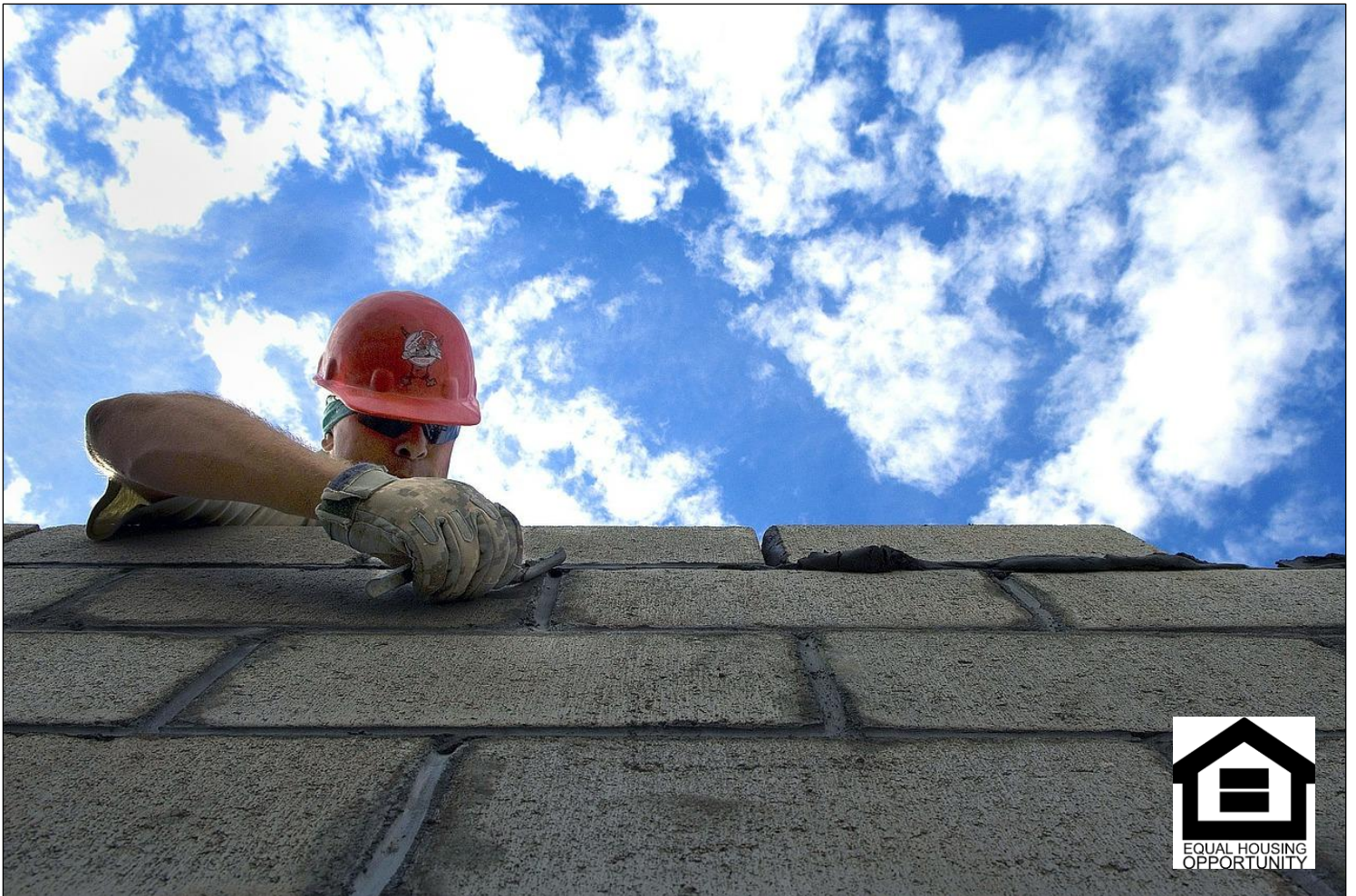




# Analysis of Impediments to Fair Housing Choice 2021-2022



## Executive Summary

Layton City, located in Davis County, Utah, receives an annual allocation from the US Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program. During Program Year 2021-2022, the City's CDBG entitlement grant was \$377,151. The CDBG program contains a regulatory requirement to affirmatively further fair housing based upon HUD's obligation under Section 808 of the Fair Housing Act.

HUD defines impediments to fair housing choice as:

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

The CDBG regulation also echoes the CDBG statutory requirement that grantees, such as Layton City, certify that they will affirmatively further fair housing. HUD's goal is to expand mobility and widen a person's freedom of choice.

Layton City is required to:

- ☐ Conduct an analysis to identify impediments to fair housing choice within its jurisdiction
- ☐ Take appropriate actions to overcome the effects of any impediments identified through the analysis
- ☐ Maintain records reflecting the analysis and activities taken

Layton City is dedicated to implementing these objectives and will analyze and work to eliminate housing discrimination in the jurisdiction; enhance policy to better support fair and equitable housing; promote fair housing for all persons; provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability, and national origin; promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities; and foster compliance with the nondiscrimination provision of the Fair Housing Act.

The City's obligation arises in connection with the receipt of Federal funding, and its fair housing obligation extends to all housing and housing-related activities within the City, whether publicly or privately funded. This report provides Layton City with a roadmap to enable it to address and remedy any challenges that residents may experience that impact their access to fair and affordable housing.

The goal of the City in conducting its Analysis of Impediments (AI) is not only to identify and provide solutions to barriers and impediments to fair housing but also to provide a structure for ongoing dialogue, relationships, and greater housing choice throughout the community. Open communication and strong relationships are necessary to ensure a continuous exchange of ideas, concerns, analysis, and evaluation.

Layton City's Community & Economic Development Department, along with data provided from the Davis County Economic Development Department, prepared this AI to Fair Housing Choice. HUD's

Fair Housing Planning Guide Volume I was also consulted to direct this AI.

## **Method**

The AI was undertaken to determine what types of impediments to fair housing choice may exist within Layton City. The AI provides detailed information for policymakers, administrative staff, housing providers, housing advocates, and civil rights organizations. The AI includes background information, statistical data, and a review of laws, policies, and complaints. It details community perception, identifies available resources, and lists specific impediments to fair housing choice. Also, the AI provides recommendations to address the impediments identified during the process.

Another purpose of the AI is to review the City's laws, regulations, administrative policies, procedures, and practices concerning fair housing; assess how laws, regulations, policies, and procedures affect the location, availability, and accessibility of housing; and assess public and private sector conditions affecting fair housing choice.

## **Impediments**

As a recipient of HUD CDBG Entitlement funds, the City is committed to affirmatively furthering fair housing choices for all residents. Although issues that affect fair housing choice have been identified, the City is limited in resources and ability to impact all areas. Layton City recognizes the following potential impediments that may have an impact on fair housing choice, and are within the City's ability to influence. The City has identified possible solutions to address the areas of impediments.

### **English Proficiency**

Fair Housing brochures, web page content, and materials are printed mainly in English, limiting Fair Housing information to non-English speaking persons. There is a need to improve language access for people with limited English-speaking proficiency who seek information regarding Fair Housing.

**Goal:** The City should provide consistent and even Fair Housing services, outreach, and support to all citizens and program applicants.

### **Proposed Action Items**

Develop a Language Assistance Plan (LAP). Expand Layton City's HUD-funded programs' outreach to include Spanish translation and outreach to Spanish-speaking citizens, the City's largest minority group. Under Title VI of the 1964 Civil Rights Act, federal policies set benchmarks by which jurisdictions like Layton City must assure meaningful access to federally funded services. Partner with the Utah Hispanic Chamber to better promote the City's HUD-funded programs to the Hispanic community

Translate the City's CDBG web pages and HUD-funded program documents in Spanish. Also make translated informational pamphlets and Fair Housing brochures available. Provide citizens with consistent Spanish translation services. Utilize proficient Layton City employees to train other employees so that quality translation is available

### **Familiarity with the Fair Housing Act**

Some landlords are not aware of their responsibilities to provide reasonable accommodations, as the Fair Housing Act requires. According to the US Census, the number of disabled individuals in Layton

City is estimated at 6,919 individuals, about 9% of the population. Under the Fair Housing Act, housing providers must make “reasonable accommodations in rules, policies practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.”

Currently, over one-third of all rental housing in Davis County is a detached single-family unit. Many landlords renting homes or small mom-and-pop housing providers are not aware of the full implications of the Fair Housing Act and its reasonable accommodations provision.

**Goal:** Increase awareness and compliance with Fair Housing laws.

#### **Action Items**

- ☐ Provide internal training to City employees and make Fair Housing a priority throughout City departments
- ☐ Request fair housing testing results from Utah Disability Center
- ☐ Utilize the Office of Fair Housing and Equal Opportunity FHEO logo in City documents to raise awareness of Fair Housing
- ☐ Provide information on how to file a fair housing complaint at City offices

#### **Informational and Outreach Activities**

**Goal:** Increase informational and outreach activities in Layton City

#### **Action Items**

- ☐ Work with state agencies and Disability Law Center to promote fair housing educational opportunities
- ☐ Work with the Utah Apartment Association to increase attendance at the annual Fair Housing Tradeshow
- ☐ During the month of April, promote Fair Housing Month on the City’s website and social media accounts to increase the public’s awareness of the Fair Housing Act
- ☐ Utilize the FHEO logo in City’s documents to raise awareness of Fair Housing
- ☐ Provide citizens with fair housing information utilizing the Fair Housing and Housing Affordability outreach flyers
- ☐ Partner with other cities and the Utah Disability Law Center to provide education on fair housing
- ☐ Promote renter advocacy groups and refer them to the Disability Law Center and/or Utah Anti-discrimination and Labor Division for legal counsel

#### **Record Maintenance of Fair Housing Activities**

**Goal:** Improve record keeping and reporting of fair housing activities

## Action Item

- ☐ Layton City should keep records on all fair housing activities undertaken by the City

A fair housing file could include actions taken to eliminate identified impediments; descriptions of financial and in-kind support for fair housing projects; integration of identified impediments; progress documented that addresses impediments into the City's Annual Action Plan and Consolidated Annual Performance and Evaluation (CAPER) process.

## Layton City History

Layton City began in 1850 as an agricultural extension of Kaysville, Utah. Although the settlers of Kaysville laid out streets and established a town plan and city center in 1854, the area north, now Layton, remained rural, unorganized and unplanned. Mormon pioneers first settled the area and established farms along the banks of local streams.

Within a year of the first settlers planting crops and building cabins, there were almost 300 people living in the Layton area. The majority of these families were from England or were New Englanders. Most early immigrants were from the working class with only a handful who had at least some farming experience. The challenges of farming in a semi-arid desert environment were learned from hard work and firsthand experience.

Following the building of a wagon road between Salt Lake City and Ogden, Utah, several mercantile and trade establishments were founded along what is now known as Layton's Main Street. In the late 1860's the Utah Central Railway was built with tracks running parallel to Main Street. Several business were opened including workshops, blacksmiths, shoemakers, tanners, harness makers, weavers, carpenters, rock masons, etc. Other Layton City settlers built flourmills, made adobe bricks, or were innkeepers.

Since Layton was an expansion of Kaysville, settlers did not build their homes around a city block plan or a central fort. However, fort districts were soon established in 1854 for protection from local Native American activity. One structure was built on the east side of town, south of what is currently known as Fort Lane Street.

The earliest recorded mercantile businesses in Layton included the Burton, Herrick and White Company, Barton and Company, Adams and Son's Company, the Kaysville Farmer's Union (later the Farmer's Union of Layton), the William A. Hyde store, the A. H. Ellis Mercantile store, and the Layton Golden Rule (JC Penney). With time, these establishments became the hub of Layton's business district, and their activities helped the community move to make Layton a separate and distinct town.

In 1886, with the establishment of a Post Office, the area became known as Layton. The name Layton was given to the community in honor of Christopher Layton, an early bishop in the Church of Jesus Christ of Latter-day Saints and local property owner. The people living in Layton eventually separated from Kaysville and a new town was officially incorporated in 1920.

In 1943, Hill Air Force Base (HAFB) located to the area, boosting economic energy and vitality. In 2021 the base created approximately \$1.55 billion in annual payroll, was responsible for \$7.11 billion

in total annual economic impact, and employed 21,938 personnel (the largest single-site employer in Utah).

Today, Layton is home to over 84,440 citizens who enjoy a thriving economy with consistent growth in business and career opportunities, immediate access to Utah's great outdoors, a variety of shopping and dining opportunities, excellent education, and art, music, community and cultural events. With convenient access to Salt Lake City, all areas of northern Utah, and the Salt Lake International Airport, Layton City has a vibrant culture and robust economic growth; it's no wonder Layton City has achieved rankings as one of the best cities to live.

Many nationally known commercial, industrial, recreational, and service companies provide diversified employment opportunities for residents of Northern Utah. Accompanying growth has been a diversification of population and new prosperity. Layton City now enjoys a wide mix of people representing many ethnic, cultural, and religious backgrounds. The City has moved from its traditional agricultural dependency to an interlocking network of suburban communities around a core of original towns with proximity to downtown Salt Lake City. The communications age has tied Layton City to the world. Today, its citizens are part of an economic and social pattern that reaches far beyond the City's geographical limits.



Historic Downtown Layton: Kay's Crossing



Hill Air Force Base Runway: 1940's



RC Willey Home Furnishings

## Demographic Data

Layton's residential growth has continued each year with a significant increase in both single-family permits and multi-family permits. The City's population as reported in the 2020 Census was 81,773 -- up from 67,311 in 2010, an increase of 14,462 residents. The current number of households is estimated at 24,982. The number of households in Layton increased by 2,626 from 2010's total of 22,356.

	Layton, Utah	Utah	United States
Population Estimate, 2020	81,773	3,271,616	331,449,281
Population Estimate, 2010	67,311	2,763,885	308,758,105
Population Percent Change	21%	16%	7.3%
<b>Population Age and Sex</b>			
Persons under 5 years %	9.2%	7.70%	6%
Persons under 18 years %	31.8%	29%	22.3%
Persons 65 years and over %	12%	11.4%	16.5%
Female persons %	49.8%	49.6%	50.8%
<b>Population Race and Ethnicity</b>			
White	85.7%	90.6%	76.30%
Black or African American	1.7%	1.5%	13.4%
American Indian and Alaska Native	0.7%	1.6%	1.3%
Asian	2.4%	2.7%	5.9%
Native Hawaiian/Pacific Islander	1.1%	1.1%	0.2%
Two or More Races	6.5%	2.6%	2.8%
Hispanic or Latino	13.3%	14.4%	18.5%
White alone, not Hispanic of Latino	77.9%	77.8%	60.1%
<b>Special Populations</b>			
Veterans	5,253	120,447	18,230,332
Foreign-born persons	9.4%	8.5%	13.6%
Language other than English spoken	9%	15.4%	21.6%
With a disability, under age 65	5.2%	6.8%	8.6%
Persons without health insurance, under age 65	8.4%	10.8%	9.5%
<b>Income</b>			
Median Household Income	\$81,067	\$71,621	\$62,843

Per capita income in past 12 months	\$24,722	\$29,775	\$34,103
Persons in poverty %	7%	8.9%	10.5%



## Employment

Layton City is a major employment center for Davis County and Northern Utah. Immediately adjacent to Hill Air Force Base (HAFB), the largest single-site employer in Utah, Layton also retains major employment sectors such as composites, advanced manufacturing, healthcare, education, finance, hospitality, manufacturing, retail, and a wide spectrum of additional employers. With added growth in businesses, transportation and population, Layton continues to lead regionally and strengthen economically.

Layton City is part of the Ogden-Clearfield metropolitan area, immediately north of Salt Lake City. HAFB is a substantial contributor of economic activity for Layton City and to the state of Utah as its largest single-site employer. The main south gate to HAFB and the east gate are both located in Layton. It should be no surprise that the base continues to be an important and major economic driver and provider to Layton's economic success. The bedding and maintenance of the F-35A Lightning II fighter aircraft, historically a 20-year program, and Northrop Grumman's awarded 20-year \$63 billion contract for the Ground Based Strategic Deterrent (GBSD) program, located adjacent to the base, will only strengthen Layton's economic position for many years to come. In 2021 alone HAFB created approximately \$1.55 billion in annual federal payroll, \$3.8 billion in indirect jobs, \$7.11 billion in total annual economic impact, and employed 21,938 personnel.

Layton's East Gate Business and Research Park is an exciting, innovative Economic Development Area that is the ideal location for aerospace businesses. The business park is adjacent to the east gate entrance to HAFB. The east gate area features an impressive lineup of thriving businesses, including Janicki Industries, KIHOMAC, WesTest Engineering, RANTEC, and others, specializing in aerospace, advanced composites, defense, industrial, and research industries.

Davis County's growth is a healthy sign indicating recovery to employment numbers above the pre-pandemic market. It reflects the area's strength in comparison to the nation, which saw a 2.6% loss year-over the same period. Despite the labor market adding over 3,000 new positions overall since September 2019, the effects of COVID still linger in about half of the industries, pulling the net gain down to half.

Historically, the leisure/hospitality industry was the hardest hit in the region. The third quarter of 2021 recorded them at only a 1.9% loss in September 2021 compared to 2019, indicating their increasing levels of recovery. Meanwhile, manufacturing has become the stand out in temporary job loss, losing almost 850 jobs alone. In contrast, education/healthcare/social services has gained 760 jobs, trade/transport/utility has gained 630, government gained 520, and professional/business services gained 500. The county gained around 1,600 nonfarm jobs in the 2 years ending September 2021, a 1.2% gain over the period.

Due to the base time period for a one-year comparison being September 2020, in the middle of the pandemic, it's difficult to get an accurate picture of economic activity and recovery. Since recovery has varied across industries, a base period within the pandemic can warp context for growth. For example, in the one-year comparison, the United States shows growth of 4.0%. However, in the two-year period the United States shows loss of 2.6%, and hasn't fully recovered. Davis County shows growth in both examples.

After the unprecedented surge in unemployment during 2020, Davis County's unemployment rate dropped to 1.5% in December 2021. Davis County saw an average of 100 initial claims per week by the end of 2021. Davis County had an average monthly wage of \$4,300 in the second quarter of 2021, slightly below the State of Utah average of \$4,700. (Source: Utah Department of Workforce Services, <https://jobs.utah.gov/wi/insights/county/davis.html>)



Hill Air Force Base



KIHOMAC at East  
Gate Business Park



Layton Hills Mall

## Education: Layton, State of Utah & U.S.

	Layton, Utah	Utah	United States
<b>High school graduate or higher,</b> percent of persons age 25 years+, 2020 ACS 5-Year Estimate	95%	92.3%	88%
<b>Bachelor's degree or higher,</b> percent of persons age 25 years+, 2020 ACS 5-Year Estimate	35%	34%	32.1%
<b>In civilian labor force, total,</b> percent of population age 16 years+, 2020 ACS 5-Year Estimate	69%	68.3%	63%
<b>Labor force participation, female,</b> percent of population age 20-64 years, 2020 ACS 5-Year Estimate	73%	72%	73.4%

## Workforce Development and Education

Educational attainment measures can reflect the quantity (average years of schooling) or quality (average SAT score) of the workforce. Working-age adults need a minimum of a high school diploma to compete in today's workforce. Without it, they face greater employment challenges and economic hardship than those with a high school diploma or higher.

With a population of 624,902 and workforce of almost 200,000 people, Davis and Weber Counties comprise the largest population of Northern Utah along the Wasatch front, north of Salt Lake City. Layton City is geographically located in the center of these two counties. The people who live in Davis and Weber Counties are very well trained in technical and highly technical trades and professions, supporting HAFB and its defense mission, and a variety of other Department of Defense contracts. In addition to HAFB, Northern Utah has a diverse employment base offering every type of occupation in nearly every field.

In and around Layton, businesses tap into local institutions of higher learning and government agencies help with personalized employee recruitment assistance looking to hire top level employees. Local colleges and universities feature employment departments that specialize in helping organizations recruit top candidates with the latest skills and training.

**Davis Technical College** is a public technical college in nearby Kaysville, Utah. It provides competency-based education in an open-entry, open-exit environment which prepares over 6,000 high school and adult students with career and technical skills. Davis Technical College provides placement services for program completers and other students, as resources allow. These services are intended to help students and graduates find employment that aligns with the needs of employers that the school serves.

**Weber State** University offers more than 225 certificate and degree programs and 16 graduate degrees. Of the students attending Weber, 79% are employed, and 59% attend part-time. Students are better able to balance their commitments due to the availability of multiple campus locations, online, evening, and distance learning course programs.

**The University of Utah** is a public research university in Salt Lake City, Utah. As the state's flagship university, it offers more than 100 undergraduate majors and more than 92 graduate degree programs.

Weber State Davis Campus in Layton



## Housing Profile

2020 ACS 5-year estimate	Layton, Utah	State of Utah	United States
<b>Households</b>	24,722	1,003,345	122,354,219
<b>Persons per household</b>	3.12	3.09	2.60
<b>Living in same house one year ago, percent of persons age one year+</b>	85%	83%	85%

The State of the State's Housing Market report, released October 13, 2021 by the Kem C. Gardner Policy Institute, indicated that more than half of Utah's households are now unable to afford a median-priced home. For renters, the path to ownership narrowed even further. In 2019, approximately 63.1% of renter households were priced out of the median home price. In 2020, the share of renters priced out increased to 72.8%. Research confirmed that Utah is in the midst of a housing shortage. This occurs when the growth in households exceeds the growth in housing units, historically an uncommon condition in Utah. Housing prices and affordability will likely be persistent themes for some time to come, according to the report. (<https://gardner.utah.edu/more-than-half-of-utahs-households-unable-to-afford-median-home-price-report-shows/>)

2020 ACS 5-year estimate	Layton, Utah	State of Utah	United States
<b>Owner-occupied housing unit rate</b>	75%	70%	64%
<b>Median value of owner-occupied housing units</b>	\$285,100	\$305,400	\$229,800
<b>Median selected monthly housing costs, without a mortgage</b>	\$428	\$437	\$509
<b>Median selected monthly housing costs, with a mortgage</b>	\$1,570	\$1,597	\$1,621

2020 ACS 5-year estimate	Layton, Utah	State of Utah	United States
Population estimates	81,773	3,271,616	331,449,281
Housing units	25,506	1,151,414	138,432,751
Households	24,722	1,003,345	122,354,219
Persons per household	3.56	3.09	2.60
Owner occupied   Renter occupied	17,801   6,918	707,663   295,682	78,801,376   43,552,843
Kay's Crossing Apartments: Historic Downtown Layton			

## Owner-occupied Housing

2020 ACS 5-year estimate	Layton, Utah	State of Utah	United States
<b>Owner-occupied housing unit rate</b>	75%	74%	66%
<b>Median value of owner-occupied housing units</b> (Decennial Census)	\$142,900	\$142,600	\$111,800
<b>Median selected monthly owner costs, with a mortgage</b>	\$287,800	\$311,500	\$251,700
<b>Median selected monthly owner costs, without a mortgage</b>	\$428	\$437	\$509

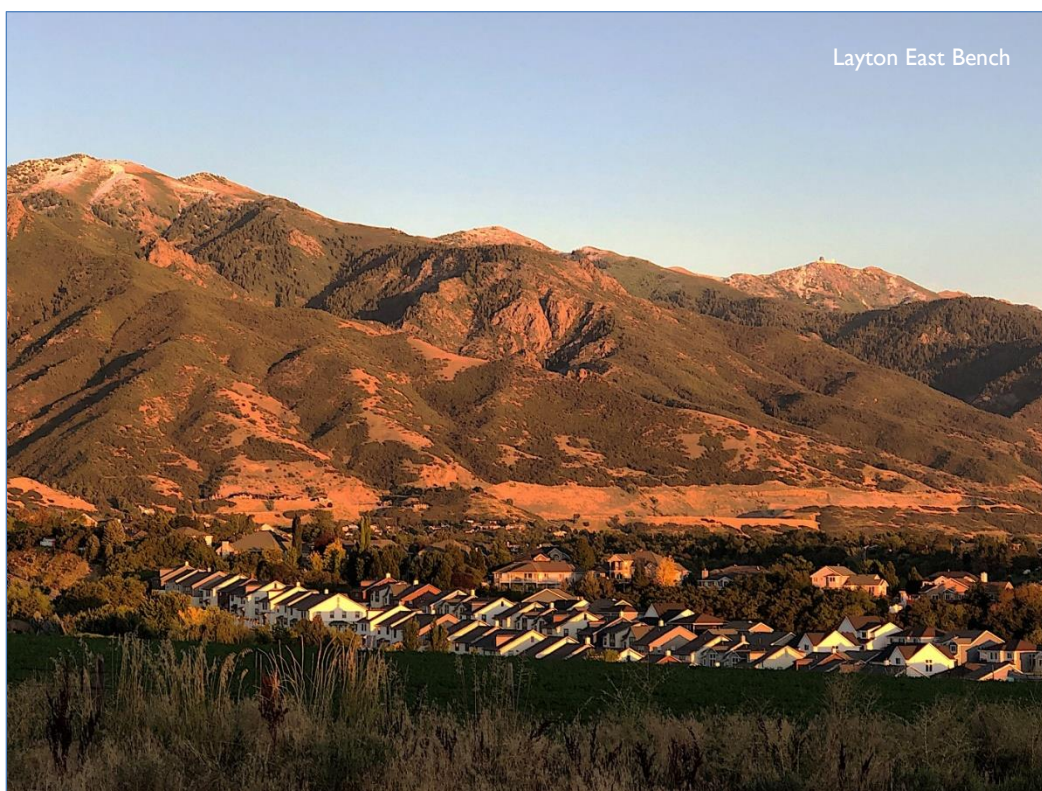
## Rental Housing

2020 ACS 5-year estimate	Layton, Utah	State of Utah	United States
<b>Median gross rent</b>	\$1,084	\$1,090	\$1,096

The tight sales markets and strong home price increases in the Rocky Mountain region led to increased single-family building activity during 2021, with permitting of new homes increasing more than 11 percent compared with the 2020 annual total; however, single-family homebuilding in the final months of 2021 decreased from a year earlier. Labor, rising costs for limited available raw land, and materials shortages in the region caused new home price increases in late 2021 to accelerate by an 18-percent annual rate, up from an 8-percent average rate increase during the preceding 9 months (CoreLogic, Inc.). In Utah, single-family permitting declined 16 percent, from 5,100 to 4,275 homes. In Salt Lake City and Ogden [Layton City is included in the Ogden metro area], permitting fell 30 and 16 percent from a year earlier, to about 990 and 820 homes, respectively.

Apartment markets tightened in much of the Rocky Mountain region during the past year; in the fourth quarter of 2021, conditions ranged from slightly tight to tight in nine metropolitan areas. Vacancies declined from 5.3 to 3.5 percent in the Salt Lake City metropolitan area but increased from 3.1 to 3.9 percent in the Ogden metropolitan area; nevertheless, rent growth was strong in both areas, with increases of 18 and 15 percent, to \$1,462 and \$1,334, respectively (CoStar Group). Although rental absorption was strong in much of the region, construction delays have led to a decline in rental completions, which in turn caused the supply of units in the construction pipeline to increase. In Utah, multifamily permitting was up 24 percent from a year earlier to about 3,175 units. In the Salt Lake City metropolitan area, permitting increased slightly, from about 1,525 to 1,550 units; in Ogden, permitting increased nearly four-fold, from about 210 to 790 units. [HUD PD&R Regional Reports, Region 8: Rocky Mountain, 4<sup>th</sup> Quarter 2021]

The Kem C. Gardner Policy Institute released long-term planning projections for Utah, which show net migration becoming a steadily increasing force as the state's population increases to 5.5 million by 2060. The projections, which include input from planning experts throughout the state, form the basis for long-term planning in Utah for transportation, water, education, and other needs. This round of projections indicates an additional 1.3 million jobs that help drive continued population growth of an additional 2.2 million Utahns. Key findings from the report include continued growth. Projected growth in Utah results in the population increasing from 3,284,823 in 2020 to 5,450,598 in 2060, a 66% increase. The anticipated timing for reaching four million residents is between 2032 and 2033 and five million between 2050 and 2051. [<https://gardner.utah.edu/demographics/population-projections/>]



## Rental Housing Market

Given the size of the current housing shortfall and the expected increase in households, it is likely the housing shortage in Utah will persist over the next three to four years. Households near or below the median income face the greatest threat by far from rising home prices and rental rates. These households include recently hired teachers, police officers, fire fighters, and nurses. For those in these occupations, two incomes and ten-years of job experience are necessary for homeownership. Over 125,000 households in Utah are currently facing severe housing cost burdens. An increase in rental rates threatens their economic well-being and increases their chances of eviction and homelessness.

Additionally, increasing home prices can limit, if not exclude, homeownership opportunities for households below the median income, relegating them to the rental market without the opportunity for the wealth creation of homeownership. For households above the median income, rising home prices create difficult decisions and tradeoffs for prospective homebuyers, but generally do not exclude them from all homeownership opportunities. If housing prices and household incomes in Utah increases at the same rate as the past 26 years, housing affordability in 2044 would be equivalent to today's San Francisco market. The median sales price of a home would be more than \$700,000 (inflation adjusted).

The projected decline in affordability is a result of the historic gap between the annual real rate of increase in household income of 0.36 percent and the annual real rate of increase in the median sales price of a home of 3.3 percent. Historically housing prices have risen much faster than incomes in Utah. Over the past nine years, the negative effects of this gap in growth between household income and housing prices has been mostly concealed by low interest rates. But with such a large gap it won't take long, in an environment of higher interest rates, for the Utah housing market to reach levels of unaffordability that could exclude much larger numbers of households from homeownership.

Despite the presence of 11,000 HUD Section 8 Housing Choice Vouchers and 24,000 tax credit rental units, there is a large shortfall of affordable rental housing in Utah. Approximately 75,000 renter households have incomes below the median, have no rental assistance, and face severe housing cost burdens. Many of these households may face an affordable housing crisis. [Research Brief, March 2018, Housing Prices and the Threat to Affordability, Kem C. Gardner Policy Institute, the University of Utah]

The lack of affordable housing impacts low and moderate-income residents the most. The steadily increasing rent costs compound the financial struggles that these families are at risk of experiencing. The growing need for new rental housing units and aged housing unit stock results in many renters living in substandard housing conditions, according to the Davis Community Housing Authority (DCHA).

## Housing Affordability

HUD Area Median Family Income (HAMFI) is the median family income calculated by HUD for each jurisdiction to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI is necessarily the same as other calculations of median incomes (example: a simple Census number) due to a series of adjustments that are made. HUD's Community Housing Affordability Strategy (CHAS) evaluates the conditions of families in the lower 50% of the Housing Affordability Median Income for the area.

### HAMFI Income Categories

Extremely low-income	30% HAMFI
Very low-income	>30% - 50% HAMFI
Low-income	>50% - 80% HAMFI Low- and middle-income
	<100% HAMFI Upper income >100% HAMFI

The most relevant thresholds are 50% and 80% of HAMFI. Most HUD programs base eligibility on these thresholds (very low-income and low-income).

Data for Layton City, Utah, 2014-2018 ACS			
Income Distribution Overview	Owner	Renter	Total
Household Income <= 30% HAMFI	810	1,055	1,865
Household Income >30% to <=50% HAMFI	775	825	1,600
Household Income >50% to <=80% HAMFI	2,350	1,730	4,080
Household Income >80% to <=100% HAMFI	2,260	925	3,185
Household Income >100% HAMFI	10,685	2,170	12,855
Total	16,875	6,700	23,575
Housing Problems Overview 1	Owner	Renter	Total
Household has at least 1 of 4 Housing Problems	2,870	2,700	5,570
Household has none of 4 Housing Problems OR cost burden not available no other problems	14,005	4,000	18,005
Total	16,875	6,700	23,575
Severe Housing Problems Overview 2	Owner	Renter	Total
Household has at least 1 of 4 Severe Housing Problems	1,170	1,465	2,635
Household has none of 4 Severe Housing Problems OR cost burden not available no other problems	15,705	5,235	20,940
Total	16,875	6,700	23,575
Housing Cost Burden Overview 3	Owner	Renter	Total
Cost Burden <=30%	14,250	4,320	18,570
Cost Burden >30% to <=50%	1,710	1,260	2,970
Cost Burden >50%	875	1,095	1,970
Cost Burden not available	35	25	60
Total	16,875	6,700	23,575
Income by Housing Problems (Owners and Renters)	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems OR cost burden not available no other problems	Total
Household Income <= 30% HAMFI	1,440	425	1,865
Household Income >30% to <=50% HAMFI	1,235	365	1,600
Household Income >50% to <=80% HAMFI	1,695	2,385	4,080
Household Income >80% to <=100% HAMFI	550	2,630	3,185
Household Income >100% HAMFI	650	12,200	12,855
Total	5,570	18,005	23,575
Income by Housing Problems (Renters only)	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems OR cost burden not available no other problems	Total
Household Income <= 30% HAMFI	855	200	1,055
Household Income >30% to <=50% HAMFI	770	55	825
Household Income >50% to <=80% HAMFI	825	905	1,730
Household Income >80% to <=100% HAMFI	145	780	925
Household Income >100% HAMFI	110	2,060	2,170
Total	2,700	4,000	6,700
Income by Housing Problems (Owners only)	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems OR cost burden not available no other problems	Total
Household Income <= 30% HAMFI	585	225	810
Household Income >30% to <=50% HAMFI	465	310	775
Household Income >50% to <=80% HAMFI	870	1,480	2,350
Household Income >80% to <=100% HAMFI	405	1,850	2,260
Household Income >100% HAMFI	540	10,140	10,685
Total	2,870	14,005	16,875
Income by Cost Burden (Owners and Renters)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	1,430	1,295	1,865
Household Income >30% to <=50% HAMFI	1,175	425	1,600
Household Income >50% to <=80% HAMFI	1,435	180	4,080
Household Income >80% to <=100% HAMFI	480	55	3,185
Household Income >100% HAMFI	425	20	12,855
Total	4,945	1,970	23,575
Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	855	830	1,055
Household Income >30% to <=50% HAMFI	715	185	825
Household Income >50% to <=80% HAMFI	645	35	1,730
Household Income >80% to <=100% HAMFI	80	35	925
Household Income >100% HAMFI	60	10	2,170
Total	2,355	1,095	6,700
Income by Cost Burden (Owners only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	570	460	810
Household Income >30% to <=50% HAMFI	460	240	775
Household Income >50% to <=80% HAMFI	790	145	2,350
Household Income >80% to <=100% HAMFI	400	20	2,260
Household Income >100% HAMFI	365	10	10,685
Total	2,585	875	16,875

1. The four housing problems are: incomplete kitchen facilities; incomplete plumbing facilities, more than 1 person per room; and cost burden greater than 30%.
2. The four severe housing problems are: incomplete kitchen facilities; incomplete plumbing facilities; more than 1 person per room; and cost burden greater than 50%.
3. Cost burden is the ratio of housing costs to household income. For renters- housing cost is gross rent (contract rent plus utilities). For owners- housing cost is "select monthly owner costs" which includes mortgage payment; utilities; association fees; insurance; and real estate taxes.

Over 44% of both owner-occupied homes and 31% of renter-occupied homes in Davis County were built before 1980. As these homes continue to age, repair and maintenance costs also increase. Layton City's five-year Consolidated Plan's identified housing cost burden as one of the most common housing problems for its citizens. Cost burden does not include the cost of repair and maintenance on the home. If families struggle financially, they will defer maintenance of their homes, causing a future need for standard and emergency residential rehabilitation.

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	1,230	24%	1,200	27%
1980-1999	1,660	32%	1,845	42%
1950-1979	1,820	35%	1,110	25%
Before 1950	475	9%	275	6%
<b>Total</b>	<b>5,185</b>	<b>100%</b>	<b>4,430</b>	<b>100%</b>

2011-2015 CHAS

## Lead Paint

The number of units built before 1980 occupied by households serves as the baseline of units that contain lead-based paint hazards. The current table Risk of Lead-Based Paint Hazard lists housing units built before 1980 with children present as 36% for owner-occupied homes and 18% for renter-occupied homes.

Utah Department of Health, Environmental Public Health Tracking (EPHT) reports that confirmed lead-based paint poisoning cases for children under 5 years of age and under are continuing to rise over the past five years. Additionally, in 2017 the Utah Department of Public Health reported that 269 children, age 5 and under, were tested for LBPP in Davis County and that 99 tested positive.

Risk of Lead-Based Paint Hazard 2011-2015 ACS (total units) 2011-2015 CHAS (units with children present)	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	2,295	44%	1,385	31%
Housing Units built before 1980 with children present	1,880	36%	800	18%

# Intergenerational Poverty

Intergenerational poverty is poverty in which two or more successive generations of a family continue in the cycle of poverty, as measured through the utilization of public assistance for at least 12 months as an adult and at least 12 months as a child. Situational poverty does not continue to the next generation, is generally traceable to a specific incident, and is typically time-limited.

Utah created its own measurement of intergenerational poverty and is the only state to distinguish between intergenerational poverty and situational poverty. Utah measures intergenerational poverty based on enrollment in four public assistance programs where eligibility is closely aligned with the federal poverty measure: Supplemental Nutrition Assistance Program (SNAP), Child Care Subsidies, Cash Assistance Programs, and Medicaid and/or Children's Health Insurance Program (CHIP).

Utah consistently ranks as one of the best places to live in the United States for its thriving economy, strong sense of community, and tradition of resiliency. Even when times were tough during the COVID-19 pandemic, Utah was able to maintain its standing and become one of the first states to make a strong economic recovery. In April 2020, the state's unemployment rate had spiked to 10.1% due to federally and state mandated closures, and then returned to almost pre-pandemic levels at 3.3% by December 2020. As for health, Utah had placed early preventative measures and successfully recorded a low number of deaths out of total COVID-19 cases, with a cumulative case fatality rate of 0.61%, compared to 1.89% nationally by the end of 2020.

Utah Governor Spencer J. Cox has attributed part of the successful pandemic response to the state's opportunity for upward mobility already in place prior to COVID-19. Key factors that play into upward mobility for Utah include less residential segregation, less income inequality, better primary schools, greater social capital, greater social and community based connectivity, and greater family stability. In 2020, Utah also carried on its national reputation for overall child well-being by ranking 4th in the nation by the 2020 KIDS COUNT Data Center. This was up from the 11th spot in 2012 when the Intergenerational Poverty Mitigation Act was first passed by the Utah State Legislature. Since then, Utah has strategically focused on helping all children succeed by starting a quality rating system for child care centers; increasing school-based behavioral health services; reducing health shortage areas and aligning services to better serve children throughout the state.

Health was a major focus in 2020 in Utah. Fortunately, the IGP (Intergenerational Poverty) population did not experience more adverse outcomes from COVID-19 compared to the general population, although, they reported a slightly higher rate of positive cases. Further research could determine factors that influenced the difference between higher cases and lower adverse outcomes for the IGP population. Another health-related focus was Medicaid Expansion, which had opportune timing to have gone into effect in 2020. A total of 16,835 IGP adults received public health insurance during the pandemic who might have gone without coverage if Medicaid Expansion had not been available.

Overall, the immediate impacts of COVID-19 were alleviated for those in poverty with help from unemployment benefits, federal stimulus packages and policy changes in 2020. It is important to continue to track these trends as there could still be longer-lasting impacts on academic achievement, economic success, and long-term health in the coming years. [Utah's 10<sup>th</sup> Annual Report, Intergenerational Poverty, Welfare Dependency and Public Assistance Use, 2021]

## Intergenerational Poverty - Layton City/Davis County

- ☐ 1,140 kids in Layton City are living in intergenerational poverty
- ☐ 15% of kids in Davis County are at risk of remaining in poverty as adults
- ☐ 31.2% of 2017 food stamp (SNAP) households experiencing intergenerational poverty in Davis County were paying more than 30% of their income for housing
- ☐ 87% of adults experiencing intergenerational poverty in Davis County lack education beyond high school
- ☐ 922 adults in Layton City are experiencing intergenerational poverty

[Intergenerational Poverty (IGP) Davis County Data, Utah Department of Workforce Services; Utah's 10th Annual Report, Intergenerational Poverty, Welfare Dependency and Public Assistance Use, 2021]

The Intergenerational Poverty Initiative combines resources across systems, including state and local government, business, non-profit organizations, and religious organizations. The involvement of local communities is required to meet the goal of measurably reducing the incidence of intergenerational poverty.

Layton City's strategies to reduce intergenerational poverty include increasing family economic stability by referring IGP families to Open Doors' Circles Peer Mentoring Program for assistance with employment services; increasing school engagement by referring IGP youth to Open Doors' program as a resource to assist in preparing for post-secondary education, or in the alternative as a pathway to obtain job skills.

## Fair Housing

It is illegal to discriminate in the sale or rental of housing; this includes individuals seeking a mortgage or housing assistance, or other housing-related activities. The Fair Housing Act prohibits discrimination involving race, color, national origin, religion, sex, familial status, and disability. A variety of other federal civil rights laws, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, prohibit discrimination in housing and community development programs and activities, particularly those assisted with HUD funding.



Have a Heart Home: 205 South Angel Street, Layton



Have a Heart Home: 1728 N Alfred Drive, Layton

Local governments, Public Housing Agencies (PHAs), States, and US territories must be involved in fair housing planning to ensure compliance to the policies of the Fair Housing Act. These policies include ensuring persons are not denied equal opportunities. They also include the policy of overcoming patterns of segregation and the denial of access. Sometimes, fair housing planning must tackle tough issues that affect the community as a whole. Members of the community should have the opportunity to participate in making those decisions.

Fair housing includes choice. This includes the existence of genuine housing options;

- Protected choice, housing that may be accessed without discrimination; and
- Enabled choice, realistic access to sufficient information regarding options so any choice is informed.

For persons with disabilities, fair housing choice and access include admittance to accessible housing.

## **HUD – Office of Fair Housing and Equal Opportunity (FHEO)**

HUD's FHEO works to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities. FHEO enforces fair housing laws. One of its roles is to investigate complaints of housing discrimination. Laws implemented and enforced by FHEO include: the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, Age Discrimination Act of 1975, and Section 3 of the Housing and Urban Development Act of 1968.

FHEO investigates complaints including: discrimination under the Fair Housing Act (including housing that is privately owned and operated), discrimination, and other civil rights violations in housing and community development programs, including those funded by HUD.

## **Housing Discrimination under the Fair Housing Act**

The Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. Additional protections apply to federally-assisted housing.

The Fair Housing Act prohibits discrimination in housing because of:

- Race
- Color
- National Origin
- Religion
- Sex (including gender identity and sexual orientation)
- Familial Status
- Disability

The Fair Housing Act covers most housing. In limited circumstances, the Act exempts owner-

occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.

It is illegal discrimination to take any of the following actions based on race, color, national origin, religion, sex, familial status, or disability:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Otherwise make housing unavailable
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide a person different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- Make, print or publish any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination
- Impose different sales prices or rental charges for the sale or rental of a dwelling
- Use different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analyses, sale or rental approval procedures or other requirements
- Evict a tenant or a tenant's guest
- Harass a person
- Fail or delay performance of maintenance or repairs
- Limit privileges, services or facilities of a dwelling
- Discourage the purchase or rental of a dwelling
- Assign a person to a particular building or neighborhood or section of a building or neighborhood
- For profit, persuade, or try to persuade, homeowners to sell their homes by suggesting that people of a particular protected characteristic are about to move into the neighborhood (blockbusting)
- Refuse to provide or discriminate in the terms or conditions of homeowners insurance because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling
- Deny access to or membership in any multiple listing service or real estate brokers' organization

In mortgage lending it is illegal discrimination to take any of the following actions:

- Refuse to make a mortgage loan or provide other financial assistance for a dwelling
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising a dwelling
- Condition the availability of a loan on a person's response to harassment
- Refuse to purchase a loan

The Fair Housing Act makes it illegal to harass persons because of race, color, religion, sex, disability, familial status, or national origin. Among other things, this forbids sexual harassment. It is also illegal

discrimination to: threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right, retaliate against a person who has filed a fair housing complaint or assisted in a fair housing investigation.

Source: HOUSING DISCRIMINATION UNDER THE FAIR HOUSING ACT,  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

## Civil Rights Obligations

Federal laws prohibit discrimination in housing and community development programs and activities because of race, color, religion, sex, national origin, familial status, and disability. These obligations extend to recipients of HUD financial assistance, including subrecipients, as well as the operations of state and local governments and their agencies, and certain private organizations operating housing and community development services, programs, or activities. For example, federal laws prohibit discrimination, including the denial of participation in and benefit of the following examples of programs and activities: homelessness, transitional housing, permanent supportive housing, the operations of social service organizations, public housing, voucher programs, other affordable housing programs, community development funded facilities, etc. Recipients and other covered entities must also take affirmative steps within such programs and activities to provide equal housing opportunities.

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892).

As provided in the rule, AFFH means taking meaningful actions, in addition to combating discrimination, that overcomes patterns of segregation and fosters inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.

Davis School District Home: 1133 E 3150 N, Layton



U.S. Department of Housing and Urban Development (HUD) Secretary Ben Carson announced in July of 2020 that the Department will ultimately terminate the AFFH regulation. HUD's brand-new rule, called Preserving Community and Neighborhood Choice, defines fair housing broadly to mean housing that, among other attributes, is affordable, safe, decent, free of unlawful discrimination, and accessible under civil rights laws. It then defines "affirmatively furthering fair housing" to mean any action rationally related to promoting any of the above attributes of fair housing.

Now, a grantee's certification that it has affirmatively furthered fair housing would be deemed sufficient if it proposes to take any action greater than that required by statute related to promoting any of the attributes of fair housing. HUD remains able to terminate funding if it discovers, after an investigation made pursuant to a complaint or by its own volition, that a jurisdiction has not adhered to its commitment to AFFH.

## **Individuals with Disabilities**

Federal nondiscrimination laws provide housing protections for individuals with disabilities. These protections apply in most private housing, state and local government housing, public housing, and other federally assisted housing programs and activities. The Fair Housing Act prohibits discrimination in housing and housing-related transactions because of disability.

Federal nondiscrimination laws define a person with a disability to include any individual with a physical or mental impairment that substantially limits one or more major life activities; an individual with a record of such impairment; or someone who is regarded as having such an impairment.

A physical or mental impairment may include conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV, developmental disabilities, mental illness, drug addiction, and alcoholism.

Some impairments are readily observable, while others may be invisible. Observable impairments may include blindness, deafness, limited mobility, and other types of impairments with observable symptoms or effects. Some of these impairments include intellectual (autism), neurological (stroke, Parkinson's disease, cerebral palsy, epilepsy, and brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.

Major life activities include activities that are important to daily life. These can be walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. **There are several other major life activities that cannot be listed here.** Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.

## **The Rehabilitation Act - Section 504**

The Rehabilitation Act – Section 504 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. Titles II and III of the Americans with Disabilities Act prohibit discrimination on the basis of disability in all programs, services, and activities of public entities and by private entities that own, operate,

or lease places of public accommodation.

Section 504 of the Rehabilitation Act states that no qualified individual with disabilities should be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Section 504 covers all programs and activities of recipients of HUD financial assistance, including outreach and public contact, eligibility criteria, application process, admission to the program, tenancy, service delivery, physical accessibility of facilities, and employment policies and practice.

## **Americans with Disabilities Act (ADA)**

The ADA is a civil rights law for persons with disabilities. Title II of the ADA prohibits discrimination on the basis of disability in all programs, services, and activities provided or made available by public entities (state and local governments, etc.). This includes housing when provided or made available by a public entity regardless of whether the entity receives federal financial assistance. Housing covered by Title II of the ADA includes housing operated by public housing agencies that meet the ADA's definition of public entity, and housing operated by states or units of local government, such as housing on a state university campus.

Title III of the ADA prohibits private entities that own, lease, and operate places of public accommodation from discriminating on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. Public accommodations at housing developments include public areas open to the general public, such as a rental office. Public accommodations would also include, for example, shelters and social service establishments.

## **Sexual Harassment**

Sexual harassment in housing is a form of sex discrimination prohibited by the Fair Housing Act. Sex discrimination is also prohibited by other federal laws, such as Section 109 of the Housing and Community Development Act of 1974 and Title IX of Education Amendments of 1972. There are two main types of sexual harassment: quid pro quo sexual harassment and hostile environment sexual harassment.

### **Quid Pro Quo Harassment**

Quid pro quo harassment happens when a housing provider requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services.

### **Hostile Environment Harassment**

Hostile environment harassment occurs when a housing provider subjects a person to severe or pervasive unwelcome sexual conduct that interferes with the sale, rental, availability, or terms, conditions, or privileges of housing or housing-related services, including financing.

## **Violation Actions**

Housing discrimination complaints filed with state and federal organizations, or formal complaints related to housing discrimination in the state of Utah, are generally filed with

HUD's Office of Fair Housing and Equal Opportunity (FHEO), the Housing and Civil Enforcement Section of the United States Department of Justice, Utah Labor Commission – Antidiscrimination and Labor Division, or Utah Disability Law Center.

If an individual believes they have been a victim of illegal discrimination during a housing related transaction, based on their membership in one of the federally protected classes, they may file a complaint with HUD. When a complaint is filed, HUD will investigate the complaint and attempts to reconcile the matter with both parties. The FHEO administers and enforces federal laws and establishes policies that ensure all Americans have equal access to the housing of their choice.



Key Ceremony, Have a Heart Home: 1710 N Alfred Drive, Layton

In addition to general fair housing discrimination complaints, HUD accepts specific complaints that violate Section 504 of the Rehabilitation Act of 1973, prohibiting programs or organizations receiving federal funds from discriminating against persons with disabilities. In relation to housing, this means that any housing program that accepts federal funds must promote equal access of units, regardless of disability status. Both mental and physical disability are included in Section 504.

An example of a Section 504 violation is a public housing manager who demands a higher housing deposit from a person in a wheelchair because of the anticipated damage that a wheelchair may cause. This violates Section 504 in that a person cannot be held to different standards or liabilities due to disability. Complaints that are in violation of Section 504 are filed and processed in the same manner as general fair housing complaints.

Over the past two years, HUD has received one filing in Davis County. The basis was disability. The Housing and Civil Enforcement Section of the Department of Justice works to protect some of the most fundamental rights of individuals, including the right to access housing free from discrimination, the right to access credit on an equal basis, the right to patronize places of business that provide public accommodations and the right to practice one's faith free from discrimination.

## **HUD – Multifamily Housing Complaint Line**

The Multifamily Housing Complaint Line is a service provided by HUD's Multifamily Housing Clearinghouse (MFHC) that enables residents of HUD-insured and assisted properties, and other community members, to report complaints with a property's management concerning matters such as poor maintenance, dangers to health and safety, mismanagement, and fraud. The number is: 1-800-685-8470.

Callers to this line can speak to MFHC information specialists in English and Spanish, who work to help them resolve their problem. MFHC staff explain how to report problems to building management more effectively, answer questions about residents' rights, and refer

callers to local Public Housing Agencies and other organizations, if needed. If a complaint is serious enough to bring to HUD's attention, MFHC information specialists prepare a report pertaining to the accusation(s) and send it to the appropriate HUD Field Office for action.

The Multifamily Housing Complaint Line supports HUD's enforcement efforts by empowering tenants and community residents to act as HUD's eyes and ears to ensure safe, decent, and sanitary housing. Complaints of housing discrimination are handled by the FHEO.

## **Fair Housing Assistance Program (FHAP)**

Through the FHAP, HUD funds state and local agencies that administer fair housing laws that HUD has determined to be substantially equivalent to the Fair Housing Act. The Fair Housing Act expects that across the country, state and local governments will enact and enforce their own statutes and ordinances that are equivalent to the Fair Housing Act. FHAP is an intergovernmental enforcement partnership between HUD and the state or local agencies. As in any partnership, both parties should contribute to the success of the program.

HUD provides FHAP funding annually on a noncompetitive basis to state and local agencies that administer fair housing laws that provide rights and remedies that are equivalent to those provided by the Fair Housing Act. A state or local agency may be certified as equivalent after it applies for certification. HUD then determines that the agency administers a law that provides essential rights, procedures, remedies, and judicial review provisions that are equivalent to the Fair Housing Act. Once certified, HUD will typically refer complaints of housing discrimination that it receives to the state or local agency for investigation.

HUD provides significant resources to Substantially Equivalent Agencies in the form of training, technical assistance, and funding. The agencies must demonstrate a commitment to thorough and professional complaint processing. This includes all phases of complaint processing, from accurate identification of issues at intake, through complete and sound investigations, to following through on administrative or judicial enforcement to ensure victims of unlawful housing discrimination obtain full remedies and the public interest is served. The agencies should also work to develop relationships with public, private, and non-profit organizations in a grassroots approach to making fair and open housing a reality.

The Fair Housing Act covers most housing. In limited circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.

### **Utah Antidiscrimination and Labor Division (UALD) and Utah Labor Commission – Administrators of the Fair Housing Assistance Program (FHAP) in Utah**

The UALD Fair Housing unit administers and enforces the Utah Fair Housing Act, Utah Code Ann. §57-21-101 et seq., that prohibits discrimination based on race, color, sex, religion, national origin, disability, source of income, familial status, sexual orientation, or gender identity. The act prohibits discrimination against anyone who wants to rent or purchase real property (houses, condos, apartments) based on the listed categories.

UALD can only enforce laws that prohibit housing discrimination by landlords and owners of four or more housing units, mortgage lenders, insurance agencies, realtors and management agencies, state

and local governments, including housing authorities. In most situations, a complaint must be filed within 365 days of the date of the discrimination. UALD will investigate claims that are filed within 180 days of the discrimination. If the complaint is made between 181 days and 365 days, the UALD will process paperwork and then send the case to HUD.

It is not necessary to file a complaint with this Division to preserve a legal right to file a private lawsuit. The Fair Housing Laws allow complaints to go directly to court within two years of the discriminatory act. Based on a cooperative agreement with the US Department of Housing and Urban Development, anyone who files a housing discrimination complaint with the Utah Labor Commission office automatically files with HUD. The Utah Labor Commission is a dual-filing office.

## **Fair Housing Initiatives Program (FHIP)**

Fair housing organizations and other non-profits that receive funding through FHIP assist people who believe they have been victims of housing discrimination. FHIP organizations partner with HUD to help people identify government agencies that handle complaints of housing discrimination. They also conduct preliminary claims investigations, including sending testers to properties suspected of practicing housing discrimination. FHIP also has initiatives that promote fair housing laws and equal housing opportunity awareness.

### **Disability Law Center – Utah’s FHIP provider**

The Disability Law Center (DLC) is a private, non-profit organization designated by the governor as Utah’s Protection and Advocacy agency. The Fair Housing Program at the DLC serves people from all protected classes (race, color, ethnicity, sex/gender, religion, disability, familial status). Utah law also protects against discrimination based on the source of income, sexual orientation, and gender identity. This program serves all areas of Utah to ensure that an individual’s housing rights are upheld and that discrimination is not present.

The DLC helps ensure people who belong to protected classes have equal access and opportunity to rent or own homes and apartments in their communities. This work includes:

- ☐ Ensuring landlords and property owners do not discriminate in renting or selling property
- ☐ Ensuring housing is accessible to people with disabilities to the extent required by law
- ☐ Advocating to increase the amount of accessible, affordable, and integrated housing
- ☐ Providing fair housing training for providers, landlords, and consumers
- ☐ Conducting fair housing testing to ensure landlords are complying with fair housing laws
- ☐ Enforcing fair housing laws through administrative and judicial complaint processes

The DLC Fair Housing Team provides the following services:

- ☐ Investigation. Potential methods include witness interviews, public records searches, fair housing testing, canvassing, or legal research
- ☐ Administrative Representation. DLC can help file an administrative complaint and provide representation throughout the process
- ☐ Legal Representation in Federal Court. DLC may represent clients in a Fair Housing Act lawsuit in federal court in limited circumstances

## Fair Housing Testing

The DLC conducts testing of fair housing throughout the State of Utah. DLC asserts Davis County has a pattern of fair housing discrimination. In Utah, the fair housing state laws protect against discrimination based upon source of income. The DLC reports include experiences by people utilizing HUD housing choice vouchers being turned away from housing. DLC provided fair housing training to the Davis County Housing Authority in 2021 and reached community members who had limited knowledge of fair housing laws.

Some residents in Davis County report discrimination based upon disability. DLC testers have found that some rental agencies and property managers turn away applicants who state they have a service animal, or some managers tell them that service animals are not accepted at the property.

DLC offers fair housing training geared to specific audiences. Consistent and community-wide training may help reduce housing discrimination and provide residents with information to understand their fair housing rights better.

- ☐ Training may be provided to city planning and zoning employees, elected officials, and community development departments to better understand the impact of zoning regulations on fair housing and the long-term impact of development
- ☐ Training may be provided to developers, builders, and architects to understand the value of building houses that meet the needs of all residents, especially those with mobility challenges
- ☐ Training may be provided to rental agencies, property management companies, and real estate brokers/agents to understand how fair housing intersects with their interactions with the public and how to reduce discrimination
- ☐ Training may be provided to the broader public on their fair housing rights and how to file a complaint if they experience a fair housing violation

Providing a broad range of training/outreach, coupled with consistent testing, will help better measure the scope of fair housing discrimination and reduce the amount of discrimination each year.

## Davis County Housing Survey Results

Davis County distributed a housing survey to residents in 2021 to assess whether or not residents were sufficiently informed about fair housing rights, if they had experienced discrimination in attaining housing, and how they handled possible discriminatory practices.



The County received 787 survey responses.

- ☐ 72% of respondents had a primary residence in Davis County
- ☐ 26% were renters

- ☐ 86% of respondents identified as white
- ☐ 9% of respondents identified as Hispanic or Latino
- ☐ 38% of respondents listed household income within the low-to-moderate-income range

Generally, residents in Davis County said they were aware of fair housing requirements and that housing discrimination is not an issue for them.

- ☐ 84% of respondents answered that they were aware of basic fair housing requirements
- ☐ 96% of respondents answered that they do not believe that housing discrimination is an issue in Davis County

A portion of respondents reported that housing discrimination was something that they had personally experienced.

- ☐ 9% of respondents stated that they had experienced housing discrimination
- ☐ 8% of respondents stated that they knew someone who experienced housing discrimination

The most common housing discrimination reported in survey results centered on rental housing

- ☐ 14% of respondents said they believed that rental terms and conditions differed depending on who was applying for housing
- ☐ 7% of respondents stated the housing provider falsely denied housing was available
- ☐ 7% of respondents said the housing provider refused to make reasonable accommodations for a tenant with disabilities
- ☐ 6% of respondents said real estate agents directed people to certain neighborhoods
- ☐ 7% of respondents said the housing provider used discriminatory advertising

The survey responses showed that respondents were unlikely to report housing discrimination because they did not believe it would help or did not know how to file a complaint.

- ☐ 12% of respondents who said they had experienced housing discrimination stated that they reported the incident
- ☐ 45% of respondents who experienced fair housing discrimination said they did not believe filing a complaint would make a difference
- ☐ 25% of respondents who experienced fair housing discrimination said they did not know where to file a complaint
- ☐ 20% of respondents who experienced fair housing discrimination said filing a complaint was too much trouble
- ☐ 10% of respondents who experienced fair housing discrimination said they were afraid of retaliation if they filed a complaint

The survey also asked respondents what they would do if they encountered fair housing discrimination. Most respondents said they would report it (54%) or tell the person they believed they are discriminating against them (25%). These responses, coupled with 96% of respondents saying that they do not believe housing discrimination is an issue in Davis County, alludes to a fair housing problem that is outside the experiences of the majority of

Davis County residents, but is still a possible concern for a small percentage of Davis County residents.

## **Identification of Impediments to Fair Housing Choice**

The Analysis of Impediments (AI) is a comprehensive review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

The AI is a review of impediments to fair housing choice in the public and private sector. Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions, or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

Policies, practices, or procedures that appear neutral, on their face, but operate to deny or adversely affect the housing provision to persons of a particular race, color, religion, sex, disability, familial status, or national origin, may constitute such impediments.

Impediments include actions or omissions in the jurisdiction's public or private housing sector that:

- ☐ Constitute violations, or potential violations, of the Fair Housing Act
- ☐ Are counterproductive to fair housing choice, such as NIMBYism (Not In My Back Yard)
- ☐ Community resistance when minorities, persons with disabilities, and/or low-income persons first move into White and/or moderate to high-income areas
- ☐ Community resistance to the siting of housing facilities for people with disabilities in residential neighborhoods based on their disabilities
- ☐ Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin

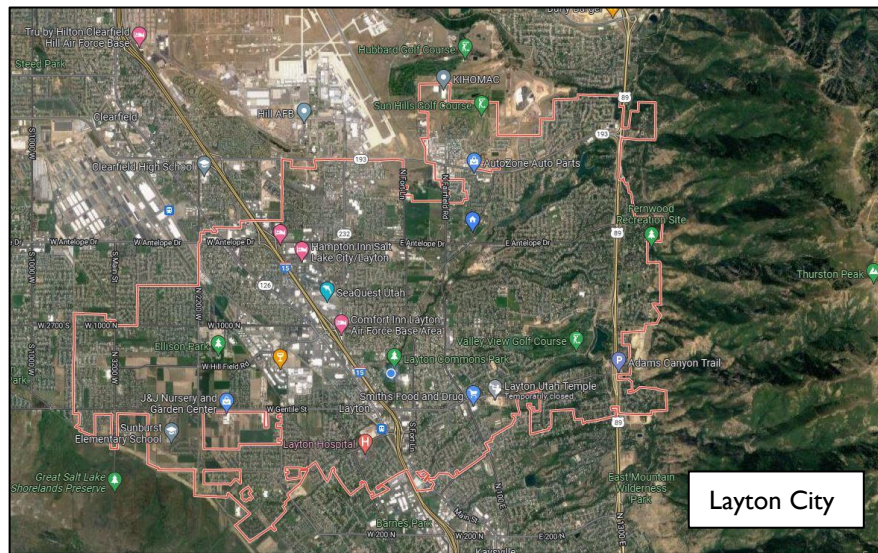
## **Layton City Responsibilities**

Davis County has the smallest land area of all of Utah's 29 counties. Due to its location in the heart of the Wasatch Front, it still has the third-largest county population. Population is sandwiched into the buildable area between the Wasatch Mountains and the Great Salt Lake.

- ☐ Layton City, the largest in Davis County, consists of 22.48 square miles
- ☐ The Great Salt Lake comprises 335 square miles
- ☐ US Forest Service manages 42 square miles

Davis County concedes the responsibility of land-use planning in unincorporated areas to adjoining incorporated municipalities. The County does not provide utilities in unincorporated areas. New

developments must receive permission to connect to utilities provided by Layton City, which in turn require that those developments be annexed into the municipality and be consistent with land-use policies before they permit the connections. The County acknowledges that municipalities have de-facto jurisdiction over land-use planning decisions in the unincorporated county's developable areas through their regulation of utility connections and annexation policies.



The only other undeveloped land located within unincorporated Davis County is located in environmentally sensitive areas, such as the foothills of the Wasatch Mountain range and the shores of the Great Salt Lake. The County does not consider these areas developable and is actively working to preserve them as permanent open spaces.

## Zoning

Local government policies that limit or exclude housing facilities for persons with disabilities or other housing for homeless people from certain residential areas may violate the provisions of the Fair Housing Act. This is because they may indirectly discriminate against persons with disabilities and minorities, many of whom are homeless. Building codes that require certain amenities or setbacks also affect the feasibility of providing low-and-moderate-income housing development.

Even where zoning or other government policies are permissive, neighborhood residents often resist the placement of certain types of housing in their area. The attitude of local government officials, public pronouncements of general policy, and careful planning and implementation of individual housing efforts by providers are key aspects for overcoming resistance of this kind. Placement of new or rehabilitated housing for lower-income people is one of the most controversial issues communities face. If fair housing objectives are to be achieved, the goal must be to avoid high concentrations of low-income housing.

Whether individuals seeking housing are families with children, persons with disabilities, homeless persons, or lower-income minorities, many communities feel strongly that housing for these persons should be provided but “not in my back yard”. This attitude seriously affects the availability of housing for people in these groups and is one of the most difficult challenges jurisdictions encounter in promoting fair housing objectives.

HUD has regulations governing the selection of sites for certain HUD-assisted housing programs. These regulations are flexible and express the goal previously stated. Jurisdictions should strive to meet the intent and spirit of these regulations in providing or approving sites for all of the low and moderate-income housing developed in the community.

Most developable land in Layton City is privately owned. Zoning authority is granted to local municipal governments through state statute through a public process. Zoning districts, and the regulations established within the zoning districts, are authorized by Utah State Code 17-27a-505 and municipalities 10-9a-505.

- ☐ Davis County discourages the establishment or extension of special improvement districts and their utility lines for the primary purpose of opening areas for development
- ☐ Davis County encourages municipalities annex areas of Unincorporated County where new and/or extended services are needed
- ☐ Davis County seeks to encourage such annexations to maximize urban services available to area residents



## **Davis County Housing Authority**

The Davis Community Housing Authority (DCHA) serves the entire county and many members of protected classes, especially minority, disabled, and single-parent households. They own or manage about 215 units across the county and 837 Housing Choice Vouchers and location-based vouchers. There are 1,270 (May, 2022) families on the waiting list for one of their programs (either Section 8 or public housing).

Applicants are informed that the wait could be as much as five years. It's a shorter wait for public housing units (over 1,225 on the waiting list, May, 2022) than for the Section 8 vouchers and specifically for **Rosewood Housing** (1,207 on the waiting list, May, 2022). The biggest single problem facing Davis County affordable housing is that federal funding is consistent annual reduction in program funding.

DCHA reported 313 of the 818 currently leased units for vouchers are located within Layton City. This is a lower number than the 837 Housing Choice Vouchers because some households, particularly newly coming onto the program, will have a voucher, but are looking for a place to rent.

One of the more interesting features in the City is 36 units are located in the 84040 zip code (east Layton) with a much higher fair market rent (two bed costs \$1,510, May, 2022) versus zip code 84041 with 277 vouchers (two bed costs \$1,210, May 2022). The biggest concern is a steady increase in rent. As much as \$540 occurs on a rental release (a jump from \$930 to \$1470) in one year.

## Public Housing

Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from single-family houses to high-rise apartments for elderly families. DCHA receives aid from HUD to help manage the housing for low-income residents at rents they can afford.

Public housing is limited to low-income families and individuals. DCHA determines eligibility based on:

- ☐ Annual gross income
- ☐ Whether one qualifies as elderly, a person with a disability, or as a family
- ☐ U.S. citizenship, or eligible immigration status

Rent, referred to as the Total Tenant Payment (TTP) in this program is based on a family's anticipated gross annual income, less deductions, if any. HUD regulations allow DCHA to exclude from annual income the following allowances:

- ☐ \$480 for each dependent
- ☐ \$400 for any elderly family or a person with a disability
- ☐ Some medical deductions for families headed by an elderly person or a person with disabilities

DCHA determines if any allowable deductions should be subtracted from the client's annual income based on the application. Annual income is the anticipated total income from all sources received from the family head and spouse, and each additional member of the family 18 years of age or older.

The formula used in determining the TTP is the highest of the following, rounded to the nearest dollar:

- ☐ 30 percent of the monthly adjusted income (monthly adjusted income is annual income less deductions allowed by the regulations)
- ☐ 10 percent of monthly income
- ☐ Welfare rent, if applicable
- ☐ \$25 minimum rent or higher amount (up to \$50) set by a housing authority

## Housing Choice Vouchers

Section 8 vouchers are used to reduce concentrations of low-income households. This was the intent of the voucher choice program when it was introduced in 1974. Sometimes voucher holders are discriminated against by landlords who are unwilling to accept Section 8 vouchers. This is against the law in Utah, but is difficult to enforce. Vouchers are used to subsidize a voucher holder's rent. Voucher holders must be located where rental housing is available. The voucher holder's rental options are often limited to rental units priced at or below Fair Market Rent.

The housing choice voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to help them afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants can find their own housing, including single-family homes, townhouses, and apartments. The participant is free to choose any housing that meets the program's requirements and is not limited to units located in subsidized housing projects.

Housing choice vouchers are administered locally by public housing agencies. DCHA receives federal funds from HUD to administer the voucher program. A family issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum health and safety standards, as determined by DCHA.

A housing subsidy is paid to the landlord directly by DCHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Under certain circumstances, if authorized by DCHA, a family may use its voucher to purchase a modest home.

Eligibility for a housing voucher is determined based on the total annual gross income and family size. It is limited to US citizens and specified categories of non-citizens who have eligible immigration status. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, DCHA must provide 75 percent of its voucher to applicants whose incomes do not exceed 30 percent of the area median income.

Since demand for housing assistance often exceeds the limited resources available to HUD and the local housing agencies, long waiting periods are common. A PHA may close its waiting list when it has more families on the list than can be assisted in the near future. PHAs may establish local preferences for selecting applicants from their waiting list.



DCHA calculates the maximum amount of housing assistance allowable. The maximum housing assistance is generally the lesser of the payment standard minus 30% of the family's monthly adjusted income or the gross rent for the unit minus 30% of the monthly adjusted income.

PHAs may give a preference to a family that is:

- ☐ Homeless or living in substandard housing
- ☐ Paying more than 50% of its income for rent
- ☐ Involuntarily displaced

Families that qualify for such local preferences can move ahead of other families on the list that do not qualify for any preference. Each PHA has the discretion to establish local preferences to reflect its particular community's housing needs and priorities.

## **Subsidized Housing Sales and Possible Displacement**

The aim of subsidized housing is to preserve lower-income housing opportunities. If any displacement of a minority or disabled low-income family occurs, the objective should be to provide other housing opportunities by giving them a choice to relocate inside and outside minority neighborhoods. Options should include buildings predominantly occupied by minorities or persons with disabilities. An efficient program to promote choice in the use of certificates and vouchers is essential since a relocation plan often places sole reliance on the provision of certificates or vouchers to displaced households. DCHA does not have any properties that would be impacted by the sale of property or would displace tenants.

## **Private Sector**

Under the broad term private sector are specific aspects of the jurisdiction's housing market that should be examined to determine whether fair housing objectives are being served. Government policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices can play a significant role in promoting fair housing choice.

## **Lending Policies and Practices**

Government policies and procedures that regulate, monitor, or otherwise impact rentals, sales, and property insurance practices can play a significant role in promoting fair housing choice. Mortgage lending and real estate appraisal policies and practices were at one time discriminatory. Decisions as to property values, lending criteria, and related factors often rested on the race or ethnicity of the applicant and the racial or ethnic identity of the neighborhood in which property was located. Lending policies and practices also treated applicants differently based on gender. Because of the close relationship between lending and appraisal activities, the policies and practices in one area significantly impact those in the other area.

Appraisal and lending criteria that look at age, size, or minimum value of a dwelling in light of stability factors, such as whether the neighborhood is homogeneous or changing culturally or socially, may be more recent repetitions of previous policies and criteria that referred openly to neighborhood stability or a change in terms of racial characteristics.

Intentional or inadvertent discrimination may result from applying these criteria or other factors, some of which may be very difficult to detect in a fair housing review by a regulatory or other agency.

Lending policies and requirements related to credit history, current credit rating, employment history, and general character of applicants permit lenders to use a great deal of discretion, and in the process possibly deny loans even though the prospective borrower would have been an acceptable risk. Industry studies have caused lenders to look at their policies and practices and change the manner in which judgments are made by every person who plays a role in the lending process.

Lenders may apply different terms for different applicants or dwellings in different neighborhoods. Terms offered to some minority borrowers have been less favorable than those offered to nonminority borrowers. Sometimes the less favorable terms have been the only ones available in the neighborhoods where the minority borrowers reside, or the dwellings they plan to purchase. Often, the limited lending options available in such neighborhoods have been offered by lenders who operate only in such areas. Because some banks or savings and loan institutions in cities will not make loans in minority neighborhoods, minority borrowers cannot benefit from competitive loan offerings available in the larger market.

## **Home Mortgage Disclosure Act**

The Home Mortgage Disclosure Act (HMDA) was enacted by Congress in 1975 and is implemented by the Federal Reserve Board's Regulation C. The Act was implemented in response to mortgage credit shortages in older urban neighborhoods, particularly those with predominantly minority populations. On July 21, 2011, the rule-writing authority of Regulation C was transferred to the Consumer Financial Protection Bureau (CFPB). This regulation provides the public loan data that may be used to assist in determining whether financial institutions are serving the housing needs of their communities; helping public officials in distributing public-sector investments to attract private investment to areas where it is needed; and in identifying possible discriminatory lending patterns.

The Fair Housing Act applies to mortgage lending just as it does to other aspects of housing. Lenders may not:

- ☐ Refuse to make a mortgage loan
- ☐ Refuse to provide information regarding loans
- ☐ Impose different terms or conditions on a loan (such as different interest rates, points, or fees)
- ☐ Discriminate in appraising property based on race, color, national origin, religion, sex, familial status, or disability

Most banks and other lending institutions must report to the Federal Financial Institutions Examination Council (FFIEC) on their lending practices. Information from the FFIEC is available to the public as Home Mortgage Disclosure Act data (HMDA). Information reported about the clients and the properties includes data related to such elements as race, gender, marital status, income level of the mortgagee, location of the dwelling by census tract, type of housing, value of housing, etc.

The information required and the manner of reporting has been modified several times since the adoption of the HMDA. Collection information requirements continue to be modified to meet the changing needs of those who utilize this information for the purposes intended by Congress. Additionally, the criteria that determine which institutions must report continue to be modified as well. HMDA data is filed with the regulatory agency given oversight for the particular financial institution performing the reporting. These agencies include the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, or the National Credit Union Association.

The FFIEC is directed to compile annual data by census tract. The HMDA data was compiled for Davis County to better understand the barriers that members of the protected class face in obtaining mortgages.

## **High-Cost Originations**

A loan is considered high cost when a rate spread is reported. In the fourth quarter of 2009, HMDA changed its rules for reporting rate spreads to more accurately capture high-cost lending activity. Therefore, the data shown separates the first three quarters of 2009 from the last quarter of 2009. The 2010 - 2019 data in the table below represents the rate spread rule change implemented in 2009 Q4. Change calculations between 2019 and years previous to 2010 should not be made due to the adjusted reporting rules implemented beginning in the fourth quarter of 2009.

For 2004-2009 Q3, the rate spread on a loan was the difference between the Annual Percentage Rate (APR) on the loan and the treasury security yields as of the date of the loan's origination. Financial institutions only reported rate spreads if the APR was three or more percentage points higher for a first lien loan or five or more percentage points higher for a second lien loan. A rate spread of three or more suggested that a loan was of notably higher cost than a typical loan.

For 2009 Q4 and 2010 - 2019, the rate spread on a loan is the difference between the APR and the estimated average prime offer rate (APOR). Financial institutions only report rate spreads if the APR is more than 1.5 percentage points higher for a first lien loan or more than 3.5 percentage points higher for a second lien loan.

## High-Cost Lending

**9.34%** of loans originated in this area were high-cost loans in 2019, compared to **9.54%** of loans in Utah.

Of particular note, Hispanic applicants accounted for 17.76% of all home loans, and represented 10.97% of high-cost loan originations. While these figures do not directly represent a fair housing violation, they highlight a particular group that may need more assistance with homeownership education and opportunities. High-cost loans can put a household at risk of losing their homeownership investment, place a strain on making other household bills, and ultimately create housing instability.



## High-Cost Lending by Race

Looking across high-cost loans originated in 2019 in this area, **88.76%** were to Whites, **0.93%** were to African Americans, **1.99%** were to Asians, and **10.97%** were to Hispanics.

High-Cost	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Loans to Whites</b>									
Number of Loans	90	154	309	543	502	421	419	1,086	1,335
Median Loan Amount	\$150,500	\$145,000	\$165,000	\$170,000	\$178,000	\$177,000	\$199,000	\$165,000	\$165,000
Percent of Loans to Whites	1.08%	1.08%	3.11%	7.1%	4.63%	3.22%	4.29%	11.8%	9.84%
Percent of High-Cost Loans	94.74%	91.12%	90.88%	91.72%	93.31%	90.34%	91.09%	88.87%	88.76%
<b>Loans to African Americans</b>									
Number of Loans	2	2	3	7	5	4	6	22	14
Median Loan Amount	N/A	N/A	N/A	\$182,000	\$170,000	N/A	\$209,000	\$200,000	\$65,000
Percent of Loans to African Americans	3.7%	2.33%	3.49%	9.72%	5%	3.64%	6.98%	18.97%	9.15%
Percent of High-Cost Loans	2.11%	1.18%	0.88%	1.18%	0.93%	0.86%	1.3%	1.8%	0.93%
<b>Loans to Asians</b>									
Number of Loans	0	0	4	8	4	9	2	14	30

Median Loan Amount	N/A	N/A	N/A	\$182,500	N/A	\$226,000	N/A	\$127,500	\$70,000
Percent of Loans to Asians	0%	0%	2.38%	5.48%	2.26%	3.63%	1.05%	7.82%	10.71%
Percent of High-Cost Loans	0%	0%	1.18%	1.35%	0.74%	1.93%	0.43%	1.15%	1.99%
<b>Loans to Hispanics</b>									
Number of Loans	4	10	24	41	61	46	57	126	165
Median Loan Amount	N/A	\$99,000	\$158,500	\$147,000	\$162,000	\$177,500	\$184,000	\$185,000	\$165,000
Percent of Loans to Hispanics	1.33%	1.86%	5.56%	10.99%	9.4%	5.94%	8.38%	18.61%	17.76%
Percent of High-Cost Loans	4.21%	5.92%	7.06%	6.93%	11.34%	9.87%	12.39%	10.31%	10.97%
<b>Loans to Non-Hispanics</b>									
Number of Loans	86	148	294	525	458	399	376	1,018	1,220
Median Loan Amount	\$161,000	\$145,000	\$164,500	\$172,000	\$179,500	\$179,000	\$200,000	\$165,000	\$165,000
Percent of Loans to Non-Hispanics	1.04%	1.05%	3%	6.92%	4.33%	3.12%	3.95%	11.46%	9.28%
Percent of High-Cost Loans	90.53%	87.57%	86.47%	88.68%	85.13%	85.62%	81.74%	83.31%	81.12%

## **Public and Private Sector**

### **Fair Housing Enforcement**

Effective fair housing enforcement lies at the heart of a comprehensive program to affirmatively further fair housing. The organization of this program varies among communities based on community size and resources. Good standing for HUD's Community Planning and Development programs happen when the jurisdiction addresses concerns expressed by HUD. These may include contract conditions that relate to fair housing and equal opportunity performance as required by the laws and regulations governing these programs. Concerns include most court decisions relating to fair housing and other civil rights laws where the jurisdiction or the PHA is subject.

Layton City may request that all subrecipients who received CDBG funds from the City provide their clients with information on fair housing and the process for filing a complaint. The materials should be available in Spanish.

### **Informational Programs**

Regardless of whether they have completed an AI, all jurisdictions should be conducting fair housing education and outreach activities. Both Layton City and Davis County have held a limited amount of fair housing activities. Increasing fair housing activities to occur regularly could help ensure residents know their rights and help reduce housing discrimination. Partnering with the Disability Law Center or the Utah Antidiscrimination and Labor Division to provide training and outreach could result in a concrete approach for the City.

Training, outreach, and informational programs should be made available in Spanish. Events should be held in locations comfortable to the target audience and be ADA accessible.

## **Current Public and Private Fair Housing Program**

Census data, HMDA data, and state and federal complaints provide a statistical basis for fair housing issues. There may also be situations where discrimination or other unfair housing practices occur but go unreported. To prompt a deeper understanding of fair housing issues within a community, an analysis of Layton City's policies and perspectives can provide a more detailed assessment of the community, extending the analysis beyond just the reported statistics. The key factor in reviewing the City's policies is evaluating how the jurisdiction manages CDBG funds and supports fair housing practices.

## **CDBG Five-Year Consolidated Plan**

HUD requires each entitlement jurisdiction to complete a Consolidated Plan and certify compliance with the Consolidated Plan Final Rule.

The Consolidated Plan should: Serve as the long-range planning document for affordable housing development and community service funding, provide priorities for funding for HUD programs and strategies for implementing the priorities, be an accessible tool to measure the effect of the local funding strategies.

Layton City receives an annual entitlement allocation from HUD's CDBG program. Its Consolidated Plan provides direction on the investment of CDBG dollars over a five-year period, currently from 2018 – 2022.



Additionally, the City creates an Annual Action Plan that details how the City will carry out the goals and objectives identified in its Plan.

A key feature of these grants is the City's ability to choose how the funds will be used. HUD provides a broad

range of eligible activities that may be utilized with CDBG funding. The City must identify the eligible activities that will best serve the needs of the community. HUD requires grantees to develop a Five-Year Consolidated Plan to determine the most pressing needs and develop effective strategies to meet those needs.

Layton City's Five-Year Consolidated Plan includes the following goals;

1. Housing
2. Public Services
3. Economic Development
4. Historic Downtown Infrastructure
5. Program Administration

### **Goal: Housing**

Layton City is committed to improving and expanding access to safe and affordable housing for low-and-moderate-income (LMI) residents. Affordable and safe housing helps to provide financial stability, reduces the chances of a person becoming homeless, and promotes housing sustainability.

The City currently offers a successful down payment assistance program, and emergency home repair/rehab program administered through Davis County Housing Authority.

Layton City's projects to improve housing sustainability include:

- ☐ Homeownership Assistance
- ☐ Home Repair/Rehabilitation
- ☐ Land Acquisition for Home Construction

### **Goal: Public Services**

Public services can strengthen communities by addressing the needs of specific populations. Public services are an integral part of a comprehensive community development strategy. They can address

a range of individual needs and increase CDBG funding impact by complementing other activities. Layton City may allocate up to 15% of CDBG funds to public services programs that provide supportive services to low-to-moderate-income persons or prevent homelessness.

Layton City projects include:

- ☐ Domestic violence services
- ☐ Crime prevention and public safety
- ☐ Child care
- ☐ Services for homeless persons
- ☐ Welfare services

### **Goal: Economic Development**

Creating economic opportunities is among the key CDBG activities that help support sustainable and vibrant communities. Layton City projects within its current Five-Year Consolidated Plan help support low-and-moderate-income workers and businesses.

Layton City currently offers funds to help prevent and respond to the coronavirus (COVID-19) pandemic. Grant monies are administered by the City's Community & Economic Development department, thanks to federal CDBG funding.

Funds are offered to small businesses through Layton City's Small Business Financial Assistance Grant. This assistance is intended for use by Layton City businesses impacted by the Coronavirus. The funds may be used by employers to offset wages for qualifying employees.

Employers or each employee receiving assistance on behalf of the employer must qualify under HUD guidelines, be the owner of a currently licensed Layton City business with a registered business address in Layton City to which the application is being applied. Employees, business owners receiving assistance must be a resident of Layton City and whose wages are within the low-to-moderate-income range.

### **Goal: Administration**

Administering federal funds and ensuring compliance is a critical part of utilizing federal resources. Layton City is committed to using CDBG entitlement funding for administration to help to continue growing a community development program that is efficient, effective, and resourceful.

City administration projects include general management, oversight, and coordination of the CDBG program, providing local officials and citizens with information about the CDBG program, preparing budgets and schedules, preparing reports and other HUD-required documents, program planning, publishing public Information, monitoring program activities, and submission of applications and reports to HUD.

Layton City's CDBG program can be improved to serve residents better and address challenges with fair housing.

- ☐ The City could implement a Language Access Plan to ensure that the information on HUD programs is reaching residents with limited English proficiency

- ☐ The City would benefit from a more fair housing awareness activities
- ☐ At the beginning of each program year, the City could evaluate past fair housing activities and determine if these were effective and make needed changes
- ☐ The City could evaluate how to incorporate fair housing activities, outreach, and education into other departments within the City

## Recommendations

Layton City is committed to eliminating racial and ethnic segregation, illegal physical and other barriers to persons with disabilities, and other discriminatory practices in housing.

The City works to:

- ☐ Analyze and eliminate housing discrimination
- ☐ Promote fair housing choice for all persons
- ☐ Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability, and national origin
- ☐ Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities
- ☐ Foster compliance with the nondiscrimination provisions of the Fair Housing Act



Impediments to fair housing choice include:

- ☐ Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choices
- ☐ Any actions, omissions, or decisions that have this effect

Policies, practices, or procedures that initially appear neutral but operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments.

Impediments include actions or omissions in the public or private housing sector:

- ☐ Violations, or potential violations, of the Fair Housing Act
- ☐ Community resistance when minorities, persons with disabilities, and/ or low-income persons first move into white and/or moderate to high-income areas
- ☐ Community resistance to the siting of housing facilities for people with disabilities in residential neighborhoods based on their disabilities
- ☐ Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin

## Impediments to Fair Housing Choice and Action Steps

As a recipient of HUD CDBG Entitlement funds, Layton City is committed to Affirmatively Further Fair Choices for all residents. Although many issues that affect fair housing choice have been identified, the City is limited in resources and ability to impact all areas. The City recognizes the following impediments that may have a direct impact on fair housing choice and are within the City ability to impact.

## **Limited English Proficiency**

Fair Housing brochures, web pages, and materials are printed mostly in English, limiting Fair Housing information to non-English speaking persons. There is a need to improve language access for people with limited English-speaking proficiency who seek information regarding Fair Housing.

**Goal:** Provide consistent and even Fair Housing services, outreach, and support to all citizens and program applicants.

### **Action Items**

- ☐ Develop a Language Assistance Plan (LAP). Expand HUD-funded programs' outreach to include Spanish translation and outreach to Spanish-speaking citizens, Layton's largest minority group. Under Title VI of the 1964 Civil Rights Act, federal policies set benchmarks by which jurisdictions like Layton must assure meaningful access to federally funded services
- ☐ Partner with the Utah Hispanic Chamber to promote the City's HUD-funded programs to the Hispanic community
- ☐ Translate the City's CDBG web page and vital HUD-funded program documents in Spanish
- ☐ Continue to provide citizens with consistent Spanish translation services. Utilizing a private contractor to test and certify employees so that quality translation services are available to Limited English Proficiency (LEP) individuals

## **Lack Familiarity with Fair Housing Act**

Many landlords are not aware of their responsibilities to provide "reasonable accommodations" as the Fair Housing Act requires. The number of disabled individuals in Davis County is estimated at 23,000 individuals, about 11% of the population. Under the Fair Housing Act, housing providers must make "reasonable accommodations in rules, policies practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling." Currently, over one-third of all rental housing in Davis County is a detached single-family unit. Many landlords renting homes are small "mom-and-pop" housing providers who are not aware of the full implications of the Fair Housing Act and the "reasonable accommodations" provision.

**Goal:** Increase awareness and compliance with Fair Housing laws.

### **Action Items:**

- ☐ Provide internal training to employees and make Fair Housing a priority throughout the City's departments
- ☐ Request fair housing testing results from Utah Disability Center annually
- ☐ Utilize the FHEO logo in City's documents to raise awareness of Fair Housing
- ☐ Provide information on how to file a fair housing complaint at City offices

### **Lack of informational and outreach activities Goal:**

Increase informational and outreach activities in Layton.

#### **Action Items:**

- ☐ Work with state agencies and Disability Law Center to promote fair housing educational opportunities
- ☐ Work with the Utah Apartment Association to increase attendance at the annual Fair Housing Tradeshow
- ☐ Promote April as Fair Housing Month to increase the public's awareness of the Fair Housing Act. Display posters at Layton's offices and provide posters to partners
- ☐ Utilize the FHEO logo in the City's documents to raise awareness of Fair Housing
- ☐ Provide citizens with fair housing information utilizing the Fair Housing and Housing Affordability outreach flyers
- ☐ Partner with other municipalities in Davis County and Utah Disability Law Center to provide education on fair housing
- ☐ Promote renters' advocacy groups and when necessary refer them to the Disability Law Center and/or Utah Anti-discrimination and Labor Division for legal counsel

### **Lack of record maintenance of fair housing activities**

- ☐ Actions taken to eliminate identified impediments
- ☐ Description of the financial and in-kind support for fair housing projects
- ☐ Integration of identified impediments and progress to address impediments into the Annual Action Plan and CAPER process.

## **Signature for Layton City**

By my signature, I certify that the Analysis of Impediments to Fair Housing Choice for Layton City is in compliance with the intent and directives of the regulations of the Community Development Block Grant Program regulations.

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Chad Wilkinson, Community & Economic Development Director

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Date

## **Housing and Related Laws**

### **File a Complaint:**

#### **HUD Fair Housing and Equal Opportunity (FHEO)**

Denver Regional Office of FHEO  
U.S. Department of Housing and Urban  
Development 1670 Broadway  
Denver, Colorado 80202-4801  
FHEO Intake Specialist 1-800-669-9777 or 1-800-877-8339.

#### **Utah Antidiscrimination & Labor Division (UALD)**

<https://laborcommission.utah.gov>  
160 East 300 South, 3rd Floor PO Box 146630  
Salt Lake City, UT 84114-6630  
Phone: 801-530-6801  
Fax: 801-530-7609  
Email: [fh@utah.gov](mailto:fh@utah.gov)

#### **Disability Law Center**

<http://disabilitylawcenter.org>  
205 North 400 West  
Salt Lake City, Utah 84103  
(800) 662-9080 phone  
(801) 363-1437 fax

## **Statutes**

### **Fair Housing Act**

*42 U.S.C. §§ 3601-19*

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

### **Title VI of the Civil Rights Act of 1964**

*42 U.S.C. § 2000d-1*

Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

### **Section 504 of the Rehabilitation Act of 1973**

*29 U.S.C. § 794*

Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

### **Section 508 of the Rehabilitation Act of 1973**

*29 U.S.C. § 794d*

Section 508 requires federal agencies to ensure that the electronic and information technology they develop, procure, or use allows individuals with disabilities to have ready access to and use of the information and data that is comparable to that of individuals without disabilities.

### **Title II of the Americans with Disabilities Act of 1990**

*42 U.S.C. §§ 12131 – 12165*

Title II of the ADA prohibits discrimination based on disability in programs and activities provided or made available by public entities. HUD enforces Title II with respect to housing-related programs and activities of public entities, including public housing, housing assistance and housing referrals.

### **Title III of the Americans with Disabilities Act of 1990**

*42 U.S.C. § 12181 – 12189*

Title III of the ADA prohibits discrimination based on disability in the goods, services, facilities, privileges, advantages, and accommodations of places of public accommodations owned, leased, or operated by private entities. The Department of Justice enforces Title III of the ADA, but certain HUD recipients and private entities operating housing and community development programs are covered by Title III of the ADA.

### **Architectural Barriers Act of 1968**

42 U.S.C. § 4151 et seq.

The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by persons with disabilities.

### **Section 109 of Title I of the Housing and Community Development Act of 1974**

42 U.S.C. § 5309

Section 109 prohibits discrimination on the basis of race, color, national origin, sex, and religion in any program or activity funded in whole or in part under Title I of the Community Development Act of 1974, which includes CDBG.

### **Title IX of the Education Amendments Act of 1972**

20 U.S.C. §§ 1681-83, 1685-88

Title IX prohibits discrimination on the basis of sex in any education programs and activities that receive federal financial assistance. HUD enforces Title IX when it relates to housing affiliated with an educational institution.

### **Violence Against Women Act**

42 U.S.C. § 14043e-11

VAWA provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking in many of HUD's housing programs. VAWA also requires the establishment of emergency transfer plans for facilitating the emergency relocation of certain tenants who are victims of domestic violence, dating violence, sexual assault, or stalking.

### **Age Discrimination Act**

42 U.S.C. §§ 6101 – 6107

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

## **Executive Orders**

### **Executive Order 11063**

#### **Equal Opportunity in Housing**

Executive Order 11063, issued on November 20, 1962, prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

### **Executive Order 12892**

#### **Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing**

Executive Order 12892, issued on January 17, 1994, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort.

### **Executive Order 12898**

## **Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**

Executive Order 12898, issued on February 11, 1994, requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude or otherwise subject persons to discrimination based on race, color, or national origin.

### Executive Order 13166

#### **Improving Access to Services for Persons with Limited English Proficiency**

Executive Order 13166, issued on August 11, 2000, requires each federal agency to take steps to ensure that eligible persons with limited English proficiency are provided meaningful access to all federally-assisted and federally-conducted programs and activities.

### Executive Order 13217

#### **Community Based Alternatives for Individuals with Disabilities**

Executive Order 13217, issued on June 18, 2001, requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

## **Regulations**

### **Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures**

24 C.F.R. part 40

### **Affirmative Fair Housing Marketing**

24 C.F.R. part 108

24 C.F.R. part 110

24 C.F.R. part 200, subpart M 24 C.F.R. § 203.12(b)(3)

### **Affirmatively Furthering Fair Housing**

24 C.F.R. §§ 5.150 – 5.168

### **Certification and Funding of State and Local Fair Housing Enforcement Agencies**

24 C.F.R. part 115

### **Collection of Data**

24 C.F.R. part 121

### **Discriminatory Conduct under the Fair Housing Act**

24 C.F.R. part 100

### **Equal Access Rule**

24 C.F.R. § 5.105

24 C.F.R. § 5.106

**Fair Housing Act Complaint Processing**

24 C.F.R. part 103

**Fair Housing Poster**

24 C.F.R. part 110

**Fair Housing Initiatives Program**

24 C.F.R. part 125

**Information and Communication Technology Standards and Guidelines**

36 C.F.R. part 1194

**Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063**

24 C.F.R. part 107

**Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063**

24 C.F.R. part 107

Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development

24 C.F.R. part 8

**Nondiscrimination in Federally-Assisted Programs of the Department of Housing and Urban Development – Effectuation of Title VI of the Civil Rights Act of 1964**

24 C.F.R. part 1

**Nondiscrimination in Programs and Activities Receiving Assistance under Title I of the Housing and Community Development Act of 1974**

24 C.F.R. part 6

**Nondiscrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance**

24 C.F.R. part 146

**Nondiscrimination on the Basis of Disability in State and Local Government Services**

28 C.F.R. part 35

**Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance**

28 C.F.R. part 3

