

FINAL REPORT

Analysis of Impediments to Fair Housing Choice

City of Yuma, Arizona



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May 10, 2011

**City of Yuma, Arizona
Analysis of Impediments to Fair
Housing Choice**

Prepared for

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SECTION I.
Introduction and Participants

SECTION I.

Introduction and Participants

This report contains an Analysis of Impediments to Fair Housing Choice (AI) for the City of Yuma for program years 2011-2015. The AI was conducted using a similar methodology as the 2011-2015 Consolidated Plan and includes data from the Consolidated Plan and the previous AI.

Data used in preparing the AI relied on extensive involvement of stakeholders and the public. It includes information from one resident survey, two stakeholder focus group meetings and key person interviews. In addition, the research took into account reviews and analyses of data on fair housing complaints, legal cases, and mortgage lending and foreclosure data, as well as barriers to affordable housing.

Lead and Participating Agencies

The City of Yuma's Neighborhood Services Division of the Administration Department is responsible for overseeing the coordination and development of the AI, 2011-2015 Consolidated Plan, annual Action Plans and annual Consolidated Annual Performance and Evaluation Reports.

The City of Yuma retained BBC Research & Consulting, Inc. (BBC), an economic research and consulting firm specializing in housing research, to assist in the preparation of the AI, the 2011-2015 Consolidated Plan and 2011 Action Plan.

Analysis of Impediments Background

The AI is a U.S. Department of Housing and Urban Development (HUD) mandated review of impediments to fair housing choice in the public and private sector. The AI is required for the City of Yuma to receive federal housing and Community Development Block Grant funding.¹

The AI involves:

- A review of a city's laws, regulations, and administrative policies, procedures and practices;
- An assessment of how those laws, policies and practices affect the location, availability and accessibility of housing; and
- An assessment of public and private sector conditions affecting fair housing choice.

¹ The City is also required to submit a Consolidated Plan for Housing and Community Development and an annual performance report to receive funding each year. The documents can be accessed from the city's Web site at <http://yumaaz.gov>.

According to HUD, 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.
- 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.

HUD desires that AIs:

- Serve as the substantive, logical basis for fair housing planning;
- Provide essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates; and
- Assist in building public support for fair housing efforts both within a city's boundaries and beyond.

Fair Housing Act. The Federal Fair Housing Act, passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, gender/sex, familial status and disability. The Fair Housing Act covers most types of housing activities including rental housing, home sales, mortgage and home improvement lending, and land use and zoning regulations. Excluded from the provisions of the Act are owner-occupied buildings with no more than four units, single family housing units sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.²

HUD has the primary authority for enforcing the Federal Fair Housing Act. HUD investigates the complaints it receives and determines if there is a "reasonable cause" to believe that discrimination occurred. If reasonable cause is established, HUD brings the complaint before an Administrative Law Judge. Parties to the action can also elect to have the trial held in a federal court (in which case the Department of Justice brings the claim on behalf of the plaintiff).³

State fair housing law. The State of Arizona has a fair housing act (the Arizona Fair Housing Act) that carries the same protections as the Federal Fair Housing Act. The Civil Rights Division of the Arizona Attorney General's Office investigates and resolves housing discrimination complaints as well as providing education on fair housing. Additionally, the Arizona Department of Housing has an active role in the education and training of housing providers to ensure awareness of fair housing laws.

The City of Yuma does not have a local fair housing ordinance.

² "How Much Do We Know? Public Awareness of the Nation's Fair Housing Laws", The U.S. Department of Housing and Urban Development, Office of Policy and Research, April 2002.

³ Ibid.

Participants

This document contains an Analysis of Impediments to Fair Housing Choice for 2011-2015. The AI was conducted using similar methodology as the five-year Consolidated Plan with a strong emphasis on community input. Citizens participated in the development of the AI through a process that consisted of the following major parts:

- A Resident Survey was made available to residents of Yuma during August, September and October 2010. The survey was distributed at the public meetings, to supportive service providers throughout Yuma and was made available to housing authority residents. An online version of the survey was also available on the city's Web site. The survey was available in English and Spanish.
- Public meetings, including one public meeting and two stakeholder focus group meetings, were held during the development of the Consolidated Plan and AI;
- Twenty-two interviews with key persons or groups who are knowledgeable about housing and community development needs in the city, including city staff and elected city officials, were conducted; and
- In addition to the interviews and survey, citizens and stakeholders could participate in the planning process by submitting written comments on the five-year Consolidated Plan, AI and 2011 Action Plan.

During September and October 2010, stakeholder focus group meetings and key informant interviews were conducted in person and by phone with individuals who are knowledgeable about housing and community development in Yuma, including fair housing. These individuals represented local government officials, housing and real estate professionals, social service providers, and representatives of community and professional organizations. Their comments are summarized in Section V of this report.

The materials that these organizations shared with us are sourced throughout the report. These stakeholders included representatives of the following organizations:

**Exhibit I-1.
Participants in the Consolidated Plan Stakeholder Focus Groups and Interviews**

Stakeholder Participants	Stakeholder Participants
Amberly's Place Arizona Attorney General's Office, Civil Rights Division Arizona Department of Housing Assistance League of Yuma Catholic Community Services Cenpatico Chicanos Por Las Causa, Inc. City Administrator, City of Yuma City Council Members and Mayor, City of Yuma Community Development Department, City of Yuma Community Legal Services Crossroads Mission Engineering Department, City of Yuma Excel Corporation Greater Yuma Economic Development Corporation Habitat for Humanity of Yuma	Housing America Corporation Housing Authority of the City of Yuma (HACY) Neighborhood Services, City of Yuma Nicklaus Engineering, Inc. (NEI) Saguaro Foundation Salvation Army Southwest Fair Housing Council United Way of Yuma County Western Arizona Council of Governments (WACOG) Yuma County Chamber of Commerce Yuma County Development Services Yuma County Health Department Yuma Metropolitan Planning Organization Yuma Neighborhood Development Organization Yuma Private Industry Council

Funding

The AI research, report and plan implementation is funded using the Community Development Block Grant (CDBG).

SECTION II.
Community Profile and Housing Affordability

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Community Profile and Housing Affordability

This section contains an analysis of public and private sector barriers to fair housing choice in the context of demographics and housing affordability. The most recently released socioeconomic and housing data from the U.S. Census Bureau, HUD and other national, state and local data sources were used to complete the analysis. This section discusses the economic and housing characteristics of the City of Yuma, including changes in population, household characteristics, employment, education, housing prices and affordability. These issues are analyzed as part of an AI to answer the following questions:

- Are there areas in the city with racial and ethnic concentration?
- Are there concentrations of low income individuals, single parent households and/or persons with disabilities?
- Do these household types have the same access to housing and city services as other households?
- Does the city have a balanced housing stock in that people of varying incomes can live in the city?

Demographic Summary

Yuma is the 11th most populous city in Arizona. As of 2010, the U.S. Census Bureau estimated that 93,064 people resided in Yuma, up from 77,545 in 2000. Between 2000 and 2010, the city added an average of 1,550 residents per year. This is equivalent to an overall growth rate of 20 percent over the decade, slower than Arizona and Yuma County, which grew by 25 and 22 percent respectively. Exhibit II-1 below displays the growth in Yuma’s population since 1990 and projects population growth through 2015. Growth is expected to slow to less than half the rate experienced between 2000 and 2010.

Exhibit II-1. Population Trends

Source:
U.S. Census Bureau, Arizona
Department of Commerce and
Nielsen-Claritas 2009.

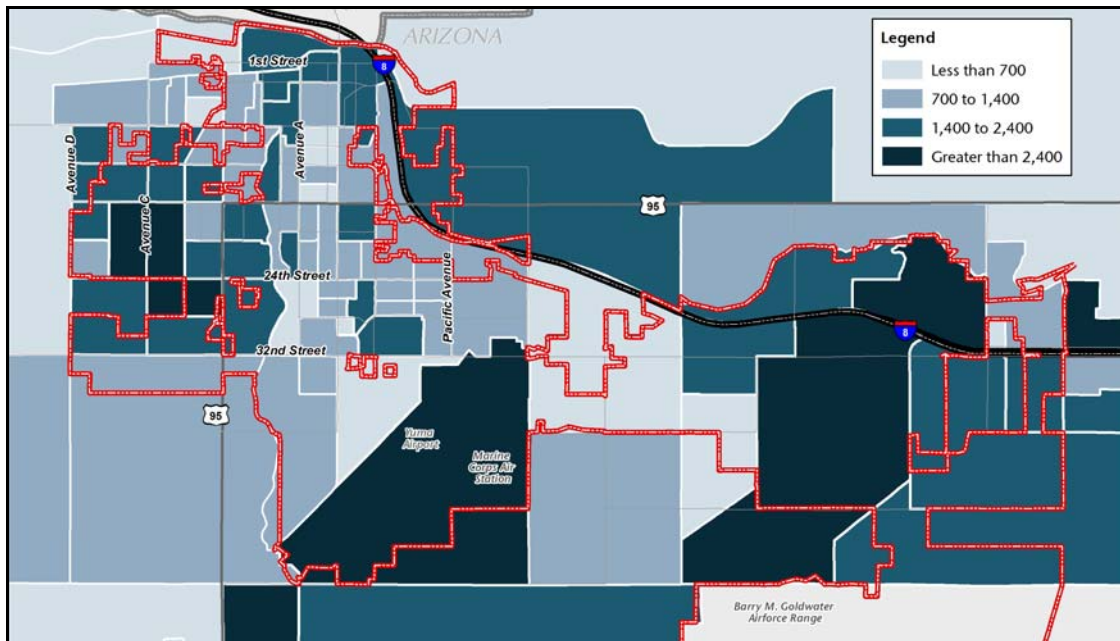
	1990	2000	2010	2015
City of Yuma	62,141	77,545	93,064	101,813
Yuma County	106,895	160,026	195,751	214,472
Arizona	3,665,228	5,130,632	6,392,017	7,157,089

Yuma County and the State of Arizona growth rates are expected to slow between 2010 and 2015 to around 10 percent and 12 percent, respectively.

The west central portion of the city, which hugs the north and south thoroughfares of Avenue A and 4th Avenue, is the area of the city that houses approximately half of the city’s population and is denser when compared to the rest of the city.

Exhibit II-2 displays the population of the City of Yuma by block group.¹

**Exhibit II-2.
Population by Block Group, City of Yuma, 2010**



Source: U.S. Census Bureau 2010 Census.

Income and low and moderate income concentration. Per ACS estimates, the 2009 median household income for Yuma is \$41,019. Yuma's median household income is higher than the median household income of Yuma County (\$38,681) and lower than the State of Arizona (\$48,745).

Yuma's 2009 median household income was up from \$35,374 in 2000. This represents an increase of 16 percent in actual dollars from 2000 to 2009—but a decrease of 7 percent in dollars adjusted for inflation. This means that even though the median income increased in numbers, the increase was not greater than needed to account for inflation.

In some communities, median household income can vary greatly by race and ethnicity. In Yuma, similar to most cities, households defined as those of Some Other Race, African American and Hispanic/Latino all had a lower median household income than the city as a whole.² Whites had similar median household incomes to the city median. Compared to the county and state, Yuma has similar or smaller variances in median household income between Whites and Hispanics, African Americans and Some Other Race. African American households have seen the largest increase in their median household income from 2000 to 2009 (\$28,326 to \$42,030), an increase of 48 percent.

¹ At the time this report was prepared, 2010 Census data were only available at the City level and for a limited number of variables. Census data are available at a variety of geographic levels. Block groups are one of the smallest geographic levels for which Census data are available. Block groups are made up of Census blocks, which may correspond to individual City blocks bounded by streets. Block groups generally contain between 600 and 3,000 people, with an optimum size of 1,500 people, and combine to form Census tracts. The number of block groups in a Census tract varies throughout the country.

² The other listed races (i.e., American Indian and Alaskan Native, Asian, Native Hawaiian and Other Pacific Islander and Two or more races) had too few sample observations available to report a median household income.

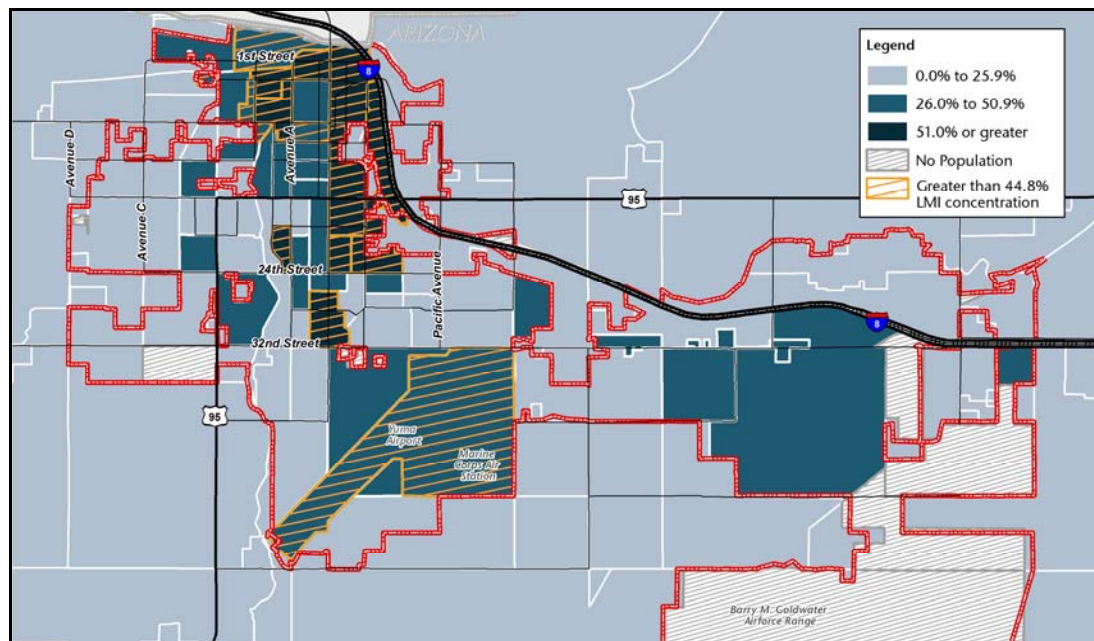
Hispanic or Latino households also had their median household income increase from 2000 to 2009, (\$30,352 to \$35,813), an increase of 18 percent.

Median family income. Median Family Income (MFI) is used by the U.S. Department of Housing & Urban Development (HUD) and state and local policy makers to qualify households for various housing programs. According to HUD in 2010, the MFI for the Yuma Metropolitan Statistical Area (MSA) was \$44,600. The following classifications utilize MFI to define income levels, according to HUD’s categorization:

- Extremely low—30 percent and less of MFI (\$13,380 and less);
- Very low—31 to 50 percent of MFI (\$13,380 to \$22,300);
- Low and moderate—51 to 80 percent (\$22,300 to \$35,680);
- Above low and moderate—81 to 95 percent of MFI (\$35,680 to \$42,370);

Exhibit II-3 shows the geographic location by block group of the percent of the population who earn 80 percent or less of the HUD median family income and are considered to be low and moderate income (LMI). HUD reports that in FY2010 34.8 percent of Yuma’s population is LMI, therefore block groups where more than 44.8 percent of the population is LMI are considered to be low and moderate income concentrated. As shown on the map, block groups scattered in the north and west central areas of the city have a concentration (more than 44.8 percent) of low and moderate income persons.

Exhibit II-3.
Percentage of Population that is Low and Moderate Income by Block Group, City of Yuma



Note: Low and moderate income (LMI) concentration includes block groups where more than 44.8 percent of the population is low and moderate income.

Source: U.S. Department of Housing & Urban Development and the City of Yuma, Arizona.

Race and ethnic concentrations. One of the key components of a fair housing analysis is an examination of the concentration of different races and ethnicities within a jurisdiction to detect evidence of segregation. In some cases, race and ethnic concentrations are a reflection of preferences—e.g., different races and ethnicities may choose to live where they have access to grocery stores or restaurants that cater to them. In other cases, different race/ethnic populations are intentionally steered away or discouraged from living in certain areas. Housing prices can also heavily influence where minorities live.

Data on race and ethnicity requires clarification about how the U.S. Census Bureau collects and analyzes the data. The U.S. Census Bureau treats race and ethnicity separately: the Bureau does not classify Hispanic/Latino as a race, but rather as an identification of origin and ethnicity. The Census asked two different questions about race and ethnicity: the first question asked respondents to identify their race (i.e., White, African American, Native Hawaiian, Alaska Native, American Indian, Asian and Other races); the second asked whether the respondents were of Hispanic/Latino origin. If a survey respondent reported Hispanic/Latino ethnicity but did not mark a specific race category, they are classified in the Some Other Race category. Persons of Hispanic/Latino descent most commonly report their race as White or Some Other Race.³

During the last decade, Yuma experienced a change in the composition of the ethnicity of its residents. The city’s Hispanic/Latino population grew by 15,519 to comprise 55 percent of residents by 2010 compared to 45 percent in 2000. Changes to other races and ethnicities were modest except for White residents, which declined from 48 percent of the city population in 2000 to 38 percent of the population in 2010.

The following exhibit shows that of Hispanic/Latino residents the majority classified themselves as White (57 percent) or Some other race (36 percent). The largest group by race for residents that are Not Hispanic/Latino was White (84 percent) followed by African American (6 percent).

**Exhibit II-4.
Population by Race and Ethnicity, City of Yuma, 2010**

Race	Hispanic or Latino		Not Hispanic or Latino		Total	
	Population	Percent	Population	Percent	Population	Percent
American Indian and Alaska Native alone	652	1%	992	2%	1,644	2%
Asian alone	169	0%	1,561	4%	1,730	2%
Black or African American alone	478	1%	2,532	6%	3,010	3%
Native Hawaiian and Other Pacific Islander alone	62	0%	143	0%	205	0%
White alone	28,707	57%	35,306	84%	64,013	69%
Some Other Race alone	18,100	36%	136	0%	18,236	20%
Two or More Races	2,865	6%	1,361	3%	4,226	5%
Total	51,033	100%	42,031	100%	93,064	100%
Percent of total population	55%		45%		100%	

Source: U.S. Census Bureau 2010 Census.

³ The “Some Other Race” category includes all other responses not included in the “White,” “Black or African American,” “American Indian or Alaska Native” and “Asian” race categories. Respondents providing write-in entries such as Moroccan, South African, Belizean, or a Hispanic origin (for example, Mexican, Puerto Rican, or Cuban) are included in the “Some Other Race” category.

Comparable to other border towns, Yuma is not alone in its dramatic growth in its Hispanic/Latino population; indeed, most border cities saw very large increases between 2000 and 2010. Exhibit II-5 displays the percentage of Not Hispanic/Latino and Hispanic/Latino residents living in border towns/cities in the southwest border region.⁴

**Exhibit II-5.
Growth by Ethnicity
Comparison, 2000
and 2010**

Source:
U.S. Census Bureau 2000 Census
and 2010 Census.

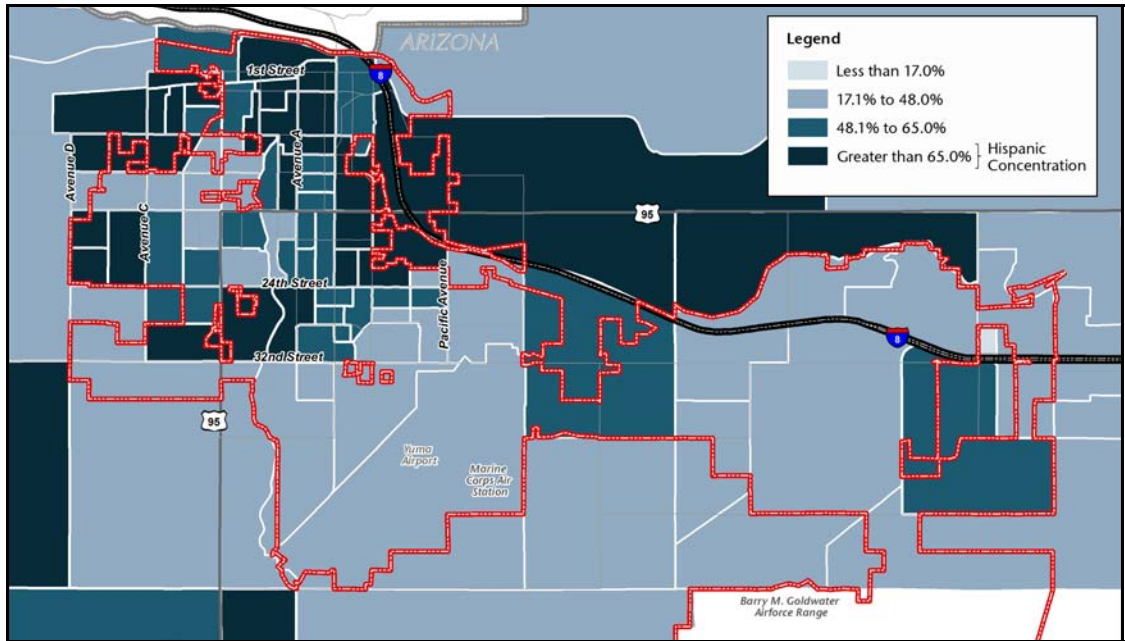
	Non-Hispanic		Hispanic		Growth Rate	
	2000	2010	2000	2010	Non-Hispanic	Hispanic
Yuma, Arizona	55%	45%	45%	55%	-1%	45%
Casa Grande, Arizona	60%	61%	40%	39%	95%	88%
El Centro, California	25%	18%	75%	82%	-18%	23%
Las Cruces, New Mexico	48%	43%	52%	57%	18%	43%
Sierra Vista, Arizona	85%	82%	15%	18%	-61%	-54%
Tucson, Arizona	64%	58%	36%	42%	-3%	24%

Exhibits II-6 through II-8 show where the city’s ethnicities and races—Hispanic/Latino; White, Not Hispanic/Latino; and Not White, Not Hispanic/Latino—reside in the city. The exhibits show the overall ethnic or racial composition of each Census block group. For the purposes of this study, areas of geographical concentration are areas where the percentage of a specific minority or ethnic group is at least 10 percentage points higher than in the city overall.

The city’s Hispanic/Latino population comprises 55 percent of the total population; therefore an area with more than 65 percent is considered an area of concentration. The following map shows block groups where more than 65 percent of the population is Hispanic/Latino, these block groups are considered to have a concentration of Hispanic/Latino residents. Hispanic/Latino residents are concentrated in the north, west and central (south of the downtown) parts of the city.

⁴ Comparable border cities were selected for their size (all are larger than 25,000 residents), proximity to Yuma, proximity to the U.S.-Mexico border and generally similar racial/ethnic composition.

Exhibit II-6.
Percent of Population that is Hispanic or Latino by Block Group, City of Yuma, 2010

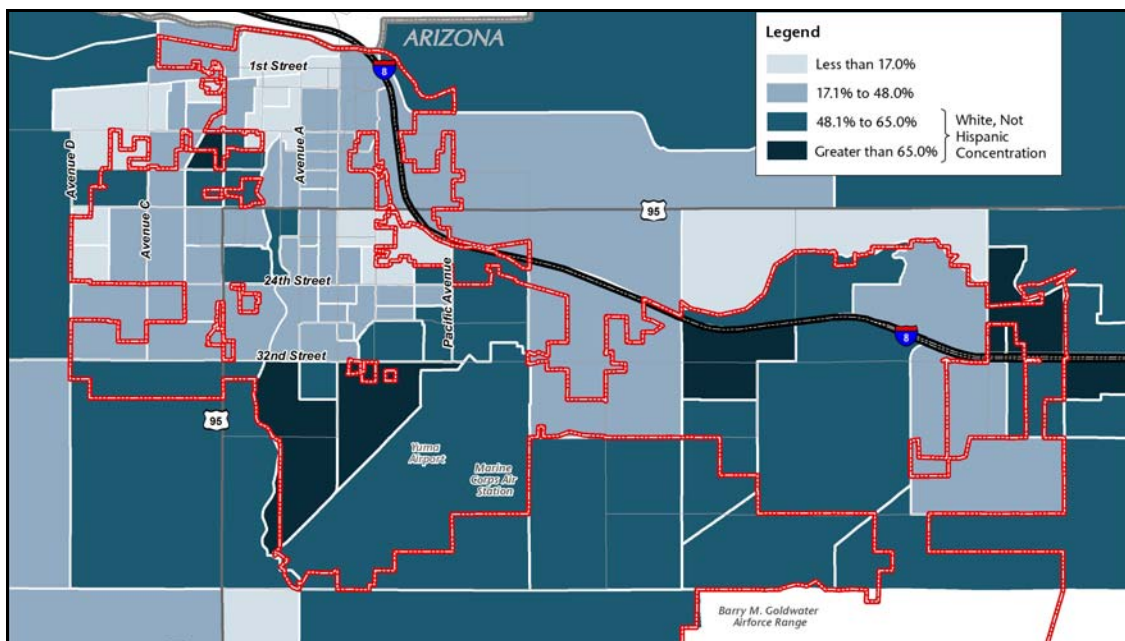


Note: Hispanic/Latino concentration includes block groups where more than 65 percent of the population is Hispanic or Latino.

Source: U.S. Census Bureau 2010 Census and BBC Research and Consulting.

Block groups in the eastern and southern parts of the city, as well as a few block groups to the west, have a concentration of White, Not Hispanic/Latino residents (greater than 48 percent). The White, Not Hispanic/Latino population is 38 percent of the city's total population; therefore an area with more than 48 percent is considered an area of concentration.

Exhibit II-7.
Percent of Population that is White, Not Hispanic or Latino by Block Group, City of Yuma, 2010

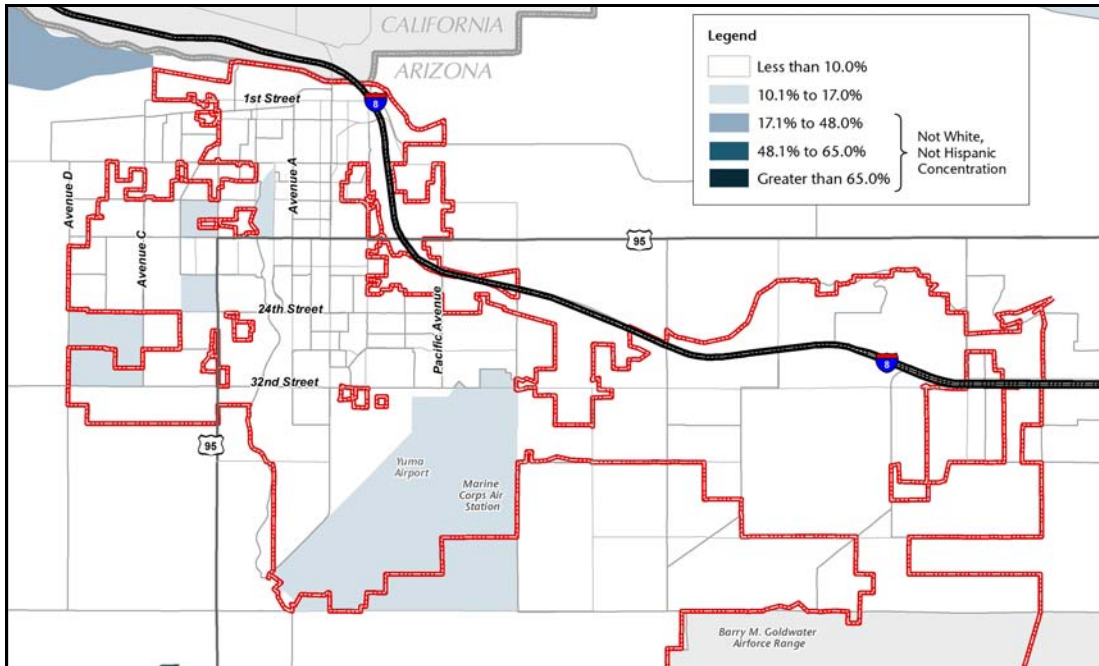


Note: White, Not Hispanic/Latino concentration includes block groups where more than 48 percent of the population is White, Not Hispanic/Latino.

Source: U.S. Census Bureau 2010 Census.

The Not White, Not Hispanic/Latino population of the city makes up 7 percent of the total population, therefore an area with more than 17 percent is considered an area of concentration. There are no block groups in Yuma with a concentration (greater than 17 percent) of Not White, Not Hispanic/Latino residents.

**Exhibit II-8.
Percent of Population that is Not White,
Not Hispanic or Latino by Block Group, City of Yuma, 2010**



Note: Not White, Not Hispanic/Latino concentration includes block groups where more than 17 percent of the population is Not White, Not Hispanic/Latino.
Source: U.S. Census Bureau 2010 Census.

The Lewis Mumford Center and the University at Albany conducted an analysis of how the racial and ethnic composition has shifted during the past decade. The study used exposure indices, racial and ethnic composition of metropolitan areas which measure the racial and ethnic composition of a Census Tract where the average member of a given racial and ethnic group lives, to measure residential segregation. For the City of Yuma, the study found that in 2000:

- The average White person lived in a Census Tract that was:
 - 55 percent White
 - 39 percent Hispanic
- The average Hispanic person lived in a Census Tract that was:
 - 53 percent Hispanic
 - 40 percent White

The study determined a “dissimilarity” score, which measures whether one particular group is distributed across census tracts in the metropolitan area in the same way as another group. The White and Hispanic score was 48, which means 48 percent (or more) of Whites would need to move to a different tract in order for the two groups (Whites and Hispanics) to be equally distributed. A value of 40 to 50 is considered a moderate level of segregation.

Linguistic isolation. Within the City of Yuma, 56 percent of the households spoke English, 41 percent spoke Spanish and the remaining 3 percent spoke other languages as their primary language at home in 2009. Of all of the households in Yuma, 9 percent (or 2,835 households) were linguistically isolated. The ACS defines a linguistically isolated household as one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

Familial status. Other types of people who may be more vulnerable than others in facing housing discrimination and/or have greater challenges in finding affordable, appropriate housing include single parents and persons with disabilities.

According to the 2009 ACS, an estimated 5,719 households in Yuma were made up of single-parent families. This represents about 18 percent of all households in the city. Most of these households were female-headed. Overall, female-headed family households with children account for 11 percent of all households in Yuma. In 2000, female-headed family households with children accounted for 8 percent of all households in Yuma.

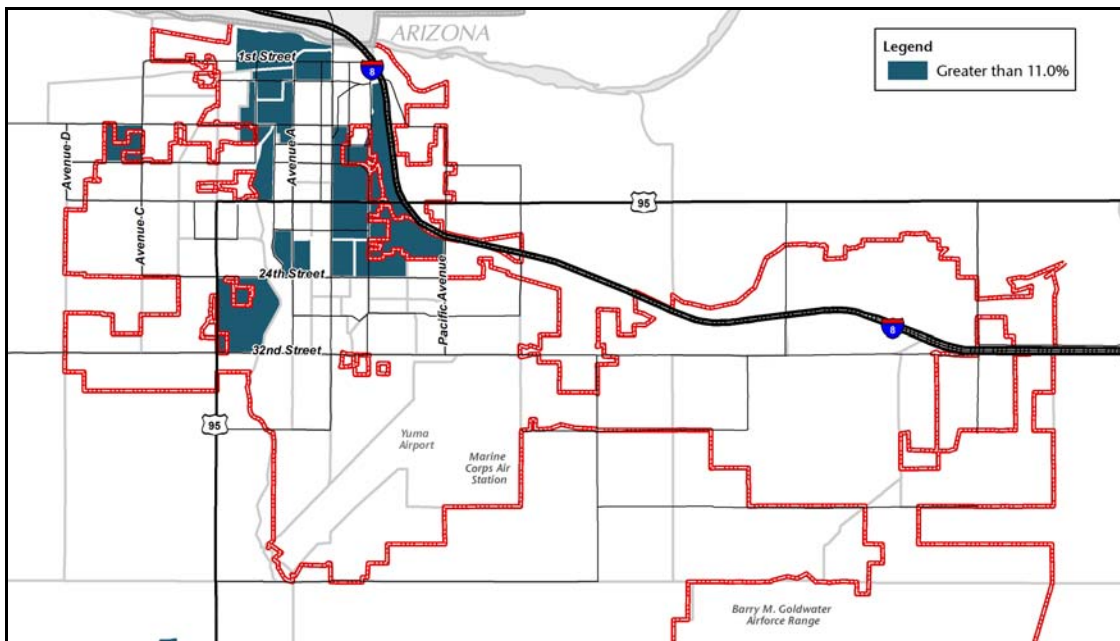
**Exhibit II-9.
Household Composition,
City of Yuma, 2009**

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

	Households	Percent
Households with children	15,054	46%
<i>Family households</i>	14,884	46%
Married-couple family	9,165	28%
Male householder, no wife present	1,998	6%
Female householder, no husband present	3,721	11%
<i>Nonfamily households</i>	170	1%
Households with no children	17,624	54%
<i>Family households</i>	10,027	31%
Married-couple family	8,980	27%
Male householder, no wife present	384	1%
Female householder, no husband present	663	2%
<i>Nonfamily households</i>	7,597	23%
Male householder	2,535	8%
Female householder	5,062	15%
Total households	32,678	100%

Exhibit II-10 shows where female-headed households reside in the city. Except for the northern and central parts of the city, female-headed households are distributed fairly evenly throughout the city.

Exhibit II-10.
Percent of Households that are Female-Headed with Children by Block Group, City of Yuma, 2009



Source: Nielsen-Claritas 2009 estimates.

Disability. Many persons with disabilities require housing that has accessibility features, is near public transit and supportive services, and is affordable. Persons with disabilities are also at greater risk of experiencing housing discrimination, oftentimes due to a lack of knowledge about laws governing accommodations for the disabled.

The ACS's definition of a disability status is based on individual answers to several Census survey questions.⁵ According to the Census, individuals have a disability if any of the following three conditions are true: (1) they were any age and had a response of "yes" to a hearing or vision limitation; (2) they were 5 years old and over and had a response of "yes" to having a cognitive, ambulatory or self-care difficulty; or (3) they were 15 years old and over and had a response of "yes" to independent living difficulty.

The 2008 ACS definition of disability encompasses a broad range of categories, including serious difficulty in four basic areas of functioning: vision, hearing, ambulation and cognition. The definition of people with disabilities includes individuals with both long-lasting conditions, such as blindness, and individuals that have a physical, mental or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business. All disability data from the Census are self reported by respondents or by a family member or housemate.

⁵ The Census Bureau introduced a new set of disability questions in the 2008 ACS questionnaire. Accordingly, comparisons of disability data from 2008 or later with data from prior years are not recommended.

The 2009 ACS reported 11 percent (9,673 persons) of the population in the City of Yuma had at least one disability, which is a similar proportion as the state's population (12 percent). The number of disabled residents in Yuma has decreased since 2000 when 17 percent of citizens reported a disability. Exhibit II-11 shows the number of persons with disabilities by age in 2009 for the City of Yuma.

**Exhibit II-11.
Disability by Age Cohort, City of Yuma, 2009**

	Under 5 Years	5 to 17 Years	18 to 34 Years	35 to 64 Years	65 to 74 Years	75 Years and Over	Total	Percent of Total Population
Without any disability	8,133	18,664	17,349	25,758	3,391	3,085	76,380	89%
With at least one disability	N/A	885	998	2,480	1,140	4,170	9,673	11%
Total	8,133	19,549	18,347	28,238	4,531	7,255	86,053	100%
<i>Percent Disabled</i>	<i>N/A</i>	<i>4.5%</i>	<i>5.4%</i>	<i>8.8%</i>	<i>25.2%</i>	<i>57.5%</i>	<i>11.2%</i>	

Note: There were no residents age 5 years and under reporting a disability, table only includes individuals who reported disability status.

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

Exhibit II-12 lists the number and proportion of disabilities by type and age in Yuma. Among residents age 5 years and older, 7 percent report an ambulatory disability, the highest incidence rate of any disability by type followed by independent living disabilities. Vision disability had the lowest incidence rate; only 1.5 percent of all Yuma residents reported having a vision disability.

**Exhibit II-12.
Disability by Type, City of Yuma, 2009**

	Under 5 Years	5 to 17 Years	18 to 34 Years	35 to 64 Years	65 to 74 Years	75 Years and Over	Total Number of Reported Disabilities	Percent among Reporting Population	Percent of Reported Disabilities
Hearing disability	0	239	187	985	647	1,609	3,667	4.3%	19%
Vision disability	0	61	0	406	368	472	1,307	1.5%	7%
Cognitive disability	N/A	673	468	776	186	1,043	3,146	4.0%	17%
Ambulatory/Mobility disability	N/A	176	394	1,278	547	3,017	5,412	6.9%	29%
Self-care disability	N/A	102	187	493	237	1,090	2,109	2.7%	11%
Independent disability	N/A	N/A	356	711	363	1,862	3,292	5.6%	17%
Total number of disabilities	0	1,251	1,592	4,649	2,348	9,093	18,933		100%

Note: An Individual may report more than one disability; this table reflects a count of all disability types.

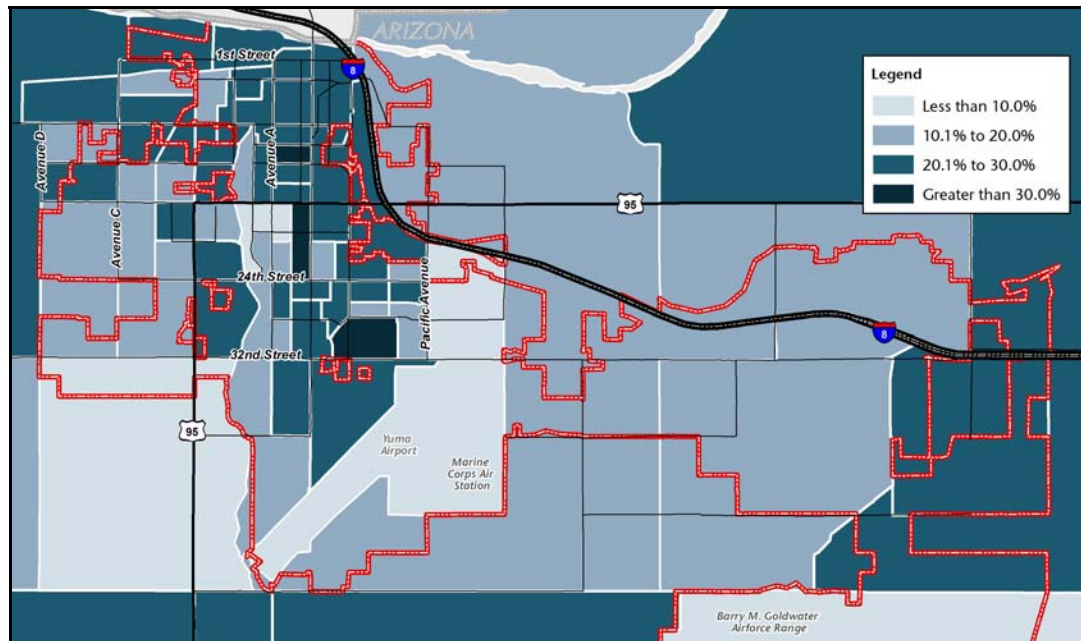
Cognitive, Ambulatory, Self-Care, and Independent Living disabilities are not reported for residents under the age of 5 years.

Independent Living disabilities are reported for residents age 18 and older.

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

Because many people with disabilities have a limited ability to work for pay, they are restricted in their ability to generate earnings and often live on fixed incomes. Persons with disabilities are more likely to have lower incomes and live in poverty than people without disabilities. Finding housing that is affordable, has needed accessibility improvements and is conveniently located near transit and other needed services is often very challenging for persons with disabilities. Recent data showing where persons with disabilities live is not available, therefore 2000 Census data was reviewed. As shown in the map below, persons with disabilities live throughout most of Yuma, except for areas in the southwest and some central areas of the city.

Exhibit II-13.
Percent of Persons with Disabilities by Block Group, City of Yuma, 2000



Source: U.S. Census Bureau 2000 Census.

Housing Market Summary

This subsection discusses the affordability of both rental and for sale housing in the City of Yuma.

Housing to rent. According to the ACS, the median cost of rent in Yuma (excluding utilities) was \$645/month in 2009. The ACS estimates that renters pay about \$131/month on average in utilities in the city. To afford the median rent in the city and the average cost of utilities, a renter would need to earn \$31,040.

Since 2000, the median monthly rent in Yuma has risen by \$227. Renters in Yuma are paying \$2,724 more per year in rent costs. To afford this rent increase from 2000 to 2009, they would need to earn \$9,080 more per year. Renter incomes have increased by \$5,241 between 2000 and 2009—less than what is needed to avoid an increase in housing costs relative to income.

The City of Yuma tends to have lower median rents when compared to the state's median rent. The median rent in Yuma was \$645 and the state's median rent was \$732.

Exhibit II-14 shows the incomes needed to afford the fair market rents⁶ and the number of renter households earning enough to afford the fair market rents. The majority of renters can afford efficiencies and 1 bedroom units; affording 3+ bedroom units is more challenging.

⁶ HUD annually estimates Fair Market Rents (FMRs) by bedroom size (the FMRs include utility costs, except for telephones). FMRs determine the eligibility of rental housing units for the Section 8 Housing Assistance Payments program. HUD sets Fair Market Rents to assure that a sufficient supply of rental housing is available to program participants.

Exhibit II-14.
Fair Market Rents by Bedroom Size and Affordability, City of Yuma, 2011

	Number of Bedrooms				
	Efficiency	One	Two	Three	Four +
Fair Market Rent	\$592	\$699	\$835	\$1,184	\$1,451
Annual income needed to afford FMR	\$23,680	\$27,960	\$33,400	\$47,360	\$58,040
Number of renter households able to afford FMR	8,272	7,330	6,422	3,867	2,751
Percent of renter households able to afford FMR	58%	51%	45%	27%	19%

Note: Fair Market Rents are for 2011; Households by income is for 2009.

Source: U.S. Department of Housing & Urban Development, U.S. Census Bureau 2009 American Community Survey and BBC Research & Consulting.

Wage levels and rents. Annually, the National Low Income Coalition produces a report called “Out of Reach,” which examines rental housing affordability for states, counties and key metropolitan areas.⁷ The study determines how many hours a week a worker earning the minimum wage would need to work to afford median-priced rental units. The study also examines affordability for individuals whose sole source of income is Supplemental Security Income (SSI).

The Out of Reach study reports renters in Yuma County earned a mean hourly wage of \$10.13. At this wage⁸ and assuming full-time work, a unit would be affordable if it rented for \$527 or less per month. The **actual** wage that a renter would have to earn to afford a market rate two-bedroom unit (\$810 per month) in the Yuma MSA in 2010 was \$15.58—about \$5.44 more per hour than the mean hourly wage earned by renters in 2010. According to the report, 53 percent of Yuma County renters are unable to afford a market rate two-bedroom unit. In addition, the study reports that a worker earning the minimum wage (\$7.25/hour) would have to work 86 hours per week to earn enough to afford a market rate two-bedroom unit. This is equivalent to working more than two full-time jobs.

In addition, an individual earning SSI in Yuma County (\$674 per month)⁹ would only be able to afford a rental unit priced at \$202. A market rate studio in Yuma County would cost \$574 per month, significantly more than a unit affordable for SSI recipients in 2010.

Housing to buy. A number of sources produce for-sale data for the Yuma housing market. Referenced in this report are the Multiple Listing Service (MLS) of sales and listings in Yuma from October 14, 2008 through October 13, 2010 provided by ERA Matt Fischer Realtor, the 2009 American Community Survey and Nielsen-Claritas data.

The MLS reported 1,613 residential real estate transactions from October 14, 2008 through October 13, 2010 and an additional 107 homes were under contract as of October 13, 2010. Nearly all of the homes sold were single family properties (93 percent). The median sale price was \$135,000.

⁷ The most recently available version of this report was published in 2010.

⁸ The wages discussed are gross wages, what is the amount before any deductions (i.e., taxes) are figured.

⁹ An individual living in **any state** who qualified for Supplemental Security Income received a maximum of \$674 in monthly federal benefits in 2010.

**Exhibit II-15.
MLS Sales, City
of Yuma, October
2008 through
October 2010**

Source:
MLS data for October 14, 2008
through October 13, 2010 from
ERA Matt Fischer Realtor.

	Number	Listing Price	Sold Price	Days on the Market	Square Feet
Median:					
Condo/Townhome	114	\$123,950	\$116,650	105	1,244
Single Family	1,499	\$139,900	\$138,012	90	1,591
All Sold Listings	1,613	\$139,500	\$135,000	90	1,567
Average:					
Condo/Townhome	114	\$140,132	\$127,905	127	1,354
Single Family	1,499	\$159,053	\$153,407	118	1,691
All Sold Listings	1,613	\$157,715	\$151,604	119	1,667

As of October 13, 2010, there were 623 homes on the market in Yuma: 70 percent were active listings and the remaining 30 percent were either under contract or in the process of being under contract. Eighty-eight percent of these homes are single family homes, which had a median listing price of \$152,900. The median length of time for these listings to be on the market was 73 days. The following exhibit displays the median and average summary statistics for Yuma's listings.

**Exhibit II-16.
Current MLS Listings,
City of Yuma, As of
October 13, 2010**

Source:
MLS data for October 14, 2008 through
October 13, 2010 from ERA Matt Fischer
Realtor.

	Number	Listing Price	Days on the Market	Square Feet
Median:				
Condo/Townhome	77	\$110,000	82	1,228
Single Family	546	\$152,900	72	1,702
All Active Listings	623	\$149,000	73	1,631
Average:				
Condo/Townhome	77	\$125,825	121	1,309
Single Family	546	\$188,996	106	1,814
All Active Listings	623	\$181,189	108	1,752

According to the ACS, the median value of an owner occupied home in the City of Yuma was \$144,400 in 2009. In 2000, the Census estimated the median at \$78,100. Based on these estimates, the median has increased by \$66,300, or by an average of approximately \$7,367 per year. This equates to an 85 percent increase in value since 2000, or an average of 9 percent per year.

In 2009, a household would need to earn approximately \$23,000 more to be able to afford the median priced home than they would have needed in 2000 to afford the median priced home. However, the median household income of Yuma owners has only increased by \$5,817 since 2000.¹⁰ Although home prices have outpaced resident incomes, this gap in Yuma is fairly typical when compared to surrounding communities.

¹⁰ Neither the median home price nor median income are adjusted for inflation.

Purchasing a home is usually most difficult for renters.¹¹ Renters typically have lower incomes than homeowners; they may have difficulty coming up with a downpayment; and they are competing in the for-sale market with many current homeowners who typically have higher incomes and established equity. The median price of homes sold and for-sale in Yuma neighborhoods in the past two years was \$138,950. An estimated 24 percent of Yuma’s renters (3,476 households) and 49 percent of owners (9,078 households) could afford to purchase the median-priced home without being cost burdened. Exhibit II-17 summarizes these findings.

Exhibit II-17.
Affordability of Median Priced Home and Those Who Can Afford the Median Priced Home, City of Yuma, October 2008 to October 2010

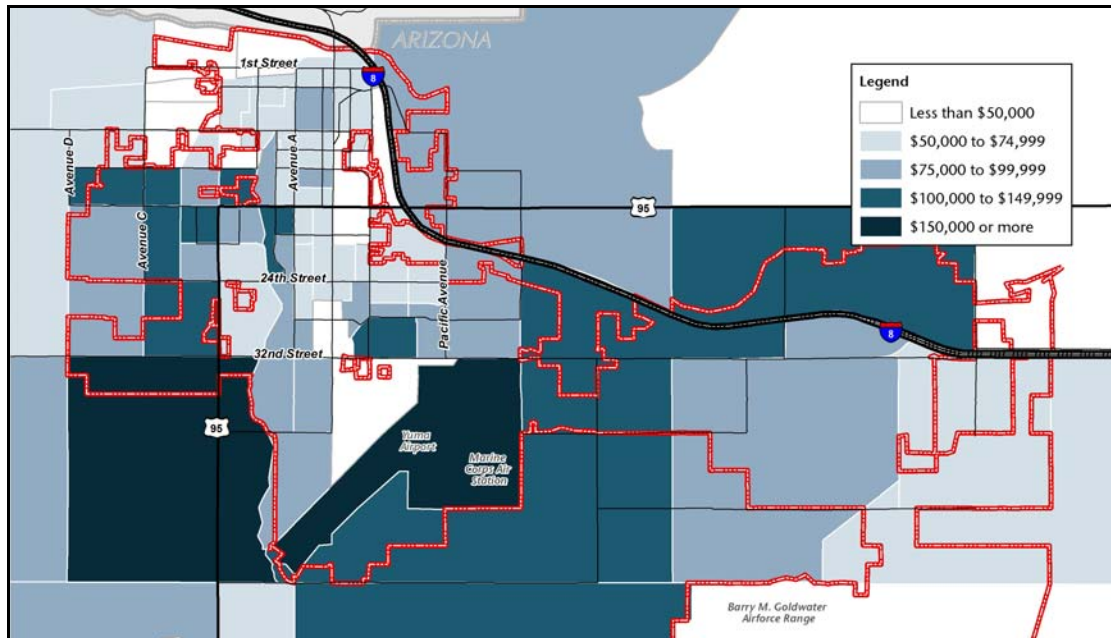
Note:
 Mortgage loan terms are assumed as follows: 30 year fixed, 5.5 percent, 5 percent downpayment. The affordable mortgage payment is also adjusted to incorporate hazard insurance, property taxes and utilities.

Source:
 MLS data for October 14, 2008 through October 13, 2010 from ERA Matt Fischer Realtor, U.S. Census Bureau 2009 American Community Survey and BBC Research & Consulting.

Affordability	
Median price of homes	\$138,950
Income needed to afford median price	\$49,475
Number of renters who can afford to buy	3,476
Percent of renters who can afford to buy	24%
Number of owners who can afford to buy	9,078
Percent of owners who can afford to buy	49%

Exhibit II-18 displays the median home value by Block Group in 2009. Much of the city’s housing stock is valued between \$50,000 and \$100,000; the following map supports these data. The city’s highest housing values are generally found in the southwest and east central areas of the city.

Exhibit II-18.
Median Home Value of Owner Occupied Housing Units by Block Group, City of Yuma, 2009



Note: Block Group 13.9 includes the Yuma Marine Air Corps Air Station and the Yuma International Airport and is located in south central Yuma.

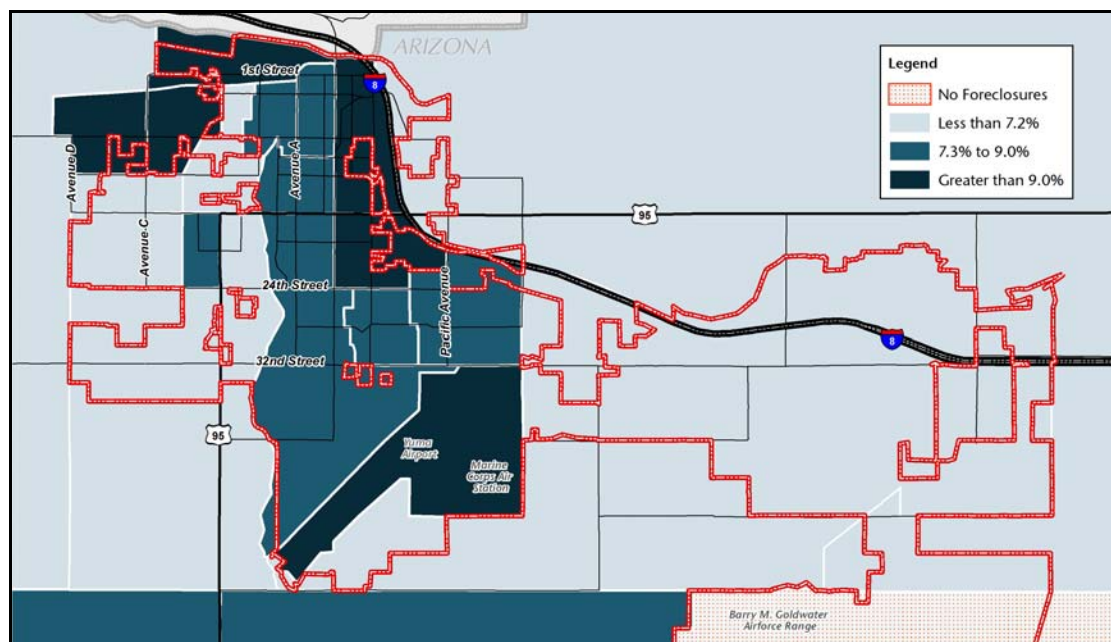
Source: Nielsen-Claritas 2009 estimates.

¹¹ We assume that most renters—especially lower income renters—have not owned a home in the past. In some cases, renters may be former homeowners who have relocated and are renting until they decide to buy, are waiting for a home to be built, or have economic reasons for renting rather than buying.

Foreclosures. The increase of the rate of foreclosures in the nation is often attributed to rapid population growth, increasing homeownership rates and the growing use of alternative lending products, including subprime loans.

HUD has estimated the number and percent of foreclosure starts from January 2007 through June 2008. The City of Yuma had a foreclosure rate of 7.2 percent during this time. As shown in Exhibit II-19, census tracts in the north and central parts of the city had higher foreclosure rates than the city overall.

Exhibit II-19.
Foreclosure Rate by Census Tract, City of Yuma, 2007 through June 2008



Note: Number of foreclosures divided by the total number of mortgages. Census Tract 13 includes the Yuma Marine Air Corps Air Station and the Yuma International Airport and is located in south central Yuma. Census Tract 13 had 9 mortgages and 1 foreclosure, a foreclosure rate of 11 percent.

Source: U.S. Department of Housing & Urban Development.

More recent data on foreclosures for Yuma is more difficult to come by. RealtyTrac®, a California company that tracks foreclosures, released a report in October 2010 (U.S. Foreclosure Market Report™) which shows that foreclosure filings—default notices, scheduled auctions and bank repossessions—were reported on 930,437 U.S. properties in the third quarter, a nearly 4 percent increase from the previous quarter but a 1 percent decrease from the third quarter of 2009. One in every 139 U.S. housing units received a foreclosure filing during the quarter.¹²

RealtyTrac® also reported that Arizona posted the nation’s second highest state foreclosure rate¹³ for the fifth consecutive quarter, with one in every 55 housing units receiving a foreclosure filing. Yuma County had 235 new foreclosure filings during September 2010, with the majority (74 percent) of those located in the City of Yuma.

¹² <http://www.realtytrac.com/content/press-releases/q3-2010-and-september-2010-foreclosure-reports-6108>

¹³ Nevada had the nation’s highest state foreclosure rate with one in every 29 Nevada housing units receiving a foreclosure filing.

According to Yuma Stats,¹⁴ a local provider of economic and development information, 178 Notices of Trustee Sale were sent during October 2010 from Yuma County for both residential and commercial structures. The vast majority are residential properties. The number of Notices of Trustee Sale recorded each month is a strong indicator of local distressed properties. December 2009 reported a record high of 187 recordings and soon after this high two-year lows of 127 recordings were made during May and June 2010.

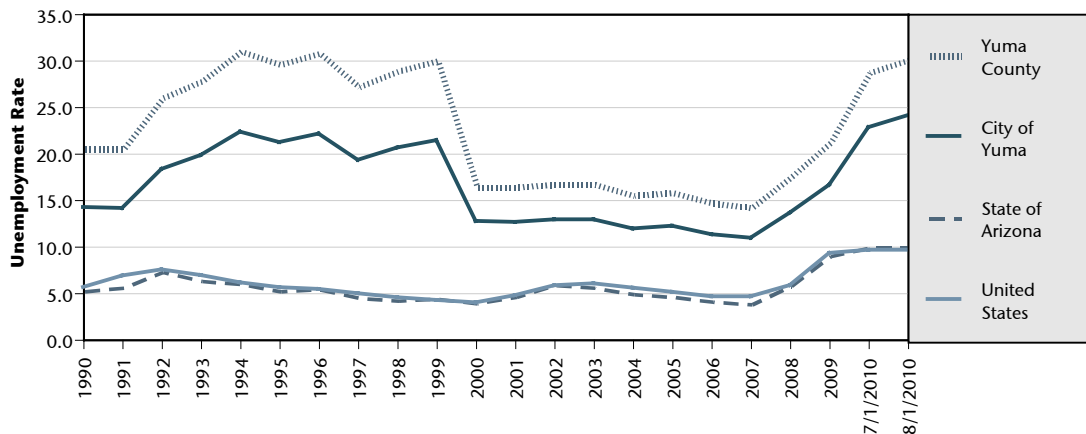
It is important to note that not all Notices of Trustee Sale end in actual foreclosure. Yuma Stats also reported that during 2009, approximately 70 percent of the recordings resulted in a foreclosure, and so far during 2010 the percent of units going into foreclosure has been falling. From January to October 2010 the rate of recordings going into foreclosure is at 53 percent, which according to Yuma Stats is affected mainly by increasing short sales and lender negotiation. Yuma Stats estimates that the year-end total number of foreclosed properties will be 1,000. This is approximately 500 fewer foreclosures than in 2009, but will be higher than 2008's total number of foreclosures.

Employment

The City of Yuma is located in the southwest corner of the State of Arizona, bordering California and Mexico. Interstate 8 runs East-West through Yuma connecting Yuma to San Diego and to Interstate 10 which then leads to Phoenix and Tucson. Yuma is also home to the Yuma International Airport and two ports of entry into Mexico. One port of entry is located downtown San Luis, Arizona is used for private vehicles and a second port of entry, San Luis II, opened in November 2010 about five miles east of San Luis to service all commercial vehicles.

According to the Bureau of Labor Statistics (BLS), the unemployment rate in the City of Yuma was at 22.8 percent in July 2010. This rate is lower than Yuma County (28.8 percent) but more than double the statewide unemployment rate (10.0 percent). The current level of unemployment is a substantial increase from previous years' unemployment rates and is the highest in more than 10 years.

Exhibit II-20.
Unemployment Rate Trend, 1990 to 2010



Note: Data from August of 2010 is preliminary. Data are not seasonally adjusted.

Source: Bureau of Labor Statistics (BLS), Local Area Unemployment Statistics (LAUS) data.

¹⁴ Yuma Stats Commentary, November 8, 2010, http://www.yumastats.com/Commentary_11_8_10.html.

Labor market. Employment data are examined using two sources: the Quarterly Census of Employment and Wages (QCEW) and the Occupational Employment Statistics (OES). QCEW data specifies employment by industry within a region; therefore, individuals participating in an industry may reside outside of the MSA or city. In contrast, the Occupational Employment Statistics identify residents within the MSA or city and surveys their occupation. In this section, the trend in Yuma's economy is discussed first in terms of QCEW data (industry) and then using OES data (occupation).

Quarterly Census of Employment and Wages. In 2001, the majority (55 percent) of Yuma's private employment was provided by the service producing industries. By 2009, service producing industries increased to 64 percent of all private employment—up from 55 percent in 2001. Only the natural resources and mining industries (which include agriculture employment) had faster growth in wages. Exhibit II-21 below displays the trends in employment and wages by industry between 2001 and 2009.

Exhibit II-21.

Change in Employment and Annual Wage by Industry, Yuma MSA, 2001 and 2009

	2001		2009		Percent Change	
	Employment	Annual Wages	Employment	Annual Wages	Employment	Wage
Goods producing						
Natural Resources/Mining	15,183	\$ 14,560	11,929	\$ 22,568	-21.4%	55.0%
Construction	3,032	\$ 24,388	3,050	\$ 30,992	0.6%	27.1%
Manufacturing	2,139	\$ 28,236	1,789	\$ 30,160	-16.4%	6.8%
Total Goods Producing	20,354	\$ 17,472	16,768	\$ 24,908	-17.6%	42.6%
Service Producing						
Trade, Transportation, Utilities	9,295	\$ 23,556	9,845	\$ 28,964	5.9%	23.0%
Information	881	\$ 35,724	465	\$ 37,492	-47.2%	4.9%
Financial Activities	1,255	\$ 22,828	1,588	\$ 32,344	26.5%	41.7%
Professional and Business Services	2,475	\$ 23,192	5,514	\$ 38,584	122.8%	66.4%
Education and Health Services	4,671	\$ 30,316	6,391	\$ 42,744	36.8%	41.0%
Leisure and Hospitality	4,623	\$ 11,336	5,226	\$ 14,924	13.0%	31.7%
Other Services	1,145	\$ 17,836	1,207	\$ 24,648	5.4%	38.2%
Unclassified	70	\$ 20,176	15	\$ 21,476	-78.6%	6.4%
Total Service Producing	24,415	\$ 22,620	30,251	\$ 31,356	23.9%	38.6%
Total Private Employment, all industries	44,769	\$ 20,280	47,020	\$ 29,016	5.0%	43.1%
Public Administration (Federal, State and Local)	3,942	\$ 41,388	5,410	\$ 60,948	37.2%	47.3%
Total All Employment	48,711	\$ 22,412	52,430	\$ 32,448	7.6%	44.8%

Note: All 2009 numbers are preliminary estimates and are subject to change.

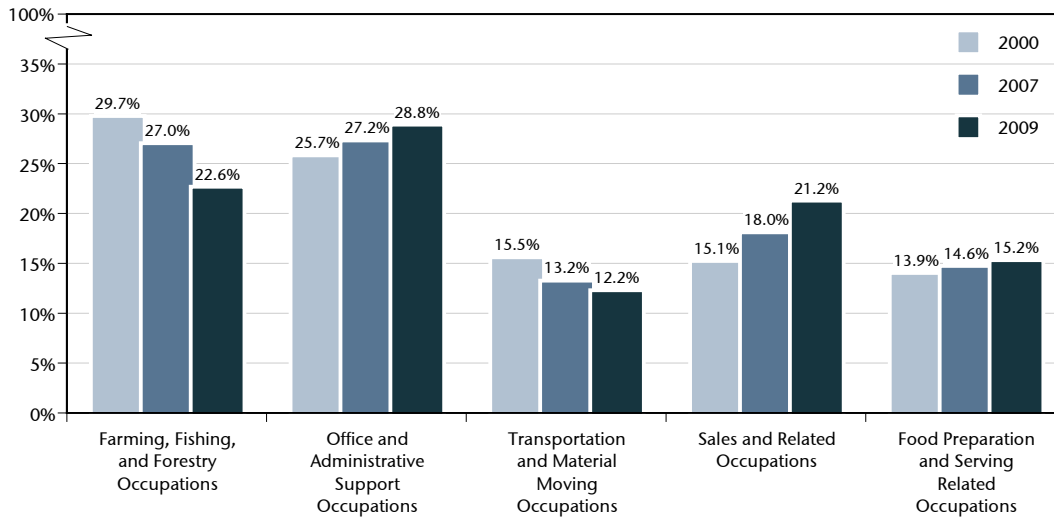
Source: Bureau of Labor Statistics (BLS), Quarterly Census of Employment and Wages (QCEW).

It is good news that during the last decade Yuma experienced increases in employment and wages however, the current recession significantly reduced Yuma’s employment growth rate. Yuma’s employment grew 7.6 percent from 2001 to 2009. At the beginning of the recession in 2007, the total employment by industry in the Yuma MSA was 57,228 people, 17 percent higher than 2001 employment. By 2009, total employment by industry decreased by 4,798 people or 8 percent. The largest declines were experienced in the goods producing industries where a total of 4,279 employees were lost. The professional and business services, education and health services and public administration industries added 1,387, 366 and 751 employees respectively.

All industries experienced modest increases in annual wages between 2007 and 2009 except for the information industry (declined from \$45,448 in 2007 to \$37,492 in 2009) and unclassified industries (declined from \$23,036 in 2007 to \$21,476 in 2009).

Occupational Employment Statistics. In 2000, most of Yuma’s occupations were Farming, Fishing, and Forestry and Office and Administrative Support. It is important to note that more jobs were lost among Farming, Fishing, and Forestry occupations between 2007 and 2009 than between 2000 and 2007. By 2009, significant shifts occurred among the top five occupations. Exhibit II-22 displays the share among the top five occupations in 2000, 2007 and 2009.

Exhibit II-22.
Change in Share among Top Five Occupations, City of Yuma, 2000, 2007 and 2009



Source: Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES).

SECTION III.
Public Policies and Practices

SECTION III.

Public Policies and Practices

This section contains an analysis of public sector barriers to fair housing choice in the context of housing policies and procedures and land use policies.

Housing Authority Policies and Procedures

As part of the AI, the policies and procedures of the city’s housing authority, the Housing Authority of the City of Yuma (HACY), were reviewed. Housing authority management was interviewed to discuss policies and procedures of distributing Section 8 Housing Choice Vouchers (HCV) and management of public housing units. Significant findings are included below.

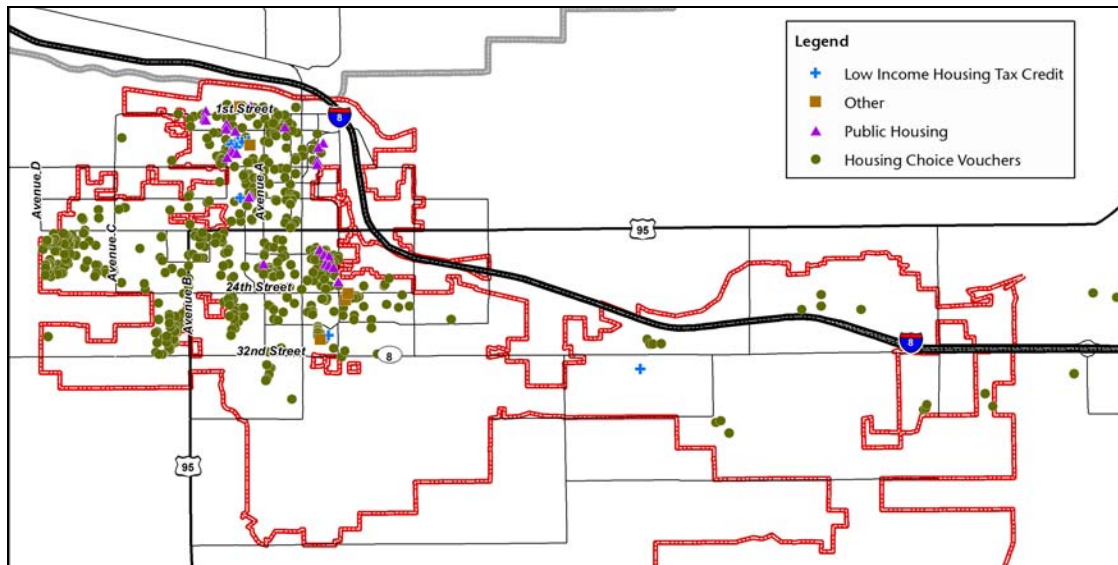
The City of Yuma’s lowest income renters are primarily served by the HACY through public housing units and Section 8 Housing Choice Voucher (HCV) program. Additionally, there are units built using Low Income Housing Tax Credits (LIHTC) and funding through the U.S. Department of Housing and Urban Development (HUD). These include a number of privately owned multifamily complexes that are LIHTC, accept Section 8 or fall under the HUD rental income guidelines. Exhibit III-1 lists those residential units and Exhibit III-2 locates these units on a map. The vast majority of the units are located in the western parts of the city. This is also where the population in Yuma is the densest, and includes block groups with higher proportions of renters, low income households, Hispanic or Latinos, female-headed households and persons with disabilities.

Exhibit III-1.
Subsidized/Income Restricted Housing Units, City of Yuma

Name	Number of Subsidized Units	Current Year to Expire	Unit Description	Type of Subsidy
Housing Choice Vouchers	1,135			Housing Choice Vouchers (HACY)
Carver Park Townhomes	36		Family	LIHTC - New Construction (HACY)
Casa Sierra Vista	30	2027	Elderly	202/811 - New Construction (HACY)
Catalina Square Apartments	100	2014	Elderly	Sec 8 - New Construction
Colorado Street Apartments	32		Family	Farmworker - USDA Section 515
Hotel San Carlos	60			LIHTC - Acquisition and Rehab
James E. Jefferson Manor	32	2020	Family	Loan Management Set-Aside (LMSA)
L M Kelly Apartments	30	2013	Disabled	202/8 - New Construction
La Mariposa Villas	59		Elderly	LIHTC - New Construction
La Mirada Villas	80			LIHTC - New Construction
La Posada Apartments	80			LIHTC - New Construction
Public Housing Units	235			Public Housing Units (HACY)
Rainbow Apartments	81			LIHTC - Acquisition and Rehab
Rio Santa Fe Apartments	63			LIHTC - New Construction
Terracina Housing	80			LIHTC - New Construction
Villa Nueva Apartments	80			LIHTC - New Construction
Villa Serena Apartments	80		Family	LIHTC - New Construction
Yuma Senior Terraces	60		Elderly	LIHTC - New Construction
Total Subsidized/ Income Restricted Units	2,353			

Source: U.S. Department of Housing & Urban Development, National Housing Trust, Housing Authority of the City of Yuma and Arizona Department of Housing.

Exhibit III-2.
Subsidized/Income Restricted Housing Units, City of Yuma



Source: U.S. Department of Housing and Urban Development, National Housing Trust, Housing Authority of the City of Yuma and Arizona Department of Housing.

HACY policies and procedures. In addition to owning and operating public housing units and administering the Section 8 Housing Choice Voucher (HCV) program, the housing authority is engaged in affordable housing development, manages several affordable rental properties in the city and provides a Family Self Sufficiency program for eligible families.

The HACY is overseen by a Board of Commissioners, a seven member board that provides governance and administrative control of HACY's programs. HACY also has a Family Self Sufficiency Coordinating Committee.

On September 29, 2010, HUD rated HACY's performance as a "high performer."

Subsidized housing. As of September 2010, HACY administered 1,135 Section 8 HCVs. HACY also owned and managed 235 public housing units and managed 66 affordable units, listed in Exhibit III-1. HACY currently has 100 percent occupancy with an average 3-day re-leasing of units. According to HACY, residents are living longer in the public housing units than they previously have lived.

The HACY has standardized intake procedures for individuals inquiring about affordable housing that is owned or managed by the housing authority and for Section 8 HCVs. All interested families must complete a written application for public housing and/or Section 8 HCVs. By completing the application, the applicant's name is placed on a list. HACY sends the applicant a confirmation letter to the mailing address (within 15 days of receipt) listed on the application. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.

As of September 2010, there were 2,132 households on the waiting list for HCVs and 989 households on the waiting list for the public housing units. Once a household puts their name on the waiting list they typically wait 2 to 3 years for a voucher or a public housing unit. Both waiting lists are kept open. HACY performs an annual purge of the waiting list, where HACY contacts everyone to ask if they are interested in remaining on the waiting list(s).

A review of the current demographics of the HACY public housing residents, HCV holders and households on each of these waiting lists showed that public housing residents, voucher holders and waiting list households are mostly: White (85 percent); Hispanic (73 percent); female-headed households (80 percent); households earning less than 30 percent of the median household income (71 percent); and families with children (71 percent).

**Exhibit III-3.
Characteristics of HACY Public Housing Residents, HCV Holders
and Waiting List Households, City of Yuma, September 2010**

	Public Housing Residents		Public Housing Waiting List		HCV Holders		HCV Waiting List	
	Households	Percent	Households	Percent	Households	Percent	Households	Percent
Total households	235	100%	989	100%	1,135	100%	2,132	100%
Race and Ethnicity								
American Indian/Alaskan Native	0	0%	22	2%	11	1%	59	3%
Asian	1	0%	5	1%	4	0%	17	1%
Black/African American	7	3%	36	4%	75	7%	114	5%
Native Hawaiian/Pacific Islander	0	0%	2	0%	3	0%	6	0%
White	228	97%	829	84%	1,046	92%	1,700	80%
Hispanic	211	90%	754	76%	799	70%	1,497	70%
Non-Hispanic	24	10%	235	24%	336	30%	635	30%
Head of Household								
Female	207	88%	774	78%	945	83%	1,652	77%
Male	28	12%	215	22%	190	17%	480	23%
Income								
Extremely Low (30% of median)	139	59%	792	80%	662	58%	1,594	75%
Very Low (50% of median)	66	28%	168	17%	331	29%	443	21%
Low (80% of median)	24	10%	26	3%	132	12%	88	4%
Not Low	6	3%	3	0%	10	1%	7	0%
Other Characteristics								
Disabled	24	10%	11	1%	302	27%	35	2%
Elderly, 65 years and over	17	7%	42	4%	151	13%	134	6%
Families with children	202	86%	765	77%	746	66%	1,483	70%

Note: Households can choose multiple races.

Source: Housing Authority of the City of Yuma.

Family Self Sufficiency. HACY offers its clients a Family Self Sufficiency program to assist them with family self-sufficiency, education, employment and training, as well as homeownership. According to HACY, the FSS Program's guiding principle is focused on changing an individual's context to encourage behavior modifications leading to economic independence. The FSS Program helps Section 8 HCV Program/Public Housing residents build assets, increase their earnings/resources, and ultimately achieve long-term financial independence by creating homeowners.

According to HACY there are 163 Section 8 HCV participants actively enrolled as of 2010, of which 111 have escrow accounts with positive balances exceeding \$500,000 in aggregate (an approximate average of \$4,500 per participant). In addition 84 Public Housing families actively participate and their escrow savings total more than \$100,000 in aggregate (an approximate average of \$1,200 per family). In keeping with HUD's goal, HACY plans to continue expanding the program at a rate of ten percent annually in addition to producing a minimum of five homeowners each year.

As of 2010, 43 families have purchased a home utilizing the HCV Section 8 mortgage assistance program. In addition, 15 Section 8 FSS buyers have transferred out to the Yuma County Housing Authority utilizing Section 8 HCV mortgage assistance. Further, the Yuma Neighborhood Development Organization has offered seven additional new housing units to Section 8 HCV buyers.

Fair housing. HACY has established the following goal and objectives regarding fair housing:

“Ensure equal opportunity and affirmatively further fair housing by:

- Undertaking affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability.
- Undertaking affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.”

HACY takes steps to ensure that families are fully aware of all applicable civil rights laws. As part of the orientation process, HACY provides information to the applicant about civil rights requirements.

There have been no recent fair housing complaints involving HACY. If an applicant or tenant family believes that any family member has been discriminated against by HACY, the family is instructed to advise HACY. Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify HACY either orally or in writing. HACY will attempt to remedy discrimination complaints made against them. In addition, HACY will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Additionally, tenants are able to contact Community Legal Services (CLS) when facing eviction or other tenant/landlord issues. HACY has a good working relationship with CLS and seeks advice from them occasionally. HACY receives fair housing training conducted annually by CLS.

HACY's reasonable accommodation policy and procedure is standard and appropriate.

Land Use Policy Review

BBC reviewed the City of Yuma's codes, Comprehensive Plan, planning fees and other city programs and policies to assess potential fair housing concerns or opportunities resulting from the development regulatory process, as well as policies that encourage or discourage the development of affordable housing.

This section summarizes the findings from this review. This review identified the following fair housing concern:

- According to the City of Yuma, to build a new single family home it will cost an estimated \$22,280 in permit fees, development (impact) fees and water and sewer connection fees. A reduction or elimination of these fees and expenses would help keep homes more affordable and encourage more development. The city does allow for exemptions (citywide) against the amount of development fees due for a proposed new development for affordable housing, economic development, and redevelopment and infill. During the previous two years, the city has not received any requests for exemptions. Additionally, the Yuma Neighborhood Development Organization (YNDO) administers a Government Fee Reduction Program to reduce the cost of new homes in designated revitalization areas, which currently include the Carver Park and Yuma High areas. The program pays for a portion of the water and sewer fees and the city has agreed to waive permit fees. To fund this program the YNDO applies for funding through CDBG, and because this program involves new construction, it can only be administered by a designated Community Business Development Organization (CBDO). The YNDO is the only CBDO in Yuma.

Planning and Zoning Commission structure. The residents of Yuma elect a mayor and six City Council members to oversee the City of Yuma. There are several committees, commissions, and boards to assist with this job. The Planning and Zoning Commission consists of seven members who are appointed by the City Council. The Planning and Zoning Commission is granted the power to regulate land use for the public benefit. The main duty of the Commission is to formulate, approve and from time-to-time amend a long-term city plan to guide the development of the city. The Commission shall then recommend to the Council that the city adopt or amend the Council approved city plan.

Community Development Department. The Department of Community Development is comprised of two divisions: the Community Planning Division includes the Long Range Planning section, the Current Planning/Case Review section and Historic Preservation and Architectural Design section; and the Building Safety Division includes the Plan Review/Building Permit section, the Inspection section and the Code Enforcement section.

The Community Planning Division meets with customers in predevelopment meetings, handles requests for rezoning and subdivisions, and addresses needed changes to the zoning or subdivision codes. Long Range Planning staff prepares updates to the General Plan, new or revised policies to guide the city's growth. The planners provide staff support to the Planning & Zoning Commission, the Hearing Officer and the Design & Historic Review Commission.

According to the draft 2012 General Plan, to assist with streamlining the review process the city offers no cost pre-development meetings to applicants to help identify issues early in the development process. Identifying issues during early stages of the development process allows the applicant to design a project that better meets city regulations and requires fewer modifications, and therefore reduces the amount of time spent on the review process which in turns reduces costs for the developer. The draft 2012 General Plan also states that, "compared with other jurisdictions of similar size in Arizona, the City of Yuma has a very short project review timeline."¹

¹ September 1, 2010 draft City of Yuma 2012 General Plan, Housing Element, page 5-17.

General Plan. According to the City of Yuma, the city's General Plan is a policy document and guide to where Yuma wants to be in the future and provides comprehensive direction for the growth and development of the City of Yuma. The plan does not legislate any new fees, taxes or changes to development and building codes. According to the city, the guidelines are intentionally broad to allow flexibility of response to unforeseen circumstances and changing conditions. The goal of the General Plan is to promote focused, orderly growth, and provide a balanced mix of residential, employment, and commercial uses while preserving the natural beauty of the city's open spaces, rivers, native vegetation and other natural resources.

Presently the City of Yuma is developing a 10-year update of the General Plan. The update involves a public review and comment period, an update of the technical aspects of the General Plan, incorporation of City Council directed amendments and a consideration of best practices from around the state. A draft of the 2012 General Plan is currently available to download on the City of Yuma's Community Development Department's Web site. The city plans to hold several open houses and public hearings concerning the 2012 General Plan over the next year.

The following is a review of the current General Plan, the 2002 General Plan, and the draft 2012 General Plan.

2002 General Plan. Approved by the City Council and the voters of Yuma in 2002, the General Plan is a policy document and guide to where Yuma wants to be in the future. This plan has a number of components that encourage fair housing development by addressing affordability, special needs and other planning policies. The following includes information from the review of the 2002 General Plan completed for the 2007-2010 AI.

The General Plan Land Use Element provides a guide for the appropriate locations for residential, commercial and industrial development and is the foundation for the remaining elements of the General Plan. In addition to the Land Use Element, the City and County of Yuma adopted the Joint Land Use Plan (JLUP). This represents the combined efforts of the City and County of Yuma to achieve a common "blue print" of land uses and development policies for the future economic growth and development of lands in and around the city.

Residential development in and around the downtown is the historic residential heart of the city, and as the community continues to grow, residential development has radiated out. According to the Land Use Element, the south Yuma Valley and east mesa are the two fastest growing areas in the city and single-family detached housing is the most common housing type in the community. Apartments, duplexes and condominiums are also available.

Residential development is allowed in nine different residential districts, each with varying density requirements. The following exhibit shows the allowable density for the City of Yuma, the expected number of dwelling units and acreage for build out of each land use category in the General Plan.

**Exhibit III-4.
Residential and Mixed Use Allowable Density,
Expected Density and Acreage at Build Out**

	Allowable Density (Dwelling Units/Acre)	Expected Density (Dwelling Units/Acre)	Acreage	
Rural density residential	0.20 to 2.0	0.50	15,282	28%
Suburban density residential	0.50 to 3.0	2.50 *	876	2%
Low density residential	1.0 to 6.0	4.00	8,955	16%
Medium density residential	7.0 to 12.0	10.00	2,845	5%
High density residential	13.0 to 18.0	16.00	451	1%
Mixed use	5.0 to 10.0	5.00	1,207	2%
Resort, recreation & open space	0.20	0.20	7,160	13%
Agricultural	0.025	0.03	17,603	32%
		Total	54,379	100%

Note: The data do not estimate the time frame for reaching plan build out, only the ultimate density accommodated within the land use categories.

* SUDSA—South of County 12th Street outside the 65 Ldn noise contour, this land use designation should provide for a density not to exceed 1 dwelling unit per 2 acres until such time as subsequent studies as outlined in Policy E are completed.

Source: City of Yuma 2002 General Plan, Land Use Element and Housing Element, according to the Joint Land Use Plan.

As shown in the previous exhibit, less than one percent of the land is planned for high density residential development in the city and county.

The General Plan has a number of components that encourage and support fair housing development, including the following:

- A Housing Element goal that, “encourage(s) the provision of safe, decent, sanitary, and affordable housing for all residents.” One objective under this goal includes, “encourage a variety of housing types to meet all socioeconomic segments of the population, including both full time and seasonal residents.” Subsequent policies important to fair housing include:
 - The city shall encourage adequate supply of housing for low- and moderate-income residents.
 - The city shall encourage a variety of housing types to accommodate the various needs of different groups in the community.
 - The city shall enforce State and Federal fair housing laws to ensure equal housing opportunities to all regardless of race, ethnicity, color, national origin, religion, sex, disability, or familial status.
 - The city shall help mitigate the constraints to housing development through financial and regulatory incentives.
- The goal of the Redevelopment Element is to, “encourage residential neighborhoods and commercial and industrial sites in older areas of our community that thrive and attract a mix of residents and businesses.” Aside from creating neighborhood plans the element has an objective to, “create a system to monitor conditions in mature neighborhoods to identify trends or opportunities, and develop strategies accordingly.”

- The Transportation Element provides a goal to establish a fixed public transportation route. Transportation objectives under this goal that may further fair housing include: to provide mobility to the young, elderly, and disabled persons and to people having no other travel options; and to support economic vitality by enabling citizens to commute to their places of employment.

The General Plan also proposes a number of housing action plan projects for Yuma and Yuma County. Several of the action plan items have been completed or are under discussion since the 2002 General Plan was adopted. A few of the action plan items are mentioned below as items that should still be investigated, begun and/or continued:

- Redesignation/Rezoning for Higher Density Residential—Consider redesignating land for higher density residential development to promote additional rental and lower cost ownership units. Consider creating a public education program, such as an Affordable Housing Guide, to address public concerns regarding increased density and affordable housing.
- Fair housing outreach and education—Continue to implement the Fair Housing Outreach and Education Strategy.
- Accessory dwelling unit ordinance—Research and evaluate an accessory dwelling unit, or “granny flat”, ordinance to provide affordable alternatives to apartment living.

2012 General Plan (September 1, 2010 draft). The following includes a review of the draft 2012 General Plan. The following information is subject to change prior to final approval.

According to the Land Use Element, the south Yuma Valley and east mesa are the two fastest growing residential areas in the city, and single family detached housing is the most common housing type in the community.

The following exhibit indicates the expected number of dwelling units for build-out of each land use category in the Land Use Plan. The information found in the exhibit does not estimate the time frame for reaching plan build-out, only the ultimate density and population accommodated within the land use categories at expected densities.

**Exhibit III-5.
Dwelling Unit
and Population
Projections**

Source:
City of Yuma 2012
General Plan, September 1,
2010 draft.

	Expected Density (Dwelling Units/Acre)	Acreage	Dwelling	Population	
				Number	Percent
Rural density residential	0.3 du/ac.	11,335	3,401	9,725	4%
Estate Residential	2 du/ac	349	698	1,996	1%
Suburban density residential	1 du/ac	768	798	2,197	1%
Low density residential	3 du/ac	12,567	37,701	107,825	39%
Medium density residential	8 du/ac	4,260	34,144	97,652	35%
High density residential	15 du/ac	818	12,270	35,092	13%
Mixed use	5 du/ac	1,512	7,560	21,622	8%
		Total	96,572	276,109	100%

As shown in the previous exhibit, at build-out 39 percent of the city’s population is expected to be housed in low density residential areas and another 35 percent in medium density residential areas.

The draft 2012 General Plan includes several goals, objectives and policies that encourage and support fair and affordable housing. The following includes a few of the most relevant goals, objectives and policies:

- The Housing Element’s one goal is as follows, “encourage the provision of safe, decent, sanitary, and affordable housing for all residents.” One of the objectives relevant to fair and affordable housing is to, “encourage a variety of housing types to meet all socioeconomic segments of the population, considering both full time and seasonal residents.” Subsequent policies important to fair and affordable housing include:
 - The City shall encourage an adequate supply of housing for low and moderate income residents.
 - The City shall encourage a variety of housing types to accommodate the various needs of different socioeconomic groups in the community to meet the Smart Growth Principle of variety and affordability.
 - The City shall enforce State and Federal fair housing laws to ensure equal housing opportunities to all regardless of race, ethnicity, color, national origin, religion, sex, disability, or familial status.
 - The City shall develop ways to help mitigate the constraints to housing development through financial and regulatory incentives.
- The draft 2012 Transportation Element includes a goal to “promote a fixed route public transit system,” with an objective to “provide mobility to the young, elderly, and disabled persons and to people having no other travel options.” The same goal and objective are included in the 2002 General Plan.
- The goal of the draft 2012 Redevelopment Element is to, “encourage residential neighborhoods and commercial and industrial sites in older areas of our community that thrive and attract a mix of residents and businesses.” The objectives include creating revitalization and area plans for several areas in Yuma, along with an objective to, “create a system to monitor conditions in mature neighborhoods to identify trends or opportunities, and develop strategies accordingly.”
- The cost of development also plays an important role in providing affordable and fair housing. According the draft 2012 Cost of Development Element the city has two goals to:
 - “Ensure that new development pays its fair share of growth.”
 - “Determine and manage monetary and facility impacts as a result of new development.”An action plan project proposes to, “tri-annually review and modify the Citywide Development Fee Structure to ensure current cost estimates and fairness.”

The draft 2012 General Plan also proposes several housing action plan projects that support fair and affordable housing. The following is a list of several relevant housing action plan projects:

- ***Re-designation/Rezoning for Higher Density Residential***—Consider rezoning land for higher density residential development to promote additional rental and lower cost ownership options. Consider creating a public education program, such as an Affordable Housing Guide, to address public concerns regarding increased density and affordable housing.

- **Fair housing outreach and education**—Continue to implement the Fair Housing Outreach and Education Strategy.
- **Analysis of Impediments to Fair Housing Choice**—Continue to update the Analysis of Impediments to Fair Housing Choice and utilize the fair housing planning process to address constraints to housing production.
- **Foreclosure Homes**—Inventory vacant foreclosed homes. Develop programs to ensure economic health of neighborhoods with vacant houses that target ill-kept units and yards.
- **First-time homebuyers program**—Continue to provide assistance to first-time, low income homebuyers and expand to others first-time homebuyers.
- **Infill development program**—Develop a program to reduce development costs and create incentives (impact fees or other government fees) for infill development projects. Incentives can target mixed-use development, accessory dwelling units, and in-fill within target neighborhoods.
- **Residential text amendments**—Consider amending the zoning code to allow broader options for granny-flats as an alternative for the aging or disabled population.
- **Government Fee Reduction Program**—Continue to (support the Yuma Neighborhood Development Organization) implement the program to reduce the costs of new homes and rental units for low income households.
- **Housing rehabilitation**—Continue to provide emergency repair, major home repair, and major home rehabilitation loans to low and moderate income households. Consider implementing a rental rehabilitation program.
- **Code enforcement**—Continue to enforce the City’s codes and policies related to public health and safety.
- **Distressed mobile home and RV park improvement program**—Consider adopting an improvement program to target distressed mobile home parks and subdivisions and RV parks to provide rehabilitation assistance that meets the needs of mobile home and RV owners.
- **Community organizations**—Continue to foster strong ties with and support the activities of local organizations that are involved with the provision of affordable housing and services.
- **Neighborhood revitalization**—Consider expanding the neighborhood revitalization approaches applied to the Carver Park area to other areas within the community with concentrated rehabilitation needs. Mobile home parks and subdivisions can also be targeted for revitalization.
- **Affordable Housing Strategy**—Consider developing an Affordable Housing Strategy that provides incentives to encourage development of affordable units. An inclusionary housing ordinance may be included as part of the strategy. To best design an affordable housing strategy, a feasibility study should be completed and developers consulted.
- **Rental Inspection Ordinance**—Consider expanding rental inspection program Citywide.
- **Persons with special needs and housing for homeless**—Implement the City’s Continuum of Care program as outlined in the Consolidated Plan, including providing financial support for emergency and transitional housing programs.

Yuma Code of Ordinances. The City of Yuma Code of Ordinances is a compilation of ordinances, commonly known as local laws, which are adopted by the City Council. The Code of Ordinances is amended by ordinances that are adopted by the Yuma City Council. The Yuma Code of Ordinances is available online² to view, search and print.

To evaluate potential fair housing concerns within the city’s zoning code, BBC Research & Consulting utilized a “Review of Public Policies and Practices (Zoning and Planning Codes)” form recently circulated by the Los Angeles fair housing office of HUD. This section poses the questions from this checklist, along with responses about the city’s code. The section also addresses additional zoning laws and policies (e.g., minimum lot size requirements, dispersal requirements of group homes in single family zones and restrictions on the number of unrelated persons in dwelling units) commonly reviewed when completing AIs.

The complete Zoning Code is Chapter 154 included in Title 15 Land Usage of the City of Yuma Code of Ordinances. In July 2010, the City Council adopted Ordinance O2010-32, Zoning Code Amendment: City of Yuma Zoning Code Reformat. The ordinance reformats the Zoning Code, by reference, which updates the physical layout and order of the City of Yuma Zoning code, Title 15, Chapter 154, by changing the arrangement of sections and subsections and placing them under appropriate renumbered existing or alternate headings. (Z2010-001). This review of the Zoning Code was completed prior to the release of the reformatted Zoning Code.

According to the Zoning Code, the Zoning Code is “held to be minimum requirements adopted for the promotion of a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the health, safety, morals or general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements.”³

Zoning Regulation Impediment: Does the code definition of “family” have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement? The Zoning Code’s definition of *family*“ is:

- (1) An individual or two or more persons related by blood, marriage, or adoption, living together within a single dwelling unit; or
- (2) A group of not more than five persons, who need not be related, living together within a single dwelling unit.”⁴

This definition does limit the number of unrelated persons living together to five persons, which could have the effect of discriminating against congregate or group living arrangements of over five unrelated individuals with disabilities.

² http://www.amlegal.com/yuma_az/

³ Yuma Code of Ordinances, Title 15: Land Usage, Chapter 154: Zoning, 154-001 Interpretation, Purpose, and Conformity.

⁴ Yuma Code of Ordinances, Title 15: Land Usage, Chapter 154: Zoning, 154-004 Definitions.

However, the Zoning Code includes a definition for small residential care facilities to provide care for ten or fewer persons. These residential care facilities are to provide care for persons with disabilities who have some limits to self-care. As shown in Exhibit III-6, these small residential care facilities are permitted in all residential districts. The definition follows:

“RESIDENTIAL CARE FACILITY, SMALL. Establishments primarily engaged in the provision of residential social and personal care for ten or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small, that are also located within any residential district (SIC 8361).”⁵

Zoning Regulation Impediment: Is the Code definition of “disability” the same as the Fair Housing Act?

The Zoning Code does not provide a definition of “disability,” “disabled,” or “handicap.”

Practice Impediment: Does the zoning ordinance restrict housing opportunities for individuals with disabilities and mischaracterize such housing as a “boarding or rooming house” or “hotel”?

The Zoning Code includes provisions to allow residential care facilities (small) to be located within any residential district, while limiting the concentration of this type and other residential care facilities (i.e., child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small) by not allowing them to be located within 1,320 feet of one another. Residential care facilities are establishments primarily engaged in the provision of residential social and personal care for persons with some limits on ability for self-care, such as children and the elderly, but where medical care is not a major element.

The Zoning Code includes the following in the definitions for residential care facilities (small and large), nursing and personal care facilities (small and large), child day care services (small and large) and individual and family social services: “These facilities shall not include any persons whose occupancy would constitute a **direct threat** to the health or safety of other individuals or would result in substantial physical damage to the property of others.”⁶ Although the previous clause does not directly restrict housing opportunities for persons with disabilities and that the term “direct threat” is used in the Federal Fair Housing Act, the American Disabilities Act and the Arizona Revised Statutes (A.R.S. 41-1491.19, it is difficult to determine what is meant by a “direct threat” and could be used to discriminate against certain protected classes. According to the U.S. Department of Justice, “determining whether someone poses such a **direct threat** must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.”⁷

The Zoning Code’s definition of **rooming and boarding house** does not imply it will be housing for persons with disabilities. The Zoning Code’s definition of **rooming and boarding house** is:

⁵ Ibid.

⁶ Ibid.

⁷ http://www.justice.gov/crt/about/hce/housing_coverage.php

“Establishments primarily engaged in renting rooms, with or without board, on a fee basis. Included are boarding houses (except organizations) and commercially operated dormitories (SIC 7021).”⁸

The following exhibit shows where residential care facilities, rooming and boarding houses, child day care services and nursing and personal care facilities are permitted among the various zoning districts in the city.

**Exhibit III-6.
Permitted Use for Special Needs Housing by Zoning District, City of Yuma**

Districts	Residential Care Facility		Rooming and Boarding Houses	Child Day Care Services		Nursing and Personal Care Facilities	
	Small	Large		Small	Large	Small	Large
Agriculture	Yes	No	No	Yes	Conditional	Yes	Conditional
Suburban Ranch	Yes	No	No	Yes	Conditional	No	No
Residential Estate	Yes	No	No	Yes	Conditional	No	No
Low Density Residential	Yes	No	Yes	Yes	Conditional	No	No
Medium Density Residential	Yes	No	Yes	Yes	Conditional	No	No
High Density Residential	Yes	No	Yes	Yes	Conditional	No	No
Residence-Manufactured Housing	Yes	No	Conditional	Yes	Conditional	Yes	No
Recreation Vehicle Subdivision	Conditional	Conditional	No	No	No	Conditional	Conditional
Manufactured Housing Subdivision	Yes	No	Conditional	Yes	Conditional	Yes	No
Manufactured Housing Park	Yes	No	Conditional	Yes	Conditional	Yes	No
Transitional	Yes	Conditional	Yes	Yes	Conditional	Yes	Conditional
Old Town	Yes	Yes	Yes	Yes	Yes	No	No
Planned Shopping Center	No	No	No	No	No	No	No
Limited Commercial	Yes	Yes	No	Yes	Yes	Yes	Conditional
General Commercial	Yes	Yes	No	Yes	Yes	Yes	Yes
Business Park	No	No	No	Yes	Yes	No	No
Historic Park	No	No	No	No	No	No	No
Industrial Park	No	No	No	No	No	No	No
Light Industrial	Conditional	Conditional	No	Conditional	Conditional	Conditional	Conditional
Heavy Industrial	Conditional	Conditional	No	Conditional	Conditional	Conditional	Conditional

Note: Residential Care Facility—Establishments primarily engaged in the provision of residential social and personal care for persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. The small facility houses ten or fewer persons and the large facility houses 11 or more persons.

Rooming and Boarding Houses—Establishments primarily engaged in renting rooms, with or without board, on a fee basis. Included are boarding houses (except organizations) and commercially operated dormitories (SIC 7021).

Child Day Care Services—Establishments primarily engaged in the care of infants or children under 18 years of age, or in providing prekindergarten education, where medical care or delinquency correction is not a major element. Small child day care services are for five or fewer infants or children under 18 years of age and large services are for six or more infants or children under 18 years of age.

Nursing and Personal Care Facilities—Establishments primarily engaged in providing inpatient nursing and health-related personal care to residents, such as convalescent homes with health care and rest homes with health care. Small facilities care for ten or fewer residents and large facilities care for 11 or more residents.

Source: City of Yuma Code of Ordinances, Title 15 Land Usage, Chapter 154 Zoning.

Practice Impediment: Does the zoning ordinance deny housing opportunities for disabled individuals with on site housing supporting services? No, the Zoning Code does not deny housing opportunities for individuals with disabilities with on site housing supportive services. The definition of **residential care facility** clearly states it is a facility that provides residential services: “Establishments primarily engaged in the provision of residential social and personal care for ten or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children.”⁹

⁸ Yuma Code of Ordinances, Title 15: Land Usage, Chapter 154: Zoning, 154-004 Definitions.

⁹ Ibid.

Does the jurisdiction policy allow any number of unrelated persons to reside together, but restrict such occupancy, if the residents are disabled? No, the city **does not** limit the number of unrelated persons to reside together because they are disabled. However, the city **does** limit the number of unrelated persons living together for all dwelling units. The Zoning Code’s definition of “**dwelling unit**” is: “One or more rooms within a building used for residential purposes for **one family** and containing independent sanitary and cooking facilities. The presence of cooking facilities conclusively establishes the intent to use for residential purposes.”

The Zoning Code’s definition of **family** “is:

- (1) An individual or two or more persons related by blood, marriage, or adoption, living together within a single dwelling unit; or
- (2) A group of **not more than five persons**, who need not be related, living together within a single dwelling unit.”¹⁰

This definition does limit the number of unrelated persons living together to five persons, which may have the effect of discriminating against congregate or group living arrangements of over five unrelated individuals with disabilities.

To allow for group living for persons with some limits to self-care needs the Zoning Code includes a definition for **small residential care facilities** (provided on page 12), which will provide care for ten or fewer persons. As shown in Exhibit III-6, small residential care facilities are a permitted use in all residential districts.

Does the jurisdiction policy not allow disabled persons to make reasonable modifications or provide reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing? There is no mention in the Zoning Code of not allowing disabled persons to make reasonable modifications or providing reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing.

The Housing Authority of the City of Yuma (HACY) acts as agent for the city to construct, maintain, operate and manage housing projects of the city. HACY’s reasonable accommodation policy and procedure is standard and appropriate.

Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for disabled applicants and is the hearing only for disabled applicants rather than for all applicants? No, as shown in Exhibit III-6 not all of the special needs populations’ facilities are permitted in every zoning district and may require a conditional use permit. The Planning and Zoning Commission has the authority to hear and decide applications for conditional use permits. However, when specified by the Zoning Code that the City Council shall have the final authority to decide applications for conditional use permits, the decision of the Planning and Zoning Commission shall be advisory to the City Council.

¹⁰ Ibid.

Does the zoning ordinance address mixed uses? How are the residential land uses discussed? What standards apply? The Zoning Code includes a Transitional District (TR), whose purpose is to provide a transition between the low density residential areas and nonresidential uses and facilities. As a secondary purpose, the TR district may also accommodate residential land uses either as independent activities, or in conjunction with professional services wherein a resident environment is desirable. (§154-170 Purpose.)

The Limited Commercial (B-1) and General Commercial (B-2) districts allow, as an accessory use, single- and two-family dwellings that are used in conjunction with an established business activity. The residences shall be located within the same building or lot and may be owner-occupied or a rental unit. The residences may not be freestanding buildings for a solely residential use, however the Limited Commercial District may accept this as a conditional use. (§154-215 Purpose.)

Additionally, the Zoning Code allows for a mixture of site-built and manufactured housing in residential areas wherein such mixture is deemed appropriate and compatible in the Residence-Manufactured Housing District (R-MH). According to the Zoning Code, the R-MH district may be applied for or initiated within existing developed areas of the city, as well as in new development areas, subject to certain requirements and shall be the only district where the mixture of site-built residential dwellings with manufactured housing shall be permitted. Only those dwelling units, including additions, which meet the specified standards and criteria are permitted within the R-MH district. (§154-111 Applicability and General Requirements.)

The Zoning Code also includes the Smart Growth Overlay (SGO) District, adopted in March 2009. The purpose of the SGO district is to encourage a compatible mix of uses, as well as to promote compact, pedestrian-friendly development, encourage more condensed residential subdivisions, provide a choice of housing types and transportation modes, preserve open space, and provide a consistent development review process (§154-234 Purpose.).

The city allows for Planned Unit Developments (PUD's), which are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning regulations. PUD's are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.¹¹ A PUD may be permitted in any Residential Estate (RE), any Low Density Residential (R-1), Medium Density Residential (R-2), or High Density Residential (R-3), Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2), or Business Park (BP) District.

Additionally, the residential districts allow for home occupations to be an accessory use, provided the occupations meet the general provisions for buildings and uses as provided in 154-003 (J) of the Zoning Code.

¹¹ Yuma Code of Ordinances, Title 15: Land Usage, Chapter 154: Zoning, Planned Unit Developments.

Does the zoning ordinance describe any areas in this jurisdiction as exclusive?No.

- **Are there exclusions or discussions of limiting housing to any of the following groups: race, color, sex, religion, age, disability, marital status or familial status and/or creed of national origin?**
No.

Are there any restrictions for Senior Housing in the zoning ordinance? If yes, do the restrictions comply with Federal law on housing for older persons (i.e., solely occupied by persons 62 years of age or older or at least one person 55 years of age and has significant facilities or services to meet the physical or social needs of older people)?No, the Zoning Code does not include any mention of housing for seniors, the elderly, persons 55 years and over, or 62 (or 65) years and over. The closest mention is included in the definition of residential care facilities, both small and large: "Establishments primarily engaged in the provision of residential social and personal care for... persons with some limits on ability for self-care, such as children, the **elderly**, but where medical care is not a major element."¹²

The Zoning Code includes provisions to allow residential care facilities (small) to be located within any residential district, while limiting the concentration of this type and other residential care facilities (i.e., child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small) by not allowing them to be located within 1,320 feet of one another.

Does the zoning ordinance contain any special provisions for making housing accessible to persons with disabilities?Chapter 150 Building Regulations under the section Building Conversion includes amendments, additions and deletions to the International Existing Building Code 2003, concerning the Arizona Disabilities Act. One amendment reads the, "building shall comply with the Arizona with Disabilities Act, accessibility guidelines."

Does the zoning ordinance establish occupancy standards or maximum occupancy limits? Do the restrictions exceed those imposed by state law?The Code of Ordinances does not include any amended occupancy standards or maximum occupancy limits that may or may not be included in the adopted building and housing codes besides the following:

Chapter 150, Building Regulations, includes the following amendment to the International Property Maintenance Code 2003: "(H) Chapter 4: Amend 404.4.1 to read, "Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 25 square feet of floor area for each occupant thereof."¹³

The Zoning Code **does** include the limit of one family per dwelling unit. Dwelling units are limited to one family, which cannot contain more than five unrelated persons unless defined otherwise. The Zoning Code does not include a maximum number of related people in one family.

Does the zoning ordinance include a discussion of fair housing? How does the jurisdiction propose to further fair housing?No. The city completes an Analysis of Impediments to Fair Housing Choice (which is this study) that includes a Fair Housing Action Plan. Fair housing is also mentioned in the Housing Element of the city's General Plan. The city has also adopted the Fair Housing Outreach and Education Strategy.

¹² Yuma Code of Ordinances, Title 15: Land Usage, Chapter 154: Zoning, 154-004 Definitions.

¹³ City of Yuma Code or Ordinances, Title 15: Land Usage, Chapter 150: Building Regulations, Housing Code, 150-091 Amendments.

Describe the minimum standards and amenities required by the ordinance for a multiple family project with respect to handicap parking The Zoning Code includes the following requirements for off-street parking: “(H) Parking spaces for the handicapped: A minimum 2% of the parking spaces required in all public places shall be provided in convenient locations and reserved for the handicapped, however, that no parking lot shall have less than one such parking space. The stall width for a parking space for the handicapped shall be not less than 12 feet in width and a ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.”¹⁴

Does the zoning code distinguish senior citizen housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)?No, the Zoning Code does not include any mention of housing for seniors, the elderly, persons 55 years and over, or 62 (or 65) years and over. The closest mention is included in the definition of residential care facilities, both small and large: “Establishments primarily engaged in the provision of residential social and personal care for . . . persons with some limits on ability for self-care, such as children, the **elderly**, but where medical care is not a major element.”¹⁵

The Zoning Code includes provisions to allow residential care facilities (small) to be located within any residential district, while limiting the concentration of this type and other residential care facilities (i.e., child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small) by not allowing them to be located within 1,320 feet of one another.

Does the zoning code distinguish handicapped housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)?No.

How are “special group residential housing” defined in the jurisdiction zoning code?The city has one type of “special group residential housing” defined in the Zoning Code, which is **residential care facility**. The Zoning Code’s definition of a **small residential care facility** is as follows:

“Establishments primarily engaged in the provision of residential social and personal care for ten or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small that are also located within any residential district (SIC 8361).”¹⁶

This type of use is a permitted use in all of the residential districts, as shown in Exhibit III-6.

¹⁴ City of Yuma Code or Ordinances, Title 15: Land Usage, Chapter 154: Zoning, Off-Street Parking and Loading Regulations, 154-396 General Requirements.

¹⁵ Yuma Code of Ordinances, Title 15: Land Usage, Chapter 154: Zoning, 154-004 Definitions.

¹⁶ Ibid.

Does the jurisdiction's planning and building codes presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act? The city's Zoning and Building Codes do not make a specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act. However, the city does follow several state building rules and regulations, which includes the Arizona with Disabilities Act Accessibility Guidelines (ADAAG).

- ***Is there any provision for monitoring compliance?*** Yes, an inspection takes place before a certificate of occupancy is signed off.

Additional zoning concerns. Zoning codes should ideally include zoning regulations and minimum lot requirements that are feasible for all types of developments. The city's zoning regulations allow for a wide range of development types and specifically address both manufactured housing and multi-use developments. One items of note is outlined below and appears to be appropriate:

- The city has a minimum lot square footage requirement for single family housing that ranges from 4,500 to 6,000 square feet, depending on the dwelling district. Compared to surrounding communities (including San Luis and Tucson, Arizona and El Centro, California) Yuma has similar minimum lot requirements. The other cities/towns residential minimum lot requirements ranged from 3,600 up to 7,200 square feet. Overly large lot requirements may discourage or hinder affordable housing development.

Planning, development and building fees. As part of the land use review for the AI, the level of fees for zoning changes, variance requests and the development of residential housing were reviewed.

The Community Planning Division's Planning and Zoning Fee Schedule provides the application fees for land use changes such as rezoning, subdivision plats and engineering oversight by lot,¹⁷ and variance requests. The fees are updated annually and are effective from July 1 through June 30 of each calendar year. The city's planning fees are fairly standard, as shown in Exhibit III-7, and do not raise any significant concerns.

¹⁷ The Engineering Department is separate from the Community Development Department, however the Engineering Fee Schedule is included in the Planning and Zoning Fee Schedule summary sheet.

**Exhibit III-7.
Common Planning Fees**

	Zoning Change	Variance	Conditional Use Permit
City of Yuma	\$380 (\$380 for the first acre plus \$26 for each additional acre)	\$159 (\$159 for the first acre plus \$26 for each additional acre)	\$348
Tucson, Arizona	\$880 (plus \$110 per acre)	\$220	\$220
Casa Grande, Arizona	\$750 (plus \$36 per acre)	\$220	\$545
Sierra Vista, Arizona	\$2,400 (includes a publication fee deposit of \$750, and add \$50 per acre)	\$125 (for a modification of set-backs)	\$375
El Centro, California	\$2,074	\$867	\$2,210

Source: Cities of Yuma, Tucson, Casa Grande and Sierra Vista in Arizona and the City of El Centro, California.

The City of Yuma has adopted fees and development requirements for approval of new residential development. The intent of the development impact fees is to assure that new development contributes its proportionate share towards the costs of public facilities and to ensure that new development receives a beneficial use from the expenditure of development. To develop a single family unit, the impact fees total just under \$6,000, as show in the following exhibit.

**Exhibit III-8.
Residential Development
Fee Schedule, City of Yuma**

Note:

Adopted September 7, 2005. Updated May 16, 2007.
Effective August 14, 2007.

Source:

City of Yuma, Code of Ordinances, Title 15. Land Usage, Chapter 157: Citywide Development Fees (157-06 to 157-13).

	Single Family	Multi-Family	All Other Housing
Parks and recreation	\$1,770	\$1,395	\$1,071
Arts and cultural facilities	\$200	\$157	\$121
Sanitation facilities	\$489	\$386	\$296
Police facilities	\$561	\$442	\$339
Fire/emergency medical services	\$245	\$193	\$148
General government facilities	\$389	\$306	\$235
Public works facilities	\$70	\$55	\$42
Transportation	\$2,196	\$1,512	\$1,145
Total approximate fees	\$5,920	\$4,446	\$3,397

The Housing Element of the draft 2012 General Plan completed a comparison of Yuma development fees to other similar communities' fees, and "...found Yuma's fees are less than the state's average. Based on a hypothetical 1,500 square foot single-family house, Yuma's fees were \$5,920, Tucson's fees were \$6,178, and Casa Grande's fees were \$6,632. While Yuma's fees are less than the state's average, the fees nonetheless increase the cost of development."¹⁸

¹⁸ September 1, 2010 draft City of Yuma 2012 General Plan, Housing Element, page 5-17.

Section 157-02 (Procedures for Imposition, Calculation, Credits, and Collection of Development Fees; Exemptions) of the city Code of Ordinances allows for credits and exemptions against the amount of development fees due for a proposed new development to be given. Partial or full exemptions from the payment of development fees may be made for affordable housing, economic development, and redevelopment and infill. If the City Council approves the exemption, a source of funds other than development fees must be used to replace these exempt funds. The city is not allowed to increase development fees for other developments to replace any revenue lost on account of the exemptions granted. In recent years the city has not received any exemption requests for affordable housing.

Additional costs to develop a single family home include common permit fees associated with constructing a new home. According to the city, to build a 1,500 square foot single family detached house it would cost approximately \$2,900 in permit fees. Additionally, if the parcel has never been connected to the city water and sewer service there is an approximate \$13,450 connection fee. These fees (including permit, development and water and sewer utility) add an additional \$22,280 to the cost of developing a single family home, as shown in the following exhibit.

**Exhibit III-9.
Estimated Single Family Residential
Development Fees, City of Yuma**

Note:
The estimate is based on a site built, single family, detached, dwelling unit in City of Yuma that is a 1,500 square foot (SF) house, with a 400 SF garage, and a 300 SF covered patio. The construction valuation is \$154,200. The mechanical permit is based on one package heating/cooling unit and 2 exhaust fans. The plumbing permit is based on two standard bathrooms, one kitchen sink, and a clothes washer.

* If the developer registers a house model as a "standard plan," the plan review fee amount listed is a one-time charge. Subsequent permit applications using that house model are charged a plan review fee of \$25.00 to review the application and site plan only. The listed permit fee amounts remain applicable.

** Fees are for water and sewer connections of a single family house using a 3/4" water meter and on a 1/2 acre of property. The amount assumes that the parcel has never had city water and sewer service connections.

	Single Family Unit
Permit Fees:	\$2,910
Building Permit Fee	\$1,470
Plan Review Fee (65% of Building Permit)	\$956 *
Mechanical Permit Fee	\$100
Plumbing Permit Fee	\$98
Electrical Permit Fee	\$202
Trash Container Fee	\$65
Encroachment Permit Fee (driveway)	\$19
Development (Impact) Fees	\$5,920
Water and Sewer Utility Fees	<u>\$13,450</u> **
Total Single Family Development Fees	\$22,280

Source:

City of Yuma's Community Development Department and Engineering Department.

As noted in the Housing Element of the draft 2012 General Plan, the city supports a Government Fee Reduction Program that is administered by the Yuma Neighborhood Development Organization (YNDO). The Government Fee Reduction Program reduces the cost of new homes in designated revitalization areas, which currently include the Carver Park and Yuma High areas. The program pays for a portion of the water and sewer fees and the City of Yuma waives the permit fees. However, the funds for the program cannot be used for development fees.

Building, occupancy and health and safety codes. The City of Yuma's Building Regulations (Chapter 150 of the Title 15 Land Usage) are administered and enforced by the Community Development Department's Building Safety Division. The Building Safety Division provides services needed for a construction project within the city. Staff meets with the public, review building plans, issue building permits, perform inspections of construction, and ensures Council adopted codes are enforced.

The City of Yuma has adopted the International Building Code 2003, which includes several amendments, additions and deletions. Other codes the city has adopted (all with adopted amendments) include the International Residential Code for One-and Two-Family Dwellings (2003 edition), an Adobe Building Code, the International Mechanical Code (2006 edition), the International Plumbing Code (2006 edition), the International Fuel Gas Code (2006 edition), the National Fire Protection Association 70 National Electrical Code (2008 edition), the International Code Council Electrical Code Administrative Provisions (2006 edition), the International Property Maintenance Code (2003 edition), and the International Existing Building Code 2003.

The Building Code in the Code of Ordinances states that it uses the state mandated, American with Disabilities Act (ADA) Federal Standards on building issues concerning accessibility.¹⁹

Accessibility requirements. According to the Arizona Department of Housing, the Uniform Building Code requires that two percent of the units in a project be designed to be “accessible” to people with physical disabilities. If the project’s funding includes Federal funds, the Uniform Federal Accessibility Standards (Section 504 of the 1973 Rehabilitation Act) require that a minimum of five percent of the units be designed to be “accessible” by the physically disabled. The Federal Fair Housing Act of 1991 requires that 100 percent of the ground floor units in multifamily housing projects constructed after 1991 be “adaptable” for the physically disabled. In addition, the entry to each unit and all common areas in the project must be “accessible” to the physically handicapped.²⁰

Rental Inspection program. According to the Yuma Code of Ordinances, the purpose of the Rental Inspection program is to protect the health, safety and welfare of persons residing in residential rental properties located in a Neighborhood Revitalization Area (NRSA). Additionally, the Rental Inspection program will improve and preserve the quality of rental dwelling unit(s), and the character and stability in such neighborhoods will be greatly enhanced.²¹ The owner or managing agent of the residential rental property located in a NRSA is responsible to register the dwelling unit with the city. The property is ready to be occupied upon completion of an inspection and approved certification by the Department of Community Development that the residential rental property meets all applicable Housing Quality Standards. Rental properties are required to be reviewed every three years to ensure that the housing units meet housing quality standards and mobile home spaces are safe and meet health codes. The draft 2012 General Plan Housing Element suggests the city consider expanding this program citywide.

According to the FY2009-2010 Consolidated Annual Performance and Evaluation Report, the city completed 281 rental inspections on housing units and trailer park spaces in the Carver Park Neighborhood and Yuma High Neighborhood during FY2009-2010.

Fair Housing Outreach and Education Strategy. The City of Yuma’s Fair Housing Outreach and Education Strategy (updated in 2007) is a comprehensive strategy designed to inform residents of their fair housing rights and how to obtain assistance, if housing discrimination is encountered. The strategy also outlines how the City of Yuma will ensure that information and training on compliance with fair housing laws will be presented to housing providers, city officials and employees and the general public.

¹⁹ Yuma City Code of Ordinances, Title 15 Land Usage, Chapter 150: Building Regulations, Building Code 150-016 Amendments.

²⁰ <http://new.azhousing.gov/ShowPage.aspx?ID=173>

²¹ Yuma City Code of Ordinances, Title 13: Health and Safety, Chapter 138: Residential Rental Inspection.

Affordable Housing Outreach and Education Strategy. The Affordable Housing and Education Strategy (updated in 2007) is designed to inform the community about what constitutes affordable housing, the benefits of affordable housing and how the development of affordable housing may be facilitated. The strategy outlines how the City of Yuma plans to provide information and training on affordable housing to housing providers, city officials and employees and the general public.

Other Public Sector Programs and Services

Community Development Block Grant program. The city's Community Development Block Grant (CDBG) program provides funding for housing rehabilitation assistance and other programs that assist neighborhood revitalization and provide supportive services to populations in need. These activities help the city remove obstacles to meeting underserved needs; foster and maintain affordable housing; and improve quality of life, especially in the CDBG target areas or Neighborhood Revitalization Strategy Areas (NRSA).

Removing obstacles to meeting underserved needs. According to the draft 2011-2015 Consolidated Plan, the primary obstacle to meeting underserved needs is insufficient financial resources, staff and operating funds. During the next five years, the city plans to pursue all potential funding resources and will support funding applications for resources sought by other agencies. Funding resources will continue to be leveraged when possible by the city. When appropriate, funds provided to projects and programs will be structured as loans with revolving repayments to serve the greatest possible number of households over time.

Fostering and maintaining affordable housing. The draft 2011-2015 Consolidated Plan has established the following five-year objectives and outcomes/goals to promote and preserve affordable housing.

- **Objective DH-1.1 (availability/accessibility of decent housing):** Improve the quality of owner and renter occupied housing, while increasing the range of housing options for persons with special needs.
DH-1.1 five-year outcomes:
 - Continue to support programs that assist owners with home accessibility modifications.
 - *Outcome/five-year goal:* 55 housing units

- **Objective DH-1.2 (availability/accessibility of decent housing):** Support activities and programs that provide foreclosure prevention and counseling/assistance, as needed according to current market conditions.
DH-1.2 five-year outcomes:
 - To improve access to information about foreclosure assistance in Yuma, the city shall include a list of foreclosure assistance services available in the area on its Web site. Additionally the city will work with organizations offering foreclosure assistance to support the services they provide and improve their program marketing.
 - *Outcome/five-year goal:* Not applicable

- **Objective DH-2.1 (affordability of decent housing):** Improve access to and increase the availability of affordable owner occupied housing opportunities for low and moderate income residents.

DH-2.1 five-year outcomes:

- Continue to support the acquisition and rehabilitation of vacant and/or blighted homes to be sold to low and moderate income residents.
 - ***Outcome/five-year goal:*** 10 housing units
 - Create an inventory of available parcels and evaluate the feasibility of their use for affordable housing.
 - ***Outcome/five-year goal:*** Develop a list, map and/or database of vacant parcels for affordable housing developers.
 - Continue to support, considering current market conditions, programs to assist low and moderate income households with the goal of homeownership.
 - ***Outcome/five-year goal:*** 30 households
- **Objective DH-3.1 (sustainability of decent housing):** Continue to support programs to rehabilitate and improve (including energy efficiency improvements) existing homes occupied by low and moderate income and special needs owners and renters, including mobile and/or manufactured homes.

DH-3.1 five-year outcomes:

- Continue to support housing rehabilitation program(s) to support safe, decent, energy efficient and sanitary housing for low and moderate income residents, including lead-based paint testing and abatement.
 - ***Outcome/five-year goal:*** 25 housing units
- Continue to support program(s) to assist homeowners with making minor alterations and emergency repairs to their homes.
 - ***Outcome/five-year goal:*** 50 households

Public transportation. Public transportation is an important part of a community to provide transportation to and from work and to services throughout the community. Public transportation is provided by Yuma County Area Transit (YCAT) system, which has grown from a new transit service offering paratransit to the current mix of fixed-route and demand-responsive services. Currently YCAT services are administered and funded by the Yuma Metropolitan Planning Organization, and operated by a private contractor, First Transit. In July 2010, the Yuma City Council voted to end all financial support of YCAT and Dial-A-Ride (DAR) services for the year due to lack of available funding and the city's desire to conduct an independent review of YCAT's funding, structure, ridership, routes and alternatives. In the past, the city had funded its share of the cost of operating YCAT through a lottery fund earmarked for transit systems. However, the State Legislature in its efforts to balance the state budget in 2010 eliminated that fund.

Presently the YMPO Transit Board has ended the Red and Blue bus routes and DAR services in the City of Yuma outside of the ¾ miles radius of any fixed route. Additionally, the hours of bus service has been reduced; a realignment of the Green route was made to ensure that passengers transferring from outlying areas will be able to reach such major destinations as Yuma Regional Medical Center, Yuma Palms Regional Center, the Social Security office and the Arizona Department of Economic Security; a reduction of the number of trips to Wellton was made; and a review of a possible shuttle service to Arizona Western College is being planned.

As of October 2010, the City of Yuma and other governing bodies of Somerton, Wellton and San Luis, approved to petition the Yuma County Board of Supervisors to form an intergovernmental public transportation authority to operate YCAT (Yuma County Area Transit) and Dial-A-Ride. According to the Yuma Sun newspaper, the Cocopah Indian Tribe also is expected to participate, as is Northern Arizona University-Yuma.

Yuma Metropolitan Planning Organization. The Yuma Metropolitan Planning Organization (YMPO) is the regional transportation and land use planning organization for the Yuma area. Jurisdictions that make up the YMPO are the City of Yuma, Yuma County, the Cocopah Indian Tribe, the Town of Wellton, and the cities of Somerton and San Luis, and the Arizona Department of Transportation.

One of the YMPO's primary tasks is to prepare and implement a transportation plan. The 2010-2033 Regional Transportation Plan (finalized April 2010) is a plan that covers traditional roadway improvements. Additionally this plan identifies investments in public transportation, bicycling, and walking to promote health, environmental quality, and mobility for those who do not have access to cars or those who choose to use other modes.

The YMPO also completes a Title VI Report that covers the Title VI nondiscrimination in Federally Assisted Programs Implementation and Review program. The most recent report was completed December 2010. As mentioned in the Title VI Report, the report includes a description of the YMPO planning area, a statistical breakdown of the communities in the planning area, the YMPO organizational chart and composition of advisory boards and committees, the public involvement process, a summary of project effects and benefits, a summary of lawsuits alleging discrimination, a listing of federal assistance programs, and assurances.

As stated in the report, all of the YMPO member agencies were contacted, and none reported any lawsuits, claims, or complaints filed against them for discrimination relating to transportation and/or public transit.

Public infrastructure, facilities and services. The continued need of neighborhood revitalization was mentioned often throughout the public input process for the Consolidated Plan and AI. Several stakeholders commented they "like what they see" in regards to the city's neighborhood revitalization efforts and that they would like to see more neighborhoods included. However, they acknowledged that resources are limited compared to demand. Neighborhood concerns include poor housing conditions, lack of property maintenance, clean up of abandoned lots, graffiti removal, deteriorating infrastructure (i.e., streets, sidewalks, lighting, etc.), public facilities for youth, speeding traffic and the need for proactive code enforcement.

The City of Yuma has adopted several city ordinances to fight blight and public nuisances to help make the community a more peaceful and pleasant place to live and to assist with neighborhood revitalization. In the Neighborhood Services Division, code enforcement is used to improve the appearance of neighborhoods and to help create a more suitable living environment for residents of designated revitalization areas. After the completion of a revitalized area, code enforcement is used to maintain the improved conditions by having the Code Enforcement Specialist actively patrol designated neighborhoods addressing any new code violations. Currently Neighborhood Services is working in the Carver Park and Yuma High neighborhoods to help revitalize these areas. Code Enforcement is also utilized within non-revitalization areas of the City of Yuma and violations are addressed on a complaint basis only.

The city also administers a Rental Inspection program. The purpose of the Rental Inspection program is to protect the health, safety and welfare of persons residing in residential rental properties. The Rental Inspection Program improves and preserves the quality of rental dwelling unit(s), and enhances the character and stability in targeted neighborhoods. This Rental Inspection program applies to any residential rental property located in a designated Neighborhood Revitalization Area. Currently, the Carver Park and Yuma High neighborhoods are designated as a Revitalization Area.

The City of Yuma's Parks and Recreation Department oversees the operation and provides daily maintenance of: 32 parks, 8 neighborhood basin parks, 9 athletic complexes, 2 golf courses, and grounds surrounding 19 City buildings, a gymnasium, 3 outdoor basketball courts, and 5 volleyball courts. The Department also oversees the Arts and Culture Division, Recreation Division and the Yuma Civic Center.

Public services are an important need commonly mentioned by the public. During the public participation process for the Consolidated Plan supportive service organizations noted a recent increase in the demand for their food programs. One organization noted a 66 percent increase from 2 years ago in the average number of meals they provide each month. Assistance to pay for childcare, legal and financial education services, public transportation vouchers and stray animal controls are other needs stakeholders noted. Additionally, youth (including foster care youth), victims of domestic violence, persons with disabilities, the elderly and the homeless were the top special needs populations discussed as having needs during the public input process. The need for transitional housing was a common top need pointed out by stakeholders. Two populations stakeholders believe are in need of transitional housing include victims of domestic violence and persons being released from prisons and state hospitals.

The lack of accessibility for person with disabilities in commercial and residential buildings was also mentioned by stakeholders to be a community need. Among Resident Survey respondents with a disabled member in their household, 25 percent indicated that their home did not meet the current needs of their disabled household member.

SECTION IV.
Fair Housing Complaint
and Fair Lending Analysis

SECTION IV.

Fair Housing Complaints and Fair Lending Analysis

This section examines private barriers to fair housing choice, as well as violations of the Fair Housing Act. It analyzes the fair housing complaints received by the U.S. Department of Housing and Urban Development (HUD), discusses legal cases concerning fair housing issues, and ends with a quantitative evaluation of lending practices in the City of Yuma.

Fair Housing Complaints

Citizens of Yuma who believe they have experienced discrimination in violation of the Federal Fair Housing Act or state and local fair housing laws may report their complaints to the following entities:

- HUD's Office of Fair Housing and Equal Opportunity (FHEO); and
- The Civil Rights Division of the Arizona Attorney General's Office (ACRD).

The Arizona Fair Housing Act and the Federal Fair Housing Act prohibit discrimination because of a person's race, color, religion, sex, handicap (or disability), familial status (familial status means households with children under 18 years of age living with their parents or guardians, pregnant women or people securing the custody of children under 18 years of age) or national origin. Discrimination includes denial of housing or intimidation of people in their apartments, condominiums and nearly all housing transactions.

Persons have one year from the date of the alleged discrimination in housing and real estate related transactions to file a complaint with FHEO and ACRD.

Persons with fair housing concerns are able to contact the City of Yuma's Neighborhood Services Division, the Community Legal Services office located in Yuma and the Southwest Fair Housing Council based in Tucson, Arizona.

HUD complaint procedures. Housing discrimination complaints filed with HUD may be done online at (<http://www.hud.gov/complaints/housediscrim.cfm>), by calling 1-800-669-9777 or by contacting the HUD Regional Office of Fair Housing and Equal Opportunity in San Francisco (also by 1-800-669-9777).

When HUD receives a complaint, the department will notify the person who filed the complaint, then notify the alleged violator and allow that person to submit a response. The complaint will be investigated to determine whether there has been a violation of the Fair Housing Act.

A complaint may be resolved in a number of ways. First, HUD will try to reach an agreement between the two parties involved. A "conciliation agreement" must protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement has been breached. HUD will then recommend that the Attorney General file suit, if applicable.

If a person needs immediate help to stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist as soon as a complaint is filed. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of the complaint, if irreparable harm is likely to occur without HUD's intervention and there is substantial evidence that a violation of the Fair Housing Act occurred.

Arizona complaint procedures. The Arizona Attorney General's Office Civil Rights Division (ACRD) is the Fair Housing Assistance Program (FHAP) grantee from HUD. FHAP grants are awarded annually on a noncompetitive basis to state and local fair housing enforcement agencies once they demonstrate a fair housing law that is substantially equivalent to the federal Fair Housing Act.

The Arizona Fair Housing Act makes it an unlawful housing practice to discriminate in connection with housing because of race, color, national origin, sex, religion/creed, physical/mental disability, familial status (children under age 18) or retaliation. Persons who believe they have been discriminated against by a housing provider, mortgage company, brokerage service or other individual should file a charge within one year of the time the discrimination occurred (time limitation may be extended under some circumstances).

The mission of the ACRD is to enforce civil rights laws, increase public awareness of civil rights, provide dispute resolution services, and offer community services throughout the State. The ACRD's major duty is to enforce state and federal statutes that prohibit discrimination in employment, voting, public accommodations, disability and **housing** by investigating and litigating civil rights complaints. In addition, the ACRD provides conflict resolution services and mediation programs statewide, including many court and agency programs. The ACRD has offices in Phoenix and Tucson.

The Attorney General has an informative Web site that includes an explanation of housing discrimination. Individuals who believe they are victims of discrimination are requested to submit a Civil Rights Intake Questionnaire to the Arizona Attorney General's Office, which can be completed online or downloaded, printed and submitted to ACRD.

After a charge of discrimination is filed, the ACRD will begin an investigation of the allegations contained within the charge. An investigation may include conducting interviews, obtaining documents, and doing site visits. Generally, after investigation, the ACRD will determine either that no unlawful discriminatory practice or act has occurred or that there is reasonable cause to believe that an unlawful discriminatory practice or act has occurred.

If, after an investigation, the ACRD determines that no unlawful discriminatory practice or act has occurred, the ACRD will notify the parties in writing of this fact. On the other hand, if after an investigation, the ACRD determines there is reasonable cause to believe that an unlawful discriminatory practice or act has occurred, the ACRD may bring a civil action. Whether the ACRD investigation concludes that an unlawful discriminatory practice or act has occurred or has not occurred, private parties retain the right to bring their own civil action within the time limitations specified by law.

According to the Attorney General's Office, the Compliance Section investigated 1,521 discrimination charges and resolved 957 cases, including 157 housing charges during FY2010. None of these complaints were from the City of Yuma.

Local/regional organizations and complaint procedures. The following is a summary of several organizations who work with fair housing in the Yuma area.

City of Yuma. When the City of Yuma Neighborhood Services Division receives a fair housing complaint, the complainant is referred to Community Legal Services (CLS). The City of Yuma has contracted with CLS to conduct education, outreach and enforcement of fair housing issues to the citizens of Yuma.

Community Legal Services. Community Legal Services (CLS) is a non-profit Arizona law firm with an office in Yuma dedicated to providing equal access to the civil justice system for those who cannot afford legal representation and reside within their service areas. The CLS Housing Law staff provides legal assistance and representation in housing related issues and helps clients to maintain affordable, healthy and safe living conditions, avoid homelessness, and avoid or correct arrangements which may threaten ones' home equity, ownership or rental status.

CLS takes calls concerning landlord/tenant issues and fair housing complaints. The majority of these calls concern various landlord and tenant issues. If a complaint is found to be a fair housing violation CLS will refer the complaint to the Arizona Civil Rights Division of the Attorney General's Office and HUD, unless the case involves an eviction or another timely needed response.

Between July 2007 and June 2008, the City of Yuma collaborated with CLS, the Southwest Fair Housing Council (SWFHC) and Services Maximizing Independent Living and Empowerment (SMILE) to conduct fair housing testing in Yuma. The SWFHC agreed to train testers for CLS and SMILE was to provide the volunteers in order to give testing an emphasis on disability discrimination. However, before testing was completed a crucial employee resigned from SMILE and volunteers were not contacted due to confidentiality concerns. On their own the SWFHC conducted seven accessibility tests on apartment complexes in Yuma and found one apartment complex in violation of the Fair Housing Act (FHA) and noted that a fair housing complaint could be filed. According to SWFHC, this particular apartment complex was built in 1996 and had only one handicap accessible parking space for the 130 units on the property. The apartment complex is two stories with no elevator and only had models on the second floor to show the tester. Failure to offer an equal opportunity for persons with disabilities to view models can be a violation of the FHA. In this case models could not be viewed by a person with a disability that requires the use of a wheelchair or renders them unable to climb stairs to the second floor. According to the SWFHC, this is a prima facie violation of FHA and a complaint can be filed.

During 2009 CLS successfully defended an eviction in Superior Court on grounds of a fair housing violation on the basis of disability by refusing to provide reasonable accommodation for the care giver. CLS also continued a mass action mobile home case. A retired judge volunteered to work on the mass action case where a landlord is alleged to have violated tenant rights.

Presently CLS does not have the staff capacity or expertise to conduct fair housing testing on its own.

Southwest Fair Housing Council. The Southwest Fair Housing Council (SWFHC), based in Tucson, Arizona, is a non-profit agency funded by memberships, donations, HUD, the Arizona Department of Housing and CDBG funding. The SWFHC also receives funding through HUD's Fair Housing Initiatives Program (FHIP) to assist people who believe they have been victims of housing discrimination. The SWFHC will use its FHIP grant to conduct an array of enforcement and education and outreach activities, and other fair housing assistance throughout the state. The SWFHC will work to affirmatively further fair housing and overcome identified impediments to fair housing choice for protected classes throughout the state, and collaborate with two Fair Housing Assistance Program (FHAP) agencies: the Arizona State Attorney General's Office and the City of Phoenix's Department of Equal Opportunity to address Arizona's fair housing needs.

SWFHC provides a variety of services directed toward education and enforcement of fair housing laws, including:

- Investigating individual complaints of housing discrimination.
- Obtaining evidence to support enforcement action by public agencies conducting legal or administrative actions.
- Initiating complaints and litigation to serve fair housing goals.
- Informing and advising community residents of their fair housing rights, including presentations at community meetings and special events.
- Conducting mediations.
- Conducting conferences, training programs, and seminars to inform housing professionals about housing laws.
- Assisting businesses, neighborhood groups, agencies, and units of government in the development of fair housing goals, plans and strategies, and actions.
- Providing information and referrals for persons and families with housing needs.

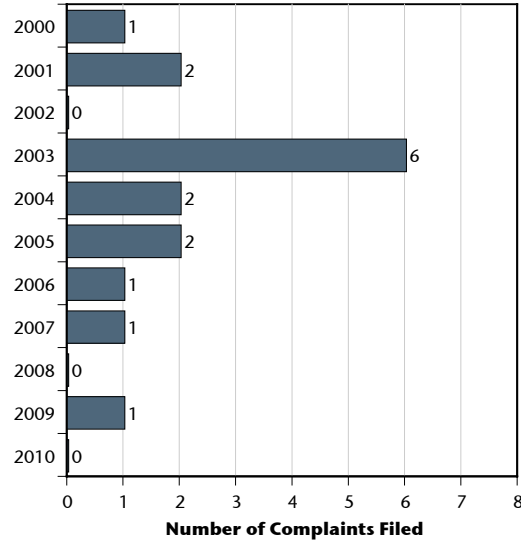
SWFHC does receive calls from residents in Yuma and the surrounding areas. According to the SWFHC, the calls they receive include a mix of landlord and tenant issues in addition to fair housing concerns.

Arizona Fair Housing Partnership. The Arizona Fair Housing Partnership is a statewide coalition of government agencies, housing industry representatives, nonprofit organizations, social service agencies and housing advocates who support and promote equal fair housing opportunities. The City of Yuma, CLS and the Southwest Fair Housing Council participate in the Arizona Fair Housing Partnership.

Complaints filed. Between 2000 and October 2010, a total of 16 complaints were filed within the City of Yuma and closed with HUD or the Fair Housing Assistance Program grantee, which is the Arizona Attorney General, from Yuma residents. There are currently no open cases. Exhibit IV-1 displays the number of complaints issued by Yuma residents each calendar year.

**Exhibit IV-1.
Number of Fair Housing Complaints Filed,
within the City of Yuma, 2000 through
October 2010**

Source:
U.S. Department of Housing & Urban Development, Office of Fair Housing and Equal Opportunity, San Francisco Region.



All but one complaint was investigated by the Arizona Attorney General, the FHAP organization, and the remaining one complaint was investigated by HUD.

The most common reason for discrimination identified in HUD records was disability; 38 percent of the filed complaints included the basis of disability discrimination. The second most common reason for discrimination was race (25 percent of complaints), followed by national origin, religion and retaliation (which is not a protected class) all at 13 percent.

**Exhibit IV-2.
Protected Class Basis of Housing
Discrimination Complaints Filed, within the
City of Yuma, 2000 through October 2010**

Source:
U.S. Department of Housing & Urban Development, Office of Fair Housing and Equal Opportunity, San Francisco Region.

Basis	Number of Complaints	Percent
Disability	6	38%
Race	3	19%
Retaliation	2	13%
Family Status	1	6%
National Origin	1	6%
National Origin, Religion	1	6%
Other Origin, -Anglo	1	6%
Race, Religion	1	6%
Total	16	100%

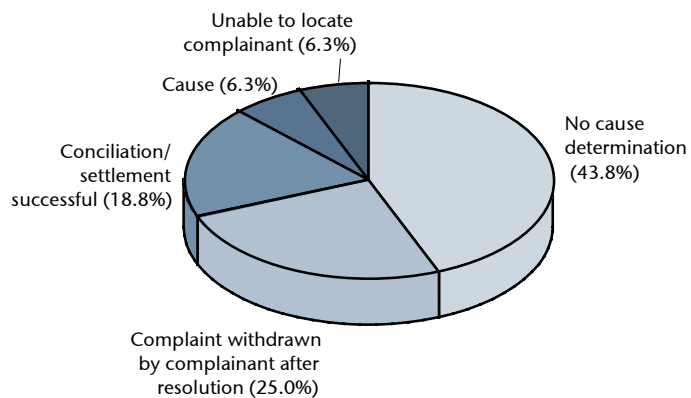
The above data are consistent with national data compiled by the National Fair Housing Alliance, which have shown that complaint volumes are highest on the basis of disability, race and family status (families with children).

According to HUD, the most common issues cited of the fair housing complaints filed involved “discriminatory terms, conditions, privileges, or services and facilities” and “failure to make reasonable accommodation.” The third most common issue was “discriminatory advertising, statements and notices.”

Forty-four percent of the complaints were found to have no probable cause. It should be noted that “no cause determination” does not necessarily mean that fair housing problems did not exist in the case; rather, it indicates that the case did not contain enough evidence to move forward. An additional one-fourth of the complaints were withdrawn by the complainant after a resolution was agreed upon and 19 percent of the complaints were settled successfully.

**Exhibit IV-3.
Outcome of Housing
Discrimination Complaints Filed,
within the City of Yuma,
2000 through October 2010**

Source:
U.S. Department of Housing & Urban Development, Office
of Fair Housing and Equal Opportunity, San Francisco Region.



Legal Cases

As part of the fair housing analysis, recent legal cases were reviewed to determine significant fair housing issues and trends in Arizona. Searches of the Department of Justice, the National Fair Housing Advocate case databases and the Arizona Attorney General’ Office found one case involving the Fair Housing Act in the City of Yuma and several other cases across the State of Arizona. This section summarizes the issues in these cases.

Most of the legal cases involve alleged claims of failure to make reasonable accommodations to persons with disabilities. Just one of these cases occurred in Yuma; however, summary information on other cases is included to highlight recent trends, primary issues and the diversity of elements in fair housing litigation.

Avenue 6E Investments, LLC vs. City of Yuma, Arizona (2009-2010). In February 2009, Avenue 6E Investments LLC and Saguro Desert Land, Inc., land and housing developers, filed a lawsuit seeking injunctive relief and approximately \$3.2 million in damages against the City of Yuma. The developers claimed, among other things, that the city had violated the federal Fair Housing Act by denying a request to rezone certain property within the city from a minimum of 8,000 square foot lots to 6,000 square foot lots. The rezoning request was denied in September 2008.

In July 2009, the U.S. District Court for the District of Arizona dismissed the lawsuit. In September 2009, the plaintiffs filed an amended complaint against the city seeking the same relief as in the original complaint. The city again moved to dismiss. On February 5, 2010, the District Court dismissed all but one of the claims against the city. The plaintiffs' remaining claim is that the city's denial of the request had a disparate effect upon Hispanic persons. The city denies plaintiffs' claims in the lawsuit. The lawsuit is still pending.

Arizona SB 1070 and fair housing laws. According to the Arizona Attorney General's Office, SB 1070 (Support Our Law Enforcement and Safe Neighborhoods Act)¹ does not apply to or change the current fair housing laws in any way. The Federal Fair Housing Act and the Arizona Fair Housing Act (the Fair Housing Acts) continue to prohibit discrimination because of race, color, religion, sex, national origin, disability and familial status in most housing-related transactions. Further, the Fair Housing Acts make it unlawful to indicate any preference or limitation on these bases when advertising the sale or rental of a dwelling.

It also continues to be unlawful to screen housing applicants on the basis of race, color, religion, sex, national origin, disability, or familial status. Although SB 1070 gives law enforcement officials a duty to inquire about a person's citizenship status under certain circumstances, it provides no legal authority for, nor does it require, landlords and property managers to inquire about a potential or existing tenant's immigration or citizenship status. SB 1070 also does not require them to report known or suspected undocumented persons to law enforcement authorities. Procedures to screen potential and existing tenants for citizenship and immigration status may violate prohibitions on national origin housing discrimination.

Home mortgage cases. During 2010, the Arizona Attorney General's Office entered agreements and began investigations concerning deceptive home mortgage activities. Recent activities during 2010 include:

- The Attorney General, along with 19 other Attorneys General, entered into a \$4.5 million agreement with Maryland-based AscendOne Corporation over allegedly deceptive credit counseling services provided to consumers.
- The Attorney General announced a \$1.15 million settlement with Home Loan Center, Inc. over allegedly deceptive advertising of payment option adjustable rate mortgage loans ("POAs").
- Arizona along with the other 49 states have joined the mortgage foreclosure working group in an investigation of mortgage servicing companies and home foreclosure documentation. The investigation was prompted by disclosures of document signing practices that may have violated the law.
- Arizona's recent agreement with Wells Fargo Bank, over allegedly deceptive marketing of payment option adjustable rate mortgage loans ("POAs") by two companies it acquired: Wachovia Corporation and Golden West Corporation, will provide more than \$150 million in mortgage relief for Arizona homeowners. Under that agreement, at least 1,700 Arizona borrowers who took out POAs will be eligible for loan modifications.

¹ The Arizona legislature declares that the intent of this act is to make attrition through enforcement the public policy of all state and local government agencies in Arizona. The provisions of this act are intended to work together to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States.

- The Arizona Attorney General and Countrywide Financial Corporation entered into a Consent Judgment that was filed in the Maricopa Superior Court on March 13, 2009. The settlement provides for loan modifications for eligible borrowers who are 60 days or more delinquent, or become 60 days delinquent, on subprime or pay option loans that they obtained from Countrywide or from a broker working with Countrywide. Borrowers with these loans may be eligible for modification if the first payment on their loan was due between January 1, 2004 and December 31, 2007, they live in the property that serves as security for the mortgage, they owe 75 percent or more of the current value of their home, and they can afford the new, lower payment under the modification.
- According to the Arizona Attorney General, Deed & Note Traders (DNT) preyed on desperate homeowners facing foreclosure, promising them a way to save their homes. In fact, DNT's Home-Savers program was merely a vehicle for DNT's acquisition of consumers' homes for a nominal amount. The Home-Savers program involved the sale of the consumer's home to DNT (DNT paid one consumer \$25); the consumer's leaseback of the home; and the consumer's option to repurchase the home. Only three consumers were able to re-purchase their homes. The Consent Decree (in 2007) provides for \$234,000 in restitution and a savings of more than \$1,205,000 (up to 74 percent off the Fair Market Value) for consumers who still live in their homes and wish to re-purchase their homes from DNT. It also prohibits DNT from engaging in any type of foreclosure assistance and offering "no qualifying" rent-to-own agreements. Finally, DNT agreed to pay the Attorney General's Office \$200,000 in attorneys' fees under the consent agreement.

Disability and reasonable accommodation. The majority of the legal cases filed recently in Arizona involved landlords, property managers and homeowner associations who failed to make reasonable accommodations for persons with disabilities.

State v. FGPJ Apartments, et al. (2010). The Arizona Attorney General' Office reported this housing discrimination case involved a Tucson landlord who allegedly discriminated against a disabled tenant by failing to provide an accessible parking space and make necessary repairs to his apartment so that he could operate his medical equipment. The landlord also allegedly retaliated against the tenant and his family by threatening to evict them after they filed a complaint with the ACRD. The lawsuit was resolved through a settlement agreement that required the landlord to pay \$100,000 to the tenants and \$50,000 to the ACRD for future civil rights enforcement and monitoring activities. The settlement is one of the largest the ACRD has entered into in a housing discrimination case.

State v. Scottsdale Condominium HOA, et al. (2009). According to the Arizona Attorney General, the ACRD filed a lawsuit against a homeowners association and its president and property manager alleging that the defendants had discriminated against a tenant by refusing to provide her with a parking space closer to her unit as a reasonable accommodation and retaliating against her after she requested the accommodation. The case was resolved via a consent decree wherein the defendants paid the charging party \$65,000, paid the ACRD \$10,000 and revised the homeowners association's policies regarding how it would handle future requests for reasonable accommodation.

State v. Woodstone Apts, et al (2009). As stated by the Arizona Attorney General Office, this fair housing case (in Phoenix) involved allegations that the defendant discriminated against a former tenant because of her disability and failed to explore a reasonable accommodation for the tenant's disability before evicting her. The ACRD filed a lawsuit and resolved the case under a Consent Decree that required the defendant to pay the charging party \$9,000 and revise its policies regarding what the defendant must do before evicting persons with disabilities.

State v. Old Concho Community Assistance Center, Inc. (2009). The State filed a lawsuit alleging that the defendant had violated the Arizona Fair Housing Act by failing to grant the tenant charging party's request for a reasonable accommodation. The parties resolved the case via a consent decree which required the defendant to pay the charging party \$4000 and make substantial revisions to its policies and procedures.

State v. AL-LH DB, LP, et al (2008). According to the Attorney General, this fair housing lawsuit arose from allegations that the defendant had failed to provide a reasonable accommodation to disabled tenants in the form of parking spaces closer to their Glendale apartments. After the filing of the lawsuit, the parties entered into a Consent Decree under which defendants agreed to pay \$15,000 to the charging parties and their representatives and pay the ACRD \$5,000 in monitoring fees to ensure compliance with the Consent Decree.

State v. AIMCO Los Arboles, L.P. et al. (2007). In June 2007, ACRD settled a housing discrimination lawsuit against AIMCO Properties, LP and AIMCO Los Arboles, LP (AIMCO), resolving allegations that a Chandler apartment complex refused to make reasonable accommodations for a person with disabilities.

According to court documents, in March 2006, AIMCO denied the application of James Hayes, a prospective tenant who relies on Social Security disability income, based on Hayes' inability to meet income requirements. While Hayes' parents were willing to co-sign for his apartment, AIMCO refused this offer based on their policy that only full-time students could use co-signers.

This settlement required AIMCO to adopt a nationwide policy that will allow an applicant or tenant to use a co-signer when, because of disability, the applicant or tenant cannot meet the financial qualification criteria. The policy will apply at all AIMCO residential rental properties throughout the country and will be included in the company's operating manual. The settlement also requires AIMCO to provide training regarding the new fair housing curriculum to all supervisors, managers and employees who accept inquiries from prospective tenants.

AIMCO is the largest owner and operator of apartments in the United States. It owns and/or manages approximately 1,256 apartment complexes containing 216,413 apartment units in 46 states, the District of Columbia and Puerto Rico.

Matz v. Cañada Ridge Homeowners Association (2007). According to the Arizona Attorney General, ACRD's investigation determined that reasonable cause existed to believe that the homeowners association in Scottsdale discriminated against one of its residents by denying her the reasonable accommodation of installing an accessible gate to her yard. In April 2007, the Attorney General's Office entered into a conciliation agreement wherein defendant, among other terms, waived the resident's assessment obligations for two years, allowed her to install the gate she needed and adopted a reasonable accommodation policy.

Religion, race and national origin status cases. In addition to the above cases, there were several recent lawsuits in the Arizona concerning discrimination on the basis of religion, race and national origin.

State v. Hildale-Colorado City Utilities, et al. (2010). On June 25, 2010, according to the Arizona Attorney General' Office, the ACRD filed a lawsuit against the Town of Colorado City, Ariz.; the City of Hildale, Utah; Hildale-Colorado City Utilities; Twin City Water Authority, and Twin City Power for alleged violations of the Arizona Fair Housing Act. The complaint alleges that the defendants discriminated against Colorado City resident Ronald Cooke by not providing him with water and other utility services because of his religion and by not accommodating his disability. Mr. Cooke is a former member of the Fundamentalist Church of Jesus Christ of Latter Day Saints ("FLDS").

State v. Ogorzaly, et al. (2008). In this fair housing case, the ACRD filed a lawsuit against a landlord and Keller Williams Realty alleging that the Defendants had discriminated against prospective renters because they are black. The case was resolved via a Consent Decree wherein the defendants paid the charging parties \$55,000. Defendant Keller Williams also agreed to create policies prohibiting discrimination and to guide agents in handling clients who are engaged in discriminatory acts. In addition, the Consent Decree required Keller Williams to provide training on its new policies to its agents. The Consent Decree also resulted in a jointly sponsored Town Hall meeting at Glendale Community College that addressed the impact of housing discrimination, ways to change discriminatory attitudes and specific steps that real estate professionals can take to help eradicate housing discrimination.

United States v. The Mortgage Super Center (D. Ariz.). On November 7, 2005, the Court entered a Consent Decree resolving United States v. The Mortgage Super Center (D. Ariz.). The complaint, filed on December 23, 2004 alleged that the defendants, the Mortgage Center and Nogales Realty, breached a conciliation agreement they had entered into with the Department of Housing and Urban Development to resolve a complaint that the defendants had discriminated on the basis of national origin. The complaint alleged that in the Conciliation Agreement, the defendants agreed to pay \$1,000 to the complainants and to refinance the Complainants' first and second mortgages as one loan and that they failed to do so. The consent decree enjoins the defendants from discriminating on the basis of national origin, requires fair housing training, and requires the defendants to pay the complainants \$8,358.85. The consent decree will remain in effect for three years.

Fair Lending Analysis

This section contains an analysis of home loan and community reinvestment data. Community Reinvestment Act (CRA) ratings and Home Mortgage Disclosure Act (HMDA) data are commonly used in AIs to examine fair lending practices within a jurisdiction. As of 2004, HMDA data contain interest rates of high cost loans, which allows an analysis of high cost lending patterns.

The Federal Financial Institutions Examination Council (FFIEC)² is responsible to facilitate public access to data that depository institutions must disclose under the Home Mortgage Disclosure Act of 1975 (HMDA) and the aggregation of annual HMDA data, by census tract, for each metropolitan statistical area (MSA). Community Reinvestment Act (CRA) ratings and HMDA data are commonly used in AIs to examine fair lending practices within a jurisdiction or county. Used in conjunction, these data can identify potential or existing lending discrimination or community disinvestment. Each dataset is reviewed in turn below.

Community Reinvestment Act (CRA) review. The Federal CRA requires that financial institutions progressively seek to enhance community development within the area they serve. On a regular basis, financial institutions submit information about mortgage loan applications as well as materials documenting their community development activity. The records are reviewed as part of CRA examinations to determine if the institution satisfied CRA requirements. The assessment includes a review of records related to the following:

- Commitment to evaluating and servicing community credit needs;
- Offering and marketing various credit programs;
- Record of opening and closing of offices;
- Discrimination and other illegal credit practices; and
- Community development initiatives.

The data are evaluated and a rating for each institution is determined. Ratings for institutions range from “substantial noncompliance” in meeting credit needs to an “outstanding” record of meeting community needs.

There were five Yuma-based banks that received 13 CRA ratings from 1990 to December 2009. The vast majority (85 percent) of those rating were a “satisfactory” CRA rating. One bank (Southern Arizona Bank of Yuma) received an “outstanding” CRA rating in 1995. One bank (Desert Sun Bank) received a “needs to improve” rating in 1991, however it subsequently received a “satisfactory” rating in 1993.

Home Mortgage Disclosure Act (HMDA) Data analysis. The best source of analysis of mortgage lending discrimination is Home Mortgage Disclosure Act, or HMDA, data. HMDA data consist of information about mortgage loan applications for financial institutions, savings banks, credit unions, and some mortgage companies.³ The data contains information about the location, dollar amount, and types of loans made, as well as racial and ethnic information, income, and credit characteristics of all loan applicants. The data is available for home purchases, loan refinances and home improvement loans.

² The Council is a formal interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) and to make recommendation to promote uniformity in the supervision of financial institutions.

³ Financial institutions are required to report HMDA data if they have assets of more than \$32 million, have a branch office in a metropolitan area, and originated at least one home purchase or refinance loan in the reporting calendar year. Mortgage companies are required to report HMDA if they are for-profit institutions, had home purchase loan originations exceeding 10 percent of all loan obligations in the past year, are located in an MSA (or originated five or more home purchase loans in an MSA) and either had more than \$10 million in assets or made at least 100 home purchase or refinance loans in the calendar year.

HMDA data can provide a picture of how different applicant types fare in the mortgage lending process. The data can be used to identify areas of potential concern that may warrant further investigations. For example, by comparing loan approval rates of minority applicants with non-minorities who have similar income and credit characteristics, areas of potential discrimination may be detected.

The Federal Reserve is the primary regulator of compliance with fair lending regulations. When federal regulators examine financial institutions, they use HMDA data to determine if applicants of a certain gender, race, or ethnicity are rejected at statistically significant higher rates than applicants with other characteristics. The Federal Reserve uses a combination of sophisticated statistical modeling and loan file sampling and review to detect lending discrimination. Recently, the Federal Reserve began requiring banks to provide the rate spread above a certain annual percentage rate (APR) data for subprime loans. As such, HMDA data can now be used to examine differences in subprime pricing among borrowers of various races and ethnicities.

Loan application process. When a loan application is submitted by a borrower to a bank, a variety of actions can be taken by the bank, which are captured in the HMDA data:

- “Loan originated” indicates that the application was approved and the applicant accepted the loan;
- “Approved, not accepted” means that the application was approved, but the applicant chose not to accept the loan;
- “Denied” signifies that the application was not approved;
- “Withdrawn” indicates that the applicant chose not to pursue the loan before an approval decision had been made; and
- “File closed, incomplete” means that the application was incomplete and the loan was not evaluated.

The most recent HMDA data available are for 2009. Approximately 7,253 loan applications were made representing residents and/or properties in Census Tracts located in the City of Yuma. For our analysis, we limited loan applications to include the following:

- Owner-occupied homes—i.e.; those homes intended for use as a borrower’s principal dwelling (not as a second home or investment property).
- Originated loans, loans that were denied, withdrawn, closed, purchased by another institution and approved but not accepted. Loans purchased by a financial institution and preapproval requests are excluded.
- Loans made for home purchases, refinances and home improvements.

After screening all loans based on those parameters, we were left with 5,128 loans to examine and analyze. These loan applications are analyzed below.

Loan type and purpose. An analysis of the loan application records included in the HMDA data for Yuma showed that the majority of loan applications (56 percent) were for conventional loan products and the remaining 44 percent were for government guaranteed loan products.⁴

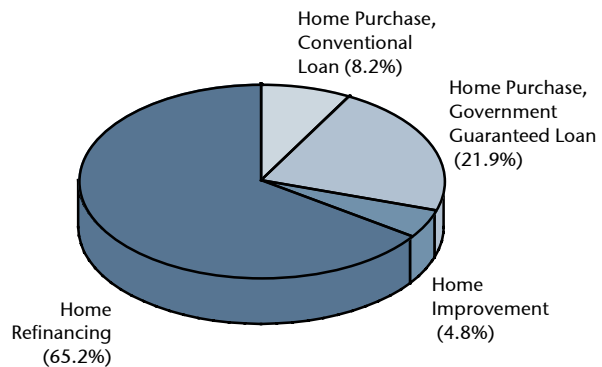
HMDA data report several types of loans. These include loans used to purchase homes, loans to make home improvements and refinancing of existing mortgage loans, as defined below.

- **Home purchase loan.** A home purchase loan is any loan secured by and made for the purpose of purchasing a housing unit.
- **Home improvement loan.** A home improvement loan is used, at least in part, for repairing, rehabilitating, remodeling, or improving a housing unit or the real property on which the unit is located.
- **Refinancing.** Refinancing is any dwelling-secured loan that replaces and satisfies another dwelling-secured loan to the same borrower. The purpose for which a loan is refinanced is not relevant for HMDA purposes.

Most of the loan applications in Yuma were for refinancing existing home loans; these represented 65 percent of the applications. Thirty percent were for home purchases and 5 percent were for home improvement loans.

**Exhibit IV-4.
Purpose and Type of Loan Applications,
City of Yuma, 2009**

Source:
FFIEC Home Mortgage Disclosure Act Raw Data 2009 and BBC Research & Consulting.



⁴ Government guaranteed loans include: Federal Housing Administration insured (68 percent), Veterans Administration-guaranteed (31 percent), and Farm Service Agency or Rural Housing Service (0.3 percent).

Disposition of loans. The following exhibit shows the number and percent of the action taken on the loan applications for Yuma in 2009. Fifty-six percent of the city's loan applications were originated (approved) and 21 percent of the applications were denied. The State of Arizona had the same percent of loans applications denied (21 percent) and a slightly higher rate of loans approved (59 percent) when compared to the city.

**Exhibit IV-5.
Action Taken on
Loan Applications,
City of Yuma and
Arizona, 2009**

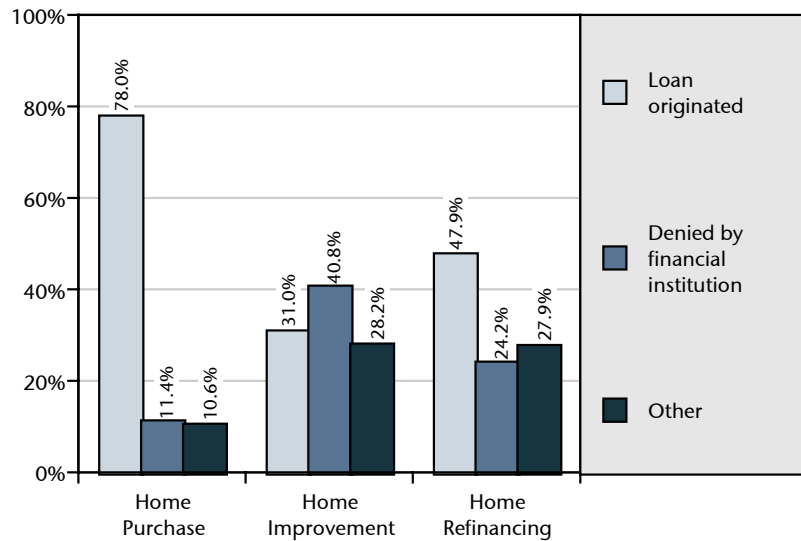
Source:
FFIEC Home Mortgage
Disclosure Act Raw Data 2009
and BBC Research & Consulting.

	City of Yuma		Arizona	
	Number of Loan Application	Percent	Number of Loan Applications	Percent
Loan originated	2,879	56%	167,048	59%
Approved, but not accepted	249	5%	17,028	6%
Denied by financial institution	1,084	21%	59,440	21%
Withdrawn by applicant	820	16%	32,057	11%
File closed for incompleteness	96	2%	8,027	3%
Total	5,128	100%	283,600	100%

Exhibit IV-6 displays outcome by loan purpose. Eleven percent of *home purchase* loan applications were denied. Denial rates were much higher for home improvement (41 percent) and refinance (24 percent) loans, which is common because these types of loans are riskier for lenders.

**Exhibit IV-6.
Loan Outcome by
Purpose of Loan, City of
Yuma, 2009**

Source:
FFIEC Home Mortgage Disclosure Act Raw
Data 2009 and BBC Research & Consulting.



Race/ethnicity of loan applicants. Eighty-four percent of the Yuma loan applications (4,298 applications) were from applicants who reported their primary race⁵ to be White. Thirty-nine percent of city applicants were Hispanic or Latino. Denial rates among all minority and ethnic applicants (except for African Americans) were higher than the city's overall denial rate of 21 percent. Loan application denial rates of American Indian or Alaskan Natives were 41 percent, the highest denial rate of all races. Hispanic or Latino applicants had 24 percent of their loan applications denied.

**Exhibit IV-7.
Loan Outcome
by Race and
Ethnicity, City
of Yuma, 2009**

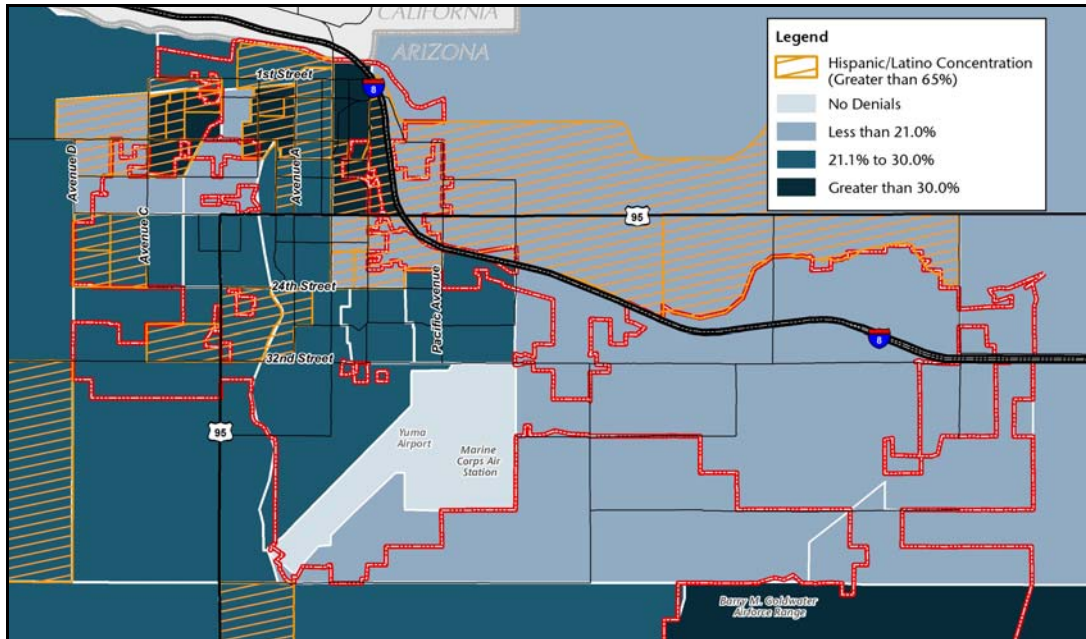
Source:
FFIEC Home Mortgage
Disclosure
Act Raw Data 2009.

	Originated	Denied	Other	Total
Total loan applications	56%	21%	23%	5,128
Race				
American Indian or Alaska Native	42%	41%	17%	66
Asian	45%	36%	20%	56
Black or African American	60%	17%	23%	77
Native Hawaiian or Other Pacific Islander	52%	36%	12%	33
White	59%	20%	22%	4,298
Unknown	41%	28%	31%	598
Ethnicity				
Hispanic or Latino	52%	24%	24%	2,007
Not Hispanic or Latino	62%	18%	21%	2,701

Denial rates by Census Tract and Hispanic/Latino concentrations. Exhibit IV-8 overlays the areas where HMDA denials for home loans are higher than the citywide average with areas of Hispanic or Latino concentrations. Overall, 21 percent of home loans were denied in the city. Twenty-four percent of Hispanic home loan applications were denied. As seen in the map, there are several census tracts with concentrations of Hispanic or Latinos and above average denial rates, mostly in the northern and western areas of the city.

⁵ Race does not differentiate between ethnicity (i.e., Hispanic or Latino versus Not Hispanic or Latino).

**Exhibit IV-8.
Percent of Loan Denials by Census Tract and Hispanic
or Latino Concentrations by Block Group, City of Yuma, 2009/2010**



Note: Hispanic/Latino concentration includes block groups where more than 65 percent of the population is Hispanic or Latino. The denial rate for all loans in the city overall was 21 percent.

Source: FFIEC Home Mortgage Disclosure Act Raw Data 2009 and U.S. Census Bureau 2010 Census.

A higher denial rate for Hispanics or Latino and minorities does not necessarily indicate fair housing problems. It can be explained, in part, by these populations having lower incomes than Whites and the city overall. It is also possible that credit histories vary among applicants with different racial/ethnic characteristics. Without a detailed analysis of each applicant (such data are unavailable in the HMDA records due to confidentiality), it is unclear if the reason for the difference is due to variables other than income that are considered in making the lending decision (e.g., credit history, debt to income ratios) or if discrimination in lending could be occurring.

That said, the above average denial rates for the northern Yuma neighborhoods warrant further investigation to explain the disparity in loan denials and identify strategies to assist residents in these areas to obtain needed credit. The inability of these residents to secure home mortgage and improvement loans over time indicates a trend of disinvestment in the area, which is of concern.

Denial rates by income of loan applicants and ethnicity. Almost one fifth (19 percent or 974 applicants) of the home loan applicants earned less than \$35,000, which is approximately 80 percent of the HUD Median Family Income (MFI) of \$44,100 for Yuma. When comparing the percent denied of Hispanic or Latino applicants to applicants who are Not Hispanic or Latino by income level, Hispanics or Latinos had higher denial rates in all income categories. As to be expected, low and moderate income applicants were more likely to be denied loans when compared to higher incomes.

**Exhibit IV-9.
Percent Denied by
Income and Ethnicity,
City of Yuma, 2009**

Source:
FFIEC Home Mortgage Disclosure Act
Raw Data 2009.

	Hispanic or Latino	Not Hispanic or Latino	All Applicants
Percent denied of all applicants	24%	18%	21%
Less than 50% of MFI (<\$22,000)	32%	22%	30%
50% to 80% of MFI (\$22,000 to \$35,000)	26%	21%	25%
Greater than 80% MFI (>\$35,000)	24%	18%	21%
Income not available	13%	9%	10%

Reasons for denial. The HMDA data include information from lenders on why they turned down an application. Institutions are allowed to cite up to three reasons (from a list of nine) why an application was turned down. Exhibits IV-10 shows the reasons for denials of 2009 loan applications for the City of Yuma.

**Exhibit IV-10.
Reasons for Loan Application Denials,
City of Yuma, 2009**

Note:
Insufficient cash may include cash for the downpayment and closing costs. Multiple denial reasons were allowed for each application.

Source:
FFIEC Home Mortgage Disclosure Act Raw Data 2009.

	Number	Percent
Collateral	316	31%
Credit application incomplete	45	4%
Credit history	222	22%
Debt-to-income ratio	188	19%
Employment history	13	1%
Insufficient cash	51	5%
Mortgage insurance denied	8	1%
Unverifiable information	47	5%
Other	123	12%
Total reasons denied	1,013	100%

For loan applications in Yuma that were denied, the primary reason was not sufficient collateral, 31 percent of denial reasons. This is a change from recent years, where poor credit history was the prime reason for denials. Other top reasons cited for loan denials involved issues related to poor or no credit history and excessive debt-to-income ratios.

HMDA data also contain summary information on the reasons for denial by type of loan and applicant characteristics, which can help explain some of the variation in approval rates among applicants. As demonstrated in the exhibit that follows, poor credit history is the major reason for applications denials for home improvements and home purchase loans, as well as for Hispanic or Latino applicants. Inadequate collateral is the major reason for application denials for refinance loans and applicants who are not Hispanic or Latino (this is a change from recent years, where poor credit history was the primary factor). It is likely that these residents who were denied loans dues to

inadequate collateral have seen a recent loss in value of their homes and probably owe more on their home than what it is currently valued. A high debt-to-income ratio is another important reason that loans are denied.

**Exhibit IV-11.
Reasons for Denial by
Loan Type and Ethnicity,
City of Yuma, 2009**

Note:
Bolted areas show the top reasons loans were denied.

Source:
FFIEC Home Mortgage Disclosure Act Raw Data 2009.

	Home Purchase	Home Improvements	Refinancing
Collateral	20%	13%	37%
Credit application incomplete	4%	0%	5%
Credit history	23%	46%	18%
Debt-to-income ratio	21%	19%	18%
Employment history	4%	0%	1%
Insufficient cash	6%	1%	6%
Mortgage insurance denied	0%	0%	1%
Unverifiable information	7%	4%	4%
Other	15%	18%	11%
Total reasons denied	179	114	720
	Hispanic or Latino	Not Hispanic or Latino	
Collateral	26%	36%	
Credit application incomplete	4%	4%	
Credit history	28%	16%	
Debt-to-income ratio	20%	18%	
Employment history	1%	1%	
Insufficient cash	4%	6%	
Mortgage insurance denied	1%	1%	
Unverifiable information	5%	4%	
Other	11%	13%	
Total reasons denied	488	437	

Subprime analysis. This section examines how often Hispanic or Latino borrowers in Yuma received subprime loans compared to borrowers who are Not Hispanic or Latino. For the purposes of this section, we define “subprime” as a loan with an APR of more than 3 percentage points above comparable Treasuries. This is consistent with the intent of the Federal Reserve in defining “subprime” in the HMDA data.

We also call loans “super subprime” which have APRs of more than 7 percentage points above comparable Treasuries. This is our own definition, created to identify very high-cost loans.

Of the 2,879 home loans originated in Yuma in 2009, 120 (4 percent) were considered subprime by our definition (i.e., these loans met or surpassed the pricing reporting threshold required by HMDA data). Eight of these subprime loans were considered to be “super subprime.” The State of Arizona had the same percent (4 percent) of originated loans being subprime during the same time period.

For home purchase loans made in 2009, there were 54 in Yuma flagged as subprime loans in the HMDA data. Just two had interest rates so high that we considered them “super subprime.”

Ethnicity of subprime borrowers. Of the 120 subprime loans that were originated to Yuma borrowers in 2009, 60 (50 percent) were made to borrowers who are Not Hispanic or Latino; 48 (40 percent) to Hispanic or Latino borrowers; and 12 (10 percent) to borrowers where ethnic information was not available. Hispanic or Latinos are likely to have a similar proportion of subprime loans when compared to Not Hispanic or Latino borrowers: 5 percent (48 loans) of originated loans were subprime for Hispanics versus 4 percent (60 loans) of originated loans being subprime for Not Hispanic borrowers.

Of the home purchase subprime loans, 46 percent were made to borrowers who were Not Hispanic or Latino, 48 percent to Hispanic or Latino borrowers and the remainder (6 percent) to borrowers of unknown ethnicity. Our analysis of home purchase subprime loans by ethnicity found that Hispanic borrowers of home purchase loans were 1.63 times more likely to get a subprime loan than a Not Hispanic borrower, while Hispanic borrowers for all types of home loans were 1.29 times more likely to get a subprime loan than a Not Hispanic borrower.

Hispanic borrowers who refinanced were even less likely to experience a subprime loan than Hispanic home purchase and home improvement borrowers: Hispanic refinance borrowers were 1.22 times more likely to get a subprime loan than Not Hispanic refinance borrowers.

SECTION V.
Public Outreach

SECTION V.

Public Outreach

The City of Yuma AI includes a public outreach process that was combined with the public process completed for city's 2011-2015 Consolidated Plan. The primary tool used to gather public input about fair housing within the city was an online and paper resident survey hosted on the city's Web site. In total, 223 surveys were received from residents. Additionally, two stakeholder focus groups and 22 interviews with key persons or groups who are knowledgeable about housing and community development needs in the city were conducted during the development of the Consolidated Plan and AI; these meetings included fair housing discussions.

Resident Survey

A survey was made available to the residents and resident stakeholders of the City of Yuma during the months of August, September and October 2010. The survey was offered in English and Spanish asking about housing and community development and fair housing in the City of Yuma. The English survey had 184 respondents (116 responded via paper survey and 68 responded online) and the Spanish survey had 39 respondents (38 responded via the paper survey and 1 responded online). Eighty-three (83) of these survey respondents completed a survey at the Crossroads Mission, a private non-profit organization serving the homeless, needy and poor in Yuma County. Therefore, these surveys from the Crossroads Mission were analyzed separately from the other surveys and are presented throughout the analysis for a comparison.

Unlike some surveys that promise statistically significant results representative of an entire population, this survey represents the opinions of voluntary participants. In other words, if all residents of Yuma were administered the same survey, the results may not replicate those received from this survey effort. Instead, this information reflects the opinions of residents that voluntarily participated in the survey who have an interest in housing, community development and fair housing activities in Yuma.

The following summarizes survey participants' responses to questions related to their experiences with housing discrimination, as well as resident' knowledge of fair housing resources.

Housing discrimination. Seven survey respondents (5 percent) said they had experienced housing discrimination, while an additional eight (6 percent) were not sure whether they had faced discrimination. Respondents from the homeless shelter were slightly more likely to answer they had experienced housing discrimination: 10 percent said they had experienced housing discrimination and 6 percent were not sure.

The basis for discrimination cited by survey respondents included racism (**not** being of a certain race or national origin/ancestry), being of a certain gender, having children, having bad credit/bankruptcy/debts and having a disability (physical or mental). Respondents from the homeless shelter were more likely to cite they felt they experienced housing discrimination because they were poor, had bad credit/bankruptcy/debts, were physically disabled and were receiving government housing assistance.

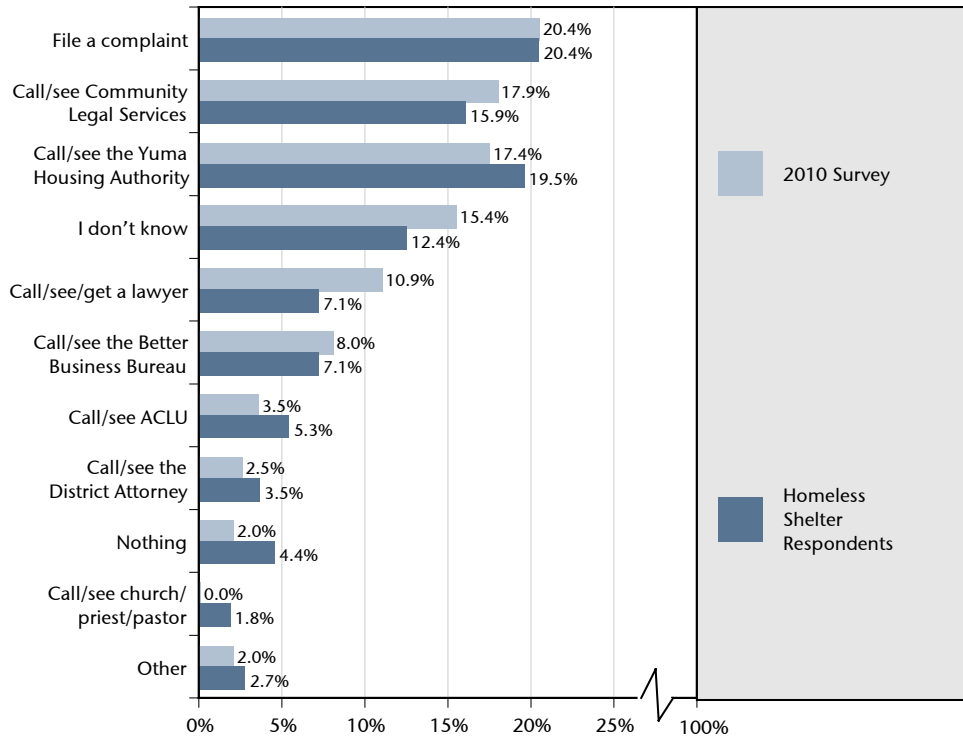
Forty-two percent responded they did nothing about the discrimination, which was similar to the homeless shelter respondents. Two responded they filed a complaint and two respondents from the homeless shelter also filed a complaint. An additional two responded they tried to get information to file a complaint and could not find any information. Other responses included they contacted a local organization such as the housing authority, local government or Community Legal Services to obtain information.

Survey respondents were also asked if they **know anyone** who has experienced housing discrimination: 11 responded (8 percent) they did know someone and 8 replied (6 percent) they were not sure. Eight respondents from the homeless shelter answered they also **know** people who were discriminated against. Top reasons the person was discriminated against included having children, a disability and being of a different race, ethnicity or national origin. Most of the people the respondents know who had experienced housing discrimination did nothing about the discrimination and moved to another residence. One respondent said the person, “did not want to live somewhere they were not wanted.” A couple of the people contacted Community Legal Services for advice. Respondents were also asked what had happened to the person they **know** to make them feel discriminated against. The following lists several of their responses:

- “Openly told ‘We don’t rent to people who receive mental health services of your type.’”
- “Asked to move out,” because of their disability.
- “They were judged on their appearance.”
- “They were told that no children were accepted.”
- “When she mentioned her 4 children, she was told the house was not being rented to her.”
- “They were denied the opportunity to bid on the home,” due to their religion.
- “Border Patrol called when they couldn’t pay.”

Knowledge about fair housing resources. When residents were asked what they would do or recommend if they or someone they knew experienced discrimination, the top three responses were to file a complaint, contact Community Legal Services and contact the Housing Authority of the City of Yuma.

**Exhibit V-1.
Resident Actions or Recommendation
Towards Housing Discrimination, City of Yuma, 2010**



Source: The City of Yuma 2010 Resident Housing and Community Development Survey.

The majority of respondents (61 percent) replied they knew who to contact if they ever felt they were discriminated against, while 20 percent answered they did not know who to contact, and the remaining 19 percent did not answer this question. Respondents from the homeless shelter had similar response rates. Community Legal Services was the most frequently mentioned organization respondents would contact if they felt discriminated against, followed by the local housing authority. Almost 70 percent of survey respondents replied they knew who investigated housing discrimination in Yuma with most of these respondents answering Community Legal Services followed by the Housing Authority of the City of Yuma.

Public Meetings and Stakeholder Input

As part of the city's Consolidated Plan and fair housing analysis, key policymakers and persons who represent the city and housing and social service organizations in Yuma were interviewed about fair housing issues. In addition, two stakeholder focus groups were held that included a discussion of fair housing impediments in Yuma. With respect to fair housing needs and priorities, participants identified the following needs:

- **Education and outreach.** There is a need to make people aware of what fair housing is and what they can do about the discrimination they face. An established local system of who to file a complaint with and a procedure of how to deal with the complaints locally is very important for an effective fair housing program.
- **Fair housing testing.** More needs to be done concerning enforcement of fair housing. Bringing in qualified fair housing testers would be a way to prove discrimination and to prevent it from repeatedly occurring.
- **Mental illness.** Participants mentioned there are several apartment complexes in the area that routinely deny housing to persons with disabilities, especially those with mental illness.
- **Title loans.** Previously Pay Day Loans were a problem until the state passed legislation limiting these types of loans. However, the participants stated that payday loans are now basically the same as title loans, which are rising in popularity.
- **Trailer parks.** There is a lack of affordable housing opportunities for residents living in very old trailers that are in poor condition. The trailers built pre-1985 cannot be moved elsewhere in the city or county because of zoning ordinances. When residents leave their trailers, they have nowhere else to go.
 - **Recommended solution:** a city program where residents get some type of housing/relocation assistance if they turnover their aging trailer.
- **Victims of domestic violence.** In Yuma, where levels of domestic violence are high, victims of domestic violence are sometimes discriminated by landlords if the landlords learn they have a restraining order. The landlords are nervous about the perpetrators finding the women and damaging their rental units. Additionally, sometimes older (teen aged) male family members are not allowed into the shelter with their mother because of concern about domestic violence/sexual assault.

SECTION VI.
**Identification of Impediments to Fair
Housing Choice and Fair Housing Action Plan**

SECTION VI.

Identification of Impediments to Fair Housing Choice and Fair Housing Action Plan

This section summarizes the impediments to fair housing choice identified in the research conducted for the AI and recommends an Action Plan for the City of Yuma.

Summary of Impediments to Fair Housing Choice

Sections I through V present the research and public outreach processes conducted as part of the City of Yuma's 2011-2015 AI. This research identified the following impediments to fair housing choice in Yuma:

Persons with disabilities face barriers to housing choice. Evidence from the fair housing complaint review and stakeholder interviews conducted for this AI suggest that fair housing barriers faced by persons with disabilities are prevalent in Yuma.

According to the fair housing complaints filed with HUD between 2000 and 2010, the most common reason for discrimination identified in the HUD records was disability; 38 percent of the filed complaints included the basis of disability discrimination. Additionally, one of the most common issues cited of the fair housing complaints filed involved "failure to make reasonable accommodation." Furthermore, many of the recent fair housing legal cases in the State of Arizona (although none were in the City of Yuma) involved landlords, property managers and homeowner associations who failed to make reasonable accommodations for persons with disabilities.

Interviews with stakeholders in the community suggest there are several apartment complexes in the area that routinely deny housing to persons with disabilities, especially persons with mental illness. The lack of accessibility for persons with disabilities in commercial and residential buildings was also mentioned by stakeholders as a community need. Among survey respondents with a disabled member in their household, 25 percent indicated that their home did not meet the current needs of their disabled household member.

Anecdotal evidence suggests some landlords are ignorant of and/or do not comply with fair housing laws. Similar to what was voiced in the 2007 AI, stakeholders suggest several specific populations in Yuma are being discriminated against by landlords and/or property managers. Stakeholders specifically mentioned victims of domestic violence, persons residing in older mobile home parks and persons with disabilities as being targeted with housing discrimination. Additionally, many of the recent fair housing legal cases in the State of Arizona involved landlords, property managers and homeowner associations who failed to make reasonable accommodations for persons with disabilities.

In the past, some fair housing testing has been done in Yuma by the Southwest Fair Housing Council and Community Legal Services. However, this testing has been limited due to the lack of funding and staff. Community Legal Services, as part of the city's fair housing activities, has also presented fair

housing sessions to landlords and property managers. These sessions have been targeted to landlords and property managers that have a relationship with the Housing Authority of the City of Yuma (HACY). Although there is great benefit in such a program, the landlords and property owners who are not affiliated with HACY are likely those who need the most education about fair housing laws.

Residents experiencing or unsure of discrimination in housing “do nothing.” Key persons interviewed for this study expressed some concern about housing discrimination, and stakeholders believe that violations do occur and go unreported.

Five percent of respondents to the survey said they have experienced housing discrimination at some point, while an additional 6 percent were not sure whether they had faced discrimination. This is similar to the results of the statistically significant telephone survey completed of Yuma residents in 2006, where 6 percent said they have experienced housing discrimination. Survey respondents were also asked if they *know anyone* who has experienced housing discrimination: 11 responded (8 percent) they did know someone and 8 replied (6 percent) they were not sure. Finally, when Yuma residents experienced discrimination, **42 percent** (5 responses) of the responses were they did “nothing” about the discrimination and half (6 responses) took action to contact an organization and/or report it.¹

That said, the proportion of residents who said they have faced housing discrimination in Yuma (as captured in the survey conducted for this study) was low relative to many urban communities at just 5 percent. This is good news for Yuma and suggests that the vast majority of residents face little, if any, discrimination in trying to secure housing.

During the previous years, the city has funded Community Legal Services to conduct the city’s fair housing activities. It is important that citizen education, outreach and systems to file complaints are continued to help citizens identify and make complaints about fair housing violations, should they occur.

Single family home development fees and permits fees are a barrier to affordable housing. To develop an affordable unit the developer is tasked with keeping costs as low as possible. Several participants mentioned the City of Yuma’s development fees, impact fees, capacity fees, etc. are barriers to building affordable units. According to the City of Yuma, to build a new single family home it will cost an estimated \$22,280 in permit fees, development (impact) fees, and water and sewer connection fees. A reduction or elimination of these fees and expenses would help keep homes more affordable and encourage more development.

The city does allow for exemptions against the amount of development fees due for a proposed new development for affordable housing, economic development, and redevelopment and infill. Since the start of the recent economic recession, the city has received no requests for this exemption.

Additionally the Yuma Neighborhood Development Organization (YNDO) administers a Government Fee Reduction Program to reduce the cost of new homes in designated revitalization areas, which currently include the Carver Park and Yuma High neighborhoods. The program pays for a portion of the water and sewer fees and can waive permit fees.

¹ The remaining one response was they “didn’t know or could not remember.”

Lack of access to credit in certain areas of Yuma. Residents of northern and western Yuma are more likely to face financing challenges in securing home loans when compared to the city overall. This may be due to numerous factors, including insufficient collateral, poor credit histories, lower incomes, high debt-to-income ratios or others—but it points to a need for homebuyer education and credit counseling targeted to those residents interested home improvement loans, home purchase or home refinance loans.

Yuma residents who applied for loans to refinance their homes in 2008 were most often denied due to having inadequate collateral (65 percent of the loan applications). It is likely that these residents have seen a recent loss in value of their homes and probably owe more on their home than what it is currently valued. It is important that the city work to minimize the risk of foreclosure of these residents to avoid more residential properties with loans exceeding their values held by banks and/or potentially falling into disrepair.

Fair Housing Action Plan

Based on the research for this AI, BBC recommends that the City of Yuma consider the following Fair Housing Action Plan (FHAP) and activities for reducing fair housing impediments:

Action Item 1. Continue to raise awareness and visibility of fair housing and the complaint process. The city's Web site, which may be a resource for residents seeking information about housing and community development, contains information about the city's fair housing rights and gives contact information for Community Legal Services (address and phone number) to contact with questions about fair housing concerns. The Web site provides a page titled "Who? What? Where?" where the fair housing information is easy to find with a simple search.

We commend the city for putting fair housing information on its Web site—most cities do not. However, the city could improve its Web site by:

- **Having direct instructions for filing a complaint.** The Arizona Attorney General's Office of Civil Rights Division (ACRD) Web page (http://www.azag.gov/civil_rights/) is a good model for direct and simple presentation of how to file a complaint. The city's Web page should contain specific instructions on how to file a complaint with ACRD and HUD. The Web page should continue to provide contact information with whom to contact locally with a complaint or to gather information.
- **Link to ACRD's Web site.** We also recommend having a clear link to the ACRD Web site, which contains some good information on fair housing law.
- **Providing information in Spanish and English.** All of the information suggested above should be provided in English and Spanish.

- **Having cross links with the Housing Authority of the City of Yuma's Web site.** Some residents in the survey we conducted for the AI said they would contact the Housing Authority of the City of Yuma (HACY) if they felt they had been discriminated against and/or wanted more information about their fair housing rights. A review of HACY's Web site found no easy way to find fair housing information. At the very least, HACY should have summary information about fair housing rights on its home page, with links to the city's, ACRD's and HUD's Web sites so that residents can easily get more information about fair housing and the complaint process if they need it.

In addition, the city should continue to partner with Community Legal Services, HACY and local housing nonprofits to promote education and understanding of fair housing laws and rights.

Action Item 2. Increase landlord and resident awareness and knowledge of fair housing. In coordination with the city's Rental Inspection Program, the city should provide information about fair housing to landlords and property managers and require that a class discussing fair housing issues be attended in order for landlords to become registered.

The city should also continue to conduct fair housing workshops as part of community events (e.g., public service announcements, utility bill inserts, newsletters etc.) and conduct public service campaigns to inform landlords and residents about fair housing issues. These campaigns may consist of displaying posters, handing out flyers and conducting workshops in schools to reach future renters. The city should continue to work with and expand work with affordable housing providers to reach renters and landlords most likely to be affected by fair housing issues.

The city should request that HUD fund a testing program to identify the extent to which persons with disabilities, victims of domestic violence and residents of older mobile home parks are discriminated against and face barriers to accessing needed housing in Yuma. If HUD is unable or unwilling to conduct such testing, we recommend that the city fund a testing program modeled after HUD's testing studies and using similar methodologies.

Finally, the city should continue to maintain a person at the city who is the central point of contact on fair housing issues for residents and landlords as well as for other city departments. This person should continue to receive training on fair housing issues, communicate with state and local fair housing groups and HUD, and refer residents wishing to file complaints with follow-up as necessary.

Action Item 3. Work to assist residents with special needs have full access to housing. The city should continue to dedicate funding to improve housing quality and accessibility for persons with disabilities. Specifically, funding should go to remove architectural barriers for persons with disabilities and to rehabilitate housing for accessibility.

The city should conduct fair housing training sessions with landlords and property managers, particularly those who serve the city's lowest income and special needs populations (as mentioned above, this could be required as part of the Rental Inspection Program registration). A key element of the training would be to present case studies on tricky landlord/tenant situations and to resolve the situations. Participants would be able to offer their own situations for group discussion and to explore solutions.

In addition, the city should request that HUD fund a testing program to identify the extent to which persons with disabilities are discriminated against and face barriers to accessing needed housing in Yuma. If HUD is unable or unwilling to conduct such testing, we recommend that the city fund a testing program modeled after HUD's testing studies and using similar methodologies.

Action Item 4. Ensure that existing credit counseling programs are available and targeted. Education about loan requirements and budgeting, commonly offered through first-time homebuyer classes, may help potential applicants to understand how to improve their chances of receiving a home loan and how to mitigate the damaging effects of poor credit history. Such classes should include a discussion about fair housing and fair lending, which may be a concern for the community.

Programs that provide credit counseling should target Hispanic or Latinos and minorities, and geographic areas in the community where loan denial rates are the highest. These programs should also counsel potential borrowers about the risks of carrying high levels of consumer debt. Finally, these programs should contain information on accessing government-sponsored and subsidized loans, which have more flexible underwriting standards.

We also suggest that the city support and promote foreclosure prevention and assistance programs in the Yuma area.

Program year 2011 to 2015 fair housing goals and accomplishments. The matrix on the following page summarizes the city's Fair Housing Action Plan for program years 2011 to 2015 to minimize impediments.

**Exhibit VI-1.
Fair Housing Action Plan Matrix, City of Yuma, 2011 to 2015**

Action Item	Impediments Addressed	Activities	Goals					Accomplishments						
			2011	2012	2013	2014	2015	2011	2012	2013	2014	2015		
1. Continue to raise awareness and visibility of fair housing and the complaint process.	<ul style="list-style-type: none"> ▪ Discrimination faced by Yuma residents ▪ Fair housing awareness 	<ul style="list-style-type: none"> ▪ Expand fair housing information on city Web site: <ul style="list-style-type: none"> 1) Instructions on how to file a complaint 2) Contact information 3) Information in English and Spanish 4) Link to HACY Web site ▪ Continue to partner with CLS, HACY, etc. to promote fair housing 												
2. Increase landlord and resident awareness and knowledge of fair housing.	<ul style="list-style-type: none"> ▪ Discrimination faced by Yuma residents ▪ Lack of awareness of fair housing 	<ul style="list-style-type: none"> ▪ Coordinate with city Rental Inspection Program: <ul style="list-style-type: none"> 1) Provide fair housing information to registered rental owners/landlords 2) Review feasibility of requiring a fair housing class for rental registration ▪ Conduct fair housing workshops as part of community events ▪ Request HUD fund fair housing testing ▪ Maintain city point of contact for fair housing 												
3. Work to assist residents with special needs have full access to housing.	<ul style="list-style-type: none"> ▪ Discrimination faced by Yuma residents ▪ Barriers to housing choice faced by persons with disabilities. 	<ul style="list-style-type: none"> ▪ Continue funding home accessibility modifications ▪ Conduct fair housing training with landlords and property managers ▪ Request HUD fund fair housing testing 												
4. Ensure existing credit counseling programs are available and targeted.	<ul style="list-style-type: none"> ▪ Lack of access to credit. 	<ul style="list-style-type: none"> ▪ Promote foreclosure programs offered in Yuma ▪ Promote financial education programs offered in Yuma 												

Source: City of Yuma.

Structure for Oversight Responsibilities, Monitoring & Evaluation

The completion of this AI was overseen by the City of Yuma Neighborhood Services.

Neighborhood Services will be ultimately responsible for carrying out the Fair Housing Action Plan. To ensure that each activity is carried out, Neighborhood Services will conduct an evaluation of each activity during each program year and identify additional areas that require study or analysis and how to address the additional areas. As part of the annual Consolidated Annual Performance and Evaluation Report (CAPER), Neighborhood Services will include a summary of the following:

- Actions taken to affirmatively further fair housing;
- A summary of impediments to fair housing choice in the Analysis of Impediments (AI); and
- Identify actions taken to overcome effects of impediments identified in the AI.

Maintenance of Records

Per Section 2.14 in HUD's Fair Housing Planning Guide, Neighborhood Services will maintain the following data and information as documentation of the city's Fair Housing Action Plan:

- A copy of the AI and any updates.
- A list of actions taken each year as part of the Fair Housing Action Plan to eliminate the impediments identified in the AI.

At the end of each program year, Yuma will submit information to HUD about the actions taken to fulfill the Fair Housing Action Plan and an analysis of their impact.