



**Department of Commerce**  
Innovation is in our nature.

# Analysis of Impediments to Fair Housing Choice

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## Acknowledgements

### **Washington State Department of Commerce**

Alice Zillah, Policy Research Manager

Alicia LeDuc, Lead Researcher

Lea Mitchell, Assistant Researcher

Steve Salmi, Ph.D., Manager, Research Services

diane.klontz@commerce.wa.gov  
Washington State Department of Commerce  
Community Services and Housing Division  
1011 Plum St. SE  
P.O. Box 42525  
Olympia, WA 98504-2525  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

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# Executive Summary

## Overview

Washington State is required to submit certification that it is affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). The certification has three elements and requires that Washington:

1. Complete an *Analysis of Impediments to Fair Housing Choice (AI)*;
2. Take actions to overcome the effects of any impediments identified through the analysis; and
3. Maintain records reflecting the actions taken in response to the analysis.

HUD defines impediments to fair housing choice in terms of their applicability to local, state, and federal law. In Washington, impediments include:

- Any actions, omissions or decisions taken because of race, color, religion, national origin, sex, familial status, mental or physical disability, source of income, marital status, sexual orientation, and gender identity (protected classes) which restrict housing choices or the availability of housing choice.
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choice on the protected classes previously listed.

The *AI* process requires a thorough examination of a variety of sources related to furthering fair housing, the fair housing delivery system and housing transactions that affect people who are protected under fair housing law. The sources consulted for this *AI* include U.S. Census data, labor market data, home mortgage industry data, federal and state fair housing complaint data, and input gathered from housing industry experts and stakeholders.

An *AI* also includes an active and involved public input and review process via direct contact with stakeholders, public forums to collect input from citizens, distribution of draft reports for citizen review, and formal presentations of findings.

This analysis identifies impediments to fair housing choice in rental housing transactions, home mortgage financing transactions, and public policies and processes. Moreover, this analysis identifies a lack of awareness of fair housing among the housing industry and consumers as an impediment to fair housing choice.

## Methodology

The Department of Commerce (Commerce) conducted the public input process associated with this AI in concert with the development of the *2015-2019 Consolidated Plan*. Commerce released and distributed announcements to stakeholders using email, web postings, and distribution lists. Commerce also held two public input meetings on November 13, 2014 and March 24, 2015. These meetings were designed to offer the public the opportunity to provide feedback on the initial findings of the AI. Stakeholders were invited to submit written comments at any point during the 18-month process.

The draft report for public review was released on March 20, 2015 which initiated a 30-day public review period. A final public review presentation will be held on March 24, 2015. Copies of this report may be downloaded free of charge from the Commerce website at [www.commerce.wa.gov](http://www.commerce.wa.gov).

Commerce's Community Services and Housing Division contracted with the agency's Research Services unit to produce the AI. Research Service's approach was based on the methodologies recommended in HUD's *Fair Housing Planning Guide, Vol. I*; institutional experience derived from researching and producing the 2010 and 2015 *Washington State Consolidated Plans*; and the scope of work provided by the Community Services and Housing Division, under the contract to complete the state's *Consolidated Plan* updates.

Research Services reviewed demographic, housing, and lending data, as well as recent AIs conducted by cities and counties in Washington. Staff also analyzed fair housing complaints to detect potential discriminatory patterns. Lastly, staff compiled the fair housing concerns identified through public participation, data analysis and review of public policies to assess the impediments to fair housing choice.

The findings and recommendations below are those identified by the authors of this report, Research Services. The recommendations are to the system and network of housing providers, state agencies, nonprofits, developers, and government bodies that are involved with or tasked with the goals of furthering fair housing.

## Summary of Impediments

1. Discrimination based on disabilities, including the refusal to allow reasonable accommodations for persons with disabilities. The largest category represented in complaint data was due to disability; over 44 percent of all complaints for the state included disability as one of the bases. While HUD data does not include the age of the complainant, Census data shows that Washington's aging population includes more individuals with disabilities, and this population shifts towards renting as well.
2. Discrimination in the rental market based on race. Of the testing conducted by the Fair Housing Center, more than two-thirds – 69 percent – of the tests showed differences in

treatment based on race. African Americans, Hispanics and Asians learn about fewer housing options than equally qualified whites. Real estate agents and rental housing providers recommend and show fewer available homes and apartments to minority families, thereby increasing their costs and restricting their housing options.

3. Discrimination in the rental market based on source of income. Renters who receive a verifiable source of legal income, such as social security, child support, SSI and Section 8 vouchers can still face legal discrimination in the majority of the state. Testing reveals that property managers and renters may explicitly deny housing to individuals and families based on source of income.
4. The expense of tenant screening reports for low-income renters. According to recent research, the average renter will have to pay for three or more tenant screening reports when they are trying to find new housing. Tenants spend, on average, \$166 for repeat screening reports during a single housing search, although the reports often contain the same information. These screening fees can be a barrier to moving into stable housing, especially for families on limited incomes, already faced with the costs of a deposit and first month's rent.
5. Disproportionately high mortgage denial rates for selected racial and ethnic minorities. Home mortgage lending data show that Native American, African American, and Hispanic homebuyers are less likely to obtain mortgage financing and disproportionately likely to obtain sub-prime or predatory mortgage products.

## **Recommendations to Address Impediments**

1. Continue monitoring, testing, and enforcement activities related to fair housing laws.
  - a. Provide continued funding support for investigation of housing discrimination, including audit- and complaint-based testing of the rental market.
  - b. Continue to coordinate with fair housing enforcement and advocacy agencies to determine statewide coordination of priorities and activities.
2. Target homeownership and lending marketing to African American, Native American, Hispanic and disabled households.
  - a. Work with real estate organizations, banks, and lending institutions to increase homeownership educational opportunities for prospective African American, Native American, disabled and Hispanic homebuyers.
  - b. Work with developers and grantees to affirmatively market first-time home buyer opportunities to communities of color and persons with disabilities.
  - c. Consult with representatives of the disability community to understand the type of housing discrimination the disabled population experiences and to consider whether there are new strategies to ensure owners and developers comply with accessibility standards.

- d. Reach out to lenders, realtors, and emerging market communities through industry and emerging market community events to make them aware of Washington State’s laws.
3. Adopt statutory changes to consolidate tenant screening reports.
- a. Establish a process by which tenants will be able to buy just one report that can be provided to all prospective landlords requesting the data, to make the tenant screening process more affordable and fair for both tenants and landlords.
4. Support the adoption of source of income as a statewide protected basis.
- a. In most of Washington – other than Seattle, Bellevue, Redmond, and unincorporated King County – it is legal to deny rental housing to prospective tenants if their income includes a housing subsidy, such as Section 8, or other sources of public assistance. Support legislation to prevent landlords from categorically denying housing to tenants whose sources of income include a housing subsidy or other sources of legitimate income, as 12 other states have done.
  - b. Landlords could still reject tenants who do not have adequate income and resources to meet the monthly rental payments, and could still deny tenancy on legal standards that are equally applied to all applicants.
5. Increase consultation, education, and outreach activities.
- a. Partner with tenants advocacy groups and community organizations to provide fair housing training to renters. Ensure the program is language- and culturally-appropriate for limited English underserved populations.
  - a. Work with advertising departments of publishers of local housing information to eliminate explicit and implicit forms of preferential advertising.
  - b. Continue to reach out to apartment owners and the real estate industry to encourage education about fair housing. Distribute printed materials and online resources explaining current Washington state law, including who is protected and what constitutes illegal discriminatory treatment.
  - c. Research the ability to utilize other means of outreach, including radio advertisements, social media tools, and other communication tools not currently utilized.
  - d. Consider preparing a fair housing referral guide for distribution in the nonentitlement portions of the state advising persons of the complaint process.
  - e. Enhance homebuyer education programs to better inform consumers of the attributes of predatory lending, including car title and payday loans.

# The Legal Framework

## Federal Fair Housing Law

The Civil Rights Act of 1866 establishes that all citizens of the United States have the same right to inherit, purchase, lease, sell, hold, and convey real and personal property.

Between 1866 and 1968 the law was interpreted only to prohibit racial discrimination in housing by government or public action, such as restrictive zoning and the enforcement of restrictive covenants. In 1968, the Supreme Court ruled that the Act prohibited all racial discrimination, private as well as public, in the sale or rental of property.<sup>1</sup>

It was not until 1968 that specific fair housing legislation was enacted in Title VIII of the Civil Rights Act of 1968. With the Supreme Court decisions and passage of Title VIII, the country's private housing market was subject to federal laws prohibiting discrimination for the first time.

Title VIII prohibits discrimination in the provision of housing based on race, color, religion, sex, or national origin. These population groups are known as protected classes. It authorizes HUD to investigate and attempt to resolve complaints. Where a pattern or practice of discrimination is identified (as opposed to an individual incident), the U.S. Department of Justice (DOJ) is authorized to file suit in federal court.

The Fair Housing Amendments Act of 1988 amended Title VIII to include people with disabilities and families with children as protected classes. Title VIII, as amended, now requires that people with disabilities be allowed to make reasonable modifications to housing at their own expense, that reasonable accommodations be made in rules, policies, practices, and services to allow people with disabilities access to and use of a dwelling, and that housing intended for occupancy on or after March 13, 1991 be constructed so that it can be made accessible.

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 which restrict housing choices or the availability of housing choices.
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

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<sup>1</sup> United States Commission on Civil Rights, the Fair Housing Amendments Act of 1988: The Enforcement Report, (Washington, D.C., 1994), 9.

Under the Fair Housing Act, the following actions are illegal if based on an individual's race, color, religion, national origin, sex, familial status, or disability<sup>2</sup>:

- Refusing to rent or sell a dwelling after a bona fide offer has been made.
- Refusing to negotiate for the sale or rental of a dwelling.
- Setting different terms, conditions, or privileges related to the sale or rental of a dwelling or to the use of facilities and services provided in conjunction with a dwelling.
- Saying a dwelling is unavailable for rent or sale when it is available.
- Making a profit by convincing owners to sell or rent properties based on fear of declining property values because members of a protected class are moving into a neighborhood (an action known as blockbusting).
- Advertising the availability of a dwelling in a way that implies a preference for a certain type of buyer or renter, or places a limitation on the use of a dwelling for certain groups.
- Denying access to or membership in any multiple listing service, real estate brokers association, or other organization in the business of selling or renting housing, or setting different terms or conditions for membership in such organizations.
- Refusing to make a mortgage loan, or refusing to give information about loans.
- Setting different terms or conditions for loans.
- Discriminating in the appraisal of property.
- Refusing to purchase a loan or setting different terms for the purchase of a loan.
- Interfering in any way with a person's exercise of their fair housing rights.

The Fair Housing Act exempts from coverage three types of housing:

1. Religious organizations or private clubs, which own or operate housing (for other than commercial purposes) may give preference to members of the organization in the sale, rental, or occupancy of that housing.
2. Dwellings whose owner does not own more than three single-family homes and does not use the services of a realtor or broker in renting or selling the home. This does not exclude the owner from compliance with the laws pertaining to discriminatory advertising or retaliation.<sup>3</sup>
3. Housing for people aged 62 and older and housing for people aged 55 and older is exempt from the prohibition against discrimination based on familial status. This housing is still subject to the prohibitions against discrimination based on membership

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<sup>2</sup> Federal Register, 24 CFR Part 14 et al., Implementation of the Fair Housing Amendments Act, 1988: Final Rule, (Washington, D.C.: United States Government Printing Office, 1989), 3284.

<sup>3</sup> Once a landlord advertises their rental property they are not exempt from Fair Housing Act requirements.

in other protected classes and in regard to advertising and must meet specific criteria to be so designated.

Under the Fair Housing Act, complaints may be conciliated prior to a determination of whether reasonable cause exists to believe that a respondent has violated the Act. Through conciliation, each party may achieve its objectives in a relatively simple and expeditious manner, and HUD advances the public interest in preventing current and future discriminatory housing practices.

The period during which conciliation must be attempted begins with the filing of the complaint, and concludes with the issuance of a charge on behalf of the complainant, or upon dismissal of the complaint. The Fair Housing Act establishes a process for a HUD administrative law judge to review complaints in cases that cannot be resolved by an agreement between the parties and sets financial penalties where a charge of discrimination is substantiated.

Cases may be administratively closed when the complainant cannot be located, refuses to cooperate or withdraws their complaint with or without resolution. Complainants can also choose to litigate their allegations of housing discrimination in federal or state court.

### **State and Local Equivalent Fair Housing Laws**

When state or local governments enact laws substantially equivalent to the federal Fair Housing Act and establish an administrative enforcement process, HUD can certify the state or local government as a substantially equivalent Fair Housing Assistance Program (FHAP). Certification as a FHAP allows HUD to refer fair housing complaints directly to the jurisdiction and provide federal funding to help defray the costs of investigating complaints.

Washington has four FHAP certified programs:

- The Washington State Human Rights Commission;
- The King County Office of Civil Rights;
- The Seattle Office for Civil Rights; and
- The Tacoma Human Rights and Human Services Department.

Local jurisdictions that pass substantially equivalent fair housing laws may provide for additional protections, like marital status or sexual orientation, beyond those enumerated in federal law. There are currently 17 classes protected at either the federal, state, or local level in Washington. Additionally, fair housing laws prohibit retaliation, which is an act of harm by anyone against a person who has asserted fair housing rights (by making an informal discrimination complaint, filing a civil rights complaint, or being otherwise involved in an investigation).

Table 1 indicates which protected classes are protected federally and which are protected at the state and, in certain jurisdictions, at the local level.

**Table 1: Protected Classes in HUD-Certified Substantially Equivalent Jurisdictions**

Protected Class	Federal: U.S. Dept. of Housing and Urban Development	State of Washington: Human Rights Commission	King County: Office of Civil Rights	Seattle: Office of Civil Rights	Tacoma: Human Rights and Human Services Department
Race	X	X	X	X	X
Color	X	X	X	X	X
Religion	X	X	X	X	X
National origin	X	X	X	X	X
Sex	X	X	X	X	X
Gender identity		X	X	X	X
Sexual orientation		X	X	X	X
Familial status/parental status	X	X	X	X	X
Handicap/disability	X	X	X	X	X
Creed		X		X	
Marital status	X	X	X	X	X
Veteran or military status		X		X	X
Age			X	X	X
Section 8 recipient (source of income)			X	X	
Ancestry				X	X
Political ideology				X	
Retaliation	X	X	X	X	X
Use of service animal <sup>4</sup>	X	X	X	X	X

Source: Washington State Human Rights Commission

### **Non-Equivalent Fair Housing Policies, Ordinances, and Resolutions**

In addition to the four FHAP entities, many local jurisdictions have adopted fair housing policies, resolutions, or ordinances. Nine counties and 36 cities have adopted policies, and one county and five cities have created ordinances. Several counties have adopted resolutions stating their commitment to state and federal fair housing regulations. Together, these local governments comprise the majority of Washington’s population (see Table 2).

<sup>4</sup> Federal regulations do not distinguish between a specifically trained service animal or an animal that is used like a service animal but may not be specifically trained or licensed as a service animal. Although jurisdictions, landlords, and tenants are required to comply with the federal regulations, the state cannot assist or investigate complaints relating to this issue. WSHRC has sought to amend state law to align it with the federal statute.

**Table 2: Protected Classes in Puget Sound Cities Without Local Enforcement Agencies**

Basis	Bellevue	Bremerton	Burien	Everett	Olympia	Renton	Spokane	Thurston County
Sexual orientation				X	X		X	X
Gender identity					X			
Age			X	X				X
Ancestry	X	X						
Source of income	X			X		X		

Source: Fair Housing Center of Washington

### State Statutory Amendments

Since the Washington State Board Against Discrimination was founded by the state Legislature in 1949, Washington has demonstrated a long-standing commitment to civil rights. The Legislature has enacted a number of significant and important amendments to the laws banning discrimination, and to other statutes that increase fair housing protections for Washington’s citizens.

More recently, the Washington State Human Rights Commission (WSHRC) has introduced legislation to better align state law with federal regulations regarding animals that assist persons with disabilities for purposes of reasonable accommodation in housing. The bill, introduced in both the 2013 and 2014 sessions, would make state law consistent with federal law by allowing the use of an animal that is necessary as a reasonable accommodation. To date, the bill has not passed.

### Sexual Orientation and Gender Identity

Engrossed Substitute House Bill 2661, effective June 7, 2006, added sexual orientation as a class to be protected from discrimination in employment, commerce, real estate transactions, places of public resort, accommodation, or amusement, and insurance and credit transactions. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, and gender expression or identity.

### Clarification of Disability Protections

Substitute Senate Bill 5340, effective July 22, 2007, amended state statute to address the Washington State Supreme Court’s ruling in *McClarty v. Totem Electric* adopting the definition of disability enumerated by the Americans with Disabilities Act (ADA) of 1990. In SSB 5340, the

legislature found that the Supreme Court, in its opinion in *McClarty v. Totem Electric* (2006), failed to recognize that the state's law against discrimination affords to state residents protections that are wholly independent of those afforded by the federal ADA.

Under Washington state law, disability is defined, in part, as "the presence of a sensory, mental, or physical impairment that: (i) is medically cognizable or diagnosable; or (ii) exists as a record or history; or (iii) is perceived to exist whether or not it exists in fact." Additionally, a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity.

### **Veteran and Military Status Protections**

Senate Bill 5123, effective July 22, 2007, added protections for persons with veteran or military status from discrimination in employment, commerce, real estate transactions, places of public resort, accommodation, or amusement, and insurance and credit transactions. Veteran or military status includes any honorably discharged veteran as defined in RCW 41.04.007, and any active or reserve member in any branch of the armed forces of the United States, including the National Guard and Coast Guard.

### **Protections for Victims of Domestic Violence**

A significant amendment to Washington's Residential Landlord-Tenant Act expanded legal protections for domestic violence victims. House Bill 2EEHB 1645, effective March 15, 2004, amended landlord tenant law to require housing providers, under certain circumstances, to discharge victims of domestic violence from rental agreements in order to expedite victim relocation and protection. This amendment to state landlord-tenant law reinforces the fair housing protections available to domestic violence victims.

# The Fair Housing Complaint Process

## Administration

A resident of Washington can file a complaint of housing discrimination with HUD, WSHRC, or one of the local FHAP agencies serving residents of the City of Seattle, Tacoma, and unincorporated King County.

When HUD receives a complaint, it forwards the complaint to the WSHRC or one of the other FHAP agencies, depending upon where the alleged discriminatory actions occurred.<sup>5</sup> Conversely, a complaint filed with the WSHRC or one of the other FHAP agencies is jointly filed with HUD when the alleged discrimination is covered by the federal Fair Housing Act.

## Nonprofit Assistance

To supplement the administrative enforcement process and assist residents with the complaint process, HUD established the Fair Housing Initiative Program (FHIP). FHIP agencies designated as Qualified Fair Housing Organizations (QFHO)<sup>6</sup> coordinate with HUD and the certified administrative agencies to provide education and outreach activities, facilitate enforcement and conduct testing. The Fair Housing Center of Washington and the Northwest Fair Housing Alliance are the two HUD-designated QFHOs serving residents of Washington.

Individuals who believe they have been discriminated against in housing transactions can contact these two agencies. Agency staff will evaluate the complaint and the associated allegations and may conduct an investigation. Unlike government agencies that must remain impartial, QFHOs can help complainants prepare and file complaints or lawsuits, regarding fair housing discrimination.

## Resolution

Once a complaint is filed with an administrative agency, the parties are encouraged to participate in negotiations to reach resolution and to protect the public's interest. Both nationally and within Washington, a high percentage of complaints are closed by conciliation or pre-determination settlement.

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<sup>5</sup> The exception to this is complex complaints or those involving service related animals that are not covered in Washington State's Fair Housing laws or local ordinances.

<sup>6</sup> According to HUD, "Qualified fair housing enforcement organization (QFHO) means any organization, whether or not it is solely engaged in fair housing enforcement activities, that (1) Is organized as a private, tax-exempt, nonprofit, charitable organization; (2) Has at least 2 years' experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and (3) Is engaged in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims at the time of application for FHIP assistance."

If conciliation cannot be achieved, there is a finding to determine if evidence of reasonable cause exists to support a violation of fair housing law. Some complaints will be closed with a no-cause determination due to insufficient evidence to support a reasonable cause finding. If it is determined that reasonable cause exists to support an allegation of housing discrimination, the case may be given an administrative hearing or heard in superior or federal court.

Complaints based on classes protected under state law that are not covered under federal law, such as veteran status, are filed with the WSHRC or one of the three local FHAP agencies. Individuals claiming discrimination based on non-federally protected classes may seek redress in accordance with specific provisions of the local fair housing ordinance.

HUD is required to refer certain complaints to the Department of Justice (DOJ) for enforcement and investigation. These are complaints that involve:

- A pattern of discrimination which is widespread or a practice of discrimination that affects a large number of people;
- The legality of local zoning or land use laws;
- Issues of general public importance; and
- Actions of government licensing or supervisory authorities.

## Summary Findings of Federal Fair Housing Complaint Data

To assist in the identification of impediments to fair housing choice, this analysis considers fair housing complaints filed with HUD in Washington between January 1, 2007 and December 31, 2013.

During this seven-year period, 1,833 complaints, or an average of 262 complaints per year, were filed with HUD and investigated by HUD, the WSHRC, or the FHAP agencies serving residents of the City of Seattle, Tacoma, and unincorporated King County.<sup>7</sup> Compared to the prior reporting period, this volume represents a 17 percent increase in the average number of complaints filed each year. The increased volume is likely related to a combination of factors, including increased population, increased awareness and services regarding fair housing rights, and ongoing fair housing discrimination.

### **Fair Housing Complaints by Protected Class**

The majority of fair housing complaints filed with HUD for this reporting period relate to discrimination due to a person's disability, race, or national origin. This trend resembles that of the prior reporting period, during which over 70 percent of the complaints were composed of allegations regarding disability or race.<sup>8</sup>

As illustrated in Table 3, over 44 percent of complaints included disability as a basis, followed by race at 20 percent and national origin at just under 10 percent. Complaints can include multiple bases, and in fact over 23 percent of the complaints for this reporting period consisted of two or more bases. For those complaints, each basis was counted as one instance in Table 3, resulting in a total of 2,369 times in which the basis was included in the total of 1,833 complaints.

The dominance of fair housing complaints related to disability and race could be caused by many factors, including more prevalent discrimination in these arenas, and more access to services and ability to file complaints. Conversely, fewer complaints regarding religion, gender, and familial status or other protected classes does not mean there is an absence of fair housing discrimination towards these and other protected classes. Instead, it could mean less access to services, fear of filing complaints, and other factors.

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<sup>7</sup> Complaint data summary is based on data received from HUD Region 10 in response to FOIA 14-FI-ROX-01925.

<sup>8</sup> As posted at <http://www.commerce.wa.gov/Documents/FH-Analysis-of-Impediments-2007.pdf>. Page 15.

**Table 3: Instances of Basis in Complaints, 2007-2013**

Protected Basis	Number of Complaints Including the Basis	Percent of Complaints Including The Basis
Disability	1,047	44.2%
Race	480	20.3%
National origin	228	9.6%
Retaliation	205	8.7%
Familial status	197	8.3%
Sex	139	5.9%
Religion	58	2.4%
Color	15	0.6%
<b>Total instances of basis in complaints</b>	<b>2,369</b>	<b>100%</b>

*Source: Department of Housing and Urban Development*

### **Complaints Related to Disability**

There may be several reasons that disability complaints make up the greatest percentage of all complaints. Nearly three-quarters (74 percent) of complaints including disability as one of the bases were related to attempting to rent a house or apartment. Fair housing studies have found that many apartment owners make direct comments refusing to make reasonable accommodations or modifications for people with disabilities, so discrimination is easier to detect.

There is a difference between an accommodation and a modification. A reasonable accommodation is paid for by the housing provider; an example is providing a handicapped parking spot with a curb cut for a resident in a wheelchair. A reasonable modification is paid for by the resident; an example is making a structural change inside an apartment which can then be reversed when the resident leaves. Architects and developers continue to design and construct obviously inaccessible apartment buildings and condominium complexes that do not meet the Fair Housing Act's standards, despite HUD's 10-year "Fair Housing Accessibility FIRST" education campaign educating architects and builders about their fair housing responsibilities.

Lastly, the prevalence of low-income persons with disabilities in Washington, and in the country as a whole, due to aging demographics, may mean that this population is more vulnerable to housing discrimination. Some factors are discussed in the following section.

## Washington Residents with Disabilities

In its 2006 report, *Housing Washington's Seniors – A Profile*<sup>9</sup>, the Washington State Housing Finance Commission identified a current level of 145,212 housing units (or beds) in facilities catering to Washington's older population, of which 38 percent are set aside for seniors with low to moderate incomes and limited assets. The report also found that seniors between the ages of 65 and 74 who rent their home spend an average of 36.3 percent of income on rent, meaning that many are cost burdened.

Data indicated that one-third of seniors reported having one or more disability. By the time seniors reached the age of 85, that number grew to 70 percent, with nearly half experiencing physical limitations and many having a great deal of difficulty leaving their residence. As the number of people in this age range grows, the number of seniors that need disability services will also increase.

Older Washingtonians face increasing housing and medical expenses, yet have incomes which have lagged behind. Because of this and other factors, such as living alone, older people often shift from home ownership to rental status.

Younger people who have disabilities are often low income as well. According to a recent Census Bureau report, approximately 28 percent of 25-to-64-year-olds with severe physical disabilities fall far below the federal poverty line – nearly four times the rate for people of the same age who are not disabled. The Census Bureau identified people as severely disabled if they have difficulty performing functional tasks or daily living activities.

Many physically disabled people depend at least in part upon the government's basic welfare program, Supplemental Security Income (SSI), to meet their basic living needs. SSI provides financial support for people with significant and long-term disabilities who have no other means of support.

Washington is one of 21 states which supplement the federal SSI payment with a state-funded monthly reimbursement, which varies depending on the area. The report *Priced Out in 2008*, published by the Technical Assistance Collaborative and the Consortium for Citizens with Disabilities Housing Task Force, concluded that an individual with SSI as their sole means of support would need to spend 102.9 percent of their monthly income to afford to rent a one-bedroom unit, or 89.9 percent of their income on a studio rental unit, using housing market data. As a result, many individuals with disabilities are forced into substandard living arrangements, or must rely on their families to continue housing into adulthood.

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<sup>9</sup> <http://www.wshfc.org/admin/SeniorHousingWCRER.pdf>

## Complaints Related to Race

Over 20 percent of the complaints included race as one of the bases. A 2012 study conducted by HUD found that:

*When well-qualified minority homeseekers contact housing providers to inquire about recently advertised housing units, they generally are just as likely as equally qualified white homeseekers to get an appointment and learn about at least one available housing unit. However, when differences in treatment occur, white homeseekers are more likely to be favored than minorities. Most important, minority homeseekers are told about and shown fewer homes and apartments than whites... [B]lack, Hispanic, and Asian renters are all shown significantly fewer housing units than equally qualified whites. Blacks are shown about one fewer unit for every 25 visits; Hispanics are shown one fewer unit for every 14 visits; and Asians are shown one fewer unit for every 13 visits.<sup>10</sup>*

Washington's population has been steadily diversifying over the last several decades, as shown in Table 4.

Table 4: Racial Composition in Washington State, 1990-2010

Race	1990	2000	2010
White	88.50%	81.80%	77.30%
Asian	4.30%	5.50%	7.20%
Black	3.10%	3.20%	3.60%
Native American	1.70%	1.60%	1.50%
Native Hawaiian/Pacific Islander	-	0.40%	0.60%
Other race	2.40%	3.90%	5.20%
Two or more races	-	3.60%	4.70%

Source: US Census

African Americans and Asian Americans have sizable communities in King and Pierce counties, but are less represented in the rural areas of the state. Native Americans live throughout the state, on large tribal reservations, including the Colville and Yakama nations, as well in urban areas.

The most numerous ethnic group are Latinos at 11 percent of the state's population. The Hispanic/Latino population can belong to any of the racial groups and consists of people of mainly Mexican (8.9 percent), Spanish (0.4 percent), Cuban (0.4 percent), Salvadoran (0.2 percent), Guatemalan (0.1 percent), and Colombian (0.1 percent) heritage. The Hispanic/Latino

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<sup>10</sup> Housing Discrimination Against Racial and Ethnic Minorities 2012, [http://www.huduser.org/portal/Publications/pdf/HUD-514\\_HDS2012.pdf](http://www.huduser.org/portal/Publications/pdf/HUD-514_HDS2012.pdf)

population grew by 71 percent between 2000 and 2010, much faster than the state’s overall growth rate of just over 14 percent. In Eastern Washington, Franklin and Adams counties are now majority Hispanic, although slightly more Hispanic/Latino individuals and families still live in King, Snohomish, and Pierce counties.

**Fair Housing Complaints by Transaction**

Approximately 88 percent of the alleged discrimination took place when tenants were attempting to rent housing (Table 5). This represented an increase from the prior reporting period, in which 84 percent of the complaints were in regards to a rental transaction.

Just 4 percent of complaints involved trying to purchase a home, representing a significant decrease from prior years, in which 10 percent related to buying a home. This decrease may be due in part to lower overall rates of homebuying during this timeframe. Additionally, complaints within the “other” category may also include some related to purchasing. The “other” category allows for a notation indicating the type of real estate transaction, but it is often not clear if the complaint relates to a purchase or rental attempt. For instance, a complaint categorized as “other” and includes the notation “townhome” but does not clarify whether the matter was in regards to renting or purchasing one.

**Table 5: Complaints by Type of Real Estate Transaction**

Transaction	Number of Complaints In which Transaction was Identified 2007-2013	Percent of Complaints (2007-2013)	Percent of Complaints (2001-2006) <sup>11</sup>
Rental	1,377	88%	84%
Purchase	66	4%	10%
Other	129	8%	6%

*Source: Department of Housing and Urban Development*

In addition, there were 261 complaints in which the real estate transaction type was not identified.

**Geography of Fair Housing Complaints**

Close to 85 percent of the complaints occurred in Western Washington, which is comprised of the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and

<sup>11</sup> See report for prior reporting period as posted at: <http://www.commerce.wa.gov/Documents/FH-Analysis-of-Impediments-2007.pdf>. Page 16.

Whatcom. As reflected in Table 6, the proportion of Western Washington complaints is greater than those counties' share of the state population.

**Table 6: Complaints in Eastern and Western Washington**

Geography	Population	Percent of State Total Population	Number of Complaints	Percent of State Total Complaints
Western Washington counties*	5,350,045	77.7%	1,556	84.9%
Eastern Washington counties	1,532,255	22.3%	214	15.1%
Washington State	6,882,400	100%	1,833	100%

Western Washington contains six of the eight counties designated as urban. An urban county has a population density greater than 100 persons per square mile (RCW 43.160.020). The eight urban counties are Snohomish, King, Kitsap, Pierce, Thurston, Clark, Benton, and Spokane – are all located in subset B. As shown in Table 7, urban counties also have a greater share of the total complaints in proportion to their population.

**Table 7: Complaints in Urban and Rural Counties**

Geography	Population	Percent of State Total Population	Number of Complaints	Percent of State Total Complaints
Urban counties*	5,139,900	74.7%	1,619	88.3%
Rural counties	1,742,500	25.3%	214	11.7%
State of Washington	6,882,400	100%	1,833	100%

*Source: Department of Housing and Urban Development and Office of Financial Management*

Table 8, on the following page, shows the number of complaints per 100,000 residents for each county in Washington, for three reporting periods. However, because the reporting periods are for different lengths of time, it is not possible to do direct comparisons between timeframes. The previous AI covered five years, from 2001 to 2006, whereas this AI addresses seven years.

Even accounting for the different timeframes for the AIs, it is clear that there has been an upwards trend in the number of complaints of fair housing violations. For this reporting period, there were 27 complaints per 100,000 residents in Washington, whereas for the previous reporting period there were 18.

**Table 8: Number of Complaints per 100,000 Residents per County**

County	Number of Complaints 2007-2013	2013 Population	Number of Complaints 1994/1995 per 100,000	Number of Complaints 2001-2006 per 100,000	Number of Complaints 2007-2013 per 100,000
Adams	1	19,200	0	0	5
Asotin	4	21,800	0	0	18
Benton	22	183,400	9	22	12
Chelan	3	73,600	2	9	4
Clallam	11	72,350	5	12	15
Clark	78	435,500	12	11	18
Columbia	0	4,100	0	24	0
Cowlitz	25	103,300	5	13	24
Douglas	3	39,280	0	6	8
Ferry	0	7,650	0	14	0
Franklin	8	84,800	16	18	9
Garfield	0	2,250	0	42	0
Grant	9	91,800	11	5	10
Grays Harbor	3	73,200	13	10	4
Island	4	79,700	6	3	5
Jefferson	7	30,275	8	25	23
King	831	1,981,900	23	26	42
Kitsap	40	254,000	10	12	16
Kittitas	12	41,900	10	0	29
Klickitat	3	20,700	11	0	14
Lewis	7	76,200	3	3	9
Lincoln	0	10,675	0	10	0
Mason	2	61,800	7	4	3
Okanogan	2	41,500	8	5	5
Pacific	3	21,000	20	0	14
Pend Oreille	2	13,150	19	0	15
Pierce	300	814,500	18	25	37
San Juan	0	16,000	8	0	0
Skagit	17	118,600	2	14	14
Skamania	1	11,300	11	29	9
Snohomish	115	730,500	15	11	16
Spokane	164	480,000	8	20	34
Stevens	6	43,800	0	2	14
Thurston	69	260,100	7	21	27
Wahkiakum	1	4,020	0	0	25
Walla Walla	3	59,500	21	9	5
Whatcom	42	205,800	13	12	20
Whitman	8	46,000	3	9	17
Yakima	27	247,250	10	10	11
<b>State</b>	<b>1,833</b>	<b>6,882,400</b>	<b>15</b>	<b>18</b>	<b>27</b>

Source: Department of Housing and Urban Development and Office of Financial Management

Table 9 shows the three counties with the highest number of complaints and the ratio of the complaints relative to the counties' population.

**Table 9: Counties with the Greatest Number of Complaints Relative to Population**

County	Number of Complaints 2007-2013	2013 Population	Percent of State Population	Percent of State Complaints	Ratio of Complaints to Population
King	831	1,981,900	28.8%	45.3%	1.57
Pierce	300	814,500	11.8%	16.4%	1.38
Spokane	164	480,000	7.0%	8.9%	1.28

*Source: Department of Housing and Urban Development and Office of Financial Management*

### **Fair Housing Investigation Outcomes**

The enforcement process begins when an individual files a discrimination complaint with either HUD's Office of Fair Housing and Equal Opportunity (FHEO) or a state or local governmental fair housing enforcement agency. Many of these complaints are referrals by private nonprofit fair housing organizations that conduct testing and investigation of housing discrimination allegations.

The administrative enforcement process is intended to provide an impartial investigation of claims filed with HUD and FHAP agencies. The Fair Housing Act requires that complaints be investigated within 100 days, if feasible, and that the parties be provided a written statement of reasons when an investigation is not concluded within 100 days. There is also a statutory obligation to engage in conciliation efforts to attempt to resolve complaints. At the close of the investigation, the investigating agency makes a determination as to whether or not there is reasonable cause to believe that discrimination has occurred. If a determination of reasonable cause is made, the government charges the respondent with violating the law and brings a complaint on behalf of the complainant in an administrative hearing before a HUD administrative law judge or a judicial proceeding.

The primary types of investigation outcomes are described below.

**Administrative Closure:** The FHEO may close a case if it is unable to locate a complainant, if the respondent (e.g. entity against which the charge has been filed) is unable to be located, if the complainant fails to cooperate, if a complainant decides not to proceed or participate in the investigation, or when a civil trial has commenced.

**Withdrawn With Resolution:** When a complainant and respondent agree, in the absence of an investigator or conciliator to settle upon terms and conditions mutually agreeable to the parties.

**Conciliated:** Complaint is resolved through conciliation, without the need to proceed through the court system.

**No Cause Determination:** Following a thorough investigation, HUD determines that there is no reasonable cause to believe that housing discrimination has occurred.

**Charged:** HUD determines there is “reasonable cause” that a Fair Housing violation has occurred and advances the case to an Administrative Law Judge (ALJ). After 30 days, if either party elects to go to federal court, the Department of Justice will proceed with a civil action on behalf of the aggrieved party in a US District Court. If neither party elects to go to federal court, the ALJ will hear the case and issue a decision.

Table 10 provides the investigative outcomes for all complaints filed with HUD from January 1, 2007 through December 31, 2013.

**Table 10: Investigative Outcomes for Complaints During Reporting Period**

Reason	Number of Complaints	Percentage of Total Complaints
No cause	991	54%
Conciliated	429	23%
Administrative closure	254	14%
Withdrawn with resolution	75	4%
Open	57	3%
Cause (FHAP)	23	1%
Charged (HUD)	3	0%
DOJ closure	1	0%

*Source: Department of Housing and Urban Development*

### **Monetary Settlements**

The Fair Housing Act allows the award of compensatory damages, both for out of pocket expenses and for the emotional distress caused by discrimination. In addition, if a fair housing case goes to hearing, a HUD administrative law judge can order the wrongdoers to pay a civil penalty for each separate and distinct violation of the law. Civil penalties could be awarded for each non-compliant unit, for each non-compliant building, or for each separate violation of a standard.

In a federal court lawsuit, a court may also award punitive damages based on a Fair Housing Act violation against one or more wrongdoers. Such damages could be based on evidence that one or more defendants acted maliciously or with reckless indifference that their actions might violate a federal statute of which they were aware. The purpose of punitive damages is to deter future wrongdoing and to punish past wrongdoing. There may be other remedies or sanctions under other laws, including termination or suspension of federal funding if a government agency finds a violation of the Act that is not corrected, and under tax credit law recapture of tax credits.

Table 11 illustrates the number and average amount of penalties for complaints filed during the reporting period.

**Table 11: Monetary Penalties for Complaints During Reporting Period**

Basis for Complaint	Average Amount of Penalty for Closed Complaint	Number of Monetary Penalties
Disability	\$2,076	170
Familial status	\$1,652	48
Race	\$1,551	46
National origin	\$1,642	22
Sex	\$2,877	11
Retaliation	\$ 2,567	9
Religion	\$2,222	5
Color	\$90	1
<b>Total</b>		<b>312</b>

*Source: Department of Housing and Urban Development*

### **Non-Monetary Settlements**

Non-monetary settlements can be an important source of fair housing redress and comprised 197 cases out of 509 cases for which HUD indicated a settlement had been reached, or 63 percent of such cases. Non-monetary relief can include policy changes, training, or various forms of relief like the provision of subsidized housing or accessible parking. Some non-monetary settlements, like the provision of a federal housing subsidy, have important financial benefits that are not readily quantifiable.

## Summary of Findings Regarding State Fair Housing Complaint Data

### Washington State Human Rights Commission Complaint Process

Under Washington State's Law Against Discrimination (RCW 49.60), the WSHRC has jurisdiction to investigate complaints of alleged discrimination relating to the workplace, housing, public accommodation, or when seeking credit and insurance. The following discussion and summary of complaint data is focused on fair housing complaints filed with the WSHRC.

In accordance with RCW 49.60, housing complaints must be filed within 12 months of the alleged discrimination. If the Commission investigator determines there is a prima facie claim of discrimination, then an investigation is initiated. Upon completion of the investigation, the Commission will issue a finding. If the evidence does not support the charge of discrimination, the Commission will issue a finding of "no reasonable cause" to believe discrimination occurred. If the Commission finds that there is reasonable cause to believe discrimination occurred, it will seek conciliation of the complaint. Appropriate remedies in the conciliation process may include back pay, reinstatement, rent refunds, or training to eliminate the unfair practice. If conciliation fails, the complaint may be turned over to the Attorney General's office for hearing before an administrative law judge. The Commissioners may grant reconsideration if the party can show that there was a misapplication of the law, or that relevant information provided during the investigation was not considered in the finding.

Over the six-year period from January 1, 2007 to December 31, 2013, WSHRC investigated 1,255 complaints of alleged fair housing discrimination.<sup>12</sup> Of the total complaints, 60 percent alleged discrimination based on disability (39 percent) or race (21 percent). Complaints based on retaliation, national origin, and familial status made up 34 percent of the complaints. The remaining seven percent of complaints investigated related to sex, creed, veteran status, and sexual orientation/sexual identity.

For both the current and the prior reporting period, disability and race made up the majority of the types of protected classes of people represented by the complaints.

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<sup>12</sup> The Washington State Human Rights Commission does not track or have readily available data regarding the total number of complaints received. The data presented here refers to the complaints that were reviewed and accepted for investigation.

**Table 12: Instances of Basis in Complaints Filed with WSHRC, 2007-2013**

Basis	Number	Percent
Disability	485	38.6%
Race	261	20.8%
National origin	172	13.7%
Familial status	134	10.7%
Retaliation	113	9.0%
Sex	59	4.7%
Creed	28	2.2%
Veteran status	2	0.2%
Sexual orientation/gender identity	1	0.1%
Total	1,255	100.0%

*Source: Washington State Human Rights Commission*

### **Types of Allegations Asserted in the Complaints**

The three most common types of complaints related to allegations of discrimination regarding terms and conditions, refusal to rent, and reasonable accommodation. Together, these three categories comprised 79 percent of the complaints. (See Table 13).<sup>13</sup>

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<sup>13</sup> Complaints can include more than one type of allegation. Therefore, the total “types” of complaints may exceed the total number of complaints by protected class.

**Table 13: Allegations Asserted in Complaints Filed with WSHRC, 2007-2013**

By Complaint Type	Total	Percent
Terms and conditions	534	37%
Refusal to rent	345	24%
Reasonable accommodation	253	18%
Harassment	28	2%
Discriminatory advertising, stmts, notices	67	5%
Reasonable accommodation	48	3%
Intimidation	63	4%
Eviction	8	1%
Deny making housing available	12	1%
Sexual harassment	11	1%
Discriminatory financing	37	2%
Steering	12	1%
Other issue	10	1%
Testing	1	0%
Senior housing exemption	3	0%
Refusal to sell	5	0%

*Source: Washington State Human Rights Commission*

### **Types of Case Closures**

The majority of the WSHRC complaints received are resolved and closed by the involved parties before investigations are completed. For the 2007-2013 reporting period, of the 208 complaint investigations that the WSHRC initiated, 178 (86 percent) were settled and closed before the investigation was completed. Additional resolutions included 21 complaints (10 percent) that were withdrawn and settled privately and nine complaints (4 percent) resolved after a completed investigation and an associated reasonable cause finding. Monetary settlements were associated with 196 (94 percent) of the complaints. Table 14 details the closure categories, and amount of penalties, for each of the six years in the reporting period.

**Table 14: Closure Types and Monetary Penalties for WSHRC Complaints, 2007-2013**

Year	Closure Type	Number	Amount	Private
2007	Pre-finding settlement	48	\$26,950	0
	Withdrawal settlement	6	\$2,300	2
	Successful conciliation	4	\$1,000	0
<b>Subtotal</b>		<b>58</b>	<b>\$30,250</b>	<b>2</b>
2008	Pre-finding settlement	39	\$21,689	0
	Withdrawal settlement	3	\$5,000	1
	Successful conciliation	3	\$6,000	0
<b>Subtotal</b>		<b>45</b>	<b>\$32,689</b>	<b>1</b>
2009	Pre-finding settlement	21	\$10,438	0
	Withdrawal settlement	3	\$0	1
	Successful conciliation	1	\$7,112	0
<b>Subtotal</b>		<b>25</b>	<b>\$17,550</b>	<b>1</b>
2010	Pre-finding settlement	23	\$61,816	0
	Withdrawal settlement	1	\$0	1
	Successful conciliation	0	\$0	0
<b>Subtotal</b>		<b>24</b>	<b>\$61,816</b>	<b>1</b>
2011	Pre-finding settlement	23	\$22,557	0
	Withdrawal settlement	3	\$0	3
	Successful conciliation	0	\$0	0
<b>Subtotal</b>		<b>26</b>	<b>\$22,557</b>	<b>3</b>
2012	Pre-finding settlement	15	\$11,400	0
	Withdrawal settlement	2	\$0	0
	Successful conciliation	1	\$15,000	0
<b>Subtotal</b>		<b>18</b>	<b>\$26,400</b>	
2013	Pre-finding settlement	9	\$7,927	0
	Withdrawal settlement	3	\$0	3
	Successful conciliation	0	\$0	0
<b>Subtotal</b>		<b>12</b>	<b>\$7,927</b>	<b>3</b>
<b>TOTALS</b>	<b>Cases closed</b>	<b>208</b>		<b>22</b>
	Pre-finding settlements	178		
	Withdrawal settlement	21		
	Successful conciliation	9		
	<b>Monetary settlements</b>	<b>196</b>	<b>\$199,189</b>	

Source: Washington State Human Rights Commission

## Summary Findings of Local Fair Housing Complaint Data

### Seattle Office for Civil Rights

Seattle’s fair housing ordinance provides the broadest fair housing protections in the state and includes several protected classes that are not covered under federal law (Section 8 housing recipients, marital status, and sexual orientation/gender identity). In addition, the ordinance covers more types of housing transactions than federal regulations. As a result, not all complaints filed under Seattle’s Open Housing ordinance are subject to federal jurisdiction.

On average, the Seattle Office of Civil Rights investigated and closed an average of 80 cases a year between 2007 and 2013, for a total of 556 cases over a seven-year period. The Office of Civil Rights complaint tracking includes over 40 different combinations of protected classes that filed complaints. For example, people may file one complaint that includes discrimination on the basis of disability, national origin, and race.

**Table 15: Instances of Bases in Complaints Filed with Seattle, 2007-2013**

By Complaint Basis	Total	Percent
Disability	211	32%
Race	103	16%
Not listed	74	11%
Use of a Section 8 certificate	46	7%
Retaliation	45	7%
Parental status / familial status / marital status	40	6%
National origin	39	6%
Sex	28	4%
Sexual orientation	21	3%
Religion	16	2%
Age	15	2%
Color	8	1%
Gender identity	5	1%
Political ideology	2	0%
Military status: veteran	2	0%
Use of a Service Animal	1	0%

*Source: Seattle Office of Civil Rights*

Complaints that focused on or included discrimination based on disability constituted the largest category – 211, or 32 percent of the total complaints.

The second largest category of complaints reported involves protected classes that are not covered by Washington State or federal regulations. These are complaints relating to Section 8 assistance (46), age (15), and political ideology (2). Together, these three categories account for 63 of the complaints, or just under 10 percent of the total.

Of the 561 complaint cases reported as closed, about half of them (293 or fifty-two percent) were found to have no reasonable cause. The second largest category is cases settled prior to court proceedings. These cases totaled 126 or twenty-two percent of the total cases during this reporting period. Other cases were found to have a reasonable cause (14), were administratively closed (91) or were referred to other entities (36).

### King County Office of Civil Rights

King County has the largest population in Washington State and includes Seattle and several other major cities. However, the county’s ordinance applies only to unincorporated areas of the county. Alleged complaints regarding fair housing discrimination within King County’s municipalities, other than Seattle and Bellevue, are addressed through Washington State’s fair housing law. Because King County’s ordinance includes several protected classes and housing transactions that are not covered by state or federal regulations, some complaints filed under the county’s fair housing ordinance are not subject to federal jurisdiction.

Between January 2007 and December 2013, the King County Office of Civil Rights (KCOCR) investigated 61 complaints of housing discrimination and associated violations of King County’s fair housing ordinance. As coded by the King County Office of Civil Rights, the 61 complaints covered 24 different protected classes that alleged fair housing discrimination.

**Table 16: Instances of Bases in Complaints Filed with King County, 2007-2013**

By Complaint Basis	Total	Percent
Disability	38	62%
Race	21	36%
Use of a Section 8 certificate	6	10%

*Source: King County Office of Civil Rights*

Over half of the cases (62 percent) were complaints regarding disability. Of the disability cases, 29 were solely disability and an additional nine cases involved disability and other protected classes (for example, disability and race, or disability and religion). The prevalence of disability

cases is a shift from the prior reporting period (1997-2006) when they represented 10 percent of the total complaint cases.<sup>14</sup>

The second largest category related to fair housing complaints alleging discrimination on the basis of race or race in combination with other protected classes. These complaints include one case focused only on race and 21 that included race in addition to other protected classes. Together, they account for 36 percent of the reported cases.

For the prior reporting period complaints regarding Section 8 housing assistance were determined to account for 30 percent of all complaints filed.<sup>15</sup> For the current reporting period, there were six complaints, or 10 percent, relating to Section 8 housing assistance.

Of the 71 cases reported as closed, 26, or 37 percent had a pre-finding settlement. This means the parties reached a settlement prior to court proceedings. The second highest category of cases were those with no cause findings. These account for 34 percent or 24 of the cases that were closed. The remaining case includes six that had a reasonable cause finding, six that were withdrawn, and nine that remained under investigation.

### City of Tacoma Human Rights and Human Services Department

From July 2008 through June 2013, the City of Tacoma Human Rights and Services Department investigated 189 complaints regarding fair housing discrimination. Similar to Seattle and King County, Tacoma’s fair housing ordinance includes several protected classes that are not covered by federal regulations. As a result, not all complaints filed in Tacoma are subject to federal jurisdiction.

**Table 17: Instances of Bases in Complaints Filed with Tacoma, 2008-2013**

By Complaint Basis	Total	Percent
Disability	101	55%
Race	41	23%
Sex	21	12%
National origin	10	5%
Family / marital status	9	5%

*Source: Tacoma Human Rights and Human Services Department*

<sup>14</sup> State of Washington Analysis of Impediments to Fair Housing Choice. Prepared by the Fair Housing Center of Washington. October 31, 2007. Page 23.

<sup>15</sup> State of Washington Analysis of Impediments to Fair Housing Choice. Prepared by the Fair Housing Center of Washington. October 31, 2007. Page 23

Of the 161 complaints filed, 101 (55 percent) of them involved disability. The second highest category of complaints filed was related to race (23 percent). They included 10 complaints that were solely on the basis of race and 31 complaints that include race along with other protected classes. Tacoma's ordinance does not address fair housing discrimination towards people receiving Section 8 assistance. Therefore, unlike Seattle and King County, there were no complaints relating to Section 8.

Following disability and race, which account for 88 percent of the complaints, the next largest category of complaints related to discrimination on the basis of a person's sex. These complaints totaled 21, or 12 percent of the complaints filed. Eight complaints were solely on the basis of sex and 13 were on the basis of sex in addition to other protected classes.

Of the 102 cases reported as closed, 67 (66 percent) of them were investigated and found to have no reasonable cause. The next highest category includes cases that settled prior to court proceedings. These cases totaled 23 (23 percent) of the total. The remaining cases include five found to have reasonable cause and seven closed administratively.

### **Issues of Note Raised by Local Fair Housing Complaint Data**

Sexual orientation complaints represent 15 percent of non-federal fair housing complaints investigated in Seattle and unincorporated King County. Because the addition of sexual orientation as a protected class state law is so recent, insufficient data has been generated to measure the frequency of such complaints. However, the proportion of sexual orientation and gender identity complaints investigated in Seattle and King County may serve as an indication of future complaint volume for the WSHRC.

Over the years, various bills have been introduced in the Washington State Legislature seeking to add fair housing protections for recipients of Section 8 housing assistance. Complaints of discrimination on the basis of Section 8 comprised more than 43 percent of local fair housing cases investigated in Seattle and unincorporated King County. The proportion of Section 8 complaints investigated by Seattle and King County's civil rights agencies may serve as an indication of future complaint volume for the WSHRC in the event Washington State law is amended to include source of income as a protected class.

### **Summary Findings of Nonprofit Fair Housing Complaint Data**

#### **Fair Housing Center of Washington**

The Fair Housing Center of Washington plays a role in promoting and enforcing fair housing through its community education programs, complaint investigation and advocacy and its information and referral system. During the reporting period for this AI, the Fair Housing Center accomplished the following:

- Conducted 420 complaint-based tests.
- Conducted 220 audit based tests, for both rental and sales, based on race, disability, and national origin.
- Responded to 5,444 office, phone and email inquiries from residents of western and central Washington seeking information about housing issues, including complaints alleging discrimination in housing transactions. Of these, 3,816 of those were fair housing related.
- Assisted 441 persons with disabilities to submit reasonable accommodation requests to allow them to obtain reasonable accommodations or modifications.
- Filed 158 complaints on behalf of households filing formal discrimination complaints with administrative enforcement agencies.
- Helped complainants receive nearly \$11,400 in monetary relief through the administrative enforcement process.

### **Northwest Fair Housing Alliance**

The Northwest Fair Housing Alliance (NWFHA), located in Spokane, assists people in Eastern and Central Washington who have been discriminated against in housing because of race, color, national origin, disability, familial status (presence of children), marital status, religion, gender (sexual harassment or domestic violence may qualify), or sexual orientation with the investigation and filing of fair housing complaints with HUD and WSHRC. Their mission statement indicates the Alliance's goal is to eliminate housing discrimination and to ensure equal housing opportunity for people in Washington through education, counseling and advocacy.

Over the six-year period from 2008-2013, the Alliance responded to a total of 8,490 inquiries, investigated 1,223 complaints, helped file 126 complaints, and assisted 710 people with disabilities obtain reasonable housing accommodations.

On average, each year the Alliance helps over a thousand people access information regarding fair housing, completes and investigates an average of 200 complaints, files 21 complaints, and negotiates reasonable accommodations for 120 people with disabilities. These complaint-related activities are in addition to their testing, education, and outreach work.

**Table 18: Summary of Northwest Fair Housing Complaint Assistance Activities**

Action <sup>16</sup>	2008	2009	2010	2011	2012	2013	Total
Responded to inquiries	1,497	1,502	1,934	1,166	1,150	1,241	8,490
Completed intake and investigated complaints	205	152	214	246	202	204	1,223
Negotiated reasonable accomm. for persons with disabilities	102	91	92	92	165 of 183 Requested	177 of 184 Requested	719
Complaints filed	10	12	27	29	20	28	126

Source: Northwest Fair Housing Alliance

### Litigation and Judicial Enforcement

Cases related to fair housing choice and accessibility are heard at multiple levels of the court system. Listed below is a summary of some of the key cases impacting Washington renters and home buyers:

- The National Mortgage Settlement has impacted mortgages and housing in Washington. The Consumer Financial Protection Bureau (CFPB), together with state attorneys general in 49 states and the District of Columbia, reached a settlement in 2014 requiring SunTrust Mortgage, Inc., to provide \$500 million in various forms of relief to certain borrowers. SunTrust must also refund \$40 million to approximately 48,000 SunTrust borrowers who were foreclosed upon between January 1, 2008 and December 31, 2013.
- *United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County* establishes that a private litigant, by way of the federal False Claims Act can enforce the Fair Housing Act’s provision requiring federal funding recipients to affirmatively further fair housing.
- *Fair Housing Council of San Fernando Valley v. Roommate.com* held that the Fair Housing Act does not apply to shared dwelling units and thus does not prohibit discrimination in the selection of roommates.
- *Cabrera v. Alvarez* found that a public housing agency may violate Fair Housing Act by failing to provide language access services for Spanish-speaking tenant.

<sup>16</sup> Actions and associated data are from data provided by the Northwest Fair Housing Alliance to HUD for the reporting periods and grants listed above. These data include only activities related to complaints and are not representatives of all actions completed pursuant to each grant.

- *Fielder v. Sterling Park Homeowners Assn.* held that selective enforcement of homeowners' association rules against an in-home daycare operator violated Fair Housing Act, Washington Law Against Discrimination, and 42 U.S.C § 1981.
- *Tafoya v. Human Rights Commission* established that sexual harassment of tenant by landlord can be a form of housing discrimination cognizable under Washington Law Against Discrimination, and sexually explicit remarks by which the harassment is carried out are not a form of protected speech.
- *Iniestra v. Cliff Warren Investments, Inc.* found that a landlord violates the Fair Housing Act if it imposes rules that unreasonably interfere with children's activities (familial status discrimination).
- In *Boykin v. Gray* the court declined to recognize a Fair Housing Act claim based on "segregative effect" where the protected class in question was people with disabilities, finding that claim was intended to benefit racial minorities.
- *Hundtofte v. Encarnacion* held that Article I, Section 10 of the Washington State Constitution prevents a court from sealing or redacting court records showing that a person was sued for unlawful detainer, even if the tenant had done nothing wrong and the case was wrongfully brought. This case has a significant fair housing impact because Washington landlords commonly reject applicants who have been sued for eviction, regardless of the circumstances or case outcomes. Social science research has shown that eviction defendants are disproportionately women, people of color, and families with children.
- *City of Los Angeles v. Citigroup Inc.* found that allegations that lender targeted minority borrowers for risky, high-cost loans, to be proven with statistical evidence, established potential Fair Housing Act violation.
- In *Keller v. City of Fremont*, the court rejected a Fair Housing challenge to a city ordinance, finding the plaintiffs did not admit adequate evidence to show the disparate impact on Latinos. The ruling found that a city ordinance that required prospective tenants to obtain occupancy license disclosing their citizenship and immigration status, and for police department to verify that information with federal authorities, was not preempted by federal immigration law.
- *Texas Dept. of Housing & Community Affairs v. Inclusive Communities Project, Inc.* is a pending case in which the US Supreme Court is expected to decide whether the Fair Housing Act recognizes a cause of action for disparate impact, or whether a showing of intentional discrimination is required.
- *Mt. Holly Gardens Citizens in Action, Inc., v. Township of Mt. Holly* held that a local government body violated the Fair Housing Act when it approved a neighborhood redevelopment plan that would result in a significantly lower percentage of minority residents living in the completed neighborhood than there were at the start. Critically,

other development plans were possible that would have had less of a discriminatory effect.

- *American Insurance Assn. v. HUD* declared HUD's discriminatory effects rule unconstitutional.
- *Danny v. Laidlaw Transit Services, Inc.* established that Washington has a clear public policy of protecting victims of domestic violence and holding abusers accountable; this supports a common law discrimination claim for wrongful discharge from employment. It may have application in the housing discrimination realm as well, even though RCW 59.18.580 provides statutory protection for domestic violence survivors against housing discrimination.

# Identification of Impediments to Fair Housing Choice

## Fair Housing Testing

Testing as a means to uncover evidence of race discrimination in rental housing was first approved by the U.S. Supreme Court in 1982. Since passage of the Fair Housing Amendments Act in 1988, testing programs have expanded to include tests for both national origin and disability discrimination.

In most cases involving allegations of race or national origin discrimination, testing begins when a prospective renter or homebuyer complains to a private fair housing advocacy organization that he or she had been treated unfairly. Complaints are usually filed after the individual is actually denied an apartment or home, although individuals might not wait for a formal rejection; instead, many individuals file complaints based solely on the way they were treated during the application process.

In order to determine if race or national origin discrimination played a part in the applicant's rejection or in the treatment the individual received, the advocacy group will send a comparable white or non-Hispanic person to inquire about renting a unit at the same complex. Testers are usually individuals from the local community who have been specifically trained to conduct fair housing tests. Many are civic-minded volunteers, although most are paid on a per-test basis.

Being "comparable" means that the testers are, to the extent possible, matched with the complainant on their background, employment, rental and even educational characteristics, differing only in their racial or ethnic background. In almost all cases, this means that testers may have to lie on the rental application and in any face to face meetings with agents about these characteristics. The U.S. Supreme Court justified lying in this context as a powerful means to uncover housing discrimination.

Testers report to HUD what transpired during the test, such as the nature of the assistance given, the number, type, and location of units shown, and the terms and conditions offered. Then HUD makes a determination whether or not discrimination occurred.

Testing for disability discrimination has become especially common and often is not complaint-driven. Instead, private fair housing organizations may send testers to apartment communities to gauge their compliance with federal and state design and construction requirements before anyone has actually complained to them that a particular complex's architectural features violate the law's accessibility requirements.

**Table 19: Testing in Western and Central Washington State, 2006-2014**

Year	Type	Protected Class	Number of Tests
<b>Seattle Office for Civil Rights</b>			
2011	Rental	Race and Disability	60
2014	Rental	Race (Black), National Origin, Gender Identity and Sexual Orientation and Disability	127
<b>King County Office for Civil Rights</b>			
2009/2010	Rental	Race, National Origin, Familial Status, Disability, Section 8	24
<b>Washington State Human Rights Commission</b>			
2013	Rental	National Origin, Race, Disability in Puget Sound Regional Council area along transit lines.	90
<b>Private Contracts</b>			
2013	Rental/Sales	National Housing Discrimination Study-Black, Hispanic, Asian	270
<b>Fair Housing Center of Washington</b>			
2006-2007	Rental	Race (Black) and National Origin (Hispanic) Kitsap County	30
2006-2007	Rental	Race (Black) Pierce County	22
2008-2009	Rental	Disability, Race (Black), National Origin Thurston and Mason Counties	30
2010	Rental	Race and National Origin (Black) San Juan and Island Counties	20
2011	Rental	Disability testing for Cowlitz and Western Counties	40
2012	Rental	Race (Black) and National Origin (Hispanic) East King County	20
2013	Rental	Disability testing for Kitsap County	30
2014	Rental	Disability testing for Skagit County	18

*Source: The Fair Housing Center of Washington*

Audits of fair housing testing reveal that minority races, foreign-born residents, and disabled people seeking housing had a 60-percent chance of being treated differently when looking for housing. Among protected classes, racial and ethnic minorities were most likely to be treated differentially when seeking housing. Though it is not a protected class in most jurisdictions, discrimination due to source of income (Section 8) may have restricted housing for many of the region’s most vulnerable people.

Of the testing conducted by the Fair Housing Center, the results consistently showed differences in treatment based on protected classes. For instance, the Center completed 90

audit-based tests along regional transit lines in Snohomish, King, and Pierce counties under contract for the WSHRC. The audit included 28 tests based on disability, 33 tests based on national origin, and 29 race-based tests. Overall, 60 percent of the 90 tests showed differences in treatment. More than two-thirds – 69 percent – of the tests showed differences in treatment based on race. Seventy percent showed differences based on national origin, and 39 percent revealed discrimination based on disability.

These findings match national research conducted by HUD. The 2012 report *Housing Discrimination Against Racial and Ethnic Minorities 2012* found that African Americans, Hispanics and Asians learn about fewer housing options than equally qualified whites. Real estate agents and rental housing providers recommend and show fewer available homes and apartments to minority families, thereby increasing their costs and restricting their housing options. The study concludes this is a national, not a regional, phenomenon. Some of the key findings from that report were:

- Black renters who contact agents about recently advertised housing units learn about 11 percent fewer available units and are shown roughly 4 percent fewer units.
- Black homebuyers who contact agents about recently advertised homes for sale learn about 17 percent fewer available homes and are shown about 18 percent fewer units.
- Asian renters who contact agents about recently advertised housing units learn about 10 percent fewer available units and are shown nearly 7 percent fewer units.
- Asian homebuyers who contact agents about recently advertised homes for sale learn about 15 percent fewer available homes and are shown nearly 19 percent fewer units.
- Hispanic renters who contact agents about recently advertised housing units learn about 12 percent fewer available units and are shown roughly 7 percent fewer units.

# Impediments to Fair Housing Choice in Housing Finance

## **Mortgage Loan Denial Rates**

The Home Mortgage Disclosure Act of 1975 (HMDA) requires most mortgage lending institutions with offices in metropolitan areas to disclose detailed information about their home-lending activity each year. The HMDA data includes information about each application for mortgage credit; the type, purpose, and characteristics of each home mortgage that lenders originate or purchase during the calendar year; the census-tract designations of the properties related to those loans; loan pricing information; personal demographic and other information about loan applicants, including their race or ethnicity and income.

HMDA was enacted to allow the public and government jurisdictions to assess whether financial institutions are serving the housing needs of their local communities and treating borrowers and loan applicants fairly. It further provides information to facilitate the efforts of public entities to distribute funds to local communities for the purpose of attracting private investment, and help households decide where they may want to deposit their savings.

## **Banking and Lending Regulatory Structure**

Banks are regulated by one of four federal agencies responsible for ensuring compliance with the fair lending provisions of the Fair Housing Act, the Equal Credit Opportunity Act, and the Community Reinvestment Act. The four agencies include:

- Federal Deposit Insurance Corporation (FDIC)
- Office of Thrift Supervision (OTS)
- Office of Comptroller of the Currency (OCC)
- Federal Reserve System (FRB)

These regulators monitor lenders to determine disparity in loans to members of protected classes and suspected violations are referred to HUD for investigation.

## **Home Mortgage Lending Trends**

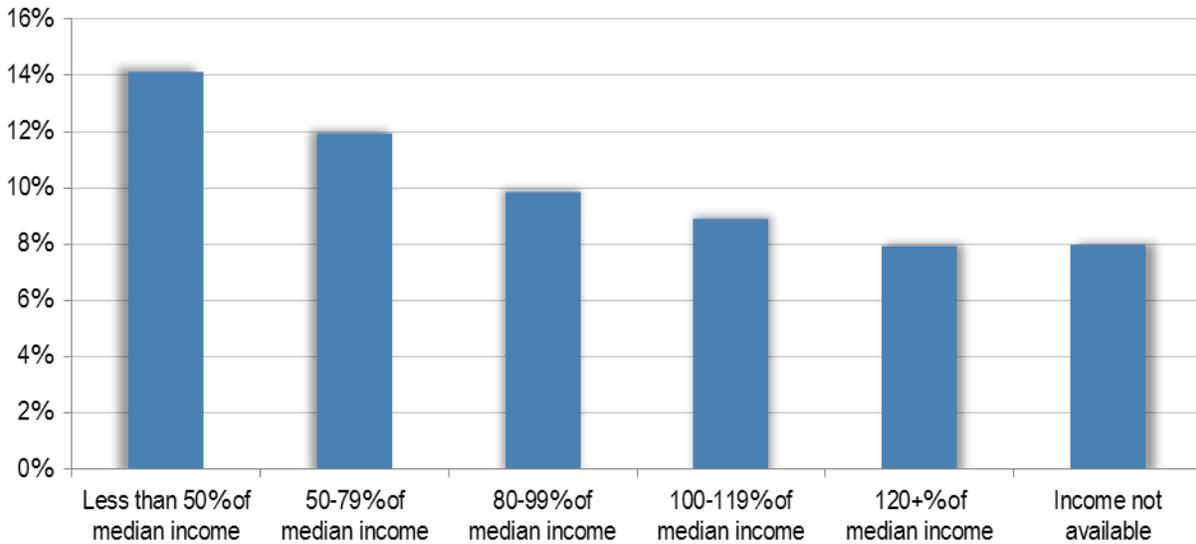
Nationally, African American borrowers' share of home-purchase loans (conventional and nonconventional loans combined) was 4.8 percent in 2013, down from 5.1 percent in 2012 and from 8.7 percent in 2006. In contrast, the amount of home-purchase loans obtained by white borrowers was 70.2 percent in 2013, up slightly over 2012.

In Washington State, Black and Hispanic borrowers are much more likely to use nonconventional loans than conventional loans compared with other racial and ethnic groups. In 2013, almost 71 percent of black home-purchase borrowers and 63 percent of Hispanic borrowers took out a nonconventional loan, compared with about 35 percent of white home-purchase borrowers and just 16 percent of Asian borrowers.

Further, nearly half of borrowers in low-income census tracts used nonconventional loans, compared with about one-fourth of high-income borrowers and 28 percent of borrowers in high-income neighborhoods, according to data from the Federal Reserve.

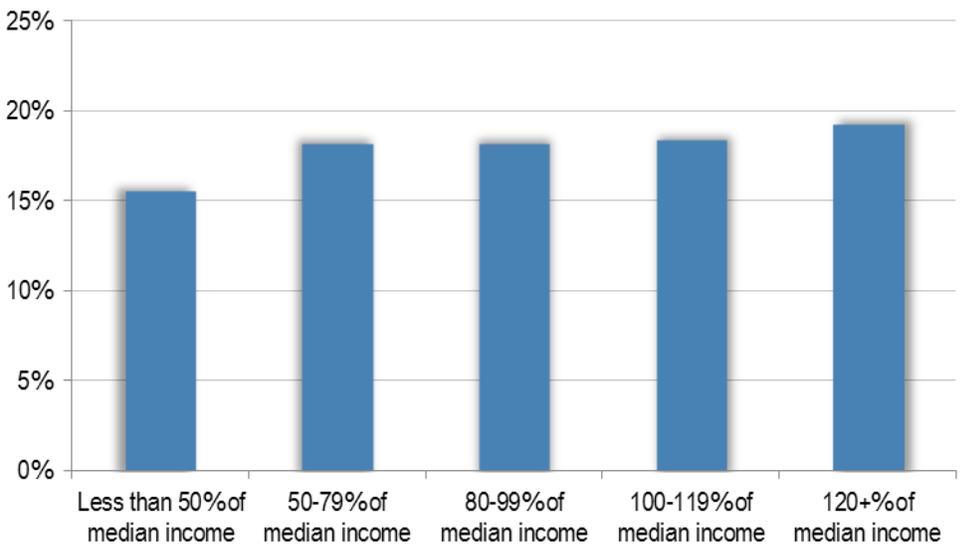
This table refers to the income of the borrower compared to the median income of the metropolitan statistical area (MSA) of the borrower.

Figure 1: Denial Rates for Conventional Loans Across Income Categories, 2010 through 2013



Greater reliance on nonconventional loans may reflect the relatively low down-payment requirements of the FHA and VA lending programs, which serve the needs of borrowers who have few assets to meet down-payment and closing-cost requirements. But it may also be true that lenders encourage certain borrowers, and not others, toward government-backed loans.

Figure 2: Denial Rates for Government-Backed Loans Across Income Categories, 2010- 2013



As in past years, black, Hispanic, and "other minority" borrowers had higher denial rates in 2013 than whites and Asian borrowers in Washington. The denial rates for conventional home-purchase loans were nearly 50 percent for blacks, 22 percent for Hispanic whites, 23 percent for other minorities, 14 percent for Asians, and 11 percent for non-Hispanic whites.

Figure 3: Denial Rates for Conventional Loans, 2010- 2013

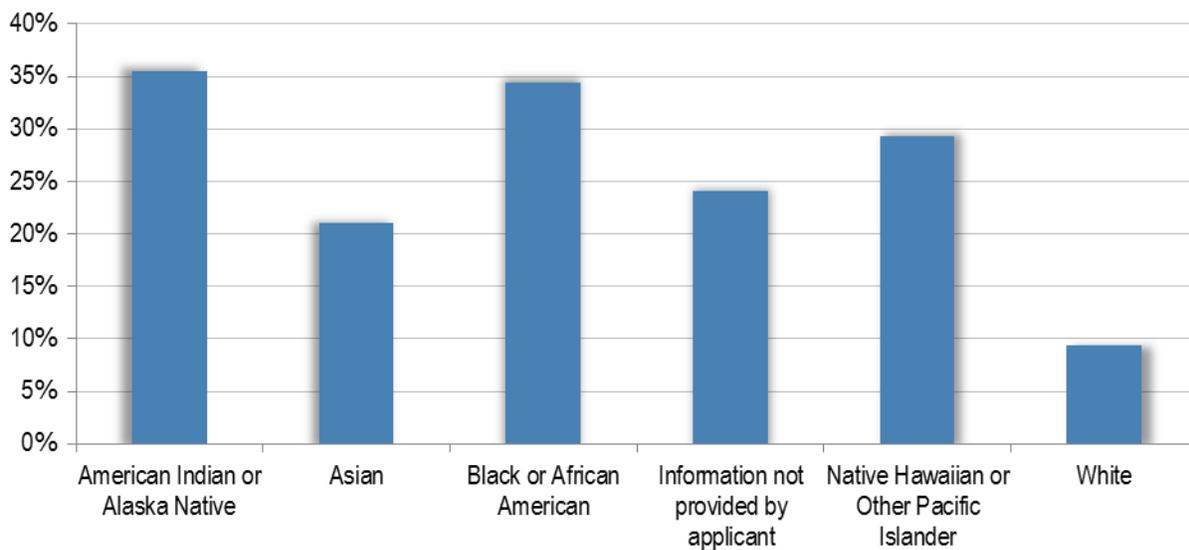
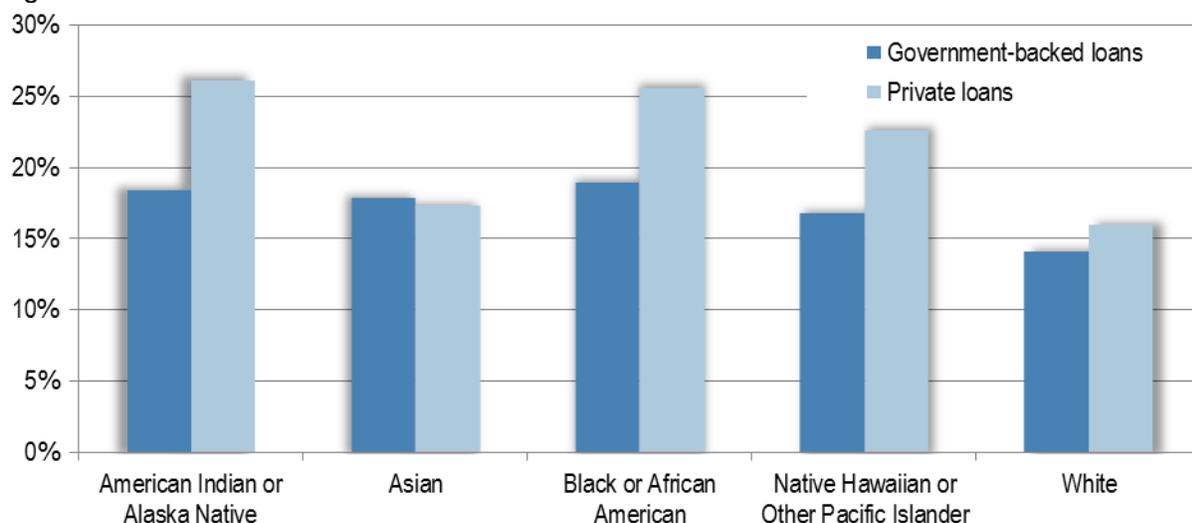


Figure 4: Denial Rates for Government and Private Loans, 2010- 2013



National data indicates that denial reasons vary across racial and ethnic groups to some degree. For example, among denied home-purchase loan applications in 2013, credit history was cited as a denial reason for 30 percent of black applicants, 21 percent of Hispanic applicants, 23 percent of non-Hispanic applicants, and just 13 percent of Asian applicants. The debt-to-income ratio was cited most often as a denial reason for Asian home-purchase applicants at 27 percent, compared with 21 percent for non-Hispanic applicants at the lower end. Finally, collateral was cited most often as a denial reason on home-purchase applications for non-Hispanic at 15 percent, compared with 10 percent for black applicants.

Lenders can, but are not required to, report up to three reasons for denying a mortgage application, selecting from nine potential denial reasons. Among denied first-lien applications for one- to four-family, owner-occupied, site-built properties in 2013, 79 percent of home-purchase applications and about 77 percent of refinance applications had at least one reported denial reason. The most frequently cited denial reason for both home-purchase and refinance loans was the applicant's credit history. For home-purchase applications, the second-most-cited denial reason was the debt-to-income ratio, while, for refinance applications, the second-most-cited denial reason was collateral. For both home-purchase and refinance applications, collateral is more likely to be cited as a denial reason on conventional than nonconventional applications.

### Predatory Lending

Some lenders, often referred to as predatory lenders, saddle borrowers with loans that come with outrageous terms and conditions, often through deception. Elderly women and minorities frequently report that they have been targeted, or preyed upon, by these lenders. The typical predatory loan is in excess of those available to similarly situated borrowers from other lenders elsewhere in the lending market. These loans are not justified by the creditworthiness of the borrower, and are typically secured by the borrower's home. According to national data from

HUD, in 2013, black and Hispanic borrowers had the highest incidences of higher-priced loans within both the conventional and nonconventional loan types.

The Washington State Department of Financial Institutions lists some of the common types of predatory lending practices used in the state:

- **Equity stripping:** The lender makes a loan based upon the equity in the borrower's home, whether or not he or she can make the payments. If the borrower cannot make payments, they could lose their home through foreclosure.
- **Bait-and-switch schemes:** The lender may promise one type of loan or interest rate but, without good reason, gives the borrower a different one. Sometimes a higher (and unaffordable) interest rate doesn't kick in until months after the borrower has begun to pay on the loan.
- **Loan flipping:** A lender refinances the loan with a new long-term, high-cost loan. Each time the lender "flips" the existing loan, the borrower must pay points and assorted fees.
- **Packing:** The borrower receives a loan that contains charges for services he or she did not request or need. "Packing" most often involves making the borrower believe that credit insurance must be purchased and financed into the loan in order to qualify.
- **Hidden Balloon Payments:** The borrower believes that he or she has applied for a low rate loan requiring low monthly payments, only to learn at closing that it is a short-term loan that will have to be refinanced within a few years.

### **Subprime Home Mortgages**

According to national research conducted by HUD, subprime loans continue to play a significant role in today's mortgage lending market, making homeownership possible for many families who have blemished credit histories or who otherwise fail to qualify for prime, conventional loans.

While the subprime mortgage market serves a legitimate role, these loans tend to cost more and sometimes have costlier terms than prime market loans. Additionally, subprime lenders are largely unregulated by the federal government. Data shows African American borrowers are much more likely than whites to get a subprime loan, and many of the borrowers who take out these loans could qualify for loans with better rates and terms.

In 2013, black and Hispanic borrowers had the highest incidences of higher-priced loans within both the conventional and nonconventional loan types.

## **Impediments to Fair Housing by Entitlement Jurisdictions**

### **CDBG Entitlement Communities in Washington State**

The CDBG entitlement jurisdictions in Washington include 28 cities: Anacortes, Auburn, Bellevue, Bellingham, Bremerton, East Wenatchee, Everett, Federal Way, Kennewick, Kent, Lakewood, Longview, Marysville, Mount Vernon, Olympia, Pasco, Redmond, Renton, Richland, Seattle, Shoreline, Spokane, Tacoma, Vancouver, Walla Walla, Wenatchee, Wenatchee, and Yakima. The counties of Clark, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston are CDBG entitlement county consortiums.

See Appendix B for a compilation of impediments reported by entitlement jurisdictions.

### **Other Impediments**

#### **Section 8 Vouchers/Source of Income**

All housing authorities in Washington administer the federal HUD Section 8 program that provides rental assistance for extremely low-income people. Some housing authorities also develop, own, and operate public housing units funded by HUD public housing funds. Some housing authorities also use HUD resources, other public and private resources (including their bonding capacity) to develop housing for low- and moderate-income people. They partner with for-profit or nonprofit entities in each of these approaches.

Research indicates that one of the primary barriers faced by individuals and families to fair housing choice is the need to supplement wages with other sources of income, such as TANF (Temporary Aid for Needy Families) and Section 8 vouchers.

The *Self-Sufficiency Standard for Washington State*, developed by the University of Washington School of Social Work and the Workforce Development Council of Seattle-King County, measures the amount of income required by individuals and families to adequately meet basic needs. The analysis compares the minimum wage with the costs of housing, childcare, food, transportation, health care, taxes, and miscellaneous expenses. The report defines wage adequacy as the degree to which a given wage is adequate to meet basic needs, taking into account the availability of various work supports (or lack thereof).

The amount needed to be economically self-sufficient varies considerably by geographic location across Washington. For instance, the amount needed to make ends meet for one adult and one preschooler varies from \$13.23 per hour (\$27,945 annually) in Pend Oreille County to \$26.68 per hour (\$56,343 annually) in King County, or from 178 percent of the Federal Poverty Level to 358 percent of the Federal Poverty Level.

The standard also varies by family type, such as how many adults and children are in a family and the age of each child. One adult living in Pierce County needs an hourly wage of \$11.06 (\$23,360 annually) to meet basic needs. For families with children, the amount needed to cover

basic needs increases considerably. If the adult has a preschooler and a school-age child, the amount necessary to be economically secure more than doubles, increasing to \$26.02 per hour (\$54,946 annually) in order to cover the cost of child care, a larger housing unit, and increased food and health care costs. For families with young children, the cost of housing and child care combined typically make up about 50 percent of the family's budget.

The Federal Poverty Level for three-person families (\$19,790 annually) is just 38 percent of the standard for one adult, one preschooler, and one school-age child in Thurston County (\$24.72 per hour and \$52,208 annually). A full-time worker earning the state minimum wage and living in Thurston County would be able to cover only 49 percent of her family's basic needs (with her take-home pay after accounting for taxes) if she had one preschooler and one school-age child.

Many of these families, therefore, depend on sources of income support, such as social security, child support, and Section 8 vouchers. This is particularly true for individuals and families who may be facing additional hurdles, such as fleeing domestic violence, having disabilities, or being veterans and seniors.

Today, 12 states (California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, and Wisconsin), plus the District of Columbia, have source of income protections in their fair housing laws. In 2014, New York Governor Andrew Cuomo announced a plan to include source of income housing protections in his state's fair housing law.

Seattle, Bellevue, Redmond and unincorporated King County have passed source of income protections. But it is still legal in the majority of Washington for landlords to deny applications based on the inclusion of the sources of income.

### **The Cost of Multiple Tenant Screening Reports**

The average renter will have to pay for three or more tenant screening reports when they are trying to find new housing. Seattle-based social service organization Solid Ground surveyed tenants and found they spent, on average, \$166 for repeat screening reports during a single housing search. These screening fees can become a significant moving cost, especially for families on limited incomes, already burdened with a deposit and first month's rent.

The high cost of tenant screening reports, especially when tenants have to pay for several reports, is a significant barrier to housing and renter mobility. These costs act as an impediment to housing choice, especially when applicants are competing for vacancies in tight rental markets. Tenant screening reports can therefore be a significant economic barrier for low-income renters in accessing a stable home.

## Impacts of Public Policies on Fair Housing Choice

Public policies and practices can impede or further equal housing opportunity in a community. Along with market forces, federal, state, and local policies influence the provision of affordable housing. Federal economic policies affect migration and employment in Washington, leading to cycles of local market demand. Federal finance policies such as FHA mortgage insurance requirements, the federally chartered secondary mortgage market and lending regulations also have significant effects on housing. Federal housing policies regarding reductions in direct housing subsidies and income transfer payments impact the ability of lower-income people to afford housing.

Federal policies are by their nature outside the reach of state of Washington actions. Therefore, this section focuses on state and local policies which may affect housing affordability, and summarizes key issues on a statewide basis.

### Group Homes

Despite judicial precedents protecting group home arrangements under the Fair Housing Act, local governments throughout the United States continue to struggle to balance group home needs with neighborhood opposition. The state of Washington defines group homes as:

*Adult family home means a regular family abode in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.<sup>17</sup>*

Group homes providing services for persons with disabilities or children are offered protection under federal and state fair housing laws. Municipal restrictions on group home placement in residential neighborhoods in response to "Not in My Back Yard," or NIMBY attitudes, can be construed as potential violations of fair housing laws when municipalities fail to balance neighborhood concerns with fair housing obligations.

There are nearly 2,800 adult family homes across the state. Each home is independently licensed and operated. An adult family home can serve between two and six residents. All adult family homes provide some essential services including assistance with activities of daily living, meals, laundry, and more. The level of care each home provides will vary. Some adult family homes are operated by nurses, or hire nurses or other appropriate licensed staff to support a resident's need. Others may specialize in the care of residents with dementia or Alzheimer's disease. All adult family homes are required to have a current assessment of the client and a plan of care reflecting not only the needs of the resident, but their preferences in how they would like to receive those services.

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<sup>17</sup> RCW 70.128.010.

The diversity of adult family homes across our state is reflected by the large range of services and residents they serve. These facilities are regulated by the state and visited at least every 15 months to ensure compliance with appropriate care standards. All AFH owners and their staff undergo significant training before being able to work directly with clients. Further, they must keep up with training and best practices in care by completing a minimum of 12 hours of continuing education per year.

The Department of Social and Health Services (DSHS) licenses adult family homes. The licensing process requires that applicants comply with the same local building codes, fire regulations, and zoning requirements that would apply to any single family residence. DSHS will not grant a license to an applicant until the local municipality has inspected the facility for compliance with relevant building and fire codes. State licensing requirements look at the capacity of the applicant to provide services to their residents.

The number of adult family homes has increased statewide by almost 500 since 2000. There is concern that some municipalities have received an over-concentration of adult family homes.

### **Zoning and Land Use Policies**

Zoning is a device of land-use regulation used by local governments that may regulate the uses to which land may be put, or it may regulate building height, lot coverage, and similar characteristics, or some combination of these. The Affordable Housing Advisory Board's *Housing Advisory Plan 2005-2010* concluded, "Zoning and building codes continue to be overly complicated, and in many instances they discourage the density necessary to accomplish growth management goals."

The Washington State Building Code consists of a series of national model codes and standards that have been adopted by Washington to regulate the construction of residential, commercial, and industrial buildings and structures. The state code is enforced by the counties and cities, but local jurisdictions have considerable discretion to adopt amendments to the state code and thus may, in effect, create their own, local building codes. Such local building codes must be consistent with the state code and impose standards that are at least as stringent as those required under the state code. Furthermore, locally adopted amendments to the state code must be reviewed and approved by the Washington State Building Code Council.

While little research has been done in Washington on the effect of building codes on affordable housing, one national study concluded that the cost impacts of building codes applied to only a fraction (less than 5 percent) of increased costs of producing housing, and that further research would be needed to determine the precise degree of the impact.

### **Affordable Housing Creation**

Public investments to increase the supply of affordable housing increase access to housing for those populations that experience barriers in the private market. The bulk of the state's

investments in affordable housing are made through the state's Housing Trust Fund and the federal Low Income Housing Tax Credit programs.

Commerce and the WSHFC provided data on units funded and/or in development. These sources include projects funded by the Housing Trust Fund, tax credits, bonds and other resources managed at the state and local level. An unduplicated total of 7,303 units under development as of December 31, 2013, included 7,066 reserved for low-income households.

Over half of these units (3,883) are in large projects (over 100 units each) funded through the 4 percent bond program. The size breakdown of units under development is roughly similar to the breakdown across the existing subsidized housing inventory.

The number of units set aside by income level also reflects program regulation and funder priorities. The data presented here include many developments involving set-asides at 50 percent and 60 percent of the area median income. Although data are not available to describe the volume or type of some HUD-funded construction projects, sharp reductions in funds available through these programs suggest that they will not create units at a pace consistent with prior years.

### **Washington State Housing Trust Fund**

Washington's Housing Trust Fund (HTF) was established in 1987 by RCW 43.185. Funded primarily by revenue from capital bonds, the HTF provides grants and loans to eligible organizations for the development and preservation of affordable housing units for low-income households. Funds can be used for new construction, acquisition, and rehabilitation of multi-family and single-family housing, as well as down payment and closing cost assistance for first-time home buyers.

HTF dollars support a wide range of projects serving a diverse array of low-income populations. Projects can serve people with incomes up to 80 percent of area median income, but the majority of projects funded to date serve households with special needs or incomes below 30 percent of area median income, including homeless families, seniors, farmworkers, and people with developmental disabilities. Special needs projects coordinate with state and local service providers to ensure clients receive appropriate housing and services. Projects are contractually required to remain affordable to the target population for at least 40 years.

Since 1989, the HTF has:

- Awarded almost \$1 billion in funding to help create or preserve nearly 40,000 units of affordable housing statewide.
- Helped tens of thousands of families in 38 of Washington's 39 counties.
- Leveraged more than \$4 billion in private and public sector support. HTF money is matched by other funds at a ratio of more than four to one.

## **Low Income Housing Tax Credit Program**

The Low Income Housing Tax Credit (LIHTC), administered by the Washington State Housing Finance Commission (WSHFC), is a dollar-for-dollar tax credit for affordable housing investments. It was created under the Tax Reform Act of 1986 to give incentives for the utilization of private equity in the development of affordable housing aimed at low-income households. LIHTC accounts for the majority (approximately 90 percent) of all affordable rental housing created in the United States today.

The LIHTC provides funding for the development costs of low-income housing by allowing an investor to take a federal tax credit equal to a percentage of the cost incurred for development of the low-income units in a rental housing project. Development capital is raised by "syndicating" the credit to an investor or group of investors.

The LIHTC program in Washington State has helped meet a critical affordable housing shortage by stimulating the production or rehabilitation of affordable homes since 1986. The LIHTC program necessitates public-private partnerships by leveraging private equity investment for the creation of affordable rental housing.

## **Local Government Investments**

Local governments play a key role in expanding housing choice within their communities. By making local funding available for capital and operating support, they are able to effectively leverage state, federal, and private funding for affordable housing projects that address their specific priorities and unmet needs. These resources include locally administered HOME and Community Development Block Grant funds, as well as other locally generated revenues dedicated specifically to affordable housing and homelessness activities, such as document recording fees and local housing levies.

## **Affordable Housing Preservation**

As federal subsidy contracts on affordable housing projects expire, the community risks losing affordable housing stock, resulting in vulnerable, low-income residents having to relocate. Efforts to preserve affordable housing stock increase housing choice and affirmatively further fair housing. Approximately 12,600 affordable housing units in the state are at risk of loss between 2014 and 2017. In the absence of resyndication or another form of intervention to preserve affordability, these units could be lost from Washington's inventory. A loss of these units would be equivalent to 10.7 percent of the current inventory affordable to households earning less than 80 percent of the area median income.

In addition to expanding the supply of affordable housing, the Housing Trust Fund and Low Income Housing Tax Credit programs also play a critical role in Washington's efforts to preserve existing units. The HTF authorizing statute (43.185 RCW) requires that priority be given to projects that preserve existing housing stock, whether privately or publicly owned. Under its

plan for allocating tax-credits to develop affordable housing, the WSHFC awards additional points to proposals that seek to preserve federally-assisted low-income housing that is at risk of being converted to market rate housing. Using tax credits, as well as its separate authority to issue tax-exempt bonds, the WSHFC's multiple initiatives have preserved over 5,000 units of affordable housing in Washington.

## **Washington State Housing Trust Fund**

Washington's Housing Trust Fund (HTF) was established in 1987 by RCW 43.185.030. The HTF, along with the Low Income Housing Tax Credit, are the state's key sources of public investment in affordable housing. Capital investments to create and preserve affordable housing units increase access to housing for those populations that experience barriers in the private market.

The HTF funds proposals for new construction, acquisition, and rehabilitation, in addition to rent or mortgage subsidies, down payments, or closing cost assistance for first-time home buyers. The HTF can also provide mortgage insurance matching funds, social services for housing residents with special needs, technical assistance, shelters for homeless individuals, and projects making housing more accessible for households with disabilities. Priorities for funding are developed by Commerce with the assistance of the Affordable Housing Advisory Board, consisting of 22 members primarily appointed by the Governor.

The HTF is funded by general revenue appropriated by the Legislature, private contributions, loan repayments, revenue from capital bonds, and revenue earned from the interest on earnest money in real estate transactions. Since 1987, the Housing Trust Fund has awarded almost \$1 billion in funding and helped build or maintain nearly 40,000 units of affordable housing statewide.

HTF dollars support a wide range of projects serving a diverse array of low-income populations. Projects can serve people with incomes up to 80 percent of area median income, but the majority of projects funded to date serve households with special needs or incomes below 30 percent of area median income, including homeless families, seniors, farmworkers, and people with developmental disabilities. Special needs projects coordinate with state and local service providers to ensure clients receive appropriate housing and services.

Since 1989, the HTF has:

- Helped tens of thousands of families by creating or preserving more than 35,000 homes in 38 of Washington's 39 counties.
- Leveraged more than \$3 billion in private and public sector support. HTF money is matched by other funds at a ratio of more than four to one.

## **County Housing Trust Funds in Washington State**

Washington State has specifically structured its housing trust funds to encourage and support affordable housing efforts at the county level. The State “Affordable Housing For All Account,” funded with document recording fees that now generate an estimated \$45 million annually, is used to support operating and maintenance costs. Sixty percent of the fees collected are utilized by counties, and the remaining 40 percent are remitted to Commerce, to provide housing and shelter for extremely low-income families.

Counties can allocate funds to projects serving very low-income households with incomes up to 50 percent of the area median; they are directed under HB 1359 to prioritize funding for housing activities that serve extremely low-income families. Counties can use these funds to support acquisition, construction, or rehabilitation of housing units, finance operating and maintenance expenses for affordable housing projects, provide rental assistance vouchers, and cover the operating costs of emergency shelters and licensed overnight youth shelters.

## **Low Income Housing Tax Credit Program**

The Low Income Housing Tax Credit (LIHTC) is a dollar-for-dollar tax credit for affordable housing investments. It was created under the Tax Reform Act of 1986 to give incentives for the utilization of private equity in the development of affordable housing aimed at low-income Americans. LIHTC accounts for the majority (approximately 90 percent) of all affordable rental housing created in the United States today.

Over the subsequent 20 years, it has become an extremely effective tool for developing affordable rental housing, but less efficient economically when compared to programmatic approaches. The LIHTC program has helped meet a critical affordable housing shortage by stimulating the production or rehabilitation of nearly 2.4 million affordable homes since 1986. Almost all new affordable multifamily construction from 2000 through the present has received a subsidy under the program.

The LIHTC provides funding for the development costs of low-income housing by allowing an investor to take a federal tax credit equal to a percentage of the cost incurred for development of the low-income units in a rental housing project. Development capital is raised by "syndicating" the credit to an investor or group of investors.

The program's structure as part of the tax code ensures that private investors bear the financial burden if properties are not successful. This pay-for-performance accountability has driven private sector discipline to the LIHTC program, resulting in a foreclosure rate of less than 0.1 percent, far less than that of comparable market-rate properties. As a permanent part of the tax code, the LIHTC program necessitates public-private partnerships, and has leveraged more than \$75 billion in private equity investment for the creation of affordable rental housing.

## State Bond Cap

To control the impact of tax-exempt issuances on federal revenue, the federal government establishes an annual “bond cap” – a ceiling for each state for tax-exempt private activity bonds. Commerce is responsible for allocating Washington’s annual bond cap authority.

Under state law, Washington initially allocates 32 percent of the total state bond cap for housing-related endeavors. The housing category includes mortgage revenue bonds, mortgage credit certificates, and exempt facility bonds for qualified residential rental projects. Under the Internal Revenue Code, 95 percent of mortgage revenue bond allocations must be used to finance residences for first-time homebuyers.

The 32 percent allocated in Washington for housing is further broken out, with 80 percent of this portion allocated to the WSHFC (25.6 percent of the total cap), and the remaining 20 percent to local housing authorities (6.4 percent of the total cap). The WSHFC’s allocation is divided between their Single Family Homeownership program and their Multifamily Rental Housing program. Local housing authority cap is solely used for multifamily rental projects. There are currently 37 local housing authorities in Washington.<sup>18</sup>

While an initial 32 percent of the state’s total bond cap is set aside for affordable housing during the early part of each calendar year, after July 1, the state’s statute allows unused cap to become available for any eligible category of project. Because other bond cap categories have used very little authority since the Great Recession, the majority of the state’s bond cap has ultimately been used to support housing projects. Over the past five years, more than 95 percent of the total bond cap used has been for housing projects.<sup>19</sup>

In 2012 and 2013, bonds issued under the bond cap allocation helped create over 5,191 units of low-income, senior, and special needs housing statewide.<sup>20</sup> In 2014, affordable housing began to recover from the recession, and the WSHFC and local housing authorities created or rehabilitated 4,498 units of housing using bond cap allocations as a portion of the financing.

During 2012-2013, the Housing Finance Commission assisted first-time homebuyers with \$40 million in mortgage revenue bonds, and \$360 million in mortgage revenue certificates. In 2014, first-time homebuyer assistance increased to \$74 million in mortgage revenue bonds and \$480 million in mortgage credit certificates.

The decision of the State of Washington to encourage the development of low-income housing through its bond allocation policies (and establishment of a Housing Trust Fund) merits recognition. While affordable housing and fair housing are distinct concepts, protected classes, like persons with disabilities, are disproportionately and simultaneously impacted by

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<sup>18</sup> Association of Washington Housing Authorities, <http://www.awha.org/contact.html>

<sup>19</sup> Washington State Department of Commerce, *2014 Bond Cap Allocation Biennial Report*, February 2014, <http://www.commerce.wa.gov/Documents/00-Commerce-Bond-Cap-2014-2.pdf>

<sup>20</sup> *ibid*

discrimination and the lack of affordable housing. Public policies that increase the supply of affordable housing also indirectly serve to facilitate fair housing choice for protected classes.

### **Why Cap Is Critical for Housing Projects**

Affordable housing projects, by definition, are not market rate housing, and therefore typically do not qualify for conventional financing. Housing projects that serve the neediest citizens have the most difficulty putting together viable financing packages. In order to be feasible, an affordable housing project must include financing from several low-cost sources, typically including local support, contractor concessions, developer funds, and other public funding including Housing Trust Fund, Low Income Housing Tax Credits (LIHTC), and a bond cap allocation.

LIHTCs are particularly critical, since they leverage private investment in the project, making the most of scarce public funds. In order to qualify for four percent tax credits, at least 50 percent of the financing for the project must come from a tax-exempt—bond cap—bond issuance, under federal HUD rules. Project viability depends on an allocation of bond cap authority. Affordable housing projects cannot go forward without bond cap authority.

### **Housing Finance Policy Issues**

Thirty-six percent (936,260) of Washington’s households are cost-burdened. More than 390,000 households (15.2 percent) are severely cost-burdened. In fact, the proportion of the lowest-earning households (earning less than 30 percent of the state’s median family income) that are severely cost-burdened is greater than those who can reasonably afford their housing.

In general, homeowners fare better than renters. Data from the American Community Survey as of 2013 indicated that the median selected monthly owner costs of housing units with a mortgage was \$1,768, a decrease from \$1,882 in 2007-09. Owner costs include mortgages, real estate taxes, various insurances, utilities, fuels, mobile home costs and condominium fees. The median selected monthly owner costs for housing units without a mortgage were \$495, a decrease from \$501 in 2007–09. Close to 29 percent of homeowners with a mortgage spent 35 percent or more of their household incomes on selected monthly owner costs a decrease from 30.3 percent in 2007-09.

The median gross rent was \$953, an increase from \$939 in 2007-09. In addition, 41.3 percent of renters spent 35 percent or more of their household incomes on gross rent, an increase from 38.7 percent in 2007–09.

There are housing affordability problems in every county in Washington, but the size and nature of the problem varies by region due to differences in housing costs and incomes. For example, in Pierce County a four-person household needs an income of \$54,160 (75.5 percent of the local median family income) to afford to rent a three-bedroom apartment. That same apartment in Benton County would be affordable to a household earning \$40,600 (60.8 percent of the local median family income).

Washington's above-average economic and job growth is forecasted to continue, resulting in continued population increases. Most of that growth will be driven by low-income households.

The number of housing units priced for low-income households is forecasted to grow at a similar but at a slightly faster rate than the number of low-income households. If these forecasts are applied to the current affordable housing gap, Washington will have a gap of 43 affordable and available housing units per 100 extremely low- and very low-income households in 2019. This represents a slight decrease from the 2012 gap of 49 units per 100 households.

If the current status quo in Washington remains unchanged, it will take at least 30 years for the gap in affordable and available housing to close. Policy strategies that can help to alleviate this gap sooner include:

- Targeting subsidized rental housing to individuals and families at the lowest income levels, and increasing the availability of operating subsidies for housing developments when low rents cannot adequately cover ongoing operational costs.
- Maintaining, and increasing if possible, the availability of Section 8 housing vouchers.
- Developing and advancing strategies to preserve privately owned affordable housing at risk, including housing with expiring rental subsidies and older buildings with subsidized mortgages that have come to term.

# Fair Housing Resources

## Washington State Fair Housing Resources

### Washington State Human Rights Commission

The WSHRC, founded in 1949, enforces Washington’s Law Against Discrimination (WLAD). The WSHRC is a federally-certified Fair Housing Assistance Program (FHAP) agency that investigates HUD Fair Housing Act complaint referrals. The WSHRC enforces fair housing complaints based on federal protected classes, including race, color, creed (religion), sex (gender), disability, use of a guide dog or service animal, familial status, and national origin. Non-federal fair housing protected classes under the WLAD include marital status, sexual orientation, gender identity, and veteran or military status.

### Department of Commerce

The Department of Commerce provides a variety of financial and technical resources to local communities. The Community Services and Housing Division manages many of the state's housing development programs, including the Housing Trust Fund and the Operating and Maintenance Fund, as well as HUD funded programs such as the HOME program, the Homeless Families Plan, and Tenant Based Rental Assistance. Commerce is also the Collaborative Applicant for the HUD homeless assistance Continuum of Care Program for the Balance of State Continuum of Care.

The Local Government Division manages the state Community Development Block Grant program.

### Department of Financial Institutions

The Washington State Department of Financial Institutions (DFI) provides regulatory oversight of financial service providers operating in Washington. DFI is self-supporting and obtains its operating revenues through fees paid by individuals and organizations it regulates. DFI’s regulatory responsibilities include fair housing through its monitoring of certain housing professionals and lenders, including consumer loan companies, state-chartered banks and credit unions, mortgage brokers, loan originators, and escrow-industry related professionals.

### Washington State Housing Finance Commission

The Washington State Housing Finance Commission (WSHFC) administers a number of programs to finance community facilities, affordable housing, and home ownership. WSHFC administers the development of affordable housing under the federal low-income housing tax-credit program and through bond financing arrangements. The various affordable housing projects supported by the WSHFC are monitored annually to ensure their compliance with applicable federal and state rules, including fair housing.

The WSHFC currently monitors over 72,000 units in 881 properties located across the state. The total is composed of 58,892 housing-credit and joint housing-credit/bond units, 12,950 bond-financed units, and 449 Resolution Trust Corporation units. Additionally, the Commission conducts annual on-site inspections of over 290 properties statewide.

Lastly, the WSHFC's manages detailed property and tenant information on over 1,500 affordable housing properties. It provides real-time compliance information to owners, managers, and public funders. In addition to monitoring compliance of the property with regulatory requirements, WBARS tracks vital economic performance indicators to provide early warning of operating problems.

### **Department of Licensing**

The Department of Licensing provides continuing education on fair housing for real estate professionals. The courses present the federal and state protected classes and fair housing laws and regulations to ensure that realtors in compliance when conducting real estate brokerage services.

The trainings cover fair housing laws, marketing lending services, originating mortgage loans, qualifying home loan applicants, working with third party providers, and the HUD discrimination complaint process.

### **Department of Social and Health Services**

The Washington State Department of Social and Health Services (DSHS) provides services to over 39,000 persons with developmental disabilities, including assisting them with housing options. In January 2009, DSHS published the *Strategic Plan for Housing Needs Assessment & Trust Fund Utilization for People with Developmental Disabilities*.

The plan evaluated community-based affordable housing needs for people with developmental disabilities, and outlined goals of collaborating with special needs housing developers and ensuring adequate resources are being leveraged to maximize Housing Trust Fund funding efficiencies.

The plan found that only 5.5 percent of persons enrolled for developmental disability services lived in units funded through the Housing Trust Fund, and identified current requests for 590 additional units of housing from Supported Living providers. The plan identified an additional 3,405 individuals who do not receive Supported Living services but would likely qualify for, and benefit from, subsidized affordable housing.

Because the vast majority of the individuals with developmental disabilities depend on Supplemental Security Income (SSI) as their primary source of income, nearly all live below 30 percent of the median income. Even persons receiving employment services through DSHS have very limited incomes, on average working less than 20 hours per month and earning an average monthly income of just \$622.

## **Federal Fair Housing Resources**

### **US Department of Housing and Urban Development (HUD)**

The US Department of Housing and Urban Development (HUD) administers the Fair Housing Act. In certain cases, HUD refers complaints to the Department of Justice (DOJ). HUD is also required to work on programs of voluntary compliance with the Fair Housing Act. To do so, HUD enters into voluntary compliance agreements with housing industry organizations. These organizations pledge to inform the public of equal housing opportunity and the law to ensure that services are rendered equally to all clients, to publish their commitment to fair housing, and to monitor and report on the effectiveness of the agreement.

The agreements for the real estate industry are called Voluntary Affirmative Marketing Agreements (VAMA) and for others, Best Practice Agreements. Agreements exist with such organizations as the National Association of Realtors, National Association of Home Builders, Apartment Managers Association, and the Mortgage Bankers Association of America. Once an agreement is in effect with the national organization, state, and local chapters may sign on as parties to the agreement.

The Region X Office of Fair Housing and Equal Opportunities in Seattle is responsible for investigating fair housing complaints and working on programs to further fair housing compliance. HUD collaborates with other organizations to provide quarterly fair housing training (located in Seattle), provides Fair Housing and Equal Opportunity Compliance Review Training, and Consolidated Annual Performance Evaluation Reports (CAPER) training.

### **US Department of Agriculture (USDA)**

The U.S. Department of Agriculture (USDA) provides housing assistance in rural communities throughout Washington via the Rural Development program. The USDA Office of Civil Rights is responsible for enforcing certain fair housing obligations of housing provided under Rural Development.

### **Municipal Fair Housing Enforcement**

In addition to the State of Washington, three municipal and county governments in Washington operate substantially equivalent fair housing enforcement programs under HUD's Fair Housing Assistance Program (FHAP), as described in Section II of this report. The agencies are the Seattle Office for Civil Rights, the King County Office of Civil Rights and the City of Tacoma Human Rights and Human Services Department.

Washington's four FHAP agencies, known as the Fair Housing Partners of Washington, regularly collaborate to maximize their available resources and to conduct fair housing education and community outreach. Since the mid-1990's, the FHAP agencies have cooperated in the development of multi-lingual fair housing brochures, coordinated immigrant outreach efforts

and pro-actively endeavored to educate home owners and first-time home buyers about avoiding predatory lending.

The Fair Housing Partners, including Washington FHAP and FHIP agencies, have published a quarterly newsletter, the Washington State *Fair Housing Update*, since 1996. In collaboration with HUD, the four FHAP agencies jointly conduct bi-monthly fair housing training for housing providers.

### **Community Fair Housing Resources**

These are just some examples of the fair housing resources available to those living in Washington.

### **Fair Housing Center of Washington**

The mission of the Fair Housing Center of Washington is to assure equal access to housing, and other related services, to the residents of Washington. The organization will achieve this purpose through education, investigation, and enforcement of applicable laws.

The Fair Housing Center is a 501(c)3 nonprofit organization that has been in existence since 1981 as Tacoma/Pierce Counties Community Housing Resource Board (CHRB) and in 1995 became a fully operational Qualified Fair Housing Organization. The Fair Housing Center serves western and central Washington by accepting and investigating complaints of housing discrimination, conducting training and education for housing providers and housing consumers to prevent and address housing discrimination. In addition, the Fair Housing Center conducted rental, sales and mortgage lending testing and prepared an *Analysis of Impediments to Fair Housing Choice (AI)* for multiple entitlement jurisdictions along with other specialized contracts. The agency has also been involved in programs that cover the state of Washington and HUD's Region X.

### **Northwest Fair Housing Alliance**

The Northwest Fair Housing Alliance (NWFHA) is a HUD designated Qualified Fair Housing Organization that has provided nonprofit fair housing services since 1994. NWFHA's mission is to eliminate housing discrimination and ensure equal housing opportunity for the people of Washington through education, counseling and advocacy. Based in Spokane, NWFHA is the only nonprofit fair housing agency that serves eastern Washington. Since its founding, NWFHA has provided intake and investigation for housing discrimination claims, conducted testing, and offered education and outreach programs in 20 counties in eastern and central Washington.

### **Northwest Justice Project**

The Northwest Justice Project (NJP) is a publicly-funded statewide legal services agency in Washington that assists income eligible clients with non-criminal legal issues. NJP's legal services include representing eligible clients to resolve fair housing issues. NJP staff works with

community partners to plan for individual representation and system improvements throughout the state.

To file a complaint with the NJP, residents may call a legal hotline to speak with a representative and receive legal advice. NJP operates a toll-free intake and referral hotline called CLEAR (Coordinated Legal Education Advice and Referral). CLEAR serves as the statewide, centralized point of access for clients seeking free legal help, including advice, education, limited legal services, self-help materials and, where available, referrals for further representation. The organization also maintains the Washington Law Help website ([www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)), which provides legal resources on a variety of topics including fair housing.

### **Columbia Legal Services**

Columbia Legal Services (CLS) is a statewide legal services agency that represents indigent clients in civil cases, and represented many clients in fair housing cases in Washington. The mission of CLS is to advocate for people who face injustice and poverty. CLS seeks to achieve social and economic justice for all, using policy reform, litigation, and innovative partnerships to reveal and end actions that harm the communities CLS serves.

CLS provides legal assistance to low-income and special needs people in areas including access to court interpreters, mental health services for children, equal educational opportunity for children, rights of persons in institutions, rights of foster children, payday loan transactions, farm worker workplace hazards, rights of residential and mobile home tenants, and H-2A farm workers. As with the nonprofit agencies previously described, it also refers housing discrimination issues to fair housing agencies.

### **Tenants' Union**

The mission of the Tenants Union (TU) is to create housing justice through empowerment-based education, outreach, leadership development, organizing, and advocacy. Founded in 1977, the TU carries on a proud legacy of work to create concrete improvements in tenants' living conditions and challenge and transform unjust housing policies and practices. As a membership organization, the TU's work is grounded in the strong conviction that tenants must be the leaders of efforts to transform our housing conditions and communities. The TU embraces the values of equality, hope, tenant leadership, respect, direct action, civic courage, racial and economic justice, and self-determination in our work.

### **Rental Housing Association of Puget Sound**

The Rental Housing Association of Puget Sound was founded in 1927 as a nonprofit and is the largest association of rental housing owners in the Pacific Northwest, with to date more than 4,400 members.

The Association's Code of Conduct, which all members are required to sign, includes language addressing fair housing as follows: *We comply with federal, state, and city fair housing laws. We do not engage in discrimination against persons on the basis of their protected-class status.*

Its bylaws provide that the Association can "...deny, suspend or terminate membership for any member who knowingly or repeatedly violates the Code of Conduct."

It also disseminates fair housing information through the Association's website, which has information on housing discrimination with links to fair housing agencies, and through sponsorship of workshops on fair housing, such as the one offered for property owners at its March 2008 Spring Trade Show.

## Appendix A: Complaint Data

**Table 20: Seattle Office for Civil Rights - Summary of Complaints Filed by Protected Classes of Persons**

Protected Class	2007	2008	2009	2010	2011	2012	2013	Total
Disability	12	37	19	31	29	23	34	185
Disability; national origin				1		1	1	3
Disability; national origin; race						1		1
Disability; national origin; parental status/ familial status; retaliation; sex			1					1
Disability; race			1		3	2		6
Disability; religion				1				1
Disability, retaliation			2	3	1	1		7
Disability; Sec. 8			1					1
Disability; sex			1		2			3
Disability; religion, sex				1				1
Disability; retaliation; sexual orientation							1	1
Disability; use of service animal							1	1
Parental status/ familial status	2	16	5	2	4	2	4	35
Parental status/ familial status; race				1				1
Parental status/ familial status; sex				1		1		2
Race	6	5	10	14	17	10	9	71
Race; religion			1		1	1		3
Race; retaliation			4			1		5
Race; sex					1			1
Religion		1	1		2	3	2	9
Retaliation	1	6	5	4	4	3	3	26
Retaliation; sex						3		3
Retaliation; Sec. 8				1				1
Retaliation; sexual orientation						1		1

Protected Class	2007	2008	2009	2010	2011	2012	2013	Total
Age <sup>21</sup>		1	1	2	3	3		10
Age; disability							1	1
Age; marital status							1	1
Age; sex			1					1
Age; Sec. 8			1					1
Age; color; disability; national origin; race				1				1
<i>Ancestry</i>								0
Color		5	0					5
Color; national origin			1					1
Color; national origin; religion; retaliation			1					1
Marital status		2				1	1	4
Military status, veteran							2	2
National origin	2	7	5	2	6	3	3	28
National origin; race				2				2
National origin; race; Sex							1	1

Table 21: Summary of Seattle Office of Civil Rights Case Closures

Case Closures	2007	2008	2009	2010	2011	2012	2013	Total
Reasonable cause	1	0	6	1	1	1	4	14
No reasonable cause	12	56	43	53	41	42	46	293
Administrative closure <sup>22</sup>	4	15	13	10	25	17	7	91
Settlement	11	23	18	21	21	10	22	126
Referred <sup>23</sup>	0	29	6	0	1		0	36
<b>Total</b>	<b>28</b>	<b>123</b>	<b>86</b>	<b>85</b>	<b>89</b>	<b>70</b>	<b>79</b>	<b>561</b>

<sup>21</sup> These and other protected classes listed in italics indicate classes of people that are addressed in Seattle's Fair Housing ordinance but are not specifically addressed as a protected class in Washington State or federal fair housing regulations.

<sup>22</sup> Cases that are administratively closed are cases that did not proceed because they were withdrawn by the charging party, the charging party failed to cooperate, and/or other circumstances that required the case to be closed administratively.

<sup>23</sup> Cases coded as referred indicate that the potential charging party's circumstances did not rise to the level of a prima facie allegation of illegal discrimination, or that s/he was attempting to file a charge in the wrong jurisdiction. Seattle Office of Civil Rights would have referred the individual to the correct jurisdiction or to another agency or department for assistance.

Table 22: Summary of King County Fair Housing Complaints Filed January 1, 2007- December 31, 2013<sup>24</sup>

Action	2007	2008	2009	2010	2011	2012	2013	Total
Cases filed	6	6	16	13	15	3	2	61
Cases closed <sup>25</sup>	7	1	20	11	18	3	2	62
Case Basis								
Disability	2	2	7	2	12	4	2	29
Race, disability, retaliation			1		3	3		7
National origin, families with children				3	3			6
Section 8	1							1
Race ,disability	1				2		1	4
Familial status, sex	1							1
Sex, disability, Sec 8	1							1
Race, Sec. 8	1							1
Race					1			1
Retaliation, disability		2						2
Race, familial status		1			1			2
Family status		1	2					3
Race, retaliation			1		1	1		3
National origin, disability			2					2
Disability, Sec. 8			1					1
National origin				1				1
Sec. 8			1					1
Gender			1	1	1	1		4
Race, gender, disability, retaliation				1				1
Race, gender, disability				1				1
Race, family status, Sec. 8				2				2
Gender, family status				1				1
Disability, religion				1				1
National Origin					1			1

<sup>24</sup> Data summaries provided by King County Office of Civil Rights, June, 2014. Cases with more than one alleged type of discrimination are coded as such. As a result, the total number of cases by basis may exceed the total number of cases filed.

<sup>25</sup> Cases filed do not always close in the year they were filed. Therefore, total closures for each year may not equal total cases filed during that year.

Table 23: Summary of King County Fair Housing Case Closures<sup>26</sup>

Closure Type	2007	2008	2009	2010	2011	2012	2013	Total	Percent
Pre-finding Settlement	3	1	12	5	4		1	26	37%
No cause finding	4		2	3	11	3	1	24	34%
Reasonable cause finding			4	1	1			6	8%
Under investigation		5	1	3				9	13%
Withdrawn			2	2	2			6	8%
<b>Total</b>	<b>7</b>	<b>6</b>	<b>21</b>	<b>14</b>	<b>18</b>	<b>3</b>	<b>2</b>	<b>71</b>	<b>100%</b>

Table 24: Tacoma - Summary of Complaints Filed by Protected Classes of Persons<sup>27</sup>

Protected Class	July 2009 June 2010	July 2010 June 2011	July 2011 June 2012	July 2012 June 2013	Total
Disability	19	14	7	13	53
Disability; age			3		3
Disability; race; sex		1			1
Disability; sex	1	1			2
Disability; sexual orientation; religion				1	1
Disability; national origin; sex				1	1
Disability; sex; age	1	1			2
Disability; veteran		1	1		2
Disability; marital status			1		1
Parental status/ familial Status;	1	1			2
Race	1	3	5	1	10
Race; color; national origin; Disability	1				1
Race; disability		1	4	3	8

<sup>26</sup> Case closures are as reported in the King County Fair Housing Case summaries provided to the Department of Commerce June, 2014. Case closures reported for each year include cases initiated in prior years and carried over into year the case closed. The total reported above exceeds the total number of cases filed because it includes nine cases that were withdrawn.

<sup>27</sup> Summarized case data for prior years was not readily available in case summary format and therefore is not included here. Terms used on this table are as reported and tracked by the City of Tacoma Human Rights and Human Services Department.

Protected Class	July 2009 June 2010	July 2010 June 2011	July 2011 June 2012	July 2012 June 2013	Total
Race; familial status			1		1
Race; disability; marital status; age				1	1
Race; religion; disability			1	1	2
Race; familial status; disability		1			1
Race; sex		1		2	3
Race; sex; disability			1	1	2
Race; sex; marital status				1	1
Race; sex; disability; age		1			1
Race; color; sex		1			1
Religion; disability				1	1
Retaliation		2	1	2	5
National origin	1	1			2
National origin; familial status			1		1
National origin; disability			1		1
Sex	4	2	2		8
Sex; age; marital status		1			1
Not coded			2		2
<b>Total</b>	<b>29</b>	<b>33</b>	<b>31</b>	<b>28</b>	<b>121</b>

Table 25: Tacoma Summary of Case Closures <sup>28</sup>

Case Closures	July 2009 June 2010	July 2010 June 2011	July 2011 June 2012	July 2012 June 2013	Total
Reasonable cause	1	2	1	1	5
No reasonable cause	13	16	19	19	67
Administrative closure <sup>29</sup>	1	2	4	0	7
Settlement	8	8	5	2	23
<b>Total</b>	<b>23</b>	<b>28</b>	<b>29</b>	<b>22</b>	<b>102</b>

<sup>28</sup> Some cases do not close in the same year that they are filed. Therefore, the case closures for reporting period may be less than the number of cases filed for reporting period.

<sup>29</sup> Cases that are administratively closed are cases that did not proceed because the City had no jurisdiction, the charging party failed to cooperate, or other circumstances that required the case to be closed administratively.

## Appendix B: Summary of Findings Identified by Sample of Entitlement Jurisdictions in Most Recently Completed Analysis of Impediments to Fair Housing Choice

Jurisdiction	Year AI completed	Primary Impediments as Stated in Jurisdiction's Analysis of Impediments
Anacortes	2009	1) Housing discrimination appears to primarily affect persons with disabilities; 2) Native American, African American, and Hispanic home buyers are more likely to be denied financing; 3) Housing professionals, community services providers, and other have limited knowledge of fair housing laws and resources; 4) Zoning and land use decisions.
Auburn	2005	1) Housing discrimination allegations are primarily made by persons with disabilities, sex, race, and national origin; 2) Lending institutions deny more loans to African Americans and Hispanic persons; 3) The public has limited knowledge of protected classes, fair housing laws or resources available.
Bellevue	2011	1) Housing discrimination, especially towards persons with disabilities; 2) the city's complaint investigation, processing, enforcement methods; 3) Home Mortgage Lending practices more likely to deny Native Americans, African Americans and Hispanics financing 4) Housing professionals and public's limited knowledge of fair housing laws and resources; and 5) Zoning, land use decisions, and city policies
Bellingham	2012	1) Landlords unwilling to make reasonable accommodations on the basis of disabilities; 2) Housing discrimination and housing burdens disproportionately affect persons of color and the disabled; 3) The public's limited knowledge of fair housing laws, resources.
Everett	2011 (2005-2010)	1) Housing discrimination primarily affects persons of color and different national origins, and the disabled; 2) Lending institutions deny more loans to Hispanics and African Americans; and 3) lack of fair housing knowledge among local officials, residents, and housing providers.
Federal Way	2012 (2006-2011)	1) Limited staff knowledge of fair housing resources; 2) Diminishing resources; 3) Discrimination regarding rentals; 4) loan procedures may discriminate.
Kennewick, Pasco, Richland	2011	1) Many protected classes lack the skills and knowledge to obtain and remain in affordable housing 2) Government, realtors, lenders, and others lack awareness of the issues; 3) extremely low rental vacancy rates (1%) .
Lakewood	2010	AI includes a general discussion but does not specifically list impediments and associated data.

Jurisdiction	Year AI completed	Primary Impediments as Stated in Jurisdiction's Analysis of Impediments
Longview	2011	1) Housing discrimination appears to affect primarily people with disabilities, persons of color, and families with children. 2) Hispanic, Native American, and African American persons are more likely to be denied loans and financing; 3) Housing professionals, community services providers, and other have limited knowledge of fair housing laws and resources; 4) zoning and land use decisions.
Mount Vernon	2008	1) Housing discrimination appears to primarily affect persons of Hispanic origin, Native Americans, and disabled; 2) Hispanic, Native American, and African American persons are more likely to be denied loans and financing; 3) Housing professionals, community services providers, and other have limited knowledge of fair housing laws and resources.
Olympia	2006	1) Housing discrimination primarily affects persons of color, immigrants, the disabled and families with children; 2) African Americans and Hispanics are more frequently denied loans; 3) the public at large has limited understanding of fair housing laws and resources available.
Wenatchee	2013	1) Increased housing costs and low vacancy rates; 2) Lack of access to permanent housing for people with disabilities, mental illness, or chronic substance abuse; 3) disadvantaged persons often lack skills and knowledge to obtain and remain in affordable housing; 4) Lack of understanding of fair housing rights and responsibilities.
Vancouver	2011	1) Housing has become less affordable and deeply subsidized rentals are scarce; 2) Hispanic persons are more likely to be denied financing; 3) Access to fair housing information could be improved; 4) the city's fair housing law does not cover all protected classes.
Pierce County	2010	1) Limited supply of affordable housing; 2) Minority groups have less access to mortgage credits 3) County does not have a formal policy or procedure for granting reasonable accommodation; 4) county lacks a formal policy on assistance to persons with limited English language proficiency; 5) limited resources for adequate fair housing education and enforcement.
Snohomish County	2012	Three items defined in 2000 and still are impediments: 1) Discrimination occurs yet few complaints are filed; 2) Minority groups have less access to mortgage loans; 3) In some areas, zoning is an impediment. Additional impediments defined in 2012 report: 1) Residents experience housing discrimination but do not know what to do; 2) information on fair housing laws and resources is hard to find; 3) some land use and zoning codes restrict group homes, restrict definition of family, and include other barriers; 4) limited transit options; 5) Hispanic and African American persons denied loans at a higher rate.

## Appendix C: Municipal Fair Housing Ordinances and Policies in Washington

County No.	County and Name of Associated Cities that have Adopted Ordinances or Policies	2013 Population	Local Entitlement Jurisdictions	Status of Identifiable Fair Housing Ordinance, policy, or Resolution (O=ordinance P=policy R=resolution N=none of the above)	Protected Classes Beyond those Defined in State or Federal regulations
1	Adams County ( 5 cities)	19,200		N	
2	Asotin County (2 cities)	21,800		R	
	Clarkston	7,210		O	
3	Benton County (5 cities)	183,400		N	
4	Chelan County (5 cities)	73,600		O	
	Wenatchee	32,520	1	O	
5	Clallam County (3 cities)	72,350		N	
6	Clark County (8 cities)	435,500	2	O	
	Vancouver	164,500	3	O	
7	Columbia County (2 cities)	4,100		N	
8	Cowlitz County (5 cities)	103,300		N	
	Longview	36,940	4	O	
9	Douglas County (6 cities)	39,280		O	
10	Ferry County (1 city)	7,650		N	
11	Franklin County (3 cities)	84,800		N	
	Pasco	65,600	5	O	
12	Garfield County (1 city)	2,250		N	
13	Grant County (15 cities)	91,800		N	
	Soap Lake	1,530		P	
14	Grays Harbor County (9 cities)	73,200		R	
15	Island County 3 cities)	79,700		N	
16	Jefferson County (1 city)	30,275		N	
17	King County (38 cities)	1,981,900	6	O	Age, Section 8 recipient
	Auburn (part)	64,320	7	O	
	Bellevue	132,100	8	O	Ancestry, income source
	Burien	48,030	9	O	Age
	Federal Way	89,720	10	O	

County No.	County and Name of Associated Cities that have Adopted Ordinances or Policies	2013 Population	Local Entitlement Jurisdictions	Status of Identifiable Fair Housing Ordinance, policy, or Resolution (O=ordinance P=policy R=resolution N=none of the above)	Protected Classes Beyond those Defined in State or Federal regulations
	Kent	120,500	11	O	
	Kirkland	81,730		O	
	Medina	3,000		O	
	Redmond	55,840		O	
	Renton	95,540	12	O	Income source
	Seattle	626,600	13	O	Age, Section 8 recipient, ancestry, political ideology
	Shoreline	53,670	14	O	
	Yarrow Point	1,015		O	
18	Kitsap County (4 cities)	254,000	15	O	
	Bremerton	37,850	16	O	Ancestry
	Poulsbo	9,585		O	
19	Kittitas County (5 cities)	41,900		N	
20	Klickitat County (3 cities)	20,700		N	
21	Lewis County (9 cities)	76,200		N	
22	Lincoln County (8 cities)	10,675		N	
23	Mason County (1 city)	61,800		N	
24	Okanogan County (13 cities)	41,500		N	
25	Pacific County (4 cities)	21,000		N	
26	Pend Oreille County (5 cities)	13,150		N	
27	Pierce County (23 cities)	814,500	17	O	
	Lakewood	58,310	18	O	
	Tacoma	200,400	19	O	Age, ancestry
28	San Juan County (1 city)	16,000	20	P	
29	Skagit County (8 cities)	118,600			
	Anacortes	16,080	21	O	
	Mount Vernon	32,710	22	O	
30	Skamania County (2 cities)	11,300		N	
31	Snohomish County (20 cities)	730,500	23	O	
	Everett	104,200	24	O	Age, income source
	Mountlake Terrace	20,160		O	

County No.	County and Name of Associated Cities that have Adopted Ordinances or Policies	2013 Population	Local Entitlement Jurisdictions	Status of Identifiable Fair Housing Ordinance, policy, or Resolution (O=ordinance P=policy R=resolution N=none of the above)	Protected Classes Beyond those Defined in State or Federal regulations
	Snohomish	9,220		R	
	Woodway	1,300		O	
32	Spokane County (13 cities)	480,000			
	Airway Heights	7,935		P	
	Spokane	211,300	25	O	
33	Stevens County (6 cities)	43,800		N	
34	Thurston County (7 cities)	260,100	26	O	
	Lacey	44,350		O	
	Olympia	48,480	27	O	
	Tenino	1,705		O	
	Tumwater	18,300		O	
	Yelm	7,470		O	
35	Wahkiakum (1 city)	4,020			
36	Walla Walla (4 cities)	59,500		N	
37	Whatcom (7 cities)	205,800		P	
	Bellingham	82,310	28	O	
	Blaine	4,785		O	
	Sumas	1,449		O	
38	Whitman (16 cities)	46,000		N	
	Pullman	30,990		O	
39	Yakima (14 cities)	247,250		N	
	Sunnyside	16,200		P	
	Yakima	92,620	29	O	

**Notes:**

1) 2013 Population Estimate is from Washington Office of Financial Management as posted at <http://ofm.wa.gov/pop/april1/default.asp>

2) Entitlement jurisdictions as defined by HUD

3) Local government jurisdictions that have adopted fair housing ordinances, policies, or resolutions were defined by searching the Municipal Research Services code database, completing a general Google search, and contacting local government associations.

4) Protected classes are from the Fair Housing Center of Washington, Fair Housing Manual. Table 1 page 4, 2014 Draft.

## Appendix D: Assessment of Recommendations from the 2007 Analysis of Impediments

Recommendation I: Expand Current Education and Outreach Efforts.	Complete	In Progress	Not Complete	Not Enough Information to Assess
A. Ensure that state agencies with fair housing roles coordinate with the WSHRC to review their fair housing references and resources.			X	
B. Provide fair housing training to new employees of state agencies with fair housing roles.	X			
C. Develop mechanisms to ensure that state agencies incorporate fair housing materials and guidance maintained by the WSHRC into their programs, public information portals and websites.			X	
D. Provide fair housing training for DSHS staff, especially employees working with ADSA clients, to facilitate the effectiveness of DSHS home modifications for eligible clients.		X		
E. Incorporate fair housing training into grantee performance.	X			
F. Modify CTED guidance to local municipalities to better highlight the availability of the many multi-lingual fair housing resources published by the WSHRC.	X			
G. Modify CTED's Fair Housing Resolution Template (Attachment 10-F in the 2007 CDBG Management Handbook) to refer to HUD's Seattle Office of Fair Housing and Equal Opportunity (FHEO) instead of Seattle Regional Office Compliance Division.	X			
H. Add a fair housing tab to the AG's website and on the DFI directory and Laws and Rules web pages.			X	
I. Develop strategies for state agencies, like DFI, that utilize human models on state websites to avoid potential fair housing implications.				X
J. On the DOL and OIC websites, develop web links to information on local fair housing ordinances administered by King County and the cities of Tacoma and Seattle.	X			
K. Evaluate HUD guidance clarifying the administrative use of CDBG funds for affirmatively furthering fair housing to determine the potential for expanding fair housing education and outreach services in non-urban areas of the state.	X			
L. Conduct fair housing training for municipal governments to update them on fair housing developments, AI planning, and relevant judicial determinations related to municipal actions predicated on community fears.	X			

Recommendation II: Continue On-Going Enforcement Activities	Complete	In Progress	Not Complete	Not Enough Information to Assess
A. Evaluate HUD guidance clarifying the administrative use of CDBG funds for affirmatively furthering fair housing to determine the potential for expanding fair housing intake services and testing in non-urban areas of the state.		X		
B. Evaluate HUD guidance clarifying the administrative use of CDBG funds for affirmatively furthering fair housing to determine the potential for conducting testing generally, especially on the basis of disability.	X			
C. Utilize complaint and testing results to inform education and outreach efforts.	X			
D. In DFI.s consumer guidance, website compliance monitoring program and compliance questionnaires, supplement references to the Fair Housing Act with specific references to the Washington Law Against Discrimination.		X		
E. Adjust WAC 208-620-505 to add a reference to the federal Fair Housing Act and correct references to the Washington State Fair Housing Act with the Washington Law Against Discrimination.			X	
F. Update DOL regulations at WAC 308-124D-070 and the guidance entitled Real Estate Fundamentals for Real Estate Salespersons, effective January 1, 2004, to reflect recent amendments to the WLAD.			X	
G. Utilize statewide approaches to pro-actively address municipal housing policies that impede fair housing choice.		X		

<b>Recommendation III: Target homeownership and lending marketing to African American, Native American, Hispanic and Disabled households.</b>	<b>Complete</b>	<b>In Progress</b>	<b>Not Complete</b>	<b>Not Enough Information to Assess</b>
A. Ensure that municipal grantees are working with banks with favorable Community Reinvestment Act (CRA) ratings.		X		
B. Incorporate fair housing concepts into State-funded homeownership initiatives. Ensure that State-funded first time homebuyer programs, especially those of the WSHFC, track the participation of persons of color and persons with disabilities to monitor participation in first time homebuyer classes, evaluate mortgage origination and program outcomes, and to inform affirmative marketing efforts.		X		
C. Track the performance of first time home buyer programs approved by the State with respect to affirmative marketing accomplishments.		X		
D. Work with real estate organizations, banks and lending institutions to increase homeownership educational opportunities for prospective African American, Native American, disabled and Hispanic homebuyers.		X		
E. Work with developers and grantees to affirmatively market first time home buyer opportunities to communities of color and persons with disabilities.		X		
F. Continue efforts, like Governor Gregoire's Task Force for Homeowner Security, to measure the impact of subprime lending and foreclosures.		X		

Recommendation IV: Ensure implementation of current housing and human services strategies	Complete	In Progress	Not Complete	Not Enough Information to Assess
A. Ensure that state agencies at all levels continue to collaborate to reinforce the success of the WSHRC and to help it realize its strategic plan goals.			X	
B. Affirmatively manage affordable housing initiatives, including the Qualified Allocation Plan and Housing Trust Fund, to further fair housing by de-concentrating poverty and mitigating historically segregated housing patterns.		X		
C. Ensure that DSHS receives support from the WSHRC, AG and the OCI to address the insurance challenges of adult family home providers.			X	
D. Ensure that state agencies assist DSHS to address the implications of the Olmstead independent living decision.	X			
E. Further explore the capacity of DSHS to fund reasonable modifications of the homes of eligible disabled ADSA clients to reinforce state policies related to independent living.	X			
F. Continue to actively seek funding for affordable housing to remove some of the economic barriers to housing choice.		X		
G. Continue implementing the housing and human services strategies articulated in the Five-Year Consolidated Plan for state-administered HUD funds.		X		
H. Continue supporting housing and human service programs that affirmatively further fair housing and mitigate identified impediments.		X		

## Appendix E: Housing Authorities in Washington State

**Anacortes Housing Authority**, 719 Q Avenue, Anacortes, WA 98221

Serving Counties: San Juan, Skagit

**Phone: (360) 293-7831** Email: [aha@fidalgo.net](mailto:aha@fidalgo.net)

Fax: (360) 293-8998, Web Site: [www.anacorteshousing.com](http://www.anacorteshousing.com)

**Housing Authority of Asotin County**, 1212 Fair Street, Clarkston, WA 99403

Serving Counties: Asotin

**Phone: (509) 758-5751**, Email: [mema@clearwire.net](mailto:mema@clearwire.net)

Fax: (509) 758-8156, Web Site: N/A

**Bellingham/Whatcom County Housing Authority**, P.O. Box 9701, Bellingham, WA 98227-9701

Serving Counties: Whatcom

**Phone: (360) 676-6887**, Email: [jharmon@bwcha.org](mailto:jharmon@bwcha.org)

Fax: (360) 676-7696, Web Site: [www.bellinghamhousing.org](http://www.bellinghamhousing.org)

**Bremerton Housing Authority**, 600 Park Avenue, Bremerton, WA 98337

Serving Counties: Kitsap, Mason

**Phone: (360) 479-3694**, Email: [kwiest@bremertonhousing.org](mailto:kwiest@bremertonhousing.org)

Fax: (360) 616-8558, Web Site: [www.bremertonhousing.org](http://www.bremertonhousing.org)

TDD/TDY: (360) 377-8606

**Housing Authority of Chelan County & the City of Wenatchee**, 1555 South Methow,  
Wenatchee, WA 98801

Serving Counties: Chelan, Douglas

**Phone: (509) 663-7421**, Email: [alicia@ccwha.com](mailto:alicia@ccwha.com)

Fax: (509) 663-4761, Web Site: [www.ccwha.com](http://www.ccwha.com)

**Columbia Gorge Housing Authority**, P.O. Box 1703, White Salmon, Washington 98672

Main Office: 312 Court Street - Suite 419, The Dalles, Oregon 97058

Serving Counties: Klickitat and Skamania

**Phone: (888) 356-8919**,

Main Switchboard: (541) 296-5462,

Deaf Community Relay WA: (800) 833-6384,

Email: [info@mid-columbiainhousingauthority.org](mailto:info@mid-columbiainhousingauthority.org)

Fax: (541) 296-8570, Web Site: [www.mid-columbiainhousingauthority.org](http://www.mid-columbiainhousingauthority.org)

**Everett Housing Authority**, 3107 Colby Avenue, P.O. Box 1547, Everett, WA 98206-1547

Serving Counties: Snohomish

**Phone: (425) 258-9222**, Email: [info@evha.org](mailto:info@evha.org)

Fax: (425) 303-1122, Web Site: [www.evha.org](http://www.evha.org)

**Housing Authority of Grant County**, 1139 Larson Boulevard, Moses Lake, WA 98837  
Serving Counties: Grant  
**Phone: (509) 762-5541**, Email: [canderson@hagc.net](mailto:canderson@hagc.net)  
Fax: (509) 762-2202, Web Site: [www.hagc.net](http://www.hagc.net)

**Housing Authority of Grays Harbor County**, 602 East First Street, Aberdeen, WA 98520  
Serving Counties: Grays Harbor  
**Phone: (360) 532-0570**, Email: [jerry@hagh.com](mailto:jerry@hagh.com)  
Fax: (360) 532-0775, Web Site: N/A

**Housing Authorities Risk Retention Pool**, 2500 Main Street, Suite 120, Vancouver, Washington 98660  
Serving Counties: Statewide  
**Phone: (360) 694-3500**, Email: [staff@harrp.com](mailto:staff@harrp.com)  
Fax: (360) 694-3600, Web Site: [www.HARRP.com](http://www.HARRP.com)

**Housing Authority of Island County**, 7 NW 6th Street, Coupeville, WA 98239-3400  
Serving Counties: Island  
**Phone: (360) 678-4181**, Email: [info@islandcountyha.org](mailto:info@islandcountyha.org)  
Fax: (360) 678-6969, Web Site: N/A

**Peninsula Housing Authority**, 2603 South Francis Street, Port Angeles, WA 98362  
Serving Counties: Clallam, Jefferson  
**Phone: (360) 452-7631**, Email: [info@peninsulapha.org](mailto:info@peninsulapha.org)  
Fax: (360) 457-7001, Web Site: [www.peninsulapha.org](http://www.peninsulapha.org)

**Housing Authority of the City of Kalama**, 226 Cloverdale Rd., Kalama, WA 98625  
Serving Counties: Cowlitz  
**Phone: (360) 673-3444**, Email: [Kalamadirector@comcast.net](mailto:Kalamadirector@comcast.net)  
Fax: (360) 673-2873, Web Site: N/A

**Kelso Housing Authority**, 1415 South 10th, Kelso, WA 98626  
Serving Counties: Cowlitz  
**Phone: (360) 423-3490**, Email: [jreece@kelsohousing.org](mailto:jreece@kelsohousing.org)  
Fax: (360) 577-6694, Web Site: [www.kelsoha.org](http://www.kelsoha.org)

**Housing Authority City of Kennewick**, 1915 W. 4th Place, Kennewick, WA 99336  
Serving Counties: Benton  
**Phone: (509) 586-8576**, Email: [karlenen@kennewickha.org](mailto:karlenen@kennewickha.org)  
Fax: (509) 582-7544, Web Site: [www.kennewickha.org](http://www.kennewickha.org)

**King County Housing Authority**, 600 Andover Park West, Seattle, WA 98188

Serving Counties: King

**Phone: (206) 574-1100**, Email: N/A,

Fax: (206) 574-1104, Web Site: [www.kcha.org](http://www.kcha.org)

**Housing Kitsap**, 345 6th Street, Suite 100, Bremerton, WA 98337

Serving Counties: Kitsap

**Phone: (360) 535-6100**, Email: [kccha@housingkitsap.org](mailto:kccha@housingkitsap.org)

Fax: (360) 535-6107, Web Site: [www.housingkitsap.org](http://www.housingkitsap.org)

**Housing Authority of Kittitas County**, 107 West 11th Ave., Ellensburg, WA 98926

Serving Counties: Kittitas

**Phone: (509) 962-9006**, Email: [housing@hakittitas.org](mailto:housing@hakittitas.org)

Fax: (509) 962-3575, Web Site: N/A

**Longview Housing Authority**, 820 11th Avenue, Longview, WA 98632

Serving Counties: Cowlitz, Lewis, Pacific, Wahkiakum

**Phone: (360) 423-0140 x 15**, Email: [cpegg@longviewha.org](mailto:cpegg@longviewha.org)

Fax: (360) 425-9930 or toll free fax (888) 424-7145, Web Site: [www.longviewha.org](http://www.longviewha.org)

**Okanogan County Housing Authority**, P.O. Box 1306, Okanogan, WA 98840

Serving Counties: Okanogan

**Phone: (509) 422-3721**, Email: [claudia\\_ocha@communitynet.org](mailto:claudia_ocha@communitynet.org)

Fax: (509) 422-1713, Web Site: N/A

**Housing Authority of Oroville**, P.O. Box 1242, Oroville, WA 98844

Serving Counties: Okanogan

**Phone: (509) 476-3059**, Email: [ohaadmin@gdicom.net](mailto:ohaadmin@gdicom.net)

Fax: (509) 476-2010, Web Site: N/A

**Othello Housing Authority**, 335 N. Third Street, Othello, WA 99344

Serving Counties: Adams

**Phone: (509) 488-3527**, Email: [danderson@othellohousing.com](mailto:danderson@othellohousing.com)

Fax: (509) 488-9769, Web Site: [www.othellohousing.com](http://www.othellohousing.com)

**Joint Pacific County Housing Authority**, 820 11th Avenue, Longview, WA 98632

Serving Counties: Cowlitz, Pacific, Wahkiakum

**Phone: (866) 570-8840**, Email: [cpegg@longviewha.org](mailto:cpegg@longviewha.org)

Fax: (360) 425-9930 or toll free fax (888) 424-7145, Web Site: [www.longviewha.org](http://www.longviewha.org)

**Housing Authority of the City of Pasco and Franklin County**, 2505 W. Lewis Street, Pasco, WA 99301

Serving Counties: Franklin

**Phone: (509) 547-3581**, Email: [info@hacpfc.org](mailto:info@hacpfc.org)

Fax: (509) 547-4997, Web Site: N/A

**Pierce County Housing Authority**, P.O. Box 45410, Tacoma, WA 98445-0410

Serving Counties: Pierce

**Phone: (253) 620-5400**, Email: [khull@pchawa.org](mailto:khull@pchawa.org)

Fax: (253) 620-5455, Web Site: [www.pchawa.org](http://www.pchawa.org)

**Renton Housing Authority**, 2900 NE 10th Street, P.O. Box 2316, Renton, WA 98056

Serving Counties: King

**Phone: (425) 226-1850**, Email: [mrg@rentonhousing.org](mailto:mrg@rentonhousing.org)

Fax: (425) 271-8319, Web Site: [www.rentonhousing.org](http://www.rentonhousing.org)

**Republic/Ferry County Joint Housing Authority**, 83-1 N. Kauffman Street, Republic, WA 99166

Serving Counties: Ferry

**Phone: (509) 775-3924**, Email: [fcha@rcabletv.com](mailto:fcha@rcabletv.com)

Fax: (509) 775-1082, Web Site: N/A

**Seattle Housing Authority**, 190 Queen Anne Ave North, P.O. Box 19028, Seattle, WA 98109-1028

Serving Counties: King

**Phone: (206) 615-3300**, Email: [execdirector@seattlehousing.org](mailto:execdirector@seattlehousing.org)

Fax: (206) 615-3504, Web Site: [www.seattlehousing.org](http://www.seattlehousing.org)

**Housing Authority of Skagit County**, 1650 Port Drive, Burlington, WA 98233

Serving Counties: Skagit

**Phone: (360) 428-1959**, Email: [hasc@skagitcountyha.org](mailto:hasc@skagitcountyha.org)

Fax: (360) 424-6005, Web Site: N/A

**Snohomish County Housing Authority**, 12625 4th Avenue W., Suite 200, Everett, WA 98204

Serving Counties: Snohomish

**Phone: (425) 290-8499**, Email: [RED@hasco.org](mailto:RED@hasco.org)

Fax: (425) 290-5618, Web Site: [www.hasco.org](http://www.hasco.org)

**Spokane Housing Authority**, 55 W. Mission Ave., Spokane, WA 99201

Serving Counties: Lincoln, Pend Oreille, Spokane, Stevens, Whitman

**Phone: (509) 328-2953**, Email: [ray@spokanehousing.org](mailto:ray@spokanehousing.org)

Fax: (509) 323-2364, Web Site: [www.spokanehousing.org](http://www.spokanehousing.org)

**Housing Authority of Sunnyside, Washington**, 204 South 13th Street, Sunnyside, WA 98944  
Serving Counties: Yakima  
**Phone: (509) 837-5454**, Email: [info@sunnysideha.org](mailto:info@sunnysideha.org)  
Fax: (509) 837-4150, Web Site: [www.sunnysideha.org](http://www.sunnysideha.org)

**Tacoma Housing Authority**, 902 South L Street, Suite 2A, Tacoma, WA 98405  
Serving Counties: Pierce  
**Phone: (253) 207-4400**, Email: [mmirra@tacomahousing.org](mailto:mmirra@tacomahousing.org)  
Fax: (253) 207-4440, Web Site: [www.tacomahousing.org](http://www.tacomahousing.org)

**Housing Authority of Thurston County**, 1206 12th Avenue SE, Olympia, WA 98501  
Serving Counties: Thurston  
**Phone: (360) 753-8292**, Email: [admin@hatc.org](mailto:admin@hatc.org)  
Fax: (360) 586-0038, Web Site: [www.hatc.org](http://www.hatc.org)

**Vancouver Housing Authority**, 2500 Main Street, Suites 100-200, Vancouver, WA 98660-2697  
Serving Counties: Clark  
**Phone: (360) 694-2501**, Email: [webmaster@vhausa.com](mailto:webmaster@vhausa.com)  
Fax: (360) 993-9594, Web Site: [www.vhausa.com](http://www.vhausa.com)

**Walla Walla Housing Authority**, 501 Cayuse Street, Walla Walla, WA 99362  
Serving Counties: Walla Walla  
**Phone: (509) 527-4542**, Email: [renee@wallawallaha.org](mailto:renee@wallawallaha.org)  
Fax: (509) 527-4574, Web Site: [www.wallawallaha.org](http://www.wallawallaha.org)

**Housing Authority of the City of Yakima**, 810 N. 6th Avenue, Yakima, WA 98902  
Serving Counties: Yakima  
**Phone: (509) 453-3106**, Email: [Lowel.Krueger@yakimahousing.org](mailto:Lowel.Krueger@yakimahousing.org)  
Fax: (509) 453-3111, Web Site: [www.yakimahousing.org](http://www.yakimahousing.org)