

**City of Portage  
Community Development  
Block Grant Program**

**Analysis of Impediments  
to Fair Housing**



May 2019

# CITY OF PORTAGE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

## TABLE OF CONTENTS

<b>I. INTRODUCTION</b>	Page 1
<b>II. SUMMARY OF FEDERAL, STATE AND LOCAL FAIR HOUSING LAWS</b>	Page 1
<b>III. DEMOGRAPHIC AND HOUSING CHARACTERISTICS</b>	Page 3
<b>IV. FAIR HOUSING IN SOUTHWEST MICHIGAN</b>	Page 4
<b>V. ANALYSIS OF POTENTIAL IMPEDIMENTS TO FAIR HOUSING</b>	Page 6
A. Pubic Policies	Page 6
Comprehensive Plan and Zoning Code	Page 6
Building Code and Fees	Page 6
Public transportation	Page 6
Property Tax Policies	Page 7
Kalamazoo County Local Housing Assistance Fund Millage	Page 7
Public Services	Page 7
CDBG Housing Programs	Page 7
Fair Housing Activities	Page 7
Legal Action	Page 8
B. Institutional Practices	Page 8
Fair Housing Complaints	Page 8
Fair Housing Testing	Page 10
Disposition of Complaints	Page 11
Advertising Analysis	Page 12
Mortgage Lending Analysis	Page 13
<b>VI. RECOMMENDATIONS TO ADDRESS IMPEDIMENTS</b>	Page 16
<b>APPENDIX –</b>	Page 18
Proof of Publication – Public Hearing Notices	Page 19
Citizen Comments	Page 22
Non-Discrimination Ordinance and Complaint Form	Page 23
Fair Housing Month Proclamation	Page 34
Annual Fair Housing <u>Portager</u> article	Page 35
Fair Housing Information and Community Resources	Page 36
Fair Housing is Everyone’s Right	Page 38

## **I. INTRODUCTION**

The City of Portage supports housing choice for all citizens and is committed to engage in efforts to address discriminatory housing practices in the community. As a Community Development Block Grant (CDBG) entitlement recipient of the US Department of Housing and Urban Development (HUD), the city certifies that it will also affirmatively further fair housing. One required activity of furthering fair housing is to periodically prepare an Analysis of Impediments to Fair Housing. Several Analysis of Impediments to Fair Housing (AI) studies have been prepared over the years, as required by HUD, and are generally completed concurrent with the five-year Consolidated Plan for the CDBG Program.

In July 2015, HUD adopted a new rule that replaced the required AI study with a new required “Assessment of Fair Housing” (AFH) plan. As part of the rule on Affirmatively Furthering Fair Housing, a new software tool was to be developed by HUD to ensure a standardized method of data collection, analysis and plan components. When the City of Portage updated its Consolidated Plan in 2016, the new tool had not yet been developed and we were advised by Detroit HUD Field Office staff to prepare our Assessment of Fair Housing at a later date, to be determined by HUD. Subsequently in January 2018, HUD published a Notice of Extension for submission of AFH plans until after October 31, 2020, and clarified that in the interim, AI studies should be updated as required prior to the new rule. Therefore, the city has proceeded with the AI update during FY 2018-19, as compared to completing the update with the 2016-2020 Consolidated Plan. The city will complete an Assessment of Fair Housing plan with its next Consolidated Plan update (due to HUD in May 2021), or as otherwise directed.

As accomplished with the past two AI studies, the city obtained assistance from the Fair Housing Center of Southwest Michigan by collecting data regarding the incidence and outcomes of housing discrimination complaints, as well as mortgage lending data. This data is similar to data collected in the 2011 AI, and is presented to evaluate trends over the past several years. In addition, the AI provides an overview of relevant federal, state and local laws, public policies and institutional practices that may create impediments to fair housing. The AI concludes with recommended actions to address potential impediments to further fair housing.

## **II. SUMMARY OF FEDERAL, STATE AND LOCAL FAIR HOUSING LAWS**

The first attempt to ensure equal rights in the purchase or rental of housing dates back to the Civil Rights Act of 1866. Nearly 80 years later, in 1948, the US Supreme Court declared that deed restrictions that prohibited the sale of property or a home to persons based on race were not constitutional. In 1968, the Civil Rights Act of 1964 was amended to include Title VIII, now known as the Fair Housing Act, which prohibits housing discrimination on the basis of race, color, religion or national origin. This act was later amended in 1974 to add sex (or gender), and again in 1988 to add familial status (the presence of a person under the age of 18 or a pregnant woman) and disability as protected classes. Perhaps most important, the 1968 Fair Housing Act provided methods of enforcement of the provisions of the Act.

Specifically, Section 804 (U.S.C. 3604) of the Fair Housing Act prohibits specific actions based on race, color, religion, national origin, sex, familial status or disability. Those actions include, with limited exceptions:

- Refusal to sell: To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.
- Discrimination in terms, conditions or privileges: To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.
- Advertising that indicates preferences, limitation or discrimination: To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- Refusal to make a dwelling available for inspection: To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, available.
- Blockbusting: For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin is prohibited.

The Act also prohibits the following in regards to mortgage lending based on the previously enumerated protected classes:

- Refusal to make or purchase a mortgage loan or provide information regarding loans
- Imposition of different terms/conditions on a loan or for purchasing a loan
- Discrimination in appraising property

While not all courts agree, most recognize home owner's insurance as being covered by the Act - in large part because insurance is a prerequisite to obtaining a mortgage. In addition, while not a protected class within the Fair Housing Act, housing discrimination pertaining to household source of income such as tenant-based rental subsidies or public assistance has been addressed by HUD regulations for certain federally-financed or assisted housing programs. (For additional information, the HUD web site provides a complete listing of Federal Acts and Presidential Executive Orders that address housing discrimination.)

Finally, there are exceptions to the federal Fair Housing Act, which include:

- The sale or rental of owner-occupied buildings with no more than four units;
- The sale or rental of single-family housing without the use of a broker;
- Housing operated by organizations and private clubs that limit occupancy to members;
- Housing that meets the Fair Housing Act definition of "housing for older persons", provided that: 1) the U.S. Department of Housing and Urban Development has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program; or 2) it is occupied solely by persons who are 62 or older, or 3) it houses at least one person who is 55 or older in at least 80 percent of

the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

With regard to state laws regarding housing discrimination, in 1976 the State of Michigan enacted the Elliot-Larson Civil Right Act, which in large part mirrors the federal housing law, but also added age and marital status as protected classes. In the same year, the State also enacted the Persons With Disabilities Civil Rights Act which, among other things, prohibited discriminatory practices in housing transactions including the refusal to allow reasonable modifications necessary for occupation of an apartment or house by a person with a disability.

In June 2016, the City of Portage adopted a local Non-Discrimination Ordinance that prohibits discrimination in housing, employment and public accommodations. The city's local ordinance is similar to the federal and state laws, but includes sexual orientation and gender identity as a protected class. In particular, the local law defines discrimination as making or refraining from making a decision "based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity, of another person.

### **III. DEMOGRAPHIC AND HOUSING CHARACTERISTICS**

The FY 2016-2020 Consolidated Plan provides extensive data regarding the demographics of the population, housing and market analysis, and a housing needs assessment for the City of Portage based on the most recent US Census data, and Comprehensive Housing Affordability Strategy (CHAS) data available. The following major findings are summarized below, with some updates to data as may be readily available from the US Census Bureau or HUD:

- Population: Since 2000, the population of Portage has increased, but at a slower rate than in prior decades. Between 2000 and 2010, there was a 3% increase in population and a 5% increase in the number of households, with population of 46,135 and 18,987 households. Based on the most recent census estimates, the 2017 population has grown to 48,072.
- Median Household Income: In 2015, when the Consolidated Plan was prepared, median household income for Kalamazoo County for a family of four was \$60,200, which increased to \$70,300 in 2018. CDBG Program funds must provide a direct benefit to low-income households or an area-wide benefit to low-moderate income neighborhoods. Listed below are the 2018 Kalamazoo County area median income (AMI) categories for a family of four:
  - 30% of AMI: \$25,100 (Extremely Low Income)
  - 50% of AMI: \$34,400 (Very Low Income)
  - 80% of AMI: \$55,050 (Low Income)
- Low Income Households and Poverty: Per the 2016-2020 Consolidated Plan, there were 7,750 low-moderate income households in Portage. Of these households, 5,995 (31.6% of total households) were low-income, earning less than 80% of AMI. In addition, 1,400 households (7.4%) were extremely low income, earning less than 30% of the AMI. These households are earning incomes at or below poverty. As noted above, between 2015 and 2018, household incomes have improved -- the percentage of families at or below poverty was 8.5% in 2015 and is estimated at 7.5% in 2017.

- Cost of Housing: Affordability of both owner and renter occupied housing continues to be a challenge for low-income households in the community. In particular, 4,185 low-moderate income households (2,450 renters and 1,735 owners) had a housing cost burden and were paying more than 30% of their household income on housing expenses. Furthermore, 1,620 low-moderate income households had a severe housing cost burden (1,055 renters and 565 owners) and were paying more than 50% of their income on housing expenses.
- Condition of Housing: It has been estimated that 169 housing units occupied by low-moderate income households were considered substandard, meaning the units are overcrowded or lack adequate kitchen and/or plumbing facilities. In comparison to housing costs, condition of housing is not as significant of a concern. However, as the housing stock in the community continues to age, resources for housing maintenance and rehabilitation will be needed.
- Housing Needs by Race and Ethnicity: As the city has grown, it has also become more diverse, with a minority population of approximately 13%. However, when examining housing problems by race and ethnicity, the data provided in the 2016-2020 Consolidated Plan (pages 22-29) indicates several minority and ethnic groups have a high percentage of housing problems, which is disproportionate to the overall low-income population. The most significant housing problem is severe housing cost burden.

While the city has become more diverse, there are areas of the community with a higher minority concentration. The data in Table 24 of the Consolidated Plan (page 29) indicated five census tracts with a higher percentage of Black/African Americans (19.05, 19.06, 19.07, 20.03, 20.05, 35.00) and three census tracts with a higher percentage of Asian (19.06, 20.03, 20.04) in comparison to the community overall. Several census tracts with a higher concentration of minority groups have large apartment complexes, such as Davis Creek Apartments, Walnut Trails, The Vista's, Milham Meadows, The View, Pinefield Townhomes, and others that provide rental housing options for residents of the community.

- Special Needs Housing: Twelve percent of the Portage population has a physical, developmental or mental disability. It is estimated that 2,515 low-income households have a disability and a housing problem (1,606 renters and 909 owners), which relates to housing affordability and/or accessibility challenges.

As outlined in the Consolidated Plan, several actions are proposed over the next five years, many that involve the expenditure of CDBG program resources and General Fund resources to the extent feasible, to address the needs of low-income households and neighborhoods improvement within the community.

#### **IV. FAIR HOUSING IN SOUTHWEST MICHIGAN**

Historically, complaints and enforcement action regarding housing discrimination in southwest Michigan has been directed to the Michigan Department of Civil Rights, Legal Aid of Western Michigan, and HUD. In 2001 the Fair Housing Center of Southwest Michigan was established to provide fair housing education and outreach services, and housing discrimination complaint investigation and enforcement assistance to residents of Kalamazoo County. In 2003, the Center expanded and became a regional fair housing center that now serves nine counties in Southwest Michigan.

The Fair Housing Center of Southwest Michigan has assisted the City of Portage in meeting its obligation to further fair housing and has, in turn, been supported by the city with Community Development Block Grant funds. The aforementioned expansion of the Center to become a regional entity was funded by a HUD Fair Housing Initiative Program (FHIP) grant awarded in 2003, and subsequent HUD grants have funded outreach and education services, as well as housing discrimination enforcement services. Several other local organizations and corporations throughout Southwest Michigan have also helped fund the Center including, but not limited to, the City of Kalamazoo, the City of Battle Creek, the Kellogg Foundation, the Kalamazoo Community Foundation the Metropolitan Kalamazoo Chapter of the NAACP, local foundations, area banks and REALTOR© associations.

The Fair Housing Center of Southwest Michigan provides education to housing providers and seekers to ensure each knows their rights and responsibilities under fair housing laws. The Center also provides training to staff of other human service agencies so they may refer their clients who may have faced housing discrimination.

When the Center receives a complaint, an extensive review is completed to determine if the concern that has been raised is one that constitutes a fair housing complaint. If it is determined that it is not an issue covered by fair housing laws, the individual is directed to another organization for assistance. For example, the person may be in need of financial assistance, dispute resolution, or legal services to help avoid an eviction and may be referred to the Kalamazoo County Eviction Diversion Partnership, Western Michigan Legal Services or dispute resolution services offered by the Gryphon Place.

In response to fair housing complaints, the Center performs an investigation that often involves conducting one or more paired-tests to gather evidence of disparity in treatment and validate or refute the complaint. Findings are shared with the claimant and, in the cases when the investigation uncovers a pattern of discrimination, the claimant's options available for resolution are discussed. These options generally include:

- Conciliation (facilitated by the Center or by Dispute Resolution Services);
- Filing of a complaint with an appropriate governmental entity -- HUD, Michigan Department of Civil Rights, and/or a local government;
- Referral to a private attorney to litigate the complaint in federal or state court.

There are additional entities within the Kalamazoo area which have the resources and experience to independently process or assist the Center with fair housing complaints:

- The Michigan Department of Civil Rights works to prevent discrimination through educational programs that promote voluntary compliance with civil rights. The Department also investigates and resolves discrimination complaints.
- Legal Aid of Western Michigan provides free legal services in non-criminal cases to low income and elderly residents.
- Dispute Resolution Services, offered by the Gryphon Place, provides conciliation, mediation and other voluntary dispute resolution services to persons as an alternative to litigation.

## V. ANALYSIS OF POTENTIAL IMPEDIMENTS TO FAIR HOUSING

Public policies formed by local, state and federal units of government, and private institutional practices have the potential to create impediments to fair housing. The following Section A, Public Policies, evaluates policies of the City of Portage that may foster or pose impediments to fair housing. Section B, Private Institutional Practices evaluates processes within the housing industry such rental and home purchase transaction, mortgage lending, and real estate advertising, which may create impediments to fair housing choice.

### A. Public Policies

The Consolidated Plan provides an overview of potential barriers to affordable housing, including the impact of public policies. As indicated in the Consolidated Plan, in comparison to the community as a whole, minorities have disproportionate housing needs that mainly stem from housing affordability. Based on these data for Portage, and similar trend data for many other communities across the country, barriers to affordable housing are often considered to present potential barriers to fair housing choice within a community.

With regard to City of Portage public policies, affordable housing and potential impediments to fair housing, the following is provided:

- Comprehensive Plan and Zoning Code: The Comprehensive Plan was last updated in 2014, while a comprehensive update to the Zoning Code was accomplished in 2003. The Comprehensive Plan recommends a wide range of housing options and designates 21% of residential land use areas for medium to high density residential dwellings. In addition, the Comprehensive Plan acknowledges the importance of neighborhood preservation and providing for affordable housing options. The Zoning Ordinance permits a range of house and lot sizes, creative development options for properties with unique features, and mixed use developments. The Zoning Ordinance maintains relatively small minimum lot sizes (7,800 square feet in the R-1A district) given the development patterns of the city, and a minimum dwelling area of 1,040 square feet for single-family dwellings with a basement. These minimum lot sizes and minimum dwelling area requirements for dwellings are not excessive in comparison to surrounding communities in Kalamazoo County and do not preclude the development of affordable housing. In addition, one-family attached, two-family, multiple-family, modular and manufactured housing, and mixed-use development options are provided in the Zoning Ordinance, consistent with the Comprehensive Plan, to provide for a range of housing options.
- Building Code and Fees: The Department of Community Development administers the Michigan Residential Building Code, which is mandated for all communities in Michigan. Permit fees for construction activities are generated from the estimated valuation of the projects and are in line with those charged in comparable Kalamazoo County communities. There are no development or impact fees.
- Public transportation: Transportation linkages between place of employment and place of residence are important to those without a vehicle, and lack of such linkages can be a barrier to affordable housing. A county-wide millage first passed in 2006 provides a dedicated funding source for both fixed-route and demand-response public bus services in areas of Kalamazoo County outside of the City of Kalamazoo. For the City of Portage, this resulted in an expansion of public transportation for residents and employees.

- Property Tax Policies: Residential property is appraised according to the Michigan State Tax Commission Assessor’s Manual, and Portage has historically levied low millage rates that foster affordable housing. In addition, the Portage City Council has granted several residential developments that provide affordable rental housing a tax exemption/Payment in Lieu of Taxes (PILOT).
- Kalamazoo County Local Housing Assistance Fund Millage: In November 2015, 56% of Portage voters supported the establishment of a six-year county-wide millage that generates approximately \$800,000 to provide temporary housing assistance to homeless families with school-aged children. Funds generated by the millage are administered by the Kalamazoo County Public Housing Commission.
- Public Services: Public services and facilities are available throughout the City of Portage to foster neighborhood preservation and affordable, decent housing, including public infrastructure (e.g. streets, public water, sanitary sewer and storm sewer), parks and recreation facilities, emergency services (police and fire), public education, and so forth. Through both the General Fund and CDBG program, the City of Portage has provided financial support to human/public service agencies that provide assistance to low and moderate income Portage residents, and those living below the poverty level in Portage.
- CDBG Housing Programs: The City of Portage also administers the following programs for low-income homeowners to make housing improvements, or purchase a home:
  - Housing Rehabilitation Program – provides no interest and low interest deferred loans for a variety of interior and exterior housing improvements.
  - Emergency Repair Grant Program – provides up to \$1,000 for housing repairs that pose an immediate threat to the health, safety and welfare of the residents.
  - Homebuyer Down-payment Assistance Program – provides up to \$5,000 for down-payment and closing costs to purchase a home in specified neighborhoods.
- Fair Housing Activities: As reported in the Consolidated Annual Performance Reports (CAPER) submitted to HUD after the end of each program year, the City of Portage has demonstrated its commitment to further fair housing as summarized below:
  - In 2016, the City of Portage adopted a Non-discrimination Ordinance that prohibits discrimination in housing, employment and public accommodations. The city’s ordinance includes sexual orientation and gender identity as protected classes. A copy of the City Non-discrimination Ordinance is provided in the Appendix.
  - The city has provided financial support and in-kind professional assistance to the Fair Housing Center of Southwest Michigan. Annual financial support has been provided to sponsor fair housing education conferences and workshops, and the provision of fair housing services including complaint intake and investigation. Funding has also been provided to the Fair Housing Center over the past two fiscal years to receive assistance from the Center with the update of the Analysis of Impediments to Fair Housing. In addition, city staff serves on the Advisory Board of the Center, providing in-kind professional assistance as appropriate.
  - The city has maintained a fair housing log of housing discrimination concerns and has referred complainants to the Fair Housing Center of Southwest Michigan and other agencies as determined appropriate.

- The city has annually adopted a resolution confirming its commitment to fair housing each April during National Fair Housing Month. In addition, the city has annually published an article in recognition of fair housing month in the Portager newsletter, and continues to publish and disseminate the “Fair Housing Information and Community Resources” guide that provides information on fair housing laws and resources. A copy of these materials are provided in the Appendix
  - The city Human Services Board has annually received a report from the Fair Housing Center of Southwest Michigan regarding fair housing activities and concerns within Portage and the greater metropolitan area.
- **Legal Action:** The City of Portage has not been involved in any legal disputes with HUD, the US Department of Justice, the Michigan Department of Civil Rights or any other entity regarding fair housing concerns.

**B. Institutional Practices**

- **Fair Housing Complaints:** In any discussion regarding the number of complaints filed and the basis of those filings, it is important to note that HUD estimates less than one percent of all instances of housing discrimination result in a complaint being filed. Indeed, if even twice as many complaints were filed, the following tables might tell very different stories about the victims of housing discrimination.

Data on fair housing complaints was compiled and summarized by the Fair Housing Center of Southwest Michigan. These data include complaints filed directly to HUD, the Michigan Department of Civil Rights or other Fair Housing Assistance Program agencies (FHAPs), including the Fair Housing Center of Southwest Michigan. The time period for data collected ranges between 2010 and 2017, which comprises data available since the 2011 AI study was prepared. The following tables depict the basis of complaints received on a national, regional (Southwest Michigan) and City of Portage basis.

**Table 1 - Nationwide – 2010-2017**

	2010	2011	2012	2013	2014	2015	2016	2017	2010-2017	% of Total	Rank
<b>Race</b>	3,536	2,851	2,382	2,363	2,504	2,245	2,198	2,030	20,109	21.8%	2
<b>Color</b>	206	171	154	170	166	124	173	199	1,363	1.5%	8
<b>National Origin</b>	1,248	1,120	1,084	972	1,100	912	947	801	8,184	8.9%	4
<b>Disability</b>	4,878	4,384	4,300	4,386	4,758	4,570	5,026	4,708	37,010	40.2%	1
<b>Familial Status</b>	1,564	1,406	1,202	1,147	1,074	1,013	864	844	9,114	9.9%	3
<b>Religion</b>	320	223	231	225	227	225	221	211	1,883	2.0%	7
<b>Sex</b>	1,200	955	1,061	945	924	873	814	793	7,565	8.2%	5
<b>Retaliation</b>	787	828	965	913	915	820	792	898	6,918	7.5%	6
<b>Total</b>	13,739	11,938	11,379	11,121	11,668	10,782	11,035	10,484	92,146	100.0%	

Source: US Department of Housing and Urban Development

**Table 2 – Michigan – 2010-2017**

	2010	2011	2012	2013	2014	2015	2016	2017	2010-2017	% of Total	Rank
<b>Race</b>	162	105	114	122	161	116	153	98	1,031	28.6%	2
<b>Color</b>		4	2	4	2	4	4	1	21	0.6%	8
<b>National Origin</b>	33	17	19	23	17	16	22	21	168	4.7%	6
<b>Disability</b>	175	152	145	221	206	214	211	198	1,522	42.2%	1
<b>Familial Status</b>	84	51	44	30	23	27	46	44	349	9.7%	3
<b>Religion</b>	13	4	7	10	25	3	10	17	89	2.5%	7
<b>Sex</b>	30	24	35	32	38	27	40	21	247	6.9%	4
<b>Retaliation</b>	23	23	21	14	22	19	36	19	177	4.9%	5
<b>Total</b>	520	380	387	456	494	426	522	419	3,604	100.0%	

Source: US Department of Housing and Urban Development

**Table 3: Southwest Michigan - 2010-2017**

	Race	Color	National Origin	Disability	Familial Status	Religion	Sex	Retaliation	Total
<b>Allegan</b>	2	0	1	20	11	0	0	0	34
<b>Barry</b>	0	0	0	4	2	0	0	1	7
<b>Berrien</b>	13	0	0	14	5	4	4	2	42
<b>Branch</b>	0	0	0	2	1	0	1	1	5
<b>Calhoun</b>	6	0	1	8	8	0	2	1	26
<b>Cass</b>	0	0	1	1	1	0	1	0	4
<b>Kalamazoo</b>	22	0	4	55	20	0	5	6	112
<b>St. Joseph</b>	8	0	0	7	2	0	1	1	19
<b>Van Buren</b>	5	0	3	10	3	0	1	1	23
<b>Total</b>	56	0	10	121	53	4	15	13	272
<b>% of Total</b>	20.6%	0.0%	3.7%	44.5%	19.5%	1.5%	5.5%	4.8%	
<b>Ranking</b>	2	8	6	1	3	7	4	5	

Source: US Department of Housing and Urban Development

**Table 4: Portage - 2010-2017**

	Race	Color	National Origin	Disability	Familial Status	Religion	Sex	Retaliation	Total
<b>49002</b>	0	0	2	2	1	0	0	0	5
<b>49024</b>	2	0	0	3	0	0	1	0	6
<b>Total</b>	2	0	2	5	1	0	1	0	11

Source: US Department of Housing and Urban Development

When reviewing the tables above, very similar trends can be observed across all geographic levels. Discrimination complaints against persons with disabilities was consistently the most frequently reported issue. This trend was observed in prior AI studies and is an indication that more education, and enforcement, regarding housing for persons with disabilities is necessary.

After disability, the second most common type of discrimination complaint was based on race, and the third most reported discrimination across all geographies was related to familial status. These trends are consistent for those complaints reported in Portage.

The following table is provided to evaluate whether the incidence of discrimination complaints occurs at a higher proportion in relation to the percent of population for the larger geographical area.

**Table 5 – Incidence of Housing Discrimination Complaint in Comparison to Larger Geographic Area**

	Population as % of Larger Geographic Area	Complaints (2010-2017) as % of Larger Geographic Area
United States	n/a	n/a
Michigan	3.1%	3.9%
Southwest Michigan	9.6%	7.5%
Kalamazoo County	27.4%	41.2%
City of Portage	18.6%	9.8%

Source: US Census Bureau and US Department of Housing and Urban Development

As shown above, the data indicates that housing discrimination in Michigan occurs or is reported at a higher rate in comparison to that on a nationwide level. For Southwest Michigan, housing discrimination and/or complaints has been occurring at a lower level than the region’s proportion of population in comparison to Michigan overall. With regard to Kalamazoo County, the data indicates that housing discrimination is occurring, or is reported at a higher rate as compared to Southwest Michigan. Finally, with regard to the City of Portage, housing discrimination occurs or is reported at a much lower rate in proportion to the overall population of Kalamazoo County. It is noted, however, that because of the small number of complaints filed involving Portage, conclusions as to the extent or patterns of discrimination within the City of Portage should be avoided.

- **Fair Housing Testing:** Testing can also provide an indication of the prevalence of housing discrimination in the community. The Fair Housing Center of Southwest Michigan conducts testing in response to complaints, but also conducts systemic testing to determine the potential frequency of housing discrimination, which has been typically accomplished via grant contracts from various funding agencies. The table below provides results of systemic testing between 2013-2017, where differential treatment was noted.

**Table 6 - Fair Housing Center 2013-2017: Test Parts for Rental, Sales, Insurance and Lending**

	Race	Disability	Familial Status	Sex	Religion	Gender Identity	National Origin	Age	Total
Allegan	2	1	2	0	4	0	0	0	9
Berrien	27	0	0	0	3	0	0	0	30
Barry	0	0	0	0	2	0	0	0	2
Calhoun	179	34	2	0	2	0	97	0	314
St Joseph	1	0	2	0	0	0	0	0	3
Van Buren	3	0	0	1	0	0	0	0	4
Kalamazoo	121	35	46	1	6	2	7	9	227
Portage	15	2	1	0	2	0	0	0	20
Branch	0	0	2	0	0	0	1	0	3
<b>Total: SW Michigan</b>	<b>348</b>	<b>72</b>	<b>55</b>	<b>2</b>	<b>19</b>	<b>2</b>	<b>105</b>	<b>9</b>	<b>1,204</b>

Source: Fair Housing Center of Southwest Michigan

With regard to the type of disparate treatment observed, discrimination with regard to race was most frequently found, followed by national origin and then disability. These trends

differ from the complaint data, where housing discrimination most frequently reported was based on disability. With both complaint and testing data, familial status consistently followed race, national origin and disability and a top ranked type of housing discrimination. In Portage, disparate treatment with regard to race was most frequently observed, followed by religion and disability, and then familial status.

Based on the above data, Calhoun County had the highest incidence of test results that indicated disparity in treatment, followed by Kalamazoo County. With regard to test results for Kalamazoo County as compared to Southwest Michigan, 18.8% of the tests indicated disparate treatment towards protected classes, whereas 27.4% of the region’s population was comprised of county residents. Therefore, in comparison to complaint data, the test result data showed a much lower indication of discrimination in Kalamazoo County in proportion to the population in Southwest Michigan.

With regard to test results in the City of Portage as compared to Kalamazoo County, 8.8% of the tests indicated disparate treatment, whereas 18.6% of the county’s population was comprised of city residents. In comparison to complaint data, the test result data showed a lower indication of discrimination in Portage in proportion to the population in Kalamazoo County.

- Disposition of Complaints

The following provides an overview of the disposition of complaints filed with HUD, FHAP agencies and the Fair Housing Center of Southwest Michigan. “Administrative Closure” means that cases were closed because the claimant withdrew the complaint, the agency lost contact with the claimant, the claimant was uncooperative or the claim was not filed with HUD or the Michigan Department of Civil Rights within the required timeframe. “Conciliation/Settlement” refers to those complaints that were conciliated or adjudicated to the satisfaction of or in favor of the claimant. “No Reasonable Cause/Determination” indicates that the agency investigating or adjudicating the allegation did not find fair housing law-related justification for the complaint.

**Table 7: Disposition of Complaints Filed - Nationwide**

	2010	2011	2012	2013	2014	2015	2016	2017	2010-2017 Average
<b>Administrative Closures</b>	17.5%	15.6%	14.7%	13.0%	13.4%	10.9%	10.4%	11.9%	13.4%
<b>Conciliation/Settlement</b>	24.8%	25.8%	26.6%	27.2%	27.3%	29.8%	35.5%	32.1%	28.6%
<b>No reasonable cause/determination</b>	57.8%	58.5%	58.7%	59.9%	59.2%	59.3%	54.1%	56.0%	57.9%

Source: US Department of Housing and Urban Development

**Table 8: Disposition of Complaints Filed - Michigan**

	2010	2011	2012	2013	2014	2015	2016	2017	2010-2017 Average
<b>Administrative Closures</b>	14.0%	3.6%	4.8%	3.2%	1.8%	2.0%	3.0%	2.7%	4.4%
<b>Conciliation/Settlement</b>	18.5%	22.3%	16.8%	21.2%	19.9%	24.8%	34.5%	24.7%	22.9%
<b>No reasonable cause/determination</b>	67.5%	74.1%	78.4%	75.6%	78.3%	73.2%	62.5%	72.5%	72.8%

Source: US Department of Housing and Urban Development

Based on tables 7 and 8 above, there were fewer Administrative Closures in Michigan than on the national level (an average of 4.4% versus 13.4%), which is an indication that follow through on complaints is better within Michigan. However, in Michigan, a much higher percentage of complaints (72.8% versus 57.9%) were closed because discrimination was not found during investigation. With regard to Conciliation/Settlement, a slightly higher percent of complaints were resolved to the satisfaction of complainants on a national level than within Michigan (28.6% versus 22.9%).

Table 9 provides disposition of complaints handled by the Michigan Department of Civil Rights at a more local level for 2015-2018. While the terminology is somewhat different, “Closed in Evaluation” and “Closed in Complaint Initiation” are very similar to the Administrative Closure terminology used in tables 7 and 8. That is, the claimant withdrew the complaint, the agency lost contact with the claimant, the claimant was uncooperative or the claim was not filed within the required timeframe. The “Closed in Investigation” terminology is similar to the No Reasonable Cause/Determination noted in tables 7 and 8 above, that is no evidence of housing discrimination was found.

**Table 9: Disposition of Complaints Files – Michigan Department of Civil Rights (FHAP) 2015-2018**

	Closed in Evaluation	Closed in Complaint Initiation	Closed in Investigation	Moved to Conciliation
<b>Kalamazoo County</b>	16.3%	20.9%	59.3%	3.5%
<b>City of Kalamazoo</b>	15.6%	25.0%	54.7%	4.7%
<b>City of Portage</b>	16.7%	8.3%	75.0%	0.0%

Source: US Department of Housing and Urban Development

Based on Table 9 above, at the local level, the vast majority of complaints were Closed in Investigation. At the Kalamazoo County and City of Kalamazoo level, the trends were similar to No Cause cases at the national level, whereas the percentage of cases Closed in Investigation in Portage were similar to No Cause cases on the state level. With regard to cases Moved to Conciliation, the percentage of such cases was low for Kalamazoo County and the City of Kalamazoo, similar to data for Michigan. Within the City of Portage, a higher percentage of cases found no discrimination (75%) and none of the complaints resulted in conciliation.

- **Advertising Analysis:** A review of real estate advertising can also be helpful in determining potential impediments to fair housing. In general, a posting is discriminatory if it expresses a limitation or preference, is discouraging, or has language that might have a disparate or disproportional impact on a protected class. Examples of such language includes, but is not limited to: “perfect for a single or couple”, “no kids or pets”, “units are not accessible”.

For a two-week period (February 10-23, 2019), staff monitored properties for sale or lease to identify discriminatory advertisements published (print and on-line) in the Kalamazoo Gazette, Kalamazoo Craigslist, Zillow (zip codes 49024 and 49002), ForRent.com and Apartments.com. During this time, no discriminatory advertisement content was identified. The Kalamazoo Gazette’s Real Estate page includes a statement that all real estate advertising is subject to federal, state and local laws regarding housing discrimination, and how to file a discrimination complaint with HUD. Craigslist also includes information regarding housing discrimination, including a link a document

entitled “Fair Housing is Everyone’s Right! State a discriminatory preference in a housing post is illegal”. A copy of this document is included in the Appendix. Finally, Apartments.com provides information on fair housing guidelines under the Frequently Asked Questions section of its website.

- Mortgage Lending Analysis: The Home Mortgage Disclosure Act (HMDA) makes data available to analyze lending activity, which is helpful to identify impediments to fair housing, because access to home loans permits choice as to where a household buys a home. In addition, households who obtain subprime loans may fall victim to predatory lending practices, and may in turn lose their homes to foreclosure, which was observed at record levels during the Great Recession throughout the region, state and country.

The 2011 AI included a report by the National Community Reinvestment Coalition (NCRC) that evaluated residential lending activity within the City of Portage. In particular, the NCRC evaluated prime (or market-rate) and subprime (or high-cost) lending by race and ethnicity of borrowers. For the 2019 AI update, the Fair Housing Center of Southwest Michigan collected similar data to evaluate if there are significant changes in local lending activities. On the following pages, Tables 10 and 11 provide data regarding the number and type of loans originated within the City of Portage from 2010-2017 by race and by income. While the level of data collection is less extensive than accomplished in the 2011 AI, the data collected provides some indication that:

- Asian borrowers most often received prime loans (99.66%) over subprime loans, followed by White borrowers (95.99%). Of loans originated to Hispanics, prime loans were received 93.20% of the time, while Black borrowers received prime loans 92.03% of the time.
- In comparison to White households, Black borrowers were nearly twice as likely (ratio of 1.98) to receive a subprime loan, followed by Hispanic borrowers (ratio of 1.69).
- Black and Asian households, had the highest percentage of loans denied (16.74%) and were 34% more likely than White borrowers to be denied a loan.
- Upper income borrowers (Greater than 120% of MSA income) received prime loans 97.02% of the time, whereas middle income households (80-120 of MSA income) received prime loans 94.74% of the time. Not surprisingly, low income households with 50-80% of MSA income received prime loans at the lowest rate, 92.73% of the time. The data follows to show that low income households were denied loans at a higher percentage than higher income borrowers.

In comparison to prior AI studies, the data reinforces that household income is the key factor in determining whether a loan is granted. In addition, while there are still disparities in lending practices, some improvement is apparent based on more recent HMDA data. In the 2011 AI study, the loan denial rate for Black applicants was 23%, which improved to 16.74% by 2017. In addition, in 2011, a Black household was 2.65 times as likely to receive a subprime loan in comparison to a White household, compared to a 1.94 ratio in 2017. In summary, further investigation, including a more extensive evaluation of data by race and income, as well as testing of lenders would be helpful to draw more definitive conclusions on this issue.

Table 10.a - Portfolio Share Analysis	Count of Loans Originated			As a percent of loans of all races			Households from ACS 5-year Data - 2015		Ratio of Prime Portfolio Share to Percent of Households	Ratio of Subprime Portfolio Share to Percent of Households
	2010-2017	Prime or no Rate Spread	Subprime or Rate Spread added	Total	Prime or no Rate Spread	Subprime or Rate Spread added	Total	Count		
White	9,276	388	9,664	92.85%	91.73%	92.81%	17,579	90.19%	1.03	1.02
Black	231	20	251	2.31%	4.73%	2.41%	1,023	5.25%	0.44	0.90
Hispanic	192	14	206	1.92%	3.31%	1.98%	398	2.04%	0.94	1.62
Asian	291	1	292	2.91%	0.24%	2.80%	475	2.44%	1.20	0.10
Total	9,990	423	10,413	100.00%	100.00%	100.00%	19,492	100.00%		

Table 10.b - Market Share Analysis	Count of Loans Originated			As a Percent of Loans to that Race		Ratio of that Race to White	
	2010-2017	Prime or no Rate Spread	Subprime or Rate Spread added	Total	Prime	Subprime	Prime
White	9,276	388	9,664	95.99%	4.01%	1.00	1.00
Black	231	20	251	92.03%	7.97%	0.96	1.98
Hispanic	192	14	206	93.20%	6.80%	0.97	1.69
Asian	291	1	292	99.66%	0.34%	1.04	0.09
Total	9,990	423	10,413	95.94%	4.06%	1.00	1.01

Table 10.c - Loan Denial Disparity Ratios	Denial Rate			Ratio of that Race to White
	2010-2017	Applications	Denials	
White	14,731	1,841	12.50%	1.00
Black	436	73	16.74%	1.34
Hispanic	335	50	14.93%	1.19
Asian	472	79	16.74%	1.34
Total	15,974	2,043		

Table 11.a - Portfolio Share Analysis						
2010-2017	Count of Loans			As a percent of loans to all		
	Prime or no Rate Spread	Subprime or Rate Spread added	Total	Prime or no Rate Spread	Subprime or Rate Spread added	Total
50% - 80% MSA Income	102	8	110	0.96%	1.86%	1.00%
80% - 120% MSA Income	4,013	223	4,236	37.96%	51.98%	38.51%
Greater than 120% or more MSA Income	6,456	198	6,654	61.07%	46.15%	60.49%
Total	10,571	429	11,000			
<80% MSA Income	102	8	110	0.96%	1.86%	1.00%
>80% MSA Income	10,469	421	10,890	99.04%	98.14%	99.00%
Total	10,571	429	11,000			

Table 11.b. - Market Share Analysis							
2010-2017	Count of Loans			As a percent of loans to that income level (market share)		Ratio of that income level to Upper-income (market share)	
	Prime or no Rate Spread	Subprime or Rate Spread added	Total	Prime or no Rate Spread	Subprime or Rate Spread added	Prime or no Rate Spread	Subprime or Rate Spread added
50% - 80% MSA Income	102	8	110	92.73%	7.27%	0.02	0.04
80% - 120% MSA Income	4,013	223	4,236	94.74%	5.26%	0.62	1.13
Greater than 120% or more MSA Income	6,456	198	6,654	97.02%	2.98%	1.00	1.00
Total	10,571	429	11,000				
<80% MSA Income	102	8	110	92.73%	7.27%	0.01	0.02
>80% MSA Income	10,469	421	10,890	96.13%	3.87%	1.00	1.00
Total	10,571	429	11,000	96.10%	3.90%	1.01	1.02

Table 11.c - Loan Denial Ratios				
2010-2017	Denial Rates			Ratio or that income level to upper-income (denial ratio)
	Applications	Denials	Percentage	
50% - 80% MSA Income	195	26	13.33%	0.02
80% - 120% MSA Income	6,901	1,006	14.58%	0.66
Greater than 120% or more MSA Income	10,405	1,340	12.88%	1.00
Total	17,501	2,372		
<80% MSA Income	195	26	13.33%	0.01
>80% MSA Income	17,306	2,346	13.56%	1.00
Total	17,501	2,372		1.01

## VI. RECOMMENDATIONS TO ADDRESS IMPEDIMENTS

Based on the above review of socioeconomic data, public policies and private policies and practices, the following impediments to fair housing choice have been identified. It is noted that the findings of this AI study are consistent with those presented in the 2011 AI study, and that the recommended actions to address impediments are based on city resources (financial and in-kind professional assistance) and expertise to address housing discrimination and to affirmatively further fair housing choice within the community.

- Impediment: Lack of knowledge as to the prevalence of housing discrimination

### Recommended Action:

- Encourage efforts by the Fair Housing Center of Southwest Michigan and other civil rights organizations to annually publish results of investigation and enforcement action so that occurrences of discriminatory conduct may be further understood by the general public and housing industry professionals.
- Impediment: Lack of knowledge by the general public and housing industry professionals about fair housing law.

### Recommended Actions:

- Each April, pass an annual resolution in recognition of Fair Housing Month that recognizes the commitment by the city to affirmatively further fair housing.
- Each April, receive an update on fair housing issues in Portage and the greater metropolitan area from the Fair Housing Center of Southwest Michigan.
- Disseminate the “Fair Housing Information and Community Resources” guide at City Hall, the Portage District Library, Portage Community Center, and other key locations throughout the city. In addition, disseminate fair housing information through local print and electronic media, such as the Portager newsletter and city web site.
- Annually support and sponsor (with grants and in-kind professional assistance) fair housing education projects in conjunction with the Fair Housing Center of Southwest Michigan.
- Annually support and sponsor fair housing events that focus on reasonable accommodations for persons with disabilities.
- Impediment: Potential differential terms/conditions within housing transactions

### Recommended Actions:

- Administer complaint intake, investigation and enforcement of the City of Portage Non-Discrimination Ordinance. Partner with the Fair Housing Center of Southwest Michigan and other entities as needed for assistance with responding to and resolving complaints.
- Support with grants or in-kind professional assistance testing efforts of housing industry professionals in response to complaints. In addition, support audit or survey testing research used to determine the prevalence of housing discrimination.
- Encourage efforts that provide tenant/landlord and dispute resolution services in the community, which can be enhanced through partnerships with existing organizations.

- Impediment: Less frequent home mortgages provided to minorities

Recommended Actions:

- Require completion of home buyer counseling for all City of Portage home buyer assistance program participants provided by a HUD-approved counseling agency such as Kalamazoo Neighborhood Housing Services.
- Amend the CDBG Homebuyer Assistance Program to allow participation city-wide versus targeting resources to low-moderate income neighborhoods
- Encourage home buyer workshops offered by lenders, realtors, and local non-profit organizations. More widespread knowledge of the home buying industry will increase fair housing opportunities.
- Encourage efforts by lenders and other organizations that provide credit restoration and counseling for marginally acceptable loan applicants.

- Impediment: Protected classes have disproportionate housing needs

Recommended Actions:

- Continue CDBG Housing Programs and tax abatements (PILOTS) to provide housing opportunities to low and moderate-income households.
- Continue General Fund and CDBG program funding to support the provision of human/public services to low income individuals.
- Annually review development regulations, fees, and other city code requirements that may be impediments to affordable and fair housing.
- Continue to actively participate on the Kalamazoo LISC Affordable Housing Partnership to address affordable housing issues to all residents of Kalamazoo County.

In the context of affirmatively furthering fair housing, the city will continue to implement actions recommended above to the extent that financial resources are available. In addition, in-kind professional assistance will be considered to partner with for-profit and non-profit organizations to further fair housing opportunities within the community. Specific fair housing activities will be provided annually in the Annual Action Plans and reported in the Consolidated Annual Performance Evaluation Report (CAPER) submitted to HUD each year.

## APPENDIX

Proof of Publication – Public Hearing Notices

STATE OF MICHIGAN )  
County of Kalamazoo

ss *David Sutter*

Being duly sworn deposes and say he/she is Principal Clerk of



**THE KALAMAZOO GAZETTE**  
DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day)

*January 23* A.D. 20*19*

Sworn to and subscribed before me this *23* day of *January* 20*19*

*James M. DeHany*  
JAMES M. DEHANY  
NOTARY PUBLIC STATE OF MI  
COUNTY OF KENT  
MY COMMISSION EXPIRES 04-01-2020  
ACTIVELY COUNTY OF *Kent*

**PORTAGE**  
A Natural Place to Move

**NOTICE OF PUBLIC HEARING**

The City of Portage will hold a public hearing on **Thursday, February 7, 2019 at 6:00 p.m.** in Conference Room A1, City Hall, 2000 South Westridge Avenue, Portage, Michigan to receive comments on the Community Development Block Grant (CDBG) Program, identify development needs, housing, parks and leisure/public services within the City of Portage. In addition, the Board will receive a draft update to the Analysis of Impacts to Fair Housing, which is a requirement of CDBG Program planning. The city anticipates receiving approximately \$2,270,000 in federal CDBG funding in 2019-20, and an additional \$50,000 of program income. In addition, \$75,000 in unexpended funds from prior program years will be utilized during FY 2019-20 for a total budget of \$2,345,000.

All interested persons are encouraged to attend. Comments can be submitted in writing on or before January 7, 2019 to the City of Portage, Department of Community Development, or may be presented in person at the public hearing. Citizen seeking additional information should contact the City of Portage Department of Community Development, (269) 229-4477 for additional information.

Dated November 28, 2018 Department of Community Development  
Vicki Georgas, Director

**Notice of Availability – City of Portage  
FY 2019-20 Annual Action Plan & Analysis of Impediments to  
Fair Housing and Notice of Public Hearing**

The draft Community Development Block Grant (CDBG) Program FY 2019-20 Annual Action Plan, has been prepared as required by the U.S. Department of Housing and Urban Development (HUD) for communities receiving federal funding through the CDBG Entitlement grant program. The draft Annual Action Plan, which is an element of the Consolidated Plan, outlines proposed projects that will be undertaken with the \$362,000 in CDBG funding estimated to be available to the City of Portage for FY 2019-20 from HUD, including anticipated program income and unexpended funds from prior program years. For FY 2019-20, proposed projects/expenditures are:

Housing Rehabilitation Assistance Program .....	\$225,240
Down Payment Assistance Program .....	\$10,000
Neighborhood Improvement-Code Administration and Enforcement .....	\$63,210
Human/Public Services .....	\$44,100
Grant Administration and Fair Housing Activities .....	\$19,450
TOTAL .....	\$362,000

In addition to the FY 2019-20 Annual Action Plan, an update to the Analysis of Impediments to Fair Housing has also been prepared which addresses fair housing resources within the community, data on the incidence of housing discrimination, public policies and private practices that may impact fair housing opportunity, and recommended actions to address impediments to fair housing.

Both of the above draft documents are available for review at the following locations:

- Department of Community Development, 7900 South Westnedge Avenue, Portage, MI 49002
- Portage District Library, 300 Library Lane, Portage, MI 49002
- Portage Senior Center, 320 Library Lane, Portage, MI 49002
- Portage Community Center, 325 East Centre Avenue, Portage, MI 49002
- City of Portage web site: <https://www.portagemi.gov/260/Strategic-Plans>

Comments can be submitted in writing on or before noon on Thursday, April 4, 2019 to the City of Portage, Department of Community Development, 7900 South Westnedge Avenue, or may be presented in person at a Public Hearing that will be held at 6:30 p.m. on Thursday, April 4, 2019 in Conference Room #1, City Hall, 7900 South Westnedge Avenue, Portage, MI 49002. For additional information, please contact the Department of Community Development at 269-329-4477 or 269-329-4466.

Vicki Georgeau, Director  
Department of Community Development

Sunday, March 3, 2019

3/13/19 1:41

## Citizen Participation Comments

**February 7, 2019 Human Services Board: Public Hearing Community Development Block Grant Program** - Hanfland moved and Henson supported motion to open public hearing. Motion passed 8-0. Community Development Director Vicki Georgeau presented information regarding Community Development needs, past performance and strategic planning as related to the CDBG programs administered by the city. The information was summarized by means of a Power Point presentation, printouts of which were provided to Board members. Additional information regarding the draft update to the Analysis of Impediments to Fair Housing was also presented and reviewed. Questions and comments from Board members were received regarding data collection regarding homelessness and efforts to facilitate affordable housing. Henson noted a concern regarding the applicability of the city's non-discrimination ordinance as it relates to human services grant funding. After a brief discussion, Maye suggested and the Board agreed that they would continue the discussion as part of item 2 on the agenda, Human/Public Service Funding Review and Options. The staff presentation was concluded with the understanding that the complete AI update would be provided to the Board at the March 7, 2019 meeting and that both the AI and the FY 2019-2020 Annual Action Plan will be made available for a 30-day public comment period, concluding with an additional public hearing on April 4, 2019. After no further discussion and no public comment, Spalvieri moved and Upshaw supported motion to close the public hearing. Motion passed 8-0.

**March 7, 2019 Human Services Board: Review of final draft Analysis of Impediments to Fair Housing** Georgeau provided an overview of the recently completed update. Information presented included a summary of data furnished by the Fair Housing Center of Southwest Michigan and analysis of various housing issues and impediments identified through field testing, inquiries, reports of discrimination and surveys conducted in order to determine the degree of difficulty to obtain both rental housing and mortgage products by individuals of various races, income levels, disabilities and other differentiating factors that may affect the ability to obtain suitable housing under the applicable Fair Housing standards and laws. While the analysis indicates that there has been improvement in some areas, it is evident that a degree of housing discrimination continues to exist in Southwest Michigan and that efforts to support the Fair Housing Center and discourage discrimination are needed in order to provide equal housing opportunities to all individuals. A suggestion by staff to expand the CDBG funded City of Portage Homebuyer Assistance Program to include all areas throughout the city was supported by Maye. Henson requested clarification on ways in which advertising can be discriminatory and staff replied that there can be individuals who have service animals that could be affected by stated policies such as "no pets". In conclusion, continued participation by the City of Portage in an advisory capacity on the Fair Housing Center Board, statements and policies in support of fair housing initiatives, educational workshops and informational materials will continue to be provided to the public at large and promoted by the City of Portage in this regard. The update will be presented, along with the HUD required CDBG Annual Action Plan, to City Council in April 2019.

**April 4, 2019 Human Services Board: Public Hearing on CDBG Annual Action Plan and Analysis of Impediments to Fair Housing** - Upshaw moved and Mirza supported motion to open the public hearing. Motion passed 7-0. McCoy presented a power point summary of the CDBG Annual Action Plan and Analysis to Impediments to Fair Housing. Details of activities conducted within the programs administered by the city were discussed. No public comments were received. Hanfland moved and Henson supported motion to close the public hearing and recommend approval of the plans to City Council. Motion passed 7-0.

City of Portage Non-Discrimination Ordinance  
and Discrimination Complaint Form

## ARTICLE 7. - NON-DISCRIMINATION ORDINANCE.

## Sec. 24-148. - Intent, purpose and construction.

- (a) It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.
- (b) The prohibitions against discrimination as provided for in this article shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. Provided, however, this article shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

(Ord. No. 16-08, 6-28-16)

## Sec. 24-149. - Definitions.

As used in this chapter, the following words and phrases have the following meanings:

*Age.* Chronological age.

*City manager.* The City Manager of the City of Portage or his or her designee.

*Discriminate.* To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity, of another person.

*Educational institution.* A public or private institution or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this definition, educational institution includes an agent of an educational institution.

*Employer.* Any person employing one or more persons.

*Employment agency.* A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.

*Family status.* The state of being in a family.

*Family.* Includes either of the following:

- (1) Two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, in a foster care relationship or legal custody relationship;
- (2) Functional family. A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinctive domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit. However, a "functional family" shall not include:
  - a. Any group of individuals whose domestic relationship is transitory, temporary or resort/seasonal in nature
  - b. Any group of individuals whose association is essentially for convenience or economics or for the limited duration of their education, training or a similar determinative period of time.

*Gender identity or expression.* An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity and behavior is different from that which is traditionally associated with the person's gender assigned at birth as being either female or male.

*Housing facility.* Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

*Labor organization.* An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.

*Marital status.* The state of being married, never married, divorced, or widowed.

*Perceived.* Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

*Person.* The word "person" shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

*Physical or mental disability.* A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation "physical or mental disability" does not include any condition caused by the current illegal use of a controlled substance or the use of alcohol liquor by an individual.

*Place of public accommodation.* An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

*Religious organization.* An organization, church, group, or body of communicants that are organized not for pecuniary profit that regularly gathers for worship and religious purposes, and includes a religious-based private school that is not organized for pecuniary profit. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship, any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenants in students; and, faith based organizations that, due to a sense of duty based on particular religious tenants, provide charitable services to the public.

*Sexual orientation.* Male or female homosexuality, heterosexuality or bisexuality, by orientation or practice, whether past or present. This includes emotional, romantic, and/or sexual attractions, or the absence thereof, to other people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

(Ord. No. 16-08, 6-28-16)

Sec. 24-150. - Discriminatory housing practices.

Except as otherwise provided in this article, no person shall:

- (1) Discriminate in leasing, selling or otherwise make available any housing facilities.

- (2) Discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (3) Discriminate in providing financing for the purchase, repair or remodeling of any housing facility.
- (4) Discriminate in making referrals, listings or otherwise providing information regarding a housing facility.

(Ord. No. 16-08, 6-28-16)

Sec. 24-151. - Discriminatory public accommodation practices.

Except as otherwise provided in this article, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation. However, nothing in this article: i) permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct; or ii) requires the construction or provision of unisex single user restrooms, changing rooms, locker rooms or shower facilities.

(Ord. No. 16-08, 6-28-16)

Sec. 24-152. - Discriminatory employment practices.

Except as otherwise provided in this article:

- (1) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (2) No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- (3) No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.
- (4) A person subject to this section 24-152 is exempt from this section if race, color, religion, national origin, sex, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. A person subject to this section shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

(Ord. No. 16-08, 6-28-16)

Sec. 24-153. - Exceptions.

Notwithstanding anything contained in this article, the following shall not be violations of this article:

- (1) For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization.
- (2) Standards established for the construction, repair, maintenance, improvement, occupancy, lease or sale of one-family and two-family dwellings which conform to federal and state laws and regulations.
- (3) For the owner or operator of a housing facility or place of public accommodation, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (4) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over 55 years of age or disabled persons.

- (5) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employer with applicable state and federal law.
- (6) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.
- (7) To refuse to enter a contract with an unemancipated minor.
- (8) To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.
- (9) To refuse to admit to a place persons under 18 years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.
- (10) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (11) To provide discounts on products or services to students, or on the basis of age.
- (12) To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
- (13) For a governmental or educational institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
- (14) To restrict participation in an instructional program, athletic event or on an athletic team that conforms to federal and state laws and regulations.
- (15) This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 8 of the Public Act of 1933, being MCLA 436.1-436.58, the Michigan Liquor Control Act as amended. This exemption shall not apply to a private club that is otherwise defined as a place of public accommodation in this article. Further, to the extent that the private club permits members to invite guests on the premises, such organization is not exempted as it concerns a member's guest.
- (16) To the employment of an individual by one's family.
- (17) For an employer offering health or pension plans to provide marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations.
- (18) To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.
- (19) To allow use of facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this article.
- (20) With respect to gender only, to a private educational institution which provides an education to only persons with one gender.

(Ord. No. 16-08, 6-28-16)

Sec. 24-154. - Information and investigation.

- (a) Any person claiming a violation of this article shall file a signed, written complaint with the city manager setting forth the details, including the names, dates, witnesses and other factual matters relevant to the claim within 180 days of the incident forming the basis of the complaint.
- (b) No person shall provide false information to any authorized employee investigating a complaint regarding a

## **City of Portage Non-Discrimination Ordinance Complaint Form**

In August 2015, the City of Portage adopted a Non-Discrimination Ordinance that provides protections against discrimination in housing, employment and public accommodations. This ordinance specifies that discrimination is prohibited within the City of Portage based on actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

This Complaint Form has been created to assist with the review and response to alleged incidents of discrimination that are prohibited by the City of Portage Non-Discrimination Ordinance, which can be found under Chapter 24, Article 7 of the City Code of Ordinances.

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Please provide all relevant information and make additional notes if necessary.  
Upon completion, this form should be submitted to:

Office of the City Manager  
City of Portage  
7900 S. Westnedge Ave.  
Portage, MI 49002  
Phone: (269) 329-4400  
Fax: (269) 324-9244

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Evening Phone Number: \_\_\_\_\_

Best Time to Call: \_\_\_\_\_

**What** happened to you? How were you discriminated against? For example: were you refused an opportunity to rent or purchase housing? Denied admission to or accommodations at a public facility? Denied employment opportunities? Told that goods or services were not available when in fact they were? Treated differently from others? State briefly what happened.

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**Why** do you believe you are being discriminated against? Briefly explain why you think your rights were denied because of any the factors listed above.

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**Who** do you believe discriminated against you? Was it a landlord, bank, real estate agent, company, organization or individual? Please provide name, address and phone number or other contact information of organization or individual.

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**Where** did the alleged act of discrimination occur? For example: Was it at a public facility? Retail business? School or public service facility? Did it occur at a bank or other lending institution? Please provide Name of business or facility, address, and phone number or other locational information.

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**When** did the last act of discrimination occur? Enter the date:

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**Is the alleged discrimination continuous** or on going? (Circle response below)

Yes    No

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**THANK YOU FOR COMPLETING THIS FORM**

Within 30 days of a written complaint being filed, the City Manager shall undertake an investigation. After the completion of an investigation, the City Manager shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation.

If the investigation establishes that a violation occurred, the City Manager shall, in his discretion, take one of the following actions:

- (1) refer the matter to Conflict Resolution Services or a similar mediation service who will attempt to resolve the matter by mediating a conciliation agreement;
- (2) refer the complaint to the department of public safety/city attorney for prosecution in a court of competent jurisdiction;
- (3) attempt to resolve the matter by mediating a conciliation agreement.

Annual National Fair Housing Month resolution



# CITY OF PORTAGE PROCLAMATION

## FAIR HOUSING RESOLUTION

**WHEREAS,** 2019 is the 51<sup>st</sup> anniversary of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, to prohibit housing discrimination when based on race or color, national origin, religion, sex, familial status or disability, and declared that equal housing opportunity is a basic right of every American; and

**WHEREAS,** The Michigan State Legislature passed the Elliot-Larsen Civil Rights Act of Michigan in 1976 to protect people from housing discrimination based on religion, color, race, national origin, age, sex, familial status or marital status; and

**WHEREAS,** The Michigan State Legislature passed the Michigan Persons with Disabilities Civil Rights Law of 1976 to protect individuals with disabilities from housing discrimination; and

**WHEREAS,** The City of Portage passed a Non-Discrimination Ordinance in 2016 to prohibit housing discrimination based on their actual or perceived race, color, religion, national origin, sex, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, and has completed an Analysis of Impediments to Fair Housing, and annually undertakes activities to further fair housing efforts and educate the public on fair housing issues; and

**WHEREAS,** Equal housing opportunity is a goal to be achieved within the City of Portage.

**NOW, THEREFORE, BE IT RESOLVED THAT** I, Patricia M. Randall, by virtue of the authority vested in me as the Mayor of Portage, Michigan, do hereby resolve the month of April 2019, as **FAIR HOUSING MONTH** in hope that this observance will promote fair housing practices throughout the City.

Signed this 9th day of April, 2019

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Patricia M. Randall, Mayor

## April is National Fair Housing Month



The City of Portage recognizes and supports Fair Housing Month during April 2018, as well as educational activities that will help eliminate discrimination in housing and foster equal housing opportunities. The Federal Fair Housing Act (1968 and 1988), the Michigan Elliott-Larsen Civil Rights Act of 1977 and the Michigan Persons With Disabilities Civil Rights Act of 1976 make it illegal to discriminate in the sale or rental of housing. These national and state laws protect against discriminatory actions such as:

- ◆ refusing to sell or rent housing
- ◆ quoting a difference in housing availability
- ◆ quoting a difference in required security deposit
- ◆ quoting a different monthly rent
- ◆ refusing to rent to a family or individual with children
- ◆ sexual harassment of a tenant

Those interested in educational opportunities regarding fair housing, or who suspect discrimination in a housing purchase, sale or rental transactions, including a difference in terms, conditions or opportunity, are asked to contact the Fair Housing Center of Southwest Michigan at 276-9100.

### **Portage Non-Discrimination Ordinance Enhances Protections Against Discrimination**

In addition to protections against housing discrimination, the City of Portage Non-Discrimination Ordinance also provides core protections in the areas of employment and public accommodations. The intent of the ordinance is that no person be denied equal protection, enjoyment of civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity.

The Portage ordinance includes protections for persons covered under current state and federal civil rights statutes, as well as protections for sexual orientation and gender identity. The ordinance is intended to supplement, not preempt federal or state laws prohibiting discrimination.

In addition to providing protections and remedies for victims of discrimination, the Non-Discrimination Ordinance provides benefits to the community at large by positioning Portage as a welcoming place to live, visit and do business. To review the specific provisions of the Non-Discrimination Ordinance, please visit [www.portagemi.gov](http://www.portagemi.gov) > *Boards & Commissions* > *Human Services Board*. Questions or comments regarding the Non-Discrimination Ordinance can be directed to the Department of Community Development at 329-4466.

City of Portage Fair Housing Information and Community Resources

# Fair Housing Information and Community Resources



**City of Portage**

7900 South Westnedge Avenue • Portage, Michigan 49002

[www.portagemi.gov](http://www.portagemi.gov)



Department of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002

# Fair Housing Law in Michigan

The Federal Fair Housing Act (1968 and 1988), the Michigan Elliott-Larsen Civil Rights Act of 1977 and the Michigan Persons with Disabilities Civil Rights Act of 1976 make it illegal to discriminate in the sale or rental of housing when the discrimination is based on any of the following factors:

- ◆ **Race or Color**
- ◆ **National Origin**
- ◆ **Religion**
- ◆ **Gender**
- ◆ **Age**
- ◆ **Disability**
- ◆ **Marital Status**
- ◆ **Familial Status**
- ◆ **Your Friends or Associates**
- ◆ **With Whom You Reside**

The laws protect against discriminatory actions (based on one of the factors above) such as:

- ◆ **Refusing to sell or rent**
- ◆ **Sexual harassment**
- ◆ **Quoting a difference in housing availability**
- ◆ **Quoting a difference in security deposit required**
- ◆ **Quoting a different monthly rent**
- ◆ **Refusing to rent to a family or individual with children**

In 2016, the City of Portage joined at least 40 other Michigan communities in adopting a local Non-Discrimination Ordinance. The ordinance provides core protections in three areas:

- ◆ **Housing** ◆ **Employment** ◆ **Public accommodations**

The intent of the ordinance is that no person be denied equal protection, enjoyment of civil rights, or be discriminated against because of their actual or perceived:

- ◆ **Race**
- ◆ **Religion**
- ◆ **Sex**
- ◆ **Height**
- ◆ **Marital status**
- ◆ **Family status**
- ◆ **Gender identity**
- ◆ **Color**
- ◆ **National origin**
- ◆ **Age**
- ◆ **Weight**
- ◆ **Physical or mental disability**
- ◆ **Sexual orientation**

The ordinance includes protections for persons covered under current state and federal civil rights statutes, as well as protections for sexual orientation and gender identity. The ordinance is intended to supplement, not preempt federal or state laws prohibiting discrimination.

To review the Non-Discrimination Ordinance or to access a discrimination complaint form, please visit the City of Portage website, Human Services Board webpage at: [portagemi.gov/180/Human-Services-Board](http://portagemi.gov/180/Human-Services-Board)

If you suspect discrimination in a housing purchase, sale or rental transaction, including a difference in terms, conditions or opportunity, you should:

Document the discriminatory behavior/actions/conversations. Be specific: record addresses, dates, times, phone numbers, names of contacts businesses, and any witnesses

Keep copies of advertising, communications and/or other relevant information

Contact one of the following agencies for information, advice or referral assistance:

- Fair Housing Center of Southwest Michigan..... 866-637-0733
- Michigan Department of Civil Rights..... 800-482-3604
- Legal Aid of Western Michigan ..... 269-344-8113
- U.S. Department of Housing and Urban Development..... 1-800-765-9372
- Greater Kalamazoo Association of Realtors.....382-1597

Complaints can be filed, free of charge, with the appropriate agency listed above, or proper legal action can be initiated through a private attorney.

For more information, contact:

Department of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002  
(269) 329-4477  
[www.portagemi.gov](http://www.portagemi.gov)

Fair Housing is Everyone's Right!

CL about &gt; FHA



# Fair Housing is Everyone's Right!

**Stating a discriminatory preference in a housing post is illegal**

(Questions? Comments? Check out the fair housing forum)

When making any posting on craigslist, you must comply with section 3604(c) of the Federal Fair Housing Act. This law generally prohibits stating, in any notice or ad for the sale or rental of a dwelling, a discriminatory preference based on any of the following protected categories:

- **Race or Color**
- **National Origin**
- **Religion**
- **Sex**
- **Familial Status** (more)
- **Handicap / Disability** (more)

The Fair Housing Act provides additional protections, and limited exceptions, that are explained in publications from the U.S. Department of Housing and Urban Development ("HUD") and the Department of Justice.

HUD has issued guidance on advertising, including for roommates.

State and local laws often prohibit discrimination based on other factors (e.g. sexual orientation, age, marital status, or source of income).

You may report housing discrimination to HUD at 1-800-669-9777, or to a fair housing advocate near you.

If you encounter a housing posting on craigslist that you believe violates the Fair Housing laws, please flag the posting as "prohibited".

In addition to penalties that may be applied by regulatory agencies, attempts to post discriminatory ads may be blocked and/or subjected to other remedial measures.

## Frequently Asked Questions:

What are the laws for roommates and shared housing?

Are there any exceptions to the advertising laws?

What are the "protected categories" in my area?

What is "familial status"?

Who is exempted from laws prohibiting "familial status" discrimination?

How does the law define "handicap"?

What should I do if I find a discriminatory posting?

Recognizing a discriminatory posting

Examples of Discriminatory Advertisements

## Other Resources

Actual examples of discriminatory postings on craigslist

### What are the laws for roommates and shared housing?

[top]

Federal Fair Housing laws for roommates and shared housing have two components: advertising and decision-making.

- **Advertising:** Federal Fair Housing laws prohibit discriminatory advertising in all housing, **regardless of how large or small the property**. However, as discussed below, advertising which expresses a preference based upon sex is allowed in shared living situations where tenants will share a bathroom, kitchen, or other common area.
- **Decision-making:** Although the prohibition on discriminatory advertising applies to roommate and shared housing situations, federal Fair Housing laws do not cover the basis of decisions made by landowners who own less than four units, and live in one of the units. This means that in a situation in which a landlord owns less than four rental units, and lives in one of the units, it is **legal** for the owner to discriminate in the selection process based on the aforementioned categories, but it is **illegal** for that owner to advertise or otherwise make a statement expressing that discriminatory preference.

### Are there any exceptions to the advertising laws?

[top]

Under federal Fair Housing law, the prohibition on discriminatory advertisements applies to all situations except the following:

- **Shared Housing Exemption** -- If you are advertising a shared housing unit, in which tenants will be sharing a bathroom, kitchen, or other common area, you may express a preference based upon sex only.
- **Private Club and Religious Exemptions** -- A religious community or private club whose membership is not restricted based upon race, color, or national origin may restrict tenancy only to its members in a property that it owns, and may advertise to that effect.
- **Housing for Older Persons Exemption** -- As discussed below, certain complexes for elderly persons are exempt from prohibitions on familial status discrimination, including the prohibitions on discriminatory advertising.

### What are the "protected categories" in my area?

[top]

The "protected categories" under state and local Fair Housing laws may differ depending on where you reside.

**Federal** law prohibits discrimination based on the following protected categories:

- Race
- Color
- Religion
- National Origin
- Handicap / Disability
- Familial Status

State and local laws often extend anti-discrimination protections to other categories, such as age, marital status, sexual orientation, or source of income. Click your state below for a brief summary of state Fair Housing laws in your state. Please note that not all states have additional Fair Housing laws.

AR - CA - CT - DE - DC - FL - GA - HI - ID - IL - IN - IA - KS - KY - ME - MD - MA - MI - MN - MO - MT - NE - NV - NH - NJ - NM - NY - NC - ND - OH - OR - PA - RI - SC - SD - TN - VT - VA - WV - WI

## What is "familial status"?

[top]

"Familial status" means the presence of children under the age of 18.

Unless otherwise exempted, it is illegal to:

- discriminate against families with children
- discourage families with children from renting a unit
- steer families with children to a particular area of an apartment complex
- establish rules, regulations, or policies that discriminate or have a disparate impact on families with children
- discriminate against pregnant women
- discriminate against anyone in process of securing legal custody of a child under age 18

## Who is exempted from laws prohibiting "familial status" discrimination?

[top]

Under federal Fair Housing laws, "housing for older persons" is exempted from the prohibitions on "familial status" discrimination.

"Housing for older persons" is defined as either of the following:

1. Housing occupied solely by persons 62 years of age or older; or
2. Housing in which 80% of the occupied units have at least one person 55 years of age or older, and which meet certain other requirements.

This exemption applies only to familial status discrimination; discrimination against all other protected categories, including disability, is still prohibited in housing for older persons.

## How does the law define "handicap"?

[top]

Federal law defines "handicap" as any "physical or mental impairment which substantially limits one or more of [a] person's major life activities, a record of having such an impairment, or being regarded as having such an impairment."

Further discussion of the definition of "handicap" can be found in the section 100.201 of Title 24 of the Code of Federal Regulations (24 C.F.R. 100.201). Your state laws may also have broader definitions of "handicap."

[top]

## What should I do if I find a discriminatory posting?

If you encounter a housing posting on craigslist that you believe violates the Fair Housing laws, please flag the posting as "prohibited".

If you are not sure if the posting violates the Fair Housing act, please contact HUD or your local Fair Housing center. If you have made contact with the poster and have been discriminated against based on one of the protected categories, you may file a claim with HUD or your local Fair Housing center as well.

## Recognizing a discriminatory posting

[top]

In general, a posting is discriminatory if it expresses a **limitation or preference** based on one of the protected categories, which may vary depending upon where you reside, but which always include the seven (7) federal categories. State or local laws may protect other categories. Go here for a quick summary of additional laws near you.

A posting is also discriminatory if it uses language that might be **discouraging** towards a certain protected category. For instance, saying that a particular apartment is "perfect for a single or couple" could be discouraging towards families with children, who do not fit within the stated groups. Please note that unintentionally discriminatory postings are still illegal.

Lastly, a posting is discriminatory if it uses language that might have a **disparate, or disproportional, impact** on a certain protected category. For instance, an advertisement for a 2 bedroom unit which states a preference for "2 persons only" might have a disparate impact on families with children because, though it does not explicitly state a preference based on familial status, it creates an overly restrictive occupancy limit which would affect families with children to a greater extent than other types of households. (For more information on reasonable occupancy limits, see HUD's guidance on occupancy standards.)

## Examples of Discriminatory Advertisements

[top]

Although not an exhaustive list, these examples should give you some idea of what might constitute a discriminatory housing advertisement.

### 1. race / color

- postings stating a preference for the race of a desired applicant (eg. "no blacks," "whites only," etc)
- postings describing the race of current occupants of the complex or neighborhood (eg. "African-American neighborhood," "most residents are Asian," "lots of Hispanic families," etc)

### 2. religion

- postings stating a preference for the religion of a desired applicant (eg. "Christians only," "no Muslims," etc)
- postings describing the religion of current occupants of the complex or neighborhood (eg. "nice, Christian neighborhood," "Jewish family seeks roommate," etc)

### 3. national origin

- postings stating a preference for a certain national origin (eg. "no immigrants," "no foreigners," "Irish preferred," etc)
- postings posted only in a language other than English
- postings describing the national origin of current occupants of the complex or neighborhood (eg. "predominately Latino neighborhood," "mostly Asian residents," etc)

#### 4. handicap / disability

- postings stating a preference for able-bodied tenants (eg. "no wheelchairs," "must be able to live independently," etc)
- postings describing the complex as unable to accomodate people with disabilities (eg. "units are not accessible", "no pets, even seeing eye dogs", etc)

#### 5. familial status

- postings stating a clear preference for families without children (eg. "no children," "no kids and no pets," "single occupancy only," etc)
- postings that could discourage families with children (eg. "ideal for working professionals," "perfect for single or couple," "nice, quiet, mature, neighborhood," etc)

#### 6. sex / gender \*

- postings stating a preference for one sex over another (eg. "no young men," "female preferred," etc)

\* as discussed above, the prohibitions on advertising a preference based upon sex do not apply to shared housing situations.

## Other Resources

[top]

National Fair Housing Alliance -- a national organization dedicated to ending discrimination in housing

National Fair Housing Advocate -- an online resource for fair housing advocates and public on issues relating to housing discrimination

Housing.org -- the official site of Project Sentinel, one of the country's largest fair housing centers

U.S. Department of Housing and Urban Development (HUD) -- the federal agency charged with investigating claims of housing discrimination

Guidance on advertising - published by HUD

Guidance on advertising - published by the Pennsylvania Human Rights Commission

Guidance on Advertising - published by the Equal Rights Center

Please refer to the actual laws or your local Fair Housing center for more information of local laws.

If you have any questions about any of the information on this page, or if you believe any of the information is incorrect or out of date, please give us feedback on our fair housing forum.

craigslist would like to thank the folks at Project Sentinel Fair Housing for their invaluable assistance in creating this page.