

2015-2019 STATE OF COLORADO ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



**FINAL REPORT
AUGUST 3, 2015**

**2015-2019 STATE OF COLORADO
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**



Prepared for the:
Colorado Department of Local Affairs

Prepared by:
Western Economic Services, LLC
212 SE 18th Avenue
Portland, OR 97214
Phone: (503) 239-9091
Toll Free: (866) 937-9437
Fax: (503) 239-0236

Website: <http://www.westernes.com>

Final Report

August 3, 2015

HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

If you feel you have experienced discrimination in the housing industry, please contact:

The United States Department of Housing and Urban Development

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000
Telephone: (202) 708-1112
Toll Free: (800) 669-9777

Web Site: <http://www.HUD.gov/offices/fheo/online-complaint.cfm>

The contact information for the regional HUD office in Denver is:

Denver Regional Office of FHEO
Department of Housing and Urban Development
1670 Broadway
Denver, Colorado 80202-4801
Telephone: (303) 672-5437
Toll Free: (800) 877-7353
TTY: (303) 672-5248
Website: <http://www.HUD.gov>

The Colorado Civil Rights Division

Department of Regulatory Agencies
1560 Broadway, Suite 110
Denver, Colorado 80202
Telephone: (303) 894-7855
Toll Free: (800) 886-7675
FAX: (303) 894-7885
Website: www.dora.colorado.gov/crd (Redirect)

The Denver Metro Fair Housing Center

Denver Metro Fair Housing Center
3401 Quebec Street, Suite 6009
Denver, Colorado 80207
Telephone: (720) 279-4291
Email: DMFHC@dmfhc.org
Website: www.dmfhc.org

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
SECTION I. INTRODUCTION	17
SECTION II. SOCIO-ECONOMIC CONTEXT	25
Demographics	25
Economics	39
Housing	48
SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW	63
Fair Housing Laws	63
Fair Housing in the United States	65
A Changing Fair Housing Landscape	69
SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE	77
Fair Housing Agencies	77
Complaint Process Review	80
SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR	83
Lending Analysis	83
Fair Housing Complaints	108
Fair Housing Survey – Private Sector Results	112
SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR	117
Public Services	117
Fair Housing Survey – Public Sector Results	120
SECTION VII. PUBLIC INVOLVEMENT	125
Fair Housing Survey	125
Fair Housing Forums	128
SECTION VIII. SUMMARY OF FINDINGS	131
SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS	141
SECTION X. GLOSSARY	147
APPENDICES	151

EXECUTIVE SUMMARY

AI PURPOSE AND PROCESS

As a requirement of receiving funds under the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), the Housing Opportunities for Persons with AIDS, and the Emergency Solutions Grant (ESG), entitlement jurisdictions must submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three elements:

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

In the *Fair Housing Planning Guide*, page 2-8, HUD provides a definition of 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 [and]
- Any actions, omissions, or decisions which have [this] effect.¹

The list of protected classes included in the above definition is drawn from the federal Fair Housing Act, which was first enacted in 1968. However, state and local governments may enact fair housing laws that extend protection to other groups, and the AI is expected to address housing choice for these additional protected classes as well.

The AI process affirmatively furthers fair housing through a thorough examination of a variety of sources related to housing, the fair housing delivery system, and housing transactions, particularly for persons who are protected under fair housing law.

The development of an AI also includes public input and review via direct contact with stakeholders, public meetings to collect input from citizens and interested parties, distribution of draft reports for citizen review, and formal presentations of findings and impediments, along with actions to overcome the identified impediments.

METHODOLOGY

As part of the consolidated planning process, and as a requirement for receiving HUD formula grant funding, the State of Colorado is undertaking this AI to evaluate impediments to fair housing choice within the state. Residents of the State of Colorado are protected from discrimination in housing choice by the federal Fair Housing Act, which includes protections based on race, color, religion, national origin, sex, disability, and familial status². Housing

¹ U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide*. Vol. 1, p. 2-8. http://www.hud.gov/offices/cpd/about/conplan/fairhousingexs/Module5_TopSevenAFFH.pdf

² 42 U.S.C.A. §3601

discrimination law at the state level prohibits discrimination on those same bases, as well as discrimination based on creed, sexual orientation, marital status, and ancestry.³

The purpose of this report is to determine current impediments to fair housing choice at work in Colorado and to suggest actions that the local community can consider in order to overcome the identified impediments. Thus, this report represents only the first step in the three-part certification process presented on the previous page.

This AI was conducted through the assessment of a number of quantitative and qualitative sources. Quantitative sources used in analyzing fair housing choice in the State of Colorado included:

- Socio-economic and housing data from the U.S. Census Bureau,
- Employment data from the U.S. Bureau of Labor Statistics,
- Economic data from the U.S. Bureau of Economic Analysis,
- Investment data gathered in accordance with the Community Reinvestment Act,
- Home loan application data from the Home Mortgage Disclosure Act, and
- Housing complaint data from HUD.

Qualitative research included evaluation of relevant existing fair housing research and national and state fair housing legal cases. Additionally, this research included the evaluation of information gathered from several public input opportunities conducted in relation to this AI. This also included the 2015 Colorado Fair Housing Survey and two fair housing forums.

Geographic analyses of racial and ethnic distribution were conducted by calculating race or ethnicity as the percentage of total population and then plotting the data on a geographic map of Census tracts in the State of Colorado. For the purposes of this AI, maps were produced for several racial and ethnic groups based on both 2000 and 2010 Census data in order to examine how the concentrations of these populations changed over time. Five-year ACS estimates from 2013 were also used for select maps.

Ultimately, a list of potential impediments was drawn from these sources and further evaluated based on HUD's definition of impediments to fair housing choice, as presented on the previous page. Potential impediments to fair housing choice present within the State were identified; along with actions the State may consider in attempting to address possible impediments.

OVERVIEW OF FINDINGS

This AI includes a review of both public and private sector housing market contexts in the State of Colorado to identify practices or conditions that may operate to limit fair housing choice in the State. Analysis of demographic, economic, and housing data included in that review establish the context in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the State's residents.

³ C.R.S. 24-34-500, *et seq.*

The contextual analysis described above provides a foundation for detailed review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the State, as do the services provided by local, state, and federal agencies. However, the Colorado Civil Rights Division has declined to provide state housing complaint data, which has limited the possibility of assessing the experience of residents that are protected under state, but not federal, law. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have a substantial influence on fair housing choice. In the public sector, policies and practices can also significantly affect housing choice.

Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

The population of Colorado grew by an estimated 24.5 percent between 2000 and 2014, nearly twice the rate of growth for the United States as a whole. Much of this increase can be attributed to relatively strong growth in the number of residents aged 55 and over, who accounted for more than half of the state's population growth between the 2000 and 2010 Census. However, in recent years, residents aged 20 to 34 have joined those aged 55 and older to contribute substantially to the state's population growth. During this time, residents aged 35 to 54, who made up the largest share of state residents, have gradually declined as a share of the population, along with residents aged 5 to 19. This decline has been due to slow growth, rather than an absolute decrease, in those populations.

White residents also declined as a share of the population between the decennial Census counts, though at 81.3 percent of the population in 2010, the white population still represented a clear majority. The number of black, American Indian, and Asian residents also grew during the time period, both in absolute terms and as a share of the population. However, these residents together comprised only 7.8 percent of the population. The Hispanic population was considerably larger, at 20.7 percent of the population in 2010. All racial and ethnic groups retained roughly the same share of the population after 2010 with the exception of the white population, which had grown as a share of the state population by nearly three percentage points by 2013, and those who classified their race as "other," who declined as a share of the population by 3.5 percentage points.

The American Indian population tended, like the state population as a whole, to be concentrated in the state's urban areas (e.g., Denver, Fort Collins, Colorado Springs, etc.). The same was true of the black, Asian, and Hispanic populations. American Indian residents who lived in the state's rural areas tended to be more concentrated in Census tracts near the state's southern border, including in and around the Southern Ute and Ute Mountain reservations. Hispanic residents were also concentrated in several southern Census tracts as well as in central-western Census tracts along Interstate 70, to the west of Vail. Within the Denver metropolitan area, black residents tended to be concentrated to the east of the downtown area

along Martin Luther King Boulevard, while Hispanic residents were largely concentrated to the east, north, and west of downtown.

Around 16.3 percent of the state's population was living with some form of disability in 2000, including 40 percent of the population aged 65 and older. Residents with disabilities accounted for 10.1 percent of the population in 2009-2013. It should be noted that this lower figure does not necessarily represent a true reduction in the population with disabilities: due to changes to the American Community Survey (ACS) questionnaire in 2008, upon which the 2009-2013 estimate is based, the population with disabilities that is captured in pre- and post-2008 estimates and counts is substantively different. For that reason, the two figures are not directly comparable.

Nevertheless, the most recent estimates do bear out the portrait presented by 2000 Census data, demonstrating that the prevalence of disability increases markedly with age. This trend, in conjunction with the considerable growth in the number of older Coloradoans, suggests that fair housing challenges relating to disability will become a greater concern in the future. Like the population as a whole, residents with disabilities were most likely to be concentrated in the Denver metro area, particularly in Census tracts to the north and west of the city center.

The state's labor force grew steadily between 1990 and 2008, growing by about fifty percent during that time and adding an estimated 53,450 workers to the economy every year on average. Prior to 2000, most of those new workers had little difficulty in finding employment. However, growth in the number of employed stalled after 2000, even as the labor force continued to grow. The result was growth in the unemployment rate, which continued through 2003, after which growth in the number of employed resumed and the unemployment rate declined. However, the unemployment rate was to rise again with the onset of the national recession of the late 2000s. Nine percent of the labor force was unable to find a job in 2010, up from 3.8 percent just three years earlier. In the last few years, the unemployment rate has fallen steadily as the number of employed persons has grown.

Turbulence in the labor market in recent years has been reflected in trends in total employment and compensation. The growth in total employment, largely steady from 1969 through 2000, reversed between 2008 and 2010 as the state shed an estimated 113,720 full- and part-time jobs. The amount that the average worker earned at his or her job stagnated after 2000, following a decade of dramatic growth. Growth in per capita income, which includes wages earned at work as well as transfer payments, investment income, and other unearned income, has been variable since 2000, declining dramatically between 2008 and 2010. However, incomes have been on an upswing since that time.

In spite of stagnation in wages, higher income households have come to account for larger shares of all households since 2000. In fact, a quarter of all households had a combined income of \$100,000 or more in 2009-2013, up from 14.2 percent in 2000. In spite of that fact, the poverty rate rose over the same period, from 9.3 to 13.2 percent. Poverty was particularly acute in the state's urban areas, particularly in densely populated Census tract to the west of downtown Denver, as well as in Fort Collins and Greeley.

The number of housing units in the state grew by 22.4 percent between 2000 and 2010, outpacing the 19 percent rate of growth in the number of households to fill them. The result

was a modest decline in the share of housing units that were occupied, and a concomitant increase in the share of vacant housing units. The latter accounted for 10.8 percent of the state's housing stock in 2010. Among occupied housing units, an increasing large share has been dedicated to rental occupancy, while the share of units occupied by their owners has declined slightly.

Among vacant units, those that were available for rent or sale came to represent larger shares of the vacant housing stock, while the share of units dedicated to seasonal, recreational, or occasional use declined. The state also saw a marked increase in the number of units classified as "other vacant", and these units grew as a share of the vacant housing stock by 2.1 percentage points.

The average household appears to have declined in size between 2000 and 2010. One- and two-person households, which represented the largest shares of all households in both years, grew at an above-average rate, as did six- and seven-person households. However, the latter comprised relatively small shares of overall households in either year.

Single-family housing units represented the largest share of housing units in 2000 and 2009-2013, a share which grew from 68.4 to 69.9 percent. Apartment units also came to account for a slightly larger share of the state's housing stock: 20.7 percent in 2009-2013, up from 19.9 percent in 2000.

With the shift toward smaller households after 2000 came a decline in the prevalence of overcrowded housing units. Overcrowded units, or those with more than one resident per room, accounted for an estimated 2.5 percent of all housing units in 2009-2013, down two percentage points from 2000. Even smaller shares of housing units lacked complete plumbing or kitchen facilities: less than one percent in both cases. By contrast, cost-burdening has been an increasingly common problem in the state. In 2000, just under thirty percent of Colorado households paid more than thirty percent of their combined income toward housing costs. By 2009-2013, that figure had risen to 35.3 percent. As with overcrowding, cost-burdening fell more heavily on rental households than on owner-occupied households. Just under half of all rental households were cost-burdened in 2009-2013, and half of these were paying rental costs that took up more than half of their monthly income.

The growing incidence of cost-burdening came as housing prices throughout the state were climbing.⁴ Half of the state's renters were paying \$671 or less in 2000, and half of the state's owner-occupied homes were worth no more than \$166,600. By 2009-2013, half of the state's renters were paying \$825 or more in rent, and half of the state's owner-occupied units were worth \$236,200 or more.

Fair Housing Law, Study, and Case Review

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added

⁴ Housing costs are presented in current dollars.

additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act. Additional laws passed from 1964 to the present have generally broadened the protections guaranteed under the FHA, applying stricter and more comprehensive protections to housing providers who benefit from federal funding.

In addition to the protections guaranteed under the FHA, Colorado residents are protected from discrimination in the housing market by laws at the state level.⁵ These laws prohibit discrimination on the same bases identified in the federal law while expanding those protections to outlaw discrimination based on creed, sexual orientation, marital status, and ancestry. Colorado's housing discrimination law has been judged to be "substantially equivalent" to the federal FHA.

Since the inception of the Fair Housing Act, housing law and jurisprudence has evolved considerably. The Fair Housing Amendments Act of 1988 added additional protections, strengthened the Act's relatively weak enforcement provisions, and gave the Department of Housing and Urban Development enhanced authority to enforce the Act. In addition, since the early 1970s the FHA has consistently been interpreted to apply to laws and policies that are apparently neutral with respect to protected class status, but which nevertheless "actually or predictably"⁶ result in discrimination. In 2013, HUD finalized a rule formalizing its interpretation of discriminatory effects liability under the FHA.

This theory of liability was recently tested in a case before the Supreme Court of the United States. That case was brought before the Court through the efforts of the Texas Department of Housing and Community Affairs (HCA), which was sued in 2008 by the Dallas-based Inclusive Communities Project over the alleged disparate impact of criteria by which it places affordable housing units. In petitioning the court to hear the case, the HCA asked the justices to issue a definitive ruling on the availability of disparate impact liability under the FHA. A decision on the matter was rendered on June 25, 2015, when the Supreme Court affirmed that businesses, jurisdictions, and individuals could indeed be held liable not only for intentional discrimination but also for the discriminatory effects of apparently non-discriminatory policies and practices.

Following on the heels of the Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. Generally speaking, the new rule will apply to local entitlement jurisdictions that are due to begin their next five-year planning cycle in 2017 or later. For smaller entitlement jurisdictions, as well as states and insular areas, the new rule will apply to those set to begin their next planning cycle in 2018 or later. Until jurisdictions are required to submit an AFH, they are required to continue submitting analyses of impediments.

⁵ C.R.S. 24-34-500, *et seq.*

⁶ *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974) It was racial discrimination, specifically, that was at issue in this case.

Under certain circumstances, the United States Department of Justice will file a fair housing complaint on behalf of residents who are suspected to have suffered a violation of fair housing law. Though the Justice Department has not filed any fair housing complaints in a Colorado district court in the last ten years, a case filed in California against a Chicago-based management company did affect residents of Westminster, Colorado. That case, in which the operator of retirement communities in several states was accused of discrimination on the basis of disability, settled in 2007. As terms of the settlement, the management company agreed to undergo training, adopt and advertise a non-discrimination policy, and pay damages to affected residents in excess of \$530,000.

Lot Thirty-Four Venture, LLC v. Town of Telluride was decided by the state Supreme Court in 2000. At issue in the case was Telluride Ordinance 1011, which was designed to ensure that continued development in the city was accompanied by expansion of the affordable housing stock. In its decision, the Supreme Court held that the law, by requiring developers to generate a certain percentage of affordable housing units in connection with new developments, constituted rent control and was preempted and invalidated by state law.

This case, in addition to cases brought against housing developers under the Colorado Consumer Protection Act, are illustrative of some of the legal challenges to affordable housing development in the state. As a result of state laws, local and county jurisdictions cannot require developers to contribute to the affordable rental housing stock and condominium development has been subject to soaring liability insurance costs, stemming from the potential for large economic damages from manufacturing defects available under state law.

Fair Housing Structure

Colorado residents who believe that they have been subjected to discrimination in the private housing market on the basis of race, color, religion, gender, national origin, disability, or familial status may file a complaint with the Department of Housing and Urban Development's Fair Housing Enforcement Office (FHEO). The FHEO for Colorado is located in Denver.

However, complaints filed with HUD are likely to be referred to the Colorado Civil Rights Division (the Division) for investigation and enforcement. Because the state housing discrimination law has been judged to be "substantially equivalent" to the FHA, the Division is eligible to participate in the Fair Housing Assistance Program (FHAP), which provides federal support for state-level fair housing enforcement and provides for local authority over fair housing law. Thus, claims filed with HUD by or on behalf of Colorado residents are dual-filed with the Division, and vice-versa. The Division also accepts complaints from Colorado residents who believe that they have suffered discrimination on the basis of creed, sexual orientation, marital status, or ancestry, as provided for by Colorado statute.

Since 2013, residents of the Denver metropolitan area have had a third avenue by which they could seek resolution of fair housing complaints: the Denver Metro Fair Housing Center. The Center is a participant in HUD's Fair Housing Initiatives Program (FHIP), under which it received approximately \$325,000 in capacity-building funds in 2014. The organization participates in local fair housing enforcement by conducting systemic fair housing tests to identify discriminatory practices, and initiating enforcement proceedings against housing providers who carried out those discriminatory practices.

Colorado residents who wish to file a fair housing complaint with HUD or the Civil Rights Division may do so within a year of the most recent alleged violation at issue in the complaint. Once a complaint is lodged, HUD or the Division is required to complete the investigation within 100 days, unless it is impracticable to do so. Any complaints that HUD receives will be forward to the Division. During the investigation, the Division will attempt to broker a conciliation agreement between the complainant and respondent (i.e., the person alleged to have committed the violation). If no agreement is reached, the Division will determine whether or not the allegation amounts to a true instance of discrimination, and will issue a charge. If the Division issues a charge of discrimination, the matter may proceed to an administrative hearing or civil action, depending on the wishes of the parties involved.

Fair Housing in the Private Sector

A number of factors affect the housing choices available to residents of Colorado: such factors include patterns in home purchase and small business lending, perceived and actual discrimination in the housing market, and policies and practices of individuals and businesses in the housing market. For the present study, assessment of these factors was undertaken through a review of lending data collected from the Federal Financial Institutions Examination Council (FFIEC); complaint data collected by federal, state, and local agencies and organizations; and the 2015 State of Colorado Fair Housing Survey.

Financial and lending institutions in the state processed some 5.3 million loans and loan applications from 2004 through 2013. Around 38 percent of these were intended to finance the purchase of homes, most of which were to be occupied by the borrower or loan applicant. Around 873,000 loans were originated in the state during that time, and nearly 163,000 loans were denied, for an overall denial rate of 15.7 percent.

The apparent likelihood of a loan applicant securing a loan was impacted by the year in which the application was submitted, the location of the prospective home, and the race, ethnicity, or gender of the applicant. Denial rates, which averaged around 17.3 in the five years up to and including 2008, fell considerably thereafter, to around 12.7 percent on average from 2004 through 2013. These rates also tended to be above-average in the state's rural areas and at or below average in urban areas. However, Census tracts in the Denver metropolitan areas with high concentrations of black and Hispanic residents also tended to have above-average denial rates. Black and American residents throughout the state also had higher denial rates than white residents (nearly twice as high, in fact). In the case of Hispanic residents, the denial rate was more than twice the denial rate for non-Hispanic residents. Denial rates also differed according to the gender of the applicant, though to a lesser degree: 16.4 percent of loan applications from female residents were denied from 2004 through 2013, compared to a denial rate of 15.1 percent for male applicants.

The most common reasons given for the decision to deny a home purchase loan were credit history, cited in about 16.8 percent of loan denials, and debt-to-income ratio, cited in 14.4 percent. Not surprisingly, the rate of loan denials tended to fall as the income of the loan applicant increased. However, variations in denial rates along racial and ethnic lines persisted even when income was taken into account: for example, black applicants earning \$60,000 to \$75,000 per year experienced a denial rate of 22.3 percent, well above the 12.4 percent denial

rate for white applicants in the same income range. The denial rate for American Indian applicants in the same income range was 23.7 percent. Similarly, 23.2 percent of applications from Hispanic residents earning \$60,000 to \$75,000 were turned down, compared to a denial rate of 11.7 percent for non-Hispanic applicants who were similarly situated with respect to income.

Many residents who were able to secure a home purchase loan were issued loans with high annual percentage rates (APR). These “HALs,” which have an APR that is at least three percentage points higher than the treasury rate for comparable loans, can be considered predatory in nature. Like loan denials, the likelihood of receiving a HAL differed among applicants according to the year in which they secured their loans, the location of the housing unit in question, and the race or ethnicity of the applicant. The HAL rate has dropped considerably since 2005, when more than a quarter of home purchase loans issued charged high annual percentage rates. By 2010, the yearly HAL rate had fallen below one percent, and stayed at or near one percent over the next three years. Again in keeping with trends in denial rates, HALs accounted for a larger share of home purchase loans in areas in and around Denver with relatively high concentrations of black and Hispanic residents. Black and American Indian borrowers throughout the state also received HALs at a rate that was nearly twice the HAL rate for white applicants: the same was true of Hispanic borrowers, as compared to non-Hispanic borrowers.

Like home mortgage lending, small business lending in Colorado varied considerably by geographic location. Less than five percent of the small business loans issued in the state from 2000 through 2013 went to low-income Census tracts, while less than a fifth went to moderate-income Census tracts.⁷ In practice, this has meant that small business lending in the state has tended to go to Census tracts in the Denver-Fort Collins-Colorado Springs area and along Interstate 70 in the west of the state.

Among the complaints that Colorado residents filed with the Department of Housing and Urban and Development from 2004 through 2014, disability was the most commonly perceived basis for housing discrimination. Forty-two percent of complaints cited physical disability as the perceived discriminatory basis, while roughly 20 percent cited discrimination on the basis of mental disability.⁸ The third most common motivation for discrimination cited in HUD complaints was race, followed by retaliation. As one might expect, based on the prevalence of disability-related claims, failure to make reasonable accommodation figured strongly in those complaints.

It was typically a relatively small share of respondents that claimed to be aware of practices or policies in the private sector that constituted barriers to fair housing choice. A notable exception was observed in responses to a question concerning the private rental housing market: nearly thirty percent of professed to be aware of barriers to fair housing choice in this area. Those who provided additional commentary on this question related their suspicions of

⁷Census tracts are considered to be low-income if the median family income in the tract is less than or equal to fifty percent of the median family income for the statistical area in which the tract is located. Moderate income Census tracts are those where the median family income ranges from 50.1 to 80 percent of the area median family income.

⁸ Note that because complainants may cite more than one basis in a single complaint, summation of percentage figures cited in this section would be misleading, and is discouraged. It would not be appropriate to conclude, for example, that sixty-two percent of respondents cited “some form of disability” in their complaints based on the fact that forty percent cited physical disability and twenty percent cited mental disability. Some complaints may cite both forms of disability.

persistent discrimination on the basis of ethnicity, race, and familial status. Some of this rental discrimination was perceived to be connected to economic trends in the housing market, with one respondent claiming that “landlords are no longer providing opportunities for [Housing Choice Voucher recipients] to rent” owing to growth in rental costs.

Fair Housing in the Public Sector

The availability of fair housing choice in the state is impacted by a number of factors in the public sector, including the extent and distribution of publicly-subsidized housing units; land-use and zoning laws, policies, and practices; and the provision of government services, among others.

Housing choice vouchers in the state were observed to be clustered in and around the state’s urban centers, with relatively few public-assisted units in rural areas in the east and south of the state. The same was true of units financed through Low Income Housing Tax Credits. When vouchers were separated out according to whether they were intended to subsidize renters with disabilities, it became apparent that general housing vouchers (i.e., those which were not intended for residents with disabilities) accounted for larger shares of housing vouchers in the Denver metropolitan area than in other areas.

As had been the case with questions concerning barriers to fair housing choice in the state’s private housing market, respondents who claimed to be aware of barriers to fair housing choice in the public sector generally represented a relatively small share of respondents. Questions relating to barriers to fair housing choice in land-use policies and zoning laws were exceptions: many of those who identified perceived barriers in these areas cited policies and practices that had the perceived effect of concentrating affordable housing units in certain areas, and blocking them from others. In addition, over a quarter of respondents were aware of limitations in the provision of government services that amounted, in their consideration, to barriers to fair housing choice. Those who cited specific limitations in government services focused on the need for more public transportation.

Public Involvement

Efforts to promote public participation in the development of the 2015 Analysis of Impediments included the 2015 State of Colorado Fair Housing Survey, Fair Housing Forum, and the public review process.

A total of 208 citizens and stakeholders of the State of Colorado participated in the Fair Housing Survey, 20 percent of whom were local government officials, 17 percent of whom were service providers, and 12.5 percent of whom were “advocates/service providers”. Homeowners constituted the bulk of respondents to the survey, while renters represented around 17 percent of respondents. Most survey respondents considered themselves to be “somewhat” or “very” familiar with fair housing laws, and most considered fair housing laws to serve a useful purpose. Respondents were more divided on the question of whether these laws are difficult to understand or follow, with equal numbers answering “yes” and “no”.

A sizeable minority of respondents affirmed that they would like to see changes to existing fair housing laws, with many expressing a need to include additional protections in existing fair

housing law, including protections based on source of income and gender identity. Some respondents cited a need to include protections based on sexual orientation, which are already included in housing discrimination law at the state level. The inclusion of protections for sexual orientation in state law was noted by a relatively large share of survey respondents: more than half of those who attempted to identify protected classes correctly identified sexual orientation, along with national origin, family status, gender, and religion. However, around forty percent of survey-takers skipped the question concerning protected class designations: this was a higher skip rate than was typical for the survey as a whole.

More than half of survey respondents were aware of training processes available to learn about fair housing laws, and 73 respondents had participated in such training. Nevertheless, approximately 46 percent of respondents felt that current outreach and education activities were insufficient to meet the needs of state residents. Awareness of fair housing testing was also limited, and when asked to assess the current level of fair housing testing in the state, around 70 percent selected “don’t know” or failed to respond entirely. Those who did weigh in definitively on the question generally agreed that current levels of fair housing testing were not sufficient.

A small share of respondents, around 22 percent, were aware of city or county fair housing ordinance, regulation, or plan in their area. Similarly, respondents were generally not aware of any specific areas with fair housing problems: however, those who were tended to agree that such problems were present in Boulder, the Denver metropolitan area, and “ski towns” in general. Those who provided additional commentary and final thoughts on fair housing in the state focused on challenges facing residents with disabilities and rural residents, along with the need for enhanced fair housing outreach and education at the state level.

This need was seconded by participants in fair housing forums held in Pueblo and Denver in May of 2015, who called for additional fair housing outreach, education, and training targeted toward housing providers and consumers alike, as well as local and state government officials. These participants also emphasized the role of a tight rental housing market in pushing low-income residents out of sought-after housing markets in the state, especially in the case of residents with disabilities and recipients of public housing subsidies. In discussing potential policy recommendations to mitigate some of these concerns, some participants cited a need for source of income protections in local or state fair housing law, which would prohibit landlords from turning away prospective residents solely on the basis that they benefited from public housing assistance. Forum participants also cited a need to bring a broader coalition of agencies and stakeholders to bear on addressing the factors that limited fair housing choice, whether in the provision of public services, local zoning regulations, the housing stock, or other areas.

IMPEDIMENTS TO FAIR HOUSING CHOICE AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Discrimination against residents with disabilities. This impediment was identified through review of complaints filed with the US Department of Housing and Urban Development (HUD) and the results of the 2015 State of Colorado Fair Housing Survey, and in conversation with participants in the 2015 Fair Housing Forums. National studies indicate that

disability-based discrimination has been the most common allegation in complaints filed in the nation as a whole, a trend which is reflected in complaints filed in Colorado. Discrimination on the basis of physical disability was the most common, cited in over 42 percent of complaints, followed by complaints based on mental disability, which was cited in a fifth of complaints. In spite of its prevalence among housing complaints, participants considered the number of complaints from residents with disabilities in data provided by HUD to be unrealistically low. In addition, approximately 18 percent of respondents to the 2015 Fair Housing Survey cited discrimination in the housing construction or accessible design fields, with several respondents citing perceived discrimination against residents with disabilities.

Action 1.1: Increase outreach and education for housing providers in the state, outlining common forms of discrimination against residents with disabilities.

Measurable Objective 1.1: The number of outreach and education sessions conducted and the number of participants.

Action 1.2: Partner with the Denver Metro Fair Housing Center to conduct fair housing tests of local housing providers, targeting disability-based discrimination.

Measurable Objective 1.2: The number of tests conducted and the results of fair housing testing.

Impediment 2: Failure to make reasonable accommodation or modification. This impediment was identified through review of housing complaints filed with HUD. Failure to make reasonable accommodation was the most common specific allegation among complaints filed by or on behalf of Colorado residents, figuring in 35.7 percent of complaints the agency received from 2004 through 2014. This complaint represented a much larger share of complaints that were conciliated, settled, or found to be with cause, or approximately 52 percent.

Action 2.1: Increase outreach and education for housing providers in the state, focusing on legal requirements concerning reasonable accommodation, in coordination with local disability advocate organizations.

Measurable Objective 2.1: The number of outreach and education sessions conducted and the number of participants.

Impediment 3: Discriminatory terms and conditions in housing. This impediment was identified through review of fair housing complaints that Colorado residents filed with HUD from 2004 through 2014. Approximately 32 percent of complaints alleged discrimination in terms, conditions, privileges, or services and facilities, making it the second most common allegation among complaints overall. It was also the second most common allegation among complaints that were conciliated, settled, or found to have cause: however, discrimination in terms, conditions, privileges, or services and facilities accounted for a considerably larger share of the latter complaints, or 27 percent.

Action 3.1: Enhance outreach and education sessions for housing providers and consumers throughout the state, identifying common types of housing discrimination and the rights and responsibilities established under federal and state housing discrimination law.

Measurable Objective 3.1: The number of outreach and education sessions conducted and the number of participants.

Action 3.2: Partner with the Denver Metro Fair Housing Center to continue and expand upon the fair housing testing efforts that formed the basis of its 2014 rental discrimination study.

Measurable Objective 3.2: The number of fair housing tests conducted and the results of those tests.

Action 3.3: Open a dialogue with the Denver Metro Fair Housing Center to explore possibilities for extending fair housing testing efforts beyond the Denver metropolitan area.

Measurable Objective 3.3: The record of the dialogue, and policy recommendations resulting from that dialogue.

Impediment 4: Higher rates of home loan denials to black and Hispanic residents. This impediment was identified through review of home lending data collected under the Home Mortgage Disclosure Act (HMDA). According to those data, 25.7 percent of owner-occupied home purchase loan applications from black applicants were denied from 2004 through 2013, well above the average denial rate of 15.7 percent for all applicants, or the denial rate of 14.4 percent for white applicants. Similarly, the denial rate for Hispanic applicants, at 26.9 percent, was well above average and more than twice the denial rate for non-Hispanic applicants. Moreover, these discrepancies persisted even when income was taken into account. Around 22 percent of applications from black applicants earning between \$60,000 and \$75,000 per year were turned down; this was nearly ten percentage points higher than the denial rate for white applicants who were similarly situated with respect to income. Hispanic applicants earning between \$60,000 and \$75,000 per year were denied in 23.2 percent of applications, more than twice the denial rate for non-Hispanic residents in the same income range.

Action 4.1: Enhance outreach and education sessions for prospective home buyers, including high school and university students, presenting methods and practices for establishing and maintaining good credit.

Measurable Objective 4.1: The number of outreach and education sessions conducted and the number of participants.

Action 4.2: Promote greater engagement among local, state, and national banks and lending institutions to explore and identify the factors contributing to differential loan denial rates, as well as approaches that the state and lending industry may take to address the systemic and complex conditions that result in disparate denial rates.

Measurable Objective 4.2: The number of banks and lending institutions that agree collaborate on identifying challenges in the lending industry, the solutions proposed to address those challenges, and the results of any formal or informal analyses undertaken in connection with this action.

Impediment 5: Lack of understanding of fair housing law. This impediment was identified in the result of the 2015 Fair Housing Survey and in discussion with participants in the 2015 Fair Housing Forums in Pueblo and Denver. Around 41.1 percent of survey respondents maintained that fair housing laws are difficult to understand or follow. In addition, though seventy percent of respondents who attempted to identify the protected classes under federal, state, and local fair housing law correctly identified “religion,” fewer were able to identify other protected classes. In addition, participants in the 2015 Fair Housing Forum discussions maintained that there is a need for more robust and comprehensive and fair housing outreach

and education throughout the state, targeting housing providers and consumers alike. Some participants noted that, in the absence of widespread understanding of fair housing laws, some property managers are citing fair housing law as a reason not to offer reduced rents to residents with disabilities, saying that to do so would constitute a violation of fair housing law.

Action 5.1: Enhance fair housing outreach and education efforts during Fair Housing month, which is April of each year.

Measurable Objective 5.1: The number of enhanced fair housing outreach and education sessions offered and the number of participants.

Action 5.2.1: Partner with Denver Metro Fair Housing (DMFHC) and the Colorado Civil Rights Division (CCRD) each year to develop a summary of fair housing complaint and testing data over the prior year.

Action 5.2.2: Publish the summary during fair housing month, advertising it through the state's print and online media presence.

Measurable Objective 5.2: Partnership with DMFHC and the CCRD, the summary of complaint and testing data, publication of the summary, and the number of page views of the summary on the Housing Division website.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Zoning laws and development standards used to limit or restrict some affordable housing. This impediment was identified through review of the 2015 Fair Housing Survey. Though respondents who affirmed that they were aware of questionable practices or barriers to fair housing choice in the public sector generally represented fewer than fifteen percent of all respondents, those who provided additional commentary on these questions felt that the impact of local opposition to low-income, affordable housing was discernible in the outcomes of land-use and zoning decisions.

Action 1.1: Conduct an audit of local zoning codes in select areas of the state to identify areas with exclusionary zoning provisions (i.e., density restrictions, restrictions on the placement of group homes, etc.).

Measurable Objective 1.1: The results of the audit, including the percentage of local zoning ordinances with restrictive language.

Impediment 2: Concentrations of assisted housing. This impediment was identified through a review of the distribution of public-assisted housing units in the state and in conversation with attendees at the 2015 Fair Housing Forum discussions. Assisted housing units, whether they were financed through housing choice vouchers or Low Income Housing Tax Credits, tended to be concentrated in selected areas throughout the state. Though one forum participant noted that these concentrations were largely a product of population density, other commenters identified several factors promoting high concentrations of affordable housing: One of those factors was a decline in the availability of affordable housing, which has been displacing low-income residents. Another factor driving the concentration of affordable units is the criteria of various public assistance programs, which have the effect of concentrating affordable units by promoting their development in areas with low-cost land and access to grocery stores, public transit, and public services.

Action 2.1: Contact local housing authorities throughout the state to determine (1) the level of unmet need for affordable housing in the state's rural areas, and (2) whether the unmet need in those areas is disproportionate as compared to the state's urban areas.

Measurable Objective 2.1: Record of contact with local housing authorities, levels of unmet need identified

Action 2.1: Monitor the placement of new affordable housing units to determine whether it relieves or exacerbates existing concentrations of affordable units.

Measurable Objective 2.1: The establishment of a monitoring process and the data gathered in the course of monitoring.

Impediment 3: Lack of understanding of fair housing law and the duty to affirmatively further fair housing. This impediment was identified through the results of the 2015 State of Colorado Fair Housing Survey. As noted above, around 41.1 percent of survey respondents maintained that fair housing laws are difficult to understand or follow. In addition, though seventy percent of respondents who attempted to identify the protected classes under federal, state, and local fair housing law correctly identified "religion," fewer were able to identify other protected classes.

Action 3.1: During Fair Housing Month (April) every year, distribute materials outlining fair housing law and policy to state and local government agencies whose work impacts housing and community development policy in the state.

Measurable Objective 3.1: The materials prepared for circulation and the number of officials and departments who receive those materials.

Action 3.2: Conduct fair housing training sessions with state and local government employees whose work directly impacts housing and community development policy, in partnership with Denver Metro Fair Housing and the Colorado Civil Rights Division.

Measurable Objective 3.2: The number of fair housing training sessions conducted and the number of participants.

Action 3.2: Contact representatives of state agencies and commissions whose policies and decisions impact fair housing choice, with the goal of forming a committee to liaise between the agencies and better coordinate fair housing policy at the state level.

Measurable Objective 3.2.1: Record of contact with the identified agencies and commissions.

Measurable Objective 3.2.2: The establishment of the committee and the identification of contributing agencies and commissions.

Action 3.3: Open a dialogue with the Colorado Civil Rights Division (CRD) and have them participate in fair housing.

Measurable Objective 3.3: Record of the dialogue and participation of the CRD.

Action 3.4: Conduct fair housing outreach and education targeting the general public.

Measurable Objective 3.4: The number of fair housing outreach and education sessions conducted.

SECTION I. INTRODUCTION

Title VIII of the 1968 Civil Rights Act, also known as the Federal Fair Housing Act, made it illegal to discriminate in the buying, selling, or renting of housing based on a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970s. In 1988, the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes. Federal fair housing statutes are largely covered by the following three pieces of U.S. legislation:

1. The Fair Housing Act,
2. The Housing Amendments Act, and
3. The Americans with Disabilities Act.

The purpose of fair housing law is to protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination. The goal of fair housing law is to allow everyone equal access to housing.

WHY ASSESS FAIR HOUSING?

Provisions to affirmatively further fair housing are long-standing components of the U.S. Department of Housing and Urban Development's (HUD's) housing and community development programs. These provisions come from Section 808(e) (5) of the federal Fair Housing Act, which requires that the Secretary of HUD administer federal housing and urban development programs in a manner that affirmatively furthers fair housing.

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single planning process. This action grouped the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG)⁹, and Housing Opportunities for Persons with AIDS (HOPWA) programs into the Consolidated Plan for Housing and Community Development, which then created a single application cycle.

As a part of the consolidated planning process, states and entitlement communities that receive such funds as a formula allocation directly from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing. In the State of Colorado, the Colorado Division of Housing makes this certification for the state. The AFFH certification process has three parts:

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 analysis and actions taken.

In the *Fair Housing Planning Guide*, page 2-8, HUD notes that impediments to fair housing choice are:

⁹In 1994, the Emergency Solutions Grants program was called the Emergency Shelters Grants program.

- “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 [and]
- Any actions, omissions, or decisions which have [this] effect.”¹⁰

State and local governments may enact fair housing laws that extend protection to other groups as well. Accordingly, state law prohibits discrimination on all of the bases included in the federal Fair Housing Act, while including protections against discrimination on the basis of creed, sexual orientation, marital status, and ancestry¹¹, as shown in Table I.1 below.

Table I.1
Comparison of Fair Housing Laws
State of Colorado

Protected Group	Federal Fair Housing Act	Colorado Fair Housing Law
Race	X	X
Color	X	X
Religion	X	X
National Origin	X	X
Sex	X	X
Familial Status	X	X
Disability	X	X
Creed		X
Sexual Orientation		X
Marital Status		X
Ancestry		X

It is essential to distinguish between fair housing and housing production. As discussed above, fair housing protections at the federal level do not include consideration of income and do not address housing affordability outside the context of housing discrimination. While lack of affordable housing can be a significant concern to policymakers, it is not, on its own, a fair housing problem unless members of protected classes face this issue disproportionately. In fact, a large increase in affordable units in close proximity to one another can contribute to a problem for fair housing choice in some cases, such as the concentration of racial or ethnic minorities.

PURPOSE OF THIS RESEARCH

HUD interprets the broad objectives of affirmatively furthering fair housing to include:

- “Analyzing and working to eliminate housing discrimination in the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to, and usable by, all persons, particularly individuals with disabilities; and

¹⁰ *Fair Housing Planning Guide*.

¹¹ C.R.S. 24-34-500, *et seq.*

- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.”¹²

The objective of the 2015 AI process was to research, analyze, and identify prospective impediments to fair housing choice throughout the state. The goal of the completed AI is to suggest actions that the State can consider when working toward eliminating or mitigating the identified impediments.

LEAD AGENCY

The Colorado Department of Local Affairs led the effort of preparing this report on behalf of the State of Colorado.

Commitment to Fair Housing

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the State certifies that it will *affirmatively further fair housing*. This statement means that they have conducted an AI, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and will maintain records that reflect the analysis and actions taken in this regard.

GEOGRAPHIC SCOPE OF THE ANALYSIS

This AI addresses the status of fair housing within the State of Colorado. Map I.1, on the following page, includes a layout of the entire state in addition to an inset map of the more densely populated Denver-Fort Collins-Colorado Springs area.

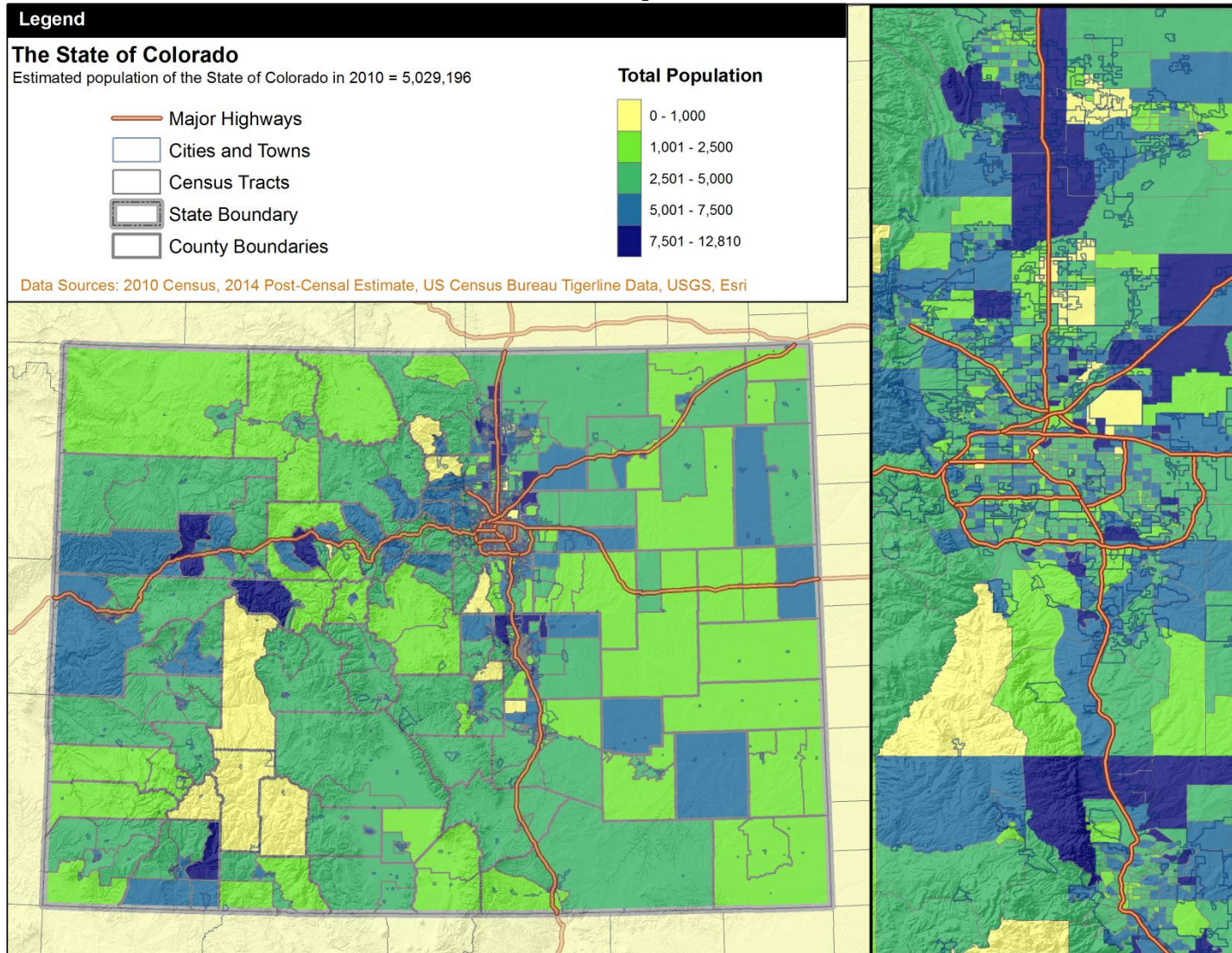
RESEARCH METHODOLOGY

The AI process involves a thorough examination of a variety of data related to housing, particularly for persons who are protected under fair housing laws. AI sources include Census data, employment and income information, home mortgage application data, business lending data, fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain. Relevant information was collected and evaluated via four general approaches:

1. *Primary Research*, or the collection and analysis of raw data that did not previously exist;
2. *Secondary Research*, or the review of existing data and studies;
3. *Quantitative Analysis*, or the evaluation of objective, measurable, and numerical data; and
4. *Qualitative Analysis*, or the evaluation and assessment of subjective data such as individuals’ beliefs, feelings, attitudes, opinions, and experiences.

¹² *Fair Housing Planning Guide*, p.1-3.

Map I.1 Colorado Study Area The State of Colorado 2010 Census Tigerline Data



Some baseline secondary and quantitative data were drawn from the Census Bureau, including 2000 and 2010 Census counts, as well as American Community Survey data averages from 2009 through 2013. Data from these sources detail population, personal income, poverty, housing units by tenure, cost burdens, and housing conditions. Other data were drawn from records provided by the Bureau of Labor Statistics, the Bureau of Economic Analysis, and a variety of other sources. The following narrative offers a brief description of other key data sources employed for the 2015 AI for the State of Colorado.

Home Mortgage Disclosure Act Data

To examine possible fair housing issues in the home mortgage market, Home Mortgage Disclosure Act (HMDA) data were analyzed. The HMDA was enacted by Congress in 1975 and has since been amended several times. It is intended to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns. HMDA requires lenders to publicly disclose the race, ethnicity, and sex of mortgage applicants, along with loan application amounts, household income, the Census tract in which the home is located, and information concerning prospective lender actions related to the loan application. For this analysis, HMDA data from 2004 through 2013 were analyzed, with the measurement of denial rates by Census tract and by race and ethnicity of applicants the key research objectives. These data were also examined to identify the groups and geographic areas most likely to encounter higher denial rates and receive loans with unusually high interest rates.

Fair Housing Complaint Data

Housing complaint data were used to analyze discrimination in the renting and selling of housing. HUD provided fair housing complaint data for the State from 2004 through 2014. This information included the basis, or protected class pursuant to the complaint; the issue, or prospective discriminatory action, pursuant to the grievance; and the closure status of the alleged fair housing infraction, which relates to the result of the investigation. The review of 1,234 fair housing complaints from state residents allowed for inspection of the tone, the relative degree and frequency of certain types of unfair housing practices, and the degree to which complaints were found to be with cause. Analysis of complaint data focused on determining which protected classes may have been disproportionately impacted by housing discrimination based on the number of complaints, while acknowledging that many individuals may be reluctant to step forward with a fair housing complaint for fear of retaliation or similar repercussion.

Fair Housing Survey

HUD recommends that surveys be conducted during the AI process to gain input from the public regarding perceived impediments to fair housing choice in an area. As such, the State elected to utilize a survey instrument as a means to encourage public input in the AI process. This step was a cost-effective and efficient method to utilize research resources.

The survey targeted individuals involved in the housing arena, although anyone was allowed to complete the survey. In addition to gathering data, this survey was utilized to help promote public involvement throughout the AI process. The 2015 State of Colorado Fair Housing Survey, an internet-based instrument, has received 208 responses as of late June of 2015.

The survey was designed to address a wide variety of issues related to fair housing and affirmatively furthering fair housing. If limited input on a particular topic was received, it was assumed that the entirety of stakeholders did not view the issue as one of high pervasiveness or impact. This does not mean that the issue was nonexistent in the State, but rather that there was no widespread perception of its prevalence, as gauged by survey participants. The following narrative summarizes key survey themes and data that were addressed in the survey instrument.

Federal, State, and Local Fair Housing Laws

The first section of the survey asked respondents to address a number of questions related to fair housing laws, including assessment of their familiarity with and understanding of these laws, knowledge of classes of persons protected by these laws, the process for filing fair housing complaints, and an inquiry into whether or not fair housing laws should be changed.

Fair Housing Activities

The second section of the survey evaluated stakeholders' awareness of and participation in fair housing activities in the State, including outreach activities such as trainings and seminars, as well as monitoring and enforcement activities such as fair housing testing exercises.

Barriers to Fair Housing Choice in the Private Sector

This section addressed fair housing in the State of Colorado's private housing sector and offered a series of two-part questions. The first part asked respondents to indicate awareness of questionable practices or barriers to fair housing choice in a variety of private sector industries, and the second part requested a narrative description of these questionable practices or concerns if an affirmative response was received. The specific areas of the private sector that respondents were asked to examine included the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industries,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

The use of open-ended questions allowed respondents to address any number of concerns such as redlining, neighborhood issues, lease provisions, steering, substandard rental housing, occupancy rules, and other fair housing issues in the private housing sector of the state.

Fair Housing in the Public Sector

Just as in the section of the survey concerning private sector barriers, respondents were asked to offer insight into their awareness of questionable practices or barriers to fair housing in the public sector. A list of areas within the public sector was provided, and respondents were asked first to specify their awareness of fair housing issues within each area. If they were aware

of any fair housing issues, they were asked to further describe these issues in a narrative fashion. Respondents were asked to identify fair housing issues within the following public sector areas related to housing:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies, and
- Any other public administrative actions or regulations.

The questions in this section were used to identify fair housing issues in the state regarding zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, and NIMBYism.¹³

Additional Questions

Finally, respondents were asked about their awareness of any local fair housing plans or specific geographic areas of the State with fair housing problems. Respondents were also asked to leave additional comments.

Research Conclusions

The final list of impediments to fair housing choice for the State of Colorado was drawn from all quantitative, qualitative, and public input sources, and was based on HUD's definition of an impediment to fair housing choice as any action, omission, or decision that affects housing choice because of protected class status. The determination of qualification as an impediment was derived from the frequency and severity of occurrences drawn from quantitative and qualitative data evaluation and findings.

PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the State of Colorado as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of state-wide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

¹³"Not In My Backyard" mentality

SECTION II. SOCIO-ECONOMIC CONTEXT

This section presents demographic, economic, and housing information collected from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, and other sources. Data were used to analyze a broad range of socio-economic characteristics, including population growth, race, ethnicity, disability, employment, poverty, and housing trends; these data are also available by Census tract, and are presented in geographic maps. Ultimately, the information presented in this section illustrates the underlying conditions that shape housing market behavior and housing choice in the State of Colorado.

To supplement 2000 and 2010 Census data, data for this analysis was also gathered from the Census Bureau's American Community Survey (ACS). The ACS data cover similar topics to the decennial counts but include data not appearing in the 2010 Census, such as household income and poverty. The key difference of these datasets is that ACS data represent a five-year average of annual data estimates as opposed to a point-in-time 100 percent count. The ACS data reported herein, which span the years from 2009 through 2013, are not directly comparable to decennial Census counts because they do not account for certain population groups such as the homeless and because they are based on samples rather than counts of the population. However, *percentage* distributions from the ACS data can be compared to distributions from the 2000 and 2010 Censuses.

DEMOGRAPHICS

As part of the essential review of the background context of the markets which housing choices are made in the State of Colorado, detailed population and demographic data are included to describe state residents. These data help to address whether over-concentrations of racial and ethnic minorities exist, and if so, which areas of the state are most affected. Concentrations of protected class populations do not necessarily imply impediments to fair housing choice, but may represent the results of impediments identified in other data.

POPULATION DYNAMICS

Table II.1 at right presents population counts in the State of Colorado, as drawn from the 2000 and 2010 Censuses, intercensal population estimates for the years from 2001 through 2009, and postcensal estimates for the years from 2011 through 2014. As shown, the population of Colorado has increased by an estimated 24.5 percent since the 2000 Census, or around 70,300 per year on average. Population growth in the state has generally been steady since 2000, according to these figures.

POPULATION BY AGE

The population of the State of Colorado increased by 16.9 percent between the years of 2000 and 2010, as shown in Table II.2.A on the following page. This growth was driven in large part by a dramatic increase in the number of residents aged 55 and

Table II.1
Census and Intercensal
Population Estimates
The State of Colorado
2000, 2010 Census and
Intercensal Estimates

Year	Estimate
Census 2000	4,301,261
July 2001 Est.	4,425,687
July 2002 Est.	4,490,406
July 2003 Est.	4,528,732
July 2004 Est.	4,575,013
July 2005 Est.	4,631,888
July 2006 Est.	4,720,423
July 2007 Est.	4,803,868
July 2008 Est.	4,889,730
July 2009 Est.	4,972,195
Census 2010	5,029,196
July 2011 Est.	5,119,661
July 2012 Est.	5,191,709
July 2013 Est.	5,272,086
July 2014 Est.	5,355,866
Change 00 – 14	24.5%

older, which accounted for more than fifty percent of the overall growth over the decade. However, the largest shares of residents in 2010 were claimed by those aged 5 to 19, who accounted for 20.3 percent of the population, and residents aged 35 to 54, who accounted for 28.7 percent.

Table II.2.A
Population by Age, 2000-2010
State of Colorado
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
Under 5	297,505	6.9%	343,960	6.8%	15.6%
5 to 19	927,163	21.6%	1,020,732	20.3%	10.1%
20 to 24	306,238	7.1%	348,615	6.9%	13.8%
25 to 34	664,027	15.4%	726,278	14.4%	9.4%
35 to 54	1,350,948	31.4%	1,442,342	28.7%	6.8%
55 to 64	339,307	7.9%	597,644	11.9%	76.1%
65 or Older	416,073	9.7%	549,625	10.9%	32.1%
Total	4,301,261	100.0%	5,029,196	100.0%	16.9%

However, both cohorts have declined as a share of the total population since 2010, as shown in Table II.2.B below, due to strong growth in the number of residents aged 20 to 34 and residents aged 55 and over.

Table II.2.B
Population by Age, After 2010
State of Colorado
2010 Census SF1 & 2013 Five-Year ACS Data

Age	2010 Census		2013 5-Year ACS Census	
	Population	% of Total	Population	% of Total
Under 5	343,960	6.8%	339,802	6.6%
5 to 19	1,020,732	20.3%	1,029,896	20.1%
20 to 24	348,615	6.9%	360,848	7.0%
25 to 34	726,278	14.4%	746,621	14.6%
35 to 54	1,442,342	28.7%	1,435,847	28.0%
55 to 64	597,644	11.9%	621,065	12.1%
65 or Older	549,625	10.9%	585,250	11.4%
Total	5,029,196	100.0%	5,119,329	100.0%

Much of the growth in the elderly population between 2000 and 2010, which included residents aged 65 and above, was due to rapid growth in the number of residents aged 65 to 69, as shown in Table II.3.A below.

Table II.3.A
Elderly Population by Age, 2000-2010
State of Colorado
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
65 to 66	49,883	12.0%	80,153	14.6%	60.7%
67 to 69	71,339	17.1%	102,339	18.6%	43.5%
70 to 74	105,088	25.3%	127,468	23.2%	21.3%
75 to 79	85,922	20.7%	96,908	17.6%	12.8%
80 to 84	55,625	13.4%	73,144	13.3%	31.5%
85 or Older	48,216	11.6%	69,613	12.7%	44.4%
Total	416,073	100.0%	549,625	100.0%	32.1%

Following the 2010 Census, residents at the younger end of the elderly cohort continued to grow as a share of the total elderly population, as shown in Table II.3.B below.

Table II.3.B
Elderly Population by Age, After 2010

State of Colorado
2010 Census SF1 & 2013 Five-Year ACS Data

Age	2010 Census		2013 5-Year ACS Census	
	Population	% of Total	Population	% of Total
65 to 66	80,153	14.6%	91,653	15.7%
67 to 69	102,339	18.6%	109,661	18.7%
70 to 74	127,468	23.2%	135,910	23.2%
75 to 79	96,908	17.6%	100,902	17.2%
80 to 84	73,144	13.3%	74,381	12.7%
85 or Older	69,613	12.7%	72,743	12.4%
Total	549,625	100.0%	585,250	100.0%

POPULATION BY RACE AND ETHNICITY

White residents represented 82.8 percent of the population in 2000, a share that declined slightly over the following decade, as shown in Table II.4.A below. The share of black residents in the state showed a slight increase during that time, rising from 3.8 to 4.0 percent of the population. Similar modest increases were observed in the American Indian and Asian populations, which grew by approximately 12,000 and 44,000, respectively. By contrast, the number of Hispanic residents of all races grew by more than 303,000, gaining over three percentage points as a share of the population. In 2010, Hispanic residents represented a fifth of the state's population.

Table II.4.A
Population by Race and Ethnicity, 2000-2010

State of Colorado
2000 & 2010 Census SF1 Data

Race	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
White	3,560,005	82.8%	4,089,202	81.3%	14.9%
Black	165,063	3.8%	201,737	4.0%	22.2%
American Indian	44,241	1.0%	56,010	1.1%	26.6%
Asian	95,213	2.2%	139,028	2.8%	46.0%
Native Hawaiian/ Pacific Islander	4,621	.1%	6,623	.1%	43.3%
Other	309,931	7.2%	364,140	7.2%	17.5%
Two or More Races	122,187	2.8%	172,456	3.4%	41.1%
Total	4,301,261	100.0%	5,029,196	100.0%	16.9%
Non-Hispanic	3,565,660	82.9%	3,990,509	79.3%	11.9%
Hispanic	735,601	17.1%	1,038,687	20.7%	41.2%

Since 2010, the white population appears to have grown at a more rapid pace: over the five-year period from 2009 through 2013, the white population accounted for 84 percent of the population, hinting at substantial growth since 2010. Most other racial groups have retained roughly the same shares of the population since 2010, with the exception of those who identify their race as "other," who declined as a share of the overall population. The share of Hispanic residents has also continued to grow since 2010, as shown in Table II.4.B on the following page.

Table II.4.B
Population by Race and Ethnicity, After 2010

State of Colorado
 2000 & 2010 Census SF1 Data

Race	2010 Census		2013 5-Year ACS Census	
	Population	% of Total	Population	% of Total
White	4,089,202	81.3%	4,301,096	84.0%
Black	201,737	4.0%	203,755	4.0%
American Indian	56,010	1.1%	49,177	1.0%
Asian	139,028	2.8%	141,719	2.8%
Native Hawaiian/ Pacific Islander	6,623	.1%	6,549	.1%
Other	364,140	7.2%	241,998	4.7%
Two or More Races	172,456	3.4%	175,035	3.4%
Total	5,029,196	100.0%	5,119,329	100.0%
Non-Hispanic	3,990,509	79.3%	4,055,320	79.2%
Hispanic	1,038,687	20.7%	1,064,009	20.8%

American Indian residents represented one percent of the state's population in 2000. As shown in Map II.1 on the following page, Census tracts with above average concentrations of American Indian residents were scattered throughout the state in that year, though these areas were more common in the south of the state than in central and northeastern Census tracts. There were also large clusters of Census tracts in and around the state's urban areas, including in the north, northwest, and west of Denver. However, it was two Census tracts in the state's southwestern corner that held the largest populations of American Indian residents, both in absolute terms and as a share of tract population. These areas roughly corresponded to the location of the Southern Ute and Ute Mountain reservation areas.

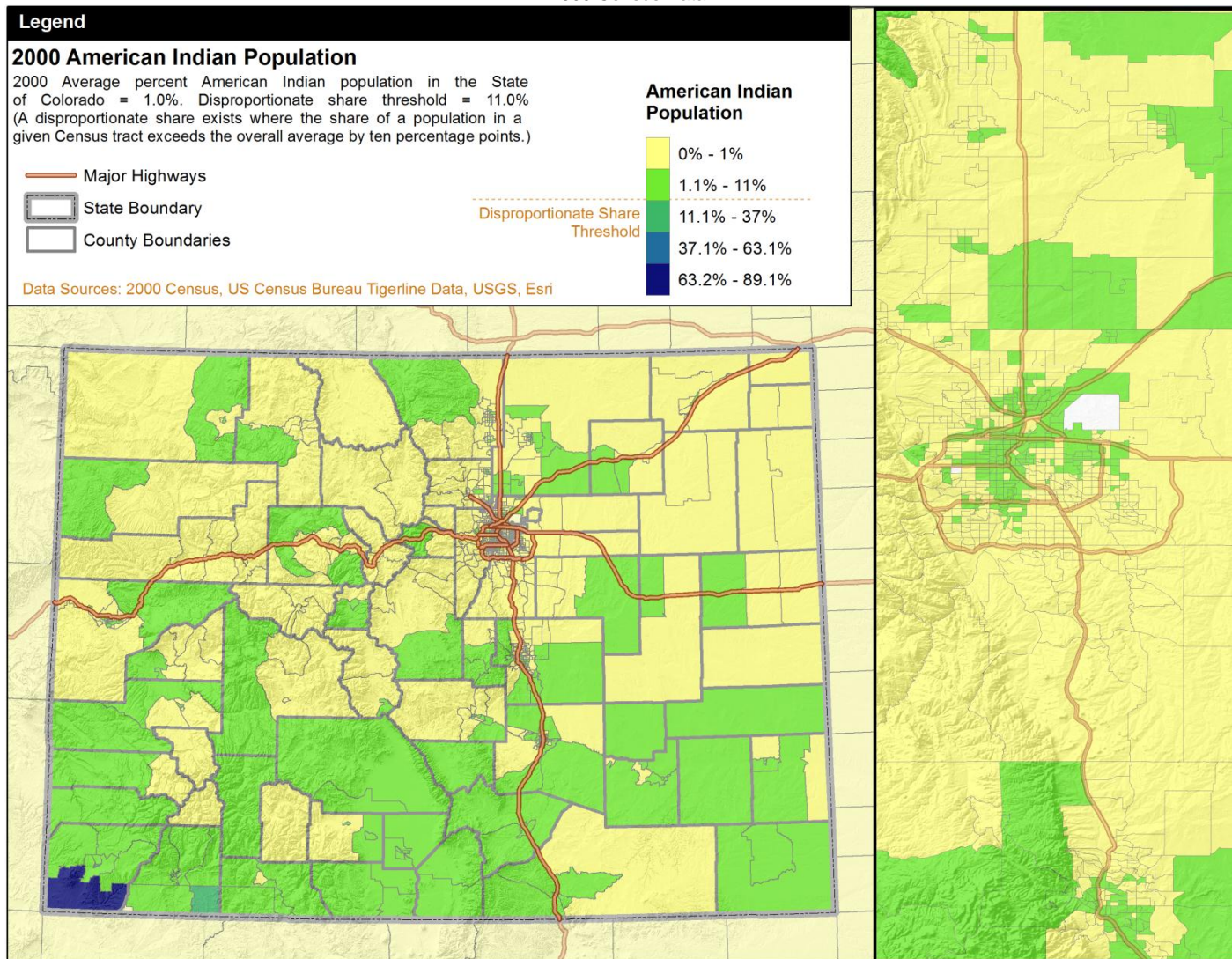
Those same areas also held the highest concentrations of American Indian residents in 2010, as shown in Map II.2 on page 30. Overall, the American Indian population grew between 2000 and 2010, both in number and as a share of the state's population. However, the distribution of American Indian residents throughout the state remained similar in 2010 to what it had been in 2000.

Black residents accounted for 3.8 percent of the state's population in 2000. Unlike American Indian residents, black residents were largely concentrated in urban areas of the state, as shown in Map II.3 on page 31. The highest concentrations of black residents were observed in Census tracts in and around Denver, generally to the east of the city center. More than half of the population was black in several Census tracts that were clustered around Martin Luther King Boulevard, to the immediate east of the city center.

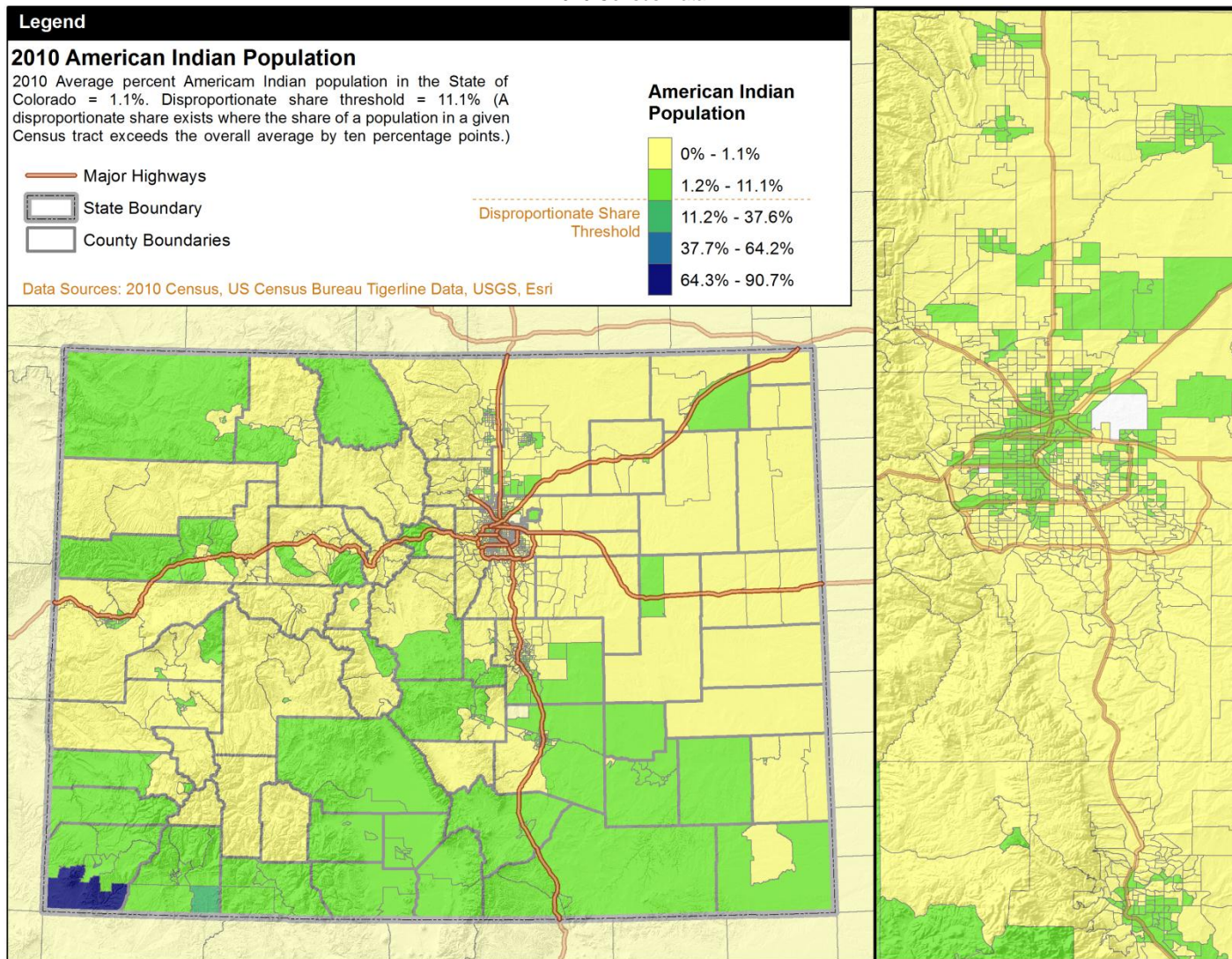
As the black population grew in size and as a share of the state's population between 2000 and 2010, the overall distribution of the black population remained largely unchanged. As shown in Map II.4 on page 32, black residents continued to be highly concentrated in the state's urban areas, particularly small, densely populated Census tracts to the east of Denver's city center.

The Asian population represented 2.2 percent of the population in 2000. As shown in Map II.5 on page 33, Asian residents were largely concentrated in and around Denver, Fort Collins, and Colorado Springs. The highest concentrations of Asian residents were observed in peripheral Census tracts in Denver, to the northwest and southeast of the city center. The same overall patterns in the distribution of Asian residents were observed in 2010, as shown in Map II.6 on page 34, even as the overall Asian population had grown to 2.8 percent.

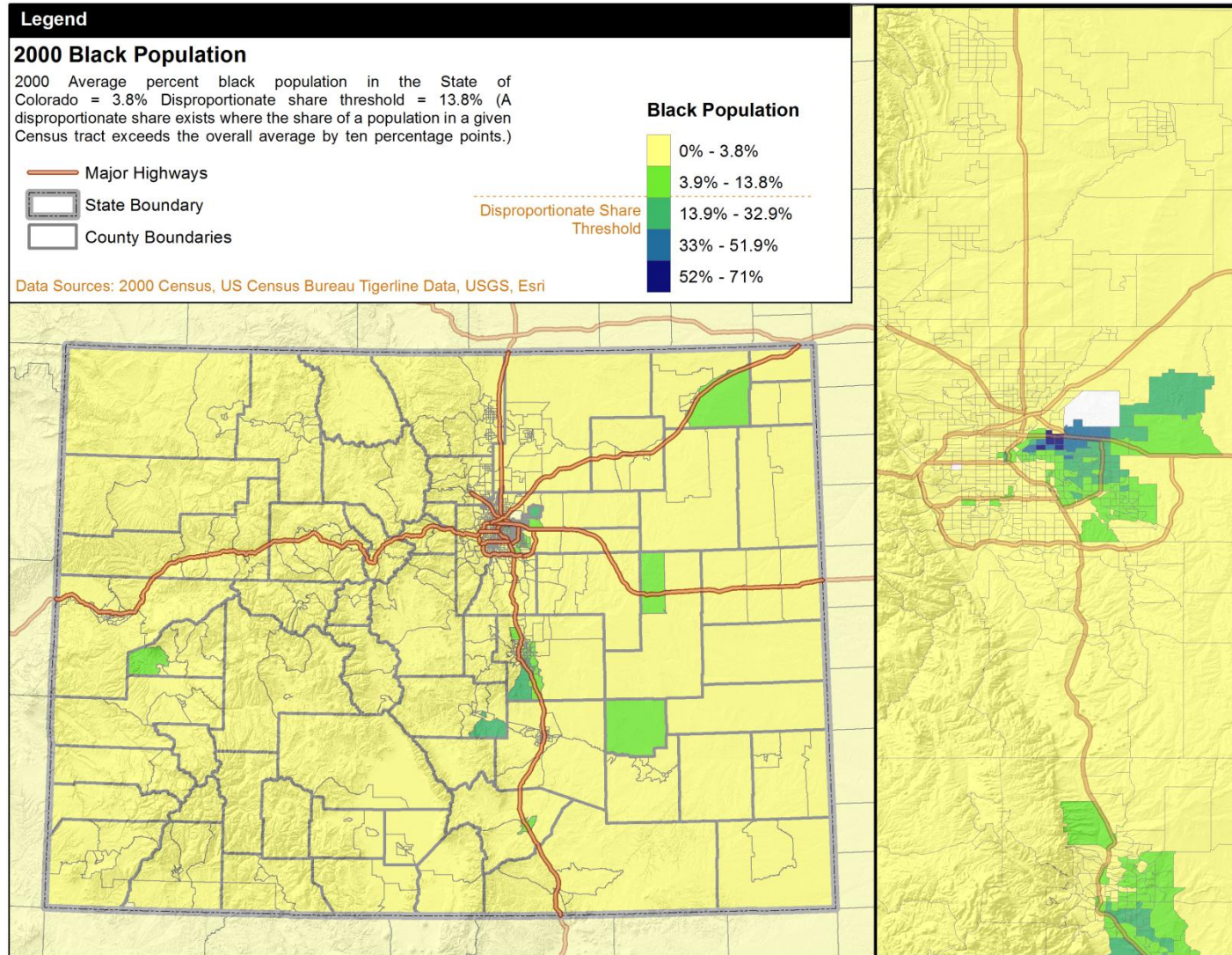
Map II.1
American Indian Population by Census Tract, 2000
 The State of Colorado
 2000 Census Data



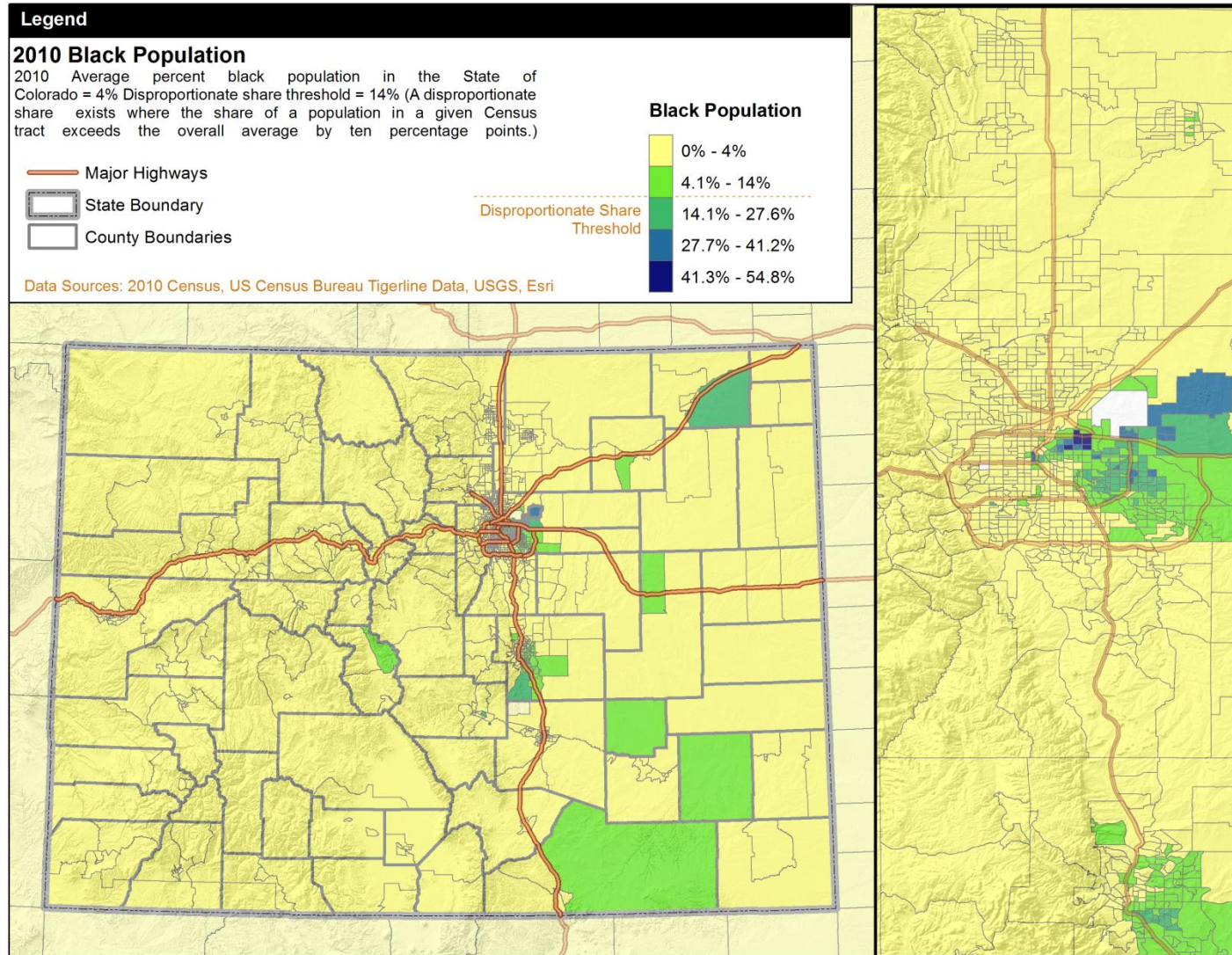
Map II.2
American Indian Population by Census Tract, 2010
 The State of Colorado
 2010 Census Data



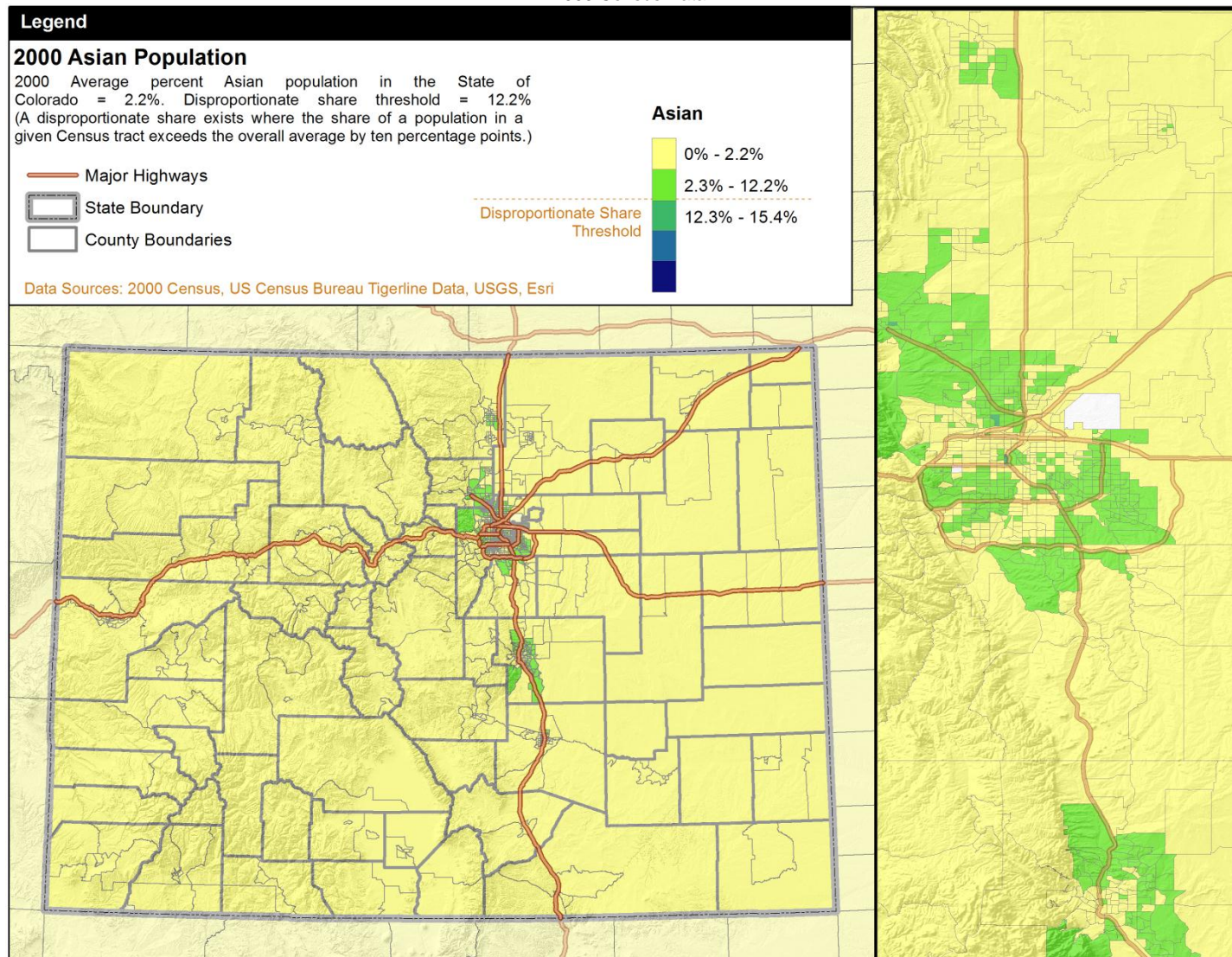
Map II.3
Black Population by Census Tract, 2000
 The State of Colorado
 2000 Census Data



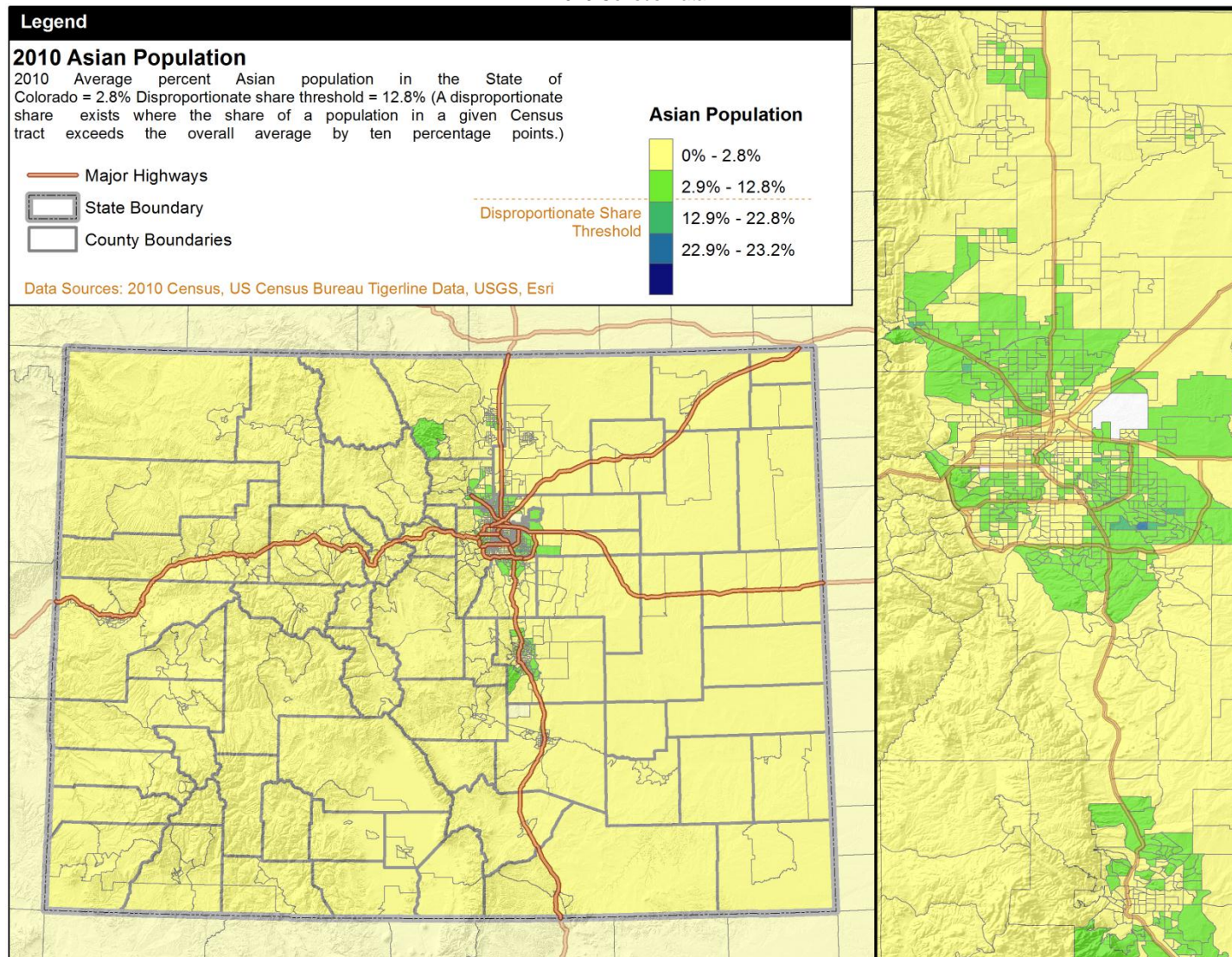
Map II.4
Black Population by Census Tract, 2010
 The State of Colorado
 2010 Census Data



Map II.5
Asian Population by Census Tract, 2000
 The State of Colorado
 2000 Census Data



Map II.6
Asian Population by Census Tract, 2010
 The State of Colorado
 2010 Census Data



Hispanic residents were also highly concentrated in Census tracts in Denver, as shown in Map II.7 on the following page. However, these residents tended to be concentrated in Census tracts to the west, southwest, and northeast of the city center, where more than 65.3 percent of Census tract residents were Hispanic. Hispanic residents accounted for similar shares of the population in Census tracts in Brighton and Greeley. In addition, Hispanic residents were observed to be highly concentrated in larger, more rural tracts in and around Pueblo, La Junta, Leadville, and over a large area in the south of the state.

The Hispanic population grew considerably between 2000 and 2010, both in number and as a share of the overall population, representing 20.8 percent of the overall population at the end of the decade. As shown in Map II.8 on page 37, the geographic distribution of Hispanic residents changed little during that time.

DISABILITY STATUS

Over 607,000 residents were living with some sort of disability in 2000, representing 16.3 percent of the population, as shown in Table II.5 at right. According to estimates from the 2009-2013 American Community Survey (ACS), 10.1 percent of the population was living with disabilities on average over the five year period, as shown in Table II.6 below. It is important to note, however, that figures from 2000 and 2009-2013 do not capture exactly the same population, owing to changes in the ACS questionnaire implemented in 2008. For that reason, the Census Bureau discourages direct comparison between the two.

Table II.5
Disability by Age
State of Colorado
2000 Census SF3 Data

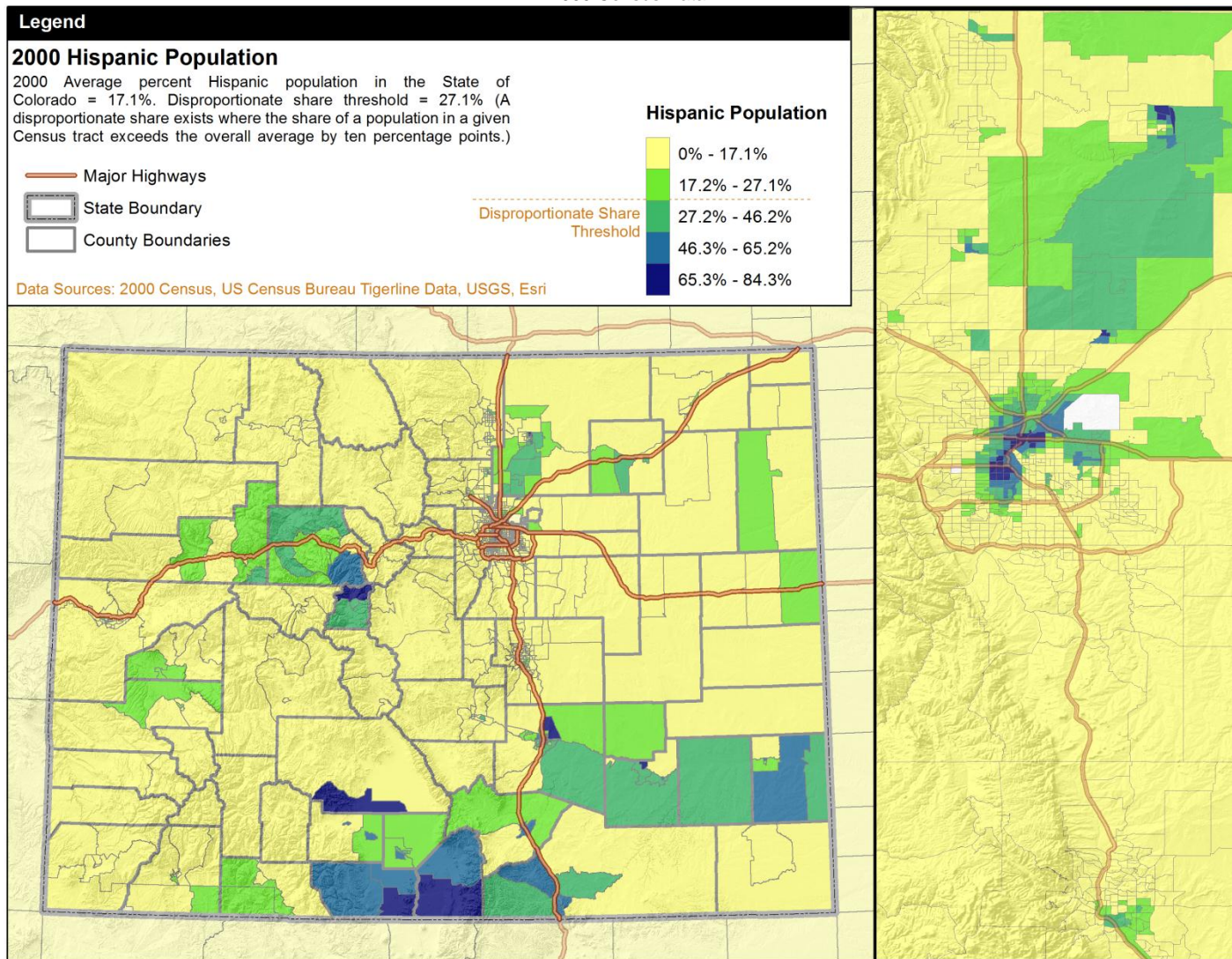
Age	Total	
	Disabled Population	Disability Rate
5 to 15	36,459	5.4%
16 to 64	442,906	15.6%
65 and older	159,289	40.0%
Total	638,654	16.3%

Table II.6
Disability by Age
State of Colorado
2013 Five-Year ACS Data

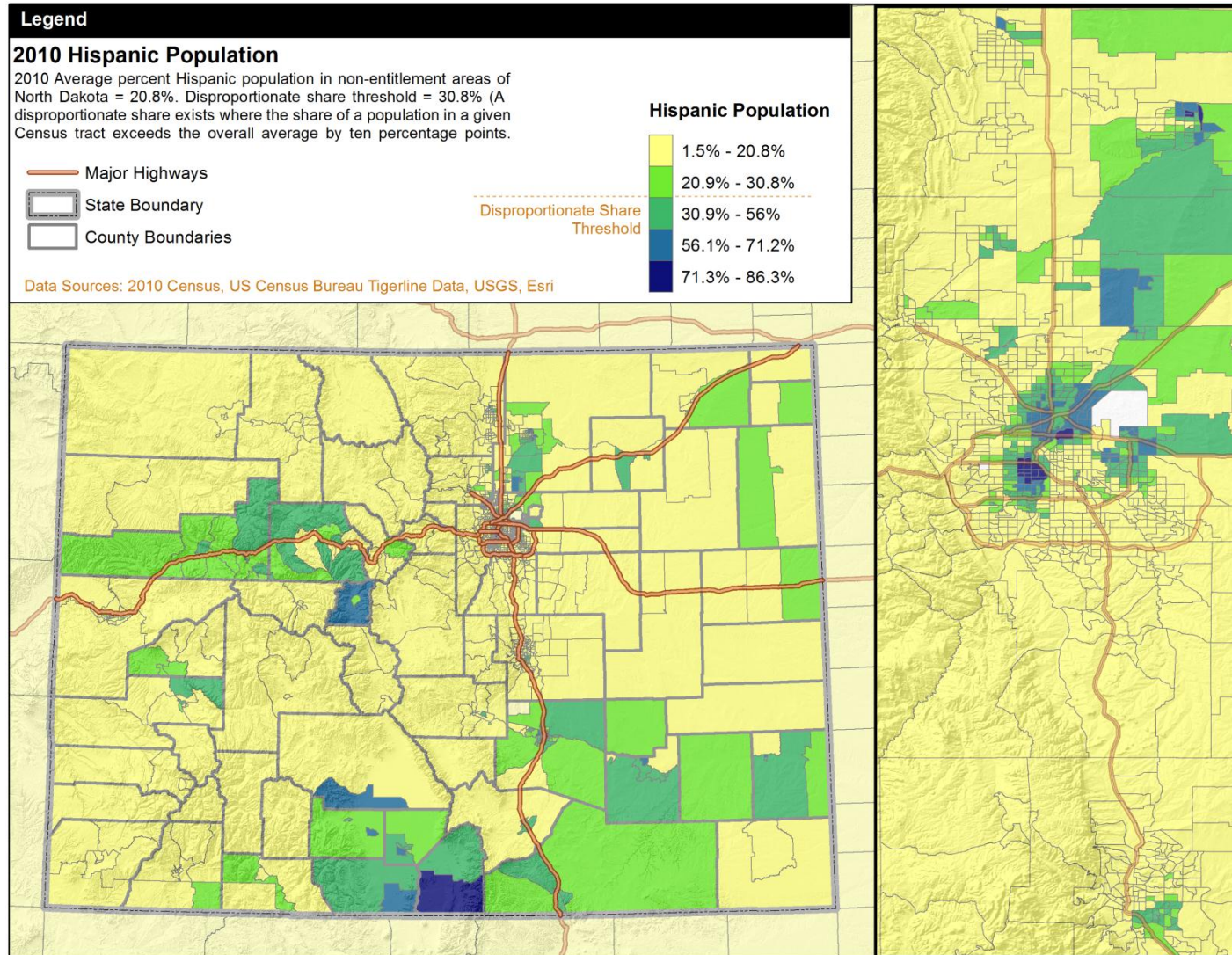
Age	Male		Female		Total	
	Disabled Population	Disability Rate	Disabled Population	Disability Rate	Disabled Population	Disability Rate
Under 5	1,603	.9%	866	.5%	2,469	0.7%
5 to 17	24,232	5.4%	13,995	3.2%	38,227	4.3%
18 to 34	31,479	5.2%	28,165	4.7%	59,644	5.0%
35 to 64	109,765	10.9%	106,004	10.4%	215,769	10.6%
65 to 74	38,421	24.1%	37,062	21.2%	75,483	22.6%
75 or Older	47,253	48.7%	69,486	50.1%	116,739	49.5%
Total	252,753	10.1%	255,578	10.1%	508,331	10.1%

Residents with disabilities accounted for 16.3 percent of the state population in 2000. As shown in Map II.9 on page 38, Census tracts with relatively high concentrations of residents with disabilities were widely distributed throughout the state, though there was some tendency for these tracts to be located in and around the state’s urban areas. Between one quarter and one half of residents were living with some form of disability in many Census tracts throughout the Denver area.

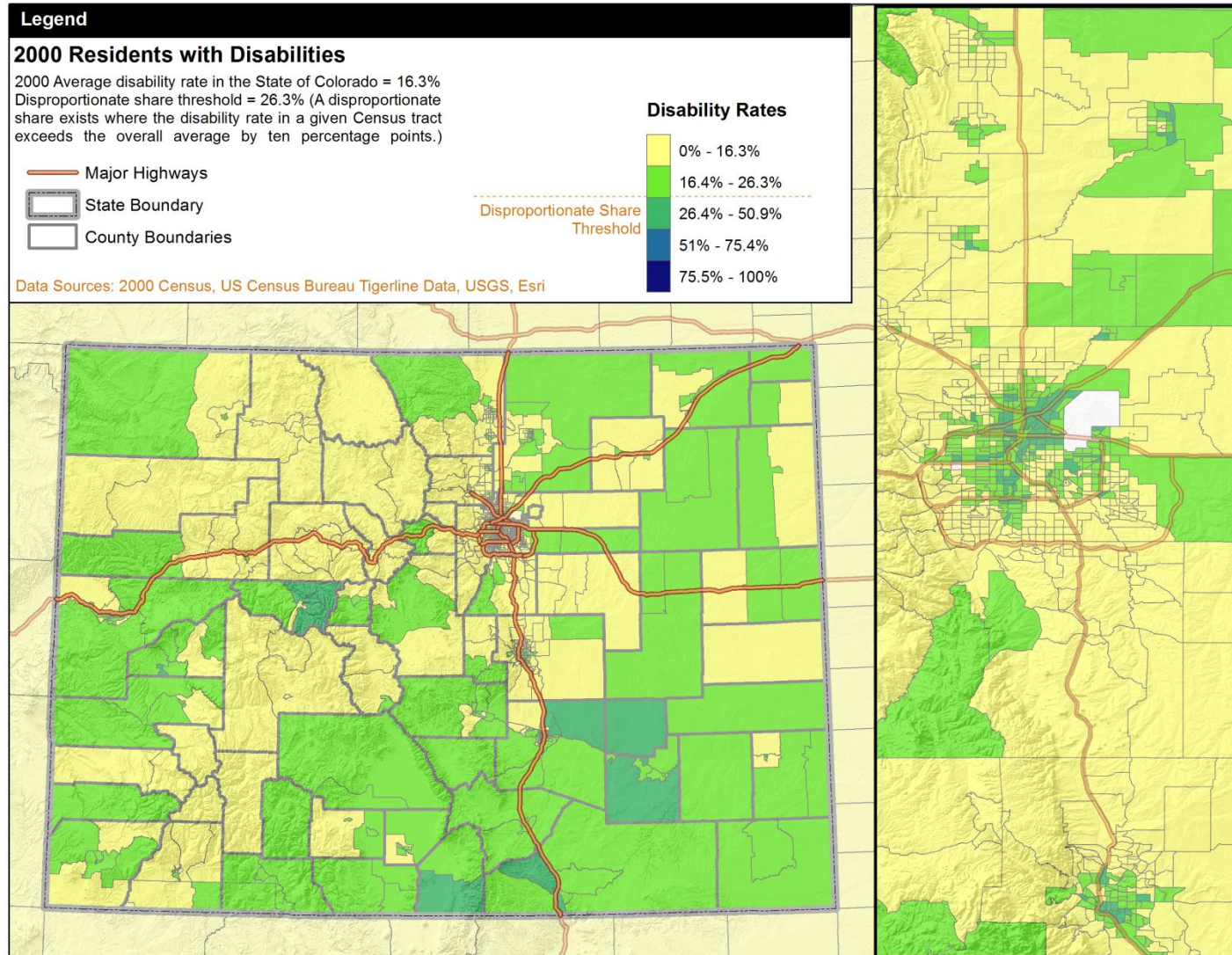
Map II.7
Hispanic Population by Census Tract, 2000
 The State of Colorado
 2000 Census Data



Map II.8
Hispanic Population by Census Tract, 2010
 The State of Colorado
 2010 Census Data



Map II.9
Population with Disabilities by Census Tract, 2000
 State of Colorado
 2000 Census Data



In 2009-2013, the distribution of residents with disabilities in the state looked considerably different than it had in 2000, as shown in Map II.10 on the following page. For one thing, these residents accounted for smaller shares of the population in Census tracts throughout the Denver metro area than had previously been observed to hold relatively high concentrations of residents with disabilities. For another, the share of residents with disabilities grew in the area in and around Estes Park. Once again, due to changes in the ACS questionnaire after 2008, the population with disabilities in 2009-2013 was somewhat different than the population with disabilities in 2000, which may account for some of the differences in distribution described above.

ECONOMICS

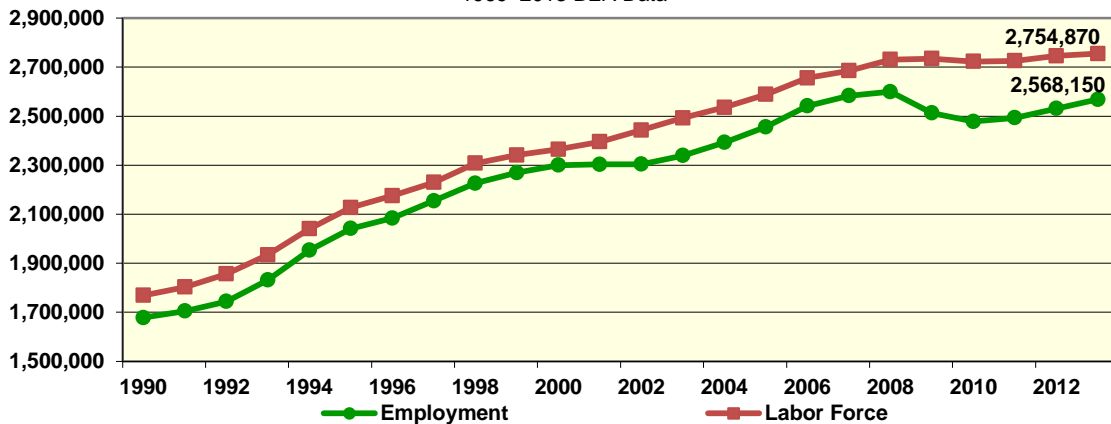
Data indicating the size and dynamics of job markets in the State of Colorado, workforce, incomes, and persons in poverty provide essential contextual background and indicate the potential buying power of State residents when making a housing choice.

LABOR FORCE AND EMPLOYMENT

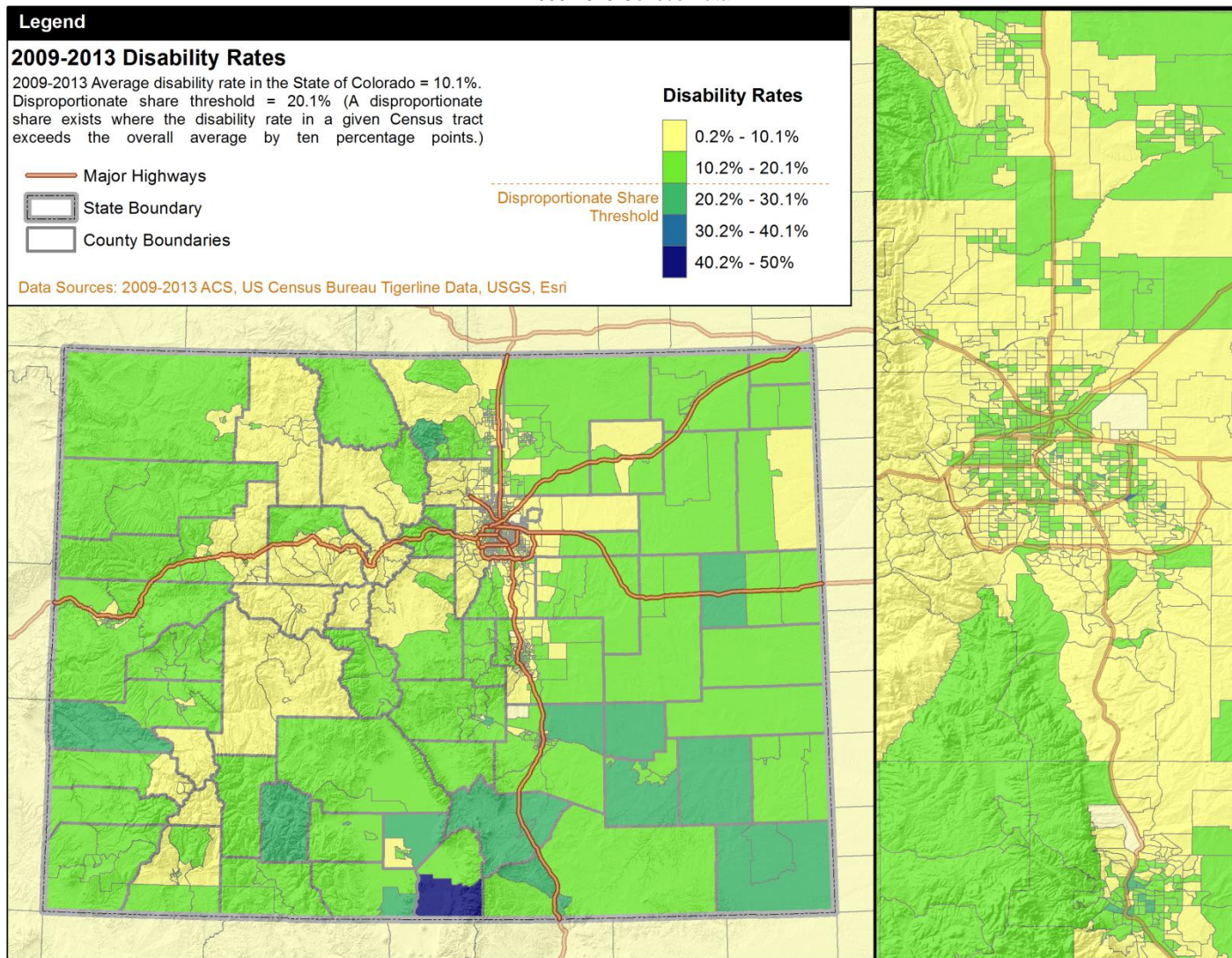
The Bureau of Labor Statistics collects data on labor force participation and employment, and represents a count of people either working or seeking work. These data are collected through the Current Employment Statistics program, which surveys about 144,000 businesses and government agencies each month. The unemployment rate is based on the gap between the number of employed persons and the total number in the labor force; this gap is represented as a percentage of the total labor force.

Growth in the labor force was steady between 1990 and 2008, as shown in Diagram II.1 below. The number of Colorado residents who were working or looking for work grew by 53,450 per year, on average, and the rate of growth varied little from year to year. Growth in the number of workers who were employed showed more variation from year to year, marginally exceeding growth in the labor force from 1992 through 2000 and slackening considerably from 2000 through 2002 before resuming relatively strong growth through 2006. That growth began to slow in 2007, and the number of employed in the state dropped by over 121,000 from 2008 through 2010, the first decline in employment in nearly two decades.

Diagram II.1
Employment and Labor Force
 The State of Colorado
 1969–2013 BEA Data



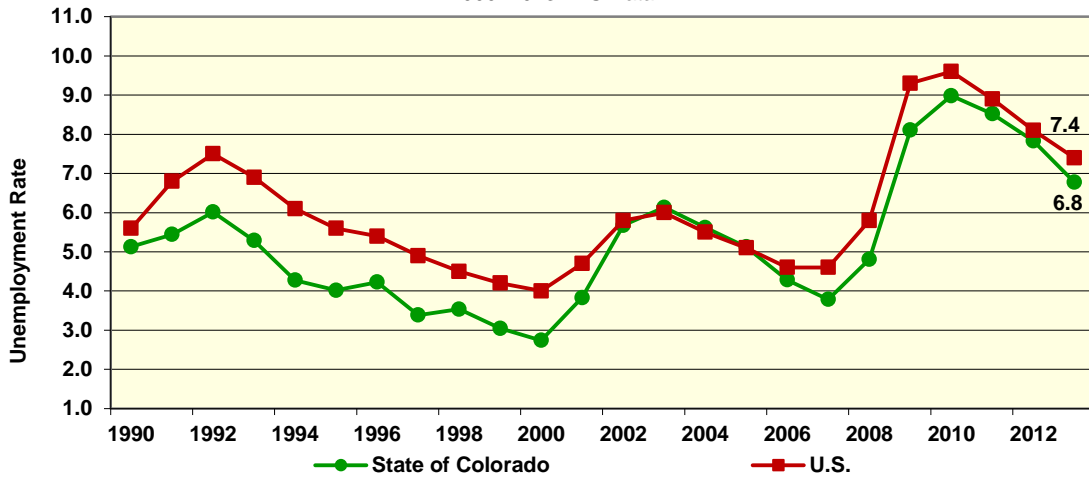
Map II.10
Disabled Population by Census Tract, 2009-2013
 State of Colorado
 2009-2013 Census Data



Growth in employment resumed in 2011 and has continued through 2013, though at a more subdued pace than was observed prior to 2008. That growth, combined with tepid growth in the size of the labor force, has led to a steady drop in the unemployment rate since 2010, when 9 percent of the labor force was unemployed but looking for work. As shown in Diagram II.2 below, the unemployment rate peaked twice between 1990 and 2008, once in 1992 and again in 2003. The unemployment rate reached 6 percent in both cases, and in both cases was caused by slackening growth in the number of employed. The spike in unemployment from 2007 through 2010 was more severe, and was primarily caused by the drop in employment after 2008.

Diagram II.2
Unemployment Rate

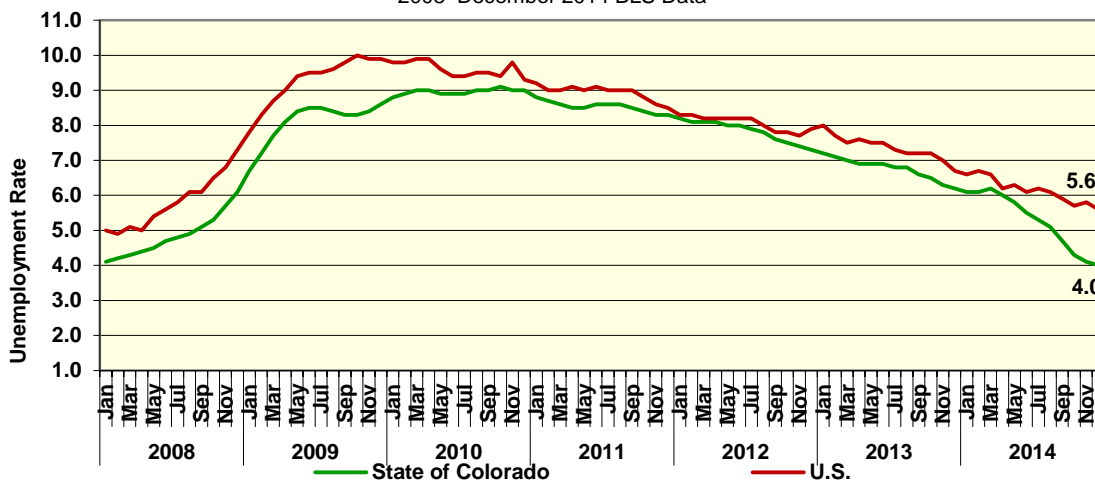
State of Colorado
1990–2013 BLS Data



As noted above, the unemployment rate has declined steadily since its peak in 2010. Monthly unemployment data, presented in Diagram II.3 below, indicate that this decline began in January of 2011, and accelerated after April of 2014.

Diagram II.3
Monthly Unemployment Rate

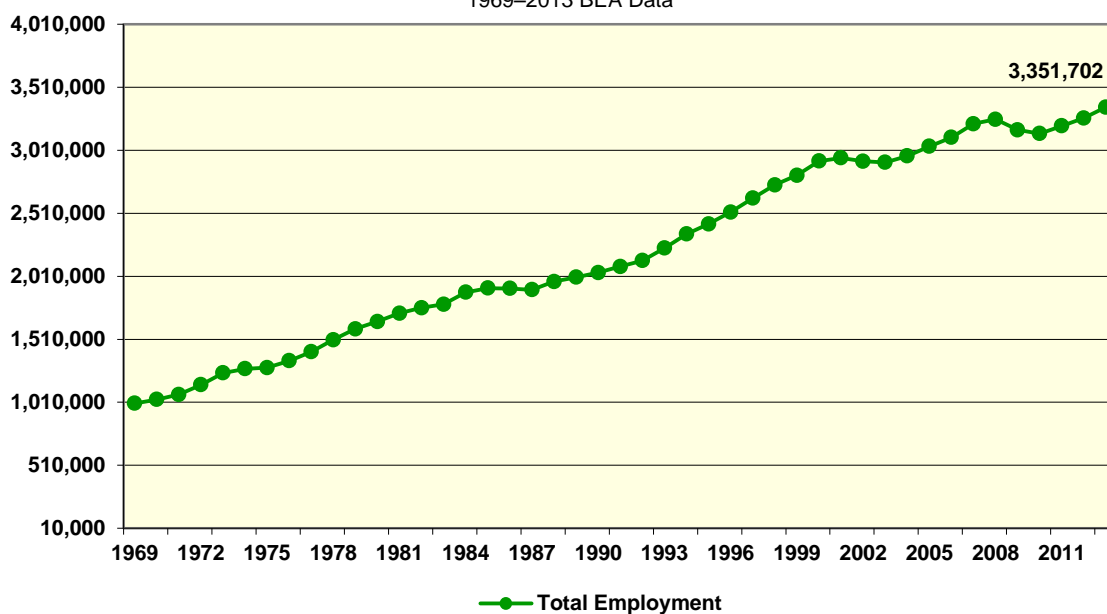
The State of Colorado
2008–December 2014 BLS Data



FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

Full employment, as measured by the Bureau of Economic Analysis, refers to the total number of part-time and full-time jobs in the state as a whole. As shown in Diagram II.4 below, total employment data largely bear out the steady growth in employment after 1990, as described above, in spite of the slight decline in the total number of jobs in the state from 2001 through 2003. Growth in total employment resumed in 2004 and accelerated through 2007. However, that growth slowed considerably in 2008, and the total number of jobs in the state fell by 113,720 over the two year period from 2009 through 2010. Total employment began to grow again after that year, and stood at 3,351,702 in 2013.

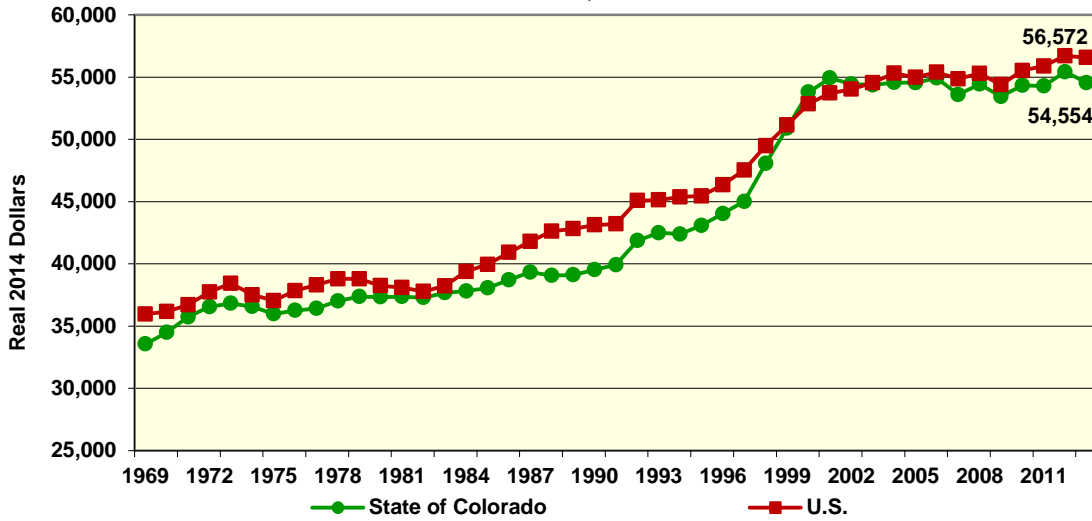
Diagram II.4
Full- and Part-Time Employment
 State of Colorado
 1969–2013 BEA Data



The steady growth in the number of jobs and employed persons between 1990 and 2000 was accompanied by a dramatic rise in real average earnings per job, particularly in the latter half of the 1990s.¹⁴ However, as shown in Diagram II.5 on the following page, growth in real average earnings per job in the state, which surpassed national figures in 2000, has largely been stagnant since 2001. In 2013 the average worker earned \$54,554 at his or her job.

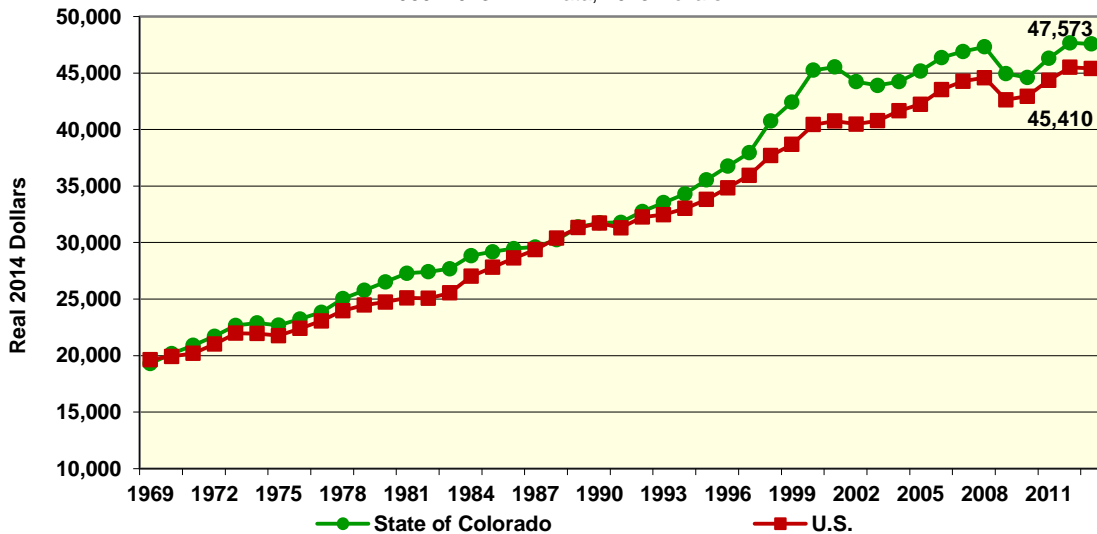
¹⁴ Real average earnings per job is calculated by dividing total earnings from all jobs in the state by the number of jobs. These figures have been adjusted for inflation, and are presented in 2013 dollars.

Diagram II.5
Real Average Earnings Per Job
 State of Colorado
 1969–2013 BEA Data, 2013 Dollars



Growth in real per capita income (PCI) in the state was relatively steady from 1969 through the late 1990s, surpassing national figures for most of that period. Like growth in earnings, growth in real PCI in the state accelerated markedly in the late nineties; from just under \$38,000 in 1997 to well over \$45,000 four years later. However, as shown in Diagram II.6 below, real PCI has fluctuated considerably since that time, falling below \$44,000 in 2003, rising to \$47,327 in 2008, and falling below \$45,000 the next year. Real PCI has been on an upswing in recent years, and stood at \$47,753 in 2013.¹⁵

Diagram II.6
Real Average Per Capita Income
 State of Colorado
 1969–2013 BEA Data, 2013 Dollars



¹⁵ Real average per capita income is calculated by dividing total income in the state by the number of residents in the state. As before, these figures are presented in 2013 dollars.

HOUSEHOLD INCOME

The average household income throughout the state increased from 2000 through 2013 as a result of considerable growth in the number of high income households and a drop in the number of low-income households. As shown in Table II.7 below, this shift was most pronounced at the upper end of the income range, as households with incomes in excess of \$75,000 per year grew considerably as a share of all households; from 26.1 percent in 2000 to 38.6 percent by 2013.

Table II.7
Households by Income

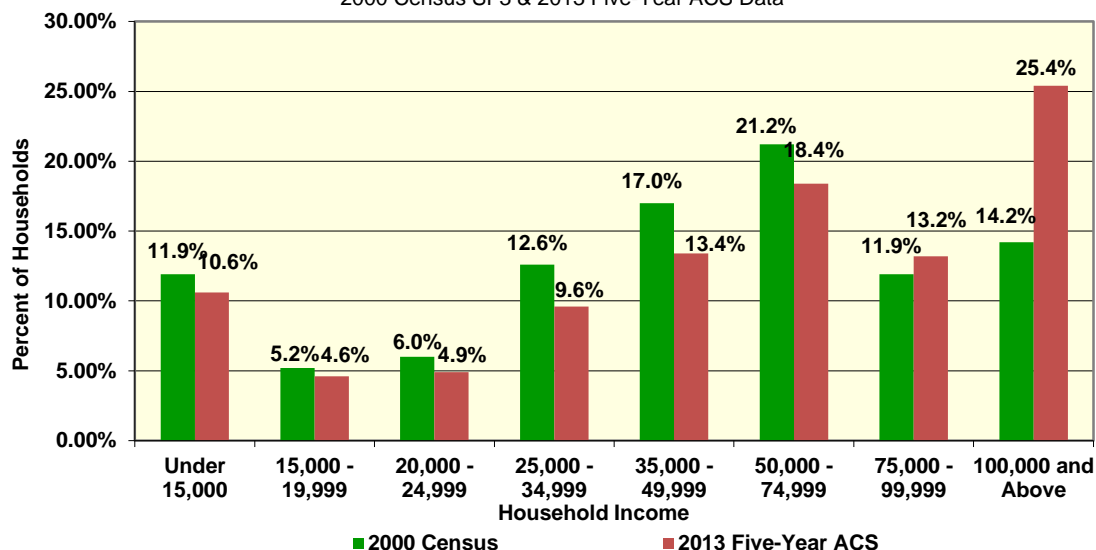
State of Colorado
2000 Census SF3 & 2013 Five-Year ACS Data

Income	2000 Census		2013 Five-Year ACS	
	Households	% of Total	Households	% of Total
Less than \$15,000	197,242	11.9%	208,933	10.6%
\$15,000 to \$19,999	86,761	5.2%	90,433	4.6%
\$20,000 to \$24,999	99,236	6.0%	96,110	4.9%
\$25,000 to \$34,999	208,982	12.6%	189,883	9.6%
\$35,000 to \$49,999	281,889	17.0%	265,152	13.4%
\$50,000 to \$74,999	351,663	21.2%	363,972	18.4%
\$75,000 to \$99,999	197,339	11.9%	261,169	13.2%
\$100,000 or More	236,196	14.2%	501,939	25.4%
Total	1,659,308	100.0%	1,977,591	100.0%

Diagram II.7 below presents these income distributions graphically and further demonstrates the shift from lower- and medium- to higher-income households over time.

Diagram II.7
Households by Income

State of Colorado
2000 Census SF3 & 2013 Five-Year ACS Data



POVERTY

In spite of this strong growth in household incomes, the poverty rate in the state rose from 9.3 percent in 2000 to 13.2 percent by 2013, as shown in Table II.8 on the following page. The Census Bureau uses a set of income thresholds that vary by family size and composition to

determine poverty status. If a family's total income is less than the threshold for its size, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid, and food stamps.

Table II.8
Poverty by Age

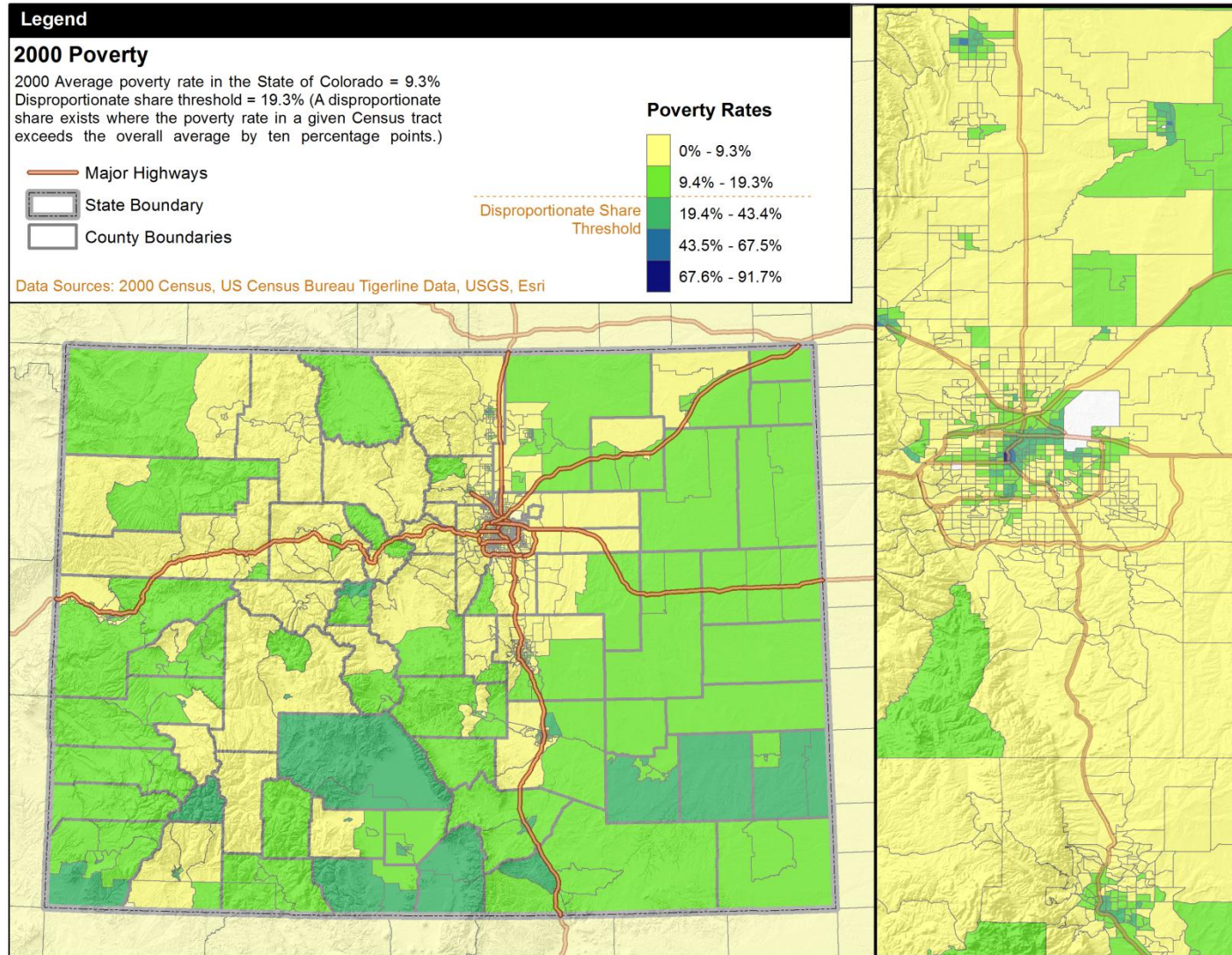
State of Colorado
2000 Census SF3 & 2013 Five-Year ACS Data

Age	2000 Census		2013 Five-Year ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 6	44,237	11.4%	82,878	12.5%
6 to 17	77,377	19.9%	129,114	19.5%
18 to 64	237,677	61.1%	403,992	61.1%
65 or Older	29,661	7.6%	44,890	6.8%
Total	388,952	100.0%	660,874	100.0%
Poverty Rate	9.3%	.	13.2%	.

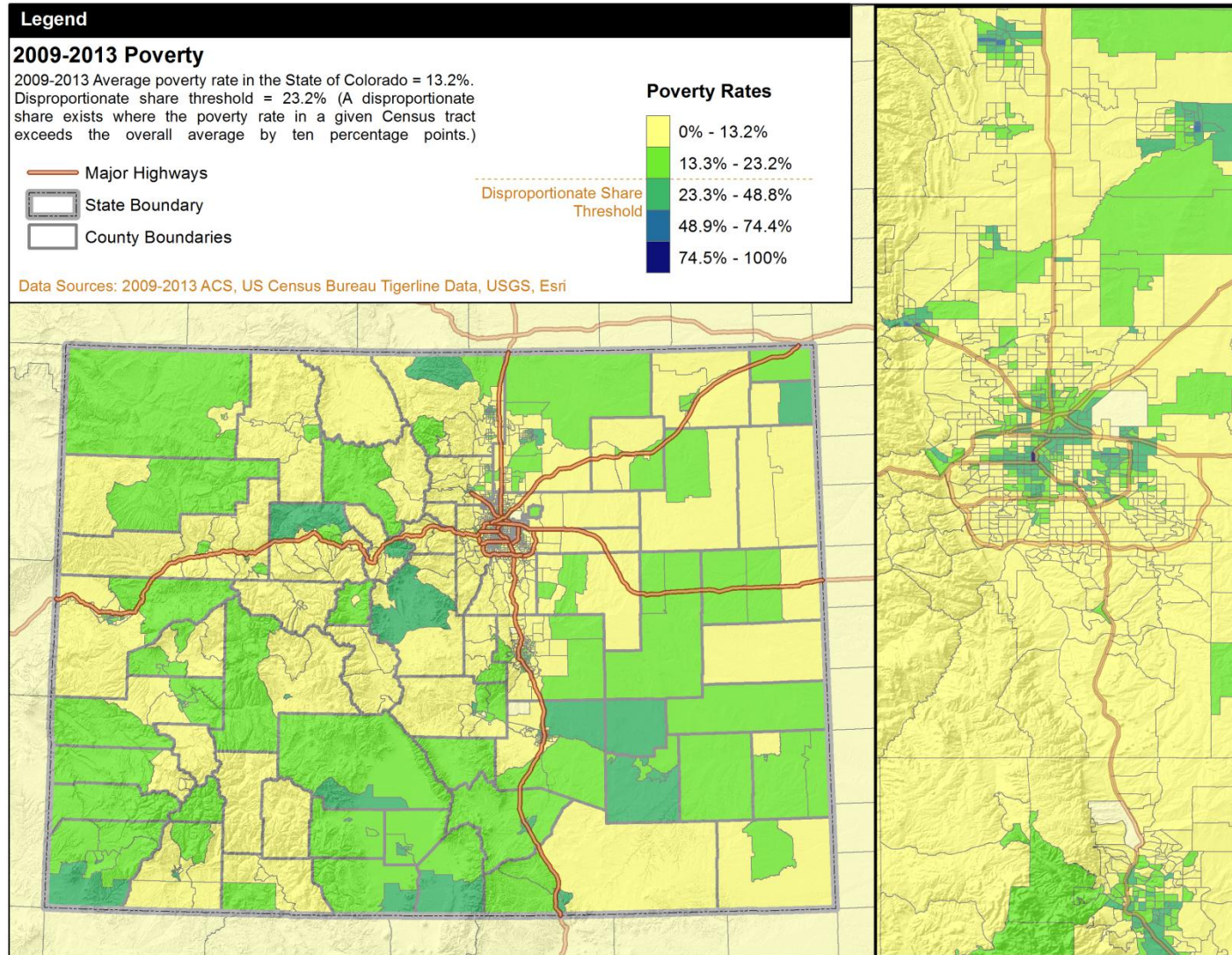
The highest concentrations of poverty in the state were observed in and around the state's urban areas, as shown in Map II.11 on the following page. Approximately 9.3 percent of the population was living in poverty throughout the state in 2000, though the poverty rate was much higher in Census tracts in and around Denver, Pueblo, Fort Collins, and Greeley. The highest concentration of residents living in poverty was observed in a Census tract to the northwest of Pueblo where over nine residents in ten were observed to be living in poverty. A similar share of residents in that tract was living with some form of disability in 2000. In fact, the share of residents living in poverty was highly correlated with the share of residents living with disabilities throughout the state.

The overall distribution of poverty changed little between 2000 and 2009-2013, as shown in Map II.12 on page 47, even as the share of residents living in poverty throughout the state rose from 9.3 to 13.2 percent. Many of the same areas that were observed to hold high concentrations of households living in poverty in 2000 retained high shares of residents in poverty in 2009-2013. However, the correlation between poverty and disability described above was stronger in 2009-2013 than it had been in 2000.

Map II.11
Poverty Rate by Census Tract
 The State of Colorado
 2000 Census Data



Map II.12
Poverty Rate by Census Tract
 The State of Colorado
 2013 Five-Year ACS Data



HOUSING

Simple counts of housing by age, type, tenure, and other characteristics indicate the available housing in the State from which residents have to choose. Examination of households, on the other hand, shows how residents use the available housing, and shows household size and housing problems such as incomplete plumbing and/or kitchen facilities. Review of housing costs reveals the markets in which housing consumers in the state can shop.

CHARACTERISTICS OF THE HOUSING STOCK

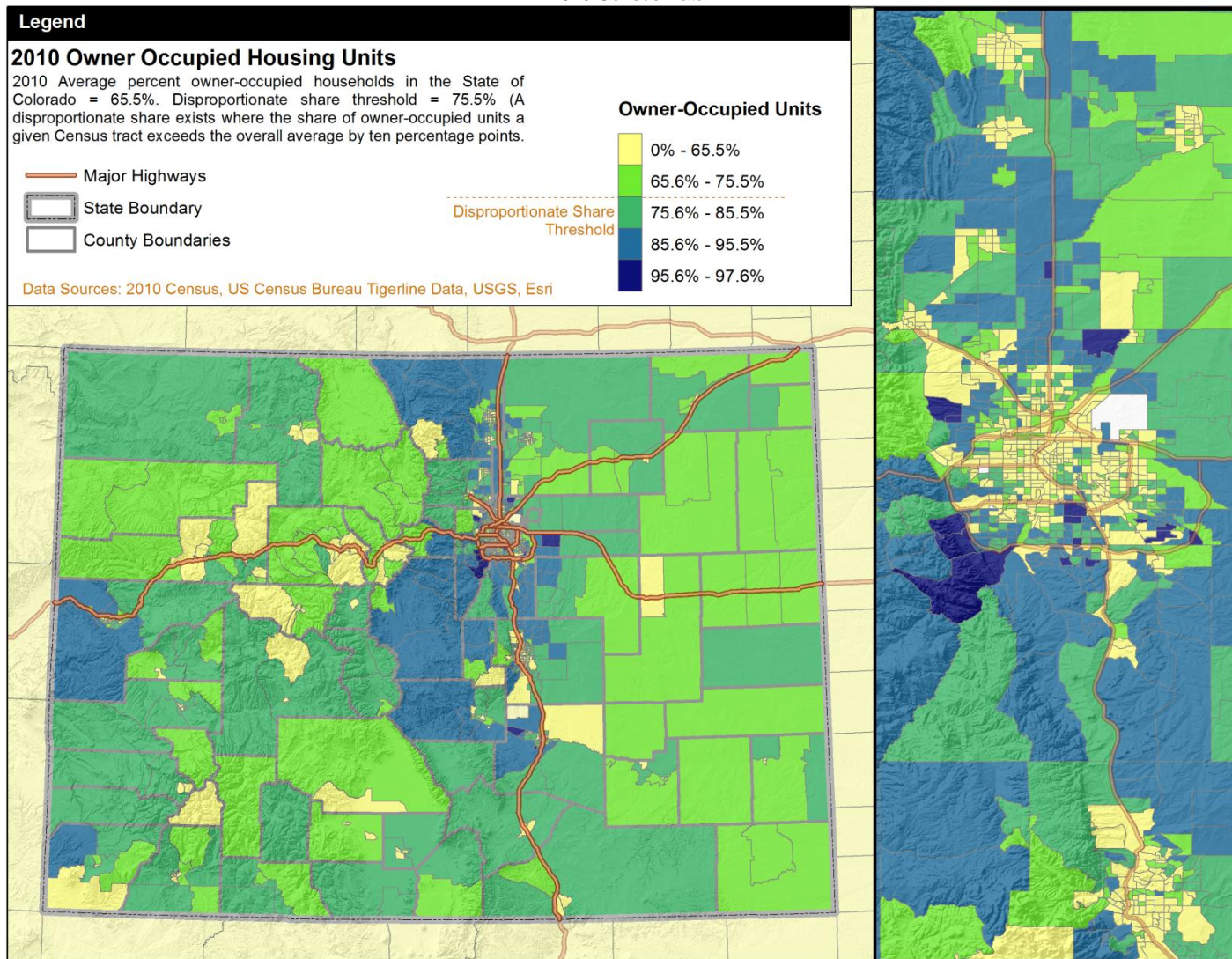
The number of housing units in the state grew by about 405,000, or 22.4 percent, between 2000 and 2010, a rate of growth that slightly outpaced growth in the number of households. As shown in Table II.9 below, just fewer than 90 percent of all housing units were occupied in 2010, having declined from 91.7 percent in 2000. Owner-occupied units came to make up a smaller share of occupied units as a whole, though they still represented a majority of those units at the end of the decade, at 65.5 percent. Meanwhile, renter-occupied housing units grew as a share of occupied units by nearly two percentage points. The share of units that were vacant increased by over two percentage points, and by 2010 nearly 11 percent of the state's housing stock consisted of vacant units.

Table II.9
Housing Units by Tenure
State of Colorado
2000 & 2010 Census SF1 Data

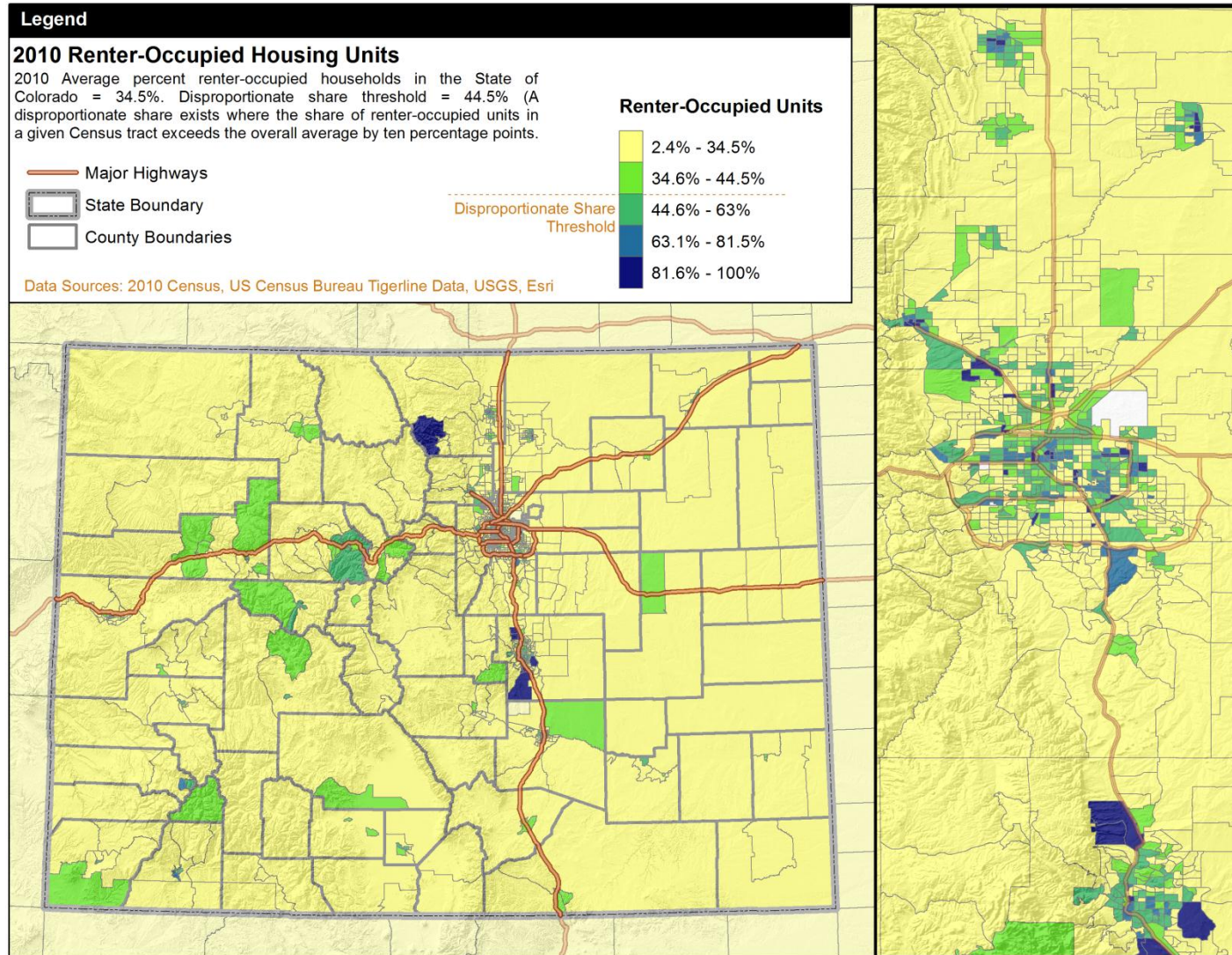
Tenure	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
Occupied Housing Units	1,658,238	91.7%	1,972,868	89.2%	19.0%
Owner-Occupied	1,116,137	67.3%	1,293,100	65.5%	15.9%
Renter-Occupied	542,101	32.7%	679,768	34.5%	25.4%
Vacant Housing Units	149,799	8.3%	240,030	10.8%	60.2%
Total Housing Units	1,808,037	100.0%	2,212,898	100.0%	22.4%

More than 65 percent of occupied housing units in the state were occupied by their owners in 2010. As shown in Map II.13 on the following page, the rate of owner-occupancy tended to be at or above average in the state's suburban and rural areas. By contrast, owner-occupied units accounted for smaller shares of occupied households in a large share of the state's urban Census tracts. As one might expect, rental housing units accounted for a larger share of occupied units in those areas, as shown in Map II.14 on page 50. In fact, high concentrations of rental units were relatively uncommon outside of the urban areas of the state, and renter-occupied units accounted for more than 44.6 percent, and as much as 100 percent, of occupied units throughout much of Denver, Fort Collins, Greeley, and Colorado Springs, as well as Durango, Telluride, and large rural tracts near Estes Park and Colorado Springs.

Map II.13
Owner-Occupied Housing Units
 The State of Colorado
 2010 Census Data



Map II.14
Renter-Occupied Housing Units
 The State of Colorado
 2010 Census Data



VACANT HOUSING

Much of the growth among vacant units can be attributed to growth in the number of units dedicated to seasonal, recreational, or occasional use, as shown below in Table II.10. However, though the number of such units increased by nearly 30,000, these units actually declined as a share of vacant units over the decade, outpaced by growth in the number of vacant units for rent or for sale. However, of more concern is the substantial growth in the number of units classified as “other vacant.” These units grew as a share of vacant units overall by over 2 percentage points, representing 16.1 percent of the vacant housing stock in 2010. It is also important to note that although there is a category for seasonal, recreational, or occasional use, many second homes or vacation rentals may be classified in the Census as “rental” units. Accordingly, the stock of vacant homes available to renters who might use the home as their primary residence is likely smaller than these figures imply.

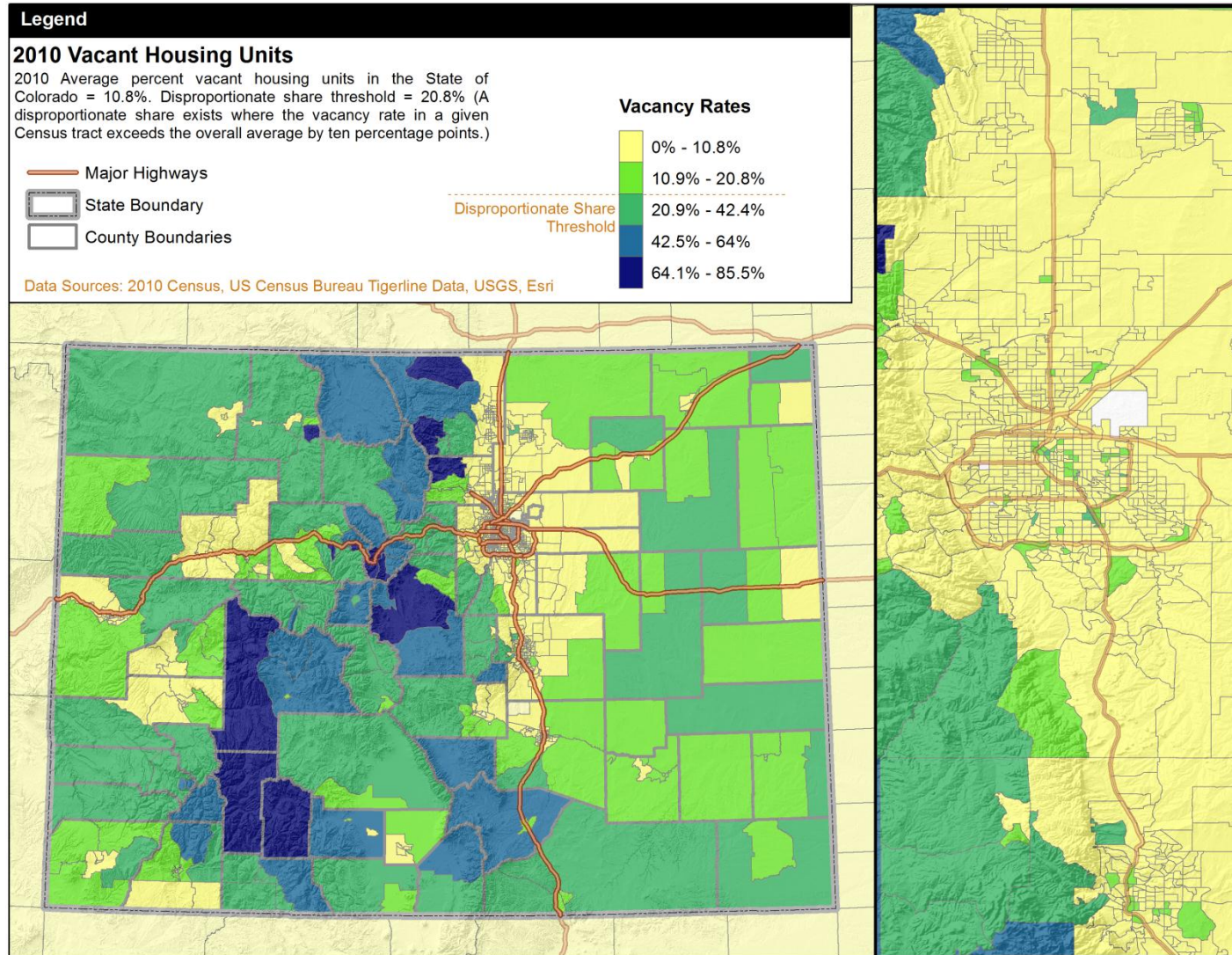
Table II.10
Disposition of Vacant Housing Units

State of Colorado
2000 & 2010 Census SF1 Data

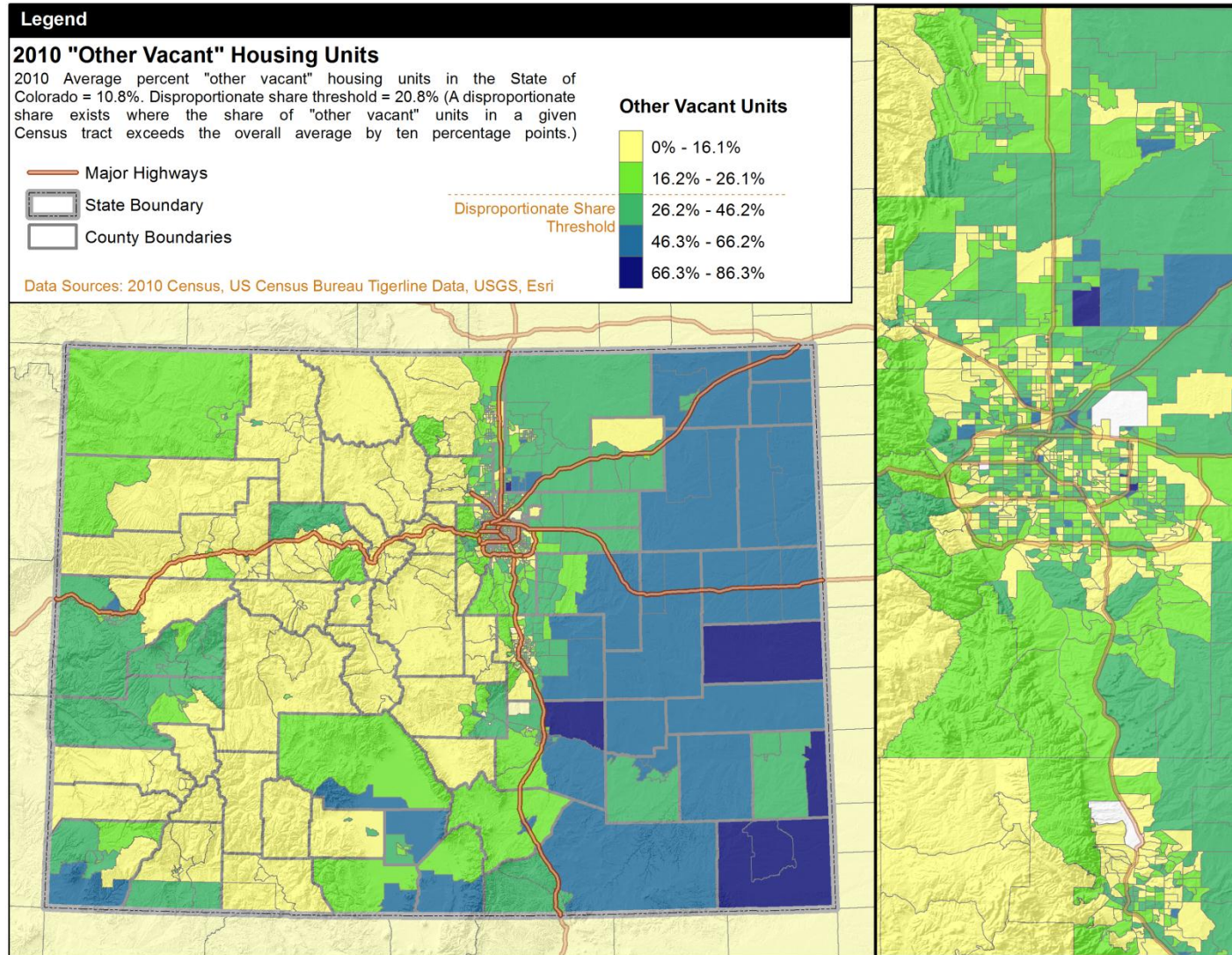
Disposition	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
For Rent	31,852	21.3%	57,644	24.0%	80.97%
For Sale	16,142	10.8%	32,673	13.6%	102.41%
Rented or Sold, Not Occupied	8,116	5.4%	8,476	3.5%	4.44%
For Seasonal, Recreational, or Occasional Use	72,263	48.2%	101,965	42.5%	41.10%
For Migrant Workers	449	0.3%	524	0.2%	16.70%
Other Vacant	20,977	14.0%	38,748	16.1%	84.72%
Total	149,799	100.0%	240,030	100.0%	60.2%

Approximately 10.8 percent of housing units in the state were vacant in 2010. As shown in Map II.15 on the following page, vacant units tended to be concentrated in large, rural Census tracts in the center of the state, and were relatively uncommon in the state’s urban areas. However, larger shares of vacant units in the state’s urban areas tended to be classified as “other vacant,” as shown in Map II.16 on page 53. These units tend to be more problematic than vacant units in general, because they are not available to the market place, and may represent a blighting influence where they are grouped in close proximity to each other.

Map II.15
Vacant Housing Units
 The State of Colorado
 2010 Census Data



Map II.16
“Other Vacant” Housing Units
 The State of Colorado
 2010 Census Data



HOUSEHOLD SIZE

The average household appears to have become smaller between 2000 and 2010, as a result of marked growth in the number of one-person households. As shown in Table II.11 below, these households increased in number by 26.4 percent over the decade, well above the average rate. A similar rate of growth was observed among six- and seven-person households; however, these households together represented less than four percent of all households in 2010. Meanwhile, two-person households retained the largest share of total households, at 34.1 percent in 2000 and 2010.

Table II.11
Households by Household Size
 State of Colorado
 2000 & 2010 Census SF1 Data

Size	2000 Census		2010 Census		% Change 00–10
	Households	% of Total	Households	% of Total	
One Person	435,778	26.3%	550,794	27.9%	26.4%
Two Persons	564,662	34.1%	673,027	34.1%	19.2%
Three Persons	264,228	15.9%	301,196	15.3%	14.0%
Four Persons	233,303	14.1%	256,692	13.0%	10.0%
Five Persons	100,380	6.1%	115,994	5.9%	15.6%
Six Persons	36,483	2.2%	45,650	2.3%	25.1%
Seven Persons or More	23,404	1.4%	29,515	1.5%	26.1%
Total	1,658,238	100.0%	1,972,868	100.0%	19.0%

About 70 percent of the housing units in the state in 2000 were single-family homes, a share that remained unchanged through 2009-2013, as shown in Table II.12 below. However, the number of apartment units increased dramatically, while the number of mobile homes fell: by 2013, the state's 460,888 apartment units represented over a fifth of all housing units in the state, up from 19.9 percent in 2000. Meanwhile, the number of mobile homes fell by over 9,000 and declined as a share of total housing units from 5.7 to 4.2 percent.

Table II.12
Housing Units by Type
 State of Colorado

2000 Census SF3 & 2013 Five-Year ACS Data

Unit Type	2000 Census		2013 Five-Year ACS	
	Units	% of Total	Units	% of Total
Single-Family	1,236,741	68.4%	1,553,160	69.9%
Duplex	37,429	2.1%	39,521	1.8%
Tri- or Four-Plex	68,087	3.8%	74,225	3.3%
Apartment	359,992	19.9%	460,888	20.7%
Mobile Home	102,582	5.7%	93,475	4.2%
Boat, RV, Van, Etc.	3,206	0.2%	1,513	0.1%
Total	1,808,037	100.0%	2,222,782	100.0%

HOUSING PROBLEMS

While the 2000 Census did not report significant details regarding the physical condition of housing units, some information can be derived from the SF3 data. These data relate to overcrowding, incomplete plumbing or kitchen facilities, and cost burdens. While these data were not collected during the 2010 Census, data were available for comparison from the 2009 to 2013 ACS averages.

With the marked growth in the number of smaller households came a decline in the number of housing units considered to be overcrowded or severely overcrowded, as shown in Table II.13 below. Units are considered to be overcrowded when there is more than one resident per room but less than 1.5, while severe overcrowding described housing units which include more than 1.5 residents per room. Fewer than 5 percent of housing units were overcrowded or severely overcrowded in 2000, and that figure had fallen below 3 percent by 2013. In both years, rental units were more than twice as likely to be overcrowded as owner-occupied units. However, fewer than ten percent of rental units were overcrowded in 2000, and that figure has only fallen since then.

Table II.13
Overcrowding and Severe Overcrowding

State of Colorado
2000 Census SF3 & 2013 Five-Year ACS Data

Data Source	No Overcrowding		Overcrowding		Severe Overcrowding		Total
	Households	% of Total	Households	% of Total	Households	% of Total	
Owner							
2000 Census	1,089,720	97.6%	16,539	1.5%	10,046	.9%	1,116,305
2013 Five-Year ACS	1,277,019	98.8%	12,572	1.0%	3,054	.2%	1,292,645
Renter							
2000 Census	492,931	91.0%	23,770	4.4%	25,232	4.7%	541,933
2013 Five-Year ACS	651,130	95.1%	23,997	3.5%	9,819	1.4%	684,946
Total							
2000 Census	1,582,651	95.4%	40,309	2.4%	35,278	2.1%	1,658,238
2013 Five-Year ACS	1,928,149	97.5%	36,569	1.8%	12,873	0.7%	1,977,591

Similarly, the share of housing units with incomplete plumbing facilities fell over the period from 2000 through 2013, as shown in Table II.14 below. These units represented 0.4 percent of all housing units in 2009-2013. By contrast, units with incomplete kitchen facilities have grown as a share of total housing units, as shown in Table II.15 on the following page. Nevertheless, these units still accounted for less than one percent of all housing units in 2009-2013.

According to the Census Bureau, a housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower. Likewise, a unit is categorized as deficient when any of the following are missing from the kitchen: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

Table II.14
Households with Incomplete Plumbing Facilities

State of Colorado
2000 Census SF3 & 2013 Five-Year ACS Data

Households	2000 Census	2013 Five-Year ACS
With Complete Plumbing Facilities	1,650,995	1,968,998
Lacking Complete Plumbing Facilities	7,243	8,593
Total Households	1,658,238	1,977,591
Percent Lacking	0.4%	0.4%

Table II.15
Households with Incomplete Kitchen Facilities

State of Colorado
2000 Census SF3 & 2013 Five-Year ACS Data

Households	2000 Census	2013 Five-Year ACS
With Complete Kitchen Facilities	1,648,864	1,962,300
Lacking Complete Kitchen Facilities	9,374	15,291
Total Households	1,658,238	1,977,591
Percent Lacking	.6%	.8%

A more substantial concern throughout the state was cost-burdening. Households are considered cost-burdened when more than 30 percent, and up to 50 percent, of their income goes toward housing costs, and severely cost-burdened when housing costs consume more than 50 percent of their income. As shown in Table II.16 below, approximately one-fifth of all households were cost-burdened in 2009-2013, up from around 18 percent in 2000. Similarly, the share of severely cost-burdened households grew from 11.1 to 15.4 percent over the same time period. As had been the case with overcrowding, rental households were more heavily impacted than owner-occupied households, particularly when it came to severe cost-burdening: nearly a quarter of all rental households were severely cost-burdened in 2009-2013, compared to 12.6 percent of owner-occupied units that were occupied by their mortgagor.

Table II.16
Cost Burden and Severe Cost Burden by Tenure

State of Colorado
2000 Census & 2013 Five-Year ACS Data

Data Source	Less Than 30%		31%-50%		Above 50%		Not Computed		Total
	Households	% of Total	Households	% of Total	Households	% of Total	Households	% of Total	
Owner With a Mortgage									
2000 Census	512,921	71.7%	139,431	19.5%	60,868	8.5%	2,273	.3%	715,493
2013 Five-Year ACS	631,578	65.6%	205,073	21.3%	121,589	12.6%	4,957	0.5%	963,197
Owner Without a Mortgage									
2000 Census	171,831	91.5%	8,307	4.4%	5,525	2.9%	2,103	1.1%	187,766
2013 Five-Year ACS	288,064	87.4%	21,888	6.6%	15,817	4.8%	3,679	1.1%	329,448
Renter									
2000 Census	299,072	56.0%	113,547	21.3%	93,115	17.4%	27,929	5.2%	533,663
2013 Five-Year ACS	311,811	45.5%	167,253	24.4%	167,335	24.4%	38,547	5.6%	684,946
Total									
2000 Census	983,824	68.5%	261,285	18.2%	159,508	11.1%	32,305	2.2%	1,436,922
2013 Five-Year ACS	1,231,453	62.3%	394,214	19.9%	304,741	15.4%	47,183	2.4%	1,977,591

Renters with a severe cost burden are at risk of homelessness. Cost-burdened renters who experience one financial setback often must choose between rent and food or rent and health care for their families. Similarly, homeowners with a mortgage who have just one unforeseen financial constraint, such as temporary illness, divorce, or the loss of employment, may face foreclosure or bankruptcy. Furthermore, households that no longer have a mortgage yet still experience a severe cost burden may be unable to conduct periodic maintenance and repair of their homes, and in turn, may contribute to a dilapidation and blight problem. All three of these situations should be of concern to policymakers and program managers.

HOUSING COSTS

The increased incidence of cost-burdening is not surprising, considering the substantial growth in housing costs between 2000 and 2013. As shown in Table II.17 at right, the median rent price was \$439 throughout the state in 2000, and the median home value \$71,400. By 2013, the median rent had nearly doubled, while the median home value had more than tripled. In 2009-2013, half of the state's renters were paying more than \$825 per month in rent, and half of all owner-occupied units were worth more than \$236,200.

Table II.17
Median Housing Costs

State of Colorado
2000 Census SF3 & 2013 Five-Year ACS Data

Housing Cost	2000	2010
Median Contract Rent	\$671	\$825
Median Home Value	\$166,600	\$236,200

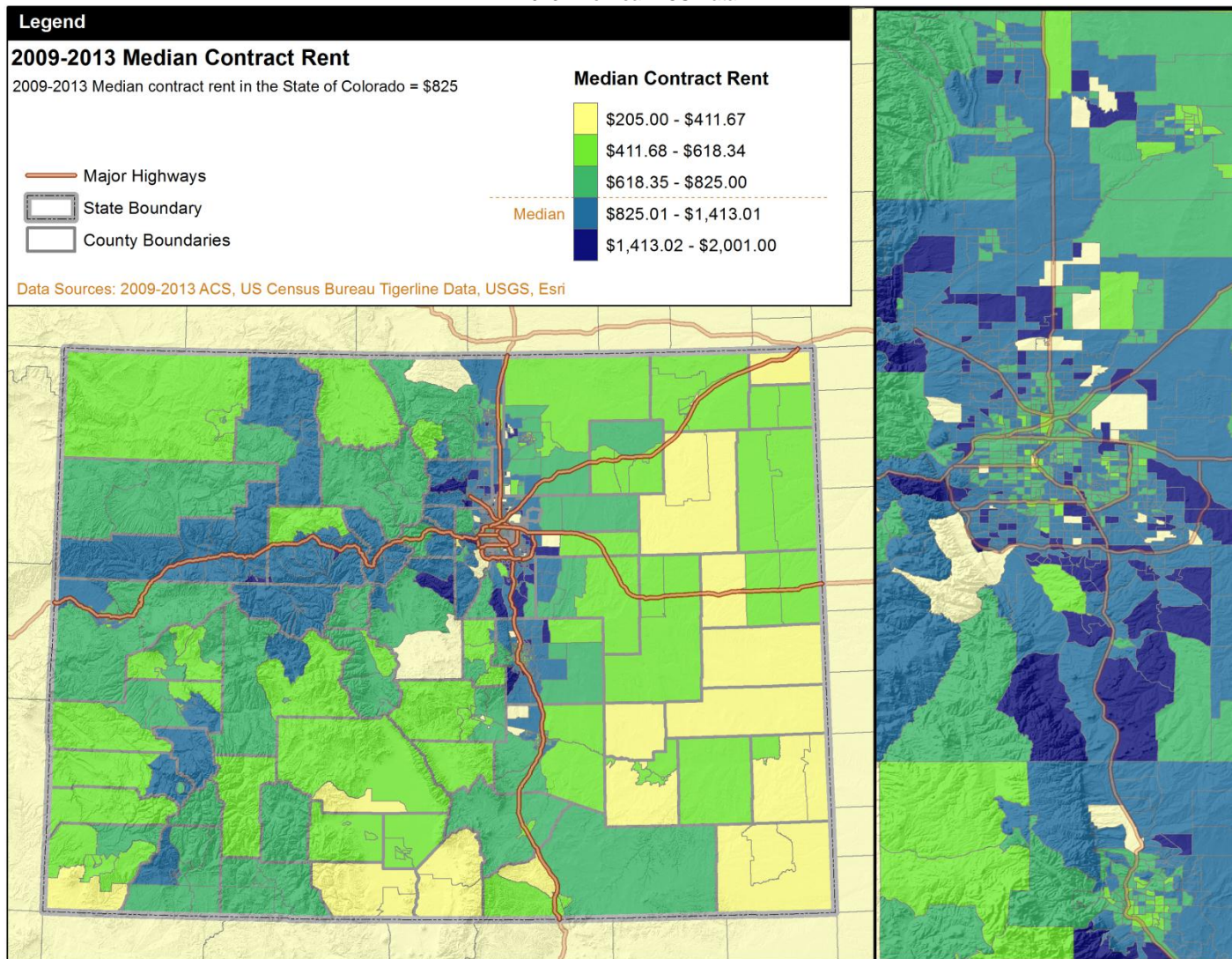
As one might expect, housing costs tended to be higher in urban than in rural areas, and higher still in the suburban areas surrounding the state's major urban areas and resort towns. As shown in Map II.17 on the following page, median rental costs were above the statewide median in Census tracts in and around Carbondale and Vail, as well as in large Census tracts to the northwest and south of the Denver metropolitan area. A similar trend was observed in median home values throughout the state, as shown in Map II.18 on page 59.

SUMMARY

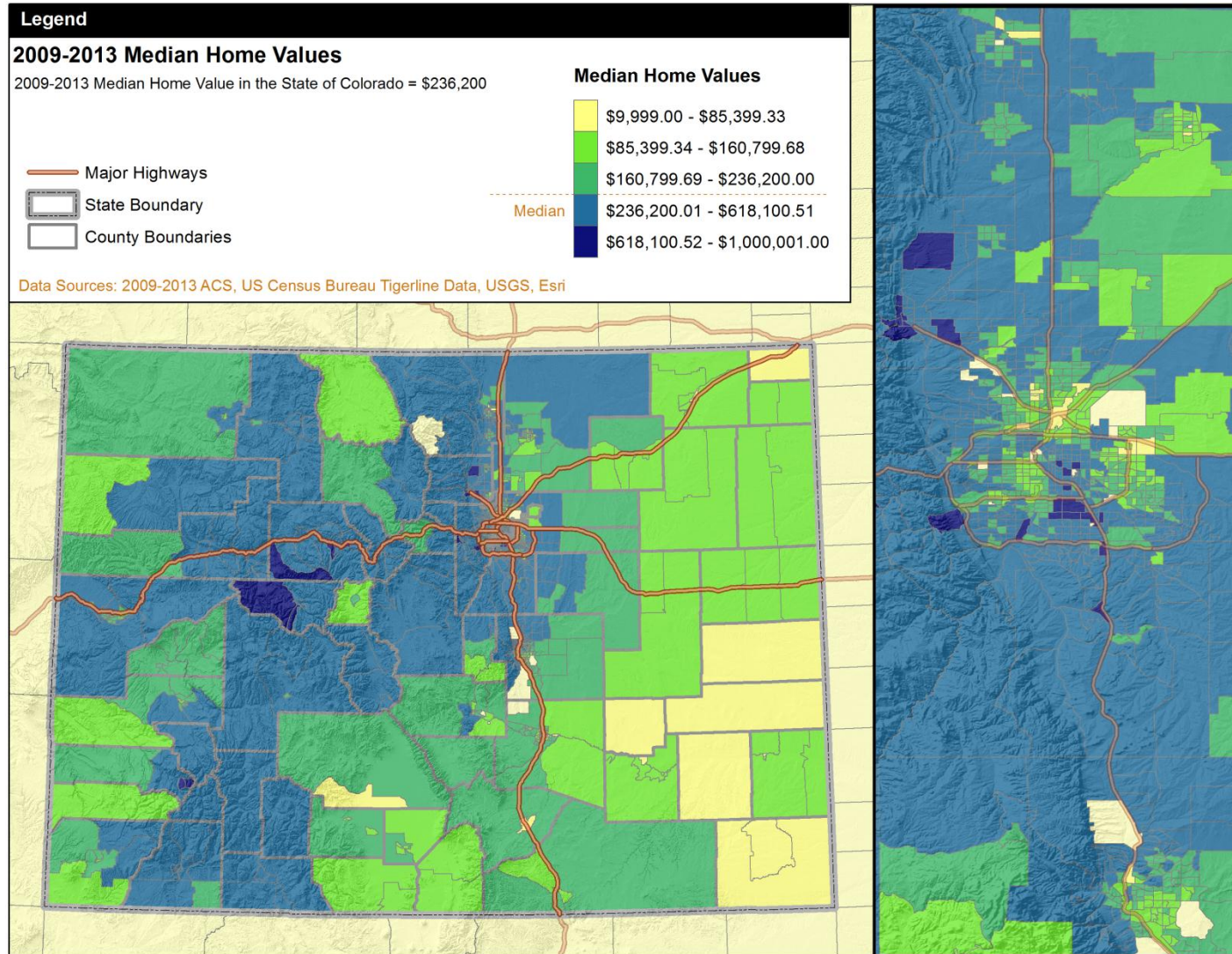
The population of Colorado grew by an estimated 24.5 percent between 2000 and 2014, nearly twice the rate of growth for the United States as a whole. Much of this increase can be attributed to relatively strong growth in the number of residents aged 55 and over, who accounted for more than half of the state's population growth between the 2000 and 2010 Census. However, in recent years, residents aged 20 to 34 have joined those aged 55 and older to contribute substantially to the state's population growth. During this time, residents aged 35 to 54, who made up the largest share of state residents, have gradually declined as a share of the population, along with residents aged 5 to 19. This decline has been due to slow growth, rather than an absolute decrease, in those populations.

White residents also declined as a share of the population between the decennial Census counts, though at 81.3 percent of the population in 2010, the white population still represented a clear majority. The number of black, American Indian, and Asian residents also grew during the time period, both in absolute terms and as a share of the population. However, these residents together comprised only 7.8 percent of the population. The Hispanic population was considerably larger, at 20.7 percent of the population in 2010. All racial and ethnic groups retained roughly the same share of the population after 2010 with the exception of the white population, which had grown as a share of the state population by nearly three percentage points by 2013, and those who classified their race as "other", who declined as a share of the population by 3.5 percentage points.

Map II.17
Median Contract Rent
 The State of Colorado
 2013 Five-Year ACS Data



Map II.18
Median Home Value
 The State of Colorado
 2013 Five-Year ACS Data



The American Indian population tended, like the state population as a whole, to be concentrated in the state's urban areas (e.g., Denver, Fort Collins, Colorado Springs, etc.). The same was true of the black, Asian, and Hispanic populations. American Indian residents who lived in the state's rural areas tended to be more concentrated in Census tracts near the state's southern border, along with Hispanic residents, who also tended to be concentrated in central-western Census tracts along Interstate 70, to the west of Vail. Within the Denver metropolitan area, black residents tended to be concentrated to the east of the downtown area along Martin Luther King Boulevard, while Hispanic residents were largely concentrated to the east, north, and west of downtown.

Around 16.3 percent of the state's population was living with some form of disability in 2000, including 40 percent of the population aged 65 and older. Residents with disabilities accounted for 10.1 percent of the population in 2009-2013. It should be noted that this lower figure does not necessarily represent a true reduction in the population with disabilities: due to changes to the American Community Survey (ACS) questionnaire in 2008, upon which the 2009-2013 estimate is based, the population with disabilities that is captured in pre- and post-2008 estimates and counts is substantively different. For that reason, the two figures are not directly comparable. Nevertheless, the most recent estimate do bear out the portrait presented by 2000 Census data, demonstrating that the prevalence of disability increases markedly with age. Like the population as a whole, residents with disabilities were most likely to be concentrated in the Denver metro area, particularly in Census tracts to the north and west of the city center.

The state's labor force grew steadily between 1990 and 2008, growing by about fifty percent during that time and adding an estimated 53,450 workers to the economy every year on average. Prior to 2000, most of those new workers had little difficulty in finding employment. However, growth in the number of employed stalled after 2000, even as the labor force continued to grow. The result was growth in the unemployment rate, which continued through 2003, after which growth in the number of employed resumed and the unemployment rate declined. However, the unemployment rate was to rise again with the onset of the national recession of the late 2000s: nine percent of the labor force was unable to find a job in 2010, up from 3.8 percent just three years earlier. In the last few years, the unemployment rate has fallen steadily as the number of employed persons has grown.

Turbulence the labor market in recent years has been reflected in trends in total employment and compensation. The growth in total employment, largely steady from 1969 through 2000, reversed between 2008 and 2010 as the state shed an estimated 113,720 full- and part-time jobs. The amount that the average worker earned at his or her job stagnated after 2000, following a decade of dramatic growth. Growth in per capita income, which includes wages earned at work as well as transfer payments, investment income, and other unearned income, has been variable since 2000, declining dramatically between 2008 and 2010. However, incomes have been on an upswing since that time.

In spite of stagnation in wages, higher income households have come to account for larger shares of all households since 2000. In fact, a quarter of all households had a combined income of \$100,000 or more in 2009-2013, up from 14.2 percent in 2000. In spite of that fact, the poverty rate rose over the same period, from 9.3 to 13.2 percent. Poverty was particularly acute in the state's urban areas, particularly in densely populated Census tracts to the west of downtown Denver, as well as in Fort Collins and Greeley.

The number of housing units in the state grew by 22.4 percent between 2000 and 2010, outpacing the 19 percent rate of growth in the number of households to fill them. The result was a modest decline in the share of housing units that were occupied, and concomitant growth in the share of vacant housing units. The latter accounted for 10.8 percent of the state's housing stock in 2010. Among occupied housing units, an increasing large share has been dedicated to rental occupancy, while the share of units occupied by their owners has declined slightly.

Among vacant units, those that were available for rent or sale came to represent larger shares of the vacant housing stock, while the share of units dedicated to seasonal, recreational, or occasional use declined. The state also saw a marked increase in the number of units classified as "other vacant," and these units grew as a share of the vacant housing stock by 2.1 percentage points.

The average household appears to have declined in size between 2000 and 2010. One- and two-person households, which represented the largest shares of all households in both years, also grew at a rate that was above average. Six- and seven-person households, which also grew at a relatively rapid rate, comprised relatively small shares of overall households.

Single-family housing units represented the largest share of housing units in 2000 and 2009-2013, a share which grew from 68.4 to 69.9 percent. Apartment units also came to account for a slightly larger share of the state's housing stock: 20.7 percent in 2009-2013, up from 19.9 percent in 2000.

With the shift toward smaller households after 2000 came a decline in the prevalence of overcrowded housing units. Overcrowded units, or those with more than one resident per room, accounted for an estimated 2.5 percent of all housing units in 2009-2013, down two percentage points from 2000. Even smaller shares of housing units lacked complete plumbing or kitchen facilities: less than one percent in both cases. By contrast, cost-burdening has been an increasingly common problem in the state. In 2000, just under thirty percent of Colorado households paid more than thirty percent of their combined income toward housing costs. By 2009-2013, that figure had risen to 35.3 percent. As with overcrowding, cost-burdening fell more heavily on rental households than on owner-occupied households. Just under half of all rental households were cost-burdened in 2009-2013, and half of these were paying rental costs that took up more than half of their monthly income.

The growing incidence of cost-burdening came as housing prices throughout the state were climbing.¹⁶ Half of the state's renters were paying \$671 or less in 2000, and half of the state's owner-occupied homes were worth no more than \$166,600. By 2009-2013, half of the state's renters were paying \$825 or more in rent, and half of the state's owner-occupied units were worth \$236,200 or more.

¹⁶ Housing costs are presented in current dollars.

SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW

As part of the AI process, existing fair housing laws, studies, cases, and other relevant materials were reviewed on a national and local scale. Results of this review are presented below.

FAIR HOUSING LAWS

FEDERAL FAIR HOUSING LAWS

Federal laws provide the backbone for U.S. fair housing regulations. While some laws have been previously discussed in this report, a brief list of laws related to fair housing, as defined on the U.S. Department of Housing and Urban Development's (HUD's) website, is presented below:

Fair Housing Act. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and persons securing custody of children under the age of 18), and handicap (disability).¹⁷

Title VIII was amended in 1988 (effective March 12, 1989) by the *Fair Housing Amendments Act* . . . In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multi-family dwellings developed for first occupancy on or after March 13, 1991.¹⁸

Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974. Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.

Title II of the Americans with Disabilities Act of 1990. Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

¹⁷ "HUD Fair Housing Laws and Presidential Executive Orders."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

¹⁸ "Title VIII: Fair Housing and Equal Opportunity."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

Architectural Barriers Act of 1968. The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975. The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972. Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.¹⁹

COLORADO STATE LAWS

Fair Housing Law

Additional protections against discrimination in the housing market are provided by Colorado Revised Statutes (C.R.S. 24-34-500, *et seq.*), which prohibits discrimination on all of the bases identified in the Fair Housing Act, along with discrimination based on creed, sexual orientation, marital status, and ancestry. HUD has judged the state law to provide fair housing protections that are substantially equivalent to the federal Fair Housing Act.

Group Home Statute

Though Colorado municipalities and counties typically exercise considerable control over local land-use and zoning regulations, Colorado law does include provisions requiring group homes for persons with developmental disabilities to be allowed in all residential zoning districts.²⁰ For the purposes of these laws, the definition of developmental disabilities, which is provided in C.R.S. §25.5-10-202, is more restrictive than the definition set forth in federal law²¹.

Consumer Protection Law

The Colorado Consumer Protection Act allows consumers in the state who have suffered as a result of “fraudulent, willful, knowing, or intentional” misconduct on the part of a business to obtain damages of up to three times the value of the actual damages sustained, as well as the cost of the lawsuit and attorney’s fees.²² Those who can prove that such conduct was the source of a defect in a housing unit are also eligible to receive treble damages for any such defect.²³ The availability of this remedy has, according to one planning professional, contributed to a proliferation of class-action lawsuits initiated by condominium homeowner’s associations against manufacturers; lawsuits that are often joined by several condominium owners in the association.²⁴

¹⁹ “HUD Fair Housing Laws and Presidential Executive Orders.”

²⁰ These provisions are included in C.R.S. §31-23-303, which applies to municipalities, and C.R.S. §30-28-115, which applies to counties.

²¹ The federal definition of disability is included in 42 U.S.C. 15001. (See also “Joint Statement of the Department of Justice and the Department of Housing and Urban Development: Group Homes, Local Land Use, and the Fair Housing Act.” The United States Department of Justice Website. Accessed 3 June 2015. http://www.justice.gov/crt/about/hce/final8_1.php)

²² C.R.S. 6-1-101 *et seq.*

²³ C.R.S. 13-20-801 *et seq.*

²⁴ Connolly, Brian. (16 June 2015). Telephone Interview.

The effect of these lawsuits, which are often settled, has been to raise the price for liability insurance for condominium owners, making the development of these units prohibitively expensive. This, in turn, has removed a more affordable means of entry into homeownership and contributed to an overall shortage in affordable housing in the state.²⁵

Prohibition on Rent Control

Declaring the imposition of rent control on private residential units to be a matter of statewide concern²⁶, the Colorado legislature barred counties or local municipalities from enacting laws to control rent in 1981.²⁷ As discussed below under the heading of “Local Fair Housing Cases”, the state Supreme Court determined in 2000 that the state rent control ordinance prohibited local jurisdictions from passing laws requiring developers to generate affordable housing units as a condition for development within the city.²⁸ The effect of this law has been to restrict the supply of affordable housing by barring a potential means for mitigating a shortage of affordable units.²⁹

FAIR HOUSING IN THE UNITED STATES

THE FIRST FORTY YEARS OF THE FAIR HOUSING ACT

The Fair Housing Act of 1968 was a product of the tumultuous time in which it was passed. Coming near the end of a decade marked by concerted and often violent struggles for civil rights, it was a profound statement of a nation’s commitment, despite considerable reluctance in many quarters, to work toward the end of segregation by race, color, religion, sex, and national origin. It was also, upon its passage, a relatively weak law: another sign of the social and political context in which it was passed. It was only after the enforcement provisions of the Act were considerably blunted that it was able to secure enough support to ensure its passage.³⁰

Due in part to the weakening of those enforcement provisions, the Act was initially of only limited effectiveness in eradicating residential segregation, one of the policy goals that motivated passage of the law. According to one analyst, the first two decades of the Fair Housing Act constitute a “lost opportunity in terms of race relations in the United States³¹”. Nevertheless, the period following the passage of the Act was marked by a “minority rights revolution,”³² whose germinal moment was the movement for civil rights for black Americans. This revolution was soon expanded to encompass the drive for equality for women, ethnic minorities, gays and lesbians, and the disabled.³³ The civil rights movement had a limited

²⁵ *Ibid.*

²⁶ The State’s home rule amendment (Article 20 of the State Constitution) grants broad powers to counties and local jurisdictions to create and enact laws at the county and local level. However, in matters of statewide concern the state may adopt provisions that supersede local laws.

²⁷ C.R.S 38-12-301.

²⁸ *Lot Thirty-Four Venture v. Town of Telluride* (2000).

²⁹ Connolly, Brian. (16 June 2015). Telephone Interview.

³⁰ Denton, Nancy A. *Half Empty or Half Full: Segregation and Segregated Neighborhoods 30 Years After the Fair Housing Act*. Cityscape: A Journal of Policy Development and Research, 1999. Vol. 4, No. 3. P. 111.

³¹ *Ibid.*

³² Skrentny 2002. *The Minority Rights Revolution*. Harvard University Press, 2004.

³³ Marsden, Peter V. *Social Trends in American Life: Findings from the General Social Survey since 1972*.

impact on residential segregation, however, which has persisted since 1968 due in part to persistent discrimination in the housing market.^{34,35}

However, the cultural shifts of the late twentieth century helped to pave the way for passage of the Fair Housing Amendments Act of 1988, which broadened the enforcement provisions of the Act, gave increased authority to the US Department of Housing and Urban Development (HUD) to administer and enforce fair housing law, and increased the penalties to those who violated the act.³⁶ In addition, reflecting the impact of advocacy on behalf of those with disabilities as well as marked changes to the traditional family structure over the previous two decades,³⁷ the 1988 law added new protections based on “handicap” and “familial status.”

The ten years following the passage of the 1988 amendments saw an increase in the number of fair housing complaints filed with HUD, as well as an evolution in housing discrimination to a form that was, in the estimation of former HUD Secretary Andrew Cuomo, “more sophisticated, less obvious, but more insidious.”³⁸ An example of such segregation was to be found, according to a 1999 HUD study, in the home lending market. That study, which was based on the results of paired testing of home mortgage lenders in selected cities, concluded that minority applicants were given less time with loan officers than non-minority applicants, received less information on prospective loan products, and were quoted higher interests rates in most of the cities included in the study. This differential treatment occurred in spite of the fact that the paired testers represented themselves as being similarly situated with respect to credit history and other relevant characteristics.³⁹

It was not clear in the late 1990s whether HUD’s increasing fair housing case load was the result of increasing segregation or growth in the number of US residents taking advantage of newly expanded fair housing enforcement measures. To help answer this question, HUD conducted a massive three-part study of discrimination in metropolitan housing markets, publishing the results of the first phase in 2000. In the course of the study HUD, once again availing itself of the paired testing employed in earlier studies, demonstrated the persistence of housing discrimination on the basis of race and ethnicity and its continuation into the twenty-first century. As in the 1999 study in mortgage lending, the HUD report revealed that minority housing seekers were, on average, shown fewer units and given fewer housing options than their majority counterparts, even when similarly situated with respect to their financial situations.⁴⁰ These findings were reinforced by a study conducted jointly by the University of Southern California and Oregon State University on the Los Angeles County housing market in 2006.⁴¹

³⁴ Denton 1999.

³⁵ Yinger, John. *Measuring Racial Discrimination with Fair Housing Audits: Caught in the Act*. The American Economic Review, Vol. 76, No. 5: 1986. P. 881. This study, based on the results of paired fair housing tests in the city of Boston, concluded that housing agents, in “[catering] to the prejudices of current or potential white customers”, told black housing seekers about 30 percent fewer available housing units. A similar methodology was employed in a 2012, which demonstrated the persistence of this form of discrimination (See “Housing Discrimination Against Racial and Ethnic Minorities 2012,” published by the US Department of Housing and Urban Development).

³⁶ Denton 1999.

³⁷ Marsden 2008

³⁸ Janofsky, Michael. “HUD Plans Nationwide Inquiry on Housing Bias.” *The New York Times*, 17 November 1998.

³⁹ Turner, Margery A. et al. “What We Know About Mortgage Lending Discrimination in America”. The Urban Institute. September 1999.

⁴⁰ *The Housing Discrimination Study*. Department of Housing and Urban Development. (HDS 2000).

⁴¹ Carpusor, Adrian and William Loges. “Rental Discrimination and Ethnicity in Names.” *Journal of Applied Social Psychology* 36(4).

Recent Trends in Fair Housing Law and Policy

Released by the Poverty & Race Research Action Council in January 2008, *Residential Segregation and Housing Discrimination in the United States* asserts that many current governmental efforts to further fair housing actually result in furthering unfair housing practices across the U.S. This article suggests that fair housing efforts can cause residential segregation. For example, if the majority of public housing residents are non-white and most public housing accommodations are grouped in the same Census tracts, residential segregation is resultant. Similarly, many Section 8 voucher holders are racial or ethnic minorities, and most housing that accepts Section 8 vouchers is grouped in selected areas, which again results in residential segregation. The report offers recommendations to curb such residential segregation, including dispersing public housing developments throughout cities and communities and providing greater incentives for landlords with several properties to accept the vouchers.⁴²

Published in 2009 by the National Fair Housing Alliance, *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination* presented research on the prevalence of discriminatory housing advertisements on popular websites such as Craigslist. According to the article, while newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites like Craigslist, as they are considered interactive internet providers rather than publishers of content. As such, they are not held to the same legal standards as newspapers. While individual landlords who post discriminatory advertisements may be held responsible, there are no such standards for companies like Craigslist that post the discriminatory advertisements. Newspapers and other publishers of content are required to screen the advertisements they accept for publishing for content that could be seen as discriminatory. This may include phrases like “no children” or “Christian only,” which violate provisions of the Fair Housing Act that state families with children and religious individuals are federally protected groups.⁴³

In May 2010, the National Fair Housing Alliance published a fair housing trends report, *A Step in the Right Direction*, which indicated that recent years have demonstrated forward movement in furthering fair housing. The report began with a commendation of HUD’s federal enforcement of fair housing law and noted the agency’s willingness to challenge local jurisdictions that failed to affirmatively further fair housing. In response to the recent foreclosure crisis, many credit institutions have implemented tactics to reduce risk. However, this report suggests that policies that tighten credit markets, such as requiring larger cash reserves, higher down payments, and better credit scores, may disproportionately affect lending options for communities of color and women. *A Step in the Right Direction* concludes with examples of ways in which the fair housing situation could be further improved, including addressing discriminatory internet advertisements and adding gender identity, sexual orientation, and source of income as federally protected classes.⁴⁴

The positive note that the NFHA struck in its 2010 report carried over into the following year’s *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized*

⁴² U.S. Housing Scholars and Research and Advocacy Organizations. *Residential Segregation and Housing Discrimination in the United States*. January 2008. <http://prrac.org/pdf/FinalCERDHOUSINGDISCRIMINATIONREPORT.pdf>

⁴³ National Fair Housing Alliance. *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination*. August 2009. <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM%3D&tabid=2510&mid=8347>

⁴⁴ National Fair Housing Alliance. *A Step in the Right Direction: 2010 Fair Housing Trends Report*. May 2010. <http://www.nationalfairhousing.org/Portals/33/Fair%20Housing%20Trends%20Report%202010.pdf>

Discrimination, published by the Alliance in April of 2011. This report began by noting an encouraging downward trend in the proportion of individuals in large metropolitan areas living in segregation, which had dropped from 69 to 65 percent between 2000 and 2010, according to census data from 2010. The report also highlighted the work of fair housing organizations to combat systemic and institutionalized discrimination produced by exclusionary zoning, NIMBYism, the dual credit market, and other fair housing challenges, often on limited budgets and with limited personnel. The NFHA closed its 2011 report by praising the work of private fair housing organizations while underscoring the need for continued work.⁴⁵

The 2012 report from the NFHA focused on issues of fair housing in the context of the shifting demographic composition of the United States, where the white population is projected to no longer represent a majority of residents within thirty years. The report discussed encouraging signals from HUD and the Justice Department, who have “increased their efforts and announced landmark cases of mortgage lending, zoning, and other issues that get to the heart of the [Fair Housing] Act: promoting diverse and inclusive communities.”⁴⁶ The report also highlights a new arena for discrimination in housing, which has emerged as a result of the massive level of foreclosures in the country in recent years: uneven maintenance of Real Estate Owned (REO) properties in white and minority areas. In concluding, the report hails the creation of the Consumer Financial Protection Bureau as a new ally for fair housing and equal opportunity.⁴⁷

However, even as the 2012 NFHA underscored maintenance of foreclosed properties as a nascent form of housing discrimination, a HUD report issued in the following year demonstrated the persistence of more traditional forms of discrimination. Echoing the results of earlier paired tests for housing discrimination, the study demonstrated that where differences in the treatment of minority and white housing seekers occur, it is the white housing seekers who are more likely to benefit from such differential treatment. However, on an encouraging note, the study also demonstrated that well-qualified buyers are generally equally likely to get an appointment to hear about at least one available unit, regardless of race.⁴⁸

The 2013 from the NFHA outlines an ambitious policy goal: expansion of the Fair Housing Act to prohibit discrimination based on source of income, sexual orientation, gender identity, and marital status. The report relates that cases of housing discrimination in general increased between 2011 and 2012, and that complaints based on non-protected statuses (source of income, etc.) were included in that upward trend. In spite of this, only 12 states include protections based on source of income, 21 states prohibit discrimination based on sexual orientation, sixteen states protect against discrimination based on gender identity, and 22 states offer protections based on marital status (the District of Columbia also extends protections on all of these bases). In concluding the report, the NFHA advocates the modernization and expansion of the FHA to bring the protection of individuals based on source of income, sexual orientation, gender identity, and marital status within its compass.

⁴⁵*The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*. National Fair Housing Alliance 2011 Fair Housing Trends Report. 29 April 2011.

<http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SbZH3pTEZhs%3d&tabid=3917&mid=5321>

⁴⁶ <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=GBv0ZVJp6Gg%3d&tabid=3917&mid=5321>

⁴⁷ *Ibid.*

⁴⁸ Turner, Margery A. et al. “Housing Discrimination Against Racial and Ethnic Minorities 2012.” The Urban Institute. June 2013.

In its 2014 Fair Housing trends report, entitled “Expanding Opportunities: Systemic Approaches to Fair Housing,” the NFHA began by lauding the efforts of HUD, DOJ, and private non-profit fair housing organizations for their efforts over the past year in promoting fair housing choice across the United States. The report also noted an increase in the number of fair housing complaints relating to real estate sales, homeowner’s insurance, and housing advertisements, even as the overall number of housing complaints remained relatively steady. The 2014 report also featured a regional analysis of housing discrimination complaints, which indicated that complaints of housing discrimination were more common in the more racially and ethnically segregated metropolitan statistical areas of the country.⁴⁹

A CHANGING FAIR HOUSING LANDSCAPE

NATIONAL FAIR HOUSING CASES

As noted in the introduction to this report, provisions to affirmatively further fair housing (AFFH) are long-standing components of HUD’s Housing and Community Development programs. In fact, in 1970, *Shannon v. HUD* challenged the development of a subsidized low-income housing project in an urban renewal area of Philadelphia that was racially and economically integrated. Under the Fair Housing Act, federal funding for housing must further integrate community development as part of furthering fair housing, but the plaintiffs in the Shannon case claimed that the development would create segregation and destroy the existing balance of the neighborhood. As a result of the case, HUD was required to develop a system to consider the racial and socio-economic impacts of their projects.⁵⁰ The specifics of the system were not decided upon by the court, but HUD was encouraged to consider the racial composition and income distribution of neighborhoods, racial effects of local regulations, and practices of local authorities.⁵¹ The Shannon case gave entitlement jurisdictions the responsibility of considering the segregation effects of publicly-funded housing projects on their communities as they affirmatively further fair housing.

More recently, in a landmark fraud case, Westchester County, New York, was ordered to pay more than \$50 million to resolve allegations of misusing federal funds for public housing projects and falsely claiming their certification of affirmatively furthering fair housing. The lawsuit was filed in 2007 by the Anti-Discrimination Center (ADC), a New York-based non-profit organization, under the False Claims Act. According to the ADC, the County “failed to consider race-based impediments to fair housing choice; failed to identify and take steps to overcome impediments; and failed to meet its obligations to maintain records concerning its efforts.”

In a summary judgment in February 2009, a judge ruled that the County had made “false certifications on seven annual AFFH certifications and on more than a thousand implied certifications of compliance when it requested a drawdown of HUD funds.” Pursuant to a settlement agreement brokered by the Obama Administration in April 2009, Westchester County was required to pay more than \$30 million to the federal government, with roughly

⁴⁹ *Expanding Opportunity: Systemic Approaches to Fair Housing*. National Fair Housing Alliance. August 13, 2014.

⁵⁰ U.S. HUD. *39 Steps Toward Fair Housing*. <http://www.hud.gov/offices/ftheo/39steps.pdf>

⁵¹ Orfield, Myron. “Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit.” *Vanderbilt Law Review*, November 2005.

\$20 million eligible to return to the County to aid in public housing projects. The County was also ordered set aside \$20 million to build public housing units in suburbs and areas with mostly white populations, and to promote legislation “currently before the Board of Legislators to ban ‘source-of-income’ discrimination in housing (§33(g)).”⁵²

Finding that Westchester had failed to affirmatively further fair housing in the manner agreed upon in the earlier settlement, HUD rejected the County’s AFFH certification and discontinued federal funding in 2011. As of April 2013, HUD’s decision had been upheld through several rounds of appeals by the County.⁵³ The case is likely to have ramifications for entitlement communities across the nation; activities taken to affirmatively further fair housing will likely be held to higher levels of scrutiny to ensure that federal funds are being spent to promote fair housing and affirmatively further fair housing. The case also signals an increased willingness on the part of HUD to bring enforcement pressure to bear in order to insure that state and local jurisdictions comply with the AFFH requirements.

Affirmatively Furthering Fair Housing

At the same time that HUD has pursued a more active role in fair housing enforcement, the agency has sought to bring additional guidance and clarity to fair housing policy. This effort was inspired in part by the agency’s own assessment of shortcomings in current policy, and in part by criticism from other agencies; notably the Government Accountability Office (GAO).⁵⁴ In 2009, HUD noted that many of the AIs it reviewed as part of an internal study did not conform to the agency’s guidelines. This finding was reaffirmed in a 2010 study conducted by the GAO, which sought to assess the effectiveness of Analyses of Impediments as a tool to affirmatively further fair housing, as well as their effectiveness as planning documents. According to the GAO, an estimated 29 percent of CDBG and HOME grantees’ AIs were prepared in 2004 or earlier, and were therefore likely to be of limited usefulness in current planning efforts. Furthermore, the GAO found that those AIs that were up to date largely lacked features that would render them more effective as planning documents, including timetables and the signatures of top elected officials. More generally, the GAO noted that HUD guidelines concerning AIs are unclear, and that its requirements for the analyses are minimal⁵⁵. Under those requirements, the agency observed, grantees are “not required through regulation to update their AIs periodically, include certain information, follow a specific format in preparing AIs, or submit them to HUD for review.”⁵⁶

The conclusion of the GAO study is reflected in its title: *HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans*. In response to the criticism of the GAO, as well as a longstanding recognition on the part of HUD that fair housing policy stood in need of improvement and clarification, the agency developed and published a proposed rule entitled *Affirmatively Furthering Fair Housing* in July of 2013. The proposed rule represents a substantial restructuring of the AFFH process, eliminating the AI and replacing it with the Assessment of Fair Housing (AFH). According to the rule, the AFH will (1) incorporate key demographic and econometric metrics specifically identified by HUD, (2) be completed

⁵² <http://www.hud.gov/content/releases/settlement-westchester.pdf>

⁵³ *United States v Westchester County* 712 F.3d 761 2013 U.S. App.

⁵⁴ 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)

⁵⁵ “HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans”. *Government Accountability Office*. September 2010.

⁵⁶ *Ibid.*, page 32.

with nationally uniform data provided by HUD, and (3) be submitted to HUD for review in advance of the consolidated plan to insure that the findings of the fair housing analysis are fully integrated into the consolidated planning process.⁵⁷ The comment period for the proposed rule ended in September of 2013. The final rule was announced on July 8, 2015 and published on July 16, 2015.

As noted in the winter edition of the Pennsylvania Association of Housing and Redevelopment Agencies Monitor, “the [proposed rule’s] four specifically articulated goals are noble, if not perhaps aspirational:

1. “Improve integrated living patterns and overcome historic patterns of segregation;
2. Reduce or eliminate racially and ethnically concentrated areas of poverty;
3. Reduce disparities in access to community assets such as education, transit access, employment, as well as exposure to environmental health hazards and other stressors that harm a person’s quality of life; and
4. Address disproportionate housing needs by protected classes.”⁵⁸

Nevertheless, according to the author, the Final Rule has the potential to “divert much needed funds away from impacted neighborhoods”; accordingly, “it remains to be seen whether the final version of the rule will truly facilitate [meaningful fair housing planning] and lead to greater housing opportunity, mobility, and choice.”⁵⁹ Note that because the provisions of the new rule do not come into force until 2016 at the earliest, the current AI effort is being undertaken in conformity to HUD guidance that is currently in place, as articulated in the Fair Housing Planning Guide and subsequent memoranda.

Discriminatory Effects and the Fair Housing Act

In addition to the rule updating and clarifying the AFFH requirements for states and local jurisdictions, HUD finalized a rule in February 2013 that was intended to “formalize HUD’s long-held interpretation of the availability of ‘discriminatory effects’ liability under the Fair Housing Act.”⁶⁰ According to HUD, individuals and businesses may be held liable for policies and actions that are neutral on their face but have a discriminatory effect. This theory of liability had not yet been articulated by the signing of the Civil Rights Acts of 1964 or 1968; however, it has been an important test for discrimination in employment since the Supreme Court found in 1971⁶¹ that the Civil Rights Act “proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation.”⁶² The first test of “disparate impact theory” in housing law came in 1974, *with United States v. City of Black Jack*.⁶³ In that case, the government alleged that the City of Black Jack had “exercised its zoning powers to

⁵⁷ 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)

⁵⁸ Poltrock, Leigh A. “Affirmatively Furthering Fair Housing: The Good, the Bad, and the Ugly of the Proposed Rule and Draft Assessment Tool.” *Pennsylvania Association of Housing and Redevelopment Agencies Monitor*. Winter 2014-2015, page 19. Accessible at <http://pahra.org/wp-content/uploads/2015/01/PAHRA-Monitor-Winter-2014-15.pdf>

⁵⁹ *Ibid.*

⁶⁰ 24 CFR §100 (2013)

⁶¹ Garrow, David J. “Toward a Definitive History of *Griggs v. Duke Power Company*”. 67 Vand. L. Rev. 197 (2014).

⁶² *Griggs v. Duke Power Co.*, 401 U.S. 430 (1971).

⁶³ Rich, Joseph D. “HUD’s New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation.” *Lawyers’ Committee for Civil Rights Under Law*. May 2013.

exclude... a federally-subsidized housing development,” thereby excluding residents of low-income housing, who were disproportionately black.⁶⁴

In deciding on the matter, the Eighth Circuit Court maintained that a plaintiff “need prove no more than that the conduct of the defendant actually or predictably results in racial discrimination” to make a case that the conduct is itself discriminatory.⁶⁵ The theory of discriminatory effect established in this case has been consistently applied in fair housing cases and upheld in every district court decision in which it served to establish or support the charge of housing discrimination.⁶⁶ On June 25, 2015, the Supreme Court affirmed that discriminatory effects liability is available under the Fair Housing Act, and individuals, businesses, and jurisdictions can be held liable for policies that actually or predictably result in discrimination, not just those that are intentionally discriminatory, as summarized below:⁶⁷

Texas Department of Housing and Community Affairs v. The Inclusive Communities Project

In 2008, a Dallas-based non-profit organization called the Inclusive Communities Project (the Project) sued the Texas Department of Housing and Community Affairs (the Department), claiming that the point system by which it allocates federal tax subsidies serves to concentrate subsidized housing in low-income communities.⁶⁸ In the lawsuit, the Project relied on the theory of disparate impact that had been established through decades of jurisprudence but upon which the Supreme Court had, at that time, never definitively ruled.

According to the Project, the Department disproportionately allocates low-income housing tax credits in minority areas while denying those credits in predominantly white communities. In addition to the direct effect of concentrating units subsidized through these tax credits, the Project alleges that this manner of allocation leads to the further concentration of Section 8 Housing in those same areas,⁶⁹ which serves to limit housing options for low-income, minority residents to areas with high concentrations of racial minority residents.⁷⁰ In its original complaint, the Project argued both that the point scheme was intentionally discriminatory and that it produced a disparate impact on minority residents. The District Court for the Northern District of Texas found that the Project had failed to prove intentional discrimination but had proved its disparate impact claim.

Having been upheld in the U.S. Court of Appeals for the Fifth Circuit, the matter then moved to the Supreme Court at the request of the Department.⁷¹ In asking the Supreme Court to consider the case, the Department presented the court with two questions: First, “are disparate-

⁶⁴ *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974)

⁶⁵ *Ibid.*

⁶⁶ 24 CFR §100 (2013); Rich, Joseph D. “HUD’s New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation.” Lawyers’ Committee for Civil Rights Under Law. May 2013.

⁶⁷ Rich, Joe and Thomas Silverstein. “Symposium: The case for disparate impact under the Fair Housing Act.” Supreme Court of the United States Blog. January 6, 2015. Accessible at <http://www.scotusblog.com/2015/01/symposium-the-case-for-disparate-impact-under-the-fair-housing-act/>

⁶⁸ *Inclusive Communities Project v. Texas Department of Housing and Community Affairs* (2014).

⁶⁹ *Ibid.* Section 8 housing vouchers, which are not generally accepted by private landlords, cannot be turned down by those who receive low income housing tax credits.

⁷⁰ *Ibid.*

⁷¹ Howe, Amy. “Will the third time be the charm for the Fair Housing Act and disparate-impact claims? In Plain English.” Supreme Court of the United States Blog. January 6, 2015. Accessible at “<http://www.scotusblog.com/2015/01/will-the-third-time-be-the-charm-for-the-fair-housing-act-and-disparate-impact-claims-in-plain-english/>”

impact claims cognizable under the Fair Housing Act?”⁷² In other words, does the Act permit disparate-impact claims? Second, in the event that the Court finds that the FHA does allow such claims, the Department also asked “what are the standards and burdens of proof that should apply?”⁷³ The Court’s decision on this matter, handed down on June 25, 2015, upheld the availability of discriminatory effects liability under the Fair Housing Act.⁷⁴

LOCAL FAIR HOUSING CASES

Recent U.S. Department of Justice Cases

The U.S. Department of Justice (DOJ) enacts lawsuits on behalf of individuals based on referrals from HUD. Under the Fair Housing Act, the DOJ may file lawsuits in the following instances:

- Where there is reason to believe that a person or entity is engaged in what is termed a “pattern or practice” of discrimination or where a denial of rights to a group of people raises an issue of general public importance;
- Where force or threat of force is used to deny or interfere with fair housing rights; and
- Where persons who believe that they have been victims of an illegal housing practice file a complaint with HUD or file their own lawsuit in federal or state court.⁷⁵

The Justice Department has not filed any fair housing cases in a Colorado district court in the last ten years.⁷⁶ However, residents of Westminster were affected by the outcome of a complaint filed in the Eastern District of California against a Chicago-based management company specializing in retirement communities. In the complaint, the DOJ accused Covenant Retirement Communities West, Inc. of adopting discriminatory policies toward its residents with disabilities by requiring those who used motorized mobility aids to take out personal liability insurance, demonstrate their competence at operating them, obtain certification from their physician that they needed the motorized aid, and secure the approval of an administrator for their use. In addition, the company barred residents with mobility aids from the dining area, where daily meals were served.⁷⁷ In a consent order filed in August of 2007, the Company agreed to end current discriminatory policies, to adopt and advertise a non-discrimination policy, undergo fair housing training, and pay monetary damages in excess of \$530,000 to residents that were adversely affected by its policies.⁷⁸

Lot Thirty-Four Venture, LLC v. Town of Telluride

In 1994, the Town of Telluride passed Ordinance 1011 to mitigate the impact of new development in the area by requiring developers to generate affordable housing for forty percent of the new employees created by the development. Following passage of the ordinance, the two adopted the Telluride Affordable Housing Guidelines, which laid out price,

⁷² *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2014). Petition for a Writ of Certiorari.

⁷³ *Ibid.*

⁷⁴ *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2015)

⁷⁵ “The Fair Housing Act.” The United States Department of Justice. http://www.justice.gov/crt/about/hce/housing_coverage.php

⁷⁶ The DOJ maintains an online database of past and present fair housing complaints it has filed throughout the country at <http://www.justice.gov/crt/about/hce/caselist.php>.

⁷⁷ *United States v. Covenant Retirement Communities West, Inc.*, 2007 (Complaint).

⁷⁸ *United States v. Covenant Retirement Communities West, Inc.*, 2007 (Consent Order)

affordability, and eligibility requirements for new developments. *Lot Thirty-Four Venture*, which held the title to two lots in the city, challenged those requirements in San Miguel County District Court.⁷⁹

The court dismissed the complaint against the city, holding that the city's requirement did not constitute rent control, as contemplated in the state law. The court of appeals disagreed, reversing the decision of the trial court, and the state Supreme Court agreed to hear the case in 2000 to decide (1) whether the town ordinance constitutes a form of rental control and (2) whether state law supersedes local ordinance in this instance.⁸⁰ The Supreme affirmed the appellate court's decision on both questions, holding that the town ordinance and related affordability guidelines did constitute rent control within the plain meaning of the term, and holding that the state law did supersede Ordinance 1011, thereby invalidating the local ordinance.⁸¹

SUMMARY

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act. Additional laws passed from 1964 to the present have generally broadened the protections guaranteed under the FHA, applying stricter and more comprehensive protections to housing providers who benefit from federal funding.

In addition to the protections guaranteed under the FHA, Colorado residents are protected from discrimination in the housing market by laws at the state level.⁸² These laws prohibit discrimination on the same bases identified in the federal law while expanding those protections to outlaw discrimination based on creed, sexual orientation, marital status, and ancestry. Colorado's housing discrimination law has been judged to be "substantially equivalent" to the federal FHA.

Housing law and jurisprudence has evolved considerably since the FHA was first enacted in 1968. The Fair Housing Amendments Act of 1988 added additional protections, strengthened the Act's relatively weak enforcement provisions, and gave the Department of Housing and Urban Development enhanced authority to enforce the Act. In addition, since the early 1970s the FHA has consistently been interpreted to apply to laws and policies that are apparently neutral with respect to protected class status, but which nevertheless "actually or predictably"⁸³ result in discrimination. In 2013, HUD finalized a rule formalizing its interpretation of discriminatory effects liability under the FHA.

⁷⁹ *Lot Thirty-Four Venture, LLC v. Town of Telluride* (2000).

⁸⁰ Invoking the state's home rule amendment, the town argued that the rent control amendment did not preempt Ordinance 1011.

⁸¹ *Lot Thirty-Four Venture v. Town of Telluride* (2000).

⁸² C.R.S. 24-34-500, et seq.

⁸³ *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974) It was racial discrimination, specifically, that was at issue in this case.

This theory of liability was recently tested in a case before the Supreme Court of the United States. That case was brought before the Court through the efforts of the Texas Department of Housing and Community Affairs (HCA), which was sued in 2008 by the Dallas-based Inclusive Communities Project over the alleged disparate impact of criteria by which it places affordable housing units. In petitioning the court to hear the case, the HCA asked the justices to issue a definitive ruling on the availability of disparate impact liability under the FHA. A decision on the matter was rendered on June 25, 2015, when the Supreme Court affirmed that businesses, jurisdictions, and individuals could indeed be held liable not only for intentional discrimination but also for the discriminatory effects of apparently non-discriminatory policies and practices.

Following on the heels of the Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. Generally speaking, the new rule will apply to local entitlement jurisdictions that are due to begin their next five-year planning cycle in 2017 or later. For smaller entitlement jurisdictions, as well as states and insular areas, the new rule will apply to those set to begin their next planning cycle in 2018 or later. Until jurisdictions are required to submit an AFH, they are required to continue submitting analyses of impediments.

Under certain circumstances, the United States Department of Justice will file a fair housing complaint on behalf of residents who are suspected to have suffered a violation of fair housing law. Though the Justice Department has not filed any fair housing complaints in a Colorado district court in the last ten years, a case filed in California against a Chicago-based management company did affect residents of Westminster, Colorado. That case, in which the operator of retirement communities in several states was accused of discrimination on the basis of disability, settled in 2007. As terms of the settlement, the management company agreed to undergo training, adopt and advertise a non-discrimination policy, and pay damages to affected residents in excess of \$530,000.

Lot Thirty-Four Venture, LLC v. Town of Telluride was decided by the state Supreme Court in 2000. At issue in the case was Telluride Ordinance 1011, which was designed to ensure that continued development in the city was accompanied by expansion of the affordable housing stock. In its decision, the Supreme Court held that the law, by requiring developers to generate a certain percentage of affordable housing units in connection with new developments, constituted rent control and was preempted and invalidated by state law.

This case, in addition to cases brought against housing developers under the Colorado Consumer Protection Act, are illustrative of some of the legal challenges to affordable housing development in the state. As a result of state laws, local and county jurisdictions cannot require developers to contribute to the affordable rental housing stock and condominium development has been subject to soaring liability insurance costs, stemming from the potential for large economic damages from manufacturing defects available under state law.

SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

The purpose of this section is to provide a profile of fair housing in the State of Colorado based on a number of factors, including an enumeration of key agencies and organizations that contribute to affirmatively furthering fair housing, evaluation of the presence and scope of services of existing fair housing organizations, and a review of the complaint process.

FAIR HOUSING AGENCIES

FEDERAL AGENCIES

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) oversees, administers, and enforces the federal Fair Housing Act. HUD's regional office in Denver oversees housing, community development, and fair housing enforcement in Colorado, as well as Montana, North and South Dakota, Utah, and Wyoming. Contact information for HUD is listed below.⁸⁴

Address:

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000

Telephone: (202) 708-1112

Toll Free: (800) 669-9777

Web Site: <http://www.HUD.gov/offices/fheo/online-complaint.cfm>

The contact information for the regional HUD office in Denver is:

Address:

Denver Regional Office of FHEO
Department of Housing and Urban Development
1670 Broadway
Denver, Colorado 80202-4801

Telephone: (303) 672-5437

Toll Free: (800) 877-7353

TTY: (303) 672-5248

Website: <http://www.HUD.gov>

The Office of Fair Housing and Equal Opportunity (FHEO) in HUD's Denver office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions in Colorado. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights

laws, and works with state and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP).

Fair Housing Assistance Program

The Fair Housing Assistance Program (FHAP) was designed to support local and state agencies that enforce local fair housing laws, provided that these laws are substantially equivalent to the Fair Housing Act. Substantial equivalency certification is a two-phase process: in the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity makes a *prima facie* determination on the substantial equivalency of a state or local law to the federal Fair Housing Act. Once this determination has been made, and the law has been judged to be substantially equivalent, the agency enforcing the law is certified on an interim basis for a period of three years. During those three years, the local enforcement organization “builds its capacity to operate as a fully certified substantially equivalent agency.” FHAP grants during this time period are issued to support the process of building capacity. When the interim certification period ends after three years, the Assistant Secretary issues a determination on whether or not the state law is substantially equivalent to the Fair Housing Act “in operation,” this is the second phase of the certification process. If the law is judged to be substantially equivalent in operation, the agency enforcing the law is fully certified as a substantially equivalent agency for five years.

HUD will typically refer most complaints of housing discrimination to a substantially equivalent state or local agency for investigation (such complaints are dual-filed at HUD and the State or local agency), if such an agency exists and has jurisdiction in the area in which the housing discrimination was alleged to have occurred. When federally subsidized housing is involved, however, HUD will typically investigate the complaint.

The benefits of substantially equivalent certification include the availability of funding for local fair housing activities, shifted enforcement power from federal to local authorities, and the potential to make the fair housing complaint process more efficient by vesting enforcement authority in those who are more familiar with the local housing market. In addition, additional funding may be available to support partnerships between local FHAP grantees and private fair housing organizations. The Colorado Civil Rights Division serves state residents as a FHAP participant.

Fair Housing Initiative Program

The Fair Housing Initiative Program (FHIP) is designed to support fair housing organizations and other non-profits that provide fair housing services to people who believe they have faced discrimination in the housing market. These organizations provide a range of services including initial intake and complaint processing, referral of complainants to government agencies that enforce fair housing law, preliminary investigations of fair housing complaints, and education and outreach on fair housing law and policy.

FHIP funding is available through three initiatives:⁸⁵ the Fair Housing Organizations Initiative (FHOI), the Private Enforcement Initiative (PEI), and the Education and Outreach Initiative (EOI). These initiatives are discussed in more detail below:

- **The Fair Housing Organizations Initiative (FHOI):** FHOI funds are designed to help non-profit fair housing organizations build capacity to effectively handle fair housing enforcement and outreach activities. A broader goal of FHOI funding is to strengthen the national fair housing movement by encouraging the creation of fair housing organizations.
- **The Private Enforcement Initiative (PEI):** PEI funds are intended to support the fair housing activities of established non-profit organizations, including testing and enforcement, and more generally to offer a “range of assistance to the nationwide network of fair housing groups.”
- **The Education and Outreach Initiative (EOI):** EOI funding is available to qualified fair housing non-profit organizations as well as State and local government agencies. The purpose of the EOI is to promote initiatives that explain fair housing to the general public and housing providers, and provide the latter with information on how to comply with the requirements of the FHA.

Non-profit organizations are eligible to apply for funding under each or all of these initiatives. To receive FHOI funding, such organizations must have at least two years’ experience in complaint intake and investigation, fair housing testing, and meritorious claims in the three years prior to applying for funding. Eligibility for PEI funding is subject to “certain requirements related to the length and quality of previous fair housing enforcement experience.” Organizations applying for the EOI must also have two years’ experience in the relevant fair housing activities; EOI funds are also potentially available to State and local government agencies.

The Denver Metro Fair Housing Center serves residents of the Denver metropolitan area who believe that they have been subjected to illegal discrimination in the housing market. Formed in 2013, the Fair Housing Center was the recipient of \$324,999 in capacity-building funds under the Fair Housing Organizations Initiative in 2014.

STATE AGENCIES

The Colorado Civil Rights Division

The Civil Rights Division of the Colorado Department of Regulatory Agencies was established by an act of the Colorado General Assembly in 2009. The purpose of the agency is to administer and enforce the provisions of Colorado Revised Statutes that prohibit discrimination in employment, housing, and public accommodation under the supervision and direction of the Civil Rights Commission. Because HUD has judged Colorado law to provide discrimination protections and enforcement procedures that are “substantially equivalent” to the federal Fair Housing Act, the Division is eligible to participate in the Fair Housing Assistance Program (FHAP), which it has done since 2009. As a FHAP participant, the Division investigates

⁸⁵ Though there are four initiatives included in the FHIP, no funds are currently available through the Administrative Enforcement Initiative.

complaints that it receives from Colorado residents, as well as those filed with HUD, and receives funding and technical support from HUD to support its enforcement efforts. The Division may be contacted through the following information:

Address:

Department of Regulatory Agencies
1560 Broadway, Suite 110
Denver, Colorado 80202

Telephone: (303) 894-7855

Toll Free: (800) 886-7675

FAX: (303) 894-7885

Website: www.dora.colorado.gov/crd (Redirect)

PRIVATE ORGANIZATION**The Denver Metro Fair Housing Center**

The Denver Metro Fair Housing Center, founded in 2012, provides fair housing education, advocacy, and enforcement for residents of the Denver metropolitan area. As a participant in HUD's Fair Housing Initiatives Program, the organization received approximately \$325,000 in 2014 to help build the institutional and financial capacity to carry out its mission, part of which includes testing or auditing for housing discrimination throughout the area. The organization also serves residents who believe that they have suffered discrimination in the housing market by assisting in filing fair housing complaints. The Fair Housing Center may be contacted through the following information:

Address:

Denver Metro Fair Housing Center
3401 Quebec Street, Suite 6009
Denver, Colorado 80207

Telephone: (720) 279-4291

Email: DMFHC@dmfhc.org

Website: www.dmfhc.org

COMPLAINT PROCESS REVIEW

COMPLAINT PROCESSES FOR FAIR HOUSING AGENCIES**U.S. Department of Housing and Urban Development**

The intake stage is the first step in the complaint process. When a complaint is submitted, intake specialists review the information and contact the complainant (the party alleging housing discrimination) in order to gather additional details and determine if the case qualifies as possible housing discrimination. If the discriminatory act alleged in the complaint occurred within the jurisdiction of a substantially equivalent state or local agency under the FHAP, the complaint is referred to that agency, which then has 30 days to address the complaint. If that agency fails to address the complaint within that time period, HUD can take the complaint back.

If HUD determines that it has jurisdiction and accepts the complaint for investigation, it will draft a formal complaint and send it to the complainant to be signed. Once HUD receives the signed complaint, it will notify the respondent (the party alleged to have discriminated against the complainant) within ten days that a complaint has been filed against him or her. HUD also sends a copy of the formal complaint to the respondent at this stage. Within ten days of receiving the formal complaint, the respondent must respond to the complaint.

Next, the circumstances of the complaint are investigated through interviews and examination of relevant documents. During this time, the investigator attempts to have the parties rectify the complaint through conciliation. The case is closed if conciliation of the two parties is achieved or if the investigator determines that there was no reasonable cause of discrimination. If conciliation fails, and reasonable cause is found, then either a federal judge or a HUD Administrative Law Judge hears the case and determines damages, if any.⁸⁶ In the event that the federal court judge finds the discrimination alleged in a complaint to have actually occurred, the respondent may be ordered to:

- Compensate for actual damages, including humiliation, pain, and suffering;
- Provide injunctive or other equitable relief to make the housing available;
- Pay the federal government a civil penalty to vindicate the public interest, with a maximum penalty of \$10,000 for a first violation and \$50,000 for an additional violation within seven years; and/or
- Pay reasonable attorneys' fees and costs.⁸⁷

If neither party elects to go to federal court, a HUD Administrative Law Judge will hear the case. Once the judge has decided the case, he or she issues an initial decision. If the judge finds that housing discrimination has occurred, he or she may award a civil penalty of up to \$11,000 to the complainant, along with actual damages, court costs, and attorney's fees. When the initial decision is rendered, any party that is adversely affected by that decision can petition the Secretary of HUD for review within 15 days. The Secretary has 30 days following the issuance of the initial decision to affirm, modify, or set aside the decision, or call for further review of the case. If the Secretary does not take any further action on the complaint within 30 days of the initial decision, the decision will be considered final. After that, any aggrieved party must appeal to take up their grievance in the appropriate court of appeals.⁸⁸

Colorado Civil Rights Division

The complaint, investigation, and enforcement procedures provided for in Colorado's housing discrimination law are closely modeled upon those that are outlined in the Fair Housing Act. Of course, the state law differs from the federal law in that the rights and remedies provided under the former are available to those who have suffered discrimination on the bases of creed, sexual orientation, marital status, and ancestry, along with all of the bases covered in the federal law. As with the federal Fair Housing Act, those who file a complaint that is determined

⁸⁶ "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/fheo/complaint-process.cfm>

⁸⁷ "Fair Housing—It's Your Right." <http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm>

⁸⁸ "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/fheo/complaint-process.cfm>

to have probable cause may have the charges decided in an administrative hearing; alternately, they may opt to file a civil action against the defendant.

In the latter case, the state attorney general would file a complaint in the appropriate state district court on behalf of the complainant. Complainants may also file a civil action on their own behalf, whether or not they have filed a complaint with the Civil Rights Division, with some exceptions. In such cases, the attorney general may elect to intervene in the civil action if it deems the case to be of general public importance. The damages and relief provided for under state law are similar to those provided for in the federal Fair Housing Act.

SUMMARY

Colorado residents who believe that they have been subjected to discrimination in the private housing market on the basis of race, color, religion, gender, national origin, disability, or familial status may file a complaint with the Department of Housing and Urban Development's Fair Housing Enforcement Office (FHEO). The FHEO for Colorado is located in Denver.

However, complaints filed with HUD are likely to be referred to the Colorado Civil Rights Division (the Division) for investigation and enforcement. Because the state housing discrimination law has been judged to be "substantially equivalent" to the FHA, the Division is eligible to participate in the Fair Housing Assistance Program (FHAP), which provides federal support for state-level fair housing enforcement and provides for local authority over fair housing law. Thus, claims filed with HUD by or on behalf of Colorado residents are dual-filed with the Division, and vice-versa. The Division also accepts complaints from Colorado residents who believe that they have suffered discrimination on the basis of creed, sexual orientation, marital status, or ancestry, as provided for by Colorado statute.

Since 2013, residents of the Denver metropolitan area have had a third avenue by which they could seek resolution of fair housing complaints: the Denver Metro Fair Housing Center. The Center is a participant in HUD's Fair Housing Initiatives Program (FHIP), under which it received approximately \$325,000 in capacity-building funds in 2014. The organization participates in local fair housing enforcement by conducting systemic fair housing tests to identify discriminatory practices, and initiating enforcement proceedings against housing providers who carried out those discriminatory practices.

Colorado residents who wish to file a fair housing complaint with HUD or the Civil Rights Division may do so within a year of the most recent alleged violation at issue in the complaint. Once a complaint is lodged, HUD or the Division is required to complete the investigation within 100 days, unless it is impracticable to do so. Any complaints that HUD receives will be forward to the Division. During the investigation, the Division will attempt to broker a conciliation agreement between the complainant and respondent (i.e., the person alleged to have committed the violation). If no agreement is reached, the Division will determine whether or not the allegation amounts to a true instance of discrimination, and will issue a charge. If the Division issues a charge of discrimination, the matter may proceed to an administrative hearing or civil action, depending on the wishes of the parties involved.

SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR

As part of the AI process, the U.S. Department of Housing and Urban Development (HUD) suggests that the analysis focus on possible housing discrimination issues in both the private and public sectors. Examination of housing factors in the State of Colorado's public sector is presented in **Section VI**: this section focuses on research regarding the State's private sector, including the mortgage lending market, the real estate market, the rental market, and other private sector housing industries.

LENDING ANALYSIS

HOME MORTGAGE DISCLOSURE ACT

Since the 1970s, the federal government has enacted several laws aimed at promoting fair lending practices in the banking and financial services industries. A brief description of selected federal laws aimed at promoting fair lending follows:

- The 1968 *Fair Housing Act* prohibits discrimination in housing based on race, color, religion, and national origin. Later amendments added sex, familial status, and disability. Under the Fair Housing Act, it is illegal to discriminate against any of the protected classes in the following types of residential real estate transactions: making loans to buy, build, or repair a dwelling; selling, brokering, or appraising residential real estate; and selling or renting a dwelling.
- The *Equal Credit Opportunity Act* was passed in 1974 and prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance, and the exercise of any right under the Consumer Credit Protection Act.
- The *Community Reinvestment Act* was enacted in 1977 and requires each federal financial supervisory agency to encourage financial institutions in order to help meet the credit needs of the entire community, including low- and moderate-income neighborhoods.
- Under the *Home Mortgage Disclosure Act (HMDA)*, enacted in 1975 and later amended, financial institutions are required to publicly disclose the race, sex, ethnicity, and household income of mortgage applicants by the Census tract in which the loan is proposed as well as outcome of the loan application.⁸⁹ The analysis presented herein is from the HMDA data system.

⁸⁹ *Closing the Gap: A Guide to Equal Opportunity Lending*, The Federal Reserve Bank of Boston, April 1993. <http://www.bos.frb.org/commdev/closing-the-gap/closingt.pdf>

The HMDA requires both depository and non-depository lenders to collect and publicly disclose information about housing-related applications and loans.⁹⁰ Both types of lending institutions must meet the following set of reporting criteria:

1. The institution must be a bank, credit union, or savings association;
2. The total assets must exceed the coverage threshold;⁹¹
3. The institution must have had an office in a Metropolitan Statistical Area (MSA);
4. The institution must have originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one- to four-family dwelling;
5. The institution must be federally insured or regulated; and
6. The mortgage loan must have been insured, guaranteed, or supplemented by a federal agency or intended for sale to the Federal National Mortgage Association (FNMA or Fannie Mae) or the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac). These agencies purchase mortgages from lenders and repackage them as securities for investors, making more funds available for lenders to make new loans.

For other institutions, including non-depository institutions, additional reporting criteria are as follows:

1. The institution must be a for-profit organization;
2. The institution's home purchase loan originations must equal or exceed 10 percent of the institution's total loan originations, or more than \$25 million;
3. The institution must have had a home or branch office in an MSA or have received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancing mortgages on property located in an MSA in the preceding calendar year; and
4. The institution must have assets exceeding \$10 million or have originated 100 or more home purchases in the preceding calendar year.

HMDA data represent most mortgage lending activity and are thus the most comprehensive collection of information available regarding home purchase originations, home remodel loan originations, and refinancing. The Federal Financial Institutions Examination Council (FFIEC) makes HMDA data available on its website. While HMDA data are available for more years than are presented in the following pages, modifications were made in 2004 for documenting loan applicants' race and ethnicity, so data are most easily compared after that point.

Home Purchase Loans

Financial institutions in the state of Colorado handled 5,342,222 loans and loan applications from 2004 through 2013. As shown in Table V.1 on the following page, over two million of these were intended to finance the purchase of a home, or around 38 percent. The remainder was related either to home improvement or refinancing.

⁹⁰ Data are considered "raw" because they contain entry errors and incomplete loan applications. Starting in 2004, the HMDA data made significant changes in reporting, particularly regarding ethnicity data, loan interest rates, and the multi-family loan applications.

⁹¹ Each December, the Federal Reserve announces the threshold for the following year. The asset threshold may change from year to year based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

Table V.1
Purpose of Loan by Year
 State of Colorado
 2004–2013 HMDA Data

Purpose	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	281,966	346,373	330,468	238,404	156,446	140,904	123,536	123,191	137,094	159,183	2,037,565
Home Improvement	31,578	36,410	33,749	30,349	20,652	13,906	10,043	9,331	10,907	12,994	209,919
Refinancing	438,188	407,215	353,333	268,610	193,370	337,507	279,448	234,447	326,845	255,775	3,094,738
Total	751,732	789,998	717,550	537,363	370,468	492,317	413,027	366,969	474,846	427,952	5,342,222

Because the focus of this analysis is on the ability of state residents to choose where they live, consideration of denial rates and rates of predatory lending will be confined to home purchase loans, and specifically to loans that are intended to finance the purchase of homes in which the loan applicant or borrower intends to live. These “owner-occupied” home purchase loans and loan applications accounted for 86.6 of all home purchase loans in the state over the ten year period, or around 1,764,800 loans and loan applications, as shown in Table V.2 below.

Table V.2
Occupancy Status for Home Purchase Loan Applications
 State of Colorado
 2004–2013 HMDA Data

Status	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Owner-Occupied	248,445	298,919	276,675	200,443	133,159	127,886	110,301	107,823	120,581	140,598	1,764,830
Not Owner-Occupied	31,087	45,257	52,428	37,130	22,380	12,732	12,633	14,872	15,736	17,787	262,042
Not Applicable	2,434	2,197	1,365	831	907	286	602	496	777	798	10,693
Total	281,966	346,373	330,468	238,404	156,446	140,904	123,536	123,191	137,094	159,183	2,037,565

Denial Rates

After the owner-occupied home purchase loan application is submitted, the applicant receives one of the following status designations:

- “Originated,” which indicates that the loan was made by the lending institution;
- “Approved but not accepted,” which notes loans approved by the lender but not accepted by the applicant;
- “Application denied by financial institution,” which defines a situation wherein the loan application failed;
- “Application withdrawn by applicant,” which means that the applicant closed the application process;
- “File closed for incompleteness,” which indicates the loan application process was closed by the institution due to incomplete information; or
- “Loan purchased by the institution,” which means that the previously originated loan was purchased on the secondary market.

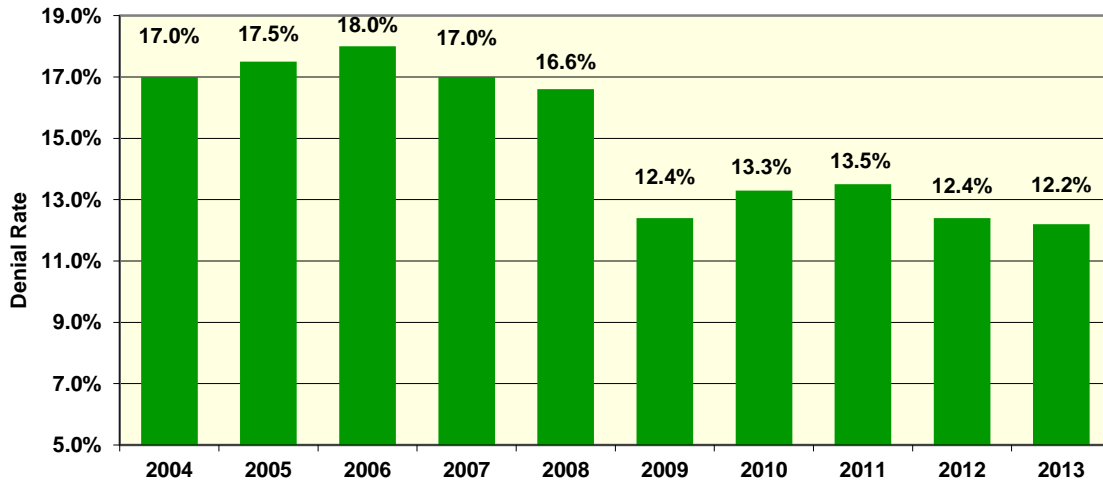
These outcomes were used to determine denial rates presented in the following section. Factors in denial of home purchase loans, such as credit scores or down payment amounts, are not reported in every report submitted through the HMDA, so the reasons for specific loan denials are often unknown. However, with that caveat in mind, the ratio of loan originations to loan denials can be seen as an indicator of the overall success or failure of home purchase loan applications. Approximately 873,200 owner-occupied home purchase loans were originated in the state, as shown in Table V.3 on the following page. However, nearly 163,000 loan applications were denied, leading to a denial rate of 15.7 percent. The denial rate was

markedly higher in the years from 2004 through 2008 than it has been in recent years, as shown in Diagram V.1 below.

Table V.3
Loan Applications by Action Taken
 State of Colorado
 2004–2013 HMDA Data

Action	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Loan Originated	127,583	146,240	129,514	93,728	65,642	60,553	55,406	51,826	64,607	78,122	873,221
Application Approved but not Accepted	13,976	16,489	15,935	11,972	7,151	4,572	4,086	4,116	4,059	4,965	87,321
Application Denied	26,143	31,040	28,387	19,135	13,078	8,609	8,469	8,115	9,133	10,809	162,918
Application Withdrawn by Applicant	18,101	25,687	19,796	10,871	8,213	6,645	7,359	7,026	8,457	11,088	123,243
File Closed for Incompleteness	3,061	4,309	3,259	2,168	1,458	968	1,036	1,593	1,426	1,813	21,091
Loan Purchased by the Institution	59,581	74,932	79,682	62,440	37,589	46,508	33,915	35,130	32,889	33,788	496,454
Preapproval Request Denied	0	155	68	72	16	23	6	6	3	13	362
Preapproval Approved but not Accepted	0	67	34	57	12	8	24	11	7	0	220
Total	248,445	298,919	276,675	200,443	133,159	127,886	110,301	107,823	120,581	140,598	1,764,830
Denial Rate	17.0%	17.5%	18.0%	17.0%	16.6%	12.4%	13.3%	13.5%	12.4%	12.2%	15.7%

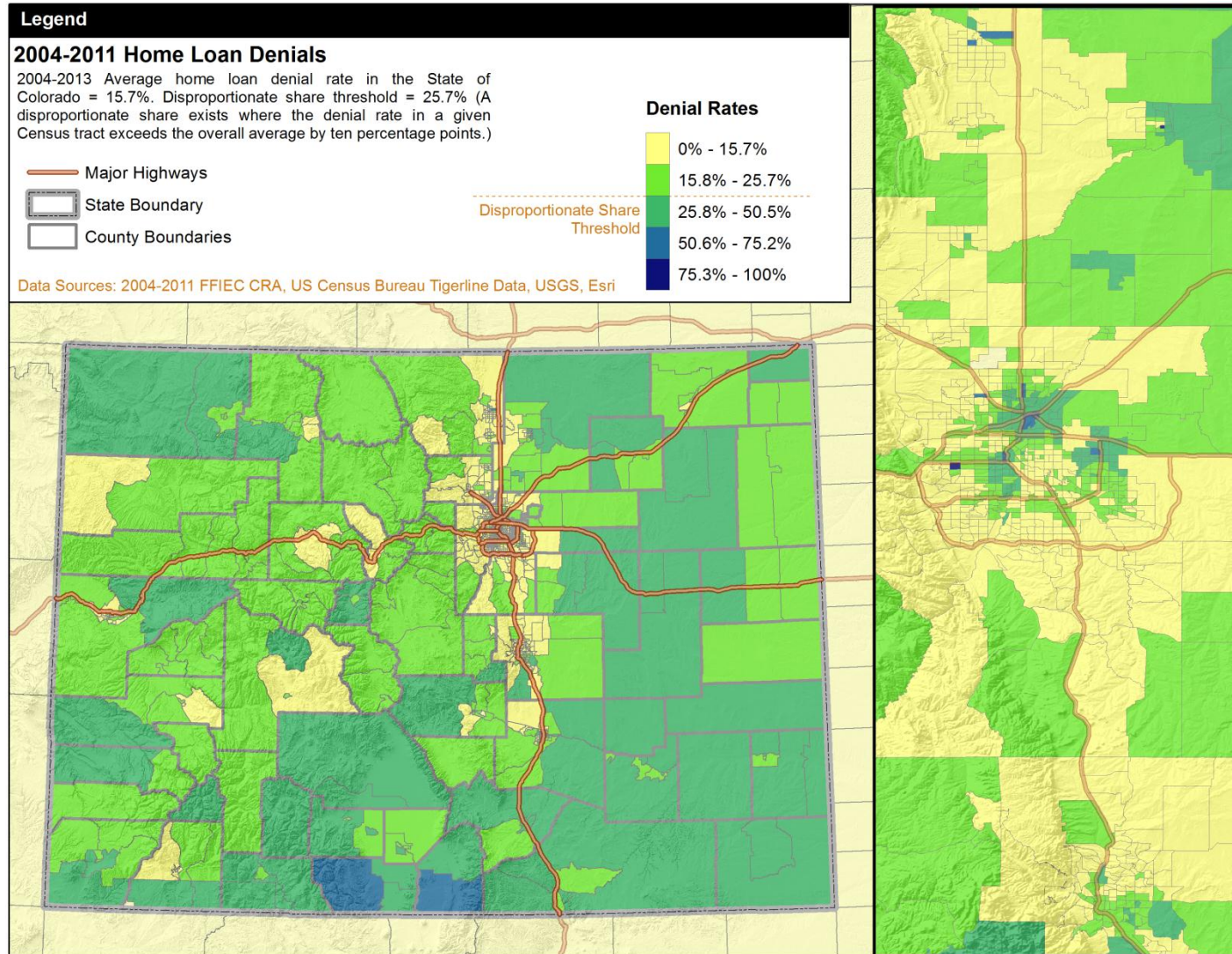
Diagram V.1
Denial Rates by Year
 State of Colorado
 2004–2013 HMDA Data



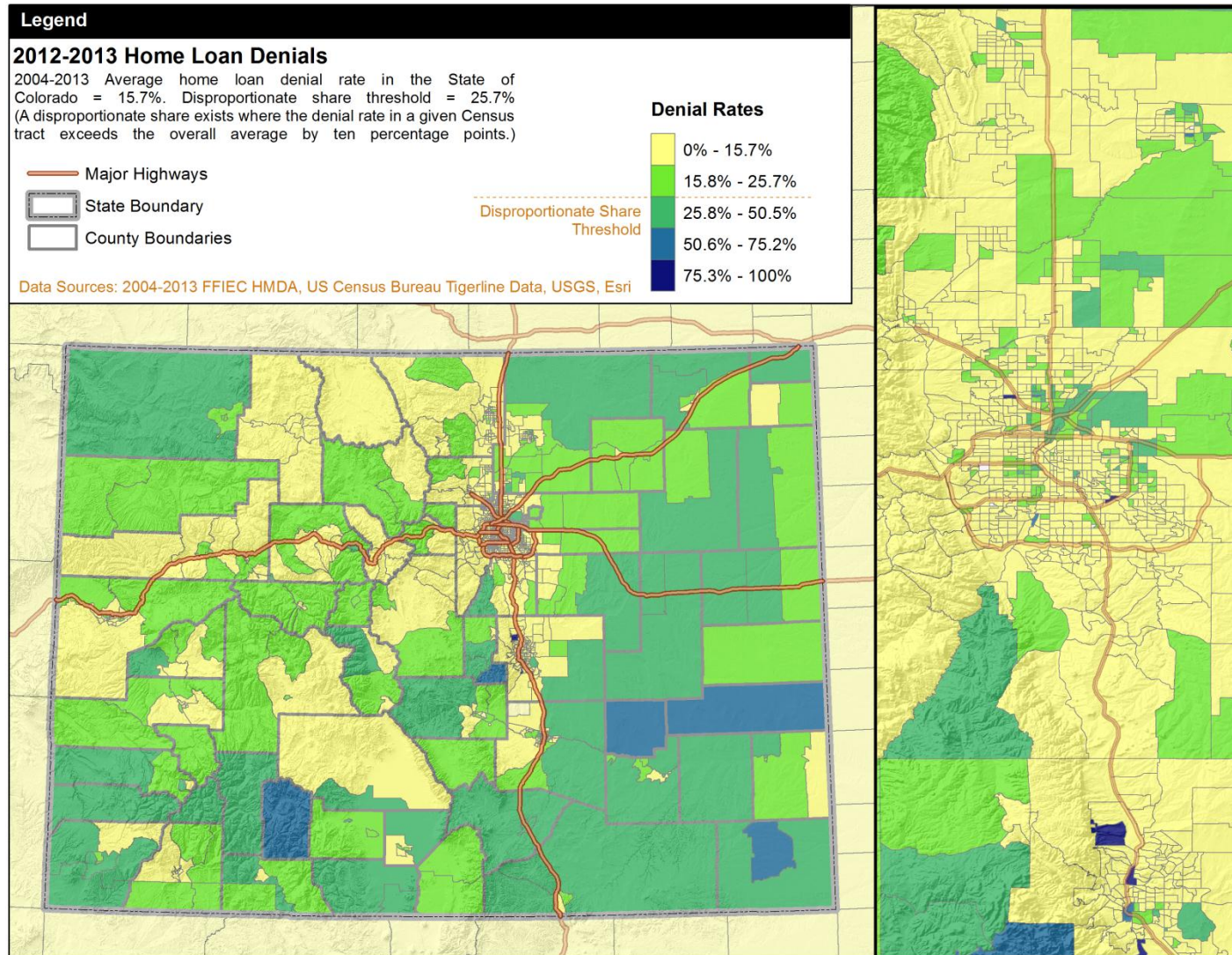
Between 2004 and 2013, nearly 16 percent of home purchase loan applications were denied in the State of Colorado. As shown in Map V.1 on the following page, Census tracts with above-average denial rates were distributed throughout the state, though denial rates tended to be lower in suburban Census tracts in and around the Denver metropolitan. By contrast, denial rates tended to be the highest in urban Census tracts in Greeley, Loveland, and Denver, particularly in areas to the north and east of central Denver. These same areas were observed to hold high concentrations of black and Hispanic residents in 2000 and 2010.

The pattern of loan denials in the state after 2011 was similar, though in some ways more pronounced, than what was observed prior to 2011. As shown in Map V.2 on page 88, Census tracts in the west of the state tended to have lower denial rates than eastern Census tracts. However, denial rates continued to be relatively high in Census tracts to the north of downtown Denver.

Map V.1
Denial Rates by Census Tract, 2004-2011
 The State of Colorado
 2004-2011 HMDA Data



Map V.2 Denial Rates by Census Tract, 2012-2013 The State of Colorado 2012-2013 HMDA Data



Denial rates were also observed to vary by gender, but to a lesser degree: as shown in Table V.4 below, the denial rate for female applicants over the ten-year period was 16.4 percent, 1.3 percentage points higher than the denial rate for male applicants. The size of the discrepancy between the two did not vary much from year to year, though the gap has tended to be smaller since 2008, when denial rates overall have been lower than in previous years. In 2012, the denial rate for female applicants exceeded that of male applicants by only 0.1 percentage points.

Table V.4
Denial Rates by Gender of Applicant
State of Colorado
2004–2013 HMDA Data

Year	Male	Female	Not Available	Not Applicable	Average
2004	16.1%	17.5%	30.8%	25.8%	17.0%
2005	16.9%	18.2%	24.1%	32.4%	17.5%
2006	17.3%	18.7%	24.5%	10.0%	18.0%
2007	16.1%	17.8%	24.0%	17.1%	17.0%
2008	16.0%	17.4%	19.9%	8.0%	16.6%
2009	12.2%	12.8%	13.2%	11.1%	12.4%
2010	12.9%	13.6%	15.5%	.0%	13.3%
2011	12.6%	14.5%	19.2%	12.5%	13.5%
2012	12.1%	12.2%	18.0%	.0%	12.4%
2013	11.3%	12.9%	18.6%	6.1%	12.2%
Average	15.1%	16.4%	21.2%	17.0%	15.7%

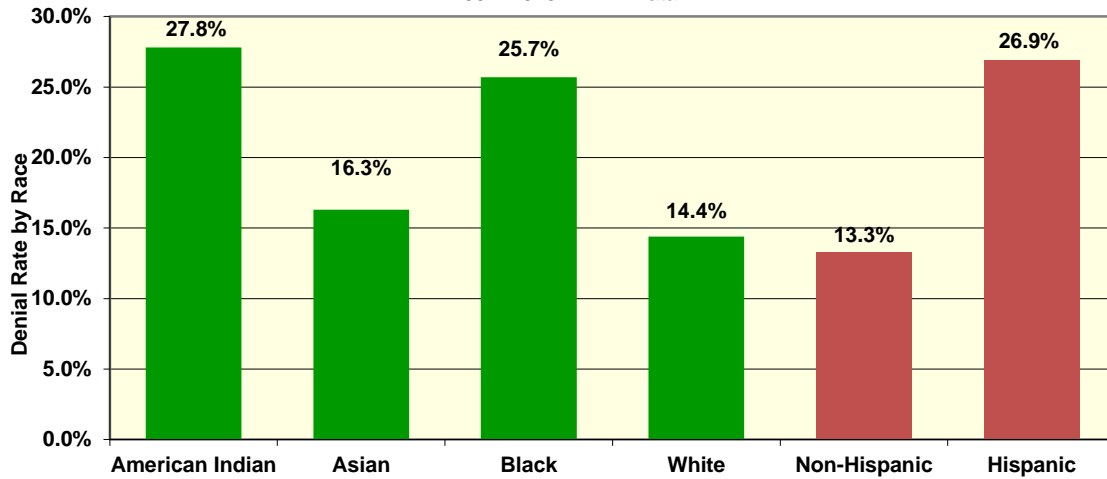
In addition to this yearly variation in denial rates, denial rates were observed to vary considerably according to the race and ethnicity of the loan applicant. As shown in Table V.5 below, white loan applicants were unsuccessful in 14.4 percent of loan applications they submitted. This denial rate was below the average denial rate over the ten-year period. By contrast, the average ten-year denial rate for American Indian applicants was well above average and nearly twice the denial rate for white residents. In addition, over a quarter of loan applications from black residents were denied. Similarly, the denial rate for Hispanic applicants, at 26.9 percent, was more than twice the denial rate for non-Hispanic applicants.

Table V.5
Denial Rates by Race/Ethnicity of Applicant
State of Colorado
2004–2013 HMDA Data

Race/Ethnicity	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	24.3%	27.2%	33.2%	32.1%	33.1%	22.6%	23.7%	25.9%	27.9%	22.1%	27.8%
Asian	17.7%	17.2%	16.5%	16.9%	22.0%	15.2%	13.6%	15.2%	13.0%	13.5%	16.3%
Black	24.9%	28.0%	33.1%	31.8%	24.1%	17.2%	17.2%	17.9%	18.6%	18.1%	25.7%
White	15.0%	16.0%	16.6%	15.8%	15.7%	12.0%	12.7%	12.4%	11.3%	11.1%	14.4%
Not Available	27.5%	24.7%	22.8%	21.7%	20.1%	13.5%	16.5%	21.2%	20.0%	19.5%	22.0%
Not Applicable	33.4%	34.2%	7.3%	26.7%	8.3%	0.0%	0.0%	17.6%	.0%	6.1%	29.2%
Average	17.0%	17.5%	18.0%	17.0%	16.6%	12.4%	13.3%	13.5%	12.4%	12.2%	15.7%
Non-Hispanic	14.4%	14.8%	15.0%	14.3%	14.3%	11.3%	11.7%	11.6%	10.6%	10.3%	13.3%
Hispanic	25.6%	28.3%	31.9%	31.7%	29.6%	20.1%	21.5%	21.6%	22.2%	21.1%	26.9%

Diagram V.2 on the following page shows overall denial rates by race and ethnicity from 2004 through 2013.

Diagram V.2
Denial Rates by Race/Ethnicity of Applicant
 The State of Colorado
 2004–2013 HMDA Data



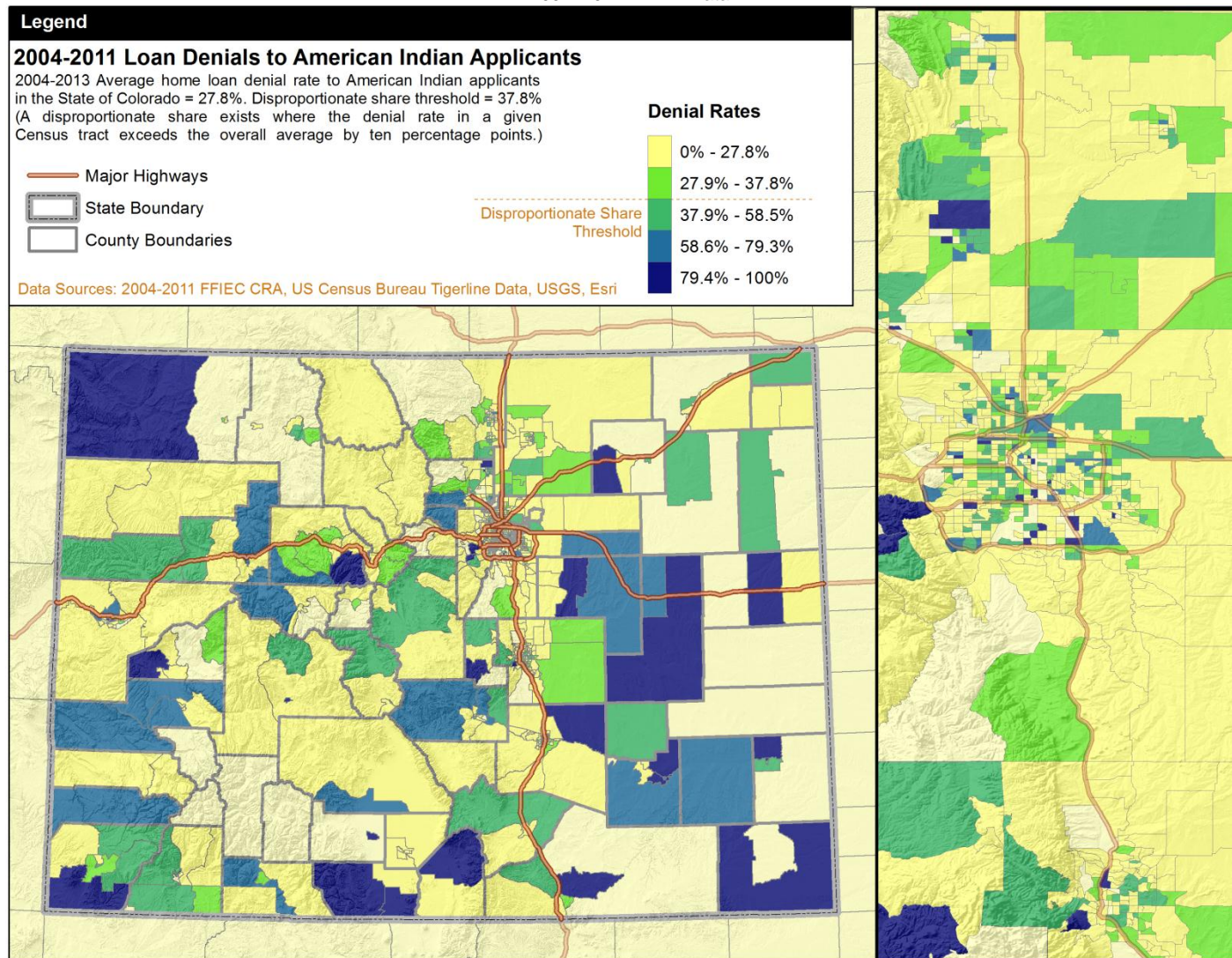
Nearly 28 percent of loan applications submitted by American Indian applicants were turned down from 2004 through 2013. From 2004 through 2011, Census tracts with relatively high denial rates to American Indian applicants were distributed widely throughout the state, as shown in Map V.3 on the following page. The same was true of loan denials to Hispanic applicants over the same time period, as shown in Map V.4 on page 92.

The most common reasons given for the decision to deny a home purchase loan application were credit history and debt-to-income ratio. As shown in Table V.6 below, these were primary factors in 27,328 and 23,519 loan denials, respectively. However, the importance of each of these factors has varied over time: in 2006, debt-to-income ratio was listed as a primary factor in 9.6 percent of loan denials. By 2009 that figure had grown to 22 percent, though since 2011 it has served as the primary factor in fewer than 20 percent of loan denials. Similarly, 2009 saw a peak in the importance of collateral as a factor in loan denials. Collateral was the third most common reason given for loan denials over the entire period.

Table V.6
Loan Applications by Reason for Denial
 State of Colorado
 2004–2013 HMDA Data

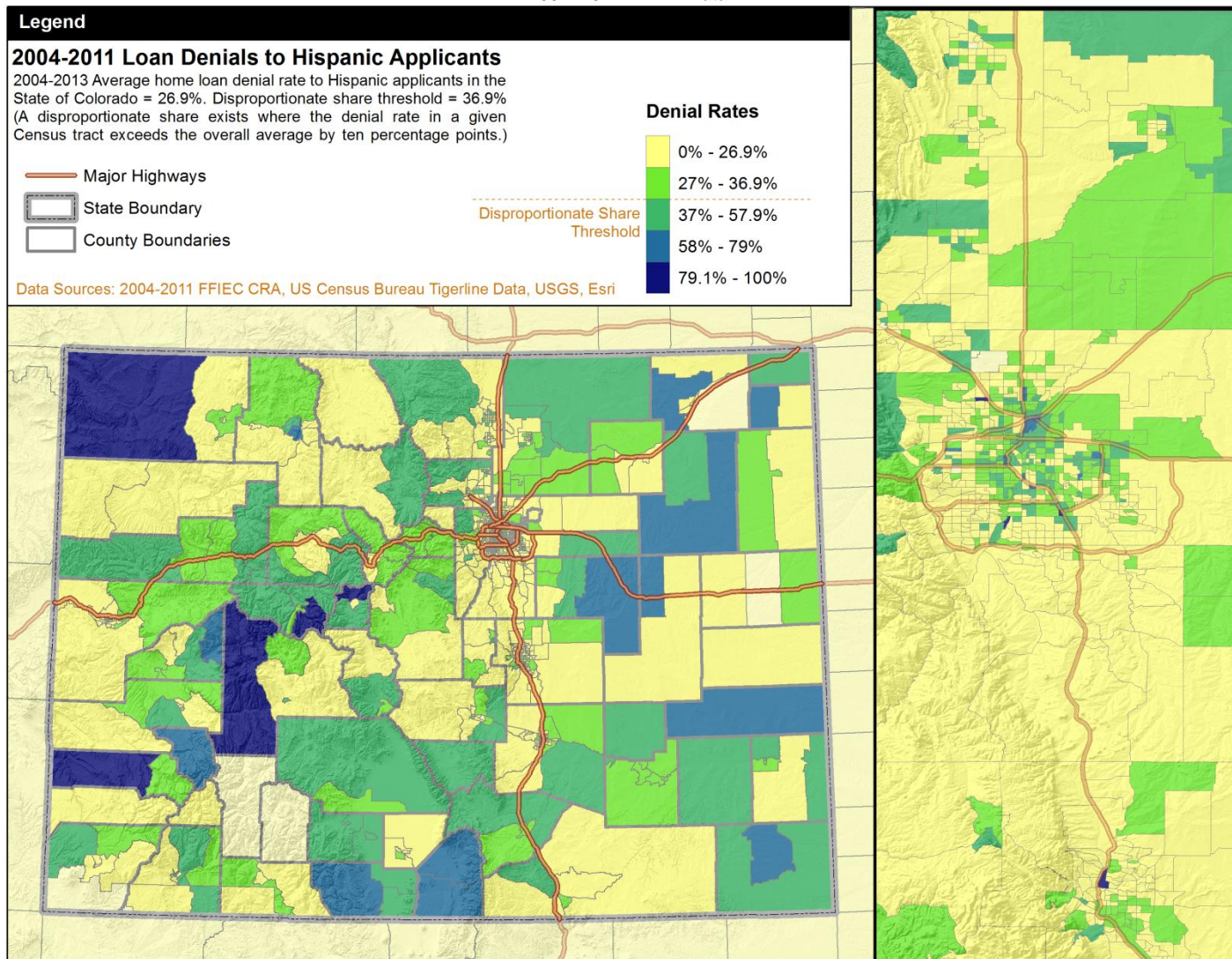
Denial Reason	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Debt-to-Income Ratio	3,475	3,299	2,725	2,549	2,278	1,891	1,756	1,756	1,725	2,065	23,519
Employment History	512	585	469	429	337	241	243	242	244	291	3,593
Credit History	4,557	5,201	4,350	3,223	1,969	1,457	1,434	1,588	1,844	1,705	27,328
Collateral	1,899	2,656	2,265	1,985	1,620	1,440	1,305	983	1,015	1,273	16,441
Insufficient Cash	744	451	403	326	306	225	217	228	285	342	3,527
Unverifiable Information	1,476	1,812	1,374	1,157	756	459	547	436	360	356	8,733
Credit Application Incomplete	2,483	2,703	3,016	2,664	1,507	590	572	641	1,036	1,328	16,540
Mortgage Insurance Denied	6	10	10	14	78	50	23	19	29	22	261
Other	4,781	7,838	5,602	3,018	1,443	805	768	610	627	808	26,300
Missing	6,210	6,485	8,173	3,770	2,784	1,451	1,604	1,612	1,968	2,619	36,676
Total	26,143	31,040	28,387	19,135	13,078	8,609	8,469	8,115	9,133	10,809	162,918

Map V.3
Denial Rates for American Indian Applicants by Census Tract, 2004-2011
 The State of Colorado
 2004-2011 HMDA Data



Map V.4 Denial Rates for Hispanic Applicants by Census Tract, 2004-2011

The State of Colorado
2004-2011 HMDA Data



The areas in which black applicants applied to purchase a home were more limited, as indicated by the large number of Census tracts for which there were no data, and were largely limited to the areas of Denver and Colorado Springs, as shown in Map V.5 on the following page. Though denial rates to black applicants were high in Census tracts throughout much of the state, the number of black loan applicants tended to be relatively low outside of the more populous areas in and around the Denver metropolitan area.

It is not surprising given the importance of debt-to-income ratio as a factor in loan denials that denial rates have tended to fall as the income of the applicant has increased. As shown in Table V.7 below, nearly half of loan applications from applicants earning \$15,000 per year or less were denied. That figure fell progressively with entry into higher income brackets, and by the time applicants were earning more than \$75,000 per year their average denial rate had fallen to 12.0 percent.

Table V.7
Denial Rates by Income of Applicant

State of Colorado
2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	44.7%	48.7%	38.6%	45.2%	40.8%	44.1%	60.8%	63.3%	61.7%	69.3%	49.7%
\$15,001–\$30,000	30.9%	33.3%	33.0%	29.5%	29.0%	23.1%	25.1%	26.7%	27.5%	29.2%	29.3%
\$30,001–\$45,000	20.5%	21.7%	23.2%	20.4%	20.2%	13.6%	15.3%	16.2%	15.5%	16.3%	19.2%
\$45,001–\$60,000	17.3%	18.1%	20.1%	17.5%	16.9%	10.6%	12.4%	13.1%	13.1%	12.5%	16.3%
\$60,001–\$75,000	14.1%	15.0%	16.2%	15.2%	14.2%	10.2%	11.2%	10.7%	10.1%	10.6%	13.5%
Above \$75,000	12.5%	13.5%	14.3%	13.9%	13.2%	10.4%	10.0%	9.7%	8.7%	8.7%	12.0%
Data Missing	22.1%	17.2%	16.9%	28.8%	27.3%	27.7%	33.2%	31.3%	26.8%	29.9%	21.3%
Total	17.0%	17.5%	18.0%	17.0%	16.6%	12.4%	13.3%	13.5%	12.4%	12.2%	15.7%

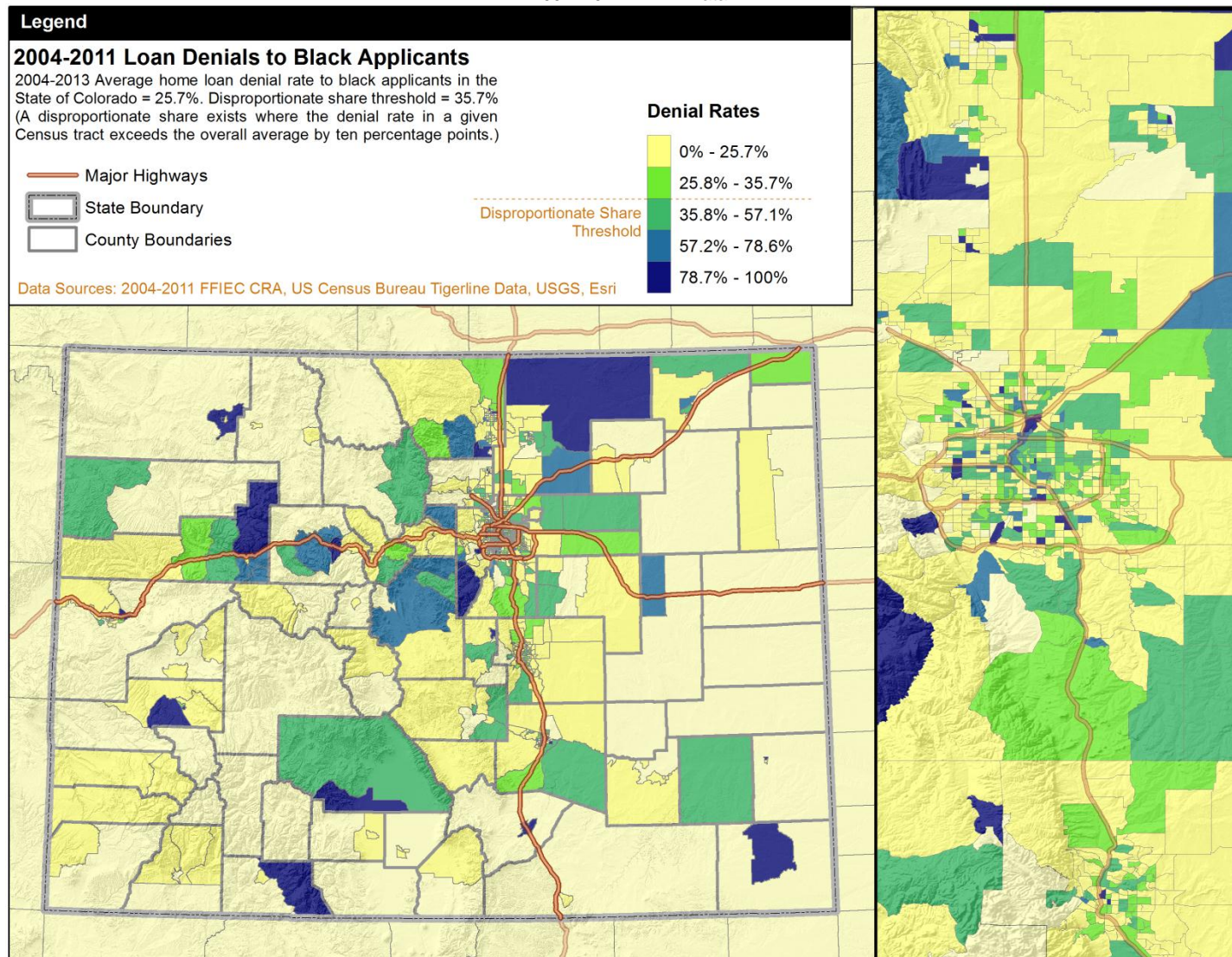
However, previously observed variation in denial rates along racial and ethnic lines persisted even when income was taken into account. As shown in Table V.8 below, white applicants earning \$60,000 to \$75,000 per year were turned down 12.4 percent of the time, while denial rates for black and American Indian applicants in the same income range were 22.3 and 23.7 percent, respectively. Likewise, 23.2 percent of loan applications from Hispanic applicants earning \$60,000 to \$75,000 were denied, compared to a denial rate of 11.7 percent for non-Hispanic applicants who were similarly situated with respect to income.

Table V.8
Denial Rates of Loans by Race/Ethnicity and Income of Applicant

State of Colorado
2004–2013 HMDA Data

Race	<= \$15K	\$15K–\$30K	\$30K–\$45K	\$45K–\$60K	\$60K–\$75K	Above \$75K	Data Missing	Average
American Indian	63.9%	42.2%	30.1%	29.0%	23.7%	19.4%	34.0%	27.8%
Asian	54.5%	27.6%	19.0%	16.9%	15.2%	13.2%	21.8%	16.3%
Black	48.4%	34.4%	27.2%	23.3%	22.3%	25.1%	32.9%	25.7%
White	47.9%	27.0%	17.6%	15.0%	12.4%	11.2%	18.0%	14.4%
Not Available	59.1%	44.5%	28.3%	22.9%	18.6%	15.3%	35.2%	22.0%
Not Applicable	14.3%	35.4%	33.5%	36.6%	29.4%	28.8%	16.2%	29.2%
Average	49.7%	29.3%	19.2%	16.3%	13.5%	12.0%	21.3%	15.7%
Non-Hispanic	45.7%	24.9%	15.9%	13.6%	11.7%	11.0%	17.4%	13.3%
Hispanic	57.5%	36.9%	28.1%	25.8%	23.2%	21.8%	28.3%	26.9%

Map V.5
Denial Rates for Black Applicants by Census Tract, 2004-2011
 The State of Colorado
 2004-2011 HMDA Data



Predatory Style Lending

In addition to modifications implemented in 2004 to correctly document loan applicants’ race and ethnicity, the HMDA reporting requirements were changed in response to the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

1. If they are HOEPA loans;⁹²
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of high annual percentage rate loans (HALs), defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.⁹³

These loans, which are considered predatory in nature, represented 11.5 percent of all home purchase loans from 2004 through 2013, as shown in Table V.9 below. However, as shown in Diagram V.3 below, HALs accounted for a considerably larger share of home purchase loans in 2005, though the incidence of HALs has fallen dramatically since then.

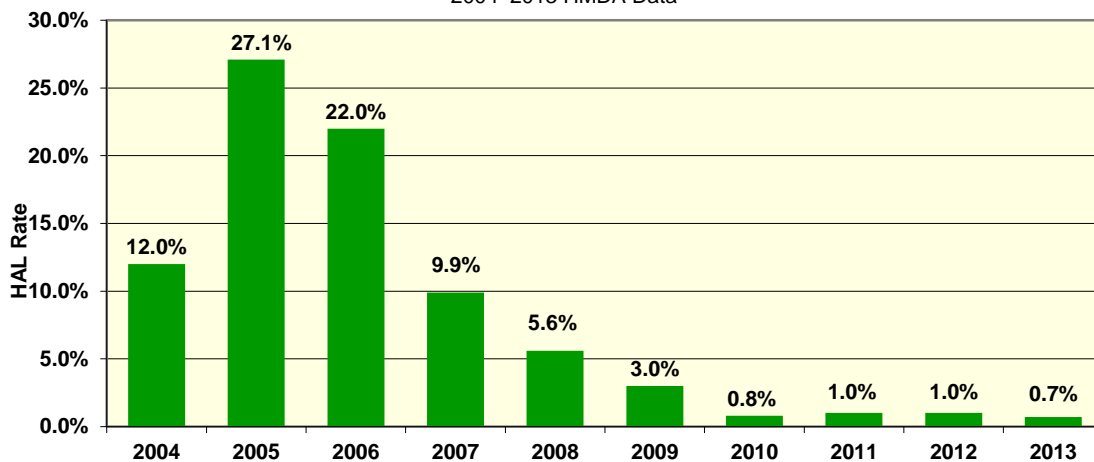
Table V.9
Originated Owner-Occupied Loans by HAL Status

State of Colorado
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Other	112,298	106,547	101,017	84,475	61,940	58,709	54,943	51,331	63,977	77,613	772,850
HAL	15,285	39,693	28,497	9,253	3,702	1,844	463	495	630	509	100,371
Total	127,583	146,240	129,514	93,728	65,642	60,553	55,406	51,826	64,607	78,122	873,221
Percent HAL	12.0%	27.1%	22.0%	9.9%	5.6%	3.0%	.8%	1.0%	1.0%	.7%	11.5%

Diagram V.3
HAL Rates by Year

State of Colorado
2004–2013 HMDA Data



⁹² Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. “HMDA Glossary.” <http://www.ffiec.gov/hmda/glossary.htm#H>

⁹³ 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

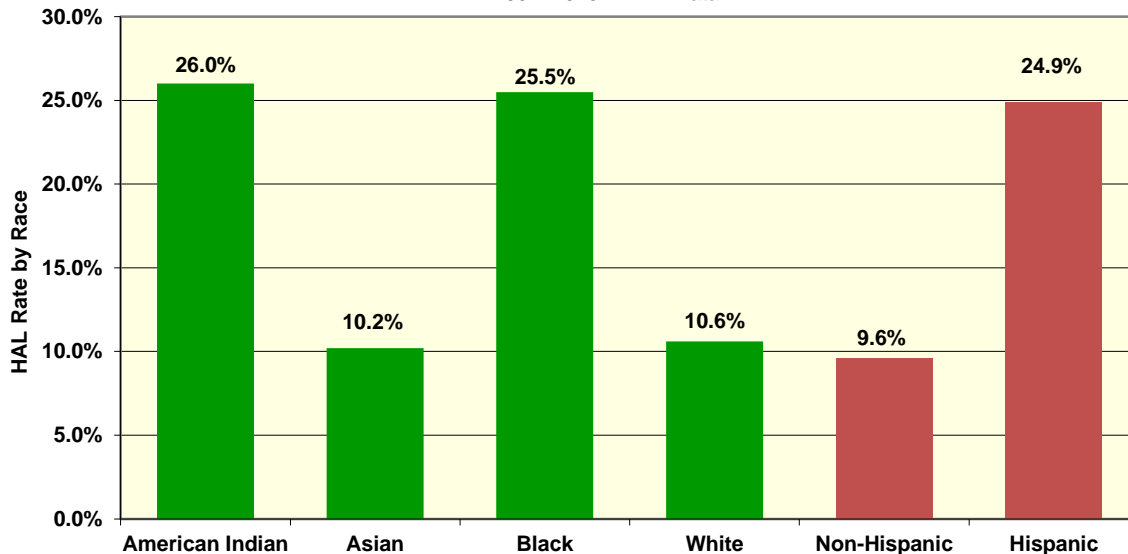
As had been the case with home loan denials, Census tracts with relatively high HAL rates were distributed widely throughout the state from 2004 through 2011. However, HALs accounted for a larger share of home loans issued in Census tracts in the eastern part of the state than in the western half, as shown in Map V.6 on the following page. In the Denver area, HALs were observed to account for larger shares of loans issued in areas to the north and west of the city center. As noted previously, HAL rates throughout the state have been very low in recent years, and to the extent that lenders have continued to issue HALs after 2011, they have largely issued them in the Denver-Loveland-Greeley area, as shown in Map V.7 on page 98.

As had been the case with home loan denials, black and American Indian borrowers were more heavily impacted by HALs than white borrowers. As shown in Table V.10 below, approximately 10.6 percent of the loans issued to white borrowers over the decade were HALs; by comparison, more than a quarter of loans issued to black or American Indian borrowers were HALs. By the same token, about a quarter of all loans issued to Hispanic borrowers were HALs, while the HAL rate for non-Hispanic borrowers was 9.6 percent in the period from 2004 through 2013. These discrepant HAL rates are presented in Diagram V.4 below.

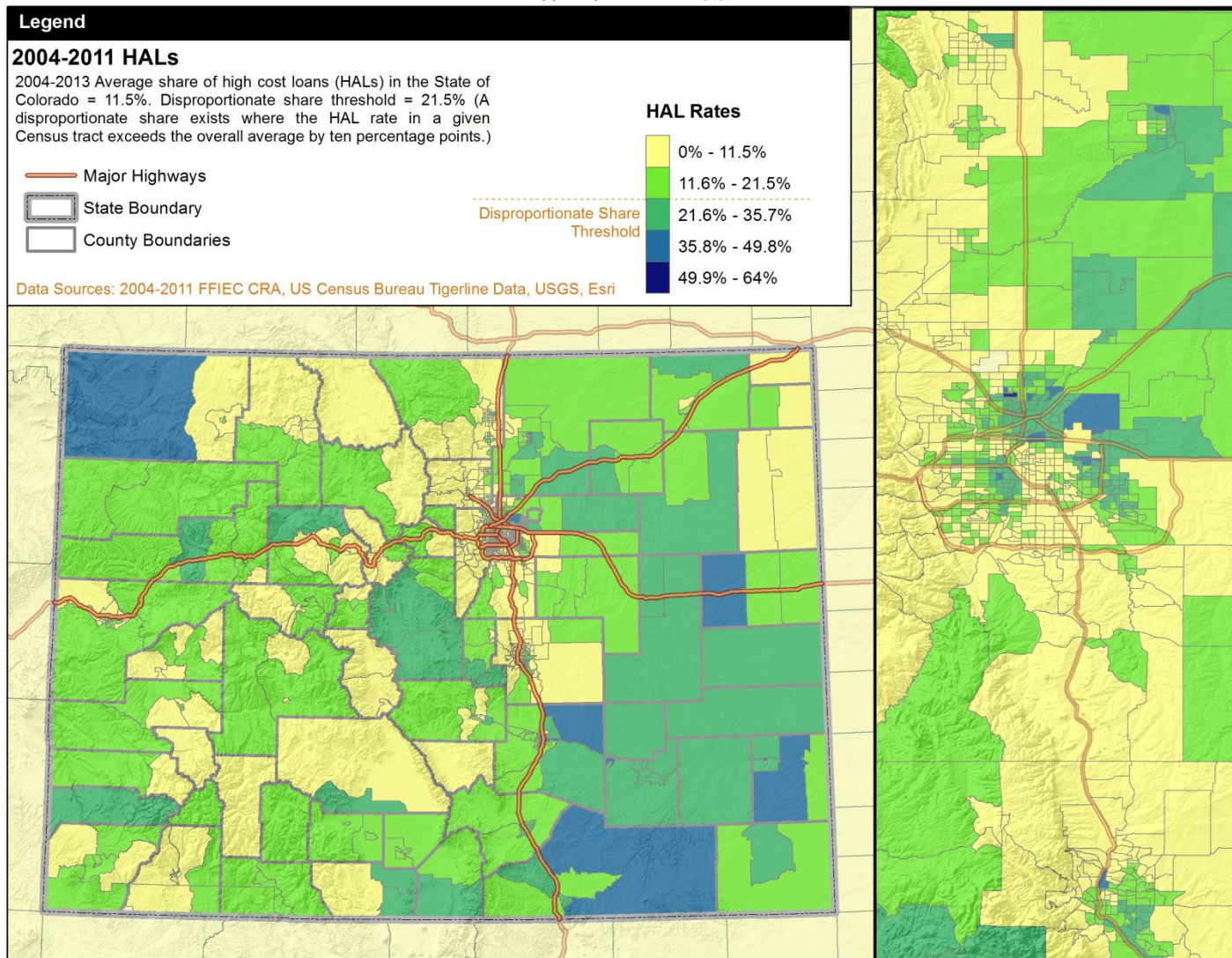
Table V.10
Rate of HALs Originated by Race/Ethnicity of Borrower
 State of Colorado
 2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	20.7%	48.3%	39.8%	18.9%	13.1%	6.3%	6.9%	1.8%	3.2%	4.1%	26.0%
Asian	11.0%	26.0%	19.5%	9.5%	4.8%	2.2%	.4%	.5%	.4%	.2%	10.2%
Black	28.0%	51.5%	46.9%	20.6%	6.2%	4.3%	.2%	.2%	.2%	.3%	25.5%
White	11.1%	24.2%	20.9%	9.6%	5.7%	3.2%	.9%	.9%	.9%	.6%	10.6%
Not Available	14.2%	42.9%	23.5%	9.5%	4.8%	1.7%	.6%	1.5%	2.4%	1.2%	15.0%
Not Applicable	6.1%	4.0%	10.5%	.0%	22.7%	.0%	.0%	.0%	.0%	.0%	5.9%
Average	12.0%	27.1%	22.0%	9.9%	5.6%	3.0%	.8%	1.0%	1.0%	.7%	11.5%
Non-Hispanic	11.1%	22.2%	18.8%	8.5%	4.6%	2.6%	.5%	.7%	.6%	.4%	9.6%
Hispanic	21.8%	49.1%	45.1%	22.3%	15.1%	8.2%	3.6%	2.9%	3.7%	2.6%	24.9%

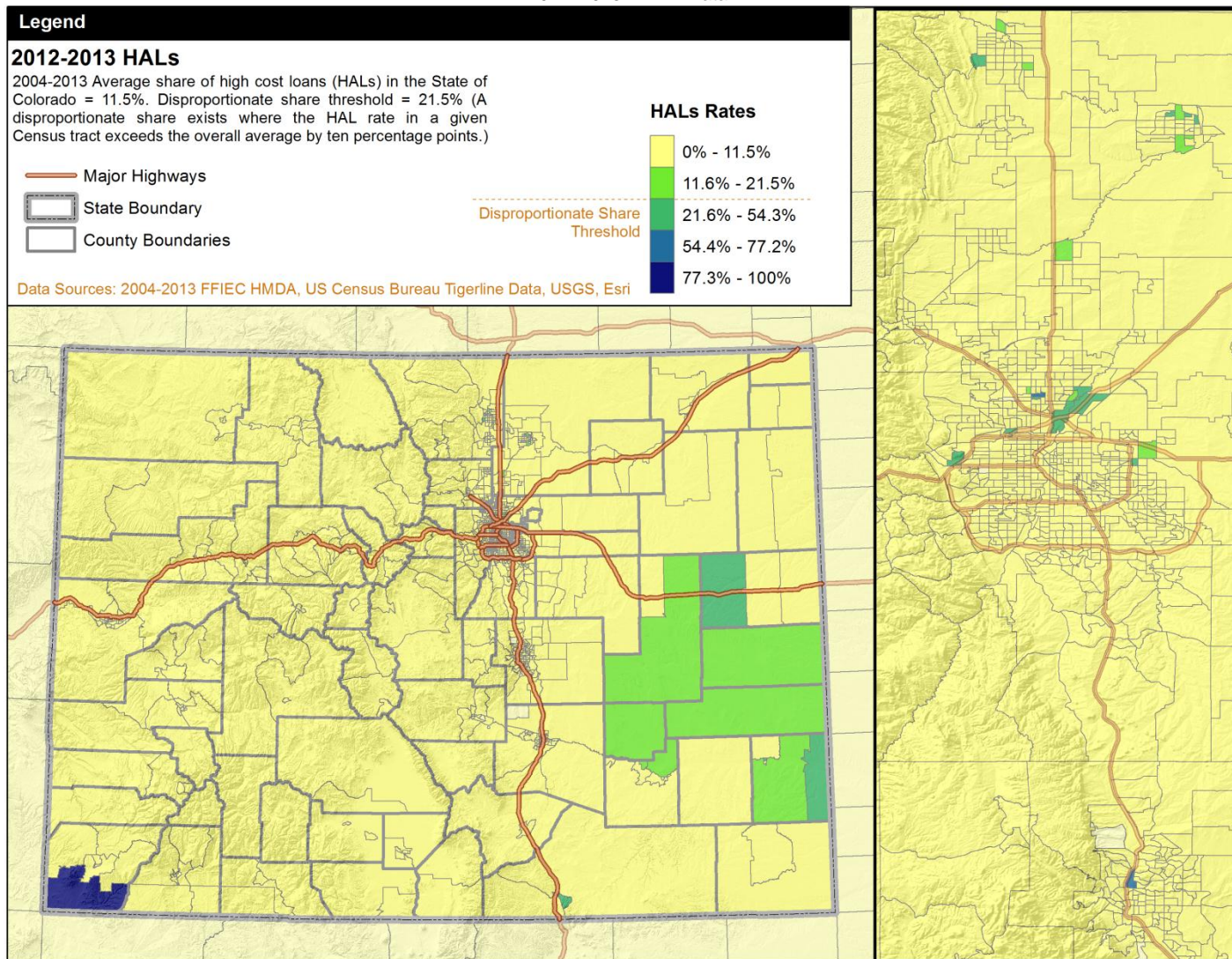
Diagram V.4
HAL Rates by Race
 State of Colorado
 2004–2013 HMDA Data



Map V.6 Rate of HALs by Census Tract, 2004-2011 The State of Colorado 2004-2011 HMDA Data



Map V.7 Rate of HALs by Census Tract, 2012-2013 The State of Colorado 2012-2013 HMDA Data



Census tracts with above-average HAL rates for American Indian borrowers appeared throughout the state in the period between 2004 and 2011, as shown in Map V.8 on the following page. Outside of the Denver area, those high HAL rates tended to be based on a relatively small number of loans. However, there were several Census tracts throughout the Denver metro area in which American Indian borrowers were issued a relatively large number of loans, of which a large percentage were HALs. One example lay to the south of Longmont, where 41 of the 47 loans issued to American Indian applicants were HALs.

Hispanic residents also secured a relatively large share of their home loans in the Denver metropolitan area. As shown in Map V.9 on page 101, HALs accounted for a large share of loans issued to Hispanic residents in Census tracts throughout that area. However, Hispanic residents also applied for and received a considerable number of home purchase loans in large, rural Census tracts in Garfield and Eagle Counties, and a substantial share of home purchase loans issued in several of those Census tracts consisted of high-cost loans.

As noted previously, a large share of the lending activity of black loan applicants and borrowers was limited to the Denver metropolitan area, and particularly the area to the east and northeast of the city center.⁹⁴ As shown in Map V.10 on page 102, more than a third of black borrowers were issued HALs in many of the Census tracts throughout that area.

Commentary on Differential Denial Rates from Wells Fargo Bank

During the thirty-day period when the analysis of impediments was presented to the public for comment and input, representatives of Wells Fargo Bank offered their reaction to the findings, emphasizing that they “agree that the homeownership differences between white and ethnic minority residents is an issue that needs to be addressed,” further noting that

[t]he homeownership gap is a reflection of a broader economic challenge. . . . Mortgage lenders, government officials, nonprofit groups and others can all be part of the solution, yet no one group holds the key to addressing the range of issues, including financial literacy, building and strengthening credit histories, jobs and incomes, and asset and wealth building. . . . We believe a key to changing the homeownership gap is education, specifically pre-application education that provides homebuyers with necessary information about the requirements for getting a mortgage and responsibilities of owning a home. That starts with making sure *all* homebuyers are aware of the many resources available to help them prepare to buy a home. [emphasis in original]⁹⁵

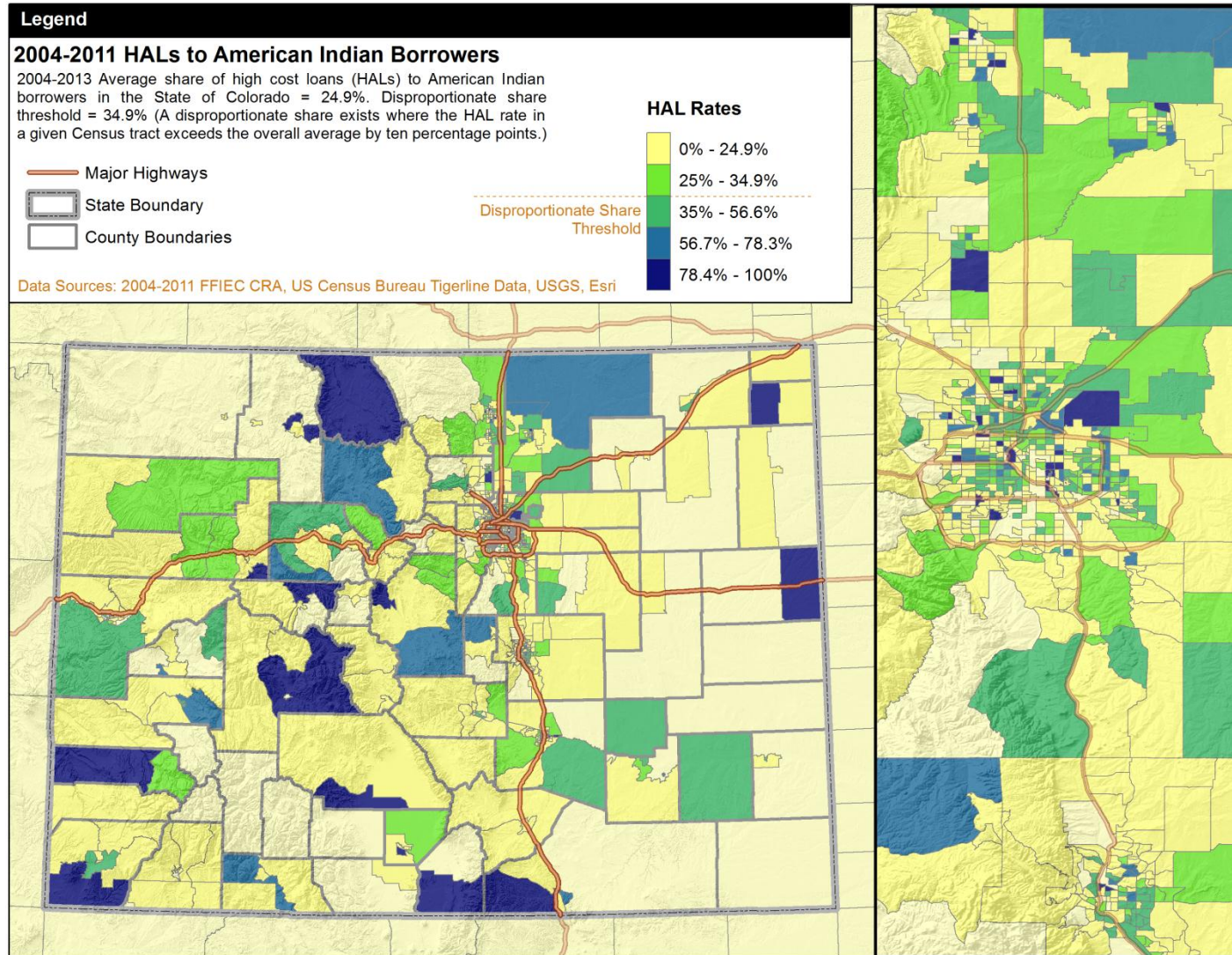
COMMUNITY REINVESTMENT ACT DATA

The economic vitality of neighborhoods can partly be measured through Community Reinvestment Act (CRA) data detailing the distribution of small business loans throughout the state. These loans were analyzed to determine the location of funding by Census tract income level; these income levels are established with referenced to the area median family income (MFI). Census tracts in which the MFI is 50 percent of the area MFI or less are considered low-income Census tracts; those in which the MFI ranges from 50.1 to 80 percent of the area MFI are considered moderate income Census tracts.

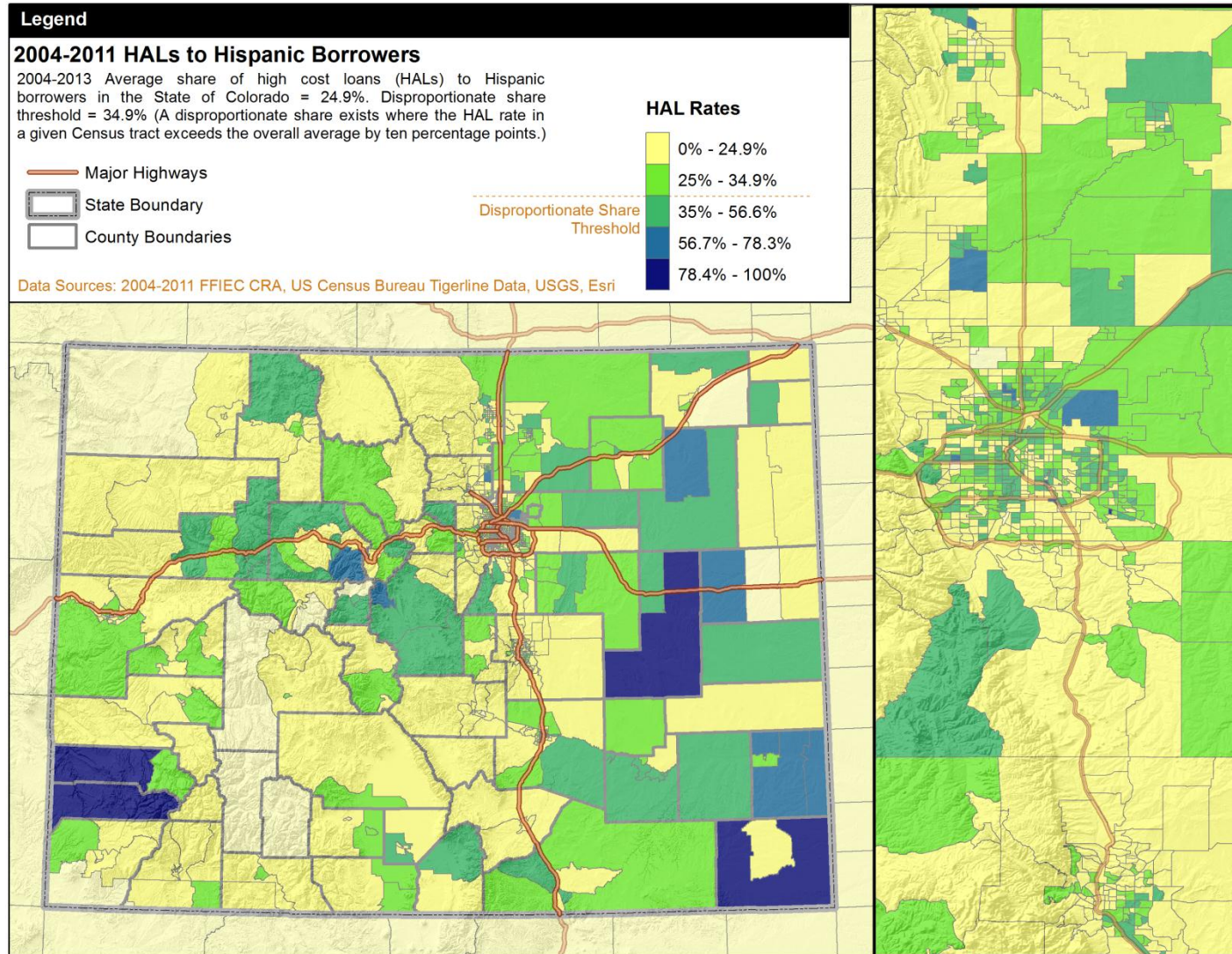
⁹⁴ In fact, rarely were more than 26 new loans originated for black borrowers in any tract to the west of Interstate 25 from 2004 through 2011 (In many cases, these Census tracts received relatively few home loan applications from black residents).

⁹⁵ “A Message from Wells Fargo” Personal Communication, July 29, 2015.

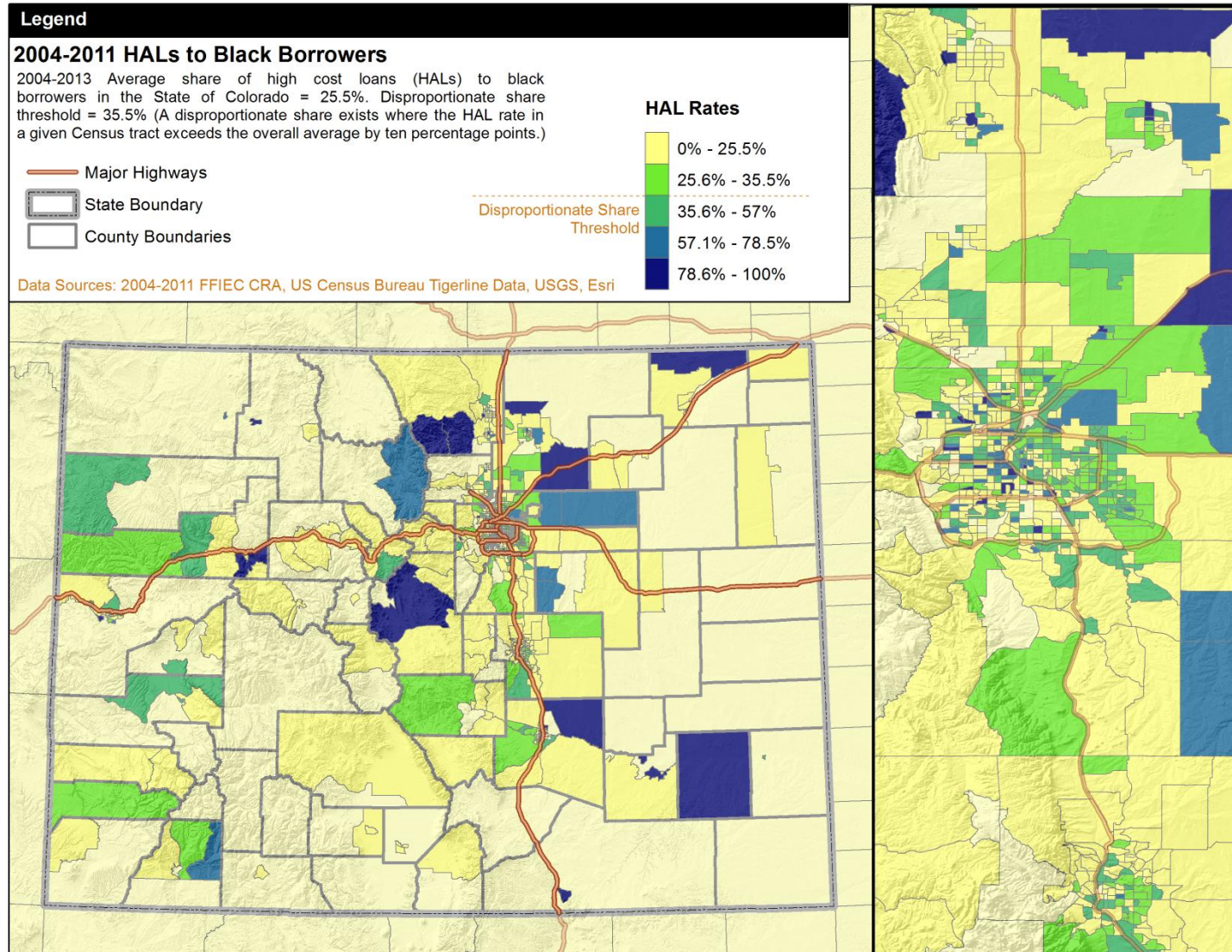
Map V.8
HALs to American Indian Borrowers by Census Tract, 2004-2011
 The State of Colorado
 2004-2011 HMDA Data



Map V.9 HALs to Hispanic Borrowers by Census Tract, 2004-2011 The State of Colorado 2004-2011 HMDA Data



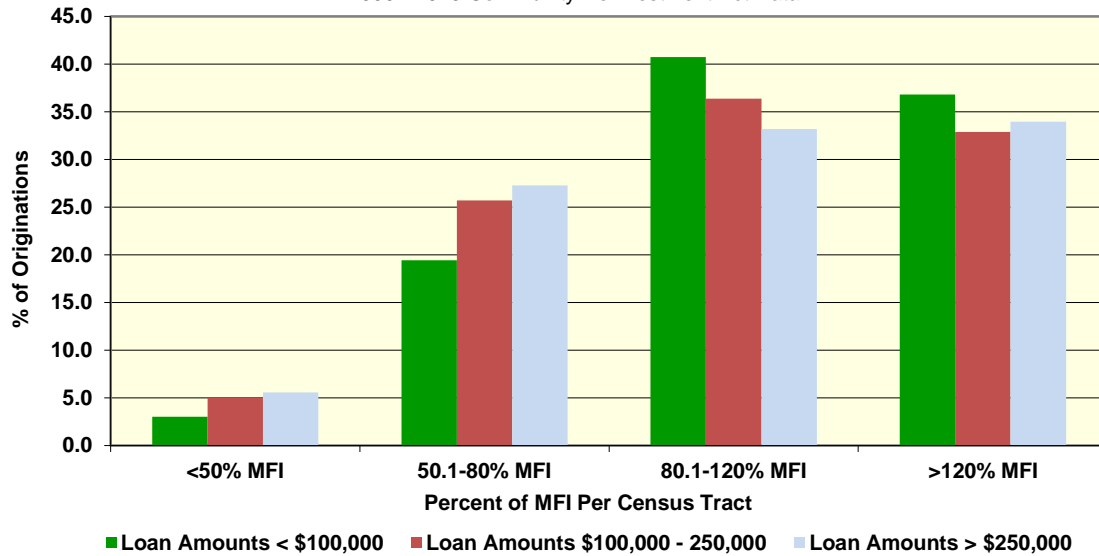
Map V.10
HALs to Black Borrowers by Census Tract, 2004-2011
 The State of Colorado
 2004-2011 HMDA Data



Data on small business loans collected under the CRA, which was designed in part to promote lending in low- to moderate-income areas, demonstrate that these loans were considerably more common in higher income Census tracts. As shown in Diagram V.5 below, only around five percent of small business loans issued in the state from 2000 through 2013 went to low-income Census tracts, and roughly a quarter were issued in moderate income Census tracts. A majority of small business loans in the state went to middle income Census tracts, in which the MFI ranged from 80.1 to 120 percent of the area MFI, and high income Census tracts, where the MFI exceeded 120 percent of the area MFI.

Diagram V.5
Percent of Small Business Loans Originated by Census Tract MFI

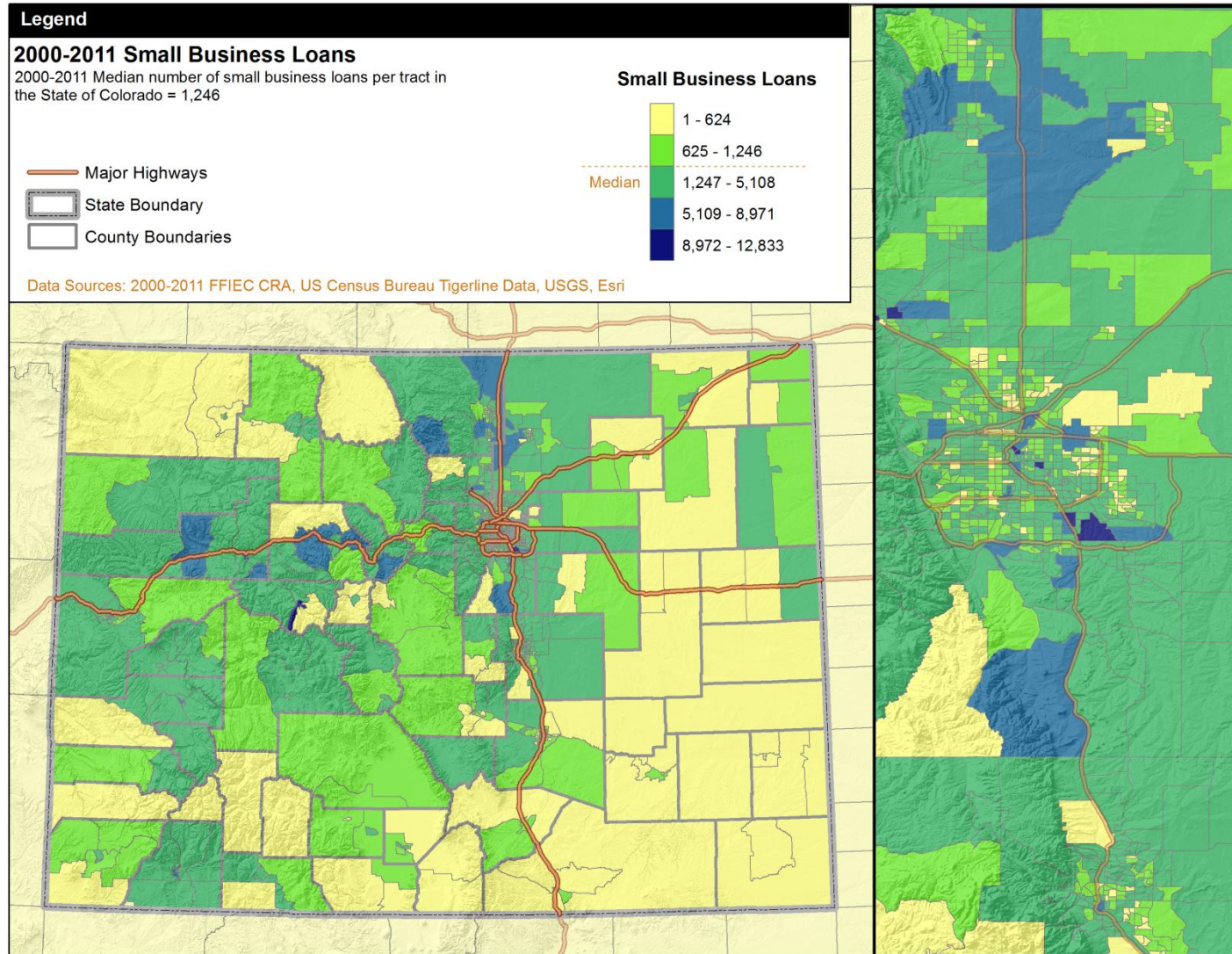
The State of Colorado
 2000 - 2013 Community Reinvestment Act Data



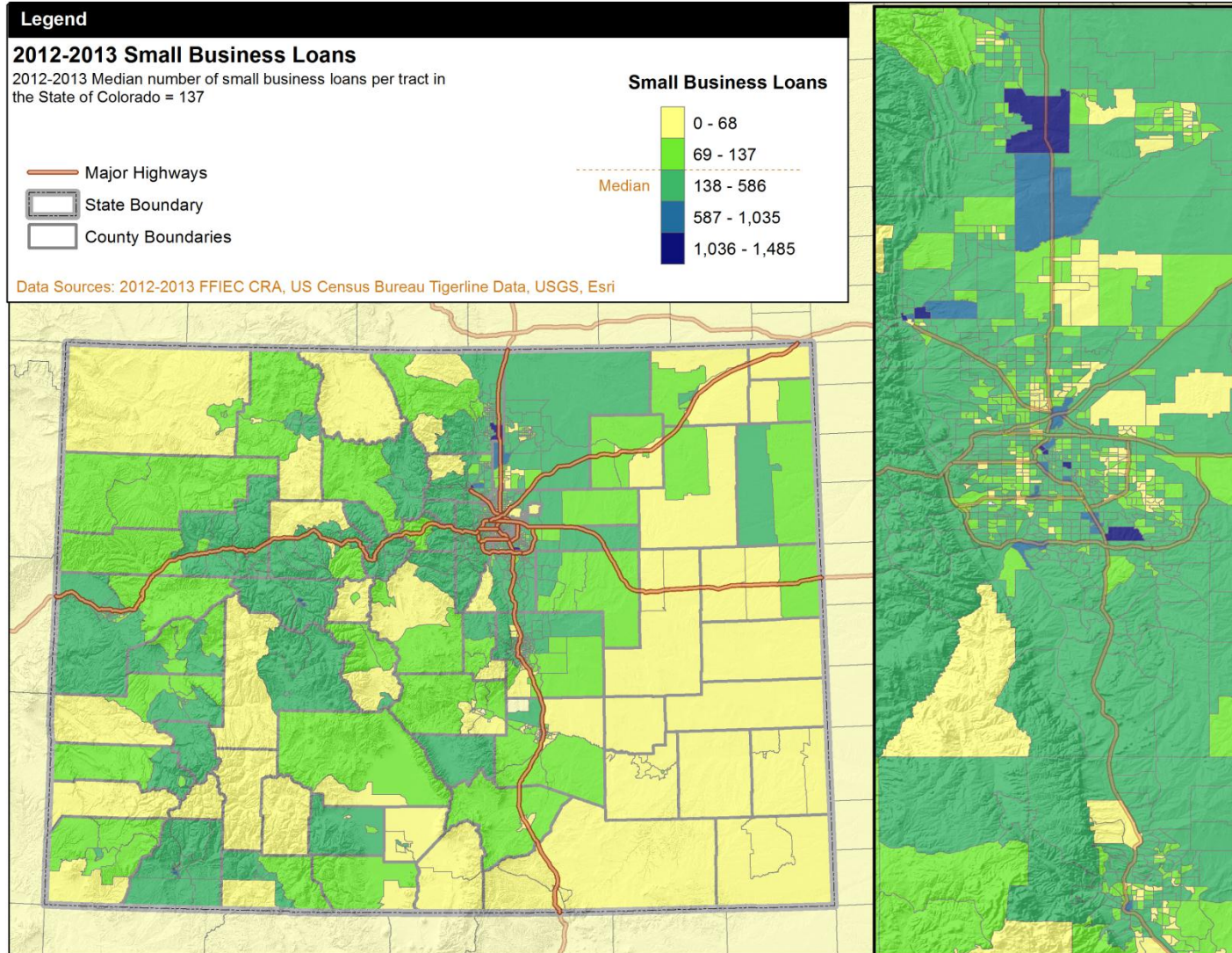
Small business lending in the state, as measured by the number and total value of small business loans, tended to be directed toward the Denver metropolitan area, Census tracts in the north of the state along Interstate 25 and Interstate 70, and the cities of Aspen and Boulder. From 2000 through 2011, more than 8,970 loans were issued in Census tracts to the southeast of downtown Denver and in and around the cities of Aspen and Boulder, as shown in Map V.11 on the following page. These same areas were targeted for considerable small business loan investment in the years after 2011, as shown in Map V.12 on page 105.

As one might expect, the total value of loans in a Census tract tended to be higher in Census tracts that received more small business loans. In Census tracts in and to the southeast of downtown Denver, more than \$486,000, and as much as \$716,531, in small business loans were issued from 2000 through 2011, as shown in Map V.13 on page 106. A similar amount was issued near Boulder, while Aspen received more than a quarter-million dollars in small business loans, along with Census tracts in east and southeast Denver. These same areas enjoyed considerable investment in 2012-2013, as shown in Map V.14 on page 107.

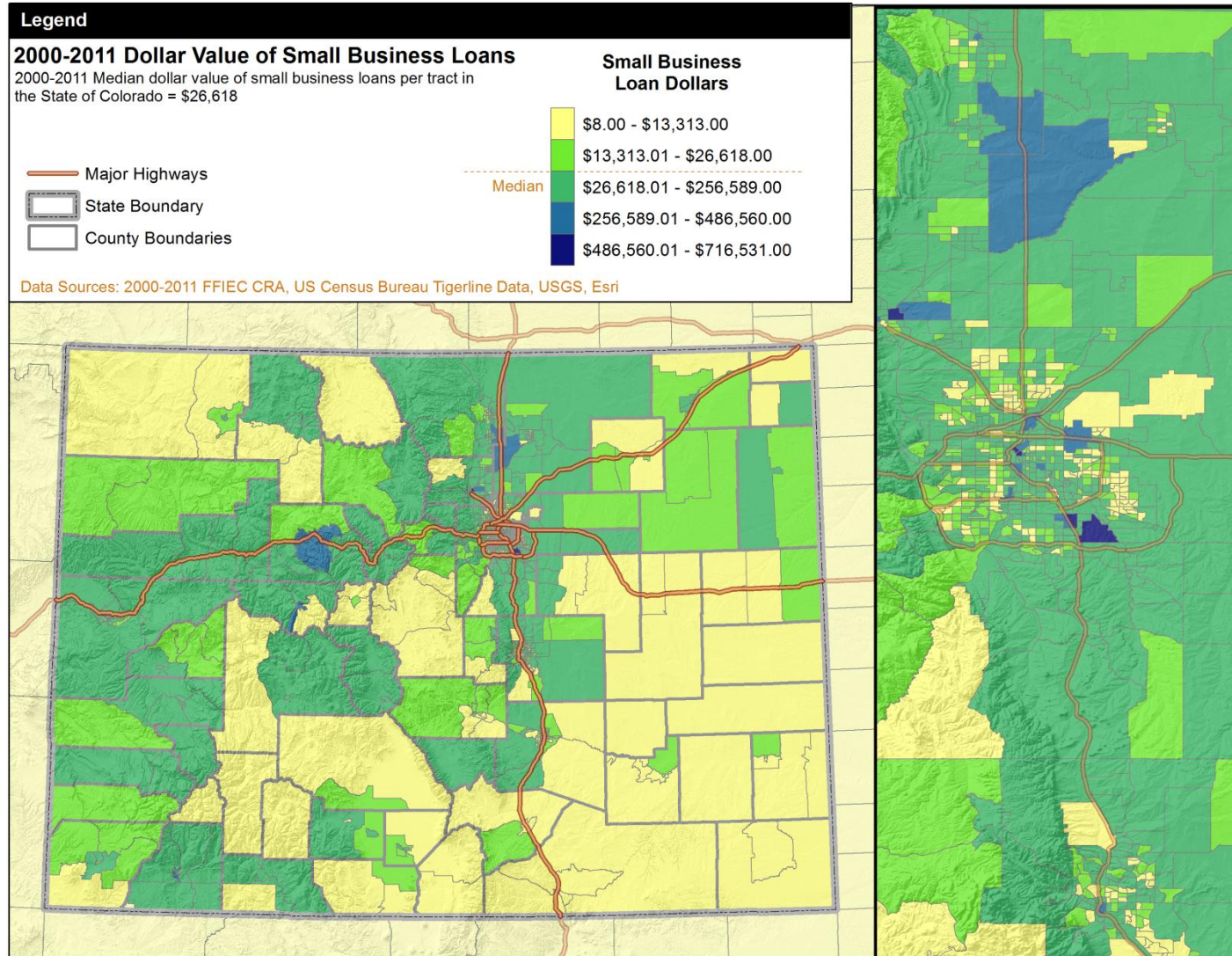
Map V.11
Number of Small Business Loans, 2000-2011
 The State of Colorado
 2000-2011 CRA Data



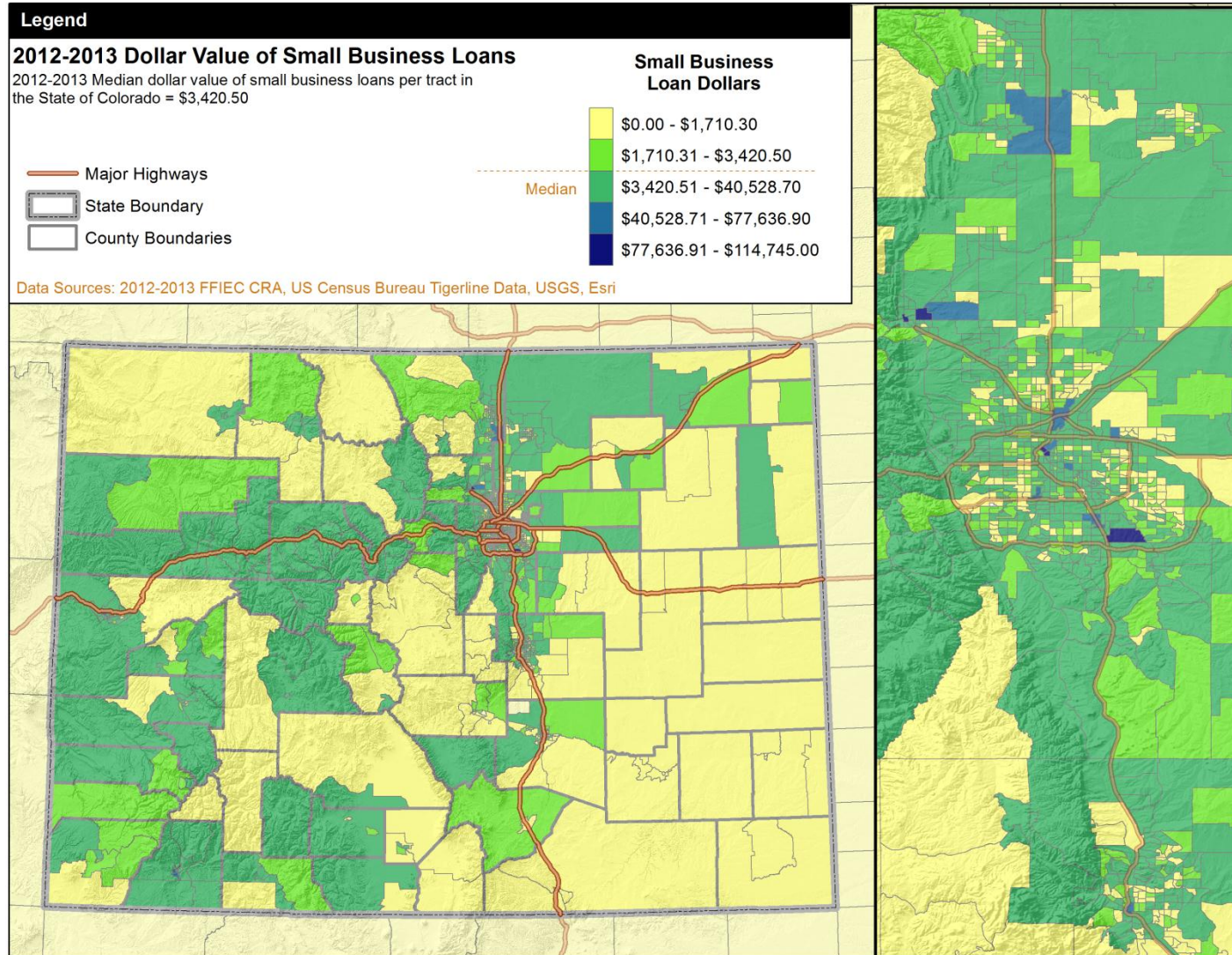
Map V.12
Number of Small Business Loans, 2012-2013
 The State of Colorado
 2012-2013 CRA Data



Map V.13
Amount of Small Business Loan Dollars, 2000-2011
 The State of Colorado
 2000-2011 CRA Data



Map V.14
Amount of Small Business Loan Dollars, 2012-2013
 The State of Colorado
 2012-2013 CRA Data



FAIR HOUSING COMPLAINTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The U.S. Department of Housing and Urban Development maintains data on housing complaints that represent actual or potential violations of the federal Fair Housing Act. As shown in Table V.11 below, HUD received 1,234 complaints filed by or on behalf of Colorado residents from 2004 through 2014, both from rental tenants and homeowners. The most common complaint alleged discrimination on the basis of physical disability, which was cited in 520 complaints: 42 percent of all complaints the agency received. Discrimination on the basis of mental disability was the next most common allegation, followed by perceived racial discrimination against black residents, cited in 250 and 230 complaints, respectively. Retaliation was the fourth most common discriminatory basis, and was cited in 200 complaints. Note that more than one basis may be cited in a given complaint. The total number of complaints filed with HUD on a yearly basis has consistently fallen between 100 and 120 across the entire eleven-year period, with the exception of 2004 and 2008, when the agency received 121 complaints, and 2009, when it received 99 complaints.

Table V.11
Basis of Fair Housing Complaints
 State of Colorado
 HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability - Physical	47	39	33	44	59	46	53	52	56	43	48	520
Disability - Mental	21	29	15	14	14	18	20	22	31	32	34	250
Race - Black	21	19	25	14	28	19	26	28	13	22	15	230
Retaliation	19	10	6	9	5	13	24	27	29	30	28	200
National Origin - Hispanic	22	14	24	28	14	10	6	11	5	4	13	151
Familial Status	9	5	7	13	14	9	11	5	10	12	7	102
Sex - Female	8	3	2	3	4	5	7	7	8	8	11	66
Sex - Male	4	2	5	5	1	2		5	4	4	5	37
National Origin - Other Origin	5		4	3	2	8	1	3	3	5	3	37
Religion	5	3	3	3	1	2	6	5	4	2	3	37
Race - White	2	2	1	2	2	4		2	2	2	8	27
Color	4			1	3	4	4	1		3	1	21
Harassment	4	1	1	1	4		2		2	1		16
Race - Native American	2	3	2	2	3				1			13
Total Basis	173	130	128	142	154	140	160	168	168	168	176	1,707
Total Complaints	121	100	116	111	121	99	109	113	118	110	116	1,234

As one might expect, given the prevalence of disability-based complaints, the most common discriminatory issue, or alleged discriminatory practice, cited in these complaints related specifically to persons with disabilities. As shown in Table V.12 on the following page, failure to make reasonable accommodation was cited in 440 complaints, or around 36 percent. (A complete version of this table is included in Appendix D.) The next most common discriminatory issues were as follows:

- Discriminatory terms, conditions, privileges, or services and facilities;
- Discriminatory acts under Section 818, and example of which would be threatening a tenant with eviction if he or she files a fair housing complaint;
- “Otherwise deny or make housing unavailable”; and
- Discrimination in terms, conditions, or privileges relating to rental.

Table V.12
Issue of Fair Housing Complaints
 State of Colorado
 HUD Data 2004 - 2014

Issues	Total
Failure to make reasonable accommodation	440
Discriminatory terms, conditions, privileges, or services and facilities	398
Discriminatory acts under Section 818 (coercion, etc.)	283
Otherwise deny or make housing available	256
Discrimination in term, conditions or privileges relating to rental	221
Discriminatory refusal to rent	202
Discriminatory advertising, statements and notices	91
Failure to permit reasonable modification	35
Discriminatory refusal to rent and negotiate for rental	33
Discrimination in terms, conditions, privileges relating to sale	26
Other discriminatory acts	22
Discrimination in making of loans	21
Discriminatory financing (includes real estate transactions)	20
Discrimination in the terms or conditions for making loans	17
Discriminatory refusal to sell	16
Steering	13
Discriminatory refusal to negotiate for rental	11
Discriminatory refusal to sell and negotiate for sale	10
False denial or representation of availability - rental	9
Using ordinances to discriminate in zoning and land use	8
Selective use of advertisements media or content	7
Discrimination in services and facilities relating to rental	7
Non-compliance with design and construction requirements (handicap)	5
Discriminatory refusal to negotiate for sale	4
Discriminatory advertising - sale	4
False denial or representation of availability	4
False denial or representation of availability - sale	4
Discrimination in the selling of residential real property	4
Discriminatory advertisement - rental	3
Discriminatory brokerage service	3
Discrimination in the brokering of residential real property	2
Adverse action against an employee	2
Refusing to provide municipal services or property	2
Discrimination in the appraising of residential real property	1
Discrimination in services and facilities relating to sale	1
Failure to provide accessible and usable public and common user areas	1
Failure to provide usable kitchens and bathrooms	1
Total Issues	2,187
Total Complaints	1,234

In most cases, an investigation failed to produce sufficient evidence to conclude that discrimination had occurred, or was about to occur. As shown in Table V.13 on the following page, some 877 complaints ended in a “no cause” determination, or approximately 71 percent of all complaints filed with HUD. However, 126 complaints were withdrawn by the complainant after resolution, and 86 were conciliated or settled successfully. These complaints were among those considered to have cause.

Table V.13
Closure of Fair Housing Complaints

State of Colorado
HUD Data 2004 - 2014

Closure	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
No cause determination	87	74	90	85	84	66	80	92	87	83	49	877
Complaint withdrawn by complainant after resolution	9	4	3	9	20	11	16	7	14	15	18	126
Conciliation/settlement successful	11	12	6	6	7	15	5	6	8	8	2	86
Complainant failed to cooperate	1	4	10	7	8	2		1	1			34
FHAP Judicial consent order	3		3	2	1	3	4	4				20
Complaint withdrawn by complainant without resolution	4	4	1		1	1			4	1	1	17
Dismissed for lack of jurisdiction	2		1	1		1	4				2	11
Unable to locate complainant	2		2									4
Administrative hearing ended - discrimination found	2									1		3
Closed because trail has begun								2				2
Litigation ended - discrimination found		2										2
Administrative hearing ended - no discrimination found								1				1
ALF consent order entered after issuance of charge				1								1
Case still open									4	2	44	50
Total Closure	121	100	116	111	121	99	109	113	118	110	116	1,234

In total, 237 complaints were considered to have cause. As shown in Table V.14 below, alleged discrimination on the basis of physical or mental disability continued to be prominent among complaints considered to have cause (cited in 125 and 60 complaints, respectively). However, while racial discrimination against black residents had been the third most common perceived basis for discrimination overall, discrimination based on familial status was third among complaints considered to have cause, cited in 14.3 percent of those complaints.

Table V.14
Basis of Fair Housing Complaints Found with Cause

State of Colorado
HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability - Physical	12	7	5	9	18	17	13	12	10	9	13	125
Disability - Mental	8	9	3	2	4	7	4	2	7	7	7	60
Familial Status	4	.	2	5	3	4	2	1	4	8	1	34
Retaliation	4	1	1	1	1	5	8	1	1	4	3	30
Race - Black	1	3	1	1	5	3	5	.	.	2	.	21
National Origin - Hispanic	5	.	1	1	3	3	2	2	2	1	1	21
Sex - Female	1	.	1	.	1	.	1	.	2	2	4	12
Religion	1	.	.	2	.	1	1	.	.	.	.	5
National Origin - Other Origin	.	.	.	1	.	1	.	1	.	1	.	4
Harassment	1	1	.	.	1	.	.	.	.	.	.	3
Sex - Male	.	.	.	1	.	.	.	.	.	1	.	2
Race - White	.	.	.	.	.	.	.	.	1	.	.	1
Total Basis	37	21	14	23	36	41	36	19	27	35	29	318
Total complaints found with cause	25	18	12	17	28	29	25	17	22	24	20	237

In keeping with trends in HUD fair housing complaints overall, failure to make reasonable accommodation was the most common discriminatory issue or practice cited in connection with complaints considered to have cause. As shown in Table V.15 on the following page, this discriminatory action figured in 123 complaints, or over half of those considered to have cause. As had also been the case with overall complaints, the next most common allegations among complaints with cause were as follows (number of complaints in parentheses):

- Discriminatory terms, conditions, privileges, or services and facilities;
- Discriminatory acts under Section 818 (coercion, etc.);
- “Otherwise deny or make housing unavailable”; and
- Discrimination in terms, conditions, or privileges relating to rental.

Table V.15
Issue of Fair Housing Complaints Found with Cause

State of Colorado
HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Failure to make reasonable accommodation	11	11	4	7	16	16	14	11	12	11	10	123
Discriminatory terms, conditions, privileges, or services and facilities	2	2	3	4	5	6	4	5	11	12	10	64
Discriminatory acts under Section 818 (coercion, etc.)	5	3		3	1	6	8	3	4	5	6	44
Otherwise deny or make housing available	.	4	1	1		5	1	1	5	12	9	39
Discrimination in term, conditions or privileges relating to rental	10	2	2	2	5	2	1	3	4	1	6	38
Discriminatory refusal to rent	2	3	2	3	3	5	2	2	5	2	1	30
Discriminatory advertising, statements and notices	3	.	5	1	2	4			2	4	2	23
Failure to permit reasonable modification	.	.	2	2	2	1		1	1	2	3	14
Other discriminatory acts	.	.	1		1	2						4
Discriminatory refusal to rent and negotiate for rental	1	.							2			3
Using ordinances to discriminate in zoning and land use	3	.										3
Selective use of advertisements media or content	2	.										2
False denial or representation of availability - sale	1	1										2
False denial or representation of availability - rental	.	.			1						1	2
Discriminatory financing (includes real estate transactions)	.	.		1						1		2
Discrimination in making of loans	.	.				1	1					2
Discrimination in terms, conditions, privileges relating to sale	1	.								1		2
Discriminatory refusal to sell	.	.									1	1
Discriminatory refusal to negotiate for sale	1	.										1
Discriminatory refusal to sell and negotiate for sale	.	1										1
Discriminatory refusal to negotiate for rental	.	.		1								1
Discriminatory advertising - sale	.	.		1								1
False denial or representation of availability	1	.										1
Discrimination in the terms or conditions for making loans	.	.								1		1
Discrimination in the selling of residential real property	1	.										1
Discriminatory brokerage service	.	.		1								1
Discrimination in services and facilities relating to rental	.	.	1									1
Steering	1	.										1
Non-compliance with design and construction requirements (handicap)	.	.								1		1
Total Basis	45	27	21	27	36	48	31	26	46	53	49	409
Total complaints found with cause	25	18	12	17	28	29	25	17	22	24	20	237

THE COLORADO CIVIL RIGHTS DIVISION

The Colorado Civil Rights Division also accepts fair housing complaints from state residents who believe that they have suffered illegal discrimination in the housing market. However, those data were not provided for analysis during the Analysis of Impediments process owing to the confidentiality of fair housing complaint records under state law. According to the Civil Rights Division, “[fair housing complaint records] are confidential under the Colorado Anti-

Discrimination Act, and cannot legally be provided pursuant to the Colorado Open Records Act".⁹⁶

FAIR HOUSING SURVEY – PRIVATE SECTOR RESULTS

Additional evaluation of fair housing within the State of Colorado was conducted via an online survey of stakeholders that began in April 2014. The purpose of the survey was to gather insight into the knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing. Results and comments related to the questions in the private sector are presented below, and additional survey results are discussed in **Sections VI** and **VII**.

The 2015 State of Colorado Fair Housing Survey was completed by 208 persons in the state and was conducted entirely online. Individuals solicited for participation included representatives of housing groups, minority organizations, disability resource groups, real estate and property management associations, banking entities, and other groups involved in the fair housing arena. Most questions in the survey required simple “yes,” “no,” or “don’t know” responses, although many questions allowed the respondent to offer written comments. When many respondents reported that they were aware of questionable practices or barriers, or when multiple narrative responses indicated similar issues, findings suggested likely impediments to fair housing choice.

Numerical tallies of results and summaries of some comment-driven questions are presented in this section. A complete list of written responses is available in Appendix B.

FAIR HOUSING IN THE PRIVATE SECTOR

In order to address perceptions of fair housing in the State of Colorado’s private housing sector, survey respondents were asked to identify their awareness of possible housing discrimination issues in a number of areas within the private housing sector, including the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industry,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

If respondents indicated that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. As shown in Table V.16 on the following page, those who were aware of barriers to fair housing choice in any given area of the private sector generally represented a small share of respondents; fewer than 15 percent in most cases. The most notable exception was the roughly thirty percent of respondents who maintained that they were aware of barriers to fair housing choice in the rental housing market. In additional commentary submitted with this question, many

⁹⁶ Colorado Civil Rights Division. “Re: Housing Complaint Data: State of Colorado”. 15 January 2015. Mail.

respondents related their suspicions of persistent discrimination on the basis of ethnicity, race, or familial status. Several respondents also described what amounted to source-of-income discrimination, with one commenter observing, "...landlords are no longer providing opportunities for [a Housing Choice Voucher] recipient to rent because the rents have increased so dramatically." Around 18 percent of respondents noted that they were aware of barriers to fair housing choice in the housing construction or accessible housing design fields.

Table V.16
Barriers to Fair Housing in the Private Sector
 State of Colorado
 2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
The rental housing market?	43	59	34	72	208
The real estate industry?	20	58	60	70	208
The mortgage and home lending industry?	22	48	67	71	208
The housing construction or accessible housing design fields?	28	53	57	70	208
The home insurance industry?	9	49	80	70	208
The home appraisal industry?	10	50	77	71	208
Any other housing services?	19	51	64	74	208

Several themes occurred repeatedly in analysis of survey comments relating to the private sector. Such themes include the following:

- Refusal to accept low income residents who use Housing Choice Vouchers or other forms of public assistance;
- Discriminatory treatment on the basis of ethnicity, including refusal to rent and differential treatment in the home lending market;
- Overall lack of affordable and accessible housing; and
- Discrimination against residents with disabilities, including failure to make reasonable accommodation.

SUMMARY

A number of factors affect the housing choices available to residents of Colorado: such factors include patterns in home purchase and small business lending, perceived and actual discrimination in the housing market, and policies and practices of individuals and businesses in the housing market. For the present study, assessment of these factors was undertaken through a review of lending data collected from the Federal Financial Institutions Examination Council (FFIEC); complaint data collected by federal, state, and local agencies and organizations; and the 2015 State of Colorado Fair Housing Survey.

Financial and lending institutions in the state processed some 5.3 million loans and loan applications from 2004 through 2013. Around 38 percent of these were intended to finance the purchase of homes, most of which were to be occupied by the borrower or loan applicant. Around 873,000 loans were originated in the state during that time, and just under 163,000 were denied, for an overall denial rate of 15.7 percent.

The apparent likelihood of a loan applicant securing a loan was impacted by the year in which the application was submitted, the location of the prospective home, and the race, ethnicity, or

gender of the applicant. Denial rates, which averaged around 17.3 in the five years up to and including 2008, fell considerably thereafter, to around 12.7 percent on average from 2004 through 2013. These rates also tended to be above-average in the state's rural areas and at or below average in urban areas. However, Census tracts in the Denver metropolitan areas with high concentrations of black and Hispanic residents also tended to have above-average denial rates. Black and American Indian residents throughout the state also had higher denial rates than white residents (nearly twice as high, in fact). In the case of Hispanic residents, the denial rate was more than twice the denial rate for non-Hispanic residents. Denial rates also differed according to the gender of the applicant, though to a lesser degree: 16.4 percent of loan applications from female residents were denied from 2004 through 2013, compared to a denial rate of 15.1 percent for male applicants.

The most common reasons given for the decision to deny a home purchase loan were credit history, cited in about 16.8 percent of loan denials, and debt-to-income ratio, cited in 14.4 percent. Not surprisingly, the rate of loan denials tended to fall as the income of the loan applicant increased. However, variations in denial rates along racial and ethnic lines persisted even when income was taken into account: for example, black applicants earning \$60,000 to \$75,000 per year experienced a denial rate of 22.3 percent, well above the 12.4 percent denial rate for white applicants in the same income range; the denial rate for American Indian applicants in the same income range was 23.7 percent. Similarly, 23.2 percent of applications from Hispanic residents earning \$60,000 to \$75,000 were turned down, compared to a denial rate of 11.7 percent for non-Hispanic applicants who were similarly situated with respect to income.

Many residents who were able to secure a home purchase loan were issued loans with high annual percentage rates (APR). These "HALs," which have an APR that is at least three percentage points higher than the treasury rate for comparable loans, can be considered predatory in nature. Like loan denials, the likelihood of receiving a HAL different among applicants according to the year in which they secured their loans, the location of the housing unit in question, and the race or ethnicity of the applicant. The HAL rate has dropped considerably since 2005, when more than a quarter of home purchase loans issued charged high annual percentage rates. By 2010, the yearly HAL rate had fallen below one percent, and stayed at or near one percent over the next three years. Again in keeping with trends in denial rates, HALs accounted for a larger share of home purchase loans in areas in and around Denver with relatively high concentrations of black and Hispanic residents. Black and American Indian borrowers throughout the state also received HALs at a rate that was nearly twice the HAL rate for white applicants: the same was true of Hispanic borrowers, as compared to non-Hispanic borrowers.

Like home mortgage lending, small business lending in Colorado varied considerably by geographic location. Less than five percent of the small business loans issued in the state from 2000 through 2013 went to low-income Census tracts, while less than a fifth went to moderate-income Census tracts.⁹⁷ In practice, this has meant that small business lending in the state has tended to go to Census tracts in the Denver-Fort Collins-Colorado Springs area and along Interstate 70 in the west of the state.

⁹⁷Census tracts are considered to be low-income if the median family income in the tract is less than or equal to fifty percent of the median family income for the statistical area in which the tract is located. Moderate income Census tracts are those where the median family income ranges from 50.1 to 80 percent of the area median family income.

Among the complaints that Colorado residents filed with the Department of Housing and Urban and Development from 2004 through 2014, disability was the most commonly perceived basis for housing discrimination. Forty-two complaints cited physical disability as the perceived discriminatory basis, while roughly 20 percent cited discrimination on the basis of mental disability.⁹⁸ The third most common motivation for discrimination cited in HUD complaints was race, followed by retaliation. As one might expect, based on the prevalence of disability-related claims, failure to make reasonable accommodation figured strongly in those complaints.

It was typically a relatively small share of respondents that claimed to be aware of practices or policies in the private sector that constituted barriers to fair housing choice. A notable exception was observed in responses to a question concerning the private rental housing market: nearly thirty percent of professed to be aware of barriers to fair housing choice in this area. Those who provided additional commentary on this question related their suspicions of persistent discrimination on the basis of ethnicity, race, and familial status. Some of this rental discrimination was perceived to be connected to economic trends in the housing market, with one respondent claiming that “landlords are no longer providing opportunities for [Housing Choice Voucher recipients] to rent” owing to growth in rental costs.

⁹⁸ Note that because complainants may cite more than one basis in a single complaint, summation of percentage figures cited in this section would be misleading, and is discouraged. It would not be appropriate to conclude, for example, that sixty-two percent of respondents cited “some form of disability” in their complaints based on the fact that forty-two percent cited physical disability and twenty percent cited mental disability. Some complaints may have cited both forms of disability.

SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR

While the previous section presented a review of the status of fair housing in the private sector, this section will focus specifically on fair housing in the public sector. The U.S. Department of Housing and Urban Development (HUD) recommends that the AI investigate a number of housing factors within the public sector, including health and safety codes, construction standards, zoning and land use policies, tax policies, and development standards. The AI should also examine the placement of public and publicly assisted housing as well as its access to government services.

PUBLIC SERVICES

Community features, including public services and facilities, and the location of public and assisted housing are essential parts of good neighborhoods, leading to a more desirable community.

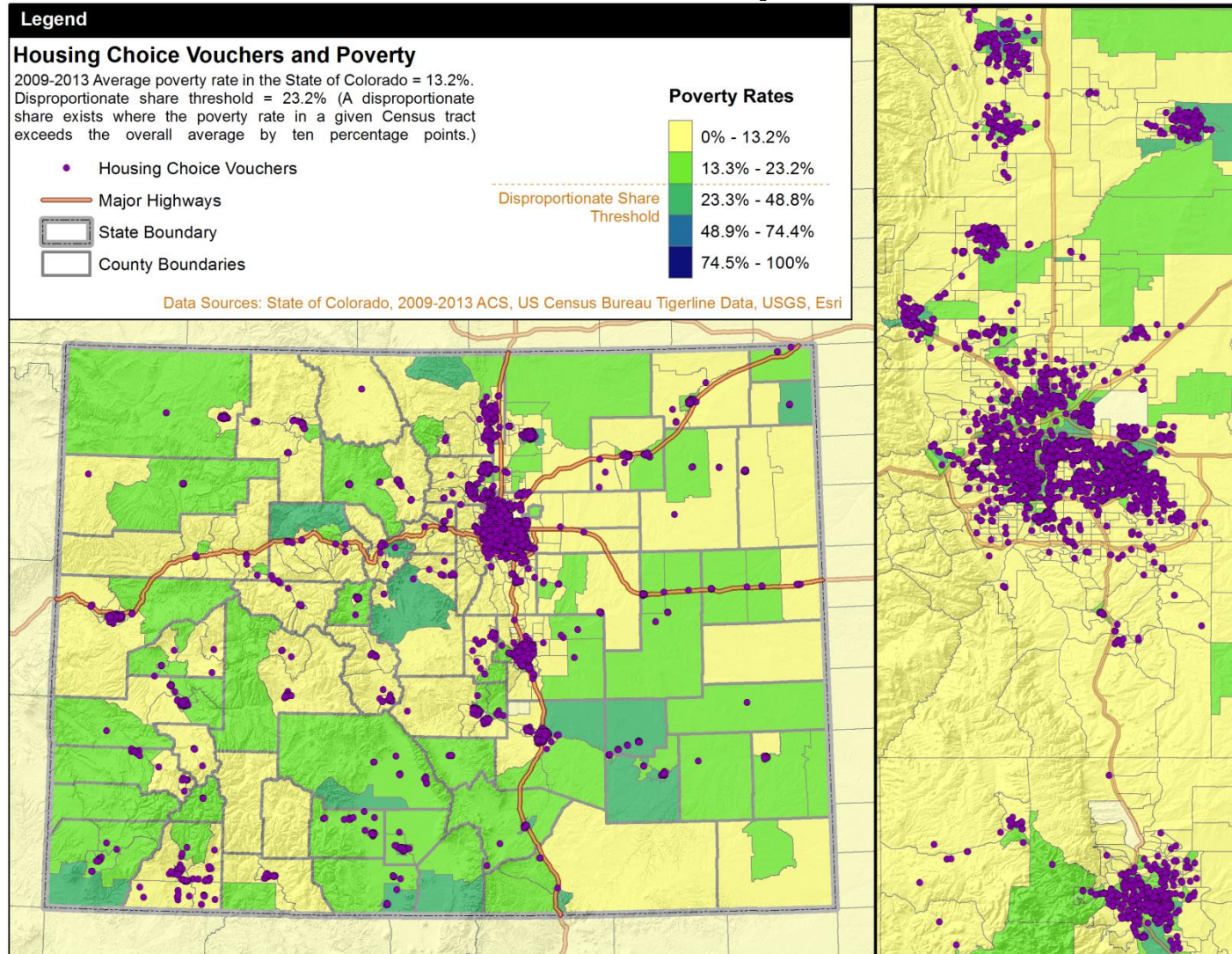
MULTI-FAMILY ASSISTED HOUSING UNITS

Public or assisted housing can exist in several forms, including low-income housing projects, housing voucher programs, and supportive housing. The objective of public and other forms of assisted housing is to provide housing that is suitable for persons with special needs or families of low- to moderate-income levels and to promote access to jobs, transportation, and related community resources. Uneven distribution of public and assisted housing can be the result of an impediment such as land use policies that discourage multi-family or low-income housing in some areas, thus leading to segregation or the overconcentration of low-income and other populations.

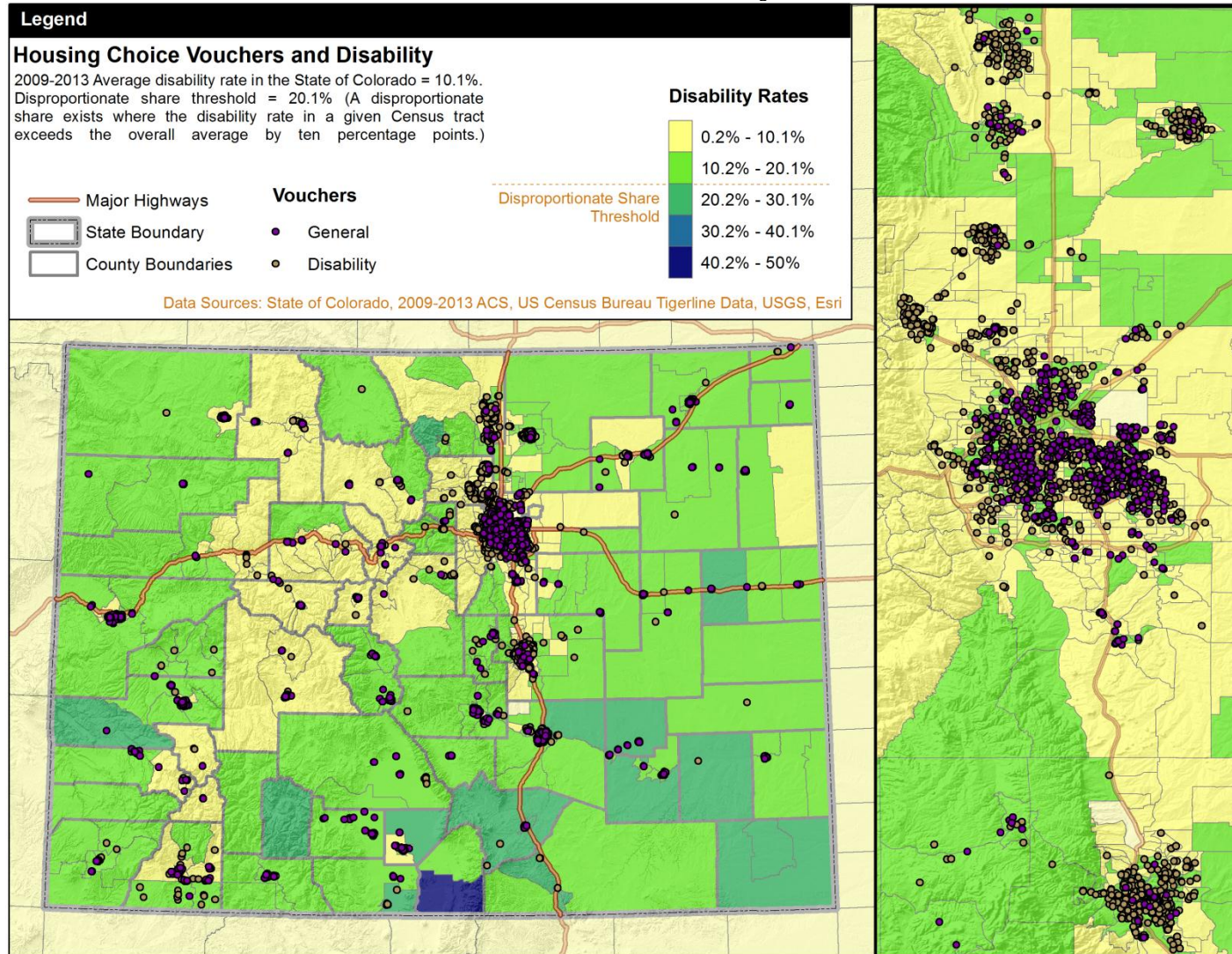
The distribution of households throughout that state that participate in the Housing Choice Voucher program is presented in Map VI.1 on the following page. As shown, these units tended to be concentrated in urban areas of the state, particularly in the Fort Collins-Denver-Colorado Springs area. There were also relatively high concentrations of voucher-assisted households in and around Pueblo, Cañon City, and Grand Junction.

Map VI.2 on page 119 categorizes Housing Choice Vouchers into two types: the first type includes general housing choice vouchers; the second includes voucher-holders that qualify for a disability allowance. As shown, both types of vouchers were distributed relatively even across the state. However, vouchers receiving a disability allowance represented markedly larger shares of Housing Choice Vouchers as a whole in areas surrounding Boulder, Longmont, Greeley, Fort Collins, Loveland, and Colorado Springs than in Denver.

Map VI.1 Multifamily Assisted Housing and Poverty The State of Colorado The Colorado Division of Housing



Map VI.2 Multifamily Assisted Housing by Disability Status and Poverty The State of Colorado The Colorado Division of Housing



LOW-INCOME HOUSING TAX CREDIT PROGRAM

The Low-Income Housing Tax Credit (LIHTC) Program is designed to promote investment in affordable rental housing by providing tax credits to developers of qualified projects. To qualify for the tax credits, housing projects must be residential rental properties in which a proportion of available units are rent-restricted and reserved for low-income families. The exact proportions of units that need to be reserved for low-income families for a project to qualify for LIHTC credits varies according to which threshold the property owner elects to implement: at least 20 percent of housing units must be occupied by families with incomes equal to or less than the area median income (as determined by HUD) according to the 20-50 rule, while at least 40 percent of units must be reserved for families earning less than 60 percent of the area median income if the property owner elects to follow the 40-60 rule. Area median incomes are adjusted for household size. Property owners are required to maintain rent and income restrictions for at least thirty years, pursuant to the HUD-mandated minimum affordability period, though in some areas they are required to operate under these restrictions for longer time periods. Like Housing Choice Vouchers, units that were financed in part through low income housing vouchers tended to be concentrated in the state's urban areas, as shown in Map VI.3 on the following page.

FAIR HOUSING SURVEY – PUBLIC SECTOR RESULTS

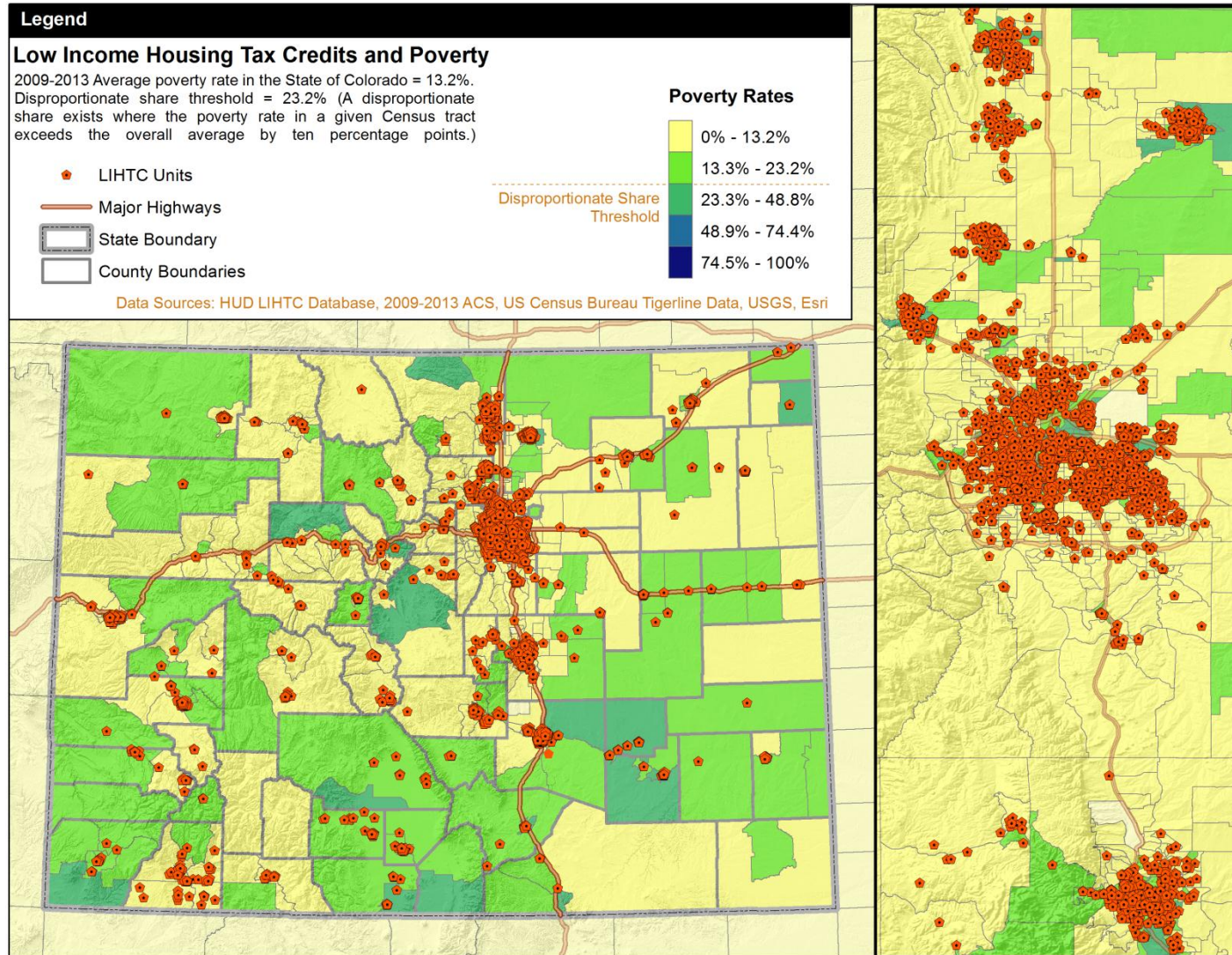
As mentioned previously, further evaluation of the status of fair housing within State of Colorado was conducted via an online 2015 Fair Housing Survey, which was completed by 208 stakeholders and citizens. Those solicited for participation included a wide variety of individuals in the fair housing arena. Most questions in the survey required “yes,” “no,” or “don't know” responses, and many allowed the respondent to offer written comments. While the numerical tallies of results are presented in this section, along with summaries of some comment-heavy questions, a complete list of written responses is available in Appendix B. Other survey results are also discussed in **Sections V** and **VII**.

FAIR HOUSING IN THE PUBLIC SECTOR

Public sector effects on housing can be complex and varied. The questions in this section of the survey asked respondents to think about possible barriers to fair housing choice within very specific areas of the public sector, as follows:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

Map VI.3 2013 Low-Income Housing Tax Credit (LIHTC) Units The State of Colorado 2014 HUD LIHTC Database



If respondents indicated affirmatively that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented in Table VI.1 below. Note that where percentage figures are presented in the following narrative, these figures represent the shares of respondents who answered the question; missing responses were omitted.

As had been the case with questions concerning the private sector, those who claimed to be aware of barriers to fair housing choice in any public sector policy, practice, or service generally represented a minority of respondents: generally fewer than fifteen percent. Questions relating to perceived barriers in land use policies and zoning laws were exceptions, and many of those who identified specific barriers in commentary cited policies and practices which seem to have the effect of concentrating affordable housing in certain areas, or otherwise limiting the availability of such housing. However, it was in the provision of government services that barriers to fair housing choice were most readily apparent to survey respondents: over 26 percent of respondents stated that they were aware of factors in this area that limit fair housing choice. Those who provided additional commentary on this question focused on limitations in public transportation.

Table VI.1
Barriers to Fair Housing in the Public Sector
State of Colorado
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
Land use policies?	23	54	55	76	208
Zoning laws?	27	43	61	77	208
Occupancy standards or health and safety codes?	14	52	66	76	208
Property tax policies?	13	53	65	77	208
Permitting process?	9	51	70	78	208
Housing construction standards?	11	48	71	78	208
Neighborhood or community development policies?	18	50	63	77	208
Limited access to government services, such as employment services?	35	47	49	77	208
Public administrative actions or regulations?	11	39	79	79	208

As had been the case in commentary submitted with the private sector portion of the survey, analysis of public sector commentary across topics and subject areas revealed recurrent themes. Such themes included the following:

- The impact of neighborhood opposition to low-income, affordable housing on land-use and zoning laws (NIMBYism);
- Failure to account for accessibility in housing or community development projects; and
- The need for expanded public transit options, and access to public transit.

SUMMARY

The availability of fair housing choice in the state is impacted by a number of factors in the public sector, including the extent and distribution of publicly-subsidized housing units; land-use and zoning laws, policies, and practices; and the provision of government services, among others.

Housing choice vouchers in the state were observed to be clustered in and around the state's urban centers, with relatively few public-assisted units in rural areas in the east and south of the state. The same was true of units financed through Low Income Housing Tax Credits. When vouchers were separated out according to whether they were intended to subsidize renters with disabilities, it became apparent that general housing vouchers (i.e., those which were not intended for residents with disabilities) accounted for larger shares of housing vouchers in the Denver metropolitan area than in other areas.

As had been the case with questions concerning barriers to fair housing choice in the state's private housing market, respondents who claimed to be aware of barriers to fair housing choice in the public sector generally represented a relatively small share of respondents. Questions relating to barriers to fair housing choice in land-use policies and zoning laws were exceptions: many of those who identified perceived barriers in these areas cited policies and practices that had the perceived effect of concentrating affordable housing units in certain areas, and blocking them from others. In addition, over a quarter of respondents were aware of limitations in the provision of government services that amounted, in their consideration, to barriers to fair housing choice. Those who cited specific limitations in government services focused on the need for more public transportation.

SECTION VII. PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the State of Colorado as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of statewide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

FAIR HOUSING SURVEY

As discussed in previous sections, a 2015 Fair Housing Survey comprised a large portion of the public involvement efforts associated with the development of the 2015 AI. While data from the survey regarding policies and practices within the private and public sectors have already been discussed, questions included to gauge and characterize public participation in the survey are discussed below.

The purpose of the 2015 Fair Housing Survey, a relatively qualitative component of the AI, was to gather insight into knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing as well as to gauge the ability of informed and interested parties to understand and affirmatively further fair housing. Many organizations throughout the State were solicited to participate.

A total of 208 persons in the State of Colorado completed the survey, which was conducted entirely online. A complete list of responses is included in Appendix B. Other survey results are also discussed in **Sections V and VI**. The same survey was offered in Spanish, but received no responses.

Respondents of the 2015 Fair Housing Survey were asked to identify their primary role within the housing industry. As shown in Table VII.1 at right, forty-one respondents were local government officials, thirty-five were service providers, twenty-seven identified themselves as “advocates/service providers” and fourteen were real estate professionals.

Table VII.1
Role of Respondent
State of Colorado
2015 Fair Housing Survey Data

Primary Role	Total
Local Government	41
Service Provider	35
Advocate/Service Provider	27
Real Estate	14
Property Management	11
Banking/Finance	10
Construction/Development	6
Appraisal	1
Other Role	58
Missing	5
Total	208

Table VII.2
What is Your Current Housing Situation?
State of Colorado

2015 Fair Housing Survey Data

Familiarity	Total
Homeowner	128
Renter	36
Other	37
Missing	7
Total	208

A majority of respondents, or around 65 percent, were homeowners, as shown in Table VII.2 at left. Around 17 percent of those who answered this question identified themselves as renters, and approximately 18 percent described their housing situation as “other!”

Of those who responded to the question assessing their level of familiarity with fair housing laws, over 90 percent considered themselves to be at least “somewhat” familiar. As shown in Table VII.3 on the following page at right, only 13 respondents felt that they were not familiar with

fair housing laws, with 76 describing themselves as “somewhat familiar” and 65 considering themselves to be “very familiar!” Unlike previous questions, this question received a considerable number of missing responses.

Respondents were nearly unanimous in their consideration of fair housing laws as useful: as shown in Table VII.4 below, only one respondent did not agree that such laws are useful, and ten selected “don’t know!” Respondents were evenly divided on the clarity of fair housing laws: sixty-one respondents thought that fair housing laws are difficult to understand or follow, though an equal number disagreed with them. The survey also revealed a modest level of support for changes to current fair housing laws, with just over a quarter of respondents maintaining that fair housing laws should be changed. A majority of respondents felt that fair housing laws are adequately enforced, though a large minority, around 43 percent, did not.

Table VII.3
How Familiar are you with Fair Housing Laws?

State of Colorado
2015 Fair Housing Survey Data

Familiarity	Total
Not Familiar	13
Somewhat Familiar	76
Very Familiar	65
Missing	54
Total	208

When asked to identify specific changes that respondents would like to see to fair housing laws, many respondents expressed a desire to expand additional protections based on source of income and gender identity. Interestingly, many respondents identified a need for to add legal protections that are already included under state law, such as sexual orientation. Several respondents maintained that fair housing laws do not adequately serve individuals that are currently identified as belonging to a protected class under federal or state law.

Table VII.4
Federal, State, and Local Fair Housing Laws

State of Colorado
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Do you think fair housing laws are useful?	141	1	10	56	208
Are fair housing laws difficult to understand or follow?	61	61	26	60	208
Do you think fair housing laws should be changed?	40	48	64	56	208
Do you think fair housing laws are adequately enforced?	80	63	7	58	208

Respondents were also asked several questions pertaining to the status of fair housing testing, enforcement, outreach, and education in their local communities. As shown in Table VII.5 on the following page, 80 respondents were aware of a training process available to learn about fair housing laws, over half of those who responded, and 73 noted that they had participated in such training. Awareness of fair housing testing was lower, with less than 30 percent of respondents aware of any testing. Nearly half of respondents felt that current levels of fair housing outreach and education were inadequate: approximately a fifth felt that current levels were appropriate, and only two respondents through that current outreach and education efforts were excessive. Around thirty percent of respondents felt that current levels of testing were inadequate; however, approximately 70 percent of respondents selected “don’t know” in response to this question, or neglected to respond altogether.

Table VII.5
Fair Housing Activities
 State of Colorado
 2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total	
Is there a training process available to learn about fair housing laws?	80	63	7	58	208	
Have you participated in fair housing training?	73	25	1	109	208	
Are you aware of any fair housing testing?	43	88	20	57	208	
Testing and education	Too Little	Right Amount	Too Much	Don't Know	Missing	Total
Is there sufficient outreach and education activity?	69	29	2	49	55	208
Is there sufficient testing?	43	17	2	87	55	208

As part of the process of measuring understanding of fair housing law through the survey instrument, respondents were asked to list their awareness of classes of persons protected by fair housing laws on federal, state, and local levels. Race and disability were offered as examples of protected classes in the question narrative, and respondents were encouraged to continue on and list other protected classes. As shown in Table VII.6 at right, 84 respondents were able to correctly identify “religion” as a protected class. Those who correctly identified religion represented around 70 percent of respondents, while the 78 who identified gender, the 73 who identified family status, the 65 who selected sexual orientation, and the 62 who identified national origin represented more than half. However, nearly 40 percent of survey-takers skipped this question entirely.

Nearly 80 percent of respondents stated that they were not aware of any local (city or county) fair housing ordinances, regulations, or plan; or selected “don’t know” in response to the question; as shown in Table VII.7 below. A large share of respondents also selected “don’t know” in response to a question concerning specific geographic areas with fair housing problems; however, 23 respondents were aware of such areas, or around 18 percent of respondents. When asked to identify those areas, several respondents cited the Denver metropolitan area, Boulder, and “ski towns” in general.

Table VII.6
Protected Classes
 State of Colorado
 2015 Fair Housing Survey Data

Protected Class	Total
Religion	84
Gender	78
Family Status	73
Sexual Orientation	65
National Origin	62
Age	56
Color	38
Ethnicity	15
Income	14
Disability	10
Ancestry	6
Race	4
Military	3
AIDS	1
Criminal History	1
Other	72
Total	583

Table VII.7
Local Fair Housing
 State of Colorado
 2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any city or county fair housing ordinance, regulation, or plan?	27	58	40	83	208
Are there any specific geographic areas that have fair housing problems?	23	17	82	86	208

Respondents who provided additional commentary and final thoughts on fair housing in the state tended to focus on the difficulties residents with disabilities face in the Colorado housing market, the need for more concerted fair housing outreach and education at the state level, and a lack of focus on the state’s rural areas in fair housing policy.

FAIR HOUSING FORUMS

In addition to the Fair Housing Survey, the participation of residents and stakeholders in the State of Colorado was sought through two fair housing forums. The topics covered in meeting presentations and subsequent discussions are summarized below, while the complete minutes of these meetings are presented in Appendix C.

FAIR HOUSING FORUMS

Two fair housing forum discussions were held in the State of Colorado during the 2015 AI process: one in Pueblo on May 20, 2015 and the other in Denver the following day. The purpose of the forum presentation and subsequent discussion was to provide the public with an opportunity to learn more about the AI process and why it was conducted, and to share preliminary findings from the study. In discussions following each presentation, participants discussed a wide range of topics. Those discussions are summarized below:

The Pueblo Forum

Much of the commentary at the Pueblo Fair Housing Forum centered on affordable housing, and challenges facing state residents who depend on various forms of public housing assistance. Commenters noted that high demand for rental housing in the state has driven a rapid increase in market rental prices in many of the state's urban areas, effectively pricing many low-income residents out of those areas. At the same time, adjustments to the HUD-determined fair market rent, which is used to set the dollar amount of housing subsidies available to recipients of housing assistance, have not kept pace with rising demand. As a result, fewer rental housing providers are willing to accept public assistance, claiming that to do so would impose a financial burden on them.

However, rising housing costs are not the only restriction on low-income and public-assisted housing: commenters also maintained that the eligibility of housing projects for low-income housing tax credits is often subject to conflicting criteria. For example, in spite of an overall goal of avoiding concentrations of affordable housing, especially in areas of poverty, development criteria that place an emphasis on proximity to grocery stores and public transit lines may promote such concentrations.

In addition, participants in the Pueblo fair housing forum identified challenges facing residents with disabilities. Some of these challenges are related to the larger housing market trends described above: for example, the rising gap between the value of housing subsidies and market rent has had the effect of pricing residents with disabilities, many of whom use some form of housing assistance, out of more expensive areas. In Pueblo, the result has been an influx of residents with disabilities and homeless residents leaving the Denver metropolitan area.

Finally, forum participants discussed potential avenues toward addressing these problems. Some commenters advocated the inclusion of "source of income" as a protected class in state or local fair housing ordinances, which would prohibit housing providers from turning down applicants solely on the basis that they used public assistance to pay their rent. Other commenters proposed revisions to real estate licensing and lending requirements. In addition,

there was broad agreement concerning the need for expanded fair housing training, outreach, and education, for housing providers and consumers alike.

The Denver Forum

Participants in the Denver fair housing forum discussion cited many of the same concerns that were raised at the Pueblo forum the day before. For example, tightening of the affordable housing supply was perceived to be connected to rapid increases in demand for rental housing and the resultant growth in rental housing costs. Several attendants also cited the need to include fair housing protections based on “source of income” a prominent topic at the Pueblo forum discussion, and there was wide agreement on the need for more robust and comprehensive fair housing training, education, and outreach.

However, participants in the Denver forum also discussed topics that were not included or emphasized in the previous forum discussion, including the fair housing complaint process. Noting that the number of complaints that HUD received from Colorado residents over the past decade has been, in their estimation, surprisingly low, participants maintained that the complaint process available to state residents is unclear, and at times ineffective. One respondent, calling for a “Fair Housing Summit” to refresh state agencies and stakeholders on fair housing policy, noted that the technical assistance that HUD previously provided to state and local agencies is increasingly unavailable and that “things have gotten stale” where fair housing policy is concerned.

Participants also agreed that future policies to mitigate the state’s fair housing challenges will require considerably more interagency cooperation than heretofore, particularly once the proposed rule⁹⁹ is finalized. In fact, participants did not consider that the need to cast a wider net in developing the fair housing infrastructure applied only to the public sector: one participant noted that as long as the burden for addressing fair housing issues was placed primarily on housing providers, efforts to improve fair housing choice in the state would fail. Addressing those issues, she argued, called for a broader engagement among stakeholders working in areas as diverse as public transit and zoning and land-use policy. Finally, one participant suggested identifying ways to repurpose existing, vacant buildings to expand the available affordable housing stock.

SUMMARY

Efforts to promote public participation in the development of the 2015 Analysis of Impediments included the 2015 State of Colorado Fair Housing Survey, Fair Housing Forum, and the public review process.

A total of 208 citizens and stakeholders of the State of Colorado participated in the Fair Housing Survey, 20 percent of whom were local government officials, 17 percent of whom were service providers, and 12.5 percent of whom were “advocates/service providers”. Homeowners constituted the bulk of respondents to the survey, while renters represented around 17 percent of respondents. Most survey respondents considered themselves to be “somewhat” or “very” familiar with fair housing laws, and most considered fair housing laws to

⁹⁹ For a discussion of the proposed rule pending finalization, entitled “Affirmatively Furthering Fair Housing”, see Section III.

serve a useful purpose. Respondents were more divided on the question of whether these laws are difficult to understand or follow, with equal numbers answering “yes” and “no”.

A sizeable minority of respondents affirmed that they would like to see changes to existing fair housing laws, with many expressing a need to include additional protections in existing fair housing law, including protections based on source of income and gender identity. Some respondents cited a need to include protections based on sexual orientation, which are already included in housing discrimination law at the state level. The inclusion of protections for sexual orientation in state law was noted by a relatively large share of survey respondents: more than half of those who attempted to identify protected classes correctly identified sexual orientation, along with national origin, family status, gender, and religion. However, around forty percent of survey-takers skipped the question concerning protected class designations: this was a higher skip rate than was typical for the survey as a whole.

More than half of survey respondents were aware of training processes available to learn about fair housing laws, and 73 respondents had participated in such training. Nevertheless, approximately 46 percent of respondents felt that current outreach and education activities were insufficient to meet the needs of state residents. Awareness of fair housing testing was also limited, and when asked to assess the current level of fair housing testing in the state, around 70 percent selected “don’t know” or failed to respond entirely. Those who did weigh in definitively on the question generally agreed that current levels of fair housing testing were not sufficient.

A small share of respondents, around 22 percent, were aware of city or county fair housing ordinance, regulation, or plan in their area. Similarly, respondents were generally not aware of any specific areas with fair housing problems: however, those who were tended to agree that such problems were present in Boulder, the Denver metropolitan area, and “ski towns” in general. Those who provided additional commentary and final thoughts on fair housing in the state focused on challenges facing residents with disabilities and rural residents, along with the need for enhanced fair housing outreach and education at the state level.

This need was seconded by participants in fair housing forums held in Pueblo and Denver in May of 2015, who called for additional fair housing outreach, education, and training targeted toward housing providers and consumers alike, as well as local and state government officials. These participants also emphasized the role of a tight rental housing market in pushing low-income residents out of sought-after housing markets in the state, especially in the case of residents with disabilities and recipients of public housing subsidies. In discussing potential policy recommendations to mitigate some of these concerns, some participants cited a need for source of income protections in local or state fair housing law, which would prohibit landlords from turning away prospective residents solely on the basis that they benefited from public housing assistance. Forum participants also cited a need to bring a broader coalition of agencies and stakeholders to bear on addressing the factors that limited fair housing choice, whether in the provision of public services, local zoning regulations, the housing stock, or other areas.

SECTION VIII. SUMMARY OF FINDINGS

This AI reviews both the public and private sector contexts for housing markets in the State of Colorado, in order to determine the effects these forces have on housing choice. As part of that review, analysis of demographic, economic, and housing data provide background context for the environments in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the State's residents.

Once this contextual background analysis has been performed, detailed review of fair housing laws, cases, studies, complaints, and public involvement are better supported by the background information. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the State, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have substantive influence on fair housing choice. In the public sector, policies and codes of local governments and a limited location of affordable rental units can significantly affect the housing available in each area, as well as neighborhood and community development trends. Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

The population of Colorado grew by an estimated 24.5 percent between 2000 and 2014, nearly twice the rate of growth for the United States as a whole. Much of this increase can be attributed to relatively strong growth in the number of residents aged 55 and over, who accounted for more than half of the state's population growth between the 2000 and 2010 Census. However, in recent years, residents aged 20 to 34 have joined those aged 55 and older to contribute substantially to the state's population growth. During this time, residents aged 35 to 54, who made up the largest share of state residents, have gradually declined as a share of the population, along with residents aged 5 to 19. This decline has been due to slow growth, rather than an absolute decrease, in those populations.

White residents also declined as a share of the population between the decennial Census counts, though at 81.3 percent of the population in 2010, the white population still represented a clear majority. The number of black, American Indian, and Asian residents also grew during the time period, both in absolute terms and as a share of the population. However, these residents together comprised only 7.8 percent of the population. The Hispanic population was considerably larger, at 20.7 percent of the population in 2010. All racial and ethnic groups retained roughly the same share of the population after 2010 with the exception of the white population, which had grown as a share of the state population by nearly three percentage points by 2013, and those who classified their race as "other" who declined as a share of the population by 3.5 percentage points.

The American Indian population tended, like the state population as a whole, to be concentrated in the state's urban areas (e.g., Denver, Fort Collins, Colorado Springs, etc.). The same was true of the black, Asian, and Hispanic populations. American Indian residents who lived in the state's rural areas tended to be more concentrated in Census tracts near the state's southern border, including in and around the Southern Ute and Ute Mountain reservations. Hispanic residents were also concentrated in several southern Census tracts as well as in central-western Census tracts along Interstate 70, to the west of Vail. Within the Denver metropolitan area, black residents tended to be concentrated to the east of the downtown area along Martin Luther King Boulevard, while Hispanic residents were largely concentrated to the east, north, and west of downtown.

Around 16.3 percent of the state's population was living with some form of disability in 2000, including 40 percent of the population aged 65 and older. Residents with disabilities accounted for 10.1 percent of the population in 2009-2013. It should be noted that this lower figure does not necessarily represent a true reduction in the population with disabilities: due to changes to the American Community Survey (ACS) questionnaire in 2008, upon which the 2009-2013 estimate is based, the population with disabilities that is captured in pre- and post-2008 estimates and counts is substantively different. For that reason, the two figures are not directly comparable. Nevertheless, the most recent estimate do bear out the portrait presented by 2000 Census data, demonstrating that the prevalence of disability increases markedly with age. Like the population as a whole, residents with disabilities were most likely to be concentrated in the Denver metro area, particularly in Census tracts to the north and west of the city center.

The state's labor force grew steadily between 1990 and 2008, growing by about fifty percent during that time and adding an estimated 53,450 workers to the economy every year on average. Prior to 2000, most of those new workers had little difficulty in finding employment. However, growth in the number of employed stalled after 2000, even as the labor force continued to grow. The result was growth in the unemployment rate, which continued through 2003, after which growth in the number of employed resumed and the unemployment rate declined. However, the unemployment rate was to rise again with the onset of the national recession of the late 2000s: nine percent of the labor force was unable to find a job in 2010, up from 3.8 percent just three years earlier. In the last few years, the unemployment rate has fallen steadily as the number of employed persons has grown.

Turbulence in the labor market in recent years has been reflected in trends in total employment and compensation. The growth in total employment, largely steady from 1969 through 2000, reversed between 2008 and 2010 as the state shed an estimated 113,720 full- and part-time jobs. The amount that the average worker earned at his or her job stagnated after 2000, following a decade of dramatic growth. Growth in per capita income, which includes wages earned at work as well as transfer payments, investment income, and other unearned income, has been variable since 2000, declining dramatically between 2008 and 2010. However, incomes have been on an upswing since that time.

In spite of stagnation in wages, higher income households have come to account for larger shares of all households since 2000. In fact, a quarter of all households had a combined income of \$100,000 or more in 2009-2013, up from 14.2 percent in 2000. In spite of that fact, the poverty rate rose over the same period, from 9.3 to 13.2 percent. Poverty was particularly

acute in the state's urban areas, particularly in densely populated Census tracts to the west of downtown Denver, as well as in Fort Collins and Greeley.

The number of housing units in the state grew by 22.4 percent between 2000 and 2010, outpacing the 19 percent rate of growth in the number of households to fill them. The result was a modest decline in the share of housing units that were occupied, and concomitant growth in the share of vacant housing units. The latter accounted for 10.8 percent of the state's housing stock in 2010. Among occupied housing units, an increasing large share has been dedicated to rental occupancy, while the share of units occupied by their owners has declined slightly.

Among vacant units, those that were available for rent or sale came to represent larger shares of the vacant housing stock, while the share of units dedicated to seasonal, recreational, or occasional use declined. The state also saw a marked increase in the number of units classified as "other vacant" and these units grew as a share of the vacant housing stock by 2.1 percentage points.

The average household appears to have declined in size between 2000 and 2010. One- and two-person households, which represented the largest shares of all households in both years, also grew at a rate that was above average. Six- and seven-person households, which also grew at a relatively rapid rate, comprised relatively small shares of overall households.

Single-family housing units represented the largest share of housing units in 2000 and 2009-2013, a share which grew from 68.4 to 69.9 percent. Apartment units also came to account for a slightly larger share of the state's housing stock: 20.7 percent in 2009-2013, up from 19.9 percent in 2000.

With the shift toward smaller households after 2000 came a decline in the prevalence of overcrowded housing units. Overcrowded units, or those with more than one resident per room, accounted for an estimated 2.5 percent of all housing units in 2009-2013, down two percentage points from 2000. Even smaller shares of housing units lacked complete plumbing or kitchen facilities: less than one percent in both cases. By contrast, cost-burdening has been an increasingly common problem in the state. In 2000, just under thirty percent of Colorado households paid more than thirty percent of their combined income toward housing costs. By 2009-2013, that figure had risen to 35.3 percent. As with overcrowding, cost-burdening fell more heavily on rental households than on owner-occupied households. Just under half of all rental households were cost-burdened in 2009-2013, and half of these were paying rental costs that took up more than half of their monthly income.

The growing incidence of cost-burdening came as housing prices throughout the state were climbing.¹⁰⁰ Half of the state's renters were paying \$671 or less in 2000, and half of the state's owner-occupied homes were worth no more than \$166,600. By 2009-2013, half of the state's renters were paying \$825 or more in rent, and half of the state's owner-occupied units were worth \$236,200 or more.

¹⁰⁰ Housing costs are presented in current dollars.

Fair Housing Law, Study, and Case Review

The federal Fair Housing Act (FHA) is the foundation for a suite of laws at the national level designed to protect residents of the United States from discrimination in the housing market. As originally passed in 1968, the Act prohibited discrimination on the basis of race, color, religion, gender, and national origin. Subsequent amendments passed in 1988 added additional protections on the basis of disability and familial status, and strengthened the enforcement provisions of the Act. Additional laws passed from 1964 to the present have generally broadened the protections guaranteed under the FHA, applying stricter and more comprehensive protections to housing providers who benefit from federal funding.

In addition to the protections guaranteed under the FHA, Colorado residents are protected from discrimination in the housing market by laws at the state level.¹⁰¹ These laws prohibit discrimination on the same bases identified in the federal law while expanding those protections to outlaw discrimination based on creed, sexual orientation, marital status, and ancestry. Colorado's housing discrimination law has been judged to be "substantially equivalent" to the federal FHA.

Since the inception of the Fair Housing Act, housing law and jurisprudence has evolved considerably. The Fair Housing Amendments Act of 1988 added additional protections, strengthened the Act's relatively weak enforcement provisions, and gave the Department of Housing and Urban Development enhanced authority to enforce the Act. In addition, since the early 1970s the FHA has consistently been interpreted to apply to laws and policies that are apparently neutral with respect to protected class status, but which nevertheless "actually or predictably"¹⁰² result in discrimination. In 2013, HUD finalized a rule formalizing its interpretation of discriminatory effects liability under the FHA.

This theory of liability was recently tested in a case before the Supreme Court of the United States. That case was brought before the Court through the efforts of the Texas Department of Housing and Community Affairs (HCA), which was sued in 2008 by the Dallas-based Inclusive Communities Project over the alleged disparate impact of criteria by which it places affordable housing units. In petitioning the court to hear the case, the HCA asked the justices to issue a definitive ruling on the availability of disparate impact liability under the FHA. A decision on the matter was rendered on June 25, 2015, when the Supreme Court affirmed that businesses, jurisdictions, and individuals could indeed be held liable not only for intentional discrimination but also for the discriminatory effects of apparently non-discriminatory policies and practices.

Following on the heels of the Supreme Court decision, HUD announced a final rule significantly revamping its long-standing requirement to affirmatively further fair housing (AFFH). In developing and finalizing this rule, HUD has substantially revised the AFFH process by (1) replacing the analysis of impediments with the assessment of fair housing (AFH), (2) integrating fair housing planning into the consolidated planning process, and (3) providing a fair housing assessment tool and nationally standardized datasets, among other changes. Generally speaking, the new rule will apply to local entitlement jurisdictions that are due to

¹⁰¹ C.R.S. 24-34-500, *et seq.*

¹⁰² *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974) It was racial discrimination, specifically, that was at issue in this case.

begin their next five-year planning cycle in 2017 or later. For smaller entitlement jurisdictions, as well as states and insular areas, the new rule will apply to those set to begin their next planning cycle in 2018 or later. Until jurisdictions are required to submit an AFH, they are required to continue submitting analyses of impediments.

Under certain circumstances, the United States Department of Justice will file a fair housing complaint on behalf of residents who are suspected to have suffered a violation of fair housing law. Though the Justice Department has not filed any fair housing complaints in a Colorado district court in the last ten years, a case filed in California against a Chicago-based management company did affect residents of Westminster, Colorado. That case, in which the operator of retirement communities in several states was accused of discrimination on the basis of disability, settled in 2007. As terms of the settlement, the management company agreed to undergo training, adopt and advertise a non-discrimination policy, and pay damages to affected residents in excess of \$530,000.

Lot Thirty-Four Venture, LLC v. Town of Telluride was decided by the state Supreme Court in 2000. At issue in the case was Telluride Ordinance 1011, which was designed to ensure that continued development in the city was accompanied by expansion of the affordable housing stock. In its decision, the Supreme Court held that the law, by requiring developers to generate a certain percentage of affordable housing units in connection with new developments, constituted rent control and was preempted and invalidated by state law.

This case, in addition to cases brought against housing developers under the Colorado Consumer Protection Act, are illustrative of some of the legal challenges to affordable housing development in the state. As a result of state laws, local and county jurisdictions cannot require developers to contribute to the affordable rental housing stock and condominium development has been subject to soaring liability insurance costs, stemming from the potential for large economic damages from manufacturing defects available under state law.

Fair Housing Structure

Colorado residents who believe that they have been subjected to discrimination in the private housing market on the basis of race, color, religion, gender, national origin, disability, or familial status may file a complaint with the Department of Housing and Urban Development's Fair Housing Enforcement Office (FHEO). The FHEO for Colorado is located in Denver.

However, complaints filed with HUD are likely to be referred to the Colorado Civil Rights Division (the Division) for investigation and enforcement. Because the state housing discrimination law has been judged to be "substantially equivalent" to the FHA, the Division is eligible to participate in the Fair Housing Assistance Program (FHAP), which provides federal support for state-level fair housing enforcement and provides for local authority over fair housing law. Thus, claims filed with HUD by or on behalf of Colorado residents are dual-filed with the Division, and vice-versa. The Division also accepts complaints from Colorado residents who believe that they have suffered discrimination on the basis of creed, sexual orientation, marital status, or ancestry, as provided for by Colorado statute.

Since 2013, residents of the Denver metropolitan area have had a third avenue by which they could seek resolution of fair housing complaints: the Denver Metro Fair Housing Center. The

Center is a participant in HUD's Fair Housing Initiatives Program (FHIP), under which it received approximately \$325,000 in capacity-building funds in 2014. The organization participates in local fair housing enforcement by conducting systemic fair housing tests to identify discriminatory practices, and initiating enforcement proceedings against housing providers who carried out those discriminatory practices.

Colorado residents who wish to file a fair housing complaint with HUD or the Civil Rights Division may do so within a year of the most recent alleged violation at issue in the complaint. Once a complaint is lodged, HUD or the Division is required to complete the investigation within 100 days, unless it is impracticable to do so. Any complaints that HUD receives will be forward to the Division. During the investigation, the Division will attempt to broker a conciliation agreement between the complainant and respondent (i.e., the person alleged to have committed the violation). If no agreement is reached, the Division will determine whether or not the allegation amounts to a true instance of discrimination, and will issue a charge. If the Division issues a charge of discrimination, the matter may proceed to an administrative hearing or civil action, depending on the wishes of the parties involved.

Fair Housing in the Private Sector

A number of factors affect the housing choices available to residents of Colorado: such factors include patterns in home purchase and small business lending, perceived and actual discrimination in the housing market, and policies and practices of individuals and businesses in the housing market. For the present study, assessment of these factors was undertaken through a review of lending data collected from the Federal Financial Institutions Examination Council (FFIEC); complaint data collected by federal, state, and local agencies and organizations; and the 2015 State of Colorado Fair Housing Survey.

Financial and lending institutions in the state processed some 5.3 million loans and loan applications from 2004 through 2013. Around 38 percent of these were intended to finance the purchase of homes, most of which were to be occupied by the borrower or loan applicant. Around 873,000 loans were originated in the state during that time, and just under 163,000 were denied, for an overall denial rate of 15.7 percent.

The apparent likelihood of a loan applicant securing a loan was impacted by the year in which the application was submitted, the location of the prospective home, and the race, ethnicity, or gender of the applicant. Denial rates, which averaged around 17.3 in the five years up to and including 2008, fell considerably thereafter, to around 12.7 percent on average from 2004 through 2013. These rates also tended to be above-average in the state's rural areas and at or below average in urban areas. However, Census tracts in the Denver metropolitan areas with high concentrations of black and Hispanic residents also tended to have above-average denial rates. Black and American residents throughout the state also had higher denial rates than white residents (nearly twice as high, in fact). In the case of Hispanic residents, the denial rate was more than twice the denial rate for non-Hispanic residents. Denial rates also differed according to the gender of the applicant, though to a lesser degree: 16.4 percent of loan applications from female residents were denied from 2004 through 2013, compared to a denial rate of 15.1 percent for male applicants.

The most common reasons given for the decision to deny a home purchase loan were credit history, cited in about 16.8 percent of loan denials, and debt-to-income ratio, cited in 14.4 percent. Not surprisingly, the rate of loan denials tended to fall as the income of the loan applicant increased. However, variations in denial rates along racial and ethnic lines persisted even when income was taken into account: for example, black applicants earning \$60,000 to \$75,000 per year experienced a denial rate of 22.3 percent, well above the 12.4 percent denial rate for white applicants in the same income range; the denial rate for American Indian applicants in the same income range was 23.7 percent. Similarly, 23.2 percent of applications from Hispanic residents earning \$60,000 to \$75,000 were turned down, compared to a denial rate of 11.7 percent for non-Hispanic applicants who were similarly situated with respect to income.

Many residents who were able to secure a home purchase loan were issued loans with high annual percentage rates (APR). These “HALs” which have an APR that is at least three percentage points higher than the treasury rate for comparable loans, can be considered predatory in nature. Like loan denials, the likelihood of receiving a HAL different among applicants according to the year in which they secured their loans, the location of the housing unit in question, and the race or ethnicity of the applicant. The HAL rate has dropped considerably since 2005, when more than a quarter of home purchase loans issued charged high annual percentage rates. By 2010, the yearly HAL rate had fallen below one percent, and stayed at or near one percent over the next three years. Again in keeping with trends in denial rates, HALs accounted for a larger share of home purchase loans in areas in and around Denver with relatively high concentrations of black and Hispanic residents. Black and American Indian borrowers throughout the state also received HALs at a rate that was nearly twice the HAL rate for white applicants: the same was true of Hispanic borrowers, as compared to non-Hispanic borrowers.

Like home mortgage lending, small business lending in Colorado varied considerably by geographic location. Less than five percent of the small business loans issued in the state from 2000 through 2013 went to low-income Census tracts, while less than a fifth went to moderate-income Census tracts.¹⁰³ In practice, this has meant that small business lending in the state has tended to go to Census tracts in the Denver-Fort Collins-Colorado Springs area and along Interstate 70 in the west of the state.

Among the complaints that Colorado residents filed with the Department of Housing and Urban and Development from 2004 through 2014, disability was the most commonly perceived basis for housing discrimination. Forty-two complaints cited physical disability as the perceived discriminatory basis, while roughly 20 percent cited discrimination on the basis of mental discrimination.¹⁰⁴ The third most common motivation for discrimination cited in HUD complaints was race, followed by retaliation. As one might expect, based on the prevalence of disability-related claims, failure to make reasonable accommodation figured strongly in those complaints.

¹⁰³Census tracts are considered to be low-income if the median family income in the tract is less than or equal to fifty percent of the median family income for the statistical area in which the tract is located. Moderate income Census tracts are those where the median family income ranges from 50.1 to 80 percent of the area median family income.

¹⁰⁴ Note that because complainants may cite more than one basis in a single complaint, summation of percentage figures cited in this section would be misleading, and is discouraged. It would not be appropriate to conclude, for example, that sixty-two percent of respondents cited “some form of disability” in their complaints based on the fact that forty percent cited physical disability and twenty percent cited mental disability. Some complaints may cite both forms of disability.

It was typically a relatively small share of respondents that claimed to be aware of practices or policies in the private sector that constituted barriers to fair housing choice. A notable exception was observed in responses to a question concerning the private rental housing market: nearly thirty percent of respondents professed to be aware of barriers to fair housing choice in this area. Those who provided additional commentary on this question related their suspicions of persistent discrimination on the basis of ethnicity, race, and familial status. Some of this rental discrimination was perceived to be connected to economic trends in the housing market, with one respondent claiming that “landlords are no longer providing opportunities for [Housing Choice Voucher recipients] to rent” owing to growth in rental costs.

Fair Housing in the Public Sector

The availability of fair housing choice in the state is impacted by a number of factors in the public sector, including the extent and distribution of publicly-subsidized housing units; land-use and zoning laws, policies, and practices; and the provision of government services, among others.

Housing choice vouchers in the state were observed to be clustered in and around the state’s urban centers, with relatively few public-assisted units in rural areas in the east and south of the state. The same was true of units financed through Low Income Housing Tax Credits. When vouchers were separated out according to whether they were intended to subsidize renters with disabilities, it became apparent that general housing vouchers (i.e., those which were not intended for residents with disabilities) accounted for larger shares of housing vouchers in the Denver metropolitan area than in other areas.

As had been the case with questions concerning barriers to fair housing choice in the state’s private housing market, respondents who claimed to be aware of barriers to fair housing choice in the public sector generally represented a relatively small share of respondents. Questions relating to barriers to fair housing choice in land-use policies and zoning laws were exceptions: many of those who identified perceived barriers in these areas cited policies and practices that had the perceived effect of concentrating affordable housing units in certain areas, and blocking them from others. In addition, over a quarter of respondents were aware of limitations in the provision of government services that amounted, in their consideration, to barriers to fair housing choice. Those who cited specific limitations in government services focused on the need for more public transportation.

Public Involvement

Efforts to promote public participation in the development of the 2015 Analysis of Impediments included the 2015 State of Colorado Fair Housing Survey, Fair Housing Forum, and the public review process.

A total of 208 citizens and stakeholders of the State of Colorado participated in the Fair Housing Survey, 20 percent of whom were local government officials, 17 percent of whom were service providers, and 12.5 percent of whom were “advocates/service providers”. Homeowners constituted the bulk of respondents to the survey, while renters represented around 17 percent of respondents. Most survey respondents considered themselves to be

“somewhat” or “very” familiar with fair housing laws, and most considered fair housing laws to serve a useful purpose. Respondents were more divided on the question of whether these laws are difficult to understand or follow, with equal numbers answering “yes” and “no”.

A sizeable minority of respondents affirmed that they would like to see changes to existing fair housing laws, with many expressing a need to include additional protections in existing fair housing law, including protections based on source of income and gender identity. Some respondents cited a need to include protections based on sexual orientation, which are already included in housing discrimination law at the state level. The inclusion of protections for sexual orientation in state law was noted by a relatively large share of survey respondents: more than half of those who attempted to identify protected classes correctly identified sexual orientation, along with national origin, family status, gender, and religion. However, around forty percent of survey-takers skipped the question concerning protected class designations: this was a higher skip rate than was typical for the survey as a whole.

More than half of survey respondents were aware of training processes available to learn about fair housing laws, and 73 respondents had participated in such training. Nevertheless, approximately 46 percent of respondents felt that current outreach and education activities were insufficient to meet the needs of state residents. Awareness of fair housing testing was also limited, and when asked to assess the current level of fair housing testing in the state, around 70 percent selected “don’t know” or failed to respond entirely. Those who did weigh in definitively on the question generally agreed that current levels of fair housing testing were not sufficient.

A small share of respondents, around 22 percent, were aware of city or county fair housing ordinance, regulation, or plan in their area. Similarly, respondents were generally not aware of any specific areas with fair housing problems: however, those who were tended to agree that such problems were present in Boulder, the Denver metropolitan area, and “ski towns” in general. Those who provided additional commentary and final thoughts on fair housing in the state focused on challenges facing residents with disabilities and rural residents, along with the need for enhanced fair housing outreach and education at the state level.

This need was seconded by participants in fair housing forums held in Pueblo and Denver in May of 2015, who called for additional fair housing outreach, education, and training targeted toward housing providers and consumers alike, as well as local and state government officials. These participants also emphasized the role of a tight rental housing market in pushing low-income residents out of sought-after housing markets in the state, especially in the case of residents with disabilities and recipients of public housing subsidies. In discussing potential policy recommendations to mitigate some of these concerns, some participants cited a need for source of income protections in local or state fair housing law, which would prohibit landlords from turning away prospective residents solely on the basis that they benefited from public housing assistance. Forum participants also cited a need to bring a broader coalition of agencies and stakeholders to bear on addressing the factors that limited fair housing choice, whether in the provision of public services, local zoning regulations, the housing stock, or other areas.

SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Discrimination against residents with disabilities. This impediment was identified through review of complaints filed with the US Department of Housing and Urban Development (HUD) and the results of the 2015 State of Colorado Fair Housing Survey, and in conversation with participants in the 2015 Fair Housing Forums. National studies indicate that disability-based discrimination has been the most common allegation in complaints filed in the nation as a whole, a trend which is reflected in complaints filed in Colorado. Discrimination on the basis of physical disability was the most common, cited in over 42 percent of complaints, followed by complaints based on mental disability, which was cited in a fifth of complaints. In spite of its prevalence among housing complaints, participants considered the number of complaints from residents with disabilities in data provided by HUD to be unrealistically low. In addition, approximately 18 percent of respondents to the 2015 Fair Housing Survey cited discrimination in the housing construction or accessible design fields, with several respondents citing perceived discrimination against residents with disabilities.

Action 1.1: Increase outreach and education for housing providers in the state, outlining common forms of discrimination against residents with disabilities.

Measurable Objective 1.1: The number of outreach and education sessions conducted and the number of participants.

Action 1.2: Partner with the Denver Metro Fair Housing Center to conduct fair housing tests of local housing providers, targeting disability-based discrimination.

Measurable Objective 1.2: The number of tests conducted and the results of fair housing testing.

Impediment 2: Failure to make reasonable accommodation or modification. This impediment was identified through review of housing complaints filed with HUD. Failure to make reasonable accommodation was the most common specific allegation among complaints filed by or on behalf of Colorado residents, figuring in 35.7 percent of complaints the agency received from 2004 through 2014. This complaint represented a much larger share of complaints that were conciliated, settled, or found to be with cause, or approximately 52 percent.

Action 2.1: Increase outreach and education for housing providers in the state, focusing on legal requirements concerning reasonable accommodation, in coordination with local disability advocate organizations.

Measurable Objective 2.1: The number of outreach and education sessions conducted and the number of participants.

Impediment 3: Discriminatory terms and conditions in housing. This impediment was identified through review of fair housing complaints that Colorado residents filed with HUD from 2004 through 2014. Approximately 32 percent of complaints alleged discrimination in terms, conditions, privileges, or services and facilities, making it the second most common allegation among complaints overall. It was also the second most common allegation among complaints that were conciliated, settled, or found to have cause: however, discrimination in

terms, conditions, privileges, or services and facilities accounted for a considerably larger share of the latter complaints, or 27 percent.

Action 3.1: Enhance outreach and education sessions for housing providers and consumers throughout the state, identifying common types of housing discrimination and the rights and responsibilities established under federal and state housing discrimination law.

Measurable Objective 3.1: The number of outreach and education sessions conducted and the number of participants.

Action 3.2: Partner with the Denver Metro Fair Housing Center to continue and expand upon the fair housing testing efforts that formed the basis of its 2014 rental discrimination study.

Measurable Objective 3.2: The number of fair housing tests conducted and the results of those tests.

Action 3.3: Open a dialogue with the Denver Metro Fair Housing Center to explore possibilities for extending fair housing testing efforts beyond the Denver metropolitan area.

Measurable Objective 3.3: The record of the dialogue, and policy recommendations resulting from that dialogue.

Impediment 4: Higher rates of home loan denials to black and Hispanic residents. This impediment was identified through review of home lending data collected under the Home Mortgage Disclosure Act (HMDA). According to those data, 25.7 percent of owner-occupied home purchase loan applications from black applicants were denied from 2004 through 2013, well above the average denial rate of 15.7 percent for all applicants, or the denial rate of 14.4 percent for white applicants. Similarly, the denial rate for Hispanic applicants, at 26.9 percent, was well above average and more than twice the denial rate for non-Hispanic applicants. Moreover, these discrepancies persisted even when income was taken into account. Around 22 percent of applications from black applicants earning between \$60,000 and \$75,000 per year were turned down; this was nearly ten percentage points higher than the denial rate for white applicants who were similarly situated with respect to income. Hispanic applicants earning between \$60,000 and \$75,000 per year were denied in 23.2 percent of applications, more than twice the denial rate for non-Hispanic residents in the same income range.

Action 4.1: Enhance outreach and education sessions for prospective home buyers, including high school and university students, presenting methods and practices for establishing and maintaining good credit.

Measurable Objective 4.1: The number of outreach and education sessions conducted and the number of participants.

Action 4.2: Promote greater engagement among local, state, and national banks and lending institutions to explore and identify the factors contributing to differential loan denial rates, as well as approaches that the state and lending industry may take to address the systemic and complex conditions that result in disparate denial rates.

Measurable Objective 4.2: The number of banks and lending institutions that agree collaborate on identifying challenges in the lending industry, the solutions proposed to address those challenges, and the results of any formal or informal analyses undertaken in connection with this action.

Impediment 5: Lack of understanding of fair housing law. This impediment was identified in the result of the 2015 Fair Housing Survey and in discussion with participants in the 2015 Fair Housing Forums in Pueblo and Denver. Around 41.1 percent of survey respondents maintained that fair housing laws are difficult to understand or follow. In addition, though seventy percent of respondents who attempted to identify the protected classes under federal, state, and local fair housing law correctly identified “religion,” fewer were able to identify other protected classes. In addition, participants in the 2015 Fair Housing Forum discussions maintained that there is a need for more robust and comprehensive and fair housing outreach and education throughout the state, targeting housing providers and consumers alike. Some participants noted that, in the absence of widespread understanding of fair housing laws, some property managers are citing fair housing law as a reason not to offer reduced rents to residents with disabilities, saying that to do so would constitute a violation of fair housing law.

Action 5.1: Enhance fair housing outreach and education efforts during Fair Housing month, which is April of each year.

Measurable Objective 5.1: The number of enhanced fair housing outreach and education sessions offered and the number of participants.

Action 5.2.1: Partner with Denver Metro Fair Housing (DMFHC) and the Colorado Civil Rights Division (CCRD) each year to develop a summary of fair housing complaint and testing data over the prior year.

Action 5.2.2: Publish the summary during fair housing month, advertising it through the state’s print and online media presence.

Measurable Objective 5.2: Partnership with DMFHC and the CCRD, the summary of complaint and testing data, publication of the summary, and the number of page views of the summary on the Housing Division website.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Zoning laws and development standards used to limit or restrict some affordable housing. This impediment was identified through review of the 2015 Fair Housing Survey. Though respondents who affirmed that they were aware of questionable practices or barriers to fair housing choice in the public sector generally represented fewer than fifteen percent of all respondents, those who provided additional commentary on these questions felt that the impact of local opposition to low-income, affordable housing was discernible in the outcomes of land-use and zoning decisions.

Action 1.1: Conduct an audit of local zoning codes in select areas of the state to identify areas with exclusionary zoning provisions (i.e., density restrictions, restrictions on the placement of group homes, etc.).

Measurable Objective 1.1: The results of the audit, including the percentage of local zoning ordinances with restrictive language.

Impediment 2: Concentrations of assisted housing. This impediment was identified through a review of the distribution of public-assisted housing units in the state and in conversation with attendees at the 2015 Fair Housing Forum discussions. Assisted housing units, whether they were financed through housing choice vouchers or Low Income Housing Tax Credits, tended to be concentrated in selected areas throughout the state. Though one forum participant noted

that these concentrations were largely a product of population density, other commenters identified several factors promoting high concentrations of affordable housing: One of those factors was a decline in the availability of affordable housing, which has been displacing low-income residents. Another factor driving the concentration of affordable units is the criteria of various public assistance programs, which have the effect of concentrating affordable units by promoting their development in areas with low-cost land and access to grocery stores, public transit, and public services.

Action 2.1: Contact local housing authorities throughout the state to determine (1) the level of unmet need for affordable housing in the state's rural areas, and (2) whether the unmet need in those areas is disproportionate as compared to the state's urban areas.

Measurable Objective 2.1: Record of contact with local housing authorities, levels of unmet need identified

Action 2.1: Monitor the placement of new affordable housing units to determine whether it relieves or exacerbates existing concentrations of affordable units.

Measurable Objective 2.1: The establishment of a monitoring process and the data gathered in the course of monitoring.

Impediment 3: Lack of understanding of fair housing law and the duty to affirmatively further fair housing. This impediment was identified through the results of the 2015 State of Colorado Fair Housing Survey. As noted above, around 41.1 percent of survey respondents maintained that fair housing laws are difficult to understand or follow. In addition, though seventy percent of respondents who attempted to identify the protected classes under federal, state, and local fair housing law correctly identified "religion", fewer were able to identify other protected classes.

Action 3.1: During Fair Housing Month (April) every year, distribute materials outlining fair housing law and policy to state and local government agencies whose work impacts housing and community development policy in the state.

Measurable Objective 3.1: The materials prepared for circulation and the number of officials and departments who receive those materials.

Action 3.2: Conduct fair housing training sessions with state and local government employees whose work directly impacts housing and community development policy, in partnership with Denver Metro Fair Housing and the Colorado Civil Rights Division.

Measurable Objective 3.2: The number of fair housing training sessions conducted and the number of participants.

Action 3.2: Contact representatives of state agencies and commissions whose policies and decisions impact fair housing choice, with the goal of forming a committee to liaise between the agencies and better coordinate fair housing policy at the state level.

Measurable Objective 3.2.1: Record of contact with the identified agencies and commissions.

Measurable Objective 3.2.2: The establishment of the committee and the identification of contributing agencies and commissions.

Action 3.3: Open a dialogue with the Colorado Civil Rights Division (CRD) and have them participate in fair housing.

Measurable Objective 3.3: Record of the dialogue and participation of the CRD.

Action 3.4: Conduct fair housing outreach and education targeting the general public.

Measurable Objective 3.4: The number of fair housing outreach and education sessions conducted.

SECTION X. GLOSSARY

Accessible housing: Housing designed to allow easier access for physically disabled or vision impaired persons.

ACS: American Community Survey

AI: Analysis of Impediments to Fair Housing Choice

AMI: Area median income

BEA: Bureau of Economic Analysis

BLS: Bureau of Labor Statistics

CDBG: Community Development Block Grant

Census tract: Census tract boundaries are updated with each decennial census. They are drawn based on population size and ideally represent approximately the same number of persons for each tract.

Consolidated Plan: Consolidated Plan for Housing and Community Development

Cost burden: Occurs when a household has gross housing costs that range from 30.1 to 50 percent of gross household income.

CRA: Community Reinvestment Act

Disability: A lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work.

Disproportionate share: Exists when the percentage of a population is 10 percentage points or more above the study area average.

DOJ: U.S. Department of Justice

ESG: Emergency Shelter Grants program

Fannie Mae: Federal National Mortgage Association (FNMA), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

Family: A family is a group of two people or more related by birth, marriage, or adoption and residing together.

FFIEC: Federal Financial Institutions Examination Council

FHAP: Fair Housing Assistance Program

FHEO: Fair Housing and Equal Opportunity

FHIP: Fair Housing Initiative Program

Floor area ratio: The ratio of the total floor area of a building to the land on which it is situated, or the limit imposed on such a ratio.

Freddie Mac: Federal Home Loan Mortgage Corporation (FHLMC), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

GAO: U.S. General Accounting Office

Gross housing costs: For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and electricity or natural gas energy charges.

HAL: High annual percentage rate (APR) loan, defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.¹⁰⁵

HMDA: Home Mortgage Disclosure Act

HOME: HOME Investment Partnerships

HOPWA: Housing Opportunities for Persons with AIDS

Household: A household consists of all the people who occupy a housing unit. A house, an apartment or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live with any other persons in the structure and there is direct access from the outside or through a common hall.

Housing problems: Overcrowding, incomplete plumbing or kitchen facilities, or cost burdens

HUD: U.S. Department of Housing and Urban Development

Incomplete kitchen facilities: A housing unit is classified as lacking complete kitchen facilities when any of the following are not present: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

Incomplete plumbing facilities: A housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower.

Labor force: The total number of persons working or looking for work

MFI: Median family income

Mixed-use development: The use of a building, set of buildings, or neighborhood for more than one purpose.

MSA: Metropolitan Statistical Area

NIMBYism: "Not in my backyard" mentality among community members, often in protest of affordable or multi-family housing.

Other vacant units: Housing units that are not for sale or rent

Overcrowding: Overcrowding occurs when a housing unit has more than one to 1.5 persons per room.

Poverty: The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

Predatory loans: As defined by the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA), loans are considered predatory based on:

1. If they are HOEPA loans;¹⁰⁶
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of HALs. For full definition, see **HAL**.

Protected Class: Group of people protected from discrimination and harassment. Colorado residents are protected from housing discrimination based on race, sex, religion, familial

¹⁰⁵ 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

¹⁰⁶ Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." <http://www.ffiec.gov/hmda/glossary.htm#H>

status, disability, national origin, color, creed, sexual orientation, marital status, and ancestry.

Public housing: Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

RDA: Redevelopment agency

Severe cost burden: Occurs when gross housing costs represent 50.1 percent or more of gross household income.

Severe overcrowding: Occurs when a housing unit has more than 1.5 persons per room.

Steering: Actions of real estate agents or landlords to discourage a prospective buyer or tenant from seeing or selecting properties in certain areas due to their racial or ethnic composition.

Tenure: The status by which a housing unit is held. A housing unit is "owned" if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owned" only if the owner or co-owner lives in it. All other occupied units are classified as "rented," including units rented for cash rent and those occupied without payment of cash rent.

APPENDICES

The following sections present additional data prepared in development of the State of Colorado Analysis of Impediments to Fair Housing Choice.

A. COMMUNITY REINVESTMENT ACT DATA

Table A.1
Small Business Loans Originated: \$100,000 or Less by Tract MFI
 State of Colorado
 2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	4,292	16,941	36,938	27,454	118	85,743
2001	5,111	19,299	42,593	30,194	122	97,319
2002	6,184	25,838	56,025	39,755	171	127,973
2003	3,623	32,758	58,286	47,599	465	142,731
2004	3,930	32,374	64,155	51,735	1,219	153,413
2005	3,584	33,184	67,673	55,669	1,069	161,179
2006	5,205	46,391	98,457	92,065	1,436	243,554
2007	5,613	49,209	108,693	102,003	1,379	266,897
2008	4,471	39,021	87,972	85,674	1,135	218,273
2009	2,331	19,049	42,771	42,479	654	107,284
2010	2,103	17,565	38,089	37,961	623	96,341
2011	2,655	20,510	45,176	45,874	732	114,947
2012	5,603	18,673	35,497	40,313	161	100,247
2013	5,817	18,577	34,908	39,357	119	98,778
Total	60,522	389,389	817,233	738,132	9,403	2,014,679
Loan Amount (\$1,000s)						
2000	61,959	205,034	415,361	328,544	1,671	1,012,569
2001	67,117	217,083	454,372	349,136	1,250	1,088,958
2002	77,384	284,637	563,121	450,623	1,608	1,377,373
2003	41,317	365,387	574,729	505,378	6,859	1,493,670
2004	50,283	390,219	681,433	606,836	15,714	1,744,485
2005	49,148	434,222	805,189	726,595	16,428	2,031,582
2006	60,847	537,620	1,060,640	1,054,771	20,503	2,734,381
2007	69,195	599,149	1,240,427	1,251,432	20,244	3,180,447
2008	57,316	499,068	1,037,598	1,085,305	16,941	2,696,228
2009	37,678	307,716	606,777	605,163	11,353	1,568,687
2010	31,391	277,573	526,330	533,554	11,346	1,380,194
2011	37,627	307,262	601,149	635,752	11,910	1,593,700
2012	78,571	253,894	436,493	513,066	2,723	1,284,747
2013	81,749	259,245	440,062	530,104	2,437	1,313,597
Total	801,582	4,938,109	9,443,681	9,176,259	140,987	24,500,618

Table A.2
Small Business Loans Originated: \$100,001 to \$250,000 by Tract MFI

State of Colorado
 2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	225	651	1,125	1,053	3	3,057
2001	300	952	1,633	1,348	8	4,241
2002	364	1,023	1,726	1,467	2	4,582
2003	159	1,273	1,663	1,410	29	4,534
2004	179	1,306	1,683	1,539	59	4,766
2005	157	1,132	1,468	1,376	48	4,181
2006	135	1,152	1,481	1,327	58	4,153
2007	134	1,106	1,582	1,366	52	4,240
2008	146	1,098	1,545	1,336	44	4,169
2009	84	756	1,056	1,052	36	2,984
2010	102	730	1,036	917	32	2,817
2011	106	782	1,109	1,082	34	3,113
2012	283	780	1,019	984	17	3,083
2013	266	841	1,078	1,116	27	3,328
Total	2,640	13,582	19,204	17,373	449	53,248
Loan Amount (\$1,000s)						
2000	39,055	114,734	195,090	183,875	500	533,254
2001	54,305	168,593	288,207	240,370	1,609	753,084
2002	64,164	181,006	305,405	262,964	423	813,962
2003	28,165	226,667	292,431	253,408	5,661	806,332
2004	32,950	236,623	299,240	277,310	10,765	856,888
2005	28,585	201,537	257,344	246,655	8,675	742,796
2006	24,694	205,267	260,211	235,904	10,946	737,022
2007	24,163	197,143	276,746	246,256	8,897	753,205
2008	26,782	198,906	269,851	237,656	7,677	740,872
2009	15,048	132,858	185,751	187,504	6,524	527,685
2010	17,985	128,597	180,884	161,493	5,910	494,869
2011	18,063	140,177	191,828	189,084	5,937	545,089
2012	49,278	139,385	179,915	172,676	3,004	544,258
2013	47,641	150,940	191,481	195,540	4,810	590,412
Total	470,878	2,422,433	3,374,384	3,090,695	81,338	9,439,728

Table A.3
Small Business Loans Originated: More than \$250,000 by Tract MFI

State of Colorado
 2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	223	613	879	959	5	2,679
2001	281	858	1,233	1,233	5	3,610
2002	320	961	1,465	1,335	8	4,089
2003	151	1,251	1,414	1,377	36	4,229
2004	183	1,358	1,582	1,664	71	4,858
2005	181	1,250	1,370	1,453	73	4,327
2006	154	1,275	1,354	1,400	63	4,246
2007	164	1,227	1,503	1,500	53	4,447
2008	171	1,268	1,480	1,545	66	4,530
2009	126	865	1,077	1,133	42	3,243
2010	126	865	1,063	1,034	38	3,126
2011	136	990	1,202	1,183	53	3,564
2012	370	894	1,123	1,254	29	3,670
2013	433	1,074	1,203	1,295	43	4,048
Total	3,019	14,749	17,948	18,365	585	54,666
Loan Amount (\$1,000s)						
2000	118,846	328,078	456,015	486,303	2,935	1,392,177
2001	145,813	449,636	619,939	638,675	2,602	1,856,665
2002	161,799	490,209	755,873	693,754	4,300	2,105,935
2003	72,568	649,666	729,797	728,417	20,129	2,200,577
2004	93,894	712,408	833,885	883,325	41,172	2,564,684
2005	92,620	662,727	731,182	786,187	38,963	2,311,679
2006	80,759	676,301	711,508	774,010	33,701	2,276,279
2007	87,202	661,146	780,788	810,320	29,057	2,368,513
2008	90,258	689,165	788,132	840,209	33,494	2,441,258
2009	67,504	477,519	581,161	610,693	24,274	1,761,151
2010	72,427	467,716	562,261	556,896	19,401	1,678,701
2011	74,025	528,303	648,826	636,565	29,546	1,917,265
2012	196,996	488,766	602,759	688,884	17,285	1,994,690
2013	235,513	582,043	652,324	723,980	25,786	2,219,646
Total	1,590,224	7,863,683	9,454,450	9,858,218	322,645	29,089,220

Table A.4
Small Business Loans to Businesses with Gross Annual Revenues of Less Than
\$1 Million by Tract MFI

State of Colorado
 2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	1,934	7,440	16,900	12,979	57	39,310
2001	2,251	8,282	18,762	13,217	55	42,567
2002	1,854	7,069	16,963	12,679	22	38,587
2003	1,361	12,108	22,271	18,241	139	54,120
2004	1,443	11,550	24,533	19,709	320	57,555
2005	1,924	16,728	36,548	30,057	497	85,754
2006	2,111	19,007	43,147	37,817	604	102,686
2007	2,346	20,127	47,878	42,484	537	113,372
2008	1,750	14,639	34,002	30,887	358	81,636
2009	1,040	8,386	19,401	18,650	241	47,718
2010	966	7,725	17,911	17,113	224	43,939
2011	1,417	10,392	24,495	24,947	308	61,559
2012	2,611	9,210	18,722	21,609	41	52,193
2013	2,899	9,643	19,737	22,581	35	54,895
Total	25,907	162,306	361,270	322,970	3,438	875,891
Loan Amount (\$1,000s)						
2000	100,716	288,095	573,888	562,094	1,270	1,526,063
2001	100,739	341,564	694,279	640,628	3,221	1,780,431
2002	106,150	355,524	732,746	665,020	1,272	1,860,712
2003	62,556	487,875	772,296	694,188	10,624	2,027,539
2004	69,093	469,255	799,257	777,988	17,966	2,133,559
2005	77,507	520,130	898,781	848,282	18,867	2,363,567
2006	67,616	546,531	989,183	974,769	17,461	2,595,560
2007	76,139	524,286	1,078,861	1,040,128	17,255	2,736,669
2008	60,658	488,103	883,834	895,259	14,230	2,342,084
2009	41,265	289,498	565,828	584,436	7,383	1,488,410
2010	36,522	278,806	516,663	549,597	9,008	1,390,596
2011	44,166	326,313	590,302	639,648	8,354	1,608,783
2012	86,660	283,208	486,009	574,174	749	1,430,800
2013	104,241	298,622	532,429	577,276	1,545	1,514,113
Total	1,034,028	5,497,810	10,114,356	10,023,487	129,205	26,798,886

B. FAIR HOUSING SURVEY OPEN QUESTIONS

FEDERAL, STATE, AND LOCAL LAWS

Table B.1
Where would you file a complaint if you felt that your fair housing rights had been violated?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
<p>Ccrd or an attorney ? Good question. Absolutely Action Center administered by HUD AG office. An attorney An attorney or the Colorado Division of Housing Boulder County Legal Aid Boulder County Legal Services CCRD CCRD, HUD CFHA CHFA or Denver Housing Authority City and County Housing Dept. City of Boulder Housing & human services City of Boulder's Human Rights Division City of Boulder's Office of Human Rights city of longmont City of Longmont community & neighborhood resources Co State Civil Rights City of Boulder Human Relations Office City of Longmont Community Services. Civial rights Division civil rights Civil rights Civil Rights division, Denver metro fair housing Colorado Civil rights commission at 30894-2997 also the Fair housing hotline. colorado civil rights division Colorado Civil Rights Division Colorado Civil Rights Division and hud.gov Colorado Civil Rights Division or Denver Metro Fair Housing Center Colorado Civil Rights Division or HUD OFHEO Colorado Department of Local Affairs Colorado Division of Civil Rights Dept of Housing and Urban Development (HUD) Colorado Division of Civil Rights Colorado Division of housing Colorado Fair Housing Colorado Fair Housing or Legal Aid Colorado Housing Authority Colorado Legal Services Colorado State Department of Human Services Community and Neighborhood Resources division with the city County housing authority Courts Denver Housing Authority, perhaps Denver HUD Regional Office of Fair Housing Denver Metro Fair Housing Center Denver Metro Fair Housing Center HUD Denver Metro Fair Housing Center, HUD, Colorado Civil Rights Division Denver Metro Fair Housing; HUD; Legal Aid Department of Regulatory Administration Depending on the specifics CHFA, DOLA, DORA, HUD or The Legal Center. Depending on what has been violated - if they are disabled I would refer to Colorado Cross Disability Coalition...can always refer to HUD Dept of HUD Dept. of Local Affairs Division of Housing Division of Local Affairs DOH DOLA DOLA, DOH</p>

DVR
 EEOC
 Either HUD/Office of Fair Housing or the Colorado Civil Rights Commission.
 fair housing
 Fair Housing
 Fair Housing HUD/Dora
 First, perhaps to an office like mine. Second, to the Colorado Division of Civil Rights
 Hot line
http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination
 HUD
 HUD - Colorado Division of Local Affairs.
 HUD and Colorado Division of Civil Rights
 HUD fair housing hotline; Colorado Civil Rights Commission;
 HUD FHEO
 HUD Offices
 HUD or CCRD or attorney
 HUD or State local fair Housing
 HUD website online discrimination form
 HUD-FHEO; DORA Denver Metro Fair Housing Colorado Legal
 Hud.gov fair housing
 Human Rights office
 I don't know.
 I DONT KNOW
 I would research and figure out where -so once I researched it just now I would send them to (800)669-9777 HUD .org
 In my case being on Section 8 I would start with my housing worker.
 Jefferson County Human Services
 Legal Aid
 Legal Aide
 Legal Assistance Sites
 Legal Center For People with Disabilities
 legal services
 Legal Services
 Legal Services and Fair Housing in Denver
 local housing authority or HUD
 local housing authority or state agency
 Local HUD office of Fair Housing and Equal Opportunity
 Local HUD office or the local housing authority
 Longmont Housing Authority, A Realtor who is a friend.
 No Place, they do not resolve anything
 not sure
 Not sure if it would be state or federal gov't agency, would have to do a little research to figure it out
 Not sure locally. Would also likely direct someone to the Division of Housing.
 office of Civil Rights
 Refer them to HUD fair housing office or state civil rights
 State agency
 State of Colorado Division of Housing
 State Office of Civil Rights
 Tenant/Landlord Hotline
 The City offices
 The housing website of their jurisdiction
 The Hud office in Denver.
 The Legal Center
 The Legal Center for people with disabilities
 Their local politician. The state.
 There really is no good place. I do know that sometimes they reach out to people with mental illnesses
 To Fair Housing Information at 1-800-669-9777
 To HUD and the Colorado Civil Rights Commission
 To the Department of Housing
 To the regulatory agency appropriate to the act
 U.S. Dept of Housing and Urban Development
 US Department of Housing and Urban Development
 US Department of Housing and Urban Development 303-672-5437
 USDJ
 WE have a mediation program within our local government that we can refer, websites, state agency DOLA,
 website for fair housing complaint
 Wow. I don't know.
 yes
 Yes

Table B.2
What “Other” type of Tenure?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
Administer housing services to consumers adsf agency Agency Banking: Compliance Division Manager Case Worker Community Development Planner Community Development Planner - oversight of City AI complete survey as professional CSU Housing DDRC Educator HCV Program Coordinator Housing Authority Housing Authority Director Housing Authority Employee Housing Coordinator landlord live with someone who is a homeowner Manage Apartment Communities Management Company non-profit service provider Property Owner, Developer, and Manager Provider Quasi City government entity Real Estate school and property management firm owner Realtor Section 8 HCV Provider Section 8 Housing Administrator Section 8 voucher administrator Town employee

Table B.3
How did you become aware of fair housing laws?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
10 years in subsidized housing programs for individuals with disabilities. 10 years of CDBG and HOME administration, attended Fair Housing trainings ADA advocacy class and certification Administer a CDBG program so I am very familiar with the requirements associated with the law. Administer HUD funds. Assisted w/Section 8 housing and Shelter Plus Care consumers associated w/Mental Health Partners for 2-yrs. Based on profession Been in the real estate industry over 30 years and been an advocate long term. Also very familiar with the At Home With Diversity Program through NAR Bi-annual training Bi-Annual Training Books, guides, internet, lectures/presentations, etc. By administering Federal housing programs for the past 38 years By my personal experiences as a consumer. City government classes and work environment DHA must adhere to OFH in provision of our policies and program administration DOH, DOLA trainings Education through the Apartment Industry Educational offerings, attorney reviews for REALTOR organizations From relatives having concerns as renters. Have completed a couple Advanced Fair Housing certificates. Hearing barriers staff having in helping families with housing issues helping to finance low income housing tax credit projects I am a housing coordinator I am a housing coordinator and also a property manager. I have taken numerous fair housing compliance trainings. I am a lawyer by training and I work in affordable housing.

I am aware from experience that no matter how good the laws may sound, they are poorly enforced.
 I am executive staff at a Realtor Association
 I am physically disabled and Section 8 recipient
 I direct a disability rights organization, have had trainings and read about the law over the years
 I don't know a whole lot about them, but I know that our attorney has mentioned them when we have had cases proposing age restricted housing and with group homes for various types of people.
 I have advocated for people with disabilities on housing issues for many years.
 I have been a Housing Coordinator for over 15 years
 I have been in multifamily property management for 15 years.
 I have gotten training on Fair Housing.
 I have learned from the duties and responsibilities of my position at a housing authority.
 I have taken classes from Hamrick Tschetter Sulzer and during a point in my housing career processed evictions. That knowledge was very important.
 I have worked in the Housing industry since 2007, first with an affordable housing nonprofit working with an affordable homeownership program and now with the City of Boulder's Division of Housing. I was a lead researcher on the Analysis of Impediments to Fair Housing recently prepared for the Boulder/Broomfield Regional HOME Consortium.
 I instruct real estate classes involving fair housing
 I know you cannot deny ppl on basis of race, disability, etc. I know that you are allowed therapy animals if needed. I know there is help out there if your landlord is not keeping property up, etc
 I read some of the laws, trying to find how to get low-income housing
 I teach new member orientation to new licensees becoming REALTORS and I am Chairman of the Board of the Colorado Assn. of REALTORS
 I was a renter in section 8 for 2 years
 I was the lead researcher working on the Boulder/Broomfield Consortium's Analysis of Impediments to Fair Housing
 I work closely with buildings that are subsidized by HUD. We have a division within our city organization that addresses fair housing concerns. I also assist with mediation in regards to landlord/tenant issues. Work with ppl on housing choice vouchers.
 I work for a No-profit organization that tries to help disabled Folks get limited sometimes not fair housing
 I work for a PHA that has housing Section 8 vouchers and work in all aspects of that field.
 I've done research, attended trainings, etc.
 Information on HUD website.
 information provided by property managers and other landlords
 Information provided to clients
 Job
 Many hours in workshops 28 years experience in government housing.
 media and research
 Multiple real estate classes
 My knowledge is limited in that I know to go to the DOLA website and find a link to Fair Housing if the need arises.
 My new job.
 New Employee at the local housing authority and learning about fair housing for my job position
 Numerous trainings through work conducted by Housing Colorado and Colorado Civil Rights Division, and interaction with/presentations by the Denver Metro Fair Housing Center and our HUD FHEO rep.
 On the job training
 Our agency provides a range of housing programs that requires fair housing knowledge, i.e., Section 8 Housing, Housing Rehabilitation, Mutual Self-Help Housing, Housing Counseling
 personal research
 Real Estate License
 regulatory requirement banking industry
 Responsible for Loveland AI.
 Retired real estate broker
 Review as related to work requirements
 Rural Development training in Colorado Springs in 2014.
 Seminars
 Service provision
 several workshops, plus length of time in industry
 Somewhat familiar given discussions on prioritizations for certain populations in supportive housing communities
TALKING TO FRIENDS
 Thirty years ago I was a lender and now work with HUD on various programs.
 Through administration of zoning law in my job.
 Through discrimination practices over the past 50 years.
 Through HUD and DDRC
 through industry conferences and legal firms
 Through my job
 Through my position in working with Section 8
 Through my previous position at the City of Loveland.
 Through my work and by going through the processes of buying and selling homes
 Through my work with HUD AI work and eCon Plans.
 through my worker at an ILC
 through training as a real estate agent
 Through training obtaining real Estate brokerage license.
 Through various trainings, though it has been many years ago
 Through work
 Through work with colleagues who do landlord tenant mediation.
 Training classes and read various fair housing rules and regulations.

Trainings
 Trainings over the years as a housing coordinator
 Was always aware of them but had to study them in detail for work.
 Was very active in fair housing years ago
 With work, we need to know the laws.
 work
 Work in housing, completed Fair Housing trainings and am currently working to update our organization's Fair Housing Policy.
 Work related
 Work with CDBG, Analysis of Impediments study
 Work with housing authority and property management
 Worked for government in a past job.
 Worked to provide housing to disabled individuals and families.
 working as a residential Housing Coordinator
 Working for a housing authority and vaguely as a renter in my personal life before working in this industry.
 Working in the Section 8 arena.
 Working with HUD Section 8 vouchers
 Working with individuals who have a housing voucher.
 Working with Section 8 programs.
 Years of renting.

Table B.4
How should fair housing laws be changed?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
age Age ALL THE GROUPS I WROTE IN QUESTION 8 ABOVE Elderly Folks that are on Section 8 or need disability access or have service animals and those with POAs or someone that lives with them such as a parent or child Should be exempt from just being tossed out because the landlord is greedy and wants more money or doesn't want to do the Section 8 paperwork that keeps them honest!!!! Former inmates Gay & Lesbians, Non-English Speakers, Elders, Elders w/Disabilities, Low Income Individuals/Families, Section 8/Housing Choice Holders Gender Gender groups, families Gender Identity gender identity, sexual orientation, weight, gender nonconforming, LGBTQ I do not know- I think that there is a wide variety of groups covered I do not think groups already in statute are adequately protected If not already included sexual orientation Income Source, though I know this is difficult to enforce because there are legal avenues (credit history) that can often be cited as reasons for denial of housing. Individuals on public benefits known as SOI or source of income as a protected class. It would seem to me that the law should protect all people from discrimination and/or unfair practices LGBT individuals should also be covered. Low-income households Military Status People who have economic challenges such as those making minimum wage, unemployed and homeless poor and indigent Same sex couples See above Sex offenders, who cases are inactive - no current offenses and following all required established guidelines. Sexual identity Sexual orientation Sexual Orientation sexual orientation married status heritage Sexual Orientation, Gender Sexual orientation, gender identity Sexual orientation, marital status (if not already) sexual orientation, transgender Sexual orientation; gender identity, mental health, addiction, non-violent sexual offender, people with felonies who have served out their terms Single parents Source of Income Source of Income, though I think enforcement can be tough. Often the candidates who are discriminated against due to source of income have other factors that make them less qualified candidates (e.g., credit history). The State should have a discussion about source of income, and whether or not such a protection is needed in the Balance of State

LOCAL FAIR HOUSING

Table B.5
Are there any specific geographic areas that have fair housing problems?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
<p>All of Colorado. All. anywhere that works with those individuals/families that have felonies, sex offenders, other criminal background but have since done better for themselves Boulder - but landlords are educated and careful to give other reasons for not renting to an individual who is low income and disabled, also see some discrimination on race. Boulder is a particular problem, but there are problems everywhere Colorado is not perfect so I'm sure there are, I'm just not aware of specific areas DENVER Denver and ski areas Denver metro area and suburbs, but no where near as bad as most other cities, especially o the east coast Denver's lack of availability of safe, affordable and accessible housing for people with disabilities. Also, statewide a lack of housing availability for former felons. Front Range The housing payment standards do not keep with the trend of the rental market. There is very little rental market available to the low income people High income suburbs. Except for Denver and Adams counties and the City of Boulder (affordable rentals), suburbs do not provide for affordable housing I read about the issues uncovered by the Denver Metro Fair Housing Center, although I suspect similar issues are occuring in other areas of Colorado. In and around Boulder, Broomfield and Jefferson counties there is a severe shortage of affordable housing for those consumers that have a HCV and because they can charge higher rent to those who don't have a voucher. metro area Metro Denver area (7 counties) have a lack of affordable and accessible housing, particularly for very low income individuals. NEAR DOWNTOWN DENVER THERE IS NOT ENOUGH HOUSING FOR LOWER INCOME PEOPLE northeastern colorado Not enough affordable rentals in Longmont/Boulder area and no middle class home for sale. Rural areas and high cost of living areas. Rural regions throughout the state. ski towns, Boulder Some were reported in the Denver Metro Area</p>

Table B.6
Please share any additional comments.

State of Colorado
 2015 Fair Housing Survey Data

Comments:
<p>EXTREME lack of wheelchair accessible housing. Getting worse. Lack of knowledge of the law with HOAs fair housing is beginning to be segregated to areas that only can afford it. We need mix use in the urban corridor. Developers need to have diverse construction (accessible and affordable units) to help balance our communities I think Fair Housing is a mixed bag. There is a lot of abuse of the laws by people, and there is a lot of confusion. Sometimes laws have unintended consequences that make things worse, no matter the good intentions. I would need reasonable accommodations for effective communication to be able to speak to somebody in have the additional comments put into writing because I am unable to do so because of my disability Individual Landlords are the least informed of fair housing laws. more trainings on fair housing laws would help orginazitions like ours in a big way most of my answers were I don't know I think due to lack of general knowaldge in this area One area that could be addressed better is outreach and education funding these efforts in addition to collaborative partnerships with local governments and advocates. General community education regarding Fair Housing and harassment in areas that experience neighborhood demographic change Our agency would welcome educational opportunities as it relates to Fair Housing as we deal with housing issues on a daily basis. In 15 years, there has been no outreach from the state level. please feel free to read our analysis of impediments. it is posted on the city of boulder division of housing website. The smaller or richer the area the more the police and government bodies push us away. We are also unfairly charged with crimes we DO NOT commit in order to have more excuses to keep us away... There is a lack of outreach and education to rural areas of the state. Most is directed toward larger cities. There is a problem with service animals. Everyone has a service animal now, I mean EVERYONE. There needs to be something done with this law. We really need a regulatory body that has teeth and can really enforce. CCRD is not effective and is not interested in disability discrimination.</p>

FAIR HOUSING IN THE PRIVATE SECTOR

Table B.7
Are you aware of any questionable practices or barriers to fair housing choice in the rental housing market?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
<p>- Private landlords excluding people who are perceived as "other" by raising rents; - Not providing the same information to all potential applicants for units, - Segregating by familial status See - "Access Denied: A Report on Rental Housing Discrimination in the Denver Metro Area." Denver Metro Fair Housing Center. Feb. 2014.</p> <p>A knowledgeable landlord can get around Fair Housing law.</p> <p>accessibility, FMR can't compete in the current market putting voucher holders at a disadvantage</p> <p>affordable and accessible housing for people receiving income through Social Security.</p> <p>Application fees, credit check fees, background check fees, deposit practices</p> <p>Clients with big families are often turned away because landlord is worried about damage cost</p> <p>Credit checks Overzealousness re criminal background checks Landlords not wanting to take section 8 Refusal of reasonable accommodations for disabled Failure to take action against people who bully and intimidate disabled Income source</p> <p>Difficult for disabled folks to get accessible units - mismatch.</p> <p>Discrimination and the attitude that everybody does it, so it's okay.</p> <p>Discrimination by all types of housing providers and state and local governments , failure to have appropriate HUD FMR, must require more affordable housing.</p> <p>Discriminatory treatment of Spanish speakers (example: landlord in Westminster refused to move Spanish speakers after a fire destroyed much of the apartment building in 2014), lack of accessible housing and accommodations for persons with physical disabilities, current evictions disproportionately impacting lower income Hispanic families (see Denver Post article on 3/15)</p> <p>DMFHC Report identified different treatment for people in different protected classes looking to rent.</p> <p>Enforcing ADA requirements</p> <p>Families from Mexico feel discriminated against. or those with housing vouchers</p> <p>I am on disability. I had an apartment at Buffalo Run Fort Collins. I couldn't afford to live there and eat even though I was paying Buffalo run half the going rate. My parents helped me out. The woman who helped with Section 8 housing said they denied me coverage because I should receive money from my parents because it was unfair to other recipients of funds for housing. I also had trouble because we caught them stealing from the mail that they insisted they pick up. It was an order of Valentine candy that came through the mail and when I picked it up a box was missing from the order. My father saw the UPS guy come to their office and went in after the UPS guy had left and they(Buffalo run staff) told him they had no candy. We checked with UPS and he had delivered it when my father saw him. So my father told the police asking them not to say who was accusing them. And the police failed to do that. The woman who was in charge got annoyed with me and said I called her to complain of insane matters. And she refused to renew my lease.</p> <p>I have heard individuals say they were denied housing based on their ethnicity and also mental health. What about post prison completion, ie a felony.</p> <p>I have heard of discrimination regarding rental housing when someone from certain ethnic groups or countries makes phone inquiries regarding vacancies.</p> <p>I have heard, in preparing our analysis of impediments stories of discrimination, for example, placing non Latinos in one building and Latinos in another building. Also, the 2014 study by the Fair Housing Center found some intense cases of fair housing discrimination throughout the Denver Metro Area, though their sample size was small.</p> <p>It depends. Smaller landlords tend to be less informed about reasonable accommodations than larger property management organizations. We've heard of delayed repairs/repair refusals; excessive deposits; unreturned security deposits, predominantly from limited English populations.</p> <p>It is currently a landlord's market so it is difficult to prove, but I see people denied housing and believe that it is because of race and/or socioeconomic status</p> <p>Lack of fair housing</p> <p>LANDLORD OR MANAGER GETS TO PICK WHOEVER THEY WANT TO RENT TO</p> <p>Landlords still find ways to deny based on race by using other subjective criteria.</p> <p>Last year's Denver Metro Fair Housing Center report (sent in Spring 2014) exposed a very common practice of housing discrimination by rental property staff, based on race and familial status at least. Also, during our interviews in Longmont, we learned about one property where Latinos were placed in a separate building from non-Latinos.</p> <p>More of a suspicion - many rental units, especially in Downtown Denver - appear as though they are being held off-market or advertised for outrageous rents according to Zillow, Realtor.com, etc., even though there currently is an acute rental shortage in the Denver metro area. One possible reason for the rental market being so out-of-balance might be because of discrimination but it is difficult to know for sure.</p> <p>National Origin, sexual orientation, disability, race/color</p> <p>No oversight by the State.</p> <p>Often potential tenants are not told why they have denied. Subtle and not so subtle discrimination occurs every day. Homeowners have more rights than renters.</p> <p>Overall, landlords are no longer providing opportunities for an HCV recipient to rent because the rents have increased so dramatically. All of our clients are developmentally, physically or otherwise disabled and many will be displaced due to property owners/managers refusing to renew leases, specifically those that are on housing.</p> <p>Purposely raising the rents so that people that are low income and/or section 8 can not afford to live there. Refusing to clean up an apt clean/new carpet and paint etc before a low income section 8 person moves in. Having a heating element instead of a</p>

stove/oven, not having a refrigerator in a single dwelling unit. These all should be illegal!!!!

Quite a bit of refusal to rent to families with children, also requirements that income must be 3x rent amount

Refusal to rent based on prior felony convictions.

Refusal to rent due to a Housing Choice Voucher (Payment Source)

refusing of citizens w/criminal backgrounds which do not reflect current situation i.e..-crimes comitted 10+ yrs. ago

Refusing to rent to families with children; refusing to rent to persons with service animals or allow service animal period; refusing to rent to large families;

Renters try to get around letting people in an apartment who had section 8.

Some landlord seem to subtly discriminate based on sexual orientation.

Some Landlords refuse to rent to disabled tenants. They always give other reasons for not renting to the tenant, but it is apparent that many times it is because the tenant is disabled.

Some landlords won't rent to disabled families, though they are careful and couch their denial in other terms.

There are still some areas within the state that discriminate based on race, religion, age, sexual orientation. It is less than 10 years ago and far better than 20 years ago so improvements have been made. We are not yet at 100%.

There have been issues with landlords not wanting to rent to people with children. They state they are going to make their property for elderly only.

When housing is refused by a language barrier that can lead someone to believe it comes from a racial bias.

With housing being soo limited I've heard of cases where Landlords have refused consumers in wheel chairs because they didn't want to accommodate.

Table B.8
Are you aware of any questionable practices or barriers to fair housing choice in the real estate industry?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
<p>Again, this is less than in the past but there are still some issues in particular with race and sexual orientation in some areas. As above.</p> <p>Currently in the Boulder market, buyers are being asked to write letters to sellers to explain why they deserve the home over other buyers. This tells the seller in great detail the makeup of households and threatens to expose protected classes and makes it easier for sellers to discriminate.</p> <p>Generally they seem to know the law and follow it; assuming you meant real estate agents by this question.</p> <p>homeowner association problems and controlling real estate especially condos and townhomes income source issues</p> <p>I have encountered landlords that do not want to rent to families with children. I have explained about the fair housing laws.</p> <p>I have heard from several sources, including a neighbor and a Denver Post article, that the market is so crazy that prospective buyers are told by their realtors to write letters describing why they deserve the house. It's kind of icky and it puts protected classes at a disadvantage.</p> <p>I have seen some discrimination regarding marital status and sexual orientation.</p> <p>Many properties in our areas designate certain units to families with children</p> <p>No oversight.</p> <p>Normally one is qualified for a certain amount depending on the debt to ratio. Then they are provided area where they can find a home for purchase around the amount they have been approved for and in some cases less or more.</p> <p>Not enough accessible units are being built.</p> <p>Only offering available apartments to those who don't have a HCV.</p> <p>Realtors showing people of particular race/ethnicity only certain part areas and especially low income.</p> <p>Refusal of low income or subsidized housing but not stating as such.</p> <p>Refusing to disclose Section 8 grants to the low income. Refusing to work with low income people should also be made illegal!!! see I have heard this.</p> <p>Some brokers only show housing in certain areas depending on class of buyer, such as avoiding ethnic neighborhoods for white buyers. Not enough</p> <p>Won't rent to disabled or many other protected classes, refuse accommodations such as service or assistive animals or other.</p>

Table B.9
Are you aware of any questionable practices or barriers to fair housing choice in the mortgage and home lending industry?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
because they usually have lower incomes credit check issues especially if they have Section 8 have heard of higher interest rates for minorities HMDA data shows disparities in lending practices for some protected classes. I have heard complaints that some mortgage companies refuse to give loans to single women or disabled individuals. I have seen and heard of people getting unfavorable interest rates based on race and heritage. I reviewed mortgage origination data and found discrimination. I think rate discrimination happens but I wouldn't be able to prove it It depends. Subprime/foreclosures hit northeast Denver hard, and disproportionately impacted African American and Hispanic households. Longmont had predatory lending situation for Spanish speakers. Look at all DOJ settlements with banks and even what occurs in our state. Or simply read the financial section of any major news publication. predatory lending as reported in the news Preditory lending. See above See CCRD's predatory lending study from 2007/08. Socio-economic inparticular as well as those with disabilities. Some lenders just get "too busy" all of a sudden. they usually have lower credit scores and income which makes interest rates higher and requires MIP which is expensive. FHA regulations hinder sales to low income buyers by requiring multiple repairs and inspections and appraisals lower than the lowest market values. THIS HAS BEEN IN THE NEWS When people whether it's a language barrier or literacy level feel they are taken advantage of when they get higher interest rates. Yes. I looked at HDMA data and found differences across nearly every racial category and Hispanics. Only Asian did as well or better than whites in Boulder County.

Table B.10
Are you aware of any questionable practices or barriers to fair housing choice in the housing construction or accessible housing design fields?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
accessibility Accessibility All the rentals I have seen have very narrow doors and steps to the entry Barriers for disabled individuals who have home health care pressured to go into assisted living or being told that they can not live on their own. Hostile environment when their is a demographic change, more Latino or Spanish speaking senior move into a mobile home complex and harassed about the number of family members that visit. cost more to build an accessible house Developers and builders do not always comply with accessibility standards and there is no designated government oversight to ensure that they do, it is not included in local building inspections. failure to build using universal design (but this is not required) they also often do not build for required access Haven't heard of any persistent bad actors intentionally violating ADA. I have actually noticed that the new developments that are going up are very nice and also allow low income to moderate income families to rent these unites. Prime example the units right across from the women prison on smith road are very nice. It is extremely difficult to find available accommadations for those needing wheelchair accessible units or availability of modifications that are needed for disabilities. Knowing full well that they are required to have so many units in each new building that are for low income and either refusing to supply them at time of being built. Or giving someone with section 8/low income small windowless pie shaped dwellings they wouldn't otherwise be able to sell/rent. Making the section 8/low income have a back door entrance ONLY into the building where they live. No access to swimming pools rec areas etc... Discrimination against single disabled folks having the right to get a habitat for humanity home. Soon I will become homeless again because Denver is too cheap to build decent low income housing in decent locations around Denver. I live below poverty in the Denver area strictly because of discrimination and prejudice. I have been refused the right to earn a fair wage equal to my education, knowledge and experience. Lack of accessibility Many homes are built the standard ways More and more I hear requests for universal design. Multilevel rentals with no elevator access and narrow doorways. new build properties are not designed to be handicap accessible with ramps one level bathrooms large enough for wheelchair access to the toilet or shower New rental complexes (Announce as having Accessible units) built with narrow doorways that do not allow wheelchair accessibility.

No available housing for middle class income.
 not enough universal design builders need to provide more accessible units
 Not offering enough handicapped housing in senior living facilities. Renting handicapped facilities to non-disabled tenants therefore taking handicapped housing off the market for disabled people.
 often ppl in the construction and design business ignore the "aging in place" concept that can not only help elders but ppl with disabilities. Making homes accessible is very important.
 Sometimes contractors/designers aren't knowledgeable and people just don't think about things like curb cuts, etc. on private property.
 The building of moderate to high end apartments. Where is the affordable housing?
 they are old apartment complexes .
 While the Fair Housing Amendments Act requires builder to build apartment complexes and condos with accessible units throughout and all ground floor units, many are designed so that people with mobility impairments can't move into them. There is a failure to enforce accessibility on the part of planning departments and building inspectors.
 YES WHERE I LIVE, THE APARTMENTS ARE NOT WHEELCHAIR ACCESSIBLE
 Yes,Sad but, true

Table B.11
Are you aware of any questionable practices or barriers to fair housing choice in the home insurance industry?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
Going through this right now with Loyd's of London and left American Family Insurance for the exact same thing that I am about to leave Loyd's of London for and that is they treat minorities very different. I am not black, but disabled. I do know that the areas we are subjected to live are in the worst neighborhoods out there and as a result we pay higher insurance. I have seen higher rates charged to certain ethnic groups based on familiarity with the english language. I have'nt heard any instances of this but, I'm sure it takes place If you make a claim with your home owners insurance there is a likely hop that you will be dropped from that company. Insurance agencies can not issue insurance to small communities that do not have mail delivered to their home address. Mail is delivered to a PO Box. once again language and literacy levels impact people looking for a fair market in this industry. Overcharging. Rental insurance may be more of an issue.

Table B.12
Are you aware of any questionable practices or barriers to fair housing choice in the home appraisal industry?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
This reminds me of the gentrification they did in the Parkhill and Eastside are of Colorado from Quebec all the way down pass Downing which is very sad but true since the property values are going up they are kicking the minorities out. It's sad but my grandmother lives on 3017 Vine and some of the new residents that moved in the area were walking by her home while we were sitting on the porch and actually stated "it will be nice when all of them are out of here" I thought wow and had the never to state that while in our presents and letting their dog go to the restroom on my grandmothers lawn. Always! especially in URBAN neighborhoods Areas with a high concentration of Hispanics tend to appraise lower than other areas with similar houses. But do not doubt it particularly in Colorado with the discrimination they have towards the disabled. From personal experience, I had an appraiser tell me that my home was worth less than it would have been in another area of town because of the average age of the people living in the neighborhood. Gentrification. I am sure they consider the area that the home is in lower values in black and hispanic neighborhoods no specific knowledge but am sure they contribute to redlining and gentrification Probably but dont know Redlining

Table B.13
Are you aware of any questionable practices or barriers to fair housing choice in any other housing services?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
Denial of rental for former felons. Giving preferences. HOA Lack of adequate communication regarding the local Housing First Project regarding the selection process, the waiting list process, etc. Landlords refusing to accept Section 8 vouchers, thus discriminating against those reliant on public benefits to pay their rent. In fairness this is due in part to the reduced FMR being used across the area and the extremely high rents in the area. Most housing complexes that accept Section 8/Housing Choice Vouchers, are built on specific, poor and dangerous areas of the city; and nice, quite, clean housing do not accept them. Not allowing for reasonable accommodations Not renting to Housing Voucher Programs Purposely skipping over areas we could rent. Refusing to uphold section 8 rules and regulations. When I look up the rules on the computer and show them to the Section 8 Director here in Denver, all she could say was they were out of date or imply that I could not read or understand the rules. I have a Master degree DU refuses to grant me even though I finished the program on Grants and scholarships. Rental screen process criminal background and credit checks, concerns regarding equity and application fees. Landlords asking that tenants have to speak English Renting to section 8 voucher holders is a problem in a competitive rental market. This is not a protected class, but maybe will need to be to ensure vouchers are usable. See above SOME AREAS ARE TOO EXPENSIVE FOR AVERAGE INCOME PEOPLE TO RENT IN Some housing authorities and non profit housing providers discriminate by not allowing reasonable accommodations, or by creating rules that are impossible for disabled to follow. Also, by requiring all disabled people to join programs like Move To Work is discriminatory against those with high medical expenses The only accessible rentals I have seen are in dangerous neighborhoods. There are some large companies who manage most of the properties. This can be a problem for renters. Updating/ remodeling of older buildings w/o including wheelchair access.

FAIR HOUSING IN THE PUBLIC SECTOR

Table B.14
Are you aware of any questionable practices or barriers to fair housing choice in land use policies?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
An officer was called to my home due to the Roof Doctor causing damage to my roof and I was advised by my insurance company American Family and the present adjuster to call the police and file a report and the officer refused to do so stating it was a civil matter but had I been a different nationality the report would have been taken. Cities in the metro area refusing to adequately zone for multifamily housing (Cherry Hills Village); lack of regional planning by DRCOG (no affordable housing factor in scoring); growth controls (Boulder) Definition of family, occupancy limits Development codes Each cities planning / zoning HOA rules I agree with some policies that concentrate multi-family housing. I CAN SEE THIS WHEN I DRIVE AROUND HERE I think land use and zoning practices routinely restrict the location of multi-family rental properties and I think municipalities often shun affordable multifamily rental projects from certain redevelopment areas If there are any it is probably to keep us out of the nicer areas and put us only way away from decent neighborhoods or neighbors. lack of SRO's. Difficulty siting low income housing Local governments tend to be swayed by citizen input when considering zoning changes Most housing complexes that accept Section 8/Housing Choice Vouchers, are built on specific, poor and dangerous areas of the city; and nice, quite, clean housing do not accept them. Nimby still exists. NIMBYISM everywhere and criminalization of homelessness and severe segregation which starts with discriminatory zoning. not enough affordable/accessible units per construction Once again, a suspicion - here it seems that at least some multifamily projects that may have received public funding for affordable housing, for example, are being built in brownfield or other such potentially problematic areas. My concern is that there will not be proper disclosure of the history of a given property to future tenants. Additionally, there are rumors that developers are skirting affordable housing rules in order to build more luxury units.

Rich developers are coming in and buying property to High Priced housing on it and not affordable housing
 There is still a strong NIMBY sentiment that inhibits housing for people with disabilities.
 Transit oriented developments restrict what can built
 Zoning for manufactured housing parks.

Table B.15
Are you aware of any questionable practices or barriers to fair housing choice in zoning laws?
 State of Colorado
 2015 Fair Housing Survey Data

Comments:
Definition of family, occupancy limits Development and zoning codes. Group homes are controversial in many neighborhoods, approval and disapproval is often subjective HOA'S rules I am sure they exist I assume they figure Group homes make the property go down?? In Denver neighborhoods are allowed to decide if a homeless shelter can come in the area and set punitive rules around the processes and conditions IN THIS, PEOPLE WITH DISABILITIES DO NOT WANT TO LIVE WITH ALL PEOPLE WITH DISABILITIES LIVING BUNCHED UP TOGETHER, DIVERSIFIED ZONING IS A GOOD THING, It would be nice if cities were more open to rezoning as needs change and arise in the community. limitations on affordable housing, multi-family housing Limits on number of unrelated individuals living together need more affordable housing Neighborhood opposition. NIMBY continues to be a challenge in the Boulder community. Residential treatment programs for persons with mental illness or addiction struggle with their neighbors for the right to be. Placement of emergency homeless shelters near residential neighborhoods Restrictions that a group home cannot be located within 750 feet of that same type in Residentially zoned areas. See above... We do not all belong in Group homes. We deserve decent housing and not in group homes or nursing homes. State law mandating group homes be allowed in residential settings defines these as for residents with developmental disabilities only--too narrow a definition, suggesting different rules for other protected classes residing in group homes There is still a strong NIMBY sentiment that inhibits housing for people with disabilities. They dictate where anything can be built

Table B.16
Are you aware of any questionable practices or barriers to fair housing choice in occupancy standards or health and safety codes?
 State of Colorado
 2015 Fair Housing Survey Data

Comments:
A person with a section 8 voucher had strict guidelines about other individuals living with them. This is up surd. Given the housing shortage, have a hearing and consider alternatives. Absence of warrant of habitability laws Been in housing areas where there was rodent & bat feces in the upper levels of the building, inadequate sanitation for the plumbing. Federal Heights, mobile homes parks in parts of West metro Denver and Adams County I have come into contact with immigrant families living in substandard residences who do not feel that they can use existing laws to get the landlord to make necessary repairs because of fear of retaliation or discrimination I live in Phoenix az. during the winter months . there are areas where minorities live in sheds and garages and as many as 15 people in a 2 bedroom home they are rarely inspected Inadequate enforcement in senior housing Its just the POOR and UNDER privileged Limits on the number of unrelated household members cause hardship and discrimination in the City of Boulder for families who are low income. Low income apts are filthy, old, rat and pest infested. Apparently our elected officials feel that is where we belong. Unless a church sponsors an immigrant they will be shoved into poverty level areas. Keep in mind most immigrants have it much better than well educated disabled folks who were born in the USA. No more than 3 unrelated people living in the same household has made some host home situations difficult. Not enforcing codes with landlords in certain geographical areas Not sure but we do live next to the arsenal right off of 56th and they did just install and new water supply pump if that is what it is but I refuse to drink unless it is boiled water I will continue to purchase my water.

Table B.17
Are you aware of any questionable practices or barriers to fair housing choice in property tax policies?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
Housing that accepts Section 8/Housing Choice Vouchers, should not be allow (and be incent) to not ask tenants to remove modifications when the tenant leaves; specially if the modification were made to afford a person with a disabilities' a place to live. I KNOW OF PEOPLE WHO HAVE EXPERIENCED THIS PROBLEM I rent to a disabled individual and do not know of ANY incentives it is not deductibile Regressive taxes that hurt the poor and ethnic minorities. Tax law limits cities' ability to raise tax revenues. No incentive for residential development, particularly affordable residential development That has always been an issue but we are only promised two things and that is death and taxes.

Table B.18
Are you aware of any questionable practices or barriers to fair housing choice in the permitting process?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
English is our language people who live here should know and understand it I don't think its widely known by the public that they can request applications and documents in alternate languages. I have never been offered paperwork in my language It would appears as if Spanish is the new language. Leases in Spanish should be required Not offering written documents on procedures in alternate languages, including Braille. Yes, not addressing cultural differences.

Table B.19
Are you aware of any questionable practices or barriers to fair housing choice in housing construction standards?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
all the time there is a loophole around having to provide the service. Parking for example, handicap parking then removed after CO I do not know the guidelines, but have not found any accessible unit in any new construction. it seems as if there is no clear info on accessibility and no promotion of universal design Lack of realistic guidelines for construction of accessible housing. Lack of wheelchair access with insufficient penalty for violations Seems to me building codes are generally specific and not a lot of room for subjective decisions There is a lack of enforcement to ensure housing is truly accessible.

Table B.20
Are you aware of any questionable practices or barriers to fair housing choice in neighborhood or community development policies?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
All new and old developments should be required to make sidewalks accessible, meaning: sidewalks should ALWAYS be at least 25" - 35" wide with curve cut in every corner, no curve cuts that lead into grass. All over Denver Boulder particularly, neighborhoods fight against low income housing, housing for previously homeless, etc. difficulty siting affordable housing, homeless housing, group homes HOA's I agree with some of these policies. Lack of wheelchair accessible housing need more community involvement neighborhoods creating punitive rules for operators of shelters (what happened at the new Women's shelter run by Catholic Charities was and is degrading and humiliating and treats these women like lepers NIMBY is strong throughout the state. NIMBYism See reference to the challenges in Boulder regarding developers ability to side step maintaining healthier levels of affordable housing in this community. THIS HAS BEEN IN LOCAL NEWS

Table B.21
Are you aware of any barriers that limit access to government services, such as a lack of transportation or employment services?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
<p>All of our clients have a disability and often need to be closer to caregivers and services due to disability and lack of transportation. As far as employment services, local employment agencies are located in a central area and the agencies are not handicapped friendly because the companies they help do not want handicapped people and use the agencies to sort out handicapped people</p> <p>bus system is terrible in Longmont</p> <p>CDOT does not maintain the stretch of Colfax in West Denver and Lakewood to make it accessible for persons with disabilities (uneven sidewalks, poles in the middle of sidewalks, no snow removal). Bus stops are not cleared for snow.</p> <p>Clients living in the mountain communities do not have access to transportation to go down "the hill" RTD only runs once in the morning and once in the evening. Not convenient.</p> <p>Douglas County refuses to join the Regional Transportation System</p> <p>EMPLOYERS NOT WILLING TO GIVE PEOPLE A CHANCE TO BE EMPLOYED</p> <p>Extremely limited public transportation in all counties we serve. In Fremont County, most of the service agencies are on the east end of town with most of the residential areas being on the north, south, west of town. Limited internet access due to being in rural communities - not all communities can afford to install infrastructure for the internet.</p> <p>Government accessibility at the state level. Poor customer service at the state level.</p> <p>in mountain communities</p> <p>know people that don't have cars. Usually don't like to ride the bus</p> <p>lack of access to assistance with housing unless person can follow all sorts of complicated processes or able to manage typical systems. One must be able to stand in line, appear places at 7 am, deal with crowds, and follow directions to even be considered for housing access. Deadlines with no support to meet them, requirements to show up at meetings at specific times and no support to get to the meetings.</p> <p>Lack of public transportation, accessible in routes and times of day for those needing it</p> <p>lack of transportation</p> <p>Lack of transportation</p> <p>Lack of transportation and a overloaded social services system make accessing services difficult..</p> <p>Lack of transportation is a big concern in our office</p> <p>last mile connections of rapid transit to employment areas</p> <p>Need free bus passes for everyone</p> <p>public transportation does not take into account night weekend or holiday workers</p> <p>Public transportation is still inadequate. My spouse works at Denver Health. Disabled at the hospital are often stranded as vouchers given for taxi service are apparently not popular with drivers and they will often not respond or will respond slowly.</p> <p>RTD is a prime example. Refusal to follow DOT rules and guidelines for disability tie downs and accessibility. Our government fathers and fore fathers have let them get away with it for ever!!!</p> <p>The rural regions of Colorado have many barriers for people to access services. Long distances to "regional" services, transportation issues for many people. In several small counties the Workforce Center is open only one or two times a month. There continue to be transportation challenges in our region which unfairly impact persons with lower incomes or other barriers. There is no job training services in Longmont.</p> <p>Town recently eliminated transit services</p> <p>Transportation access is often a barrier but most gov't entities are generally sensitive to this and locate near high volume mass transportation lines</p> <p>transportation funding that will give a very low income person/family bus access for job searching, shopping etc for non-medical use</p> <p>Transportation in general is lacking.</p> <p>transportation in low income neighbors</p> <p>Yes I am the State, DOC and our penal system are in direct connection with hindering our transportation and employment services and the Arie Taylor building is a joke period, point, blank.</p> <p>Yes, transportation especially in rural areas is a serious impediment based on cost.</p>

Table B.22
Are you aware of any questionable practices or barriers to fair housing choice in any other public administrative actions or regulations?

State of Colorado
 2015 Fair Housing Survey Data

Comments:
<p>Access to public transportation is tough on the disabled particularly when it snows. Laws involving making certain sidewalks and bus stop areas are not enforced.</p> <p>Apartments find loopholes for not accepting section 8, such as requiring a person to make double or more of the monthly rent to be eligible.</p> <p>credit checks criminal background checks (there should be some screening based on criminal activity but what is happening goes way too far) Lack of any alternatives for people who are unable to deal with crowds or noise</p> <p>Discrimination in our food stamp programs by cheating people out of their legal entitlements. Also by refusing access to Colorado Food Stamp laws and then refusing to use Federal guidelines that Colorado laws MUST be based on. District Judges do this often!!</p> <p>fair transportation rates</p> <p>Homeowner Associations</p> <p>LIMITED HOUSING</p> <p>LIMITING HUD SECTION 8 VOUCHERS = LIMITS AVAILABLE HOUSING FOR DESERVING PEOPLE</p> <p>Restrictive hours of accepting walk-in appointments at the local housing authority.</p> <p>State government makes no effort to understand communities especially the Department of Local Affairs and the Department of Human Services. There is very poor communication and response at the state level.</p> <p>Yes, everything that is under the Federal Government is hindering the progress of anything in my opinion and I wish one day we were all ran by the Federal Government only.</p>

C. MINUTES FROM 2015 FAIR HOUSING FORUMS

PUEBLO FAIR HOUSING FORUM – MAY 20, 2015

Comment 1: Couldn't this be also, that is where the other resources are? The bus lines are there. The transportation is easier. They are all kind of centered in the middle of the city.

Rob Gaudin: That is absolutely true. I mean there isn't really a good way to map the state's mass transit system, because there isn't such a thing. If we were a community, Pueblo, we would look at the city boundaries and have those issues be able to portray them. If I put a geographic layer with the mass transit, we could see if these dots are on the mass transit line. On the state level, they are very challenging. Particularly in the rural areas in the state there isn't anything. Along this corridor here, yes. When you actually look at the mass transit as it is in the metro area and as you drill down you will see that they do tend to have some correlation with areas of higher concentrations of poverty.

(Presentation)

Comment 2: I think one comment is kind of typical of HUD is you have the Act. What I was thinking of is CHFA allocates points based on certain things. So one of the things that they want is, we have tax credit deals that are in neighborhoods where you might argue one way or another whether they are low- mod- or not, but they are not close to grocery stores, so you don't get any points. They are not close to transportation, so you don't get any points. So the further out not that that occurs in Pueblo, because we don't really have a suburb. It is kind of called Pueblo West, because we are so small. When we do our environmental review we are going to find something when we are doing our environmental assessment. So on one side of the fence we are being told that they have to be close to public transit, hospital, services, shopping, fire protection, all of these things. These are not necessarily fair housing issues if you want to put them in a neighborhood that is where you are going to have deconcentration of poverty. All of a sudden those services are not there, because they need a car and you may do your shopping in town and you go out to where there is no shopping unless you travel. So we tend to concentrate, because that is where services are so people can have a job and they can walk to their job and do these things. So at the same time you will have two different laws that don't work well together, because you move them out and then they get fewer points for being near things. So you sit there and we always come down on the side of providing safe and descent housing. It may not stand up in court, but it is safe and descent housing and it is not substandard anymore. That is for us important for our housing stock, because it is built. Over 50 percent or over 50 percent of our housing stock in Pueblo was built in 1950. It isn't all gentrified Victorians. It is substandard 1902. So we go with kids and families with safe and descent hosing wherever that is.

Comment 3: We kind of to branch off of her comment. The Housing Authority, we cannot build low-income housing tax-credit with the 4 percenters. We have to have a 9 percenter or else we can't make it work. There is not enough tax equity in there to make a deal work for us and CHFA was saying they want all the amenities that come with developments. We have eleven acres of land that we haven't developed. CHFA has said that we are not really interested in another tax-credit property out there, because it doesn't have any amenities. People can't walk to work. It is just not what they are looking for.

(Presentation)

Comment 4: We are struggling with the rental housing market because of the population that we serve in our agency are developmentally delayed adults. So they are definitely the ones that can manage to live independently are getting pushed out of the apartment complexes, because the apartment complex will not accept the Section 8 money. It is just too low for them. They are right now renting a one bedroom apartment in Colorado Springs for \$780, \$790 and it is way out of the budget. The real estate people they are just saying they have to treat everybody fairly so they are charging everybody the higher rent.

Comment 5: I have been seeing a lot of tenants come back with the landlord wants to know how much your voucher is worth? The landlord wants to know how much housing is paying. To me is just they are overpriced and everything is going up. Everyone wants to be at or above market-rate. It is hard for everybody, the tenants to go out and find affordable housing.

Comment 6: We have clients that to be in our agency you have to be tested and have a very low IQ. So it is very and they have to stay in the same place. They are very; they have to do public transportation. They have to be able to walk to the store and the landlords are just pushing them out purposely raising the rates so high and we are really struggling to find places for them to live.

Comment 7: I think they just don't understand what fair market-rate is actually.

Comment 8: They do. These are people who have rented from them for ten years and now suddenly this year they are out. I mean they are good tenants. They have gotten paid, because our agency pays their bills for them. So it is not a situation where they get rent paid. On the first our finance department sends out the money.

Comment 9: Are these existing landlords too? Have you seen a lot of new investors picking up property?

Comment 10: The same landlords. He just knows that he can rent for quite a bit higher. Their compliant to us is it is too much paperwork, which I don't understand. It is not that much paperwork.

Comment 11: Mary can comment on that, but imagine what it is like in Denver where if houses are being sold over the phone. I am sure apartments are being rented sight unseen. So what effect does that have on?

Rob Gaudin: Over the phone and over the internet.

Comment 12: I know that I take a lot of telephone calls from people who are losing their rental housing because the landlord wants to charge what the market can bear instead of what and there are people that have been living there for years. Some of them have Section 8 vouchers and some don't, but they can't afford the kinds of rates that are being charged in the market which are the median rental is over \$1,000.

Comment 13: So when you want to talk about steering. What we are hearing and we get the calls so we hear it about Public Services in Denver. Certainly we get the calls here of we are moving to Pueblo because it is affordable. So now anecdotally what I hear is like CSBG they can't pay the rents in Denver. So you get more bang if you send them somewhere else, but

Pueblo is that somewhere else you send them. So we are seeing that flux of it is not intentional steering. It is not mean spirited. It is not discriminatory, but it is a disproportionate of maybe disabled homeless individuals, because we are affordable and we have certain services. So they are coming and being sent here, because for now we are affordable and for now our vacancy rate depending on which part of town might be 5 or 7 percent, but those are the things that don't just show up in black and white. So disabled population is 21 percent in our community in children and adults. So there is overlap in numbers, but so that those numbers are going to grow because you can get an apartment for 5, 6, 7. That doesn't mean it is safe or descent. It just means that you can get one. So that is going to effect the numbers and it's going to look strange if you are just going to look at numbers, but it is just the reality of the economics of it.

(Presentation)

Comment 14: Until about two years ago we had not had a Fair Housing Advocacy Group that was capable of doing testing. Denver Metro Fair Housing Center is recently added to the mix and we are contracting with it to do some testing, but they are limited basically to the Denver metro area. I don't remember exactly how many. I think it is 5 to 7 counties, but there simply hasn't been a group that was available to do that.

Comment 15: Part of it is for example I know a couple of the Associations of Realtors puts on Fair Housing Training for the realtors. The City sponsored a Fair Housing Training. Most of the people that came to ours were apartment managers and the non-profits that we give money to because we told them they had to as part of their compliance and certifications with the program. I don't and do the people that really need it it is grandma's house and I am now renting it because she died and left me the house. Those are the folks that I think are more unknowingly discriminating, because they see issues and problems and potential lawsuits in the future is you are talking about disabled client or whatever. They don't understand it, but they are the least that are going to come to the training even if you had it. So it is always that. The ones that need it the most.

Rob Gaudin: Remember this is responded to by a group of stakeholders. We are not taking a statical sample of the population. It is stakeholders. Whoever the Department of Local Affairs could contact they sent out an email with this in it.

(Presentation)

Comment 16: So I understand that folks call and they will say I have a voucher and will you accept it and they say no, because they don't want those people living in their unit. So, but what do you do, what is the protection from saying your voucher is only for 550 and I want 750 because I can get it. How do you protect, because you can use that to still say no to those folks. How do you, you may not have the answer, but how do you build that protection in to say that they have a legitimate right to want the most that they can for their units.

Rob Gaudin: What happens in that scenario is that the consequence of the pricing of the voucher causes high concentrations of racial and ethnic minorities. So they wind up going to areas with lower cost housing, less opportunity if you will in those neighborhoods where housing is expensive.

Comment 17: What does that look like? You have worked in other communities, how do you protect and you are pricing them out of communities of choice. So how do you prevent that on private property?

Rob Gaudin: There is some things you can do to increase the value of the voucher like the voucher holder goes through a class to get certified to be a good tenant. You convince the landlords further out from the city, but still on mass transit lines that they are a quality tenant and they also carry a higher value voucher. The problem is when you operate vouchers as the gentleman in the back can tell us probably, you have a fixed pot to work with and you end up having fewer vouchers if you do that. It is six of one and half a dozen of the other. It is very challenging.

Comment 18: So for the source of income protection when we try to approach an apartment complex and say that you are raising the rate \$40 a month for a person who is on a very fixed income is a financial burden. So we ask them to decrease it to meet an affordable rent. Then they are coming back, the apartment complex, saying that it is a financial burden on us for you guys to ask us to take that reduced rate. So the way I see it is the landlords have gotten a little bit savvy with what wordage to use and they could easily check off it is too financially, you know it puts too much financial strain on their agency or their complex to take that low rent. They are kind of off the hook. I would like to see is how do you and the source of income is the whole problem there, but how do you make some stronger laws or stronger statues for the landlords to be able to show or indicate how excepting a voucher really impacts them financially. If they have 1,000 units and they only accept 10 vouchers and now they are cutting those ten vouchers out, how does that impact the bottom line in the end? That is where I think the landlords can kind of write them out because no one is enforcing anything against them if they don't take it.

Rob Gaudin: Conversely, maybe vouchers are underpriced for this market place. Vouchers are and HUD hasn't updated the FMRs?

Comment 19: There is always that lag time where they are looking at rents from two years ago.

Rob Gaudin: Right. You can do the FMR yourself and update and then you get a higher amount on the voucher per person. It is expensive, but it can be done.

(Presentation)

Comment 20: I think a better explanation of and I get tenants all the time who call in and think that they have fair housing issues and I am not quite sure if it is or not. It seems like it is to me and I send them to you guys, but I never really know exactly what to think when they call in with some of these complaints right now. I can't really think of any.

Comment 21: So what we have found, because we are doing our AI for the City for the Consolidated Plan. So last year of the three complaints that were made to HUD, I think all three were dismissed for lack of cause under fair housing. The year before the ones that were upheld was all disability. The lack of making, requesting reasonable accommodation and the landlord said no. Then the complaint was filed, but locally so I think and not maybe all folks know, but locally we have the Human Relations Commission and they handle a lot of mediation in the community, but none of them are housing. So they are all neighbors and police and whatever. They don't have housing complaints and the few that they have had, I am not going to say that they don't have housing complaints; they are not related to any of the

protected classes. It is more like my landlord hates me and he is not nice to me. Landlord/tenant issues, but they are not. So folks know at least we have the office of Civil Rights. We have the local office of the Human Relations Commission. People call our city council members, but they tend to be just tenant/ landlord relationships. Which I know doesn't fall under this, but it would be nice if we had tenant/landlord laws in Colorado that were a little stronger. So in what we see even on our and we have a very low percentage. I think the African-American population of Pueblo fell. I think it is now 1.7 percent. It is concentrated in a neighborhood in Bessemer and that was a historical place for African Americans who came to work in the mill. So it was where the rest of the populations came to work in the mill. Folks tended to move out and the population is shrinking. So we don't have any ethnic concentrations per se, well ethnic yes, but in the sense of national origin or creed and ancestry. We are kind of a little bit different community. We have a lot of poverty and our poverty rate is 23 percent. It is higher than the state level and a lot of disabled individuals and I think higher than the state and the Denver Metro area. We have a little different makeup of our community. It is predominately Hispanic and that portion is growing and the white portion is decreasing. In a lot of ways it looks like the state but we are different. We had our fair Housing Audit fail and one of their issues was that we don't advertise on Hispanic radio or newspapers. We don't have Hispanic newspapers. We have a Hispanic population that doesn't speak Spanish. They are just ethnically and ancestry is Hispanic, but the ones that speak Spanish and you guys can correct me, but they tend to be immigrants. They are not, that is a very small part of the population. So we can't do that outreach through those venues, because with the papers nobody reads it. It is in the Springs and not here. So we struggle with trying to check the boxes.

Comment 22: I think for Rob's benefit which I don't know how much you know about the history. This part of the state in particular Costilla and Conejas counties and the central part here were originally settled by Hispanics.

Comment 23: Spanish land trusts.

Comment 24: So a lot of the Hispanic people that are here have been here for generations. Longer than Anglos have and it sounds like you also have an influx of immigrants as well.

Comment 25: That portion of the community has been growing. The migrant population pretty much stays in the County. Talk about impediments to fair housing as Mary knows for us it is rural and the standard of housing out there, but ...

Rob Gaudin: Do you have colonias?

Comment 26: No.

Rob Gaudin: I know what the federal definition is, but there are communities... renegade developments that are outside that.

Comment 27: I do think that it would be nice to have a source of income protection. I also would like to see more outreach to the bigger apartment complexes of educating them of the benefits of the vouchers and the benefits. I get it right now the markets are high and they can rent lickety-split, but it is going to change. It always does. There was a time when they wanted those vouchers so badly, because it was a good deal. I don't think there is enough outreach to why it is a benefit to the families and the disabled and what this and how this helps the community. I know that we had to do outreach to the landlords when I worked for a bigger housing authority to educate them as to why it was beneficial, but now that the pendulum has

swung they are struggling too about this that the landlords are saying that they have to treat everybody fairly so we are going to raise the rent on everybody. If it happens to push all of you low-income people out so is that. I don't think there is enough outreach to the landlords and benefit to show them. In Colorado Springs we have owners and we have management companies now that are all coming in to manage the apartment complexes and they are so and there are no names with faces. They are just numbers, because the owners. So the management companies blame it on the owners and the owners are blaming it on the management companies to why they can't take the vouchers. I think if they had more education to how it beneficial to families and the disabled they may be more likely to accept the vouchers.

Comment 28: I have been hearing excuses like it is against fair housing. I cannot give your tenant reasonable accommodation and drop the rent \$20. It is against fair housing laws and we are not going to do it. There is no other way around it. That is answer that I have been getting.

Comment 29: That is the landlord's lingo.

Comment 30: I went to fair housing and tried to get an answer as to whether that is right. That there is no such thing as reasonable accommodation to lower the rent.

Comment 31: Not for rent. It is to allow him to live in the property. It is the hand rails, the lights; it has nothing to do with your income. They can discriminate all they want on your income. If you can't pay the rent you can't pay the rent. It doesn't matter what color you are.

Comment 32: There is some basis of fair housing if you look on the internet, like they have security deposits. For someone for low-income they can't come up with if you have to have double. So if your rent is \$500 you have to come in with \$1,000 security deposit. There have been fair housing issues with that and that is discriminatory so they have stopped that.

Rob Gaudin: That would be a reasonable accommodation to adjust that for that disabled individual.

Comment 33: that is what we try here if it is a reasonable accommodation to lower our rent to the fair market rent because of the reasons I stated are clientele is disabled, they have to be on the mass transit, and all the landlord checked was it was it would hurt them financially to do that.

Comment 34: So we have had to go and request higher [payment standards and things like that in order to get them in this unit that fits them specifically better than anything else they are going to find.

Comment 35: The source of income protection, if I am understanding you right, that would help to make it more delineated that you can't just be and you wouldn't have to get a reasonable accommodation, and the landlords that would be another item that they would have to deal with and everyone would have to deal with in fair housing. Is that what you are saying?

Rob Gaudin: Source of Income protection means that they can't discriminate against you because of having a voucher. You still have to pay whatever the rent that they want.

Comment 36: Going back to that. That is a good thing especially if you can provide something on the other end. So if you are and they know that if you have more control over the person

you are putting in there. That they have more training and this is a good client. I think that you could get that through and they could say hey I think I can trust that these and my experience has been that individuals that get this certificate or receive this rating are not going to destroy my unit. They are not going to and all the things that go along with voucher clients or whatever. I know that we try to do and get past the property inspection process where the city inspected all rental properties we charged a fee and the landlord said that when you come and inspect it may be destroyed and why am I going to be penalized. I didn't break it the day before. I have these issues. Some municipalities what they have done is they provided to help the landlords evict faster in order to get them to comply. I think if you do that and we need to bring something to the landlords saying it is not just...

Rob Gaudin: We will protect you or something.

Comment 37: We are going to help you somehow by doing this. This is to your benefit not just...

Comment 38: I think somebody said something about educating the apartment complexes on fair housing, because it just seems to be an excuse for them lately. Based on all of this I don't think they have a good understanding of it at all.

Comment 39: I don't understand how they can say we use fair housing and say that we have to charge everybody the same rent. I have ten clients in one apartment complex and none of them are being charged the same rent. They increased everybody's rent, but they didn't make them the same. Not everybody's one bedroom is \$750, not everybody's one bedroom is \$780. This lady's is this amount and this lady's is this amount and this guy's is this. Yet they are all still using that same lingo. It is fair housing for us to lower your rent for this. I am not sure how that has gotten on their side. There is no protection for the client when they are clearly disabled and they have the voucher and they are the one who should be as protected as the landlord and the landlord doesn't charge the same rent.

Rob Gaudin: I think your criticism is valid and well taken. I am no legal brain trust.

Comment 40: But where would I go with this. I don't know if I should help my clients pursue something and say that this isn't. I don't think and I don't get the impression that fair housing is going to help the clients.

Rob Gaudin: I would say you need to call Civil Rights and ask. Writes it up and do your speech before you call them so you know what you are going to say.

Comment 41: At some level it is clear to me that that is a distortion to what fair housing means, but I can also why landlords think that or at least want to use that tool. They are just into charging what the market will bear.

Comment 42: When we run our downpayment assistance program, we make one standard. You either cross it or you don't. Whether we feel sorry for someone is never in the picture and there are many families that we want to help out, but it is like they happen to be white and I helped them and I didn't help Mr. Martinez and he is Hispanic, but he didn't need the help, but then you have the appearance of and your audit becomes more of an issue. It is just easier to say this is what and that is what they are paying. Some people may have come in at when the market was 5 percent and they did a 3 percent hike so they are paying \$503 and the other one came in at 6 and they are paying whatever, \$618. So the rents are not going to be the

same, but definitely Civil Rights. We have a Civil Rights office here or HUD, but then it falls back on yeah that is really bad, but can we prosecute under the fair housing law?

(Presentation)

Comment 43: I think certainly more at the state level to require some more of that at the realtor or mortgage lending level of licensing. Who is it we don't license? We don't license anybody here do we?

Comment 44: The state license mortgage brokers and now I think we have a state agency. That is through the Department of Regulatory Agencies.

Comment 45: You have the governor he could walk over. I think some of this needs to be required on the licensing level where you are asking the appraisers because there is stuff that goes on there too. So with the appraisers, real estate agents, and lending they are getting their licenses, but there should be some fair housing lending requirement.

(Inaudible)

Comment 46: I think most of the realtors do and I think it is offered locally. So I think unless there is a class and they have to be there and there is a test and attendance gets taken if it is voluntary. I did fair housing counseling and some people slept in the back. So...

Rob Gaudin: They got their continuing education credits.

Comment 47: So they had to go be there and they didn't pay attention. That might be a way to require them to learn about it. I actually, so what happens in some communities and I am from Miami, so you have your pockets of Haitian when they came over they wanted to live in a Haitian community because everybody spoke Creole and there was a local market and they self-segregated by immigrant groups. So you have and we had an issue with a bank and I worked with CRA where we had loans that just weren't working out right. So what we found was there was one Haitian realtor who wanted to make a lot of money who was falsifying 1099s for their clients who had high foreclosure rates. So sometimes it is he wanted to make money off his people and he knew that they would come to him, because they trusted him because he was like them. He was the one taking the most advantage of them.

Rob Gaudin: That is actually a real problem for some communities.

Comment 48: So we could tell them that we could take their license away.

DENVER FAIR HOUSING FORUM – MAY 21, 2015

Comment 1: I just wanted to point out that that basically reflects population density throughout the state and a lot of the places where there are no vouchers they could be living.

Rob Gaudin: No one is living there and vouchers are usually in larger rental buildings and you wouldn't typically put a larger rental building on a well or sewer.

(Presentation)

Comment 2: I think an important point too is that you want things located close to public transportation. So those aren't going to be out in the rural areas. So as you look at this distribution it is all close to major highways, bus routes, etc.

Rob Gaudin: That is true. You would need to actually development maps for each one of these communities including maps for the metro areas and show where those mass transit lines are, but for a state it is really kind of a challenge. To what extent can you influence local policy? Those are all challenges for the state.

Comment 3: What about our non-profit housing providers. Have we been able to track some of them, not the tax credit ones, but just the...

Rob Gaudin: I have not had the addresses for those to create a map to indicate that kind of stuff. If you can provide those addresses to Mary she can forward them to me and we can create a geographic map, because these are all physical addresses that we have received and we were able to attach a longitude and latitude coordinate to them and put a dot on a map.

Comment 4: I think that needs to be included as well.

Rob Gaudin: I am very happy to make some more maps like that.

(Presentation)

Comment 5: I think we are surprised too, because some of us have heard from people who help them for years. I think a lot of the problem with the fair housing complaint process right now in this region is causing a lot of problems. I know people are not being able to get through on their complaints. So, I would say that there are probably a lot more and I would also say for sure the disability ones are way higher than that.

Rob Gaudin: That is my position. Typically the structure of the system is difficult to reach out to especially HUD. You can call an 800 number and wait for a return call or something like that. I am just surprised that there are so few complaints for the state and it is really consistent here. So, I hope that the Civil Rights folks at the state can reply and we will see what theirs also say.

Comment 6: Part of the problem with theirs is they used to have to do a concurrent complaint, but one came up with a finding. I have done these complaints so I know that that is the way that it used to go, but I am not sure what has happened in the last few years. If their data doesn't correspond with what HUD has as far as their filling it could be a little bit...

Rob Gaudin: Agencies that are Substantially Equivalent that HUD has ruled as Substantially Equivalent to federal law they process the complaints and must dually file them with both HUD and their own agency. The reality is and in every jurisdiction that I have ever done that

for the Substantially Equivalent Agency has a different set of numbers. That is just what it is, but I was hoping to get the state's classes, protected classes there.

Comment 7: What is the total basis, it that the national?

Rob Gaudin: 1707?

Comment 8: What are those numbers?

Rob Gaudin: This is the total number of housing complaints received by HUD for the State of Colorado by year and this is the total of all of these numbers. The total number of basis and you can have more than one basis per complaint that is just and maybe you were a female with children and you felt.

Comment 9: OK.

Rob Gaudin: So then it would be in both of those categories. You could be a female, black with children. So that is how that works.

(Presentation)

Comment 10: A few years ago while the housing crisis was still going on, the Civil Rights Division did do a study that demonstrated that certain areas that were heavily Hispanic or black were essentially targeted for HALs and that they would be turned disproportionately affected by foreclosures.

Rob Gaudin: Correct. Sometimes these loans you will see them also targeted if you put the denial rates or the HAL rates and plot them with poverty there is a high correlation. Some communities are taken advantage of. The irony is they will put on a corner somebody who is Hispanic and they seem to trust you.

Comment 11: This is the mortgage lenders?

Rob Gaudin: These are the mortgage lenders, both deposit and non-depository institutions.

(Presentation)

Comment 12: What about the Community Reinvestment Act can't they pull some of that out?

Rob Gaudin: The Community Reinvestment Act when we look at the Community Reinvestment Act it is they don't invest in low-income areas. They don't, a tiny percentage in moderate. It is all upper income. That is defined here as well, but we look at the Census tracts. As I said in the beginning I do not have that in the presentation today.

(Presentation)

Comment 13: There has got to be some.

Rob Gaudin: You would think so although it is not necessarily the case.

Comment 14: We haven't until recently as pointed out yesterday a fair housing advocacy group that did testing. So testing hasn't been done in a long time. We are now sponsoring some through this lead agency.

Comment 15: Do you know what agency?

Comment 16: It is the Denver Metro Fair Housing Center.

Comment 17: I was trained as a tester.

(Presentation)

Comment 18: I think we should call for a summit on fair housing again for the state. I think that when the Fair Housing Act was passed and the people from Washington, HUD came in to do trainings. Things have gotten stale. I think that the first ones that need training are the Fair Housing Division at HUD. They just don't seem to pick up on any of this. If you call them about a complaint they are like go and talk to the property management people. That is not how it is supposed to go. I realize that they are all lawyers now up there, but it wasn't in the past. There used to be two parts to it. There was the technical assistance part and then there was the compliance part. The technical assistance people, they would go out and do presentations. I don't see that happening anymore and apparently they are all real new over there and they don't seem to get the whole picture on what a complaint is about.

Comment 19: I don't know that I know enough about it, but just being on the property management side of it for me I think that there are and it just can't be the housing folks that are involved in making the Fair Housing Law happen. Fair housing laws have been created to try and fix a problem that is much larger than the housing industry. Yes, there is going to be concentrations because that is where we can afford to build affordable housing. If there are other systems that need to fall into alignment before you can hold people accountable to some of the motivation behind the Fair Housing Law and Act in the first place. I get the spirit behind it, but if it is just the housing people who are trying to do it. It will never be successful until there is a requirement to increase mass transit. Until there is a requirement to change zoning so that we can have affordable housing spread out throughout communities. I am a person who can invest some money and I am going to go where I can afford. There is going to be a certain level of the population who can afford to live here and that is going to create a concentration of a certain type of population. Those are just realities that will exist until there are much larger changes. So it is really hard. I think at looking at your data and your statistics and it is true, but the people who are being held responsible to the Fair Housing Act have the ability to change it.

Comment 20: I agree with what she is saying, but when you talk about having a summit or something like that, first of all you need to figure out who the stakeholders are and who will be at the table. It seems like whenever we are doing some of these forum and things like that the people that really need to be here are never here. So just in general so I think that a summit sounds good, but before you do that who needs to be there? You have grocery stores that are leaving a lot of the communities. You have and you were talking about transit and they have a light rail that is being built, but it is going around certain areas. They are changing the times that busses run in certain areas. So you are limited to when you can get out of your community. A lot of different people need to be and a lot of different agencies need to be at the table before you can even think about a summit. So that is the list that needs to be started. First of all who is it impacting? We know it is impacting the community, but who in the community is here? Did anyone know about this meeting? How is this getting out? It is like where are talking and it seems like we are talking amongst ourselves, but the people that really need to be heard or really need to hear this are not showing up at the meetings. So we are

talking medical. We are talking the schools. We can just go down the list of your everyday living in a community who do you think needs to be at these meetings so there could be a bigger impact so that we could see some type of change in this?

Comment 21: We need to know as a Fair Housing Division over there at HUD actually understands what there are supposed to be doing when they give you answers that are so nebulous and you have done this in the past and you know more than they do. That is scary.

Rob Gaudin: The problem at HUD is the people in DC have the proposed rule in their mind and the people out in the field who look at the AIs and review them and tell you how it is going to be are still focused on the Fair Housing Planning Guide. It was 20 years ago. So what you see in between these it is really challenging and even for me as a contractor. What is the right path? I can recommend what I consider the right paths and that is going to be so expensive. So expensive, but it is really up to Mary and her agency to be able to and this is something we need to have in the staff meeting, if you will to talk about these if you will. What actions can you take about these data?

Comment 22: So is it more expensive to do what maybe you are thinking and what we are looking at right now? I mean if we look at the cost, because that is always the issue is going to be a cost. We are talking about the financial cost and then we are also talking about the human cost. So how do we try to come to some kind type of balance to where we see the cost financially, but also the cost of the humans and the people in the communities? So how do we try to get a balance there, because there is always going to be a cost? Now people are paying the cost for the situations that are going now.

Rob Gaudin: Correct.

Comment 23: We have got them on the streets.

Rob Gaudin: The agencies get their allocation from HUD and that allocation has been dropping every year for the last several years and there are tighter and tighter budgets. So when fair housing comes along and it is increasing its scrutiny, HUD demands greater and greater resources from a smaller bucket. So it really puts everyone in a challenging situation.

Comment 24: But the knowledge part is what I am looking at as far as say a landlord saying yes we will put the grab bars up, but you know we will have to wait for the maintenance man to show up and maybe in two more weeks. The individual moved in with this understanding of this reasonable accommodation, it was going to be done. I have gone into places where I have been told that the landlord was going to do something and walk in with my client and the things that I find are still sitting there. So there are things that landlords could be doing a little better.

Comment 25: That sounds more like accountability. So you have to have some accountability for what you have chosen to take on so we have to look at the accountability of each agency and what their responsibilities that they have agreed to and what the laws are. So it seems like there is a lack of accountability and passing the buck onto the next person where you know we are not getting anywhere. So I just think that, I think if we started looking at who is responsible for what, how is it working, and what can be changed and maybe look at other examples of any other states that are dealing with some of the same things and maybe we can pull from a state that may have had the same situation and they have slowly gotten better with it. I mean are we thinking about and is that a possibility of doing more of the research and studies on

other states in what have they done and what are they doing to counteract the problems that we are seeing here?

Rob Gaudin: I forget how many AIs we have done, different states and it is close to 20 and each state is treated entirely differently. Those states which have disaster recovery such as Mississippi, Texas, New Jersey from Sandy, they get treated one way and North Dakota and Nevada get treated another way. It is really and the GAO is totally right. It is completely crazy. So, what I recommend is to work with the FHEO representative who is going to look at this and look at your Annual Action Plan and forget about everybody else. You can't look at what other states are doing because they have their own problems and they have their own FHEO. Talk with your FHEO rep. Yours just got replaced. Is that correct? So we are at like I don't know. They could say you have to go back and do the new rule even though it isn't a set rule. So we are going to find that out shortly.

Comment 26: I will mention a couple of things. HUD proposed Affirmatively Further Fair Housing Rule that they put forth in 2013 does talk about bringing in other state agencies like the Department of Transportation and trying to break down all of those barriers between silos within state government. I think that is one of the big challenges in this because what they are looking at is sort of a two part thing. You don't want to build your affordable housing in the same place that it has always been and you need to improve those places that are racially and ethnically concentrated areas of poverty to provide better services, better access to amenities within those places, but you know we are responsible for affordable housing. We don't have any control over where roads are built or where the bus line gets run or if CDOT has a state wide bus system that they just put into place, but I don't know where it goes or anything about it. That is and if that rule goes into effect that is going to be one of the big challenges to break down the silo because we all work independently from each other.

Rob Gaudin: If the rule were upheld as proposed you would be and your department would be looking at funding education and transportation which you don't now. PHAs, all the PHAs in the state would be looking at the same thing. The same rule also applies to them. You could imagine, all we do is offer vouchers. Many public housing authorities only offer vouchers. Many also have public housing and that is what their deal is. It is a shame about the education. It is a shame about the highway system, the mass transit. I am just doing housing here. I have my little nugget in the world. Could you imagine what these people...how am I going to fund education? Reduce my vouchers? Push people out on the street? It was a huge uproar.

Comment 27: What about repurposing. We have gone through and looked at various vacant places throughout the whole metro area. We see all of these buildings that are just sitting there. Is there some way that HUD can come up with some kind of an incentive, some kind of lending rules that we could use to do that.

Rob Gaudin: The Affordable Housing Trust, some agency or entitlement is supposed to get some piece of this action, but the last I heard is they were talking about withdrawing HOME funds or a portion of HOME funds and replacing it with this Housing Trust Funds. Suddenly the HOME will just go away. The National Affordable Housing Act will go poof right before your eyes.

Comment 28: All of this is going to go away?

Rob Gaudin: That is just one fear, but we don't get those until 2016 if I understand. If we get them at all.

Comment 29: The HOME funding has been going down every year. We get about half of what we used to get.

Comment 30: Something that we are working really hard on here is, this is a perfect example is having data that we can use and we can take to legislators and say this is why we need extra funding. A lot of the bills didn't get passed recently, which lost a lot of funding for us, which is a big deal. So just making sure that we have all of our data to present to those who make those big decisions, because they are not in the streets. They are not doing the work that we are doing so they don't really see what we are seeing, right. So making it understandable for those who make those decisions and give us our money is a very important factor in that.

Comment 31: What about HOPE? Who is helping with HOPE?

Comment 32: The City of Denver has been doing a lot of renovation of or replacement of its affordable housing under HOPE VI. We have helped to fund a lot of that.

Comment 33: I think they had a VI Phase project. Two of them. One was Mariposa, which I think is done. There was another one that replaced some housing over by Park Avenue and I can't remember the cross streets. It was just east of downtown.

Comment 34: Was that the one with the mental health?

Comment 35: I don't think so.

Comment 36: There is one right across from Park that belongs to the Denver Mental Health Center.

Comment 37: That might be part of this whole larger project. It was like five phases and some of it is funded with PHA money and some of it is funded with LITC and some of it is HOME money from us and HOME money from the city.

Rob Gaudin: Your concept on repurposing is a good one. It is where do we get these funds for this purpose?

Comment 38: That is what I am saying HUD either passed with various programs. They had a dollar a year program. We had where we could buy a place that was like empty and was a federal building and they gave incentive to those that were non-profit housing providers to do that kind of stuff and you saw a lot more of that in the early 2000's. We traditionally have had a lot of non-profit housing providers in this state, but in the last few years the incentives are not there. I was in Jefferson County in 2000, so I did purchase and I did work with the State Housing Division and did retro fit for disabled. I have done an ADA project before, so I just don't see that.

Comment 39: All of that stuff is still going on. It is not a big push for the city buildings, but it does happen.

Comment 40: Why is that?

Comment 41: Why is it not a big push? I don't really know.

Comment 42: It seems like it is easier to fix something that is already standing than try to build something.

Comment 43: From what I have heard it is more expensive, because you have demolition costs as well as construction costs. Sometimes you have to mitigate lead-based paint, asbestos, and all that kind of stuff. So it is not necessarily more efficient.

Comment 44: It was the best sounding.

Comment 45: A lot of that happened with the Neighborhood Stabilization Funds that we had. There is just not enough money to do everything at once. The NSP is winding down. We still have a few things that are going on that was generated with the program.

Comment 46: Can you talk a little bit about the income source protection. Is that possible to do?

Rob Gaudin: Units of state and local government can add if they pass legislation and they can add protections. Source of income if written well can protect people who have a voucher from the landlord saying I am not taking vouchers. So it protects them. This is something at the previous focus group people were really kind of on that. It won't protect you if you can't pay market-rate or your voucher won't support, but if it will cover it and the landlord cannot say that I am not taking vouchers.

Comment 47: I would say that that is a really big issue right now. Everybody is looking for apartments so they are like I do not want to take your voucher. I am going to rent to somebody else.

Comment 48: Because the market is there.

Rob Gaudin: You have to be careful about the way that it is written. California has source of income, but they have some language barrier in it that said a voucher is an option. You don't have to take a voucher. So somehow the Apartment Association has managed to get an exception for it.

Comment 49: What about these Public Housing Authorities doing waivers under FMR, because they are so low compared to the market-rate?

Rob Gaudin: I am not sure about the waivers. I would certainly encourage locals to update their FMRs so they would get more resources from HUD for that. The FMRs are not keeping pace with the market.

Comment 50: That is our problem.

Rob Gaudin: The FMRs are however and it is an expensive process to do it. I have seen the HUD guide and it is expensive. So you have to wait for them to update the FMRs.

Comment 51: Right now rents are going up so fast and FMRs are only adjusted annually. We just can't get a handle on it and including the veterans.

Rob Gaudin: Correct, but the impediments that we talked about today those are the issues that we will be dealing with here. Affordable housing production is largely handled through the

consolidated planning process. They are two separate, but there is some common area in the AI, but never the less these preliminary impediments are where we are at.

(Presentation)

D. ADDITIONAL AND EXPANDED TABLES

EXPANDED COMPLAINT TABLES

Table D.1
Issue of Fair Housing Complaints

State of Colorado
HUD Data 2004 - 2014

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Failure to make reasonable accommodation	39	33	30	39	42	35	44	47	50	43	38	440
Discriminatory terms, conditions, privileges, or services and facilities	38	24	39	33	24	26	25	27	50	62	50	398
Discriminatory acts under Section 818 (coercion, etc.)	29	15	9	14	4	23	26	35	44	37	47	283
Otherwise deny or make housing available	3	18	22	22		13	14	21	44	53	46	256
Discrimination in term, conditions or privileges relating to rental	34	13	20	18	27	17	15	24	11	7	35	221
Discriminatory refusal to rent	13	21	22	18	28	23	19	26	14	11	7	202
Discriminatory advertising, statements and notices	6	2	10	15	9	12	7	1	11	9	9	91
Failure to permit reasonable modification	1	1	4	3	4	5	3	1	4	3	6	35
Discriminatory refusal to rent and negotiate for rental	4	1	3	4	6	2		2	7	4		33
Discrimination in terms, conditions, privileges relating to sale	5	2	2	11				1		4	1	26
Other discriminatory acts		6	4	1	6	3	1		1			22
Discrimination in making of loans	1	1	1	4		4	4	2	2	1	1	21
Discriminatory financing (includes real estate transactions)		2	1	10		2	2			3		20
Discrimination in the terms or conditions for making loans		2	2	7		1		1	2	1	1	17
Discriminatory refusal to sell	3	4				4		1	1	1	2	16
Steering	1	2	4						1	2	3	13
Discriminatory refusal to negotiate for rental		1		2	2		2	1	3			11
Discriminatory refusal to sell and negotiate for sale	3	1		1	1	1				3		10
False denial or representation of availability - rental					3			1	1	2	2	9
Using ordinances to discriminate in zoning and land use	3					1		2		1	1	8
Selective use of advertisements media or content				7								7
Discrimination in services and facilities relating to rental			4		1	1			1			7
Non-compliance with design and construction requirements (handicap)			1	1					2	1		5
Discriminatory refusal to negotiate for sale	3			1								4
Discriminatory advertising - sale				4								4

False denial or representation of availability	1				2					1		4
False denial or representation of availability - sale	2	1		1								4
Discrimination in the selling of residential real property	1	1		1		1						4
Discriminatory advertisement - rental	2								1			3
Discriminatory brokerage service		2		1								3
Discrimination in the brokering of residential real property		2										2
Adverse action against an employee				1						1		2
Refusing to provide municipal services or property	1			1								2
Discrimination in the appraising of residential real property				1								1
Discrimination in services and facilities relating to sale	1											1
Failure to provide accessible and usable public and common user areas				1								1
Failure to provide usable kitchens and bathrooms				1								1
Total Issues	194	155	183	218	160	173	162	193	250	250	249	2,187
Total Complaints	121	100	116	111	121	99	109	113	118	110	116	1,234

ADDITIONAL HMDA TABLES

Table D.2
Owner-Occupied Home Purchase Loan Applications by Loan Type

State of Colorado
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Conventional	207,131	270,864	251,607	176,158	76,822	56,418	47,687	52,381	63,281	83,185	1,285,534
FHA - Insured	33,140	19,451	16,152	15,945	45,101	55,636	47,945	38,887	38,642	36,095	346,994
VA - Guaranteed	7,786	8,333	8,701	8,163	10,530	13,245	12,858	13,848	15,130	17,932	116,526
Rural Housing Service or Farm Service Agency	388	271	215	177	706	2,587	1,811	2,707	3,528	3,386	15,776
Total	248,445	298,919	276,675	200,443	133,159	127,886	110,301	107,823	120,581	140,598	1,764,830

DENIAL RATES

Table D.3
Loan Applications by Selected Action Taken by Race/Ethnicity of Applicant

State of Colorado
2004–2013 HMDA Data

Race		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Originated	1,800	1,655	1,245	656	413	318	290	274	312	412	7,375
	Denied	578	617	620	310	204	93	90	96	121	117	2,846
	Denial Rate	24.3%	27.2%	33.2%	32.1%	33.1%	23.7%	23.7%	25.9%	27.9%	22.1%	27.8%
Asian	Originated	3,447	3,871	3,618	2,509	1,716	1,666	1,573	1,434	1,966	2,437	24,237
	Denied	739	805	713	510	483	298	248	258	293	380	4,727
	Denial Rate	17.7%	17.2%	16.5%	16.9%	22.0%	15.2%	13.6%	15.2%	13.0%	13.5%	16.3%
Black	Originated	3,726	4,392	3,470	1,856	1,398	1,316	1,327	1,208	1,223	1,507	21,423
	Denied	1,238	1,704	1,715	866	443	273	276	263	279	334	7,391
	Denial Rate	24.9%	28.0%	33.1%	31.8%	24.1%	17.2%	17.2%	17.9%	18.6%	18.1%	25.7%
White	Originated	105,865	121,963	109,033	79,738	56,031	50,676	47,012	44,490	55,530	66,931	737,269
	Denied	18,680	23,198	21,761	14,960	10,421	6,924	6,826	6,312	7,052	8,329	124,463
	Denial Rate	15.0%	16.0%	16.6%	15.8%	15.7%	12.0%	12.7%	12.4%	11.3%	11.1%	14.4%
Not Available	Originated	12,203	14,334	12,110	8,947	6,062	6,570	5,192	4,406	5,556	6,804	82,184
	Denied	4,636	4,703	3,575	2,481	1,525	1,021	1,029	1,183	1,388	1,647	23,188
	Denial Rate	27.5%	24.7%	22.8%	21.7%	20.1%	13.5%	16.5%	21.2%	20.0%	19.5%	22.0%
Not Applicable	Originated	542	25	38	22	22	7	12	14	20	31	733
	Denied	272	13	3	8	2	0	0	3	0	2	303
	Denial Rate	27.5%	24.7%	22.8%	21.7%	20.1%	13.5%	16.5%	21.2%	20.0%	19.5%	29.2%
Total	Originated	127,583	146,240	129,514	93,728	65,642	60,553	55,406	51,826	64,607	78,122	873,221
	Denied	26,143	31,040	28,387	19,135	13,078	8,609	8,469	8,115	9,133	10,809	162,918
	Denial Rate	17.0%	17.5%	18.0%	17.0%	16.6%	12.4%	13.3%	13.5%	12.4%	12.2%	15.7%
Non-Hispanic	Originated	91,561	113,178	104,809	77,175	53,804	49,370	45,121	42,848	53,767	64,831	696,464
	Denied	15,437	19,706	18,452	12,849	9,011	6,289	5,981	5,637	6,344	7,466	107,172
	Denial Rate	14.4%	14.8%	15.0%	14.3%	14.3%	11.3%	11.7%	11.6%	10.6%	10.3%	13.3%
Hispanic	Originated	14,934	17,008	14,115	8,570	6,320	5,262	5,106	4,716	5,550	6,563	88,144
	Denied	5,143	6,723	6,612	3,983	2,651	1,326	1,400	1,299	1,583	1,756	32,476
	Denial Rate	25.6%	28.3%	31.9%	31.7%	29.6%	20.1%	21.5%	21.6%	22.2%	21.1%	26.9%

Table D.4
Loan Applications by Reason for Denial by Race/Ethnicity of Applicant

State of Colorado
 2004–2013 HMDA Data

Denial Reason	American Indian	Asian	Black	White	Not Available	Not Applicable	Total	Hispanic (Ethnicity)
Debt-to-Income Ratio	373	775	999	18,374	2,978	20	23,519	4,344
Employment History	41	120	128	2,863	433	8	3,593	655
Credit History	637	659	1,502	20,772	3,723	35	27,328	6,408
Collateral	190	417	520	13,409	1,887	18	16,441	2,193
Insufficient Cash	43	117	143	2,793	421	10	3,527	557
Unverifiable Information	171	352	391	6,746	1,010	63	8,733	1,957
Credit Application Incomplete	157	524	485	12,992	2,323	59	16,540	2,156
Mortgage Insurance Denied	2	8	8	219	24	0	261	37
Other	474	728	1,301	19,916	3,817	64	26,300	5,458
Missing	758	1,027	1,914	26,379	6,572	26	36,676	8,711
Total	2,846	4,727	7,391	124,463	23,188	303	162,918	32,476
% Missing	26.6%	21.7%	25.9%	21.2%	28.3%	8.6%	22.5%	26.8%

Table D.5
Loan Applications by Selected Action Taken by Gender of Applicant

State of Colorado
 2004–2013 HMDA Data

Gender		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Male	Originated	84,681	96,484	85,031	62,961	44,112	38,788	35,930	34,332	41,653	52,291	576,263
	Denied	16,262	19,599	17,763	12,118	8,432	5,395	5,315	4,962	5,711	6,676	102,233
	Denial Rate	16.1%	16.9%	17.3%	16.1%	16.0%	12.2%	12.9%	12.6%	12.1%	11.3%	15.1%
Female	Originated	39,458	45,675	40,213	27,081	18,511	17,866	16,000	14,817	19,930	21,996	261,547
	Denied	8,357	10,139	9,246	5,859	3,898	2,619	2,518	2,519	2,761	3,262	51,178
	Denial Rate	17.5%	18.2%	18.7%	17.8%	17.4%	12.8%	13.6%	14.5%	12.2%	12.9%	16.4%
Not Available	Originated	3,355	4,058	4,234	3,652	2,996	3,891	3,462	2,663	3,004	3,804	35,119
	Denied	1,493	1,291	1,374	1,151	746	594	636	632	661	869	9,447
	Denial Rate	30.8%	24.1%	24.5%	24.0%	19.9%	13.2%	15.5%	19.2%	18.0%	18.6%	21.2%
Not Applicable	Originated	89	23	36	34	23	8	14	14	20	31	292
	Denied	31	11	4	7	2	1	0	2	0	2	60
	Denial Rate	25.8%	32.4%	10.0%	17.1%	8.0%	11.1%	.0%	12.5%	.0%	6.1%	17.0%
Total	Originated	127,583	146,240	129,514	93,728	65,642	60,553	55,406	51,826	64,607	78,122	873,221
	Denied	26,143	31,040	28,387	19,135	13,078	8,609	8,469	8,115	9,133	10,809	162,918
	Denial Rate	17.0%	17.5%	18.0%	17.0%	16.6%	12.4%	13.3%	13.5%	12.4%	12.2%	15.7%

Table D.6
Loan Applications by Income of Applicant: Originated and Denied
 State of Colorado
 2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	Loan Originated	366	308	373	247	289	231	146	134	123	99	2,316
	Application Denied	296	292	234	204	199	182	226	231	198	223	2,285
	Denial Rate	44.7%	48.7%	38.6%	45.2%	40.8%	44.1%	60.8%	63.3%	61.7%	69.3%	49.7%
\$15,001 –\$30,000	Loan Originated	6,806	6,529	4,426	3,973	3,714	4,235	3,850	3,678	3,533	3,257	44,001
	Application Denied	3,041	3,255	2,183	1,665	1,514	1,274	1,287	1,342	1,341	1,342	18,244
	Denial Rate	30.9%	33.3%	33.0%	29.5%	29.0%	23.1%	25.1%	26.7%	27.5%	29.2%	29.3%
\$30,001 –\$45,000	Loan Originated	23,433	24,586	17,361	13,510	11,032	11,858	10,144	9,130	10,160	10,812	142,026
	Application Denied	6,058	6,825	5,253	3,454	2,798	1,868	1,834	1,762	1,866	2,101	33,819
	Denial Rate	20.5%	21.7%	23.2%	20.4%	20.2%	13.6%	15.3%	16.2%	15.5%	16.3%	19.2%
\$45,001 –\$60,000	Loan Originated	27,029	30,372	24,062	16,369	12,101	12,029	10,038	9,086	10,803	12,930	164,819
	Application Denied	5,669	6,729	6,062	3,468	2,454	1,433	1,418	1,368	1,631	1,843	32,075
	Denial Rate	17.3%	18.1%	20.1%	17.5%	16.9%	10.6%	12.4%	13.1%	13.1%	12.5%	16.3%
\$60,001 –\$75,000	Loan Originated	19,939	22,708	19,621	13,569	9,571	8,610	7,665	6,995	9,162	11,221	129,061
	Application Denied	3,266	4,017	3,780	2,427	1,587	983	964	834	1,033	1,324	20,215
	Denial Rate	14.1%	15.0%	16.2%	15.2%	14.2%	10.2%	11.2%	10.7%	10.1%	10.6%	13.5%
Above \$75,000	Loan Originated	45,470	56,647	57,575	43,993	28,377	23,151	23,233	22,414	30,332	39,239	370,431
	Application Denied	6,523	8,863	9,633	7,082	4,316	2,701	2,576	2,401	2,883	3,736	50,714
	Denial Rate	12.5%	13.5%	14.3%	13.9%	13.2%	10.4%	10.0%	9.7%	8.7%	8.7%	12.0%
Data Missing	Loan Originated	4,540	5,090	6,096	2,067	558	439	330	389	494	564	20,567
	Application Denied	1,290	1,059	1,242	835	210	168	164	177	181	240	5,566
	Denial Rate	22.1%	17.2%	16.9%	28.8%	27.3%	27.7%	33.2%	31.3%	26.8%	29.9%	21.3%
Total	Loan Originated	127,583	146,240	129,514	93,728	65,642	60,553	55,406	51,826	64,607	78,122	873,221
	Application Denied	26,143	31,040	28,387	19,135	13,078	8,609	8,469	8,115	9,133	10,809	162,918
	Denial Rate	17.0%	17.5%	18.0%	17.0%	16.6%	12.4%	13.3%	13.5%	12.4%	12.2%	15.7%

Table D.7
Loan Applications by Income and Race/Ethnicity of Applicant: Originated and Denied
 State of Colorado
 2004–2013 HMDA Data

Race		<= \$15K	\$15K–\$30K	\$30K–\$45K	\$45K–\$60K	\$60K–\$75K	> \$75K	Data Missing	Total
American Indian	Loan Originated	22	544	1,877	1,790	1,082	1,922	138	7,375
	Application Denied	39	397	807	731	337	464	71	2,846
	Denial Rate	63.9%	42.2%	30.1%	29.0%	23.7%	19.4%	34.0%	27.8%
Asian	Loan Originated	66	1,196	3,490	4,652	3,523	10,699	611	24,237
	Application Denied	79	455	821	943	631	1,628	170	4,727
	Denial Rate	54.5%	27.6%	19.0%	16.9%	15.2%	13.2%	21.8%	16.3%
Black	Loan Originated	63	1,372	4,543	5,161	3,358	6,518	408	21,423
	Application Denied	59	719	1,698	1,570	962	2,183	200	7,391
	Denial Rate	48.4%	34.4%	27.2%	23.3%	22.3%	25.1%	32.9%	25.7%
White	Loan Originated	1,921	37,309	119,806	138,683	108,964	314,048	16,538	737,269
	Application Denied	1,763	13,814	25,619	24,483	15,495	39,666	3,623	124,463
	Denial Rate	47.9%	27.0%	17.6%	15.0%	12.4%	11.2%	18.0%	14.4%
Not Available	Loan Originated	238	3,529	12,175	14,405	12,050	37,086	2,701	82,184
	Application Denied	344	2,831	4,806	4,274	2,755	6,709	1,469	23,188
	Denial Rate	59.1%	44.5%	28.3%	22.9%	18.6%	15.3%	35.2%	22.0%
Not Applicable	Loan Originated	6	51	135	128	84	158	171	733
	Application Denied	1	28	68	74	35	64	33	303
	Denial Rate	14.3%	35.4%	33.5%	36.6%	29.4%	28.8%	16.2%	29.2%
Total	Loan Originated	2,316	44,001	142,026	164,819	129,061	370,431	20,567	873,221
	Application Denied	2,285	18,244	33,819	32,075	20,215	50,714	5,566	162,918
	Denial Rate	49.7%	29.3%	19.2%	16.3%	13.5%	12.0%	21.3%	15.7%
Non-Hispanic	Loan Originated	1,750	31,216	105,251	127,605	103,771	311,080	15,791	696,464
	Application Denied	1,472	10,337	19,862	20,169	13,717	38,282	3,333	107,172
	Denial Rate	45.7%	24.9%	15.9%	13.6%	11.7%	11.0%	17.4%	13.3%
Hispanic	Loan Originated	363	9,232	24,207	21,704	12,112	18,762	1,764	88,144
	Application Denied	492	5,401	9,446	7,560	3,651	5,229	697	32,476
	Denial Rate	57.5%	36.9%	28.1%	25.8%	23.2%	21.8%	28.3%	26.9%

PREDATORY LENDING

Table D.8
Loans by Loan Purpose by HAL Status
 State of Colorado
 2004–2013 HMDA Data

Loan Purpose		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	Other	112,298	106,547	101,017	84,475	61,940	58,709	54,943	51,331	63,977	77,613	772,850
	HAL	15,285	39,693	28,497	9,253	3,702	1,844	463	495	630	509	100,371
	Percent HAL	12.0%	27.1%	22.0%	9.9%	5.6%	3.0%	.8%	1.0%	1.0%	.7%	11.5%
Home Improvement	Other	9,641	10,102	10,818	9,698	5,857	4,504	3,552	3,550	4,497	5,906	68,125
	HAL	2,098	2,867	2,430	1,911	711	366	181	163	224	240	11,191
	Percent HAL	17.9%	22.1%	18.3%	16.5%	10.8%	7.5%	4.8%	4.4%	4.7%	3.9%	14.1%
Refinancing	Other	141,929	103,927	79,246	70,191	64,921	148,701	127,854	99,920	159,443	116,114	1,112,246
	HAL	19,810	32,575	28,088	12,754	3,986	2,904	277	404	564	440	101,802
	Percent HAL	12.2%	23.9%	26.2%	15.4%	5.8%	1.9%	.2%	.4%	.4%	.4%	8.4%
Total	Other	263,868	220,576	191,081	164,364	132,718	211,914	186,349	154,801	227,917	199,633	1,953,221
	HAL	37,193	75,135	59,015	23,918	8,399	5,114	921	1,062	1,418	1,189	213,364
	Percent HAL	12.4%	25.4%	23.6%	12.7%	6.0%	2.4%	.5%	.7%	.6%	.6%	9.8%

Table D.9
HALs Originated by Race of Borrower

State of Colorado
2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	373	799	495	124	54	20	20	5	10	17	1,917
Asian	380	1,008	705	239	83	37	6	7	7	6	2,478
Black	1,043	2,260	1,629	382	87	57	2	2	2	4	5,468
White	11,723	29,471	22,815	7,660	3,183	1,616	405	416	475	401	78,165
Not Available	1,733	6,154	2,849	848	290	114	30	65	136	81	12,300
Not Applicable	33	1	4	0	5	0	0	0	0	0	43
Total	15,285	39,693	28,497	9,253	3,702	1,844	463	495	630	509	100,371
Non-Hispanic	10,151	25,165	19,694	6,593	2,487	1,301	248	300	304	270	66,513
Hispanic	3,251	8,356	6,370	1,907	955	430	184	137	206	169	21,965

Table D.10
Loans by HAL Status by Race/Ethnicity of Borrower

State of Colorado
2004–2013 HMDA Data

Race	Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Other	1,427	856	750	532	359	298	270	269	302	395	5,458
	HAL	373	799	495	124	54	20	20	5	10	17	1,917
	Percent HAL	20.7%	48.3%	39.8%	18.9%	13.1%	6.3%	6.9%	1.8%	3.2%	4.1%	26.0%
Asian	Other	3,067	2,863	2,913	2,270	1,633	1,629	1,567	1,427	1,959	2,431	21,759
	HAL	380	1,008	705	239	83	37	6	7	7	6	2,478
	Percent HAL	11.0%	26.0%	19.5%	9.5%	4.8%	2.2%	.4%	.5%	.4%	.2%	10.2%
Black	Other	2,683	2,132	1,841	1,474	1,311	1,259	1,325	1,206	1,221	1,503	15,955
	HAL	1,043	2,260	1,629	382	87	57	2	2	2	4	5,468
	Percent HAL	28.0%	51.5%	46.9%	20.6%	6.2%	4.3%	.2%	.2%	.2%	.3%	25.5%
White	Other	94,142	92,492	86,218	72,078	52,848	49,060	46,607	44,074	55,055	66,530	659,104
	HAL	11,723	29,471	22,815	7,660	3,183	1,616	405	416	475	401	78,165
	Percent HAL	11.1%	24.2%	20.9%	9.6%	5.7%	3.2%	.9%	.9%	.9%	.6%	10.6%
Not Available	Other	10,470	8,180	9,261	8,099	5,772	6,456	5,162	4,341	5,420	6,723	69,884
	HAL	1,733	6,154	2,849	848	290	114	30	65	136	81	12,300
	Percent HAL	14.2%	42.9%	23.5%	9.5%	4.8%	1.7%	.6%	1.5%	2.4%	1.2%	15.0%
Not Applicable	Other	509	24	34	22	17	7	12	14	20	31	690
	HAL	33	1	4	0	5	0	0	0	0	0	43
	Percent HAL	6.1%	4.0%	10.5%	.0%	22.7%	.0%	.0%	.0%	.0%	.0%	5.9%
Total	Other	112,298	106,547	101,017	84,475	61,940	58,709	54,943	51,331	63,977	77,613	772,850
	HAL	15,285	39,693	28,497	9,253	3,702	1,844	463	495	630	509	100,371
	Percent HAL	12.0%	27.1%	22.0%	9.9%	5.6%	3.0%	.8%	1.0%	1.0%	.7%	11.5%
Non-Hispanic	Other	81,410	88,013	85,115	70,582	51,317	48,069	44,873	42,548	53,463	64,561	629,951
	HAL	10,151	25,165	19,694	6,593	2,487	1,301	248	300	304	270	66,513
	Percent HAL	11.1%	22.2%	18.8%	8.5%	4.6%	2.6%	.5%	.7%	.6%	.4%	9.6%
Hispanic	Other	11,683	8,652	7,745	6,663	5,365	4,832	4,922	4,579	5,344	6,394	66,179
	HAL	3,251	8,356	6,370	1,907	955	430	184	137	206	169	21,965
	Percent HAL	21.8%	49.1%	45.1%	22.3%	15.1%	8.2%	3.6%	2.9%	3.7%	2.6%	24.9%

Table D.11
Loans by HAL Status by Income of Borrower

State of Colorado
 2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	Other	319	265	311	214	263	220	137	131	120	96	2,076
	HAL	47	43	62	33	26	11	9	3	3	3	240
	Percent HAL	12.8%	14.0%	16.6%	13.4%	9.0%	4.8%	6.2%	2.2%	2.4%	3.0%	10.4%
\$15,001 –\$30,000	Other	5,965	4,437	3,381	3,430	3,276	4,017	3,784	3,584	3,407	3,184	38,465
	HAL	841	2,092	1,045	543	438	218	66	94	126	73	5,536
	Percent HAL	12.4%	32.0%	23.6%	13.7%	11.8%	5.1%	1.7%	2.6%	3.6%	2.2%	12.6%
\$30,001 –\$45,000	Other	20,112	15,887	12,903	11,893	10,072	11,346	9,982	8,962	9,933	10,660	121,750
	HAL	3,321	8,699	4,458	1,617	960	512	162	168	227	152	20,276
	Percent HAL	14.2%	35.4%	25.7%	12.0%	8.7%	4.3%	1.6%	1.8%	2.2%	1.4%	14.3%
\$45,001 –\$60,000	Other	23,009	20,055	17,704	14,596	11,373	11,644	9,939	8,992	10,672	12,821	140,805
	HAL	4,020	10,317	6,358	1,773	728	385	99	94	131	109	24,014
	Percent HAL	14.9%	34.0%	26.4%	10.8%	6.0%	3.2%	1.0%	1.0%	1.2%	.8%	14.6%
\$60,001 –\$75,000	Other	17,186	16,138	15,054	12,259	9,110	8,391	7,612	6,959	9,114	11,167	112,990
	HAL	2,753	6,570	4,567	1,310	461	219	53	36	48	54	16,071
	Percent HAL	13.8%	28.9%	23.3%	9.7%	4.8%	2.5%	0.7%	.5%	.5%	.5%	12.5%
Above \$75,000	Other	41,506	45,667	47,447	40,528	27,325	22,665	23,161	22,318	30,255	39,151	340,023
	HAL	3,964	10,980	10,128	3,465	1,052	486	72	96	77	88	30,408
	Percent HAL	8.7%	19.4%	17.6%	7.9%	3.7%	2.1%	.3%	.4%	.3%	.2%	8.2%
Data Missing	Other	4,201	4,098	4,217	1,555	521	426	328	385	476	534	16,741
	HAL	339	992	1,879	512	37	13	2	4	18	30	3,826
	Percent HAL	7.5%	19.5%	30.8%	24.8%	6.6%	3.0%	.6%	1.0%	3.6%	5.3%	18.6%
Total	Other	112,298	106,547	101,017	84,475	61,940	58,709	54,943	51,331	63,977	77,613	772,850
	HAL	15,285	39,693	28,497	9,253	3,702	1,844	463	495	630	509	100,371
	Percent HAL	12.0%	27.1%	22.0%	9.9%	5.6%	3.0%	.8%	1.0%	1.0%	.7%	11.5%