



ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

2019

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**NORTHWEST FAIR
HOUSING ALLIANCE**

"Working to Ensure Equal Housing Opportunity for All"

Table of Contents

I. Introduction and Executive Summary.....	1
Requirements for Entitlement Jurisdictions to Affirmatively Further Fair Housing.....	1
Definition of Impediments to Fair Housing.....	4
Executive Summary.....	5
Participants	
Funding	
Methodology	
Data Reviewed	
Impediments Identified	6
Significant Issues.....	8
II. The Law	8
A. Federal Fair Housing Act.....	8
1. Prohibitions.....	8
2. Covered Dwellings	9
3. Exemptions	9
4. Individuals with Disabilities	10
5. Familial Status and Housing for Older Persons.....	10
B. Washington Law Against Discrimination.....	11
C. Spokane Ordinance	12
D. Washington Residential Landlord Tenant Act.....	14
III. Jurisdictional Background Data.....	15
A. Demographic Data.....	17
1. General Population	17
2. Sex and Age.....	17
3. Household Composition	18
4. Race and Ethnicity.....	18
5. Individuals with Disabilities	23
B. Housing Profile	24
1. Housing Units.....	24
a. Rental Units.....	24
b. Affordable rental units	24
c. Vacancy Rates.....	30
d. Residential Real Estate Listings	30
2. Tenure.....	31
IV. Identification of Impediments to Fair Housing Choice	34
A. Segregation.....	34
1. Historical Redlining, Steering, and Covenants	34
2. Segregation Today	37
Race and Ethnicity Dissimilarity Index	40
Diversity Index	41
B. Measures of Opportunity	41
1. Education	43
School Proficiency Index.....	43
2. Income and Poverty	44
Income.....	44
Poverty	45
Low Poverty Index.....	45

3. Housing Affordability	47
4. Housing Needs	50
5. Publicly Assisted Households	54
6. Environmental Health	56
7. Labor Force and Employment	57
Job Proximity Index	57
Labor Market Engagement Index	58
8. Transportation	59
Transit Trips Index	59
Low Transportation Cost Index	60
9. Homeless	60
10. Criminal Justice System Impacted	62
V. Evaluation of Spokane's Current Fair Housing Legal Status (Fair Housing Complaints)	69
A. The Complaint Process	69
1. HUD/WSHRC	69
2. WA Landlord Tenant Act	70
3. Spokane Human Rights Ordinance	70
B. Spokane Fair Housing Complaint Data	71
1. Fair Housing Initiatives Program (FHIP) Advocacy	71
a. Intakes	71
b. Fair Housing Allegations	72
c. Reasonable Accommodations Requested	73
2. Administrative Complaints	74
a. Complaints Referred by FHIP Agency	74
b. Complaints filed with HUD and WSHRC	75
c. Complaint Outcomes	78
VI. Lending, Rental, Sales, Design & Construction, and Zoning	79
A. Lending	79
1. Lending Testing	79
2. Fair Lending Complaints	80
3. Home Mortgage Disclosure Act Data	80
B. Rental and Sales Testing In Spokane	83
1. Rental Testing	83
Audit Testing	83
Complaint-Based Testing	85
2. Sales Testing	86
C. Accessibility	86
D. Zoning	91
VII. Community Perception of Housing Discrimination in Spokane	93
Community Surveys	94
VIII. Assessment of Current Fair Housing Programs and Activities	100
A. Fair Housing Enforcement	100
B. Informational Programs	103
Signature Page	104
Appendix A:	A-1
Appendix B:	B-1
Appendix C:	C-1
Appendix D:	D-1

I. INTRODUCTION AND EXECUTIVE SUMMARY

The purpose of this Analysis is to identify impediments to fair housing choice in the City of Spokane based on race, color, religion, sex, disability, familial status, or national origin (“protected classes”) in violation of the Federal Fair Housing Act (FHA),¹ as well as impediments based on marital status, creed, sexual orientation, and veteran or military status, in violation of the Washington State Law Against Discrimination (WLAD)², source of income discrimination in violation of the Washington Residential Landlord Tenant Act³, and violations of the Municipal Code Title 18 Law Against Discrimination.⁴

Requirement for Entitlement Jurisdictions to Affirmatively Further Fair Housing

The Secretary of the U.S. Department of Housing and Urban Development (HUD) is required by Section 808(c)(5) of the Fair Housing Act to administer HUD’s programs in a manner that affirmatively furthers fair housing (AFFH). Entitlement jurisdictions that receive federal funds to administer HUD’s Community Planning and Development (CPD) programs are also required by federal regulations to certify that they will AFFH and undertake Fair Housing Planning (FHP). Spokane administers the following CPD programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnerships (HOME)
- Emergency Shelter Grant Program (ESGP)

Fair Housing Planning requires a jurisdiction to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction (Analysis of Impediments to Fair Housing Choice (“AI”));
- Take appropriate actions to overcome the effects of any impediments identified through the analysis; and
- Maintain records reflecting the analysis and actions taken in this regard.

Conducting an analysis of impediments and taking actions to overcome effects of any identified impediments means to:

- Analyze and eliminate housing discrimination in the jurisdiction
- Promote fair housing choice for all persons
- Provide opportunities for inclusive patterns of housing occupancy regardless of protected class
- Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act

¹ 42 U.S.C. 3601 et seq.

² 49 RCW 60.

³ RCW 59.18.255.

⁴ SMC, Title 18.

The AI:

- Serves as the substantive, logical basis for Fair Housing Planning
- Provides essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates
- Assists in building public support for fair housing efforts both within a State or Entitlement jurisdiction's boundaries and beyond.

Where the community planning and development perspective looks at needs for housing and possible barriers to meeting those needs, the fair housing perspective focuses as much on the causes of needs of groups or persons protected by the Fair Housing Act as it does on the needs themselves.

HUD suggests that jurisdictions conduct or update their AI at least once every 3 to 5 years consistent with the Consolidated Plan cycle. Spokane has issued the following AIs:

- Fair Housing Analysis, Adopted October 1994
- Fair Housing in Spokane: 1997 Analysis of Impediments and Recommendations
- Analysis of Impediments to Fair Housing, August 2003
- Analysis of Impediments to Fair Housing Choice 2008
- Analysis of Impediments to Fair Housing Choice 2014 Update

This report is intended to serve as the updated Analysis of Impediments to Fair Housing Choice (AI) for the City of Spokane, covering the period 2014-2019.

Affirmatively Furthering Fair Housing (AFFH) Rule

On July 16, 2015, HUD published the final Affirmatively Furthering Fair Housing (AFFH) rule that created a process for local jurisdictions and public housing authorities to analyze the local fair housing landscape and set fair housing priorities and goals through an Assessment of Fair Housing (AFH). Pursuant to the AFFH mandate in section 808(c)(5) of the Fair Housing Act, and in subsequent legislative enactments, the purpose of the AFFH regulations in 24 CFR §§ 5.150 through 5.180 is to provide program participants with an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The AFFH regulations seek to improve community planning in order to overcome fair housing issues and have inclusive community participation, which will result in establishing fair housing goals in order to increase fair housing choices and provide equal access to opportunity for all community members.

An Assessment of Fair Housing (AFH) means the analysis undertaken pursuant to § 5.154 that includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals, conducted and submitted to HUD using an "Assessment Tool" to be provided by HUD. Each program participant must certify it will take meaningful actions to further the goals identified in its AFH.

On December 31, 2015 and again on January 13, 2017 HUD published notices in the Federal Register announcing the availability of a Local Government Assessment Tool designed to aid local governments and consortia required to submit consolidated plans under HUD's Consolidated Plan regulations, in conducting an AFH.

According to the AFFH Rule, the submission deadline for the first AFH for program participants is a date not less than 9 months from the date of publication of the Assessment Tool. The AFFH Rule provides that, until such time as program participants are required to submit an AFH, the program participant shall continue to conduct an analysis of impediments in accordance with requirements in effect prior to Aug. 17, 2015.

HUD encourages program participants to collaborate between and among public housing agencies (PHAs), local governments, States, and Insular Areas to conduct and submit a single Assessment of Fair Housing (AFH), through either a joint or regional AFH. 24 CFR §§ 5.152 and 5.156. "Regionally collaborating participants" refers to joint participants, at least two of which are Consolidated Plan program participants, conducting and submitting a single AFH (a regional AFH). 24 C.F.R. § 5.152. The City of Spokane, County of Spokane, and the Spokane Housing Authority, are subject to the affirmatively furthering fair housing requirements found at 24 CFR §§5.150 through 5.180 and each required to submit an AFH to HUD. In late 2017, the County of Spokane approved an interlocal agreement to conduct a Regional AFH with the City of Spokane and the Spokane Housing Authority. Prior to its approval by the City of Spokane, on January 5, 2018, at 83 FR 683, HUD published a Federal Register notice extending the time frame applicable for local government consolidated plan program participants to submit AFHs. Thereafter, the jurisdictions determined to conduct separate AIs. Thus, the scope of this AI is limited to identifying and addressing impediments to fair housing choice within the City of Spokane.

On May 23, 2018, HUD published Notices in the Federal Register announcing withdrawal of the January 5, 2018 notice of AFH extension, as well as withdrawal of the Local Assessment Tool. The May 23, 2018 HUD Notice, *Affirmatively Furthering Fair Housing: Responsibility to Conduct Analysis of Impediments*, which withdrew the Local Assessment Tool, states that the deadline for local government program participants to submit a first AFH is extended to a date not less than 9 months following the future publication of a revised and approved Local Government Assessment Tool. To date HUD has not published a revised Local Government Assessment Tool. However, the May 23, 2018 HUD Notice, which withdrew the Local Assessment Tool, provides, "The data HUD has developed in order to implement the AFFH rule will remain available for program participants to use in conducting their AIs." HUD has made available, via the HUD Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T), tables and maps to assess disparities in opportunities in communities. Accordingly, this AI utilizes maps and data tables generated through the AFFH-T, available at <https://egis.hud.gov/affht/>.

Impediments to Fair Housing Choice

The AI is a review of impediments to fair housing choice in both the public and private sector. The AI involves:

- A comprehensive review of a State or Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices
- An assessment of how those laws, etc. affect the location, availability, and accessibility of housing
- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.

Impediments to fair housing choice are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin ("protected classes") which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of a protected class

Policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of membership in a protected class may constitute impediments.

Policies and activities that decrease access to affordable housing can pose impediments to fair housing choice based on disparate impact on certain protected classes. The HUD Fair Housing Planning Guide (FHPG) notes both the distinction and the potential intersection between affordable housing activities and those that affirmatively further fair housing choice:

The two concepts are not equivalent but they are also not entirely separate. When a jurisdiction undertakes to build or rehabilitate housing for low- and moderate-income families, for example, this action is not in and of itself sufficient to affirmatively further fair housing. It may be providing an extremely useful service by increasing the supply of decent, safe, and sanitary affordable housing. Providing adequate housing and improving existing neighborhoods are vital functions and should always be encouraged.

Additionally, the provision of affordable housing is often important to minority families and to persons with disabilities because they are disproportionately represented among those that would benefit from low-cost housing. When steps are taken to assure that the housing is fully available to all residents of the community,

regardless of race, color, national origin, gender, handicap, or familial status, those are the actions that affirmatively further fair housing.⁵

Executive Summary

The City of Spokane contracted with Northwest Fair Housing Alliance (NWFHA) to complete an Analysis of Impediments to Fair Housing Choice. The City allocated funding for this project from CDBG funds.

NWFHA is a HUD designated Qualified Fair Housing Organization and has provided nonprofit fair housing services since 1994. NWFHA's mission is to eliminate housing discrimination and ensure equal housing opportunity for the people of Washington State through education, counseling and advocacy. Based in Spokane, NWFHA is the only non-profit fair housing agency that serves Eastern Washington. Since its founding, NWFHA has provided intake and investigation for housing discrimination claims, conducted testing, and offered education and outreach programs, primarily in 17 counties in Eastern and Central Washington, including Spokane County.

The U.S. Department of HUD *Fair Housing Planning Guide* (FHPG) was used as the model for this Analysis of Impediments to Fair Housing Choice, with supplementation of maps and data tables from the HUD Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T).

The following sources were also reviewed and referenced:

- Home Mortgage Disclosure Act (HMDA) data
- Results of NWFHA Fair Housing Initiative Program (FHIP) grant testing
- Complaint Data (Appendix C) from:
 - The U.S. Dept. of Housing & Urban Development, Fair Housing & Equal Opportunity (HUD)
 - The Washington State Human Rights Commission (WSHRC)
 - Northwest Fair Housing Alliance (NWFHA)
- Census and American Community Survey Data, US Census Bureau
- HUD Affirmatively Furthering Fair Housing Mapping and Data Tool – Tables and Maps (see Appendix A and B, and throughout this AI)
- HUD Low Income Housing Tax Credit online Query Tool
- PolicyMap online mapping and data
- Spokane Community Indicators, Eastern Washington University
- Community Survey results (Appendix D)
- Federal, State, and Spokane laws and ordinances
- Spokane Regional Health District Reports
- United Way 2018 ALICE Report
- University of Washington, Runstad Department of Real Estate, Market Reports

⁵ U.S. Dept. of HUD, *Fair Housing Planning Guide* (FHPG), Vol. 1, Detailed Discussion of AI Areas For Entitlement, State, and State-Funded Jurisdictions. Ch. 5, sec. 5.1, p. 5-4.

The AI identifies the following impediments to fair housing choice in Spokane:

Impediment 1: Fair housing complaints based on disability discrimination are filed with administrative enforcement agencies at a significantly greater rate than any other protected class.

Recommended Actions:

- Provide fair housing education for housing providers about Fair Housing Act requirements for assessing and granting requests for reasonable accommodations and modifications.
- Provide advocacy for people with disabilities.

Impediment 2: People with disabilities have need for assistance requesting and advocating for reasonable accommodations.

Recommended Actions:

- Provide training and technical assistance to advocates who work with people with disabilities about how to request reasonable accommodations and verify disability and need for reasonable accommodations.

Impediment 3: People of color and people with disabilities are more likely to be tenants than home owners, and therefore at greater risk of housing instability and homelessness due to market forces (e.g., low vacancy rates, rising rents, and high cost of application and screening fees), and 20 day no cause tenancy termination.

Recommended Actions:

- Adopt local ordinance protections that limit the reasons tenancies can be terminated, provide more notice to tenants of terminations, limit the amount of application, screening, and move-in fees that can be charged, and require increased notice prior to raising rent or limit rent increases to a certain percentage over a specific amount of time.

Impediment 4: Source of income discrimination and housing provider refusal to accept housing subsidies limits housing choice for people with disabilities who rely on non-employment income such as SSI and SSDI, people with disabilities and people of color who are disproportionately represented in the section 8 voucher program, and veterans with disabilities who receive VASH vouchers.

Recommended Actions:

- Provide education for housing consumers and providers about source of income protections in the WA RLTA and SMC Title 18.
- Fund testing to support source of income discrimination complaints by rental applicants. Source of income is not a protected class in the Fair Housing Act, therefore HUD Fair Housing Initiative Program grants, which primarily fund the local fair housing organization, cannot be used to investigate or advocate for discrimination based on denial of section 8 vouchers.

Impediment 5: Overly broad criminal history screening policies limit access to housing for many rental applicants, and have a disparate impact on people color, who are statistically overrepresented among those who are criminal justice system involved.

Recommended Actions:

- Provide education for housing providers about the need for screening policies and procedures to comply with the Fair Housing Act.
- Adopt a “ban the box” ordinance that prohibits soliciting or considering older and less serious criminal history in rental applications.

Impediment 6: People of color are overly represented in the homelessness population compared to their percentages in the overall Spokane population.

Recommended Actions:

- Include people of color, in addition to people with disabilities, as a priority factor to be considered during Continuum of Care Coordinated Entry.

Impediment 7: Multi-family housing continues to be built out of compliance with the Fair Housing Act’s design and construction accessibility requirements

Recommended Actions:

- Provide fair housing design and construction training for developers, contractors, architects, engineers, and city planning and development personnel.

Impediment 8: Single-family and low-density zoning limits the building of multi-family rental housing to areas of the city where people of color and those with disabilities, most often renters, are already concentrated, and limits opportunity to move to neighborhoods with the highest percentages of white residents, thereby serving to reinforce historic patterns of segregation.

Recommended Actions:

- Explore feasibility of amending land use and zoning ordinances to allow for more variety of housing units, including small and large multi-family housing buildings, in more residential zones.

Impediment 9: There are insufficient vacant affordable rental units in multi-family housing communities, which limits housing choice for renters, including people with disabilities and people of color who are more often renters than homeowners.

Recommended Actions:

- Increase incentives for affordable housing development, utilizing a variety of means, including community land trusts, tax credits, modification of land use regulations and permitting requirements, and sale of surplus city property at reduced-market value in exchange for guaranteed housing of low-income people.

Impediment 10: People with limited English proficiency need fair housing information provided in Spanish, Russian, Marshallese, Vietnamese and Arabic.

Recommended Actions:

- Provide translation of existing HUD and locally developed fair housing brochures, public service announcements, and websites.

The AI also identifies the following significant issues for housing choice in Spokane:

A significant issue is defined in this AI as a barrier that is beyond the reach of traditional fair housing law, but nonetheless restricts housing choice and contributes to the social and economic isolation of protected classes as well as low-income people.

This AI identified the following significant issues:

1. Need for property maintenance code and enforcement of minimum habitability and quality standards in the private rental market
2. Need for universal rental screening report accessible to and accepted by all landlords, for one application fee for tenants
3. Low Environmental Health Indexes (high exposure to environmental health toxins) in Spokane across all races and incomes
4. High Job Proximity Index for people of color in Spokane, but low Labor Market Engagement Index, meaning close proximity to jobs but low job engagement
5. Desire from housing providers for more coaching support for tenants with little prior rental experience placed in housing by agency programs and subsidies

II. THE LAW

A. Federal Fair Housing Act (FHA)

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)⁶, as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability) (“protected classes”). The FHA prohibits both intentional discrimination and policies and practices that have an adverse disparate impact upon protected classes.

1. Prohibitions

Fair Housing Act prohibitions include:

- Refusing to rent based on protected class
- Falsely represent that a dwelling is unavailable
- Imposing different rental charges
- Discriminatorily evicting tenants
- Using different qualification criteria or standards
- Discriminating in terms, conditions, or privileges of a rental based on protected class:

⁶ 42 USC 3610, *et seq.*

- Using different provisions in leases
- Failing to make or delaying repairs
- Failing to process an application for rental
- Limiting use of privileges, services or facilities
- Attempting to restrict housing choice through segregated housing patterns.
- Steering persons by discouraging them from rental, or exaggerating the drawbacks of living in a neighborhood, or communicating that the person wouldn't be compatible with the residents
- Assigning persons to certain buildings or floors or developments
- Discharging or taking adverse action against an employee because he or she refused to participate in discriminatory acts
- Conduct that otherwise makes housing unavailable
- Representing that discriminatory deed or covenant provisions will preclude a rental
- Enforcing discriminatory deed or covenant restrictions
- Providing false or misleading information about availability to testers
- Making, printing, or publishing a notice, statement, or advertisement indicating a preference, limitation or discrimination
- Using words, phrases, photos or symbols that convey a preference or limitation.
- Expressing a preference to an agent or broker
- Selecting media or locations for advertising in order to attract only certain people
- Refusing to publish ads or requiring different charges
- Retaliating against someone for filing a fair housing complaint, exercising a fair housing right, or being a witness in a fair housing proceeding

2. Covered Dwellings

Dwellings covered by the Fair Housing Act include:

- Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families;
- Any vacant land offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

3. Exemptions

Single-family dwellings are exempt from the FHA, if:

1. The owner owns 3 or less single-family houses;
2. The dwelling is sold or rented without the use of a real estate broker, or agent;
3. There has been no violation of Section 804 © of the Act (discriminatory statements and advertising); and
4. If the owner does not reside in the dwelling at time of sale or is not the most recent resident prior to sale, the exemption applies to only one sale within 24-month period.

The FHA also exempts rooms or units in dwellings containing living quarters occupied or intended to be occupied by four or less families living independently of each other, if the owner maintains and occupies one of the living quarters as a residence. This exemption does not apply to the prohibition against discriminatory advertising.

4. Protections for Individuals with Disabilities

The Fair Housing Act (FHA) was amended in 1988 to include protections for individuals with disabilities (“handicap” is used in the FHA, but “disability” has come into usage as a preferred term). It is unlawful to discriminate in rental or to otherwise make unavailable or deny a dwelling to any renter because of a handicap of:

- That renter,
- A person residing in or intending to reside in that dwelling after it is rented or made available,
- Or any person associated with that renter.

“Handicapped” means:

- a physical or mental impairment which substantially limits one or more of such person’s major life activities;
- a record of having such an impairment; or
- being regarded as having such an impairment.

Discrimination based on disability includes:

- Refusing to make reasonable accommodations in rules, policies, practices or services
- Refusing to allow a person with a disability to make reasonable modifications
- Failing to meet disability design and construction access requirements

A reasonable accommodation is a change, adaptation or modification to a policy, program or service, which will allow a person with a disability to use and enjoy a dwelling. An accommodation request must be granted when a person has a disability, there is a nexus between the disability and the accommodation requested, and the accommodation is reasonable. To prove that an accommodation is necessary, a person must show that, but for the accommodation, they likely will be denied an equal opportunity to enjoy the housing of their choice. *Giebler v. M&B Assocs.*, 343 F.3d 1143, 1155 (9th Cir. 2003). An accommodation need not be granted if it would pose an undue financial and administrative burden on the housing provider (considering cost, financial resources of housing provider, benefits of the accommodation to tenant, and availability of alternative accommodations); or if it would fundamentally alter the nature of the housing provider’s operations.

5. Familial Status

The Fair Housing Act Amendments of 1988 included a prohibition of discrimination based on “familial status,” which protects households that include one or more children under 18, and

that child's parent, guardian, or other person with custody as a result of the written permission of the parent or guardian. The definition is broad and encompasses most extended family relationships. Pregnant women are also protected, as well as persons who are seeking to obtain legal custody of a child under age 18. While the FHA does not prohibit discrimination based on marital status, it does prohibit discrimination against single parents, divorced custodial parents, or those who have a child born out of wedlock.

Forms of familial status discrimination include:

- Adults only policies
- Refusal to renew lease because of a minor child
- Age segregated units based on age
- Charging higher rents or security deposits based on presence or number of children
- Advertising: *e.g.* "no children"
- Discouraging families from renting
- Excessive rent surcharges that lack adequate justification
- Unreasonable occupancy standards

The FHA was amended by the Housing for Older Persons Act of 1995 to allow a community that qualifies as housing for older persons to refuse to rent or sell to families with children provided it continues to meet certain requirements. There are three ways to qualify as housing for older persons:

- Housing provided under any state or federal program the Secretary determines is specifically designed and operated to assist elderly persons;
- Housing intended for and solely occupied by persons 62 or older, private or assisted;
- Housing for persons age 55 and older. At least 80% of occupied units must have one person 55 or older; must publishes and adheres to policies and procedures that demonstrate intent to be housing for persons 55 and over; and must comply with procedures specified by the Secretary for verification of age of occupants by reliable surveys.

B. Washington Law Against Discrimination (WLAD)

The Washington Law Against Discrimination (WLAD)⁷, like the FHAct, prohibits discrimination in housing on the basis of race, color, national origin, sex, disability, and familial status, and additionally on the basis of creed, sexual orientation (including gender expression/identity), marital status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability (unlike the FHA, WLAD protects temporary and mitigated disabilities), the use of a trained dog guide or service animal by a person with a disability, and retaliation for opposing an unfair practice.

Washington's Law Against Discrimination (WLAD) is substantially equivalent to the federal Fair Housing Act. Amendments were made to the WLDA in 1993 to reflect major

⁷ RCW 49.60.

amendments to the federal fair housing law made in 1988. These changes added prohibitions against discrimination on the basis of disability and the status of being a family with children. There are, however, a few significant differences between the federal FHA and the WLAD. The WLAD includes four additional protected classes: creed (rather than religion), marital status, sexual orientation, and honorably discharged veteran or military status. Similarly, even if a dwelling is exempt under one of the FHA exemptions, the WLAD only exempts such dwellings from the requirements to make reasonable accommodations and modifications for people with disabilities. The WLAD was amended most recently by the Washington Legislature in 2018 to clarify that its narrow definition of “service animal” (a dog or miniature horse, individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability), a definition similar to that in the Americans with Disabilities Act (ADA) regulations, applies only in Washington employment and public accommodation settings, not to housing accommodations or real estate transactions.

C. Spokane Municipal Code, Title 18

In 1998 Spokane Ordinance No. C-32232 added a new chapter to the Spokane Municipal Code (SMC), Title 1, ch. 1.06, Law Against Discrimination, which prohibited discrimination based on race, religion, color, sex, national origin, marital status, familial status, age, sexual orientation, or disability. Ch. 1.06 was repealed in March 2017 when the Spokane City Council passed a Human Rights ordinance (“Title 18”), codified at Title 18 of the SMC. Title 18 includes housing discrimination prohibitions in Ch. 3, which became fully effective on September 1, 2017.

Title 18 states that discrimination based on race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, the presence of any sensory, mental or physical disability as defined by the ADA, 42 U.S.C. § 12101 et seq, and/or the WLAD, Ch. 49.60 RCW, or the receipt of, or eligibility for the receipt of, funds from any housing choice or other subsidy program or alternative source of income poses a substantial threat to the health, safety and general welfare of the citizens of Spokane. The City deems it necessary and proper to enact a local ordinance to address these issues. It further states that the City values the dignity and worth of all human beings and is committed to promoting justice, equity and an inclusive environment for all by respecting cultural and individual diversity and fostering mutual understanding among all people regardless of the aforementioned protected classes. It is the intent of the City that all people have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodations be removed. The City has a compelling interest in eradicating and preventing such discrimination and in ensuring equal opportunity in employment, housing, and public accommodations.

It is a violation of Title 18 for any person to engage in discrimination (defined as different or unequal treatment because of race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, refugee status, honorably discharged veteran or military status, disability, use of a guide dog or service

animal, or use or eligibility for the use of housing choice or other subsidy program or alternative source of income). “Income” means lawful, verifiable income derived from all sources, including without limitation: wages, salaries or other compensation for employment, unemployment benefits, Social Security benefits, Supplemental Security Income (SSI), retirement programs, child support, Refugee Cash Assistance, Aged, Blind or Disabled Cash Assistance Program payments, financial aid for college students, per capita payments or distributions received from a federally-recognized tribe, any federal, state, local government, private, or nonprofit-administered benefit program, including without limitation payments from any housing choice or other subsidy program. “Housing choice or other subsidy program” means, without limitation:

- any short or long term federal, state or local government, private nonprofit, or other assistance program in which a tenant’s rent is paid either partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant or completely by the program; or
- HUD-Veteran Affairs Supportive Housing (VASH) vouchers, Housing and Essential Needs (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.

Specific to housing, Title 18 makes it unlawful for any person to discriminate (treat differently or unequally because of protected class) by:

- refusing to sell, lease, rent or otherwise make available any offered real property;
- expelling a purchaser, lessee or renter from any real property;
- altering the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property, or in the furnishing of any facilities or services in connection with real property;
- attempting to discourage the sale, rental or lease of any real property to a purchaser, lessee or renter;
- publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental or lease of real property which indicates any preference, limitation or specification with respect thereto;
- assisting, inducing, compelling or coercing another person to commit an act or engage in a practice that violates this subsection;
- coercing, intimidating, threatening or interfering with any person in the exercise or enjoyment of, or on account of having aided or encouraged any other person in the exercise of, any right granted or protected by this subsection.

Additional prohibitions:

- No person whose business includes engaging in residential real estate related transactions may discriminate in making available or in the terms and conditions of such a transaction. “Residential real estate related transaction” means the making or purchasing of loans or providing other financial assistance for purchasing, construction, improving, repairing or maintaining a dwelling or securing residential real estate, or the selling, brokering or appraising of residential real property.

- No real estate licensee may accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease.
- No person may for profit induce or attempt to induce any other person to sell or rent any dwelling by representations regarding entry or prospective entry into the neighborhood of a person or person of a particular race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, or the presence of any sensory, mental or physical disability as defined by the American with Disabilities Act and/or the Washington State Law Against Discrimination, Chapter 49.60 RCW.
- It is a violation of the ordinance to engage in a reprisal or retaliation against an individual because that individual has in good faith opposed the use of a practice forbidden by the ordinance, or has filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the ordinance or has attempted to do so.

The provisions of ch. 18.03 do not apply to the owner of a single-family house rented or leased by the owner if: (i) the owner does not own or have an interest in the proceeds of the rental or lease of more than one single-family house at one time; and (ii) the owner also occupies the single-family house rented or leased.

D. WA Residential Landlord Tenant Act – Source of Income Protection

Source of income discrimination was prohibited by a 2018 WA state legislative amendment to the WA Residential Landlord Tenant Act (RLTA)⁸, which took effect on September 30, 2018. It applies to all landlords covered by the WA RLTA, and unlike the FHA and WLAD, does not have exemptions for small landlords.

“Source of income” includes benefits or subsidy programs including:

- housing assistance,
- public assistance,
- emergency rental assistance,
- veterans benefits,
- social security,
- supplemental security income or other retirement programs; and
- other programs administered by any federal, state, local, or nonprofit entity.

Income derived in an illegal manner is not protected.

A landlord may not refuse to rent based on source of income of an otherwise eligible prospective or current tenant unless:

- the source of income is conditioned on the property passing inspection;
- a written estimate of the cost of improvements necessary to pass inspection is more than \$1,500; and

⁸ RCW 59.18.255.

- the landlord has not received moneys from the landlord mitigation program account (established by the WA Legislature in 2018 and administered by the WA Department of Commerce) to make the improvements.

If a landlord requires a certain threshold level of income, any source of income in the form of a rent voucher or subsidy it must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

Like the FHA and WLAD prohibitions with respect to their protected classes, the RLTA prohibits the following practices, if based on source of income:

- Expel from real property;
- Make any distinction, discrimination, or restriction in price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;
- Attempt to discourage the rental or lease of real property;
- Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;
- Coerce, intimidate, threaten, or interfere w/ any person in the exercise or enjoyment of, or on account of having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;
- Represent that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or
- Otherwise make unavailable or deny a dwelling unit that, but for source of income, would be eligible to rent
- Publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

III. JURISDICTIONAL BACKGROUND DATA

The City of Spokane is located in Eastern Washington on land inhabited for centuries by Upper, Middle, and Lower bands of the Spokane Tribe of Indians, an Interior Salish Group, who, along with The Kalispell and Cour'd Alene Tribes utilized the Spokane River for fishing and encampments. In January 1881, President Rutherford B. Hayes declared the Spokane Indian Reservation the new and smaller home of the Spokane Indians and the three bands were split up among what are now known as the Coeur d'Alene Indian Reservation, the Flathead Indian Reservation, and the Colville Indian Reservation. In November 1881, the Town of Spokane Falls was incorporated.

Today's City of Spokane has an estimated population of 219, 100 (US Census Bureau, Est., July 1, 2018). Spokane is the second largest city in Washington State, and the largest city between Seattle, Washington and Minneapolis-St. Paul, Minnesota. Spokane is a major metropolitan

center for the Inland Northwest. Spokane offers some of the most modern facilities in the Northwest region including specialized hospitals and several colleges and universities in and nearby: Spokane Community Colleges, Whitworth College, Gonzaga University, Eastern Washington University, and Washington State University.

Spokane Neighborhoods:

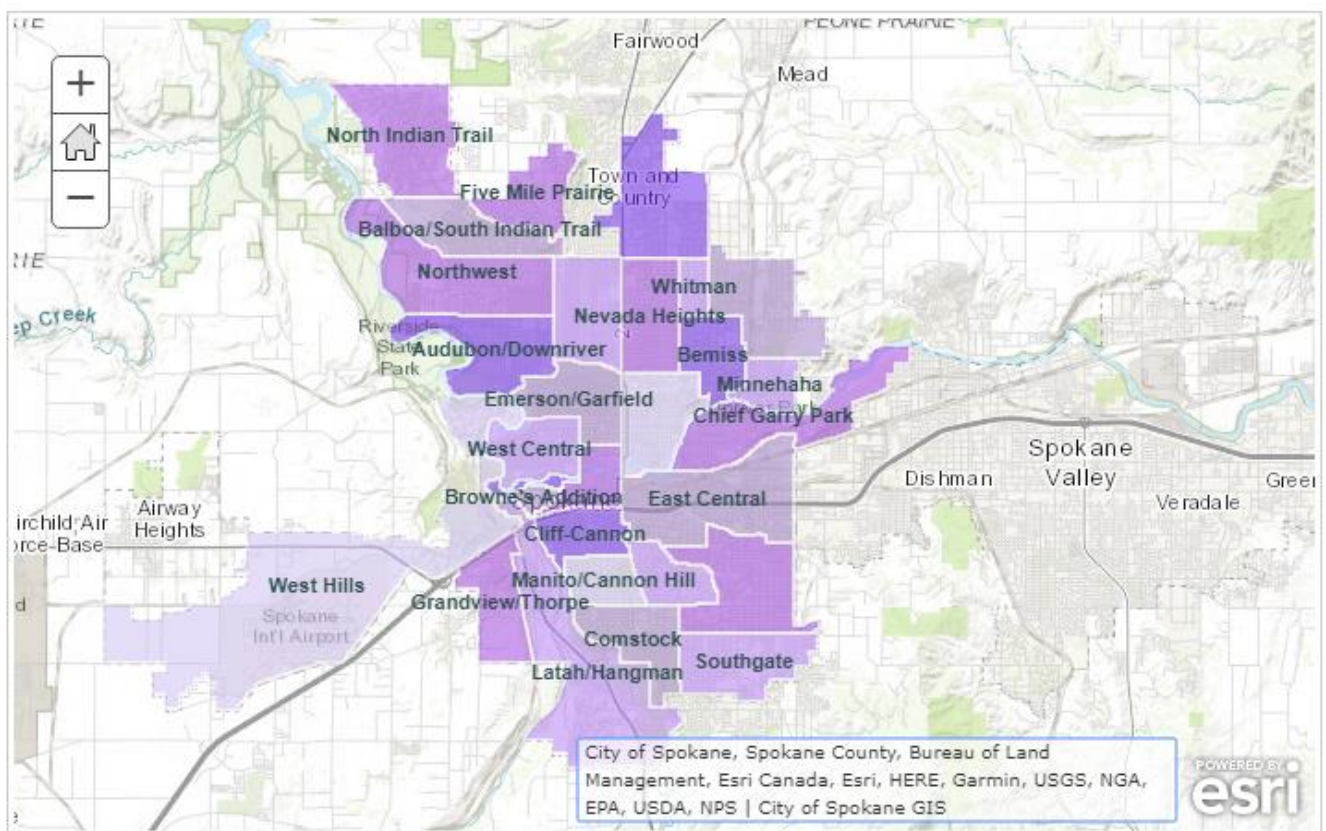
Spokane includes the following neighborhoods:

District 1 Neighborhood Councils: Bemiss, Chief Garry Park, East Central, Hillyard, Logan, Minnehaha, Nevada Heights, Shiloh Hills, and Whitman

District 2 Neighborhood Councils: Browne's Addition, Cliff/Cannon, Comstock, East Central, Grandview/Thorpe, Latah/Hangman, Lincoln Heights, Manito/Cannon Hill, Peaceful Valley, Rockwood, Southgate, Riverside, and West Hills

District 3 Neighborhood Councils: Audubon/Downriver, Balboa/South Indian Trail, Emerson/Garfield, Five Mile Prairie, North Hill, North Indian Trail, Northwest, and West Central

MAP 1 – Neighborhoods



Source: <https://my.spokanecity.org/opendata/gis/neighborhoods/>

A. DEMOGRAPHICS

1. Total Population

Spokane's population increased by 11,184 people from 2010 to 2018, a change 5%, less than Spokane County and Washington, but on track for a 7% increase by 2020, the same rate of overall increase as between 2000 and 2010 (which included annexation and the addition of 1,724 people and 897 housing units).

Table 1: Population 1990-2018						
LOCATION	CENSUS			CHANGE 2000-10	2018 ESTIMATE	CHANGE 2010-18
	1990	2000	2010			
Spokane	177,165	195,629	208,916	7%	220,100	5%
Spokane County	361,333	417,939	471,221	13%	507,950	8%
Incorporated	195,890	218,920	335,124		360,300	8%
Unincorporated	165,443	199,019	136,097		147,650	85
Washington	4,866,659	5,894,121	6,724,540	14%	7,427,570	10%

Source: US Census; OFM population estimates

2. Sex and Age

Of 219,190 Spokane residents, 51.3% are female and 48.7% are male. (US Census Bureau, Est., July 1, 2018) The median age is 35.8 years (a little more than 1.5 years less than Spokane County and WA), but has increased by 2.3 years since 1990, following regional and national trends of aging populations. 22% of the population is under the age of 18, and 14.5% are 65 years or older, with the majority (63.6%) between 18 and 64.

Table 2: Median Age 1990-2017				
LOCATION	CENSUS			2017 EST.
	1990	2000	2010	
Spokane	33.5	34.7	35.0	35.8
Spokane County	32.9	35.4	36.8	37.4
Washington	33.1	35.3	37.2	37.6
United States	32.9	35.3	37.2	37.8

Source: US Census and American Community Survey 2017

Table 3: Age Range 2018 Estimates			
LOCATION	RANGE		
	<18	18-64	65+
Spokane	21.9%	63.6%	14.5%
Spokane County	22.2%	62.10%	15.7%
Washington	22.2%	62.7%	15.1%
United States	22.6%	61.8%	15.6%

Source: US Census

3. Households and Household Composition

Spokane has a higher percent of non-family households (people living alone) (34%) than the County (29%) or the State (27%). Seniors age 65 and older living alone comprise 11.5% of all households. Conversely, Spokane has a lower percent of family households with children (57%) than the County (63%) and State (64%).

Table 4: Types of Households 2013-2017			
<i>TYPES OF HOUSEHOLDS</i>	<i>SPOKANE</i>	<i>COUNTY</i>	<i>WA</i>
Total households	88,683	194,995	2,755,697
Family households	57%	63.4%	64.7%
With related children of householder <18	28.4%	29.5%	30.5%
Non-family households	43%	36.6%	35.3%
Living alone (single person)	34%	29%	27.1%
Age 65+	11.9%	10.7%	9.8%

Notes: All percentages shown are of the total households. Same sex couples without related children or other related family members are included in non-family households.
Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

4. Race and Ethnicity

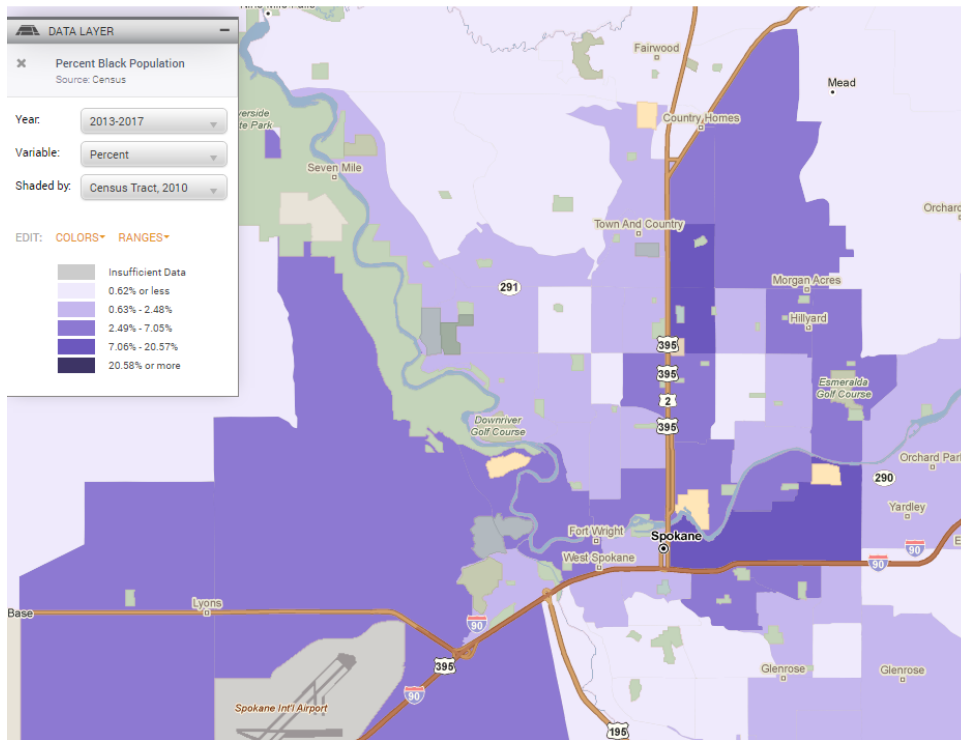
The population of the City of Spokane is predominantly white; however, it is slightly more diverse than the rest of the county. Out of the total population, 85.3% residents are white, 6.2% report as being Hispanic, 2.8% are Asian, 2.3% are black or African American, 1.8% are American Indian or Alaskan Native, less than 1% are Native Hawaiian or Other Pacific Islanders, and 0.6% identify as another race. 5.8% report as two or more races.

Table 5: Race and Ethnicity 2018			
<i>RACE / ETHNICITY CLASSIFICATION</i>	<i>SPOKANE</i>	<i>COUNTY</i>	<i>WA</i>
Race			
White	85.3%	89.3%	79.5%
Black/African American	2.3%	2%	4.2%
Alaska Native/American Indian	1.8%	1.8%	1.9%
Asian	2.8%	2.4%	8.9%
Native Hawaii and Pacific Islander	.8%	.6%	.8%
Two or more races	5.8%	4%	4.7%
Ethnicity			
Hispanic	6.2%	5.7%	12.7%
Non-Hispanic	93.8%	94.3%	87.3%
Race/ethnicity combined			
Minority*	18.5%	15.4%	31.27%
Non-Hispanic white alone	81.5%	84.6%	68.73%

*Hispanic and/or race other than white alone Non-Hispanic

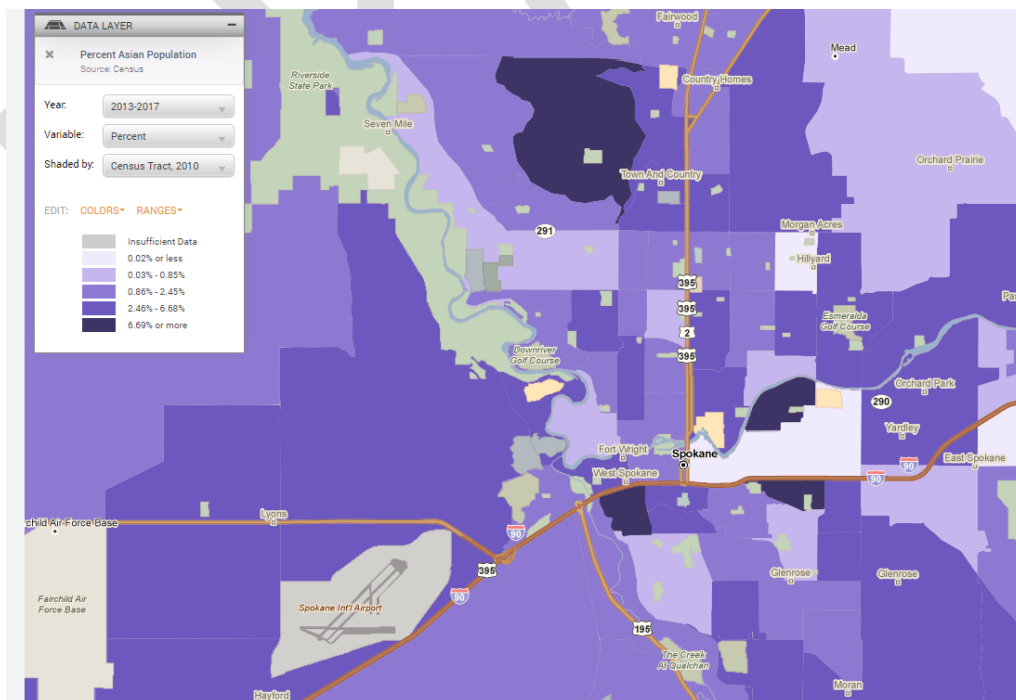
Source: US Census

MAP 2 – BLACK POPULATION



Source: <https://www.policymap.com/maps>

MAP 3 – ASIAN POPULATION



Source: <https://www.policymap.com/maps>

National Origin

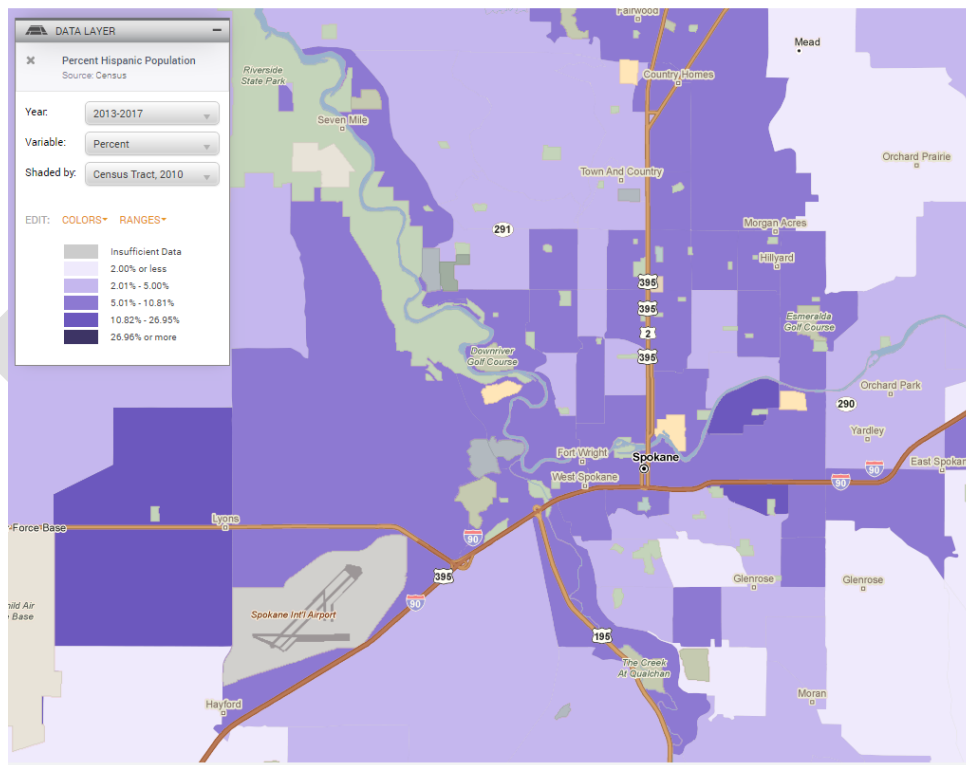
6.2% (13,293) of the Spokane population reported they are foreign born, and of these, 6,333 are naturalized United States citizens, and 6,960 are not United States citizens. Of the foreign-born population, 2,930 entered the U.S. in 2010 or after, and 10,363 entered the U.S. prior to 2010. Nearly 1% are Ukrainian, .71% Vietnamese, and .5% Russian (ASC 2009-2013) (see HUD Table 1, Appendix A).

Table 6: Foreign Born Persons 2013-2017		
<i>SPOKANE</i>	<i>COUNTY</i>	<i>WASHINGTON</i>
6.2%	5.4%	13.8%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

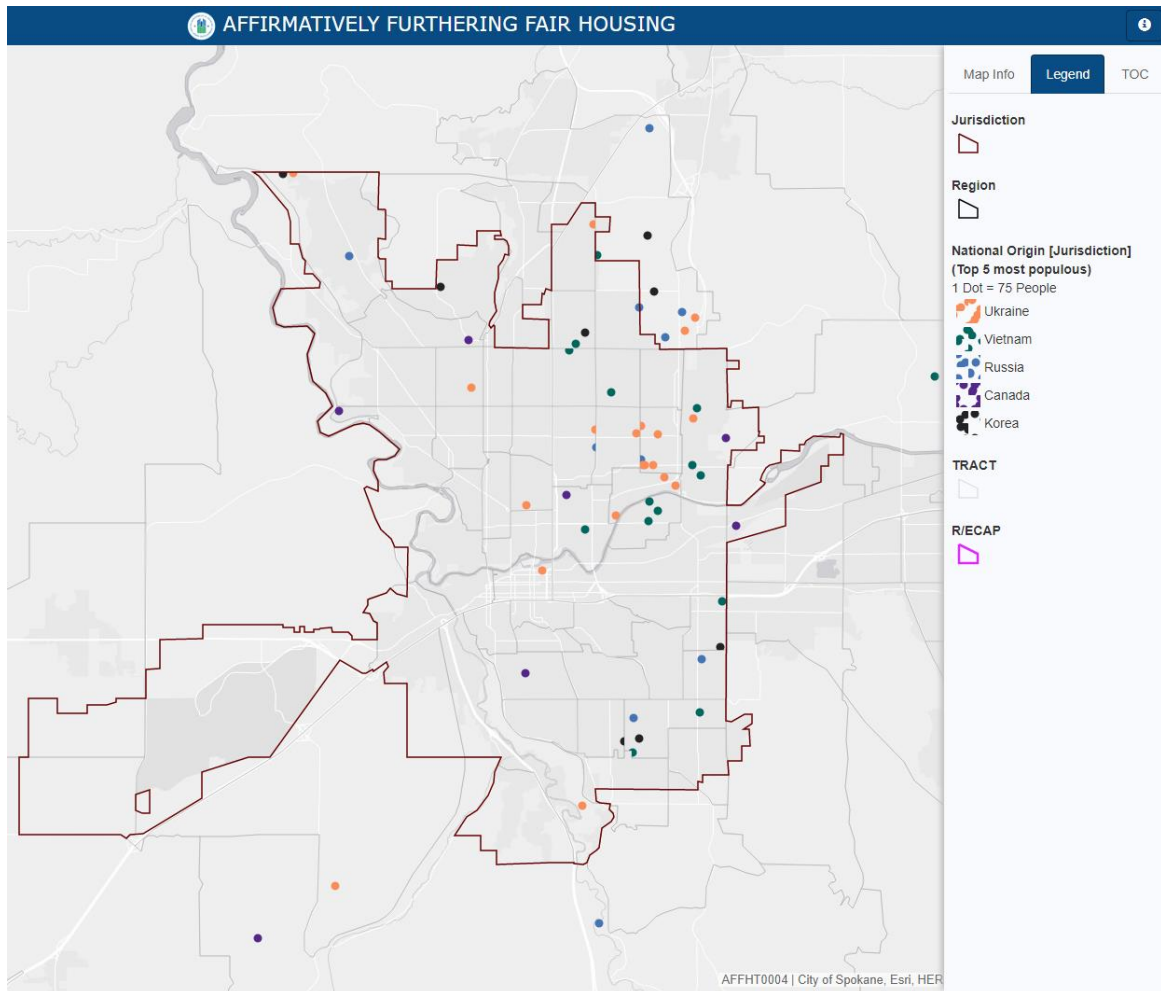
Map 4 shows the distribution of people of Hispanic national origin in Spokane, and Map 5 depicts other national origins concentrations (Ukrainian, Vietnamese, Russian, Canadian and Korean). People of Vietnamese national origin are concentrated in East Central, while Ukrainians are primarily in Bemiss and Logan neighborhoods.

MAP 4 – HISPANIC POPULATION



Source: <https://www.policymap.com/maps>

MAP 5 – NATIONAL ORIGIN

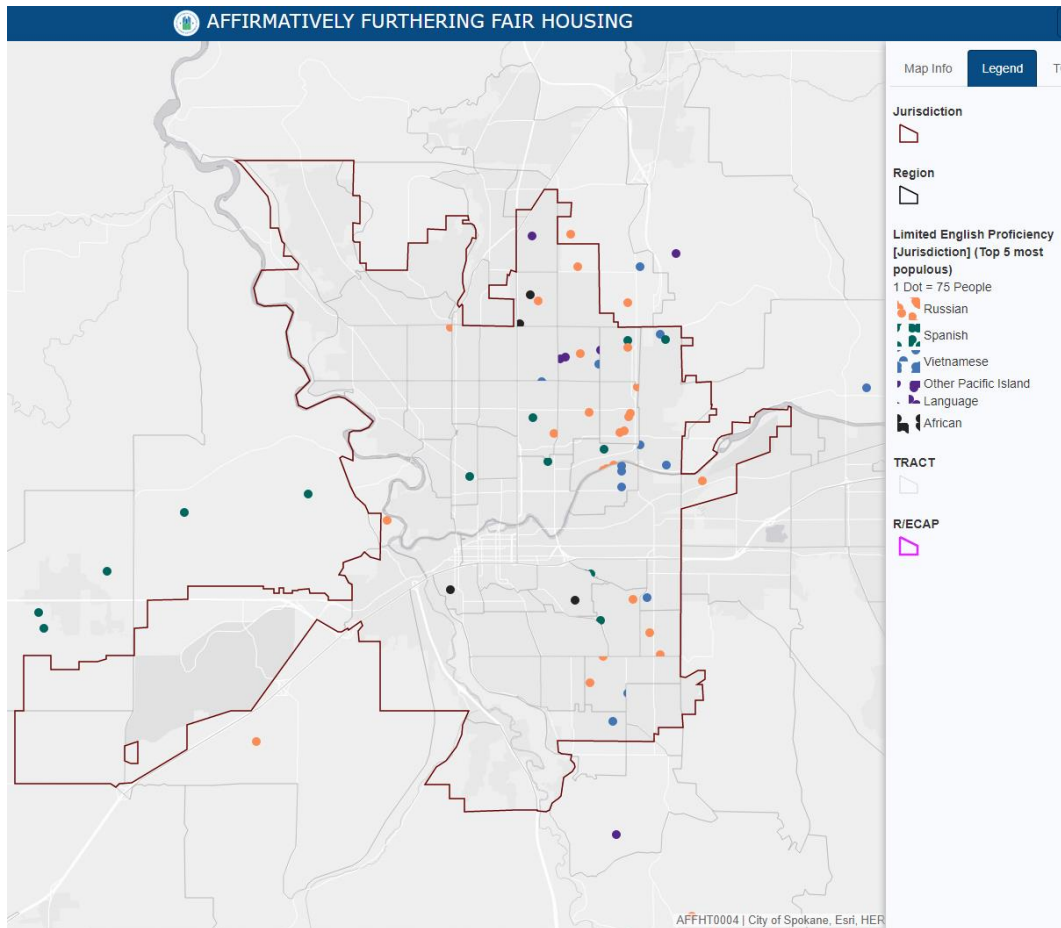


Source: HUD Map 3 – AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from ACS 2009-2013)

Limited English Proficiency

8.1% of the total population age five and over speaks a language other than English at home (2013-2017 US Census). 2.2% speak Spanish, 3.1% speak other Indo-European languages, and 2.3% speak Asian and Pacific Islander languages. 3.4% of the population 5 and over report that they speak English less than “very well.” (U.S. Census, 2013-2017 ACS 5-Year Estimates) Of the overall Spokane population, at least 3.65 % are LEP: 1.16% speak Russian, .64% speak Spanish, and .55% speak Vietnamese, followed by lesser numbers of LEP people speaking Pacific Island languages, African languages, Korean, Chinese, other Slavic languages, Serbo-Coratian, and Tagalog (see HUD Table 1, Appendix A). Map 6 depicts the locations of concentrations of LEP populations in Spokane.

MAP 6 – LIMITED ENGLISH PROFICIENCY

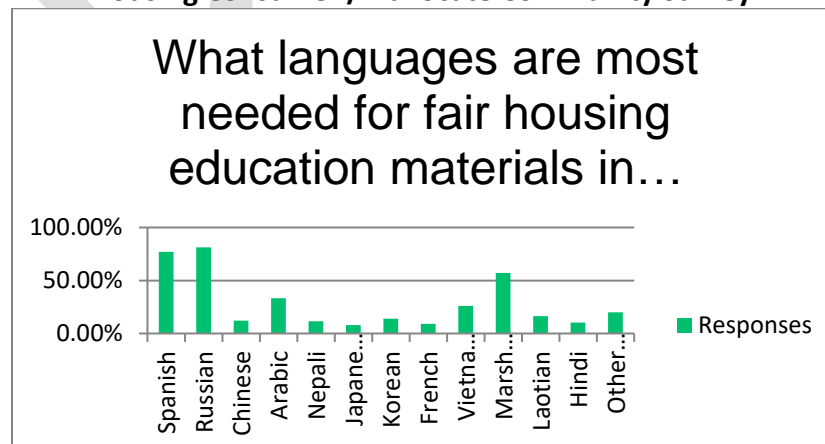


Source:

HUD MAP 4 – AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from ACS 2009-2013)

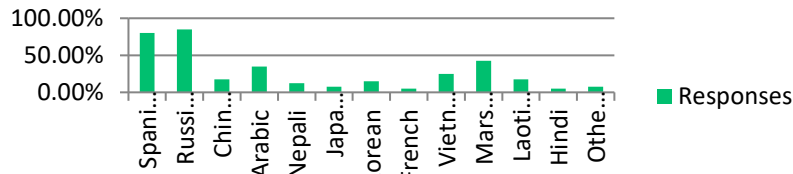
Community survey participants, housing consumers, advocates, and housing providers alike, identified the greatest need for alternate language fair housing education materials in Russian, Spanish, Marshallese, Arabic, and Vietnamese.

Housing Consumer / Advocate Community Survey:



Housing Provider Community Survey:

What languages are most needed for fair housing education materials in...



5. People with Disabilities

16.2% of the non-institutionalized population in Spokane has a disability, a higher percentage than the County or the State (14.8% of Spokane County and 12.8% WA State). (2013-2017 ASC Survey) Spokane residents have higher rates of disability compared to the County and the State of Washington at all ages, except children under five. See Table 7. The most common type of disability counted by the US Census Department is ambulatory difficulty, followed by cognitive difficulty and independent living difficulty. See Table 8.

Table 7: Populations with Disabilities 2013-2017

AGE GROUP	SPOKANE	COUNTY	WA
Under 5 years	.2%	.5%	.8%
5-17 years	8.2%	6.6%	5.2%
18-34 years	8.8%	8.1%	6.9%
35-64 years	18.9%	16.1%	13.1%
65-74 years	27.7%	26.3%	26%
75 years and over	56%	54%	51.7%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Table 8: Populations with Disabilities By Type 2013-2017

	SPOKANE	COUNTY	WA
Hearing Difficulty	4.3%	4.5%	4.1%
Vision Difficulty	2.4%	2.2%	2.2%
Cognitive Difficulty	7.7%	6.6%	5.4%
Ambulatory Difficulty	8.7%	7.7%	6.7%
Self-Care Difficulty	3.1%	2.8%	2.5%
Independent Living Difficulty	7.1%	6.4%	5.5%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

B. HOUSING PROFILE

1. Housing Units

There are 99,308 housing units in the City of Spokane. The mix of unit structures is as follows: 65.4% are single-unit structures, 33% are multi-unit structures and 1.6% are mobile homes.

Table 9: Housing Units			
PROPERTY TYPE	SPOKANE	COUNTY	WASHINGTON
Total units	99,308	220,751	3,170,913
1-unit structures	65.4%	66%	64%
2 or more unit structures	33%	28%	28%
Mobile homes and specials (mobile home, boat, RV, etc.)	1.46%	6%	8%

Source: Postcensal Estimates of Housing Units, April 1, 2019, WA OFM, Forecasting and Research Division

a. Rental Units:

Affordable Rental Units

There are several types of publically assisted housing in Spokane.

- The Tax Reform Act of 1986 created the Low Income Housing Tax Credit (LIHTC) program, which provides State and local LIHTC-allocating agencies nearly \$8 billion in annual budget authority to issue tax credits for the acquisition, rehabilitation, or new construction of rental housing targeted to lower-income households.
- Section 8 project-based rental assistance housing is subsidized by funding provided by HUD to owners of multifamily rental housing, pursuant to housing assistance payment (HAP) contracts. Extremely low- and very low-income families whose income does not exceed 50% of area median income are eligible to occupy the assisted units, and pay the higher of 30% of adjusted income, 10 % of gross income, or the portion of welfare assistance designated for housing or the minimum rent established by HUD. A limited number of units may be rented to families whose incomes are between 50 and 80% of area median income. Section 8 project-based assistance was originally provided for new construction, substantial rehabilitation, or existing projects. Today it is only available to fund renewal of HAP contracts for units already assisted with project-based section 8 assistance.
- The project-based voucher (PBV) program allows a public housing agency to allocate tenant-based housing choice voucher (HCV) funding to project-based units.
- The HOME Investment Partnerships Program (HOME) provides formula grants to States and localities to fund activities including developing, purchasing, and rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME funds are awarded annually as formula grants to participating jurisdictions. State and local governments use HOME funds for grants, direct loans, loan guarantees or credit enhancements, or rental assistance or security deposits. For rental housing and rental

assistance, at least 90% of assisted families must have incomes no greater than 60% of the HUD-adjusted area median family income. In rental properties with at least five assisted units, at least 20% of the units must be occupied by families with incomes that do not exceed 50% of adjusted median. The incomes of households receiving HUD assistance must not exceed 80% of area median.

- The Section 202 Housing for the Elderly program provides very low-income elderly with supportive housing. HUD provides interest-free capital advances to nonprofit organizations to develop supportive housing for the elderly. The advance does not have to be repaid so long as the project serves very low-income elderly persons for 40 years. Project rental assistance funds cover the difference between the HUD-approved operating cost for the project and a tenant's rent contribution. Any extremely low-income household with at least one person 62 or over is eligible to reside in Section 202 housing.
- The Section 811 Supportive Housing for Persons with Disabilities program provides capital advances to non-profit developers of affordable housing, and/or project rental assistance. Eligible households for projects with capital advances and project rental assistance must be very low-income (within 50% of area median income) and have at least one adult household member with a disability. To be eligible to reside in units only assisted by project rental assistance, tenants must be extremely low-income (within 30% of area median income) and have one adult household member with a disability.

At least 108 multi-family properties in Spokane participate in one or more of the foregoing programs that provide subsidized or affordable rental housing. See Table 10. One property, The Parsons, is public housing. 45 (42%) of these properties are concentrated in just two zip codes: 24 in zip code 99201 and 21 in 99202. 80 (74%) are in 5 zip codes (99201, 99202, and 14 in 99223, 11 in 99207, and 10 in 99208). 98 (91%) are in 8 zip codes (99201, 99202, 99223, 99207, 99208, and 7 in 99205, 6 in 99217, and 5 in 99218). There are additionally three properties in 99224, two properties each in 99203, 99204, and 99206, and one in 99212.

Property Name	Zip Code	# Units	Program
The Wilton	99201	55	LIHTC
Cathedral Plaza Apartments	99201	59 of 150	sec. 8 project-based
Park Towers	99201	184	sec. 8 project-based
West 315	99201	32 of 33	LIHTC
Father Bach Haven	99201	50 of 51	LIHTC
Sharon Lord Apartments	99201	4	LIHT and project-based
Fahy Garden Apartments	99201	31	sec. 8 project-based
Fahy West Apartments	99201	55	sec. 8 project-based
Bernadette Place	99201	6	sec. 811 Supportive Housing for Persons with Disabilities
Coue d'Alene Plaza	99201	64	sec. 8 project-based
Centerstone	99201	17	sec. 811 Supportive Housing for Persons with Disabilities or legacy sec. 202 program & HOME

Walnut Corners	99201	46 of 47	LIHTC
Pioneer Pathway House	99201	39	LIHTC
Hm Mf Carlyle	99201	72	LIHTC & HOME
Hm Mf Colvin Harwood VI Gable Apartments	99201	16	HOME
Hm Mf Colvin Harwood IV	99201	5	HOME
Hm MP Bernadette Place	99201	6	HOME
Summitview Apartments	99201	27	HOME, LIHTC
Courtview Apartments	99201	14	LIHTC
Coventry Court	99201	88	sec. 202 Supportive Housing for the Elderly
Cornerstone Courtyard	99201	49 of 50	LIHTC
The Parsons	99201	50	Public Housing, LIHTCpear
The Pearl on Adams	99201	35	LIHTC
The Delaney Apartments	99201	82 of 83	sec. 8 project-based rental assistance & LIHTC
The Marilee	99202	50 of 51	sec. 811 Supportive Housing for Persons with Disabilities and LIHTC
Donna Hanson Haven	99202	50 of 51	sec. 811 Supportive Housing for Persons with Disabilities and LIHTC
Buder Haven	99202	50 of 51	sec. 811 Supportive Housing for Persons with Disabilities and LIHTC
Bel Franklin Apartments	99202	35 of 36	LIHTC
Casas Salvades	99202	25	LIHTC
Triplex Project	99202	33	LIHTC
Kensington Court Apartments	99202	33	LIHTC
Hartson Triplex	99202	6	HOME Investment Partnership Program
1 South Madelia	99202	35 of 36	LIHTC
Parkview Apartments	99202	63	sec. 8 project-based rental assistance & LIHTC
The O'Malley	99202	99	sec. 202 Supportive Housing for the Elderly
Hamilton House	99202	42	sec. 8 project-based rental assistance
City Triplex	99202	6	sec. 811 Supportive Housing for Persons with Disabilities or legacy sec. 202 program
Richard Allen	99202	56	sec. 8 project-based rental assistance
Liberty Park Terrace	99202	48	sec. 8 project-based rental assistance
Eagle Crest Estates	99202	21	sec. 811 Supportive Housing for Persons with Disabilities or legacy sec. 202 program & HOME
Friendship Gardens	99202	23	sec. 202 Supportive Housing for the Elderly

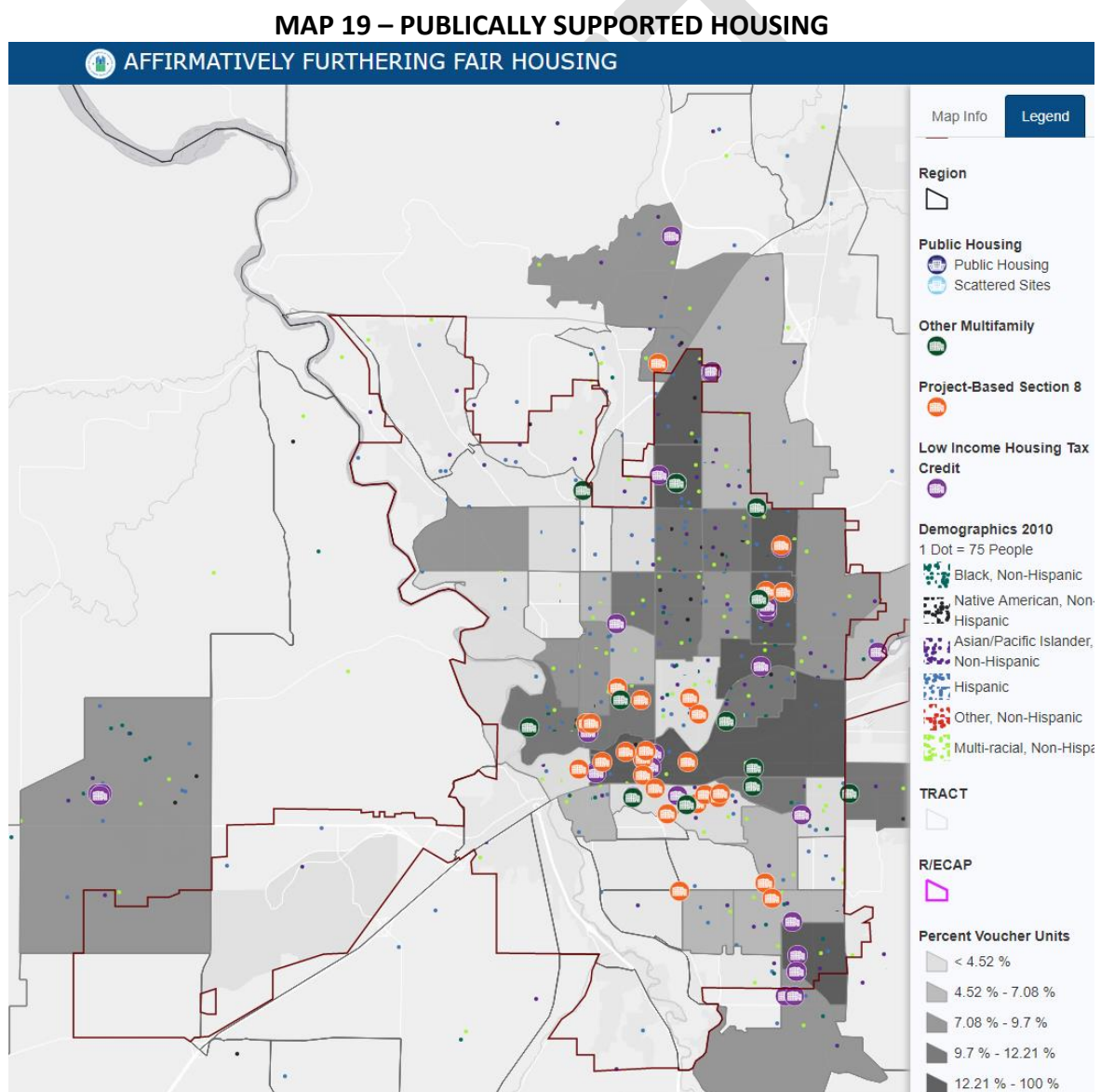
Spokane County - 1905 E Cataldo	99202	7	HOME
Spokane County - 2411 E Sharp	99202	7	HOME
Hart Terrace	99202	71 of 72	LIHTC
Hifume En	99202	41	sec. 8 project-based rental assistance
Manito Garden Apartments	99203	60	sec. 202 Supportive Housing for the Elderly
Canterbury Court Apartments	99203	125	
Pioneer Park Place	99204	28 of 29	LIHTC
Hm Chdo Snap Alexandria Apartments	99204	22	HOME
Hm Mf Peterson Atlantic Aspen, Blg. B	99205	6	HOME
Valley S.O.L.A. Homes	99205	11	HOME
Northcliff Terrace Apartments	99205	85 of 87	LIHTC
Inland Empire Residential Rentals IERR Group Home Construction	99205	5	HOME
Cedar West	99205	74	LIHTC
Home Yard Cottages by Transitions	99205	24	sec. 8 project-based voucher (PBV) program
Cedar Haven	99205	146	LIHTC
Mercer Court	99206	157 of 174	LIHTC
Hidden Pines Apartments	99206	26	LIHTC
Hoffman Apartments	99207	16	LIHTC
El Estero Apartments	99207	121 of 123	LIHTC & HOME
Winchester Court III	99207	41	sec. 202 Supportive Housing for the Elderly
Winchester Court 1 & 2	99207	78	sec. 202 Supportive Housing for the Elderly
Salvation Army Transitional Housing	99207	10	HOME
Hm Mf Colvin Harwood II Scattered Sites	99207	11	HOME
Hm Mf the Salvation Army Transitional Housing	99207	31	HOME
Ca	99207	10	HOME
Heritage Heights	99207	61 of 62	LIHTC
Westfall Village	99207	108 of 110	LIHTC
Regal Arms Apartments	99207	64	sec. 8 project-based rental assistance & LIHTC
Sylvan Place	99208	15	sec. 811 Supportive Housing for Persons with Disabilities or legacy sec. 202 program
Country Heights	99208	21	sec. 202 Supportive Housing for the Elderly
Lilac Plaza	99208	157 of 174	sec. 8 project-based rental assistance & LIHTC

Forest Creek Apartments	99208	248 of 253	LIHTC
Lilac Terrace	99208	50	LIHTC
Windriver House	99208	39	LIHTC
The Vintage	99208	280 of 287	LIHTC
Hm Mf Colvin Harwood III	99208	7	HOME
Pineridge Court II	99208	38	LIHTC
Solar World Estates II	99208	56	LIHTC
Riverwalk Point I	99212	50 of 52	LIHTC & HOME
Hillyard Plaza	99217	59	sec. 8 project-based rental assistance
Riverwalk Point II	99217	50 of 51	LIHTC
Riverwalk Point 102	99217	50	HOME
Hm Chdo Snap Green Court	99217	11	HOME
Agnes Kehoe Place / Martindale Apartments Rehabilitation	99217	50 of 51	HOME
Hidden Hills	99217	50	LIHTC
Pine Villa	99218	50	sec. 8 project-based rental assistance
Rockwood at Hawthorne	99218	86	LIHTC
Deer Run at Northpointe	99218	112 of 114	LIHTC
Deer Run West	99218	108	LIHTC
Woodhaven	99218	60	
55th Avenue Apartments	99223	119 of 120	LIHTC
South Hill Commons	99223	57 of 58	LIHTC
Clare View Senior Apartments	99223	183 of 185	LIHTC & HOME
Clare House Apartments	99223	93 of 124	LIHTC
Summit Ridge	99223	119 of 123	
Pine Rock Apartments	99223	119 of 120	LIHTC
Palouse Trails Apartments	99223	113 of 114	LIHTC
Copper Hill	99223	230 of 232	LIHTC
Mt. Vernon Terrace	99223	99	sec. 8 project-based rental assistance
Lincoln Terrace Garden Apartments	99223	69	sec. 8 project-based rental assistance
Rockwood South	99223	268	LIHTC
Affinity at South Hill	99223	150	LIHTC
Lincoln Heights Garden	99223	162	sec. 8 project-based rental assistance
Copper River	99224	230 of 232	LIHTC
The Sisters Haven	99224	75	LIHTC
Ballou Apartments	99224	72	LIHTC

Additionally, Spokane housing Ventures provides 9 single family rental units and one duplex at scattered sites, providing 11 units of affordable rental housing for very low income families and individuals at or below 50% of median income with disabilities arising from mental

illness and/or HIV/AIDS. Spokane Housing Authority provides 74 units of public housing in Spokane County as scattered site single family homes, duplexes, triplexes.

Map 19 shows the distribution of project-based Section 8, other multifamily, and Low Income Housing Tax Credit properties as of 2013, with an overlay race/ethnicity dot density map. Publically supported housing types are distinguished by color. The majority are project-based section 8, followed by LIHTC, and other multifamily. Project based section 8 properties are heavily concentrated in zip codes 99201 and 99202, with 1 to 2 properties in each 99205, 99208, 99207, 99223, and 99203. LIHTC properties are primarily located in 99201, 99202 and 99223. Recent construction of additional affordable housing not shown on Map 19 has also been concentrated in 99201 and 99202.



Source: Map 5 – Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from National Low Income Housing Tax Credit (LIHTC) Database 2013, TRACS 2013, and IMS/PIC 2013).

More people participate in the Section 8 Housing Choice Voucher program in Spokane than in project-based Section 8 housing.

HUD AFFH-T Table 5 – Publicly Supported Housing Units by Program Category		
(Spokane, WA CDBG, HOME, ESG) Jurisdiction		
Housing Units	#	%
Total housing units	94,852	-
Public Housing	N/a	N/a
Project-based Section 8	1,645	1.73%
Other Multifamily	225	0.24%
HCV Program	2,960	3.12%
Note 1: Data Sources: Decennial Census; APSH		
Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).		

Source: Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from TRACS 2013 and IMS/PIC 2013).

Multifamily Vacancy Rates

A vacancy rate below 5% is considered low, and 3% is considered an acute shortage. According to the University of Washington Runstad Department of Real Estate, all rental units surveyed in Spokane County in the spring of 2019, 2018, and 2017 had vacancy rates at or below 2%. Vacancy rates also vary significantly by neighborhood.

Table 11: Spokane County Vacancy Rates				
SIZE OF APT	UNITS SURVEYED	VACANCIES	AVE. RENT	VACANCY RATE
Spring 2019				
1 Bedroom (Ave. 666 sf)	2564	44	\$887	1.7%
2 Bedroom (Ave. 850 sf)	2030	35	\$1005	1.7%
All apartments (Ave. 879 sf)	8447	169	\$1091	2.0%
Spring 2018				
1 bedroom (Ave. 685 sf)	2,433	20	\$749	0.8%
2 bedroom (Ave. 845 sf)	2,119	23	\$911	1.1%
All (Ave. 882 sf)	8,483	112	\$955	1.3%
Spring 2017				
1 bedroom (Ave. 685)	3,055	36	\$742	1.2%
2 bedroom (Ave. 845 sf)	2,342	27	\$833	1.0%
(Ave. 913 sf)	10,256	152		1.4%

WA State Apt. Market Report, Spring 2019, 2018, and 2017, U. of WA, Runstad Dept. of Real Estate

a. Residential Real Estate Listings

The number of residential listings has been continuously decreasing for several years. The first quarter of 2019 had the lowest number of residential listings in more than 15 years; 2004

had a similar but slightly higher number of listings. With decreased supply, the median sales price has steadily increased, with the 2018 median sales price 41% above that of 2013.

Table 12: Spokane Real Estate Market Trends (2013-2019)							
	Q1 2013	Q1 2014	Q12015	Q12016	Q12017	Q12018	Q12019
# of residential listings	2,505	2,448	2,375	1,898	1,377	1,242	1,130
Median Sales Price	\$174,500	\$178,400	\$192,200	\$207,300	\$222,600	\$246,200	

Source: Washington State's Housing Market, Univ. of WA, Runstad Dept. of Real Estate.

2. Tenure

There were more owner-occupants than renters in Spokane (55% owner-occupants and 45% renters) according to 2013-2017 ACS estimates. Table 13 shows that that single-family homes are occupied by owners 80% of the time, and 20% by renters. Multifamily units are predominantly occupied by renters, at rates above 90% (2-4 unit properties had a 10% owner occupancy rate, and five units or more had a 4% owner occupancy rate). Mobile homes are occupied by owners 76% of the time, and by renters 24% of the time.

Table 13: Tenure Occupied Units						
PROPERTY TYPE	SPOKANE		COUNTY		WASHINGTON	
	OWNERS	RENTERS	OWNERS	RENTERS	OWNERS	RENTERS
All units	54.7%	45.3%	62.4%	37.6%	62.7%	37.3%
Single family*	80%	20%	74%	26%	81.1%	18.9%
2-4 units	10%	90%	10%	90%	12.7%	87.3%
5 or more units	4%	96%	4%	96%	11%	89%
Mobile homes, other	76%	24%	88%	12%	75%	25%

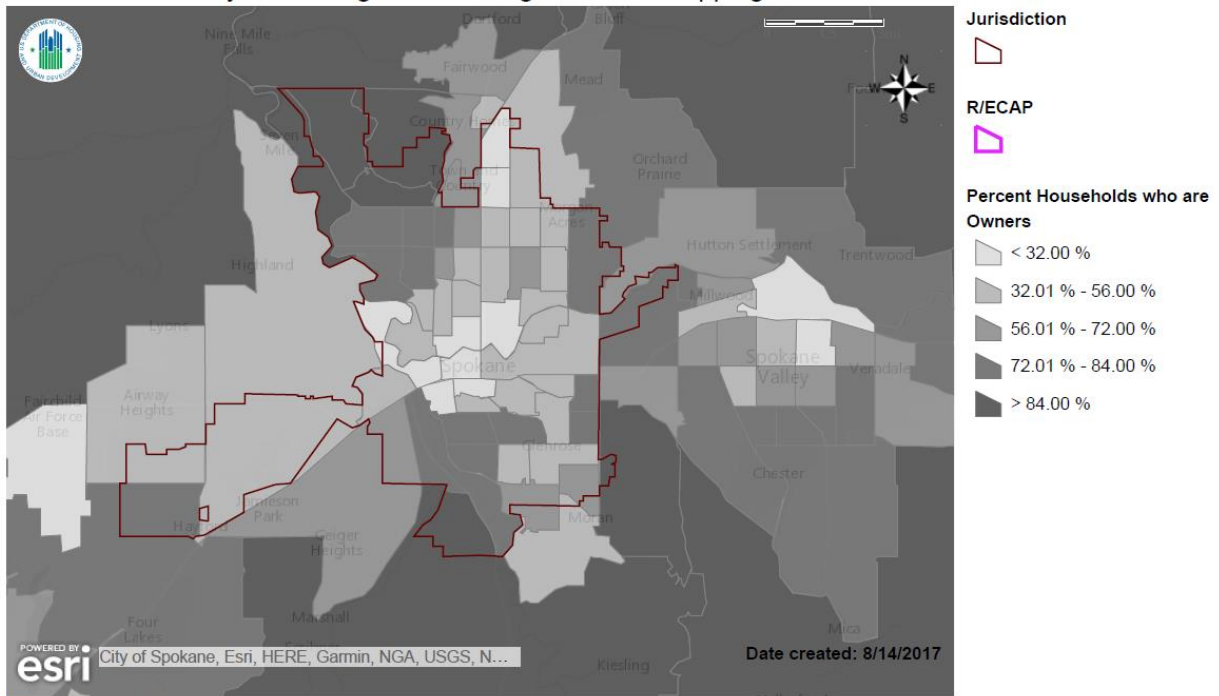
*Detached and attached

U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

In certain neighborhoods, the numbers of rental households are significantly higher than owner occupied households. See Maps 7 and 8.

MAP 7 – OWNER HOUSEHOLDS

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 16 - Housing Tenure

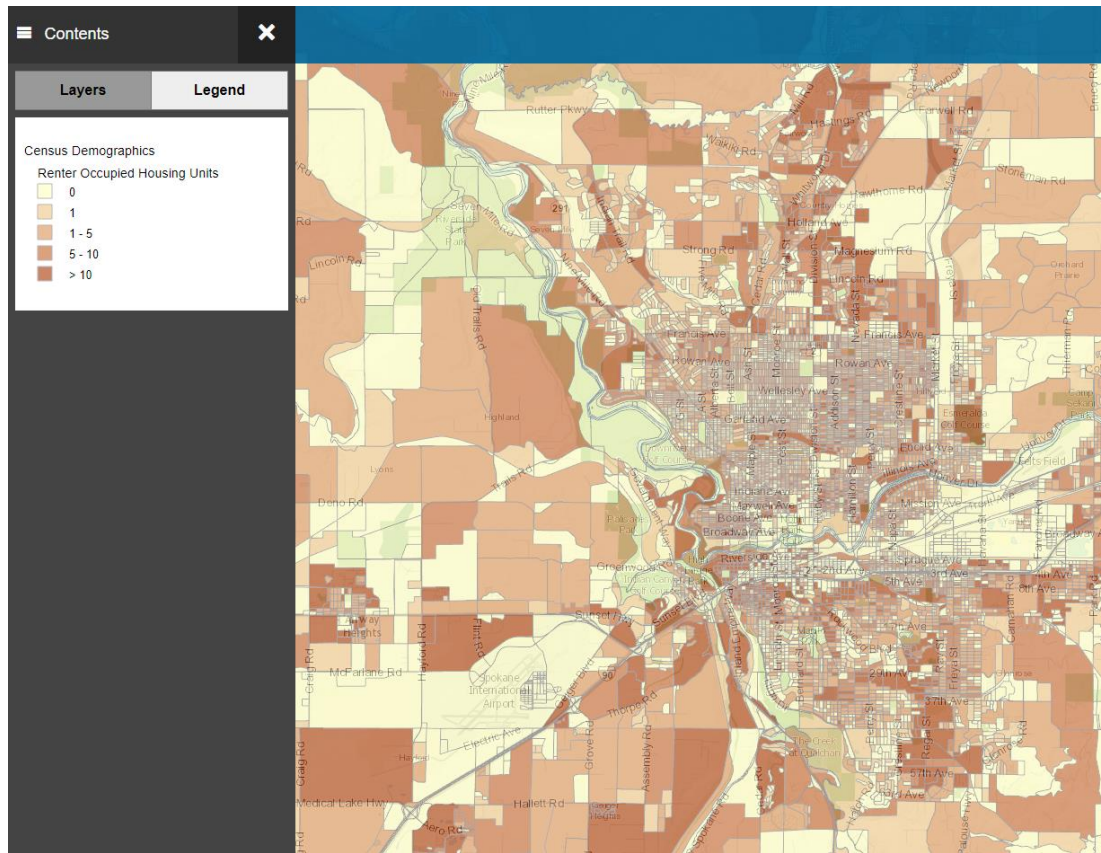
Description: Housing Tenure by Owners with R/ECAPs

Jurisdiction: Spokane (CDBG, HOME, ESG)

Region: Spokane-Spokane Valley, WA

Source: Map 16 – Data and Mapping Tool, <https://egis.hud.gov/affht/>

MAP 8 – RENTER OCCUPIED HOUSING UNITS



Source: <https://maps.spokanecity.org/?lyr=Neighborhood%20Council&lyr=Neighborhood%20Council#>

HUD AFFH-T Table 16 – Homeownership and Rental Rates by Race/Ethnicity								
	(Spokane, WA CDBG, HOME, ESG) Jurisdiction				(Spokane-Spokane Valley, WA) Region			
	Homeowners		Renters		Homeowners		Renters	
Race/Ethnicity	#	%	#	%	#	%	#	%
White, Non-Hispanic	45,525	91.6%	31,405	83.7%	128,380	93%	61,970	84.7%
Black, Non-Hispanic	620	1.3%	1,185	3.2%	865	0.63%	1,915	2.6%
Hispanic	1,290	2.6%	1,740	4.6%	2,770	2%	3,665	5%
Asian or Pacific Islander, Non-Hispanic	1,040	2.1%	1,235	3.3%	1,979	1.4%	1,889	2.6%
Native American, Non-Hispanic	435	0.9%	825	2.2%	1,430	1%	1,620	2.2%
Other, Non-Hispanic	780	1.6%	1,130	3%	2,185	1.6%	2,070	2.8%
Total Household Units	49,685	-	37,520	-	137,610	-	73,130	-
Note 1: Data presented are numbers of households, not individuals.								
Note 2: Data Sources: CHAS								
Note 3: Refer to the Data Documentation for details (www.hudexchange.info).								

Source: Data and Mapping Tool, <https://egis.hud.gov/affht/>

IV. IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING

A. EVIDENCE OF SEGREGATION

Past systemic, institutionalized, and individual racism determined where people of color could live in Spokane, and there is still evidence of the impacts of these policies and practices in housing patterns today.

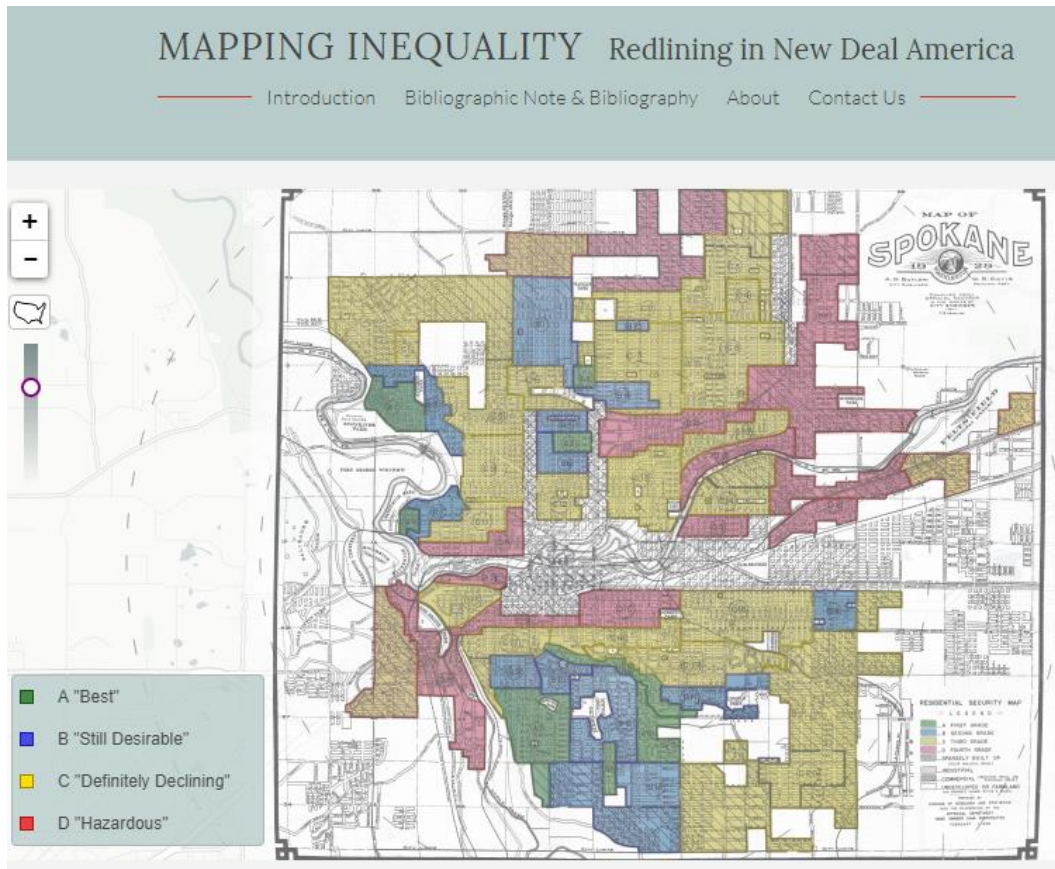
VI. Historic Systems of Racism

b. Redlining

In the late 1930s, the Home Owners' Loan Corporation (HOLC) graded neighborhoods into four categories, based in large part on racial makeup. Neighborhoods with minority occupants were marked in red — redlined — and considered high-risk for mortgage lenders. Spokane was not exempt from this government sponsored classification system. The HOLC Map for Spokane, see Map 9, dated 2/1/38, shows neighborhoods that were redlined. The HOLC 10/1/37 "Clarifying Remarks" for the Spokane, Liberty Park District, stated, for example:

Largely zoned for industry and business. Lot values are \$5 per front foot or less. The territory immediately adjacent to Liberty Park is slightly better grade but proximity to largest negro concentration of the city precludes higher grading. This is the "melting pot" of Spokane, and is extremely heterogeneous. The area is accorded a "low red" grade."

MAP 9 – REDLINING – SPOKANE – 1938



Source: Mapping Inequality, <https://dsl.richmond.edu/panorama/redlining/#loc=14/47.6350/-117.3221&opacity=0.8&city=spokane-wa&adview=full>

c. Steering by Real Estate Agents

Segregation in Spokane was also perpetuated by the institutionalized policies of real estate associations and the steering practices of individual real estate agents, away from or to certain neighborhoods based on race. The national and local real estate associations included in their bylaws and codes of ethics, prohibitions on introducing into a neighborhood people of a race whose presence was believed to negatively affect property values.

For example, the National Code of Ethics for Realtors stated: Part III, Article 34. A Realtor should never be instrumental in introducing into a neighborhood ... members of any race or nationality, or any persons whose presence will be detrimental to property values in that neighborhood.

Similarly, the former Spokane Realty Board's bylaws stated: Article III. By-laws-Duty of Members to Public: It shall be unethical for any member to be instrumental in introducing into a neighborhood ..., occupancy or ownership of property, or individual whose presence will clearly be detrimental to property values in that neighborhood. ... Complaints for violations of this Article shall not be considered unless filed with the Spokane Realty Board within ninety (90)

days after the introduction into a neighborhood of the character of property, use, occupancy, ownership of property, member of the race or nationality, or individuals to which objection is made. ...

Anecdotal accounts of past steering practices by real estate agents based on race in Spokane in the 1960s have been documented several times by the Spokesman-Review, the regional's largest newspaper.

d. Restrictive Residential Real Estate Covenants

Real estate developers also played a crucial role in ensuring that people of color could not live in certain neighborhoods in Spokane. Racially restrictive covenants were included in plats, subdivisions, and deeds, for homes in neighborhoods on the South Hill, the North Side, and neighboring Spokane Valley. Restrictive covenants used in Spokane included:

"No race or nationality other than the white race shall use or occupy any building on any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race or nationality employed by an owner or tenant."

"No person of any race other than white shall use or occupy any building upon these premises, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with the owner or tenant."

In 1948, in *Shelley v. Kraemer*, the United States Supreme Court unanimously ruled that restrictive covenants were unenforceable by state or federal courts. However, restrictive covenants continued to be included in Spokane property records into the 1950s.

Such covenants remain on deeds today and the ability of the County Auditor to remove such language pursuant to the following provisions in the WA Revised Code of Washington has been the subject of recent litigation:

If a written instrument contains a provision that is void by reason of RCW [49.60.224](#), the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW [36.18.012](#).

If the court finds that any provisions of the written instrument are void under RCW [49.60.224](#), it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

RCW 49.60.227.

In May 2019, a Superior Court Commissioner agreed with the Spokane County Auditor that she was not legally permitted to remove the covenants.

In 2018, the WA Legislature enacted an alternative process, which allows a property owner to record a modification document that does not remove the discriminatory language, but advises that it exists. The following legal provision went into effect on January 1, 2019:

Restrictive covenant modification document as alternative. (2)(a) As an alternative to the judicial procedure set forth in subsection (1) of this section, the owner of property subject to a written instrument that contains a provision that is void by reason of RCW [49.60.224](#) may record a restrictive covenant modification document with the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, in the county in which the property is located.

(b) The modification document shall contain a recording reference to the original written instrument.

© The modification document must state, in part: “The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW [49.60.224](#) and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law.”

(d) The effective date of the modification document shall be the same as the effective date of the original written instrument.

© If the owner causes to be recorded a modification document that contains modifications not authorized by this section, the county auditor or recording officer shall not incur liability for recording the document. Any liability that may result is the sole responsibility of the owner who caused the recordation.

(f) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

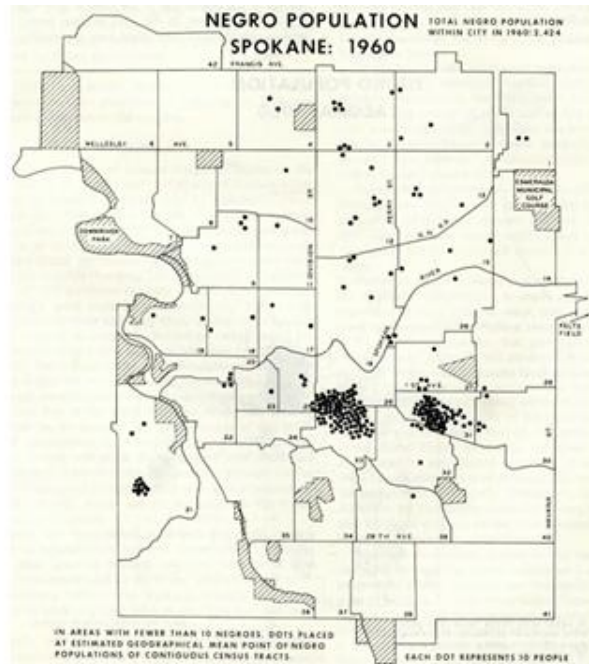
(3) For the purposes of this section, “restrictive covenant modification document” or “modification document” means a standard form developed and designed by the Washington state association of county auditors.

6. Segregation Today

In 1960, 63% of all black people lived in three census tracts. See Map 10. Today people of color are still concentrated in the zip code that includes the East Central neighborhood: 99202 (4.62%) (see Maps 11, 12 and 13), compared to 1.39% or less black people in 9 of Spokane’s 14 zip codes. (<http://zipatlas.com/us/washington.htm#demographics>).

MAP 10 – BLACK POPULATION 1960

<http://thelocalhistory.com/digital-resource-feature/race-and-violence-in-washington-state/>

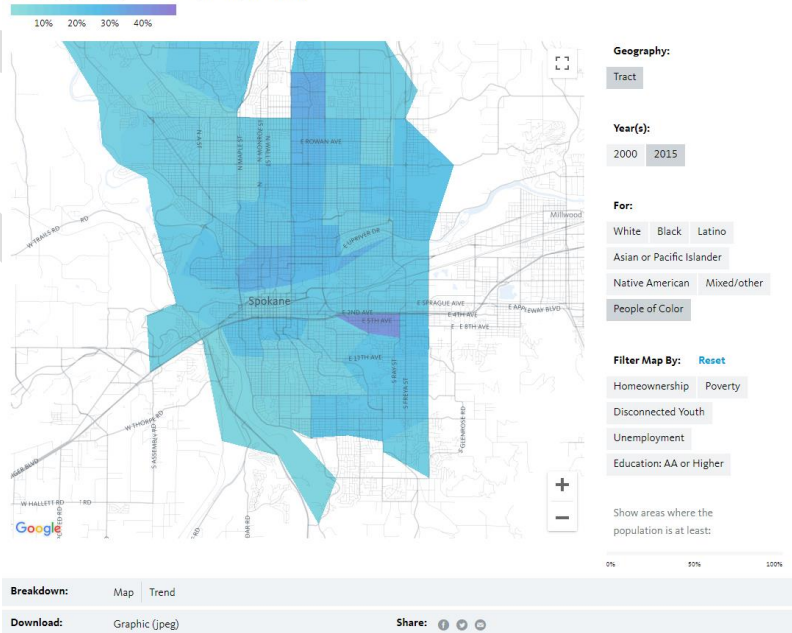


Source: *Race and Violence in Washington State, Report of the Commission on the causes and prevention of civil disorder*, 1968, <http://uindy.historyit.com/item.php?id=649833>

MAP 11 – PEOPLE OF COLOR – 2015

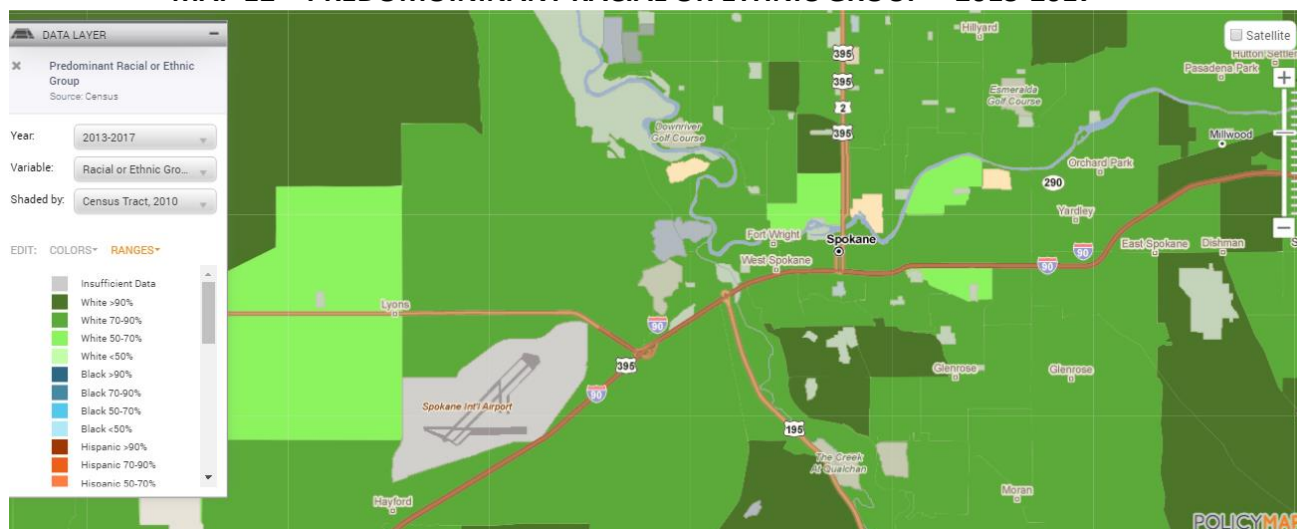
Race/ethnicity • Spokane City, WA

Breakdown:
Percent population by Tract, 2015 (For: People of Color)



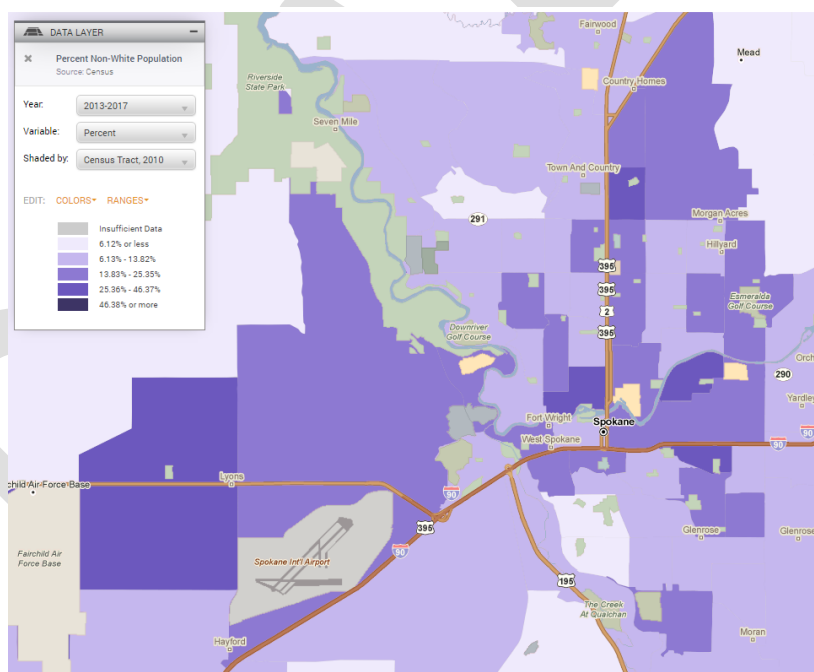
Source: http://nationalequityatlas.org/indicators/false/Percent_population:41391/Spokane_City_WA/false/geotype:census_tract/geo_parents.city100:53101/value1:2015/value2:7/

MAP 12 – PREDOMINANT RACIAL OR ETHNIC GROUP – 2013-2017



Source: <https://www.policymap.com/maps>

MAP 13 – NON-WHITE POPULATION



Source: <https://www.policymap.com/maps>

Disproportionate Concentrations of Non-White Populations

HUD defines a racially or ethnically concentrated area of poverty (R/ECAP) as having a non-white population of 50% or more, where 40% or more of the population is at or below the poverty line (or the poverty rate is greater than 3 times the average poverty rate in the area). Spokane does not have any census tracts that have non-white populations of 50% or more.

Areas of disproportionate concentration are those in which there is a greater than 10% difference than the jurisdiction as a whole. Again, there are no areas in Spokane where a non-white race meets that definition for a disproportionate concentration. However, combining all non-white races with Hispanic ethnicity in Spokane, so that “racial and ethnic minority” is defined as Hispanic and/or a race other than white alone (single race), 18.5% of the population in Spokane is minority. This definition was used in determining disproportionate concentrations of minority populations in the City. Therefore, any block group with greater than 28.5% (18.5% + 10%) minority population is considered to have a disproportionate minority concentration. Spokane has four census tracts with non-white populations exceeding 46.3%: 3011101 in 99208 (26.17% non-white); 3002400 in 99201 (28.47% non-white); 3003000 in East Central, 99202 (31.05%), and Chief Garry, 3002600 in 99207 (32.37%).

Race and Ethnicity Dissimilarity Index

A dissimilarity index is a measure of community level segregation. The values of a dissimilarity index range from 0 to 100, with a value of zero representing perfect integration between the racial groups, and a value of 100 representing perfect segregation between the racial groups. A dissimilarity index of less than 40 is deemed low segregation, while greater than 55 indicates high segregation. See *Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.

As a whole, Spokane has low dissimilarity indexes for white to non-white, black, and Hispanic populations (ranging from 17.05 – 28.10). The dissimilarity index between blacks and whites is highest, at 28.10.

HUD AFFH-T Table 3 – Racial/Ethnic Dissimilarity Trends								
	(Spokane, WA CDBG, HOME, ESG) Jurisdiction				(Spokane-Spokane Valley, WA) Region			
Racial/Ethnic Dissimilarity Index	1990 Trend	2000 Trend	2010 Trend	Current	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	20.56	16.62	15.83	18.76	26.99	22.75	20.65	24.13
Black/White	33.69	25.25	21.97	28.10	42.73	36.62	31.05	38.23
Hispanic/White	17.46	15.10	14.34	17.05	19.18	19.18	18.70	21.09
Asian or Pacific Islander/White	17.58	15.30	16.88	25.23	26.96	21.94	21.90	29.03
Note 1: Data Sources: Decennial Census								
Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).								

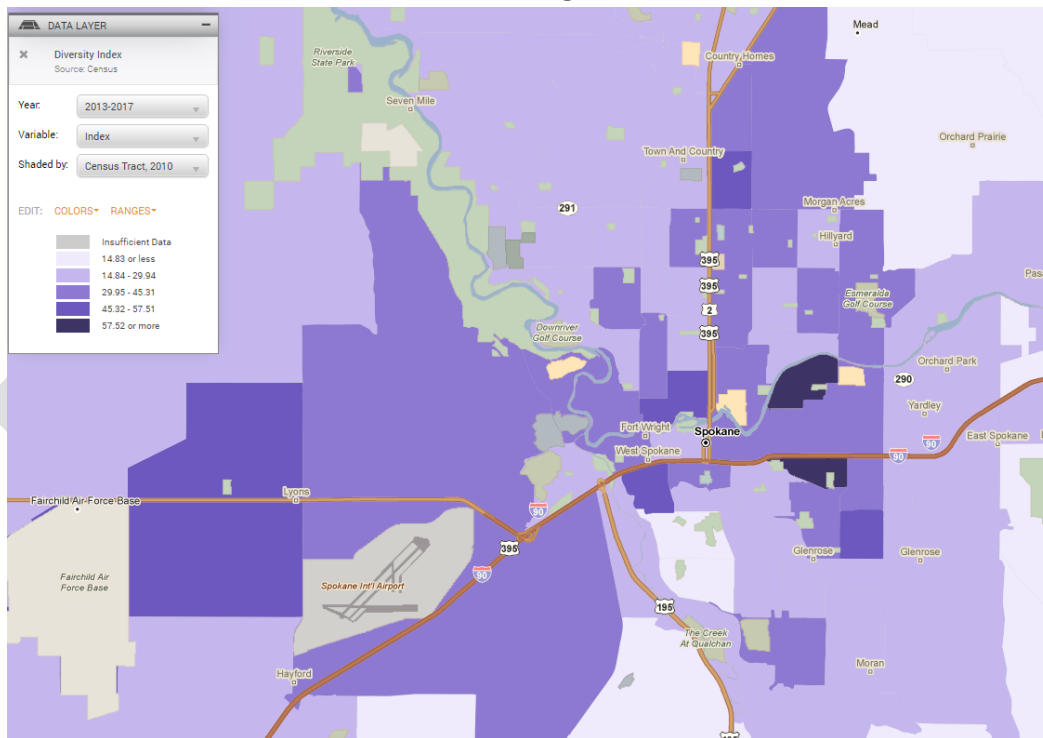
Source: HUD AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from Decennial Census 2010, 2000)

Diversity Index

The diversity index is an index ranging from 0 to 87.5 that represents the probability that two individuals, chosen at random in the given geography, would be of different races or ethnicities. Values between 0 and 20 suggest more homogeneity and values above 50 suggest more heterogeneity. Racial and ethnic diversity can be indicative of economic and behavioral patterns. For example, racially and ethnically homogenous areas may sometimes represent concentrated poverty or wealth, or indicate past or present discriminatory housing policies or barriers.

In Spokane, between 2013 and 2017, two areas in zip codes 99202 and 99207 (East Central and Chief Garry Park) had index values of more than 57.52. Three census tracts in zip codes 99208, 99201, and 99204 have index values of between 45.32 and 57.51. In contrast, neighborhoods on the South Hill in zip code 99203 had values of 14.82 or less. The darkest tracts on Map 14 have the highest diversity indexes while the lightest tracts have the lowest diversity.

MAP 14: DIVERSITY INDEX



Source: <https://www.policymap.com/maps> (ACS 2013-2017)

D. MEAUREMENTS OF OPPORTUNITY

The HUD AFFH-T Table 12, below, summarizes the results for Spokane for 7 opportunity indexes: Low Poverty Index, School Proficiency Index, Labor Market Index, Transit Index, Low Transportation Cost Index, Jobs Proximity Index, and Environmental Health Index. There were

disparities based on race, in favor of white Spokane residents, in all indicators except Transit Index, Low Transportation Cost Index, and Jobs Proximity Index. Each of these is discussed in the sections that follow.

HUD AFFH-T Table 12 – Opportunity Indicators, by Race/Ethnicity							
(Spokane, WA CDBG, HOME, ESG) Jurisdiction	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
White, Non-Hispanic	44.46	45.69	45.75	68.72	52.49	47.72	29.19
Black, Non-Hispanic	33.51	38.26	35.13	72.55	58.05	53.79	24.82
Hispanic	37.24	41.34	38.25	70.29	55.47	51.18	26.21
Asian or Pacific Islander, Non-Hispanic	39.51	45.56	40.43	69.58	55.22	50.11	27.62
Native American, Non-Hispanic	31.57	35.08	32.66	71.86	58.30	55.08	23.87
Population below federal poverty line							
White, Non-Hispanic	30.59	35.79	33.57	73.99	60.57	57.20	23.37
Black, Non-Hispanic	22.68	33.53	24.52	72.83	58.72	57.06	21.70
Hispanic	24.30	36.23	27.87	75.29	62.01	58.62	21.37
Asian or Pacific Islander, Non-Hispanic	34.52	44.72	31.61	75.13	59.42	47.89	24.39
Native American, Non-Hispanic	25.37	38.89	29.49	77.28	62.50	58.02	22.76
(Spokane-Spokane Valley, WA) Region							
Total Population							
White, Non-Hispanic	51.62	53.75	45.97	47.29	37.18	49.33	52.55
Black, Non-Hispanic	40.50	44.62	37.13	61.45	48.87	54.79	40.54
Hispanic	44.96	48.80	40.24	54.56	43.12	53.80	46.47
Asian or Pacific Islander, Non-Hispanic	48.31	51.74	44.36	57.09	45.28	50.68	44.50
Native American, Non-Hispanic	35.32	39.35	29.71	42.06	36.34	55.27	55.46
Population below federal poverty line							
White, Non-Hispanic	37.14	43.61	34.47	55.32	45.23	55.79	45.14
Black, Non-Hispanic	25.11	37.38	26.63	69.80	56.35	59.30	28.96
Hispanic	33.87	41.56	32.77	63.50	51.56	57.64	36.16
Asian or Pacific Islander, Non-Hispanic	37.49	43.90	32.88	70.16	55.13	51.04	32.25
Native American, Non-Hispanic	29.72	37.73	27.13	52.54	43.90	50.14	49.42
Note 1: Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA							
Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).							

Source: Data and Mapping Tool, <https://egis.hud.gov/affht/>

1. Education

Of the population 25 years and over in Spokane, 92.3% are high school graduates or higher; 29.3% have a bachelor's degree or higher; and 7.7% of the population has not completed high school.

Table 14: Education Attainment		
EDUCATIONAL ATTAINMENT	POPULATION	
<i>Population 25 years and over</i>	143,257	
<i>Less than 9th grade</i>	3,118	2.2%
<i>9th to 12th grade no diploma</i>	7,899	5.5%
<i>High school graduate (includes equivalency)</i>	35,282	24.6%
<i>Some college, no degree</i>	37,549	26.2%
<i>Associate's degree</i>	17,213	12%
<i>Bachelor's degree</i>	25,456	17.7%
<i>Graduate or professional degree</i>	16,740	11.6%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

School Proficiency Index

The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing schools. The school proficiency index is a function of the percent of 4th grade students proficient in reading and math on state test scores for up to three schools within 3 miles of the block group centroid. Values are percentile ranked at the state level and range from 0 to 100. The higher the score, the higher the quality of the school system in a neighborhood. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.

For the total Spokane population, the school proficiency index for white, non-Hispanics, was 7.43 percentage points higher than for black, non-Hispanics, 10.61 higher than for Native Americans, and 4.34 than for Hispanics. The index was nearly the same for whites and Asians.

When only the population below the federal poverty line is examined, the disparities close: 35.79 for white non-Hispanics, which is 2.26 percent higher than for black non-Hispanics (33.53), and less than the rates for Hispanics (36.23), Asian or Pacific Islanders (44.72), and Native Americans (38.89)

The darker the census tracts on HUD AFFH-T Map 7 (see Appendix B), the better the quality of the schools.

2. Income and Poverty

a. Income

The median income in Spokane in 2017 was \$44,768. Median household income includes all households, singles and families. Median household income for the City of Spokane was \$7,391 less than for the County, and \$21,406 less than for households in the State overall. Median family income in Spokane was \$59,129, higher than median household income (which may be due to multiple wage earners), but again lower than County and State median family incomes. Median family income includes only households defined by the census as families by relationships, marriage or the presence of children. Median earnings for males working full-time, year-around was about 24% higher than that for equivalently working female workers. Median earnings for all workers was \$12,850 below the median for full-time workers. This indicates that significant numbers of workers in Spokane are likely employed part-time or only seasonally.

Table 15: Measures of Income 2013-2017			
<i>MEASURES OF INCOME*</i>	<i>SPOKANE</i>	<i>COUNTY</i>	<i>WASHINGTON</i>
Median household	\$44,768	\$52,159	\$66,174
Median family	\$59,129	\$67,345	\$80,233
Median earnings male**	\$45,585	\$48,741	\$58,374
Median earnings female**	\$36,861	\$38,689	\$45,206
Median earnings workers	\$28,219	\$30,393	\$36,286
Per capita income	\$26,464	\$28,325	\$34,869

*Income in the last 12 months in 2017 inflation-adjusted dollars.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Table 16: Household Income	
<i>INCOME LEVELS</i>	<i>% OF HOUSEHOLDS</i>
<i>Total households</i>	88,683
<i>Less than \$10,000</i>	9.1%
<i>\$10,000-\$14,999</i>	6.2%
<i>\$15,000-\$24,999</i>	12.2%
<i>\$25,000-\$34,999</i>	12.3%
<i>\$35,000-\$49,999</i>	14.6%
<i>\$50,000-\$74,999</i>	17.8%
<i>\$75,000-\$99,999</i>	11.4%
<i>\$100,000-\$149,999</i>	10.1%
<i>\$150,000-\$199,999</i>	3.5%
<i>\$200,000 or more</i>	2.7%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, Income In the Past 12 Months in 2017 Inflation-adjusted dollars

b. Poverty

HUD periodically identifies by block group the percent of the population living in households earning less than 80% of Area Median Income (AMI). Block groups in which 51% or more of the population live in households at or below 80% of AMI qualify as low-mod areas. The latest HUD tabulations (using 2011-2015 ACS data) showed 118 qualifying block groups in Spokane County.

19.4% of all people in the City of Spokane were living below the poverty line between 2013 and 2017. “ALICE” is an acronym for Asset Limited, Income Constrained, and Employed, which are households with income above the Federal Poverty Level but below the basic cost of living. A household includes all people who occupy a housing unit, but does not include group quarters such as a dorm, nursing home, or prison. According to the 2018 United Way ALICE Report, 38% of all households in Spokane County meet the definition for ALICE.

In Spokane 37% of all female-headed family households (with no husband present) lived in poverty between 2013-2017. The percent of people living in poverty in Spokane was higher in the City in all categories than in Spokane County as a whole or the State of Washington.

Table 17: Poverty 2013-2017*			
POPULATION	SPOKANE	COUNTY	WASHINGTON
Individuals (all)	19.4%	15.2%	12.2%
Under 18	24.1%	18.6%	15.8%
65 and older	9.5%	7.7%	7.9%
Single householder (male or female) with own children	35%	30.74%	29.52%
Single female householder w/ own children	36.19%	33.23%	34.42%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

In Spokane, 25.4% of black people, 35.6% of Native Americans/ Alaska Natives, 51.6% of Hawaiian Native and Pacific Islanders, 27.2% Hispanics, 17.7% of whites, and 13.8% Asians, live below the poverty level. (Estimates for 2013-2017, <https://www.policymap.com/maps>)

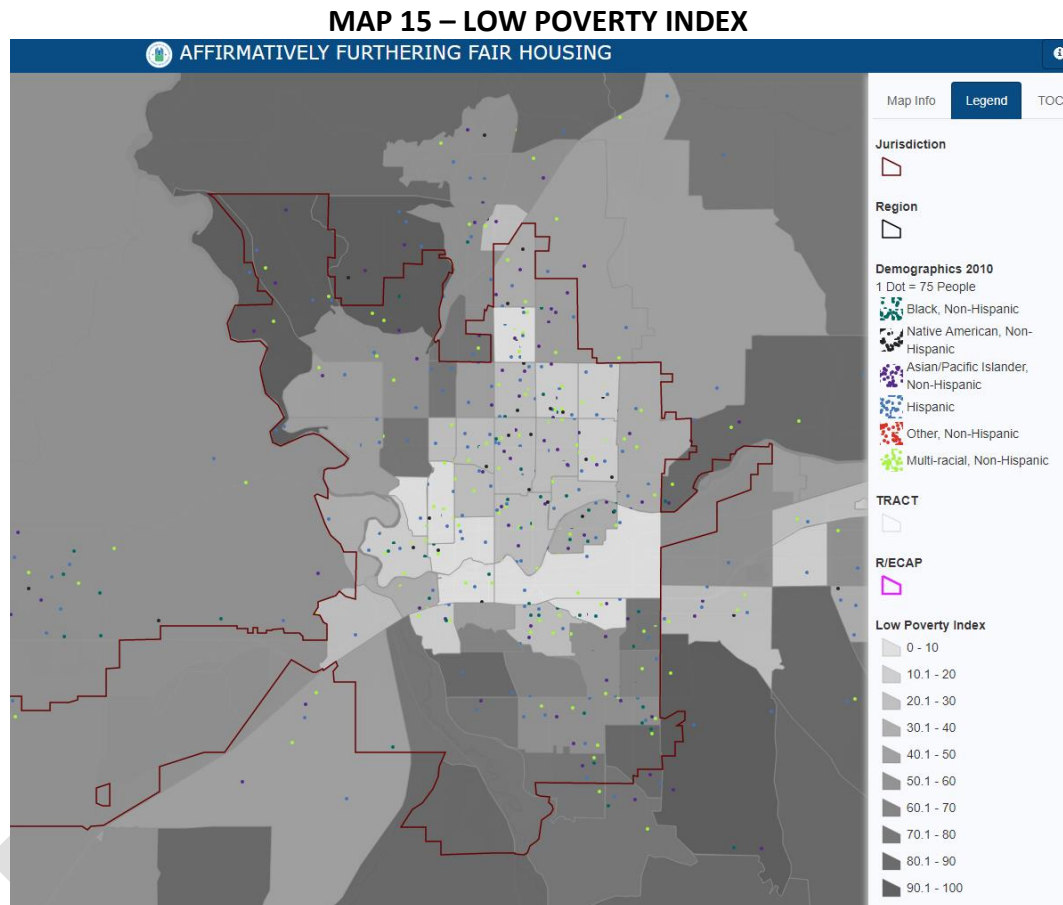
Low Poverty Index

The low poverty index identifies poverty by census tract. Values range from 0 to 100. The higher the score, the less exposure to poverty in a neighborhood. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.

White non-Hispanics have a higher poverty index in Spokane, 44.46, compared to 33.51 for blacks (a difference of 10.95 percentage points), 37.24 for Hispanics (7.22 difference), 39.51 for Asians and Pacific Islanders (4.95 difference), and 31.57 for Native Americans (12.89 difference). These disparities persist even when only measuring the population below the

federal poverty line: 30.59 for white non-Hispanics, compared to 22.68 for blacks, 24.30 for Hispanics, and 25.37 for Native Americans. Only Asian and Pacific Islanders had a higher Low Poverty Index (34.52) than whites, below the poverty line. See HUD AFFH Table 12.

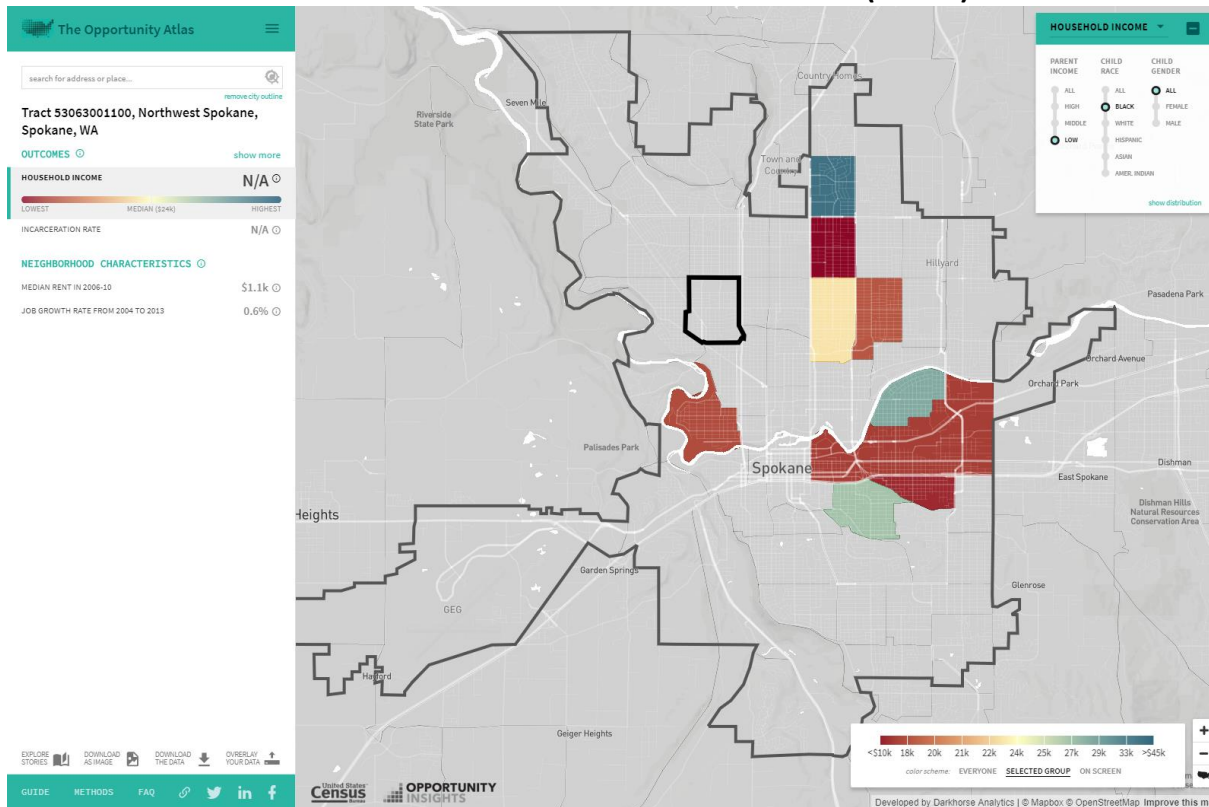
The darker the shading on the census tracts on Map 15, the less exposure to poverty.



Source: Map 12 – Race – AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from Census 2010, ACS 2009-2013, Location Affordability Index (LAI) 2008-2012)

Zip code and race matter in terms of poverty. Map 16 depicts where black children are concentrated in Spokane, represented by their parents' income. The darkest red tracts indicate the lowest level of parent income. The darkest green indicates the highest level of parent income.

MAP 16 – HOUSEHOLD INCOME – CHILD RACE (BLACK)



Source: <https://www.opportunityatlas.org/>

3. Housing Affordability

Estimated housing costs in the City of Spokane and Spokane County are lower for both owner-occupants and renters than in Washington State as a whole. The median owner-estimated value of homes in Spokane was just 58% of the estimated value in Washington State. The median estimated value in Spokane County was higher than the City of Spokane, but still 68% of the median estimated value in Washington. See Table 18.

Table 18: Cost of Home Owner Housing			
OWNER / RENTER	SPOKANE	COUNTY	WASHINGTON
Median home value	\$166,700	\$195,500	\$286,800
Median monthly owner cost with mortgage	\$1,232	\$1,349	\$1,763
Median monthly owner cost without mortgage	\$458	\$466	\$539

Source: 2013-2017 American Community Survey

70% of households with a mortgage in Spokane had housing costs less than \$1,500 per month, including utilities. In contrast, in overall Washington, two-thirds of households with a mortgage paid more than \$1,500 a month. See Table 19.

Table 19: Range of Monthly Owner Costs*			
RANGE	SPOKANE	COUNTY	WASHINGTON
Less than \$1,000	27%	21%	11%
\$1,000-\$1,499	43%	40%	25%
\$1,500-\$1,999	20%	23%	26%
\$2,000 or more	11%	15%	39%

*Households with a mortgage; includes mortgage, taxes, insurance, condo fees and utilities

Source: 2013-2017 American Community Survey

Table 20: Range of Gross Rents*			
	SPOKANE	COUNTY	WASHINGTON
Median gross rent	\$805	\$842	\$1120
RANGE	SPOKANE	COUNTY	WASHINGTON
Less than \$500	13%	10%	7%
\$500-\$749	30%	27%	13%
\$750-\$999	28%	30%	21%
\$1,000 or more	29%	32%	59%
\$1,000-\$1,499	22%	24%	33%
\$1,500 or more	7%	8%	26%

*Includes contract rent and utilities; excludes no cash payment Source: 2013-2017 American Community Survey

Housing is considered affordable when the cost of housing plus utilities equals no more than 30% of household income. The National Low Income Housing Coalition provides an annual analysis of the cost of housing in relation to income. The 2018 *Out-of-Reach* data for the Spokane MSA are shown in Table 21. To afford a 2- bedroom unit, a household would need to earn \$16.67 an hour – 145% of Washington minimum wage.

Table 21: Housing Costs, Income and Affordability Spokane MSA 2018					
HOUSING/INCOME FACTOR	BEDROOMS				
	ZERO	ONE	TWO	THREE	FOUR
Fair Market Rent (FMR) 2018	\$553	\$652	\$867	\$1240	\$1431
Annual income to afford	\$22,120	\$26,080	\$34,680	\$49,600	\$57,240
Hourly wage to afford* (housing wage)	\$10.63	\$12.54	\$16.67	\$23.85	\$27.52
Minimum wage in Washington 2018	\$11.50	\$11.50	\$11.50	\$11.50	\$11.50
Housing wage compared to minimum wage	92%	109%	145%	207%	239%

Source: National Low Income Housing Coalition (www.nlihc.org)

Table 22 shows several measures of housing cost, Fair Market Rents in particular, alongside measures of income, particularly at the lower-end of the earnings spectrum. The individual SSI income is shown at the bottom of the table. If a person with a disability had SSI income as the sole source of income, housing would be affordable if the cost were no more than \$250 a month, which is less than half of the Fair Market Rent for a studio apartment.

Table 22: Income by Occupation/Source and Affordable Housing Costs Spokane MSA		
JOB/INCOME TYPE (WAGE/EARNINGS*)	AFFORDABLE/ ESTIMATED MONTHLY COST	HOUSING TYPE/ALLOWANCE
Pharmacist (\$61.46/hour)	\$3,196	
Registered nurse (\$38.96/hour)	\$2,026	
Middle school teacher (not special ed) (\$66,483/ year)	\$1,662	
HUD AMI 2018 (\$65,200)***	\$1,630	
	\$1,431	Fair Market Rent 2018 (4-bedroom)
Licensed practical/vocational nurse (\$25.96/hour)	\$1,349	
Machinist (\$25.11/hour)		
HUD AMI top of range at 80% (\$52,150/year)***	\$1,303	
Child, Family, & School Social worker (\$24.68/hour)	\$1,283	
	\$1,240	Fair Market Rent 2018 (3-bedroom)
Customer service representative (\$19.37/hour)	\$1007	
Retail sales (\$16.53/hour)	\$859	
	\$867	Fair Market Rent 2018 (2-bedroom)
	\$842	Median gross rent Spokane County**
	\$805	Median gross rent Spokane**
Child care worker (\$13.75/hour)	\$715	
Home health aide (\$14.15/hour)	\$736	
Personal care aide (\$13.66/hour)	\$710	
Median worker earnings (\$28,219/year)**	\$705	
Hotel, motel, resort desk clerks (\$13.56/hour)	\$705	
	\$652	Fair Market Rent 2018 (1-bedroom)
Minimum wage full-time job (\$11.50/hour)	\$598	
	\$553	
	\$553	Fair Market Rent 2018 (0-bedroom)
HUD AMI top of range at 30% (\$19,550/year)***	\$488	
SSI income (\$750/month 2018 single person)	\$225	

*Except where otherwise noted wages are from the Washington State Employment Security Department's Occupational Employment and Wage Estimates (2018) for Spokane MSA (includes Spokane County).

**2013-2017 ACS for Spokane

***2018 4-person households

Sources: 2013-2017 American Community Survey; HUD; WA Employment Security Department.

As of 2013, in Spokane, 16% of white non-Hispanic households had a severe housing cost burden, defined as paying more than 50% of their income for housing. The rates of severe

cost burdened households increases for people of color: 22% of Asians and Pacific Islander households, 26% of black households, 28% of Native American households, and 19% of Hispanic households had a severe cost burden. See HUD AFFH Table 10. Overall, 17% of all households in Spokane had a severe rent burden. With rising rents, it is very likely that the percentage of households that have a severe housing cost burden has only increased.

HUD AFFH-T Table 10 – Demographics of Households with Severe Housing Cost Burden						
Households with Severe Housing Cost Burden	(Spokane, WA CDBG, HOME, ESG)			(Spokane-Spokane Valley, WA) Region		
	Jurisdiction					
Race/Ethnicity	# with severe cost burden	# households	% with severe cost burden	# with severe cost burden	# households	% with severe cost burden
White, Non-Hispanic	12,385	76,925	16.10%	26,450	190,353	13.90%
Black, Non-Hispanic	470	1,803	26.07%	749	2,787	26.87%
Hispanic	595	3,030	19.64%	1,289	6,422	20.07%
Asian or Pacific Islander, Non-Hispanic	505	2,270	22.25%	880	3,866	22.76%
Native American, Non-Hispanic	375	1,260	29.76%	690	3,060	22.55%
Other, Non-Hispanic	475	1,895	25.07%	764	4,262	17.93%
Total	14,805	87,205	16.98%	30,822	210,740	14.63%
Household Type and Size						
Family households, <5 people	5,319	43,524	12.22%	11,765	116,834	10.07%
Family households, 5+ people	634	5,864	10.81%	1,568	17,623	8.90%
Non-family households	8,825	37,810	23.34%	17,458	76,284	22.89%
Note 1: Severe housing cost burden is defined as greater than 50% of income.						
Note 2: All % represent a share of the total population within the jurisdiction or region, except household type and size, which is out of total households.						
Note 3: The # households is the denominator for the % with problems, and may differ from the # households for the table on severe housing problems.						
Note 4: Data Sources: Comprehensive Housing Affordability Strategy (CHAS), 2009-2013)						
Note 5: Refer to the Data Documentation for details (www.hudexchange.info).						

Source: AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/>

4. Housing Needs

The HUD AFFH-T provides data identifying instances where “housing problems” or “severe housing problems” exist. Information on housing problems is drawn from CHAS, which demonstrates the extent of housing problems and housing needs, particularly for low-income households. The U.S. Census Bureau produces the CHAS data via custom tabulations of ACS data. The AFFH-T provides data on the number and share of households with one of the following four “housing problems”: 1. Lacks complete kitchen facilities 2. Lacks complete

plumbing facilities 3. More than one person per room 4. Cost Burden – monthly housing costs (including utilities) exceed 30% of monthly income. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.

The AFFH-T also provides data on the number and share of households with one or more of the following “severe” housing problems: 1. Lacks complete kitchen facilities 2. Lacks complete plumbing facilities 3. More than one person per room 4. “Severe” Cost Burden – monthly housing costs (including utilities) exceed 50% of monthly income. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.

38.5% of all households in Spokane were experiencing at least one of four housing problems in 2013. See HUD AFFH-T Table 9. The percent of white non-Hispanic households experiencing at least 1 household problem was similar, at 37.4%. Black, Hispanic, Asian / Pacific Islander, and Native American households experienced at least one problem at the following higher rates: 49%, 44%, 44% and 48.5%.

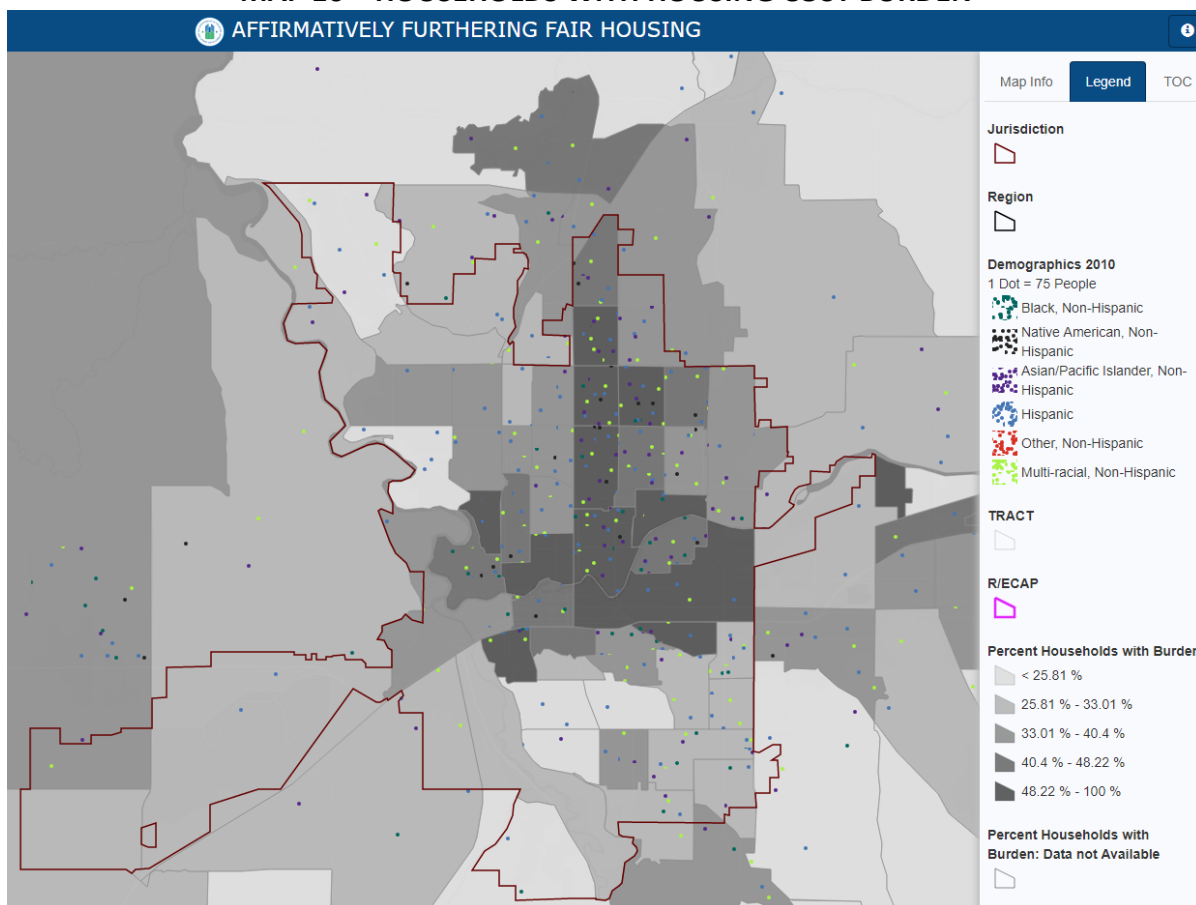
19% of all households in Spokane experienced at least one severe housing problem. See Table 9. The rates for white non-Hispanic, Black, Hispanic, Asian / Pacific Islander, and Native American households were: 18%, 31%, 23%, 26%, and 30.5%. See also Map 16, Cost Burden.

HUD AFFH-T Table 9 – Demographics of Households with Disproportionate Housing Needs						
Disproportionate Housing Needs	(Spokane, WA CDBG, HOME, ESG) Jurisdiction			(Spokane-Spokane Valley, WA) Region		
Households experiencing any of 4 housing problems	# with problems	# households	% with problems	# with problems	# households	% with problems
Race/Ethnicity						
White, Non-Hispanic	28,750	76,925	37.37%	64,583	190,353	33.93%
Black, Non-Hispanic	880	1,803	48.81%	1,414	2,787	50.74%
Hispanic	1,335	3,030	44.06%	2,909	6,422	45.30%
Asian or Pacific Islander, Non-Hispanic	995	2,270	43.83%	1,730	3,866	44.75%
Native American, Non-Hispanic	610	1,260	48.41%	1,279	3,060	41.80%
Other, Non-Hispanic	995	1,895	52.51%	1,879	4,262	44.09%
Total	33,565	87,205	38.49%	73,800	210,740	35.02%
Household Type and Size						
Family households, <5 people	13,720	43,524	31.52%	32,395	116,834	27.73%
Family households, 5+ people	2,430	5,864	41.44%	7,070	17,623	40.12%
Non-family households	17,410	37,810	46.05%	34,335	76,284	45.01%

Households experiencing any of 4 Severe Housing Problems	# with severe problems	# households	% with severe problems	# with severe problems	# households	% with severe problems
Race/Ethnicity						
White, Non-Hispanic	13,799	76,925	17.94%	30,127	190,353	15.83%
Black, Non-Hispanic	565	1,803	31.34%	859	2,787	30.82%
Hispanic	710	3,030	23.43%	1,602	6,422	24.95%
Asian or Pacific Islander, Non-Hispanic	585	2,270	25.77%	975	3,866	25.22%
Native American, Non-Hispanic	385	1,260	30.56%	747	3,060	24.41%
Other, Non-Hispanic	510	1,895	26.91%	993	4,262	23.30%
<i>Total</i>	<i>16,540</i>	<i>87,205</i>	<i>18.97%</i>	<i>35,315</i>	<i>210,740</i>	<i>16.76%</i>
Note 1: The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 50%.						
Note 2: All % represent a share of the total population within the jurisdiction or region, except household type and size, which is out of total households.						
Note 3: Data Sources: Comprehensive Housing Affordability Strategy (CHAS), 2009-2013)						
Note 4: Refer to the Data Documentation for details (www.hudexchange.info).						

Source: AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/>

MAP 16 – HOUSEHOLDS WITH HOUSING COST BURDEN



Source: Map 6 – Race – AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from Census 2010, ACS 2009-2013, Location Affordability Index (LAI) 2008-2012)

5. Publicly Assisted Households

People of color and people with disabilities participate in publicly supported housing programs at higher rates than other people. Black people in Spokane are 2.3% of the population, but nearly 5% of project-based section 8 residents and 8.6% of housing choice voucher holders. See HUD AFFH-T Table 6. People with disabilities are 39% of project-based section 8 housing residents and 35.5% of section 8 housing choice vouchers. See HUD AFFH-T Table 15.

HUD AFFH-T Table 6 – Publicly Supported Households by Race/Ethnicity								
	Race/Ethnicity							
(Spokane, WA CDBG, HOME, ESG) Jurisdiction	White		Black		Hispanic		Asian or Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	N/a	N/a	0	0.00%	N/a	N/a	N/a	N/a
Project-Based Section 8	1,363	86.87%	78	4.97%	43	2.74%	41	2.61%

Other Multifamily	172	87.76%	3	1.53%	6	3.06%	10	5.10%
HCV Program	2,235	77.79%	247	8.60%	124	4.32%	128	4.46%
Total Households	76,925	88.21%	1,803	2.07%	3,030	3.47%	2,270	2.60%
0-30% of AMI	10,800	80.93%	349	2.62%	625	4.68%	475	3.56%
0-50% of AMI	18,660	73.46%	848	3.34%	1,100	4.33%	865	3.41%
0-80% of AMI	32,565	79.29%	1,138	2.77%	1,595	3.88%	1,405	3.42%
(Spokane-Spokane Valley, WA) Region	White		Black		Hispanic		Asian or Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	51	73.91%	6	8.70%	2	2.90%	6	8.70%
Project-Based Section 8	1,767	86.83%	89	4.37%	72	3.54%	50	2.46%
Other Multifamily	351	90.46%	6	1.55%	8	2.06%	11	2.84%
HCV Program	3,732	81.06%	348	7.56%	176	3.82%	158	3.43%
Total Households	190,353	90.33%	2,787	1.32%	6,422	3.05%	3,866	1.83%
0-30% of AMI	22,100	83.63%	623	2.36%	1,138	4.31%	755	2.86%
0-50% of AMI	38,210	74.02%	1,302	2.52%	2,140	4.15%	1,334	2.58%
0-80% of AMI	70,285	80.49%	1,737	1.99%	3,158	3.62%	2,159	2.47%
Note 1: Data Sources: Decennial Census; APSH; CHAS								
Note 2: #s presented are numbers of households not individuals.								
Note 3: Refer to the Data Documentation for details (www.hudexchange.info).								

Source: Data and Mapping Tool, <https://egis.hud.gov/affht/>

HUD AFFH-T Table 15 – Disability by Publicly Supported Housing Program Category		
(Spokane, WA CDBG, HOME, ESG) Jurisdiction		People with a Disability
	#	%
Public Housing	N/a	N/a
Project-Based Section 8	634	39.09%
Other Multifamily	127	57.99%
HCV Program	1,051	35.51%
(Spokane-Spokane Valley, WA) Region		
Public Housing	11	15.71%
Project-Based Section 8	796	37.73%
Other Multifamily	192	46.38%
HCV Program	1,644	34.59%
Note 1: The definition of “disability” used by the Census Bureau may not be comparable to reporting requirements under HUD programs.		
Note 2: Data Sources: ACS		
Note 3: Refer to the Data Documentation for details (www.hudexchange.info).		

Source: Data and Mapping Tool, <https://egis.hud.gov/affht/>

Persons of color are also concentrated within several publicly assisted housing developments, in neighborhoods historically associated with people of color. For example,

black people make up 22%, 25% and 35% of three complexes in 99202, and Asian residents occupied 39% of the units in a complex also in 99202. See HUD AFFH-Table 8.

HUD AFFH-T Table 8 – Demographics of Publicly Supported Housing Developments, by Program Category						
Project-Based Section 8						
(Spokane, WA CDBG) Jurisdiction						
Development Name	# Units	White	Black	Hispanic	Asian	Households with Children
St Andrews Court	42	80%	N/a	10%	2%	N/a
St Andrews Court	39	76%	8%	0%	11%	N/a
Lilac Plaza (Wa25I000014)	100	97%	N/a	1%	1%	N/a
Canterbury Court Apartments	75	92%	5%	0%	N/a	N/a
Lincoln Heights Garden	162	87%	1%	5%	4%	N/a
Winchester Court I & II	78	88%	3%	3%	5%	N/a
Park Tower	141	91%	3%	1%	3%	N/a
Cathedral Plaza	59	95%	2%	0%	3%	N/a
Delaney – The	82	87%	5%	4%	2%	N/a
Hamilton House	42	83%	N/a	7%	2%	17%
Coeur D’Alene Plaza	64	80%	10%	7%	N/a	3%
Manito Garden Apartments	59	87%	8%	3%	2%	N/a
Parkview Apartments	62	51%	22%	12%	8%	78%
Hillyard Plaza	59	98%	2%	0%	N/a	2%
Regal Arms Apts	64	77%	5%	3%	6%	83%
Lincoln Terrace Gardens Apartments	27	89%	4%	0%	7%	N/a
Fahy West Apartments	55	81%	4%	6%	N/a	N/a
Fahy Garden Apartments	31	94%	N/a	0%	N/a	3%
Coventry Court	88	92%	2%	1%	2%	N/a
Hifumi En Apartments	41	92%	3%	3%	3%	3%
Richard Allen (Aka Bryant Arms South)	54	49%	25%	8%	6%	63%
Mount Vernon Terrace (Wa25I000005)	74	90%	3%	1%	4%	42%
O’Malley, The	99	86%	2%	2%	5%	N/a
Liberty Park Terrace	48	50%	35%	0%	4%	92%
Other HUD Multifamily Assisted Housing						
(Spokane, WA CDBG) Jurisdiction						
Development Name	# Units	White	Black	Hispanic	Asian	Households with Children
Friendship Gardens	24	52%	4%	0%	39%	N/a

Centerstone	16	75%	N/a	13%	N/a	N/a
Lilac Terrace	40	90%	N/a	5%	2%	N/a
Winchester Court Iii	40	100%	N/a	0%	N/a	N/a
Keystone Corners	18	88%	6%	0%	N/a	N/a
Pioneer Park Place	14	85%	N/a	8%	N/a	N/a
City Triplex	12	N/a	N/a	N/a	N/a	N/a
Eagle Crest Estates	21	95%	N/a	0%	N/a	N/a
Country Heights	20	76%	10%	5%	10%	N/a
Sylvan Place	14	93%	N/a	7%	N/a	14%
Bernadette Place	6	N/a	N/a	N/a	N/a	N/a
Note 1: For LIHTC properties, this information will be supplied by local knowledge.						
Note 2: Percentages may not add to 100 due to rounding error.						
Note 3: Data Sources: APSH						
Note 4: Refer to the Data Documentation for details (www.hudexchange.info).						

Source: Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data from National LIHTC Database 2013)

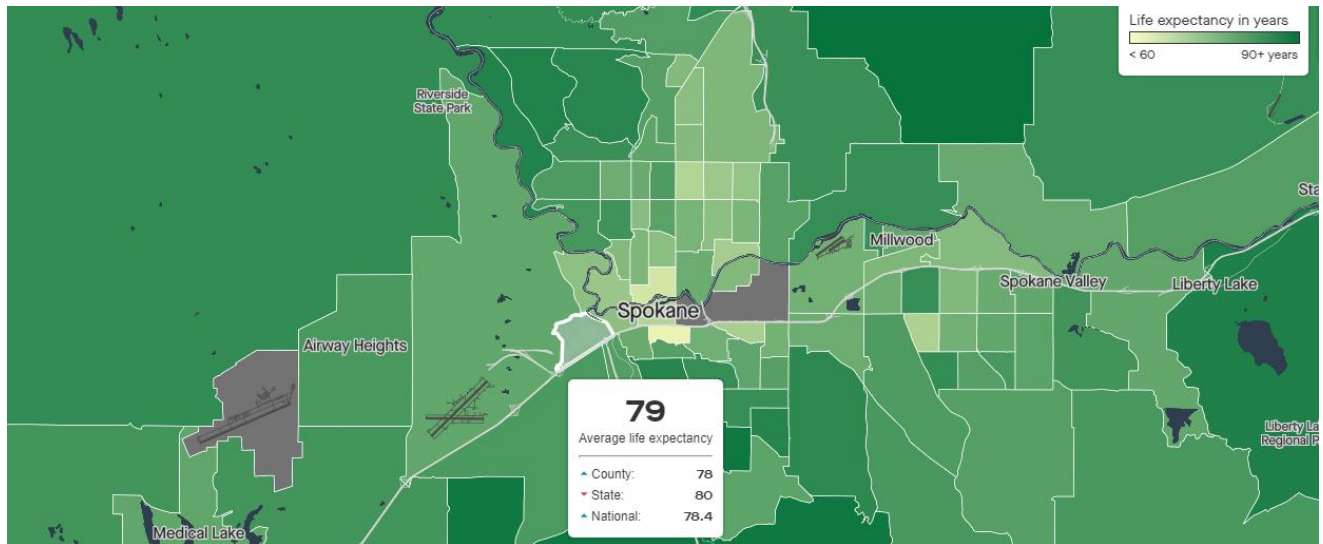
6. Environmental Health

The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The index is a linear combination of standardized EPA estimates of air quality carcinogenic, respiratory, and neurological hazards with indexing census tracts. Values range from 0 to 100. The higher the value, the less exposure to toxins harmful to human health, and the better the environmental quality of a neighborhood. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.

The Environmental Health Indexes for white non-Hispanics for the total population and those under the federal poverty line were slightly higher than all other races, except Asian and Pacific Islanders in the instance of those below the poverty line. Of concern, however, is that the Index rates for all races were only in the 20s, indicating high rates of exposure to unhealthy toxins in Spokane.

As the Spokane Regional Health District has been documenting since at least 2012, the Spokane zip code that one resides in makes a difference for quality and longevity of life. The Centers for Disease Control released detailed data on life expectancy for 90% of the census tracts in the United States. Map 17 was generated from a website that utilized the CDC data and allows searches on specific communities to determine neighborhood life expectancies. The overall Spokane County life expectancy is 79 years. It is 80 years and 78.4 for WA State and the United States respectively. The darker a census tract is shaded, the greater the life expectancy. The lightest tracts on the map have life expectancies of 66 (Tract 300-3200), 68 (SE West Central), 71 (300-3400), and 72 (East Central and Bemiss) years, while the South Hill has a life expectancy of 81 years.

MAP 17 –AVERAGE LIFE EXPECTANCY



Source: Quartz: <https://qz.com/1462111/map-what-story-does-your-neighborhoods-life-expectancy-tell/>

7. Labor Force and Employment

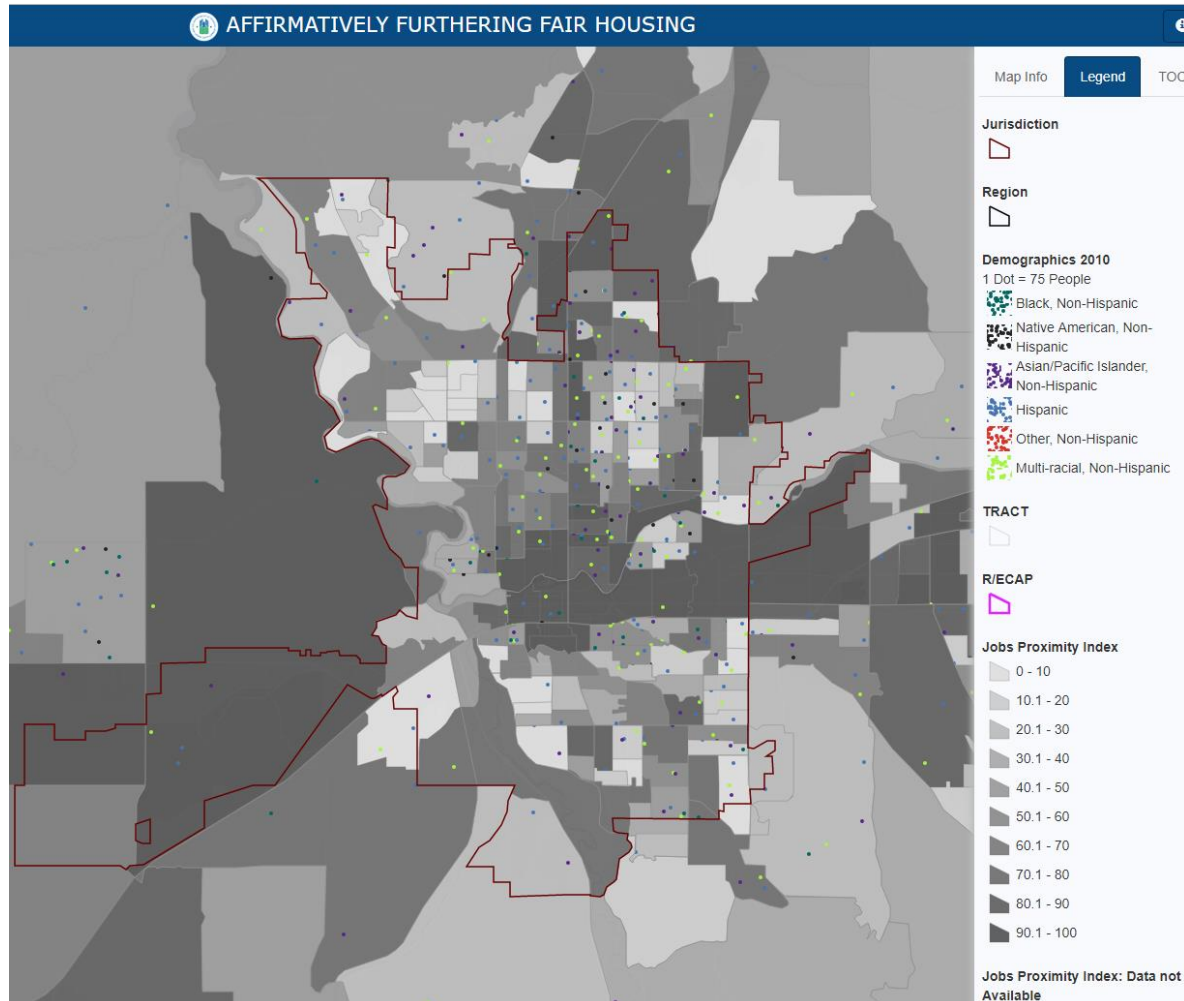
Jobs Proximity Index

The jobs proximity index quantifies the accessibility of a neighborhood as a function of its distance to all job locations within a core-based statistical area (CBSA), with larger employment centers weighted more heavily. A gravity model is used, where the accessibility of a residential block group is a summary description of the distance to all job locations, with the distance from any single job location positively weighted by the size of employment (job opportunities) at that location and inversely weighted by the labor supply (competition) to that location. Values are percentile ranked at the CBSA level with values ranging from 0 to 100. The higher the value, the better the access to employment opportunities for residents. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.*

The Jobs Proximity Index is one of the measures where people of color in most instances (except Asian/ Pacific Islanders below the poverty line) had higher or equivalent rates to white, non-Hispanics in Spokane. The rate for white non-Hispanics was 47.72 for total population and 57.20 for the population below the poverty line. The corresponding rates for other races were: blacks (53.79 and 57.06); Hispanics (51.18 and 58.62); Asians and Pacific Islanders (50.11 and 47.89); and Native Americans (55.08 and 58.02). People of color in Spokane are more concentrated in central census tracts (East Central, etc.) rather than more remote tracts, which may explain the closer proximity to job locations. Notably, the index rates rose for all races when only measuring people under the poverty line, compared to the total population, possibly also explained by wealthier people choosing to live further from the City center.

While low income and people of color may have close proximity to job centers, whether they are able to obtain those jobs is of concern, given the disparities in the Labor Market Engagement Index – see below.

MAP 18 – JOBS PROXIMITY INDEX

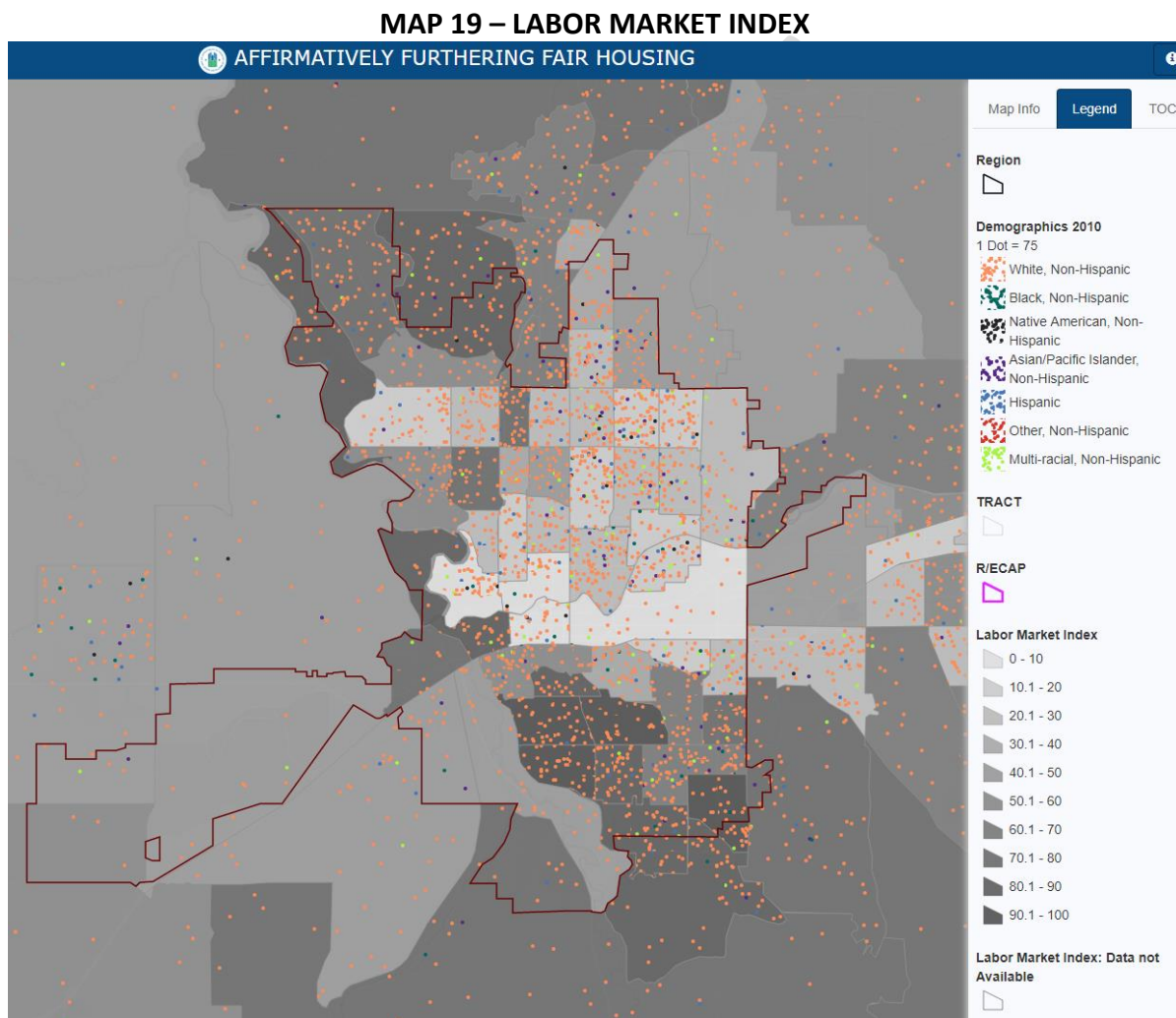


Source: Map 8 – Race- AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/> (Longitudinal Employer-Household Dynamics (LEHD) data, 2014)

Labor Market Engagement Index

The labor market engagement index describes the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force participation, and educational attainment in a census tract. The labor market index is a linear combination of three standardized vectors: unemployment rate, labor-force participation rate, and percent with a bachelor's degree or higher. Values are percentile and range from 0 to 100. The higher the score, the higher the labor force participation and human capital in a neighborhood. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.

The labor market index for white, non-Hispanics, exceeds that for all other races, for both the total population (white, non-Hispanics: 45.75; blacks: 35.13; Hispanics: 38.25; Asian and Pacific Islanders: 40.43; and Native Americans: 32.66), and the population below the federal poverty line (white, non-Hispanics: 33.57; blacks: 24.52; Hispanics: 27.87; Asian and Pacific Islanders: 31.61; and Native Americans: 29.49). See HUD Map 19, below, for specific census tracts. The darker the shading, the better the labor market engagement index in that neighborhood.



Source: Map 9 – Race – AFFH Data and Mapping Tool, <https://egis.hud.gov/affht/> (Data 2012)

8. Transportation

Transit Trips Index

The Transit Trips Index is based on estimates of transit trips taken by a 3-person single-parent family with income at 50% of the median income for renters for the region (i.e., CBSA). The estimates come from the Location Affordability Index (LAI). The AFFH-T models annual

transit trips for renters. Values are percentile ranked nationally, ranging from 0 to 100. The higher the value, the more likely residents in the neighborhood utilize public transit. The index controls for income such that a higher index value will often reflect better access to public transit. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.*

Similar to the Job Proximity Index, people of color have higher Transit Trip Index rates than white non-Hispanics in Spokane, and people below the federal poverty line have higher rates than the total population. The total population and poverty line rates for each race are: whites, non-Hispanic (68.72 and 73.99); blacks (72.55 and 72.83); Hispanics (70.29 and 75.29); Asian and Pacific Islanders (69.58 and 75.13); and Native Americans (71.86 and 77.28). The greater use of public transit by low income and people of color may again be explained by the greater frequency that they reside in centrally located neighborhoods near bus lines, and also have lower income and personal wealth with which to purchase and maintain a private vehicle.

Low Transportation Cost Index

The Low Transportation Cost Index is based on estimates of transportation costs for a 3-person single-parent family with income at 50% of the median income for renters for the region (i.e., CBSA). The estimates come from the Location Affordability Index (LAI). The AFFH-T models transportation costs as a percent of income for renters. Neighborhoods are defined as census tracts. Values range from 0 to 100. The higher the value, the lower the cost of transportation in a neighborhood. Transportation costs may be low for a variety of reasons, including greater access to public transportation and the density of homes, services, and jobs in the neighborhood and surrounding community. *See Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation, Data Version AFFHT0004a, March 5, 2019, Cloud Nine Technologies and Brent Mast, HUD Office of Policy Development and Research.*

Like the Job Proximity and Transit Trip Indexes, low income and people of color have higher Low Transportation Cost Indexes, both for the total population and when only people below the poverty line are considered: whites, non-Hispanic (52.49 and 60.57); blacks (58.05 and 58.72); Hispanics (55.47 and 62.01); Asian and Pacific Islanders (55.22 and 59.42); and Native Americans (58.30 and 62.50).

9. Homeless

According to the HUD definition of homelessness, a person is homeless when he/she resides in: “places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings; or in an emergency shelter; or in transitional or supportive housing (for homeless persons who originally came from the streets or emergency shelters)”. The City of Spokane has adopted this definition of homelessness for the purpose of implementing its Continuum of Care Plan the Homeless.

During Spokane's 2019 Continuum of Care point in time count, on January 24, 2019, people of color were overrepresented in the homeless population: 27% of those counted as homeless were black, Native American, Alaskan Native, Hawaiian, Pacific Islander, or multi-racial. Black people are 2.3% of the Spokane population, but were 9% of all people counted experiencing homelessness and 15% of homeless households with at least one child and one adult. Native American and Alaska Native people are 1.8% of the Spokane population, but were 8% of all people counted experiencing homelessness and 9% of homeless households with at least one child and one adult. Native Hawaiian and Pacific Islander people are only .6% of the Spokane population, but were 2% of all people counted experiencing homelessness and 8% of homeless households with at least one child and one adult. Multi-racial people make up 4% of the Spokane population, but were 8% of all people counted experiencing homelessness, 9% of homeless households with at least 1 child and 1 adult, and 14% of all homeless minor youth without an adult in the household. See Table 23.

Table 23: Homeless Point in time Count (1/24/19) – Race & Hispanic / Latino National Origin							
	WHITE	BLACK	AI / AK NATIVE	ASIAN	NATIVE HI / PACIFIC ISLANDER	MULTI- RACIAL	HISPANIC / LATINO
All people in Spokane County	89.3%	2%	1.8%	2.4%	.6%	4%	6%
All People experiencing Homelessness	73%	9%	8%	<.1%	2%	8%	8%
Type of Homeless Household							
homeless households with at least one child and 1 adult (302 people)	179 (59% of all homeless families)	47 (15%)	27 (9%)	0	23 (8%)	26 (9%)	
homeless households without children	758	74	72	3	6	72	
homeless households w/ only children (22 people)	19 (86% of all homeless minor youth)	0	0	0	0	3 (14%)	
Total	956	121	99	3	29	101	
Type of Shelter							
Transitional Housing	160	25	16	0	6	7	24
Emergency Shelter	560	76	50	3	20	71	58
Unsheltered	236	20	33	0	3	23	24
Total	956	121	99	3	29	101	106

Source: Spokane 2019 Everybody Counts Point-in-Time Count

10. Criminal Justice Impacted

Community Perceptions

Participants in the community surveys repeatedly identified criminal records screening policies as a barrier to accessing housing. Related survey questions and responses included:

Question: If you believe that discrimination occurs in the rental of housing, on what bases do you believe that discrimination is most often based on?

- 64.5% of those who responded to the housing consumer / advocate survey selected criminal history. Following source of income, criminal history was the 2nd most commonly selected option out of 14 choices)
- 58.7% of those responding to the housing provider survey selected criminal history, more than any other option selection

Question: If you believe that discrimination occurs in the sale of housing, on what bases do you believe that discrimination is most often based on?

- 44% of those on the housing consumer/ advocate survey selected criminal history (4th most common selected of 14 options, after race, source of income, and color)
- 29% of housing providers selected criminal history (2nd after race, and tied w/ source of income)

Question: If you believe that discrimination occurs in mortgage lending in Spokane, on what bases do you believe that discrimination is most often based on?

- 43% of housing consumers / advocates selected criminal history (3rd out of 14 options after race and source of income)
- 26% of housing providers chose criminal history (after source of income and race, and tied with national origin and age)

Question: What are you most concerned about with respect to fair housing opportunity in Spokane? Check your top 10 concerns.

- 51% of housing consumers / advocates and 35% of housing providers selected "Use of criminal records for rental applicants"

Question: If you work for an organization on behalf of tenants or homebuyers, has your organization received housing discrimination complaints from your clients /constituents/ members? Narrative responses included:

- But all the clients I work with have a hard time finding housing due to criminal history.
- My organization supplies housing and housing search programs. We have had reports about landlords refusing to rent to them because of their criminal records or being in our programs.

- Many of my clients have criminal or eviction histories due to mental health issues and decompensation. Clients become discouraged when they are turned down time after time for rental property over issues that they either don't remember, had little control over, or when the issues were from years ago and the client has learned and grown over the years and is very unlikely to reoffend.
- People with criminal histories are stuck in transitional settings forever.

Question: I believe I have been illegally discriminated against while attempting to obtain rental housing in Spokane. If so, describe. Narrative responses included:

- Because of my criminal background, which is old
- I have been discriminated against due to age and criminal history of spouse.
- I have not, but have witnessed this with others many, many times. Income (type and amount), criminal and rental history (any) can get you disqualified, after you have paid the app fee, which is another barrier to low income people seeking housing. Rents are raised high enough to make it impossible.
- Criminal history
- Over 100 apps were turned in and i was denied because of my criminal history from the past

Question: I believe I have witnessed illegal discrimination by someone in my industry against someone during their tenancy (treated differently because of protected class, harassed because of protected class, etc.). If so, describe. Narrative responses included:

- The (redacted housing provider) Downtown have intimidated residents into not complaining about the conditions of the building because of their previous criminal records.

Question: Are you aware of any housing practices in Spokane that are barriers to equal and full access to housing?

Housing consumer / advocate responses:

- Unfair evictions, routine instances of potential tenants being turned away for illegal reasons, community prejudice against various classes (especially the homeless and people with criminal records), cost of rent being out of proportion with average wages, lack of affordable housing (whether through new properties or the conversion of existing properties)
- Putting tenants on month-to-month contract so landlords can raise the rent monthly. Landlords using background checks to shame and deter anyone with a criminal history from applying for housing.
- When housing our homeless population, the process is often long, difficult and not consistent. We have a whole population that does not get considered because they are "not vulnerable enough" to make the list. They have virtually no options for housing as they don't have enough (or any) income, and are often denied for ANY criminal or negative rental history.

- The blatant discrimination against those with a criminal record and/or use of vouchers based on income. There is also discrimination against those on public subsidies such as TANF and SSI.
- Too many property managers have strict tenant screening policies that do not allow for explaining circumstances of criminal or eviction history and they don't consider how those histories might be affected by mental health issues.
- Criminal records. My partner has a criminal record. As soon as we disclose that to potential landlords, they are no longer interested in speaking with us. Landlords need to take into consideration what the person has done to improve their life and contribute to society since becoming a felon. Landlords need to be educated on the new criminal history law.
- Discrimination of criminal past from offenses greater than 7 years.
- automatic denials for those that have criminal histories.
- Criminal history screen without ability to refute.
- Applicant criteria and rent costs that eliminate those with income and criminal history barriers as well as those with education, mental health or reading barriers.

Housing provider survey responses:

- We don't have enough publicly subsidized units for renters who are rejected through legalized discrimination in the private market (i.e. criminal background, income, etc.)
- Blanket denial for applicants with criminal records. Even though the laws have changed, there are many landlords that still will not accept any one with any sort of felony record.

55% of those responding to the housing provider survey selected criminal history screening as a fair housing topic they would like more training about.

Racial Disparities in the Criminal Justice System

In Spokane County, according to the W. Haywood Burns Institute, there was overrepresentation of black and Native American adults in both the pretrial and sentenced jail populations in Spokane County in 2016. In 2016 in Spokane County:

White adults comprised

- 88% of the adult population,
- 81% of all pretrial bookings to jail, and
- 80% of the sentenced population

Black adults comprised

- 2% of the adult population,
- 8% of all pretrial bookings to jail, and
- 9% of the sentenced population

Native American adults comprised

- 2% of the adult population,
- 5% of all pretrial bookings to jail, and

- 6% of the sentenced population

Black and Native American adults are more likely to be booked into jail pretrial for both felonies and misdemeanors. In 2016 in Spokane County, for every 1,000 adults in the population who are:

White

- 11.7 were booked to jail pretrial for a felony and
- 20.0 for a misdemeanor

Black

- 49.6 were booked to jail pretrial for a felony and
- 77.1 for a misdemeanor

Native American

- 39.8 were booked to jail pretrial for a felony
- 75.0 for a misdemeanor

Black adults and Native American adults more likely to be booked into jail pretrial for a felony than a white adult, 4.2 and 3.4 times more likely, respectively. In 2016 in Spokane County for every one white adult booked in jail pretrial for a felony:

- 4.2 black adults were booked into jail pretrial for a felony, and
- 3.4 Native American adults were booked into jail pretrial for a felony

Black adults and Native American adults more likely to be booked into jail pretrial for a misdemeanor than a white adult, 3.9 and 3.7 times more likely, respectively. In 2016 in Spokane County for every one white adult booked in jail pretrial for a misdemeanor:

- 3.9 black adults were booked into jail pretrial for a misdemeanor, and
- 3.7 Native American adults were booked into jail pretrial for a misdemeanor

Black and Native American adults are more likely to be booked into jail for sentencing. In 2016 in Spokane County, for every 1,000 adults in the population who are

- White – 5.6 were sentenced to jail
- Black – 26.4 were sentenced to jail
- Native American – 23.0 were sentenced to jail

Black and Native American adults are more likely to be booked into jail for sentencing, 4.7 and 4.1 times more likely, respectively. In 2016 in Spokane County for every one White adult sentenced to jail:

- 4.7 Black adults were booked into jail pretrial for a misdemeanor
- 4.1 Native American adults were booked into jail pretrial for a misdemeanor

On average, money bail set for felonies

- for Latino adults is \$42 higher than for white adults.
- for Native American adults is \$16,883 higher than for white adults.

On average, money bail set for misdemeanors

- for black adults is \$165 higher than for white adults.

- for Latino adults is \$294 higher than for white adults.
- for Asian adults is \$131 higher than for white adults.
- for Native American adults is \$173 higher than for white adults.

Source: <https://www.spokanecounty.org/DocumentCenter/View/21938/SJC-Spokane-RED-data-7302018>

Disparate Impacts and HUD Criminal History Guidance

On April 4, 2016, HUD issued, *“Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions.”* The HUD guidance addresses how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real estate related transactions.

The background section of the HUD Guidance notes that formerly incarcerated individuals, people who have been convicted but not incarcerated, and people who have been arrested but not convicted encounter significant barriers to securing housing because of criminal history. As many as 100 million U.S. adults – nearly 1/3 of the population – have a criminal record. The US prison population of 2.2 million adults is the largest in the world. As of 2012, the US accounted for about 5% of the world’s pop., yet almost 1/4 of the world’s prisoners were held in American prisons. Since 2004, an average of 650,000+ individuals have been released annually from federal and state prisons, and over 95% of current inmates will be released at some point. When individuals are released from prisons and jails, their ability to access safe, secure and affordable housing is critical to successful reentry to society. The increasing numbers of people leaving institutions face an increased risk for homelessness and, conversely, persons experiencing homelessness are vulnerable to incarceration.

Across the US, African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population. Criminal records-based barriers to housing are therefore likely to have a disproportionate impact on minority home seekers. Having a criminal record is not a protected characteristic under the Fair Housing Act. However, criminal history-based restrictions on housing opportunities violate the Fair Housing Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., known as discriminatory effects liability). The HUD guidance focuses on race and national origin discrimination, but notes that criminal history policies may result in discrimination against other protected classes.

The guidance reviews two methods of proving that a housing provider’s criminal history policy violates the Fair Housing Act: discriminatory effects (disparate impact) and disparate treatment. A facially-neutral policy or practice that has a discriminatory effect violates the Fair Housing Act if not supported by legally sufficient justification – intent to discriminate is not required. To analyze claims that a housing provider’s use of criminal history to deny housing opportunities results in a discriminatory effect in violation of the FHA, Courts utilize a 3-step burden-shifting standard requiring a fact-specific analysis. 24 C.F.R. § 100.500:

1. Evaluate Whether the Criminal History Policy or Practice Has a Discriminatory Effect
2. Evaluate Whether the Challenged Policy or Practice is Necessary to Achieve a Substantial, Legitimate, Nondiscriminatory Interest
3. Evaluate Whether There Is a Less Discriminatory Alternative

For step 1, a complainant may present National statistics that provide grounds for HUD to investigate complaints challenging criminal history policies. National statistics may be used where, state or local statistics are not readily available and there is no reason to believe they would differ markedly from national statistics. Nationally, racial and ethnic minorities face disproportionately high rates of arrest and incarceration. E.g. in 2013, African Americans were arrested at a rate more than double their proportion of the general population. African Americans comprised 28.3% of all arrestees; yet individuals identifying as African American or black alone made up only 12.4% of the total U.S. population. In 2014, African Americans comprised 36% of the total prison pop. in the US, but only about 12% of the country's total pop. Hispanics were incarcerated at a rate disproportionate to their share of the general pop.: 22% of the prison population, but only about 17% of the total U.S. population. Non-Hispanic whites comprised approximately 62% of the total U.S. population but only about 34% of the prison population. Across all age groups, the imprisonment rates for African American males is almost 6 times greater than for white males, and for Hispanic males, it is over twice that for non-Hispanic white males.

Additional evidence to show that a policy has a disparate impact on a protected class can be demonstrated through applicant data, tenant files, local census demographic data, and state or local statistics on racial and ethnic disparities in the criminal justice system where available (see local disparity data re: Spokane above) and appropriate based on a housing provider's market area or other facts particular to a given case. Regardless of the data used, determining whether a policy or practice results in a disparate impact is ultimately a fact-specific and case-specific inquiry.

For step 2, a housing provider must prove that a policy or practice is justified (necessary to achieve a substantial, legitimate, nondiscriminatory interest of the provider). The interest proffered by the housing provider may not be hypothetical or speculative. The housing provider must provide evidence proving a substantial, legitimate, nondiscriminatory interest supporting the challenged policy and that the challenged policy actually achieves that interest. Ensuring resident safety and protecting property are often considered to be among the fundamental responsibilities of a housing provider. Courts may consider such interests substantial and legitimate, assuming they are the actual reasons for the policy or practice. A housing provider must prove through reliable evidence that its policy or practice of making housing decisions based on criminal history actually assists in protecting resident safety and/or property. Bald assertions based on generalizations or stereotypes that any individual with an arrest or conviction record poses a greater risk than any individual without a record are not sufficient to satisfy the burden.

A housing provider with a policy or practice of excluding individuals because of one or more prior arrests (without any conviction) cannot satisfy its burden of showing that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Arrest alone does not prove a crime was committed. An arrest is not a reliable basis upon which to assess the potential risk to resident safety or property posed by a particular individual. A housing provider who denies housing based on arrests not resulting in conviction cannot prove that the exclusion actually assists in protecting resident safety and/or property.

In most instances, a record of conviction (as opposed to an arrest) will serve as sufficient evidence to prove that an individual engaged in criminal conduct. However, housing providers that apply a policy or practice that excludes persons with prior convictions must prove that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. A housing provider that imposes a blanket prohibition on any person with any conviction record – no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then – will be unable to meet this burden. A housing provider with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove its policy is necessary to serve a substantial, legitimate, nondiscriminatory interest. A housing provider must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and/or property and criminal conduct that does not. A policy or practice that fails to take into account the nature and severity of an individual's conviction is unlikely to be necessary to serve a substantial, legitimate, nondiscriminatory interest. A policy or practice that does not consider the amount of time that has passed since the criminal conduct occurred is unlikely to satisfy this standard, esp. in light of criminological research showing that, over time, the likelihood that a person with a prior criminal record will engage in additional criminal conduct decreases until it approximates the likelihood that a person with no criminal history will commit an offense.

Step 3 is only applicable if a housing provider successfully proves that its criminal history policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Step 3 shifts the burden shifts back to plaintiff to prove that such interest could be served by another practice that has a less discriminatory effect. The HUD guidance provides that, conducting an individualized assessment of relevant mitigating information beyond that contained in an individual's criminal record is likely to have a less discriminatory effect than categorical exclusions. Relevant individualized evidence might include facts regarding the conduct, age at time of conduct, tenant history before and after conduct, and rehabilitation efforts. Delaying consideration of criminal history until after an individual's financial and other qualifications are verified, minimizes any additional costs that such individualized assessment might add to screening process.

HUD's guidance does not preclude housing providers from creating criminal history-based policies. However, housing providers should create thoughtful policies, narrowly tailored to serve substantial, legitimate, and nondiscriminatory interests of the housing provider.

V. EVALUATION OF SPOKANE'S CURRENT FAIR HOUSING LEGAL STATUS

(FAIR HOUSING COMPLAINTS)

A. The Complaint Process

1. HUD / WSHRC

The Fair Housing Act (FHA) allows all aggrieved persons to file fair housing complaints with the U.S. Department of Housing & Urban Development (HUD). An aggrieved person includes any person who (1) claims to have been injured by a discriminatory housing practice; or (2) believes that such person will be injured by a discriminatory housing practice that is about to occur. Complainants can also file complaints directly with the Washington State Human Rights Commission (WSHRC). Complainants may include: tenants, rental applicants, home buyers, mortgage borrowers, fair housing organizations, neighbors denied the opportunity of an integrated community, and real estate agents and brokers who lost commissions. Anyone residing in the United States has fair housing protections, regardless of citizenship status.

Respondents can include: real property owners, property management companies and their employees, real estate agents and brokers, lending institutions, insurance companies, neighbors or persons who interfere with the use and enjoyment of property, and local, state and federal officers and agencies. A principal is legally responsible for all acts of an agent done within the scope of an agent's authority.

Administrative complaints must be filed with HUD within one year of the alleged discriminatory practice. 24 CFR § 103. In Washington, HUD refers almost all complaints to a HUD recognized Fair Housing Administration Program (FHAP) (a state or local enforcement agency with a substantially equivalent fair housing law or ordinance) for investigation and enforcement. The WSHRC is the only FHAP with jurisdiction over fair housing complaints filed with HUD arising out of Spokane.

After a complaint is filed with HUD and/or the WSHRC, a Respondent receives notification and a copy of the complaint, and then has ten days in which to file an answer. The Assistant General Counsel has authority to authorize the U.S. Department of Justice (DOJ) to seek preliminary relief in appropriate matters. HUD can also issue subpoenas in aid of its investigation. The FHA and its regulations require that HUD investigators attempt to resolve a complaint through conciliation prior to the issuance of a determination. If conciliation attempts are unsuccessful, the investigation will continue, with two possible outcome determinations: "no reasonable cause", or "reasonable cause", accompanied by the issuance of a charge of discrimination. Upon issuance of a charge, any party may elect to have the matter heard in federal district court. If elected, the matter is referred to the DOJ to file a civil action (or WA Attorney General if the WSHRC investigates). Otherwise, the matter is heard by an Administrative Law Judge (ALJ). However, a complainant is not required to file a HUD administrative complaint or exhaust administrative remedies before filing an action in federal district or state court. A complaint must be filed in Court within two years of the last act of

discrimination. If a complainant is successful in either an ALJ hearing or in Federal District Court, he or she can be awarded compensatory damages (tangible out-of-pocket actual damages, and intangible damages (for emotional distress, loss of housing opportunity, and violation of civil rights)), equitable relief (injunctive and declaratory), and attorney fees. 42 U.S.C. §3613. Respondents can also be ordered to pay civil penalties, monetary sums that are payable to the federal or state government. If a complaint is filed in federal district court, a plaintiff can also receive punitive damages, as well as a jury trial.

2. WA Residential Landlord Tenant Act

There is no government agency that enforces the source of income protections the WA Residential Landlord Tenant Act (RLTA). A rental applicant or tenant with a claim for source of income discrimination must file a civil action in WA Superior Court. This will usually require that a complainant retain an attorney with the legal knowledge to do so. A person found by the Court to have violated RCW 59.18.255 shall be liable in a civil action for up to 4.5 times the monthly rent of the real property at issue, court costs and reasonable attorneys' fees.

3. Spokane Human Rights Ordinance

The Spokane Human Rights Ordinance does not provide a cause of action under state law or form a basis for relief in the state courts. The commission of an act of discrimination as defined in Title 18 is punishable as a Class 1 civil infraction. All causes of action for violations of the ordinance lie with the City of Spokane's Hearing Examiner, Municipal Court, or appellate review in the Superior Court. Aggrieved persons may also institute any action or pursue any civil or criminal remedy for the violation of such person's civil rights, as nothing in Title 18 limits or expands any causes of action available under federal or state law.

An individual claiming to be aggrieved by a practice prohibited by the Ordinance may, within six months from the date of the occurrence of the alleged unlawful practice, file a complaint on forms available from the Spokane Human Rights Commission (SHRC). The SHRC is to prioritize resources to focus on resolving complaints that are not within the jurisdiction of government or non-profit agencies other than the commission. Complaints that claim a violation of state or federal law are to be referred to the appropriate state or federal agency. Complaints that are only jurisdictional under Title 18 are forwarded by the SHRC for review by the City or an agency or organization with which the City maintains a contractual relationship for the purpose of reviewing such complaints ("reviewing agency"), to determine whether the allegations stated on the face of the complaint, if true, would be a prohibited practice as stated in SMC 18.01.040 or chapter 18.03 SMC. Northwest Fair Housing Alliance has been the contracted reviewing agency since January 1, 2018.

Upon receipt of a complaint, the reviewing agency reviews the factual allegations of the complaint, interviews the complainant, takes a statement from the complainant, interviews the person accused of discrimination and documents that interview in a writing, and if applicable, interviews all participants and witnesses having relevant information regarding the allegation of discrimination, and documents those interviews in writing. If, as the result of the interviews,

the reviewing agency determines that the complaint states a violation of the ordinance, the reviewing agency communicates that determination in writing to the complainant and the city attorney's office, with a copy to the SHRC. If the reviewing agency determines that the complaint does not state a violation of the ordinance, it is dismissed. Complaints that claim a violation of a prohibited practice established only in Title 18 shall be referred to a WA State Dispute Resolution Center established under ch. 7.75, RCW, or by a mediator agreed upon by all parties, within thirty days of the filing of the complaint. Mediation sessions are not open to the public. If the mediation resolves the complaint, the mediator will notify the City of the resolution and the complaint file will be closed. Complaints that are not resolved through mediation shall be submitted to the City Prosecutor for a determination as to the filing of a civil infraction pursuant to chapter 1.05 SMC. Any person whose complaint has been dismissed may appeal the dismissal to the hearing examiner, who shall review the complaint and the decision to dismiss the complaint under an abuse of discretion standard of review. The hearing examiner may affirm the dismissal, reverse the dismissal, or remand the complaint to be processed according to the ordinance's investigation procedure. Any person who is aggrieved by the decision of the hearing examiner on administrative appeal may institute an action for judicial review in the Superior Court.

B. Spokane Fair Housing Complaint Data

1. Northwest Fair Housing Alliance (NWFA) Advocacy: Intakes, Allegations, and Reasonable Accommodations Requested

Northwest Fair Housing Alliance (NWFHA) is a non-profit fair housing advocacy agency. It does not have binding authority to adjudicate fair housing disputes or enforce penalties for violations of the FHA. Instead, NWFHA receives its primary grant funding from HUD's Fair Housing Initiatives Program (FHIP) to provide outreach, advocacy, and fair housing counseling to people who experience housing discrimination. Such activities include assisting complainants with filing administrative fair housing complaints with HUD and the WA State Human Rights Commission (WSHRC), and serving as an advocate for the complainant through the investigation and fact-finding process and conciliation discussions. NWFHA also has legal standing to file complaints on its own behalf for violations of fair housing laws, and to seek compensation for diversion of resources and frustration of its mission. NWFHA serves 17 counties in Eastern and Central Washington: Spokane, Whitman, Garfield, Columbia, Asotin, Walla Walla, Grant, Adams, Lincoln, Douglas, Ferry, Okanogan, Pend Oreille, Stevens, Yakima, Benton and Franklin.

a. Intakes

NWFHA receives 1500-2000 intakes from the public each year. Most initial inquiries to NWFHA are made via phone, with additional in-person walk-in and website inquiry submissions. Approximately 60% of intakes are from within the City of Spokane. Of these, about 80% do not concern fair housing but instead involve issues of landlord-tenant law (repairs, security deposits, tenancy terminations, etc.) or requests for resources (housing, financial assistance, public subsidies, etc.). People seeking non-fair housing assistance are

referred to appropriate resources in the community (legal aid, Spokane Housing Authority, Homeless Families Coordinated Assessment, etc.).

b. Fair Housing Allegations

From the intakes NWFHA receives, allegations of fair housing are opened as in-house cases for further review and investigation. A matter is only considered a fair housing allegation if a violation of the FHA based on a protected class is alleged. Fair housing allegations are reviewed to determine if evidence exists to substantiate the filing of a fair housing complaint with HUD and/or the WSHRC. NWFHA receives 200-250 fair housing allegations from its service area annually. Fair housing allegations from Spokane make up 40 to 50% of these. Between March 1, 2014 and June 13, 2019, NWFHA documented 514 fair housing allegations from Spokane (average 102.8 per yr.).

By far, the greatest number of fair housing allegations involve alleged discrimination based on disability: 328 (76%). This is in accord with national trends. In 2005, the number of disability-based complaints filed with HUD nationally overtook race-based complaints as the most common basis of filed complaints. The large number of disability-related allegations may stem from a combination of an aging baby-boomer population with increasing disabilities, greater awareness by housing consumers of the FHA protections for individuals with disabilities (added to the FHA in 1988), and the greater number of potential violations in the FHA regarding individuals with disabilities (failure to grant reasonable accommodations or modifications; failure to design and construct in accordance with FHA accessibility requirements), as compared to possible violations involving the other protected classes.

In Spokane, allegations based on race (8.3%), sex (6%), national origin (4%), and familial status (4%) were the next most common types of fair housing allegations received by NWFHA.

Table 24: Spokane Fair Housing Allegations Received by NWFHA By Protected Class		
YEAR PERIOD:	03/01/14- 6/13/19	% OF KNOWN ALLEGATIONS
DISABILITY ALONE – 328	328	75.9%
RACE	36	8.3%
<i>Race Alone – 20</i>		
<i>Race with 1 more other protected classes – 16</i>		
<i>Race & Color – 7</i>		
<i>Race & National Origin -1</i>		
<i>Race, Color & National origin – 1</i>		
<i>Race & Sex – 1</i>		
<i>Race, Sex, National Origin & Disability – 1</i>		
<i>Race & Disability -5</i>		
SEX	25	6%

<i>Sex Alone – (includes 3 Gender Identity & 2 DV) -18</i>		
<i>Sex with 1 more other protected classes -7</i>		
<i>Sex & Disability -4</i>		
<i>Sex & Familial Status -3</i>		
NATIONAL ORIGIN	17	3.9%
<i>National Origin Alone – 16</i>		
<i>National Origin with 1 more other protected classes -1</i>		
<i>National Origin & Disability -1</i>		
FAMILIAL STATUS	17	3.9%
<i>Familial Status Alone – 12</i>		
<i>Familial Status with 1 more other protected classes – 5</i>		
<i>Familial Status & Race -4</i>		
<i>Familial Status, National Origin & Disability -1</i>		
SEXUAL ORIENTATION	5	1.2%
<i>Sexual Orientation Alone -2</i>		
<i>Sexual Orientation with 1 more other protected classes – 3</i>		
<i>Sexual Orientation & Disability-3</i>		
VETERAN / MILITARY STATUS ALONE	3	.7%
RELIGION ALONE	1	.2%
MARITAL STATUS ALONE	-	
OTHER OR DETAILS NOT AVAILABLE IN DATABASE	82	
<i>Total</i>	514 (432 known)	

The majority of fair housing allegations received by NWFHA involve requests for assistance to obtain reasonable accommodations (see subsection 1© below). The remainder of allegations are resolved through informal negotiations with housing providers, closure due to failure of complainant to cooperate (lack of communication, failure to locate, etc.), closure due to lack of allegations or evidence sufficient to meet the requirements for a prima facie case of housing discrimination, or the filing of complaints with HUD and the WSHRC (see subsection 2 below).

c. Reasonable Accommodations

NWFHA successfully assisted 228 households with a person with a disability in Spokane to request 416 and obtain 348 reasonable accommodations or modifications between March 14, 2014 and June 19, 2019. The successful resolution of landlord-tenant disputes through the accommodation process obviated the need to file complaints with HUD and the WSHRC.

Reflecting the difficulty of people with disabilities on low fixed disability-related income to easily find alternative housing in a low-vacancy rental market with rising rents, and the lack of financial resources to move personal belongings and pay application fees, security deposits, and first and last month's rent on a new unit, the largest number of reasonable accommodation

requests (52%) involved requests to continue or extend tenancies: tenancy or lease extension (24.8%), eviction prevention (23%), and restoration of tenancy / retraction of termination (4%). Other reasonable accommodation requests involved the need for assistance animals, reserved nearby parking, unit transfers, opportunity to mitigate behavior, adjustment of payment terms (e.g., synching rent due dates with monthly date of disability income receipt to avoid late fees), reinstatement or retention of section 8 vouchers and subsidies, lease release, and adjustment of terms and conditions of tenancy needed because of disability.

Table 25: Reasonable Accommodations Obtained By NWFHA in Spokane By Type		
3/14/14-6/10/19		
TOTAL REQUESTED:	416 (228 households)	Granted: 348
<i>Tenancy / Lease Extension</i>	103	24.8%
<i>Eviction Prevention</i>	96	23.1%
<i>Service Animal</i>	40	9.6%
<i>Payment Terms</i>	32	7.7%
<i>Lease Release</i>	21	5.0%
<i>Unit Transfer</i>	20	4.8%
<i>Restore Tenancy / Termination Retraction</i>	17	4.1%
<i>Special Terms & Conditions</i>	17	4.1%
<i>Sec. 8 Voucher / Subsidy Related</i>	12	2.9%
<i>Behavior Mitigation</i>	9	2.2%
<i>Parking Related</i>	10	2.4%
<i>Reasonable Modification</i>	8	1.9%
<i>Communication</i>	4	1.0%
<i>Caregiver Related</i>	2	0.5%
<i>Other</i>	25	6.0%

During this same 5-year period, NWFHA staff also provided other mediation assistance to 135 households with disabilities in Spokane, including assistance with obtaining third party disability verification letters and communication with housing providers.

Table 26: Mediation Assistance Obtained By NWFHA in Spokane for People with Disabilities By Type			
3/14/14-6/10/19			
TOTAL MEDIATIONS:	Verification Letter	Communication Assistance	Other
189 (135 households)	77	48	64

2. Administrative Fair Housing Complaints Filed with HUD and/or WSHRC

a. Fair Housing Complaints filed by NWFHA w/ HUD and WSHRC

Between 2014 and mid-June 2019, NWFHA assisted 41 households with filing discrimination complaints originating in Spokane with HUD and the WSHRC. See Complaint Tables in Appendix C. Complaints from Spokane represent about 50% of all complaints NWFHA

refers to administrative enforcement agencies annually. During this same period, NWFHA also filed seven complaints with HUD, with NWFHA as the complainant, based on testing and/or diversion of agency resources and frustration of mission.

b. Fair Housing Complaints filed with HUD and the WSHRC

Complaint data for Spokane was obtained from HUD and the WSRHC for the period 2014 through mid-June 2019. Most, but not all, complaints filed with HUD are referred to the WSHRC for investigation pursuant to WSHRC's status as a HUD recognized Fair Housing Administrative Program (FHAP). Until 2019, when the WA Law Against Discrimination amended provisions regarding service animals went into effect, HUD retained and investigated housing discrimination complaints involving assistance animals. HUD also typically retains and investigates complaints based on allegations of design and construction provisions of the Fair Housing Act. Complaints that are referred by HUD to the WSHRC are "dual filed" and assigned both HUD and WSHRC complaint numbers. Therefore, the separate complaint data provided by HUD and WSHRC for Spokane included complaints that should only be counted as one complaint for purposes of calculating the number of discrimination complaints originating in Spokane.

The WSHRC has jurisdiction over additional protected classes not included in the Fair Housing Act (marital status, veteran/military status, creed, and sexual orientation), therefore complaints based on these protected classes are only filed with the WSHRC, not HUD.

The Complaint Tables in Appendix C detail the number and type of complaints from Spokane as reported by HUD and the WSHRC. The number of complaints filed with these agencies exceeds the number of complaints NWFHA filed with HUD and the WSHRC, as complainants can file complaints directly with HUD and the WSHRC and need not enlist NWFHA's assistance. In total, 70 separate complaints were filed with HUD and/or the WSRHC in Spokane from 2014 – mid-2019 (average 12.7/yr.) The complaint data presented in the Appendix C Tables can be summarized as follows:

Fair Housing Act Protected Class Complaints:

- **Disability-based housing discrimination complaints were the most common basis for filing a complaint (54%).**
 - Between 2014 and mid-2019, 34 complaints based on disability alone were filed with HUD and/or the WSHRC (at least 22 were referred by NWFHA). An additional four complaints alleged disability as the primary basis of discrimination, with one or more secondary protected classes (race, sexual orientation, or retaliation). Altogether, these accounted for 54% of complaints arising out of Spokane.
 - Issues in disability-based complaints included (1 complaint may have multiple issues):
 - Discrimination in terms, conditions or privileges relating to rental (22)
 - Failure to make a reasonable accommodation (15)
 - At least (4) involved assistance animals
 - Discriminatory refusal to rent or negotiate for rental (10)

- Discriminatory advertising, statements, and notices (7)
 - Discriminatory acts under Section 818 (coercion, etc.) (4)
 - Otherwise deny or make housing unavailable (2)
 - Non-compliance with design and construction requirements (2)
 - Discriminatory financing (includes real estate transactions) (2)
 - Complaints with unknown issue (7)
- **National Origin complaints made up 10% of housing discrimination complaints filed with HUD and or the WSHRC in Spokane.**
 - Five complaints were based on national origin alone, one was based on national origin and race, and one was based on national origin, race, and retaliation. NWFHA referred at least five of the seven complaints to HUD and the WSHRC.
 - Issues in national origin based complaints included (1 complaint may have multiple issues):
 - Discrimination in terms, conditions or privileges relating to rental (5)
 - Discriminatory refusal to rent or negotiate for rental (3)
 - Discriminatory advertising, statements, and notices (1)
 - Discriminatory acts under Section 818 (coercion, etc.) (1)
 - Otherwise deny or make housing unavailable (2)
 - Discriminatory financing (includes real estate transactions) (1)
 - Complaints with unknown issue (2)
- **Familial Status complaints were 10% of housing discrimination complaints filed with HUD and or the WSHRC in Spokane.**
 - NWFHA referred six of the seven complaints.
 - Issues in familial status based complaints included (1 complaint may have multiple issues):
 - Discrimination in terms, conditions or privileges relating to rental (3)
 - Discriminatory refusal to rent or negotiate for rental (3)
 - Complaints with unknown issue (3)
- **Race based complaints were 10% of housing discrimination complaints filed with HUD and or the WSHRC in Spokane.**
 - One of seven involved a second basis: retaliation.
 - Issues in race based complaints included (1 complaint may have multiple issues):
 - Discrimination in terms, conditions or privileges relating to rental (2)
 - Discriminatory refusal to rent or negotiate for rental (2)
 - Discriminatory acts under Section 818 (coercion, etc.) (1)
 - Eviction (3)
- **Color, Sex, and Retaliation each comprised 2.9% of complaints:**
 - 2 color complaints, each with as second protected class basis (race or national origin)
 - Otherwise deny or make housing unavailable (1)
 - Complaints with unknown issue (1)
 - 2 sex-based complaints: 1 sex alone and 1 sex and sexual orientation
 - Discrimination in terms, conditions or privileges relating to rental (2)
 - Discriminatory advertising, statements, and notices (1)
 - Otherwise deny or make housing unavailable (1)

- 2 retaliation complaints
- **One complaint was based on religion (1.4%),** also alleging disability, national origin, and retaliation discrimination.
 - Discrimination in terms, conditions or privileges relating to rental (1)
 - Failure to make a reasonable accommodation (1)

Washington Law Against Discrimination Protected Class Complaints:

- **Sexual orientation complaints:** 3 complaints (4.3%), all referred by NWFHA
 - Issues in sexual orientation based complaints included (1 complaint may have multiple issues):
 - Discrimination in terms, conditions or privileges relating to rental (2)
 - Discriminatory refusal to rent or negotiate for rental (3)
 - Discriminatory advertising, statements, and notices (1)
 - Discriminatory acts under Section 818 (coercion, etc.) (1)
- **Marital status complaints:** 1 complaint, referred by NWFHA
 - Issues in marital status based complaints included (1 complaint may have multiple issues):
 - Discrimination in terms, conditions or privileges relating to rental (1)

Title 18 Complaints

In 2018, two complaints were referred by the City of Spokane to NWFHA for investigation of alleged violations of the source of income prohibitions of the City Human Rights Ordinance, Title 18. One alleged the denial of a section 8 voucher, the other alleged termination of tenancy for use of a section 8 voucher. There was insufficient evidence to prove that discrimination based on source of income in these cases occurred, due the need to relocate tenants for renovation and asbestos abatement in one instance, and the policy of not entering into 12 month leases with tenants, required usually required for the first 12 months of voucher placement by the Housing Authority for section 8 housing choice voucher tenancies.

Due to the enactment of source of income protections in the WA Residential Landlord Tenant Act effective January 2019, it is anticipated that most complainants of source of income discrimination will file complaints in Court under the WA RLTA, rather than with the City under Title 18, due to the possibility of recovering damages under the RLTA. Title 18 only makes housing discrimination an infraction, with no damages available for a complainant. However, in order to avail themselves of the possible damages under RLTA for source of income discrimination, a complainant will usually need to retain the services of an attorney. Although attorney fees are awardable by the Court pursuant to the RLTA, some complainants may find that finding and retaining an attorney is a barrier to pursuing relief in the Courts.

c. **Fair Housing Complaint Outcomes:**

Of the complaints filed with HUD and the WSHRC originating from Spokane, 25.7% were resolved through conciliation, a mediation process required to be attempted by investigators pursuant to regulations. These resolved agreements are characterized in the Complaint Tables in Appendix C by HUD and WSHRC as “conciliation”, “settlement successful”, or “PFS (pre-finding settlement) Agreement”. There were at least 18 such resolutions. Conciliation agreements resulted in the following known relief for 13 bona fide complainants (excluding conciliations where NWFHA as an agency was a complainant) and the public interest:

Table 27: Administrative Complaint Damages Awards							
	Monetary to CP	Training for RP	Policy Revision / Adoption	Post Notices	Affirmative Advertising	Other Relief	Other Affirmative Relief
1	\$150.00						1
2	\$1,200.00	1					
3		1				Lease term agreement, Transfer CP to ground unit	
4	\$1,000.00	1	1				
5	\$1,000.00	1	1		1		1
6	\$1,400.00	1	1				
7	\$600.00	1					
8	\$6,984.00	1					1
9		1	1	1		Move CP to ground unit	
10		1	1			Grant CP 1 month extension	
11		1	1			Grant CP 1 month extension	
12		1					
13		1					
Total	Average per complaint: \$937.23	14	7	2	2	0	4

One complaint resulted in a private settlement between the parties and the withdrawal of the complaint. Two complaints were withdrawn without resolution. Four complaints were closed as administrative closures (three failure to cooperate and one unable to locate)

25 complaints (35.7%) were dismissed after investigation led to a “no reasonable cause” finding. The complainant bears the burden to prove discrimination occurred, and often there are no corroborating witnesses or documentary or other evidence of violations frequently alleged to occur verbally without other people present.

20 complaints had unknown resolutions, not disclosed in the complaint data provide by HUD and WSHRC.

One complaint result in the issuance of a charge of discrimination following a “reasonable cause” finding, and was subsequently resolved through a conciliation agreement. This is in accord with national statistics. In recent years, HUD has issued reasonable cause findings in only 1% of complaints. FHAPS nationally have had a 3% reasonable cause rate. In contrast, nearly 50% of complaints filed nationally are resolved through conciliation. Reasons for the large number of conciliated complaints and the miniscule number of charged complaints may include 1) the emphasis placed on conciliation by regulatory mandate; 2) limited federal and state resources to conduct fair housing hearings or engage in litigation, and, 3) the burden a complainant must meet to prevail against a respondent when there is often only conflicting oral testimony in the absence of corroborating witnesses or documentation.

At least one complaint filed during the 5.5-year period reviewed for Spokane was still pending at the time this report was prepared.

VI. Lending, Rental, Sales, Design & Construction, & Zoning

A. Lending

1. Lending Testing in Spokane

During 2016-2017, NWFHA conducted 16 national origin audit tests for lending discrimination at financial institutions in Spokane based on Hispanic or Middle Eastern national origin. 37.5% showed differences in terms or treatment.

NATIONAL ORIGIN				
2015-2017				
	Total	Hispanic	Middle Eastern	
Total	16	14	2	
<i>Showed Differences</i>	6	6		
<i>Did not show Discrimination</i>	6	4	2	
<i>Inconclusive</i>	4	4		

In 2017, NWFHA conducted sex discrimination lending testing in Washington based on paid maternity income. One of the five tests performed in Spokane showed discrimination.

SEX DISCRIMINATION	
2017	Paid Maternity Leave Policy
Total	5

<i>Showed Discrimination</i>	1
<i>Did not show Discrimination</i>	3
<i>Inconclusive</i>	1

In 2014 NWFHA conducted lending testing in Washington based on disability-related SSDI income. All four subjects tested in Spokane had discriminatory policies. By 2017, testing conducted by NWFHA in WA found no discrimination on this basis in seven tests conducted in Spokane.

DISABILITY (SSDI)		
	2014	2017
Total	4	7
Showed Discrimination	4	
Did not show Discrimination		7

Of seven lending tests performed on lenders and mortgage originators in Spokane based on Native American national origin, one lender refused to provide loans to a person purchasing fee property (not held in trust) on an Indian Reservation and three others showed differences in treatment or services.

NATIONAL ORIGIN – NATIVE AMERICAN	
2016	Mortgage Loan on Reservation
Total	7
Showed Discrimination	1
Did not show Discrimination	3
Inconclusive	3

2. Fair Lending Complaints

Between 2014 and 2015, NWFHA filed three fair lending complaints with HUD against three subjects in Spokane based on disability testing.

- 1 resolved with a conciliation agreement (\$3,250 to NWFHA, a requirement for Respondent to audit its records, notify qualifying individuals of the availability of \$3,250 each; fair lending training for Respondents employees and agents; and requirements for Respondent to provide fair lending brochures and post equal opportunity posters in its offices).
- 1 complaint was withdrawn and resolved with a private settlement agreement
- One complaint resulted in a finding of no reasonable cause.

3. Home Mortgage Disclosure Act Data

Home Mortgage Disclosure Act, or HMDA, data consist of information about mortgage loan applications for financial institutions, savings banks, credit unions and some mortgage

companies. The data contain information about the location, dollar amount, and types of loans made, as well as racial and ethnic information, income, and credit characteristics of all loan applicants. The data are available for home purchases, loan refinances, and home improvement loans. HMDA data can provide a picture of how different applicant types fare in the mortgage lending process. These data can be used to identify areas of potential concern that may warrant further investigations. For example, by comparing loan approval rates of minority applicants with non-minorities that have similar income and credit characteristics, areas of potential discrimination may be detected.

The Federal Reserve is the primary regulator of compliance with fair lending regulations. When federal regulators examine financial institutions, they use HMDA data to determine if applicants of a certain gender, race or ethnicity are rejected at statistically significant higher rates than applicants with other characteristics. The Federal Reserve uses a combination of sophisticated statistical modeling and loan file sampling and review to detect lending discrimination.

Financial institutions are required to report HMDA data if they have assets of more than \$32 million, have a branch office in a metropolitan area, and originated at least one home purchase or refinance loan in the reporting calendar year. Mortgage companies are required to report HMDA if they are for-profit institutions, had home purchase loan originations exceeding 10 percent of all loan obligations in the past year, are located in an MSA (or originated five or more home purchase loans in an MSA) and either had more than \$10 million in assets or made at least 100 home purchase or refinance loans in the calendar year.

Loan Origination and Denial Rates

344 financial institutions reported data for the 2017 aggregate report. Table 28 shows the disposition of aggregated applications made between 2014 and 2017 for FHA, FSA/RHS, VA, conventional and refinance loans. Information on race and ethnicity was collected supposed to have been collected for applications, but was not in the case of 1,458 FHA/FSA/RHS/VA, 2,634 conventional, and 5,292 refinance applications. The number of applications with unreported race or ethnicity was much higher than any non-white race or ethnicity. Numbers of non-white and/or Hispanic applications were much smaller than white non-Hispanic applications. Accordingly, in order to obtain a larger pool of application data to review, 4 years of HMDA has been aggregated.

White non-Hispanic applicants had 75% of FHA/FSA/RHS/VA loans originated and 10% denied. Corresponding percentages for other races were: black or African American (69% and 15%); American Indian / Alaskan Native (73% and 12%); and Asian (71% and 14%); Native Hawaiian / Pacific Islander (70% and 14%).

White non-Hispanic applicants had the highest percentage (76%) for conventional loans originated, and 7% denied. The percentages for other races and Hispanic or Latino applicants

were: black or African American (68% or 13%); American Indian/Alaskan Native (66% and 13%); Asian (70% and 12%); and Hispanic or Latino (71% and 12%).

Refinance applications had the lowest origin rates and highest denial rates of all types of home loans. Again, disparities by race are evident. White non-Hispanic applicants had the highest percentage (53%) of refinance loans originated, and 21% denied. The percentages for other races and Hispanic or Latino applicants were: black or African American (41% and 28%); American Indian/Alaskan Native (32% and 31%); Asian (37% and 33%); Native Hawaiians / Pacific Islanders: (43% and 24%); and Hispanic or Latino (42% and 30%).

The only groups to have more favorable loan outcomes than non-Hispanic whites were Native Hawaiians / Pacific Islanders (80% origin rate and 6% denial); and Hispanic or Latino applicants in the case of FHA/FSA/RHS/VA loans (76% originated and 7% denied).

Table 28: 2014-2017 Home Mortgage Disclosure Act (HMDA) Aggregate Report Spokane MSA/MD									
<i>Applications</i>	<i>FHA, FSA/RHS, VA</i>			<i>Conventional</i>			<i>Refinance</i>		
	<i>N</i>	<i>Orig.*</i>	<i>Denied</i>	<i>N</i>	<i>Orig.*</i>	<i>Denied</i>	<i>N</i>	<i>Orig.*</i>	<i>Denied</i>
<i>Race of applicants</i>									
White	13239	9961	1352	19,249	14681	1389	27121	14298	5643
		75%	10%		76%	7%		53%	21%
White, non-Hispanic	12583	9479	1289	18,520	14185	1296	26198	13887	5410
		75%	10%		77%	7%		53%	21%
American Indian / Alaska Native	171	125	21	108	71	14	281	89	87
		73%	12%		66%	13%		32%	31%
Asian	136	96	19	414	288	50	396	147	129
		71%	14%		70%	12%		37%	33%
Black or African American	201	138	30	136	92	17	246	102	68
		69%	15%		68%	13%		41%	28%
Native Hawaiian / other Pacific Islander	44	31	6	66	53	4	63	27	15
		70%	14%		80%	6%		43%	24%
2 or more minority races	13	12	1	20	12	0	31	13	13
		92%	8%		60%	0%		42%	42%
Race not available	1458	985	216	2,634	1881	272	5292	2594	1277
		68%	15%		71%	10%		49%	24%
Hispanic or Latino	403	306	28	401	284	48	539	227	160
		76%	7%		71%	12%		42%	30%

Notes: MSA/MD is Metropolitan Statistical Area/Metropolitan Division includes Spokane County.

FSA/RHS is Farm Service Agency/Rural Housing Services.

*Applications accepted and resulting in origination of a loan. There were also applications that were denied (shown) and approved by not accepted by the applicant, withdrawn, or closed for incompleteness.

Source: Bureau of Consumer Protection, 2014-2017 *Home Mortgage Disclosure Report, Aggregate Reports*.

B. Rental and Sales Testing In Spokane

Fair housing audit testing is a controlled method for measuring and documenting variations in the quality, quantity and content of information and services offered or given to various home seekers by housing service providers. Testing is a legitimate method of uncovering and detecting discrimination. In 1982, the U.S. Supreme Court confirmed the importance and validity of fair housing testing, in a unanimous decision, by reaffirming the role of the tester. *Havens v. Coleman*. Testing refers to the use of individuals who, without a bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective renters or purchasers to obtain information for the purpose of evaluating the compliance of housing providers with fair housing laws. Fair housing testing utilizes rigorous protocols to ensure that any discrepancies identified in the course of testing can be attributed to differential treatment. The aggregate results of testing conducted in Spokane provide an objective opportunity to identify trends critical to the identification of impediments to fair housing choice.

Testing has taken place throughout the State of Washington since the mid-1990s as evidence for complaints and for audit testing, the latter of which is to gain perspective on housing practices in a given area. In general, the Northwest Fair Housing Alliance is the only agency that conducts testing in Eastern Washington, pursuant to HUD FHIP grant awards. NWFHA has also conducted audit testing in Spokane pursuant to contracts with the National Fair Housing Alliance, U.S. Department of Justice, the WA Attorney General's Office, the Washington State Humane Rights Commission, and service agreements with property management companies for self-monitoring.

1. Rental Testing

Between 1/17/2014 and 6/18/2019, NWFHA conducted 162 rental tests in Spokane pursuant to HUD grants.

a. Audit Testing

The following rental audit testing tables detail the scope of the NWFHA's HUD funded rental testing activities in Spokane by protected class since 1/17/14. 165 audit tests were conducted during this period. Three% showed discrimination and 15% showed differences in treatment (terms, services or information provided). Low-vacancy rental rates makes testing more challenging, as there are fewer units available for testing and more inconclusive results when housing providers with pending applications don't respond to inquiries.

Rental Audit Testing By Protected Class:

NATIONAL ORIGIN						
	Total	Hispanic	East Indian	Syrian	Japanese	Native American
Total	52	20	18	10	1	3
Shown Differences	11 (21%)	3 (15%)	2 (11%)	5 (50%)	1 – better for protected class	
Did not show Discrimination	34	16	12	5		1
Possible discrimination based on Familial Status	1		1			
Inconclusive	6	1	3			2

RACE	
	African American
Total	23
Shown Differences	3 (13%)
Did not show Discrimination	17
Possible discrimination based on Familial Status	1
Inconclusive	2

FAMILIAL STATUS	
Total	36
Shown Discrimination	3 (8%)
Shown Differences	2 (5.5%)
Did not show Discrimination	25
Inconclusive	6

DISABILITY			
	Total	Assistance Animal	Disability Income
Total	33	20	13
Shown Discrimination	1 (2.7%)	1 (2.7%)	
Shown Differences	2 (5.5%)		2 (15%)
Did not show Discrimination	25	15	10
Inconclusive	5	4	1

GENDER				
	Total	Domestic Violence Survivor	Transgender	Male / Female Cisgender
Total	16	4	9	3
Showed Discrimination	1 (6%)		1 (11%)	
Showed Differences	3 (19%)			3
Did not show Discrimination	9	3	6	
Inconclusive	3	1	2	

RELIGION	
	MUSLIM
Total	5
Showed Differences	2 (40%)
Did not show Discrimination	1
Inconclusive	2

b. Complaint-Based Testing

NWHFA conducted 18 complaint-based tests in Spokane between 2014 and mid-2019. 17% (3 of 18) of complaint-based tests showed discrimination and 5.5% showed differences (1 of 18). Of disability-based complaints, 30% showed discrimination and 10% showed differences, all based on denial of assistance animal.

DISABILITY				
	Total	Assistance Animal	Disability Income	Other
Total	10	7	1	2
Showed Discrimination	3 (30%)	3 (43%)		
Showed Differences	1 (10%)	1 (14%)		
Did not show Discrimination	3		1	2
Inconclusive	3	3		

OTHER COMPLAINT-BASED TESTS						
	Total	African American	Familial Status	Gender – Domestic Violence Survivor	Middle Eastern	Hispanic
Total	8	3	1	1	2	1
Did not show Discrimination	5	3		1	1	
Inconclusive	3		1		1	1

2. Sales Testing

Of 7 sales audit tests for different treatment based on race or national origin (Hispanic) (tests of real estate agents at open houses throughout Spokane) conducted in 2017 (2 tests) and 2014 (5 tests), none indicated discrimination.

Sales Audit Tests:			
	Total	National origin - Hispanic	Race
Total	7	3	4
<i>Did not show Discrimination</i>	7	3	4

C. Accessibility

Inaccessible properties limit the housing choices of individuals with disabilities. They may be discouraged from applying to rent a unit, may not have full use of their unit, or may have to endure minor to major inconveniences that other tenants do not. To address these concerns, the federal Fair Housing Act requires that multi-family dwelling complexes constructed for first occupancy on or after March 13, 1991 comply with seven accessibility requirements. Buildings that meet the following criteria must comply with the FHA accessibility requirements:

- Have 4 or more dwelling units
- Have been built for first occupancy after March 13, 1991
- Have at least one dwelling unit actually occupied
- Have had a certificate of occupancy issued

If the building meets these criteria, then all dwelling units in buildings with one or more elevators, and all ground floor dwelling units in other buildings, must meet the seven accessibility requirements. Examples of covered buildings include: single-story townhouses, vacation timeshare units, college dormitories, apartments, and condominiums. Multistory dwelling units are not covered unless the building has an elevator, in which case the primary entry level is covered.

The seven FHA accessibility requirements are:

1. Accessible Building Entrance on an Accessible Route
2. Accessible and Usable Public and Common Areas
3. Usable Doors
4. Accessible Route Into and Through the Covered Dwelling Units
5. Light Switches, Electrical Outlets, Thermostats and Other Environmental Controls in Accessible Locations
6. Reinforced Walls for Grab Bars
7. Usable Kitchens and Bathrooms

To assist developers of multi-family housing comply with the FHA accessibility requirements, HUD issued a Fair Housing Act Design Manual (FHADM) in 1996. The FHADM includes:

- Fair Housing Accessibility Guidelines (March 6, 1991, 56 F.R. 9472-9515, 24 CFR Ch.I, Subch.A, App.II & III). Compliance with the Guidelines provides a safe harbor for compliance with the Fair Housing Act. The Guidelines reference the 1986 ANSI A117.1 American National Standard for Buildings and Facilities as an acceptable standard to meet; or an equivalent or stricter standard (e.g. 1992 CABO/ANSI).
- Supplement to Notice of Fair Housing Accessibility Guidelines: Q & As About the Guidelines (59 F.R. 33361-33363 (6/28/94), 24 CFR Ch. 1, SubCh. A, App. IV.

On April 30, 2013, US Depts. HUD and DOJ issued joint guidance, *Accessibility (Design and Construction) Requirements For Covered Multifamily Dwellings under the Fair Housing Act*. <https://archives.hud.gov/news/2013/JOINTSTATEMENT.pdf>. The guidance includes a list 10 HUD-recognized “safe harbors” for compliance with the Fair Housing Act’s design and construction requirements:

1. HUD’s March 6, 1991 Fair Housing Accessibility Guidelines and the June 28, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers About the Guidelines;
2. ANSI A117.1-1986 - Accessible and Usable Buildings and Facilities, used in conjunction with the Act, HUD’s Regulations and the Guidelines;
3. CABO/ANSI A117.1-1992 - Accessible and Usable Buildings and Facilities, used in conjunction with the Act, HUD’s Regulations, and the Guidelines;
4. ICC/ANSI A117.1-1998 - Accessible and Usable Buildings and Facilities, used in conjunction with the Act, HUD’s Regulations, and the Guidelines;
5. HUD’s Fair Housing Act Design Manual published in 1996 and revised in 1998;
6. Code Requirements for Housing Accessibility 2000 (CRHA), approved and published by the International Code Council (ICC), October 2000;
7. International Building Code (IBC) 2000, as amended by the IBC 2001 Supplement to the International Codes;
8. 2003 International Building Code (IBC), with one condition*. Effective Feb. 28, 2005, HUD determined that the IBC 2003 is a safe harbor, conditioned upon the ICC publishing and distributing the following statement to jurisdictions and past and future purchasers of the 2003 IBC; ICC interprets Sec. 1104.1, and specifically, the exception to Sec. 1104.1, to be read together with Sec. 1107.4, and that the Code requires an accessible pedestrian route from site arrival points to accessible building entrances, unless site impracticality applies. Exception 1 to Sec. 1107.4 is not applicable to site arrival points for any Type B dwelling units because site impracticality is addressed under Sec. 1107.7;
9. ICC/ANSI A117.1-2003 - Accessible and Usable Buildings and Facilities, used in conjunction with the Act, HUD’s Regulations, and the Guidelines; and 21
10. 2006 International Building Code, published by ICC, January 2006, with the 2007 erratum (to correct the text missing from Section 1107.7.5), and interpreted in accordance with relevant 2006 IBC Commentary.

Effective June 30, 2106, the City of Spokane adopted the Washington State Building Code (chapter 19.27 RCW and chapter 19.27A RCW) as modified by chapter 51-50 WAC, which constitutes the building code of the City of Spokane⁹. The code includes:

1. the International Building Code (IBC), 2015 Edition, as published by the International Code Council, including WA State amendments, ICC/ANSI A117.1 2009, and the 2015 International Existing Building Code;
2. International Residential Code, 2015 Edition (except Part IV – Energy Efficiency, Part VII – Plumbing, and Part VIII – Electrical) as published by the International Code Council, and chapter 51-51 WAC; and
3. International Energy Conservation Code, 2015 Edition, chapter 51-11C and 51-11R WAC.

The 2015, 2012, and 2009 editions of the IBC, which editions incorporate 2009 ANSI A117.1, have not yet been recognized by HUD as safe harbors. Accordingly, care should be taken by developers, architects, contractors, and engineers to insure that new multi-family housing is designed and constructed in compliance with one of the 10 HUD-approved safe harbors.

Violations in Spokane:

Despite the fact that the FHA design and construction requirements have been in existence for 28 years, and significant litigation has occurred involving the Fair Housing Act accessibility requirements and rental properties in Spokane, apartment complexes are still being built in Spokane in non-conformance with the law. NWFHA conducts ongoing on-site audits of newly constructed multi-family properties in Spokane pursuant to HUD FHIP grants. Of 15 sites audited in Spokane since 2014, 6 had major violations, two had minor violations,¹⁰ and seven did not have violations.

Multi-family Residential Building Site Audits:

2014-2019	Audits:
Total Sites Audited	15
<i>Major violations</i>	6
<i>Minor violations</i>	2
<i>Violations not observed</i>	7

Design and Construction Complaints

In November 2015, the National Fair Housing Alliance (NFHA), Intermountain Fair Housing Council, and NWFHA settled a housing accessibility lawsuit against a developer of

⁹ SMC, Ch. 17F.040.010.

¹⁰ When NWFHA identifies minor violations during on-site audits, letters are typically sent to the property owner advising of the audit and findings, with recommendations that the owner take appropriate steps to bring the property into compliance with the FHA and/or ADA.

multi-family properties and several co-defendants. The lawsuit alleged violations of accessibility requirements at three Idaho properties, one Spokane property, and one Spokane Valley property. The Defendants agreed to make improvements and modifications at the five apartment complexes that will enhance the accessibility of apartments and common areas for persons with disabilities. The Defendants also agreed to pay a total of \$225,000 in damages, costs, and attorneys' fees. No determination on the merits of Plaintiffs' claims was made, the Defendants deny liability, and the parties worked together effectively to bring about an efficient resolution of the dispute.

NWFHA filed two complaints with HUD against a single developer based on design and construction violation at two multi-family properties. Three additional complaints were filed against the same developer by another fair housing organization based on violations at properties in Idaho. All five complaints were investigated HUD's office of systemic investigations. The complaints were resolved through a joint conciliation agreement, with the Respondent agreeing to pay \$30,000 in total damages and make agreed upon retrofits.

NWFHA recently filed a complaint against a developer for a non-compliant property just outside the city limits of Spokane. That complaint is still pending.

Enforcement:

The Fair Housing Act itself does not require local governments to insure compliance with the federal law. However, it is the policy of HUD to encourage States and units of general local government to include, in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with the FHA design and construction requirements. Determinations of compliance or noncompliance by a State or a unit of general local government are not conclusive in enforcement proceedings under the FHA. 44 FR 9502 (March 6, 1991). Importantly, however, the State Building Code is to be enforced by Counties and Cities. RCW 19.27.050.

More on the 7 FHA Accessibility Requirements:

i. Accessible Entrance on Accessible Route

Covered dwelling units must have at least one building entrance on an "accessible route" (an unobstructed path that a wheelchair can negotiate). Route examples include corridors, floors, ramps, elevators, lifts, parking access aisles, curb ramps. Violations include: dwelling entrances with steps or entrance walks that are too steep, steep ramps without safety provisions such as handrails, edges, and landings, and accessible entrance walks that do not connect to a pedestrian arrival area (e.g. parking lot).

ii. Accessible and Usable Public and Common Areas

Common use areas include: rooms, spaces, or elements inside or outside of buildings that are made available for use by residents and guests. Public use areas include the interior or exterior spaces of a building that are available to the general public. Examples are: lobbies, parking areas, laundry rooms, lounges, refuse rooms, recreation areas, passageways, hallways, pools, decks, playgrounds, rental offices, mailbox areas, club houses, tennis courts, spas, game rooms, and bathrooms.

Violations of this requirement include: curb ramps that are steep, lack side wings, or are accessible only from heavily trafficked areas; not enough curb ramps to make a site accessible, requiring people with wheelchairs to run into dead ends, have to travel much further, or use parking lots or driveways to get around; and no accessible parking at site facilities (mailboxes, laundry rooms, playgrounds, offices, garbage dumpsters).

Two percent of all parking spaces serving dwelling units must be accessible, and at least one space of every type (covered, garage, etc.). If visitor parking is provided, then there must be one accessible parking space at each rental/sales office.

Inaccessibility in public and common areas may also violate Title III of the Americans with Disabilities Act (ADA). The ADA governs the public and common areas of rental complexes, including on-site rental offices, recreation rooms, walkways, and parking lots.

iii. Usable Doors

All doors into and within all premises must be sufficiently wide to allow wheelchairs to pass through. Violations include: doors to walk-in closets and storage rooms that do not provide clear opening so that tenants with wheelchairs or walkers can use these areas of a dwelling; a second door into a bathroom that does not provide a nominal 32" clear opening (multiple doors to a bathroom allow privacy and convenience).

iv. Accessible Route Into and Through Unit

Violations include: level changes at primary entrances that exceed the allowable ½" between the floor of unit and the exterior entry landing; and door thresholds that exceed the maximum height and are not beveled.

v. Light Switches, Electrical Outlets, Thermostats and Other Environmental Controls in Accessible Locations

Violations include: Electrical Outlets placed too low for wheelchair access and light switches and thermostats placed too high.

vi. Reinforced Walls For Grab Bars

Bathrooms must have reinforcements in the walls to allow later installation of grab bars around the toilet, bathtub, shower stall, and shower seat. The FHA requires that covered units be “adaptable”; in some instances they require less accessibility than state or local building code requirements.

vii. Usable Kitchens and Bathrooms

Kitchens and bathrooms must allow space for wheelchair maneuvering. An example of a violation is a kitchen sink that is not positioned with a 30” x 48” clear floor area parallel to and centered on the sink, but instead the sink is in the elbow of an “L” shape so that wheelchair users cannot access the sink.

D. Zoning and Siting

33% (60 people) of those who responded to the housing consumer / advocate community survey and 28% of those responding to the housing provider community survey identified “zoning and siting of housing” as one their top 10 concerns with respect to fair housing opportunity in Spokane. One narrative response to the housing provider survey question, “What is most needed to improve equal access to housing opportunities in Spokane?” was: “zoning for increased density”.

In response the query, “Are you aware of any housing practices in Spokane that are barriers to equal and full access to housing?” narrative responses from both surveys included:

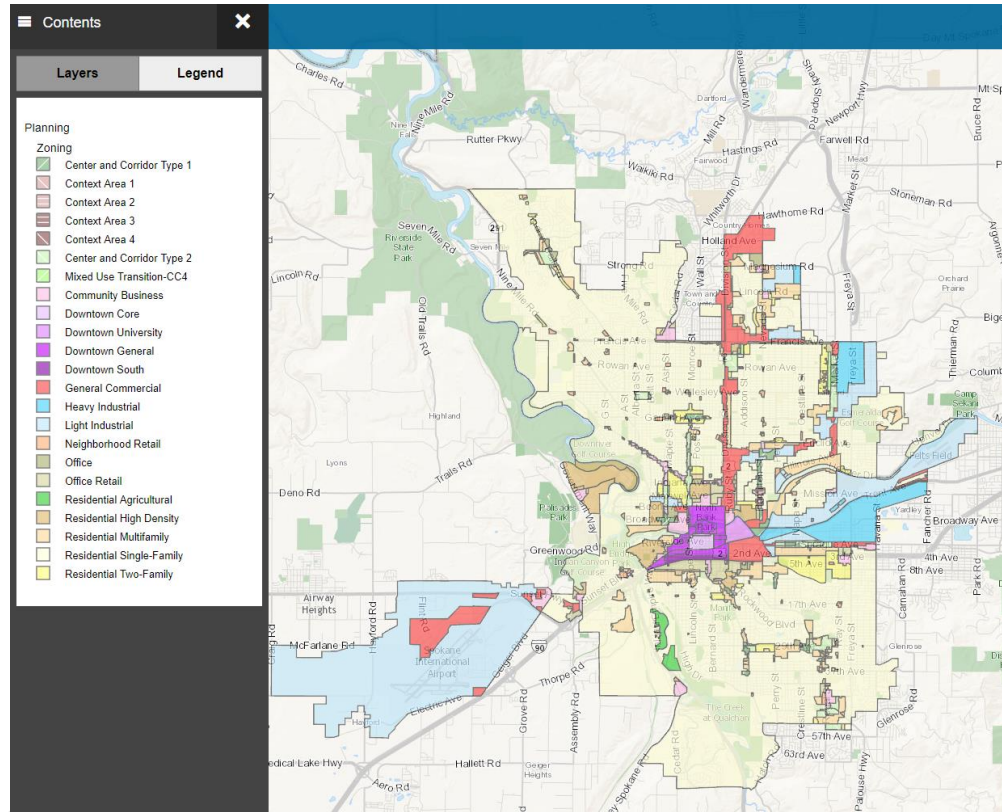
“Zoning”

“Single-family zoning is the most restrictive housing practice, and has proven effects on housing availability for people of color. Limiting (or even eliminating) this zone in residential areas in Spokane would go a long way to improve housing availability, and therefore access, and would begin to break down the systemic barriers in place for our neighbors of color.”

“the zoning laws are pricing people out of the Downtown area and pushing low income residents further and further away from the services available to assist them”

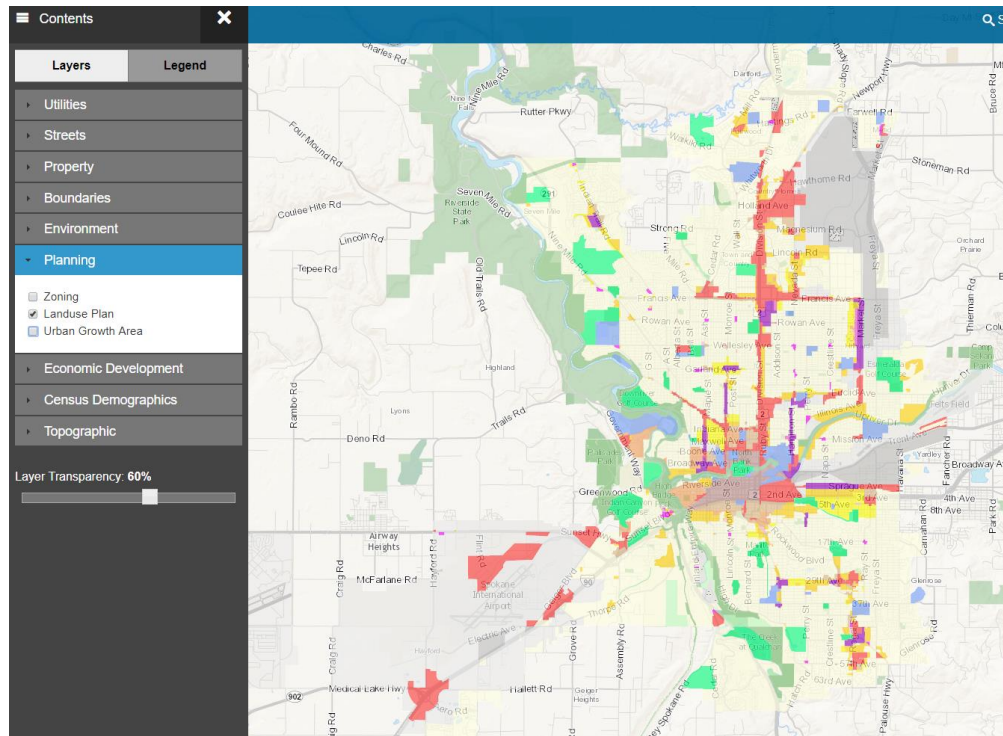
Maps 22 and 23 show where zoning boundaries currently exist. Restricting certain neighborhoods to single-family residential zoning has the effect of centralizing multi-family housing properties to neighborhoods zoned for high density and residential multi-family zoned neighborhoods, which tend to be zip codes with higher percentages of people of color.

MAP 22 - ZONING



Source: <https://maps.spokanecity.org/?lyr=Neighborhood%20Council&lyr=Neighborhood%20Council#>

MAP 23 – LANDUSE PLAN



Source: <https://maps.spokanecity.org/?lyr=Neighborhood%20Council&lyr=Neighborhood%20Council#>

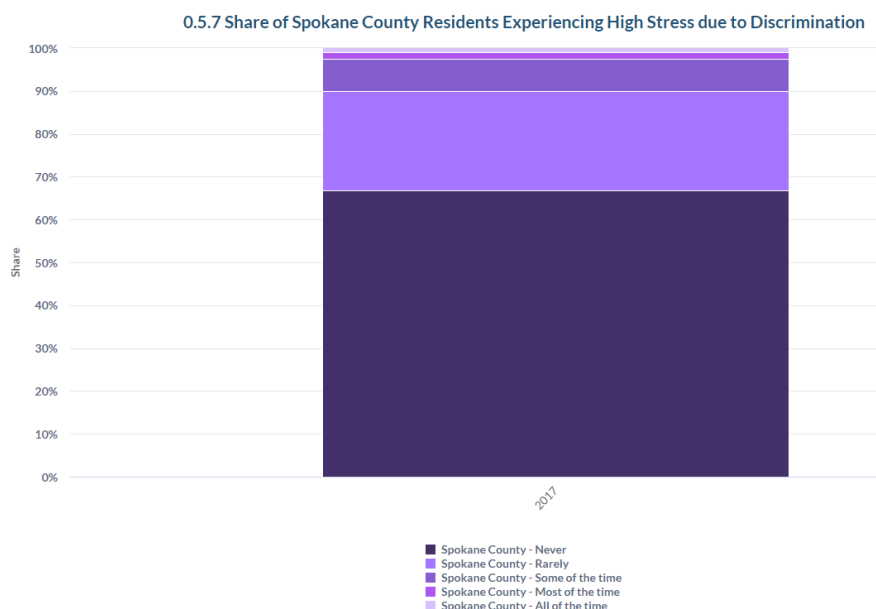
VI. Community Perception of Housing Discrimination in Spokane

1. Stress Due to Discrimination

In 2017 in Spokane County, the estimated share of Spokane County residents who experienced high stress because of discrimination over ethnicity, culture, race, accent or religion and described it as occurring:

- "Never" was 66.8%
- "Rarely" was 23.1%
- "Some of the time" was 7.5%
- "Most of the time" was 1.7%
- "All of the time" was 0.9%

This equates to more than 10 percent of the County population experiencing stress due to discrimination at least some of the time.



Source: Spokane Community Indicators, Data from Spokane Regional Health District: Data & Reports - Quality of Life Report

2. Community Surveys

NWFHA conducted community surveys to gain a better understanding of the general knowledge of fair housing and perception and exposure to discrimination among the public. Two surveys were designed, one for housing providers (current and former housing providers, including property managers, landlords, real estate brokers, and mortgage lenders and originators, and their advocates (landlord associations and landlord attorneys)) (41 questions), and one for housing consumers and their advocates (including current and former tenants, transitional housing residents, homebuyers / owners, home mortgage borrowers, healthcare providers, tenant advocates, housing counselors, and social service providers) (38 questions). The surveys were designed to seek information on the level of knowledge possessed by those in the community about fair housing laws, resources, and enforcement processes, and community exposure to and perceptions about the frequency of housing discrimination.

NWFHA sent 3,966 emails containing links to the surveys to employees or representatives of: Pioneer Human Services, Goodwill Industries, Volunteers of America, Spokane Neighborhood Action Programs, Catholic Housing Services, Catholic Community Services, Spokane Housing Authority, WA Dept. of Health and Human Services, WA Dept. of Commerce, the WA Attorney General's Office, the WA Tenants Union, the Inland Northwest Landlord Association, Spokane state Association of Realtors, NAACP, Native American Tribes, the Spokane Homeless Coalition, Greater Spokane Progress, community action centers, affordable housing providers, healthcare providers, transitional housing providers, homeless shelter providers, social service agencies, developers of multi-family housing, mortgage lenders and originators, real estate brokers, fair

housing organizations, legal aid and tenant attorneys, the Washington State Human Rights, Commission, advocacy organizations for veterans, refugees, people with disabilities, racial equity and gender justice, local government departments, elected officials, and attendees of the 2019 Inland Northwest Fair Housing conference and attendees of NWFHA webinars.

Links to the 2 surveys were posted on NWFHA's website, Facebook Page, and Twitter account, and on the City of Spokane's website. Hard copy flyers with the survey link were made available at a WA Tenants Union meeting in Spokane, and in the office of NWFHA. Announcements about the surveys and where to access them were also made in a session at the June 15, 2019 Access to Justice Conference, and at June 18, 2018 Greater Spokane Progress and June 19, 2018 Tenants Union meetings.

The surveys are unscientific as they are subjective in nature, including some open-ended questions, and were provided to housing consumers, housing providers, and social service agencies assumed to have an interest in the outcome and enforcement of fair housing issues.

Survey Participants:

229 surveys were completed (183 housing consumer/advocate surveys and 46 housing provider surveys).

Approximately 69% of survey respondents reside in Spokane. 24% reside in Spokane County, outside of the City of Spokane. Approximately 5% reside outside in WA outside of Spokane, and 2% percent reside elsewhere. Survey responders were widely distributed across most neighborhoods in Spokane in terms of where they live and/or own or manage rental property.

Responders to the housing consumer/advocate survey were fairly representative of overall percentages of black, white, and 2 or more race populations in Spokane, higher for Native American representation, and lower for Asian representation. Housing providers, though only 20% of total responders, were as a group overly represented as white (93.4%), with 2% reporting as Native American/ Alaskan Native, 2% as 2 or more races and 2% as other. Similarly, while housing consumers/advocates reported as 6% Hispanic or Latino (similar to Spokane percentage of 5%), only 2% of housing providers identified as Hispanic or Latinx. More females than males responded to the survey (78.6% of housing consumers/advocates and 66% of housing providers, compared to 21.3% male housing consumers / advocates and 34% male housing providers).

Of housing consumers/ advocates who responded to the survey, 38% reported they are tenant, 37.6% are home buyers or owners, 27% are social service providers, 12.7% are tenant advocates, 8% are housing counselors, 2% are healthcare providers, 1% are tenant attorneys, and 8% identified as other (e.g., homeless/veteran advocate, community organizer, community advocate, retiree, financial educator, community health worker, school district homeless liaison, peer support specialist, etc.).

Of housing providers responding to the survey, 42% are property managers, 26.7% are landlords, 9% are real estate brokers, 9% are developers of housing, and 26.7% identified as other (e.g., social worker, non-profit housing provider, owner of property management company, homeless veteran case manager, housing specialist, administrative assistant to property manager, etc.)

Housing provider survey responders who reported managing or owning dwelling units were represented at the 200+ unit level (26%) and 1 unit level (16.7%); and also 51-75 units (11.9%), 76-100 units (9.5%), 30-50 units (7%), and lesser numbers for other unit numbers.

Participant Fair Housing Knowledge

All housing providers and most tenants/advocates correctly identified that race is a protected class. High percentages (above 90%) of housing providers also correctly identified color, religion, and disability as protected classes. Only 75% and 85% of housing consumers/advocates identified color and religion as protected classes. 91.5% of housing consumers/advocates correctly identified disability as a protected class. Over 87% of housing providers knew that national origin, sex, and familial status are protected classes (compared to 77%, 81% and 63% respectively for housing consumers / advocates).

WA Law Against Discrimination Protected classes: Only 66% of all responders knew that military / veteran status is a protected class. 82% of housing providers but only 68% of housing consumers /advocates knew that sexual orientation is protected. Nearly half of all responders did not know that creed and marital status are protected classes.

Title 18 protected classes: The fewest number of survey responders correctly identified refugee status as a protected class (37% of housing consumers / advocates and 42% of housing providers). Only 60% of housing providers and 48% of housing consumers knew that source of income is a protected class (by WA RLTA as well as Title 18).

Only 36.6% of housing consumers / advocates say they have a good understanding of fair housing laws, compared to 63% of housing providers. The numbers are reversed for those who report just an understanding of some of the basics of fair housing laws (58% and 35% respectively). 5.5% of housing consumers /advocate and 2% of housing providers reported not know anything about fair housing laws.

Perception of Type and Frequency of Housing Discrimination

Perceptions of if, and how often, housing discrimination occurs in rental housing in Spokane was also inversely reported by housing consumers / advocates and housing providers. 61% of the former believe housing discrimination in rentals commonly occurs, but only 32% of housing providers. 33% of housing consumers/ advocates believe discrimination in rentals occurs occasionally, compared to 50% of housing providers. 4% of housing consumers / advocates and 17% of housing providers believe rental discrimination rarely occurs. Less than 1% of all

responders believe it did not occur. The 3 most common bases selected for believing discrimination occurred in rentals by far were source of income, criminal history, and race.

Fewer survey participants believe that sales discrimination occurs in Spokane, but again, more housing consumers / providers believe it occurs and with more frequency than housing providers: 28.4% of housing consumers believe discrimination commonly occurs in sales (only 4.3% of housing providers); 52% of housing consumers/ advocates believe discrimination in sales occurs occasionally (59% of housing providers); 16.4% of housing consumers / advocates believe it rarely occurs (30% of housing providers); and 2% of housing consumers / advocates and 6.5% of housing providers believe it does not occur. The most common bases for sales discrimination identified by housing consumers / advocates was race (71%) source of income (55%), color (47%) and criminal history (44%). Housing providers selected race as the most common reasons for sales discrimination (63%), with less than 37% selecting other protected classes.

Fewer survey responders believe that lending discrimination occurs in Spokane: 27% of housing consumers / advocates and 14% of housing providers believe it happens commonly; 50% of housing consumers / advocates and 37% of housing provider believe it occurs occasionally only; 20% of housing consumers / advocates and 33% of housing providers believe it occurs rarely; and 5% and 16% of each believe it does not occur. The most commonly selected bases for housing consumers / advocates to believe lending discrimination occurs was source of income, race, criminal history, color, and disability. Housing providers selected source of income and race as their top two reasons.

Community Concerns

When asked what most concerned survey participants with respect to fair housing opportunity in Spokane, of 19 options, the top 8 selected by each survey group are listed in the tables below. Four of the same issues made the top five for each survey group: Rental affordability – cost of rental; Rental unit availability – quantity available for rent; Habitability (quality/condition) of rental properties; and Acceptance of vouchers, subsidies, or alternative sources of income by housing providers.

Housing Consumers / Advocates:

Rental affordability – cost of rental	87.98%
Rental unit availability – quantity available for rent	78.69%
Habitability (quality/condition) of rental properties	68.85%
Acceptance of vouchers, subsidies, or alternative sources of income by housing providers	55.74%
Discrimination in rental housing	52.46%
Housing purchase affordability – cost of home purchase	52.46%
Accessibility of rental properties for individuals with disabilities	51.37%
Use of criminal records for rental applicants	50.82%

Housing Providers:

Rental affordability – cost of rental	84.78%
Rental unit availability – quantity available for rent	80.43%
Habitability (quality/condition) of rental properties	60.87%
Housing purchase affordability – cost of home purchase	47.83%
Acceptance of vouchers, subsidies, or alternative sources of income by housing providers	41.30%
Public transportation – frequency or connections between housing and employment / education opportunities	41.30%
Accessibility of rental properties for individuals with disabilities	39.13%
Discrimination in rental housing	39.13%

When asked if survey responders were aware of any housing practices in Spokane that are barriers to equal and full access to housing, 82 housing consumers / advocates and 14 housing providers utilized the “please explain” narrative section to provide additional detail, more than for any other survey question. The concerns consistently fell into the following categories:

3. Rental application fees are too high, and paying multiple application fees is cost prohibitive. A universal background report should be available to all landlords for one price to the applicant.
4. No cause terminations with only 20 days to find new housing and to relocate is too short of a time in this rental market, especially for people with disabilities, children, and on fixed income
5. Rising rents, rent increases, and 2 to 3 times the rent to income requirements
6. Source of income discrimination, including refusing to accept vouchers, and raising rents above HUD established fair market values and requiring 6-month leases to evade having to accept section 8 vouchers.
7. Criminal records screening
8. Technology – online applications and screening software
9. Conversion of affordable housing to market rate, and sale of property to for-profit real estate “flippers”
10. Need for minimum property maintenance code and enforcement
11. Zoning restrictions

Identified Needs

Fair Housing Information

Housing consumers / advocates said that tenants, landlords, and property managers are all in need of fair housing education (83.5%, 88%, and 78.6% of respondents respectively). Housing providers selected the same three groups as needing fair housing education (with response rates of 76%, 74%, and 71.4%).

79% of housing consumers / advocates believe that providing training for those who work with tenants and homebuyers is an effective way to provide fair housing information to tenants and homebuyers.

63% of housing providers and 58.7% of housing consumers / advocates believe that conducting in-person trainings is an effective way to provide fair housing information to tenants, homebuyers, and housing providers in Spokane.

50% of housing consumers / advocates and 41% of housing providers responding to the survey said that television public service announcements were an effective way to provide fair housing information to tenants, homebuyers, and housing providers in Spokane.

Recorded webinars (39% of housing providers) and information tables at community events (47.4% of housing consumers / advocates) were also selected as effective means to provide fair housing information.

69% of housing providers and 55% of housing consumer / advocate survey participants said that fair housing training was most needed to improve equal access to housing opportunities in Spokane. 65% of housing consumer / advocates and 40% of housing providers identified fair housing enforcement by administrative agencies as most needed to improve equal access to housing opportunities, and 64% of housing consumers / advocates and 40.5% of housing providers selected fair housing testing and investigation as most needed.

VIII. ASSESSMENT OF CURRENT PUBLIC AND PRIVATE FAIR HOUSING PROGRAMS AND ACTIVITIES IN THE JURISDICTION

A. Fair Housing Enforcement

Effective fair housing enforcement is essential to a comprehensive program to affirmatively further fair housing. The following entities provide varying degrees of fair housing enforcement in Spokane:

1. NORTHWEST FAIR HOUSING ALLIANCE (NWFHA)

35 W Main, Suite 250

Spokane, WA 99201

(509) 325-2665

1 (888) 376-6308 (Fax)

www.nwfairhouse.org

www.sexdiscriminationinhousing.org

NWFHA is a private non-profit fair housing organization with a mission to eliminate housing discrimination and ensure equal housing opportunity for the people of Washington State through education, counseling and advocacy. Based in Spokane, NWFHA is the only non-profit

fair housing agency that serves Eastern Washington. For 25 years, NWFHA has provided intake and investigation for housing discrimination claims, conducted testing, and offered education and outreach programs in 17 counties in Eastern and Central Washington. NWFHA is a HUD designated Qualified Fair Housing Organization and assists residents of Eastern and Central Washington who have experienced housing discrimination with the investigation and filing of fair housing complaints with the Department of Housing and Urban Development (HUD) and the Washington State Human Rights Commission (WSHRC).

2. SPOKANE HUMAN RIGHTS COMMISSION

Authorized by and Date: Amended SMC sections (Title 4, 4/20/92) 4.10.010, 4.20.020, and 4.10.040, and adding a new section 4.10.050 to chapter 4.10 of the SMC.

Website: <https://my.spokanecity.org/bcc/commissions/spokane-human-rights-commission/>

The Mission Statement and Purpose of the Human Rights Commission is to advise and makes recommendations to the City Council regarding issues related to human rights and unjust discrimination and the implementation of programs consistent with the needs of all residents of the City of Spokane. The Commission does not have authority to investigate or make binding findings on housing discrimination complaints filed with the Commission, it can refer complaints to the Spokane Prosecuting Attorney to pursue as infractions in Municipal Court. The Spokane Human Rights Commission meets the first Wednesday of each month at 5:30 p.m. in the City Council Chambers, 808 W. Spokane Falls Blvd.

Considerations for the Jurisdiction:

- Amend the City of Spokane Ordinance to grant the SHRC the authority to take binding legal action to enforce the Human Rights Ordinance, SMC Title 18.
- Fund full-time Commission staff to investigate complaints of discrimination that violate the Human Rights Ordinance, Title 18, and that are not jurisdictional under federal or state laws.
- Amend the City of Spokane Ordinance to conform to HUD requirements for a substantially equivalent fair housing law to enable the Commission to qualify for federal funding as a Fair Housing Advocacy Program (FHAP)

3. WASHINGTON STATE HUMAN RIGHTS COMMISSION (WSHRC)

711 S. Capitol Way, Suite 402
Olympia, WA 98504-2490
Tel: (360) 753-6770
Fax: (360) 586-2282
TDD: 1 (800) 233-3247

The WSHRC administers the State law prohibiting discrimination in employment, credit, and insurance transactions, public accommodations, and real property transactions against the federally protected classes and based on marital status, sexual orientation, and veteran status.

The duties of WSHRC include processing complaints, establishing regulations, conducting studies, and providing educational and consulting services. WSHRC has five members appointed by the Governor and operates district offices in Olympia, Vancouver, Spokane, Yakima, and East Wenatchee.

The WSHRC has a cooperative agreement with the Department of Housing and Urban Development (HUD) to process and investigate dual-filed housing complaints for which the Commission receives federal funding under the Fair Housing Assistance Program (FHAP). The Commission is a FHAP agency because Washington's law is substantially equivalent to the federal Fair Housing Act. Most of the Commission's housing cases are dual-filed with HUD; however, in some instances, the state fair housing law is more expansive than the federal fair housing law and the Commission will prepare a complaint with Commission jurisdiction only.

4. U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD)

FHEO HUB Office
909 1st Ave., Ste. 205, OAE
Seattle, WA 98104
(800) 877-0246 or (206) 220-5170
TDD: (206) 220-5185
FAX: (206) 220-5447

Nationally, the HUD Office of Fair Housing and Equal Opportunity administers federal laws and establishes national policies that make sure all Americans have equal access to the housing of their choice. Particular activities carried out by the Office of Fair Housing and Equal Opportunity include implementing and enforcing the Fair Housing Act and other civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, and the Architectural Barriers Act of 1968. In addition, FHEO

- manages the Fair Housing Assistance Program (FHAP) (WSHRC is a FHAP)
- administer the award and management of Fair Housing Initiatives Program (FHIP) grants (NWFHA is a FHIP grantee);
- proposes fair housing legislation;
- works with other government agencies on fair housing issues;
- reviews and comments on Departmental clearances of proposed rules, handbooks, legislation, draft reports, and notices of funding availability for fair housing considerations;
- interprets policy, process complaints, perform compliance reviews and offer technical assistance to local housing authorities and community development agencies regarding Section 3 of the Housing and Urban Development Act of 1968;
- ensures the enforcement of federal laws relating to the elimination of all forms of discrimination in HUD's employment practices;

- conducts oversight of the Government-Sponsored Enterprises, Fannie Mae and Freddie Mac, to ensure consistency with the Fair Housing Act and the fair housing provisions of the Federal Housing Enterprises Financial Safety and Soundness Act; and
- works with private industry, fair housing and community advocates on the promotion of voluntary fair housing compliance.

B. Informational Programs

All jurisdictions should conduct fair housing education and outreach activities. FHP is not comprehensive if it fails to address the lack of knowledge in the general public and among Government and other community officials and leaders about actions constituting discriminatory behavior, fair housing laws, and fair housing objectives. The following education and outreach activities have been conducted in Spokane by the City, NWFHA, HUD, and the WSHRC.

1. City of Spokane:

The City was a co-sponsor of the annual Fair Housing Conference in Spokane since its inception. In 2017, the City provided a CDBG grant to NWFHA to assist with funding the Inland Northwest Fair Housing conference, from 2017-2020. City staff continue to participate on the conference planning advisory committee, and assisting with the conference registration table.

2. NWFHA:

NWFHA has a history of providing comprehensive fair housing training for landlords, property management companies, housing authorities, professional associations, attorneys, government officials and staff, tenants, health care providers, and social service agencies. Fair Housing education for housing providers is typically provided on a contract or fee-per-service basis, or pursuant to contract with CDBG entitlement jurisdictions. NWFHA also contracts with property management companies to conduct self-audit testing to ensure compliance with fair housing laws.

For over 15 years, NWFHA has collaborated with the City of Spokane, County of Spokane, Spokane Housing Authority, Spokane Low Income Housing Consortium, Landlord Association, HUD, and the WA State Human Rights Commission to organize an annual fair housing conference each April during Fair Housing Month. Since 2017, NWFHA has been the lead organizing agency for this event, with representatives of the forenamed agencies serving on a planning advisory committee. In 2015 the conference was renamed the Inland Northwest Fair Housing Conference to recognize the growing attendance from Central and Western Washington and Northern Idaho, and since then has been held at the Spokane Convention Center due to the increasing number of participants. In 2019, more than 540 people participated – as attendees, exhibitors, sponsors, presenters, planning committee members, and volunteers. Attendees are increasingly coming from Northeast, Central, and Western Washington. Fourteen unique breakout sessions were held during 15 sessions, on fair housing topics that ranged from the basics to specialized interest.

NWFHA develops targeted fair housing education materials as needed to meet changing fair housing trends. During 2013-2015, in the aftermath of the mortgage-lending crisis, NWFHA developed fair lending curriculum (live and recorded webinars and in-person trainings) and brochures focused on fair lending and mortgage rescue scams. In 2016 NWFHA produced television, print, and public service announcements about sex discrimination for a HUD funded national campaign, and a website, sexdiscriminationinhousing.org. In April 2019, at the annual Inland Northwest Fair Housing Conference, NWFHA premiered a new video, a 6-minute review of historic race discrimination in Spokane, available at: https://youtu.be/3T9_6icDhwQ

3. HUD:

HUD FHEO, Region X, based in Seattle, offered live fair housing webinars for several years. Region X live webinars have been reduced, since Region X staff participated in a 90-minute fair housing basics video, published in August 2018 and available at <https://www.youtube.com/watch?v=egXPe7HT7tc&feature=youtu.be>. Similarly, HUD Region X staff have not participated in the last three Inland Northwest Fair Housing conferences due to budget curtailment.

4 . WSHRC

The WSHRC frequently partners with NWFHA to staff outreach tables at community events and for many years has provided training at the annual training at the Inland Northwest Fair Housing conference, particularly sessions on Fair Housing basics and reasonable accommodations.

SIGNATURE PAGE

Chief Elected Official

Date

DRAFT