

2019 Update to 2011 Analysis of Impediments to Fair Housing Choice (AI) for the United States Department of Housing and Urban Development (HUD) Entitlement Communities in the Kansas City region

This document is intended to serve as an update to the 2011 Analysis of Impediments to Fair Housing Choice (AI) for the HUD entitlement communities in the Kansas City region. It is limited to addressing AI issues from the perspectives of Johnson County, Kansas as the Participating Jurisdiction (PJ), the Housing Authorities of Johnson County and Olathe and the entitlement cities of Lenexa, Olathe, Overland Park and Shawnee with limited participation from other non-entitlement cities within the PJ.

This update addresses AI issues within both public and private sectors and:

- Reviews of relevant laws, regulations, administrative policies, procedures and practices
- Assessment of legislative, regulatory and administrative impacts affecting the location, availability and accessibility of housing
- Assessment of *de facto* public and private sector conditions affecting Fair Housing choice

The United States Department of Housing and Urban Development (HUD) defines impediments to Fair Housing choice as:

- Any actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status or national origin 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

The Fair Housing Act protects people from discrimination when they are renting or buying a home, obtaining a mortgage, seeking housing assistance or engaging in other housing-related activities. On April 11, 1968, President Lyndon Johnson signed the Civil Rights Act of 1968 to supplement the Civil Rights Act of 1964. The 1968 Act expanded on previous acts and prohibited discrimination concerning the sale, rental and financing of housing based on race, color, religion, national origin, sex, (and as amended) handicap and familial status.

HUD Fair Housing guidance states that “affordable housing, in and of itself, is not an impediment to Fair Housing unless it creates an impediment to housing choice because of membership in a protected class.” Affordable housing topics, however, are included as they have been considered significant conditions affecting Fair Housing choice.



Specific impediments impacting Johnson County, Kansas as the PJ and the entitlement cities of Lenexa, Olathe, Overland Park and Shawnee, presented in the 2011 Analysis of Impediments to Fair Housing Choice (AI) report, have been addressed as follows:

- Regional Impediment No. 1. There is no coordinated effort to mitigate Fair Housing barriers and raise awareness of Fair Housing in the region. *In conjunction with the PJ and entitlement cities, all other municipalities have been invited to feature a standardized Fair Housing information format on their individual websites. This format contains links to additional Fair Housing resources in both narrative and video formats. Examples of Fair Housing protections and violations are presented, along with Office of Fair Housing local contact information and instructions for filing Fair Housing complaints. Additional links are provided to access further resources and initiate the Fair Housing complaint process. FHEO officers have been invited to present Fair Housing topics to landlords participating in the Housing Choice Voucher program.*
- Regional Impediment No. 2. Information about Fair Housing is difficult to find and can be confusing. *By attempting to standardize local Fair Housing information throughout the PJ, it is hoped that previously identified difficulties and sources of confusion have been reduced or eliminated.*
- Regional Impediment No. 5. There is reportedly a shortage of accessible housing units. *A shortage of accessible housing units remains as an ongoing impediment. Due to geography and local government structure, the PJ is not positioned to impact development or redevelopment of additional accessible housing units. The ability of permit-granting entities within the PJ to affect change in this regard is limited by Kansas Senate Bill 366, which effectively prohibits inclusionary zoning and enables continuation of exclusionary zoning.*
- Local Impediment No. 1. Residents experience discrimination. *A five-year summary of Fair Housing complaints filed within the PJ during the period October 1, 2013 to September 30, 2018 is included with this AI update. The most common basis for complaint was disability, followed by race and national origin.*
- Local Impediment No. 2. African Americans and Hispanics have much higher loan denial rates than Whites and non-Hispanics. *The PJ is not positioned to impact real estate lenders or their lending practices. A review of the five-year summary of Fair Housing complaints indicates only one complaint of discriminatory real estate financing which was settled after conciliation.*
- Local Impediment No. 3. Jurisdictions need to improve some aspects of their public sector development and housing practices. *Within the PJ, most new construction and redevelopment permits are issued by the entitlement cities. Senate Bill 366 precludes any opportunities to affect change or otherwise increase the number of affordable or accessible units in the real estate market. The PJ has recently hired a Housing Resource Recruiter to increase the number of landlords participating in Housing programs as well as to identify and recruit additional affordable and accessible unit owners. Both housing authorities within the PJ have moved toward a primarily on-line application process with reasonable accommodations offered as necessary.*
- Local Impediment No. 4. In all but one city, residents have 180 days or less to file complaints. *Under the Fair Housing Act, all complaints must be filed within one year of the date the alleged discrimination occurred. All municipalities within the PJ have been approached and encouraged to adopt the standardized Fair Housing information format as presented in Regional Impediment No. 1 above. Through this standardized format, a consistent one-year period for filing complaints across the PJ is achieved.*



Fair Housing Action Plan items impacting Johnson County, Kansas as the PJ and the entitlement cities of Lenexa, Olathe, Overland Park and Shawnee, presented in the 2011 Analysis of Impediments to Fair Housing Choice (AI) report, have been addressed as follows:

- Regional Action Item No. 1. Improve the coordination of Fair Housing testing, enforcement and complaint-taking organizations in the region. *By standardizing the Fair Housing information format throughout the PJ, identifying Fair Housing violations and reporting them to HUD's Office of Fair Housing and Equal Opportunity (FHEO) is greatly simplified.*
- Regional Action Item No. 2. Disperse affordable housing opportunities regionally. *Affordable housing development opportunities remain limited due to limitations imposed by Senate Bill 366 and the free, efficient real estate markets which operate across the PJ. Future development will be limited by the lack of inclusionary zoning tools. The de facto impacts of exclusionary zoning devices will continue to impede development of affordable housing units and PJ deconcentration efforts.*
- Regional Action Item No. 3. Educate residents about personal finance and work with lenders to mitigate loan denial disparities. *Although discriminatory lending does not appear pervasive, the PJ is not positioned to impact real estate lenders or their lending practices.*
- Regional Action Item No. 4. Evaluate the demand for and increase accessible housing units. *The demand for accessible housing units continues to exceed supply. As the recently hired Housing Resource Recruiter begins to study this market, outreach efforts will increase in an attempt to identify unit owners and increase awareness of available accessible units.*
- Local Action Item No. 1. Improve and make more uniform Fair Housing information on jurisdictional websites. *The standardized Fair Housing information format across the PJ is intended to distribute additional Fair Housing information and simplify the complaint process. By directing Fair Housing protected class members within the PJ to FHEO resources, complaints are made directly to the most appropriate authority.*
- Local Action Item No. 2. The statute of limitations for filing Fair Housing complaints in local ordinances should be extended. *The standardized Fair Housing information format effectively extends the statute of limitations to within one year of the date the alleged discrimination occurred.*
- Local Action Item No. 3. Jurisdictions need to improve some aspects of their zoning and land use regulations. *The PJ is not positioned to impact zoning and land use regulations. This type of influence can only be achieved at the municipal level, where most zoning and land use regulations are defined. Housing authorities and both entitlement and non-entitlement cities are encouraged to identify development and redevelopment incentives in efforts to increase affordable and accessible housing units and deconcentrate poverty areas throughout the PJ.*

Housing choice is fundamental to meeting essential needs and pursuing personal, educational, employment or other goals. Because housing choice is so critical, Fair Housing is a goal that government, public officials and private citizens must achieve if equality of opportunity is to become a reality.

