

STATE OF NEVADA

2015 State of Nevada Analysis of Impediments to Fair Housing Choice



Housing and Community Development Program

CDBG
HOME
ESG
HOPWA



Draft Report for Public Review: March 20, 2015
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With the State of Nevada Housing Division and
the State of Nevada Health Division
For the U.S. Department of Housing and Urban Development (HUD)

2015 STATE OF NEVADA ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



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Draft Report for Public Review

March 20, 2015

HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
SECTION I. INTRODUCTION	15
SECTION II. SOCIO-ECONOMIC CONTEXT	23
Demographics	23
Economics	33
Housing	38
SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW	53
Fair Housing Laws	53
Fair Housing Studies	54
A Changing Fair Housing Landscape	59
SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE	65
Fair Housing Agencies	65
Complaint Process Review	68
SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR	73
Lending Analysis	73
Fair Housing Complaints	94
Fair Housing Survey – Private Sector Results	99
SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR	103
Public Services	103
Fair Housing Survey – Public Sector Results	106
SECTION VII. PUBLIC INVOLVEMENT	111
Fair Housing Survey	111
Fair Housing Forum and Outreach Meetings	114
SECTION VIII. SUMMARY OF FINDINGS	117
SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS	125
SECTION X. GLOSSARY	129
APPENDICES	133

EXECUTIVE SUMMARY

AI PURPOSE AND PROCESS

As a requirement of receiving funds under the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), and the Emergency Solutions Grant (ESG), entitlement jurisdictions must submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three elements:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified, and
3. Maintain records reflecting the actions taken in response to the analysis.

In the *Fair Housing Planning Guide*, page 2-8, HUD provides a definition of impediments to fair housing choice as:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
- Any actions, omissions, or decisions which have [this] effect.¹

The list of protected classes included in the above definition is drawn from the federal Fair Housing Act, which was first enacted in 1968. However, state and local governments may enact fair housing laws that extend protection to other groups, and the AI is expected to address housing choice for these additional protected classes as well.

The AI process affirmatively furthers fair housing and involves a thorough examination of a variety of sources related to housing, the fair housing delivery system, and housing transactions, particularly for persons who are protected under fair housing law.

The development of an AI also includes public input and review via direct contact with stakeholders, public meetings to collect input from citizens and interested parties, distribution of draft reports for citizen review, and formal presentations of findings and impediments, along with actions to overcome the identified impediments.

METHODOLOGY

As part of the consolidated planning process, and as a requirement for receiving HUD formula grant funding, the State of Nevada is undertaking this AI to evaluate impediments to fair housing choice within non-entitlement areas of the state. Residents of the State of Nevada are protected from discrimination in housing choice by the federal Fair Housing Act, which includes protections based on race, color, religion, national origin, sex, disability, and familial

¹ U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide*. Vol. 1, p. 2-8. http://www.hud.gov/offices/cpd/about/conplan/fairhousingexs/Module5_TopSevenAFFH.pdf

status². Nevada state law prohibits discrimination on the same bases, as well as discrimination on the basis of sexual orientation, gender identity or expression, and ancestry³.

The purpose of this report is to determine current impediments to fair housing choice at work in non-entitlement areas of Nevada and to suggest actions that the local community can consider in order to overcome the identified impediments. Thus, this report represents only the first step in the three-part certification process presented on the previous page.

This AI was conducted through the assessment of a number of quantitative and qualitative sources. Quantitative sources used in analyzing fair housing choice in the State of Nevada included:

- Socio-economic and housing data from the U.S. Census Bureau,
- Employment data from the U.S. Bureau of Labor Statistics,
- Economic data from the U.S. Bureau of Economic Analysis,
- Investment data gathered in accordance with the Community Reinvestment Act,
- Home loan application data from the Home Mortgage Disclosure Act, and
- Housing complaint data from HUD.

Qualitative research included evaluation of relevant existing fair housing research and national and state fair housing legal cases. Additionally, this research included the evaluation of information gathered from several public input opportunities conducted in relation to this AI. This also included the 2015 Nevada Fair Housing Survey, four outreach committee meetings, and the 2015 Nevada Fair Housing Forum.

Geographic analyses of racial and ethnic distribution were conducted by calculating race or ethnicity as the percentage of total population and then plotting the data on a geographic map of Census tracts in the State of Nevada. For the purposes of this AI, maps were produced for several racial and ethnic groups based on both 2000 and 2010 Census data in order to examine how the concentrations of these populations changed over time. Five-year ACS estimates from 2012 were also used for select maps.

Ultimately, a list of potential impediments was drawn from these sources and further evaluated based on HUD's definition of impediments to fair housing choice, as presented on the previous page. Potential impediments to fair housing choice present within the State were identified; along with actions the State may consider in attempting to address possible impediments.

OVERVIEW OF FINDINGS

This AI includes a review of both public and private sector housing market contexts in non-entitlement areas of the State of Nevada to identify practices or conditions that may operate to limit fair housing choice in the State. Analysis of demographic, economic, and housing data included in that review establish the context in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of

² 42 U.S.C.A. §3601

³ NRS 118.100

housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the state's residents.

The contextual analysis described above provides a foundation for detailed review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the State, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have a substantial influence on fair housing choice. In the public sector, policies and practices can also significantly affect housing choice.

Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

The population of Nevada's non-entitlement areas has grown by an estimated 18.1 percent since 2000. From 2000 through 2010, much of that growth was attributable to rapid growth in the number of residents aged 55 and above. Most of the growth was also attributable to an increase in the number of white residents. However, because white residents represented a large majority of all residents in the state's non-entitlement areas, the considerable growth in that population, in absolute terms, actually represented a relatively slow rate of growth. As a result, the share of residents who were white fell by 2.4 percentage points over the decade. The share of American Indian residents also fell from 3.5 to 3.3 percent of the total population. In terms of ethnicity, the number of Hispanic residents increased by 57.4 percent, and though the non-Hispanic population grew considerably, the percentage change in the non-Hispanic population was below the overall average. As a result, the Hispanic population grew as a share of the total population, by four percentage points, while the non-Hispanic population declined by the same amount.

An estimated 19.2 percent of the population of the state's non-entitlement areas was living with some form of disability in 2000. The observed share of the population living with disabilities in 2008-2012 was 13.5 percent; however, the latter figure represents a different measure of disability, so it is not possible to conclude based on those data that the population with disabilities actually fell by 5.7 percent over that time period. Nevertheless, geographic analyses of the distribution of this population in 2000 and 2008-2012 present similar pictures, in which residents with disabilities were observed to be concentrated in Census tracts along or near the southwestern border of the state.

The non-entitlement areas of Nevada were not immune to the financial crisis of the late 2000s, and the effect of the crisis could be observed in figures concerning employment, earnings, and income. According to the Bureau of Labor Statistics, the number of employed persons in the non-entitlement areas of the state grew by nearly 100,000 from 1990 through 2007. During that time, trends in the number of employed followed trends in the size of the labor force very closely. However, the labor force, which includes all who are working and those who are seeking employment, continued to grow after 2007 and through 2010, even as the number of employed fell by over 8,600. The result was a marked spike in the unemployment rate, from

4.6 percent in 2007 to 12.8 percent in 2010. High unemployment persisted through January of 2011, but has been falling steadily since then amid marked seasonal fluctuation in the unemployment rate.

Labor market trends in the state's non-entitlement areas were reflected in statewide trends during that period of high growth in unemployment: the total number of full- and part-time jobs in the state, including entitlement areas, declined by nearly 170,000. In addition, the average worker earned over \$2,400 less in 2010 than he or she had in 2007, as measured in 2012 dollars. Earnings have fallen further since then, and by 2012 the average worker in the state was earning \$48,851, down from \$52,859 in 2007. The decline in the real income of the average state resident was more rapid still: In 2007, the income of the average residents was \$43,581, as measured in 2012 dollars. By 2010 that figure had fallen by nearly \$5,000, and it has remained below \$39,000 in real dollars since that time.

Unfortunately, though not surprisingly given the data on earnings and income discussed above, the number and the percentage of residents living in poverty has grown. In 2000, over 27,000 residents of the state's non-entitlement areas were living in poverty, representing 8.7 percent of the population. By 2012, an estimated 12.1 percent of the non-entitlement population was living in poverty. In both years, high rates of poverty were observed in and around the Walker River and Duck Valley tribal reservation areas. However, the intervening period also saw considerable growth in poverty in Esmerelda County and in the large rural area to the northwest of Pahrump, as well as in Pahrump itself.

Owner-occupied units accounted for around three-quarters of all occupied housing units in the state's non-entitlement areas. However, in some areas housing units were almost exclusively owner-occupied: such areas included Spring Creek, Winnemucca, and a large cluster of Census tracts around Reno, Sparks, and Carson City. Relatively high shares of renter occupied units were observed in Fallon Station, in large rural tracts in the northeastern corner of the state, and in the large Census tract to the northwest of Pahrump.

Around 15 percent of the housing units in the state's non-entitlement areas were vacant in 2010, representing an increase of 0.4 percentage points over 2000. Most of these units were for rent; for sale; or were dedicated to seasonal, recreational or occasional use. However, more than a quarter of vacant units were classified as "other vacant" in 2010: these units, which are not available to the market place, may represent a blighting influence where they are grouped in close geographic proximity. Though relatively high shares of vacant units were observed in Census tracts in and around Carson City, the greatest numbers of "other vacant" units were located in Esmerelda County, the large rural tract encompassing Tonopah, and in Census tracts in and around Pahrump and Hawthorne.

Contributing to the increase in the number of vacant units was the fact that growth in the number of housing units in the state's non-entitlement areas outpaced growth in the number of households, which grew by around 25,000 between 2000 and 2010. Much of this growth can be attributed to increases in the number of smaller households, or those with three members or fewer. These households accounted for more than 85 percent of all households in the non-entitlement areas of the state in 2010. Single-family units accounted for around 61 percent of housing units in 2000, a share which increased by around 10 percentage points over the

following decade. Mobile homes were the next most common housing unit, though they accounted for a smaller share of housing units in 2010, at 20.1 percent, than they had in 2000.

As one might expect, given the prevalence of smaller households in the state's non-entitlement areas, overcrowded households, or those with between 1 and 1.5 members per room, did not account for a large share of households overall in 2000, and that share had only fallen by 2012. Housing problems associated with incomplete plumbing or kitchen facilities were also relatively uncommon: 1.1 percent of housing units lacked complete kitchen facilities in 2008-2012, and 0.6 percent lacked complete plumbing facilities. More serious were the problems of cost-burdening and severe cost-burdening. Cost-burdened households, in which housing costs take up between 31 and 50 percent of the households, together with severely cost-burdened households, in which housing costs consume more than fifty percent of the household income, accounted for nearly 34 percent of all households in the state's non-entitlement areas in 2008-2012. During that time period, housing costs were highest in and around the state's non-entitlement jurisdictions, as well as in Census tracts near Winnemucca, Elko, and Spring Creek.

Fair Housing Law, Studies, and Case Review

Residents of Nevada are protected from discrimination in the housing market by laws at the federal and state level. The federal Fair Housing Act represents the foundation for fair housing law and policy in the United States, prohibiting discrimination on the basis of race, color, religion, sex, national origin, familial status, and disability. The Nevada Fair Housing Law extends additional protections to state residents, prohibiting discrimination on the basis of sexual orientation or gender identity or expression, ancestry, and familial status, in addition to all of the bases identified in the federal law. Additional anti-discrimination provisions, included in federal laws and regulations pertaining to the use of federal funding in housing and community development, prohibit discrimination on the basis of age (notably the Age Discrimination Act of 1975 and Title I, Section 109 of the Community Development Act, which directs that the provisions of the Age Discrimination Act apply to Title I programs).

In spite of the existence of these laws, discrimination persists, though certainly no longer in a form that is as overt and obvious as it was when the laws were passed. Rather, modern discrimination is frequently described as "discrimination with a smile". Often, housing seekers will not know that they have been subjected to discrimination when a landlord tells them that no apartments are available, only to offer an available room to a prospective tenant of another race or ethnicity a few hours later. Such discrimination often only becomes apparent when properties are subjected to fair housing testing, which can be observed in national studies that highlight differences in how applicants are treated when they apply for housing with similar qualifications, but with names that are stereotypically associated with members of different races and ethnicities.

However, it is discrimination on the basis of disability that represents the most common violation of the Fair Housing Act, according to national studies of fair housing complaints. In this connection, it is not surprising that of the seven cases filed by the Department of Justice in the state over the last decade, five have alleged discrimination on the basis of disability.

Though the laws that shape fair housing policy at the federal level are firmly established, and have been broadened in scope and legal force over the years, legal and regulatory actions that

are currently taking place at the national level are likely to considerably impact the manner in which fair housing policy is carried out. In the first place, the Supreme Court is currently considering whether or not individuals or business can be held liable for discrimination by enacting policies that are neutral on their face, but have discriminatory effects. Such “discriminatory effects liability”, a long-standing tool in fair housing enforcement, has been upheld in eleven district court decisions but has not yet been considered by the Supreme Court. If the court rules that disparate impact liability is not available under the fair housing act, that decision is likely to change fair housing enforcement profoundly.

The decision may also have an impact, albeit indirect, on HUD’s affirmatively furthering fair housing requirement, since many of the cases that trigger an AFFH review by HUD are based on the perceived discriminatory effects of certain policies. However, a rule proposed by HUD in 2013 is likely to have a more direct impact. This proposed rule, which is meant to clarify the AFFH requirement for state and local jurisdictions, would do away with the AI and replace it with the Assessment of Fair Housing, among other changes. A final action on the rule, originally scheduled for December of 2014, is now slated for March of this year.

Fair Housing Structure

Fair housing services are provided to Nevada residents through a variety of agencies and organizations at the federal and state level. Fair housing policy is administered at the federal level by HUD, which promotes outreach and education; provides for fair housing enforcement; accepts complaints from American residents who believe that they have been subjected to unlawful discrimination; and coordinates with local fair housing agencies and organizations, providing funding and expertise. At the state level, enforcement of the state’s fair housing law is the purview of the Nevada Equal Rights Commission. However, much of the complaint intake, investigation, and outreach and education activities relating to fair housing are undertaken by the Silver State Fair Housing Council. This organization partners directly with HUD to provide fair housing services to state residents, under the auspices of the Fair Housing Initiatives Program, or FHIP.

The FHIP is one example of the way in which HUD can coordinate with local fair housing entities; the other primary means of coordination between HUD and local actors is through the Fair Housing Assistance Program, or FHAP. Through the FHAP, HUD provides funding and expertise to local government agencies that carry out fair housing laws that it has judged to be “substantially equivalent” to the fair housing act.

Though the Nevada Equal Rights Commission is charged by the state’s fair housing law with the administration and enforcement of the provisions of the law, the Commission is not a FHAP participant. Although legislative changes to the Nevada Fair Housing Law were proposed in 2009, which would have rendered the law substantially equivalent to the FHA, those changes were not adopted. The Equal Rights Commission is therefore not able to participate in the FHAP and avail itself of federal funds that might have been dedicated to fair housing enforcement, and the role of the Commission in accepting, investigating, and resolving fair housing complaints has been limited. This limitation is especially pertinent to those who are protected from discrimination under state but not federal law; at present, complaints from residents of the state’s non-entitlement areas on the basis of sexual orientation; gender identity or expression; or ancestry can only be resolved at the state level.

Fair Housing in the Private Sector

The ability of individuals or families to choose where they live is impacted by a number of factors, including the availability and terms of home loans and home insurance, patterns in small business lending, the incidence of discrimination in the housing market, and the accessibility of new and existing units to those of reduced mobility.

Financial institutions throughout the state processed 149,016 home purchase loans and loan applications from 2004 through 2013. A large majority of these loans and loan applications were intended to finance the purchase of homes in which the owner or owners intended to live. Just over a fifth of the loan applications processed by these financial institutions were denied over this time period. Female applicants tended to be denied at a higher rate than this average rate; however, variation in denial rates among members of different racial and ethnic groups was more pronounced. Applications from white loan applicants were denied at a rate of 18.8 percent, or below the overall average rate, while 28 percent of applications from American Indian applicants were denied, along with 34.1 percent of applications from black applicants. Similarly, the denial rate for Hispanic applicants, which was 28.6 percent over the ten-year period, exceeded that of non-Hispanic applicants by more than ten percentage points.

There were many different reasons that these loan applications were turned down, but the most common were insufficient collateral, credit history, and unfavorable debt-to-income ratios. As one might expect, income had a considerable effect on loan denials; as incomes went up, the loan denial rate declined. However, the discrepancies between loan denial rates for white and American Indian applicants persisted, even for applicants who were similarly situated with respect to income. The same was true for Hispanic applicants as compared to non-Hispanic applicants.

Furthermore, racial and ethnic disparities also existed for those who were able to secure a loan but were issued loans with high annual percentage rates (HALs). These loans, which are considered predatory in nature, were most common in 2006, when more than a quarter of loans issued in the state's non-entitlement areas consisted of these high-cost loans. Since that time, the share of loans that were predatory in nature has fallen considerably. However, American Indian and Hispanic residents were considerably more impacted by HALs over the entire period than white and non-Hispanic residents.

Analysis of small business loans in the state's non-entitlement areas indicates that the majority of these loans were issued in middle- to upper-income Census tracts, while low- to moderate-income Census tracts were largely passed over by small business loans. As one might expect, these Census tracts were generally located near the more populous areas of the state; the highest concentrations of small business lending activity appeared in Census tracts near Pahrump, along with tracts near Carson City and Reno.

Analysis of complaint data lodged with HUD and the Silver State Fair Housing Council suggest that the most commonly perceived basis for discrimination in the state was disability, which was cited in more than half of all complaints filed with HUD and nearly 90 percent of all complaints filed with the Fair Housing Council. By contrast, nearly twice as many complaints filed with the Nevada Equal Rights Commission alleged race-based discrimination as cited discrimination on the basis of disability; however, disability-based discrimination was still a

relatively common perception among those who lodged a complaint with the Commission, figuring in around a third of those complaints. Failure to make reasonable accommodation was the most commonly cited discriminatory action in HUD complaints, and around 30 percent of the reasonable accommodation requests submitted by the Fair Housing Council on behalf of complainants were denied.

Additional issues and potential barriers to fair housing choice were revealed in responses to the 2015 State of Nevada Fair Housing Survey. The private sector portion of the survey asked respondents to state whether or not they were aware of barriers to fair housing choice in the rental housing market, the real estate industry, the mortgage and home lending industry, housing construction or accessible design, the home insurance industry, the home appraisal industry, or any other housing services. Typically, very few respondents were aware of fair housing challenges in any of these areas. However, a large share of respondents answered each question with “don’t know”, suggesting that many residents may not feel that they can identify such issues when they do occur. Commentary submitted with the private sector portion of the survey tended to focus on challenges in the housing market facing residents with disabilities, as well as families with children.

Fair Housing in the Public Sector

Analysis of factors in the public sector that may impact fair housing choice included an examination of the distribution of public-assisted housing units in the state’s non-entitlement areas as well as the results of the 2015 Fair Housing Survey. Multi-family assisted units tended to be concentrated in more populous areas of the state, and were not observed to be concentrated in areas with above-average or disproportionate shares of poverty.

As had been the case in the private sector portion of the fair housing survey, few respondents were aware of barriers to fair housing choice in any of the policy areas or practices identified in the survey. Around twelve percent of respondents maintained that they were aware of barriers to fair housing choice in zoning laws, while a quarter of respondents stated that they were aware of issues in the provision of government services, issues which constituted barriers to fair housing choice in the estimation of those respondents. Several commenters who discussed these issues further noted that zoning laws often had the effect of excluding group homes and supportive housing, and that current limitations in the availability of public transit had an especially marked impact on those who live in the state’s rural areas.

Public Involvement

Efforts to promote public involvement in the AI process included the 2015 Fair Housing Survey; Fair Housing Forums, Focus Groups, and Outreach Meetings; and a public comment period, during which the Housing Division sought public feedback on the findings of the AI and the actions proposed to address those findings.

Results of the 2015 Fair Housing Survey reveal that participants were generally supportive of fair housing laws, though a substantial minority of respondents felt that the laws ought to be expanded. Some of the proposed changes to the fair housing laws included expanding fair housing protections to include mental illness and sexual orientation, groups which are already under the nominal protection of federal or state fair housing laws. This may suggest either that

survey respondents were simply unaware that those protections are in place or that discrimination on those bases is not rigorously prosecuted. Indeed, over a third of respondents felt that, in general, enforcement of the fair housing law was inadequate.

A majority of respondents noted that fair housing training was available, and a majority had also participated in that training. Nevertheless, a substantial minority of respondent, or nearly forty percent, maintained that current levels of outreach and education were insufficient. In spite of that fact, many respondents were able to correctly identify classes that are protected under the fair housing law. Only about a fifth of respondents were aware of any city or county fair housing ordinance, regulation, or plan.

Finally, efforts to solicit public participation in the AI process included several outreach meetings and one fair housing forum; these discussions enriched both the analysis and the consideration of potential impediments and actions that the state may take to address them. In a series of four meetings that took place from November 2014 through February 2015, the Public Housing Agency and Grantee Outreach Committee discussed the results of ongoing analyses undertaken as part of the AI effort, and discussed some of the issues facing the state. Such issues included the challenges facing residents with disabilities and families with children, the difficulties of promoting fair housing choice in a state with a population as diffuse as that of Nevada, the role of the Nevada Equal Rights Commission in fair housing policy, and the need for a statewide audit of local and county zoning ordinances. The Fair Housing Forum represented an additional opportunity for members of the public to become familiar with the AI process, fair housing challenges in the state, to offer their perspective on the study findings, and to provide feedback on potential actions that the state may take to address identified impediments to fair housing choice.

IMPEDIMENTS TO FAIR HOUSING CHOICE AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Discrimination against disabled residents and families with children. This impediment was identified through a review of complaints filed with HUD and the Silver State Fair Housing Council; through forum and outreach meeting discussions with Nevada stakeholders; the review of fair housing cases and studies; and the results of the Nevada Fair Housing Survey. “Disability” ranked as the most frequent basis for complaints filed with HUD by residents of non-entitlement areas of the state, accounting for more than half of all complaints lodged from 2004 through 2014. Complaints based on disability accounted for an even larger share of complaints filed with the Silver State Fair Housing Council, which also received more complaints overall than HUD during approximately the same period. Representatives of the Fair Housing Council who participated in forum and outreach committee discussions confirmed that disability was the most common basis for complaints that they receive, and much of the discussions at those meetings revolved around the challenges facing the community of residents with disabilities. The presence of those challenges in the state is to some degree borne out by the profile of the seven cases filed by the Department of Justice against Nevada housing providers over the last ten years; five of these were related to disability-based discrimination. Discrimination based on disability was also a recurrent theme in comments submitted by respondents to the Nevada Fair Housing Survey.

“Failure to make reasonable accommodation” was the most common type of discriminatory practice alleged in complaints filed with HUD, and approximately a third of the reasonable accommodation requests that the Silver State Fair Housing Council sent to housing providers in the state’s non-entitlement areas were denied. However, discrimination against residents with disabilities can also consist of a refusal to rent to a person with disabilities, or denying that a housing unit is available. For example, one of the complaints filed by the Department of Justice in the state alleged that a landlord refused to rent to a woman with severe allergies, on the grounds that she might lose consciousness while the electric range was on.

Action 1.1: In partnership with the Silver State Fair Housing Council, conduct outreach and education with managers of new and existing rental housing complexes.

Measurable Objective 1.1: The number of outreach efforts conducted.

Action 1.2: Conduct a survey of local and county zoning regulations or unified development codes to determine whether they include a statement on reasonable accommodation or ADA building requirements.

Measurable Objective 1.2: The number and percentage of local and county ordinances that a statement on reasonable accommodation and ADA requirements.

Impediment 2: Racial and ethnic minority home loan applicants are denied more frequently than white or non-Hispanic applicants. This impediment was identified through review of home loan data gathered under the Home Mortgage Disclosure Act. These data indicate that the denial rate for American Indian residents was nearly ten percentage points higher than the denial rate for white applicants and the denial rate for black residents was nearly twice as high as that of white residents. Similarly, the denial rate for Hispanic applicants, of 28.6 percent, was over ten percentage points higher than the denial rate for non-Hispanic residents. It should be noted that HMDA data do not include information that is highly pertinent to the decision to approve or deny a loan, such as the credit score of applicants or the size of the prospective down payment. Nevertheless, these data do provide an index of the average applicant’s experience during the loan application process, and indicate whether an applicant is more likely to be denied if he or she is black, Hispanic, or American Indian.

Action 2.1: Contact professionals in the home lending industry, the Division of Mortgage Lending, and other pertinent agencies and organizations to discuss the findings of the AI regarding home lending and gather recommendations on how to address differential rates of home loan denials.

Measurable Objective 2.1: Record of contact with local professionals, officials, and other experts, along with a list of recommendations.

Action 2.2: Conduct outreach and education of prospective housing consumers on how to acquire and keep good credit, in partnership with local civic organizations (i.e., churches, schools, etc.)

Measurable Objective 2.2: Records of existing and forthcoming outreach and education activities in local and county jurisdictions, including locations, number of participants, etc.

Impediment 3: Lack of understanding of fair housing laws and the role of the fair housing infrastructure. This impediment was identified through review of the Nevada Fair Housing

Survey and in consultation with state and local officials and stakeholders during the outreach committee and fair housing forum meetings. Though a majority of respondents maintained that they were “somewhat” or “very” familiar with fair housing laws, a substantial minority noted that these laws are difficult to understand or follow. In addition, survey questions concerning specific areas, industries, policies, or practices relating to fair housing choice tended to receive high shares of “don’t know” responses. Participants in the public outreach committee meetings also cited a lack of knowledge concerning fair housing among members of the public, feeling this to represent a significant challenge to efforts to affirmatively further fair housing, and maintained that efforts to increase public knowledge of fair housing policy should be a priority in the current AI process.

Action 3.1: Partner with the Silver State Fair Housing Council to enhance outreach and education throughout the state, targeting property managers and other housing providers.

Measurable Objective 3.1: Number of outreach and education sessions offered and number of attendees.

Action 3.2: Establish a requirement that local and county grantees take actions to publicize fair housing rights, responsibilities, and remedies.

Measurable Objective 3.2: The number of documented activities and actions completed and tracked through monitoring site visits.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Zoning laws and development standards have restricted some types of housing, notably group homes and other types of supportive housing. This impediment was identified through results of the fair housing survey and discussions with participants in outreach committee meetings. Though the share of respondents who were aware of barriers to fair housing choice in given public sector practices was generally low, a greater share of respondents claimed to be aware of policies and practices in zoning laws that represented barriers to fair housing choice. Several participants in the outreach committee meetings shared that perception, and noted that at present it is unclear the extent to which local jurisdictions and counties have updated their zoning and land-use planning codes in accordance with State Bill 233, passed in 2013, which removes certain restrictions on the placement of group homes and supportive housing. Furthermore, it is not known whether those local zoning codes still include language that (1) restrict the number of non-related persons living together, or prohibit cohabitation by non-related persons entirely; (2) require special use permits or public hearings on proposed supportive housing; (3) bar accessory apartments from single family zoning districts; (4) fail to include a statement on reasonable accommodation; and (5) bar manufactured housing from single family zoning districts, even if such units are converted to real property and permanently placed on a lot.

Action 1.1: Conduct a statewide survey to determine if local zoning and land-use ordinances are in compliance with recent changes to state law, and to identify any provisions still in effect that may serve to disproportionately restrict housing choice for protected class individuals (examples of such language are included in Appendix F).

Measurable Objective 1.1.1: Record the number of local and county ordinances reviewed throughout the state, identified by jurisdiction.

Measurable Objective 1.1.2: Record the number and percentage of local and county ordinances that maintain the spacing requirements prohibited by S.B. 233 (2013) or similar requirements, identified by jurisdiction.

Measureable Objective 1.1.3: Record the number and percentage of local and county zoning ordinances that maintain provisions or language that has the effect of excluding units more frequently inhabited by protected class populations.

Action 1.2: Notify jurisdictions that are not in compliance with the requirements adopted in S.B. 233.

Measureable Objective 1.2: Record of correspondence with and notification of local jurisdictions.

Action 1.3: Compile a compliance report based on the review.

Measureable Objective 1.3: Draft the compliance report.

Impediment 2: Lack of a substantially equivalent state agency enforcing the Nevada Fair Housing Law. This impediment was identified through a review of the state's fair housing infrastructure and discussions at the public outreach committee meetings. The Nevada Equal Rights Commission is identified in the state's fair housing law as the agency responsible for enforcing the provisions of the law, which, among other things, provide for the intake, investigation, and resolution of complaints. However, in spite of efforts in the legislature in 2005 and 2009, which had the support of the Commission, legislation designed to make the state law substantially equivalent to the federal Fair Housing Act were not passed. As a result, the Commission is unable to benefit from federal funding provided through the Fair Housing Assistance Program.

Participants in the outreach committee meetings considered the Commission's role in fair housing enforcement to be limited. As a result, housing complaints from residents in the state are typically forwarded to HUD, unless those complaints pertain to discrimination on bases that are not covered by the federal Fair Housing Law. For example, those who have suffered discrimination in the private housing market on the basis of gender identity or sexual orientation have limited recourse under federal law, and must resolve their complaints at the state level.

Action 2.1: Contact the Equal Rights Commission to share the findings of the State AI, discuss past efforts to introduce legislation that would make the state law "substantially equivalent" to the FHA, and assess the feasibility of reintroducing legislation in the 2015 or 2017 Regular Session of the Legislature.

Measurable Objective 2.1: Record of contact with the Equal Rights Commission on the subject of "substantial equivalency."

Action 2.2: Discuss with the Commission ways in which it might collaborate with the Housing Division and Silver State Fair Housing Council on any of the other actions identified in this AI.

Measureable Objective 2.2: Record of contact with the Equal Rights Commission on the subject of collaboration on the actions identified in this AI.

Action 2.3: Request a copy of the Commission most recent report submitted to the governor in accordance with NRS 233.080, and review fair housing activities; in particular, the outcome of fair housing complaints submitted to the Commission.

Measureable Objective 2.3: Record of contact with the Commission and the results of the review of fair housing activities.

Impediment 3: Lack of understanding of fair housing laws and the responsibility to affirmatively further fair housing. This impediment was identified through review of the Nevada Fair Housing Survey and in consultation with state and local officials and stakeholders during the outreach committee and fair housing forum meetings. As noted in Public Sector Impediment 3, a substantial minority of survey respondents noted that fair housing laws are difficult to understand or follow. Furthermore, survey questions concerning specific areas, industries, policies, or practices relating to fair housing choice tended to receive high shares of “don’t know” responses. Participants in the public outreach committee meetings also cited a lack of knowledge concerning fair housing among members of the public, believing this to represent a significant challenge to efforts to affirmatively further fair housing, and maintained that efforts to increase public knowledge of fair housing policy should be a priority in the current AI process.

Action 3.1: Enhance outreach and education to units of local government, as well as housing consumers, as it relates to affirmatively furthering fair housing and the duty to affirmatively further fair housing.

Measurable Objective 3.1: Number of outreach and education efforts taken.

SECTION I. INTRODUCTION

Title VIII of the 1968 Civil Rights Act, also known as the Federal Fair Housing Act, made it illegal to discriminate in the buying, selling, or renting of housing based on a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970s. In 1988, the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes. Federal fair housing statutes are largely covered by the following three pieces of U.S. legislation:

1. The Fair Housing Act,
2. The Housing Amendments Act, and
3. The Americans with Disabilities Act.

The purpose of fair housing law is to protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination. The goal of fair housing law is to allow everyone equal access to housing.

WHY ASSESS FAIR HOUSING?

Provisions for affirmatively furthering fair housing are long-standing components of the U.S. Department of Housing and Urban Development's (HUD's) housing and community development programs. These provisions come from Section 808(e) (5) of the federal Fair Housing Act, which requires that the Secretary of HUD administer federal housing and urban development programs in a manner that affirmatively furthers fair housing.

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single planning process. This action grouped the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG)⁴, and Housing Opportunities for Persons with AIDS (HOPWA) programs into the Consolidated Plan for Housing and Community Development, which then created a single application cycle.

As a part of the consolidated planning process, states and entitlement communities that receive such funds as a formula allocation directly from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing. In the State of Nevada, the cities of Carson City, Henderson, Las Vegas, North Las Vegas, Reno, and Sparks must also certify that they are affirmatively furthering fair housing (AFFH), along with Clark County. The Nevada Housing Division certifies for the remainder of the state, herein referred to as "non-entitlement areas". The AFFH certification process has three parts:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified through the analysis, and
3. Maintain records reflecting the analysis and actions taken.

⁴ In 1994, the Emergency Solutions Grants program was called the Emergency Shelters Grants program.

In the *Fair Housing Planning Guide*, page 2-8, HUD notes that impediments to fair housing choice are:

- “Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
- Any actions, omissions, or decisions which have [this] effect.”⁵

The Nevada Fair Housing Law, outlined in NRS 118.010 through 118.120, extends protections from discrimination in the housing market on the basis of sexual orientation or gender identity and expression, in addition to those outlined in the federal Fair Housing Act.⁶ A comparison of the protected class designations in federal and state law is included in Table I.1 below.

Table I.1
Comparison of Fair Housing Laws
State of Nevada

Protected Group	Federal Fair Housing Act	Nevada Fair Housing Law
Race	X	X
Color	X	X
Religion	X	X
National Origin	X	X
Sex	X	X
Familial Status	X	X
Disability	X	X
Sexual Orientation		X
Gender Identity or Expression		X
Ancestry		X

It is essential to distinguish between fair housing and housing production. As discussed above, fair housing protections at the federal level do not include consideration of income and do not address housing affordability outside the context of housing discrimination. While lack of affordable housing can be a significant concern to policymakers, it is not, on its own, a fair housing problem unless members of protected classes face this issue disproportionately. In fact, a large increase in affordable units in close proximity to one another can contribute to a problem for fair housing choice in some cases; for example, if such units are located in areas of high poverty or concentrations of racial or ethnic minorities.

PURPOSE OF THIS RESEARCH

HUD interprets the broad objectives of affirmatively furthering fair housing to include:

- “Analyzing and working to eliminate housing discrimination in the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;

⁵ *Fair Housing Planning Guide*.

⁶ These provisions are included in Chapter 118 of Nevada Revised Statutes (NRS)

- Promoting housing that is physically accessible to, and usable by, all persons, particularly individuals with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.”⁷

The objective of the 2015 AI process was to research, analyze, and identify prospective impediments to fair housing choice throughout non-entitlement areas of the State. The goal of the completed AI is to suggest actions that the State can consider when working toward eliminating or mitigating the identified impediments.

LEAD AGENCY

The agency that led the effort of preparing this report on behalf of the State of Nevada was the Nevada Housing Division.

Commitment to Fair Housing

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the State certifies that it will *affirmatively further fair housing*. This statement means that they have conducted an AI, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and will maintain records that reflect the analysis and actions taken in this regard.

GEOGRAPHIC SCOPE OF THE ANALYSIS

This AI addresses the status of fair housing within non-entitlement areas of the State of Nevada. As such, data from the entitlement cities of Carson City, Henderson, Las Vegas, North Las Vegas, Reno, and Sparks and Clark County are excluded from this analysis. Map I.1 on the following page displays the State of Nevada along with the areas encompassed by the six entitlement jurisdictions, which are white on this map.

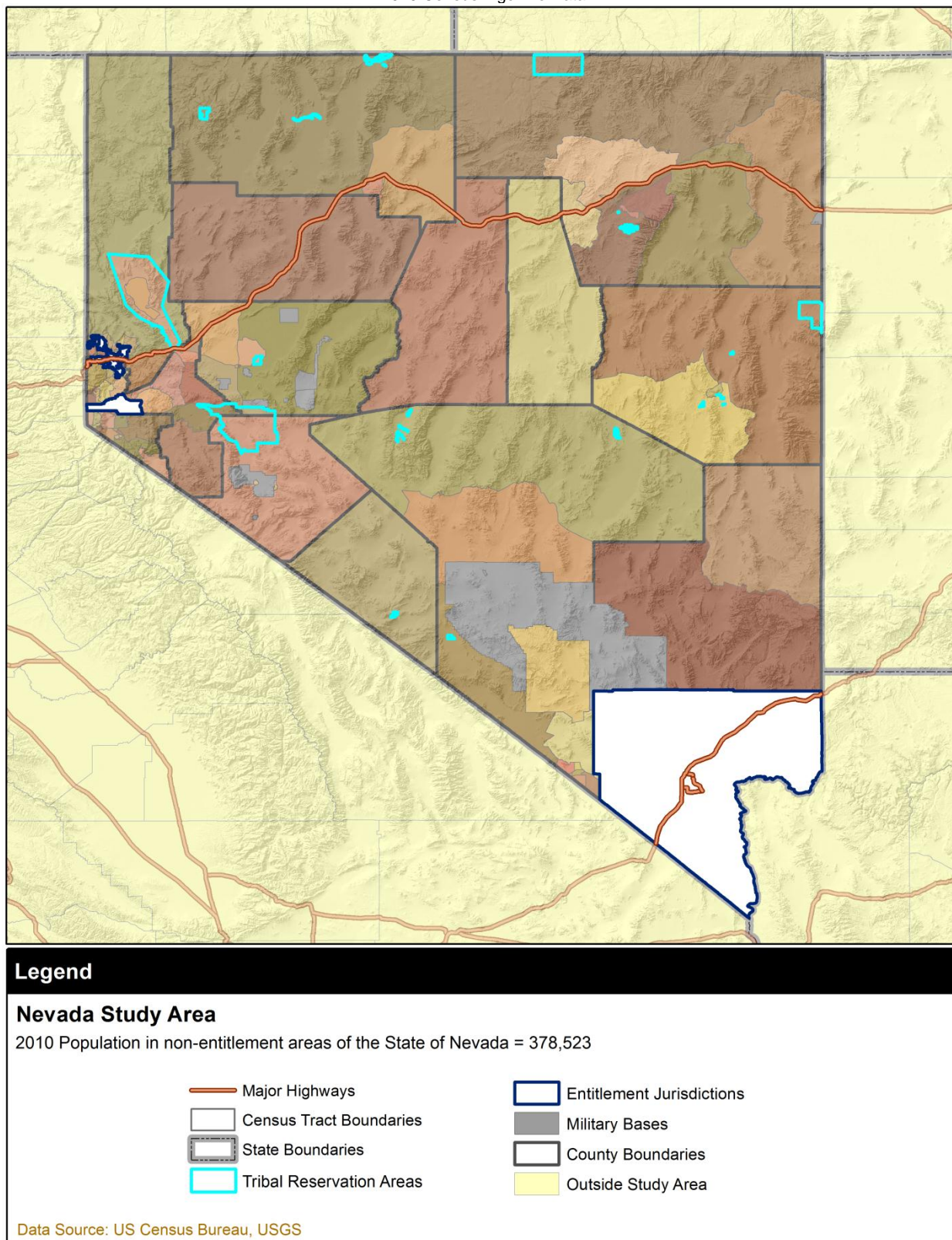
RESEARCH METHODOLOGY

The AI process involves a thorough examination of a variety of data related to housing, particularly for persons who are protected under fair housing laws. AI sources include Census data, employment and income information, home mortgage application data, business lending data, fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain. Relevant information was collected and evaluated via four general approaches:

1. *Primary Research*, or the collection and analysis of raw data that did not previously exist;
2. *Secondary Research*, or the review of existing data and studies;
3. *Quantitative Analysis*, or the evaluation of objective, measurable, and numerical data; and
4. *Qualitative Analysis*, or the evaluation and assessment of subjective data such as individuals’ beliefs, feelings, attitudes, opinions, and experiences.

⁷ *Fair Housing Planning Guide*, p.1-3.

Map I.1
Nevada Study Area
 Non-Entitlement Areas of Nevada
 2010 Census Tigerline Data



Some baseline secondary and quantitative data were drawn from the Census Bureau, including 2000 and 2010 Census counts, as well as American Community Survey data averages from 2008 through 2012. Data from these sources detail population, personal income, poverty, housing units by tenure, cost burdens, and housing conditions. Other data were drawn from records provided by the Bureau of Labor Statistics, the Bureau of Economic Analysis, and a variety of other sources. The following narrative offers a brief description of other key data sources employed for the 2015 AI for the State of Nevada.

Home Mortgage Disclosure Act Data

To examine possible fair housing issues in the home mortgage market, Home Mortgage Disclosure Act (HMDA) data were analyzed. The HMDA was enacted by Congress in 1975 and has since been amended several times. It is intended to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns. HMDA requires lenders to publicly disclose the race, ethnicity, and sex of mortgage applicants, along with loan application amounts, household income, the Census tract in which the home is located, and information concerning prospective lender actions related to the loan application. For this analysis, HMDA data from 2004 through 2014 were analyzed, with the measurement of denial rates by Census tract and by race and ethnicity of applicants the key research objectives. These data were also examined to identify the groups and geographic areas most likely to encounter higher denial rates and receive loans with unusually high interest rates.

Fair Housing Complaint Data

Housing complaint data were used to analyze discrimination in the renting and selling of housing. HUD provided fair housing complaint data for the State from 2004 through 2014. This information included the basis, or protected class pursuant to the complaint; the issue, or prospective discriminatory action, pursuant to the grievance; and the closure status of the alleged fair housing infraction, which relates to the result of the investigation. The review of 47 fair housing complaints that residents of non-entitlement areas of the State lodged with HUD allowed for inspection of the tone, the relative degree and frequency of certain types of unfair housing practices, and the degree to which complaints were found to be with cause. A similar analysis was conducted with respect to complaints lodged with the Silver State Fair Housing Council. Analysis of complaint data focused on determining which protected classes may have been disproportionately impacted by housing discrimination based on the number of complaints, while acknowledging that many individuals may be reluctant to step forward with a fair housing complaint for fear of retaliation or similar repercussion.

Fair Housing Survey

HUD recommends that surveys be conducted during the AI process to gain input for the public regarding perceived impediments to fair housing choice in an area. As such, the State elected to utilize a survey instrument as a means to encourage public input in the AI process. This step was a cost-effective and efficient method to utilize research resources.

The survey targeted individuals involved in the housing arena, although anyone was allowed to complete the survey. In addition to gathering data, this survey was utilized to help promote

public involvement throughout the AI process. The 2015 State of Nevada Fair Housing Survey, an internet-based instrument, received 155 responses.

The survey was designed to address a wide variety of issues related to fair housing and affirmatively furthering fair housing. If limited input on a particular topic was received, it was assumed that the entirety of stakeholders did not view the issue as one of high pervasiveness or impact. This does not mean that the issue was nonexistent in the State, but rather that there was no widespread perception of its prevalence, as gauged by survey participants. The following narrative summarizes key survey themes and data that were addressed in the survey instrument.

Federal, State, and Local Fair Housing Laws

The first section of the survey asked respondents to address a number of questions related to fair housing laws, including assessment of their familiarity with and understanding of these laws, knowledge of classes of persons protected by these laws, the process for filing fair housing complaints, and an inquiry into whether or not fair housing laws should be changed.

Fair Housing Activities

The second section of the survey evaluated stakeholders' awareness of and participation in fair housing activities in the State, including outreach activities such as trainings and seminars, as well as monitoring and enforcement activities such as fair housing testing exercises.

Barriers to Fair Housing Choice in the Private Sector

This section addressed fair housing in the State of Nevada's private housing sector and offered a series of two-part questions. The first part asked respondents to indicate awareness of questionable practices or barriers to fair housing choice in a variety of private sector industries, and the second part requested a narrative description of these questionable practices or concerns if an affirmative response was received. The specific areas of the private sector that respondents were asked to examine included the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industries,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

The use of open-ended questions allowed respondents to address any number of concerns such as redlining, neighborhood issues, lease provisions, steering, substandard rental housing, occupancy rules, and other fair housing issues in the private housing sector of the State.

Fair Housing in the Public Sector

Just as in the section of the survey concerning private sector barriers, respondents were asked to offer insight into their awareness of questionable practices or barriers to fair housing in the public sector. A list of areas within the public sector was provided, and respondents were asked first to specify their awareness of fair housing issues within each area. If they were aware of any fair housing issues, they were asked to further describe these issues in a narrative fashion. Respondents were asked to identify fair housing issues within the following public sector areas related to housing:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies, and
- Any other public administrative actions or regulations.

The questions in this section were used to identify fair housing issues in the State regarding zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, and NIMBYism.⁸

Additional Questions

Finally, respondents were asked about their awareness of any local fair housing plans or specific geographic areas of the State with fair housing problems. Respondents were also asked to leave additional comments.

Research Conclusions

The final list of impediments to fair housing choice for the State of Nevada was drawn from all quantitative, qualitative, and public input sources, and was based on HUD's definition of an impediment to fair housing choice as any action, omission, or decision that affects housing choice because of protected class status. The determination of qualification as an impediment was derived from the frequency and severity of occurrences drawn from quantitative and qualitative data evaluation and findings.

PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in non-entitlement areas of the State of Nevada as gathered from various public involvement efforts conducted as part of the AI process. Public input and involvement during the AI process is an invaluable source of data and local perspectives on many of the issues and trends identified during the AI process. In order to secure the participation of local stakeholders throughout the state, the Nevada Housing

⁸ "Not In My Backyard" mentality

Division actively sought the participation of the Nevada Rural, Southern Nevada Regional, and Reno Housing Authorities; CDBG non-entitlement grantees throughout the state; non-profit organizations; and stakeholders through the Public Housing Agency Outreach Committee, a Fair Housing Forum presentation, and the 2014 State of Nevada Fair Housing Survey, which was advertised and presented in English and Spanish. Members of the public and their representatives who were invited to participate during the AI process included residents of counties with relatively high concentrations of racial and ethnic minority residents, as well as large shares of residents with disabilities, including Elko, Nye, Lyon, and Mineral County.⁹

⁹ Approximately 42 percent of survey respondents who listed a specific area to which they would like to address their survey responses identified one or more of those counties.

SECTION II. SOCIO-ECONOMIC CONTEXT

This section presents demographic, economic, and housing information collected from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, and other sources. Data were used to analyze a broad range of socio-economic characteristics, including population growth, race, ethnicity, disability, employment, poverty, and housing trends; these data are also available by Census tract, and are shown in geographic maps. Ultimately, the information presented in this section illustrates the underlying conditions that shape housing market behavior and housing choice in non-entitlement areas of the State of Nevada.

To supplement 2000 and 2010 Census data, data for this analysis was also gathered from the Census Bureau's American Community Survey (ACS). The ACS data cover similar topics to the decennial counts but include data not appearing in the 2010 Census, such as household income and poverty. The key difference of these datasets is that ACS data represent a five-year average of annual data estimates as opposed to a point-in-time 100 percent count; the ACS data reported herein span the years from 2008 through 2012. The ACS figures are not directly comparable to decennial Census counts because they do not account for certain population groups such as the homeless and because they are based on samples rather than counts of the population. However, *percentage* distributions from the ACS data can be compared to distributions from the 2000 and 2010 Censuses.

DEMOGRAPHICS

As part of the essential review of the background context of the markets which housing choices are made in non-entitlement areas of Nevada, detailed population and demographic data are included to describe the residents of these areas. These data summarize not only the protected class populations, but characteristics of the total population for the entire State's non-entitlement areas, as well as the outcome of housing location choices. These data help to address whether over-concentrations of racial and ethnic minorities exist, and if so, which areas of the State are most affected. Extreme concentrations of protected class populations do not necessarily imply impediments to fair housing choice, but may represent the results of impediments identified in other data.

POPULATION DYNAMICS

Table II.1 at right presents population counts in non-entitlement areas of the State of Nevada, as drawn from the 2000 and 2010 Censuses, intercensal estimates for 2001 through 2009, and postcensal estimates from 2011 through 2013. As shown, the population of the state's non-entitlement areas increased by an estimated 18.1 percent between 2000 and 2013. The most rapid period of growth during this period occurred from 2003 through 2007, when the population increased by approximately 10,000 per year according to intercensal estimates from those years.

Table II.1
Census and Intercensal
Population Estimates
Non-Entitlement Areas of
Nevada
2000, 2010 Census and
Intercensal Estimates

Year	Estimate
Census 2000	323,209
July 2001 Est.	324,616
July 2002 Est.	328,326
July 2003 Est.	333,614
July 2004 Est.	343,370
July 2005 Est.	354,702
July 2006 Est.	365,313
July 2007 Est.	373,184
July 2008 Est.	375,962
July 2009 Est.	377,453
Census 2010	378,523
July 2011 Est.	377,251
July 2012 Est.	379,323
July 2013 Est.	381,612
Change 00 – 13	18.1%

POPULATION BY AGE

The population of non-entitlement areas of Nevada increased from roughly 323,200 to around 378,500 between 2000 and 2010, a growth rate of 17.1 percent, as shown in Table II.2 below. The fastest growing age cohorts in these areas during this time included residents aged 55 and older. The number of residents aged 55 to 64 grew by 62.2 percent and the elderly cohort, including residents aged 65 and older, grew by 58.5 percent. Apart from these groups, rapid growth was observed in the number of residents aged 20 to 24, which grew at nearly twice the average rate.

Table II.2
Population by Age

Non-Entitlement Areas of Nevada
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
Under 5	21,684	6.7%	22,993	6.1%	6.0%
5 to 19	73,837	22.8%	75,973	20.1%	2.9%
20 to 24	14,404	4.5%	19,025	5.0%	32.1%
25 to 34	38,106	11.8%	39,412	10.4%	3.4%
35 to 54	103,474	32.0%	106,166	28.0%	2.6%
55 to 64	34,903	10.8%	56,613	15.0%	62.2%
65 or Older	36,801	11.4%	58,341	15.4%	58.5%
Total	323,209	100.0%	378,523	100.0%	17.1%

As noted above, the elderly population, which includes residents aged 65 and older, grew by 58.5 percent between 2000 and 2010. The number of residents in the lower and upper ends of the elderly cohort grew relatively rapidly, while the middle cohorts grew more slowly, as shown in Table II.3 below. The youngest members of the elderly cohort, including residents aged 65 to 66 and 67 to 69, grew by 77.2 and 72.1 percent respectively. The eldest cohort, including residents aged 85 and older, grew by 76.6 percent.

Table II.3
Elderly Population by Age

Non-Entitlement Areas of Nevada
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
65 to 66	5,306	14.4%	9,402	16.1%	77.2%
67 to 69	7,265	19.7%	12,502	21.4%	72.1%
70 to 74	10,206	27.7%	15,307	26.2%	50.0%
75 to 79	7,309	19.9%	10,033	17.2%	37.3%
80 to 84	4,021	10.9%	6,340	10.9%	57.7%
85 or Older	2,694	7.3%	4,757	8.2%	76.6%
Total	36,801	100.0%	58,341	100.0%	58.5%

POPULATION BY RACE AND ETHNICITY

The state also experienced some changes in its racial and ethnic composition over the decade, as shown in Table II.4 on the following page. In terms of race, white residents of Nevada's non-entitlement areas accounted for the largest share of residents in both 2000 and 2010, though a relatively slow growth rate of 13.8 percent caused the share of white residents to fall from 86.8 to 84.4 percent. The black population grew at an above average rate, but represented only 1.2 percent of the total population in 2010. The shift in ethnic composition was more pronounced:

the rate of growth in the Hispanic population was over three times the rate of growth in the population overall. As a result, the share of residents who identified as Hispanic rose from 11.3 percent in 2000 to 15.3 percent by 2010.

Table II.4
Population by Race and Ethnicity
Non-Entitlement Areas of Nevada
2000 & 2010 Census SF1 Data

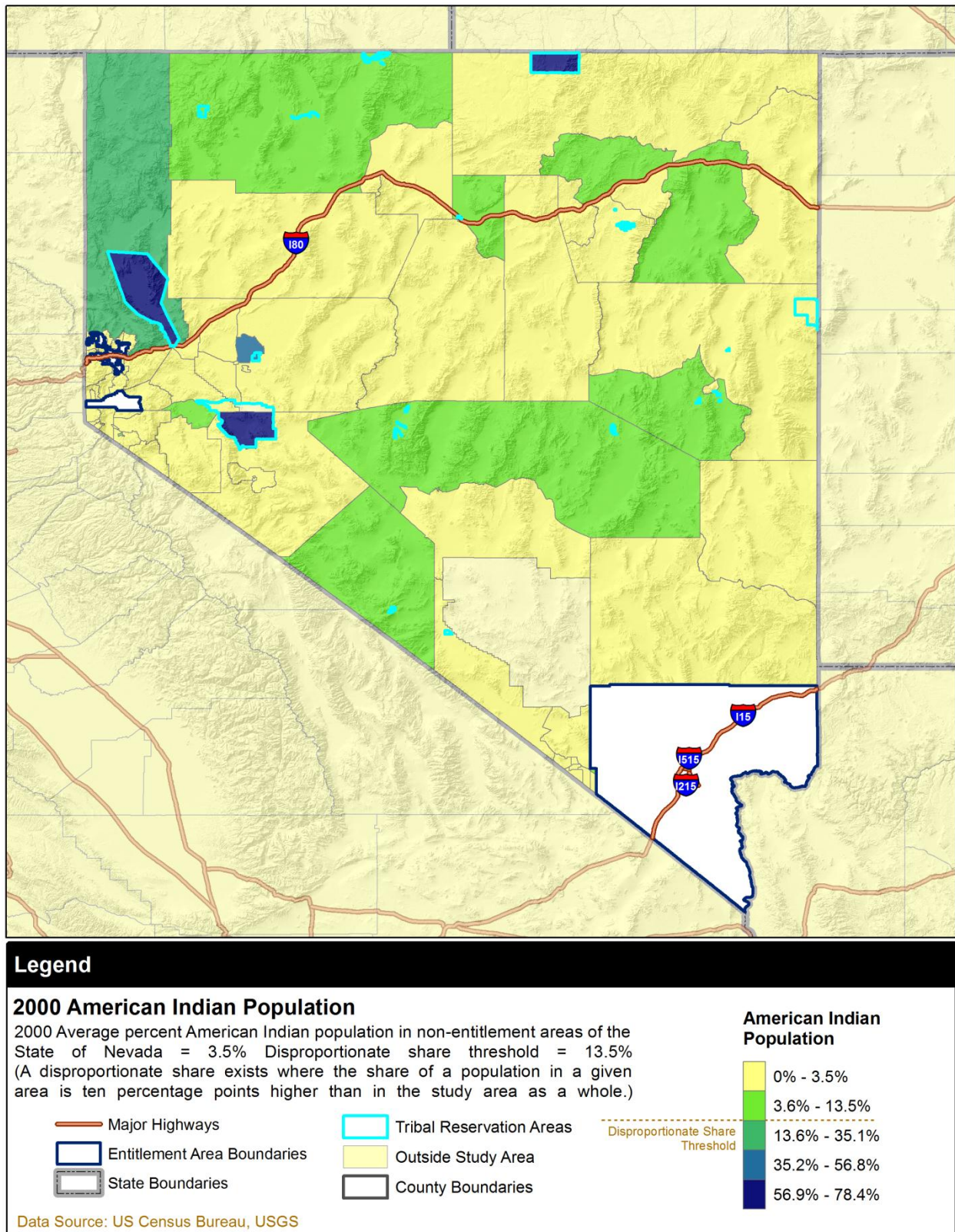
Race	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
White	280,552	86.8%	319,385	84.4%	13.8%
Black	3,404	1.1%	4,402	1.2%	29.3%
American Indian	11,215	3.5%	12,378	3.3%	10.4%
Asian	3,926	1.2%	5,909	1.6%	50.5%
Native Hawaiian/ Pacific Islander	604	.2%	932	.2%	54.3%
Other	14,745	4.6%	23,397	6.2%	58.7%
Two or More Races	8,763	2.7%	12,120	3.2%	38.3%
Total	323,209	100.0%	378,523	100.0%	17.1%
Non-Hispanic	286,532	88.7%	320,781	84.7%	12.0%
Hispanic	36,677	11.3%	57,742	15.3%	57.4%

The geographic distribution of racial and ethnic minorities can vary significantly throughout a community. For the purposes of this AI, Census tracts are considered to hold a disproportionate share of a population if that population's share of the tract population exceeds its share of the population in the study area as a whole by ten percentage points. For example, American Indian residents accounted for 3.5 percent of the population in the state's non-entitlement areas in 2000. Therefore, these residents would be considered "disproportionately concentrated" in Census tracts in which they accounted for more than 13.5 percent of the tract population.

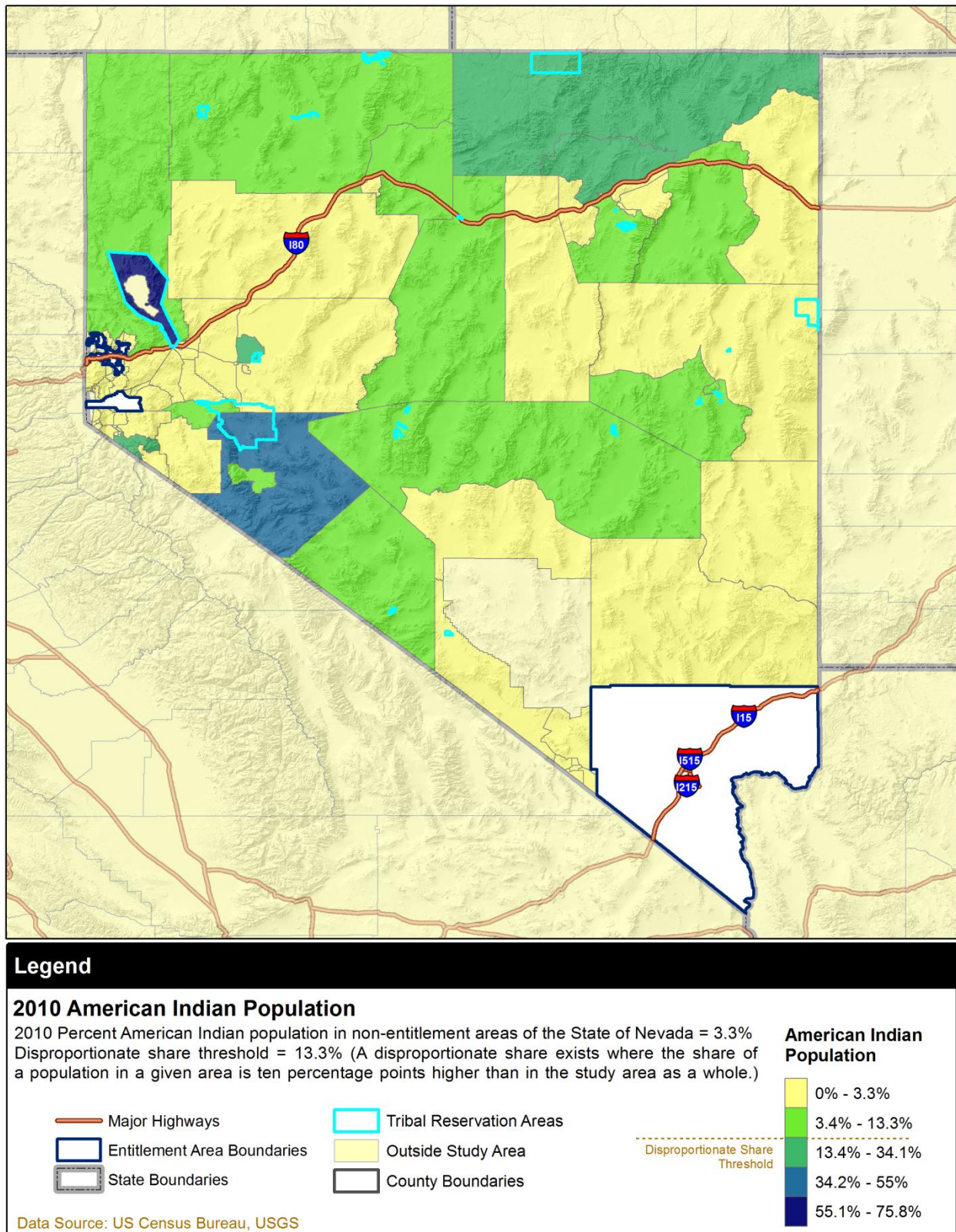
In that year there were many Census tracts throughout the state in which American Indian residents accounted for 13.5 percent of the population or greater. As shown in Map II.1 on the following page, these tended to be located in or around the state's tribal reservation areas. Census tracts in which American Indian residents accounted for the largest shares of the total population were located within the Walker River, Duck Valley, and Pyramid Lake Paiute reservations, where the American Indian population accounted for more than 70 percent of the overall population. Though the share of American Indian residents in the state fell slightly between 2000 and 2010, the geographic distribution of these residents in the state remained largely unchanged, as shown in Map II.2 on page 27.

The Hispanic population tended to be more highly concentrated in the northeastern corner of the state in 2000, as shown in Map II.3 on page 28. The highest concentrations of Hispanic residents in that year were observed in the Census tracts containing West Wendover and the tract to the immediate north of the that one. The same overall pattern was observed in 2010, as shown in Map II.4 on page 29. However, the Hispanic population grew considerably in the large Census tract located to the northwest of Pahrump, both in number and as a share of the total population. In 2000, around 20 percent of that tract's population was Hispanic; by 2010, that figure had grown to just under 33 percent.

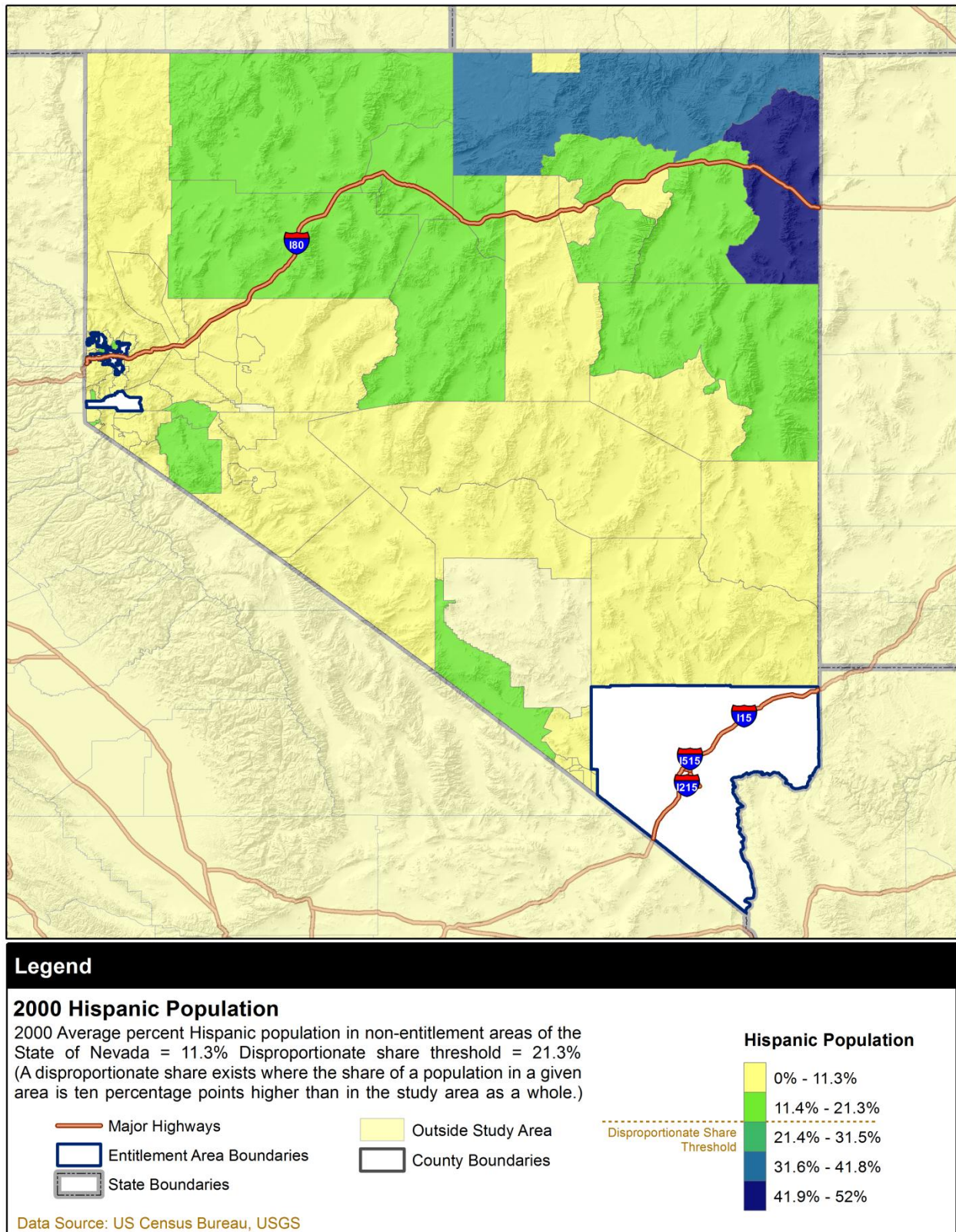
Map II.1
American Indian Population by Census Tract
 Non-Entitlement Areas of Nevada
 2000 Census Data



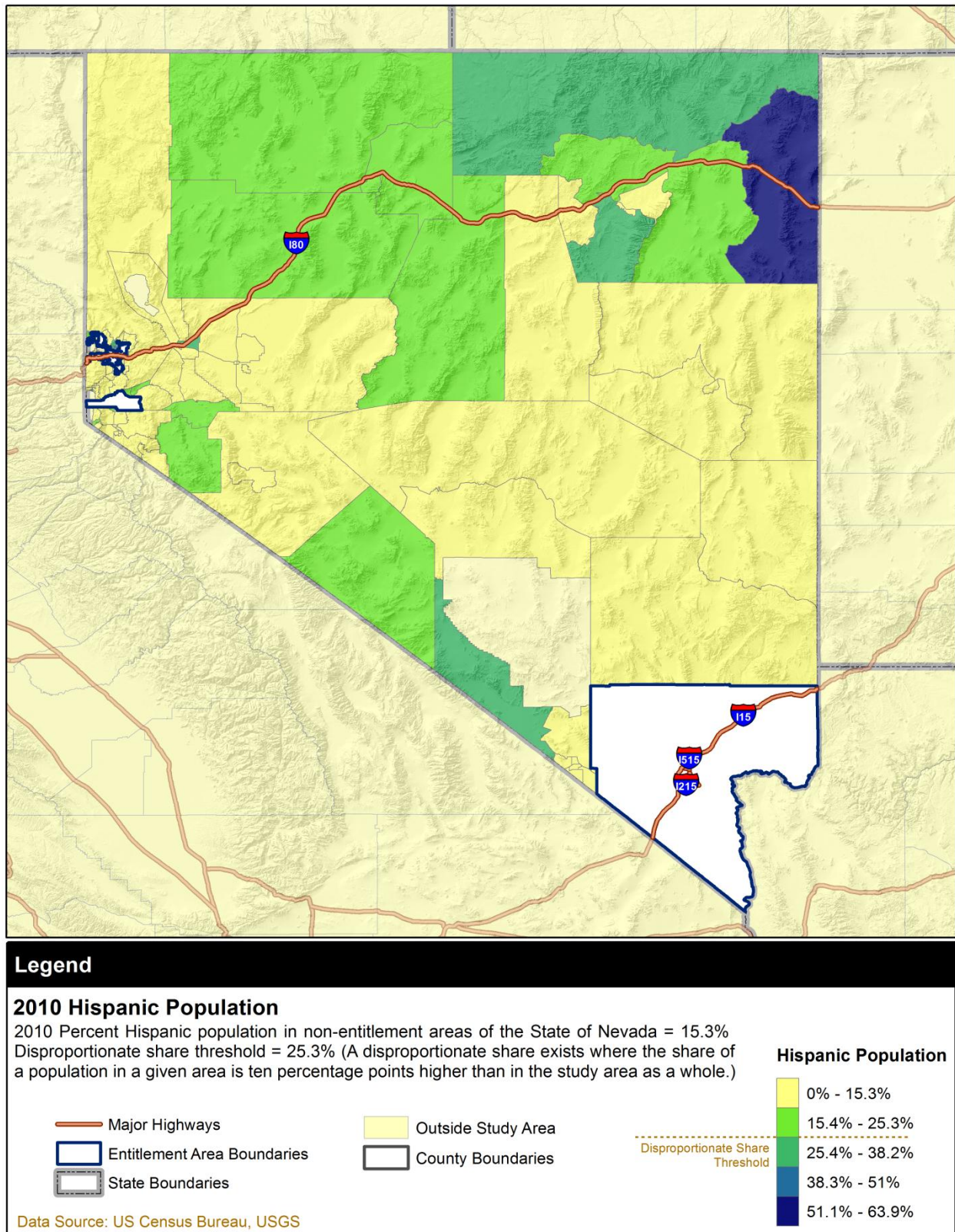
Map II.2
American Indian Population by Census Tract
 Non-Entitlement Areas of Nevada
 2010 Census Data



Map II.3
Hispanic Population by Census Tract
 Non-Entitlement Areas of Nevada
 2000 Census Data



Map II.4
Percent Hispanic Population by Census Tract
 Non-Entitlement Areas of Nevada
 2010 Census Data



In summary, there were several Census tracts throughout the non-entitlement areas of the state in which American Indian and Hispanic residents were observed to be highly concentrated. In the case of American Indian residents, such Census tracts lay either partially or entirely within the boundaries of the state's tribal reservation areas or trust lands. Hispanic residents, who represented 15.3 percent of the non-entitlement population in 2010, tended to be highly concentrated in Census tracts in Elko County, and especially in the large tract encompassing Wendover. However, there were also relatively high concentrations of Hispanic residents in several large Census tracts on the outskirts of Spring Creek in the north, central part of the state, and to the west of Pahrump along the southern border.

DISABILITY STATUS

According to the 2000 Census, 19.2 percent of Nevada's non-entitlement residents aged 5 and older were living with some form of disability in that year, as shown in Table II.5 at right. These data also indicated that nearly 40.8 percent of the population 65 and older were living with disabilities, along with 4.8 percent of residents aged 5 to 15. According to the 2012 Five-Year ACS estimates, presented in Table II.6 below, persons with disabilities accounted for 13.5 percent of the population in 2008-2012.¹⁰

Table II.5
Disability by Age
Non-Entitlement Areas of Nevada
2000 Census SF3 Data

Age	Total	
	Disabled Population	Disability Rate
5 to 15	2,705	4.8%
16 to 64	39,103	19.2%
65 and older	14,848	40.8%
Total	56,656	19.2%

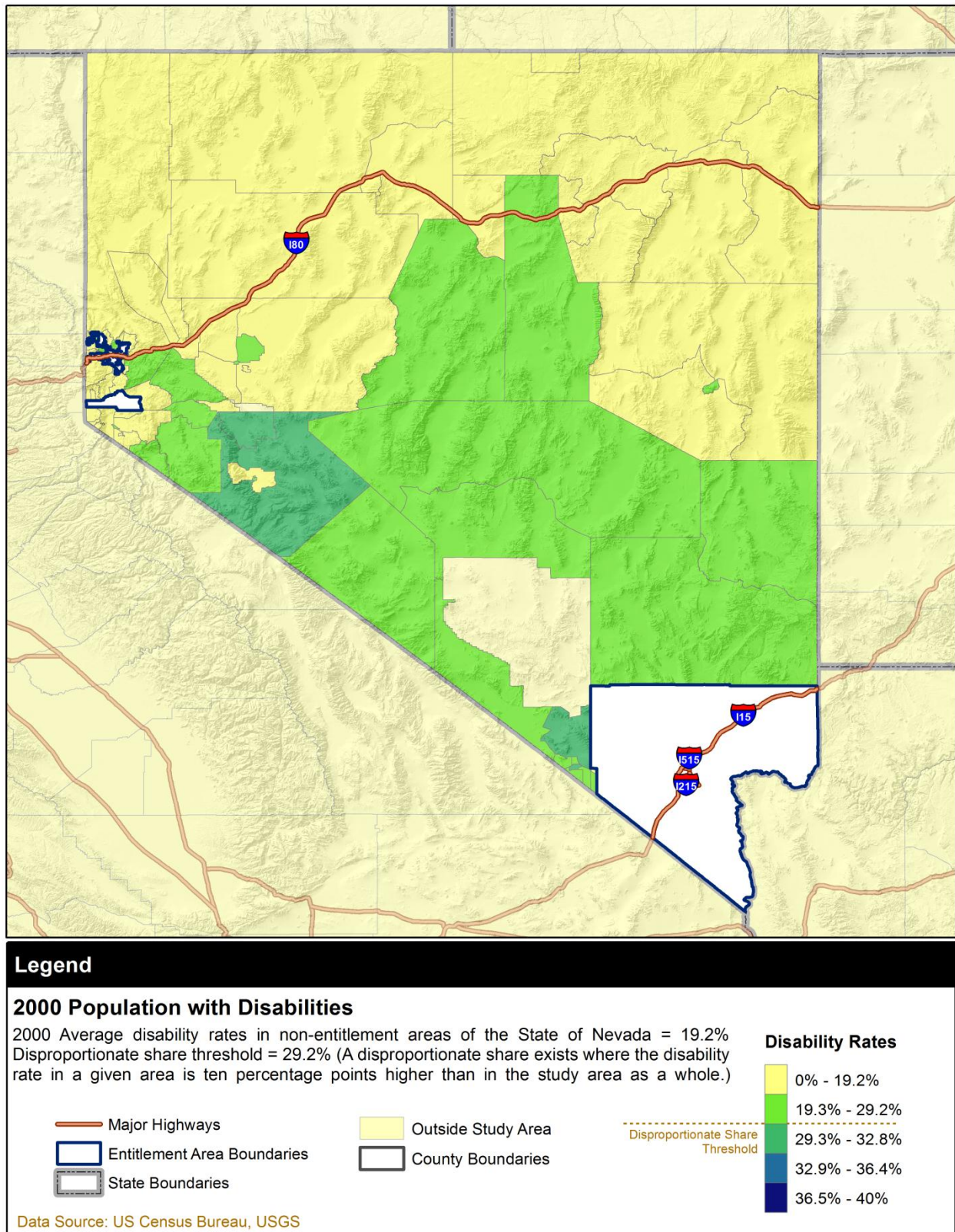
Census tracts with relatively high concentrations of residents with disabilities tended to be located in the southern half of the state in 2000 and 2008-2012. As shown in Map II.5 on the following page, the highest concentrations of residents with disabilities in the state's non-entitlement areas were located in Mineral County and in two Census tracts near Pahrump. These same areas were also observed to hold relatively high concentrations of residents with disabilities in 2008-2012, as shown in Map II.6 on page 32. Additional areas with high concentrations of residents with disabilities included Hawthorne and Silver Springs.

Table II.6
Disability by Age
Non-Entitlement Areas of Nevada
2012 Five-Year ACS Data

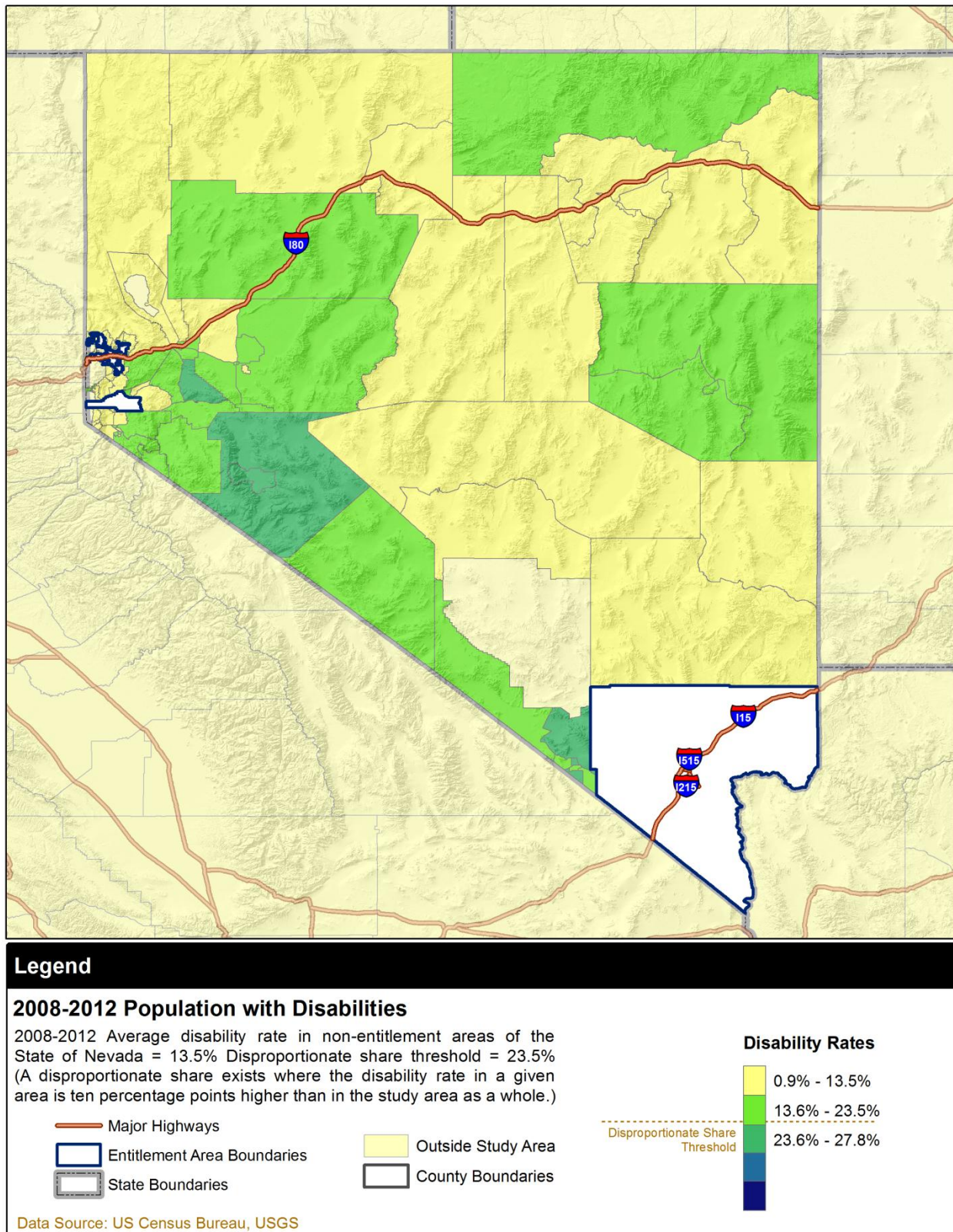
Age	Male		Female		Total	
	Disabled Population	Disability Rate	Disabled Population	Disability Rate	Disabled Population	Disability Rate
Under 5	114	1.0%	267	2.6%	381	1.7%
5 to 17	1,700	5.1%	1,089	3.4%	2,789	4.2%
18 to 34	2,470	7.5%	1,556	4.8%	4,026	6.2%
35 to 64	10,807	13.5%	11,188	14.0%	21,995	13.8%
65 to 74	5,655	29.5%	4,225	23.7%	9,880	26.7%
75 or Older	5,434	53.1%	5,572	48.8%	11,006	50.8%
Total	26,180	14.0%	23,897	13.0%	50,077	13.5%

¹⁰ Note that the definition of "disability" employed in the ACS post-2008 differs from the definition in effect in earlier ACS estimates and the 2000 Census. For this reason, the Census Bureau discourages direct comparison between disability figures from the 2000 Census and 2008-2012 ACS.

Map II.5
Population with Disabilities by Census Tract, 2000
 Non-Entitlement Areas of Nevada
 2000 Census Data



Map II.6
Population with Disabilities by Census Tract, 2008-2012
 Non-Entitlement Areas of Nevada
 2000 Census Data



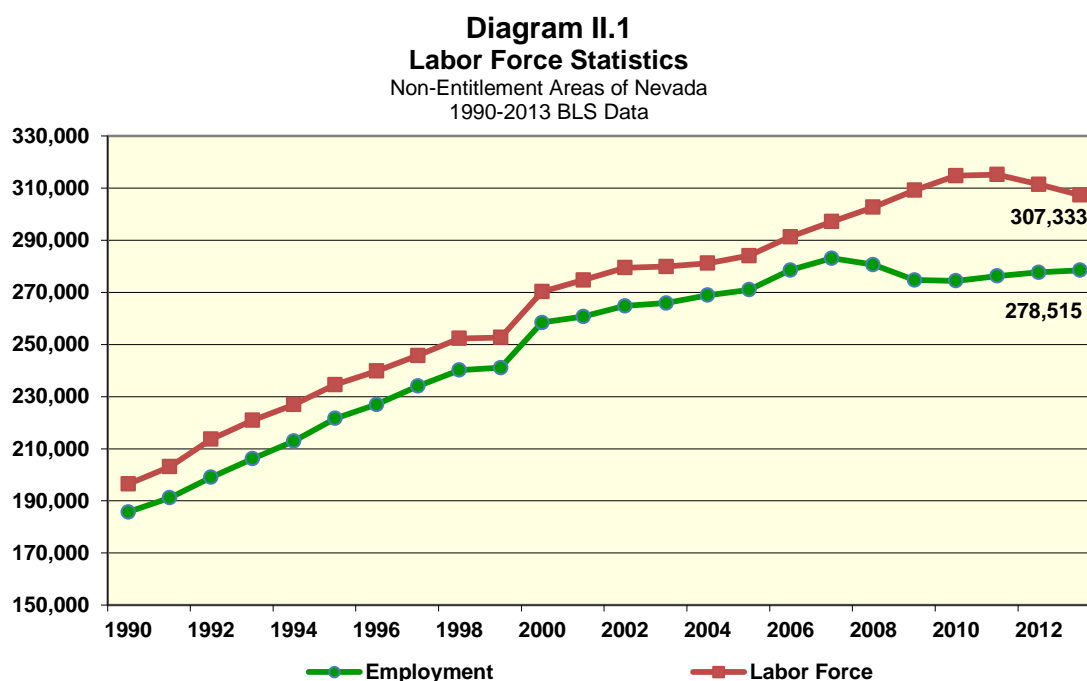
ECONOMICS

Data indicating the size and dynamics of job markets in the non-entitlement areas of Nevada, workforce, incomes, and persons in poverty provide essential contextual background and indicate the potential buying power of state residents when making a housing choice.

LABOR FORCE AND EMPLOYMENT

The Bureau of Labor Statistics collects data on labor force participation and employment, and represents a count of people either working or seeking work. These data are collected through the Current Employment Statistics program, which surveys “about 144,000 businesses and government agencies¹¹” each month. The unemployment rate is based on the gap between the number of employed persons and the total number in the labor force; this gap is represented as a percentage of the total labor force.

There were 185,720 people employed in non-entitlement areas of the State in 1990, and these areas enjoyed an uninterrupted period of job growth until 2007, as shown in Diagram II.1 below. By 2007, the number of employed persons had exceeded 283,000. Over the following three years the number of employed workers fell by over 8,000, and stood at 274,400 in 2010. The number of employed has since begun to climb, though at a considerably slower rate than before the financial crisis. For most of the period from 1990 through 2013, trends in employment and the labor force followed each other very closely.



¹¹ <http://www.bls.gov/ces/>

However, this trend broke after 2007 as the number of employed fell and growth in the labor force continued. The result, as shown in Diagram II.2 below, was a considerable spike in the unemployment rate from 2007 through 2010, when unemployment peaked at 12.8 percent. After that year, the unemployment rate began to fall, and had fallen to 9.4 percent in 2013.

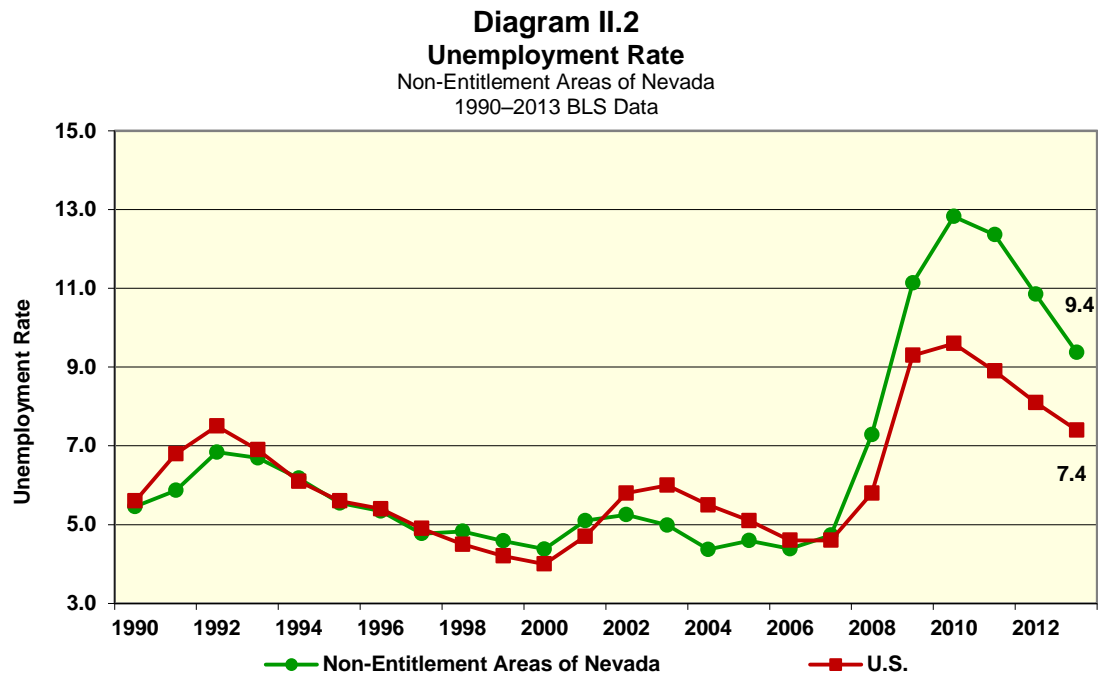
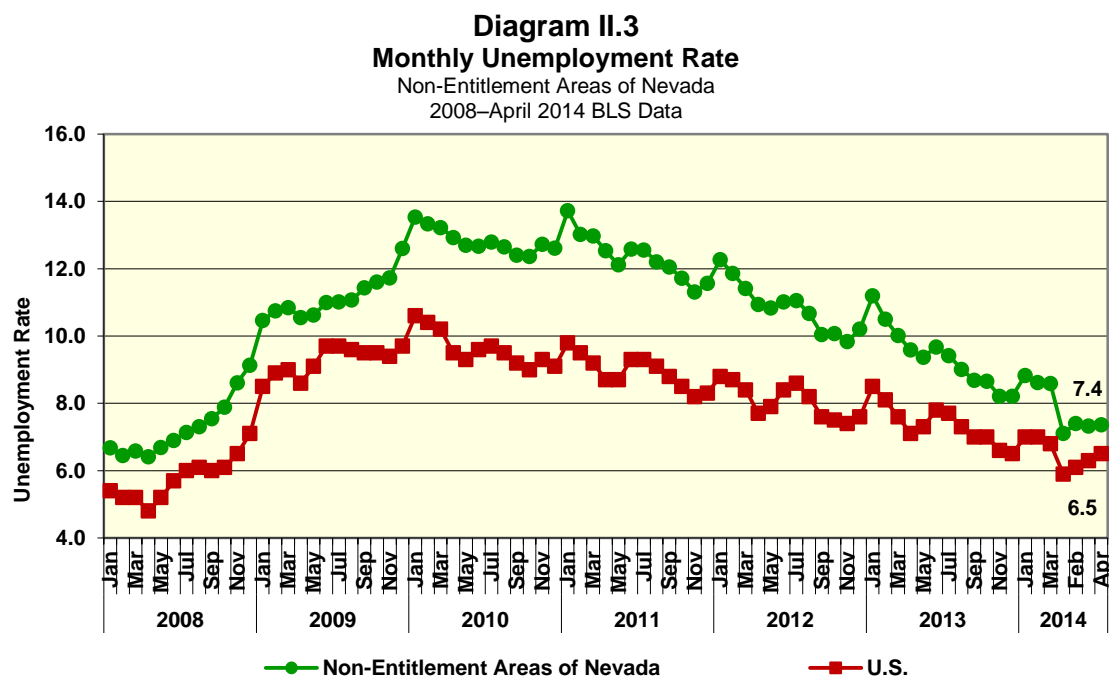


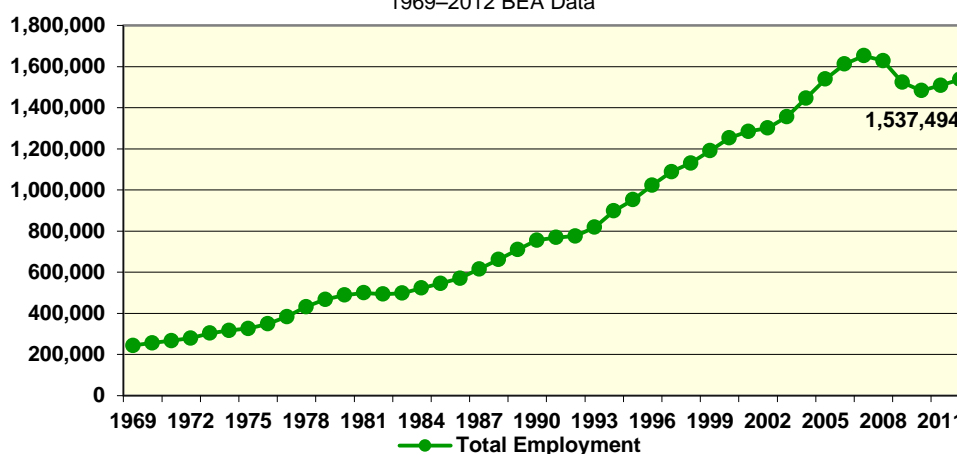
Diagram II.3 below presents monthly unemployment data from January 2008 through March 2014. These data indicate that high unemployment persisted through the early summer months of 2011, but began to fall steadily thereafter. This trend has continued, in spite of seasonal fluctuations in unemployment, through the middle of 2014.



FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

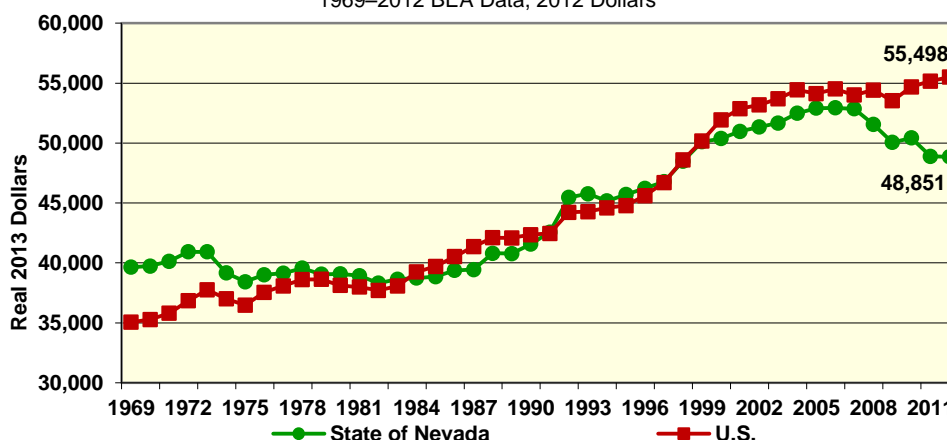
Full employment, as measured by the Bureau of Economic Analysis, refers to the total number of part-time and full-time jobs in the state as a whole. As shown in Diagram II.4 below, the number of jobs in the state grew steadily from 755,587 in 1990 through 2007, when the number of jobs in the state was 1,653,157. However, the number of jobs fell rapidly after that year, and by 2010 the state had lost nearly 170,000 jobs. Since that time, the total number of jobs has begun to grow, though that growth has yet to regain the pace of growth observed in the years leading up to 2007.

Diagram II.4
Full- and Part-Time Employment
 State of Nevada
 1969–2012 BEA Data

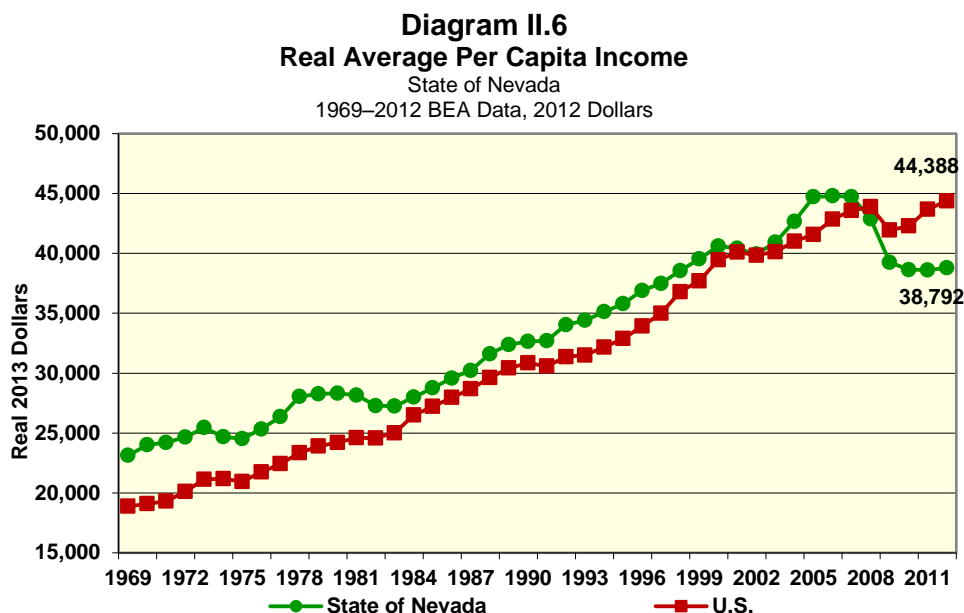


Real average earnings per job in the state largely kept pace with and occasionally surpassed national figures from the late 1970s through the late 1990s, as shown in Diagram II.5 below. However, earnings in Nevada fell behind those in the country at large in 2000, and the amount that the average worker earned at his or her job fell dramatically after 2007. This decline in earnings continued through 2012, in spite of a brief uptick in 2010. By 2012, the average worker was earning \$48,851 per year at his or her job, down from nearly \$53,000 in 2007.

Diagram II.5
Real Average Earnings Per Job
 State of Nevada
 1969–2012 BEA Data, 2012 Dollars



Unlike real average earnings per job, the real income of the average Nevada resident has exceeded the national average for most of the period since 1969, as shown below in Diagram II.6. Like real average earnings, however, real per capita income declined dramatically after 2007: in that year, the average resident had an income of \$43,581. By 2010, real per capita income had fallen to \$38,635, and has remained close to that figure since that time.



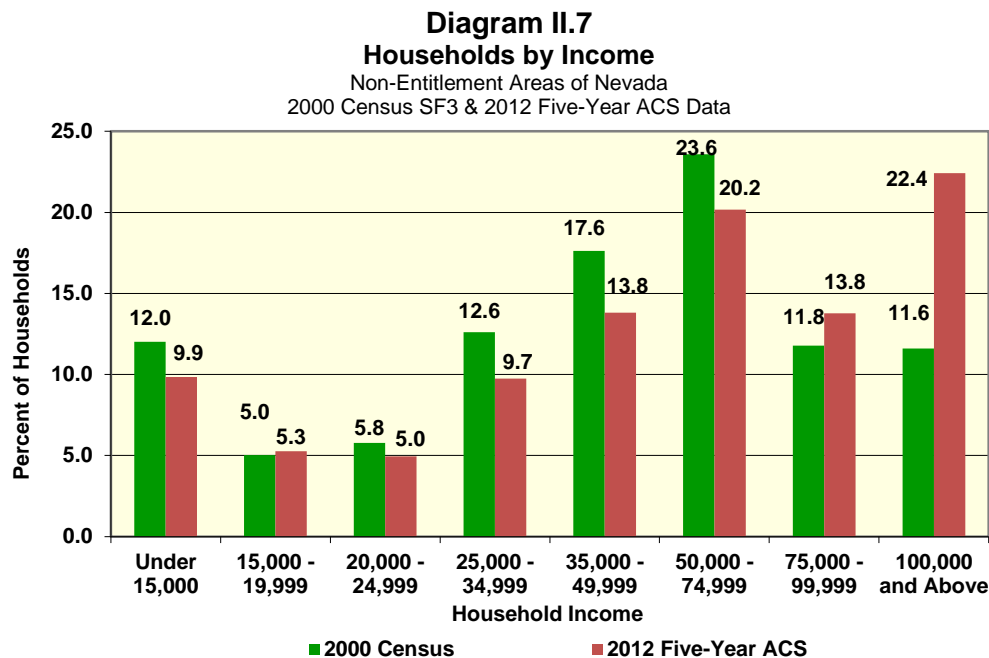
HOUSEHOLD INCOME

Overall household incomes generally increased in the State after 2000, according to data from the 2000 Census and 2008–2012 ACS, as shown in Table II.7 below. The shares of households in the top two income categories, or those making more than \$74,999 per year, grew while the shares of households in all lower income brackets declined, with the exception of households making \$15,000 to \$19,999. In 2000, households making between \$50,000 and \$74,999 per year accounted for the largest share of households overall at 23.6 percent. By 2012, it was households making \$100,000 per year or more that occupied the largest share, accounting for 22.4 percent of all households.

Table II.7
Households by Income
Non-Entitlement Areas of Nevada
2000 Census SF3 & 2012 Five-Year ACS Data

Income	2000 Census		2012 Five-Year ACS	
	Households	% of Total	Households	% of Total
Less than \$15,000	14,483	12.0%	14,078	9.9%
\$15,000 to \$19,999	6,060	5.0%	7,521	5.3%
\$20,000 to \$24,999	6,953	5.8%	7,077	5.0%
\$25,000 to \$34,999	15,188	12.6%	13,922	9.7%
\$35,000 to \$49,999	21,229	17.6%	19,743	13.8%
\$50,000 to \$74,999	28,407	23.6%	28,817	20.2%
\$75,000 to \$99,999	14,184	11.8%	19,679	13.8%
\$100,000 or More	13,965	11.6%	32,038	22.4%
Total	120,469	100.0%	142,875	100.0%

Diagram II.7 below presents these income distributions graphically and further demonstrates the shift from lower- and medium- to higher-income households over time.



POVERTY

The Census Bureau uses a set of income thresholds that vary by family size and composition to determine poverty status. If a family's total income is less than the threshold for its size, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid, and food stamps.

In spite of the shift toward a larger share of higher income households described above, the poverty rate in the non-entitlement areas of the State grew from 8.7 percent in 2000 to 12.1 percent by 2012, as shown in Table II.8 below.

Table II.8
Poverty by Age
Non-Entitlement Areas of Nevada
2000 Census SF3 & 2012 Five-Year ACS Data

Age	2000 Census		2012 Five-Year ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 6	2,993	10.9%	5,057	11.2%
6 to 17	6,250	22.8%	9,673	21.5%
18 to 64	15,612	57.0%	26,065	58.0%
65 or Older	2,530	9.2%	4,183	9.3%
Total	27,385	100.0%	44,978	100.0%
Poverty Rate	8.7%	.	12.1%	.

Poverty was not spread evenly throughout the State, as some Census tracts had much higher rates of poverty than others. The distribution of poverty in 2000 is presented in Map II.7 on the following page. The highest poverty rates in that year were observed in Census tracts that lay within the boundaries of the Duck Valley and Walker River tribal reservation areas, where 27.7 to 32.1 percent of the population was living in poverty in that year.

The distribution of poverty in 2008-2012 is presented in Map II.8 on page 40. The overall distribution of poverty in the state's non-entitlement areas had changed little by 2012, though the concentration of poverty did increase considerably in the large Census tract to the northwest of Pahrump and in the large tract in the northwest of the state encompassing the city of West Wendover.

HOUSING

Simple counts of housing by age, type, tenure, and other characteristics form the basis for the housing stock background, suggesting the available housing in non-entitlement areas of the State from which residents have to choose. Examination of households, on the other hand, shows how residents use the available housing, and shows household size and housing problems such as incomplete plumbing and/or kitchen facilities. Review of housing costs reveals the markets in which housing consumers in the state can shop.

CHARACTERISTICS OF THE HOUSING STOCK

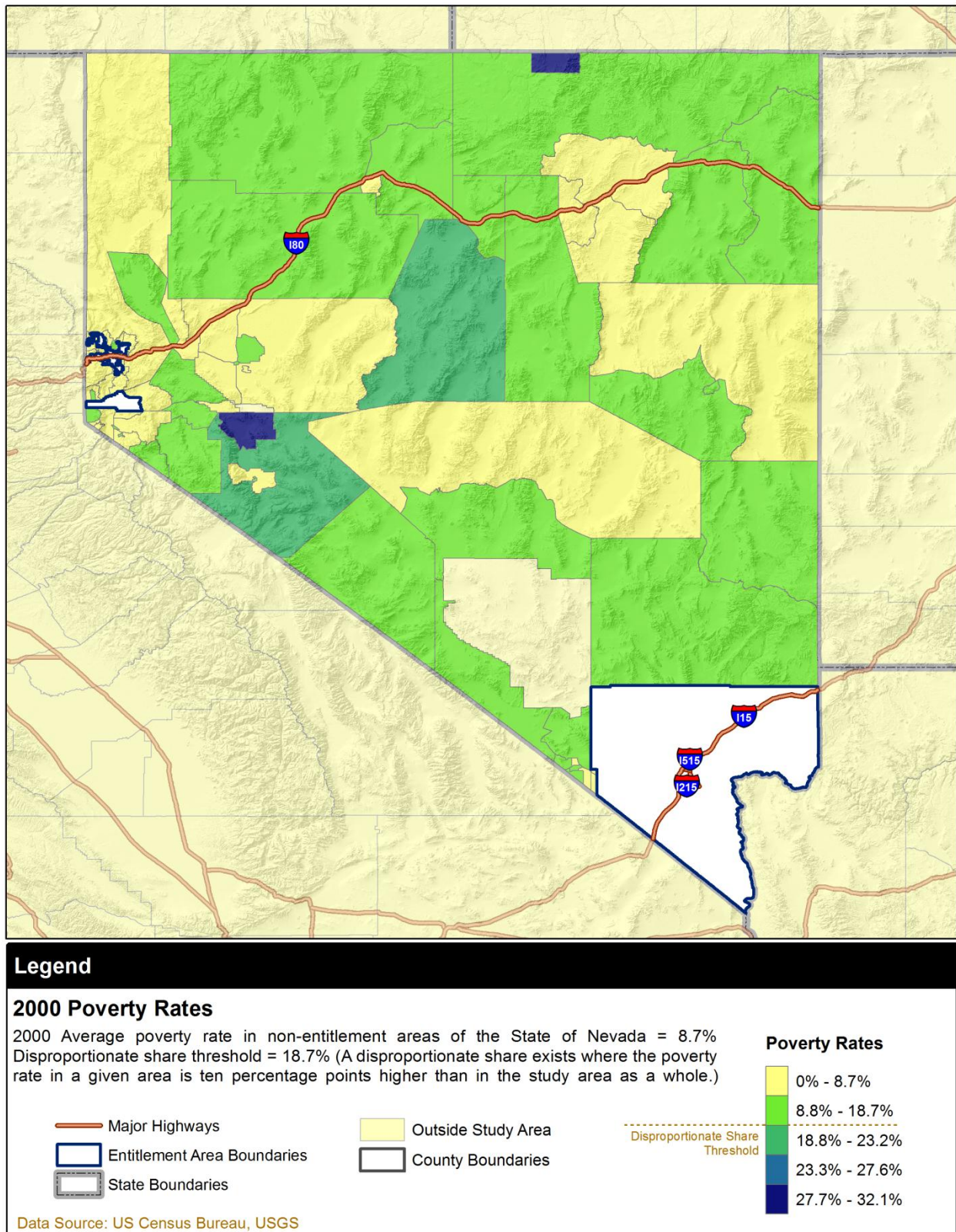
There were only minor changes in the tenure of housing units between the 2000 and 2010 Censuses. As shown in Table II.9 below, occupied housing units accounted for 85.3 percent of all housing units in 2000 and 84.9 percent in 2010, a difference of 0.4 percentage points. Among occupied housing units, the share of owner-occupied units declined by 2.4 percentage points over the decade, accounting for 74 percent of occupied units in 2010. The share of renter-occupied units correspondingly grew. Finally, vacant housing units accounted for 15.1 percent of housing units in 2010, up from 14.7 percent in 2000.

Table II.9
Housing Units by Tenure
Non-Entitlement Areas of Nevada
2000 & 2010 Census SF1 Data

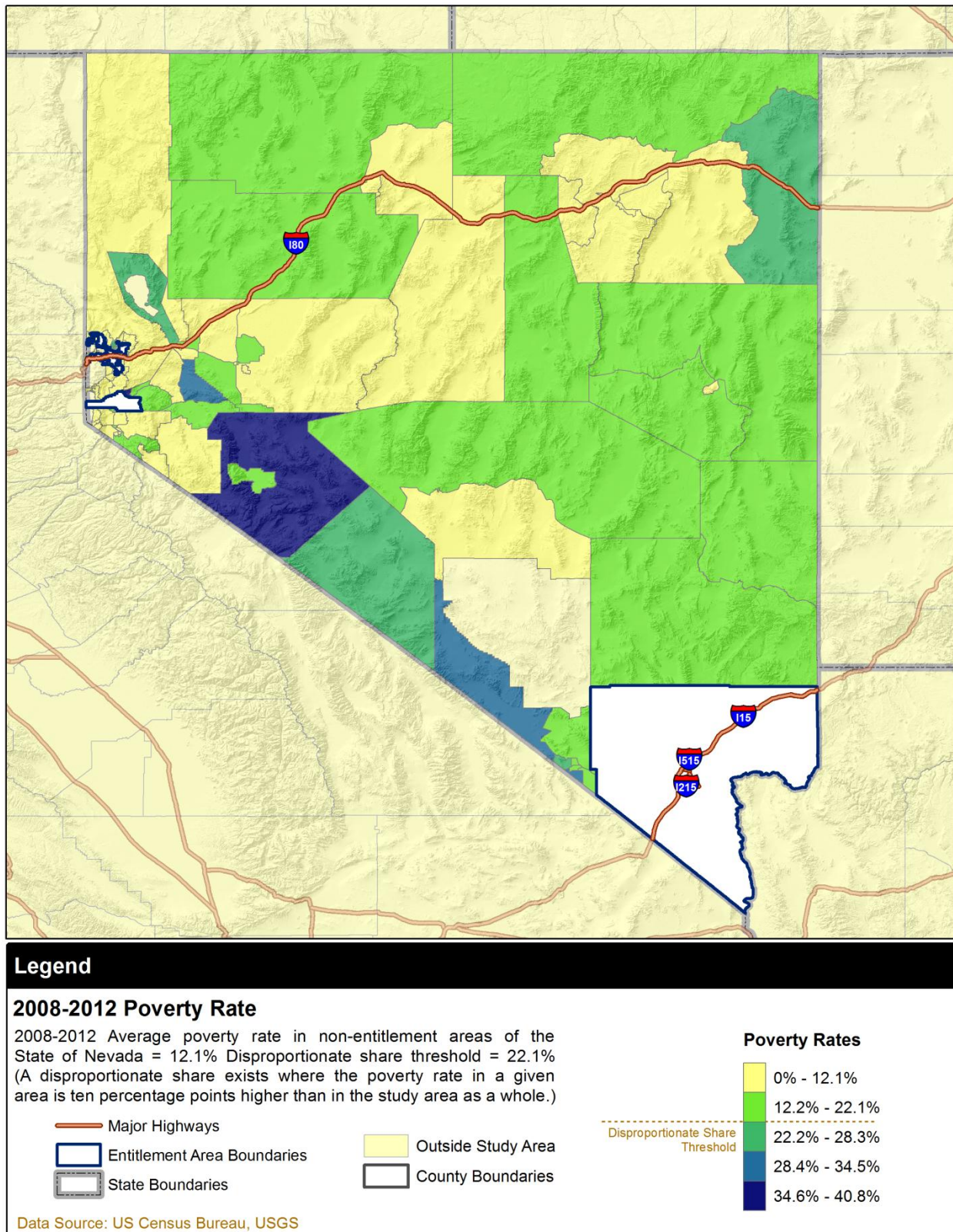
Tenure	2000 Census		2010 Census		% Change 00-10
	Units	% of Total	Units	% of Total	
Occupied Housing Units	120,236	85.3%	145,032	84.9%	20.6%
Owner-Occupied	91,857	76.4%	107,285	74.0%	16.8%
Renter-Occupied	28,379	23.6%	37,747	26.0%	33.0%
Vacant Housing Units	20,661	14.7%	25,868	15.1%	25.2%
Total Housing Units	140,897	100.0%	170,900	100.0%	21.3%

The geographic distribution of owner-occupied units in the State of Nevada in 2010 is presented on page 41 in Map II.9. As shown, these areas were generally located around the state's entitlement jurisdictions, though there was a high concentration of owner-occupied housing units located in the Census tract encompassing Spring Creek, near Elko, and a relatively high concentration of such units near Winnemucca. By contrast, renter occupied households tended to be more common in rural areas of the state, notably in Census tracts in and around Fallon, as shown in Map II.10 on page 42.

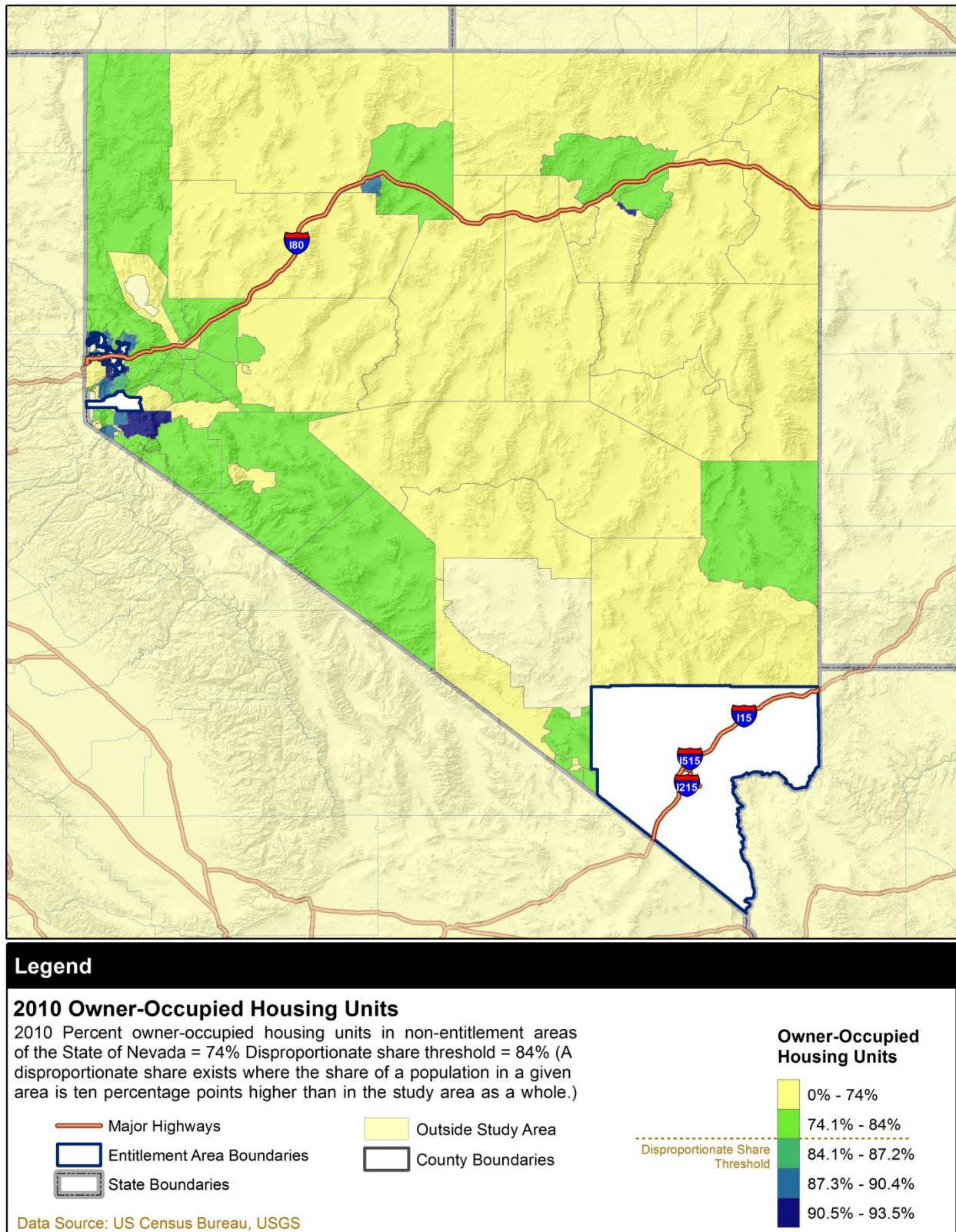
Map II.7
Poverty Rate by Census Tract
 Non-Entitlement Areas of Nevada
 2000 Census Data



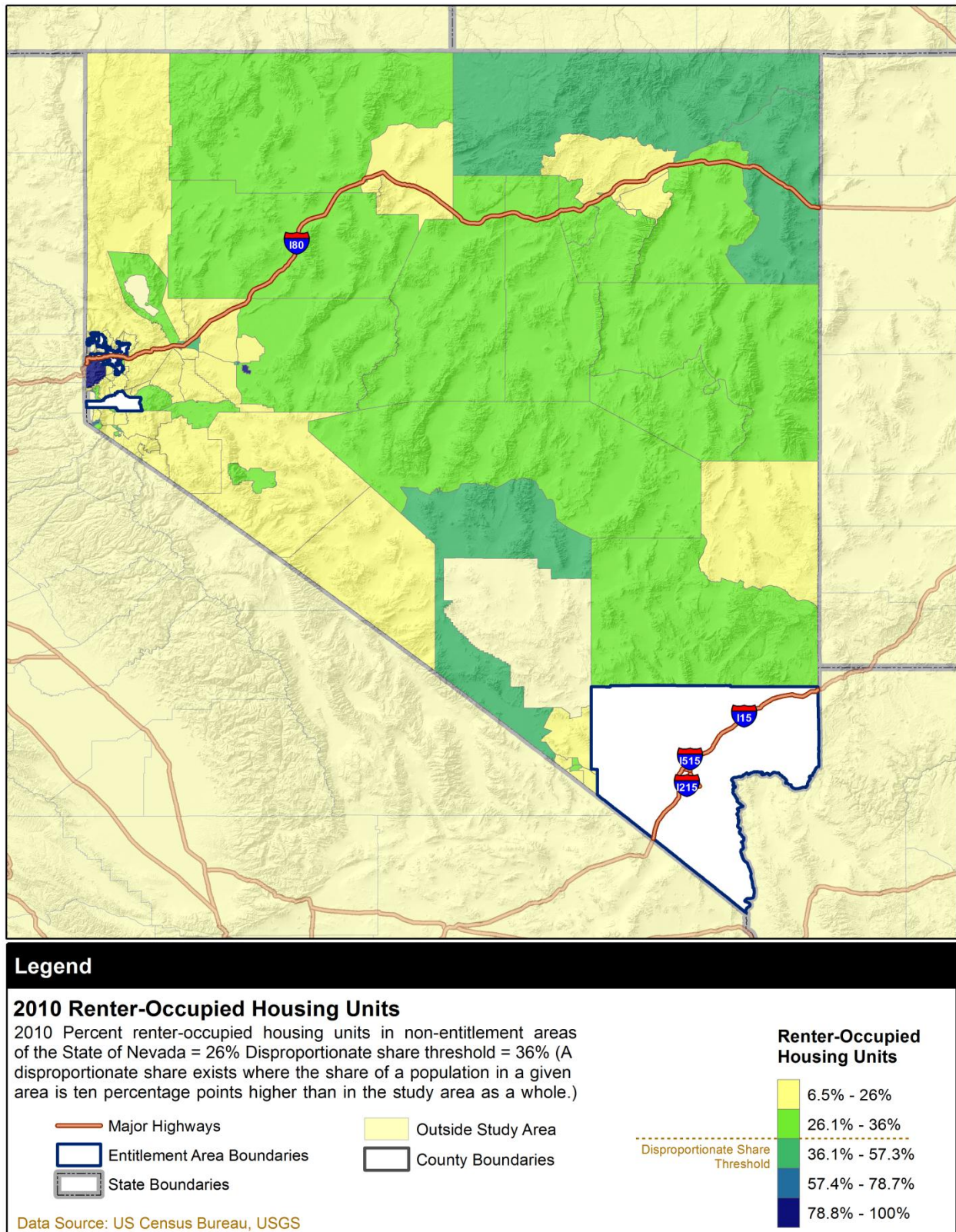
Map II.8
Poverty Rate by Census Tract
 Non-Entitlement Areas of Nevada
 2012 Five-Year ACS Data



Map II.9
Owner-Occupied Housing Units
 Non-Entitlement Areas of Nevada
 2010 Census Data



Map II.10
Renter-Occupied Housing Units
 Non-Entitlement Areas of Nevada
 2010 Census Data



VACANT HOUSING

However, changes within the vacant housing stock were more pronounced. Units dedicated to seasonal, recreational, or occasional use were the most common, accounting for more than a third of all vacant units in 2000 and 2010, as shown in Table II.10 below. However, these units declined as a share of all vacant units over the decade. Growth in the number of rental vacant units was slow, and these units declined as a share of vacant units overall by 2.5 percentage points. However, these units still accounted for nearly a fifth of all vacant units in 2010. At the same time, vacant units for sale increased as a share of the vacant housing stock, and came to account for 12.8 percent of vacant housing units in 2010. More pronounced was the growth in the number of “other vacant” units, which increased by 45.1 percent. These units, which represented a quarter of all vacant units in 2010, are not available to the marketplace, and may represent a blighting influence where they are grouped in close geographic proximity to one another.

Table II.10
Disposition of Vacant Housing Units

Non-Entitlement Areas of Nevada
2000 & 2010 Census SF1 Data

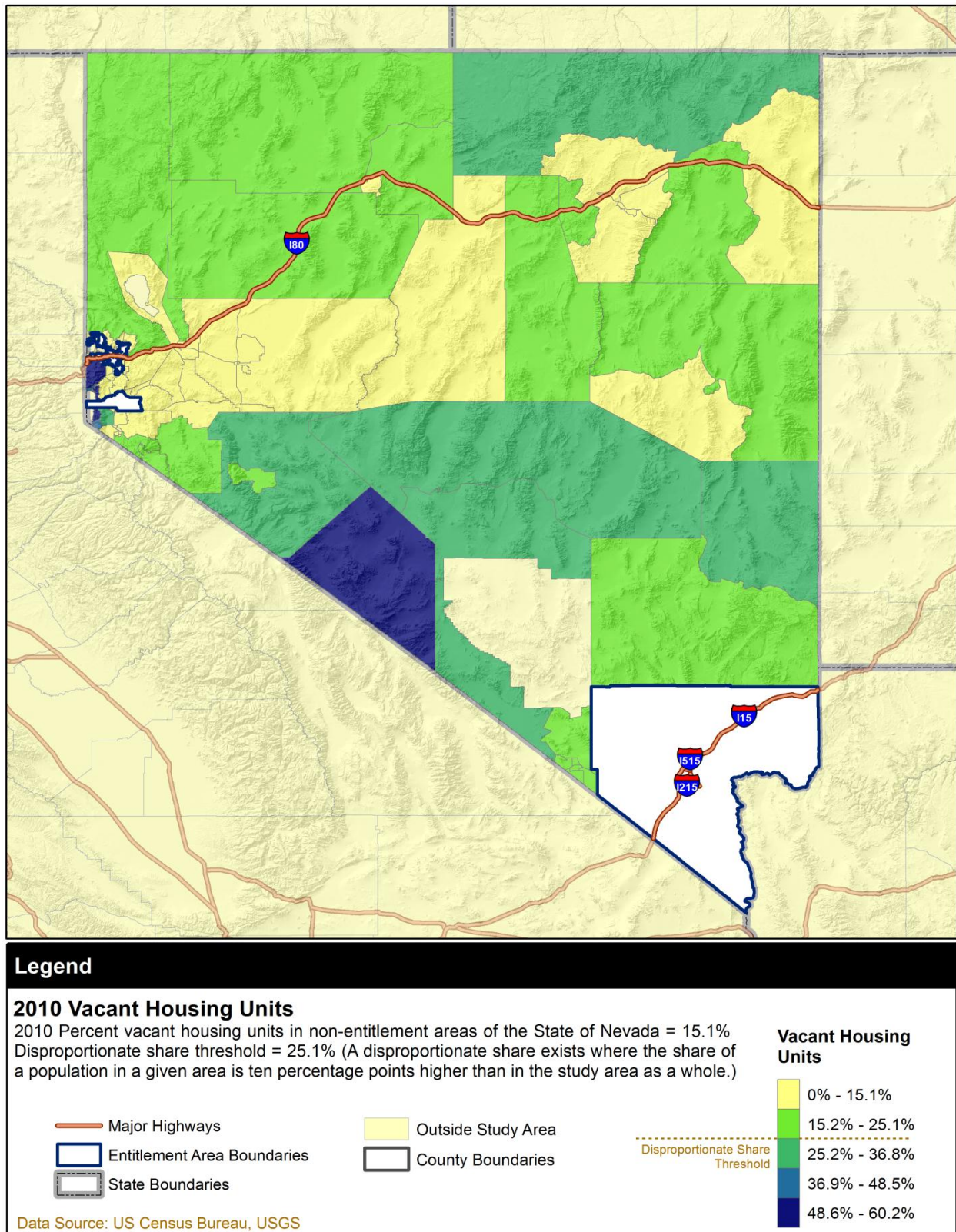
Disposition	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
For Rent	4,598	22.3%	5,120	19.8%	11.4%
For Sale	2,546	12.3%	3,302	12.8%	29.7%
Rented or Sold, Not Occupied	955	4.6%	1,080	4.2%	13.1%
For Seasonal, Recreational, or Occasional Use	7,569	36.6%	9,298	35.9%	22.8%
For Migrant Workers	256	1.2%	196	0.8%	-23.4%
Other Vacant	4,737	22.9%	6,872	26.6%	45.1%
Total	20,661	100.0%	25,868	100.0%	25.2%

While high numbers of vacant units can be problematic, there are many reasons that housing units may be unoccupied, and vacancies can be temporary. However, units classified as “other vacant” units are a greater cause for concern, as these units are not available to the housing market, and if located in close proximity to each other may represent a blighting influence.

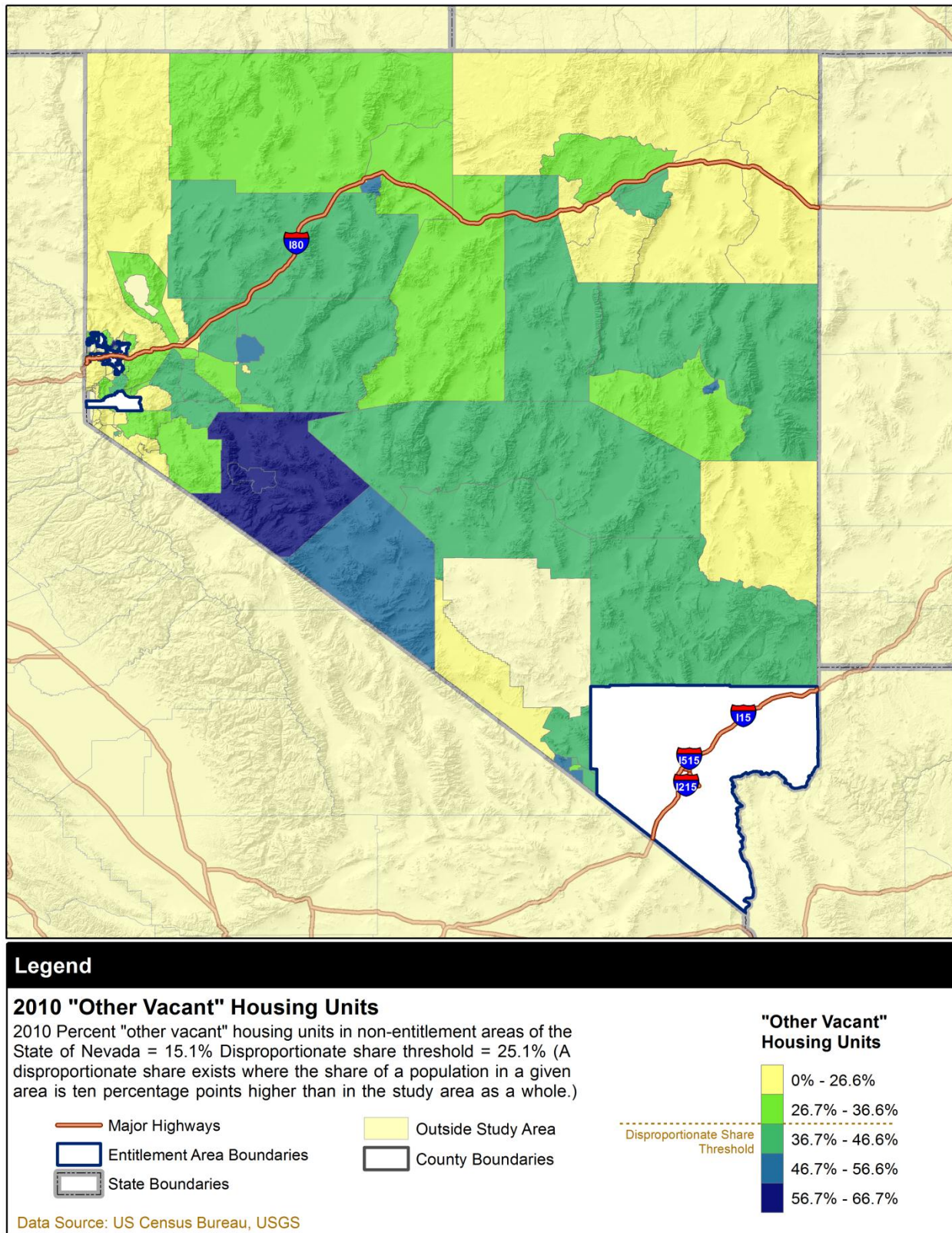
There were many Census tracts throughout the state that were observed to hold high concentrations of vacant housing units, as shown in Map II.11 on the following page. However, many of those Census tracts covered large, sparsely population areas of the state. Overall, the state’s more populous areas tended to have low vacancy rates. Several Census tracts near Reno and Carson City held relatively large shares of vacant housing; however, vacant units in those areas tended to be designated for seasonal, recreational, or occasional use.

There were several areas throughout the state in which relatively large shares of vacant units were classified as “other vacant”, as shown in Map II.12 on page 45. However, overall vacancy rates in many of those areas were comparatively low. The greatest numbers of “other vacant” housing units were located in and around Pahrump and Hawthorne, and in Esmerelda County, along with the Census tract encompassing Tonopah.

Map II.11
Vacant Housing Units
 Non-Entitlement Areas of Nevada
 2010 Census Data



Map II.12
"Other Vacant" Housing Units
 Non-Entitlement Areas of Nevada
 2010 Census Data



HOUSEHOLD SIZE

As the population in the state's non-entitlement areas grew, the number of households grew by 20.6 percent. Most of that growth was attributable to relatively rapid growth in the number of smaller households, or those with three members or less, as shown in Table II.11 below. However, the most rapid growth was observed in households with one or two members, which grew by 30.9 and 25.4 percent, respectively. These households, which had accounted for 58.4 percent of the population in 2000, represented 61.6 of all households in the state's non-entitlement areas in 2010.

Table II.11
Households by Household Size
Non-Entitlement Areas of Nevada
2000 & 2010 Census SF1 Data

Size	2000 Census		2010 Census		% Change 00-10
	Households	% of Total	Households	% of Total	
One Person	25,606	21.3%	33,506	23.1%	30.9%
Two Persons	44,586	37.1%	55,909	38.5%	25.4%
Three Persons	19,421	16.2%	21,895	15.1%	12.7%
Four Persons	17,279	14.4%	18,039	12.4%	4.4%
Five Persons	8,303	6.9%	9,238	6.4%	11.3%
Six Persons	3,135	2.6%	3,852	2.7%	22.9%
Seven Persons or More	1,906	1.6%	2,593	1.8%	36.0%
Total	120,236	100.0%	145,032	100.0%	20.6%

Data from the 2000 Census and 2008-2012 ACS also detail the types of housing units that make up the housing stock of Nevada's non-entitlement areas. As shown in Table II.12 below, single-family units represented the largest share of housing units in both years; these units accounted for 60.9 percent of all housing units in 2000, a share which had grown to 70.6 percent by 2012. All other housing types had smaller shares of the total housing stock in 2012, with duplexes and mobile homes actually estimated to have declined in number. Mobile homes, which were the second-most common type of housing units, declined as a share of all housing units from 27.4 to 20.1 percent.

Table II.12
Housing Units by Type
Non-Entitlement Areas of Nevada
2000 Census SF3 & 2012 Five-Year ACS Data

Unit Type	2000 Census		2012 Five-Year ACS	
	Units	% of Total	Units	% of Total
Single-Family	85,687	60.9%	120,538	70.6%
Duplex	2,893	2.1%	2,763	1.6%
Tri- or Four-Plex	5,200	3.7%	5,578	3.3%
Apartment	6,539	4.6%	6,781	4.0%
Mobile Home	38,593	27.4%	34,379	20.1%
Boat, RV, Van, Etc.	1,788	1.3%	587	0.3%
Total	140,700	100.0%	170,626	100.0%

HOUSING PROBLEMS

While the 2000 Census did not report significant details regarding the physical condition of housing units, some information can be derived from the SF3 data. These data relate to overcrowding, incomplete plumbing or kitchen facilities, and cost burdens. These data were

not collected during the 2010 Census, but are available for comparison from the 2008 to 2012 ACS averages.

Overcrowding occurs in units housing between 1 and 1.5 persons per room, while severe overcrowding occurs in units with 1.5 persons per room or more. As shown in Table II.13 below, only 3.3 percent of housing units were overcrowded in 2000, and 1.9 percent were severely overcrowded. By 2012, these shares had fallen to 2.0 and 0.6 percent respectively. According to both the 2000 Census and 2008-2012 ACS, overcrowding was a problem that impacted rental units to a greater degree than owner-occupied units.

Table II.13
Overcrowding and Severe Overcrowding

Non-Entitlement Areas of Nevada
2000 Census SF3 & 2012 Five-Year ACS Data

Data Source	No Overcrowding		Overcrowding		Severe Overcrowding		Total
	Households	% of Total	Households	% of Total	Households	% of Total	
Owner							
2000 Census	88,038	96.1%	2,233	2.4%	1,373	1.5%	91,644
2012 Five-Year ACS	103,967	98.4%	1,289	1.2%	455	0.4%	105,711
Renter							
2000 Census	25,807	90.8%	1,705	6.0%	912	3.2%	28,424
2012 Five-Year ACS	35,268	94.9%	1,509	4.1%	387	1.0%	37,164
Total							
2000 Census	113,845	94.8%	3,938	3.3%	2,285	1.9%	120,068
2012 Five-Year ACS	139,235	97.5%	2,798	2.0%	842	0.6%	142,875

Incomplete plumbing or kitchen facilities are other indicators of potential housing problems. According to the Census Bureau, a housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower. Likewise, a unit is categorized as deficient when any of the following are missing from the kitchen: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator. As shown in Table II.14 below, 0.6 percent of housing units lacked complete plumbing facilities in 2000 and 2008-2012. Meanwhile, the share of units without complete kitchen facilities rose from 0.5 to 1.1 percent between 2000 and 2012, as shown in Table II.15 below.

Table II.14
Households with Incomplete Plumbing Facilities

Non-Entitlement Areas of Nevada
2000 Census SF3 & 2012 Five-Year ACS Data

Households	2000 Census	2012 Five-Year ACS
With Complete Plumbing Facilities	119,404	142,018
Lacking Complete Plumbing Facilities	664	857
Total Households	120,068	142,875
Percent Lacking	0.6%	0.6%

Table II.15
Households with Incomplete Kitchen Facilities

Non-Entitlement Areas of Nevada
2000 Census SF3 & 2012 Five-Year ACS Data

Households	2000 Census	2012 Five-Year ACS
With Complete Kitchen Facilities	119,491	141,285
Lacking Complete Kitchen Facilities	577	1,590
Total Households	120,068	142,875
Percent Lacking	0.5%	1.1%

Finally, the share of households that were cost-burdened grew between the 2000 Census and the 2012 ACS, as shown in Table II.16 below, along with the share of households that were severely cost burdened. The share of cost burdened households, in which housing costs account for 31 to 50 percent of the household income, grew by 3.3 percentage points between 2000 and 2012, and came to represent 19.6 percent of all households by 2012. Meanwhile, the share of severely cost-burdened households grew from 9.7 to 14.2 percent. As had been the case with overcrowded housing units, the problems of cost-burden and severe-cost burden fell more heavily on rental households than owner-occupied households. A complete version of this table with data for all households is included in Appendix D as Table D.1.

Table II.16
Cost Burden and Severe Cost Burden by Tenure

Non-Entitlement Areas of Nevada
2000 Census & 2012 Five-Year ACS Data

2000 Census & 2012 Five-Year ACS Data									
Data Source	Less Than 30%		31%-50%		Above 50%		Not Computed		Total
	Households	% of Total	Households	% of Total	Households	% of Total	Households	% of Total	
Owner With a Mortgage									
2000 Census	30,574	70.1%	8,500	19.5%	4,352	10.0%	170	0.4%	43,596
2012 Five-Year ACS	41,154	59.1%	17,441	25.1%	10,588	15.2%	439	0.6%	69,622
Owner Without a Mortgage									
2000 Census	12,476	90.5%	633	4.6%	452	3.3%	225	1.6%	13,786
2012 Five-Year ACS	30,531	84.6%	3,004	8.3%	2,135	5.9%	419	1.2%	36,089
Renter									
2000 Census	16,500	59.5%	4,706	17.0%	3,422	12.3%	3,106	11.2%	27,734
2012 Five-Year ACS	17,977	48.4%	7,584	20.4%	7,595	20.4%	4,008	10.8%	37,164
Total									
2000 Census	59,550	70.0%	13,839	16.3%	8,226	9.7%	3,501	4.1%	85,116
2012 Five-Year ACS	89,662	62.8%	28,029	19.6%	20,318	14.2%	4,866	3.4%	142,875

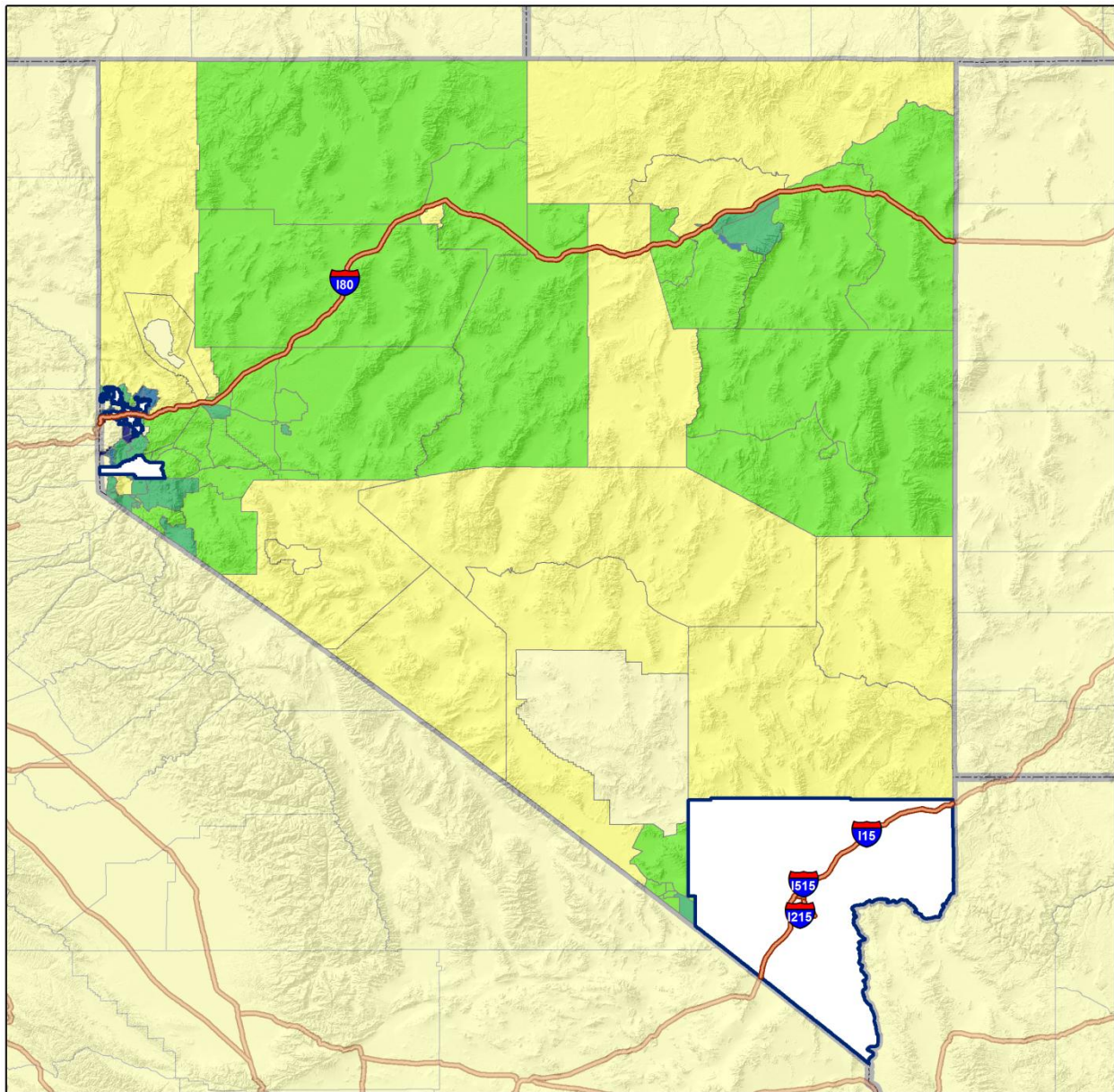
Renters with a severe cost burden are at risk of homelessness. Cost-burdened renters who experience one financial setback often must choose between rent and food or rent and health care for their families. Similarly, homeowners with a mortgage who have just one unforeseen financial constraint, such as temporary illness, divorce, or the loss of employment, may face foreclosure or bankruptcy. Furthermore, households that no longer have a mortgage yet still experience a severe cost burden may be unable to conduct periodic maintenance and repair of their homes, and in turn, may contribute to a dilapidation and blight problem. All three of these situations should be of concern to policymakers and program managers.

HOUSING COSTS

Median contract rental costs in Census tracts throughout the state are displayed in Map II.13 on the following page. As shown, residents of the more populous parts of the state's non-entitlement areas tended to pay more in rent. The highest rental costs were observed in tracts located in and around Reno and Sparks, including one tract on the northern shore of Lake Tahoe, along with the area in and around Spring Creek, near Elko.

Similarly, Census tracts with high median home values tended to be located in more populous areas of the state; such units were especially concentrated in Census tracts surrounding Lake Tahoe, as shown in Map II.14 on page 50. However, relatively high median home values were also observed in Census tracts throughout the Reno/Carson City area, as well as in those encompassing the cities of Elko and Spring Creek and surrounding areas.

Map II.13
Median Contract Rent
 Non-Entitlement Areas of Nevada
 2012 Five-Year ACS Data



Legend

2008-2012 Median Contract Rent

2008-2012 Median contract rent per Census tract in non-entitlement areas of the State of Nevada = \$805

- Major Highways
- Entitlement Area Boundaries
- State Boundaries

- Outside Study Area
- County Boundaries

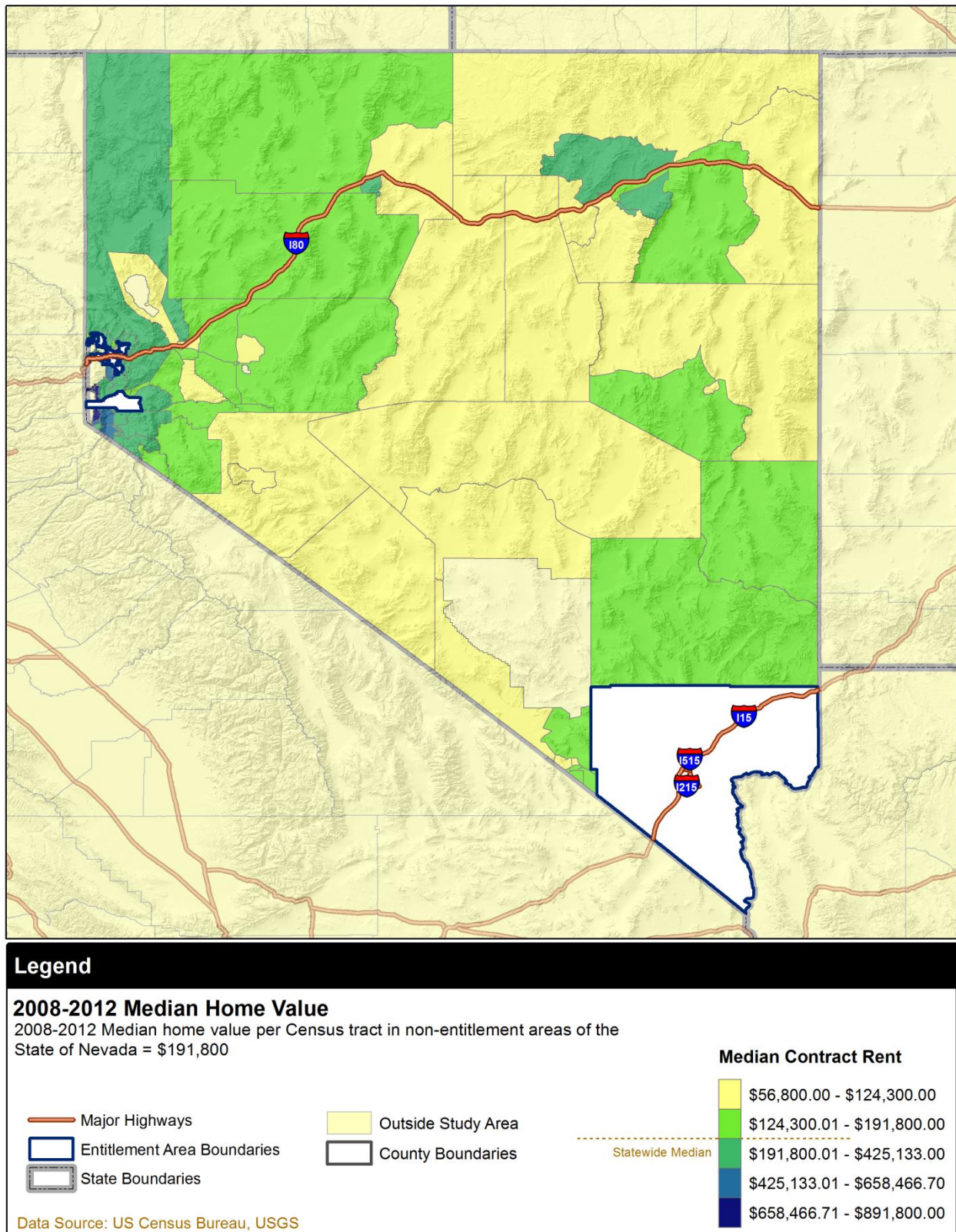
Median Contract Rent

- 99 - 452
- 453 - 805
- 806 - 1,204
- 1,205 - 1,602
- 1,603 - 2,001

Statewide Median

Data Source: US Census Bureau, USGS

Map II.14
Median Home Value
 Non-Entitlement Areas of Nevada
 2012 Five-Year ACS Data



SUMMARY

The population of Nevada's non-entitlement areas has grown by an estimated 18.1 percent since 2000. From 2000 through 2010, much of that growth was attributable to rapid growth in the number of residents aged 55 and above. Most of the growth was also attributable to an increase in the number of white residents. However, because white residents represented a large majority of all residents in the state's non-entitlement areas, the considerable growth in that population, in absolute terms, actually represented a relatively slow rate of growth: as a result, the share of residents who were white fell by 2.4 percentage points over the decade. The share of American Indian residents also fell from 3.5 to 3.3 percent of the total population. In terms of ethnicity, the number of Hispanic residents increased by 57.4 percent, and though the non-Hispanic population grew considerably, the percentage change in the non-Hispanic population was below the overall average. As a result, the Hispanic population grew as a share of the total population, by four percentage points, while the non-Hispanic population declined by the same amount.

An estimated 19.2 percent of the population of the state's non-entitlement areas was living with some form of disability in 2000. The observed share of the population living with disabilities in 2008-2012 was 13.5 percent; however, the latter figure represents a different measure of disability, so it is not possible to conclude based on those data that the population with disabilities actually fell by 5.7 percent over that time period. Nevertheless, geographic analyses of the distribution of this population in 2000 and 2008-2012 present similar pictures, in which residents with disabilities were observed to be concentrated in Census tracts along or near the southwestern border of the state.

The non-entitlement areas of Nevada were not immune to the financial crisis of the late 2000s, and the effect of the crisis could be observed in figures concerning employment, earnings, and income. According to the Bureau of Labor Statistics, the number of employed persons in the non-entitlement areas of the state grew by nearly 100,000 from 1990 through 2007. During that time, trends in the number of employed followed trends in the size of the labor force very closely. However, the labor force, which includes all who are working and those who are seeking employment, continued to grow after 2007 and through 2010, even as the number of employed fell by over 8,600. The result was a marked spike in the unemployment rate, from 4.6 percent in 2007 to 12.8 percent in 2010. High unemployment persisted through January of 2011, but has been falling steadily since then amid marked seasonal fluctuation in the unemployment rate.

Labor market trends in the state's non-entitlement areas were reflected in statewide trends during that period of high growth in unemployment: the total number of full- and part-time jobs in the state, including entitlement areas, declined by nearly 170,000. In addition, the average worker earned over \$2,400 less in 2010 than he or she had in 2007, as measured in 2012 dollars. Earnings have fallen further since then, and by 2012 the average worker in the state was earning \$48,851, down from \$52,859 in 2007. The decline in the real income of the average state resident was more rapid still: In 2007, the income of the average residents was \$43,581, as measured in 2012 dollars. By 2010 that figure had fallen by nearly \$5,000, and it has remained below \$39,000 in real dollars since that time.

Unfortunately, though not surprisingly given the data on earnings and income discussed above, the number and the percentage of residents living in poverty has grown. In 2000, over 27,000 residents of the state's non-entitlement areas were living in poverty, representing 8.7 percent of the population. By 2012, an estimated 12.1 percent of the non-entitlement population was living in poverty. In both years, high rates of poverty were observed in and around the Walker River and Duck Valley tribal reservation areas. However, the intervening period also saw considerable growth in poverty in Esmerelda County and in the large rural area to the northwest of Pahrump, as well as in Pahrump itself.

Owner-occupied units accounted for around three-quarters of all occupied housing units in the state's non-entitlement areas. However, in some areas housing units were almost exclusively owner-occupied: such areas included Spring Creek, Winnemucca, and a large cluster of Census tracts around Reno, Sparks, and Carson City. Relatively high shares of renter occupied units were observed in Fallon Station, in large rural tracts in the northeastern corner of the state, and in the large Census tract to the northwest of Pahrump.

Around 15 percent of the housing units in the state's non-entitlement areas were vacant in 2010, representing an increase of 0.4 percentage points over 2000. Most of these units were for rent; for sale; or were dedicated to seasonal, recreational or occasional use. However, more than a quarter of vacant units were classified as "other vacant" in 2010: these units, which are not available to the market place, may represent a blighting influence where they are grouped in close geographic proximity. Though relatively high shares of vacant units were observed in Census tracts in and around Carson City, the greatest numbers of "other vacant" units were located in Esmerelda County, the large rural tract encompassing Tonopah, and in Census tracts in and around Pahrump and Hawthorne.

Contributing to the increase in the number of vacant units was the fact that growth in the number of housing units in the state's non-entitlement areas outpaced growth in the number of households, which grew by around 25,000 between 2000 and 2010. Much of this growth can be attributed to increases in the number of smaller households, or those with three members or fewer. These households accounted for more than 85 percent of all households in the non-entitlement areas of the state in 2010. Single-family units accounted for around 61 percent of housing units in 2000, a share which increased by around 10 percentage points over the following decade. Mobile homes were the next most common housing unit, though they accounted for a smaller share of housing units in 2010, at 20.1 percent, than they had in 2000.

As one might expect, given the prevalence of smaller households in the state's non-entitlement areas, overcrowded households, or those with between 1 and 1.5 members per room, did not account for a large share of households overall in 2000, and that share had only fallen by 2012. Housing problems associated with incomplete plumbing or kitchen facilities were also relatively uncommon: 1.1 percent of housing units lacked complete kitchen facilities in 2008-2012, and 0.6 percent lacked complete plumbing facilities. More serious were the problems of cost-burdening and severe cost-burdening. Cost-burdened households, in which housing costs take up between 31 and 50 percent of the households, together with severely cost-burdened households, in which housing costs consume more than fifty percent of the household income, accounted for nearly 34 percent of all households in the state's non-entitlement areas in 2008-2012. During that time period, housing costs were highest in and around the state's non-entitlement jurisdictions, as well as in Census tracts near Winnemucca, Elko, and Spring Creek.

SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW

As part of the AI process, existing fair housing laws, studies, cases, and other relevant materials were reviewed on a national and local scale. Results of this review are presented below.

FAIR HOUSING LAWS

FEDERAL FAIR HOUSING LAWS

Federal laws provide the backbone for U.S. fair housing regulations. While some laws have been previously discussed in this report, a brief list of laws related to fair housing, as defined on the U.S. Department of Housing and Urban Development's (HUD's) website, is presented below:

Fair Housing Act. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and persons securing custody of children under the age of 18), and handicap (disability).¹²

Title VIII was amended in 1988 (effective March 12, 1989) by the *Fair Housing Amendments Act* . . . In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multi-family dwellings developed for first occupancy on or after March 13, 1991.¹³

Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974. Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.

Title II of the Americans with Disabilities Act of 1990. Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by

¹² "HUD Fair Housing Laws and Presidential Executive Orders."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

¹³ "Title VIII: Fair Housing and Equal Opportunity."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968. The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons.

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

Title IX of the Education Amendments Act of 1972. Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.¹⁴

STATE FAIR HOUSING LAW

Additional protections against discrimination in the housing market are provided by Chapter 118 of the Nevada Revised Statutes (“the Nevada Fair Housing Law”). The Nevada Fair Housing Law prohibits discrimination on all of the bases included in the Federal Fair Housing Law while providing additional protections against discrimination on the basis of sexual orientation, gender identity or expression, and ancestry. State residents who believe that they have been subjected to unlawful discrimination on any of these bases may file a complaint with the Nevada Equal Rights Commission (“the Commission”), which acts upon the complaint in accordance with the procedure laid out in Chapter 223 of Nevada Revised Statutes. This procedure is outlined below, following the discussion of HUD’s complaint process.

FAIR HOUSING STUDIES

NATIONAL FAIR HOUSING STUDIES

In 2000, HUD released a publication entitled “Discrimination in Metropolitan Housing Markets,” which measured the prevalence of housing discrimination based on race and ethnicity in the U.S. This was the third nationwide effort to measure discrimination against minority home seekers since 1977, conducted in three phases.

Phase 1 – Black and Hispanic Populations

The study, based on 4,600 paired tests in 23 metropolitan cities in the U.S., found large decreases in the levels of discrimination against black and Hispanic home seekers between 1989 and 2000. In the rental markets, a moderate decrease was seen in discrimination toward black individuals, who experienced adverse treatment more often than white individuals, whereas the Hispanic population was more likely to face discrimination in the rental markets than its black and white counterparts. Many black and Hispanic home seekers were told that units were unavailable, although the same units were available to white home seekers, and the black and Hispanic populations were also shown and told about fewer units. In addition,

¹⁴“HUD Fair Housing Laws and Presidential Executive Orders.”

Hispanic individuals were more likely in 2000 than in 1989 to be quoted a higher rent than white individuals who sought to rent the same unit.

Phase 2 – Asian and Pacific Islander Populations

This study, conducted in 2000 and 2001 and based on 889 paired tests in 11 metropolitan areas in the U.S., showed that Asian and Pacific Islander individuals who sought to rent a unit experienced adverse treatment compared to white individuals in 21.5 percent of tests, which was similar to the rate black and Hispanic individuals saw. The study also showed that Asian and Pacific Islander prospective homebuyers experienced adverse treatment compared to white prospective homebuyers 20.4 percent of the time, with discrimination occurring in the availability of housing, inspections, assistance with financing, and encouragement by agents.

Phase 3 – American Indian Population

The last phase of HUD's nationwide effort to measure housing discrimination involved estimating the level of discrimination experienced by American Indian individuals in their search for housing in metropolitan areas across Minnesota, Montana, and Nevada. The findings showed that the American Indian population experienced adverse treatments compared to white individuals in 28.5 percent of rental tests. White individuals were consistently told about advertised units, similar units, and more units than American Indian individuals with similar qualifications. The high level of discrimination experienced by the American Indian population in these areas surpassed rates seen by Hispanic, black, and Asian individuals in the metropolitan rental markets nationwide.¹⁵

In April 2002, HUD released a national study that assessed public awareness of and support for fair housing law titled *How Much Do We Know?: Public Awareness of the Nation's Fair Housing Laws*. The study found that only 50 percent of the population was able to identify most scenarios describing illegal conduct. In addition, 14 percent of the nationwide survey's adult participants believed that they had experienced some form of housing discrimination in their lifetime. However, only 17 percent of those who had experienced housing discrimination had taken action to resolve the issue, such as filing a fair housing complaint. Finally, two-thirds of all respondents said that they would vote for a fair housing law.¹⁶

As a follow-up, HUD later released a study in February 2006 called *Do We Know More Now?: Trends in Public Knowledge, Support and Use of Fair Housing Law*. One aim of the study was to determine whether a nationwide media campaign had proven effective in increasing the public's awareness of housing discrimination, and another goal was to determine the public's desire to report such discrimination. Unfortunately, the study found that overall public knowledge of fair housing law did not improve between 2000 and 2005. As before, just half of the public knew the law regarding six or more illegal housing activities. The report showed that 17 percent of the study's adult participants experienced discrimination when seeking housing; however, after reviewing descriptions of the perceived discrimination, it was determined that only about 8 percent of the situations might be covered by the Fair Housing Act. Four out of five individuals who felt they had been discriminated against did not file a fair housing

¹⁵ "Discrimination in Metropolitan Housing Markets: National Results from Phase 1, Phase 2, and Phase 3 of the Housing Discrimination Study (HDS)." <http://www.huduser.org/portal/publications/hsgfin/hds.html>

¹⁶ U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *How Much Do We Know?: Public Awareness of the Nation's Fair Housing Laws*. April 2002. <http://www.huduser.org/portal/publications/fairhsg/hmwk.html>

complaint, indicating that they felt it “wasn’t worth it” or that it “wouldn’t have helped.” Others did not know where to complain, assumed it would cost too much, were too busy, or feared retaliation. One positive finding of the survey was that public support for fair housing law increased from 66 percent in 2000 to 73 percent in 2005.¹⁷

In 2004, the U.S. General Accounting Office’s (GAO) released a report titled *Fair Housing: Opportunities to Improve HUD’s Oversight and Management of the Enforcement Process*. The GAO report found that between 1996 and 2003, the median number of days required to complete fair housing complaint investigations was 259 for HUD’s Fair Housing and Equal Opportunity Offices and 195 for Fair Housing Assistance Program (FHAP) agencies, far above the 100-day mandate. However, the report did find a higher percentage of investigations completed within that time limit. The GAO report also identified the following trends between 1996 and 2003:

- The number of fair housing complaints filed each year steadily increased since 1998. An increasing proportion of grievances alleged discrimination based on disability and a declining proportion alleged discrimination based on race, although race was still the most cited basis of housing discrimination;
- FHAP agencies conducted more fair housing investigations than Fair Housing and Equal Opportunity (FHEO) agencies over the eight-year period. The total number of investigations completed each year increased slightly after declining in 1997 and 1998; and
- Over this time period, an increasing percentage of investigations closed without finding reasonable cause to believe discrimination occurred. However, a declining percentage of investigations were resolved by the parties themselves or with help from FHEO or FHAP agencies.¹⁸

In 2006, the University of Southern California and Oregon State University collaborated to study rental discrimination and race. The universities responded to 1,115 advertisements regarding apartment vacancies in Los Angeles State and signed the bottom of each email with Tyrell Jackson, a traditionally black name; Patrick McDougall, a traditionally white name; or Said Al-Rahman, a traditionally Arab name. Analysis indicated that individuals who were perceived as black were four times more likely to be discouraged from viewing an apartment than persons perceived as white, and individuals considered to be Arab were three times more likely to be discouraged from viewing an apartment than individuals who appeared white. The analysis also noted that applicants perceived as black were more likely to receive negative responses, such as the apartment was no longer available for market rate or above market rate apartments. For example, only an email signed Tyrell Jackson received a reply that reiterated the apartment cost to ensure the apartment was within the applicant’s price range. The study also analyzed the responses from private property owners versus corporate property owners, but found no statistical difference in the way the two groups responded to applicants of different races.¹⁹

¹⁷ U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *Do We Know More Now?: Trends in Public Knowledge, Support and Use of Fair Housing Law*. February 2006. <http://www.huduser.org/portal/publications/hsgfin/FairHsgSurvey.html>

¹⁸ U.S. General Accounting Office. “Fair Housing: Opportunities to Improve HUD’s Oversight and Management of the Enforcement Process.” April 2004. <http://gao.gov/products/GAO-04-463>

¹⁹ Carpusor, Adrian and William Loges. “Rental Discrimination and Ethnicity in Names.” *Journal of Applied Social Psychology* 36(4).

Released by the Poverty & Race Research Action Council in January 2008, *Residential Segregation and Housing Discrimination in the United States* asserts that many current governmental efforts to further fair housing actually result in furthering unfair housing practices across the U.S. This article suggests that fair housing efforts can cause residential segregation. For example, if the majority of public housing residents are non-white and most public housing accommodations are grouped in the same Census tracts, residential segregation is resultant. Similarly, many Section 8 voucher holders are racial or ethnic minorities, and most housing that accepts Section 8 vouchers is grouped in selected areas, which again results in residential segregation. The report offers recommendations to curb such residential segregation, including dispersing public housing developments throughout cities and communities and providing greater incentives for landlords with several properties to accept the vouchers.²⁰

Published in 2009 by the National Fair Housing Alliance, *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination* presented research on the prevalence of discriminatory housing advertisements on popular websites such as Craigslist. According to the article, while newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites like Craigslist, as they are considered interactive internet providers rather than publishers of content. As such, they are not held to the same legal standards as newspapers. While individual landlords who post discriminatory advertisements may be held responsible, there are no such standards for companies like Craigslist that post the discriminatory advertisements. Newspapers and other publishers of content are required to screen the advertisements they accept for publishing for content that could be seen as discriminatory. This may include phrases like “no children” or “Christian only,” which violate provisions of the Fair Housing Act that state families with children and religious individuals are federally protected groups.²¹

In May 2010, the National Fair Housing Alliance published a fair housing trends report, *A Step in the Right Direction*, which indicated that recent years have demonstrated forward movement in furthering fair housing. The report began with a commendation of HUD’s federal enforcement of fair housing law and noted the agency’s willingness to challenge local jurisdictions that failed to affirmatively further fair housing. In response to the recent foreclosure crisis, many credit institutions have implemented tactics to reduce risk. However, this report suggests that policies that tighten credit markets, such as requiring larger cash reserves, higher down payments, and better credit scores, may disproportionately affect lending options for communities of color and women. *A Step in the Right Direction* concludes with examples of ways in which the fair housing situation could be further improved, including addressing discriminatory internet advertisements and adding gender identity, sexual orientation, and source of income as federally protected classes.²²

The positive note that the NFHA struck in its 2010 report carried over into the following year’s *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*, published by the Alliance in April of 2011. This report began by noting an

²⁰ U.S. Housing Scholars and Research and Advocacy Organizations. *Residential Segregation and Housing Discrimination in the United States*. January 2008. http://prrac.org/pdf/FinalCERD_HousingDiscriminationReport.pdf

²¹ National Fair Housing Alliance. *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination*. August 2009. <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM%3D&tabid=2510&mid=8347>

²² National Fair Housing Alliance. *A Step in the Right Direction: 2010 Fair Housing Trends Report*. May 2010. <http://www.nationalfairhousing.org/Portals/33/Fair%20Housing%20Trends%20Report%202010.pdf>

encouraging downward trend in the proportion of individuals in large metropolitan areas living in segregation, which had dropped from 69 to 65 percent between 2000 and 2010, according to census data from 2010. The report also highlighted the work of fair housing organizations to combat systemic and institutionalized discrimination produced by exclusionary zoning, NIMBYism, the dual credit market, and other fair housing challenges, often on limited budgets and with limited personnel. The NFHA closed its 2011 report by praising the work of private fair housing organizations while underscoring the need for continued work.²³

The 2012 report from the NFHA focused on issues of fair housing in the context of the shifting demographic composition of the United States, where the white population is projected to no longer represent a majority of residents within thirty years. The report discussed encouraging signals from HUD and the Justice Department, who have “increased their efforts and announced landmark cases of mortgage lending, zoning, and other issues that get to the heart of the [Fair Housing] Act: promoting diverse and inclusive communities²⁴.” The report also highlights a new arena for discrimination in housing, which has emerged as a result of the massive level of foreclosures in the country in recent years: uneven maintenance of Real Estate Owned (REO) properties in white and minority areas. In concluding, the report hails the creation of the Consumer Financial Protection Bureau as a new ally for fair housing and equal opportunity.²⁵

In its 2013 trends report, the NFHA outlined an ambitious policy goal: expansion of the Fair Housing Act to prohibit discrimination based on source of income, sexual orientation, gender identity, and marital status. The report notes that cases of housing discrimination in general increased between 2011 and 2012, and that complaints based on non-protected statuses (source of income, etc.) were included in that upward trend. In spite of this, only 12 states included protections based on source of income in that year; 21 states prohibited discrimination based on sexual orientation, 16 states protected against discrimination based on gender identity, and 22 states offer protections based on marital status. The District of Columbia also extended protections on all of these bases in that year. In concluding the report, the NFHA advocates the modernization and expansion of the FHA to bring the protection of individuals based on source of income, sexual orientation, gender identity, and marital status within its compass.²⁶

In its 2014 Fair Housing trends report, entitled “Expanding Opportunities: Systemic Approaches to Fair Housing”, the NFHA began by lauding the efforts of HUD, DOJ, and private non-profit fair housing organizations for their efforts over the past year in promoting fair housing choice across the United States. The report also noted an increase in the number of fair housing complaints relating to real estate sales, homeowner’s insurance, and housing advertisements, even as the overall number of housing complaints remained relatively steady. The 2014 report also featured a regional analysis of housing discrimination complaints, which

²³*The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*. National Fair Housing Alliance 2011 Fair Housing Trends Report. 29 April 2011.

²⁴<http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SbZH3pTEZhs%3d&tabid=3917&mid=5321>

²⁵<http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=GBv0ZVJp6Gg%3d&tabid=3917&mid=5321>

²⁶ *Ibid.*

²⁶ *Modernizing the Fair Housing Act for the 21st Century: 2013 Fair Housing Trends Report*. National Fair Housing Alliance. April 11, 2013.

indicated that complaints of housing discrimination were more common in the more racially and ethnically segregated metropolitan statistical areas of the country.²⁷

A CHANGING FAIR HOUSING LANDSCAPE

NATIONAL FAIR HOUSING CASES

As noted in the introduction to this report, provisions to affirmatively further fair housing are long-standing components of HUD's Housing and Community Development programs. In fact, in 1970, *Shannon v. HUD* challenged the development of a subsidized low-income housing project in an urban renewal area of Philadelphia that was racially and economically integrated. Under the Fair Housing Act, federal funding for housing must further integrate community development as part of furthering fair housing, but the plaintiffs in the *Shannon* case claimed that the development would create segregation and destroy the existing balance of the neighborhood. As a result of the case, HUD was required to develop a system to consider the racial and socio-economic impacts of their projects.²⁸ The specifics of the system were not decided upon by the court, but HUD was encouraged to consider the racial composition and income distribution of neighborhoods, racial effects of local regulations, and practices of local authorities.²⁹ The *Shannon* case gave entitlement jurisdictions the responsibility of considering the segregation effects of publicly-funded housing projects on their communities as they affirmatively further fair housing.

More recently, in a landmark fraud case, Westchester County, New York, was ordered to pay more than \$50 million to resolve allegations of misusing federal funds for public housing projects and falsely claiming their certification of affirmatively furthering fair housing. The lawsuit was filed in 2007 by the Anti-Discrimination Center (ADC), a New York-based non-profit organization, under the False Claims Act. According to the ADC, the County "failed to consider race-based impediments to fair housing choice; failed to identify and take steps to overcome impediments; and failed to meet its obligations to maintain records concerning its efforts."

In a summary judgment in February 2009, a judge ruled that the County had made "false certifications on seven annual AFFH certifications and on more than a thousand implied certifications of compliance when it requested a drawdown of HUD funds". Pursuant to a settlement agreement brokered by the Obama Administration in April 2009, Westchester County was required to pay more than \$30 million to the federal government, with roughly \$20 million eligible to return to the County to aid in public housing projects. The County was also ordered set aside \$20 million to build public housing units in suburbs and areas with mostly white populations, and to promote legislation "currently before the Board of Legislators to ban 'source-of-income' discrimination in housing (§33(g))".³⁰

Finding that Westchester had failed to affirmatively further fair housing in the manner agreed upon in the earlier settlement, HUD rejected the County's AFFH certification and discontinued

²⁷ *Expanding Opportunity: Systemic Approaches to Fair Housing*. National Fair Housing Alliance. August 13, 2014.

²⁸ U.S. HUD. *39 Steps Toward Fair Housing*. <http://www.hud.gov/offices/fheo/39steps.pdf>

²⁹ Orfield, Myron. "Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit." *Vanderbilt Law Review*, November 2005.

³⁰ <http://www.hud.gov/content/releases/settlement-westchester.pdf>

federal funding in 2011. As of April 2013, HUD's decision had been upheld through several rounds of appeals by the County³¹. The case is likely to have ramifications for entitlement communities across the nation; activities taken to affirmatively further fair housing will likely be held to higher levels of scrutiny to ensure that federal funds are being spent to promote fair housing and affirmatively further fair housing. The case also signals an increased willingness on the part of HUD to bring enforcement pressure to bear in order to insure that state and local jurisdictions comply with the AFFH requirements.

Affirmatively Furthering Fair Housing

At the same time that HUD has pursued a more active role in fair housing enforcement, the agency has sought to bring additional guidance and clarity to fair housing policy. This effort was inspired in part by the agency's own assessment of shortcomings in current policy, and in part by criticism from other agencies; notably the Government Accountability Office (GAO).³² In 2009, HUD noted that many of the AIs it reviewed as part of an internal study did not conform to the agency's guidelines. This finding was reaffirmed in a 2010 study conducted by the GAO, which sought to assess the effectiveness of Analyses of Impediments as a tool to affirmatively further fair housing, as well as their effectiveness as planning documents. According to the GAO, an estimated 29 percent of CDBG and HOME grantees' AIs were prepared in 2004 or earlier, and were therefore likely to be of limited usefulness in current planning efforts. Furthermore, the GAO found that those AIs that were up to date largely lacked features that would render them more effective as planning documents, including timetables and the signatures of top elected officials. More generally, the GAO noted that HUD guidelines concerning AIs are unclear, and that its requirements for the analyses are minimal³³. Under those requirements, the agency observed, grantees are "not required through regulation to update their AIs periodically, include certain information, follow a specific format in preparing AIs, or submit them to HUD for review³⁴."

The conclusion of the GAO study is reflected in its title: *HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans*. In response to the criticism of the GAO, as well as a longstanding recognition on the part of HUD that fair housing policy stood in need of improvement and clarification, the agency developed and published a proposed rule entitled *Affirmatively Furthering Fair Housing* in July of 2013. The proposed rule represents a substantial restructuring of the AFFH process, eliminating the AI and replacing it with the Assessment of Fair Housing (AFH). According to the rule, the AFH will (1) incorporate key demographic and econometric metrics specifically identified by HUD, (2) be completed with nationally uniform data provided by HUD, and (3) be submitted to HUD for review in advance of the consolidated plan to insure that the findings of the fair housing analysis are fully integrated into the consolidated planning process.³⁵ The comment period for the proposed rule ended in September of 2013. A final action on the rule, originally scheduled for December 2014, is still forthcoming as of early February 2015.

³¹ *United States v Westchester County* 712 F.3d 761 2013 U.S. App.

³² 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)

³³ "HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans". *Government Accountability Office*. September 2010.

³⁴ *Ibid.*, page 32.

³⁵ 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)

As noted in the winter edition of the Pennsylvania Association of Housing and Redevelopment Agencies Monitor, “the [proposed rule’s] four specifically articulated goals are noble, if not perhaps aspirational:

- “Improve integrated living patterns and overcome historic patterns of segregation;
- Reduce or eliminate racially and ethnically concentrated areas of poverty;
- Reduce disparities in access to community assets such as education, transit access, employment, as well as exposure to environmental health hazards and other stressors that harm a person’s quality of life; and
- Address disproportionate housing needs by protected classes³⁶.”

Nevertheless, according to the author, the Final Rule has the potential to “divert much needed funds away from impacted neighborhoods”; accordingly, “it remains to be seen whether the final version of the rule will truly facilitate [meaningful fair housing planning] and lead to greater housing opportunity, mobility, and choice³⁷.” Note that because a final action on the rule is still forthcoming, the current AI effort is being undertaken in conformity to HUD guidance that is currently in place, as articulated in the Fair Housing Planning Guide and subsequent memoranda.

Discriminatory Effects and the Fair Housing Act

In addition to the proposed rule that seeks to update and clarify the AFFH requirements for states and local jurisdictions, HUD finalized a rule in February 2015 that was intended to “formalize HUD’s long-held interpretation of the availability of ‘discriminatory effects’ liability under the Fair Housing Act³⁸.” According to HUD, individuals and businesses may be held liable for policies and actions that are neutral on their face but have a discriminatory effect. This theory of liability had not yet been articulated by the signing of the Civil Rights Acts of 1964 or 1968; however, it has been an important test for discrimination in employment since the Supreme Court found in 1971³⁹ that the Civil Rights Act “proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation⁴⁰.” The first test of “disparate impact theory” in housing law came in 1974, *with United States v. City of Black Jack*⁴¹. In that case, the government alleged that the City of Black Jack had “exercised its zoning powers to exclude... a federally-subsidized housing development”, thereby excluding residents of low-income housing, who were disproportionately black.⁴²

In deciding on the matter, the Eight Circuit Court maintained that a plaintiff “need prove no more than that the conduct of the defendant actually or predictably results in racial discrimination” to make a case that the conduct is itself discriminatory⁴³. The theory of discriminatory effect established in this case has been consistently applied in fair housing cases and upheld in every district court decision in which it served to establish or support the charge

³⁶ Poltrock, Leigh A. “Affirmatively Furthering Fair Housing: The Good, the Bad, and the Ugly of the Proposed Rule and Draft Assessment Tool.” *Pennsylvania Association of Housing and Redevelopment Agencies Monitor*. Winter 2014-2015, page 19. Accessible at <http://pahra.org/wp-content/uploads/2015/01/PAHRA-Monitor-Winter-2014-15.pdf>

³⁷ *Ibid.*

³⁸ 24 CFR §100 (2013)

³⁹ Garrow, David J. “Toward a Definitive History of *Griggs v. Duke Power Company*”. 67 Vand. L. Rev. 197 (2014).

⁴⁰ *Griggs v. Duke Power Co.*, 401 U.S. 430 (1971).

⁴¹ Rich, Joseph D. “HUD’s New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation.” Lawyers’ Committee for Civil Rights Under Law. May 2013.

⁴² *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974)

⁴³ *Ibid.*

of housing discrimination.⁴⁴ However, this theory of liability is facing its most severe challenge in decades in a case that is currently before the Supreme Court, as described below.⁴⁵

Texas Department of Housing and Community Affairs v. The Inclusive Communities Project

In 2008, a Dallas-based non-profit organization called the Inclusive Communities Project (“the Project”) sued the Texas Department of Housing and Community Affairs (“the Department”), claiming that the point system by which it allocates federal tax subsidies serves to concentrate subsidized housing in low-income communities.⁴⁶ In the lawsuit, the Project relies on the theory of disparate impact that has been established through decades of jurisprudence but on which the Supreme Court has never definitively ruled.

According to the Project, the Department disproportionately allocates low-income housing tax credits in minority areas while denying those credits in predominantly white communities. In addition to the direct effect of concentrating units subsidized through these tax credits, the Project alleges that this manner of allocation leads to the further concentration of Section 8 Housing in those same areas⁴⁷, which serves to limit housing options for low-income, minority residents to areas with high concentrations of racial minority residents.⁴⁸ In its original complaint, the Project argued that the point scheme was intentionally discriminatory and that it produced a disparate impact on minority residents. The District Court for the Northern District of Texas found that the Project had failed to prove intentional discrimination but had proved its disparate impact claim.

Having been upheld in the U.S., Court of Appeals for the Fifth Circuit, it is this claim that is currently the subject of deliberation on the part of the Supreme Court justices.⁴⁹ In asking the Supreme Court to consider the case, the Department presented the court with two questions: First, “are disparate-impact claims cognizable under the Fair Housing Act?”⁵⁰ In other words, does the Act permit disparate-impact claims? In the event that the Court finds that the FHA does allow such claims, the Department also asked it to identify the “standards and burdens of proof that should apply.”⁵¹ The Court’s decision on this matter is likely to profoundly impact fair housing policy in the United States, either by upholding a key tenet, or removing one of the most important tools, of fair housing enforcement.⁵²

⁴⁴ 24 CFR §100 (2013); Rich, Joseph D. “HUD’s New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation.” Lawyers’ Committee for Civil Rights Under Law. May 2013.

⁴⁵ Rich, Joe and Thomas Silverstein. “Symposium: The case for disparate impact under the Fair Housing Act.” Supreme Court of the United States Blog. January 6, 2015. Accessible at <http://www.scotusblog.com/2015/01/symposium-the-case-for-disparate-impact-under-the-fair-housing-act/>

⁴⁶ *Inclusive Communities Project v. Texas Department of Housing and Community Affairs* (2014).

⁴⁷ *Ibid.* Section 8 housing vouchers, which are not generally accepted by private landlords, cannot be turned down by those who receive low income housing tax credits.

⁴⁸ *Ibid.*

⁴⁹ Howe, Amy. “Will the third time be the charm for the Fair Housing Act and disparate-impact claims? In Plain English.” Supreme Court of the United States Blog. January 6, 2015. Accessible at <http://www.scotusblog.com/2015/01/will-the-third-time-be-the-charm-for-the-fair-housing-act-and-disparate-impact-claims-in-plain-english/>

⁵⁰ *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2014). Petition for a Writ of Certiorari.

⁵¹ *Ibid.*

⁵² Howe, Amy. “Will the third time be the charm for the Fair Housing Act and disparate-impact claims? In Plain English.” Supreme Court of the United States Blog. January 6, 2015. Accessible at <http://www.scotusblog.com/2015/01/will-the-third-time-be-the-charm-for-the-fair-housing-act-and-disparate-impact-claims-in-plain-english/>

LOCAL FAIR HOUSING CASES

Recent U.S. Department of Justice Cases

The U.S. Department of Justice (DOJ) enacts lawsuits on behalf of individuals based on referrals from HUD. Under the Fair Housing Act, the DOJ may file lawsuits in the following instances:

- Where there is reason to believe that a person or entity is engaged in what is termed a “pattern or practice” of discrimination or where a denial of rights to a group of people raises an issue of general public importance;
- Where force or threat of force is used to deny or interfere with fair housing rights; and
- Where persons who believe that they have been victims of an illegal housing practice file a complaint with HUD or file their own lawsuit in federal or state court.⁵³

There have only been seven discrimination cases filed by the Department of Justice against housing providers in the state over the last decade. Of these, five cited discrimination on the basis of disability and two cited discrimination on the basis of familial status. Specific discriminatory actions alleged in these cases included the following:

- Refusal to allow families with children to rent homes in a residence complex by claiming that the complex was restricted to older persons when the complex did not satisfy the FHA’s “housing for older persons” exemption;⁵⁴
- Attempted eviction of rental tenants after they had received a visitor who was accompanied by a support dog;⁵⁵
- Failure to incorporate accessibility into the design and construction of a condominium complex;⁵⁶
- Refusal to rent to a woman with three biological children, and with the intention of adopting three more children;⁵⁷
- Adopting policies restricting the use of service animals and the units available to those who required service animals;⁵⁸
- Refusal to rent to a woman with severe allergies, citing a fear that she could lose consciousness while the electric range was on, setting the house on fire;⁵⁹
- Refusal to test and treat a home for mold; the home was being constructed for a family with two children with asthma when the family noticed mold in the unit.⁶⁰

SUMMARY

Residents of Nevada are protected from discrimination in the housing market by laws at the federal and state level. The federal Fair Housing Act represents the foundation for fair housing law and policy in the United States, prohibiting discrimination on the basis of race, color,

⁵³ “The Fair Housing Act.” The United States Department of Justice. http://www.justice.gov/crt/about/hce/housing_coverage.php

⁵⁴ *United States v. Castle Management and Consulting LLC* (2011)

⁵⁵ *United States v. DeAngeli* (2011)

⁵⁶ *United States v. Pacific Properties and Dev. Corp., et al.* (2005)

⁵⁷ *United States v. Realty One, et al.* (2010)

⁵⁸ *United States v. Rosewood Park, LLC* (2012)

⁵⁹ *United States v. Weilburg* (2012)

⁶⁰ *United States v. Zenith of Nevada, Inc.* (2005)

religion, sex, national origin, familial status, and disability. The Nevada Fair Housing Law extends additional protections to state residents, prohibiting discrimination on the basis of sexual orientation or gender identity or expression, ancestry, and familial status, in addition to all of the bases identified in the federal law. Additional anti-discrimination provisions, included in federal laws and regulations pertaining to the use of federal funding in housing and community development, prohibit discrimination on the basis of age (notably the Age Discrimination Act of 1975 and Title I, Section 109 of the Community Development Act, which directs that the provisions of the Age Discrimination Act apply to Title I programs).

In spite of the existence of these laws, discrimination persists, though certainly no longer in a form that is as overt and obvious as it was when the laws were passed. Rather, modern discrimination is frequently described as “discrimination with a smile”. Often, housing seekers will not know that they have been subjected to discrimination when a landlord tells them that no apartments are available, only to offer an available room to a prospective tenant of another race or ethnicity a few hours later. Such discrimination often only becomes apparent when properties are subjected to fair housing testing, which can be observed in national studies that highlight differences in how applicants are treated when they apply for housing with similar qualifications, but with names that are stereotypically associated with members of different races and ethnicities.

However, it is discrimination on the basis of disability that represents the most common violation of the Fair Housing Act, according to national studies of fair housing complaints. In this connection, it is not surprising that of the seven cases filed by the Department of Justice in the state over the last decade, five have alleged discrimination on the basis of disability.

Though the laws that shape fair housing policy at the federal level are firmly established, and have been broadened in scope and legal force over the years, legal and regulatory actions that are currently taking place at the national level are likely to considerably impact the manner in which fair housing policy is carried out. In the first place, the Supreme Court is currently considering whether or not individuals or business can be held liable for discrimination by enacting policies that are neutral on their face, but have discriminatory effects. Such “discriminatory effects liability”, a long-standing tool in fair housing enforcement, has been upheld in eleven district court decisions but has not yet been considered by the Supreme Court. If the court rules that disparate impact liability is not available under the fair housing act, that decision is likely to change fair housing enforcement profoundly.

The decision may also have an impact, albeit indirect, on HUD’s affirmatively furthering fair housing requirement, since many of the cases that trigger an AFFH review by HUD are based on the perceived discriminatory effects of certain policies. However, a rule proposed by HUD in 2013 is likely to have a more direct impact. This proposed rule, which is meant to clarify the AFFH requirement for state and local jurisdictions, would do away with the AI and replace it with the Assessment of Fair Housing, among other changes. A final action on the rule, originally scheduled for December of 2014, is now slated for March of this year.

SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

The purpose of this section is to provide a profile of fair housing in the State of Nevada based on a number of factors, including an enumeration of key agencies and organizations that contribute to affirmatively furthering fair housing, evaluation of the presence and scope of services of existing fair housing organizations, and a review of the complaint process.

FAIR HOUSING AGENCIES

FEDERAL AGENCIES

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) oversees, administers, and enforces the federal Fair Housing Act. HUD's regional office in San Francisco oversees housing, community development, and fair housing enforcement in Nevada, as well as California, Arizona, Hawaii, American Samoa, Guam, and the Northern Marianas Islands. The Office of Fair Housing and Equal Opportunity (FHEO) in HUD's San Francisco office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions in Nevada. Contact information for HUD is listed below:

Address:

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000

Telephone: (202) 708-1112

Toll Free: (800) 669-9777

Web Site: <http://www.HUD.gov/>

The contact information for the regional HUD Office of Fair Housing and Equal Opportunity, located in San Francisco, is the following:

Address:

San Francisco Regional Office of FHEO
U.S. Department of Housing and Urban Development
600 Harrison Street, 3rd Floor
San Francisco, California 94107

Telephone: (415)489-6524

Toll Free: (800)347-3739

TTY: (415)436-6594

Website: <http://www.HUD.gov>

The Office of Fair Housing and Equal Opportunity (FHEO) within HUD's San Francisco office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in

housing, mortgage lending, and other related transactions in Nevada. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with state and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP), as described below.

Fair Housing Assistance Program

The Fair Housing Assistance Program (FHAP) was designed to support local and state agencies that enforce local fair housing laws, provided that these laws are substantially equivalent to the Fair Housing Act. Substantial equivalency certification is a two-phase process: in the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity makes a *prima facie* determination on the substantial equivalency of a state or local law to the federal Fair Housing Act. Once this determination has been made, and the law has been judged to be substantially equivalent, the agency enforcing the law is certified on an interim basis for a period of three years. During those three years, the local enforcement organization “builds its capacity to operate as a fully certified substantially equivalent agency.” FHAP grants during this time period are issued to support the process of building capacity. When the interim certification period ends after three years, the Assistant Secretary issues a determination on whether or not the state law is substantially equivalent to the Fair Housing Act “in operation”, this is the second phase of the certification process. If the law is judged to be substantially equivalent in operation, the agency enforcing the law is fully certified as a substantially equivalent agency for five years.

HUD will typically refer most complaints of housing discrimination to a substantially equivalent state or local agency for investigation (such complaints are dual-filed at HUD and the State or local agency), if such an agency exists and has jurisdiction in the area in which the housing discrimination was alleged to have occurred. When federally subsidized housing is involved, however, HUD will typically investigate the complaint.

The benefits of substantially equivalent certification include the availability of funding for local fair housing activities, shifted enforcement power from federal to local authorities, and the potential to make the fair housing complaint process more efficient by vesting enforcement authority in those who are more familiar with the local housing market. In addition, additional funding may be available to support partnerships between local FHAP grantees and private fair housing organizations. There are currently no FHAP grantees operating within the state.

Fair Housing Initiative Program

The Fair Housing Initiative Program (FHIP) is designed to support fair housing organizations and other non-profits that provide fair housing services to people who believe they have faced discrimination in the housing market. These organizations provide a range of services including initial intake and complaint processing, referral of complainants to government agencies that enforce fair housing law, preliminary investigations of fair housing complaints, and education and outreach on fair housing law and policy.

FHIP funding is available through three initiatives⁶¹: the Fair Housing Organizations Initiative (FHOI), the Private Enforcement Initiative (PEI), and the Education and Outreach Initiative (EOI). These initiatives are discussed in more detail below:

The Fair Housing Organizations Initiative (FHOI): FHOI funds are designed to help non-profit fair housing organizations build capacity to effectively handle fair housing enforcement and outreach activities. A broader goal of FHOI funding is to strengthen the national fair housing movement by encouraging the creation of fair housing organizations.

The Private Enforcement Initiative (PEI): PEI funds are intended to support the fair housing activities of established non-profit organizations, including testing and enforcement, and more generally to offer a “range of assistance to the nationwide network of fair housing groups”.

The Education and Outreach Initiative (EOI): EOI funding is available to qualified fair housing non-profit organizations as well as State and local government agencies. The purpose of the EOI is to promote initiatives that explain fair housing to the general public and housing providers, and provide the latter with information on how to comply with the requirements of the FHA.

Non-profit organizations are eligible to apply for funding under each or all of these initiatives. To receive FHOI funding, such organizations must have at least two years’ experience in complaint intake and investigation, fair housing testing, and meritorious claims in the three years prior to applying for funding. Eligibility for PEI funding is subject to “certain requirements related to the length and quality of previous fair housing enforcement experience.” Organizations applying for the EOI must also have two years’ experience in the relevant fair housing activities; EOI funds are also potentially available to State and local government agencies.

The Reno-based Silver State Fair Housing Council (“The Council”) serves Nevada residents as FHIP grantee. In service to its mission to “ensure equal housing opportunity for all residents of Nevada⁶²”, the Council offers outreach and educational programs relating to fair housing, and conducts enforcement activities that include client interviews, housing discrimination testing, surveys, witness interviews, and property searches. The Council also provides counseling and referral services to those who believe that they have been subjected to illegal discrimination in the housing market. The Council has been a consistent grantee of HUD funding under the PEI, and has also received continuing development funding through the FHOI.

STATE AGENCIES

The Nevada Equal Rights Commission (NERC) is charged by Nevada state law with the acceptance and investigation of complaints from state residents who believe that they have been subjected to unlawful discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, or sex. The

⁶¹ Though there are four initiatives included in the FHIP, no funds are currently available through the Administrative Enforcement Initiative.

⁶² “About Us” Silver State Fair Housing Council. Website. Accessed 15 January 2015 at <http://silverstatefairhousing.org/about/default.html>.

commission has two offices in Nevada, one located in Las Vegas and the other in Reno. Contact information for those offices is as follows:

Las Vegas Office

Nevada Equal Rights Commission
1820 East Sahara Avenue
Suite 314
Las Vegas, Nevada 89104
Telephone: (702) 486-7161
Fax: (702) 486-7054

Northern Nevada Office

Nevada Equal Rights Commission
1325 Corporate Boulevard
Room 115
Reno, Nevada 89502
Telephone: (775) 823-6690
Fax: (775) 688-1292

PRIVATE ORGANIZATION

The Silver State Fair Housing Council also accepts complaints for Nevada residents who believe that they have been subjected to illegal discrimination in the housing market. In addition to complaint intake and enforcement activities; which include client interviews, housing discrimination testing, surveys, witness interviews, and property searches; the Fair Housing Council provides fair housing outreach and education to individuals and businesses throughout the state. Like the Equal Rights Commission, the Fair Housing Council has two offices in the state, one in Las Vegas and one in Reno, and may be contacted through the following information:

Southern Nevada Office

Silver State Fair Housing Council
2820 South Jones Boulevard
Unit 4
Las Vegas, Nevada 89146
Telephone: (702) 749-3288
Fax: (702) 749-3299
P.O. Box: 30936, Las Vegas, Nevada 89173
Email: fairhousing@ssfhc.org

Northern Nevada Office

Silver State Fair Housing Council
110 West Arroyo Street
Suite A
Reno, Nevada 89509
Telephone: (775) 324-0990
Fax: (775) 324-7507
P.O. Box: 3935, Reno, Nevada 89505
Email: fairhousing@ssfhc.org

COMPLAINT PROCESS REVIEW

COMPLAINT PROCESSES FOR FAIR HOUSING AGENCIES

U.S. Department of Housing and Urban Development

The intake stage is the first step in the complaint process. When a complaint is submitted, intake specialists review the information and contact the complainant (the party alleging housing discrimination) in order to gather additional details and determine if the case qualifies as possible housing discrimination. If the discriminatory act alleged in the complaint occurred within the jurisdiction of a substantially equivalent state or local agency under the FHAP, the complaint is referred to that agency, which then has 30 days to address the complaint. If that agency fails to address the complaint within that time period, HUD can take the complaint back.

If HUD determines that it has jurisdiction and accepts the complaint for investigation, it will draft a formal complaint and send it to the complainant to be signed. Once HUD receives the signed complaint, it will notify the respondent (the party alleged to have discriminated against the complainant) within ten days that a complaint has been filed against him or her. HUD also sends a copy of the formal complaint to the respondent at this stage. Within ten days of receiving the formal complaint, the respondent must respond to the complaint.

Next, the circumstances of the complaint are investigated through interviews and examination of relevant documents. During this time, the investigator attempts to have the parties rectify the complaint through conciliation. The case is closed if conciliation of the two parties is achieved or if the investigator determines that there was no reasonable cause of discrimination. If conciliation fails, and reasonable cause is found, then either a federal judge or a HUD Administrative Law Judge hears the case and determines damages, if any.⁶³ In the event that the federal court judge finds the discrimination alleged in a complaint to have actually occurred, the respondent may be ordered to:

- Compensate for actual damages, including humiliation, pain, and suffering;
- Provide injunctive or other equitable relief to make the housing available;
- Pay the federal government a civil penalty to vindicate the public interest, with a maximum penalty of \$10,000 for a first violation and \$50,000 for an additional violation within seven years; and/or
- Pay reasonable attorneys' fees and costs.⁶⁴

If neither party elects to go to federal court, a HUD Administrative Law Judge will hear the case. Once the judge has decided the case, he or she issues an initial decision. If the judge finds that housing discrimination has occurred, he or she may award a civil penalty of up to \$11,000 to the complainant, along with actual damages, court costs, and attorney's fees. When the initial decision is rendered, any party that is adversely affected by that decision can petition the Secretary of HUD for review within 15 days. The Secretary has 30 days following the issuance of the initial decision to affirm, modify, or set aside the decision, or call for further review of the case. If the Secretary does not take any further action on the complaint within 30 days of the initial decision, the decision will be considered final. After that, any aggrieved party must appeal to take up their grievance in the appropriate court of appeals.⁶⁵

Nevada Equal Rights Commission

Nevada residents may also file a complaint of housing discrimination with the Nevada Equal Rights Commission.⁶⁶ Such a complaint must be filed within one year of the most recent alleged discriminatory practice, and must contain a description of the practice. Once the complaint has been filed, the Commission will notify the party against whom the complaint is directed, i.e., the respondent. The Commission will also inform the respondent of his or her rights under the law and the Commission's complaint procedures.⁶⁷

⁶³ "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/fheo/complaint-process.cfm>

⁶⁴ "Fair Housing—It's Your Right." <http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm>

⁶⁵ "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/fheo/complaint-process.cfm>

⁶⁶ NRS 118.110

⁶⁷ NRS 233.160

Following receipt of the complaint and notification of the respondent, the Commission will determine whether or not the complaint, if true, would represent an instance of illegal discrimination. If so, then the Commission may hold an informal conference in an attempt to settle the complaint without any further administrative action. If no such settlement is reached, the Commission will decide whether or not to conduct an investigation into the alleged discriminatory practice. If the Commission determines, during the course of the investigation, that unlawful discrimination has occurred, it will attempt to broker a conciliation agreement between the complainant and defendant. If such an agreement can be reached, the administrative complaint process will end.⁶⁸

However, if conciliation between the parties is not possible, the Commission may decide to hold a public hearing on the matter. In the event that the Commission determines during the hearing that an unlawful instance of discrimination has occurred, it will issue its findings within ten days, along with an order against the respondents requiring him or her to cease and desist from the unlawful practice. If the respondent fails to do so, the Commission may apply to a district court for an order compelling the respondent to comply. In such a case, the court may award the complainant “actual damages for any economic loss and no more⁶⁹”.

The complaint process described above represents the administrative procedure by which the Commission may receive and investigate complaints and remedy instances of illegal housing discrimination. Of course, there is also a judicial route: those who have suffered violations of the state Fair Housing Law may seek recourse through a civil action, filed in a state district court within a year of the most recent instance of the alleged violation. Remedies available to those who take this route are more expansive than those provided for in the administrative process, and may include actual and punitive damages, court costs, and attorney’s fees.⁷⁰

SUMMARY

Fair housing services are provided to Nevada residents through a variety of agencies and organizations at the federal and state level. Fair housing policy is administered at the federal level by HUD, which promotes outreach and education; provides for fair housing enforcement; accepts complaints from American residents who believe that they have been subjected to unlawful discrimination; and coordinates with local fair housing agencies and organizations, providing funding and expertise. At the state level, enforcement of the state’s fair housing law is the purview of the Nevada Equal Rights Commission. However, much of the complaint intake, investigation, and outreach and education activities relating to fair housing are undertaken by the Silver State Fair Housing Council. This organization partners directly with HUD to provide fair housing services to state residents, under the auspices of the Fair Housing Initiatives Program, or FHIP.

The FHIP is one example of the way in which HUD can coordinate with local fair housing entities; the other primary means of coordination between HUD and local actors is through the Fair Housing Assistance Program, or FHAP. Through the FHAP, HUD provides funding and

⁶⁸ NRS 233.170

⁶⁹ *Ibid.*

⁷⁰ NRS 118.120

expertise to local government agencies that carry out fair housing laws that it has judged to be “substantially equivalent” to the fair housing act.

Though the Nevada Equal Rights Commission is charged by the state’s fair housing law with the administration and enforcement of the provisions of the law, the Commission is not a FHAP participant. Although legislative changes to the Nevada Fair Housing Law were proposed in 2009, which would have rendered the law substantially equivalent to the FHA, those changes were not adopted. The Equal Rights Commission is therefore not able to participate in the FHAP and avail itself of federal funds that might have been dedicated to fair housing enforcement, and the role of the Commission in accepting, investigating, and resolving fair housing complaints has been limited. This limitation is especially pertinent to those who are protected from discrimination under state but not federal law; at present, complaints from residents of the state’s non-entitlement areas on the basis of sexual orientation; gender identity or expression; or ancestry can only be resolved at the state level.

SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR

As part of the AI process, the U.S. Department of Housing and Urban Development (HUD) suggests that the analysis focus on possible housing discrimination issues in both the private and public sectors. Examination of housing factors in the State of Nevada's public sector is presented in **Section VI**; this section focuses on research regarding the State's private sector, including the mortgage lending market, the real estate market, the rental market, and other private sector housing industries.

LENDING ANALYSIS

HOME MORTGAGE DISCLOSURE ACT

Since the 1970s, the federal government has enacted several laws aimed at promoting fair lending practices in the banking and financial services industries. A brief description of selected federal laws aimed at promoting fair lending follows:

The 1968 *Fair Housing Act* prohibits discrimination in housing based on race, color, religion, and national origin. Later amendments added sex, familial status, and disability. Under the Fair Housing Act, it is illegal to discriminate against any of the protected classes in the following types of residential real estate transactions: making loans to buy, build, or repair a dwelling; selling, brokering, or appraising residential real estate; and selling or renting a dwelling.

The *Equal Credit Opportunity Act* was passed in 1974 and prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance, and the exercise of any right under the Consumer Credit Protection Act.

The *Community Reinvestment Act* was enacted in 1977 and requires each federal financial supervisory agency to encourage financial institutions in order to help meet the credit needs of the entire community, including low- and moderate-income neighborhoods.

Under the *Home Mortgage Disclosure Act (HMDA)*, enacted in 1975 and later amended, financial institutions are required to publicly disclose the race, sex, ethnicity, and household income of mortgage applicants by the Census tract in which the loan is proposed as well as outcome of the loan application.⁷¹ The analysis presented herein is from the HMDA data system.

⁷¹ *Closing the Gap: A Guide to Equal Opportunity Lending*, The Federal Reserve Bank of Boston, April 1993. <http://www.bos.frb.org/commdev/closing-the-gap/closingt.pdf>

The HMDA requires both depository and non-depository lenders to collect and publicly disclose information about housing-related applications and loans.⁷² Both types of lending institutions must meet the following set of reporting criteria:

- The institution must be a bank, credit union, or savings association;
- The total assets must exceed the coverage threshold;⁷³
- The institution must have had an office in a Metropolitan Statistical Area (MSA);
- The institution must have originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one- to four-family dwelling;
- The institution must be federally insured or regulated; and
- The mortgage loan must have been insured, guaranteed, or supplemented by a federal agency or intended for sale to the Federal National Mortgage Association (FNMA or Fannie Mae) or the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac). These agencies purchase mortgages from lenders and repackage them as securities for investors, making more funds available for lenders to make new loans.

For other institutions, including non-depository institutions, additional reporting criteria are as follows:

- The institution must be a for-profit organization;
- The institution's home purchase loan originations must equal or exceed 10 percent of the institution's total loan originations, or more than \$25 million;
- The institution must have had a home or branch office in an MSA or have received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancing mortgages on property located in an MSA in the preceding calendar year; and
- The institution must have assets exceeding \$10 million or have originated 100 or more home purchases in the preceding calendar year.

HMDA data represent most mortgage lending activity and are thus the most comprehensive collection of information available regarding home purchase originations, home remodel loan originations, and refinancing. The Federal Financial Institutions Examination Council (FFIEC) makes HMDA data available on its website. While HMDA data are available for more years than are presented in the following pages, modifications were made in 2004 for documenting loan applicants' race and ethnicity, so data are most easily compared after that point.

Home Purchase Loans

Residents of Nevada's non-entitlement areas applied for 371,612 loans from 2004 through 2013, as shown in Table V.1 on the following page. Around 40 percent of these, or 149,016 loans, were home purchase loan applications.

⁷² Data are considered "raw" because they contain entry errors and incomplete loan applications. Starting in 2004, the HMDA data made significant changes in reporting, particularly regarding ethnicity data, loan interest rates, and the multi-family loan applications.

⁷³ Each December, the Federal Reserve announces the threshold for the following year. The asset threshold may change from year to year based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

Table V.1
Purpose of Loan by Year
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Purpose	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	24,383	28,854	25,263	15,046	9,138	9,585	9,372	8,827	9,281	9,267	149,016
Home Improvement	3,275	4,854	4,463	3,435	1,706	1,070	683	578	648	740	21,452
Refinancing	30,606	34,889	32,465	25,472	14,311	16,268	10,921	8,785	14,364	13,063	201,144
Total	58,264	68,597	62,191	43,953	25,155	26,923	20,976	18,190	24,293	23,070	371,612

Most of those home purchase loan applications were for homes in which the applicant intended to live, as shown in Table V.2 below. The 125,671 owner-occupied home purchase loans accounted for around 84 percent of all home purchase loan applications, and these homes will be the focus of the following analysis. Other types of home purchase loan applications may be for housing units in which the applicant does not intend to live, and so do not bear as directly on an applicant's ability to choose where he or she lives.

Table V.2
Occupancy Status for Home Purchase Loan Applications
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Status	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Owner-Occupied	19,718	23,308	21,538	13,166	7,915	8,503	8,105	7,457	7,861	8,100	125,671
Not Owner-Occupied	4,422	5,370	3,654	1,812	1,187	1,060	1,254	1,362	1,411	1,157	22,689
Not Applicable	243	176	71	68	36	22	13	8	9	10	656
Total	24,383	28,854	25,263	15,046	9,138	9,585	9,372	8,827	9,281	9,267	149,016

Denial Rates

After the owner-occupied home purchase loan application is submitted, the applicant receives one of the following status designations:

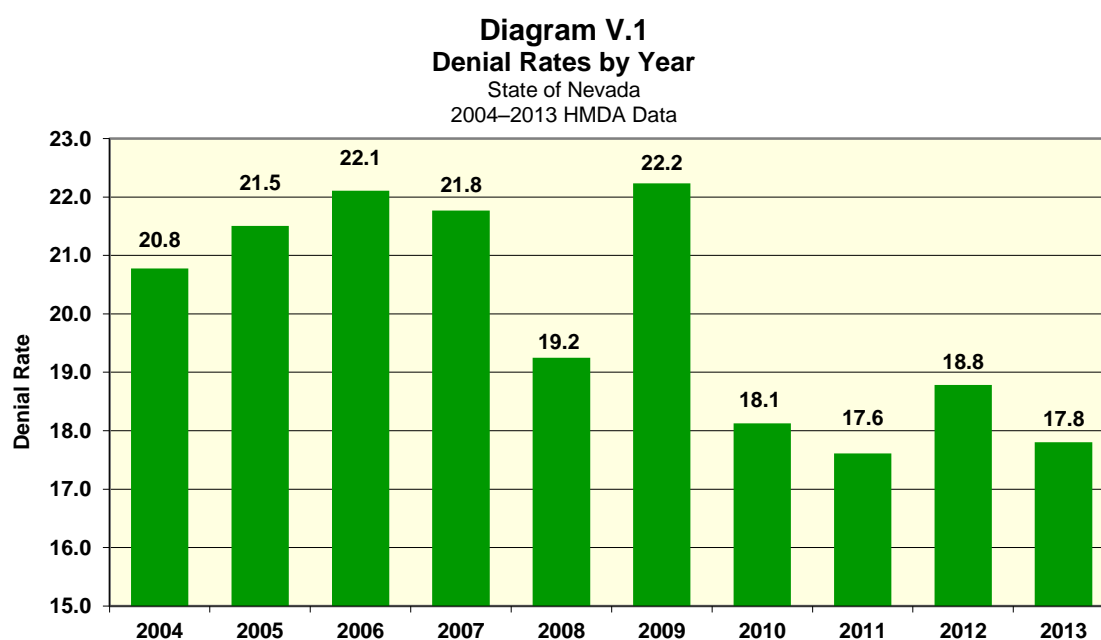
- “Originated,” which indicates that the loan was made by the lending institution;
- “Approved but not accepted,” which notes loans approved by the lender but not accepted by the applicant;
- “Application denied by financial institution,” which defines a situation wherein the loan application failed;
- “Application withdrawn by applicant,” which means that the applicant closed the application process;
- “File closed for incompleteness” which indicates the loan application process was closed by the institution due to incomplete information; or
- “Loan purchased by the institution,” which means that the previously originated loan was purchased on the secondary market.

The outcomes of owner-occupied home loan applications are presented in Table V.3 on the following page: as shown, 57,594 loans were originated in Nevada's non-entitlement areas, and 14,897 were denied, for a denial rate of 20.3 percent. Note that denial rates are based on the number of applications filed by representatives of a given racial or ethnic group. In some cases, the total number of applications filed in a given year or Census tract is very low. For that reason, caution is needed when interpreting extremely high denial rates or denial rates represented “round” percentage figures, as these figure may be distorted by small sample sizes. The following narrative focuses on Census tracts in which relatively high numbers of loan applications were received.

Table V.3
Loan Applications by Action Taken
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

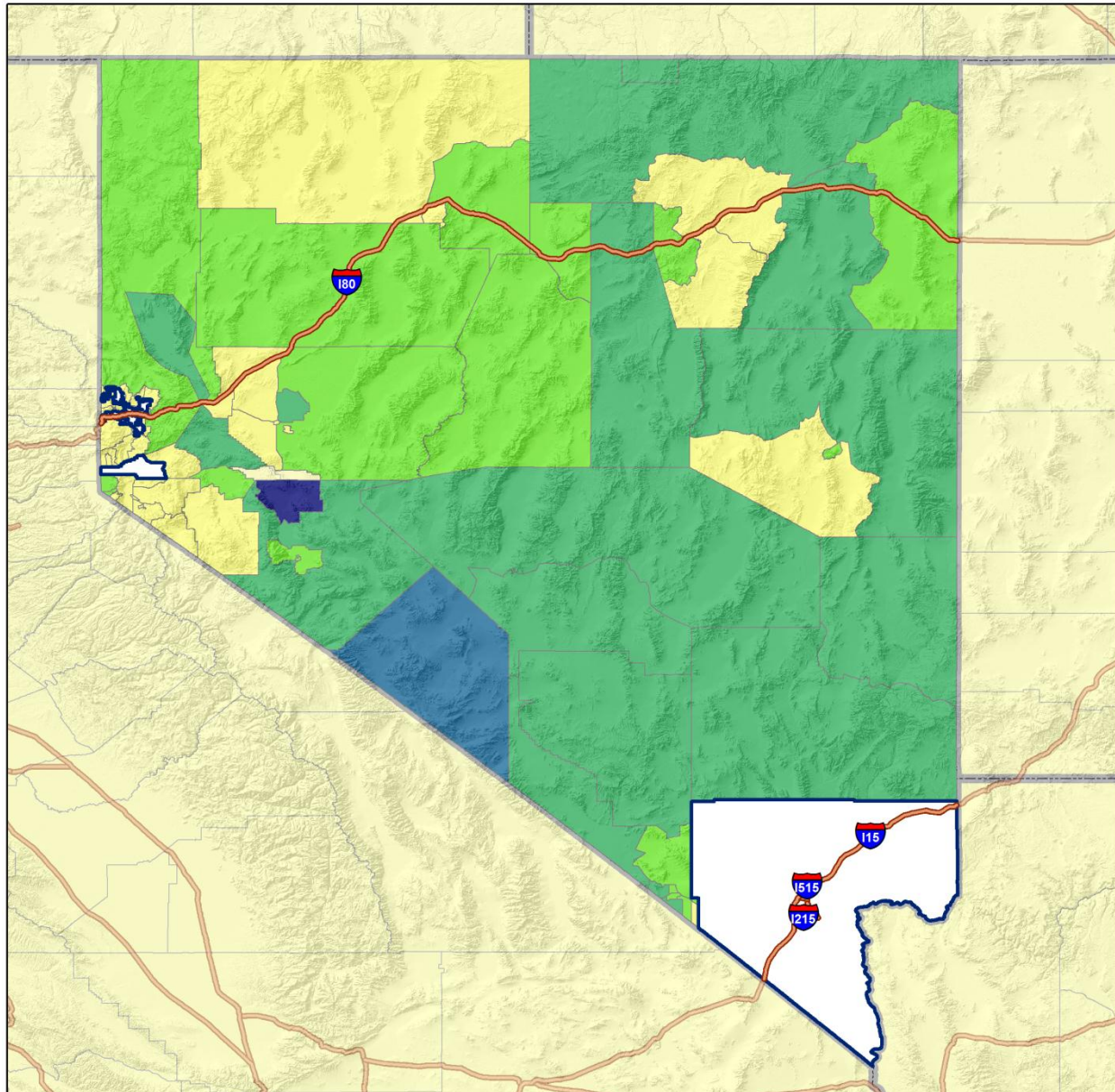
Action	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Loan Originated	9,467	10,672	9,104	5,742	3,843	3,798	3,577	3,569	3,697	4,125	57,594
Application Approved but not Accepted	1,784	1,769	1,624	903	455	325	305	392	338	377	8,272
Application Denied	2,483	2,924	2,584	1,598	916	1,086	792	763	855	896	14,897
Application Withdrawn by Applicant	1,551	2,233	2,479	1,014	663	579	1,200	425	716	523	11,383
File Closed for Incompleteness	219	423	409	210	139	106	74	74	68	66	1,788
Loan Purchased by the Institution	4,214	5,258	5,329	3,690	1,894	2,597	2,156	2,231	2,183	2,105	31,657
Preapproval Request Denied	0	25	7	9	5	12	1	3	3	4	69
Preapproval Approved but not Accepted	0	4	2	0	0	0	0	0	1	4	11
Total	19,718	23,308	21,538	13,166	7,915	8,503	8,105	7,457	7,861	8,100	125,671
Denial Rate	20.8%	21.5%	22.1%	21.8%	19.2%	22.2%	18.1%	17.6%	18.8%	17.8%	20.6%

Yearly denial rates, which exceeded 20 percent in the four years following 2004, remained below 19 percent over the last four years, as shown in Diagram V.1 below.



In addition to showing marked variation by year, denial rates in Nevada Census tracts varied markedly according to their location relative to the state's urban areas from 2004 through 2011, as shown in Map V.1 on the following page. Denial rates near urban areas tended to be at or below the statewide average of 20.6 percent, though higher denial rates were observed in Census tracts near Pahrump and to the southwest of Carson City, along Lake Tahoe. In general, the state's rural Census tracts tended to have higher denial rates. Note that in the Census tract that encompassed much of the Walker River Indian Reservation only one loan application was submitted, and it was denied, making the denial rate 100 percent. The overall pattern in loan denials observed from 2012-2013 was similar to what had been observed in the previous period, as shown in Map V.2 on page 78.

Map V.1
Denial Rates by Census Tract, 2004-2011
 Non-Entitlement Areas of Nevada
 2004-2012 HMDA Data



Legend

2004-2011 Loan Denials

2004-2013 Average loan denial rate in non-entitlement areas of Nevada = 20.6%
 Disproportionate Share Threshold = 30.6% (A disproportionate share exists where the loan denial rate in a given area is ten percentage points higher than in the study area as a whole).

Outside Study Area
 County Boundaries

Major Highways
 Entitlement Area Boundaries
 State Boundaries

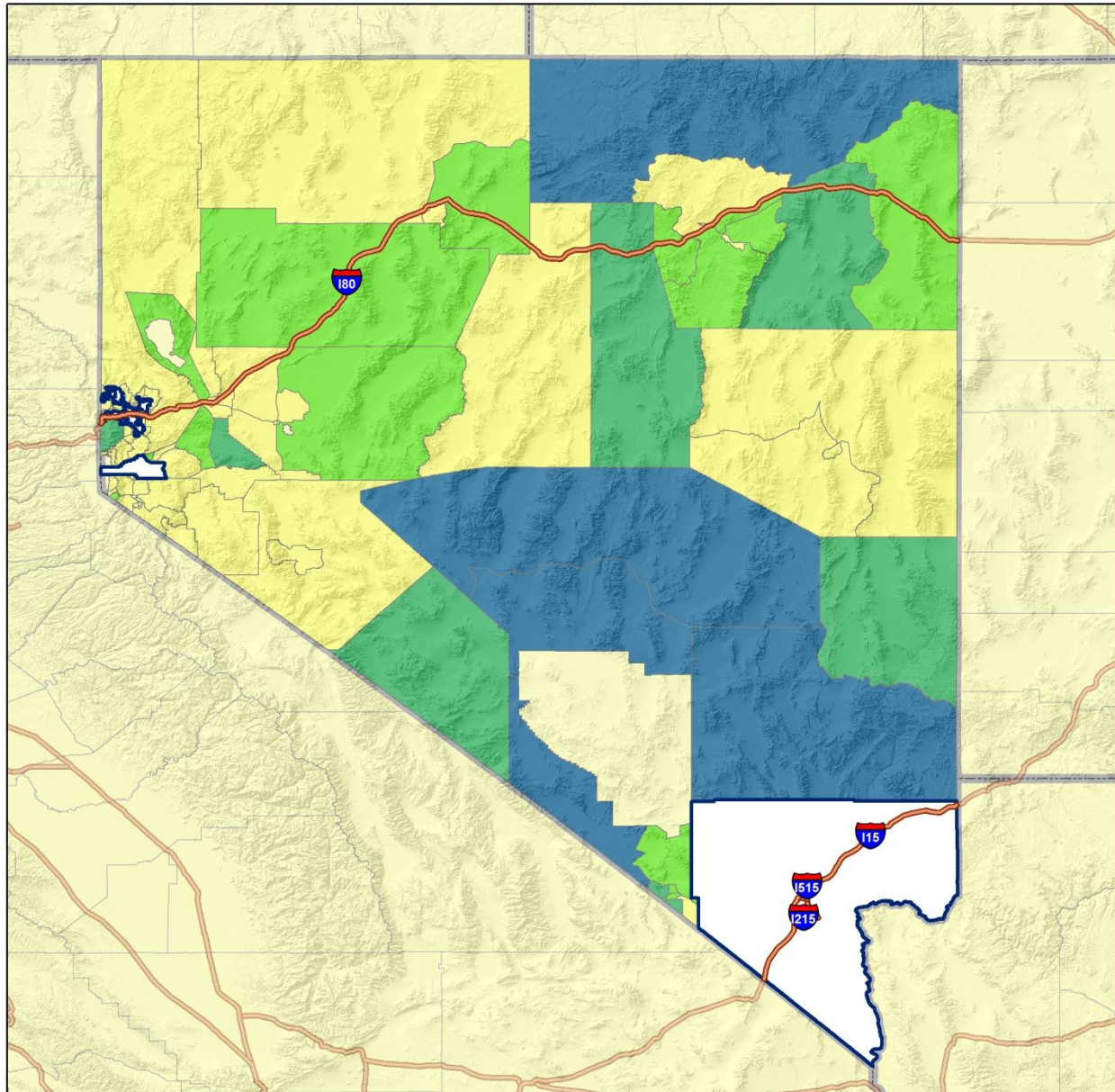
Data Source: FFIEC HMDA, USGS

Loan Denials

0% - 20.6%
 20.7% - 30.6%
 30.7% - 53.7%
 53.8% - 76.9%
 77% - 100%

Disproportionate Share
 Threshold

Map V.2
Denial Rates by Census Tract, 2012-2013
 Non-Entitlement Areas of Nevada
 2004-2012 HMDA Data



Legend

2012-2013 Loan Denials

2004-2013 Average loan denial rate in non-entitlement areas of Nevada = 20.6%
 Disproportionate share threshold = 30.6% (A disproportionate share exists where the loan denial rate in a given area is ten percentage points higher than in the study area as a whole).

- Major Highways
- Entitlement Area Boundaries
- State Boundaries

- Outside Study Area
- County Boundaries

Disproportionate Share Threshold

Loan Denials

- 0% - 20.6%
- 20.7% - 30.6%
- 30.7% - 48%
- 48.1% - 65.4%
- 65.5% - 82.8%

Data Source: US Census Bureau, USGS

Denial rates were observed to vary according to the gender of the applicant, as shown in Table V.4 below. The ten-year average denial rate for female applicants, which was 22.3 percent, exceeded the denial rate for male applicants by three percentage points. In some years, the disparity was even more pronounced: in 2009, for example, the denial rate for female applicants exceeded the denial rate for male applicants by over seven percentage points.

Table V.4
Denial Rates by Gender of Applicant
Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

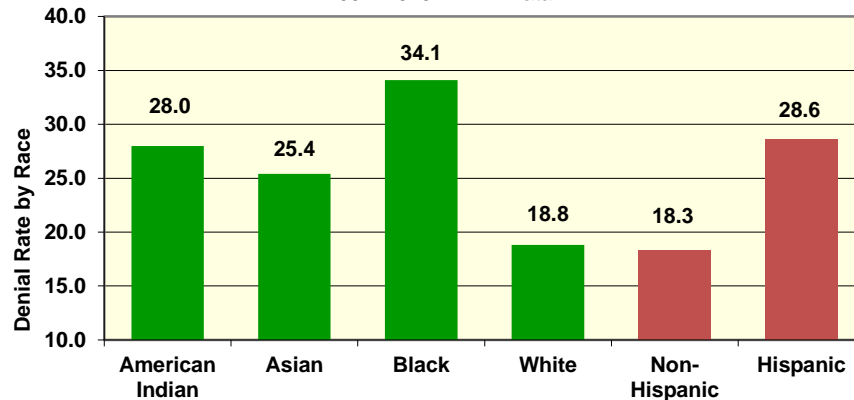
Year	Male	Female	Not Available	Not Applicable	Average
2004	19.3%	21.9%	41.4%	20.0%	20.8%
2005	20.5%	23.3%	28.6%	20.0%	21.5%
2006	21.5%	22.3%	32.5%	25.0%	22.1%
2007	20.3%	24.0%	34.7%	25.0%	21.8%
2008	18.3%	20.9%	28.6%	0.0%	19.2%
2009	20.4%	27.5%	25.1%	0.0%	22.2%
2010	16.7%	20.8%	25.1%	0.0%	18.1%
2011	17.1%	16.8%	33.3%	33.3%	17.6%
2012	17.2%	22.1%	34.8%	100.0%	18.8%
2013	16.2%	21.0%	34.5%	0.0%	17.8%
Average	19.3%	22.3%	32.4%	21.1%	20.6%

Denial rates in the state's non-entitlement areas were also observed to vary based on the race and ethnicity of the applicant. As mentioned, the average denial rate for all applicants was 20.6 percent. However, denial rates to racial minority applicants have consistently been above-average, as shown in Table V.5 below. Applications from black applicants were denied 34.1 percent of the time, while American Indian and Asian applicants were subject to loan denial rates of 28 and 25.4 percent, respectively. White applicants, on the other hand, enjoyed below average denial rates overall and in every year under consideration here. In terms of ethnicity, the ten-year denial rate for Hispanic applicants, 28.6 percent, exceeded that of non-Hispanic applicants by over ten percentage points. The racial and ethnic disparities in denial rates are illustrated in Diagram V.2 on the following page.

Table V.5
Denial Rates by Race/Ethnicity of Applicant
Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Race/Ethnicity	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	34.7%	30.2%	22.0%	29.6%	37.9%	19.7%	25.6%	27.7%	23.4%	33.3%	28.0%
Asian	34.7%	23.4%	17.9%	27.6%	29.1%	35.8%	19.8%	29.2%	21.6%	19.0%	25.4%
Black	33.1%	34.2%	33.0%	36.8%	35.6%	46.4%	31.1%	38.1%	30.3%	20.9%	34.1%
White	17.9%	19.7%	20.7%	20.3%	18.0%	21.0%	16.9%	15.9%	17.8%	16.6%	18.8%
Not Available	36.0%	31.8%	32.8%	30.5%	24.5%	28.4%	28.3%	32.1%	30.7%	32.8%	31.9%
Not Applicable	17.1%	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%	25.0%	100.0%	0.0%	16.7%
Average	20.8%	21.5%	22.1%	21.8%	19.2%	22.2%	18.1%	17.6%	18.8%	17.8%	20.6%
Non-Hispanic	19.1%	19.6%	19.4%	19.4%	17.9%	19.0%	16.4%	15.6%	16.6%	14.2%	18.3%
Hispanic	28.3%	27.4%	30.0%	31.7%	25.6%	40.8%	25.6%	20.7%	22.2%	26.5%	28.6%

Diagram V.2
Denial Rates by Race/Ethnicity of Applicant
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data



As shown in Map V.3 on the following page, loan applications from American Indian applicants were denied at relatively high rates in several Census tracts in and around Pahrump and Fallon, as well as in Census tracts bordering the entitlement jurisdictions of Reno and Sparks. Note that, in general, very few loan applications were submitted by American Indian applicants in rural tracts with very high loan denial rates. However, the specific areas mentioned above tended to see relatively high numbers of loan applications from and loan denials to American Indian applicants.

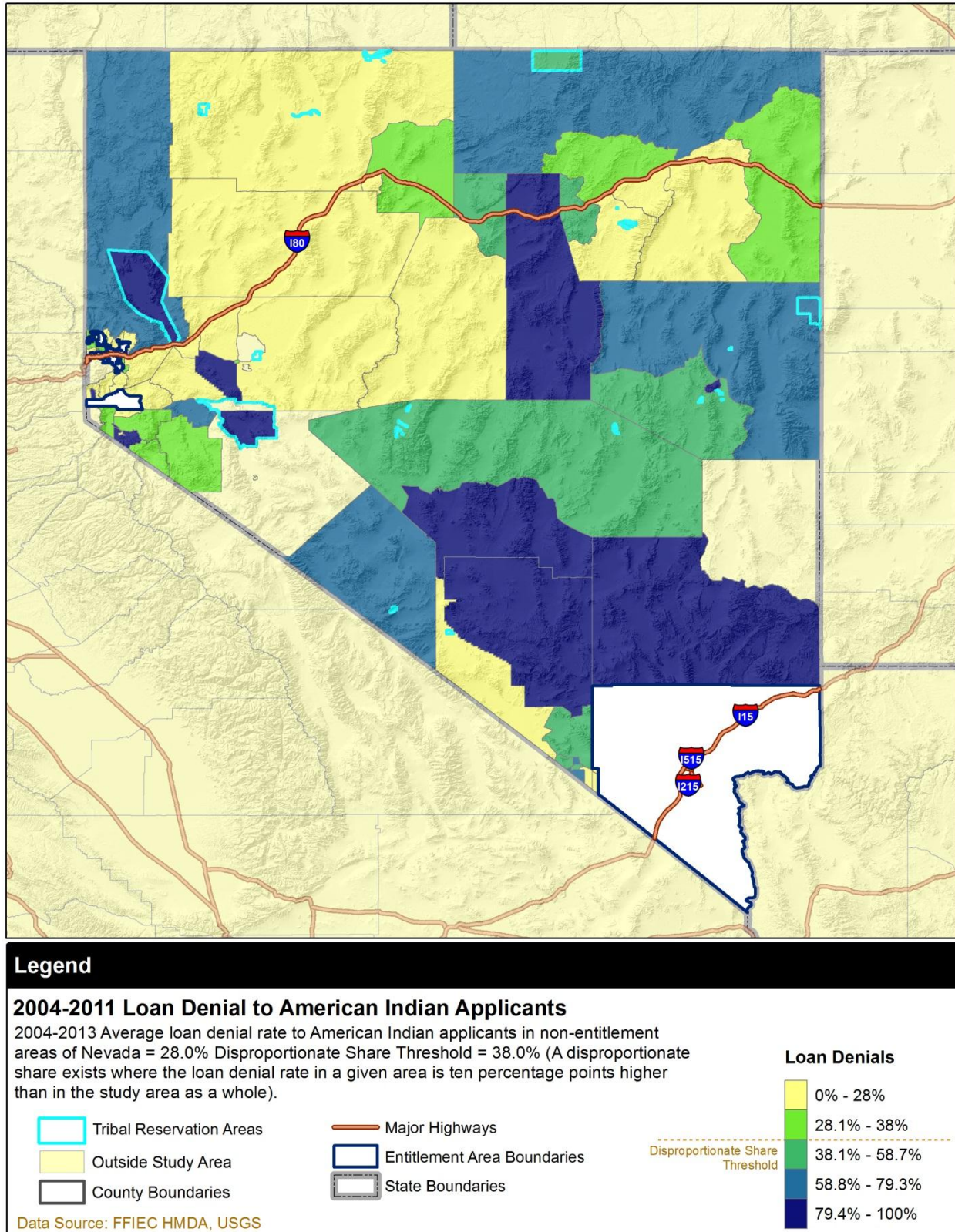
Loan applications from Hispanic applicants were also subject to relatively high rates of denial in and around Pahrump and Reno, as shown in Map V.4 on page 82. However, the denial rate for Hispanic applicants was also relatively high in many of the state's rural areas, including tracts in the northeastern corner of the state, an area that was observed to have a relatively high concentration of Hispanic residents in 2000 and 2010.

Data available through the HMDA often include information regarding the reason for a loan denial, although as noted previously financial institutions are not uniformly required to fill out this field. Nevertheless, where these data were included they suggest that debt-to-income ratio, credit history, and collateral have consistently been among the most common reasons for denied loan applications. As shown in Table V.6 below, more than 1,800 loans were denied primarily for the reason of collateral; over 2,200 were denied primarily because of unfavorable debt-to-income ratios, and 2,898 due primarily to the credit history of the applicant.

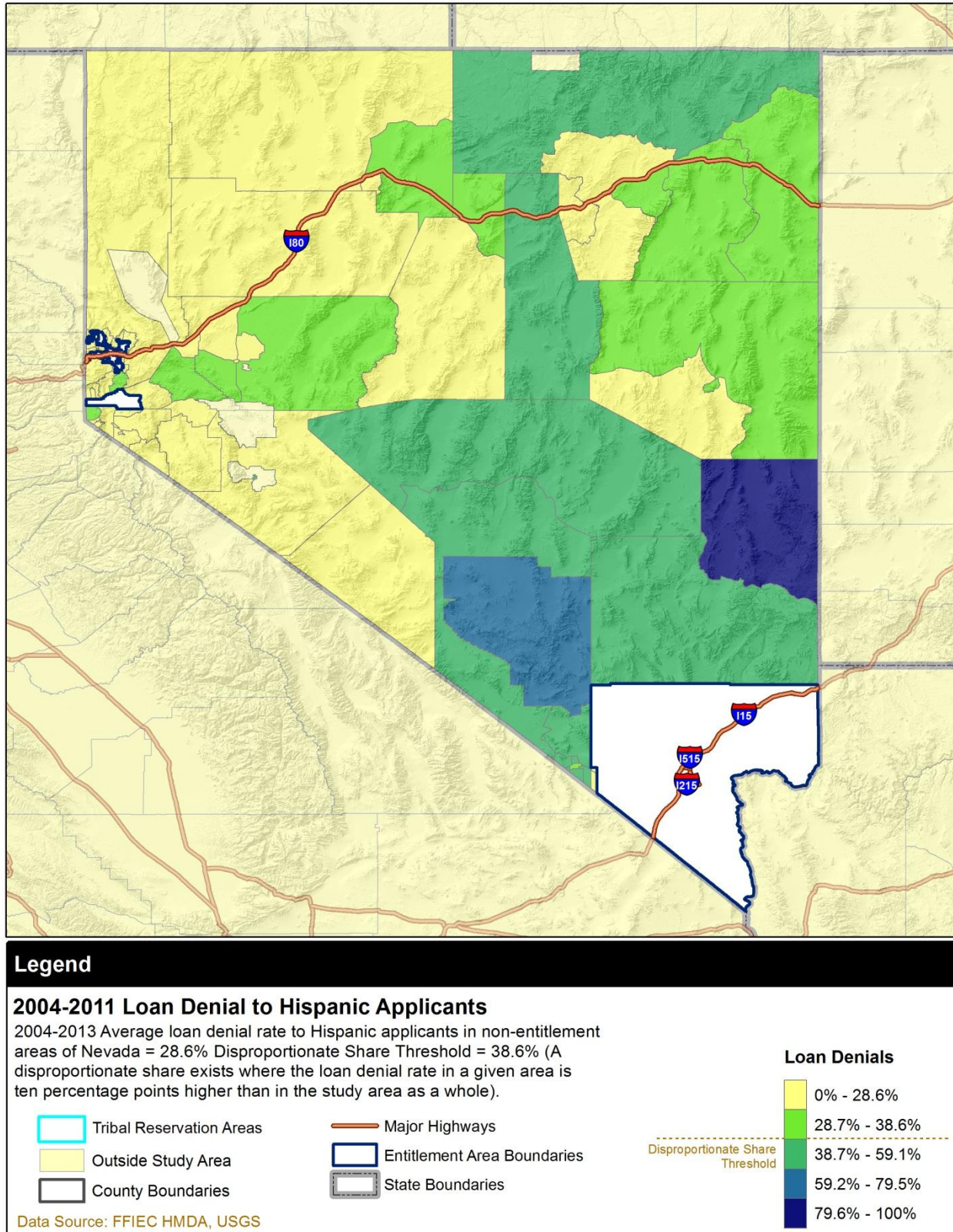
Table V.6
Loan Applications by Reason for Denial
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Denial Reason	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Debt-to-Income Ratio	285	330	279	257	176	332	148	144	142	126	2,219
Employment History	42	71	36	34	12	39	22	14	21	14	305
Credit History	460	539	478	348	185	241	159	148	186	154	2,898
Collateral	287	294	237	202	153	139	156	113	122	113	1,816
Insufficient Cash	122	66	50	57	30	15	21	26	19	23	429
Unverifiable Information	103	156	87	56	54	60	42	34	30	29	651
Credit Application Incomplete	239	510	340	163	42	50	58	73	56	37	1,568
Mortgage Insurance Denied	5	0	0	1	6	5	2	1	1	2	23
Other	406	505	437	190	80	102	106	79	43	71	2,019
Missing	534	453	640	290	178	103	78	131	235	327	2,969
Total	2,483	2,924	2,584	1,598	916	1,086	792	763	855	896	14,897

Map V.3
Denial Rates for American Indian Applicants by Census Tract, 2004-2011
 Non-Entitlement Areas of Nevada
 2004-2012 HMDA Data



Map V.4
Denial Rates for Hispanic Applicants by Census Tract, 2004-2011
 Non-Entitlement Areas of Nevada
 2004-2012 HMDA Data



As one might expect, the rate of loan denials was also observed to vary by applicants' incomes. As shown in Table V.7 below, the denial rate fell progressively with entry into higher income brackets, from 55 percent among applicants making \$15,000 per year or less to a denial rate of 17 percent among those making more than \$75,000 per year.

Table V.7
Denial Rates by Income of Applicant
Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	57.6%	45.9%	38.6%	61.1%	71.4%	58.6%	69.4%	42.9%	59.5%	66.7%	55.0%
\$15,001–\$30,000	34.2%	39.4%	39.1%	39.5%	37.1%	39.4%	27.0%	22.1%	28.2%	27.9%	33.1%
\$30,001–\$45,000	23.9%	26.3%	31.2%	27.8%	21.5%	25.6%	19.3%	19.4%	19.5%	18.9%	24.0%
\$45,001–\$60,000	22.2%	22.4%	27.2%	20.9%	20.3%	18.5%	15.5%	14.7%	16.6%	16.7%	20.7%
\$60,001–\$75,000	17.1%	20.1%	21.8%	21.9%	16.3%	16.4%	12.7%	14.9%	17.6%	14.8%	18.4%
Above \$75,000	15.7%	17.5%	17.1%	18.5%	16.2%	19.0%	16.9%	17.0%	15.6%	15.4%	17.0%
Data Missing	27.6%	24.0%	24.1%	25.3%	65.7%	43.1%	37.8%	36.6%	56.3%	44.1%	26.9%
Total	20.8%	21.5%	22.1%	21.8%	19.2%	22.2%	18.1%	17.6%	18.8%	17.8%	20.6%

However, the discrepancies in denial rates between different racial and ethnic groups discussed previously persisted even when income was taken into account. Denial rates by income and race/ethnicity are presented in Table V.8 below. As shown, 33.5 percent of loan applications from American Indian applicants earning between \$30,000 and \$45,000 per year were denied compared to a denial rate of 21.9 percent for similarly situated white applicants. Similarly, black applicants earning more than \$75,000 per year were denied in 36.5 percent of loan applications, more than twice the rate for white applicants in the same income bracket. Likewise, denial rates for Hispanic applicants were higher than the denial rate for non-Hispanic applicants in every income category.

Table V.8
Denial Rates of Loans by Race/Ethnicity and Income of Applicant
Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Race	<= \$15K	\$15K–\$30K	\$30K–\$45K	\$45K–\$60K	\$60K–\$75K	Above \$75K	Data Missing	Average
American Indian	71.4%	42.3%	33.5%	24.0%	23.4%	25.1%	29.2%	28.0%
Asian	92.3%	39.4%	31.0%	27.0%	23.8%	20.9%	31.5%	25.4%
Black	100.0%	52.1%	32.2%	32.9%	21.7%	36.5%	58.8%	34.1%
White	51.5%	30.6%	21.9%	18.9%	17.0%	15.6%	24.1%	18.8%
Not Available	64.8%	52.2%	40.9%	36.8%	29.3%	24.1%	38.9%	31.9%
Not Applicable	%	40.0%	15.0%	20.0%	9.1%	10.5%	13.6%	16.7%
Average	55.0%	33.1%	24.0%	20.7%	18.4%	17.0%	26.9%	20.6%
Non-Hispanic	52.7%	29.1%	21.7%	18.3%	16.3%	15.3%	25.2%	18.3%
Hispanic	60.3%	41.6%	29.5%	25.6%	25.7%	26.7%	27.6%	28.6%

Predatory Style Lending

In addition to modifications implemented in 2004 to correctly document loan applicants' race and ethnicity, the HMDA reporting requirements were changed in response to the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

- If they are HOEPA loans;⁷⁴
- Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
- Presence of high annual percentage rate loans (HALs), defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.⁷⁵

As shown in Table V.9 below, a total of 57,594 loans were originated in non-entitlement areas of Nevada from 2004 through 2013. Of these, 7,574 were predatory in nature, accounting for 13.2 percent of all loans originated. Diagram V.2 below illustrates the trend in HALs by year, and demonstrates that the rate of HALs has dropped considerably since 2006, when 27.8 percent of loans issued in the state were HALs. By 2010, that figure had dropped to 1.0 percent, and HAL rates have remained low since that time.

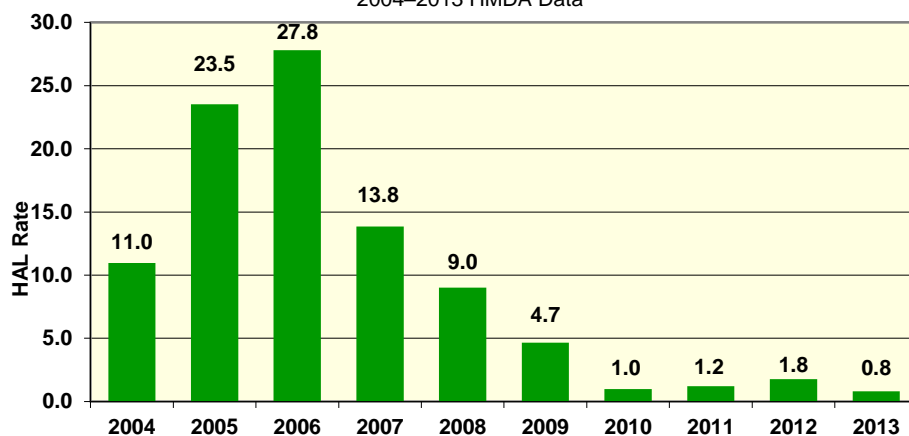
Table V.9
Originated Owner-Occupied Loans by HAL Status

Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Other	8,430	8,163	6,572	4,947	3,497	3,621	3,542	3,526	3,632	4,090	50,020
HAL	1,037	2,509	2,532	795	346	177	35	43	65	35	7,574
Total	9,467	10,672	9,104	5,742	3,843	3,798	3,577	3,569	3,697	4,125	57,594
Percent HAL	11.0%	23.5%	27.8%	13.8%	9.0%	4.7%	1.0%	1.2%	1.8%	0.8%	13.2%

Diagram V.2
HAL Rates by Year

Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

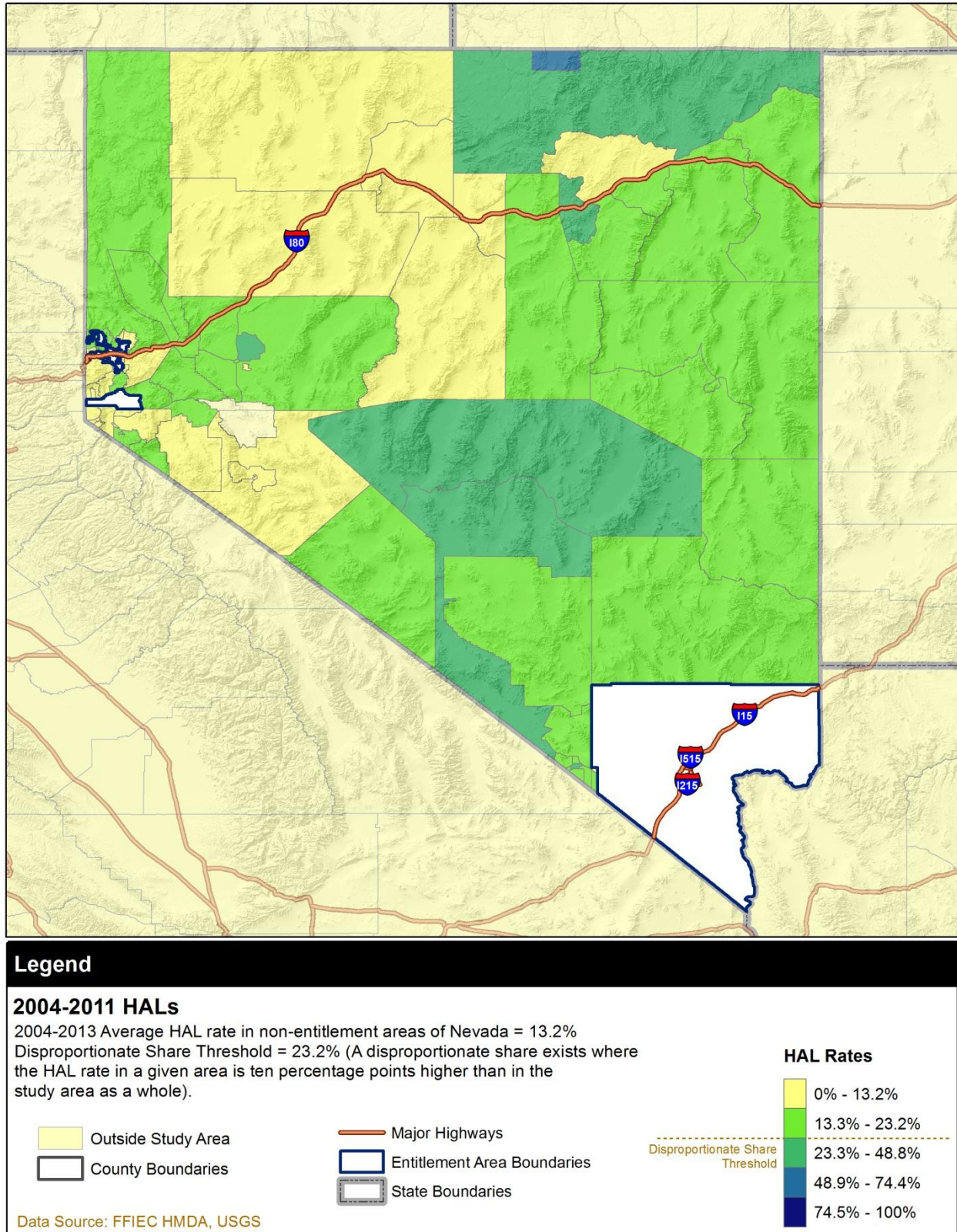


As had been the case with home purchase loan denials, Census tracts with relatively high HAL rates tended to be located in and around the cities of Pahrump, Reno, and Sparks. As shown in Map V.5 on the following page, HAL rates in rural areas tended to be at or above average. However, with the exception of one large Census tracts to the north of Tonopah and one encompassing Carlin City, few loans were issued in large rural Census tracts throughout the state.

⁷⁴ Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." <http://www.ffiec.gov/hmda/glossary.htm#H>

⁷⁵ 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

Map V.5
Rate of HALs by Census Tract, 2004-2011
 Non-Entitlement Areas of Nevada
 2004-2013 HMDA Data



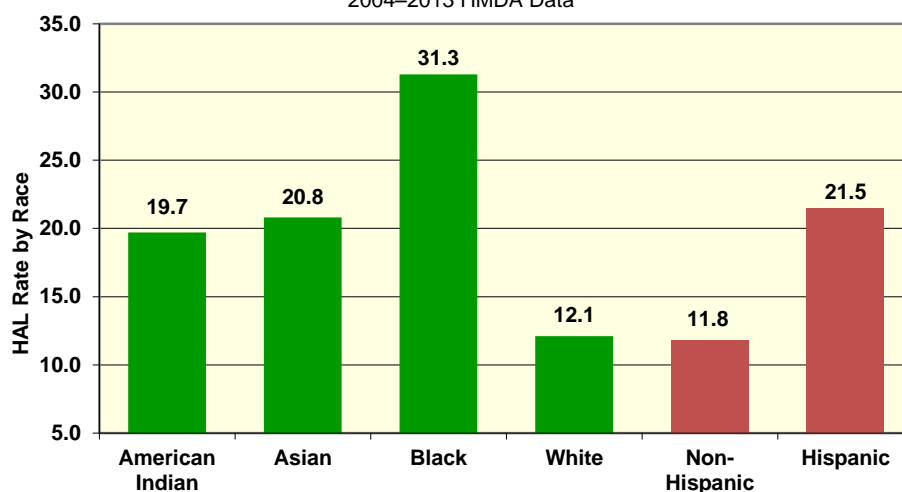
As had been the case with loan denials, the rate of HALs varied considerably according to the race and ethnicity of the borrower, as shown in Table V.10 below. The HAL rate for white applicants, at 12.1 percent, was lower than the overall average over the ten-year period. By contrast, HAL rates were above average for American Indian, Asian, and Black applicants. Black applicants were subject to especially high HAL rates—31.3 percent over the decade. In terms of ethnicity, 21.5 percent of home purchase loans issued to Hispanic borrowers were HALs; nearly ten percentage points higher than the rate for non-Hispanic applicants.

Table V.10
Rate of HALs Originated by Race/Ethnicity of Borrower
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	17.7%	30.9%	47.6%	12.3%	13.9%	6.6%	1.7%	2.1%	10.2%	2.8%	19.7%
Asian	20.3%	33.0%	35.8%	16.6%	2.6%	2.1%	0.0%	0.0%	1.3%	1.2%	20.8%
Black	27.7%	47.0%	54.2%	38.2%	10.3%	3.3%	0.0%	0.0%	4.3%	2.9%	31.3%
White	10.0%	22.0%	25.9%	13.1%	9.2%	4.8%	0.9%	1.1%	1.5%	0.7%	12.1%
Not Available	15.3%	30.5%	34.0%	17.9%	7.9%	3.4%	2.7%	3.3%	3.3%	2.8%	19.3%
Not Applicable	4.8%	12.5%	66.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	7.1%
Average	11.0%	23.5%	27.8%	13.8%	9.0%	4.7%	1.0%	1.2%	1.8%	0.8%	13.2%
Non-Hispanic	10.9%	22.0%	25.0%	12.5%	8.6%	4.5%	0.6%	0.8%	1.0%	0.5%	11.8%
Hispanic	18.2%	34.2%	40.2%	20.0%	14.6%	7.2%	2.2%	1.3%	5.9%	1.6%	21.5%

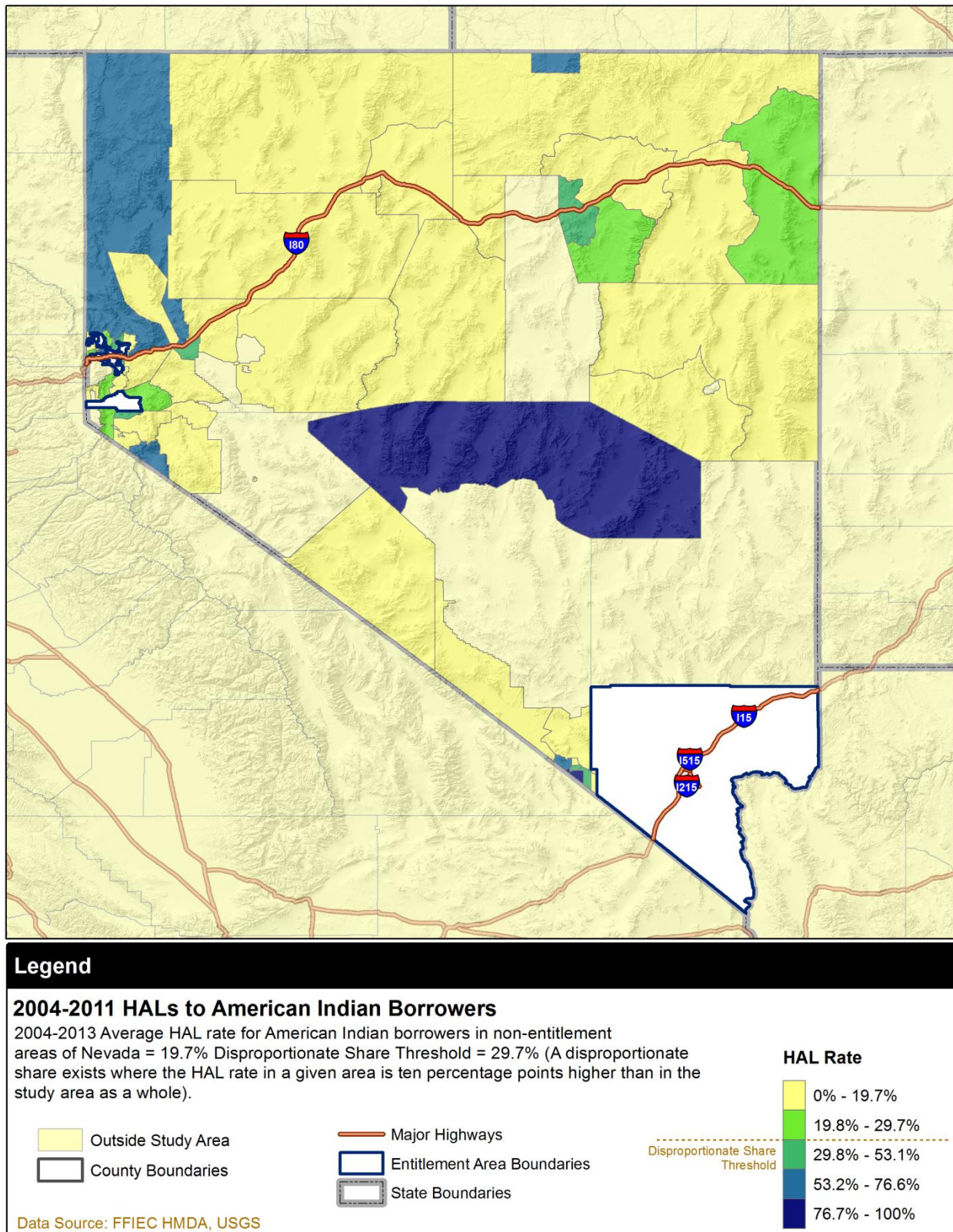
The relative distribution of HALs by racial and ethnic group is presented in Diagram V.3 below.

Diagram V.3
Rate of HALs Originated by Race/Ethnicity of Borrower
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

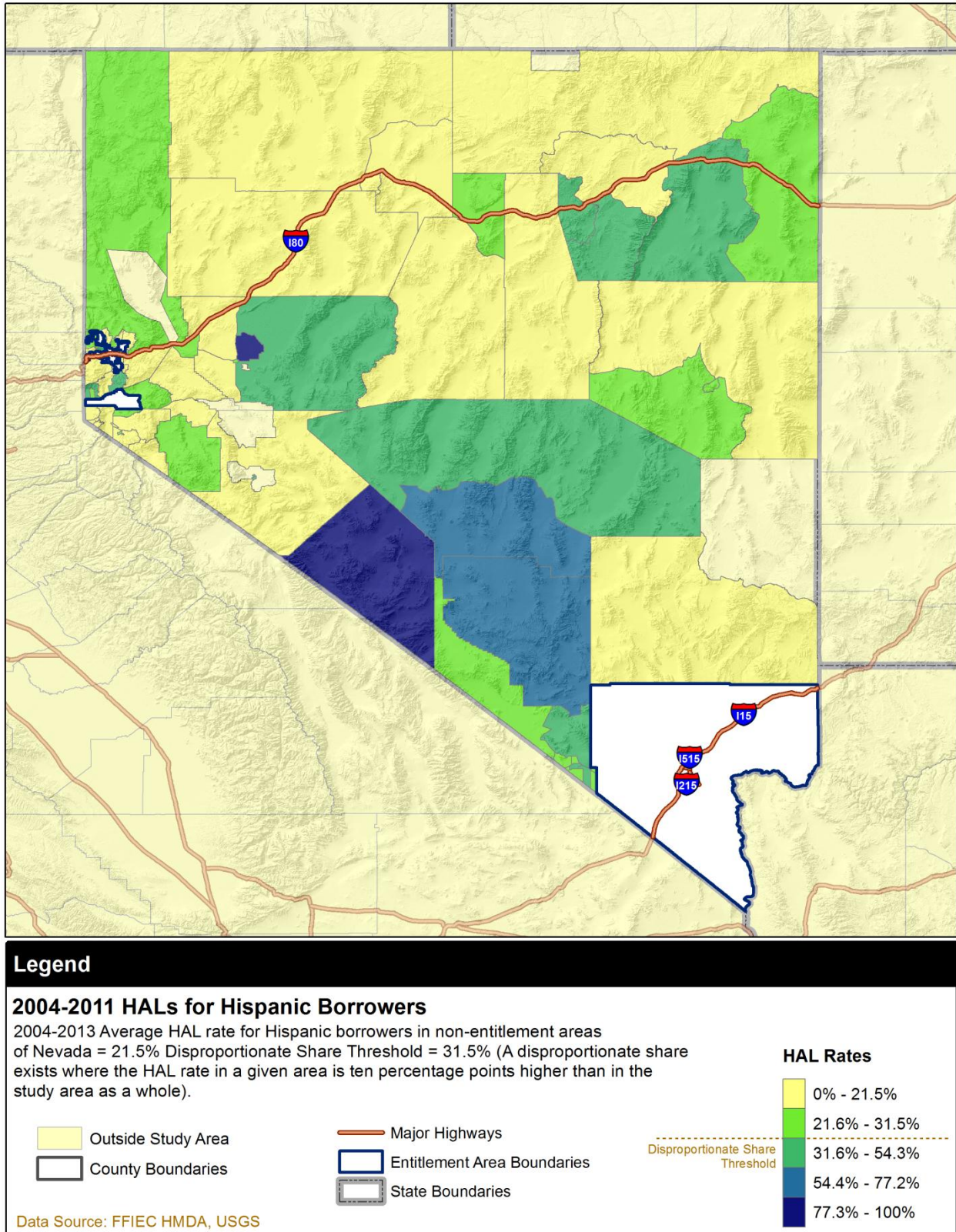


The geographic distribution of Census tracts with high rates of HALs to American Indian borrowers is presented in Map V.6 on the following page. As shown, denial rates to American Indian borrowers were high in Census tracts throughout the state. However, tracts in which there were high denial rates and relatively high numbers of applications from American Indian applicants tended to be located in and around Pahrump, Reno, and Sparks, as well as the tract encompassing Carlin City.

Map V.6
HALs to American Indian Applicants by Census Tract, 2004-2011
 Non-Entitlement Areas of Nevada
 2004-2012 HMDA Data



Map V.7
HALs to Hispanic Applicants by Census Tract, 2004-2011
 Non-Entitlement Areas of Nevada
 2004-2012 HMDA Data

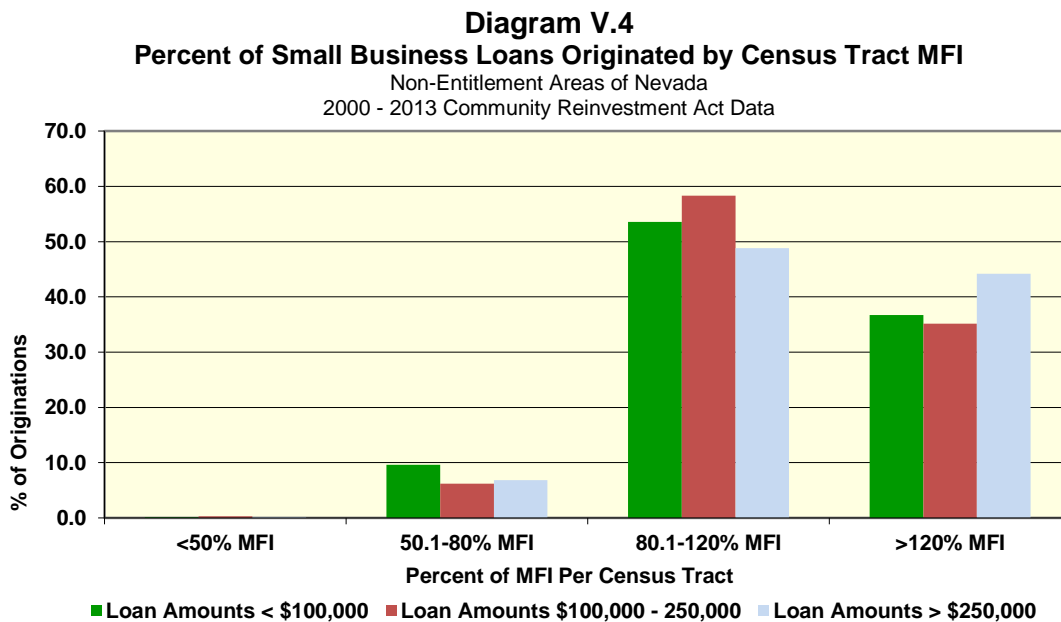


The geographic distribution of HALs to Hispanic applicants in the state is presented in Map V.7 on the previous page. As had been the case with HALs to American Indian borrowers, and HALs to borrowers more generally, Hispanic borrowers applied for relatively high numbers of loans in Census tracts in and around Pahrump, Reno, and Sparks, and were issued HALs at relatively high rates in those same areas.

COMMUNITY REINVESTMENT ACT DATA

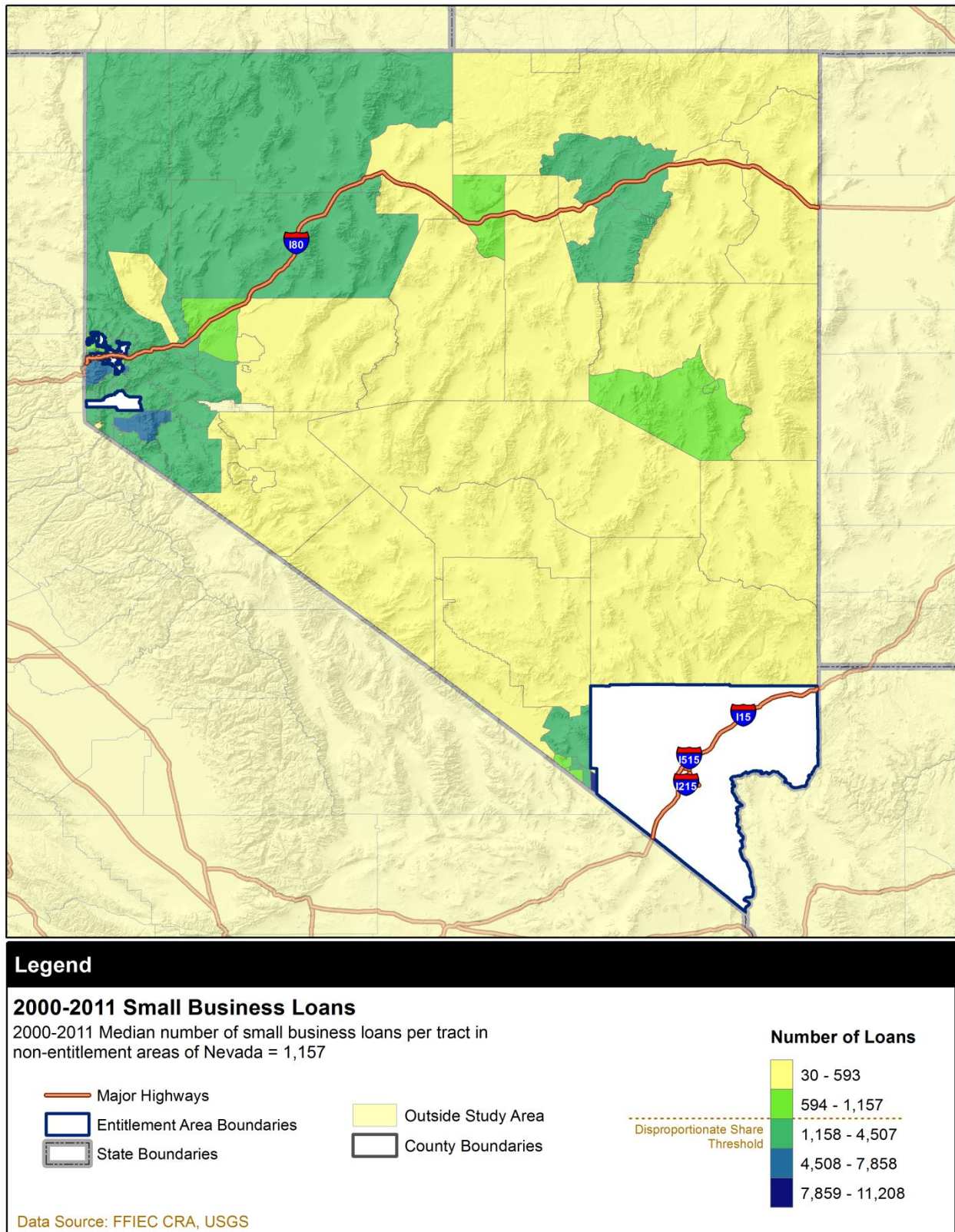
The economic vitality of neighborhoods can partly be measured through Community Reinvestment Act (CRA) data. According to those data, 135,909 small business loans have been issued in Census tracts throughout the state's non-entitlement areas, representing nearly \$2.9 million in loan dollars. Tables with complete CRA data are presented in Appendix A.

Small business loans were also analyzed to determine the location of funding in relation to median family income (MFI) levels. Diagram V.4 below, presents the distribution of small business loans by value and by percent of MFI by Census tract. A large majority of these loans were issued in Census tracts with middle and upper median family incomes. By contrast, very few loans were issued in low- to moderate-income Census tracts.

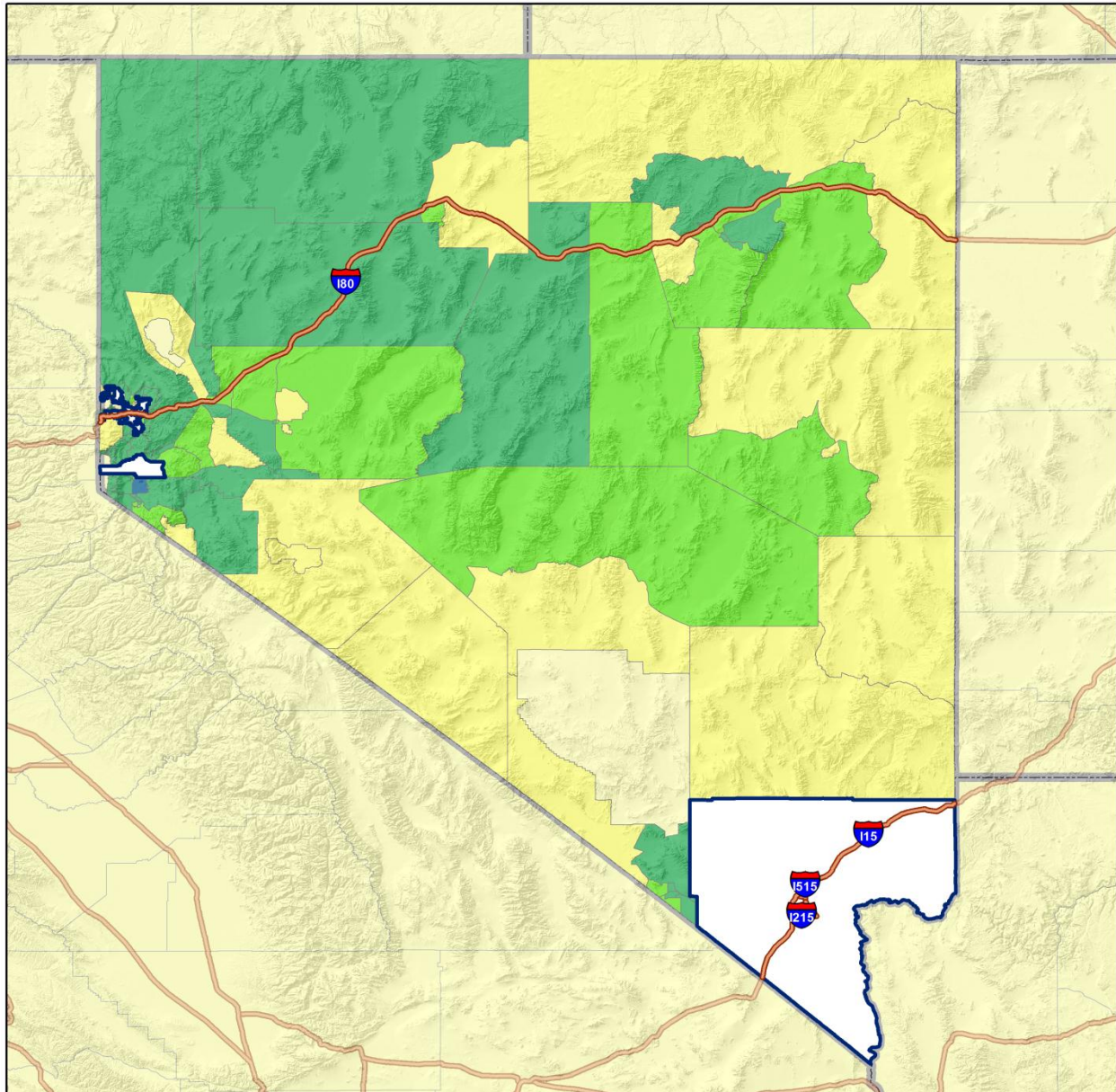


The geographic distribution of small business loans in the state's non-entitlement areas is depicted in a series of maps beginning with Map V.8 on the following page. As shown, the greatest number of loans issued from 2000 through 2011 went to Census tracts located near the state's entitlement jurisdictions. More than 1,158 loans were issued in tracts throughout the northwest of the state, as well as in the large rural tracts near Carlin City and Elko, and the number of loans exceeded 4,500 in several Census tracts near Carson City and Reno, and exceeded 7,800 in a large Census tract to the east of Pahrump. A similar pattern in the distribution of loans was observed in 2012-2013, as shown in Map V.9 on page 91. However, relatively high numbers of loans were also issued in Census tracts in the middle of the state in that time period. The pattern in the distribution of loan dollars in the state followed the distribution of loans very closely in 2000-2011, as shown in Map V. 10 on page 92, and in 2012-2013, as shown in Map V.11 on page 93.

Map V.8
Number of Small Business Loans, 2000-2011
 Non-Entitlement Areas of Nevada
 2000-2012 CRA Data



Map V.9
Number of Small Business Loans, 2012
 Non-Entitlement Areas of Nevada
 2000–2012 CRA Data



Legend

2012-2013 Small Business Loans

2012-2013 Median number of small business loans per Census tracts in non-entitlement areas of Nevada = 107

- Major Highways
- Entitlement Area Boundaries
- State Boundaries

- Outside Study Area
- County Boundaries

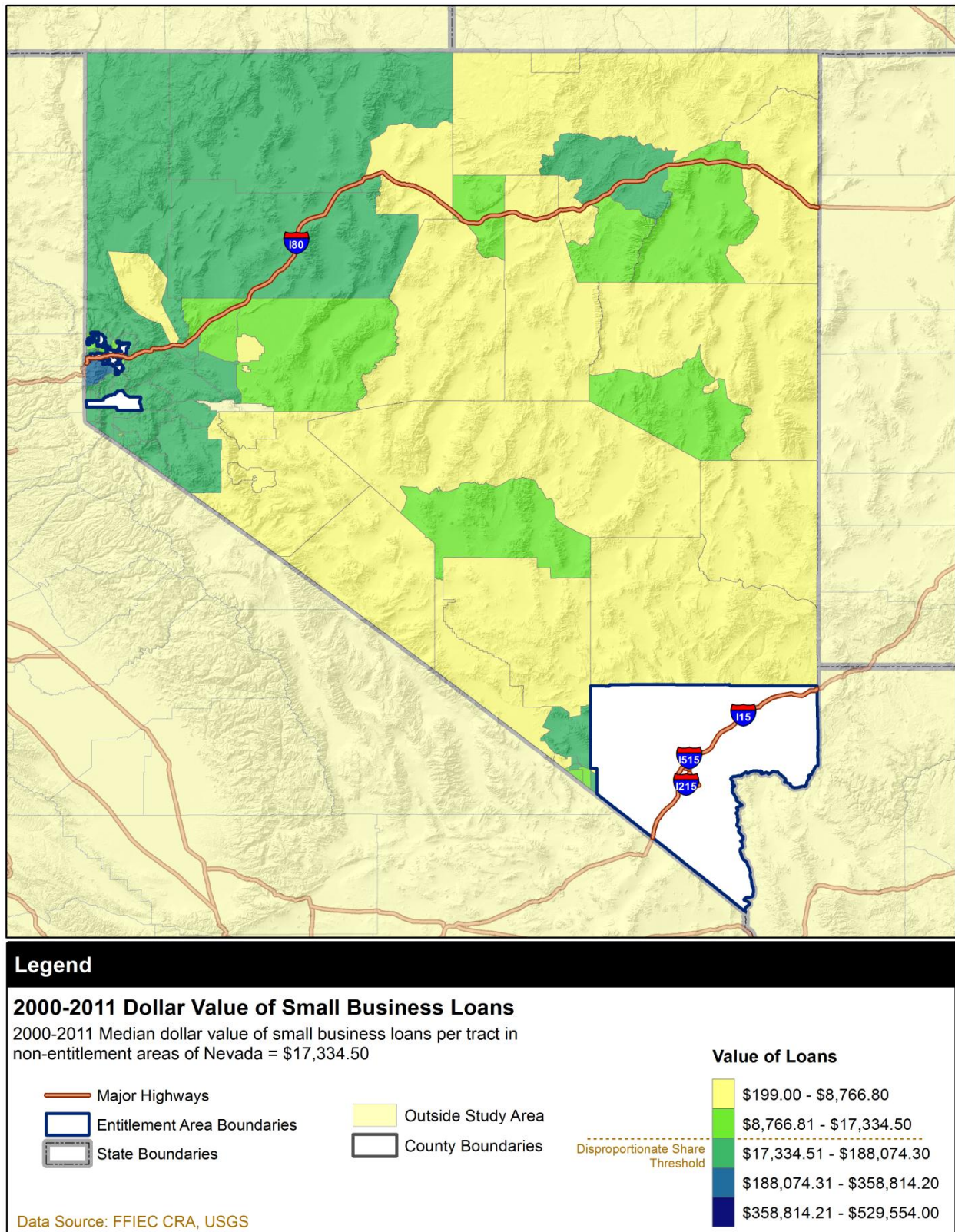
Number of Loans

- 1 - 54
- 55 - 107
- 108 - 473
- 474 - 838
- 839 - 1,204

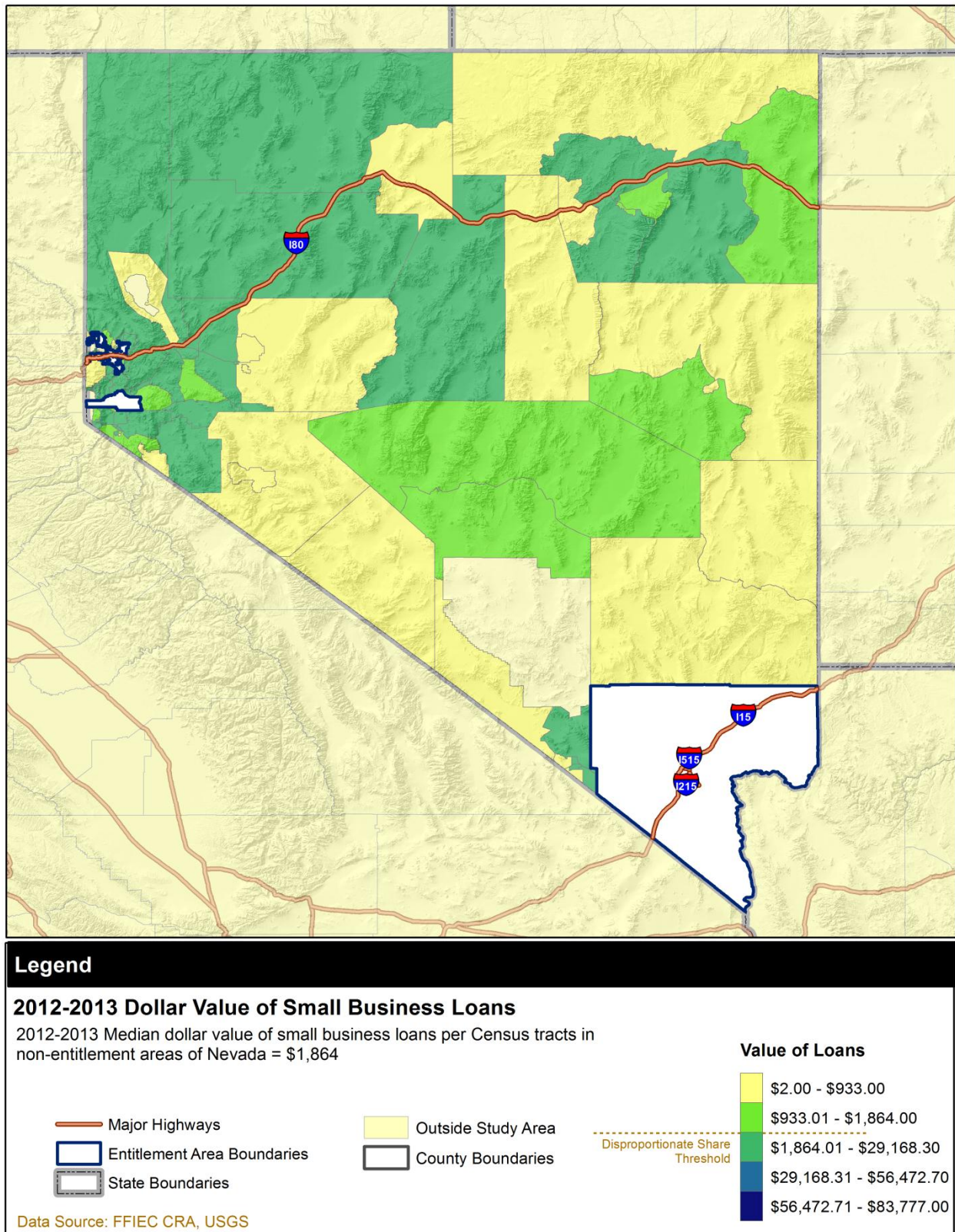
Disproportionate Share Threshold

Data Source: FFIEC CRA, USGS

Map V.10
Amount of Small Business Loan Dollars, 2000-2011
 Non-Entitlement Areas of Nevada
 2000–2012 CRA Data



Map V.11
Amount of Small Business Loan Dollars, 2012
 Non-Entitlement Areas of Nevada
 2000–2012 CRA Data



FAIR HOUSING COMPLAINTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD received 47 complaints of housing discrimination from residents of Nevada's non-entitlement areas from 2004 through September 2014, as shown in Table V.12 below. Disability was cited in more than half of these complaints, making it the most common discriminatory basis, or alleged motivation for discrimination. Family status was the next most common in non-entitlement areas of Nevada, and was cited in ten complaints. Race-based discrimination figured in 8 complaints. Note that more than one discriminatory basis may be cited in each complaint; accordingly, 53 bases were cited in connection with those 47 complaints.

Table V.12
Fair Housing Complaints by Basis
Non-Entitlement Areas of Nevada
2004–2014 HUD Data

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability		1	2	2	4	6	2		2	5	2	26
Family Status			2		3	2		1	1	1		10
Race	1		2	1	4							8
Retaliation			1			2			1	1		5
Sex				1	1		1					3
National Origin			1									1
Total Bases	1	1	8	4	12	10	3	1	4	7	2	53
Total Complaints	1	1	7	4	12	8	3	1	2	6	2	47

Complainants may also cite more than one discriminatory issue, or type of discriminatory behavior, and 101 issues were cited in connection with the 47 complaints HUD received. As shown in Table V.13 at right, the most common discriminatory issue was failure to make reasonable accommodation, which was cited in 20 complaints. Failure to make reasonable accommodation is an issue that impacts persons with disabilities; it is therefore not surprising that it should be the most common issue cited in Nevada, given the relative prevalence of complaints based on

Table V.13
Fair Housing Complaints by Issue
Non-Entitlement Areas of Nevada
2004–2014 HUD Data

Issue	Total
Failure to make reasonable accommodation	20
Discriminatory refusal to rent and negotiate for rental	17
Discriminatory acts under Section 818 (coercion, etc.)	16
Discriminatory advertising, statements and notices	11
Discrimination in term, conditions or privileges relating to rental	10
Discriminatory terms, conditions, privileges, or services and facilities	9
Discriminatory refusal to rent	6
Discrimination in terms, conditions, privileges relating to sale	3
Discriminatory refusal to sell and negotiate for sale	2
Discriminatory financing (includes real estate transactions)	2
Discrimination in the terms or conditions for making loans	2
Discriminatory refusal to negotiate for rental	1
Discriminatory advertisement - rental	1
False denial or representation of availability	1
Total Issues	101
Total Complaints	47

disability described above. The next most common issues were “discriminatory refusal to rent and negotiate for rental” and discriminatory acts under Section 818, which were cited in 17 and 16 complaints, respectively. This last issue concerns coercive or retaliatory measures undertaken to prevent residents from exercising their rights under the fair housing law.

The outcomes of the 47 complaints are presented in Table V.14 below. As shown, 17 complaints were conciliated or settled. A “no cause” determination was issued in 15 of these complaints, which means that the HUD investigation did not produce sufficient evidence to conclude that discrimination had occurred. Thirteen complaints ended in an administrative closure, which occurs when HUD determines that further investigation of the claim would be “highly impracticable or incompatible with the complainant’s wishes”⁷⁶.

Table V.14
Fair Housing Complaints by Closure Status

Non-Entitlement Areas of Nevada
2004–2014 HUD Data

Closure Status	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Conciliated / Settled		1	3	1	5	3	1		1	2		17
No Cause	1		2	2	2	3	2			3		15
Administrative Closure			2	1	5	1		1	1	1	1	13
DOJ Election						1						1
Open											1	1
Total Complaints	1	1	7	4	12	8	3	1	2	6	2	47

For the purposes of this AI, fair housing complaints that were conciliated or settled were considered to have cause. Of the 17 complaints considered to have cause, 10 involved allegations of discrimination on the basis of disability, as shown in Table V.15 below. Three complaints concerned discrimination on the basis of family status and three concerned discrimination on the basis of race. Retaliation figured in two complaints, and sex discrimination was cited in one complaint.

Table V.15
Fair Housing Complaints Found With Cause by Basis

Non-Entitlement Areas of Nevada
2004–2014 HUD Data

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability		1		1	3	2			1	2		10
Family Status			1		1	1						3
Race			2		1							3
Retaliation						1				1		2
Sex							1					1
Total Bases	1	3	1	5	4	4	1		1	3		19
Total Complaints	1	3	1	5	3	3	1		1	2		17

Failure to make reasonable accommodation was the most commonly alleged form of discrimination among complaints considered to have cause, as it was in complaints overall. As shown in Table V.16 on the following page, more than half of the complaints with cause cited this issue, while seven complainants cited discriminatory acts under Section 818, six cited discrimination in terms, conditions, or privileges relating to rental, and five cited discriminatory refusal to rent.

⁷⁶ http://www.fairhousing.com/index.cfm?method=page.display&pagename=HUD_resources_hudguid5

Table V.16
Fair Housing Complaints Found With Cause by Issue
 Non-Entitlement Areas of Nevada
 2004–2014 HUD Data

Issue	Total
Failure to make reasonable accommodation	9
Discriminatory acts under Section 818 (coercion, etc.)	7
Discrimination in term, conditions or privileges relating to rental	6
Discriminatory refusal to rent and negotiate for rental	5
Discriminatory terms, conditions, privileges, or services and facilities	3
Discriminatory advertising, statements and notices	2
Discriminatory refusal to sell and negotiate for sale	1
Discriminatory refusal to rent	1
Discriminatory financing (includes real estate transactions)	1
Discrimination in the terms or conditions for making loans	1
Discrimination in terms, conditions, privileges relating to sale	1
Total Issues	37
Total Complaints	17

THE SILVER STATE FAIR HOUSING COUNCIL

The Silver State Fair Housing Council (FHC) also accepts complaints from Nevada residents who believe that they have been subjected to unlawful discrimination in the housing market. As shown in Table V.17 below, the FHC received approximately twice as many complaints as HUD over roughly the same time period, i.e., 2004 through the middle of 2014. As had been the case with complaint data gathered by HUD, disability was by far the most commonly alleged basis for discrimination, figuring in 82 complaints. Family status and race were next, each having been cited in ten complaints.

Table V.17
Client Intakes Basis of Complaints
 Non-Entitlement Areas of Nevada
 Silver State Fair Housing Council

Basis	Total
Disability	82
Sex	11
Race	10
Religion	2
Family Status	10
Color	4
National Origin	6
Ancestry	
Sexual Orientation	
Gender Identity/Expression	
Total Basis	125
Total Intakes	93

The FHC also keeps data pertaining to the outcome of reasonable accommodation requests submitted to local property owners or managers. As shown in Table V.18 on the following page, forty-five such requests were made from 2004 through July 2014; a majority of these, or

31 requests, were granted. However, 15 reasonable accommodation requests were denied. Nine requests were forwarded to HUD from 2004 through 2014.

Table V.18
Client Intake Request Reasonable Accommodation or Modification

Non-Entitlement Areas of Nevada
Silver State Fair Housing Council

Outcome	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Granted	4	5	1	3	1	4	3	3	2	3	2	31
Denied	2	1	1	1		1	1	5			3	15
Pending	.	.	.	.	.	.	.	.	.	.	.	.
Not Pursued	.	.	.	.	.	.	.	.	.	.	.	.
Total Requests	6	6	2	4	1	5	4	8	2	3	5	46

The organization also assists residents in filing complaints with HUD, if they choose to do so. As shown in Table V.19 below, the FHC submitted 46 complaints on behalf of Nevada residents, or helped them to submit those complaints. Once again, disability figured prominently among alleged bases for discrimination—cited in 33 complaints. Family status and sex were each cited in eight complaints, followed by race, which was cited in seven.

Table V.19
HUD-903 Basis of Complaints

Non-Entitlement Areas of Nevada
Silver State Fair Housing Council

Basis	Total
Disability	33
Sex	8
Family Status	8
Race	7
Color	3
Religion	2
National Origin	2
Ancestry	.
Sexual Orientation	.
Gender Identity/Expression	.
Total Basis	63
Total Intakes	46

THE NEVADA EQUAL RIGHTS COMMISSION

The Nevada Equal Rights Commission also receives and investigates complaints from or on behalf of Nevada residents who believe that they have suffered illegal discrimination in the housing market. As shown in Table V.20 on the following page, most of the 37 complaints that the Commission received between 2010 and 2015 were from residents in the Las Vegas area: the remaining six were from the Reno area.

Table V.20
Fair Housing Complaints by Geographic Area
 The State of Nevada
 2010-2015 NERC Data

Geographic Area	2010	2011	2012	2013	2014	2015	Total
Las Vegas area		4	4	6	14	3	31
Reno area	1	1	1	1	2		6
Total	1	5	5	7	16	3	37

Though disability had been the most common basis for housing complaints received by HUD and the Silver State Fair Housing Council, race-based discrimination was by far the most common type of discrimination alleged in housing complaints lodged with the Equal Rights Commission. Figuring in 23 complaints, allegations of racial discrimination in the housing market were nearly twice as common as disability-based complaints. Sexual orientation was the third most commonly perceived motivation for discrimination, figuring in 6 complaints from 2010 through 2015.

Table V.21
Fair Housing Complaints by Complaint Basis
 The State of Nevada
 2010-2015 NERC Data

Year	2010	2011	2012	2013	2014	2015	Total
Race	1	5	2	5	8	2	23
Disability	0	1	3	3	5	0	12
Sexual Orientation	0	0	2	0	4	0	6
Sex	0	0	2	2	1	0	5
Religion	0	0	0	1	1	0	2
Familial Status	0	0	0	0	0	1	1
Retaliation	0	0	0	0	1	0	1
Total Bases	1	6	9	11	20	3	50
Total Complaints	1	5	5	7	16	3	37

Only one of the complaints lodged with the Equal Rights Commission was found to have probably cause after an investigation, as shown in Table V.22 below. However, 13 complaints were still open for investigation as of February of 2015, and five had been settled or withdrawn.

Table V.22
Fair Housing Complaints by Closure Status
 The State of Nevada
 2010-2015 NERC Data

Closure Status	2010	2011	2012	2013	2014	2015	Total
Open				1	10	2	13
No Probable Cause		4	3	3	2		12
No Jurisdiction	1		1	1	1		4
Settled				1	1	1	3
Administrative Closure					2		2
Withdrawn		1	1				2
Probable Cause				1			1
Total	1	5	5	7	16	3	37

FAIR HOUSING SURVEY – PRIVATE SECTOR RESULTS

Additional evaluation of fair housing within the State of Nevada was conducted via an online survey of stakeholders that began in September 2014. The purpose of the survey was to gather insight into the knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing. Results and comments related to the questions in the private sector are presented below, and additional survey results are discussed in **Sections VI and VII**.

The 2015 State of Nevada Fair Housing Survey was completed by 160 persons in the state and was conducted entirely online. Individuals solicited for participation included representatives of housing groups, minority organizations, disability resource groups, real estate and property management associations, banking entities, and other groups involved in the fair housing arena. Most questions in the survey required simple “yes,” “no,” or “don’t know” responses, although many questions allowed the respondent to offer written comments. When many respondents reported that they were aware of questionable practices or barriers, or when multiple narrative responses indicated similar issues, findings suggested likely impediments to fair housing choice.

Numerical tallies of results and summaries of some comment-driven questions are presented in this section. A complete list of written responses is available in Appendix B.

FAIR HOUSING IN THE PRIVATE SECTOR

In order to address perceptions of fair housing in the State of Nevada’s private housing sector, survey respondents were asked to identify their awareness of possible housing discrimination issues in a number of areas within the private housing sector, including the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industry,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

If respondents indicated that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented on the following page in Table V.23, while narrative responses are discussed below. As shown in the table, relatively few respondents professed to be aware of any barriers to fair housing choice in most of the private sector industries and areas mentioned. The area in which respondents most commonly perceived barriers to fair housing choice was the rental housing market; however, fewer than fifteen percent of respondents maintained that they were aware of barriers to fair housing choice in the rental housing market. It should be noted that a large share of respondents replied to each question with “don’t know”, suggesting that many respondents may not be confident that they can identify questionable practices or fair housing issues where they do occur.

Table V.23
Barriers to Fair Housing in the Private Sector

State of Nevada
 2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
The rental housing market?	16	64	29	51	160
The real estate industry?	11	61	35	53	160
The mortgage and home lending industry?	11	55	43	51	160
The housing construction or accessible housing design fields?	8	57	44	51	160
The home insurance industry?	2	51	56	51	160
The home appraisal industry?	2	53	53	52	160
Any other housing services?	5	54	50	51	160

Given the low number of positive responses to each question, commentary submitted with this portion of the survey was relatively sparse. However, several points came up repeatedly in comments on the private housing sector, the most common issues pertaining to limitations on housing available to residents with disabilities and discrimination against families with children.

SUMMARY

The ability of individuals or families to choose where they live is impacted by a number of factors, including the availability and terms of home loans and home insurance, patterns in small business lending, the incidence of discrimination in the housing market, and the accessibility of new and existing units to those of reduced mobility.

Financial institutions throughout the state processed 149,016 home purchase loans and loan applications from 2004 through 2013. A large majority of these loans and loan applications were intended to finance the purchase of homes in which the owner or owners intended to live. Just over a fifth of the loan applications processed by these financial institutions were denied over this time period. Female applicants tended to be denied at a higher rate than this average rate; however, variation in denial rates among members of different racial and ethnic groups was more pronounced. Applications from white loan applicants were denied at a rate of 18.8 percent, or below the overall average rate, while 28 percent of applications from American Indian applicants were denied, along with 34.1 percent of applications from black applicants. Similarly, the denial rate for Hispanic applicants, which was 28.6 percent over the ten-year period, exceeded that of non-Hispanic applicants by more than ten percentage points.

There were many different reasons that these loan applications were turned down, but the most common were insufficient collateral, credit history, and unfavorable debt-to-income ratios. As one might expect, income had a considerable effect on loan denials; as incomes went up, the loan denial rate declined. However, the discrepancies between loan denial rates for white and American Indian applicants persisted, even for applicants who were similarly situated with respect to income. The same was true for Hispanic applicants as compared to non-Hispanic applicants.

Furthermore, racial and ethnic disparities also existed for those who were able to secure a loan but were issued loans with high annual percentage rates (HALs). These loans, which are considered predatory in nature, were most common in 2006, when more than a quarter of

loans issued in the state's non-entitlement areas consisted of these high-cost loans. Since that time, the share of loans that were predatory in nature has fallen considerably. However, American Indian and Hispanic residents were considerably more impacted by HALs over the entire period than white and non-Hispanic residents.

Analysis of small business loans in the state's non-entitlement areas indicates that the majority of these loans were issued in middle- to upper-income Census tracts, while low- to moderate-income Census tracts were largely passed over by small business loans. As one might expect, these Census tracts were generally located near the more populous areas of the state; the highest concentrations of small business lending activity appeared in Census tracts near Pahrump, along with tracts near Carson City and Reno.

Analysis of complaint data lodged with HUD and the Silver State Fair Housing Council suggest that the most commonly perceived basis for discrimination in the state was disability, which was cited in more than half of all complaints filed with HUD and nearly 90 percent of all complaints filed with the Fair Housing Council. By contrast, nearly twice as many complaints filed with the Nevada Equal Rights Commission alleged race-based discrimination as cited discrimination on the basis of disability; however, disability-based discrimination was still a relatively common perception among those who lodged a complaint with the Commission, figuring in around a third of those complaints. Failure to make reasonable accommodation was the most commonly cited discriminatory action in HUD complaints, and around 30 percent of the reasonable accommodation requests submitted by the Fair Housing Council on behalf of complainants were denied.

Additional issues and potential barriers to fair housing choice were revealed in responses to the 2015 State of Nevada Fair Housing Survey. The private sector portion of the survey asked respondents to state whether or not they were aware of barriers to fair housing choice in the rental housing market, the real estate industry, the mortgage and home lending industry, housing construction or accessible design, the home insurance industry, the home appraisal industry, or any other housing services. Typically, very few respondents were aware of fair housing challenges in any of these areas. However, a large share of respondents answered each question with "don't know", suggesting that many residents may not feel that they can identify such issues when they do occur. Commentary submitted with the private sector portion of the survey tended to focus on challenges in the housing market facing residents with disabilities, as well as families with children.

SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR

While the previous section presented a review of the status of fair housing in the private sector, this section will focus specifically on fair housing in the public sector. The U.S. Department of Housing and Urban Development (HUD) recommends that the AI investigate a number of housing factors within the public sector, including health and safety codes, construction standards, zoning and land use policies, tax policies, and development standards. The AI should also examine the placement of public and publicly assisted housing as well as its access to government services.

PUBLIC SERVICES

Community features, including public services and facilities, and the location of public and assisted housing are essential parts of good neighborhoods, leading to a more desirable community.

Public or assisted housing can exist in several forms, including low-income housing projects, housing voucher programs, and supportive housing. The objective of public and other forms of assisted housing is to provide housing that is suitable for persons with special needs or families of low- to moderate-income levels and to promote access to jobs, transportation, and related community resources. Uneven distribution of public and assisted housing can be the result of an impediment such as land use policies that discourage multi-family or low-income housing in some areas, thus leading to segregation or the overconcentration of low-income and other populations.

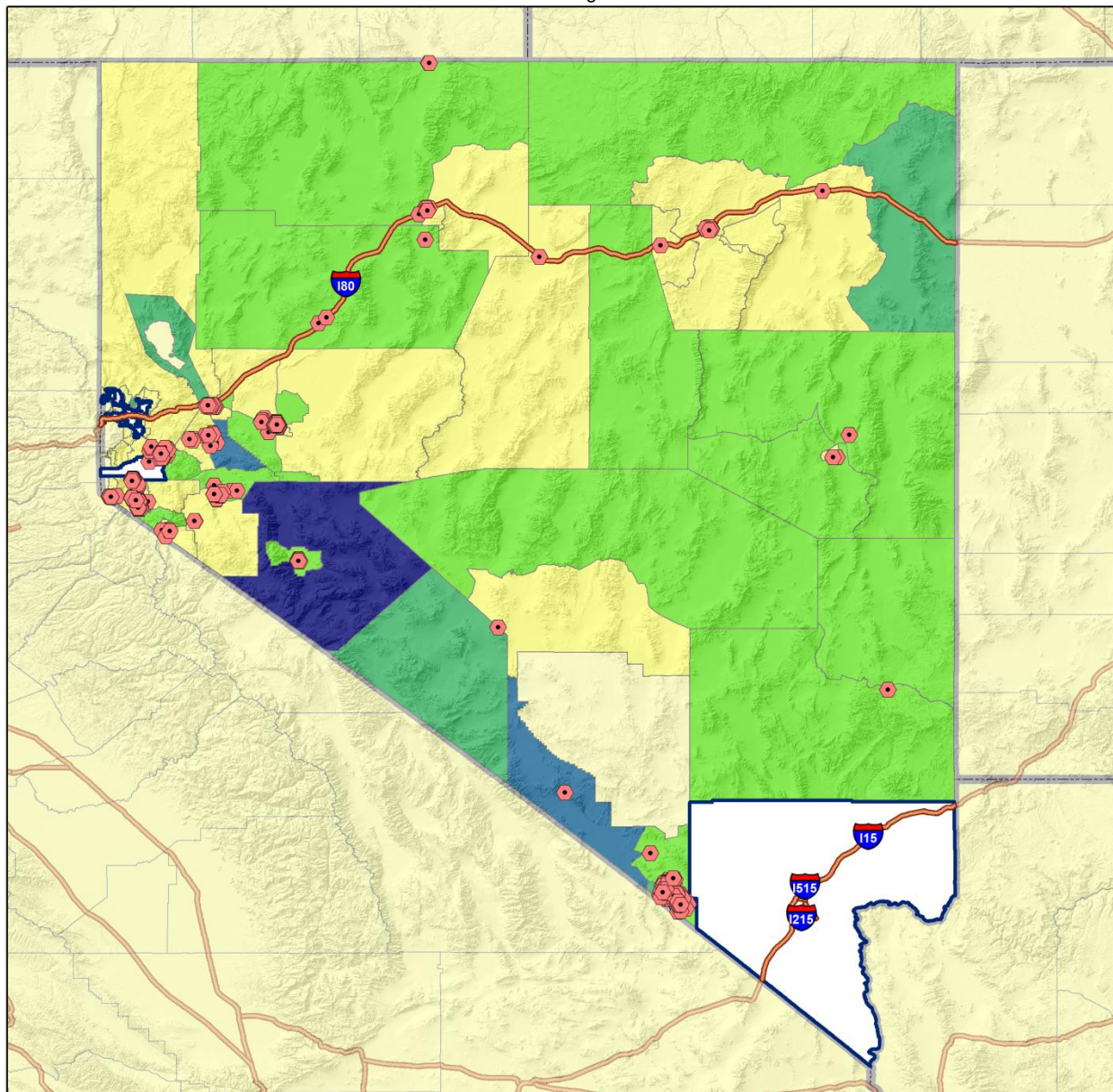
HOUSING CHOICE VOUCHERS

Housing Choice Vouchers are federally funded housing subsidies. These vouchers are portable, meaning that recipients can choose where to live as long as the landlord accepts the vouchers and the unit meets a certain set of HUD-defined criteria, including maximum income limits and the “reasonableness” of the monthly rent charges as compared to units on the private market. The program covers monthly rental costs minus the tenant’s contribution; which is at most thirty percent of his or her monthly adjusted income, or ten percent of monthly unadjusted gross income. As shown in Map VI.1 on the following page, voucher-assisted units were located throughout the state, but tended to be concentrated in urban areas. High numbers of vouchers were observed in and around Pahrump and Carson City, and additional clusters appeared in and around Fallon, Winnemucca, Elko, and Ely. Few of these units lay in Census tracts with relatively high concentrations of Hispanic residents, as shown in Map VI.2 on page 105, and they did not appear to be concentrated in areas with high concentrations of poverty.

RURAL RENTAL HOUSING LOANS

The United States Department of Agriculture (USDA) provides rural rental housing loans to developers of multi-family properties, with the goal of encouraging the development of affordable housing in rural areas of the state. The loans are intended to finance the construction of multi-family rental housing for low income families, elderly individuals, and residents with disabilities. However, they may also be used to purchase land and provide infrastructure.

Map VI.1
Housing Choice Vouchers and Poverty
 Non-Entitlement Areas of Nevada
 Nevada Housing Division



Legend

Housing Choice Vouchers and 2008-2012 Poverty

2008-2012 Average poverty rate in non-entitlement areas of the State of Nevada = 12.1% Disproportionate share threshold = 22.1% (A disproportionate share exists where the poverty rate in a given area is ten percentage points higher than in the study area as a whole.)

- Major Highways
- Entitlement Area Boundaries
- State Boundaries
- Section 8 Vouchers
- Outside Study Area
- County Boundaries

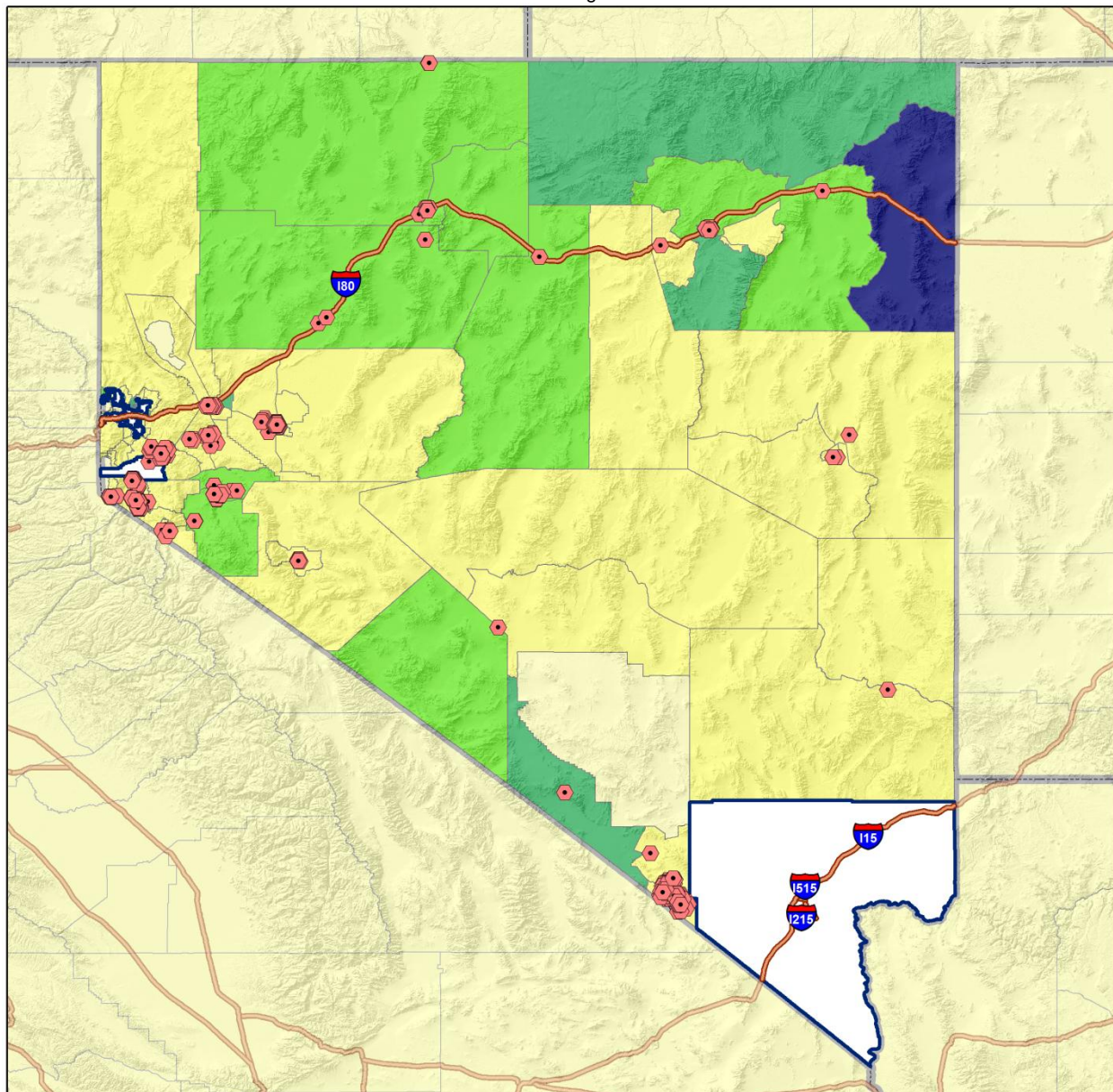
Poverty Rates

- 0% - 12.1%
- 12.2% - 22.1%
- 22.2% - 28.3%
- 28.4% - 34.5%
- 34.6% - 40.8%

Disproportionate Share Threshold

Data Source: US Census Bureau, USGS, State of Nevada

Map VI.2
Housing Choice Vouchers and 2010 Hispanic Population
 Non-Entitlement Areas of Nevada
 Nevada Housing Division



Legend

Housing Chocie Voucehrs and 2010 Hispanic Population

2010 Percent Hispanic population in non-entitlement areas of the State of Nevada = 15.3% Disproportionate share threshold = 25.3% (A disproportionate share exists where the share of a population in a given area is ten percentage points higher than in the study area as a whole.)

- Major Highways
- Entitlement Area Boundaries
- State Boundaries
- Section 8 Vouchers
- Outside Study Area
- County Boundaries

Disproportionate Share Threshold

Hispanic Population

- 0% - 15.3%
- 15.4% - 25.3%
- 25.4% - 38.2%
- 38.3% - 51%
- 51.1% - 63.9%

Data Source: US Census Bureau, USGS, State of Nevada

The distribution of housing units financed through USDA multi-family housing direct loans is presented in Map VI.3 on the following page. As shown, the distribution of these units is very similar to the distribution of voucher-assisted units; indeed, many of these units are likely to be inhabited by recipients of housing vouchers. As had been the case with housing vouchers more generally, units financed through the rural rental housing loans were observed to be clustered in and around Fallon, Winnemucca, Elko, and Ely. Not surprisingly, comparatively few were located near major cities and urban areas of the state. As with Housing Choice Vouchers, few of these units lay in Census tracts with relatively high concentrations of Hispanic residents, as shown in Map VI.4 on page 108, and they not appear to be concentrated in areas with high concentrations of poverty.

HUD MULTIFAMILY HOUSING DATABASE

HUD maintains an online database of multifamily housing projects throughout the country. Multifamily projects in Nevada, which are financed through a variety of federal programs, are presented by expiration data in Map VI.5 on page 109. As shown, the database contained information on only a few multifamily projects throughout the state⁷⁷: very few of these units, in turn, were scheduled to expire within the upcoming planning cycle, i.e. between 2015 and 2019, inclusive. The sole exception was a ten-unit project located to the north of Elko, which is set to expire in 2015. The remaining five projects, which comprised 168 assisted units, are set to expire after 2020.

FAIR HOUSING SURVEY – PUBLIC SECTOR RESULTS

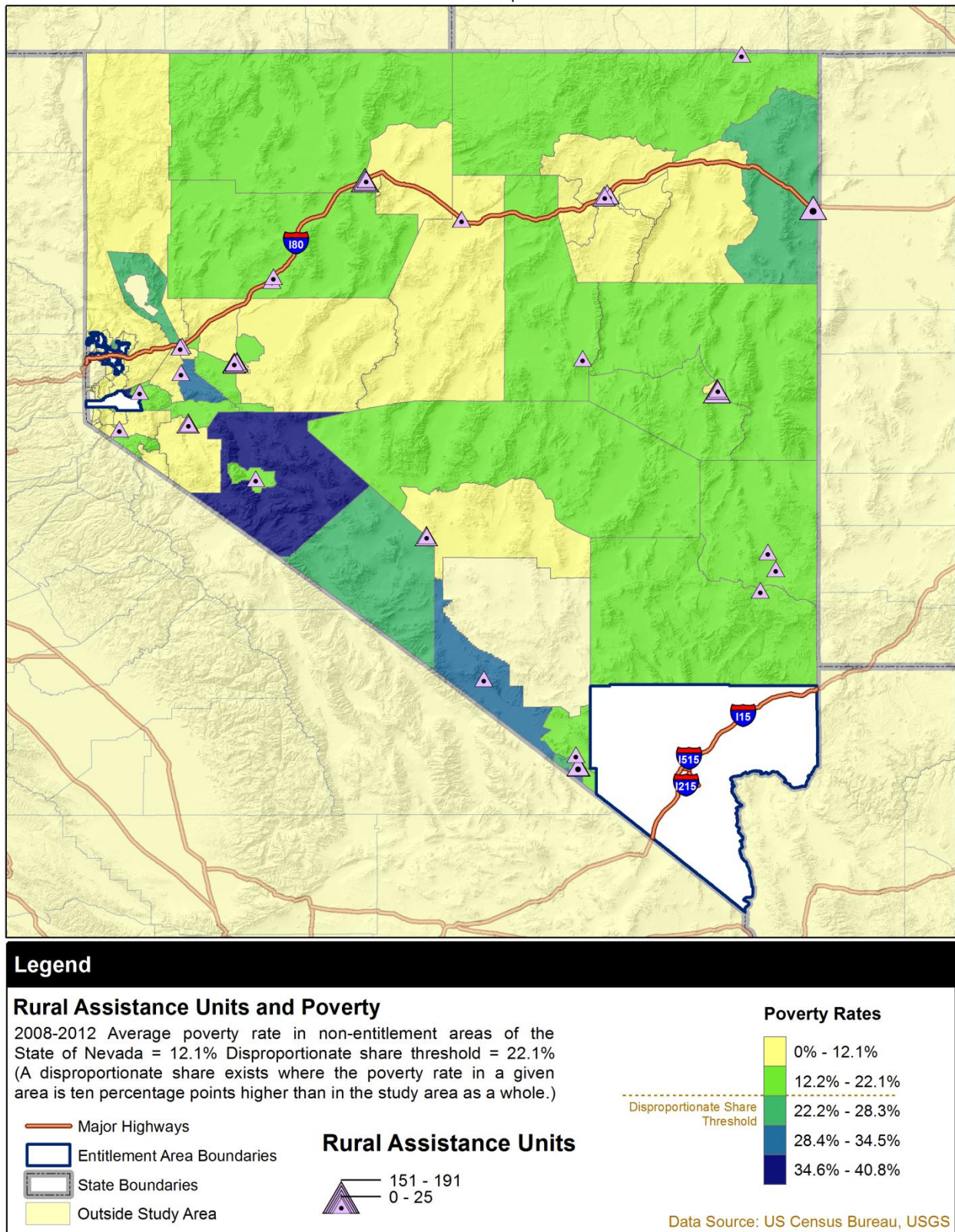
As mentioned previously, further evaluation of the status of fair housing within State of Nevada was conducted via an online 2015 Fair Housing Survey, which was completed by 160 stakeholders and citizens. Those solicited for participation included a wide variety of individuals in the fair housing arena. Most questions in the survey required “yes,” “no,” or “don’t know” responses, and many allowed the respondent to offer written comments. While the numerical tallies of results are presented in this section, along with summaries of some comment-heavy questions, a complete list of written responses is available in Appendix B. Other survey results are also discussed in **Sections V** and **VII**.

FAIR HOUSING IN THE PUBLIC SECTOR

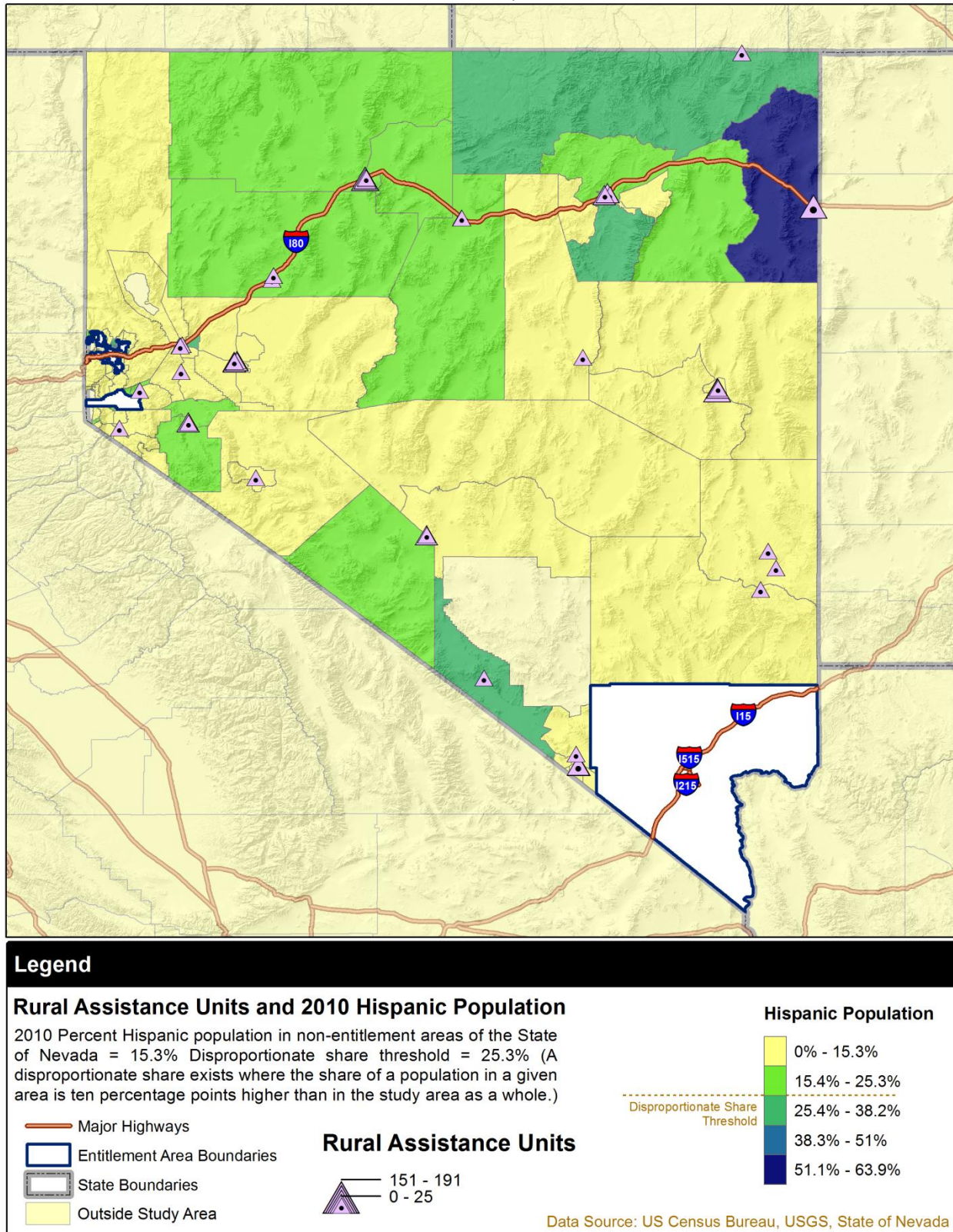
Public sector effects on housing can be complex and varied. The questions in this section of the survey asked respondents to think about possible barriers to fair housing choice within specific areas of the public sector, including land-use policies; zoning laws; occupancy standards or health and safety codes; property tax policies; permitting processes; housing construction standards; neighborhood or community development policies; access to government services; and any other public administrative actions or regulations.

⁷⁷ This does not entail that these were the only HUD-assisted multifamily projects in the state’s non-entitlement areas. Because the information included in the Multifamily Contracts Database “does not purport to be complete or all-inclusive”, it is possible that there are more units in the state than are presented in Map VI.3. For more information, visit the download page for the Multifamily Assistance and Section 8 Contracts Database at http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/exp/mfhdisc.

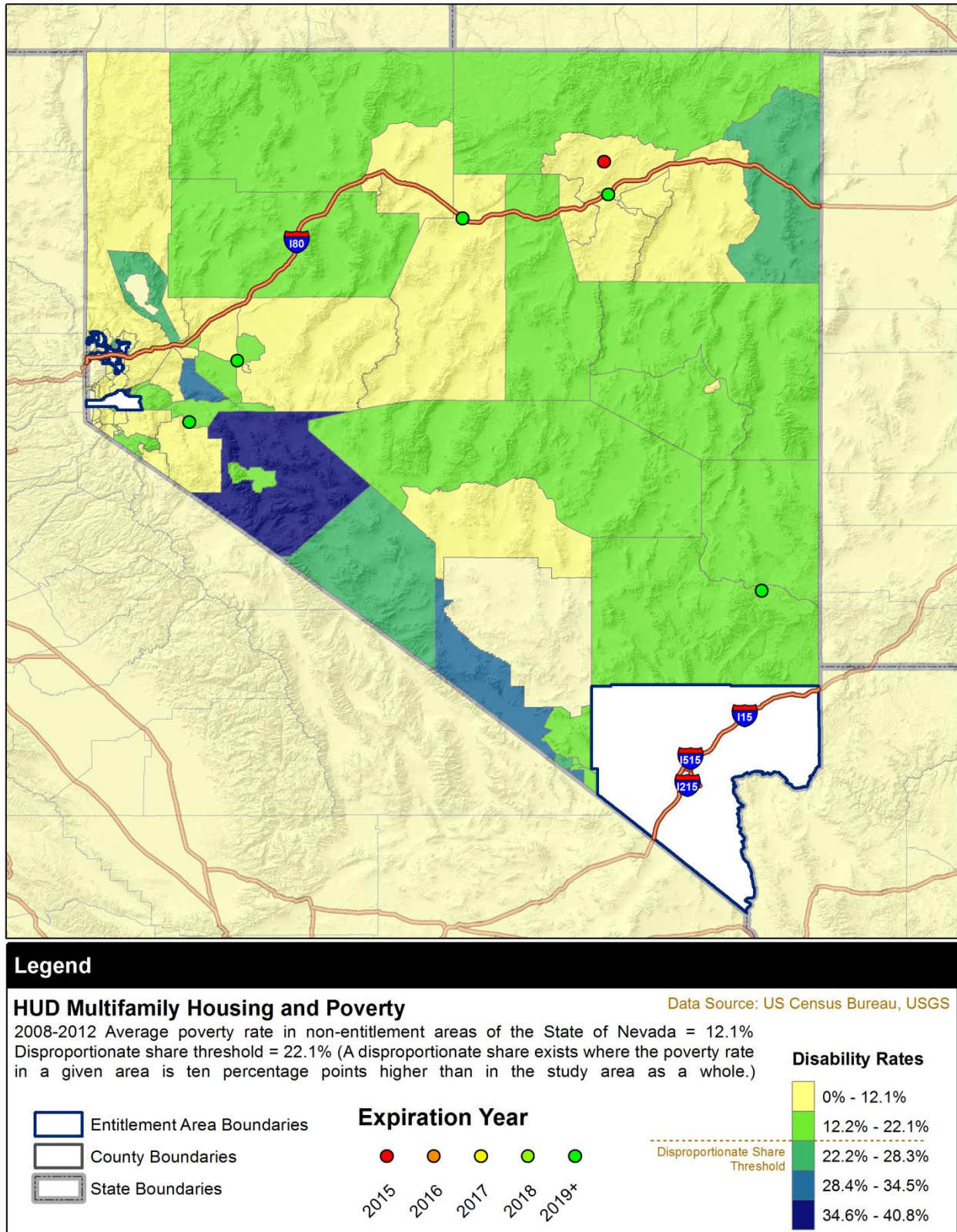
Map VI.3
Rural Assisted Housing Projects and 2008-2012 Poverty
 Non-Entitlement Areas of Nevada
 USDA Rural Development Data



Map VI.4
Rural Assisted Housing Projects and 2010 Hispanic Population
 Non-Entitlement Areas of Nevada
 USDA Rural Development Data



Map VI.5
HUD Multifamily Assisted Units
 Non-Entitlement Areas of Nevada
 HUD Multifamily Assisted and Section 8 Contracts Database



If respondents indicated that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. As shown in Table VI.1 below, most respondents were unaware of any barriers to fair housing choice or questionable practices in any of the areas mentioned; fewer than ten percent in most cases. The only exceptions were questions concerning zoning laws and access to government services: around twelve percent of respondents maintained that they were aware of barriers to fair housing choice in zoning laws, while over a quarter of respondents professed to be aware of challenges in the provision of government services, such as employment services. As had been the case in questions concerning the private sector, questions pertaining to the public sector each received a large number of “don’t know” responses.

Table VI.1
Barriers to Fair Housing in the Public Sector
 State of Nevada
 2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
Land use policies?	4	57	42	57	160
Zoning laws?	12	48	42	58	160
Occupancy standards or health and safety codes?	8	51	43	58	160
Property tax policies?	3	48	51	58	160
Permitting process?	4	48	48	60	160
Housing construction standards?	8	51	43	58	160
Neighborhood or community development policies?	4	51	45	60	160
Limited access to government services, such as employment services?	28	43	29	60	160
Public administrative actions or regulations?	3	45	52	60	160

Due to the low numbers of positive responses to most of these questions, additional comments submitted with the public sector portion of the survey were correspondingly few. However, several commenters highlighted perceived barriers to the placement of group homes and supportive housing in connection with questions concerning land-use policies and zoning laws. The question concerning access to government services also received comparatively substantial commentary, much of which centered on perceived limitations on public transportation available to those who live outside of the state’s major urban areas.

SUMMARY

Analysis of factors in the public sector that may impact fair housing choice included an examination of the distribution of public-assisted housing units in the state’s non-entitlement areas as well as the results of the 2015 Fair Housing Survey. Multi-family assisted units tended to be concentrated in more populous areas of the state, and were not observed to be concentrated in areas with above-average or disproportionate shares of poverty. As had been the case in the private sector portion of the fair housing survey, few respondents were aware of barriers to fair housing choice in any of the policy areas or practices identified in the survey. Around twelve percent of respondents maintained that they were aware of barriers to fair housing choice in zoning laws, while a quarter of respondents stated that they were aware of issues in the provision of government services, issues which constituted barriers to fair housing choice in the estimation of those respondents. Several commenters who discussed these issues further noted that zoning laws often had the effect of excluding group homes and supportive housing, and that current limitations in the availability of public transit had an especially marked impact on those who live in the state’s rural areas.

SECTION VII. PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the State of Nevada as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of statewide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

FAIR HOUSING SURVEY

As discussed in previous sections, a 2015 Fair Housing Survey comprised a large portion of the public involvement efforts associated with the development of the 2015 AI. While data from the survey regarding policies and practices within the private and public sectors have already been discussed, questions included to gauge and characterize public participation in the survey are discussed below.

The purpose of the 2015 Fair Housing Survey, a relatively qualitative component of the AI, was to gather insight into knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing as well as to gauge the ability of informed and interested parties to understand and affirmatively further fair housing. Many organizations throughout the State were solicited to participate, including the Nevada Rural, Southern Nevada Regional, and Reno Housing Authorities; CDBG non-entitlement grantees throughout the state; non-profit organizations; and stakeholders. A total of 160 persons in the State of Nevada completed the survey, which was conducted entirely online. An identical version of the survey was presented in Spanish; however, this survey received no responses. A complete list of responses is included in Appendix B. Other survey results are also discussed in **Sections V and VI**.

Respondents were asked to identify their primary role within the housing industry. As shown in Table VII.1 at right, representatives of local governments were most common, accounting for nearly a quarter of respondents, while 32 respondents worked in the real estate industry, 20 worked in banking or finance, and 17 described themselves as “service providers”.

Table VII.2
How Familiar are you with
Fair Housing Laws?

State of Nevada
2015 Fair Housing Survey Data

Familiarity	Total
Not Familiar	15
Somewhat Familiar	49
Very Familiar	49
Missing	47
Total	160

The next question asked respondents about their familiarity with fair housing laws. As shown in Table VII.2 at left, most respondents considered themselves to be “somewhat” or “very” familiar with fair housing laws. Fifteen respondents maintained that they were not familiar with these laws, representing around 13.3 percent of those who responded to the question.

Table VII.1
Role of Respondent

State of Nevada
2015 Fair Housing Survey Data

Primary Role	Total
Local Government	38
Real Estate	32
Banking/Finance	20
Service Provider	17
Advocate/Service Provider	9
Property Management	9
Construction/Development	3
Appraisal	1
Other Role	25
Missing	6
Total	160

Respondents were largely in agreement on the usefulness of fair housing laws, as shown in Table VII.3 on the following page. As shown, one-hundred two respondents maintained that fair housing laws are useful, while only three felt that they were not. Respondents were more divided on the question of whether or not these laws are difficult to understand or follow: 33 felt that they were, while 63 felt that they were not. Eighteen respondents felt that the laws should be changed, though more than twice that number of respondents was content to keep such laws as they are. Those who wished to see changes to current fair housing law cited a need to extend fair housing protections based on mental illness, sexual orientation, and transgender status.⁷⁸ When asked whether or not fair housing laws are adequately enforced, a majority, or 62 respondents, professed to be comfortable with current levels of enforcement, though 36 respondents maintained that fair housing laws are not adequately enforced.

Table VII.3
Federal, State, and Local Fair Housing Laws

State of Nevada
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Do you think fair housing laws are useful?	102	3	6	49	160
Are fair housing laws difficult to understand or follow?	33	63	17	47	160
Do you think fair housing laws should be changed?	18	42	49	51	160
Do you think fair housing laws are adequately enforced?	62	36	11	51	160

The status of and level of participation in local fair housing activities was assessed in a series of questions that are summarized in Table VII.4 below. When asked if there was a training process available to learn about fair housing laws, sixty-two respondents stated that there was such as process, and 58 respondents noted that they has participated in fair housing training. However, only around a quarter of all respondents were aware of any fair housing testing. Around 40 percent of respondents considered to current levels of outreach and education to be insufficient, and a large share of respondents did not feel that they knew enough about current levels of outreach and education to offer an opinion. An even larger percentage of respondents, around 73 percent, selected “don’t know” in response to the following question, which concerned current levels of fair housing testing.

Table VII.4
Fair Housing Activities

State of Nevada
2015 Fair Housing Survey Data

2015 Fair Housing Survey Data						
Question		Yes	No	Don't Know	Missing	Total
Is there a training process available to learn about fair housing laws?		62	36	11	51	160
Have you participated in fair housing training?		58	19	2	81	160
Are you aware of any fair housing testing?		28	60	22	50	160
Testing and education	Too Little	Right Amount	Too Much	Don't Know	Missing	Total
Is there sufficient outreach and education activity?	43	30	1	36	50	160
Is there sufficient testing?	17	11	1	80	51	160

⁷⁸ It is noteworthy that many of those who wished to see changes to current fair housing policy cited a need to extend protected class status based on mental illness, sexual orientation, and transgender status, since all of these protected classes are included in federal or state fair housing laws. It is possible that these respondents highlight a perception that fair housing law doesn't currently serve populations with those protected characteristics.

As part of the process of measuring understanding of fair housing law through the survey instrument, respondents were asked to list their awareness of classes of persons protected by fair housing laws on federal, state, and local levels. Race and disability were offered as examples of protected classes in the question narrative, and respondents were encouraged to continue on and list other protected classes. As shown in Table VII.5 at right, 65 respondents correctly identified “gender” as a protected class⁷⁹, 54 correctly identified religion, 51 correctly identified “family status”, 36 correctly identified sexual orientation, 35 correctly identified national origin, and 30 correctly identified color. Thirty-six respondents identified “age” as a protected class: though age discrimination is prohibited in any activities funded in whole or in part by federal financial assistance, including housing and community development activities, there are at present no general prohibitions against discrimination based on age in federal or state fair housing laws.

Table VII.5
Protected Classes

State of Nevada
2015 Fair Housing Survey Data

Protected Class	Total
Gender	65
Religion	54
Family Status	51
Age	36
Sexual Orientation	36
National Origin	35
Color	30
Disability	10
Ancestry	9
Income	7
Ethnicity	4
Race	4
AIDS	3
Military	1
Other	24
Total	382

Table VII.6 below presents tallied responses to survey questions related to the status of fair housing in the State of Nevada. In the first question, respondents were asked if they were aware of any city or county fair housing ordinance, regulation, or plan: 22 respondents stated that they were aware of a local fair housing plan, though nearly twice that number professed to be unaware of such a plan. Respondents were also asked if they were aware of any specific geographic areas with fair housing problems. Eleven respondents maintained that they were aware of such areas, and many respondents identified rural areas generally as being especially prone to fair housing issues.

Table VII.6
Local Fair Housing

State of Nevada
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any city or county fair housing ordinance, regulation, or plan?	22	42	37	59	160
Are there any specific geographic areas that have fair housing problems?	11	23	67	59	160

Finally, survey respondents were invited to provide additional commentary on fair housing in the state’s non-entitlement areas, and to address challenges or issues that may not have been covered in the survey questions. Few respondents availed themselves of the opportunity to provide additional commentary, though several commenters provided relatively detailed comments. Such commenters focused on the challenges facing the state’s homeless population; the persistence of fair housing issues in the rental housing market and lack of knowledge among renters and rental property managers; and a lack of publicity on the issues of fairness in lending, credit, and housing.

⁷⁹ It is not clear from the responses of those who identified “gender” as a protected class whether they intended thereby to identify “biological sex” or “gender identity” as a protected class. The first is included as a protected class at the federal and state level, while the latter is identified as a protected class only at the state level.

FAIR HOUSING FORUM AND OUTREACH MEETINGS

FAIR HOUSING FORUM

One fair housing forum was held in Carson City on January 28, 2015, and was broadcast throughout the state via interactive video. The purposes of the forum were (1) to introduce and explain the AI process, (2) to share research findings and impediments identified during the course of the AI, and (3) to receive public input on those findings and identified impediments. Following a presentation of the findings from the AI, participants discussed a variety of issues relating to fair housing in the state. During that discussion, participants returned at several points to a need for greater outreach and education among housing providers and consumers, as well as the role of the Nevada Equal Rights Commission in state fair housing enforcement, and reluctance on the part of residents of the state's rural areas to complain about fair housing violations.

PUBLIC HOUSING AGENCY AND GRANTEE OUTREACH COMMITTEE MEETINGS

Local input during the AI process was also solicited through a series of meetings with the Public Housing Agency and Grantee Outreach Committee. The first meeting took place on November 17, 2014; the second took place on December 15, 2014; the third on January 13, 2015; and the fourth on February 2, 2015. Brief summaries of the topics discussed in meeting presentations and subsequent discussions are presented below:

November 17, 2014

The purpose of the November 17 meeting was to provide an introduction to the AI process, share some preliminary findings from the study, and to discuss the need for and benefits of collaboration between the state, local CDBG grantees, and public housing agencies during the AI process. In the following discussion, participants discussed the role of the Nevada Equal Rights Commission in fair housing enforcement, and suggested that the agency plays only a limited role in this area and that much of its time and resources are occupied by the investigation of employment discrimination.⁸⁰ In addition, participants cited residents with disabilities and families with children as classes of residents that may be more prone to discrimination in the housing market.

December 15, 2014

The purpose of the December 15 meeting was to provide a summary of additional research and data that were gathered or analyzed during the AI process, to gather additional input from stakeholders, and to discuss the next steps in the process. According to participants, rural residents may be especially reluctant to come forward with a fair housing complaint because, in a small town setting, such complaints are more likely to become public knowledge. In addition, one participant noted that discrimination is often difficult to detect, and even more

⁸⁰ This is borne out to some degree by testimony from Maureen Cole, during the 2009 Regular Session of the state legislature, in support of Assembly Bill 559. Ms. Cole, who was the Assistant Administrator of the Commission, noted that employment cases represented the "bulk of [the Commission's] caseload." The Bill was intended to make the state fair housing law substantially equivalent to the federal fair housing law, and the Commission felt that passage of the Bill, which would enable the Commission to access federal funding through the Fair Housing Assistance Program, would allow it to increase its focus on fair housing enforcement.

difficult to prove. Forum participants also maintained that fair housing violations are more common in the rental housing market, and that increased outreach and education will be crucial in addressing fair housing issues, many of which are indeed perceived to be the products of insufficient fair housing awareness and education.

January 13, 2015

The purpose of the January 13 meeting was to discuss additional data gathered in preparation for the AI report and to initiate a discussion among Committee members about the actions that the state may take to address some of the challenges identified in the study. In the discussion following the presentation, participants touched upon a variety of issues and challenges pertaining to fair housing choice and policy, including the unique challenges facing with relatives with disabilities, the process of requesting reasonable accommodation for a person with a disability. Committee members and stakeholders also discussed the upcoming Fair Housing Forum and outreach, education, and training activities conducted throughout the state by the Silver State Fair Housing Council. Such efforts, it was felt, are integral to the promotion of fair housing choice in the state, and need to be emphasized and expanded.

February 2, 2015

The final Outreach Committee meeting included a summary of the AI process and some of the more salient results of the research and analysis for the purposes of promoting and assuring fair housing choice in the state. In the discussion following the presentation, the focus was on the need for increased public outreach, the role of the Equal Rights Commission, recent changes to land use and zoning codes, and limitations in public transportation. In connection with the need for increased public outreach, participants discussed potential ways to increase outreach efforts, and promote participation in education and training sessions. During the discussion, one participant averred that while it is important to enhance fair housing outreach to grantees and developers, securing the participation of property managers is even more important. Discussants also explored potential avenues toward encouraging or enabling the Equal Rights Commission to engage in fair housing enforcement and policy to a greater degree, as well as recent changes to land-use ordinances at the state level.

On the latter point, participants noted that it was unclear whether county and local jurisdictions had adopted the changes required by State Bill 233 (2013), which remove certain limitations on the placement of group homes and supportive housing. In addition, one participant identified a number of provisions that are currently considered outdated, and which may place unwarranted limitations on the housing choice of individuals in protected classes. Such provisions include those that (1) restrict the number of non-related persons living together, or prohibit cohabitation by non-related persons entirely; (2) require special use permits or public hearings on proposed supportive housing; (3) bar accessory apartments from single family zoning districts; (4) fail to include a statement on reasonable accommodation; and (5) bar manufactured housing from single family zoning districts, even if such units are converted to real property and permanently placed on a lot.

Given that it remains unclear the degree to which local jurisdictions have implemented the changes required by S.B. 233, and the degree to which local zoning codes still incorporate some of the restrictive language described above, participants cited the need for a statewide

audit of local and county zoning and land-use planning ordinances. Finally, those who participated in this meeting also noted the challenges associated with providing viable public transit options to rural residents.

SUMMARY

Efforts to promote public involvement in the AI process included the 2015 Fair Housing Survey; Fair Housing Forums, Focus Groups, and Outreach Meetings; and a public comment period, during which the Housing Division sought public feedback on the findings of the AI and the actions proposed to address those findings.

Results of the 2015 Fair Housing Survey reveal that participants were generally supportive of fair housing laws, though a substantial minority of respondents felt that the laws ought to be expanded. Some of the proposed changes to the fair housing laws included expanding fair housing protections to include mental illness and sexual orientation, groups which are already under the nominal protection of federal or state fair housing laws. This may suggest either that survey respondents were simply unaware that those protections are in place or that discrimination on those bases is not rigorously prosecuted. Indeed, over a third of respondents felt that, in general, enforcement of the fair housing law was inadequate.

A majority of respondents noted that fair housing training was available, and a majority had also participated in that training. Nevertheless, a substantial minority of respondent, or nearly forty percent, maintained that current levels of outreach and education were insufficient. In spite of that fact, many respondents were able to correctly identify classes that are protected under the fair housing law. Only about a fifth of respondents were aware of any city or county fair housing ordinance, regulation, or plan.

Finally, efforts to solicit public participation in the AI process included several outreach meetings and one fair housing forum; these discussions enriched both the analysis and the consideration of potential impediments and actions that the state may take to address them. In a series of four meetings that took place from November 2014 through February 2015, the Public Housing Agency and Grantee Outreach Committee discussed the results of ongoing analyses undertaken as part of the AI effort, and discussed some of the issues facing the state. Such issues included the challenges facing residents with disabilities and families with children, the difficulties of promoting fair housing choice in a state with a population as diffuse as that of Nevada, the role of the Nevada Equal Rights Commission in fair housing policy, and the need for a statewide audit of local and county zoning ordinances. The Fair Housing Forum represented an additional opportunity for members of the public to become familiar with the AI process, fair housing challenges in the state, to offer their perspective on the study findings, and to provide feedback on potential actions that the state may take to address identified impediments to fair housing choice.

SECTION VIII. SUMMARY OF FINDINGS

This AI reviews both the public and private sector contexts for housing markets in non-entitlement areas of the Nevada, in order to determine the effects these forces have on housing choice. As part of that review, analysis of demographic, economic, and housing data provide background context for the environments in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the State's residents.

Once this contextual background analysis has been performed, detailed review of fair housing laws, cases, studies, complaints, and public involvement are better supported by the background information. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the State, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have substantive influence on fair housing choice. In the public sector, policies and codes of local governments and a limited location of affordable rental units can significantly affect the housing available in each area, as well as neighborhood and community development trends. Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

The population of Nevada's non-entitlement areas has grown by an estimated 18.1 percent since 2000. From 2000 through 2010, much of that growth was attributable to rapid growth in the number of residents aged 55 and above. Most of the growth was also attributable to an increase in the number of white residents. However, because white residents represented a large majority of all residents in the state's non-entitlement areas, the considerable growth in that population, in absolute terms, actually represented a relatively slow rate of growth. As a result, the share of residents who were white fell by 2.4 percentage points over the decade. The share of American Indian residents also fell from 3.5 to 3.3 percent of the total population. In terms of ethnicity, the number of Hispanic residents increased by 57.4 percent, and though the non-Hispanic population grew considerably, the percentage change in the non-Hispanic population was below the overall average. As a result, the Hispanic population grew as a share of the total population, by four percentage points, while the non-Hispanic population declined by the same amount.

An estimated 19.2 percent of the population of the state's non-entitlement areas was living with some form of disability in 2000. The observed share of the population living with disabilities in 2008-2012 was 13.5 percent; however, the latter figure represents a different measure of disability, so it is not possible to conclude based on those data that the population with disabilities actually fell by 5.7 percent over that time period. Nevertheless, geographic analyses of the distribution of this population in 2000 and 2008-2012 present similar pictures, in which

residents with disabilities were observed to be concentrated in Census tracts along or near the southwestern border of the state.

The non-entitlement areas of Nevada were not immune to the financial crisis of the late 2000s, and the effect of the crisis could be observed in figures concerning employment, earnings, and income. According to the Bureau of Labor Statistics, the number of employed persons in the non-entitlement areas of the state grew by nearly 100,000 from 1990 through 2007. During that time, trends in the number of employed followed trends in the size of the labor force very closely. However, the labor force, which includes all who are working and those who are seeking employment, continued to grow after 2007 and through 2010, even as the number of employed fell by over 8,600. The result was a marked spike in the unemployment rate, from 4.6 percent in 2007 to 12.8 percent in 2010. High unemployment persisted through January of 2011, but has been falling steadily since then amid marked seasonal fluctuation in the unemployment rate.

Labor market trends in the state's non-entitlement areas were reflected in statewide trends during that period of high growth in unemployment: the total number of full- and part-time jobs in the state, including entitlement areas, declined by nearly 170,000. In addition, the average worker earned over \$2,400 less in 2010 than he or she had in 2007, as measured in 2012 dollars. Earnings have fallen further since then, and by 2012 the average worker in the state was earning \$48,851, down from \$52,859 in 2007. The decline in the real income of the average state resident was more rapid still: In 2007, the income of the average residents was \$43,581, as measured in 2012 dollars. By 2010 that figure had fallen by nearly \$5,000, and it has remained below \$39,000 in real dollars since that time.

Unfortunately, though not surprisingly given the data on earnings and income discussed above, the number and the percentage of residents living in poverty has grown. In 2000, over 27,000 residents of the state's non-entitlement areas were living in poverty, representing 8.7 percent of the population. By 2012, an estimated 12.1 percent of the non-entitlement population was living in poverty. In both years, high rates of poverty were observed in and around the Walker River and Duck Valley tribal reservation areas. However, the intervening period also saw considerable growth in poverty in Esmerelda County and in the large rural area to the northwest of Pahrump, as well as in Pahrump itself.

Owner-occupied units accounted for around three-quarters of all occupied housing units in the state's non-entitlement areas. However, in some areas housing units were almost exclusively owner-occupied: such areas included Spring Creek, Winnemucca, and a large cluster of Census tracts around Reno, Sparks, and Carson City. Relatively high shares of renter occupied units were observed in Fallon Station, in large rural tracts in the northeastern corner of the state, and in the large Census tract to the northwest of Pahrump.

Around 15 percent of the housing units in the state's non-entitlement areas were vacant in 2010, representing an increase of 0.4 percentage points over 2000. Most of these units were for rent; for sale; or were dedicated to seasonal, recreational or occasional use. However, more than a quarter of vacant units were classified as "other vacant" in 2010: these units, which are not available to the market place, may represent a blighting influence where they are grouped in close geographic proximity. Though relatively high shares of vacant units were observed in Census tracts in and around Carson City, the greatest numbers of "other vacant" units were

located in Esmerelda County, the large rural tract encompassing Tonopah, and in Census tracts in and around Pahrump and Hawthorne.

Contributing to the increase in the number of vacant units was the fact that growth in the number of housing units in the state's non-entitlement areas outpaced growth in the number of households, which grew by around 25,000 between 2000 and 2010. Much of this growth can be attributed to increases in the number of smaller households, or those with three members or fewer. These households accounted for more than 85 percent of all households in the non-entitlement areas of the state in 2010. Single-family units accounted for around 61 percent of housing units in 2000, a share which increased by around 10 percentage points over the following decade. Mobile homes were the next most common housing unit, though they accounted for a smaller share of housing units in 2010, at 20.1 percent, than they had in 2000.

As one might expect, given the prevalence of smaller households in the state's non-entitlement areas, overcrowded households, or those with between 1 and 1.5 members per room, did not account for a large share of households overall in 2000, and that share had only fallen by 2012. Housing problems associated with incomplete plumbing or kitchen facilities were also relatively uncommon: 1.1 percent of housing units lacked complete kitchen facilities in 2008-2012, and 0.6 percent lacked complete plumbing facilities. More serious were the problems of cost-burdening and severe cost-burdening. Cost-burdened households, in which housing costs take up between 31 and 50 percent of the households, together with severely cost-burdened households, in which housing costs consume more than fifty percent of the household income, accounted for nearly 34 percent of all households in the state's non-entitlement areas in 2008-2012. During that time period, housing costs were highest in and around the state's non-entitlement jurisdictions, as well as in Census tracts near Winnemucca, Elko, and Spring Creek.

Fair Housing Law, Studies, and Case Review

Residents of Nevada are protected from discrimination in the housing market by laws at the federal and state level. The federal Fair Housing Act represents the foundation for fair housing law and policy in the United States, prohibiting discrimination on the basis of race, color, religion, sex, national origin, familial status, and disability. The Nevada Fair Housing Law extends additional protections to state residents, prohibiting discrimination on the basis of sexual orientation or gender identity or expression, ancestry, and familial status, in addition to all of the bases identified in the federal law. Additional anti-discrimination provisions, included in federal laws and regulations pertaining to the use of federal funding in housing and community development, prohibit discrimination on the basis of age (notably the Age Discrimination Act of 1975 and Title I, Section 109 of the Community Development Act, which directs that the provisions of the Age Discrimination Act apply to Title I programs).

In spite of the existence of these laws, discrimination persists, though certainly no longer in a form that is as overt and obvious as it was when the laws were passed. Rather, modern discrimination is frequently described as "discrimination with a smile". Often, housing seekers will not know that they have been subjected to discrimination when a landlord tells them that no apartments are available, only to offer an available room to a prospective tenant of another race or ethnicity a few hours later. Such discrimination often only becomes apparent when properties are subjected to fair housing testing, which can be observed in national studies that highlight differences in how applicants are treated when they apply for housing with similar

qualifications, but with names that are stereotypically associated with members of different races and ethnicities.

However, it is discrimination on the basis of disability that represents the most common violation of the Fair Housing Act, according to national studies of fair housing complaints. In this connection, it is not surprising that of the seven cases filed by the Department of Justice in the state over the last decade, five have alleged discrimination on the basis of disability.

Though the laws that shape fair housing policy at the federal level are firmly established, and have been broadened in scope and legal force over the years, legal and regulatory actions that are currently taking place at the national level are likely to considerably impact the manner in which fair housing policy is carried out. In the first place, the Supreme Court is currently considering whether or not individuals or business can be held liable for discrimination by enacting policies that are neutral on their face, but have discriminatory effects. Such “discriminatory effects liability”, a long-standing tool in fair housing enforcement, has been upheld in eleven district court decisions but has not yet been considered by the Supreme Court. If the court rules that disparate impact liability is not available under the fair housing act, that decision is likely to change fair housing enforcement profoundly.

The decision may also have an impact, albeit indirect, on HUD’s affirmatively furthering fair housing requirement, since many of the cases that trigger an AFFH review by HUD are based on the perceived discriminatory effects of certain policies. However, a rule proposed by HUD in 2013 is likely to have a more direct impact. This proposed rule, which is meant to clarify the AFFH requirement for state and local jurisdictions, would do away with the AI and replace it with the Assessment of Fair Housing, among other changes. A final action on the rule, originally scheduled for December of 2014, is now slated for March of this year.

Fair Housing Structure

Fair housing services are provided to Nevada residents through a variety of agencies and organizations at the federal and state level. Fair housing policy is administered at the federal level by HUD, which promotes outreach and education; provides for fair housing enforcement; accepts complaints from American residents who believe that they have been subjected to unlawful discrimination; and coordinates with local fair housing agencies and organizations, providing funding and expertise. At the state level, enforcement of the state’s fair housing law is the purview of the Nevada Equal Rights Commission. However, much of the complaint intake, investigation, and outreach and education activities relating to fair housing are undertaken by the Silver State Fair Housing Council. This organization partners directly with HUD to provide fair housing services to state residents, under the auspices of the Fair Housing Initiatives Program, or FHIP.

The FHIP is one example of the way in which HUD can coordinate with local fair housing entities; the other primary means of coordination between HUD and local actors is through the Fair Housing Assistance Program, or FHAP. Through the FHAP, HUD provides funding and expertise to local government agencies that carry out fair housing laws that it has judged to be “substantially equivalent” to the fair housing act.

Though the Nevada Equal Rights Commission is charged by the state's fair housing law with the administration and enforcement of the provisions of the law, the Commission is not a FHAP participant. Although legislative changes to the Nevada Fair Housing Law were proposed in 2009, which would have rendered the law substantially equivalent to the FHA, those changes were not adopted. The Equal Rights Commission is therefore not able to participate in the FHAP and avail itself of federal funds that might have been dedicated to fair housing enforcement, and the role of the Commission in accepting, investigating, and resolving fair housing complaints has been limited. This limitation is especially pertinent to those who are protected from discrimination under state but not federal law; at present, complaints from residents of the state's non-entitlement areas on the basis of sexual orientation; gender identity or expression; or ancestry can only be resolved at the state level.

Fair Housing in the Private Sector

The ability of individuals or families to choose where they live is impacted by a number of factors, including the availability and terms of home loans and home insurance, patterns in small business lending, the incidence of discrimination in the housing market, and the accessibility of new and existing units to those of reduced mobility.

Financial institutions throughout the state processed 149,016 home purchase loans and loan applications from 2004 through 2013. A large majority of these loans and loan applications were intended to finance the purchase of homes in which the owner or owners intended to live. Just over a fifth of the loan applications processed by these financial institutions were denied over this time period. Female applicants tended to be denied at a higher rate than this average rate; however, variation in denial rates among members of different racial and ethnic groups was more pronounced. Applications from white loan applicants were denied at a rate of 18.8 percent, or below the overall average rate, while 28 percent of applications from American Indian applicants were denied, along with 34.1 percent of applications from black applicants. Similarly, the denial rate for Hispanic applicants, which was 28.6 percent over the ten-year period, exceeded that of non-Hispanic applicants by more than ten percentage points.

There were many different reasons that these loan applications were turned down, but the most common were insufficient collateral, credit history, and unfavorable debt-to-income ratios. As one might expect, income had a considerable effect on loan denials; as incomes went up, the loan denial rate declined. However, the discrepancies between loan denial rates for white and American Indian applicants persisted, even for applicants who were similarly situated with respect to income. The same was true for Hispanic applicants as compared to non-Hispanic applicants.

Furthermore, racial and ethnic disparities also existed for those who were able to secure a loan but were issued loans with high annual percentage rates (HALs). These loans, which are considered predatory in nature, were most common in 2006, when more than a quarter of loans issued in the state's non-entitlement areas consisted of these high-cost loans. Since that time, the share of loans that were predatory in nature has fallen considerably. However, American Indian and Hispanic residents were considerably more impacted by HALs over the entire period than white and non-Hispanic residents.

Analysis of small business loans in the state's non-entitlement areas indicates that the majority of these loans were issued in middle- to upper-income Census tracts, while low- to moderate-income Census tracts were largely passed over by small business loans. As one might expect, these Census tracts were generally located near the more populous areas of the state; the highest concentrations of small business lending activity appeared in Census tracts near Pahrump, along with tracts near Carson City and Reno.

Analysis of complaint data lodged with HUD and the Silver State Fair Housing Council suggest that the most commonly perceived basis for discrimination in the state was disability, which was cited in more than half of all complaints filed with HUD and nearly 90 percent of all complaints filed with the Fair Housing Council. By contrast, nearly twice as many complaints filed with the Nevada Equal Rights Commission alleged race-based discrimination as cited discrimination on the basis of disability; however, disability-based discrimination was still a relatively common perception among those who lodged a complaint with the Commission, figuring in around a third of those complaints. Failure to make reasonable accommodation was the most commonly cited discriminatory action in HUD complaints, and around 30 percent of the reasonable accommodation requests submitted by the Fair Housing Council on behalf of complainants were denied.

Additional issues and potential barriers to fair housing choice were revealed in responses to the 2015 State of Nevada Fair Housing Survey. The private sector portion of the survey asked respondents to state whether or not they were aware of barriers to fair housing choice in the rental housing market, the real estate industry, the mortgage and home lending industry, housing construction or accessible design, the home insurance industry, the home appraisal industry, or any other housing services. Typically, very few respondents were aware of fair housing challenges in any of these areas. However, a large share of respondents answered each question with "don't know", suggesting that many residents may not feel that they can identify such issues when they do occur. Commentary submitted with the private sector portion of the survey tended to focus on challenges in the housing market facing residents with disabilities, as well as families with children.

Fair Housing in the Public Sector

Analysis of factors in the public sector that may impact fair housing choice included an examination of the distribution of public-assisted housing units in the state's non-entitlement areas as well as the results of the 2015 Fair Housing Survey. Multi-family assisted units tended to be concentrated in more populous areas of the state, and were not observed to be concentrated in areas with above-average or disproportionate shares of poverty.

As had been the case in the private sector portion of the fair housing survey, few respondents were aware of barriers to fair housing choice in any of the policy areas or practices identified in the survey. Around twelve percent of respondents maintained that they were aware of barriers to fair housing choice in zoning laws, while a quarter of respondents stated that they were aware of issues in the provision of government services, issues which constituted barriers to fair housing choice in the estimation of those respondents. Several commenters who discussed these issues further noted that zoning laws often had the effect of excluding group homes and supportive housing, and that current limitations in the availability of public transit had an especially marked impact on those who live in the state's rural areas.

Public Involvement

Efforts to promote public involvement in the AI process included the 2015 Fair Housing Survey; Fair Housing Forums, Focus Groups, and Outreach Meetings; and a public comment period, during which the Housing Division sought public feedback on the findings of the AI and the actions proposed to address those findings.

Results of the 2015 Fair Housing Survey reveal that participants were generally supportive of fair housing laws, though a substantial minority of respondents felt that the laws ought to be expanded. Some of the proposed changes to the fair housing laws included expanding fair housing protections to include mental illness and sexual orientation, groups which are already under the nominal protection of federal or state fair housing laws. This may suggest either that survey respondents were simply unaware that those protections are in place or that discrimination on those bases is not rigorously prosecuted. Indeed, over a third of respondents felt that, in general, enforcement of the fair housing law was inadequate.

A majority of respondents noted that fair housing training was available, and a majority had also participated in that training. Nevertheless, a substantial minority of respondent, or nearly forty percent, maintained that current levels of outreach and education were insufficient. In spite of that fact, many respondents were able to correctly identify classes that are protected under the fair housing law. Only about a fifth of respondents were aware of any city or county fair housing ordinance, regulation, or plan.

Finally, efforts to solicit public participation in the AI process included several outreach meetings and one fair housing forum; these discussions enriched both the analysis and the consideration of potential impediments and actions that the state may take to address them. In a series of four meetings that took place from November 2014 through February 2015, the Public Housing Agency and Grantee Outreach Committee discussed the results of ongoing analyses undertaken as part of the AI effort, and discussed some of the issues facing the state. Such issues included the challenges facing residents with disabilities and families with children, the difficulties of promoting fair housing choice in a state with a population as diffuse as that of Nevada, the role of the Nevada Equal Rights Commission in fair housing policy, and the need for a statewide audit of local and county zoning ordinances. The Fair Housing Forum represented an additional opportunity for members of the public to become familiar with the AI process, fair housing challenges in the state, to offer their perspective on the study findings, and to provide feedback on potential actions that the state may take to address identified impediments to fair housing choice.

SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Discrimination against disabled residents and families with children. This impediment was identified through a review of complaints filed with HUD and the Silver State Fair Housing Council; through forum and outreach meeting discussions with Nevada stakeholders; the review of fair housing cases and studies; and the results of the Nevada Fair Housing Survey. “Disability” ranked as the most frequent basis for complaints filed with HUD by residents of non-entitlement areas of the state, accounting for more than half of all complaints lodged from 2004 through 2014. Complaints based on disability accounted for an even larger share of complaints filed with the Silver State Fair Housing Council, which also received more complaints overall than HUD during approximately the same period. Representatives of the Fair Housing Council who participated in forum and outreach committee discussions confirmed that disability was the most common basis for complaints that they receive, and much of the discussions at those meetings revolved around the challenges facing the community of residents with disabilities. The presence of those challenges in the state is to some degree borne out by the profile of the seven cases filed by the Department of Justice against Nevada housing providers over the last ten years; five of these were related to disability-based discrimination. Discrimination based on disability was also a recurrent theme in comments submitted by respondents to the Nevada Fair Housing Survey.

“Failure to make reasonable accommodation” was the most common type of discriminatory practice alleged in complaints filed with HUD, and approximately a third of the reasonable accommodation requests that the Silver State Fair Housing Council sent to housing providers in the state’s non-entitlement areas were denied. However, discrimination against residents with disabilities can also consist of a refusal to rent to a person with disabilities, or denying that a housing unit is available. For example, one of the complaints filed by the Department of Justice in the state alleged that a landlord refused to rent to a woman with severe allergies, on the grounds that she might lose consciousness while the electric range was on.

Action 1.1: In partnership with the Silver State Fair Housing Council, conduct outreach and education with managers of new and existing rental housing complexes.

Measurable Objective 1.1: The number of outreach efforts conducted.

Action 1.2: Conduct a survey of local and county zoning regulations or unified development codes to determine whether they include a statement on reasonable accommodation or ADA building requirements.

Measurable Objective 1.2: The number and percentage of local and county ordinances that a statement on reasonable accommodation and ADA requirements.

Impediment 2: Racial and ethnic minority home loan applicants are denied more frequently than white or non-Hispanic applicants. This impediment was identified through review of home loan data gathered under the Home Mortgage Disclosure Act. These data indicate that the denial rate for American Indian residents was nearly ten percentage points higher than the denial rate for white applicants and the denial rate for black residents was nearly twice as high as that of white residents. Similarly, the denial rate for Hispanic applicants, of 28.6 percent,

was over ten percentage points higher than the denial rate for non-Hispanic residents. It should be noted that HMDA data do not include information that is highly pertinent to the decision to approve or deny a loan, such as the credit score of applicants or the size of the prospective down payment. Nevertheless, these data do provide an index of the average applicant's experience during the loan application process, and indicate whether an applicant is more likely to be denied if he or she is black, Hispanic, or American Indian.

Action 2.1: Contact professionals in the home lending industry, the Division of Mortgage Lending, and other pertinent agencies and organizations to discuss the findings of the AI regarding home lending and gather recommendations on how to address differential rates of home loan denials.

Measurable Objective 2.1: Record of contact with local professionals, officials, and other experts, along with a list of recommendations.

Action 2.2: Conduct outreach and education of prospective housing consumers on how to acquire and keep good credit, in partnership with local civic organizations (i.e., churches, schools, etc.)

Measurable Objective 2.2: Records of existing and forthcoming outreach and education activities in local and county jurisdictions, including locations, number of participants, etc.

Impediment 3: Lack of understanding of fair housing laws and the role of the fair housing infrastructure. This impediment was identified through review of the Nevada Fair Housing Survey and in consultation with state and local officials and stakeholders during the outreach committee and fair housing forum meetings. Though a majority of respondents maintained that they were “somewhat” or “very” familiar with fair housing laws, a substantial minority noted that these laws are difficult to understand or follow. In addition, survey questions concerning specific areas, industries, policies, or practices relating to fair housing choice tended to receive high shares of “don’t know” responses. Participants in the public outreach committee meetings also cited a lack of knowledge concerning fair housing among members of the public, feeling this to represent a significant challenge to efforts to affirmatively further fair housing, and maintained that efforts to increase public knowledge of fair housing policy should be a priority in the current AI process.

Action 3.1: Partner with the Silver State Fair Housing Council to enhance outreach and education throughout the state, targeting property managers and other housing providers.

Measurable Objective 3.1: Number of outreach and education sessions offered and number of attendees.

Action 3.2: Establish a requirement that local and county grantees take actions to publicize fair housing rights, responsibilities, and remedies.

Measurable Objective 3.2: The number of documented activities and actions completed and tracked through monitoring site visits.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Zoning laws and development standards have restricted some types of housing, notably group homes and other types of supportive housing. This impediment was

identified through results of the fair housing survey and discussions with participants in outreach committee meetings. Though the share of respondents who were aware of barriers to fair housing choice in given public sector practices was generally low, a greater share of respondents claimed to be aware of policies and practices in zoning laws that represented barriers to fair housing choice. Several participants in the outreach committee meetings shared that perception, and noted that at present it is unclear the extent to which local jurisdictions and counties have updated their zoning and land-use planning codes in accordance with State Bill 233, passed in 2013, which removes certain restrictions on the placement of group homes and supportive housing. Furthermore, it is not known whether those local zoning codes still include language that (1) restrict the number of non-related persons living together, or prohibit cohabitation by non-related persons entirely; (2) require special use permits or public hearings on proposed supportive housing; (3) bar accessory apartments from single family zoning districts; (4) fail to include a statement on reasonable accommodation; and (5) bar manufactured housing from single family zoning districts, even if such units are converted to real property and permanently placed on a lot.

Action 1.1: Conduct a statewide survey to determine if local zoning and land-use ordinances are in compliance with recent changes to state law, and to identify any provisions still in effect that may serve to disproportionately restrict housing choice for protected class individuals (examples of such language are included in Appendix F).

Measurable Objective 1.1.1: Record the number of local and county ordinances reviewed throughout the state, identified by jurisdiction.

Measurable Objective 1.1.2: Record the number and percentage of local and county ordinances that maintain the spacing requirements prohibited by S.B. 233 (2013) or similar requirements, identified by jurisdiction.

Measurable Objective 1.1.3: Record the number and percentage of local and county zoning ordinances that maintain provisions or language that has the effect of excluding units more frequently inhabited by protected class populations.

Action 1.2: Notify jurisdictions that are not in compliance with the requirements adopted in S.B. 233.

Measurable Objective 1.2: Record of correspondence with and notification of local jurisdictions.

Action 1.3: Compile a compliance report based on the review.

Measurable Objective 1.3: Draft the compliance report.

Impediment 2: Lack of a substantially equivalent state agency enforcing the Nevada Fair Housing Law. This impediment was identified through a review of the state's fair housing infrastructure and discussions at the public outreach committee meetings. The Nevada Equal Rights Commission is identified in the state's fair housing law as the agency responsible for enforcing the provisions of the law, which, among other things, provide for the intake, investigation, and resolution of complaints. However, in spite of efforts in the legislature in 2005 and 2009, which had the support of the Commission, legislation designed to make the state law substantially equivalent to the federal Fair Housing Act were not passed. As a result, the Commission is unable to benefit from federal funding provided through the Fair Housing Assistance Program.

Participants in the outreach committee meetings considered the Commission's role in fair housing enforcement to be limited. As a result, housing complaints from residents in the state are typically forwarded to HUD, unless those complaints pertain to discrimination on bases that are not covered by the federal Fair Housing Law. For example, those who have suffered discrimination in the private housing market on the basis of gender identity or sexual orientation have limited recourse under federal law, and must resolve their complaints at the state level.

Action 2.1: Contact the Equal Rights Commission to share the findings of the State AI, discuss past efforts to introduce legislation that would make the state law "substantially equivalent" to the FHA, and assess the feasibility of reintroducing legislation in the 2015 or 2017 Regular Session of the Legislature.

Measurable Objective 2.1: Record of contact with the Equal Rights Commission on the subject of "substantial equivalency."

Action 2.2: Discuss with the Commission ways in which it might collaborate with the Housing Division and Silver State Fair Housing Council on any of the other actions identified in this AI.

Measurable Objective 2.2: Record of contact with the Equal Rights Commission on the subject of collaboration on the actions identified in this AI.

Action 2.3: Request a copy of the Commission most recent report submitted to the governor in accordance with NRS 233.080, and review fair housing activities; in particular, the outcome of fair housing complaints submitted to the Commission.

Measurable Objective 2.3: Record of contact with the Commission and the results of the review of fair housing activities.

Impediment 3: Lack of understanding of fair housing laws and the responsibility to affirmatively further fair housing. This impediment was identified through review of the Nevada Fair Housing Survey and in consultation with state and local officials and stakeholders during the outreach committee and fair housing forum meetings. As noted in Public Sector Impediment 3, a substantial minority of survey respondents noted that fair housing laws are difficult to understand or follow. Furthermore, survey questions concerning specific areas, industries, policies, or practices relating to fair housing choice tended to receive high shares of "don't know" responses. Participants in the public outreach committee meetings also cited a lack of knowledge concerning fair housing among members of the public, believing this to represent a significant challenge to efforts to affirmatively further fair housing, and maintained that efforts to increase public knowledge of fair housing policy should be a priority in the current AI process.

Action 3.1: Enhance outreach and education to units of local government, as well as housing consumers, as it relates to affirmatively furthering fair housing and the duty to affirmatively further fair housing.

Measurable Objective 3.1: Number of outreach and education efforts taken.

SECTION X. GLOSSARY

Accessible housing: Housing designed to allow easier access for physically disabled or vision impaired persons.

ACS: American Community Survey

AI: Analysis of Impediments to Fair Housing Choice

AMI: Area median income

BEA: Bureau of Economic Analysis

BLS: Bureau of Labor Statistics

CDBG: Community Development Block Grant

Census tract: Census tract boundaries are updated with each decennial census. They are drawn based on population size and ideally represent approximately the same number of persons for each tract.

Consolidated Plan: Consolidated Plan for Housing and Community Development

Cost burden: Occurs when a household has gross housing costs that range from 30.1 to 50 percent of gross household income.

CRA: Community Reinvestment Act

Disability: A lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work.

Disproportionate share: Exists when the percentage of a population is 10 percentage points or more above the study area average.

DOJ: U.S. Department of Justice

ESG: Emergency Shelter Grants program

Fannie Mae: Federal National Mortgage Association (FNMA), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

Family: A family is a group of two people or more related by birth, marriage, or adoption and residing together.

FFIEC: Federal Financial Institutions Examination Council

FHAP: Fair Housing Assistance Program

FHEO: Fair Housing and Equal Opportunity

FHIP: Fair Housing Initiative Program

Floor area ratio: The ratio of the total floor area of a building to the land on which it is situated, or the limit imposed on such a ratio.

Freddie Mac: Federal Home Loan Mortgage Corporation (FHLMC), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

GAO: U.S. General Accounting Office

Gross housing costs: For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and electricity or natural gas energy charges.

HAL: High annual percentage rate (APR) loan, defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.⁸¹

HMDA: Home Mortgage Disclosure Act

HOME: HOME Investment Partnerships

HOPWA: Housing Opportunities for Persons with AIDS

Household: A household consists of all the people who occupy a housing unit. A house, an apartment or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live with any other persons in the structure and there is direct access from the outside or through a common hall.

Housing problems: Overcrowding, incomplete plumbing or kitchen facilities, or cost burdens

HUD: U.S. Department of Housing and Urban Development

Incomplete kitchen facilities: A housing unit is classified as lacking complete kitchen facilities when any of the following are not present: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

Incomplete plumbing facilities: A housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower.

Labor force: The total number of persons working or looking for work

MFI: Median family income

Mixed-use development: The use of a building, set of buildings, or neighborhood for more than one purpose.

MSA: Metropolitan Statistical Area

NIMBYism: "Not in my backyard" mentality among community members, often in protest of affordable or multi-family housing.

Other vacant units: Housing units that are not for sale or rent

Overcrowding: Overcrowding occurs when a housing unit has more than one to 1.5 persons per room.

Poverty: The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

Predatory loans: As defined by the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA), loans are considered predatory based on:

- If they are HOEPA loans;⁸²
- Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
- Presence of HALs. For full definition, see **HAL**.

⁸¹ 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

⁸² Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." <http://www.ffiec.gov/hmda/glossary.htm#H>

Protected Class: Group of people protected from discrimination and harassment. Nevada residents are protected from housing discrimination based on race, sex, religion, familial status, disability, national origin, color, gender identity or expression, and sexual orientation.

Public housing: Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

RDA: Redevelopment agency

Severe cost burden: Occurs when gross housing costs represent 50.1 percent or more of gross household income.

Severe overcrowding: Occurs when a housing unit has more than 1.5 persons per room.

Steering: Actions of real estate agents or landlords to discourage a prospective buyer or tenant from seeing or selecting properties in certain areas due to their racial or ethnic composition.

Tenure: The status by which a housing unit is held. A housing unit is "owned" if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owned" only if the owner or co-owner lives in it. All other occupied units are classified as "rented," including units rented for cash rent and those occupied without payment of cash rent.

APPENDICES

The following sections present additional data prepared in development of the State of Nevada Analysis of Impediments to Fair Housing Choice.

A. COMMUNITY REINVESTMENT ACT DATA

Table A.1
Small Business Loans Originated: \$100,000 or Less by Tract MFI
Non-Entitlement Areas of Nevada
2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	27	926	3,090	1,548	12	5,603
2001	16	1,227	3,361	1,659	9	6,272
2002	26	1,590	4,926	2,414	55	9,011
2003	0	1,014	4,223	2,867	19	8,123
2004	0	723	4,698	3,188	6	8,615
2005	0	719	5,253	3,430	10	9,412
2006	0	1,396	9,760	6,926	20	18,102
2007	0	1,574	10,015	7,251	19	18,859
2008	0	1,111	7,705	6,099	16	14,931
2009	0	432	3,546	2,747	3	6,728
2010	0	403	3,319	2,514	0	6,236
2011	0	487	4,213	3,219	7	7,926
2012	32	546	3,233	2,289	13	6,113
2013	45	546	3,283	2,293	14	6,181
Total	146	12,694	70,625	48,444	203	132,112
Loan Amount (\$1,000s)						
2000	460	7,617	28,176	15,524	113	51,890
2001	196	8,614	25,110	14,776	117	48,813
2002	362	11,313	42,308	23,513	399	77,895
2003	0	8,501	38,696	28,264	196	75,657
2004	0	6,613	46,866	34,471	31	87,981
2005	0	8,452	60,951	44,411	66	113,880
2006	0	12,623	93,443	73,046	119	179,231
2007	0	14,221	106,351	88,930	118	209,620
2008	0	10,523	86,020	77,228	127	173,898
2009	0	5,027	47,066	39,844	14	91,951
2010	0	4,700	45,015	35,687	0	85,402
2011	0	6,241	60,501	47,928	39	114,709
2012	200	5,744	43,012	28,843	323	78,122
2013	264	5,774	43,762	28,538	353	78,691
Total	1,482	115,963	767,277	581,003	2,015	1,467,740

Table A.2
Small Business Loans Originated: \$100,001 to \$250,000 by Tract MFI
Non-Entitlement Areas of Nevada
2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	1	12	74	42	1	130
2001	0	10	82	33	0	125
2002	3	18	98	42	0	161
2003	0	8	73	52	0	133
2004	0	8	78	58	0	144
2005	0	5	73	64	1	143
2006	0	3	80	50	0	133
2007	0	11	75	55	0	141
2008	0	8	85	49	0	142
2009	0	7	69	41	0	117
2010	0	6	86	32	0	124
2011	0	12	76	67	0	155
2012	1	2	74	41	1	119
2013	1	7	76	36	2	122
Total	6	117	1,099	662	5	1,889
Loan Amount (\$1,000s)						
2000	150	2,102	13,521	7,074	135	22,982
2001	0	1,845	14,999	6,028	0	22,872
2002	525	3,573	17,046	7,930	0	29,074
2003	0	1,348	13,713	10,018	0	25,079
2004	0	1,394	14,147	11,483	0	27,024
2005	0	959	13,233	12,438	125	26,755
2006	0	550	13,883	8,273	0	22,706
2007	0	2,215	12,474	9,914	0	24,603
2008	0	1,503	14,957	9,363	0	25,823
2009	0	1,150	11,715	7,225	0	20,090
2010	0	992	15,197	5,974	0	22,163
2011	0	1,930	12,970	11,963	0	26,863
2012	125	300	13,811	7,462	200	21,898
2013	125	1,045	13,567	6,548	422	21,707
Total	925	20,906	195,233	121,693	882	339,639

Table A.3
Small Business Loans Originated: More than \$250,000 by Tract MFI

Non-Entitlement Areas of Nevada
2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	1	12	54	42	0	109
2001	1	13	64	46	0	124
2002	0	23	65	66	0	154
2003	0	11	57	60	0	128
2004	0	6	66	76	0	148
2005	0	8	71	90	0	169
2006	0	7	79	79	0	165
2007	0	9	87	64	0	160
2008	0	15	74	84	0	173
2009	0	4	56	51	0	111
2010	0	4	55	54	0	113
2011	0	4	70	60	0	134
2012	1	5	62	36	4	108
2013	0	9	68	32	3	112
Total	3	130	928	840	7	1,908
Loan Amount (\$1,000s)						
2000	300	6,327	27,604	20,602	0	54,833
2001	300	6,284	31,218	29,062	0	66,864
2002	0	12,873	34,710	39,290	0	86,873
2003	0	5,216	30,351	33,546	0	69,113
2004	0	2,520	33,812	41,662	0	77,994
2005	0	4,398	41,097	48,607	0	94,102
2006	0	3,363	47,329	43,272	0	93,964
2007	0	3,524	47,258	34,953	0	85,735
2008	0	7,304	41,256	47,288	0	95,848
2009	0	2,023	29,288	30,688	0	61,999
2010	0	1,673	28,677	26,703	0	57,053
2011	0	2,720	39,170	35,823	0	77,713
2012	500	2,953	35,833	20,256	1,864	61,406
2013	0	5,342	36,814	17,586	1,243	60,985
Total	1,100	66,520	504,417	469,338	3,107	1,044,482

Table A.4
Small Business Loans to Businesses with Gross Annual Revenues of Less Than
\$1 Million by Tract MFI

Non-Entitlement Areas of Nevada
2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	3	373	1,206	644	2	2,228
2001	4	369	1,234	698	1	2,306
2002	4	375	1,423	690	0	2,492
2003	0	352	1,688	1,232	9	3,281
2004	0	264	1,868	1,364	2	3,498
2005	0	368	2,909	1,960	6	5,243
2006	0	505	3,973	2,732	8	7,218
2007	0	652	4,562	3,083	6	8,303
2008	0	387	2,841	1,944	8	5,180
2009	0	180	1,573	1,233	0	2,986
2010	0	164	1,489	1,145	0	2,798
2011	0	254	2,251	1,774	5	4,284
2012	8	259	1,536	1,112	3	2,918
2013	27	303	1,769	1,325	5	3,429
Total	46	4,805	30,322	20,936	55	56,164
Loan Amount (\$1,000s)						
2000	105	7,166	31,445	25,344	139	64,199
2001	34	8,348	30,407	19,434	79	58,302
2002	160	12,197	36,385	29,616	0	78,358
2003	0	7,930	39,123	33,885	111	81,049
2004	0	3,606	38,607	42,173	15	84,401
2005	0	8,822	59,386	51,867	45	120,120
2006	0	8,186	80,769	60,761	61	149,777
2007	0	9,546	85,982	63,761	51	159,340
2008	0	8,977	57,424	49,108	89	115,598
2009	0	3,453	39,022	35,714	0	78,189
2010	0	3,514	39,151	31,427	0	74,092
2011	0	4,714	50,803	37,391	30	92,938
2012	102	4,229	36,959	21,257	207	62,754
2013	205	4,496	37,973	21,591	282	64,547
Total	606	95,184	663,436	523,329	1,109	1,283,664

B. FAIR HOUSING SURVEY OPEN QUESTIONS

FEDERAL, STATE, AND LOCAL LAWS

Table B.1
Where would you file a complaint if you felt that your fair housing rights had been violated?

State of Nevada
2015 Fair Housing Survey Data

Comments:
AG office
Attorney General's Office
City/County fair housing office or ombudsman
Consumer complaints for fair housing online at usa.gov
Consumer Protection
DA
Depends on their computer skills, but I would most likely send them to the internet to google or find a link for them. If they did not have internet access, I would look up the location of where they could go in person to file a complaint.
District attorney
Do not know.
don't know
Fair Housing Division at Reno 324-0990
Fair housing state agency.
Family Support Council. Nevada free legal aid
Federal FHA
For persons who are not participating in USDA's program, we would refer them to Silver State Fair Housing Council. For USDA program participants, we would refer them to our Civil Rights office at the Department of Agriculture.
FTC
Govenors office
Housing Authority
Housing Division in Carson City
HUD
HUD Equal Housing Opportunities
HUD Fair Housing
HUD in San Francisco
HUD nearest office.
HUD offices
HUD or RD
HUD, Consumer Finance Protection Bureau, NV State Division of Mortgage Lending, Federal Trade commission.-Either of which would direct them to correct enforcement entity.
If it was an agent in Nevada that violated fair housing then I would suggest they start with the Association of Realtors in their area for direction.
local community services for a start
Local government housing agencies
local HUD office or a HUD approved housing agency
NDALC
Nevada Division of Fair Housing
Nevada Fair Housing
Nevada Fair Housing and/or HUD
Nevada Fair Housing office or HUD
Nevada Housing Division
Nevada Legal
Nevada Legal Services
Nevada Real Estate Division
Nevada Silver State Fair Housing
no idea
No idea
Not sure....I'd probably google it. :-)
NRHA
NRS
NV Fair housing
NV Housing Devisiion
NV Rural Housing Authority
Real Estate board
Real Estate Commission
Reno Fair Housing Division
Reno housing authority
Sec. of State
Silver State Fair Housing
Silver State fair housing Council

Silver State Fair Housing Council
 Silver State Fair Housing Council HUD's Office of Fair Housing and Equal Opportunity
 Silver State Fair Housing Council, HUD, or one of several non-profits in Clark and Washoe County
 Silver State Fair Housing Council, Nevada Fair Housing Center, HUD.
 Silver State Fair Housing Counsel
 Silver State Fair Housing or the San Francisco HUD regional office
 Silver State Housing
 Social services
 Social Services
 State AG
 state AG's office
 state fair housing authority
 State of Nevada Fair Housing Division
 State or Federal websites
 The Nevada Rural Housing
 The state
 There really is not anyone to refer them too. Nevada has 211, an information line, that really just send them back to the judicial system or a lawyer. They are forced to fight the battles by themselves without an impartial representative.
 To either the State Real Estate board (if a purchase or sale issue), or HUD if a subsidized living situation, or state attorney generals office.
 to HUD
 To the 800#
 To the entity that was over the apartment/house in question
 To the Fair Housing Office
 to you guys
 US Dept of HUD
 USDA

Table B.2
What "Other" type of Tenure?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Business Owner Domestic violence shelter governing agency Government Lender Housing & Community Development Authority Human Services Provider Landlord Management Mortgage Banker mortgage company NGO Non Profit On site property manager Property Management Property Management Company Regulator Service coordinator Service Provider Service Provider - Personally home owner Urban Planning Consultant

Table B.3
How did you become aware of fair housing laws?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Accepted new position as Division Manager in Lyon County. Learning processes and procedures through NRHA, grantor, RNCOC meetings, learning by trail and error with client cases. As a developer in rural Nevada, I have always had our RE brokers work directly for our development organization, therefore, we had to be directly concerned with how properties were presented for sale or ownership. As a Landlord, we deal with renters and emergency shelter placements, so we need to be on top of fair housing laws. As head of Building and Planning Department as well as a practicing, registered architect. As the County Grants Administrator, the laws affect many of our projects. Attended a course facilitated by Silver State Fair Housing in NV on fair housing practices Attended seminar last year in Fallon. Bank Training in mortgage industry Being an elected official.

Both my State and Federal Licensing requires that I study/test annually covering these laws.
 Business/Mortgage Banking
 By working in the housing field and with people who are homeless
 CDBG and Training received.
 CEO for a Community Housing Development Corporation and a Low income housing management corporation.
 CEO of Catholic Charities
 Complaints received at the State level are related to NRS 118A.
 Continuing education classes on a regular basis and 28 years in the business
 Experience with HUD and with renting units.
 Fair housing advocate
 Fair Housing training online and through Ann Sandovsky
 Familiar with protected classes of people in general
 Former Realtor
 Have worked on several AIs over the years, looking at planning policies and development regulations that create barriers to affordable housing and often fair housing. Planners usually don't know enough about fair housing, let alone the Planning Commissioners.
 I am a Lic. realestate agent for the state of Nevada S.62019
 I am a real estate agent
 I am a real estate agent.
 I am in the RE industry
 I became aware of housing laws through my state and local association of REALTORS.
 I had to sign an acknowledgement when I bought my house.
 I know that you can't discriminate against certain protected classes
 I know we can not discriminate against many different human characteristics.
 I manage a Section 42 Tax Credit Property
 I try to read information on them as I become aware of them or need them.
 I work in Local Government
 I work with HUD permanent supportive housing programs, and with the NSP3 program. I had to become very familiar with Fair Housing and its application.
 I'm a Licensed Mortgage Lender
 I've attended many classes on the subject for continuing education to keep my real estate license.
 information needed to know in order for me to do my job and best service my clients/community
 Instructed classes at Reno Sparks Association.
 loan officer for 14 years
 Local Government requires some knowledge when applying Code to applications and development.
 Media
 Mortgage Industry
 mortgage lending in NV for 10 years.
 Ours is a Government program. Fair Housing is an inherent part of what we do. We perform regular compliance reviews for the properties we have financed to assure that fair housing laws are being complied with.
 Part of my training classes mandatory for my job in mortgage lending.
 Real Estate Classes
 Real estate licensing requirements.
 Real Estate Training & Licensing
 Required training for employment
 Retired director of Nevada client assistance Program
 Several years ago I worked to a Housing Authority
 SLA/SPC program within the agency & case managers linking clients to HUD housing.
 State Fair Housing and other training and certification seminars
 Through CE Credit classes offered by the MLS
 through HUD training
 Through my employment
 Through my job.
 Through my work at the mental health center
 Through obtaining my real estate license and continuing education
 Through real estate and property management training.
 Through Real estate classes
 Through real estate education
 through the community
 Through the Community Development Block Grant process
 Through the Nevada Rural Housing Authority
 Through the purchase of my home
 Through training at Nevada Fair Housing office and HUD information
 Through trainings and pamphlets
 Through work in the social
 Through working with social service agencies and neighborhoods on housing issues.
 Time spent with people who help clients obtain housing.
 Took training in 2013 thru CDBG
 Training through CDBG
 Training through the CDBG offices of the State of Nevada.
 Used to own rental property
 Was a property manager for 5 years and have taken classes annually to keep abreast of the laws.
 We have worked with the Silver State Fair Housing Council on training for employees in Carson City and on our city's Impediments

to Fair Housing.
 Work closely with Rural Housing Authority and Emergency Solutions Grantor, to facilitate services and programs for clients in poverty for Lyon County.
 Work for a federal agency whose programs are subject to fair housing laws
 Working with the NV Rural Housing Division and renting homes to clients
 Working with the State & Local CDBG programs
 Years of working as a landlord and a lender.

Table B.4
How should fair housing laws be changed?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Age Education Level Health Status (Ones Health should not be a determining factor in the ability to get a home) Education level Elderly population families with kids Felons and Ex-Felons Gay, lesbian and transgender Individuals experiencing mental health crisis. Mental Illness Mentally ill Not at this time Perhaps -Senior Citizens over age 70 Sexual Orientation Sexual orientation, and transgendered people Source of income Marital status Age transgender, serious mental illness veterans

LOCAL FAIR HOUSING

Table B.5
Are there any specific geographic areas that have fair housing problems?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Although housing discrimination exists throughout the state, residents of rural communities are more reluctant to report discrimination for fear of losing their housing Communities with large hispanic population Douglas County, limited resources. I believe rural more than other urban I'm sure that all areas of the State experience fair housing problems. Las Vegas, Green Valley, Lyon county, affordable housing for low to no income individuals is not available or dwellings have wait lists of years. Only the one I mentioned. I'm sure there is room for improvements of this nature in many areas of the State. Financially it is not possible to cover every problem, from cost standpoint trying to assess, and correct every problem, and as geographical areas enlarge, populations increase, plus age> these problems will Grow commensurately. I doubt revenues can keep pace, as they must come from taxes, and we are already up to our eyebrows with cost of living and TAXES. Rural and frontier counties, especially with limited housing stock due to increased mining - are in a position to selectively rent, which may be subtle discrimination. Also, reluctance to rent to people with mental health / developmental disabilities. The Rural areas due to lack of housing choices there are very few trainings and fair housing services in the rurals, I have only heard of one in maybe the last 10 years?

Table B.6
Please share any additional comments.

State of Nevada
2015 Fair Housing Survey Data

Comments:
<p>Homeless population within the acceptable or passing index scores are provided a housing voucher, if they can find a place who will accept them, this address some homeless issues. Many clients who don't meet the scoring index and who are not self sufficient with income or who experience substance and or mental illness don't qualify for a program and due to rural area and funding, our programs can't support the clients on a long term basis.</p> <p>I am a mortgage loan agent. My knowledge and activities require me to abide by all Federal Acts to treat all applicants equally. If this survey is designed to test the knowledge of the general public then I am certain that public awareness and public reporting of Fair Housing problems/violations exist only in the large rental market (complexes). Recent changes, over the last 4 years, have made employees of lenders and the credit industry more knowledgeable but I believe the public's knowledge has not improved nor has there been any public agency publicizing fairness in credit/lending/housing.</p> <p>I deal with a relatively narrow slice of housing in Northern Nevada, and my primary application is in regard to the implementation of my programs, which all conform to fair housing laws. Therefore my access to other fair housing concerns is very limited.</p> <p>I support Fair Housing just wished there were more available resources for furthering Fair Housing. It seems they are held in Carson City, Reno, Las Vegas, and Elko.</p> <p>NA</p> <p>This is a very long and complicated survey</p> <p>Would like to see further public meetings and PSA to educate private landlords on the requirements and educate the general public on their rights</p>

FAIR HOUSING IN THE PRIVATE SECTOR

Table B.7
Are you aware of any questionable practices or barriers to fair housing choice in the rental housing market?

State of Nevada
2015 Fair Housing Survey Data

Comments:
<p>ADA</p> <p>Based on HUD surveys, landlords are still discriminating against people with disabilities, usually refusing to allow modifications or reasonable accommodations</p> <p>Decision to rent may not be based on race, etc.</p> <p>Disabled and single parents</p> <p>Failure to allow disability-related reasonable accommodations or modifications Failure to comply with requirements for housing for older persons, barring families with children from housing Misrepresenting availability based on a protected class Rules targeting children Failure to comply with requirements related to housing for older persons, resulting in less access to housing for families with children</p> <p>families with children being steered to other housing.</p> <p>HUD Section 8 vouchers are rejected by many landlords, due to renter's appearance, homelessness status, or HUD vouchers have not paid landlords in a timely manner.</p> <p>I am personally unaware of specific examples in the private sector housing market, but realize they do exist.</p> <p>Landlords are reluctant to accept clients who don't have income as they indicate they are concerned for longevity of HUD voucher.</p> <p>Housing first is excellent to meet needs of homeless, however rural communities don't have many housing choices and options.</p> <p>preferring not to rent to families with many children</p> <p>Race</p> <p>service animals</p> <p>Sexual Preference; age; disability</p> <p>Still frequently see issues with familial status - "no children on the lawn" and that type of improper signage; and hear comments like "we try to keep the families in these two buildings so our seniors don't have to worry about kids playing outside their units."</p> <p>There aren't enough choices for renters who prefer to live in a home but cannot afford to rent the huge houses that have been built.</p> <p>If the size of houses were smaller (comparable to an apartment, i.e. less than 1000 sq. feet.), families who want to live small but live comfortably could afford to do so. It's pricing them out of their preferred choice.</p> <p>Various disabilities</p>

Table B.8
Are you aware of any questionable practices or barriers to fair housing choice in the real estate industry?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Adult communities do not allow children Misrepresenting availability based on membership in a protected class Only showing properties during very limited time slots, which discourages people with alternative work schedules from being able to make appointments for showings. Only showing property to healthy people. race, religion, sexual preference, age Real Estate agents spend considerably more time and energy on higher value properties and clients. Refusing to take VA loans as a finance option on a property Same This often involved "guiding" such applicants to certain areas within a project or to other projects altogether.

Table B.9
Are you aware of any questionable practices or barriers to fair housing choice in the mortgage and home lending industry?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Failure to maintain bank-owned properties in minority neighborhoods Not allowed not lending to someone who is elderly or disabled predatory lending Preying on low income families with bad loans. Recent abuses of lending laws have lead to many financial tragedies for buys who should have been protected by fair and equitable application of the laws. Seems like Hispanics are paying higher rates and an unbelievable amount for closing costs from their lenders. I see amounts being charged way out of line with what "the norm" is....and it's usually a Hispanic lender and a Hispanic real estate agent representing the Hispanic consumer. There are lenders that charge higher rates and will not offer programs, such as first time home buyer programs to clients that do not know to ask for such info.

Table B.10
Are you aware of any questionable practices or barriers to fair housing choice in the housing construction or accessible housing design fields?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Architects and building officials don't alway catch mistakes in building design and it's very important to review plans for ADA issues early on. Classic, real world example - constructing a two story supportive housing development with laundry machines on the second floor and no elevator. Depends on area and age of property. Developers need to be financially incented to build low income housing Failure to comply with fair housing design requirements in new multifamily housing Non-compliant construction and even remodels of existing- not enough enforcement to back up local government. Need more Federal or State enforcement for compliance and not rely only on local government. Some developers claim that the rules keep changing and they can't keep up with what the latest requirements are.

Table B.11
Are you aware of any questionable practices or barriers to fair housing choice in the home insurance industry?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
Not allowed Some properties that have been insured for many years in the past are now disqualified because they are said to be in "high risk areas."

Table B.12
Are you aware of any questionable practices or barriers to fair housing choice in any other housing services?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
<p>Affordable homes for rural areas to accommodate single person occupancy.</p> <p>Development Regulations need to be reviewed at the local level (as documented in the 2010 AI for Nevada).</p> <p>Dwellings in area who accept Section 8 vouchers and are reasonably priced for low to no income individuals.</p> <p>Renters have no other options besides taking their landlords to small claims court to have home conditions repaired or updated to meet their new lifestyle condition. If you have previously rented the apartment they are in no way obligated to build you a wheelchair ramp if you, become incapacitated. They are only required to do so if they have to perform major renovations to the home. If you have a health condition other than the currently classified disabilities, of which asthma, COPD and other breathing conditions are not included. They are not required to test for mold, or remediate wet conditions in the home that exacerbate these conditions.</p> <p>Unequal enforcement of HOA rules based on protected class Harassment of protected classes living in HOA communities Failure of HOAs to allow reasonable modifications or accommodations</p>

FAIR HOUSING IN THE PUBLIC SECTOR

Table B.13
Are you aware of any questionable practices or barriers to fair housing choice in land use policies?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
<p>Current Zoning</p> <p>Fernley has clustered all of its rental housing into the low income area.</p> <p>Future land use maps need to provide opportunities for higher density residential and mixed use development in areas with urban services.</p> <p>Nevada should not support the building of housing developments that have the effect of segregating people with disabilities.</p>

Table B.14
Are you aware of any questionable practices or barriers to fair housing choice in zoning laws?

State of Nevada
 2015 Fair Housing Survey Data

Comments:
<p>Based on our Development code must be as allowe dby zoned and based on orderly development laws.</p> <p>community ability to "freeze out" group home for substance abuse - NIMBY</p> <p>HOAs</p> <p>Lyon county and the mining industry over riding citizens wanting to protect their homes</p> <p>Nevada should not support the building of housing developments that have the effect of segregating people with disabilities. Group homes should be dispersed in all neighborhoods, not just in the poorer parts of the community.</p> <p>nobody wants this in there neighborhood mentality</p> <p>Several years ago I was involved in the sale of a SF home to a non-profit for a teen group home. The City involved publicized that this was requested, and the neighborhood came out in force, with media attention, claiming that it didn't belong in their nice family neighborhood because crime would increase, values would go down, etc. etc. The council voted down the project because it "didn't fit in with their zoning" - city attorney's letter supported this. It's been a number of years - hopefully this process and ordinances/zoning have changed since then - but it has happened.</p> <p>There is limited availability of subsidized and low income housing in Douglas County.</p> <p>Zoning for treatment centers or drop in centers.</p> <p>Zoning laws that restrict manufactured housing.</p> <p>Zoning regulations need to allow accessory dwelling units and HUD Manufactured Homes in all single family zoning districts.</p> <p>Supportive housing should not be required to be registered or go through any special use or public hearing process.</p>

Table B.15
Are you aware of any questionable practices or barriers to fair housing choice in occupancy standards or health and safety codes?

State of Nevada
2015 Fair Housing Survey Data

Comments:
<p>Do feel occupancy standards and health / safety codes should be regulated more.. Homes are being rented that do not meet basic standards</p> <p>Housing for mentally ill and indigent is often substandard with landlords not taking care of things such as fixing heating/cooling, plumbing issues, and safety issues such as broken locks or windows.</p> <p>In douglas county we do not have an abundance of 1 bedroom apartments. HUD guidelines qualify people for only 1 bedroom apartments when rent for a 2 bedroom is similar and available.</p> <p>Low income landlords renting sub-standard housing to the poor who have no recourse because they are homeless</p> <p>Many times two and three families may live together in one unit. Nothing is done about that</p> <p>Not regulated</p> <p>NRS 118 A has no regulatory authority to assist a renter to repair health or safety issues in the home.</p> <p>Only from news reports --it does seem like from what I read and hear from the news, there are some violations along the 4th street corridor in Reno/Sparks.</p> <p>See #2 - this issues also raised.</p>

Table B.16
Are you aware of any questionable practices or barriers to fair housing choice in property tax policies?

State of Nevada
2015 Fair Housing Survey Data

Comments:
<p>I suppose tax incentives should be examined, since that is the trend in government policy and because, well, gee, we can't do it because it's the law and the right thing to do - we need incentives to make it worth our while!</p> <p>Is there a lack of accommodations that causes a long wait list?</p>

Table B.17
Are you aware of any questionable practices or barriers to fair housing choice in the permitting process?

State of Nevada
2015 Fair Housing Survey Data

Comments:
<p>Fernley only provides this documentation in English</p> <p>I'm not aware of any problems with this but if they want to operate a business in the USA, they should speak the language of our country or find their own translator. I do NOT feel that it's discriminatory to expect that.</p> <p>We invite outside and even international investment, which includes housing development, but hinder the process because we're unwilling to accommodate a language need? What's wrong with this picture?</p> <p>written documents related to the permitting process are not offered in Carson City</p>

Table B.18
Are you aware of any questionable practices or barriers to fair housing choice in housing construction standards?

State of Nevada
2015 Fair Housing Survey Data

Comments:
<p>As mentioned before; guidelines change from county to county and various communities on what codes we're adopting - and so developers use that to say the fair housing accommodations required are therefore confusing. We need education readily available on what building codes require, so there is no (perceived) issue between jurisdictions.</p> <p>Confusing guidelines and distance from regulators to ask questions</p> <p>I don't understand this question....."lack of confusing guidelines" is the question asking if there is a barrier to confusing guidelines?</p> <p>Local code enforcement officials, especially in rural areas, are often not up to date or even aware of many accessibility guidelines, thus they are poorly enforced.</p> <p>Rural small towns don't want building codes</p> <p>See comment above</p> <p>Unable to understand in a clear defined way. Let for interpretation</p>

Table B.19

Are you aware of any questionable practices or barriers to fair housing choice in neighborhood or community development policies?

State of Nevada

2015 Fair Housing Survey Data

Comments:
County Government denial of affordable housing Environmental justice needs to be seriously examined with every project. Home owner associations should not be able to discriminate against groups homes, individuals with disabilities, and various ethnicity. None Seems like the new TOD zoning really impairs the ability of the land owner to do what is the highest and best use for the landowner. It makes it hard to sell those properties because you can't afford to do what is required to comply with TOD standards.

Table B.20

Are you aware of any barriers that limit access to government services, such as a lack of transportation or employment services?

State of Nevada

2015 Fair Housing Survey Data

Comments:
Carson City does not provide enough buses or areas to where buses go to help low-income families/individuals to get to services or employment. Extreme distance to all governmental services in rural areas Fernley does not have a public transportation system of any sort, this limits access to housing, services and employment for those without transportation. I live in Fernley. One cannot obtain a marriage license here, one cannot handle DMV issues here. In a state the size of Nevada with so many remote communities, we need to be aware of available services within communities and regions, and how building decisions may be impacted by (lack of) adequate transportation. State Employment Services are currently extremely handicapped by lack of adequate staffing. In Yerington, no public transportation. Employment services only by phone or internet...not local. It's very difficult for many in our community (Ely, NV) to secure transportation to things like healthcare, Medicaid/Medicare office appointments, etc. Lack of Medicaid funding for mentally ill population. Medicaid funds, through 1915(c), transportation and employment for the intellectually disabled and physically disabled and supportive services for the aged. They offer no habilitate services for the mentally ill. Lack of public transportation lack of reasonably priced public transportation Lack of transportation, lack of interpreter, lack of available appointments. lack of transportation in Fernley. I believe there is only one service and their services are limited. . Lack of transportation in many smaller rural areas Lack of transportation within Rural Communities and from rural communities to urban areas to access necessary services limited public transportation makes it difficult for lower income families/ individuals to live in some of the outlying areas of our communities. Lincoln County is a "frontier" area and public transportation is extremely limited. Many people do not have computer access, especially in the rural areas where government services continually assume and require people to conduct business with them via computer. NO -- libraries, etc in small towns often don't have working computers and internet either. Public transportation non-existent as well as high unemployment Public transportation os virtually non-existent in rural areas. Rural areas lack transportation in general Rural communities struggle with adequate transportation to attend meetings for housing. Severe lack of transportation Some of the more rural areas have no mass transit system and people have to rely on friends or other means. Spanish Springs-I've heard complaints from elderly folks that don't drive, that live in Spanish Springs beyond Eagle Canyon Rd.. not having bus transportation, and unable to get to appointments, or shopping, or apply for employment The lack of public transportation is a significant barrier for individuals seeking government services, employment opportunities, child care, and basic daily survival tasks. Rural communities in Lyon county are all challenged with the lack of transportation to ensure client success and program compliance with program obligations. There are many such areas in rural Nevada that have very limited access to transportation or employment services. These are small communities which are often many miles from such services Transportation is a key problem for individuals with disabilities, getting from home to work and all other quality of life activities. Transportation is a significant barrier to rural areas of Lyon County, often limiting individuals access to services, employment, and other self sustaining objectives. Another significant barrier is the lack of affordable child care. The lack of child care limits individuals to employment possibilities as a parent can't afford to work an entry to mid level position and afford to pay for child care, and succeed. In some areas, licensed child care facilities are not even available, therefore children are often placed with neighbors, or moved from one person to another, which imposes safety threats and health threats to the child's well being. Often the lack of stable and affordable child care leads to attendance issues at work, therefore causing employment struggles, income challenges for the parent(s). We often hear and see clients who simply give up working due to the constant struggles with transportation and child care. transportation, computer/internet access

Yes, there is a lack of bus transportation to many areas--outlying areas of Sparks, Spanish Springs, Pleasant Valley, and Verdi.

Table B.21

Are you aware of any questionable practices or barriers to fair housing choice in any other public administrative actions or regulations?

State of Nevada
2015 Fair Housing Survey Data

Comments:

Bureaucracy in zoning changes for low-income housing.
HUD regulations to have clients travel to one location for program orientation or briefing is a barrier for agency and clients. Often clients rely on our agency to provide transportation, 120 miles round-trip and two hours of employee time plus travel expenses to meet this regulation.
paperwork and wait-lists

C. MINUTES FROM FAIR HOUSING FORUMS AND OUTREACH MEETINGS

FAIR HOUSING FORUM

Comment 1: That is the problem with showing this geographically, the blue area and there is nothing there except for Wendover.

Comment 2: Wendover does have a significant population.

Comment 3: The community does, but all that geography doesn't.

Comment 4: Correct.

Rob Gaudin: Theoretically the size of the Census tract is irrelevant. It is supposed to be based on the number of people in it.

Comment 5: Which is fine for most places in the country.

Rob Gaudin: These Census tracts are huge.

Comment 6: They are huge.

Rob Gaudin: But the northern part of the state there are some blue areas and I am suggesting that we are improving over time.

(Presentation)

Comment 7: Do you guys all think that that blue shaded area is where Hawthorne? I know for a fact in Mineral County their poverty rate has gone up. Again it is a big piece of land.

Comment 8: That green island in the middle is Hawthorne.

(Presentation)

Comment 9: We have looked at this a lot in our shop over the last year. The problem is for these high poverty areas nobody lives there. So, it is just really a matter of numbers. I don't blame the banks for not investing there. There is nobody there. Just the raw numbers would suggest that is where most of the loans are going to go and those are higher income areas. We want to target our housing funds into those high poverty areas and we are working hard to do that. It is going to be tough to move the needle just because of that.

Comment 10: That is your best product.

Comment 11: That is our deal.

Comment 12: If you can't do it.

Comment 13: If you do that and you live there and you have no job what have you done?

Comment 14: Yes.

Comment 15: So we need some jobs.

(Laughter)

Comment 16: In Mineral.

Comment 17: Go out and buy that restaurant that is for sale in Mineral.

Comment 18: There is a restaurant that opened there. Isn't that the same town?

Comment 19: It is closed now.

(Presentation)

Comment 20: Is that the residual of the bubble popping that a bunch of those are just foreclosed homes?

Rob Gaudin: In some cases yes.

Comment 21: This was from 2010. So that was right when.

Rob Gaudin: The ACS given the caveats, I said that data indicates that the bubble still persists. The number of vacant units not available to the market place continues to grow and that is through 2013.

(Presentation)

Comment 22: It is interesting that he comes up with a totally different than what she came up with.

Comment 23: She said that we are not getting the vouchers out good enough in Elko County.

Comment 24: This is HUD.

Rob Gaudin: I am only summarizing here.

Comment 25: We don't even give the vouchers.

Comment 26: Are those red dots the vouchers? Is that what I am looking at?

Rob Gaudin: Right.

Comment 27: Housing Choice Vouchers?

Rob Gaudin: Those are Housing Choice Vouchers on the left and Project Based on the right.

Comment 28: Does that also take into account rental assistance? So you are not taking into consideration the project based for RD?

Rob Gaudin: I don't have all the data. If you have additional data you would like to provide. I just need an address.

Comment 29: He would be able to and I think that would tell a better tale.

Rob Gaudin: Well of course.

Comment 30: I am sure if you would like I could send it to you.

Rob Gaudin: That would be great. Just send it to Jean and she can forward it to me.

Comment 31: Send it to me too please.

Comment 32: OK.

(Presentation)

Comment 33: I think that is what they want is proof.

Comment 34: You have a little bit of an advantage because you know what to avoid. We just jump right in not knowing that they were going to tear it apart the way that they did.

Rob Gaudin: I will tell you a story about HUD and I am not sure if should tell you the state. HUD had a new rep from California come in and they began, a FHEO rep, and they reviewed their AI and the letter talked about the city and not the state. They said that you need to produce these documents in Vietnamese.

Comment 35: With a population of one person.

Rob Gaudin: Not even.

Comment 36: Or Mandarin Chinese or something.

Rob Gaudin: As it turns out this person came from San Francisco and maybe there, but no. So we got that straighten out. Imagine going back to Texas and we are listening to see if this case is going to turn out. Are we going to need to do the revised Affirmatively Furthering Fair Housing rule? I don't know and we won't know till later this year. I expect not.

Comment 37: We are all watching it very closely.

(Presentation)

Comment 38: Comparing the numbers that HUD is providing to the number of actual claims that was forwarded to HUD. We sent all of those claims in one year and HUD is only representing for the entire ten year plan that number of claims. It is just. Granted maybe times when we sent that complaint to HUD many people don't follow through. The complaint goes forward and HUD contacts them and they move. They don't want to proceed anymore. That complaint goes away, but it is just not even.

Rob Gaudin: I think that this is everything that HUD gets.

(Presentation)

Comment 39: I have a question. When you say that remember he said that I get this much in a month. You probably get a lot of it from Washoe County and we are not talking about Washoe County. We are talking about outside and then of course your office in Vegas get the amount that they get in Vegas. Really if you were to sift through what you get from your rural communities how many are there?

Rob Gaudin: There is this many.

Comment 40: That is what I am saying. You were shocked by that number, but if you take out Washoe County and Las Vegas.

Comment 41: Right and that is why we were talking about additional education was needed in those communities to provide the resources so that they can come forward and file those complaints. If we say that no one is being discriminated against in rural Nevada. I think we can say that that is not true, but if the education is out there and people feel comfortable filing those complaints I think that we are going to increase the number on those issues. You are right. Most of the claims come from Carson City and Southern Nevada. We opened our office in Las Vegas in 2012. For the first six months probably we has about ten intakes. That is intakes and not necessarily forwarded to HUD In this month alone we have sent at least eight HUD complaints from the Vegas area in one month. So it is providing the information. We have been there for two years and did a huge campaign throughout the entire jurisdiction. Our presence there is known and I think that is one of the things that increase numbers. The same thing would happen in the State in the rural parts of the state having that information out there.

Rob Gaudin: In your case here for the non-entitlement you have little over 90 so roughly twice as many as HUD. For those cases that were found to be with cause, if I had this right. HUD 903 must be something that you deal with HUD. There are 46.

Comment 42: That is housing discrimination complaint. That is the complaint. You can see the same numbers of disability. It is a very high number that our office gets. Many times we get and I think we discussed we assist in consumers in negotiating a reasonable accommodation. Once the accommodation is granted that complaint never goes to HUD. So many times that is the issue we see. We continue to see that.

Rob Gaudin: Generally my sense that providers don't quite understand that a request for a reasonable modification is that the tenant pays for it and then when the tenant leaves they are responsible.

Comment 43: They do respond to those modifications.

Comment 44: Do you handle or get fair housing complaints?

Comment 45: No I do not handle those. I am not sure where in our county those would be handled.

Comment 46: Silver State. It is the only thing there is.

Comment 47: How about in Ely?

Comment 48: I can't actually speak for all of Ely or this region, but the properties that are RDC either own, do have, or manage throughout the rural portions of the state. Whenever we have complaints regarding fair housing issues we are required to have contact information for HUD on site in all of these properties. We refer them to that HUD contact information and they file a complaint if necessary through HUD.

Comment 49: Anybody else out there have any comments on that?

Comment 50: That would be the case for any RD properties that are out there. We have about 70 properties throughout the state and they are all required to have that information available.

Comment 51: We also post it at any type of low-income tax credit properties. We follow through with that. Also, with our nevadaserch.org. Right on that page it is for any and not just properties that the Housing Division has funds in. That is out there for them and we really and I have gone to every rural town and promoted it when I am out there. So they have the mechanism and we are trying to put it out there. We really give Silver State a big chunk of that. Plus our properties have the HUD contact also.

Comment 52: We are very happy with that and I think that was Kate...

Comment 53: Kate was a big help with that.

Comment 54: Making sure that information and as soon as you go to that site you have the information about Affirmatively Furthering Fair Housing and contact information. It has the contact number for our agency and for HUD.

Comment 55: I would put that and I have to say with her help I would put that up against any state. She went out there and said that we are going to be the model for HUD.

Comment 56: Actually, Nevada Housing or Housing Search is pretty much in every state, but no one thought about putting fair housing information.

Comment 57: They put the bare basics and she really took it to another level.

Comment 58: Make sure that is reflected.

Comment 59: Yes.

Comment 60: I think I said this before and we might still want to get folks from the rural to chime in. I am going to give Denise and her team some credit too. I am sure the same is true for the RD properties, but I hear her on the phone all the time with tenants and they have issues with and especially disability issues and modifications. I don't think it even gets to Silver State Fair Housing.

Comment 61: I usually moderate between the two and say that hey we have got to do this.

Comment 62: We are on top of that and that might be too why it is not that. Most of the and I can't say for sure, but we have a huge presence out there with our properties between all of us. We are on top of that and we know the rules and the managers know the rules.

Comment 63: I like to think that they do.

Comment 64: They are supposed to and they should.

Comment 65: I think you are right. We gets calls from Denise every once in a while and from Kate. She had been with the agency for 25 years and had worked with you guys for a number of those years.

Comment 66: I have worked with them every place I have worked in Nevada. We have a long history.

Comment 67: It is just pick up the phone and sometimes people don't feel comfortable. We typically, when we do training for housing providers that is typically the number one thing we say. We are here as a resource and you having to pick up the phone and contact us. We are

not going to take your number and test you. We do testing, but we want to make sure that they understand their responsibilities and obligations and provide them with resources. Unfortunately we still have the mentality of why am I going to call you? I can still do what I want with my property. I still see that in rural Nevada.

Comment 68: I saw a press release the other day that HUD created a smart phone app for submitting fair housing complaints. So I don't know if that can be incorporated into any of the outreach efforts. You mentioned that a lot of people don't feel comfortable calling. So it may be a good way for them to research it and learn it.

Comment 69: It is a pretty basic app. I actually downloaded it to see what it was. You click on the app and you say because of this and this and you submit it. All of the claims, especially when someone calls a toll free number or because for the app, they go to the headquarters in DC and then they are rerouted to San Francisco.

Comment 70: They are lost.

Comment 71: So if someone calls your office and they don't want to deal with us and they want to get that complaint right away. We give them the toll free number in San Francisco. We say that here is the number and the extension so that you can get to a live person and file a complaint with HUD. Obviously we offer to track that complaint through the process, but many people and we have situations where they say I want to call you when my housing provider is not here or when I want to make sure that I am in a safe location to tell you about the situation. If you are calling me from your house and you don't feel comfortable telling me what is going on. I don't know what to say, but we do see those claims.

Rob Gaudin: Let me pose this to you. This document will have the various agencies to contact and if I understand this conversation correctly, Silver State is the first door.

Comment 72: Sometimes it is the first door and a lot of time, correct me if I am wrong. I get phone calls every week. What do I do? Who do I call? I try to figure out what is going on and I try to forward it Silver State.

Comment 73: I think in our AI we want Silver State as...

Comment 74: Absolutely.

Comment 75: We don't have a State Office of Fair Housing. They are our State office.

Comment 76: We will be glad to take that and that is why we are here. We do get funds from HUD to work with the entire state of Nevada. That is why we have to concentrate from Elko to Pahrump. We have calls from Clark County.

Comment 77: Eureka, Nevada.

Comment 78: Eureka.

Comment 79: Ruby Hills. Those two in 2013 are from my property. I know the names of the people. I know the names of the two women.

Comment 80: There were two claims from that part of the state.

(Presentation)

Comment 81: Do you guys get many complaints on the lending side of things or it more just housing?

Comment 82: I have been with the agency for over ten years and we probably and I can tell you that we have had two or three complaints.

Comment 83: You could in theory handle these types of complaints?

Comment 84: We would forward them to HUD as well. We don't investigate and in terms of the testing that we do it is mainly rental. To do testing in lending it would be my goodness, very expensive number one. Number two it would require a lot of prep to do it. You would have to have two persons of the same credit score criteria, so they would go through the process and get everything in. It would be very expensive and it would require a lot of money and a lot of time and training to get that kind of testing done.

Comment 85: Do you know if other states or communities?

Rob Gaudin: Nobody does testing in that arena because the bankers will say that that is fraudulent, because you just created somebody fraudulently. Even though I was tested and there is some grounds for that.

Comment 86: Who is their oversight?

Rob Gaudin: There are seven financial institutions that over see these including HUD. They oversee the manufactured housing sector in this.

Comment 87: Manufactured?

Rob Gaudin: Manufactured housing. There are lenders.

Comment 88: You are not talking mortgage lending?

Comment 89: In my banking days I was trying to think who would be the oversight agency that we would fear would come in and 20 years ago I can't or don't remember if it was even financial institutions.

Comment 90: You see some of those cases the lending with Countrywide, Wells Fargo, but many for the lending cases that we are seeing across the country right now are related to maturity or someone who is in the process of having a baby and they are refinancing a home and the lenders are denying. In probably the last two years we have seen 20 plus cases specifically across the country and across different lending institutions including US Bank, Bank of America, not only on maternity, but also disability asking people who are disabled to provide verification that I am going to continue to be disabled in order for them to qualify for the mortgage which their income would affect. That is one of the issues that they are trying to and those are some of the cases. I don't think and most for them are income and investigated by HUD and them prosecuted by the Department of Justice.

(Presentation)

Comment 91: I have a question about the survey? If somebody noted that there was a question about say the rental housing market, did the survey go into more detail asking if you answer yes, what?

Rob Gaudin: Yes and I have a slide for that.

Comment 92: On slide 30 that is high APR, the HAL. That is you're regulatory calculated?

Rob Gaudin: Yes that was 3 percentage points above a comparable Treasury Security. Three or more.

(Presentation)

Comment 93: I think that is a good thing, because when we do testing we don't want people to know that we are testing.

Comment 94: Good answer.

Comment 95: The way that we test is that we want to make sure and there are very strict guidelines that we follow from HUD. When we are testing a property we either target one specific protected class. We do the testing in a way that we are not trying to hold a unit or trying to get the housing providers to fall into some kind of trap. We are getting the information as basic as possible. We are testing that we are doing shows that disability, familial status are probably the number one issues that we are dealing with in not allowing children to move in or not allowing accommodations for people with disability. Obviously, there are still issues with race and ethnicity. Religion and sex not so much, but I think in a way it might be a good thing that people do not know that we are testing. We are testing all over the state.

Rob Gaudin: This last question: Is there sufficient testing? Eight and more than half say don't know. So you think that is a good thing?

Comment 96: Well many of the times the testing results show that everybody is doing a great job, which is good that they are providing this information and that is what we want to see. Then we have to go back and tell the properties that we are getting and now we want to and you can't take a deposit for the service animal, you have to allow children. Things like that we are continuing. Our office and our agency has a protocol that if we have multiple tests that are coming very negative then we go into the concept that someone going to file a complaint. We file complaints in Elko. Complaints in Reno and I am sure that most of you are aware for the recent one last years against Rosewood Park in Reno that was \$176,000 dollar settlement. We don't like to do lawsuits. It is a lot of work and we want to make sure that we have a case first. We want to make sure that our consumers are being treated safe and those practices are in practice.

(Presentation)

Comment 97: That is what I was going to say, do you have any idea or is it. I know there was an issue that somebody was upset and I think it was Carson City couldn't do a group home. They couldn't do housing with more than four adults and they wanted six or something. I am just curious if there was any elaboration or expansion of topic?

Rob Gaudin: I am going to look into that and see if we can't find something about that.

Comment 98: You are talking about in our rural areas there are too many different types of zoning laws and codes.

Rob Gaudin: That is what Comments and the survey I have presented was statewide. We only had 78 and I am going to look at the 78 and see what they say.

Comment 99: If you look at it from multi-family. When our developers come in and they put in for a rural area and they haven't come back and stated to us that I can't get this through the county building codes or anything. I don't think we have ever had any developer talk about that. Have you? Do you remember?

Comment 100: I remember some years ago we had some issues about the tax abatement.

Comment 101: That is the tax abatement and we did have a little comment about the properties in Douglas County up at the lake, but other than that.

Comment 102: In regard to fair housing it is because of...

Comment 103: He is saying that confusing zoning laws and codes. I am just curious and we talk to the developers constantly when they are out there and during construction and going in for their permits. They would say to us I need an extension because we can't get our permits or anything. I have never really encountered that.

Comment 104: We had the not in my backyard with that.

Comment 105: That was Douglas County and Elko.

Comment 106: For us and because we require them to be so far in the process they have already gotten through it. The debate has been by other developers, because it is so costly to get through that process they have been saying why don't you open it up. Other states don't require you to go as far in this before you can apply, but we do and our big developers of course they fight to keep that barrier up.

Comment 107: I am just saying.

Comment 108: It not a barrier, it is a development barrier to keep developers out of the state.

Comment 109: Are they different in different jurisdictions?

Comment 110: Washoe County doesn't have a building code.

Comment 111: Builders definitely.

Comment 112: There is a huge disparity. There is this end of the spectrum and there is that end of the spectrum.

Comment 113: Winnemucca no codes.

Comment 114: Nye County no codes.

Comment 115: Pahrump has codes.

Comment 116: Now they do.

Comment 117: They are responding to a survey. We depend on what is their particular situation that occurred that would make them say this. I mean as funders we have seen where they wanted to put in Washoe County, years ago, a house for people that had AIDS and there

was this huge. So I don't know if anything like that has occurred in rural areas that we are aware of.

Comment 118: Where it pertains to a fair housing impediment or discrimination. I am not and I can't think of anything even in my conversations on homeless needs other than being able to put in a place that houses more than so many folks that made it impossible to put in a small shelter or a small group home.

Comment 119: Really NIMBYism is the only think that I have run into out there.

Comment 120: I agree.

Comment 121: A few years ago in Ely when RDC was trying to do a self-help project that was funded through USDA. We had to move our project because of those issues from one subdivision to another subdivision because of the objections from the persons in that subdivision where we initially ended up buying property there.

Comment 122: Is that more NIMBYism than zoning codes?

Comment 123: That was totally NIMBY.

Comment 124: There were some issues associated with that but it was mostly NIMBY.

Rob Gaudin: Of course we have lack of public transportation.

Comment 125: That is not discriminatory. That is a crisis.

Comment 126: That is a funding problem. How are you going to get the money?

Rob Gaudin: In rural Nevada it is insufficient outreach. It is just so had to get there.

Comment 127: Back to transportation. I don't think and maybe I am wrong, because I am not very knowledgeable about this, but I don't know if there could be neighborhoods in Elko that don't have access to a bus stop verses others or even in Carson City. It is just a crisis all the way around. So, if HUD is saying lack of public transportation in areas of concentrations of poverty or whatever. I don't know if we could say that that is a problem. We just don't have transportation.

Comment 128: It is just not there.

Comment 129: What would they expect us as housing provides to do?

Comment 130: It makes the case for whom?

Comment 131: There is also like in Winnemucca the senior center is fairly prominent and they have busses that go around.

Comment 132: Yes, but they only transport the seniors. If you are impoverished and you live out on Potato Road, they are not going to go out there.

Comment 133: Just walk.

Comment 134: Well Potato Road is pretty far out there.

Comment 135: There was a time when and that has been resolved, but Hawthorne who has the highest concentration of poverty and I think still. A bus didn't even stop there. It just drove right on through, but I believe that has changed. I believe they now have transportation. A Greyhound or something that stops, but there was a time and I don't know why it ever happened to begin with unless they just didn't have the demand.

Comment 136: Are they talking local transportation like getting around town and getting to your job or are they talking about a Greyhound which will take you out of town?

Comment 137: That was even a crisis. I had agencies in Hawthorne that has to take their personal cars or county cars and transport folks up for appointments with doctors or the vet or whatever, because they didn't have a ticket they could purchase to put them on a bus.

Comment 138: Like 15 years ago probably. I am trying to think. Our QAP gave points if within their development they provided some sort of local transportation three days a week and it went along with our senior projects. I think and I know that at least two of our senior projects in Washoe County did get points for that and as the years went by things like the van broke down and we don't have the money to replace the tires and the breaks. I mean there is just and when we went into that housing slump and they could not get the rents that they needed to make that fly anymore they couldn't afford to hire a driver. So we could try that again, but could you imagine that working in Lovelock. Really, think about it. If you put a senior project in Lovelock and have a van to transport the senior around and you will get more points. You are not going to get anything built in Lovelock for seniors. I am just trying to tell you that we tried to approach the transportation in a concentrated area like Washoe County and it hasn't worked out. We hold them to it and they still do it and they are out of compliance if they don't do it, but they have every excuse in the book when the van is not operating.

Comment 139: Clark County they are still pushing it.

Comment 140: It is just not working in other areas.

Rob Gaudin: Are there other concerns that we need to respond too?

(Presentation)

Comment 141: You would disagree.

Comment 142: I am not sure what they do. In terms of outreach and education in terms of the funding that they have in order to investigate a fair housing claim is probably no funding at all. So how would you investigate? We actually did a continuing legal education training last year in Las Vegas and we had the representatives there and we asked them or a part of the conversation was what happens when you find acts of discrimination in your investigation? Nothing. There is no process. There is no process for them to prosecute. There is no process for anything. So if someone files a complaint with the Equal Rights Commission what is the purpose?

Rob Gaudin: Is that an impediment?

Comment 143: I can tell you that I actually get referrals to my office from that office. That is housing, so call Nevada Housing Division. I am like what? It happens.

Comment 144: I was thinking isn't that agency mostly job discrimination?

Comment 145: I think that they are supposed to do both.

Comment 146: They do a great job in investigating employment discrimination, but if you go to their site it says that they investigate housing discrimination complaints. Now the state of Nevada has protections that the federal government does not. So their job would be to investigate those complaints, especially when we have additional protections, which are protected classes that the federal government won't investigate. So those are the things, but we have an experience where there is no mechanism. You have an investigator and they do a great job. There are two or three investigators, but they have a lot of complaints, but you get them into a mitigation situation and you don't really enforce anything and nothing gets done. So why would people file a complaint with them? I am not sure.

Comment 147: They could be set up for a lawsuit. That seems like that is not very smart business.

Rob Gaudin: Should we hit them for being an impediment?

Comment 148: It is an impediment. If they are advertising that they handle complaints and they don't.

Comment 149: We won't get...

Comment 150: We have to have an impediment.

Comment 151: That is one of the issues that we have seen. They are wonderful people. We have had that at our trainings and I don't think and in our trainings one of the investigators was in a way laughing whether a service animal or a companion animal was covered. So for me it was shocking.

Comment 152: They were laughing about it?

Comment 153: They didn't think that a companion animal was covered under fair housing and only service animals were covered. Under fair housing, service animal, companion animals are all covered if you can document if you have a disability. Then we are looking more into ADA which public accommodation only recognize as dogs or miniature horses.

Comment 154: I haven't seen that many miniature horses. We have seen couple of those.

Rob Gaudin: You don't have them, you meaning the Nevada Equal Rights Commission substantial equivalency status. That probably should be the point that we should go at because if you attain substantial equivalency status, you become a FHAP and then you are paid on a per complaint basis, but you must demonstrate that you have the muscle to for that.

Comment 155: That is our concern that they wanted to become and our position is that you don't have the expertise. You don't have the mechanism to do this and your investigators don't know fair housing. So how are you going to investigate fair housing cases when you don't have the expertise?

Rob Gaudin: They also can hire an entity to take care of it, but they also have to have the mechanism in place. I think it is a positive gain. It is different than a FHIP grant. The FHAP grant is handed out and then you are reviewed and you get a little bit more per complaint if

you do a good job. You get a little bit less if you don't do such good job, but it stays on the books. So it is a net inflow of federal resources from HUD.

Comment 156: I think it is about \$100,000 to begin with and it really just depends on the number of complaints.

Comment 157: Didn't we invite them to this?

Comment 158: Yes.

Rob Gaudin: So do I have your permission to go at it from the substantial equivalency status? That is the impediment is they lack that and with that passage they don't have to take their organizational rules and the way in which they are going to pursue complaints. They would have to take this process to HUD for HUD to rule that they are substantially equivalent to federal law. So federal cases then they would get paid for.

Comment 159: Wouldn't they also have to under our state legislature too? Correct?

Comment 160: They are a state agency.

Comment 161: He was talking about them last legislative session.

Comment 162: In order to become a substantially equivalent. Obviously it requires more funds. It requires a lot of other things in the process.

Rob Gaudin: Initially it might require something to create the infrastructure, but in the end you get paid by HUD for that.

Comment 163: We have reservations.

Comment 164: Let me ask the question here. Silver State has the infrastructure. Why couldn't you work together with them and be that entity that would make them and help them to become.

Comment 165: I don't have the expertise. We are a FHIP agency, versus FHAP that would get the funds to investigate. One of our coworkers she is actually an investigator with the city of Tacoma, Washington. It is a FHAP agency and they do investigate housing complaints in that specific agency does those things. Just creating that you would require.

Comment 166: So they would fall under NRS or NDC. So somewhere in those regulations does it spell out what they are supposed to be doing? I don't know. Honestly we haven't looked. If that is the case and they are not. This could open up a little can of worms when we have one state agency or two state agencies.

Comment 167: That are not doing their job.

Comment 168: We are not going to send it to them.

(Laughter)

Comment 169: If that is true and there is some regulatory obligation they are not doing it. We would have to research it to see if it is in there.

Comment 170: Did we like it when people pointed that out about us?

Comment 171: No, of course not, but it is not in our NRS or we are supposed to be doing any fair housing.

Rob Gaudin: I have a state that I am working for and the agency that hired me is the state agency that is designated in their fair housing law and they do absolutely nothing. Zero.

Comment 172: HUD is saying that we need an office of fair housing, a state office of fair housing.

Rob Gaudin: You already have on. It is the Nevada Equal Rights Commission.

Comment 173: That is what I am saying. I didn't know they existed until you found them and I did see their website, but I was thinking it was jobs and employment. I didn't think it had anything else beyond that. If they are investigating those or they are not.

Rob Gaudin: They are not.

Comment 174: They are investigating jobs, but not housing.

Comment 175: If someone comes to our agency and there is some allegation of housing discrimination based on some of the state protections we are automatically inform the consumer about their rights and they file a complaint with the Nevada Equal Rights Commission. One of the programs that we have is when someone files a complaint with HUD we track them through the process. It is at intake until they get lost again and making sure that they are in constant contact with HUD and the client. We cannot do that with the Equal Rights Commission. We have contacted them and asked when someone files a complaint through the agency can we get an update on where they are? They said that they cannot disclose that information because number one we are not the legal representative which we are not for our clients. Number two that would be, I can't remember what they call it; they only deal specifically with the client. So we cannot even track if it is at the intake. Is it in investigation? I has it been consolidated. Did they close it for lack of jurisdiction? We don't know.

Comment 176: You can't simply sign a release of information or something?

Comment 177: In this process did you ask them for any of their information like any data like form Silver State Fair Housing. Their claims, their this and that?

Rob Gaudin: No because they will not have it.

Comment 178: Do we know for sure?

Rob Gaudin: I could send more requests.

Comment 179: It would be interesting to see if they have claims and if they have conciliation.

Comment 180: We wouldn't want to say that they are not doing anything if they are showing something.

Comment 181: There is no reason why they couldn't send you figures. They just couldn't give you the facts on each case. There is nothing that says that they couldn't give you the figures.

Comment 182: For us every month we send out emails to a representative at HUD saying can you check on the status of this claim that we forwarded and they tell us whether it is opened or if it is closed. We have an inquiry number. We have a case number and it helps us because in many instances it says that the complainant hasn't contacted HUD. So, we call the consumer and say did you move or change numbers? Yes I did. Well they are never going to contact you if you don't provide them with updated information. So we give them the resources to follow up. I think that helps when HUD is investigation issues, but to get that correct information there is no process for that.

Rob Gaudin: I will make sure that we ask for the data using the same form we used for you and for HUD and see what kind of response we get and if they don't have any data.

Comment 183: Does that form ask if they file with HUD on behalf of anybody?

Rob Gaudin: They would not because they are not substantially equivalent. If they were substantially equivalent they would need to dually file. So from the sound of it the complaint goes in the front door and nothing comes out the back.

Comment 184: At least they are not telling you if it does.

Comment 185: That is one thing that we could always ask.

Comment 186: That is why I am wondering if we could use and I am hoping this is appropriate to say. We could use this process to kind of bring up the topic of conversation and open up the door and call them.

Rob Gaudin: I think that would totally and is a perfect process for that.

Comment 187: It might help their situation.

Comment 188: It is going to make us look good if we knock down that impediment.

(Banter)

Comment 189: Can I just ask a really quick question on this slide number 41 when you say that additional protection should be in place for source of income. What is that again?

Rob Gaudin: Those are protected classes. Source of income is often used basically to protect those who use Section 8 vouchers.

Comment 190: Why would that be?

Rob Gaudin: That is a source of income and I don't want any Section 8.

Comment 191: Oh, I see what you are saying. I didn't connect the dots.

Comment 192: If it is a sole landlord that owns one property and they have very right or do they? Are they not supposed to deny?

Rob Gaudin: As it stands now they can deny a voucher. If source of income was protected in the law and was written correctly they would not be able to do that.

Comment 193: Even on my homeless side of thing we have landlords that are denying, granted many of them might have mental health and they might have issues, but because they are homeless and they don't have good credit they are not cooperating. There is nothing that we really can do about it. We can't force them. Any of us that own and we are not going to and we have the right to pick and choose what we want unless we own more than how many properties?

Comment 194: More than four units.

Comment 195: And federal funds.

Comment 196: That bought those units.

Comment 197: I would think that tax credits would be federal funds even though.

Comment 198: We are perceived as federal funds even though we are not.

Comment 199: In theory they...

Comment 200: They did enter a MOU. The IRS and the DOJ entered into a MOU with HUD that says they will be subject to that. We have to monitor for it, but we don't have to enforce it.

Comment 201: Tell your people to go to tax credit projects.

Comment 202: My only concern is as soon as you think someone is homeless or with a disability and you are not renting to them because of credit issues it becomes a fair housing issues, because they are being denied the perception that they have disabilities.

Comment 203: I think they are denying them because they are homeless.

Comment 204: They are homeless.

Comment 205: And the rental assistance. They wouldn't say they are doing it because of the mental, but we all know that is why.

Comment 206: They just don't want to deal with those kinds of people. They are too much trouble. They might be disruptive or destructive of their property. Whatever, which I don't blame them. They can be.

Comment 207: We always put and I mean and I agree with him and I talked to the managers out there and the management companies. When they call and ask me a fair housing question. I said you know who you need to talk to and I steer them to Silver State, because they are the experts. Go to them, but for whatever reason and that may be a barrier we need to break down is the management companies and the managers out there think you are their enemy. If I go to them and I tell them that I don't know what to do they are going to think they need to and that they are going to come out. They think that you are going to report them to HUD.

Comment 208: Right. I think most people who come to our trainings and I think you have to say that we are here as a resource.

Comment 209: I get it.

Comment 210: How do we break that?

Comment 211: They think you are the resource for their residents and not for them.

Comment 212: Let me tell you of a complaint in Carson City that was sent to HUD last month. When the investigator called the housing provider this month he believed that we were the investigating agency, because we sent the reasonable accommodation request and it was denied. So, he believed that we were HUD. That we were investigating them. In this case it is an ongoing situation. We provide the information on our website. We give the resources for everybody, but if people have that impression about other fair housing groups. Other fair housing groups across the country don't do business the same way that Silver State Fair Housing does and that is one of the things that we want to be a resource first and assist the consumers and assist housing providers, but file a complaint as the enforcement agency that we are.

Comment 213: That is exactly why I have her come every year to our training and we pound that into their heads, but I don't know. She comes to every single one of my trainings.

Comment 214: What more can they do?

Comment 215: I know. I am just saying I don't know how to break that barrier. It is education, but twice a year they come and they get to see her there and she is very entertaining. She gets the highest rating. You should see my surveys. She tells them that I am your advocate as well as the residents advocate. They don't get it.

Comment 216: There seems to be a little bit of a fear factor on both sides. You have said that as well. Especially in some of the smaller communities with repercussions or blow back. Small town.

Comment 217: It is just the mentality. How do you change that mentality? We want you to do good business because it helps you. If a complaint is filed against you it is going to cost you if it gets to that point. If we are and a you call and say can I deny someone based on their sexual orientation? It is not a federal protected class, but it is a state protected class and they could file a complaint against you based on this. If you don't have the resources or you don't want to do anything.

Comment 218: It is like somebody said that they didn't like my program because I required too many forms and too much paper work. Like I said it is protecting you from having to pay money back after the fact. It is kind of the same thing. It is a different approach. We are here to help you so you don't end up with a financial liability.

Comment 219: Do you have a pretty good FAQ on your website, like maybe have cases on it that people could see without identifying anybody. At least people could see that this is similar to my case.

Comment 220: No, we do not and maybe that is something that we could look into. Maybe adding and we have our education classes and trainings that we do. We do resources for the DOJ and HUD, reasonable modifications. So, that one is probably one of the best documents out here from DOJ and HUD on reasonable accommodations. It gives you examples on if you are having the situation parking, service animal, ground floor unit. It tells you right there what to do in those situations. I think that is one of the documents that is posted on our website for everyone.

Comment 221: Maybe some common.

Comment 222: The frequently asked questions would help.

Comment 223: What are the common problems?

Comment 224: What do I do with a person that has a companion animal and they say their companion animal needs a companion? Can I deny the companion animal?

Comment 225: Those are questions I actually have received.

Comment 226: I did too.

Comment 227: How do you accommodate and I guess the idea is is the person with disabilities benefiting from the service animal and by having this. That is a question that you would refer to HUD.

Comment 228: So, now you have 17 animals in a two bedroom unit because every animal needs their own companion. I am serious it gets bad out there. How do you answer those questions?

Comment 229: Well, we would have to verify that all of those animals are necessary because of the individual's disability.

Comment 230: Eight pit bulls down in a unit in Vegas and they claim that the reason and there are four adults and each one has their own pit-bull and each pit-bull has its own companion. I am not exaggerating. They cannot get those eight pit bulls out of that unit.

Comment 231: You have an agreement with those individuals that those animals must be under their control. That the animals are not going to be a threat to others and they are going to clean up after the animal and if something happens they are going to get notice and they are going to get evicted.

Comment 232: Of course I have done all of that, but eight pit bulls.

Comment 233: That is taking advantage of the system a little bit.

Comment 234: We also say that people take advantage of the system.

11/17/2014 FAIR HOUSING OUTREACH GROUP

Comment 1: Going back to the Westchester case where there was a high concentration of poverty and so on. We have a case up in West Wendover where it is like 70 percent or more Hispanic and it is where they settled and that is where they have the jobs. Then there are areas like in Los Angeles where there is little Korea where they have three-way exit signs. What determines the concentration that HUD is not pleased with?

Rob Gaudin: I typically use the jurisdiction average than compute 10 percentage points above that for that as to an overconcentration. Sometimes HUD will use 20 percent above the jurisdiction average. So when we look at Census tract data for the nonentitlement areas of the state that being those areas that don't get money directly from HUD so outside Las Vegas and Clark County, and Reno, Sparks, and Carson City. So outside in the rural areas of Nevada is what I am talking about we are going to look at those Census tracts and see if there are high concentrations of poverty or high concentrations of racial and ethnic minorities and if there are we are going to try to access when we have built housing and have we built it there only or have we built it outside of there. Take a look at how we have done that over time and if we wish to continue to do that that is one thing and if we wish to make a change in that that is something different.

Comment 2: Ok. I just question that because as I said that West Wendover situation came up in the last AI.

Rob Gaudin: I understand that that particular case that facility is not fully leased. Is that correct?

Comment 3: That is a Debbie question.

Comment 4: I sent you a report of the three projects that we had in West Wendover and the one that we were having problems leasing up it changed owners about a year ago. So I really don't know what the vacancy rate is now, but on the report I sent you can tell that most of the people living in all three of the apartments are Hispanic.

Rob Gaudin: Ok.

(Presentation)

Comment 5: We are happy to put things on our website and Facebook. We don't have a lot of foot traffic in our offices. I would certainly share this information with all of our board members. So that they know when these things are going to occur.

Rob Gaudin: You do get housing complaints don't you and process those also?

Comment 6: Correct. Yes we assist people in filing housing discrimination complaints.

Rob Gaudin: So where do you file them? With HUD?

Comment 7: With HUD, yes. Absolutely. This is not a substantially equivalent state and we send any compliant other than those that are exclusively covered under Nevada State Law. Our complaints go to HUD.

Rob Gaudin: So if we were to get complaints from HUD we would effect timely have all of them?

Comment 8: Yes. There may be, there will be a few on sexual orientation that would go through the Nevada Equal Rights Commission. Of course that is not covered under the federal law.

Rob Gaudin: Why don't you actually tell me a little bit about how the Equal Rights Commission works? I guess my question is without substantially equivalent status are they a meaningful entity? Do they work for you guys?

Comment 9: No. They have I think good intentions and I don't question that a bit, but I mean there are over worked and underpaid just like everybody else doing their employment stuff. Our experience in the past has been when there is legislature introduced to bring the state into substantial equivalency the lawmakers are very and probably willing to pass the language. However they will not provide any funding with which to beef up staff and do all of those things. Which the first year they are going to get some startup money from HUD and then they are paid on a per investigation basis, but that is not going to sustain a meaningful enforcement agency. The other problem is that there does not seem to be a mechanism for referring cases that are charged over to the AGs office. So it is pretty meaningless to do an investigation and put together a charge that discrimination has occurred and then have the whole thing end without any consequences. Those are the challenges for the Equal Rights Commission.

Rob Gaudin: I am thinking these meeting and public relations with this Fair Housing Forum that is coming up would you be interested in participating in part of the presentation team?

Comment 10: We would certainly do our part to provide information.

Rob Gaudin: What I mean is for people to maybe put a name and a face to an organization.

Comment 11: Sure.

Rob Gaudin: The idea here is that we want to be able to document our ability to work together in the fair housing community with the PHAs and Grantees acknowledging that PHAs and Grantees have a responsibility to do something as it relates to fair housing. Ultimately, we are hoping the PHAs and the Grantees would be willing to do something.

Comment 12: Some of them do. We work with the different PHAs mostly in the North because our office is relatively new in Las Vegas, but we certainly have a relationship with the Housing Division and the USDA. I think those are all pretty good relationships.

Rob Gaudin: So you do work with the PHAs already?

Comment 13: We have done some work. The director of Reno Housing Authority is on our advisory board and with the founding member of this group. We occasionally do trainings with their staff. We have done some for the rural housing authorities as well.

Rob Gaudin: Maybe they would like to participate in this process. I know they do need to have well at least they are supposed to have a PHA Fair Housing Plan in place. They could update it with some of this information.

Comment 14: Yes.

Rob Gaudin: So that is encouraging. This is just more of a notion that the PHAs should have a housing plan and I know that there are only four in the state, but do we have any members from the PHAs on the line today?

Comment 15: No we don't. I just made a note to myself and we can get somebody from the Nevada Rural Housing Authority. I am sure that somebody there would participate in the next one.

Rob Gaudin: That is good.

Comment 16: But nobody is on today. Kate does get across the state. A small staff, but some of our Grantees do quite a few things in terms of fair housing. When you get into the city ordinances and zoning. Our Grantees don't directly work in that arena much. I think we did provide a separate list of the city planner to you to get that information.

Rob Gaudin: You did and the idea is we are going to call and chat a little bit. The one thing I do want to say and emphasis here is this is for the non-entitlement areas of the state. The Consolidated Plan includes Carson City; we excluded it in this particular evaluation. So it is truly just the rural areas of Nevada. So we are really talking about a small population in relationship to the geographic area we are covering is very large considering the number of people. Maybe Kate you can talk to me about how difficult it is to serve this community.

Comment 17: It is very difficult. We try to locate a certain number of trainings for housing providers throughout the state. We have been this year out to Elko, to Fallon, Carson. We try to put them out in areas where people can come in to do that and at the same time when we are out we try to do a certain amount of outreach in the communities. We did a training for social service providers in Elko this last time we were out there. Under our enforcement grant from HUD, we have a budget specifically for advertising in some of the papers across the state so that we can at least get some information out there.

Rob Gaudin: That sounds excellent.

Comment 18: I think you will find just listening to other fair housing groups and talking to other fair housing groups across the country and I think you will find that in Nevada there is a pretty good working relationship between the Fair Housing Council, the jurisdictions, and the housing providers. We do not want an adversarial relationship. Our mission is to ensure equal housing opportunity. So we try to do that as much as we can through education of everyone in the county, the housing providers as well as the consumers.

Rob Gaudin: That is very admirable.

Comment 19: It is our job.

Rob Gaudin: It sounds like you are pretty successful at it.

(Presentation)

Rob Gaudin: Do you take it to the landlord?

Comment 20: No, we never take it to the landlord or the property manager. If we find problems we will probably go back and have an audit test. We will test another two or three times and establish that this is a pattern of practice of discrimination. If we have pretty

competing results we can, we have to make sure that we have a standing to file a claim. So we have to divert resources into educational campaigns, advertising, mailings, and then we will in some cases file a complaint. We had one last year about this time and I think it became USD Rosewood Park here in Reno where we joined a private complaint on that had significant testing that supported that claim.

Rob Gaudin: Do you do many in the non-entitlement areas of the state?

Comment 21: We try to do it and it is much more difficult because the housing stock is very limited. It is sometimes harder to find vacancies. It is harder to craft the profiles for the testers to get them there. So it is a pretty big challenge, but it is something that we do on a fairly regular basis. Usually by phone.

Rob Gaudin: Usually by phone. So what kind of things are these folks told? What is the result of your test?

Comment 22: You know probably most people are doing the right thing, but as I said we do get some questionable outcomes to these tests. A lot of times we discover that there is just a certain lack of consistency in the way people are treated. That can be based on somebody having a bad day. Not everybody knowing what is available at any given time, which is why we go back and test multiple times to try and find out again if this is a pattern and practice of discrimination or somebody didn't get the memo today.

Comment 23: In one of the housing charts that you had, wasn't there and I remember this from the focus group, wasn't there a trend toward more people living in a house. Living in homes?

Rob Gaudin: Larger families.

Comment 24: Yes and so interesting, Kate you are saying that is probably your second area of problems after disability?

Comment 25: Well not necessarily the number of occupants, but just the number of people still don't want to rent to families with children. They have no basis to turn them away, but they sometimes lie about availability or credit.

Rob Gaudin: In terms of testing and education I guess you would probably agree with this that it is too little.

Comment 26: Yes.

Rob Gaudin: Insufficient outreach and education and is there sufficient testing? This one so many people said I don't know and I don't understand testing as a tool.

Comment 27: Right and I think a lot of times people don't hear about testing until cases are filed. We as an organization do not file cases lightly. We are very conservative in the way that we interpret our test results. We don't have big splashy cases for the most part and the other thing is a lot of complaints that are supported by testing settle out in the complaint process.

Rob Gaudin: They are mitigated.

Comment 28: You don't hear a lot about them.

Rob Gaudin: So in those particular cases does these housing provider accept that they made a mistake or do they want to brush it under the carpet.

Comment 29: I think a lot of times that they deny any wrong doing, but they go ahead and settle. In some cases we have had respondents that are willing to settle if the complainant will withdrawal the complaint. Those are things that we don't control. It is something that HUD has to deal with.

Rob Gaudin: This is our first meeting. I am wondering if we might send out a reminder or some other notice on the survey and to get some other agencies or PHA residents to participate on the survey. Do you have any good ideas on that?

Comment 30: Are you talking to Kate?

Rob Gaudin: Anybody who would like to answer.

Comment 31: I mean like I said that we are happy to forward information to other groups that we work with to make information available through our website, through our Facebook page, certainty to have the ability of people to complete it from here if they want to.

Rob Gaudin: Certainly we would like to get the word out about the upcoming fair housing forum. That is January 27th or 28th. We don't know the precise dates are yet. We think we probably need to decide here pretty soon and we can get that to you and you can post it on your website.

Comment 32: Oh yes and put it in our Facebook page too.

Rob Gaudin: Then the survey link we can get that to you too. I will do that.

Comment 33: I will send a list that housing sent to me for this, the fair housing list and you can see who is on that list and if you have other groups that would be great.

Rob Gaudin: This is just our orientation and what we need is some more participation in the survey and get people aware of that the process is ongoing and we are going to be doing this. So I think the purpose of today's meeting was to get us all on the same page here. Any questions?

12/15/2014 FAIR HOUSING OUTREACH GROUP

Comment 1: As far as the West Wendover area goes, it is driven primarily by the employment base which gaming is the primary employment base for this area and not necessarily mining. So over the last and I was born and raised here, but I have seen the demographics change since I was a young child where there was probably 10 percent or maybe less Hispanic to today which is in the upper 50 percentile. It is driven by the gaming industry as the employment base.

Rob Gaudin: Within the community do you see geographic area that have higher concentration within West Wendover only?

Comment 2: In our community in West Wendover with the Hispanic percentile if I am not mistaken I think it is 57 or 58 percent in that neighborhood. No it is actually it has spread throughout the community at different levels of the economic ladder. So you have them in the low-moderate income and you have them in the high income all across the board. Obviously there is a larger percentage that is in the LMI percentage, but there is Hispanic populations in all of the different wage categories.

(Presentation)

Comment 3: If we are only looking at HUD data or one thing, all you are going to see are claims that made it into HUD's database. Bona fide open claims I am assuming. There were probably many many more claims that came through our agency and when I say many many more not many. Frankly there are multiple reasons people don't want to claim. First of all a lot of people do not know what their fair housing rights are. It is hard to get the information out to all of the different communities. Also, especially for people living in rural areas where there is limited housing availability, people don't want to rock the boat. They don't want to be known in town as that person who always complains. Very often you may have one or two management companies taking care of all of the housing needs in town and if you get on the bad side of somebody you are very much afraid that you will not be able to find housing anywhere else. So I think it puts a real damper on.

Rob Gaudin: So let's return to your first point. You have many more complaints than this. Is that correct? Well Silver State Fair Housing.

Comment 4: I think we deal with a significant number of inquiries and I think that we sent you all of that information. A lot of them may have nothing to do with a bona fide fair housing complaint; however we still field those calls and get those people to the resources they need. Some people as I said will complain that they don't want to file with HUD because they don't want to go through the official process. We also do a significant work with people with disabilities helping them request accommodations and modifications to their properties and those will never make it to HUD, because we are able to resolve them within the context of what we do.

Rob Gaudin: So most of the complaints are related to disability?

Comment 5: The bulk of our complaints are and it is also the number one complaint that goes to HUD nationally.

Rob Gaudin: So that is reasonable accommodation and modification.

Comment 6: Correct and sometimes just being turned away from housing because of a disability.

Rob Gaudin: So sometimes folks get turned away. Are there particular areas of the state that have more of the rural areas of the state that have more complaints than others?

Comment 7: I would say we have been able to do some targeted outreach in Elko, so people know to call us a little bit more out there. We have done some work in Fallon as well and some outreach in Fallon so we get calls from there, but otherwise it comes in randomly.

Rob Gaudin: And it comes into your offices?

Comment 8: Correct to our offices either in Reno or Las Vegas.

Rob Gaudin: So in the other parts of the state how do you service this clientele? Do you have to drive there?

Comment 9: In some cases we do. More often we may speak to them by phone and either email information or mail information. Even with HUD complaints we can send them the paper work and they can fill it out. Sometimes we can answer their questions on the phone while they are filling it out and get that back. Then we provide additional investigation to help clarify that claim for HUD. Then we will send it all in for them and that is all under HUD's fair Housing Initiatives Program.

Rob Gaudin: How many of your complaints do you think you take?

Comment 10: I don't have a number off the top of my head. We filed, we did 26 intakes in the last two months. We are getting more and more. Most of those are going to be from the other jurisdictions as well.

(Presentation)

Comment 11: I would think so.

Rob Gaudin: So how come it is not happening. I am not trying to say that you are not doing your job. How might we get folks to participate in the fair housing infrastructure?

Comment 12: Ideally you have to have a presence and that is not going to happen. I understand that in some rural communities. We do advertising in local papers. We have toll free numbers. We have a Facebook page. We have a website. We have tried to get jurisdictions to post fair housing information on their website and links to fair housing resources and we have provided that language to the jurisdictions and some of them do not have that posted. So that would indicate to me that a lot of the times that people think that their rights are being violated they are going to go to their local jurisdiction and ask for help. If nobody there understands what fair housing is or how somebody would file a claim. You are going to lose a lot of a significant amount of.

Comment 13: She gets very involved in that and very engaged in making sure that they know the modifications. We get involved before it gets to a complaint. I don't know. I would have to ask her how often she gets calls.

Comment 14: I think that is true that a lot of those issues may get resolved before they get to that compliant process.

Comment 15: I don't know if this is factual or not, but it is just an idea that I had and we hoping to have her on the call, but she is out sick today. I believe that we have a very high presence in rural Nevada with our tax credit program and you may be able to chime in on with this. She is extremely knowledgeable on what is allowed with as far as modifications or accommodations on disabilities. She gets a lot of calls on this I think on this topic. It is possible again that a lot of this get resolved before it even get to be a complaint. That is just and I am just throwing it out there. I can't say that it is factual or not, but I hear her all the times on the calls with people on what they need to do if there is an issue with a tax credit project.

Rob Gaudin: You were saying that institutionally there is a shortage or lack of infrastructure besides your organization outside of where you are located in Las Vegas and Reno. How are people going to reach out to your organization if the locals do not know where to turn?

Comment 16: That would be my question.

Rob Gaudin: So how do we change that?

Comment 17: Well, as I said we did some work with the state and we have provided information. I can't force people to do these things. I think it is in their best interest and we certainly pointed that out, but if there isn't a certain amount of urgency about this and there isn't a certain amount of buy in to that housing discrimination is occurring in these areas then there doesn't appear to be much interest invite. We try to make it compelling, but I think that there is some resistance to the idea that discrimination is even occurring despite cases going forward.

Comment 18: The state works with her for the 2013 grant cycle and they did great training for all of our grantees and gave out great packets with information and cities and counties couldn't apply unless they had gone to that training. Now when I am monitoring that they do have information posted, but it is probably a laps between the posting of the information and somebody actually being helped out in these remote areas when they have complaint that they may not know how to file. I am quite sure that Fair Housing Month is an opportunity.

Rob Gaudin: Most certainly.

Comment 19: White Pine County for instance they have an ordinance that they fund fair housing access. They have the city council renew each year. So there you have the government aware as to what is going on.

Comment 20: That is something that we worked on with the state. I think we gave everybody a template for doing a Fair Housing Month proclamation every year in April. I would go to those jurisdictions if they wanted us to and I guess, there are some people who would say that a proclamation every year isn't going to do the job and it is not going to fix the problem. If you have each jurisdiction articulating that this is important and that they don't tolerate discrimination. They support equal housing opportunity that can be a very powerful tool. That is why we really wanted to work so hard in getting what some people might consider cosmetic things in place so that when people go to the website, when people go to the city or the county Facebook page, there are in there in a place where you can actually see it. It says something that we support equal housing opportunity.

Rob Gaudin: So where exactly is the problem with the units of local government's right?

Comment 21: I can't find the fair housing information in most of the websites that I see. So if it is there it is buried. For someone who feels like their rights have been violated. Feels like they have been discriminated against. It needs to be accessible. It needs to be easily found.

Rob Gaudin: What do you think that the state could potentially do to facilitate, not just grantees, but all units of local government who are smaller than the entitlements to wake up and come to the party?

Comment 22: Until the post it.

(Presentation)

Comment 23: I think it would be comparable.

Rob Gaudin: What do you attribute that too? The initial complaint verses those that are to be with cause. Is there a lack of understanding on the part of the consumer?

Comment 24: There are a few different things. You are going to have people that believe that they have been discriminated against, but they have to have enough evidence to support that claim. HUD has what we think is a pretty substandard meeting that level of evidence. So you have cases where somebody may in fact have been discriminated against, but if there is no evidence to support that you are probably not going to get a cause determination. The other things is that a lot of claims are settled before they get to a determination level.

Rob Gaudin: These are largely consolidated. That is how we have tabulated them not to litigation, but conciliation. When you say standard of evidence is subpar. Do you mean that they have a higher standard of evidence or they need more evidences?

Comment 25: Yes. It is very very hard for someone. You have to be able to demonstrate that this happened. It is hard to demonstrate that your neighbors are getting repairs done to their units, but you are not and you believe it is because you have children and nobody else does. You need HUD to get in there and go through those files and find all of the maintenance request and all of those things and that may not always be done. It is hard to get that much evidence.

Rob Gaudin: In your opinion this is largely the rental market?

Comment 26: That is almost all of the complaints that we get are based on rental issues.

Rob Gaudin: Are any of them based on units of local government?

Comment 27: There have been some.

Rob Gaudin: Can you explain what happened in that case?

Comment 28: It never got to be a HUD claim, but he is here with me. Can you explain what happened with that?

Comment 29: If I remember correctly there was a property management company assisting with a group home, but in order for that group home to receive the utility changed to their name they had to go to the city for that to take place. So that group home agency went to the

city and they pretty much told the organization that the city was not going to change the utilities for those people, because they would not allow, I believe they had unrelated people living together even though in this community many unrelated people live together in this particular part of the state. The actual property manager that was helping this agency rent the units; she actually went to the city. Not only she spoke to the engineering department, but also the building department, but she spoke to the city attorney. Pretty much told her what they were doing was in violation of fair housing because they were trying to [prevent a group home from opening in this particular jurisdiction. After some consideration the city allowed that group home to take place, but that was one of the incidences that we became aware of that the city was not allowing this group home to become. Some of the comments made during this situation were that they put a stop to a previous group home that tried to obtain the license a couple of years earlier. So it appears that this jurisdiction has done this in similar cases.

(Presentation)

Comment 30: I would not think that it is at least in West Wendover that we have a high percentage of Hispanics. I really don't think that it is willful. I think that it understands personal finance. Many of the families are first generation immigrants or second and so I just don't think that they understand personal finance in the ways that it will affect when you go to a mortgage. How that is going to impact the family that way and they learn the hard way.

Rob Gaudin: I would like to ask any of the members of the Housing Authority if they have outreached to this community for homebuyer classes. Don't be afraid to talk.

Comment 31: Rural Nevada Development Corporation actually does that program for us. We only do about 13 loans a year, but Rural Housing Authority has a single family mortgage program. So I would think that they would have more input on that, but I can say that usually most of the data that comes through her HOME program is we are serving pretty much 100 percent white with the HOME funds. We don't do that many. We do about 13 to 15 loans a year.

Rob Gaudin: Is there anybody from the Rural Housing Authority? No we don't have them represented at this time. Hopefully...

Comment 32: They are a pretty big program going.

Comment 33: I know there hasn't been any seminars or classes, but we do as a city distribute and at least twice a year I am getting the brochures from Nevada Rural Housing and making sure that that information is put out with the utility bills and it on the front counter. Trying to push it out into the community as best as possible, but there haven't been any one on one classes offered where it was advertised that we are holding this class and you can come up and get some specific information about mortgage, preparing your personal finances and things like that. It would probably be very helpful if that would occur.

Rob Gaudin: That is interesting that you say that. This duty to affirmatively further fair housing it is not just a state obligation. Public Housing Authorities, such as the Rural Housing Authority also have that responsibility from HUD and they need to certify that they are affirmatively furthering fair housing also. So perhaps that is a conversation that the state could have with them about addressing that.

Comment 34: I think that is something that we should do possibility and she can speak to it more, because you work more with the rural Housing Authorities than we do.

Comment 35: We can talk to them about it.

Comment 36: It should be done. I wouldn't think that it would be higher in West Wendover. That is suprising to me since the population is so high.

Rob Gaudin: Yes, over this period in that Census tract we have 96 loans originated and 48 denied for a total of 144 with 33.3 percent.

(Presentation)

Comment 37: They are wrong.

Rob Gaudin: Can you expound on that a little bit.

Comment 38: I cannot explain why people do not know, but there are questionable practices and barriers in the rental market.

Rob Gaudin: So you think that people need some education?

Comment 39: Absolutely.

Comment 40: When we were looking at this on Monday or Tuesday morning, we were saying that these responses are limited, but just the general lack of awareness of fair housing issues.

Rob Gaudin: I am going to play a little bit of a devil advocate here. We have so few complaints; we don't have any problem in the rental market place. So convince me that we have a problem and that people are unaware of it.

Comment 41: Our last session on housing and economic development she brought up the point that there were houses that were being rented that didn't have water, had holes in the floor and that they couldn't approve for somebody to move into. So I would say that that is questionable practice and a barrier to fair housing in the rental market, because it is something that is not up to code and somebody it trying to rent it. It is not discriminating necessarily, but maybe they are because that is the only thing that is available.

Comment 42: I could spend all day with examples of houses discrimination. It is very hard to convey sometimes the nature of some of these complaints. The impact that being illegally turned away from housing can have on someone and unfortunately a lot of the times people don't even realize that it is happening to them. It is not a door slamming in somebodies face saying that I don't want you here because you use a wheel chair. It is that oh gosh sorry we don't have anything right now. Go down the street. It is not our policy to trade on the incident that we are aware of. So usually unless something is settled in court, you probably are not going to see a lot about it. We had the case last year with Rosewood Park Apartments in Reno and it was a case prosecuted by the Department of Justice and by Silver States attorney and those get a certain amount of play, but there are lots of garden variety types of issues. I can't tell you how many letters I write to make sure that somebody can have an emotional support animal so that someone can have a reserved parking stall that is close to their unit or whatever the issue may be. It happens all of the time and it is difficult and it is painful for people.

Rob Gaudin: So to read between the lines we are back here at outreach and education.

Comment 43: Correct.

(Presentation)

Comment 44: Right, right.

Rob Gaudin: We did not have a single person talk about the home insurance industry. Are there any problems there?

Comment 45: We know there are nationally. We have not specifically heard of any. The testing that goes along with home insurance and home appraisal even mortgage lending is incredibly expensive. It is incredibly technical. It is not something that we have been able to expand into because we are doing the garden variety on the ground in housing discrimination issues.

Rob Gaudin: Largely in the rental market.

Comment 46: Correct.

(Presentation)

Comment 47: Just from the standpoint of West Wendover, just generally access to government services and a lot of those types of things are state, county services and given that we are so far away from the county seat that is always a problem. That is a general comment that I wanted to make.

Rob Gaudin: That is a good point. It addresses a very sparsely populated area with small towns that are very far from one another. Is that attributable to why replies are so low? The sparse low population of the non-entitlement areas of the state?

Comment 48: We did get more on the Housing and Community Development. It goes back to awareness. On the land use policies and zoning laws I don't know how extensive the zoning laws are in some areas. Everybody has to have zoning laws. I don't know, do you think zoning effects housing in West Wendover?

Comment 49: I don't think so. I think you are correct as a city we have some pretty extensive zoning laws that cover the gamut of housing and types of housing. So I don't and those numbers don't really surprise me. Why they are low is I usually don't see a lot of complaint or concern from people specifically over those issues until you get down to how they access those services and then that is where the complaints come because they don't have a vehicle and they can't drive to Elko or there is and as we have talked about the outreach that goes on in some of the larger communities is not occurring in a smaller community as well. When I am looking at that I am not surprised that that is low except for that at least at West Wendover.

Comment 50: This is an area that is outside my area of expertise. Did anybody and could anybody limit access to government services are because they didn't have the information in Spanish? Limited access as far as transportation that is across the board that is just not a fair housing thing. I am wondering if folks were saying it is limited access to government services because folks don't have access to things in Spanish or whatever language they need. I don't know.

Rob Gaudin: People did not talk about that.

Comment 51: The people who completed this were not the general public that might be impacted by these things. If I were filling this out I wouldn't know any of this stuff because I have never gotten many complaints except people saying that it wasn't available for them in Spanish or there was no translator or something along those lines.

Rob Gaudin: We have prepared the survey in Spanish. So it is available.

Comment 52: I know but access to government services, like if they are coming in looking for services such as employment. Were they able to go in and get somebody to translate when they had questions when the application was in Spanish and those types of things?

Rob Gaudin: That comment was not received much. What I am looking to do, what I would like to do is to look to someone such as Rural Housing Authority, such as for example Silver State Fair Housing and maybe is there a list of folks that you could distribute the survey link to and ask them to participate?

Comment 53: I told her the same thing. I don't have a huge list. I am happy to distribute it, but we don't have a mailing list. We don't have it.

Rob Gaudin: Could you post it on your website?

Comment 54: I think we did, but if we didn't we will.

Comment 55: Is there a flyer for this. I would go so far as the city would publish it in the paper this week just to get our community to make sure that everybody was aware to take the survey if they wanted to.

Rob Gaudin: Did you receive the invitation?

Comment 56: I am sure that I did.

Rob Gaudin: I am sure that we can send you another one and then you can post the link in your advertisement and just use the same language and post the link in English and Spanish in the newspaper.

Comment 57: We would be happy to do that.

Rob Gaudin: I will send it to her and then she will send it to you. Is that alright?

Comment 58: That is great.

Rob Gaudin: What we are looking for is to expand the participation in the survey and that would be great.

(Presentation)

Comment 59: I think there is definitely discrimination against the elderly as well. That is the majority of the population that I work with and I do get calls about lack of access and lack of a wait list. You know just falling off the wait list through no fault of their own and just the lack of housing. Particularly modified for elderly people with functional disabilities.

Rob Gaudin: The question now becomes what should we do next. We have touched a little bit on that. How might we contact other agencies wherever they are for-profit or non-profit, where they are governmental? Whether the residents. How might we make people aware of the fair housing forum that is coming up? Any ideas on how to get the word out?

Comment 60: I think we can check with her and see if she has a mail list that we can get this out to also. We have expanded the list to 790 and this was sent out again, but it didn't result in additional responses I think.

Rob Gaudin: I guess we are just going to continue to try there.

1/13/2015 FAIR HOUSING OUTREACH GROUP

Comment 1: Well it just depends and every year is different. That is something we are getting maybe a little bit more complaints during the spring and summer time. Especially the fall and winter time we tend to get fewer calls and fewer complaints. However, we do constantly see different types of issues throughout the State of Nevada. From rural Nevada to southern Nevada and also up in the north, Reno, Sparks area.

Rob Gaudin: So with disabilities what are the issues? When we received the HUD data we had this issue such a reasonable accommodation or what have you. What is your experience with most of these issues?

Comment 2: Most of these issues and specifically with people with disabilities are going to be refusal to accommodate people with disabilities in terms of reasonable accommodations and modifications. Most of the times we would get a consumer that would come in and ask for a reasonable accommodation and their request would be denied. Our agency would write a follow up to a reasonable accommodation request. Not acting as their legal representative, but also providing the information and the resources to the housing provider regarding fair housing and reasonable accommodation. Many times the ones that we send those letters about accommodations get granted. So that prevents a complaint to go through HUD. That way was accessing the accommodation before it gets to the discrimination complaint with HUD. There are couple of issues with the construction cases. We haven't had many of those in the last couple of years, but we had a few in the Reno/Sparks area in which new multi-family were not in compliance with the requirement which is part of the disability portion of the Fair Housing Act. Most of the complaints that were regarding disability were refusal to accommodate people with disabilities in terms of accommodations and modifications.

(Presentation)

Comment 3: You are correct as you can see on the chart that most of the claims do come in regarding disability issues. We do see some familiar status every once in a while, national origin, as well as race. On those particular especially on familiar status, it would imply situations where a family would be charged higher deposit because they have children or being evicted because of the presence of children. When it comes to sex discrimination and different treatment based on gender. There were a couple of claims that were forwarded to HUD in which an advertisement took place in which specifically the advertisement had to do with preferring a man to rent to property verses a female. When someone tried to rent the property they were told that they would prefer to rent it to a man instead of a woman. Those are some of the issues in terms of sex discrimination. There are a couple of issues with sex harassment, but mainly of the situation that we see they deal with gender discrimination of male verses female. In religion, we see every once in a while, but we don't see that as often, but especially in the rural parts of town or the state, we see situations in which people, let's say they would go to church one day and then they would stop going to church and management would notice. Then they start making comments or maintenance requests would stop being addressed because they would stop going to the same church or practice the religion that they were being told.

Rob Gaudin: From what you say everything that you have said it sounds like most of the cases that come in the door tend to conciliated.

Comment 4: When it comes to disability related issues that are the only claims that we tend to engage in some kind of and providing some kind of verification. If someone were to come to our office and said we are trying to rent a house and we were told that we have too many children. We wouldn't be able to do anything, but forward that complaint to HUD. When someone comes to our office and says as for reasonable accommodation, my reasonable accommodation was denied. Then we have a process to engage by sending a letter to the housing provider with that information. That would depend on the consumer. Many times the consumer just wants to file for a discrimination complaint because they believe that their request was denied and many times the consumer wants assistance in sending the letter because they sometimes don't specifically use wording or language that was telling enough for someone or for a housing provider to understand it was a reasonable accommodation request. Even though they said that I have a disability and because of my disability I would need this. Sometimes they would not use the correct terminology when it comes to making those requests. So sometimes when we send those letters and we send those resources that actually helps the housing provider to take an action and in many times those accommodations are granted. It doesn't happen all the time, but in many many instances we do get a higher percentage of grants to accommodations when it comes to disability.

Rob Gaudin: Most of the housing complaints come from the rental market.

Comment 5: That is correct. Actually, we haven't had many and I can maybe think of a couple in the ten years regarding a sales transaction. Most of it is rental related issues.

(Presentation)

Comment 6: Are there descriptors on the questions? I am just wondering depending on who is answering that survey. Do they have an understanding of the definition of property tax policies or land use policies? Do they understand what that term means in order to answer it?

Rob Gaudin: In each of these and the survey does site an example as such as for all the both private and public sector questions to aid the individual and calling to their mind some sort of past experience. So the answer is yes, but not in its entirety.

Comment 7: I think I took the survey and I didn't remember, but I was just thinking about the general person who would have gotten on that link.

(Presentation)

Comment 8: I will speak to the second one in terms of our planning. I think or know that we have to focus on people in the non-entitled areas. Access to fair housing to me in those areas is means that there would be sufficient housing at and available to people at various income levels so, they could rent or own something within their income needs. I think the other thing is lending bothers me. This weekend there was an article in the Northern Nevada Real Estate that mentioned that there is an organization called Ez Dinero and it is talking about Hispanic homeowners and the lack of services for them. So I google them and wondered if this was like a predatory lending organization and wondered how familiar people in the state might be with that or how they use it. They do loans with no credit checks. So I guess I am one who doesn't know what services might be available that we could, I don't know how to ensure fair housing choice, because I don't know what services are available out there.

Rob Gaudin: In your Consolidated Annual Performance and Evaluation Report, I am sorry but I can't remember what you said about fair housing in there or if you said anything.

Comment 9: We did. Outreach came up last time and it come up in the Voluntary Compliance Agreement with HUD. So we did outreach with Silver State to our grantees for the formula HUD programs and CDBG made it a requirement for all grantees to attend that training session, before they could apply for the 2013 grant cycle. So and he participated and he conducted some great training sessions and I attended one of those. We had probably, we had a considerable number of training sessions across the state and people could go to them either in person or view them with a video conference. We have done some outreach, but not enough it looks like.

Rob Gaudin: I am just comparing what we saw from the previous slides with what the previous policy was stated and these other things with the survey and various housing complaint data and lending and so on. The idea isn't so much how did we do, but more is this what we want to say this time or do we want to say something slightly differently. I am thinking we might want to identify our impediments and then attribute any actions to the impediments and how do we overcome them.

Comment 10: Right. I would agree with that.

(Presentation)

Comment 11: Can you explain exactly what the forum will entail?

Comment 12: We have set that up because of the huge distances here and the lack of any large meeting that we could coordinate with. We set up the video conferences sites as we did with the focus groups because that seemed to generate the highest participation.

Comment 13: Rob, can you tell me what is the agenda like. What are you addressing? What are you discussing?

(Explanation of Forum)

Comment 14: So you we asking how we could generate attendance.

Rob Gaudin: Yes, if there is some way to generate additional attendance. Fair housing is a complicated thing to get people to come to. You are not handing out money and usually people don't get served pizza and beer. So it is not too sexy. If you are handing out money for infrastructure development, people will come. People will compete for it, but that is not the deal so much here. It is an obligation we need to do to certify that we are affirmatively furthering fair housing and the small steps we take in that process are sometimes challenging to get people to come. I really like that fact that we are really trying to resolve the distance by having theses presentation telecast over an interactive forum setting. We will have these in a few weeks and we will talk about it at that time and get input and that is hoping what we can get. Any other commentary that somebody might have about that?

Comment 15: I guess some of your questions on what should we all do next slide go back to my statement in regards to the surveys. Most everybody that has a disability in this state at some time or another would have depended on their income and the type of disability would have probably gone through one of two of our Centers For Independent Living. If they had

mentioned a concern, the center for independent living might have referred them on in regards to their complaint about fair housing, but I am not sure that they, the center for independent living staff understands fair housing enough. So if they were to ever gotten a hold of that survey then they would be one of those entities, those they might be interested in fair housing they might answer the survey with a lot of missing, and no's, and I don't knows on its do we want them to be involved?

Rob Gaudin: The answer is yes.

Comment 16: Absolutely.

Rob Gaudin: In fact those people really in some ways are a stakeholder group and if they don't have a good enough understanding of this obligation to affirmatively further fair housing or fair housing laws then they would be an ideal candidate to bring into the process.

Comment 17: I am pretty sure they don't, because I have been talking to them about how to help people, help advocate for people with disabilities with regards to housing and they give me that blank stare like a deer in headlights look.

(Presentation)

Comment 18: Rob, I need to ask a dumb question, but what is CAPER?

Rob Gaudin: Consolidated Annual Performance Evaluation and Report and that is not a dumb question.

Comment 19: It is an annual performance report like the APR for our program, but it is an actual document that we have to send to HUD.

Comment 20: You get a better acronym.

(Laughter)

Comment 21: I think this question came up before because the slide you have on the housing complaints is just HUD data, correct. It is what you were able to gather from HUD for the complaints?

Rob Gaudin: Last time I presented HUD's data and this time I am presenting Silver State's data. We have two sources of complaint data. They are largely consistent and HUDs are fewer and Silver States are more, but they are consistent about which basis is most frequent. They are also kind of few and far between. So it is hard to get access to the fair housing system. If you wish to have a complaint largely you have to call somebody and you can't just walk into their office. Isn't that right?

Comment 22: Yes, we do have two offices. One in Reno and one in Las Vegas and we have our information throughout the state. We do outreach and training in the state, but that is correct in order to get to our office you would have to telephone or email and access our website as well. That is why when we go out to do trainings from Fallon to Elko which as the last two trainings that we have done in the last few months. We try to take additional resources so that they can be distributed throughout the state. The advertisements that we do include the phone number, the toll free number for Nevada Housing, an email for consumers and housing providers to contact us with questions regarding housing discrimination.

Comment 23: When you say you did trainings in Elko is that for management companies? Who were the attendees?

Comment 24: We did training in September in Elko and we did two trainings. We did training for housing providers. It was an accredited training for real estate professionals. For that one it was a very low turnout. I believe we only had 12 to 13 people that came to that training in September. We also did training for social service providers and I am going to say that we had about 10 to 12 attendees as well. In Fallon we did a training in July and we only had about 12 to 13 people at those trainings. We send training announcements to about 2,000 people and that includes real estate professional, property managements, and apartment complexes as well as social service agencies. We get a very low turnout.

Comment 25: It is like they don't believe that it is serious enough or they don't understand or this lack of knowledge or education about how serious of a thing this is because one you just don't see that much of it occurring especially rural Nevada and it kind of seems like I don't know what I am trying to say. Like it is just not a priority for people unless you are the one being discriminated against and then it is a huge priority.

Comment 26: My suggestion would be because sometimes what comes into our human social services office may not even get farther than the front desk because they are the ones that open the mail, but we do have a public information officer who is responsible for all of the Department of Health and Human Services. If information was to get to her, I am sure that she would be very good at getting it out in such a way that people attended.

Rob Gaudin: It looks like we are flushing out a way to do outreach.

Comment 27: It almost seems like that is a priority. We just don't have really good outreach it seems. Not criticizing Silver State Fair Housing by any means. It is just not maybe outreach, just the knowledge that you are knowing. It is not out there in their faces every day and seeing what could happen or like a public service announcement or whatever. It just is one of those under the table, very quiet, nobody and it is not in your face. It is just not a priority and it is not something that people think about every day.

Comment 28: April is Fair Housing Month and maybe we can coordinate some effort to get the information out to the stakeholders we have and local and the people that you know as well. Anybody that has additional mail lists, we have been sending these surveys out to 750 or 790 people. We are getting the responses in more of the housing and community development. It is not as easy to get it back on the fair housing.

Comment 29: It is a tough sell, fair housing as we are seeing, because we have responses of missing or don't know. It is worrisome.

Comment 30: It is good to have this so we know. So I appreciate everybody that has responded, but again people might look at it as 13 complaints in 2014 in the whole rural area, is it weighty enough of an issue. That is why I was wondering if these were Silver State's complaint data or HUD's, because it seems low.

Rob Gaudin: It does seem low. That is correct.

Comment 31: Is it. Why is it because it is really not an issue or is it an issue that people don't know how to.

Comment 32: I think I will talk a little bit about that and most of you guys do work in the rural Nevada area. When you are facing a situation that there is limited housing and you are going to file a complaint against the only housing provider in town, you don't want to rock the boat. So you will just put up with whatever situation you are facing. That is a situation that we unfortunately have to change when someone is afraid of exercising their fair housing rights and they don't have in many instances lack of knowledge and afraid of losing their housing situation. At the same time people many times decide to move out of a situation because they don't want to deal with the practice that they are facing. In many instances they fell ashamed of reporting discrimination and especially when it come to sexual harassment, because many instances they have given up to the harassment themselves and they don't want to be a part of that. It is a combination of everything. You are right and if we had tons of money we could place an ad in every single paper every weekend and maybe we could get some information out. We do advertisement on a quarterly basis throughout the entire state. That limits the ads that we can do based on the budget that we receive from HUD to do advertisement. More funding and more additional resources would be necessary. In addition I believe that we provided fair housing information for all of the jurisdictions to put up on their websites because that is where consumers would go to the cities or to the counties and receive that information. I can guarantee that only a couple of the jurisdictions have done that. So that would be a step to making sure that information is out there.

Comment 33: That might be a priority for all of us with our agencies is making sure that they have a link somehow.

Rob Gaudin: I think that that is a good idea.

Comment 34: The other thing that I was wondering about too and I am sure you don't have the statics, on these housing complaints were they a higher percent of a multi-family situation or where they single family where they have a landlord that is just one guy who is not familiar with the rules and doesn't want to make accommodations. I would be curious are we lacking in training in the multi-family arena or the single family landlord type?

Comment 35: I think it is actually a combination. We get most of the claims that deal with multi-family housing. There are a couple that deal with single owners. I can think of a situation in the rural part and I believe it was in Elko, it was a mobile home park the owner had just bought the mobile home park and there was an advertisement of familial status case. Many complaints do deal with property management companies. Many parts of the single family dwellings are being managed by property management companies.

Comment 36: It is true. I forgot about property management companies.

Comment 37: It is a combination of everything. Not only multi-family and agents not knowing or caring about the issue or thinking that because they are in rural Nevada that they don't have to comply with fair housing laws. We would prefer to file and we would prefer to do more outreach than file complaints, but there are claims out there and I think that is something that is going to take place more. We do get many claims, but not a lot of claims that the agency would file. That is something that that is another possibility for us, our executive director will be looking at. That is a lot of work.

Comment 38: No doubt.

2/5/2015 FAIR HOUSING OUTREACH GROUP

Comment 1: I would be curious to know what people think about that that receives funds. If there were the requirement to do certain things. Would that be burdensome? Would that be too much? I am just curious. Maybe there is no one on here that receives funds right now.

(Introductions)

Comment 2: Was that part of a contract that was mandated?

Comment 3: It was mandated for the grantees if they wanted to get CDBG funds from the state they had to attend Silver State training.

Comment 4: It was held, I believe last spring in Washoe County.

Rob Gaudin: Do you think that grantees should get additional points for participating on their applications?

Comment 5: Sure.

Comment 6: We did make it a requirement when we did the Voluntary Compliance Agreement with HUD in 2010. We needed a requirement for grantees to attend training before they could apply for 2013 funds and we and I think CDBG provided or housing, we both collaborated to do that housing in different parts of the state and we had video conference available as well. We have had that requirement before and in general it is a requirement that they have a Fair Housing Policy in place and they agree to that when they sign the grant agreement each year.

Comment 7: Are you still requiring the grantees to attend and have training every so often?

Comment 8: It was just that one year and we haven't done that in subsequent years just the 2013. So we didn't do it in 2014. We don't have that planned in 2015, but we will this year. We have been a little busy, but it is something that we are continually looking at as well, because it is really difficult to get a handle on it. Some of our grantees do have a fair housing ordinance and they have the council or commission shows up their annually. So at least they are making people aware.

Comment 9: When you mandated that I didn't quite catch. Did they have to go to Reno for training or was that provided out in the rural areas?

Comment 10: Silver State did the housing training, but we had sites in Elko, and I think we were in Ely and we have video sites as well. So it was convenient for people to attend on one side or another.

Comment 11: I think are you on the phone, I think one of the things that we had talked about at one of these meetings was having for our Tax Credit Program which was one of the bigger funders for multi-family for low-income housing or for low-income people, for having our compliance training include and I know we have done it in the past, include a training with Silver State Fair Housing. I am wondering would it be something to consider of making it a regulatory thing with some of our management properties that they have to attend and show that they have at least annually or every other year.

Comment 12: That is interesting because we got a high response from our grantees. It looks like those with government responded. So you never know what answers were given to all of those. It almost seems as if it is a larger public awareness campaign that needs to be done.

Comment 13: I think your idea is good and something we should discuss with her. I am actually talking with her about amending something else to the training right now. It wouldn't interrupt the training, but it would just be something we would do alongside of the developers while the training is going on. So this is good time to talk to her about it.

Comment 14: What we would need or do and correct me if I am wrong, because I wasn't involved very much with the last AI, but I think we have to have something planned in the document. We need to say what we are going to be doing. Isn't that right?

Rob Gaudin: In recent years HUD and if the impediment is articulated you need to have an action item. You are going to do something and then on top of that you need to have a way to measure what you have done. For example if you were to say grantees are required to participate every other year then you also need to state what that participation and how do you measure that participation. Either it is an attendance at a meeting or an attendance at a video conference or something like that. So there is a way to measure it, but you should have something in the Annual Action Plan each year. Whatever that would be.

Comment 15: Do we know if Silver State Fair Housing has webinars or anything that they have out there online for training?

Comment 16: I don't think that they do, but we do have that capacity here and maybe we could all participate in.

Comment 17: One of the things with my ESG, not pertaining to fair housing, but any of my recipients that are helping folks find housing must certify and go in and watch like lead paint training. So, they go in and they watch these webinars and then when I go out and monitor and I look to see for their printout to see that they completed it. So is there something similar to that available that we could and so nobody has to go and leave for training. We could just ask recipients to go to the website, do the training and certify that they have done it and submit that to the divisions. Say if they are for us or for somebody else. So that they don't have to necessarily leave and go unless there is something out there that is available.

Rob Gaudin: That is actually a really good idea.

Comment 18: We are looking at more and more webinar training, but I know that Silver State that they do training for real estate groups, because they get continuing education credits for it.

Comment 19: Right they have their ABCs of Fair Housing coming up on the 17th of this month.

Comment 20: She really does a good job.

Rob Gaudin: So it is a requirement of grantees. So if someone is competing for a grant is there something that they should have done. Is there something that you would want to have to show that they have been through one of these before they get in the door?

Comment 21: I say we have done that in the past but we could also give extra points, but we don't go by strictly point system on awarding applications either.

Comment 22: I don't think and she gets application throughout the year. So she doesn't have a scoring system. The only one I know of for sure is tax credit. I can't speak to that, but having them submit something in the application perhaps.

Comment 23: I just made a note and I keep a running task list for our QAPs every year and I was adding that to discuss with the development community and internally about adding points for fair housing training or just making it a requirement that they show something.

Comment 24: It is going to be the management companies that really need to know it. Not necessarily the developers.

Comment 25: Well that and bankers and business people.

Comment 26: The developers need to know for construction purposes that they need to be disabled and all of that, but right it is more of the people that are in the trenches and work with folks day in and day out.

Comment 27: One of the things that we have been reviewing the last few days is 504 Design issues that occurred that affected, it was almost a class action suit about 20 properties that allegedly weren't designed properly for accessibility.

Comment 28: Where were these?

Comment 29: In Idaho.

Comment 30: It hasn't happened here. We might just not know it.

Comment 31: I made a note to bring this up.

Rob Gaudin: I think those are actually great ideas. How to reach out to the development community. How to reach out to others that are in the provider network of some form or another.

Comment 32: I think cities and counties do do the posting and the notices and everything, but it is just do they know what that means?

Comment 33: We don't need for them to be the experts. Gosh we are not the experts. Silver State is the expert and making sure that that information is out there.

Comment 34: She did mention that Silver State was involved in some of the training. So maybe we can refine and identify how much we think they should have in our regular compliance and consider that as possibly satisfy some requirement.

Comment 35: I think if I am not mistaken and don't know if there is anybody on the phone from the social services industry. It seems to me at one point or another that they had their group meeting and I believe that they have done some fair housing training there. We don't necessarily know about it because we don't and we are not involved, but I hear it through the grapevine that those things are being done. Maybe it is a matter of trying to capture what is occurring that we are just not tracking somehow. It would be something that wouldn't be that difficult to do. It is going to be dependent on the local folks to get it done though, because we can't go out and talk to every community and do all of the ongoing fair housing training.

Rob Gaudin: I do like the concept of the webinar. It is really an efficient way to get it done. It is really inexpensive. It doesn't take much time to put on a one hour session.

Comment 36: I know that at the Continuum of Care we have talked about them going to do a presentation for those participants. It just hasn't happened yet.

Comment 37: I like the webinar concept too. Being able to forward it and leave it posted on the website. There are a lot of advantages to that.

Comment 38: Right and if you could just put it on the website so that it is available to management people.

Comment 39: This is what I found like with the lead based paint requirement is that there is no interaction. It is just going out and it is listening to a webinar and they listen to it. They passed a little test, but whatever. Then you talk to them about it and they still really don't know, because you are just sitting there and listening and taking something in you are not really learning or interacting with give and take.

Rob Gaudin: I just want to remind you this too is a webinar. So when I think of webinar I think of this venue where we are all talking to each other.

Comment 40: What I was referring to earlier was just a recorded presentation that HUD put out there and so ...

Rob Gaudin: Let's review this. If we were to get Silver State to conduct the webinars similar in its interactive capability in what we are experiencing now that would stratify everything that we are talking about. You could ask questions.

Comment 41: Yes.

Rob Gaudin: And presumably get an answer.

Comment 42: It would also be nice to have something like he has always said to have some of this stuff recorded, because then you could go back and relisten to it again. If something didn't stick or you have a question again?

Comment 43: We call and prompt for questions before it so that they are all submitted beforehand and so that the training knows what questions to cover.

Rob Gaudin: That is a great idea.

Comment 44: That way some people that may be embarrassed or afraid to ask a certain question of Silver State could out it in an anonymous bin of questions.

Rob Gaudin: That would be excellent. We could do that for outreach and education, not just grantees, but it could also be for the public. Was that a fair statement?

Comment 45: Right.

Rob Gaudin: From here I am going to write these things up for draft for internal review document. So that is what comes next.

(Presentation)

Comment 46: Well, all I did was go into the NRS because when we had our last meeting we were talking about the equal rights commission and I said well is it in their statute that they have to do certain things? So I went and checked the NRS and what I found was yes there are NRS which says that there are certain things that they are required to do. One of the things that we had talked about was having their role be more engaged as far as HUD's FHAP and then in the statute it says that they cannot do that unless it is approved by the legislature.

Comment 47: That is right. The other thing that I found somewhere is that they are required to submit a report biannually. I have not had a chance to check with them, but at the last public input meeting the problems that Silver State was stating was that HUD has fewer protected classes than the State of Nevada and so Silver State really has nowhere to take those complaints. It should be the Equal Right Commission.

Comment 48: One of the things that you had said that they are supposed to submit a report to LCB. I went onto LCB website and there is a place that lists all reposted that are given to them. I saw nothing.

Comment 49: It is supposed to be delivered.

Comment 50: That is where we stand. We are not certain what their role will be.

Comment 51: We will pursue that.

Comment 52: We are going to have to be careful.

Rob Gaudin: Would you be interested, you the Housing Division or the Governor's Office, that is who this would be coming from, would either of those two entities be interested in writing a letter to the Equal Rights Commission asking for help or not saying why don't you do this, but asking for help in affirmatively furthering fair housing?

Comment 53: I would defer that to him who could defer that our administrator who would probably defer that to our director. I would not feel comfortable. We have talked about that and neither one of us felt very comfortable with saying we would do that as a housing division. If the administrator says that that is appropriate then we could, but I am not going to say whether or not we will. I don't know if you would want to say that.

Comment 54: No. That would definitely be going upwards.

Comment 55: I could talk to her about that and see if we could make a decision on that soon.

Comment 56: Sure.

Comment 57: We do need to engage them in some fashion before this document is finalized. So we need to do something. I personally am not going to be the person to do it.

Rob Gaudin: I am not saying that you are going to.

Comment 58: I am like little man on the pole in this office. I would be the first one to be gone.

Rob Gaudin: It starts somewhere and I think it might start right here. If we just go up the food chain I think that would be appropriate.

Comment 59: I think too because we are required. Grant funds could be at risk if we are not doing this process and this process we have found that there is some lack of and I don't want Silver State to be the fall guy. They are doing their job, but there is some regulatory oversight by the state that is supposed to occur and we would like to get more information on how that is happening. I would not and I don't want fair housing failing out there because that would make Silver State Housing look bad and we don't want that to happen at all. Any state oversight that might be occurring we are supposed to provide that information to HUD and as part of our grant process we need to gather that info.

Rob Gaudin: The challenge was when he was saying that they claim to do outreach and education, but they don't. They claim to have a good understanding of Fair Housing Law but they don't. So I found that interesting. It is not totally unheard of, but I found it interesting that they didn't do much in housing and mostly in employment law and civil rights, but not really Fair Housing Law.

Comment 60: Really who is going to make them. Other than it being a state law we are answering to HUD in order to get our funding. I don't know if we would even be doing this without that. So it is not like they have funds at risk or what is their motivation. Where is their carrot that is making them and other than the fact that it is law, but nobody maybe there is no oversight of it? They are supposed to be this commission, but it didn't appear that there is much occulting. In fact I think I saw where the chair is vacant on that commission.

Comment 61: Are we talking about the Equal Rights Commission or the Nevada Fair Housing Center in Southern Nevada?

Comment 62: The Equal Rights Commission. It is a state agency.

Comment 63: Right with the northern and southern Nevada offices.

Comment 64: She was registered for the Consolidated Plan meeting, but I don't think that she was in that.

Rob Gaudin: No. So the question comes down to the Nevada Equal Rights Commission are they in our book and in HUD's definition an impediment? I am thinking that they are because of their lack of fulfilling their obligation according to Nevada statute.

Comment 65: Let me just say this. I would agree with that and maybe if you say that as the contractor facilitating that you feel that way. That gives us a little bit of leverage in why we are moving forward with drafting a letter or following up, because as a state agency I know personally want to be very careful on how we tread.

Rob Gaudin: Of course.

Comment 66: We will be somewhere right behind you, maybe an hour behind you.

(Laughter)

Comment 67: That can absolutely be the recommendation that whatever you're final conclusions are.

Rob Gaudin: I would put it in the draft for internal review at which case you take it to the next person up the line and then you can say that this is what they said, because of inactivity. Even though in the statute they should do this, but they don't.

Comment 68: Yes.

Rob Gaudin: We should just tell them and they go they don't and why not. Well we don't know. Then you take it to the next person.

Comment 69: Seeing that they are a part, it is logical that they would be participating much in the housing side.

Comment 70: Maybe that is what is throwing them off. Maybe they don't realize that and I am trying to be fair, state housing. I thought he said that they do get complaints. They just don't act on them.

Rob Gaudin: They do.

Comment 71: Silver State I believe and the ones where they get and it is Nevada State Law only evidently those just don't go anywhere.

Rob Gaudin: That is what he was saying. That even the complaints he takes that are state law, he takes them to the Commission and they disappear. He can't even get an opinion about what the status is. They can't say anything. They are definitely not acting in the spirit in affirmatively furthering fair housing. I think I would be fine to state in the draft of internal review and what we have is an action plan, but then we need to simply open a dialog starting with a letter.

Comment 72: That would be fair and actually we would be negligent for lack of a better word, if we didn't.

Comment 73: Yes.

Comment 74: All I remember is before wasn't HUD saying that we need to be and there should be an office of fair housing. There needs to be a State Office of Fair Housing and you need to be that role. I don't think that we even realized then that there was even this office.

Comment 75: Yes we did, because I sent them some information. I didn't understand that they were limited in what they did.

Rob Gaudin: I think is a good thing.

(Presentation)

Comment 76: Yes, we would certainly hope so and I wasn't sure this new AI, how far you were going to drill down in terms of. Obviously you couldn't audit everybody's zoning regulation on the non-entitlement areas, but one thing that I think specifically should be addressed is whether the locals have come onboard because the new state law that was passed in 2013 that eliminated the ability of locals to keep space requirements for group homes. So is locals still have that on the books it needs to be removed. I think that is a very specific action that might make sense to include in the AI. Just as all the locals had to adopt new above ground utility plan by December 31st. I don't know how many locals are aware that they have to revise their zoning regulations to make sure that they don't keep spacing requirements for

group homes and this isn't statue law, but you still have the things where you are requiring special permits for group homes and you are requiring public hearings. That is going to raise a red flag for HUD.

Comment 77: This group homes conversation happened at our last meeting we had and I didn't even personally not know that there is a law that say as they cannot...

Comment 78: It was passed in 2013 and I have it at home. I can send Jean the reference. It wasn't the master plan changes they did in 2013. It was other section of NRS and it was passed in 2013 that said that locals could no longer keep those spacing requirements for group homes.

Comment 79: We knew locally there was a community where somebody wanted to do a group home and I think for the homeless or something and they were not going to allow it because there were more than four adults in the household. We were not ware even as of last week when we had our last meeting that that was changed.

Comment 80: I think that that is really important because again it is state law now and that is a very specific and accountable action that all the locals that are under this AI need and that is a really very good specific action that could be included in the AI in terms of how many locals are amending their zoning regulations to remove those spacing requirements. You mentioned more than four. That is another issue that always comes up in terms of the family and the familial regulations where the locals still have the defining family as blood relations. That a really and truly needs to be and in fact that we still have that in the books in this day and age is ludicrous. That is used a lot of times to discriminate against protected classes and including supportive housing arrangements. So that is another issue that can be very specific. Some of these things can be in the 2010 AI. I just don't have it in front of me, but obviously the 2010 State AI went through a lot of these discussions on some of these issues, but supportive housing is a big issue still on the local level.

Comment 81: Where have you been during these last session. We could have used your expertise during this whole process.

Rob Gaudin: I am delighted that you are here now. I do want to ask taking the private sector lesson which is outreach to entitlements and having them participate in this case I am referring to shall we give extra points for those communities that have revised their laws to be in compliance with the 2013 state legislation that was passed.

Comment 82: I think that we could say is we will review that. We have been trying to update even our internal policies and procedures here in regards to all of the voluntary compliance agreement things. So we do need to work with our grantees to make sure that they have updated the fair housing requirements. So we could say that competition of that would be required for submission of a 2016 application. So something we could do every two years. We did it in 2013, not 14 or 15. Do it every three years or something. I don't want it to be an activity, I mean I want it to have some meaningful. All of our grantees have tons of things to do and I think it is community awareness as well as our grantees.

Rob Gaudin: So it is increase in outreach.

Comment 83: I don't want to pick on the grantees.

Rob Gaudin: I am not going to pick on the grantees, but they have some responsibility here.

Comment 84: They do and they are aware of that. We could make that a requirement for 2016.

Rob Gaudin: How do we increase outreach to rural Nevada. April is fair housing Month and so we have a travelling road show or do we just do the webinar thing or do we ask the Equal Rights Commission to open a part time walk in office in certain areas around the state. That is another thing we could ask them to do. They do it all for free and maybe it is not a good thing.

Comment 85: I just and it goes back again to capacity of all of our offices. You have all of them to and are we the experts to go out and preach fair housing? I wouldn't want to.

Comment 86: I am thinking that we might be able to coordinate more closely with Silver State and perhaps Nevada Equal Rights Commission and because I do know that she goes out and does training. Can we somehow tack onto that and ...

Comment 87: I mean like if there is a local and she was saying with the zoning thing. How would we, would we ask her or somebody to go out to the local commissioners meetings? How would we do that and how would we influence local zoning laws as the PowerPoint says?

Rob Gaudin: That would be to require grantees to have this in place in order to apply for a CDBG.

Comment 88: If there is an educational piece to that.

Rob Gaudin: The educational piece would be different, but that would be to just influence local zoning laws. That is how we would influence it. We would require that they would have changed in order to apply for an application. It is just a thought.

Comment 89: What I really wish was there was capacity to really do the audits of the local zoning codes. There is a lot of old, a lot of garbage on the zoning codes. That is not just because and that is just the nature of the beast. There is a lot of outdated language in some of the local areas that just needs to be stricken from the development codes. Again that might be another possible recommendation to say whether it is GOED or the Housing Division or both together and figuring out a way to carry out an audit of those local regulations and saying here is the list of all of the things that are incompatible with fair housing and affordable housing. Here is the laundry list of things that need to be changed over the next couple of years.

Comment 90: If they already have that, let's say they got that in 2013, we could also ask to see that and see the change in the code like when it was purposed before the city council, the county, the commissioners and when it was proposed and what the language was. They could just send us that and to show that is was adopted. That is one way also.

Rob Gaudin: Could you write down a sample list of those that you are referring to and email that?

Comment 91: Yes. I think I know how to reach her.

Rob Gaudin: I think that is a real viable set of actions there.

Comment 92: On public transportation did you say that rural need Uber?

Comment 93: Yes, Uber would probably work well.

Comment 94: Uber just outlined in Reno and Vegas or is it outlined in Nevada totally?

Comment 95: That is a good question. I don't know.

Comment 96: I think it is a statewide problem that the director of the Taxicab Authority they are pushing against it statewide.

Comment 97: Then the other question when this first came up in the context of this planning that we are doing. I was googling alternative transportations. There is a system and it almost looks like a franchise business that like a transportation system and don't have it right now, but did print if off. It might be that we look at some of those things because it could tie back to economic development if somebody wants to develop a business that provides public transportation.

Comment 98: Yes.

Comment 99: In some of the rural areas.

Comment 100: It might be viable maybe. The problem is transportation has come up repeat in this and it is not something that we weren't aware of. In one of the sessions it was mentioned that we needed Uber in the rural areas. I did just goggle alternative transportation systems and there seems to be something like in Sacramento even that is almost looks like a franchise or something where somebody has a bus system. I said that with economic development somebody could start a business. Obviously, Elko would be a logical place to put something like that. Would something like that work in Elko?

Comment 101: We currently have the NEAT bus system. I know that the county had to take that over and it is coming back online so they have control over that. So we do have the transportation available. They really cater to those that are disabled and the seniors. So I know that that is there. We also have the Coach America. That is another one that we have available to us. They are mostly running people to the mines.

Comment 102: One of the problems is there is the RSVP transportation program that address the older population, but then it is the others who are the working poor who need transportation to work and that type of thing.

Comment 102: They can also on this system anyone can use it and they have different stops that they make. I think with the seniors and the disabled they can actually prearrange and they make a special accommodation for them, but that system is for everyone.

Comment 103: Is there a charge for that?

Comment 104: There is, but I don't know what it is. I don't know if there is some sort of a sliding scale for seniors and disabled.

Comment 105: OK. Thank you.

D. EXPANDED HUD AND SILVER STATE FAIR HOUSING COUNCIL COMPLAINT TABLES

Table D.3
Fair Housing Complaints by Issue
Non-Entitlement Areas of Nevada
2004–2014 HUD Data

Issue	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Failure to make reasonable accommodation		1	1	2	4	3	1		2	5	1	20
Discriminatory refusal to rent and negotiate for rental			4	2	5	3			1	1	1	17
Discriminatory acts under Section 818 (coercion, etc.)	1			2	5	3			1	3	1	16
Discriminatory advertising, statements and notices	1				3	2	1		1	2	1	11
Discrimination in term, conditions or privileges relating to rental			1		2	1	1		1	3	1	10
Discriminatory terms, conditions, privileges, or services and facilities			1	1	2	2			1	1	1	9
Discriminatory refusal to rent			1		2		1	1		1		6
Discrimination in terms, conditions, privileges relating to sale	1		1							1		3
Discriminatory refusal to sell and negotiate for sale			1							1		2
Discriminatory financing (includes real estate transactions)			1	1								2
Discrimination in the terms or conditions for making loans						2						2
Discriminatory refusal to negotiate for rental											1	1
Discriminatory advertisement - rental					1							1
False denial or representation of availability										1		1
Total Issues	3	1	11	8	24	16	4	1	7	19	7	101
Total Complaints	1	1	7	4	12	8	3	1	2	6	2	47

Table D.5
Fair Housing Complaints Found With Cause by Issue
Non-Entitlement Areas of Nevada
2004–2014 HUD Data

Issue	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Failure to make reasonable accommodation		1		1	3	1			1	2		9
Discriminatory acts under Section 818 (coercion, etc.)				1	3	1				2		7
Discrimination in term, conditions or privileges relating to rental			1		1	1	1			2		6
Discriminatory refusal to rent and negotiate for rental			2		2	1						5
Discriminatory terms, conditions, privileges, or services and facilities			1		1				1			3
Discriminatory advertising, statements and notices					1	1						2
Discriminatory refusal to sell and negotiate for sale			1									1
Discriminatory refusal to rent										1		1
Discriminatory financing (includes real estate transactions)			1									1
Discrimination in the terms or conditions for making loans						1						1
Discrimination in terms, conditions, privileges relating to sale			1									1
Total Issues	0	1	7	2	11	6	1	0	2	7	0	37
Total Complaints		1	3	1	5	3	1		1	2		17

Silver State Fair Housing Council Complaints

Table D.6
Client Intakes Basis of Complaints
Non-Entitlement Areas of Nevada
Silver State Fair Housing Council

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Race	2		5		1			1			1	10
Color	2		1			1						4
Religion								1			1	2
Sex	1		3		2	1		2			2	11
National Origin		2	2		1	1						6
Family Status	2		1		1		2	2		1	1	10
Disability	9	5	11	6	5	9	4	12	5	8	8	82
Ancestry												
Sexual Orientation												
Gender Identity/Expression												
Total Basis	16	7	23	6	10	12	6	18	5	9	13	125
Total Intakes	9	7	12	5	9	10	6	13	5	8	9	93

Table D.8
HUD-903 Basis of Complaints
Non-Entitlement Areas of Nevada
Silver State Fair Housing Council

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Race	1	.	4	.	.	.	.	1	.	.	1	7
Color	1	.	1	.	.	1	.	.	.	.	.	3
Religion	.	.	.	.	.	.	.	1	.	.	1	2
Sex	.	.	2	.	1	1	.	2	.	.	2	8
National Origin	.	.	1	.	.	1	.	.	.	.	.	2
Family Status	1	.	1	.	1	1	1	1	.	1	1	8
Disability	4	.	7	.	2	3	3	4	3	4	3	33
Ancestry	.	.	.	.	.	.	.	.	.	.	.	.
Sexual Orientation	.	.	.	.	.	.	.	.	.	.	.	.
Gender Identity/Expression	.	.	.	.	.	.	.	.	.	.	.	.
Total Basis	7	0	16	0	4	7	4	9	3	5	8	63
Total Intakes	5	0	9	0	4	5	4	7	3	5	4	46

E. ADDITIONAL HMDA TABLES

Table E.1
Owner-Occupied Home Purchase Loan Applications by Loan Type
Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Conventional	17,294	21,304	19,512	10,906	3,894	2,957	2,541	2,680	2,714	3,224	87,026
FHA - Insured	1,808	1,510	1,568	1,779	3,172	3,749	3,894	2,881	2,893	2,380	25,634
VA - Guaranteed	583	477	419	441	676	895	962	911	932	1,055	7,351
Rural Housing Service or Farm Service Agency	33	17	39	40	173	902	708	985	1,322	1,441	5,660
Total	19,718	23,308	21,538	13,166	7,915	8,503	8,105	7,457	7,861	8,100	125,671

DENIAL RATES

Table E.2
Loan Applications by Selected Action Taken by Race/Ethnicity of Applicant
Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Race		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Originated	79	97	124	57	36	61	58	47	49	36	644
	Denied	42	42	35	24	22	15	20	18	15	18	251
	Denial Rate	34.7%	30.2%	22.0%	29.6%	37.9%	25.6%	25.6%	27.7%	23.4%	33.3%	28.0%
Asian	Originated	241	367	394	157	78	95	81	68	80	85	1,646
	Denied	128	112	86	60	32	53	20	28	22	20	561
	Denial Rate	34.7%	23.4%	17.9%	27.6%	29.1%	35.8%	19.8%	29.2%	21.6%	19.0%	25.4%
Black	Originated	101	100	142	55	29	30	31	26	23	34	571
	Denied	50	52	70	32	16	26	14	16	10	9	295
	Denial Rate	33.1%	34.2%	33.0%	36.8%	35.6%	46.4%	31.1%	38.1%	30.3%	20.9%	34.1%
White	Originated	8,131	9,023	7,601	4,986	3,393	3,380	3,181	3,241	3,362	3,752	50,050
	Denied	1,770	2,213	1,983	1,269	747	900	649	613	726	745	11,615
	Denial Rate	17.9%	19.7%	20.7%	20.3%	18.0%	21.0%	16.9%	15.9%	17.8%	16.6%	18.8%
Not Available	Originated	852	1,077	840	486	305	232	226	184	183	213	4,598
	Denied	480	503	410	213	99	92	89	87	81	104	2,158
	Denial Rate	36.0%	31.8%	32.8%	30.5%	24.5%	28.4%	28.3%	32.1%	30.7%	32.8%	31.9%
Not Applicable	Originated	63	8	3	1	2	0	0	3	0	5	85
	Denied	13	2	0	0	0	0	0	1	1	0	17
	Denial Rate	36.0%	31.8%	32.8%	30.5%	24.5%	28.4%	28.3%	32.1%	30.7%	32.8%	16.7%
Total	Originated	9,467	10,672	9,104	5,742	3,843	3,798	3,577	3,569	3,697	4,125	57,594
	Denied	2,483	2,924	2,584	1,598	916	1,086	792	763	855	896	14,897
	Denial Rate	20.8%	21.5%	22.1%	21.8%	19.2%	22.2%	18.1%	17.6%	18.8%	17.8%	20.6%
Non-Hispanic	Originated	6,807	8,279	7,131	4,675	3,220	3,211	3,013	3,062	3,161	3,472	46,031
	Denied	1,603	2,023	1,718	1,122	704	752	589	566	628	576	10,281
	Denial Rate	19.1%	19.6%	19.4%	19.4%	17.9%	19.0%	16.4%	15.6%	16.6%	14.2%	18.3%
Hispanic	Originated	727	1,112	1,250	591	328	346	325	311	357	436	5,783
	Denied	287	419	535	274	113	238	112	81	102	157	2,318
	Denial Rate	28.3%	27.4%	30.0%	31.7%	25.6%	40.8%	25.6%	20.7%	22.2%	26.5%	28.6%

Table E.3
Loan Applications by Reason for Denial by Race/Ethnicity of Applicant

Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Denial Reason	American Indian	Asian	Black	White	Not Available	Not Applicable	Total	Hispanic (Ethnicity)
Debt-to-Income Ratio	24	93	45	1,833	222	2	2,219	405
Employment History	3	26	0	227	49	0	305	59
Credit History	68	105	78	2,299	347	1	2,898	420
Collateral	28	47	18	1,515	204	4	1,816	210
Insufficient Cash	12	28	12	325	52	0	429	63
Unverifiable Information	15	33	15	516	71	1	651	129
Credit Application Incomplete	8	78	36	1,231	213	2	1,568	205
Mortgage Insurance Denied	1	0	1	14	7	0	23	6
Other	24	49	36	1,487	421	2	2,019	322
Missing	68	102	54	2,168	572	5	2,969	499
Total	251	561	295	11,615	2,158	17	14,897	2,318
% Missing	27.1%	18.2%	18.3%	18.7%	26.5%	29.4%	19.9%	21.5%

Table E.4
Loan Applications by Selected Action Taken by Gender of Applicant

Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Gender		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Male	Originated	7,002	7,720	6,553	4,269	2,914	2,820	2,582	2,592	2,846	3,171	42,469
	Denied	1,671	1,987	1,791	1,088	651	721	519	534	591	614	10,167
	Denial Rate	19.3%	20.5%	21.5%	20.3%	18.3%	20.4%	16.7%	17.1%	17.2%	16.2%	19.3%
Female	Originated	2,170	2,516	2,242	1,257	782	841	839	871	765	835	13,118
	Denied	607	763	645	396	207	319	221	176	217	222	3,773
	Denial Rate	21.9%	23.3%	22.3%	24.0%	20.9%	27.5%	20.8%	16.8%	22.1%	21.0%	22.3%
Not Available	Originated	287	432	306	213	145	137	155	102	86	114	1,977
	Denied	203	173	147	113	58	46	52	51	46	60	949
	Denial Rate	41.4%	28.6%	32.5%	34.7%	28.6%	25.1%	25.1%	33.3%	34.8%	34.5%	32.4%
Not Applicable	Originated	8	4	3	3	2	0	1	4	0	5	30
	Denied	2	1	1	1	0	0	0	2	1	0	8
	Denial Rate	20.0%	20.0%	25.0%	25.0%	.0%	%	.0%	33.3%	100.0%	.0%	21.1%
Total	Originated	9,467	10,672	9,104	5,742	3,843	3,798	3,577	3,569	3,697	4,125	57,594
	Denied	2,483	2,924	2,584	1,598	916	1,086	792	763	855	896	14,897
	Denial Rate	20.8%	21.5%	22.1%	21.8%	19.2%	22.2%	18.1%	17.6%	18.8%	17.8%	20.6%

Table E.5
Loan Applications by Income of Applicant: Originated and Denied
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	Loan Originated	36	40	27	7	4	12	11	20	15	13	185
	Application Denied	49	34	17	11	10	17	25	15	22	26	226
	Denial Rate	57.6%	45.9%	38.6%	61.1%	71.4%	58.6%	69.4%	42.9%	59.5%	66.7%	55.0%
\$15,001 –\$30,000	Loan Originated	531	354	223	156	124	277	321	352	331	323	2,992
	Application Denied	276	230	143	102	73	180	119	100	130	125	1,478
	Denial Rate	34.2%	39.4%	39.1%	39.5%	37.1%	39.4%	27.0%	22.1%	28.2%	27.9%	33.1%
\$30,001 –\$45,000	Loan Originated	1,612	1,321	781	639	536	733	693	647	702	672	8,336
	Application Denied	507	472	354	246	147	252	166	156	170	157	2,627
	Denial Rate	23.9%	26.3%	31.2%	27.8%	21.5%	25.6%	19.3%	19.4%	19.5%	18.9%	24.0%
\$45,001 –\$60,000	Loan Originated	2,029	1,994	1,374	1,119	824	834	741	733	765	794	11,207
	Application Denied	579	574	513	296	210	189	136	126	152	159	2,934
	Denial Rate	22.2%	22.4%	27.2%	20.9%	20.3%	18.5%	15.5%	14.7%	16.6%	16.7%	20.7%
\$60,001 –\$75,000	Loan Originated	1,604	1,942	1,523	989	704	656	562	515	565	651	9,711
	Application Denied	330	490	425	278	137	129	82	90	121	113	2,195
	Denial Rate	17.1%	20.1%	21.8%	21.9%	16.3%	16.4%	12.7%	14.9%	17.6%	14.8%	18.4%
Above \$75,000	Loan Originated	3,350	4,444	4,594	2,619	1,639	1,253	1,226	1,276	1,305	1,653	23,359
	Application Denied	626	942	947	593	316	294	250	261	242	301	4,772
	Denial Rate	15.7%	17.5%	17.1%	18.5%	16.2%	19.0%	16.9%	17.0%	15.6%	15.4%	17.0%
Data Missing	Loan Originated	305	577	582	213	12	33	23	26	14	19	1,804
	Application Denied	116	182	185	72	23	25	14	15	18	15	665
	Denial Rate	27.6%	24.0%	24.1%	25.3%	65.7%	43.1%	37.8%	36.6%	56.3%	44.1%	26.9%
Total	Loan Originated	9,467	10,672	9,104	5,742	3,843	3,798	3,577	3,569	3,697	4,125	57,594
	Application Denied	2,483	2,924	2,584	1,598	916	1,086	792	763	855	896	14,897
	Denial Rate	20.8%	21.5%	22.1%	21.8%	19.2%	22.2%	18.1%	17.6%	18.8%	17.8%	20.6%

Table E.6
Loan Applications by Income and Race/Ethnicity of Applicant: Originated and Denied

Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Race		<= \$15K	\$15K–\$30K	\$30K–\$45K	\$45K–\$60K	\$60K–\$75K	> \$75K	Data Missing	Total
American Indian	Loan Originated	2	45	109	152	128	191	17	644
	Application Denied	5	33	55	48	39	64	7	251
	Denial Rate	71.4%	42.3%	33.5%	24.0%	23.4%	25.1%	29.2%	28.0%
Asian	Loan Originated	1	66	180	249	250	813	87	1,646
	Application Denied	12	43	81	92	78	215	40	561
	Denial Rate	92.3%	39.4%	31.0%	27.0%	23.8%	20.9%	31.5%	25.4%
Black	Loan Originated	0	23	82	110	137	205	14	571
	Application Denied	1	25	39	54	38	118	20	295
	Denial Rate	100.0%	52.1%	32.2%	32.9%	21.7%	36.5%	58.8%	34.1%
White	Loan Originated	163	2,678	7,400	9,955	8,444	19,946	1,464	50,050
	Application Denied	173	1,183	2,070	2,313	1,731	3,679	466	11,615
	Denial Rate	51.5%	30.6%	21.9%	18.9%	17.0%	15.6%	24.1%	18.8%
Not Available	Loan Originated	19	174	548	725	742	2,187	203	4,598
	Application Denied	35	190	379	423	308	694	129	2,158
	Denial Rate	64.8%	52.2%	40.9%	36.8%	29.3%	24.1%	38.9%	31.9%
Not Applicable	Loan Originated	0	6	17	16	10	17	19	85
	Application Denied	0	4	3	4	1	2	3	17
	Denial Rate	%	40.0%	15.0%	20.0%	9.1%	10.5%	13.6%	16.7%
Total	Loan Originated	185	2,992	8,336	11,207	9,711	23,359	1,804	57,594
	Application Denied	226	1,478	2,627	2,934	2,195	4,772	665	14,897
	Denial Rate	55.0%	33.1%	24.0%	20.7%	18.4%	17.0%	26.9%	20.6%
Non-Hispanic	Loan Originated	130	2,285	6,500	8,885	7,756	19,233	1,242	46,031
	Application Denied	145	939	1,806	1,990	1,512	3,470	419	10,281
	Denial Rate	52.7%	29.1%	21.7%	18.3%	16.3%	15.3%	25.2%	18.3%
Hispanic	Loan Originated	27	461	1,129	1,354	1,024	1,513	275	5,783
	Application Denied	41	329	472	465	354	552	105	2,318
	Denial Rate	60.3%	41.6%	29.5%	25.6%	25.7%	26.7%	27.6%	28.6%

PREDATORY LENDING

Table E.7
Loans by Loan Purpose by HAL Status
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Loan Purpose		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	Other	8,430	8,163	6,572	4,947	3,497	3,621	3,542	3,526	3,632	4,090	50,020
	HAL	1,037	2,509	2,532	795	346	177	35	43	65	35	7,574
	Percent HAL	11.0%	23.5%	27.8%	13.8%	9.0%	4.7%	1.0%	1.2%	1.8%	.8%	13.2%
Home Improvement	Other	927	1,345	1,300	803	348	244	197	172	203	230	5,769
	HAL	179	355	329	264	76	35	15	10	14	12	1,289
	Percent HAL	16.2%	20.9%	20.2%	24.7%	17.9%	12.5%	7.1%	5.5%	6.5%	5.0%	18.3%
Refinancing	Other	9,431	9,343	7,234	5,873	3,857	6,414	4,517	3,842	7,131	6,180	63,822
	HAL	1,444	2,627	2,345	1,156	365	193	5	7	28	26	8,196
	Percent HAL	13.3%	21.9%	24.5%	16.4%	8.6%	2.9%	.1%	.2%	.4%	.4%	11.4%
Total	Other	18,788	18,851	15,106	11,623	7,702	10,279	8,256	7,540	10,966	10,500	119,611
	HAL	2,660	5,491	5,206	2,215	787	405	55	60	107	73	17,059
	Percent HAL	12.4%	22.6%	25.6%	16.0%	9.3%	3.8%	.7%	.8%	1.0%	1.0%	12.5%

Table E.8
Loans by HAL Status by Race/Ethnicity of Borrower

Non-Entitlement Areas of Nevada
2004–2013 HMDA Data

Race	Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Other	65	67	65	50	31	57	57	46	44	35	517
	HAL	14	30	59	7	5	4	1	1	5	1	127
	Percent HAL	17.7%	30.9%	47.6%	12.3%	13.9%	6.6%	1.7%	2.1%	10.2%	2.8%	19.7%
Asian	Other	192	246	253	131	76	93	81	68	79	84	1,303
	HAL	49	121	141	26	2	2	0	0	1	1	343
	Percent HAL	20.3%	33.0%	35.8%	16.6%	2.6%	2.1%	.0%	.0%	1.3%	1.2%	20.8%
Black	Other	73	53	65	34	26	29	31	26	22	33	392
	HAL	28	47	77	21	3	1	0	0	1	1	179
	Percent HAL	27.7%	47.0%	54.2%	38.2%	10.3%	3.3%	.0%	.0%	4.3%	2.9%	31.3%
White	Other	7,318	7,041	5,634	4,332	3,081	3,218	3,153	3,205	3,310	3,726	44,018
	HAL	813	1,982	1,967	654	312	162	28	36	52	26	6,032
	Percent HAL	10.0%	22.0%	25.9%	13.1%	9.2%	4.8%	.9%	1.1%	1.5%	.7%	12.1%
Not Available	Other	722	749	554	399	281	224	220	178	177	207	3,711
	HAL	130	328	286	87	24	8	6	6	6	6	887
	Percent HAL	15.3%	30.5%	34.0%	17.9%	7.9%	3.4%	2.7%	3.3%	3.3%	2.8%	19.3%
Not Applicable	Other	60	7	1	1	2	0	0	3	0	5	79
	HAL	3	1	2	0	0	0	0	0	0	0	6
	Percent HAL	4.8%	12.5%	66.7%	.0%	.0%	%	%	.0%	%	.0%	7.1%
Total	Other	8,430	8,163	6,572	4,947	3,497	3,621	3,542	3,526	3,632	4,090	50,020
	HAL	1,037	2,509	2,532	795	346	177	35	43	65	35	7,574
	Percent HAL	11.0%	23.5%	27.8%	13.8%	9.0%	4.7%	1.0%	1.2%	1.8%	.8%	13.2%
Non-Hispanic	Other	6,062	6,457	5,346	4,089	2,943	3,066	2,994	3,037	3,129	3,456	40,579
	HAL	745	1,822	1,785	586	277	145	19	25	32	16	5,452
	Percent HAL	10.9%	22.0%	25.0%	12.5%	8.6%	4.5%	.6%	.8%	1.0%	.5%	11.8%
Hispanic	Other	595	732	747	473	280	321	318	307	336	429	4,538
	HAL	132	380	503	118	48	25	7	4	21	7	1,245
	Percent HAL	18.2%	34.2%	40.2%	20.0%	14.6%	7.2%	2.2%	1.3%	5.9%	1.6%	21.5%

Table E.9
Rates of HALs by Income of Borrower
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
\$15,000 or Below	22.2%	10.0%	14.8%	14.3%	.0%	.0%	.0%	.0%	.0%	.0%	9.2%
\$15,001–\$30,000	9.4%	18.4%	16.6%	10.9%	12.1%	5.4%	1.2%	1.7%	5.4%	.9%	7.7%
\$30,001–\$45,000	10.2%	22.0%	21.4%	10.2%	11.8%	4.2%	.6%	1.4%	2.3%	1.0%	9.8%
\$45,001–\$60,000	12.2%	25.2%	24.5%	10.1%	10.3%	5.3%	.9%	1.1%	1.8%	1.1%	12.2%
\$60,001–\$75,000	14.2%	29.2%	31.2%	16.2%	8.8%	4.6%	.5%	1.6%	.5%	.8%	15.9%
Above \$75,000	9.4%	21.6%	27.3%	13.5%	7.3%	4.3%	1.4%	.9%	1.0%	.7%	13.3%
Data Missing	8.5%	21.0%	44.7%	40.4%	8.3%	9.1%	.0%	.0%	7.1%	.0%	27.6%
Average	11.0%	23.5%	27.8%	13.8%	9.0%	4.7%	1.0%	1.2%	1.8%	.8%	13.2%

Table E.10
Loans by HAL Status by Income of Borrower
 Non-Entitlement Areas of Nevada
 2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	Other	28	36	23	6	4	12	11	20	15	13	168
	HAL	8	4	4	1	0	0	0	0	0	0	17
	Percent HAL	22.2%	10.0%	14.8%	14.3%	.0%	.0%	.0%	.0%	.0%	.0%	9.2%
\$15,001–\$30,000	Other	481	289	186	139	109	262	317	346	313	320	2,762
	HAL	50	65	37	17	15	15	4	6	18	3	230
	Percent HAL	9.4%	18.4%	16.6%	10.9%	12.1%	5.4%	1.2%	1.7%	5.4%	.9%	7.7%
\$30,001–\$45,000	Other	1,447	1,030	614	574	473	702	689	638	686	665	7,518
	HAL	165	291	167	65	63	31	4	9	16	7	818
	Percent HAL	10.2%	22.0%	21.4%	10.2%	11.8%	4.2%	.6%	1.4%	2.3%	1.0%	9.8%
\$45,001–\$60,000	Other	1,782	1,492	1,038	1,006	739	790	734	725	751	785	9,842
	HAL	247	502	336	113	85	44	7	8	14	9	1,365
	Percent HAL	12.2%	25.2%	24.5%	10.1%	10.3%	5.3%	.9%	1.1%	1.8%	1.1%	12.2%
\$60,001–\$75,000	Other	1,377	1,375	1,048	829	642	626	559	507	562	646	8,171
	HAL	227	567	475	160	62	30	3	8	3	5	1,540
	Percent HAL	14.2%	29.2%	31.2%	16.2%	8.8%	4.6%	0.5%	1.6%	.5%	.8%	15.9%
Above \$75,000	Other	3,036	3,485	3,341	2,266	1,519	1,199	1,209	1,264	1,292	1,642	20,253
	HAL	314	959	1,253	353	120	54	17	12	13	11	3,106
	Percent HAL	9.4%	21.6%	27.3%	13.5%	7.3%	4.3%	1.4%	.9%	1.0%	.7%	13.3%
Data Missing	Other	279	456	322	127	11	30	23	26	13	19	1,306
	HAL	26	121	260	86	1	3	0	0	1	0	498
	Percent HAL	8.5%	21.0%	44.7%	40.4%	8.3%	9.1%	.0%	.0%	7.1%	.0%	27.6%
Total	Other	8,430	8,163	6,572	4,947	3,497	3,621	3,542	3,526	3,632	4,090	50,020
	HAL	1,037	2,509	2,532	795	346	177	35	43	65	35	7,574
	Percent HAL	11.0%	23.5%	27.8%	13.8%	9.0%	4.7%	1.0%	1.2%	1.8%	.8%	13.2%

F. EXAMPLES OF EXCLUSIONARY LANGUAGE IN ZONING ORDINANCES

Removing Barriers to Fair Housing and Affordable Housing at the Local Level

1. Family Definitions – remove family definitions which prohibit non-related persons living together (or which cap the number of unrelated persons) as a functional housing unit in single family dwelling units.
 2. Supportive Housing – remove any requirements for special use permits and/or public hearings for supportive housing and bring codes into compliance with SB 233, which repealed spacing requirements and registry requirements for group homes (see summary of SB 233 below).
 3. Accessory Apartments– remove any barriers to accessory apartments (either attached or detached) in single family zoning districts.
 4. Include statement for reasonable accommodation in the Zoning Code
Require local jurisdictions to include a statement on reasonable accommodation in their Zoning Regulations or Unified Development Codes.
 5. Manufactured Housing – remove any discriminatory treatment of HUD Code manufactured housing and allow such housing in all single family zoning districts provided homes are converted to real property and placed on a permanent foundation. Any design standards need to be applied uniformly to stick built and manufactured homes.⁸³
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S.B. 233 (Chapter 153) 2013

Senate Bill 233 repeals certain sections of *Nevada Revised Statutes* (NRS) that direct the governing bodies of certain counties and cities to establish a minimum distance between residential establishments, which include halfway houses for recovering alcohol and drug abusers and residential facilities for groups. In addition, the measure repeals the establishment of a registry of group homes and various related provisions.

The bill is effective on May 24, 2013.⁸⁴

⁸³ Stowell, Candace. "Follow Up on AI Webinar." 9 Feb 2015. Email.

⁸⁴ "Summary of Legislation." *Nevada Legislature: Seventy-Seventh Session 2013*. Legislative Council Bureau: Research Division. Available from <http://nsla.nevadaculture.org/statepubs/epubs/292049-2013.pdf>.

