaff. Individuals from a number of different fields were interviewed, including social service and housing providers and Realtors. The results of these interviews provide qualitative information and insights into local issues pertaining to fair housing.

Regulation, Policy and Ordinance Review

One component of the AI is the review of local regulations, policies and ordinances that potentially impact fair housing in the City.

Review of Documents and Studies

In addition to statistical analyses, the following documents were reviewed and incorporated into this Analysis of Impediments to Fair Housing Choice:

- US Department of Housing and Urban Development FY 2019-2020 Annual Report on Fair Housing (most recent available).
- Where You Live Matters 2020 Fair Housing Trends Report by The National Fair Housing Alliance.
- City of Flagstaff Regional Transportation and Land Use Plan; and
- City of Flagstaff Incentive Policy for Affordable Housing.

Fair Housing Complaints and Enforcement Review

Fair housing complaint data was compiled from the City of Flagstaff, Southwest Fair Housing Council, and the US Department of Housing and Urban Development Fair Housing and Equal Opportunity Office.

Public Comments and Hearings

The City of Flagstaff made the draft AI available for public review and comment from March 1, 2021 through April 15, 2021. On April 13, 2021, the Flagstaff City Council conducted a public hearing regarding the draft AI, and on April 20, 2021, the City Council took action to formally approve the AI for HUD submittal alongside the 2021-2025 CDBG Consolidated Plan and 2021/2022 Annual Action Plan.

Conclusions

Identified Impediments

HUD defines impediments to fair housing choice as:

- Any actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice.
- Any actions, omissions or decisions that have this effect.

The following impediments were identified in the City of Flagstaff:

1. **Community Education.** The number and nature of fair housing complaints in Flagstaff is low, yet the results of the community survey, public forum and community interviews indicate that there is a need for continued outreach and education. Outreach to both industry stakeholders and residents is needed to ensure a broad understanding of Fair Housing.
 - a. 42% of survey respondents are either not very informed or only somewhat informed about housing discrimination.
 - b. 33% of survey respondents do not know where to report a housing discrimination complaint.
 - c. While 54% of survey respondents indicated they believe housing discrimination is occurring or likely occurring in Flagstaff and 61% indicated they would report housing discrimination if they encountered it, there were only 13 complaints filed between 2016 and 2020.
1. **Minority and Low-income Areas of Concentration.** Concentrations of both minorities and low-income households exist in four Census Tracts.
 - LMI Concentration = at least 51% of population has income below 80% AMI.
 - Census Tracts 2, 3, 5, 8, 10, 12, and 15.
 - Minority Concentration = proportion of minorities at least 10% higher than the Citywide proportion.

- Census Tracts 3, 4, 5, 8 and 11.02.
 - Four Census Tracts that are both areas of low income and minority concentration.
 - Census Tract 3, 4, 5, and 8.
 - The City's minority population continues to grow.
 - In 2011, racial and ethnic minorities represented 27% of the population, up from 26% of the population in 2008 and 21% in 2000.
 - Northern Arizona University students represented 22% of the City's minority population in 2011, including 43% of the Black/African American population and 100% of the Pacific Islander population.
2. **Disability Accessibility.** Testing data from Southwest Fair Housing Council indicates that housing discrimination on the basis of disability is more likely to be supported. Complaint data from Southwest Fair Housing Council and the US Department of Housing and Urban Development indicate a higher volume of complaints based on disability.
- 11 of 13 fair housing complaints reported by HUD in Flagstaff were regarding disability.
 - 14 of 15 complaints reported by SWFHC were regarding disability.
 - Majority (14) were rental housing
3. **Housing Choice.** Affordability is an indirect aspect of housing discrimination. The Fair Housing survey indicated a lack of affordable housing leading to a lack of Housing Choice.
- While housing choice voucher usage is an option for low-income renters, the program has a long wait-list and many landlords are unwilling to accept vouchers due to existing societal stigmas.
 - Community survey results, especially among Flagstaff LMI residents, indicate a lack of affordable housing as well as a shortage of landlords and property management organizations willing to accept Housing Choice Vouchers limiting LMI resident's choice in housing.
 - Lack of affordable housing supply for large households, which disproportionately impacts minorities, low-income households, and families with large households
 - • Lack of affordable housing supply, particularly for low-income special needs households and persons with disabilities.
 - Public policy barriers to the development of Affordable Housing throughout the City of Flagstaff, Arizona
 - "Not in My Backyard" Residents in some neighborhoods designate a new development (e.g. shelter, affordable housing, group home) or change in occupancy of an existing development as inappropriate or unwanted for their local area.

City of Flagstaff Fair Housing Action Plan FY 2021-2022

The Action Plan is a critical element of the AI as it describes the measurable activities that will be conducted by the City of Flagstaff to address the identified impediments. In summary, the City will take the following actions to address impediments:

1. Sponsor a variety of education opportunities for residents and stakeholders
2. Reach out to minority and other protected classes to encourage their participation in fair housing planning and education opportunities.
3. Provide training and undertake recruitment of landlords and property managers for Housing Choice Vouchers – Improve public and stakeholder impression of HCV clients

4. Sponsor no less than 3 Fair Housing trainings annually target both housing sector stakeholders and community residents with a focus on:
 - a. Disability accessibility
 - b. Rentals and the use of Criminal Records in housing
 - c. Extended protections under Sex/Gender
 - d. Emotional support animals
5. Prioritize funding for owner and renter occupied housing rehabilitation to provide disabled LMI accessibility adaptations with deferred loans and grants and incentivize rental occupied housing rehabilitation programs for landlords adapting units for accessibility
6. Develop a comprehensive Housing Plan for the City of Flagstaff including information on Fair Housing, Housing Choice, and efforts to increase affordable and accessible housing units
7. Update the City's Incentives for Affordable Housing to encourage developers to provide Affordable and Accessible Units in a variety of locations to decrease area concentration

Reference Documents

The following documents are referenced in this Analysis of Impediments to Fair Housing Choice or provide valuable information regarding fair housing and related laws:

- The Arizona Fair Housing Law is available on The Arizona Residential Landlord/Tenant Act is available on the Arizona Department of Housing website at <http://www.housing.az.gov/sites/default/files/documents>.
- The Arizona Tenant's Rights and Responsibilities Handbook is available on the City of Flagstaff website at <http://www.flagstaff.az.gov/DocumentCenter/View/42329>.

The Fair Housing Act and AFFH

HUD's "Affirmatively Furthering Fair Housing" (AFFH) regulation is designed to ensure that localities promote inclusive communities while developing plans to expend Community Development Block Grant (CDBG) and other federal housing funds.

The Fair Housing Act has two goals: to end housing discrimination and to promote diverse, inclusive communities. The second goal is referred to as Affirmatively Furthering Fair Housing (AFFH), requiring cities to commit to upholding values of fair access and equal opportunity.

The Affirmatively Furthering Fair Housing provision was part of the Fair Housing Act when it was passed by Congress in 1968. Through that provision, Congress directed HUD to make sure that neither the agency itself, nor the cities, counties, states and public housing agencies it funds, discriminate in their programs. Further, Congress intended that HUD programs be used to expand housing choices and help make all neighborhoods places of opportunity, providing their residents with access to the community assets and resources they need to flourish. In recent years, HUD increased oversight of its grantees' fair housing compliance, and took steps to give them better tools to ensure they are connecting all of their residents to opportunity, regardless of race, color, religion, national origin, sex, family status or disability.

The Affirmatively Furthering Fair Housing Rule

On July 16, 2015, the US Department of Housing & Urban Development (HUD) issued a new regulation to implement the affirmatively furthering fair housing requirements of the Fair Housing Act. With this rule, HUD would provide its program participants (states, counties, municipalities, and public housing agencies) with more effective means to affirmatively further the purposes and policies of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968.

HUD received nearly 1,000 comments on the proposed rule including comments from national civil rights, fair housing, women's, disability, LGBT and consumer organizations and labor unions. Advocates, grantees, the GAO, and HUD itself had determined that the previous system was not an effective way to ensure that either HUD or its grantees were using their resources to expand housing choice and ensure that all neighborhoods are places of opportunity, thereby fulfilling their statutory obligations to affirmatively further fair housing.

In conjunction with the rule, HUD provided its grantees with a format to use for analyzing local and regional fair housing issues, known as the Assessment of Fair Housing Tool. HUD launched the rule with an Assessment Tool for Local Governments and also developed one for Public Housing Agencies. HUD also published a guidebook to help grantees through the process of conducting their required Assessments of Fair Housing (AFHs).

AFFH UPDATE: HUD EFFECTIVELY SUSPENDS AFFH REGULATION

On January 5, 2018, HUD effectively suspended implementation of the agency's 2015 Affirmatively Furthering Fair Housing regulation. It did this by delaying program participants' submission of the fair housing plans (known as Assessments of Fair Housing or AFHs) until after October 31, 2020. The submission of these fair housing plans is tied to the 5-year cycle under which program participants must submit their spending plans, (known as Consolidated Plans, or Con Plans).

HUD's action means that most program participants will not be required to submit a fair housing plan for HUD review until 2024 or 2025.

The Assessment of Fair Housing process has proven to be helpful to communities that have undergone the process. For example, performing a thorough analysis of local impediments to fair housing will allow for the discovery potential problems face by residents such as a serious eviction problem not adequately addressed because the city had not fully recognized the scope of the problem. This issue drives family instability. The lack of affordable housing can exacerbate this issue for the city. The AFH process can uncover issues like this and help the city formulate a plan that will help provide better assistance to residents.

As a CDBG grantee, the City of Flagstaff is required to certify its commitment to affirmatively further fair housing. The City of Flagstaff will continue to perform an Analysis of Impediments to Fair Housing to certify this commitment, identify impediments and create an action plan for addressing the discovered impediments.

Geography and History

Flagstaff lies near the southwestern edge of the Colorado Plateau, the western side of the largest contiguous Ponderosa Pine forest in the continental United States. Flagstaff is located just south of the San Francisco Peaks, the highest mountain range in Arizona and includes the highest point in Arizona – Humphrey's Peak at 12,633 feet. The area around Flagstaff is considered a high altitude semi-desert, however, ecosystems ranging from pinon-juniper studded plateaus, high desert, green alpine forest and barren tundra can all be found within a short drive of Flagstaff¹.

Flagstaff's early economy was based on the lumber, railroad and ranching industries. The first permanent settlement was in 1876, when Thomas F. McMillan built a cabin at the base of Mars Hill on the west side of town. The city grew rapidly, primarily attributable to its location along the east-west transcontinental railroad line. In the 1880s, the railroads purchased land in the west from the federal government, which was then sold to individuals to help finance the railroad projects². By 1886, Flagstaff was the largest city on the railroad line between Albuquerque, New Mexico and the west coast of the United States.

Route 66 was completed in 1926 and ran through Flagstaff. Flagstaff was incorporated as a City in 1928, and in

1929 the City's first motel, the Motel Du Beau, was built³. Flagstaff went on to become a popular tourist stop along Route 66. According to the Arizona Historical Society, Flagstaff was the quintessential World War II boom town and was never the same after Pearl Harbor⁴. Part of this big change was the creation of the Navajo Ordnance Depot in 1942. The depot was vital to the U.S. success in the Pacific Theater during World War II. Munitions from plants across the country were shipped by rail to the Bellemont depot and stored, pending shipment to the Pacific via Los Angeles or San Francisco.

Navajos, Hopis, and Austrians played a major role at this very unusual military base. More than one thousand Navajo and Hopi workers were employed to build and then run the munitions storage depot. With family members, the Native American population was well over three thousand when they moved into "Indian Village" on the northwestern corner of the base. The Flagstaff area population jumped from five thousand to twenty thousand in just a few months, with many living in the forest, in rented garages, and in cars close to the construction site. During World War II, about \$42 million passed through town, in one way or another...an enormous sum in the 1940's⁵. Not only were 250 Austrian prisoners of war held at the northern Arizona munitions depot, but over one thousand sailors and marines came to the Arizona State Teachers College campus (today Northern Arizona University) for officer training. Prior to the war, about a dozen buildings/homes were constructed each year in Flagstaff. World War II brought about 1,200 buildings/homes---one century worth of growth.

Walkable urban areas were primarily developed prior to the 1940's in the heart of Flagstaff. Such places developed in a pattern where a person could live with limited reliance on the automobile and were conducive to destination walking and cycling, characteristics that are still prevalent today. The heart of the Flagstaff urban area is largely supported through a network of interconnected, tree-lined streets, a diversity of housing choices, and a mix of appropriate commercial and residential uses in a compact form. These areas also support public transit due to their compact nature. The Flagstaff urban areas include the downtown, south of downtown, La Plaza Vieja, Flagstaff Townsite and adjacent historic neighborhoods. Most of Flagstaff's residents and visitors agree that these areas help to define the unique character and identity of Flagstaff.

During the 1990s, development in the region spread across the rural landscape. While the rural environs are desirable, this leapfrog development was an inefficient use of land and natural and financial resources within the Flagstaff area; it increased traffic congestion, and placed a strain on the ability of the City and Coconino County to provide needed services and facilities, such as transportation, police, and fire and emergency services.

At present, the Flagstaff area has a relatively finite amount of developable private land. Of the large vacant parcels located within the City limits, a majority are at the periphery. Projections for the ultimate population of Flagstaff and surrounding areas vary. Population projections for 2055 adopted by the Arizona Department of Economic Security in 1997 showed an anticipated City of Flagstaff population of 158,272. In 2018 projections were reduced to 107,646.

¹ www.flagstaffarizona.org/flag_climate.html

² Paradis, Thomas Wayne. "Theme Town: A Geography of Landscape and Community in Flagstaff, Arizona."

³ Paradis, pp. 244–245.

⁴ www.arizonahistoricalsociety.org/userfiles/pdf/news_events/camp_navajo_historic_tour2.pdf

⁵ www.arizonahistoricalsociety.org/userfiles/pdf/news_events/camp_navajo_historic_tour2.pdf

Socio-economic Profile

Flagstaff is a mountain city located at 7,000 feet in the highlands of north central Arizona. It is surrounded by the Coconino National Forest, which contains the largest contiguous stand of Ponderosa Pines in the world. Flagstaff occupies 65 square miles on a volcanic plateau at the base of Arizona's highest point, the San Francisco Peaks, at 12,633 feet. Flagstaff is considered a metropolitan area because its population is over 50,000; however, its identity is still rooted in its small town mountain heritage. Hunting, fishing, skiing, mountain biking and rock climbing are just a few of the outdoor activities that attract people to Flagstaff.

Flagstaff has long been a transportation hub. Located along an old wagon road to California, Flagstaff's development began after the railroad arrived in 1881. Today, Flagstaff is the economic hub of Northern Arizona, ideally situated at the junction of Interstates 40 and 17. The Phoenix metropolitan area is 140 miles to the south and Grand Canyon National Park is approximately 80 miles to the north.

Flagstaff's incorporated population is about 70,000, with an additional 20,000 living in nearby unincorporated communities, and a trade area of 240,700. There are roughly 49,000 people employed in Flagstaff.

Flagstaff is home to Northern Arizona University (NAU). The school specializes in a number of environmental areas including forest health and biology. NAU is the state's largest residential campus, with roughly 22,000 students enrolled. Flagstaff has nine public elementary schools, two middle schools, two high schools and many private and charter schools. The newly expanded Coconino Community College is located adjacent to the NAU campus.

Flagstaff is a governmental, educational, transportation, cultural and commercial center, with healthcare, education, and tourism as major sources of employment. The city is home to a number of scientific and high-tech research and development industries, including W.L. Gore, Machine Solutions, and Prent Thermoforming. The community also has two museums, numerous art galleries, a symphony orchestra, four recreation centers, an ice-skating rink and a major ski resort. Flagstaff has extensive medical facilities and resources, including a state-of-the-art trauma center at the Flagstaff Medical Center.

Coconino County and Flagstaff possess an abundance of natural, cultural and archaeological resources, fueling an active tourism economy. Primary among all attractions is the Grand Canyon, a widely recognized natural wonder that stimulates domestic and international visitation at a rate approaching four million persons per year.

The Flagstaff area has a relatively finite amount of developable private land. Of the large vacant parcels located within the City limits, a majority are at the periphery and can be considered potential "greenfield development" or developments that incorporate sustainable programs and technologies such as lifecycle housing, complete streets, parks and open spaces, integrated retail and office, energy efficient buildings, innovative rainwater and stormwater facilities, and sidewalks and trails. Densities are expected to increase slowly over the next forty years, with more housing, employment, and transportation options.

According to the Flagstaff Regional Plan 2030, projections for the ultimate population of Flagstaff and surrounding areas vary. Population projections adopted by the Arizona Department of Economic Security in 1997 showed an anticipated population of 158,272 in the year 2050, while 2006 projections were 96,418 and

more recent estimates are lower still. If large population growth occurs and accommodations have not been made, local housing and land costs will increase substantially, and newcomers may be forced to move to distant communities, creating sprawl and long commutes to work.

Population

Flagstaff's incorporated population is about 72,000, with an additional 20,000 living in nearby unincorporated communities, and a trade area of 240,700. There are roughly 49,000 people employed in Flagstaff.

According to the 2015/2019 ACS, the City of Flagstaff has been a place of in-migration for several decades, growing by nearly 10,400 people (20%) from 2000 to 2008, 1,253 people (2%) between 2008 and 2011. More recently the City of Flagstaff population increased by 11.5% between 2011 and 2019. Growth in the early 2000's was fueled primarily by investors acquiring second homes, low mortgage rates and liberal financing terms, and the retirement of baby boomers. A significant portion of growth since 2008 can be attributed to an increase in Northern Arizona University student enrollment.

2000 (1)		2008 (2)		2011 (3)		2019 (4)		2030 Projected (5)	
Pop.	HH	Pop.	HH	Pop.	HH	Pop.	HH	Pop.	HH
53,137	19,355	63,505	22,860	64,758	22,360	72,402	22,360	83,746	28,916

(1) Census 2000; (2) 2006/2008 ACS; (3) 2007/2011 ACS; (4) 2015/2019 ACS (5) AZ Department of Water Resources

The City's growing population will require an increased emphasis on housing choices in the future. The region's housing is influenced by:

- Limited supply of land for development;
- Approximately forty percent (40%) of Flagstaff's households are by definition low- to moderate-income (City FY 2016 - 2020 HUD Consolidated Plan);
- Consistent but modest rate of population growth;
- NAU's total enrollment has grown by 16.2 percent in the last five years (Fall 2013 – Fall 2018); and
- Housing needs for the elderly, multigenerational families and downsizing will increase over the next several decades as the Baby Boom generation moves into the retirement years.

Local growing population sectors include the elderly, students, single-parent households, and nonfamily households. These community members need a variety of housing options within proximity to jobs, schools, and services. NAU students currently make up approximately thirty percent (30 %) percent of the local population, and their continued demand for student housing impacts cost and availability of housing in the region, resulting in a higher demand for multi-family housing, or housing affordable for single-incomes or multiple low incomes.

Race and Ethnicity

According to the 2015/2019 ACS 78% of the City's population is White, compared with 73% in 2008 and 79% in 2000. The Native American population comprised 8% of the population in 2019, compared with 13% in 2015. The population identifying as another race, including 2 or more races is just 8%, compared with 12% in 2015. Among all races, 19% of the population is Hispanic or Latino, a 1% difference of the population in 2015.

The City of Flagstaff comprises 51% of the Coconino County population and, with the exception of the Native American population, includes 80% of racial and ethnic minorities in the County. 80% or more of the County's Black/African American and Asian population lives in Flagstaff, as does nearly 70% of the population of another race, including two races.

	City of Flagstaff			Coconino County	
	No.	%	% of Coconino County	No.	%
Total	72,402		51%	141,274	
White	56,722	78%	63%	90,333	64%
Black or African American	1,442	2%	83%	1,742	1%
Asian	2,227	3%	81%	2,766	2%
Native American or Alaska Native	5,683	8%	15%	37,504	27%
Native Hawaiian/Pacific Islander	189	0%	80%	235	0%
Other Race (incl. 2 or more races)	6,139	8%	71%	8,694	6%
Hispanic or Latino	13,990	19%	70%	19,931	14%

Source: 2015/2019 ACS Note: A Hispanic or Latino person may be any race.

Northern Arizona University

Students attending Northern Arizona University (NAU) represent more than one quarter (27%) of City of Flagstaff residents and contribute to racial and ethnic diversity, particularly among, Pacific Islander/Asian and African American populations; NAU students represent 43% of the African American population and 20% of the Asian and Hispanic populations. Approximately 10,500 students live in NAU dormitories and apartments, and an estimated 60%, or 13,600 students occupy open-market rental units, many located in close proximity to the University. NAU's total enrollment has grown by 16.2 percent in the last five years (Fall 2013 – Fall 2018).

	Students	% of NAU Students	% City of Flagstaff	% Coconino County
Total	30,736		27%	13%
White	16,942	55%	25%	15%
Black or African American	1019	3%	43%	34%
Asian	669	2%	20%	16%
Native American or Alaska Native	878	3%	11%	2%
Pacific Islander	86	1%	100%	45%
Other Race	807	3%	8%	5%
Hispanic or Latino	2,422	14%	20%	14%

Sources: Northern Arizona University; 2015/2019 ACS

Age of the Population

According to the 2015/2019 ACS, nearly 40% of the City's population is between the ages of 15 and 24, compared to 24% of the Coconino County population and 14% of the Arizona population. This is primarily due to the presence of NAU. The proportion of Flagstaff's population age 65 and older is 6.6%, less than half the statewide percentage of 13.1%. Flagstaff's high elevation and cold weather climate make it less attractive as a retirement destination. The percentage of 18 to 24 and 24 to 34 individuals are significantly higher in Flagstaff than the county and state. This is due to the growing population of NAU students.

Age	Arizona		Coconino County		City of Flagstaff	
	No.	%	No.	%	No.	%
Under 15	1,359,113	18.67	23,271	16.22	22,038	2.12
15 to 17	277,617	3.81	4,303	3	1,594	2.12
18 to 24	694,529	9.54	19,997	21.46	24,471	32.61
25 to 34	1,001,594	13.76	19,997	13.94	10,560	14.07
35 to 44	898,533	12.34	15,283	10.65	7,435	9.91
45 to 54	853,081	11.72	14,245	9.93	6,873	9.16
55 to 64	884,091	12.15	16,571	11.55	7,093	9.45
65 or more	1,307,241	17.96	18,586	12.95	6,527	8.70
Total	7278717		143476		75,044	
Median Age	38.3		31.1		25.8	

Source: 2015/2019 ACS

Household and Family Types

Among the estimated 5,188 families with children in Flagstaff, 76% are married couple families, 17.5% are single-mother families, and just 6% are single-father families. Single-mother families are more likely to include children under 18 than are married-couple or single-father families. Just 2.3% of families with children include unmarried parents.

	Coconino County		City of Flagstaff	
Households	48993		23839	
Families	29111	59.4%	12432	52.1%
Married-couple Families	21964	75.4%	10077	81.1%
Children under 18	7532	34.3%	3967	31.9%
Co-habiting couple household	4257	14.6%	3014	24.2%
Children under 18	619	14.5%	68	2.3%
Male householder, no wife present	9974	34.3%	6491	52.2%
Children under 18	656	6.6%	326	5.0%
Female householder, no husband present	12798	44.0%	6027	48.5%
Children under 18	2234	17.5%	827	13.7%
Source: 2015/2019 ACS				

Far more families in Flagstaff are renters, 52.6% compared to the State average of 34.7%. Very few of the married and unmarried partners in Flagstaff are LGBTQ but the average tends to match the percentage averages of the State.

	City of Flagstaff		Arizona State	
Families	12432		1740704	
Married-couple Families	9236	74.29%	127233	73.09%
Opposite Sex Spouse	9175	99.34%	121139	95.21%
Same Sex Spouse	61	0.49%	12151	0.70%
Un-married couple Families	2017	16.22%	198263	11.39%
Opposite Sex unmarried Partner	1919	95.14%	176494	89.02%
Same Sex Unmarried Partner	98	4.86%	11011	5.55%
Families living in Owner-occupied Units		47.40%		65.30%
Families living in Renter-occupied units		52.60%		34.70%
Source: 2015/2019 ACS				

Household Type by Race/Ethnicity

Citywide, nearly 49% of households are family households and 52% are non-family households. African American (47.7%), Native American (70%) and Hispanic (68%) households are more likely to be family households. Single female headed families are most prevalent among Native American (31%) and African American family households (35%). Single male headed households are most common among Native American households at 10%. All Pacific Islander households are single people living alone; there are 40 Pacific Islander households in Flagstaff. Among other non-family households, nearly one-third (25.4%) of 2 or more race households are single people. Living together in non-family households is most prevalent among Pacific Islander (39%) and Asian (17%) non-family households.

	Flagstaff	White	African American	Native American	Asian	Pacific Islander	2 or more races	Hispanic
Family Households	48.8%	50.2	47.7	69.9	44.5	14	50.2	68
Married Couple	39.3%	41.5%	7.3%	28.4%	38%	0%	38.5%	49.3%
Male alone	3.5%	3.8%	5.4%	10.2%	1%	0%	7.5%	8.2%
Female alone	6%	4.9%	35%	31.3%	18%	14%	16%	4.4%
Non-families	52	49.8	52.3	30.1	55.8	86%	49.8	50.7
Living Alone	29%	26.7%	42.7%	19.6%	26%	47%	25.4%	32.5%
Not living alone	22.1%	23%	9.6%	10.5%	17%	39%	38.8%	18.2%

Source: 2015/2019 ACS

Population with Disabilities by Age

Compared to Coconino County (13.4%) and the State of Arizona (13.2%), residents of Flagstaff are more likely (14.2) to be a person with a disability, in most part due to the number of group homes available in Flagstaff to the disabled population that is not able to live independently. The proportion of adults age 18 to 64 with a disability, including an independent living disability is higher in Flagstaff than in Coconino County and the State of Arizona. In the past 5 year the percentage of individuals in Flagstaff with a disability has more than doubled.

	Arizona		Coconino County		City of Flagstaff	
	No.	%	No.	%	No.	%
Population	7,165,904		142,729		65,157	
With a disability	946,481	13.2	19,204	13.4	9,308	14.2
Age 5 to 17	32,916	3.4	883	4.5	290	3.1
Age 18 to 64	112,465	12	8,505	44.2	4,775	51.2
Age 65 and older	106,834	11.8	10,870	56.6	2214	23.7

Source: 2015/2019 ACS

Income by Family Size

Median family income is lower among six-person families (67%) and five-person families (86%) than in Coconino County (86% and 97% respectively) and the State of Arizona (95% and 103% respectively).

	Arizona		Coconino County		City of Flagstaff	
All Families	\$74468		76601		\$ 89234	
2-person families	69,122	49.30%	79,206	49.30%	84,896	95.14%
3-person families	74,639	19.10%	67,028	17.90%	92,273	103.41%
4-person families	84,669	16.30%	84,712	17.40%	84,618	94.83%
5-person families	78,221	8.70%	69,544	9.00%	110,397	123.72%
6-person families	75,728	3.90%	73,051	3.70%	108,819	121.95%
7+ person families	89,229	2.70%	137,784	2.70%	153,786	172.34%

Source: 2015/2019 ACS

Median Income by Household Type

The median family income in the City of Flagstaff is \$65,648, compared to the median household income of \$48,758 and median non-family household income of \$30,454. As households include single-people and unrelated individuals living together, household income is typically lower than family income. Among family households, married-couple families enjoy the highest median income, while single-female headed households have the lowest median income. Female householders living alone have the lowest median income of all household types.

	Arizona		Coconino County		Flagstaff	
All Households	\$ 50,752	% Arizona HH Income	58085	% Coconino HH Income	\$ 58,900	% Flagstaff HH Income
Family Households	74,468	120.00%	76,601	131.88%	89,234	151.50%
Own children < 18 yrs	70,158	113.06%	69,910	120.36%	87,596	148.72%
No own children < 18 yrs	76,202	122.80%	85,700	147.54%	92,766	157.50%
Married-couple families	87,708	141.34%	88,814	152.90%	95,828	162.70%
Female householder, no husband	42,001	67.68%	40,037	68.93%	50,703	86.08%
Male householder, no wife	53,183	85.70%	51,703	89.01%	105,506	179.13%

	40,198	64.78%	34,758	59.84%	35,792	60.77%
Non-family households	36,234	58.39%	28,367	48.84%	29,744	50.50%
Female householder	31,218	50.31%	25,474	43.86%	26,100	44.31%
Living alone	68,463	110.33%	35,940	61.87%	35,551	60.36%
Not living alone	44,150	71.15%	37,402	64.39%	36,692	62.30%
Male householder	37,255	60.04%	26,799	46.14%	26,898	45.67%
Living alone	71,291	114.88%	52,571	90.51%	49,926	84.76%
Not living alone	74,468	120.00%	76,601	131.88%	89,234	151.50%
Source: 2015/2019 ACS						

Median Income by Race/Ethnicity

Compared to the State of Arizona, minority households in Flagstaff experience a proportionately higher median income, yet the median income of minority households in Flagstaff varies. Flagstaff's White households enjoy the highest proportionate median income at 110%. Since 2011 Black/African American households decreased from 104% to 75%. Hispanic, Native American/Alaskan Native and Asian households have median incomes well below the City median income. Hispanic

	Arizona		Coconino County		City of Flagstaff	
	Median Income	% of Median Income	Median Income	% of Median Income	Median Income	% of Median Income
All Households	\$ 50,752		58085		\$ 58,900	
White	63828	125.76%	68919	119%	64896	110.18%
Black or African American	41040	80.86%	43145	74%	44252	75.13%
Native American	39974	78.76%	42757	74%	37083	62.96%
Asian	78785	155.24%	42607	73%	41281	70.09%
Hispanic	95.86%	54664	94%	50530	85.79%	95.86%
Source: 2015/2019 ACS						

Income Category by Race/Ethnicity (2010)

According to the 2010 Census, minorities in the City of Flagstaff were disproportionately low-income when compared to White households.

*The ACS only provides income by race data for municipalities with a population over 75,000. The 2010 Census numbers for these metrics is the most current available at this time.

- **Extremely low-income (0% to 30% AMI)** – 31% of Asian, 25% of 2 or more Race, 26% of Black and 19% of Native American households were extremely low income compared to 16% of White households.
- **Low income (30.1% to 50% AMI)** – 100% of Pacific Islander (9 households), 15% of Asian and 12% of Hispanic households were low-income, compared to 9% of White households.
- **Low-to-moderate income (50.1% - 80% AMI)** – 27% of Native American and 20% of Hispanic households were low-to-moderate income, compared to 16% of White households.
- **Moderate-to-middle income (80.1% to 120%)** – 19% of Hispanic households were moderate to middle income, compared to 18% of White households.
- **Middle and higher income (120.1% or more)** – 45% of 2 or more Race households were middle and higher income, compared to 43% of White households.

Race/Ethnicity	Extremely Low Income		Low Income		Low to Moderate Income		Moderate to Middle Income		Middle and Higher Income	
	No.	%	No.	%	No.	%	No.	%	No.	%
Flagstaff	3,964	16%	2,268	9%	3,789	16%	4,277	18%	9,770	41%
White	2,858	16%	1,679	9%	2,521	14%	3,258	18%	7,684	43%
Black	61	20%	21	7%	50	16%	47	15%	132	42%
Native American	353	19%	110	6%	512	27%	317	17%	602	32%
Asian	169	31%	85	15%	68	12%	45	8%	187	34%
Pacific Islander	0	0%	9	100%	0	0%	0	0%	0	0%
2 or more Races	88	25%	13	4%	58	16%	39	11%	160	45%
Hispanic	435	15%	351	12%	580	20%	571	19%	1,005	34%
Source: 2010 Census										

Poverty by Race/Ethnicity

According to the 2015/2019 ACS, 17.5% of the Flagstaff population lives below the poverty level. Native American, and Hispanic populations experience a higher poverty rate than the white population (16.7%).

Race/Ethnicity	Below Poverty Level	
	No.	%
City of Flagstaff	10,396	17.5%
White	7,829	16.70%
Black	202	26.30%
Native American	1,054	20.50%
Asian	469	26.00%
Pacific Islander	47	36.20%
Other Race	230	13.20%
Hispanic	2316	20.10%

Source: 2015/2019 ACS

Poverty by Family Type

All families	720	5.8%
Married couple Family	238	2.6%
with children < 18	151	1.2%
Female householder, no husband present	377	16.9%
with children < 18	277	2.2%

Source: 2015/2019 ACS

The overall rate of poverty among families in the City of Flagstaff is 5.8%. Single female householders with children under age 18 experience poverty at six times the rate of all families and six times the rate of married-couple families. Almost one-third of single-parent female headed families live below the poverty level.

Persons with Disabilities and Poverty

The City of Flagstaff’s population with disabilities experiences a rate of poverty more than double the population without disabilities – 51.2% compared to 24.5% for the overall population - 1,932 people with disabilities in Flagstaff live below the poverty level.

The Workforce and Employment

From 2017 to 2018, employment in Flagstaff, AZ grew at a rate of 1.46%, from 36.5k employees to 37.1k employees.

The most common employment sectors for those who live in Flagstaff, AZ, are Educational Services (6,584 people), Accommodation & Food Services (5,974 people), and Retail Trade (4,554 people). This chart shows the share breakdown of the primary industries for residents of Flagstaff, AZ, though some of these residents may live in Flagstaff, AZ and work somewhere else. Census data is tagged to a residential address, not a work address.

In 2018, 56.7% of the workforce was employed in four industries - 1) accommodation and food services, 2) retail trade, 3) educational services, and 4) health care and social assistance. Slightly more than half (53.8%) of employees are employed full-time. Considering only full-time employment the top four industries were 1) health care and social assistance, 2) retail trade, 3) educational services, and 4) manufacturing.

	Employment	% Total Employment	Median Annual Earnings	Full-time	% Full-time	Median Annual Full-time Earnings
All Industries	37,100		\$20,100	18,687	53.8%	\$38,772
Accommodation & food services	5974	16.1%	\$13,127	1,628	31.6%	\$17,524
Retail trade	4554	12.3%	\$12,157	2,490	48.8%	\$30,320
Educational services	6584	17.8%	\$20,786	2,286	45.0%	\$42,784
Health care and social assistance	4,408	11.9%	\$40,122	2,405	55.8%	\$41,758
Source: 2015/2019 ACS						

Housing Profile

The City of Flagstaff HUD 2021 – 2025 Consolidated Plan describes in detail housing conditions in the City of Flagstaff. This housing profile provides context for and focuses on housing conditions by income, race/ethnicity, disability status, familial status and geographic areas.

The housing market consists of homeowners and renters and the units they occupy. In addition to tenure and occupancy, the three primary elements of the housing market that impact supply and demand are:

1. Variety - the types of housing that are available.
2. Quality, - most often defined by age, unit value and whether the unit has complete plumbing or kitchen facilities.
3. Affordability - defined by the percentage of household income that must be spent for housing costs and whether that percentage consumes more than 30% of gross household income.

The Northern Arizona University main campus is located in Flagstaff and has a significant impact on housing availability. Student enrollment at Northern Arizona University Flagstaff campus in 2020 was 29,569, with 22,870 students enrolled full-time. Approximately 7,767 students lived in college dormitories or apartments situated on land owned by NAU, an estimated 18% (5,640) either lived with family or were enrolled in online/remote classes, and an estimated 9,733 students lived off campus. Assuming an average of 2.5 students per open-market rental unit an estimated 3,893 rental units were occupied by students. Students typically pay between \$800 and \$1000 per bedroom, far more than could be earned by renting units to families.

2011-2015 CHAS data when compared with 2007-2011 household income and tenure data suggests insufficient rental units affordable to households with income less than 30% AMI and insufficient owner units affordable to households with income 50% to 80% AMI.

College students living off-campus that are supported by their parents appear to be very low income and their presence tends to inflate the number of households with income less than 30% AMI and to inflate the number of cost burdened households. It is however important to ensure adequate rental housing is available for non student households with income less than 30% AMI.

There are insufficient units affordable to owners and potential purchasers with income 50% to 80% AMI. 67% of renter respondents to the 2020 Coconino County Community Health and Human Services Needs Assessment indicated they would like to own a home but insufficient down payment and availability in their price range were barriers to homeownership. There are also insufficient rental units affordable to renters with income less than 30% AMI.

Rents established by HUD for the HOME program, which finances rehabilitation and new construction and for the Section 8 program, which provides monthly rental subsidies to low-income renters do not vary significantly from the area median rent due to the high volume of one and two bedroom rental units in Flagstaff. Rehabilitated or new units targeted to very low income renters would have positive impacts on the availability of affordable housing.

Residential Development Trend

In general, the housing market moves roughly in line with the rest of the economy over the long term. During the economic and housing boom from 2000 to 2006, the City issued an annual average of 630 residential permits. With the economic downturn, residential permitting declined to an average of 233 units per year from 2008 through

2011. In recent years, 2018 to 2020, an annual average of 295 residential permits were issued primarily for single family detached homes.

Age of the Housing Stock

Housing units that are 30 years old or older are more likely than the newer housing stock to require rehabilitation or replacement, historic preservation, lead-based paint remediation, and energy efficiency improvements. 36% of the City’s housing units or 8,106 units were built before 1980 and are more than 30 years old. Of units built before 1980, roughly equal numbers are owner and renter occupied; renters are slightly more likely to occupy units built before 1950.

HUD data indicates that 2,290 pre-1980 housing units are occupied by households with children – 60% by renters and 40% by owners. Childhood lead poisoning is a serious pediatric health problem and children ages six years and younger are particularly susceptible to lead poisoning. Research indicates that even a low level of lead in a child’s blood can have harmful effects on physical and developmental health. The most common source of exposure is deteriorating lead-based paint and lead-contaminated dust found in the home, but other sources include pottery, jewelry, candy and makeup.

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	3,895	37%	4,650	36%
Housing units built before 1980 with children present				

Table 1 – Risk of Lead-Based Paint

Data Source: 2011-2015 ACS (Total Units) 2011-2015 CHAS (Units with Children present)

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	2,740	26%	2,860	22%
1980-1999	3,880	37%	5,270	41%
1950-1979	3,305	31%	4,040	32%
Before 1950	590	6%	610	5%
Total	10,515	100%	12,780	100%

Table 2 – Year Unit Built

Tenure and Tenure by HUD Income Category

The homeownership rate in Flagstaff, AZ is 46.8%, which is lower than the national average of 63.9%. According to the US Census, the rate of homeownership in the City of Flagstaff increased from 48% in 2000 to 52% in 2008 and then decreased to 48% in 2011 and 46.8% in 2019. Homeownership decreases across all income levels except households with incomes 50-80% AMI occurred, with the largest decreases among higher income households. The relatively stable homeownership rate among households with incomes 50-80% AMI may be attributed to the likelihood that these households received homeownership education and counseling prior to home purchase.

Ownership increases with household income - 69% of households with incomes above 100% AMI own their home compared to 25% of households with incomes below 50% AMI.

Families with Income in the past 12 months below poverty level:	1,315	
Families in poverty, owner occupants:	335	25.48%
Families in poverty, renter occupants:	975	74.14%

Tenure by Race/Ethnicity

While the homeownership rate in the City of Flagstaff is lower than that of Coconino County and the State of Arizona, it is particularly low among Native American households – 3.2%. The highest homeownership rates are among White (90%) and Hispanic (14.4%) household.

	Owner	Renter
White	90.0	74.5
Black	0.6	2.3
Native American	3.2	10.1
Asian	1.9	3.8
Other Race	2.8	2.8
Hispanic	14.4	17.2
Total	47%	53%

Source: 2015/2019 ACS

Housing Problems of Owners by Race/Ethnicity (Coconino County)

The US Department of Housing and Urban Development provided housing problems data by race and ethnicity for the City’s Consolidated Plan. HUD defines the four housing problems as: 1) Lacks complete kitchen facilities; 2) Lacks complete plumbing facilities; 3) More than one person per room; and 4) Cost Burden greater than 30%. According to this data, cost burden is the most significant housing problem in Flagstaff and disproportionately impacts minority owners:

- Hispanic owners at all income levels are more likely than White owners to have housing problems.
- Lower income Black and Asian owners are more likely to have housing problems than lower income White owners, yet higher income Black and Asian owners are less likely to have housing problems than higher income White owners.
- Higher income Native American owners are more likely to have housing problems than White owners; yet lower income Native American owners are less likely to have housing problems than White owners.

TABLE 17 –OWNERS WITH HOUSING PROBLEMS BY income and RACE AND ETHNICITY (2015) owner					
Race/Ethnicity	≤30% AMI	30.1-50% AMI	50.1-80% AMI	80.1-95% AMI	95.1% AMI and above
Flagstaff, AZ	3225	2,185	2,385	925	NA
White	1805	1,300	1,715	715	NA
Black	60	90	4	4	NA
Asian	110	70	60	10	NA
Native American	340	305	270	55	NA
Pacific Islander	0	0	15	0	NA
Hispanic	750	405	265	150	NA
Other	n/a	2,185	2,385	925	NA

Source: HUD eCon Planning Suite data

Housing Problems of Renters by Race/Ethnicity (Coconino County)

According to HUD CHAS data for Coconino County, housing problems also disproportionately impact minority renters:

- Lower income Hispanic renters are more likely than lower income White renters to have housing problems, with the exception of those with incomes 50.1 – 80% AMI.
- The lowest-income Black renters are more likely to have housing problems than the lowest income White renters; however Black renters with incomes above 30.1% AMI are less likely than White renters to have housing problems.

TABLE 18 –PERCENT OF RENTERS WITH HOUSING PROBLEMS BY RACE AND ETHNICITY (2015)							
Race/Ethnicity	≤30% AMI	30.1-50% AMI	50.1-80% AMI	80.1-95% AMI	95.1% AMI and above	All Renters	
						No.	%
Coconino County	95.6%	85.5%	70.3%	62.0%	8.2%	8,360	53.8%
White	96.2%	90.6%	77.9%	51.0%	8.3%	4,790	51.5%
Black	100%	53.8%	25.0%	n/a	n/a	125	52.1%
Asian	n/a	n/a	n/a	n/a	n/a	140	45.9%
Native American	92.2%	66.4%	45.8%	75.0%	14.6%	1,760	54.2%
Pacific Islander	n/a	n/a	n/a	n/a	n/a	0	n/a
Hispanic	100%	96.3%	73.7%	85.7%	2.5%	1,440	65.2%
Other	100%	n/a	n/a	66.7%	n/a	105	43.8%

Source: HUD CHAS Data for Coconino County

Housing Problems by Race/Ethnicity (HUD Consolidated Plan data for Flagstaff)

When a population’s proportion of housing need is at least 10% higher than the housing needs of the population as a whole, the City considers that population to have disproportionate need. Disproportionately greater housing needs occur at each HUD income category; however, disproportionate housing need is not consistent for any one racial or ethnic group. The relatively small number of households in some racial and ethnic categories combined with the large proportion of NAU students who are minorities may impact this assessment.

- Among households with incomes below 30% AMI, Black/African American households have disproportionately greater housing needs; 2% of the City’s population is Black/African American and 43% of Black/African American people in Flagstaff are NAU students.
- Among households with incomes between 30% and 50% AMI, Asian households have disproportionately greater housing needs. 2% of the City’s population is Asian.
- Among households with incomes between 50% and 80% AMI, Pacific Islander households have disproportionately greater housing needs. HUD data suggests a smaller Pacific Islander population than local data. There are 10 Pacific Islander households experiencing disproportionately greater need and local data suggests that all are NAU students.
- Among households with incomes between 80% and 100% AMI, Native American households have disproportionately greater housing needs.

	≤30% AMI	30.1-50% AMI	50.1-80% AMI	80.1-100% AMI
White	86%	84%	66%	39%
Black	100%	0%	46%	0%
Asian	91%	100%	33%	10%
Native American	96%	75%	61%	74%
Pacific Islander	n/a	n/a	100%	n/a
Hispanic	93%	86%	58%	55%
Source: HUD eCon Planning Suite data				

HUD also provides data regarding severe housing needs. When a population’s proportion of severe housing need is at least 10% higher than the housing needs of the population as a whole, the City considers that population to have disproportionate need. Disproportionately greater severe housing needs occur at each HUD income category except 30% to 50% AMI. Disproportionately severe housing need is consistent among Hispanic households with incomes between 50% and 100% AMI. Disproportionately severe housing needs among Hispanic households may result from larger family sizes and multi-generational households that result in overcrowding and severe overcrowding as defined by HUD.

- Among households with incomes below 30% AMI, Black/African American households have disproportionately greater severe housing needs. 2% of the City’s population is Black/African American and 43% of Black/African American people in Flagstaff are NAU students.
- Among households with incomes between 30% and 50% AMI, no households have disproportionately greater housing needs.
- Among households with incomes between 50% and 80% AMI, Hispanic households have disproportionately greater housing needs.
- Among households with incomes between 80% and 100% AMI, Native American and Hispanic households have disproportionately greater housing needs.

TABLE 20 – PERCENT OF HOUSEHOLDS WITH SEVERE HOUSING PROBLEMS BY RACE AND ETHNICITY AND INCOME LEVEL (2015)				
Race/Ethnicity	≤30% AMI	30.1-50% AMI	50.1-80% AMI	80.1-100% AMI
Citywide	85%	50%	17%	17%
White	83%	52%	16%	9%
Black	100%	0%	0%	0%
Asian	91%	0%	0%	10%
Native American	91%	34%	12%	55%
Pacific Islander	0%	n/a	0%	n/a
Hispanic	90%	58%	28%	34%
Source: HUD eCon Planning Suite data				

Housing cost burden is the most prevalent housing problem in Flagstaff as there are few units lacking complete plumbing and/or kitchen facilities and limited incidences of overcrowding. Unfortunately the data provided by HUD included a significant error; therefore, HUD CHAS data for Coconino County was used to identify whether housing cost burden disproportionately impacts minority households relative to White households. This data revealed housing cost burden is disproportionately high among Black/African American households with income < 30% AMI and Pacific Islander households with income 30% to 50% AMI; many of these households are student households.

Geographic Concentration Areas

Low-income Concentration Areas – Census Block Groups

In 2019, 47.1% of the City’s households were low and moderate income. There are 26 Census Block Groups with a disproportionately high percentage of low and moderate income households. For the purposes of the AI, disproportionately high is defined as at least 10% higher than the City. City Target Neighborhoods are identified in the following table along with those areas with a high concentration of NAU students (NAU Block Groups).

Considering only Census Tracts there are 7 Census Tracts where low-income populations are concentrated – Census Tracts 2, 3, 5, 8, 10, 12 and 15.

TABLE 21 - LMI BLOCK GROUPS						
Census Tract	Block Group	Total Population	LMI Population	% LMI	NAU Block Group	Target Area Name
2	2	1,350	605	44.81%		
3	1	700	210	30.00%		
3	2	3,050	2,715	89.02%		Sunnyside
3	3	1,880	1,340	71.28%		Sunnyside
3	4	1,335	750	56.18%		Sunnyside
4	3	1,860	820	44.09%		
4	4	800	625	78.13%	X	
4	5	645	155	24.03%		
5	2	925	325	35.14%		
5	3	1,135	345	30.40%		
5	4	1,115	740	66.37%		
5	5	410	130	31.71%		
6	2	1,865	1,020	54.69%	X	
8	1	1,045	810	77.51%	X	Southside
8	2	2,555	2,290	89.63%	X	Southside
8	3		830	82.18%	X	Pine Knoll

		1,010				
9	1	575	160	27.83%		
9	3	2,020	1,390	68.81%		
10	1	400	280	70.00%	X	
10	2	585	550	94.02%	X	
10	3	1,475	860	58.31%	X	
11.02	3	930	785	84.41%	X	La Plaza Vieja
11.02	4	1,615	1,120	69.35%	X	
12	1	1,270	655	51.57%	X	
Source: HUD 2021 LMI Data based on 2011/2015 American Community Survey						

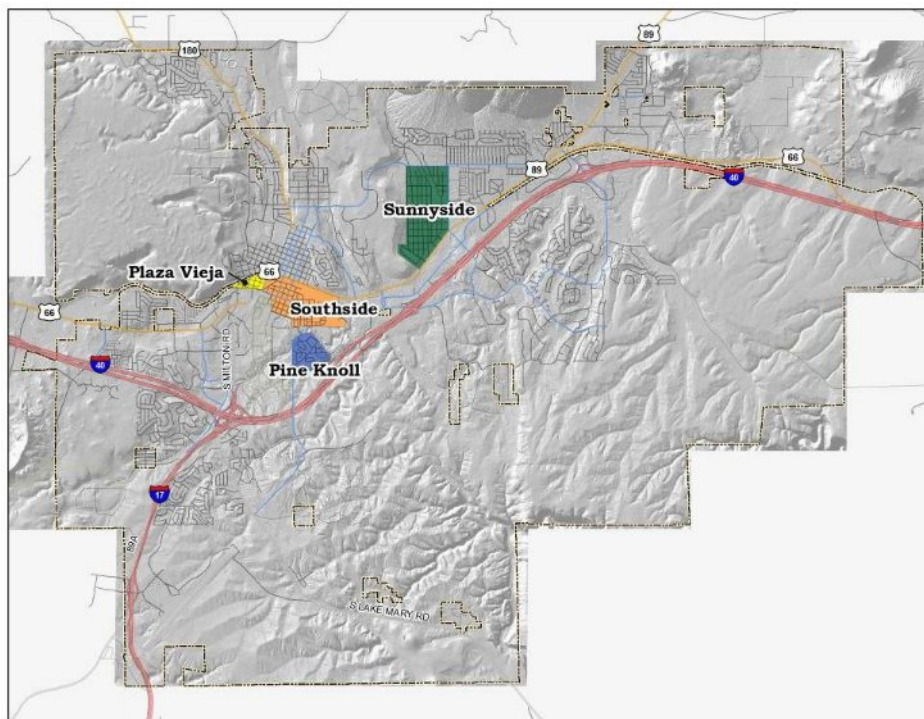
City of Flagstaff Target Neighborhoods

The City has identified four target neighborhoods:

- Sunnyside - Census Tract 3, Block Group 2, 3, & 4
- Southside - Census Tract 8, Block Group 1 & 2
- Pine Knoll - Census Tract 8, Block Group 3
- La Plaza Vieja - Census Tract 11.02, Block Group 3.

Together the people who live in the target neighborhoods have the following characteristics:

- 8,565 people reside in target neighborhoods – 6,210 are considered low and moderate income.
- 33% are Hispanic or Latino.
- 27% are minorities.
- 50% live in family households.
- 21% are headed by a householder 24 years old or younger.
- 24% own the home they occupy.



The Sunnyside Neighborhood Association, Southside Community Association and La Plaza Vieja Neighborhood Association work hard to improve neighborhoods with grass-roots efforts in safety improvements, beautification, job development, and community spirit. These resident-driven 501(c) 3 organizations also work collectively and advocate for continual and necessary infrastructure improvements in historic neighborhoods, growing more local jobs, increasing voter registration, and promoting unity among neighbors.

Minority Concentration Areas – 2010 Census Block Groups

There are 18 Census Block Groups in Flagstaff that are considered areas of minority concentration based on 2010 Census data. An area of minority concentration is defined as an area where the proportion of minorities (non-White) is at least 10% higher than the proportion of that minority group citywide. 10 of the Census block Groups include or are adjacent to Northern Arizona University (NAU). Areas with minority concentrations are shaded in the following table.

Census Tract	Block Group	Racial Concentration	Ethnic Concentration	NAU Block Group	LMI Concentration	Target Area Name
3	1	26.7%	23.8%		X	
3	2	58.5%	41.9%		X	Sunnyside
3	3	58.7%	37.3%		X	Sunnyside
3	4	54.3%	41.1%		X	Sunnyside
4	2	35.8%	23.2%			
4	3	36.1%	23.7%		X	
4	4	51.4%	26.1%	X	X	
4	5	26.4%	20.8%		X	
5	1	32.2%	21.0%			
5	2	32.0%	25.8%		X	
5	3	49.6%	32.4%		X	
5	4	34.5%	50.3%		X	
6	2	39.1%	13.8%	X	X	
7	1	30.3%	18.3%	X		
8	2	29.1%	16.1%	X	X	Southside
8	3	42.9%	26.0%	X	X	Pine Knoll
9	3	35.2%	17.0%			
11.02	1	36.1%	29.2%			La Plaza Vieja
11.02	3	32.1%	25.9%	X	X	
11.02	4	35.1%	26.4%	X	X	

Source: 2010 Census SF3

Citywide in 2010, 27% of the population was minority and 18% was Hispanic, compared to 21% minority and 16% Hispanic in 2000. Overall, the proportion of minorities increased 28.6% and the proportion of Hispanics increased 11.1%. There was one Census Tract (11.02) added to the City list of minority concentration areas as a result of new Census boundaries in 2010. Several Census Tracts experienced increases in minority populations at a higher rate than the increase in the citywide minority population:

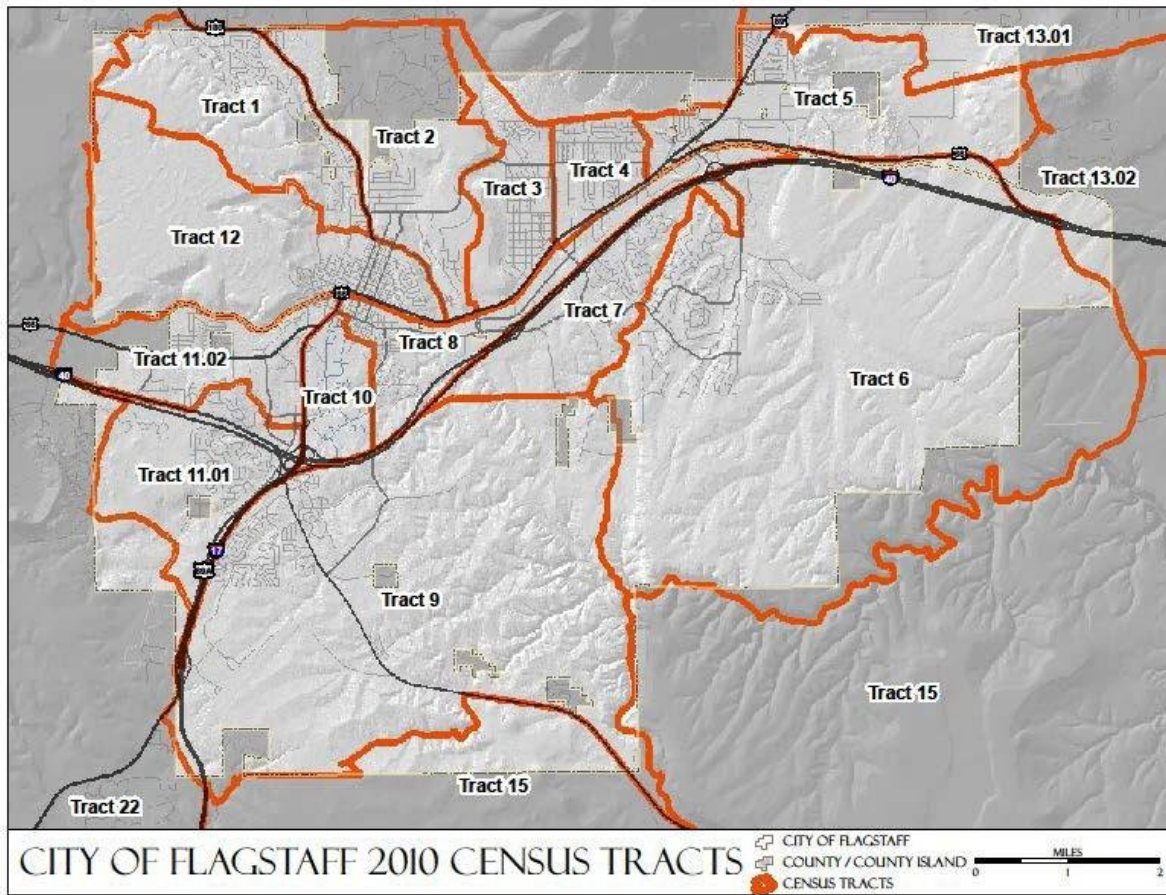
- Census Tract 3 – The minority population increased 20% from 40% in 2000 to 52% in 2010.
- Census Tract 5 – The Hispanic population increased 30.4% from 23% in 2000 to 30% in 2010. Census Tract 5 is an NAU Census Tract.

Minority and LMI Concentration Areas – 2010 Census Tracts

There are four Census Tracts that are both areas of low income and minority concentration – Census Tract 3, Census Tract 4, Census Tract 5, and Census Tract 8.

TABLE 24 - LMI AND MINORITY CENSUS TRACTS							
Census Tract	Total Population	Racial Minority Population	% Racial Minority	Ethnic Minority Population	% Ethnic Minority	Minority Concentration	LMI Concentration
1	3,666	564	15.4%	531	14.5%	NO	NO
2	3,550	806	22.7%	482	13.6%	NO	NO
3	6,478	3,466	53.5%	3,217	49.7%	YES	YES
4	5,226	1,742	33.3%	1,021	19.5%	YES	YES
5	4,242	1,884	44.4%	1,113	26.2%	YES	YES
6	5,531	1,069	19.3%	289	5.2%	NO	NO
7	3,564	417	11.7%	530	14.9%	NO	NO
8	3,912	1,199	30.6%	523	13.4%	YES	YES
9	6,553	1,168	17.8%	1,025	15.6%	NO	NO
10	7,519	1,988	26.4%	652	8.7%	NO	YES
11.01	4,650	962	20.7%	529	11.4%	NO	NO
11.02	6,478	1,946	30.0%	1,539	23.8%	YES	NO
12	2,540	461	18.1%	265	10.4%	NO	YES
13.01	No data	No data					NO
13.02	No data	No data					NO
15	No data	No data					YES
22	No data	No data					NO

Source: 2010 Census



Persons with Disabilities Concentration Areas

Data regarding persons with disabilities is available only at the Census Tract Level and from ACS 2008/2012. According to ACS 2008/2012, 7.7% of City of Flagstaff residents are persons with disabilities. Areas where the proportion of persons with disabilities is at least 10% higher than citywide are Census Tracts 2 and 4. Census Tract 4 is also an area of low income and minority concentration and Census Tract 2 includes a Low Income Housing Tax Credit project targeted for occupancy by people who are elderly or have disabilities.

TABLE 25 - POPULATION WITH DISABILITIES BY CENSUS TRACT (2012)			
Census Tract	No.	%.	Concentration
City of Flagstaff	4,665	7.7%	NO
Tract 1 (part)	313	7.9%	NO
Tract 2 (part)	328	9.5%	YES
Tract 3 (part)	498	7.5%	NO
Tract 4 (part)	603	11.3%	YES
Tract 5 (part)	391	8.1%	NO
Tract 6 (part)	274	5.1%	NO
Tract 7 (part)	162	4.6%	NO
Tract 8 (part)	251	7.0%	NO
Tract 9 (part)	350	5.4%	NO
Tract 10 (part)	606	7.3%	NO
Tract 11.01 (part)	304	6.2%	NO
Tract 11.02 (part)	385	6.3%	NO
Tract 12 (part)	200	7.6%	NO
Tract 13.01 (part)	0	0.0%	NO
Tract 13.02 (part)	0	0.0%	NO
Tract 15 (part)	0	0.0%	NO
Tract 22 (part)	0	0.0%	NO
Source: ACS 2008/2012			

Low-income Multifamily Housing Locations

There are 1,255 subsidized low-income rental units in the City of Flagstaff. In addition to the 265 public housing units and 101 affordable rental units owned and operated by the City of Flagstaff Public Housing Authority, there are 888 affordable rental units in 12 apartment complexes funded with the Low Income Housing Tax Credit Program. LIHTC units are generally targeted to households with income less than 60% of the area median income. LIHTC units may be targeted to specific populations, and 60 units are targeted to elderly and disabled households; the remaining 828 units are targeted to families. There are also 12 HUD-funded Section 202 units serving very-low income people with disabilities.

Two income-restricted developments are located in a Census Tract this is also an area of minority concentration. During the past five years no income restricted developments were added in areas of minority concentration. The majority of Low Income Housing Tax Credit projects are located in Census Tract 9, an area primarily south of Interstate 40 and the most recently-developed area of the City.

Private Sector - Home Mortgage Disclosure Act (HMDA) Data

Congress enacted the Home Mortgage Disclosure Act (HMDA) in 1975 to provide the public with information that would assist in determining if financial institutions are serving the credit needs of their communities and to identify discriminatory housing activities. The law requires that certain financial institutions such as banks, savings associations, credit unions and other mortgage lending institutions collect and publicly disclose information on home loan applications and purchases. HMDA data provides an array of information on mortgage lending activity such as the type and disposition of loans, and borrower characteristics such as race, gender, and income.

HMDA data provides valuable insight into possible impediments to fair housing choice in the City of Flagstaff. Because HMDA data does not measure credit history, this analysis cannot conclude that higher rates of loan denial are explained solely by the credit of the borrowers, or solely based on race, ethnicity, sex or other protected classes. Instead, HMDA data can identify whether further investigation into discriminatory practices is needed.

In 2019, 1,121 home loan applications were made by Flagstaff residents and 92 or 7% were denied. 1,624 refinancing loan applications were also made, with a denial rate of 14%. The combined denial rate for the 2,745 home purchase and refinance loans were 15%, less than half the denial rate of 33.9% in 2008 when 3,044 applications were received.

The Consumer Financial Protection Bureau (CFPB)

The Consumer Financial Protection Bureau (CFPB) was established on July 21, 2010 under Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act Public Law No. 111-203 (Dodd-Frank Act). The CFPB was established as an independent bureau within the Federal Reserve System. The Bureau is an Executive agency as defined in Section 105 of Title 5, United States Code. The Dodd-Frank Act authorizes the CFPB to exercise its authorities to ensure that, with respect to consumer financial products and services:

1. Consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

2. Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;
3. Outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;
4. Federal consumer financial law is enforced consistently in order to promote fair competition; and
5. Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

To accomplish its mission, the CFPB is organized into six primary divisions:

1. Consumer Education and Engagement provides information to consumers to empower them to make financial decisions that are best for them.
2. Supervision, Enforcement and Fair Lending ensures compliance with Federal consumer financial laws by supervising market participants and bringing enforcement actions when appropriate.
3. Research, Markets and Regulations conducts research to understand consumer financial markets and consumer behavior, evaluates whether there is a need for regulation, and determines the costs and benefits of potential or existing regulations.
4. Legal Division ensures the Bureau's compliance with all applicable laws and provides advice to the Director and the Bureau's divisions.
5. External Affairs manages relationships with external stakeholders and ensures that the Bureau maintains robust dialogue with interested stakeholders to promote understanding, transparency, and accountability.
6. Operations builds and sustains operational infrastructure to support the entire organization and hears directly from consumers about challenges they face in the marketplaces through their complaints, questions, and feedback.

Home Purchase Loan Application Disposition by Race

In 2019, 93% of loan applications were made by White applicants. 75% of home purchase loan applications were originated. Among loans not originated, 20% were denied. Overall, loan applications resulting in an originated loan were highest among Hispanic applicants and lowest among Native American Applicants. Loan denial rates were highest among Native American applicants and lowest among White applicants.

Adjusting HMDA data for income may explain loan application disposition data – minorities and single-parent families often have lower incomes and challenging credit histories or no credit histories that may lead to higher rates of denial. In 2014, 76% of loan applications were from higher income applicants (income above 120% AMI), compared with 55% in 2008. In 2019, 16% of loan applications were from middle income households (income 80-120% AMI), and 8% from low and moderate income households (income less than 80% AMI). Origination rates were highest among low and moderate income households at 77% and lowest among middle-income households at 59%. The higher rate of origination among low and moderate income households suggests that housing education and counseling and perhaps home purchase assistance increased the rate of loan originations.

Except at higher income levels Native American home purchase loan applicants experience the highest rates of loan denial.

TABLE 27 - DISPOSITION OF HOME PURCHASE LOAN APPLICATIONS by RACE/ETHNICITY 2019			
Race/Ethnicity	Applications Received	Applications Denied	
		No.	%
Native American	98	22	22.45%
Asian	56	16	28.57%
Black/African American	18	6	33.33%
Native Hawaiian or Other Pacific Islander	7	7	100.00%
White	3428	708	20.65%
Hispanic	232	76	32.76%

Source: Consumer Financial Protection Bureau HMDA Query

TABLE 28 - HOME PURCHASE LOAN APPLICATIONS AND DENIALS BY GENDER AND CO-APPLICANT STATUS OF APPLICANT			
	Applications	Denials	% Denied
Female Alone	721	182	25.24%
Male Alone	1180	353	29.92%
Joint	2209	369	16.70%

Source: Consumer Financial Protection Bureau HMDA Query

Home Purchase Loan Application Disposition – Manufactured

Housing The rate of loan denials for manufactured housing purchases (56.1%) is 6.5 times the rate of loan denials for one to four family dwellings (8.6%). 41% of the loan denials for Native American home purchase loan applicants were for manufactured housing as were 20% of loan denials for Hispanic home purchase loan applicants. This data suggests that housing type plays a significant role in whether a home purchase loan will be originated.

TABLE 29 - LOAN APPLICATIONS AND DENIALS FOR MANUFACTURED HOUSING PURCHASE BY RACE			
	Applications	Denials	% Denied
Native American	39	16	41.03%
Asian	1	0	0.00%
Black/African American	3	0	0.00%
White	211	15	7.11%
Hispanic	31	6	19.35%

Source: Consumer Financial Protection Bureau HMDA Query

Disposition of Refinancing Loan Applications in the City of Flagstaff (2019)

In 2019, nearly three quarters of refinancing loans were in Census Tracts that are neither low-income nor minority concentration tracts. 2019 HMDA data defining the disposition of refinancing loan applications by Census Tract revealed higher denial rates than citywide in five Census Tracts - 3, 8, 11.01, 11.02 and 15; the citywide rate was 21.5%. The combined rate of denial in Census Tracts that are neither LMI nor minority concentration tracts is 14.9% compared to 24.6% in LMI concentration tracts and 25.4% in minority concentration tracts. This data suggests that there is a higher correlation of refinancing loan denial in LMI and minority concentration tracts.

Refinancing Loan Application Denial by Race

In 2019, 20% of refinancing loan applications for which the applicant reported race were denied. The rate of loan denial was higher among non-White applicants (27.1%) than for White applicants (19.5%), suggesting that refinancing loan denials are more prevalent among minority borrowers than White borrowers.

Lower income households are more likely to experience a refinancing loan denial than are households at higher incomes. Considering race and ethnicity, Native American refinancing loan applications experience the highest rates of loan denial.

Unlike home purchase loans, the rate of refinancing loan denials for females is not higher than for males. The highest rates of refinancing loan denial are among all borrowers with income less than 80% of the area median income, suggesting that income and credit play a role in refinancing loan originations.

Local Loan Limits

FHA and conventional Loan limits vary based on the number of living-units on the property. FHA loans are only allowed on 1 to 4 living-unit properties. These 1 to 4 unit properties can be purchased with an FHA loan as long as the owner occupies one of the unit. Properties with over 4 units are considered commercial and do not qualify for FHA or conventional loans.

Limits for FHA Loans in Flagstaff, Arizona range from \$389,850 for 1 living-unit homes to \$749,700 for 4 living-units. Conventional Loan Limits in Flagstaff are \$548,250 for 1 living-unit homes to \$1,054,500 for 4 living-units. The 2021 Home Equity Conversion Mortgage (HECM) limits in Flagstaff is \$822,375. HECM limit does not depend on the size of the home.

Conventional loans (also called "conforming") are loans that conform to the requirements set by Fannie Mae and Freddie Mac. Fannie Mae and Freddie Mac buy home loans from lenders to provide liquidity.

Flagstaff has high cost limits to compensate for above average housing prices. Limits in Flagstaff are above the 2021 national floor.

Fair Housing Programs

Fair Housing Laws and Policies

The Fair Housing Act of 1968 (FHA) made it illegal to discriminate in housing because of a person’s race, color, religion, or national origin. In 1970 gender was added as a protected class and in 1988, the Fair Housing Amendments Act added familial status and disability (referred to as Handicapped in FHA) to the list. The familial status provision protects households with children under 18 years of age. Disability covers physical and mental disabilities, including persons with HIV/AIDS or in recovery from substance abuse. Federal protection under FHA does not cover discrimination based on age, income, source of income or sexual orientation.

The Arizona Fair Housing Act (AFHA) of 1991 (ARS § 41.1491) provides the same protections as the Federal Fair Housing Act (FHA), but different procedures for administrative complaint processing. In addition, the AFHA brought the Arizona Landlord and Tenant Act into compliance with the State Fair Housing Statute.

Agencies and Organizations

City of Flagstaff

Fair housing complainants who contact the City of Flagstaff are provided a packet of information that includes information regarding who to contact and how to file a complaint. The packet refers complainants to three possible sources for further assistance and processing – the Arizona Attorney General’s Office, the US Department of Housing and Urban Development, and the Southwest Fair Housing Council. The packet describes the role of each agency and the process for filing a complaint. The Arizona Attorney General’s Office is the Fair Housing Assistance Program that would directly process a formal complaint originating in Flagstaff. The SWFHC is the Fair Housing Initiatives Program that would investigate the complaint and then turn the complaint over to the US Department of Housing and Urban Development or the Attorney General’s Office.

The City’s Housing Specialist is the primary contact for fair housing questions and complaints. While there had historically been a low volume of calls (1 to 3 calls per year) and complaints, the City began logging the number of calls received regarding fair housing in 2015. The City also logs calls related to landlord-tenant issues. These logs reveal that most complaints are related to landlord-tenant issues.

Year	Fair Housing Calls	Landlord-Tenant Calls
2015	0	4
2016	0	4
2017	0	16
2018	2	21
2019	8	15
2020	5	24
Total	15	84

Southwest Fair Housing Council

The Southwest Fair Housing Council (SWFHC) also takes calls from Flagstaff residents, including those who may elect to call SWFHC after contacting the City.

The Arizona Attorney General's Office

The Arizona Fair Housing Act is essentially the same as the Federal Fair Housing Act and is designated as "substantially equivalent." As a result, under the Federal Fair Housing Assistance Program (FHAP), the U.S. Department of Housing and Urban Development (HUD) contracts with the Arizona Attorney General's Civil Rights Division to investigate and rule on fair housing cases. Nearly all complaints that are submitted to HUD and originate within Arizona, except for Phoenix, are processed by the Attorney General's office.

Filing a complaint with the Arizona Attorney General is simple. Initiating the process is done by completing an intake complaint form. The form is to be delivered to the Attorney General's office by mail, fax, or via the internet. This form is located at http://www.azag.gov/civil_rights/CivilRightsIntake.pdf. [update](#) web address

The Attorney General advises persons wishing to file a complaint to consider the following when completing the complaint:

1. First, make a separate list of the things you want to say.
2. Present the events in the order in which they happened using dates whenever possible.
3. Type or print legibly in ink.
4. Enclose copies of documents such as records, letters, contracts, policies, manuals, receipts, or other documents that you have regarding the incident of discrimination. **KEEP ORIGINAL DOCUMENTS FOR YOUR FILES.**
5. Remember that your questionnaire should describe the event or incident that you believe to be discriminatory. If possible, state why the act was discriminatory.
6. Mail or deliver your questionnaire to the Phoenix or Tucson office.
7. Upon receipt of your questionnaire, a member of our staff will review your questionnaire and contact you. This process may take up to two weeks after our receipt of your questionnaire, depending on the circumstances and the information you are able to provide with your questionnaire.

Typically, after receiving the complaint, the Attorney General will notify the alleged violator of the complaint, and that person must submit a response. The Attorney General will investigate the complaint and determine whether reasonable cause exists to believe that the Fair Housing Act has been violated. If the Fair Housing Act has been violated, the Attorney General will try to reach a conciliation agreement with the respondent. If an agreement is reached, the Attorney General will take no further action on the complaint. If the Attorney General finds reasonable cause to believe that the discrimination occurred, and no conciliation is reached, the case will be heard in an administrative hearing within 120 days. The case may be handled by the Department of Justice (DOJ) and heard in U.S. District Court if one of the parties so desires.

U.S. Department of Housing and Urban Development

Individuals who believe they have been discriminated against in a housing transaction may also file a complaint with the HUD Enforcement Division in San Francisco. The first step in filing a complaint with HUD is to submit a Housing Discrimination Complaint form explaining the nature of the alleged violation. Housing discrimination complaint forms are available on the Internet portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process. A complaint form or additional information may also be obtained by calling the HUD Housing Discrimination Hotline at 1-800-669-9777, or by writing to the following address:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
Room 5204
451 Seventh St. S.W.
Washington, DC 20410-2000

If HUD adjudicates the case, HUD lawyers will litigate the case for the complainant before an Administrative Law Judge (ALJ). If the ALJ decides that discrimination occurred, the respondent can be ordered:

- To compensate for actual damages, including humiliation, pain, and suffering.
- To provide injunctive or other equitable relief; for example, to make housing available.
- To pay the federal government a civil penalty to vindicate the public interest. The maximum penalties are \$10,000 for a first violation, \$27,500 for a second offense, \$50,000 for a third violation within seven years.
- To pay reasonable attorney's fees and costs.

Fair Housing Complaints and Testing

Complaints

Fair housing complaint data is recorded by *basis*, representing the protected class, and *issue*, representing the particular unlawful activity that took place. Basis data also tracks responses to housing complaints, such as acts of harassment or retaliation. Further, there may be more than one basis or issue arising from a single complaint. HUD data includes data processed by the Arizona Office of the Attorney General (AGO) and HUD. Under the Fair Housing Assistance Program, HUD has had a work-sharing agreement with the AGO since 1993 and most cases are processed by the AGO. HUD retains jurisdiction to process a small set of cases – generally those involving allegations of discrimination involving a recipient of HUD funds where there is an issue that involves interpretation of HUD's regulations or program policies.

During the period from January 1, 2016 to December 15, 2020, fair housing complaints from Flagstaff residents were filed mostly on the basis of disability. The Data from this period points to housing discrimination, primarily on the basis of disability. The higher rate of fair housing complaints on the basis of disability may also point to higher awareness of fair housing laws among persons with disabilities.

Suits Filed by the US Department of Justice or the Arizona Attorney General’s Office

Under the Fair Housing Act, the Department of Justice (DOJ) may bring lawsuits in the following instances:

1. Where there is reason to believe that a person or entity is engaged in what is termed a “pattern or practice” of discrimination, or where a denial of rights to a group of people raises an issue of general public importance;
2. Where force or threat of force is used to deny or interfere with fair housing rights, the DOJ may institute criminal proceedings; and,
3. Where people who believe that they have been victims of an illegal housing practice file a complaint with HUD, or file their own lawsuit in federal or state court. The DOJ brings suits on behalf of individuals based on referrals from HUD.

No evidence was located indicating that the U.S. Department of Justice or the Arizona Attorney General’s Office has brought a lawsuit in the City of Flagstaff.

Fair Housing Testing

Fair housing testing can be a useful measure for evaluating the operation of a housing market for compliance with fair housing law. Some organizations have an enforcement plan in place which stipulates the types and the degree to which they will perform testing. Many organizations, including the City of Flagstaff, do not have an enforcement plan. The Southwest Fair Housing Council (SWFHC) conducts fair housing testing in Flagstaff through an agreement with the US Department of Housing and Urban Development.

The results of testing by SWFHC indicate that housing discrimination is occurring in Flagstaff, with a higher rate of housing discrimination in rental housing based on disability.

Community Survey

The Southwest Fair Housing Council designed a survey to understand fair housing issues and patterns of housing discrimination and shared this survey with the City of Flagstaff. The City posted a virtual survey and distributed the access info for the survey through multiple e-mailing lists, public housing newsletters, flyers sent to the offices of housing and social service agencies, on City of Flagstaff social media accounts and on the City’s website. Though the survey is neither scientific nor statistically significant, it does provide insight into people’s understanding of and attitudes towards fair housing, helps to shed light on the extent that residents perceive housing discrimination is occurring and the types of discrimination that may be most prevalent, and provides context for training and education needs.

84 surveys were completed or returned and not every respondent answered every question. Some respondents gave more than one answer to a question or gave narrative answers that were interpreted and counted in one of the survey categories when possible. Survey respondents generally reflected the demographic composition of the City. Of survey respondents: 38% were a racial or ethnic minority and 71% were White/Anglo; 40% were male, 55% were female, 4% were non-binary, and 1% were transgender; 41% had children in the household; 22% included a household member with a disability; 53% were one or two-person households; 36% were low-to-moderate income; and 43% were homeowners.

While the majority (65%) of respondents indicated they have not encountered or do not know someone who has encountered housing discrimination, 36% indicated that they know someone who has or think they know someone who has.

Have you or someone you know ever encountered one or more forms of the described housing discrimination in your local area?	
	Responses
No, I have not and don’t know anyone who has.	56%
Don’t know	8%
Yes, I have or I know someone who has.	24%
I think I may have or I may know someone who has.	12%

Among those respondents who indicated they had encountered housing discrimination or knew someone who had, respondents identified, in rank order, refusing or discouraging to rent an apartment or buy a home, or charging more to rent an apartment or buy a home followed by steering as the most common types of housing discrimination.

If you believe that you or someone you know encountered housing discrimination in your local area, please write down the letter(s) from the shaded boxes at the beginning of the survey that best describes the type of discrimination.	
	Responses
Refusing, discouraging or charging more to rent an apartment or buy a home.	66%
Discouraging a person from living where he or she wants to live, often by steering him or her to another apartment, complex or neighborhood.	38%
Refusing, discouraging or charging more for home insurance.	10%
Refusing or making it hard to get a loan to buy or refinance a house or take out home equity by doing things like charging more money or offering a worse deal than someone should be able to get if he or she shopped around.	14%
Predatory lending: unfair, misleading, or deceptive or fraudulent loan practices.	10%
Discrimination based on disability: Refusing to make a reasonable accommodation, refusing to allow a modification to make an apartment more accessible for persons with a disability or lack of accessible units.	21%

Slightly more than half of survey respondents believe that housing discrimination is either likely or does occur. Among those indicating that housing discrimination is likely or occurring, refusing or discouraging to rent an apartment or buy a home was followed by steering as the most common types of housing discrimination.

Do you believe housing discrimination occurs in your local area?	
	Responses
Yes	38%
No	5%
Likely	32%
Unlikely	26%

If you think housing discrimination is occurring in your local area, what types do you think are most prevalent?	
	Responses
Refusing, discouraging or charging more to rent an apartment or buy a home.	73%
Discouraging a person from living where he or she wants to live, often by steering him or her to another apartment, complex or neighborhood.	62%
Refusing or making it hard to get a loan to buy or refinance a house or take out home equity by doing things like charging more money or offering a worse deal than someone should be able to get if he or she shopped around.	38%
Discrimination based on disability: Refusing to make a reasonable accommodation, refusing to allow a modification to make an apartment more accessible for persons with a disability or lack of accessible units.	52%
Refusing, discouraging or charging more for home insurance.	21%
Predatory lending: unfair, misleading, or deceptive or fraudulent loan practices.	37%

When asked how well informed they were about housing discrimination, 59% of respondents felt either very informed or somewhat informed.

How well informed are you about housing discrimination?	
	Responses
Very informed	17%
Somewhat informed	42%
Not very informed	32%
Not at all informed	10%

When asked what they would do if they encountered housing discrimination, 33% of survey respondents indicated that they would report housing discrimination if they encountered it and 33% indicated that they would not know what to do. Multiple respondents indicated that they would both tell the person that they believed they were discriminating and then report it.

What would you do if you encountered housing discrimination?	
	Responses
Report it	33%
Would not know what to do	33%
Tell the person that you believe they are discriminating	18%
Do nothing and seek other housing options	17%

To measure understanding of the complaint and reporting process, survey respondents were asked where they would report housing discrimination. More than one-third of respondents indicated they would contact the City of Flagstaff, followed closely by contacting HUD. Several respondents stated that if the City did not provide relief they would report the City for failure to act. Other responses included Southwest Fair Housing Council, Arizona Department of Real Estate, Flagstaff Housing Authority, and the Arizona Department of Housing.

If you wanted to report housing discrimination, who would you report it to?	
	Responses
City of Flagstaff	23%
HUD	20%
Attorney General	5%
Don't know / Not sure	38%
Other	13%

More than half of survey respondents answered the question about what might be done to help prevent housing discrimination. About one-third (33%) indicated that education and training was most needed, while 13% of respondents indicated that more affordable housing would help solve the problem. Other ideas included enforcement, advertising, reporting, investigation, and fines. One respondent suggested that all applicants for housing, both rental and purchase, should receive a pamphlet describing their fair housing rights and what to do if they believe they have been discriminated against.

What do you think should be done to help prevent housing discrimination?	
	Responses
Education /Training	33%
Don't know	6%
Provide more affordable housing	13%
Make landlords/offenders accountable for their actions	27%
Report it	8%
Other	13%
Investigating/monitoring	4%
Local Investigations / Investigations	2%
Background checks and uniform reporting for lending agencies	0%
Stop making banks lend money to people who can't afford it since there is a correlation of race and income	0%
Stop discriminatory development practices/favors to friends so the market can stabilize	0%
Use clear policies with oversight from supervisors/ management to ensure their proper application	0%

Community Interviews

During November and December 2020, 45 industry stakeholders were contacted for fair housing interviews and 45 agreed to participate. Many of those contacted indicated that they would be open to completing a survey rather than participating in an interview, while others asked to be removed from the contact list. The goal of the interview process was to contact people having expert knowledge about housing in Flagstaff and to assess their awareness of fair housing compliance, collect their thoughts on perceived impediments to fair housing choice, and to solicit their thoughts about fair housing barriers and constraints in Flagstaff. The results of these interviews provide qualitative information and insight into fair housing issues in Flagstaff. Some interviewees provided multiple answers to the interview questions.

Measuring respondents' knowledge of fair housing laws was one goal of the interviews. Interviewees were asked to name the classes that are protected by Fair Housing laws. Industry stakeholders were most likely to be able to cite several protected classes and demonstrate a general idea of the protected classes and only 22% were able to cite all of the protected classes; a small few knew there are seven protected classes. Industry stakeholders were more likely to be aware that Fair Housing Laws protect specific classes than were other community leaders and participants who were more likely to cite everyone or to identify participants in the market (renters / purchasers).

Understanding of Fair Housing Law – Protected Classes	
Don't know – at least 5 protected classes	7%
Don't know – at least 7 protected classes	2%
Race, Religion, Sex, Handicap, Familial Status, National Origin	22%
Everyone	20%
Race, Color, Religion, Sex, Handicap, Familial Status, National Origin	53%
Other	7%

Interviewees were asked if they felt the Fair Housing laws served a useful purpose and the majority indicated that they do. Interviewees were also asked if they found Fair Housing laws to be clear and easy to follow. While the majority agreed the laws were useful, fewer felt that the laws were easy to follow.

Understanding of Fair Housing Law – Usefulness and Clarity		
	No	Yes
Fair Housing Laws are Useful	9%	91%
Fair Housing Laws are Clear and Easy to Follow	47%	53%

Another question was whether the interviewee had attended Fair Housing training in the past three years, and if so who sponsored the training. 38% stated they had attended a City of Flagstaff Fair Housing training event.

Education and outreach have been primary tools of the City to address Fair Housing in Flagstaff and it is important to understand whether stakeholders and potential local leaders would be interested in attending additional training in the future. 35 interviewees indicated they would attend additional training if offered by the City.

Outreach and Education – Access to Training	
Attended in Past 3 Years	26
City-sponsored	11
Employer or Licensor sponsored	6
Would attend in future if City offered	35

Interviewees were asked to identify to whom they would refer a housing discrimination complainant. Responses were varied, with most identifying the City of Flagstaff as the primary contact. The varied responses indicate confusion regarding the referral system and complaint system. This confusion is a barrier to complainants accessing the fair housing complaint system.

Understanding of Fair Housing Complaint System	
	Responses
City of Flagstaff	11
Attorney General’s Office	5
HUD	15
Other	13

The interviews also addressed testing. Interviewees were asked if they were familiar with testing and provided a brief overview of what constituted testing. Interviewees were then asked if they felt there was a need for testing. 63% of interviewees were not familiar with testing and did not feel comfortable expressing an opinion about the accuracy of testing or the need for future testing. Among those familiar with testing, 23 indicated that more testing was needed.

Understanding and Accuracy of and Need for Testing	
	Responses
Familiar with Testing	30
Accurately Measures Fair Housing Issues	13
More Testing Needed	23
Less Testing Needed	2
Same Amount of Testing	7

The final line of inquiry was whether interviewees felt the City needed a formal plan to address Fair Housing. A resounding 86% of interviewees indicated that a Plan is needed. **Several interviewees indicated that while a Fair Housing planning is needed it should be integrated into a larger housing plan that addresses housing availability and affordability.**

Need for Local Fair Housing Plan		
	No	Yes
Plan Needed	14%	86%

Public Policies and Practices

Zoning, Land Use and Development

Over the past decade, the City has taken extensive steps to remove barriers and promote affordable housing development, including the development of an Incentive Policy for Affordable Housing (IPAH), adopted in October 2009 and later integrated into the City zoning code. The IPAH is designed to foster the production of affordable housing units and is intended to reduce the deficit of all types of housing for households earning under 150% of the Area Median Income (AMI). The IPAH incentivizes developers that commit to permanently affordable housing units through the reimbursement of development-related fees. The Flagstaff Zoning Code also implements affordable housing incentives through various development standards like density bonuses and reductions to parking and resource protection.

A current zoning code amendment is being processed that would allow for increased regulatory incentives for developers who deliver 100% affordable projects. This amendment is being proposed separately from a revision of the IPAH and related zoning code incentives, primarily to accommodate the tight external timeline requirements of any current and upcoming Low-Income Housing Tax Credit projects in the City. City staff is currently working on a comprehensive update to the existing IPAH document. Interviews with the development community and housing practitioners will help shape new concepts and revisions, along with guidance from a working group made up of members from the City’s Housing and Planning and Zoning Commissions. The intent of this update to the incentive policy is to ensure the incentives offered are not only useful and effective, but that they are flexible enough to be applied under varied market conditions.

In the last couple of years, the City has adopted several zoning code amendments that implement policies and recommendations from the High Occupancy Housing Specific Plan, which was adopted in 2018. The intent of the Plan was to identify areas of the city where high density residential projects are encouraged, and what development standards, features, and amenities are desired in those projects. Recent zoning code amendments included an exemption from a use permit requirement for projects that meet certain affordable housing requirements.

The IPAH incentivizes developments that commit to permanently affordable housing units. When a developer takes advantage of the incentives offered under the IPAH, the affordable units are legally committed to the intended population through occupancy, resale and rent restrictions. The 2021 update to the City’s incentive policy may include additional provisions for a wider array of affordable commitments rather than exclusively permanent affordability. The update may also consider methods for determining an “in-lieu” payment option to support affordable housing efforts through the city

and its partners; if a specific dollar amount is known by a developer, they may prefer budgeting for that specific dollar amount up front, rather than accept the unknown costs associated with constructing and selling/renting affordable units.

Review of Public Policies and Practices

The development and subsequent implementation of policy initiatives are critical to the success of the City of Flagstaff’s overall housing and economic development goals. In general, policy development and implementation are designed to enhance City program effectiveness, identify gaps or underserved groups, and enhance the private sector’s ability to provide market-based solutions. At present, the greatest obstacle to meeting underserved needs is insufficient funding. The City addresses this obstacle by prioritizing CDBG projects that provide leverage funding to meet the needs of a larger number of people.

In December 2020, Flagstaff City Council declared a Housing Emergency via Resolution 2020-66. The Resolution recognizes the need to make housing a leading priority for the City of Flagstaff as an organization and the community overall. It also calls for a number of efforts to be undertaken, among them, the development of a 10-year housing plan (underway), the creation and implementation of a public outreach campaign to educate the community about the critical role affordable housing plays in a thriving community and combating “Not in My Backyard” opposition to housing and affordable housing.

The City’s growing population will require an increased emphasis on housing choices in the future. The region’s housing is influenced by:

- Limited supply of land for development;
- Approximately forty percent (40%) of Flagstaff’s households are by definition low- to moderate-income (City FY 2016 - 2020 HUD Consolidated Plan);
- Consistent but modest rate of population growth;
- NAU’s total enrollment has grown by 16.2 percent in the last five years (Fall 2013 – Fall 2018); and
- Housing needs for the elderly, multigenerational families and downsizing will increase over the next several decades as the Baby Boom generation moves into the retirement years.

Local growing population sectors include the elderly, students, single-parent households, and nonfamily households. These community members need a variety of housing options within proximity to jobs, schools, and services. NAU students currently make up approximately thirty percent (30 %) percent of the local population, and their continued demand for student housing impacts cost and availability of housing in the region, resulting in a higher demand for multi-family housing, or housing affordable for single-incomes or multiple low incomes.

An annual survey conducted by a local non-profit, Housing Solutions of Northern Arizona (HSNA), continues to show rising rates and less availability of rental units within City limits. As of May 2019, the data shows 801 people on waiting lists at income-restricted complexes. Market rate rental averages were measured as follows:

\$808 for a room/shared living	up 9.5%
\$979 for a studio	up 7.7%
\$1,214 for a one-bedroom.....	up 4%
\$1,494 for two-bedroom.....	up 3.7%
\$1,819 for a three-bedroom	down 2.5%

These actual rents have been well above the HUD Fair Market Rents (FMRs) for several years. The HSNA survey states, “In order to afford an average two-bedroom apartment - without paying more than 30% of income on housing - a household must earn approximately \$4,980 monthly, \$59,760 annually, or \$28.73 hourly (assuming a 40-hr work week and 52 weeks/yr.)” The City is experiencing an immediate need to house hundreds of households at more affordable rates

The Housing Plan will consolidate existing housing documents and augment with an additional planning effort to create a 10-year plan that seeks to define the housing emergency in Flagstaff and to provide policies and strategies to reduce the emergency. The Housing Plan will help identify needs, create an existing list of affordable housing, identify the affordable housing units underway, engage partners, and compile research on best practices. Altogether, these components will help identify specific policies and educational and advocacy strategies that can be implemented within our community to substantially increase the number of affordable housing units. As the City implements Flagstaff’s 2021 Housing Plan, the goal is to substantially increase the number of available and affordable housing options for all Flagstaff residents at all income levels.

The City of Flagstaff utilized a HUD survey to identify impediments with respect to zoning, land use and development. The purpose of the survey was to identify zoning regulations, practices and procedures that act as barriers to the development, siting and use of housing for individuals with disabilities. The HUD-adopted survey was completed by City staff with zoning and land use responsibilities, and respondents’ comments are noted below in italics. The survey indicates that the City’s zoning, land use and development regulations, practices and procedures do not act as barriers to the development, siting and use of housing for individuals with disabilities.

TABLE 40 - HUD FAIR HOUSING IMPEDIMENT STUDY - REVIEW OF PUBLIC POLICIES AND PRACTICES		
	Yes	No
Zoning Regulation Impediment: Does the Code definition of “family” have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement?		<input type="checkbox"/>
Zoning Regulation Impediment: Does the Code definition of “disability” the same as the Fair Housing Act?	<input type="checkbox"/>	
Practice Impediment: Are personal characteristics of the residents considered?		<input type="checkbox"/>
Practice Impediment: Does the zoning ordinance restrict housing opportunities for individuals with disabilities and mischaracterize such housing as a “boarding or rooming house” or “hotel”?		<input type="checkbox"/>
Practice Impediment: Does the zoning ordinance deny housing opportunities for disability individuals with on site housing supporting services?		<input type="checkbox"/>
Does the jurisdiction policy allow any number of unrelated persons to reside together, but restrict such occupancy, if the residents are disabled?		<input type="checkbox"/>

TABLE 40 - HUD FAIR HOUSING IMPEDIMENT STUDY - REVIEW OF PUBLIC POLICIES AND PRACTICES		
	Yes	No
Does the jurisdiction policy not allow disabled persons to make reasonable modifications or provide reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing?		<input type="checkbox"/>
Does the jurisdiction 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 <u>all</u> applicants?		<input type="checkbox"/>
Does the zoning ordinance address mixed uses? How are the residential land uses discussed? <i>Within the Commercial Zoning districts, residential units are allowed by right as long as site conditions are met; Planned Residential is an additional opportunity that may provide for mixed uses; the City also promotes Form Based Code design and development.</i> What standards apply? <i>The City requires design standards and compatibility exercises that deal with the form/design of the neighborhood, including access to services.</i>	<input type="checkbox"/>	
Does the zoning ordinance describe any areas in this jurisdiction as exclusive? Are there exclusions or discussions of limiting housing to any of the following groups? If yes, check all of the following that apply: Race____Color____Sex____Religion____Age____Disability____ Marital or Familial Status____Creed of National Origin____		<input type="checkbox"/>
Are there any restrictions for Senior Housing in the zoning ordinance? If yes, do the restrictions 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 and has significant facilities or services to meet the physical or social needs of older people)?		<input type="checkbox"/>
Does the zoning ordinance contain any special provisions for making housing accessible to persons with disabilities? <i>Provisions for housing accessibility for people with disabilities are specified in the City's building code.</i>	<input type="checkbox"/>	
Does the zoning ordinance establish occupancy standards or maximum occupancy limits? Do the restrictions exceed those imposed by state law? <i>Provisions for maximum occupancy are specified in the City's building code and are consistent with state law.</i>		<input type="checkbox"/>
Does the zoning ordinance include a discussion of fair housing? If yes, how does the jurisdiction propose to further fair housing? <i>The zoning ordinance includes a reference to the Fair Housing Act in the definition of "family".</i>	<input type="checkbox"/>	
Describe the minimum standards and amenities required by the ordinance for a multiple family project with respect to handicap parking. <i>2% of the spaces required for multi-family complex are required to be accessible.</i>	<input type="checkbox"/>	
Does the zoning code distinguish senior citizen housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)?		<input type="checkbox"/>
Does the zoning code distinguish handicapped housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)?		<input type="checkbox"/>

TABLE 40 - HUD FAIR HOUSING IMPEDIMENT STUDY - REVIEW OF PUBLIC POLICIES AND PRACTICES		
How are “special group residential housing” defined in the jurisdiction zoning code? <i>The City has adopted the State’s statutory definition of “A residential facility (for 8 or fewer unrelated persons – not including staff = 10 total) providing living facilities, sleeping rooms and</i>		?
<i>meals. This use shall be considered as a single-family dwelling, in terms of applicable building standards. This category does not include a home for the developmentally disabled or other institutional uses such as protected living or sheltered care facilities, see “Institutional Residential”.</i>		
Does the jurisdiction’s planning and building code presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act? Is there any provision for monitoring compliance?		?

Public Housing and Section 8

Public Housing Authority Policies

The City of Flagstaff Public Housing Authority (PHA) addresses the needs of extremely low income, low income and moderate-income families through the provision of public housing and housing choice vouchers. The PHA manages 265 public housing units and 333 Housing Choice Vouchers. In addition, the PHA manages 106 Veterans Affairs Supportive Housing Vouchers, 2 Foster Youth Initiative vouchers (with remaining capacity of 23) for homeless youth exiting foster care and 40 Mainstream Vouchers for non-elderly households that contain an adult with a disability and provides 12 SRO Section 8 vouchers for persons with serious mental illness through a partnership with the Guidance Center. The Public Housing program and Housing Choice Voucher (Section 8) programs have been designated by HUD as “High Performing”.

According to data provided by HUD for the 5-year Consolidated Plan, 42% of public housing residents are White, 2% are Black/African American, 54% are Native American, and 30% are Hispanic. Among Housing Choice Voucher participants 67% are White, 7% are Black/African American, 1% are Asian, 25% are Native American and 22% are Hispanic. Elderly people comprise 15% of public housing residents and 15% of Housing Choice Voucher participants. Families with a person with a disability comprise 10% of public housing residents and 36% of Housing Choice Voucher participants.

Section 8 Program Background and Guidelines

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The program objectives of Section 8 are to provide decent, safe, and sanitary housing for very low income families while maintaining rent payments at an affordable level, to promote freedom of housing choice and spatial deconcentrating of very low income families of all races and ethnic backgrounds, and to provide an incentive to private property owners to rent to very low income families by offering timely assistance payments.

Administration of the City of Flagstaff Section 8 programs are in compliance with the HUD Section 8 regulations as well as all federal, state and local Fair Housing Laws and Regulations. It is the intent of the program not to deny any family or individual the opportunity to apply for, or receive, assistance under any programs on the basis of race, color, sex, religion, national or ethnic origin, age, familial status, handicap, disability, or sexual preference.

- **Section 8 Housing Choice Vouchers** are the most common vouchers. The waiting list for these vouchers opens periodically and applicants can use vouchers to subsidize their rent at a conventional market rental with a landlord interested in participating in Section 8. As of April 9, 2020, this waiting list is closed.
- A limited number of **Homeless Vouchers** are dedicated to those experiencing homelessness; those experiencing homelessness may qualify for a non-homeless voucher before they would receive a dedicated homelessness voucher. In addition, **Mainstream Vouchers** are dedicated to households with a non-senior person with a disability. These vouchers are drawn from the same waiting list for Housing Choice Vouchers and do not require a separate application.
- **Single-Room Occupancy-Moderate Rehabilitation (SRO-Mod Rehab) Vouchers** are issued by the Flagstaff Housing Authority in collaboration with the [The Guidance Center](#). These vouchers serve individuals experiencing homelessness with disabilities in a congregate residential setting. Vouchers are issued only through a referral process, beginning with case work from the [The Guidance Center](#).
- **Veteran Affairs Supportive Housing (HUD-VASH) Vouchers** are issued to veterans and their families experiencing homelessness. These vouchers are available by VA referral only.
- **Foster Youth to Independence (FYI) Vouchers** serve young people, aged 18-24, who are aging out of the foster care system. Vouchers are issued only by referral from [the Arizona Department of Child Safety \(AZ DCS\)](#).

The preferences process of the City of Flagstaff Section 8 Program assigns all applicants to a waiting list in the order of preference status by order of date and time of the application. Preference is given to those who live or work in Flagstaff, however the PHA accepts applications from both residents and non-residents; preference categories are:

1. First preference is given to homeless families (up to 4/year).
2. Second preference is given to transitional housing local preference.
3. Special provision is given to homeless Veterans for VASH.

Public Housing Guidelines

The preferences process of the City of Flagstaff Section 8 Program assigns applicants to a waiting list in the order of preference status by order of date and time of the application. The preference categories are:

1. First preference is given to residents of Flagstaff or those employed in Flagstaff.
2. Special provision is given to elderly persons for 1-bedroom units.

The Housing Authority will not house an applicant if any member of the family is a person who was evicted during the past three years because of drug-related criminal activity from housing assisted under a 1937 Housing Act program.

Property Tax Policies

Property taxes in Arizona include a primary and secondary tax. The primary tax is set at the state level and governed by Arizona Revised Statutes and the State Constitution. Receipts from primary property taxes are deposited in the General Fund. The City of Flagstaff utilizes these revenues to support Police, Fire, Recreation, Community Development, Library, Central Services and Housing programs. The State limits the annual increase of revenue collected to 2% plus any new construction.

The secondary tax rate can be changed locally only through the passage of designated, voter-approved bonds for

capital projects. While increased property taxes may have a disparate impact on low-income households, including protected classes, the property tax rate has not increased in Flagstaff during the past three years.

Landlord/Tenant Policies

Rental housing policies are governed by the Arizona Residential Landlord Tenant Act. Because there is considerable gray area between landlord/tenant issues and fair housing issues, all public and private agencies that handle housing issues need to train their staff to recognize potential fair housing issues, which may appear to be landlord/tenant issues, and accurately refer clients to where they can get information and help. The Arizona Residential Landlord Tenant Act is available online at www/housing.az.gov.

National Reports and Studies

National Fair Housing Alliance – Fair Housing Trends Data for 2020

<https://nationalfairhousing.org/wp-content/uploads/2020/09/NFHA-2020-Fair-Housing-Trends-Report.pdf>

The 2019 complaint data continues to show that private fair housing organizations address the majority of housing discrimination complaints that are reported throughout the country. In 2019, private, non-profit fair housing organizations processed 73.12 percent of complaints, as compared to 6.13 percent by HUD, 20.61 percent by FHAP agencies, and 0.14 percent by DOJ.

There were 28,880 reported complaints of housing discrimination in the U.S. in 2019. This is a reduction of approximately 7.5 percent from 2018's total of 31,202, which was the largest total since the early 1990s. There were 17,010 cases that involved discrimination against a person with a disability, or 58.90 percent of all cases. Discrimination against persons with disabilities is the easiest to detect, as it most often takes place as an overt denial of a request for a reasonable accommodation or modification to the housing unit. The second most reported type of housing discrimination was on the basis of race, with 4,757 or 16.47 percent of all cases. This was followed by familial status as the third most frequent basis for discrimination, with 2,228 cases or 7.71 percent of all cases of housing discrimination. The fourth most frequent basis of discrimination was sex, with 1,948 complaints or 6.75 percent of all complaints. The fifth most frequent basis was national origin, with 1,730 reported cases or 5.99 percent of all complaints. Color was a basis of discrimination for 646 complaints or 2.24 percent of all complaints, and religion was the basis of 328 complaints or 1.14 percent of all complaints nationwide.

As in prior years, rental-related housing discrimination complaints reported in 2019 were the most numerous. This is due primarily to the fact that rental transactions are the most frequent type of housing transaction, and the simplicity of the transaction can make it easier to identify or suspect discrimination. In 2019, there were 24,186 rental complaints reported across all agencies, and 18,889 of these were reported by private fair housing organizations. The number of rental-related complaints reported in 2019 is slightly fewer than in 2018. Rental-related complaints in 2019 accounted for 83.75 percent of all transaction types reported, compared to 83.39 percent in 2018 and 82.05 percent in 2017.

Real estate sales complaints comprised 2.7 percent of all housing discrimination cases reported in 2019, with 779 complaints total. This number represents a decrease from 2018 when 897 sales complaints were reported, and a decrease from 805 complaints reported in 2017. Real estate sales complaints may be decreasing because homeownership rates in the U.S. have not rebounded from the 2008 housing crash. According to the National Association of Real Estate Brokers (NAREB), the Black homeownership rate stood at 40.6 percent at the end of the second quarter of 2019, a decrease of 1 percent between 2018 and 2019. The gap in homeownership rates between Black and White households is larger than it was in 1968 when the Fair Housing Act was enacted.

In 2019, there were 234 complaints of lending discrimination, a decrease from the previous two years. These complaints represented less than 1 percent of all complaints. In 2018, there were 330 lending complaints, and in 2017, there were 380 complaints.

In recent years, HUD has stepped up its efforts to achieve the goals of the Fair Housing Act's AFFH provision by taking action when it finds that jurisdictions (municipalities, counties, states and Public Housing Authorities) that receive HUD funding are not fulfilling their fair housing obligations. HUD's actions provide an illustration of the kinds of policies that may be obstacles to overcoming segregation and its ill effects on society. Some of these policies include:

- Locating subsidized housing only in poor communities of color.
- Adopting exclusionary zoning policies that make it impossible to develop affordable housing within the jurisdiction.
- Using local powers for issuing permits and approving projects to prevent new affordable housing developments from being built.
- Failing to adopt strategies or take actions to overcome the effects of public actions that aggravate the shortage of affordable housing.
- Requiring local approval for Low Income Housing Tax Credit projects, effectively giving hostile jurisdictions veto power over new developments; and,
- Making plans to reduce the number of public housing units and Housing Choice Vouchers within the jurisdiction.

A Paired-Testing Pilot Study of Housing Discrimination against Same-Sex Couples and Transgender Individuals

https://www.urban.org/sites/default/files/publication/91486/hds_lgt_final_report_3.pdf

Diane K. Levy Doug Wissoker Claudia L. Aranda Brent Howell Rob Pitingolo Sarale Sewell Rob Santos June 2017

To more accurately document discrimination against same-sex couples and transgender homeseekers, studies were conducted in the Dallas–Fort Worth, Los Angeles, and Washington, DC, metro areas using paired testing, a powerful research tool that can capture discrimination in action.

Findings indicate that in the early stages of the rental search process, housing providers discriminate against gay men and transgender people on some treatment measures but treat lesbians and heterosexual women comparably.

In paired testing, two testers pose as equally qualified home seekers, differing only in a specific characteristic. For our pilot studies in the Dallas–Fort Worth and Los Angeles metros, we compared the experiences of, for example, a lesbian posing as part of a couple with a heterosexual woman posing as part of a couple to observe discrimination based on sexual orientation. Lesbian and gay testers and their heterosexual counterparts disclosed their sexual orientation to housing providers early by referencing a partner or spouse by a gender-specific name.

In the Washington, DC, metro area, the experiences of transgender and cisgender home seekers were compared. This study was smaller than the sexual orientation pilot study and tested research methods to inform future work. These tests were split into two groups—in half the tests, transgender testers explicitly identified as transgender to providers; in the other half, testers did not explicitly disclose their gender status.

Housing providers discriminated against gay men and transgender people on some measures

After conducting 2,009 paired tests, it was found that housing providers told gay men about one fewer available unit on every 4.2 tests than they told heterosexual men about, were slightly less likely to schedule an appointment with gay men, and quoted gay men average yearly rent costs that were \$272 higher.

Housing providers were about equally likely to schedule an appointment with lesbians and with heterosexual women, told them about and showed them approximately the same number of rentals, and provided comparable information about rents and incentives. Differences across treatment measures of availability and inspections consistently disadvantaged lesbian testers, but the differences generally were small and not statistically significant.

Providers told transgender testers about fewer rentals than they told cisgender testers, regardless of the protocol used. Transgender testers who disclosed their gender status were less likely to be told about available rentals on average. They were, however, more likely to be allowed to view available units than transgender testers who did not disclose. It is unclear why.

A Pilot Study of Landlord Acceptance of Housing Choice Vouchers

<https://www.huduser.gov/portal/portal/sites/default/files/pdf/Landlord-Acceptance-of-Housing-Choice-Vouchers.pdf>

Mary K. Cunningham Martha M. Galvez Claudia Aranda Robert Santos Douglas A. Wissoker Alyse D. Oneto Rob Pitingolo James Crawford August 20, 2018

The U.S. Department of Housing and Urban Development (HUD) sponsored the first large-scale, multisite study of whether landlords treat people with vouchers differently than other renters.

The project's goals were to (1) identify testing methodologies for measuring differential treatment of renters who use housing vouchers authorized under Section 8(o) of the United States Housing Act of 1937, (2) identify the types and patterns of rental housing discrimination against voucher holders, and (3) measure the prevalence and extent of voucher-related discrimination, including differences in discrimination against racial and ethnic minorities and differences between low- and high-poverty neighborhoods.

The Housing Choice Voucher (HCV) program is the federal government's largest rental housing assistance program. The goals of the HCV program are to increase access to safe, affordable housing units and to provide opportunities for low-income families to obtain rental housing outside areas of poverty or minority concentration (HUD, 2009). Voucher holders can, in theory, move anywhere in the country where a PHA administers the program, but their housing choices are severely constrained by their ability to navigate the private rental market, find a unit with rent below the payment standard, and identify a landlord who will participate in the program. Landlords decide, for the most part, if they want to accept vouchers as payment for their rental units.

Is it illegal for landlords to refuse to rent to voucher holders?

The Fair Housing Act (Public Law 90-284), enacted in 1968 as Section VIII of the Civil Rights Act, aims to "prevent segregation and discrimination in housing, including in the sale or rental of housing and the provision of advertising, lending, and brokerage services related to housing." Under the Fair Housing Act, landlords are prohibited from refusing to rent to members of protected classes—defined based on race, color, national origin, sex, religion, disability, and familial status. Voucher holders are not protected under the Act and landlords may have a legal right to turn away voucher holders.

Although voucher holders are not protected under the Fair Housing Act, the program disproportionately serves members of protected classes—families with children, racial and ethnic minorities, and persons with disabilities. Some fair housing advocates argue that claims under the Fair Housing Act may be justified, because the act prohibits practices that may appear neutral—such as electing not to accept vouchers—but result in "disparate impacts," for example, residential segregation, for a protected class. Beyond the federal statute, states and local jurisdictions have passed local ordinances, often referred to as source-of-income protections, to prohibit discrimination against voucher holders. In these locations, it is illegal for landlords to discriminate against voucher holders. For this study, the term discrimination is used to describe unequal or differential treatment of voucher holders, although this treatment is not necessarily illegal in all our testing sites.

Finding Voucher-Affordable Units Is Challenging

How difficult is it to find voucher-affordable units? For 16 months, more than 341,000 online advertisements across the five study sites were screened and found 8,735 advertisements for rental housing that appeared to be voucher eligible based on information in the ad. The effort required to find voucher-eligible housing differed dramatically across sites. For example, the average number of advertisements screened to identify a potentially eligible unit ranged from more than 50 in Los Angeles and Newark to 30 in Fort Worth, 19 in Washington, D.C., and 11 in Philadelphia. As the testers searched for units, they did not precisely model the housing search a voucher holder might conduct. Nonetheless, their experience shows that searching for housing with vouchers is time consuming and frustrating. Voucher holders must navigate the rental market on their own, searching for units that meet the program rental cap. This search requires combing apartment listings and making multiple telephone calls to landlords to inquire about apartment availability. Many searches turn up short.

Many Landlords Do Not Accept Vouchers

The voucher acceptance tests show clear evidence of outright denial of vouchers, although denial rates varied widely. Denial rates were highest in Fort Worth (78 percent) and Los Angeles (76 percent) and only somewhat lower in Philadelphia (67 percent). Rates were substantially lower in Newark (31 percent) and Washington, D.C. (15 percent). Moreover, across the five sites, between 9 and 25 percent of landlords said vouchers were accepted only under certain conditions or they were unsure of the voucher acceptance policy. Landlords were more likely to deny voucher holders in low poverty areas compared with high-poverty areas, particularly in the sites with the highest voucher denial rates.

There were lower landlord denial rates in sites that have legal protections against voucher discrimination. In Newark and Washington, D.C., where voucher holders are a protected class under local source-of-income antidiscrimination laws, denial rates were lower compared with sites without such protections. Philadelphia also has a source-of-income antidiscrimination law, but neighboring Bucks County does not.

The challenges encountered finding voucher affordable rental housing in some sites and neighborhoods suggest that voucher holders' housing searches are daunting. The difficulty finding landlords who will accept vouchers, particularly in low-poverty areas, likely increases the cost and duration of voucher housing searches, limits voucher holders' housing and neighborhood options, and increases costs to local PHAs and HUD. With this difficulty in mind, several policy and program changes should be considered to encourage landlord participation and to facilitate voucher holders' searches.

Pursue legal protections for voucher holders.

Although voucher holders are not a protected class, the program is comprised of households that are protected under the Fair Housing Act and thus outcomes from the HCV program have potential fair housing implications. Among the five study sites, landlord refusal of vouchers is more common in jurisdictions without source-of-income protections. Coupled with other available evidence, this finding suggests that legal protections for voucher holders might improve HCV program outcomes and merit further consideration.

Encourage landlord participation and recruit landlords, particularly in low poverty neighborhoods.

One way to increase landlord participation in the HCV program is to make it more attractive through recruitment strategies and incentive programs. Some PHAs and neighborhood mobility programs that help voucher holders search for housing have liaisons to recruit landlords in opportunity neighborhoods. HUD and PHAs could strengthen financial incentives (or remove perceived disincentives) for landlords to participate.

For instance, PHAs could offer one-time signing bonuses or financial incentives for new entrants or for landlords in low-poverty neighborhoods. Some jurisdictions are piloting initiatives that provide security deposits or insurance against damages or tenants vacating the unit before their lease expires. Other jurisdictions waive permit fees for repairs or improvements or provide landlords access to interest-free loans they can use to rehabilitate their properties.

Set rents to be more competitive and improve program management.

For vouchers to be appealing to private market landlords, they must offer rent payments comparable with the market.

This study did not examine the role of payment standards or Fair Market Rents (FMRs) in the availability of voucher-affordable housing or in landlord denial rates, but it was observed that some sites with higher payment standards had lower rates of landlord denial. Adopting Small Area FMRs or payment standards better aligned with market rents could make the HCV program more appealing to landlords in high-rent markets. In addition to offering competitive rents, improving PHA management could attract more landlords. Critics of the HCV program argue that there are good business reasons landlords do not participate; they include complaints about PHAs that have poor customer service or that increase the cost of renting to voucher holders by taking too long to complete housing quality standards inspections or by not sending rent checks on time. To increase customer satisfaction among landlords and decrease the real or perceived costs of doing business with housing authorities, PHAs could streamline these tasks so that landlords are not financially penalized for participating in the HCV program. Expand search time and provide housing search assistance. Extending search times from 60 days to 120 days would provide more time for voucher holders to identify landlords with units available. This extension is particularly important if voucher holders are searching for housing in opportunity neighborhoods or in tight housing markets where units are harder to find. Voucher holders may also benefit from housing search assistance—a combination of pre and post move counseling, landlord outreach, and financial support for moves.

The findings on the difficulty identifying landlords who accept vouchers— particularly in low-poverty areas—coupled with the evidence base on the importance of living in high-opportunity neighborhoods suggest these services may be an important step toward improving program outcomes and voucher holders' long-term well-being.

Conclusion

The process of finding an available unit, reaching landlords, finding a landlord to accept vouchers, and then meeting with them to view the available housing was extremely difficult. It takes a lot of work to find housing with a voucher. The search requires sifting through numerous advertisements, making numerous calls, and facing frequent rejection. The study reveals that many landlords refuse to accept vouchers. Voucher holders who want to find housing in an opportunity area—perhaps close to high-quality schools, jobs, and transportation— face even more rejection. Even if landlords said they accepted vouchers; they may treat voucher holders differently during apartment showings—standing them up at higher rates than control testers. Policymakers should remember that landlords are not passive actors in the HCV program. Landlords play a critical role in narrowing or widening the choices available to voucher holders in their search for safe, affordable, quality housing.

2016 Fair Housing Action Plan Review

Identified Impediments

The 2016 Fair Housing Action Plan identified six impediments to fair housing choice in the City of Flagstaff:

1. **Housing Discrimination.** A survey of Flagstaff residents, discussions with industry stakeholders, and fair housing testing data indicate housing discrimination exists.
2. **Community Education.** The number and nature of fair housing complaints in Flagstaff is low, yet the results of the community survey and interviews indicate that there is a need for more outreach and education.
3. **Minority and Low-income Areas of Concentration.** Concentrations of both minorities and low-income households exist in four Census Tracts.
4. **Lending Discrimination.** Home Mortgage Disclosure Act data indicates that 1) minority loan applicants and female loan applicants experience a disproportionately higher rate of loan denial, and 2) minority loan applicants and loan applicants in low-income and minority-concentration areas are also more likely to receive high-cost loans.
5. **Disability Accessibility.** Testing data from Southwest Fair Housing Council indicates that housing discrimination on the basis of disability is more likely to be supported. Complaint data from Southwest Fair Housing Council and the US Department of Housing and Urban Development indicate a higher volume of complaints based on disability.

2016-2020 Activities to Address Fair Housing Impediments

Community Development Block Grant Funding

Community Development Block Grant (CDBG) funding supports community development, infrastructure, affordable housing, human services, and other activities. In the context of limited CDBG and leverage funding, the City made significant progress towards investing in housing, and public and supportive services for vulnerable populations. The lingering economic recession and housing crisis resulted in more households needing these services and the City and agencies stepped in to provide a variety of services, many aimed at people at risk of or experiencing homelessness.

Significant progress was also made towards providing economic opportunities and a relatively large number of individuals benefitted from financial and housing counseling and several benefitted from employment training. Moderate progress was made towards enhancing Flagstaff neighborhoods – park improvements and housing rehabilitation were the most notable enhancements; however, the continuing high-cost of housing in Flagstaff presents challenges to acquiring and rehabilitating homes. Moderate progress was also made towards increasing the availability and affordability of housing for owners and renters in large part due to the economic recession and few opportunities to invest in additional housing. The City continued to make progress towards strengthening coordination and delivery of resources, integrating the Flagstaff Public Housing Authority and Housing Sections in one department and maintaining a high level of involvement with the Coconino County Continuum of Care.

Details regarding the historic expenditure of CDBG funding by the City are found in its Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is produced annually and describes affordable housing and community development resources, methods of distribution, geographic funding objectives and the actions

that were taken during the program year.

Fair Housing Actions from the 2016 Analysis of Impediments to Fair Housing Choice

The CAPER also describes activities that the City has taken to affirmatively further fair housing by listing fair housing impediments and actions taken to overcome them. Specific fair housing activities regularly conducted by the City of Flagstaff include:

- All public meetings, including those related directly to the use and direction of Community Development Block Grant funds, are held in facilities accessible to those with disabilities.
- Advertisements encouraging public input, or announcing public meetings, include TDD numbers.
- Advertisements announcing public meetings incorporate the language: “Persons requiring hearing, visual, language, mobility or other accommodations may contact the City, at 928-213-2752 or TDD (928) 774-5281 to make special accommodations”.
- Specific notices for meetings and timelines are sent to a number of organizations within the community, including the Sunnyside Neighborhood Association, Southside Community Association and La Plaza Viejas Association. These organizations represent many of the residents who access services, as they are three of the four target neighborhoods. Most infill and rehabilitation projects occur in these neighborhoods. These neighborhoods are the most ethnically diverse in the City and have higher concentrations of low-income households.
- Specific notices for meetings and input timelines are sent to providers who serve people with disabilities.
- Separate from the City of Flagstaff, the Southwest Fair Housing Council provides Fair Housing and Landlord Tenant information/education to City of Flagstaff residents throughout the program year.
- The City of Flagstaff’s Housing Specialist acts as a liaison and point of contact for people with potential fair housing complaints. The City provides fair housing information and referrals.

Actions to address identified impediments are documented in each program year’s CAPER. While some actions are one-time actions, the following actions were successfully implemented annually:

1. Adopted a proclamation declaring April to be observed as Fair Housing Month.
2. Semi-annually published fair housing information in local newspapers, utility bills and on the City website.
3. Participated in the Arizona Fair Housing Partnership and sponsored a Fair Housing event in spring of each year.
4. Distributed fair housing referral information and encouraged complainants to contact the Arizona Attorney General’s Office, HUD, or the Southwest Fair Housing Council.
5. Ensured that the Fair Housing Logo is displayed on business, cards, and brochures and in program marketing information.
6. Each April distributed a flyer through the City of Flagstaff utility bill announcing April as Fair Housing Month. Included in the flyer information regarding Fair Housing, Fair Housing services, and who to call for more information.
7. Annually sponsored fair housing training for Flagstaff residents, networking with nonprofit, neighborhood-based, faith organizations and education institutions to reach a broad audience, including minority populations, people residing in areas of minority concentration, and people with disabilities. Included information regarding landlord/tenant issues, disability accessibility in training.
8. Through sign-in sheets, tracked the volume of residents, landlords and industry stakeholders participating in community education activities.

9. Continued to display fair housing posters and make fair housing materials available in Flagstaff public facilities and to nonprofit and faith-based organizations.
10. Continually encouraged minority and lower-income households to seek housing counseling from HUD-certified housing counseling agencies. Provided information to housing counseling agencies to assist them in educating minority and lower-income households regarding the range of housing options in Flagstaff, including those outside of minority and low-income concentration areas.
11. Supported agencies in identifying and pursuing federal, state, and private resources that may be targeted to assist households to remain in their homes, particularly households in minority and low-income concentration areas.
12. Continued to work with the Arizona Fair Housing Partnership to discourage predatory lending and other discriminatory practices in the City of Flagstaff.
13. Continually encouraged the development of housing accessible to or adaptable for persons with disabilities in federally-funded projects.
14. Maintained a log of potential fair housing complaints or concerns, including those seemingly related only to landlord-tenant concerns developed in 2012.
15. Inserted a business card with local contact information in the distributed fair housing brochures.
16. Maintained the City's Fair Housing website with links to the Southwest Fair Housing Council and HUD.
17. The Building Official for the City of Flagstaff performed the duties of the ADA Accessibility Specialist for the Community Development Department.

The following actions were identified to address impediments and met with mixed success:

1. The City made efforts to strengthen the relationship with the Arizona Multi-family Housing Association to reach additional landlords and apartment managers (including small landlords) by including the Association in the zoning code rewrite and property maintenance ordinance meetings.
2. The City did not contact the Arizona Attorney General's Office, US Department of Housing and Urban Development or the Southwest Fair Housing Council to track the number of fair housing calls, complaints and actions taken by those agencies.

2021 Impediments to Fair Housing Choice and Plan of Action

Demographic Indicators Summary

- According to the 2015/2019 ACS 78% of the City's population is White, compared with 73% in 2008 and 79% in 2000. The Native American population comprised 8% of the population in 2019, compared with 13% in 2015. The population identifying as another race, including 2 or more races is just 8%, compared with 12% in 2015. Among all races, 19% of the population is Hispanic or Latino, a 1% difference of the population in 2015.
- The City of Flagstaff comprises 51% of the Coconino County population and, with the exception of the Native American population, includes 80% of racial and ethnic minorities in the County. 80% or more of the County's Black/African American and Asian population lives in Flagstaff, as does nearly 70% of the population of another race, including two races.
- Income by family type and race/ethnicity. Compared to the State of Arizona, minority households in Flagstaff experience a proportionately higher median income, yet the median income of minority households in Flagstaff varies: Asian, Black/African American and Native American households are more likely to be extremely low income than are White households; Pacific Islander, Asian and Hispanic households are more likely to be low income than are White households; and Native American and Hispanic households are more likely to be moderate income than are White households.
- Disability and Poverty. The City of Flagstaff's population with disabilities experiences a rate of poverty more than double the population without disabilities – 51.2% compared to 24.5% for the overall population. 1,932 people with disabilities in Flagstaff live below the poverty level.
- Housing problems by race/ethnicity and tenure. Housing cost burden disproportionately impacts minority owners and renters; lower income Black/African American, Asian, and Hispanic owners are more likely than White owners to have housing problems. Housing cost burden is disproportionately high among Black/African American households with income < 30% AMI and Pacific Islander households with income 30% to 50% AMI; many of these households are student households.

Geographic Concentrations Summary

- Low-income concentrations. There are 26 Census Block Groups with a disproportionately high percentage of low and moderate income households. For the purposes of the AI, disproportionately high is defined as at least 10% higher than the City. Considering Census Tracts there are 7 Census Tracts where low-income populations are concentrated – Census Tracts 2, 3, 5, 8, 10, 12 and 15.
- Minority concentrations. There are 18 Census Block Groups in Flagstaff that are areas of minority concentration based on 2010 Census data. Considering Census Tracts there are 5 Census Tracts where minority populations are concentrated – Census Tracts 3, 4, 5, 8, and 11.02. Census Tracts 3, 5 and 8 are also low-income concentration areas.
- Disability concentrations. Areas where the proportion of persons with disabilities is at least 10% higher than citywide are Census Tracts 2 and 4.
- Loan denial and high-cost loan concentrations. Home Mortgage Disclosure Act data suggests a correlation of home purchase loan denial and higher cost loans in LMI and minority concentration tracts.

- Tenure concentrations. There are high concentrations of renters in 14 Census Block Groups; all but one of these Block Groups includes or is adjacent to NAU.

Community Outreach Summary

- Survey respondents who know someone who experienced housing discrimination or believe that housing discrimination is occurring identified the most common types of housing discrimination as 1) refusing or discouraging to rent an apartment or buy a home, or charging more to rent an apartment or buy a home and 2) steering and 3) Discrimination based on disability.
- Over 40% of survey respondents indicated they did not feel very informed about housing discrimination and no interviewees were able to identify more than a few protected classes.
- Survey respondents and interviewees demonstrated confusion over the fair housing complaint process, with most citing the City of Flagstaff as the primary referral source for fair housing complaints. This confusion is a barrier to complainants accessing the fair housing complaint system.
- Both survey respondents and interviewees suggested that affordable housing is a larger issue than fair housing, and fair housing should be incorporated into any affordable housing plan.
- Nearly half of interviewees indicated that fair housing education and training was most needed, and half stated they would attend additional training if offered by the City. However relatively low participation rates by interviewees in prior training opportunities suggests that alternate education and training opportunities would be beneficial to reaching a broader audience.
- While the majority of interviewees agreed that Fair Housing laws are useful, few stated that the laws were easy to follow, suggesting that easy-to-understand materials are essential to increasing awareness and understanding of Fair Housing laws.

Identified Impediments to Fair Housing Choice

1. **Community Education.** The number and nature of fair housing complaints in Flagstaff is low, yet the results of the community survey, public forum and community interviews indicate that there is a need for continued outreach and education. Outreach to both industry stakeholders and residents is needed to ensure a broad understanding of Fair Housing.
 - a. 42% of survey respondents are either not very informed or only somewhat informed about housing discrimination.
 - b. 33% of survey respondents do not know where to report a housing discrimination complaint.
 - c. While 54% of survey respondents indicated they believe housing discrimination is occurring or likely occurring in Flagstaff and 61% indicated they would report housing discrimination if they encountered it, there were only 13 complaints filed between 2016 and 2020.
2. **Minority and Low-income Areas of Concentration.** Concentrations of both minorities and low-income households exist in four Census Tracts.
 - LMI Concentration = at least 51% of population has income below 80% AMI.
 - Census Tracts 2, 3, 5, 8, 10, 12, and 15.
 - Minority Concentration = proportion of minorities at least 10% higher than the Citywide proportion.

- Census Tracts 3, 4, 5, 8 and 11.02.
 - Four Census Tracts that are both areas of low income and minority concentration.
 - Census Tract 3, 4, 5, and 8.
 - The City's minority population continues to grow.
 - In 2011, racial and ethnic minorities represented 27% of the population, up from 26% of the population in 2008 and 21% in 2000.
 - Northern Arizona University students represented 22% of the City's minority population in 2011, including 43% of the Black/African American population and 100% of the Pacific Islander population.
3. **Disability Accessibility.** Testing data from Southwest Fair Housing Council indicates that housing discrimination on the basis of disability is more likely to be supported. Complaint data from Southwest Fair Housing Council and the US Department of Housing and Urban Development indicate a higher volume of complaints based on disability.
- i. 11 of 13 fair housing complaints reported by HUD in Flagstaff were regarding disability.
 - ii. 14 of 15 complaints reported by SWFHC were regarding disability.
 - iii. Majority (14) were rental housing
4. **Housing Choice.** Affordability is an indirect aspect of housing discrimination. The Fair Housing survey indicated a lack of affordable housing leading to a lack of Housing Choice.
- i. While housing choice voucher usage is an option for low-income renters, the program has a long wait-list and many landlords are unwilling to accept vouchers due to existing societal stigmas.
 - ii. Community survey results, especially among Flagstaff LMI residents, indicate a lack of affordable housing as well as a shortage of landlords and property management organizations willing to accept Housing Choice Vouchers limiting LMI resident's choice in housing.
 - iii. Lack of affordable housing supply for large households, which disproportionately impacts minorities, low-income households, and families with large households
 - iv. Lack of affordable housing supply, particularly for low-income special needs households and persons with disabilities.
 - v. "Not in My Backyard" Residents in some neighborhoods designate a new development (e.g. shelter, affordable housing, group home) or change in occupancy of an existing development as inappropriate or unwanted for their local area.

2021 Fair Housing Action Plan

2021 FAIR HOUSING ACTION PLAN	
Impediment	Action Plan
<p>Impediment #1 - Community Education. The number and nature of fair housing complaints in Flagstaff is low, yet the results of the community survey and interviews and public forum indicate there is a need for more outreach and education. Industry stakeholders are more likely to participate in community education activities and additional effort is essential to reach residents and provide information about the Fair Housing reporting process.</p>	<ol style="list-style-type: none"> 1. Each April, reach out to stakeholders, residents, and the community at large to announce April as Fair Housing Month. Include information regarding Fair Housing, Fair Housing services, and who to call for more information. 2. Annually sponsor fair housing training for Flagstaff residents, networking with landlords and property managers, nonprofit, neighborhood-based, faith organizations and education institutions to reach a broad audience. Include information regarding landlord/tenant issues in training. 3. Through sign-in sheets, track the volume of residents, landlords and industry stakeholders participating in community education activities. 4. Maintain a Fair Housing page on the City of Flagstaff website and include direct links to the HUD Fair Housing website and the Arizona Attorney General Civil Rights Division website. 5. Continue to display fair housing posters and make fair housing materials available in Flagstaff public facilities and to nonprofit and faith-based organizations. 6. Sponsor no less than 3 Fair Housing trainings annually target both housing sector stakeholders and community residents with a focus on: <ol style="list-style-type: none"> a. Disability accessibility b. Rentals and the use of Criminal Records in housing c. Extended protections under Sex/Gender d. Emotional support animals
<p>Impediment #2. Minority and Low-income Areas of Concentration. Concentrations of minorities and low-income households exist, and the City's minority population continues to grow.</p>	<ol style="list-style-type: none"> 1. Continue to distribute fair housing brochures in both English and Spanish. 2. Continually encourage minority and lower-income households to seek housing counseling from HUD-certified housing counseling agencies. Provide information to housing counseling agencies to assist them in educating minority and lower-income households regarding the range of housing options in Flagstaff, including those outside of minority and low-income concentration areas. 3. Annually sponsor fair housing training for Flagstaff residents, networking with nonprofit, neighborhood-based and faith organizations and education institutions to reach out to minority populations and areas of minority concentration. 4. Update the City's Incentives for Affordable Housing to encourage developers to provide Affordable and Accessible Units in a variety of locations to decrease area concentration

2021 FAIR HOUSING ACTION PLAN	
Impediment	Action Plan
<p>Impediment #3 - Disability Accessibility. The majority of fair housing complaints reported by Southwest Fair Housing Council and the United States Department of Housing and Urban Development were regarding disability. Increased support and awareness are needed to identify and address housing discrimination, including that directed towards accessibility for persons with disabilities.</p>	<ol style="list-style-type: none"> 1. Continually encourage the development of housing accessible to or adaptable for persons with disabilities in federally-funded projects. 2. Annually sponsor fair housing training for Flagstaff residents, networking with nonprofit, neighborhood-based and faith organizations and education institutions to reach out to persons with disabilities. 3. Ensure that education and outreach activities include information regarding housing accessibility and adaptability for persons with disabilities. 4. Prioritize funding for owner and renter occupied housing rehabilitation to provide disabled LMI accessibility adaptations with deferred loans and grants and incentivize rental occupied housing rehabilitation programs for landlords adapting units for accessibility
<p>Impediment #4 – Housing Choice. Affordability is an indirect aspect of housing discrimination. The Fair Housing survey indicated a lack of affordable housing leading to a lack of Housing Choice. While housing choice voucher usage is an option for low-income renters, the program has a long wait-list and many landlords are unwilling to accept vouchers due to existing societal stigmas.</p>	<ol style="list-style-type: none"> 1. Provide education for and consider incentivizing acceptance of HCV among landlords. 2. Continually encourage the development of housing accessible to or adaptable for persons with disabilities in federally-funded projects. 3. Ensure that education and outreach activities include information regarding housing accessibility and adaptability for persons with disabilities. 4. Develop a comprehensive Housing Plan for the City of Flagstaff including information on Fair Housing, Housing Choice, and efforts to increase affordable and accessible housing units 5. Update the City’s Incentives for Affordable Housing to encourage developers to provide Affordable and Accessible Units in a variety of locations to decrease area concentration 6. Consider a media campaign to combat NIMBY (Not in My Backyard) attitudes.

Appendix A – Resident Survey

Illegal housing discrimination occurs when one or more of the following occurs based on a person’s race, national origin, color, religion, sex, or if they have children or a disability:

A.	B.	C.	D.	E.	F.
Refusing, discouraging or charging more to rent an apartment or buy a home.	Discouraging a person from living where he or she wants to live, often by steering him or her to another apartment, complex or neighborhood.	Refusing or making it hard to get a loan to buy or refinance a house or take out home equity by doing things like charging more money or offering a worse deal than someone should be able to get if he or she shopped around.	Refusing, discouraging or charging more for home insurance.	Discrimination based on disability: Refusing to make a reasonable accommodation for a person with a disability, refusing to allow a modification to make an apartment more accessible for a person with a disability or lack of accessible units.	Predatory lending: unfair, misleading, deceptive or fraudulent loan practices.

1. Have you or someone you know ever encountered one or more forms of housing discrimination described in the blue boxes in your local area?

- Yes, I have or I know someone who has.
- I think I may have or I may know someone who has.
- No, I have not and don’t know anyone who has.
- Don’t know
- Other _____

2. If you believe that you or someone you know encountered housing discrimination in your local area, please write down the letters from the shaded boxes at the beginning of the survey that best describes the type of discrimination. *

3. Do you believe housing discrimination occurs in your local area?

- Yes
- Likely
- Unlikely
- No

4. If you think housing discrimination is occurring in your local area, what types do you think are most prevalent? Write down the letters from the shaded boxes at the beginning of the survey that best describes the type of discrimination.

5. How well informed are you about housing discrimination?

Very informed

Somewhat informed

Not very informed

Not at all informed

6. What would you do if you encountered housing discrimination?

Do nothing and seek other housing options

Tell the person that you believe they are discriminating

Report it

Would not know what to do

Other _____

7. If you wanted to report housing discrimination, who would you report it to?

8. What do you think should be done to help prevent housing discrimination?

Please tell us about you. Answering these questions is optional				
Race/Ethnicity <input type="checkbox"/> White Anglo <input type="checkbox"/> Hispanic <input type="checkbox"/> African American <input type="checkbox"/> Native American <input type="checkbox"/> Other _____	Gender <input type="checkbox"/> Female <input type="checkbox"/> Male	Family Status <input type="checkbox"/> Have children in household <input type="checkbox"/> No children in household	Number of People In Your Household <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5+	Annual Household Income <input type="checkbox"/> < \$25,000 <input type="checkbox"/> \$25,000-\$49,999 <input type="checkbox"/> \$50,000-\$74,999 <input type="checkbox"/> \$75,000-\$100,000 <input type="checkbox"/> \$100,000 or more
Do you or a household member have a disability? <input type="checkbox"/> Yes <input type="checkbox"/> No	Current Housing <input type="checkbox"/> Rent <input type="checkbox"/> Own <input type="checkbox"/> Other	Employment <input type="checkbox"/> Public Sector <input type="checkbox"/> Private Sector <input type="checkbox"/> Nonprofit Sector <input type="checkbox"/> Not Employed <input type="checkbox"/> Other _____		Zip Code <input type="checkbox"/> 86001 <input type="checkbox"/> 86002 <input type="checkbox"/> 86003 <input type="checkbox"/> 86004 <input type="checkbox"/> 86011 Other _____

Hay discriminación ilegal en la vivienda cuando ocurren uno o más de los siguientes basados en la raza, origen nacional, color, religión o sexo de una persona, o tener hijos o tener una discapacidad:

<p>A.</p> <p>Rehusar, desanimar o cobrar más por la renta de un apartamento o la compra de una casa.</p>	<p>B.</p> <p>Desanimar a una persona a vivir en donde él o ella desea vivir, frecuentemente guiando a la persona hacia otro apartamento, complejo o vecindario.</p>	<p>C.</p> <p>Rehusar o dificultar la obtención de un préstamo para comprar o refinanciar una casa o remover plusvalía haciendo cosas como cobrar más dinero u ofrecer un trato peor de lo que una persona podría obtener si él o ella comparara precios.</p>	<p>D.</p> <p>Rehusar, desanimar o cobrar más por el seguro de la casa.</p>	<p>E.</p> <p>Discriminación en base a discapacidad: Rehusar hacer una acomodación razonable, rehusar permiso para una modificación que haga un apartamento más accesible para personas con discapacidad, o falta de unidades accesibles.</p>	<p>F.</p> <p>Préstamos depredadores: prácticas de préstamo injustas, engañosas o fraudulentas.</p>
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1. ¿Ha encontrado usted o una persona conocida en su área local una o más formas de discriminación en la vivienda descritas en las casillas sombreadas?

- Sí, he encontrado o conozco alguien que ha encontrado
- Creo que podría haber encontrado o podría conocer a alguien que ha encontrado
- No, no he encontrado ni conozco a nadie que haya encontrado
- No lo sé
- Otro _____

2. Si usted cree que usted o una persona conocida encontró discriminación en la vivienda en su área local, por favor escriba la(s) letra(s) de las casillas sombreadas al inicio de la encuesta que mejor describa(n) el tipo de discriminación.

3. ¿Cree usted que la discriminación en la viviendas ocurre en su área local?

- Sí
- Es probable
- No es probable
- No

4. Si usted cree que ocurre discriminación en la vivienda en su área local, ¿qué tipos cree usted que son más frecuentes? Escriba la(s) letra(s) de las casillas sombreadas al inicio de la encuesta.

5. ¿Está usted bien informado acerca de discriminación en la vivienda?

- Bien informado
- Un tanto informado
- No muy informado
- No informado para nada

6. ¿Qué haría usted si encontrara discriminación en la vivienda?

- No hacer nada y buscar otras opciones de vivienda
- Decirle a la persona que usted cree que están discriminando
- Reportarlo
- No sabría qué hacer
- Otro _____

7. Si usted quisiera reportar discriminación en la vivienda, ¿a quién reportaría?

8. ¿Qué piensa usted que debiera hacerse para ayudar a prevenir la discriminación en la vivienda?

Por favor marque los que se aplican a usted

<p>Raza/Origen étnico</p> <ul style="list-style-type: none"> <input type="checkbox"/> Blanco Anglo <input type="checkbox"/> Hispano <input type="checkbox"/> Afroamericano <input type="checkbox"/> Indígena Americano <input type="checkbox"/> Otro _____ 	<p>Sexo</p> <ul style="list-style-type: none"> <input type="checkbox"/> Femenino <input type="checkbox"/> Masculino 	<p>Estado Familiar</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tiene hijos en casa <input type="checkbox"/> No tiene hijos en casa 	<p>Número de personas en la familia 1</p> <ul style="list-style-type: none"> <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5+ 	<p>Los ingresos anuales de la familia</p> <ul style="list-style-type: none"> <input type="checkbox"/> < \$25,000 <input type="checkbox"/> \$25,000-\$49,999 <input type="checkbox"/> \$50,000-\$74,999 <input type="checkbox"/> \$75,000-\$100,000 <input type="checkbox"/> \$100,000 or more
<p>¿Discapacitado?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Sí <input type="checkbox"/> No 	<p>Vivienda</p> <ul style="list-style-type: none"> <input type="checkbox"/> Soy propietario de una casa <input type="checkbox"/> Estoy rentando <input type="checkbox"/> Otro _____ 	<p>Tiene empleo en</p> <ul style="list-style-type: none"> <input type="checkbox"/> El sector público <input type="checkbox"/> El sector no lucrativo <input type="checkbox"/> El sector privado <input type="checkbox"/> La industria de la vivienda <input type="checkbox"/> No tiene empleo <input type="checkbox"/> Otro _____ 	<p>Código postal</p> <ul style="list-style-type: none"> <input type="checkbox"/> 86001 <input type="checkbox"/> 86002 <input type="checkbox"/> 86003 <input type="checkbox"/> 86004 <input type="checkbox"/> 86011 <input type="checkbox"/> Otro _____ 	

Appendix B – Summary of Federal Fair Housing Act and Presidential Executive Orders

The US Department of Justice provides the following summary of the Federal Fair Housing Act, 42 U.S.C. 3601 et seq. The Fair Housing Act prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of:

- race or color
- religion
- sex
- national origin
- familial status, or
- disability.

In cases involving discrimination in mortgage loans or home improvement loans, the Department may file suit under both the Fair Housing Act and the Equal Credit Opportunity Act. Under the Fair Housing Act, 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. Where force or threat of force is used to deny or interfere with fair housing rights, the Department of Justice may institute criminal proceedings. The Fair Housing Act also provides procedures for handling individual complaints of discrimination. Individuals who believe that they have been victims of an illegal housing practice may file a complaint with the Department of Housing and Urban Development [HUD] or file their own lawsuit in federal or state court. The Department of Justice brings suits on behalf of individuals based on referrals from HUD.

Discrimination in Housing Based Upon Race or Color

One of the central objectives of the Fair Housing Act, when Congress enacted it in 1968, was to prohibit race discrimination in sales and rentals of housing. Nevertheless, more than 30 years later, race discrimination in housing continues to be a problem. The majority of the Justice Department's pattern or practice cases involve claims of race discrimination. Sometimes, housing providers try to disguise their discrimination by giving false information about availability of housing, either saying that nothing was available or steering homeseekers to certain areas based on race. Individuals who receive such false information or misdirection may have no knowledge that they have been victims of discrimination. The Department of Justice has brought many cases alleging this kind of discrimination based on race or color. In addition, the Department's Fair Housing Testing Program seeks to uncover this kind of hidden discrimination and hold those responsible accountable. Most of the mortgage lending cases brought by the Department under the Fair Housing Act and Equal Credit Opportunity Act alleged discrimination based on race or color. Some of the Department's cases have also alleged that municipalities and other local government entities violated the Fair Housing Act when they denied permits or zoning changes for housing developments, or relegated them to predominantly minority neighborhoods, because the prospective residents were expected to be predominantly African-Americans.

Discrimination in Housing Based Upon Religion

The Fair Housing Act prohibits discrimination in housing based upon religion. This prohibition covers instances of overt discrimination against members of a particular religion as well less direct actions, such as zoning ordinances designed to limit the use of private homes as a places of worship. The number of cases filed since 1968 alleging religious discrimination is small in comparison to some of the other prohibited bases, such as race or national origin. The Act does contain a limited exception that allows non-commercial housing operated by a religious organization to reserve such housing to persons of the same religion.

Discrimination in Housing Based Upon Sex, Including Sexual Harassment

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. The Department's enforcement program is aimed at landlords who create an untenable living environment by demanding sexual favors from tenants or by creating a sexually hostile environment for them. In this manner we seek both to obtain relief for tenants who have been treated unfairly by a landlord because of sex and also deter other potential abusers by making it clear that they cannot continue their conduct without facing repercussions. 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 Equal Credit Opportunity Act.

Discrimination in Housing Based Upon National Origin

The Fair Housing Act prohibits discrimination based upon national origin. Such discrimination can be based either upon the country of an individual's birth or where his or her ancestors originated. Census data indicate that the Hispanic population is the fastest growing segment of our nation's population. The Justice Department has taken enforcement action against municipal governments that have tried to reduce or limit the number of Hispanic families that may live in their communities. We have sued lenders under both the Fair Housing Act and the Equal Credit Opportunity Act when they have imposed more stringent underwriting standards on home loans or made loans on less favorable terms for Hispanic borrowers. The Department has also sued lenders for discrimination against Native Americans. Other areas of the country have experienced an increasing diversity of national origin groups within their populations. This includes new immigrants from Southeastern Asia, such as the Hmong, the former Soviet Union, and other portions of Eastern Europe. We have taken action against private landlords who have discriminated against such individuals.

Discrimination in Housing Based Upon Familial Status

The Fair Housing Act, with some exceptions, prohibits discrimination in housing against families with children under age 18. In addition to prohibiting an outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants with custody of children. For example, landlords may not locate families with children in any single portion of a complex, place an unreasonable restriction on the total number of persons who may reside in a dwelling, or limit their access to recreational services provided to other tenants. In most instances, the amended Fair Housing Act prohibits a housing provider from refusing to rent or sell to families with children. However, some facilities 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. The Department of Housing and Urban Development (HUD) has published regulations and additional guidance detailing these statutory requirements.

Discrimination in Housing Based Upon Disability

The Fair Housing Act prohibits discrimination on the basis of disability in all types of housing transactions. The Act defines persons with a disability to mean those individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such impairment or are regarded as having such

impairment. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability. 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. There are other federal statutes that prohibit discrimination against individuals with disabilities, including the Americans with Disabilities Act, which is enforced by the Disability Rights Section of the Civil Rights Division.

Discrimination in Housing Based Upon Disability Group Homes

Some individuals with disabilities may live together in congregate living arrangements, often referred to as "group homes." The Fair Housing Act prohibits municipalities and other local government entities from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against individuals with disabilities. The Fair Housing Act makes it unlawful --

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing. What constitutes a reasonable accommodation is a case-by-case determination. Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

There has been a significant amount of litigation concerning the ability of local government to exercise control over group living arrangements, particularly for persons with disabilities. To provide guidance on these issues, the Departments of Justice and Housing and Urban Development issued a Joint Statement on Group Homes, Local Land Use and the Fair Housing Act.

Discrimination in Housing Based Upon Disability -- Accessibility Features for New Construction

The Fair Housing Act defines discrimination in housing against persons with disabilities to include a failure "to design and construct" certain new multi-family dwellings so that they are accessible to and usable by persons with disabilities, and particularly people who use wheelchairs. The Act requires all newly constructed multi-family dwellings of four or more units intended for first occupancy after March 13, 1991 to have certain features: an accessible entrance on an accessible route, accessible common and public use areas, doors sufficiently wide to

accommodate wheelchairs, accessible routes into and through each dwelling, light switches, electrical outlets, and thermostats in accessible location, reinforcements in bathroom walls to accommodate grab bar installations, and usable kitchens and bathrooms configured so that a wheelchair can maneuver about the space.

Developers, builders, owners, and architects responsible for the design or construction of new multi-family housing may be held liable under the Fair Housing Act if their buildings fail to meet these design requirements. The Department of Justice has brought many enforcement actions against those who failed to do so. Most of the cases have been resolved by consent decrees providing a variety of types of relief, including: retrofitting to bring inaccessible features into compliance where feasible and where it is not -- alternatives (monetary funds or other construction requirements) that will provide for making other housing units accessible; training on the accessibility requirements for those involved in the construction process; a mandate that all new housing projects comply with the accessibility requirements, and monetary relief for those injured by the violations. In addition, the Department has sought to promote accessibility through building codes.

Other Federal Laws

- [Title VI of the Civil Rights Act of 1964](#). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
- [Section 504 of the Rehabilitation Act of 1973](#). Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.
- [Section 109 of Title I of the Housing and Community Development Act of 1974](#). Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.
- [Title II of the Americans with Disabilities Act of 1990](#). Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.
- [Architectural Barriers Act of 1968](#). The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by handicapped persons.
- [Age Discrimination Act of 1975](#). The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
- [Title IX of the Education Amendments Act of 1972](#). Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.

Fair Housing-Related Presidential Executive Orders:

- [Executive Order 11063](#) prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.
- [Executive Order 11246](#), as amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin.
- [Executive Order 12892](#), as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.
- [Executive Order 12898](#) requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.
- [Executive Order 13166](#) eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs

and activities.

- Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

Attachment 1 – Arizona Fair Housing Act

41-1491. Definitions

In this article, unless the context otherwise requires:

1. "Aggrieved person" includes any person who either:
 - (a) Claims to have been injured by a discriminatory housing practice.
 - (b) Believes that he will be injured by a discriminatory housing practice that is about to occur.
2. "Complainant" means a person, including the attorney general, who files a complaint under section 41-1491.22.
3. "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint through informal negotiations involving the aggrieved person, the respondent and the attorney general.
4. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.
5. "Disability" means a mental or physical impairment that substantially limits at least one major life activity, a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of or addiction to any drug or illegal or federally controlled substance. Disability shall be defined and construed as the term is defined and construed by the Americans with disabilities act of 1990 (P.L. 101-336) and the ADA amendments act of 2008 (P.L. 110-325; 122 Stat. 3553).
6. "Discriminatory housing practice" means an act prohibited by sections 41-1491.14 through 41-1491.21.
7. "Dwelling" means either:
 - (a) Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families.
 - (b) Any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of a building or structure described by subdivision (a) of this paragraph.
8. "Family" includes a single individual.
9. "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, receivers, fiduciaries, banks, credit unions and financial institutions.
10. "Respondent" means either:
 - (a) The person accused of a violation of this article in a complaint of a discriminatory housing practice.
 - (b) Any person identified as an additional or substitute respondent under section 41-1491.25 or an agent of an additional or substitute respondent.
11. "To rent" includes to lease, to sublease, to let or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

41-1491.01. Discrimination due to familial status

In this article, a discriminatory act is committed because of familial status if the act is committed because the person who is the subject of discrimination is:

1. Pregnant.
2. Domiciled with an individual younger than eighteen years of age in regard to whom the person either:
 - (a) Is the parent or legal custodian.
 - (b) Has the written permission of the parent or legal custodian for domicile with that person.
3. In the process of obtaining legal custody of an individual younger than eighteen years of age.

41-1491.02. Exempt sales and rentals

A. Except as provided in subsection B of this section, sections 41-1491.14 through 41-1491.21 do not apply to:

1. The sale or rental of a single family house sold or rented by an owner if:

(a) The owner does not:

(i) Own more than three single family houses at any one time.

(ii) Own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single family houses at any one time.

(b) The house was sold or rented without either:

(i) The use of the sales or rental facilities or services of a real estate broker, agent or salesman licensed under title 32, chapter 20 or the use of an employee or agent of a licensed broker, agent or salesman or the facilities or services of the owner of a dwelling designed or intended for occupancy by five or more families.

(ii) The publication, posting or mailing of a notice, statement or advertisement prohibited by section 41-1491.15.

2. The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters as the owner's residence.

B. The exemption in subsection A, paragraph 1 of this section applies to only one sale or rental in a twenty-four month period if the owner was not the most recent resident of the house at the time of the sale or rental.

41-1491.03. Religious organization and private club exemption

A. This article does not prohibit a religious organization, association or society or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from:

1. Limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion.

2. Giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color or national origin.

B. This article does not prohibit a private club that is not open to the public and that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.

41-1491.04. Housing for older persons exempted; rules; liability; definition

A. The provisions of this article relating to familial status do not apply to housing for older persons.

B. The attorney general may adopt rules setting forth criteria for housing for older persons. The rules adopted for subsection D, paragraph 3 shall require the following factors:

1. That at least eighty per cent of the units are occupied by at least one person fifty-five years of age or older per unit. Rules adopted for verification of occupancy shall provide for the use of reliable surveys and affidavits. These surveys and affidavits are admissible in administrative and judicial proceedings. Rules adopted establishing compliance with this paragraph shall be consistent with federal fair housing regulations.

2. The publication of, and adherence to, policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older. Rules adopted establishing compliance with this paragraph shall be consistent with federal fair housing regulations.

C. A person shall not be held personally liable for monetary damages under section 41-1491.31 if the

person relied in good faith that the housing was exempt from this article because it was housing for older persons as defined under subsection D, paragraph 3 of this section. For the purposes of this subsection a person may only demonstrate good faith reliance on the exemption from the provisions of this article if both:

1. The person has no actual knowledge that the facility or community does not, or will not qualify as housing for older persons as defined under subsection D, paragraph 3 of this section.
 2. The facility or community has formally stated in writing that the facility or community is housing for older persons as defined under subsection D, paragraph 3 of this section.
- D. In this section, "housing for older persons" means housing that meets any of the following conditions:
1. Is specifically designed and operated to assist elderly persons under a federal or state program.
 2. Is intended for, and solely occupied by, persons sixty-two years of age or older.
 3. Is intended and operated for occupancy by at least one person fifty-five years of age or older per unit

41-1491.05. Appraisal exemption

This article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, familial status or national origin

41-1491.06. Effect on other law

- A. This article does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards.
- B. This article does not affect a requirement of nondiscrimination in any other state or federal law.
- C. Nothing in this article prohibits cities or towns with a population of three hundred fifty thousand or more persons according to the 1990 United States decennial census from enacting ordinances, not later than January 1, 1995, that are substantially equivalent to the provisions of federal law and this article.

41-1491.07.

Administration by attorney general The attorney general shall administer this article.

41-1491.08. Rules

The attorney general may adopt interpretive and procedural rules necessary to implement this article.

41-1491.09. Complaints

The attorney general shall receive, investigate, seek to conciliate and act on complaints alleging violations of this article.

41-1491.10. Reports; studies

- A. The attorney general shall publish annually a written report recommending legislative or other action

to carry out the purposes of this article. This report shall contain, for the preceding fiscal year, the following information:

1. The number of complaints initiated by the attorney general.
 2. The number of complaints filed with the attorney general by aggrieved persons.
 3. The number of complaints dismissed by the attorney general.
 4. The number of complaints that resulted in conciliation agreements.
 5. The number of complaints for which the attorney general found reasonable cause that a discriminatory housing practice occurred or was about to occur.
 6. The number of civil actions filed by the attorney general pursuant to section 41-1491.34.
- B. The report shall include a description of the relief awarded in civil actions and, without attribution, benefits to complainants agreed to in conciliation agreements. The report shall also include the number of instances in the preceding fiscal year, and the reasons therefore, but without attribution to parties, the number of investigations that were not completed within the time periods provided by section 41-1491.24, subsection B or a determination made pursuant to section 41-1491.29, subsection B.
- C. The attorney general may make studies relating to the nature and extent of discriminatory housing practices in this state.

41-1491.11. Cooperation with other entities

The attorney general shall cooperate with federal fair housing agencies and, as appropriate, may provide technical and other assistance to federal, state, local and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices. Nothing in this article shall be interpreted as prohibiting a political subdivision of this state from administering fair housing projects or cities or towns with a population of three hundred fifty thousand or more persons according to the 1990 United States decennial census from adopting a fair housing ordinance.

41-1491.12. Subpoenas; discovery

The attorney general may issue subpoenas and compel the production of documents and the giving of testimony, as provided by section 41-1403.

41-1491.13. Referral to city or town

- A. The attorney general may defer proceedings under this article and refer a complaint to a city or town with a population of three hundred fifty thousand or more persons according to the 1990 United States decennial census that has been recognized by the United States department of housing and urban development as having adopted ordinances providing fair housing rights and remedies that are substantially equivalent to those granted under federal law and this article and that has entered into an intergovernmental agreement with the attorney general.
- B. For a city or town with a population of three hundred fifty thousand or more persons according to the 1990 United States decennial census to be eligible to implement the provisions of this article it shall adopt a fair housing ordinance by January 1, 1995.
- C. If the substantial equivalency status is revoked or decertified by the United States department of housing and urban development, the attorney general shall assume sole responsibility for the implementation and enforcement of this article.

41-1491.14. Discrimination in sale or rental

- A. A person may not refuse to sell or rent after a bona fide offer has been made or refuse to

negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status or national origin.

B. A person may not discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental, because of race, color, religion, sex, familial status or national origin.

C. This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

41-1491.15. Publication of sales or rentals

A person may not 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, disability, familial status or national origin or an intention to make such a preference, limitation or discrimination.

41-1491.16. Inspection of dwelling

A person may not represent to any person because of race, color, religion, sex, disability, familial status or national origin that a dwelling is not available for inspection for sale or rental if the dwelling is available for inspection.

41-1491.17. Entry into neighborhood

A person, for profit, may not induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, disability, familial status or national origin.

41-1491.18. Prohibition of intimidation

A person may not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section and sections 41-1491.14, 41-1491.15, 41-1491.16, 41-1491.17, 41-1491.19, 41-1491.20 and 41-1491.21.

41-1491.19. Discrimination due to disability; definitions

A. A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

1. That buyer or renter.
2. A person residing in or intending to reside in that dwelling after it is sold, rented or made available.
3. A person associated with that buyer or renter.

B. A person may not discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:

1. That person.
2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available.

- 3. A person associated with that person.
- C. Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- D. Compliance with the appropriate requirements of the fair housing accessibility guidelines established by the United States department of housing and urban development satisfies the requirements of subsection E, paragraph 3, subdivision (c).
- E. For the purposes of this section, "discrimination" includes:
 - 1. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, provided that, in the case of a renter, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing, to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
 - 2. A refusal to make reasonable accommodations in rules, policies, practices or services if the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.
 - 3. In connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is thirty months after the date of enactment of the federal fair housing amendments act of 1988 (P.L. 100-430), a failure to design and construct those dwellings in a manner that includes all of the following:
 - (a) The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons.
 - (b) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs.
 - (c) All premises within the dwellings contain the following features of adaptive design:
 - (i) An accessible route into and through the dwelling.
 - (ii) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
 - (iii) Reinforcements in bathroom walls to allow later installation of grab bars.
 - (iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.
- F. As used in this section, "covered multifamily dwellings" means buildings consisting of four or more units if the buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

41-1491.20. Residential real estate related transaction; definition

- A. A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status or national origin.
- B. In this section, "residential real estate related transaction" means:
 - 1. Making or purchasing loans or providing other financial assistance either:
 - (a) To purchase, construct, improve, repair or maintain a dwelling.
 - (b) To secure residential real estate.
 - 2. Selling, brokering or appraising residential real property.

41-1491.21. Brokerage services

A person may not deny any person access to, or membership or participation in, a multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business

of selling or renting dwellings or may not discriminate against a person in the terms or conditions of access, membership or participation in such an organization, service or facility because of race, color, religion, sex, disability, familial status or national origin.

41-1491.22. Complaints

- A. The attorney general shall investigate alleged discriminatory housing practices. The attorney general, on his own initiative, may file such a complaint.
- B. A complaint shall be in writing, under oath and in the form prescribed by the attorney general.
- C. An aggrieved person may file, not later than one year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, a complaint with the attorney general alleging the discriminatory housing practice.
- D. Not later than one year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, the attorney general may file his own complaint.
- E. A complaint may be amended at any time.
- F. On the filing of a complaint the attorney general shall:
 - 1. Give the aggrieved person notice that the complaint has been received.
 - 2. Advise the aggrieved person of the time limits and choice of forums under this article.
 - 3. Not later than twenty days after the filing of the complaint or the identification of an additional respondent under section 41-1491.25 serve on each respondent:
 - (a) A notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this article.
 - (b) A copy of the original complaint.
- G. Notices and other documents required to be served under this article may be served as provided by section 41-1403, subsection B, paragraph 4.

41-1491.23. Answer to complaint

- A. Not later than ten days after receipt of the notice and copy under section 41-1491.22, subsection F, paragraph 3, a respondent may file an answer to the complaint.
- B. The answer shall be in writing, under oath and in the form prescribed by the attorney general.
- C. An answer may be amended at any time.
- D. An answer does not inhibit the investigation of a complaint.

41-1491.24. Investigation

- A. If the federal government has referred a complaint to the attorney general or has deferred jurisdiction over the subject matter of the complaint to the attorney general, and if the attorney general has accepted the referral or deferral, the attorney general shall promptly investigate the allegations set forth in the complaint.
- B. The attorney general shall investigate all complaints and, except as provided by subsection C, shall complete an investigation not later than one hundred days after the date the complaint is filed, or if it is unable to complete the investigation within this period, shall dispose of all proceedings related to the investigation not later than one year after the date the complaint is filed.
- C. If the attorney general is unable to complete an investigation within the time periods prescribed by subsection B, the attorney general shall notify the complainant and the respondent in writing of the reasons for the delay.

41-1491.25. Additional or substitute respondent

- A. The attorney general may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the attorney general determines that the person should be accused of a discriminatory housing practice.
- B. In addition to the information required in the notice under section 41-1491.22, subsection F, paragraph 3, the attorney general shall include in a notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent.

41-1491.26. Conciliation

- A. The attorney general shall engage, to the extent feasible, in conciliation, including, if appropriate, mediation, with respect to the complaint.
- B. A conciliation agreement is an agreement between a respondent and the complainant and is subject to approval by the attorney general.
- C. A conciliation agreement may provide for binding arbitration or another method of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.
- D. A conciliation agreement shall not be made public unless all parties agree to the disclosure or the attorney general determines that disclosure is necessary to further the purposes of this article.
- E. Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned.
- F. Materials in the investigative file may be disclosed to the parties to the extent reasonably necessary to further the investigation or conciliation discussions. Materials in the investigative file may be disclosed to the complainant for the purpose of deciding whether to file a complaint in court and may be disclosed to the respondent for the purpose of formulating its answer. After a court action has been filed, information derived from the investigation and the final investigation report relating to the investigation shall be subject to discovery.

41-1491.27. Temporary or preliminary relief

If the attorney general concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this article, the attorney general may file a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint.

41-1491.28. Investigative reports

- A. The attorney general shall prepare a final investigative report showing:
1. The names and dates of contacts with witnesses.
 2. A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts.
 3. A summary description of other pertinent records.
 4. A summary of witness statements.
 5. Answers to interrogatories.
- B. A final report under this section may be amended if additional evidence is discovered.

41-1491.29. Reasonable cause determination

- A. The attorney general shall determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.
- B. The attorney general shall make the determination under subsection A of this section not later than

one hundred days after the date a complaint is filed unless either:

1. It is impracticable to make the determination.
2. The attorney general has approved a conciliation agreement relating to the complaint.
- C. If it is impracticable to make the determination within the time period provided by subsection B of this section, the attorney general shall notify the complainant and respondent in writing of the reasons for the delay.

D. If the attorney general determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the attorney general shall attempt for a period of not more than thirty days to effectuate a conciliation agreement. If no conciliation agreement has been reached after thirty days, the attorney general shall file a civil action in superior court, as provided in section 41-1491.34.

E. 41-1491.30. Dismissal of complaint

If the attorney general determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the attorney general shall promptly dismiss the complaint and give written notice of the dismissal to the complainant and respondent.

41-1491.31. Civil action

A. An aggrieved person may file a civil action in superior court not later than two years after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this article, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

B. The two year period does not include any time elapsed between the filing of any court procedure to enforce an administrative subpoena and is not jurisdictional but is a statute of limitations subject to principles of estoppel, tolling and waiver.

C. An aggrieved person may file an action under this section whether or not a complaint has been filed under section 41-1491.22 and without regard to the status of any complaint filed under section 41-1491.22. The filing of an action under this section does not affect the attorney general's power and duty to investigate and make determinations based on the aggrieved person's administrative complaint.

D. If the attorney general has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

E. An aggrieved person may intervene in a civil action filed by the attorney general and based on that person's administrative complaint.

F. The rights granted by 42 United States Code sections 3603, 3604, 3605 and 3606 may be enforced in any civil action brought pursuant to this section.

41-1491.32. Court appointed attorney

On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory housing practice is alleged, the superior court may appoint an attorney for the person.

41-1491.33. Relief granted

In an action under section 41-1491.31, if the superior court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff:

1. Actual and punitive damages.
2. Reasonable attorney fees.
3. Court costs.
4. A permanent or temporary injunction, temporary restraining order or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

41-1491.34. Civil action by attorney general

- A. If the attorney general finds cause to believe that a discriminatory housing practice has occurred or is about to occur, and there is no conciliation agreement within thirty days, the attorney general shall immediately file a civil action on behalf of the complainant in superior court against the respondent.
- B. If the attorney general finds reasonable cause to believe that a party has breached a conciliation agreement, the attorney general shall file a civil action for enforcement of the agreement.
- C. In an action under this section, the court may award on behalf of the complainant actual and punitive damages and may issue a permanent or temporary injunction, temporary restraining order or other order, including an order enjoining the defendant from engaging in the practice or ordering affirmative action, and may award court costs to the attorney general.
- D. A person aggrieved by the alleged discriminatory housing practice or damaged by the alleged breach of the conciliation agreement may intervene in a civil action brought under this section.

41-1491.35. Pattern or practice cases

- A. The attorney general may file a civil action in superior court for appropriate relief if the attorney general has reasonable cause to believe that either:
 1. A person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this article.
 2. A person has been denied any right granted by this article and that denial raises an issue of general public importance.
- B. In an action under this section the court may:
 1. Award preventive relief, including a permanent or temporary injunction, restraining order or other order against the person responsible for a violation of this article as necessary to assure the full enjoyment of the rights granted by this article.
 2. Award other appropriate relief, including monetary damages, reasonable attorney fees and court costs.
 3. To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed:
 - (a) Fifty thousand dollars for a first violation.
 - (b) One hundred thousand dollars for a second or subsequent violation.

41-1491.36. Prevailing party; fees and costs

A court in a civil action brought under this article shall award reasonable attorney fees and costs to a prevailing plaintiff, except to the attorney general in an action brought under section 41-1491.33. The court shall not award attorney fees to a prevailing defendant unless the plaintiff's complaint was frivolous, unreasonable or without foundation.

41-1491.37. Superior court enforcement; local fair housing

- A. The superior court has jurisdiction to enforce a local fair housing ordinance with provisions

substantially equivalent to the provisions of federal law and this article.

An incorporated city or town with a population of three hundred fifty thousand or more persons according to the 1990 United States decennial census that has a fair housing ordinance may file an action in superior court to enforce