



CITY OF ATLANTA, GEORGIA

Analysis of Impediments to Fair Housing Choice

2013

Metro Fair Housing Services, Inc.
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Acknowledgements

**James Shelby, Commissioner
Department of Planning and Community Development**

**Terri M. Lee, Deputy Commissioner
Department of Planning and Community Development**

**Derrick Jordon, Interim Director, Office of Housing
Department of Planning and Community Development**

**Rodney Milton, Management Analyst, Office of Housing,
Department of Planning and Community Development**

**Daphne Talley, Compliance Resolution Supervisor
Office of Code Compliance/Atlanta Police Department**

**Angela Chadwick, Vice President and Managing General Counsel
Atlanta Housing Authority**

**Teresa Chappell, Director, Fair Housing Division
Georgia Commission on Equal Opportunity**

**Charles R. Bliss, Director of Advocacy
Karen Brown, Director, Home Defense Program
C. Talley Wells, Director, Disability Integration Project
John Bartholomew, Staff Attorney
Atlanta Legal Aid Society, Inc.**

**Mike Carnathan
Community Foundation of Greater Atlanta/Atlanta Regional Commission**

**Dave Zilles, Coordinator
SOPOS Coalition**

**Andy Schneggenburger, Executive Director
Atlanta Housing Association of Neighborhood-based Developers**

**Kate Little, Executive Director
GA State Trade Association of Non-Profit Developers**

**John O'Callaghan, President & CEO
Atlanta Neighborhood Development Partnership, Inc.**

**Janis Ware, Executive Director
SUMMECH Community Development Corporation.**

2013 Analysis of Impediments to Fair Housing Choice City of Atlanta, Georgia

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I. INTRODUCTION

Analysis of Impediments Background

The federal Fair Housing Act, 42 U.S.C. § 3608(e)(5), requires the Secretary of the United States Department of Housing and Urban Development (HUD) to administer its housing and urban development programs in a manner to *affirmatively further fair housing* (AFFH). All jurisdictions that are direct HUD-funded recipients of Community Development Program funds are required to conduct an assessment of its barriers to housing choice and develop a plan for overcoming the impediments identified.

Although the AFFH obligation of the jurisdiction arises in connection with the receipt of federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. The AFFH obligation extends to all housing and housing-related activities in the jurisdictional area whether publicly or privately funded.¹ As HUD set forth in its recent proposed rule on AFFH: The Fair Housing Act not only prohibits discrimination but, in conjunction with other statutes, directs HUD's program participants to take steps proactively to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities for all.²

The regulations governing the jurisdiction's Consolidated Plan at 24 C.F.R. § 91.225(a)(1) require a certification by each jurisdiction that it will affirmatively further fair housing (AFFH), which requires: 1) conducting an *analysis to identify impediments to fair housing choice*; 2) taking appropriate action to overcome the effects of any identified impediments; and, 3) maintaining AFFH records reflecting the analysis and the actions in this regard.

The *Analysis of Impediments to Fair Housing Choice* (AI) is a HUD-mandated review of impediments to fair housing choice in the public and private sector. Its submission is a required component of any required Consolidated Plan as implemented every three to five years. See 24 C.F.R. §§ 91.235(c)(4)(PHAs/nonprofits), 91.255(a)(1)(local jurisdictions), 91.325(a)(1)(state jurisdictions), and 91.425(a)(1)(I)(consortiums).

¹24 C.F.R. §§ 1, 4, 6.4, 91.225, and 570.601. See also, U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide*, vol. 1, chapter 1, section 1.2, 1-3 (March 1996).

² 78 Fed. Reg. 43710 (July 19, 2013)

The AI involves:

- A review of a jurisdiction's laws, regulations, and administrative policies, procedures and practices;
- An assessment of how those laws, policies and practices affect the location availability and accessibility of housing;
- An assessment of conditions, both public and private, affecting fair housing choices for all protected classes; and,
- An assessment of the availability of affordable and accessible housing.

The HUD *Fair Housing Planning Guide* (March, 1996) states that impediments to fair housing choice are:

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

According to HUD, the purposes of the AI are to:

- serve as the substantive, logical basis for the Fair Housing Plan;
- provide essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates; and,
- assist in building public support for fair housing efforts both within an entitlement jurisdiction's boundaries and beyond.

An analysis of impediments to fair housing choice is more than a catalog of prohibitive policies or illegal acts. The study must identify those systemic and structural issues that limit the ability of people to take advantage of the full range of housing which should be available to them. To ensure an accurate evaluation of current fair housing conditions, the AI includes a review of demographic and housing market data, relevant legislation, policies and practices affecting fair housing, public education and outreach efforts and a community fair housing survey. The AI provides the City with a viable tool that identifies any existing barriers to fair housing choice and develops an action plan with realistic strategies for mitigating them. The 2013 AI also includes an assessment of the previous impediments found in the 2006 AI and the status of actions taken since 2006 to address those impediments.

Title VIII of the Civil Rights Act of 1968, as amended, 1988, 42 U.S.C. §§ 3601-3619, sets forth the federal Fair Housing Act, which prohibits discrimination in housing on the basis of seven protected characteristics: race, color, national origin, religion, gender, familial status, and disability. The federal Fair Housing Act covers most types of housing including rental housing, home sales, mortgage and home improvement lending, land use and zoning, and insuring and advertising of housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a real estate agent or broker, housing operated/owned by organizations and private clubs that limit occupancy to members, and housing for older persons.

The State of Georgia has a fair housing law that parallels the federal Fair Housing Act at O.C.G.A. § 8-3-200 *et seq.* The City of Atlanta has a fair housing ordinance that extends the protections against discrimination in fair housing to the same seven characteristics of the federal and state law, but also addresses these protections to the additional characteristics of “domestic relationship status, parental status, sexual orientation, gender identity, and age.” ATLANTA GA. CODE § 94-94

Who Conducted the AI

Metro Fair Housing Services, Inc. (Metro), is a private, not-for-profit, corporation dedicated to eliminating housing discrimination in metropolitan Atlanta and promoting equal opportunity in housing throughout the State of Georgia in compliance with federal, state and local fair housing laws. Established in 1974, the civil rights organization is the only private, full-service, fair housing agency in metropolitan Atlanta engaged in Education & Outreach, Intake & Counseling and Enforcement (testing for fair housing law violations and pursuing meritorious claims). Metro’s mission is *to promote social justice and eliminate housing and lending inequities for all people, including those with disabilities, through leadership, education and outreach, public policy, advocacy and enforcement.* Metro completed the 2006 AI for the City of Atlanta and has provided cost effective, results-oriented fair housing planning services to multiple jurisdictions throughout Georgia.

Metro’s programs are designed to ensure that people are offered the right to select housing of their choice without discrimination based on race, color, national origin, sex (gender), religion, familial status, disability and such other protected characteristics as may be conferred by federal, state or local laws.

Participants in the AI

The Atlanta AI includes input from city officials, residents, stakeholder groups, and key persons involved in the housing and community development industry, and particularly, fair housing. Surveys were utilized to gather information from consumers and various sectors of the housing industry about their experiences and perceptions of housing discrimination and their knowledge of fair housing laws and services. Metro extends its gratitude to the persons previously listed in the acknowledgement. In addition, Metro appreciates and acknowledges the vital input of members of AHAND, the Housing GA Coalition and the Atlanta Regional Forum.

Methodology

Metro's methodology in undertaking the 2013 AI was based on the recommended research and tasks identified by HUD in its *Fair Housing Planning Guide Vol. 1*; recommendations based on HUD's proposed rule on Affirmatively Furthering Fair Housing, 78 C.F.R. 43710; experience in conducting AIs for this and other jurisdictions; and, the documentation furnished by the City's internal and external stakeholders.

Multiple data sources were utilized in the preparation of this AI, generally covering a seven-year period since completion of the 2006 AI. As a result, some data comparisons may appear incongruent due to the lack of relevant, available data. The scope of work included, but was not limited to, the following tasks:

Project Implementation - Metro met with various city officials and the City's project manager, Rodney Milton, Office of Housing, to define contractual responsibilities, establish a work schedule, and review public input opportunities; reviewed impediments found in the 2006 study and actions taken addressing impediments from 2006 to 2013; identified candidates for written key person feedback and interviews; and reviewed the survey instruments developed by Metro based on HUD's Fair Housing Planning Guide.

Community Data Review - Metro reviewed the most recent data/maps available from the U.S. Census, the *American Community Surveys*, the City of Atlanta's 2010-2014 Consolidated Plan and 2011 Comprehensive Development Plan. Data and graphics were also attained from the US2010 program developed by the Russell Sage Foundation and Brown University, the Atlanta Regional Commission, and others in an effort to compile all relevant demographic, economic, employment and housing market information. Metro reviewed lending data from the Home Mortgage Disclosure Act

obtained and processed utilizing LendingPatterns™, a web-based data mining and exploration tool that analyzes massive records from all lenders to produce executive level reports on numerous aspects of mortgage lending in America. Relevant data and opinions were researched in local transportation, employment and sociological studies in addition to national, state and city official websites.

Regulatory Review - Metro collected and analyzed information regarding the city's current development, planning and zoning, housing and land use regulations, policies and programs that influence housing choice; designed and distributed revised *Fair Housing Planning Guide* questionnaires to the Mayor's Office of Constituent Services, Department of Planning and Community Development, and the Atlanta Housing Authority; and met with private developers and various stakeholders for input on regulatory administration.

Compliance Data Review - Metro collected and analyzed available compliance data with local, state and federal fair housing laws, including but not limited to, the federal statutes known as the Home Mortgage Disclosure Act (HMDA), the Fair Housing Act, and the Community Reinvestment Act (CRA). Metro made appropriate Freedom of Information Act requests to HUD and relevant Open Records requests to the Georgia Commission on Equal Opportunity, the Mayor's Office of Constituent Services, the City Office of Code Compliance, the City Office of Solicitor, the Atlanta Legal Aid Society and Georgia Legal Services to further analyze reported fair housing complaints and legal actions involving fair housing laws. Metro conducted 50 tests for fair housing compliance based on the parameters agreed upon in the AI contract.

Direct Surveys - For the period of January, 2013 through September, 2013, Metro directly administered face-to-face Fair Housing Opinion Surveys with city residents and industry stakeholders in addition to online surveys posted on the City's website. The surveys were designed to gauge perceptions of housing discrimination, housing issues effecting the jurisdiction, and knowledge of fair housing laws and resolution options.

Identification and Analysis of Impediments - Metro analyzed its collective findings from the previous project tasks to determine what impediments to fair housing choice currently exist in the City of Atlanta.

Recommendations - Metro reviewed and updated the previous AI's recommendations and developed a recommended Action Plan in collaboration with City officials for addressing the identified impediments.

Funding

Funding for the AI was provided by HUD's 2013 Community Development Block Grant (CDBG) entitlement funds for administrative activities under contract with the City of Atlanta, Department of Planning and Community Development, Office of Housing.

Impediments Identified in 2006 AI

The 2006 AI identified the following impediments to fair housing choice in the City of Atlanta:

- **There is a shortage of available affordable housing: An insufficient number of affordable housing units existed to meet the needs of low-to-moderate income families in both apartment rental and single-family home purchases.**
- **There is a need for more education and awareness about affordable housing, home rehabilitation, and first-time homebuyer programs.**
- **There is a lack of education and outreach to the elderly and low-to-moderate income homeowners regarding fraudulent lending schemes that steal equity and force foreclosures. This effort, as recommended, should be conducted collaboratively with Fulton and DeKalb Counties, respectively as to the City property within each County.**
- **The lack of a local fair housing ordinance that emphasizes availability of housing on an equal basis and to encourage housing choice.**

Summary of Actions Taken Since Completion of 2006 AI

The City increased its housing stock by 38,000 in the decade 2000-2010. With the collapse of the housing market and the ensuing economic recession, a large number of homes fell to vacancy and foreclosure with the stock of vacant housing doubling in the decade. Following the 2006 AI, the City took aggressive steps to address the shortage of affordable housing. Leveraging the resources of the City's public/private partnerships and available funding mechanisms, a total of 6,778 units of affordable housing were developed city-wide from 2006 through 2012 according to the Office of Housing. Of that total, 4,079 were produced with local, non-Federal resources. Federal funds supported 1941 affordable housing units and federal and non-federal down payment assistance supported 758 units. See the chart at p. 90. Of the 6,778 total, a minimum of 282 units were accessible to persons with disabilities. The City

has worked with varying authorities and districts to address homelessness and to revitalize areas of significant importance to the Central Downtown core and within the approved Community Development Impact Areas. Additional accomplishments are more specifically discussed herein under Section III. Recent Housing Accomplishments.

The City has not adopted the comprehensive local Fair Housing Ordinance as proposed in the 2006 AI. See Appendix E. Research of the municipal codes during the 2013 AI process revealed a 1977 ordinance, amended 1983 and 2000, creating a Human Relations Commission authorized to address fair housing protections at ATLANTA GA CODE § 94-36 *et seq.*. The 1977 ordinance was not discovered during the 2006 AI's policy research by Metro. A vehicle for addressing illegal discrimination in public accommodations and private employment, the ordinance provides protections against housing discrimination to the seven protected classes covered under federal and state fair housing laws and extends progressive additional protections to "domestic relationship status, parental status, sexual orientation, gender identity and age" (ATLANTA GA CODE § 94-91 *et seq.*). The code provision asserting fair housing protections at ATLANTA GA CODE § 94-92 is not substantially equivalent to the federal Fair Housing Act and is not a remedy currently enforced in the city. See Appendix F. In accordance with the 2013 AI's action plan, the City will accelerate its efforts to implement and improve the effectiveness of the ordinance.

To address the issues of lack of education, outreach and awareness, the City of Atlanta contracted with Metro utilizing CDBG funding for seven consecutive fiscal years following the completion of the 2006 AI to conduct a Joint Ventures in Fair Housing project, an initiative designed to address identified impediments and to assist the jurisdiction in its mandate to *affirmatively further fair housing*. Aside from innovative approaches to expand the housing choices of its residents through a variety of programs discussed herein, an Education & Outreach strategy was implemented to inform the general public, including community groups, the housing industry (lenders, realtors, developers, property owners, etc.) and special needs populations (such as disability advocacy groups), about the rights and responsibilities conferred by federal and state fair housing laws. Specialized fair housing workshops were designed to educate the participants about fair housing/fair lending laws, how to recognize discriminatory housing/lending practices, and the avenues of redress available to them. The initiative benefits persons who are denied access to the housing of their choice because of their race, color, religion, national origin, sex, disability, or familial status. Specialized trainings for housing providers were

developed to promote compliance with fair housing laws and affirmative marketing requirements.

From January, 2006 through February 28, 2013, Metro conducted approximately 92 workshops and trainings for 2,325 participants in the City of Atlanta on fair housing laws/rights/responsibilities; how to recognize and report housing discrimination; fair lending laws and predatory lending; disability rights/accommodations & modifications; affirmative marketing and related topics. Additionally, Metro's revamped website, newsletter, the *Metro Freedom Righter*, and revised brochures were launched. Approximately 3,200 brochures, newsletters and fair housing information packages were distributed to Atlanta residents in English and Spanish.

The Intake & Counseling initiative was also revised and launched during this period, whereby Metro processed intakes from city residents and assisted them regarding a variety of housing-related issues, primarily landlord/tenant disputes and complaints of housing discrimination. Under the Enforcement initiative Metro investigated individual allegations of housing discrimination (complaint-based testing) and investigated properties to determine compliance with fair housing laws (systemic testing). See Section V, Jurisdiction's Fair Housing Profile.

II. JURISDICTIONAL & COMMUNITY PROFILE

History & Community Structure

Atlanta is located in the northern portion of the State of Georgia and is the capital city. The United States Census Bureau decennial census found that the city population was 420,003 in 2010, a .8 percent increase since the 2000 census and making it the most populous city in Georgia and 40th in the national ranking by population of cities in the United States. The Census estimate from April 1, 2010 to July 1, 2012 indicates a 5.6% increase with an estimated population of 443,775.³

The City of Atlanta has a land area of approximately 133.7 square miles, which totals 85,687 acres. A prominent feature of Atlanta's development pattern is the star-shaped form of commercial and industrial land uses, radiating outward from the central portion of the City. This growth pattern follows natural ridge formations and is further reinforced by the transportation network of rail lines, major streets, freeways, and the Metropolitan Atlanta Rapid Transit Authority (MARTA) transit system.

³ <http://www.census.gov>, 2011 American Community Survey (ACS)

Notable physical characteristics within the City of Atlanta are the rolling, hilly topography, numerous streams, and an extensive 36 percent tree canopy.⁴

Historically, transportation has been a vital component in the development of Atlanta. Railroads became the framework for the City's early development, with the Central Downtown area serving as the original hub, a railroad network that to this day circles the central area and extends out from Downtown to surrounding counties and neighboring states.⁵

In 1821 permanent settlers began moving into former Creek Indian lands that would eventually become metropolitan Atlanta. In 1837 the area became the site for a railroad terminus connecting Georgia with Chattanooga, Tennessee, and with the Chattahoochee and Tennessee Rivers to the west. The area comprising the city was known as "Terminus," with the current downtown Five Points area as the railroad termination point. Atlanta gained its current name in 1845, incorporated in 1847, and was considered the transportation hub of the Southeast by the outbreak of the Civil War in 1861. The City has endured two major fires, losing 70 percent of its buildings in Sherman's infamous March to the Sea in 1864, and 300 acres that burned in 1917 leaving 10,000 homeless.

President Franklin D. Roosevelt dedicated Techwood Homes in 1935, housing which became the nation's first federal public housing project for a White segregated populous. Three years later (1938), University Homes opened as public housing for the Black populous. The idea of project housing originated with Charles F. Palmer, an Atlanta real estate developer, in an effort to rid the City of slums by relying on federal funding.⁶

During the 1960s, Atlanta was a major organizing center of the Civil Rights Movement. While minimal compared to other cities, Atlanta was not completely free of racial strife. Desegregation of the public sphere came in stages, with public transportation desegregated by 1959, the restaurant at Rich's department store by 1961, movie theaters by 1963, and public schools by 1973.⁷

Atlanta is also the origin of Coca Cola, the drink (1886) and the company (1891); Hartsfield-Jackson Atlanta International Airport (1929); Pulitzer Prize winner Margaret Mitchell's "Gone With the Wind" (1937); the Centers for Disease Control and Prevention (CDC, 1946); Nobel Peace Prize recipient, Dr. Martin Luther King, Jr.

⁴ City of Atlanta, 2011 Comprehensive Development Plan (CDP), Sections 7 & 9

⁵ Id. at Section 7

⁶ <http://www.georgiaencyclopedia.org>

⁷ <http://www.wikipedia.org/wiki/Atlanta>, retrieved August 31, 2013.

(1964); Atlanta Braves Hank Aaron's 715th home run (1974); the headquarters of Turner Broadcasting System (TBS, 1975); and, one of the world's largest Aquariums (2005).

Atlanta has hosted the Democratic National Convention (1988), Super Bowl XXVIII (1994), Centennial Olympic Games (1996), Super Bowl XXXIV (2000), the basketball championships for the NCAA Men's Final Four (2002), the NBA All Star Game (2003), the NCAA Women's Final Four (2003), and the NHL All-Star Game (2008). The Atlanta Braves took the National League pennant (1991) and won the World Series in 1995.⁸ Atlanta is home to the Olympic Stadium (now Turner Field), the Atlanta Fulton County Stadium (now the parking lot to Turner Field), Phillips Arena, the Georgia Dome and other lands that support a robust sports industry. An expanded 4,700 acres outside the City limits is currently managed as the Hartsfield-Jackson Atlanta International Airport, one of the nation's busiest air terminals. Direct flights to Europe, South America, and Asia have made metro Atlanta easily accessible to the more than 1,000 international businesses that operate here and the more than 50 countries represented through consulates, trade offices, and chambers of commerce. The City has emerged as a banking center and is the world headquarters for 13 Fortune 500 companies.⁹

Atlanta is also home to major urban, educational institutions such as Georgia Tech, Georgia State University, Spelman College, Morehouse University, and Clark Atlanta University, constituting approximately 719 acres in total land use. Atlanta's 343 parks, nature preserves, and gardens cover 3,622 acres,¹⁰ which amounts to 5.6 percent of the city's total acreage.

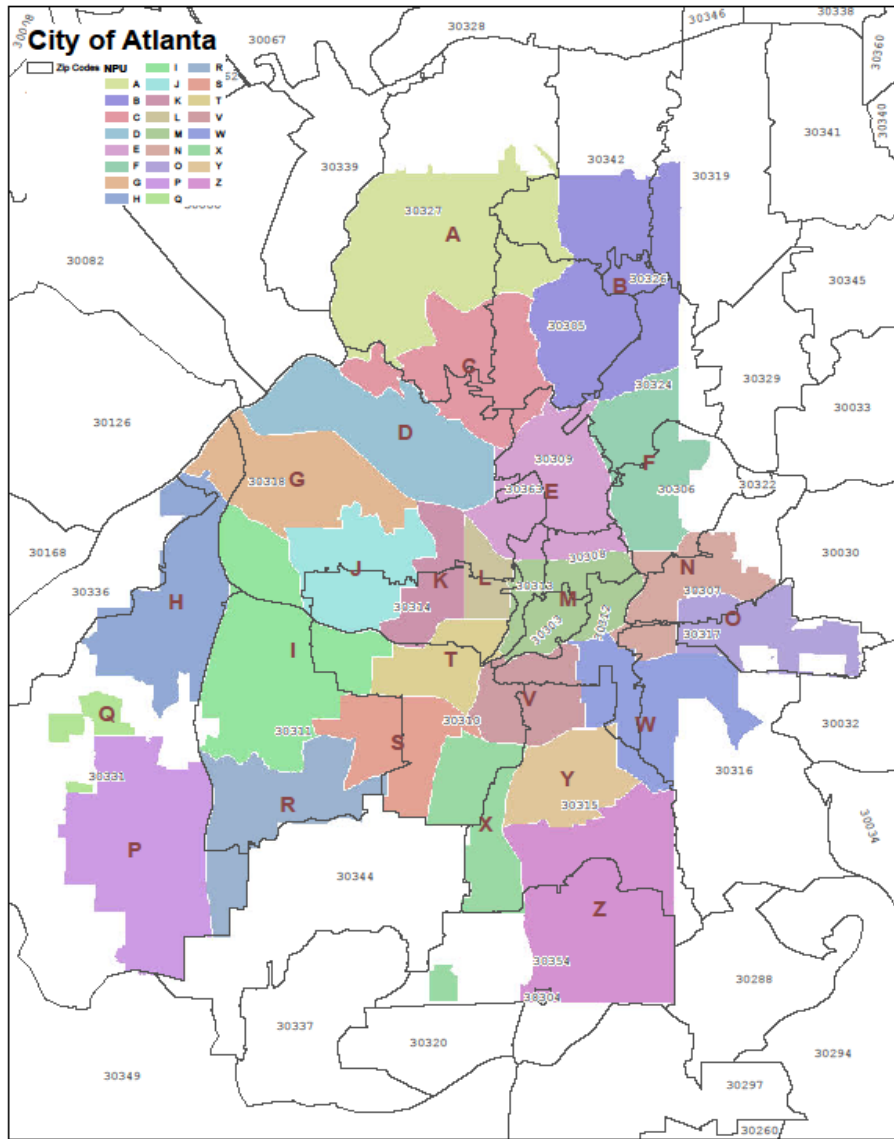
Today, the city is home to more than 200 neighborhoods divided into 27 Neighborhood Planning Units (NPU's) acting as citizen advisory councils that provide input to the City Council. NPU's have some decision-making power over issues such as zoning and land use.¹¹ The northern, central and eastern portions of the city are heavily urbanized with high rises, two universities, and an active cultural district along the infamous "Peachtree Street". Downtown Atlanta's Five Points area still serves as the hub of the City's mass transit rail system (Metropolitan Atlanta Rapid Transit Authority or MARTA) serving the north-south and east-west corridors and connecting with adjoining counties and cities. See following map of NPU's and zip codes.

⁸ <http://www.atlantahistorycenter.com>

⁹ <http://www.atlantaga.gov>

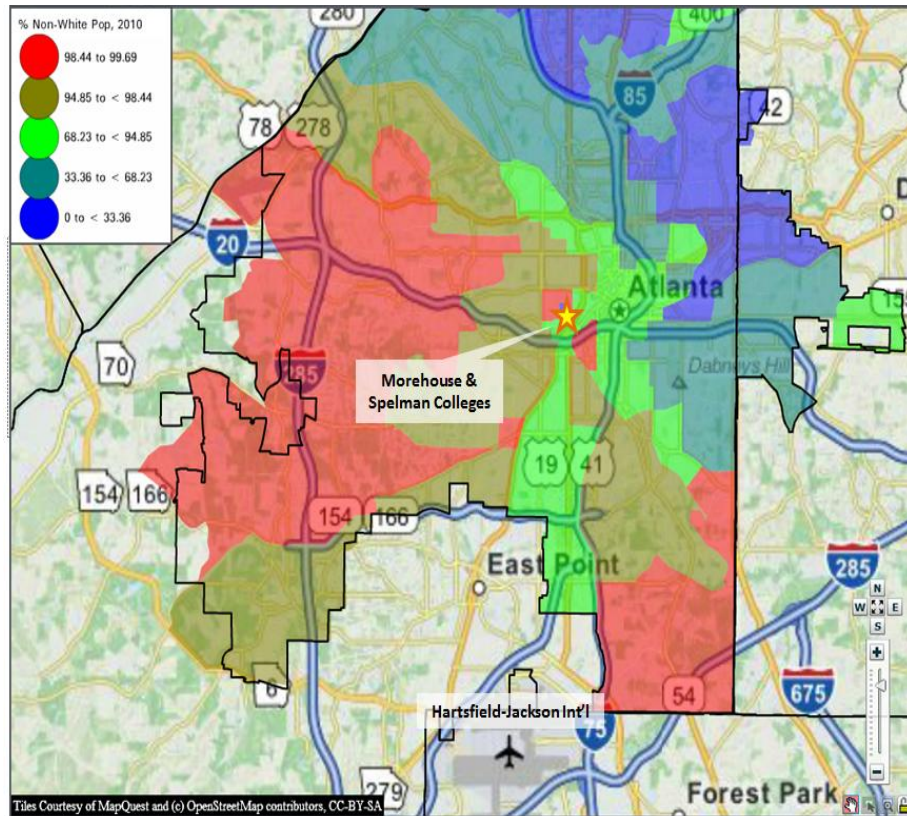
¹⁰ Id.

¹¹ Id.



The City's website and the work of noted author/historian, Larry Keating (*Atlanta: Race, Class and Urban Expansion*, 2001), provide valuable insight into the colorful history of the city. As discussed by Keating and detailed in the map below, the south side and western portions of the City contain the historic Atlanta University Center and remain "hyper-segregated" with primarily Black and Hispanic suburban populations which wrap around the Hartsfield-Jackson International Airport.¹²

¹² Larry Keating, *Atlanta: Race, Class and Urban Expansion*, (Temple Press, 2001)



Source: *Neighborhood Nexus, 2013/U.S. Census*

History & Government Structure

The Atlanta City government is divided into three bodies: the legislative, executive and judicial branches. A 15-member Council serves as the legislative body enacting ordinances and developing policies that serve as operational standards, and establishes the parameters of the City’s administrative functions. City departments and day-to-day operations are under the direction of the Mayor, whose office constitutes the executive branch with responsibility for carrying out the laws instituted by the Council. The Municipal Courts, Solicitor and Public Defender make up the judicial branch. See Appendix C, City Organizational Structure.

The City of Atlanta has operated under this standard metropolitan system of government since a 1974 Charter that replaced a Board of Aldermen (elected citywide) with the City Council (elected from 12 individual districts with six at-large posts). A 1996 Charter reduced the representation of Council to 12 districts and three at-large posts. As a municipal governmental unit, the City provides for public safety (police and fire protection), community development (zoning and code enforcement), and other typical city services such as utilities and transportation within its jurisdiction. In addition the City manages the Hartsfield- Jackson Atlanta

International Airport and Boisfeuillet Jones Civic Center. These services are paid for by city taxes, fees and revenues. The city limits spread into two adjoining county governments: the majority of the City is in Fulton County with a smaller eastern portion in DeKalb County. The Counties provide services of a metropolitan nature, such as emergency management and health care services. These are funded by county taxes, which are assessed on all incorporated and unincorporated areas.

The Mayor, President of Council and all Council members are elected to serve four-year terms. The Mayor is not a member of the City Council. The President of Council presides at Council meetings, and it is the President's responsibility to assure the expeditious discharge of public responsibilities and obligations imposed upon the Council by law. The President votes only in case of a tie and steps into the role of Mayor in case of a vacancy or during the disability of the Mayor. The President also appoints standing committees to consider legislation and make recommendations on each item. The Committees then report their actions to the full Council. Approximately 150 pieces of legislation are handled per meeting.¹³

Citizens have the opportunity to appear before a standing committee and to express their views on any piece of legislation. Citizen comments on matters related to zoning changes are heard by the Zoning Review Board which meets once a month and must give public notice of the hearing. In some cases, the Council is required by law to hold a public hearing and must notify the public about the hearing.

After a proposal has been through the committee process, it is voted on by the full Council. A majority vote is needed for adoption. Once adopted, it goes to the Mayor for signature, who must approve or veto the proposal within seven days. If not signed or vetoed within that period, it automatically becomes law. If vetoed, the Council may override with a two-thirds vote.¹⁴

The Mayor appoints a Chief Operating Officer to oversee the operations of the City Departments, including the Department of Planning and Community Development with its traditional offices of planning, housing and buildings. The Mayor also appoints a Chief of Staff who oversees, *inter alia*, three offices impacting housing choice: the Office of Constituent Services, which handles complaints of discrimination and fair housing; the Office of Human Services which provides service coordination, program development and resource mobilization; and the Office of Weed & Seed which facilitates community based, multiagency approaches

¹³ [http:// www.atlantaga.gov](http://www.atlantaga.gov) at City Council

¹⁴ Id.

to law enforcement, crime prevention and neighborhood revitalization and transformation.¹⁵

Atlanta also addresses housing needs under three authorities that are quasi-governmental: The Atlanta Development Authority, also known as Invest Atlanta, the Atlanta Beltline, Inc. and the City's public housing authority, known as the Atlanta Housing Authority.

Intergovernmental units work collaboratively to manage the grants and other special revenue funds available to the City. In 2012, the City had the following grants/funds that, *inter alia*, impact housing: Community Development Fund (to provide for development of viable urban communities); Home Investment Trust Fund (HOME)(to fund the purchase, building and/or rehabilitation of affordable housing); Section 108_Loan Guarantee Program (financing housing rehabilitation); special assessment funds identifying Tax Allocation Districts (TADs) to catalyze investment by financing certain redevelopment activities in underdeveloped or blighted areas; and tax exempt bonds for single and multi-family housing.¹⁶

One of the well-known TADs is the *Atlanta Beltline*, a comprehensive revitalization effort undertaken by the City of Atlanta and noted as one of the largest, most wide-ranging urban redevelopment and mobility projects currently undertaken in the United States. This sustainable project aims to provide a network of public parks, multi-use trails and transit by re-using 22-miles of historic railroad corridors circling downtown and connecting 45 neighborhoods. A form of tax increment financing known as TAD Funding anchors the 25-year financial plan for the *Atlanta Beltline*. Since 2005, the Beltline has received \$120 million from TAD bonds/tax increment financing, and \$179.5 million from private and local government sources, including \$37.5 million donated by private and philanthropic organizations.¹⁷

Population, Race, Ethnicity

Annually on or about September 20th, the U.S. Census Bureau releases the results of the annual American Community Survey (ACS), 1-Year Estimate taken from a series of data based on survey responses collected over the course of the prior calendar year on various socioeconomic, housing and demographic characteristics. The 2011 and 2012 ACS 1 Year Estimate data reveals certain adverse effects that the recent economic condition had on income, poverty, educational attainment and housing in the City of

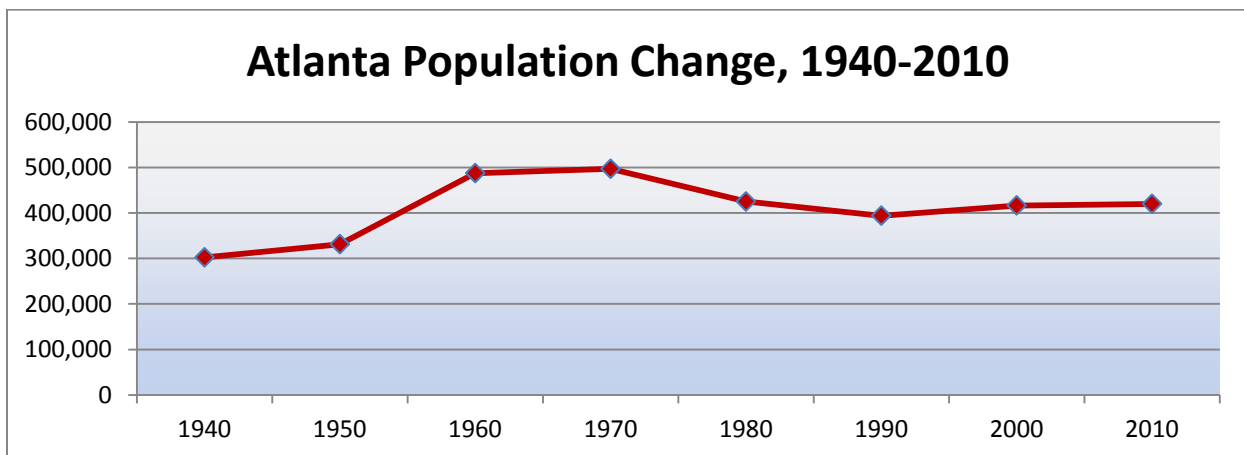
¹⁵ Id. at Mayor's Office

¹⁶ Id.

¹⁷ Id.

Atlanta. The American Community Survey represents the most recent available data from the U.S. Census, providing most of the informational items tracked by the decennial Census. The City of Atlanta’s *2011 Comprehensive Development Plan, Consolidated Plan 2010 - 2014*, and relevant *Consolidated Annual Performance and Evaluation Reports (CAPERS)* were largely utilized in the preparation of the *Jurisdictional/Community, Government and Housing Profiles*, in addition to a variety of other data sources, including but not limited to, the 2011 and 2012 ACS 1-Year Estimates, the Atlanta Regional Commission, Atlanta History Center and the official websites for the City of Atlanta, the Mayor’s Office, the Atlanta City Council, Invest Atlanta and the Atlanta Housing Authority.

Population, age, race and ethnicity are important demand factors that influence choice and location within local housing markets. According to the U.S. Census comparisons of demographic change show that the City has grown minimally in the six year period from 2006 to 2012 and still has not recovered the 20 percent population loss experienced in the decade 1970-1980. In the 2000 census, Atlanta’s total population was 416,474 persons. In the 10 year period between 2000 and 2010, the population grew to 420,003 persons, an increase of .8 percent. The Census estimate from April 1, 2010 to July 1, 2012 indicates a further 5.6 percent increase, with Atlanta’s estimated 2012 population at 443,775.¹⁸



Source: U.S. Census, 2011 American Community Survey

For Atlanta these minor increases in total population are in stark contrast to the 19.5 percent increase seen in the Regional cities within a 10-county area during the last decade.

¹⁸ <http://www.census.gov>, 2011 ACS 1 Year Estimate. Note: recent release of the next year’s estimate has the population at 444,000 in the 2012 ACS I Year Estimate,

Total Population Change 2000-2010

Area	2000	2010	Change	
			Number	Percentage
City of Atlanta	416,474	420,003	3,529	0.80%
All Cities in Region (10 County ARC Region)	1,346,352	1,609,493	263,141	19.50%

Source: U.S. Census

Between 2000 and 2010, while the City of Atlanta gained only 3,805 new residents, total housing units increased an additional 37,648, to a total of 224,573. The effects of the 2007-2010 recessions were devastating to certain parts of the City, resulting in a city-wide vacancy rate of almost 18 percent, compared to 10 percent in 2000. Some areas on the southwest side of Atlanta, however, had 2010 vacancy rates near 50 percent.

According to the 2011 Comprehensive Development Plan, Atlanta’s 2000 population of 416,474 was expected to rise by an estimated 226,856 people over the next 30 years, forecasting a population of 643,330 in 2030. The following table identifies the last 2 decennial census counts, 2012 ACS estimate and the City’s 2030 projection for the City of Atlanta.

ATLANTA	2000 Census	2010 Census	2012 ACS Estimate	2030 City Projection
Population	416,474	420,003	443,775	643,330
Percent Growth		.8% ^	5.6% ^	48.71% ^

Source: U.S. Census

According to the population projections provided by the City’s 2011 Comprehensive Development Plan, these projections must take into account that the forecast was based on a projected 2010 total population increase of 29.31, a growth not realized by the .8 percent actual population growth. Nonetheless, the growth estimated by the City for 2010-2030 indicates an estimated growth to 643,330 with 6.5 percent Hispanic, 57.4 percent non-Hispanic Black and 34.1 percent non-Hispanic White (Hispanic Blacks are double counted, as Black and Hispanic) and 3.3 percent Asian with Other at 5.2 percent.¹⁹

¹⁹ CDP at p.8

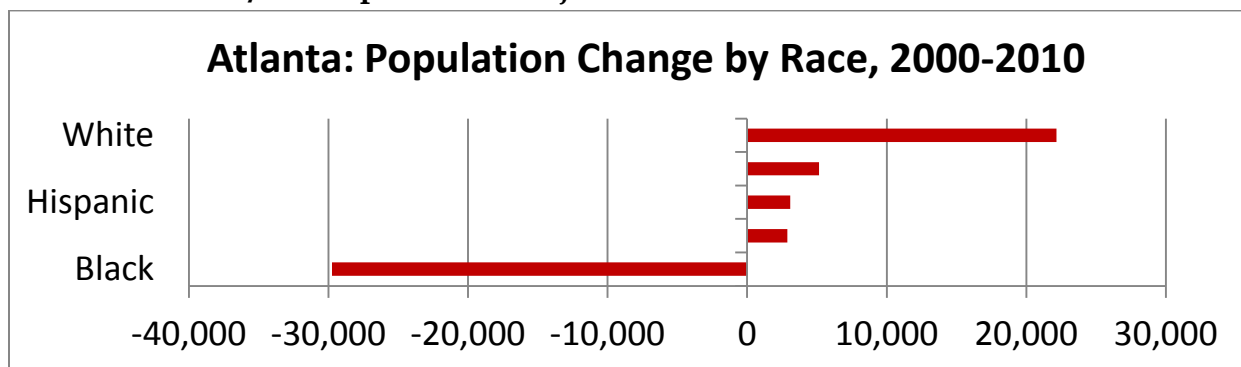
According to the 2012 ACS 1-Year Estimates, the median age in Atlanta was 33.1 years with 18 percent of the population under 18 years and 10 percent 65 years and older; 50 percent were female and 50 percent male.

Due to many reasons, particularly the preference of “Millennials” (those born from the early 1980s to the early 2000s) to live near urban centers, Atlanta has a far greater share of its overall population in the 25-34 age cohort than does the State as a whole.

The City’s age structure shifted in the age/number of children as well – far fewer 5-18 year olds are a share of the total population today than in 2000. This is due to persons aging out of that cohort (those age 5 – 18 in 2000 are age 15-28 in 2010), but their numbers were not replaced either by births or by in-migrations.

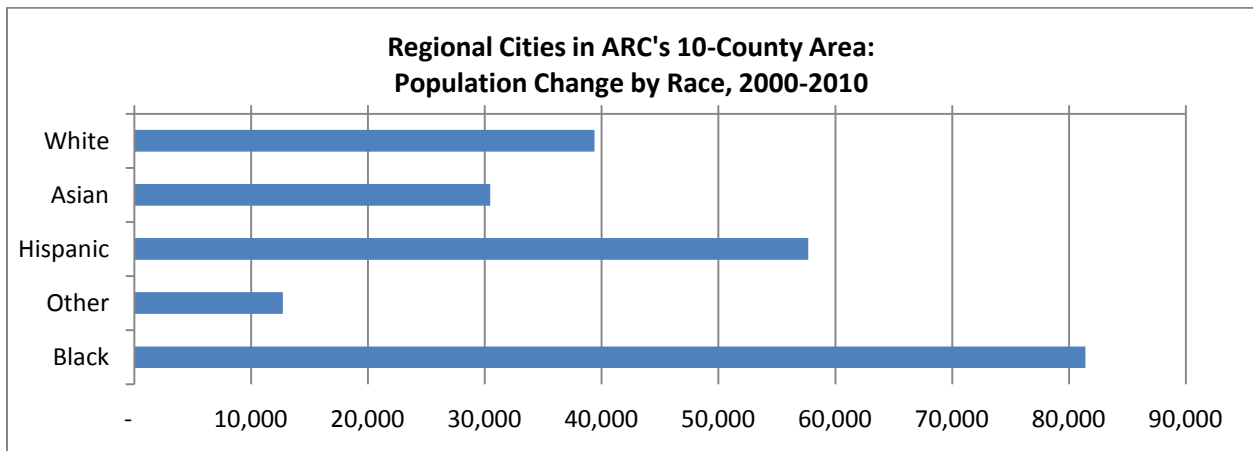
In the 2010 Census, Atlanta was recorded as the nation’s fourth largest majority Black city, and the city has long been known as a center of African American political power, education, and culture. However, African Americans in Atlanta have rapidly suburbanized in recent decades, and from 2000 to 2010, the city's Black population decreased by 31,678 people, shrinking from 61.4 percent of the city’s population in 2000 to 54.0 percent in 2010.

Atlanta has recently undergone a demographic increase in its White population. Between 2000 and 2010, the proportion of Whites in the city's population grew faster than that of any other U.S. city. In that decade, Atlanta's White population grew from 31 percent to 38 percent of the city’s population, an increase of 22,753 people, more than triple the increase that occurred between 1990 and 2000. This indicates a vastly different trend than experienced in other cities evaluated and tracked in the Atlanta Regional Commission’s 10-County planning area. While Atlanta is still majority Black (54%), the overall share of the Atlanta Black population fell by seven percentage-points from 61.4 percent in the decade 2000-2010, reflective of a slight shift in the racial/ethnic profile of the jurisdiction.



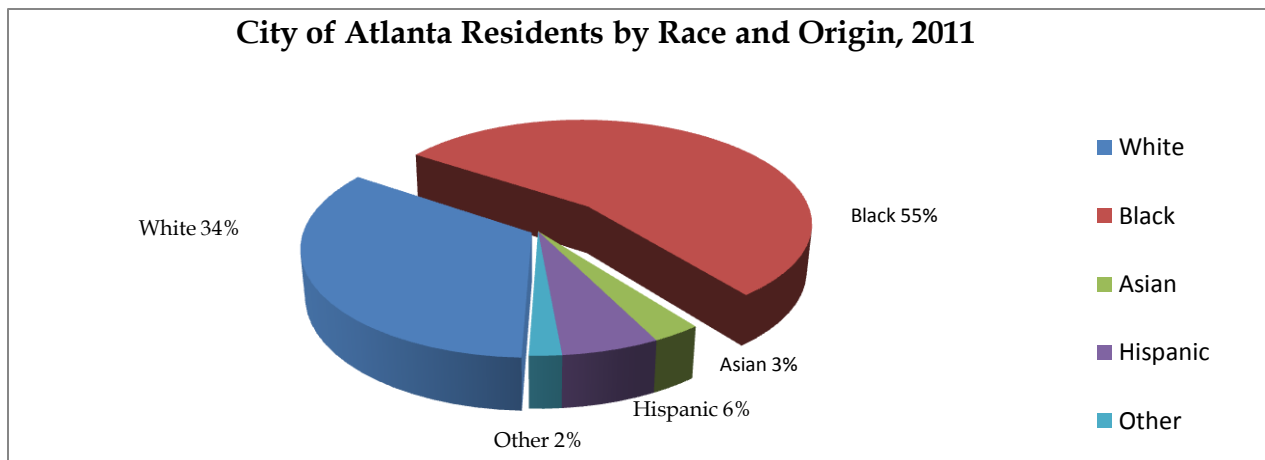
Source: U.S. Census

The Atlantic Magazine reports that the trend noting the change in the dissimilarity index “masks the fact that urban Blacks are becoming more isolated.” Further the Atlantic states: “Atlanta, for example, is more integrated than it was 20 years ago, but this is largely because Latinos and Asians have moved into previously White areas. This dynamic is less true in majority-Black neighborhoods, which have actually increased in number.”²⁰



Source: *Neighborhood Nexus*

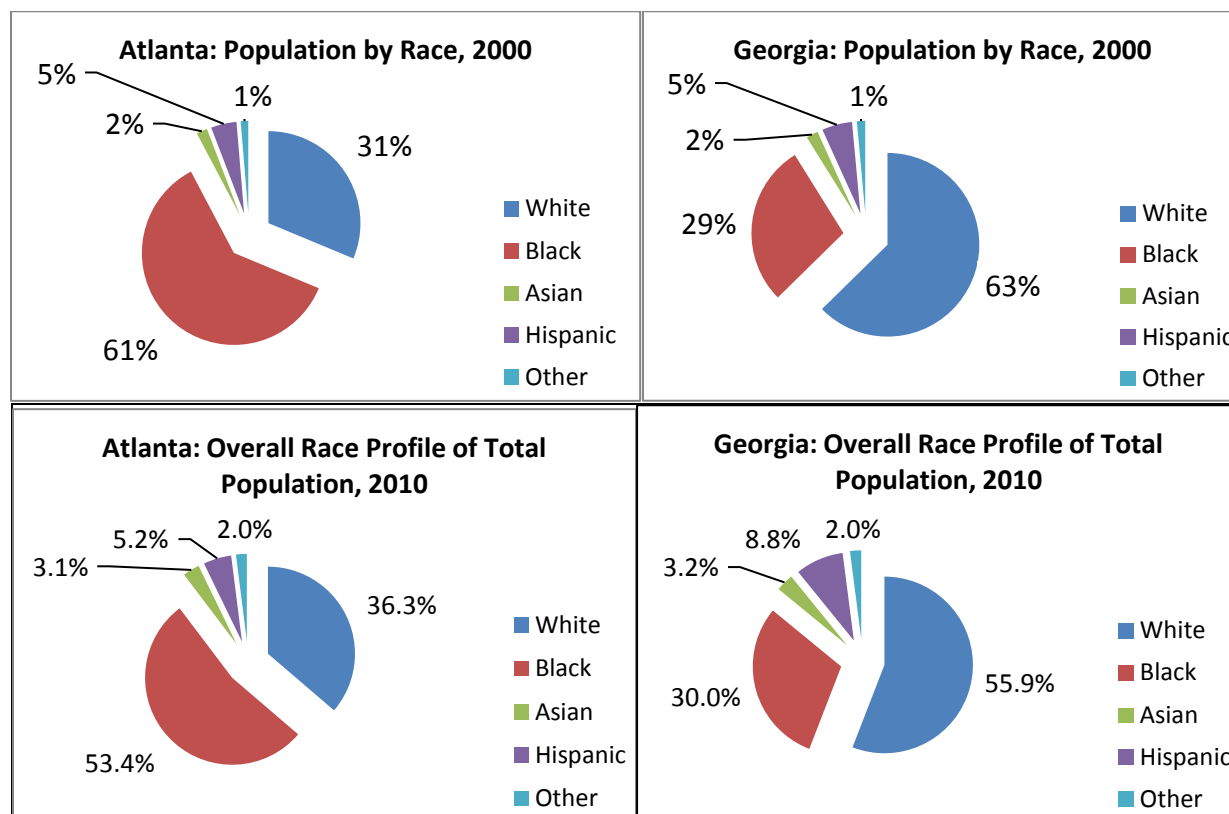
According to the 2011 ACS 1-Year Estimate, for the City population reporting one race alone: 40 percent were White; 55 percent were Black; less than 0.5 percent were American Indian and Alaska Native; 3 percent were Asian; less than 0.5 percent were Native Hawaiian and Other Pacific Islander; and 1 percent were some other race. Six percent of Atlantans were Hispanic. Whites (non-Hispanic) constitute 35 percent of the population. Persons of “other” races (two or more races), constitute 2 percent of the City’s residents.



Source: *U.S. Census*

²⁰ Emily Badger, *The Real Cost of Segregation – in 1 Big Chart*, The Atlantic Magazine, Sept. 2013

The following charts show the racial and ethnic composition of the City's residents based on the decennial census.



Source: *Neighborhood Nexus*, 2013

The 2012 ACS estimates the City of Atlanta 2012 population at 444,000 compared to the State of Georgia at 9,919,945, representing a 5.6 percent increase over the city's 2010 census population, compared to a 2.4 percent increase over the state's 2010 population of 9,687,663.

Ninety-one percent of the people living in the City of Atlanta in 2011 were native residents of the United States with 53 percent native Georgians. A total of 9 percent of the people living in the City in 2011 were foreign born. Of that population, 26 percent were naturalized U.S. citizens, and 44 percent entered the country before the year 2000. Among people at least five years old in the 2011 ACS, 12 percent spoke a language other than English at home, of whom 46 percent spoke Spanish; 54 percent spoke some other language; and, 35 percent reported they did not speak English "very well."²¹ Limited English proficiency often places a large percentage of the

²¹ <http://www.census.gov>, 2011 ACS

immigrant population at a disadvantage when seeking employment, contributing to the disparity in income between minorities and Non-Hispanic Whites, which in turn affects their housing choices.

Geographic Segregation of Racial Groups

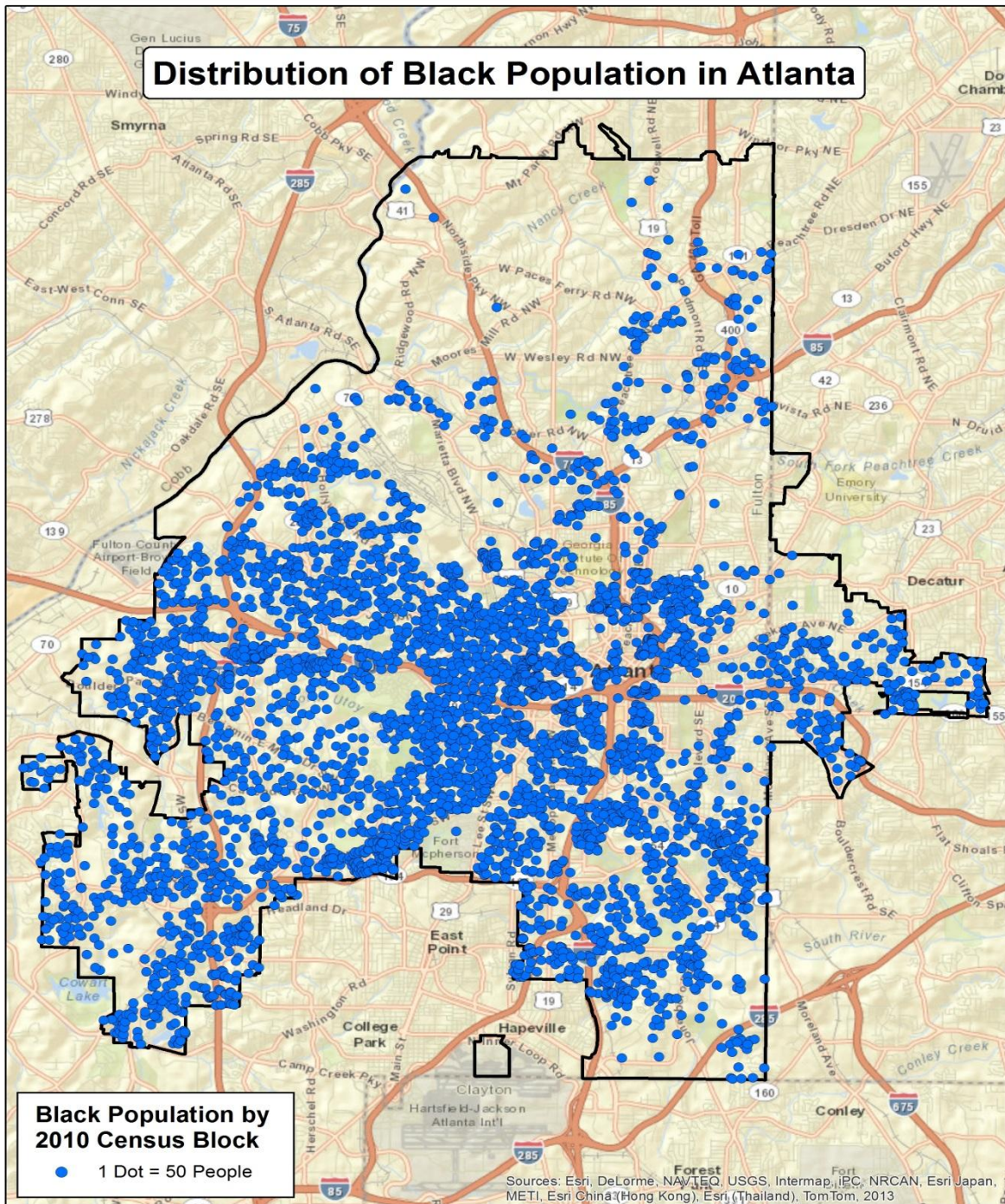
The maps that follow are similar to the mapping found in the City's 2011 Comprehensive Development Plan²² and represent the historical patterns of segregation in the Atlanta area.

According to the following maps from Neighborhood Nexus, few areas of the City have a truly diverse representation of races and ethnicities; Blacks (55% of total population) appear clustered in the south- and southwestern sectors of the city, with high concentrations in the areas of Pittsburg, Mechanicsville, Adair Park, English Avenue and Vine City, neighborhoods with the highest rates of poverty, joblessness and foreclosures. DeKalb Avenue parallel to the east-west rail lines has traditionally been seen as a dividing line if not the more distinct division of the east-west interstate, I-20. Whites are the primary residents of the north and east sectors of the City and the following map shows a line of eastern presence that drops below the DeKalb Avenue dividing line and is evidence of the gentrification of areas known as Kirkwood and Reynoldstown, southern neighborhoods along DeKalb Avenue abutting the historic Inman Park neighborhood. This area was known as the first suburb of Atlanta and experienced its own gentrification 40 years earlier, following the "White flight" of its early residents in the 1960s. Further White movement has been noted with the gentrification of the Glenwood East Atlanta and Grant Park areas.

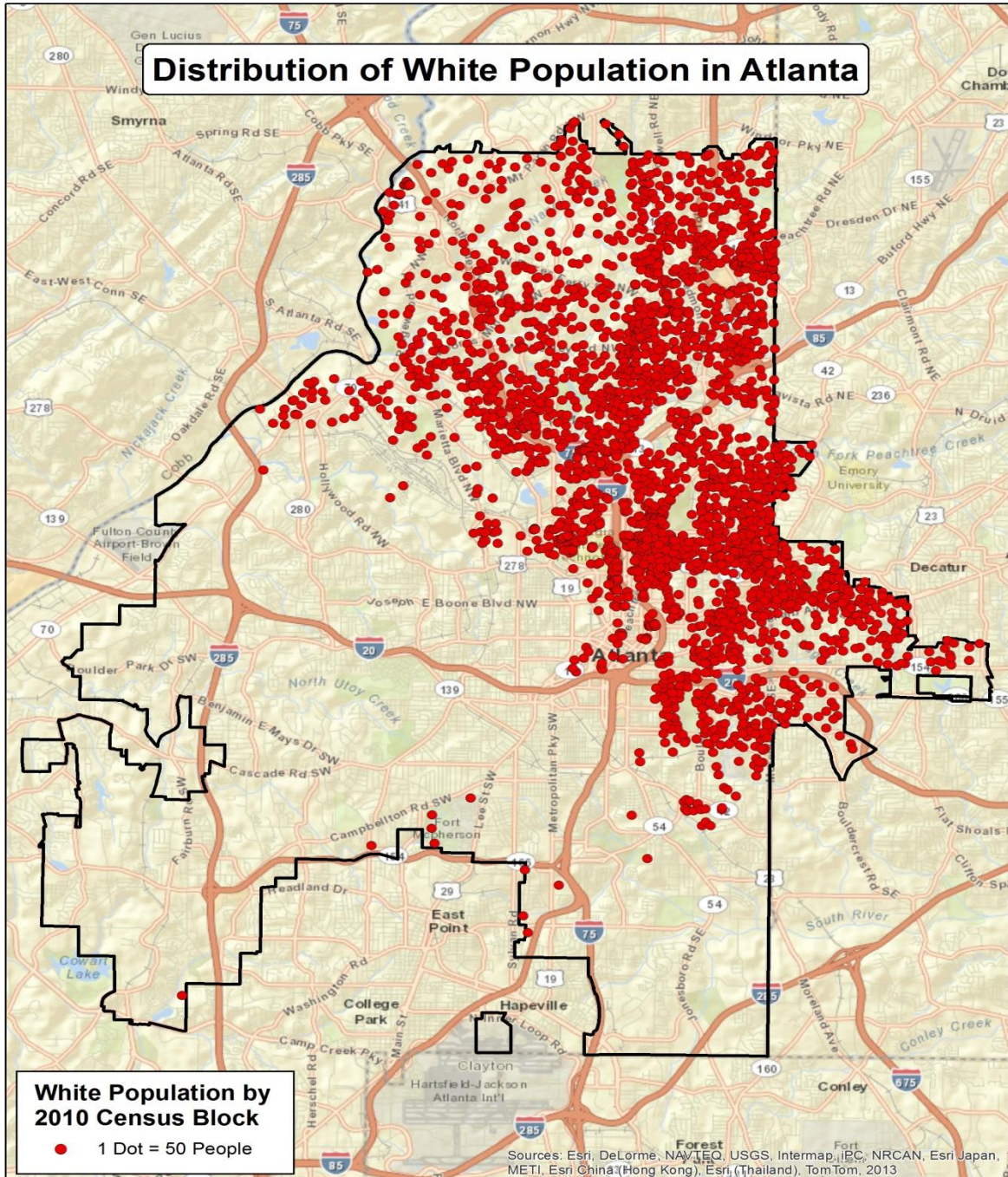
Though dispersed lightly throughout the city, Hispanics (6% of the total population) primarily dominate small sectors of the northeastern and northwestern sectors, with clustered but random presence in the southern portions of the City with the heaviest populations along the north-south interstates (I-75 and I-85) that transect the City. The Asian population (3%) appears concentrated and assimilated primarily in the inner City north and northwest areas of higher density housing and integrated in the primarily White-dominated north sector. Atlanta's racial and ethnic population distributions are illustrated in the maps on the following pages:

²²CDP at pp. 33-36

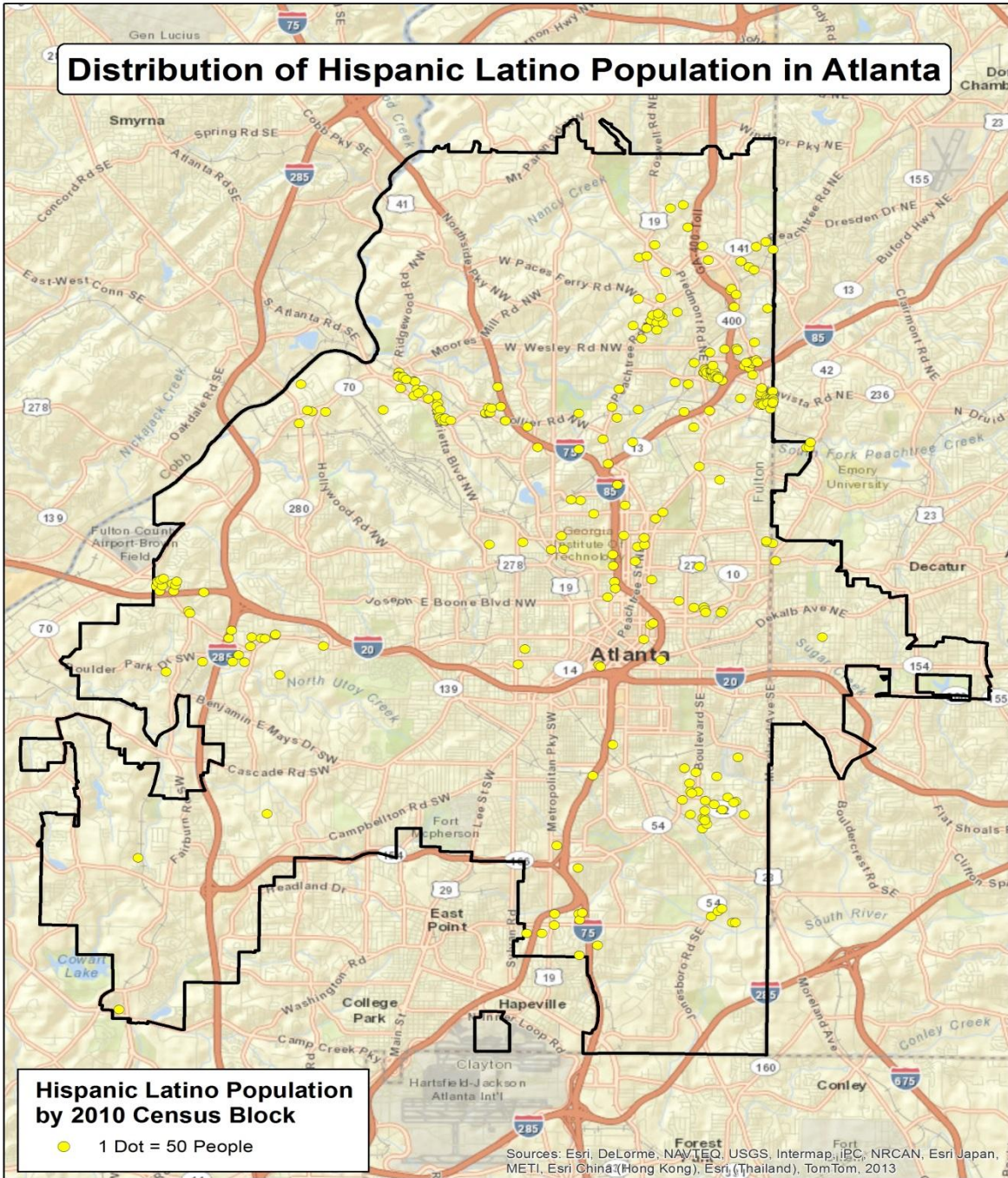
City of Atlanta, Georgia
Where Blacks Live
2010



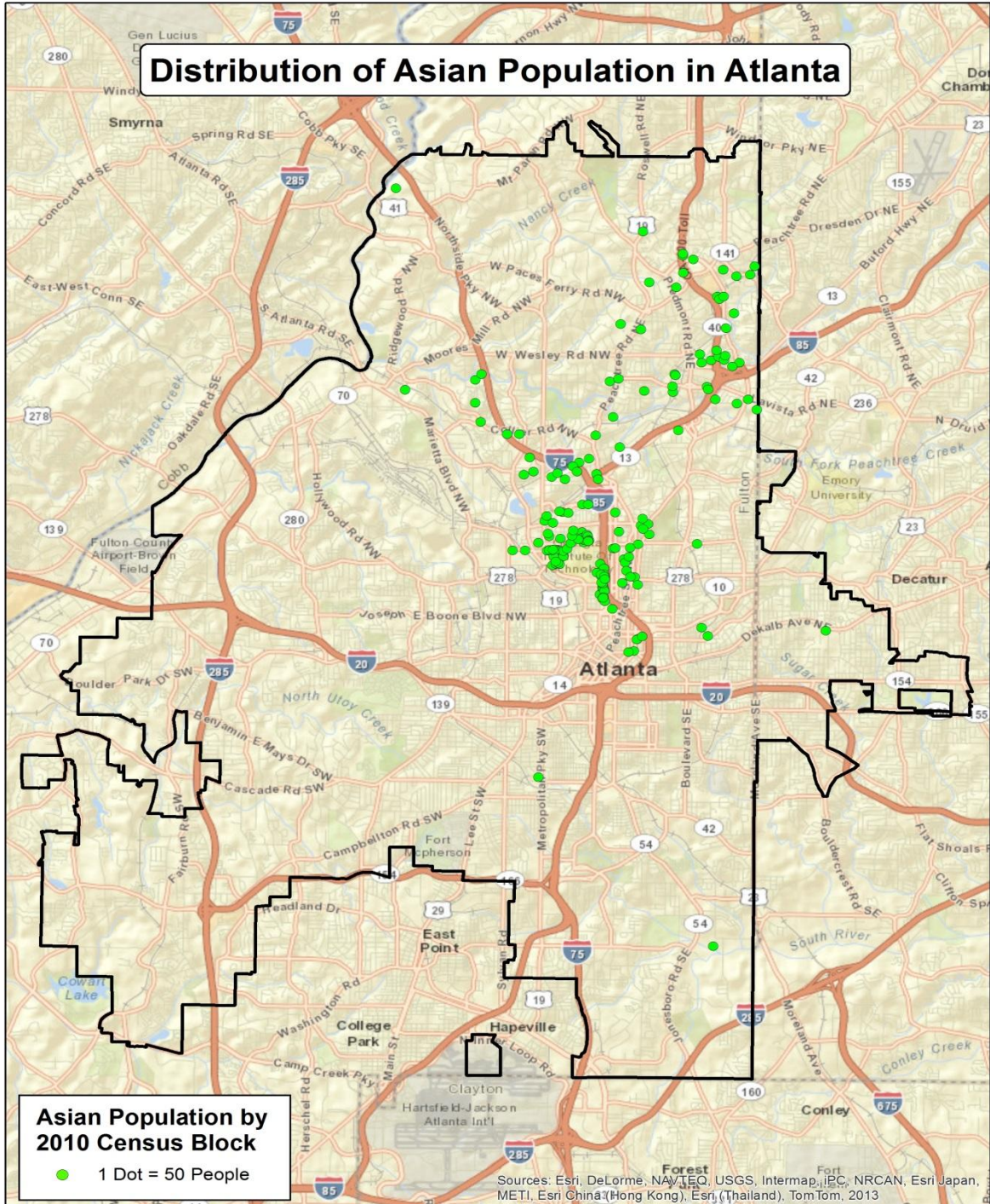
City of Atlanta, Georgia
Where Whites Live
2010

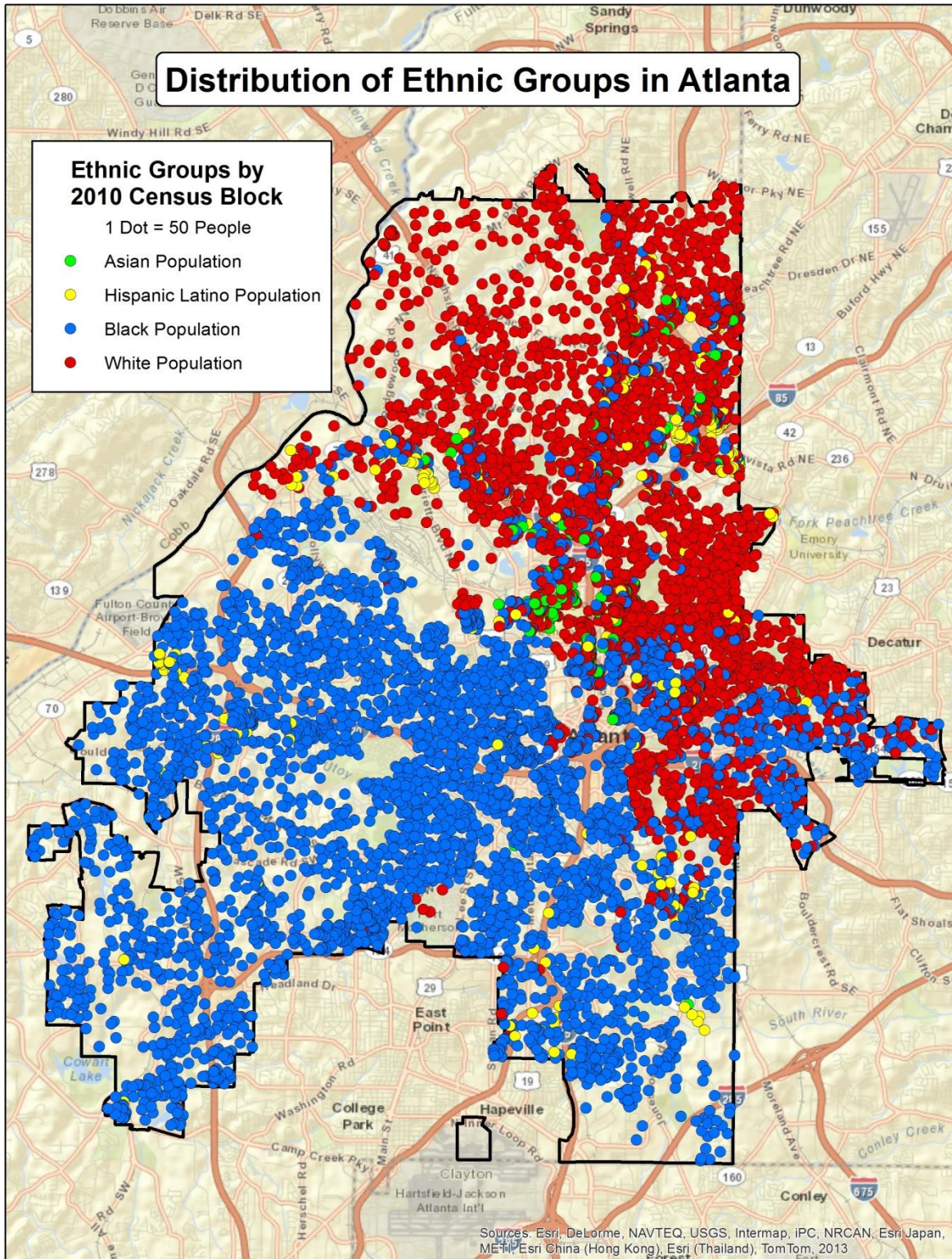


City of Atlanta, Georgia
Where Hispanics Live
2010



City of Atlanta, Georgia
Where Asians Live
2010





For the past 50 years, the Russell Sage Foundation has sponsored and produced well-respected, authoritative research on trends and changes in U.S. society. The Russell Sage Foundation and Brown University provide analysis of how the racial and ethnic composition of metropolitan areas has shifted and how increasing diversity is experienced at the local level in many neighborhoods, including one report known as the US2010, a research program on changes in American society. Over a two-year span, 14 research teams - 26 researchers total from universities all over the U.S. - analyzed the data on topics that impact all areas of American society. Since the U.S. Census long form has been eliminated, the American Community Survey (ACS) has emerged over the past few years as a major source of information about social and economic changes in American society. The US2010 report authors draw heavily from multiple data sources, including the Decennial Census, the ACS, and other specialized population studies.²³

One tool utilized in measuring levels of segregation is the Dissimilarity Index, which indicates whether one particular group is distributed across census tracts in a metropolitan area in the same way as another group. A high value on an index of dissimilarity indicates that two groups tend to live in different census tracts. For example, a value of 60 is considered very high, indicating that 60 percent of one group would have to move to a different census tract in order for the two groups to be equally distributed.

The US2010 Project report makes two main findings: 1) the slow pace of lowering Black-White segregation has continued and remained steady in decline since 1980, but there is now some identifiable change in the traditional Ghetto Belt cities of the Northeast and Midwest; and 2) the rapidly growing Hispanic and Asian populations (considered less segregated than African Americans) are as segregated today as they were thirty years ago and their growth is creating more intense ethnic enclaves in many parts of the country. The Project further reports that “[l]arge Southern cities provide examples of persistent segregation But others have seen improvements and Atlanta is the outstanding example, having experienced more change, though it still falls among the top 25” on the 2010 ranking of Black-White segregation in 50 Metro Areas with the Largest Black Populations in 2010.²⁴

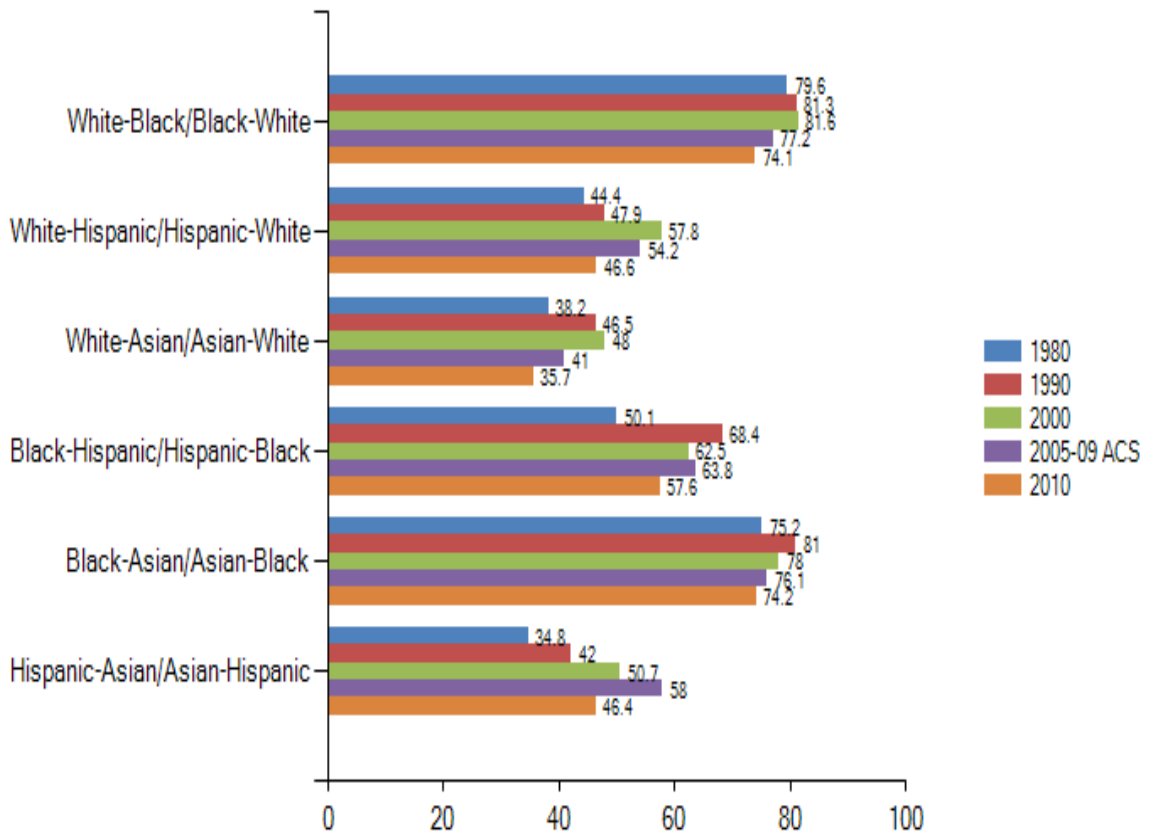
The index assigns values that range from 0 to 100, with a value of 60 or more considered very high, values of 50 to 40 typically considered to be a moderate level of

²³ US2010, a research program on changes in American society will culminate with a book, published by the Russell Sage Foundation.

²⁴ *The Persistence of Segregation in the Metropolis: New Findings from the 2010 Census*, retrieved from <http://www.s4.brown.edu/us2010/Data/Report/report2.pdf>.

segregation and values of 30 or below considered fairly low levels of segregation. Based on the US2010 report, the Dissimilarity Index for the City of Atlanta shows high levels of segregation for all races within the City. In 2010, White with Black groups showed 74.1 percent dissimilarity in Atlanta. Black with Hispanic dissimilarity was at 57.6 percent. White with Hispanic dissimilarity was at 46.6.²⁵ These significant numbers are provided in the chart below for the period from 1980 to 2010.

Source: US2010 Report – Atlanta Dissimilarity Index
 ©Spatial Structures in the Social Sciences, Brown University



These local segregation trends were highlighted by digital cartographer Eric Fischer in a series of maps based on 2000 census data that illustrate racial segregation and integration in 100 American cities. Data is represented as follows: “Red is White population, Blue is for Black population, Green represents the Asian population and Yellow represents the Hispanic populous with each dot representing 25 people.”

²⁵ <http://www.s4.brown.edu/us2010/segregation2010/city.aspx?cityid=1304000>



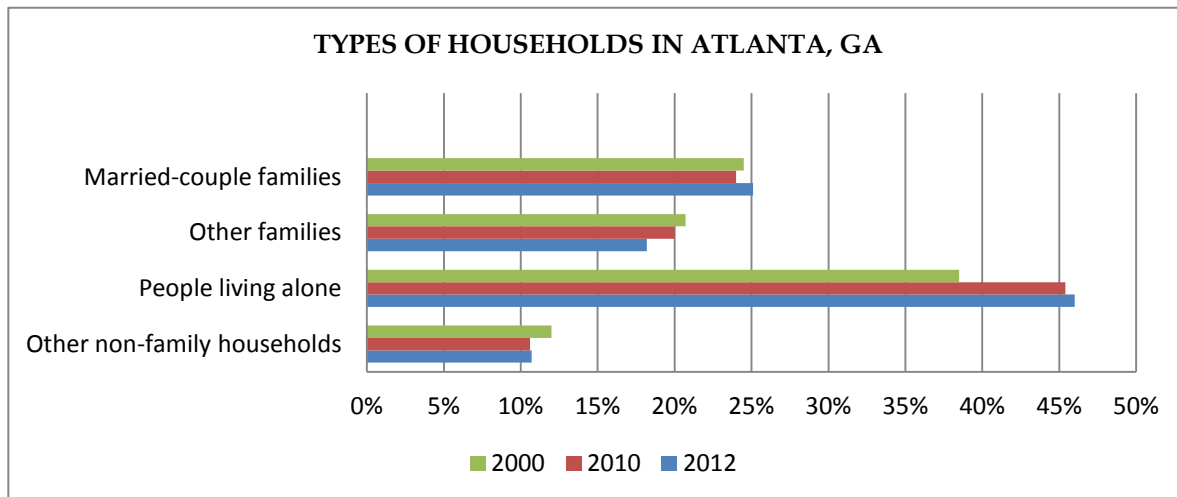
Race and ethnicity: Atlanta By Eric Fischer ☆62 22²⁶

Based on the 2000 census, the map above shows Hispanics (yellow dots) clustered in areas like Buford Highway and the Lindberg area in the north and south of Grant Park toward Jonesboro on the south; in the west sector around the Six Flags area and Marietta Street/Bolton Road area generally along the north-south interstate highways (I-75 and I-85). Whites (red) trend to the Northern area (generally north of the east-west divide by I-20) in areas identified as Inman Park, Midtown, Brookwood, and Buckhead. Blacks (blue) populate the areas south of DeKalb Avenue and more predominantly south of I-20, running east to west in neighborhoods like Summerville, Mechanicsville, Pittsburg, Peoplestown, West End and Adair Park.

²⁶ [http:// www.flickr.com/photos/walkingsf/4981400669/](http://www.flickr.com/photos/walkingsf/4981400669/)

Household Characteristics

According to the U.S. Census, 2012 ACS, there were an estimated 183,000 occupied households in The City of Atlanta with an average household size of 2.3 people (a decrease from the 2010 households of 185,142 with an average of 2.11 people per household, but an increase from the 168,147 households in 2000 averaging 2.3 people). Among the city's 183,000 households, family households represented 43 percent of all households, including: married-couple families (25.1 percent) and other families (18.2 percent, of whom 7 percent were female-headed). Nonfamily households made up 57 percent of all households, including people living alone (46 percent) and those composed of people living in households in which no one was related to the householder (10.7 percent).²⁷



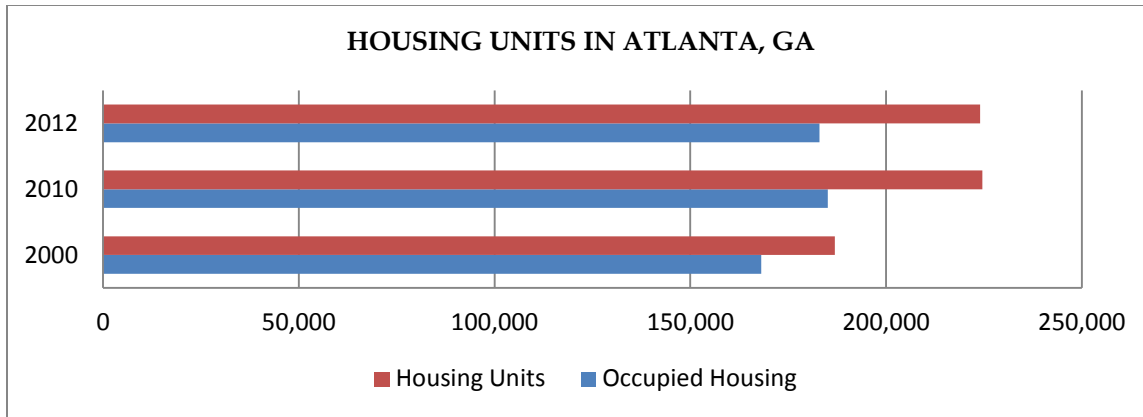
Source: *census.gov*

According to the 2010 Census, there were 185,142 households in City of Atlanta with an average household size of 2.11.²⁸ While the population increased .8 percent in the decennial census, the number of households decreased slightly during the ACS 1 year estimates from data collected in 2011, due primarily to the economic recession and high area foreclosures, and despite an increase in total housing units (186,925 in 2000 increasing to 224,573 in 2010, then falling slightly to 224,000 in 2012).²⁹

²⁷ <http://www.census.gov>, 2012 ACS

²⁸ Id., 2010 Demographic Profile Data (DP-1)

²⁹ <http://www.census.gov>



Fair Housing Implications: The concentration of Blacks, increase in the Hispanic population and significant numbers of families with children indicate the need for fair housing education and outreach efforts in all languages, particularly English and Spanish.

Income, Education, Employment

The financial stability and prosperity of Atlanta residents is an important factor that affects their ability to provide for their families and have a quality of life commensurate with their aspirations. Atlanta has experienced a fluctuating economic growth pattern since 2000, subject to the national economic recession and collapsing housing market. Today there are large visual pockets of poverty and an increase in income disparity making the cost of living unaffordable for low- and moderate-income earning households.

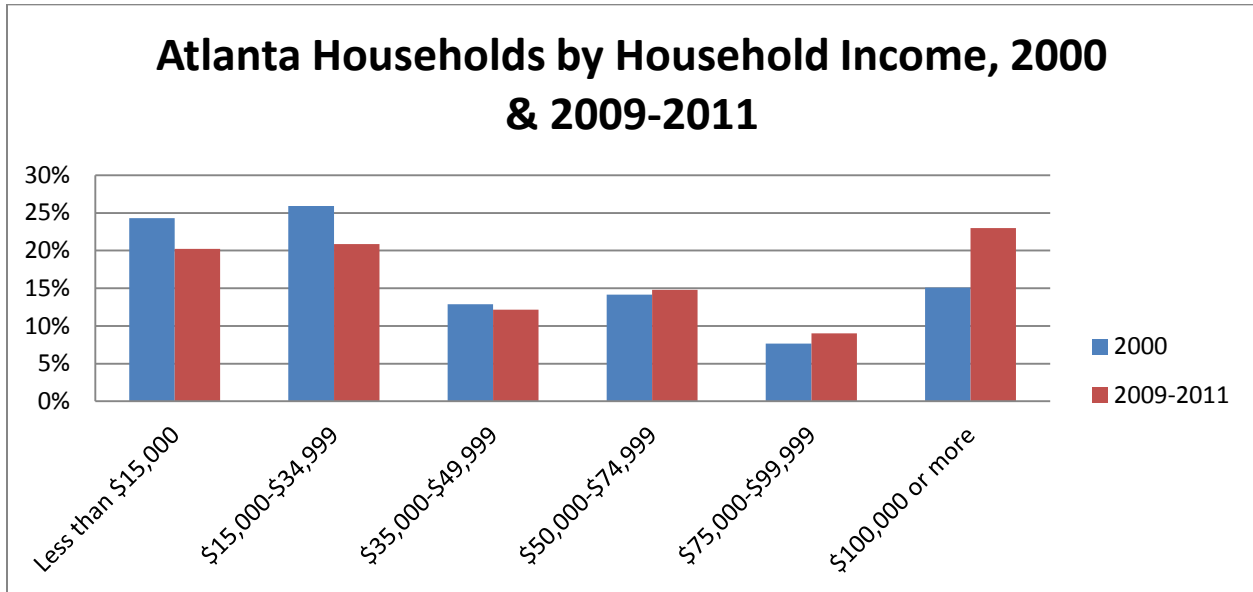
Income Characteristics

According to the 2012 ACS the median income of an Atlanta household was \$46,466 representing a 0.87 percent increase over the 2000 median income of \$40,606. In 2012, 20 percent of households had incomes below \$15,000 and 14 percent had incomes over \$150,000 or more.³⁰

Based on the Decennial Census, between 2000 and 2010 there was significant growth in the higher income category. The percentage of households earning \$100,000 or

³⁰ Id., 2012 ACS

more increased by 7.9 percent in 10 years, while households earning at least \$100,000 constituted 0.87 percent of the total households in the City. Despite this, 20 percent of households earned less than \$15,000 in 2012.



Source: 2000 Census & 2009-2011 American Community Survey

The Area Median Income figure (AMI) is released annually by HUD. It represents the estimated median income for a family of four. Household income is identified according to HUD guidelines as follows:

- Extremely Low-Income: Up to 30 percent AMI
- Very Low-Income: Between 31 percent and 50 percent AMI
- Low-Income: Between 51 percent and 80 percent AMI
- Neighborhood Stabilization Program (NSP) Guidelines: Up to 120 AMI

Therefore for federally funded projects, the program guidelines would identify the AMI for Atlanta households whose annual income was \$20,800 or less as Extremely Low Income; the Very Low Income limit would be an annual income not greater than \$34,650; and the Low Income Level would be up to \$55,450. These guidelines are often confusing because HUD uses the standard Metropolitan Statistical Area (MSA) Income calculations which include the wealthier northern sectors of the region such as Marietta, Sandy Springs and others, increasing the Area Median Income for Atlanta based on the census (\$46,466) to the MSA AMI (\$69,300). This raises concerns when developers consider the relevant definition of “affordable”, considering that each program uses a separate percentage as qualifying income (with Invest Atlanta’s HOME 4.0 program extending funds for households with up to 140 percent AMI).

**Standard Metropolitan Statistical Area for Marietta, Sandy Springs and
City of Atlanta Income Limits (2012)**

Family Size	Extremely Low (<30% AMI)	Very Low (<50% AMI)	Low (<80% AMI)
1 Person	\$14,600	\$24,300	\$38,850
2 Persons	\$16,650	\$27,750	\$44,400
3 Persons	\$18,750	\$31,200	\$49,950
4 Persons	\$20,800	\$34,650	\$55,450
5 Persons	\$22,500	\$37,450	\$59,900
6 Persons	\$24,150	\$40,200	\$64,350
7 Persons	\$25,800	\$43,000	\$68,800
8 Persons	\$27,500	\$45,750	\$73,200

Source: Department of Housing and Urban Development (Based on the 2012 Median Income for Metro Atlanta (\$69,300))

The table below, based on the U.S. Census, provides the median income comparisons by race and ethnicity in the City for 2000 and 2010. Although median household income increased for all three groups, the current income for Black households is 68 percent lower than for White households and more than 50 percent less than Hispanic households.

Median Household Income by Race/Ethnicity in City of Atlanta, 2000 and 2010

	2000	2011	% Change
White Non-Hispanic	\$47,676	\$63,310	32.8%
Black Alone	\$16,562	\$20,517	23.9%
Hispanic	\$30,655	\$41,671	35.9%

Source: U.S. Census 2000; 2009-2011 American Community Survey

The table below shows the poverty rates in the City, the state of Georgia and the United States for 2000 and 2010, according to the U.S. Census. For both the State and the nation, poverty levels increased for all population groups. In Atlanta, the rate minimally decreased for families and children but rose for individuals. The increase in the City can be attributed to the economic recession and collapse of the housing market that severely impacted all the ancillary jobs attached to real estate industry, leaving many jobless. Nationally, poverty rates increased slightly for each category: 1.9 percent for families; 5.3 percent for the population under 18; and, 2.8 percent for

individuals. The poverty rates for all three population groups, however, are much higher in the City of Atlanta when compared to Georgia and the nation.

Poverty Rates: 2000-2011 for
City of Atlanta, Georgia and United States

	City of Atlanta		Georgia		United States	
	2000	2011	2000	2011	2000	2011
Families below poverty level	21.3%	21.2%	9.9%	13.7%	9.2%	11.1%
Population under 18 below poverty	38.8%	36.9%	16.7%	24.6%	16.1%	21.4%
Individuals below poverty level	24.4%	25.4%	13.0%	17.8%	12.4%	15.2%

Source: U.S. Census, 2000; 2011 American Community Survey

The following table compares poverty rates by race and ethnicity in the City for 2000 and current conditions (as measured by the 2009-2011 American Community Survey). Although overall poverty rates increased slightly, the table below shows that this slight increase was particularly concentrated in the Hispanic population. Poverty levels increased for Whites (2.4 percent), Blacks (2.4 percent) and Hispanics (5.6 percent) over the ten year period. The table also shows very large income disparities evident from the disproportionately higher poverty rates for Blacks in 2000 (25.5 percent higher than Whites and 8.5 percent higher than Hispanics) and 2010 (25.5 percent higher than Whites and 5.3 percent higher than Hispanics). Poverty rates for Blacks are three-and-a-half times higher than they are for Whites.

Poverty Rates by Ethnicity in City of Atlanta, 2000 and 2011

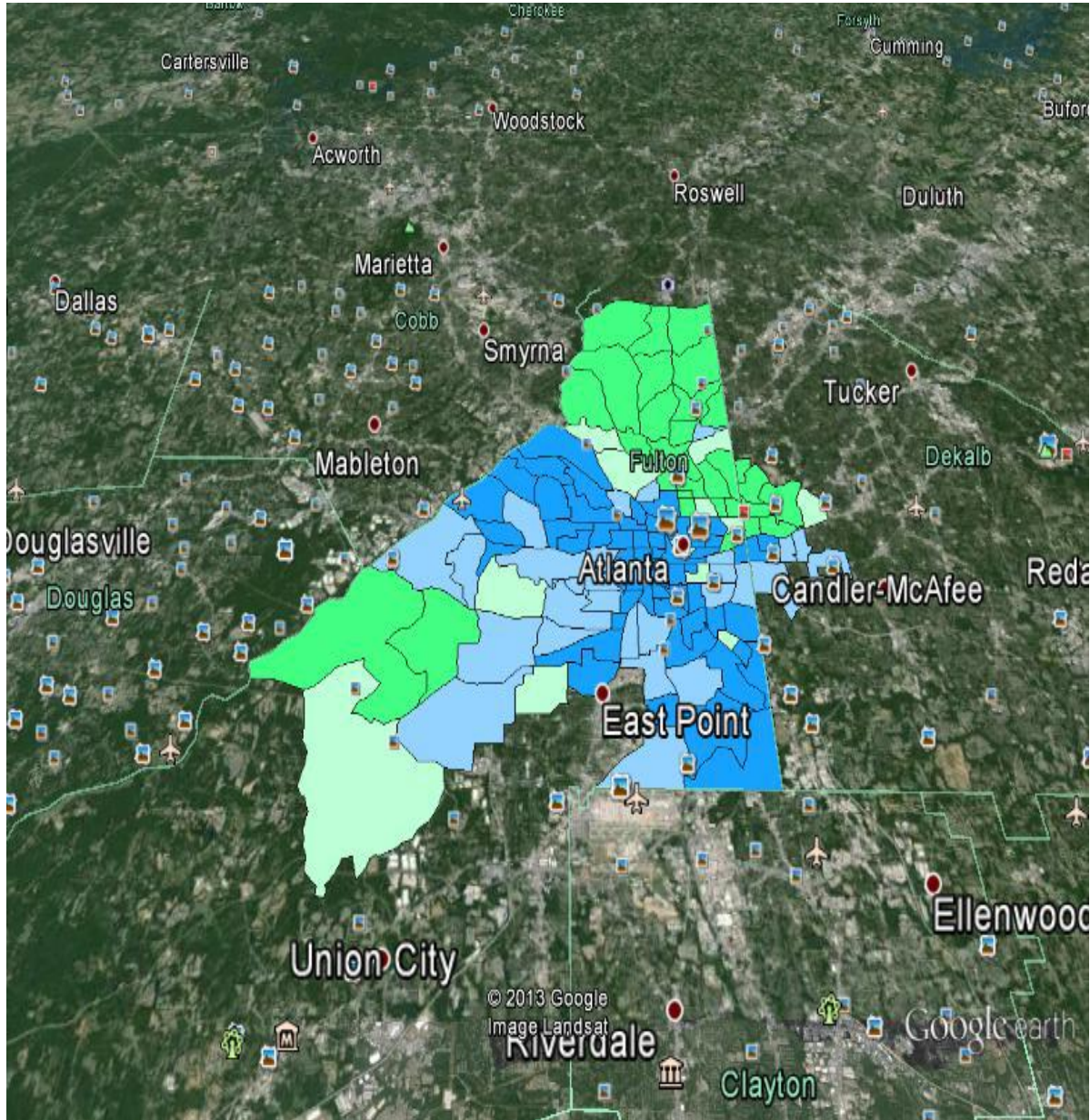
	2000	2011
White Non-Hispanic	7.5%	9.9%
Black Alone	33.0%	35.4%
Hispanic	24.5%	30.1%

Source: U.S. Census 2000; 2009- 2011 American Community Survey

In 2012, the census-based AMI for the City of Atlanta was \$46,466, representing a 0.87 percent increase over the 2000 median income of \$40,606. After improvement between 2000 and 2010, the real median household income rose only slightly by 0.87 percent and the percentage of people with incomes below the poverty level reached 26 percent. Thirty-nine percent of related children under 18 were below the poverty level, compared with 17 percent of people 65 years old and over. Twenty-one percent of all families and 47 percent of families with a female householder and no husband

present had incomes below the poverty level. The Google Map below demonstrates the Atlanta Census Tracts based on Income.

ATLANTA INCOME TRACTS



Key:

Blue -Low Income

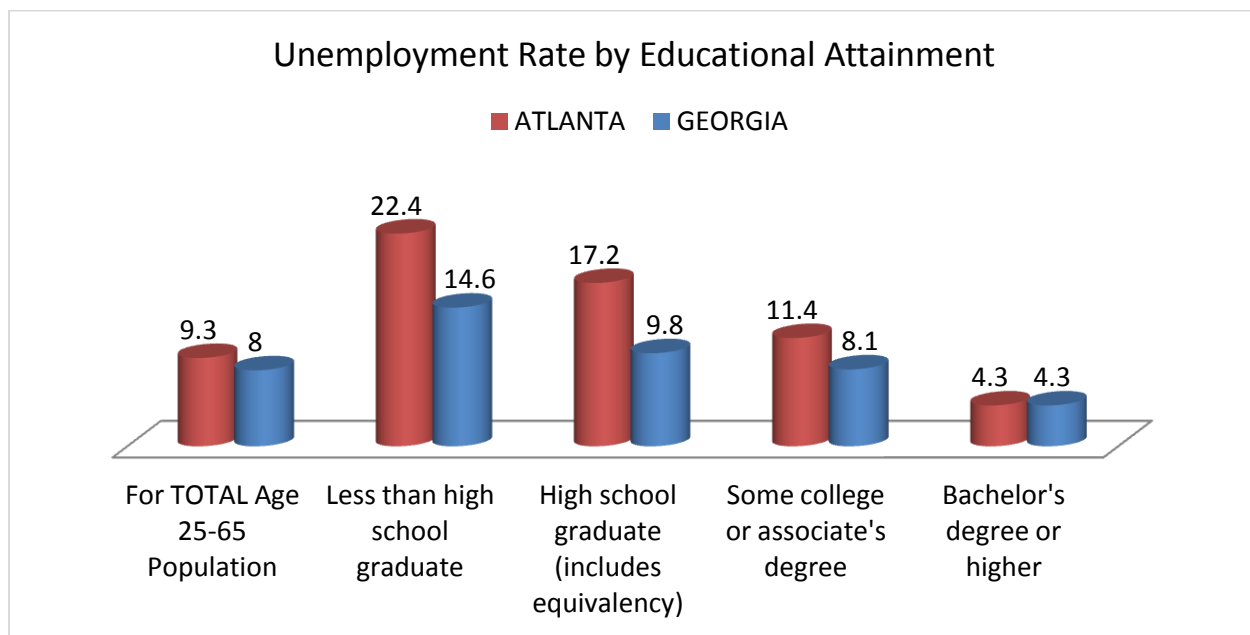
Green -Middle Income

Light Blue -Moderate Income

Light Green -Upper Income

Educational Attainment

One of the most important determinants of financial success and quality of life is educational attainment as it affords residents the likelihood of holding better paying jobs and being able to provide for themselves and their families. Additionally, early education allows for the integration of children and youth into society and provides a pathway for their future development.



Source: 2009-2011 American Community Survey

According to the 2011 ACS, the total school enrollment in Atlanta was 122,000 in 2011: this includes nursery school and kindergarten, 11,000; elementary and high school, 48,000; college and graduate school, 63,000.

The Atlanta Public School System has existed for 141 years and is one of the largest school districts in Georgia, with an active student enrollment of 49,558 as of October, 2012.³¹ Public schools educate approximately 85 percent of children in the city. While the number of youth under the age of 18 decreased by 13 percent between 2000 and 2010, student enrollment in public schools decreased by 15 percent (apart from statistical error in the ACS, the difference may be ascribed either to higher enrollment in private schools or to the fact that the 15 percent figure excludes some high school students aged 18).³²

³¹<http://www.atlantapublicschools.us>

³² Neighborhood Nexus

ATLANTA PUBLIC SCHOOLS ENROLLMENT BY RACE/ETHNICITY

Year	White & Other		Black		Hispanic		Total
	Number	% of Total	Number	% of Total	Number	% of Total	
2000	4,526	7.77	52,066	89.41	1,638	2.81	58,230
2010	7,267	14.59	39,582	79.49	2,947	5.92	49,796
2012	8,208	16.56	38,147	76.97	3,203	6.46	49,558

Source: Ga. Dept. of Education; Note: Includes PreK enrollment

Despite an overall decline in enrollment rates, enrollment among White and Hispanic students has almost doubled since 2000, with decline concentrated in the Black enrollment. According to the Georgia Department of Education, there are no major differences in attendance rates based on gender, but vast differences exist between White and Black attendance rates. During the 2010-2011 school year, 10.8 percent of Black students were absent more than 15 days, compared to 4.3 percent of White students.

Graduation rates are significantly lower for Black and Hispanic students than those of White students. Additionally, the Black and Hispanic student dropout rates are higher than among White students. Approximately 76 percent of White students graduated during the 2010-2011 school year, compared to only 60 percent for Black students and 58 percent for Hispanic students.

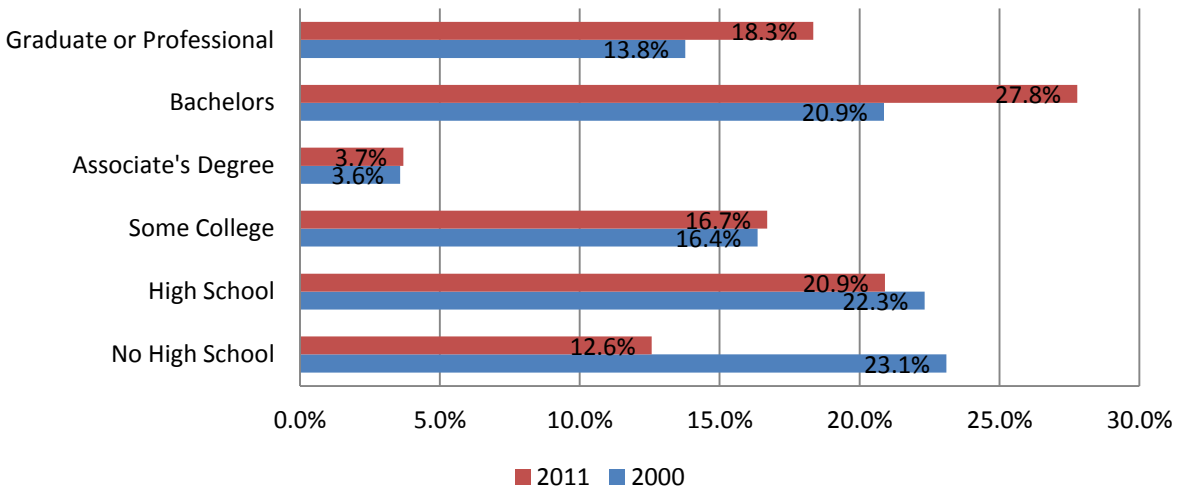
High School Graduation/Dropout Rates by Ethnicity/Race, 2010-2011

	2010-2011 Dropout Rate	2010-2011 Graduation Rate
White, Non-Hispanic	3.0%	75.5%
Black, Non-Hispanic	4.4%	59.8%
Hispanic	4.6%	57.6%

Source: Ga. Dept. of Education, 2010-2011

The decade, 2000 and 2010, indicates a trend of the increasing numbers of college graduates in the City. The number of residents without a high school diploma decreased by more than 10 percentage points, while the percentage of residents (age 25+) with at least a Bachelor's degree increased by 12 percentage points.

Atlanta Residents Ages 25 and Over by Educational Attainment, 2000 & 2011



Source: 2000 U.S. Census; 2011 American Community Survey

Despite the general increase of City residents with postsecondary degrees and given the graduation and dropout rates discussed above, only 26.2 percent of Black residents had Associate’s degrees or above, compared to more than half of White non-Hispanics and 37.3 percent of Hispanics.

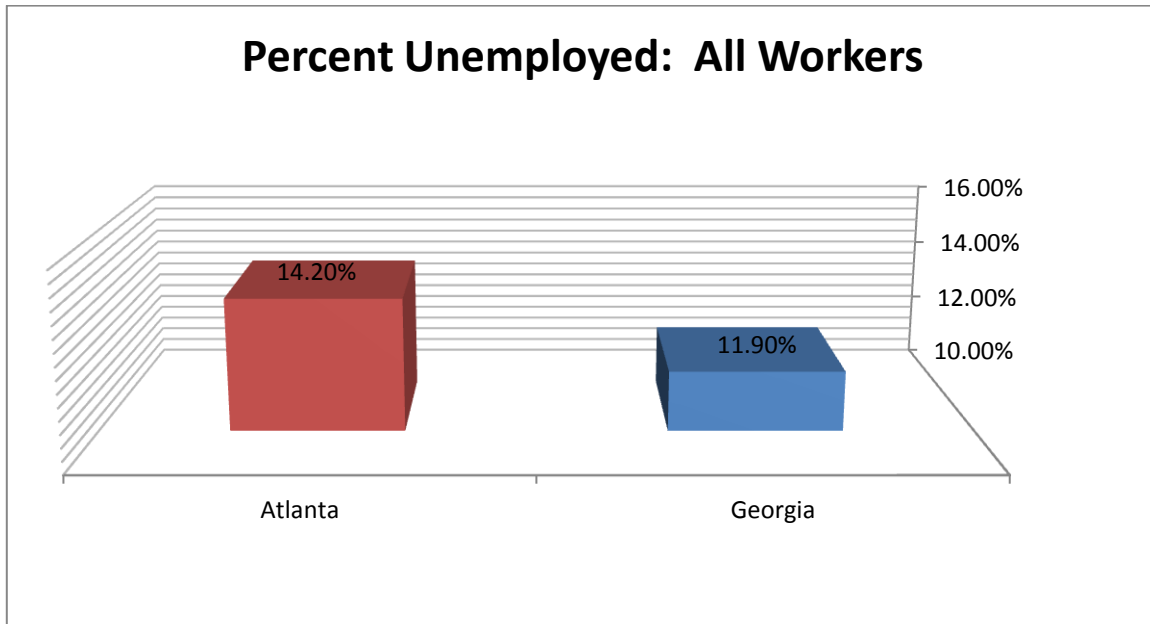
Population with Postsecondary Degrees by Race/Ethnicity, 2000 and 2011

	2000	2011
White Non-Hispanic	71.8%	78.9%
Hispanic	23.1%	37.3%
Black	16.1%	26.2%

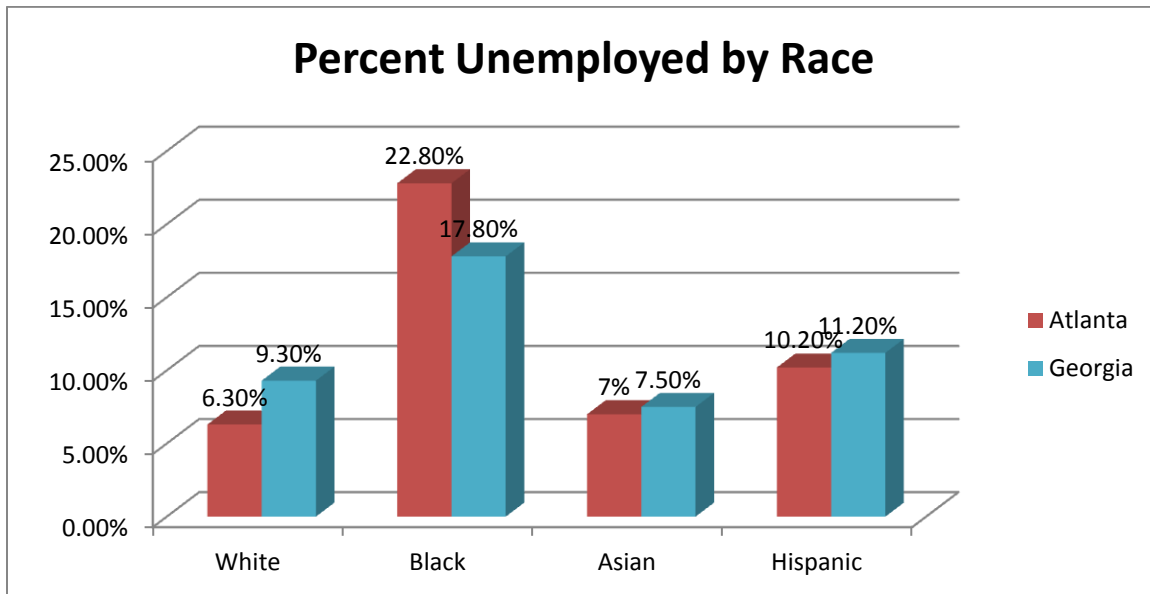
Source: 2000 U.S. Census; 2009-2011 American Community Survey

Employment and Labor Force Participation

Educational attainment is known as the great equalizer. Consider that the percentage of those with a Bachelor’s degree was the same in the City compared to statewide, yet unemployment was higher in the City Atlanta (14.2%) compared to the State (11.9%). This higher percentage of unemployed is driven by dramatic differences between the employment status of Whites and Blacks. Higher rates of unemployment among the City’s Black population drives the higher City unemployment figures, given that the percentage of White, Asian and Hispanic unemployment is lower in the City than it is in the State.

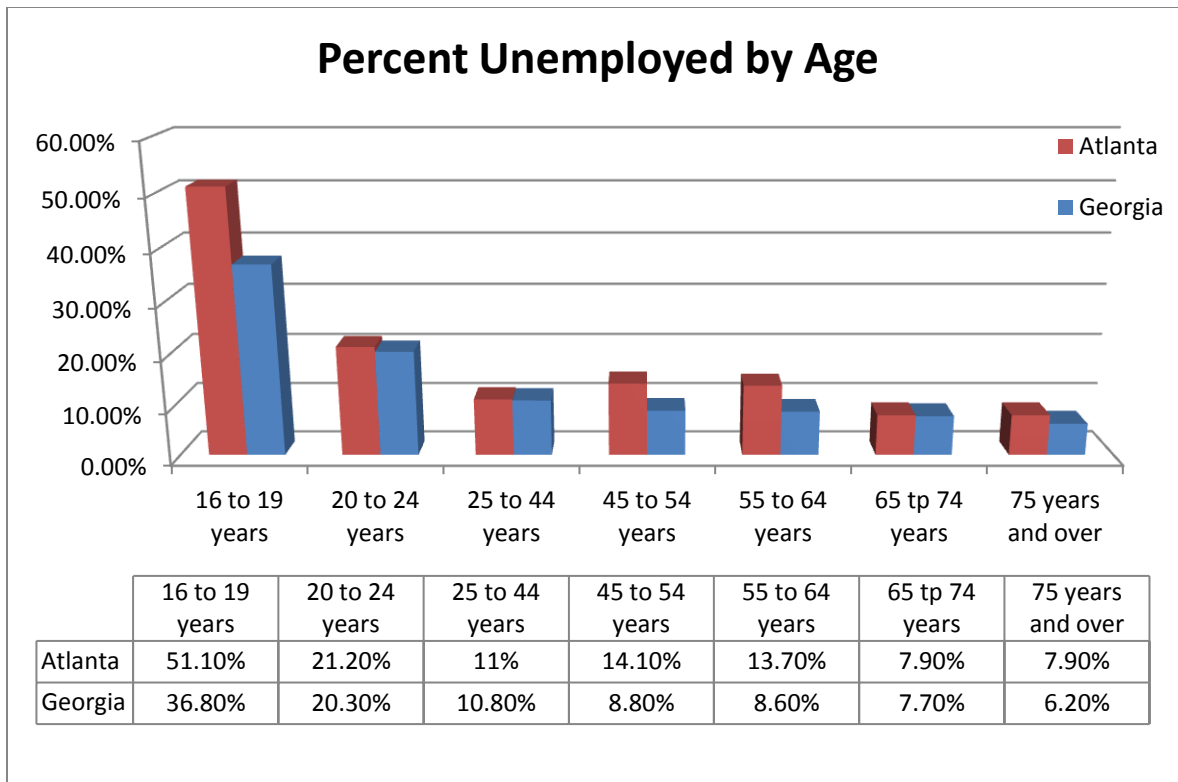


Source: 2010-2012 American Community Survey, 3-Year Estimate



Source: 2010-2012 American Community Survey, 3-Year Estimate

Approximately 51 percent of the labor force, age 16-19, is unemployed in the City of Atlanta, significantly higher than the unemployment rate for 16-19 year-olds in the State (36.8%).



Source: 2010-2012 American Community Survey, 3-Year Estimate

In Atlanta, 56 percent of the population 16 and older was employed in 2012, while 34 percent was not in the labor force. Eighty-one percent of the employed was private wage and salary workers, 14 percent in government service, and 5 percent sole proprietorships. According to the City’s data available in the 2011 ACS 1 year estimate, between 2000 and 2010 growth in Atlanta was largely driven by the educational, health care and social assistance industry sectors of the economy.

Atlanta’s top industries in 2012 were: Educational services, health care and social assistance, 21.8 percent; Professional, scientific & management (administrative and waste management services), 21.8 percent; Art, entertainment, recreation, accommodation and food services, 11.6 percent; Retail trade, 9.3 percent; and Finance, insurance, real estate and rental/leasing, 7.6 percent.³³

Management, business, science and the arts occupations account for 49.7 percent of employment of civilians 16 years and older in the City. Atlanta’s 2012 median annual wage for full-time year-round workers were \$55,090 (males) and \$43,679 (female). Yet half of the workforce in Atlanta earned less than \$32,200 last year.³⁴

³³ <http://www.census.gov>, 2012 ACS

³⁴ Id.

According to the U.S. Census Bureau, (American Community Survey), the number of working age residents in the City considered to be in the labor force increased slightly since the Recession began in 2007. The unemployment rate has increased dramatically since 2007. In fact, the unemployment rate in 2012 was the highest yet seen since the Recession. According to the most recent data from the Georgia Department of Labor, unemployment rates remain higher in the City than in the State or the nation. As of August 2013, the City's unemployment rate was 10.4 percent. Note: the Georgia Department of Labor measures unemployment rates differently than does the Census Bureau; therefore, the two series aren't directly comparable.

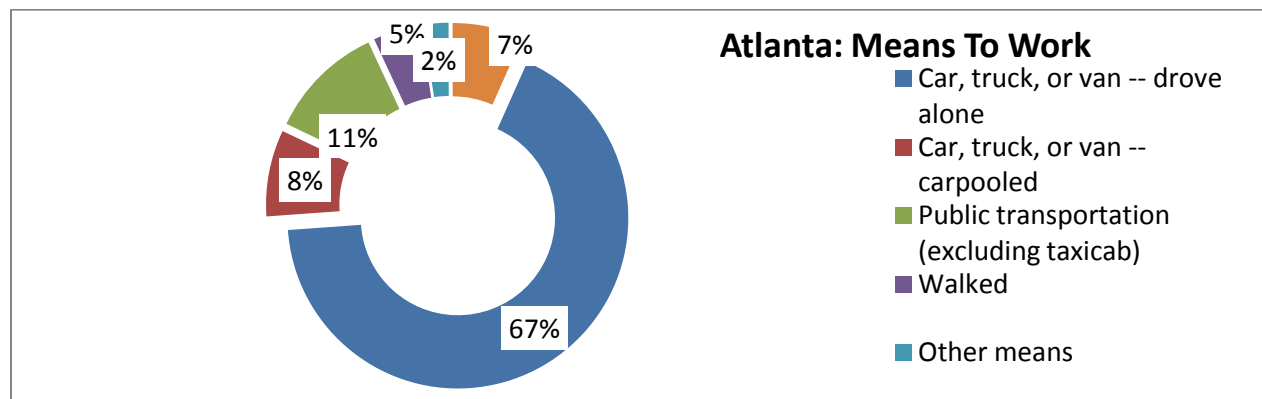
ATLANTA EMPLOYMENT RATES, 2007, 2008, 2009, 2010, 2011, 2012

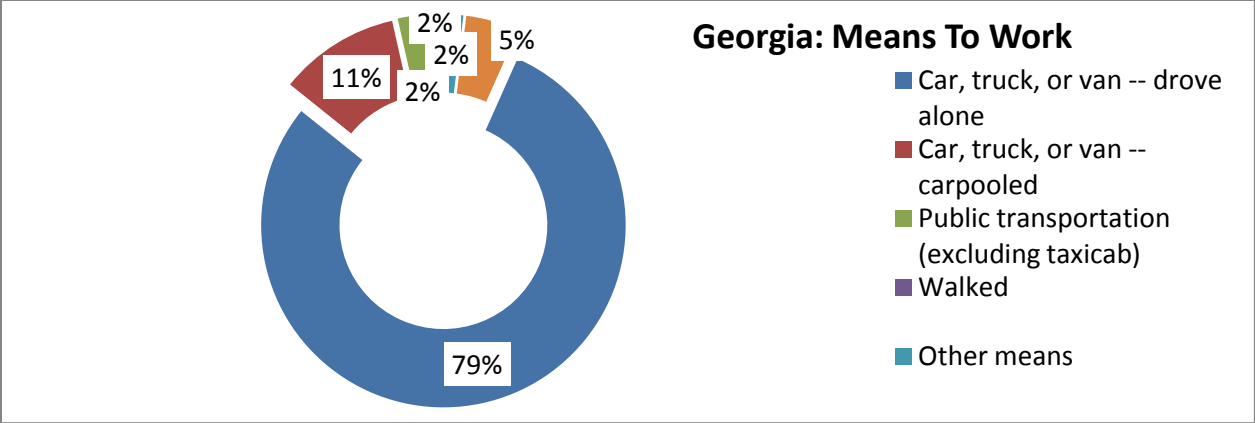
Atlanta	2007	2008	2009	2010	2011	2012
Labor Force (Population 16 years and over)	350,884	371,027	440,855	349,915	359,287	369,919
Employed or in Armed Forces (Number)	212,927	219,962	257,774	192,572	204,185	209,135
Employed or in Armed Forces (Percent)	60.7%	59.3%	58.5%	55.0%	56.8%	56.5%
Unemployed (Number)	21,689	20,375	36,972	33,744	31,076	35,861
Unemployed (Percent)	6.2%	5.5%	8.4%	9.6%	8.6%	9.7%

Source: American Community Survey 2007, 2008, 2009, 2010, 2011, and 2012 1-Year Estimates, U.S. Census Bureau

Transportation and Commuting

With the presence of public rail transportation, Atlantans are much more likely to take public transportation to work than Georgians as a whole.



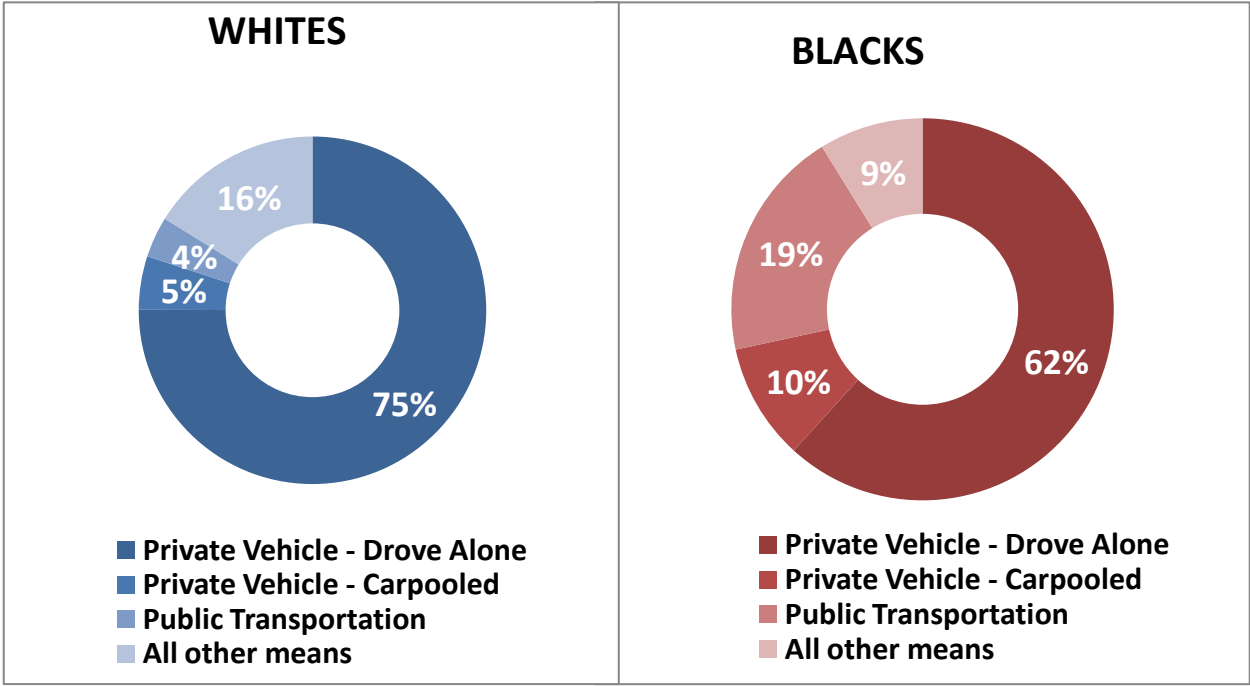


Source: 2009-2011 American Community Survey, Neighborhood Nexus

In the City, 17 percent of all occupied housing units have no vehicles available, compared to only seven percent of housing units in the state as a whole. Additionally, 63 percent of all occupied housing units in the City have one or fewer vehicles available, compare to 41 percent for the State as a whole.

However, there are wide disparities in use of public transportation by race in the City of Atlanta. While 19 percent of Blacks use public transportation to go to work, only four percent of White workers take public transportation.

Atlanta Transportation Modes

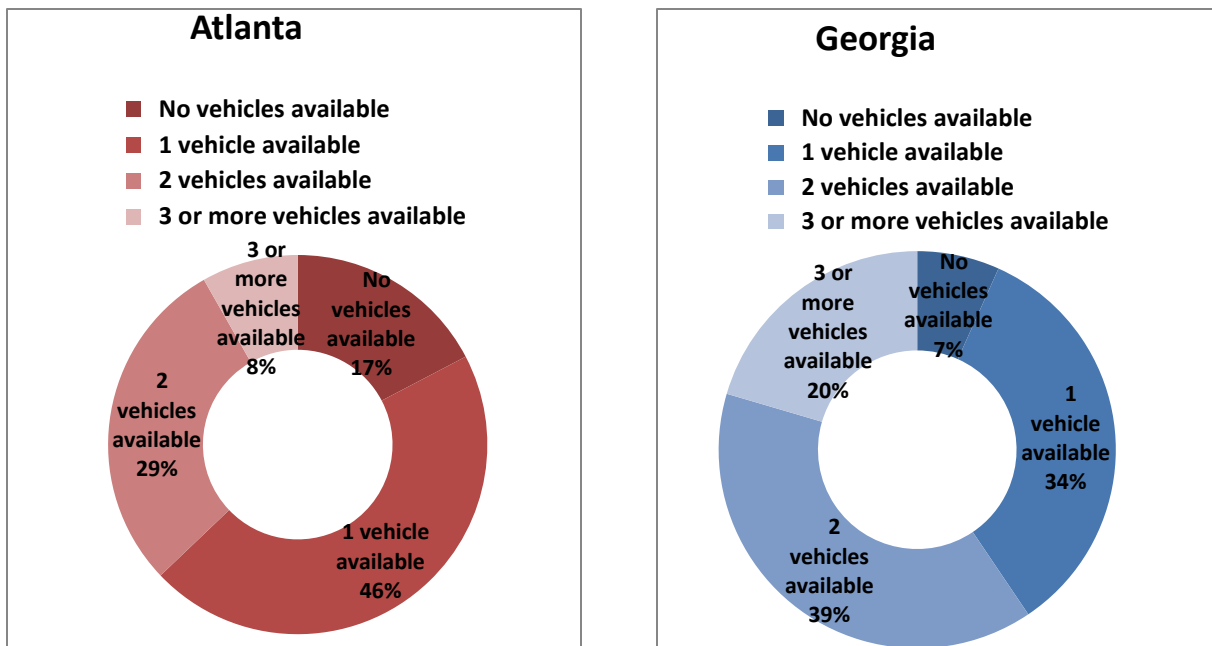


Source: 2009-2011 American Community Survey, Neighborhood Nexus

According to the 2011 ACS, 67 percent of the city’s workers drove to work alone in 2011; 8 percent carpooled; 11 percent took public transportation; 4 percent used other means; and, the remaining 4 percent worked at home. Among those who commuted to work, it took them on average 24 minutes to get to work.

Transportation into, out of, and throughout Atlanta is primarily achieved through a well-developed network of roadway transportation corridors. Major state highways traverse the City including well known Peachtree Road and Ponce de Leon Avenue, and three Interstates (I-20, I-75 and I-85) intersect just south of the downtown business area, while the City itself is circled by I-285. The City has numerous State and County roads, several “parkways” and an un-gridded system of arterial surface streets. Seventeen percent of Atlanta’s occupied households have no vehicle available.

Number of Vehicles Available to Occupied Household Units



Source: 2009-2011 American Community Survey, Neighborhood Nexus

Public transportation is provided by the Metropolitan Atlanta Rapid Transit Authority (MARTA). Part of a regional transit system for the entire mid-north Georgia region, it is a [public authority](#) established in 1971 and operated under Georgia law. MARTA is governed by an eighteen-member board of directors with representation from surrounding counties and the City of Atlanta. MARTA has more than 4,500 employees, is the 9th largest transit system in the U. S. and the largest transit agency in Georgia, serving an average of more than 55,000 passengers a day. The accessible, fully integrated system has 3 transportation modes: bus, rail and

paratransit. With more than 700 buses and 125 bus routes, MARTA buses connect with the MARTA rail which lines running north-south and east-west intersect in downtown Atlanta as the central point of transfer (known as the 5-Points Station). MARTA rail is a 48-mile heavy rail system running at both elevation parallel to major roadways and underground when running inner city; the rail has approximately 350 modern electrically powered rail cars and 38 stations including 28,000 cumulative parking spaces, which provide easy in-town access for bus riders, pedestrians and passengers dropped off and picked up.³⁵

MARTA provides Paratransit Service, known as MARTA Mobility, to eligible persons with disabilities who are unable to board, ride or disembark from an accessible vehicle in MARTA's regular bus or rail services. Service is provided with special lift-equipped vans on a curb-to-curb, shared ride basis. Certified individuals are required to make advance reservations for this service. Same day requests cannot be accommodated. The service is offered on the same days and hours as the regular bus and rail service, but is restricted to the ADA designated service area within Fulton and DeKalb Counties along a 3/4 mile corridor located on each side of all fixed bus routes and in a 3/4 mile radius of each station. The one-way fare is \$4.00 per person. Eligible individuals requiring a Personal Care Attendant that who been authorized by a medical professional may travel with the disabled patron free.³⁶



³⁵ <http://www.itsmarta.com/mobility-guid.aspx>, retrieved on September 16, 2013

³⁶ Id.

Public transportation in Atlanta is noted as sparse and often not available in the northwest sector and suburban areas.³⁷ In the history of MARTA's development, Larry Keating outlines the political and economic struggles that limited rail service to Black areas and the compromise that has led residents of the northwest sector to have to rely on limited bus service.³⁸ See MARTA bus routes schematic at Appendix G.

Since 2008, the City has worked to address a comprehensive transportation plan via its Connect Atlanta Initiative to insure sustained infrastructure, improve existing transit service, promote sustainable travel modes, untangle hot spots, and guide transportation planning.³⁹

III. HOUSING PROFILE

The City of Atlanta is home to approximately 420,000 people and the majority of those citizens live in single family dwelling units. Recently, multifamily residential units have been growing in popularity due to economic conditions, demographic trends, and a return to urban core living. New multifamily housing is being built near job centers in Buckhead and Midtown, but many of the new housing units near the job centers are too expensive for the workforce those job centers employ. Contrarily, there are many parts of the City that provide access to affordable workforce housing, but those locations tend to be farther away from the job centers and may not be near rail transit or are in areas with limited bus lines.

During the downturn in the economy, the City experienced high levels of unemployment, stagnant or low incomes of its residents, a large number of vacant and/or abandoned properties, diminishing incentives, expiring use terms and disruptions in the housing and the capital markets.

Housing by Tenure

According to the 2010 Census, there were 224,573 housing units in the City of Atlanta. Based on the one-year estimate by 2011 ACS, the 2011 number appears to have slightly decreased to an estimated 221,247 with a margin of error of +/- 5,285 indicating that the estimated 3,326 less units is uncertain and not an accurate reflection of current total housing.⁴⁰

³⁷ Georgia State Univ. Urban Health Initiative, Six Months Post-Relocation: Former Atlanta Public Housing Resident Views and Destination Neighborhood Characteristics, July 29, 2011

³⁸ Keating, Atlanta, Race, Class and Urban Expansion, Temple Univ. Press, 2001

³⁹ CDP at p. 59

⁴⁰ 2012 American Community Survey 1-Year Estimate data released September 20, 2013 indicated a total of 224,000 housing units, with 18% vacancy

While the City of Atlanta added almost 38,000 new housing units in the last decade, 2000 – 2010, its vacancy rate rose from 10 percent in 2000 to almost 18 percent in 2010. The inventory of vacant housing more than doubled during the last decade, increasing from about 19,000 in 2000 to more than 39,000 vacant units in 2010. Of the 185,142 occupied units in 2010, 83,154 were owner-occupied (44.9%) and 101,988 were renter-occupied (55.1%). This reflects a slight increase of the rate of homeownership (up from 43.7% in 2000) and a corresponding decrease in the rental tenure (down from 56.3% in 2000).⁴¹

Evidence of an increasing vacancy is seen when the 2012 ACS 1 Year Estimate indicated a loss of 2,142 units occupied (down to 183,000) with 44 percent owner-occupied and 56 percent renter-occupied, and further that 80 percent of householders of these units had moved in since 2000.⁴²

Change in Housing Units 2000 – 2010

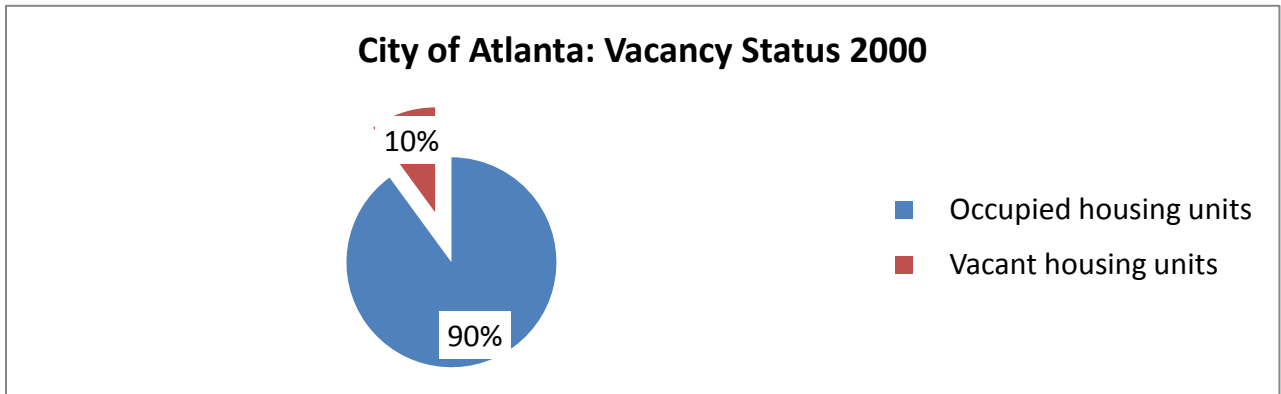
City of Atlanta	2000	2010	Change 2000 - 2010	
Total Housing Units	186,925	224,573	37,648	20.1%
Occupied Housing Units	168,147	185,142	16,995	10.1%
Vacant Housing Units	18,779	39,431	20,653	110.0%
Vacancy Rate	10.0%	17.6%	7.6%	

Source: *Neighborhood Nexus, 2013 based on the U.S. Census*

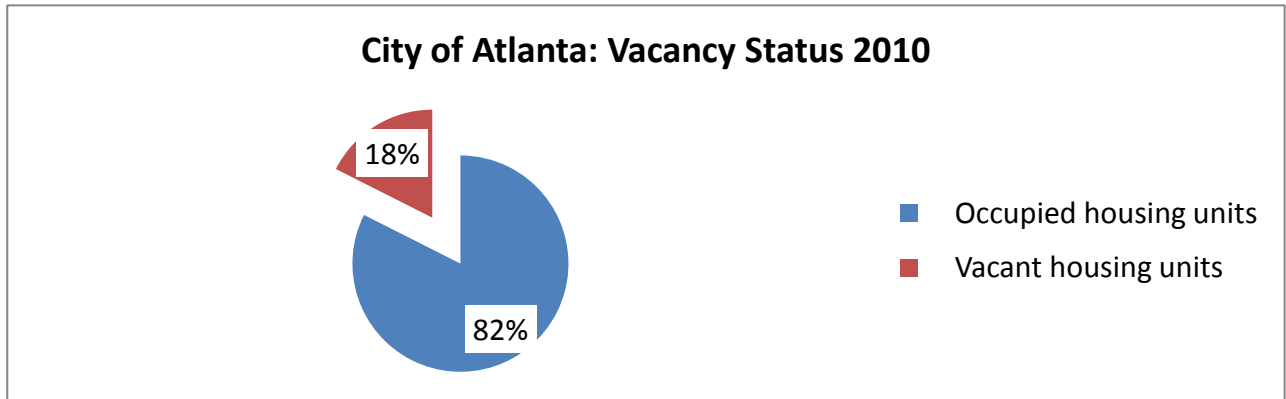
⁴¹ <http://www.census.gov>

⁴² Id. at 2012 ACS

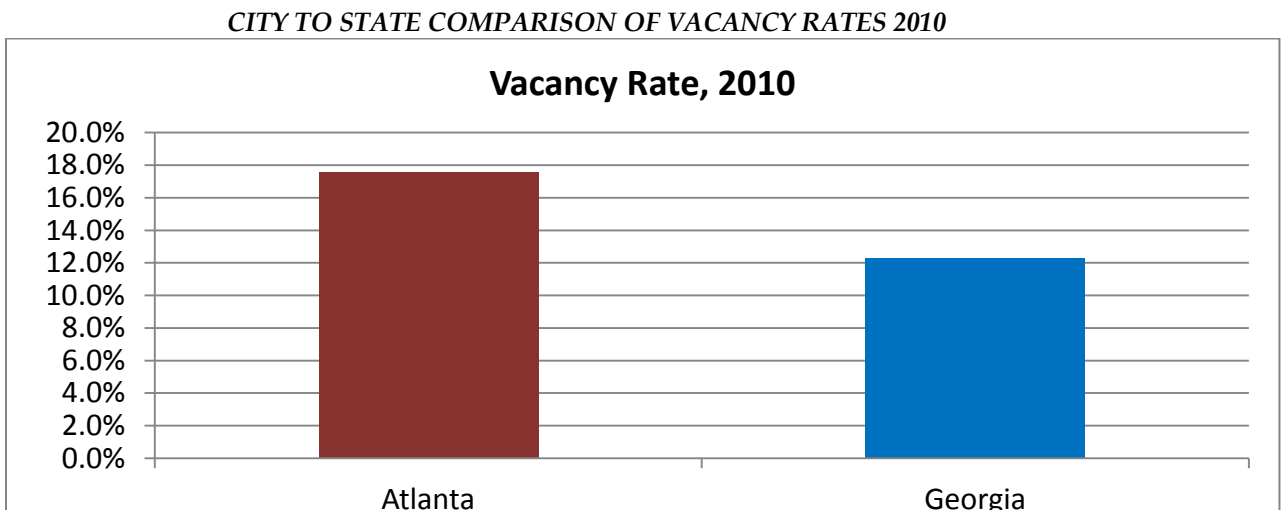
DECENNIAL CENSUS CHANGE 2000 -2010



Source: 2000 U.S. Census



Source: 2010 U.S Census, Neighborhood Nexus, 2013



Source: 2010 U.S Census, Neighborhood Nexus, 2013

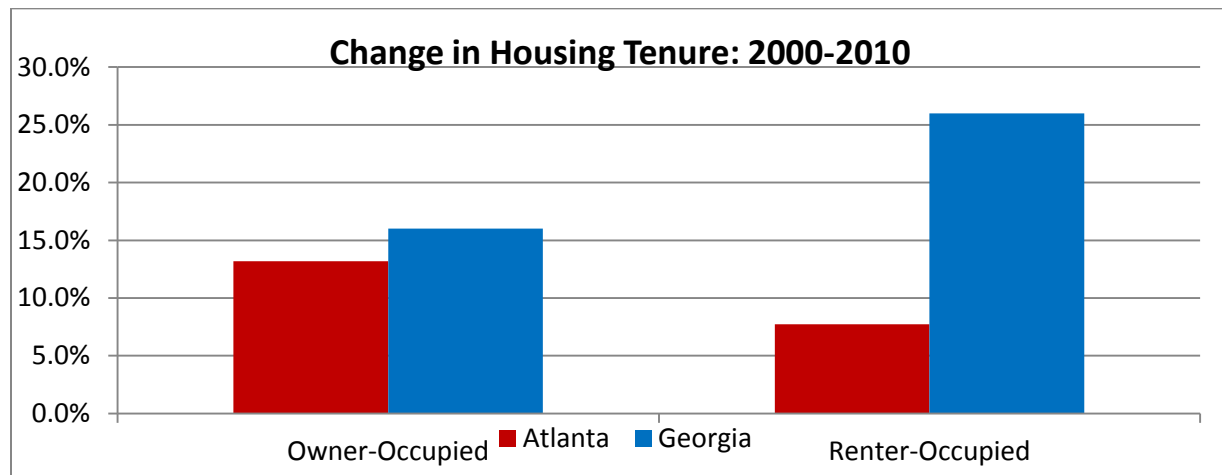
As of 2010 the City of Atlanta had more renter-occupied units (101,988) than owner-occupied units (83,154), in contrast to the State with 2.35 million homeownership units and 1.23 million rental units.

**Changes in Tenure Comparing City and State
2000 - 2010**

	2000		2010		Change, 2000 - 2010			
	Owner	Renter	Owner	Renter	Owner		Renter	
					#	%	#	%
City of Atlanta	73,473	94,674	83,154	101,988	9,681	13.2%	7,314	7.7%
Georgia	2,029,154	977,215	2,354,402	1,231,182	325,248	16.0%	253,967	26.0%

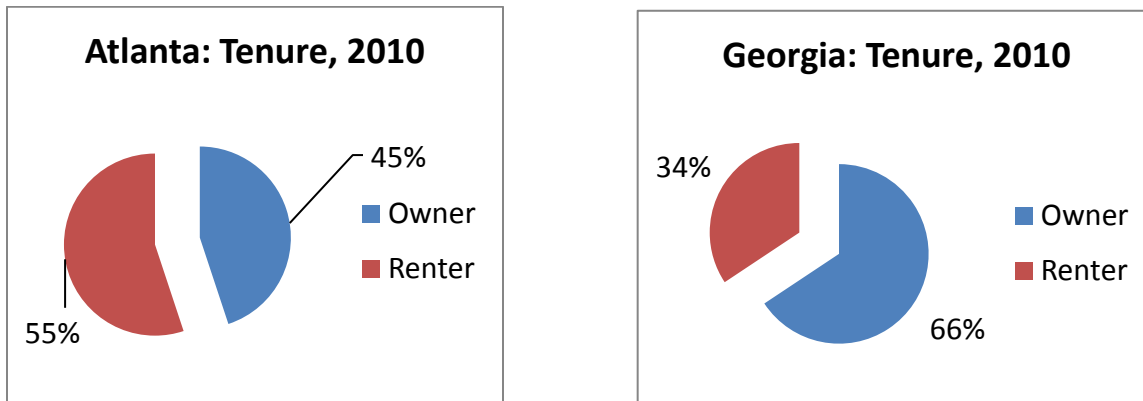
Source: *Neighborhood Nexus, 2013*

Over the decade the City experienced an approximate 13 percent increase in owner-occupied housing compared to an 8 percent increase in rentals, while the State saw a significant increase in renter-occupied units (26%) compared to a 16 percent increase in homeownership.



Source: *2000 & 2010 U.S Census, Neighborhood Nexus, 2013*

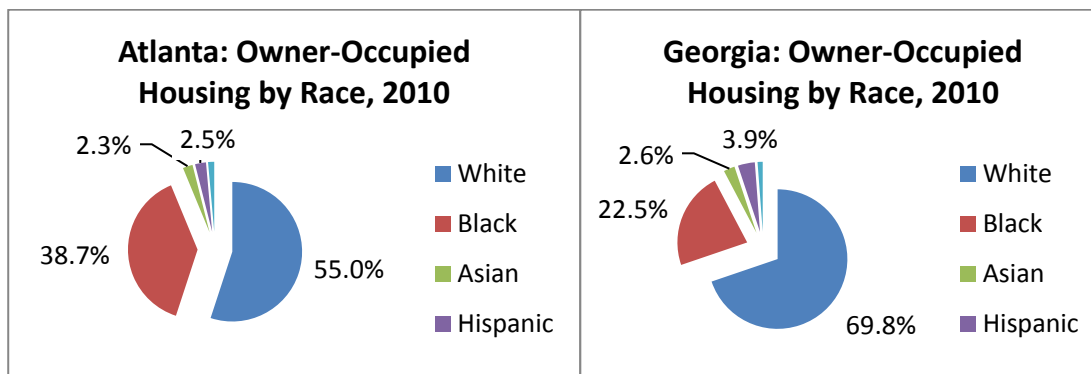
As of 2010 forty-five percent of Atlanta’s housing units were owner-occupied, compared to 66 percent of the State’s. Fifty-five percent of the City’s units were rentals, compared to 34 percent of the State’s.



Source: *Neighborhood Nexus*, 2013

Housing Tenure by Race

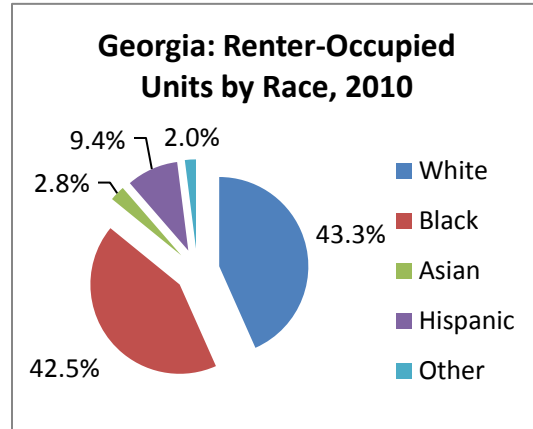
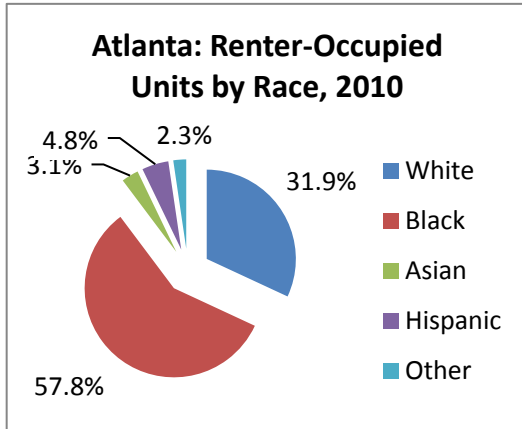
Despite having 53.4 percent Black population, approximately 39 percent of owner-occupied units are owned by Black householders in the City, with Whites at 55 percent, Hispanics 2.5 percent, and Asians 2.3 percent. Similarly, Blacks constitute approximately 30 percent of the state’s population while owning 22.5 percent of owner-occupied units, compared to 69.8 percent by Whites, 3.9 percent by Hispanics and 2.6 percent by Asians.



Source: 2009-2011 American Community Survey, *Neighborhood Nexus*, 2013

In terms of renter-occupied units, the race/ethnicity of the householder closely mirrors the overall racial composition in the City, with 57.8 percent Black, 31.9% percent White, 4.8 percent Hispanic and 3.1 percent Asian. In the statewide comparison, while Blacks constitute approximately one-third of the population, renter-occupancy rates

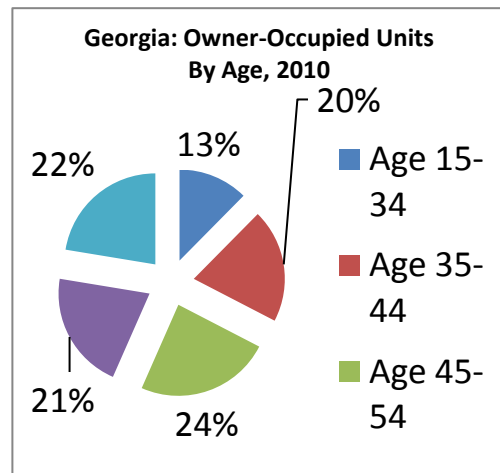
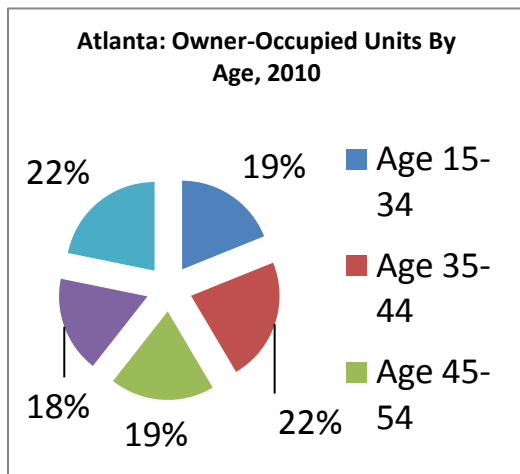
are 42.5 percent, compared to 43.3 percent for Whites, 9.4 percent for Hispanics, and 2.8 percent for Asians.



Source: 2010 U.S. Census, Neighborhood Nexus, 2013

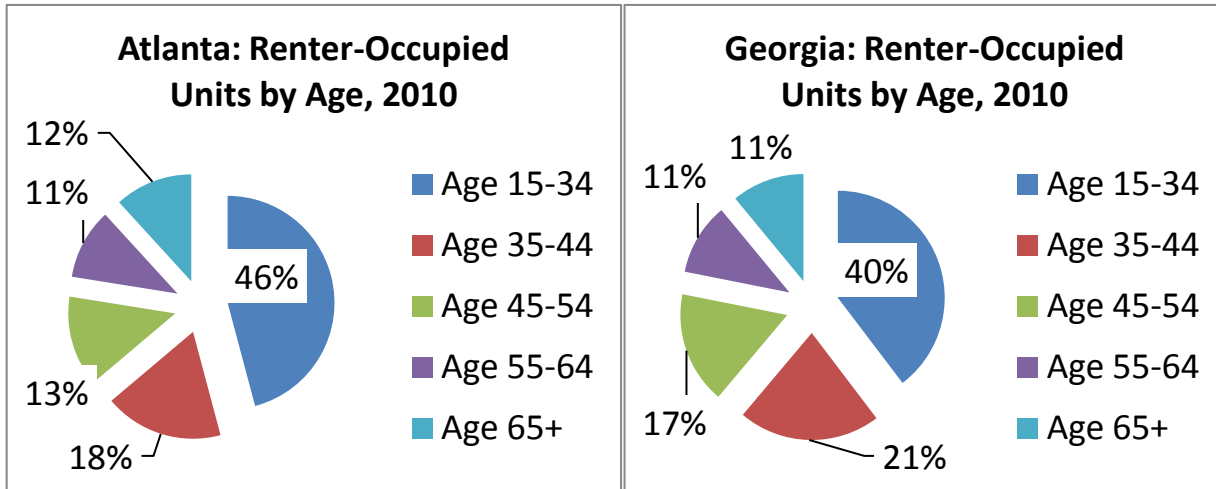
Housing Tenure by Age

Younger cohorts are much more likely to be homeowners in the City of Atlanta than in the State. Approximately 41 percent of all owner-occupied units are headed by someone younger than 45. By statewide comparison, only 33 percent of owner-occupied units are headed by residents under 45.



Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

Regarding rental units, the City is similar to the State in terms of age distribution of households, except that a slightly higher percentage of renters are younger than 45 in the City compared to the State.



Source: 2010 U.S Census, Neighborhood Nexus, 2013

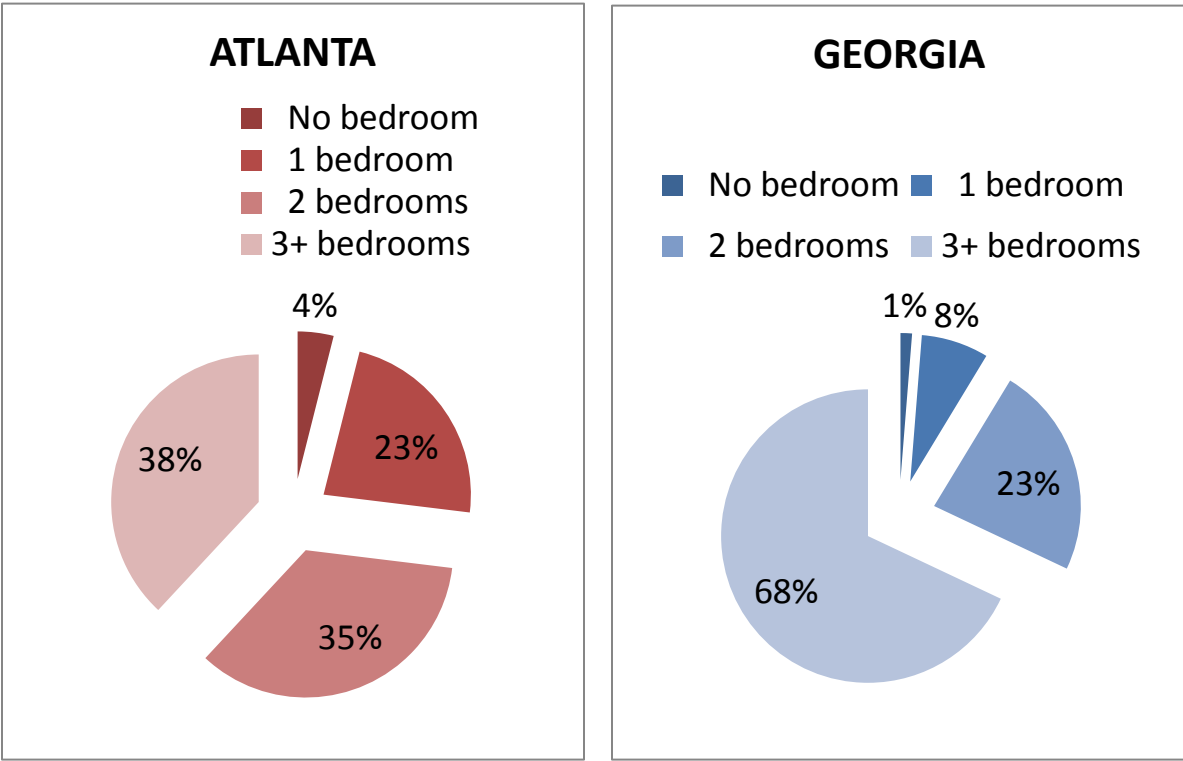
Household Tenure by Income

According to the City's 2011 Comprehensive Development Plan, Atlanta households exhibited a wide range of incomes around the 2008 median area income of \$47,464, asserting that approximately 12 percent of households earn less than \$10,000; approximately 25 percent earn \$10,000 to \$25,000; 37 percent earn \$35,000 to \$100,000; and 24 percent of households earn over \$100,000. Due to the high cost of housing and the extreme affordability gaps, few low-income families can afford to own their home. As a result, middle- to upper-income families make up 80 percent of the homeownership market, while extremely low-, very low- and low-income families account for 50.5 percent of all rental housing in Atlanta.⁴³

Housing Unit Characteristics

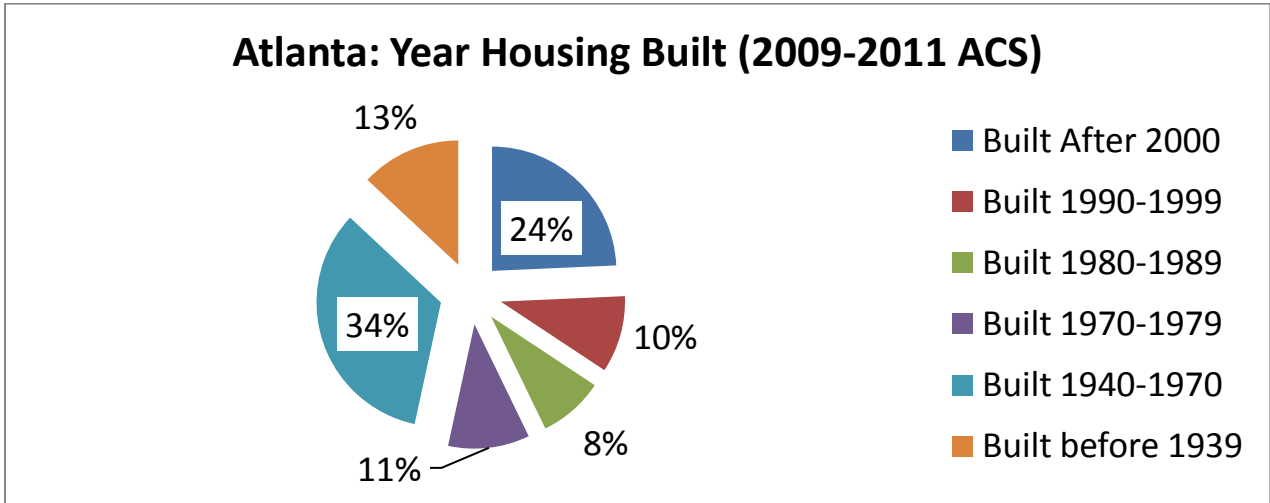
Studios or one-bedroom units (serving solo households) constitute 27 percent of the City's household units, supporting the 46 percent of the population who live alone, compared to 9 percent in the State. Thirty-eight percent of the units in the City have 3+ bedrooms, compared to 68 percent in the State.

⁴³ CDP at p.100



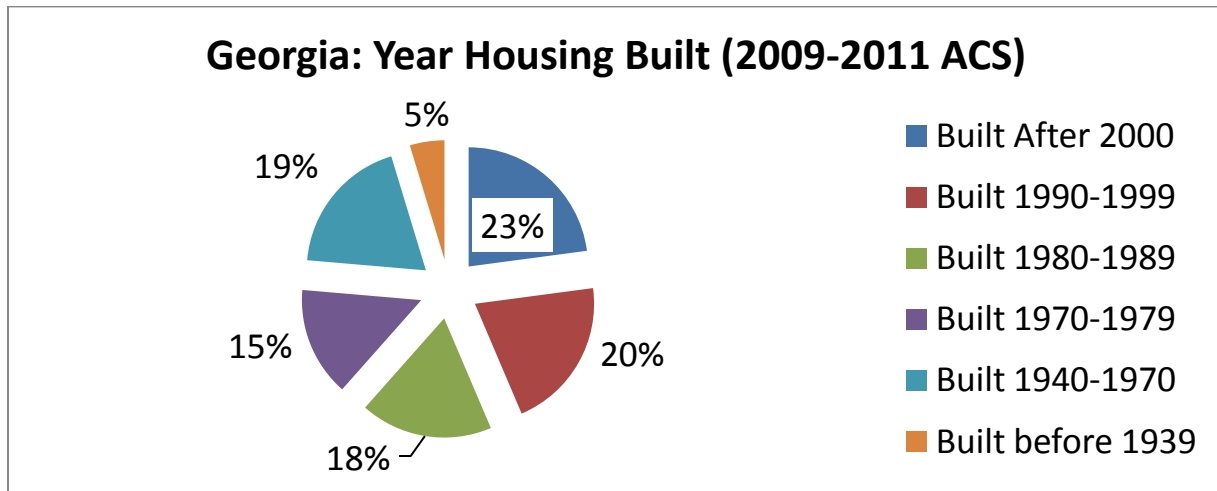
Source: 2009-2011 American Community Survey by Neighborhood Nexus, 2013

The City has a much older housing stock than does the State of Georgia. Approximately 47 percent of all housing units in Atlanta were built before 1970, of which 13 percent were built before 1940, compared to 24 percent built before 1970 of which 5 percent were built before 1940 in the State.



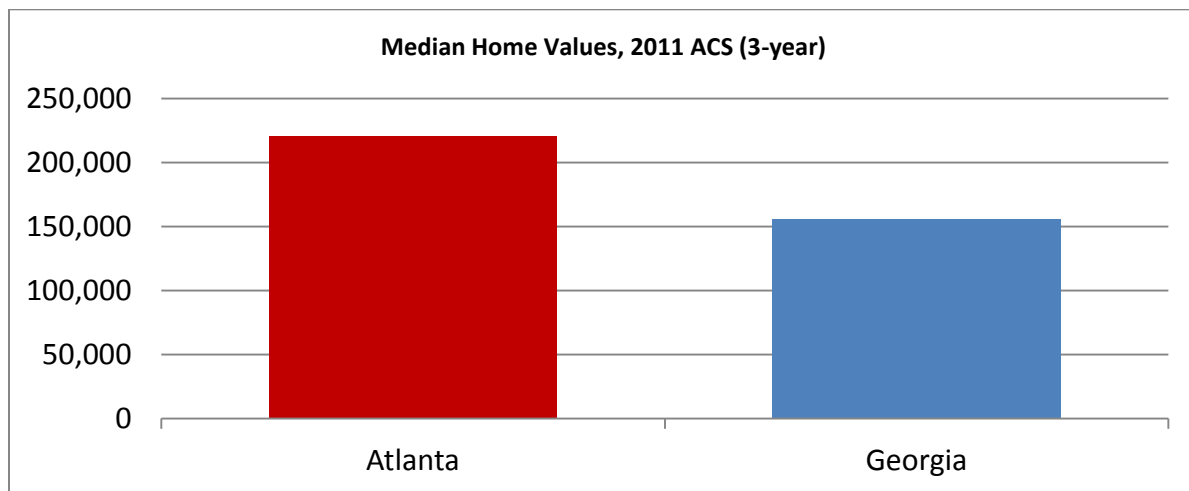
Source: Neighborhood Nexus, 2013

New housing production since 2000 is nearly equal for Atlanta (24 percent) and the State (23%).



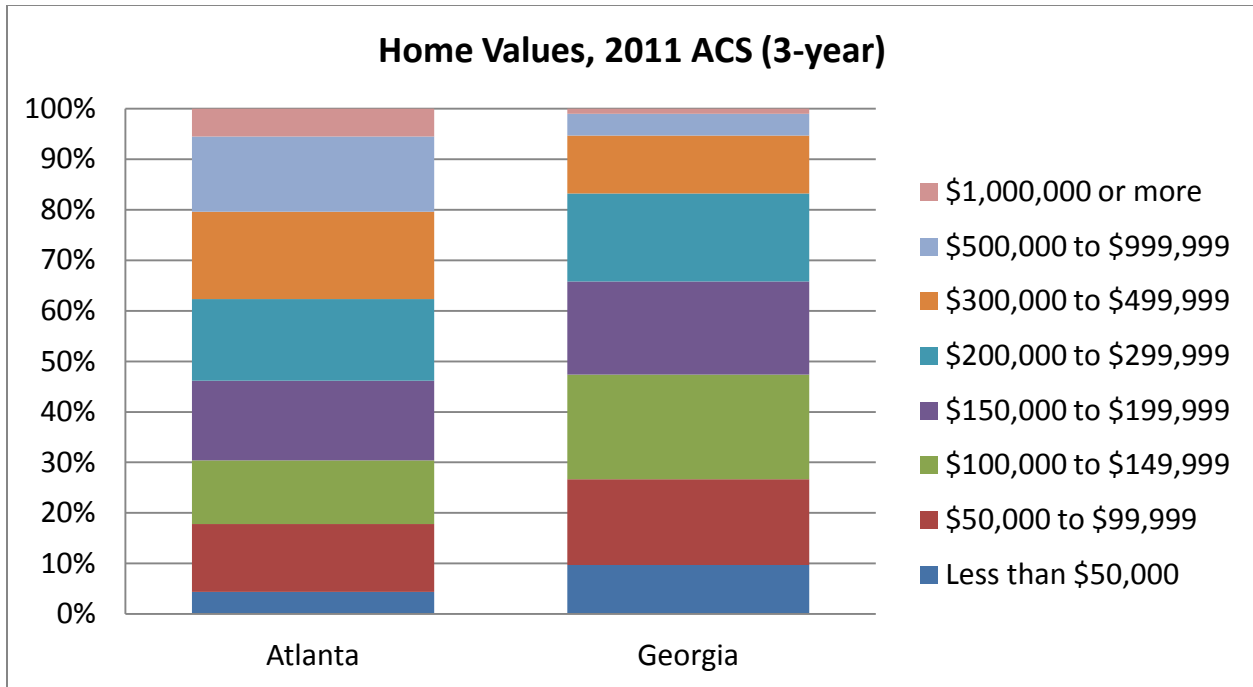
Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

The chart below compares the City's and the State's median home values (based on the U.S. Census, 2011 3 Year Estimate), with Atlanta's values significantly higher (approx. \$220,000) than Georgia's (approx. \$151,000).



Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

Approximately 20 percent of homes in the City are valued at \$500,000 or greater, compared to 5 percent in the State as a whole. Almost 5 percent of the City's homes are valued at less than \$50,000, compared to 20 percent of the State's homes.



Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

Housing Affordability

For purposes of this Analysis, housing affordability refers to the amount which a household can afford to pay for housing. The standard utilized by most governments and lending institutions is that a household should not spend more than 30 percent of their gross monthly income on housing costs. Thus, housing affordability is calculated by applying 30 percent of an individual or family’s income towards household expenses.

According to the City’s 2010-2014 Consolidated Plan, significant characteristics of the housing market have rapidly changed based on the economic recession which began in the second half of 2007. As unemployment rose and banks defaulted with record breaking foreclosures, few sales and little new construction, the City’s housing values declined overall from 14 percent to 20 percent. As detailed in the Consolidated Plan, by 2010 there were thousands of foreclosures and many vacant structures that, though vandalized, remained suitable for rehabilitation.

Initially identifying the subprime lending crisis as the root cause, the Consolidated Plan states that foreclosures in 2010 were due more to the overall slow economy and

the loss of jobs, credit and home sales.⁴⁴ Moreover, only 55 percent of the population age 16 and older was employed and 35 percent was not currently in the labor force according to the 2010 Census and the ACS Survey 1-year estimate.

In the analysis of affordable homeownership, standard lending guidelines (housing payment-to-income ratio of 28 percent-33 percent) are utilized to arrive at the affordable home price. Conventional financing terms are applied (fixed 30-year mortgage with a 5 percent down payment at current average interest rate (4.5%)) with an estimate of taxes and insurance included. Private mortgage insurance (often required if one's down payment is less than 20 percent of the purchase price) and debt ratios are not factored into the housing affordability calculations.

As set forth in the 2011 Comprehensive Development Plan relying on 2008 data, the calculation for housing costs is analyzed based on socio-economic characteristics as follows:

The median household income for the Atlanta MSA in 2008 was \$60,862; yet for the City of Atlanta alone, the median household income was one-fifth lower at \$48,865. Within the population with housing needs, the lower the household income the more likely that household will have cost burdens as it relates to rent, mortgage, and other expenses.⁴⁵

A household earning the area median income (\$46,466 based on 2012 census) in the City can afford \$1,162 in monthly rent & utilities or can purchase a house or condominium between \$125,000 and \$139,398 including taxes & insurance depending on conservative or aggressive loan standards.

An individual earning the median wage (\$43,000 -55,000) in the City of Atlanta can only afford to pay \$1,075 - \$1,375 each month in rent and could purchase a home between \$110,400 and \$144,000 depending on conservative or aggressive loan standards.⁴⁶

While the standard rule of thumb used to be that one could afford to purchase a home three times your income, the high price of property tax and insurance has severely limited a homebuyer's capabilities. Atlanta's property tax draws from three levies: Operating Levy, Bond Levy and Parks Levy. Of the Operating Levy the City takes 21 percent of the property tax with the remaining 79 percent supporting the

⁴⁴ City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov.2009) at p. 36

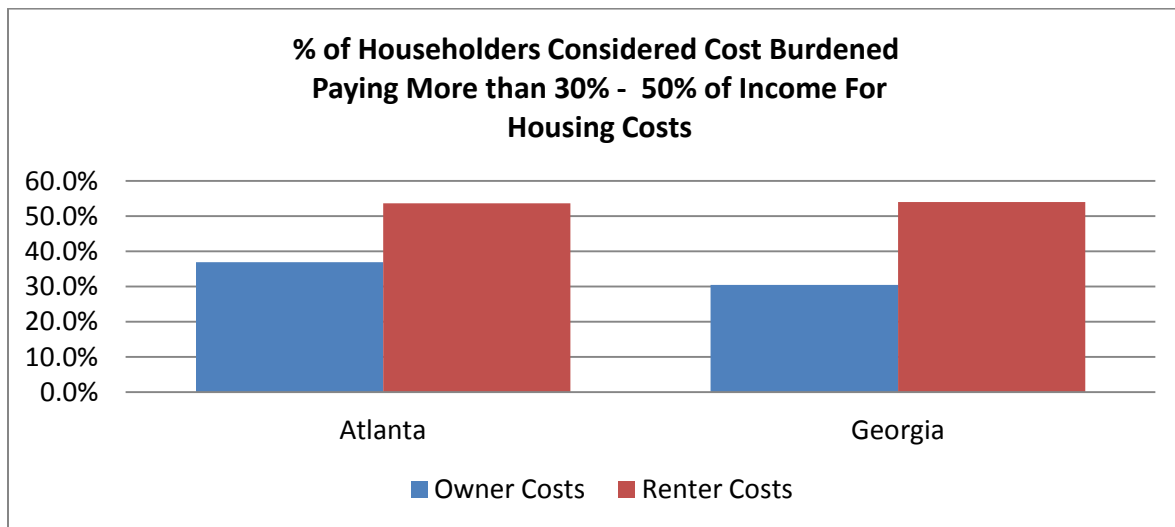
⁴⁵ CDP at p.100

⁴⁶ The above calculations are based on 2.8 and 3 times annual income minus a \$10,000 reduction for tax, insurance and utilities.

Atlanta Public School System (54%), Fulton County (24%) and the State of Georgia (1%). The City of Atlanta had rolled back the property tax rate each year from 2003 – 2007, dropping 18 percent (1.94 mills) since 2002. However, the 7.12 millage rate in 2008 jumped to 10.24 mills in 2009 with no changes since that year. The millage rate is a factor that, when applied to the appraised value of a parcel of property, determines the tax due. A mill equals \$1 of tax for every \$1,000 of value.

More aggressive lending standards or second mortgages could be applied in either scenario to allow the individual or family to qualify for a larger mortgage. However, with the collapse of the subprime lending market and the rise of foreclosures across the nation, lending institutions have tightened their mortgage standards, resulting in less available credit for homeowners. Consequently, all future calculations in this analysis will be based on conservative estimates (housing payment-to-income ratio of 28%). Other variables effecting affordability are interest rates, closing costs, down payment and debt-to-income ratios.

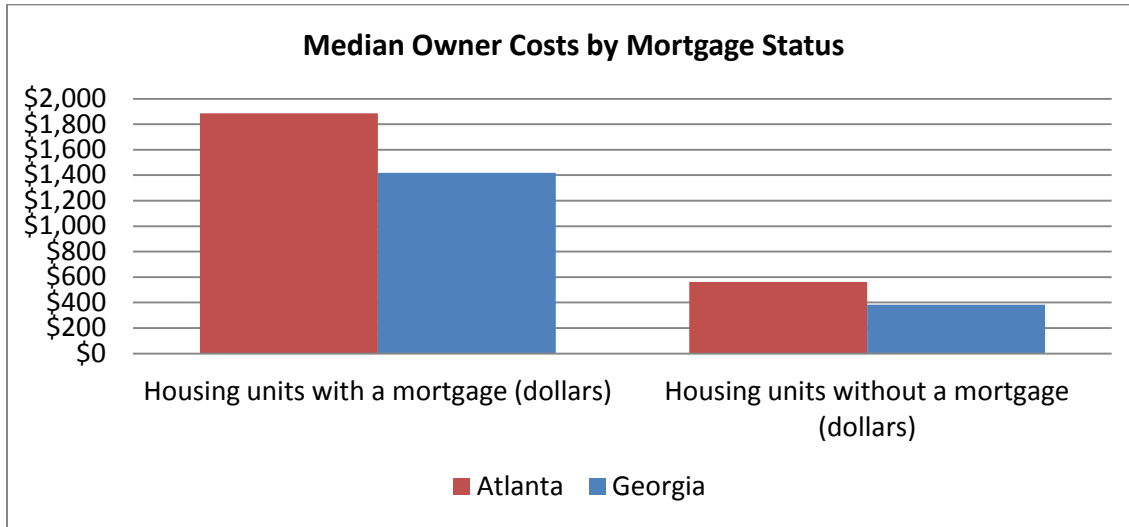
About 36 percent of the City’s homeowners pay more than 30 percent of their income on housing costs, a slightly higher percentage than found in the State (30%). Renters in the City and the State are equally affected, both with significantly higher cost burdens, spending more than 50 percent of their incomes.



Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

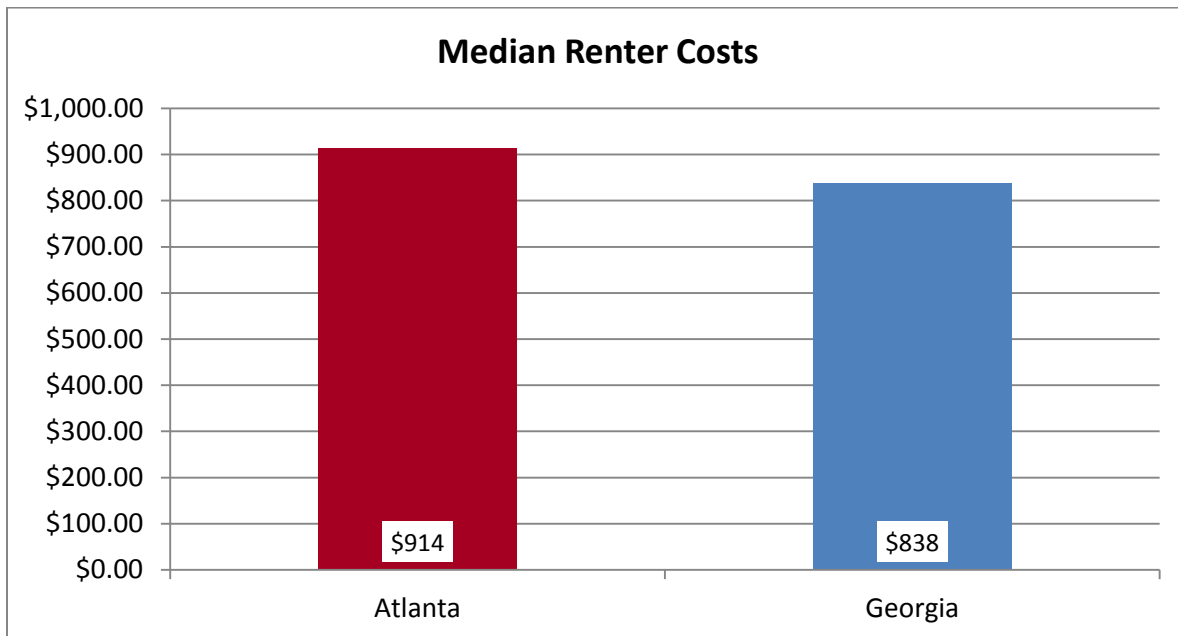
For owners with a mortgage, median housing costs are significantly higher in the City (\$1,800+) than in the State (\$1,400). For owners without a mortgage, those costs are

significantly lower, at approximately \$500+ for City owners and nearly \$400 for State owners.



Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

Median renter costs are slightly higher in the City (\$914) than the State (\$838).



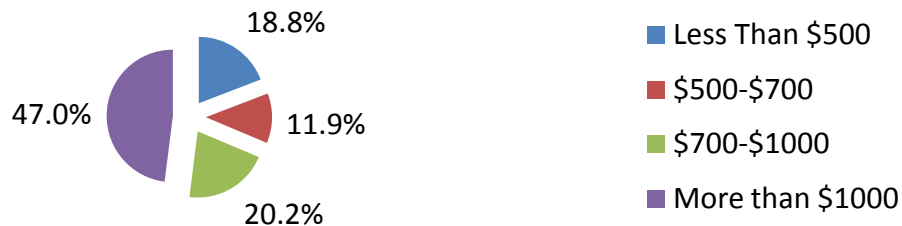
Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

Overall for all occupied housing units, 54 percent of Atlanta residents are paying more than \$1,000 per month in housing costs, compared to 47 percent of Georgians.

Atlanta: Monthly Housing Costs, All Occupied Units



Georgia: Monthly Housing Costs, All Occupied Units



Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

Affordability Gap by Housing Type and Income

In today's market, the subsidy needed, to move-in a family, is far above the amount available through traditional government programs. Further, financial support is now needed to move moderate income families—who are not generally covered under government programs—into homes.

Within the 30 percent rule of thumb, the increase in housing price has increased taxes and insurance and decreased affordability. The estimated taxes and insurance for a median priced single family house⁴⁷ could exceed \$3500 per year. Further, previous lending standards allowed homebuyers to expend up to 50 percent or more of their income on housing costs. Today's stricter regulations have brought about a "credit crunch", and many institutions are following the debt-to-income standard of only 28 percent.

An affordability gap is based on the median sales price for a single family home (\$228,000) and the median rent (\$914/month) in Atlanta.⁴⁸ Conservative lending

⁴⁷ Based on the 2007-2011 estimate of \$228,000 as the median value of owner-occupied housing unit found at <http://quickfacts.census.gov/qfd/states/13/1304000.html>

⁴⁸ <http://census.gov>, 2009-2011 ACS

guidelines (housing payment-to-income ratio of 28%) and conventional financing terms are applied (fixed 30 year mortgage at 4.5% interest with a 5% down payment). Estimated property taxes are derived from the City of Atlanta’s 10.24 millage rate; average property insurance rates can be found at www.shopandcomparerates.com.

Supply and Demand Assessment

Georgia is one of the more affordable areas of the country – unlike the high priced markets in Florida, California, Hawaii and New York. Yet, in the City of Atlanta, the median priced single family home is 4.9 times greater than the median income (a normal median home value to median household income ratio should be closer to 3:1). The imbalance between the supply and demand has fluctuated substantially since 2000, with housing values decreasing by 14 percent-20 percent and incomes increasing by only 1.3 percent for all of Atlanta.

Since the Olympics in 1996, home prices had consistently increased within the City. Since the Recession, however, home prices have dropped some 45 percent since 2006. Previously, Atlanta households had benefitted from double-digit appreciation rates on their property. However, according to the market rates tracked by Zillow.com, a real estate web listing service, the median market price of a single family house declined significantly from 2006 to 2012 and showed some stabilization and slight improvement in the examined period of 2013.

Median Single Family Value, City of Atlanta (Aug, 2006 - Aug, 2013)

2006	2007	2008	2009	2010	2011	2012	2013
\$203,000	\$197,700	\$162,000	\$138,600	\$122,600	\$115,800	\$106,800	\$111,600

Source: Zillow.com

As stated above, according to the 2011 ACS, the median value of owner-occupied housing units in the City was \$228,000. Thus, comparing the census estimate to the reported local market value demonstrates the uncertainty in real estate and is reflective of the continuing adverse effects of the recent economic recession.

Cost Burdened

As a result of the supply and demand imbalance, many potential homeowners have been priced out and few can afford current prices. In order to compensate, households are increasingly spending a disproportionate amount of their income on housing. A household is considered “cost-burdened” if more than 30 percent of their income is spent on housing and extremely cost-burdened if more than 50 percent of

their income goes towards housing costs.

According to the 2012 ACS, the median monthly housing cost for mortgaged owners was \$1,719; non-mortgaged owners, \$580; and, renters, \$940. Thirty-five percent of owners with mortgages, 20 percent of owners without mortgages, and 53 percent of renters in Atlanta spent greater than 30 percent of the household income on housing, and are considered cost burdened.

Economic Sustainability

According to the City's 2011 Comprehensive Development Plan, during the current recession Atlanta has lost 44,904 jobs (or 10.6%) since 2007.⁴⁹ Atlanta has experienced the State's biggest increase in cost of living over the past year (2011). The lack of affordable housing options has forced many families to live in inadequate conditions, spend a disproportionate amount of their income on housing costs, and/or commute long distances to and from work. Approximately 46 percent (81,269 households) of the City's population was identified as cost burdened and/or living in overcrowded or other substandard housing conditions.⁵⁰

Summary of Barriers to Affordability

According to the 2010-2014 Consolidated Plan, the following public policies and private market conditions affect affordable housing production in Atlanta:

Value to Income Disparity - Already one of the least affordable markets in the 10 county metropolitan area, the imbalance between Atlanta housing supply and demand has waxed and waned since 2000. Between 2007 and 2012 the market rate of housing values decreased by 14 percent-20 percent and incomes increased by only 1.3 percent for Atlanta over the past decade. Based on the market rate, this still results in a median priced single family home being 2 times greater than the median income.

Loss of Affordable Units - The inventory of affordable housing is uncertain - primarily as a result of market collapse, conversions of rental units to condominiums and deterioration. The high property values experienced until 2007 crashed dramatically with decreasing property values by 2012 of 14 percent-20 percent. Combined with the economic recession and sub-prime lending defaults, the Atlanta housing market has experienced double digit vacancy rates. Further, damage and deterioration often associated with older or less expensive housing has diminished the stock of safe, decent, affordable housing. Reported in the 2010-2014 Consolidated

⁴⁹ CDP at p. 39

⁵⁰ Id. at p. 98

Plan, in 2003, a total of 42,315 units were identified as substandard meaning that the unit does not meet HUD's housing quality standards or the Atlanta housing code. Nearly 1/3 of Atlanta households were identified as either cost burdened, or lack heating, plumbing or adequate kitchen facilities. Another 30,000 units in Atlanta are over 25 years of age, placing them at greater risk of lead paint hazards, deferred maintenance issues, and storm damage.⁵¹

From December 2011 to August, 2012, the City conducted a windshield survey of its residential housing stock which found that based on the exterior conditions concluded that of 125,022 structures surveyed, 78.1% were in good condition with 17.9% fair, 2% poor and 1.1% deteriorated.⁵²

Cost of Development - Land prices had been escalating until the recent recession.⁵³ Atlanta land is at a premium due to the lack of buildable sites and still high acquisition costs. Even in a recovering real estate market it is difficult to locate affordable sites for development and there are few suitable sites of significant size to financially encourage developers of affordable housing to renovate existing units⁵⁴. Further, the high cost of materials and construction make it challenging to build affordable housing without deep government subsidies or profit losses. As a result, developers have primarily built high end, luxury products (which are not affordable to the general population) in the Downtown, Midtown and Buckhead areas over the past decade.

High Cost of Living - The cost of living in Atlanta (housing costs, expenses for food and beverages and gas and transportation) rose significantly as well as property taxes and insurance. As property values increased, so did the property taxes particularly for new home buyers -putting a strain on families who have recently moved or do not qualify for any exemption or cap on property tax increases.

Lack of Incentives - High crime areas with inadequate code enforcement have also been recognized as barriers to affordable housing.⁵⁵ Since the areas available for affordable housing are most often available in poorer areas of the City, these two issues impact the quality of life for any new residents. Further, the subsidies needed in today's marketplace are far above the amount available through traditional government programs. The gap between the actual cost of housing and the amount that most families in the City can afford is extensive. In fact, most low income

⁵¹ 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) at p. 5

⁵² DPCD website, Strategic Community Investment Report, 2013

⁵³ Id. at p. 40

⁵⁴ Id.

⁵⁵ Id.

families would not qualify to purchase the median priced single family house or condominium.

Government Regulations - Government regulations and requirements play a major role in real estate development. Land use policies and zoning provisions dictate the type and density of housing; permit and code approvals direct project time lines; and impact fees determine price costs. All play a critical role in the affordability of a development. Each policy can either add significantly to construction costs (and subsequently increase housing values) or if utilized correctly, can provide incentives for certain building types (i.e. affordable housing). For example, a barrier may arise where the zoning requirements are strict, i.e., as for supportive housing which must be located with certain distance requirements from each other and must obtain neighborhood support. Such requirements may discourage development in general. Additionally, costly City building requirements exceed the costs of the same building constructed in nearby unincorporated areas and the overall permitting process for any construction are seen as lengthy and complicated.⁵⁶

Private Lending - The infusion of credit during the housing boom spurred the subprime lending market and encouraged aggressive and often unscrupulous lending practices. Low-income families who could not qualify for standard mortgages were the primary victims of predatory lending. As the interest rates on adjustable-rate loans reset, many are having difficulty affording the inflated payments. The result has been a significant increase in the number of foreclosures and contributed to the near 20 percent vacancy rate in today's housing market. According to Equity Depot, foreclosure filings jumped 23 percent between 2007 and 2010 in the City. Since then, filings have declined 35 percent.

Reacting to the rise of foreclosures and the closure of many unregulated mortgage companies, lending institutions have begun to reevaluate risky loans and tighten their lending standards. The Federal Reserve Board noted as early as July, 2007, that 14 percent of domestic banks tightened their lending standards on prime residential mortgages, 40 percent increased standards for nontraditional mortgage products and 56 percent restricted subprime lending. The likely result is less available credit for homeowners. The recent credit squeeze makes it particularly difficult for low-income families to qualify for a mortgage. Further Atlanta still finds that banks, insurance companies and land owners still discriminate based on racial and ethnic characteristics.⁵⁷

⁵⁶ Id.

⁵⁷ Id.

Fair Housing Implications:

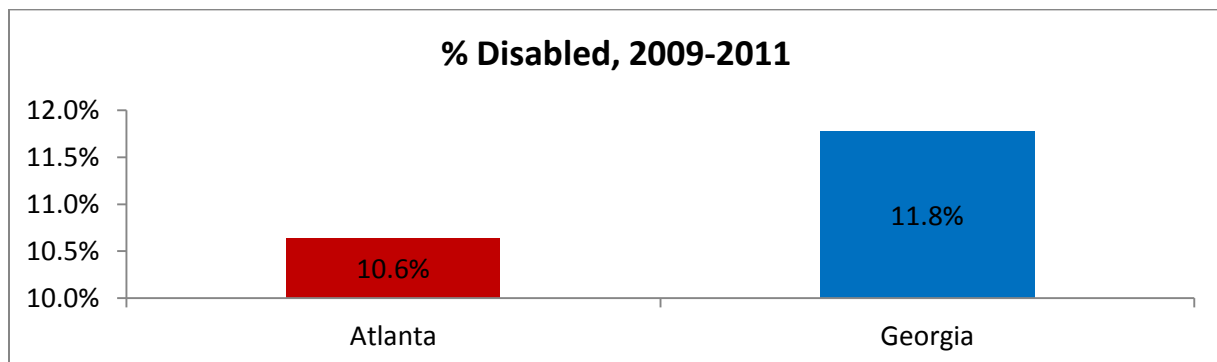
Limited availability of affordable housing allows landlords and owners to be more selective when renting and selling, opening the door to discriminatory housing practices. Publicly funded or subsidized housing opportunities must be affirmatively marketed to ensure availability to residents of all communities.

Housing Needs of Persons with Disabilities

Disability Status

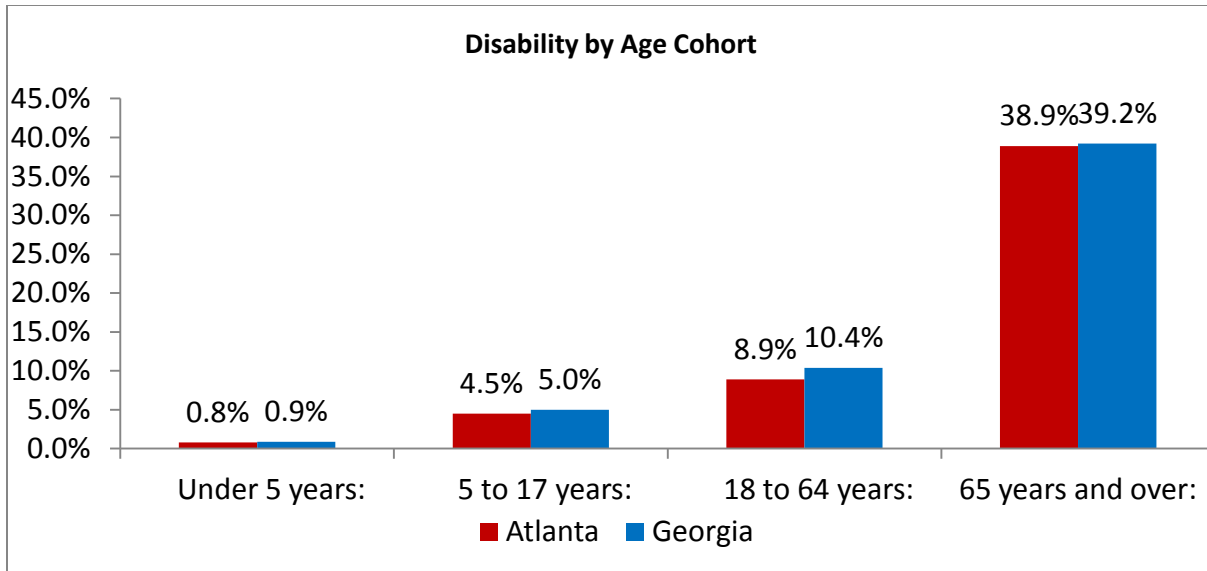
If an AI identifies barriers to affordable housing that are also impediments to fair housing choice, the AI and AFFH narratives within submissions must explain how potential barriers to affordable housing disproportionately impact persons in protected classes.⁵⁸ In addition to the barriers to affordable housing, persons with disabilities are often faced with the difficulty of finding accessible housing.

The City of Atlanta has a lower percentage of its population with some disability (>10.5 percent) than does the State of Georgia (>11.7 percent). Nearly 40 percent of both the City's and State's residents with a disability are 65 years of age and over.



Source: *Neighborhood Nexus*, 2013

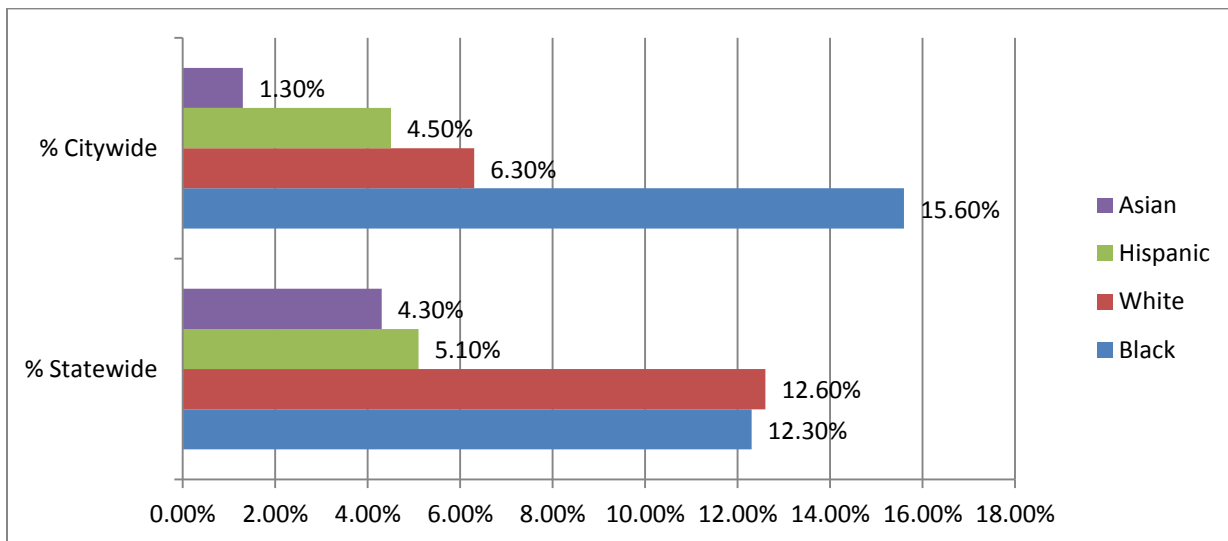
⁵⁸ HUD Letter of Findings of Noncompliance, City of Atlanta, case # 04-12-R002-F, dated July 12, 2012, at p. 11



Source: 2009-2011 American Community Survey

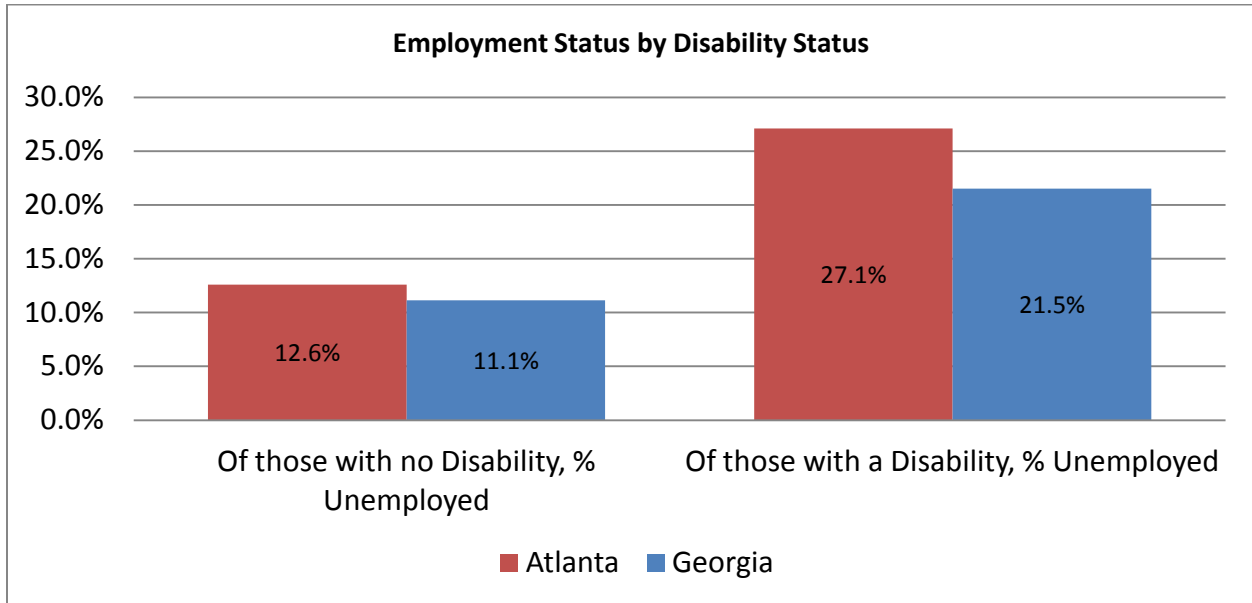
Although the City has lower overall rates of disability than does the State, Blacks are slightly more likely to have a disability in the City (15.6 percent) than they are in the State (12.3 percent). Conversely, Whites in the State of Georgia are more than twice as likely 12.6 percent) to have some disability as they are in the City (6.3 percent). Hispanics with some disability in the City (4.5 percent) is close to the 5.1 percent identified statewide. Asians with some disability are reported at 1.3 percent in the City but have an estimated 4.3 percent statewide.

Disability Percentages by Race In the City compared to the State



Source: 2009-2011 American Community Survey

The percentage of persons unemployed is significantly higher for those with a disability, for both the State and the City, than for those with no disability. Unemployment for persons with no disability is less than 13 percent for both City and State residents. Unemployment among persons with a disability is approximately 27% for Atlantans and 22% for Georgians.



Source: 2009-2011 American Community Survey, Neighborhood Nexus, 2013

According to the 2011 ACS, Atlanta had an estimated 44,346 persons living with disabilities, accounting for 11 percent of the total population, with the greatest percentage affecting elderly persons (39 percent); 3 percent under 18 years of age; 9 percent 18 to 64 years of age. These disabilities range widely in type and severity and may have varying impacts on people's lives.

Age	Total Civilian Noninstitutionalized Population	With a disability	% Disabled
Total	416,839	44,346	11%
under 18 years	81,517	2,641	3%
18 to 64 years	295,656	26,270	9%
65 years and over	39,666	15,435	39%

Source: 2009-2011 American Community Survey

Types of disabilities registered in the U.S. Census include: sensory, physical, mental and self-care. Many individuals may struggle with more than one type of disability.

In Atlanta, a significant number of the disabled population is unemployed and lives below the poverty level. These persons may find it extremely difficult to transcend their poverty. Depending on the severity of the disability, an individual may have trouble maintaining a steady job or place of residence. According to the 2011 American Community Survey, approximately 27 percent of working age persons with disabilities is unemployed. The 2010 - 2014 Consolidated Plan reports an "Out-of-Reach" study conducted by Pelletiere, Wardrip and Crowley (2009) that shows a household in metro Atlanta must earn \$2,927 per month or \$35,120 per year to afford a two-bedroom unit at fair market rent to stay within 30 percent of their income for rent and utilities. However, a single disabled person receiving supplemental security income (SSI) receives about \$674 per month, or \$8,088 per year, and could only afford \$202 a month for rent (to stay within the 30 percent income rule for housing), thus the affordability gap would be \$587 monthly.⁵⁹

In general, it is difficult to quantify the exact housing needs of the disabled population. Many individuals require little or no assistance in maintaining independence. Others require special attention and the care of professionals. With high levels of unemployment and poverty, people with disabilities have decreased buying power and ability to secure their own homes, whether through home ownership or rental. It is essential to ensure the availability of accessible and affordable housing choices for this special needs population (see the discussion under sections *Fair Housing Litigation Filed, Metro Fair Housing Services*, regarding the findings and recommendations of the 2011 public policy report on the housing needs of people with disabilities in the state of Georgia; and, *Public & Assisted Housing* regarding units for disabled persons and the City's progress toward compliance with Section 504 requirements).

Fair Housing Implications:

The significant numbers of persons with disabilities indicate the need for fair housing education and outreach efforts to inform them of their rights and means of redress and the responsibilities of housing providers.

⁵⁹ City of Atlanta, 2010 - 2014 Consolidated Plan, vol. 1 (Nov. 2009), p. 55

Homelessness

According to the 2009 Homeless Census⁶⁰ data, as of January 25, 2009, there were 6,838 homeless persons in the tri-jurisdictional area. Of the 5,987 persons identified in the City of Atlanta, the following are characteristics of homeless individuals and families found:

Male	72%
Female	16%
Children (under 18)	8%

While the majority of homeless are individuals (83%), families with dependent children account for 15 percent of the homeless populations.⁶¹ These families present unique challenges, as children and minors may need additional support when addressing areas of education, mental health, nutrition, and social needs.

Homelessness Population				
Population	Emergency Shelter	Transitional Shelter	Unsheltered	Total
Individuals	2041	1165	2075	5281
Family members	299	377	30	706

Source: 2011 Metro Atlanta Tri-Jurisdictional Collaborative Continuum of Care Homeless Census

Many circumstances force individuals to become homeless. Causes range from substance abuse problems, economic factors, mental illness, domestic violence, unemployment, and other issues. However, those in greatest danger of becoming homeless include extremely low-income households that are already experiencing housing problems. Over the years 2006-2009, the homeless count in the Tri-Jurisdictional census had held steady in the area ranging from 6,557 to 7,019 persons, but with a smaller number reported in 2011.

Assuring that there are an adequate number of facilities to care for the homeless is vital for any metropolitan area. As a homeless person or families progresses from

⁶⁰ A point-in-time census of the homeless populations conducted by Pathways Community Network, under a Tri-Jurisdictional governmental collaboration of Atlanta with DeKalb and Fulton Counties. Although reporting the use of HUD interview forms, the census report does not provide racial or ethnic demographics of the homeless population.

⁶¹ 2011 Metro Atlanta Tri-Jurisdictional Collaborative Continuum of Care Homeless Census, pp.22-25

basic needs (i.e. food, housing, healthcare), they advance into more independent living facilities such as transitional housing and eventually permanent supportive housing. Of the three types of shelters (emergency, transitional, and permanent), permanent housing has been the most successful and is in greatest demand. In 2009, HUD began requiring a counting of permanent supportive housing (PSH). These numbers are not included in the homeless census totals for the Atlanta area, accounting for an additional 1,577 persons. Over half (59%) of PSH beds are occupied by individuals rather than family members (924 individuals/653 family members). As a result, Atlanta appears focused on permanent housing. Identifying the City's inventory in the Consolidated Plan, there were 2,015 shelter beds for individuals and 1,508 for families, 2,060 transitional beds for singles and 1,150 for families with an additional 2,120 permanent supportive housing units for singles and 100 more for families.⁶² The 2011 Homeless Census reported that 802 PSHs had been added to the tri-jurisdictional area since 2009.⁶³

Public & Assisted Housing

The City's 2010-2014 Consolidated Plan summarizes eligibility guidelines, identifies assisted housing inventory and outlines the Atlanta Housing Authority's (Atlanta's Public Housing Agency, or PHA) public and assisted housing programs as outlined herein.

Eligibility Guidelines

Specific eligibility requirements and/or income restrictions for assisted housing are determined by the program used to fund the project. While some developments target special needs populations such as the elderly, homeless or disabled, most housing programs provide assistance to individuals and families earning below 50 percent of the area median income. Each year the U.S. Department of Housing and Urban Development (HUD) determines specific income limitations for extremely low, low and moderate income families based on family size. The chart below illustrates the income limits for Atlanta in 2012.

⁶² City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) p. 9

⁶³ 2011 Metro Atlanta Tri-Jurisdictional Collaborative Continuum of Care Homeless Census, p.32, at <http://www.tri-j.net/clientimages/40236/2011tri-jhomelesscensusreport.pdf>

City of Atlanta Area Income Limits (2012)

Family Size	Extremely Low (<30% AMI)	Very Low (<50% AMI)	Low (<80% AMI)
1 Person	\$14,600	\$24,300	\$38,850
2 Persons	\$16,650	\$27,750	\$44,400
3 Persons	\$18,750	\$31,200	\$49,950
4 Persons	\$20,800	\$34,650	\$55,450
5 Persons	\$22,500	\$37,450	\$59,900
6 Persons	\$24,150	\$40,200	\$64,350
7 Persons	\$25,800	\$43,000	\$68,800
8 Persons	\$27,500	\$45,750	\$73,200

Source: Department of Housing and Urban Development (Based on the 2012 Median Income for Metro Atlanta (\$69,300))

Assisted Rental Housing Inventory

Below are the housing categories served within the assisted housing inventory:

- **Family:** Housing serving the general population (as well as special needs households) with qualifying income.
- **Elderly:** Units designated for those at least 62 years of age (or in some instances, 55 years and older identified as “nearly elderly”).
- **Disabled:** Housing units servicing households where one or more person has a physical or mental disability.
- **Homeless:** Housing assistance for the homeless.

As part of the public housing inventory, the Atlanta Housing Authority (AHA) directly maintains and operates 1,900 units in 13 AHA-owned developments, while administering oversight and monitoring of available public housing in several other programs, with a total of approximately 21,000 housing units. The following table provides an inventory of the number and type of AHA Public Housing and City of Atlanta Assisted Rental Housing available to the low to moderate income residents.

Summary of Public Housing & Assisted Rental Housing	
ATLANTA HOUSING AUTHORITY	
Conventional Public Housing AHA owned	1,943
Mixed-Income (PBRA/Tax Credit supported)	4,087
Mixed-Income (Developments on AHA Property)	4853
Housing Choice Tenant-based Voucher Program	9,277
Supportive Housing (HUD-VASH)	546
CITY OF ATLANTA	
Family Occupancy Moderate Rehab	44
Single-Room Occupancy Moderate Rehab	146
TOTAL	20,896

SOURCE: AHA data drawn from AHA MTW Annual Report FY2012; City data found at atlantaga.gov

Local Governmental Authorities

Atlanta Housing Authority

The Atlanta Housing Authority is the largest Atlanta provider in federal assisted housing, both in public housing and Section 8 voucher assistance.⁶⁴

The Atlanta Housing Authority, the HUD-recognized public housing authority, defines itself as a “diversified real estate company with a public mission and purpose.” The Authority’s Board of Commissioners, appointed by the Mayor, contracts with a CEO to manage the Authority’s multi-million dollar annual budget and properties.

AHA manages a multi-million dollar annual budget and oversees management of many properties throughout Atlanta having undergone sweeping changes in the City’s public housing program since the 2003 Move to Work (MTW) Agreement with HUD.⁶⁵ In addition to the 13 AHA-owned residential communities⁶⁶, AHA has

⁶⁴ City of Atlanta 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009), p. 36

⁶⁵ www.atlantahousing.org

⁶⁶ Sixteen communities (rather than 13 identified by AHA) were identified in the MTW Annual Report, FY 2012. Of the 13 communities identified by AHA, 11 communities were for the elderly and disabled and 2 communities were for families.

created or entered into profit and non-profit partnerships to provide Mixed-Income, Mixed-Financed Communities.

In compliance with the procedures for conducting an AI detailed in HUD's *Fair Housing Planning Guide*, Metro composed and forwarded 45 comprehensive questions to the Atlanta Housing Authority, or PHA. These questions related to specific policies, procedures and practices since completion of the 2006 AI regarding the PHA and other assisted/insured housing providers, tenant selection procedures and housing choices for certificate and voucher holders. Metro acknowledges and appreciates the timeliness of responses provided by Angela Chadwick on behalf of AHA.

HUD provides rental subsidies to low-income families through the Section 8 voucher program managed by AHA in mixed-income, mixed-financed new developments. AHA initiatives to utilize HOPE VI funds to reposition distressed public housing projects have impacted over 1,000 acres of land and generated over \$3 billion of private economic investment. AHA reports that it now serves more than 21,000 low-income and very low-income families through a variety of housing options.⁶⁷ This number also accounts for the additional rental assistance programs available for elderly (Section 202) and persons with disabilities (Section 811) served by 11 AHA-owned high-rises with 106 accessible units. AHA also maintains ownership of two communities serving small families. AHA provided the following information in response to Metro's question on tenant selection and assignment policies:

Order of Applicant Selection for AHA-owned family communities:

A. The order of selection of an applicant from a site-based waiting list in an AHA-owned family community will be according to the ranking of the applicant's application by either date-and-time of application or lottery, as applicable.

B. Provided the applicant household is not an elderly family or disabled family in which all adult members are either Elderly or Disabled as defined below, at least one adult member of the applicant household between 18 and 61 years of age must be either legally and gainfully employed on a fulltime basis for at least 30 hours per week or legally and gainfully self-employed in a legitimate business enterprise, appropriately documented, for at least 30 hours per week; and all other members of the household must be either:

- i. legally and gainfully employed or self-employed on a full time basis at least 30 hours per week;
- ii. attending an AHA-recognized school or institution as a full-time student;

⁶⁷ Appendix B, AHA Response Summary dated May 1, 2013, p. 1

- iii. engaged in a combination, totaling at least 30 hours per week, of legal employment (but not self-employment), education (attending an AHA-recognized school or institution) and/or participation in an AHA-approved training program;
- iv. Elderly (62 year of age or older); or
- v. Disabled (in compliance with HUD's definition for program eligibility)

Order of Applicant Selection for AHA-owned senior highrises:

A. To be considered for an AHA-owned highrise for Elderly, Almost-Elderly and Non-Elderly Disabled Residents . . . , an Applicant must be a household whose head or spouse (if married) or sole member is:

- i. Elderly (62 years of age or older);
- ii. Almost Elderly (55-61 years of age); or
- iii. Non-Elderly Disabled (persons with a disability under 55 years of age).

B. AHA will strive to achieve an optimal balance of Elderly, Almost Elderly and Non-Elderly Disabled Residents in AHA-owned senior highrises. The management agents of such communities shall be permitted to admit applicants from the waiting list at a ratio of four (4) Elderly and Almost Elderly Applicants to one (1) Non-Elderly Disabled Applicant in order to achieve the optimal balance.⁶⁸

Of the 13 AHA-owned public housing/assisted communities, AHA provided the racial and ethnic percentage breakdown of residents as of June 2012:

RACE	
Black/African American	74.0%
White	19.7%
Asian	5.8%
American Indian/Alaska Native	0.3%
Native Hawaiian/Other Pacific Islander	0.2%
ETHNICITY	
Hispanic or Latino	3.0%
Non-Hispanic or Latino	97.0%

See Appendix B, the AHA response dated May 31, 2013, at p. 6 and Exhibit One to the supplemental response dated August 1, 2013 with data for the 2006-2012 time period. Analysis of this data indicates: a consistent Black population of approximately 75 percent, or less than 1462 households; a consistent White population of 20 percent, or approximately 400 households; a Asian population that has grown from 4 to 6

⁶⁸ Appendix B, Response from AHA to Metro (May 31, 2013) at p. 6

percent, or approximately 112 households; and a decreasing Hispanic population from 4 to 3 percent, or approximately 57 households. The maximum occupancy of all AHA- owned property in 2012 was 1931 households.⁶⁹

AHA has transitioned from a centralized management approach. Currently, AHA-owned communities are managed by private management companies that administer separate site-based waiting lists. AHA-partnered communities are established with profit and/or non-profit developers known as the “owner entities” and each community, as well, is managed by the owner entities’ selected private management company. AHA demolished its housing projects and leveraged its assets with private sector real estate developers and private investment to create new market-rate quality mixed-use, mixed-income communities with an affordable residential component. Demolitions of the AHA projects were completed by 2011. In the Appendix of the AHA 15 Year Progress Report a complete listing is provided showing:

- 18 mixed income communities with 9 partners
- 23 mixed income/mixed use communities with 9 partners
- 13 AHA owned communities with 3 partners
- 21 mixed income senior communities with 9 partners⁷⁰

The Operating Procedures of each Community governing selection, placement, accommodations and termination are developed by the owner entity and/or its private management company with training and oversight by AHA.⁷¹

This process of change to the public housing environment in Atlanta began with the MTW Agreement with HUD in 2003, allowing regulatory flexibility in the local administration of federal fiscal programs. AHA used over \$300 million of federal funds (including HOPE VI funds) to reposition the public housing projects and to relocate families to better living conditions and healthier environments. With the successful completion of its Quality of Life Initiative (QLI) and Revitalization Program, residents were provided tenant-based Housing Choice vouchers to relocate from distressed AHA owned properties set for demolition. In the transition, “AHA, partnering with private sector developers, leverages its public housing development funds, its land and its operating subsidies to facilitate for income-eligible households the availability of quality affordable housing opportunities in mixed-use, mixed-income communities.”⁷²

⁶⁹ Appendix B, Response with supplements from AHA to Metro (Aug. 1, 2013), Ex. 1

⁷⁰ AHA 15 Year Progress Report, 1995-2010, Appendix

⁷¹ See discussion in Part IV. Jurisdiction’s Policy Analysis

⁷² AHA’s MTW Annual Report, FY 2012, Comprehensive Annual Financial Report and Independent Auditors’

As set forth in its response dated May 31, 2013, AHA serves low-income and very low-income families through five major vehicles:

1. **Mixed-use, mixed-income communities on AHA-owned land** – Using the HOPE VI and other public housing development funds, regulatory flexibility and in partnership with private sector real estate development partners and other stakeholders, AHA completed demolition of its public housing projects in 2011 and developed 16 mixed-use, mixed-income communities with over 4,800 affordable housing units (including 125 accessible units), supported through public housing, PBRA (project based rental assistance) and tax credit programs.

2. **Mixed-income communities created through the strategic deployment of Project Based Rental Assistance and gap financing** – AHA’s Project Based Rental Assistance (PBRA) program is a financial incentive and tool to encourage private sector developers and owners of quality multi-family developments to reserve a percentage of their units as affordable for a minimum of ten years. Through this PBRA program AHA has encouraged development of over 4,000 high-quality affordable housing units throughout the City of Atlanta.

3. **AHA’s Housing Choice Voucher Program** – Over 3,000 families relocated from the demolished housing projects received tenant-based Housing Choice vouchers. AHA designed its Housing Choice Voucher Program strategically to offer families a better opportunity to choose neighborhoods they may not have traditionally been able to afford by establishing seven local sub-markets across the metro area to reduce financial barriers during the housing search.⁷³ This has resulted in 25 percent of the participants in this program currently using their voucher assistance outside of the City of Atlanta.⁷⁴

4. **AHA-Owned Communities** – AHA-owned communities are managed by private management companies that administer separate site-based waiting lists. Of the approximate 1900 units, 106 accessible units are available and in use at AHA-owned communities. In addition, 51 units are equipped with special audio-visual features to assist persons with hearing impairments. Set forth in a supplemental response, AHA stated that the aggregate of 5.4 percent

Report, Letter from Renee Glover, CEO and Suzi Reddekopp, CFO, to Board of Commissioners, AHA, dated Nov. 30, 2011, pp. 5-6

⁷³ See Appendix B, Response from AHA to Metro (May 31, 2013) at p. 25 identifying these submarkets with the comparison to HUD-established 2013 Fair Market rent.

⁷⁴ Id.

of all AHA owned properties were UFAS compliant and 100 percent of the residents who reside in UFAS units at these properties require the features of the unit.⁷⁵

5. Supportive Housing program – In partnership with private sector developers and owners, AHA develops and funds alternative service-enriched housing opportunities for persons with a variety of special needs – homeless persons, persons with disabilities, U.S. military veterans, at-risk families and youth, and other targeted groups who are enrolled in supportive services programs. AHA also provides supportive housing through the Housing Choice Tenant-Based Voucher program.⁷⁶

The AHA model of public housing is focused on the individual householder’s path to self-sufficiency by requiring a minimum of \$125.00 in rent, participation in minimum 30 hours a week to education or employment, supportive staff specialists and required support services for special needs residents, and a strict adherence to a no-criminal past policy. Encouraging self-sufficiency, AHA also makes scholarship awards to students in the Atlanta community, upgrades computer services in AHA-owned residential communities to benefit the elderly and disabled, and provides down payment assistance to low-income, first-time homebuyers.

Current Conditions & Improvements to Public Housing

AHA essentially transformed traditional public housing in Atlanta by completing demolition of its last project housing in 2011. Today AHA maintains 13 AHA-owned facilities for which it delegates management to private management companies. Some stakeholders believe in the strength and experience of AHA and the “good job of repositioning public housing and delivering units.”⁷⁷ The Georgia State University Urban Health Initiative has documented the experiences of public housing residents during relocation/demolition, providing congressional testimony on the Initiative’s findings. One report states:

While the overall objective of demolishing public housing developments is to deconcentrate poverty, questions remain as to whether or not this can be achieved. It is possible that *defacto* poverty reconcentration may result.” Findings from our six-month post-relocation study reveal that of the 660 census tracts in the Metro-Atlanta region, former public housing residents

⁷⁵ See Appendix B, Response with supplements from AHA to Metro (Aug. 1, 2013) at p. 6.

⁷⁶ See Appendix B, Response from AHA to Metro (May 31, 2013).

⁷⁷ McFarland & Associates Consulting, *House to Home Consortium, A Study of Atlanta’s Affordable Housing Delivery System*, August, 2011

move to only 88, with 68 within the city limits, suggesting a reconcentrating destination pattern rather than one of dispersion.⁷⁸

One concern of this housing model is that expiring use of mixed-income communities for the dedicated number of assisted units are in danger of being lost in as short as the next 10 years due to contract expiration and expiring affordability periods. Still, many contracts are renewed on an annual basis and it is likely that some of these affordable units will not actually be lost.⁷⁹ As stated in the 2010-2014 Consolidated Plan, AHA has a waiting list of over 18,000 households, yet each community controls separate waiting lists and authority to determine suitability of applicants.⁸⁰ Approximately 406 individuals on the waiting list have need of accessible housing units. The DeKalb Disability Action Center found that many housing units designed to be accessible for a person with a physical disability were occupied by individuals not requiring accessibility. The Consolidated Plan states that this finding is “probably accurate”.⁸¹ See Section V. herein for discussion of the Atlanta Legal Aid Society’s concern regarding the delegated operations and management of housing delivery to private partners being used to deny accountability.

Atlanta Development Authority a/k/a Invest Atlanta

The Atlanta Development Authority d/b/a Invest Atlanta (“Invest Atlanta”) is the catalyst for residential and commercial economic vitality in Atlanta. Invest Atlanta was created and exists under, and by virtue of, the Development Authorities Law, by a resolution of the City Council and operates as a public body corporate and politic of the State of Georgia. Invest Atlanta was created to promote the revitalization and growth of the City and serves as the City’s economic development agency.

To accomplish this, the authority:

- Coordinates efforts with the City, County, State and other key stakeholders;
- Jumpstarts redevelopment activity within the City’s tax allocation districts;
- Provides small business loans for expansion and start-up;
- Supplies mortgage down-payment assistance to low and moderate income families;

⁷⁸ Georgia State Univ. Urban Health Initiative, *Six Months Post-Relocation: Former Atlanta Public Housing Resident Views and Destination Neighborhood Characteristics*, July 29, 2011, accessed at www.2gsu.edu/~wwwsoc/Files/SOC/RESEARCH-public=housing-sixmontpost.pdf

⁷⁹ City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) p.36.

⁸⁰ See Appendix B, Response from AHA to Metro (May 31, 2013)

⁸¹ City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) p. 55.

- Issues bonds to spur residential and commercial development;
- Acquires land for green space, residential and commercial development;
- Implements quality of life projects in underserved communities; and,
- Retains and expands existing businesses, recruits new businesses, promotes the City and available business development incentives.⁸²

The Urban Residential Finance Authority of the City of Atlanta, Georgia (“URFA”) was created and exists under the Urban Residential Finance Authorities Act for Large Municipalities. Pursuant to an agreement between URFA and Invest Atlanta, staff of Invest Atlanta performs services for URFA. Invest Atlanta represents a consolidation of the City’s economic and community development efforts in real estate, finance, marketing and employment, for the purpose of providing a focal point for improving the City’s neighborhoods and the quality of life for all of its citizens. Invest Atlanta is the cornerstone of an overall effort to provide economic and development services in a more effective and efficient manner. By its coordination of efforts with governmental and key stakeholders toward redevelopment activity within the City’s tax allocation districts (TADs), Invest Atlanta provides small loans for expansion and start up as well as mortgage down payment assistance to low and moderate income families. The TADs, like the Atlanta Beltline and 9 other approved TADs, are focused to facilitate the mixed use development or redevelopment of an area to improve the environmental climate and connect major activity centers. In addition to its involvement in TADs, Invest Atlanta also offers incentive programs for home ownership.

With its authority to issue bonds and acquire land, Invest Atlanta can implement quality of life projects in underserved communities. The community benefits reported by Invest Atlanta related to housing include:

- 412 supported housing units
- 328 new assessment beds for the homeless
- 10,400 housing units created or preserved, and
- 834 new homeowners.⁸³

Given the reality of the current market conditions, the City is striving to align Invest Atlanta’s increasing focus on economic prosperity for its residents and job growth with a strategic plan for workforce housing development within the City.

⁸² Id. at Atlanta Development Authority

⁸³ Atlanta City Council. *Economic Development Summary, A Decade of Economic Development Results by City Council District 2000 – 2010* at <http://atlantaga.gov>

The Department of Planning and Community Development (DPCD)

The mission of the City's Department of Planning and Community Development (DPCD) is to plan and implement the future by guiding the physical and economic development of the City while enhancing the quality of life for all through a comprehensive range of planning, design review, construction plan approval, code compliance, and housing preservation and assistance services and programs. The Department's vision is in preserving the City's historical past, maintaining the livability of the present, and transforming its future through the implementation of the highest quality planning, building, code compliance, and housing services and programs to enhance the level of service provided to all people of Atlanta. The Department is comprised of the following three offices: Office of Planning, Office of Building, and Office of Housing.

Office of Planning

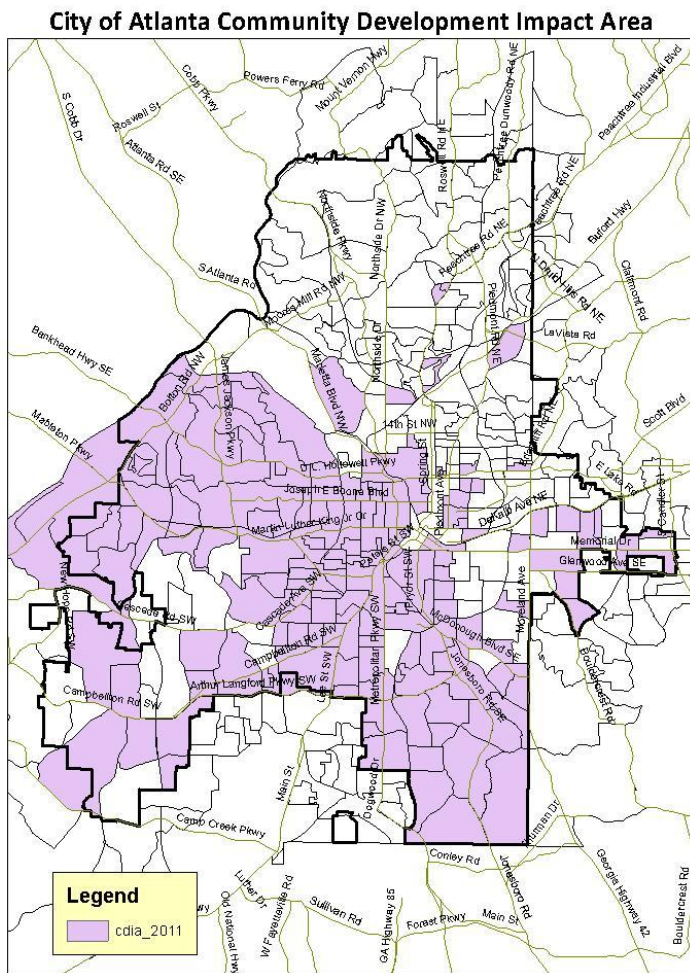
Metro composed and forwarded 23 comprehensive questions from HUD's *Fair Housing Planning Guide* to the City's DPCD, Office of Planning & Zoning to assist in determining the effects of zoning and site selection policies on housing choices. The Office of Planning referred Metro to the City of Atlanta's 2011 Comprehensive Development Plan (CDP) or directed Metro to other offices/agencies.

From the CDP, Metro found there are 123 zoning districts including 17 types of residential zoning districts, 11 quality of life zoning districts (8 mixed residential and 3 commercial districts), 1 live/work zoning district, 20 types of special public interest (SPI) districts, 1 planned development district, 15 landmark/historic districts, 4 districts for office, institutional and industrial use, 15 commercial districts and 1 overlay district. Residential use represents 50 percent of Atlanta's land use with a projected goal of 65.4 percent; the mixed residential zoning is the least utilized at 1/4 percent of the land use but a projected growth of 6.5 percent. The current overall density in Atlanta is 2.74 housing units per acre with 38.7 percent currently low density or single family households.⁸⁴ As the Office of Planning stated: The Atlanta Zoning Resolution includes single family (R-1 to R-5) zoning districts that favor traditional neighborhood single family development; various multi-family zoning districts (RG1 to RG6 and MR-1 to MR6) that allow cluster, townhome and multi-family development and other Zoning Districts which allow for mixed use developments that include residential uses. The residential zoning districts have a minimum lot size of 2 acres in the R-1 zoning category to a floor area ratio (FAR) of

⁸⁴CDP at pp. 321-327

6.4 in MR 6 (high rise residential development). These zoning districts allow for a diversity of housing types and sizes without specifying the price or affordability of housing. When asked what efforts were made to provide affordable housing, the Office of Planning responded that several of the Special Public Interest (SPI)-zoning districts include incentives for affordable and workforce housing, e.g. SPI 16 in Midtown and SPI 18 in Mechanicsville.⁸⁵

The Office of Planning did affirm that there are concentrations of low - and moderate - income persons in areas identified as Community Development Impact Areas (CDIAs)⁸⁶ shown on the following map:



⁸⁵ See Appendix B, Response with supplements from DPCD, Office of Planning to Metro (May 15, 2013)

⁸⁶ Id.

According to the 2010-2014 Consolidated Plan, approximately 2/3 of the City is defined as a CDIA “where at least 50 percent of the population is below 80 percent of the median income and which is eligible for Community Development Block Grant area benefit activities. This area also coincides with where there are majority concentrations of African Americans.”⁸⁷

When asked if the City had adopted incentives to promote mixed-income housing developments, the Office of Planning identified the Atlanta Urban Enterprise Zone Act. Following up on whether the Urban Enterprise Program was the only incentive program, Metro was provided a copy of the Atlanta Urban Enterprise Zone Act and attachment, which allows special powers of tax abatement to declared areas (known as UEZs) that are “economically and socially depressed.” Areas must be eligible by location in one of six commercial corridors adopted as “EDP Priority Areas” (primarily located in the Central Downtown area and east to west along the I-20 divide) or by location not within a tax allocation district and meeting three of five identified criterion based on 1) poverty levels, 2) unemployment, 3) general distress (evidenced by dilapidated structures, deteriorated infrastructure and substantial population decline), 4) underdevelopment and/or 5) general blight (evidenced by location within an identified urban redevelopment area). The report submitted as 2012 data reveals that approximately 144 designations had been approved as of December 31, 2008 which was to produce approximately 10,970 affordable housing units within these UEZs. The following additional incentives or programs are available through the Office of Housing or Invest Atlanta: the Single Family Downpayment Assistance, the Single Family Development Assistance, Multifamily Gap Financing, three CHDO Funds, Land Acquisition, and Owner Occupied Rehabilitation.⁸⁸

When the fair housing questions turned to evaluations that the City may have conducted on management policies and procedures in relation to the provision of supportive or accessible housing, the Office of Planning directed Metro to the Innovation Delivery Team of the Mayor’s Office regarding the Mayor’s initiative “Unsheltered No More” (addressing the homeless population) and to the Office of Grants Services which administers the CDBG grants to the Department of Behavioral Health and Developmental Disabilities (DBHDD).⁸⁹ On addressing housing for

⁸⁷ City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) at p. 2

⁸⁸ Id.

⁸⁹ DBHDD is the responsible department to meet the housing requirement in the State’s agreement with the Department of Justice to deinstitutionalize persons with disabilities. U.S. v. State of Georgia, Civil Action #1:10-CV-249-CAP.

persons with disabilities, Metro requested the written policy and procedures for special use permits and was directed to the on-line application and the Municode. ATLANTA GA CODE PT. 16, CHAP. 25. The referenced Atlanta Ordinances present a system of 3 classes of special permits each requiring a different process/reviewer. ATLANTA GA CODE §16-25.001. Metro found no reference to requirements of accessibility or any process that would expedite review outlined in the referenced Code Chapter.⁹⁰

Office of Building

Metro composed and forwarded 9 questions to the City's DPCD, Office of Building regarding accessibility requirements, timing of plan approval, and other barriers to affordable housing development. The following summarizes the responses obtained from the Office of Building:

The current average time for a new set of completed building plans submitted by an affordable housing developer who is not building multiple units is 10 days for approval or comment for revision.⁹¹

The accessibility requirements of Section 504 of the Rehabilitation Act of 1973 are incorporated in the state code at O.C.G.A §120-3-20 and the local code at ATLANTA GA CODE § 8-2182. These code requirements are applied to newly constructed single and multi-family residences developed with city and/or federal funds. While state and local building codes did not appear to incorporate the American National Standards Institute A117.1 requirements, Metro found at ATLANTA GA CODE § 8-2182, an ordinance with the purpose to specifically promulgate certain standards less restrictive than ANSI A117.1, while economically providing solutions to accessibility, and applicable to new single-family dwellings, duplexes, and triplexes which receive city assistance.

Office of Housing

Metro composed and forwarded 28 questions from HUD's *Fair Housing Planning Guide* to the Office of Housing within the DPCD regarding the "Neighborhood Revitalization/Municipal and Other Services, and the Employment-Housing-Transportation Linkage", in the production of accessible and affordable housing.

⁹⁰ See Appendix B for the Questionnaires and Responses developed in this AI.

⁹¹ See Appendix B, Response from DPCD, Office of Building to Metro (Aug. 12, 2013)

The Office of Housing promotes the development of affordable workforce housing and community development policies as well as fiscal oversight and management of state and federal development contracts and programs, valued in excess of \$30 million. The Office of Housing encourages partnerships with both public and private developers of workforce affordable housing.⁹² The Office responded that:

The City has utilized various funding mechanisms and programs for affordable to include HOME, CDBG, Neighborhood Stabilization Program (NSP), Section 8 Moderate REHAB, Section 108 Loan, HOME Atlanta 4.0, Neighborhood Lift Program (NLP), Atlanta Affordable Homeownership Program (AAHOP), Vine City/English Avenue Trust Fund (HOAP), Affordable Housing Opportunity Bonds, Impact fee waivers, Hope VI projects and utilizing HEZ, TADS and Trust funds. Collectively these programs have produced over 3000 units of housing since 2006 and generated over 300 million in construction development.⁹³

The 2011 Comprehensive Development Plan offers more details of the following programs:

HOME

Under the HOME program, the City offers financial assistance to Community Housing Development Organizations (CHDOs) and for-profit organizations to create affordable single family and multifamily developments. In addition, a portion of the HOME funds are provided to Invest Atlanta for homebuyer down payment assistance.⁹⁴ The HOME program targets households at or below 80 percent of the Atlanta Metropolitan Statistical Area Median Income (AMI).⁹⁵

NSP- NEIGHBORHOOD STABILIZATION PROGRAM

The Office of Housing has direct administrative oversight, management and implementation of the city's NSP. It's designed to help revitalize neighborhoods and address the national foreclosure crisis. NSP grants allow the City to use funds to purchase abandoned, bank-owned foreclosures to help stabilize communities hit hardest by the crisis.⁹⁶ According to the Office of Housing, over 400 housing units have been impacted by this program to address foreclosed and/or abandoned properties.

SECTION 8 MODERATE REHAB PROGRAM

⁹² See Appendix B, Response from DPCD, Office of Housing to Metro (Aug. 12, 2013)

⁹³ Id

⁹⁴ Id

⁹⁵ CDP at pp. 126-127

⁹⁶ Id.

Under this program, the City of Atlanta operates a Section 8 Housing Assistance Program to provide rental subsidy at four properties⁹⁷:

- Santa Fe Villas - 2370 Metropolitan Pkwy, Atlanta, Georgia, 30315,
- Edgewood Center - 187 Edgewood Avenue, Atlanta, Georgia, 30303,
- Vanira Village - 8-24 Vanira Avenue, Atlanta, Georgia 30315,
- Washington St. Apartments - 949-953 Washington Street, Atlanta, Georgia 30315

The first two of the communities are restricted to single person occupancy and provides 146 units requiring 30 percent of monthly adjusted income for rent (including utilities). The latter two communities are reserved for families and provide 44 units. Each family household pays 30 percent of the household's total adjusted income for rent (not including utilities). This is a Project Based Subsidy program which is not transferable and is not a voucher program.⁹⁸

OTHER PROGRAMS

There are a wide variety of homeownership programs. Most offer either direct assistance to the homeowner or land and financial contributions to the developer. Assistance can be in the form of a grant or a loan. Additional subsidies are also offered through the private sector and local county government entities.⁹⁹ While a majority of these federal funds are spent in a CDIA, large housing programs are available to low/moderate persons throughout the City.¹⁰⁰

Additional assistance for housing development may be attained in the form of tax abatements over a ten-year period for housing developed in an Urban Enterprise Zone (UEZ), a designated district that is located within an economically depressed area of the City.¹⁰¹

The response from the Office of Housing also added that Community Development Block Grants (CDBGs), HOME, Low-Income Housing Tax Credits (LIHTC) and Livable Centers Initiative (LCI) grants, Tax Allocation Districts, among others, have been instrumental in neighborhood revitalization. The Tax Allocation Districts (TADs) have been instrumental in spurring developments across the City by leveraging private dollars and also acting as community benefits dollars to meet the

⁹⁷ Id.

⁹⁸ Id.

⁹⁹ Id.

¹⁰⁰ CDP at p.139

¹⁰¹ See more detailed discussion under Section IV herein on specifics of this program; see also CDP at p.59. NOTE: City records show this type of assistance in its records as HEZ.

demands and needs of underserved communities. These program funds assist in the growth of stronger communities:

- a) CDBG funds and funding from the City’s general fund have been used to upgrade community facilities and enhance services.**
- b) CDBG funds have been used to assist disadvantaged businesses with business loans, technical assistance for the past 20 years utilizing Business Improvement Loan Funds, Micro Funds and other sources.¹⁰²**

Recent Housing Accomplishments

One aspect of fair housing choice is neighborhood revitalization and the provision of services to areas in which low- and moderate-income families live. Minorities and persons with disabilities benefit from comprehensive approaches to improving neighborhood environments so critical to good housing. As part of Metro’s questionnaire composed from HUD’s *Fair Housing Planning Guide* to the Office of Housing within the DPCD, questions focused on the period since completion of the 2006 AI. Describing how it had worked to remove administrative barriers to affordable housing production, the City set forth the following accomplishments:

- Created an affordable workforce housing plan in 2007;**
- Clearly established the current need for affordable workforce housing ;**
- Established a “Housing Opportunity Fund” of approximately \$35 million to invest in new affordable housing development and/or subsidy of existing units; leveraged the \$148 million Beltline Housing Trust Fund as well as future revenue sources to expand the impact of the programs;**
- Actively enforced barrier free accessibility requirements for all new construction projects; and**
- Partnered with Metro to address housing discrimination in the City.¹⁰³**

The City completed a Self-Evaluation, consistent with requirements of the Section 504 of the Rehabilitation Act of 1973, in response to a December, 2009 Settlement Agreement with the Department of Justice.

Since 2009, the City of Atlanta has developed written city-wide policies to address its commitment not to discriminate against persons based on their disability. The City’s Reasonable Modification Policy states that the City will modify its policies, practices or procedures when necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that making the modification fundamentally alters

¹⁰² Appendix B, Response from DPCD, Office of Housing to Metro (Aug. 12,2013)

¹⁰³ See Appendix B, Response from DPCD, Office of Housing to Metro (Aug. 12, 2013)

the nature of the service, program or activity. In order to effectively communicate with disabled persons, the City will furnish appropriate auxiliary aids and services as necessary to afford an individual with a disability equal opportunity to participate in and enjoy the benefits of services, programs or activities conducted by the City. The policies provide in detail how to request accommodations, file grievances and file written complaints, if necessary.¹⁰⁴

The City implemented a data collection system to determine the extent to which information is provided regarding racial and ethnic groups, persons with disabilities and families with children, largely in response to reporting and recordkeeping disparities noted by HUD in a letter of Findings of Noncompliance dated July 9, 2012.¹⁰⁵ This action assists in gathering information to assess the availability of affordable and accessible housing opportunities for protected classes under the Fair Housing Act. The City entered into a Voluntary Compliance Agreement (VCA) with HUD dated October 26, 2012, primarily addressing accessibility requirements and began efforts to meet the terms of the Agreement. To date, the City is in compliance with those terms. See Appendix B, City of Atlanta’s Report on Specific Provisions of Remedial Actions dated October 31, 2013.

The Office of Housing, DPCD, provided the total number of affordable and accessible housing units developed since completion of the 2006 AI as follows:

Affordable Housing Units Produced 2006-2013	
Non-Federal Funds* 2006-2013	4,079
Federal Funds** 2006-2013	1,941
Down Payment Assistance (Federal/Non-Federal)***	758
Total Affordable Units	6,778

*Non-Federal Funds are administered by Invest Atlanta and include: Tax Allocation Districts, Housing Opportunity Bonds, Homeless Opportunity Bonds, Tax Exempt Bonds, Vine City Trust Fund

**Federal funds include HUD HOME funds

***Down Payment Assistance includes Federal and Non-Federal funds.

¹⁰⁴ Id. The 2009 Settlement Agreement had a 3 year expiration period but has been restated as needed in a 2012 Voluntary Compliance Agreement between the City and HUD to address, *inter alia*, Sec. 504 compliance.

¹⁰⁵ Id..

Leveraging the resources of the City's public/private partnerships and available funding, a total of 6,778 units of affordable housing were developed city-wide from 2006 through 2012. Of that total, 4,079 were produced with non-federal funds administered by Invest Atlanta and include: Tax Allocation Districts, Housing Opportunity Bonds, Homeless Opportunity Bonds, Tax Exempt Bonds, and the Vine City Trust Fund. Federal funds supported the development of 1,941 residential housing units and an additional 758 housing units were purchased with down payment assistance from both federal and non-federal funds.

IV. JURISDICTION'S POLICY ANALYSIS

For metropolitan jurisdictions, serious consideration should be given to participation in cooperative, inter-jurisdictional planning for construction of assisted housing. The City coordinates on planning and zoning issues with several independent special authorities and Districts: the Atlanta Housing Authority (AHA) organized under Georgia Law to manage affordable housing for low-income families; the Atlanta Planning Advisory Board (APAB), a board that advises, inter alia, on comprehensive planning and zoning; the Metropolitan Atlanta Rapid Transit Authority (MARTA); the Atlanta Board of Education; the Urban Design Commission on historic preservation; Community Improvement Districts (CIDs) where local businesses are assessed additional taxes to create livable environments; and the Zoning Review Board that controls zoning amendments and applications.

Local government policies that, for example, limit or exclude housing facilities for persons with disabilities or other housing for homeless people from certain residential areas may violate the provisions of the Fair Housing Act by indirectly discriminating against persons with disabilities and minorities, many of whom are homeless. Building codes which require certain amenities or setbacks also affect the feasibility of providing low- and moderate-income housing development. Even when zoning and other governmental policies are permissive, neighborhood residents often resist placement of certain types of housing in their area.

City Revitalization/ Housing

The Comprehensive Development Plan and the Consolidated Plan are the two essential policy documents prepared by the City. The vision as stated by the City consists of revitalized, sustainable, urban village communities, populated with mixed income households within the city's redevelopment areas. City efforts to preserve and revitalize neighborhoods are coupled with its education efforts to

support fair-share housing, a policy that encourages proportionate and equitable distribution of a range of housing choices and types, including low-income housing throughout the City.¹⁰⁶

The following general housing policies as provided by the Office of Housing are:

- Promote opportunities for mixed-income housing developments throughout the City.
- Focus on rehabilitating and utilizing existing vacant housing stock.
- Increase opportunities for home ownership for low and moderate-income residents.
- Promote housing affordability in order to minimize the number of households that must pay more than 30 percent of their income in rent or mortgage payments.
- Promote the creation of new housing in appropriate locations.
- Increase public, private funds to help construct, acquire and rehabilitate housing.
- Promote full implementation of all fair housing laws.
- Promote a wide range of housing types to meet different housing needs and income levels within the Beltline Corridors and along major employment centers: Downtown, Midtown and Buckhead.
- Promote in-town living for public sector employees and first responders by aggressively marketing down payment assistance programs and acquisition/rehabilitation loans.
- Utilize federal and private dollars to assist in the revitalization of neighborhoods affected by the heightened number of foreclosures.

Addressing the needs of a defined population (low/moderate income individuals, homeless persons, public housing tenants, etc.) the following policies are focused on federally financed housing projects (CDBG, HOME, NSP, HOPWA etc.). The Policies establish priorities based largely on the conditions and needs of the City's housing stock. The Consolidated Plan's housing priorities are as follows:

- Assist "special needs" persons living in substandard apartments and rental units by making low or no cost acquisition and rehabilitation loans available.
- Assist extremely low- and very low-income homeowners living in substandard single- family units by making rehabilitation loans and grants available.
- Assist very low and low-income persons with home ownership by making acquisition and rehabilitation loans available to individuals.
- Promote new housing development through in-fill housing construction.

¹⁰⁶ CDP at p.550

- Aggressively enforce Housing Code and Demolition to remove slum and blight.
- Encourage development of alternative forms of ownership, including cooperatives, mutual housing and lease purchase programs.
- Support housing opportunities for persons with special needs.
- Develop a program to provide equal access to credit and fair housing opportunities for low to moderate-income people.
- Diversify housing choice for low and moderate income persons by creating areas for targeted investment for affordable housing away from neighborhoods that already have a high concentration of affordable housing.
- Fund down payment assistance programs that serve persons below 80 percent AMI.

These policies set priorities addressing the most serious problems with existing housing stock. The City is focused on rehabilitating and utilizing the existing vacant housing stock [39,431 in 2010], utilizing federal and private dollars to assist in the revitalization of neighborhoods affected by the heightened number of foreclosures.¹⁰⁷ To this end the City has established a vacant property registry effective April, 2012, requiring \$100 per year registration fee with a \$1000 fine for failing to register. Research on the government software found that on September 17, 2013, 2691 properties have registered with a majority of those identified as closed. The City sets forth in the same policy document that it will “aggressively enforce the Housing Code and Demolition to remove slum and blight.”¹⁰⁸ However, the government software identified 10,976 complaints in the time period of March 12, 2012, to September 17, 2013, with only four matters transferred to “In Rem Proceedings” and only one noted as demolished.¹⁰⁹ Later information provided by the Office of Code Compliance demonstrates the City’s efforts more completely as set forth in Section V, Jurisdiction’s Fair Housing Profile, Municipal Action. An “In-Rem proceeding” is a legal action allowable under state law for the jurisdiction to take corrective action on an abandoned or neglected property building by “clean and close” procedures or demolition with the benefit of a valid tax lien for the City to recover its costs or result in title to the property.

Planning

Zoning policy focuses on environmental concerns in two ways: permitting is based upon the carrying capacity of available infrastructure and the natural environment; and evaluating the use of performance standards is used to address impacts of

¹⁰⁷ Id., p. 550-551.

¹⁰⁸ Id.

¹⁰⁹ www.aca.accela.com/Atlanta_ga

commercial and industrial uses of the environment. The City's stated effort is to develop a citywide streetscape master plan, including tree planting details and prioritized streetscape projects with a stated goal of maintaining a minimum 40 percent canopy. With its focus on environmental concerns, the City of Atlanta strives to be a top-ten sustainable city while maintaining a comprehensive historic preservation program with 20 percent (17,136 acres) of the City's land area protected as greenspace.¹¹⁰

Building

The City's policy to preserve boundaries and architectural character of Atlanta's existing neighborhoods seeks to promote the nodal form of commercial and multi-family development to relieve pressure on the neighborhoods and avoid development or expansion of strip commercial areas.¹¹¹

Jurisdictions should assess the state and local building codes to determine if they have incorporated accessibility requirements of Section 504, the Fair Housing Act, Title II of the Americans with Disabilities Act, etc. for all housing activities. See Section III above under the Office of Building referencing the state and local code citations and applicability. When asked what policies and procedures were in place to enforce accessibility requirements, The Office of Building replied "The architect is required to show all accessibility requirements on the site plan as well as the building plans and the building inspectors ensures compliance as approved." The responses to the building-related questionnaire further verified that: no policy changes have taken place since 2006; no data on compliance was provided as requested; no expedited reviews are allowed; and that the Office of Building's policy is to rely on plan reviews and site inspections for enforcing accessibility requirements.¹¹²

When asked to what extent developers comply with existing requirements for accessible design in residential housing and public facilities, the Office of Buildings replied: "Developers are required to comply with any and all accessible design requirements." Further the Office of Buildings stated that it provided for no expedited reviews but works with the designers and developers/builders to educate them through the plan process in an effort to remove administrative barriers to

¹¹⁰ CDP at pp.552-564

¹¹¹ Id, at p. 574

¹¹² See Appendix B for Response from the City's Office of Building

affordable housing.¹¹³ The City has been working to enforce the City's 1992 "barrier-free ordinance". This ordinance enacted a policy that requires that all new residential construction, developed with public funds, is designed to provide accessibility & usability for persons with disabilities.¹¹⁴

Public Housing Authority

The Atlanta Housing Authority (AHA) defines itself as a "diversified real estate company with a public mission and purpose." AHA manages a multi-million dollar annual budget and is connected to many properties throughout Atlanta. AHA has undergone sweeping changes in the city's public housing program under a 2003 Move to Work (MTW) Agreement with the HUD. In addition to 13 residential communities¹¹⁵, AHA has created or entered into profit and non-profit partnerships to provide Mixed-Income, Mixed-Finance Communities. In its restructuring, AHA has incorporated four additional non-profit corporations and one for-profit corporation which partner in the housing delivery system.¹¹⁶ Given the tremendous change in the supply and management of public housing by the Atlanta Housing Authority, Metro was unable to access or receive historical documents on policy. AHA provided Metro with the three policy documents adopted by the Board of Commissioners in March, 2012, and March, 2013.

The 2012 Amended and Restated Statement of Corporate Policies Governing the Leasing and Residency of Assisted Apartments is the fifth revision of policy, post - MTW Agreement, which apply to any apartment that receives public housing operating subsidy, regardless of the ownership structure of the community in which the apartment is located. The Commissioners outline a broad set of guidelines for screening, occupancy, accommodations, allowances and charges. This policy sets forth Management and Administration policies that provides, subject to AHA approval, independent operation by "Owner Entities" and their privately-retained Property Management Companies.¹¹⁷

¹¹³ See Appendix B for Questionnaires and Responses

¹¹⁴ See Appendix B for Response from the City's Office of Housing for a copy of the ordinance and housing reports.

¹¹⁵ Sixteen communities (rather than 13 identified by AHA) were identified in the MTW Annual Report, FY 2012. Of the 13 communities identified by AHA, 11 communities were for the elderly and disabled and 2 communities were for families.

¹¹⁶ MTW Annual Report, FY June 30, 2012, Comprehensive Annual Financial Report & Independent Auditors' Report, at pp. 43-44, Note A, Organization and Nature of Operations

¹¹⁷ 2012 Amended and Restated Statement of Corporate Policies Governing the Leasing and Residency of Assisted Apartments, March 28, 2012

The 2012 Statement of Policies for Supportive Housing, as amended and restated on March 27, 2013, provides the outline of project based rental assistance (PBRA) available for two year periods under Section 8 of the 1937 Housing Act, amended. PBRA "Supportive Housing Participants must qualify as very-low income members of one or more special needs populations such as homeless, persons disabilities, persons with mental health or developmental disabilities, U.S. military veterans, at-risk families and youth and other targeted groups who are enrolled in a supportive services program with a Service Provider and who require a stable housing arrangement to ensure the effectiveness of their respective Service Plans."¹¹⁸

The Commissioners outline AHA's Housing Choice Tenant-Based Programs in March, 2013, the eighth revision since the MTW Agreement with HUD. This policy outlines the guiding principles of AHA as a provider or sponsor of quality affordable housing, as a leader in community building initiatives. This policy also delegates the development and implementation of its operational procedures to the AHA Operations Division consistent with the policy outline on organization, maintenance, selection, rent limited to 30 percent or less of household monthly income, payment standards based on submarket rates and a deconcentration strategy. The Housing Choice Tenant-Based Programs are independent, separate from the PBRA program. This policy also identifies a Homeownership Policy, delegating the structure, terms and implementation to an AHA division designated by the President/CEO of AHA.¹¹⁹

V. JURISDICTION'S FAIR HOUSING PROFILE

Fair Housing Laws, Agencies and Enforcement

Federal Law

The federal Fair Housing Act¹²⁰ prohibits discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability. The U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, is charged with enforcing the federal Fair Housing Act. The Act contains administrative enforcement mechanisms, with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination, and

¹¹⁸ 2012 Statement of Policies for Supportive Housing, as amended and restated on March 27, 2013, p. 7.

¹¹⁹ Amended and Restated Statement of Policies Governing the Housing Choice Tenant-Based Program, March 27, 2013. All policy documents are provided in Appendix B.

¹²⁰ Title VIII of the Civil Rights Act of 1968, 42 U.S.C. § 3601 *et seq.*

gives the Justice Department jurisdiction to bring suit on behalf of victims in federal district courts.

In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multifamily dwellings developed for first occupancy on or after March 13, 1991.

HUD has had a lead role in administering the Fair Housing Act since its adoption in 1968. The 1988 amendments, however, greatly increased the Department's enforcement role. First, the newly protected classes have proven significant sources of new complaints. Second, HUD's expanded enforcement role took the Department beyond investigation and conciliation into the mandatory enforcement area.

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated, then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party—complainant or respondent—may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil judicial action. Either form of action—the administrative proceeding or the judicial action—is subject to review in the U. S. Court of Appeals.¹²¹

In January 2012 HUD announced new regulations intended to ensure that HUD's core housing programs are open to all eligible persons, regardless of sexual orientation or gender identity. The final rule published in the federal register as *Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity*, makes the following general provisions: requires owners and operator of HUD-assisted housing or housing whose financing is insured by HUD, to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling, whether renter- or owner-occupied; prohibits lenders from using sexual orientation or gender identity as a basis to determine a borrower's eligibility for FHA-insured mortgage financing; clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or

¹²¹ 28 U.S.C. § 2342, see also <http://www.hud.gov/fairhousing>.

gender identity, will have the opportunity to participate in HUD programs; and, prohibits owner and operators of HUD-assisted housing or housing insured by HUD from asking about an applicant or occupant's sexual orientation and gender identity for the purpose of determining eligibility otherwise making housing available.

In July 2013 HUD proposed regulations to help better implement the long-standing *affirmatively furthering fair housing* component of the Fair Housing Act. HUD proposes to provide HUD program participants with more effective means to affirmatively further the purpose and policies of the Fair Housing Act, which is Title VIII of the Civil Rights Act of 1968. The FHA not only prohibits discrimination but, in conjunction with other statutes, directs HUD's program participants to take steps proactively to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities for all. As acknowledged by the U.S. Government Accountability Office (GAO) and many stakeholders, advocates, and program participants, the current practice of affirmatively furthering fair housing carried out by HUD grantees, which involves an *analysis of impediments to fair housing choice* (AI) and a certification that the grantee will affirmatively further fair housing, has not been as effective as had been envisioned. This rule accordingly proposes to refine existing requirements with a *fair housing assessment* and planning process that will better aid HUD program participants fulfill this statutory obligation and address specific comments the GAO raised. To facilitate this approach, HUD will provide states, local governments, insular areas, and public housing agencies (PHAs), as well as the communities they serve, with data on patterns of integration and segregation; racially and ethnically concentrated areas of poverty; access to education, employment, low-poverty, transportation, and environmental health, among other critical assets; disproportionate housing needs based on the classes protected under the Fair Housing Act; data on individuals with disabilities and families with children; and discrimination. From these data program participants will evaluate their present environment to assess fair housing issues, identify the primary determinants that account for those issues, and set forth fair housing priorities and goals. With this new clarity through guidance, a template for the assessment, and a HUD-review process, program participants should achieve more meaningful outcomes that affirmatively further fair housing.

State Law

The Georgia Fair Housing Act¹²² was passed by the Georgia Legislature in 1990, and amended in 1992. The Georgia Fair Housing Act is substantially equivalent to the

¹²² O.C.G.A. §8-3-200 *et seq.*

federal Fair Housing Act. The Georgia Commission on Equal Opportunity (GCEO) was a Fair Housing Assistance Program (FHAP) agency and enforced Georgia's state fair housing law until withdrawal from the program in 2011.¹²³ Substantial equivalency certification takes place when a State or local agency applies for certification and HUD determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act.

Substantially equivalent agencies are eligible to participate in the Fair Housing Assistance Program (FHAP). FHAP permits HUD to use the services of substantially equivalent State and local agencies in the enforcement of fair housing laws, and to reimburse these agencies for services that assist in carrying out the spirit and letter of the federal Fair Housing Act. While certification results in a shift in fair housing enforcement power from the federal government to the State or locality, the substantive and procedural strength of the federal Fair Housing Act is not compromised. Prior to certification, an agency must demonstrate to HUD that it enforces a law that is substantially equivalent to the federal Fair Housing Act.

HUD has a two-phase procedure for the determination of substantial equivalency certification. In the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "on its face," the State or local law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent on its face will result in HUD offering the agency interim certification. Interim certification is for a term of three years. An agency must obtain interim certification prior to obtaining certification.

In the second phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "in operation," the State or local law provides rights, procedures, remedies and the availability of judicial review that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent both on its face and in operation will result in HUD offering the agency certification. Certification is for a term of five years. During the five years of certification, the agency's ability to maintain certification will be assessed. After the five years of certification, if the Assistant Secretary determines

¹²³ See Appendix B, Response with supplements from GCEO to Metro (July 11, 2013)

that the agency still qualifies for certification, HUD will renew the agency's certification for another five years.¹²⁴

When HUD receives a complaint and the complaint alleges violations of a State or local fair housing law administered by an interim certified or certified agency, HUD will generally refer the complaint to the agency for investigation, conciliation and enforcement activities. Fair housing professionals being based in the locality where the alleged discrimination occurred benefits all parties to a housing discrimination complaint. These individuals often have a greater familiarity with local housing stock and are in closer proximity to the site of the alleged discrimination, offering greater efficiency in case processing.

GCEO currently does not have substantial equivalency certification from HUD. The state fair housing law was previously designated as substantially equivalent, but lost the certification in 2011. Substantial equivalency certification results in housing discrimination cases having the benefit of State or local complaint processing. At the same time, the process assures that the substantive and procedural strength of the federal Fair Housing Act will not be compromised.

Municipal Law

Atlanta's civil and human rights fair housing ordinance is codified as Chapter 94 of the Atlanta Municipal Code, as amended.¹²⁵ The ordinance prohibits discrimination against any person in Atlanta in the area of employment and fair housing on the basis of race, color, creed, religion, national origin, age, sex, disability, familial status, domestic relationship status, parental status, gender identity or sexual orientation.¹²⁶ The Mayor's Office of Constituent Services is an administrative commission, known as the Human Relations Commission (HRC), a seven member board appointed by the Mayor and City Council and "serve as the vehicle for addressing illegal discrimination in public accommodations, private employment, and housing within the City."¹²⁷ The HRC serves in the Mayor's Office of Constituent Services with the assistance of the City's Law Department. A certified letter of request for housing discrimination complaint data was directed to the Commissioner of the HRC on July

¹²⁴ Id. GCEO's follow-up response confirmed that GCEO was recommended by HUD to "Voluntary Withdraw" from the FHAP Program due to years of noncompliance by previous Investigators.

¹²⁵ ATLANTA GA CODE, PT. II, CHAP. 94

¹²⁶ Id. § 94-92

¹²⁷ Id. § 94-10 to §94.41

26, 2013. Metro was informed by the Office of Constituent Services, (OCS) that no fair housing complaints had been received.

Based on the municipal ordinance, the HRC is vested with the authority to investigate allegations of discrimination and to make recommendations to the mayor and the city’s housing agencies and to secure a response within 30 days.¹²⁸ Such action does not prevent the aggrieved person(s) from seeking judicial remedies. See the relevant local ordinance at Appendix F.

Fair Housing Complaint Data

National Action

The National Fair Housing Alliance’s *2013 Fair Housing Trends Report* announced that 28,519 fair housing complaints were filed nationwide in 2012. According to the report, this number reflects only the reported incidence of housing discrimination and may represent less than one percent of the estimated incidence of illegal housing discrimination that occurs each year in the United States. Private fair housing groups processed 10,680 or 69 percent, of the total complaint load, more than twice as many complaints investigated by public entities. HUD processed 1,817 complaints and state and local agencies processed 6,986. The Department of Justice filed 36 fair housing cases. Complaints alleging discrimination on the basis of disability continue to rank as the highest among all protected classes.¹²⁹ It is noted that many cases filed with HUD and FHAP agencies originated with private fair housing organizations.¹³⁰

The chart below shows the number of fair housing complaints filed across the country since 2003. These represent complaints filed by 93 members of the National Fair Housing Alliance, FHAP recipients (107 state and local government agencies that receive HUD funding to investigate fair housing complaints), HUD, and DOJ.

NATIONAL DISCRIMINATION BY PROTECTED CLASS					
	NFHA Member Complaints	FHAP Claims and Complaints	HUD Claims and Complaints	DOJ Case Filings	TOTAL
2003	17,022	5,352	2,745	29	24,148
2004	18,094	6,370	2,817	38	27,319

¹²⁸ Id. § 94-92

¹²⁹ Natl. Fair Housing Alliance, *Modernizing the Fair Housing Act for the 21st Century*, 2103 *Fair Housing Trends Report*, April 11, 2013, at <http://www.nationalfairhousing.org>, at pp.14-16

¹³⁰ Id. at p.16

2005	16,789	7,034	2,227	42	26,092
2006	17,347	7,498	2,830	31	27,706
2007	16,834	7,705	2,449	35	27,023
2008	20,173	8,429	2,123	33	30,758
2009	19,924	8,153	2,091	45	30,213
2010	19,665	8,214	1,943	29	28,851
2011	17,701	7,551	1,799	41	27,092
2012	19,680	6,986	1,817	36	28,519

- HUD, FHAP and DOJ data are for Fiscal Year 2012. DOJ data represent case filings of HUD Election and Enforcement cases, and Pattern or Practice cases. DOJ's jurisdiction under the Fair Housing Act is limited to pattern or practice cases and cases referred by HUD. HUD, FHAP and NFHA data represent fair housing complaints received and/or investigated.

Atlanta residents who believe they have experienced housing discrimination may file their complaints through the following entities: HUD's Office of Fair Housing and Equal Opportunity (FHEO), Georgia Attorney General/Georgia Commission on Equal Opportunity, Atlanta's Office of Constituent Services, Human Rights Commission, Atlanta Legal Aid Society, Inc. or Metro. There is no cost for filing a complaint with any agency; fair housing complaints must be filed within one year after the discriminatory act(s). As part of the research conducted for completion of this AI, these entities were contacted and requested to provide summary information regarding fair housing complaints/cases processed involving Atlanta residents since completion of the 2006 AI.

U. S. HUD FHEO

Metro submitted a formal, written correspondence to HUD headquarters (Washington, D.C.) and Region IV (Atlanta, GA) dated August 1, 2013, under the Freedom of Information Act, FOIA Control No: 13-FI-R04-02059, requesting complaint intake and resolution information for the City of Atlanta, Georgia.

By letter dated September 19, 2013, Metro received the following data on filed cases with complaints in Atlanta or a location of violation in Atlanta, January 1, 2006-June 30, 2013:

A total of 349 incoming fair housing complaints/cases were received/docketed from Atlanta residents since completion of the 2006 AI, for the years 2006 through 2012, filed on 318 protected class bases (cases can have multiple bases, or reasons for filing the fair housing complaint; therefore, the total number of bases is typically greater than the number of cases filed and docketed). The number/type of bases filed during the seven-year period in descending order is as follows:

Race	173
Disability	161
Sex	74
Familial Status	36
National Origin	35
Religion	15
Color	9

Race and Disability rank as the top two bases of complaints for unfair housing practices, with gender discrimination in third place familial status in fourth place. Familial status almost tied with complaints based on National Origin.¹³¹

The Complainant(s) alleged in most cases that discrimination was based on a refusal to rent (63 claims) or different terms and conditions (206 claims) as a leading indicator of why the aggrieved person(s) did not acquire the necessary housing. Disability claims filed in most cases included the Respondents failure to make reasonable accommodations for the disabled (84 claims) or to permit reasonable modification (19 claims). HUD also filed on four types of claims based on lending patterns resulting in 254 cases filed and within the same time period 209 cases of those types of claims were closed. HUD indicated further, in its response, that during the seven-year documented period the same number of cases filed (349) were closed without details on how the cases were resolved.¹³²

HUD Office of Policy Development and Research

In a 2012 nation-wide systemic paired testing study, more than 8,000 tests were conducted in a representative sample of 28 metropolitan areas. Atlanta was included in this study. This study focused on differential treatment discrimination - when equally qualified homeseekers receive unequal treatment from housing providers. Therefore, the study reports the share of tests in which the White tester was favored over the minority, the share in which the minority tester was favored over the White, and the difference between the two. This difference -- or net measure -- provides a conservative, lower-bound estimate of systematic discrimination against minority homeseekers. Race was the only basis studied in this test. The following is a brief summary of findings:

¹³¹ Appendix B, Response from Deputy Regional Director, HUD, Region IV to Metro (August 29, 2013)

¹³² Id.

- When well-qualified minority homeseekers contact housing providers to inquire about recently advertised housing units, they generally are just as likely as equally qualified White homeseekers to get an appointment and learn about at least one available housing unit. However, when differences in treatment occur, White homeseekers are more likely to be favored than minorities such as being told about and shown more homes than minority homeseekers.
- The most blatant forms of discrimination (refusing to meet with a minority homeseeker or provide information on any available units) have declined since 1977. The forms of discrimination that persist (providing information about fewer units) raise the costs of the housing search for minorities and restrict their housing options.
- Minority renters sometimes experience other forms of discriminatory treatment as well, relating to housing costs and quality and the helpfulness of the rental agent. These differences are less consistent and smaller in magnitude than the differences in numbers of units available and shown.¹³³

State Administrative Action

Georgia Commission on Equal Opportunity (GCEO)

Metro reviewed the GCEO's official website,¹³⁴ specifically reviewing the complaint and intake process and procedures under the fair housing division. The following information is available online:

- The GCEO receives Fair Housing Complaints in-person as well as on-line.
- The Georgia Fair Housing Act requires all complaints must be filed in writing, signed and affirmed by the aggrieved person.
- Standing and Jurisdiction must be established before one of two housing investigators serve notice to the Responding Party.
- The investigators are neutral parties throughout the process and have all the tools of discovery under the Georgia Civil Practice Act as well as power to subpoena under the Georgia Fair Housing Act.

Metro requested complaint data by letter to the Executive Director and Administrator dated July 23, 2013. GCEO provided the following summary of its resolution process and case activities from 2006 through 2012:

¹³³ HUD Office of Policy Development and Research, *Housing Discrimination Against Racial and Ethnic Minorities 2012* (June 2013), at 2-3, available at <http://www.huduser.org>

¹³⁴ <http://www.gceo.state.ga.us>

- The Georgia Fair Housing Law is substantially equivalent to the federal Fair Housing Act.
- The Fair Housing Division of GCEO has been investigating complaints since 1989.

The intake process begins with an intake questionnaire, from which jurisdiction is determined. Non-jurisdictional matters are dismissed with notice and reason provided by letter. Where jurisdiction is found, then a formalized complaint form is sent to complainant. This formal complaint must be signed, notarized and returned/received within ten days for GCEO to assign a case number and investigator.

- GCEO administrative closures are utilized only in limited and appropriate circumstances. A conciliation/settlement between the parties is attempted, to the extent feasible, until a hearing or judicial proceeding has begun.
- The first phase of investigation is review, interview, investigate, interrogate and analyze the facts. Failure of a Respondent to respond by second request results in referral to a Housing Manager for enforcement.
- The second phase is the preparation of the final Investigative Report and Summary of Findings and Determination Report. Then the investigator with the Manager discuss if more information is available or the case is submitted for closure.
- Reasonable cause is found to exist if the evidence gathered during the investigation indicates that it is more likely than not that the alleged discriminatory acts did occur.
- If, after the investigation has been completed, the Administrator of GCEO determines that there is reasonable cause to believe that a discriminatory housing practice has occurred or is occurring, the Administrator will issue a Charge of Discrimination. This Charge will state the facts upon which this determination was made, and the applicable provisions of law. The Complainant(s), Respondent(s) or aggrieved person(s) may then elect to pursue one of the following options:
 - (1) Request, within twenty (20) days of the receipt of the charge, that the Attorney General bring an action in the name of the State of Georgia on behalf of the aggrieved person. If the Executive Director has made a determination of reasonable cause, the Attorney General must file a civil action within thirty (30) days, as long as he/she is satisfied that the facts and the conclusions of law support the Administrator's findings. In an enforcement action, the Court may award equitable relief, compensatory damages, attorney fees and court costs, and a civil penalty (up to \$50,000, depending on circumstances); or
 - (2) If no party files a timely election to have this matter referred to the Attorney General, then an administrative hearing before GCEO's Board of Commissioners shall be conducted to hear evidence and rule upon

the issues and allegations enumerated in the Charge of Discrimination. Upon closing of the record, the Board of Commissioners will issue a Final Order. If the Board finds that any named party has violated one or more provisions of the Georgia Fair Housing Act, the Board may grant equitable relief, compensatory relief and attorney fees to the aggrieved person(s); or

- (3) The aggrieved person may choose to file a civil action on his or her own, without resorting to the administrative options outlined above. The civil action must be filed in an appropriate Superior Court within two (2) years of the latest occurrence of the alleged discriminatory action. If the aggrieved person prevails in his or her civil action, the court may award: actual and compensatory damages, punitive damages, reasonable attorney's fees and court costs, and equitable relief.

Further, GCEO submitted the following data on complaints received during the analysis period of 2006-2012.

Number of Incoming Complaints/Cases Received from the Atlanta Metropolitan Area

NUMBER OF COMPLAINTS FILED BY BASES							
YEAR	RACE	COLOR	DISABILITY	FAMILIAL STATUS	RELIGION	NATIONAL ORIGIN	SEX
2006	96	3	43	20	0	18	30
2007	113	6	65	18	1	24	30
2008	130	19	96	31	4	44	63
2009	66	7	56	18	0	9	28
2010	27	0	28	8	0	3	12
2011	22	0	30	6	0	1	4
2012	20	1	3	2	0	2	0
2013	2	0	3	0	0	3	2

NUMBER OF COMPLAINTS FILED BY COUNTIES						
YEAR	CLAYTON	DEKALB	FAYETTE	FULTON	HENRY	TOTAL
2006	5	14	3	31	4	57
2007	2	10	2	56	3	73
2008	7	16	1	55	4	83
2009	5	4	1	29	1	40

PERCENTAGE OF HOUSING DETERMINATIONS FILED BY YEAR					
Determinations	2006	2007	2008	2009	2010
No cause Determination	64%	43%	51%	43	29%
Reasonable cause Determination	0%	0%	0%	2%	0%
Compl. failed provide Req. Info.	14%	9%	8%	11%	10%
Conciliation	8%	7%	8%	11%	8%
Case Transferred HUD	11%	25%	15%	16%	40%
Withdrawal with Benefits	3%	4%	8%	2%	2%
Chg. Issued	0%	2%	0%	0%	0%
Untimely Filed	0%	2%	0%	0%	0%
Unable to Locate Complainant	0%	4%	2%	2%	4%
Withdrawal	0%	4%	2%	2%	0%
Unable to identify Respondent	0%	2%	2%	2%	0%
Dismissed-Lack of Jurisdiction	0%	0%	4%	9%	6%

“GCEO was recommended by HUD to ‘Voluntary Withdraw’ from the HUD Fair Housing Assistance Program (FHAP) due to years of noncompliance by previous Investigators”, thereafter, GCEO staff no longer entered data or had access to HUD stored data. This explains the differing totals of complaints filed over the years¹³⁵ and the reason GCEO did not include the number of cases filed by counties nor the determinations for 2011-2012 at the time of closure.¹³⁶

A total of 1,116 incoming fair housing complaints/cases were received/docketed from Atlanta residents since completion of the 2006 AI, filed on 1,207 protected class bases (cases can have multiple bases, or reasons for filing the fair housing complaint; therefore, the total number of bases is typically greater than the number of cases filed and docketed). Following a peak occurring in 2007-2008 (581 complaints), a decreasing number of fair housing complaints was filed partly due to the withdrawal from the HUD FHAP programs that made referrals to GCEO. The number/type of bases filed during the six-year period in descending order is as follows:

Race	474
Disability	321
Sex	167
Familial Status	103
National Origin	101
Color	36
Religion	5

As GCEO responded: “The basis based on race is heavily skewed for unfair housing discrimination toward the African American Community by greater numbers than any other protected class under the Fair Housing Act.” Disability came in second place for unfair housing practices, third place included Sex Discrimination; fourth place consist of the Latino Community based on National Origin and in fifth place where there has been an increase in Familial Status complaints (person under the age of 18 years). Color as a basis came in six place on the chart with an increase in 2008. The category for Religion was one percent (1%) of cases reported or investigated in 2007 with an increase of (4%) in 2008.¹³⁷

The Complainant(s) alleged in most cases that a refusal to rent or different terms and conditions is a leading indicator as to why the aggrieved person(s) did not acquire

¹³⁵ Compare 2006- 210 complaints; 2007 - 257 complaints; 2008 - 324 complaints; 2009 - 156 complaints; 2010 - 78 complaints; 2011 - 63 complaints; 2012 -28 complaints.

¹³⁶ See Appendix B, Response with supplements from GCEO to Metro (July 11, 2013)

¹³⁷ Id.

the necessary housing. Disability claims filed in most cases included the Respondents failure to make reasonable accommodations for the disabled. Families with children (Familial Status) cases mostly involved the number of rooms that house children under the Fair Housing Law requirement. Respondents were very clear on how many individuals they would allow to live in the property.”¹³⁸

During the five-year documented period an average of 46 percent of cases were dismissed, an average 21.4 percent were transferred to HUD, and 8.4 percent were resolved by conciliation (note that cases resolved were not necessarily the same cases received as some resolved cases could have been received in a previous period, or received in the six-year period and pending resolution in a future period).

When asked to describe any notable instances of occurring/recurring cases, GCEO responded:

“Based on previous investigations, the Georgia Commission on Equal Opportunity is not aware of any occurring/recurring cases based on bases not currently protected under the State Fair Housing Law such as the (source of income, sexual orientation or gender identification (HUD’s LGBT/Equal Access Rule)).

However, the Latino Community in most instances alleged that due to National Origin, Respondents tend to discriminate against them when it comes to disparate treatment. The tragedy of such treatment they feel is linked in part, is due to their citizenship status and the lack of concern for their issues as a protected class under the Fair Housing Act. As a result, the Latino Community tend to shy away from filing unfair housing discrimination claims for fear of retaliation.”¹³⁹

Municipal Action

Metro’s review of the City’s website demonstrated the difficulty of finding notice of local fair housing assistance or notice to constituents of fair housing rights/responsibilities and appropriate remedial process. Located on the website, under the Office of Code Compliance/Police, the information of affiliates recommended to assist constituents in addressing housing discrimination complaints was found to be out of date with incorrect contact information.

¹³⁸ Id.

¹³⁹ Id.

Atlanta Office of Constituent Services, Human Rights Commission

(HRC)

On July 26, 2013, Metro submitted a formal written request to Chief Commissioner of the HRC for its housing discrimination complaint intake and disposition information from 2006 through February 2013, in connection with the completion of the 2013 AI. On September 30, 2013, Metro was informed by the Office of Constituent Services (OCS) with supporting documentation that no fair housing complaints had been received.

The Atlanta City Council assigned the enforcement of the 1977 ordinance, as amended in 1983 and 2000, and known as the Human Relations Code¹⁴⁰ to the HRC as a vehicle for addressing illegal discrimination in public accommodations, private employment and housing. Failure to publicize this responsibility and act under its authority constitutes an obstacle to equal and open access to housing choices.

Office of Code Compliance/Atlanta Police Department

Metro received a very detailed response from the Office of Code Compliance within the Atlanta Police Department, which provided the following tabulations of code enforcement as follows:

In-Rem Activity:

2011 -to date

118 Demolitions

128 Clean and Close Actions

2008-2010

**91 Demolitions completed
of 196 ordered**

**94 Clean and Close Actions
of 175 ordered**

Code Compliance Inspections

2009-to date

21,156 Highly Hazardous Category

29,256 Property Maintenance Category

Metro was also advised that City records indicate that, to date, there have been 2,121 registrations of vacant property with the City realizing \$230,000 in registration fees; and further that no fines have been assessed to date for failure to register.¹⁴¹

¹⁴⁰ ATLANTA GA. CODE § 94-91, et seq.

¹⁴¹ Appendix B Response from Compliance Resolution Supervisor, Atlanta Police Dept., Code Enforcement Section to Metro (Oct. 4, 2013)

Private Action

Atlanta Legal Aid Society, Inc. (ALAS)

Atlanta Legal Aid Society, Inc. (ALAS) provides civil legal services to individuals with low incomes in the five county Atlanta metropolitan area, including substantial assistance to clients with landlord/tenant problems. In ALAS' response to Metro's August 1, 2013 inquiry, Charles R. Bliss, Director of Advocacy, identified several major areas of concern raised by observed trends in legal complaints that signify significant impediments to fair housing. ALAS provided a partial listing of recent resolved or pending cases that exemplify the following issues:¹⁴²

A. Accommodation of Residents with Disabilities Exempt under the Work Requirements of the Catalyst Program

Columbia Residential Mgmt. v. Sharon Seabrum, Fulton Magistrate Court, File No. 08ED380962. The issue concerned the disability exemption from the Catalyst work requirements. The case was settled and the tenant remained in housing.

Capitol Gateway v. Janie Williams Smith, Fulton State Court. File No. 12DD00486. This was a Catalyst related rent calculation issue due to a disability. The case was settled and the tenant remained in housing.

Villages of Carver v. Clover Allen, Fulton Magistrate Court, File No. 12ED003878. Issue of sufficient documentation to certify disability. This matter is pending.

Villages of Carver v. Shaneka Turner, Fulton Magistrate Court, File No. 12ED599458. Issue of documentation to certify disability. The case is pending.

In 2009, Atlanta Legal Aid complained directly to AHA that its focus on work requirements under the MTW plan could lead to discrimination against disabled residents. Disabled residents are theoretically exempt from the MTW requirements. ALAS' general observation is that tenants who are receiving disability benefits under the Social Security Act are usually recognized as disabled. If, however, a tenant in the process of appealing to obtain benefits or is disabled but does not meet the extremely high requirements for Social Security benefits, AHA and its partners often do not recognize and accommodate the disability according to ALAS. Further complicating the issue is the difficulty in determining the responsible decision-maker, i.e., whether to address the claim to the public housing agency, the owner-entity partner or the private management company.

¹⁴² See Appendix B, Letter from Charles Bliss, Atlanta Legal Aid, dated October 6, 2013. See the AHA correspondence for rebuttal to the ALAS position also contained in Appendix B.

B. Accommodation of Residents with Disabilities Who Need Others to Live with Them

Many disabled people require someone to live with them in order to continue to live independently, even in public or subsidized housing. ALAS asserts that the assisted housing providers have not been flexible in accommodating disabled people who have limited choices about people who might live with and assist them. Examples of how these issues arise are set forth below:

Villages of Carver vs. Estate of Shirley Allen - Fulton Magistrate Court. This is an eviction action currently pending. In this case the custodial adult died leaving a minor and a disabled adult dependent. The provider denied a relative of the disabled adult from entering the lease as a caretaker, based on alleged criminal activity.

Villages of Carver v. Malencia/Marvin Hicks: Fulton Magistrate Court. In this case, ALAS represented a disabled senior who sought the work exemption for his live-in daughter whom he depended on for assistance. The filed action for eviction was withdrawn.

C. Drug or Alcohol Addiction in the Past

ALAS sees a number of clients with disabilities whose past history of drug or alcohol use is the basis of denial to public housing. In most cases, these matters are resolved by appeal through the AHA administrative process. These administrative processes do not provide a court record of these instances of alleged discrimination. ALAS' position is that the failure to accommodate problems caused by past drug and alcohol addiction frustrates efforts to rehabilitate and reintegrate these individuals back into society.

ALAS has also represented several individuals with old criminal histories related to drug abuse. In each case, the applicant was denied admission. When ALAS demonstrated evidence of rehabilitation in administrative hearing, the applicants were admitted, or in one case obtained a housing voucher. According to ALAS, without its representation, these applicants would not have been admitted. The ALAS Director of Advocacy is confident that many people with these issues are discouraged from applying, are denied housing and never appeal or simply never find legal representation.

D. Accommodation of Tenants with Disabilities

Heritage Station Apt. v. Estate of J.C. Allen, Fulton Magistrate Court, File No. 13ED019987. Issue of level of documentation required to certify a disability exemption from the Catalyst work requirement. The Catalyst issues were deferred for a year.

E. Other Fair Housing Act Cases with Private Providers Not in Partnership with Public Housing

Alderwood Trails v. Terrell Blalock. This case involves a counterclaim in a dispossessory for failure to make reasonable accommodation. The client had repeatedly asked to be moved to a first floor apartment since he had a deteriorating disc in his back which made it painful to climb stairs. St. Joseph's Hospital sent a letter to his complex requesting accommodation. The complex never responded and rented out first floor apartments to others. Although client had a handicapped parking permit, his spot was across the street from his complex.

Patsy Brown v. Shannon Villas Condominium Association. Two cases in which the condo association would deny parking or complicate access to the residence because of past due Home Owners Association fees, although client has a handicap sticker and other documentation.

Briarcliff Summit Apts. v. James Bunch. Dispossessory where the client asserted an ADA defense based on mental illness.

F. Fair Housing Cases Arising from Lending Practices

The Home Defense Program (HDP) is a program of the Atlanta Legal Aid Society that provides legal advice, referrals, and legal representation to homeowners facing the loss of their homes, who may have been targeted for predatory mortgage lending or servicing practices, and/or who may have been eligible for loan modifications, refinances, mortgage payment assistance, or other foreclosure prevention programs. HDP attorneys have provided advice, referrals, and legal representation to numerous homeowners residing in the City of Atlanta during the time period January 2006 through June 2013.

In the years leading up to the mortgage and foreclosure crisis (2006, 2007, and 2008), ALAS reported a drastic increase in the numbers of mortgage delinquencies and foreclosures, especially involving mortgage loans that contained predatory features or terms. The most pernicious and increasingly prevalent of these practices was

lending without regard to repayment ability. These mortgage loans typically included high interest rates, high closing costs and fees, deceptive teaser rates, interest only features, negative amortization, payments that exploded after a few short years, and/or balloon payments. Underwriting for these loans was extremely flawed when done and often nonexistent – loan applications were not even taken, were blank, were correctly completed but showed the homeowner could not afford the payments, or contained multiple inconsistencies that made clear the person did not qualify for the loan. The vast majority of ALAS clients were low and moderate income African Americans, Latino Americans, seniors, and disabled homeowners.

Between January 2006 and July 2013, the ALAS received 1,599 requests for legal assistance from Atlanta residents in matters concerning home ownership, predatory mortgage lending or servicing practices, and/or foreclosure or post-foreclosure issues. The vast majority of the residents were not provided full legal representation, but were provided advice only regarding their legal rights and options and/or referrals to housing counseling agencies, private attorneys, and other resources. During the same time, ALAS attorneys closed 265 mortgage, and foreclosure-related cases involving Atlanta residents, as a result of negotiating settlements of their legal claims, either with or without litigation. Typical settlements for HDP cases involved saving clients' homes by stopping or rescinding foreclosure sales, negotiating cancellations of mortgage loans, restructuring mortgage loans with lower balances, interest rates, and monthly payments, and negotiating short payoffs of mortgage loans using reverse mortgage proceeds for senior homeowners.

Although most HDP cases were resolved without filing lawsuits, the following cases were litigated in state or federal courts on behalf of homeowners residing in the City of Atlanta during the relevant time period. In each of the cases, the opposing parties disputed the legal claims raised by the homeowners.¹⁴³

Berry v. Beneficial Mortgage Co. of Georgia and Beneficial Financial I Inc., United States District Court, Northern District of Georgia; Civil Action No. 1:10-CV-3259. Claims in this lawsuit included violations of the Truth in Lending Act and Georgia Fair Lending Act. This case has been settled.

Bussie v. SouthTrust Mortgage Corporation, Bank of America, N.A., as Trustee for Certificate Holders of Bear Stearns Asset Backed Securities I LLC, Series 2005-HE10, and CitiBank, N.A., as Trustee for Certificate Holders of Bear Stearns Asset Backed Securities I LLC, Mortgage Backed Certificates, Series 2005-8, Superior Court of Fulton County, Civil Action No. 2009-CV-170520. Claims in this lawsuit included

¹⁴³ See Appendix B, Letter from Karen Brown, Atlanta Legal Aid Society, dated September 10, 2013

violations of the Georgia Fair Lending Act, Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

CitiFinancial Services, Inc. v. Mathies, Magistrate Court of Fulton County, State of Georgia, Civil Action File No. 08m-S086423; State Court of Fulton County, State of Georgia, Civil Action File No. 09vs153392c. The homeowner's claims in this lawsuit included violations of the Georgia Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Davis and Stone v. Chase Bank USA, N.A. and John Doe, United States District Court, Northern District of Georgia, Civil Action No. 1:09-Cv-2358. The homeowners in this lawsuit raised claims for violations of the Truth in Lending Act. This case has been settled.

Deutsche Bank National Trust Company, as Trustee in Trust for the Benefit of the Certificateholders for Ameriquest Mortgage Securities Trust 2005-r11, Asset-Backed Pass-Through Certificates, Series 2005-R11 v. Reid, Superior Court of Fulton County, Civil Action No. 2010-CV-181940. The homeowner in this lawsuit raised claims under the Georgia Fair Lending Act. This case has been settled.

Haley v. CitiMortgage, Inc. and Fannie Mae, United States District Court, Northern District of Georgia, Civil Action No. 1:09-CV-02073. This lawsuit included claims for violations of the Georgia Fair Business Practices Act, Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This lawsuit and the underlying claims have been settled.

Jordan v. NovaStar Mortgage Inc., Bank of New York Mellon Corporation, as Trustee, and JPMorgan Chase Bank, as Trustee, United States District Court, Northern District of Georgia, Civil Action No. 1:08-CV-03587. This lawsuit included claims for violations of the Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This matter has been settled.

Moody v. Wells Fargo Bank, N.A. and Deutsche Bank National Trust Company, as Trustee, United States District Court, Northern District of Georgia, Civil Action No. 1:10-cv-0277. The homeowner in this lawsuit raised claims for violations of the Truth in Lending, Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Reese v. Wachovia Bank, N.A., United States District Court, Northern District of Georgia, Civil Action No. 1:08-Cv-3461. This lawsuit raised claims for violations of the Georgia Fair Business Practices Act, Georgia Unfair or Deceptive Practices

Toward the Elderly Act, Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Scott v. Bank of America, N.A., United States District Court, Northern District of Georgia, Civil Action No. 1:09-cv-02958. This lawsuit brought claims for violations of the Truth in Lending Act, Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Smith v. Wachovia Bank, N.A. and Fannie Mae, United States District Court, Northern District of Georgia, Civil Action No. 1:10-cv-00246. This lawsuit included claims for violations of the Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, negligence per se, negligence, fraud, and negligent misrepresentation. This case has been resolved between the parties to their mutual satisfaction.

WM Specialty Mortgage, LLC v. Hernandez and Georgia Department of Revenue, Superior Court of Fulton County, Civil Action No. 2008 CV 154198. This lawsuit included claims for violations of the Georgia Fair Lending Act, breach of duties under the Georgia Residential Mortgage Act, fraud, and negligent misrepresentation. This case has been settled.

Metro Fair Housing Services, Inc. (Metro)

While there are several housing counseling and other agencies in the jurisdiction who provide fair housing assistance, Metro fills a unique void in this market as it is the only private, non-profit, full service, fair housing organization in Atlanta and the 10-county regional area that is currently engaged in comprehensive education/outreach and enforcement activities.

Metro's overall objective is to fight housing discrimination in metropolitan Atlanta and to promote equal housing opportunities throughout Georgia. Metro envisions continuing to play a major role in bringing housing discrimination to an end by empowering people through education, advocacy, and the enforcement of federal, state and local fair housing laws. Metro employs a three-tiered strategy of Education & Outreach, Intake & Counseling and Enforcement to accomplish its mission:

- The *Education and Outreach Initiative* is designed to ensure that the general public and protected classes become knowledgeable concerning Fair Housing laws and the means available to seek redress for fair housing rights violations, and includes private housing industry provider education programs structured to furnish developers, real estate brokers, property managers, financial

institutions, and the media/advertising industry with the most current information necessary to fully comply with federal, state and local fair housing laws.

- The Intake & Counseling Initiative provides complaint intake and counseling services. The *Housing Discrimination HELP LINE* provides complaint intake, information and referral services, counseling services, and assistance to all residents seeking housing opportunities. Housing Counseling services are designed in compliance with the U. S. Department of Housing and Urban Development's approval criteria for local housing counseling agencies and provides comprehensive homebuyer counseling services free of charge to all participants as follows: Pre-Purchase Homebuyer Certification Workshops; Pre-Purchase Counseling; Mortgage Delinquency and Default Prevention Counseling; Financial Management/Budget Counseling; Home Improvement and Rehabilitation Counseling; Federal, state Fair Housing and Fair Lending Education.
- The Private Enforcement Initiative involves testing and investigation of alleged Fair Housing violations in the State of Georgia, the prevention and elimination of discriminatory housing practices, and pursuing the enforcement of meritorious claims.

In 2011, Metro began providing comprehensive Fair Housing Planning Services to public housing authorities who were defendants in litigation brought by the Department of Justice for alleged violations of the Fair Housing Act, generally around tenant selection and placement practices. Those services include, but are not restricted to: HUD-approved 8-hour Employee Education Programs (curriculum development and training); preparation of *Analysis of Impediments to Fair Housing Choice* studies for the PHA; and fair housing consultant services.

Metro is a 39-year old civil rights organization which serves as a statewide catalyst in advocating fair housing initiatives and has been funded eight times under the federal (enforcement) Fair Housing Initiatives Program (FHIP) since 1993. Fair Housing enforcement activities are necessary for the intake and investigation of individual housing discrimination complaints, as well as exposing systemic patterns and practices of housing discrimination.

Metro Fair Housing Specialists investigate complaints through testing, contact, and evaluation of evidence. Trained testers visit local rental and sales offices (identified in either systemic or complaint based evaluations) to obtain information regarding availability of housing, costs, and amenities. The results of these tests are evaluated

by trained staff to determine if persons of protected characteristics are receiving equal housing opportunities.

Fair housing “testing” is a controlled method to determine differential treatment in the quality, content and quantity of information and services given to home seekers by real estate agents, leasing agents, property managers and owners. A “test” is an authentic simulation of a housing transaction used to compare the treatment of one home seeker to another to determine if there are violations of fair housing laws. The technique of “testing” involves the pairing of individuals, similar in relevant respects except for the variable being tested (e.g., race, familial status, disability). After conclusion of the contact or visit, the experiences of the two or more “testers” are compared to determine whether the alleged discrimination against the complainant exists.

Enforcement activities focus on residential housing access by targeting specific policies and practices of selected housing providers and lending institutions. The Initiative has provided an avenue to address and seek resolution of complaints regarding fair housing violations and assisted Georgian residents in achieving equal access to the housing of their choice. Complaint-based testing provides a three-fold result. First, evidence of discrimination may be collected in support of further legal action. Second, housing providers who do not comply with the fair housing laws are identified, penalized, and educated about their rights and responsibilities. Third, the enforcement activities help local jurisdictions to administer housing and community development programs in a manner that affirmatively furthers the purpose of the Fair Housing Act and, monitor their progress toward responsibly assisting all residents to overcome identified impediments to fair housing choice.

In order to be effective, Metro has developed partnerships that leverage the education, outreach, enforcement and referral capacities of Metro including, but not limited to, the following entities:

- U.S. HUD - funding for education & outreach and enforcement activities that allow complainant intake, testing and investigation of allegations of fair housing violations and the pursuit of meritorious claims through mediation or litigation; co-sponsors of training events
- U.S. Department of Justice - strong partnership for localized complaint-based and systemic testing and funding
- National Fair Housing Alliance (NFHA) - membership provides important information on national fair housing/fair lending trends and issues, fair

housing case law updates, access to lawmakers and financial resources to further Metro's mission

- Georgia Commission on Equal Opportunity (GCEO) - state organization charged with enforcing the fair housing state law; serves as a resource for complaints and referrals
- Atlanta Legal Aid - partnership that allows for client referrals

Metro provides the Fair Housing training during the Homebuyers' Educational seminars for the following partners:

- The Center for Working Families - an organization that works with prospective homebuyers
- CredAbility - a credit and debt management organization
- Resources for Residents and Communities Organization - a Homeownership Center
- Parent AS Partner Academic Center (PAPAC) - a parent community program in the Atlanta Public School System

Metro provides Fair Housing and/or Landlord/Tenant trainings for the following organizations:

- Hands On Atlanta- a School-Based AmeriCorps Program
- GLAHR-Georgia Latino Alliance for Human Rights - an advocacy organization serving the Latino community
- Latin American Association - an organization that serves the Latino community
- Urban League of Greater Atlanta - an organization that assist the community with employment, careers and entrepreneurship
- Bible Way Ministries - a Church organization that assists the community in various outreach programs
- BLOC - a Community Building and Community Organizing Program
- Refugee and Immigrant Affordable Housing Forum (RIAH) - offers various strategies to assist refugees and immigration problems.
- Spelman College, Sociology and Anthropology Department
- Atlanta Regional Housing Forum - housing developers, policy makers and advocates addressing barriers to efficient and responsible housing
- Goodwill Northeast Plaza, Career Center - transforms lives in the community through education and job training
- Youth Connections - a program that assists the youth by placing mentors to assist with the daily activities of youth
- African American Outreach Initiative - an organization that Faculty and Staff members of schools meet to improve the access and success of the Community.

- Stand Up Alliance - an organization that provides information and resources to help create healthy, livable neighborhoods
- Empire Board Of Realist - a National Board of Real Estate Brokers
- The Georgia Law Center For The Homeless - a Law firm that provides free quality, civil legal services to the homeless
- Atlanta Volunteer Lawyers Foundation - develops and coordinates programs that provide legal representation, education and advocacy for at risk, for low income individuals.
- Georgia Legal Services - a non-profit law firm serving rural and small town Georgia
- Travelers Aid - a program that is dedicated to the prevention of homelessness
- The Center for the Visually Impaired (CVI) - empowers people with vision loss to live with independence and dignity
- Salvation Army - an organization that assists people due to financial hardship

In its 39 years of service, Metro has effectively responded to fair housing complaints and housing related inquiries and has trained volunteer testers who have effectively and impartially gathered evidence necessary to substantiate allegations of discrimination. The agency successfully enlists private laws firms to contribute their services on a *pro-bono* or on a contingent basis for litigation and/or settlement of housing discrimination cases.

The general process for complaint resolution involves, but is not restricted to, the following: (1) Inform complainant whether his/her issue constitutes a violation of fair housing laws; (2) If so, contact all parties/examine documents to gather information; (3) depending on the nature/legality/severity of the violation, Metro may a) attempt to educate each party, if feasible, to achieve a resolution; b) test the subject property to determine if a provider is, in fact, discriminating in violation of fair housing laws; and/or, c) refer the complainant to pro bono or contingent legal assistance, HUD, or, as applicable, to other jurisdictional enforcement options; (4) If the complaint does not constitute a violation of fair housing laws, Metro staff will provide any relevant information available to assist, and/or refer the person to the appropriate agency/services. Metro does not provide legal advice.

From January 2008 to June 30, 2013, Metro received 1,107 inquiries/referrals of which 204 (or 18.5%) were fair housing discrimination complaints. An all-time low in 2008 (3) was followed by an all-time peak in 2009 (56). Discrimination complaints dropped drastically in 2010 (16), increased significantly in 2011 (47), dropped slightly in 2012 (37) and are on pace for a new level in 2013 with 45 complaints received as of June 30, 2013.

**All Fair Housing Complaints Received by Protected Class/Basis
2008 - 2013**

Protected Class/Basis	2008	2009	2010	2011	2012	2013 thru 6/30	TOTALS
Race		22	06	09	06	16	59
Color						2	2
Disability	2	17	07	24	17	18	85
Familial Status	1	6	0	5	4	2	18
Sex	0	4	1	5	2	1	13
National Origin	0	5	2	4	8	6	25
Religion	0	2	0	0	0	0	2
TOTALS	3	56	16	47	37	45	204

The number of protected classes/bases of all complaints received during the same period in descending order is as follows:

Disability	85
Race	59
National Origin	25
Familial Status	18
Sex	13
Religion	2
Color	0

Disability (41.6%) and Race (28.9%) accounted for the overwhelming majority of complaints, followed by National Origin (12.2%), while Familial Status, Sex (gender) and Religion together account for 16.1 percent.

From January 2008 to June 30, 2013, Metro received 40 fair housing discrimination complaints from Atlanta residents: one in 2008 (3); 10 in 2009; 4 in 2010; 10 in 2011; 6 in 2012; and, 9 received as of June 30, 2013, an indication that 2013 will outpace previous years.

City of Atlanta Fair Housing Complaints Received by Protected Class/Basis
2008 - 2013

Protected Class/Base	2008	2009	2010	2011	2012	2013 thru 6/30	TOTAL
Race	0	2	2	1	0	4	9
Color	0	0	0	0	0	1	1
Disability	0	3	2	4	5	2	16
Familial Status	1	2	0	1	0	0	4
Sex	0	1	0	3	0	1	5
National Origin	0	1	0	1	1	1	4
Religion	0	1	0	0	0	0	1
TOTALS	1	10	4	10	6	9	40

Disability	16
Race	9
Sex	5
National Origin	4
Familial Status	4
Religion	1
Color	1

Disability (40%) and Race (22.5%) account for the overwhelming majority of complaints (62.5%) from Atlanta residents, followed by Sex (12.5%), National Origin (10%), and Familial Status (10%), with Religion and Color together making up .05 percent of all complaints.

Fair Housing Testing Data

Metro conducted fifty (50) housing discrimination tests in accordance with the City of Atlanta's AI contractual requirements under the Systemic Audit Phase. The tests were conducted between January and September, 2013. Of the fifty (50) tests, forty (40) were designed to detect differences, if any, in information and treatment afforded to persons who differ in *Race* (10), *Familial Status* (10), *National Origin* (10), and the *presence of a physical Disability* (10) in the search for *rental housing* in the City of Atlanta. The remaining ten (10) Lending tests were designed to detect differences, if any, in information and treatment afforded to persons who differ in *Race* when attempting to secure a pre-qualification determination for a first-time home loan at local *mortgage lending institutions*.

Testing sites were selected from a broad geographical area encompassing all quadrants of the City of Atlanta. For purposes of this study, the intersection of I-20 (East/West) and 75/85 (North/South) was considered the center point. From the center point sites were selected in the Northeast, Northwest, Southeast and Southwest quadrants of the city.

“Tester” is the term used to describe an individual who, with no intent to rent or purchase housing, poses as a home seeker for the purposes of collecting information about the business practices of the entity being tested. Potential testers are carefully screened and submit to a background check. Persons with convictions of crimes involving fraud or perjury are not allowed to become Metro testers. Testers attend an intense 8-hour training session and must complete and be debriefed on a practice test before they are allowed to become a Metro professional tester. In addition, several mandatory “In-Service Training Sessions” are held throughout the year that testers must attend to remain eligible Metro testers.

In matched-paired testing, two testers are deployed to the same entity to inquire about accommodations for rent (or a mortgage in the case of mortgage lending testing). Both testers are similar in every aspect except the variable being tested. With all other things being equal or held constant, the protected class of the tester becomes the isolated variable. The tester holding the variable being tested is the “Protected” tester. For example in a familial status test, the tester with children would be the protected tester in that he/she holds the variable being tested (children). The tester who does not hold the variable being tested is referred to as the “Comparison” tester.

Of the fifty (50) tests conducted, twenty-five (25), or 50 percent, reveal evidence of non-compliance with the protections afforded under the Fair Housing Act. Evidence of non-compliance was revealed in 40 percent of race/rental tests, 60 percent of familial status/rental tests, 90 percent of national origin/rental tests, 40 percent of disability/rental tests and 20 percent of race mortgage lending tests.

Test Analysis

Each housing discrimination test was analyzed by Metro enforcement staff and was assigned one of three possible determinations:

1. No Significant Difference (NSD)

A test is assessed a determination of no significant difference when testers receive similar or exact treatment and information.

2. Non-Compliance

A test is assessed a determination of Non-Compliance when one or more significant differences exist in treatment and information provided to the tester who holds the variable being tested.

3. Inconclusive

A test is assessed a determination of inconclusive if the information reported by the tester is not sufficient to draw a reasonable determination. The primary reason for inconclusive tests is generally tester error. No tests in this study received an inconclusive determination.

In order to properly assess the treatment of testers in the analysis process, a five-factor analysis was employed. The five points of analysis considered in each housing discrimination test are as follows:

1. Cost/Price
2. Availability
3. Information
4. Terms and Conditions
5. Service and Treatment

In the case of disability testing, three (3) additional analysis factors apply:

1. Refusal to permit a reasonable accommodation
2. Refusal to permit a reasonable modification
3. Non-Compliant Multi-Family dwelling as promulgated in the Fair Housing Act

Systemic Audit Results

Test Type	Basis	Total Tests	Total Non-Compliance	Percent Non-Compliant
Rental	Race	10	4	40%
Rental	Familial Status	10	6	60%
Rental	National origin	10	9	90%
Rental	Disability	10	4	40%
Lending	Race	10	2	20%
		50	25	50%

Race

Of the four (4) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Differences in Availability
- Differences in Service and Treatment
- Differences in Terms and Conditions
- Differences in Information

All differences were favorable to the comparison tester.

Familial Status

Of the six (6) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Difference in Availability
- Difference in Service and Treatment

All differences were favorable to the comparison tester.

National Origin

Of the nine (9) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Differences in Price
- Differences in Availability
- Differences in Service and Treatment
- Differences in Terms and Conditions
- Differences in Information

Differences discovered in seven (7) of the nine (9) tests were favorable to the comparison tester. Differences discovered in two (2) of the nine (9) tests were favorable to the protected tester.

Disability

Of the four (4) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Refusal to permit reasonable accommodation
- Non-Compliant Multi-Family dwelling as promulgated in the Fair Housing Act (FHA)

Lending

Of the two (2) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Differences in Information

All differences were favorable to the comparison tester.

NHFA Real Estate Sales Testing Results

In the *2007 Fair Housing Trends Report*, The National Fair Housing Alliance (NFHA) discussed real estate sales discrimination revealed during their investigations

conducted in several jurisdictions across the country including the Atlanta Metropolitan area. Section 1 of the report subtitled, "Racial Steering, Closed Doors, and Lost Homes: Documenting Housing Discrimination and its Roots," accurately describes the findings in this investigation. In the report, NFHA describes the results of the investigation as, "reveal[ing] discriminatory steering practices and other illegal behaviors that are both striking and pervasive." The study showed that even some real estate agents that knew the Fair Housing Act still persisted in exhibiting discriminatory behavior:

"In the Atlanta metro area, some agents said they knew it was against the law, but proceeded to steer and/or make comments about race or national origin."

In Atlanta three (3) discriminatory patterns were identified in real estate discrimination testing:

1. Outright denial of services to African-Americans and Latinos
2. Offering significant financial incentives to Whites but not to African-Americans or Latinos
3. Steering potential purchasers on the basis of race or national origin

Moreover, two (2) discriminatory patterns were identified with the 3 aforementioned patterns:

1. Illegal comments by real estate agents based on race and religion
2. Use of schools as a proxy for the racial composition of a neighborhood or community

Fair Housing Implications:

Significant numbers of housing discrimination complaints and testing evidence of non-compliance indicate the need for on-going and increased enforcement and educational efforts.

Fair Housing Discrimination Litigation Filed

The following summary lists relevant fair housing cases litigated in the State since the 2006 AI. Recent litigation filed throughout the State of Georgia indicates the prevalence of violations of the Fair Housing Act by housing providers on the basis of Race or Color, Disability, Familial Status and Sex (gender):

United States v. Lawrence Properties, Inc., et al. (M.D. Ala.)

On September 10, 2012, the United States filed a complaint in *United States v. Lawrence Properties, Inc., et al.* (M.D. Ala.) against the owner and operator of the Heritage Point mobile home park in Montgomery, Ala., alleging that the companies and their employees or officers discriminated against African-Americans. The complaint, names several defendants, including Lawrence Properties Inc., which manages Heritage Point, William Bounds, the district supervisor for Lawrence Properties, Lawrence at Lakewood LLC, which owns the property and Michael Lawrence, the president of the Lawrence at Lakewood, LLC. The complaint alleges that Lawrence instructed property managers not to rent to African-American applicants at Heritage Point or other mobile home parks managed by Lakewood throughout Alabama and Georgia. The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination. A pattern or practice claim was later added to the complaint.

United States v. Genesis Designer Homes, et al. (S.D. Ga.)

On October 26, 2011, the court entered a partial consent order with Thomas & Hutton Construction Co., the site engineer in *United States v. Genesis Designer Homes, et al.* (S.D. Ga.). The complaint, which was filed on September 26, 2007, and amended on November 12, 2008, was consolidated with private litigation brought by Savannah-Chatham County Fair Housing Council, Inc. The cases challenge the failure to design and construct two multifamily housing developments to be accessible to persons with disabilities under the Fair Housing Act. The partial consent order with Thomas & Hutton requires the defendant to fund and provide an array of services to retrofit the public and common use areas of both properties, including \$2,000 to LIFE, Inc., a non-profit advocacy organization for persons with disabilities, to administer the oversight of the public and common use area retrofits; pay \$227,500 into a retrofit fund to fund selected retrofits for approach walks to units at the two properties; and pay \$50,000 to named aggrieved persons and \$158,375 in monetary damages to SCFHC. In addition, Thomas & Hutton agrees to standard injunctive relief including, non-discrimination in future construction, training and reporting requirements. The consent order is in effect for three years. On June 13, 22 and 30, 2011, the court entered partial consent orders resolving the United States' remaining claims against the three other defendants: Genesis Designer Homes, Inc., Malphrus Construction Co. and Genesis Real Estates Group, LLC, respectively. All three entities are no longer in business. Each of the three prior partial consent orders, which is in effect

for five years, provides that if any defendant re-enters the business of designing and constructing multi-family housing, it agrees to standard injunctive relief and employee training and reporting requirements.

United States v. Georgian Manor, et al. (N.D. Ga.)

The case was referred to the Department of Justice after the Department of Housing and Urban Development (HUD) received a complaint from Metro Fair Housing Services, conducted an investigation, and issued a charge of discrimination. The pattern or practice/election lawsuit charged that the realtors advertised a "no-child policy" at a unit for sale in the Georgian Manor Condominiums in Atlanta and that they refused to show the unit to potential buyers with children in violation of the Fair Housing Act. A prior partial consent order entered on April 8, 2010 with the unit owners who followed the discriminatory rules of the condominium association required them to pay \$7,500 to the complainant, \$2,500 civil penalty to the United States and abide by a general injunction. On November 12, 2010, the court entered a partial consent order in *United States v. Georgian Manor, et al.* (N.D. Ga.). The order requires realtors Harry Norman Realtors (HNR) and Jennifer Sherrouse to collectively pay \$5,000 to the complainant fair-housing group, \$30,000 to a settlement fund, and a \$25,000 civil penalty. It also requires injunctive relief, including training and reporting.

United States v. Housing Authority of the City of Royston (M.D. Ga.)

On September 27, 2010, the United States filed a complaint and consent decree in *United States v. Housing Authority of the City of Royston* (M.D. Ga.), a Fair Housing Act pattern or practice case. The complaint alleged that the Royston Housing Authority (RHA), a public housing authority that oversees seven housing complexes in Royston, Georgia, violated the Fair Housing Act by maintaining racially segregated housing complexes and steering applicants to housing complexes according to race. The consent decree, which was approved by the court on September 29, 2010, provides for a settlement fund of \$270,000 to compensate victims of the RHA's discriminatory conduct. The consent decree also requires the RHA to develop and implement nondiscriminatory practices and procedures, provide Fair Housing Act training for its employees, ensure that new units are located in areas that do not further racial segregation, provide tenants who have been discriminated against the option to transfer to another unit or complex, and submit to record keeping and reporting requirements. The consent decree was entered on September 29, 2010, and shall remain in effect for five (5) years to September 29, 2015.

United States v. Housing Authority of the City of Winder (N.D. Ga.)

On September 26, 2008, the United States filed a lawsuit and consent decree in *United States v. Housing Authority for City of Winder* (N.D. Ga.). The settlement, which was approved by the court on September 29, requires the Housing Authority for the City of Winder, Ga., (WHA) to pay up to \$490,000 to resolve allegations that it engaged in a pattern or practice of discriminating against African-American tenants and housing applicants. The WHA is a public housing authority that provides housing for persons of low income in Barrow County, Ga. Currently, the WHA owns and maintains nine public housing complexes in the city of Winder, and the neighboring towns of Statham and Braselton, Ga. The complaint alleged that the WHA maintained racially segregated housing by assigning applicants to vacant units based on race, rather than in order of their placement on WHA's waiting list. The complaint also alleged that the WHA subjected African-American tenants to inferior terms and conditions of rental.

United States v. Post Properties (N.D. Ga.)

On September 23, 2010, the United States filed a complaint in *United States v. Post Properties* (N.D. Ga.), against Post Properties, Inc., Post Apartment Homes, L.P., and Post GP Holdings alleging that defendants failed to provide accessible features required by the Fair Housing Act and the Americans with Disabilities Act at multi-family housing developments in six states. According to the complaint, Post has designed, constructed and developed at least 50 multi-family apartment complexes in Georgia, Texas, Florida, New York, North Carolina, Virginia and the District of Columbia. Nineteen of these properties are in the Atlanta region. All together, the properties constitute more than 17,000 units. At least half of the units have elevators that serve every unit, requiring that each unit comply with the Fair Housing Act's accessibility requirements. Post operates many of these properties as rentals.

United States v. Housing Authority for the City of Eastman (S.D. Ga.)

On September 7, 2010, the United States filed a complaint and consent decree in *United States v. Housing Authority of the City of Eastman* (S.D. Ga.), a Fair Housing Act pattern or practice case. The complaint alleges that the Eastman Housing Authority (EHA), a public housing authority that oversees eight housing complexes in Dodge County, Georgia, violated the Fair Housing Act by maintaining racially segregated housing complexes and steering applicants to housing complexes according to race. The consent decree, which was entered by the court on October 18,

2010, provides for a settlement fund of \$320,000 to compensate victims of the EHA's discriminatory conduct. The consent decree also requires the EHA to develop and implement nondiscriminatory practices and procedures, provide Fair Housing Act training for its employees, and submit to record keeping and reporting requirements. The consent decree will remain in effect for five years.

United States v. Coldwell Banker Joe T. Lane Realty, Inc. (N.D. Ga.)

On February 9, 2010, the court entered a consent order resolving a lawsuit which originated from a complaint filed by the National Fair Housing Alliance (NFHA) with the U.S. Department of Housing and Urban Development (HUD). The original complaint, filed in February 2008 and amended in January 2009 was developed by testing conducted by NFHA of Coldwell Banker Joe T. Lane Realty Inc. in 2003 and 2004 and revealed that a real estate agent had steered White testers towards areas that are predominately White and away from areas that are predominately African-American because of race or color, in violation of the Fair Housing Act. According to the complaint, before showing the tester any homes, the agent told the tester that he did not know where to take the tester because he could not tell from talking on the telephone whether the tester was White. The agent said words to the effect that "I didn't know if you were a Caucasian or not over the phone." The complaint also alleges that Coldwell Banker Joe T. Bank Realty is vicariously liable for Mr. Foreman's conduct. The consent order requires that the Defendants Coldwell Banker Joe T. Lane Realty Inc., Coldwell Banker Bullard Realty Company Inc. and Rodney Lee Foreman, one of their former real estate agents, pay \$160,000 to settle allegations that they illegally steered prospective homebuyers toward and away from certain neighborhoods based on race and color. The case was referred to the Division after HUD received a complaint, conducted an investigation and issued a charge of discrimination. **United States v. Morgan, et al. (S.D. Ga.)**

The complaint, filed on September 8, 2008, alleged Darwin Kenneth Morgan and his company DK Morgan Consolidated LLC, violated the Fair Housing Act in the rental of mobile homes and mobile home lots at Morgan Mobile Home Park in Bloomingdale, Ga. Specifically, the complaint alleged that Morgan refused to rent to inter-racial couples, made statements indicating a racial preference, and misrepresented the availability of units to African-American prospective tenants. The complaint also alleged that Morgan subjected female tenants and prospective tenants to unwanted verbal and physical sexual advances, granted and denied tangible housing benefits based on sex, and took adverse action against female

tenants when they refused or objected to his sexual advances. On June 23, 2010, the court entered a consent decree resolving *United States v. Morgan, et al.* (S.D. Ga.), a Fair Housing Act case alleging that the Defendants engaged in a pattern or practice of discrimination on the base of race or color and sex. Under the terms of the consent the Defendants are required to pay a total of \$680,000 in monetary damages and civil penalties. The consent decree also includes broad injunctive relief, including an independent manager provision, training and reporting requirements. The government's investigation and lawsuit arose after the Savannah-Chatham County Fair Housing Council alerted the Civil Rights Division to Morgan's discriminatory activities. The consent decree will remain in effect for four years.

United States v. Herbert Bolt, et al. (S.D. Ga.)

On September 27, 2007 the United States filed a complaint and a consent decree in *United States v. Bolt* (Hickory Plantation Apartments) (S.D. Ga.), a Fair Housing Act pattern or practice case which was developed through the Division's testing program, alleging discrimination on the basis of disability. The complaint alleges that the defendants violated the Fair Housing Act by refusing to rent an apartment at Hickory Plantation to a visually impaired individual who used a guide dog. Under the consent decree the defendants will pay \$35,000 to compensate any aggrieved victims at Hickory Plantation and Willow Way Apartments, pay a \$20,000 civil penalty to the United States government, establish and follow non-discriminatory tenancy procedures, undergo fair housing training, and file reports with the government. The court entered the consent decree on October 31, 2007.

Metro Fair Housing Services, Inc.

While Metro has filed additional discrimination lawsuits since completion of the 2006 AI, only those filed involving City of Atlanta properties, or having an impact on Atlanta properties/state case law, are discussed herein.

National Fair Housing Alliance, Inc.; Fair Housing of Marin, Inc.; Fair Housing Napa Valley, Inc.; Metro Fair Housing Services, Inc.; and Fair Housing Continuum, Inc.

v.

A.G. Spanos Construction, Inc.; A.G. Spanos Development, Inc.; A.G. Spanos Land Company, Inc.; and A.G. Spanos Management, Inc.

On June 21, 2007, the National Fair Housing Alliance (NFHA) and four of its member fair housing organizations filed a federal housing discrimination lawsuit against AG Spanos Companies, a builder and developer of multifamily housing and commercial properties in at least 16 states. In the lawsuit, the plaintiffs alleged that Spanos

failed to comply with federal accessibility standards in the design and construction of their properties in violation of the Fair Housing Act, as amended. AG Spanos Companies is headquartered in Stockton, CA with regional division offices across the country. The fair housing organizations investigated 35 apartment complexes in California, Arizona, Nevada, Texas, Kansas, Georgia and Florida, all of which failed to meet the accessibility requirements of the Fair Housing Act and the Americans with Disabilities Act. These 35 properties, totaling more than 10,000 individual apartment dwelling units, represented only a sample of the at least 84 Spanos properties that are covered by the federal Fair Housing Act. The Fair Housing Act makes it illegal to discriminate based on race, color, national origin, religion, sex, disability or familial status. Since 1991, AG Spanos had engaged in a continuous pattern and practice of discrimination against people with disabilities by designing and/or constructing multifamily dwellings with significant design flaws that render them inaccessible to people with disabilities. Examples of accessibility barriers include no handicap parking spaces, steep slopes, steps instead of ramps, narrow door widths and passageways, insurmountable thresholds, and inaccessible bathrooms and kitchens. Still others place environmental controls and electrical sockets beyond the reach of wheelchair users, and have constructed leasing offices, common restrooms, recreational and entertainment facilities in such a way to make them inaccessible to wheelchair users.

The lawsuit was resolved with Spanos agreeing to pay more than \$12 million to retrofit 13,200 units in 41 developments throughout the country, among other affirmative steps.¹⁴⁴ One stipulation of the settlement was to produce a report on the housing needs of people with disabilities in the state of Georgia that would:

- illustrate the barriers people with disabilities currently face in finding appropriate housing;
- describe best practice models for ways to address these barriers; and,
- offer recommendations for ways to ensure access to appropriate housing.

Spanos agreed to the development of a “white paper” providing full funding to Metro Fair Housing Services, Inc. Metro convened a panel of more than 30 experts to develop the public policy report, *“Shut Out, Priced Out and Segregated: The Need for Fair Housing for People with Disabilities.”* The panel consisted of people with disabilities, housing and disability advocates, architects, builders, developers, planners, professors, mortgage brokers, state agency representatives, attorneys, housing organizations, fair housing professionals and others. The housing and disability experts recognized the depth of the issues of discrimination against this

¹⁴⁴ National Fair Housing Alliance, *Settlement Agreement Summary*, January 13, 2010 at p. 2-3

protected class by the experience of Georgia in two previous legal decisions: Olmstead v. L.C., 527 U.S. 581 (June 22, 1999), establishing the right of individuals with disabilities to choose to live in their communities rather than institutions and the subsequent consent order between the U.S. and the state requiring Georgia to deinstitutionalize persons with disabilities, as appropriate with proper community support and services.

This coalition of experts and advocates have now become known by the acronym of the policy paper name, the SOPOS Coalition, and are continuing to work on several levels in the state, focusing on the three elements seen as essential to providing appropriate housing options to persons with disabilities: accessibility, affordability and integration. The Coalition supports the following two recommendations:

1. Address the three elements of fair housing for people with disabilities by:
 - a. Passing legislation that requires basic access in all new housing not yet covered by current law or policy.
 - b. Enhance opportunities for the education of architects, designers, developers and builders of single-and multi-family housing.
 - c. Commission research to quantify the need for housing that is both accessible and affordable for people with disabilities and creating a comprehensive housing plan that addresses the identified need.
 - d. Increase availability of low-income housing tax credit properties to people with disabilities who have very low incomes (below 30% AMI).
 - e. Pass a state Individual Development Account (IDA) program that mirrors the federal Assets for Independence Act (AFIA) and include provisions that make it easier for individuals with disabilities to participate in these programs.
 - f. Ensure zoning codes allow for a wide range of housing types.
 - g. Pass state-enabling legislation to allow jurisdictions to create local housing trust funds.
 - h. Expand existing mechanisms for pairing people who can share a house and expenses and matching them with appropriate housing.
 - i. Implement recommendations of the national Livable Communities Initiative.
 - j. Provide support services to assist people with disabilities to remain or return to their communities.
2. Increase communication and involvement between housing professionals and disability advocates and monitor implementation of the recommendation in the report by:
 - a. Convening a coalition of housing, lending and insurance professionals, fair housing professions and disability advocates that meets on a regular basis to monitor the progress of implementation of this report,

share ideas and expertise, and identify ways to continue to partner to provide accessible, affordable and integrated housing for Georgians with disabilities.

- b. Reestablish the Disability Housing Coalition with the Georgia Department of Community Affairs to provide oversight and advice on the Departments' efforts to provide accessible, affordable and integrated housing for Georgians with disabilities.¹⁴⁵

The SOPOS Coalition is continuing its work as delineated in recommendation 2.a. above and participated in the public hearing conducted for this AI on September 10, 2013. See Appendix D for public hearing results and summary of 2011 SOPOS study recommendations.

HUD Administrative Compliant/Settlement - Wells Fargo Bank

On June 6, 2013, the National Fair Housing Alliance (NFHA) and 13 of its member organizations announced a partnership with Wells Fargo Bank, N.A. that will provide funds in 19 cities to foster homeownership, assist with rebuilding neighborhoods of color injured by the foreclosure crisis, and promote diverse, inclusive communities. This is the first-ever settlement regarding the maintenance and marketing of bank-owned homes. With this agreement, Wells Fargo will make important reforms to its maintenance and marketing practices nationwide. The conciliation agreements between Wells Fargo, NFHA, member organizations and the U.S. Department of Housing and Urban Development (HUD) total \$42 million.

NFHA and the following 13 fair housing organizations are party to the settlement: Denver Metro Fair Housing Center, Denver, CO; Fair Housing Center of Central Indiana, Indianapolis, IN; Fair Housing Center of West Michigan, Grand Rapids, MI; Fair Housing Continuum, Inc., Melbourne, FL; Greater New Orleans Fair Housing Action Center, New Orleans, LA; HOPE Fair Housing Center, Wheaton, IL; Housing Opportunities Project for Excellence, Inc., Miami, FL; Metro Fair Housing Services, Inc., Atlanta, GA; Metropolitan Milwaukee Fair Housing Center, Milwaukee, WI; Miami Valley Fair Housing Center, Dayton, OH; North Texas Fair Housing Center, Dallas, TX; South Suburban Housing Center, Homewood, IL; and Toledo Fair Housing Center, Toledo, OH.

¹⁴⁵ Metro Fair Housing Services, Inc., *Shut Out, Priced Out and Segregated: The Need for Fair Housing for People with Disabilities*, A Public Policy Report and Recommendations, August, 2011, available at <http://metrofairhousing.com/shutout.htm>.

The settlement is the result of a federal housing discrimination complaint filed in April 2012 with HUD. The complaint alleged that Wells Fargo's bank-owned properties in white areas were much better maintained and marketed by Wells Fargo than such properties in African-American and Latino neighborhoods. Wells Fargo will provide \$27 million to NFHA and the fair housing organizations to serve 19 cities to promote home ownership, neighborhood stabilization, property rehabilitation, and development in communities of color. NFHA and the 13 local non-profit fair housing organizations will manage the funds and provide a range of grants including those for down payment assistance to owner-occupants seeking to purchase homes in the targeted neighborhoods and renovation efforts for homes that languished in foreclosure along with creative programs to increase homeownership and neighborhood stabilization. Real-estate owned (REO) properties are homes that have gone through foreclosure and are now owned by banks, Fannie Mae, Freddie Mac, the Federal Housing Administration, or Veterans Affairs.

Under the Conciliation Agreement, Wells Fargo has made a number of very important commitments that will benefit communities throughout the United States, including the following:

- Wells Fargo will implement best practices for the maintenance and marketing of their REO properties. A third party will monitor Wells Fargo's portfolio of REO properties to ensure that Wells Fargo maintains and markets its REO properties according to the standards set forth in the settlement.
- Wells Fargo will enhance its First Look program to give owner-occupants higher priority over investors in purchasing REOs. Wells Fargo will extend its Homeowner Priority period so that owner-occupants will have priority over investors to purchase Wells Fargo REO properties until the fifteenth day a property is on the market, and by creating a five-day Homeowner Priority period every time there is a price reduction on a Wells Fargo REO property.
- Wells Fargo will make it easier to get information about its REO properties. Wells Fargo will improve its web site and toll free numbers to provide more information to prospective purchasers and anyone who wants to tell Wells Fargo about a problem with a REO property or an agent who is selling a Wells Fargo REO property.
- Wells Fargo and NFHA will sponsor two conferences designed to bring together approximately 100 industry and non-profit housing and real estate participants and regulatory agencies to discuss fair housing and its intersection with other current housing issues including short sales, abandoned properties, REO maintenance, and other issues.
- Wells Fargo will develop a fair housing training program on REO issues for its employees who work on REO issues and for agents who sell Wells Fargo REO properties.

Under the agreement, Wells Fargo will provide an additional \$11.5 million to HUD to support neighborhoods in an additional 25 cities. Those cities are Austin, TX, Bakersfield, CA, Detroit, MI, Fort Lauderdale, FL, Fresno, CA, Houston, TX, Kansas City, MO, Las Vegas, NV, Los Angeles, CA, Memphis, TN, Modesto, CA, New York, NY, Phoenix, AZ, Riverside, CA, Sacramento, CA, San Antonio, TX, San Diego, CA, San Jose, CA, Santa Ana, CA, St. Louis, MO-IL, Stockton, CA, Tampa, FL, Vallejo, CA, Virginia Beach, VA, and West Palm Beach, FL. A separate agreement calls for investment of \$450,000 in Jacksonville, Florida to be administered by Jacksonville Area Legal Aid, Inc.

Fair Housing Implications:

Documented incidents of housing discrimination evidenced by testing/litigation results indicate the need for housing providers geared toward compliance and support of public and private enforcement efforts.

VI. Lending Data & Analysis

Introduction

The federal Fair Lending laws - The Equal Credit Opportunity Act (ECOA) and the Fair Housing Act (FHA) - prohibit discrimination in credit transactions, including transactions related to residential real estate. The ECOA, which is implemented by the [Federal Reserve] Board Regulation B (12 C.F.R. § 202), prohibits discrimination in any aspect of a credit transaction based on Race or Color; Religion, National Origin, Sex, Marital Status; Age (provided the applicant has the capacity to contract); the applicant's receipt of income derived from any public assistance program; or, the applicant's exercise, in good faith, of any right under the Consumer Credit Protection Act. The Fair Housing Act, implemented by HUD regulations at 24 C.F.R. § 100, prohibits discrimination based on Race or Color; Religion, National Origin, Sex; Familial Status (discrimination against households having children under the age of 18 living with a parent or legal custodian, pregnant women, or persons with legal custody of children under 18); and, Handicap (disability) in all aspects of residential real estate-related transactions, including, but not limited to:

- Making loans to buy, build, repair, or improve a dwelling;
- Purchasing real estate loans;
- Selling, brokering, or appraising residential real estate; and/or

- Selling or renting a dwelling.

Because both the FHA and the ECOA apply to mortgage lending, lenders may not discriminate in mortgage lending on the basis of any of the prohibited factors listed. Under both laws a lender may not, on the basis of a prohibited factor:

- Fail to provide information or services relating to, or provide different information or services relating to, any aspect of the lending process, including credit availability, application procedures, and lending standards;
- Discourage or selectively encourage applicants with respect to inquiries about or applications for credit;
- Refuse to extend credit, or use different standards in determining whether to extend credit;
- Vary the terms of credit offered, including the amount, interest rate, duration, and type of loan;
- Use different standards to evaluate collateral;
- Treat a borrower differently in servicing a loan or invoking default remedies; and/or
- Use different standards for pooling or packaging a loan in the secondary market.

Barriers to full access to home mortgage lending have historically been encountered by different ethnic and racial groups. These barriers have typically been identified by higher rejection and failure rates for loan applications. In 1975 Congress enacted the Home Mortgage Disclosure Act (HMDA)¹⁴⁶ in response to the widespread practice of mortgage "redlining," the systematic exclusion of minority neighborhoods in the marketing or originating of home loans. HMDA requires that certain financial institutions (banks, savings associations, credit unions, and other mortgage lending institutions) make public a wide range of loan application data on loan approval decisions, borrower demographics, and property characteristics.

Home mortgage disclosure information is used in AI's to examine fair lending practices within a jurisdiction. Such information helps to further illustrate the types of fair housing impediments that may exist.

According to the City of Atlanta website and other web-based sources, Atlanta is the 7th largest financial capital in the US with:

8000 State licensed loan originators

¹⁴⁶ 42 U.S.C. § 4511 *et seq.*

800 State licensed non-depository mortgage lenders, brokers, and processors
1250 multinational corporations
37 foreign consulate offices
20 foreign trade offices
42 bi-national chambers of commerce

The Georgia Department of Banking and Finance currently supervises approximately 800 non-depository mortgage lenders, brokers, processors and 8,000 loan originators. In 2003, due to the volume of mortgage fraud in the state of Georgia, the Department instituted a risk-based examination program, which primarily focuses on investigating reported fraudulent activity. Since the implementation of the risk-based examination program, the number of administrative actions and referrals to law enforcement and other regulatory agencies increased tremendously. Over the past decade, the Department has issued 1,286 Cease and Desist Orders and 446 Intent to Revoke Orders. In addition, the Department has made 154 mortgage fraud referrals to law enforcement and other regulatory agencies totaling more than \$217 million.¹⁴⁷

HMDA Data Analysis

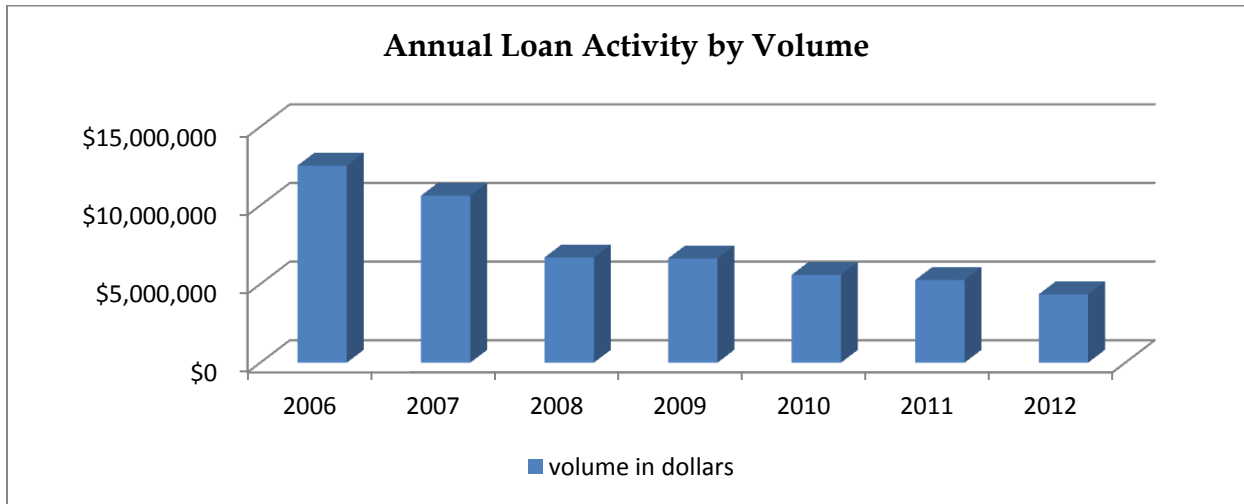
Metro utilizes LendingPatterns™ software¹⁴⁸ in order to obtain HMDA data for specific geographical areas. LendingPatterns™ is a web-based data mining and exploration tool that analyzes massive amount of data, required by law to be reported by all lenders, to produce customized reports on numerous aspects of mortgage lending practices. Lending data for a period of seven years (2006-2012) for the City of Atlanta was obtained in order to identify patterns and disparities in home mortgage lending since completion of the 2006 AI. This analysis is based on the following eight parameters:

- **All lenders**
- **Loan Amount: Conforming and Jumbo**
- **Loan Status: Secured by First Lien**
- **Loan purpose: Home Purchase and Refinancing loans**
- **Property Type: 1-4 Unit Family**
- **Loan Type: Conventional, FHA and VA loans**
- **Occupancy Type: Owner Occupied and Non-Owner Occupied**
- **Spread: Reported and Not Reported**

¹⁴⁷ <http://www.dbf.georgia.gov/>, Mortgage Fraud Continues to Decline in Georgia, September 17, 2013

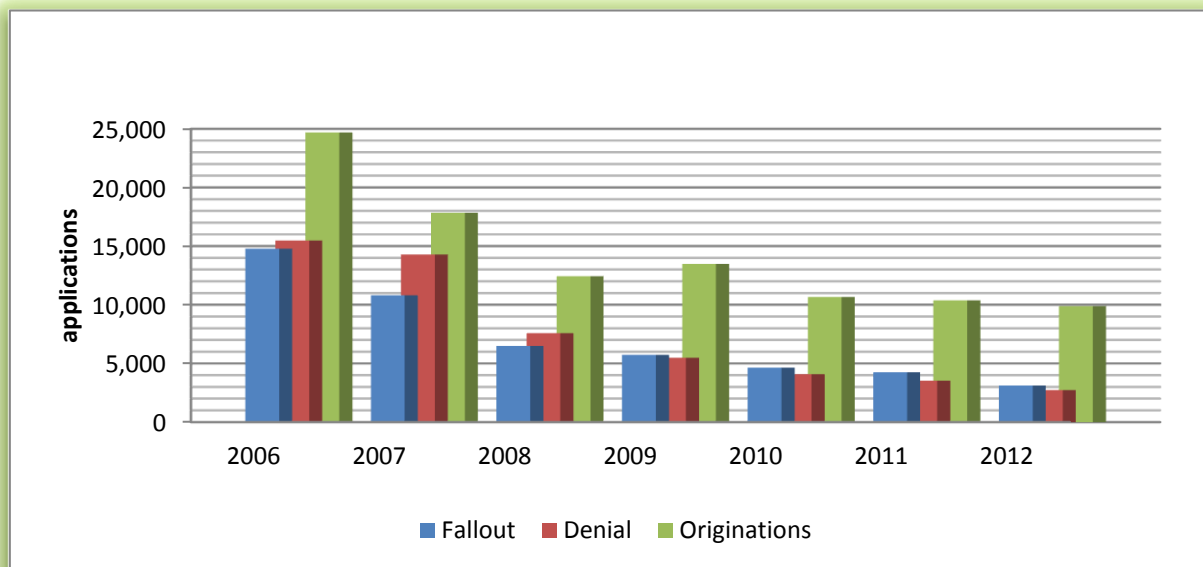
¹⁴⁸ More information about LendingPatterns™ software is available at www.lendingpatterns.com.

Over the seven years from 2006 to 2012, overall lending activity by volume was high the first year and then declined with a significant drop in 2008, and has continued to decline through 2012.



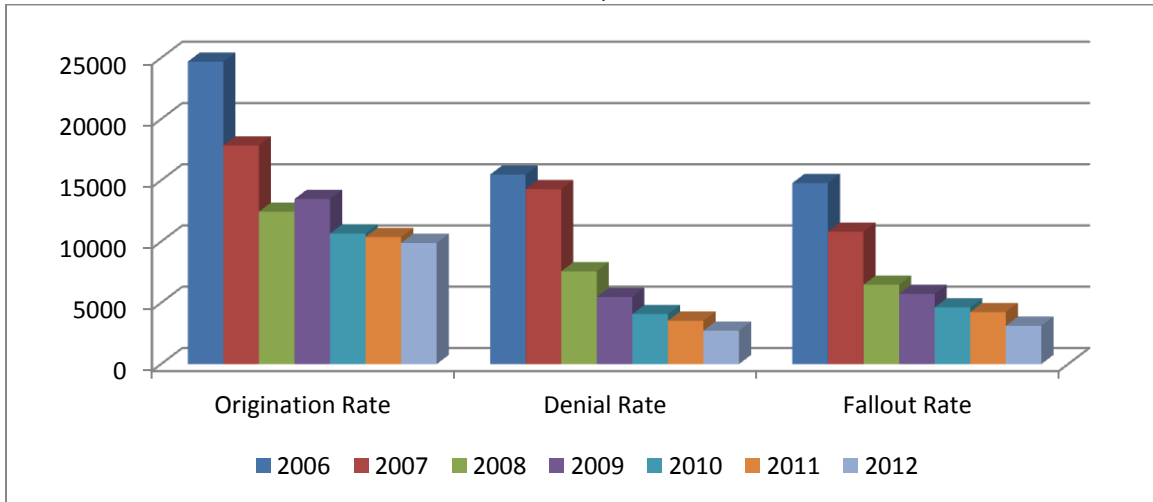
From 2006 to 2012, the number of originated applications declined each following year, except for a slight rise in 2009 originations. The number of denied applications, as well as fallout applicants, declined each year from 2006-2012. In Lending Patterns data, "fallout" indicates an incomplete loan process resulting from withdrawn or incomplete applications.

**Origination, Denial and Fallout Distribution
Atlanta, Ga.**



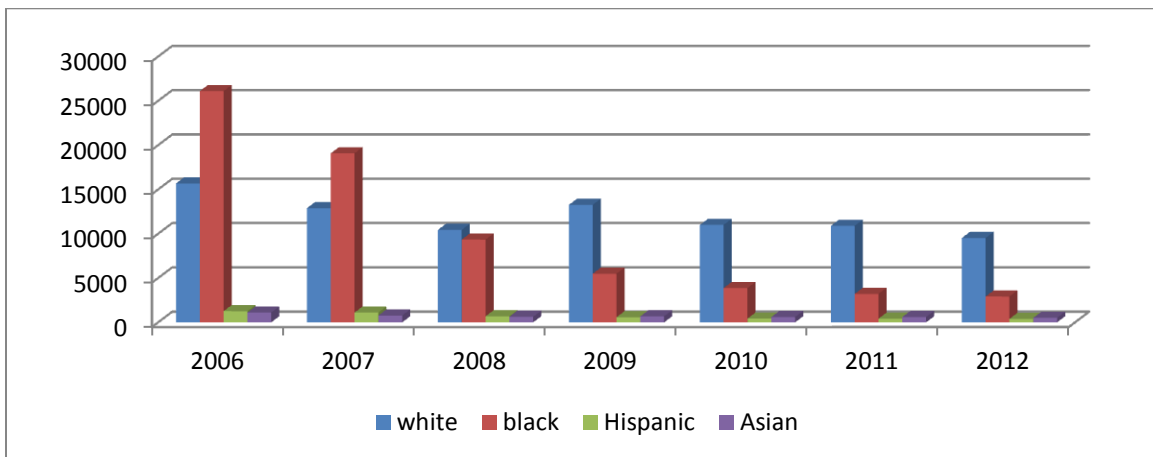
The Distribution Trend of mortgage application decisions indicated below, illustrates the increase of applications taken during the years of known sub-prime and predatory lending activity.

Origination, Denial and Fallout Rate Trend
Atlanta, Ga



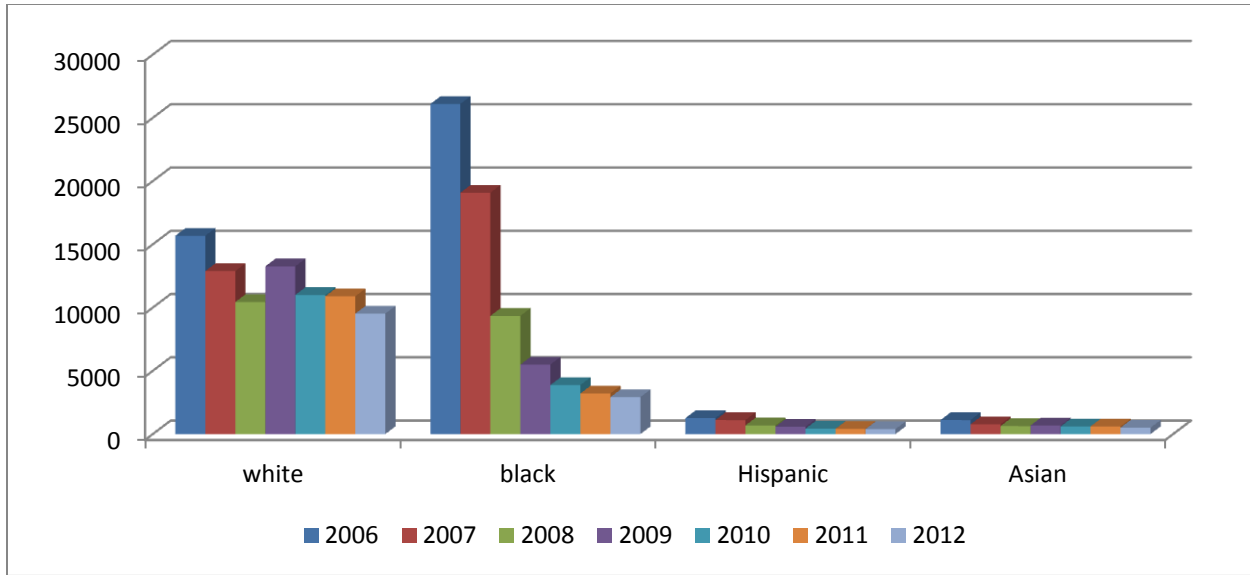
For the years 2006-2007, Black applicants submitted the highest number of applications, followed by White applicants. From 2008-2012, White applicants submitted higher numbers of applications.

Applicant Race Distribution
Atlanta, GA



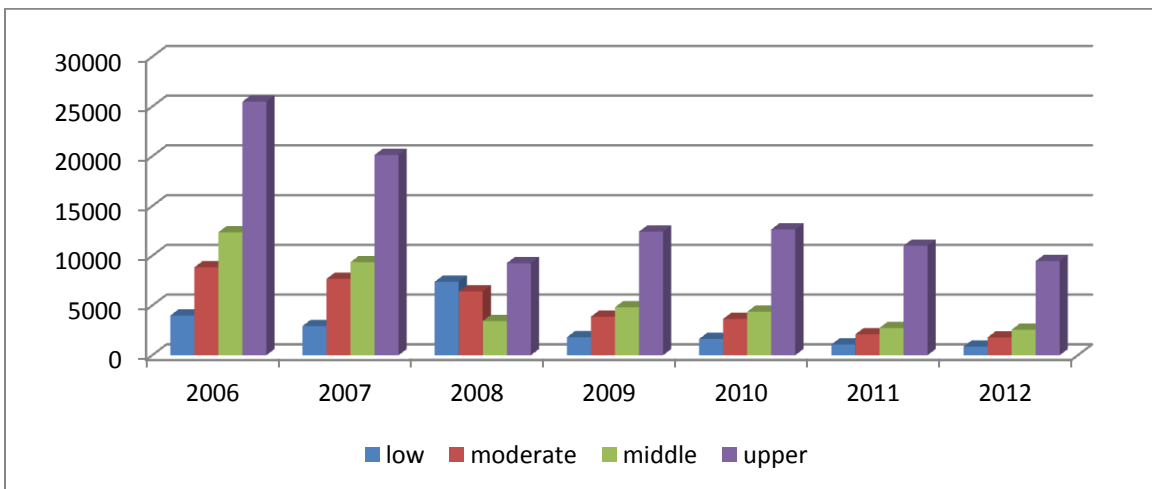
Based on the Applicant Race Trend, during the years known for subprime lending activity (2006-2007), Black applicants submitted the largest share of the applications, followed by White applicants. This trend reverses in the years 2008 - 2012.

Applicant Race Trend
Atlanta, GA



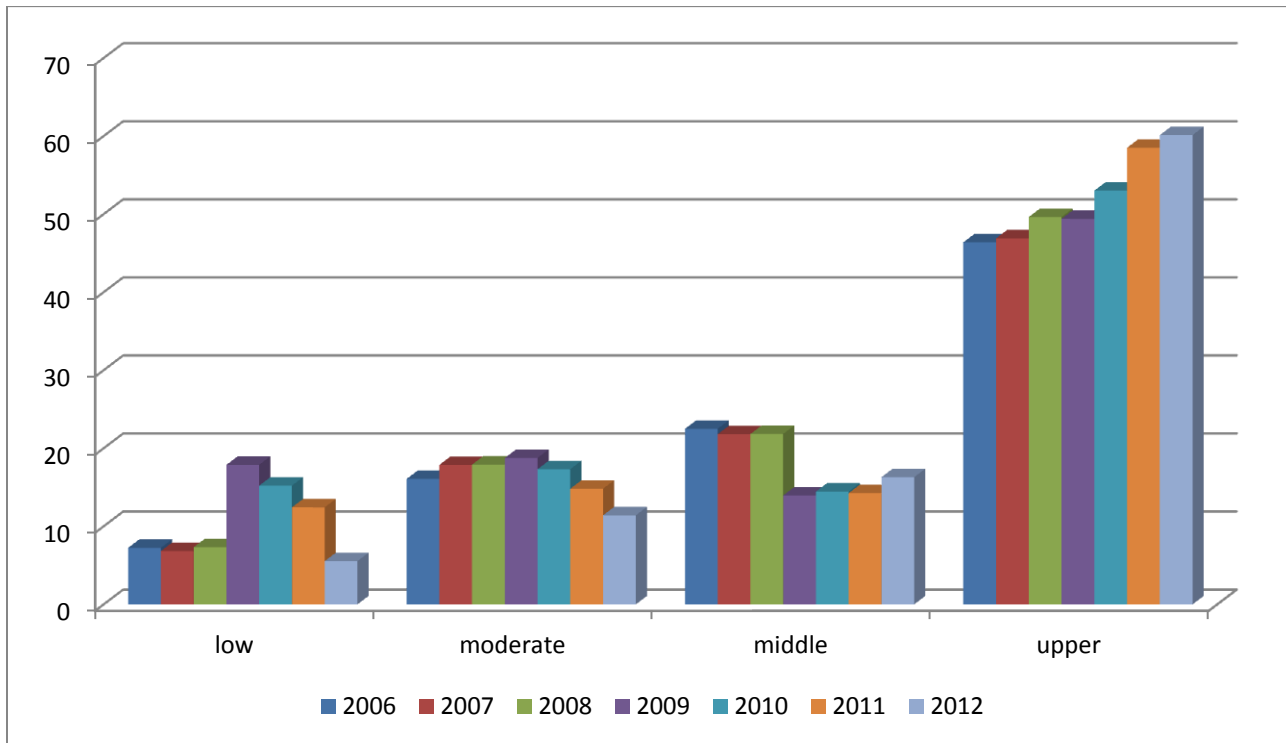
In all years, upper income tracts had the highest number of applications. From 2006 and 2007, middle income tracts had the second highest numbers of applications, followed by moderate income tracts.

Track Income Distribution
Atlanta, GA



Following the Tract Income Trend, in all years, upper income tracts represented the largest share of applications. In 2006 and 2007, middle income tracts represented the second largest share of applications until 2008 but regained that position in 2009 through 2012.

Tract Income Trend
Atlanta, GA



In 2006, there were a total of 54,950 loan applications.¹⁴⁹ Of all the completed loan applications, 24,694 or 44.94 percent were originated and 15,471 or 28.15 percent were denied. With respect to loan decisions by race and ethnicity, Black applicants had the greatest number of applications, but also represent the largest percentage of applications denied. White (63.8%), Hispanic (45.9%), and Asian (59%) applicants had a greater chance to have a loan originated out of applications than Blacks (38%). Black applicants were also more likely to be denied a loan (35.8%) than White (15.9%), Asian (17.2%), and Hispanic (29.7%) applicants.

¹⁴⁹ In Lending Patterns data, “fallout” indicates an incomplete loan process resulting from withdrawn or incomplete applications. Thus the total of originations and denials in the following tables will not equal the total applications.

Table 1: All Loans 2006

Race	Originations		Denial		Total Apps
White	9,996	63.77%	2,495	15.92%	15,674
Black	9,907	37.96%	9,329	35.75%	26,096
Hispanic	579	45.88%	375	29.71%	1,262
Asian	653	58.99%	190	17.16%	1,107
Native American	34	36.56%	24	25.81%	93
Hawaiian	57	51.82%	27	24.55%	110
MultiRace	67	44.08%	50	32.89%	152
Unk/NA	3,401	32.53%	2,981	28.51%	10,456
Totals	24,694	44.94%	15,471	28.15%	54,950

In 2007, there were a total of 42,939 loan applications. Of all the completed loan applications, 17,851 or 41.6 percent were originated and 14,280 or 33.3 percent were denied. With respect to loan decisions by race and ethnicity, Black applicants had the greatest number of applications, but also represent the largest percentage of applications denied. When the numbers are analyzed individually by race and ethnicity, White (60.3%), Asian (49%), and Hispanic (41%) applicants had a greater chance to have a loan originated than Blacks (32.8%). White applicants were also less likely to be denied a loan (18.7%) than Black (43%), Hispanic (34.5%), and Asian (26.9%) applicants.

Table 2: All Loans 2007

Race	Originations		Denials		Total Apps
White	7,775	60.34%	2,403	18.65%	12,886
Black	6,251	32.76%	8,195	42.95%	19,080
Hispanic	453	40.96%	382	34.54%	1,106
Asian	377	48.96%	207	26.88%	770
Native American	33	47.83%	22	31.88%	69
Hawaiian	39	45.35%	17	19.77%	86
MultiRace	60	38.46%	63	40.38%	156
Unk/NA	2,863	32.59%	2,991	34.04%	8,786
Totals	17,851	41.57%	14,280	33.26%	42,939

In 2008 there were a total of 26,495 loan applications. Of all the completed loan applications, 12,436 or 46.9 percent were originated and 7,573 or 28.6 percent were

denied. With respect to loan decisions by race and ethnicity, Black applicants had close to the same number of applications as Whites, but represent the largest percentage of applications denied. When the numbers are analyzed individually by race and ethnicity, White (60.3%), Asian (52.8%), and Hispanic (37.6%) applicants had a greater chance to have a loan originated than Blacks (34%). White applicants were also less likely to be denied a loan (17.6%) than Black (41.1%) and Hispanic (39.04%) applicants.

Table 3: All Loans 2008

Race	Originations		Denial		Total Apps
White	6,291	60.28%	1,832	17.55%	10,437
Black	3,173	33.96%	3,841	41.12%	9,342
Hispanic	257	37.57%	267	39.04%	684
Asian	333	52.77%	140	22.19%	631
Native American	17	34.00%	24	48.00%	50
Hawaiian	20	30.77%	25	38.46%	65
MultiRace	40	34.78%	47	40.87%	115
Unk/NA	2,305	44.58%	1,397	27.02%	5,171
Totals	12,436	46.94%	7,573	28.58%	26,495

In 2009, there were a total of 24,686 loan applications. Of all the completed loan applications, 13,475 or 54.6 percent were originated and 5,480 or 22.2 percent were denied. When the numbers are analyzed individually by race and ethnicity, White (63.7%), Asian (50.8%), and Hispanic (50.3%) applicants had a greater chance to have a loan originated than Blacks (39.1%). White applicants (16.5%) were also less likely to be denied a loan than Black (33.6%), Hispanic (24.7%), and Asian (25.8%) applicants.

Table 4: All Loans 2009

Race	Originations		Denial		Total Apps
White	8,445	63.69%	2,185	16.48%	13,260
Black	2,144	39.05%	1,844	33.59%	5,490
Hispanic	291	50.26%	143	24.70%	579
Asian	345	50.81%	175	25.77%	679
Native American	18	31.03%	15	25.86%	58
Hawaiian	21	47.73%	15	34.09%	44

MultiRace	37	44.58%	23	27.71%	83
Unk/NA	2,174	48.39%	1,080	24.04%	4,493
Totals	13,475	54.59%	5,480	22.20%	24,686

In 2010, there were a total of 19,368 loan applications. Of all the completed loan applications, 10,658 or 55 percent were originated and 4,078 or 21.1 percent were denied. With respect to loan decisions by race and ethnicity, Black applicants had the greater percentage of loan denials, and represented only 20 percent of applications. When the numbers are analyzed individually by race and ethnicity, White applicants (61.9%) had a greater chance to have a loan originated than Blacks (43.6%), Hispanic (52%), and Asian (56.6%) applicants. White (16.8%) and Asian (20.2%) applicants were less likely to be denied a loan than Black (30.4%) and Hispanic (23.1%) applicants.

Table 5: All Loans 2010

Race	Originations		Denial		Total Apps
White	6,810	61.92	1,847	16.79	10,998
Black	1,690	43.61	1,178	30.40	3,875
Hispanic	221	52.00	98	23.06	425
Asian	339	56.59	121	20.20	599
Native American	13	35.14	13	35.14	37
Hawaiian	16	50.00	9	28.13	32
MultiRace	31	46.27	22	32.84	67
Unk/NA	1,538	46.12	790	23.69	3,335
Totals	10,658	55.03	4,078	21.06	19,368

In 2011, there were a total of 18,163 loan applications. Of all the completed loan applications, 10,378 or 57.1 percent were originated and 3,539 or 19.48 percent were denied. When the numbers are analyzed individually by race and ethnicity, White (63.9%), Asian (56.2%), and Hispanic (52.8%) applicants had a greater chance to have a loan originated than Blacks (45.7%). White applicants were also less likely to be denied a loan (15.9%) than Black (28.9%), Hispanic (21.6%), and Asian (22.6%) applicants.

Table 6: All Loans 2011

Race	Originations		Denials		Total Apps
White	6,691	63.90%	1,735	15.93%	10,893
Black	1,467	45.72%	927	28.89%	3,209
Hispanic	218	52.78%	89	21.55%	413
Asian	339	56.22%	136	22.55%	603
Native American	18	60.00%	4	13.33%	30
Hawaiian	8	36.36%	8	36.36%	22
MultiRace	15	31.25%	19	39.58%	48
Unk/NA	1,352	45.91%	621	21.09%	2,945
Totals	10,378	57.14%	3,539	19.48%	18,163

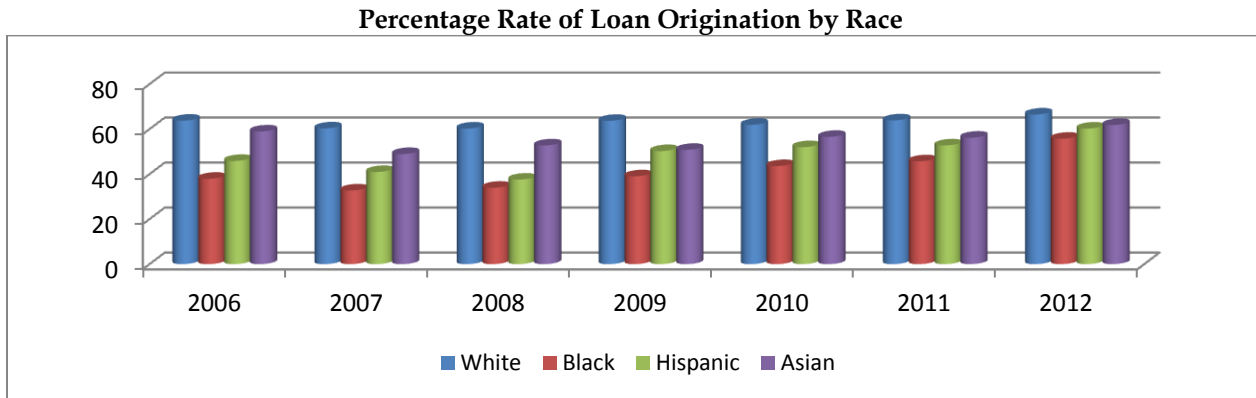
In 2012, an early look at Lending Patterns data indicates a total of 15,750 loan applications. Of all the completed loan applications, 9,892 or 62.81 percent were originated and 2,732 or 17.35 percent were denied. When the numbers are analyzed individually by race and ethnicity, White (66.5%), Asian (61.9%), and Hispanic (60.3%) applicants had a greater chance to have a loan originated than Blacks (45.7%). White applicants were also less likely to be denied a loan (14.9%) than Black (28.9%), Hispanic (19%), and Asian (16.4%) applicants.

Table 6: All Loans 2012

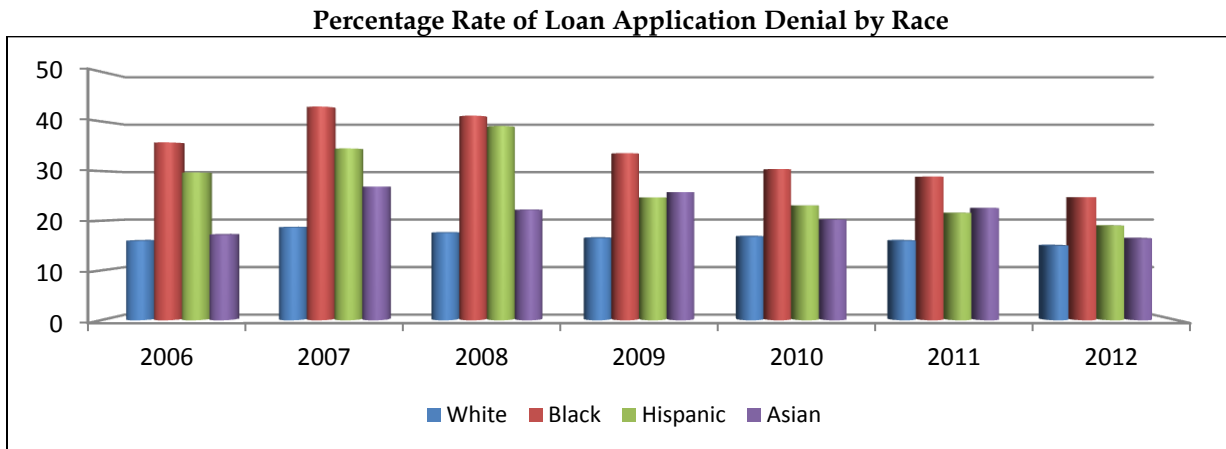
Race	Originations		Denials		Total Apps
White	6,334	66.52%	1,423	14.94%	9,522
Black	1,626	45.72%	722	28.89%	2,917
Hispanic	235	60.26%	74	18.97%	390
Asian	313	61.86%	83	16.40%	506
Native American	12	60.00%	4	20.00%	20
Hawaiian	7	38.89%	6	33.33%	18
MultiRace	42	60.00%	19	27.14%	70
Unk/NA	1,383	57.35%	401	17.38%	2,307
Totals	9,892	62.81%	2,732	17.35%	15,750

From 2006 through 2012, White applicants consistently had the highest rate of loan origination. During those years, Black applicants consistently had the lowest rate

while Asian applicants consistently had slightly higher rate of originations over Hispanics.



For the seven-year period examined, Black applicants have consistently had highest rate of denial. White applicants had the lowest rate of denial each year.



Subprime/High-Cost Loans

One of the most important changes to HMDA is the recent inclusion of limited pricing information related to the annual percentage rate (APR) of certain loans. For loans originated in 2004, lenders were required to report the spread between the APR of designated loans and the yield on a U.S. Treasury security of comparable maturity. Specifically, lenders submitted this information on first lien loans if the spread was at or above three percentage points, and they submitted this information on

subordinate liens if the spread was at least five points. Loans with APRs high enough to require the disclosure of this spread are referred to as “higher-rate” loans.

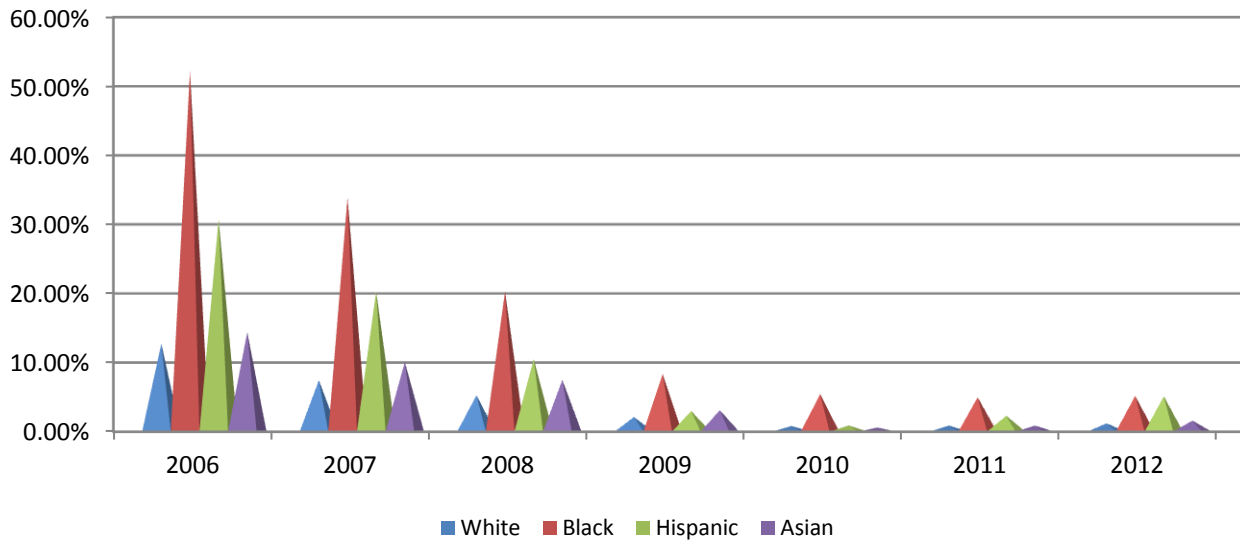
Information on higher-rate loans makes it possible to use HMDA data to detect disparities in loan dispositions (i.e., the proportion of loans that were approved or denied) between demographic groups, as well as differences in loan pricing. Since borrowers can be vulnerable to discrimination at both the underwriting and pricing stages of the loan process, the ability to detect discriminatory patterns in both areas is critical for ensuring that all racial and ethnic communities have an equal opportunity to build home equity.

As demonstrated in the Table below, from 2006 through 2012, Black borrowers consistently had the highest rate of high cost loan origination. In 2006, over half of the loans made to Black borrowers were high cost loans.

Table 7: Percentage of High Cost Loans by Race

	White	Black	Hispanic	Asian
2006	12.74%	52.22%	30.74%	14.40%
2007	7.45%	33.90%	20.31%	10.08%
2008	5.26%	20.30%	10.51%	7.51%
2009	2.13%	8.35%	2.99%	3.11%
2010	0.82%	5.44%	0.90%	0.59%
2011	0.89%	4.98%	2.29%	0.88%
2012	1.20%	5.17%	5.11%	1.60%

Comparison of Rate of High Cost Loans by Race

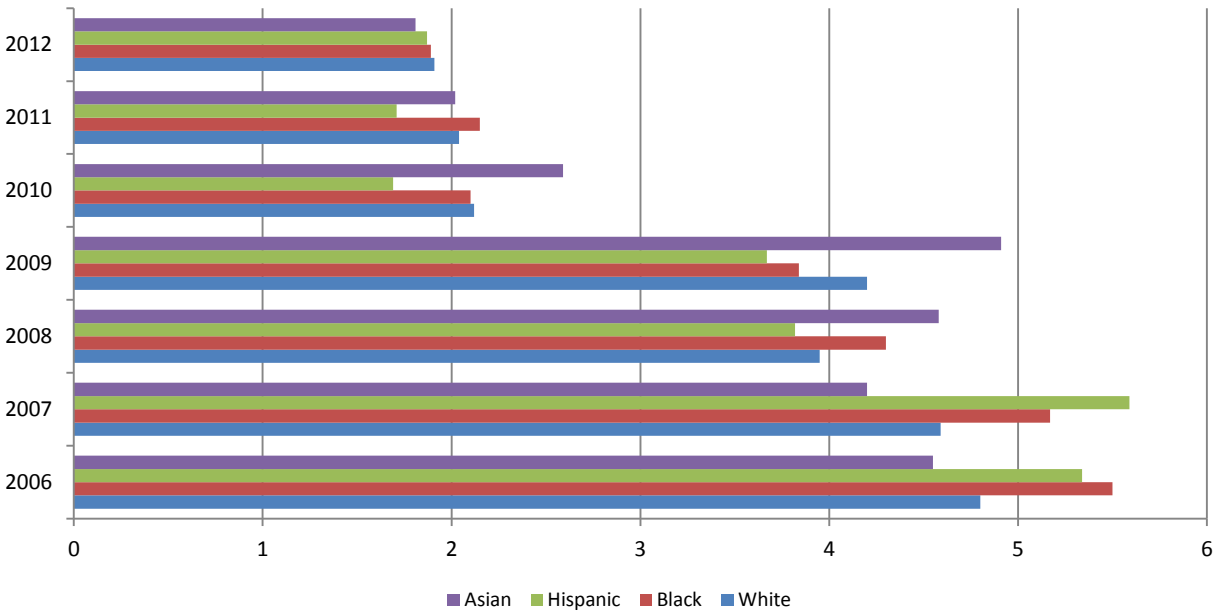


From 2006 to 2012, the race experiencing the largest average loan spread has varied. Blacks had the highest average loan spread in the years 2006 and 2008. Hispanics had the highest loan spread in 2007. In 2009, 2010, and 2012, Whites had the highest average loan spread. In 2011, Asians had the highest loan spread. When the average yearly loan spread is averaged by race over the seven year period, however, Blacks experienced the highest average loan spread (3.56), followed by Asians (3.52), Hispanics (3.38) then Whites (3.37).

Average Loan Spread by Race

	White	Black	Hispanic	Asian
2006	4.80	5.50	5.34	4.55
2007	4.59	5.17	5.59	4.20
2008	3.95	4.30	3.82	4.58
2009	4.20	3.84	3.67	4.91
2010	2.12	2.10	1.69	2.59
2011	2.04	2.15	1.71	2.02
2012	1.91	1.89	1.87	1.81

Average Loan Spread by Race



While HMDA is essential in understanding the mortgage climate, it should be noted that HMDA data does have its limitations. In particular, it does not take into consideration how the loan decisions were made. These and other issues must be taken into consideration when drawing conclusions about the findings. The data does, however, provide information about possible trends in the City’s mortgage lending. The 2006-2012 HMDA data clearly shows a trend with respect to the high levels of denials of loans to Black and Hispanic applicants. Further, while Black and Hispanic applicants had lower rates of loan origination, they consistently had the highest percentage of high cost loans and the most expensive of high cost loans.

See Section V. Jurisdiction’s Fair Housing Profile above for a review of some of the legal actions resulting from unfair lending practices.

Fair Housing: Implications

Significant disparities in lending practices indicate a need for industry training in Fair Housing and Fair Lending laws and consumer protection education regarding lending processes and avoiding abusive practices.

Foreclosure Data

On October 24, 2012, the Center for Responsible Lending issued a report, *Collateral Damage: The Spillover Costs of Foreclosures*, by Debbie Gruenstein Bocian, Peter Smith and Wei Li. This brief is the fourth in a series, updating their last report issued in 2009, estimating not only the total “spillover” cost, but that portion of the cost borne by neighborhoods of color nationally:

The massive number of foreclosures that have occurred during the current economic crisis has undercut the economic progress and security of families across the country. When families lose their homes, the resulting damage is multi-faceted. First, there are the immediate financial consequences for those who lose their houses. These costs include physical displacement, drained savings and retirement accounts and devastated credit. Second, there are the longer-term financial consequences of foreclosure for these families. Families who lose a home cannot tap home equity to start a new business, pay for higher education or secure their retirement. Loss of a home also removes a financial cushion against unexpected financial hardships, such as job loss, divorce or medical expenses, and eliminates the main vehicle for transferring wealth inter-generationally.

In addition, foreclosures have ramifications that extend beyond the families who lose their homes. Communities with high concentrations of foreclosures lose tax revenue and incur the financial and non-financial costs of abandoned properties and neighborhood blight, while homeowners living in close proximity to foreclosures suffer loss of wealth through depreciated home values.

Between 2007 and 2011, 10.9 million homes went into foreclosure. These foreclosures not only have harmed the families that experienced them, they also have had negative effects that extend to the neighborhood, community and wider economy. There are myriad indirect costs of foreclosures, but in this report we focus on one: the economic impact on neighboring homeowners who lose property value as a result of being in close proximity to foreclosures. Our key findings, based on loans that entered foreclosure between 2007 and 2011:

- \$1.95 trillion in property value has been lost or will be lost by residents who live in close proximity to foreclosures. These losses include both the spillover impact of homes that have completed the foreclosure process and future losses that will result from homes that have started but not yet completed the foreclosure process.

- Over one-half of the spillover loss is associated with communities of color. Minority neighborhoods have lost or will lose \$1 trillion in home equity as a result of spillover from homes that have started the foreclosure process, reflecting the high concentrations of foreclosures in neighborhoods of color.
- On average, families affected by nearby foreclosures have already lost or will lose \$21,077 in household wealth, representing 7.2 percent of their home value, by virtue of being in close proximity to foreclosures. Families impacted in minority neighborhoods have lost or will lose, on average, \$37,084 or 13.1 percent of their home value.

Importantly, these losses represent only the wealth that has been lost or will be lost as a direct result of being in close proximity to homes that have begun the foreclosure process. We do not include in our estimate the total loss in home equity that has resulted from the crisis (estimated at \$7 trillion), the negative impact on local governments (from lost tax revenue and increased costs of managing vacant properties) or the non-financial spillover costs, such as increased crime, reduced school performance and neighborhood blight.

Home foreclosures, doubling over the past decade, present the biggest housing issue in the City of Atlanta. Foreclosures occur for many reasons; subprime mortgages result in foreclosures nine times more than prime mortgages and the collapse of the housing market and consequences on ancillary services left many jobless.¹⁵⁰

The City's Comprehensive Development Plan noted that more recent foreclosed properties can be placed in two categories: 1) due to large concentrations of properties in the north sector an overabundance of units yet to be sold or occupied and 2) foreclosures resulting from financial burdens of the homeowner in the downward economy. Concentrations of empty foreclosed homes have led to a downward cycle of blight, vandalism, abandonment, increased crime, declining property values, shrinking tax bases and community asset deterioration.¹⁵¹ One of the City's priorities is to support efforts that mitigate foreclosures and to rehabilitate or close properties.¹⁵²

Between 2006 and 2009, 48,584 foreclosure notices were reported in the City of Atlanta, representing 22% of the available housing stock in the City.¹⁵³ By 2013, the crisis may be stabilizing yet leaving Atlanta with an 18% vacancy rate. Bank

¹⁵⁰ CDP at p. 121-122

¹⁵¹ Id.

¹⁵² Id. at 139

¹⁵³ Id. at 124

portfolios of bank-owned properties, and an unstable housing and economic market are contributing factors in the lack of affordable housing lenders. According to RealtyTrac, as of September 2013, there are 4,401 properties in Atlanta that are in some stage of foreclosure (default, auction or bank owned), while the number of homes listed for sale is 4,317. The number of properties that received a foreclosure filing was 28% higher than the previous month and 44% lower than the same time last year.

Foreclosure activity has occurred throughout the housing market and affected homeowners of all income levels and in all sectors throughout the City of Atlanta; however, the highest number of foreclosures is in traditional low-income, minority areas. NPU's J and V had the highest number of both highly hazardous and property maintenance cases.¹⁵⁴ See Section V, Jurisdiction's Fair Housing Profile above, for a review of code compliance showing data from 2009 to August 2013.

A contributing factor to the ongoing foreclosure crisis locally is the prevalence of residential mortgage fraud and misrepresentation involving industry professionals. According to the *LexisNexis 15th Annual Mortgage Fraud Report*, Georgia is one of five states that appears on the top 10 lists of both the Investigation and Origination Mortgage Fraud Indices and the newly-established list of Property Default Rankings. The other states that make the Top 10 on both lists are: Florida, Illinois, Nevada and Ohio. On the list of Mortgage Fraud Index by State (all forensic investigations), Georgia was ranked 9th in 2012, 6th in 2011, and 5th from 2008 to 2010. Georgia is ranked 9th for 2008-2012 on the list of states with the largest percentage of property in default. While the housing market is showing signs of positive growth, "lenders continue to work through backlogs of loan modifications and short sales - a trend that has made loan modification fraud, short sales schemes, and foreclosure rescue fraud part of the nation's vocabulary."

The Wall Street Journal's September 11, 2012 article entitled, "Firms Flock to Foreclosure Auctions," focused a spotlight on metropolitan Atlanta as a feeding ground for major real estate investment firms (Blackstone, Colony, Waypoint among the largest) amassing thousands of single-family foreclosed homes for rentals from auctions and through brokers who represent banks or homeowners. Big investors continue to be aggressive in Georgia, looking to earn higher yields than other investments until the market fully rebounds and looking to securitize rental payments. Julie Schmit's article in the October 28, 2013, edition of USA TODAY,

¹⁵⁴ Id.

asserts "Last month institutional investors, who largely buy single-family homes to turn into rentals, accounted for about one in four home sales in Atlanta, Las Vegas, St. Louis and Jacksonville, data from Realtytrac show." (<http://usat.1y/1qWowj>) This trend competes with first-time buyers looking to purchase foreclosed homes needing fewer repairs as investors are cash buyers and successful bidders, reducing the opportunity for owner-occupants to achieve homeownership.

According to Charlene Crowell's November 5, 2013 article (Communications Manager with the Center for Responsible Lending), CoreLogic analyzed foreclosures in metro areas and concluded, "The five highest areas with completed foreclosures - again over the past 12 months - were Atlanta (24,309), Chicago (20,347), Tampa-St. Petersburg (15,754), Phoenix (14,821) and Orlando (12,062)." (<http://www.atlantadailyworld.com/2013110510102/Viewpoints/nation-s-housing-recovery-far-from-equal>)

Piece by Piece, a Regional Foreclosure Initiative, is a bold, coordinated effort designed to spur strategic action from regional stakeholders who care passionately about protecting the long-term future of the region's neighborhoods and communities. The Initiative is guided by a leadership team that includes: Atlanta Neighborhood Development Partnership, the Atlanta Regional Commission, CredAbility, Enterprise Community Partners, Federal Reserve Bank, the Greater Atlanta Home Builders Association, The Home Depot Foundation, the National Housing Conference, and NeighborWorks America. This vehicle represents a coordinated effort to take direct action that has revitalized hundreds of distressed properties since its inception. The Initiative includes the following key objectives: 1) provide up-to-date status of Metro Atlanta's foreclosure crisis and ways to take action to help address it; 2) offer opportunities for coordination and best practice sharing; and, 3) encourage public commitments on goals and actions that will be taken over the next three to five years to address the crisis.

In an effort to utilize fair housing enforcement remedies to address the foreclosure crisis, in 2011, Metro began to investigate how banks treat REO's (Real Estate Owned) in different neighborhoods. As one of four private, non-profit fair housing agencies involved in a national investigation of banks' maintenance and marketing practices, Metro and NHFA staff visited 187 REO properties (60% located in Atlanta) and found striking racial disparities across all maintenance categories. Seventy-four percent (74%) of REO's in African-American neighborhoods were documented to have more than 5 maintenance deficits, while this was the case for 57% of REO's in white neighborhoods. This disparity increased substantially when considering

properties with more than 10 problems. Thirty-two percent (32%) of REOs in African American neighborhoods had more than 10 deficits, while not a single property in a White community was subject to such poor maintenance.

At first glance, maintenance scores appeared to be dispersed randomly with African-American, Latino and predominantly non-White areas (neighborhoods of color) having properties graded "A", "B", and "C" (Blue, Green and Yellow dots). A closer look reveals the concentration of Red and Orange dots ("D" and "F" graded properties) in neighborhoods that are over 61% African-American. Of the 66 properties that received "D" and "F" scores, 86% were located in predominantly African-American communities.

REO properties in African-American neighborhoods were nearly 4.65 times more likely than homes in White neighborhoods to be missing a "For Sale" sign on the property. Curb appeal issues were also a huge problem in communities of color: 31% of homes had overgrown lawns, while less than 10% of REOs in white neighborhoods had unmaintained lawns; and, 31% had unsecured or broken doors, while only 14% of REOs in white areas had the same problem.

Metro was not advocating that lenders over-improve foreclosed homes. Metro proposed that lenders abide by the Fair Housing Act and perform routine maintenance, exercising consistent, quality control measures over the entities they hire to maintain properties they own: surveying them often to ensure that they are locked and secure, lawns are mowed, and trash and accumulated mail are removed. Most importantly, perform cost-effective repairs that arrest water damage, detour unauthorized occupancy and prevent the infestation of vermin; ensure that properties are professionally marketed with signage that informs interested buyers of their availability.

While REOs in White neighborhoods were more likely to have well-maintained lawns, secured entrances and professional sales marketing, REO properties in majority non-White neighborhoods were more likely to have poorly maintained yards, unsecured entrances, appear to be vacant and abandoned, and have poor curb appeal. By maintaining properties in neighborhoods of color differently and failing to take the same steps to maintain, market and sell such properties as they would take for properties in an area with largely White populations, banks violate the Fair Housing Act (FHA). The discriminatory treatment of neighborhoods prevents neighborhood stabilization and economic recovery, and harms investors, homeowners and municipalities by unnecessarily depressing the property value of the REO asset - all in violation of the FHA.

VII. Public Outreach

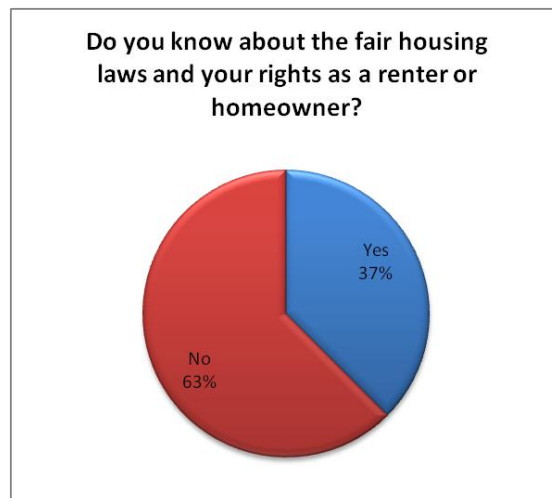
Resident Survey Results

Resident Survey Results

Metro developed a *Fair Housing Opinion Survey* composed of 10 questions designed to gauge perceptions of housing discrimination/resolution options and quality of life issues affecting the jurisdiction's neighborhoods, and 8 questions designed to determine knowledge of prohibited practices by housing providers under fair housing laws. The surveys were posted online at the City's website and conducted by Metro staff during education workshops, partner events and meetings with various groups. From January through September, 2013, Metro directly administered 463 face-to-face surveys in the city, of which 234 (50.5%) were completed by Atlanta residents and analyzed. A total of 57 online surveys were completed, of which 29 (50.8%) were completed by Atlanta residents. Because of the complexity of fair housing issues, face-to-face surveys are the preferred collection method as it provides the opportunity for clarification before responses are recorded.

The results for all Atlanta resident surveys are detailed below:

Do you know about the fair housing laws and your rights as a renter or homeowner?		
Answer Options	Response Percent	Response Count
Yes	37.5%	96
No	62.5%	160



The majority of residents (62.5%) were not aware of their rights as a renter or homeowner under fair housing laws, while 37.5 percent responded positively.

Have you or anyone you know ever experienced housing discrimination?		
Answer Options	Response Percent	Response Count
Yes	20.3%	53
No	39.5%	103
I don't know	40.6%	106



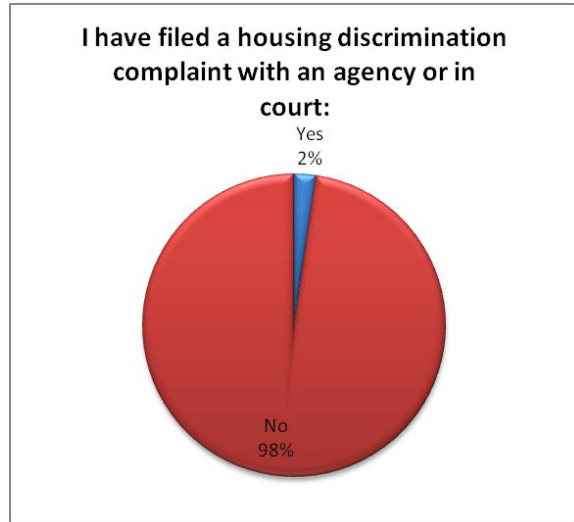
Approximately twenty percent of residents indicated that they, or someone they know, had experienced housing discrimination, while the overwhelming majority (80%) had not experienced discrimination, known anyone who had, or did not know.

Do you know who to call for information on your fair housing rights or to get help in reporting housing discrimination?		
Answer Options	Response Percent	Response Count
Yes	20.8%	54
No	60.6%	157
I don't know	18.5%	48



An overwhelming majority of residents (60.6%) indicated they do not know who to call for information on fair housing rights or to get help in reporting discrimination.

I have filed a housing discrimination complaint with an agency or in court:		
Answer Options	Response Percent	Response Count
Yes	2.3%	6
No	97.7%	255



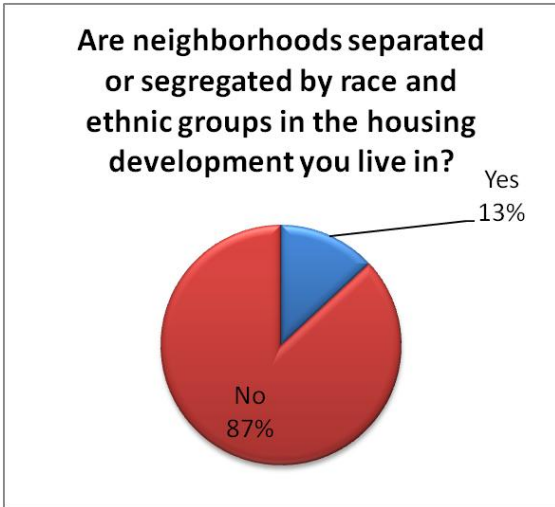
The overwhelming majority of residents (97.7%) have not filed a discrimination complaint, while 2.3 percent indicated that they have filed a complaint.

Are neighborhoods separated or segregated by race and ethnic groups in the City you live in?		
Answer Options	Response Percent	Response Count
Yes	37.9%	94
No	62.1%	154



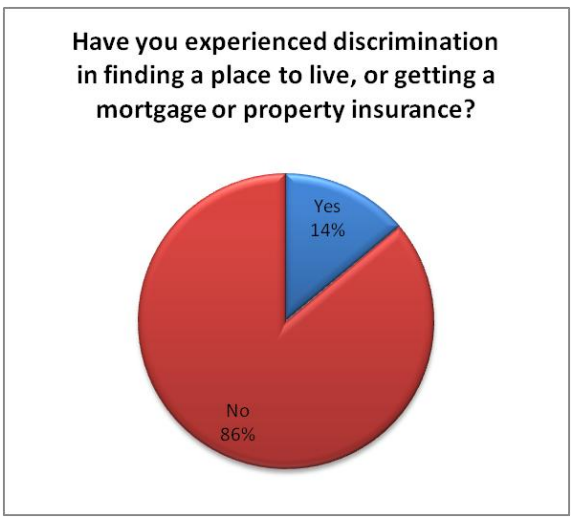
The majority of residents (62.1%) do not perceive the city's neighborhoods as segregated by race or ethnicity, while 37.9 percent do.

Are neighborhoods separated or segregated by race and ethnic groups in the housing development you live in?		
Answer Options	Response Percent	Response Count
Yes	13.1%	25
No	86.9%	166



The overwhelming majority of residents (86.9%) do not perceive their housing developments as being segregated by race/ethnic groups, while 13.1 percent do.

Have you experienced discrimination in finding a place to live, or getting a mortgage or property insurance?		
Answer Options	Response Percent	Response Count
Yes	13.9%	36
No	86.1%	223

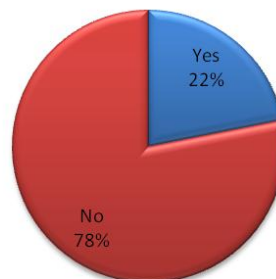


The overwhelming majority (86.1%) of residents indicated they have not experienced discrimination in finding a place to live, or getting a mortgage or insurance, while 13.9 percent responded positively.

Have you or anyone you know been denied the opportunity or steered away from buying or renting in a particular neighborhood?

Answer Options	Response Percent	Response Count
Yes	21.9%	57
No	78.1%	203

Have you or anyone you know been denied the opportunity or steered away from buying or renting in a particular neighborhood?

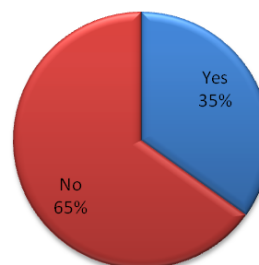


The majority of residents (78.1%) indicated that neither they, nor anyone they know, have been denied the opportunity or steered away from buying or renting in a particular neighborhood, while 21.9 percent responded positively.

Are you aware of problems faced by Blacks or Hispanics in getting a mortgage loan or buying a home in this area?

Answer Options	Response Percent	Response Count
Yes	35.1%	91
No	65.6%	170

Are you aware of problems faced by Blacks or Hispanics in getting a mortgage loan or buying a home in this area?



The majority of residents (65.6%) were not aware of Blacks or Hispanics facing problems obtaining a mortgage loan or buying a home, while 35.1 percent responded positively.

Can a private landlord put families with children on the first floor of an apartment building because of noise issues?		
Answer Options	Response Percent	Response Count
Yes	14.9%	39
No* (Correct Answer)	40.2%	105
I'm not sure	44.8%	117



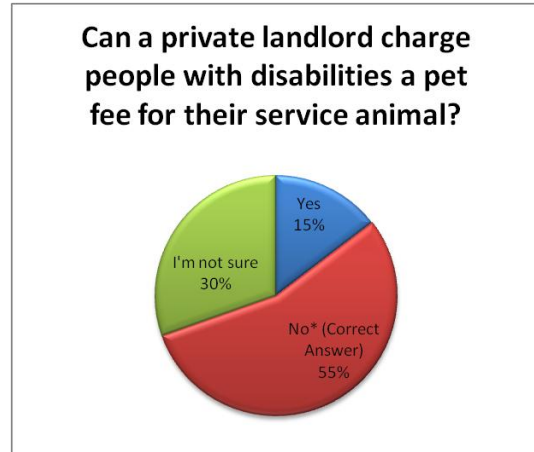
Forty percent of residents (40.2%) correctly indicated that a private landlord cannot restrict families with children to the first floor of an apartment building because of noise issues, while the overwhelming majority (85%) answered incorrectly or were not sure.

Can a private landlord charge families with children a larger deposit because they may damage the unit?		
Answer Options	Response Percent	Response Count
Yes	14.6%	38
No* (Correct Answer)	54.0%	141
I'm not sure	31.4%	82



The majority of residents (54%) correctly indicated that a private landlord cannot charge families with children a larger deposit because they may damage the unit, while 46 percent answered incorrectly or were not sure.

Can a private landlord charge people with disabilities a pet fee for their service animal?		
Answer Options	Response Percent	Response Count
Yes	14.6%	38
No* (Correct Answer)	55.0%	143
I'm not sure	30.4%	79



The majority of residents (55%) correctly responded indicating that a private landlord cannot charge people with disabilities a pet fee for their service animal, while 45 percent answered incorrectly or were not sure.

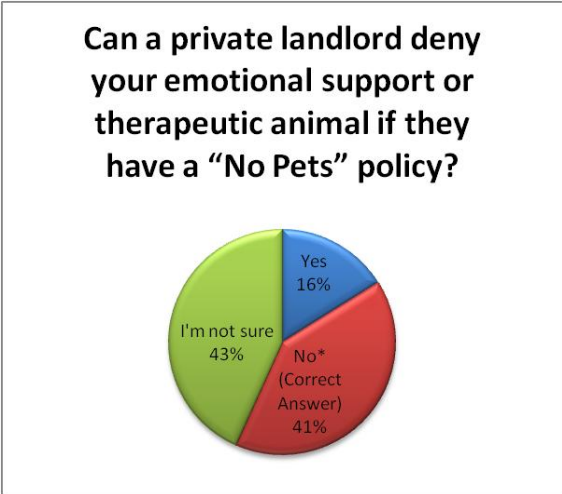
Can a private landlord advertise an apartment and say they want or prefer Christian families?		
Answer Options	Response Percent	Response Count
Yes	10.0%	26
No* (Correct Answer)	65.9%	172
I'm not sure	24.5%	64



The majority of residents (65.9%) correctly responded indicating that a private landlord cannot advertise an apartment and say they want or prefer Christian families, while 34.5 percent answered incorrectly or were not sure.

Can a private landlord deny your emotional support or therapeutic animal if they have a “No Pets” policy?

Answer Options	Response Percent	Response Count
Yes	16.1%	42
No* (Correct Answer)	40.6%	106
I'm not sure	43.3%	113



Forty-one percent (40.6%) of residents correctly responded indicating that a private landlord cannot deny an emotional support or therapeutic animal if he/she has a “No Pets” policy, while the majority 59.4 percent answered incorrectly or were not sure.

Can a private landlord deny your service animal if it is not certified or trained?

Answer Options	Response Percent	Response Count
Yes	26.6%	69
No* (Correct Answer)	26.3%	68
I'm not sure	47.1%	122



Twenty-six percent (26.3%) of residents correctly responded indicating that a private landlord cannot deny a service animal if it is not certified or trained, while the overwhelming majority (73.7%) answered incorrectly or were not sure.

Can a private landlord deny same-sex couples who wish to rent a one-bedroom apartment?

Answer Options	Response Percent	Response Count
Yes* (Correct Answer)	9.1%	24
No	64.6%	170
I'm not sure	26.6%	70



Nine percent (9.1%) of residents responded correctly indicating private landlords can deny same sex couples who wish to rent a one-bedroom apartment, while the overwhelming majority of residents (91.2%) either incorrectly responded or were not sure.

Note: Private landlords who do not receive HUD funding can deny housing opportunities to same sex couples; however, pursuant to USHUD’s approval of the *Equal Access* regulation in January 2012, all core HUD housing programs are open to all eligible persons, regardless of sexual orientation or gender identity.

Can a private landlord refuse to rent to a family just because they are using a Section 8 voucher?

Answer Options	Response Percent	Response Count
Yes* (Correct Answer)	20.2%	52
No	47.5%	122
I'm not sure	32.7%	84



Twenty percent (20.2%) of residents responded correctly indicating private landlords may refuse to rent to a family just because they are using a Section 8 voucher, while the overwhelming majority of residents (80.2%) either incorrectly responded or were not sure.

Note: Generally, private landlords who do not receive federal funding or other types of restricted funding have no obligation to accept Section 8 vouchers, as source of income is not a protected class under current federal or state fair housing laws.

Overall, responses reveal:

- Approximately 40 percent of residents surveyed have not personally experienced housing discrimination or know anyone who has, or filed a housing discrimination complaint (97%); however,
- 62 percent indicated they do not know their rights as a renter or homeowner under fair housing laws, and 60.6 percent do not know who to call for information on their rights or to get help with reporting housing discrimination;

- Regarding questions about prohibitive actions by private landlords, 38.8 percent answered correctly, 26.1 percent answered incorrectly, and 35.1 percent were not sure; thus, a significant majority of residents (61.2%) answered incorrectly or were not sure; they are not aware of their rights or the providers' responsibilities under fair housing law.

Of the 221 survey responses to the question, What is the best thing about living in your neighborhood? Seventy-six responses ranked Convenience of location (34% of the total responses followed by Neighbors (17%), Diversity (12%) and Quiet (10%) as the most important qualities of their communities. The following qualities received 5 percent or less rankings: Affordability (5%), Secure/Safe/Gated (5%), Revitalization/Development/Transition (4%), Clean (3%), Schools (3%), Services (1%), or Renting/Landlord (1%).

What is the BEST thing about living in your neighborhood?	Number of Responses (Total 221)	Percentage %
Convenient location (MARTA, highway, shopping, walkable etc.)	76	34%
Community/Neighbors	37	17%
Diversity	26	12%
Quiet	21	10%
Affordable	10	5%
Secure/Safe/Gated	10	5%
Revitalization/Development/Transition	8	4%
Clean	7	3%
Schools	7	3%
Services	3	1%
Renting/ the Landlord	3	1%
Other responses: The View, Small town feel, Apt Size, I like/love it, Kool, None, Nothing, etc.		

Of the 202 survey responses to the question, What is the worst thing about living in your neighborhood?, Fifty-five responses ranked Crime (Prostitution, Drugs, Violence) (27% of total responses), followed by Neighbors/Lack of Community (18%), and Vacant, Abandoned, Foreclosed Homes (10%) as the least appealing characteristics of their communities. The following characteristic received 9 percent or less rankings: Bad Maintenance, Cleanliness, Services, Litter (9%), Condition of Streets, Traffic, Parking (7%), High Cost (Rent or Water Bill) (5%), Needs Better Grocery Store/Retail or Development (5%), Police (1%), or Dogs (1%).

What is the WORST thing about living in your neighborhood?	Number of Responses (Total 202)	Percentage %
Crime (Prostitution, Drugs, Violence)	55	27%
Neighbors/Lack of Community	37	18%
Vacant, Abandoned, or Foreclosed Homes	21	10%
Bad Maintenance, Cleanliness, Services or Litter	18	9%
Condition of Streets, Traffic or Parking	14	7%
High Cost (Rent or Water Bill)	11	5%
Needs Better Grocery Store/Retail or Needs Development	10	5%
Police	3	1%
Dogs	2	1%
Other Responses: Need Jobs, No bus, etc.		

Public Hearings

A total of four (4) public hearings were held in diverse locations of the City on September 4, 5, 9, and 10, 2013, for the purpose of educating the community-at-large about the AI process and obtaining input from all stakeholders about housing issues that have a fair housing impact. In accordance with the outreach plan agreed upon

with the Office of Housing project manager, each hearing focused on a separate topic of interest to the community in which the hearing was held. Marketing of the hearings was accomplished through notices to all NPU's, postings at community centers, email blasts to all City departments, housing advocacy groups and Metro partners, and by a half-page ad in the *Atlanta Journal & Constitution*. The agenda for the hearings featured knowledgeable speakers on each focus topic with proceedings documented by court reporters, staffed by sign language interpreters, Spanish/English interpreters, photographer, security officer and equipped with PA systems. Following brief presentations by each speaker, the floor was opened to a Public Comment period during which residents were not restricted to the pre-determined 5-minute time limit or to the focus topic of the hearing. See Appendix D, Public Outreach Documents, Hearing Transcripts.

The September 4th hearing was held at the Coan Park Center, 1530 Woodbine Street, SE from 6:00 to 8:30 pm and attended by fourteen persons. The focus topic was: How Affordable is Atlanta's Housing?/What Makes Housing Unaffordable? Public comments addressed personal challenges with high housing costs/amenities, the difficulty of finding housing suitable for very low-income disabled persons, and attendees asked questions regarding the development factors that make housing unaffordable.

The September 5th hearing was held at the Dunbar Center, 477 Windsor Street, SW from 6:00 to 8:30 pm and attended by seven persons. The focus topic was: Denied a Mortgage Loan to Purchase or Refinance?/Victim of Foreclosure or Denied a Loan Modification? Public comments addressed discrimination against homebuyers, HUD regulations, and failures of code enforcement in the NPU.

The September 9th hearing was held at the AGAPE Center, 2353 Bolton Road, NW from 6:30 to 9:00 pm and attended by seven persons. The focus topic was: Denied a Place to Live Because of the Country You are From?/Lost a Housing Opportunity Because You Have Children? Public comments were considerable and addressed landlord/tenant disputes with property managers and Hispanic tenants, national origin/other protections under fair housing law.

The September 10th hearing was held at the Freight Room/Blue Room, 65 MLK, Jr. Drive, SE from 6:00 to 8:30 pm and attended by six persons. The focus topic was: How Accessible is Atlanta's Housing?/Denied a Place to Live Because You Use a Wheelchair? Public comments from veteran disability rights advocates addressed the discrepancies between supply and demand for affordable, accessible and integrated housing in the City and metropolitan Atlanta, the lack of public commitment to

funding and policy-making supportive of “visitability”, and reporting the findings contained in the white paper, *“Shut Out, Priced Out, and Segregated: The Need for Fair Housing for People with Disabilities - A Public Policy Report and Recommendations, August 2011.”*

See the Public Hearing Notice/Schedule and Agendas at Appendix D, Public Outreach Documents.

Key Person/Department Surveys

In conjunction with direct surveys, Metro staff conducted interviews and requested written responses to questions derived from HUD’s *Fair Housing Planning Guide* as follows:

<u>Organization</u>	<u>Key Person</u>
Atlanta, Office of Housing, DPCD	Derrick Jordan, Interim Director
Atlanta Office of Planning, DPCD	Charletta Jack, Director
Atlanta Office of Building, DPCD	Dan Rosenthal, Director
Atlanta Office of Constituent Services, HRC	Andrea Boone, Commissioner
Atlanta Housing Authority	Renee Glover, President/CEO
Georgia Commission on Equal Opportunity	Teresa Chappell, Director Fair Housing Division
Atlanta Legal Aid Society, Inc.	Charles Bliss, Director of Advocacy
Atlanta Legal Aid Society, Inc.	Karen Brown, Director, Home Defense Program
Atlanta Legal Aid Society, Inc	C. Talley Wells, Director Disability Integration Project

The full text of request letters, questionnaires and responses sent and received, regarding each City department and organization noted above can be found in Appendix B.

VIII. Conclusions & Recommendations

Identified Impediments to Fair Housing Choice

1. Lack of compliance with Federal, State, and Local Fair Housing Laws within the jurisdiction
2. Lack of Knowledge of Fair Housing Protections and Redress under Fair Housing Laws
3. Issues Affecting Persons with Disabilities and the Homeless
4. Shortage of/Barriers to Affordable Housing & Homeownership
5. Concentrations of Vacant and Abandoned Residential Properties
6. Fair and Equal Lending Disparities

Fair Housing Action Plan

1. Lack of compliance with Federal, State, and Local Fair Housing Laws within the jurisdiction

Action 1:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Legal • Office of Constituent Services • Human Relations Commission 	18 months From HUD Approval	Ongoing	Enforce the City's existing 1977 fair housing ordinance, as amended, 1984 and 2000, providing protections to the seven protected classes covered under federal and state fair housing law and extending additional protections to "domestic relationship status, parental status, sexual orientation, gender identity and age." ATLANTA GA CODE § 94-91 <i>et seq.</i> . Take steps to make the local law "substantially equivalent" to the Federal Fair Housing Act, or, in the alternative, repeal the local ordinance and enact an ordinance that is substantially equivalent to the federal fair housing law, as proposed in the 2006 AI.

Action 2:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Office of Constituent Services • Human Relations Commission 	12 months from HUD Approval	N/A	Develop referral process for Fair Housing Complaints that includes contact information to all private and public enforcement agencies.

2. Lack of Knowledge of Fair Housing Protections and Redress under Fair Housing Laws

Action 1 (a-d): Training, on-going education and outreach

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Human Resources • Fair Housing Agency 	12-18 Months from HUD Approval	CDBG	<p>1.a. Conduct a public relations campaign promoting knowledge of fair housing laws and assistance programs including, but not limited to, print ads, public service announcements, and community forums.</p> <p>1.b. Provide fair housing training/materials at all housing-related workshops in English and Spanish to address the need for on-going education and outreach to consumers, advocates and the jurisdiction's growing, diverse population.</p> <p>1.c. Provide comprehensive fair housing education and training to housing providers and funded grant recipients to foster compliance with federal, state, and local laws.</p> <p>1.d. Provide fair housing training to all relevant City employees. Develop mandatory fair housing training modules and schedules to ensure the education of new employees and re-training/updating of existing employees.</p>

Action 2 (a-b): Web Design

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Mayor's Office of Communications 	9-12 months from HUD Approval	N/A	<p>2.a. Dedicate a portion of the City's website to Fair Housing, with homepage links to websites and information about filing fair housing complaints and compliance (federal, state and local entities).</p> <p>2.b. Continue an online survey to determine the public's knowledge of fair housing laws, means of</p>

			redress, and levels of perceived discriminatory practices by providers.
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Action 3: Publish Study Results

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> Office of Housing 	Upon HUD Approval	N/A	3.a. Communicate key aspects of the completed, approved AI document, particularly publicizing the conclusions and actions steps to the general public in alternative languages and formats appropriate for persons with disabilities.

3. Issues Affecting Persons with Disabilities and the Homeless

Action 1:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> OEAM 	Concurrent with VCA Terms and Agreements	TBD	Support and monitor on-going efforts/requirements to comply with Section 504 requirements to increase the quality and quantity of accessible facilities and programs receiving federal funding.

Action 2:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> Mayor's Office 	12 Months from HUD Approval	N/A	Collaborate with surrounding county jurisdictions and advocates in an effort to seek regional solutions and leverage financial resources to eliminate homelessness and increase supportive housing alternatives.

Action 3:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> Office of Buildings OEAM 	12 Months from HUD Approval	N/A	Research, standardize and reconcile local ordinances and procedures with federal and state laws regarding accessibility in construction, permitting, inspections, code enforcement, etc. of single-family

			and multi-family housing. Establish comprehensive, mandatory accessibility training and monitoring mechanisms for all relevant City employees.
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Action 4:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Office of Buildings • Office of Housing 	Immediately	N/A	Continue enforcement of the City's existing ordinance, ATLANTA GA CODE § 8-2182, regarding accessibility requirements, particularly for construction of new single-family dwellings receiving city funds. Update the established system to ensure compliance with all applicable federal, state and local accessibility laws.

4. Shortage of/Barriers to Affordable Housing & Homeownership

Action 1:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Office of Housing 	Currently Underway	HOME /CDBG	Require and monitor affirmative marketing plans for all affordable housing providers.

Action 2:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Office of Housing • Invest Atlanta (URFA) 	18 months from HUD Approval	N/A	Support and fund down payment and closing cost assistance mechanisms for residents.

Action 3:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> • Office of Grants Management • Office of Housing • AHA • Invest Atlanta 	24 months from HUD Approval	N/A	Establish definitive, quantitative goals for increasing the number of affordable housing units in the City.

Action 4:

RECOMMEND Responsible Party	Proposed Timeline	Funding	Action Step

<ul style="list-style-type: none"> Office of Code Compliance Office of Grants Management 	Ongoing	100,000/yr	Identify funding for the demolition of abandoned/blighted properties. Utilize “in-rem” authority to remove strategically abandoned/neglected properties. To the extent allowable by law, aggressively enforce the vacant property registry requirements, fining owners who fail to register.
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Action 5:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> Office of Housing. Invest Atlanta (URFA) 	Currently underway	Housing Opportunity Bond	Determine the feasibility of funding the remainder of the original \$70 million Housing Opportunity Fund commitment. Target funding for redevelopment of neighborhoods impacted by the foreclosure crisis, transit-oriented development (TOD) housing investments and preservation of at-risk affordable housing.

Action 6:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> Department of Watershed Management 	18 months from HUD Approval	N/A	Research and implement measures to reduce housing costs that impact housing affordability for renters and homeowners (i.e., providing incentives for low-flow fixtures).

Action 7:

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> Department of Planning and Community Development 	24 months from HUD Approval	N/A	Establish Inclusionary Housing Policy with zoning and funding mechanisms to encourage the development of affordable housing in high opportunity areas.

5. Concentrations of Vacant and Abandoned Residential Properties

Action 1:

Responsible Party	Proposed Timeline	Funding	Action Step
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• Office of Code Compliance	18 months From HUD Approval	N/A	Develop a plan to reduce the number of vacant and abandoned residential properties within the jurisdiction.
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6. Fair and Equal Lending Disparities

Action 1:

Responsible Party	Proposed Timeline	Funding	Action Step
• Fair Housing Agency	Currently underway	\$60,000	Educate residents through First-time Homebuyer and other workshops on the identification of predatory lending practices, foreclosure and modification scams, mortgage fraud, etc. and where to receive assistance if victimized by predatory lending/fraudulent practices.

Action 2:

Responsible Party	Proposed Timeline	Funding	Action Step
• Office of Grants Management • Fair Housing Agency	Currently Underway	N/A	Continue to evolve and require Affirmative Marketing efforts to reach additional residents in various languages.

Action 3:

Responsible Party	Proposed Timeline	Funding	Action Step
• Fair Housing Agency • Mayor's Office of Communications	12 months from HUD Approval	N/A	Initiate and support mass media campaigns promoting fair lending, including but not limited to, print ads, public service announcements, and community forums on cable TV and the City's website.

IX. Signature Page

Reviewed and accepted this _____ day of _____, 2014.

Chief Operating Officer

CITY OF ATLANTA

MAYOR KASIM REED

Based on each signatory noted below, initials indicate internal approval of the foregoing *2013 Analysis of Impediments to Fair Housing Choice* study in advance of the Mayor's signature:

Signature Authorizations

Law Department, City of Atlanta

Office of Housing, Project Manager

Office of Housing, Interim Director

Deputy Commissioner, DPCD

Commissioner, DPCD