

# **CITY OF LONGVIEW, WASHINGTON**

## **2011 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**



Picture by Bernard J. Kleina©

***Prepared By:***

***Fair Housing Center of Washington  
1517 South Fawcett, Suite 250  
Tacoma, WA 98402  
Phone: (253) 274-9523  
Fax: (253) 274-8220  
Toll Free: 1-888-766-8800  
Email: [info@fhcWASHINGTON.org](mailto:info@fhcWASHINGTON.org)***

***September 30, 2011***

# TABLE OF CONTENTS

<b>I. EXECUTIVE SUMMARY</b> .....	1
<b>II. THE LAW</b> .....	4
<b>Federal Fair Housing Law</b> .....	4
<b>State and Local Equivalent Protections</b> .....	6
<i>Sexual Orientation and Gender Identity</i> .....	7
<i>Veterans and Military Status Protections</i> .....	7
<i>Protections for Victims of Domestic Violence</i> .....	7
<i>Clarification of Disability Protections</i> .....	7
<b>HUD Certified Substantially Equivalent Jurisdiction Protected Classes</b> .....	8
<b>Local Ordinances</b> .....	9
<b>Longview Municipal Code</b> .....	9
<b>III. DEMOGRAPHICS</b> .....	10
<b>Longview’s Demographic Context</b> .....	10
<i>Longview’s Population</i> .....	10
<i>Longview Household Profile</i> .....	10
<i>Race and Ethnicity</i> .....	12
<i>Income Data</i> .....	13
<b>Housing Characteristics</b> .....	14
<i>Homeownership by Race</i> .....	14
<i>Household Profile by Race and Income</i> .....	15
<b>Subsidized Housing in Longview</b> .....	15
<i>Longview Housing Authority</i> .....	15
<b>IV. FAIR HOUSING COMPLAINTS</b> .....	17
<b>The Complaint Process</b> .....	17
<i>Administrative Agencies</i> .....	17
<i>Nonprofit Agencies</i> .....	17
<i>What Happens When a Complaint is Filed</i> .....	17
<b>Longview Fair Housing Complaint Data</b> .....	19
<b>National Trends</b> .....	20
<b>Fair Housing Logos and Advertisements</b> .....	21
<b>V. IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE</b> .....	26

<b>Impediments to Fair Housing Choice in Rental Housing</b> .....	26
<i>Introduction to Testing</i> .....	26
<i>Testing in Washington State</i> .....	26
<b>Rental and Sales Testing in Longview</b> .....	29
<b>VI. PUBLIC PERCEPTION OF HOUSING DISCRMINATION IN LONGVIEW</b> .....	31
<b>Survey and Public Forum</b> .....	31
<i>Survey Results</i> .....	31
<i>Community-Identified Impediments</i> .....	32
<i>Identification of Areas Where Discrimination Is More Common</i> .....	33
<i>Public Fair Housing Forum</i> .....	33
<b>VII. IMPEDIMENTS TO FAIR HOUSING CHOICE IN HOUSING FINANCE</b> .....	35
<b>Banking and Lending Regulatory Structure</b> .....	35
<b>Community Reinvestment Act</b> .....	35
<b>Home Mortgage Disclosure Act Data</b> .....	37
<i>Changing Mortgage Market</i> .....	38
<i>Mortgage Denial Rates by Race and National Origin</i> .....	38
<i>Conventional Home Mortgages</i> .....	39
<i>Home Mortgage Re-Financing</i> .....	42
<i>Home Improvement Mortgage Loans</i> .....	44
<i>Government Insured Loans</i> .....	45
<i>The Sub-Prime Refinancing Market</i> .....	47
<b>VIII. IMPEDIMENTS TO HOUSING CHOICE IN PUBLIC &amp; ADMINISTRATIVE POLICIES AND PROCESS</b> .....	50
<b>Legal Cases</b> .....	50
<i>Nevels et al v. Western World</i> .....	50
<i>US ex rel Antidiscrimination Center of Metro New York, Inc v. Westchester County, New York</i> .....	50
<i>U.S. Government Accountability Office</i> .....	51
<i>Washington State Human Rights Commission (WSHRC) v. Elwood Properties, LLC</i> .....	51
<b>IX. IMPEDIMENTS TO HOUSING CHOICE CREATED BY PUBLIC POLICIES</b> .....	52
<b>Legal Cases</b> .....	52
<i>McGary v. City of Portland</i> .....	52
<i>City of Edmonds v. Oxford House</i> .....	52
<i>Sunderland Family Treatment Services v. City of Pasco</i> .....	53
<i>Children’s Alliance v. City of Bellevue</i> .....	53
<i>US v. Krause et al</i> .....	54
<b>Public Policies</b> .....	54

<b>IIX. ASSESSMENT OF FAIR HOUSING ACTIVITIES IN LONGVIEW .....</b>	<b>59</b>
<b>Longview Fair Housing Activities.....</b>	<b>59</b>
<i>Local Fair Housing Ordinance.....</i>	<i>59</i>
<i>Zoning and Land Use Policies.....</i>	<i>60</i>
<i>Group Homes in Longview.....</i>	<i>62</i>
<i>Consolidated Plan Goals and Affirmatively Furthering Fair Housing.....</i>	<i>63</i>
<i>Addressing Domestic Violence.....</i>	<i>63</i>
<i>Continuum of Care .....</i>	<i>64</i>
<b>Fair Housing Center of Washington.....</b>	<b>64</b>
<i>Agency Intakes and Cases .....</i>	<i>64</i>
<i>Testing in Cowlitz County and Longview .....</i>	<i>64</i>
<i>Intake and Investigation of Housing Discrimination Complaints in Longview.....</i>	<i>64</i>
<i>Education and Outreach in Longview .....</i>	<i>64</i>
<b>U.S. Department of Housing and Urban Development.....</b>	<b>64</b>
<b>Washington State Human Rights Commission.....</b>	<b>66</b>
<b>U.S. Department of Agriculture.....</b>	<b>66</b>
<b>Legal and/or Landlord Tenant Services.....</b>	<b>67</b>
<b>First Time Homebuyer Programs .....</b>	<b>67</b>
<i>Washington State Housing Finance Commission.....</i>	<i>67</i>
<i>Washington Homeownership Center .....</i>	<i>68</i>
<i>City of Longview Home Ownership Funding.....</i>	<i>69</i>
<b>Realty Associations .....</b>	<b>69</b>
<b>X. IDENTIFIED IMPEDIMENTS AND RECOMMENDATIONS .....</b>	<b>71</b>
<b>Impediments to Fair Housing Choice.....</b>	<b>71</b>
<b>Recommendations .....</b>	<b>72</b>
<b>Conclusion.....</b>	<b>75</b>

## **I. Executive Summary**

The “Analysis of Impediments to Fair Housing Choice” (AI) is required by the U.S. Department of Housing and Urban Development (HUD)<sup>1</sup> of all state and local governments that receive housing and community development funds from the following programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership (HOME)

The City of Longview currently receives an annual allocation of CDBG funds of approximately \$464,650 and HOME Investment Partnership funds of \$385,358.<sup>2</sup> HOME funds for the City of Longview are shared with the City of Kelso, in a partnership under the Longview-Kelso Consortium. Individual and non-profit agencies in Longview can apply to Washington State for HOPWA (for HIV/AIDS needs) and Emergency Support Grants (ESG) funds for homeless individuals and families.

In addition to the identification of impediments, jurisdictions are required to develop methods to address the issues that limit the ability of residents to rent or own housing, regardless of their inclusion in a protected class.

HUD requires that the AI include:

- An analysis of demographic, income, housing and employment data
- An evaluation of the fair housing complaints filed in the jurisdiction
- A discussion of impediments, if any, in 1) the sale or rental of housing, 2) provision of brokerage services, 3) financing, 4) public policies, and 5) administrative policies for housing and community development activities that affect housing choice for minorities
- An assessment of current fair housing resources
- Conclusions and recommendations

Longview, Washington’s AI was conducted and prepared by the Fair Housing Center of Washington.

Data Sources used to prepare the AI include:

- Census and other demographic data
- 2009-2013 Longview-Kelso HOME Consortium Consolidated Plan
- Longview’s 2009 Consolidated Annual Performance & Evaluation Report (CAPER)
- Washington State Office of Financial Management

---

<sup>1</sup> Appendix A

<sup>2</sup> 2009-2013 Longview-Kelso HOME Consortium Consolidated Plan, June 2009

- Fair housing complaint data maintained by HUD for the years 2005-2010
- Fair housing complaint data maintained by the Washington State Human Rights Commission for 2005-2010
- Fair housing complaint data maintained by Fair Housing Center of Washington for 2005-2010
- Longview Housing Authority reports
- Internet resources on fair housing
- Home Mortgage Disclosure Act Data, Internet Sources
- Federal Financial Institutions Examination Council (FFIEC), Internet Sources
- U.S. Department of Treasury, Office of the Comptroller of the Currency, Administrator of National Banks (OCC)
- Rental Testing Data, Fair Housing Center of Washington
- Newspaper Listings, Internet Sources
- Interviews with agency service providers
- Rental and Real Estate association web sites
- City of Longview web site
- 2010 Fair Housing Trends Report, National Fair Housing Alliance
- Fair Housing Survey given to Stakeholders in Longview, WA
- Public Fair Housing Forum held in Longview, WA

The AI identifies numerous actions taken in the City of Longview that affirmatively further fair housing in the sale and rental of housing within the jurisdiction.

## **Identified Impediments**

The AI identifies impediments to fair housing choice in Longview. Identified impediments and recommendations are as follows:

### **Impediments to Fair Housing Choice**

**Impediment I:** Though complaint data in Longview is minimal, housing discrimination primarily affects persons with disabilities, persons of color, and families with children. This is supported by Cowlitz County complaint data which was analyzed for the City of Longview statistics.

**Impediment II:** Home mortgage lending data show that Hispanic and Native American, followed by African American homebuyers are more likely to be denied financing of home mortgage loan products.

**Impediment III:** Members of the public, especially housing professionals and community service providers, have limited knowledge of

**protected classes, fair housing laws and the resources available to them.**

**Impediment IV: Zoning and land use decisions can have a discriminatory impact on protected classes under federal and state fair housing laws.**

## **Recommendations**

To address the impediments to fair housing choice identified in this report, it is recommended that the City of Longview further work towards its commitment to affirmatively further fair housing. Implementation of the following recommendations will help to address the impediments to fair housing choice identified in this report.

**Recommendation I: Expand Current Education and Outreach Efforts.**

**Recommendation II: Implement Fair Housing Testing Activities**

**Recommendation III: Target homeownership and lending marketing households and people of color to include African American, Hispanic, and Native American homebuyers.**

**Recommendation IV: Consider policies that encourage inclusion of individuals covered by protected classes under federal as well as state fair housing laws.**

**Recommendation V: Develop a Fair Housing Action Plan**

**Recommendation VI: Continue to Monitor Fair Housing Trends**

## **Conclusion**

The implementation of the recommendations in this AI will enable the City of Longview to increase fair housing opportunities to meet the needs of its increasingly diverse population.

## II. The Law

### Federal Fair Housing Law

The Civil Rights Act of 1866 states, “All citizens of the United States shall have the same right in every State and Territory, as is enjoyed by White citizens thereof, to inherit, purchase, lease, sell, hold and convey real and personal property.”

Between 1866 and 1968 the law was interpreted only to prohibit racial discrimination in housing by government or public action, such as restrictive zoning and the enforcement of restrictive covenants. In 1968, the Supreme Court ruled that the Act prohibited “all racial discrimination, private as well as public, in the sale or rental of property.”<sup>3</sup>

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

Title VIII originally prohibited discrimination in the provision of housing based on race, color, religion, or national origin. These population groups are known as ‘protected classes.’ In 1974 sex was added to the law as an additional protected class. Title VIII also authorizes the U.S. Department of Housing and Urban Development (HUD) to investigate and attempt to resolve fair housing complaints. Where a pattern or practice, rather than an individual incident, of discrimination is identified, the U.S. Department of Justice (DOJ) is authorized to file suit in federal court.

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

Recently legislation has been introduced to update the federal Fair Housing Act by extending civil-rights protections to people based upon their sexual orientation, gender identity or source of income. The Fair Housing Act does not currently extend protections to lesbian, gay, bisexual and transgender people. Cases that involve gender identity can be filed under the protected class of sex under the FHA, where as currently, filing cases based on sexual orientation can only be done at the state or local level if it is a protected class therein. The Housing Opportunities Made Equal (HOME) Act,

---

<sup>3</sup> United States Commission on Civil Rights, The Fair Housing Amendments Act of 1988: The Enforcement Report, (Washington, D.C., 1994), 9

H.R.6500<sup>4</sup>, would prohibit discrimination in the sale or rental of housing, the financing of housing, and in brokerage services on the basis of sexual orientation, gender identity, source of income, and marital status. The HOME Act would also amend the Fair Housing Act to prohibit intimidation in the housing context on the basis of sexual orientation, gender identity, source of income, and marital status.

Currently under the Fair Housing Act, the following actions are illegal if based on an individual's race, color, religion, national origin, sex, familial status, or disability<sup>5</sup>:

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

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

- Religious organizations or private clubs, which own or operate housing (for other than commercial purposes) may give preference to members of the organization in the sale, rental, or occupancy of that housing.
- Dwellings the owners of which do not own more than three single-family homes and do not use the services of a realtor or broker in renting or selling the home.

---

<sup>4</sup> <http://thomas.loc.gov/cgi-bin/query/z?c111:h6500>:

<sup>5</sup> Federal Register, 24 CFR Part 14 et al., *Implementation of the Fair Housing Amendments Act, 1988: Final Rule*, (Washington, D.C.: United States Government Printing Office, 1989), 3284.

This exemption does not relieve the owner of the obligation to comply with laws pertaining to discriminatory advertising or retaliation.<sup>6</sup>

- Housing for people aged 62 and older and housing for people aged 55 and older is exempt from the prohibition against discrimination based on familial status. This housing is still subject to the prohibitions against discrimination based on membership in other protected classes and in regard to advertising and must meet specific criteria to qualify for the exemption.

Under the Fair Housing Act, complaints may be conciliated prior to a determination of whether reasonable cause exists to believe that a housing provider (or respondent) has violated the Act. Through conciliation, each party may achieve its objectives in a relatively simple and expeditious manner, and HUD advances the public interest in preventing current and future discriminatory housing practices. The period during which conciliation must be attempted commences with the filing of the complaint, and concludes with the issuance of a charge on behalf of the complainant, or upon dismissal of the complaint. The Fair Housing Act establishes a process for a HUD administrative law judge to review complaints in cases that cannot be resolved by an agreement between the parties and sets financial penalties where a charge of discrimination is substantiated.

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

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

States and local governments may adopt fair housing laws. Where those laws are substantially equivalent to the federal law, and where an enforcement agency has been established, HUD can certify the state or local government as a substantially equivalent agency. Absent HUD certification, funding for enforcement of local laws is limited to local sources.

To receive HUD certification, the local agency must demonstrate capacity to enforce fair housing laws that provide the same protections, rights, remedies, and judicial enforcement procedures as the federal law. After certification, the local agency receives HUD referrals of fair housing complaints within its jurisdiction for investigation and processing.

There are four jurisdictions in the State of Washington certified as substantially equivalent known as Fair Housing Assistant Program (FHAP agencies). The laws of all four jurisdictions include prohibitions against discrimination in addition to those in federal law, such as marital status, sexual orientation, or income source:

---

<sup>6</sup> Once a landlord advertises their rental property they are not exempt from Fair Housing Act requirements.

- State of Washington, Washington State Human Rights Commission (WSHRC)
- King County, King County Office of Civil Rights (KCOCR)
- Seattle, Seattle Office for Civil Rights (SOCR)
- Tacoma, Tacoma Human Rights and Human Services Department (THRHS)

The Washington Legislature has enacted a number of amendments to the Washington Law Against Discrimination, as well as other statutes as follows:

**Sexual Orientation and Gender Identity-** Engrossed Substitute House Bill (ESHB) 2661 was passed in January, 2006 and effective June 7, 2006 and amended the Washington Law Against Discrimination to include sexual orientation as a class to be protected from discrimination in employment, commerce, real estate transactions, places of public resort, accommodation, or amusement, and insurance and credit transactions. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, and gender expression or identity.

**Veteran and Military Status Protections-** Senate Bill (SB) 5123 was passed in April, 2007 and effective July 22, 2007 and amended the Washington Law Against Discrimination to protect persons with veteran or military status from discrimination in employment, commerce, real estate transactions, places of public resort, accommodation, or amusement, and insurance and credit transactions. "Veteran or military status" includes any honorably discharged veteran as defined in RCW 41.04.007, and any active or reserve member in any branch of the armed forces of the United States including the National Guard and Coast Guard.

**Protections for Victims of Domestic Violence-** Washington's Residential Landlord-Tenant Act has been amended to expand legal protections for domestic violence victims. House Bill 2EEHB 1645, effective March 15, 2004, amended landlord-tenant law and indirectly expanded fair housing protections for victims of domestic violence. Under certain circumstances, victims of domestic violence can be discharged from rental agreements and obligations to facilitate their relocation and protection. In the last ten years, the failure of housing providers to work with victims of domestic violence had become a fair housing issue and had led to increases in sex discrimination complaints under the fair housing laws. This amendment to state law effectively reinforces the protections afforded domestic violence victims afforded by existing fair housing laws.

**Clarification of Disability Protections-** Substitute Senate Bill (SSB) 5340, passed in April of 2007 and effective July 22, 2007, amended the Washington Law Against Discrimination to address the Washington State Supreme Court holding in *McClarty v. Totem Electric* adopting the definition of disability enumerated by the Americans with Disabilities Act of 1990. According to SSB 5340, the legislature finds that the Supreme Court, in its opinion in *McClarty v.*

Totem Electric, 157 Wn.2d 214, 137 p.3d 844 (2006), failed to recognize that the Law against Discrimination affords to state residents protections that are wholly independent of those afforded by the federal Americans with Disabilities Act of 1990, and that the law against discrimination has provided such protections for many years prior to passage of the federal act. For the purposes of the Washington Law against Discrimination, disability is defined, in part, as the presence of a sensory, mental, or physical impairment that: (i) is medically cognizable or diagnosable; or (ii) exists as a record or history; or (iii) is perceived to exist whether or not it exists in fact. Additionally, a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter. Of note regarding disability protections as they pertain to service animals, WA state laws include that service animals must be trained, whereas federal fair housing law does not include this requirement, and supersedes state law regarding disability requirements.

### HUD Certified Substantially Equivalent Jurisdiction Protected Classes

Basis	Federal	State	King County	Seattle	Tacoma
Age			X	X	X
Ancestry				X	X
Color	X	X	X	X	X
Creed		X		X	
Familial status/Parental Status	X	X	X <sup>7</sup>	X <sup>i</sup>	X
Gender Identity		X	X	X	X
Handicap/Disability	X	X	X	X	X
Marital status		X	X	X	X
National origin	X	X	X	X	X
Political ideology				X	
Race	X	X	X	X	X
Religion	X	X	X	X	X
Retaliation	X	X	X	X	X
Sex	X	X	X	X	X
Sexual orientation		X	X	X	X
Section 8 recipient			X	X	
Use of a Guide Dog/Service Animal	X	X	X	X	X
Veteran or Military Status		X		X	

<sup>7</sup> King County and the City of Seattle use the term parental status instead of the federal terminology of familial status.

## Other Non-Equivalent Local Ordinances

Many cities and counties pass ordinances to further and supplement federal fair housing laws such as age, sexual orientation and Section 8 status. Though there are 21 known fair housing ordinances for cities and counties in Washington State outside the FHAP agencies, actual enforcement provisions vary.<sup>8</sup>

### Protected Classes by Non-Certified Jurisdiction

Basis	Longview	Bremerton	Thurston County	Olympia	Spokane	Burien
Race	X	X	X	X	X	X
Color	X	X	X	X	X	X
Creed			X		X	
Religion	X	X		X		X
Sex	X	X	X	X	X	X
Handicap/Disability	X		X	X	X	X
Familial/Parental Status	X		X	X	X	X
National origin	X	X	X	X	X	X
Marital status			X	X	X	X
Age			X			X
Sexual orientation			X	X	X	
Gender Identity				X		
Section 8 recipient						
Ancestry		X				
Political ideology						
Retaliation						
Source of Income						

## Longview Municipal Code

The City of Longview has a Fair Housing Policy, but does not currently have a local ordinance which includes fair housing protections.

The Fair Housing Policy states that “It is prohibited to discriminate in the sale, rental, leasing, financing of housing or land to be used for the construction of housing, or in the provision of brokerage services because of race, color, religion, sex, national origin, handicap or familial status under the Federal Fair Housing Act; and It is the policy of the

<sup>8</sup> Full chart of local fair housing ordinances, their protected classes and enforcement provisions is included in the Appendices.

City of Longview to insure equal opportunity in housing for all persons regardless of race, color, religion, sex, national origin, handicap, or familial status.

The City of Longview will assist all persons who feel that they have been discriminated against because of race, color, religion, sex, national origin, handicap or familial status to seek relief under federal and state laws by providing such persons with information and forms supplied the U.S. Department of Housing and Urban Development in order that such persons may prepare and file complaints with the Washington State Human Rights Commission or the United States Department of Housing and Urban Development Seattle, Regional Office Compliance Division.”

It is unclear as to whether the Fair Housing Policy acts as a Municipal Code or local ordinance which residents can look to in Longview.

### **III. Demographics**

#### **Longview's Demographic Context<sup>9</sup>**

Because the federal Fair Housing Act includes race, color, national origin, gender, disability, religion and familial status as protected classes, this analysis considers demographic trends that may implicate the achievement of fair housing.

#### **Longview's Population**

Between 2000 and 2010, the City's population changed from 34,660 to 36,483 an increase of 1,823 people (5.26 percent). This was less than the rate of growth of Cowlitz County (9.70%). However, many of the other cities in the County grew at significantly higher rates. Several of the fastest-growing cities added both population and land through annexations (i.e., Castle Rock, Kalama, Kelso, Woodland). The city is ranked 28<sup>th</sup> in size in the State of Washington based upon 2010 state census estimates and is the largest city in Cowlitz County<sup>10</sup>.

#### ***Population Share***

	2000 Population <sup>11</sup>	2009 Population	2000-2009 Growth
Longview	34,660	36,483	5.26%
Cowlitz County	92,948	101,966	9.70%

#### **Longview's Household Profile**

The American Community Survey counted 36,483 Longview households as of 2009, a 5.26 percent increase over 2000 (34,660 households). The average household size was 2.32 persons (2.44 for owner-occupied units and 2.15 for renter-occupied housing). While Longview's population grew an average of 5.26% between 2000 and 2010, the proportion of households headed by women with children under the age of 18 increased by 11% from 1,232 households to 1,368 households.

#### ***Longview - Household Type by Household Size – 2005-2009 American Community Survey***

HOUSEHOLDS BY TYPE	Total Households by Household Type	% of Households
Total households	15,246	100%
Family households (families)	9,322	61.1%
With own children under 18 years	4,278	28.1%

<sup>9</sup> Information gathered from 2009-2013 Longview-Kelso Consolidated Plan, City of Longview, U.S. Census Bureau 2000 and 2010 STF 1 and STF 2 data and the State of Washington Office of Financial Management.

<sup>10</sup> <http://www.mylongview.com/community/demographics.html#economics>

<sup>11</sup> This report utilizes census data as corrected, to include the 2005-2009 American Community Survey.

Married-couple family	6,589	43.2%
With own children under 18 years	2,419	15.9%
Female householder, no husband present	1,964	12.9%
With own children under 18 years	1,368	9.0%
Nonfamily households	5,924	38.9%
Householder living alone	4,939	32.4%
Householder 65 years and over	2,105	13.8%
Households with individuals under 18 years	4,677	30.7%
Households with individuals 65 years and over	4,064	26.7%

## Race and Ethnicity

Though comparisons of U.S. Census data from 2000 and 2010 are made difficult by the use of different race categories, Longview's demographic make up has not changed significantly in the past ten years. While the overall proportion of the population represented by American Indians and Asians decreased, Longview's Caucasian population increased and the number of Hispanic or Latino residents in Longview grew during this time as well. While Caucasians comprise 90.8% of the population, Hispanics make up almost 9%. Black or African-Americans comprise 0.9% of Longview's population and Native Hawaiians/Pacific Islander's comprise 0.2% of Longview's population. The figures for African-Americans and Hispanic or Latino residents in Longview are lower than the State of Washington's Black or African-American (3.4%) and Hispanic/Latino (9.6%) populations.

### Longview - Race and Ethnicity – 2000 and 2010 Census

	Total Persons 2000	Total Persons 2010	% of 2000 Population	% of 2010 Population
Total Population	34,660	36,254		
White	30,967	32,904	89.3%	90.8%
Black or African American	248	324	0.7%	0.9%
American Indian and Alaska Native	610	414	1.8%	1.1%
Asian	753	574	2.2%	1.6%
Native Hawaiian and Other Pacific Islander	45	61	0.1%	0.2%
Some other race	1,025	702	3.0%	1.9%
Two or more races	1,012	1,275	2.9%	3.5%
Hispanic or Latino (of any race) <sup>12</sup>	2,017	3,115	5.8%	8.6%

Over 8% of Longview residents spoke another language other than English during 2005-2009, of which Spanish and Asian and Pacific Island languages were of the highest percentage (4.8% and 2.1 % respectively) followed by Other Indo-European

<sup>12</sup> Because persons of Hispanic origin may comprise one or more races, the total population is based on the sum of all race categories, not the sum of all races and Hispanic origin.

languages (1.4% respectively). Approximately 4.5% of these individuals spoke English “less than well.”

### **Income Data<sup>13</sup>**

In 2010, U.S. Department of Housing and Urban Development (HUD) median income was \$57,800 in the Longview Statistical Area. Median household income for the City of Longview is \$38,963. Median household income for the Cowlitz County is \$46,379. Per capita income in Longview is \$22,657; \$6,663 less than the state per capita and \$22 less than Cowlitz County.

#### **Income**

Longview	<b>2005-2009 Income – In Dollars</b>
Median Household Income	\$38,963
Median Family Income	\$49,428
Per Capita Income	\$22,657
Median earnings of full time, year round workers – Male	\$43,576
Median earnings of full time, year round workers – Female	\$33,217

#### **Poverty Status 2005-2009 by Percentage<sup>14</sup>**

<b>Population Group</b>	<b>Washington</b>	<b>Cowlitz County</b>	<b>Longview</b>
Individuals-All Ages	11.8%	15.8%	14.2%
<b>Families</b>	7.9%	11.0%	15.4%
Families with children under 18	12.5%	19.2%	26.7%
<b>Females alone with children under 18</b>	33.7%	46.6%	55.4%
Individuals 65+	4.0%	3.4%	2.5%

Longview households represent 39.6 percent of all Cowlitz County households. Too, among households in the County with incomes of less than 30 percent of the median income, a majority are located in Longview.

<sup>13</sup> The City of Longview 2010-2014 contains extensive analysis of employment trends incorporated herein by reference.

<sup>14</sup> 2005-2009 American Community Survey 5-year Estimates S1701, S1702, S1703. Poverty Status in the Past 12 Months

## Housing Characteristics

### Homeownership by Race

Longview residents make up 57.8% of owner-occupied housing while the proportion of residents who rent is 42.2%. Longview's homeownership rate of 57.8% is less than both Cowlitz County's homeownership rate of 67.6% and Washington State's overall homeownership rate of 66.9%.

While Longview's population becomes more diverse, homeownership among people of color remains disproportionately low. At this time, the Census information is still being analyzed with regards to demographic and household information. The Washington State Office of Financial Management utilizes US Census data to compile the Tenure by Race and National Origin of Households for cities in WA state and are currently awaiting the final data files from the government. This below information represents figures from the 2000 Census. The information will be updated as often as possible with current demographic data from the American Community Survey. In the previous 2000 Census, 92.8% of White households owned their own homes, and only 7.2% of minority households were homeowners. Hispanic residents had the highest rate of homeownership at 3.63%. Asian and American Indian/Native Alaskans had comparable rates of homeownership at 1.37% and 1.77% respectively. African Americans had the lowest rate of homeownership at 0.41%. Those who designated other race had a rate of homeownership of 1.72%) while two or more races have a 1.85% rate. There were no Native Hawaiian/Pacific Islanders homeowners within the Longview as of the 2000 reporting period.

### *Tenure by Race and National Origin of Householder in Longview<sup>15</sup>*

Households by Tenure, Race and National Origin	Number	Percent
<b>Total Households</b>	<b>14,049</b>	<b>100%</b>
Owner occupied:	8,137	46.6%
Renter occupied:	5,912	53.4%
<b>Total White</b>	<b>13,042</b>	<b>92.8%</b>
Owner occupied:	7,746	59.4%
Renter occupied:	5,296	40.6%
<b>Total Black or African-American</b>	<b>58</b>	<b>0.41%</b>
Owner occupied:	18	31.1%
Renter occupied:	40	68.9%
<b>Total American Indian/Alaska Native</b>	<b>249</b>	<b>1.77%</b>
Owner occupied:	118	47.4%
Renter occupied:	131	52.6%
<b>Total Asian Households</b>	<b>192</b>	<b>1.37%</b>
Owner occupied:	83	43.2%

<sup>15</sup> State of Washington Office of Financial Management.

Renter occupied:	109	56.8%
<b>Total Native Hawaiian/Pacific Islander</b>	<b>0</b>	-
Owner occupied:	-	-
Renter occupied:	-	-
<b>Total Hispanic or Latino</b>	<b>510</b>	<b>3.63%</b>
Owner occupied:	170	33.3%
Renter occupied:	340	66.7%
<b>Total other race alone</b>	<b>241</b>	<b>1.72%</b>
Owner occupied:	44	18.3%
Renter occupied:	197	81.7%
<b>Total Two or more races</b>	<b>260</b>	<b>1.85%</b>
Owner occupied:	121	46.5%
Renter occupied:	139	53.5%

### Household Profile by Race and Income

Between 2000 and 2009, Cowlitz County homes increased in value by an average of 41.3%. The median value of an owner-occupied unit in Longview in 2009 was \$169,000 which is 8% lower than the average for Cowlitz County, which had a median home price of \$183,500 in 2009.<sup>16</sup> This information should be considered within context of the recent crash of the economy, and plummeting home values across the nation and in WA state.

Rental prices in Longview are only slightly lower than the average for Cowlitz County and have increased by 25% between 2000 and 2009.

### Subsidized Housing in Longview

#### *Longview Housing Authority (LHA)*

The time constraints of this report limit a thorough analysis of the entirety of the Longview Housing Authorities programs within Longview, WA. LHA owns or administers much of the assisted housing inventory located in the City of Longview, and is also involved in administering domestic violence programs for the City of Longview, as well as assists low-income families in Cowlitz, Lewis and Pacific counties within homeownership programs which they administer, and through their project based voucher programs in order to preserve affordable housing within its jurisdiction. According to LHA's Public Housing Agency Plan for the fiscal year beginning October 1, 2009<sup>17</sup>, there were 4,414 low income cost-burdened households in the Longview-Kelso Consortium, with more than two-thirds of these being renters. The racial/ethnic group

<sup>16</sup> American Community Survey

<sup>17</sup> Longview Housing Authority 5-Year and Annual Plan, Fiscal Year 10/2009

that faces the most disparities is Hispanics, both renters and homeowners, with the very lowest income levels as well as elderly Hispanic individuals being the most effected. Hispanic families with children experience significant disparities in housing.<sup>18</sup>

### **Disabilities and Reasonable Accommodations**

Low income disabled renters within the city have a higher degree of housing problems.<sup>19</sup> There are a large number of low-income disabled individuals within the city. The Longview Housing Authority provides a Reasonable Accommodation Form to all of its tenants as a standard practice. The form should be updated in order to be clearer as to what the request is, and how the request makes the nexus for a need due to a disability. It is standard practice for a program to keep a log of requests which are made by disabled persons in order to document their needs in an effort for them to use and enjoy their dwelling as a non-disabled person would. At the time of this report, LHA did not keep a reasonable accommodation log. When looking through requests made for a reasonable accommodation, several factors where observed, including that the request was not always clear, and that the nexus between the requested accommodation and the disability was not always clear. The most disturbing observations included that in some cases, it was unclear if the request was granted or denied, and when it was clear that a request was denied, no explanation could be found as to why the request was denied or if an alternative accommodation was suggested to the tenant by LHA. Lastly, of some of the request that were clearly denied, the question arose as to why the request was not granted, as it seems some should have been. A reasonable accommodation log would help to explain outcomes and prevent discrepancies that might expose LHA to warranted legal actions should tenants choose to assert their fair housing rights.

---

<sup>18</sup> ibid

<sup>19</sup> ibid

## **IV. Fair Housing Complaints**

### **The Complaint Process**

#### **Administrative Agencies**

A resident of Longview may file housing discrimination complaints with HUD, the Washington State Human Rights Commission (WSHRC), or the Fair Housing Center of Washington. When individuals file complaints with HUD, they are forwarded to one of the substantially equivalent organizations (listed in Section II of this report),<sup>20</sup> depending upon where the alleged discriminatory practice occurred. HUD refers complaints filed by residents of Longview to the WSHRC. Conversely, complaints filed with the WSHRC will be jointly-filed with HUD when the basis of the alleged discrimination is a protected class covered under the federal Fair Housing Act.

#### **Nonprofit Agencies**

To supplement the administrative enforcement mechanisms and assist residents of non-equivalent jurisdictions, HUD established the Fair Housing Initiative Program (FHIP) to establish consistent national standards for non-profit agencies providing fair housing education and enforcement assistance. To qualify for FHIP enforcement funds, agencies must be designated as a Qualified Fair Housing Organization (QFHO) by demonstrating at least two years of history in conducting testing activities and enforcement assistance. FHIP QFHO agencies coordinate with HUD and the certified administrative agencies to provide education and outreach activities, facilitate enforcement and conduct testing.

Individuals who believe that they have been the victims of illegal discrimination in housing may contact the QFHO agency directly for assistance. That agency will evaluate the complaint for substance and, where indicated, conduct an investigation that may include testing. Where an administrative agency has to remain impartial, private fair housing organizations (QFHOs) may also assist and support complainants in preparing and filing complaints with HUD, with the appropriate administrative (or FHAP) agency, or in filing lawsuits. The HUD designated QFHO serving western and central Washington is the Fair Housing Center of Washington (Fair Housing Center).

#### **What Happens When a Complaint is Filed?**

Once a complaint is filed with an administrative agency, the parties are encouraged to resolve the complaint by participating in negotiations designed to reach resolution and to protect the public's interest. Nationally and locally, a high percentage of complaints are closed by conciliation or pre-determination settlement. If conciliation cannot be achieved, there is a finding to determine if evidence of "reasonable cause" exists to

---

<sup>20</sup> Unless the complaints are novel or complex.

support a violation of fair housing law. Some complaints will be closed with a 'no-cause' determination due to insufficient evidence to support a reasonable cause finding. When a reasonable cause finding is determined, the case may be given an administrative hearing or heard in superior or federal court.

There are several ways that an investigation can be settled with HUD<sup>21</sup>. One with is through a no cause determination. If after a thorough investigation, HUD finds no reasonable cause to believe that housing discrimination has occurred or is about to occur, HUD will issue a determination of "no reasonable cause" and close the case. If a complainant disagrees with HUD's determination of no reasonable cause, they can (1) request reconsideration of the case by sending a letter to the Director of the Office of Enforcement, FHEO, or (2) the complainant can file a civil court action in the appropriate U.S. district court.

For a cause determination and charge, the investigation would produce reasonable cause to believe that discrimination has occurred or is about to occur. In this instance, HUD will issue a determination of "reasonable cause" and charge the respondent with violating the law. HUD will send a copy of the charge to the parties in the case. After HUD issues a charge, a HUD Administrative Law Judge (ALJ) will hear the case unless either party elects to have the case heard in federal civil court within 20 days of receipt of the charge.

Longview complaints based on classes protected under state law (such as marital status) that are not covered under federal law are filed with the state agency (WSHRC). In addition, individuals claiming discrimination based on non-federally protected classes may seek redress in accordance with specific provisions of the local fair housing ordinance. When a FHAP such as the WSHRC issues a no cause determination, individuals have the right to appeal their case through the states Office of the Attorney General.

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

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

---

<sup>21</sup>HUD's Title VIII Fair Housing Complaint Process, <http://www.hud.gov/offices/fheo/complaint-process.cfm>

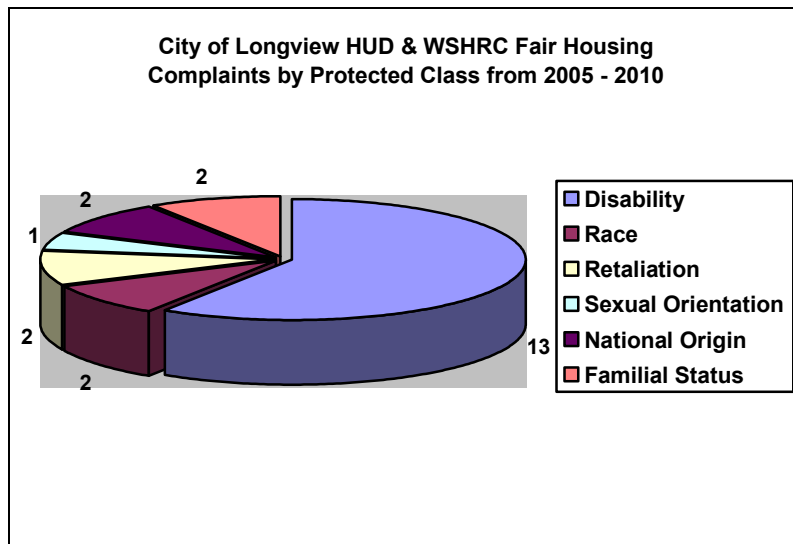
## Longview Fair Housing Complaint Data

In the last five years, from November 1, 2005 to September 30, 2010 there were 20 complaints with 31 bases<sup>22</sup> filed with HUD and the WSHRC alleging discriminatory housing practices in Longview. During the five-year period, an average of 3.3 complaints was filed per year, with 2007 and 2008 exceeding the average.

In Longview, disability (65%) was the most frequent basis for complaints, followed by race, familial status, national origin and retaliation (7.5% each), then sexual orientation (5%).

In the disability cases, 62% were related to a failure to make a reasonable accommodation, while 15% alleged a failure to permit a reasonable modification. A reasonable accommodation<sup>23</sup> is a change in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. A reasonable modification<sup>24</sup> is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Both types of accommodations can be made at anytime during the tenancy.

The following graph details the distribution of complaints:



<sup>22</sup> This means that a single complainant can, for example, allege discrimination based on national origin *and* familial status (or other protected classes) in the same complaint.

<sup>23</sup> HUD Disability Rights in Housing, <http://www.hud.gov/offices/fheo/disabilities/inhousing.cfm>

<sup>24</sup> HUD DOJ Joint Statement on Reasonable Modifications

[http://www.hud.gov/offices/fheo/disabilities/reasonable\\_modifications\\_mar08.pdf](http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf)

Of the 17 cases closed from October 4, 2005 through August 26, 2010, 35.3% were closed through successful settlement or conciliation or withdrawn following a successful resolution. 64.7% of cases were closed following a determination of “no cause”. Cases closed for a variety of reasons constituted 5.8%, and 15% remained open<sup>25</sup>. There were no “reasonable cause” findings.

#### Settlement Amount Comparison

<b>Longview 2005-2010</b>	<b>Puyallup 2005-2010</b>	<b>Everett 2005-2010</b>	<b>Lynwood 2005-2010</b>
\$2,815	\$8,695	\$10,108	\$16,850

A total of \$2,815<sup>26</sup> was paid by Respondents in the course of settling fair housing cases in Longview. This entire amount constitutes settlements for disability-based complaints only. For the period of 2005 through 2010, Longview settlements were much lower in terms of settlement for cities with comparable populations, as shown in the above chart. Though the rate of complaint settlement does not necessarily measure the strength of discrimination allegations, the value of settlements is a variable in considering impediments to fair housing choice particularly for disabled home seekers.

Non-monetary settlements can also be an important source of fair housing redress. For instance, granting reasonable accommodations and modifications greatly increases a person’s ability to enjoy their dwelling. Furthermore, modifying occupancy standards to allow larger households to have access to units needed assists families with children, is an example of how a non-monetary settlement or policy changes can be just as effective with regards to settling fair housing complaints.

#### National Trends

An analysis of national trends in fiscal year 2009<sup>27</sup> showed that disability (44%) and race (31%) represent the most frequent bases for complaints filed with administrative enforcement agencies.

<b>Top Two Protected Classes</b>	<b>National</b>	<b>Longview</b>
Disability	44% (1 <sup>st</sup> )	65% (1 <sup>st</sup> )
Race	31% (2 <sup>nd</sup> )	7.5%(2 <sup>nd</sup> )

<sup>25</sup> Could not locate complainant, complainant failed to cooperate, complaint withdrew complaint, dismissed for lack of jurisdiction, unable to locate complainant, judicial dismissal.

<sup>26</sup> Some of the settlement amounts have multiple protected class bases.

<sup>27</sup> U.S. Department of Housing and Urban Development, “*The State of Fair Housing-Annual Report on Fair Housing FY 2009*”

With respect to national case closures, a determination of reasonable cause was found in 6% of cases, 47% were no cause, 16% were administratively closed, and 31% were either settled or successfully conciliated.

<b>Closure Type</b>	<b>National</b>	<b>HUD/WSHRC (WA State)</b>
Reasonable Cause	6%	2%
Successful Settlement	31%	37%
No Reasonable Cause	47%	34%

Longview cases reported no cause findings and a rate of successful settlements and resolutions at 30%, which are in line with national averages. Longview’s rate of no cause findings, at 55%, is higher than the national no cause rate of 47%. Per capita complaint data is unavailable at the jurisdictional level at this time.

<b>Longview Fair Housing Settlement Awards 2005 – 2010</b>	
Disability	\$2,815
Total Settlement Awards	\$2,815

### **Complaint Statistic Conclusions**

1. In accordance with national trends, City of Longview complaints alleging discrimination on the basis of disability are more frequent than all other complaints. While disability and race comprise the top two protected classes cited in fair housing complaints filed nationally, family status comes in as the third most frequent protected class (20%). In Longview during this time period 7.5% of fair housing complaints filed were familial status. In 2010 a sexual orientation case was filed. Sexual Orientation is a state protected class at this time.
2. Longview is below the national and state average for settlements of complaints and has a higher than average rate of no cause findings, at 64.7%.
3. Disability complaints are first in terms of the number of fair housing complaints and were the only protected class bases which resulted in fair housing monetary settlement relief.

### **Fair Housing Logos and Advertisements**

Fair housing laws include provisions to address discrimination in the advertising of available rental and sales property. It is illegal to advertise any preference, limitation, or otherwise encourage discrimination because of the classes protected under federal and state laws. As an example, advertising in local media sources should not show preference for adults or dissuade families with children. Most newspapers include HUD’s Equal Housing Opportunity logo and include a disclaimer stating that:

“All real estate advertising in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise “any preference limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation or discrimination. Familial status includes children under 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination call HUD Toll-free 1-800-669-9777. Toll-free hearing impaired 1-800-927-9275.”

The *Daily News*, *Topix*, *Little Nickle*, the *Pennysaver*, and *Craigslist*, web sites were reviewed for a period of time to ascertain whether or not they included a publisher’s notice, an equal opportunity logo, or links to any resources on how to place an advertisement abiding with federal, state or local fair housing laws.

TDN.com<sup>28</sup> (The Daily News’ website) was the only website on which any fair housing notices or logo was located. A review of the website did not reveal any discriminatory ads. A disclaimer on the website noted that ‘The Fair Housing Act prohibits discrimination in the rental, sale, or financing of dwellings. [www.hud.gov](http://www.hud.gov).’ Some ads indicated affirmative marketing to individuals with disabilities, and included pictures of wheelchairs and other disability logos. On March 20, 2011 the following was posted under the rentals section by TDN along with the equal housing opportunity logo, “ In accordance with the federal Fair Housing Act, we do not accept for publication any real estate listing that indicates a preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin. If you believe a published listing states such a preference, limitation, or discrimination, please notify this publication at [fairhousing@lee.net](mailto:fairhousing@lee.net).”

Topix<sup>29</sup> redirects renters to Apartments.com to browse sales and rental availability in Longview, WA. There were no references to a publisher’s notice, an equal opportunity logo, or links to any resources on how to place an advertisement abiding with federal, state or local fair housing laws on the Topix website itself. Topix’ Terms of Service states that posters are solely responsible for what they post on Topix, and that posters “agree that we are not liable for any content that is provided or posted by you or others. We have no duty to pre-screen your content or the content of others, but we have the right to refuse to post or to edit submitted content. You understand and acknowledge that by using Topix, you may be exposed to content that may be offensive, indecent or objectionable.<sup>30</sup>” Apartments.com has an Equal Housing Opportunity logo near the bottom of its webpage that has a link to their housing statement<sup>31</sup>. The statement notes

---

<sup>28</sup> [http://tdn-www2.tdn.com/classifieds/real\\_estate\\_for\\_rent/](http://tdn-www2.tdn.com/classifieds/real_estate_for_rent/)

<sup>29</sup> <http://www.topix.com/city/longview-wa>

<sup>30</sup> <http://www.topix.com/topix/terms>

<sup>31</sup> <http://www.apartments.com/LegalInfo.htm#EOH>

their policy that "All real estate advertised herein is subject to the federal Fair Housing Act, which makes it illegal to advertise "any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make such preference, limitation or discrimination." We will not knowingly accept or permit any advertisement for real estate that is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis." A review of the Apartment.com listings for rental property in Longview did not reveal any ads that would be considered discriminatory.

The Little Nickel<sup>32</sup>, despite having no visible fair housing warning, was free of discriminatory advertisements during the period of review, and had few ads for rentals in Longview. The Pennysaver<sup>33</sup>, because of its cost to publish an advertisement, advertises almost exclusively for the sale of properties. There were very few rental ads posted during the period of review, and ads that were published referenced prices and features of homes and apartments only.

The Internet has exponentially increased the number of sites that contain advertisements for rental housing. While the sheer volume of web sites containing advertisements for rental housing precludes a complete evaluation of housing advertisements for fair housing compliance, major web sites such as ForRent.com and Apartments.com have established mechanisms for preventing the publication of discriminatory advertisements.

MyNewPlace.com is a one site that is used for rentals in the Longview area. The website has an 'Equal Opportunity In Housing Statement,'<sup>34</sup> which notes that the real estate advertised on this website is subject to the federal Fair Housing Act which makes it illegal to advertise "any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make such preference, limitation or discrimination." MyNewPlace.com states that the site "will not knowingly accept or permit any advertisement for real estate that is in violation of the law. It is our policy that all housing advertised on this website is available on an equal opportunity basis." There is also a section that includes the law: "State and federal fair housing laws were enacted to prohibit discrimination based on race, color, religion, sex, disability, familial status, and national origin in the purchase and rental of housing. Complaints concerning discrimination in housing may be filed with the nearest office of the United States Department of Housing and Urban Development (HUD), or by calling HUD's toll free number, 1-800-669-9777. Alternatively, you can contact HUD on the internet at <http://www.hud.gov/complaints/housediscrim.cfm>."

---

<sup>32</sup> <http://www.littlenickel.com/bluefin.cmp?action=home&bfcid=631e3meposaa8medica37a26g1&sfid=2>

<sup>33</sup> [http://www.pennysaverusa.com/classifieds/real-estate/houses-and-apartments-for-rent/usa/washington/snohomish/snohomish/radius-2/#search-url:/search/advanced/?query=&category=1011658&region=31317&advert\\_type=1&radius=5&price\\_\\_min=&price\\_\\_min=&query=&radius=5](http://www.pennysaverusa.com/classifieds/real-estate/houses-and-apartments-for-rent/usa/washington/snohomish/snohomish/radius-2/#search-url:/search/advanced/?query=&category=1011658&region=31317&advert_type=1&radius=5&price__min=&price__min=&query=&radius=5)

<sup>34</sup> <http://www.mynewplace.com/eho>

Craigslist has implemented a fair housing posting on the website which states that a discriminatory preference in a housing posting is illegal. The disclaimer goes on to state that “when making any posting on craigslist, you must comply with section 3604(c) of the Federal Fair Housing Act. This law generally prohibits stating, in any notice or ad for the sale or rental of a dwelling, a discriminatory preference based on any of the following protected categories: Race or Color, National Origin, Religion, Sex, Familial Status and Handicap / Disability.” A review of Craigslist ads placed for rentals and sales in the City of Longview was conducted between February and May 2011. There were many different ads placed during this time period for the rental and sale of housing in Longview, although the amount of ads places was smaller than most cities of the same size. Some of the ads hinted at discriminatory advertising for a specific preference, for example one apartment rental ad stated that “No pets, no exceptions”, and another stated “Quiet Building.” Such statements could indicate a preference for certain people and exclude individuals in a protected class, such as families with children or disabled home seekers who may have a service animal.

A recent review of the Longview Housing Authority’s website<sup>35</sup> shows under the tab entitled ‘Documents/Links on the main page, there is a link to ‘Documents/Forms’ that list State/Federal Web Sites, which include a link to HUD as well as a link to the WA State HUD Office. In their 2011 PHA Annual Plan, LHA states that they are “ensuring equal opportunity and affirmatively furthering fair housing by providing continuous training opportunities for staff and undertaking affirmative measures to ensure accessible housing to all: LHA staff attend Fair Housing training annually. There were no visible fair housing logos on the LHA website, nor was there anything specifically regarding fair housing, including protected classes, on the website. The links provided directed viewers to the HUD website, and did not point them to the FHA page for HUD. Under the ‘Most Requested’ tab on the main page, there is a link to LHA’s Housing Choice Vouchers (HCV) Administrative Policy. Chapter 2 of the HCV Policy is titled Fair Housing and Equal Opportunity. The introduction states that the chapter “explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the PHA’s housing choice voucher (HCV) operations.” In this Chapter, LHA states that it will comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern), Violence Against Women Reauthorization Act of 2005 (VAWA), When more than one civil rights law applies to a situation, the laws will be read and applied together. Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

---

<sup>35</sup> <http://www.longviewha.org/index.html>

A review of the City of Longview's website<sup>36</sup> revealed that there is a separate tab for Fair Housing on the front page of the Community Development Department. This tab includes separate links as follows:

- ❖ <http://www.hud.gov/offices/fheo/FHLaws/index.cfm>,
- ❖ <http://www.hud.gov/local/shared/working/r10/fairhsgpartners.cfm?state=wa>,
- ❖ <http://www.hud.gov/offices/fheo/disabilities/>
- ❖ City of Longview Fair Housing Policy
- ❖ Washington Human Rights Commission
- ❖ HUD Office of Fair Housing & Equal Opportunity
- ❖ Housing Discrimination Complaint Form (re-directs to HUD.gov)
- ❖ Legal Service Providers (re-directs to Washington LawHelp website)
- ❖ Home Ownership Programs (re-directs to LHA, SHARE, Habitat for Humanity)
- ❖ HOME Program

Within the "Community Development" area of the City's website, there is a tab for 'Important Building and Construction Links' that includes a link to HUD.gov. Under the tab "Handouts and Forms" there is a link to obtain an Affirmative Fair Housing Marketing Plan. Although there is information on the website that pertains to the protected classes under the federal law, no information was found with regards to state protected classes that are enforced under state agencies. State protected classes should be identified and information should direct individuals to resources within the state should be added to the City's website. The City of Longview is to be commended for having a stand alone tab that directly links to Fair Housing information and HUD's website.

---

<sup>36</sup> <http://www.mylongview.com/>

## **V. Identification of Impediments to Fair Housing Choice**

### **Impediments to Fair Housing Choice - Rental Testing Data**

#### **Introduction to Testing**

Testing refers to the use of individuals who, without a bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective renters or purchasers to obtain information for the purpose of evaluating the compliance of housing providers with fair housing laws. In the landmark case, *Havens v. Coleman*, the United States Supreme Court recognized the importance, legality and power of testing as a mechanism for measuring and correcting discriminatory housing practices.

Fair housing testing utilizes rigorous protocols to ensure that any discrepancies identified in the course of testing can be attributed to differential treatment. Because of the multiple variables involved in a housing transaction, testing results are not definitive measures of discriminatory conduct in the rental housing market. Nonetheless, the aggregate results of testing conducted in Longview provide an objective opportunity to identify geographical and protected class trends critical to the identification of impediments to fair housing choice.

For the purposes of this report, testing results are defined as either “positive” or “negative.” A test will be defined as “positive” when one or more adverse differences are identified in the information provided to the protected class tester compared to their non-protected counterpart. For example, if a protected class tester is provided a higher quote for security deposit than the control tester, the test will be defined as “positive” because of its evidence of differential treatment. Tests are defined as negative when testers are provided equivalent information (or given equal treatment) regarding housing opportunities (no differential treatment). Overall, while testing may provide an objective means to identify differential practices, the presence of differences does not necessarily mean that a housing provider is engaging in housing discrimination. Likewise, the lack of observed differences at a particular site does not preclude the existence of discriminatory practices.

#### **Testing in Washington State**

Testing has taken place throughout the State of Washington since the mid-1990s as evidence for complaints and for audit testing, the latter of which is to gain perspective on housing practices in a given area. All enforcement agencies in the state have contracted with the Fair Housing Center to conduct audit and/or complaint testing.<sup>37</sup> The

---

<sup>13</sup> The Northwest Fair Housing Alliance in Spokane conducts complaint and audit testing in Eastern Washington under FHIP contract with HUD.

following chart highlights statewide FHAP and FHIP-initiated audit testing activities in the past nine years:

**Non-Profit Fair Housing Agency Testing in Washington State 1998-2011**

<b>Year</b>	<b>Type</b>	<b>Protected Class</b>	<b># Tests</b>
<b>Fair Housing Center of Washington</b>			
1998	Rental	Disability in Pierce County	30
1999	Rental	National Origin (Hispanic) in Yakima	30
2001-2003	Rental	National Origin (Hispanic & Chinese) - Whatcom/Skagit Counties	30
2003	Sales	Race (Black) & National Origin (Hispanic) Pierce County	30
2004	Rental	Race (Black) and National Origin (Hispanic) Port Angeles	20
2004	Rental/ Sales	Race (Black) and National Origin (Hispanic) Longview/Vancouver	30
2005	Rental/ Sales	Race (Black) and National Origin (Hispanic) Snohomish County	30
2006	Rental	Native American testing for Skagit & Whatcom Counties	30
2006-2007	Rental	Race (Black) and National Origin (Hispanic) Kitsap County	30
2006-2007	Rental	Race (Black) Pierce County	22
2008-2009	Rental	Disability, Race (Black), National Origin Thurston and Mason Counties	30
2010	Rental	Race (Black) San Juan and Island Counties	20
<b>Northwest Fair Housing Alliance</b>			
1999-2001	Rental	National Origin (Hispanic) in Spokane/Eastern Washington (includes complaint-based tests)	159
1999-2001	Sales	National Origin (Hispanic) in Spokane/Eastern Washington (includes complaint-based tests)	20
2001-2003	Rental	National Origin (Hispanic & Middle Eastern) & Race (Black) in Spokane/Eastern Washington (includes complaint-based tests)	115
2001-2003	Sales	National Origin (Hispanic & Middle Eastern) & Race (Black) in Spokane/Eastern Washington (includes complaint-based tests)	48
2003-2004	Rental	National Origin (Hispanic) in Spokane/Eastern Washington	96
2003-2004	Sales	National Origin (Hispanic) in Spokane/Eastern Washington	32
2003-2004	Mortgage	National Origin (Hispanic) in Spokane/Eastern Washington	15
2004-2005	Rental	National Origin (Hispanic) and Race (Black) in Spokane/E. WA	56
2004-2005	Sales	National Origin (Hispanic) and Race (Black) in Spokane/E. WA	30
2004-2005	Mortgage	National Origin (Hispanic) in Spokane/Eastern Washington	12
2005-2006	Rental	National Origin and Race (Black) in Spokane/Eastern Washington	83

2005-2006	Sales	National Origin (Hispanic) and Race (Black)	20
2005-2006	Mortgage	National Origin (Hispanic) and Race (Black) in Spokane/Eastern Washington	16
2006-2007	Rental Site	National Origin (Hispanic, Ukrainian and Middle Eastern), Familial Status, Disability, Race (Black) in Spokane/Eastern WA	50
2006-2007	Rental Phone	National Origin (Hispanic accent) and disability (TYT System) in Eastern/Central Washington	40
2006-2007	Sales	National Origin (Hispanic) in Spokane/Eastern Washington	5
2006-2007	Mortgage	National Origin (Hispanic) in Spokane/Eastern Washington	5

**Municipal and Enforcement Agency Audit Testing in Washington 1999-2011<sup>38</sup>**

Year	Type	Protected Class	# Tests
<b>Seattle Office for Civil Rights</b>			
1999-2000	Rental	Race (Black)	42
1999-2000	Rental	Familial Status	42
2001-2002	Rental	National Origin (Hispanic, Cambodian & Middle Eastern)	105
2003	Rental	Race (Black)	50
2004	Mortgage	Race (Black) and National Origin (Hispanic)	20
2011	Rental	Race and Disability	60
<b>City of Tacoma Human Rights and Human Services Department</b>			
2002	Rental	Race (Black) and National Origin (Hispanic)	14
2004	Rental	Familial Status	5
<b>King County Office for Civil Rights</b>			
2002-2003	Rental	National Origin (Hispanic & Cambodian)	30
2005	Rental	Race (Black), National Origin (Hispanic), Familial Status and Disability	39
2009/2010	Rental	Race, National Origin, Familial Status, Disability, Section 8	24
<b>Washington State Human Rights Commission</b>			
2001-2002	Rental	National Origin (Hispanic) in Thurston County	30
<b>City of Bellingham Department of Planning and Community Development</b>			
2006	Rental	Familial Status	10
2008	Rental	Disability	7

The Fair Housing Center of Washington initiated its fair housing testing program in 1995 and completed over 1,500 match-paired tests as of December 31, 2010. Of the 1,500 tests conducted by the Fair Housing Center since 1995, 913 tests were conducted as audit-based tests. Testing audits have been conducted in Clallam, Clark, Cowlitz, King,

<sup>38</sup> The Fair Housing Center conducted the majority of the municipal and enforcement agency testing.

Island, Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom counties.

### **Rental and Sales Testing in Longview**

In 2004 the Fair Housing Center of Washington conducted twenty-two (22) matched-pair tests of housing providers in Longview. Of these tests, eleven (11) were rental audit tests based on national origin. The results of the 11 tests include five (5) tests which indicated differential treatment towards the Hispanic testers. Two (2) of the tests were inconclusive, meaning that there may have been differential treatment, however the results were unclear. The remaining four (4) tests were negative, as the outcomes of the tests did not indicate differences in treatment. When initial audit tests indicate that there may be differences in treatment based on an individual who is part of a protected class, the Fair Housing Center may decide to conduct follow up testing at the site.

Of the twenty-two (22) matched-pair tests of housing providers in Longview, three of the tests were sales test, wherein testers were matched for age and gender and assigned similar characteristics, such as household size, income, and savings. All testers were Hispanic. The incomes were carefully calculated, taking into consideration mortgage interest rates at the time and all costs associated with home buying, such as inspections, mortgage insurance, and closing costs. Financial characteristics assigned to testers ensured that they would qualify for the price range of homes they were looking for. None of the three tests indicated in differences in treatment towards the Hispanic home seekers.

There were three complaint based tests conducted in Longview in 2004, all based on familial status. Complaint based tests are requested when a client calls in to ask for assistance on an issue that they are having with regards to housing. Complaint based testing is utilized when there may not be enough evidence or when further investigation is necessary with regards to a property. Of the three familial status complaint tests conducted, two indicated differences in treatment towards a family with children under the age of 18, and one test was negative.

### **Longview Testing Summary**

<b>Longview Testing</b>	<b>Tests Indicating Differential Treatment</b>		<b>Tests Without Differential Treatment</b>		<b>Total Tests</b>
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	
National Origin Hispanic-Rental	7	43.8%	9	56.20%	<b>16</b>
National Origin Hispanic-Sales	0	0.00%	3	100.0%	<b>3</b>
Familial Status- Rental	2	66.6%	1	33.4%	<b>3</b>
<b>Total Tests by Outcome</b>	<b>9</b>	<b>41.0%</b>	<b>13</b>	<b>59.0%</b>	<b>22</b>

## **Testing and Advertising Impediments Summary**

1. 2004 Hispanic testing audit and familial status complaint based testing indicated differences in the treatment of Hispanics and families with children. Familial status and national origin testing were the only two protected classes that were tested in Longview's housing markets.
2. A review of on-line websites and advertisements for housing in Longview and Cowlitz County revealed that the local papers and online rental websites included links to resources on how to place an advertisement abiding with state or local fair housing laws.
3. The Longview Housing Authority and the City of Longview also included information and links to fair housing on their websites, although no fair housing logos were observed on either site. The City of Longview's website did not include state protected classes, and only included federal protected classes. Fair housing logos can be obtained from HUD and should be placed on the main page of the website as well as on the Community Development page, and other places to include access to links and information on fair housing resources in the area and nationally.

## **VI. Public Perception of Housing Discrimination in Longview**

### **Survey and Public Forum**

The Fair Housing Center distributed a fair housing survey to 56 Longview residents, city officials, landlords, and human service agencies. Of the 56 surveys distributed, 16% (9) were returned and all of the respondents lived in Longview or provided services to Longview residents. In addition, the Fair Housing Center conducted interviews with representatives of various agencies which assist individuals in Longview, including the Ethnic Support Council, Iglecia Latina, Templo Emanuel, the Longview Senior Center, the Lower Columbia Community Action Program, the Southwest Washington Agency on Aging and Disabilities, Northwest Justice Project- Longview, Fair Housing Council of Oregon (FHCO), and the Retired Senior Volunteer Program (RSVP), to name a few. Where relevant, community and agency survey comments are supplemented by a review of fair housing issues expressed by actual residents.

The survey results demonstrated somewhat of an understanding of basic knowledge about fair housing protections and enforcement options. Although responders indicated that they “understand the basics” or “knew a little”, some of the respondents incorrectly identified protected classes under the federal and state fair housing laws enforced in the City of Longview.

Respondents were provided a list of eight human service and government agencies and asked to identify up to three agencies responsible for providing fair housing enforcement assistance to Longview residents. Of the fair housing resources correctly selected, 37.5% indicated the Washington State Human Rights Commission, 50% selected the Fair Housing Center, 50% selected HUD. Of the agencies identified as fair housing resources, 50% selected the City of Longview, and 25% selected the Longview Housing Authority. Northwest Justice Project/CLEAR was identified 12.5% of the time.

Eleven survey participants responded to a question asking them to indicate the frequency of discrimination in the sale of housing and 22% of the responses indicated sales discrimination never occurs while 55% indicated discrimination in sales occurs occasionally or rarely.

### **Survey Results**

Of the surveys sent, 88.8% of respondents indicated that they provide services to City of Longview residents. 88.8% of respondents marked that their knowledge of fair housing issues including that they understand the basics, 11.1% know a little, and none of the respondents indicated that they “have thorough knowledge”. With regards to the extent of discrimination in the sale of homes in Longview, 55% feel that discrimination is either non-existent or rare, and 11% marked that it is occasional. Regarding

discrimination in the rental market in Longview, 33.3% feel that discrimination is either non-existent or rare, and 44.4% marked that it is occasional.

While 25% indicated that they are aware of people being discouraged from applying for certain housing, 12.5% of respondents marked that they are aware of people being told that they must rent units in a certain area of an apartment complex. None of the individuals that responded have knowledge that there are specific areas of the City of Longview in which housing discrimination is more common than other areas of the city. A majority of the respondents would refer complaints of discrimination to either the Washington States Human Rights Commission, HUD, and the City of Longview, followed by the Longview Housing Authority.

When asked to choose the protected classes under the federal Fair Housing Act, the Washington Law against Discriminations, and the Longview Fair Housing Ordinance, all respondents correctly chose three protected classes: race, disability, and religion. 87.5% chose color and national origin. 75% chose sexual orientation, as well as age which is not actually a protected class. Familial status was chosen by 62.5%, while 50% chose gender identity. Section 8 and veterans status was marked by 37.5%, and marital status was chosen by 25% of responders. 12.5% of responders marked source of income, ancestry, political ideology, and criminal history, respectively. Criminal History, like age, is not a protected class under federal and state fair housing laws.

Fair housing resources which are known to individuals that responded to the survey include fair housing brochures (71%), fair housing training for renters (42.8%), fair housing training for the rental industry and social service providers (28.5 % each), fair housing training for victims of domestic violence, persons wishing to buy homes, and general fair housing training (14.2% each). 78% of respondents believe that currently there is not sufficient education and outreach and resources on housing discrimination issues, while no respondents believed that there is. 78% marked that they believe that more research is needed on whether housing discrimination takes place, while 11% do not believe that more research is needed.

Lastly, when asked if zoning laws should be reviewed with an eye to fair housing choice, 56% of survey participants marked “yes’.

### **Community-Identified Impediments**

Through telephone interviews with local agencies, that either provides advocacy, social services, or housing program assistance, some the following areas were identified as impediments and issues with regards to fair housing choice in Longview:

- There are seniors in the community who are disabled and need reasonable accommodations and reasonable modifications, but there are no resources/advocates to ensure that needs are granted/met.

- Community members do not know their fair housing rights, nor how to file a fair housing complaint
- There is insufficient outreach and education on housing discrimination issues
- The community needs more housing discrimination resources
- More research is needed on whether housing discrimination takes place
- There have been concerns from community advocates that housing discrimination is taking place in certain areas towards legal and non-documented Hispanic persons

### **Identification of Areas Where Discrimination Is More Common**

Survey respondents affirmed areas in and around Longview where discrimination is more common. These areas were described as follows:

- “Highlands area”
- “St. Helens Neighborhood”
- “Olympic”

One survey respondent stated that “in terms of ownership, it does seem very odd that the St. Helens neighborhood had one of the highest rates of sub-prime loans for homeownership, and that the Highlands had one of the highest rates of sub-prime loans for the second mortgages. This would be the lowest income areas (except for Olympic, which is mostly rental).”

Although there has been minimal evidence with regards to the outcomes of testing investigations, there were quite a few respondents that identified housing discrimination taking place in Longview based on national origin. One person interviewed stated that there are several places that will not rent to Hispanics, including several mobile home parks. He described several incidents, including one where the manager was verbally abusive, and an incident where one family wanted to sell their mobile home to a Hispanic family but could not. This survey respondent also stated that he put in an application for housing as a white person, then as a (legal) Hispanic person making twice as much income, and the white application was approved. He stated that he actually paid the \$25 application fee and placed his application in before his white friend.<sup>39</sup>

### **Public Fair Housing Forum**

A fair housing forum was held on April 13, 2011 in Longview, WA at Longview City Hall. There were eight citizens in attendance, including five landlords and three individuals. In addition, there were representatives from the City of Longview, the Cowlitz-Wahkiakum Council of Governments, the Longview Housing Authority, as well as the Lower Columbia Community Action Program. An AmeriCorps volunteer was in

---

<sup>39</sup> Such an incident could be perceived as fair housing “testing.” The FHCW had no involvement in testing in this instance.

attendance to interpret for Spanish speaking individuals, although there were none who attended. Many of these topics discussed pertained to landlord-tenant issues, such as application fees. For questions that pertained to fair housing issues, the individuals present had minimal knowledge of fair housing protected classes or laws. One topic discussed was whether or not renting to illegal immigrants was legal and if landlords could request legal papers in order to ascertain the status of a potential applicant. Discussion was held regarding smoke free housing and whether or not the number of bedrooms and children is limited due to gender. Lastly, disability and service animal issues were discussed, as some of the attendees had recently attended a training wherein an attorney informed the social service providers and landlords that service animals, including companion animals, must have a certification and require training. The federal law does not impose a requirement that service animals must be certified, and complaints can be brought under HUD regardless of the state law requirement, thus property owners and landlords need to be cognizant of all applicable state, local, and federal laws accordingly. Participants inquired as to whether a doctor's note suffices, and if they, as landlords, could turn down a "companion" animal versus a "service" animal.

### **Public Input Conclusions (Survey, Telephone Interviews & Forum)**

- Survey responses indicate a lack of knowledge about general fair housing laws among residents and social service providers and agencies, nor of fair housing protections available to residents in Longview.
- Survey responses reflect an interest in more fair housing education, outreach and resources to increase knowledge of fair housing laws and the agencies that can assist them.
- There is a need for more investigation regarding potential violations of fair housing rights within certain areas of Longview identified by the Community.
- Correct information regarding the fair housing laws, on the local, state, and federal level needs to be provided to housing landlords, agency service providers, and all service providers in Longview who receive CDBG funds. It is imperative that this information come from a subject matter expert in fair housing, or a QFHO, such as the Fair Housing Center of Washington.

## **VII. Impediments to Fair Housing Choice in Housing Finance**

### **Banking and Lending Regulatory Structure**

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

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

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

### **Community Reinvestment Act**

The Federal Financial Institutions Examination Council (FFIEC) is an interagency body that sets uniform principles, standards and report forms for examination by the FRB, FDIC, OTS, OCC and the National Credit Union Administration (NCUA). The FFIEC also administers the testing and rating process for the Community Reinvestment Act.

The Community Reinvestment Act (CRA) was enacted by Congress in 1977 (12 U.S.C. § 2901) and is implemented by Regulations 12 CFR parts 25, 228, 345 and 563e. The regulation was also revised in 2008. The CRA is designed to evaluate lender commitment to and investment in low and moderate income neighborhoods. Unreasonable banking practices have a disparate impact on people of color because disproportionate numbers of minorities live in low to moderate-income neighborhoods. Banks located within Longview have the following CRA ratings:

## Community Reinvestment Act Ratings for Banks with Headquarters in Longview<sup>40</sup>

AGENCY	EXAM DATE	BANK NAME	CRA RATING	EXAM METHOD
OCC	6/16/2008	Hometown National Bank	Satisfactory	Not Reported
OCC	4/1/1992	The Cowlitz Bank <sup>41</sup>	Satisfactory	Small Bank
FDIC	5/1/1994	The Cowlitz Bank	Satisfactory	Not Reported
FDIC	11/1/1996	The Cowlitz Bank	Outstanding	Not Reported
FDIC	5/1/1999	The Cowlitz Bank	Outstanding	Small Bank
FDIC	11/1/2002	The Cowlitz Bank	Satisfactory	Small Bank
FDIC	1/1/2004	The Cowlitz Bank	Satisfactory	Small Bank
FDIC	8/1/2005	The Cowlitz Bank	Satisfactory	Large Bank
FDIC	3/2/2009	The Cowlitz Bank	Satisfactory	Large Bank
FDIC	9/1/2002	Twin City Bank	Satisfactory	Intermediate Small Institution
FDIC	7/1/2007	Twin City Bank	Satisfactory	Small Bank
FDIC	6/16/2008	Hometown National Bank	Satisfactory	Small Bank

The above data shows the overall ratings for Longview banks involvement in low and moderate-income communities, but does not identify specific activity within Longview's borders. To gather specific information on banks involvement in Longview different headquarters requires more detailed research. This information provided gives an overall sense of a bank's CRA rating.

### Community Reinvestment Act Conclusion

1. All of the banks still-headquartered in Longview received satisfactory ratings in their most recent evaluations, and one institution, the Cowlitz Bank, received a rating of outstanding in two out of the eight years that it has been evaluated.
2. A more in-depth assessment would be required to identify specific community reinvestment activities in Longview in order to fully evaluate community reinvestment commitments as they pertain to fair housing.

<sup>40</sup> This chart is a selection of banks located in Longview for which CRA rating information was readily available.

<sup>41</sup> The Cowlitz Bank was closed on July 30, 2010 by the WA Department of Financial Institutions and was reopened as branches of Heritage Bank. The Cowlitz Bank was the 107th FDIC-insured institution to fail in the nation in 2010, and the eighth in Washington. <http://www.fdic.gov/news/news/press/2010/pr10175.html>

## Home Mortgage Disclosure Act Data

Federal statutes have been established to promote fair lending practices. The Home Mortgage Disclosure Act (HMDA) seeks to prevent lending discrimination by requiring public disclosure of information about mortgage loan applications.

The tables below are comprised solely of HMDA data for the Longview Metropolitan Statistical Area (MSA).<sup>42</sup> It is important to note that there are limitations associated with this data source. HMDA data analysis typically shows that people of color are more likely to be denied mortgage funding than white applicants. This is often interpreted as evidence of racial discrimination in mortgage lending. However, many financial and economic factors are taken into consideration by financial institutions in reaching a loan decision and these are not always adequately represented in HMDA data. For that reason, it is difficult to determine from the data alone whether disparity is due to application of normal lending criteria or is discriminatory in nature. Determination must be made using a variety of information, including public forums, interviews, and complaint data in addition to the information below.

The government reports HMDA data on either Metropolitan Division (MD) or Metropolitan Statistical Area (MSA) basis. While this analysis may not be specific to Longview-Kelso proper, the aggregated data provides greater statistical precision and is sufficiently representative of Longview mortgage data to reveal relevant trends.<sup>43</sup>

It is important to note that government insured loans include FHA, FSA/RHS and VA mortgage products. Generally speaking, government loans provide broader qualification criteria, though conventional mortgages are increasingly tailored to finance otherwise high-risk borrowers historically served by government-insured mortgage products.

This analysis does not consider the following categories utilized by lending institutions to report HMDA data: a) 2 or More Minority Races, b) Joint (White/Minority Race), c) Race Not Available. Although data for these categories may appear in various tables presented herein, the data is not considered for the purposes of this analysis.

---

<sup>42</sup> The use of the term “metropolitan division” reflects a change in methodology adopted by the Office of Management and Budget. See <http://www.ffiec.gov/hmda/pdf/04news.pdf>. This analysis reviews data for the Longview, WA which still uses the MSA distinction Metropolitan Division number 31020.

<sup>43</sup> Changes in HMDA requirements have decreased the number of small depository lending institutions required to report HMDA data. According to <http://www.federalreserve.gov/newsevents/press/bcreg/20091222a.htm>, the asset threshold for depository institutions required to report HMDA data is \$39 million or more as of December 31, 2009, institutions with less than this amount exempt from collecting data in 2010.

## Changing Mortgage Market

Between 2005 and 2010, the number of home mortgage applications in the Longview MSA decreased by approximately 59% from 31,921 to 13,137 applications.

<b>Mortgage Type</b>	<b>2005</b>	<b>2009</b>
Conventional	11,972	1,575
Re-Finance	16,681	8,896
Home Improvement	2,337	931
Government-Insured	931	1,735
<b>Total</b>	<b>31,921</b>	<b>13,137</b>

The most interesting change occurred in the distribution of the types of mortgages sought, with the number of conventional mortgage applications decreasing by nearly 87%. The number of home improvement loans also decreased during this time period by 60%. Applications for government-insured loans increased during the same period<sup>44</sup>.

## Mortgage Denial Rates by Race and National Origin

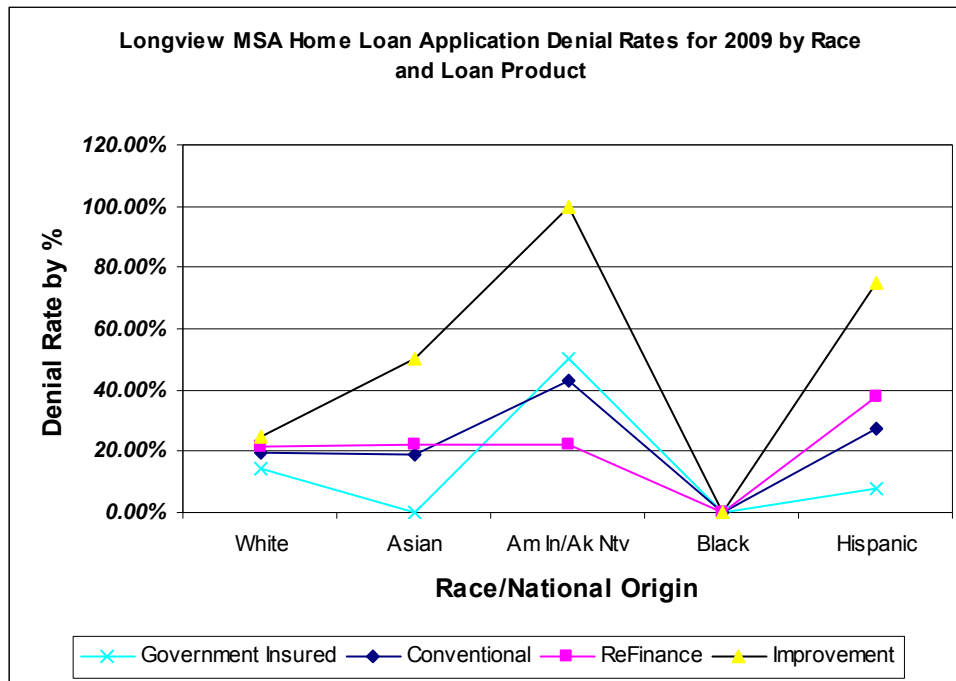
Consistent with HMDA data across the nation, Whites in the Longview MSA face lower rates of denial than applicants of color, regardless of mortgage product. In 2009 there were no applications from African Americans for home improvement and government insured loans. The 2009 HMDA data for Longview indicate that a higher percentage of applicants for home improvement loans are more likely to face denial than applicants for loan originations and re-financings.

### *Longview MSA Disposition of Applications for Conventional Home Purchase Loans by Race, National Origin and Income of Applicants, 2009*

<b>Race/National Origin</b>	<b>Conven- tional</b>	<b>Re- Finance</b>	<b>Impr- ovement</b>	<b>Gvt- Insured</b>
White	19.74%	21.37%	24.63%	14.10%
Asian	19.05%	22.50%	50.00%	0.00%
American Indian/Alaskan Native (Am In/Al Ntv)	42.86%	22.22%	100.00%	50.00%
Black or African American (Black/Af Am)	0.00%	0.00%	0.00%	0.00%
Hispanic or Latino (Hispanic)	27.27%	37.80%	75.00%	7.69%
Average	21.78%	20.78%	49.93%	14.36%

<sup>44</sup> This trend reflects the foreclosure crisis that began during this period and continues today.

## 2009 Mortgage Denial Rates by Race, National Origin and Loan Type



Source: FFIEC

Overall, HMDA data for the Longview MSA shows a higher denial rate for people of color than for Caucasians in applying for refinance loans, government-insured and home improvement loans. The exception was for conventional loans wherein Asians had the lowest denial rate. The denial rates for re-finance loans is high for all applicants, with the exception of African Americans, as there were no applications during this time period. Overall, Native American applicants have the highest denial rates for all loan types during this time period, followed by Hispanic applicants. The income portions, however, show a clear increase in the rate of denial as applicant income decreases. This can be viewed one of two ways: (1) as an indication that financial factors are the driving force in denial of loans or (2) as an indication that because larger percentages of people of color fall into the low-income population, the standards themselves contribute to discrimination.

### Conventional Home Mortgages

Conventional mortgages generally require lower debt-to-income ratios and higher down payments than government insured loans. Conventional mortgages often have better terms and lower rates than government insured loans, especially because they generally require a minimum down payment of 10% of the home value.

*Longview MSA Disposition of Applications for Conventional Home Purchase Loans by Race, National Origin and Income of Applicants, 2009*

	Apps received	% of All Applications	Loans originated	% of Loans Originated	% Approved but not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed as Incomplete
American Indian/Alaskan Native	7	0.44%	3	42.86%	0.00%	42.86%	14.29% <sup>3</sup>	0.00%
Asian	21	1.33%	9	42.86%	14.29%	19.05%	23.81%	0.00%
Black or African-American	1	0.06%	1	100.00%	0.00%	0.00%	0.00%	0.00%
Native Hawaiian/Other Pacific Islander	4	0.25%	2	50.00%	0.00%	25.00%	25.00%	0.00%
White	456	28.95%	262	57.46%	5.92%	19.74%	13.82%	3.07%
2 or More Minority Races	1	0.06%	1	100.00%	0.00%	0.00%	0.00%	0.00%
Joint (white/minority)	7	0.44%	4	57.14%	0.00%	14.29%	28.57%	0.00%
Race not available	49	3.11%	27	55.10%	4.08%	22.45%	12.24%	6.12%
<b>Total Applications</b>	<b>1575</b>		<b>897</b>	<b>56.95%</b>	<b>5.84%</b>	<b>19.87%</b>	<b>14.29%</b>	<b>3.05%</b>
Hispanic or Latino <sup>45</sup>	11	0.70%	6	54.55%	0.00%	27.27%	18.18%	3.20
Joint Hispanic/Non-Hispanic	7	0.44%	3	42.86%	0.00%	14.29%	42.86	0.00

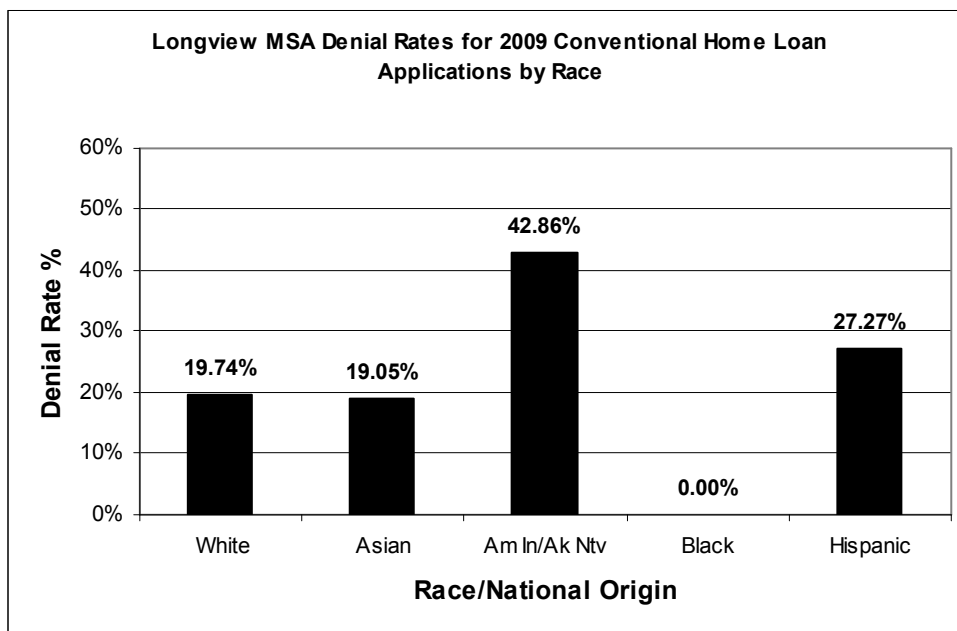
Median Income	Apps received	% of All Applications	Loans originated	% of Loans Originated	% Approved but not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed as Incomplete
50-79%	109	6.92%	59	54.13%	1.83%	22.94%	18.35%	2.75%
80-99%	61	3.87%	37	60.66%	6.56%	18.03%	9.84%	4.92%
100-119%	69	4.38%	43	62.32%	5.80%	13.04%	15.94%	2.90%
120%	251	15.94%	143	56.97%	6.77%	18.33%	14.34%	3.59%
Income not available	5	0.32%	3	60.00%	0.00%	40.00%	0.00%	0.00%

Source: FFIEC

Because conventional loans are not government-insured and generally utilize stricter underwriting guidelines, nearly 7% of applicants for conventional loans have incomes greater than or equal to 120% of area median income, while 12% of applicants for government insured mortgages have incomes between 50% and 79% of area median income.

<sup>45</sup> Hispanic or Latino is not considered a race by the U.S. Census Bureau and is reported separately for the purposes of HMDA.

### 2009 Denial Rates by Race/National Origin for Conventional Home Purchase Loans



Source: FFIEC

Conventional mortgage loan rates of denial are higher for members of minority groups. During 2009, the denial rates for Caucasians and Asians are nearly identical. The conventional mortgage denial rate for Native Americans is higher than the denial rates for Caucasian applicants and much higher than the conventional denial rates for Hispanics and Asians. Compared to 2005, the rate of denial for Hispanics applicants (21.55% in 2005) increased by 6%, which was similar for White applicants (15% in 2005), whose denial rates for conventional mortgages increased by 5%.

Though conventional mortgage applications from Hispanics significantly decreased by 90% in 2009, the rate at which Hispanic applications were denied in 2005 (27.27%) was similar to the denial rates in 2009 (21.55%) period. In 2005 applications from 13.64% of loans from African-Americans were denied. There were no applications for conventional loans from African-Americans in 2009.

Native American/Alaskan Natives saw an increase in denial rates for conventional mortgages between 2005 and 2009, increasing from 30.77% to 42.86%. No immediate explanation can be identified for this increase or as to why there were no applications from African-American homebuyers.

Previously, there was a drop in home mortgage interest rates between 2001 and 2005, which increased homeownership rates across the nation and opened doors for many first time home buyers. Nearly 12,000 applications for conventional mortgages were

submitted in 2005. In stark contrast to this is the number of applications submitted in 2009, which show a decrease of almost 87%.

While the number of conventional mortgage applications from all groups declined in 2009, the percentage of applications for conventional mortgages from white applicants dropped slightly from 28.71% in 2005 to 28.95% during this time period. Though the proportion of conventional loans originated for Caucasians applicants was lower in 2005 than in 2009, White applicants represent 57.46% of conventional mortgage originations in 2009 versus 64.36% in 2005, the slight decrease in white applicants in comparison to the significant decreases in minority applicants may reflect underlying marketing practices that disproportionately focused on potential white home buyers who received prime loans in comparison to sub-prime loans received by minority homebuyers during this time period.

### Home Mortgage Re-Financing

While mortgage lenders in the Longview MSA processed over 16,681 applications for mortgage re-financing in 2005, the number of applications for refinancing decreased from 16,681 to 8,896 in 2009. The decrease in mortgage re-financing volume likely reflects the 87% decrease in conventional home mortgage applications during this time period.

### Longview MSA Disposition of Applications for Home Refinance Loans by Race, National Origin and Income of Applicants, 2009

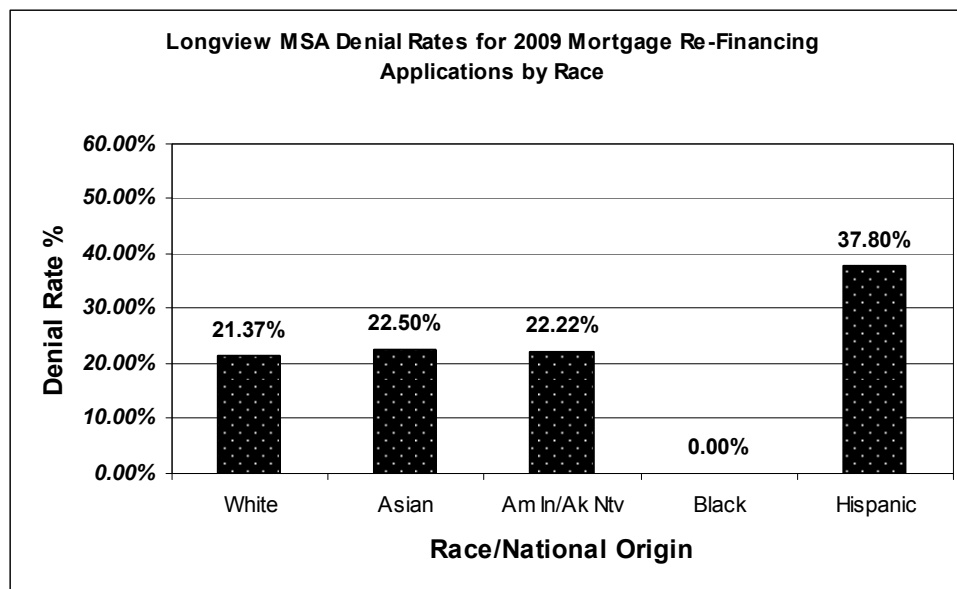
Race and National Origin	Apps received	% of All Applications	Loans originated	% of Loans Originated	% Approved but not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed as Incomplete
American Indian/Alaskan Native	27	0.30%	8	29.63%	0.00%	22.22%	40.74%	7.41%
Asian	40	0.45%	20	50.00%	10.00%	22.50%	10.00%	7.50%
Black or African-American	5	0.06%	3	60.00%	0.00%	0.00	40.00%	0.00%
Native Hawaiian/Other Pacific Islander	17	0.19%	12	70.59%	5.88%	17.65%	5.88%	0.00%
White	4248	47.75%	2375	55.91%	5.67%	21.37%	15.30%	1.74%
2 or More Minority Races	1	0.01%	1	100.00%	0.00%	0.00%	0.00%	0.00%
Joint (white/minority)	125	1.41%	68	54.40%	10.40%	18.40%	16.00%	0.80%
Race not available	539	5.74%	271	50.28%	5.38%	21.34%	19.29%	3.71%
<b>Total Applications</b>	<b>9386</b>		<b>5202</b>	<b>55.42%</b>	<b>5.79%</b>	<b>21.33%</b>	<b>15.51%</b>	<b>1.95%</b>
Hispanic or Latino	82	0.92%	35	42.68%	4.88%	37.80%	13.41%	1.22%
Joint Hispanic/Non-Hispanic	61	0.69%	38	62.30%	11.48%	11.48%	14.75%	0.00%

Income	Apps received	% of All Applications	Loans originated	% of Loans Originated	% Approved but not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed as Incomplete
Less than 50% of Median	278	3.13%	118	42.45%	3.60%	32.37%	20.50%	1.08%
50-79%	842	9.46%	433	51.43%	6.29%	26.25%	13.78%	2.26%
80-99%	649	7.30%	346	53.31%	4.93%	22.65%	16.80%	2.31%

100-119%	669	7.52%	361	53.96%	5.38%	22.27%	16.14%	2.24%
120%	2040	22.93%	1132	55.49%	6.32%	20.00%	16.57%	1.62%
Income not available	524	5.89%	368	70.23%	5.34%	9.35%	12.21%	2.86%

Source: FFIEC

### 2009 Denial Rates by Race/National Origin for Home Refinance Loans



Source: FFIEC

The rate of denial for mortgage re-financings is slightly higher than that for conventional home loans. While the conventional mortgage denial rate for Caucasians is 19.74%, the denial rate for Caucasians re-financing applicants is 21.37%. This trend extends across all racial and national origin categories.

Between 2005 and 2009, the rate of refinancing denials for Caucasians increased from 17.63% to 19.72%, from 31.19% to 34.71% for American Indians/Alaskan Natives, from 29.54% to 31.94% for African Americans and from 25.44% to 32.22% for Hispanics. The jump in denial rates occurred in conjunction with an increase in the size of the mortgage re-financing market in the current foreclosure crisis. With interest rates low for so long, many of the most highly qualified borrowers likely sought re-financing before 2004, and again after 2006. Moreover, because re-financing affects the loan-to-value ratio, a key measure of risk, the increase in denial rates for re-financing loans may reflect the increased risks associated with popular cash-out refinancing options which have been driving the mortgage re-finance market.

## Home Improvement Mortgage Loans

Home improvement loans generally entail lenders providing a second mortgage to applicant homeowners. Because home improvement loans are a function of home equity, they are considered higher risk and have higher interest rates. These loans have higher denial rates because of this higher risk. Indeed, all groups experience a home improvement denial rate ranging from just-under 30% to nearly 50%. While nearly 25% of white applicants are denied home improvement loans, half or more of Asian, American Indian/Native Alaskan and Hispanic applicants for home improvement loans are denied.

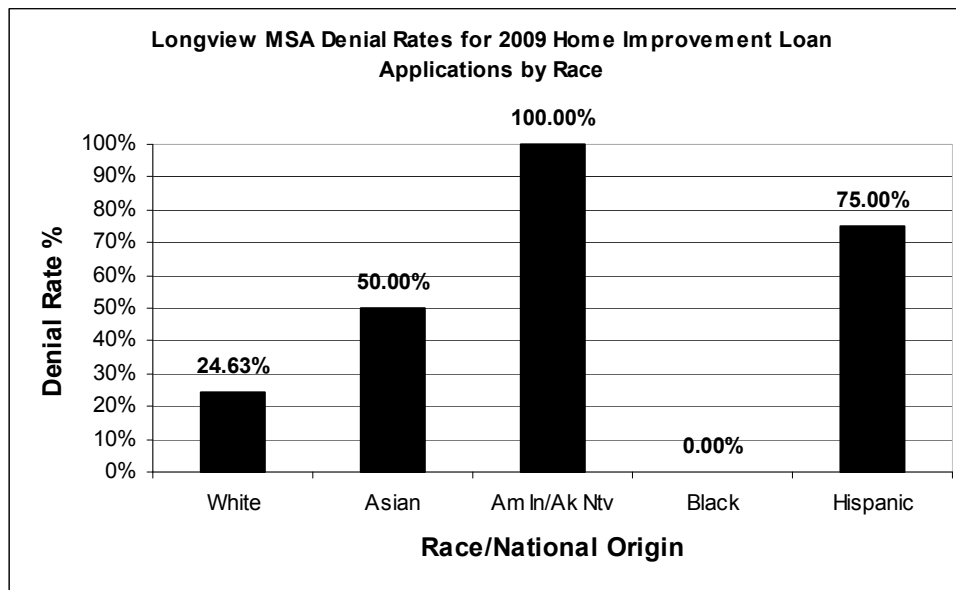
### Longview MSA Disposition of Applications for Home Improvement Loans, Loans by Race, National Origin and Income of Applicants, 2006-2009

Race and National Origin	Apps received	% of All Applications	Loans originated	% of Loans Originated	% App not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed Incomplete
American Indian/Alaskan Native	1	0.11%	0	0.00%	0.00%	100.00%	0.00%	0.00%
Asian	4	0.43%	2	50.00%	0.00%	50.00%	0.00%	0.00%
Black or African-American	0	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%
Native Hawaiian/Other Pac Islander	1	0.11%	0	0.00%	0.00%	100.00%	0.00%	0.00%
White	268	28.79%	134	50.00%	8.96%	24.63%	12.31%	4.10%
2 or More Minority Races	0	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%
Joint (white/minority)	8	0.86%	3	37.50%	0.00%	37.50%	25.00%	0.00%
Race not available	45	4.83%	20	44.44%	15.56%	26.67%	8.89%	4.44%
<b>Total Applications</b>	<b>931</b>		<b>454</b>	<b>48.76%</b>	<b>9.24%</b>	<b>25.99%</b>	<b>12.03%</b>	<b>3.97%</b>
Hispanic	8	0.86%	1	12.50%	0.00%	75.00%	0.00%	12.50%
Joint Hispanic/Non-Hispanic	2	0.21%	2	100.00%	0.00%	0.00%	0.00%	30.00%

Income	Apps received	% of All Applications	Loans originated	% of Loans Originated	% App not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed Incomplete
Less than 50% of Median	30	3.22%	13	43.33%	3.33%	53.33%	0.00%	0.00%
50-79%	69	7.41%	29	42.03%	13.04%	21.74%	14.49%	8.70%
80-99%	49	5.26%	22	44.90%	12.24%	32.65%	8.16%	2.04%
100-119%	48	5.16%	21	43.75%	14.58%	22.92%	16.67%	2.08%
120%	127	13.64%	72	56.69%	6.30%	20.47%	12.60%	3.94%
Income not available	4	0.43%	2	50.00%	0.00%	25.00%	25.00%	0.00%

Source: FFIEC

## 2009 Home Improvement Loan Denial Rates by Race/National Origin



Source: FFIEC

As previously noted, denial rates for all groups are significantly higher for home improvement loans than other mortgage products.

### Government-Insured Loans

Because of the severe tightening of mortgage capital among the GSEs and private lenders in light of the foreclosure crisis, over half of the home loans made in 2008 and 2009 were supported by government agencies, such as the FHA and VA<sup>46</sup>. Applicants for government-insured loans are less likely to be denied than applicants for other types of home loans, particularly conventional loan products. Through various programs administered by the U.S. Department of Housing and Urban Development and Veterans Administration, lower income households, veterans and rural residents may be eligible for government-insured mortgages that provide for lower down payments and alternative qualification criteria.

Nationally, homebuyers increasingly relied on government insured loans in 2008 and 2009, a trend no doubt caused by housing and credit problems. Conventional loans declined to 52 percent nationally, while insured loans climbed to 48 percent, up from 8 percent in 2006.

<sup>46</sup> National Association of Realtors- Federally-Insured Loans Increase Dramatically, November 2, 2010, <http://www.realtown.com/NARResearch/blog/loansdecrease>

**Longview MSA Disposition of Applications for Government-Insured  
Home Loans, By Race, National Origin and Income of Applicant, 2009**

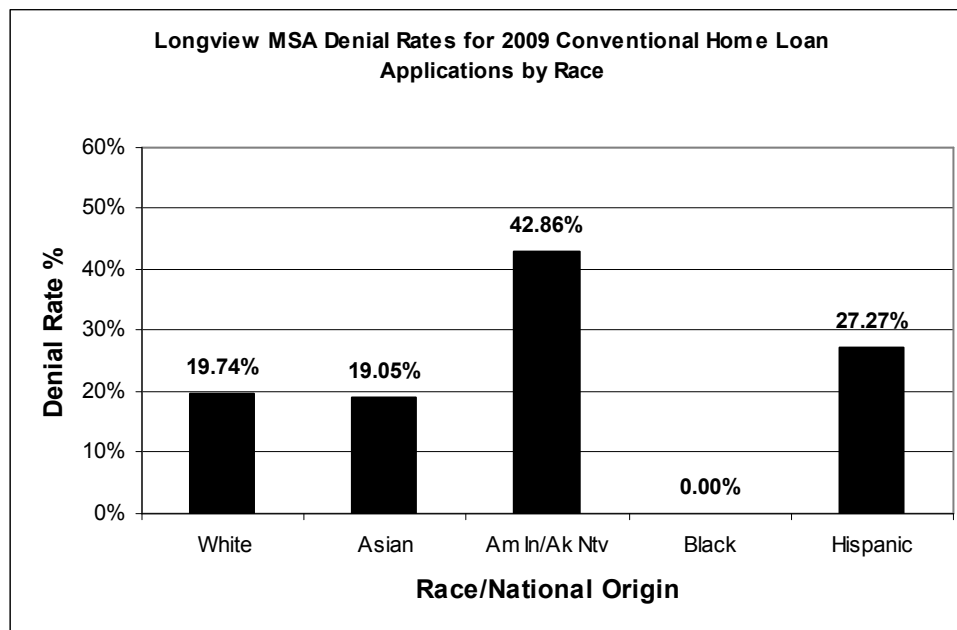
Race and National Origin	Apps received	% of All Applications	Loans originated	% of Loans Originated	% Approved but not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed as Incomplete
American Indian/Alaskan Native	4	0.23%	2	50.00%	0.00%	50.00%	0.00%	0.00%
Asian	5	0.29%	5	100.00%	0.00%	0.00%	0.00%	0.00%
Black or African-American	0	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%
Native Hawaiian/Other Pacific Islander	2	0.12%	2	100.00%	0.00%	0.00%	0.00%	0.00%
White	532	30.66%	354	66.54%	5.83%	14.10%	12.41%	1.13%
2 or More Minority Races	0	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%
Joint (white/minority)	13	0.75%	7	53.85%	7.69%	7.69%	30.77%	0.00%
Race not available	38	2.19%	31	81.58%	5.26%	5.26%	7.89%	0.00%
<b>Total Applications</b>	<b>1735</b>		<b>1169</b>	<b>67.38%</b>	<b>5.71%</b>	<b>13.43%</b>	<b>12.45%</b>	<b>2.07%</b>
Hispanic	13	0.75%	9	69.23%	7.69%	13.61%	15.38%	0.00%
Joint Hispanic/Non-Hispanic	7	0.40%	3	42.86%	0.00%	14.29%	42.88%	0.96%0.00%

Income	Apps received	% of All Applications	Loans originated	% of Loans Originated	% Approved but not Accepted	% of Apps Denied	% of Apps Withdrawn	% Closed as Incomplete
Less than 50% of Median	68	3.92%	32	47.06%	4.41%	27.94%	17.65%	2.94%
50-79%	208	11.99%	144	69.23%	7.69%	12.98%	9.62%	0.48%
80-99%	110	6.34%	87	79.09%	5.45%	6.36%	8.18%	0.91%
100-119%	82	4.73%	57	69.51%	6.10%	13.41%	10.98%	0.00%
120%	120	6.92%	80	66.67%	3.33%	12.50%	15.83%	1.67%
Income not available	6	0.35%	1	16.67%	0.00%	16.67%	66.67%	0.00%

Source: FFIEC

The increase in the size of the government-insured mortgage market reflects a number of trends, including the subprime mortgage fall out, as well as the subsequent decline in property values throughout the region. The current HMDA data shows that nearly 12% of applicants for government-insured mortgages have a median income between 50% and 79%. Nearly 21% of all such applicants have median incomes less than 100% of area median incomes. Approval rates for all groups exceed 50%.

### 2009 Denial Rates by Race for Government-Insured Home Loans



Source: FFIEC

Perhaps the best measure of the private market's success in competing for higher-risk borrowers heretofore served nearly exclusively by government-insured mortgages is the nearly identical rate of denial for conventional and government-insured mortgage applicants. While minority borrowers have historically been less likely to be denied government-insured versus conventional mortgage financing, the relationship between denial rates for government-insured loans with conventional loans is an important and compelling trend worthy of continued monitoring.

### The Sub-Prime Refinancing Market

As the home mortgage financing market previously grew in response to historically low interest rates, lenders developed new products to serve borrowers considered at higher risk for default. The emergence of sub-prime lending increased financing opportunities for higher-risk borrowers, albeit through higher cost loan products. In a recent study released by the Center for Responsible Lending<sup>47</sup>, 'the latest HMDA report shows that access to sustainable mortgages to purchase homes has been severely curtailed. In fact, the overall increase in mortgages during 2009 was driven by refinances. However, this refinance activity was largely absent in census tracts with high foreclosure activity. So even with historically low interest rates, mortgages were scarce for borrowers of color who were struggling with their loan and also for those hoping to buy their first home.' The HMDA refinance data for the Longview MSA shows that this trend as well. The report points out that Hispanics and African-Americans received a disproportionate

<sup>47</sup> Center for Responsible Lending- 'A National Tragedy: HMDA Data Highlight Homeownership Setbacks for African Americans and Latinos', September 24, 2010 <http://www.responsiblelending.org/mortgage-lending/research-analysis/national-tragedy-hmda-data.html>

share of subprime mortgages despite taking into account certain risk factors such as income and credit scores.

The ability to obtain a mortgage to finance a home purchase is a key factor in a family's ability to realize the American dream. While for much of the 20<sup>th</sup> century people of color faced substantial institutional barriers to accessing the credit necessary to buy a home, the great housing boom that began in 2001 increased minority access to credit as never before. This increased access to credit resulted from a number of factors, including decades of civil rights advocacy, government initiatives to increase homeownership levels, historically low long-term interest rates and the escalating use of "subprime lending."

Subprime mortgage products "originally were extended to customers as a temporary accommodation in anticipation of early sale of the property or in expectation of future earnings growth (but) more recently (have) been offered to subprime borrowers as 'credit repair' or 'affordability' products."<sup>48</sup> It is estimated that "from 1994 to 2005, the subprime home loan market grew from \$35 billion to \$665 billion, and is on pace to match 2005's record level in 2006."<sup>49</sup> According to the General Accounting Office, the share of subprime mortgage originations increased from 1.6% of the overall U.S. mortgage market to 14.5% between 1996 and 2005.<sup>50</sup>

The emergence of the subprime mortgage market simultaneously expands and impedes fair housing choice. The Center for Responsible Lending captures this contradiction in its December 2006 report, *Losing Ground*:

*"Some have heralded the growth in subprime lending as a positive break-through in extending credit. Former Federal Reserve Chairman Alan Greenspan referred to subprime lending as the 'democratization of credit,' a dramatic change that enables borrowers with less-than-perfect credit to receive access to home loans that would have been denied in the past.*

*To be sure, the community reinvestment movement, civil rights activists, and others have fought for years to bring investment to communities that have lacked access to vital capital.*

*Yet this increased access has come at great cost to many families, since the highest rate of home foreclosures occurs among subprime home loans. In many communities, the pressing*

---

<sup>48</sup> Department of the Treasury, Federal Reserve System, Federal Deposit Insurance Corporation and National Credit Union Administration - *Joint Statement on Subprime Mortgage Lending*. [Office of the Comptroller of the Currency Docket No, OCC-2007-0005], June 29, 2007, page 2.

<sup>49</sup> *Losing Ground: Foreclosures in the Subprime Market and Their Cost to Homeowners*, Schloemer, E, Li, We, et al., Center for Responsible Living, December 2006, page 7.

<sup>50</sup> *Federal Housing Administration: Decline in the Agency's Market Share Was Associated with Product and Process Developments of Other Mortgage Market Participants*, Report to Congressional Requesters, General Accounting Office, GAO-07-645, June 2007, page 35.

*issue today is less the availability of home-secured credit than the terms on which the credit is offered.*<sup>51</sup>

While “responsible high-cost lending serves legitimate credit needs”<sup>52</sup> and has expanded access to home ownership for people of color, subprime loans erode a homeowner’s equity potential, disproportionately impact people of color, especially African-American and Hispanic households, and are more likely to result in foreclosure, with commensurately negative implications for community vitality and municipal capacity to provide essential services.

### **Housing Finance Impediments Summary**

1. Similar to HMDA trends across the country; White applicants for home mortgages have the lowest denial rates, regardless of mortgage product with the exception of conventional loans wherein Asians had the lowest denial rate in 2009. For all other mortgage products Asians have the lowest denial rates among non-Whites. African Americans were the least likely to submit applications for mortgage products in 2009.
2. Other than a slight decrease in conventional mortgage denial rates for Asians, Native American and Hispanic mortgage applicants experienced the most significant increase in denial rates for conventional home mortgages, as well as home improvement and government insured mortgage products in 2009.
3. Overall denial rates for all types of mortgage applications increased between 2005 and 2009, reflecting the foreclosure crisis resulting from sub-prime mortgages.
4. Applications for government-insured loans increased in 2009.

---

<sup>51</sup> Ibid, page 8.

<sup>52</sup> *Income is No Shield Against Racial Differences in Lending: A Comparison of High-Cost Lending In America’s Metropolitan Areas*, National Community Reinvestment Coalition, July 2007.

## **VIII. Impediments to Housing Choice in Public & Administrative Policies and Process**

A review of policies relating to fair housing laws has been designed to evaluate a jurisdiction's commitment to furthering fair housing. Policies can have a disparate impact on people of color, persons with disabilities and families with children who disproportionately reside in low to moderate income neighborhoods. Since the City of Longview designs policies based on documents which address the city's low and moderate income areas, it is important to ascertain their impact on the protected classes.

### **Legal Cases**

Examples of policies which have impacted cities in the State of Washington include the following:

#### **Nevels et al v. Western World**

In 2006, the Fair Housing Center of Washington (joined by the Fair Housing Council of Oregon and individual complainants) settled a class action lawsuit involving alleged discrimination on the basis of disability involving group homes and homeowners insurance. The settlement in *Nevels v. Western World Insurance Company* provided \$2.0 million in monetary relief. The lawsuit alleged that the company's practice of terminating and refusing to renew insurance coverage for adult family homes serving people with mental illnesses, including 166 adult family homes in Washington, violated the federal Fair Housing Act.

#### **US ex rel Anti-discrimination Center of Metro New York, Inc v. Westchester County, New York**

Every year, Westchester County received millions of dollars in Community Development Block Grant (CDBG) and other federal housing funds. The only way that Westchester, or any other jurisdiction, is entitled to those funds is by certifying that the county has and will "affirmatively further fair housing" ("AFFH"). Westchester, for many years, represented to the federal government that it had and would analyze, identify, and act to overcome impediments to fair housing choice. The Anti-Discrimination Center ("ADC") believed that Westchester was falsifying their claims of furthering fair housing and that the County had no intention of complying with its AFFH obligations. In particular, ADC believed that Westchester ignored impediments to fair housing choice that were related to race and resisted affordable housing development. The aversion to dealing with issues of race was particularly egregious in view of the fact that Westchester remains staggeringly residentially segregated on the basis of race. Too, Westchester's own Housing Opportunity Commission has long reported, municipal resistance is a central obstacle to the creation of affordable housing units. In 2006, ADC sued Westchester under the federal False Claims Act. The False Claims Act is unusual in that it permits

private actors, including not-for-profit entities like ADC, to bring suit on behalf of the federal government against government contractors that have obtained government funds fraudulently. In the course of intensive litigation Westchester continued to insist that the County was not segregated, that the County had no power to influence municipal zoning, and that a focus on “affordable housing” was an adequate substitute for a focus on “fair housing.” The Court found that Westchester had “utterly failed” to meet its AFFH obligations throughout the period from 2000 to 2006 (the “False Claims period”). Too, the Court ruled that every single representation that Westchester had made during the False Claims period to the federal government that it had or would meet those obligations was “false or fraudulent.” The Court also found both that the AFFH regulation “requires an analysis of impediments to fair housing choice, not to affordable housing,” and she found that the County had long known this to be true.

### **U.S. Government Accountability Office**

In September of 2010, the U.S. Government Accountability Office (GAO) issued a report assessing the conformance of CDBG and HOME grantees AIs’ with HUD guidance pertaining to AI timeliness, content and potential usefulness as planning tools. The GAO report also analyzed HUD’s requirements and oversight to provide context to explain any AI weaknesses<sup>53</sup>. One of the significant findings of the GAO report was that “the vast majority of these 60 (most recent) AIs did not include time frames for implementing their recommendations or the signatures of top elected officials, as HUD guidance recommends.”

### **Washington State Human Rights Commission (WSHRC) v. Elwood Properties, LLC**

In 2008, the WSHRC obtained a \$38,000 settlement with the Respondent based on allegations that the housing provider discriminated against Hispanic tenants by failing to make repairs to their units. While repairs are generally a matter of landlord-tenant law, the WSHRC’s investigation revealed evidence indicating that the housing provider failed to make repairs at the subject property whose residents were all Latino but made prompt repairs at a different property whose residents were predominantly not Hispanic. Different repair practices among a housing provider’s portfolio constitute housing discrimination if they are based on the national origin or other protected class of the residents. To the extent a municipality enforces building and zoning codes, code enforcement staff may benefit from receiving fair housing training to identify the potential fair housing implications of building and zoning code violations.

---

<sup>53</sup> Housing and Community Grants: HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans, GAO-10-905, issued September 14, 2010.

## **IX. Impediments to Housing Choice Created by Public Policies**

Public policies and practices can impede or further equal housing opportunity in a community. As much as the passage of fair housing ordinances might reflect a governmental commitment to non-discrimination, actual practices with respect to the formulation of zoning regulations, code enforcement and the prioritization of land use are essential elements in determining a jurisdiction's commitment to affirmatively furthering fair housing.

### **Legal Cases**

The following fair housing cases are presented to demonstrate the importance of proactively incorporating fair housing practices into governmental policy decisions.

#### **1. McGary v. City of Portland**

The Plaintiff in this case was a low-income homeowner hospitalized with complications from AIDS. The City of Portland posted a warning for him to clean debris from his yard as a code enforcement matter. An advocate for the Plaintiff contacted the City to request more time as a reasonable accommodation for the homeowner's disability. The City stated that they don't make accommodations in their nuisance abatement programs and the district court ruled in favor of the City after the Plaintiff sued under the Fair Housing Act and the ADA. The Ninth Circuit reversed the district court ruling and held that the Plaintiff had adequately pled claims under both the Fair Housing Act and Title II of the ADA.<sup>54</sup>

#### **2. City of Edmonds v. Oxford House<sup>55</sup>**

In 1990, the City of Edmonds, Washington cited an Oxford House group home for recovering alcoholics and drug addicts for violating the City's zoning ordinance which defined "family" as not more than 5 unrelated persons. Without challenging the underlying ordinance, Oxford House requested a reasonable accommodation to allow up to 12 unrelated residents. Although the requested accommodation was essential to ensuring the group home's financial viability, the City denied the request and amended its zoning code to allow such facilities in multifamily and commercial zones and to prohibit them in single-family residential zones. The United States Supreme Court affirmed the Ninth Circuit's judgment holding that Edmonds' definition of family was invalid and unenforceable.<sup>56</sup> This case firmly established that municipalities must

---

<sup>54</sup> From handout prepared by Ed Johnson, State Support Unit Attorney, Oregon Law Center at the *Fair Housing Law and Practice Conference* at Seattle University, Seattle, WA, March 15-16, 2007. *McGary v. Portland*, 286 F.3d 1259 (9<sup>th</sup> Cir. 2004).

<sup>55</sup> Source: John Purbaugh, Attorney, Northwest Justice Project, Tacoma, WA; used with permission; original material from *Fair Housing Law and Practice Conference* at Seattle University, Seattle, WA, March 15-16, 2007.

<sup>56</sup> *City of Edmonds v. Oxford House*, 514 US 725, 115 S. Ct. 1776, 131 L.Ed.2d 801 (1995).

consider granting exceptions to such requirements as a reasonable accommodation under the Fair Housing Act.

### **3.Sunderland Family Treatment Services v. City of Pasco<sup>57</sup>**

Sunderland Family Treatment Services applied for a supplemental use permit (SUP) to operate a state-licensed group home serving mentally ill youth in a facility with at least 3 staff on premises. The City of Pasco, WA denied Sutherland's SUP application on the grounds that it was not a subordinate use as required for the conduct of a home occupation in a residential zone. On appeal, the Court concluded that Pasco violated the Washington Housing Policy Act (WHPA)<sup>58</sup> by defining "family" in a way which imposed additional burdens on residential care facilities for the handicapped by allowing a family to immediately occupy a residential structure but requiring a group home facility to obtain a SUP before occupying a similar structure."<sup>59</sup> It is essential that municipal actions, such as defining "family," fully consider the various classes and avoid differential land use requirements that violate the fair housing laws.

### **4.Children's Alliance v. City of Bellevue<sup>60</sup>**

In 1994 Bellevue adopted an ordinance prohibiting group housing for children in residential areas. This ordinance was invalidated by the Central Puget Sound Growth Management Hearings Board because it treated such facilities differently than other similar residential facilities in violation of Washington's Growth Management Act (GMA).<sup>61</sup> Bellevue's replacement ordinance removed the outright ban on group homes for children in residential areas but replaced it with a scheme which distinguished group facilities from families based on the presence of staff providing care and assistance to residents. This imposed occupancy limits, and mandated a 1000' separation between group facilities of the same type. While this ordinance was found to comply with the GMA,<sup>62</sup> the United States District Court<sup>63</sup> in 1997 determined that it was discriminatory on its face and declared invalid under the Fair Housing Act (FHA) and Washington Law Against Discrimination (WLAD).<sup>64</sup> Although the ordinance included reasonable accommodation provisions, the Court concluded that its focus on housing, in which staff provided services to residents, essentially targeted disabled persons in violation of the fair housing laws.

---

<sup>57</sup> Source: John Purbaugh, Attorney, Northwest Justice Project, Tacoma, WA; used with permission; original material from *Fair Housing Law and Practice Conference* at Seattle University, Seattle, WA, March 15-16, 2007.

<sup>58</sup> RCW 35A.63.240. "No city may enact...an ordinance...which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family..."

<sup>59</sup> *Sunderland Family Treatment Services v. City of Pasco*, 107 Wn.App. 109 (2001)(*Sunderland II*).

<sup>60</sup> Source: John Purbaugh, Attorney, Northwest Justice Project, Tacoma, WA; used with permission; original material from *Fair Housing Law and Practice Conference* at Seattle University, Seattle, WA, March 15-16, 2007.

<sup>61</sup> [http://www.gmhb.wa.gov/central/decisions/1995/95-3-0011\\_children'salliance\\_finaldecisionandorder.htm](http://www.gmhb.wa.gov/central/decisions/1995/95-3-0011_children'salliance_finaldecisionandorder.htm) The GMA prohibition contains the same language as the WHPA prohibition in n. 3, supra.

<sup>62</sup> [http://www.gmhb.wa.gov/central/decisions/1996/96-3-0023\\_children's\\_finaldecisionandorder.htm](http://www.gmhb.wa.gov/central/decisions/1996/96-3-0023_children's_finaldecisionandorder.htm)

<sup>63</sup> *Children's Alliance et al v. City of Bellevue*, 950 F.Supp. 1491 (W.D. Wash. 1997).

<sup>64</sup> RCW 49.60.010 et seq.

## 5. US v. Krause et al<sup>65</sup>

The lawsuit originated from charges filed by the Department of Housing and Urban Development (HUD) on behalf of a tenant of Valley View Apartments in Longview, WA. In 2004, the tenant, who has a mobility impairment that limits his ability to enter or exit a car, asked to use two contiguous parking spaces in the apartment complex's lot until a handicap accessible space became available. The complaint alleged that the former owners and managers of the apartments, John E. and Shirley L. Price, violated the Fair Housing Act when they intentionally discriminated against the tenant by refusing his request and by initiating retaliatory eviction proceedings. The complaint also alleged that the tenant's request was reasonable and necessary to afford him an equal opportunity to use and enjoy his dwelling. The Justice Department today announced an agreement with the former owners and managers of Valley View Apartments in Longview, Wash., to settle allegations that they violated the Fair Housing Act by intentionally discriminating against an individual with a disability. Under the settlement, the defendants must pay a total of \$35,000 to the complainant.

### Public Policies

#### Group Homes

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

“Adult family home means a regular family abode in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.”<sup>66</sup>

Group homes providing services for persons with disabilities<sup>67</sup> or children are offered protection under federal and state fair housing laws. Municipal restrictions on group home placement in residential neighborhoods in response to “Not in My Back Yard,” or “NIMBY” attitudes, can be construed as potential violations of fair housing laws when municipalities fail to balance neighborhood concerns with fair housing obligations.

---

<sup>65</sup> <http://www.disabled-world.com/disability/legal/disability-housing-discrimination.php#ixzz1I0xHU5zZ>

<sup>66</sup> Revised Code of Washington, Section 70.128.010

<sup>67</sup> The definition of disability includes persons *recovering* from substance abuse.

## 1.Examples of Community Opposition

On July 29, 2004, Triumph Treatment Services<sup>68</sup> submitted an application to the City of Yakima requesting approval to establish a day care center, a group home and a commercial kitchen on the site of a former nursing home. Triumph's proposed group home sought to provide housing for up to 19 women and their children for up to 18-months. The proposed residents would occupy the group home after completing the first phase of a chemical dependency recovery program.

After the City of Yakima approved Triumph's proposal in November of 2004, a group of local neighbors appealed the decision on December 1, 2004 and again in March of 2005 following the Hearing Examiner's decision to conditionally approve the proposal. The Hearing Examiner's final decision on March 30, 2005 noted that 31 letters and three petitions opposed Triumph's proposal for a number of reasons related to increased traffic, noise and odors. Neighbors also expressed concerns that the group home could pose "a threat to community safety due to the high recidivism rate of chemically dependent persons; because of increased crime, vandalism and possible injury or loss of life due to an element of society involved in drug trafficking that would be drawn to the area...(and)... because of lower property values that would result from all of said negative impacts to the area."<sup>69</sup>

The Hearing Examiner's analysis highlighted the following:

- The Washington Supreme Court..."has refused to allow unsubstantiated subjective fears as to an adverse effect on property values or the lack of safety to constitute a basis for denial of a special use permit for a group home...*Sunderland Family Treatment Services v. The City of Pasco*, 127 Wn.2d 782, 903 P.2d 986 (1995)."<sup>70</sup>
- Washington's Growth Management Act provides as follows in Section 36.70A.410 of the Revised Code of Washington: "No county or city that plans or elects to plan under this chapter may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, 'handicaps' are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602)."<sup>71</sup>

---

<sup>68</sup> City of Yakima, Washington, Hearing Examiner's Final Revised Decision, In the Matter of Class (3) Review Of an Application for Two Class (2) Uses, for an Unclassified Use And for Environmental Review Submitted by: Triumph Treatment Services, UAZO CL (3) #7-04, INTERP #1-04, EC #27-04, March 30, 2005.

<sup>69</sup> Ibid

<sup>70</sup> Ibid

<sup>71</sup> Ibid

After discussing the standards established by *Sunderland Family Treatment Services v. The City of Pasco*, the Growth Management Act and fair housing cases related to group homes, the City of Yakima Hearing Examiner held that “there is an affirmative obligation on the part of the City to reasonably accommodate the establishment of group homes in residential areas in order to facilitate the total and permanent recovery of the residents of such homes.” The record indicates that Triumph’s proposal was modified and approved to include residents other than women.

During the summer of 2008, a conditional use permit was denied by a City of Sedro-Woolley hearing examiner to Secret Harbor, a proposed group home for children who are victims of abuse and neglect and “suffer from at least one or more specific psychological and learning disorders.”<sup>72</sup> Upon appeal, the City Council overturned the decision on August 13 when the City attorney advised council members of the Washington Housing Policy Act’s provisions “which makes it illegal for a city to mandate any additional requirements on residential structures that will be occupied by individuals who are legally handicapped.”<sup>73</sup> When Secret Harbor announced plans to relocate a group home on South Fidalgo Island and to close its Cypress Island facility, the Longview School District made proactive plans to incorporate the behavior challenged students into their own programs.<sup>74</sup>

## **2. Moratoriums**

While responsiveness to community input and the implementation of policies proscribing land use are essential municipal functions, overly broad solutions to narrow concerns can implicate fair housing choice. In response to neighborhood outrage over a proposed transitional housing facility for released felons, the City of Tacoma adopted a city-wide moratorium on any new or expanded “special needs” housing, including dwellings for “high risk/high needs” persons. The City’s moratorium on special needs housing limited not just the initial transitional housing facility, but all types of group homes, including housing for persons with disabilities. The moratorium, first imposed in 2005, was extended twice, for a total of 18 months. During the moratorium, city staff proposed a comprehensive new ordinance redefining categories of group and other housing in which services were provided, requiring a 600’ separation zone between such facilities, prohibiting any additional special needs housing facilities in an overlay zone covering many residential districts, and requiring conditional use permits under which a developer must show that the “need for the [special needs housing] facility arises from within the community.” As a result of the City’s sweeping actions to address a narrow issue, the City of Tacoma faced legal challenges and counter-opposition from disability-rights and other advocates.

Community opposition to group homes, like that in Tacoma and Yakima, has begun to emerge at the legislative level. In January of 2007, State Senator Mike Carrell, R-Lakewood, introduced Senate Bill 5211 proposing to require DSHS to regulate the

---

<sup>72</sup> [www.goskagit.com](http://www.goskagit.com), State law may allow Secret Harbor home in S-W”, August 1, 2008.

<sup>73</sup> [www.goskagit.com](http://www.goskagit.com), “Secret Harbor to open group home in S-W”, August 20, 2008.

<sup>74</sup> [www.goskagit.com](http://www.goskagit.com), “Secret Harbor to open group home in Longview area”, February 14, 2008.

number of adult family homes in a given area to prevent over concentration. Officials from the City of Lakewood and the City of Vancouver testified in favor of the proposed bill while DSHS and AFH advocates opposed the bill. The staff report noted that “the line between provisions in this bill and the Federal Fair Housing Act are not clear. This (bill) would have a disproportionate impact on people with disabilities.”<sup>75</sup> The legislation was not passed but the issue is likely to re-emerge in future legislative sessions.

### **C. Zoning and Land Use Policies**

In crafting and implementing locally defined land use priorities, it is essential to consider fair housing protections as a component of a local government’s land use determinations. Guidance issued by the U.S. Department of Justice encourages local governments “to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.”<sup>76</sup>

County and municipal zoning ordinances throughout the state were reviewed to assess requirements related to group homes. The review indicates that most ordinances exempt disabled households and state-defined group homes from zoning requirements otherwise limiting the number of occupants residing in single-family homes.

Some zoning ordinances explicitly provide a reasonable accommodation process for housing for persons with disabilities. Municipalities with accommodation provisions include Mercer Island, Federal Way, Shoreline, Edmonds, Issaquah, Port Townsend and Puyallup. The City of Seattle<sup>77</sup> Municipal Code includes a reasonable accommodations provision and serves as a model for detailing municipal reasonable accommodation procedures related to housing. The City of Longview does not have such an ordinance. However, the City of Longview does not have a limit on the number of people that would constitute “family”, and does not limit the number of occupancy.

### **Public Policy Summary**

1. Municipal actions to proscribe land use and enforce health and safety codes have impeded fair housing choice in Washington by failing to incorporate fair housing provisions, like reasonable accommodations, in to land use practices.
2. Sweeping solutions to address otherwise legitimate community opposition can implicate fair housing choice if protected classes are indirectly or directly impeded by municipal actions.

---

<sup>75</sup> Senate Bill Report 5211, 2007-2008 Legislative session, <http://www.leg.wa.gov/pub/billinfo/2007-08/Pdf/Bill%20Reports/Senate/5211.SBR.pdf>

<sup>76</sup> Joint Statements of the Department of Justice and the Department of Housing and Urban Development, Group Homes, Local Land Use, And the Fair Housing Act, See [http://www.usdoj.gov/crt/housing/final8\\_1.htm](http://www.usdoj.gov/crt/housing/final8_1.htm).

<sup>77</sup> Seattle Municipal Code, Sections 23.44.072 and 23.44.015

3. The City of Longview does not have a policy which explicitly provides a reasonable accommodation process for housing for persons with disabilities.

## **IIX. Assessment of Fair Housing Activities in Longview**

Twenty one cities and counties in the State of Washington have passed fair housing, ordinances to embrace fair housing laws<sup>78</sup>. Many of these jurisdictions add additional protected classes, such as age and sexual orientation, based upon data showing patterns of discrimination against these individuals.

Longview's Municipal Code does not contain any fair housing protections, to include the federal and state protected classes. If the City were to consider enacted a Fair Housing code, including adding additional protections to what is covered in the state and federal laws, an ordinance would need to include enforcement mechanisms for investigating and resolving complaints at the local level.

### **Longview Fair Housing Activities**

#### **Local Fair Housing Ordinance**

The City of Longview does not have its own fair housing ordinance. In addition to protections defined in federal law, the State's Law Against Discrimination, enumerated at RCW 49.60, protects Longview residents from discrimination on account of marital status, sexual orientation (and gender identity) and veteran or military status.

Longview has a Fair Housing Policy which states:

"It is prohibited to discriminate in the sale, rental, leasing, financing of housing or land to be used for the construction of housing, or in the provision of brokerage services because of race, color, religion, sex, national origin, handicap or familial status under the Federal Fair Housing Act; and

It is the policy of the City of Longview to insure equal opportunity in housing for all persons regardless of race, color, religion, sex, national origin, handicap, or familial status.

The City of Longview will assist all persons who feel that they have been discriminated against because of race, color, religion, sex, national origin, handicap or familial status to seek relief under federal and state laws by providing such persons with information and forms supplied the U.S. Department of Housing and Urban Development in order that such persons may prepare and file complaints with the Washington State Human Rights Commission or the United States Department of Housing and Urban Development Seattle, Regional Office Compliance Division."

---

<sup>78</sup> Appendix A

## Zoning and Land Use Policies

In crafting and implementing locally defined land use priorities, it is essential to consider fair housing protections as a component of a local government's land use determinations. Guidance issued by the U.S. Department of Justice encourages local governments "to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community."<sup>79</sup>

Review of City of Longview zoning, neighborhood revitalization, property tax, building code and construction policies indicate Longview's public policies do not impede fair housing choice. The City of Longview updated its Comprehensive Plan in 2006 to address the needs of the community. Some of the changes address the problem of affordable housing. Examples include the change made in 2006 allowing for accessory dwelling units in any single family owner occupied residence in the city, and increasing density allowances throughout the City's residential zones. In reviewing the City of Longview's Code Enforcement Program, it does not appear to include a policy relating to reasonable accommodations. The City of Tacoma recently strengthened their code enforcement to include a three step reasonable accommodation policy, staff training, and new forms.<sup>80</sup>

Longview has completed a Comprehensive Plan under the Growth Management Act. The housing goal of the Comprehensive Plan, in addition to other objectives, is to provide sufficient housing opportunities to meet the needs of the present and future residents of Longview for housing that is decent, safe, accessible and affordable.

In the Housing Element section of the Comp-Plan, Longview has identified that personal income growth has trailed housing price growth. As of the 2000 Census data, 1 in 5 households (20.5%) in Longview earned less than \$15,000 per year. An annual income of \$16,120 is needed to afford a studio apartment at Cowlitz County fair market rents. Households that earn less than \$16,120 per year are cost-burdened and pay more than 30% of their income for housing related costs. The housing analysis in the June 2005 Final Existing Conditions Report indicates that the greatest housing need is for rental housing that accommodates both large families and very small households."

Longview's zoning code promotes housing accessibility by proposing to take the following steps when updated the code:

- Recognizing the role of mobile and manufactured housing as an important component of Longview's single family housing stock by allowing their continuation in zoning regulations and by providing flexible and effective

---

<sup>79</sup> Joint Statements of the Department of Justice and the Department of Housing and Urban Development, Group Homes, Local Land Use, And the Fair Housing Act, See [http://www.usdoj.gov/crt/housing/final8\\_1.htm](http://www.usdoj.gov/crt/housing/final8_1.htm).

<sup>80</sup> add correct footnote

development regulations that will allow the upgrading and modernizing of existing mobile home parks.

- Maintain areas for neighborhood commercial uses designed to serve neighborhoods, recognizing their multiple roles: serving residents' needs, acting as community gathering places, and helping to establish a neighborhood's identity.
- As appropriate to the district, support the development of incentives for mixing of housing types, clustering around open space, preservation of critical areas, and infilling of vacant land.
- Residential density bonuses should be allowed in instances such as planned unit developments that combine excellence in design with housing affordability, preserve critical areas and provide usable open space, or meet other important community objectives.
- Encourage affordable ownership and rental housing through the allowance of apartments, townhouses, senior housing, assisted living facilities, manufactured/mobile home parks and other similar housing types.
- Promote housing in the upper stories of Downtown buildings and in other appropriate mixed use developments.
- Allow home occupations if they are resident owned and operated and compatible with residential uses.
- New multi-family land use classifications should be applied as follows:
  - a. located in or abutting areas already containing multi-family uses; or
  - b. in or next to Central Business, Regional or Community Commercial Districts or more intensive institutions; or
  - c. located in areas offering unique amenities such as in Downtown or along the Cowlitz and Columbia River waterfronts; or
  - d. along arterials where access consolidation and transit are available.

The residential portion of the zoning code was updated in February 2010. The new code allows up to a four-plex on a lot. Another change includes that for the first time, the City allows for townhouse development on lots as small as 1,800 square feet. The updated residential zoning code now encourages traditional neighborhood development (lot and block) as opposed to curvilinear street and cul-de-sac development, which allows for higher density development [19.20.050]. Too, for the first time in certain zones, zero lot line detached housing and attached zero lot line housing is allowed to help preserve land classified for high density residential use, no new single family residential lots are allowed to be created in the City's R-3 and R-4 high density residential districts. In addition to the above, the City:

- Revamped the City's Planned Unit Development code [LMC Chapter 19.66] to allow more flexibility for developers to reach maximum density thresholds.
- Developers of planned unit developments are allowed to use gross density calculations for their development. For example, the amount of residential units allowed on a 20 acre parcel that includes 5 acres of wetlands would be calculated using the 20 acre figure instead of the 15 acres of developable land. If the

maximum allowed density was 6 units per acre then up to 120 residential units could be built (6 X 20 = 120) versus 90 unit if we used net acreage.

The city did not put in minimum density requirements because it was politically unpalatable. The City does not require “shadow platting” for short subdivisions (up to four lots being created). However, for long subdivisions (five or more lots being created), there are requirement to ensure the property will be efficiently divided. If a developer wants to phase a residential subdivision project, they are required to submit a master plan showing how the complete project (all of project area) will be developed.<sup>81</sup>

### **Group Homes in Longview**

Despite judicial precedents protecting group home arrangement under the Fair Housing Act, entitlement regions throughout the United States continue to struggle to balance group home needs with neighborhood opposition. The State of Washington defines group homes as:

- “Adult family home means a regular family abode in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.”<sup>82</sup>
- “Boarding home means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator.” It does not include “independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by (HUD)”<sup>83</sup>.

To date, Longview’s law governing group homes does not include a provision for reasonable accommodations relating to requests for exemptions to the total number of unrelated persons residing in the home. The City of Seattle’s Municipal Code<sup>84</sup> includes a reasonable accommodations provision; and consequently, does not impede the location of group homes. In a survey response<sup>85</sup> there is a concern that housing providers are abusing the fair housing protections for group homes to violate city zoning regulations. The City may want to study establishing reasonable accommodation provisions to its zoning similar to that used by the city of Seattle. See example below<sup>86</sup>.

---

<sup>81</sup> Information received from City of Longview, Planning Manager, email on June 2, 2011

<sup>82</sup> Revised Code of Washington, Section 70.128.010

<sup>83</sup> Washington Administrative Code, Section 388-78A

<sup>84</sup> Seattle Municipal Code, Sections 23.44.072 and 23.44.015

<sup>85</sup> Longview Stakeholder Survey, City of Longview Employee

<sup>86</sup> City of Seattle Legislative Information Service, Seattle Municipal Code Title 23, Subtitle III Division 2

Authorized Uses and Development Standards, Chapter 23.40 - Compliance With Regulations Required --

Exceptions, <http://clerk.ci.seattle.wa.us/~scripts/nphrs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AN>

**SMC**

**23.40.040**

[http://clerk.ci.seattle.wa.us/~scripts/nph-](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G)

[brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G) - h0#h0

<http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h2#h2 **Reasonable accommodation.**

The Federal Fair Housing Act requires that <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h1#h1 <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h3#h3 reasonable accommodations be made in rules, policies, practices, or services, when such <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h2#h2 <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h4#h4 accommodations may be necessary to afford handicapped people equal opportunity to use an enjoy a dwelling. The Director is therefore authorized to make <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h3#h3 <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h5#h5 accommodations in the provisions of this title as applied to dwellings occupied or to be occupied by handicapped persons as defined in the Federal Fair Housing Act, when the Director determines that such <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h4#h4 <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=Reasonable+Accommodation&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G> - h6#h6 accommodations reasonably may be necessary in order to comply with such Act.

**Consolidated Plan Goals and Affirmatively Furthering Fair Housing**

D&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=15&Sect6=HITOFF&f=G-----

The 2009-2013 City of Longview Consolidated Housing and Community Development Plan contains extensive data on the housing market and housing/service needs of low- and moderate-income renters, owners, homeless people and people with special needs and articulates strategies for maximizing the uses of limited resources to address identified needs.

### **Addressing Domestic Violence**

In the last few years, domestic violence has increasingly become a fair housing issue. When domestic violence occurs, housing for victims is an immediate issue, as a result of a housing provider enforcing rules, and or the need to flee, jeopardizing rental history. The City of Longview has allocated funds for multiple years to the Tenant-Based Rental Assistance (TBRA), in order to provide rental assistance to two families or individuals for 15 months who are domestic violence survivors. The program is administered through the Kelso Housing Authority<sup>87</sup>. Of the forty (40) HOME TBRA vouchers administered by LHA, 12 are for domestic violence survivors. Each rental can last in duration anywhere from 15 to 18 months at a \$500 per month average (\$300 - \$900)<sup>88</sup>.

Also in Longview, local shelters including the Community House on Broadway or the Emergency Support Shelter often assist domestic violence survivors. The Community House serves single men, single women, and families, while the Emergency Support Shelter is limited to women or women with children who are fleeing domestic violence. The Longview-Kelso Consolidated Plan notes there is a clear and compelling need for additional housing resources with supportive services for very low income persons who are also victims of domestic violence or fleeing domestic violence. The Cowlitz 2009 Point of Contact Counts for homeless survivors of domestic violence included 56 individuals who were in an emergency shelter, 74 that were in transitional housing, 3 which were unsheltered, and a total of 133 who were homeless and 14 living with family and friends. In total, domestic violence survivors represent 29% of all homeless persons in Cowlitz County, or one out of every three homeless persons<sup>89</sup>.

### **Continuum of Care<sup>90</sup>**

The City of Longview is part of and the Longview-Kelso Consortium within Cowlitz County. Longview has funded many programs designed to prevent homelessness and to provide emergency and transitional housing.<sup>91</sup> The City has also funded several programs that address the needs of homeless individuals and families. Those programs funded with CDBG funds include: VetWorks and Comrade Quarters. The Longview Document

---

<sup>87</sup> Longview-Kelso Consolidated Housing and Community Development Plan 2009-2013

<sup>88</sup> Information received from Julie Hourcle, City of Longview via email correspondence on 8/2/2011

<sup>89</sup> Ibid, page 52

<sup>90</sup> 2009 CDBG Action Plan

<sup>91</sup> 2009 CAPER

Recording fee funds support Community House and the Emergency Support Shelter. HOME program funds support the Lower Columbia Community Action Program for transitional housing and the Longview and Kelso Housing Authorities TBRA programs.

## **Fair Housing Center of Washington**

The Fair Housing Center is a HUD designated nonprofit Qualified Fair Housing Organization<sup>92</sup> and serves residents of Longview. The Fair Housing Center is the only HUD-qualified nonprofit fair housing organization serving western Washington. Nonprofit fair housing agencies have the ability to act as advocates for individuals that have experienced discrimination in housing by supporting them through the complaint process,<sup>93</sup> conducting education and outreach and participating in HUD approved enforcement activities.

The agency provides intake and investigation of housing discrimination claims, conducts testing, education and outreach programs and contracts for other related services. The agency has award-winning English as a Second Language programs and has a contract with Language Line, a phone based interpreter service.

### **Agency Intakes and Cases**

During this time period, the Fair Housing Center of Washington received 54 calls from Cowlitz County. Of these intakes, 40 were from Longview. The majority of intake calls included inquires from disabled residents (62%), followed by family status complaints. The Fair Housing Counsel of Oregon (FHCO) has received three calls from residents of Longview since 2009, which were referred to the FHC<sup>94</sup>.

### **Testing in Cowlitz County and Longview**

The Fair Housing Center is the only entity in Western Washington that conducts fair housing testing. Between 2004 and 2010, the Fair Housing Center conducted 30 rental tests in Clark and Cowlitz County, with 22 of these tests conducted in Longview, as previously described in this report.

### **Intake and Investigation of Housing Discrimination Complaints**

---

<sup>92</sup> Qualified Fair Housing Organization (QFHO) is HUD's designation for nonprofit fair housing organizations that investigate and file cases of housing discrimination and perform testing activities for more than two years.

<sup>93</sup> HUD and the Washington State Human Rights Commission must maintain an impartial role with complainants and cannot support them through the filing or conciliation process. Nonprofit fair housing organizations can serve as advocates.

<sup>94</sup> Information received from Moloy Good, Executive Director, FHCO, March 29, 2011

Between 2005 and the present, the Fair Housing Center received seven (7) fair housing complaints from Longview citizens for which it opened cases. One complaint involved a Hispanic home seeker who was not able to purchase a mobile home due to her national origin (2005), another was in response to a denial of a reasonable accommodation to allow a disabled resident to make her rent payment on the 5th of every month in conjunction with the receipt of her social security payments (2005), another one pertained to race (African American) (2005). A case was opened by the FHC on behalf of a client who had a disability and a private housing provider who failed to make a reasonable accommodation (2008).

### **Education and Outreach in Longview**

The Fair Housing Center has not conducted any education and outreach in Longview during the time period of this report.

### **U.S. Department of Housing and Urban Development**

The US Department of Housing and Urban Development (HUD) administers the Fair Housing Act. In certain cases, HUD refers complaints to the Department of Justice (DOJ). HUD is also required to work on programs of voluntary compliance with the Fair Housing Act.<sup>95</sup> To do so, HUD enters into voluntary compliance agreements with housing industry organizations. These organizations pledge to inform the public of equal housing opportunity and the law to ensure that services are rendered equally to all clients, to publish their commitment to fair housing, and to monitor and report on the effectiveness of the agreement.

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

#### **Federal Fair Housing Agencies**

AGENCY	FUNCTION
HUD/Washington State Fair Housing Enforcement Center (FHEO)	Consumer information Complaints
HUD Program information and Compliance Center	Information on fair housing program requirements, education and outreach, and outreach and compliance reviews

<sup>95</sup> US Congress, Title VIII, Civil Rights Act of 1968 (42 US C. 3600-3620);sec 7(D), Department of Housing and Urban Development Act, 42 US C. 3535 (d)

DOJ, Civil Rights Division, Housing and Civil Rights Enforcement	Pattern and practice complaints (denial of rights to a group of persons where it is of general public importance, or a pattern and practice of resistance to fair housing rights by a person or group)
--	--

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

**Washington State Human Rights Commission**

HUD certifies state and local organizations to process fair housing complaints within their jurisdictions. As discussed earlier in this report, there are four such entities certified as ‘substantially equivalent’ in Washington State. These agencies bear the designation “Fair Housing Assistance Programs” (FHAP) and are entitled to federal funding to support activities. HUD provides funding to these agencies in two categories: capacity building grants for new agencies and support for costs associated with case processing, education, and special projects.

**U.S. Department of Agriculture**

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

The USDA was unable to determine the number of fair housing complaints investigated in Washington State. While the USDA has provided training to rural housing providers throughout Washington State on topics including fair housing, the number of Cowlitz County or Longview beneficiaries could not be readily identified.

**Legal and/or Landlord-Tenant Services**

**Northwest Justice Project (NJP)**, a statewide legal services agency, assists income eligible clients with non-criminal legal issues. NJP has a branch in Longview that serves clients in Longview and the surrounding area. NJP Longview’s work furthers fair housing and staff has recently been working with community partners to plan for individual representation and system improvements in Cowlitz County for domestic violence victims. NJP refers clients wishing to file fair housing claims to the Fair Housing Center.

**Columbia Legal Services (CLS)**, a statewide legal services agency, represents indigent clients in civil cases. CLS has a solid, long-standing reputation representing clients in fair housing cases in the State of Washington.

**The Tenant's Union (TU)**, provides landlord tenant information by phone to income-eligible<sup>96</sup> residents outside of King County every Wednesday from noon to 3:00 pm.

**Other Resources Available to Longview residents include:**

- Cowlitz County Association of Realtors®
- Washington Association of Realtors®
- Rental Property Owners Association of Cowlitz County
- Rental Housing Association, affiliate of the National Apartments Association<sup>97</sup>
- Mobile Home Owners of America
- Manufactured Housing Communities of Washington

## **First Time Homebuyer Programs**

**Washington State Housing Finance Commission (WSHFC)**, allocates bond and tax credit financing to housing providers who provide low income housing along with education and financing programs for first time homebuyers. Along with this distribution of funds come requirements relating to adherence to fair housing laws. The WSHFC co-sponsors fair housing training for tax credit/bond financed property managers with Spectrum Seminars, a national compliance trainer, and offers first time homebuyer classes throughout the state. Fair housing materials from HUD and the Fair Housing Center of Washington are included in the seminars. There was no data readily available identifying the race, color, gender, national origin, familial status or disability of the recipients of homeowner assistance provided through the WSHFC.

During the period of October 15, 2005 through September 10, 2010, 307 citizens from Longview participated in first time homebuyer classes offered in Longview. Of the 37 classes given during this time period, there were no classes offered in any other language besides English. Demographic data in race and national origin was not collected from class participants. From November 2005 through July of 2010, 44 Longview households received home mortgage financing through the WSHFC House Key loan program, totaling \$5,181,080. There were seven households with a disabled individual that received loans during this time period. There were two, or 4.5%, assisted minority households to purchase a home, as noted below<sup>98</sup>.

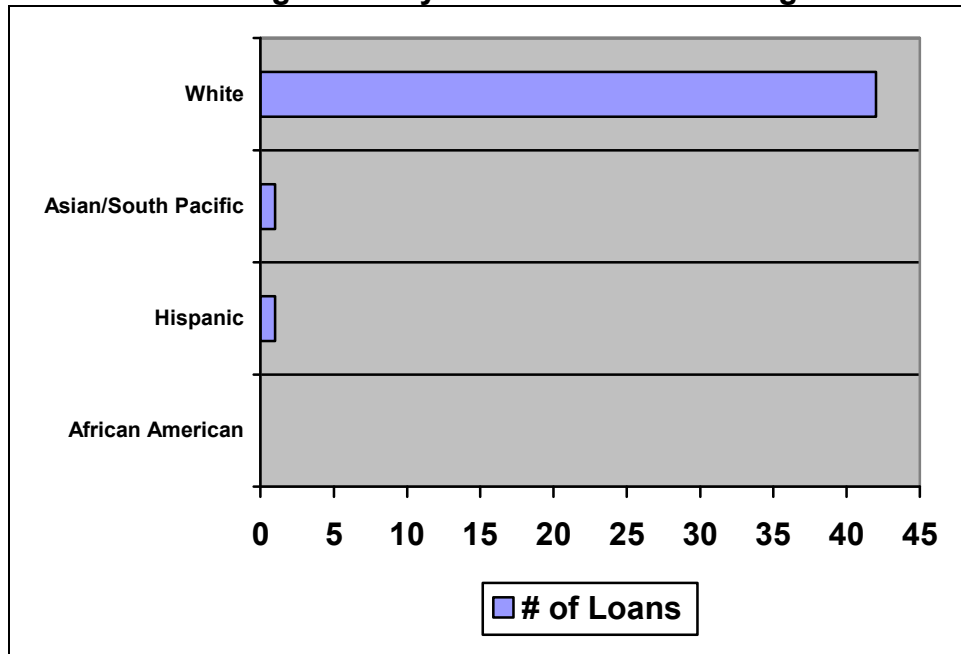
---

<sup>96</sup> Less than 80% of median income.

<sup>97</sup> Rental Property Owners Association of Cowlitz County

<sup>98</sup> Information received from Washington State Housing Finance Commission for WA state from 2005-2010, via email

### WSHFC House Key Loans Financed in Longview 2005 through 2010 by Race and National Origin



#### Washington Homeownership Center

The Washington Home Ownership Center (WHC) offers a free, statewide Homeownership Hotline for first-time homebuyers who often face multiple barriers to homeownership. According to the Center, clients who contact WHC receive a home ownership readiness assessment, including a review of household size and income, credit history, housing and location requirements, and other factors used to determine eligibility for a variety of first time buyer programs. Clients are then referred to the appropriate resources and encouraged to call back throughout the process for further assistance. Generally everyone gets a homebuyer class schedule, a packet of information on agencies that work on: credit, budgeting, housing development, homebuyer education, fair housing – along with information on down payment assistance programs and government loan programs. For the last several years, clients also get a brochure on predatory lending.<sup>99</sup>

#### City of Longview Home Ownership Funding

The City of Longview has several programs that assist with home ownership in the community. One of the programs in existence is the Cowlitz County Habitat for Humanity. Under this program, funds are utilized for land acquisition, infrastructure and building permits. In 2009 the program received \$120,000 in CDBG funding, \$80,000 in 2010 and in 2011 \$100,000 was allocated from CDBG funds. Habitat for Humanity has

<sup>99</sup> <http://www.homeownership-wa.org/about.htm>

assisted four families in Longview since 2009. Also, the Longview Document Recording Fee Program is used to support the Habitat sight supervision in the community.

Another program is the Blighted Property Redevelopment Program which is funded from the City's HOME program. The Longview Housing Authority (LHA) administers this program, which entails tearing down an existing house, and building a new shared duplex, which will be homeownership units. In 2011, \$80,000 was allocated to this project. In addition to this, LHA is overseeing the Self Help and Re-hab Equity (SHARE) program, which currently has three housing units in progress. Two of the properties are in Longview, with one of these just completed and one house where construction has just begun. Through the SHARE program, an existing home is purchased and then rehabilitated under the direction of LHA. This project received \$102,412 in HOME funds in 2007.

Single families are assisted in Phase 2 of Lower Columbia Community Action's 46 Street Self Help Housing program. This program has been in existence for a while and there will be a total of nine (9) families living in the Highlands neighbor hood once complete. The families who participate in the program act together and work 30 hours a week to build the houses in which they will live. Thus they all build the houses together, and everyone works on each others home from the ground up. The program stipulates that no one can move into the housing until the entire group is done.

## **Realty Associations**

### **Rental Property Owners Association of Cowlitz County (RPOACC)**

The Rental Property Owners Association of Cowlitz County (RPOACC), does not have its own website, and is listed under the Washington Landlord Association, which states that its mission is to promote the rental housing industry through its' participating members, represent the rental housing industry in legislative activities, promote positive public relations through high professional standards and ethics, provide continuing education through programs and specialized rental housing forms, encourage the exchange of ideas and member benefit programs, and to promote and protect private ownership of rental housing.

### **Cowlitz County Association of Realtor's®**

Cowlitz County Association of REALTORS® is a professional association of over 200 members. The CCAR REALTOR® and Affiliate members offer business services and legislative representation to real estate practitioners and affiliated service providers in Cowlitz County and surrounding areas. Association has expanded and now covers not only offices in Cowlitz County, but some in Clark, Wahkiakum, and Pacific Counties as well. A review of their website did not indicate that there were any current training opportunities that include information on fair housing training offered through CCAR, nor

that there is any accessible information on fair housing resources available, such as HUD's phone number and general information in its on-line library. CCAR publishes a newsletter that occasionally has articles relating to fair housing. Members are required to sign a code of ethics, which provides that "Realtors® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin. Realtors® shall not be a party to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin." The CCAR web site does not contain any references to State of Washington fair housing requirements.

### **Assessment Conclusions**

1. The City of Longview has begun planning some fair housing activities and is committed to completing this analysis in order to determine how to successfully and consistently incorporate fair housing education, outreach and enforcement in to its federally-funded activities.
2. The Fair Housing Center of Washington, HUD and the WSHRC are the primary agencies providing fair housing enforcement and education services in Longview.

## **V. Identified Impediments and Recommendations**

To assist the City of Longview in ensuring fair housing protection, the following issues are submitted as areas of consideration for focus:

**Impediment I:      Though formal complaint data in Longview is minimal, housing discrimination primarily affects persons with disabilities, persons of color, and families with children. This is supported by Cowlitz County complaint data which was analyzed for the City of Longview statistics.**

- Fair housing complaints from residents of Longview and surrounding Cowlitz County reflect national trends with allegations of discrimination on the basis of disability comprising the most frequently cited protected class. An increasing number of these disability complaints involve failure to provide reasonable accommodations.
- While disability and race comprise the top two protected classes cited in fair housing complaints filed nationally, family status comes in as the third most frequent protected class (20%). In Longview during this time period 7.5% of fair housing complaints filed were familial status. In 2010 a sexual orientation case was filed.
- In 2004 the Fair Housing Center of Washington conducted twenty-two (22) matched-pair tests of housing providers in Longview. Of these tests, eleven (11) were rental audit tests based on national origin. The results of the 11 tests include five (5) tests which indicated differential treatment towards the Hispanic testers.
- Race-based Native American testing indicated a differential treatment rate of 57%. National Origin (Hispanic) testing indicated a differential treatment rate of 44%.

**Impediment II:      Home mortgage lending data show that Hispanic and Native American, followed by African American homebuyers are more likely to be denied financing of home mortgage loan products.**

- In 2009, white applicants had the lowest denial rate of all conventional mortgage applicants.
- Native Hawaiian and Other Pacific Islanders are denied conventional mortgage financing at much higher rates than whites and Asians, while African-Americans, Hispanics, Native Americans and Alaskan Natives were also denied conventional financing at higher rates than whites and Asians.
- In 2009, white re-finance applicants had the lowest denial rates. American Indians had the second lowest denial rates and Asians and Hispanics were the next lowest. The highest denial rates were experienced by Native Hawaiian and Other Pacific Islanders and Blacks or African Americans.

- Both nationally and within the Longview MSA, the use of subprime mortgages has increased substantially. Nationally and in this MSA, households of color are disproportionately likely to obtain subprime mortgage financing.

**Impediment III: Members of the public, especially housing professionals and community service providers, have limited knowledge of protected classes, fair housing laws and the resources available to them.**

- Survey responses indicate a lack of knowledge about fair housing protections, including a lack of familiarity with protected classes.
- Survey responses reflect an interest in more fair housing education and outreach to increase knowledge of fair housing topics and rights.

**Impediment IV: Zoning and land use decisions can have a discriminatory impact on protected classes under federal and state fair housing laws.**

- Evaluating zoning policies utilized by neighboring governments in order to assess whether the implementation of reasonable accommodation provisions in the zoning code could assist the City to better balance the enforcement of its zoning and building codes with affirmatively furthering fair housing protections for group homes.

## **Recommendations**

To address the impediments to fair housing choice identified in this report, it is recommended that the City of Longview strengthen its commitment to affirmatively further fair housing. Implementation of the following recommendations will enhance Longview's interest in fair housing activities and alleviate remaining impediments to fair housing choice:

### **Recommendation I: Expand Current Education and Outreach Efforts.**

It is critical that the City of Longview take steps to ensure that fair housing is fully integrated into its housing and human services strategies to better reach the community, especially those most affected by housing discrimination. It is recommended that the City of Longview:

- A. Expand education programs and materials for the community.
- B. Promote fair housing educational programs for local housing providers.
- C. Develop fair housing educational programs for housing and human services agencies and staff who serve protected classes, especially immigrants, families, persons with disabilities and Native Americans.

- D. Ensure fair housing informational resources are made available to community partners to facilitate their ability to affirmatively further fair housing.
- E. There is a need for fair housing information directed towards programs that affect an individual's housing choice. Shelters and Housing programs would benefit from educating staff members and should implement policies that further fair housing in programs that members of protected classes will most likely utilize.
- F. Ensure that translated fair housing materials are available to immigrant groups.
- G. Increase fair housing information and expand links to fair housing laws/programs on the City of Longview website. Advocate with newspapers, real estate organizations, and housing providers to increase accessibility to fair housing internet resources on their websites and to display fair housing information/resources in their offices. Advocate for inclusion of the publisher's non-discrimination statement in local print and electronic media and including links or information that pertain specifically to state and local protected classes.
- H. Ensure that public officials, City Planners, and community service providers receive basic and advanced fair housing training targeted to their specific needs.

**Recommendation II: Implement Fair Housing Testing Activities**

Complaint data and testing activities in Longview and Cowlitz County demonstrate that protected classes encounter differential treatment when seeking housing. To alleviate such impediments and to measure progress in correcting discrimination, it is recommended that the City of Longview:

- A. Initiate testing of housing providers to measure their willingness to make reasonable accommodations for prospective disabled residents. Additional Hispanic testing is recommended, along with Disability and Race testing.
- B. Utilize complaint and testing results to inform education and outreach efforts.

**Recommendation III: Target homeownership and lending marketing households and people of color to include African American, Hispanic, and Native American homebuyers.**

- A. Ensure fair housing is incorporated into homeownership initiatives.
- B. Ensure that Longview funded housing programs are working with banks with favorable Community Reinvestment Act (CRA) ratings.
- C. Work with banks to promote high CRA ratings and to invest in Longview's borders.
- D. Work with real estate organizations, banks and lending institutions to increase marketing to African American, Native American and Hispanic homebuyers.
- E. Work with developers and grantees to affirmatively market first time home buyer opportunities to communities of color, especially projects utilizing City assistance.

- F. Applications for government-insured loans should be monitored in Longview over time.

**Recommendation IV: Consider policies that encourage inclusion of individuals covered by protected classes under federal and state fair housing laws.**

- A. Consider adding the additional protected classes of marital status, sexual orientation (and gender identity) and veteran or military status, which are listed in the Washington's Law Against Discrimination, to Longview's Fair Housing Policy.
- B. Consider land use policy revision to ensure a mechanism for requesting reasonable accommodations and include opportunities to publicize the new provisions.
- C. Carefully consider the costs and benefits to low-income individuals of land use and zoning policies in order to proactively affirmatively further fair housing in Longview.
- D. As the 2011 AI is considerably more comprehensive than the 1999 AI, the AI should be updated every two to five years, with updates to be funded such that they do not detract from resources for fair housing counseling and enforcement.
- E. Conduct a full review of the Longview Housing Authority. LHA should complete a stand alone Analysis of Impediments to Fair Housing Choice in order to ensure compliance with federal, state, and local fair housing laws. Staff should receive regular basic and advanced fair housing training yearly at a minimum, and document said training. LHA should revise its Request for Reasonable Accommodation that is provided to tenants, and begin to keep a comprehensive reasonable accommodation log for record keeping to include: the date of the request, the nexus between the request and the disability without asking what the disability is, whether the request was granted or denied and the reasons why, or whether an alternative accommodation was presented to the requestor in an attempt by LHA to make a good faith effort at back and forth conciliation.

**Recommendation V: Develop a Fair Housing Action Plan**

- A. Pursuant to the GAO's September 2010 AI report, it is recommended that the City of Longview establish a fair housing action plan, containing express implementation time frames, derived from the recommendations contained in this report.
- B. To avoid the criticisms expressed by the GAO, the final iteration of this AI should be signed by either the City Manager or the Mayor of the City of Longview.

## **Recommendation VI: Continue to Monitor Fair Housing Trends**

In a community as evolving as Longview, new policy challenges may emerge in response to a diverse and changing population and regional economic trends. Below are suggested methods to continue to monitor local and national fair housing trends in order to stay current with policy changes as they happen:

- A. Monitor HUD's responses to the Westchester litigation.
- B. Monitor efforts to amend the federal Fair Housing Act.
- C. Monitor the Governor's proposal to create a State Office of Civil Rights.

## **Conclusion**

The City of Longview is committed to incorporating fair housing into its programs and activities. The City's investments to educate its citizens about fair housing and support for testing to identify impediments to fair housing will enable Longview to increase fair housing opportunities and to serve as a model for implementing initiatives designed to affirmatively further fair housing.

# Appendices

---