

8.0 Impediments and Recommendations

This AI consolidates and compares information for 48 participating cities in Los Angeles County and the County itself. Common problems and barriers to fair housing are identified. New ideas for promoting fair housing choice have been developed. This section summarizes the fair housing issues identified in prior chapters and provides recommendations for addressing these issues. Recommendations are grouped by the following issues: fair housing services, public policies and practices, lending and insurance policies, and discrimination.

Fair Housing Services

Generally, fair housing services include investigating and resolving housing discrimination complaints, discrimination auditing and testing, education, and outreach, such as disseminating fair housing information through written material, workshops, and seminars.

Lack of Public Awareness of Fair Housing Rights and Services

Impediment: Most respondents of the Housing and Community Development Needs Survey indicated that they are unaware of where fair housing complaints may be filed. There is a need to increase public awareness of fair housing laws and services available, with an emphasis on members of the protected groups.

Recommendations: The CDC should ensure that fair housing providers:

- Have a stated method/strategy for targeting their outreach and education efforts.
- Increase consistency of mailing newsletters and literature distribution amongst the participating cities and the unincorporated areas.
- Diversify the areas in which trainings, booths, and other outreach efforts occur.
- Seek ways to increase attendance of housing fairs and fair housing events.
- Target homeowners/realtors/investors who rent out single-family homes.
- Increase consistency of services across jurisdictions.

In addition, the CDC should encourage the individual participating cities to assist with outreaching to the community and disseminating information at public counters, city websites, and public announcements.

Inconsistent Reporting

Impediment: One of the discrepancies found during development of this AI is the inconsistency in reporting services requested and services provided. Each of the fair housing councils tracked the same type of information in different ways, which was then compiled by the Fair Housing Congress (until 2002) and submitted to the CDC quarterly. Due to the various methods of reporting, consistent comparison among the different fair housing service providers is difficult, if not impossible. In addition, services to the various unincorporated areas were rarely separately tabulated. Considering that these areas are solely dependent upon the County for services, efforts to increase reporting of services in the unincorporated areas would benefit the CDC in tailoring outreach efforts in areas with specific concerns.

Recommendations: The CDC should:

- Increase reporting to include accomplishments in the unincorporated areas of the County.
- Increase monitoring efforts to ensure efficiency of services provided by each of the Fair Housing Councils.
- Create a uniform method of compiling accomplishment data to increase consistency in reporting efforts through better and more detailed forms and increased monitoring efforts.
- Include reporting statistics by census tracts.

Fair Housing Testing and Investigation

Impediment: One of the gaps in services provided was in the area of audits and testing to determine the nature and extent of discrimination within the County. Testing and auditing efforts were limited and the results of the testing performed were not reported in detail. While the existing Strategic Plan specifically emphasizes the importance of testing and the need to step up the efforts, currently testing is not included in the HRC’s contract as part of its scope of services.

Recommendation: The County should ensure that testing and auditing occur regularly and the results are reported upon consistently. One option might be to ensure that the budgets of the fair housing councils include specific allocations for testing or outreach materials. In addition, the CDC should expand fair housing services to include testing in the participating cities. Since funding is limited, rotating tests and/or limiting the number to 10 randomly selected sites per year may be considered.

Lack of Specific Actions and Measures of Accomplishments in Existing Strategic Plan

Impediment: Many of the strategies in the CDC’s Five-Year Fair Housing Strategic Plan were never fully monitored or enforced. The Plan provided a good blueprint for efforts in furthering fair housing, but needed to be more specific in how accomplishments were to be met, monitored, and reported.

Recommendation: In developing the new strategic plan in response to this AI, the County should coordinate with the fair housing service providers and relevant agencies/departments to develop implementation measures that are realistic, with measurable objectives.

Public Policies and Practices

Public policies, such as zoning regulations, established at the local level can affect housing development and therefore, can have an impact on the range of housing choices available to residents.

Housing Elements Out of Compliance with State Laws

Impediment: Under state law, jurisdictions must update their housing elements every five years. Jurisdictions in Los Angeles County were required to complete a housing element update by December 31, 2000. State housing element law requires each jurisdiction to evaluate its policies to ensure that they are not constraining to the development, improvement, and preservation of housing. The housing element is also required to include goals, policies, and programs to address fair housing. According to HCD, half of the 49 jurisdictions in the Los Angeles Urban County (48 participating cities and the County) had housing elements that did not comply with state law as of November 2002.

Recommendation: When updating the Housing Element as required by state law, the participating jurisdictions should realistically assess their residential sites inventory in accommodating the Regional Housing Needs Allocation (RHNA). As necessary and appropriate, the participating jurisdictions should establish and implement land use policies and housing programs that would help achieve the RHNA. The CDC should encourage participating cities to achieve compliance status with the State housing element law, particularly establishing programs and policies that meet the housing needs for persons with special needs. Mirroring the State HOME program, CDC may consider providing priority/preference points for HOME funds applications for jurisdictions with housing elements that comply with state laws. Priority/preference points may also be provided when the funding application for an affordable housing project or program will directly assist the local jurisdiction in meeting the RHNA.

Reasonable Accommodation

Impediment: The survey conducted for this AI indicates that 19 of the 42 cities responding to the survey do not have policies for reasonable accommodation to meet the housing needs of persons with disabilities. Reasonable accommodation refers to the allowance of certain deviations from development standards to accommodate accessibility improvements in existing structures etc.

Recommendation: The CDC should encourage participating jurisdictions to adopt procedures for reasonable accommodation.

Occupancy Standard

Impediment: Occupancy standard can be a sensitive issue in a community. Certain cultures tend to have large household sizes due either to the larger family size and/or the practice of accommodating extended family members. A community establishing an occupancy standard that is more restrictive than the Uniform Housing Code or State HCD guidelines may potentially be viewed as violating the fair housing law.

Recommendation: The CDC should strongly encourage cities with occupancy standards that limit the number of persons (related or unrelated) that may share a housing unit to remove such restrictions.

Definition of Family

Impediment: A community's zoning ordinance can restrict access to housing for relations failing to qualify as a "family" by the definition specified in the zoning ordinance. Even if the code provides a broad definition, deciding what constitutes a "family" should be avoided by jurisdictions to prevent confusion or give the impression of restrictiveness. According to a survey of jurisdictions in the Urban County, 30 cities have zoning ordinances that contain a definition of family, including 19 cities that specify the number of unrelated persons that can reside in a unit and be considered as a family.

Recommendation: The CDC should encourage cities to remove the definition of family in their zoning ordinance or modify the definition to not discriminate against non-family households.

Housing for Persons with Disabilities

Impediment: As indicated by the survey, three cities have not updated their zoning ordinances to reflect requirements of the Lanterman Development Disabilities Services Act to permit licensed community care facilities service six or fewer persons by right. Seven cities do not permit facilities serving more than six persons and six cities have adopted distance requirements for the location of such facilities. These factors may constrain the development of housing for persons with disabilities.

Recommendation: The CDC should notify the cities of the need to update their zoning ordinances to comply with the Lanterman Development Disabilities Services Act.

Sensitivity and Fair Housing Training for Staff

Impediment: Two-thirds of the jurisdictions that responded to a written survey do not currently provide fair housing and sensitivity training to staff.

Recommendation: The CDC and fair housing service providers should organize and provide fair housing and sensitivity training to planning and housing staff in participating jurisdictions.

Lending Practices

A key aspect of fair housing choice is equal access to credit for the purchase of a home.

Most Lower Income Households are Precluded from the Ownership Housing Market

Impediment: Although it varied by district, the majority of home purchase loan applications within the County originated from above moderate-income households. Lower income households filed fewer applications and had higher denial rates and lower approval rates than above moderate-income households. To a large extent, the lack of loan applications by lower income households is a direct result of the housing market condition in the County. The escalating housing costs in the County have precluded many lower income households from homeownership.

Recommendation: The CDC should continue to offer a range of homeownership programs for lower income households in order to expand homeownership opportunities to this group. In addition, the fair housing service provider will monitor complaints regarding unfair lending and assess patterns using the Home Mortgage Disclosure Act Data (HMDA) and other data sources.

Lack of Awareness of Homeownership Assistance and Homebuying Process

Impediment: There is a lack of knowledge about available first-time homebuyer programs and loans.

Recommendation: The CDC should work with local lenders and government institutions, such as Fannie Mae, to provide information about government-backed financing for low and moderate income residents. The CDC may consider including first-time homebuyer courses as part of the fair housing service contract. These efforts should be targeted towards areas with high percentages of renters.

Limited Access to Credit for Blacks and Hispanics

Impediment: Despite continued outreach efforts and education regarding home ownership opportunities, Blacks and Hispanics continue to have lower home loan approval rates across all income levels compared to Asian and White applicants.

Recommendations: The County should contact local lenders with homebuyer assistance programs to explore ways to expand participation by potential homebuyers, focusing on efforts to expand homeownership opportunities to Hispanic and Black households that are currently underrepresented in the homeownership market.

Predatory Lending Practices

Impediment: Over the past five years, predatory lending practices have escalated in the County, victimizing many minority and senior households.

Recommendations: The County should examine adopting a Countywide Ordinance to curb predatory lending practices or encourage cities within the County to adopt local ordinances restricting predatory lending. The City of Los Angeles has recently adopted an anti-predatory lending ordinance that provides protection on home loans with points and fees above four percent of the loan amount and/or an interest rate above 11 percent.

Limited Access to Credit for Households in Supervisorial District 2

Impediment: Considerably fewer home loans were approved in District 2 than other districts within the County.

Recommendation: The CDC should provide credit and financial counseling services within District 2. This should include assisting potential homebuyers to build up credit and equity, clear bad credit, and education on affordability and financial responsibility of homeownership.

Outreach to the Housing Professionals

Impediment: There is a need for more outreach to lenders, realtors, landlords, and managers.

Recommendations: The CDC should:

- Encourage lenders to utilize the newer and more accurate credit scoring software.
- Increase outreach to realtors and lenders through fair housing fairs, training sessions, and dissemination of fair housing information.
- Work with realtor associations and multiple listing services to monitor Fair Housing Violation policies of these agencies, the practices of their members, and increase coordination of outreach and training efforts.
- Monitor home purchase appraisals and sales data trends to address disparities among neighboring cities.

Discrimination

Discrimination in the sale or rental of housing has diminished significantly since the 1960s. However, there is evidence that housing discrimination persists in Los Angeles County despite being illegal. Discrimination affecting home sales appears to occur most commonly when potential buyers are hoping for approval of their mortgage application by the lender. Discrimination in apartment rentals is no longer simply a matter of White landlords refusing to rent to minority tenants. Members of many ethnic groups, often immigrants, own or manage apartment complexes, and their own ethnic biases clearly affect their treatment of prospective tenants.

Discrimination Base on Familial Status, Race, and Disabilities

Impediment: Special populations such as large families with children, female-headed families, formerly homeless persons, disabled persons and persons with HIV/AIDS face higher levels of fair housing violations. Many of these groups face housing restrictions imposed by property owners/managers working under misperceptions or stigmas about these population groups.

Many families with children often face housing discrimination by landlords who fear that children will cause property damage or have cultural issues with children of opposite sex sharing a bedroom. Female-headed families may be discriminated against in the rental housing market because some landlords are concerned about the ability of these households to make regular rent payments. Homeless persons may encounter fair housing issues when landlords refuse to rent to formerly homeless persons based on the perception that homeless persons are more economically (and sometimes mentally) unstable. Persons with disabilities may face discrimination in the housing market because of the need for wheelchairs, home modifications to improve accessibility, or be refused housing based on the stigma of mental disability. Many persons living with HIV/AIDS face illegal eviction from their homes when their illness is exposed.

Recommendations: Owners/Managers and tenants may not realize that certain regulations against tenants violate the Fair Housing Act. The County should:

- Embark on wider education for the special populations listed above and for rental property owners/managers about what constitutes a fair housing violation.

- Work closely with special population groups and/or programs that assist them to expand their housing options and educate them about their rights in the housing market.

Limited Affordable Housing Opportunities

Impediment: While limited housing is not a fair housing issue, it can exacerbate fair housing problems as housing becomes increasingly scarce and competition for housing increases. When the housing market is tight, with high demand, low vacancies, and rising costs, the potential for discriminatory housing practices also increases.

Recommendation: While recognizing that funds for subsidizing housing are limited, the participating jurisdictions should continue to encourage the development of affordable housing through: (1) development fee waivers/reductions; (2) streamlined permit processing; (3) flexibility in applying design and development standards; (4) achievable density bonuses; (5) other general plan, administrative, and zoning efforts; and (6) public-private partnerships with developers of affordable housing.

Advertising

Impediment: Many “for rent” and “for sale” signs and advertisements for housing are in Spanish or languages other than English. This can exclude English speaking-only residents and also make certain groups feel unwelcome.

Recommendation: The CDC will work with the fair housing service provider, Apartment Associations, and local Real Estate Associations to monitor discriminatory/exclusionary working within newspaper, internet, and outdoor advertisements for rental and for-sale units.

Steering

Impediment: Instances of steering by realtors to certain neighborhoods occurs in many communities. The homeownership market lends itself to increased potential for discrimination by the vary nature of stakeholders involved.

Recommendation: The CDC should work with the fair housing service providers to ensure that adequate testing regarding neighborhood steering is occurring. This testing should occur within all five supervisory districts of the County.