

The City of Austin's Fair Housing Action Plan (FHAP)

May 20, 2015

Working with our partners, the City of Austin is committed to enforcing the federal, state and local fair housing laws, as well addressing practices, programs, and behaviors that have the *effect* of restricting housing choice for protected classes.

Analysis of Impediments

An Analysis of Impediments to Fair Housing Choice (AI) and a Fair Housing Action Plan (FHAP) are required by the U.S. Department of Housing and Urban Development (HUD) for any community that receives federal housing and community development funds. At the time the City of Austin's AI report was created, HUD was in the process of revising its reporting requirements for AI documents.¹ The 2105 City of Austin AI report incorporates data and information in HUD's proposed Assessment of Fair Housing, or AFH, where available. Find the City of Austin's complete Analysis of Impediments to Fair Housing Choice (AI) document at <http://austintexas.gov/page/reports-publications>.

The Fair Housing Action Plan

This Fair Housing Action Plan (FHAP) detailed on the next few pages was informed by an Analysis of Impediments to Fair Housing Advisory Group comprised of industry experts who offered crucial feedback at key milestones in the development of Austin's AI and the FHAP. The advisory group provided expertise about a broad spectrum of knowledge that informed both the AI and FHAP.

This Action Plan sets forth the specific actions the City of Austin will take in the next few years to affirmatively further fair housing choice. It builds on the work of the Analysis of Impediments Advisory Group, and provides a comprehensive approach – blending data collection, education, and increased access to affordable homes and services.

The City of Austin will hold itself and its partners accountable for these outcomes and will monitor the actions set forth in this Plan, and report annually on our results. This Action Plan is a document that will be updated as necessary to meet the fair housing needs in Austin.

¹ http://www.huduser.org/portal/affht_pt.html

PROPOSED FAIR HOUSING ACTION MATRIX - CITY OF AUSTIN

FAIR HOUSING BARRIER	PRIORITIZATION	FAIR HOUSING GOALS/ACTIVITIES	FAIR HOUSING PARTNERS	MEASURABLE OUTCOMES & TIMELINE	2015	2016	2017	2018	2019
<p>1. Lack of affordable housing disproportionately impacts protected classes with lower incomes and higher poverty rates. 2. Lack of affordable housing citywide exacerbates segregation created through historical policies and practices. 3. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.</p>	<p>High</p>	<p>The City of Austin will continue to expand affordable housing opportunities through the following:</p>							
		<p>Maintain and strengthen policies through the CodeNEXT process that provide incentives for the development of affordable housing for households below 50%, 60% and 80% MFI.</p>	<p>NHCD, CodeNEXT Advisory Group, PZD, Stakeholders, City Council</p>	<p>Staff will bring forward the recommendation that incentives for the development of affordable housing for households below 50%, 60% and 80% MFI be included in CodeNEXT revisions.</p>	<p>X</p>	<p>X</p>	<p>X</p>		
		<p>Strengthen and align density bonus programs in terms of formula for calculating the number of units, accessibility requirements, the affordability period, and on site requirements.</p>	<p>NHCD, CodeNEXT Advisory Group, PZD, Stakeholders, City Council</p>	<p>Density Bonus programs create a quantifiable increase in long-term, on-site affordable units, of which a minimum of 10 % are accessible.</p>	<p>X</p>	<p>X</p>	<p>X</p>		
		<p>Revise VMU, PUD to require 60% MFI rental and 80% owner throughout Austin when on-site affordable units are required.</p>	<p>NHCD, CodeNEXT Advisory Group, PZD, Stakeholders, City Council</p>	<p>(1) Staff will bring forward recommendations to modify VMU and PUD ordinances to require 60% MFI rental and 80% owner throughout Austin when on-site affordable units are required. (2) VMU and PUD developments will produce a quantifiable increase in on-site affordable units.</p>	<p>X</p>	<p>X</p>	<p>X</p>		
		<p>Develop programs to incentivize family-oriented units in high opportunity areas.</p>	<p>NHCD, PZD, AISD, Travis County, ORES, City Council, CodeNEXT</p>	<p>Staff will increase family-oriented units in high opportunity areas through programs, policies and practices, resulting in a quantifiable increase in family-oriented units in high opportunity areas.</p>	<p>X</p>	<p>X</p>	<p>X</p>		
		<p>Collect data on protected classes, as well as families with children, residing in units created through the City's density bonus and other incentive programs.</p>	<p>NHCD, Stakeholders</p>	<p>Collect data on protected classes and families with children residing in units created through the City's density bonus and other incentive programs.</p>	<p>X</p>				
		<p>Secure longer affordability periods for VMU and other programs that are successful in providing affordable housing.</p>	<p>NHCD, CodeNEXT Advisory Group, PZD, Stakeholders, City Council</p>	<p>Staff will introduce code amendments to create longer affordability periods for VMU and other programs that provide affordable housing during or before the adoption of CodeNEXT.</p>	<p>X</p>	<p>X</p>	<p>X</p>		
		<p>Enact policies, including a land bank, to acquire and preserve apartments on and near transit corridors, where affordable programs can be applied to increase housing for people who are members of protected classes.</p>	<p>NHCD, AHFC, Transportation Department, Economic Development Department, Regional Affordability Committee, Stakeholders, City Council</p>	<p>Introduce policies or mechanisms, including an affordable housing preservation strike fund, to acquire and preserve apartments on and near transit corridors, where affordable programs can be applied to increase housing for people who are members of protected classes.</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	

Acronyms: NHCD=Neighborhood Housing Community Devt. Office; PZD = Planning Zoning Dept; ORES = Office of Real Estate Services; AISD = Austin Independent School District; AHFC = Austin Housing Finance Corp.; FHO = Fair Housing Office

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		Work with governmental entities, including Capital Metro, to require inclusion of affordable housing opportunities for families with children on government owned land that is undergoing redevelopment.	NHCD, Cap Metro, Travis County, Stakeholders, City Council	Staff will coordinate with applicable governing bodies to expand education about the need for affordable housing opportunities for families with children.		X			
		Create a goal to increase access to affordable housing in all council districts. The 2014 Housing Market Study recommends setting a goal of 10% of rental housing units to be affordable to households earning \$25,000 or less per year.	NHCD, Stakeholders, City Council	Staff will bring forward a recommendation to create a City goal to increase access to affordable housing in all council districts.			X		
		Recommend adoption of a requirement that at least 25% of units be affordable on developments proposed on City-owned land.	NHCD, Stakeholders, City Council	(1) Staff will bring forward a recommendation to Council to create a requirement that at least 25% of units be affordable on developments proposed on City-owned land. (2) Educate City departments and Council Members where applicable on recommended goal.			X		
		Require units with city incentives or subsidies to accept vouchers to be consistent with the recently adopted addition of source of income protection in the City's Fair Housing ordinance.	NHCD, PZD, Stakeholders, City Council	Confirm or recommend modifications to ensure that units incentivized or subsidized by the city must accept vouchers through code revisions or administrative changes.		X			
		Work with the Housing Authority to explore the potential for Small Area Rents, as described in Section IV of the document.	NHCD, Housing Authority of the City of Austin, Housing Authority of Travis County, Stakeholders	Collaborate with the Housing Authority to explore the potential for Small Area Rents.			X		
		Pursue implementation of reasonable look back periods for criminal backgrounds in rental criteria for developments with City of Austin funds to ensure that the look back periods don't screen out more people than necessary.	NHCD, PZD, Stakeholders, City Council	Make administrative changes to implement reasonable look back periods for criminal backgrounds in rental criteria in developments with City of Austin funds.	X				
		Identify impediments and potential remedies to assist persons with disabilities attempting to secure accessible, affordable housing.	NHCD, FHO, ADAPT, ARCIL, Stakeholders	Identify impediments and implement remedies to improve access to accessible, affordable housing for persons with disabilities, including identifying funding to make necessary physical modifications to existing units, including rental units.	X	X	X	X	X

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4. Information on housing choice is not widely available in languages other than English and/or in accessible formats. Information for people who are members of protected classes about possibilities to live in housing that was created in higher opportunity areas through city incentive and developer agreement programs is limited.	High	Recommend review and enhancement of publicly available information and forms on fair housing to make them easily accessible to persons with disabilities and persons with limited English proficiency.	NHCD, FHO, Public Information Office, Austin Tenants Council, Hispanic Quality of Life Commission, Austin Apartment Association, Stakeholders	Make information and forms on fair housing easily accessible to persons with disabilities and persons with limited English proficiency by translating information into languages and formats identified by stakeholders to improve access to affordable housing.		X			
		Work with HUD to provide better information in the new AFH tool about the needs of persons with disabilities.	NHCD, ADAPT, ARCIL, U.S. Dept of Housing & Urban Development, Stakeholders	Collaborate with partners to provide information to HUD to provide better information in the new Assessment of Fair Housing tool about the needs of persons with disabilities.	X				
		Develop an online list and map of units created through city incentives and developer agreement programs. Work with local agencies to disseminate that information.	NHCD, PZD, Stakeholders	Update records, collaborate with partners and disseminate data to develop an online list and map of units created through city incentives and developer agreement programs to increase information available to members of protected classes.	X	X	X	X	X
5. Complaint data signals non-compliance of property owners and builders with accessibility requirements.	High	Examine weaknesses in the current process and implement improvements to ensure accessibility compliance.	Code Department, Development Services Department, FHO, Austin Tenants Council, Stakeholders, City Council	Work with stakeholders to examine the current process and develop policy recommendations and tools to implement improvements in accessibility compliance to increase the number of affordable, accessible units.			X	X	X
6. Overly complex land use regulations limit housing choice and create impediments to housing affordability. These include: minimum site area requirements for multifamily housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.	Medium	Work through the CodeNEXT process to modify land use and regulatory requirements to expand housing choice and reduce housing access barriers.	NHCD, CodeNEXT Advisory Group, PZD, Stakeholders, City Council	Staff will bring forward recommendations to modify land use and regulatory requirements that could expand housing choice and reduce housing access barriers through CodeNEXT process.	X	X	X		

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7. Private market barriers include steering, high loan denials for African Americans and other protected classes, and overly complex and rigorous standards for rental qualifications.	Medium	Provide for enhanced matched pair testing and enforcement for lending, steering, leasing and sales for all protected classes, especially persons with disabilities.	NHCD, FHO, Austin Tenants Council	Enhanced matched pair testing and enforcement for lending, steering, leasing and sales for protected classes.		X			
8. City incentives to create affordable housing may not be equitably distributed throughout the city and may not serve the protected classes with the greatest needs.	Medium	Calibrate S.M.A.R.T. Housing incentives to function in high opportunity areas.	NHCD, PZD, Stakeholders, City Council, CodeNEXT	Conduct an analysis and calibration of S.M.A.R.T. Housing incentives to function in high opportunity areas.	X	X	X		
		Implement Homestead Preservation Districts in gentrifying areas and fully utilize inclusionary housing tools available under legislation.	NHCD, PZD, Department of Finance, Stakeholders, City Council	Staff will recommend the creation of Homestead Preservation Districts in gentrifying areas and full utilization of inclusionary housing tools available under legislation.		X			
9. The City's historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods may influence the housing choices of protected classes, potentially restricting access to opportunities.	Medium	Implement policies that correct health and safety deficiencies in maintenance of housing stock within the City while maintaining affordability -- informed by a report from the Entrepreneurship and Community Development Clinic of the University of Texas School of Law entitled, <i>"Addressing Problem Properties: Legal and Policy Tools for a Safer Rundberg and Safer Austin"</i> (August 2013).	Code Department, Development Services Department, Austin Apartment Association, UT - Austin Entrepreneurship and Community Development Clinic, Stakeholders	NHCD Staff will work with Austin Code Department to develop and bring forward recommendations to address health and safety deficiencies in maintenance of housing stock within the city to improve access to safe, affordable housing.			X	X	
		Implement new, or examine existing policies and procedures, to insure that new multi-family housing meets applicable accessibility standards and to inspect existing city funded/assisted properties to make sure the properties are still accessible.	Code Department, Development Services Department, Austin Apartment Association, NHCD, Stakeholders	(1) Review and make recommendations about policies and procedures to ensure accessibility standards are met to increase access to safe, accessible, affordable housing. (2) Increase transparency of monitoring of existing accessible units to ensure compatability.			X	X	

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10. The City’s historical lack of funding for public infrastructure and amenities, including parks, in different neighborhoods may disproportionately impact protected classes, influence housing preferences, and restrict access to opportunities.	Medium	Expand access to public parks in areas of the City where high concentrations of persons from protected classes do not live within ¼-mile walking distance of a park. Implement the City of Austin Urban Parks Work Group recommendations.	Austin Capital Planning Office, Parks and Recreation Department, Stakeholders, City Council	Quantifiable increase in access to public parks in areas of the City where high concentrations of persons from protected classes do not live within ¼-mile walking distance of a park.					X
	Medium	Review available information pertaining to public infrastructure and amenities.	Austin Capital Planning Office, Parks and Recreation Department, Public Works Department, Stakeholders, City Council, AISD	(1) Review available information pertaining to public infrastructure and amenities to determine where improvements and investments are needed to improve access to opportunity for protected classes. (2) Increase education to the AISD Equity Committee, relevant Council Committees and other relevant bodies.	X	X	X	X	X
	Medium	Improve areas of minority/low-income concentration and integrate housing for different incomes in these areas while improving the existing housing stock and infrastructure.	Austin Capital Planning Office, Parks and Recreation Department, Public Works Department, Stakeholders, NHCD, HACA, City Council	Recommendations made for improvement of infrastructure and housing development in areas of minority/low-income concentration and integration of housing for different incomes in these areas.			X	X	X
11. Lack of knowledge about fair housing requirements creates barriers to affirmatively furthering fair housing.	Medium	Provide fair housing training of city staff in planning, development review, economic development, and other city departments with impact on housing development and conditions that affect people who are members of protected classes.	NHCD, PZD, Economic Development Department, FHO, Austin Tenants Council, Stakeholders, Austin Apartment Association	Collaboration with partners to develop and implement fair housing training to result in quantifiable increase in training opportunities.	X	X	X	X	X
		City leaders should engage neighborhood associations, Community Development Corporations and academics in a goal to create economic, racial and ethnic diversity as a core value for each neighborhood and the city as a whole. The obligation to affirmatively further fair housing should be incorporated into city policies.	NHCD, Austin Neighborhood Council, Neighborhood Organizations, AISD, University of Texas, Stakeholders, City Council	(1) Engage neighborhood associations, Community Development Corporations and academics through a speaker series or other events by focusing on the importance of economic, racial and ethnic diversity as a core value for each neighborhood and the city as a whole. (2) Promote the obligation to affirmatively further fair housing in city policies.	X	X	X	X	X

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		Add to the City's affordable housing impact statement, which is used in code and zoning changes, a "Fair Housing Impact" statement, which would analyze the impact of the change on fair housing opportunities for all protected classes.	NHCD, PZD, FHO, Stakeholders	Addition of a "Fair Housing Impact" statement to the City's affordable housing impact statement to analyze the impact of the change on fair housing opportunities for all protected classes.	X				
12. "Crime in neighborhood" is a frequently cited reason for dissatisfaction with current housing.	Medium	Review available data on police response time in high and low opportunity areas.	NHCD, Austin Police Department	Reporting of available data on police response time in high and low opportunity areas.		X			