

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Community and Human Development

AGENDA DATE: April 26, 2011

CONTACT PERSON NAME AND PHONE NUMBER: William L. Lilly, Director 541-4241

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

That the Mayor be authorized to sign a Resolution that approves and adopts the 2011 Analysis of Impediments to Fair Housing Choice for the City of El Paso, Texas and confirm the City's continued commitment to affirmatively further fair housing.

BACKGROUND / DISCUSSION:

As a recipient of federal funding and in compliance with the U.S. Department of Housing and Urban Development (HUD) regulation 24 CFR 92.225, the City of El Paso is required to conduct an Analysis of Impediments to Fair Housing Choice at least every five years, in coordination with the Consolidated Planning Process. Impediments to Fair Housing Choice are defined as any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choice on the basis of the seven protected classes under the Fair Housing law, which are race, color, religion, sex, disability, familial status or national origin.

The City issued an RFP for an agency to conduct a detailed Analysis of Impediments and Southwest Fair Housing Council (SWFHC) was selected. SWFHC has completed the Analysis and has identified eight Impediments to Fair Housing Choice. Also included in the Analysis is the City's Plan of Action Timeline for addressing the impediments during the next five years. In addition, the City will also ensure that appropriate records are maintained to reflect the actions taken to address the impediments that have been identified in the Analysis.

The Analysis of Impediments will serve as the substantive, logical basis of Fair Housing planning and provide essential and detailed information to policy makers, administrative staff, housing providers, lenders and fair housing advocates to determine barriers to fair housing choice and the actions for addressing them.

PRIOR COUNCIL ACTION:

On June 29, 2010, City Council approved a resolution authorizing the City Manager to issue a Purchase Order to Southwest Fair Housing Council to complete the Analysis of Impediments to Fair Housing Choice, in the amount of \$29,900.

AMOUNT AND SOURCE OF FUNDING:

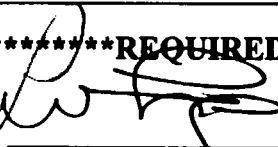
\$29,900 – Community Development Contingency Account (71150047-10083-G7135CD0026)

BOARD / COMMISSION ACTION:

Legislative Review Committee Meeting on April 7, 2011 (postponed)

*******REQUIRED AUTHORIZATION*******

DEPARTMENT HEAD:


(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, as a condition of the City's receipt of U.S. Department of Housing and Urban Development (HUD) funds and pursuant to 24 CFR § 91.225, the City of El Paso, as a participating jurisdiction, annually certifies that it will affirmatively further fair housing; and

WHEREAS, such certification serves as the City's acknowledgment that it accepts the obligation to promote fair housing within its jurisdiction; and

WHEREAS, the City carries out its certification by implementing a process to address the following three components of the certification: (1) conducting an analysis to identify impediments to fair housing choice within the jurisdiction, (2) taking appropriate actions to overcome the effects of any impediments identified through that analysis, and (3) maintaining records reflecting the analysis and actions in this regard; and

WHEREAS, the City's consultant, Southwest Fair Housing Council, in conjunction with the City's Community and Human Development Department and with community stakeholder participation, has prepared an Analysis of Impediments to Fair Housing Choice (2011) for the City of El Paso, Texas; and

WHEREAS, the City desires to confirm its continuing commitment to affirmatively furthering fair housing choice in the City of El Paso, which includes a commitment to and the requirement to equally enforce all zoning and other laws regarding accessibility of housing in its jurisdiction.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:

That the City Council approves and adopts the Analysis of Impediments to Fair Housing Choice (2011) for the City of El Paso, Texas and confirms the City's continued commitment to affirmatively further fair housing through the following activities:

1. The City of El Paso has conducted an Analysis of Impediments to Fair Housing Choice within the jurisdiction; and
2. The City of El Paso will take appropriate actions to overcome the effects of any impediments identified through the Analysis; and
3. The City of El Paso will maintain records reflecting the Analysis and actions taken to overcome the impediments that have been identified through the Analysis.

[Signatures on Following Page]

CITY CLERK DEPT
2011 APR -4 PM 12:15

APPROVED this _____ day of _____, 2011

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Marie A. Taylor
Assistant City Attorney

APPROVED AS TO CONTENT:

William Lilly, Director
Community and Human Development

CITY CLERK DEPT
2011 APR -4 PM 12:16

Analysis of Impediments to Fair Housing Choice

El Paso, Texas
2011

Prepared by:

SOUTHWEST FAIR HOUSING COUNCIL

2030 E. Broadway Blvd., Suite 101
Tucson, AZ 85719

Contents

CONTENTS	3
TABLES	6
FIGURES	7
ACKNOWLEDGEMENTS.....	8
AUTHORS	8
INTRODUCTION	9
HISTORY OF FAIR HOUSING LEGISLATION	9
PURPOSE OF THE AI	9
DEFINITION OF IMPEDIMENTS TO FAIR HOUSING CHOICE	10
OBLIGATION TO AFFIRMATIVELY FURTHER FAIR HOUSING.....	10
EL PASO: FAIR HOUSING LEGAL STATUS.....	11
EL PASO: FAIR HOUSING GOALS.....	12
<i>Primary Goals.....</i>	<i>12</i>
<i>Intermediate Goals</i>	<i>12</i>
METHODOLOGY	13
JURISDICTIONAL BACKGROUND DATA	15
HISTORY	15
<i>Introduction</i>	<i>15</i>
<i>Racial and Ethnic History.....</i>	<i>15</i>
<i>Early Settlements: Spaniards, Mexicans, and Americans.....</i>	<i>15</i>
<i>The Evolution of a City</i>	<i>16</i>
<i>War and Revolution</i>	<i>17</i>
<i>Post WWII Population and Economic Growth</i>	<i>19</i>
RACE AND ETHNICITY	21
AGE	22
SOCIAL CHARACTERISTICS	23
INCOME CHARACTERISTICS.....	24
<i>Household Income by Race and Income Category</i>	<i>25</i>
<i>Poverty by Race and Ethnicity.....</i>	<i>27</i>
<i>Poverty and Disability</i>	<i>27</i>
EMPLOYMENT	29
HOUSING.....	31
<i>Homeownership and Types of Housing.....</i>	<i>31</i>
<i>Housing Quality and Affordability.....</i>	<i>31</i>
<i>Measures of Housing Quality and Affordability</i>	<i>31</i>
MINORITY CONCENTRATIONS & OTHER PROTECTED CLASS CONCENTRATIONS	33
<i>Background.....</i>	<i>33</i>
<i>Census Tract Level Data.....</i>	<i>34</i>
<i>Census Tract Data Findings and Maps</i>	<i>38</i>
<i>Dissimilarity Indices.....</i>	<i>41</i>
DEMOGRAPHIC DATA THAT MAY INDICATE FAIR HOUSING IMPEDIMENTS	43

<i>Summary of Significant Demographic Indicators</i>	43
<i>Summary of Significant Census Tract Level Data Indicators</i>	44
<i>Conclusions</i>	44
PUBLIC SECTOR POLICY REVIEW	47
CITY OF EL PASO MULTIFAMILY HOUSING TYPE A REQUIREMENT	47
<i>Background</i>	47
<i>Summary of the Issue</i>	47
<i>The "Facts"</i>	48
<i>The Market</i>	48
<i>Developers</i>	49
<i>Advocates for Persons with Disabilities</i>	50
<i>The City of El Paso</i>	51
<i>Conclusions</i>	51
HUD NEIGHBORHOOD STABILIZATION PROGRAM	52
NEIGHBORHOOD REVITALIZATION.....	53
DOWNTOWN REVITALIZATION	54
AFFORDABLE HOUSING, LIHTC, PUBLIC HOUSING AND HOUSING CHOICE VOUCHER (HCV)	56
ZONING, LAND USE AND DEVELOPMENT	58
LANDLORD/TENANT POLICIES	59
BUILDING CODES	60
CONSOLIDATED PLAN	61
TRANSIT.....	62
CONCLUSIONS	62
PRIVATE SECTOR REVIEW	63
THE EL PASO HOUSING MARKET AND ECONOMY	63
FORECLOSURES IN TEXAS	65
FORECLOSURES IN EL PASO	65
THE IMPACT OF FORECLOSURES ON COMMUNITIES	66
THE IMPACT OF FORECLOSURES ON FAIR HOUSING IN EL PASO	68
HOME MORTGAGE DISCLOSURE ACT (HMDA) DATA.....	70
<i>Introduction</i>	70
<i>What HMDA Data Can Illustrate</i>	70
<i>NCRC 2008 Home Lending Analysis for El Paso</i>	71
<i>Summary and Conclusions</i>	72
ENFORCEMENT ACTIVITY & COMMUNITY SURVEY	74
FAIR HOUSING ENFORCEMENT: COMPLAINTS	74
<i>Complaints from El Paso Processed by HUD</i>	74
<i>Analysis</i>	75
<i>Fair Housing Settlements</i>	76
<i>Housing Discrimination Complaint Referral in El Paso</i>	76
FAIR HOUSING ENFORCEMENT: TESTING	77
FAIR HOUSING COMMUNITY SURVEY	77
<i>Purpose and Methodology</i>	77

<i>Survey Results</i>	78
Socio-Economic Characteristics.....	78
Survey Responses.....	80
<i>Summary</i>	83
<i>Indications of Impediments</i>	84
PLAN OF ACTION	85
INTRODUCTION	85
REVIEW OF 2004 AI	85
<i>Review of Plan of Action and AFFH Activities</i>	85
<i>Impediments and Actions 2003 – 2004</i>	86
<i>Impediments and Actions 2004 – 2008</i>	93
<i>Non Fair Housing Related Impediments</i>	95
<i>Carryover Impediments</i>	95
<i>Conclusions</i>	96
2011 IMPEDIMENTS AND PLAN OF ACTION	97
<i>Background</i>	97
<i>Impediment #1</i>	99
<i>Action #1</i>	100
<i>Impediment #2</i>	101
<i>Action #2</i>	101
<i>Impediment #3</i>	102
<i>Action #3</i>	102
<i>Impediment #4</i>	103
<i>Action #4</i>	103
<i>Impediment #5</i>	104
<i>Action #5</i>	105
<i>Impediment #6</i>	105
<i>Action #6</i>	105
<i>Impediment #7</i>	106
<i>Action #7</i>	106
<i>Impediment #8</i>	106
<i>Action #8</i>	107
<i>Recommendations Regarding Type A Accessibility</i>	107
<i>Recommendations for Improving AFFH Efforts</i>	108
EL PASO PLAN OF ACTION TIMELINE	111
APPENDIX	114
EL PASO DEMOGRAPHIC DATA BY CENSUS TRACT.....	115
ACTIONS TAKEN TO AFFIRMATIVELY FURTHER FAIR HOUSING –	121
SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2004	121
ACTIONS TAKEN TO AFFIRMATIVELY FURTHER FAIR HOUSING –	135
SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006	135
THE CITY OF EL PASO AFFIRMATIVE MARKETING POLICY FOR THE HOME PROGRAM.....	144
NCRC’S 2008 HOME LENDING ANALYSIS FOR EL PASO CITY, TX	148
CITY OF EL PASO FAIR HOUSING SURVEY	174

Tables

TABLE 1: EL PASO AND TEXAS POPULATION BY RACE AND ETHNICITY – 2009	21
TABLE 2: EL PASO POPULATION BY AGE –2009	22
TABLE 3: SELECTED SOCIAL CHARACTERISTICS – EL PASO 2009	23
TABLE 4: INCOME INDICATORS FOR EL PASO, TEXAS AND U.S. – 2009	24
TABLE 5: HOUSEHOLD INCOME FOR EL PASO – 2009	24
TABLE 6: MEDIAN HOUSEHOLD INCOME BY INCOME CATEGORY AND BY RACE OR ETHNICITY IN EL PASO.....	25
TABLE 7: MEDIAN HOUSEHOLD INCOME BY RACE IN EL PASO	26
TABLE 8: EL PASO POVERTY RATE BY RACE AND ETHNICITY – 2000	27
TABLE 9: PERCENT DISABLED IN EL PASO, TEXAS, AND U.S.	28
TABLE 10: DISABILITY STATUS BY SEX AND AGE FOR EL PASO - 2009.....	28
TABLE 11: AGE BY DISABILITY STATUS BY POVERTY STATUS FOR THE EL PASO CIVILIAN NON-INSTITUTIONALIZED POPULATION, 2009	29
TABLE 12: MAJOR EMPLOYERS (EXCLUDING RETAIL AND GOVERNMENT ENTITIES) IN EL PASO	29
TABLE 13: EL PASO INDUSTRY	30
TABLE 14: EL PASO HOUSING DISTRIBUTION BY HOUSING TYPE.....	31
TABLE 15: HOUSING QUALITY CHARACTERISTICS	32
TABLE 16: MEDIAN RENTAL PRICE TRENDS – EL PASO	33
TABLE 17: 2011 FAIR MARKET RENTS FOR THE EL PASO MSA	33
TABLE 18: RACE AND ETHNICITY OF EL PASO RESIDENTS	34
TABLE 19: CHARACTERISTICS BY CENSUS TRACT.....	36
TABLE 20: DISSIMILARITY INDICES FOR EL PASO	42
TABLE 21: COMPLAINTS FROM EL PASO FILED WITH OR REFERRED TO HUD	75
TABLE 22: RACE/ETHNICITY	78
TABLE 23: SEX	78
TABLE 24: DISABILITY	78
TABLE 25: FAMILY STATUS.....	79
TABLE 26: HOUSING.....	79
TABLE 27: TYPE OF EMPLOYMENT	79
TABLE 28: HOUSEHOLD INCOME	79
TABLE 29: RESPONDENTS ENCOUNTERING DISCRIMINATION.....	80
TABLE 30: LOCAL AREA DISCRIMINATION.....	80
TABLE 31: SELF-HELP REMEDIES.....	80
TABLE 32: TYPES OF DISCRIMINATION REPORTED BY RESPONDENTS	81
TABLE 33: TYPES OF DISCRIMINATION THAT RESPONDENTS BELIEVE EXIST IN EL PASO	81
TABLE 34: KNOWLEDGE OF HOUSING DISCRIMINATION	82
TABLE 35: REPORTING DISCRIMINATION	82
TABLE 36: RESPONDENT SUGGESTIONS FOR WAYS TO IMPROVE*	82
TABLE 37: MOST COMMON ZIP CODES OF RESPONDENTS.....	82
TABLE 38: RACE AND ETHNICITY OF NORTHEAST EL PASO RESIDENTS BY CENSUS TRACT – CENSUS 2000	115
TABLE 39: RACE ETHNICITY OF NORTHWEST EL PASO RESIDENTS BY CENSUS TRACT – CENSUS 2000	115
TABLE 40: ETHNICITY OF CENTRAL EL PASO RESIDENTS BY CENSUS TRACT –CENSUS 2000.....	116
TABLE 41: ETHNICITY OF EAST EL PASO RESIDENTS BY CENSUS TRACT – CENSUS 2000.....	117
TABLE 42: ETHNICITY OF LOWER VALLEY EL PASO RESIDENTS BY CENSUS TRACT– CENSUS 2000	117
TABLE 43: SELECTED SOCIAL AND ECONOMIC CHARACTERISTICS BY CENSUS TRACT FOR NORTHEAST EL PASO – CENSUS 2000.....	118

TABLE 44:SELECTED SOCIAL AND ECONOMIC CHARACTERISTICS BY CENSUS TRACT FOR NORTHWEST EL PASO – CENSUS 2000.....	119
TABLE 45:SELECTED SOCIAL AND ECONOMIC CHARACTERISTICS BY CENSUS TRACT FOR CENTRAL EL PASO – CENSUS 2000.....	119
TABLE 46:SELECTED SOCIAL AND ECONOMIC CHARACTERISTICS BY CENSUS TRACT FOR EAST EL PASO – CENSUS 2000	120
TABLE 47:SELECTED SOCIAL AND ECONOMIC CHARACTERISTICS BY CENSUS TRACT FOR LOWER VALLEY EL PASO – CENSUS 2000.....	121

Figures

FIGURE 1: AFRICAN AMERICANS BY CENSUS TRACT	38
FIGURE 2: PERCENT HISPANIC BY CENSUS TRACT	38
FIGURE 3: PERCENT FOREIGN BORN BY CENSUS TRACT	39
FIGURE 4: MEDIAN HOUSEHOLD INCOME BY CENSUS TRACT	39
FIGURE 5: PERCENT PERSONS BELOW THE POVERTY LEVEL	40
FIGURE 6: PERCENT RENTERS BY CENSUS TRACT	40
FIGURE 7: PERCENT DISABLED BY CENSUS TRACT	41
FIGURE 8: DISSIMILARITY INDICES FOR SELECTED MULTIRACIAL GROUPS	42
FIGURE 9: DISSIMILARITY INDICES FOR RACE & ETHNIC GROUPS	42
FIGURE 10: HUD NSP ELIGIBLE NEIGHBORHOODS	52
FIGURE 11: DOWNTOWN REDEVELOPMENT DISTRICTS	54
FIGURE 12: LOCATION OF PUBLIC HOUSING IN EL PASO	56
FIGURE 13: LOW INCOME HOUSING TAX CREDIT CONCENTRATION.....	57
FIGURE 14: LOW INCOME HOUSING TAX CREDIT PROPERTIES – DOWNTOWN AREA	58

Acknowledgements

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- The National Community Reinvestment Coalition (NCRC) for conducting the analysis of the Home Mortgage Disclosure Act (HMDA) data contained in this document
- City of El Paso staff
- Housing Authority of the City of El Paso
- El Paso nonprofit and community organizations
- Interviewees and focus group participants

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introduction

History of Fair Housing Legislation

The Fair Housing Act (FHAct) of 1968 made it illegal to discriminate in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of a person's race, color, religion, or national origin. Gender became a protected class under the FHA in the 1970s. In 1988, the Fair Housing Amendments Act (FHAA) added familial status and disability (referred to as "Handicapped" in FHAA) to the list. The familial status provision protects households with children under the age of eighteen. Disability covers physical and mental disabilities, including persons with HIV/AIDS or in recovery from substance abuse. Federal protection under FHAct does not cover discrimination based on age, income, source of income, or sexual orientation, although some local non-discrimination statutes or ordinances may.

Purpose of the AI

In order to carry out the intent of federal fair housing legislation, the United States Department of Housing and Urban Development (HUD), Fair Housing

HUD Grantee Fair Housing Requirements

- Complete or update an "Analysis of Impediments to Fair Housing Choice" (AI) pursuant to HUD's Fair Housing Planning Guidebook every three to five years in coordination with the Consolidated Planning Process.
- Use their comprehensive AI study as the basis to formulate a "Fair Housing Plan" with measurable "actions to be taken to overcome the effects of any impediments" and take those appropriate actions.
- Maintain records, including their AI study, and documentation supporting actions both completed and planned in regards to implementing the Fair Housing Plan.

and Equal Opportunity (FHEO) division, requires that Community Development Block Grant (CDBG) entitlement jurisdictions comply with regulations to affirmatively further fair housing (AFFH). CDBG jurisdictions carry out this mandate, in part, by completing an Analysis of Impediments to Fair Housing Choice (AI). This AI is a supporting document to the El Paso Consolidated Plan and should be reviewed and evaluated within the context of that plan. The City of El Paso is a CDBG Entitlement Jurisdiction and contracted with the Southwest Fair Housing Council (SWFHC) to conduct this AI.

Definition of Impediments to Fair Housing Choice

HUD Definition of Impediments to Fair Housing Choice

Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restricts housing choices or the availability of housing choice.

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

Obligation to Affirmatively Further Fair Housing

Affirmatively furthering fair housing (AFFH) means that jurisdictions must go further than preventing housing discrimination, segregation and overcoming fair housing impediments. Jurisdictions that receive CDBG and other federal funds for housing and community development must also actively reduce existing segregated housing patterns. Programs and plans are required to go beyond being neutral regarding segregation and fair housing by being proactive in advancing housing choice, opportunity and integration.

AFFH certification is not a formality, but rather a substantive requirement that demands completion of an Analysis of Impediments to Fair Housing Choice (AI),

appropriate actions to further fair housing and documentation of the analysis. A housing analysis that examines the location of housing based on race must be completed. Jurisdictions must monitor, evaluate, and record all steps taken to affirmatively further fair housing for inclusion in the AI.

El Paso: Fair Housing Legal Status

The City of El Paso adopted a fair housing ordinance in 1992.¹ Shortly after its enactment, HUD determined that the ordinance was not substantially equivalent to the federal Fair Housing Act. Therefore, the City has not obtained local enforcement agency status. The ordinance states that the city council shall appoint a “fair housing grievance officer and provide the grievance officer with a staff adequate to effectively enforce this chapter.” The officer “shall implement and enforce this chapter in a manner affirmatively to further the purpose of this chapter.” The ordinance outlines reporting practices for reporting a fair housing violation, investigation practices, conciliation practices and other actions that are to be taken to resolve allegations of housing discrimination.

Maintaining a fair housing ordinance in the City Code, which purports to provide a full range of local enforcement actions, but which in actuality, is not approved by HUD as established, does not provide the public with an accurate understanding of the City’s procedures for addressing fair housing complaints. Nor does it provide a clear message on the scope of local enforcement and remedies available for violations of local fair housing laws.

The City should amend its fair housing ordinance so that the ordinance may accurately reflect the City’s fair housing complaint procedures and the enforcement mechanism available for violations of local fair housing laws. Concurrently, the City should reassess its determination not to seek substantial equivalency status. In order for El Paso’s Fair Housing Ordinance to be effective, the City must provide education and outreach informing residents of what the ordinance means and how they can use it when necessary. The City should also improve implementation of enforcement mechanisms and record keeping.

¹ El Paso City Code, Title 17-Housing, Chapter 17.20-Fair Housing Ordinance. (Ord. 11230 § 1(part) 1992).

El Paso: Fair Housing Goals

Primary Goals

El Paso's primary goals in developing an AI and implementing the Plan of Action are consistent with HUD objectives in requiring CDBG jurisdictions to affirmatively further fair housing (AFFH) and include the following:

- Strive to eliminate all forms of illegal housing discrimination in El Paso.
- Actively promote fair housing choice for all persons in El Paso.
- Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability and national origin.
- Actively promote housing that is structurally accessible to, and usable by all persons, particularly persons with disabilities, within El Paso.
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act in El Paso.

Intermediate Goals

El Paso has established the following intermediate goals to facilitate achieving the five primary goals identified above:

- Conduct activities and develop policies that affirmatively further fair housing.
- Maintain a firm and continued commitment to the analysis, planning, and implementation necessary to achieve fair housing goals.
- Guarantee oversight by the City of El Paso to ensure an ongoing fair housing program.
- Create a comprehensive Analysis of Impediments to Fair Housing Choice (AI) document, and devise a carefully structured plan for addressing impediments that are firmly grounded in the AI's conclusions.
- Take effective actions based on a realistic assessment of available resources.
- Increase cooperation between public and private agencies in promoting public awareness of fair housing issues.

- Educate the public on fair housing issues.
- Effectively support enforcement of fair housing laws.
- Increase community awareness and promote equal housing opportunity and fair housing choices citywide.

Methodology

The Southwest Fair Housing Council (SWFHC) prepared this study with input and cooperation of El Paso staff, public officials, agency and non-profit service organization staff, members of the housing industry, and El Paso residents.

No available sources of demographic data are one hundred percent accurate. Experts debate the finer points of demographic and other data and engage in an ongoing process of revising collection and analysis methods. Many available sources can provide more information regarding the pros, cons, and underlying methodologies of the various data sources used in this AI. An AI must incorporate readily available data and must undergo analysis through the lens of fair housing to draw conclusions, make inferences, identify potential fair housing impediments and create an action plan.

The SWFHC obtained El Paso demographic data from several sources. The primary source of demographic data used in this study comes from the U.S. Census Bureau. The Census Bureau's 2009 American Community Survey (ACS) provides the most recent demographic data and is used in the section of the report called Jurisdictional Background Data. The Census Bureau provides more information on the accuracy of ACS data and margins of error on their website: www.census.gov/acs/www/. Beginning with the 2010 Census, the ACS will replace the long form census questionnaire that the Census Bureau mailed to a sample of homes as part of the decennial census in the past. The ACS will be the sole source of small-area data for many topics for all communities throughout the nation. The federal government will use ACS poverty data and population counts to establish program eligibility and allocate federal funds for state and local governments. The ACS will collect data from about 15 million addresses over a five-year period to produce estimates for census tracts and block groups.²

² Terri Ann Lowenthal, "American Community Survey: Evaluating Accuracy." Population Reference Bureau, Annie E. Casey Foundation, August 2006.

This report draws on data from Census 2000 for demographic information at the census tract level. While Census 2000 data is a decade old, it is still relevant and is included in this report for several reasons. First, the decennial census remains the primary source for census tract data, which is critical for analyzing residential patterns and a necessary component to an AI. Secondly, many of the discrepancies between racial and ethnic groups and other protected classes have persisted for decades and it is likely that many of these discrepancies remain today, especially in light of the Great Recession that has had a disproportionate effect on minorities. Lastly, Census 2000 data still provides a demographic baseline that jurisdictions can use to help assess trends that may affect fair housing.

The City of El Paso should closely monitor future data released from Census 2010 and ACS, especially since data collection techniques have changed. If for instance, new data reveal that income discrepancies between the general population and the Hispanic population of El Paso have declined so much as to change conclusions in this AI, the City can update the report and send it to HUD for review and approval.

Other information and data required for this analysis comes from the following sources:

- Reports and studies conducted and provided on a local, state, and national level
- City of El Paso documents, reports, maps, and other materials
- Home Mortgage Disclosure Act (HMDA) reports for 2008
- Interviews, consisting of both structured and open-ended questions, with over twenty individuals informed about housing in El Paso
- A survey of approximately 250 El Paso residents
- Focus groups
- Articles from newspapers and other publications
- Data from public and private agencies

jurisdictional background data

History

Introduction

History has an important influence on current impediments to fair housing choice in any community. Past cultural, political, social, and economic beliefs, policies, decisions, events, and ideologies created and reinforced many of the current barriers to fair housing that exist today. Barriers in the form of social, cultural, political, and physical infrastructure can manifest as impediments to fair housing. Once impediments are established, they become very difficult and costly to remedy. For example, racially or ethnically segregated neighborhoods may have developed because of explicit and blatant discrimination or racially restrictive covenants in deeds, but they tend to persist long after those forms of discrimination become illegal because of the identification of those neighborhoods with racial and ethnic stereotypes.

Racial and Ethnic History

El Paso has a rich ethnic history, having been overseen by Spanish, Mexican, and American governments. Located at the western tip of Texas, the City of El Paso shares a border with New Mexico and the Mexican state of Chihuahua and has always been majority Hispanic (primarily made up of Hispanics with Mexican ancestry). El Paso's history is inextricably linked with that of its sister city, Ciudad Juarez, Chihuahua, which is separated from El Paso by the Rio Grande and U.S-Mexico border.³ Historically, race relations within El Paso varied between times of interracial camaraderie and marriage to racial prejudice and violence. The area's racial and ethnic demographics were influenced by war, revolution, railroad construction, economic growth, business interests and border politics.

Early Settlements: Spaniards, Mexicans, and Americans

During the early 16th century, Spaniards settled the area now known as El Paso and Ciudad Juarez. Conquistador Don Juan de Oñate named the settlement "El

³ www.tshaonline.org/handbook/online/articles/hde01

Paso del Rio del Norte.”⁴ The Spanish ruled the area for over two centuries and by the mid-1700s, approximately 5,000 Native Americans, Spaniards and Mestizos inhabited the valley. Agriculture, ranching, and commerce enabled economic and population growth to continue under Spanish governance until 1821 when Mexico gained independence from Spain. El Paso del Norte, which officially became Ciudad Juarez in 1888, was the northernmost Mexican city. A few decades later, however, the Mexican-American War resulted in the cessation of nearly half of Mexico’s territory, including Texas, to the United States. The Treaty of Guadalupe Hidalgo was signed in 1848, delineating the Rio Grande as the border between the U.S. and Mexico.⁵

The Evolution of a City

El Paso County, Texas was established in 1850 with San Elizario serving as the first county seat. Nearby Fort Bliss was created only a few years later in 1854 and by the late 1880s El Paso developed into a city. Arrival of the Southern Pacific, the Santa Fe, the Texas, the Pacific and the Mexican Central Railroads during the period of 1881-1882 brought many newcomers to El Paso. Chinese immigrants, in particular, came to El Paso to work on the construction of the Southern Pacific Railroad. Attracted by the sunny climate, whites in the westward movement settled in various population centers throughout the Southwest. The arrival of the railroad in El Paso allowed for a large numbers of whites to settle the area.⁶ In 1916, construction of Elephant Butte Dam in New Mexico made agricultural development possible; of particular significance to El Paso was cotton production.⁷ Both Mexican Americans and Mexican immigrants provided labor for the local agricultural industry. During the 1800s, saloons, gambling halls, and prostitution houses began to dominate the scene and El Paso became known as “Six Shooter Capital” and “Sin City.” El Paso was notorious for its lawlessness and vice until around the early 1900s when reformers and city leaders began an effort to change the city’s image. In the 1920s, Phelps Dodge, Standard Oil Company of Texas (Chevron USA) and Texaco established several oil refineries in El Paso, further developing the city’s economy.

⁴ www.elpasotexas.gov

⁵ www.tshaonline.org/handbook/online/articles/hde01

⁶ David Romo, *Ringside Seat to a Revolution: An Underground Cultural History of El Paso and Juarez: 1893-1923* (El Paso, TX: Cinco Puntos Press, 2005).

⁷ www.elpasotexas.gov

War and Revolution

Beginning in 1910, the Mexican Revolution strained race relations in the city, eventually leading to anger, tension and violence between persons of Mexican descent and persons of other ethnic groups. Mexicans and Mexican Americans faced mistrust and resentment from others and tensions escalated as thousands of Mexican immigrants came to the U.S. seeking refuge from violence.⁸ Woodrow Wilson commissioned a 1916 special census of El Paso to find out how many Mexicans and Mexican-Americans were living in the city during this tumultuous time. The census revealed population figures for “persons of Mexican descent,” whites, blacks, Chinese and Japanese; this was the first time that “persons of Mexican descent” was listed as an ethnic category on the census form. Results from the census discovered that El Paso was the country’s “most foreign city.”

Between 1910 and 1920, residential segregation laws were adopted throughout Texas. Legal segregation, known in Texas as the Black Codes, remained in place until a series of court cases in the late 1940s and 1950s declared the “separate but equal” doctrine unconstitutional. While racial segregation did not formally occur in El Paso during the early 1900s, ethnic neighborhoods were situated throughout the city. The physical location of neighborhoods changed depending on economic and political climates. Camaraderie amongst blacks, Chinese, Mexicans and whites was commonplace, especially in south El Paso and in Juarez.⁹ During times of war and revolution, however, those relationships were often strained. For example, many blacks were sympathetic to the Mexicans’ cause during the early years of the Revolution. The arrival of the 10th Cavalry in El Paso during this time, however, pitted blacks against Mexicans and challenged relationships that had previously been harmonious.

Chinese immigrants came to El Paso during railroad construction and many who worked on the railroads stayed in the city. Eventually Chinatown developed along Oregon Street between Third and Overland Streets; the Town even had its own mayor and baseball team. Shortly after the Chinese Exclusion Act passed in 1882, El Paso became a hub for illegal Chinese immigration and the population of Chinese in the city continued to grow. In order to avoid harassment from locals and immigration officials, an outcome of the Chinese Exclusion Act, Chinese built subterranean tunnels in Chinatown. By the 1920s, however, the population

⁸ Bradford Luckingham, *The Urban Southwest: a Profile History of Albuquerque, El Paso, Phoenix, Tucson* (El Paso, Texas, The University of Texas at El Paso, Texas Western Press, 1982).

⁹ Romo

of Chinese dwindled in El Paso and much of Chinatown went underground or disappeared.¹⁰

Many Japanese immigrants settled in Chinatown but later moved to farms on the perimeter of the city, eventually owning or leasing approximately 17,000 acres of land in El Paso County. A small and wealthy community, the Japanese quickly became a target for white resentment. Senator Richard Dudley saw the Japanese as a threat to white economic domination in the area and in reaction to that fear, he created legislation prohibiting Japanese colonization near El Paso.¹¹

Blacks were more geographically dispersed within El Paso than other ethnic groups. Black residents of El Paso often lived near the Douglass Colored School and Third, Fourth, and Saint Vrain Streets. In 1910, Booker T. Washington spoke to a racially mixed crowd at the El Paso Theater. Washington urged blacks to “seek political accommodation with whites based on mutual economic interests” and focus less on fighting segregation. Many blacks in El Paso responded well to the message. A good number of blacks were business owners or had skilled or semi-skilled jobs. Furthermore, a number of prominent black residents owned property in El Paso.¹² Other blacks, however, faced high levels of discrimination. For example, it was common for black men to receive a fine or placed in jail if caught flirting with a white woman.

The “Mexican Quarter,” located south of Overland Street and near the Rio Grande, consisted of several sub-groups that often experienced intraracial tensions. Mexican Americans lived in the neighborhood known as the Segundo Barrio, while Mexican immigrants lived in the Chihuahita neighborhood located closest to the Rio Grande. Streets in Chihuahita were often named after the Mexican state from which its residents came (i.e. Sonora Street or Durango Street). Immigrants suffering from the highest rates of poverty lived in the shanty town of Stormsville, located along El Paso’s Rim Road. The Chihuahita slum area was seen as a problem by El Paso city officials and more generally, Mexicans were often perceived as an obstacle to white progress in El Paso.¹³ In 1917, El Paso city officials adopted housing regulations placing extra responsibilities on south side landlords. Between 1921 and 1930, thousands of Mexicans legally immigrated to the U.S.¹⁴ Another sub-group of Mexicans included members of the elite class, many of whom were refugees of the

¹⁰ Romo

¹¹ Romo

¹² Romo

¹³ Romo

¹⁴ Luckingham

revolution and who looked down on Mexicans from lower classes. By 1927, 72,000 Mexican refugees in El Paso had fled from the Mexican Revolution with most settling in the Sunset Heights area. Today, thousands of El Paso residents can trace family lineage to refugees of the Mexican Revolution. In addition to experiencing intraracial tensions, Mexican Americans also faced discrimination, prejudice, and mistrust by whites and Mexican nationals.¹⁵

The majority of El Paso's white population lived toward the Franklin Mountains, north of Overland Street. Living in a majority Mexican town, it was commonplace for early white settlers to marry members of the local Mexican elite. Whites were accustomed to the Mexican majority, often leveraging their support for political support and labor. It did not take long, however, for whites to gain enough political and economic ground so that Hispanic support was not necessary for maintaining power. This newfound security among the white population eventually led to a movement towards the erasure of El Paso's Mexican identity; Mexican architecture was removed, adobe buildings destroyed, and much of the Segundo Barrio demolished. Moreover, in 1883, the county seat changed from Ysleta (where justice of the peace conducted court in Spanish) to El Paso, where whites maintained more political and economic power. Racial tensions between whites and Mexicans further intensified with the arrival of American military personnel from other parts of the country who were stationed at Fort Bliss during the Mexican Revolution.¹⁶ While there was a resurgence of the Ku Klux Klan in Texas during the 1920's (and in El Paso by 1923), it did not survive.¹⁷ Discrimination remained entrenched in El Paso's culture, however, so that by 1936 public officials announced that "Mexicans would be classified as 'colored' in official records."¹⁸ By the early 1900s, whites gained political and economic control of El Paso while Hispanics became the "subordinate native majority."¹⁹

Post WWII Population and Economic Growth

Like the rest of the country, El Paso experienced a population boom following World War II. Fueled by military and commercial expansion, El Paso nearly doubled in population during the 1950s.²⁰ In fact, Fort Bliss contributed substantially to El Paso's population growth during the 1940s and 1950s and by

¹⁵ Romo

¹⁶ Romo

¹⁷ Luckingham

¹⁸ Romo

¹⁹ Romo

²⁰ www.tshaonline.org/handbook/online/articles/hde01

1986 “military personnel made up one-fourth of the city’s population.” Furthermore, employers in the region benefitted from inexpensive labor provided by Mexican immigrants. Low wages and poor working conditions persisted as Mexicans continued to legally and illegally cross the border into El Paso.²¹

From 1960 to 1980, El Paso doubled in size from 114.7 to 239.6 square miles. The City broadened its industrial base in the 1970s by bringing in major electronic firms to complement the existing apparel manufacturing companies of the area. During the 1970s, American companies relocated plants in Juarez in order to take advantage of cheaper labor costs. Many of these American companies located twin plants in El Paso to serve as suppliers and finishers.²² El Paso also benefitted from inexpensive labor as documented and undocumented immigrants made up the majority of the workforce for these companies. A cheap labor pool resulted in low wages, poor working conditions, and often times resentment towards Mexicans because they provided competition for jobs. This competition may have been a contributing factor to El Paso’s low per capita income level.²³ From 1960 to 1980, the population of ethnic minority groups increased in El Paso. Progress for Mexican Americans remained a challenge in a city controlled by whites and only a small number held high paid positions during this time. Northwest El Paso remained an exclusive neighborhood with almost no Mexican American residents. While opportunities began to increase for Mexican Americans as a result of the Civil Rights Movement, few had been able to join the City’s elite political and economic circles. Progress in the field of education, however, was significant and many Mexican Americans and other Hispanics continue to join El Paso’s middle class.²⁴

During the 1980’s a new era of growth transpired as El Paso’s leaders set on a course to broaden the City’s economic base. In 1980, business and civic leaders from several metropolitan Sunbelt cities including Phoenix, Tucson, and Albuquerque, held a conference to discuss progress of the “Southwest Sun Country.” The efforts initiated during that conference resulted in decades of growth for the Sunbelt metropolitan areas. Low-density urban sprawl continued in El Paso, in particular, and by 1980, almost 80% of the county’s population lived in the City of El Paso. In 1983 El Paso-Juarez became the largest bi-national urban area along the U.S. - Mexican border.²⁵ The 1980s also saw

²¹ Shawn Lay, *War, Revolution, and the Ku Klux Klan: A Study of Intolerance in a Border City* (El Paso, Texas: The University of Texas at El Paso, Texas Western Press, 1985).

²² Lay

²³ Luckingham

²⁴ Lay

²⁵ www.tshaonline.org/handbook/online/articles/hde01

higher levels of crime, pollution, and traffic congestion, which further contributed to suburban expansion.²⁶ Currently, revitalization efforts are in motion to help bring people and life back to El Paso's center.²⁷

Race and Ethnicity

Based on the most recent population figures published by the U.S. Census Bureau, Table 1 illustrates the distribution of population by race and ethnicity in El Paso and Texas.

Table 1: El Paso and Texas Population by Race and Ethnicity – 2009

	El Paso		Texas	
	Number	% of Total Population	Number	% of Total Population
Total Population	620,440	100%	24,782,302	100%
Race or Ethnicity				
One Race	605,729	97.6%	24,251,150	97.9%
White	493,386	79.5%	18,277,105	73.8%
Non-Hispanic White	88,318	14.2%	11,546,095	46.6%
Black or African American	19,123	3.1%	2,856,747	11.5%
American Indian and Alaska Native	5,375	0.9%	139,030	0.6%
Asian	8,562	1.4%	883,429	3.6%
Native Hawaiian and Other Pacific Islander	343	0.1%	19,339	0.1%
Some Other Race	78,940	12.7%	2,075,500	8.4%
Two or More Races	14,711	2.4%	531,152	2.1%
Hispanic or Latino*	499,242	80.5%	9,149,688	36.9%
Not Hispanic or Latino	121,198	19.5%	15,632,614	63.1%

Source: U.S. Census Bureau, 2009 American Community Survey

*Persons of Hispanic origin may be of any race; Hispanic is not a race, it is an ethnicity.

Several significant facts emerge from the data:

- El Paso has a majority minority population. The combined Hispanic, Black and Asian demographics account for nearly 85% of the population.
- Hispanics alone make up approximately 80.5% of El Paso's population, compared to 36.9% in Texas as a whole.

²⁶ Lay

²⁷ www.elpasotexas.gov

- The percentage of El Paso's black population (3.1%) is significantly smaller than that of Texas (11.5%).

Age

El Paso has a comparatively young population. According to the 2009 American Community Survey (ACS), the median age of residents is 31.6 years of age. This compares to a median age of 33.1 for Texas and 36.8 for the United States. The percentage of persons of retirement age in El Paso is similar to that of Texas but smaller than that of the United States. Table 2 displays the percentages of people by age within El Paso, Texas, and the U.S.

Table 2: El Paso Population by Age –2009

Selected Age Category	Total Number in El Paso	% of Total El Paso Population	% of Total Texas Population	% of Total U.S. Population
Total Population	620,440	100%	100%	100%
Under 5 Years	58,971	9.5%	8.3%	6.9%
Under 18 Years	189,848	30.6%	27.8%	24.3%
18 to 64 Years	359,011	57.9%	62.0%	62.9%
65 Years and Over	71,581	11.5%	10.2%	12.9%
65 to 74 Years	36,708	5.9%	5.6%	6.8%
75 to 84 Years	26,714	4.3%	3.3%	4.3%
85 Years and Over	8,159	1.3%	1.3%	1.8%

Source: U.S. Census Bureau, 2009 American Community Survey

Other important age demographics for El Paso include:

- **School-Age Population (Under 18 Years)** – The school age population makes up 30.6% of El Paso's total population, a higher figure than that of Texas (27.8%).
- **Working-Age Population (18 to 64 Years)** – There is a smaller percentage of working age people in El Paso (57.9%) than in Texas (62.0%).
- **Retirement-Age Population (65 Years and Over)** – El Paso has a slightly higher percentage of retirees than Texas. Approximately 11.5% of El Paso's population is over 65 years of age, compared to 10.2% of Texas' population.

Social Characteristics

With a high percentage of family households, large foreign-born population, and larger household and family size, El Paso has distinctive social characteristics. Table 3 presents various social demographics of El Paso in more detail.

Table 3: Selected Social Characteristics – El Paso 2009

Social Characteristics	Total Number in El Paso	% of Total El Paso Population	% of Total Texas Population	% of Total US Population
Family Households	152,453	73.0%	69.8%	66.5%
Married-couple family	99,723	47.7%	50.6%	49.1%
Married couple family with own children under 18	47,187	22.6%	23.7%	20.6%
Female householder, no husband present, family	42,463	20.3%	14.2%	12.7%
Female householder, no husband present with own children under 18	25,095	12.0%	8.6%	7.4%
Nonfamily households	56,442	27.0%	30.2%	33.5%
Avg. Household Size	2.94	N/A	2.84	2.63
Avg. Family Size	3.56	N/A	3.43	3.23
Foreign Born	151,295	24.4%	16.1%	12.5%
Speak language other than English at Home	407,038	72.5%	34.2%	20.0%
English only spoken at home	154,431	27.5%	65.8%	80.0%
Total Civilian Noninstitutional Population with a Disability	68,707	11.3%	11.5%	12.0%

Source: U.S. Census Bureau, 2009 American Community Survey

Several observations emerge from the data:

- Family Households make up 73% of the population in El Paso, compared to 69.8% in Texas and 66.5% in the U.S. as a whole.
- In El Paso, the average household size is 2.94 and the average family size is 3.56 – slightly larger than Texas averages (2.84 and 3.43, respectively).
- The population of female householders with no husband present and with a family is higher in El Paso (20.3%) than in Texas (14.2%) and the U.S. overall (12.7%).
- The foreign-born population El Paso is 24.4%, significantly higher than the foreign-born population in Texas and the U.S. (16.1% and 12.5%, respectively).

- The percentage of speakers of a language other than English at home is much higher in El Paso (72.5%) than in Texas (34.2%) and in the U.S. (20%).

Income Characteristics

Overall, El Paso has lower economic indicators than does Texas as a whole. As shown in Table 4, median household income and median family income is lower in El Paso than in Texas or the U.S.

Table 4: Income Indicators for El Paso, Texas and U.S. – 2009

Average Income Indicator	El Paso	Texas	U.S.
Median Household Income	\$37,030	\$48,259	\$50,221
Median Family Income	\$42,418	\$56,607	\$61,082
Per Capita Income	\$17,580	\$24,077	\$26,409

Source: U.S. Census Bureau, 2009 American Community Survey

A significantly higher percentage of El Paso residents, compared to Texas residents, earn less than \$15,000. Furthermore, 12% of households in El Paso

Table 5: Household Income for El Paso – 2009

	El Paso		Texas	
Total Households		100%		100.0%
Household Income	Number of Households	% of Total Households	Number of Households	% of Total Households
Less than \$10,000	24,970	12.0%	338,069	5.7%
\$10,000 to \$14,999	17,393	8.3%	254,130	4.3%
\$15,000 to \$24,999	30,296	14.5%	609,646	10.2%
\$25,000 to \$34,999	27,697	13.3%	612,365	10.3%
\$35,000 to \$49,999	32,168	15.4%	832,913	14.0%
\$50,000 to \$74,999	33,691	16.1%	1,118,279	18.8%
\$75,000 to \$99,999	19,346	9.3%	787,541	13.2%
\$100,000 to \$149,999	16,121	7.7%	819,045	13.8%
\$150,000 to \$199,999	3,492	1.7%	295,835	5.0%
\$200,000 or more	3,721	1.8%	288,544	4.8%
Median Household Income	\$37,030		\$48,259	

Source: U.S. Census Bureau, 2009 American Community Survey

make less than \$10,000 in annual income compared to 5.7% in Texas overall. Table 5 illustrates household income by category for El Paso and Texas.

Some other important findings are:

- 34.8% of households earn less than \$25,000 annually in El Paso compared to 20.2% in Texas.
- 63.5% of households in El Paso make less than \$50,000 per year compared to 44.5% of households in Texas.
- Only 25.4% of El Paso households earn between \$50,000 and \$100,000 compared to 32% of Texas households.
- 11.2% of households in El Paso have incomes over \$100,000, as compared to 23.6% for Texas.

Household Income by Race and Income Category

In this section, data taken from the U.S. Census Bureau's 2009 American Community Survey demonstrates the relationship between race and income in

Table 6: Median Household Income by Income Category and by Race or Ethnicity in El Paso

El Paso	White	Black	Some Other Race	Two or More Races	Hispanic	White Alone/Not Hispanic
Less than \$10,000	11.6%	10.8%	14.9%	14.2%	14.3%	5.5%
\$10,000 to \$19,999	15.5%	11.2%	16.6%	21.9%	21.9%	7.3%
\$20,000 to \$29,999	13.6%	11.7%	18.0%	13.7%	13.7%	12.5%
\$30,000 to \$39,999	11.5%	9.7%	11.1%	9.2%	9.2%	9.1%
\$40,000 to \$49,999	10.0%	7.4%	12.5%	11.7%	11.7%	8.1%
\$50,000 to \$59,999	7.8%	5.4%	7.2%	18.7%	12.0%	8.0%
\$60,000 to \$74,999	8.9%	8.5%	5.1%	6.7%	6.7%	12.3%
\$75,000 to \$99,999	9.6%	18.7%	6.2%	3.9%	3.9%	13.4%
\$100,000 to \$124,999	5.1%	9.5%	4.7%	6.6%	6.6%	8.9%
Over \$125,000	6.5%	7.2%	3.6%	0%	0%	14.9%

Source: U.S. Census Bureau, 2009 American Community Survey

El Paso. Data for Native Americans, Asians, and Hawaiians and Other Pacific Islanders is not available, and therefore not displayed because the number of sample cases for those groups is too small. Table 6 provides the percentage of people in each income bracket categorized by race or ethnicity.

Blacks and Hispanics in El Paso comprise a larger share of the lower income households and a smaller share of the higher income households than whites do.

Listed below are demographic characteristics for lowest income, middle to low-income and high-income categories:

- **Lowest Income Category** – 10.8% of Blacks and 14.3% of Hispanics are included in the “less than \$10,000” income category, as compared to 5.5% for White Alone Not Hispanic.
- **Middle to Low-income Categories** – Approximately 59% of Hispanics and 43% of Blacks are included in the “Less than \$40,000” income category, compared to 34.4% for White Alone Not Hispanic.
- **High Income Category** –6.6% of Hispanics are included in the income category of “More than \$100,000” as compared to 16.7% for Blacks, 23.8% for White Alone not Hispanic.

Table 7: Median Household Income by Race in El Paso

Median Household Income	2009 Dollars
White	\$37,563
Black or African American	\$49,565
American Indian and Alaska Native	\$38,136
Asian	\$37,869
Native Hawaiian and Other Pacific Islander	-
Some Other Race	\$30,382
Two or More Races	\$30,194
Hispanic or Latino	\$32,586
White Alone, Not Hispanic or Latino	\$58,814

Source: U.S. Census Bureau, 2009 American Community Survey

An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

As Table 7 illustrates, the median household income for non-Hispanic whites in El Paso is \$58,814, significantly higher than for any other racial group. The figure for blacks is almost \$10,000 less, while the figures for American Indians/Alaska Natives and Asians are even lower. Hispanic households, however, earn even less (approximately \$26,228 less than non-Hispanic whites).

Poverty by Race and Ethnicity

According to the 2009 American Community Survey, 19.3% of all families and 22.6% of all people in El Paso had incomes below the poverty level. In Texas, 13.4% of families and 17.2% of all people lived below poverty level. Table 8 shows poverty levels of various ethnic and racial groups in El Paso.

Table 8: El Paso Poverty Rate by Race and Ethnicity – 2000

Race or Ethnicity	Universe for Poverty	Number in Poverty	% in Poverty
White	488,966	107,212	21.9%
Black or African American	18,839	3,372	17.9%
Some Other Race	76,732	21,281	27.7%
Two or More Races	14,523	3,745	25.8%
Hispanic or Latino*	493,324	126,046	25.6%
White Alone Not Hispanic or Latino	87,554	7,337	8.4%

Source: U.S. Census Bureau, Census 2000

The rate of poverty for Hispanic and black populations in El Paso are significantly higher than the white population: 25.6% for Hispanics and 17.9% for Blacks, compared to 8.4% for White Alone Not Hispanic or Latino.²⁸

Poverty and Disability

In El Paso, 12.5% of the population has a disability, compared to 12.4% of Texas and 12.8% of the U.S. It is important to note that in 2003, the American Community Survey introduced a change to the layout of disability questions on its survey. These changes had a significant impact on Census disability figures and estimates after 2003. Evidence suggested that prior to these changes, a confusing skip pattern and item wording on the Census 2000 long form led to an over-reporting of disability. For the purposes of this report, ACS 2009 data is used except when unavailable. In that instance, 2000 Census data is used. Table

²⁸ Data from the 2000 Census is the most current data for “Poverty Rate by Race and Ethnicity.”

9 shows the difference between pre and post 2003 estimates of disability in El Paso, Texas and the U.S.²⁹

Table 9: Percent Disabled in El Paso, Texas, and U.S.

Disability Status	2000	2009
% of El Paso Population > 5 years	20.3%	12.5%
% of Texas Population > 5 years	19.2%	12.4%
% of U.S. Population > 5 years	19.3%	12.8%

Source: U.S. Census Bureau, 2000 Census and 2009 American Community Survey

Table 10: Disability Status by Sex and Age for El Paso - 2009

Disability Status by Sex and Age	Number of Disabled Persons	% of El Paso Population > 5 years	% of Texas Population > 5 years	% of U.S. Population > 5 years
Total population > 5 years of age with a disability	68,493	12.5%	12.4%	12.8%
Males > 5 years of age with a disability	30,797	5.6%	5.9%	6.1%
Females > 5 years of age with a disability	37,696	6.9%	6.5%	6.8%

Source: U.S. Census Bureau, 2009 American Community Survey

Table 10 shows the percent of persons living with a disability in El Paso, Texas and the U.S in 2009. Key findings include:

- The percentage of persons with disabilities in El Paso is comparative to percentages for Texas and the U.S.
- In each instance, there are more females with disabilities than there are males with disabilities.

In El Paso, the percentage of disabled persons living in poverty was higher than in both Texas and in the U.S. Table 11 shows detailed information about disability status by poverty and age in El Paso, Texas and the U.S.

²⁹ According to the U.S. Census Bureau, “the number and percent of people with a disability from the ACS in 2003 and in the future is not comparable to the number and percent in earlier years of the survey.” To learn more about the change to the layout of the disability questions in 2003 and their subsequent impact on data see the Census working paper *Disability Data From the American Community Survey: A Brief Examination of the Effects of a Question Redesign in 2003*: http://www.census.gov/hhes/www/disability/ACS_disability.pdf

Table 11: Age by Disability Status by Poverty Status for the El Paso Civilian Non-Institutionalized Population, 2009

Disability Status by Poverty and Age	Number of Disabled Persons in El Paso	% of Disabled Persons in El Paso	% of Disabled Persons in Texas	% of Disabled Persons in U.S.
Total El Paso population > 5 years of age with a disability	68,447	12.5%	12.5%	12.9%
Income in the past 12-months below poverty	17,793	26.0%	22.6%	21.6%

Source: U.S. Census Bureau, 2009 American Community Survey

Employment

Table 12 lists the largest employers (excluding retail and government entities) in El Paso.

Table 12: Major Employers (excluding retail and government entities) in El Paso

Company Name	Number Employed	Products
T&T Staff Management L.P.	5,587	Employment Services
Tenet Healthcare Ltd.	3,053	Health Care - Private
University Medical Center	2,310	Health Care – Public
EchoStar	1,830	Technical Support Center
GC Services	1,823	Inbound Customer Service
Texas Tech University Health Sciences Center	1,235	Higher Education and Health Care
Automatic Data Processing	1,200	Contact Center – Private
Del Sol Medical Center	1,100	Health Care – Private
El Paso Electric Corporation	961	Electric Utilities
Helen of Troy Corporation	950	Corporate Headquarters for Specialty Hair Care Brands

Source: El Paso Regional Economic Development Corporation, 2010

Table 13 provides figures for various employment industries within El Paso.

Table 13: El Paso Industry

Industry	Number Employed	Percentage
Agriculture, forestry, fishing and hunting, and mining	1,366	0.5%
Construction	17,798	7.1%
Manufacturing	20,255	8.0%
Wholesale trade	6,682	2.7%
Retail trade	28,901	11.5%
Transportation and warehousing, and utilities	14,197	5.6%
Information	9,083	3.6%
Finance and insurance, and real estate and rental and leasing	14,161	5.6%
Professional, scientific, and management, and administrative and waste management services	23,487	9.3%
Educational services, and health care and social assistance	64,669	25.7%
Arts, entertainment, and recreation, and accommodation and food services	23,000	9.1%
Other services, except for public administration	12,970	5.2%
Public Administration	15,270	6.1%

Source: U.S. Census Bureau, 2009 American Community Survey

The top three largest employment sectors include:

- Educational services, health care, and social assistance comprise 25.7% of El Paso's overall employment.
- Retail trade makes up a significant portion of the employment sector as well, with 11.5% of overall employment.
- Professional, scientific, management, and administrative and waste management services, rank third at 9.3%.

Housing

Homeownership and Types of Housing

Single-family dwellings are the most common housing units in El Paso. The percentage of owner-occupied housing in El Paso is about 4% below that of the state (59.5% in El Paso compared to 63.7% in Texas). In addition, El Paso has a slightly higher percentage of multifamily units than does Texas. The city, however, has a lower percentage of mobile and manufactured homes than the state. Table 14 shows housing distribution by housing type.

Table 14: El Paso Housing Distribution by Housing Type

Housing Information Indicator	El Paso		Texas	
	Number	%	Number	%
Total Number of Units in 2009:	225,563	100%	9,724,258	100%
Occupied Housing Units	208,895	92.6%	8,527,938	87.7%
Vacant Housing Units	16,668	7.4%	1,196,320	12.3%
Single Family	155,585	69.0%	6,592,684	67.8%
1-unit detached	147,984	65.6%	6,341,917	65.2%
1-unit attached	7,601	3.4%	250,767	2.6%
Multifamily (2 or more units)	63,064	28.0%	2,407,303	24.8%
Manufactured or Mobile Homes	6,872	3.0%	708,679	7.3%
Boat, RV, van, etc.	42	0.0%	15,592	0.2%
Owner-Occupied	124,279	59.5%	5,430,700	63.7%
Renter-Occupied	84,616	40.5%	3,097,238	36.3%

Source: U.S. Census Bureau, 2009 American Community Survey

Housing Quality and Affordability

The terms “affordable housing” and “fair housing” have two different meanings, although they are often used interchangeably. Affordable housing issues can become fair housing issues if the lack of affordable housing has a disparate impact on protected classes. In addition, affordable housing is often a fair housing issue because minorities often have lower incomes compared to whites and have greater affordable housing needs. This section provides a brief overview of housing affordability in El Paso. For more information on affordable housing and other housing issues, refer to the 2005 – 2010 El Paso Consolidated Plan.

Measures of Housing Quality and Affordability

- Persons or families living in units with physical defects (lacking a complete kitchen or bath).

- Persons or families living in overcrowded conditions (greater than 1.01 persons/room).
- Persons or families who are cost burdened (paying more than 30% of their income for housing, including utilities).

Table 15: Housing Quality Characteristics

Housing Quality Characteristics	Number of Housing Units El Paso	% of Total Housing Units El Paso	% of Total Housing Units Texas	% of Total Housing Units U.S.
Lacking Complete Plumbing Facility	2,282	1.1%	0.7%	0.6%
Lacking Complete Kitchen Facility	2,296	1.1%	0.9%	0.9%
Paying 30% or More for Housing Cost - Owners (Unaffordable)	27,555	35.5%	31.4%	37.7%
Paying 30% or More for Rent - Renters (Unaffordable)	38,472	48.7%	49.5%	51.6%
1.01 to 1.5 Persons Per Room (Overcrowded)	10,498	5.0%	3.6%	2.2%
1.51 or More Persons Per Room (Severely Overcrowded)	4,685	2.2%	1.4%	1.0%

Source: U.S. Census Bureau, 2009 American Community Survey

Housing quality is more of a problem in El Paso compared to Texas:

- 1.1% of homes in El Paso lack a complete plumbing facility, as compared to 0.7% in Texas.
- About 7.2% of households in El Paso live in overcrowded or severely overcrowded conditions as opposed to 5.0% of households in Texas.
- Lack of affordable housing is a big problem in El Paso as it is in Texas:
- 48.7% of renters in El Paso pay 30% or more of their incomes for rent, as compared to 49.5% in Texas.
- 35.5% of homeowners in El Paso pay 30% or more of their incomes for mortgage payments, as compared to 31.4% in the state. The problem of cost-burdened homeowners in El Paso is slightly greater compared to Texas overall.

According to the 2009 ACS, median gross rent for El Paso was \$618 while median gross rent for Texas was \$788. The El Paso median rent has risen since 2005, as shown in Table 16.

Table 16: Median Rental Price Trends – El Paso

Type of Unit	Median Rent – FY 2005	Median Rent – FY 2011
0 Bedroom	\$458	\$523
One Bedroom	\$494	\$563
Two Bedroom	\$584	\$665
Three Bedroom	\$845	\$964
Four Bedroom	\$989	\$1125

Source: Department of Housing and Urban Development (HUD) 50th Percentile Rents

Each year, HUD releases Fair Market Rents (FMRs) of over 500 metropolitan areas within the nation. FMRs are rent estimates primarily used to establish payment standard amounts for various HUD programs. Table 17 contains dollar amounts of FMRs in El Paso for years 2005 and 2011.

Table 17: 2011 Fair Market Rents for the El Paso MSA

Type of Unit	FMR – 2005	FMR 2011
0 Bedroom	\$429	\$488
One Bedroom	\$460	\$523
Two Bedroom	\$548	\$623
Three Bedroom	\$786	\$893
Four Bedroom	\$932	\$1060

Source: Department of Housing and Urban Development (HUD) 2011 Fair Market Rents

Minority Concentrations & other Protected Class Concentrations

Background

HUD policy seeks to disperse concentrations of poverty and racial and ethnic groups and other protected classes. In order to disperse these concentrations, they first must be identified. For the previous AI, El Paso did not complete a comprehensive analysis of protected class concentrations. This AI uses the common methodology of comparing census tract level data to monitor and evaluate protected class concentrations.

The 2000 Census provides the most current census tract data for El Paso. Table 18 shows the race and ethnicity of El Paso residents according to the 2000 Census in order to provide a baseline for comparison of the percentages in census tracts. Though the data is nearly a decade old, it can still provide a relatively accurate look at protected class concentrations. Undoubtedly, some of the data has changed over the past ten years and is different today. Many of the

concentrations, however, likely remain. Community groups, neighborhood associations and other organizations can help the City of El Paso identify areas that may have experienced significant demographic changes over the past decade due to new developments, revitalization, gentrification or other factors. Patterns of concentration, however, have often been in place for generations and rarely change dramatically over one decade. This data provides a baseline that can help to identify areas of protected class concentrations, and analyze and reevaluate housing and community development policy accordingly so that the concentrations can be remedied.

El Paso is a majority minority community. As of the 2009 American Community Survey, El Paso's non-Hispanic white population is less than 15% of the total population. Since 2000, the Hispanic and Asian population of El Paso has grown marginally while the non-Hispanic white population has dropped a few percentage points. Table 18 provides population estimates of El Paso residents by race and ethnicity.

Table 18: Race and Ethnicity of El Paso Residents

Race/Ethnicity Alone	2000 Census	2000 Census	2009 ACS	2009 ACS
White	413,061	73.3%	493,386	79.5%
White alone, not Hispanic	103,422	18.3%	88,318	14.2%
Black/African American	17,586	3.1%	19,123	3.1%
Hispanic	431,875	76.6%	499,242	80.5%
Asian	6,321	1.1%	8,562	1.4%
American Indian or Alaska Native	4,601	0.8%	5,375	0.9%

Source: U.S. Census Bureau, 2000 Census and 2009 American Community Survey

Census Tract Level Data

Racial, ethnic and other protected class concentrations exist in El Paso. El Paso public policy should actively seek to reduce these concentrations. Data from the 2000 Census indicate that certain races and ethnicities are far more concentrated in certain census tracts when compared to their overall percentage of the population within El Paso. For example, non-Hispanic whites represent just over 18% of the overall population in El Paso; however, in several census tracts they represent 1.5 to 3 times more than 18% of the city's population. Similarly, blacks represent approximately 3% of the total population in El Paso but represent more than 4 times that in several census tracts. Hispanics represent almost 77% of El Paso's population. A close look at census tract data reveals that several

census tracts are over 90% Hispanic. Others are over 95% Hispanic; even for a city that is 77% Hispanic, the data reveal that Hispanic concentrations do exist.

Table 19 provides the percentage of various protected class populations by census tract. Highlighted cells indicate concentrated populations. A concentrated population occurs in a census tract when that population (Asian or foreign-born, for example) is greater than or equal to 1.5 times the size of the city's overall percentage of that population. However, because El Paso is 77% Hispanic, the normal calculation to determine a Hispanic concentration (greater than or equal to 1.5 times the size of the city's overall percentage of that population) does not work. A few factors were taken into account to determine Hispanic concentrations. As shown in Figure 2, a large swath of contiguous census tracts between Interstate 10 to the north and the Mexico border to the south have concentrations over 90%. Research indicated that this area is identified by El Pasoans as the "Hispanic part of town." For this analysis, therefore, a census tract that is over 90% Hispanic is considered to have a Hispanic concentration.

In several census tracts, 40.97% or more of the home loans issued between 2004 and 2006 were high cost according to Home Mortgage Disclosure Act (HMDA) data. The census tract number is in bold red type and the corresponding row is outlined in a bold border. Those census tracts all have one or more protected class concentrations.

Table 19: Characteristics by Census Tract

Census Tract	Non-Hispanic White (%)	Black (%)	American Indian (%)	Asian (%)	Hispanic – any race (%)	Foreign-born (%)	Persons speaking English “not well” or “not at all” (%)	Percentage of households living below poverty level (%)	Persons with a disability (%)
City of El Paso	18.3	3.1	1.0	1.1	76.6	26.1	15.7	20.4	20.3
1.01	35.7	10.7	0.5	4.5	47	20.4	6.9	11.0	22.1
1.06	40.4	14.5	0.6	4.4	38.3	15	4.7	10.4	21.4
1.07	22.3	10.1	0.7	2.5	64.1	25.7	12.3	14.0	26.2
1.08	29.7	5.5	1.1	1.2	62.7	21.3	10.7	23.6	25.5
1.10	30	9.6	0.9	1.8	57.1	21.3	11.2	30.8	22.5
1.11	44.4	13.8	13.8	3.7	35	15.1	3.3	5.6	20.5
1.12	26.9	9.2	1.1	1.4	61.3	19.8	17.6	11.6	20.6
2.03	21.8	7	0.8	1.3	68.5	21.7	12.6	20.2	22.2
2.04	29.1	8.3	0.8	1.9	59.1	22.2	10.9	18.2	22.1
2.05	21.6	6.9	1.9	1.4	69.5	31.3	18.5	29.8	26.4
3.01	12.4	4.7	0.8	0.7	81.8	35.3	21.7	36.0	23.3
4.01	50.3	8.5	0.6	3.2	35.8	13.1	3	4.3	21.4
4.03	22.1	5.1	0.8	1.6	70	19.1	9.4	17.3	29.8
4.04	7.1	4.4	0.7	0.6	88	30.1	25.5	59.8	22.9
5.00	42.9	28.1	1.6	1.4	21.5	5	0.9	6.9	9.6
6.00	10.2	2.7	0.7	0.4	86	31.7	18.7	31.1	18
7.00	49.4	21.2	0.6	3.2	21.2	9.1	7	13.3	10.5
8.00	8	3.8	0.5	0.4	87.9	38.2	22.7	31.7	28.2
10.01	8.2	0.8	1	0.3	90.6	30.8	19.2	19.4	24.5
10.02	6.3	1.9	0.7	0.4	92.5	34	25.1	25.7	25.5
11.04	33.1	2.1	0.6	2	61.9	21.6	11.2	11.6	13.1
11.07	46.2	1.3	1.3	3.8	47.5	20.2	5.7	7.0	15.2
11.09	60.6	0.8	0.8	2.1	35.5	22.1	4	2.5	11.4
11.10	47.5	1.7	1.7	2.6	46.5	22.9	7.5	11.1	14.4
11.11	33.1	3.5	3.5	2	60.2	23.1	6.2	14.7	13.8
11.12	43.7	1.7	1.7	2	51.4	15.9	4.1	11.5	19.6
11.13	37.5	2.1	2.1	2.5	56.9	24.1	8.9	9.1	19.2
12.01	10.6	1.8	1.8	0.3	86.9	27	19.3	31.4	16.0
12.02	27.2	2.1	2.1	2.8	67	26.4	9.3	11.1	18.5
12.03	4.4	0.5	0.3	0	94.6	26.6	28.9	42.1	23.9
13.01	54.6	0.8	0.4	1	42.3	9.6	4.2	5.3	15.0
13.02	52.8	0.5	0.4	1.2	44.4	14.5	5.7	4.4	10.0
14.00	14.1	3.5	0.5	4.4	77.5	37.9	12.8	33.7	26.6
15.01	39.8	1.9	0.6	2.1	55	23.5	11	12.2	13.6
15.02	39.7	3.1	0.5	3.8	52.4	26.1	8.9	18.6	19
16.00	12.2	1.6	0.8	1.1	84.7	37.1	23.4	38.6	29.9
17.00	8.7	1.8	0.7	0.2	89.6	24.9	15.4	48.9	33.8
18.00	2.8	0	1.2	0	96.6	50.3	49.8	54.5	29.2
19.00	2.3	0.5	1.8	0	97.4	54.7	42	73.0	28.8
20.00*	1.8	1.1	1.1	0	97.6	42.9	40	58.9	30.9

Census Tract	Non-Hispanic White (%)	Black (%)	American Indian (%)	Asian (%)	Hispanic – any race (%)	Foreign-born (%)	Persons speaking English “not well” or “not at all” (%)	Percentage of households living below poverty level (%)	Persons with a disability (%)
21.00*	3	0.7	0.6	0.8	96	51.7	45.6	67.0	35.3
22.01	14.9	1.1	0.4	0.5	83.3	32.8	26.2	37.4	24.8
22.02	6.2	0.9	1	0.1	92.5	46.7	34.2	44.6	30.2
23.00	7.4	0.8	1	0.1	91.7	35.6	22.2	26.3	27.3
24.00	9.3	0.6	0.7	0.2	89.7	35.4	26.9	31.1	25.4
26.00*	3.5	3.3	0.8	0.1	92.9	37.7	23.9	28.1	34.3
28.00*	1.8	1.1	0.6	0	97.3	46.2	43.4	52.7	27.3
29.00*	1	1.1	0.4	0.3	98	47.7	41.2	55.1	29.5
30.00	2.8	0.4	0.6	0	96.4	38.7	24.8	43.4	30
31.00	2.8	0.6	0.9	0.1	96.4	33.1	25.9	35.3	26.7
32.00	1.6	0.8	1.2	0.2	96.9	38.2	26.4	36.1	27
34.04	35.7	3.8	0.5	1.1	58.5	15.9	6.8	6.2	22.5
35.01	6.5	0.5	1	0	92.4	33.2	26.2	25.5	23.5
35.02	5.2	1	1.5	0.1	93.2	28.8	17.3	32	21.8
36.01	3.3	0.5	0.5	0.4	95.7	35.7	28.2	25.8	25
36.02	5.1	1	0.7	0.4	93.5	37.2	30	36.5	26.4
37.01	4.4	0.4	0.6	0.3	94.9	33.7	22.5	27.1	24.5
37.02	3.6	0.6	0.6	0.1	95.7	3.1	27.5	33.9	26.2
39.01*	5.5	0.3	1.2	0	93.6	31.6	22.4	34.7	22.4
39.02*	3.1	0.6	2.3	0	95	27.5	23.6	25.6	31.4
39.03	2.1	0.7	1.1	0.1	97.1	33.3	26.8	40.5	26.7
40.03	1.9	1.3	1.2	0.4	96.8	33.8	23.9	28.8	21
40.04	2.3	0.4	1.2	0.1	96.7	32.1	19.4	17.5	19.1
41.03	6	0.8	0.8	0.2	92.6	27.4	18.3	36.6	19.5
41.04	5.2	0.4	1	0	94	27.6	17.6	13.2	19
41.05	3.1	2.6	0.6	0.3	94	30.8	26.5	34.7	25.3
41.06	3.5	0.8	0.9	0.1	95.5	30.7	23	24	24.1
42.01	3.1	3.9	0.9	0.3	92.2	31.8	23	30.8	23.3
42.02	4.7	3.4	1.1	0.3	91.1	26.1	17.1	25.3	19.1
43.05	29.2	3.9	0.9	2	63.9	16.8	5.4	8.8	20.4
43.07	29.4	3.4	0.5	2.1	64.4	16	6.9	7.4	15.4
102.06	32.3	17.2	0.4	3.2	44.3	14	4.9	6.5	11.6
102.07	33.9	7.5	0.8	1.2	54.6	14.5	9.6	12.7	17.0
103.03	24.2	4.1	0.5	1.2	69.3	15.3	24.4	9.8	21.3
103.07	14.8	3.7	0.5	0.9	80.4	20.7	28.1	20.3	17

Source: U.S. Census Bureau, Census 2000

*Home Mortgage Disclosure Act (HMDA) data retrieved from NSP Performance Report for El Paso.

**Census tracts 40.02, 101.03, 102.04, 102.08, 102.09, 103.15, 104.01 are partially located within the City of El Paso but are not included in the table or analysis that follows. Data for these census tracts, however, is located in the Appendix.

Census Tract Data Findings and Maps

Blacks make up 3.1% of the total population in El Paso. As shown by Figure 1, El Paso's black population is concentrated in the northeastern and northern parts of the city. Census tracts with a concentrated black population include 1.01, 1.06, 1.07, 1.08, 1.10, 1.11, 1.12, 2.03, 2.04, 2.05, 3.01, 4.01, 4.03, 5.0, 7.0, and 102.06, 102.07. More often than not, the census tracts with a concentration of blacks also have a concentration of non-Hispanic whites. When compared to concentrations of Hispanics (as shown in Figure 2), it becomes apparent that blacks reside in areas where Hispanics make up very little of the population.

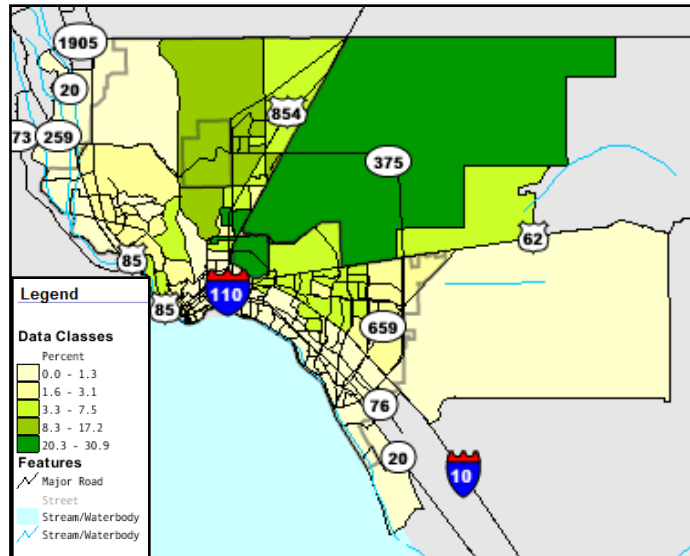


Figure 1: African Americans by Census Tract
Source: U.S. Census Bureau, Census 2000

Hispanics make up the largest ethnic group within El Paso, comprising 76.6% of the city's total population. The following 34 census tracts have concentrations of Hispanics (the percentage of Hispanics is over 90%): 10.01, 10.02, 12.03, 18.00, 19, 20, 21, 23, 26, 28, 29, 30, 31, 32, 35.01, 35.02, 36.01, 36.02, 37.01, 37.02, 38.01, 38.03, 38.04, 39.01, 39.02, 39.03, 40.03, 40.04, 41.03, 41.04, 41.05, 41.06, 42.01, and 42.02. As shown in Figure 2,

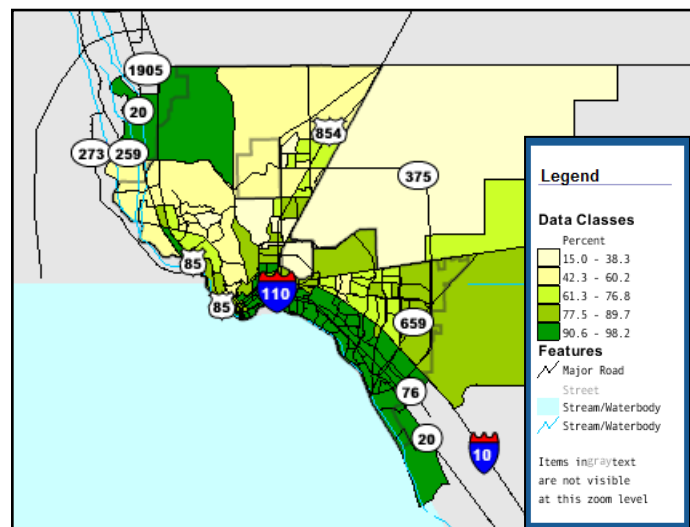


Figure 2: Percent Hispanic by Census Tract
Source: U.S. Census Bureau, 2000 Census

concentrations (ranging from 77.5% to 89.7% of the population) are located in the western part of the city.

Just over 26% of the population in El Paso is foreign born and is concentrated in the southern central part of the city as illustrated by Figure 3. Concentrations of the foreign-born population often overlap with concentrations of Hispanics, especially in the southern section of the city. Census tracts with concentrations of foreign-born persons include 18, 19, 20, 21, 22.02, 28, and 29. These census tracts, with the exception of census tract 22.02, have a concentration of both Hispanic and foreign-born persons.

The median household income for the City of El Paso is \$33,125. Figure 4 illustrates the distribution of median income within the city. The lighter shades indicate lower median income levels while the darker shades indicate higher median income levels. When compared to the other figures in this section, it appears that areas with the lowest median income also contain concentrations of Hispanic and foreign-born persons.

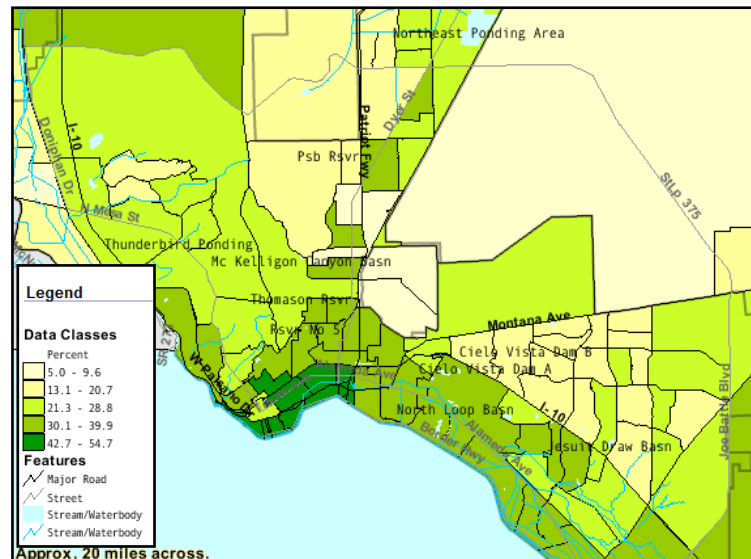


Figure 3: Percent Foreign Born by Census Tract
Source: U.S. Census Bureau, 2000 Census

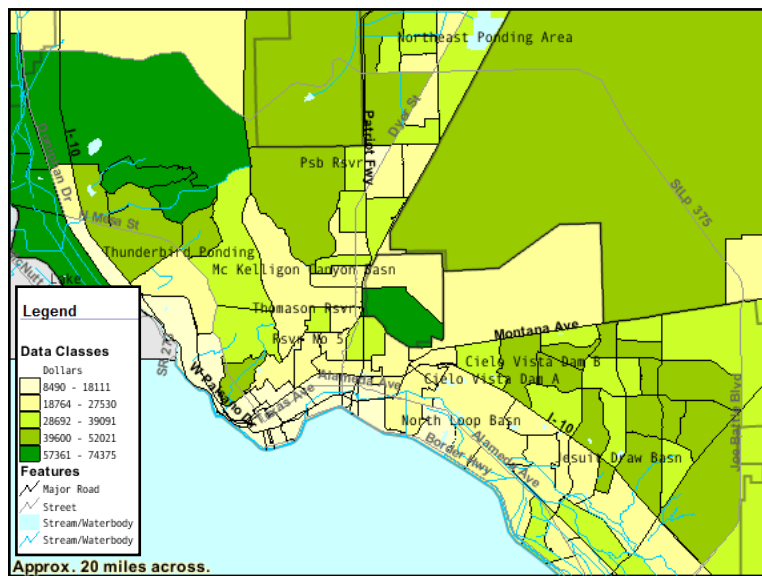


Figure 4: Median Household Income by Census Tract
Source: U.S. Census Bureau, 2000 Census

Figure 5 shows the distribution of households living below poverty in El Paso. In 2000, the percentage of households living below poverty level in El Paso was 14%.

Areas with high poverty are concentrated in south-central, south, and northwest El Paso. Census tracts with concentrated poverty include 1.10, 3.01, 4.04, 6.00, 8, 12.01, 12.03, 14, 16, 17, 18, 19, 20, 21, 22.01, 22.02, 24, 28, 29, 30, 31, 32, 35.02, 36.02,

37.02, 39.01, 39.03, 41.03, 41.05, and 42.01. Areas on the map that show higher percentages of persons living below poverty also show concentrations of Hispanics, foreign-born individuals and persons with disabilities.

As illustrated by Figure 6, areas with the highest percentage of renters are located in the northeast and southwestern portion of El Paso. The northwest contains a concentration of blacks and the southwest contains a concentration of Hispanics, foreign-born, and persons living below poverty level.

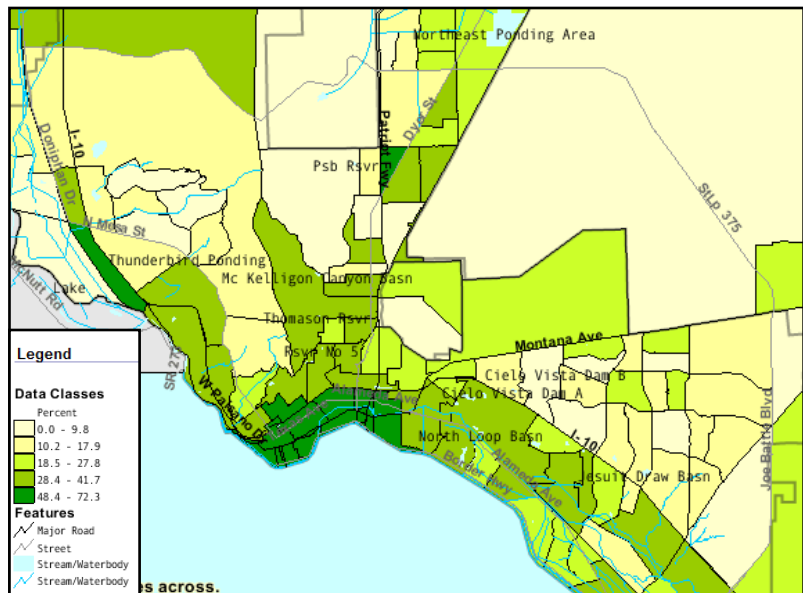


Figure 5: Percent Persons below the Poverty Level
Source: U.S. Census Bureau, 2000 Census

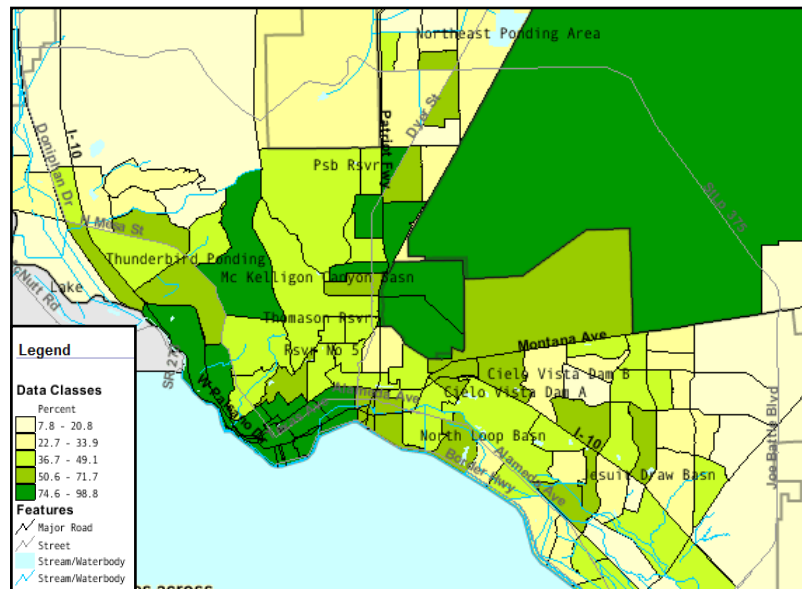


Figure 6: Percent Renters by Census Tract
Source: U.S. Census Bureau, 2000 Census

In 2000, 20.3 % of city of El Paso residents had a disability. Figure 7 shows areas with high percentages of persons with a disability concentrated in the south central, northwest, and eastern parts of El Paso. Census tracts with concentrated population of persons with disabilities include tracts 17, 20, 21, and 39.02. Most of these census tracts also have concentrations of households living below the poverty level (tracts 17, 20, and 21), Hispanic (tracts 20, 21, and 39.01), foreign-born (tracts 20 and 21), and persons speaking English “not well” or “not at all” (tracts 20 and 21).

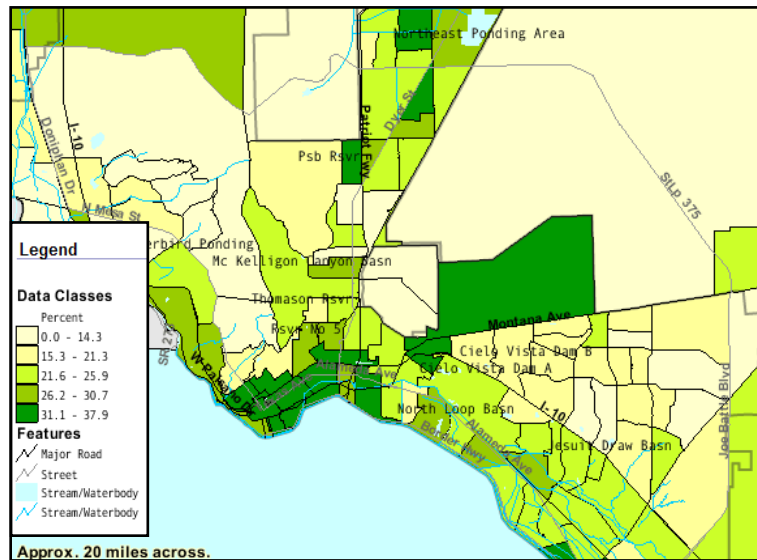


Figure 7: Percent Disabled by Census Tract

Source: U.S. Census Bureau, 2000 Census

Dissimilarity Indices

Segregation and isolation are indicators of inequality in residential areas. A strong community requires interaction and discourse between individuals of different backgrounds and viewpoints. Dissimilarity indices are traditionally used to measure the distribution of racial and ethnic groups across a particular region. Ranging from zero to 100, the index indicates the percentage of a certain population that would need to relocate to create an equitable population distribution.³⁰ For example, a dissimilarity index of 50% between non-Hispanic white and Hispanic in a region would mean that 50% of all non-Hispanic whites would need to relocate to create an equitable population distribution. The higher the dissimilarity index means the greater the degree of residential segregation. According to the Lewis Mumford Center, a value of 60 or more indicates a high level of residential segregation, 40 to 50 a moderate level, and less than 30, a low level.

³⁰ <http://dallasindicators.org>

Table 20 shows dissimilarity indices for El Paso. Figures 8 and 9 illustrate dissimilarity indices for race/ethnic groups and multi-racial groups, respectively.

Table 20: Dissimilarity Indices for El Paso

Race/Ethnicity	Dissimilarity Index with Whites*	Population**	Percent of Total Population
White*	--	103,422	18.35%
Black*	39.5	15,768	2.80%
American Indian*	47.7	1,616	0.29%
Asian*	31.1	5,874	1.04%
Native Hawaiian*	64.4	378	0.07%
Other*	55.6	460	0.08%
Two or More Races*	28.7	4,269	0.76%
White/Black*	51.3	687	0.12%
White/American Indian*	46.8	582	0.10%
White/Asian*	40.9	917	0.16%
White/Other*	42.3	1,019	0.18%
Other Combinations*	--	1,064	0.19%
Hispanic	46.2	431,875	76.62%
Total	--	563,662	100.00%

Source: CensusScope, Census 2000 data

* Non-Hispanic only.

** When a group's population is small, its dissimilarity index may be high even if the group's members are evenly distributed throughout the area. Thus, when a group's population is less than 1,000, exercise caution in interpreting its dissimilarity indices.

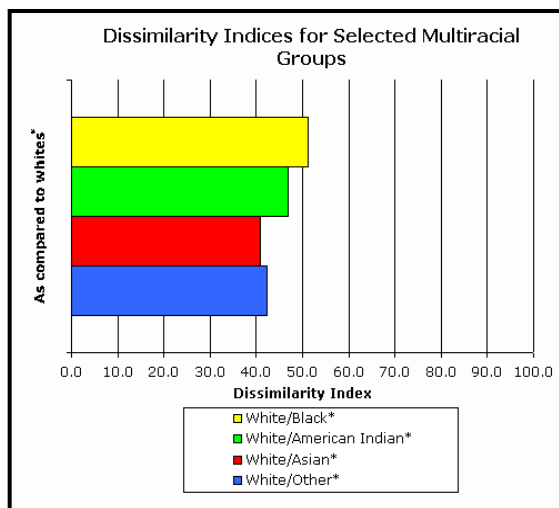


Figure 8: Dissimilarity Indices for Selected Multiracial Groups
Source: CensusScope, Census 2000 data

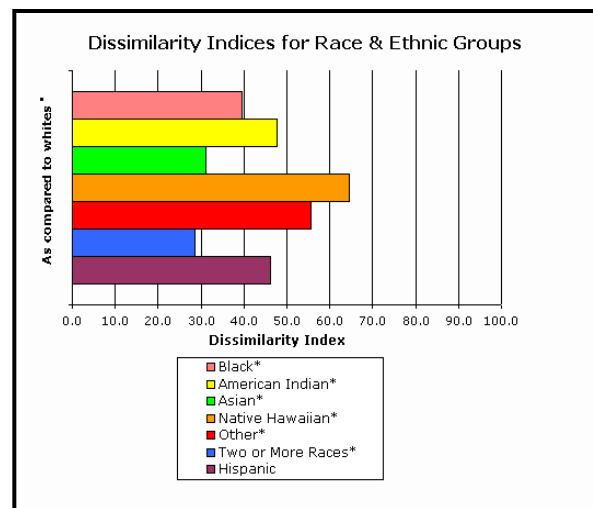


Figure 9: Dissimilarity Indices for Race & Ethnic Groups
Source: CensusScope, Census 2000 data

Demographic Data that may Indicate Fair Housing Impediments

Summary of Significant Demographic Indicators

- El Paso has a majority minority population. Hispanics alone make up approximately 80.5% of El Paso's population according to the 2009 American Community Survey. Even though El Paso is more than 85% minority, there are significant minority concentrations in El Paso that contradict the residential patterns that could be expected in a free housing market. Census 2000 data is the most current data that breaks down demographics by census tract and clearly shows that areas identified anecdotally as "Hispanic" and "White" indeed mirrors those racial and ethnic concentrations.
- Family households make up a higher percentage of the population in El Paso compared to Texas and the nation. El Paso also has a young population likely due to the higher percentage of family households. El Paso should therefore be vigilant against discrimination based on "Familial Status," a protected class.
- Both Census 2000 and American Community Survey data show that there is virtually no difference between the percentage of people with disabilities in El Paso compared to Texas and the nation. Furthermore, El Paso's percentage of people over sixty-five years of age (who tend to have more disabilities) is in line with the state and nation.
- El Paso's foreign-born population is nearly twice the national average, and the percentage of people that speak a language other than English at home is about 2.5 times higher than the national average. These high percentages raise red flags that indicate the potential for discrimination based on "National Origin," a protected class.
- Median income and poverty statistics demonstrate drastic ethnic disparities. Hispanics earn 55% of what non-Hispanic whites do. The poverty rate for Hispanics is over three times that of white non-Hispanics.
- El Paso has a severe lack of affordable housing. Almost half of renters and one-third of homeowners are cost burdened. El Paso residents are 2.25 times more likely to live in overcrowded and severely overcrowded conditions compared to the nation. Affordable housing is a fair housing issue in El Paso because the lack of affordable housing has a disparate impact on Hispanics (members of a protected class) because Hispanics earn significantly less than non-Hispanic whites.

- Two factors are causing an influx of new residents to El Paso. Fort Bliss is expanding significantly and an estimated 30,000 Mexican nationals have fled to El Paso to escape drug violence in Mexico. Even in the current down economy, vacancy rates in El Paso are extremely low according to some sources in El Paso. Fair housing analysts have pointed out that illegal housing discrimination tends to increase in tight markets because landlords and property managers can be more selective in leasing their units.

Summary of Significant Census Tract Level Data Indicators

- Numerous protected class concentrations exist in El Paso. Many census tracts have multiple protected class concentrations.
- Several census tracts containing concentrations of non-Hispanic whites also contain concentrations of Asians.
- Most census tracts with black concentrations also have white non-Hispanic concentrations.
- Census tracts with high concentrations of non-English speakers also tend to be tracts with high concentrations of Hispanics and foreign-born.
- Comparing data at the census tract level shows that protected class concentrations and poverty concentrations go hand-in-hand. Special attention must be given to these areas to ensure that fair housing issues are being addressed and concentrations are alleviated.

Conclusions

El Paso is a growing city. It has and will continue to add a large number of new residents to its population due to the influx of Mexicans relocating to El Paso because of drug violence in Mexico and the expansion of Fort Bliss by over 30,000 soldiers. El Paso must reevaluate and increase its fair housing efforts including fair housing testing, complaint reporting, education and outreach to keep pace with growth and demand. Very few complaints have been filed in El Paso since the 2004 AI, and especially since 2006, even though HMDA data, the higher number of complaints in previous years and anecdotal data suggest lending discrimination and other fair housing violations have been occurring. The community survey results show that many people do not understand their fair housing rights or the fair housing resources that are available. Interviews and other research indicate that City of El Paso staff and local nonprofit staff have not adequately informed the public about fair housing issues. As a community grows, a lack of fair housing planning, education and enforcement allows

discriminatory housing patterns to become entrenched in the built environment that can be politically difficult and costly to remedy.

There are significant protected class concentrations in El Paso that contradict the residential patterns that could be expected in a free housing market. There are other concentrations noted in the census tract analysis that must be remedied. This AI provides the start of a race-based and other protected class-based housing analysis. This analysis should be carried further by the City using its GIS mapping capabilities. The comprehensive analysis provides the baseline data for the future development of El Paso so that the City can carry out its obligation to affirmatively further fair housing by enacting policies and projects that seek to reduce the identified concentrations.

While the percentage of Hispanics in the overall population of El Paso is just around 77% according to the 2000 Census, anecdotal evidence revealed that there are still areas that are known as “Hispanic areas.” There are numerous census tracts, mostly south of I-10 that are over 90% Hispanic. These neighborhoods and areas of El Paso were established by Hispanic residents when legal and socially acceptable racial and ethnic housing discrimination prohibited them from living in many areas of El Paso. The Fair Housing Act made housing discrimination illegal in 1968. However, these remain predominantly Hispanic areas and are ethnically stereotyped by many El Paso residents that live outside of these areas. Even though these neighborhoods have a long history of minority concentration and ethnic identity, the City of El Paso has a responsibility as a CDBG jurisdiction to alleviate segregated housing patterns and eliminate housing discrimination.

The persistence of protected class concentrations suggests that the following factors may be at work in El Paso:

- Illegal steering in home sales could be occurring in El Paso. Anecdotal evidence of steering was revealed in focus groups and key stakeholder interviews.
- Planning, policies and actions to affirmatively further fair housing and reduce protected class concentrations in El Paso have not been broadly integrated into public policy decision-making and have been ineffective. Moving forward, the AI needs to be a key document that guides policies, projects and decisions in all departments because meeting the AFFH obligation is the responsibility of the City as a whole. Interdepartmental communication regarding the importance of the AI and fair housing in

general and the need to use the AI to help guide public policy must be strengthened.

- Residents take pride in neighborhoods and choose to live in them for many reasons including ethnic heritage, tight-knit social fabric, family bonds, location and many others. When choice is a factor in maintaining a higher percentage of minorities or other protected classes in certain neighborhoods, it is not problematic unless choice is restricted in other areas for these residents. The attitude that protected class concentrations exist because “they choose to live there” is often erroneously repeated to explain why concentration areas exist. Regardless, El Paso must take concrete steps to affirmatively further fair housing and expand housing choice.

This AI has initiated a race-based housing analysis that is key to providing a baseline of data that is necessary to help El Paso meet its AFFH goals and requirements. El Paso should expand this analysis and use it to alleviate patterns of protected class concentrations and eliminate housing discrimination.

public sector policy review

City of El Paso Multifamily Housing Type A Requirement

Background

No fair housing issue has been more in the limelight recently in El Paso than accessibility in rental apartments for persons with disabilities. In the last year, it has been the topic of intense debate, public hearings, public demonstrations by disability advocates, media attention, city council action and the basis of a complaint filed with HUD against the City of El Paso.

Federal law requires a minimum of 2% of units in certain multifamily housing complexes financed by private capital to be Type A accessible. For multifamily housing complexes that use any federal funding, 5% of the units must be Type A accessible. In accordance with ANSI Standards, Type A units have a higher level of accessibility than Type B units and require more clear floor space, maneuvering clearance at doors and other features that are not required in a Type B unit. The Federal Fair Housing Act (FHAct) requires only Type B units and does not address Type A. A percentage of Type A units are however required in federally funded units including 504. The purpose of FHAct accessibility guidelines is to require minimum standards and, while these guidelines and ANSI standards are not identical, HUD encourages utilization of ANSI as a guidance for compliance with FHAct's accessibility requirements.

In April 2010, the City Council in El Paso acted to provisionally lower the requirement of Type A units in privately financed multifamily complexes from 5% to 3%, or 1% above the federal requirement. Precipitating the change was the urgent need to have private developers build several thousand multifamily units in El Paso within the next few years. This change caused a vehement backlash from advocates for persons with disabilities and the fair housing situation discussed in more detail in this section.

Summary of the Issue

The City of El Paso is under pressure to find ways to encourage developers to build more multifamily housing to meet the burgeoning need from the expansion

of personnel at Fort Bliss and increased immigration in people escaping the violence and instability in Ciudad Juarez and surrounding areas in Mexico. To do this, the El Paso City Council in April 2010 passed a series of measures including a tax rebate for developers of multifamily housing, a reduction in city fees and costs for permits and inspections and a reduction in the percentage of Type A accessible units required for privately financed multifamily housing. The reduction in Type A units was in response to claims that any increase in cost made it harder for developers to obtain financing to build in a tight money market. Since Type A units increased costs, it made it that much more difficult to initiate new construction. A second argument presented was that the market for Type A units was very small. Many units were not being leased by persons with disabilities and that they were difficult to lease to someone not needing Type A accessibility. In essence, the claim was that they were a drag on occupancy rates and decreased income, also making financing new construction more difficult. Disability advocates on the other hand claim that demographic data show an increasing need for Type A units and that any reduction on the part of the City violates the requirement by HUD for a CDBG jurisdiction to affirmatively further fair housing (AFFH). When the City Council of El Paso provisionally reduced the percentage of Type A units from 5% to 3% in April 2010, several organizations joined in filing a complaint with HUD.

The "Facts"

SWFHC investigated this issue through a review of documents, minutes of meetings, local and national articles, census data, interviews, focus group meetings and conversations with developers, disability advocates, non-profit staff and city officials. The following are the “facts” that came out in this investigation.

The Market

According to several sources interviewed in El Paso, the apartment market is much tighter than normal, meaning that few units are available. One developer presented data that indicated that his occupancy rates ran about 97% which is several percentage points over what a “healthy” rental market normally runs. However, other information contradicting this perception shows that the market is actually soft with apartment vacancy rates at 9% in mid-2010, up from 7% in February 2009. Assuming that the rental market is abnormally tight, as a number of sources have said, several possible factors may have caused this. Drug related violence has exploded in Mexico, and in Ciudad Juarez in particular, causing Mexican residents to flee to El Paso. There is very little data

on how many people are fleeing Ciudad Juarez to live in El Paso. One of the few estimates is from the El Paso police and puts the number of refugees that have moved to El Paso at 30,000 over the past two years (the statement was made in April 2010). Another factor is the projected expansion of Fort Bliss that estimates an expansion, by 2013 of about 37,000 more military personnel to El Paso. The estimated 30,000 Mexican refugees and 37,000 new soldiers would increase the population of El Paso by 67,000, or nearly 11%. However, to date Fort Bliss reports that no soldiers have claimed that they cannot find housing off base, again calling into question just how tight the market is. Finally, the other possible reason for a tight housing market is the lack of multifamily housing construction in El Paso. Developers claim that capital and financing is nearly impossible to secure to build new complexes. Therefore, supply has been unable to keep up with demand.³¹

Developers

SWFHC had difficulty getting information from developers regarding this issue. Several interviews were solicited from a number of prominent apartment developers in El Paso, with very limited success. There are a number of possible reasons for this. One is the example of a developer who provided information during consideration of the issue by the City Council and was publicly vilified by disability advocates. SWFHC did interview him and he stated that if he was asked again to provide public comment or information on the issue he would refuse. Developers have many issues to deal with in conducting their business and have little to gain by weighing in on this controversial topic and risking bad publicity. Another possible reason is that it may not be that big of an issue to most developers. The developers that were interviewed indicated that the actual cost of a Type A unit did not substantially exceed that of a Type B, if at all. Only one developer openly stated that marketability was the real issue and that the units were more difficult to rent.³² However, information from another developer indicated that he had no problem renting Type A units, all of his were rented, although not necessarily by persons with disabilities. SWFHC simply could not confirm that either cost or marketability of Type A units were a significant impediment to the development of multifamily apartments in El Paso. However, clearly more information is needed before this can be stated with confidence.

³¹ More detailed information and citations regarding the El Paso housing market and economy can be found in “The El Paso Housing Market and Economy” section of this report.

³² One developer claims that he has to offer rent reductions to non-disabled tenants to rent Type A units. If a discount is offered to persons without a disability but not to persons with a disability, it is a possible violation of FHAct.

The point that the lending market is tight and that anything that increases cost, even minimally, and decreases projected profit can negatively impact the ability to finance projects appears valid. This was echoed in the interviews and focus group meetings (e.g. the HMDA Focus Group facilitated by NCRC) attended by private and non-profit personnel who deal with the lending industry. After the recent collapse of the housing market all types of financing requests for housing development are subject to a much higher level of equity security and financial planning, including return on investment.

Advocates for Persons with Disabilities

Disability advocates are vehement in their opposition to reducing the requirements for Type A units and filed a fair housing complaint with HUD against the City of El Paso in part because of the lowering of the 5% requirement. Advocates believe that reducing the percentage of Type A units is counter to addressing the lack of accessible housing that was identified as an impediment in the previous AI. They also contend that the City of El Paso has violated HUD's requirement of CDBG jurisdictions to affirmatively further fair housing.³³ Some advocates have also contended that lowering the Type A requirement is an indication of discrimination. It has been argued that some developers may look to reduce the number of persons with disabilities in their complexes to pander to persons who may not be comfortable with persons with disabilities and thus protect the marketability of their complexes. The advocates' core position is that not enough Type A units are available to meet current and future demand.

During research conducted by SWFHC one reason provided in support of retaining a 5% Type A requirement was that demographic indicators show that the number of persons with disabilities is higher in El Paso than in Texas or the US. However, 2000 Census and 2008 American Community Survey data contradict this assertion, showing that the percentage of persons with disabilities in El Paso is nearly the same as in Texas and the US.³⁴ Some more detailed demographic information was provided to SWFHC, but the majority of demographic data available is not by itself precise enough to show how many people in El Paso actually need Type A units. Demographic data analysis needs to be supplemented with information from a survey and other sources to accurately determine the actual need for Type A units.

³³ Fair Housing Complaint filed with HUD against the City of El Paso.

³⁴ An in-depth demographic analysis is available at the beginning of this report.

Disability advocates also argue that the demand to produce evidence, whether demographic or otherwise, to support retaining the 5% level is wrongly putting the onus on them. They contend that the City originally increased the requirement to meet HUD's requirements to affirmatively further fair housing (AFFH) and that any reduction in that percentage needs a documented rationale that is consistent with FHAct and outweighs the AFFH requirement.

The City of El Paso

The City of El Paso has made attempts to collect information regarding the need for Type A units. In July 2009, the City conducted an audit of Type A units in El Paso and only found 450. A number of complexes had ADA violations. A similar survey was conducted in 1996 and concluded that there were not enough Type A units and that the 5% requirement be left unchanged. Furthermore, the City Accessibility Advisory Committee recommended maintaining the 5% requirement by unanimous vote on June 23, 2009 and reaffirmed that vote on June 25, 2009, August 13, 2009 and August 27, 2009. One major gap in information is that it appears that nothing has been done to evaluate the actual need among persons with disabilities. A better understanding is needed of the experiences of persons with disabilities that have shopped for Type A units in the marketplace.

Conclusions

"Facts" proved elusive in the information that was gathered during the debate in El Paso prior to the provisional passage of the reduction in the Type A requirement and remained elusive in research that SWFHC conducted for the AI. The data that is needed to inform a final decision was beyond the scope and limitations of the AI. Included in the Plan of Action are a number of actions that can provide this information. However, the City of El Paso may be obligated to respond to the complaint that was filed with HUD. A settlement of this issue without any additional data could come from a conciliation agreement between the complainants and the City or a determination by an Administrative Law Judge if the case would go that far. This unresolved disagreement between the City of El Paso, housing developers and disability advocates is the cause of conflict that may impede affordable housing development, the availability of accessible units and programs for persons with disabilities.

HUD Neighborhood Stabilization Program

The Neighborhood Stabilization Program (NSP), passed by the federal government in September 2008, allocated \$3.92 billion to all states through the Community Development Block Grant (CDBG) program as a way to respond to the foreclosure crisis. NSP funding provides emergency assistance to state and local governments so that they may acquire and redevelop foreclosed properties in order to mitigate blight, abandonment, rising foreclosures, and falling home values. Local governments can use funds to acquire land and property, demolish or rehabilitate abandoned properties, provide down payment and closing cost assistance to households not exceeding 120% of area median income, create land banks, and stabilize neighborhoods by encouraging re-use or redevelopment of urban property.

The City of El Paso received \$3,032,465 from the Department of Housing and Urban Development (HUD) and \$1,731,066 from the Texas Department of Housing and Community Affairs (TDHCA) in NSP funding. Figure 10 shows a map of

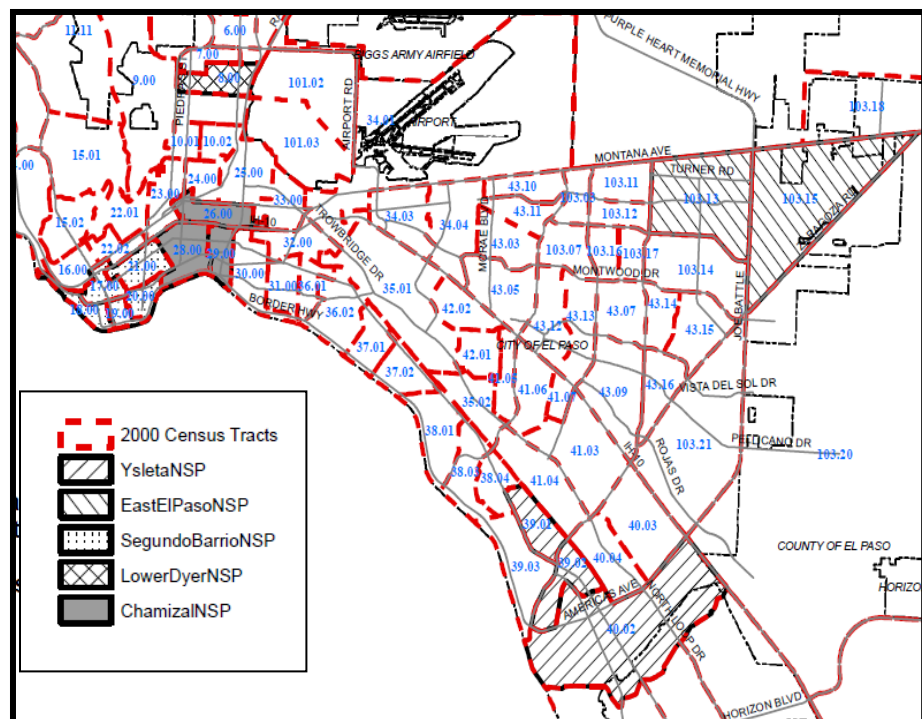


Figure 10: HUD NSP Eligible Neighborhoods
Source: City of El Paso

neighborhoods eligible for NSP funding.

The City can use the funds for financing mechanisms, purchasing and rehabilitating abandoned or foreclosed homes, demolishing blighted structures and redeveloping demolished or vacant properties.³⁵

³⁵ <http://www.elpasotexas.gov/commdev/NSP.asp>

NSP grantees must submit quarterly reports to HUD and post them on their websites, enabling advocates to monitor the spending of NSP funds and ensure that jurisdictions are using funds to help preserve and create affordable housing and further fair housing.³⁶ El Paso has some documentation posted at <http://www.elpasotexas.gov/commdev/NSP.asp#>, but little information is available to judge the City's efforts of affirmatively furthering fair housing. As of December 6, 2010, no 2010 quarterly reports were available.

The City has taken steps to affirmatively market the program through bilingual presentations, flyers, emails, websites and other media to reach the city's diverse population. Outreach efforts are done in accordance with fair lending regulations and do not discriminate against protected classes.

The NSP program has funneled a large amount of additional CDBG funding into communities to stabilize the housing market. Such sizeable investments in the housing market have potential to alter concentrations of low-income and minority residents. NSP funding carries AFFH requirements and as such, should have a clear plan and monitoring mechanism to reduce discrimination and residential segregation. NSP grant applications approved by HUD did not appear to be closely scrutinized for AFFH plans and present challenges to AFFH because the funds must be spent quickly.

Neighborhood Revitalization

In early 2006, the City of El Paso Community and Human Development Department (CHD) committed to undertaking revitalization efforts in order to achieve one of the City Council's strategic goals of comprehensive neighborhood revitalization. The City of El Paso has three distressed neighborhoods approved for revitalization: Chamizal, Lower Dyer and El Segundo Barrio. Each neighborhood uses its own set of revitalization strategies. The strategies use a community-building approach based on resident input to improve neighborhood appearance and quality of life by focusing community and municipal efforts over a five-year period.³⁷

Residents in some of the revitalization areas are over 95% Hispanic and over 80% low- to moderate-income, which is very high compared to El Paso at large.

³⁶ National Housing Law Project, "Neighborhood Stabilization Program (NSP)," <http://www.nhlp.org/taxonomy/term/109>.

³⁷ "Chamizal Neighborhood Revitalization Strategy," City of El Paso, January 2008, http://www.elpasotexas.gov/commdev/_documents/CHAMIZAL%20NRS.pdf.

That type of concentration likely reflects historic patterns of housing discrimination and segregation that must be remedied to affirmatively further fair housing. The community-based neighborhood revitalization efforts provide an excellent opportunity to provide fair housing education and outreach at the grassroots level. Eliminating housing discrimination is a key aspect of creating neighborhoods of opportunity and reversing vestiges of official policies that promoted discrimination and segregated housing patterns.

Downtown Revitalization

As an effort to revitalize Downtown El Paso, the El Paso City Council adopted the Downtown 2015 Plan in 2006. The Downtown 2015 Plan is a “study area plan” addendum to the City’s Comprehensive Plan providing goals, policies, and recommendations specific to the downtown area. The Plan resulted in the creation of a redevelopment district, a Tax Increment Reinvestment Zone (TIRZ), and other incentives for developers to invest downtown including flexible building codes, new zoning districts and direct grants.³⁸

The major objectives of the Downtown 2015 Plan are to position Downtown as a hub with a variety of uses and activities, ensure a diversity of retail uses, transit options and vibrant neighborhoods, and create major attractions, pedestrian oriented streets and a real urban place within a dense urban fabric. The Plan outlines five distinct development areas: 1) First Street: Lifestyle Retail District, 2) Santa Fe Street: Entertainment/Convention/Arena, 3) Oregon/Mesa: Mercado District and Residential Infill, 4) Rio Grande: Border Retail, and 5)

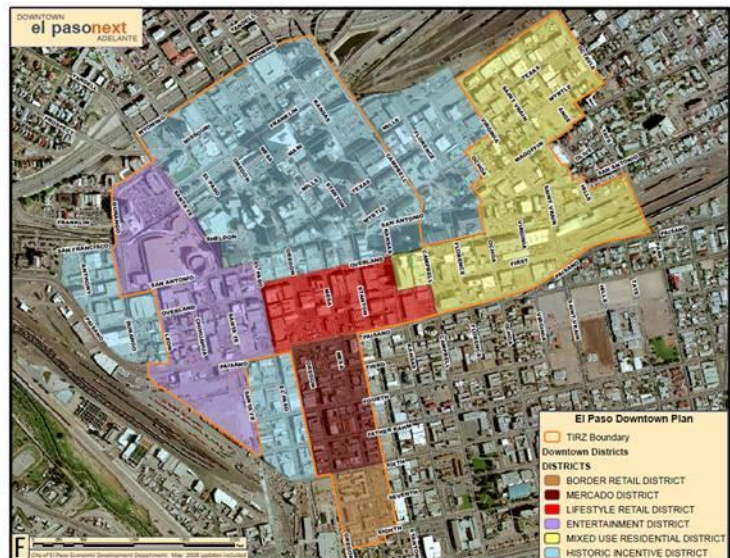


Figure 11: Downtown Redevelopment Districts

Source: City of El Paso

³⁸ http://www.ci.el-paso.tx.us/downtownplan/_documents/Implementation%20of%20DT%202015%20Plan%20Phase%20II%20-%20Consultant%20Rprt%20prez.pdf

Magoffin/San Antonio Neighborhood: Residential Mixed Use.³⁹ Figure 11 is a map illustrating the five development areas. Historic neighborhoods in Downtown El Paso include Segundo Barrio (part of which is located within the TIRZ boundary), Magoffin, Old San Francisco, and Chihuahita. According to the Plan, areas targeted for development are “in most need of reinvestment; where lots are vacant, tenancy is low, and where commercial spaces are underutilized.” The Plan is not without criticism. Well-known El Paso writer and scholar, David Dorado Romo, believes that the Plan calls for demolition of many historic sites and houses within Segundo Barrio, Old Chihuahita, and Magoffin area. Sites “that played a crucial role in the history of immigration, the Mexican Revolution, the Pachuco culture and the Chicano renaissance of the 60s and 70s,” may disappear under the new development plans.⁴⁰

As is the case with any urban area undergoing revitalization, gentrification is a potential concern facing neighborhoods in and around Downtown El Paso. Gentrification is a term that is often misconstrued and politically charged but one that warrants discussion in an analysis of fair housing. Gentrification is “the process by which higher income households displace lower income residents of a neighborhood, changing the essential character and flavor of that neighborhood.”⁴¹ It is important to include gentrification in a discussion of fair housing because groups at risk for such displacement include low-income renters and homeowners (disproportionately persons with disabilities and minorities), elderly, and people that no longer identify with the neighborhood.

Gentrification results in increased property values and taxes, increased rents, displacement of original habitants, changing street flavor, increased income mix, changing leadership/institutions, and increased tax revenue. This in turn results in a reduction in the number of low-income units, increase in middle-income units, new developments, and unit transformation. Causes of gentrification vary, ranging from housing market dynamics, preferences for urban living, quality of life issues and public incentives (such as the TIRZ). With current revitalization efforts underway in Downtown El Paso, gentrification is a potential problem that surrounding neighborhoods may face.

³⁹ http://www.ci.el-paso.tx.us/downtownplan/_documents/Implementation%20of%20DT%202015%20Plan%20Phase%20II%20-%20Consultant%20Rpt%20prez.pdf

⁴⁰ <http://www.pasodelsur.com/news/behinddemolition.html>

⁴¹ Kennedy and Leonard, 2001. Brookings Institute

The City of El Paso should incorporate fair housing planning into its downtown redevelopment plans to ensure that actions taken affirmatively further fair housing and to prevent illegal housing discrimination.

Affordable Housing, LIHTC, Public Housing and Housing Choice Voucher (HCV)

Data from interviews, focus groups, and statistics reveal a need for more low-income housing in El Paso. As noted in this report, El Paso has a relatively low cost of living; the City's relatively low median income, however, offsets this low cost of living. The Housing Authority of the City of El Paso (HACEP) has 5,771 public housing units and close to 14,000 families on its waiting list. HACEP provides 5,322 Housing Choice Vouchers (HCVs) to help low-income households pay a portion of their rent and approximately 4,319 families are on the waiting list for these HCVs. In total, HACEP provides housing for about 40,000 people. Families typically have to wait two to four years for a public housing unit and two to six years for a voucher. Over the past two decades, El Paso County has built sixty-three apartment complexes with close to 5,000 units for low-income households using federal tax credits. These units are also in high demand. Figure 12 illustrates the distribution of public housing throughout the City.

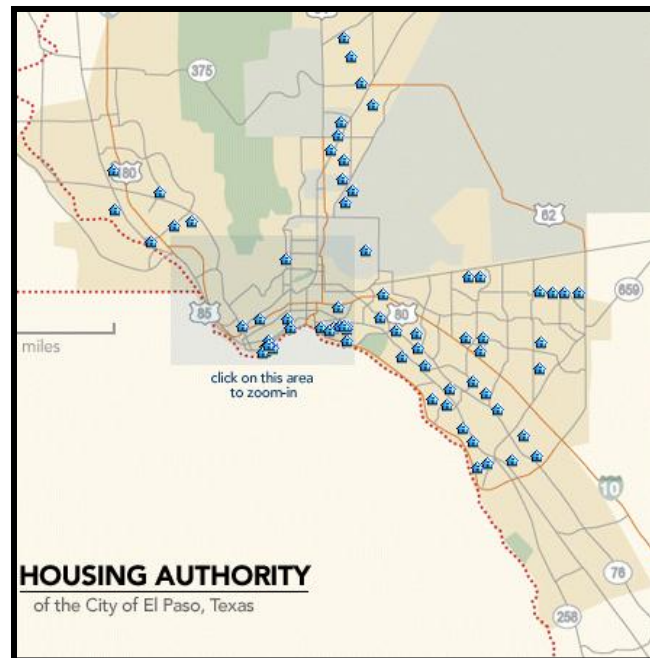


Figure 12: Location of Public Housing in El Paso
Source: Housing Authority of the City of El Paso

A HACEP representative serves on the City's Fair Housing Task Force. Five HACEP representatives participated in this study; four representatives were interviewed and one attended a focus group. During the interview HACEP representatives made the following statements:

- HCV voucher holders are evenly distributed around the city.

- Public housing is not concentrated in the central area and has many scattered sites that include single-family homes and duplexes.
- NIMBYism is not a problem and many people do not know that they live next to a unit owned by the housing authority until a housing authority maintenance truck arrives for service.
- Income deconcentration with vouchers has been successful in part because HACEP has been proactive with property owners.

HACEP is a large public housing authority that plays a significant role in the housing market by providing housing for around 40,000 El Paso residents – roughly 6.5% of the City’s population. Data from research and interviews suggest that HACEP is a proactive and positive force for affordable housing and fair housing in El Paso. HACEP is currently drafting its plan to affirmatively further fair housing. Figure 12, which shows the location of public housing in El Paso, reveals that sites

are evenly scattered throughout the city.

The SWFHC requested more information regarding the location of HCV voucher holders but this information was not provided. As noted, HACEP representatives indicated that vouchers were

evenly distributed around the City. In order to assess distribution accurately, HACEP should work with the City to map the location of public housing, HCV, LIHTC properties and other affordable housing in relation to concentrations of protected classes and low-income households. This will strengthen the knowledgebase necessary to affirmatively further fair housing by improving deconcentration efforts.

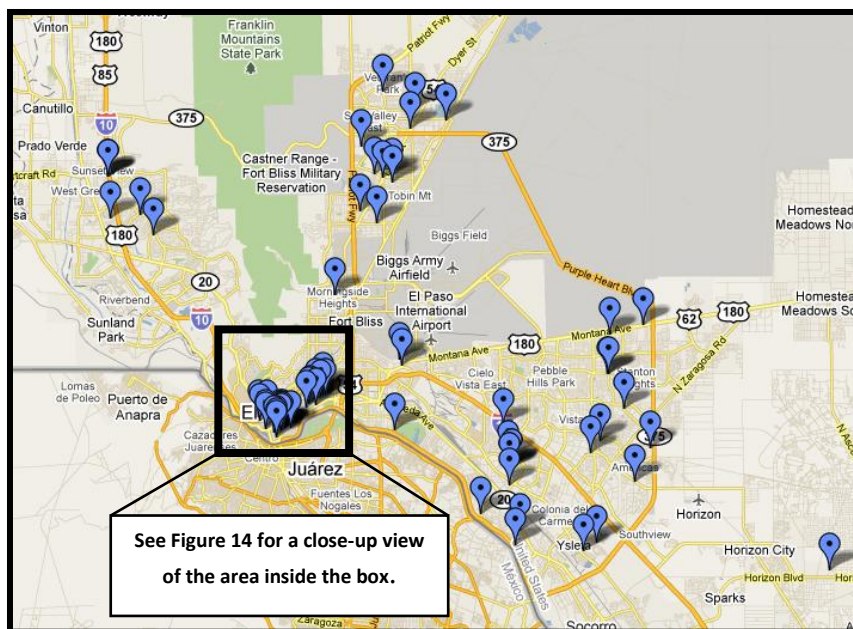


Figure 13: Low Income Housing Tax Credit Concentration
Source: HUD

A list of Low Income Housing Tax Credit properties is available from HUD.⁴² The location of low-income housing may raise red flags for fair housing issues because they are often in minority and other protected class concentration areas. The Westchester case reaffirmed that building low-income housing in minority concentration areas may have the effect of further concentrating minorities. In order to meet federal fair housing obligations and guidelines, El Paso must ensure that its programs and policies do not exacerbate segregated housing patterns, and in fact reduce minority concentrations.

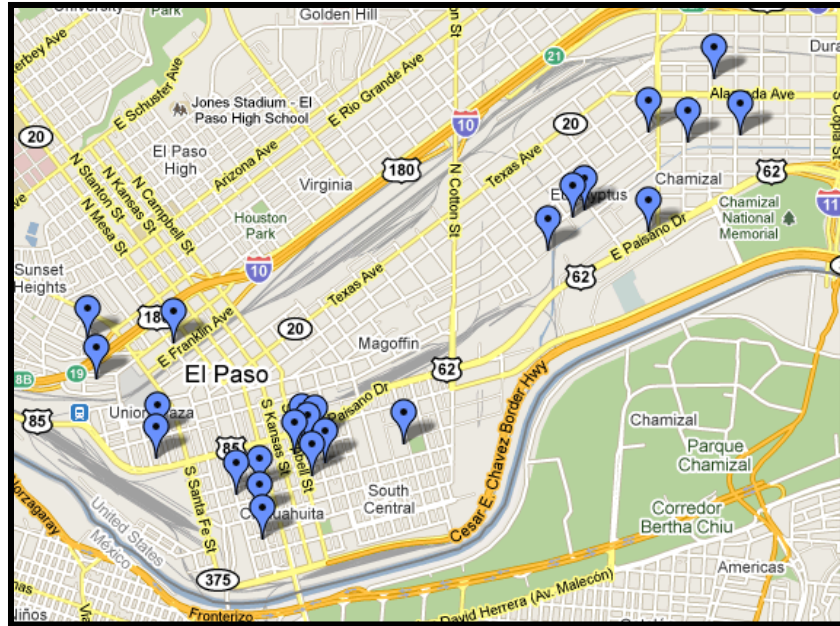


Figure 14: Low Income Housing Tax Credit Properties – Downtown Area
Source: HUD

In Figure 13, LIHTC projects appear distributed evenly throughout El Paso. A close-up view of the same map in Figure 14, however, shows some concentration of LIHTC projects in the downtown area.

Zoning, Land Use and Development

The El Paso zoning code does not appear to pose an impediment to fair housing choice. An interview with Planning Division staff confirmed this conclusion. In addition, investigation by the Fair Housing Task Force after the 2004 AI came to the same conclusion. For more information, refer to “Actions Taken to Affirmatively Further Fair Housing – September 1, 2003 through August 31, 2004” in the Appendix.

The Fair Housing Act mandates that jurisdictions make a “reasonable accommodation” in zoning codes to enable people with disabilities to integrate

⁴² <http://lihtc.huduser.org/>

into their communities through group living arrangements in residential areas. However, many zoning ordinances throughout the U.S. do not make “reasonable accommodation” to permit residences for persons with disabilities, such as group homes, halfway houses and addiction recovery facilities, like any other residential use.⁴³

The City of El Paso zoning ordinance defines “family” as “any individual or group of persons related by blood, adoption or marriage, or not more than five unrelated persons living as a single housekeeping unit or home.” The City of El Paso would need to allow community residences to exceed the limit of unrelated individuals to make a “reasonable accommodation” for persons with disabilities. Furthermore, such residences that offer “relatively permanent living arrangements” that do not cap the length of stay should be permitted. There is ongoing legal debate as to whether spacing requirements between community residences or a license can be required. Also being debated is if community residences that limit the length of residency may be required to get a special use permit.⁴⁴

The City of El Paso’s municipal code is available online. However, it is unclear how the code treats group homes, halfway houses and other community residences that may house persons with disabilities. The City should review its policies and procedures regarding group homes and other community residences for persons with disabilities to ensure that they do not violate the Fair Housing Act.

Landlord/Tenant Policies

Many fair housing complaints begin as landlord/tenant issues. For example, a complaint from an African American tenant stating that a landlord would not repair an air conditioner may initially seem to be a landlord/tenant issue with no link to fair housing. However, if further inquiry reveals that the landlord exhibited a pattern of providing less services based on race, then the landlord/tenant issue may also be a fair housing issue. In another example, a tenant facing eviction for continual late payment of rent may appear to be a landlord/tenant issue. If it is discovered that the tenant was disabled and did not receive a monthly SSI check until after the rent was considered late, however, it

⁴³ Murfreesboro, Tennessee Analysis of Impediments to Fair Housing Choice 2010, Planning/Communications, April 2010.

⁴⁴ Ibid.

may constitute a fair housing issue because accepting a late payment could be considered a “reasonable accommodation” based on the tenant’s disability.

Because there is considerable gray area between landlord/tenant issues and fair housing issues, all public and private agencies handling housing issues should train staff to recognize potential fair housing issues and accurately refer clients to where they can obtain information and help.

Building Codes

The Federal Fair Housing Act requires that 100% of ground floor units in multifamily housing projects occupied after March 13, 1991 be accessible for persons with disabilities who require a wheelchair. Common areas in the complex must also be accessible. If a particular unit is not required to be accessible because of date of occupancy or location, property owners and managers are required to allow tenants, at their own expense, to make reasonable modifications to allow access by persons with disabilities.

In El Paso, like in other communities, there is the potential that the required accessible units in residential housing developments are not actually built in compliance with the fair housing regulations in the City’s building code, which poses a potential fair housing issue. There appears to be a lack of fair housing testing through appropriate building code inspection compared to the amount of residential development that has taken place in El Paso. The City of El Paso’s local codes comply with fair housing standards because they are standard internationally accepted codes that include a reference mandating compliance with the accessibility standards of the Federal Fair Housing Act. This, however, does not necessarily mean that buildings comply with fair housing standards. SWFHC has filed over fifty design and construction complaints, and mediated several others, throughout Arizona in the last ten years that address this issue. SWFHC has come across numerous examples where architectural plans complied with the Fair Housing Act (FHAAct) but the actual construction did not, and inspectors missed these discrepancies. One example includes the placement of environmental controls. While six inches in the height of thermostats and electrical plugs goes unnoticed and seems like a small thing to someone who is not disabled, the variance can make that unit inaccessible for someone who uses a wheelchair. This is a notorious problem. Situations like these may also be a problem in El Paso and require testing through appropriate building code

inspections compared to the amount of residential development that has taken place in El Paso.

The housing industry can undertake at least two tasks to reduce non-compliance and prevent expensive retrofitting after a unit is tested and occupied. The first calls for contractors, builders, and property owners to monitor compliance during construction. The second calls for builders, contractors, property owners, and inspectors to receive proper training to comply with FHAct requirements. The City of El Paso can facilitate FHAct compliance by reinforcing the importance of fair housing issues with inspectors. Stricter inspection for handicapped accessibility will send a message to builders that El Paso makes handicapped accessibility a priority and that noncompliance will not be tolerated. In order to monitor inspectors and ensure compliance with FHAct, the City should increase the amount of fair housing testing completed regarding accessibility in new construction.

Consolidated Plan

The Consolidated Plan (Con Plan) details the City's affordable housing and community development strategies. It is important to note that the AI, while part of the Con Plan, is a standalone document that analyzes fair housing issues and does not necessarily cover affordable housing. The Con Plan should thoroughly address affordable housing. Affordable housing becomes a fair housing issue when it affects protected classes. In the City of El Paso's case, affordable housing relates to a number of fair housing issues because the Con Plan's affordable housing strategies affect minority concentration areas. Hence, this AI addresses affordable housing issues as they relate to protected classes and fair housing. The Con Plan should continue to integrate the Fair Housing Plan of Action, as contained in the AI, into its affordable housing and community development strategies. The Con Plan should also explain how these strategies will affirmatively further fair housing. HUD requires the City of El Paso to monitor, assess, evaluate and report the Con Plan's impacts on fair housing, including how the Plan addresses and affects minority concentrations areas.

Transit

Access to quality efficient public transit is a key feature of opportunity-rich neighborhoods. Neighborhoods with high concentrations of minorities often lack opportunities due to lack of adequate infrastructure, accessible employment, good schools, or quality transit. El Paso should seek to link low-income housing with transit. El Paso's public transit system, Sun Metro, offers service throughout the city on buses that are equipped with a wheelchair lift and with drivers proficient in its operation. Sun Metro also offers LIFT (Living Independently Facilitated by Transportation) that services customers with disabilities who cannot use the fixed route bus service. Low-income residents often rely on public transit to get to work and move about the city. A recent study of El Paso's Sun Metro reveals a number of relevant insights, including:

- Seventy-six percent of riders do not own a car
- Forty-six percent of riders are low income
- Eighty-five percent of riders walk to the bus stop
- Fifty-two percent of riders use bus services daily
- Eighty-six percent of riders most frequently ride the bus in the morning
- Thirty-five percent of riders use the bus to get to work⁴⁵

Conclusions

HUD is placing renewed emphasis on AFFH, monitoring efforts more closely and withholding funding for noncompliance. CDBG entitlement jurisdictions need to improve fair housing programs and activities in order to keep pace with the changing environment of fair housing. Recommendations for how El Paso can prepare for these changes and enhance AFFH efforts are included in the Plan of Action.

⁴⁵ Dennis L. Soden, Mathew McElroy, Susanne Green, "Sun Metro Fixed Route Rider Survey," University of Texas El Paso Institute for Policy and Economic Development. August 1, 2006.

private sector review

The El Paso Housing Market and Economy

El Paso's housing market and economy were among the strongest of the nation's one-hundred largest metro areas in the second quarter of 2010. Employment was up 1.5% (ranking second best in the nation), the economic output was up 0.8% (23rd best in the nation) and home prices were up 2% (second best in the nation). Moreover, the unemployment rate ranked 65th in the nation at 10% in the 2nd quarter.⁴⁶ The Federal Reserve Bank of Dallas, El Paso Branch estimated the El Paso unemployment rate at 9.7% in October 2010.⁴⁷

Housing prices have declined by 7.4% in El Paso since the peak in the first quarter of 2008; El Paso ranked 14th for best housing stability out of the one hundred largest metro areas. El Paso did not suffer from foreclosures as much as other U.S. cities. Real estate owned properties (REOs) per 1,000 mortgageable properties was 1.57 in El Paso (11th best).⁴⁸

The cost of living in El Paso is very affordable compared to U.S. standards. Low levels of income, however, offset this low cost of living.⁴⁹

Interview data suggests that El Paso has a tight housing market due, in part, to the expansion of Fort Bliss, which will bring approximately 37,300 more soldiers to El Paso by 2013,⁵⁰ and to an estimated 30,000 Mexican residents fleeing drug violence in Mexico since 2008.⁵¹ Contrary to anecdotal information provided during interviews, however, statistics reveal that the rental housing market is soft. Vacancy rates in mid-2010 were 9% compared to 7% in February 2009. The soft market is likely a result of the poor economy and an increase in the number of single-family homes for rent. The vacancy rate of single-family units in El Paso

⁴⁶ "MetroMonitor: El Paso." Metropolitan Policy Program at Brookings.

http://www.brookings.edu/~media/Files/Programs/Metro/metro_monitor/metro_profiles/el_paso_tx_metro_profile.pdf

⁴⁷ Economic Update: El Paso." Federal Reserve Bank of Dallas, El Paso Branch. <http://www.dallasfed.org/research/update-el-paso/epjupdate.pdf>.

⁴⁸ "MetroMonitor: El Paso."

⁴⁹ Soden, Dennis L.; Tirado, America; Conary, Janet S.; and Chavez, Miguel, "Comprehensive Economic Development Strategy (CEDS) for the Rio Grande Council of Governments (RGCOG)" (2006). *IPED Technical Reports*. Paper 55. http://digitalcommons.utep.edu/iped_techrep/55

⁵⁰ "2010 1st Quarter Real Estate Market Data – El Paso, Texas Housing Market Profiles," July 4, 2010.

<http://www.trenglobal.com/property-management/real-estate-news/2010-1st-quarter-real-estate-market-data-el-paso-texas-housing-market-profiles>

⁵¹ James C. McKinley Jr., "Fleeing Drug Violence, Mexicans Pour Into U.S." *New York Times*, April 17, 2010.

is 2.2% and nearly one quarter of apartment complexes in the City offer incentives to attract residents. The El Paso Apartment Association states that the average apartment rents are \$600 for a one-bedroom unit, \$735 for a two-bedroom unit, and \$925 for a three-bedroom unit. The average sales price of an existing house was \$151,800 during the 12-month period from February 2009 to February 2010, down 5% from the previous year. In El Paso, the typical price of a house with 1,000 square feet and a two-car garage starts at \$85,000.⁵²

According to city officials, Fort Bliss is pressuring the City to build more multifamily housing in order to accommodate the influx of personnel associated with the base expansion. By early March 2010, Fort Bliss attained 60% of its expected troop increase; the troop increase will be complete in 2012. Supposedly, the point would come in the summer of 2009 when demand for off-post housing would outpace the supply in El Paso. Kathy Dodson, the Director of Economic Development for the City of El Paso, estimates that the City needs approximately 6,000 additional multifamily units to house the arriving soldiers. During the first half of 2009, the City instituted incentives to stimulate building by providing developers with rebates of up to 100% of applicable city fees. The incentive will remain in place until 4,000 new units are constructed. By March 2010, almost 2,000 units were under contract. During the twelve-month period ending in February 2010, the number of permits for construction of multifamily units was down 34% from the previous year, an indication that multifamily construction is falling. The peak of multifamily development occurred in 2007 when 1,190 units were permitted.⁵³

Builders have taken a cautious approach to building multifamily housing. One builder, for example, is approaching new projects conservatively and does not base decisions solely on the expansion of Fort Bliss. Planning and financing for new multifamily housing projects can take up to a year, and construction takes two to three years. While estimates show a need for housing, soldiers have not informed the Fort Bliss garrison commander that they cannot find housing off the base.⁵⁴

⁵² “2010 1st Quarter Real Estate Market Data – El Paso, Texas Housing Market Profiles.”

⁵³ Ibid.

⁵⁴ Robert Gray, “New Apartments On The Rise, City Incentives Speeds Building,” *El Paso Inc.*, Issue 2/28/2010 – 3/6/2010. <http://elpasoinc.com/readarticle.aspx?issueid=275&xrec=5000#>

Foreclosures in Texas

The building and real estate boom that began in the early years of this millennium came to a halt in the first few months of 2007 when the national housing market reached its peak and construction of new homes slowed drastically. Too many houses had been built and their values were over inflated. At the same time, Borrowers who had overextended themselves, many with exotic and risky loans⁵⁵, were now facing the option of paying the higher interest rate, refinancing or walking away from the property. Thus began the downward spiral. By August 2007, foreclosures of residential and commercial properties were rising steadily and the economy was heading towards the worst recession since the Great Depression. More recently, foreclosure filings have declined dramatically in the past few months (October and November 2010) in Texas as well as the rest of the U.S. due to a freeze imposed by many banks.⁵⁶

Foreclosures in El Paso

In June 2010 El Paso ranked 246th in foreclosure rates out of 367 Metropolitan Statistical Areas (MSA) in the U.S. On this scale the number 1 MSA had the highest rate of foreclosure and the 367th had the lowest rate of foreclosure. The rate in El Paso was 3.3%, which is about average for the state. The rate for prime conforming loan foreclosure was 2.2% and for subprime loan foreclosure, it was 10.6%⁵⁷.

In the third quarter of 2010, the drop in housing prices for El Paso since the peak of 2008 was 8.9% compared to the U.S. average of 17.4%. In El Paso, the number of bank owned properties (REOs) for sale per 1,000 mortgageable properties is 1.64 compared to the U.S. average of 4.57⁵⁸. The Economic Stress Index (chance of at least one economic misfortune) for residents of El Paso was 9.4% in March 2009, which, although lower than many U.S. cities, was higher than other Texas metro areas⁵⁹.

In general, because El Paso did not see the exotic and risky mortgage loans used in many areas of the U.S., it avoided inflated values and compares favorably to

⁵⁵ So called “liar” loans that required only a name and a social security number.

⁵⁶ http://www.elpasotimes.com/business/ci_16589315?IADID=Search-www.elpasotimes.com-www.elpasotimes.com

⁵⁷ www.foreclosure-response.org

⁵⁸ http://www.brookings.edu/~media/Files/Programs/Metro/metro_monitor/metro_profiles/el_paso_tx_metro_profile.PDF

⁵⁹ http://www.lcsun-news.com/ci_12414082

the rest of the country in the foreclosure component. However, contract-for-deed transactions are a common way for low-income buyers to purchase real estate. These transactions have a high potential for abuse and need to be monitored and studied further for fair housing violations.

Colonias in the El Paso area are outside of the city limits and are overwhelmingly home to low-income Hispanic residents. Historically much of the property ownership in the colonias has been achieved through private contract-for-deed since it was a relatively simple and low-cost procedure, although not without risk. The Texas Legislature recognized the risk of home ownership through contract-for-deed and a law pertaining to contract-for-deeds came into effect in 1995. Because of persisting contract-for-deed and rent to own schemes plaguing the low-income community, in 2005 the Texas Legislature made significant changes to the law making the requirements more stringent and providing more protection for the buyer.⁶⁰ Although it is now a requirement to record all contract-for-deeds with the local Recorder's Office, there is no readily available data to determine how many may exist in the City of El Paso or El Paso County. The subject of contract-for-deed is mentioned here because the Texas Department of Housing and Community Affairs (TDHCA) has recognized that there are still many abuses of the law pertaining to contract-for-deed. TDHCA has created the Contract-for-Deed Conversion Program that has recently been promoted through roundtable discussions in Harlingen and El Paso.⁶¹ Although many low-income residents (homeowners through contract-for-deed) chose to live outside of the City of El Paso, it was not necessarily their first choice. Typically, they had little or no other option for affordable homeownership. The issues of lack of efficient public transportation⁶² combined with the very long waiting list for public housing in the El Paso⁶³ area exasperates the financial hardships facing the low-income community seeking to live and work within the city of El Paso.

The Impact of Foreclosures on Communities

Foreclosures create crises in the communities where they occur by damaging people and families in the following ways:

⁶⁰ <http://www.bordercoalition.org/page5/page5.html>, <http://recenter.tamu.edu/pdf/1754.pdf>, <http://contractfordeed.uslegal.com/state-laws/texas-contract-for-deed-law/>

⁶¹ <http://www.tdhca.state.tx.us/oci/cfdc-roundtable.jsp>

⁶² <http://shapleigh.org/news/3449-commute-costs-el-pasoans-study-finds-that-most-spend-too-much-on-housing-transportation>

⁶³ http://www.elpasotimes.com/business/ci_16112605?IADID=Search-www.elpasotimes.com-www.elpasotimes.com

- Foreclosures damage virtually all residents of foreclosed dwellings whether owner-occupants or renters.
- Foreclosures affect home values in communities through the “spillover effect.”

The decline of home values in El Paso is less than much of the rest of the country, and has likely eliminated the home equity reserve for many families and significantly reduced it for the rest, especially if they purchased during the housing bubble. Some of the consequences include:

- Deferred home improvement projects and home maintenance.
- Consumer spending will decrease.
- Student loans to send children to schools and colleges will become harder to get.
- Unexpected expenses like medical bills will become more difficult to pay.
- The need for publicly funded social services will increase.

Because of the foreclosure, many families will experience a decline in their standard of living, a reduction in their quality of life and increased insecurity and tension. Foreclosures also damage neighborhoods and communities in the following ways:

- The financial spillover effect of foreclosures leads to a reduction in the property tax base, sales tax collection and other revenue. Since tax assessments lag home market value by about two years, the impact of the decrease in home values on tax revenues is delayed. When tax assessments catch up, tax districts throughout the state will face some very difficult decisions in order to maintain public services, programs, and governmental functions that depend on local taxes. Responses are essentially limited to raising the tax rate, expanding and increasing fees and penalties and/or cutting back on services and programs. None of these will be politically popular.
- Foreclosures cause a reduction in consumer spending which depresses the local economy and reduces revenue from sales taxes that pay for the maintenance of public infrastructure, public services and community programs.
- Foreclosures have direct costs through increases in law enforcement, lost revenue from utilities, and increased demand for social services. Studies

show that the cost of one foreclosure can directly cost a community thousands of dollars depending on the location.

- Neighborhoods can be destabilized when investors and speculators buy foreclosed properties that were owner-occupied and turn them into rentals.
- Neighborhoods with high foreclosure rates negatively impact nearby businesses, further contributing to the downward economic spiral caused by foreclosures.

The Impact of Foreclosures on Fair Housing in El Paso

Nationwide, the foreclosure crisis has serious fair housing implications. Predominantly minority neighborhoods have historically experienced high levels of housing discrimination. Post-World War II suburbanization facilitated by cheap federal mortgages available to whites only stranded many minorities in central cities that suffered disinvestment in favor of public and private spending for the development of new suburbs. The same cannot be said of El Paso because the population demography of it and other border communities is quite different, being mostly Hispanic and low income. A large portion of the low-income community that sought to own their own home but finding nothing they could afford within city limits moved to the colonias, which began to emerge in the 1960s after the collapse of the cotton market. Farmers sold their land to real estate developers who in turn sold small plots of land through simple contract-for-deed agreements to low income families. Although the evidence is only anecdotal, many homeowners who failed to make payments on time found their property repossessed in as little as two weeks. Later, urban renewal razed many thriving inner-city minority areas or spliced them with new freeways further favoring suburban expansion. By the 2000s, this pattern was turned on its head. After years of both overt and covert discrimination, the mortgage industry began to target minorities for subprime loans as the demand exploded for securitized mortgages on secondary markets and El Paso was no exception.⁶⁴

In the 2006 “Study of Residential Foreclosures in Texas,”⁶⁵ out of the six regions selected for study, El Paso showed no significant trends in any of the demographic factors examined. Those factors were linguistic isolation, educational level, income level, minority population and higher loan rate. The

⁶⁴ Michael Powell, “Bank Accused of Pushing Mortgage Deals on Blacks,” *New York Times*, June 6, 2009.

⁶⁵ <http://www.tdhca.state.tx.us/housing-center/docs/06-HB1582Rpt-Foreclosures.pdf>

report does not provide any explanation for this but one could conclude that the report for HB1528 was flawed in regards to El Paso⁶⁶ because the formula developed did not consider the very different demographic of border communities when compared to those in the interior of the state.

On December 13, 2010, there were 247 foreclosed properties on the market in El Paso with 84 of those properties listed below \$100,000⁶⁷. It is safe to assume that most properties priced at \$100,000 or less are owned by low- to moderate- income owners. Foreclosure numbers do not take into account that foreclosed properties are often taken off the market causing the inventory to be artificially low. This can prop up housing prices by restricting supply. According to an article published by the El Paso Times on December 1, 2010, lenders are keeping approximately 328 foreclosed properties off the market in El Paso.⁶⁸

Throughout the country, minority borrowers received a much higher percentage of subprime loans than did whites. A large percentage of these subprime loans, often with adjustable interest rates, proved toxic for many borrowers resulting in a high default rate. Even more insidious, many minorities qualified for prime loans but were sold subprime loans anyway. HMDA data included in this report also shows that minorities received a disproportionate share of high cost loans as compared to whites. The table in the “Jurisdictional Background Data” section of this report showing census tract level data highlights the census tracts that received the most high cost loans. The subprime meltdown caused the collapse of the housing market and led to the worst recession since the Great Depression.⁶⁹

Minority neighborhoods nationwide have been hard-hit by the foreclosure crisis in part because of the high number of subprime loans they received. Insurance companies often effectively redline areas with high foreclosure rates. Owner-occupants are forced out by foreclosures and would-be owner-occupants cannot get mortgage loans or insurance. Other owner-occupants leave by choice due to the decline and both public and private disinvestment often follows. Falling government revenues force spending cuts for public infrastructure and social programs. Private businesses become more reluctant to open or expand and others close. Neighborhoods that have often struggled because of historic discrimination are suffering decline and blight as foreclosed houses stand empty.

⁶⁶ <http://www.tdhca.state.tx.us/housing-center/docs/06-HB1582Rpt-Foreclosures.pdf>

⁶⁷ www.hudclips.org

⁶⁸ http://www.elpasotimes.com/business/ci_16744538?IADID=Search-www.elpasotimes.com-www.elpasotimes.com

⁶⁹ “Fair Housing and the Foreclosure Crisis,” www.civilrights.org/publications/reports/fairhousing/foreclosure-crisis.html.

These factors can lead to a downward spiral and reinforce traditional patterns of housing segregation.

Home Mortgage Disclosure Act (HMDA) Data⁷⁰

Introduction

The Home Mortgage Disclosure Act (HMDA) requires lending institutions to report public loan data. It was enacted by Congress in 1975 and implemented by the Federal Reserve Board's Regulation C. The loan data that is collected can be used to assist:

- Determining whether financial institutions are serving the housing needs of their communities.
- Public officials distributing public-sector investments to attract private investment to areas where it is needed.
- Identifying possible discriminatory lending patterns.⁷¹

A major reason why congress originally enacted HMDA was to collect data to see if redlining by banks of certain areas – generally low-income and/or minority areas – was occurring. Since HMDA was enacted in 1975, changes have been made to increase the types of data gathered on originated loans to help show whether minorities and females were being denied at higher rates and to show whether some classes of borrowers were getting higher rates on loans. After some years of data analysis, the Community Reinvestment Act (CRA) was enacted in response to data that showed that redlining had been occurring. The CRA essentially forces lenders to show that they will lend in areas where they take deposits so that deposits are not taken from the poor only to fund loans to wealthier people that live elsewhere.⁷²

What HMDA Data Can Illustrate

HMDA data over the years shows that low-income and minority borrowers average higher rates on loans. However, because HMDA data does not include any reliable measure of credit history, analysis cannot conclude that the higher

⁷⁰ HMDA data tables are found in the Appendix.

⁷¹ <http://www.ffiec.gov/hmda/> (Home Mortgage Disclosure Act 2009)

⁷² Bill McBride, "HMDA Data on High Priced Loans," *Calculated Risk*, October 11, 2007. <http://www.calculatedriskblog.com/search/label/HMDA>.

rates are explained by the poorer credit of the borrowers. High priced lending data is collected to try to quantify the number of loans made at a level that will be explainable by either the loan's risk factor (whether the borrower has good or bad credit) or discrimination.⁷³ Discriminatory lending practices based on the protected classes are jurisdictional to the Fair Housing Act (FHAct), and for this reason, monitoring HMDA data on a regular basis can provide evidence of discriminatory lending practices.

Many factors that are not necessarily discriminatory can cause lending disparities. Therefore, HMDA data acts as a red flag that can help direct further investigation into discriminatory practices. If borrowers get a loan with a high interest rate (subprime) for good reason (i.e. they have poor credit histories and constitute a higher risk for lenders), then high interest rates do not need explanation. However, subprime loans are often concentrated in low-income and minority borrower groups and there is no basis to assume that these borrowers are more likely to have credit issues that warrant such loans than other borrower groups. This logic, based on HMDA data, helps to underscore how HMDA data can indicate possible discrimination.⁷⁴

NCRC 2008 Home Lending Analysis for El Paso

The National Community Reinvestment Coalition (NCRC) conducted a portfolio and market share analysis using 2008 Home Mortgage Disclosure Act (HMDA) data with the following specifications for the El Paso City, TX: all single-family lending, loans to owner-occupants, and first lien loans. All single-family loans include loans for home purchase, home improvement, and refinances.

For the portfolio share analysis, NCRC evaluated the prime (or market-rate) and high-cost lending performance by race and ethnicity of borrower (i.e. African American, non-Hispanic white, Asian, or Hispanic). Moreover, in order to control for income when assessing lending patterns to minorities in El Paso City, TX, NCRC also conducted two separate analyses for low- and moderate-income (LMI) minorities and middle- and upper-income (MUI) minorities. Lending patterns were then compared to the demographics of El Paso City, TX to illustrate potential lending disparities.

⁷³ Bill McBride, "HMDA Data on High Priced Loans," *Calculated Risk*, October 11, 2007. <http://www.calculatedriskblog.com/search/label/HMDA>.

⁷⁴ McBride, "HMDA Data on High Priced Loans."

The market share analysis compares the portion of high-cost loans made to a particular borrower group to all loans (market-rate loans plus high-cost loans) made to that same borrower group. The disparity ratio illustrates how much more often lenders made high-cost loans to one borrower group compared to another.

High-cost loans are those with the price information reported under the Home Mortgage Disclosure Act (HMDA). For more information about HMDA, please visit www.ncrc.org.

Market-rate loans are loans made at prevailing interest rates to borrowers with good credit histories. High-cost loans, in contrast, are loans with rates higher than prevailing rates made to borrowers with credit blemishes. The higher rates compensate lenders for the added risks of lending to borrowers with credit blemishes. While responsible high-cost lending serves legitimate credit needs, public policy concerns arise when certain groups in the population receive a disproportionate amount of high-cost loans. When high-cost lending crowds out market-rate lending in traditionally underserved communities, price discrimination and other predatory practices become more likely, as residents face fewer product choices.

The complete NCRC HMDA data analysis is in the Appendix.

Summary and Conclusions

- In El Paso City, Hispanic borrowers received a disproportionately high percentage of high-cost loans (81.53 percent), while Hispanics constitute 69.28 percent of El Paso City's households. In contrast, non-Hispanic whites received only 12.46 percent of all high-cost loans while they comprised 25.05 percent of all households during 2008.
- Both LMI Hispanics and MUI Hispanics received a disproportionate amount of high-cost loans. MUI Hispanics are 1.91 times more likely to receive a high-cost loan than MUI non-Hispanic whites. LMI Hispanics are 1.25 times more likely to receive a high-cost loan than LMI non-Hispanic whites during 2008. Ethnic disparities in lending increase as income levels increase in El Paso City.
- The denial disparity ratio of conventional loans is higher when comparing MUI Hispanics to MUI non-Hispanic whites than when comparing LMI Hispanics to LMI non-Hispanic whites. MUI Hispanics are 1.57 times more likely to be denied than MUI non-Hispanic whites, while LMI Hispanics

are 1.29 times more likely than LMI non-Hispanic whites to be denied. Ethnic denial disparities increase as income levels increase in El Paso City.

- The share of high-cost FHA loans for Hispanics was 1.13 times greater than their share of households in El Paso City. Hispanics also received a higher share of prime FHA loans (79.78 percent) than their share of households (69.28 percent). It should also be noted that Hispanics received a higher share of prime FHA loans than prime conventional loans (79.78 percent versus 66.65 percent). Since FHA loans are more expensive than prime loans, stakeholders should increase their efforts to make prime conventional loans to Hispanics.
- In contrast to Hispanics, non-Hispanic whites received shares of prime (13.85 percent) and high-cost (15.82 percent) FHA loans that were lower than their share of households (25.05 percent) in El Paso City. Non-Hispanic whites also received a share of prime conventional loans (of 24.05 percent) that was similar to their share of households and a share of high-cost conventional loans (12.46 percent) about one half of their share of households. In contrast to Hispanics, non-Hispanic whites received higher share of prime conventional loans than prime FHA loans.
- Ethnic denial disparities are observed for both conventional and FHA loans in El Paso City. Stakeholders should take steps to narrow disparities in both conventional and FHA lending.

enforcement activity & community survey

Fair Housing Enforcement: Complaints

Complaints from El Paso Processed by HUD

To evaluate fair housing complaints filed by El Paso residents SWFHC obtained complaints filed with HUD from 2005 to 2010. While these complaints help to determine types of housing discrimination occurring in El Paso, they do not provide an accurate measure of the prevalence of housing discrimination for several reasons:

- In jurisdictions lacking a comprehensive fair housing education and outreach program, individuals are generally not able to recognize housing discrimination and do not know where to go for help or how to file a complaint. Results of the Fair Housing Community Survey suggest that this situation exists in El Paso.
- The City of El Paso currently refers all complaints to the HUD Office in Fort Worth and logs complaints locally, but does not track and monitor those complaints. Furthermore, the number of questions, allegations, and complaints placed with the office is unknown.
- A private fair housing organization that is active in recording and processing fair housing complaints has had an uncertain presence in El Paso since 2007. SWFHC attempted to contact Border Fair Housing for complaint information but was unsuccessful. Border Fair Housing ceased to receive funding from HUD in 2007.
- Complaints can also be referred to the Texas Workforce Commission (TWC). Since the Texas Fair Housing Statute is substantially equivalent to the Federal Fair Housing Act, TWC has a Fair Housing Assistance Program (FHAP) agreement with HUD. All fair housing complaints filed with the TWC are supposed to be included in the HUD Teapots database. Table 37 provides details for fair housing complaints filed with or referred to HUD.

Because of the relatively small number of complaints recorded, caution is warranted in attempting to infer too much from the data. Nevertheless, the complaints do provide some indicator of the types of discrimination experienced in El Paso. Disability accounted for 43% of the complaints filed with or referred to HUD, followed by race (24%), familial status (22%), and national origin. These percentages do not deviate substantially from HUD's national averages. In their annual *Fair Housing National Trends Report* (2010), the National Fair Housing Alliance reported that 50% of all complaints received by HUD in 2009 were based on disability, 28% on race, 22% on familial status and 9% on national origin. These findings suggest that the Plan of Action should focus on disability, race, familial status, and national origin.

Table 21: Complaints from El Paso Filed with or Referred to HUD

Year Filed	Number	Basis*				Outcome			
		Race	NO	Disability	FS	No Cause	Conciliation	Withdrawn**	Other***
2005	17	3	2	10	7	11	4	1	1
2006	11	3	0	4	4	5	3	1	1
2007	3	2	0	2	0	3	0	0	0
2008	8	3	3	2	0	2	2	2	2
2009	3	1	1	1	0	0	1	0	2
2010 (as of Oct.)	3	0	0	3	0	0	2	1	0
Totals	45	12	6	22	11	21	12	5	6

Source: HUD Teapots database

* There can be more than one basis for a complaint

** A complaint can be withdrawn either with resolution or without. Three were withdrawn with resolution and two without.

*** "Other" included five complaints closed because of the failure of the complainant to cooperate and one case where the complainant elected to go to court.

It is important to note that fair housing complaints in El Paso dropped dramatically after HUD stopped providing funds to Border Fair Housing. The City used to refer fair housing complaints to the organization. Of the 45 complaints filed with HUD over the last six years, 28 (62%) were filed during the two years that Border Fair Housing was actively enforcing the FHAct. Currently, housing discrimination complaints are not handled locally but evidence suggests that El Paso would benefit from having a local fair housing agency. El Paso City Development has made efforts to encourage the development of such a private agency by sending out requests for proposals (RFPs) to conduct fair housing activities using \$25,000 of CDBG funds. El Paso has been unable to identify suitable applicants during the past two years.

Fair Housing Settlements

During an interview, a former staff member of Border Fair Housing stated that the organization had conciliated four cases for a total of approximately \$120,000 in monetary settlements between 2005 and 2007. Three of the cases were for advertising violations and one was discrimination on the basis of familial status.

Housing Discrimination Complaint Referral in El Paso

An important component of fair housing in any community is an effective referral system. People need to access the help they need when they encounter housing discrimination. Public and private agencies and organizations play an important role by referring clients to the appropriate entity if they believe they have experienced discrimination. Staff of such agencies should receive effective training about fair housing issues.

SWFHC attempted to contact 24 agencies and organizations in El Paso that dealt with housing issues or that people might contact should they have questions regarding housing discrimination. The purpose of this exercise was to determine if staff could accurately refer an anonymous caller to an agency that deals with housing discrimination complaints. SWFHC was able to make contact with 16 out of the 24 agencies and organizations. Of these 16 agencies, six (or 38%) were able to assist the anonymous caller or referred the caller to an appropriate agency; four of these six were public offices. Staff of one agency did provide the caller with an accurate referral, but stated they were unsure as to whether their referral was accurate. Staff of five agencies (31%) did not know where to refer the caller and three others offered inaccurate referrals (19%). In two cases, the caller was directed through a touch voice system that eventually led to a dead end.

While the investigation was not statistically significant, it does suggest that education and training on fair housing issues would be beneficial for public and private agency staff. Proper training could help improve the ability of these agencies to identify housing discrimination and properly refer their clients to help they need if encountered with housing discrimination.

Fair Housing Enforcement: Testing

Border Fair Housing is nonprofit fair housing organization that has conducted fair housing testing in previous years. It appears that Border Fair Housing is no longer in operation. Interviewees in El Paso were unsure whether or not the organization was functioning and the City of El Paso no longer refers complaints to them. The organization's Executive Director missed a scheduled interview with SWFHC and did not return phone calls. No one from the organization answered or returned phone calls from SWFHC. Efforts to track down results of any previous testing were not successful.

Fair housing testing is an important enforcement mechanism that is sorely lacking in El Paso. The City of El Paso should help form a local organization or collaborate with one to conduct fair housing testing.

Fair Housing Community Survey

Purpose and Methodology

The Southwest Fair Housing Council (SWFHC) designed a survey to understand fair housing issues, including patterns of housing discrimination, and distributed it throughout El Paso from August 2010 through October 2010. The survey came in the form of a one page printed questionnaire to be filled out in writing by the respondent. It was available in English and Spanish (copies of the survey are in the Appendix). A total of 247 surveys were completed, 167 in English and 80 in Spanish.

It is important to stress that the survey should not be viewed in isolation from the rest of the AI.

The SWFHC distributed the survey to targeted communities within El Paso whose members are most likely to encounter housing discrimination and provide their observations, perceptions, and opinions regarding housing discrimination. Survey results are one component of the AI along with several others including complaints, interviews, focus groups, articles, reports and studies. Though the

survey is not statistically significant, it provides insight into people's understanding of fair housing and their experience with housing discrimination. The results are provided in the next section. Not all questions were answered on every survey so the number of responses for each question is noted.

Survey Results

The first set of tables in this section identifies socio-economic characteristics of survey respondents and the second set of tables displays respondents' answers to questions about housing discrimination.

Socio-Economic Characteristics

Table 22: Race/Ethnicity

Race/Ethnicity	Percent of Responses (based on 247 responses)
White/Anglo	11%
Hispanic	70%
African American	16%
Native American	>1%
Mixed Race/Other	2%

Table 23: Sex

Sex	Percent of Responses (based on 227 responses)
Male	30%
Female	70%

Table 24: Disability

Disability	Percent of Responses (based on 114 responses)
Yes	39%
No	61%

Table 25: Family Status

Family Status	Percent of Responses (based on 195 responses)
Have Children in Household	64%
No Children in Household	36%

Table 26: Housing

Type of Housing	Percent of Responses (based on 220 responses)
Own	26%
Rent	40%
Other	34%

Table 27: Type of Employment

Employment Type	Percent of Responses (based on 210 responses)
The public sector	20%
The non-profit sector	17%
The private sector	17%
The housing industry	3%
Not employed	21%
Other	22%

Table 28: Household Income

Household Income	Percent of Responses (based on 26 responses)*
Under \$25,000	31%
\$25,000-\$50,000	54%
Over \$50,000	15%

*The vast majority of respondents did not answer this question. There were comments by many that they were uncomfortable answering it even though the survey was anonymous.

Survey Responses

Table 29: Respondents Encountering Discrimination

Have you or someone you know ever experienced discrimination?	Percent of Responses (Based on 245 responses)
Yes/May Have	48%
No	42%
Don't Know/Other	10%

Table 30: Local Area Discrimination

Do you believe housing discrimination occurs in your local area?	Percent of Responses (Based on 239 responses)
Yes	27%
Likely	37%
Unlikely	16%
No	19%

Table 31: Self-Help Remedies

What would you do if you encountered housing discrimination?	Percent of Responses (based on 239 responses)
Do nothing and seek other housing options	5%
Tell the person you believe they are discriminating	25%
Report it	50%
Would not know what to do	18%

Table 32: Types of Discrimination Reported by Respondents

(Respondent has either personally experienced or know someone who has)

Types of discrimination reported by respondents	Percent of Responses (based on 239 responses)
Refusing, discouraging, or charging more to rent an apartment or buy a home.	28%
Discouraging a person from living where they want to live. Steering them to another apartment, complex or neighborhood.	20%
Refusing, discouraging, making it more difficult or charging more or providing less favorable terms on a home loan to buy, refinance, fix up or use the equity in a home.	13%
Refusing, discouraging or charging more for home insurance.	10%
Refusing to make reasonable accommodations or allowing a modification to make an apartment more accessible for person with a disability.	19%
Predatory lending: Unfair, misleading and deceptive loan practices.	10%

Table 33: Types of Discrimination that Respondents Believe Exist in El Paso

Types of discrimination reported by respondents	Percent of Responses *
Refusing, discouraging, or charging more to rent an apartment or buy a home.	26%
Discouraging a person from living where they want to live. Steering them to another apartment, complex or neighborhood.	23%
Refusing, discouraging, making it more difficult or charging more or providing less favorable terms on a home loan to buy, refinance, fix up or use the equity in a home.	22%
Refusing, discouraging or charging more for home insurance.	8%
Refusing to make reasonable accommodations or allowing a modification to make an apartment more accessible for person with a disability.	28%
Predatory lending: Unfair, misleading and deceptive loan practices.	16%

* Many respondents identified more than one type of discrimination

Table 34: Knowledge of Housing Discrimination

How well informed are you about housing discrimination?	Percent of Responses (based on 239 responses)
Very informed/informed/somewhat informed	51%
A little/not enough/not at all	49%

Table 35: Reporting Discrimination

If you wanted to report housing discrimination, who would you report it to?	Percent of Responses (based on 239 responses)
Government agency (City, HUD, Housing Authority) that could help or refer	24%
Fair Housing Agency	3%
Other agency that may/may not have Fair Housing Information (police, complex manager)	21%
Don't know, No Answer	52%

Table 36: Respondent suggestions for ways to improve*

What do you think should be done to help prevent housing discrimination?	Percent of Respondents
Better Enforcement/Laws	23%
Education/Community Action	21%
Don't Know/Other	58%

*Some respondents gave more than one answer

Table 37: Most Common Zip Codes of Respondents

Zip Code*	Number of Respondents (Percent)
79936	32 (16%)
79915	25 (13%)
79924	20 (10%)
79925	15 (8%)
79905	12 (7%)
79912	11 (6%)

* The 198 respondents who listed their ZIP codes listed 27 different ZIP codes. Six of these Zip Codes accounted for 115 responses or approximately 60%. This table lists those six.

Summary

It bears restating that readers should view the results of the Fair Housing Community Survey in conjunction with the rest of the AI. The Survey is one component of the AI that records the observations, perceptions, and experience of community residents most at risk of encountering housing discrimination. Data from the survey are strong indicators of fair housing problems that will help to inform the Plan of Action.

Key findings from the survey include:

- About 48% of respondents believe they may have encountered housing discrimination or know someone that has.
- Approximately 64% of respondents believe that discrimination occurs or is likely to occur in El Paso, while 33% say it does not occur or is unlikely to occur.
- Of those that have encountered housing discrimination, 28% reported that it was refusing, discouraging, or charging more to rent an apartment or buy a home based on one or more of the seven protected classes. In addition, 20% reported steering and 19% discrimination based on disability.
- Of those who believe discrimination occurs in El Paso, 28% also reported that the most prevalent type of discrimination was refusing to make reasonable accommodations or allowing tenants to modify an apartment to be more accessible for persons with disabilities.
- Approximately 49% of respondents believe they are not well informed about housing discrimination.
- While half of Survey respondents indicated they would report housing discrimination when encountered, 52% stated they would not know where to report the incident; only 27% responded they would report the incident to an agency for help or referral; and a mere 3% indicated they would contact a fair housing organization.
- Nearly 58% of respondents reported they did not know what could be done to help prevent housing discrimination.

Indications of Impediments

Results of the Fair Housing Community Survey indicate that impediments to fair housing likely exist. Two main findings arise from the data:

- Housing discrimination is occurring in El Paso. While respondents experienced a wide range of discrimination types, steering in rental and sales were reported as the most prevalent. Disability was reported as the principal basis of discrimination in the rental market.
- Most residents are not well informed about housing discrimination, fair housing rights, or where to go for help if they encounter housing discrimination.

plan of action

The impediments and action steps that make up the Plan of Action are based on research and data that are presented and discussed in the body of the AI. It is important to read the AI in its entirety to understand the basis for the identification of impediments and the actions to eliminate them.

Introduction

Achieving a fair and equitable housing market for all El Paso residents depends on conducting a comprehensive analysis of factors that impact housing, identifying impediments to free choice in the housing market, developing effective plans of action to eliminate them, implementing them and then evaluating the results. This process is repeated every three to five years. However, the identification of impediments to fair housing choice and implementation of an action plan does not assure their elimination. They can become embedded in the cultural, political and institutional fabric as well as the built environment of communities and are very difficult to eliminate when they do. Some impediments are caused by local factors, and others can be influenced by national and global political, social and economic forces at play that are beyond state or community level solutions. Though a jurisdiction might not have direct control to correct certain impediments, it is nonetheless important to note them in the AI.

Review of 2004 AI

Review of Plan of Action and AFFH Activities

The first El Paso AI was completed during the 1996-1997 program year and was updated in 2004. In 1998, the City by separate ordinance established the Fair Housing Task Force that met for the first time in December 1998 and continues to meet. The Ordinance states the purpose of the Task Force as follows:

1. To review the current Analysis of Impediments to Fair Housing Choice in the City of El Paso.
2. To identify any additional impediments.
3. To develop a citywide strategy to address the impediments.
4. To make an annual report to City Council of the Task Force's recommendations and findings.

Fair housing actions are listed in El Paso's yearly CAPER. Most actions from year to year appear to be the same. Since little supporting evidence was provided, it is unclear whether the actions were actually repeated or if they were just cut and pasted from the previous year's CAPER.

The 2004 – 2005 CAPER removes two previously identified impediments that the task force deemed were no longer impediments and added two more. However, there are some new activities noted from year to year. The task force identified the impediments and took the actions listed below since 2004. For the review that follows, the actions taken for each impediment are generally repeated yearly. If the same activity was repeated yearly in the CAPERs, it is noted only once and is not broken down by year. New actions noted in subsequent CAPERs are broken down by year. Much of the text is taken from CAPERs provided by the City of El Paso. More detailed information can be found in the CAPERs included in the Appendix.

Impediments and Actions 2003 – 2004

Impediment #1

There is a lack of education within the community concerning fair housing rights.

Actions

- The Fair Housing Officer and task force members distributed fair housing information to individuals and organizations.
- For the month of April 2004, in recognition of National Fair Housing Month, special efforts were made to emphasize fair housing.
- The Fair Housing Task Force presented its report to City Council on the status of its review of the impediments to fair housing choice.

- The Department of Community and Human Development sponsored a booth for the “Dia de los Ninos, Dia de los Libros” to provide educational material to families on their fair housing rights. Attendance was estimated to exceed 32,000.
- Fair housing brochures and information were distributed at the Lower Valley Health Fair.
- The Fair Housing Officer, as well as the Americans with Disabilities Act (ADA) Coordinator, attended and presented information at a housing conference for persons with disabilities sponsored by VOLAR Center for Independent Living. A HUD representative presented detailed information on fair housing law.
- The task force was successful in getting a housing authority representative to serve on the task force.
- In August 2003, the Fair Housing Officer sponsored a booth and gave a presentation at a conference for adults with disabilities, which was called “Our Lives.” Information was distributed and presented to explain the fair housing law, reasonable accommodations and the complaint process. In addition, the City’s ADA Coordinator (who is also a member of the task force) presented information on accessibility surveys.
- The Fair Housing Outreach Coordinator employed by VOLAR attended Fair Housing Task Force meetings. The coordinator also provided numerous education and outreach opportunities to the public, which were detailed in the 2004 task force report to City Council.
- A new fair housing enforcement agency was established in June 2004 and was invited to attend the Fair Housing Task Force meetings and share pertinent information.
- In May 2004, the Fair Housing Officer and the ADA Coordinator presented information to the Northeast Optimist Club, with an attendance of approximately thirty individuals.
- A web page on fair housing is included on the City of El Paso’s web site on the Internet, which provides information on the Fair Housing Act, how to initiate a housing complaint, and who to contact for additional information.
- There were approximately 136 inquiries related to fair housing, of which 105 families received first-time home buyer information, 13 people requested information related to tenants rights issues (such as repairs), and 18 inquiries were from families who thought their rights had been violated under the fair housing law. The 18 families with inquiries that

were related to fair housing discrimination received information, including an explanation of the Fair Housing Discrimination Act, the HUD 903 Booklet and complaint form and the Fair Housing Officer's offer of assistance in the preparation and forwarding of the complaint forms to HUD in Fort Worth, where the Fair Housing Enforcement Division is located. People with complaints were referred to the local fair housing enforcement agency (Border Fair Housing and Economic Justice Center).

Impediment #2

NIMBYism (Not in My Backyard). In El Paso, this attitude has manifested itself more as a bias against income and a fear of property devaluation. One way to help alleviate this attitude is to ensure that diverse community groups participate in the housing development process.

Actions

The task force reviewed a federal government study on NIMBYism.

Impediment #3

The lack of availability of affordable homeowners insurance precludes some minority applicants and persons with disabilities from home ownership opportunities.

Actions

Informational pamphlets on how to obtain affordable insurance were distributed by the Housing Programs Division of the Department of Community and Human Development to the public and to applicants of the first-time homebuyers program. This information was also distributed at various seminars and community events that were attended by the Fair Housing Officer during the past year.

Impediment #4

There is a high percentage of households at or below poverty level, which limits the choices of affordable housing.

Actions

First-time home ownership programs for low-income families were started to increase housing choice.

Impediment #5

There is reluctance on the part of landlords to rent to persons receiving government housing assistance.

Actions

This impediment has been determined to be one that requires continuous education and outreach in the El Paso community. The year of 2003 had very favorable outcomes in the area of recruitment of new landlord participation in the Section 8 Choice Program. According to the El Paso Housing Authority, a total of 443 new landlords were added as participants. This increase is largely due to the education seminars offered to property management companies and owners. During 2003, the following education seminars were conducted:

July 16, 2003 - Fair Housing Act Accessibility Training

Presented by: Greater San Antonio Fair Housing Council and the El Paso Apartment Association.

Attended by: Architects, Contractors, Non-Profit Housing Organizations, Community Activists, Realtors, Property Owners and Managers.

Attendees: 150

September 4, 2003 - Section 8 Housing Choice Voucher Program Session IV

Presented by: El Paso Housing Authority

Attended by: Property Owners and Potential Section 8 Participants

Attendees: 27

Impediment #6

Lack of affordable accessible apartment units and single-family rental housing for persons with disabilities.

Actions

The Apartment Accessibility Verification Survey was conducted in 1996 and requires updating. The task force was in the process of updating the survey but does not appear to have finished.

Impediment #7

There is a perception on the part of complainants that resolution of fair housing complaints is a very lengthy process.

Actions

Since there is no local enforcement organization, all fair housing complaints must be submitted and processed through the Southwest Region's Fair Housing Enforcement Center, with the Department of Housing and Urban Development (HUD), located in Fort Worth. The City unsuccessfully attempted to obtain designation by HUD as a substantially equivalent fair housing agency several years ago.

Impediment #8

The City's policy regarding funding for accessibility modifications for renters.

Actions

The City of El Paso's Department of Community and Human Development (DCHD) provides funding for accessibility modifications to property owners (instead of the renters). Through the Community Development Block Grant (CDBG) program, an owner may apply for a zero interest loan of up to \$3,000 for barrier removal under the "Investor-owned" Program. Property owners may apply for low interest loans (0% to 3% maximum) to repair their properties. However, they in turn must ensure that their units are rented to low-income families for a pre-determined affordability period (10 to 20 years). Since this type of obligation cannot be placed on the renter, it is a requirement that only the owners of the property are eligible for this program.

In addition, if an individual owns a single-family home, they may apply for up to \$3,000 in the form of a grant for accessibility modifications.

No data regarding the outcomes of this program were available.

Impediment #9

The ADA Coordinator is supervised by the Director of Community Development.

Actions

For better understanding of this impediment, the task force reviewed the previous fair housing report to City Council and saw that impediment #9's wording reflected a perceived lack of autonomy necessary to enforce fair housing law. In response, the task force reviewed ADA office procedures, questioning whether the ADA office's organizational location impeded compliance with the Fair Housing Act. The task force also discussed and researched how the office might be more responsive to the disabled community.

The task force concluded that the current organizational placement of the ADA Coordinator does not impede compliance with fair housing law. We recommend that no further task force action is needed.

Impediment #10

Zoning ordinances may cause effectual discrimination against people with disabilities and other protected classes.

Actions

El Paso zoning ordinances are consistent with the law regarding treatment of residents on the basis of race, color, national origin, religion, sex, or familial status, the protected area of disability more complicated to evaluate. Since the Fair Housing Act was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning group living arrangements, particularly for persons with disabilities.

The task force met with the City's Legal and Planning Departments to identify subtle ways El Paso land use policies and practices may cause effectual discrimination against persons with disabilities or those living in group homes. In our discussions, we returned many times to a concern that parts of the zoning and building code unfairly inconvenience the disabled when they seek to retrofit their homes to make them accessible. The Planning Department confirmed that the City's ordinance has a mechanism providing "reasonable accommodation" to afford persons with disabilities an equal opportunity to use and enjoy housing. For example, the City will waive a setback requirement so that a travel path can be provided to residents who have mobility impairments. Also, some costs for disability-related retrofit projects are funded by DCHD for qualified individuals.

The task force also looked at how the Subdivision Ordinance can be enhanced to integrate persons with disabilities into the community: a goal of the Fair Housing Act's 1988 amendment. In our inquiry, we familiarized ourselves with the current work of Building and Zoning Advisory Committee (BZAC) and the Accessibility Advisory Board, two active committees addressing this issue. We agreed that these are the appropriate committees to influence policy so that our community becomes more navigable for the mobility impaired, and thus better integrated.

The task force believes that City's Legal and Planning Departments helped to clarify that El Paso zoning practices, as well as proposed policy rewrites, do not conflict with requirements of the Fair Housing Act. We recommend that no further task force action is needed on Impediment Ten.

Impediment #11

There is evidence to suggest that the mortgage denial rates for conventional lending are often disproportionately higher among minority applicants and people with disabilities in El Paso.

Actions

The task force reviewed existing research to familiarize itself with the impediment. The task force's findings and recommendations will be included in the report to City Council.

Impediment #12

Advocates for the disabled recommend that the Community Development Department's policies, procedures and practices should be reviewed for possible effectual discrimination against persons with disabilities, as follows:

- To review and evaluate the current mechanism to assure that no housing proposal will be funded without an adequate review for addressing fair housing issues of protected classes.
- The City should designate a portion of its CDBG and HOME funds, in the form of a grant, as stated in Impediment #8, for projects designed to meet the rental, housing rehabilitation and home ownership needs for people with disabilities. The task force further recommends that individuals and representatives for persons with disabilities be consulted prior to development of the designated set aside.

- The City should cite in its Requests for Housing Proposals that it acknowledges that the unit cost per square foot of either new construction or rehabilitation may exceed standard builder's costs for spec homes built on contiguous lots, or when demolition and relocation are included in a project.

Actions

The task force is in the process of reviewing existing research to familiarize itself with this impediment. Plans are underway to ensure this impediment receives considerable review and the task force's findings and recommendations will be included in the next Report to City Council.

Impediments and Actions 2004 – 2008

The CAPERs between 2004 and 2008 show that the impediments and actions were mostly the same as for 2003 – 2004. The major changes were:

- The task force deemed that Impediment #9, "The ADA Coordinator is supervised by the Director of Community Development" and Impediment #10, "Zoning ordinances may cause effectual discrimination against people with disabilities and other protected classes" were not impediments and therefore did not include them in these CAPERs.
- Two new impediments were identified, "The City should review/identify additional protected classes to include in its fair housing ordinance" and "Financial literacy – the need to educate potential homebuyers on the loan process."

Listed below are newly identified impediments and any additional actions taken between 2004 and 2008.

Impediment #11

The City should review/identify additional protected classes to include in its fair housing ordinance.

Action

This new impediment was derived from community meetings. The task force planned to review the impediment in detail.

No evidence was provided to show that the task force acted upon this impediment.

Impediment #12

Financial literacy – the need to educate potential homebuyers on the loan process.

Action

The task force planned to review this impediment in detail.

No evidence was provided to show that the task force acted upon this impediment.

Actions for Impediment #1 (2004 – 2005)

There were approximately 100 inquiries related to fair housing, of which 65 families received first-time home buyer information, 15 people requested information related to tenants rights issues (such as repairs), and 20 inquiries were from families who thought their rights had been violated under the fair housing law.

Actions for Impediment #1 (2005 – 2006)

There were approximately 100 inquiries related to fair housing, of which 60 families received first-time home buyer information, 20 people requested information related to tenants rights issues (such as repairs), and 20 inquiries were from families who thought their rights had been violated under the fair housing law.

Actions for Impediment #1 (2006 – 2007)

There were approximately 85 inquiries related to fair housing, of which 45 families received first-time home buyer information, 25 people requested information related to tenants rights issues (such as repairs), and 15 inquiries were from families who thought their rights had been violated under the fair housing law.

Actions for Impediment #1 (2007 – 2008)

There were approximately 15 inquiries related to fair housing, of which 2 households received first-time home buyer information, 8 people requested information related to tenants rights issues (such as repairs), and 5 inquiries

were from families who thought their rights had been violated under the fair housing law.

Non Fair Housing Related Impediments

A number of the impediments identified by the fair housing task force are not fair housing related, or at least no explanation is given as to why they are. The following impediments (as noted in this section) are not fair housing issues:

- **Impediment #4:** There is a high percentage of households at or below poverty level, which limits the choices of affordable housing.
- Lack of affordable housing is not necessarily a fair housing issue unless it disproportionately affects protected classes. Based on El Paso's demographic profile, affordable housing is a fair housing issue because protected classes, persons with disabilities and national origin for example, are disproportionately lower income and therefore require more affordable housing options.
- **Impediment #5:** There is reluctance on the part of landlords to rent to persons receiving government housing assistance.
- This is not necessarily a fair housing issue unless there is evidence protected classes disproportionately use government assistance. Though it is a reasonable hypothesis, evidence should be provided.
- **Impediment #12** (from the 2004 – 2008 CAPERs): Financial literacy – the need to educate potential homebuyers on the loan process.
- Some link needs to be made between the need for financial literacy and protected classes. If no link is made to protected classes, this issue should be covered in the Consolidated Plan.

Carryover Impediments

Progress has been made on some of the previously identified impediments. However, due to the entrenched nature of fair housing impediments, some impediments carry over from AI to AI. The following impediments carryover from previous AIs to this AI:

- The public is not sufficiently aware of their fair housing rights and the fair housing resources that are available to them.

- Home Mortgage Disclosure Act (HMDA) analysis shows that protected classes experience disparities in home mortgage lending and high-cost loans.
- “Not in my Backyard” (NIMBY) attitudes can impede the construction of affordable housing in high opportunity areas thereby limiting housing choice.

Conclusions

In many ways, the City of El Paso, through the Fair Housing Task Force and with the help of Border Fair Housing and Economic Justice Center, was progressive and proactive in taking actions to remedy the fair housing impediments identified in the 2004 AI. Details of actions taken were documented by the City of El Paso in the yearly CAPERs. Yearly CAPERs from program year 2003 – 2004 to 2007 – 2008 were provided to SWFHC. Some of the CAPERs are in the Appendix for reference. The task force attempted to address many of the impediments and seemed to make progress when it was active. Fair housing trainings were offered, fair housing information was available at events and fair housing presentations were given. The Fair Housing Officer was in close contact with disability advocates and provided fair housing education and outreach to the disabled community. The City also worked closely with the nonprofit fair housing organization, Border Fair Housing and Economic Justice Center (Border Fair Housing), to resolve fair housing complaints.

The City of El Paso has an affirmative marketing policy for HOME projects. Details can be found in the Appendix.

El Paso provided copies of its CAPERs to SWFHC as documentation of its fair housing activities. However, supporting evidence and other materials were not provided. The 1996 AI was unavailable and the 2004 AI appears to be a list of impediments and actions taken to remedy them that appears in subsequent CAPERs. CAPERs and other documents related to fair housing are not available to the public on the internet, making it difficult for the public to be aware of and evaluate fair housing activities. Much of the information in the CAPERs is cut and pasted from the previous year’s report. In addition, more evidence should be provided to back up statements made in the CAPERs. All fair housing activities should be logged in detail with copies of any materials that were distributed to the public. The task force meeting minutes and presentations to the City Council should be included. Otherwise, it is unclear whether the task force is making the required yearly presentation to the City Council. Monitoring, evaluation and

publication of fair housing activities needs improvement so that fair housing efforts can be evaluated adequately in the AI and by community groups, nonprofits, housing providers and the public at large.

All monitoring and evaluation materials should be easily accessible and readily available for review. CAPERs are required by HUD and do provide insight into fair housing activities, but they do not provide sufficient data or documentation to fully understand the extent of fair housing activities. According to the HUD *Fair Housing Planning Guide*, if adequate records are not kept, it can only be assumed that no fair housing activities took place.

It appears that the City of El Paso's fair housing activities have dropped off in recent years. The Fair Housing Task Force did not meet for nearly four years prior to meeting in July 2010 for a presentation by SWFHC at the beginning of the AI process. In addition, the nonprofit organization Border Fair Housing has ceased to function or is functioning on a very limited basis. The city collaborated with Border Fair Housing to resolve fair housing complaints, but no longer does so. No organization has taken over the fair housing activities, including testing and complaint enforcement that used to be done by Border Fair Housing.

Furthermore, the City of El Paso has not integrated the AI and its Plan of Action into its city planning, residential development, transportation and other areas that play an integral role in the City's obligation to affirmatively further fair housing. El Paso's 2005 – 2010 Consolidated Plan makes little mention of fair housing other than to list impediments. Fair housing planning and the AI must be acknowledged by and integrated into the Consolidated Plan. Though the AI is a standalone document, it is part of the Consolidated Plan.

2011 Impediments and Plan of Action

Background

El Paso has undergone a dramatic change over the past few decades, nearly doubling its population since 1970. The city will encounter significant new challenges in the next few years due in part to the expansion of Fort Bliss and Mexican residents moving there to escape drug violence. While El Paso has been a “majority minority” community since its inception, this has not been reflected in the political decision making structure until the last few decades and after the

passage of federal laws protecting civil rights and fair housing. The blatant and institutionalized racism that was common in the 40s, 50s and into the 60s has, for the most part, dissipated, and El Paso today is a diverse community that is continuing down the path of racial and ethnical inclusiveness in its political, economic and social spheres. However, fair housing impediments do exist. The historical forces of discrimination become embedded in the fabric of the community and require a long-term concerted effort to reverse. City government appears to have the intent to develop a community that is equitable for all residents and free from fair housing impediments.

A few of the impediments identified in 2010 carry over from El Paso's previous AI because they continue to pose barriers to fair housing. Their persistence is indicative of the fact that in some cases, they have become embedded in the social, cultural, political and institutional fabric of certain communities, and their eradication will continue to require a long-term commitment to affirmatively furthering fair housing (AFFH) and expanding fair housing choice.

Two national events have occurred since the completion of El Paso's 2004 AI that have had a major impact on fair housing. They are reflected in El Paso's carryover and newly identified impediments. The first event was the collapse of the housing market. This led to a much tighter credit market, a severe economic recession, a dramatic increase in unemployment and large tax revenue decreases resulting in dramatic cuts in public services among other things. However, it should be noted that housing markets and the overall economic climate in Texas and the City of El Paso are not nearly as bad as they are in other parts of the country. Still, El Paso has been affected and the fallout from these events has typically hit minorities and other protected classes the hardest.⁷⁵

The second major event, the Westchester case, reverberated throughout fair housing circles. The case is a factor in HUD's renewed emphasis on affirmatively furthering fair housing (AFFH) requirements for CDBG jurisdictions. Although AFFH has been mandatory for several years, HUD has begun to define clearly its meaning and more strictly enforce its requirements. This will have a strong impact on future AIs and plans of action. The plan of action will require review and confirmation by the City of El Paso. Only the City can evaluate their capacity to implement its plan of action effectively.

⁷⁵ Michael Powell, "Blacks in Memphis Lose Decades of Economic Gains," *New York Times*, May 30, 2010.

The City of El Paso will also elaborated a five-year timeline that shows when activities will be completed before this AI is finalized. The timeline demonstrates El Paso's long-term commitment to carrying out its fair housing Plan of Action and will help El Paso to better track its fair housing activities for reporting and for future AIs. The timeline will follow the Plan of Action below.

Impediment #1

Illegal housing discrimination is occurring in El Paso.

Direct, indirect and anecdotal evidence from complaints, the community survey, demographic analysis, interviews, focus group meetings and informal discussions with residents indicate that housing discrimination is occurring in El Paso. This includes the following:

- Steering in both rental and sales based on race, national origin, disability and familial status.
- Refusal to rent and/or disparate treatment based on disability, race, national origin or familial status.
- Refusal to provide reasonable accommodations or allow reasonable modifications for persons with disabilities.

This evidence shows a need for improvements in fair housing enforcement, particularly the complaint process and fair housing testing.

Improved Complaint Intake and Processing

When Border Fair Housing and Economic Justice Center was active there was a local provider of fair housing assistance and a clear point of referral for residents and public and private agencies and organizations to refer their clients and contacts. This is no longer the case and if referrals are made to the City, people are referred directly to HUD. Possible victims of housing discrimination can be reticent to follow up their local contact with one on a federal level. They do not have an opportunity to work with a local fair housing agency, which can answer their questions and allay their doubts and fears in proceeding with a complaint. In addition, a local fair housing agent may be able to resolve a fair housing issue to the benefit of a client quickly through informal mediation. This is often the case in situations where a fair housing violation is caused by lack of knowledge by a provider rather than intent.

HUD Approved Fair Housing Testing

HUD approved fair housing testing is one way of documenting housing discrimination. Testing was conducted by Border Fair Housing and Economic Justice Center in 2005 and 2006. They are no longer active in El Paso, which has hindered attempts to obtain the results of the test. Border Fair Housing has not been funded since that time and SWFHC found no evidence that testing has occurred in El Paso within the last four to five years. Testing is an important component in affirmatively furthering fair housing for a number of reasons including the following:

- Testing can help to determine the types, location and prevalence of housing discrimination occurring in El Paso and focus resources where they are most needed.
- Testing helps prevent housing discrimination by discouraging housing providers from engaging in practices that violate FHAct.
- Testing can be used as evidence in complaints. It may strengthen a complaint against a provider violating FHAct or indicate that a complaint may not be meritorious.

Action #1

1. El Paso will follow the complaint procedure that will be reviewed and revised pursuant to an amended city of El Paso Fair Housing ordinance and instruct all appropriate city personnel in its use. El Paso currently has a Fair Housing Compliance Officer but clarification and more promotion of the procedure is needed.
2. El Paso will provide written complaint procedures in flyer or pamphlet form and provide these with training to staff members of private agencies that encounter clients and people who may encounter housing discrimination. The complaint procedure will also comply with an amended Fair Housing Ordinance.
3. El Paso will require a log of all contacts regarding fair housing complaints and allegations be documented by the City and/or collaborative agencies.
4. El Paso will expand efforts to identify local fair housing providers that can assist people with fair housing issues by taking and processing complaints. The City of El Paso will coordinate with local, state, and

federal resources, where available, to address these responsibilities. This may include use of CDBG funds.

5. El Paso will fund HUD approved fair housing testing within the City of El Paso.

Impediment #2

The public is not sufficiently aware of their fair housing rights and the fair housing resources that are available to them.

Evidence from complaints, the community survey, interviews, focus groups and informal discussions with residents indicates that many housing consumers are unaware of their fair housing rights and available fair housing resources. When housing discrimination is encountered, it often goes unreported and unresolved.

The community survey revealed that 49% of El Paso residents felt they were not well informed about fair housing and 52% stated that they would not know where to report a fair housing complaint. This is compounded by the fact that most agencies in El Paso that may receive housing discrimination allegations are not able to refer people accurately with fair housing questions or issues. Only 1 in 6 private agencies that SWFHC polled were able to refer people with a fair housing complaint accurately. The fact that there is currently no local source for complaint processing helps to explain why few complaints are recorded despite evidence of housing discrimination occurring in El Paso.

Action #2

1. El Paso will facilitate the provision of fair housing trainings and presentations to make housing consumers more aware of housing discrimination and better informed about where to go for help. Trainings and presentations can be part of other events. Fair housing literature will be distributed at events, trainings and presentations. El Paso will facilitate the provision of training sessions annually to groups of housing consumers and will distribute fair housing literature (hard copy or electronic) annually. Materials will be available in English and Spanish. Distribution sites will include city offices, libraries, CBDG funded agencies, websites and other public and private venues.
2. El Paso will collaborate with public and private agencies, organizations and groups to plan and conduct fair housing activities.

3. El Paso will issue a proclamation annually announcing April as Fair Housing Month and conduct an annual event within the city to celebrate.

Impediment #3

Census tract data shows residential patterns of protected class concentrations based on race and national origin that are higher than would be expected in a housing market free of discrimination. Residential concentrations also exist based on disability.

Contrary to the statement in El Paso's 2004 AI, the current analysis identified evidence that protected class concentrations do exist in El Paso. The fact that El Paso is a majority minority community does not necessarily mean that there are no minority or other protected class concentrations.

The "Racial and Ethnic History" section discusses the fact that prior to the 1980s there was significant residential segregation in El Paso. Past discrimination, which was blatant and codified prior to the 1960s, may have been responsible for creating segregated neighborhoods. Once these patterns become established, they often become entrenched and perpetuated by perceptions and attitudes in the community.

The El Paso demographic analysis showed that several census tracts in El Paso have Hispanic, White non-Hispanic, black and disabled populations that are significantly disproportionate to what would be expected in a free housing market. Such disparities raise a red flag regarding the possibility of the disparate impact of public policies and illegal private practices occurring such as steering. Public policies that can effect minority concentrations can include those concerned with zoning, Section 8 vouchers, public housing and Low Income Housing Tax Credit (LIHTC).

A disturbing trend that was evidenced in a comparison 2000 Census data and 2009 ACS data is that minority concentrations in a number of census tracts increased.

Action #3

1. El Paso will carry out and monitor fair housing activities to meet the fair housing goals and objectives that city staff and residents have defined in the AI.

2. El Paso will explore strategies to create and implement affirmatively marketing strategies for protected class concentration areas. New housing developments, for which the City provides incentives, will include AFFH strategies that work towards the city's larger goal of reducing segregated housing patterns. Efforts will be reviewed, monitored and evaluated by the Fair Housing Task Force and a report provided annually to the City Council as specified by ordinance. The report will also be included in the CAPER.
3. The zoning code and development process will be reviewed to determine consistency with El Paso's fair housing goals and objectives. El Paso will explore ways that zoning can coordinate and integrate with the goals and objectives to affirmatively further fair housing to reduce the protected class disparities in residential areas. For example, the implementation of inclusionary zoning will be explored.
4. El Paso will encourage plans to locate affordable housing outside of protected class concentration areas to further its goal to establish a diverse community with equitable housing opportunities for all residents as defined by state and federal fair housing laws.

Impediment #4

The Analysis of Impediments to Fair Housing Choice (AI) is not well integrated with the Consolidated Plan.

Although the AI is a standalone document, it is in fact a part of the consolidated planning process. Therefore, the AI's goals, objectives, and the plan of action need to be integrated into and/or inform community development, planning, transportation, housing, and other areas that should play a role in satisfying the City's AFFH obligation. Housing-related programs and projects alike, but not limited to, NSP, downtown and neighborhood redevelopment, zoning, inspection and code enforcement need to incorporate plans to affirmatively further fair housing consistent with the AI. .

Action #4

Fair housing should be a key consideration for all city housing related policies, programs and practices. Most importantly, fair housing should be a major factor in the Consolidated Plan (Con Plan). Currently, the Con Plan is drafted independent of the AI with little or no review or analysis to determine if the

proposed programs and projects are consistent with fair housing requirements including AFFH. El Paso will provide for better integration of fair housing into city policies and practices, and, in particular for housing and community development by taking the following actions:

1. City approved housing-related programs and projects, plans or initiatives will include an AFFH plan.
2. The AI will be made available to the community so that they understand El Paso's fair housing goals and the obligation to implement them.
3. Federally and City funded housing-related programs and projects will be reviewed, evaluated and monitored for consistency with El Paso's fair housing goals and the AI Plan of Action.

Impediment #5

Home Mortgage Disclosure Act (HMDA) analysis shows that protected classes experience disparities in home mortgage lending and high-cost loans.

The HMDA analysis revealed that in El Paso Hispanic loan applications were denied at a substantially higher rate than non-Hispanic whites and that Hispanics received a significantly higher proportion of high cost loans than non-Hispanic whites.

While the higher denial rate is problematic, even more damaging in the long run may be the higher percentage of high cost loans. Normally defaults and foreclosures increase with high cost loans. In El Paso, despite the increased percentage of these loans for Hispanics, the rate of foreclosure was surprisingly low. Nevertheless high cost loans extract money from household incomes reducing opportunities for families in areas such as education, health and home improvements. When residential concentrations based on national origin also occur, neighborhoods suffer with less money available for housing upkeep and improvements. This can precipitate neighborhood deterioration and play a role in neighborhood disinvestment and redlining. Once the cycle of disinvestment begins in a neighborhood, history has shown it is difficult and costly to reverse.⁷⁶

⁷⁶ Payday loans are another form of abusive lending occurring in El Paso that is related to fair housing. Payday loan outlets have increased and are essentially unregulated. Interest rates (APRs) can amount to several hundred percent and when consistently “flipped” by operators are a significant drain on household incomes and can lead to serious financial problems for borrowers including repossessions, garnishments and mortgage defaults. Payday loans often target low-income residents, who in El Paso, are disproportionately Hispanic (members of a protected class).

Action #5

1. El Paso will collaborate with organizations to provide trainings for people at risk of foreclosure and promote counseling efforts to people wanting a loan modification.
2. An annual anti-predatory lending workshop will be presented in El Paso and marketed to public and private agency staff, housing consumers and housing providers. HMDA data analysis will be examined and used to work with local lenders, organizations, grassroots groups and others to help reduce disparities in home mortgage lending and high-cost loans.
3. El Paso will distribute information on predatory and abusive lending practices.

Impediment #6

“Not in my Backyard” (NIMBY) attitudes can impede the construction of affordable housing in high opportunity areas thereby limiting housing choice.

NIMBY attitudes often manifest at public hearings and meetings where residents come together and express opposition to projects that benefit the community but face opposition from the narrow interests of vocal citizens. At times communities can impede fair housing by requiring public hearings when they are not necessary and only offer opportunities for NIMBYism to manifest.

NIMBYism is not only expressed in public, but also in privately lobbying public officials, op-ed articles and networking. While NIMBYism is not illegal, it often obscures race-based opposition to issues such as affordable housing, Section 8 vouchers and group homes.

SWFHC’s investigation revealed that a number of individuals expressed concern that NIMBYism occurred in El Paso in respect to the location of affordable housing. The City should be aware and take preventative action.

Action #6

1. Implement the comprehensive strategy to provide fair housing education and outreach outlined in Action #2.
2. Conduct forums, workshops and presentations to provide residents an opportunity to learn about the benefits of affordable housing and diversity

in neighborhoods and address their concerns regarding affordable housing projects.

Impediment #7

Monitoring, evaluation and data collection of fair housing activities is inadequate.

El Paso has not sufficiently monitored, evaluated and collected data regarding its fair housing activities. Data received by SWFHC to evaluate fair housing activities was inadequate. All fair housing activities and related documentation should be on file for review by the Fair Housing Task Force, to conduct the AI report and for the general public. Without sufficient and organized data, it is difficult to track the progress of the previous Plan of Action and assemble the AI. The HUD “Fair Housing Planning Guide” states that if evidence of fair housing activities is unavailable or not provided, it can only be assumed that none were undertaken. The file should include details of education and outreach efforts, events, complaints, testing, and AFFH planning and other related information. Simply stating what activities have occurred is insufficient. Evidence and documentation should be available to back up any statements. El Paso needs to improve and formalize this process so that it can receive full credit for the activities it conducts.

Action #7

The City of El Paso will design and formalize a method for collecting and logging fair housing information and making it available for reporting.

Impediment #8

The City’s Fair Housing Ordinance is not an effective enforcement tool and does not accurately reflect current fair housing complaint and grievance procedures.

The City of El Paso adopted a fair housing ordinance in 1992.⁷⁷ Shortly after its enactment, HUD determined that the ordinance was not substantially equivalent to the federal Fair Housing Act. Therefore, the City has not obtained local enforcement agency status.

Maintaining a fair housing ordinance in the City Code which purports to provide a full range of local enforcement actions, but which in actuality is not approved

⁷⁷ El Paso City Code, Title 17-Housing, Chapter 17.20-Fair Housing Ordinance. (Ord. 11230 § 1(part) 1992).

by HUD as established, does not provide the public with an accurate understanding of the City's procedures for addressing fair housing complaints nor does it provide a clear message on the scope of local enforcement and remedies available for violations of local fair housing laws.

Action #8

Amend the Fair Housing Ordinance so that the ordinance accurately reflects the City's fair housing complaint procedures and the enforcement mechanism available for violations of fair housing laws. Concurrently, the City will re-assess its determination not to seek substantial equivalency status. In order for El Paso's ordinance to be effective, the City must provide education and outreach informing residents of what the ordinance means and how they can use it when necessary. The City should also improve implementation of enforcement mechanisms and record keeping. The City will take the following actions:

1. Ensure that adequate resources are available for fair housing education, outreach, monitoring and enforcement.
2. Keep an electronic database with the details of fair housing inquiries and complaints received. The data collected in the database should be reviewed on a yearly basis by the fair housing task force to help evaluate and improve the state of fair housing in El Paso.
3. Publicize El Paso's commitment to prosecuting fair housing discrimination so that the public is aware of its fair housing rights and resources.
4. The City's fair housing webpage should be updated and easily accessible. Currently, the information on the page is inadequate and does not facilitate filing a complaint. The webpage should include details of the City's amended fair housing ordinance and the resources provided by the City. The page should also include resources for completing and submitting a complaint.

Recommendations Regarding Type A Accessibility

There is an unresolved disagreement regarding the proportion of Type A rental units to be required in new construction beyond minimal federal requirements. The conflict threatens to impede affordable housing development as well as the availability of accessible units and programs for persons with disabilities. This

issue was discussed in some detail in this AI. Alternatives and recommendations to address this include:

1. The City Council has taken action to reduce the proportion of Type A units above the federal minimum from 5% to 3%, but appeared to leave it open to reevaluation if more information on need can be provided. Based on suggestions offered in interviews, the City will consider funding an agency to develop and maintain a database to track the location and availability of Type A units. This database would serve two purposes. First, it would help connect customers seeking a Type A unit with complexes that have them for rent. Second, it would provide an indication of the actual market for Type A units. It is anticipated the duration of the data collection would be approximately 18 months.
2. A recommendation will be made on whether to change the percentage of Type A accessible units required in new multi-family construction, as appropriate, based upon the analysis of the data.

Recommendations for Improving AFFH Efforts

1. Work with the City's development services, developers and residents to ensure that new affordable housing and multifamily housing are distributed throughout the city and do not exacerbate areas of minority concentration.
2. Conduct a meeting with financial institutions serving the community to discuss the implications of the Community Reinvestment Act (CRA), the need for financial institutions to broaden lending practices to all geographic locations, and encourage them to support community revitalization efforts. The HMDA data analysis in the Appendix can provide a strong factual basis to address lending disparities in El Paso and encourage banks to steer additional funds towards community development projects. The National Community Reinvestment Coalition can provide more information and resources regarding the use of HMDA data and banks' CRA obligations.
3. Survey the special housing needs of minorities, persons with disabilities, and other protected classes to determine any effects of discrimination. Once the City has a better understanding of how discrimination actually occurs within El Paso, the City can implement policies that are more

effective at eliminating discrimination. A survey can also help to understand perceptions about certain parts of town, provision of public services, and placement and maintenance of infrastructure. Once city officials have a better understanding of public perceptions within the community, the City can launch a marketing campaign to clear up any misperceptions and separate myths from reality. Perceptions, whether true or not, can seriously affect where people choose to live and can serve to reinforce segregated housing patterns.

4. Revamp the Fair Housing Task Force and assign it the responsibility for fair housing issues including monitoring and evaluating the execution of the AI Plan of Action. The Task Force should develop a monitoring procedure to ensure compliance with fair housing laws, requirements and obligations.
5. Review local zoning and discuss the impacts of existing zoning on multifamily and/or less expensive single-family construction in order to modify zoning to permit or facilitate construction.
6. Investigate the following issues and remedy them if they are found to exist:
 - a. Are realtors hesitant to show minorities and other protected classes rental or ownership units in certain areas of the community or in certain apartment buildings or subdivisions?
 - b. Do the financial institutions in the community or in nearby jurisdictions consistently fail to provide mortgage money or home improvement loans in certain areas of the community? HMDA data can help to determine mortgage-lending patterns. HMDA data is included in this report.
 - c. Are some public housing projects in the community occupied by all minorities and/or all whites?
 - d. Are the quality and quantity of public services and facilities located in areas with protected class concentrations comparable to the quality and quantity of public services in other areas?
7. Incorporate and review fair housing planning into every housing program. The City will review and follow HUD's AFFH guidelines. HUD's website

contains the Fair Housing Planning Guide and other information about promoting fair housing: www.hud.gov/offices/fheo/promotingfh.cfm.

El Paso Plan of Action Timeline

CITY OF EL PASO PLAN OF ACTION TIMEFRAME					
	Yr 1 FY 2010/11	Yr 2 FY 2011/12	Yr 3 FY 2012/13	Yr 4 FY 2013/14	Yr 5 FY 2014/15
Goal #1 – Prevent illegal housing discrimination					
Action 1.1					
Define a complaint procedure	X	X			
Review/Revise local complaint procedures	X	X	X	X	X
Train appropriate City personnel in complaint procedures	X	X	X	X	X
Action 1.2					
Provide Fair Housing complaint procedures in flyer or pamphlet form	X	X	X	X	X
Provide training to private agencies who may have clients that encounter housing discrimination	X	X	X	X	X
Action 1.3					
Create /maintain a contact log of Fair Housing complaints and allegations	X	X	X	X	X
Action 1.4					
Expand efforts to identify local Fair Housing providers	X	X	X	X	X
Goal #2 – Increase public awareness					
Action 2.1					
Distribute FH literature	X	X	X	X	X
Facilitate FH Presentations for the public		X	X	X	X
Action 2.2					
Collaborate with public and private agencies to plan and participate in FH activities	X	X	X	X	X
Action 2.3					
Celebrate April as Fair Housing Month	X	X	X	X	X
Issue FH Month Proclamation	X	X	X	X	X
Goal #3 – Decrease residential patterns of protected class concentrations based on race, national origin and disability					
Action 3.1					
Carryout and monitor FH activities	X	X	X	X	X
Action 3.2					
Create/implement affirmative marketing strategies in protected class concentration areas	X	X	X	X	X
Efforts will be reviewed, monitored and evaluated by the Fair Housing Task Force	X	X	X	X	X

	Yr 1 FY 2010/11	Yr 2 FY 2011/12	Yr 3 FY 2012/13	Yr 4 FY 2013/14	Yr 5 FY 2014/15
FH Task Force will provide annual report to City Council and include in CAPER	X	X	X	X	X
Action 3.3					
Review of zoning code and development process for consistency with FH goals and objectives	X	X	X	X	X
Action 3.4					
Encourage and foster plans to locate affordable housing in non-minority concentration areas	X	X	X	X	X
Goal #4 – Increase collaboration among City departments and programs regarding FH strategies and goals					
Action 4.1					
City approved housing-related programs and projects, plans or initiatives will include AFFH plan	X	X	X	X	X
Action 4.2					
The AI will be made available to the Community	X	X	X	X	X
Action 4.3					
Federal and City-funded housing-related programs and projects will be reviewed, evaluated and monitored for consistency with El Paso's Fair Housing goals and the AI Plan of Action	X	X	X	X	X
Goal #5 – Decrease the disparities in home Mortgage lending and high-cost loans					
Action 5.1					
Collaborate with organizations to provide foreclosure prevention	X	X	X	X	X
Action 5.2					
Coordinate/present an annual anti-predatory lending workshop and market to public and private agency staff, housing consumers and providers	X	X	X	X	X
Action 5.3					
Distribute information on predatory lending Practices	X	X	X	X	X

	Yr 1 FY 2010/11	Yr 2 FY 2011/12	Yr 3 FY 2012/13	Yr 4 FY 2013/14	Yr 5 FY 2014/15
Goal #6 – Take preventive action to impede NIMBYism					
Action 6.1					
Provide FH Education and Outreach strategies	X	X	X	X	X
Action 6.2					
Conduct forums, workshops and presentations to residents about the benefits of affordable housing and diversity in neighborhoods and address neighborhood concerns regarding affordable housing projects	X	X	X	X	X
Goal #7– Formalize monitoring, evaluation and data collection of fair housing activities	X	X	X	X	X
Goal #8 – Amend the City’s Fair Housing Ordinance					
Action 8.1					
Ensure adequate resources are available for fair housing education, outreach, monitoring and enforcement	X	X	X	X	X
Action 8.2					
Keep an electronic data base of Fair Housing complaints, inquires and allegations (see 1.3)	X	X	X	X	X
Review data base with Fair Housing Task Force annually	X	X	X	X	X
Action 8.3					
Publicize El Paso’s commitment to prosecuting fair housing discrimination	X	X	X	X	X
Action 8.4					
Update the City’s fair housing web page	X	X	X	X	X

appendix

El Paso Demographic Data by Census Tract

Table 38: Race and Ethnicity of Northeast El Paso Residents by Census Tract – Census 2000

Northeast El Paso Census Tracts	Total Population in number	Non-Hispanic White (%)	Black (%)	American Indian (%)	Asian (%)	Other (%)	Hispanic – any race (%)	Foreign-born (%)	Persons speaking English “not well” or “not at all” (%)
1.01	6,320	35.7	10.7	0.5	4.5%	12.6	47.0	20.4	6.9
1.06	5,266	40.4	14.5	0.6	4.4%	9.7	38.3	15.0	4.7
1.07	6,033	22.3	10.1	0.7	2.5%	19.1	64.1	25.7	12.3
1.08	2,884	29.7	5.5	1.1	1.2%	18.0	62.7	21.3	10.7
1.09	4,093	19.1	4.3	0.7	0.7%	23.7	73.8	27.3	12.1
1.10	3,698	30.0	9.6	0.9	1.8%	17.6	57.1	21.3	11.2
1.11	2,824	44.4	13.8	13.8	3.7%	11.9	35.0	15.1	3.3
1.12	4,700	26.9	9.2	1.1	1.4%	19.2	61.3	19.8	17.6
2.03	7,122	21.8	7.0	0.8	1.3%	20.0	68.5	21.7	12.6
2.04	5,332	29.1	8.3	0.8	1.9%	17.5	59.1	22.2	10.9
2.05	4,055	21.6	6.9	1.9	1.4%	22.2	69.5	31.3	18.5
2.06	4,739	24.8	3.8	0.7	1.3%	20.2	69.4	24.4	14.7
3.01	6,777	12.4	4.7	0.8	0.7%	26.3	81.8	35.3	21.7
3.02	5,946	11.5	3.0	1.0	0.9%	24.5	84.0	28.4	16.6
4.01	5,679	50.3	8.5	0.6	3.2%	8.1	35.8	13.1	3.0
4.03	2,908	22.1	5.1	0.8	1.6%	20.3	70.0	19.1	9.4
4.04	4,324	7.1	4.4	0.7	0.6%	26.1	88.0	30.1	25.5
102.06	7,795	32.3	17.2	0.4	3.2%	13.3	44.3	14.0	4.9
102.07	2,266	33.9	7.5	0.8	1.2	15.0	54.6	14.5	9.6

Source: U.S. Census Bureau, Census 2000

*The designations of “White, Black, American Indian, and Asian” refer to people who consider themselves one race.

Table 39: Race Ethnicity of Northwest El Paso Residents by Census Tract – Census 2000

Northwest El Paso Census Tracts	Total Population in number	Non-Hispanic White (%)	Black (%)	American Indian (%)	Asian (%)	Other (%)	Hispanic – any race (%)	Foreign-born (%)	Persons speaking English “not well” or “not at all” (%)
11.04	7,427	33.1	2.1	0.6	2.0	10.2	61.9	21.6	11.2
11.05	6,417	23.7	2.5	0.5	1.5	17.0	71.5	25.1	17.2
11.07	7,605	46.2	1.3	1.3	3.8	8.2	47.5	20.2	5.7
11.09	4,431	60.6	0.8	0.8	2.1	4.3	35.5	22.1	4.0
11.10	4,468	47.5	1.7	1.7	2.6	7.8	46.5	22.9	7.5
11.11	4,649	33.1	3.5	3.5	2.0	17.2	60.2	23.1	6.2
11.12	4,650	43.7	1.7	1.7	2.0	7.6	51.4	15.9	4.1
11.13	6,390	37.5	2.1	2.1	2.5	11.9	56.9	24.1	8.9
12.01	5,617	10.6	1.8	1.8	0.3	17.3	86.9	27.0	19.3
12.02	4,614	27.2	2.1	2.1	2.8	18.1	67.0	26.4	9.3
12.03	1,018	4.4	0.5	0.3	0	20.7	94.6	26.6	28.9

13.01	3,568	54.6	0.8	0.4	1.0	7.2	42.3	9.6	4.2
13.02	7,109	52.8	0.5	0.4	1.2	7.7	44.4	14.5	5.7
14.00	2,172	14.1	3.5	0.5	4.4	18.3	77.5	37.9	12.8
102.04pt	4,811	42.2	0.6	0.5	0.3	7.5	55.9	17.5	9.4
102.08pt	12,010	7.6	0.5	0.2	0.1	6.1	91.9	39.9	22.5
102.09pt	17,708	34.4	1.8	0.5	3.1	10.9	60.1	23.1	9.7

Source: U.S. Census Bureau, Census 2000

Table 40: Ethnicity of Central El Paso Residents by Census Tract –Census 2000

Central El Paso Census Tracts	Total Population in number	Non-Hispanic White (%)	Black (%)	American Indian (%)	Asian (%)	Other (%)	Hispanic – any race (%)	Foreign-born (%)	Persons speaking English “not well” or “not at all” (%)
5.00	3,107	42.9	28.1	1.6	1.4	9.1	21.5	5.0	0.9
6.00	4,675	10.2	2.7	0.7	0.4	22.7	86.0	31.7	18.7
7.00	711	49.4	21.2	0.6	3.2	8.6	21.2	9.1	7.0
8.00	6,033	8.0	3.8	0.5	0.4	17.1	87.9	38.2	22.7
9.00	7,556	10.0	1.1	0.8	0.4	16.6	88.1	28.7	19.0
10.01	3,465	8.2	0.8	1.0	0.3	13.2	90.6	30.8	19.2
10.02	4,189	6.3	1.9	0.7	0.4	19.9	92.5	34.0	25.1
15.01	5,001	39.8	1.9	0.6	2.1	9.1	55.0	23.5	11.0
15.02	2,848	39.7	3.1	0.5	3.8	8.2	52.4	26.1	8.9
16.00	5,249	12.2	1.6	0.8	1.1	12.9	84.7	37.1	23.4
17.00	1,797	8.7	1.8	0.7	0.2	6.5	89.6	24.9	15.4
18.00	1,521	2.8	0.0	1.2	0	21.2	96.6	50.3	49.8
19.00	3,400	2.3	0.5	1.8	0	15.5	97.4	54.7	42.0
20.00	3,141	1.8	1.1	1.1	0	16.7	97.6	42.9	40.0
21.00	3,129	3.0	0.7	0.6	0.8	14.2	96.0	51.7	45.6
22.01	3,611	14.9	1.1	0.4	0.5	16.9	83.3	32.8	26.2
22.02	5,453	6.2	0.9	1.0	0.1	14.6	92.5	46.7	34.2
23.00	5,049	7.4	0.8	1.0	0.1	19.8	91.7	35.6	22.2
24.00	3,919	9.3	0.6	0.7	0.2	15.5	89.7	35.4	26.9
25.00	6,426	11.7	0.6	0.9	0.3	16.6	86.9	31.6	19.5
26.00	3,596	3.5	3.3	0.8	0.1	17.5	92.9	37.7	23.9
28.00	6,064	1.8	1.1	0.6	0.0	17.6	97.3	46.2	43.4
29.00	1,780	1.0	1.1	0.4	0.3	14.9	98.0	47.7	41.2
30.00	4,582	2.8	0.4	0.6	0.0	18.6	96.4	38.7	24.8
31.00	3,873	2.8	0.6	0.9	0.1	17.2	96.4	33.1	25.9
32.00	3,242	1.6	0.8	1.2	0.2	20.5	96.9	38.2	26.4
33.00	6,090	9.2	0.8	0.8	0.3	16.3	89.1	30.6	20.6
34.01	6,079	9.8	3.4	1.0	1.2	19.5	84.9	24.2	20.7
36.01	4,604	3.3	0.5	0.5	0.4	20.3	95.7	35.7	28.2
36.02	3,570	5.1	1.0	0.7	0.4	18.5	93.5	37.2	30.0
101.03pt	2,815	61.8	18.8	1.0	4.7	5.8	12.9	6.4	3.2

Source: U.S. Census Bureau, Census 2000

Table 41: Ethnicity of East El Paso Residents by Census Tract – Census 2000

East El Paso Census Tracts	Total Population in number	Non-Hispanic White (%)	Black (%)	American Indian (%)	Asian (%)	Other (%)	Hispanic – any race (%)	Foreign-born (%)	Persons speaking English “not well” or “not at all” (%)
34.03	5,867	21.5	4.5	0.9	1.5	20.4	71.4	16.9	8.0
34.04	6,266	35.7	3.8	0.5	1.1	6.9	58.5	15.9	6.8
43.03	6,101	27.1	2.6	0.6	0.4	12.1	69.1	16.6	7.3
43.05	8,128	29.2	3.9	0.9	2.0	11.4	63.9	16.8	5.4
43.07	5,859	29.4	3.4	0.5	2.1	14.8	64.4	16.0	6.9
43.09	4,536	19.8	2.4	0.5	0.8	16.8	76.3	17.8	8.0
43.10	5,628	19.5	3.9	1.0	0.4	14.6	75.6	20.3	10.8
43.11	4,755	28.5	3.6	0.6	1.0	13.4	66.2	16.3	7.7
43.12	5,449	26.5	3.5	0.7	0.7	15.5	68.6	18.3	7.3
43.13	3,387	26.2	4.3	0.4	1.1	17.6	67.9	22.4	12.6
43.14	6,136	13.6	2.1	0.9	0.9	18.0	82.5	25.2	11.6
43.15	9,536	11.2	2.3	0.6	1.2	20.2	84.6	20.3	11.6
43.16	6,083	8.6	1.3	0.8	0.8	21.2	89.0	24.4	15.2
103.03	3,552	24.2	4.1	0.5	1.2	17.9	69.3	15.3	24.4
103.07	7,002	14.8	3.7	0.5	0.9	17.2	80.4	20.7	28.1
103.11	5,980	18.1	3.3	0.3	0.8	23.7	76.8	18.4	10.0
103.12	4,565	22.7	3.9	0.7	1.0	19.0	71.5	20.2	9.8
103.13	15,150	7.8	1.8	0.6	0.5	36.1	88.9	25.9	14.3
103.14	13,200	17.4	2.3	0.6	1.3	21.4	78.1	22.6	10.4
103.15pt	1,691	14.1	1.9	0.3	1.0	48.9	82.4	24.6	15.1
103.16	4,579	18.0	3.8	0.9	0.9	22.4	76.4	22.2	14.0
103.17	4,778	15.7	3.4	0.6	0.9	17.6	79.1	20.6	12.8
103.20pt	18,067	12.0	1.0	0.5	0.4	24.7	86.5	31.7	21.8
103.21	11,687	9.0	1.9	0.6	1.1	25.3	87.8	24.5	11.9

Source: U.S. Census Bureau, Census 2000

Table 42: Ethnicity of Lower Valley El Paso Residents by Census Tract– Census 2000

Lower Valley El Paso Census Tracts	Total Population in number	Non-Hispanic White (%)	Black (%)	American Indian (%)	Asian (%)	Other (%)	Hispanic – any race (%)	Foreign-Born (%)	Persons speaking English “not well” or “not at all” (%)
35.01	3,213	6.5	0.5	1.0	0.0	23.2	92.4	33.2	26.2
35.02	4,798	5.2	1.0	1.5	0.1	21.5	93.2	28.8	17.3
37.01	4,853	4.4	0.4	0.6	0.3	17.8	94.9	33.7	22.5
37.02	4,964	3.6	0.6	0.6	0.1	20.1	95.7	3.1	27.5
38.01	6,147	2.9	0.3	0.3	0.0	20.5	96.7	32.4	22.4
38.03	3,564	5.7	0.3	1.0	0.2	19.7	93.5	31.4	17.2
38.04	4,096	4.9	0.5	1.3	0.2	21.9	94.1	33.2	21.3
39.01	4,160	5.5	0.3	1.2	0.0	19.0	93.6	31.6	22.4
39.02	2,400	3.1	0.6	2.3	0.0	27.5	95.0	27.5	23.6
39.03	6,085	2.1	0.7	1.1	0.1	24.2	97.1	33.3	26.8

40.02pt	8,294	3.0	0.4	5.4	0.1	22.6	93.5	34.8	26.3
40.03	7,052	1.9	1.3	1.2	0.4	29.7	96.8	33.8	23.9
40.04	6,062	2.3	0.4	1.2	0.1	26.3	96.7	32.1	19.4
41.03	6,588	6.0	0.8	0.8	0.2	24.0	92.6	27.4	18.3
41.04	7,128	5.2	0.4	1.0	0.0	20.1	94.0	27.6	17.6
41.05	3,939	3.1	2.6	0.6	0.3	24.9	94.0	30.8	26.5
41.06	5,761	3.5	0.8	0.9	0.1	25.2	95.5	30.7	23.0
41.07	1,586	10.8	1.3	0.9	0.0	18.2	87.5	22.5	13.2
42.01	6,804	3.1	3.9	0.9	0.3	31.9	92.2	31.8	23.0
42.02	6,337	4.7	3.4	1.1	0.3	25.8	91.1	26.1	17.1
104.01pt	6,051	1.2	0.3	1.4	0.1	24.5	98.2	35.0	26.2

Source: U.S. Census Bureau, Census 2000

Table 43: Selected Social and Economic Characteristics by Census Tract for Northeast El Paso – Census 2000

Northeast El Paso Census Tracts	Number Households	Average Household Size	Median Household Income	Percentage of households living below poverty level (%)	Family Households (%)	Persons with a disability (%)	Persons with a disability living below poverty level (%)
1.01	2240	2.79	\$47,130	11.0%	75.7%	22.1%	2.7%
1.06	1762	2.98	\$52,021	10.4%	85.3%	21.4%	3.4%
1.07	1826	3.31	\$33,125	14.0%	85.5%	26.2%	4.9%
1.08	968	2.99	\$27,416	23.6%	78.6%	25.5%	5.8%
1.09	1223	3.37	\$29,601	22.7%	83.5%	29.8%	7.1%
1.10	1434	2.68	\$23,474	30.8%	68.0%	22.5%	7.0%
1.11	1098	2.46	\$40,130	5.6%	70.5%	20.5%	2.0%
1.12	1470	3.16	\$37,079	11.6%	82.1%	20.6%	3.0%
2.03	2142	3.33	\$29,195	20.2%	82.4%	22.2%	4.7%
2.04	1691	3.12	\$34,547	18.2%	79.2%	22.1%	4.9%
2.05	1493	2.71	\$20,896	29.8%	65.1%	26.4%	8.5%
2.06	1508	3.16	\$33,912	15.8%	80.4%	25.5%	4.8%
3.01	2184	3.14	\$20,246	36.0%	74.4%	23.3%	8.7%
3.02	1715	3.44	\$25,972	29.4%	84.3	21.5%	6.2%
4.01	2425	2.34	\$47,118	4.3%	67.4%	21.4%	2.0%
4.03	964	3.02	\$29,800	17.3%	78.7%	29.8%	7.2%
4.04	1270	3.35	\$12,837	59.8%	78.2%	22.9%	13.5%
102.06	2245	3.44	\$51,496	6.5%	90.7%	11.6%	0.3%
102.07	750	3.13	\$35,000	12.7%	82.3%	17.0%	3.9%

Source: U.S. Census Bureau, Census 2000

Table 44: Selected Social and Economic Characteristics by Census Tract for Northwest El Paso – Census 2000

Northwest El Paso Census Tracts	Number Households	Average Household Size	Median Household Income	Percentage of households living below poverty level (%)	Family Households (%)	Persons with a disability (%)	Persons with a disability living below poverty level (%)
11.04	2,807	2.61	\$40,055	11.6%	66.7%	13.1%	2.8%
11.05	2,487	2.58	\$27,530	22.0%	61.6%	23.0%	5.9%
11.07	2,625	2.90	\$63,357	7.0%	76.9%	15.2%	2.0%
11.09	1,698	2.61	\$74,375	2.5%	76.4%	11.4%	0.4%
11.10	1,893	2.36	\$47,250	11.1%	64.2%	14.4%	1.3%
11.11	2,238	2.08	\$32,523	14.7%	49.6%	13.8%	2.2%
11.12	1,697	2.74	\$44,815	11.5%	77.3%	19.6%	3.3%
11.13	2,622	2.44	\$42,017	9.1%	63.1%	19.2%	3.1%
12.01	1,577	3.55	\$25,057	31.4%	84.9%	16.0%	5.4%
12.02	1,508	3.03	\$50,606	11.1%	77.7%	18.5%	1.8%
12.03	292	3.45	\$16,304	42.1%	84.9%	23.9%	13.3%
13.01	1,283	2.78	\$61,393	5.3%	77.9%	15.0%	0.9%
13.02	2,310	3.07	\$74,000	4.4%	84.1%	10.0%	0.8%
14.00	911	2.26	\$16,827	33.7%	49.7%	26.6%	7.4%
102.04pt	1,538	3.13	\$60,757	10.9%	82.5%	16.6%	2.8%
102.08pt	3,175	3.78	\$22,650	30.3%	87.8%	23.5%	7.1%
102.09pt	5,528	3.18	\$57,758	9.1%	83.1%	13.0%	2.5%

Source: U.S. Census Bureau, Census 2000

Table 45: Selected Social and Economic Characteristics by Census Tract for Central El Paso – Census 2000

Central El Paso Census Tracts	Number Households	Average Household Size	Median Household Income	Percentage of households living below poverty level (%)	Family Households (%)	Persons with a disability (%)	Persons with a disability living below poverty level (%)
5.00	827	3.76	\$31,140	6.9%	97.2%	9.6%	1.6%
6.00	1,517	3.08	\$22,836	31.1%	77.1%	18.0%	6.5%
7.00	153	3.56	\$31,289	13.3%	94.8%	10.5%	1.7%
8.00	1,979	3.05	\$20,542	31.7%	75.6%	28.2%	10.2%
9.00	2,505	2.99	\$23,075	25.2%	72.2%	23.0%	7.3%
10.01	1,179	2.94	\$28,692	19.4%	73.5%	24.5%	6.5%
10.02	1,371	3.06	\$24,500	25.7%	74.4%	25.5%	6.7%
15.01	2,187	2.29	\$39,091	12.2%	57.0%	13.6%	2.7%
15.02	1,126	2.23	\$46,707	18.6%	54.7%	19.0%	5.2%
16.00	2,069	2.52	\$18,111	38.6%	54.3%	29.9%	12.3%
17.00	338	2.62	\$13,125	48.9%	58.3%	33.8%	14.6%
18.00	497	2.91	\$10,833	54.5%	65.0%	29.2%	16.5%
19.00	1,033	3.29	\$9,007	73.0%	69.6%	28.8%	20.5%
20.00	1,005	3.13	\$10,880	58.9%	73.2%	30.9%	4.3%
21.00	1,138	2.69	\$8,940	67.0%	56.25	35.3%	25.5%
22.01	1,226	2.70	\$18,764	37.4%	64.0%	24.8%	10.0%

22.02	1,880	2.84	\$15,526	44.6%	62.9%	30.2%	11.8%
23.00	1,709	2.95	\$23,300	26.3%	74.4%	27.3%	7.0%
24.00	1,263	3.07	\$22,719	31.1%	75.5%	25.4%	8.1%
25.00	2,159	2.92	\$29,368	22.1%	73.3%	26.8%	6.1%
26.00	1,155	3.11	\$22,089	28.1%	76.0%	34.3%	8.2%
28.00	1,825	3.32	\$12,660	52.7%	77.4%	27.3%	14.3%
29.00	573	3.10	\$12,174	55.1%	73.7%	29.5%	12.2%
30.00	1,339	3.34	\$14,852	43.4%	81.6%	30.0%	12.1%
31.00	1,233	3.13	\$20,743	35.3%	76.4%	26.7%	9.6%
32.00	962	3.37	\$19,131	36.1%	81.8%	27.0%	8.6%
33.00	2,236	2.72	\$22,549	25.0%	66.5%	26.8%	5.9%
34.01	2,048	2.63	\$21,686	23.9%	68.1%	29.4%	6.6%
36.01	1,346	3.42	\$22,051	25.8%	82.6%	25.0%	5.8%
101.03pt	403	3.32	\$17,009	2.3%	93.8%	26.4%	13.4%

Source: U.S. Census Bureau, Census 2000

Table 46: Selected Social and Economic Characteristics by Census Tract for East El Paso – Census 2000

East El Paso Census Tracts	Number Households	Average Household Size	Median Household Income	Percentage of households living below poverty level (%)	Family Households (%)	Persons with a disability (%)	Persons with a disability living below poverty level (%)
34.03	2,304	2.54	\$31,316	14.6%	67.1%	21.4%	4.1%
34.04	2,629	2.38	\$45,957	6.2%	65.6%	22.5%	2.3%
43.03	2,047	2.98	\$39,600	9.1%	80.4%	21.9%	2.9%
43.05	3,310	2.45	\$37,946	8.8%	63.8%	20.4%	2.4%
43.07	2,053	2.85	\$51,875	7.4%	79.8%	15.4%	0.6%
43.09	1,483	3.06	\$51,227	8.4%	85.2%	14.3%	1.5%
43.10	1,854	3.04	\$34,435	22.7%	79.1%	18.7%	4.1%
43.11	1,689	2.81	\$42,083	7.2%	75.8%	18.5%	1.8%
43.12	2,000	2.67	\$42,799	12.8%	73.0%	15.6%	3.6%
43.13	1,264	2.52	\$38,725	15.2%	66.5%	14.3%	3.3%
43.14	1,751	3.43	\$40,692	12.7%	85.1%	14.2%	2.5%
43.15	2,547	3.73	\$49,125	11.1%	91.4%	7.3%	1.0%
43.16	1,775	3.38	\$36,974	15.5%	82.0%	18.2%	4.7%
103.03	1,157	3.07	\$41,146	9.8%	79.1%	21.3%	3.3%
103.07	2,202	3.18	\$33,601	20.3%	81.6%	17.0%	4.2%
103.11	1,817	3.29	\$39,028	15.8%	82.6%	18.0%	5.0%
103.12	1,365	3.34	\$45,396	7.0%	85.6%	12.2%	0.9%
103.13	4,262	3.55	\$36,720	11.3%	89.1%	15.6%	2.1%
103.14	3,809	3.42	\$47,334	10.9%	86.5%	11.5%	2.2%
103.15pt	513	3.30	\$34,143	3.5%	86.4%	2.2%	0.0%
103.16	1,403	3.26	\$34,871	15.8%	84.5%	16.5%	2.9%
103.17	1,398	3.42	\$40,570	15.1%	87.3%	16.7%	1.9%
103.20pt	4,737	3.81	\$32,659	19.2%	90.4%	18.9%	5.0%
103.21	3,237	3.61	\$45,560	7.5%	91.3%	14.1%	1.8%

Source: U.S. Census Bureau, Census 2000

Table 47: Selected Social and Economic Characteristics by Census Tract for Lower Valley El Paso – Census 2000

Lower Valley El Paso Census Tracts	Number Households	Average Household Size	Median Household Income	Percentage of households living below poverty level (%)	Family Households (%)	Non - institutionalized Population age 5+ with a disability (%)	Persons age 5+ with a disability living below poverty level (%)
35.01	995	3.23	\$25,711	25.5%	81.5%	23.5%	6.0%
35.02	1,430	3.30	\$21,795	32.0%	81.2%	21.8%	7.7%
37.01	1,426	3.39	\$24,286	27.1%	84.1%	24.5%	7.7%
37.02	1,521	3.25	\$20,925	33.9%	83.6%	26.2%	9.3%
38.01	1,795	3.40	\$25,821	25.4%	86.0%	23.0%	5.6%
38.03	958	3.61	\$30,364	23.4%	47.5%	20.1%	6.4%
38.04	1,188	3.52	\$23,140	25.1%	84.8%	20.9%	5.0%
39.01	1,229	3.34	\$21,563	34.7%	82.8%	22.4%	7.1%
39.02	671	3.64	\$22,554	25.6%	85.7%	31.4%	8.9%
39.03	1,666	3.66	\$20,515	40.5%	86.7%	26.7%	9.8%
40.02pt	2,104	3.95	\$26,994	28.6%	91.6%	18.9%	5.5%
40.03	1,930	3.65	\$25,827	28.8%	88.5%	21.0%	6.0%
40.04	1,514	3.93	\$34,107	17.5%	93.3%	19.1%	3.7%
41.03	1,953	3.40	\$22,185	36.6%	85.1%	19.5%	7.6%
41.04	1,952	3.61	\$34,423	13.2%	87.7%	19.0%	1.3%
41.05	1,280	3.05	\$19,550	34.7%	73.0%	25.3%	6.8%
41.06	1,681	3.50	\$27,277	24.0%	86.1%	24.1%	7.0%
41.07	417	3.52	\$41,281	17.0%	92.1%	21.5%	4.4%
42.01	1,999	3.42	\$23,138	30.8%	85.3%	23.3%	8.0%
42.02	2,027	3.14	\$25,269	25.3%	80.8%	19.1%	4.0%
104.01pt	1,505	4.00	\$26,809	29.7%	92.3%	21.3%	7.7%

Source: U.S. Census Bureau, Census 2000

Actions Taken to Affirmatively Further Fair Housing – September 1, 2003 through August 31, 2004

The City completed its Analysis of Impediments to Fair Housing Choice during the 1996-1997 Program Year. Seven Fair Housing Impediments were identified and the most important action item that was recommended to alleviate the impediments was the establishment of a Fair Housing Task Force.

The Ordinance that established the Fair Housing Task Force was approved in April 1998, and the Task Force held its first meeting in December 1998. The Task Force is comprised of nine voting members and nine ex-officio members. Each City Council Representative appoints one voting member and the Mayor appoints the Chairperson. The nine ex-officio members are from various

organizations throughout the community and are appointed by their perspective Directors. The Fair Housing Officer serves as the Secretary.

Purpose:

As stated in the Ordinance, the purpose of the Fair Housing Task Force is: (1) to review the current Analysis of Impediments to Fair Housing Choice in the City of El Paso (prepared by the Department of Community and Human Development); (2) to identify any additional impediments; (3) to develop a city-wide strategy to address the impediments; and (4) to make an annual report to City Council of the Task Force's recommendations and findings.

Strategy:

During the initial Task Force meetings, the strategy was to review the seven impediments identified by the Department of Community and Human Development and the additional impediments submitted by advocates for the disabled community. As a result of subsequent meetings, some impediments that were similar in nature have been grouped together. The Task Force members were organized into four sub-committees to review the impediments and make recommendations to the Task Force as a whole.

On April 20, 2004, the Task Force presented its third report to City Council. Since that time, the Task Force has continued to meet, review and analyze the Impediments to Fair Housing Choice. In an effort to obtain additional community input, the Task Force invited the Non-Profit Housing Organizations, the Community Housing Development Organizations, the Neighborhood Associations and various other agencies throughout the City to attend an open forum meeting. The agencies shared their opinions and insights on their perceptions of the Impediments to Fair Housing Choice. Their ideas and recommendations will be reviewed at future Task Force Meetings, for inclusion as additional impediments that require research and action.

As part of the in-depth review of the impediments, some revisions were made to the impediments to allow for easier review and research. Following is a summary of the identified impediments, as well as recommendations from the Task Force and actions taken during this period – September 1, 2003 through August 31, 2004:

- 1. Impediment One – “There is a lack of education within the community concerning Fair Housing rights.”**

Action Taken:

During the past year, the Fair Housing Officer and Task Force members distributed information to numerous individuals and organizations. For the month of **April 2004**, in recognition of National Fair Housing Month, special efforts were made to emphasize Fair Housing:

The Fair Housing Task Force presented its report to City Council on the status of its review of the Impediments to Fair Housing Choice. The Task Force members were introduced to the public and City Council. Announcements were made for locations where presentations on Fair Housing rights could be attended.

The Department of Community and Human Development sponsored a booth for the “Dia de los Ninos, Dia de los Libros”, which is “Day of the Children/Day of the Books. The purpose was two-fold: to uplift the children and to provide educational material to the families on their rights under the Fair Housing Law. This was an all-day celebration and attendance was estimated to exceed 32,000 people. There were games and prizes for children of all ages. Information was distributed concerning Fair Housing, First-time Homebuyer’s Program, Housing Rehabilitation Program, Tenant’s Rights and Homeowner’s and Automobile insurance.

Fair Housing brochures and information were distributed at the Lower Valley Health Fair.

The Fair Housing Officer, as well as the Americans with Disabilities Act (ADA) Coordinator, attended and presented information at a housing conference for persons with disabilities, which was sponsored by VOLAR Center for Independent Living. The Fair Housing Officer covered information concerning the housing programs that are available through the Department of Community and Human Development, which included the First-time Homebuyer’s Program, the Housing Rehabilitation Program and the Accessibility Grant. Betsy Darling, who is an Attorney with the HUD Fair Housing Enforcement Center in Fort Worth, presented detailed information on Fair Housing law.

The Task Force has been working closely with the Housing Authority and has been successful in getting a representative to serve on the Task Force. During Fair Housing Month 2003, the Housing Authority held a Section 8 Voucher Holder Housing Fair at their location. The Fair was their first undertaking to bring together Voucher Holders and prospective renters at the same time, in an

effort to improve the processing time. The Fair was so successful that the Housing Authority planned several additional Fairs of this nature and consequently another Voucher Holder Fair was held in September 2003, which was also very successful.

In August 2003, the Fair Housing Officer sponsored a booth and also gave a presentation at a Conference for Adults with Disabilities, which was called “Our Lives”. Information was distributed and presented to explain the Fair Housing Law, reasonable accommodations and the complaint process. In addition, information concerning the housing programs that are available through the Department of Community and Human Development were reviewed, including the First-time Homebuyer’s Program and the Housing Rehabilitation Program. Additional information included Tenant’s Rights and Home and Automobile Insurance. There were several questions from the attendees. In addition, the City’s ADA Coordinator (who is also a member of the Task Force) presented information on accessibility surveys.

A new local Fair Housing Office was established in 2001, through the assistance of various interest groups, such as VOLAR Center for Independent Living. The Task Force recommended in its second Annual Report to establish a good working relationship and communication with the new Fair Housing Office, which was accomplished. However, since they were not selected by HUD to receive grant funding in 2003, the office was closed. The current Fair Housing Outreach Coordinator employed by VOLAR has been attending and participating in the Fair Housing Task Force meetings. The Coordinator also provided numerous education and outreach opportunities to the public, which were detailed in the 2004 Task Force Report to City Council.

There has also been a new Fair Housing enforcement agency recently established in June 2004. The Executive Director was invited to attend the Fair Housing Task Force meetings and share pertinent information. It is, of course, the Task Force’s goal to establish a good working relationship with the new enforcement agency.

In May 2004, the Fair Housing Officer and the ADA Coordinator presented information to the Northeast Optimist Club, with an attendance of approximately 30 civic-minded individuals. There were several questions from the attendees, which included explanations of the Fair Housing Act and the complaint process, the housing programs that are available through the City of El Paso, and the items being addressed by the Accessibility Advisory Committee.

Although there has been minimal attendance by the media, the Task Force will continue to invite the media, in an effort to give additional focus to Fair Housing.

A Web Page on Fair Housing is included on the City of El Paso's Web Site on the Internet, which provides information on the Fair Housing Act, how to initiate a housing complaint, and who to contact for additional information.

During this period, the Fair Housing Officer distributed numerous amounts of information to further the understanding of Fair Housing discrimination. There were approximately 136 inquiries related to Fair Housing, of which 105 families received First-Time Home Buyer information, 13 people requested information related to tenants rights issues (such as repairs), and 18 inquiries were from families who thought their rights had been violated under the Fair Housing Law.

The 18 families with inquiries that were related to Fair Housing discrimination received plenty of information, including an explanation of the Fair Housing Discrimination Act, the HUD 903 Booklet and Complaint form and the Fair Housing Officer's offer of assistance in the preparation and forwarding of the complaint forms to HUD in Fort Worth, where the Fair Housing Enforcement Division is located. Since the establishment of the new local Fair Housing enforcement agency (Border Fair Housing and Economic Justice Center), anyone who feels their rights may have been violated are now referred to the new agency.

The Fair Housing Officer will continue to give Fair Housing presentations to organizations throughout the community and to mail out information daily to the public, in response to questions concerning Fair Housing and tenants' rights. The Fair Housing Task Force members are also committed to furthering the knowledge of the Fair Housing Law.

Recommendations for Additional Action:

It was recommended that information on Fair Housing should continue to be distributed to the public through as many avenues as possible. The activities of educating the community have continued since 1990, when the Fair Housing Initiatives Program (FHIP) Grant was received from HUD for education and outreach. The Task Force recommends continuation of these on-going efforts.

2. Impediment Two – "NIMBYism" - the attitude of "Not in My Backyard".

In El Paso, this attitude has manifested itself more as a bias against income and a fear of property devaluation. One way to help alleviate this attitude is to ensure that diverse community groups participate in the housing development process.

Action Taken:

In order to obtain a better understanding of the impediment, the Task Force reviewed a study on NIMBYism that was conducted by the federal government several years ago. In addition, the federal government is in the process of gathering information about legal cases concerning NIMBYism and we will request a copy of the completed study when it becomes available.

Recommendations for Additional Action:

While review of the first study provided some insight, we feel that results from the study that is underway by the federal government will assist us with a better understanding of the issue. The Task Force is also recommending that a survey of the El Paso community be conducted to obtain insight about our specific community. We are receiving assistance and direction from one of the Task Force members who works with the University of Texas at El Paso's (UTEP's) Institute for Policy and Economic Development, and a letter has been sent to UTEP requesting their assistance. We are also soliciting the assistance of UTEP's Community Partnerships Program to assist with the survey. Additional assistance from El Paso Community College is also being requested. The objective of the survey is to determine if NIMBYism exists in El Paso, and if so, what are the perceptions that must be overcome. We will also work with the City of El Paso's Department of Planning, Research and Development and neighborhood initiative groups to obtain a better understanding of this impediment.

3. Impediment Three – “The lack of availability of affordable homeowners insurance precludes some minority applicants and persons with disabilities from home ownership opportunities.”

Action Taken:

Informational pamphlets on how to obtain affordable insurance are distributed by the Housing Programs Division of the Department of Community and Human Development to the public and to applicants of the First-time Homebuyers Program. This information was also distributed at various seminars and

community events that were attended by the Fair Housing Officer during the past year.

Recommendations for Additional Action:

The Texas Department of Insurance provided pamphlets with helpful information on the process and resources for obtaining affordable insurance. This information was well received and continues to be distributed at seminars and meetings. We will request updated information for distribution. It is recommended that the Task Force continue its on-going efforts.

4. Impediment Four: “There is a high percentage of households at or below poverty level, which limits the choices of affordable housing.”

Action Taken:

Over the past year, new programs have been set in place that offers first-time home ownership to low-income families. Households are now being offered choices in housing.

Recommendations for Additional Action:

Income limits and eligibility requirements are set by the U.S. Department of Housing and Urban Development and not on the local level. Each year the income limits are increased by HUD to accommodate the cost of living. Based on information received for 2003 and 2004, the low-income limits for El Paso County, which represent 80% of median income, are as follows:

Household Sizes and Income Limits

	<u>2003</u>	<u>2004</u>
1 person	\$23,050	\$23,750
2 persons	\$26,350	\$27,150
3 persons	\$29,650	\$30,550
4 persons	\$32,950	\$33,900
5 persons	\$35,600	\$36,650
6 persons	\$38,250	\$39,350
7 persons	\$40,850	\$42,050
8 persons	\$43,500	\$44,750

It is the Task Force’s recommendation and goal to continue educating the public on these new choice programs.

5. Impediment Five: “There is a reluctance on the part of landlords to rent to person receiving government housing assistance.”

Action Taken:

This impediment has been determined to be one that requires continuous education and outreach in the El Paso community. The year of 2003 had very favorable outcomes in the area of recruitment of new landlord participation in the Section 8 Choice Program. According to the El Paso Housing Authority, a total of 443 new landlords were added as participants. This increase is largely due to the education seminars offered to property management companies and owners. During 2003, the following education seminars were conducted:

July 16, 2003 - Fair Housing Act Accessibility Training

Presented by: Greater San Antonio Fair Housing Council and the El Paso Apartment Association.

Attended by: Architects, Contractors, Non-Profit Housing Organizations, Community Activists, Realtors, Property Owners and Managers.

of Attendees: 150

September 4, 2003 - Section 8 Housing Choice Voucher Program Session IV

Presented by: El Paso Housing Authority

Attended by: Property Owners and Potential Section 8 Participants

of Attendees: 27

We have seen much progress in these areas, and will strive to continue our goal of educating the public regarding Fair Housing.

Recommendations for Additional Action:

It is the Task Force recommendation and goal to continue educating property owners and landlords regarding Housing Choice Vouchers and responsibilities.

6. Impediment Six: The lack of affordable accessible apartment units and single-family rental housing for persons with disabilities.

Action Taken:

The Apartment Accessibility Verification Survey was conducted in 1996 and requires updating. We are in the process of updating the Survey.

Recommendations for Additional Action:

The Task Force recommends that we utilize the 2000 Census data to determine what the median income is for persons with disabilities. With this information, we can better determine whether the apartment units and single-family housing units are adequately meeting the needs of these individuals and families. The City's Accessibility Coordinator is in the process of updating the Survey of accessible apartment units and will assist the Task Force in identifying the median income for persons with disabilities.

7. Impediment Seven: "There is a perception on the part of complainants that resolution of Fair Housing Complaints is a very lengthy process."

Action Taken:

Since there is no local enforcement organization, all Fair Housing complaints must be submitted and processed through the Southwest Region's Fair Housing Enforcement Center, with the Department of Housing and Urban Development (HUD), located in Fort Worth. The City unsuccessfully attempted to obtain designation by HUD as a Substantially Equivalent Fair Housing Agency several years ago.

Recommendations for Additional Action:

Through the efforts of many, HUD awarded a grant in 2001 to establish the Housing Access Network nonprofit agency, to act as a Fair Housing Agency, focusing on assistance to persons with disabilities. The Agency worked closely with and served on the Fair Housing Task Force. However, since they were not selected by HUD to receive grant funding in 2003, the office was closed. The current Fair Housing Outreach Coordinator employed by VOLAR has been attending and participating in the Fair Housing Task Force meetings. There were numerous education and outreach activities conducted by VOLAR's Fair Housing Outreach Coordinator.

The Task Force acknowledges that the complaint process is lengthy (approximately 100 days), since it involves investigation as well as conciliation. Given the situation, the Task Force recommends that all housing partners provide a marketing strategy for advising residents who the point of contacts are

at the local level, i.e., VOLAR, City of El Paso Community Development. Additionally, continue to educate the public so that they understand the process and reasons for the amount of time that is involved in resolving complaints.

It should also be noted that the establishment of the first Fair Housing enforcement agency in the City of El Paso came about in July 2004. This new agency has been very instrumental in assisting persons with Fair Housing complaints. The Task Force plans to continue working with this new agency.

8. Impediment Eight: “The City’s policy regarding funding for accessibility modifications for renters.”

Action Taken:

The Task Force has reviewed the Housing Programs that are currently available through the City of El Paso’s Department of Community and Human Development (DCHD). The Housing Programs Handbook lists all of the programs that property owners are eligible for. The DCHD provides funding for accessibility modifications to property owners (instead of the renters). Through the Community Development Block Grant (CDBG) program, an owner may apply for a zero interest loan of up to \$3,000 for barrier removal under the “Investor-owned” Program. Property owners may apply for low interest loans (0% to 3% maximum) to repair their properties. However, they in turn must ensure that their units are rented to low-income families for a pre-determined affordability period (10 to 20 years). Since this type of obligation cannot be placed on the renter, it is a requirement that only the owners of the property are eligible for this program.

In addition, if an individual owns a single-family home, they may apply for up to \$3,000 in the form of a grant for accessibility modifications.

Recommendations for Additional Action:

The Task Force recommends that the DCHD’s Housing Programs Division give presentations about the zero-interest loan program to various agencies in order to provide more attention to the program. The Task Force further recommends for the DCHD to give a presentation to VOLAR about the barrier removal single-family home grant program.

9. Impediment Nine: “The ADA Coordinator is supervised by the Director of Community Development.”

Action Taken:

For better understanding of this Impediment, the Task Force reviewed the previous Fair Housing Report to City Council and saw that Impediment Nine's wording reflected a perceived lack of autonomy necessary to enforce Fair Housing Law. In response to the prior recommendation, the Task Force reviewed ADA office procedures, questioning whether the current ADA office's organizational location impedes compliance with the Fair Housing Act. We also discussed and researched how the office might be more responsive to the disabled community.

Recommendations for Additional Action:

The Task Force concludes that the current organizational placement of the ADA Coordinator does not impede compliance with Fair Housing Law. We recommend that no further Task Force action is needed on Impediment Nine.

The City should continue to improve the ADA Office's ability to promote equal opportunity to use and enjoy housing through greater enforcement power and heightened interaction with all of the disabled population.

10. Impediment Ten: "Zoning ordinances may cause effectual discrimination against people with disabilities and other protected classes."

Action Taken:

While it is not difficult to see that current El Paso zoning ordinances are consistent with the law regarding treatment of residents on the basis of race, color, national origin, religion, sex, or familial status, we found the protected area of disability more complicated to evaluate. Since the Fair Housing Act was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning group living arrangements, particularly for persons with disabilities.

The Task Force met with the City's Legal and Planning Departments to identify subtle ways El Paso land use policies and practices may cause effectual discrimination against persons with disabilities or those living in group homes. In our discussions, we returned many times to a concern that parts of the zoning and building code unfairly inconvenience the disabled when they seek to retrofit their homes to make them accessible. The Planning Department confirmed that the City's ordinance has a mechanism providing "reasonable accommodation" to

afford persons with disabilities an equal opportunity to use and enjoy housing. For example, the City will waive a setback requirement so that a travel path can be provided to residents who have mobility impairments. Also, some costs for disability-related retrofit projects are funded by DCHD for qualified individuals.

The Task Force thought it appropriate to also look at how the Subdivision Ordinance can be enhanced to integrate persons with disabilities into the community: a goal of the Fair Housing Act's 1988 amendment. In our inquiry, we familiarized ourselves with the current work of Building and Zoning Advisory Committee (BZAC) and the Accessibility Advisory Board, two active committees addressing this issue. We agreed that these are the appropriate committees to influence policy so that our community becomes more navigable for the mobility impaired, and thus better integrated.

Recommendation for Additional Action:

The Task Force believes that City's Legal and Planning Departments helped to clarify that El Paso zoning practices, as well as proposed policy rewrites, do not conflict with requirements of the Fair Housing Act. We recommend that no further Task Force action is needed on Impediment Ten.

We encourage the City of El Paso, BZAC and the Accessibility Advisory Board to consider adopting a Universal Design Ordinance, so that the concept of "visitability" can be experienced in private subdivision development as well as public. Visitability refers to construction in housing that has:

at least one no step entrance, door ways throughout the house that provide a minimum of 32 inches clear space, hallways that are 36 inches wide, reinforced walls in bathrooms for installation of grab bars in the future, lighting and electrical controls installed no higher than 48 inches above the floor, and electrical outlets no lower than 15 inches above the floor.

11. Impediment Eleven: "There is evidence to suggest that the mortgage denial rates for conventional lending are often disproportionately higher among minority applicants and people with disabilities in El Paso."

Action Taken:

The Task Force is in the process of reviewing existing research to familiarize itself with this impediment. Plans are underway to ensure this impediment receives considerable review

and the Task Force's findings and recommendations will be included in the next Report to City Council.

12. Impediment Twelve: "Advocates for the disabled recommend that the Community Development Department's policies, procedures and practices should be reviewed for possible effectual discrimination against persons with disabilities, as follows:

To review and evaluate the current mechanism to assure that no housing proposal will be funded without an adequate review for addressing fair housing issues of protected classes.

The City should designate a portion of its CDBG and HOME funds, in the form of a grant, as stated in Impediment Eight, for projects designed to meet the rental, housing rehabilitation and home ownership needs for people with disabilities. The Task Force further recommends that individuals and representatives for persons with disabilities be consulted prior to development of the designated set aside.

The City should cite in its Requests for Housing Proposals that it acknowledges that the unit cost per square foot of either new construction or rehabilitation may exceed standard builder's costs for spec homes built on contiguous lots, or when demolition and relocation are included in a project.

Action Taken:

The Task Force is in the process of reviewing existing research to familiarize itself with this impediment. Plans are underway to ensure this impediment receives considerable review and the Task Force's findings and recommendations will be included in the next Report to City Council.

Recognition of Housing Providers:

The Fair Housing Task Force stated in its previous report to City Council that it would like to recognize housing providers, agencies and individuals who have been instrumental in affirmatively furthering Fair Housing. This was accomplished by sending a 'thank you' letter with a Certificate of Appreciation from the Fair Housing Task Force to more than 20 individuals and agencies.

Members of the Fair Housing Task Force:

<u>Name</u>	<u>Appointed By</u>
Ricardo Hernandez	Mayor Joe Wardy
Maria Licon	Rep. Vivian Rojas (Sarinana)
Debra Garcia	Rep. Paul Escobar
Cookie Brisbin	Rep. Susan Austin (Sumrall)
Walt Phillips	Rep. John Cook
Ali Boureslan	Rep. Dan Power
David Marquez	Rep. Anthony Cobos
Laura Foster Kissack	Rep. Robert Cushing (Rodriguez)
Rosalva Hernandez	Rep. Jose Alejandro Lozano (Medina)
Leticia Cervantes	Office of the Attorney General
Mary Cardenas, Vice-Chairperson	El Paso Apartment Association
Annette Gutierrez	Rio Grande Council of Governments
Elizabeth Dalton	UTEP Public Policy Research Center
Lucila Flores Camarena	Texas Rio Grande Legal Aid, Inc.
Irene Alvarez	VOLAR Center for Independent Living
William Bennett	City of El Paso - ADA &
Accessability	
Patricia White	City of El Paso - Fair Housing
Officer	

Actions Taken to Affirmatively Further Fair Housing – September 1, 2005 through August 31, 2006

The City completed its Analysis of Impediments to Fair Housing Choice during the 1996-1997 Program Year. Seven Fair Housing Impediments were identified and the most important action item that was recommended to alleviate the impediments was the establishment of a Fair Housing Task Force.

The Ordinance that established the Fair Housing Task Force was approved in April 1998, and the Task Force held its first meeting in December 1998. The Task Force is comprised of nine voting members and nine ex-officio members. Each City Council Representative appoints one voting member and the Mayor appoints the Chairperson. The nine ex-officio members are from various organizations throughout the community and are appointed by their respective Directors. The City's Fair Housing Officer, located in the Department of Community and Human Development, serves as the Secretary.

Purpose:

As stated in the Ordinance, the purpose of the Fair Housing Task Force is: (1) to review the current Analysis of Impediments to Fair Housing Choice in the City of El Paso (prepared by the Department of Community and Human Development); (2) to identify any additional impediments; (3) to develop a city-wide strategy to address the impediments; and (4) to make an annual report to City Council of the Task Force's recommendations and findings.

Strategy:

During the initial Task Force meetings, the strategy was to review the seven impediments identified by the Department of Community and Human Development and the additional impediments submitted by advocates for the disabled community. As a result of subsequent meetings, some impediments that were similar in nature have been grouped together. The Task Force members were organized into four sub-committees to review the impediments and make recommendations to the Task Force as a whole.

On April 20, 2004, the Task Force presented its third report to City Council. Since that time, the Task Force has continued to meet, review and analyze the Impediments to Fair Housing Choice. In an effort to obtain additional

community input, the Task Force invited the Non-Profit Housing Organizations, the Community Housing Development Organizations, the Neighborhood Associations and various other agencies throughout the City to attend an open forum meeting. The agencies shared their opinions and insights on their perceptions of the Impediments to Fair Housing Choice. Their ideas and recommendations were reviewed and discussed at subsequent Task Force Meetings, for inclusion as additional impediments that require research and action.

As part of the in-depth review of the impediments, some revisions were made to the impediments to allow for easier review and research. The Task Force voted to review the Impediments in three Subcommittees, with each subcommittee researching their assigned Impediments. In addition, two of the Impediments will be researched and reviewed by the entire committee. Following is a summary of the revised list of Fair Housing Impediments, as well as recommendations from the Task Force and actions taken during this period – September 1, 2005 through August 31, 2006:

1. Impediment One – “There is a lack of education within the community concerning Fair Housing rights.”

Action Taken:

During the past year, the Fair Housing Officer and Task Force members distributed information to numerous individuals and organizations. For the month of April 2006, in recognition of National Fair Housing Month, special efforts were made to emphasize Fair Housing. Also, Fair Housing brochures and information were distributed at the Lower Valley Health Fair.

The Task Force had been working closely with the Housing Authority and was successful in getting a representative to serve on the Task Force. Since the previous representative was not re-appointed, we will attempt to find someone else to serve in this capacity. During the past years, the Housing Authority held several Section 8 Voucher Holder Housing Fairs at their location. The purpose of the Fairs was to bring together Voucher Holders and prospective renters at the same time, in an effort to improve the processing time. This proved to be so successful that several future activities of this nature were planned. The Task Force will continue to work with the Housing Authority in this regard.

A new Fair Housing enforcement agency was established in June 2004. The Executive Director was invited to attend the Fair Housing Task Force meetings and share pertinent information. It is, of course, the Task Force's goal to establish a good working relationship with the new enforcement agency. As a result, members of the agency attend the Task Force meetings on a regular basis.

Although there has been minimal attendance by the media, the Task Force will continue to invite the media, in an effort to give additional focus to Fair Housing.

A Web Page, http://www.elpasotexas.gov/commdev/fair_housing.asp, on Fair Housing is included on the City of El Paso's Web Site on the Internet, which provides information on the Fair Housing Act, how to initiate a housing complaint, and who to contact for additional information.

During this period, the Fair Housing Officer distributed numerous amounts of information to further the understanding of Fair Housing discrimination. There were approximately 100 inquiries related to Fair Housing, of which 60 families received First-Time Home Buyer information, 20 people requested information related to tenants rights issues (such as repairs), and 20 inquiries were from families who thought their rights had been violated under the Fair Housing Law.

The 20 families with inquiries that were related to Fair Housing discrimination received plenty of information, including an explanation of the Fair Housing Discrimination Act, the HUD 903 Booklet and Complaint form and the Fair Housing Officer's offer of assistance in the preparation and forwarding of the complaint forms to HUD in Fort Worth, where the Fair Housing Enforcement Division is located. Since the establishment of the new local Fair Housing enforcement agency (Border Fair Housing and Economic Justice Center), anyone who feels their rights may have been violated are now referred to the new local agency.

The Fair Housing Officer will continue to give Fair Housing presentations to organizations throughout the community and to mail out information daily to the public, in response to questions concerning Fair Housing and tenants' rights. The Fair Housing Task Force members are also committed to furthering the knowledge of the Fair Housing Law.

Recommendations for Additional Action:

It was recommended that information on Fair Housing should continue to be distributed to the public through as many avenues as possible. The activities of

educating the community have continued since 1990, when the Fair Housing Initiatives Program (FHIP) Grant was received from HUD for education and outreach. The Task Force recommends continuation of these on-going efforts.

2. Impediment Two – “NIMBYism” - the attitude of “Not in My Backyard”.

In El Paso, this attitude has manifested itself more as a bias against income and a fear of property devaluation. One way to help alleviate this attitude is to ensure that diverse community groups participate in the housing development process.

Action Taken:

In order to obtain a better understanding of the impediment, the Task Force reviewed a study on NIMBYism that was conducted by the federal government several years ago. Since this information was not as helpful on the local level, additional research will be conducted on this impediment.

Recommendations for Additional Action:

While review of the first study provided some insight, we feel that results from the study that is underway by the federal government will assist us with a better understanding of the issue. The Task Force is also recommending that a survey of the El Paso community be conducted to obtain insight about our specific community. We are receiving assistance and direction from one of the Task Force members who works with the University of Texas at El Paso’s (UTEP’s) Institute for Policy and Economic Development, and a letter has been sent to UTEP requesting their assistance. We are also soliciting the assistance of UTEP’s Community Partnerships Program to assist with the survey. Additional assistance from El Paso Community College is also being requested. The objective of the survey is to determine whether NIMBYism exists in El Paso, and if so, what perceptions that must be overcome. We will also work with the City of El Paso’s Department of Planning, Research and Development and neighborhood initiative groups to obtain a better understanding of this impediment.

3. Impediment Three – “The lack of availability of affordable homeowners insurance precludes some minority applicants and persons with disabilities from home ownership opportunities.”

Action Taken:

Informational pamphlets on how to obtain affordable insurance are distributed by the Housing Programs Division of the Department of Community and Human Development to the public and to applicants of the First-time Homebuyers Program. This information was also distributed at various seminars and community events that were attended by the Fair Housing Officer during the past year.

Recommendations for Additional Action:

The Texas Department of Insurance provided pamphlets with helpful information on the process and resources for obtaining affordable insurance. This information was well received and continues to be distributed at seminars and meetings. We will request updated information for distribution. It is recommended that the Task Force continue its on-going efforts.

4. Impediment Four: “There are a high percentage of households at or below poverty level, which limits the choices of affordable housing.”

Action Taken:

Over the past year, new programs have been set in place that offers first-time home ownership to low-income families. Households are now being offered choices in housing.

Recommendations for Additional Action:

It is the Task Force’s recommendation and goal to continue educating the public on these new choice programs.

5. Impediment Five: “There is reluctance on the part of landlords to rent to person receiving government housing assistance.”

Action Taken:

This impediment has been determined to be one that requires continuous education and outreach in the El Paso community. We have seen much progress in these areas, and will strive to continue our goal of educating the public regarding Fair Housing.

Recommendations for Additional Action:

It is the Task Force recommendation and goal to continue educating property owners and landlords regarding Housing Choice Vouchers and responsibilities.

6. Impediment Six: The lack of affordable accessible apartment units and single-family rental housing for persons with disabilities.

Action Taken:

The Apartment Accessibility Verification Survey was conducted in 1996 and requires updating. We are in the process of updating the Survey.

Recommendations for Additional Action:

The Task Force recommends that we utilize the 2000 Census data to determine what the median income is for persons with disabilities. With this information, we can better determine whether the apartment units and single-family housing units are adequately meeting the needs of these individuals and families. The City's Accessibility Coordinator is in the process of updating the Survey of accessible apartment units and will assist the Task Force in identifying the median income for persons with disabilities.

7. Impediment Seven: "There is a perception on the part of complainants that resolution of Fair Housing Complaints is a very lengthy process."

Action Taken:

The Task Force will be working with the newly established Fair Housing enforcement agency to assist with this impediment.

Recommendations for Additional Action:

The Task Force acknowledges that the complaint process is lengthy (approximately 100 days), since it involves investigation as well as conciliation. Given the situation, the Task Force recommends that all housing partners provide a marketing strategy for advising residents who the point of contacts are at the local level, i.e., VOLAR, and the City of El Paso Community Development. Additionally, continue to educate the public so that they understand the process and reasons for the amount of time that is involved in resolving complaints.

It should also be noted that the establishment of the first Fair Housing enforcement agency in the City of El Paso came about in July 2004. This new

agency has been very instrumental in assisting persons with Fair Housing complaints. The Task Force plans to continue working with this new agency.

8. Impediment Eight: “The City’s policy regarding funding for accessibility modifications for renters.”

Action Taken:

The Task Force has reviewed the Housing Programs that are currently available through the City of El Paso’s Department of Community and Human Development (DCHD). The Housing Programs Handbook lists all of the programs that property owners are eligible for. The DCHD provides funding for accessibility modifications to property owners (instead of the renters). Through the Community Development Block Grant (CDBG) program, an owner may apply for a zero interest loan of up to \$3,000 for barrier removal under the “Investor-owned” Program. Property owners may apply for low interest loans (0% to 3% maximum) to repair their properties. However, they in turn must ensure that their units are rented to low-income families for a pre-determined affordability period (10 to 20 years). Since this type of obligation cannot be placed on the renter, it is a requirement that only the owners of the property are eligible for this program.

In addition, if an individual owns a single-family home, they may apply for up to \$3,000 in the form of a grant for accessibility modifications.

Recommendations for Additional Action:

The Task Force recommends that the DCHD’s Housing Programs Division give presentations about the zero-interest loan program to various agencies in order to provide more attention to the program. The Task Force further recommends for the DCHD to give a presentation to VOLAR about the barrier removal single-family home grant program. In addition, presentations will be given to the Task Force members to assure their understanding of the programs that are available.

9. Impediment Nine: “There is evidence to suggest that the mortgage denial rates for conventional lending are disproportionately higher among minority applicants and people with disabilities in El Paso”.

Action Taken:

The Task Force plans to review this impediment in detail during the coming year.

10. Impediment Ten: “Advocates for persons with disabilities recommend that the Community Development Department’s policies, procedures and practices should be reviewed for possible effectual discrimination against persons with disabilities, as follows:

To review and evaluate the current mechanism to assure that no housing proposal will be funded without an adequate review for addressing fair housing issues of protected classes.

The City should designate a portion of its CDBG and HOME funds, in the form of a grant, as stated in Impediment Eight, for projects designed to meet the rental, housing rehabilitation and home ownership needs for people with disabilities. The Task Force further recommends that individuals and representatives for persons with disabilities be consulted prior to development of the designated set aside.

The City should cite in its Requests for Housing Proposals that it acknowledges that the unit cost per square foot of either new construction or rehabilitation may exceed standard builder’s costs for homes built on contiguous lots and constructed in accordance with their plans and specifications, or when demolition and relocation are included in a project.

Action Taken:

The Task Force was unable to research this impediment in detail. It is therefore our goal to thoroughly review this impediment in future meetings.

11. Impediment Eleven: “The City should review/identify additional protected classes to include in its Fair Housing Ordinance”.

Action Taken:

This is a new impediment that was derived from the community meetings. The Task Force plans to review this impediment in detail.

12. Impediment Twelve: “Financial Literacy – the need to educate potential homebuyers on the Loan Process”.

Action Taken:

This is also a new impediment that will be reviewed by the Task Force in future meetings.

The City of El Paso Affirmative Marketing Policy for the HOME Program

In order to promote non-discrimination and equal opportunity in housing, the City of El Paso has adopted and adheres to an Affirmative Marketing Policy for the HOME Program. All HOME projects are monitored by the Department of Community and Human Development to assure compliance with the Affirmative Marketing Policy.

The City of El Paso, Community and Human Development, has established the following Affirmative Marketing policies and procedures for owners of all rental housing that are assisted with HOME funds. The following policies and procedures apply when one or more rental units in a project receive HOME funding:

1. Owners of rental projects resulting in one or more rental units that are funded through HOME are initially made aware of the Affirmative Marketing procedures at the time their applications are approved.
2. When the project is approximately 50% complete, a meeting is scheduled with the owners and property managers to review in detail the Affirmative Marketing and monitoring requirements that are in compliance with 24 CFR 92 Subparts F and H.
3. The owners are given copies of their Financial Term Contract and Covenants Running with the Land that were signed prior to the start of the rental project. This serves as a reminder, as well as a reference for the requirements that must be adhered to that include:
 - A. 24 CFR 92.216 concerning the number of rental units that will be initially occupied by families that are $\leq 60\%$ and $\leq 50\%$ of median income and the requirement for annual reexaminations;
 - B. The maximum initial rent that may be charged;
 - C. Compliance with the Federal Fair Housing Law;
 - D. The affordability period, which is in compliance with CFR 92.254; and

E. CFR 92.252 regarding Affordable Housing as it relates to rent limitations, rent schedules, increases in tenant income and adjustments of qualifying rent.

4. In order to assure compliance with the Project Requirements of the HOME program (as defined in Subpart F of 24 CFR Part 92) the owner must submit a copy of the Lease that will be used, a copy of the tenant application and a written description of the tenant qualification process that will be utilized to verify the tenant incomes, prior to their use.

5. The owners are required to place an ad in the city-wide newspaper (and others of their choice) that announces the availability of the rental units and that they were completed with Federal funds. Sample newspaper ads in English and Spanish are given to the owners for their use. They are also required to notify (at a minimum) the local Housing Authority, Project Bravo, VOLAR (an agency that assists persons with disabilities) and the City's Relocation Office. A form was developed for use in notifying these agencies. The owners are also required to display the Equal Housing logo and Fair Housing posters (in English and Spanish) wherever the tenant applications are provided and accepted.

6. Owners are required to maintain copies of all advertising, as vacancies occur throughout the year and to submit on an annual basis, in January of each year, to the Housing Programs Division, along with the Available Vacancies and Annual Rental Reports. If the information is incomplete or unacceptable, the owners will be contacted immediately and advised as to how they must rectify the situation and ensure that it does not occur again.

7. The initial Maximum Rents and Incomes of the tenants are reviewed again at the meeting with the owners. At least 20 percent of the Home-assisted units in a project with five or more rental units must be occupied by very low-income families at rents that do not exceed the low HOME rent. Whenever the percentage results in a fraction, it is our policy to round up (e.g. 20% of 7 units equals 1.4 which is rounded up to two low HOME rents units). The affordability Period is also reviewed, as stated in the Financial Terms Contract.

8. The following documentation is reviewed and provided to the owners during the Affirmative Marketing Meeting:

- "What is Fair Housing and Affirmative Marketing?"
- A listing of applicable Equal Opportunity Laws and Executive Orders

- Affirmative Marketing Procedures
- Affirmative Marketing Policy
- Notification Letter for Available Vacancies (Sample letter to send to the Housing Authority, Project BRAVO, VOLAR, City Relocation office whenever there are vacancies during the year)
- Sample Newspaper Ad (for the local city-wide newspaper, at a minimum)
- Fair Housing Posters (English & Spanish) and Equal Opportunity House Stickers
- Project Completion Form (90-day Demographics)
- Annual Rental Report and Available Vacancies Report
- Rent and Utility Information
- Section 504 Requirements (five or more units)
- Sample one-year lease waiver form
- Tenant and Participant Protections – HOME Regulations 92.253
- Tenant Participation Plan – HOME Regulation 92.303 (for CHDO)

9. Prior to concluding the Affirmative Marketing Meeting the owners are required to sign an Affirmative Marketing Agreement that confirms they understand their responsibility to:

- A. Submit the Annual Rental Report each January;
- B. Forward the notification letter and listing of Available Vacancies to the local agencies, following completion of the project and then as vacancies occur;
- C. Advertise all vacancies in the local newspaper and keep copies in their file;
- D. All possible efforts will be made to reach individuals of all identified minority sectors within the community to inform them of available housing units.

10. Within no more than 90 days from initial occupancy, the owners are required to submit the Demographics of the tenants who are initially occupying the units. Housing Programs has developed a form for the owner to use in submitting this information, which includes the data requested by HUD.

11. The first monitoring of the owners files is scheduled for six months after initial occupancy and then annually thereafter, to assure compliance for the duration of the affordability period. The Housing Programs Division will utilize the HUD Monitoring Checklist, the HUD Guide for Determining Income and the project compliance forms as a guide in fine-tuning our existing Monitoring Checklist. The owners receive written results of the monitoring review. In addition, the Housing Quality Standards review is conducted during the same time period.

NCRC's 2008 Home Lending Analysis for El Paso City, TX

The National Community Reinvestment Coalition (NCRC) conducted a portfolio and market share analysis using 2008 Home Mortgage Disclosure Act (HMDA) data with the following specifications for El Paso City, TX: all single family lending, loans to owner-occupants, and first lien loans. All single-family loans include loans for home purchase, home improvement, and refinances.

For the portfolio share analysis, NCRC evaluated the prime (or market-rate) and high-cost lending performance by race and ethnicity of borrower (i.e. African American, non-Hispanic white, Asian, or Hispanic). Moreover, in order to control for income when assessing lending patterns to minorities in El Paso City, TX, NCRC also conducted two separate analyses for low- and moderate-income (LMI) minorities and middle- and upper-income (MUI) minorities. Lending patterns were then compared to the demographics of El Paso City, TX to illustrate potential lending disparities.

The market share analysis compares the portion of high-cost loans made to a particular borrower group to all loans (market-rate loans plus high-cost loans) made to that same borrower group. The disparity ratio illustrates how much more often lenders made high-cost loans to one borrower group compared to another.

High-cost loans are those with the price information reported under the Home Mortgage Disclosure Act (HMDA). For more information about HMDA, please visit www.ncrc.org.

Market-rate loans are loans made at prevailing interest rates to borrowers with good credit histories. High-cost loans, in contrast, are loans with rates higher than prevailing rates made to borrowers with credit blemishes. The higher rates compensate lenders for the added risks of lending to borrowers with credit blemishes. While responsible high-cost lending serves legitimate credit needs, public policy concerns arise when certain groups in the population receive a disproportionate amount of high-cost loans. When high-cost lending crowds out market-rate lending in traditionally underserved communities, price discrimination and other predatory practices become more likely, as residents face fewer product choices.

Portfolio Share Analysis of All Conventional Single Family Lending in El Paso City, TX – Conventional Tables 1a, 2a, & 3a are located at the end of this section. Charts reflect the data from the tables.

Hispanics are the largest minority group in El Paso City, representing almost 70 percent of all households. Asians, Native Americans, and African Americans combined account for 5.64 percent of households in El Paso City. Chart 1a (and corresponding Table 1a at the end of this section) of the conventional lending report shows that, the portion of all prime loans received by non-Hispanic white borrowers and Hispanic borrowers were comparable to their portion of households. However, Hispanic borrowers received a disproportionately high percentage of high-cost loans (81.53 percent), while Hispanics constitute 69.28 percent of El Paso City’s households. As a comparison, non-Hispanic whites received only 12.46 percent of all high-cost loans while they comprised 25.05 percent of all households during 2008.

Chart 1a – Derived from data in Table 1a

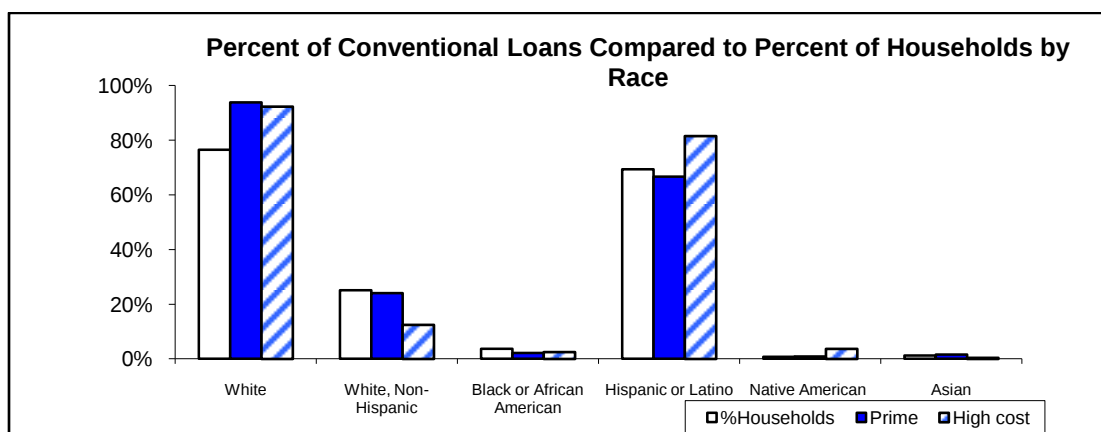


Chart 2a (see corresponding Table 2a) shows that low- moderate-income (LMI) Hispanics received a disproportionate amount of high-cost loans. About 16 percent of high-cost loans were issued to LMI Hispanics while just 8.28 percent of prime loans were issued to LMI Hispanics. (Note: Census data does not break out Hispanic households by income level so we are unable to compare the share of loans by income level to the share of Hispanic households by income level. We are able to compare the share of loans by income level to the share of households by race and income level since Census data does break out households by income level for each race).

Chart 2a – Derived from data in Table 2a

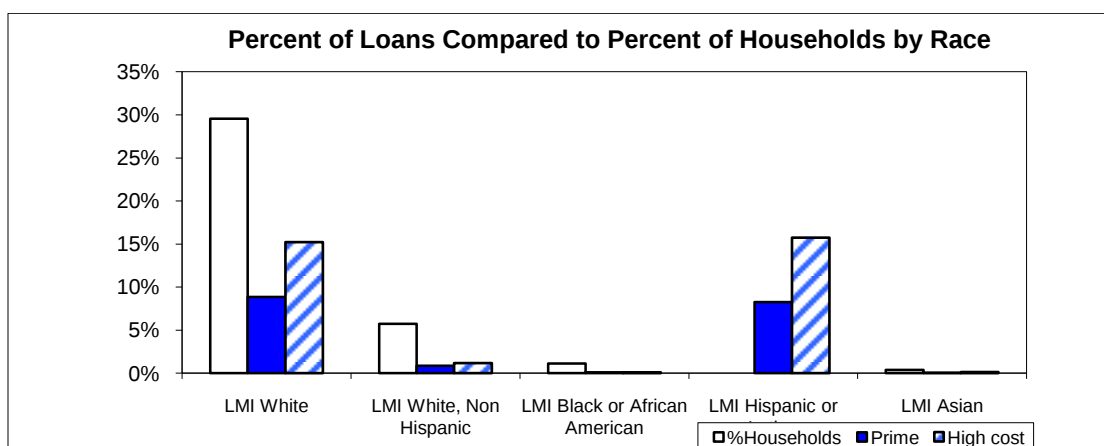
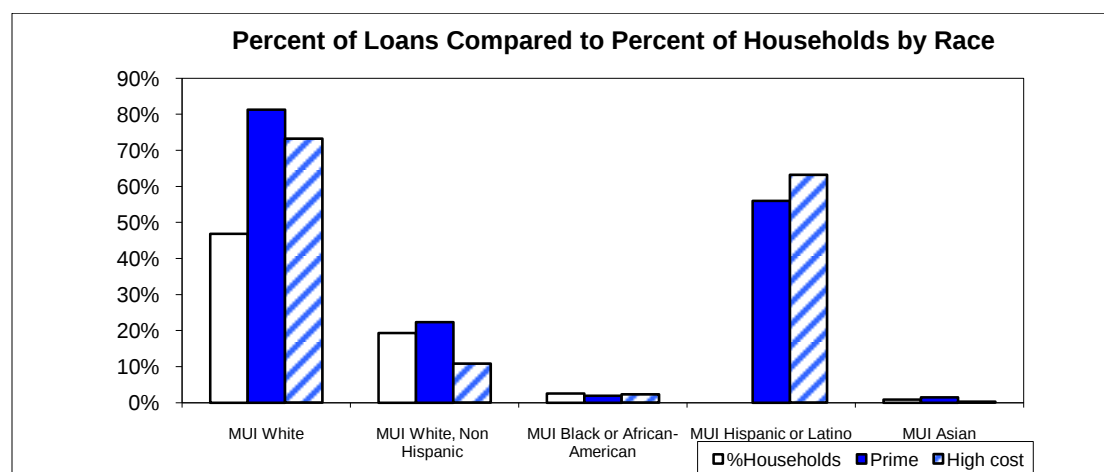


Chart 3a (see corresponding Table 3a) likewise reveals a disproportionate amount of high-cost loans received by middle- and upper-income (MUI) Hispanics. MUI Hispanics received 63.16 percent and 56 percent of high-cost and prime loans, respectively. In contrast, MUI non-Hispanic whites received 10.81 percent and 22.38 percent of high-cost and prime loans, respectively.

Chart 3a – Derived from data in Table 3a



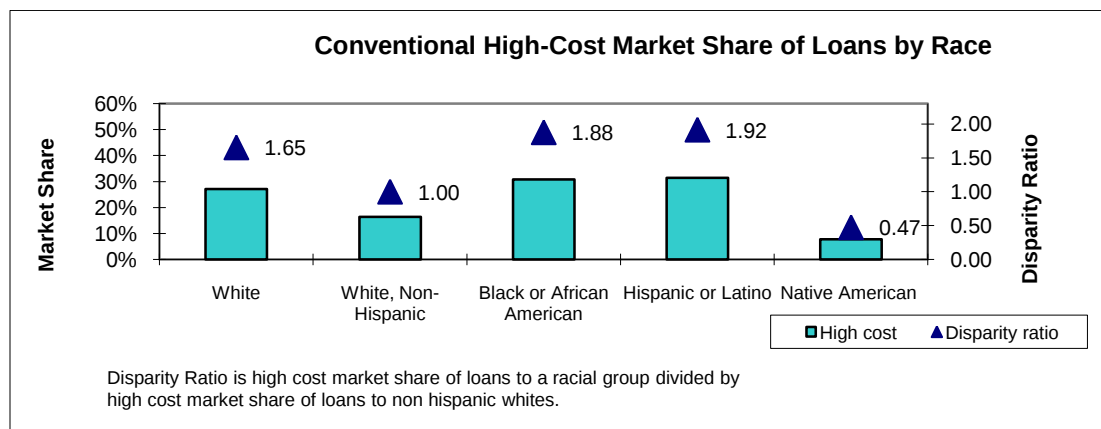
Predominantly minority neighborhoods received a disproportionate amount of high-cost loans as shown by Table 4a (located at the end of this section) of the tables displaying conventional lending by minority level of neighborhood. Predominantly minority neighborhoods with 80 to 100 percent of the residents being minority contain 47.42 percent of the owner-occupied housing units but received about 65 percent of the high-cost loans. In contrast, neighborhoods with 50 to 79 percent of minorities received a portion of high-cost loans (32.21 percent) lower than their portion of owner-occupied units (40.63 percent). These

substantially minority neighborhoods received a portion of prime loans (46.18 percent) that was greater than their portion of high-cost loans and greater than their share of owner-occupied housing units.

Market Share Analysis of All Conventional Single Family Lending in El Paso City, TX - Conventional Tables 1b, 2b & 3b are located at the end of this section. Charts reflect the data from the tables.

Chart 1b (and corresponding Table 1b) shows market share ratios in El Paso City that are not controlled for income. The table reveals that Hispanics are 1.92 times more likely to receive a high-cost loan than non-Hispanic whites. More than 31 percent of all loans to Hispanics are high-cost compared to just 16.4 percent of all loans to non-Hispanic whites being high-cost. Dividing 31 percent by 16.4 percent yields the result that Hispanics are 1.92 times more likely to receive a high-cost loan than non-Hispanic whites during 2008.

Chart 1b – Derived from data in Table 1b



In Chart 2b (see corresponding Table 2b), LMI Hispanics are 1.25 times more likely to receive a high-cost loan compared to LMI non-Hispanic white borrowers. (The ratio is calculated by dividing 41.3 percent of loans being high-cost for LMI Hispanics by 32.9 percent of loans being high-cost for LMI non-Hispanic whites).

Chart 2b – Derived from data in Table 2b

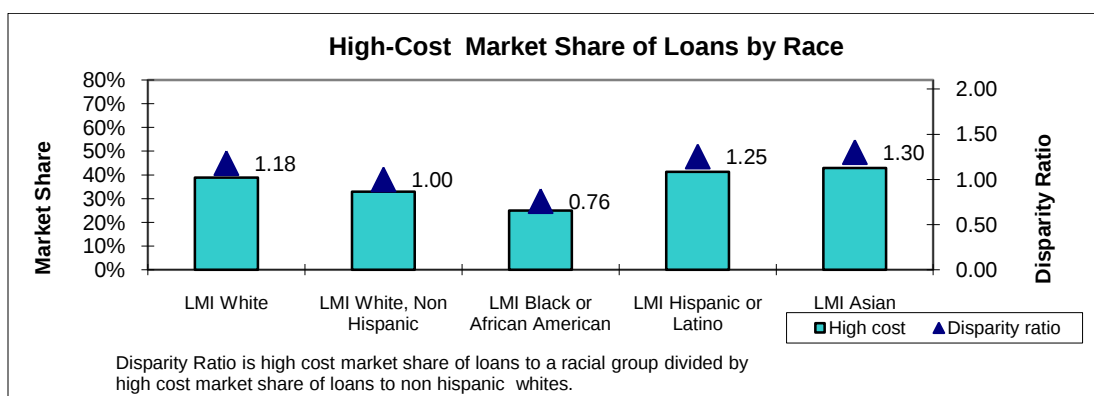
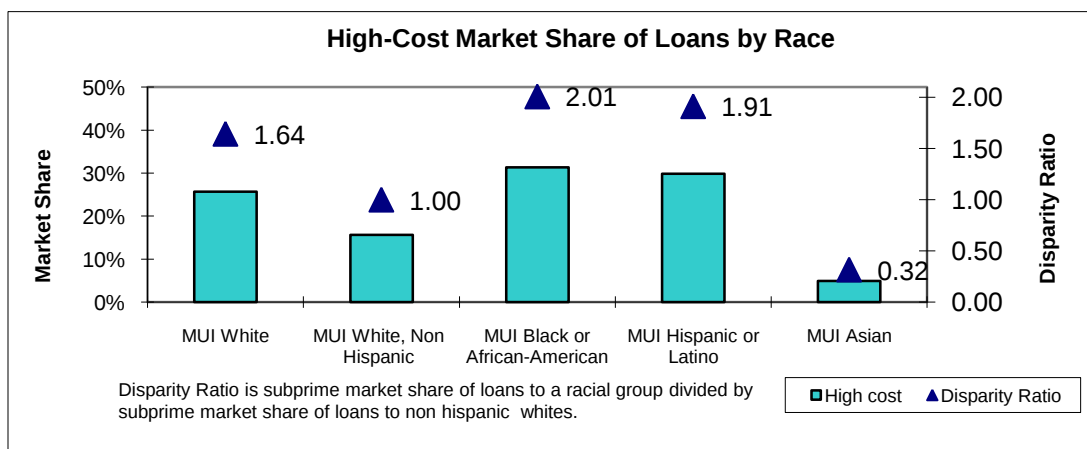


Chart 3b (see corresponding Table 3b) shows that, MUI Hispanics are 1.91 times more likely to receive a high-cost loan than MUI non-Hispanic whites (divide 29.8 percent of the loans being high-cost for MUI Hispanics by 15.6 percent of the loans being high-cost for MUI non-Hispanic whites). Ethnic disparities in lending increase as income levels increase. The disparity ratio is higher when comparing MUI Hispanics to MUI non-Hispanic whites than when comparing LMI Hispanics to LMI non-Hispanic whites.

Chart 3b – Derived from data in Table 3b



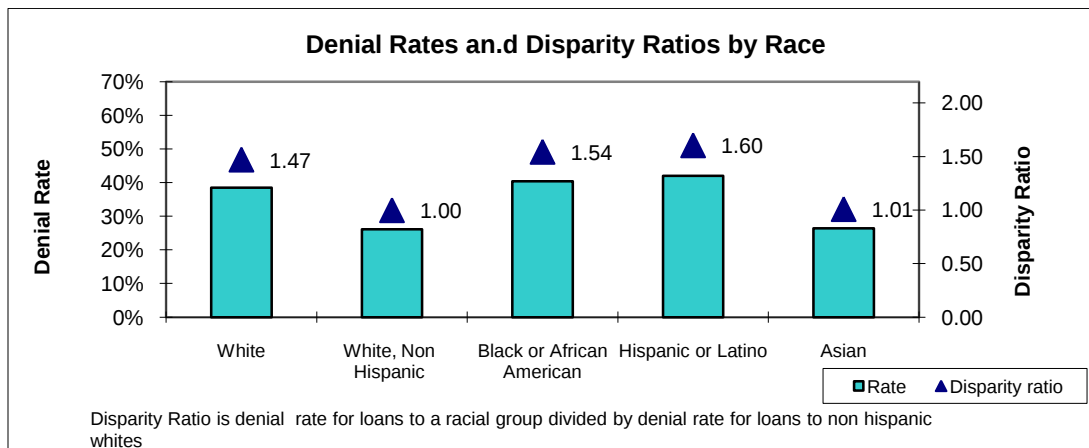
Residents of minority neighborhoods are much more likely than those of predominantly white neighborhoods to receive high-cost loans. Table 4b of conventional lending by minority level of neighborhood shows that residents of substantially minority neighborhoods (50 to 79 percent minorities) are 1.43 times more likely to receive high-cost loans than residents of neighborhoods with 20 to 49 percent minorities (divide 20.9 percent of loans being high-cost in substantially minority neighborhoods by 14.6 percent of the loans being high-cost in neighborhoods with 20 to 49 percent minorities). Similarly, predominantly

minority neighborhoods (80 to 100 percent minorities) are 2.33 times more likely to receive high-cost loans than residents of neighborhoods with 20 to 49 percent minorities.

Conventional Denial Disparity Analysis - Conventional Tables 1c, 2c & 3c are located at the end of this section. Charts reflect the data from the tables.

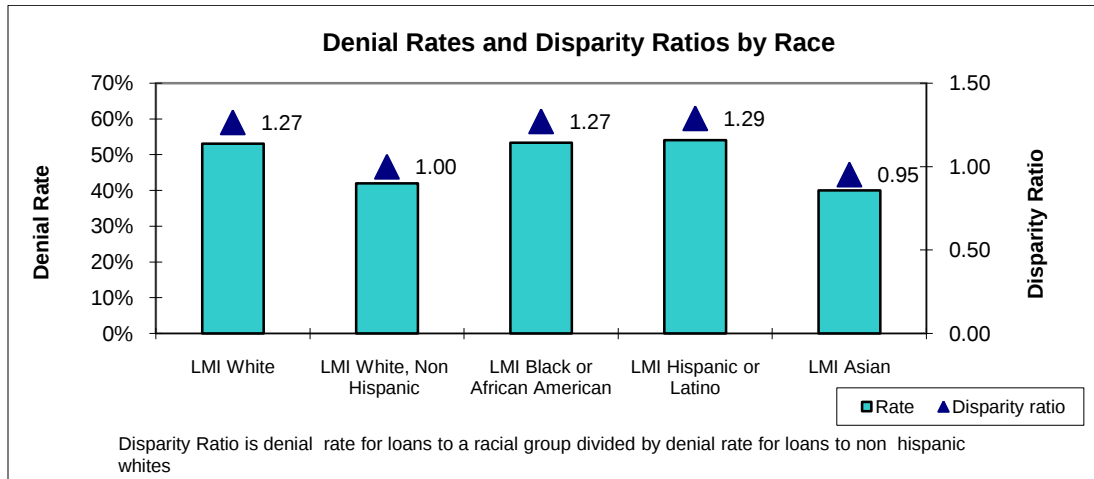
The overall denial rate (Chart 1c, Table 1c) is 38.58 percent in El Paso City. The denial rate for non-Hispanic white individuals is 26.15 percent, and the denial rate for Hispanics is 41.97 percent, which shows that Hispanics are 1.6 times more likely to be denied (divide 41.97 percent of the denial rate for all Hispanics by 26.15 percent of the denial rate for all non-Hispanic whites). The denial ratio for African Americans is 1.54 times higher than non-Hispanic whites (divided 40.38 percent of the denial rate for all African Americans by 26.15 of the denial rate for all non-Hispanic whites).

Chart1c – Derived from data in Table 1c



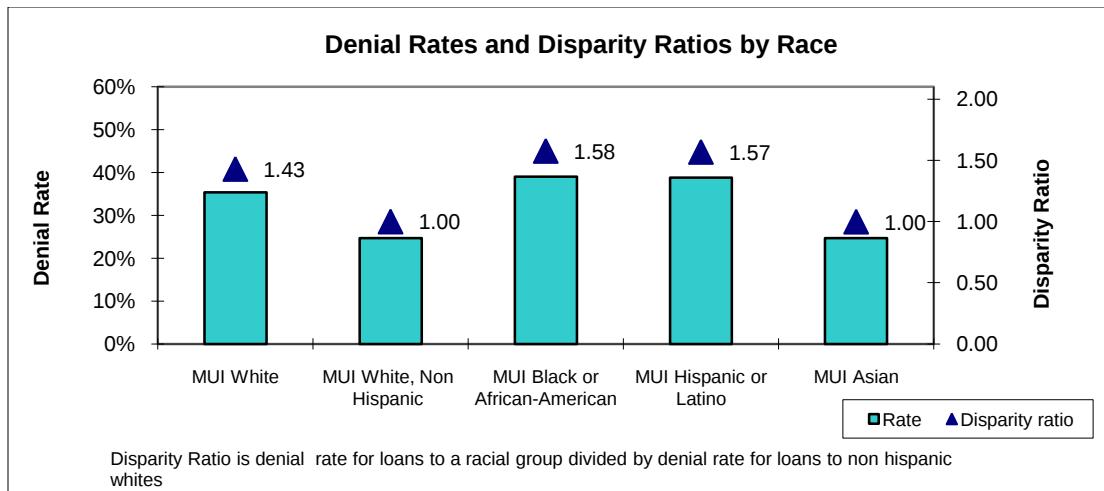
LMI Hispanic or Latino borrowers have a denial rate for loans (54.1 percent) that is 13 percentage points greater than the denial rate (of 41.96 percent) of LMI non-Hispanic whites (Chart 2c, Table 2c).

Chart 2c – Derived from data in Table 2c



Among MUI individuals (Chart 3c, Table 3c), Hispanic or Latino borrowers experience denial rates noticeably higher than those of non-Hispanic whites. MUI Hispanics are 1.57 times more likely to be denied compared to MUI non-Hispanic white borrowers. LMI Hispanics are 1.29 times more likely than LMI non-Hispanic whites to be denied. Ethnic denial disparities increase as income levels increase.

Chart 3c – Derived from data in Table 3c



Residents of substantially minority neighborhoods (50 to 79 percent minority) are 1.17 times more likely than the mixed neighborhoods (20 to 49 percent minority) to be denied loans. About 32 percent of the applicants from substantially minority neighborhoods are denied loans in contrast to about 27 percent of the applicants from the mixed neighborhoods. Similarly, residents of predominantly minority neighborhoods (80 to 100 percent minority) are 1.62

times more likely than the mixed neighborhoods (20 to 49 percent minority) to be denied loans.

Portfolio Share Analysis of All FHA Single Family Lending in El Paso City, TX - FHA Tables 1a, 2a & 3a are located at the end of this section. Charts reflect data from the tables.

NCRC expanded the El Paso City analysis to include information on FHA lending. FHA loans are guaranteed by the Federal government, specifically the Federal Housing Administration (FHA). Borrowers pay an upfront premium and an annual premium to help fund FHA insurance. The FHA insurance covers the costs of defaults. In other words, the government, through FHA fees on borrowers, covers the costs of defaults. In contrast, conventional lending involves lenders themselves absorbing the costs of defaults. Often, lending institutions will protect themselves against loss by requiring borrowers to pay for private mortgage insurance.

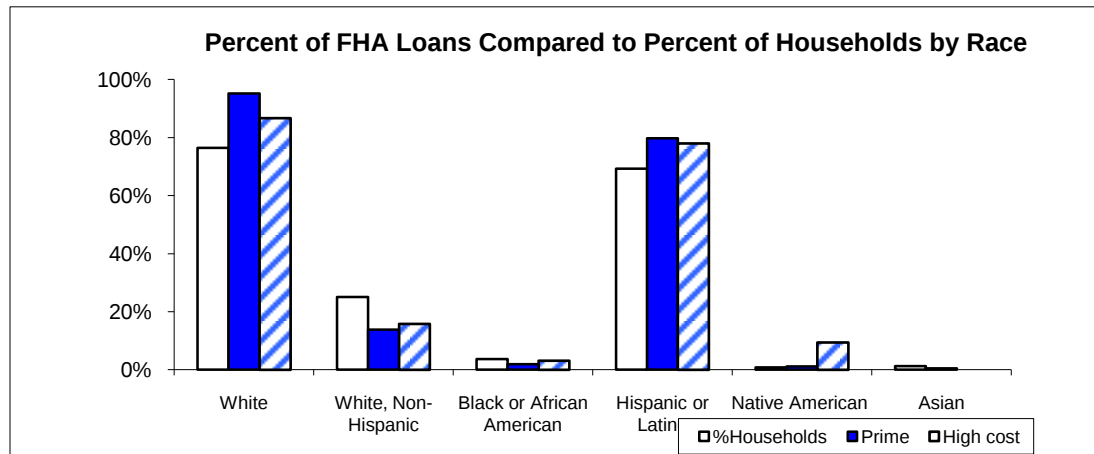
The total number of FHA loans was smaller than total number of conventional loans in El Paso City in 2008. Lenders issued 168 high-cost FHA loans and 2,189 high-cost conventional loans, and 1,434 prime FHA loans and 5,791 prime conventional loans during 2008 in El Paso City.

What is particularly relevant for our analysis is whether minorities are much more likely relative to whites to receive high-cost FHA loans. FHA lending has not been saddled with the abusive tricks, traps, and fees of many subprime loans. Yet, it remains the case that FHA loans are more expensive than conventional loans. If minorities receive a disproportionate amount of high-cost FHA loans and/or prime FHA loans relative to conventional loans, stakeholders should take steps to increase the amount of conventional lending to minorities.

Similar to the results for conventional lending, Chart 1a (see corresponding FHA Table 1a) for FHA lending shows that Hispanics have a high ratio of high-cost FHA loans compared to the percentage of households. With 69.28 percent of the households in El Paso City, Hispanics received 78 percent of high-cost FHA loans. The share of high-cost FHA loans for Hispanics was 1.13 times greater than their share of households in El Paso City. Hispanics also received a higher share of prime FHA loans (79.78 percent) than their share of households (69.28 percent). It should also be noted that Hispanics received a higher share of prime FHA loans than prime conventional loans (79.78 percent versus 66.65 percent).

Since FHA loans are more expensive than prime loans, stakeholders should increase their efforts to make prime conventional loans to Hispanics.

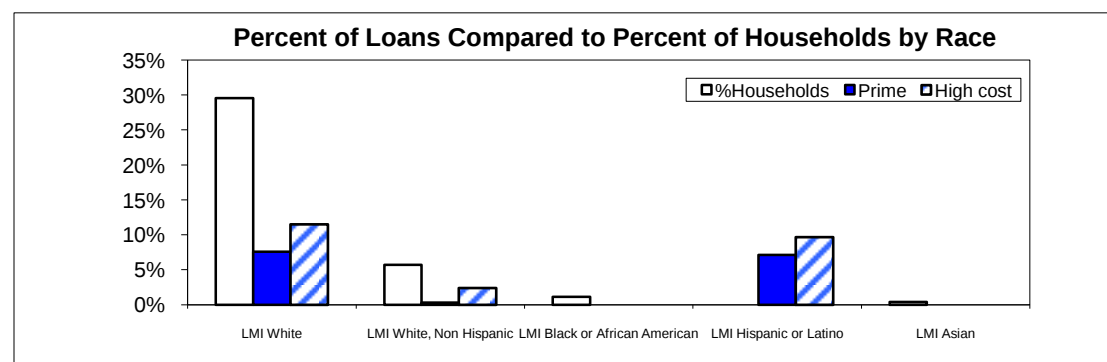
Chart 1a – Derived from data in Table 1a



In contrast to Hispanics, non-Hispanic whites received shares of prime (13.85 percent) and high-cost (15.82 percent) FHA loans that were lower than their share of households (25.05 percent) in El Paso City. Non-Hispanic whites also received a share of prime conventional loans (of 24.05 percent) that was similar to their share of households and a share of high-cost conventional loans (12.46 percent) about one half of their share of households. It should be noted that non-Hispanic whites received higher share of prime conventional loans than prime FHA loans.

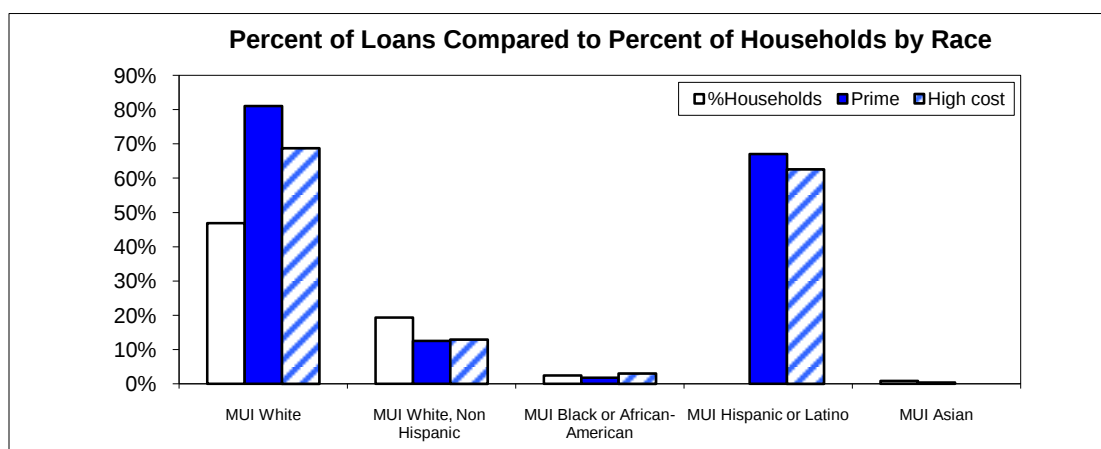
Chart 2a (see corresponding Table 2a) for FHA lending shows that LMI Hispanics received a higher amount of high-cost FHA loans. About 10 percent of the high-cost FHA loans were issued to LMI Hispanics while just 7.14 percent of the prime FHA loans were issued to LMI Hispanics.

Chart 2a – Derived from data in Table 2a



Unlike Chart 2a, Chart 3a (and corresponding Table 3a) shows that MUI Hispanics received a share of prime FHA loans (67.08 percent) that was 4.5 percentage points higher than their share of high-cost FHA loans (62.58 percent). In contrast, MUI non-Hispanic whites received 12.58 percent of prime FHA loans which was similar to their share of high-cost FHA loans (12.88 percent).

Chart 3a – Derived from data in Table 3a



An examination of FHA lending trends by minority level of neighborhood shows that the predominant lending disparity is the overall share of FHA loans issued to predominantly minority neighborhoods (80 to 100 percent of the residents are minority). Predominantly minority neighborhoods received about 66 percent of the high-cost FHA loans but received 57.67 percent of prime FHA loans in 2008. In contrast, neighborhoods with 50 to 79 percent of minorities received a portion of high-cost FHA loans (31.55 percent) that was lower than their portion of prime FHA loans (40.45 percent).

Market Share Analysis of All FHA Single Family Lending in El Paso City, TX – FHA Tables 1b, 2b & 3b are located at the end of this section. Charts reflect the data from the tables.

The overall market share ratio (Chart 1b, Table 1b) shows that Hispanics received slightly lower percent of high-cost loans compared to non-Hispanic whites. About 10 percent of the loans received by Hispanics are high-cost FHA loans while 11.7 percent of the loans received by non-Hispanic whites were high-cost FHA loans during 2008.

Chart 1b – Derived from data in Table 1b

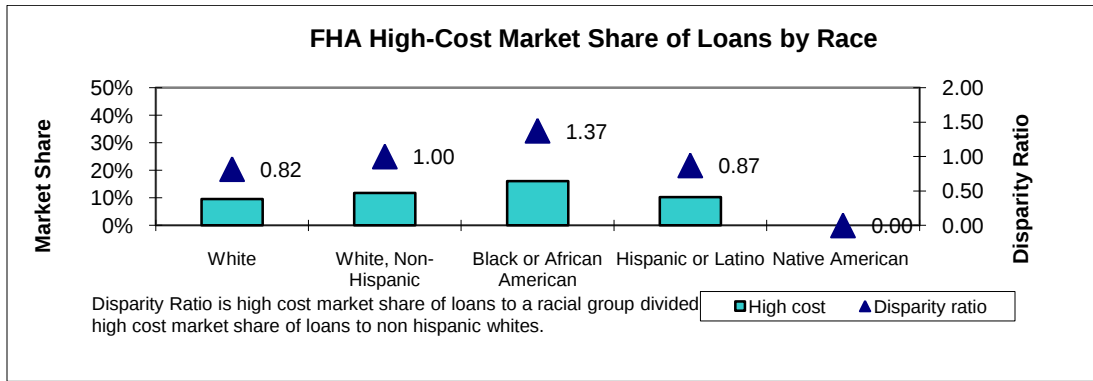


Chart 2b – Derived from data in Table 2b

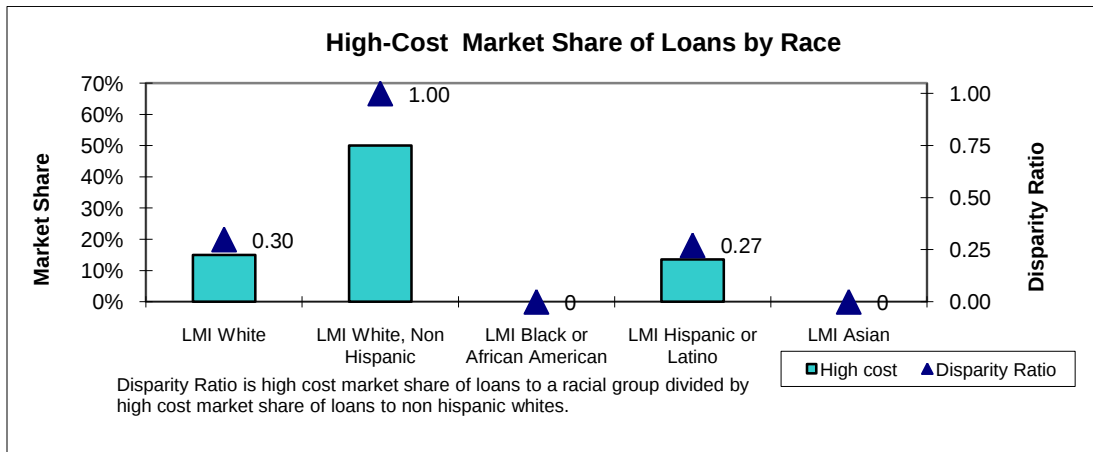
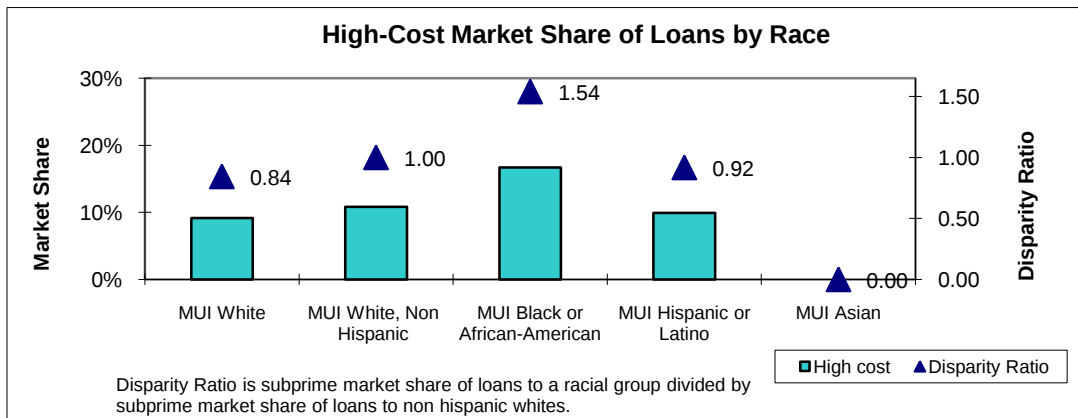


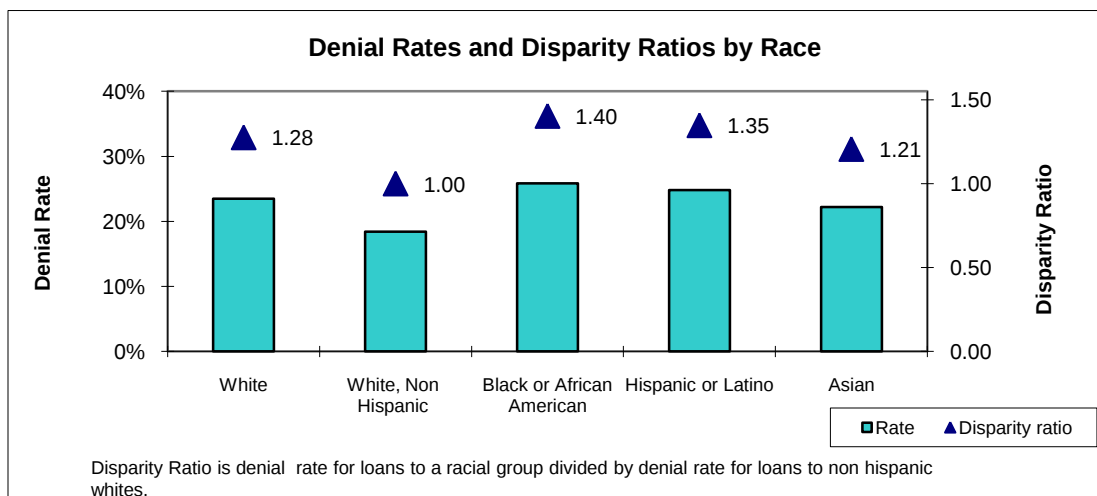
Chart 3b – Derived from data in Table 3b



FHA Loan Denial Disparity Analysis – FHA Tables 1c, 2c, & 3c are located at the end of this section. Charts reflect the data from the tables.

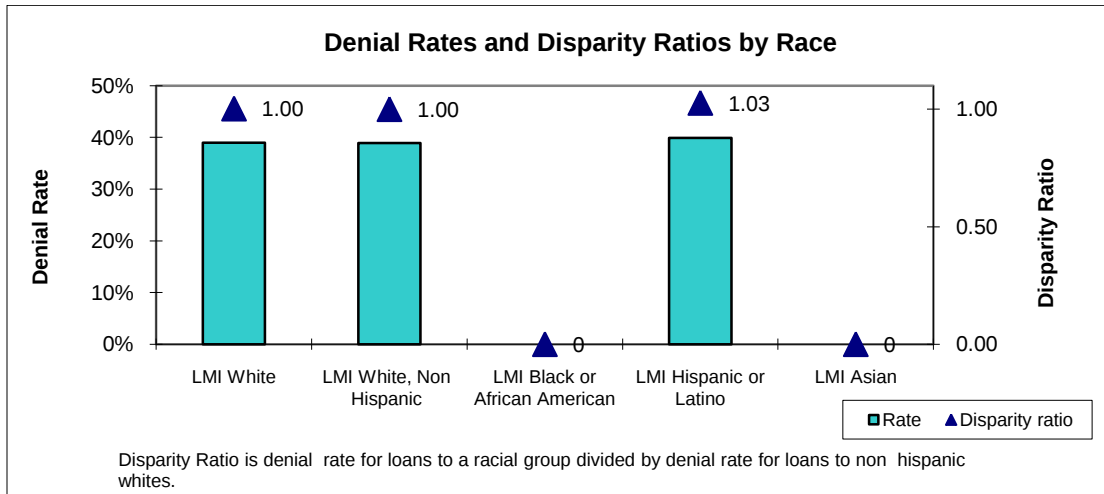
The overall denial rate for all FHA loans (Chart 1c, Table 1c) in El Paso City is 24.35 percent. The denial rate for non-Hispanic whites is 18.42 percent and Hispanics is 24.83 percent.

Chart 1c – Derived from data in Table 1c



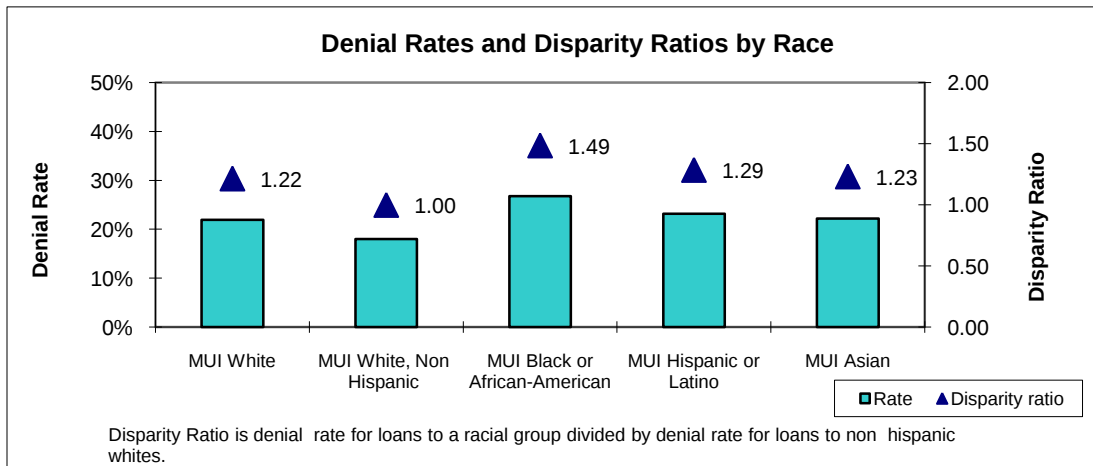
The overall denial rate for LMI individuals (Chart 2c, Table 2c) is 40.12 percent, with the denial rate for LMI non-Hispanic white borrowers being 38.89 percent and LMI Hispanics being 39.93 percent. MUI non-Hispanic whites experienced a denial rate of 18.03 percent and MUI Hispanics had a denial rate of 23.19 percent for FHA loans. MUI Hispanics are 1.29 times more likely to be denied an FHA loan compared to MUI non-Hispanic white borrowers. LMI Hispanics are almost similar to LMI non-Hispanic whites to be denied an FHA loan. Ethnic denial disparities increase as income levels increase.

Chart 2c – Derived from data in Table 2c



The predominantly minority neighborhoods had a higher denial rate (26.98 percent) than the substantially minority neighborhoods (20 percent) and mixed neighborhoods (21 percent).

Chart 3c – Derived from data in Table 3c



Summary and Conclusions

In El Paso City, Hispanic borrowers received a disproportionately high percentage of high-cost loans (81.53 percent), while Hispanics constitute 69.28 percent of El Paso City's households. In contrast, non-Hispanic whites received only 12.46 percent of all high-cost loans while they comprised 25.05 percent of all households during 2008.

Both LMI Hispanics and MUI Hispanics received a disproportionate amount of high-cost loans. MUI Hispanics are 1.91 times more likely to receive a high-cost loan than MUI non-Hispanic whites. LMI Hispanics are 1.25 times more likely to receive a high-cost loan than LMI non-Hispanic whites during 2008. Ethnic disparities in lending increase as income levels increase in El Paso City.

The denial disparity ratio of conventional loans is higher when comparing MUI Hispanics to MUI non-Hispanic whites than when comparing LMI Hispanics to LMI non-Hispanic whites. MUI Hispanics are 1.57 times more likely to be denied than MUI non-Hispanic whites, while LMI Hispanics are 1.29 times more likely than LMI non-Hispanic whites to be denied. Ethnic denial disparities increase as income levels increase in El Paso City.

The share of high-cost FHA loans for Hispanics was 1.13 times greater than their share of households in El Paso City. Hispanics also received a higher share of prime FHA loans (79.78 percent) than their share of households (69.28 percent). It should also be noted that Hispanics received a higher share of prime FHA loans than prime conventional loans (79.78 percent versus 66.65 percent). Since FHA loans are more expensive than prime loans, stakeholders should increase their efforts to make prime conventional loans to Hispanics.

In contrast to Hispanics, non-Hispanic whites received shares of prime (13.85 percent) and high-cost (15.82 percent) FHA loans that were lower than their share of households (25.05 percent) in El Paso City. Non-Hispanic whites also received a share of prime conventional loans (of 24.05 percent) that was similar to their share of households and a share of high-cost conventional loans (12.46 percent) about one half of their share of households. In contrast to Hispanics, non-Hispanic whites received higher share of prime conventional loans than prime FHA loans.

Ethnic denial disparities are observed for both conventional and FHA loans in El Paso City. Stakeholders should take steps to narrow disparities in both conventional and FHA lending.

Table 1. All Single Family Conventional Lending to Owner-Occupants, El Paso City, Texas

By Race of Borrower

Table 1a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Households		Ratio of Prime Portfolio Share to Percent of Households	Ratio of High-Cost Portfolio Share to Percent of Households
	Prime	High-Cost	All	Prime	High-Cost	All	Count	Percent		
Borrower Race										
White	4,886	1,821	6,707	93.80%	92.20%	93.36%	151,240	76.43%	1.23	1.21
White, Non-Hispanic	1,253	246	1,499	24.05%	12.46%	20.87%	49,574	25.05%	0.96	0.50
Black or African American	110	49	159	2.11%	2.48%	2.21%	7,200	3.64%	0.58	0.68
Hispanic or Latino	3,579	1,642	5,221	66.65%	81.53%	70.71%	137,097	69.28%	0.96	1.18
Native American	46	75	121	0.88%	3.72%	1.68%	1,538	0.78%	1.14	4.79
Asian	83	7	90	1.59%	0.35%	1.25%	2,431	1.23%	1.30	0.29
Total¹	5,791	2,189	7,980	100.0%	100.0%	100.0%	197,890	100.00%		

Table 1b. Market Share Analysis	Count of Loans			As a Percent of Loans to that Race (Market Share)		Ratio of that Race to White (Market Share Ratio)		Ratio of that Race to Non Hispanic White (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost	Prime	High-Cost
Borrower Race									
White	4,886	1,821	6,707	72.8%	27.2%	1.00	1.00	0.87	1.65
White, Non Hispanic	1,253	246	1,499	83.6%	16.4%	1.15	0.60	1.00	1.00
Black or African American	110	49	159	69.2%	30.8%	0.95	1.14	0.83	1.88
Hispanic or Latino	3,579	1,642	5,221	68.6%	31.4%	0.94	1.16	0.82	1.92
Asian	83	7	90	92.2%	7.8%	1.27	0.29	1.10	0.47
Total¹	5,791	2,189	7,980	72.6%	27.4%				

Table 1c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that Race to Non Hispanic White (Denial Ratio)
	Applications	Denials	Percentage	
Borrower Race				
White	18,403	7,082	38.48%	1.47
White, Non Hispanic	3,017	789	26.15%	1.00
Black or African American	421	170	40.38%	1.54
Hispanic or Latino	15,944	6,691	41.97%	1.60
Asian	193	51	26.42%	1.01
Total¹	22,247	8,582	38.58%	

Notes

1 "Total" refers to total of all races, which includes races in addition to the four included in this analysis. Therefore, the "Total" may not necessarily equal the sum of "White," "Black or African American," "Hispanic or Latino," and "Asian." This note holds true for both the lending analysis and the number of households.

Table 2. All Single Family Conventional Lending to Low- and Moderate-Income (LMI) Borrowers, El Paso City, Texas										
By Race of Borrower										
Table 2a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Households		Ratio of Prime Portfolio Share to Percent of Households	Ratio of High Cost Portfolio Share to Percent of Households
	Prime	High Cost	All	Prime	High-Cost	All	Count	Percent		
Borrower Race & Income Level										
LMI White	510	324	834	8.85%	15.22%	11.61%	58,505	29.56%	0.30	0.51
LMI White, Non Hispanic	51	25	76	0.89%	1.17%	1.06%	11,326	5.72%	0.15	0.21
LMI Black or African American	6	2	8	0.10%	0.09%	0.10%	2,245	1.13%	0.09	0.08
LMI Hispanic or Latino	477	335	812	8.28%	15.74%	10.26%	N/A	--	--	--
LMI Asian	4	3	7	0.07%	0.14%	0.09%	781	0.39%	0.18	0.36
Total (LMI+MUI)¹	5,791	2,189	7,980	100.0%	100.0%	100.0%	197,890			

Table 2b. Market Share Analysis	Count of Loans			As a Percent of Loans to that Race (Market Share)		Ratio of that Race to White (Market Share Ratio)		Ratio of that Race to Non Hispanic White (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost	Prime	High-Cost
Borrower Race & Income Level									
LMI White	510	324	834	61.2%	38.8%	1.00	1.00	0.91	1.18
LMI White, Non Hispanic	51	25	76	67.1%	32.9%	1.10	0.85	1.00	1.00
LMI Black or African American	6	2	8	75.0%	25.0%	1.23	0.64	1.12	0.76
LMI Hispanic or Latino	477	335	812	58.7%	41.3%	0.96	1.06	0.88	1.25
LMI Asian	4	3	7	57.1%	42.9%	0.93	1.10	0.85	1.30
LMI Total	561	418	979	57.3%	42.7%				

Table 2c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that Race to Non Hispanic White (Denial Ratio)
	Applications	Denials	Percentage	
Borrower Race & Income Level				
LMI White	3,155	1,675	53.09%	1.27
LMI White, Non Hispanic	224	94	41.96%	1.00
LMI Black or African American	30	16	53.33%	1.27
LMI Hispanic or Latino	3,209	1,736	54.10%	1.29
LMI Asian	20	8	40.00%	0.95
LMI Total¹	3,763	1,997	53.07%	

Notes

¹ "Total" refers to total of all races, which includes races in addition to the four included in this analysis. Therefore, the "Total" may not necessarily equal the sum of "White," "Black or African American," "Hispanic or Latino," and "Asian." This note holds true for both the lending analysis and the number of households.

Table 3. All Single Family Conventional Lending to Middle- and Upper-Income (MUI) Borrowers, El Paso City, Texas

By Race of Borrower

Table 3a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Households		Ratio of Prime Portfolio Share to Percent of Households	Ratio of High Cost Portfolio Share to Percent of Households
	Prime	High Cost	All	Prime	High-Cost	All	Count	Percent		
Borrower Race & Income Level										
MUI White	4,321	1,490	5,811	81.27%	73.22%	79.04%	92,735	46.86%	1.73	1.56
MUI White, Non Hispanic	1,190	220	1,410	22.38%	10.81%	19.18%	38,248	19.33%	1.16	0.56
MUI Black or African-American	103	47	150	1.94%	2.31%	2.04%	4,955	2.50%	0.77	0.92
MUI Hispanic or Latino	3,058	1,301	4,359	56.00%	63.16%	57.96%	N/A	--	--	--
MUI Asian	77	4	81	1.45%	0.20%	1.10%	1650	0.83%	1.74	0.24
Total (LMI+MUI)¹	5,791	2,189	7,980	100.0%	100.0%	100.0%	197,890	100.00%		

Table 3b. Market Share Analysis	Count of Loans			As a Percent of Loans to that Race (Market Share)		Ratio of that Race to White (Market Share Ratio)		Ratio of that Race to Non Hispanic White (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost	Prime	High-Cost
Borrower Race & Income Level									
MUI White	4,321	1,490	5,811	74.4%	25.6%	1.00	1.00	0.88	1.64
MUI White, Non Hispanic	1,190	220	1,410	84.4%	15.6%	1.13	0.61	1.00	1.00
MUI Black or African-American	103	47	150	68.7%	31.3%	0.92	1.22	0.81	2.01
MUI Hispanic or Latino	3,058	1,301	4,359	70.2%	29.8%	0.94	1.16	0.83	1.91
MUI Asian	77	4	81	95.1%	4.9%	1.28	0.19	1.13	0.32
MUI Total¹	5,094	1,764	6,858	74.3%	25.7%				

Table 3c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that Race to Non Hispanic White (Denial Ratio)
	Applications	Denials	Percentage	
Borrower Race & Income Level				
MUI White	15,086	5,336	35.37%	1.43
MUI White, Non Hispanic	2,758	682	24.73%	1.00
MUI Black or African-American	387	151	39.02%	1.58
MUI Hispanic or Latino	12,603	4,892	38.82%	1.57
MUI Asian	170	42	24.71%	1.00
MUI Total¹	18,189	6,489	35.68%	

Notes

¹ "Total" refers to total of all races, which includes races in addition to the four included in this analysis. Therefore, the "Total" may not necessarily equal the sum of "White," "Black or African American," "Hispanic or Latino," and "Asian." This note holds true for both the lending analysis and the number of households.

Table 4. All Single Family Conventional Lending to Owner-Occupants, El Paso City, Texas										
By Minority Level of Neighborhood										
Table 4a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Owner-Occ Units		Ratio of Prime Portfolio Share to Percent of Units	Ratio of High- Cost Portfolio Share to Percent of Units
	Prime	High Cost	All	Prime	High Cost	All	Count	Percent		
Minority Level of N'hood										
< 10% Minority	0	0	0	0.00%	0.00%	0.00%	0	0.00%	NA	NA
10-19% Minority	0	0	0	0.00%	0.00%	0.00%	0	0.00%	NA	NA
20-49% Minority	362	62	424	6.25%	2.83%	5.31%	14,789	11.95%	0.52	0.24
50-79% Minority	2,674	705	3,379	46.18%	32.21%	42.34%	50,292	40.63%	1.14	0.79
80-100% Minority*	2,754	1,422	4,176	47.56%	64.96%	52.33%	58,693	47.42%	1.00	1.37
Total	5,791	2,189	7,980	100.0%	100.0%	100.0%	123,774	100.00%		

* The figures for owner-occupied housing units are from the 2000 census so by 2008, there could be predominantly minority neighborhoods

Table 4b. Market Share Analysis	Count of Loans			As a Percent of Loans to that N'hood (Market Share)		Ratio of that N'hood to 20-49% Min (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost
Minority Level of N'hood							
< 10% Minority	0	0	0	NA	NA	NA	NA
10-19% Minority	0	0	0	NA	NA	NA	NA
20-49% Minority	362	62	424	85.4%	14.6%	1	1
50-79% Minority	2,674	705	3,379	79.1%	20.9%	0.93	1.43
80-100% Minority	2,754	1,422	4,176	65.9%	34.1%	0.77	2.33
Total¹	5,791	2,189	7,980	72.6%	27.4%		

Table 4c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that N'hood to 20-49% Min (Denial Ratio)
	Applications	Denials	Percentage	
Minority Level of N'hood				
< 10% Minority	0	0	NA	NA
10-19% Minority	0	0	NA	NA
20-49% Minority	915	246	26.89%	1
50-79% Minority	8,048	2,540	31.56%	1.17
80-100% Minority	13,283	5,796	43.63%	1.62
Total	22,246	8,582	38.58%	

Table 1. All Single Family FHA Lending to Owner-Occupants, El Paso City, Texas

By Race of Borrower

Table 1a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Households		Ratio of Prime Portfolio Share to Percent of Households	Ratio of High-Cost Portfolio Share to Percent of Households
	Prime	High-Cost	All	Prime	High-Cost	All	Count	Percent		
Borrower Race										
White	1,291	137	1,428	95.14%	86.71%	94.26%	151,240	76.43%	1.24	1.13
White, Non-Hispanic	188	25	213	13.85%	15.82%	14.06%	49,574	25.05%	0.55	0.63
Black or African American	26	5	31	1.92%	3.16%	2.05%	7,200	3.64%	0.53	0.87
Hispanic or Latino	1,089	124	1,213	79.78%	77.99%	79.59%	137,097	69.28%	1.15	1.13
Native American	16	15	31	1.18%	9.43%	2.05%	1,538	0.78%	1.52	12.14
Asian	6	0	6	0.44%	0.00%	0.40%	2,431	1.23%	0.36	0.00
Total¹	1,434	168	1,602	100.0%	100.0%	100.0%	197,890	100.00%		

Table 1b. Market Share Analysis	Count of Loans			As a Percent of Loans to that Race (Market Share)		Ratio of that Race to White (Market Share Ratio)		Ratio of that Race to Non Hispanic White (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost	Prime	High-Cost
Borrower Race									
White	1,291	137	1,428	90.4%	9.6%	1.00	1.00	1.02	0.82
White, Non Hispanic	188	25	213	88.3%	11.7%	0.98	1.22	1.00	1.00
Black or African American	26	5	31	83.9%	16.1%	0.93	1.68	0.95	1.37
Hispanic or Latino	1,089	124	1,213	89.8%	10.2%	0.99	1.07	1.02	0.87
Asian	6	0	6	100.0%	0.0%	1.11	0.00	1.13	0.00
Total¹	1,434	168	1,602	89.5%	10.5%				

Table 1c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that Race to Non Hispanic White (Denial Ratio)
	Applications	Denials	Percentage	
Borrower Race				
White	2,438	573	23.50%	1.28
White, Non Hispanic	342	63	18.42%	1.00
Black or African American	58	15	25.86%	1.40
Hispanic or Latino	2,114	525	24.83%	1.35
Asian	9	2	22.22%	1.21
Total¹	2,866	698	24.35%	

Notes

1 "Total" refers to total of all races, which includes races in addition to the four included in this analysis. Therefore, the "Total" may not necessarily equal the sum of "White," "Black or African American," "Hispanic or Latino," and "Asian." This note holds true for both the lending analysis and the number of households.

Table 2. All Single Family FHA Lending to Low- and Moderate-Income (LMI) Borrowers, El Paso City, Texas										
By Race of Borrower										
Table 2a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Households		Ratio of Prime Portfolio Share to Percent of Households	Ratio of High Cost Portfolio Share to Percent of Households
	Prime	High Cost	All	Prime	High-Cost	All	Count	Percent		
Borrower Race & Income Level										
LMI White	108	19	127	7.56%	11.52%	8.38%	58,505	29.56%	0.26	0.39
LMI White, Non Hispanic	4	4	8	0.28%	2.42%	0.53%	11,326	5.72%	0.05	0.42
LMI Black or African American	0	0	0	0.00%	0.00%	0.00%	2,245	1.13%	0.00	0.00
LMI Hispanic or Latino	102	16	118	7.14%	9.70%	7.40%	N/A	--	--	--
LMI Asian	0	0	0	0.00%	0.00%	0.00%	781	0.39%	0.00	0.00
Total (LMI+MUI)¹	1,434	168	1,602	100.0%	100.0%	100.0%	197,890			

Table 2b. Market Share Analysis	Count of Loans			As a Percent of Loans to that Race (Market Share)		Ratio of that Race to White (Market Share Ratio)		Ratio of that Race to Non Hispanic White (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost	Prime	High-Cost
Borrower Race & Income Level									
LMI White	108	19	127	85.0%	15.0%	1.00	1.00	1.70	0.30
LMI White, Non Hispanic	4	4	8	50.0%	50.0%	0.59	3.34	1.00	1.00
LMI Black or African American	0	0	0	--	--	--	--	--	--
LMI Hispanic or Latino	102	16	118	86.4%	13.6%	1.02	0.91	1.73	0.27
LMI Asian	0	0	0	--	--	--	--	--	--
LMI Total	115	23	138	83.3%	16.7%				

Table 2c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that Race to Non Hispanic White (Denial Ratio)
	Applications	Denials	Percentage	
Borrower Race & Income Level				
LMI White	295	115	38.98%	1.00
LMI White, Non Hispanic	18	7	38.89%	1.00
LMI Black or African American	0	0	--	--
LMI Hispanic or Latino	278	111	39.93%	1.03
LMI Asian	0	0	--	--
LMI Total¹	329	132	40.12%	

Notes

¹ "Total" refers to total of all races, which includes races in addition to the four included in this analysis. Therefore, the "Total" may not necessarily equal the sum of "White," "Black or African American," "Hispanic or Latino," and "Asian." This note holds true for both the lending analysis and the number of households.

Table 3. All Single Family FHA Lending to Middle-and Upper-Income (MUI) Borrowers, El Paso City, Texas

By Race of Borrower

Table 3a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Households		Ratio of Prime Portfolio Share to Percent of Households	Ratio of High Cost Portfolio Share to Percent of Households
	Prime	High Cost	All	Prime	High-Cost	All	Count	Percent		
Borrower Race & Income Level										
MUI White	1,114	112	1,226	81.02%	68.71%	79.71%	92,735	46.86%	1.73	1.47
MUI White, Non Hispanic	173	21	194	12.58%	12.88%	12.61%	38,248	19.33%	0.65	0.67
MUI Black or African-American	25	5	30	1.82%	3.07%	1.95%	4,955	2.50%	0.73	1.23
MUI Hispanic or Latino	925	102	1,027	67.08%	62.58%	66.60%	N/A	--	--	--
MUI Asian	6	0	6	0.44%	0.00%	0.39%	1,650	0.83%	0.52	0.00
Total (LMI+MUI)¹	1,434	168	1,602	100.0%	100.0%	100.0%	197,890	100.00%		

Table 3b. Market Share Analysis	Count of Loans			As a Percent of Loans to that Race (Market Share)		Ratio of that Race to White (Market Share Ratio)		Ratio of that Race to Non Hispanic White (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost	Prime	High-Cost
Borrower Race & Income Level									
MUI White	1,114	112	1,226	90.9%	9.1%	1.00	1.00	1.02	0.84
MUI White, Non Hispanic	173	21	194	89.2%	10.8%	0.98	1.18	1.00	1.00
MUI Black or African-American	25	5	30	83.3%	16.7%	0.92	1.82	0.93	1.54
MUI Hispanic or Latino	925	102	1,027	90.1%	9.9%	0.99	1.09	1.01	0.92
MUI Asian	6	0	6	100.0%	0.0%	1.10	0.00	1.12	0.00
MUI Total¹	1,233	137	1,370	90.0%	10.0%				

Table 3c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that Race to Non Hispanic White (Denial Ratio)
	Applications	Denials	Percentage	
Borrower Race & Income Level				
MUI White	2,021	443	21.92%	1.22
MUI White, Non Hispanic	305	55	18.03%	1.00
MUI Black or African-American	56	15	26.79%	1.49
MUI Hispanic or Latino	1,725	400	23.19%	1.29
MUI Asian	9	2	22.22%	1.23
MUI Total¹	2,351	539	22.93%	

Notes

1 "Total" refers to total of all races, which includes races in addition to the four included in this analysis. Therefore, the "Total" may not necessarily equal the sum of "White," "Black or African American," "Hispanic or Latino," and "Asian." This note holds true for both the lending analysis and the number of households.

Table 4. All Single Family FHA Lending to Owner-Occupants, El Paso City, Texas										
By Minority Level of Neighborhood										
Table 4a. Portfolio Share Analysis	Count of Loans			As a Percent of Loans to All Races (Portfolio Share)			Owner-Occ Units		Ratio of Prime Portfolio Share to Percent of Units	Ratio of High-Cost Portfolio Share to Percent of Units
	Prime	High Cost	All	Prime	High Cost	All	Count	Percent		
Minority Level of N'hood										
< 10% Minority	0	0	0	0.00%	0.00%	0.00%	0	0.00%	NA	NA
10-19% Minority	0	0	0	0.00%	0.00%	0.00%	0	0.00%	NA	NA
20-49% Minority	27	4	31	1.88%	2.38%	1.94%	14,789	11.95%	0.16	0.20
50-79% Minority	580	53	633	40.45%	31.55%	39.51%	50,292	40.63%	1.00	0.78
80-100% Minority*	827	111	938	57.67%	66.07%	58.55%	58,693	47.42%	1.22	1.39
Total	1,434	168	1,602	100.0%	100.0%	100.0%	123,774	100.00%		

* The figures for owner-occupied housing units are from the 2000 census so by 2008, there could be predominantly minority neighborhoods

Table 4b. Market Share Analysis	Count of Loans			As a Percent of Loans to that N'hood (Market Share)		Ratio of that N'hood to 20-49% Min (Market Share Ratio)	
	Prime	High-Cost	All	Prime	High-Cost	Prime	High-Cost
Minority Level of N'hood							
< 10% Minority	0	0	0	NA	NA	NA	NA
10-19% Minority	0	0	0	NA	NA	NA	NA
20-49% Minority	27	4	31	87.1%	12.9%	1	1
50-79% Minority	580	53	633	91.6%	8.4%	1.05	0.65
80-100% Minority	827	111	938	88.2%	11.8%	1.01	0.92
Total¹	1,434	168	1,602	89.5%	10.5%		

Table 4c. Loan Denial Disparity Ratios	Denial Rate			Ratio of that N'hood to 20-49% Min (Denial Ratio)
	Applications	Denials	Percentage	
Minority Level of N'hood				
< 10% Minority	0	0	NA	NA
10-19% Minority	0	0	NA	NA
20-49% Minority	57	12	21.05%	1
50-79% Minority	1,030	206	20.00%	0.95
80-100% Minority	1,779	480	26.98%	1.28
Total	2,866	698	24.35%	

City of El Paso Fair Housing Survey

CITY OF EL PASO – FAIR HOUSING SURVEY



SOUTHWEST FAIR HOUSING COUNCIL

Illegal housing discrimination occurs when **one or more of the following occurs** based on a person's race, national origin, color, religion, sex, or if they have children or a disability:

A.

Refusing, discouraging or **charging more to rent** an apartment or buy a home.

B.

Discouraging a person from living where he or she wants to live, often by **steering him or her** to another apartment, complex or neighborhood.

C.

Refusing or making it **hard to get a loan** to buy or refinance a house or take out home equity by doing things like charging more money or offering a worse deal than someone should be able to get if he or she shopped around.

D.

Refusing, discouraging or **charging more for home insurance.**

E.

Discrimination based on disability: Refusing to make a reasonable accommodation, refusing to allow a modification to make an apartment more accessible for persons with a disability or lack of accessible units.

F.

Predatory lending: unfair, misleading, **deceptive or fraudulent loan practices.**

1. Have you or someone you know ever encountered one or more forms of housing discrimination described in the shaded boxes in your local area?

- ☐ Yes, I have or I know someone who has.
- ☐ I think I may have or I may know someone who has.
- ☐ No, I have not and don't know anyone who has.
- ☐ Don't know
- ☐ Other _____

2. If you believe that you or someone you know encountered housing discrimination in your local area, please write down the letter(s) from the shaded boxes at the beginning of the survey that best describes the type of discrimination.

3. Do you believe housing discrimination occurs in your local area?

- ☐ Yes
- ☐ Likely
- ☐ Unlikely
- ☐ No

4. If you think housing discrimination is occurring in your local area, what types do you think are most prevalent? Write down the letter(s) from the shaded boxes at the beginning of the survey.



5. How well informed are you about housing discrimination?

- ☐ Very informed
☐ Somewhat informed
☐ Not very informed
☐ Not at all informed

6. What would you do if you encountered housing discrimination?

- ☐ Do nothing and seek other housing options
☐ Tell the person that you believe they are discriminating
☐ Report it
☐ Would not know what to do
☐ Other _____

7. If you wanted to report housing discrimination, who would you report it to?

8. What do you think should be done to help prevent housing discrimination?

Please check those that apply to you:

◆ **Race/Ethnicity**

- ☐ White Anglo
☐ Hispanic
☐ African American
☐ Native American
☐ Other _____

◆ **Gender**

- ☐ Female
☐ Male

◆ **Family Status**

- ☐ Have children in household
☐ No children in household

◆ **Disability?**

- ☐ Yes
☐ No

◆ **Housing**

- ☐ I own a home
☐ I rent
☐ Other _____

◆ **Employed in**

- ☐ The public sector
☐ The non-profit sector
☐ The private sector
☐ The housing industry
☐ Not employed
☐ Other _____

Reference Information:

◆ Zip Code _____

◆ Approximate yearly household income _____

◆ Neighborhood/ Subdivision _____

◆ Number in household _____

The results of this survey will be included in the Analysis of Impediments to Fair Housing, for the City of El Paso, Texas. This survey is anonymous and for research purposes only.

Please return this survey to the location you received it.

Page 2

ENCUESTA DE DISCRIMINACIÓN DE VIVIENDA EN LA CIUDAD DE EL PASO



SOUTHWEST FAIR HOUSING COUNCIL

La discriminación ilegal de la vivienda **ocurre cuando uno o más de lo siguiente ocurren** a una persona por razón de raza, origen nacional (por ejemplo, hispano), color, la religión, el sexo, o si tiene niños o una discapacidad:

A.

Negar, desanimar o cobrar más para alquilar un apartamento o comprar un hogar.

B.

Desanimar a personas a vivir donde quieren. Dirigirlas a otro apartamento, complejo o vecindario.

C.

Negar, desanimar, hacerlo más difícil o cobrar más o proporcionar términos menos favorables para un préstamo de hogar para comprar, refinanciar, arreglar o utilizar la equidad en un hogar.

D.

Negar, desanimar o cobrar más para seguro de casas.

E.

Negar a hacer una acomodación razonable o permitir una modificación para hacer un apartamento más accesible para una persona discapacitada.

F.

Préstamos depredadores: un préstamo hecho con prácticas injustas, engañosas o fraudulentas.

1. ¿Ha encontrado usted o un conocido suyo cualquiera de una o más formas de discriminación descrito en los recuadros arriba?

- ☐ Definitivamente yo la he encontrado o conozco a alguien que la ha encontrado
- ☐ Posiblemente yo la he encontrado o conozco a alguien que la ha encontrado
- ☐ Yo, no la he encontrado ni conozco a alguien que la ha encontrado
- ☐ No sé
- ☐ Otro _____

2. Si cree que usted o un conocido suyo ha experimentado la discriminación ilegal, por favor anota las letra(s) de las cajas al inicio de la encuesta y descríbalas abajo.

3. ¿Cree usted que la discriminación de viviendas ocurre en su área?

- ☐ Sí
- ☐ Posiblemente sí
- ☐ Probablemente no
- ☐ No

4. ¿Si usted piensa que la discriminación de viviendas ocurre, qué tipos son los más comunes? Anote la letra(s) de las cajas al inicio de la encuesta.

ENCUESTA DE DISCRIMINACIÓN DE VIVIENDA EN LA CIUDAD DE EL PASO



SOUTHWEST FAIR HOUSING COUNCIL

5. ¿Que tan informado esta usted sobre la discriminación de viviendas?

- ☐ Bien informado
- ☐ Medio informado
- ☐ Poco informado
- ☐ No estoy informado

6. ¿Qué haría si usted se encontraría con la discriminación de viviendas?

- ☐ Ignorarlo y buscar una casa o apartamento en otra parte
- ☐ Decirle a la persona que usted cree que están discriminando
- ☐ Reportarlo
- ☐ Usted no sabría que hacer
- ☐ Otro _____

7. ¿Si reportara la discriminación de vivienda, a quien se la reportara?

8. ¿Qué se puede hacer para ayudar a prevenir la discriminación de viviendas?

Verifique ésos que aplican a usted:

◆ Raza/etnicidad

- ☐ Anglo
- ☐ Hispano
- ☐ Afr-Americano
- ☐ Indio-Americano
- ☐ Otro _____

◆ Sexo

- ☐ Mujer
- ☐ Hombre

◆ Estado Familiar

- ☐ Tengo niños en casa
- ☐ No tengo niños en casa

◆ Discapacitado?

- ☐ Sí
- ☐ No

◆ Vivienda

- ☐ Soy dueño de casa
- ☐ Alquiler
- ☐ Otro _____

◆ Ocupación

- ☐ Trabajo en el sector publico
- ☐ Trabajo para una agencia sin fines de lucro
- ☐ Trabajo en el sector privado
- ☐ Trabajo en la industria de viviendas
- ☐ Estoy desempleado
- ☐ Otro _____

Información de referencia:

◆ Código Postal _____

◆ Ingresos aproximados anualmente _____

◆ Nombre de Vecindario _____

◆ Numero de personas que viven en su casa _____

Los resultados de esta encuesta serán incluidos como parte del Análisis de Impedimentos a Igualdad en la Vivienda para el Ciudad de El Paso.

Favor de devolver esta encuesta de donde lo sacó.

página 2



Analysis of Impediments to Fair Housing Choice (AI)

El Paso



What is an AI?

- **Fair housing** analysis
- Part of the **Consolidated Planning Process**
- Identifies **impediments**
- **Plan of Action**
 - Steps to improve AFFH
 - Measurable actions with timeline



Impediments and AFFH

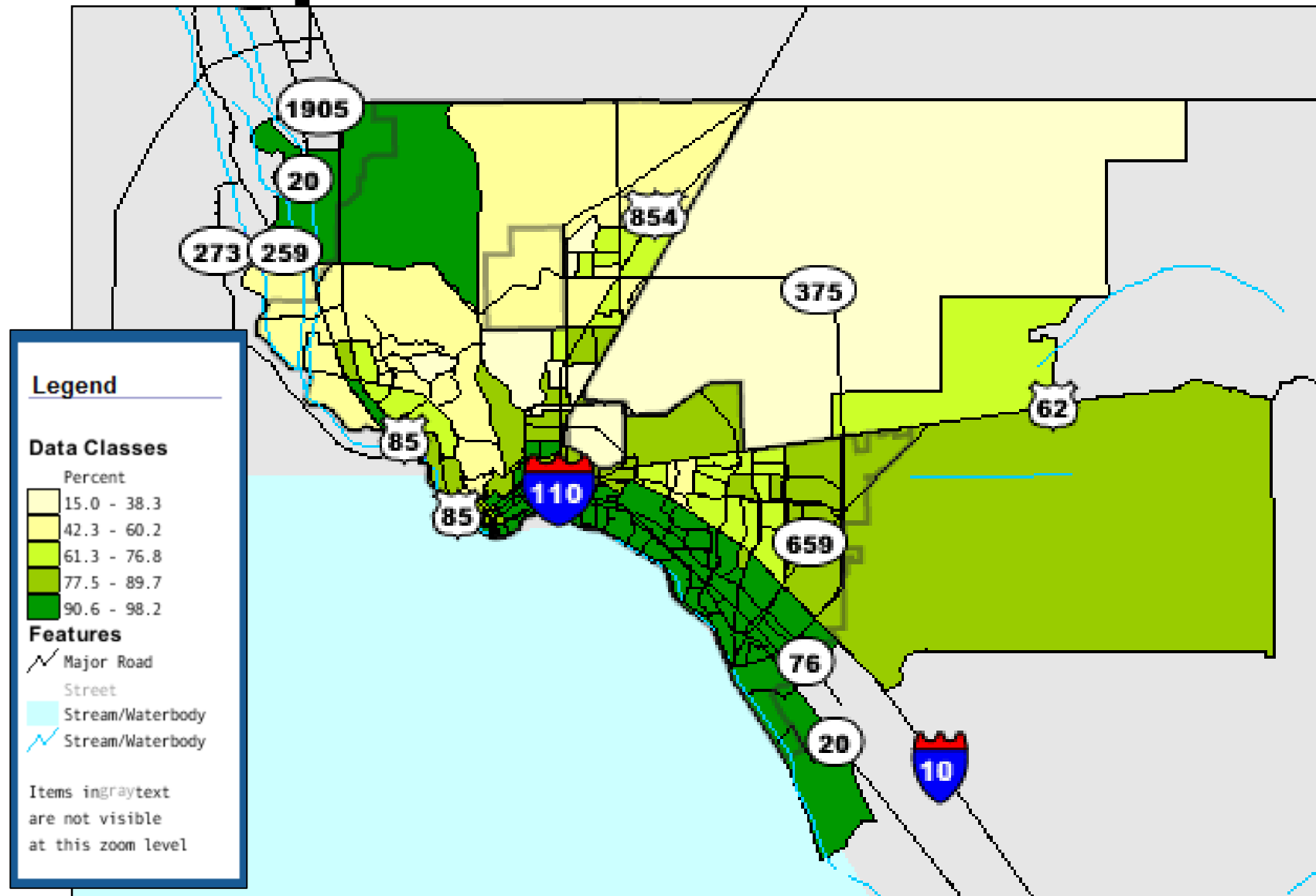
- **Impediments:**
 - Actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status or national origin which restrict housing choices.
- **Affirmatively furthering fair housing (AFFH):**
 - Actions to overcome FH impediments
 - Public and private policies and practices
 - Public perceptions and stereotypes
 - Built environment (e.g. segregated housing patterns)



General Findings

- **Commitment** to fair housing
- Evidence of housing **discrimination**
 - HMDA data, protected class concentrations, surveys, interviews, complaint data, etc.
- **2011 Action Plan**
 - Build on and improve current fair housing activities
 - Improve AFFH to meet increased HUD focus

Hispanic Concentrations





Impediments & Actions

1. Illegal housing discrimination

- Improve complaint intake and processing
 - Based on revised fair housing ordinance
- Fair housing testing
- Identify local fair housing providers



2. Public unaware of FH rights and resources

- Distribute fair housing literature
- Fair housing trainings and presentation
- Collaborate with other organizations
- Special emphasis on fair housing month activities during April



3. Protected class concentrations

- Affirmative marketing strategies
- AFFH strategies for new housing for which the City provides incentives
- Review zoning code and development process

4. AI not well integrated with Consolidated Plan

- AFFH plan for housing-related programs and projects
- Make AI available to community



5. Mortgage lending disparities & predatory lending

- Provide trainings for people at risk of foreclosure
- Annual anti-predatory lending workshop

6. NIMBY attitudes impede affordable housing

- Education and outreach



7. Monitoring, evaluation & data collection

- Design method for logging fair housing information

8. Current fair housing ordinance ineffective as an enforcement tool

- Reassess seeking substantial equivalency status
- Ensure adequate resources for fair housing activities
- Publicize commitment to fair housing
- Update City's fair housing webpage



Recommendations Regarding Type A Accessibility

- The City will consider funding an agency to either:
 - A. Conduct a Survey, or
 - B. Develop and maintain a database to determine demand for Type A units.
- A recommendation will be made on whether to change the percentage of Type A accessible units required in new multi-family construction, as appropriate, based upon the analysis of the data.