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Analysis of Impediments to Fair Housing Choice in the Commonwealth of Virginia

**Prepared in Support of the Commonwealth of Virginia's
Consolidated Plan**



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Executive Summary

Purpose

The following report, an *Analysis of Impediments to Fair Housing Choice* (AI), serves as a basis for the Fair Housing Planning (FHP) component of the Virginia Department of Housing and Community Development's (DHCD) Consolidated Plan. The Consolidated Plan is required by the United States Department of Housing and Urban Development (HUD) for State and Entitlement jurisdictions that receive funding for the following HUD formula programs: Community Development Block Grant (CDBG), HOME Investments Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). In addition to fulfilling federal requirements, the AI serves as a valuable resource for policy makers, advocates, state and local government staff, housing providers, and lenders. Further, the AI functions as a starting point to build awareness and support for fair housing efforts in the Commonwealth. The *Analysis of Impediments to Fair Housing Choice* reflects the Commonwealth's efforts to affirmatively further fair housing by identifying impediments to fair housing choice, identifying actions to overcome these impediments, and maintaining records of fair housing activities in the Commonwealth.

Impediments to fair housing choice as defined by federal and state law are any action, omission, or decision taken because of race, color, religion, sex, disability, familial status, national origin, or elderliness which restricts housing choices or availability of housing. Further, impediments to fair housing choice are defined as any action, omission, or decision which has the effect of restricting housing choices or availability of housing choices on the basis of race, color, religion, sex disability, familial status, national origin, or elderliness.^{1, 2} Though fair housing law generally applies to all housing and housing transactions, there are limited circumstances which may be exempt, such as owner-occupied rental housing with less than four units, single-family housing sold or rented without a broker, and housing operated by organizations and private clubs may be exempt. As *race, color, religion, sex, disability, familial status, national origin, and elderliness* are designated as protected classes by federal and state fair housing laws they will be a primary focus of the AI. It should be noted that while this report is a study of impediments to fair housing choice in the Commonwealth of Virginia as a whole, there are a number of localities within the Commonwealth that produce their own individual AIs as required by HUD.

Methodology

This report outlines the background of fair housing and related legislation in the United States and the Commonwealth as well as providing data relevant to fair housing. This data will have a distinct focus on the eight protected classes designated by state and federal fair housing law. In addition to a detailed discussion of the protected classes, there will be discussion of housing, income, and employment in the Commonwealth as these topics are closely linked to fair housing. Housing, income, and employment data will also be woven throughout the discussion of the

¹ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide: Volume 1*, March 1996.

² Virginia Department of Professional and Occupation Regulation (DPOR): Virginia Fair Housing Office, http://www.dpor.virginia.gov/dporweb/fho_index.cfm (February 10, 2012).

protected classes as it specifically relates to each protected class. The background data in the AI relies primarily on existing data available through the Census Bureau, HUD, and other state, federal, and non-profit agencies. Adding to general demographic data, there will be specific data regarding the protected classes in Virginia's homeless population as provided by DHCD's partner organization, Homeward. Finally, there will be a discussion of trends in fair housing complaints filed in the Commonwealth over the past few years.

In addition to providing background data, this report will identify barriers to fair housing choice in the Commonwealth through a discussion of the following issues: state and local regulatory barriers, Home Mortgage Disclosure Act (HMDA) data, Community Reinvestment Act (CRA) data, and local and regional fair housing testing efforts. This analysis will also include the results of an online survey pertaining to fair housing choice in the Commonwealth. The survey was developed by DHCD and sent to relevant public, private, and non-profit stakeholder groups across the state.

After thoroughly outlining impediments to fair housing choice in the Commonwealth, there will be a discussion of fair housing programs and initiatives and the agencies that administer them within the Commonwealth. Additionally, there will be a brief summary of the process for enforcing fair housing law and rectifying instances of discrimination in the housing market. The final component of the AI is a review of the impediments to fair housing choice identified in this report and recommended strategies to work towards eliminating these impediments. The strategies discussed will not provide a singular binding action plan but instead might serve to spur conversation and action among a variety of stakeholder groups involved with fair housing choice in the Commonwealth of Virginia.

Selected Findings

This report covers a wide variety of topics and is detailed in its discussion of fair housing choice and its related issues in the Commonwealth. Each section of the AI reveals certain findings that are particularly important in understanding impediments to fair housing choice in the Commonwealth. These selected findings, as well as the impediments to fair housing choice identified in this report, are presented in this section.

Findings:

- As has historically been the case, Virginia's two largest racial groups by percent of the total population are White and Black with 69 and 19 percent respectively in 2010.
- From 1990 to 2010, as a percent of the total population, the White population decreased, the Black population has been static, and both the Asian and Hispanic populations have increased.
- In general, minorities rent at a higher rate than the White population, have a lower median income, and have a higher portion of their populations below the poverty line.
- In 2010, 30 percent of households in Virginia had children under 18 years old.
- Among single mothers, it is estimated that in 2010, 31.5 percent lived at or below the poverty line; this figure is in stark contrast to the 12.1 percent of all families with children under 18 that lived at or below the poverty line.

- In 2010, 11 percent of Virginia’s population was foreign-born; almost 80 percent of the foreign-born population is from Asia and Latin America, mirroring the growth in the Asian and Hispanic populations.
- As of 2010, about nine percent of housing units in Virginia were vacant with approximately 1/3 of households renting and 2/3 of households living in owner-occupied housing.
- Mortgage foreclosures remain an important issue in Virginia. In particular, subprime mortgages account for 31.5 percent of foreclosures but only 7.2 percent of all mortgages issued.
- In regards to housing affordability, approximately 50 percent of renters in Virginia are cost-burdened (pay more than 30 percent or more of income towards rent), 35 percent of homeowners are cost-burdened, and 72 percent of low-income households are in need of affordable or assisted housing.
- Virginia has lower unemployment and a higher median income than the nation as a whole. However, unemployment in Virginia nearly doubled from 2007 to 2012, income inequality remains an issue, and income and poverty remain acute regional issues in Virginia.
- HMIS data shows that non-Whites, males, and single adults are represented in larger numbers in the homeless population than in Virginia’s general population.
- Fair housing complaints filed based on race and disability account for more complaints than any other protected classes at both the state and national levels; there are a significant number of fair housing complaints filed based on familial status and gender at the state level.
- The annual number of fair housing complaints in Virginia has been static over the past five years with approximately 200 complaints per year.
- Over the past five years, 48 percent of fair housing complaints in Virginia found there was no cause (discrimination did not occur), 23 percent of complaints were conciliated (resolved) before a determination of discrimination was made, 10 percent of complaints found that discrimination did occur, 3 percent of complaints were reactivated by HUD, and 16 percent of complaints had “other” closures.
- Minority mortgage denial rates are higher across income levels; denial rates are particularly high for minorities at the lowest income levels in the conventional mortgage market.
- Survey results show that respondents believe disability, familial status, color, and national origin are the protected classes most likely to be discriminated against in the housing market in Virginia.
- More than half of survey respondents believe there are general impediments to fair housing choice in their service area while an even greater percentage of respondents believe there are impediments to fair housing choice in the rental market in their service area; respondents do not generally believe fair lending is an issue in their service area.
- Open-ended survey responses included many requests to provide education to both housing providers and landlords; a lack of understanding about fair housing laws was often cited as an impediment to fair housing choice.

Impediment to Fair Housing Choice:

- 1. Discrimination in the rental and sales housing markets. Particularly, discrimination in the rental housing market based on disability, race, national origin, and familial status.**
- 2. Constraints in the mortgage lending market. Minorities experience higher denial rates in the mortgage markets at all income levels, particularly at the lowest income levels in the conventional loan market. Subprime mortgages are also an issue of note for minority borrowers.**
- 3. Additional fair housing education and outreach is needed among real estate agents, landlords, housing providers, local officials, and individuals.**
- 4. Certain local ordinances may disproportionately affect members of the protected classes.**
- 5. Availability and access to quality affordable housing; there are a large number of low-income households in need of affordable housing and there are a large number of cost-burdened households, especially in the rental housing market.**

Background Information

Fair Housing Legislation

Fair housing in the United States as it is known today came into being with the passage of the Fair Housing Act of 1968. This landmark legislation passed as Title VIII of the larger Civil Rights Act and it prohibited discrimination based *on race, color, national origin and religion* when renting, selling, financing or advertising housing.³ Since the passage of the Fair Housing Act of 1968 the law has been amended and many states and localities have passed their own fair housing statutes. Additionally, a number of complementary laws have been passed which further strengthen the legal foundations for fair housing choice in the United States and in the Commonwealth of Virginia.

While the United States' initial fair housing legislation was passed in 1968, the Fair Housing Act was amended in 1974 adding *sex* as a protected class and was amended a second time in 1988 adding *handicap* (disability) and *familial status* as protected classes. Further, multi-family accessibility standards were enacted in 1991 as further protection in the housing market for people with disabilities. In addition to the Fair Housing Act and its amendments, related federal legislation extends into the credit and mortgage markets as well as providing added protections for people with disabilities.

Extending fair housing choice even further, the Equal Credit Opportunity Act of 1974 prohibits discrimination in the credit market on the basis of race, color, religion, national origin, sex, marital status, age, or because the individual or household receives public assistance. Adding to the Equal Credit Opportunity Act, the Home Mortgage Disclosure Act (HMDA) of 1975 requires certain financial institutions to annually disclose data related to the approval and denial of mortgages. Data released as a result of HMDA legislation has led to a more thorough

³ Alex F. Schwartz, *Housing Policy in the United States: An Introduction* (New York, NY: Routledge, 2006) 239.

understanding of discrimination against protected classes in the mortgage market by making financial institutions' mortgage lending activities more transparent. Also related to lending, the Community Reinvestment Act (CRA) of 1977 was passed to ensure that financial institutions with Federal Deposit Insurance Corporation (FDIC) insurance were lending to all areas where they were drawing deposits. The legislation's purpose was multi-faceted but was a crucial step towards combating redlining (the refusal of mortgage lenders to provide loans to people within particular geographic areas) and increasing access to credit for low-income and minority communities.⁴ Outside of the credit arena, certain provisions of the Americans with Disabilities Act (ADA) of 1990 provide added protection in housing choice for those with disabilities. In particular, Article II of the ADA prohibits discrimination against those with disabilities in state and local public housing, housing assistance, and housing referrals.⁵

While federal fair housing law serves as the basis for fair housing legislation in the United States, states and localities may have their own fair housing laws so long as they are "substantially equivalent" to federal law. The "substantially equivalent" rule allows that a state or local agency may enforce their own fair housing laws so long as they are certified as being "substantially equivalent" to federal law by HUD's Assistant Secretary for Fair Housing and Equal Opportunity. It is not uncommon for state and local fair housing laws to include more protected classes than federal fair housing law. Virginia passed its own Fair Housing Law in 1972, adding to federal law by including *elderliness* as a protected class. As defined by the Virginia Fair Housing Law, *elderliness* refers to all persons 55 years and older.⁶ Besides state law, a number of localities within the Commonwealth have their own fair housing ordinances which can provide protection from housing discrimination beyond what is already offered in federal and state law. Adding to Virginia's state and local fair housing laws, those seeking to renew real estate licenses with the Virginia Real Estate Board must complete 16 hours of continuing education, at least two of which must be dedicated to fair housing. Further, individuals involved in various aspects of rental housing who are not already licensed realtors must attend a course and receive a fair housing certification from the Virginia Fair Housing Board.

In addition to Virginia's fair housing legislation, the Virginian's with Disabilities Act of 1985, which some see as the precursor to the ADA, includes language protecting fair housing choice for people with disabilities in the Commonwealth.⁷ Also, though not legally binding, the governor has made fair housing choice an issue of note in Virginia by including it in Executive Order #10, the *Housing Policy Framework of the Commonwealth of Virginia*. Principle three in Executive Order #10 says that housing policy in Virginia should, "Ensure that a range of housing options can be provided to meet the housing needs of a dynamic and changing population, achieve proper balance between homeownership and rental options, promote a continuum of

⁴ Schwartz, 217.

⁵ U.S. Department of Housing and Urban Development: Fair Housing Laws and Presidential Executive Orders, http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws (February 13, 2012).

⁶ Virginia General Assembly: Legislative Information System, *Code of Virginia, Title 36 Ch. 5*, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-96.1C1> (April 6, 2012).

⁷ Employment Support Institute, School of Business Virginia Commonwealth University: Virginian's with Disabilities Act, http://www.workworld.org/wwwwebhelp/virginians_with_disabilities_act_vda.htm (March 2, 2012)

quality housing options for special needs populations, match existing subsidies with areas of housing need, and increase the emphasis on fair housing (eliminating barriers to housing).⁸ While the laws and regulations presented in this section are not the only ones affecting fair housing choice they are the primary vehicle for ensuring that all citizens of the Commonwealth have access to fair housing choice.

The Protected Classes in the Commonwealth

Federal and state fair housing laws designate *race, color, religion, sex, disability, familial status, national origin, and elderliness* as protected classes. Simply put, it is illegal to discriminate against a person in the housing market on account of the fact that they fall into one of these eight categories. To fully understand what impedes fair housing choice in the Commonwealth it is first necessary to have an understanding of the protected classes. While much of data in this report discusses protected classes on an individual basis, fair housing choice and discrimination in the housing markets often involve complex and changing relationships among the protected classes.

Race

Historically, the Commonwealth's population has been constituted primarily of two races, White and Black. While these are still the two largest population groups by race as of the 2010 Census, the population shows signs of change. From 1990 to 2010, the percentage of the Commonwealth's population that is White decreased, while the percentage of the population that is Black remained static, and the population classified as Asian, those of other races, multi-racial, and Hispanic increased. The term "Hispanic" or "Latino" is not a race as classified by the U.S. Census Bureau but includes, "...those people who classified themselves in one of the specific Spanish, Hispanic, or Latino categories listed on the Census 2010 questionnaire."⁹ As such, Hispanics or Latinos can be of any race. Table 1.1 shows the changes in the make-up of the Commonwealth's population by race from 1990 to 2010.

⁸ Commonwealth of Virginia Office of the Governor, *Executive Order #10: Housing Policy Framework of the Commonwealth of Virginia* (Richmond, VA: 2010), 2.

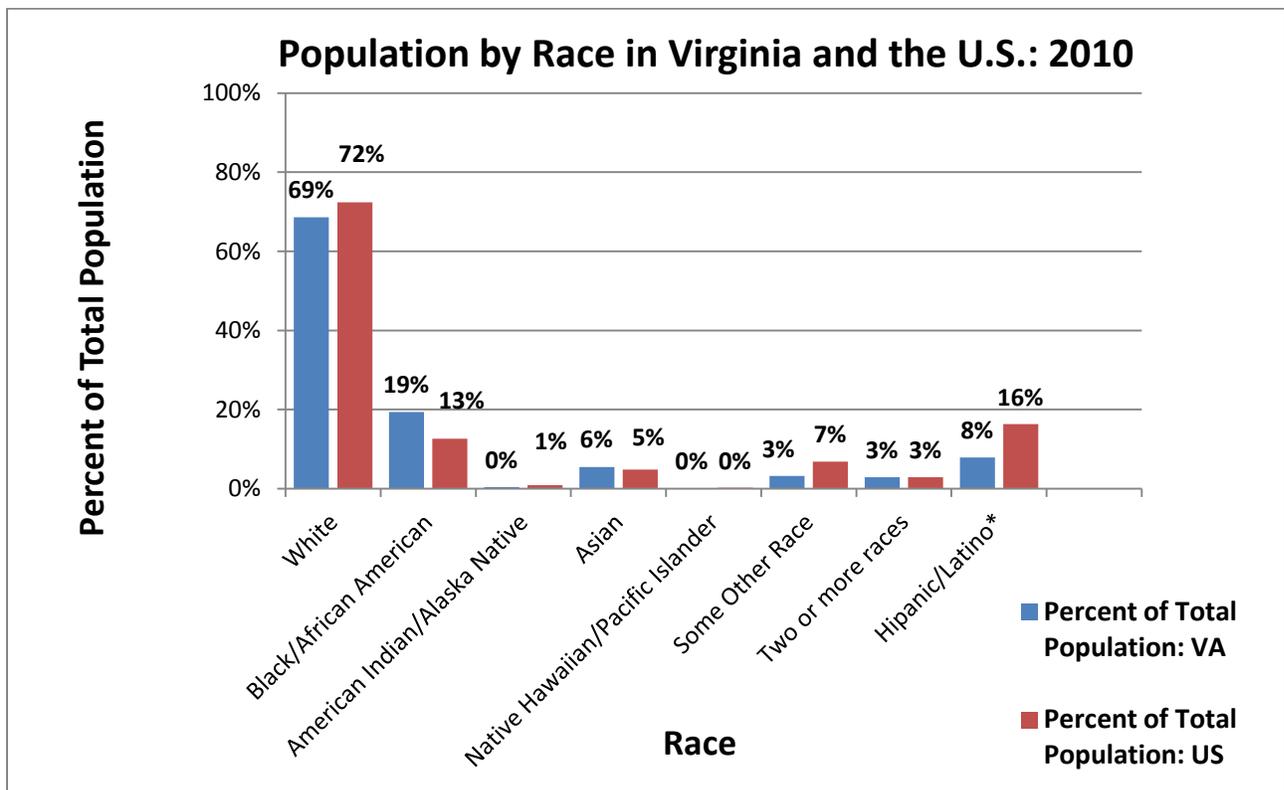
⁹ U.S. Census Bureau: State & County QuickFacts, Hispanic Origin, http://quickfacts.census.gov/qfd/meta/long_RHI705210.htm (February 22, 2012).

Percentage of Total Virginia Population by Race: 1990-2010			
<i>Race</i>	<i>1990</i>	<i>2000</i>	<i>2010</i>
White	77.4%	72.3%	68.6%
Black/African American	18.8%	19.6%	19.4%
American Indian/Alaska Native	0.2%	0.3%	0.4%
Asian	2.6%	3.7%	5.5%
Native Hawaiian/Pacific Islander	No Data	0.1%	0.1%
Some Other Race	0.1%	2.0%	3.2%
Two or more races	-	2.0%	2.9%
Hispanic/Latino*	2.6%	4.7%	7.9%

Source: U.S. Census, Decennial Census
 *Hispanic/Latino can be of any race

Table 1.1

In comparing the Commonwealth to the United States as whole, Virginia has a notably higher percentage of the population that is Black and a significantly lower percentage of the population that is Hispanic. Figure 1.1 displays the differences between the Commonwealth’s population by race and the United States’ population by race.



Source: U.S. Census, Decennial Census
 *Hispanic/Latino can be of any race

Figure 1.1

While housing discrimination occurs in both the rental housing market and housing sales, understanding the racial breakdown in these markets can assist policymakers and enforcement agencies in knowing what to look for in each market. While about two thirds of the Commonwealth’s housing units are owner-occupied, this number is not reflective of all races. Whites and Asians have the highest rate of owner-occupancy at 73.9 percent and 64.9 percent respectively. Conversely, Blacks, Hispanics, and those of some other race all have more than half of their population that lives in renter-occupied housing. Table 1.2 provides a more complete picture of housing tenure and race in the Commonwealth. Housing tenure statistics are critical to fair housing as HUD estimates that nearly 70 percent of fair housing complaints involve rental housing.¹⁰

Virginia Housing Tenure by Race: 2010			
<i>Race</i>	<i>Total Occupied Housing Units</i>	<i>Percent Owner-Occupied Units</i>	<i>Percent Renter-Occupied Units</i>
White	2,141,048	73.9%	26.1%
Black/African-American	565,172	49.8%	50.2%
American Indian/Alaska Native	8,171	59.7%	40.3%
Asian	135,103	64.9%	35.1%
Native Hawaiian/Pacific Islander	1,576	53.9%	46.1%
Some other race	3,154	49.7%	50.3%
Two or more races	41,596	53.2%	46.8%
Hispanic/Latino*	160,238	46.4%	53.6%
Virginia	3,056,058	67.2%	32.8%

Source: U.S. Census, Decennial Census

*Hispanic/Latino can be of any race

Table 1.2

While a household’s income does not qualify it as part of a protected class, it does play a large part in determining the variety and quality of housing that the household will be able to access. It also has the potential to exacerbate other types of housing discrimination. Table 1.3 displays median household income and percent of families in poverty by race in the Commonwealth.

¹⁰ Virginia Department of Professional and Occupation Regulation (DPOR): Virginia Fair Housing Office, http://www.dpor.virginia.gov/dporweb/fho_overview.cfm (March 19, 2012).

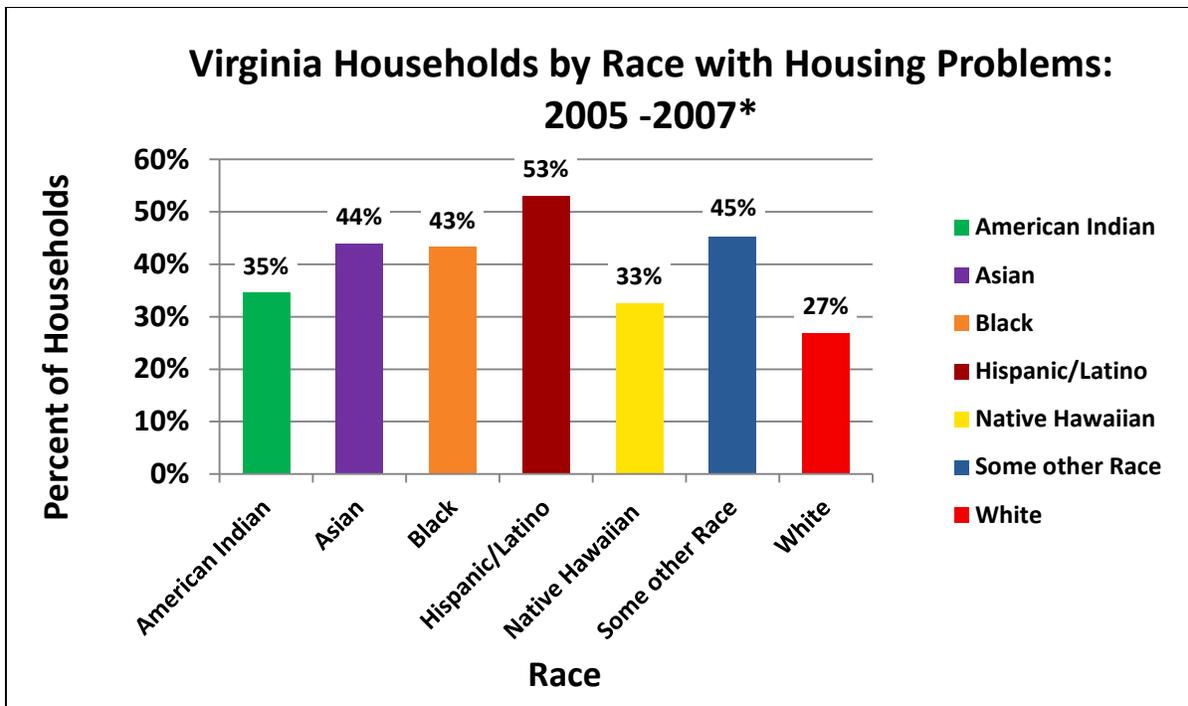
Estimated Virginia Household Income and Percent of Families in Poverty by Race: 2010		
<i>Race</i>	<i>Median HH Income</i>	<i>Percent of Families in Poverty</i>
White	\$ 66,048.00	5.4%
Black/African-American	\$ 41,632.00	15.6%
American Indian/Alaska Native	\$ 48,876.00	12.7%
Asian	\$ 84,889.00	5.9%
Native Hawaiian/Pacific Islander	No Data	No Data
Some Other Race	\$ 56,042.00	12.3%
Two or more races	\$ 60,395.00	9.8%
Hispanic/Latino*	\$ 56,987.00	10.9%
Virginia	\$ 61,090.00	7.5%

Source: U.S. Census, American Community Survey 3 – year estimates

*Hispanic/Latino can be of any race

Table 1.3

As stated, income on its own does not designate an individual as being part of a protected class but it is an important determinant in the housing they can access. As defined by HUD, spending 30 percent or more of household income on rent makes a household “cost-burdened”. In addition to being cost-burdened, when a household lacks a complete kitchen, complete plumbing or is overcrowded, it is deemed as having “housing problems”. As displayed by data in Figure 1.2, housing problems in the Commonwealth disproportionately affect minorities as Hispanics, those of “some other race”, Asians, and Blacks all have more than 40 percent of their population experiencing housing problems.



Source: HUD, 2005-2007 CHAS Data

* Housing problems are defined as households with one of the following four housing problems: 1) unit lacks complete kitchen 2) unit lacks complete plumbing 3) household is overcrowded or 4) household is cost burdened

Figure 1.2

While *color* is often thought to be included under *race* as a protected class, it is a protected class in its own right. As defined by the Fair Housing Council of Oregon, “Color is largely genetic and determined by the amount and type of pigment in the skin. It may, or may not, be related to race or national origin.”¹¹ While there is scant data regarding the population of Virginia based on color and discrimination based on color often occurs in tandem with other types of discrimination, color is a federally protected class and discrimination can occur based solely on the color of one’s skin.

Religion

Though not often evident during housing transactions, a person’s religion does qualify them as a having protected class status and decisions affecting housing choice made on the basis of religion are potentially discriminatory. Religion is unique among the protected classes in that non-commercial housing associated with religious institution can restrict residency to those affiliated with the religion.¹² For example, church dormitories designated for clergy that are not commercially available can restrict residency to only those affiliated with the church. Existing data estimates that about 80 percent of Virginia’s population has an affiliation with a religious

¹¹ Fair Housing Council of Oregon: Color as a Protected Class, <http://www.fhco.org/color.htm> (February 22, 2012).

¹² U.S. Department of Justice (DOJ): The Fair Housing Act, http://www.justice.gov/crt/about/hce/housing_coverage.php#relig (February 22, 2012).

tradition.¹³ So, as relates to fair housing, a large portion of people participating in housing transactions in Virginia are likely to be part of a religious tradition.

On a more detailed level, it is estimated that almost 60 percent of Virginia’s total population is affiliated with the Protestant Tradition, 14 percent with the Catholic Tradition, and a much smaller percentage with other religious traditions. Tables 1.4 and 1.5 show a detailed account of Virginia’s population based on their religious traditions.

Estimated Population by Religious Tradition in Virginia and the U.S.: 2008								
	<i>Evangelical Protestant Tradition</i>	<i>Mainline Protestant Tradition</i>	<i>Historically Black Protestant Tradition</i>	<i>Catholic Tradition</i>	<i>Mormon Tradition</i>	<i>Orthodox Tradition</i>	<i>Jehovah's Witness Tradition</i>	<i>Other Christian Traditions</i>
Percent of Virginia Population	31%	20%	10%	14%	1%	1%	< 0.5%	< 0.5%
Percent of U.S. Population	26%	18%	7%	24%	2%	1%	1%	< 0.5%

Source: The Pew Forum on Religion and Public Life, U.S. Religious Landscape Survey

Table 1.4

Estimated Population by Religious Tradition in Virginia and the U.S.: 2008								
	<i>Jewish Tradition</i>	<i>Muslim Tradition</i>	<i>Buddhist Tradition</i>	<i>Hindu Tradition</i>	<i>Other World Traditions</i>	<i>Other Faiths</i>	<i>Unaffiliated</i>	<i>Don't know / refused</i>
Percent of Virginia Population	1%	< 0.5%	1%	1%	< 0.5%	1%	18%	1%
Percent of U.S. Population	2%	1%	1%	< 0.5%	< 0.5%	1%	16%	< 0.5%

Source: The Pew Forum on Religion and Public Life, U.S. Religious Landscape Survey

Table 1.5

Sex

Under the Fair Housing Act, *sex*, or gender, is a protected class. It is therefore illegal to discriminate against a housing applicant due to their gender. It should be noted that in some instances, private renters may restrict the sex of the person to whom they are willing to rent. For example, if a female is privately renting a single room in her house it is legal for her to advertise and rent the room only to a female.

In Virginia, males represent 49.1% of the population with 3,925,983 persons and females represent 50.9% of the population with 4,075,041 persons. As illustrated in Table 1.6, male householders of both family and non-family households make up 15.7% of the total head of

¹³ The Pew Forum on Religion and Public Life, *U.S. Religious Landscape Survey, Religious Affiliations: Diverse and Dynamic 2008*, <http://religions.pewforum.org/maps> (February 22, 2012).

households in the Commonwealth. In contrast, female householders of both family and non-family households make up 27.2% of the total head of households.

Virginia Male and Female Population: 2010		
	<i>Number</i>	<i>Percent</i>
Total households	3,056,058	100.0%
Family households	2,047,188	67.0%
Husband-wife family	1,534,844	50.2%
Male householder, no wife present	133,142	4.4%
Female householder, no husband present	379,202	12.4%
Nonfamily households	1,008,870	33.0%
Male	344,272	11.3%
Female	450,845	14.8%
Persons		
Male	3,925,983	49.1%
Female	4,075,041	50.9%

Source: U.S. Decennial Census
Table 1.6

Disability

Disability is a unique protected class because it may require the owner or landlord of a property to make reasonable accommodations in their rules, policies, practices, or services if necessary to afford persons with disabilities an equal opportunity to comfortably inhabit their unit. For example, if a particular rental unit does not have adequate access to garbage facilities, the owner may be required to provide additional services or a change in service in order to facilitate the use of these facilities. In addition, the Fair Housing Act requires the housing provider to allow its tenants to make reasonable modifications to units and common spaces in order to increase accessibility. Following the enactment of HUD’s accessibility standards, units ready for first occupancy prior to March 13, 1991 put the financial burden for accommodations on the tenant. With a few exceptions, units ready for first occupancy after March 13, 1991 put the financial burden for accommodations on the landlord or property owner.¹⁴ Because of these requirements, disability has economic impacts on housing providers that put this protected class at risk. As an important side note, in making accommodations for a tenant with a disability, the landlord or property manager may not inquire as to the nature or degree of an individual’s disability. However, the property manager or landlord does typically have the right to confirm, via the tenant’s doctor or the medical professional treating them, that the tenant has a disability.¹⁵

¹⁴ U.S. Department of Housing and Urban Development: Fair Housing – It’s Your Right, http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/yourrights (April 6, 2012).

¹⁵ Nadeen Green, “The New Sins in Fair Housing,” Virginia Fair Housing Office: 3 Hour Fair Housing Seminar (Richmond, VA), April 3, 2012.

The percentage of the population with a disability in the United States and Virginia is roughly equivalent at 11.9 percent and 10.8 percent respectively. As indicated in Tables 1.7 and 1.8, the majority of these disabilities are of a physical nature.

U.S. Households by Disability*			
	<i>Total Households</i>	<i>Owner-Occupied</i>	<i>Renter-Occupied</i>
Households without a disabled person	91.6	62.8	28.9
Households with a disabled person	19.2	12.9	6.2
Hearing disability	6.1	4.5	1.6
Vision disability	3.0	1.9	1.1
Mental disability	5.8	3.5	2.3
Physical disability	11.7	7.9	3.8
Self-care disability	3.0	2.0	0.9
Go-outside-home disability	1.0	0.7	0.3

Source: U.S. Department of Housing and Urban Development. "American Housing Survey for the United States: 2009 March 2011 *Numbers in millions, **Figures may not add up to total because more than one category may apply to a unit

Table 1.7

Estimated Virginia Population by Disability		
<i>Disability</i>	<i>Population with a Disability</i>	<i>Percent of Total Virginia Population</i>
Hearing difficulty	233,925	3.00%
Vision difficulty	141,771	1.82%
Cognitive difficulty	303,697	3.89%
Ambulatory difficulty	461,091	5.91%
Self-care difficulty	165,287	2.12%
Independent living difficulty	298,433	3.82%

Source: U.S. Census American community Survey, 3 yr estimates

Table 1.8

Of the total disabled population in Virginia, more than half, or about 450,000 individuals, fall into the 18 to 64 year old age group. Additionally, it is estimated that in 2010, more than 35 percent of the total population in Virginia age 65 and older had a disability. Table 1.9 gives a detailed breakdown of Virginia's disabled population by age.

Estimated Virginia Population with a Disability: 2010

	<i>Total Population</i>	<i>Total Population with a Disability</i>	<i>Percent of Population with a Disability</i>
Total civilian non-institutionalized population	7,807,416	844,95	10.8%
Population under 5 years	507,432	2,771	0.5%
Population 5 to 17 years	1,342,233	59,307	4.4%
Population 18 to 64 years	5,002,902	447,290	8.9%
Population 65 years and over	954,849	335,583	35.1%

Source: U.S. Census American Community Survey, 3 yr estimates

Table 1.9

As stated, a large proportion of disabled persons in the U.S. and in Virginia have physical disabilities which makes accessibility to housing units critical. One of the most important factors regarding building accessibility is whether entrance to and exit from the building requires the use of steps. Table 1.10 indicates that roughly 38 percent of housing units in the U.S. without immediate outside access do not require the use of steps. Among U.S. housing units that have immediate outside access, 44 percent do not require the use of steps. Despite the high percentage of these units in comparison to the disabled population, there are a number of different factors for which adequate data is not available. These include, but are not limited to: adequate width of hallways and doorways, accessible kitchens and bathrooms, reachable technology and home fixtures, grade requirements for ramps, and durable flooring. Though the data presented in Table 1.10 is national data, it provides a rough guide to what accessible housing in the Commonwealth might look like. Also, of particular note to accessible housing is housing built before HUD's accessibility standards were enacted in 1991. Based on Census estimates, nearly 70 percent of Virginia's housing units were built before 1990. This figure is slightly less than 72.5 percent of housing units nationally that were built before 1990.¹⁶

Estimated U.S. Housing Units that Require Steps to Enter: 2010*

	<i>Total Units</i>	<i>Owner-Occupied</i>	<i>Renter-Occupied</i>
Enter building from outside	25.9	3.7	22.2
Use of steps not required	9.7	1.5	8.2
Use of steps required	16.1	2.2	13.9
Use of steps not reported	.008	.002	.006
Enter home from outside	85.9	72.7	13.2
Use of steps not required	38.0	32.7	5.4
Use of steps required	47.8	39.8	7.8
Use of steps not reported	.13	.11	.016

Source: U.S. Department of Housing and Urban Development. "American Housing Survey for the United States: 2009" March 2011. *Numbers in millions

Table 1.10

¹⁶ U.S. Census Bureau: American FactFinder, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> (April 6, 2012).

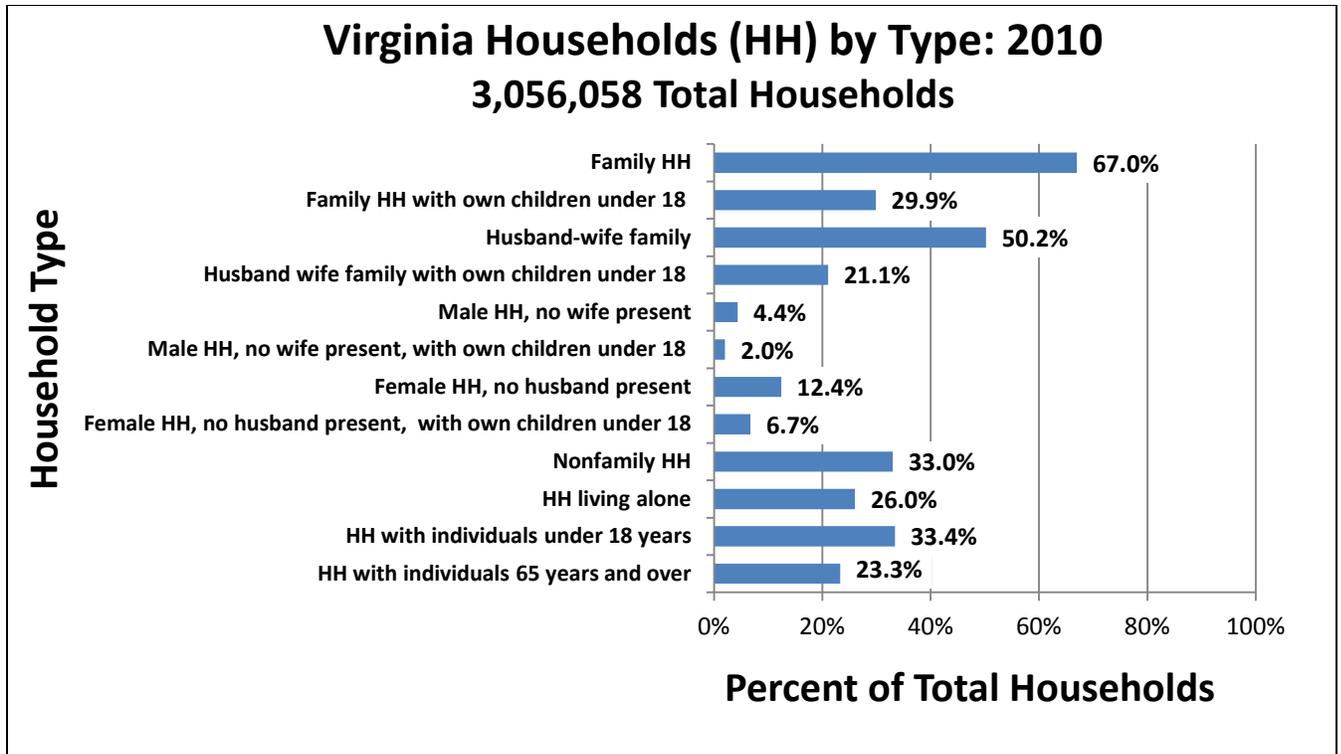
Familial Status

Familial status as it relates to fair housing is generally taken to mean families with children. Fair housing law mandates that housing providers cannot refuse to sell or rent to families with children or impose special rules or restriction on families with children. Like religion, there is an exception to the *familial status* protection. Certain housing can be designated only for older persons as outlined in the Housing for Older Persons Act (HOPA) of 1995.¹⁷ This housing must adhere to specific guidelines and is designated for individuals 55 years and older. Also, landlords and realtors cannot refuse to rent or sell units built before 1978 to families with children because the units might have used lead paint. However, the landlord or realtor is obligated to disclose that lead-based paint hazard controls have not been used. Landlords may affirmatively market units where lead-based paint hazard controls have been used to families with children.¹⁸

Figure 1.3 displays a detailed breakdown of Virginia's population by familial status. One will note that approximately 30 percent of households are family households with children under 18. Of particular importance for fair housing are family households with only one parent. Male householders with no wife and children under 18 account for two percent of all households and female householders with no husband and children under 18 account for 6.7 percent of all households.

¹⁷ U.S. DOJ: The Fair Housing Act, http://www.justice.gov/crt/about/hce/housing_coverage.php#famil (February 22, 2012).

¹⁸ U.S. Department of Housing and Urban Development: Healthy Homes and Lead Hazard Controls, "Requirements Concerning Lead-Based Paint and the Fair Housing Act," http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12352.pdf (March 2, 2012).



Source: U.S. Census, Decennial Census

Figure 1.3

In addition to a detailed account of familial status in the Commonwealth, it is helpful to look at families and associated poverty levels. Again, while income and poverty do not qualify one as being part of a protected class, they do limit housing choice and they can exacerbate existing discrimination in the housing market. Census estimates in Table 1.11 show that in 2010, 12.1 percent of all families in Virginia with children under 18 were below the poverty level and 4.6 percent of married couples with children under 18 were below the poverty level. This is in stark contrast to the 31.5 percent of families with a female householder, no husband present, and children under 18 that were below the poverty level.

Estimated Virginia Families and Poverty Levels: 2010*						
	<i>All Families</i>	<i>Percent Below Poverty Level</i>	<i>Married-couple families</i>	<i>Percent Below Poverty Level</i>	<i>Female householder, no husband present</i>	<i>Percent Below Poverty Level</i>
Families	2,013,520	7.7%	1,517,627	3.5%	371,620	23.6%
Families with related children under 18 years	971,080	12.1%	660,594	4.6%	240,540	31.5%

Source: U.S. Census, American Community Survey 1 yr estimates

*Similar data in table 1.6 and figure 1.5 have different figures as table 1.6 is based on Census estimates and table 1.5 is based on the Census complete count

Table 1.11

National Origin

Discrimination based on national origin can be based upon the country of an individual's birth or where their ancestors originated.¹⁹ As Table 1.12 displays, approximately 11 percent of residents of the Commonwealth were not born in the United States. Of the foreign-born population, more than half are not U.S. citizens.

Estimated Virginia Native and Foreign-born Population: 2010		
	<i>Number of People</i>	<i>Percent of Total Population</i>
Total population	8,024,617	100%
Native population	7,113,498	88.6%
Foreign-born population	911,119	11.4%
Foreign-born, naturalized U.S. citizen	414,714	45.5% (of foreign-born population)
Foreign-born, not a U.S. citizen	496,405	54.5% (of foreign- born population)

Source: U.S. Census, American Community Survey 1 yr estimates

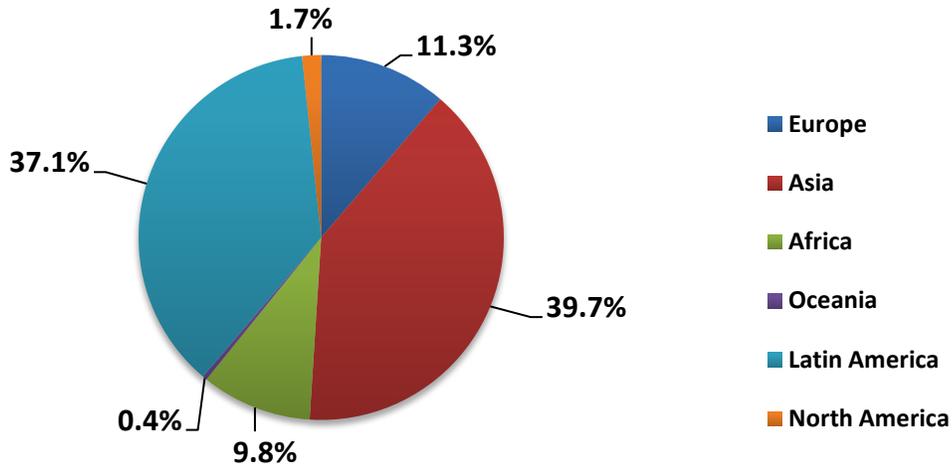
Table 1.12

A more detailed breakdown of the foreign-born population in the Commonwealth is shown in Figure 1.4. It is important to note that the two largest portions of Virginia's foreign-born population are from Asia and Latin America (many of the foreign-born residents from Latin America are counted as Hispanic or Latino in regards to their ethnicity). As previously mentioned, Asians and Hispanics (both foreign-born and U.S. born) are two of the Commonwealth's fastest growing minorities with Asians and Hispanics constituting 5.5 and 7.9 percent respectively of the total 2010 population (Table 1.1). This trend looks to continue as between 2008 and 2011 the Asian and Hispanic share of total births was larger than their share of the total population while the White share of total births was below their total share of the population.²⁰

¹⁹ U.S. DOJ: The Fair Housing Act, http://www.justice.gov/crt/about/hce/housing_coverage.php#nat (February 27, 2012).

²⁰ Qian Cai, *Virginia's Diverse Population*, Weldon Cooper Center for Public Service, <http://www.coopercenter.org/demographics/publications/virginias-diverse-population-center-american-progress> (March 28, 2012).

Estimated Virginia Foreign-born Population by World Region of Origin: 2010



Source: U.S. Census, American Community Survey 1 yr estimates

Figure 1.4

In addition to foreign-born population figures, the linguistic capabilities of Virginia's population can also have an impact on fair housing choice. One's ability to speak English is often readily apparent in housing transactions and can be an indicator, correctly or incorrectly, that an individual was raised outside of the U.S. or that their parents were raised outside of the U.S. Table 1.13 shows that while approximately 85 percent of Virginia's population over five years old speaks only English, nearly 15 percent of the population over five speaks a language other than English and nearly six percent of the population over five speaks English less than "very well." Of the population that speaks languages other than English, there are even larger percentages that speak English less than "very well."

Estimated Virginia Population and Language Spoken: 2010			
		<i>Percent of persons that speak a language other than English</i>	
		<i>Speak English "very well"</i>	<i>Speak English less than "very well"</i>
	<i>Total</i>		
Total population 5 years and over	7,517,185	94.3%	5.7%
Speak only English	85.2%	X	X
Speak a language other than English	14.8%	61.6%	38.4%
Speak Spanish or Spanish Creole	6.7%	55.2%	44.8%
Speak other Indo-European languages	3.4%	74.8%	25.2%
Speak Asian and Pacific Island languages	3.4%	57.2%	42.8%
Speak other languages	1.3%	72.1%	27.9%

Source: U.S. Census, American Community Survey 1 yr estimates

Table 1.13

It is important to reiterate that national origin as a protected class is not isolated to where a person was born; it also includes an individual's ancestry and others' perceptions about a person's national origin. So, regardless of whether a person was born and raised in the United States they can still be discriminated against on the basis of national origin.

Elderliness

Enacted in 1972, the Virginia Fair Housing Law added *elderliness* as a protected class to supplement the requirements of the Federal Fair Housing Act. Elderliness, in this case, refers to any individual who is fifty-five years of age or older. As Table 1.14 shows, Virginia represents a slightly younger population when compared to the national average. In addition, the Commonwealth is below national figures regarding the percent of the population fifty-five years of age or older that is owner-occupants and renter-occupants.

U.S. and Virginia Population Older than 55: 2010						
	<i>Total Population, Age 55 or Older</i>		<i>Owner-Occupied, Age 55 or Older</i>		<i>Renter-Occupied, Age 55 or Older</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Virginia	1,931,901	24.1%	954,389	46.4%	232,061	23.2%
U.S.	76,750,713	24.9%	36,509,348	48.0%	10,650,826	26.1%

Source: U.S. Census, American Community Survey 1 yr estimate

Table 1.14

Though Virginia’s population is slightly younger than the U.S. population as a whole, the percent of the total population in Virginia that is 55 and older increased from 20.4 percent in 2000 to 24.1 percent in 2010. Looking forward, the share of the population 55 and older could continue to grow as 22.3 percent of the 2010 population was between ages 40 and 55.²¹ As relates to fair housing, it will be important for housing professionals to be prepared for Virginia’s aging population and their housing needs. This will be especially important as relates to disability status because as mentioned, an outsized portion of Virginia’s disabled population is 65 years or older (Table 1.9).

Housing, Income, and Employment Profile

While housing, income, and employment in the Commonwealth have been discussed in relation to specific protected classes, a general profile of these topics is important to understanding impediments to fair housing choice in the Commonwealth. Fair housing choice is not a simple issue and nearly every housing transaction involves issues related to the state’s housing stock and an individual’s or household’s income and employment.

Housing Profile

Some basic information regarding vacancy, tenure, foreclosure, age of housing, and affordability will provide a solid backing for an understanding of housing issues in Virginia. According to the 2010 Census, there were more than 3.3 million housing units in Virginia with fewer than 10 percent of units standing vacant.

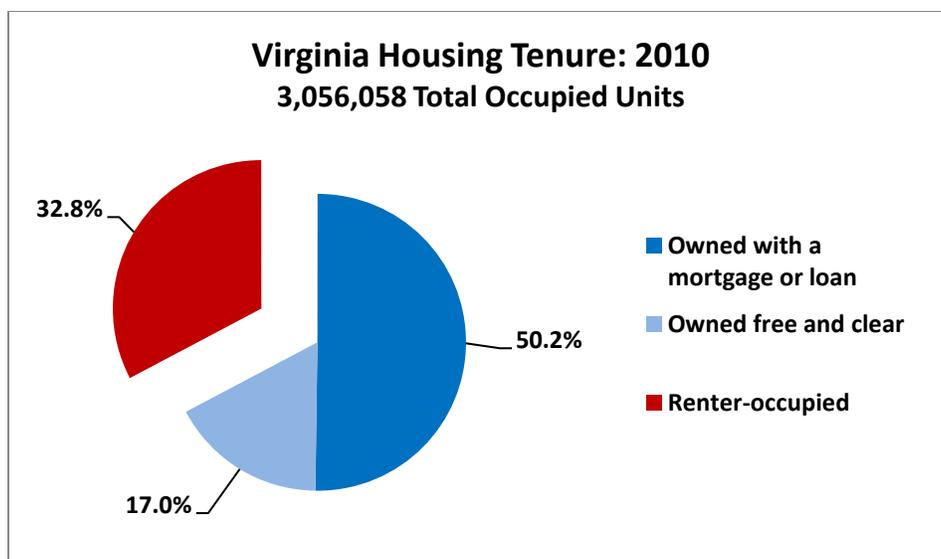
Virginia Housing Vacancy: 2010		
	<i>Units</i>	<i>Percent of Units</i>
Total housing units	3,364,939	X
Occupied housing units	3,056,058	90.80%
Vacant housing units	308,881	9.20%

Source: U.S. Census, Decennial Census

Table 1.15

In 2010, there were just over 3,000,000 occupied housing units in the Commonwealth of Virginia. Approximately 2/3 of occupied units were owner-occupied housing while rental housing accounted for approximately 1/3 of occupied units. Figure 1.5 displays housing tenure in Virginia.

²¹ U.S. Census Bureau: American FactFinder, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> (April 2, 2012).



Source: U.S. Census, Decennial Census

Figure 1.5

Though foreclosures declined from 2010 to 2011, in the current climate it is important to highlight that half of the housing units in the Commonwealth are owned with a mortgage or loan.²² Further, the share of mortgages in foreclosure in August, 2011 was double what it was in 2007.²³ Especially important when discussing foreclosures are subprime mortgages. Subprime mortgages are often issued to borrowers who do not have adequate credit for a conventional mortgage and as such, the terms of their loan might include higher interest rates and significant fees and penalties. Subprime loans have been linked to predatory lending tactics where lenders issue high-cost loans to borrowers who cannot afford them.²⁴ As of the 3rd quarter of 2011, subprime mortgages in Virginia accounted for 31.5 percent of foreclosures but only 7.2 percent of all mortgages.²⁵ Subprime mortgages and predatory lending are of particular note to fair housing choice as there is evidence at the national level that minority borrowers were targeted with subprime loans despite the fact that they might have been eligible for conventional mortgages.²⁶ This evidence is reinforced by the U.S. Department of Justice’s \$335 million settlement with Countrywide Financial Corporation which between 2004 and 2008, “...discriminated by charging more than 200,000 African-American and Hispanic borrowers higher fees and interest rates than non-Hispanic white borrowers in both its retail and wholesale lending.”²⁷ The data available in regards to minority borrowers and subprime mortgages is

²² Housing Opportunities Made Equal of Virginia, Inc., “The Impact of Foreclosures on the Economic Recovery in Virginia,” (February, 2012).

²³ The Federal Reserve Bank of Richmond, “Regional Profiles: Economic Profile - Virginia,” (August, 2011).

²⁴ Schwartz, 234-235

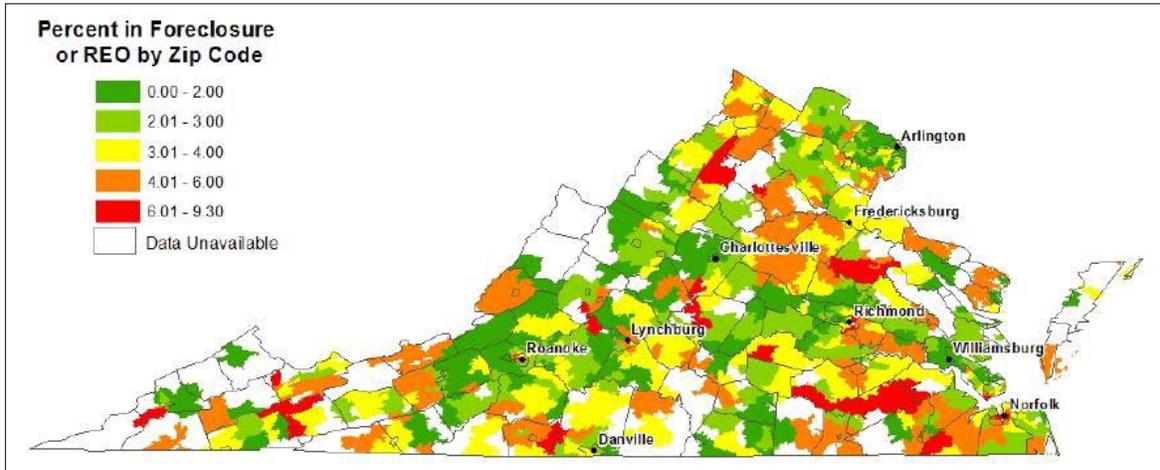
²⁵ Home Mortgage Bankers Association and Haver Analytics as presented in, The Federal Reserve Bank of Richmond, “Housing Market and Mortgage Performance in Virginia,” (3rd Quarter, 2011).

²⁶ Jacob S. Rugh, Douglas S. Massey, “Racial Segregation and the American Foreclosure Crisis,” *American Sociological Review* 75 (October 2010) 629 – 651.

²⁷ U.S. DOJ: Justice Department Reaches \$335 Million Settlement to Resolve Allegations of Lending Discrimination by Countrywide Financial Corporation, <http://www.justice.gov/opa/pr/2011/December/11-ag-1694.html> (March 21, 2012).

national but nonetheless, subprime mortgages are a serious issue in the Commonwealth and will remain so for the foreseeable future. Figure 1.6 and Figure 1.7 show the percent of mortgages in foreclosure for all loans and for subprime loans across the Commonwealth. Though foreclosures are clearly a statewide issue, one will see high subprime foreclosure rates in the Richmond area, Northern Virginia, and Hampton Roads.

Percentage of Owner-Occupied Loans in Foreclosure or REO*: 3rd Quarter 2011

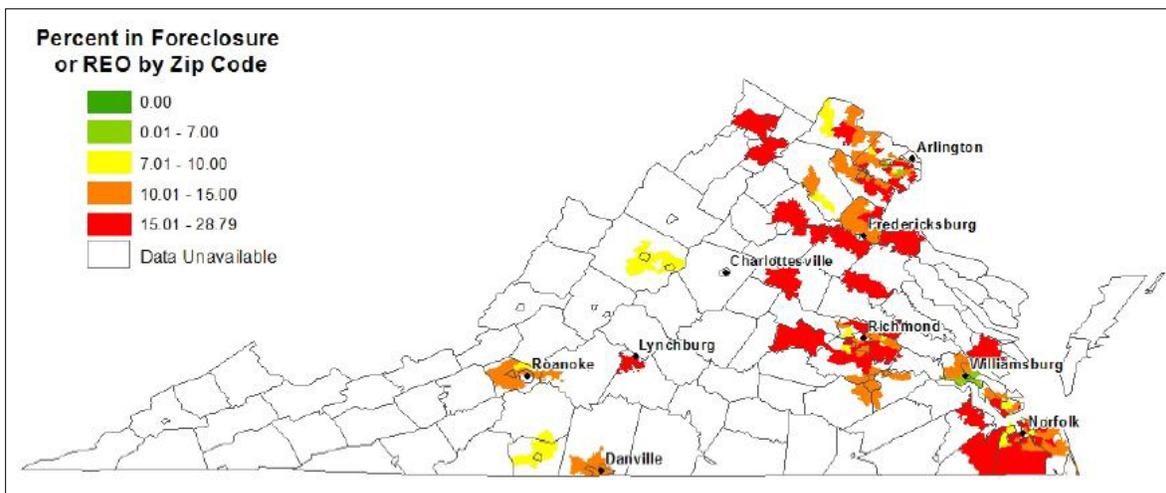


Source: Federal Reserve Bank of Richmond estimates using data from Lender Processing Services (LPS) Applied Analytics (Sept. 2011) and Mortgage Bankers Association (2011:Q3)/Haver Analytics as presented in, The Federal Reserve Bank of Richmond, "Housing Market and Mortgage Performance in Virginia," (3rd Qtr., 2011).

*Real Estate Owned (REO) properties are in the possession of the lender because of foreclosure or forfeiture

Figure 1.6

Percentage of Owner-Occupied Subprime Loans in Foreclosure or REO*: 3rd Quarter 2011



Source: Federal Reserve Bank of Richmond estimates using data from Lender Processing Services (LPS) Applied Analytics (Sept. 2011) in, The Federal Reserve Bank of Richmond, "Housing Market and Mortgage Performance in Virginia," (3rd Qtr., 2011).

*Real Estate Owned (REO) properties are in the possession of the lender because of foreclosure or forfeiture

Figure 1.7

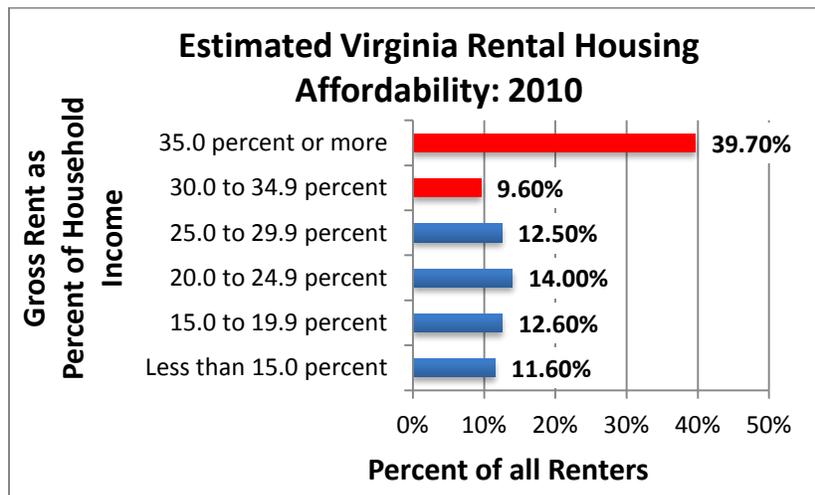
The housing stock in Virginia is fairly evenly distributed between older and newer housing with a majority of the housing built between 1960 and 1999. Older housing is of particular concern to fair housing choice as it is more likely to not be handicap accessible and to have lead paint, a serious hazard to families with young children. Table 1.16 breaks down the age of housing in Virginia in detail.

Estimated Virginia Housing by Year Built: 2010		
<i>Year Built</i>	<i>Units</i>	<i>Percent of Total Units</i>
Built 1939 or earlier	274,973	8%
Built 1940-1959	501,481	15%
Built 1960-1979	966,382	29%
Built 1980-1999	1,123,266	34%
Built 2000 or later	482,296	14%

Source: U.S. Census, American Community Survey 3 – year estimates

Table 1.16

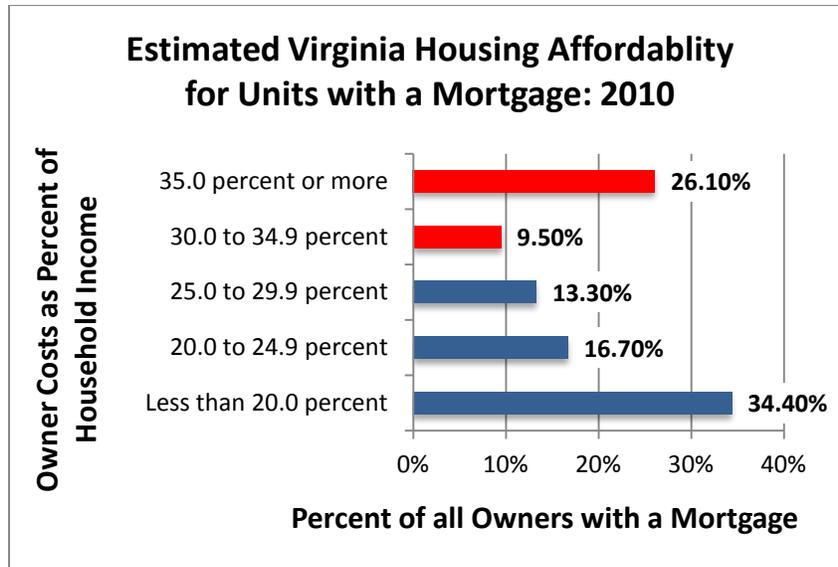
An important factor linked to fair housing choice is the issue of affordability in housing. When a household is spending more than 30 percent of its income on housing it is generally considered that this household is “cost-burdened”.²⁸ Though income and housing cost burden do not designate one as a member of a protected class, housing affordability can severely limit housing choice and cause extra strain for an individual already experiencing discrimination in the housing market. As shown in Figure 1.8 and Figure 1.9, in both rental units and owner-occupied housing units with mortgages, there are a significant number of households in Virginia that are cost-burdened. In rental housing, almost 50 percent of households pay 30 percent or more of their incomes in rent and in owner-occupied housing, about 35 percent of households pay 30 percent or more of their income in housing costs.



Source: U.S. Census, American Community Survey 3 – year estimates

Figure 1.8

²⁸ Schwartz, 23.



Source: U.S. Census, American Community Survey 3 – year estimates

Figure 1.9

A final and key component of housing in Virginia is the availability of affordable housing. While a person’s income or their ability to afford housing will not afford them protected class status, availability of quality affordable housing is important in providing members of the protected classes a full range of housing options. According to Virginia Housing’s, *Sourcebook*, there are more than 326,807 cost-burdened, lower-income (60 percent of area median income) households renting in Virginia. The number of cost-burdened households, coupled with only 171,855 federally assisted rental units, produces a situation where 71.9 percent of lower-income rental households are in need of assisted or affordable housing.²⁹ In 2010, of the 171,855 federally assisted housing units available, more than half were designated for extremely low-income households (at or below 30 percent of the area median income) through project-based units and housing vouchers. Table 1.17 displays in detail, federally assisted housing units in Virginia.

Virginia Federally Assisted Rental Housing Units: 2010				
Low-income, project-based units	Extremely low-income			Total: Assisted units
	Project-based units	Vouchers	Total: Extremely low-income units	
65,391	58,631	47,833	106,464	171,855

Sources: *Sourcebook* and the Virginia Housing Development Authority (VHDA)

Table 1.17

While data suggests that there is not enough assisted housing in Virginia, trends show that the amount of assisted units has been on the rise. As indicated in Table 1.18, from 1990 to 2010 the number of federally assisted housing units increased dramatically from fewer than 100,000 units in 1990 to more than 170,000 units in 2010.

²⁹ Housing Virginia, *Sourcebook*, <http://www.housingvirginia.org/tc.aspx?PID=594>, (March 12, 2012).

Virginia Federally Assisted Rental Housing Units: 1990 - 2010		
<i>Year</i>	<i>Units</i>	<i>Percent increase from previous figure</i>
1990	99,727	X
2000	137,748	38%
2010	171,855	25%

Sources: *Sourcebook* and the Virginia Housing Development Authority (VHDA)

Table 1.18

Though the number of assisted rental housing units in Virginia has been increasing there is still a large need among low and extremely low-income households for affordable and assisted rental housing. While income level does not offer protection under fair housing law, research has found that many of the protected classes are disproportionately represented amongst the low and extremely low-income levels.^{30, 31} This in turn, makes availability of affordable housing an important issue in any discussion of fair housing choice.

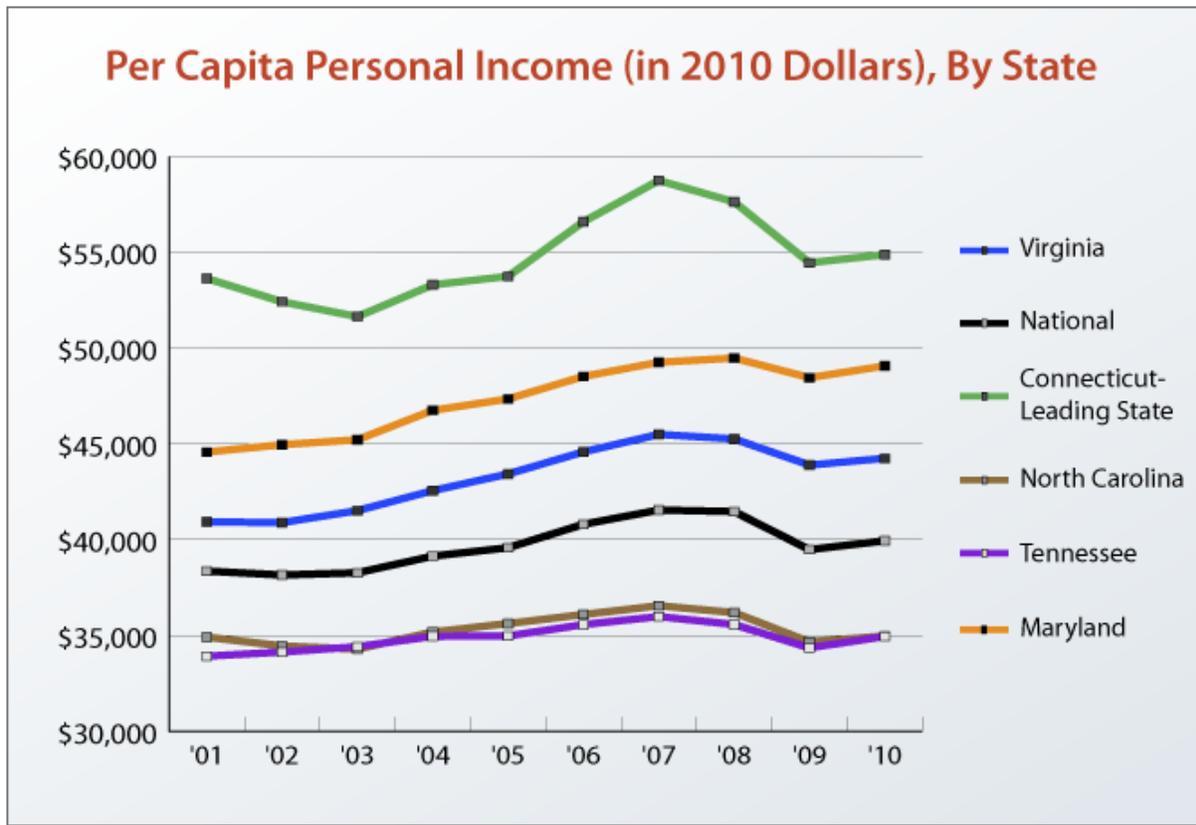
Income

Directly linked to the availability of housing choice in Virginia is the income profile of its residents. While income level does not offer protected class status it does have a direct effect on the quality and range of housing one can access. Overall, Virginia is ranked seventh among all states in per capita personal income as of 2010, with \$44,246 per capita income. Among its peers, Virginia's per capita income was lower than Maryland but higher than North Carolina. The highest 2010 per capita income was in Connecticut at \$54,877.³² Figure 1.10 provides a regional look at per capita income.

³⁰ U.S. Department of Housing and Urban Development, *Live Free: HUD Annual Report on Fair Housing: FY2010* (2010), 11.

³¹ Maurice Soto, "Who are Low-Asset Low Income Families?" *Urban Institute: Opportunity and Ownership Facts* 20 (September 2011): 1-2.

³² Virginia Performs: Personal Income, <http://vaperforms.virginia.gov/indicators/economy/personalIncome.php> (March 27, 2012).

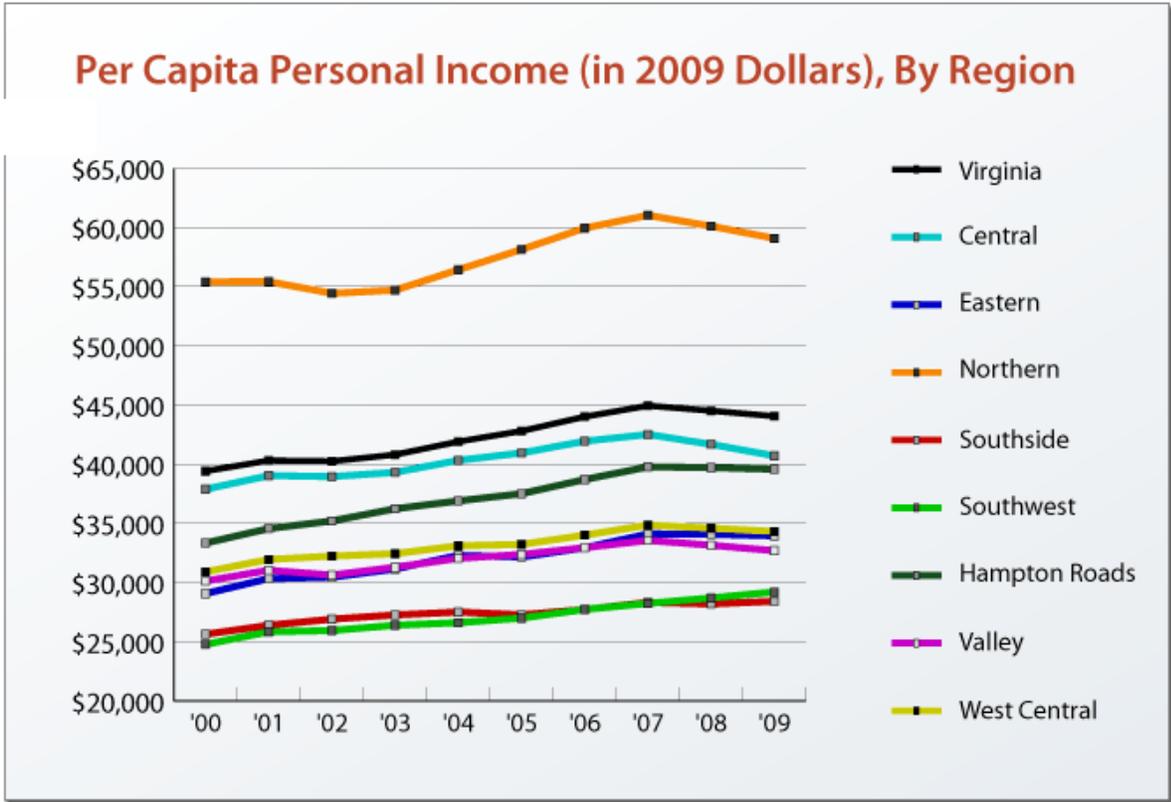


Source: Virginia Performs
Figure 1.10

Although overall income in Virginia is above the national average, income inequality is still an issue. One way to measure inequality is the Gini index. The Gini index is a summary measure of income inequality. It varies from 0 to 1, zero indicating perfect equality where there is a proportional distribution of income. A 1 indicates perfect inequality where one household has all the income and others do not have any. In the United States, the 2010 Gini index is estimated at 0.469. Virginia's Gini index is .459 for 2010, beneath the national average. However, this number indicates a change of .003 from 2009, indicating that the rate of inequality has grown from 2009 to 2010.³³

By region, the Northern region of Virginia had the highest per capita income in 2009 at \$59,082, followed by the Central region at \$40,716. At the other end of the spectrum, the Southside and Southwest regions had the lowest per capita income at \$28,418 and \$29,211 respectively. Figure 1.11 displays regional per capita income in Virginia.

³³ U.S. Census Bureau, *American Community Survey Briefs: Household Income for States: 2009 and 2010* (September, 2011).



Source: Virginia Performs

Figure 1.11

When looking at income and poverty by county, Figure 1.12 demonstrates a high concentration of poverty in counties within Southside and Southwest Virginia. Although overall income in Virginia is above the national average, there is great regional disparity within the state.

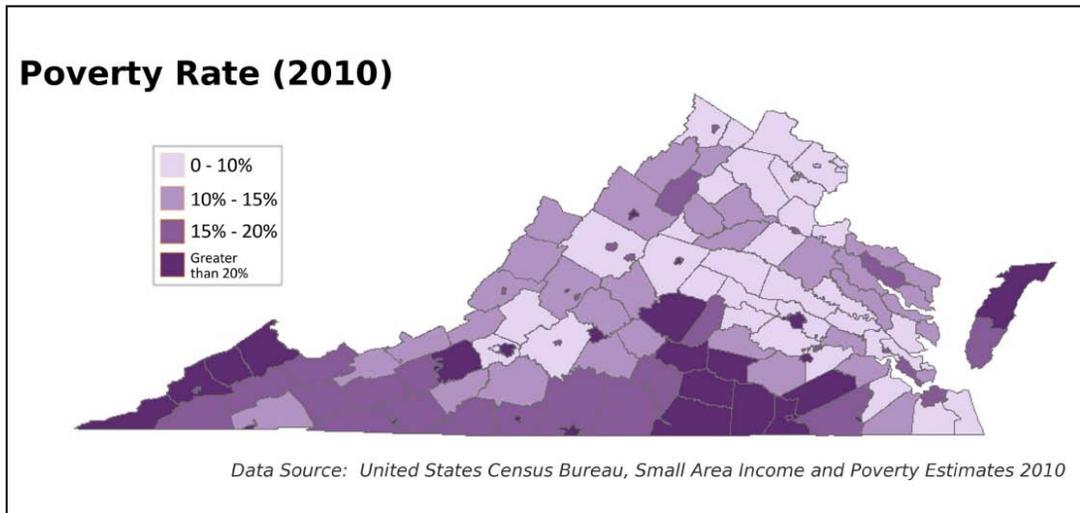


Figure 1.12

Between 2000 and 2010, Virginia's per capita income (adjusted to 2010 dollars) grew at a rate of 1.0 percent, outpacing national growth at .4 percent. Within Virginia, the Hampton Roads region had the fastest growth rate at 1.9 percent between 2000 and 2009.³⁴ Though Virginia's income and income equality fare well nationally, income, income equality, and poverty are still areas for concern, especially on a regional basis.

Employment Profile

Intricately related to an individual's housing and income is their employment status. An individual's employment status and the related impact on income can severely limit the location and quality of housing they can access. Conversely, where a person lives can have a definite impact on their ability to access employment opportunities. In 2010, Virginia's estimated population over 16 (of working age) was about 6.3 million people. Of the working age population, about 68 percent was in the labor force. Of those employed in the civilian labor force (military excluded), educational and healthcare services and social assistance as well as professional, scientific, management, and administrative and waste management services garnered the largest share of the employed labor force. Table 1.19 gives a detailed account of Virginia's labor force by industry.

Estimated Virginia Employment by Industry: 2010	
Educational services, and health care and social assistance	20.7%
Professional, scientific, management, administrative and waste management services	14.3%
Retail trade	10.9%
Public Administration	9.0%
Arts, entertainment, and recreation, and accommodation and food services	8.3%
Manufacturing	7.9%
Construction	7.2%
Finance and insurance, and real estate and rental and leasing	6.6%
Other services, except public administration	5.2%
Transportation and warehousing, and utilities	4.2%
Information	2.4%
Wholesale trade	2.1%
Agriculture, forestry, fishing and hunting, and mining	1.1%

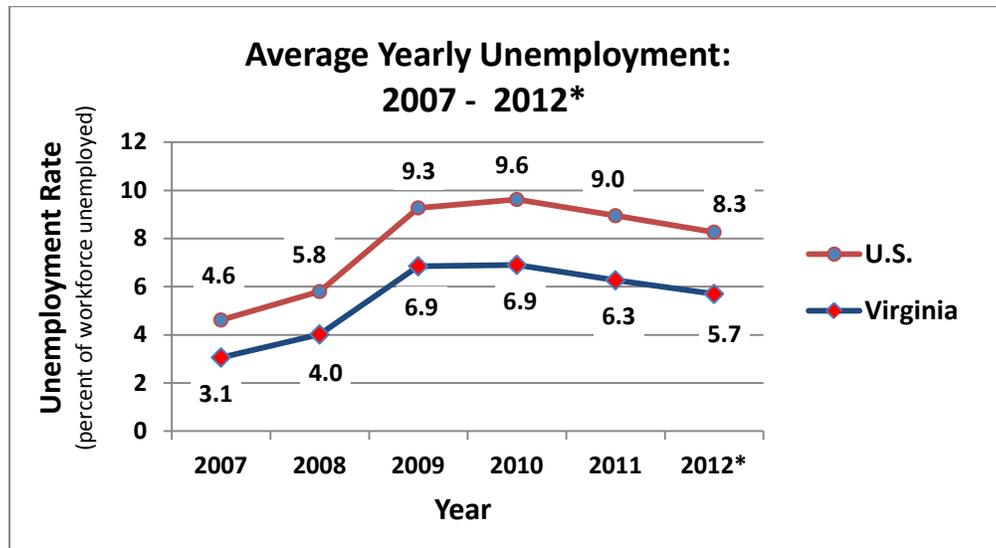
Source: American Community Survey, 3 yr estimates

Table 1.19

Nationally, unemployment is a major issue garnering headlines and serving as a hot button political issue. As shown in Figure 1.13, Virginia has consistently fared better than the nation as a whole when it comes to unemployment. As of March 2012, Virginia ranked 9th nationally for

³⁴ Virginia Performs: Personal Income, <http://vaperforms.virginia.gov/indicators/economy/personalIncome.php> (March 27, 2012).

lowest unemployment rate and was ranked higher than all other Southern states.³⁵ Still, the percent of people in the workforce that were unemployed as of March 2012 is nearly double what it was in 2007.



Source: Bureau of Labor Statistics (BLS)

*2012 average is through March 2012

Figure 1.13

Another key factor in employment, directly linked to housing, is the ability of people to access employment opportunities. As seen in Table 1.20, the majority of workers in Virginia drive to work with fewer than nine percent of workers using public transit, walking, or using other means of transport to get to work. While one cannot use this data to extrapolate why workers choose a certain form of transit, it clearly shows that in Virginia, workers overwhelmingly drive to work. Further, Virginian’s mean travel time to work is just under 30 minutes regardless of the mode of transportation.

Estimated Mode of Transportation to Work: 2010	
<i>Mode of Commute</i>	<i>Percent Total</i>
Car, truck, or van -- drove alone	76.9%
Car, truck, or van -- carpooled	10.5%
Public transportation	4.4%
Walked	2.4%
Other means	1.4%
Worked at home	4.3%
Mean travel time work (minutes)	27.20

Source: American Community Survey, 3 yr estimates

Table 1.20

³⁵ Bureau of Labor Statistics: Local Area Unemployment Statistics, Unemployment Rates for States, <http://www.bls.gov/web/laus/laumstrk.htm> (April 26, 2012).

Relative to the nation, unemployment in Virginia is in good standing and most workers are driving to work with reasonably short commutes. While this data is encouraging, thousands of Virginians remain unemployed. Also, it should also be noted that members of protected classes are disproportionately represented in the lower income levels making access to personal vehicles more difficult. In addition to increased employment opportunities, varied transit options and well located affordable housing are critical to fair housing choice.

The Protected Classes in the Commonwealth's Homeless Population

Homelessness in the Commonwealth is a serious issue affecting thousands of individuals and families across the state. Ending homelessness has been made a policy priority with its inclusion in the Governor's *Housing Policy Framework for the Commonwealth of Virginia*.³⁶ DHCD has partnered with Homeward, a Richmond, Virginia based non-profit involved in homeless research, education and outreach, to provide unique data regarding representation of the protected classes in Virginia's homeless population.

The United States Department of Housing and Urban Development defines homelessness in four broad categories: (1) People who are living in a place not meant for human habitation, in shelters, or are exiting an institution where they temporarily resided. (2) People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled up situation, within 14 days and lack resources or support networks to remain in housing. (3) Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. (4) People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support network to obtain other permanent housing.³⁷ The homeless population considered in this report consists of individuals who entered shelters or transitional housing in 2011 in one of 20 regions in Virginia.³⁸ In order to alleviate homelessness in the Commonwealth of Virginia, housing providers and state agencies depend on reliable data regarding the number and types of homeless individuals within the Commonwealth. In Virginia, a Homeless Management Information System (HMIS) is utilized to achieve this goal. HMIS is a software application designed to record and store client-level information on the characteristics and service needs of homeless persons³⁹. HMIS is administered by 20 Continuum of Care (CoC) networks located throughout Virginia. A Continuum of Care network consists of local organizations that coordinate to provide a comprehensive set of services for the homeless population.

Tabulated from CoCs across the state by Homeward, HMIS data provides insight into how certain protected classes are represented in Virginia's homeless population. The protected classes for which data is available are race (minority status), gender, elderliness, familial status (single adults), and disability. Table 1.21 provides a summary of the HMIS data that was

³⁶ Virginia Housing Policy Work Group and Advisory Committee, *Housing Policy Framework for the Commonwealth of Virginia: Interim Report to the Governor* (November 18, 2010), 14.

³⁷ U.S. Department of Housing and Urban Development: Homeless Assistance, http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/homeless. (May 7, 2012).

³⁸ Not all CoCs could provide data only for adults and it should be noted that it is possible that individuals counted may have been counted in more than one CoC. Also, not all shelters and transitional housing facilities use HMIS and as such, the data presented here does not include those facilities.

³⁹ U.S. Department of Housing and Urban Development: HMIS, About HMIS, <http://www.hmis.info/About.aspx>. (May 7, 2012).

collected. It is important to note that for each protected class there is a “baseline” figure denoting the percent of the general population of Virginia that is a part of the protected class.

Virginia HMIS Data: 2011				
<i>Protected Class</i>	<i>Baseline</i>	<i>Median</i>	<i>Low</i>	<i>High</i>
Minority (non-White)	31.4%	61.3%	10.2%	88.4%
Female (gender)	50.9%	39.0%	14.7%	75.4%
Elderly*	12.2%	2.3%	1.1%	4.5%
Single Adults**	10.2%	63.4%	41.5%	98.1%
Disability	10.8%	26.3%	9.8%	70.3%

* For this data, “Elderly” is 65 years and older for the baseline figure and 62 years and older for the HMIS data

**Single adult refers to all householders living alone and the figure is taken as percent of the population in households

Sources: Homeward HMIS data, U.S. Census (Decennial and ACS 3 yr)

Table 1.21

Of particular importance to fair housing is a comparison between the protected classes in the homeless population and in the general population. With 17 CoCs reporting race data, 82.4 percent of sites served a larger number of non-Whites than there are in the general population (in HMIS, race is broken down into White and non-White only). Of the 20 CoCs that reported information regarding gender, only 20 percent of sites served a larger percentage of females than there are in the general population. Of 20 CoCs reporting information for elderliness, no sites served a larger number of elderly clients than there are in the general population. It is important to note that HMIS data includes information for the population over 62 years old while the Virginia Fair Housing Law applies to all individuals 55 years and older. Finally, all 20 CoCs served a higher percentage of single adults than the 10.2 percent of the general population in Virginia that is single adults.

In sum, HMIS data shows that non-Whites, males, and single adults are represented in larger numbers in the homeless population than in Virginia’s general population. On the other hand, the elderly are less represented in Virginia’s homeless population than the population as a whole. As relates to fair housing, it is difficult to say with certainty whether or not there is a relationship between discrimination in the housing market and homelessness. However, it is important for policy makers and those working in homeless services to note two things; first, some of the protected classes appear to be overrepresented in the homeless population and second, being part of a protected class may add to the complexities of being homeless and further exacerbate an individual’s efforts to secure housing.

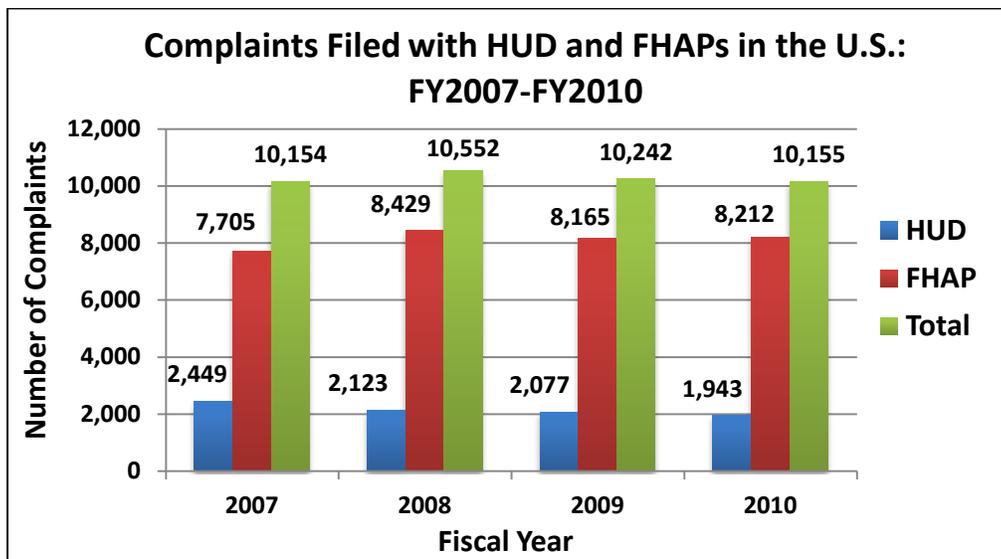
Fair Housing Complaint Data

As with any legislation, fair housing law has specific enforcement methods used to carry out its mandates. The enforcement process associated with fair housing law is initiated when an individual or group files a fair housing complaint. In Virginia, a complaint of discrimination in the housing market can be filed based on *race, color, religion, sex, disability, familial status, national origin, elderliness, and retaliation*. *Retaliation* is when a property manager, landlord, realtor, etc. takes punitive measures against a person that has filed a fair housing complaint against them or their company. It is important to note that while Virginia law includes *elderliness* as a protected class, it is not covered under federal law and complaints of discrimination because of *elderliness* cannot be filed at the federal level. There is a more

detailed discussion of the complaint process, possible outcomes of complaints, and the agencies that investigate and resolve complaints in the section of this report titled, *Enforcing Fair Housing: The Complaint Process*.

HUD, the Virginia Fair Housing Office, and a number of agencies certified under the HUD Fair Housing Assistance Program (FHAP) track the number and type of fair housing complaints they receive each year and how these complaints are resolved. Fair housing complaint data reveals which types of discrimination might be most prevalent in the housing market. There are two important things to note when analyzing fair housing complaint data. First, complaints of fair housing are often multi-faceted. For example, one individual could experience discrimination based on their gender, race, and color all in the same housing transaction. Generally, this one housing transaction would be counted as three instances of discrimination. Second, discrimination in the housing market may often go unnoticed or unreported. As survey data suggests, even those who are aware that they have been a victim of discrimination are unlikely to file a complaint. This lack of efficacy occurs for any number of reasons, including; not knowing the proper channels to file a complaint, fear of retaliation, or simply believing that filing a complaint is not worth the effort.⁴⁰

On the national level, the number of fair housing complaints has remained fairly static from 2007 to 2010 with a little more than 10,000 complaints filed each year. In Figure 1.14, one can see how national complaints are divided between those filed directly with HUD and those filed locally with FHAP agencies.

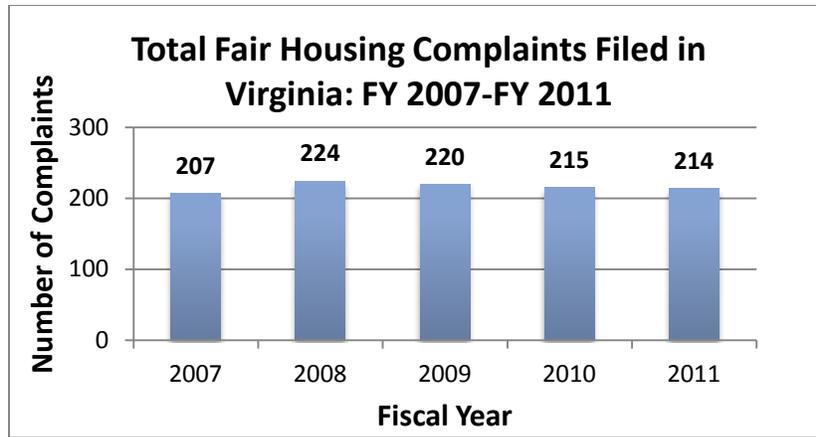


Source: Live Free: HUD Annual Report on Fair Housing, FY2010 (TEAPOTS Data)

Figure 1.14

At the state level, Figure 1.15 shows that from 2007 to 2011, the number of fair housing complaints that have been filed has remained fairly static.

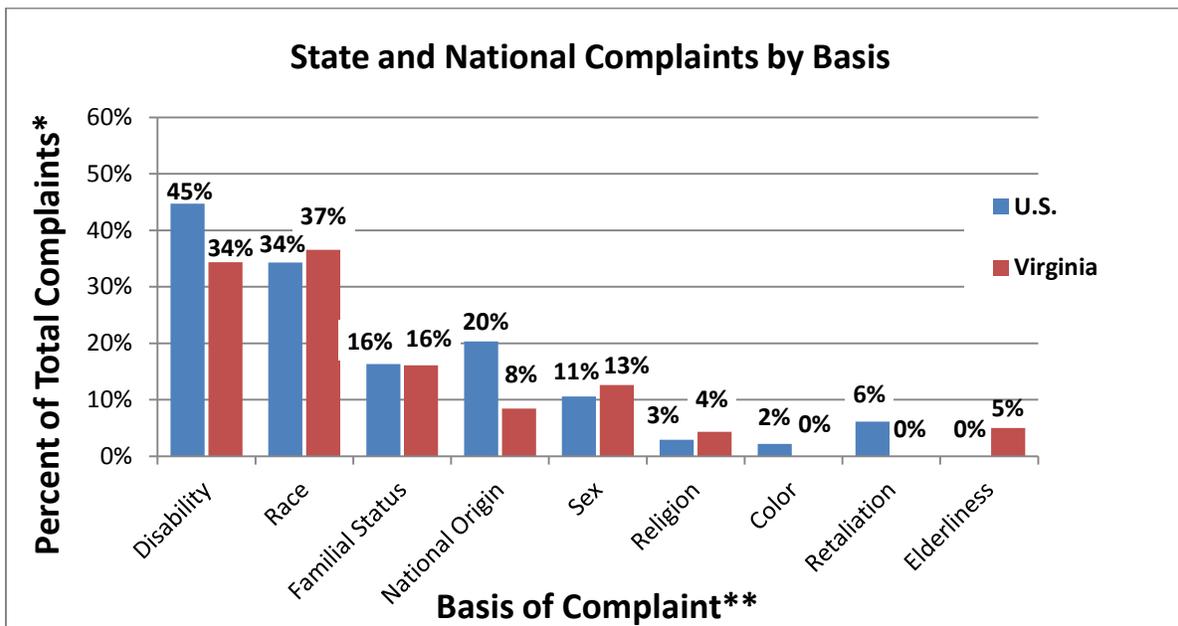
⁴⁰ Martin D. Abravanel, Mary K. Cunningham, Urban Institute, "How Much Do We Know? Public Awareness of the Nation's Fair Housing Laws," (2002).



Source: Virginia Fair Housing Office

Figure 1.15

In addition to counting the number of fair housing complaints they receive each year, HUD and local enforcement agencies also tabulate complaints by the basis of each complaint. Again, one housing transaction may count as multiple complaints due to discrimination on multiple bases. Figure 1.16 shows a comparison of fair housing complaints by basis in the United States and in Virginia. It is important to note two things about this data; first, HUD and Virginia tabulate complaints using some bases that are not the same and second, the data covers slightly different time periods for the U.S. and Virginia. Based on the data, complaints based on *disability*, *race*, and *national origin* are the most numerous nationally while at the state level, complaints involving *race*, *disability*, and *familial status* are the three highest categories. *Race* and *disability* are by far the two largest bases for complaints both nationally and at the state level.



Sources: HUD, Annual Report on Fair Housing and the Virginia Fair Housing Office

*Percentages do not add up to 100% as some complaints fall under multiple bases

** Some bases show zero complaints as data is tabulated differently at the state and national levels

Figure 1.16

In addition to general statewide data, a breakdown of complaints by basis and region is helpful in understanding what kind and how many complaints are occurring in each region. The Central and Northern Regions have the largest number of complaints filed in the state but discrimination in the housing market is not necessarily more prevalent in these regions. A number of factors, including larger populations, failure to file complaints in other regions and better outreach and education in the Central and Northern regions could contribute to the results in Table 1.22. Figure 1.17 shows Virginia complaints by county; it is drawn from a report published by Housing Opportunities Made Equal of Virginia, Inc. (HOME), a statewide non-profit that participates in HUD’s Fair Housing Initiative Program (FHIP) and is involved with numerous aspects of fair housing in the Commonwealth.⁴¹ While it is difficult to draw regional conclusions from Figure 1.17, it does display certain cities and counties where the number of fair housing complaints is particularly high (numbers are adjusted for differences in the size of the total population in each locality).

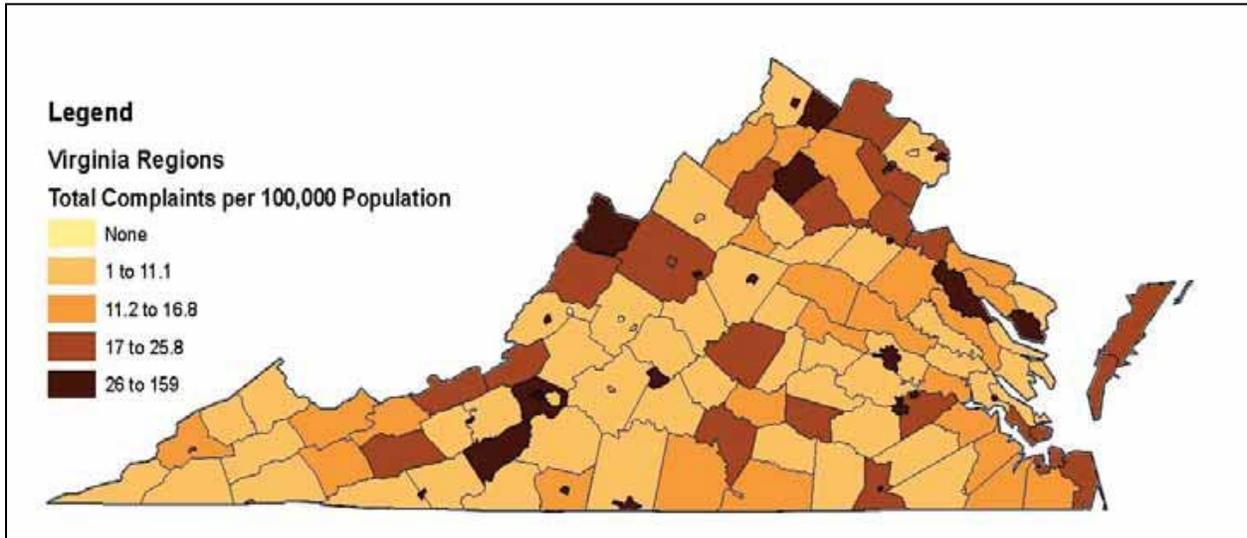
Virginia Complaints by Region: FY2007-FY 2011				
	<i>Northern VA</i>	<i>Central VA</i>	<i>Tidewater</i>	<i>Southwest VA</i>
Race	109	134	97	55
Religion	19	13	9	6
National Origin	40	22	22	7
Sex	39	38	46	13
Familial Status	65	48	36	25
Elderliness	13	25	10	6
Disability	99	122	88	62
Total	384	402	308	174

Source: Virginia Fair Housing Office

Table 1.22

⁴¹ Will Sanford, Housing Opportunities Made Equal of Virginia, Inc., “Fair Housing Trends in Virginia: 2000-2009, A Decade of Fair Housing Complaints in the Commonwealth,” (2010).

Virginia Complaints by County: 2000-2009



Source: H.O.M.E., *Fair Housing Trends in Virginia: 2000-2009 A Decade of Fair Housing Complaints in the Commonwealth*
Figure 1.17

Another important facet of complaint data is the outcome of complaints that are filed. Of complaints filed in all regions of Virginia from 2007 to 2011, almost half of complaints that were investigated found “no cause,” which means that the investigation found that discrimination did not occur. About a quarter of cases from 2007 to 2011 were resolved by conciliation, which means that the issue was resolved before a determination of discrimination could be made. Table 1.23 provides a more complete picture of the outcomes of complaints filed in Virginia from 2007 to 2011.

Virginia Fair Housing Complaint Outcomes: FY 2007–FY2011						
<i>Closure Type</i>	2007	2008	2009	2010	2011	<i>Total</i>
Reasonable Cause	9%	11%	9%	9%	11%	10%
No Reasonable Cause	64%	52%	40%	41%	35%	48%
Conciliation	15%	23%	27%	26%	28%	23%
Reactivated	0%	3%	2%	8%	4%	3%
Other*	12%	11%	22%	15%	22%	16%

Source: Virginia Fair Housing Office

* Other includes cases closed administratively (withdrawn, uncooperative complainant, no jurisdiction)

Table 1.23

Though it is difficult to draw conclusions about discrimination in the housing market from complaint data alone, a few items stand out. First, in Virginia, race and disability are by far the most common complaint but familial status, sex, and national origin also garner sizable numbers of complaints. Also, though the data shows that about half of complaints find no cause and many complaints are resolved by conciliation, there are many legitimate claims of discrimination in Virginia and some of these complaints move to the state and federal level for resolution. Finally, it is important to note that many instances of discrimination in the housing market go

unreported and there is likely a lack of knowledge among consumers about their fair housing rights.

Impediments to Fair Housing Choice

State and Local Barriers to Fair Housing Choice

Historically, building regulations, zoning, and other ordinances have been targeted as possible barriers to fair housing choice at the state and local levels. Of particular interest to fair housing choice is the manner in which state and local building codes affect accessibility for people with disabilities. At the state level, building regulations carried out through the *2009 Virginia Uniform Statewide Building Code* ensure that buildings shall be accessible based on adherence to the *International Building Code* (IBC), a publication of the International Code Council (ICC). The IBC contains accessibility standards which comply with federal fair housing law. These standards are applied to all localities across the Commonwealth through the *2009 Virginia Uniform Statewide Building Code*.

Due to the sheer number of ordinances at the local level it is difficult to comment on specific zoning and land use ordinances that may be impediments to fair housing choice. However, local ordinances have the ability to restrict what type of development can occur in specific locations; this can intentionally or unintentionally restrict housing choice for members of protected classes. Also, though income level is not a protected class, land use and zoning regulations have a definite impact on property values and this can severely limit housing choice among the protected classes and possibly exacerbate existing discrimination. As stated in the *Housing Policy Framework for the Commonwealth of Virginia: Interim Report to the Governor*, “While overt discrimination still occurs, barriers increasingly result from “not in my back yard” (NIMBY) attitudes toward lower income and special needs populations.”⁴² Local ordinances that are frequently found to be discriminatory involve those affecting people with disabilities, families, and those involving issues of national origin.

Home Mortgage Disclosure Act Data

The Home Mortgage Disclosure Act (HMDA) mandates that certain financial institutions disclose demographic data for loan applicants. HMDA data, as provided by the Federal Financial Institutions Examination Council (FFIEC), is helpful in revealing information about approval and denial rates for applicants, particularly as relates to applicants’ races and income levels. While HMDA data provides an excellent starting point for investigating discrimination in the mortgage market there is an important caveat to note when using HMDA data. HMDA does not require mortgage lenders to reveal data regarding an applicant’s assets, debt, employment status or their credit history.⁴³ All of these factors significantly influence an individual’s ability to secure a mortgage. Therefore, HMDA data should only be used as a starting point to investigate where discrimination might be occurring in the mortgage market.

⁴² Virginia Housing Policy Work Group and Advisory Committee, *Housing Policy Framework for the Commonwealth of Virginia: Interim Report to the Governor* (November 18, 2010), 13.

⁴³ Schwartz, 231-232.

In 2010, there were approximately 130,000 mortgage applications in Virginia that were tracked by HMDA. Of these applications, about 10 percent were denied. Table 2.1 shows the total applications filed and denied in Virginia based on whether they were government backed mortgages or conventional mortgages.⁴⁴ Overall denial rates are comparable for both government backed and conventional mortgages.

Virginia Mortgage Applications Received and Denied: 2010			
	<i>Applications Received</i>	<i>Applications Denied</i>	<i>Percent Denied</i>
Total Government Backed Loans	69,738	7,284	10.44%
Total Conventional Loans	57,065	6,249	10.95%
Total: Government and Conventional Loans	126,803	13,533	10.67%

Source: HMDA Data, Federal Financial Institutions Examination Council

Table 2.1

An important piece of data reported by HMDA, which is often a critical factor in the approval or denial of a loan, is the loan applicant's income level. An applicant's income is measured as a percentage of the Metropolitan Statistical Area (MSA) median income where the loan application was filed.⁴⁵ For example, if the MSA median income is \$65,000 and an individual submits an application with a reported income of \$40,000, then that person makes approximately 60 percent of the MSA median income and they fall into the 50-79 percent of MSA median income category. In Table 2.2, one will see that government backed mortgages consistently had lower denial rates than conventional mortgages, particularly at the lowest income levels.

Virginia Mortgage Denials by Income: 2010		
<i>Applicant's Income as Percent of MSA Median Income</i>	<i>Government Backed Mortgage Denial Rate</i>	<i>Conventional Mortgage Denial Rate</i>
< 50%	18.40%	25.59%
50-79%	10.63%	13.96%
80-99%	8.44%	10.21%
100-119%	8.19%	8.80%
120 +%	6.69%	7.26%

Source: HMDA Data, Federal Financial Institutions Examination Council

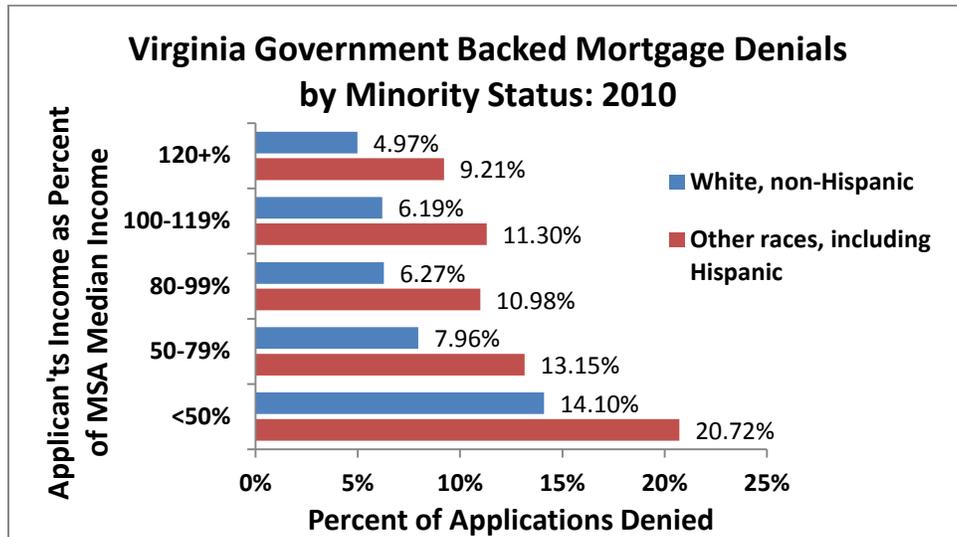
Table 2.2

Figure 2.1 and Figure 2.2 display loan denials according to the loan applicant's minority status. Minority status as measured in HMDA data includes individuals from a number of protected classes including race, color, and national origin. At all income levels for government backed

⁴⁴ Government backed mortgages according to HMDA data are Federal Housing Administration (FHA), Farm Service Agency (FSA), and VA (Veterans Affairs) backed mortgages. Conventional mortgages are those offered through typical banks and other lenders, they are not government backed.

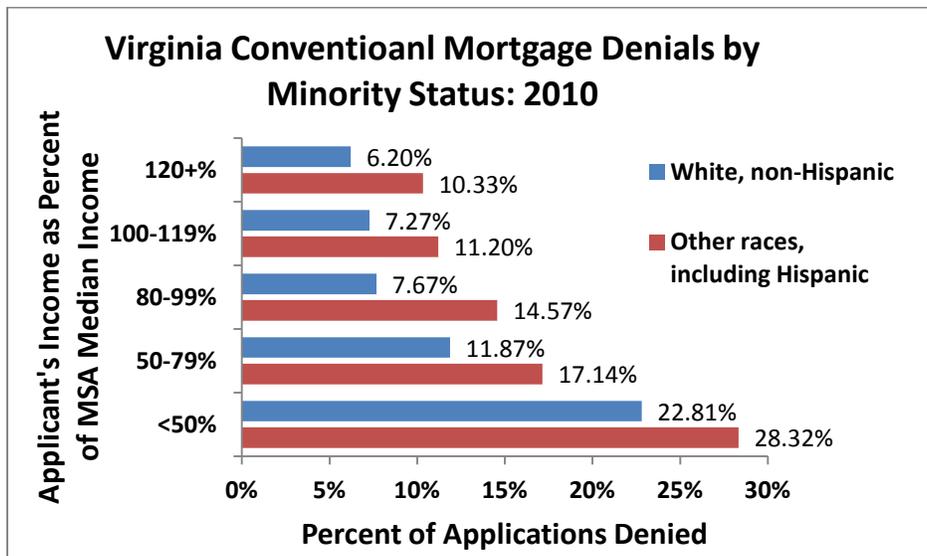
⁴⁵ HMDA data is compiled at the Metropolitan Statistical Area (MSA) level. As such, DHCD staff obtained state level HMDA data by aggregating data for all of the MSA's reported in Virginia.

and conventional mortgages, minorities had higher denial rates than White, non-Hispanics in the same income bracket. While HMDA data does not provide conclusive evidence that discrimination is occurring in the mortgage market, the disparity in denial rates between minorities and non-Hispanic Whites should at the least serve as a starting point for a substantive conversation about the issue.



Source: HMDA Data, Federal Financial Institutions Examination Council

Figure 2.1



Source: HMDA Data, Federal Financial Institutions Examination Council

Figure 2.2

Broken down by race; almost all races, at most every income level, experienced higher denial rates than Whites in the government backed mortgage market. Table 2.3 provides a detailed look at denial rates by race and income in the government backed mortgage market.

Virginia Government Backed Mortgages, Percent of Mortgages Denied by Race and Income: 2010							
<i>Income as Percent of MSA Median Income</i>	<i>American Indian / Alaska Native</i>	<i>Asian</i>	<i>Black / African-American</i>	<i>Native Hawaiian / Pacific Islander</i>	<i>White</i>	<i>Joint (White and Minority)</i>	<i>Hispanic / Latino</i>
< 50%	23.28%	22.20%	19.80%	22.45%	16.49%	16.22%	22.11%
50-79%	13.68%	13.88%	12.92%	13.56%	8.80%	13.58%	13.65%
80-99%	14.89%	10.44%	11.59%	8.00%	6.62%	6.25%	11.50%
100-119%	14.29%	10.09%	12.90%	0.00%	6.44%	6.88%	8.47%
120 + %	8.82%	10.68%	10.32%	4.17%	5.18%	5.84%	9.77%

Source: HMDA Data, Federal Financial Institutions Examination Council

Table 2.3

In the conventional mortgage market, denial rates are higher than in the government backed mortgage market, especially at the lower income levels. Like government backed mortgages, Whites generally experience lower denial rates than other races in the conventional mortgage market. In contrast to the government backed mortgage market, denial rates for Asians are comparable to and in some cases lower than Whites in the conventional mortgage market. For American Indians and Blacks, the denial rates are markedly higher than Whites and Asians, even at the highest income levels. Table 2.4 provides a detailed look at mortgage denial rates in the conventional mortgage market.

Virginia Conventional Mortgages, Percent of Mortgages Denied by Race and Income: 2010							
<i>Income as Percent of MSA Median Income</i>	<i>American Indian / Alaska Native</i>	<i>Asian</i>	<i>Black / African-American</i>	<i>Native Hawaiian / Pacific Islander</i>	<i>White</i>	<i>Joint (White and Minority)</i>	<i>Hispanic / Latino</i>
<50%	39.29%	16.79%	34.15%	30.43%	24.36%	47.37%	33.51%
50-79%	20.93%	11.87%	21.05%	25.71%	12.60%	21.95%	23.66%
80-99%	13.33%	11.05%	21.14%	9.09%	8.22%	14.02%	18.75%
100-119%	17.65%	8.49%	17.65%	9.09%	7.56%	10.32%	11.72%
120 + %	18.03%	8.64%	18.35%	7.79%	6.28%	8.55%	8.91%

Source: HMDA Data, Federal Financial Institutions Examination Council

Table 2.4

HMDA data reveals some important facts about mortgage denial rates in the Commonwealth which shed light on possible impediments to fair lending. As might be expected, denial rates for all races are higher at lower income levels. Generally, denial rates are lower for government backed mortgages than conventional mortgages for all races and incomes. In regards to race, it is clear that minorities experience higher mortgage denial rates than Whites in both mortgage markets and at every income level. In the conventional mortgage market, American Indians, Blacks, Hawaiians, joint applicants (White and minority combined), and Hispanics all experienced 30 percent or greater denial rates at the lowest income level and 20 percent or

greater denial rates at the 50-79 percent MSA median income level. Further, Blacks and Hispanics had close to 20 percent denial rates at the 80-99 percent MSA median income level where all other races were well below 20 percent.

From the HMDA data presented it is clear that minorities at all income levels generally experience higher denial rates in the mortgage market than Whites at comparable income levels. However, as HMDA data lacks important information about applicants' creditworthiness one cannot unequivocally say that minorities are being discriminated against in the mortgage market. Instead, the knowledge that there is a disparity in denial rates among races should act as a catalyst for a discussion among policymakers and stakeholders as to why the disparity exists and what can be done to close the gap.

Community Reinvestment Act Data

The Community Reinvestment Act's (CRA) main purpose is to ensure that financial institutions are lending to all neighborhoods from where they draw deposits. Specifically, it aims to make sure that low-income and minority communities are getting loans from local financial institutions. In striving to assure that fair lending practices are in place, the CRA has an important role in furthering fair housing choice. Similar to HMDA, certain financial institutions are subject to testing and reporting requirements under the CRA. CRA examinations investigate whether financial institutions are in fact providing loans to low-income communities and also, if they are adhering to fair housing law.

From 2007 to 2011 the Office of the Comptroller of the Currency (OCC), the Federal Reserve Board (FRB), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) examined 161 financial institutions in Virginia in regards to their adherence to the Community Reinvestment Act. The financial institutions varied in the size of their deposits, locations, and the type of institution. When a financial institution is examined by one of the four federal agencies responsible, they are given a rating as to how well they are carrying out the CRA mandate of lending to low-income neighborhoods and individuals within their service area. As seen in Table 2.5, between 2007 and 2011 close to 99 percent of financial institutions examined in Virginia received a "Satisfactory" or "Outstanding" rating while only two institutions received a "Needs to Improve" rating. During this same time period, no financial institutions in Virginia received the lowest CRA rating, "Substantial Noncompliance."

Virginia Community Reinvestment Act Ratings: 2007-2011		
<i>Rating</i>	<i>Number of Lenders</i>	<i>Percent of Total Lenders</i>
Needs to Improve	2	1.24%
Satisfactory	139	86.34%
Outstanding	20	12.42%
Total Examined	161	100%

Source: FFIEC Interagency CRA Rating Search, FFIEC

Table 2.5

Based on the results of CRA testing, it appears that overall, financial institutions in the Commonwealth are complying with CRA mandates and lending to all neighborhoods from where they draw deposits. While only two institutions were rated as needing improvement, FDIC findings for one of these institutions reveal possible discrimination in their mortgage lending practices. The findings state that for the institution's mortgage arm, there were "Substantive violations of the anti-discrimination provisions of the fair lending laws and regulations were identified during the concurrent fair lending review..." These findings go on to say that, "The FDIC has reason to believe pattern or practice violations of the Equal Credit Opportunity Act, Federal Reserve Regulation B, and the Fair Housing Act have occurred in connection with the lending activities of [the financial institution]. Examiners found this violation despite the policies, procedures, and training programs that [the financial institution] has adopted to prevent discriminatory or other illegal credit practices."⁴⁶ While this example is only one instance of an impediment to fair housing choice, it is evidence that despite laws, policies, and training programs, discrimination can and does occur.

Testing Data

Fair housing tests or audits are conducted to uncover discrimination in the real estate and rental housing markets. Testing involves using two individuals who are similar in age, income, employment, etc. and having them inquire by phone or in person about buying or renting housing. The "test" is that one person in the pair will belong to a protected class and the other will not. If the person in the protected class is treated differently in the housing transaction, discrimination might be occurring. Testing is commonly used to look for discrimination based on race, disability, national origin, and familial status. National testing efforts have consistently found that discrimination is occurring in the housing market. The most recent national testing program, the "Housing Discrimination Study 2000 (HDS)" found that Blacks and Hispanics "...frequently encounter discrimination in the nation's residential real estate market."⁴⁷ Also, the HDS found that the practice of *steering* (directing people to seek housing in certain neighborhoods based on their race) is still prevalent among real estate agents. While not widely used at the moment, email testing is likely to grow in the coming years as an additional method to examine discrimination in the housing market. Though the logistics of email testing are still being refined, results of early email testing efforts have been consistent with telephone and on-site testing showing that discrimination based on race and national origin is occurring in the housing market.⁴⁸

In Virginia, there have not been fair housing testing efforts at the state level but localities and advocacy groups throughout the Commonwealth frequently conduct local fair housing tests. The fair housing advocacy group, Housing Opportunities Made Equal (HOME), has undertaken testing efforts across the state. In 2002 in Roanoke, 44 percent of HOME tests for discrimination based on race showed differential treatment favoring the White tester. In Roanoke, Lynchburg, Charlottesville, and Fredericksburg, 2002 testing for discrimination based on disability found

⁴⁶ Federal Deposit Insurance Corporation, *Public Disclosure: Community Reinvestment Act Performance Evaluation* (Atlanta, GA: FDIC, 2009), 18.

⁴⁷ Schwartz, 222.

⁴⁸ Samantha Friedman, Gregory D. Squires, Chris Galvan, Center for Social & Demographic Analysis "Cybersegregation in Boston and Dallas: Is Neil a More Desirable Tenant than Tyrone or Jorge," (May 2010).

that 87 percent of units built after 1991 (date when accessibility were standards enacted) that were tested did not meet accessibility standards and 47 percent of units had major deficiencies.⁴⁹ In testing conducted by HOME in Hampton Roads in 2008, 66 percent of tests for discrimination based on race favored the White tester. In tests of discrimination based on disability and familial status in Hampton Roads there was little overt discrimination but landlords did express hesitance, discouraged testers from renting in some cases, and wanted to apply various stipulations on a testers requiring a service animal.⁵⁰ In the Richmond area in 2006, tests for discrimination based on race showed 35 percent of tests favored the White tester. Further, in the real estate market steering appeared to be widespread for both Black and White testers. Tests for discrimination based on familial status and disability in Richmond found little overt discrimination but landlords did discourage renters from applying and expressed hesitancy to make accommodations for people with disabilities.⁵¹

Falls Church and Fairfax County have also conducted fair housing tests in recent years. In Falls Church, 2007 tests found no noticeable discrimination based on national origin but there was possible discrimination based on disability.⁵² In Fairfax County, 2010 tests found no outright discrimination based on familial status or disability but some landlords did express hesitancy towards renting to families with children and seemed reluctant to make accommodations for individuals with disabilities.⁵³ Testing efforts in localities across Virginia have shown that varying degrees of discrimination are occurring in the housing market, particularly based on race, familial status, and disability. Though there are no testing results showing statewide evidence of discrimination in the housing market, national and local testing efforts lead one to believe that there is indeed discrimination throughout the housing market in the Commonwealth.

Stakeholder Survey Results

In addition to the secondary data presented in this report, an online survey was conducted of housing stakeholders in the Commonwealth of Virginia. This survey collected responses from various housing organizations including housing providers, homeless shelters, and community development organizations in both the public and non-profit sectors. Respondents provided information regarding the importance of fair housing to their organization, the protected classes most at-risk in their area, and specific impediments to fair housing. Respondents also provided suggestions for improving the state of fair housing in Virginia. The survey was created on the website “SurveyMonkey.com” and included categorical, ordinal, and open-ended questions. The survey was sent to 180 organizations and responses were collected from 32 individuals. Respondents and their organizations were located across the Commonwealth and serve a combination of urban, rural, and suburban populations. As seen in Figure 2.3, survey results

⁴⁹ Housing Opportunities Made Equal, “Report on the Barriers Faced by African-Americans in the Roanoke Area and People with Disabilities in Roanoke, Lynchburg, Charlottesville, and Fredericksburg,” (May 2002).

⁵⁰ Housing Opportunities Made Equal, “Report on the Barriers to Fair Housing in Hampton Roads,” (October 2008).

⁵¹ Housing Opportunities Made Equal, “Analysis of Impediments Fair Housing in Richmond, Virginia,” (October 2006).

⁵² City of Falls Church, Virginia: Housing and Human Services Division, “Fair Housing Rental Testing Report,” (August, 2007).

⁵³ Fairfax County Human Rights Commission: Fair Housing Program, “Telephone Testing Report: Disability and Familial Status,” (October, 2010).

show that respondents believe disability, familial status, color, and national origin are the protected classes most likely to be discriminated against in the housing market.

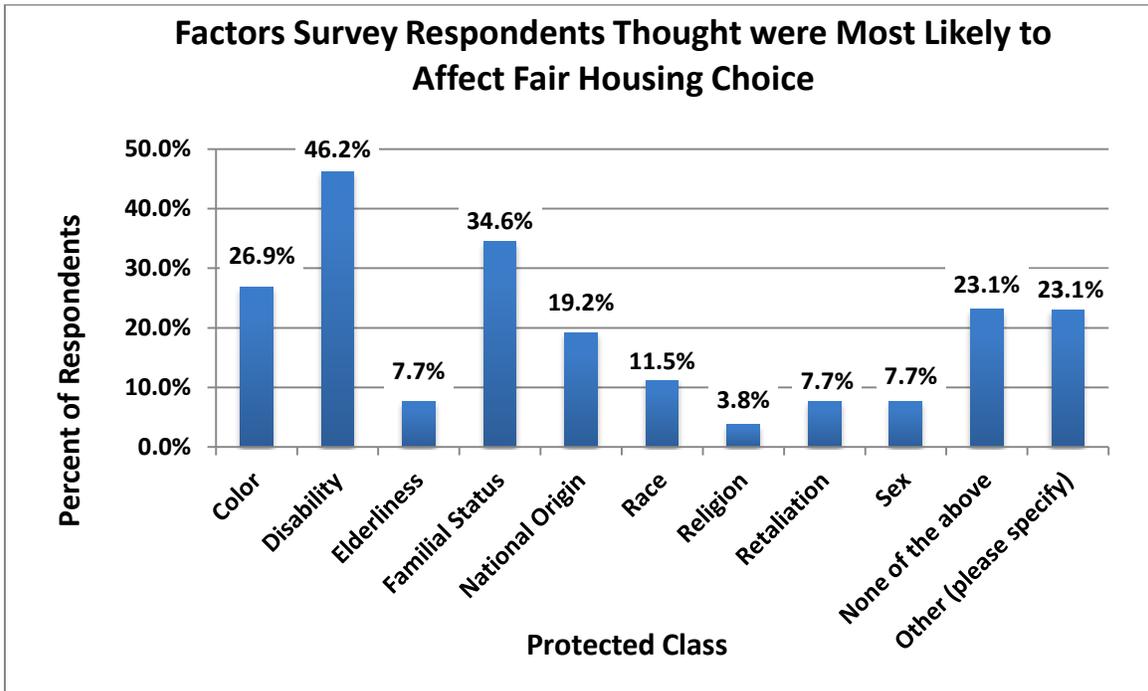


Figure 2.3

Also included in the stakeholder survey were a number of “Yes” or “No” questions. Figure 2.4 indicates that in the general housing market and in the rental housing market, respondents believe that there are impediments to fair housing choice. Figure 2.5 shows that while there are fair housing educational opportunities available to respondents; they would be interested in attending more events if they were available.

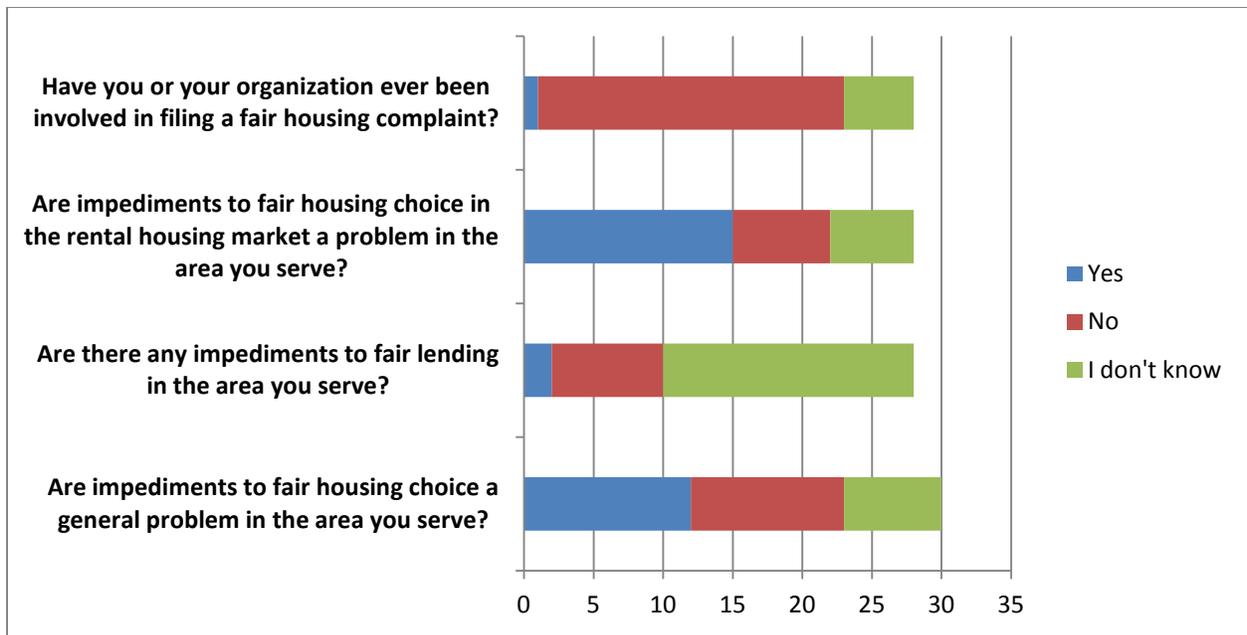


Figure 2.4

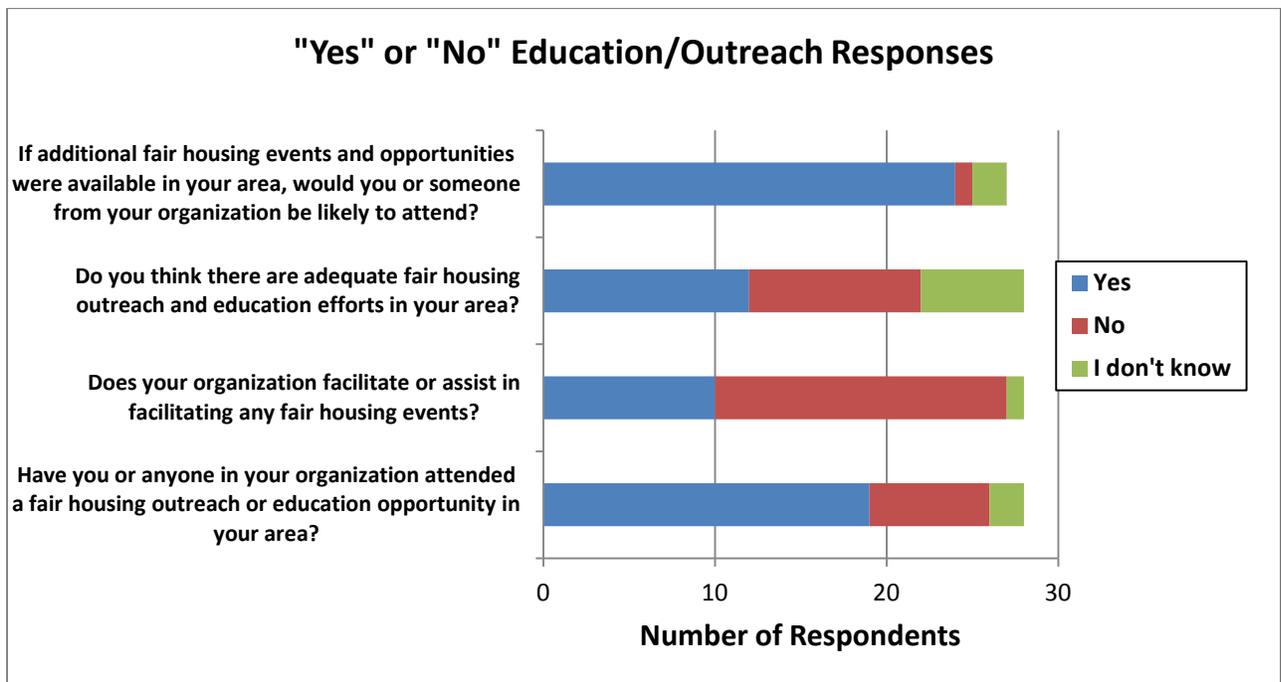


Figure 2.5

Selected Findings:

- About 60 percent of respondents said they were knowledgeable or extremely knowledgeable about fair housing and its related issues.
- Despite nearly 82 percent of respondents answering that they were aware of the process for filing a fair housing complaint, nearly 79 percent responded that neither they nor their organization had been involved in filing a fair housing complaint.
- Almost 97 percent of respondents “agreed” or “strongly agreed” that, "Fair housing choice is very important to the mission/goals of my organization."
- There were many requests to provide education to both housing providers and landlords; a lack of understanding about fair housing laws was often cited as an impediment to fair housing choice.
- Respondents generally did not find that discrimination in the mortgage market is an issue
- A number of respondents cited credit and criminal background checks as obstacles to obtaining housing.
- A number of survey respondents believe certain local ordinances might be impediments to fair housing choice.

In response to “Which impediments to fair housing choice are the most significant in your area?”

- “Discrimination based on familial status (not wanting tenants with young children) and national origin.”
- “Lack of access for elderly and disabled. Our housing stock is either older stock or large homes such as three floor townhouses. Not a lot of one floor housing.”
- “While we have very few fair housing complaints filed, there is some concern that people are not aware of the process to file a complaint and therefore violations are going unreported.”
- “County zoning ordinances.”

In response to “Which impediments to fair housing choice in the rental market are the most significant in your service area?”

- “Persons of color reportedly are told that a unit is no longer available when completing an application or on site visit to a unit advertised as ‘For Rent.’”
- “There are certain landlords in the community who struggle with fair housing law. They will refuse to make reasonable accommodation for disability.”
- “Evictions of victims of domestic violence, evictions of persons with mental health issues, denying persons with disabilities housing because they won’t pay to accommodate the disability.”
- “Family status/number of people per bedroom.”

In response to “Are there any ordinances, regulations, or circumstances specific to your area that act as impediments to fair housing choice?”

- “A city ordinance against "rooming houses" and lack of affordable units for low income or persons with disabilities....especially physical disabilities.”

- “Zoning ordinances that have distance restrictions on housing for people with disabilities. Number of unrelated people allowed to live together as "family".”
- “High apartment rental rates forcing individuals to rent from private landlords (e.g., homeowners renting a room or basement) not subject to certain fair housing rules.”
- “There are probably many impediments for the low-income individuals. I'm sure that many low-income disadvantaged individuals renting or buying are not familiar with the Fair Housing laws. It shouldn't be a secret.”

In response to “What suggestions would you give to improve fair housing choice in Virginia?”

- “Greater education and outreach of fair housing law and practice for planners and housing providers, resource availability for those who may have been denied housing based on race, gender, familial status, etc., tools for overcoming housing barriers.”
- “I would like to know more about fair housing for people with disabilities and their rights when choosing appropriate housing...I also think there should be more PR campaigns done on television; please provide outside agencies with updated materials to give to the public.”
- “Develop a committee on the Virginia Housing Task Force to oversee or study fair housing issues.”

Fair Housing Activity in Virginia

Fair Housing Organizations and Programs

In any discussion of fair housing organizations and programs it is readily apparent that there are numerous stakeholders involved in fair housing at the national, state and local levels. These stakeholders include federal and state agencies, local governments, non-profits, and of course, individuals seeking housing. While many of the parties involved in fair housing have already been discussed in this report, a snapshot of some of the key stakeholders and their responsibilities will be illustrative in showing how fair housing law translates into action in the Commonwealth.

Nationally, the preeminent agency regarding fair housing issues is HUD’s Office of Fair Housing and Equal Opportunity (FHEO). In addition to investigating fair housing complaints, FHEO also coordinates the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiative Program (FHIP). An FHAP certified agency is a local agency (usually government) that has been certified by HUD to carry out investigations of fair housing complaints. Also, various local government and non-profit agencies receive FHIP funding. This funding supports outreach and educational programs that combat discrimination in the housing market and supports efforts to provide assistance to individuals who think they have been discriminated against. FHIP funding can also be used for testing programs. In addition to their national office, HUD has a regional Fair Housing Office in Philadelphia that serves a multi-state region which includes Virginia. A final arm of HUD that is important to fair housing, especially as applies to those with disabilities, is Fair Housing Accessibility FIRST. Fair Housing Accessibility FIRST provides information and technical guidance regarding compliance with the construction and accessibility requirements of the Fair Housing Act. Another key federal agency in fair housing issues is the U.S. Department of Justice. The Department of Justice is the agency tasked with taking legal

action when fair housing complaints are referred to them by HUD. In addition to federal agencies, the National Fair Housing Alliance (NFHA) and the National Fair Housing Advocate Online are national non-profit groups dedicated to fair housing issues. These organizations and others like them provide education and outreach, produce their own publications and research, advocate for fair housing, and provide connections to other fair housing related agencies at the national, state, and local levels.

At the state level, the Virginia Fair Housing Office, which is part of the Department of Professional and Occupational Regulation (DPOR), is responsible for investigating fair housing complaints in the Commonwealth as a HUD certified FHAP. The Virginia Fair Housing Office also provides education and outreach activities. Also active in Virginia is Housing Opportunities Made Equal of Virginia, Inc. (HOME). HOME is a Richmond based non-profit that is involved in fair housing in a number of ways, including; fair housing research, investigating fair housing complaints, education and outreach for a variety of stakeholders, conducting fair housing tests, and fair housing advocacy. Additionally, the HUD field office in Richmond acts as a fair housing resource and is able to assist in filing complaints of discrimination.

At the local level, various counties and independent cities in Virginia operate their own Fair Housing Offices, Human Relations Commissions, and similar entities that deal with fair housing issues. As stated, HUD can certify a locality as a Fair Housing Assistance Program (FHAP) and allow its relevant enforcement agency to investigate Fair Housing complaints. Local fair housing agencies often provide outreach and education and sometimes conduct fair housing tests in the rental and real estate markets in the areas they serve. Further, localities that are HUD entitlement jurisdictions are required to prepare their own *Analysis of Impediments to Fair Housing*. Adding to the services already offered by local governments, legal aid societies and a host of other non-profit entities frequently deal with fair housing issues at the local level in areas ranging from complaint investigation to educating housing professionals and citizens about their fair housing rights.

A variety of groups at the federal, state, and local levels are involved with fair housing. These different organizations can provide services from informing citizens about their rights to enforcing fair housing law. It is important to note that while there are numerous agencies and organizations designed to assist citizens in fair housing matters and to combat discrimination in the housing market, these groups can only succeed so far as citizens and stakeholders are aware of the services available to them and elect to use these services.

Enforcing Fair Housing: The Complaint Process

If an individual feels they have been the victim of discrimination in the housing market they have the option of filing a fair housing complaint. Individuals can also file complaints on behalf of family members and friends. In Virginia, fair housing complaints can be filed with the HUD Office of Fair Housing and Equal Opportunity, the Virginia Fair Housing Office, or with any local entity that is certified under the HUD Fair Housing Assistance Program (FHAP). A number of state and local non-profits and legal aid societies will also investigate claims of discrimination in the housing market though they must eventually refer claims to one of the

official agencies for enforcement to occur. HUD, the Virginia Fair Housing Office, and FHAP certified agencies can all resolve fair housing complaints. In some cases, state and local agencies might refer complaints, via HUD, to the U.S. Department of Justice (DOJ) for civil or criminal proceedings.⁵⁴

The complaint process is initiated when an individual files a complaint with one of the relevant agencies. Next, there is a review to determine correct jurisdiction (by law HUD must refer cases to an FHAP if there is one available) and then the complaint is served on the respondent. An investigation is then initiated and HUD or the FHAP interviews relevant parties, reviews documents, and may conduct an onsite visit. HUD and FHAPs must complete their investigations and make a determination of discrimination within 100 days of receiving a complaint. Once a complaint is received, HUD and FHAPs work with the parties involved to attempt conciliation, resolution without an official determination of discrimination. Conciliation can result in the party that discriminated agreeing to compensate the other party for damages and possibly signing an agreement promising to end discriminatory practices. If conciliation is not possible and HUD or the FHAP find cause for a complaint of discrimination, the parties can settle the matter administratively or take the case to federal district court or civil court for litigation. It is rare that cases of discrimination in the housing market go to court as the process generally works to avoid legal proceedings.⁵⁵

Overcoming Impediments to Fair Housing Choice

Impediments to Fair Housing

1. Discrimination in the rental and sales housing markets. Particularly, discrimination in the rental housing market based on disability, race, national origin, and familial status.

Despite federal, state, and local laws, training programs, outreach and education efforts, and institutional policies, discrimination in the housing market persists in the Commonwealth. Fair housing complaint data reported in the AI shows that every year, there are hundreds of complaints of discrimination in the housing market. Additionally, fair housing testing efforts frequently find that discrimination is evident in the rental and sales housing markets. Finally, survey results show that housing stakeholders across the Commonwealth believe various kinds of discrimination exist in the housing markets in their service areas, especially in the rental housing market. Issues of particular note are as follows: hesitancy or refusal on the part of landlords to make reasonable accommodations for those with disabilities, preferential or different treatment towards clients based on their race and/or national origin, hesitance and occasional refusal to rent to families with children, and steering in the housing sales market based on race and national origin. The following actions might help to overcome discrimination in the housing market in the Commonwealth:

⁵⁴ U.S. Department of Justice: The Fair Housing Act (February 28, 2012).

⁵⁵ U.S. Department of Housing and Urban Development, *Live Free: HUD Annual Report on Fair Housing: FY2010* (2010), 17-18.

- Increase testing and enforcement efforts in the rental and sales housing markets to ensure that members of protected classes are being offered an equal opportunity to access all housing options in their communities; well publicized results of testing programs.
- Increase the use of electronic fair housing testing measures (i.e. email testing).
- Increase education efforts for landlords, leasing agents, and real estate professionals about their fair housing responsibilities; in particular, stress the importance of making reasonable accommodations for persons with disabilities and knowing proper occupancy standards for families with children.
- Increase education efforts for individuals seeking housing so they are aware when they are victims of discrimination and so that they are aware of their options to resolve the situation.
- Increase enforcement of affirmative marketing of affordable housing options to members of the protected classes.

2. Constraints in the mortgage lending market. Minorities experience higher denial rates in the mortgage markets at all income levels, particularly at the lowest income levels in the conventional loan market. Subprime mortgages are also an issue of note for minority borrowers.

Constraints in the mortgage lending market can be broken down into two important issues: mortgage denial rates and subprime mortgages. Data from the Home Mortgage Disclosure Act shows that racial minorities experienced higher mortgage denial rates than their white cohorts across all income levels. This data trend is consistent among both conventional and government backed mortgages. Research by the American Sociological Review and the Department of Justice suggests that minorities were targeted with subprime loans even if they were eligible for conventional loans. Subprime loans typically carry higher interest rates and significant penalties and fees, thus overburdening some individuals with housing costs. Additionally, anecdotal data from Community Reinvestment Act testing reveals instances of discrimination in mortgage lending institutions in Virginia. The following recommendations may help to alleviate constraints in the mortgage lending market:

- Increased oversight of mortgage lending and denial practices.
- First-time homebuyer education, affirmatively marketed to minorities.
- Continued support of financial literacy and credit counseling initiatives.
- Increased assistance and counseling efforts for individuals in foreclosure; particularly those with subprime mortgages.
- Increased awareness regarding the availability of Federal Housing Administration (FHA) loans.

3. Additional fair housing education is needed among real estate agents, landlords, housing providers, local officials, and especially, individuals.

The survey presented to housing providers across the Commonwealth of Virginia revealed a strong desire to provide more education regarding fair housing. The education needed will differ among real estate agents, landlords, housing providers, local officials, and individuals. All of the above parties need more information regarding the definition of fair housing and what may or may not be considered discrimination. A need for education is reinforced by the fact that nearly half of fair housing complaints filed in Virginia over the past five years found no basis, showing that even individuals filing complaints may not be clear on what type of actions are discriminatory. Specific education for housing providers and individuals might include how to file a fair housing complaint. Local officials should be informed on the types and rate of discrimination occurring in their jurisdiction. The following recommendations may assist in providing additional fair housing education and outreach among real estate agents, landlords, housing providers, local officials, and individuals:

- Increase the availability of seminars and classes for housing providers regarding fair housing law.
- Up-to-date, relevant, and clearly written fair housing materials for individuals made readily available on multiple state websites and in housing providers' offices.
- Encourage housing providers and other relevant stakeholders to utilize social networking to inform both clients and landlords of fair housing policy.
- Inclusion of "Prohibited Discriminatory Practices" on the Section 8 Landlord Certification

4. Certain local ordinances may disproportionately affect members of the protected classes.

Though it is difficult to comprehensively assess all local ordinances affecting fair housing choice in the Commonwealth, this report reveals certain patterns where local ordinances may be inhibiting fair housing choice. Historically, zoning, land use, and other local ordinances have been targeted as impediments to fair housing choice. Survey results indicate that in some areas, zoning and other local ordinances may be impediments to fair housing choice. In particular, respondents noted that ordinances regulating the number of unrelated family members living together may disproportionately affect members of the protected classes. Additionally, survey responses show concern that local ordinances are discriminatory towards persons with disabilities. As has been extensively discussed in this report, income does not designate one as being a member of a protected class. However, it has also been shown that members of protected classes rent at higher rates and often have lower incomes. That being said, zoning and land use ordinances which inhibit the production and/or preservation of affordable and varied housing options also have the potential to be impediments to fair housing choice. As a side note, a number of localities across Virginia have passed their own fair housing ordinances which strengthen fair housing choice in their area. The follow suggestions might lessen the effects local ordinances have on restricting fair housing choice in the Commonwealth:

- A review of local ordinances that might affect fair housing choice.

- Enhanced education efforts for local officials (elected, appointed, and staff) in regards to fair housing law.
- Promote the creation of local land use ordinances that allow for varied housing types and for the inclusion of accessible housing.

5. Availability and access to quality affordable housing; there are a large number of low-income households in need of affordable housing and there are a large number of cost-burdened households, especially in the rental housing market.

Affordability of housing, which is linked to an individual's or household's income, does not designate one as having protected class status. However, as outlined in this report, members of the protected classes are disproportionately represented among the lowest income levels. In particular, minorities, families with children, and single mothers experience low-incomes and poverty at higher rates than society as a whole. Survey respondents also expressed great concern about the availability of affordable housing and the treatment of low-income individuals in the housing market. Additionally, many households in the Commonwealth that are not necessarily low-income are housing cost-burdened, paying 30 percent or more of their income towards rent. So, for members of the protected classes that may already be experiencing discrimination in the housing market, an inability to obtain affordable housing may exacerbate an already difficult situation. Though affordable housing is an issue across the housing market, it is particularly acute in the rental housing market. While there is no one, easy avenue to provide quality affordable housing to all those in need, there are certain steps that stakeholders in the Commonwealth can take to ease the situation. The following recommendations might assist in increasing availability and access to quality affordable housing:

- Continued support of federal, state, and local efforts to preserve and produce quality affordable housing,
- Support of public-private partnerships that create affordable and mixed-income housing.
- Promote the use of housing databases such as those offered by the Virginia Housing Development Authority (VHDA), <http://www.virginiahousingsearch.com/>.

Appendix A: Results of Online Stakeholder Survey

As part the *Analysis of Impediments to Fair Housing Choice*, DHCD conducted an online survey asking relevant stakeholders across the Commonwealth to give their input regarding impediments to fair housing choice and related issues in the areas they serve. The survey included 23 questions both specific and open-ended in nature. Appendix A includes a detailed breakdown of the results of the stakeholder survey.

Question 1: What type of organization do you represent?

Type of Organization		Number	Percent
Government		5	16.1%
Non-profit		26	83.9%
Private Sector		0	0.0%
Other		0	0.0%
Not Applicable		0	0.0%
		<i>Answered Question</i>	31
		<i>Skipped Question</i>	1

Question 2: In what region of Virginia is your organization located? (Please reference image below)

Region	Number	Percent	
1- Statewide	0	0.0%	
2- Central	6	18.8%	
3- Northern	10	31.3%	
4- Southwest	3	9.4%	
5- Eastern	6	18.8%	
6- Valley	7	21.9%	
7- Other/NA	0	0.0%	
		<i>Answered Question</i>	32
		<i>Skipped Question</i>	0

Question 3: What type of population does your organization serve?

Population Served	Number	Percent
Urban	11	35.5%
Rural	9	29.0%
Combination	9	29.0%
Other (please specify)*	2	6.5%
*Both other responses specified "suburban" populations	<i>Answered Question</i>	31
	<i>Skipped Question</i>	1

Question 4: What is the primary focus of your organization?

Open-Ended Responses	
<i>Answered Question</i>	29
<i>Skipped Question</i>	3

Question 5: Please rate the degree to which you agree or disagree with the following statement: "Fair housing choice is very important to the mission/goals of my organization."

Degree of Importance	Responses	Percent
Strongly Agree	24	77.4%
Agree	6	19.4%
Neutral	0	0.0%
Disagree	0	0.0%
Strongly Disagree	1	3.2%
	<i>Answered Question</i>	31
	<i>Skipped Question</i>	1

Question 6: How would you rate your knowledge of fair housing law and related issues?

Level of Knowledge	Responses	Percent
No knowledge	0	0.0%
Some knowledge	11	36.7%
Knowledgeable	14	46.7%
Extremely Knowledgeable	5	16.4%
	<i>Answered Question</i>	30
	<i>Skipped Question</i>	2

Question 7: Does your organization follow or enforce any policies specifically related to fair housing?

Answer Options	Responses	Percent
Yes	21	70.0%
No	5	16.7%
I don't know	4	13.3%
If "Yes," please elaborate on the policy	11	X
	<i>Answered Question</i>	30
	<i>Skipped Question</i>	2

Question 8: Are impediments to fair housing choice a problem in the area you serve? (If No, continue to question 10)

Answer Options		Responses	Percent
Yes		12	40.0%
No		11	36.7%
I don't know		7	23.3%
		<i>Answered Question</i>	30
		<i>Skipped Question</i>	2

Question 9: In question 8 you noted that impediments to fair housing choice are a problem in your service area. Which impediments to fair housing choice are the most significant in your service area?

Open-Ended Responses	
<i>Answered Question</i>	13
<i>Skipped Question</i>	19

Question 10: Fair housing law also applies to the mortgage lending market. Are there any impediments to fair lending in the area you serve? (If No, continue to question 12)

Answer Options		Responses	Percent
Yes		2	7.1%
No		8	28.6%
I don't know		18	64.3%
		<i>Answered Question</i>	28
		<i>Skipped Question</i>	4

Question 11: In question 10 you noted that there are impediments to fair lending in your service area. Which impediments to fair lending are the most significant in your service area?

Open-Ended Responses	
<i>Answered Question</i>	4
<i>Skipped Question</i>	28

Question 12: Are impediments to fair housing choice in the rental housing market a problem in the area you serve? (If No, continue to question 14)

Answer Options		Responses	Percent
Yes		15	53.6%
No		7	25.0%
I don't know		6	21.4%
		<i>Answered Question</i>	28
		<i>Skipped Question</i>	4

Question 13: In question 12 you noted that there are impediments to fair housing choice in the rental market in your service area. Which impediments to fair housing choice in the rental market are the most significant in your service area?

Open-Ended Responses	
<i>Answered Question</i>	16
<i>Skipped Question</i>	16

Question 14: Which of the following factors are likely to affect fair housing choice in the area you serve? (Please check all that apply)

Protected Class	Responses	Percent
Color	7	26.9%
Disability	12	46.2%
Elderliness	2	7.7%
Familial Status	9	34.6%
National Origin	5	19.2%
Race	3	11.5%
Religion	1	3.8%
Retaliation	2	7.7%
Sex	2	7.7%
None of the above	6	23.1%
Other (please specify)	6	23.1%
		<i>Answered Question</i>
		26
		<i>Skipped Question</i>
		6

Question 15: Are you aware of the process for filing a fair housing complaint in Virginia?

Answer Options	Responses	Percent
Yes	23	82.1%
No	5	17.9%
		<i>Answered Question</i>
		28
		<i>Skipped Question</i>
		4

Question 16: Have you or your organization ever been involved in filing a fair housing complaint?

Answer Options	Responses	Percent
Yes	1	3.6%
No	22	78.6%
I don't know	5	17.9%
	<i>Answered Question</i>	28
	<i>Skipped Question</i>	4

Question 17: Have you or anyone in your organization attended a fair housing outreach or education opportunity in your area?

Answer Options	Responses	Percent
Yes	19	67.9%
No	7	25.0%
I don't know	2	7.1%
	<i>Answered Question</i>	28
	<i>Skipped Question</i>	4

Question 18: Does your organization facilitate or assist in facilitating any fair housing events?

Answer Options	Responses	Percent
Yes	10	35.7%
No	17	60.7%
I don't know	1	3.6%
	<i>Answered Question</i>	28
	<i>Skipped Question</i>	4

Question 19: Do you think there are adequate fair housing outreach and education efforts in your area?

Answer Options	Responses	Percent
Yes	12	42.9%
No	10	35.7%
I don't know	6	21.4%
	<i>Answered Question</i>	28
	<i>Skipped Question</i>	4

Question 20: If additional fair housing events and opportunities were available in your area, would you or someone from your organization be likely to attend?

Answer Options		Responses	Percent
Yes		24	88.9%
No		1	3.7%
I don't know		2	7.4%
		<i>Answered Question</i>	27
		<i>Skipped Question</i>	5

Question 21: Are there are any ordinances, regulations, or circumstances specific to your area that act as impediments to fair housing choice?

Open-Ended Responses	
<i>Answered Question</i>	12
<i>Skipped Question</i>	20

Question 22: What suggestions would you give to improve fair housing choice in Virginia?

Open-Ended Responses	
<i>Answered Question</i>	14
<i>Skipped Question</i>	18

Question 23: Please provide us with any questions or comments regarding fair housing choice in Virginia.

Open-Ended Responses	
<i>Answered Question</i>	5
<i>Skipped Question</i>	27

Appendix B: Fair Housing Resources

For more information regarding fair housing choice and related issues, the organizations listed in Appendix B provide a wide variety of information and services. If you or someone you know has been discriminated against in the housing market and would like to file a complaint, please contact one of the agencies denoted with an asterisk.

National

***Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity (FHEO)**: Provides a wide variety of fair housing information as well as information about filing a Fair Housing complaint via phone, mail, or online.

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

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
Room 5204
451 Seventh St. SW
Washington, DC 20410-2000
Telephone: 1 (800) 669-9777

***HUD Regional Fair Housing Office**: Assists in filing fair housing complaints and conducts training and outreach for a multi-state region.

U.S. Department of Housing and Urban Development
The Wanamaker Building
100 Penn Square East, 12th Floor
Philadelphia, Pennsylvania 19107-3380
(215) 861-7646
1-888-799-2085
TTY (215) 656-3450

***United States Department of Justice**: Based on complaints filed with HUD, they bring suit against alleged violators of the Fair Housing and Equal Credit Opportunity Acts. They also provide information relating to fair housing law.

<http://www.justice.gov/crt/about/hce/>

Housing & Civil Enforcement Section
(202) 514-4713
TTY - 202-305-1882
FAX - (202) 514-1116
Fair Housing Tip Line (to report an incident of housing discrimination): 1-800-896-7743
fairhousing@usdoj.gov

National Fair Housing Alliance: A consortium of more than 200 private and non-profit agencies across the country that work to end discrimination in the housing market. They provide a number of services and programs including: education and outreach opportunities, fair housing testing (often through local organizations), advocating for fair housing causes, and conducting fair housing research.

<http://www.nationalfairhousing.org/>

National Fair Housing Advocate Online: Provides research, resources, and general information for a variety of fair housing issues.

<http://fairhousing.com/index.cfm>

Fair Housing Accessibility FIRST: HUD sponsored entity that provides information and technical guidance regarding compliance with the construction and accessibility requirements of the Fair Housing Act.

<http://www.fairhousingfirst.org/index.asp>

ForRent.Com - Fair Housing Blog: ForRent.com's *Fair Housing Blog* provides a forum with expert advice in response to inquiries provided by rental and apartment managers and owners.

<http://fairhousing.forrent.com/>

State/Local

*Virginia Fair Housing Office, Department of Professional and Occupational Regulation (DPOR): Provides general information about fair housing law in Virginia, provides outreach and training events, and investigates Fair Housing complaints in Virginia.

http://www.dpor.virginia.gov/dporweb/fho_index.cfm

Virginia Fair Housing Office
9960 Mayland Drive
Suite 400
Richmond, VA 23233
Phone: (804) 367-8530.
Toll free call (888) 551-3247.
Email: fairhousing@dpor.virginia.gov

*Housing Opportunities Made Equal (HOME) of Virginia: A Richmond, Virginia based non-profit that provides fair housing education and outreach opportunities, conducts testing, conducts research, and in addition to providing a number of other services, will investigate claims of discrimination in the housing market.

<http://phonehome.org/Default.asp>

HUD Richmond Field Office: Administers HUD programs in the state of Virginia outside of the Washington, DC area.

600 East Broad Street, Third Floor
Richmond, VA 23219
Telephone: (800) 842-2610
Email: va_webmanager@hud.gov
Fax: (804) 822-4984
TTY: (804) 771-2038