Analysis of Impediments To Fair Housing Choice

City of Fremont, Nebraska

August 2014

Prepared by ASK Development Solutions, Inc.

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I. INTRODUCTION

Analysis of Impediments Background

The Analysis of Impediments to Fair Housing Choice (AI) is a U.S. Department of Housing and Urban Development (HUD) mandated review of impediments to fair housing choice in the public and private sector per federal regulatory requirements at 24 CFR 91.225(a)(1); 91.325(a)(1); and 91.425(a)(1)(I). Typically, the AI is required for jurisdictions receiving federal block grant funds such as the Community Development Block Grant (CDBG) directly from HUD (entitlement grantees). The City of Fremont is not an entitlement jurisdiction but rather receives CDBG funds from the State of Nebraska Comprehensive Revitalization Program as a subrecipient. The City's leadership desired to conduct the AI to determine the state of fair housing choice in the City. The basis of the AI is the federal Fair Housing Act and equivalent local laws.

Fair Housing Laws

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

The State of Nebraska prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, disability or familial status under the Nebraska Fair Housing Act (NFHA). NFHA covers residential property owners, property managers, realtors and multiple listing services. Unlawful housing practices generally include discrimination in the advertisement, acquisition (showing, negotiating for or transmitting offers for sale or rental), financing, or possession and enjoyment (terms, conditions, privileges) of residential property. The NFHA also contains provisions barring retaliation against anyone who has opposed any unlawful fair housing practice and participated in any enforcement proceedings. Based on research performed on HUD's website, the Nebraska Equal Opportunity Commission is certified by HUD as substantially equivalent agency

According to HUD, impediments to fair housing choice are any actions, omissions, or decisions:

1. *That are taken because of* someone's membership in one of the "protected classes and that restrict housing choices or the availability of housing.

2. *That has the effect* of restricting housing choices or the availability of housing choices on the basis of membership in the protected classes.

HUD states that the purposes of the AI are to:

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

The AI involves:

- A review of the City's demographic, economic, and housing characteristics;
- A review of a City's laws, regulations, and policies, procedures and practices and how they affect the location, availability and accessibility of housing;
- Public education and outreach efforts, and a community fair housing survey;
- An assessment of conditions, both public and private, affecting fair housing choices for all protected classes; and
- Identifying any existing impediments or barriers to fair housing choice and to develop an action plan containing strategies to overcome the effects of any impediments identified in the AI.

Who Conducted the AI

The City of Fremont's 2014 AI was conducted by ASK Development Solutions, Inc. (ASK), a consulting firm working with and on behalf of the City of Fremont.

Public Participation in the AI

The City of Fremont AI conducted an inclusive community participation process that included input from City officials, residents, and key persons involved in housing and community development industry, and in particular, fair housing. The consultant developed fair housing surveys for residents, housing service providers, Realtors, and lending institutions. Website links to the four fair housing surveys were posted on the City's website and distributed via emails and flyers.

The surveys were used to gather information about respondents' experiences and perceptions of housing discrimination and their opinions on the fair housing laws and services. Surveys for residents were also provided in Spanish. ASK staff conducted interviews with key individuals from City staff, non-profits, HUD, and housing providers to collect additional information about fair housing practices and impediments in the City.

Public meetings were advertised on March 12, 2014. The public meetings were conducted to solicit input on fair housing discrimination and impediments to fair housing from the City, various industry representatives and service providers, and the public stakeholders at large. Additional information was gathered via meeting, teleconference and email correspondence with nonprofit and advocacy groups.

Staff of the City of Fremont Administration Department actively participated in development of the AI. Accommodations were made for persons with disabilities.

Planning and Research Methodology

The consultant's methodology in conducting the 2014 Fremont AI was based on the recommended methodology in the *Fair Housing Planning Guide Vol. 1* (HUD Office of Fair Housing and Equal Opportunity); experience conducting AIs for other cities, and the desires of the City's leadership as follows:

Task 1 - Project Launch: Meeting with City staff to refine work tasks and project schedule, reporting relationships and develop contact list.

Task 2 - Community Data Review: Reviewed existing demographic, economic, employment and housing market information for the City using the 2010 U.S. Census; 2012 American Community Survey; data from the Home Mortgage Disclosure Act (HMDA).

Task 3 - Regulatory Review: Researched and collected information regarding Fremont's development regulations, planning and zoning fees, housing policies and programs that influence fair housing choice.

Task 4 - Compliance Data Review: Collected and analyzed all available data regarding compliance with local, state and federal Fair Housing Laws, including the Home Mortgage Disclosure Act (HMDA) and the Fair Housing Act and the Community Reinvestment Act (CRA). Consultant also analyzed reported HUD fair housing complaints from HUD, the State of Nebraska Equal Opportunity Commission, and legal cases in the City.

Task 5 – Inventory of Affordable, Accessible Housing: Prepared an inventory of all affordable and accessible housing, both owner and renter including location and distribution to determine the incidence of segregated housing.

Task 6 - Internet Surveys, Direct Surveys, and Personal Interviews: Beginning February 14, 2014, the consultant launched the online surveys available to all Fremont residents and industry stakeholders. Surveys were directly administered at meetings or through non-profit agencies and public meetings conducted by both City staff and the consultant to secure input.

Task 7 - Identification and Analysis of Impediments: The consultant then analyzed the findings to determine the existence of impediments to fair housing choice in the City. 2011 Fremont AI impediments, actions taken to address those impediments and the existing status of the impediments were also reviewed for status.

Task 8 – Recommendations and Action Planning

In consultation with City staff, the consultant developed a recommended list of recommendations and action matrix for addressing the identified impediments. These recommendations shall be used as a basis for fair housing planning and monitoring and record keeping.

Summary of Previous 2011 Impediments

The following are impediments and recommendations identified in the 2011 AI:

1. Availability of affordable housing and cost of housing and utilities.
   - **Recommendation #1:** Plan and develop up to **645 new housing units,** by year end, **2016,** including up to **135 subsidized rental units** and **40 owner units for households of very-low- to moderate-income** including rental units for all income sector and household type and owner units for persons and families of moderate+ income level.
   - **Recommendation #2:** Work with and foster a relationship with organizations providing housing services to insure the *availability of affordable housing and address the increasing costs housing and utilities in Fremont.*
   - **Recommendation #3**: Target affordable housing development in areas of Fremont having the highest level of public and private sector services including the Downtown and established residential neighborhoods.
   - **Recommendation #4:** The City should require that all multifamily housing be ADA accessible, or have ADA compliant units including visitability features to allow all housing to meet the current or future needs of persons with a disability or be easily modified to meet such provisions.
   - **Recommendation #5:** Housing code enforcement activities should be supported by an inspection and licensing program for rental housing. All housing, both existing and new, both owner and rental, should require an occupancy permitting process.
   - **Recommendation #6:** Working with local and regional housing partners, the City should maximize efforts to secure all types of State and Federal funding sources for affordable housing improvements and developments in Fremont.
   - **Recommendation #7:** The City should create an initiative to utilize **tax increment financing** as local funding for community and economic development/redevelopment activities in established neighborhoods.

2. Excessive application fees/rental deposits & down payment/closing costs to purchase a home.
   - **Recommendation #1:** Create an Individual Development Accounts (IDA) Program with area lenders and financial institutions to educate residents about savings and financial stability.
   - **Recommendation #2:** Support efforts by the City to expand various rental and ownership affordable housing programs with local financial institutions and major employers to expand funding assistance.

- **Recommendation #3:** Expand renter and homeowner education classes to be required components of local high schools, college and continuing education classes.
- **Recommendation #4:** Work with major employers to establish programs to decrease down payments and closing costs by providing forgivable grants and/or low interest loan programs that employees can access.
- **Recommendation #5:** The City could consider amending City ordinances to establish a uniform cost for rental application fees.

3. Lack of resident knowledge and lack of a City process on how to file a fair housing complaint.
   - **Recommendation #1:** The City should provide information addressing how to file a fair housing complaint on their Web Site. In addition, all landlords, property managers and other non-profit housing and human services groups should be required to provide their tenants, customers or clients with a copy of a Fair Housing Complaint Form and all pertinent tenant and landlord rights information in all rental agreement packets.
   - **Recommendation #2:** City of Fremont should officially designate a person as the City's Fair Housing Officer. This person should serve as a "first point" of contact for anyone filing or considering filing a Fair Housing Complaint.
   - **Recommendation #3:** The provision of, or the increase in services and information geared at assisting non-English-speaking populations. This could include fair housing brochures printed in Spanish, bi-lingual landlords and translators employed at various City offices.

Summary of Current 2014 Impediments

The following is a summary of the impediments that were identified through the 2014 AI and recommended actions that the City could take to address these:

- **Impediment #1:** Inadequate supply of affordable housing to meet the needs of low- and moderate-income residents including members of the protected classes.

  Action: Expand strategies to increase the affordable housing stock.

- **Impediment #2:** Shortage of accessible housing units.

  Action: Encourage development to meet the housing needs of persons who are elderly and persons with disabilities.

- **Impediment #3:** Risk of inadequate planning to meet the needs of residents protected by the FHA.

Action: Collect demographic data for members of the protected classes utilizing various sources including the U.S. Census as well as local data.

- **Impediment #4:** The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together.

  Action: Review the zoning ordinance and revise the definition of family to ensure that unrelated persons who reside together are not discriminated against.

- **Impediment #5:** Group living facilities are not treated the same as single family residential homes and could deny housing opportunities for persons with disabilities.

  Action: Review the current zoning and land use requirements to ensure that housing choices are not restricted for persons with disabilities.

- **Impediment #6:** Discriminatory lending practices disproportionately impact census tracts with higher minority populations based on loan denial rates.

  Action: The City should work with lenders in Fremont and request that they review their HMDA data to ensure that loan decisions are made equitably.

- **Impediment #7:** The Rental Occupancy licensing provisions of Ordinance #5165 may discriminate against Hispanics in the rental market.

  Action: The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.

- **Impediment #8:** The Rental Occupancy licensing provisions of Ordinance #5165 adds an additional step to securing housing especially for members of the protected classes.

  Action: Assess the impact of the Ordinance especially on members of the protected classes.

- **Impediment #9:** Lack of or inadequate fair housing education and enforcement in the rental community, and within the minority community.

  Action: Continue fair housing education and outreach and expand opportunities for fair housing training.

- **Impediment #10**: Lack of fair housing testing to determine where fair housing discrimination is taking place.

  Action: Evaluate existing testing data, determine prevalence of housing discrimination based on testing, and implement fair housing testing.

AI Funding

The City has not designated funding for fair housing education activities or services. The City allocated $16,000 for the preparation of the 2014 AI.

II. COMMUNITY PROFILE

Introduction

The 2010 U.S. Census represents the most recent data from the U.S. Census, and that data is used for this report when possible and available. Some areas of data-gathering, however, requires use of the American Community Survey (ACS) which provides most informational items as the decennial Census, but not always at the lowest geographic levels. The ACS is an ongoing statistical survey that is annually conducted by the United States Census Bureau. The survey gathers information previously contained only in the long form of the decennial census.

The 2010 Census, American Community Survey, in addition to a variety of other highly regarded data sources were utilized for the preparation of this report, including Home Mortgage Disclosure Act (HMDA) data; Community Reinvestment Act (CRA) reports; official City of Fremont planning and reporting documents, and direct communication with local agencies. Overall, the data paint a revealing and fair portrait of the community and housing conditions therein.

The City of Fremont includes seven census tracts and 24 census block groups. Of those tracts, four census block groups meet the HUD definition of low to moderate income census areas. Maps 1 and 2 on the following pages show the Fremont census tract boundaries, and low to moderate income census areas as defined by HUD.

Population, Race, and Ethnicity

The City of Fremont had a total population of 26,397 at the time of the 2010 Census. The 2000 Census reflects a population of 25,174. Fremont had a population increase over the ten year period of 1,223 persons from 2000 to 2010. According to the 2010 Census, the racial makeup of the community was a majority White (89.2%), but also included populations identifying themselves as Black or African American (0.7%), American Indian and Alaska Native (0.6%), Asian (0.6%), and other races, including two or more (1.6%). Nearly 12% of the

Fremont population identified themselves as being of Latino or Hispanic ethnic origin. See table #1 on page 14 below.

From the 2000 to 2010 Census counts, the Fremont Black or African American population increased by 0.1%; Asian population remained at 0.6%; American Indian and Alaska Native population grew by 0.3%; and Hispanic or Latino Ethnic Origin population grew by the largest overall percentage at 7.6%. Maps 3-4 show the distribution of Black/African Americans and the persons of Hispanic Ethnicity. Black/African Americans have the highest population concentrations in census tracts/block groups 9640:3 and 9642:3 and 4. The maps also show that persons of Latino or Hispanic ethnicity have the highest population concentration in census tracts/block groups 9638:1, 9639:1, 9642:2, 9642:3, 9644:1, and 9644:2.

According to the 2012 American Community Survey (ACS), 92.9% of the people living in Fremont in 2012 were native residents of the United States. This is a decrease from the 2000 Census count of 97.0%. Ninety-two percent (92%) of 2012 ACS residents were living in the state in which they were born.

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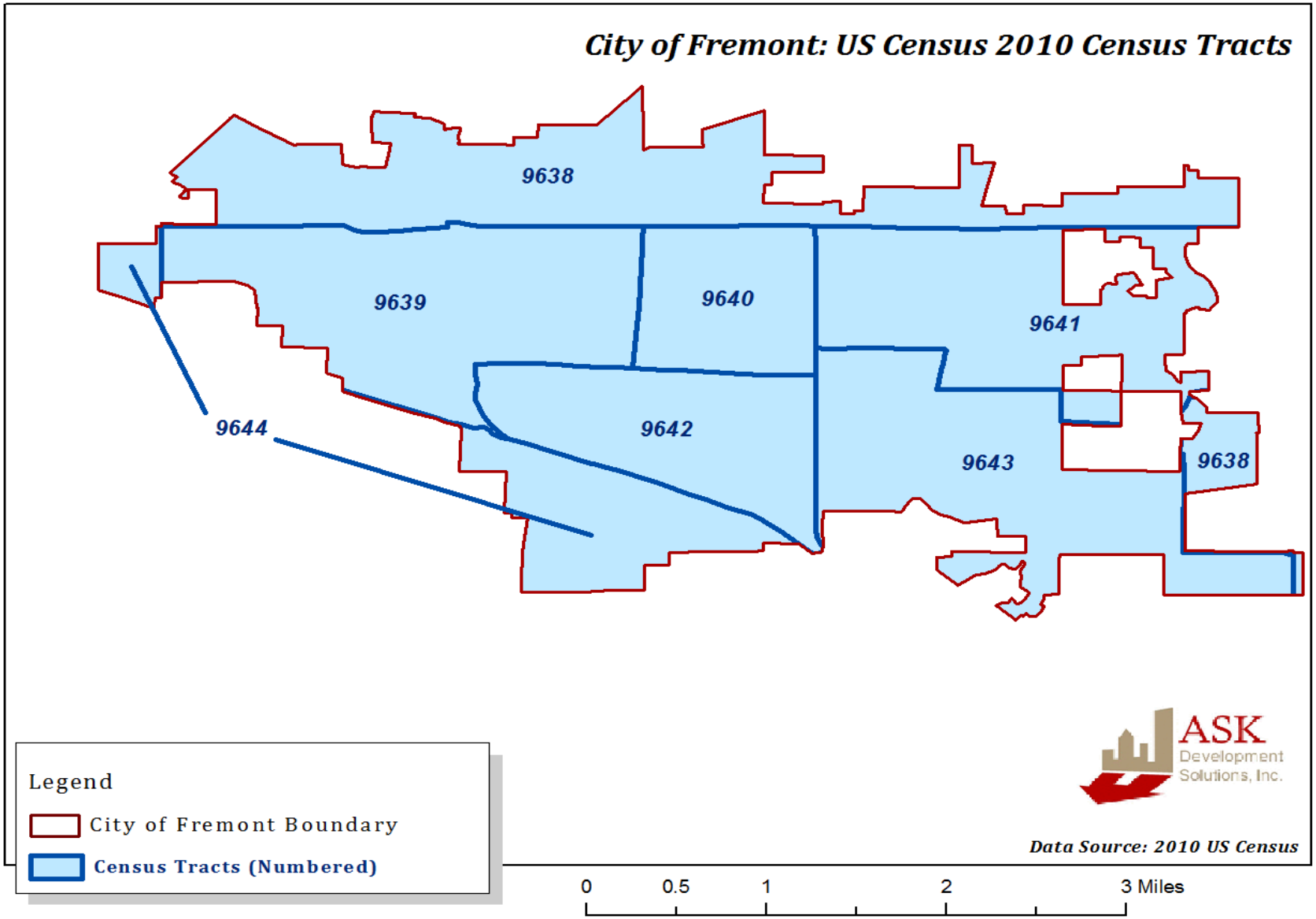
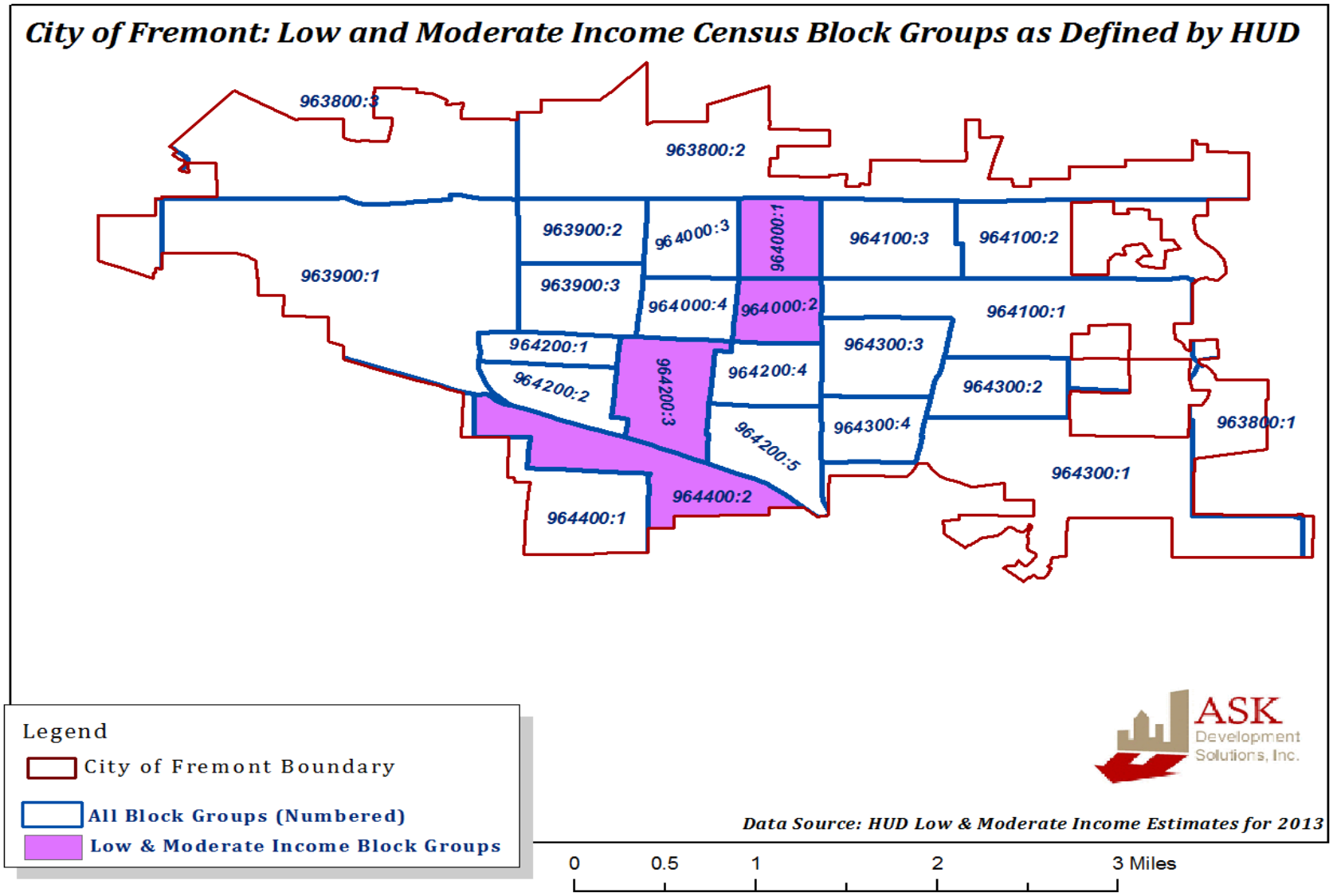
Map 1- City of Fremont, NE 2010 Census Tracts



Map 2 - City of Fremont, NE Low- and Moderate Income Block Groups 2013



In 2012, 7.1% of the people living in Fremont were foreign born (defined by the ACS as those born outside of the United States). This represents a 4.1% increase since the 2000 Census count of 3.0%. Of the foreign born population, 38.6% were naturalized U.S. citizens in 2012, and 61.4% were not U.S. citizens. As noted in table #2 below, the mix of male and female population did not change significantly.

City of Fremont, NE
Population/Race/Ethnicity: 2000 and 2010 Census Changes Table 1

	2000 Population	% of Total 2000 Population	2010 Population	% of Total 2010 Population	2000 to 2010 Change
Total Population	25,174	100%	26,397	100%	↑ 1,223
Black or African American	144	0.6%	172	0.7%	↑ 28
Asian	154	0.6%	163	0.6%	↑ 9
American Indian and Alaska Native	78	0.3%	153	0.6%	↑ 75
White	23,987	95.3%	23,538	89.2%	↓ 449
Two or More Races	207	0.8%	415	1.6%	↑ 208
Hispanic or Latino Origin	1,085	4.3%	3,149	11.9%	↑ 2,064

Source: 2000 and 2010 U.S. Census

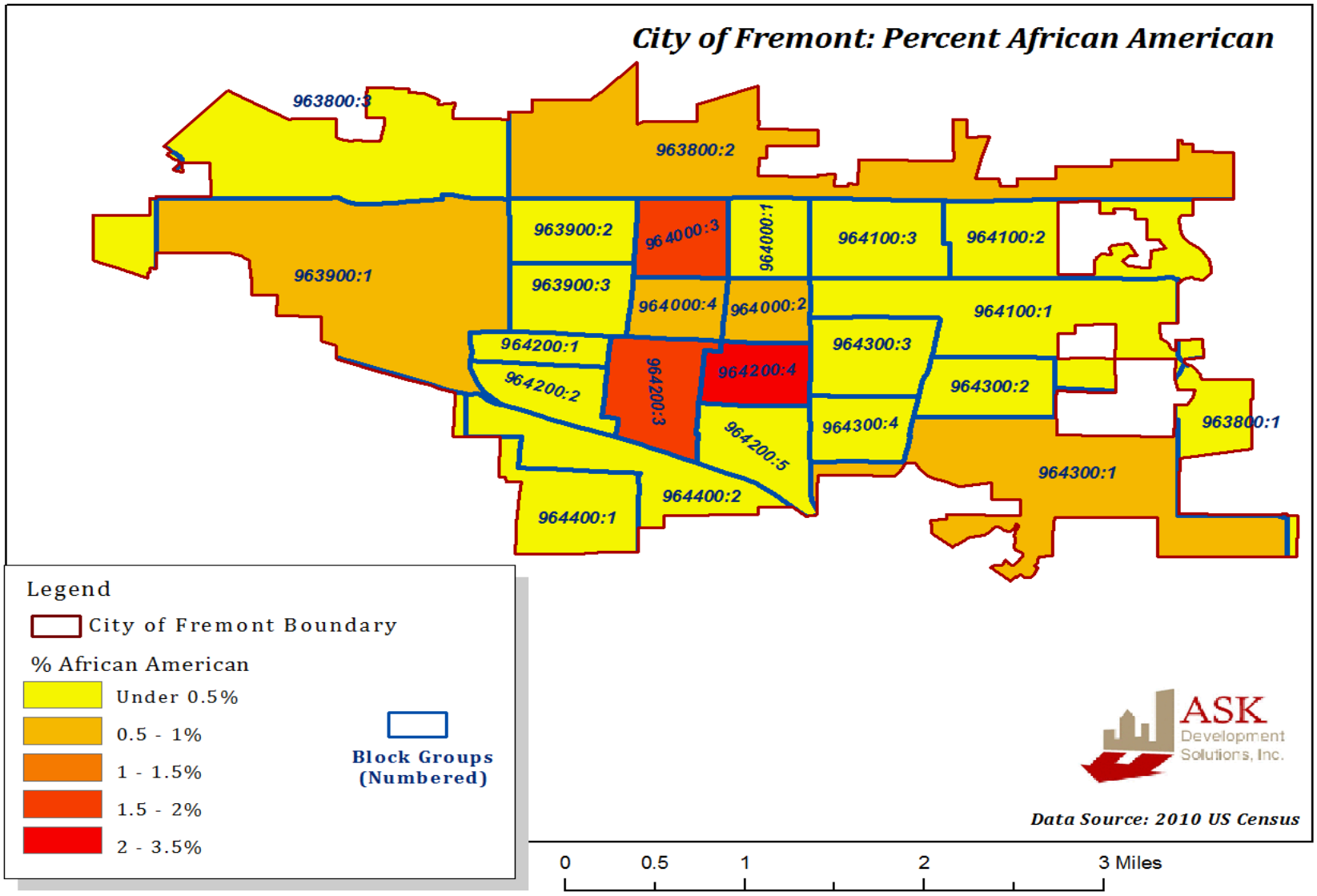
These overall demographic shifts especially in the increases in racial and ethnic minorities could result in housing discrimination among those groups. As such the City should proactively increase its fair housing education and outreach to ensure that persons within these protected classes and all City residents are aware of rights and responsibilities under the federal and State's Fair Housing Acts.

City of Fremont, NE
Gender: 2000 and 2010 Census Count Changes Table 2

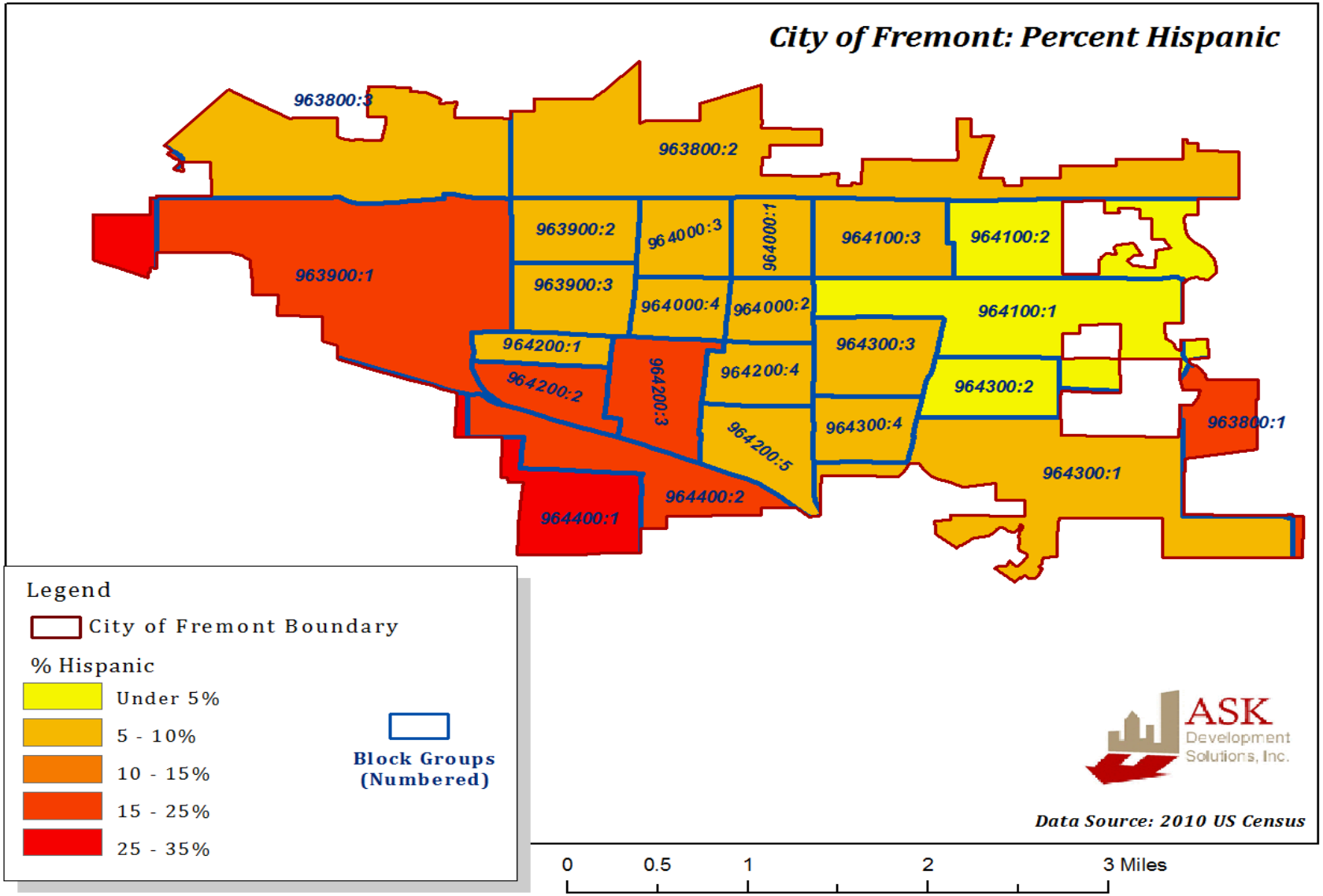
	2000 Population	% of Total 2000 Population	2010 Population	% of Total 2010 Population	2000 to 2010 Change
Male	11,977	47.6%	12,790	48.5%	↑ 813
Female	13,197	52.4%	13,607	51.5%	↑ 410

Source: 2000 and 2010 U.S

Map 3 - City of Fremont, NE Percent Black/African American 2010



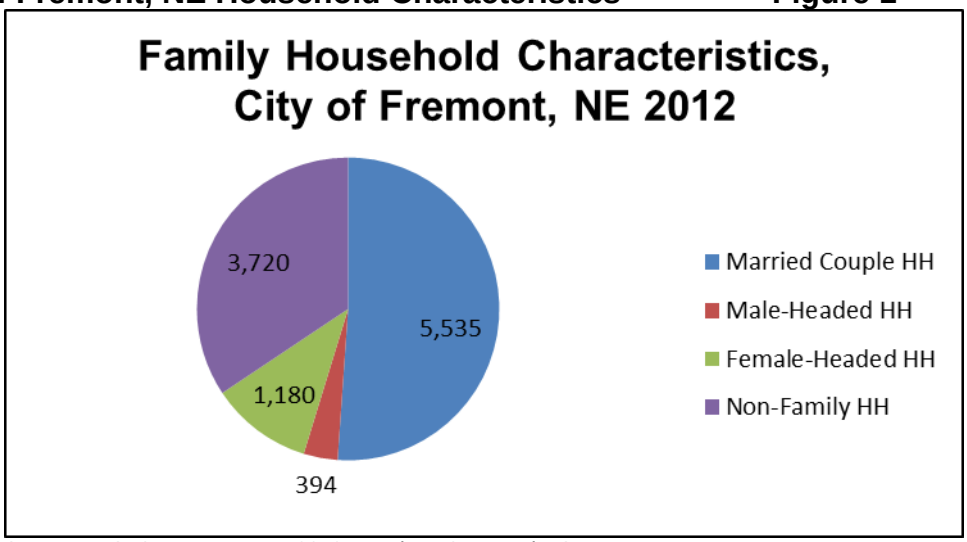
Map 4 - City of Fremont, NE Percent Hispanic 2010



Household Characteristics

Since the 2000 Census, average household size in Fremont has decreased slightly from 2.38 persons per household (2000 Census) to 2.35 persons per household (2012 ACS). According to the 2012 ACS, among the 10,829 Fremont households, family households represented 65.6% (7,109) of all households, including: 5,535 (51.1%) married couple family households; 394 (3.6%) male-headed households; and 1,180 (10.9%) female-headed households. Non-family households comprised a significant amount at 34.4% (3,720) of all households.

City of Fremont, NE Household Characteristics Figure 1



Source: U.S. Census Bureau, 2012 American Community Survey

According to the 2012 ACS, there were 10,829 total households in the City of Fremont. Of all households, 65.6% are family households (households with family members related through birth, marriage, or adoption), and 34.4% are non-family households. The ACS provides the following categories of household types.

City of Fremont, NE Households by Type 2012 ACS data Table 3

Households	10,829	100%
Family households	7,109	56.9%
With own children under 18 years	3,300	30.5%
Married-couple family	5,535	51.1%
With own children under 18 years	2,288	21.1%
Female householder, no husband present, family	1.180	10.9%
With own children under 18 years	729	6.7%
Non-family households	3,720	34.4%

Source: U.S. Census Bureau, 2012 American Community Survey

Among persons 15 and older, 60.2% of the population was married. The ACS provides the following information on marital status.

City of Fremont, NE
Marital Status 2012 ACS data **Table 4**

Population 15 years and over	Persons	Percentage
Total	**9,900**	**100%**
Never married	2,787	28.2%
Now married, except separated	5,959	60.2%
Separated	71	0.7%
Widowed	275	2.8%
Divorced	808	8.2%

Source: U.S. Census Bureau, 2012 American Community Survey

Income, Education, and Employment

Income Characteristics

The City of Fremont is located in the Dodge County, Nebraska HUD Fair Market Rent (FMR) Area. HUD's 2012 Income Limits for the Dodge County, Nebraska HUD FMR Area defined Extremely Low (30%) Income Limits as those earning no more than $17,650; Very Low Income (50%) Income Limits as those earning no more than $29,450; and Low Income (80%) Income Limits as those earning no more than $47,100. All figures are based on a household size of four (4) and a 2012 Area Median Income of $58,900 for Dodge County. Although Income Limits were available from HUD for other years, 2012 data was used for comparison with 2012 American Community Survey data.

FY 2012 Income Limits Summary
Dodge County, Nebraska HUD FMR Area **Table 5**

FY 2012 Income Limit Category	1 Person Household	2 Person HH	3 Person HH	*4 Person HH*	5 Person HH	6 Person HH	7 Person HH	8 Person HH
Extremely Low (30%) Income Limits	$12,400	$14,150	$15,900	***$17,650***	$19,100	$20,500	$21,900	$23,300
Very Low (50%) Income Limits	$20,650	$23,600	$26,550	***$29,450***	$31,650	$34,200	$36,550	$38,900
Low (80%) Income Limits	$33,000	$37,700	$42,400	***$47,100***	$50,900	$54,650	$58,450	$62,200

Source: U.S. Department of Housing and Urban Development (HUD)

According to the 2012 HUD Income Limits Summary, the median household income in Dodge County was $58,900. Within just the city limits of Fremont, however, there was a lower median household income of $43,271 (2012 ACS). In 2000, the City of Fremont median household income was $36,700 (2000 U.S. Census).

The 2012 ACS further illustrates that of the total 10,829 households in Fremont, 20.2% (92,001) earned less than $25,000 annually, with another 27.5% (125,127) having earned between $25,000 and $50,000. For the middle and upper income brackets in 2011, 16.8% (76,422) earned between $50,000 and $75,000; 7.9% (35,867) earned between $75,000 and $100,000; and 16.8% (76,190) having earned $100,000 and up.

City of Fremont, NE Household Income Levels **Table 6**

INCOME LEVEL	# OF HOUSEHOLDS	% OF HOUSEHOLDS
Less than $10,000	617	5.7%
$10,000 to $14,999	752	6.9%
$15,000 to $24,999	1,403	13.0%
$25,000 to $34,999	1,530	14.1%
$35,000 to $49,999	1,803	16.6%
$50,000 to $74,999	2,369	21.9%
$75,000 to $99,999	1,213	11.2%
$100,000 to $149,99	888	8.2%
$150,000 to $199,999	209	1.9%
$200,000 or more	45	0.4%

Source: U.S. Census Bureau, 2012 American Community Survey

Per the 2012 American Community Survey, 15.6% of the Fremont population subsists below the poverty level. This reflects an increase from 2000, when 8.8% of the population was below poverty level. In 2012, people ages 65 years and over had experienced an overall lower rate of poverty at 9.4%. Families also experienced an overall lower rate of poverty in 2012 at 11.1%, and married couple families had a significantly lower rate of living below poverty level at 5.9%. Female-headed households experienced poverty at the greatest rate of all groups: 31.9% of female households with no husband present; 43.6% of female households with related children less than 18 years old; and 70.7% of female households with related children less than 5 years old only. This is measurement is particularly stark when compared to their incidence in the total population (female headed households with children make up 10.9% of all Fremont households).

Of the 10,829 estimated Fremont households in 2012, approximately 31.5% received Social Security income; 3.3% received Supplemental Security Income; 1.9% received cash public assistance income; 15.7% received retirement income; and 9.6% received Food Stamp/SNAP benefits.

People Living Below the Poverty Level
2012, Fremont, Nebraska **Table 7**

All People	**15.6%**
Under 18 Years	25.8%
Related Children Under 18 Years	25.8%
Related Children Under 5 Years	32.7%
Related Children 5 to 17 Years	22.8%
18 Years and Over	12.3%
18 to 64 Years	13.1%
65 Years and Over	9.4%
People in Families	13.7%
Unrelated Individuals 15 Years and Over	23.1%

Source: U.S. Census Bureau, 2012 American Community Survey

Families Living Below the Poverty Level
2012, Fremont, Nebraska **Table 8**

All Families	**11.1%**
With Related Children Under 18 Years	20.3%
With Related Children Under 5 Years Only	17.5%
Married Couple Families	5.9%
With Related Children Under 18 Years	10.6%
With Related Children Under 5 Years Only	4.2%
Families With Female Householder, No Husband Present	31.9%
With Related Children Under 18 Years	43.6%
With Related Children Under 5 Years Only	70.7%

Source: U.S. Census Bureau, 2012 American Community Survey

Maps 5-7 below, show the distribution of families receiving public assistance, median household income distribution in the City, and the poverty rate. Map 5 demonstrate correlations with low- and moderate-income areas. Persons receiving financial assistance may receive benefits including food stamps from the Supplemental Nutrition Assistance Program (SNAP) and other forms of assistance such as rental assistance, free health care, and child care.

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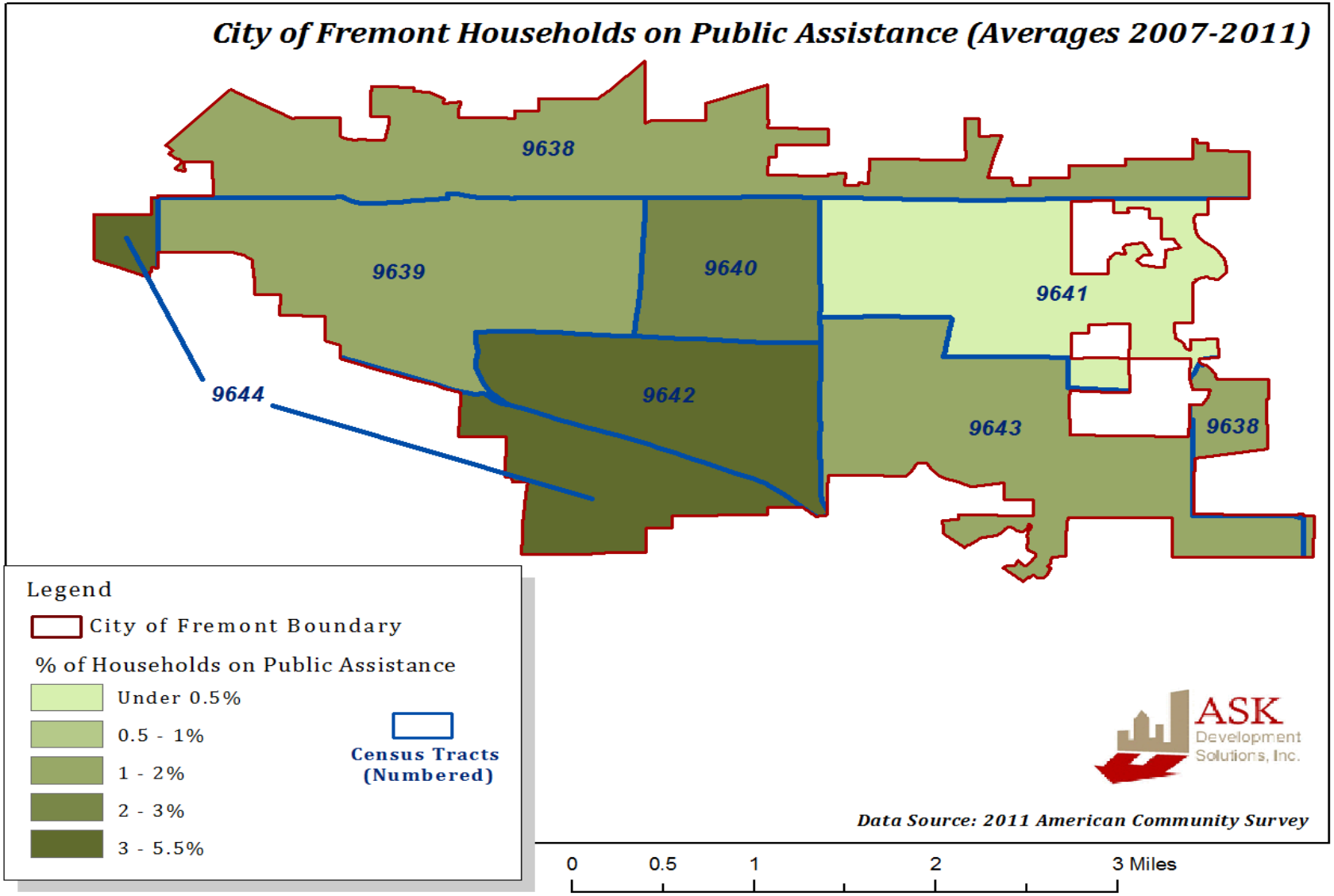
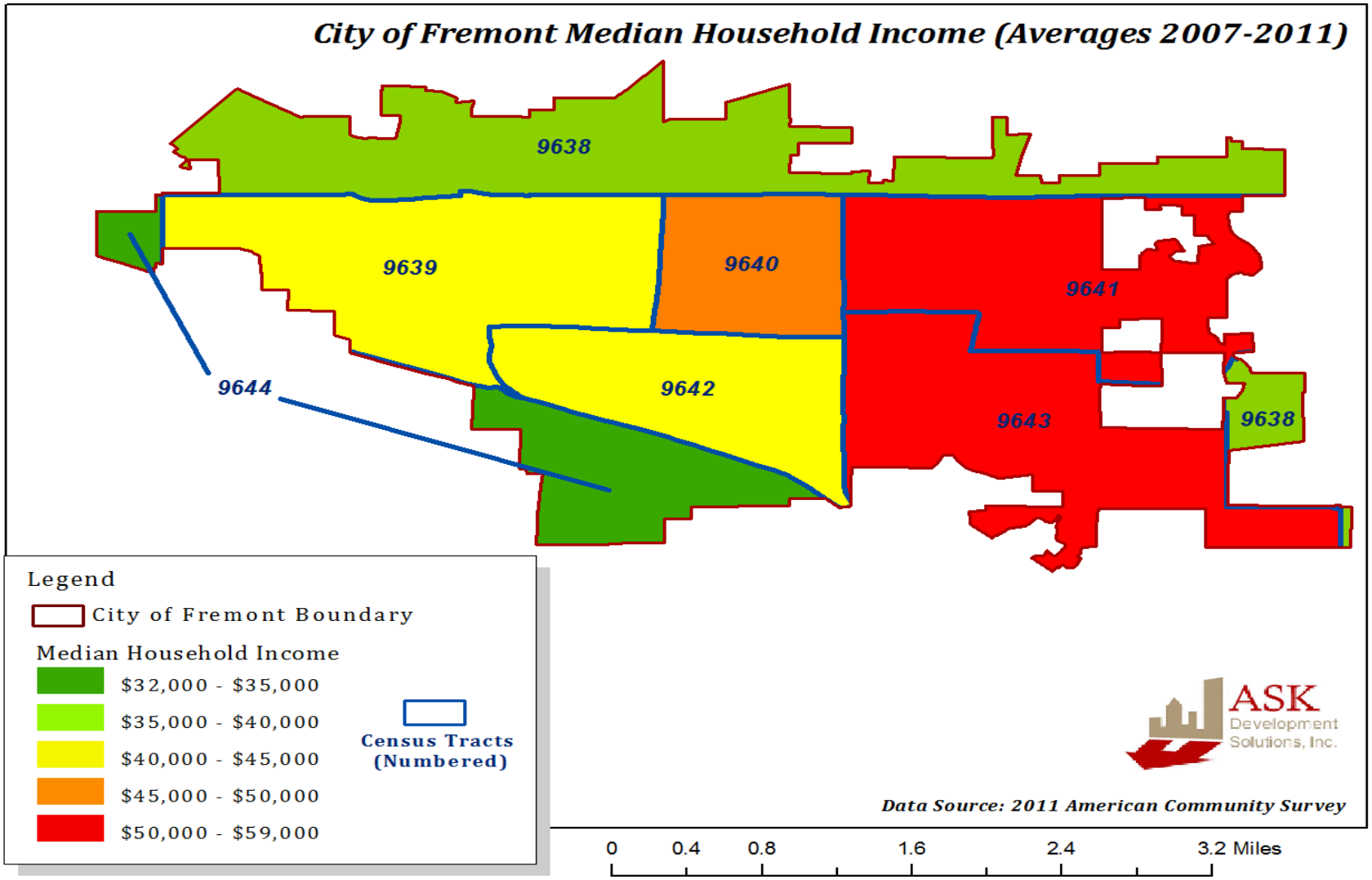
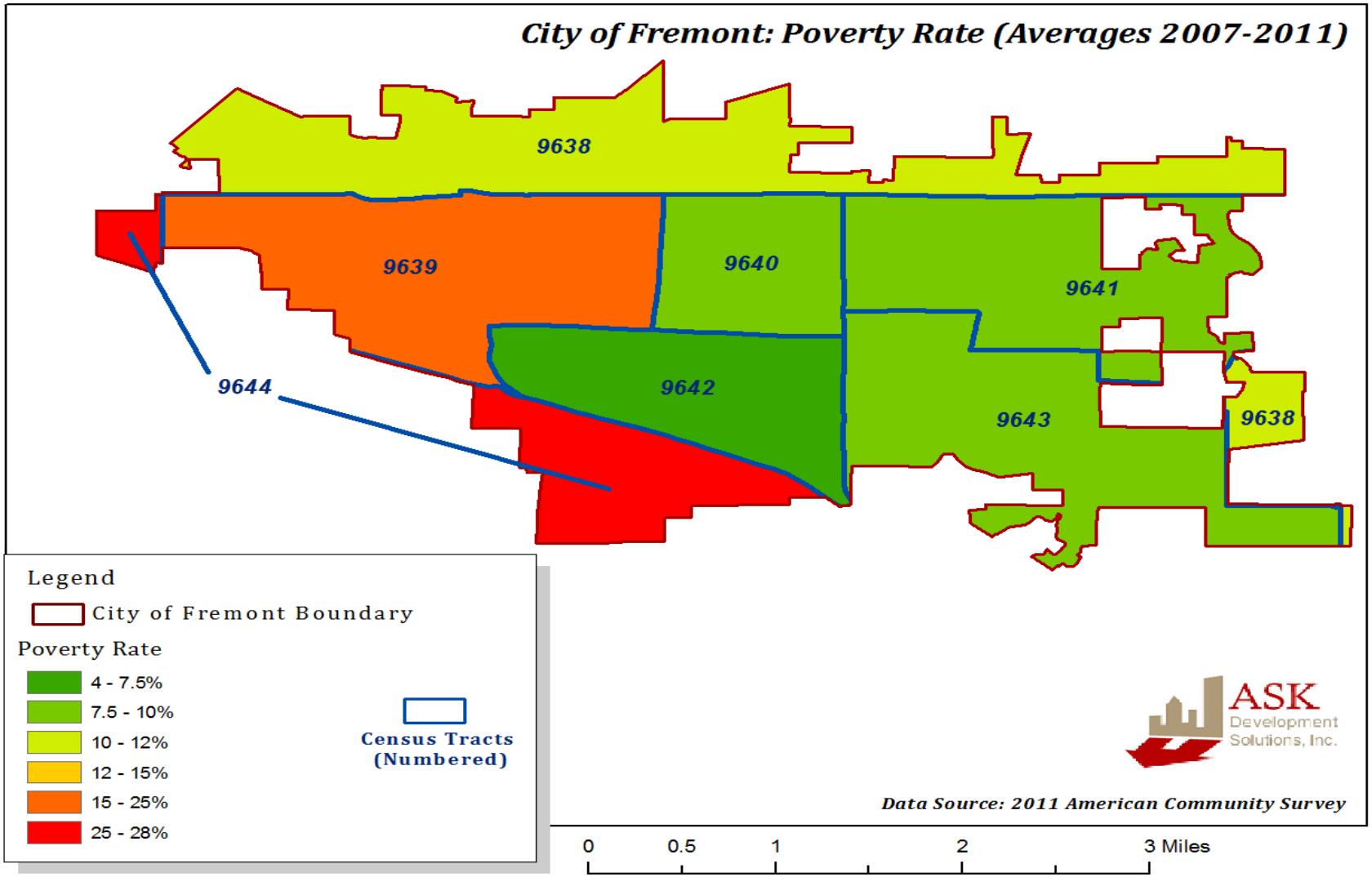
Map 5 - City of Fremont, NE Percentage of Households on Public Assistance 2011



Map 6 - City of Fremont, NE Median Household Income 2011



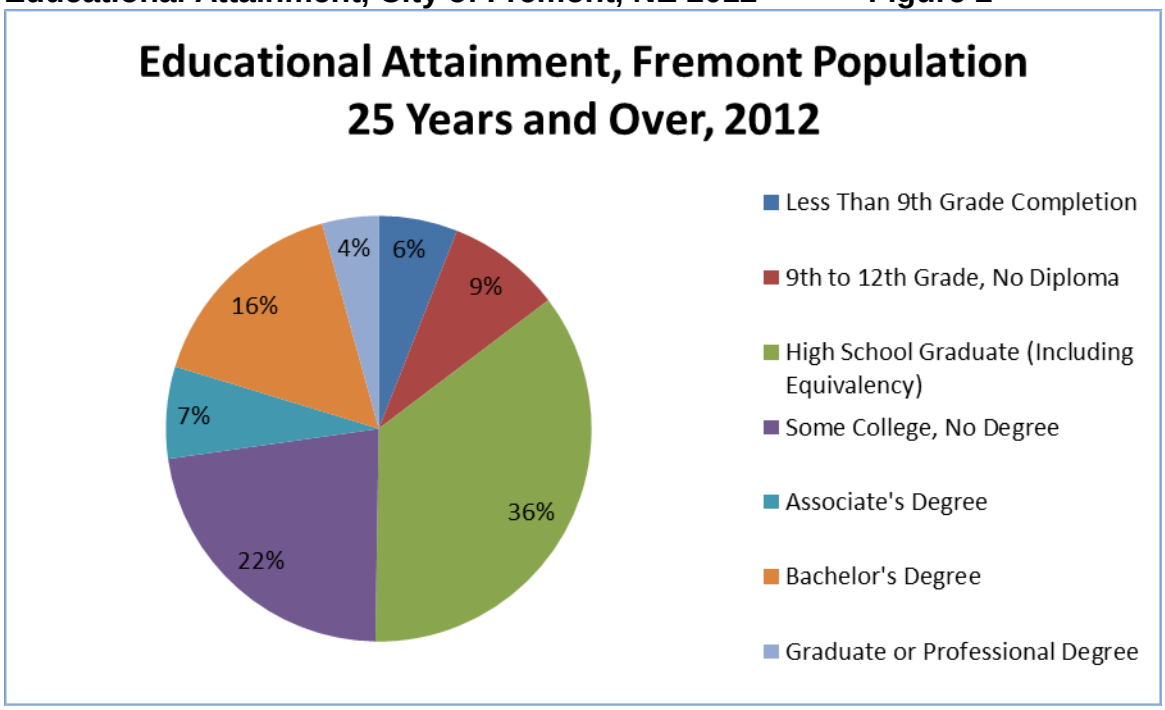
Map 7 - City of Fremont, NE Poverty Rate 2011



Educational Attainment

Within the 2012 Fremont population of persons 25 years and over (American Community Survey), 35.6% of people had at least graduated from high school (including equivalency), 16.0% had a bachelor's degree, and 4.3% had a graduate or professional degree. Of the same population (25 years and older), 14.7% had less than a high school education diploma.

Educational Attainment, City of Fremont, NE 2012 Figure 2



Source: U.S. Census Bureau, 2012 American Community Survey

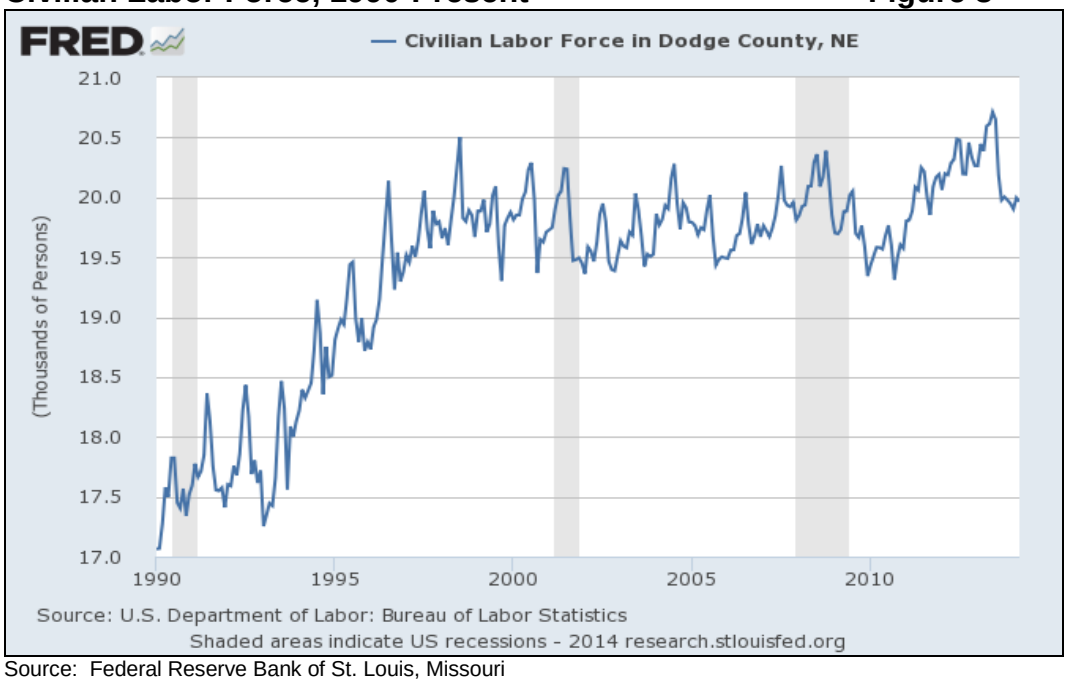
The total school enrollment for the population aged 3 years and over in Fremont was 6,363 in 2012 (ACS). School enrollment is broken down into the following categories: 6.6% in nursery school/preschool; 6.8% in kindergarten; 46.7% in elementary school (grades 1-8); 16.6% in high school; and 23.4% in college or graduate school.

Employment

As of 2012, the Fremont population aged 16 years and over numbered 20,461 persons, of which approximately 68.8% (14,067) was in the labor force and 63.3% (12,950) was employed. This reflects some change since 2000 when Fremont had 19,813 persons aged 16 and over. In 2000, 67.1% (13,291) of those persons was in the labor force and 64.7% (12,819) was employed.

The following figures give a larger view of the labor force changes within Dodge County, Nebraska, from 1990 to present.

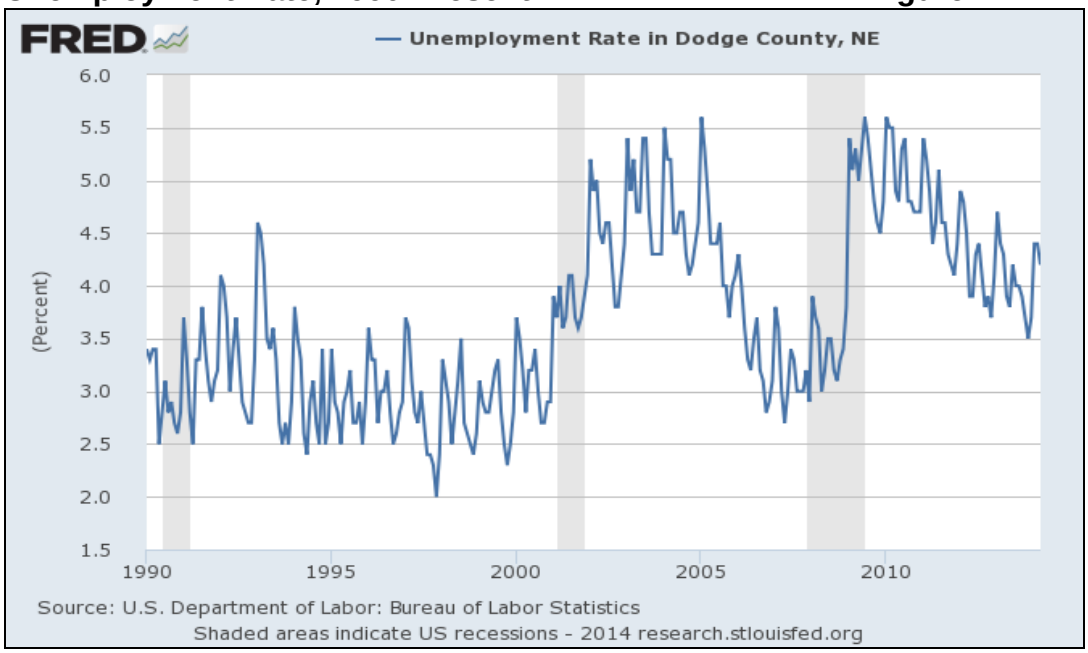
Dodge County, Nebraska
Civilian Labor Force, 1990-Present **Figure 3**



Source: Federal Reserve Bank of St. Louis, Missouri

The national economic downturn in recent years has affected the Fremont area, and unemployment in Fremont rose from 2.7% in April 2007 to 5.6% in January 2010. Further illustration of these regional trends can be found in the following figures.

Dodge County, Nebraska
Unemployment Rate, 1990-Present **Figure 4**



Source: Federal Reserve Bank of St. Louis, Missouri

The City of Fremont has job opportunities in a fairly diversified economy, and the character of its population is reflected in the major industries of employment. According to the 2012 American Community Survey, the six top industries provide employment for almost three-quarters of the City's workforce:

Education, Healthcare, and Social Assistance	2,610 (20.2%)
Manufacturing	2.304 (17.8%)
Retail Trade	1,638 (12.6%)
Construction	1,008 (7.8%)
Finance, Insurance, Real Estate, Rental and Leasing	902 (7.0%)
Arts, Entertainment, and Recreation	903 (7.0%)

Fremont has an economic base that provides employment opportunities not only for the residents of Fremont, but also for commuters from the surrounding communities with major employers in the areas of agribusiness, food processing, fabricated metal processing and electronics manufacturing. Due to its position at the crossroads of major highway links to reach downtown Omaha and Lincoln metropolitan areas in less than an hour, Fremont residents have access to many employment opportunities. The following table lists the major employers within Fremont, and those within close proximity of the Fremont city limits.

Fremont Area Major Employers, 2013 **Table 9**

Company Name	Employment Total	Products or Services
Valmont Industries (Valley, NE)	1,540	Agricultural Equipment
Hormel Foods, Inc.	1,400	Food Processing
Fremont Area Medical Center/ AJ Merrick Manor	871	Healthcare
Fremont Public Schools	620	Education
Nye Senior Services	600	Assisted Living/Nursing Home/Rehabilitation
Wal-Mart Stores, Inc.	380	Retail Store
Fremont Contract Carriers, Inc.	354	Truckload Service
Smeal Fire Apparatus Company (Snyder, NE)	350	Fire Trucks
YMCA	350	Recreation/Fitness
Hy-Vee Food Stores, Inc.	286	Food Services
Fremont Beef Company	283	Meat Processing
Midland University	200	Education
Oilgear	156	Manufacturing
Department of Health and Human Services	150	Social Services
Natura Pet Food	142	Pet Food Manufacturing
Fremont Department of Utilities	136	Utilities

Company Name	Employment Total	Products or Services
City of Fremont	131	City Government
ENCOR	130	Services for the Disabled
Menards	125	Building Supplies
Christensen Lumber, Inc.	101	Building Supplies
Food 4 Less	100	Food Services
Sav-RX	100	Pharmaceuticals
Oriental Trading Company	95	Mail Order/Catalog Sales
First National Bank Fremont	90	Financial Services
Overland Products Co., Inc.	80	Manufacturing
Structural Component Systems	75	Building Supplies
Provimi North America, Inc.	72	Animal Nutrition
Fremont Tribune	66	Publishing
Jayhawk Boxes	66	Corrugated Goods
Rosenbauer Aerials, LLC	65	Aerial Ladders for Fire Trucks
Southwark Metal Manufacturing Co.	60	Sheet Metal Fabrication
First State Bank	55	Banking & Finance

Source: Greater Fremont Development Council

Transportation and Commuting

Transportation

Fremont Transit Lines (FTL) is operated by the City of Fremont and provides transportation services for the benefit of the general public within the corporate limits of Fremont. The City of Fremont, with assistance from Federal and State sources, funds the FTL to provide a fixed-route system that services the needs of the elderly, disabled and general public. Presently, two routes, both of which originate from 6th & Main Streets, are included in the fixed-route system. Deviations are made from these routes by special arrangements. The service area includes the area within the corporate limits of Fremont and the contiguous Village of Inglewood. Presently, the east route operates from 8:45 a.m. to approximately 4:30 p.m. and the west route operates from 10:15 a.m. to approximately 2:50 p.m. Both routes operate Monday through Saturday, except for legal holidays. The current (2011) fare structure is as follows:

- Seniors (60+ years) $0.75
- Disabled $0.75
- Riders (ages 6-59) $1.50
- Riders (ages 5 and under) Free

The City will be discontinuing the FTL service on June 30, 2014 due to low ridership. According to the May 2012 Long-Range Transportation Plan for Fremont, FTL maintains a fleet of two vans, both of which are lift-equipped to accommodate riders with special needs. Each van has the capacity to carry 12

passengers with additional space for up to two passengers in a wheelchair. The 2010-2011 operating budget for FTL was approximately $89,000. During the last three years, transit ridership averaged slightly more than 2,900 riders per year. Marketing and promotion of Fremont Transit Lines includes the dissemination of bus schedules to various local organizations. Schedules are also posted at Fremont Towers, Arbor Manor, HyVee, Fremont Friendship Center, Salvation Army, Nye Point Health & Rehab Center, Fremont Area Medical Center, Keene Memorial Library and the City of Fremont Municipal Building.

According to Fremont Transit Lines, the FTL system complies with the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal opportunity laws. Fremont Transit Lines serves a diverse population of individuals with varying ages, physical challenges, economic status, and ethnic backgrounds. FTL shall ensure that no person shall be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity undertaken by FTL based solely on his/her race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

FTL allows service animals to accompany owners per the ADA. According to the FTL, the ADA's revised regulations define a "service animal" as a dog that is individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the service animal must be directly related to the person's disability. Under the ADA, "comfort," "therapy," or "emotional support" animals do not meet the definition of a service animal. Animals other than service animals as described above are allowed to ride the transit vehicle only in a secured pet travel carrier.

Commuting

According to the 2012 American Community Survey, 84% of Fremont workers drove to work alone and 9.1% carpooled. Among those who commuted to work, it took them on average 16.7 minutes to get to work.

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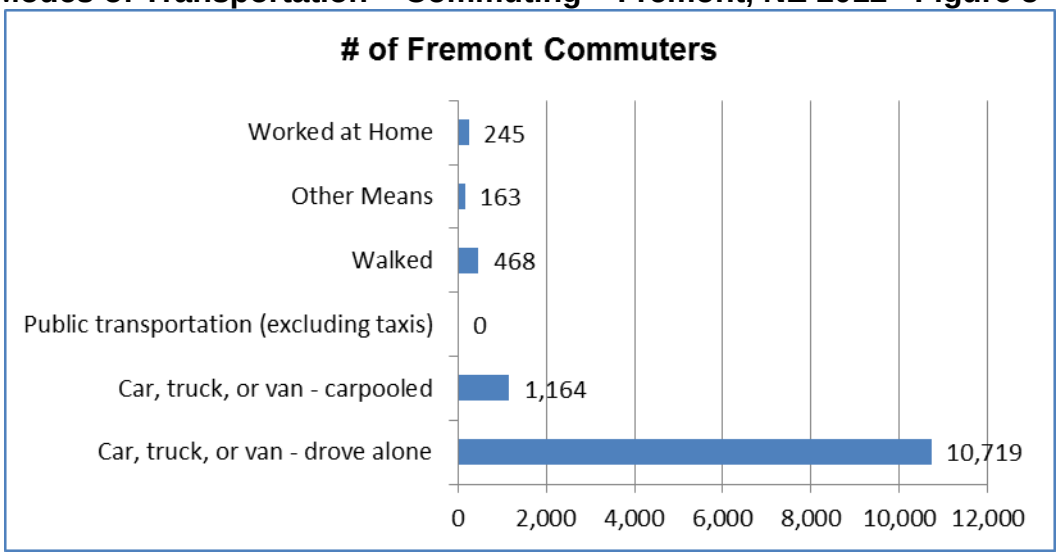
Modes of Transportation – Commuting – Fremont, NE 2012 Figure 5



Source: U.S. Census Bureau, 2012 American Community Survey

City of Fremont, NE: Commute Times –2012 Table 10

Travel Time to Work (one way)	Rate (%)
Less than 10 minutes	34.5%
10 to 14 minutes	27.8%
15 to 19 minutes	8.3%
20 to 24 minutes	6.4%
25 to 29 minutes	3.8%
30 to 34 minutes	5.8%
35 to 44 minutes	4.6%
45 to 59 minutes	4.9%
60 or more minutes	3.9%

Source: U.S. Census Bureau, 2012 American Community Survey

A review of the data above shows that over one-half of the commuters (62.3%) spent less than 15 minutes or more commuting one way to work. An additional 18.5% spent less than 30 minutes commuting one way to work. The largest group of commuters (34.5% of all commuters) spent less than 10 minutes commuting one way to work.

Public comments noted that transportation is an impediment to fair housing choice in the City. Since the City is planning to discontinue the transportation services that assist the elderly, persons with disabilities and general public, transportation may become an impediment to fair housing choice for the elderly, persons with disabilities and other members of the protected classes. The City should provide an explanation as to how this will not become an impediment to those groups, and provide statistical data that helped the City arrive at the decision of terminating the services.

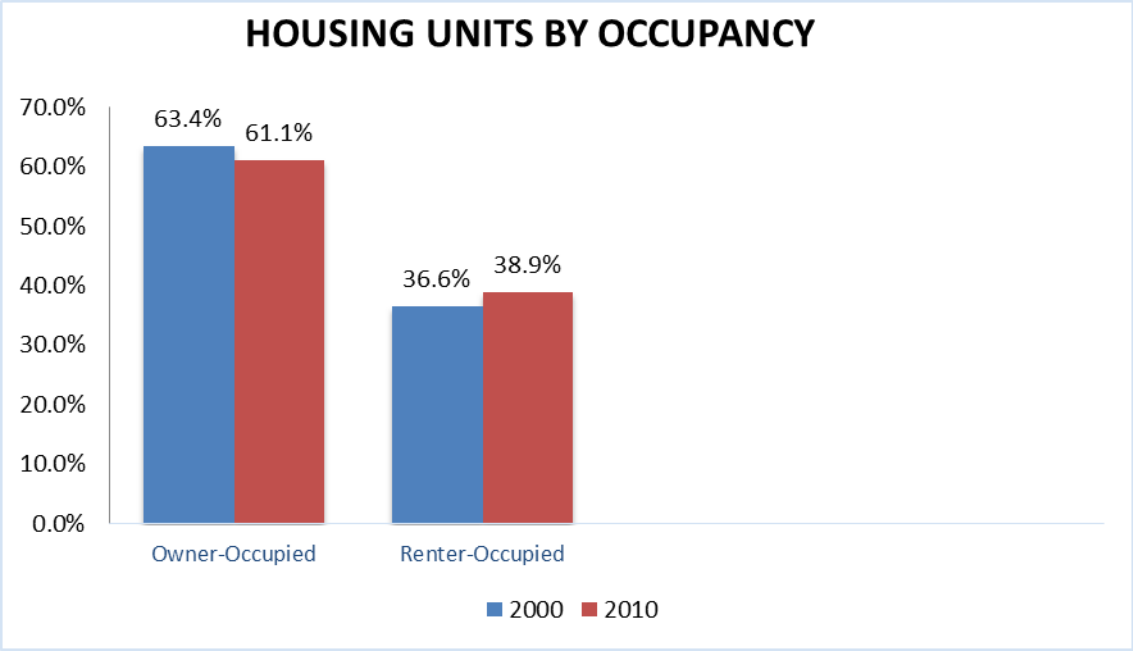
III. HOUSING PROFILE

Housing by Tenure

According to the U.S. Census, the number of housing units in Fremont grew by 8% from 10,576 in 2000 to 11,427 housing units in 2010. The rate of housing production was faster than the growth in the City's total population which increased by 4.9% in the 10-year period. The City's vacancy rate rose from 3.8% (405 units) in 2000 to 6.1% (702 units) in 2010.

In 2010, the City of Fremont was comprised of 6,552 (61.1%) owner-occupied units and 4,173 (38.9%) renter-occupied units. This represents a 2.3 percentage point decrease in the rate of homeownership and the rental market experienced a corresponding increase in rental tenure increasing from 3,725 units (36.6%) in 2000. Figure 6 shows the change in tenure between 2000 and 2010.

City of Fremont, NE
Housing Units by Occupancy **Figure 6**



Source: 2000 and 2010 U.S. Census

Housing by Structure Type

The 2012 ACS reports 11,217 total housing units in Fremont. Table 11 gives a breakout of the types of units in the housing stock and Table 12 provides the year structures were built.

The predominant type of housing in Fremont is the single-family unit (74.8%), compared to multi-family units (21.5%). Mobile homes make up 3.7% of Fremont's housing stock. Single-unit, detached structures are the most prevalent housing type (70.9%), followed by structures with 20 or more units (6.7%).

Comparatively, the 2000 Census predominant housing type was also single-unit, detached structures (7,293 units or 68.9%), followed by structures with 20 or more units (659 units) and duplexes (653 units) each of which represented 6.2% of the housing stock.

City of Fremont, NE **Table 11**

UNITS IN STRUCTURE		
Type of Housing Unit	**Number of Units**	**Percentage**
1-unit, detached	7,948	70.9%
1-unit, attached	435	3.9%
2 units	457	4.1%
3 or 4 units	495	4.4%
5 to 9 units	460	4.1%
10 to 19 units	251	2.2%
20 or more units	756	6.7%
Mobile home	415	3.7%
Boat, RV, van, etc.	0	0.0%

Source: 2012 American Community Survey

The majority of the housing stock (79.5%) was built prior to 1980. Each decade since then, the number of new units added to the housing stock has continuously decreased. According to building permit activity available from the U.S. Census Building Permits Survey, during 2012, the most recent data available, building permits were issued for 32 residential units up from 26 units during the previous year. Of the 58 units approved between 2011 and 2012, 40 were single-family units, 4 were duplexes, and 14 units were part of multi-family project.

City of Fremont, NE **Table 12**

YEAR STRUCTURE BUILT		
Built 2010 or later	0	0.0%
Built 2000 to 2009	727	6.5%
Built 1990 to 1999	763	6.8%
Built 1980 to 1989	809	7.2%
Built 1970 to 1979	1,706	15.2%
Built 1960 to 1969	1,591	14.2%
Built 1950 to 1959	2,024	18.0%
Built 1940 to 1949	916	8.2%
Built 1939 or earlier	2,681	23.9%

Source: 2012 American Community Survey

Housing Affordability

The median value of an owner-occupied housing unit in 2000 was $87,100, compared to the 2012 median value of $114,400, a 31.3% increase. Using the industry standard of three times the income to afford a median priced home, a household would need to earn $38,133 annually to affordably own a home in Fremont based on the 2010 value.

According to the 2012 ACS, median gross rent in Fremont was $645 monthly. This reflects an increase of $148 (29.8%) since the 2000 Census ($497 median gross rent). Based on HUD standards that a household should not pay more than 30% of its gross income for a housing unit to be considered affordable, a 2012 household would need to earn $25,800 annually to afford the median gross rent. Table 13 shows a comparison between Fremont and other nearby communities. Of the seven communities assessed, the City of Norfolk has the lowest median rent at $569 per month. The City of Omaha has the highest median rent at $757 per month. In terms of home value, the Cities of Columbus, Grand Island, Norfolk and Dodge County have similar median home values ranging between $109,000 and $110,500. Omaha and Lincoln have the highest median home values at $132,900 and $142,200, respectively.

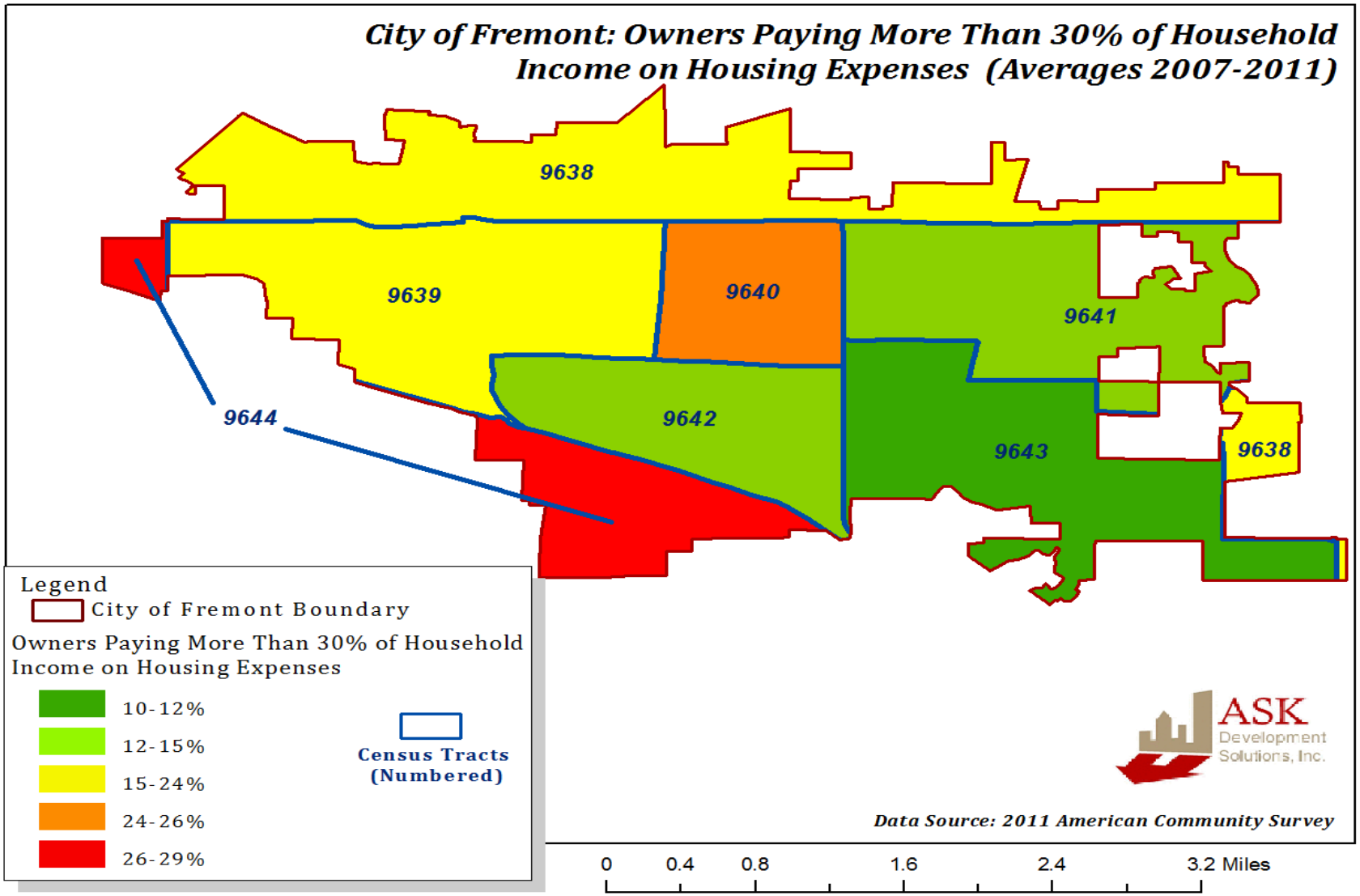
City of Fremont, NE
Median Rent and Median Home Value - Income Affordability, 2012 Table 13

Geographic Area	Median Rent	Annual Income Required to Afford Median Rent	Median Home Value	Annual Income Required To Afford Median Home Value
Fremont	**$645**	**$25,800**	**$114,400**	**$38,133**
Columbus	$606	$24,240	$109,000	$36,333
Dodge County	$634	$25,360	$109,900	$36,633
Grand Island	$632	$25,280	$109,200	$36,400
Lincoln	$700	$28,000	$142,200	$47,400
Norfolk	$569	$22,760	$110,500	$36,833
Omaha	$757	$30,280	$132,900	$44,300

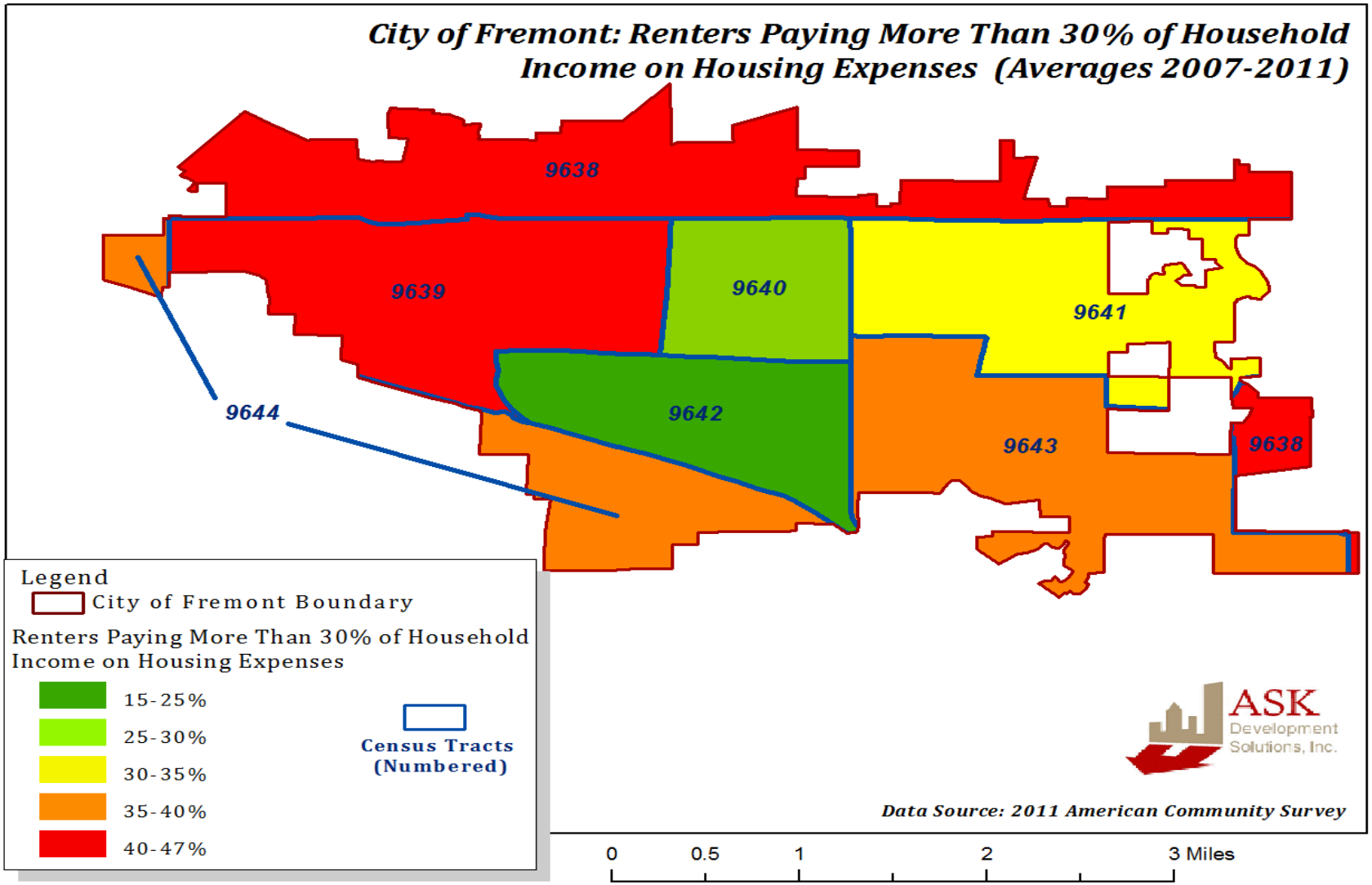
Source: American Community Survey, U.S Census Bureau (2012)

1) Income to afford median rent calculated by multiplying monthly rent by 12 months, and then dividing result by thirty percent (30%).
2) Income to afford a home of median value was calculated by real estate industry standard of multiplying household income by three (3) to determine maximum affordable purchase price.

Map 8- Fremont Percent Homeowners Spending More Than 30% Income on Housing 2011



Map 9 - Fremont Percent Renters Paying More Than 30% Income on Rent 2011



According to the 2012 ACS data, Fremont has 4,088 owners with mortgages. Of these owners, 169 or 4.1% pay more than 30 to 34.9% of their household income on housing costs; and 698 or 17.1% pay 35% or more. Also, there are 2,551 owners without mortgages; 80 or 3.1% pay 30 to 34.9 % on housing costs; and 281 or 11% pay 35% or more on housing costs.

There are 3,963 renter-occupied households and approximately 36% pay 30% or more of their household income on rental housing costs monthly; of this number 312 or 7.9% pay 30 to 34.9% of their income on rental housing costs. Another 1,110 or 28.2% pay 35% or more on renter housing costs.

According to RealtyTrac, the median sales price for a home in Fremont in February 2014 was $276,000. Based on household income reported in the 2012 ACS, an estimated 18% of Fremont owners (1,199 households) and 1.8% of renters (72 households) could afford to purchase the median-priced home without cost burden.

In regards to affordability of rental units, the FY 2014 Fair Market Rent (FMR) for Dodge County ranged from $389 for an efficiency unit to $874 for a four-bedroom unit. Approximately 79% of renters (3,217 households) can afford to rent an efficiency unit, 58% of renters (2,371 households) can afford to rent a two-bedroom unit, and 42% of renters (1,714 households) can afford to rent a four-bedroom unit.

Final FY 2014 FMRs By Unit Bedrooms				
Efficiency	**One-Bedroom**	**Two-Bedroom**	**Three-Bedroom**	**Four-Bedroom**
$389	$495	$654	$859	$874

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Housing Stock Available to Low Income Households

According to HUD's Picture of Subsidized Households, there are 490 subsidized units in the City of Fremont based on the 2010 Census of which 92% are occupied. There are a total of 749 people residing in subsidized housing for an average of 1.6 people per unit. The household income per year is $11,635 and each household spends $269 per month on rent. The majority of the residents are very low income (94%). In terms of household composition, 75% of households in subsidized housing are female-headed households and 28% of these households have children. Over 36% of households are elderly or frail-elderly and 25% of all persons have a disability.

The HUD Low Income Housing Tax Credit Database identifies three subsidized housing projects located within the City of Fremont: Somers Point Apartments, Powerhouse Apartments, and Somers Point II Townhomes. The Nebraska Investment Finance Agency (NIFA) is designated as Nebraska's housing credit allocation agency. Combined, the three projects provide 103 affordable housing units. The Gifford and Stanton Towers are the two public housing developments owned and managed by the Fremont Housing Agency and are comprised of 249 units. The other subsidized housing projects are Empire Apartments, Mosaic Housing Corporation, and Yorkshire Manor Apartments. Table 14 provides details on each project including the type of housing, the number of assisted units, and the location of each project in regards to minority and low income concentration.

Fremont: Location of Subsidized Housing **Table 14**

Project Name	Project Address	Low Income Units	Housing Type	Census Tract	Tract Minority %	Tract Median Family Income %
Gifford Tower	2510 N Clarkson St	249	Family	9638	11.88	89.22
Stanton Tower	2600 N Clarkson St		Elderly	9638		
Yorkshire Manor Apartments	2600 N Laverna St	84	Family	9638		
Somers Point II Townhomes	1033 W Somers Pt	32	Elderly	9639	17.70	105.64
Somers Point Apartments	948 W Somers Pt.	32	Elderly	9642	16.86	90.25
Powerhouse	734 N Park	39	Family	9642		

Project Name	Project Address	Low Income Units	Housing Type	Census Tract	Tract Minority %	Tract Median Family Income %
Apartments	Ave					
Mosaic Housing Corp	317 W Military Ave	16	Disabled	9642		
Empire Apartments	459 Jefferson Rd	24	Family	9644	34.06	84.79

According to the Federal Financial Institutions Examination Council (FFIEC) census data for 2013, Dodge County has an average minority concentration of 12.5%. With the exception of census tract 9638, where the minority population is 11.88%, all of the subsidized housing projects are located in census tracts that are above the City's average for minorities. Census tract 9638 also has the majority of the subsidized housing units representing 70% of all subsidized housing in the City.

Census tracts 9639 and 9644 would be considered 'minority tracts' defined as a census tract where the minority concentration is at least 5% greater than the City of Fremont as a whole. Within these two census tracts, there are 56 subsidized units or 11.7% of all subsidized housing units. Based on the review of the census data, the location of rent-restricted units is not concentrated in predominantly lower income or minority areas.

Comprehensive Housing Affordability Strategy (CHAS)

HUD's Comprehensive Housing Affordability Strategy (CHAS) is a commonly-used gauge of housing affordability. HUD considers a housing unit affordable if the occupant household expends no more than 30% of its income on housing cost. In the situation where the household expends greater than 30% of its income on housing cost, the household is considered cost-burdened. In cases where housing cost is 50% of income or greater, the household is considered severely cost-burdened. Cost-burdened households have fewer financial resources to meet other basic needs (food, clothing, transportation, medical, etc.), fewer resources to properly maintain the housing structure, and are at greater risk for foreclosure or eviction. CHAS data provides the number of households by income category within the City of Fremont that had housing problems by the type of household. The analysis below is based on this data. The latest available CHAS data utilizes 2010 ACS data which, while dated, provides detailed information about housing cost burdens across all categories. The definition of income categories and housing problems is as follows:

Income Categories

- Extremely low income: 0%-30% of the Area Median Income (AMI)
- Low income: 31%-50% of the AMI
- Moderate income: 51%-80% of the AMI
- Middle and upper income: 80% or More of the AMI

Housing Problems

According to HUD, a household with housing problems consists of:

1. Persons and families living in units with physical defects (lacking a complete kitchen of bath); or
2. Persons and families living in overcrowded conditions (greater than 1.01 persons/room); or
3. Persons and families cost-burdened (paying more than 30% of income for housing, including utilities).

According to the 2010 CHAS, of the 10,614 occupied housing units in the City of Fremont, 6,645 (62.6%) were occupied by owner households and 3,969 (37.4%) were occupied by renter households. The low- and moderate-income population totaled 4,330 (40.8%) households. The remaining 6,284 (59.2%) were occupied by households that earn incomes greater than 80% AMI. While housing in Fremont is predominantly owner-occupied, among low- and moderate-income households, renters dominate the market. There are 2,415 (55.7%) low- and moderate-income renter households and 1,920 (44.3%) low- and moderate-income owner households.

As is typical in most areas, lower income households have a greater incidence of housing problems than middle/upper income households. Of the 10,614 households, 3,000 (28.3%) have at least one housing problem. Of the 4,330 low- and moderate-income households, 2,495 (57.6%) have at least one housing problem. Overall, 83.2% of households experiencing at least one housing problem are of low- and moderate-income. See below tables #15 and #16 which show the number of households by income category and households experiencing at least one housing problem.

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Fremont: Extremely, Low, and Moderate Income Households Table 15

Income Category	Number of Households	% of All Occupied Households
Extremely Low Income	930	8.8%
Low Income	1,445	13.6%
Moderate Income	1,955	18.4%
TOTAL Low/Mod Income	**4,330**	**40.8%**
Middle/Upper Income	6,284	59.2%
TOTAL Households	**10,614**	**100%**

Fremont: Housing Problems by Income Category Table 16

Income Category	Number of Households	# With At Least One Housing Problem	% With At Least One Housing Problem
Extremely Low Income	930	705	75.8%
Low Income	1,445	965	66.8%
Moderate Income	1,955	825	42.2%
TOTAL Low/Mod Income	**4,330**	**2,495**	**57.6%**
Middle/Upper Income	6,284	505	8.0%
TOTAL (All Categories)	**10,614**	**3,000**	**28.3%**

The CHAS data also indicates that more renter households experience at least one housing problem in comparison to homeowners, and that renters also experience a higher rate of cost burden. Of the low- and moderate-income households with a housing problem, 1,565 (64.8%) renter households have at least one housing problem compared to 930 (48.4%) owner-occupied households. The predominant housing problem experienced by the low- and moderate-income households in Fremont is affordability. Approximately 2,440 (53.6%) of all low- and moderate-income households are in need of affordable housing which is comprised of 1,515 renter households and 925 owner households. See tables #17 and #18.

Fremont: Housing Problems among Renters and Owners Table 17

Income Category	Number of Renter Households	# of Renters With At Least One Housing Problem	% of Renters With At Least One Housing Problem	Number of Owner Households	# of Owners With At Least One Housing Problem	% of Owners With At Least One Housing Problem
Extremely Low Income	685	495	72.3%	250	210	84.0%
Low Income	795	625	78.6%	650	340	52.3%
Moderate Income	935	445	47.6%	1,020	380	37.3%
TOTAL Low/Moderate Income	**2,415**	**1,565**	**64.8%**	**1,920**	**930**	**48.4%**

Fremont:
Cost Burdens for Renters and Owners by Income Category Table 18

Income Category	Renters		Owners	
	Cost Burden	Severe Cost Burden	Cost Burden	Severe Cost Burden
Extremely Low Income	30 (4.4%)	460 (67.2%)	85 (34.0%)	120 (48.0%)
Low Income	405 (51.0%)	215 (27.0%)	210 (32.3%)	130 (20.0%)
Moderate Income	320 (34.2%)	85 (9.1%)	310 (30.4%)	70 (6.8%)
TOTAL Low/Moderate Income	**755 (31.3%)**	**760 (31.5%)**	**605 (31.5%)**	**320 (16.7%)**

Tables 19-24 below provide an analysis of housing problems and cost burden by tenure for elderly, small related, and large related households.

According to the CHAS data, there were 3,475 households in Fremont with at least one member over the age of 62. Of those, 1,935 (55.7%) met the definition of low- and moderate-income. Within the 1,935 low- and moderate-income elderly households, approximately 930 (48.1%) encountered at least one housing problem. Of the 930 low- and moderate-income households with a housing

problem, 895 (96.2%) occupied housing that was unaffordable. The low- and moderate-income elderly households are comprised of 745 renters and 1,190 owners. Of the 745 renter households, 485 (65.1%) have at least one housing problem and 470 (63.1%) are cost-burdened. Of the 1,190 owner households, 445 (37.4%) have at least one housing problem. Of the 445 low- and moderate-income elderly owner households with at least one housing problem, 425 (95.5%) are experiencing cost-burden.

The largest segment of Fremont's population is small related households (two to four members). The CHAS data indicates that there were 4,405 small related households. Of the 4,405 small related households, 1,230 (28%) were low- and moderate-income households. There are a total of 1,565 small related renter households, of which 820 (52.4%) were low- and moderate-income households. 630 (76.8%) of the small related renter households experienced at least one housing problem and with the exception of 5 of these households, the housing problem experienced is cost-burden. There are 2,840 small related owner households. The CHAS data indicates that 410 (14.4%) are low- and moderate-income. A total of 245 (59.8%) small related owner households are experiencing a housing problem, all of whom are cost-burdened.

Large related households (five or more members) also have high incidences of housing problems, according to the CHAS data. Of the 740 large related households, 245 (33.1%) were low- and moderate-income, and 205 (83.7%) of the low- and moderate-income households experience at least one housing problem. The data shows that 155 (88.6%) of the low- and moderate-income large related renter households face at least one housing problem and 130 (74.3%) were experiencing cost burden. Of the 535 large related owner households, the CHAS data indicates that 70 (13.1%) were low- and moderate-income. A total of 50 (71.4%) low- and moderate-income large related owner households are experiencing a housing problem. Of the 70 large related low- and moderate-income owner households, 30 (42.9%) are dealing with cost burden, and 20 (28.6%) experience severe cost burden.

Tables 19-24 – Summary of Housing Problems, Renter Households

Fremont: Elderly Households **Table 19**

Income Category	Number (%) Renter Households with Housing Problems			
	Number of Households	Has 1 or more Housing Problem	Cost Burden >30%	Cost Burden >50%
Extremely Low Income (0-30% AMI)	185	140 (75.7%)	20 (10.8%)	120 (64.8%)
Low Income (31-50% AMI)	225	140 (62.2%)	60 (26.7%)	80 (35.6%)

Income Category	Number (%) Renter Households with Housing Problems			
	Number of Households	Has 1 or more Housing Problem	Cost Burden >30%	Cost Burden >50%
Moderate Income (51-80% AMI)	335	205 (61.2%)	105 (31.3%)	85 (25.4%)
Total Low/Moderate Income	**745**	**485 (65.1%)**	**185 (24.8%)**	**285 (38.3%)**
Middle/Upper Income (>80%)	210	55 (26.2%)	40 (19.0%)	0 (0.0%)
Total (All Categories)	**955**	**540 (56.5%)**	**225 (23.5%)**	**285 (29.8%)**

Fremont: Small Related Households **Table 20**

Income Category	Number (%) Renter Households with Housing Problems			
	Number of Households	Has 1 or more Housing Problem	Cost Burden >30%	Cost Burden >50%
Extremely Low Income (0-30% AMI)	265	200 (75.4%)	15 (5.7%)	185 (69.8%)
Low Income (31-50% AMI)	345	325 (94.2%)	220 (63.8%)	100 (29.0%)
Moderate Income (51-80% AMI)	210	105 (50.0%)	105 (50.0%)	0 (0.0%)
Total Low/Moderate Income	**820**	**630 (76.8%)**	**340 (41.5%)**	**285 (34.8%)**
Middle/Upper Income (>80%)	745	30 (4.0%)	0 (0.0%)	0 (0.0%)
Total (All Categories)	**1,565**	**660 (42.2%)**	**340 (41.5%)**	**285 (34.8%)**

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Fremont: Large Related Households **Table 21**

Number (%) Renter Households with Housing Problems				
Income Category	**Number of Households**	**Has 1 or more Housing Problem**	**Cost Burden >30%**	**Cost Burden >50%**
Extremely Low Income (0-30% AMI)	50	50 (100.0%)	0 (0.0%)	50 (100.0%)
Low Income (31-50% AMI)	55	55 (100.0%)	55 (100.0%)	0 (0.0%)
Moderate Income (51-80% AMI)	70	50 (71.4%)	25 (35.7%)	0 (0.0%)
Total Low/Moderate Income	**175**	**155 (88.6%)**	**80 (45.7%)**	**50 (28.6%)**
Middle/Upper Income (>80%)	30	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total (All Categories)	**205**	**155 (75.6%)**	**80 (39.0%)**	**50 (24.4%)**

Tables 22-24 – Summary of Housing Problems, Owner Households

Fremont: Elderly Households **Table 22**

Number (%) Owner Households with Housing Problems				
Income Category	**Number of Households**	**Has 1 or more Housing Problem**	**Cost Burden >30%**	**Cost Burden >50%**
Extremely Low Income (0-30% AMI)	190	155 (81.6%)	70 (36.8%)	70 (36.8%)
Low Income (31-50% AMI)	390	135 (34.6%)	105 (26.9%)	30 (7.7%)
Moderate Income (51-80% AMI)	610	155 (25.4%)	125 (20.5%)	25 (4.1%)
Total Low/Moderate Income	**1,190**	**445 (37.4%)**	**300 (25.2%)**	**125 (10.5%)**
Middle/Upper Income (>80%)	1,330	80 (6.0%)	80 (6.0%)	0 (0.0%)
Total (All Categories)	**2,520**	**525 (20.8%)**	**380 (15.1%)**	**125 (5.0%)**

Fremont: Small Related Households **Table 23**

Number (%) Owner Households with Housing Problems				
Income Category	**Number of Households**	**Has 1 or more Housing Problem**	**Cost Burden >30%**	**Cost Burden >50%**
Extremely Low Income (0-30% AMI)	25	25 (100.0%)	0 (0.0%)	25 (100.0%)
Low Income (31-50% AMI)	115	80 (69.6%)	40 (34.8%)	40 (34.8%)
Moderate Income (51-80% AMI)	270	140 (51.9%)	95 (35.2%)	45 (16.7%)
Total Low/Moderate Income	**410**	**245 (59.8%)**	**135 (32.9%)**	**110 (26.8%)**
Middle/Upper Income (>80%)	2,430	255 (10.5%)	250 (10.3%)	0 (0.0%)
Total (All Categories)	**2,840**	**500 (17.6%)**	**385 (13.6%)**	**110 (3.9%)**

Fremont: Large Related Households **Table 24**

Number (%) Owner Households with Housing Problems				
Income Category	**Number of Households**	**Has 1 or more Housing Problem**	**Cost Burden >30%**	**Cost Burden >50%**
Extremely Low Income (0-30% AMI)	20	20 (100.0%)	0 (0.0%)	20 (100.0%)
Low Income (31-50% AMI)	20	20 (100.0%)	20 (100.0%)	0 (0.0%)
Moderate Income (51-80% AMI)	30	10 (33.3%)	10 (33.3%)	0 (0.0%)
Total Low/Moderate Income	**70**	**50 (71.4%)**	**30 (42.9%)**	**20 (28.6%)**
Middle/Upper Income (>80%)	465	10 (2.2%)	0 (0.0%)	0 (0.0%)
Total (All Categories)	**535**	**60 (11.2%)**	**30 (5.6%)**	**20 (3.7%)**

Like most communities, lower income households are the segment of the population most impacted by housing problems. Of Fremont's total population, renters have a larger percentage of housing problems than owners, 64.8% versus 48.4% as seen in Table 17. The greatest housing problem faced by all households is affordability. As expected, low income households were the most cost-burdened households. Of the household types examined (elderly, small-related, and large-related) approximately 97% of all low- and moderate-income households that have a housing problem were cost-burdened. Overall, large related households have the most housing problems followed by small related and elderly households. By tenure, 88.6% of large related renter households have housing problems followed by small related renters (76.8%), and large related owner households (71.4%).

Housing Problems within Racial and Ethnic Groups

In regards to housing problems within various racial and ethnic groups, according to the CHAS data, among renters, the racial and ethnic groups with a disproportionately overall greater incidence of housing problems and cost-burden are persons that are classified as 'other', meaning two or more races; American Indian/Native Americans; and Hispanics. Among owners, persons of Hispanic ethnicity are disproportionately impacted by housing problems and experience more cost-burden.

Fremont: Housing Problems within Racial and Ethnic Groups Table 25

Racial/Ethnic Classification	# of Renters With Housing Problems	% of Renters With Housing Problems[1]	# of Owners With Housing Problems	% of Owners With Housing Problems
White	1,405	40.1%	1,220	19.5%
Black/African American	0	0.0%	0	0.0%
Hispanic	200	51.3%	120	36.9%
Asian	0	0.0%	0	0.0%
American Indian/Native American	20	57.1%	0	0.0%
Pacific Islander	0	0.0%	0	0.0%
Other	39	89.7%	0	0.0%
TOTAL for All Households	**1,664**	**42.0%**	**1,340**	**20.2%**

[1] The percentage of renters and owners with housing problems was determined by dividing the number of renters/owners with housing problems by the total number of households (renters/owners) by race.

Fremont:
Cost Burden for Renters and Owners by Racial/Ethnic Groups Table 26

Income Category	All Renters		All Owners	
	Cost Burden Cost	Severe Burden	Cost Burden Cost	Severe Burden
White	660 (18.8%)	655 (18.7%)	855 (13.7%)	340 (5.4%)
Black/African American	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Hispanic	135 (34.6%)	50 (12.8%)	120 (36.9%)	0 (0.0%)
Asian	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
American Indian/Native American	0 (0.0%)	20 (57.1%)	0 (0.0%)	0 (0.0%)
Pacific Islander	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Other	0 (0.0%)	35 (100.0%)	0 (0.0%)	0 (0.0%)
TOTAL	**795 (20.1%)**	**760 (19.2%)**	**975 (14.7%)**	**340 (5.2%)**

Some of the previous maps show that there is an overlap between areas of the City where renters spend more than 30% of their income on housing (Map 9) and areas with percentage of minority residents (Maps 3 and 4). These tracts are also consistent with the low- and moderate-income tracts (Map 2). This is important, as such a high rate of renters with a cost burden is likely to have a disparate impact on persons within the protected classes. If a tenant is paying more than 30% and often up to 50% of income on rent, then it severely restricts housing choices for persons with lower incomes and is a barrier because it indirectly impedes fair housing choice.

Housing Stock Available to Persons with Disabilities

To determine if there is sufficient housing available for persons with disabilities, you need to first determine the number of persons in the City that meet the definition of disabled. HUD defines a person with disabilities as " any person who has a physical or mental impairment that substantially limits one or more major life events (walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for one self); has a record of such impairment; or is regarded as having such an impairment.

The most recent comprehensive data on disability status among Fremont's population was the U.S. Census 2012 ACS. According to the 2012 ACS, 12.0% (3,109 persons) in Fremont's civilian non-institutionalized population reported a disability. The data included the following breakdown of the persons with

disabilities by age group. The highest percentage of persons with disabilities occurred in the 65 and over population group (34.2%).

Fremont:
Disability Status of the Civilian Non-Institutionalized Population Table 27

Population Status	Number	Percentage
Total Population **With a Disability**	25,884 3,109	100% 12.0%
Population Under 5 years **With a Disability**	1,877 0	7.3% 0.0%
Population 5 to 17 years **With a Disability**	4,534 290	17.5% 6.4%
Population 18 to 64 years **With a Disability**	15,531 1,469	60.0% 9.5%
Population 65 years and over **With a Disability**	3,942 1,350	15.2% 34.2%

Source: American Community Survey, US. Census Bureau (2012)

The 2012 ACS also provides information regarding types of disabilities within the Fremont population, as well as the incidence of two or more disabilities within age groups. Persons with ambulatory disabilities are the most common in the City and the least common disability reported among Fremont residents was vision difficulty. Within the 65 and over age group, the most common disabilities are ambulatory, hearing and independent living while the majority of persons with disabilities in the 18 to 64 age group have cognitive difficulties. Fremont's total population with disabilities is 12.0% compared to Dodge County and Nebraska, where 12.7% and 10.8% report a disability, respectively. The population group with the largest percentage of persons with disabilities in Dodge County and Nebraska is also the elderly, where 33.1% and 34.8% of senior residents report some type of disability. Table 28 below shows the breakdown of persons with disabilities based on type of disability and age for 2012.

Fremont: Disability Characteristics of the Fremont Population Table 28

Population/ Characteristic	Total	# With a Disability	% With a Disability
Total Population	**25,884**	**3,109**	**12.0%**
Population under 5 years With a hearing difficulty	1,877	0 0	0.0% 0.0%

Population/ Characteristic	Total	# With a Disability	% With a Disability
With a vision difficulty		0	0.0%
Population 5 to 17 years	4,534	290	6.4%
With a hearing difficulty		36	0.8%
With a vision difficulty		31	0.7%
With a cognitive difficulty		256	5.6%
With an ambulatory difficulty		0	0.0%
With a self-care difficulty		32	0.7%
Population 18 to 64 years	15,531	1,469	9.5%
With a hearing difficulty		343	2.2%
With a vision difficulty		238	1.5%
With a cognitive difficulty		820	5.3%
With an ambulatory difficulty		700	4.5%
With a self-care difficulty		240	1.5%
With an independent living difficulty		564	3.6%
Population 65 years and over	3,942	1,350	34.2%
With a hearing difficulty		706	17.9%
With a vision difficulty		175	4.4%
With a cognitive difficulty		181	4.6%
With an ambulatory difficulty		692	17.6%
With a self-care difficulty		189	4.8%
With an independent living difficulty		437	11.1%

Source: American Community Survey, US. Census Bureau (2012)

Many of the persons with disabilities in Fremont have more than one reported disability. Therefore, there is duplication between categories of disability items. Of the number of persons with disabilities, 1,411 (45.4%) report having two or more disabilities. Approximately 17% of elderly persons with disabilities report having two or more disabilities.

Fremont: Age and Number of Disabilities **Table 29**

Population	Number
Total Population	**25,884**
Population under 18 years	6,411
With one type of disability	216
With two or more types of disability	74
Population 18 to 64 years	15,531
With one type of disability	668
With two or more types of disability	801
Population 65 years and over	3,942
With one type of disability	814
With two or more types of disability	536

Source: American Community Survey, US. Census Bureau (2012)

To further analyze the housing challenges of persons with disabilities in Fremont, the CHAS data was examined to determine the extent of housing problems and housing needs, particularly for low- and moderate-income households with a disabled member.

The 2010 CHAS data provides the most recent detailed data of housing problems of disabled residents based on their household income. There were 4,800 households with a disabled member, of which 2,890 (60.2%) were low- and moderate-income. According to the CHAS data, 1,690 low- and moderate-income persons with disabilities member households had housing problems. Within disabled member renter households, 88.8% with household incomes less than 30% AMI had housing problems; 70.6% with household incomes greater than 30% but less than 50% AMI had housing problems; and 76.4% of households with incomes greater than 50% but less than 80% AMI had housing problems.

Fremont: Disabled Member Households with Housing Problems Table 30

Income Category	Number of Disabled Member Households	# of Disabled Member Households with Housing Problem	% of Disabled Member Households with Housing Problem
Extremely Low Income	550	465	84.5%
Low Income	1,025	540	52.7%
Moderate Income	1,315	685	52.1%
TOTAL Low/Moderate-Income	**2,890**	**1,690**	**58.5%**

Fremont:
Disabled Member Renter Households with Housing Problems Table 31

Income Category	Number of Disabled Member Renter Households	# of Disabled Member Renter Households with Housing Problem	% of Disabled Member Renter Households with Housing Problem
Extremely Low Income	445	395	88.8%
Low Income	340	240	70.6%
Moderate Income	700	535	76.4%
TOTAL Low/Moderate-Income	**1,485**	**1,170**	**78.8%**

Within disabled member owner households, 66.7% with household incomes less than 30% AMI had housing problems; 43.8% with household incomes greater than 30% but less than 50% AMI had housing problems; and 24.4% of households with incomes greater than 50% but less than 80% AMI had housing problems.

Fremont:
Disabled Member Owner Households with Housing Problems Table 32

Income Category	Number of Disabled Member Owner Households	# of Disabled Member Owner Households with Housing Problem	% of Disabled Member Owner Households with Housing Problem
Extremely Low Income	105	70	66.7%
Low Income	685	300	43.8%
Moderate Income	615	150	24.4%
TOTAL Low/Moderate-Income	**1,405**	**520**	**37.0%**

Extremely Low Income disabled member households were disproportionately impacted by housing problems.

While the CHAS data does not provide details on the type of housing problems faced by persons in disabled-member households; typically having a disability impacts earning potential and capacity to secure housing. Therefore, residents with disabilities often face affordability issues. According to the 2012 ACS, in Fremont, 614 persons with a disability are a part of the labor force and 90 persons with disabilities are unemployed. The median income of persons with disabilities is approximately $11,574 less than persons without a disability.

The 2010-2014 Nebraska Consolidated Plan indicated that persons with disabilities are underserved. According to the Consolidated Plan, the more urbanized areas of Nebraska are likely to have better capacity to deliver services, but there is a greater share of persons with disabilities living in more rural areas. During the preparation of the Consolidated Plan, the Nebraska Department of Economic Development conducted a needs assessment as part of its Consolidated Planning process. The need for services to persons with disabilities was assigned a low to medium need based on responses received from the public.

The Greater Fremont Housing Study prepared by Hanna: Keelan Associates, P.C. identified housing demands for the Greater Fremont area which includes Fremont and Inglewood. The study was conducted during 2005 and the

implementation period was through August 2010. In regards to housing for persons with special needs including independent living housing, licensed assisted living facilities, and group homes, the survey results indicated that these housing types were “somewhat wanted”. The study went on to identify “consensus statements” regarding the future of housing activities in Greater Fremont based on public input from the housing needs survey and housing committee meetings. Some of the key points were that elderly persons and persons with disabilities need assistance with housing and that maintaining housing for the elderly and accessible housing for persons with disabilities should be a priority. The housing study recommended that the City continue to develop low-density affordable housing units, such as duplex housing and patio homes with available support services.

The specific priority needs for housing in the Greater Fremont Housing Study included housing rehabilitation activities, housing support services, group homes, and independent living rental units for persons with disabilities.

In regards to housing available for persons with disabilities, the Fremont Housing Agency owns and operates public housing for the elderly. The Gifford Tower, Stanton Tower, and Somers Point I & II provide 313 units of subsidized housing. Within each of these properties, handicapped accessible units are available for persons needing these features. The Mosaic Housing Corporation also provides 16 assisted living units.

Based on the size and needs of Fremont’s disabled population it is clear that one of the issues disabled residents face is a lack of affordable and accessible housing. The extent of the need is difficult to quantify because of insufficient data on the number of accessible units in the City, particularly in the private market. The lack of affordable and accessible housing for persons with disabilities is an impediment to fair housing choice. Due to the lack of resources to meet the housing needs of Fremont’s disabled population, ensuring that there is sufficient affordable housing stock for the disabled should be a priority.

Housing Stock Available to Elderly Persons

According to the 2010 U.S. Census, there are 4,555 elderly persons (over 65 years of age) living in Fremont, comprising 17.3% of the population. Of the 4,555 elderly persons, 2,544 persons (55.9%) over the age of 75 are considered to be extra-elderly or frail elderly. The elderly population rate is higher in Fremont when compared to the State of Nebraska where the elderly population is 13.5% of the total population. In terms of growth between 2000 and 2010, persons in the age group 55-64 years have experienced the greatest increase in both Fremont and the State of Nebraska. The population over the age of 65 increased by 3.7% in Fremont and 6.2% in Nebraska between 2000 and 2010.

Fremont and Nebraska: Population Distribution by Age Group Table 33

Fremont	No. of persons (2000)	%	No. of persons (2010)	%	% change
Under 44	15,581	61.9%	15,300	58.0%	-1.8%
45-54	3,084	12.3%	3,594	13.6%	16.5%
55-64	2,118	8.4%	2,948	11.2%	39.2%
65-74	2,105	8.4%	2,011	7.6%	-4.5%
Over 75	2,286	9.1%	2,544	9.6%	11.3%
Total	**25,174**	**100.0%**	**26,397**	**100.0 %**	**4.9%**
Nebraska	**No. of persons (2000)**	**%**	**No. of persons (2010)**	**%**	**% change**
Under 44	1,111,774	65.0%	1,107,762	60.7%	-0.4%
45-54	225,754	13.2%	258,726	14.2%	14.6%
55-64	141,540	8.3%	213,176	11.7%	50.6%
65-74	115,699	6.8%	123,126	6.7%	6.4%
Over 75	116,496	6.8%	123,551	6.8%	6.1%
Total	**1,711,263**	**100.0%**	**1,826,341**	**100.0 %**	**6.7%**

Elderly and Extra Elderly

The 2010 CHAS data indicates that there were 3,665 elderly households that have mobility or self-care limitations. This figure is broken down into 965 renter households, and 2,700 owner households. Of the 965 renters with mobility and self-care limitations, 760 (78.8%) are low- and moderate-income households. The renter households with the highest rate of housing problems are low income elderly 1- & 2-member households. Elderly is defined as a household composed of one or more persons at least one of whom is 62 years of age or more. Extra elderly is defined as a 1- & 2- member household where either person is 75 years of age or older. Among renters, housing problems disproportionately impact the extremely low income extra elderly and elderly 1- & 2-member households, low income elderly 1- & 2-member households, and moderate income extra elderly 1- & 2-member households.

Housing Problems for Renters with Mobility/Self Care Limitations Table 34

Household by Type, Income, & Housing Problem	Extra Elderly 1- & 2 Member Households	Elderly 1- & 2 Member Households	Other Households	Total Renters
Extremely Low Income	145	45	490	680
% With Housing Problems	75.9%	77.8%	70.4%	72.1%

Household by Type, Income, & Housing Problem	Extra Elderly 1- & 2 Member Households	Elderly 1- & 2 Member Households	Other Households	Total Renters
Low Income	170	55	570	795
% With Housing Problems	50.0%	100.0%	85.1%	78.6%
Moderate Income	210	135	590	935
% With Housing Problems	78.6%	29.6%	40.7%	47.6%
Middle/Upper Income	130	75	1,350	1,555
% With Housing Problems	42.3%	0.0%	3.0%	15.8%
Total Households	**655**	**310**	**3,000**	**3,965**
% With Housing Problems	63.4%	41.9%	37.0%	41.7%

Further analysis of the CHAS data shows that of the 2,700 owner households with mobility and self-care limitations, 1,210 (44.8%) are considered low- and moderate-income households. Household groups with extremely low income have the highest rate of housing problems, followed by low income elderly 1- & 2-member households, as illustrated below.

Fremont: Housing Problems for Owners with Mobility & Self Care Limitations **Table 35**

Household by Type, Income, & Housing Problem	Extra Elderly 1- & 2 Member Households	Elderly 1- & 2 Member Households	Other Households	Total Owners
Extremely Low Income	145	45	60	250
% With Housing Problems	72.4%	100.0%	100.0%	84.0%
Low Income	275	110	260	645
% With Housing Problems	29.1%	45.5%	78.8%	51.9%
Moderate Income	345	290	390	1,025
% With Housing Problems	14.5%	37.9%	56.4%	37.1%
Middle/Upper Income	420	1,070	3,230	4,720
% With Housing Problems	0.0%	9.3%	9.6%	8.7%
Total Households	**1,185**	**1,515**	**3,940**	**6,640**
% With Housing Problems	19.8%	20.1%	20.2%	20.1%

According to the Greater Fremont Housing Study (2005-2010) the Northeast Nebraska Economic Development District conducted a Community Attitude Survey in 2004. Subsidized rental housing for low income elderly persons was identified as a medium-high priority by 63.4% of respondents. The community housing needs survey completed as part of the Housing Study identified that the public 'greatly wanted' retirement housing for low- and moderate-income elderly persons and 'somewhat wanted' retirement housing for upper-income elderly persons. It was recommended that the City actively pursue the development of a continuum of housing for elderly households with varied household incomes. Based on projected growth of the elderly population, the Housing Study recommended that the City of Fremont build 200 rental units to accommodate the affordable housing needs of the elderly by 2010. The priority housing needs identified for elderly low- and moderate-income households were independent living apartments, assisted living apartments, and housing rehabilitation and modification activities.

The Eastern Nebraska Office of Aging (ENOA) is the Area Agency on Aging serving Douglas, Dodge, Sarpy, Cass, and Washington Counties. The ENOA compiles a list of licensed assisted living facilities and skilled/long-term care facilities by the County. The table below shows the facilities located in the City of Fremont.

Fremont: List of Housing Options **Table 36**

Senior Living Place	Number of Beds
Skilled Nursing Health Care Facilities:	
A.J. Merrick Manor	112
Arbor Manor	147
NYE Legacy Health & Rehabilitation Center	100
NYE Pointe Health & Rehabilitation Center	43
Lyndhurst House *	16
Assisted Living Facilities:	
Edgewood Vista	14
NYE Square	50
Pathfinder House	47
Shalimar Gardens Assisted Living	100
TOTAL ASSISTED UNITS	**629**

Source: Compiled by Eastern Nebraska Office of Aging
* The Lyndhurst House was not on the ENOA list of facilities

Homeownership by Race and Ethnicity

As in most areas of the country, rates of homeownership vary by race/ethnicity in the City of Fremont and its neighboring communities. The overall rate of homeownership in Fremont, for all races, was 62.0% (2012 ACS, U.S. Census). Fremont, like the neighboring communities reviewed has a predominantly White population. Whites have the highest rate of homeownership (91.9%) followed by persons of Hispanic ethnicity (6.6%). The Fremont overall homeownership rates are lower than those of Dodge County but slightly higher than Lincoln, Norfolk, and Omaha. Table 37 depicts homeownership rates by race in Fremont, Dodge County, and other neighboring communities.

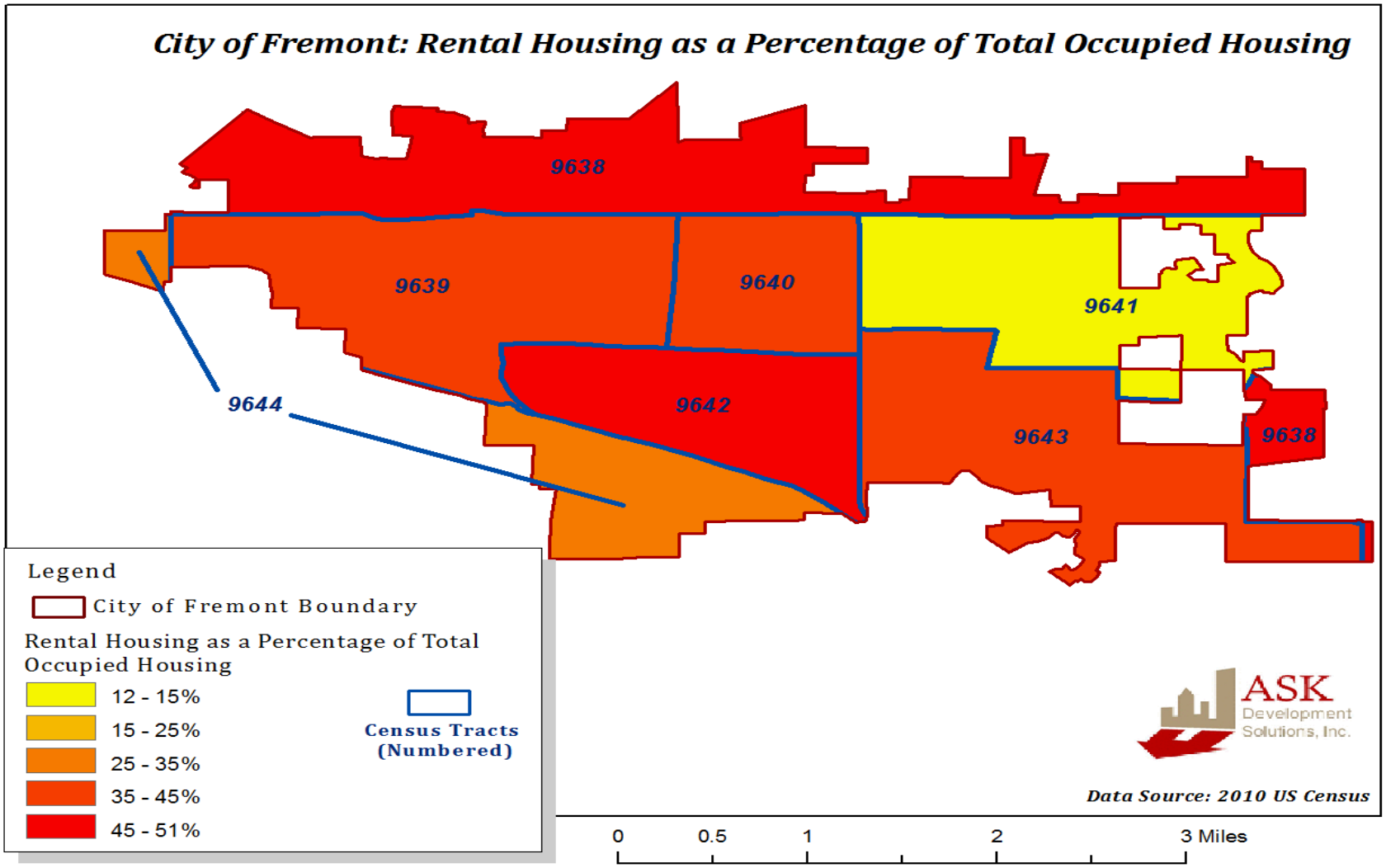
Comparison - Homeownership Rates by Race/Ethnicity
By Jurisdiction **Table 37**

County or City	Overall Ownership Rate	Ownership Rate - White	Ownership Rate – American Indian	Ownership Rate - Asian	Ownership Rate – Pacific Islander	Ownership Rate – Black/African American	Ownership Rate – Hispanic
Fremont	**62.0%**	**91.9%**	**0.3%**	**0.2%**	**0.4%**	**0.1%**	**6.6%**
Columbus	68.1%	91.1%	0.0%	0.2%	0.0%	0.2%	8.4%
Dodge County	67.7%	94.1%	0.2%	0.1%	0.3%	0.1%	4.6%
Grand Island	62.4%	84.2%	0.6%	1.1%	0.0%	0.3%	13.9%
Lincoln	58.4%	92.7%	0.4%	2.4%	0.0%	1.3%	2.7%
Norfolk	59.0%	94.4%	1.4%	0.0%	0.0%	1.0%	4.2%
Omaha	58.8%	84.3%	0.4%	1.1%	0.0%	7.3%	6.0%

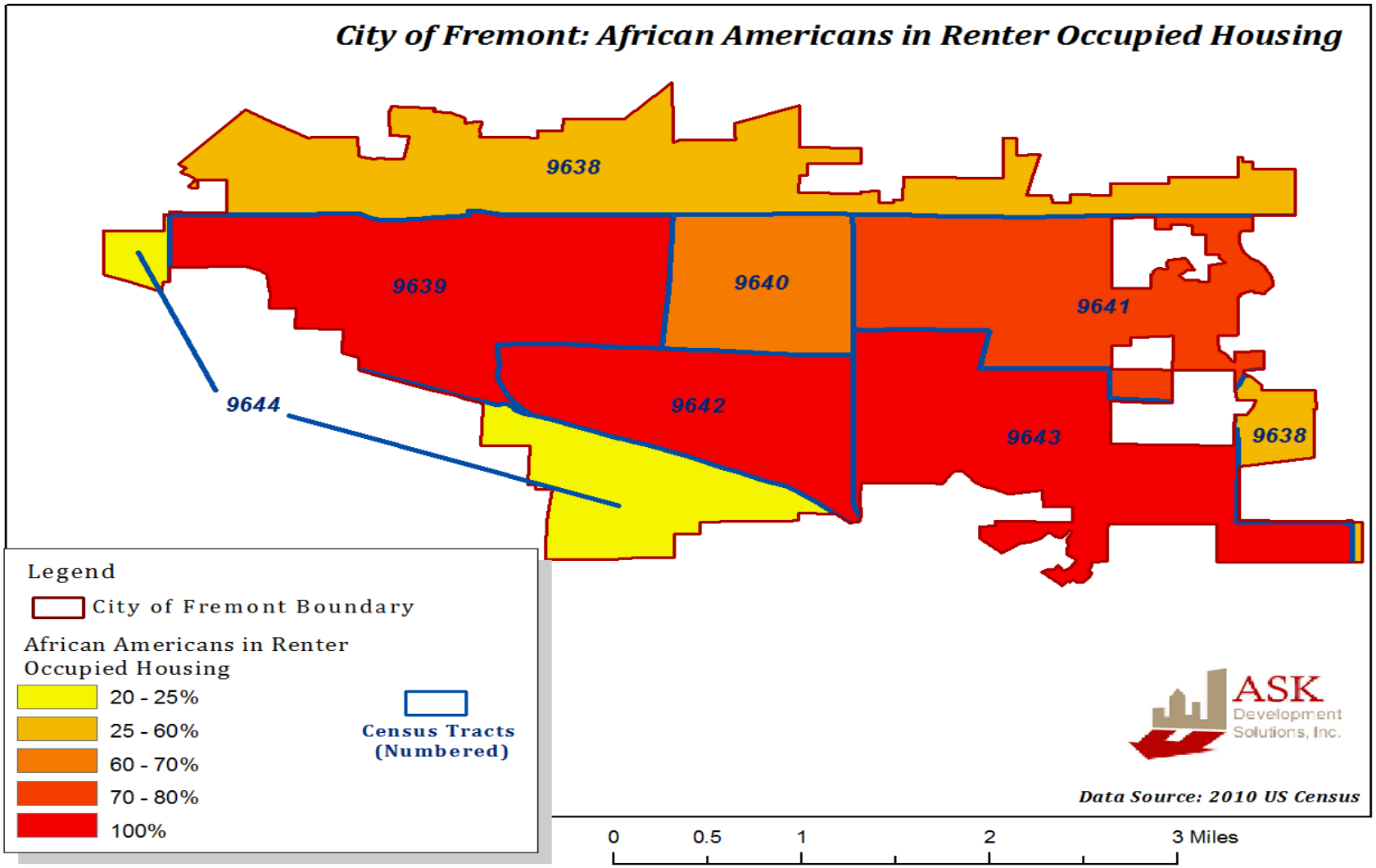
Source: American Community Survey, U.S. Census (2012)

The Greater Fremont Housing Study (2005-2010) examined housing need in the City of Fremont. One of the conclusions of the study was that they needed to be opportunities for homeownership. This is consistent with the 2010-2014 Nebraska Consolidated Plan that identified assistance for more affordable housing for homeownership as a priority housing need. Priority housing needs specific to low income families including New Americans and racial/ethnic groups were also included in the Greater Fremont Housing Study. The specific needs were homeownership opportunities, rent-to-own programs, first time homebuyer program, and housing rehabilitation. Public input received during the preparation of the Housing Study identified the lack of affordable homes and high down payments as the reason most renters cited for not owning their home.

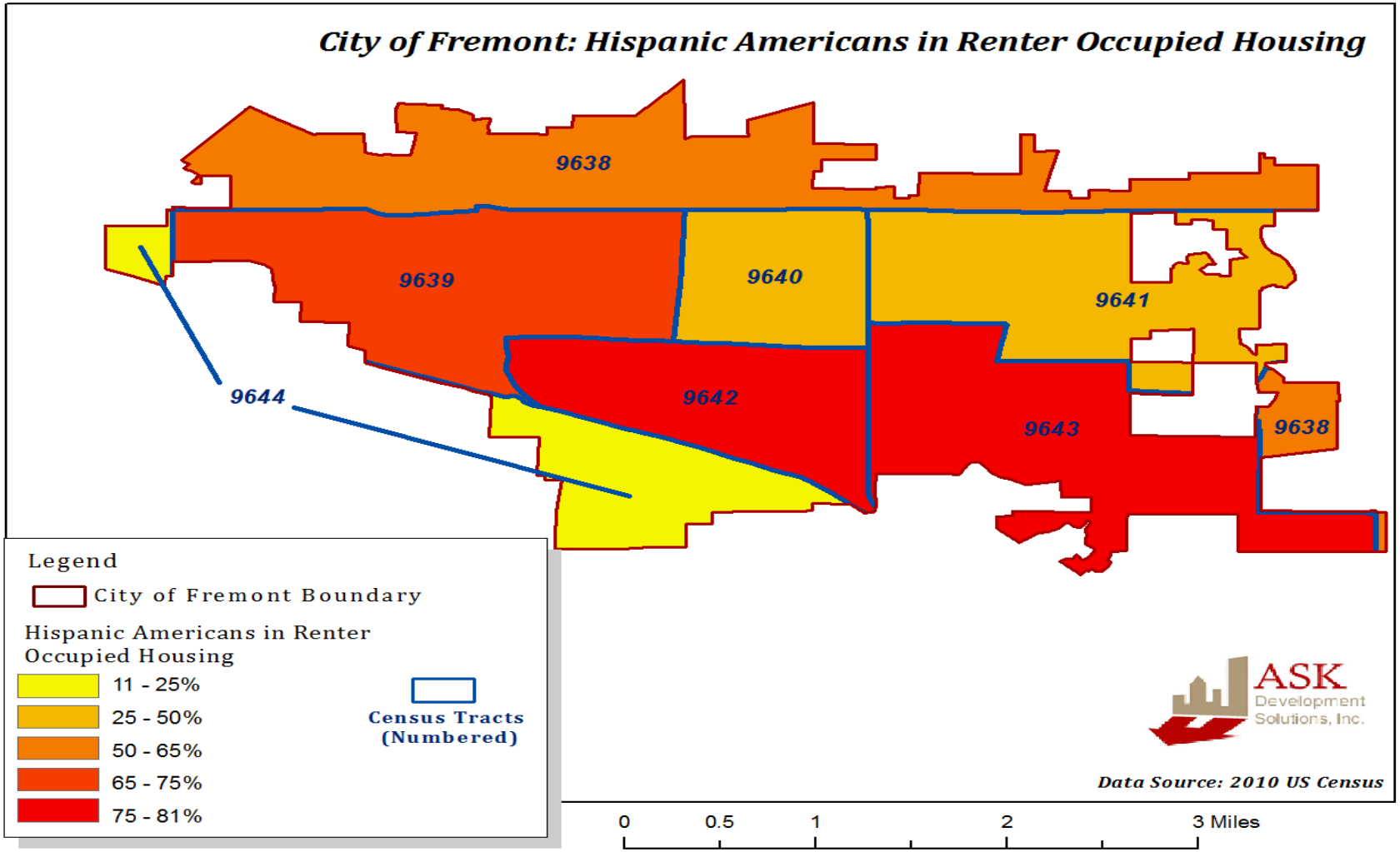
Map 10 - City of Fremont, NE Rental Housing as a Percentage of Total Occupied Units



Map 11 - City of Fremont, NE Blacks/African Americans in Renter Occupied Housing



Map 12 - City of Fremont, NE Hispanic Americans in Renter Occupied Housing



Recent City Housing Accomplishments

The City of Fremont receives Community Development Block Grant (CDBG) funds as a subrecipient of the State of Nebraska Department of Economic Development. The most recent Subrecipient Agreement (August 2013 - November 2014) was for $165,000 allocated as follows: Single family owner-occupied rehabilitation ($82,300), Single family rental rehabilitation ($50,000), Housing Management administrative expenses ($17,700), and General Administration ($15,000). The goal of the City is to rehabilitate five (5) housing units.

The Housing Rehabilitation Program addresses structural repairs, energy conservation and weatherproofing as well as modernization (plumbing, furnace, water heaters, air conditioning) and interior renewal. The goal of the program is to reduce monthly utility costs, improve energy performance, minimize ongoing maintenance for homeowners, preserve the home itself and add to the quality of living. The program is operated by the City of Fremont through its six (6)-member Housing Rehabilitation Board (FHRB). The FHRB board is responsible for the establishment of the program guidelines. The program guidelines state that the City of Fremont complies with the Fair Housing Act. Specifically, the City does not discriminate when loaning housing rehabilitation funds based on race, color, religion, sex, handicap, familial status, or national origin. The guidelines also state that the City permits reasonable modifications of existing dwelling units undergoing rehabilitation to improve accessibility. In addition, the City has its fair housing posters prominently displayed, and of proper size, so they can be read by all persons seeking housing. The City of Fremont's letterhead and all housing brochures bear the Fair Housing Logo.

The City of Fremont conducts a needs assessment every three years as an update to the Comprehensive Revitalization study that was completed in 2005. The purpose of the update is to determine the needs of the 15 community revitalization areas identified by the City. The top priorities identified in the target area are:

- Infrastructure Needs – Sidewalks, Storm Sewer, and Streets
- Public Facility Needs – Neighborhood Parks and Community Center
- Economic Development – Available Jobs and vacant commercial buildings
- Public Service Needs – Police and Fire Protection and Rescue Squad
- Housing Needs – Disrepair, abandonment, and vacancy
- Downtown Improvements – Streets, Sidewalks, building conditions, downtown housing

An evaluation of the City's Comprehensive Revitalization Program for program years 2005 – 2012 was prepared by the Northeast Nebraska Economic Development District. The table below highlights the outcomes of the program.

During the period reviewed, 29 owner occupied properties were rehabilitated, 3 rental properties were rehabilitated, 9 properties were acquired and deeded to Habitat for Humanity, and various infrastructure improvements were made in targeted areas. The City also utilized CDBG funding to conduct its 3-year Needs Assessment Survey. The following accomplishments

Program Year	Accomplishments
2005	• Needs Assessment Survey to formulate projects in the target area • 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction • 5 owner occupied properties rehabilitated • Infrastructure improvements in targeted area
2007	• 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction • 4 owner occupied properties rehabilitated • Infrastructure improvements in targeted area
2008	• 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction • 4 owner occupied properties rehabilitated • Infrastructure improvements in targeted area
2009	• Needs Assessment Survey to formulate projects in the target area • 1 property acquired/demolished/deeded to Habitat for Humanity for reconstruction • 8 owner occupied properties rehabilitated • Infrastructure improvements in targeted area
2009 Supplemental	• Water main replacements completed and an Analysis of Impediments to Fair Housing Study was conducted
2010	• 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction

Program Year	Accomplishments
	• 5 owner occupied properties rehabilitated • Infrastructure improvements in targeted area
2011	• 3 owner occupied properties rehabilitated • 3 rental properties rehabilitated • Infrastructure improvements in targeted area
2012	• Needs Assessment Survey to formulate projects in the target area

Fair Housing Actions

Fair housing actions taken by the City of Fremont include outreach and educational efforts. The City recently conducted a Basic Fair Housing seminar where 41 people were in attendance including 7 realtors, 4 maintenance staff for rental properties, 1 attorney representing several area landlords, 2 city employees, and 27 landlords. Additionally, the Fremont Family Coalition held a meeting in May 2014 at the Fremont Public School Administration Building. There were 43 people in attendance including representatives from Fremont Public Schools, United Way, Dodge County Head Start, Low Income Ministry, Lutheran Family Services, Keene Memorial Library, Bridges, Early Childhood Development, Probation Office, Health and Human Services, Care Core, Fremont Habitat for Humanity, Heartland Family Services, Low Income Ministry and Boys Town. The City discussed the CDBG housing rehabilitation programs at this meeting as well as fielded questions regarding the procedure for filing fair housing complaints. The City also has additional meetings planned.

The City also procured ASK Development Solutions to prepare a new AI that meets the fair housing requirements since HUD determined that the previous AI did not meet the fair housing requirements.

Public Housing Authority Policies

Public Housing is a program funded by the U.S. Department of Housing and Urban Development (HUD) for low-income residents. Annual gross income must be within limits as established by HUD, and eligible families pay a monthly rent equal to the greatest of 30% of their monthly adjusted income or 10% of unadjusted monthly income.

The HUD Section 8 Housing Choice Voucher Program is a federal program for assisting very low-income families, the elderly, and the disabled to secure

affordable, decent, safe, and sanitary housing in the private market. Housing assistance is provided on behalf of the family or individual, and participants are able to find their own housing, including single-family homes, townhouses and apartments. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. Housing choice vouchers are administered locally by public housing agencies (PHAs). A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Eligibility for a housing voucher is determined by the PHA based on the total annual gross income and family. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live.

Since 1974, HUD has helped low income households obtain better rental housing and reduce the share of their income that goes toward rent through a program that relies on the private rental market. In 1997, 1.4 million households held Section 8 certificates or vouchers, which allow them to rent eligible units in the private market and receive rental subsidies from the federal government. A key parameter in operating the certificate and voucher programs is the Fair Market Rent (FMR).

Since Congress established the Section 8 program in 1974, there have been three definitions of FMRs. The current definition, which became effective in 1995, contains several elements: "The FMR is the 40th percentile of gross rents for typical, non-substandard rental units occupied by recent movers in a local housing market." FMRs are set for rental units based on the number of bedrooms. Section 8 rules determine eligible units by household size and the age and sex of children. The following table shows the FY 2014 FMRs by unit bedrooms for Dodge County, Nebraska:

FY 2014 FMRs By Unit Bedrooms Dodge County, Nebraska					
	Efficiency	**One Bedroom**	**Two Bedroom**	**Three Bedroom**	**Four Bedroom**
FY 2014 FMR	$389	$495	$654	$859	$874

The Fremont Housing Agency has been in existence since 1972.

The Fremont Housing Agency owns and operates 249 public housing units within Dodge County and manages 157 Section 8 Housing Choice Vouchers. The four housing developments operated by the agency are Gifford Tower, Stanton Tower, Somers Point I and Somers Point II.

- Gifford Tower is a 12-story high-rise apartment serving families and Stanton Tower is an 11-story apartment designated as strictly elderly for persons over the age of 62. Gifford Tower has 128 units and Stanton Tower 121 units. A Resident Support Services Coordinator (RSSC) was added to the Fremont Housing Agency staff in 2012 to provide support services to the elderly and disabled residents in Gifford and Stanton Towers. The RSSC provides assistance with medical, nutritional, physical and mental health, transportation, housekeeping, personal care and social/wellness activities as well as case management.
- Somers Point I and II were financed by Nebraska Investment Finance Authority (NIFA) Low Income Housing Tax Credits (LIHTC) and Nebraska Affordable Housing Trust Funds and serve eligible residents 62 years and older. Each development is comprised of 32 two-bedroom units. Handicapped accessible units are available.

Public housing authorities are required to certify that they will carry out the public housing program in conformity with several federal laws, including the Fair Housing Act. A review of the 2013 PHA 5-Year Plan and Annual Plan and the agency's website reveals that the agency has taken specific actions to promote fair housing. The application for assistance states that Fremont Housing Agency programs are designed to assist low to moderate income singles, elderly, persons with handicap or disability, and small families with immediate and long term housing needs. The agency does not discriminate on the basis of race/color, sex, national origin, religion, marital status, disability, familial status or LGBT. Occupancy standards are used to determine the number of persons allowed per bedroom. Other strategies the agency conducts to affirmatively further fair housing include counseling Section 8 tenants on the location of units outside area of poverty and minority concentration and assisting them to locate those units; marketing the Section 8 program outside of poverty/minority concentrations; and providing available housing to eligible persons with mental health issues and working with partnering organizations to advance affordable housing for elderly persons and families in need of transitional housing.

The Agency has instituted the following training and affirmative marketing strategies to improve its outreach and services to the community:

- Affirmative housing plan in place. Recently submitted to HUD. Increased use of Hispanic and African American targeted newspaper and radio shows. Trying to get to 95% occupancy. Now at 92%.
- Affordable Rental Association training – fair housing and Civil Rights Conference All day training from HUD DEO Office 4-5 years ago. Ensures that new staff gets training. Attending Section 504 – Nebraska NAHRO training, Douglas County Housing Authority board retreat – Fair Housing Center Nebraska Iowa.
- Two year billboard rental, advertisements in local paper and Discount Shopper, on Christian radio station, Advertisements in annual publications

for different groups including, Village Profile, Keys to Fremont, Mature Lifestyle, Body and Motion. Dodge County guides, letters to area churches

- 500 copies of annual reports distributed. Conducts open house. Housing Nebraska.gov website. Printed brochures distributed Dodge Collaborative team. Sent reports to locations such as dentist and doctor's offices and Workforce Development.
- Speaking engagements: Lions, Kiwanis and other social clubs. Memorandum of Understanding (MOU) with Low Income Ministries and Eastern Nebraska Office in Aging.

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City Regulatory Review

This Section focuses on the review of the local public sector policies to determine if such policies affect housing choice by limiting or excluding housing facilities for persons with disabilities or other protected classes from certain residential areas. HUD believes that there are instances where policies have the effect of violating the provisions of the Fair Housing Act since they may indirectly discriminate against persons with disabilities and minorities that may be homeless.

In order to make this determination, the Consultant examined the City of Fremont's Comprehensive Plan – Blueprint for Tomorrow, the City's Zoning Ordinance, Parks and Recreation Master Plan, and the Long-Range Transportation Plan. In addition to the review of these adopted policies, the Consultant provided a questionnaire to the City to assist in the preparation of the Analysis of Impediments to Fair Housing Choice Study. The purpose of the questionnaire was to review public policies and practices concerning the Zoning Code and Comprehensive Plan as it relates to fair housing choices, particularly housing for persons with disabilities. The following information was garnered from the examination undertaken and the questionnaire.

Comprehensive Plan

A comprehensive plan is defined as a long-term guide for the development of a community outlining existing conditions and providing goals, policies, and actions to meet future needs as determined by factors such as population, economic conditions, and impacts of regional change. Comprehensive plans are typically developed with input from stakeholders in the community and function as a living document used in the decision making process for current and future community leaders. A comprehensive plan provides guidance for the City's future in regards to the type and intensity of development, land uses, and open space.

The City's first comprehensive plan was adopted by Resolution in 1970. The updated Comprehensive Plan, Blueprint for Tomorrow, was adopted in May 2012. Blueprint for Tomorrow focuses on several key areas including land use and character, growth capacity, facilities, and infrastructure, housing and neighborhoods, economic development, energy, and implementation.

The purpose of reviewing the City's Comprehensive Plan is to identify to what extent the Comprehensive Plan helps the City to implement its commitment to equal housing opportunity and to what extent portions of the Plan may serve as impediments to fair housing choice for persons protected by the Fair Housing Act (FHA). As such, the review covers five subject areas selected because of their correlation with fair housing choice. These areas are:

- Inclusion of Protected Group Demographic Description
- Plans for Affordable Housing/Diverse Community

- Reference to CDBG or Other Federal Housing Programs
- Affirmatively Furthering Fair Housing
- Other Civil Rights Related Program Requirements
- Compliance with Applicable Laws and Regulations
- Other Items: Community Participation

Inclusion of Protected Group Demographic Description

Chapter 1 of Blueprint for Tomorrow contains extensive information of the demographic and socioeconomic characteristics of the City of Fremont and eight comparable cities in Iowa and Nebraska: Spencer, Ft. Dodge, Boone, Carroll, Norfolk, Columbus, Hastings, and Kearney. The demographic profile includes information on population trends and projections, age, education, housing and income, and employment. In regards to age, the Comprehensive Plan states that the City has a disproportionate number of retired and mature residents, creating a need for retirement communities, assisted-living facilities, low-impact recreation amenities, and cultural activities. The Plan does not contain data on the number of persons with disabilities, or information on race, ethnicity or national origin. The City's planning efforts included the preparation of a Long-Range Transportation Plan and Parks and Recreation Master Plan. Both of these plans were reviewed to determine if demographic description of protected groups was included. The review of the documents revealed that neither plan included demographic information by protected group. The Parks and Recreation Master Plan did identify the requirements to make all parks in the City ADA compliant but did not identify the number of persons with disabilities in the City.

Inclusion of information about the race, national origin, familial status, or disability status of persons in a Comprehensive Plan is one way to help remind a community that it is composed of a significant number of persons who are most likely to need the protection of the FHA in their attempts to find or occupy housing in the community. Inclusion in the demographic profile can help ensure that protected group persons are not excluded or neglected when communities make plans that involve housing and community related issues. It is for those reasons that a review of demographic information is undertaken, and it is recommended inclusion of such data in the Comprehensive Plan.

Plans for Affordable Housing/Diverse Community

Chapter 4 of the Comprehensive Plan, Housing and Neighborhoods, incorporates findings and data from recent housing studies: the 2005 Greater Fremont Housing Study and the City's 2011 Analysis of Impediments to Fair Housing Choice. The Plan identifies the general principles applied to the City's housing strategy:

- Diverse housing types and price points to accommodate a broad demographic and socioeconomic composition;
- Preservation and prioritization of the existing neighborhoods and housing stock over greenfield development;

- Quality neighborhood design that emphasizes contiguity and system-wide connectivity, with special emphasis on transportation and utility linkages;
- Complementary land use patterns that promote a balanced mix of residential, civic, and commercial functions; and
- Design standards that meet the current and future needs of persons with a disability, in accordance with the Americans with Disabilities Act (ADA).

The Plan includes policies and recommended actions for diverse housing types and affordable housing. The policies for diverse housing include increasing the residential housing in Downtown Fremont by incentivizing more attached single-family homes such as townhomes, condominiums, and row houses as well as multi-family and mixed use projects; developing multi-family housing in accordance with ‘visitability’ standards which specify that new construction meets the current or future needs or persons with disabilities or may be easily modified to meet such provisions; and using the Zoning Ordinance to guide the types, patterns, and designs of housing developments that complement market demand while preserving and enhancing community and neighborhood character. Recommended actions include requiring inclusion of multiple housing types in developments that exceed a certain density threshold; considering financial, regulatory, and other types of incentives such as expedited review, floor area, or density bonuses to encourage Downtown housing; incorporating density bonuses for development projects that include larger units for families with children; consider provisions requiring either a minimum percentage or that all ground-floor multi-family units must be ADA accessible, or have ADA compliant units.

Some of the City’s affordable housing policies include locating developments near public and private sector services such as schools, parks, transit routes, and medical services; integrating affordable housing into new multi-family developments so that their design complements the surrounding context; providing financial classes to educate renters and potential homeowners of ways to finance and save for housing; and pursuing funding opportunities for first-time homebuyers, low-income families, and persons with disabilities.

The FHA does not define the amount of income or financial resources a person may have as making them a protected class. The FHA does not mandate that communities plan for constructing or assisting in the construction of "affordable" housing nor require that communities be, or advertise themselves as, "diverse communities". However, HUD has recognized that inclusion of "affordable housing" and promotion of a community as a "diverse community" are steps that communities can take to "affirmatively further fair housing". Specifically, HUD requires that housing development activities not have an unjustified discriminatory effect. Racial minorities, some recent immigrants, single mothers with children, and persons with disabilities, all protected by the FHA, are over represented in the low- and moderate-income categories, and are among the persons most likely to need "affordable" housing. Taking steps to address the

housing needs of lower income persons and to establish respect for a "diverse" community are therefore viewed by HUD as "affirmative fair housing actions".

Reference to CDBG or Other Federal Housing Program

This review is done to determine if the Comprehensive Plan and related documents include a reference to the existence and value of the CDBG and/or other Federal housing programs, as the City is a recipient of those funds. CDBG and other Federal housing program funds are reliable and important parts of the community development programs for communities throughout the nation, including the City of Fremont. Expected uses for CDBG funds can be incorporated into the planning process and can become reliable components of a Comprehensive Plan. Inclusion of references to CDBG and other Federal housing programs in Master Plans also serves as a way to inform residents of the valuable existing relationships and those that can be developed, between Local, State and Federal governments. Review of the Comprehensive Plan, revealed the City will continue to pursue CDBG funds to leverage the amount of reinvestment and to implement projects and programs to eliminate blight and improve neighborhood conditions in low- and moderate-income areas. Potential projects include infrastructure repair, park development or improvements, and removal of unsafe structures. CDBG funds are also identified as a funding source for a microenterprise program for Downtown businesses. The Comprehensive Plan also includes past uses of CDBG funds for Comprehensive Revitalization projects and for the Fremont Technology Park.

Affirmatively Further Fair Housing

Each community that accepts Federal CDBG funds must certify that it will “affirmatively further fair housing”. The City of Fremont is a subrecipient of CDBG funds from the State of Nebraska and the State is responsible for ensuring that the City has taken actions to implement the pledge. Subrecipients are not required to complete an AI under HUD’s regulations but preparation of an AI constitutes an action of the City to affirmatively further fair housing.

As previously mentioned, the City utilized relevant information and findings from its 2011 Analysis of Impediments to Fair Housing Choice as a basis for determining housing policies and recommendations in the Comprehensive Plan. However, HUD’s review of the City’s 2011 AI as part of the State of Nebraska Civil Rights Compliance Review found the City’s AI to be deficient in the following areas: The AI did not identify the housing provisions of the Immigration Ordinance as an impediment (see Legal Cases section of this AI for details on the Immigration Ordinance); the AI did not sufficiently focus on barriers to fair housing choice based on protected classes but instead focused on affordable housing more generally; the AI identified a need for Limited English Proficient (LEP) services but did not list this as an impediment; and the AI did not include specific timeframes and measurable outcomes for the impediments. HUD has stipulated that the City must report to the State the activities it has taken to affirmatively further fair housing and suggested actions the City should take to

specifically addressing the effects of the Immigration Ordinance for persons of Hispanic ethnicity.

The key action the City has taken thus far is the procurement of ASK Development Solutions to prepare a new AI that meets the fair housing requirements. The City has also conducted several outreach and educational meetings and has additional meetings planned. The meetings include a Basic Fair Housing seminar and a public meeting held by the Fremont Family Coalition and addressing the procedure for filing fair housing complaints and discussion the CDBG housing rehabilitation programs.

Other Civil Rights Related Program Requirements

HUD has started the process of formulating specific regulations to be followed in the preparation of the AI. The new rule proposes to incorporate fair housing planning into the Consolidated Plan and the Public Housing Authority (PHA) Annual Plan processes. When finalized, the new rule will incorporate fair housing priorities into housing, community development, land-use, and other policy making documents. The proposed changes came about as a result of a Report by the US Government Accountability Office where it was determined that HUD needs to enhance its requirements and oversight of jurisdictions' fair housing plans. HUD's Office of Fair Housing and Equal Opportunity (FHEO) oversees all fair housing matters including a jurisdiction's compliance with the Affirmatively Further Fair Housing (AFFH) certification, included in the Consolidated Plan and Action Plan. Should HUD determine that the AFFH is inaccurate, HUD has the authority to disapprove a Consolidated Plan, which may result in withholding CDBG and other formula grant funds until the AFFH matter is resolved. The FHEO administers, in addition to the Fair Housing Act, other fair housing and civil rights programs such as Title VI of the Civil Rights Act of 1964; Age Discrimination Act of 1975; Title II ADA; Section 3 of the HCD Act of 1968; and Section 504 of the Rehabilitation Act of 1973, as amended.

Compliance with Applicable Laws and Regulations

The CDBG Subrecipient Agreement between the State of Nebraska and the City of Fremont requires that the City comply with HUD's administrative requirements including Section 3, the Americans with Disabilities Act, the Architectural Barriers Act of 1968, and any other requirements of the CDBG-assisted project.

Other Items: Community Participation in Planning Process

Over 200 community stakeholders including residents, business owners, elected officials, community groups, and municipal departments provided public input guiding the development of the City's Comprehensive Plan, Parks and Recreation Plan, and Long-Range Transportation Plan. The City utilized several methods to inform the community about the Fremont Community Symposium including distribution of 14,000 flyers mailed through utility bills; 2,000 postcards distributed to businesses and individuals for display and further dissemination;

100 personal letters sent from the Mayor and the City Council members; and five community groups were visited by City staff.

It seems that it is the city's practice to seek public input in the planning, and development of plans that impact the community. It appears that the composition of such groups is diverse. However, the exact composition of such groups has to be verified. The City is encouraged to continue with citizen participation activities, and that such activities include persons from all racial, ethnic and religious groups along with persons with disabilities.

Zoning Code

Zoning ordinances are enforceable in courts of law by the local community and therefore warrant even closer attention to help ensure that the ordinances help the community "affirmatively further fair housing" and do not, either intentionally or unintentionally, serve as "impediments to the exercise of fair housing choice". The City of Fremont's Zoning Ordinance No. 3939 was adopted in September 2000. The Zoning Ordinances applies to all property within the corporate limits of the City of Fremont and its two-mile extra-territorial jurisdiction.

The purposes of the Zoning Ordinance of the City of Fremont are to:

a) Serve the public health, safety, and general welfare of the city and its jurisdiction.
b) Classify property in a manner that reflects its suitability for specific uses.
c) Provide for sound, attractive development within the city and its jurisdiction.
d) Encourage compatibility of adjacent land uses.
e) Protect environmentally sensitive areas.
f) Further the objectives of the Comprehensive Development Plan of the City of Fremont.

The Zoning Ordinance review covered key areas that have an impact on fair housing choice including zoning, building regulations, accessibility standards, and other policies and practices. The following four subject areas were selected to be reviewed:

- Minimum Lot Size for Single Family Residential
- Definition of "Family"
- Group Living Facilities
- Multi-family Maximum Structure Height and Densities

Minimum Lot Size for Single Family Residential

There are several residential zoning districts in the City of Fremont including the Agricultural/Urban Reserve (AG), Lake and River Residential (RL), Rural Residential (RR), Single-Family Residential (R-1), Moderate-Density Residential

(R-2), Mixed-Density Residential (R-3), Multiple-Family Residential (R-4), and Mobile Home Residential (R-5).

According to the Zoning Ordinance, the Single-Family Residential District (R-1) is intended to provide for residential development with gross densities generally below four units per acre. These areas are characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Table 4-3 of the Zoning Ordinance, Summary of Site Development Regulations, identifies the minimum lot area, minimum lot width, maximum height and other development regulations by zoning district.

The minimum lot area for single-family detached structures in the R-1 zoning district is 7,500 sq. ft. and the minimum lot width is 75 feet[2]. The minimum lot width in any of the residential districts where single-family detached structures are permitted is 60 feet.

It is important to consider lot size because minimum lot sizes impact affordability and may affect members of the protected classed. Typically, smaller lot sizes provide more opportunities for low- and moderate-income households to purchase or rent affordable housing. Larger lot sizes inflate housing prices due to high land costs. Ultimately large lot sizes may lead to a decrease in the supply of affordable housing since the increased costs are passed on to the property owner or resident. The City must be careful to not impose a minimum lot size that has the effect of excluding or limiting lower cost housing. The minimum lot size and other development regulations should not unnecessarily constrain the supply of affordable housing units that can be constructed on buildable land.

The City does provide a lot size exception which allows the City Council to subdivide lots into parcels that do not meet the minimum requirements in Table 4-3. The subdivision may only be approved when (i) the subdivision will not adversely alter the character of the neighborhood, (ii) the width of the lot shall not be less than 40 feet, depth less than 80 feet, and the total area less than 4,000 sq. ft., and (iii) where the application of the regulations would result in difficulties to, or undue hardships upon the owner of the property. In addition, the City Council may create a lot of less than the required area and/or frontage in any zoning district where the lot will be occupied and used only by a public utility and the lot will be owned by the City of Fremont.

The lack of affordable housing is an issue in Fremont and has been identified as an impediment to fair housing choice. The City should consider allowing small lot development in the single-family residential district as well as utilizing existing substandard lots for residential development as a means to increase the supply

[2] For lots served by neither community water nor sewer systems, minimum lot size shall be 1 acre and minimum lot width shall be 200 feet. For lots served by community sewer systems only, minimum lot size shall be 20,000 square feet and minimum lot width shall be 100 feet.

of affordable housing. Design standards should be developed that ensure that the desired neighborhood characteristics are maintained.

Definition of "Family"

The Fair Housing Act requires that groups of unrelated persons be treated equally as families and held to the same regulatory requirements. The City of Fremont defines a family as one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than four of whom may be unrelated. The following persons are considered related:

a) Persons related by blood, marriage, or adoption;
b) Persons residing with a family for the purpose of adoption;
c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
e) Person(s) living with a family at the direction of a court.

This definition of family has the effect of denying housing opportunities to individuals with disabilities. The definition of family can also have an impact on other protected classes including national origin, race, color, and familial status when a group of unrelated persons choose to live together in one household. The City should revise the definition of family to remove the cap on the number of unrelated persons that may reside in a home. Having this restriction may be considered discriminatory if the policies have a disproportionate impact on persons protected by the FHA such as minorities. The City can use other standards such as occupancy limits as long as they do not exceed the minimum life and safety standards established by fire or other applicable codes. Use of occupancy limits will prevent overcrowding and maintain neighborhood character.

Group Living Facilities

The City indicated in the questionnaire that the Zoning Ordinance does not contain a definition for disability. The Ordinance does not restrict housing opportunities for individuals with disabilities nor onsite housing supporting services. The City allows persons with disabilities to make reasonable modification or provides reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing. There are no areas in the jurisdiction described as exclusive and there are no restrictions for senior housing.

The City's residential use types include group residential and retirement residence. The civic use types include group care facilities and group homes. The definitions of each of these uses are provided below:

- Group Residential: The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.

- Retirement Residence: A building or group of buildings which provide residential facilities for more than four residents of at least sixty years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

- Group Care Facility: A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than three unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:
    1) Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
    2) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons
    3) Rehabilitation from the effects of drug or alcohol abuse.
    4) Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work release, and probationary programs.

- Group Home: A facility licensed by the State of Nebraska in no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.

The FHA requires that the same standards applied to single-family residential homes should be applied to group living facilities. Table 4-2 of the Zoning Ordinance specifies the permitted uses by zoning districts. Single-family detached structures are permitted by right in the AG, RR, RL, R-1, R-2, R-3, R-4, R-5, and UC zoning districts. The group residential use is permitted by right in the R-4 district and as a conditional use in the AG, RR, RL, and R-3 zoning districts. Supplemental regulations for the group residential use require a minimum of 250 square feet in the dwelling unit for each resident. Additionally, within the AG and RR districts, no more than six persons in addition to the family

of the owner are permitted to reside in an owner-occupied dwelling unit. No more than five persons are permitted to reside in a non-owner-occupied dwelling unit. Within the R-3 and R-4 districts, no more than ten persons in addition to the family of the owner are permitted to reside in an owner-occupied dwelling unit and no more than seven persons are permitted to reside in a non-owner-occupied dwelling unit.

Retirement Residential use is permitted in R-2, R-3, R-4, and mixed-use urban corridor (UC) districts and requires a conditional use permit in zoning districts AG, RR, RL, R-1, Limited Commercial/Office (LC), Community Commercial (CC), Downtown Commercial (DC), and General Commercial (GC). Group care facilities are permitted in the R-4, CC, DC, and GC zoning districts and as a conditional use in RL, R-3, UC, and LC districts. Group homes are permitted by right in the RR, R-1 R-2, R-3, R-4, R-5, CC,DC, and GC districts. Group homes are conditionally permitted in zoning districts AG, RL, UC, and LC. Supplemental use regulations for group homes permit these facilities in the DC district only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

The policy for the siting and development of group residential uses conflicts with the FHA because additional restrictions not required of families are being imposed on the occupants of these group residences that may serve protected groups such as persons with disabilities. The definition of family permits any number of related persons to live in a house but limits the number of unrelated persons. Conversely, the group residential use is permitted by right or as a conditional use in fewer zoning districts, has an occupancy limit and caps the total number of residents depending on the zoning district where the use is located. Also, group residential uses are conditionally permitted in four of the five districts where they are allowed. The conditional use permitting process is not imposed on families in single-family residences similarly zoned. The conditional use process provides opportunity for residents of communities that are not open to group facilities being located in residential districts to potentially obstruct approval for them during a public hearing thus impacting housing opportunities for persons with disabilities or other protected groups.

Multi-Family Maximum Structure Height and Densities

As mentioned above, Table 4-3 provides density and dimensional standards for all zoning districts in the City of Fremont. The maximum height for structures in residential zoning districts is 35 feet with the exception of the R-4 district which has a maximum height of feet and the AG zoning district which has no height limit. Multi-family developments are permitted by right in the R-4 district and conditionally permitted in the R-3, UC, LC, CC, DC, and GC districts if they have less than 12 units. Multi-family developments with 12 units and over are conditionally permitted in the DC zoning district. The effect of excluding multi-family housing and high-density housing from the majority of residential districts

is an uneven distribution of housing types throughout the City. Multi-family rental units are generally the more affordable housing option available to lower income residents. Limiting the location of high-density housing may concentrate lower income households and/or members of protected classes in certain areas.

Other Comments

Off-Street Parking: Article 9 of the Zoning Ordinance provides off-street parking regulations for developments in the City. Off-street parking is required for any new building constructed; for new uses or conversions of existing buildings; or for enlargements to existing structures. Table 9-1 provides the minimum off-street parking requirements by use. The minimum parking requirements for single-family structures is two spaces per dwelling unit. Multi-family residents are required to have 1.5 spaces per efficiency or 1-bedroom unit and two spaces per unit with two or more bedrooms. The Zoning Ordinance also addresses parking for people with disabilities. It states that each off-street parking facility shall provide one accessible parking space for each 25 stalls. The design criteria require that accessible spaces be designed in compliance with the standards of the Americans with Disabilities Act.

Accessibility Code: The Developer's Guide states that all buildings and facilities must be designed and constructed to provide accessibility. This includes new buildings, additions, remodel and tenant finishes. Design criteria include requirements for parking places, entrances, doors, stairs, restrooms, water fountains, telephones and elevators.

Rental Occupancy License Ordinance

The housing provisions of the Immigration Ordinance #5165 (Rental Occupancy License) requires future renters to obtain an occupancy license from the City, even if a current renter is moving to a different rental property. Summarizing, the Ordinance requires that a license be obtained by paying a fee and disclosing personal information including citizenship or immigration status, per occupant. The future renter is responsible for submitting the application to the Fremont Police Department. After the request for the license is received by the City, the City issues an occupancy license. If the future renter declares in the application that he/she is not a citizen nor a national of the US, the Police Department will request the federal government to ascertain if the proposed renter is an alien lawfully present in the US. If the renter is not lawfully present in the US, the renter may obtain a correction and provide additional information. If the federal government determines that the renter is not lawfully present in the US, the Police Department will send a revocation notice of the license to the renter and the lessor. The Ordinance states that an occupant who is an alien who subsequent to the beginning of his lease becomes unlawfully present in the US shall be deemed to have breached a condition of the lease. The Ordinance also

states that an occupant may not enter into a contract for the rental or lease of a dwelling unit in the City unless the occupant is either a US citizen or national, or an alien lawfully present in the US.

The ordinance also requires the owner or manager of any dwelling unit offered for rental must notify each prospective occupant of the rental occupancy requirement and shall not permit occupancy without a rental occupancy license. The landlord or manager is not required to assist the prospective occupant with obtaining the license. However if assistance is provided to tenants, such assistance must be provided to all tenants equally. The ordinance also provides that enforcement of the occupancy provisions shall be "applied uniformly and enforcement procedures shall not differ based on a person's race, ethnicity, or national origin."

Analysis

Based on demographic changes recorded by the 2000 and 2010 Census, respectively, there has been an increase in protected classes population within the City of Fremont, with the largest increase recorded in the population identified as Latino or of Hispanic origin. Generally when demographic changes occur these changes tend to impact segregation patterns within a jurisdiction, and thus influence fair housing choices. This is documented in the Study conducted during October 2003 by Noah Sawyer and Peter A. Tatian – Segregation Patterns in the District of Columbia 1980 through 2000 – published by DC Data Warehouse and the Urban Institute. This Study measured population changes and segregation in the District of Columbia; and concluded that population changes in the District resulted in racial segregation. The Study defined segregation as the extent to which different groups are separated geographically from each other, and it focused on three different segregation measures: the dissimilarity index, the exposure index, and the diversity index.

In addition to demographic changes, the 2011 AI and the 2014 Draft AI identified insufficient affordable housing as an impediment to fair housing choice.

Given the following factors:
a) There is insufficient affordable housing, particularly for renters
b) There is a shortage of accessible housing units
c) There has been demographic changes in the protected classes, particularly in the population of Hispanic origin, and population changes tend to impact racial segregation and thus fair housing choices,
d) The Rental Occupancy License Ordinance states that an occupant may not enter into a contract for the rental or lease of a dwelling unit in the City unless the occupant is either a US citizen or national, or an alien lawfully present in the US; therefore, denying renters who are not lawfully present in the US the ability to rent within city limits.

e) The majority of the aliens not lawfully present in the US happen to be of Hispanic origin,

It can be inferred that the implementation of the Rental Occupancy License Ordinance is an action or decision which may have the effect of further restricting the availability of housing choices on the basis national origin, race, color, disability, or familial status, and fostering segregation based on national origin.

Feedback from focus groups, public meetings and surveys demonstrates that the occupancy provisions of the ordinance are perceived by many Hispanics as being used to discriminate against them or single them out for scrutiny. Even persons who are legal residents may have concerns if they have family members who are in the process of having their status regularized based on methods allowed by the federal government such as amnesty and political asylum. Lack of clarity on some aspects of the ordinance further exacerbates those perceptions.
The enforcement of housing provisions of the ordinance since April 2014 has uncovered implementation challenges. For example, the system for requesting and verifying legal immigration status with the federal government is not yet operational and no verifications have been completed to date. It seems that the federal government does not have an office to receive these verifications. The City Attorney is trying to work out a memorandum of agreement with the federal government. The effect of the ordinance will be difficult to test until the federal government have determined a way of handling the requests from the City. Landlords do not have a way of verifying immigration status and the Police Department is not able to track tenants that are not in compliance.

The City has received incomplete applications in some cases if the alien status section is not complete. The occupancy license is automatically granted regardless of a person's status pending verification from the federal government. The ordinance states that "the City shall not deny an occupancy license to any occupant who submits a completed application and pays the application fee." In addition, the fact that the occupancy licenses are issued at the police department may create the perception that the City has the ability to initiate criminal proceedings against a rental occupant. The harboring and occupancy provisions of the ordinance are more focused on the owner or manager such as fines for non-compliance. The only action noted that the City can take against a tenant is to revoke the occupancy license thereby forcing the owner or manager of the property to take action against the tenant to avoid harboring an illegal alien. Owners and property managers of some rental complexes have proactively responded by having prospective tenants complete the forms and the landlords turn them into the police department on the tenants' behalf.

It was noted by participants that even the environment of the police department with long wait times, criminal proceedings and continuous activity is one that does not fit the processing of a license that is granted automatically regardless of status. The City is also trying to ensure that civil and criminal matters do not

conflict in the implementation of the rental occupancy provisions. The Police Department's establishment of a special protected counter for the processing of the rental occupancy license applications also has the potential of continuing the misperceptions generated by the ordinance. Actions such as this and the fact that the processing is done there suggests the need for education and awareness in the police department on fair housing and the rental occupancy license provisions.

The City of Fremont Rental Occupancy License Ordinance requires, from every prospective renter, information on citizenship and immigration status. Because every prospective tenant is to follow the same procedure, at first glance, the Ordinance appears neutral. However, since the City, as a recipient of federal funds, is to undertake fair housing planning which involves, according to HUD, the careful examination of those factors which restrict or preclude fair housing choice, including policies, practices or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to protected classes regardless of immigration status. According to HUD, a person's immigration status does not affect his or her federal fair housing rights or responsibilities.

Conclusion

The above analysis has shown that the provisions of the Rental Occupancy Licensing are an impediment in itself as it adds an additional step to securing housing especially for members of protected classes, may have the effect of further restricting the availability of housing choices to those protected classes as well, and may foster segregation. The ordinance and its implementing department has the potential to foster perceptions that result in discrimination against some groups.

It is recommended that the City should assess the impact of the Ordinance especially on members of the protected classes, by conducting an assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required. In addition, it is recommended that the City provide training to police department employees who will be processing applications for the rental occupancy license.

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IV. COMPLIANCE DATA AND ANALYSIS

Introduction

This section contains an analysis of home loan, community reinvestment and fair housing complaint data. Community Reinvestment Act (CRA) performance ratings and Home Mortgage Disclosure Act (HMDA) data are used in AIs to examine fair lending practices within a jurisdiction. Data regarding fair housing complaints and cases help to further illustrate the types of fair housing impediments that may exist.

CRA Compliance

The Community Reinvestment Act (CRA), enacted by Congress in 1977 (12 U.S.C. 2901) and implemented by Regulations 12 CFR parts 25, 228, 345, and 563e, is intended to encourage depository institutions to help meet the credit needs of the communities in which they operate. The Community Reinvestment Act (CRA) requires the FDIC, in connection with the examination of a State nonmember insured financial institution, to assess the institution's CRA performance. CRA examinations are conducted by the Federal Financial Institutions Examinations Council (FFIEC) of federal agencies that are responsible for supervising depository institutions: the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS).

The CRA requires that each insured depository institution's record in helping meet the credit needs of its entire community be evaluated periodically. That record is taken into account in considering an institution's application for deposit facilities, including mergers and acquisitions. A financial institution's performance is evaluated in the context of information about the institution (financial condition and business strategies), its community (demographic and economic data), and its competitors. Upon completion of a CRA examination, the FDIC rates the overall CRA performance of the financial institution using a four-tiered rating system. These ratings consist of:

* Outstanding
* Satisfactory
* Needs to Improve
* Substantial Noncompliance

From 1991 to present, 17 CRA Performance Ratings have been given to banks based within the city limits of Fremont, Nebraska. (It should be noted that a bank may have been rated more than once during this time period.) Ten (10) bank examinations received a rating of "Outstanding", and 7 received a rating of "Satisfactory." No institutions received a rating of "Needs to Improve" or

"Substantial Noncompliance." All examinations and ratings are illustrated below, in alphabetical order, by bank/institution name.

Fremont, Nebraska
FFIEC CRA Performance Ratings **Table 38**

Exam Date	Bank Name	City	State	FFIEC CRA Rating	Asset Size (in thousands)
01/02/1991	AMERICAN NATIONAL BANK OF FREMONT	FREMONT	NE	Outstanding	$22,069
09/11/1997	AMERICAN NATIONAL BANK OF FREMONT	FREMONT	NE	Satisfactory	$35,073
11/16/2001	AMERICAN NATIONAL BANK OF FREMONT	FREMONT	NE	Outstanding	$87,297
08/20/2007	AMERICAN NATIONAL BANK OF FREMONT	FREMONT	NE	Outstanding	$151,257
04/01/1991	FIRST STATE BANK	FREMONT	NE	Satisfactory	$50,000
01/01/1993	FIRST STATE BANK	FREMONT	NE	Outstanding	$61,000
12/01/1994	FIRST STATE BANK	FREMONT	NE	Outstanding	$73,884
02/01/1998	FIRST STATE BANK	FREMONT	NE	Outstanding	$99,745
08/01/2003	FIRST STATE BANK & TRUST COMPANY	FREMONT	NE	Satisfactory	$130,778
08/01/2008	FIRST STATE BANK & TRUST COMPANY	FREMONT	NE	Satisfactory	$181,449
10/01/2013	FIRST STATE BANK & TRUST COMPANY	FREMONT	NE	Satisfactory	$218,737
06/03/2002	FREMONT NATIONAL BANK & TRUST COMPANY	FREMONT	NE	Outstanding	$342,654
05/10/1995	FREMONT NATIONAL BANK AND TRUST CO.	FREMONT	NE	Outstanding	$267,060
05/24/1999	FREMONT NATIONAL BANK AND TRUST COMPANY	FREMONT	NE	Satisfactory	$314,432
05/19/1997	THE FREMONT NATIONAL BANK AND TRUST CO.	FREMONT	NE	Outstanding	$306,294
01/08/2007	THE FREMONT NATIONAL BANK AND TRUST CO.	FREMONT	NE	Outstanding	$347,039

Exam Date	Bank Name	City	State	FFIEC CRA Rating	Asset Size (in thousands)
02/28/2010	THE FREMONT NATIONAL BANK AND TRUST CO.	FREMONT	NE	Satisfactory	$304,733

Source: FDIC, http://www.ffiec.gov/craratings

In addition, the FFIEC publishes annual Census Reports that use a limited number of demographic, income, population, and housing data from the FFIEC's Census files prepared for HMDA and CRA data. The FFIEC updates the Census Windows Application annually to include income estimates developed by the FFIEC and include CRA distressed/underserved tracts as announced by the federal bank regulatory agencies. These reports were gathered from the FFIEC for Dodge County, Nebraska (the county containing the City of Fremont).

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Dodge County, Nebraska
2013 FFIEC Census Report - Summary Census Demographic Information **Table 39**

Tract Code	Tract Income Level	Distressed or Under -served Tract	Tract Median Family Income %	2013 FFIEC Est. MSA/MD non-MSA/MD Median Family Income	2013 Est. Tract Median Family Income	2010 Tract Median Family Income	Tract Population	Tract Minority %	Minority Population	Owner Occupied Units	1- to 4- Family Units
9636.00	Middle	No	92.24	$57,000	$52,577	$50,250	5026	5.45	274	1554	2251
9637.00	Middle	No	100.56	$57,000	$57,319	$54,779	2588	3.21	83	811	1286
9638.00	Middle	No	89.22	$57,000	$50,855	$48,606	5522	11.88	656	1213	1636
9639.00	Middle	No	105.64	$57,000	$60,215	$57,550	3819	17.70	676	1010	1410
9640.00	Middle	No	94.67	$57,000	$53,962	$51,570	3366	10.99	370	1062	1488
9641.00	Upper	No	121.66	$57,000	$69,346	$66,275	4413	5.89	260	1548	1886
9642.00	Middle	No	90.25	$57,000	$51,443	$49,167	4027	16.86	679	689	1540
9643.00	Middle	No	101.62	$57,000	$57,923	$55,357	4894	11.01	539	1304	1925
9644.00	Middle	No	84.79	$57,000	$48,330	$46,190	3036	34.06	1034	814	1448

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013

Dodge County, Nebraska
2013 FFIEC Census Report - Summary Census Income Information **Table 40**

Tract Code	Tract Income Level	2010 MSA/MD Statewide non-MSA/MD Median Family Income	2013 FFIEC Est. MSA/MD non-MSA/MD Median Family Income	% Below Poverty Line	Tract Median Family Income %	2010 Tract Median Family Income	2013 Est. Tract Median Family Income	2010 Tract Median Household Income
9636.00	Middle	$54,473	$57,000	8.89	92.24	$50,250	$52,577	$40,489
9637.00	Middle	$54,473	$57,000	9.94	100.56	$54,779	$57,319	$50,901
9638.00	Middle	$54,473	$57,000	18.09	89.22	$48,606	$50,855	$37,771
9639.00	Middle	$54,473	$57,000	15.54	105.64	$57,550	$60,215	$39,225
9640.00	Middle	$54,473	$57,000	5.90	94.67	$51,570	$53,962	$41,917
9641.00	Upper	$54,473	$57,000	9.98	121.66	$66,275	$69,346	$53,482
9642.00	Middle	$54,473	$57,000	17.44	90.25	$49,167	$51,443	$39,038
9643.00	Middle	$54,473	$57,000	10.04	101.62	$55,357	$57,923	$49,206
9644.00	Middle	$54,473	$57,000	23.99	84.79	$46,190	$48,330	$38,641

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013

Fremont, Nebraska

2013 FFIEC Census Report - Summary Census Population Information **Table 41**

Tract Code	Tract Population	Tract Minority %	Number of Families	# of House-holds	Non-Hisp White Population	Tract Minority Population	American Indian Pop.	Asian/ Hawaiian/ Pacific Islander Population	Black Pop.	Hispanic Population	Other Population/ Two or More Races
9636.00	5026	5.45	1339	2079	4752	274	13	11	12	192	46
9637.00	2588	3.21	743	1111	2505	83	3	7	13	42	18
9638.00	5522	11.88	1335	2129	4866	656	16	33	16	544	47
9639.00	3819	17.70	945	1691	3143	676	18	26	16	589	27
9640.00	3366	10.99	974	1408	2996	370	12	21	37	255	45
9641.00	4413	5.89	1370	1852	4153	260	10	28	7	186	29
9642.00	4027	16.86	998	1504	3348	679	30	21	52	512	64
9643.00	4894	11.01	1390	2074	4355	539	9	50	19	405	56
9644.00	3036	34.06	802	1146	2002	1034	16	14	11	964	29

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013

Fremont, Nebraska
2013 FFIEC Census Report - Summary Census Housing Information **Table 42**

Tract Code	Total Housing Units	1- to 4- Family Units	Median House Age (Years)	Inside Principal City?	Owner Occupied Units	Vacant Units	Owner Occupied 1- to 4- Family Units	Renter Occupied Units
9636.00	2328	2251	71	-	1554	-	1554	525
9637.00	1300	1286	49	-	811	-	811	300
9638.00	2409	1636	33	-	1213	-	1213	916
9639.00	1765	1410	52	-	1010	-	1010	681
9640.00	1488	1488	63	-	1062	-	1062	346
9641.00	1886	1886	42	-	1548	-	1548	304
9642.00	1708	1540	71	-	689	-	689	815
9643.00	2124	1925	47	-	1304	-	1304	770
9644.00	1471	1448	40	-	814	-	814	332

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013

Fair Housing Complaint Data

Fair housing complaints may be filed with the City of Fremont, HUD, or the Nebraska Equal Opportunity Commission. Housing discrimination complaints may be directed to the following locations. HUD filings may also be done online at: http://www.hud.gov/complaints/housediscrim.cfm.

City Administrator City of Fremont 400 E. Military Fremont. NE 68025	Omaha Field Office Edward Zorinsky Federal Building 1616 Capitol Avenue Suite 329 Omaha, NE 68102	Equal Opportunity Commission 1313 Farnam on the Mall 3rd Floor, Suite 4 Omaha, NE 68102

U.S. Department of Housing and Urban Development

When HUD receives a complaint, the department will notify the person who filed the complaint, then notify the alleged violator and allow that person to submit a response. The complaint will be investigated to determine whether there has been a violation of the Fair Housing Act. A complaint may be resolved in a number of ways. First, HUD attempts to reach an agreement between the two parties involved. If achieved, this “conciliation agreement” must lay out provisions to protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement is violated, in which case HUD will recommend that the Attorney General file suit. If a person needs immediate help to stop a serious problem being caused by a Fair Housing Act violation, HUD may assist as soon as a complaint is filed. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of the complaint, if irreparable harm is likely to occur without HUD's intervention and there is substantial evidence indicating a violation of the Fair Housing Act.

During the six-year period examined, in the State of Nebraska, there were a total of 138 fair housing complaints filed with HUD on the basis of race, color, national origin, religion, sex, disability, familial status, and retaliation. Each case may have more than one basis for discrimination and the majority of complaints were based on disability and race. Of the 138 complaints, 15 were administratively closed, 2 complaints had a cause determination and were charged with violating the law, conciliation agreements were signed in 47 cases, there were 3 Department of Justice closures, 58 were determined to have no cause, and 7 were withdrawn without resolution.

In Fremont, during fiscal years 2010 through 2013, there were three complaints filed with HUD on the basis of disability and one complaint on the basis of race.

Nebraska Equal Opportunity Commission

The Nebraska Equal Opportunity Commission (NEOC) is an administrative agency created in 1965 to enforce the public policy of the state against discrimination. The agency receives, investigates, and makes decisions on charges of unlawful discrimination occurring anywhere in the State of Nebraska in the areas of employment, housing, and public accommodations. The NEOC participates in HUD's Fair Housing Assistance Program (FHAP). The FHAP provided funding to State and local agencies that administer fair housing laws certified by HUD as "substantially equivalent" to the FHA or Title VIII of the Civil Rights Act of 169, as amended.

The Equal Opportunity Commission consists of seven members appointed by the Governor. Member terms are for three years. As the terms of the members expire, the Governor appoints or reappoints the members of the commission for a term of three years to succeed the members whose terms expire. The commission elects one member to serve as chairperson of the commission.

Section 48-1117 of the Nebraska Fair Employment Practice Act outlines the general powers and duties of the commission. These can be summarized as follows:

- To receive, investigate, and pass upon charges of unlawful employment (housing, public accommodations) practices anywhere in the State;
- To hold hearings, subpoena witnesses, take sworn testimony and require the production of documents related to discrimination;
- To cooperate with the federal government and local human rights agencies;
- To attempt to eliminate unlawful employment, housing, and public accommodation practices by means of conference, conciliation, and persuasion; and
- To require that every employer, employment agency, and labor organization, subject to its jurisdiction, make and keep such records relevant to the determination of whether unlawful employment practices have been or are being committed.

The agency's website outlines the complaint process which includes filing the complaint, service, investigation, conclusion, and then determination. Complaints involving housing discrimination must be filed within one year after the alleged discrimination occurred. A NEOC intake investigator explains the relevant laws to the complainant, helps to identify the basis of harm, and explains various jurisdictional issues. If the complainant chooses to file a charge, the intake investigator will prepare a formal charge of discrimination. Once the charge is filed, the NEOC must serve the charge to the respondent within 10 days. Housing respondents have 10 days to prepare their response and produce necessary documents. Housing cases are assigned for investigation at the time of service because of the statutory requirement to complete the investigation

within 100 days. During a pre-determination interview, the investigator will review the allegations and the evidence gathered with the complainant. The investigator will also inform the respondent of the completion of the investigation and offer them an opportunity to furnish additional relevant evidence. The Commission will make a final determination and decide on any subsequent actions to be taken.

During the last five years, NEOC participated in fair housing training and outreach activities in the City of Fremont. In 2010, two meetings in Fremont were attended by NEOC representatives and the NEOC Unit Director concerning a proposed housing ordinance.

It was very difficult to glean specific information on fair housing complaints in the City of Fremont from the NEOC for two main reasons:

- The agency's interpretation of its confidentiality provisions as articulated in letters and emails is that Section 20-330 (2)(b) of the Nebraska Fair Housing Act prohibits the NEOC from providing any information on legal cases and complaints on fair housing. Requests were made for the complainants' personal identifiers such as names, etc., to be redacted or a code number be used. However, the study team was advised that even the use of code numbers would not allow the information to be provided. HUD provides fair housing complaint information using code numbers. The NEOC did provide information in a response to a Public Records Request letter dated May 1, 2014 stating that "the NEOC has no record of any housing charges filed against the City of Fremont over the last five years. However, the response does not address any cases or complaints filed against private agencies such as landlords, property management companies, housing authorities operating in the City of Fremont.
- The NEOC's annual report on fair housing issues seems to be limited to reporting at the County level and not by City.

The annual reporting format by County and the NEOC's interpretation of Section 20-330 (2) (b) of the Nebraska Act makes it difficult to assess the level of housing discrimination within a municipality based on NEOC information. It is also unclear if the NEOC sees a pattern of housing discrimination within a City based on complaints that it will work with that City to address this from a citywide perspective.

<u>Fair Housing Center of Nebraska/Iowa</u>

Family Housing Advisory Services Inc. (FHAS) is a non-profit organization that was chartered by the State of Nebraska in 1968. According to the agency's website, its mission is to improve the quality of life by helping people achieve financial and housing stability through education and advocacy.

FHAS operates the Fair Housing Center of Nebraska/Iowa which serves the State of Nebraska and Western Iowa.

Five cases of discrimination filed with the Fair Housing Center of Nebraska/Iowa were in the City of Fremont. Four cases were filed in 2012 on the basis of familial status and one case was based on disability and filed in 2010.

The following tables indicate the fair housing complaints handled by HUD and its Fair Housing Assistance Program (FHAP) partners for fiscal years 2009 through 2014. The information includes the year the complaint was filed, basis of the complaint, and closure status.

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Fair Housing Cases in Nebraska

Table 43

Bases	Filed Cases																	
	FY 2009			FY 2010			FY 2011			FY 2012			FY 2013			FY 2014		
	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total
Race	6	22	**28**	5	31	**36**	19	36	**55**	13	35	**48**	9	29	**38**	2	32	**34**
Color	0	3	**3**	1	5	**6**	5	4	**9**	1	2	**3**	0	1	**1**	0	1	**1**
National Origin	2	19	**21**	3	20	**23**	3	19	**22**	0	13	**13**	3	22	**25**	0	10	**10**
National Origin – Hisp.	2	10	**12**	1	14	**15**	0	15	**15**	0	8	**8**	2	13	**15**	0	6	**6**
Religion	0	3	**3**	1	3	**4**	0	2	**2**	1	1	**2**	0	3	**3**	0	1	**1**
Sex	1	10	**11**	0	19	**19**	3	14	**17**	1	11	**12**	2	11	**13**	0	8	**8**
Disability	15	41	**56**	18	54	**72**	16	53	**69**	9	62	**71**	7	51	**58**	4	36	**40**
Familial Status	1	10	**11**	0	11	**11**	1	27	**28**	5	17	**22**	1	17	**18**	0	13	**13**
Retaliation	1	12	**13**	1	19	**20**	3	17	**20**	8	12	**20**	1	13	**14**	0	8	**8**
Total Cases	**23**	**92**	**115**	**24**	**111**	**135**	**35**	**127**	**162**	**33**	**118**	**151**	**18**	**109**	**127**	**5**	**80**	**85**

Completed Cases in Nebraska

Table 44

Case Completion Type	Completed Cases																		
	FY 2009			FY 2010			FY 2011			FY 2012			FY 2013			FY 2014			**Total**
	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	
Administrative Closure	8	9	**17**	1	7	**8**	3	21	**24**	2	8	**10**	1	17	**18**		4	**4**	**81**
Cause (FHAP)		5	**5**		6	**6**		5	**5**		4	**4**		3	**3**				**23**
Charged (HUD)							1		**1**				1		**1**				**2**
Conciliated	9	16	**25**	5	33	**38**	9	40	**49**	12	43	**55**	5	47	**52**	7	21	**28**	**247**
DOJ Closures										3		**3**							**3**
No Cause	16	57	**73**	14	51	**65**	12	62	**74**	9	60	**69**	4	50	**54**	3	32	**35**	**370**
Withdrawn with Resolution	1	2	**3**	2	1	**3**	3	1	**4**	1	4	**5**		3	**3**		5	**5**	**23**
Total	**34**	**89**	**123**	**22**	**98**	**120**	**28**	**129**	**157**	**27**	**119**	**146**	**11**	**120**	**132**	**10**	**62**	**72**	**749**

Fremont Hate Crimes

Any traditional crime, such as murder, arson, or vandalism, can be classified as a hate crime if it is motivated by a bias against a race, religion, disability, ethnic origin or sexual orientation. Because these protected classes significantly overlap those classes protected under the Fair Housing Act, an examination of data on hate crimes is conducted as part of this Analysis of Impediments.

Hate crimes are reported to the Federal Bureau of Investigation (FBI) by jurisdictions. The AI reviewed the latest data for 2008 through 2012 for the City of Fremont. Incidents are reported by number of incidents per bias motivation based on the protected classes of race, religion, sexual orientation, ethnicity, and disability. In 2008, three hate crimes were reported in the City of Fremont. Of the three crimes, two were based on sexual orientation and one on ethnicity. In 2010, of four hate crimes which were reported, three were based on ethnicity and one was based on race. In 2012, two hate crimes were reported, one on the basis of race and the other on the basis of ethnicity. No hate crimes were reported in Fremont in 2009 and 2011.

Legal Cases

City of Fremont Immigration Ordinance

In 2008, the Fremont City Council considered a proposed ordinance addressing illegal immigration. Ordinance No. 5165 prohibits the harboring and hiring of illegal immigrants in Fremont. While the City Council did not pass the Ordinance, a group of residents subsequently initiated a petition to request a special election on the proposed Ordinance. In April 2009, the state district court ruled that the special election should be held. The special election was held in June 2010 and the residents of Fremont passed the Ordinance.

The Ordinance is controversial because it will have a disparate impact on Hispanics. The Hispanic population in Fremont represents the second largest ethnic group in the City following White, non-Hispanics. In summary, the Ordinance requires renters to obtain an occupancy license from the Fremont Police Department prior to renting a dwelling in Fremont, requires employers to use the federal E-verify program, and imposes penalties for failing to comply with the Ordinance.

Due to lawsuits filed against the City by the American Civil Liberties Union (ACLU) and the Mexican American Legal Defense and Educational Fund (MALDEF) in federal court, the housing provisions of the Ordinance were suspended as the U.S. District Court for the District of Nebraska held that the Ordinance was in conflict with federal immigration law.

Subsequently, the Eighth Circuit Court of Appeals issued a decision to uphold Ordinance 5165 in the ACLU lawsuit against the city. During 2014 the city council

proposed and held a second referendum on the ordinance asking voter either yes to repeal or no to keep the ordinance: 59.5% voted no, 40.43 voted yes. On April 10, 2014, the housing provision of the ordinance went into effect.

City staff including the City Attorney have developed an information sheet on the housing provisions of the Ordinance. Materials including a Frequently Asked Question (FAQ) sheet were prepared and the City's Fair Housing staff persons has been conducting public information and participation sessions as part of the AI process to address the provisions of the Ordinance. As noted in the section on public participation, there are several myths about the Ordinance that are evident. These include the following:

- Whites are exempt from the Ordinance and it only applies to Hispanics;
- Landlords can only rent to whites and deny any non-white persons housing;
- Landlords must request proof of citizenship from tenants; and
- Landlords will be penalized if a tenant that received a license was determined after the fact to be an illegal resident.

City staff has been convening meetings with various interested groups and has provided opportunities for public comments through focus groups, public meetings and training at all stages of the development of the AI.

HUD conducted a Civil Rights Compliance Review for the State of Nebraska in May 2013 and also provided additional technical assistance on meeting the obligation to affirmatively further fair housing. HUD reviews included the City of Fremont's AI and Ordinance 5165 since the City is a subrecipient of CDBG funds from the State. HUD's review found that the Ordinance's housing provisions if implemented, would be an impediment to fair housing choice because it discourages persons on the basis of national origin from seeking housing. While the City was not found to be in noncompliance with its nondiscrimination nor equal opportunity requirements, HUD outlined several actions that the City must take to mitigate any adverse effects the Ordinance has already had on limiting fair housing choice based on national origin. "The actions include:

- Revising the City's AI to address HUD's comments on the deficiencies of the AI and the impact of the housing provisions of the Ordinance.
- Gathering information through studies or testing on the effect the Ordinance has had on minority rental applications in the City, particularly Hispanics.
- Convening meetings with interested community groups to gather input in how minorities and immigrant groups have been affected by the Ordinance.
- Identifying incidents of housing discrimination taking place in the community by contacting tenant or immigration advocated and referring potential complainants to HUD or NEOC.
- Conducting targeted fair housing testing based on reports of discrimination by certain landlords.

- Creating a stronger countywide or regional network of organizations that may hear about instances of housing discrimination.
- Developing and implementing a fair housing education and outreach program for the City and/or partner with surrounding communities or the State to ensure that City officials, real estate professionals, landlords, tenants, and all residents are knowledgeable about fair housing laws.
- Conducting outreach and education with businesses, banks, residential insurance salespersons and brokers, residential landlords, and real estate professionals.
- Implementing a fair housing and diversity education program in local schools.
- Using media outlets as part of the fair housing outreach efforts.
- Coordinating education and outreach efforts with NEOC, Fair Housing Center of Nebraska-Iowa (FHC), and High Plains Community Development Corporation."

In response to HUD's recommendations, the City has taken the following proactive steps to date:

- Procured ASK Development Solutions to prepare a new AI that meets the fair housing requirements;
- Conducted several outreach and educational meetings as noted elsewhere in this report and has additional meetings planned;
- Started the review of best practices for a potential rental property grading system;
- Posted information on fair housing and the rental occupancy licensing ordinance on the City's website in both English and Spanish.

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HMDA Data Analysis

The Home Mortgage Disclosure Act (HMDA) was enacted by Congress in 1975 and was implemented by the Federal Reserve Board's Regulation C. On July 21, 2011, the rule-writing authority of Regulation C was transferred to the Consumer Financial Protection Bureau (CFPB). This regulation provides the public loan data that can be used to assist in determining whether financial institutions are serving the housing needs of their communities; public officials are distributing public-sector investments so as to attract private investment to areas where it is needed; and possible discriminatory lending patterns can be identified. Using the loan data submitted by the financial institutions, the Federal Financial Institutions Examination Council (FFIEC) creates aggregate tables for each metropolitan statistical area (MSA) or metropolitan division (MD) (where appropriate), and individual institution disclosure reports.

HMDA data consist of information about mortgage loan applications for financial institutions, savings and loans, savings banks, credit unions and some mortgage companies. The data contain information about the location, dollar amount, and types of loans made, as well as racial and ethnic information, income, and credit characteristics of all loan applicants. The data deemed most pertinent to this report and analyzed herein is limited to loan denial rates by location within areas of racial/ethnic and income distinction for loans for one to four family dwellings and manufactured homes, but excluding data on loan applications for investment purposes (non-owner occupancy). Three types of loan products were included: home-purchase loans (conventional and government-backed), refinancing, and home improvement loans.

HMDA provided the disposition of various types of loan products at the Census Tract level, which were extracted and displayed for each individual tract comprising the City of Fremont. These tracts were analyzed to identify those whose median income (in relation to the MSA) fell below that of the City as a whole, and those with a significantly higher minority concentration than the citywide rate. Specifically, data was analyzed pertaining to the disposition of loan applications by the minority and income characteristics of the Census Tract in which the subject property of the loan was located to identify if there were any discernible patterns that might suggest discriminatory lending practices based on race.

In the best effort to most accurately portray HMDA data for the City, only those tracts were utilized that were either entirely within the City or whose area fell predominantly within City boundaries. Certain tracts where only a small area fell within the City boundaries were excluded from the calculations. It should be noted, discriminatory lending practices cannot be definitively identified by correlation of HMDA data elements; however, the data can display real patterns in lending to indicate potential problem areas.

General Loan Application Data

HMDA data is available for the three-year period, 2010-2012. The most recent available HMDA data is for the 2012 calendar year and was utilized in this analysis (extracted from HMDA Flat Files, 2010-2012). In summary, among the census tracts analyzed, there were 1,139 loan applications made for purchase, refinancing, or improvement of owner-occupied homes. Of this total, 114 applications (10.0%) were denied. There were 63 minority loan applications and 9 (14.3%) of those application were denied which is a higher denial rate than for non-minority loans.

The following tables show a breakdown of census tract data extracted from HMDA for the City of Fremont including a review of the denial rate and minority denial rate by loan product.

Loan Applications and Denials, Minority Percentage, and Percent of MSA Median Income by Census Tract, City of Fremont, 2007-2012 Table 45

Census Tract	Total Applications	Total Denials	Denial Rate	Total Minority Applications	Minority Denials	% Of Minority Denials	Median Income as % of MSA	2012 Tract Minority %
9638	146	14	9.6%	7	1	14.3%	89.22	11.9
9639	130	18	13.8%	8	2	25.0%	105.64	17.7
9640	145	13	9.0%	7	0	0.0%	94.67	11.0
9641	295	20	6.8%	12	1	8.3%	121.66	8.9
9642	141	15	10.6%	8	0	0.0%	90.25	16.9
9643	214	20	9.3%	14	2	14.3%	101.62	11.0
9644	68	14	20.6%	7	3	42.9%	84.79	34.1
	1,139	**114**	**10.0%**	**63**	**9**	**14.3%**		

Source: Data extracted for City of Fremont from HMDA, LAR Files
Census Tracts where the denial rate exceeds the City average of 10% are highlighted in **YELLOW**.
"Minority tracts" are those where the minority % exceed the City total (12.5%) by at least 5% (for a total of 17.5% or greater). These are highlighted in **RED**.

Analysis of Denial Rates for Minority Census Tracts

For purposes of this analysis, a "minority" tract is defined as a census tract where the minority concentration is at least 5% greater than that of the City of Fremont as a whole (12.5% based on FFIEC Census data for 2012). Therefore, tracts with 17.5% or greater minority population would be considered "minority." Among the seven identified Fremont City tracts, two met the definition being used for "minority", tracts 9639 and 9644. Both had an application denial rate higher than the City as a whole (10.0%). Collectively, in the "minority" tracts there were 198 applications and 32 denials, for a denial rate of 16.2%, which exceeds that of the City by 6.2%. This would appear to indicate some discrimination in lending based on property location in areas of minority concentration. However, it is important to examine income characteristics as well.

Three census tracts within the City of Fremont exhibit median incomes that are higher than that of the MSA. None of the census tracts met HUD's definition of low- and moderate-income (less than 80% AMI).

One census tract, 9644, is a "minority" tract and also has a percentage of the MSA median income that is lower than that of the City as a whole. The median income level was 84.79%. This is also the tract with the lowest income level within the City of Fremont. The other "minority" tract, 9639, has the second highest income level at 105.64% of MSA. The " minority" census tract with the higher income level has a denial rate of 13.8% (3.8% higher than the City average) and the "minority" census tract with lower income has the highest denial rate of all the census tracts, 20.6% (10.6% higher than the City average). These income characteristics do not necessarily suggest discriminatory practices based on income level but could mean that lower income households may be facing other challenges such as creditworthiness, low paying jobs, and higher debt and are unable to qualify for a loan. However, when the denial rate for minority applications in the same census tracts is considered, there appears to be a disproportionate impact for minority households seeking a loan. In census tract 9639, the denial rate for minority applications is 25%, over 10% points higher than the average denial rate for minority applications which is 14.3%. Additionally, in census tract 9644, the denial rate for minority application is 42.9%, 28.6% points more than the average denial rate for minority applications.

In looking at the seven Fremont census tracts, three had denial rates higher than the City average. Typically, there is a correlation between high denial rates and low median income however that is not the case in Fremont. While the census tract with the highest denial rate (9644) of 20.6% is also the tract with the lowest median income (84.79%), the other two tracts with the highest denial rates were 9639 and 9642 with denial rate of 13.8% and 10.6%, respectively. One of these two tracts also had median income lower that the MSA (9642 at 90.25% of AMI) but tract 9639 which has a median income of 105.64% of the MSA also has the second highest denial rate of 13.8%. Four census tracts had denial rates lower than the average. Two of these tracts (9641 and 9643) had median income above that of the MSA, 121.66% and 101.62% of AMI, respectively. The other two tracts (9638 and 9640) had lower median incomes of 89.22% and 94.67% of AMI, respectively.

Overall, the data indicates that the elevated denial rate in the two minority tracts is based not on the income characteristics of the tracts (84.79% and 105.64%) but rather the racial/ethnic characteristics. The HMDA data suggests that there may be discriminatory lending based on race/ethnicity characteristics of property location within the City of Fremont. A definitive conclusion would require a greater degree of analysis taking into consideration additional data not available from HMDA at the geographic level specific to the City of Fremont. Maps 14 and 15 will give a visual presentation of the data analyzed in this section.

Home Purchase Loans Applications, 2007-2012 **Table 46**

Census Tracts	Home Purchase Loans (Conventional) Applications	Home Purchase Loan Denials (Conventional) Application Denials	Home Purchase Loan (Conventional) Applications Denial Rates %	2012 Tract Minority %
9638	14	0	0.0%	11.9
9639	20	2	10.0%	17.7
9640	23	0	0.0%	11.0
9641	44	1	2.3%	8.9
9642	24	1	4.2%	16.9
9643	22	1	4.5%	11.0
9644	9	0	0.0%	34.1

Refinance Loan Applications, 2007-2012 **Table 47**

Census Tracts	Refinance Loan Applications	Refinance Loan Application Denials	Refinance Loan Applications Denial Rates %	2012 Tract Minority %
9638	82	6	7.3%	11.9
9639	74	9	12.2%	17.7
9640	51	8	15.7%	11.0
9641	190	12	6.3%	8.9
9642	73	5	6.8%	16.9
9643	123	14	11.4%	11.0
9644	45	8	17.8%	34.1

Home Improvement Loan Applications, 2007-2012 **Table 48**

Census Tracts	Home Improvement Loan Applications	Home Improvement Loan Application Denials	Home Improvement Loan Applications Denial Rates %	2012 Tract Minority %
9638	4	1	25.0%	11.9
9639	6	1	16.7%	17.7
9640	2	0	0.0%	11.0
9641	4	1	25.0%	8.9
9642	7	2	28.6%	16.9
9643	4	0	0.0%	11.0
9644	5	3	60.0%	34.1

Tables 49-51 examine total conventional loan denials by loan purpose. There are three classifications for loan type: conventional, FHA, and VA loans. Conventional loans are loans that are not guaranteed or insured by the federal government under the Veterans Administration (VA), the Federal Housing Administration (FHA), or the Rural Housing Service (RHS) of the U.S. Department of Agriculture. FHA and VA loans are backed by the government, meaning that the FHA or the Department of Veteran's Affairs promises to pay lenders if a borrower defaults on the loan. Borrowers must meet certain requirements to be eligible for each loan type. Of the 1,139 loan applications made between 2007 and 2012, 826 or 72.5% were conventional loans. The majority of loan applications in the City of Fremont were for refinancing (77.2%), followed by home purchase loans (18.9%) and home improvement loans (3.9%). The loan denial rates for refinancing loans was 11.2% and the denial rate for home purchase loans was 4.3%. Home improvement loans had a denial rate of 31% but this is skewed by the small number of home improvement loan applications.

Tables 49 and 50 further examines the denial rates by race/ethnicity by loan product. The majority of the loan applications across all loan products in Fremont were made by White households, 870 applications, followed by Hispanics with 58 applications. The denial rate for Whites for all loans was 11.1% compared to 15.5% for Hispanics. For home purchase loans, minorities had a 4.8% denial rate and Whites had a 6.2% denial rate. While, for refinance loans, minorities had a 15.4% denial rate and Whites had an 11.9% denial rate. Home improvement loan data is again skewed by the small number of applications.

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Analysis of HMDA Activity Table 49

Analysis of Home Mortgage Disclosure Act Data HMDA Activity for Fremont, NE 2007-2012						
	# Apps.	% of Apps.	# Denied	% Denied	# Orig	% Orig
Home Purchase Loans						
Minorities	21	6.5%	1	7.1%	14	7.5%
Whites	211	65.5%	13	92.9%	154	82.4%
Not Provided	15	4.7%	0	0.0%	13	7.0%
Not Applicable	75	23.3%	0	0.0%	6	3.2%
Home Improvement Loans						
Minorities	3	7.1%	2	15.4%	1	4.0%
Whites	36	85.7%	10	76.9%	23	92.0%
Not Provided	2	4.8%	0	0.0%	1	4.0%
Not Applicable	1	2.4%	1	7.7%	0	0.0%
Refinance Loans						
Minorities	39	5.0%	6	6.9%	20	4.3%
Whites	623	80.4%	74	85.1%	424	90.6%
Not Provided	36	4.6%	7	8.0%	19	4.1%
Not Applicable	77	9.9%	0	0.0%	5	1.1%
All Loans Purpose						
Minorities	63	5.5%	9	7.9%	35	5.1%
Whites	870	76.4%	97	85.1%	601	88.4%
Not Provided	53	4.7%	7	6.1%	33	4.9%
Not Applicable	153	13.4%	1	0.9%	11	1.6%

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Comparison of Loan Originations Table 50

Home Mortgage Disclosure Act (HMDA) Analysis Comparison of Originations Within Categories Fremont, NE 2007-2012					
	Number of Applications	**Number of Originations**	**Percent of Originations**	**Number of Denials**	**Denial Rate**
Loan Type					
Conventional	826	535	64.8%	75	9.1%
FHA	237	99	41.8%	31	13.1%
VA & Other	76	46	60.5%	8	10.5%
Race & Ethnicity					
White	870	601	69.1%	97	11.1%
Black or African-American	2	2	100.0%	0	0.0%
Hispanic	58	31	53.4%	9	15.5%
American Indian or Alaska Native	1	1	100.0%	0	0.0%
Asian	1	1	100.0%	0	0.0%
Other	1	0	0.0%	0	0.0%
Not Provided	53	33	62.3%	8	15.1%
Not Applicable	153	11	7.2%	0	0.0%
Loan Purpose					
Home Purchase	322	187	58.1%	14	4.3%
Home Improvement	42	25	59.5%	13	31.0%
Refinance	775	468	60.4%	87	11.2%

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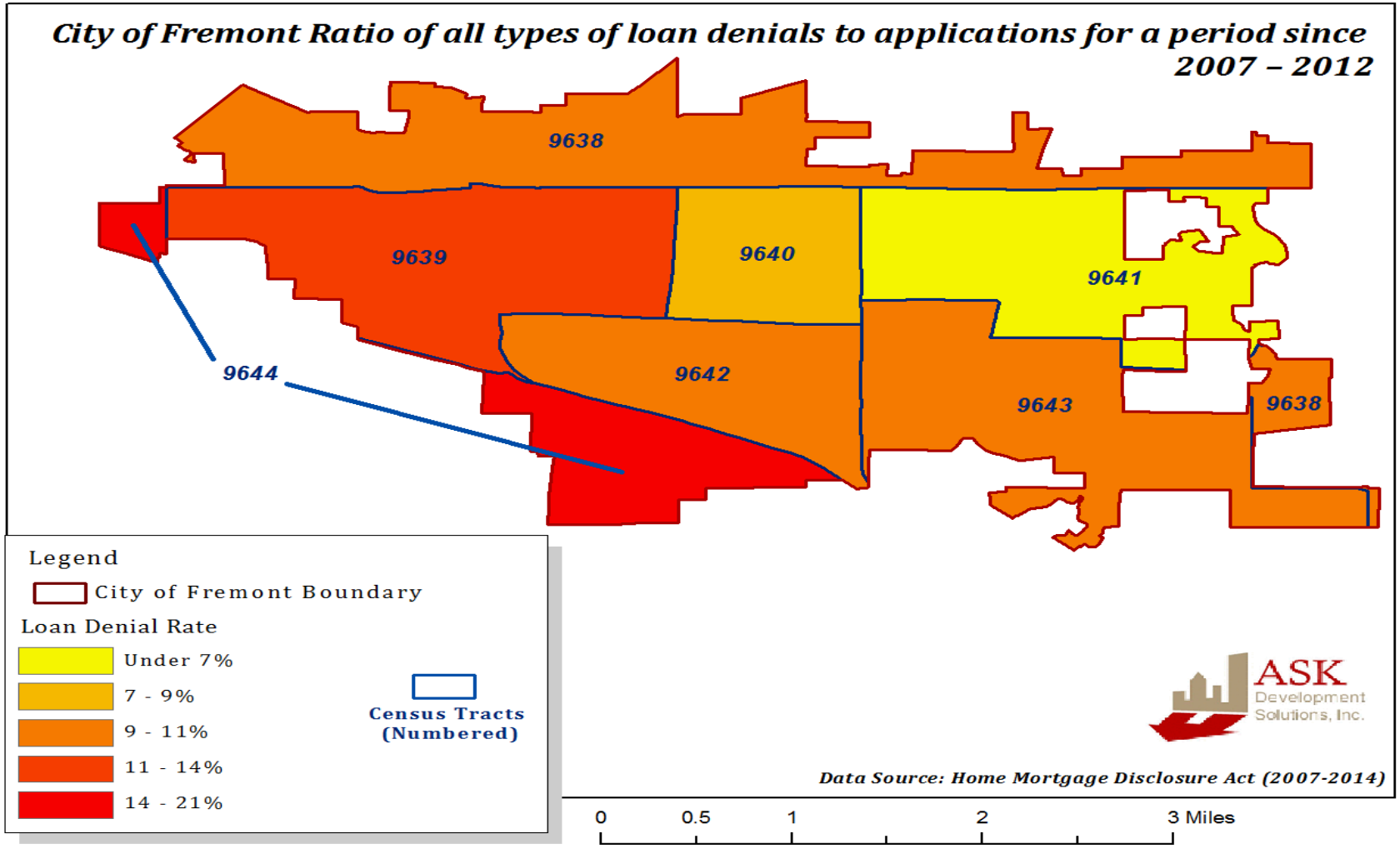
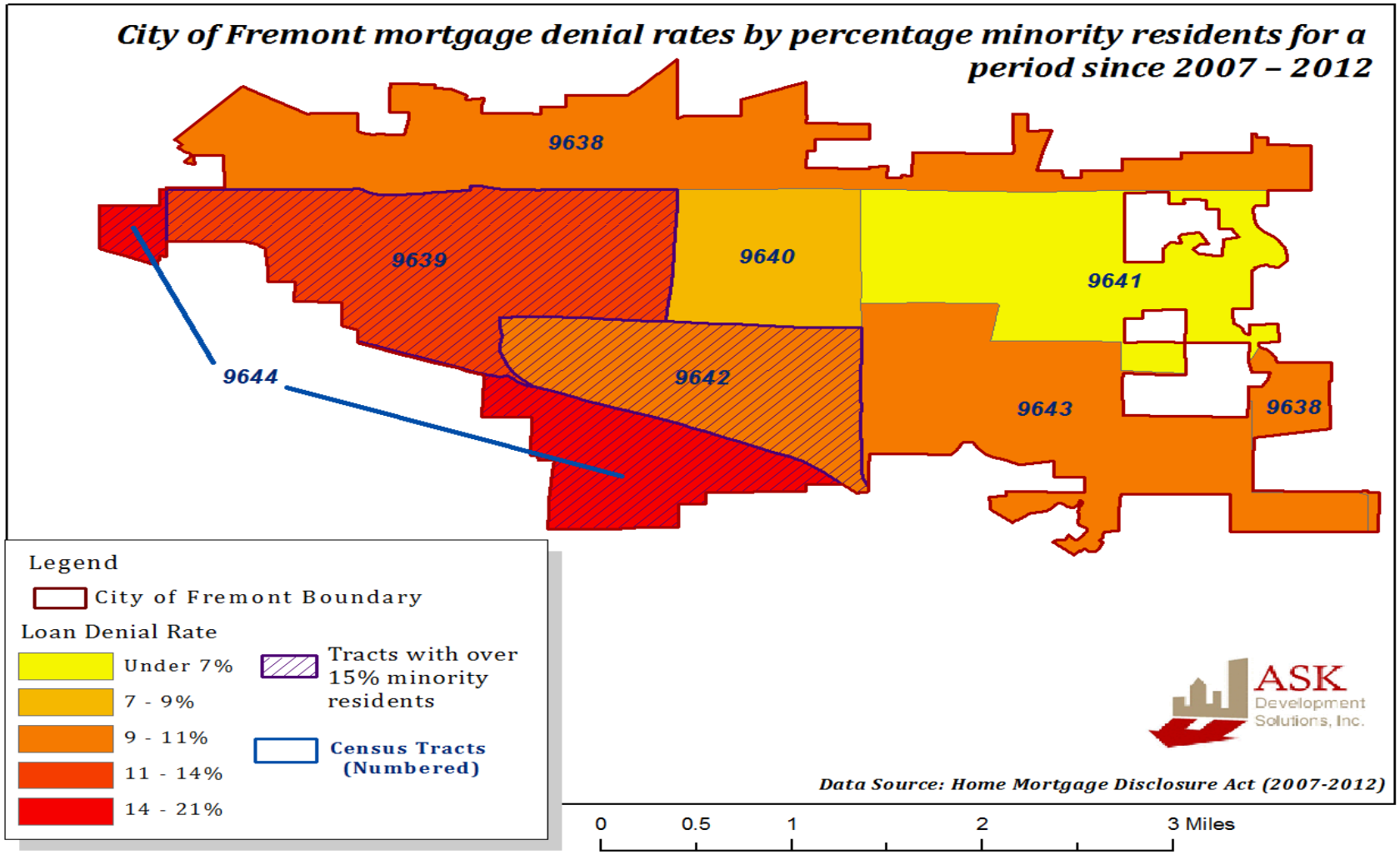
Map 13 – Fremont Loan Denial Rates 2012



Map 14 - Fremont Loan Denial Rate by Percentage Minority Residents 2012



V. PUBLIC OUTREACH

Introduction

This section summarizes the results of the surveys, public meetings, and key person interviews conducted as part of the public outreach process for the Fremont AI. In addition, this section gives a brief overview of fair housing public outreach conducted by stakeholders in Fremont. The consultant conducted an online and written survey available to all Fremont residents, industry stakeholders, area Realtors, and lending institutions. The survey asked respondents about their experience and perception of housing discrimination, knowledge of fair housing laws, experience with Fremont housing assistance and social service programs, and opinions about housing and social service needs in the city. ASK and City staff also directly administered surveys, conducted public meetings, and held key person interviews with housing providers and fair housing agencies.

ASK developed fair housing surveys for residents, housing service providers, Realtors, and lending institutions. A Spanish language version of the survey was available for residents. Copies of the survey were available in alternative format, upon request. A fair housing survey link was posted on the City's website at www.fremontne.gov from March 12, 2014 to June 1, 2014. The surveys were also posted on the City's Facebook page once a week from March 12, 2014 to June 30, 2014. Please refer to the Appendix section of the AI to view the survey instruments. The findings from these activities are discussed in turn.

Citizen Surveys

An online, 26-question fair housing survey was designed by ASK and available for all residents to complete via http://www.surveymonkey.com, and as distributed by City of Fremont staff. The survey was opened in March 2014 and closed on July 2, 2014 and was completed by 117 Fremont area residents, 7 of which were submitted in the Spanish language version.

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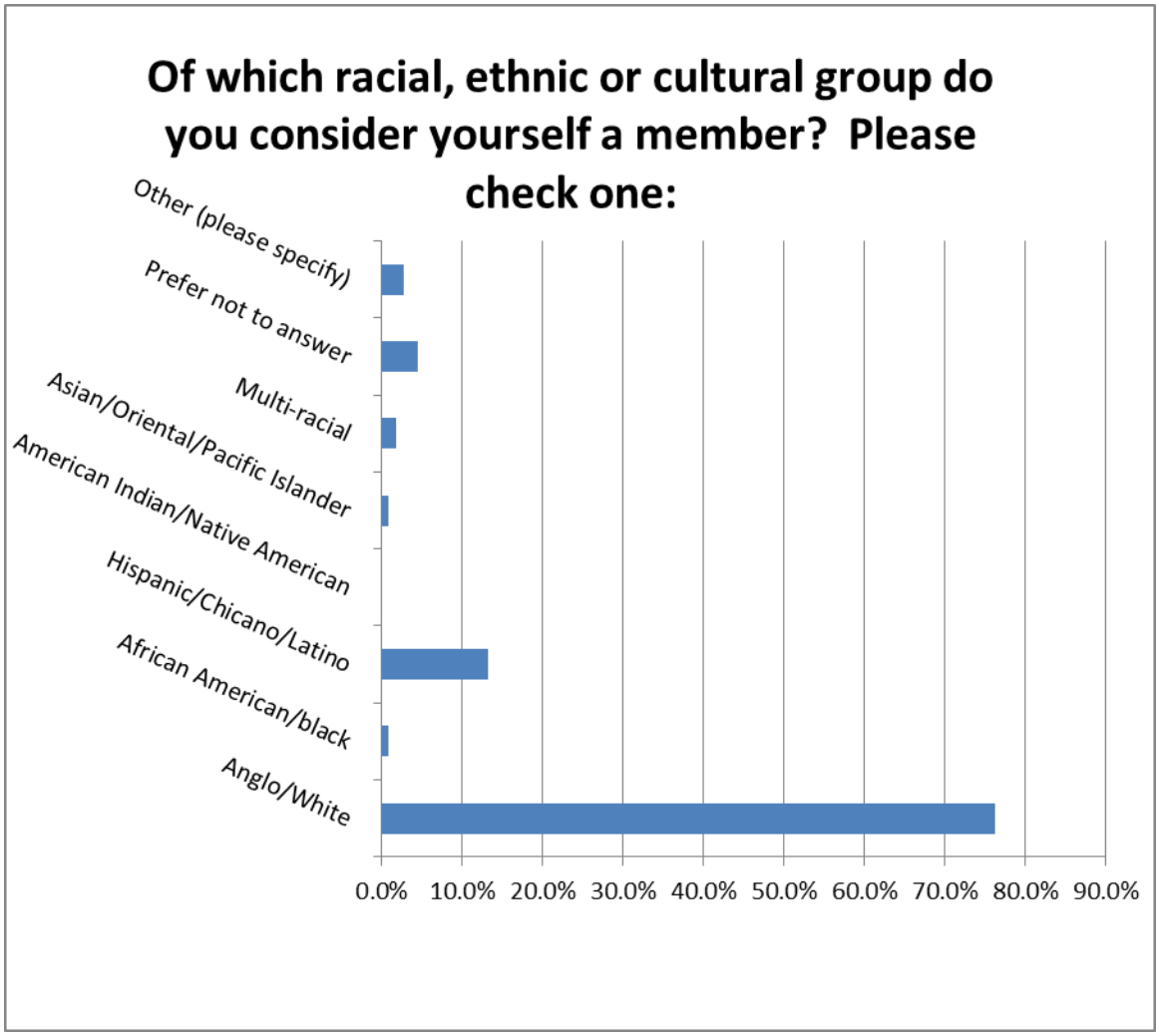
Race/Ethnicity



Of the residents surveyed, 87 persons (76.3%) are Anglo/White; 1 (0.9%) is African American or Black; 15 (13.2%) are Hispanic/Latino ethnicity; none are American Indian/Native American; 1 (0.9%) is Asian; 2 (1.8%) are Multi-racial; 5 (4.4%) preferred to not answer; and 3 (2.6%) are Other.

According to the 2010 Census, the racial makeup of the community was 89.2% Anglo/White; 0.7% Black or African American; 0.6% American Indian/Native American; 0.6% Asian; and 1.6% other races, including two or more (1.6%). Nearly 12% of the Fremont population identified themselves as being of Hispanic/Latino ethnic origin. Therefore, the survey respondents identifying themselves as Hispanic/Latino ethnicity are the most underrepresented group, according to actual population.

Marital Status

Of the residents surveyed, 75 persons (66.4%) are married; 23 (20.4%) are single head of household; 8 (7.1%) are divorced; 4 (3.5%) are domestic partners; and 3 (2.7%) preferred not to answer.

Disability Status

Of the residents surveyed, 19 (17.0%) stated that they or someone in their household had a disability or handicap. Ninety-three (83.0%) respondents answered that none had a disability or handicap.

Familial Status

The citizen survey asked respondents to state whether their household included children less than 18 years of age. Fifty-five persons (48.7 %) answered that they had children under 18 years of age, and 58 (51.3%) answered that they did not.

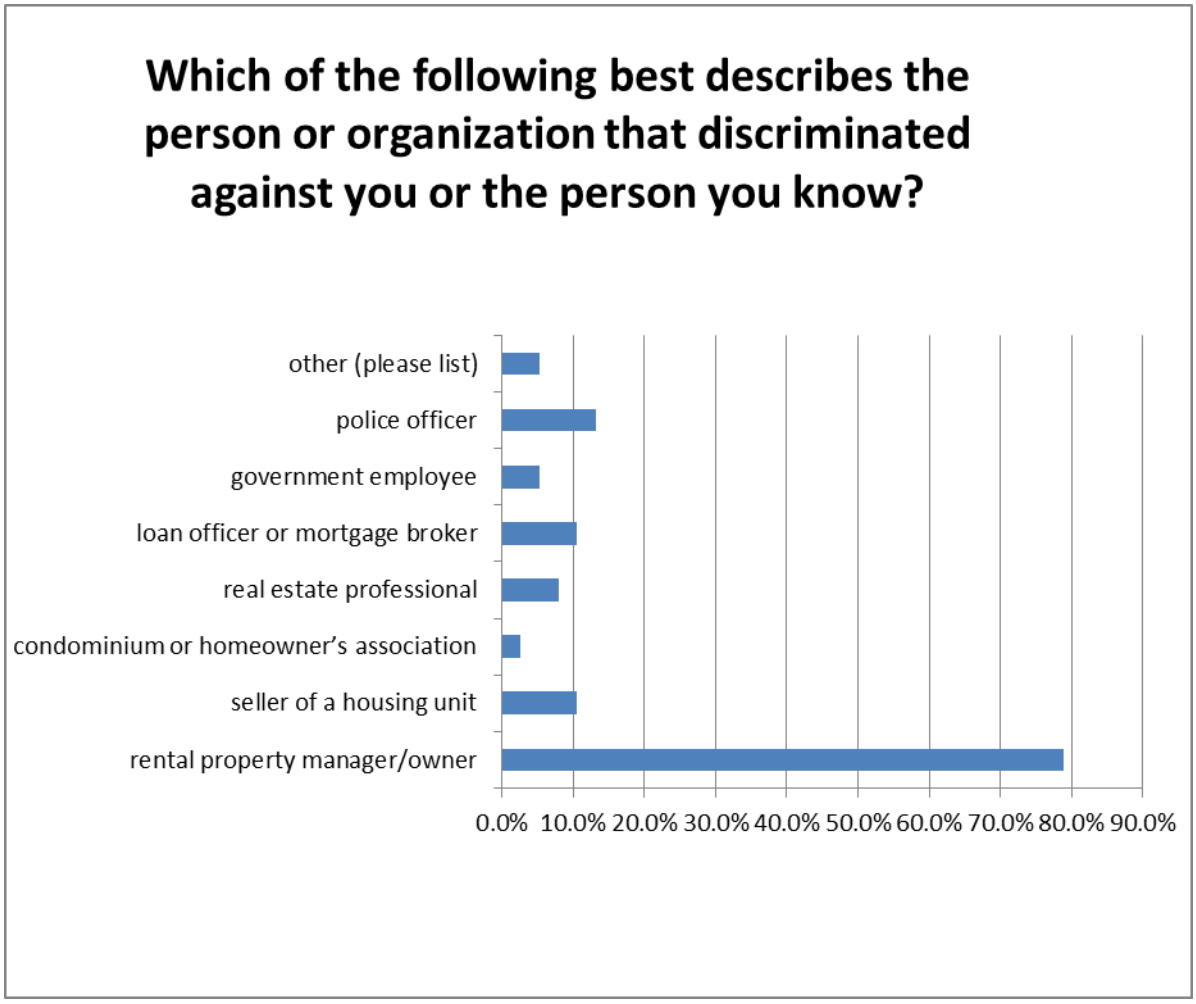
Housing Discrimination

Survey respondents were asked to identify ways in which housing discrimination can occur, based on list of general categories. The following responses were recorded.

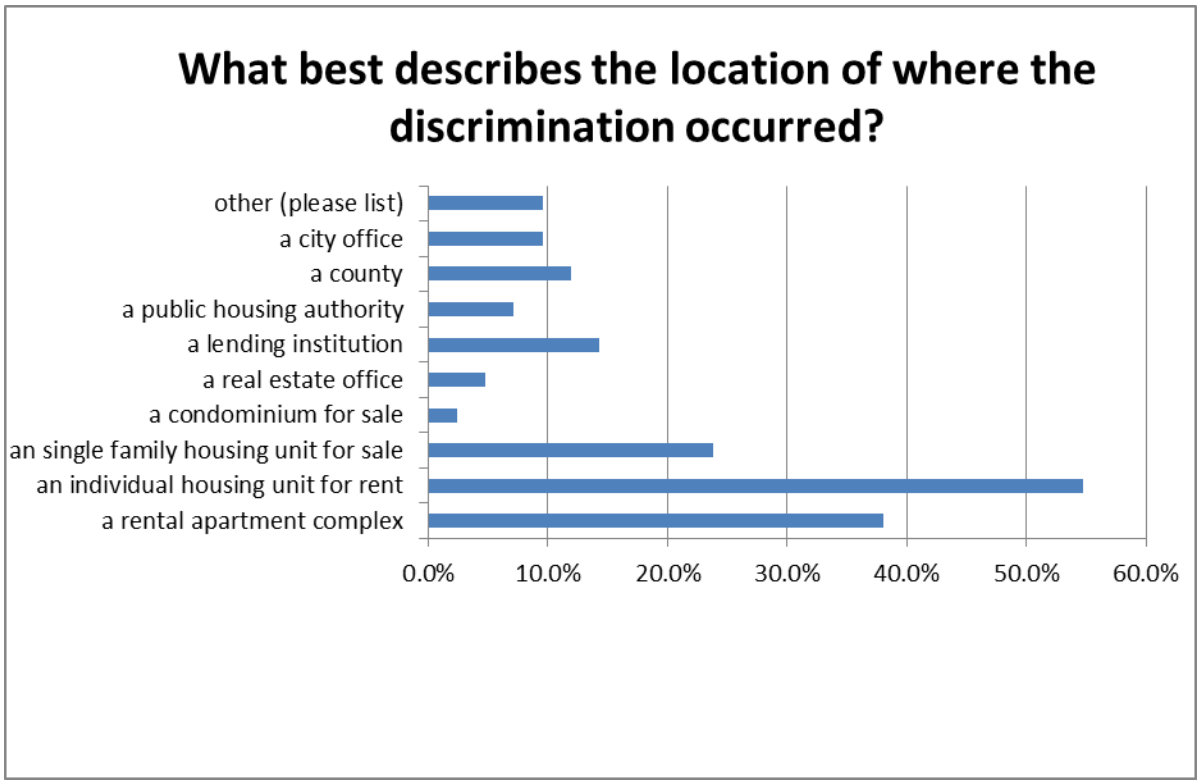
Table 51

Areas in Which Housing Discrimination Can Occur	# of Respondents	% of Responses
Race	93	90.3%
Color	88	85.4%
Religion	84	81.6%
Sex	82	79.6%
Disability/Handicap	80	77.7%
National Origin	82	79.6%
Familial Status (family w/ one or more children under 18 years of age)	76	73.8%
Age	72	69.9%
Sexual Orientation	74	71.8%
Level of Income	71	68.9%
Citizenship Status	67	65.0%
Poor English Language Skills	68	66.0%
Source of Income (Public Assistance	61	59.2%
Other: Legal Intimidation Single Parent Level of Education (2 responses) Any of the above Illegal Immigration Status	7	6.8%

Of the survey respondents, 18 persons (15.4%) felt that they had experienced housing discrimination; 23 persons (19.7%) knew of someone who had; and 76 persons (65.0%) had not experienced housing discrimination (did not have first- or second-hand knowledge). These numbers reflect a significant portion of the survey group (35.0%) having first- or second-hand knowledge of housing discrimination. Further analysis of responses will show where/how the discrimination occurred, which is important in pinpointing what/where impediments may exist in Fremont.



Thirty-eight respondents indicated the person/organization(s) they feel are responsible for housing discrimination. Respondents were able to select more than one response. Of these responses, 30 (78.9%) indicated discrimination by a rental property manager/owner; 5 (13.2%) by a police officer; 4 (10.5%) by a loan officer or mortgage broker; 4 (10.5%) by the seller of a housing unit; 3 (7.9%) by a real estate professional; 2 (5.3%) by a government employee; and 1 (2.6%) by a condominium or homeowner's association.



There were 42 responses that listed the location where housing discrimination occurred, and respondents were able to indicate more than one location. The largest number of respondents (23, or 54.8%) indicated that discrimination occurred at an individual housing unit for rent, and 16 (38.1%) at a rental apartment complex. Based on the composite answers to this question and the previous questions, discrimination occurring at rental homes and apartments is perceived as an impediment to fair housing choice in Fremont.

Survey respondents that experienced housing discrimination were asked to state the basis of such discrimination. The following responses were given.

Table 52

Basis of Housing Discrimination	# of Respondents	% of Responses
Race	22	52.4%
Poor English Language Skills	16	38.1%
Familial Status (family w/ one or more children under 18 years of age)	10	23.8%
National Origin	12	28.6%
Color	12	28.6%

Basis of Housing Discrimination	# of Respondents	% of Responses
Level of Income	9	21.4%
Age	6	14.3%
Citizenship Status	7	16.7%
Sex	5	11.9%
Disability/Handicap	5	11.9%
Sexual Orientation	3	7.1%
Religion	3	7.1%
Source of Income (Public Assistance)	2	4.8%
Other: Single Parent of a Young Child	3	7.1%

Of the 42 listed responses to this question, Race was most frequently noted as the basis of housing discrimination (included in 52.4% of responses); followed by Poor English Language Skills (38.1%); and Familial Status (23.8%). Survey respondents stated that discrimination occurred for reasons based on the protected classes and other areas of perceived discrimination, such as level and source of income. While some of the other reasons that persons identify for housing discrimination are not federal protected classes, they have the potential for disparate impact on members of the protected classes and/or may be included in local or state definition of protected classes. Over 35% of persons surveyed felt that there was inadequate fair housing information available in other language translations. Based on these results, it is recommended that the City specifically target fair housing outreach to minorities and persons with English as a second language when planning to address impediments to fair housing choice.

Familiarity with Housing Programs and Fair Housing Law

Based on the survey results, Fremont residents are **not** well-informed about fair housing rights and responsibilities. Only 26.1% (29 persons) surveyed are familiar with fair housing or social services provided by the City of Fremont. None of the Spanish language survey respondents were familiar with fair housing or social services provided by the City of Fremont. In addition, nearly 48% of respondents (51 persons) have not seen/heard information regarding fair housing programs, laws, or enforcement within the City of Fremont.

Of the 99 respondents that answered the question regarding knowledge of Fair Housing laws, only 9 (8.2%) considered themselves to be Very Knowledgeable; 68 (61.8%) as Somewhat Knowledgeable; and 33 (30.0%) as Not Knowledgeable. When asked if current fair housing laws and enforcement mechanisms are effective, 22.1% felt they are Very Effective, 48.1% felt that they are Somewhat Effective, and 29.8% felt that they are Not Effective.

Housing Choice and Housing Supply

When asked about the current impediments to fair housing choice in Fremont, the largest impediment to fair housing is shown as being Race/Color/Ethnicity/ National Origin (55 or 64.8%). Of the residents surveyed, 42 (48.8 %) felt that Lack of Sufficient Quality Affordable Housing was a current impediment; followed by Insufficient Income (34 or 39.5%); Municipal Code/Ordinances/Regulations (39 or 45.3%); Disability and/or Age (23 or 26.7%); Sex and/or Sexual Orientation (23 or 26.7%) and Insufficient Public Transportation (24 or 27.9%); and other survey answers. Of the 10 responses for "Other," respondents provided the following answers (some were repeated):

- Ordinance 5165
- Being recently divorced from a ten year marriage, I have four kids told that places I can afford are not for that many children.
- Rental rates way too high and credit as basis for renting too, for white people.
- I don't see an impediment other than illegals renting.
- State Senator (who) makes racist comments.
- None. This is a biased study.

Of the residents surveyed, 35.7% felt that housing choices are geographically limited to certain areas or neighborhoods in the City of Fremont, while 64.3% did not. The residents that felt that geographical limitations exist named the following reasons (many of these responses were repeated in various forms):

- Affordability
- The town seems divided into lower, middle and higher income neighborhoods. West, middle and East sides of town.
- Close to children's schools, work, and highway.
- Income
- The less expensive housing is farther from my work.
- Landlords tend to rent high in a town with little jobs. Broken down houses are cheaper.
- My brother is with ENCOR, his last landlord refused to allow handicap devices to be installed in the home, yet they had to fulfill their lease, last year. I now own a home, but of the people I know, they can only afford run down properties due to the wages paid in Fremont.
- Do not want to live in any area predominantly Hispanic, so really limits where I could live.
- Affordability? Doesn't everyone have to live within their means? We would all love to live in a mansion, until it comes time to vacuum or pay the taxes.
- Even though our whole family has been born and raised in Fremont, we are local business owners, homeowners, we are all fair skinned, my husband and I are college educated, and involved in our church and community, there are still some neighbors who are unsure of us because of our Hispanic last name.
- Insufficient public transit.

- Rental houses in my price range to small... Divorce ruined my credit... I'm starting from scratch with four kids to raise.
- I want to live within my means.
- I believe they are grouped together, which brings the value of the neighborhood down. Why can't they be more sporadically located, which may also bring down crime?

Fifty-eight respondents (52.7%) felt that affordable housing options are concentrated in certain projects/areas/neighborhoods, although 52 respondents (47.3%) felt that affordable housing options are spread throughout the City of Fremont. When asked to identify the areas with concentrated affordable housing, the answers included the following (many of these responses were repeated):

- South, Central and West sides.
- White neighborhoods.
- Regency Trailer Park (and all of the south side of town/Washington Elementary school area). Along the railroad tracks (north/south and east/west lines) Washington Heights area (south) Davenport area
- Will not live in any neighborhood dominated by Hispanics, fewer and fewer areas that are not now.
- Prices of homes increase on the east side.
- The south west side of town is cheaper to rent in. Almost all the houses large enough for my family of 8 are rented for insane prices because they are mostly rented to multiple college students who split the rent to make it affordable for them but for a 2 income family that is impossible to afford most of the rental prices for large family homes.
- Habitat for Humanity homes are concentrated in certain areas.
- Ask the people to the east side and to the north side of Fremont. They have tantrums if a bad apple moves into THEIR neighborhood!
- Define "affordable" - some ritzy neighborhoods are out of my price range.

When asked if they perceive certain geographic areas or neighborhoods within Fremont to be undesirable, the vast majority (77.0%) of respondents answered affirmatively (87 respondents). In addition, the undesirable areas were identified by those surveyed to include (many of these responses were repeated in various forms):

- South side
- Pierce Street between Military and Linden, South of Military/west of Broad.
- Southwest side
- Inglewood
- Regency Trailer Park
- South of Military and West of Broad
- Washington school area, housing area behind Staples
- Empire area
- All trailer parks

- All areas now dominated by Hispanics
- Meadowbrook
- I find neighborhoods that generally have higher or lower than the median as undesirable.
- The neighborhood between downtown & Barnard park area is in need of rehab funding.

The survey asked if the enforcement of rental license requirements within Ordinance 5165 would prevent them from moving. Twenty-one (19.8%) of respondents answered that it would prevent them from moving, and 85 (80.2 %) answered that it would not.

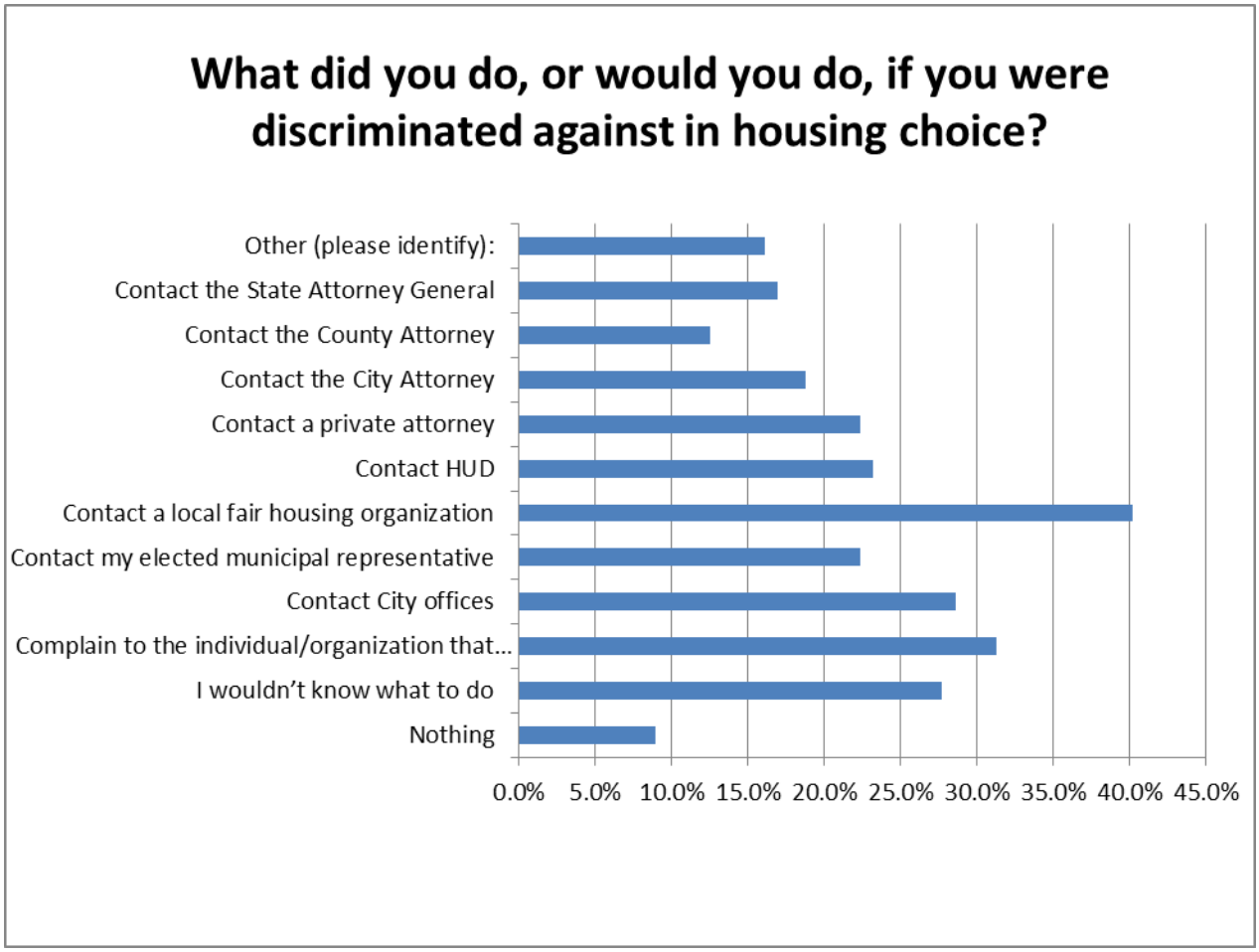
The survey asked if there was an adequate supply of affordable housing available to residents with disabilities, senior citizen residents, and residents with children. The following answers were collected (many were repeated in various forms):

- There is not an adequate supply. Period.
- Yes. There are rental properties all over town with more becoming available every day.
- No to all of the above because other people are ruining it for those who would truly appreciate it but they get rented out to the same people/families time and time again.
- Don't know.
- Disabled/Sr. Residents most Gifford/Stanton Towers available but with drug addicts, etc. allowed to live there, make it unsafe for the disabled or elderly. Also, families with children need a bigger home/apt. and to get in anything nice with a yard, etc. is mostly too expensive for an average family to afford.
- Young couples cannot afford the high rent.
- No to all, especially single parent households.
- There is not adequate supply of affordable housing in Fremont. Wait list is so long that it usually takes 5+ years to get into affordable senior housing.
- No, because with multiple illegals renting they force up rental prices. Those on fixed incomes cannot make it.
- Never saw a problem.
- Yes, too many.
- There are always many rental and for sale signs up or in the paper.
- Disabilities: a lot of the rental properties are older. I doubt many meet ADA requirements. Senior Residents: If the senior citizen has money, they have some beautiful retirement home options, but there are many seniors who are living on very limited funds. There aren't many high quality options at a reasonable price. Residents with children: Again, many of the homes for rent are of poor quality and apartments are very limited or sketchy. Another concern is the number of registered sex offenders in the city's rental units.

- Fremont's prices are outrageous compared to Omaha & surrounding areas.
- Seniors need middle income options.

It is clear, throughout this survey that impediments exist in Fremont that limit access to housing for many protected classes. The City of Fremont needs to closely analyze its policies and programs that assist the elderly, minorities, disabled, and families with children with the provision of affordable housing choices.

Fair Housing Education and Enforcement



Of residents surveyed, the largest number of responders (45 persons, or 40.2% of all responses) answered that they would contact a local fair housing organization if discriminated against in housing choice, and the next largest group (35 persons, or 31.3%) answered that they would make a complaint to the individual/organization that discriminated. Survey respondents were also able to write-in answers in the "Other" category, which included:

- Contact Police

- Don't want to waste time/money on a legal battle. I'd find somewhere else if I could.
- Our elected senator and officials are discriminatory toward many groups. Poor, single mothers/fathers, anyone that looks Hispanic.
- ACLU
- File a lawsuit.
- Go to the media.
- Choose not to live in a city that requires I.D. before allowing one to rent.
- Deal with it!!!

Other answers were spread throughout the other options, as shown above.

Residents were asked to indicate the most effective ways to inform residents about fair housing rights and/or responsibilities. The following answers were given.

Table 53

Most Effective Ways to Inform Residents About Fair Housing Rights and Responsibilities	# of Respondents	% of Responses
Information on the City's Website	59	53.6%
Fair Housing Literature/Information in Public Libraries and Municipal Center	54	49.1%
Television Advertisements/Announcements	49	44.5%
Bilingual Advertisements/Announcements	51	46.4%
Radio Advertisements/Announcements	49	44.5%
Public Meeting(s)	46	41.8%
Other: Mailings Hand out at rental agencies/buildings Flyers and Pamphlets Bilingual billboards and flyers Info in schools and DHHS Social media networks ELL classes for adults Website and Facebook page Pamphlets in shopping areas This is not government's job	21	19.1%

Of the 21 responses for "Other", most felt that there are multiple ways to inform residents and used the "Other" category to describe that. Many responses were repeated in various forms.

Surveyed residents were asked for suggestions to change fair housing laws and practices. Suggestions included (and many were repeated in various forms):

- Remove Ordinance 5165 to begin with. All forms/paperwork regarding this ordinance is in English or Spanish. To me this is discrimination right off the start. Why are we focusing on the Hispanics when there are other nationalities that live in Fremont? Are we saying only Hispanics are illegal. Or are we discriminating against other nationalities as we have no forms/paperwork in their Language. It just seems like Fremont is focusing on the Hispanic population.
- Keep the prices down.
- Remove the bigots, hypocrites and racists from Fremont.
- Have an inspector to completely inspect all rental homes and give a proper evaluation what that home is worth for a rental fee. It's the landlords that are out of control.
- People need to stop hating and realize that we are all in this together. Change the laws to be fair and equitable.
- Remove illegals from our town, would open more areas for housing and more desirable areas!!
- Not allowing landlord to ask how many children do you have. Or if I am married.
- Paperwork/registration for rental license should be located in city municipal bldg. not police station.
- Ensure that Fremont's new Ordinance 5165, that the voters have voted on for a second time, is enforced to give legal residents access to more housing. Perhaps then certain landlords won't be likely to cram so many into a rental unit.
- No. Just leave us alone.
- Not sure.
- Non-discriminatory officials in public office, kind compassionate people at FHA and loans that would be attainable for working families.
- Repeal the ordinance, educate the community on how we are going to lose out on funding, etc. Perhaps organize groups who could be on call and would volunteer, to drive those in need of a ride to get the rental permit.
- Treat everyone with respect.
- People need to be made aware of their rights and have a way to access their rights.
- Make stronger penalties for landlords so they'd think twice.
- Cut off the funding to a city that does not follow the Federal/State guidelines.

The survey concluded by asking for specific actions that the City of Fremont could take to address impediments and improve fair housing choice for all residents. The following answers were given, with many repeated in various forms:

- Reconsider cancellation of the bus service, implement and enforce minimum standards for property upkeep to crack down on slumlords.
- None.

- Instead of the renters being targeted, it should be property managers. Educating them would probably be a good step in preventing them from discriminating people. Is there a permit you have to get to be a landlord? Maybe a quick test they have to pass to get the permit might raise awareness.
- Enforce a price limitation.
- You cannot fix stupid. Prejudice in any form is stupid. So is price gouging to people that are perhaps from another country and low educated people who simply don't understand.
- Stop trying to overturn the will of the voters, again. Try following the rules you already have in place & do your best to be equitable.
- Education on diversity and the value of diversity for all of humanity. Educate business owners (like those who rent homes) on fair housing laws.
- Use TIFs or blight funds.
- Is there a simple reporting mechanism that does not require the offended party to seek out multiple public representatives? Ideally an advocate for residents - outside the city government and immediate sphere of influence - would allow both offended parties and information seekers to feel as though they are getting all the information, help, and representation needed, instead of a bureaucratic obstacle course.
- Enforce laws against illegals in our town!
- Check for legal IDs.
- More housing for the elderly, not the horrid towers. They are too small.
- Educate landlords and require registration with city for the landlords.
- Resist efforts that would derail Ordinance 5165. This will allow Fremont residents more job and home choices to improve their lifestyles. The ordinance after all has been determined to be fair in the courts. Question: Was this survey designed to have a predetermined outcome? The average citizen doesn't know that this survey is being taken and probably hasn't experienced any discrimination.
- Repeal Ordinance 5165.
- It sounds like this is just trying to create trouble where there isn't any.
- It's fair... get a life.
- Implement and use the laws and ordinance as they were meant to be & cease allowing breaking the laws because of threat of lawsuit. It is wrong to have a lawbreaker continue to break the law because we are afraid to be sued or it will cost money. That is so wrong!!! We also need to replace our corrupt and crooked council & major who continue to trample the rights of the people of Fremont as illegally as the illegals they protect!!
- Get some courage to address the bigots in Fremont!
- Repeal the law that discriminates against people that look like they may be of a different ethnic group.
- I think educating people gives them power. Power gives you choices. Choices give you freedom. Thus, organize a group that focuses on poverty and its impact on families. From that group, brainstorm subgroups that would help devise a plan to facilitate workshops on: health, education/tutoring, finance, parenting/

relationships, anything to help make Fremont a more positive, enjoyable, and desirable place to live.

- Stand up more firmly for Hispanics who are legal and not let the Tribune allow such racist, prejudiced anonymous posts about immigrants.
- Wait for the older generation to die off and let the more tolerant younger generations take hold and run things. This is a good ole boy town.
- Since the ordinance is being implemented, the City of Fremont must educate the entire community on this. There is a lot of misunderstanding about what "fair housing" means in this community. The ordinance has given people the impression they can bully and intimidate people based on race, national origin, or use of English. There are much bigger problems than fair housing, but at least with education (especially for the people who will likely experience discrimination) there can be some positive steps taken. I would like the police department, the schools, and landlords/realtors specifically to be knowledgeable resources for the community.
- Public meetings on diversity and what it means to a community.
- Get rid of the slum-lords and keep landlords from creating ordinances through their power on the City council. Better government would be a start.

It is apparent from the previous two sets of survey responses that the Fremont population is sharply divided regarding the proper way to conduct fair housing education and remove impediments to fair housing choice, particularly with respect to Ordinance 5165. It would benefit the City of Fremont to continue to hold public forums, roundtable discussions, and/or form a volunteer citizen committee to propose programs, policies, and other changes that would seek to alleviate impediments to fair housing choice through education and outreach.

Additional Surveys

Additional online surveys and questionnaires were created for Housing Service Providers, Realtors, and Lending Institutions in the Fremont area via http://www.surveymonkey.com. These surveys were open in March 2014 and available to area service providers, realtors, and lenders. At the time of publication, a total of 17 industry representatives had completed surveys.

Realtor Surveys

The Consultant and City of Fremont staff emailed and invited Fremont real estate professionals to attend an informational AI meeting/feedback session, as well as fill out the fair housing survey. A total of 14 real estate professionals completed a survey. A summary of these surveys is as follows.

Less than half (42.9%) of the real estate professionals surveyed felt they were Very Knowledgeable about Fair Housing Law, and 57.1% felt Somewhat Knowledgeable. No respondents answered as Not Knowledgeable.

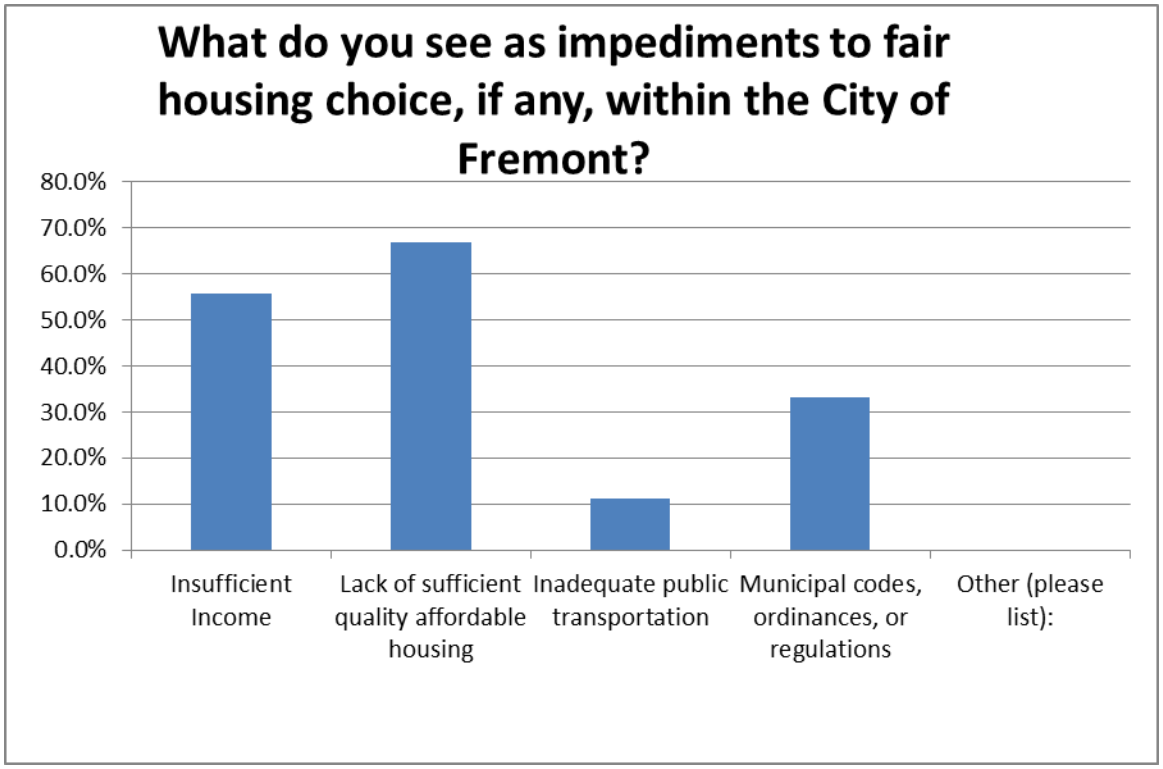
Realtors were asked a variety of questions regarding the practices and procedures of their businesses. The following answers were given:

Table 54

Background Questions for Realtors	Yes # and %	No # and %
Does your company have written policies addressing Fair Housing Laws?	11 78.6%	3 21.4%
Do your marketing materials and/or display advertisements include images of people of diverse racial/ethnic backgrounds?	6 42.9%	8 57.1%
Do you publish in local minority and multi-lingual publications?	1 7.1%	13 92.9%
Does your company undertake any special/affirmative marketing efforts to target minorities or low-income clients?	2 14.3%	12 85.7%
Do you intentionally employ bilingual individuals on your management and sales staff in order to serve clients with poor English language skills?	3 21.4%	11 78.6%
Have you carved out a specialty/niche market in the City of Fremont?	3 21.4%	11 78.6%
Do you accept listings or show homes outside of your specialty/niche market?	11 84.6%	2 15.4%
Do you accept listings regardless of home value?	12 85.7%	2 14.3%
Do you accept listings in low-income or minority neighborhoods of the City of Fremont?	12 85.7%	2 14.3%
Do you serve clients participating in public homebuyer subsidy programs?	14 100%	0
Does your real estate business, in policy or in practice, deny services to potential clients on any of the following bases (race, color, religion, etc.)?	0	
Do you perceive certain groups or individuals to be less desirable as clients of your real estate business?	2 14.3%	12 85.7%
Have any groups or individuals filed complaints against your real estate company, or initiated legal action on the basis of fair housing discrimination, with any Federal, State, or local regulators?	0	

When asked to identify the impediments to fair housing choice in Fremont, the largest group of respondents (6 respondents, 66.7%) felt that Lack of Sufficient

Quality Affordable Housing was a factor. Additional responses are as illustrated below.



It should be noted here that the above reasons identified as impediments are not exclusively applied to protected classes but can still be viewed as impediments to fair housing choice as they have the potential to disparately impact members of the protected classes and restrict their housing choices.

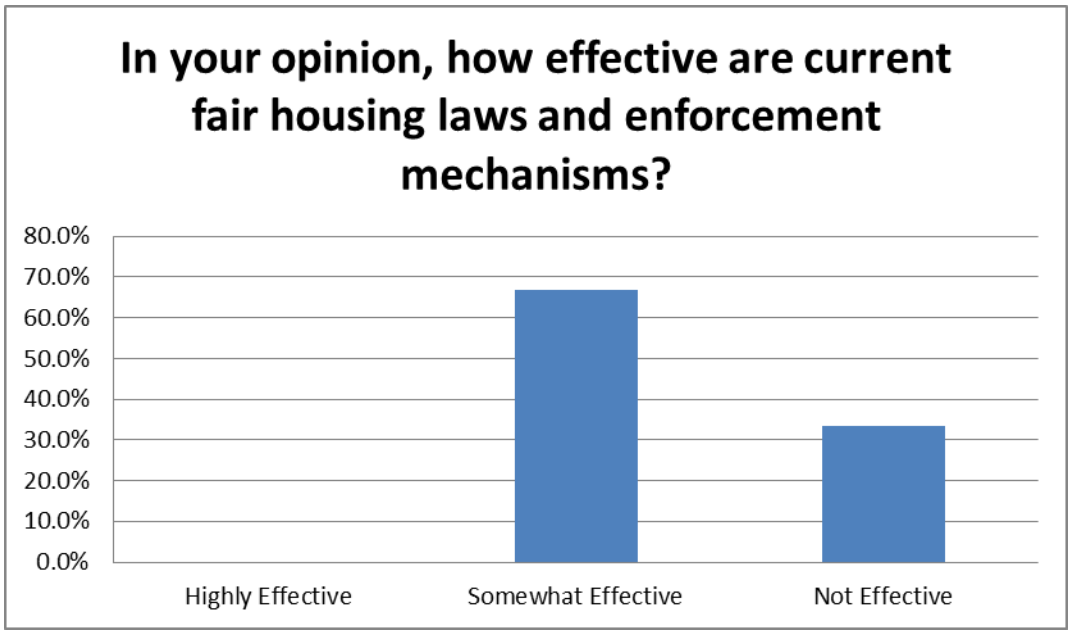
Realtors were asked if they felt that the new rental license and fee requirements would likely hinder people from renting housing.

- Five respondents (38.5%) felt that it would hinder people from renting.
- Eight respondents (61.5%) felt that it would not.

Realtors were asked if they used fair housing materials and had fair housing training as part of their real estate businesses. The following answers were given.

- Ten respondents (71.4%) had business materials promoting fair housing. Four respondents (28.6%) did not.
- Thirteen respondents (92.9%) had received fair housing training. One respondent (7.1%) had not.
- Twelve respondents (92.3%) had received training by way of continuing education. Two respondents (15.4%) had received certification training.

Realtors were asked to determine how effective current fair housing laws and enforcement mechanisms were in Fremont. Although the majority (66.7%) found the laws/enforcement to be Somewhat Effective, none of the respondents felt that laws/enforcement was Highly Effective, and 33.3% found them to be Not Effective.



Respondents were given the opportunity to explain why/why not the current fair housing laws were effective. The following responses were obtained.

- Not sure everyone who faces discrimination feels safe making complaints.
- They are effective if the client has adequate education on fair housing.
- Not many people are aware of fair housing or how to file complaint.
- No enforcement for people illegally getting benefits.

Surveyed real estate professionals were asked for suggestions to change fair housing laws and practices. Suggestions and/or responses included:

- Fremont needs a publicity campaign to improve its image as a fair and tolerant place to live and work.
- Bring more awareness to the community. Education to the people, residents, landlords that sometimes the unwritten law of the land for whites only is illegal.
- Remove illegal aliens from the United States so the legal people would have more housing available.

Survey respondents were asked to suggest actions that the City of Fremont could take to address impediments and improve fair housing choice for all residents. Suggestions and/or responses include:

- Get rid of the rental license and fee law.

- Bring awareness of this issue especially in Fremont. If community was aware then maybe Ordinance 5165 would not have been initiated. Stop the ignorance.
- Provide a method of reporting, detaining, and deporting illegal aliens, sell no utilities to illegal aliens.

Upon reviewing these survey responses from real estate professionals, it is clear that this group is also divided regarding the proper way to conduct fair housing education and remove impediments to fair housing choice, particularly with respect to Ordinance 5165. It was also significant that 28% of realtors surveyed did not have fair housing materials. It is recommended that real estate professionals receive additional fair housing training to ensure that fair housing rights and responsibilities of their clients are fully understood and upheld. Realtors should also be encouraged to provide fair housing materials as part of their policies and procedures.

Lender Surveys

The Consultant and City of Fremont staff emailed and invited Fremont mortgage lenders to attend an informational AI focus group/feedback session for realtors, lenders and housing providers, as well as fill out the fair housing survey. No realtors were in attendance at the focus group and only one (1) lender completed a survey. The results of the focus group will be discussed in the Public Outreach section.

The lender surveyed felt they were Very Knowledgeable about Fair Housing Law. The survey asked a variety of questions regarding the practices and procedures of their businesses. The following answers were provided:

Table 55

Questions to Mortgage Lender	Yes	No
Does your company have written policies addressing Fair Housing Law?	X	
Do your marketing materials and/or display advertisements for soliciting borrowers include images of people of diverse racial/ethnic backgrounds?		X
Does your company's marketing in the media include advertisements in languages other than English?		X
Does your company undertake any special marketing efforts to target minorities or low-income		X

Questions to Mortgage Lender	Yes	No
clients?		
Do you intentionally employ bilingual individuals on your lending staff in order to serve clients with poor English language skills?	X	
Has your company carved out a specialty/niche market in the City of Fremont?		X
Does your company write mortgages for home purchases in minority or low-income neighborhoods of the City of Fremont?	X	
Does your company have a different fee structure, points, and/or interest rate quotes for mortgages on homes in minority and/or low-income neighborhoods?		X
Does your company have full-service branch offices located in minority and/or low-income neighborhoods in the City of Fremont?		X
Does your company offer subprime loan products?		X
Does your company in policy or in practice deny loans to potential borrower clients on any of the following bases? (Race, color, religion, etc.)		X
Are certain groups of individuals perceived to be less desirable as borrower clients of your lending institution?		X
Does your company provide permanent mortgages for clients participating in public homebuyer subsidy programs such as HOME and Section 8 mortgages?	X	
Does your company provide acquisition, construction, or predevelopment loans for developers of affordable housing, or housing in low income neighborhoods, that may be using public subsidies?	X	
In your opinion, is the new license and fee		X

Questions to Mortgage Lender	Yes	No
requirement likely to hinder people from renting?		
Do you perceive Federal, State, or local banking regulations as impediments to fair housing mortgage lending?		X
Have any groups or individuals filed complaints against your lending institution with any Federal, State, or local regulators, or initiated legal actions on the basis of fair housing discrimination?		X

The mortgage lender respondent stated that lack of sufficient quality affordable housing was the main impediment to fair housing choice in the City of Fremont. In addition, the survey respondent found that current fair housing laws and enforcement mechanisms were Highly Effective.

Housing Provider Surveys

The Consultant and City of Fremont staff emailed and invited Fremont housing providers to attend an informational AI meeting/feedback session, as well as fill out the fair housing survey. A total of 2 housing providers completed a survey. One respondent worked with the development and/or rental of housing, including affordable housing; and one respondent worked with property management for rental housing. Both survey respondents felt that they were just Somewhat Knowledgeable of fair housing laws, including Nebraska fair housing law.

Table 56

Questions for Housing Service Providers	Yes # and %	No # and %
Does your agency assist with fair housing complaints?	0	2 100%
Do you have any materials displayed to promote fair housing?	0	2 100%
Have you or your staff received any fair housing training?	1 50%	1 50%
In your opinion, is the new rental license and fee requirement likely to hinder people from renting?	2 100%	0

Although the housing providers surveyed do not assist with fair housing complaints, one respondent was aware of an incident of housing discrimination/ complaint reported due to the actions of a rental property owner/manager.

When asked to identify impediments to fair housing choice in Fremont, the housing service providers stated that Race/Color/Ethnicity/National Origin and Insufficient Income were impediment to fair housing choice.

One survey respondent felt that residents perceive certain geographic areas or neighborhoods within the City of Fremont to be undesirable, but one survey respondent did not. When asked to describe the areas perceived as undesirable, the answers were as follows:

- Areas south of the viaduct.
- Anything south of Military.

Housing providers were asked to identify appropriate actions for clients who have experienced housing discrimination. Only the following actions were identified as options:

- File complaint with the individual/organization that discriminated.
- Contact a local fair housing organization.
- Contact HUD.
- Contact a private attorney.

The only suggestion or recommendation for improving fair housing choice given by housing service providers was to eliminate the rental permit.

Upon analyzing all survey responses from residents, real estate professionals, and housing service providers, it is clear that the lack of fair housing education and enforcement in the rental community, as well as within the minority community, serves as an impediment to fair housing choice.

The surveys also demonstrated opposition to the rental occupancy permit ordinance from all groups surveyed. However, a majority of persons surveyed did not believe that it would result in renters feeling forced to move.

Key Person Interviews

In conjunction with the surveys, ASK conducted key person interviews person-to-person, by teleconference, and via email correspondence with members of nonprofit and advocacy groups.

Key Person Interview Participants

Organization	Key Person	Title
Fremont Housing Agency	Sue Kleider	Executive Director

Organization	Key Person	Title
Nebraska Equal Opportunity Commission (by phone)	Gretchen Eure	Unit Director
Fair Housing Center of NE-IA	Joe Garcia Tim Butz Gary Fischer	Program Director Assistant Director – Investigations General Counsel
Eastern Nebraska Office of Aging	Kay Snelling	
Fremont Board of Realtors	Craig Ronhovde	President

Below is a summary of fair housing issues identified by key persons.

Fremont Housing Agency

- Need for more fair housing education specifically on the rights of citizens. It was recommended that housing providers and agencies be encouraged to promote fair housing on their websites.
- Lack of affordable housing in the City noted as a concern.
- Challenges with Immigration Ordinance expressed. Issues related to conflicting statute for eligible tenants and prorating of rents for families with members who are not legal residents were discussed.
- The agency has been receiving more applications from Hispanic residents. Board member willing to offer interpretation services. The agency is working on identifying resources for non-English speakers. Cheat sheets for non-English speakers were prepared.
- Occasional housing complaints received and referred to Three Rivers Health Dept. and Fair Housing center. Provides HUD telephone number for complaints.
- Issues with supportive services for persons with disabilities. State of Nebraska Resident Supportive Services Coordinators are no longer required to provide case management services. The Agency has responded with alternatives to ensure that residents' needs are met. Computer service to get applicable tenants to register for services during startup process.

Nebraska Equal Opportunity Commission

- Difficulty in finding accessible housing in the City was noted as an impediment
- The NEOC does not provide information on number and types of cases within Fremont due to confidentiality requirements.
- The NEOC governing board has not taken an official position on the housing provisions of the Immigration Ordinance.

Fair Housing Center of Nebraska-Iowa

- Concerns with implementation of the Housing Provisions of the Fair Housing Ordinance. The agency made a fair housing presentation to Fremont City Council. The agency has done a lot of outreach to Hispanic community. Notes a significant hesitancy of Hispanic residents to come forward with housing discrimination claims. Related instances of NIMBYism ("Not In My Back Yard" attitude that resist categories of people or types of housing from being located in a neighborhood) with Northwest section of the City protesting use of a City park by Hispanics and offering to raise funds to build a soccer field in the Hispanic area of town. Complaints regarding out of town parking were cited as reason.
- Agency placed fair housing billboards in Fremont in Spanish and English. Agency received hate mail and threatening and racist voice mails
- Concerns that the housing provisions of the Immigration Ordinance will have a discriminatory impact on minorities including:

    1. Reduction of available housing to Hispanic or all minorities because landlords feel they are forced or limited to renting to whites only.
    2. Since landlords may assist tenants in completing the rental occupancy application, unequal treatment of tenants where landlords may obtain and complete applications for whites but tell Hispanics and other minorities to complete it themselves.
    3. The Fremont area has a large concentration of Hispanics from Central American where police are viewed negatively. Concerns that the ordinance is designed to deliberately intimidate them. Some landlords currently renting to Hispanics may discontinue the practice.
    4. Fewer persons may want to rent housing in Fremont or want to move to Fremont. This may negatively impact the growth of the population. Potential to limit rental development as more minorities are renters.
    5. The ordinance creates another opportunity to mask discrimination.
    6. Group of non-profit developers not wanting to build in Fremont

- Disadvantaged persons are occupying the worst housing in Fremont
- Racially impacted system communities – reduced inspection standard/requirements. An inspection grading would put the onus on the landlord
- Title VI obligations problematic – LEP programs and policies are not in place.

- The agency notes disability as the main fair housing complaints from Fremont
- The agency visits the City once per month to homeless shelter
- The agency is committed to work with the City to ensure that discrimination in the City is lessened

Eastern Nebraska Office of Aging

- Need for more public education about fair housing utilizing presentations in the community or by mailing information because elderly residents often cannot afford or cannot use computers and may not have access to newspapers.
- One of the impediments to fair housing is the lack of clean, decent affordable apartments. Apartments are very expensive and often, not accessible.
- The agency has not taken an official position on the Immigration Ordinance. However, the representative does not believe the Immigration Ordinance will affect anyone currently residing in Fremont but may deter others that know about the Ordinance from moving to Fremont.

Fremont Board of Realtors

- The Fremont Board is the local arm of the National REALTORS Association. Its main function is to support and facilitate interaction between individual REALTORS, between brokerage firms, and with the State and National organizations.
- The Board does not have direct contact or communication with individual citizens regarding fair housing.
- The REALTOR organizations support and advocate for policies and laws that will enhance the availability of fair and affordable housing. Advocacy is primarily handled at the national level.
- The Board provides information and educational opportunities for members
  regarding fair housing & discrimination.
- REALTORS are educated in the area of discrimination and fair housing and can direct people to the appropriate resource for resolving or reporting fair housing issues.
- Fremont does need more good affordable housing.
- The Fremont Board of REALTORS did not take a position on the rental occupancy ordinance.

Consultation Meetings with City Staff

Meetings were held with City staff and officials to get input on fair housing and discrimination issues. Consultations were held with the following persons:

- Jean Kaup, Office Services Associate
- Rian Harkins, City Planner
- Paul Payne, City Attorney

City of Fremont staff members were asked a number of questions about the status of fair housing, affordable housing and community service needs in Fremont. Discussion and responses from City Staff are included in various sections of this report.

Focus Groups

In order to elicit input on public perceptions of the impediments to fair housing choice and housing discrimination in Fremont, focus group meetings were held on March 19, 20, and 21, 2014 with the following groups:

- Realtors, lenders, property managers, and other housing providers.
- Housing providers and advocates, as well as community housing development organizations meeting the needs of low income families, persons with HIV/AIDS, homeless, and persons with disabilities.

The focus group meetings were advertised on the City website, via email, in the Fremont Tribune, publicized on KHUB, the local radio station, as well as the City's Facebook page.

Citizen's Advisory Board and Focus Group Meeting Attendees

Meeting Participant	Agency/Organization (if applicable)
Citizen Advisory Board – Thursday, March 20, 2014	
Amber Barton	Pinnacle Bank
Al Martinez	XXX
P. Nielsen	Fremont National Bank
Terry Sewell	Fremont National Bank
Ryan Fiala	Dillon Chevy
Tim Engelbart	Northeast Nebraska Economic Development District
Judy Joy	Northeast Nebraska Economic Development District
Jamie Ahrens	Northeast Nebraska Economic Development District
Realtors, Lenders, Property Managers and Housing Providers – Wednesday, March 19, 2014	
Barbara Christensen	Christensen Corporation

Meeting Participant	Agency/Organization (if applicable)
Sue Kleider	Fremont Housing Agency
Russ Calloway	XXX
Lori Schmidt-Lathrop	Pebley Inc.
Brendan Murray	Murray Management LLC
O.L. Hoesing	Hanish Property LLC
S. Andresen	Hanish Property
Steven Dahl	Dahl Properties
Tom Winter	Winter Rentals
Beverly Gobbett	Don Petersen and Associates
Marlin Brabec	Don Petersen and Associates
Don Schneider	Don Schneider Law Office
Ray Clopper	XXX
Shawn May	S. May and Associates, Inc.
Maggie Zarate	Don Petersen and Associates
Gary Pebley	Pebley Inc.
Housing Providers/Homeless/Disabilities/CHDOs/Continuum of Care/HIV/AIDS/Advocates – Friday, March 21, 2014	
Kay Snelling	Eastern Nebraska Office on Aging
Lt. Tim North	The Salvation Army
Katelyn Cole	The Salvation Army
Stacey Pawling	ESO #2
Diane Carnahan	Care Corps Homeless Services
Shawn Shanahan	Fremont United Way

At each session, the meeting attendees were educated on the purpose of the AI and the process to be used. Participants were asked to identify housing choice issues that were of particular concern to them and their comments were recorded. In addition, members of the general public, as well as representatives of various community groups were invited to a public meeting held on March 20, 2014. Fifty members of the public were in attendance.

Issues Discussion from Focus Groups, City Officials, and Public Meetings

Discussions regarding fair housing choice in focus groups, key person interviews, public meetings, and with City staff resulted in the following observations. Several issues that limit housing choice but did not fall under the protection of the Fair Housing act were raised by participants and interviewees.

Participants at the focus groups and the public meeting were asked a number of questions about the status of fair housing, affordable housing, and community service needs in the City of Fremont. Much discussion at these meetings concerned the City's new Immigration Ordinance. A summary of responses and discussions from the focus group and public meetings are provided below.

General Comments:

- There is a general perception that the new Ordinance allows landlords extensive latitude to deny rental housing to immigrants. Education regarding the specifications of the Ordinance is needed.
- There is concern that the ordinance presents an additional barrier to get into housing
- Concern expressed regarding how Ordinance will impact the way non-profits deal with residents
- Individuals fear that the new Ordinance will result in evictions and will make it more difficult to obtain rental housing.
- There is fear that landlords may not want to rent due to individuals' citizenship status. Clarified that Ordinance does not discriminate. Person only has to sign and check box 7. Also noted that it is illegal for a landlord to make independent judgment regarding person's status. Noted that police cannot arrest anyone even if called to home where someone has lied about status
- Concerns expressed regarding applicability of provisions to temporary residents and ability of landlords to investigate citizenship
- Concerns that landlord will be fined if each person in the house who is over 18 does not have a license. If tenant is illegal, they have 30 days to move after being given two opportunities to address eligibility. Eviction part of landlord's rental risk but recommend prequalifying tenants to avoid later having to evict
- Concern regarding racial profiling of Latinos once Ordinance is passed.
- Many Landlords do not want to rent due to high level of paperwork required by ordinance
- There is need for more programs to better educate tenants regarding their responsibilities and rights
- There is insufficient housing throughout the city for lower income residents
- Consensus of opinion that housing choices are limited for low income residents including many single parents who fall into that category. Need for more family units at affordable rate
- Spanish-speaking population increasing

ADA and Housing for Persons with Disabilities:

- Housing affordability has an impact on the mentally ill because of their low income.
- Harder to find accessible housing
- More families are in shelters than previously. 90% have mental illness diagnosis

- City not as restrictive regarding location of certain types of housing in low income areas as in other parts of the City. For example, group home consistently not granted permits in a higher income area
- There was discussion regarding landlord's responsibility to provide wheelchair accommodation. Clarified that adjustments must be made but tenants can be asked to cover cost.
- Accommodations needed for service animals. Guidelines from City regarding type would be applicable. Tenant must pay for damages caused by service animals, as in the case of smoking
- Individuals with mental illness encounter barriers to housing because of their low income, and lack of support and a perception that they are "lazy and unclean."

Transportation:

- Lack of public transportation in the City is an impediment; Residents are forced to live in substandard housing because of nearness to work. Many low income residents walk to work.

Additional Community Outreach

Additionally, in May 2014, City of Fremont staff gave two community presentations to which members of the general public, as well as representatives of various community groups were invited. The sessions are described hereunder:

- Basic Fair Housing seminar (flyer attached in Appendix). There were 41 people in attendance including 7 realtors, 4 maintenance staff for rental properties, 1 attorney representing several area landlords, 2 city employees, and 27 landlords.
- Fremont Family Coalition meeting – There were 43 people in attendance including representatives from Fremont Public Schools, United Way, Dodge County Head Start, Low Income Ministry, Lutheran Family Services, Keene Memorial Library, Bridges, Early Childhood Development, Probation Office, Health and Human Services, Care Core, Fremont Habitat for Humanity, Heartland Family Services, Low Income Ministry and Boys Town. Questions from attendees included whether information was available on the website. Where to direct clients who have complaints, the reason for an AI study at this time, and availability of staff for presentation to private groups. Several individuals expressed appreciation for the presentation, noting that they had been unaware of the existence of much of the information presented.

VI. FAIR HOUSING IMPEDIMENTS AND RECOMMENDATIONS

Introduction

The City of Fremont's 2011 identified impediments to fair housing choice and provided recommendations for specific actions that the City could take to reduce or remove those impediments. This section will review the impediments and action plan identified in the City's 2011 AI and the status of those impediments.

This section will also review any current impediments identified through this 2014 study, discuss the issues related to the impediments and their impact on members of the protected classes and the community, and provide recommendations to the City. The recommendations will consist of both reactive and proactive actions to address and ultimate acceptance and implementation of any or all recommendations will be done by the City's governing Council. In order to develop a viable implementation plan, the City may view the recommendations as a framework for addressing the impediments and a guide to facilitate further community dialogue, research, feasibility testing, and fair housing action planning.

Previously Identified Impediments and Recommendations

The following are the previous impediments, recommendations and current status. It should be noted here that some of the items identified were not clearly articulated as fair housing impediments. Refer to the 2011 study for more detailed information.

Previous Impediment #1: Availability of affordable housing and cost of housing and utilities.

Previous Recommendation(s):

- **Recommendation #1:** Plan and develop up to **645 new housing units,** by year end, **2016,** including up to **135 subsidized rental units** and **40 owner units for households of very-low- to moderate-income** including rental units for all income sector and household type and owner units for persons and families of moderate+ income level.
- **Recommendation #2:** Work with and foster a relationship with organizations providing housing services to insure the ***availability of affordable housing and address the increasing costs housing and utilities in Fremont.***
- **Recommendation #3**: Target affordable housing development in areas of Fremont having the highest level of public and private sector services including the Downtown and established residential neighborhoods.
- **Recommendation #4:** The City should require that all multifamily housing be ADA accessible, or have ADA compliant units. The visitability movement in new construction is intended to allow all housing to meet the current or future needs of persons with a disability or be easily modified to meet such

provisions. Features include zero-step entrances; all interior doors providing at least 31 inches of unobstructed passage space; and a half bath on the main floor.

- **Recommendation #5:** Housing code enforcement activities should be supported by an inspection and licensing program for rental housing. All housing, both existing and new, both owner and rental, should require an occupancy permitting process.
- **Recommendation #6:** Working with local and regional housing partners, the City should maximize efforts to secure all types of State and Federal funding sources for affordable housing improvements and developments in Fremont.
- **Recommendation #7:** The City should create an initiative to utilize **tax increment financing** as local funding for community and economic development/redevelopment activities in established neighborhoods.

Current status: Housing affordability by itself is not an impediment unless it is shown to have a disparate impact on members of the protected classes. The City of Fremont has provided funding for housing rehabilitation but has not facilitated any development of new housing due mainly to resources. Previous efforts to institute a rental licensing and inspection program for landlords were defeated by legal action. The City is currently exploring a tiered code enforcement inspection program for rental properties. The other recommendations have not been translated into a fair housing plan or implemented. See various sections of this report. The recommendations may have been beyond the scope of the City's resources.

Updated Recommendation(s): Recommendations from the previous AI which have been considered to be feasible have been incorporated into the current 2014 AI. Other recommendations have been removed from consideration as strategies for the City.

Previous Impediment #2: Excessive application fees/rental deposits & down payment/closing costs to purchase a home.

Previous Recommendation(s):

- **Recommendation #1:** Create an Individual Development Accounts (IDA) Program with area lenders and financial institutions to educate citizens about savings and financial stability.
- **Recommendation #2:** Support efforts by the City to expand various rental and ownership affordable housing programs with local financial institutions and major employers to expand funding assistance.
- **Recommendation #3:** Expand renter and homeowner education classes to be required components of local high schools, college and continuing education classes. This will expand an individual's or family's budgeting skills and, eventually, financial knowledge of being either a homeowner or renter.

- **Recommendation #4:** Work with major employers to establish programs to decrease down payments and closing costs by providing forgivable grants and/or low interest loan programs that employees can access.
- **Recommendation #5:** The City could consider amending City ordinances to establish a uniform cost for rental application fees.

Current status: Lack of housing subsidies by itself is not an impediment unless it is shown to have a disparate impact on members of the protected classes. None of the above recommendations have been translated into a fair housing plan or implemented.

Updated Recommendation(s): Recommendations from the previous AI which have been considered to be feasible have been incorporated into the current 2014 AI. Other recommendations have been removed from consideration as strategies for the City.

Previous Impediment #3: Lack of resident knowledge and lack of a City process on how to file a fair housing complaint.

Previous Recommendation(s):

- **Recommendation #1:** The City should provide information addressing how to file a fair housing complaint on their Web Site. In addition, all landlords, property managers and other non-profit housing and human services groups should be required to provide their tenants, customers or clients with a copy of a Fair Housing Complaint Form and tenant and landlord rights information in all rental agreement packets.
- **Recommendation #2:** City of Fremont should officially designate a person as the City's Fair Housing Officer. This person stays fully informed of any and all pertinent information regarding the laws that govern Fair Housing and serve as a "first point" of contact for anyone filing or considering filing a Fair Housing Complaint
- **Recommendation #3:** The provision of, or the increase in services and information geared at assisting non-English-speaking populations. This could include fair housing brochures printed in Spanish, bi-lingual landlords and translators employed at various City offices.

Current status: The City has now placed fair housing information on the main page of its website including information on the new rental occupancy ordinance. A link in a pdf document is provided to HUD's website and instructions on filing complaints with the City, NEOC, and the Fair Housing Center of Nebraska/Iowa. The City now has a position that is designated as a Fair Housing Officer. The position also manages the State of Nebraska CDBG program. Information on the City's website and the materials are also available in Spanish. The City has bi-lingual persons on staff. The City has no control over bi-lingual landlords.

Updated Recommendation(s): The current AI shows that education and awareness of fair housing issues is still an impediment as a significant number of persons surveyed did not know their fair housing rights. It also recommended that links to the other fair housing agencies' websites are provided on the City's web document.

Current Impediments and Recommendations

Based on the research and data available, the following are the current impediments to fair housing choice in both the public and private sectors which were identified in the AI. It must be noted that there are some impediments that were previously identified that are also identified in this current list. For each impediment, recommendations were formulated to address them and are listed below.

A. ***Impediment: Inadequate supply of affordable housing to meet the needs of low- and moderate-income residents including members of the protected classes.***

Action: Expand strategies to increase the affordable housing stock.

Recommendation #1
Develop an Affordable Housing Strategy for the City which may include actions such as adopting an Inclusionary Zoning Ordinance; creating an Affordable Housing Trust Fund; seeking funding from sources such as, Low Income Housing Tax Credits, Tax Increment Financing, other government funds, and private sources.

Status: Based on CHAS data, public input received during the preparation of the AI, and a review of Fremont's affordable housing supply, there is a need for an increase in the affordable housing stock. Approximately 54% of low- and moderate-income households are in need of affordable housing and the majority are renters. Minority populations, specifically Hispanics, are also disproportionately impacted by cost burden. The City should continue to fund affordable housing needs through the Comprehensive Revitalization Program. The Comprehensive Revitalization Program preserves the existing affordable housing through the rehabilitation of residential property. However, the funding from the State of Nebraska is not sufficient to address the affordable housing need in the City. The City must work towards increasing leveraging as far as possible with private sector funds and other government funds to increase the variety and affordability of housing suitable for different types of households. The City should also implement land use policies which encourage the construction of affordable and accessible housing for lower income families.

Recommendation #2
The City should seek a balance between the number of single family and multifamily units by encouraging the development of multifamily affordable housing by offering incentives to developers such as density bonuses, fee waivers or reductions, and expedited permitting.

Status: The majority of housing units in Fremont are single-family detached. According to the 2012 ACS, only 21.5% of the housing units are multifamily. The Greater Fremont Housing Study recommended that the City continue to develop low-density affordable housing units, such as duplex housing and patio homes with available support services. However, given the extent of the need for affordable housing, multifamily housing would reduce the amount of land needed for development and would be more cost effective to developers and also to the renters and buyers of these units.

Recommendation#3
The City should consider allowing small lot development in residential districts as a means to increase the supply of affordable housing. Also, any existing substandard lots should also be considered for residential development.

Status: Some of the minimum lot width requirements in the residential districts are large and may result in increased costs for occupants of homes due to higher land costs. Small lot development increases housing production because they are usually built on unutilized or substandard lots or on subdivided lots. Structures on small lots are typically less costly because any savings from lower acquisition and construction costs can be passed on to the end user.

B. ***Impediment: Shortage of accessible housing units.***

Action: Encourage development to meet the needs for senior housing and the provision of an adequate supply of units for persons with disabilities.

Recommendation #4
During development of new multifamily projects, the City should ensure that the minimum accessibility requirements of the building code are being met. The City should also adopt universal design features to ensure that minimum accessibility standards are being adhered to in new developments through enforcement of building codes.

Status: A search of the Zoning Ordinance and the City's website showed no references to the use of Universal Design. Trying to retrofit existing housing units for ADA accessibility may be expensive, and unnecessary for persons with disabilities. Accessibility can be achieved by including universal design concepts in all new housing. These features include zero-step entrances, varying countertop heights, wider doorways, plywood under sheetrock in bathrooms for easier installation and removal of grab bars, roomy baths, and lever door handles. These features are usable by a variety of persons.

Recommendation #5
Adopt a definition for disability that is consistent with the FHA and collect and update demographic information for persons with disabilities living within the City.

Status: The Zoning Ordinance does not include a definition of persons with disabilities. Not clearly defining this group may lead to the City not providing or supporting the development of housing and provision of services for those with special needs thereby limiting housing opportunities for persons with disabilities.

Recommendation #6
The City should consider expanding the Comprehensive Revitalization Program to include funding for accessible modifications to existing homes.

Status: Approximately 80% of the housing units in Fremont were built prior to 1980 and the majority of older units do not meet accessibility requirements. For elderly or disabled homeowners and renters in need of accessible features, the costs to make such changes may be exorbitant. The City has recently added a rental rehabilitation component to its housing rehabilitation program but needs to continue to expand the housing rehabilitation program by seeking additional funding sources.

C. *Impediment: Risk of inadequate planning to meet the needs of residents protected by the FHA.*

Action: Collect demographic data for members of the protected classes utilizing various sources including the U.S. Census as well as local data.

Recommendation #7
The City should ensure that it includes more extensive demographic data in its planning documents to ensure that protected persons are not excluded or neglected when communities make plans that involve housing related issues.

Status: The City's Comprehensive Plan and other planning documents do not include demographic data for race, ethnicity, national origin, or for persons with disabilities. Being unaware of or omitting such data has the potential to limit actions or decisions made by the City and may lead to discrimination.

D. *Impediment: The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together.*

Action: The City should review its zoning ordinance and revise the definition of family.

Recommendation #8
Remove the limitation on the number of unrelated persons that may reside in a home and utilize occupancy limits to prevent overcrowding and maintain neighborhood character.

Status: The City is not precluded from restricting the ability of unrelated persons to live together as long as the restrictions are imposed on all groups. The current definition of family limits the number of unrelated persons in a home to a maximum of four individuals and allows any number of related persons.

E. ***Impediment: Group living facilities are not treated the same as single family residential homes and denies housing opportunities for persons with disabilities*****.**

Action: Review the current zoning and land use requirements to ensure that housing choices are not restricted for persons with disabilities.

Recommendation #9
Consider the implications of accommodating group residences throughout the community under the same standards as any other residential use.

Status: The policy for the siting and development of group residential uses conflicts with the FHA because additional restrictions not required of families are being imposed on the occupants of these group residences that may serve protected groups such as persons with disabilities. The definition of family permits any number of related persons to live in a house but limits the number of unrelated persons. Conversely, the group residential use is permitted by right or as a conditional use is fewer zoning districts, has an occupancy limit and caps the total number of residents depending on the zoning district where the use is located. Also, group residential uses are conditionally permitted in four of the five districts where they are allowed. The conditional use permitting process is not imposed on families in single-family residences similarly zoned. The conditional use process provides opportunity for residents of communities that are not open to group facilities being located in residential districts to potentially obstruct approval for them during a public hearing thus impacting housing opportunities for persons with disabilities or other protected groups.

F. ***Impediment: Discriminatory lending practices disproportionately impact census tracts with higher minority populations based on loan denial rates.***

Action: The City should work with lenders in Fremont and request that they review their HMDA data to ensure that loan decisions are being made equitably.

Recommendation #10
The City should coordinate with lenders and banking associations to ensure that any discriminatory practices are eliminated.

Status: It appears that based on the review of HMDA data and the denial rate in minority census tracts there may be discriminatory lending occurring in Fremont. If after closer examination of the data racial disparities are found to exist, the City and its partners should provide fair housing training to loan originators and underwriters and consider creating a committee to conduct continuous review and monitoring of residential loan products.

G. *Impediment: The Rental Occupancy Licensing provisions of Ordinance #5165 (the Immigration Ordinance) may discriminate against Hispanics in the rental market*

Action: The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.

Recommendation # 11
Implement HUD's requested actions to mitigate against any adverse effects the Ordinance could have on limiting fair housing choice.

Status: The housing component of the Immigration Ordinance requires renters to obtain an occupancy license from the Fremont Police Department prior to renting a dwelling unit. Citizenship or legal status is a condition to renting housing. The housing provisions of the Ordinance were put into effect on April 10, 2014. HUD has stated that if the City implements the housing provisions of the Ordinance, it would be at risk of being found in violation of the Fair Housing Act and in noncompliance with its civil rights certifications to the State of Nebraska. HUD has suggested several actions the City could take in order to mitigate against any adverse effects the Immigration Ordinance has had on limiting fair housing choice (The actions are outlined in the Legal Cases section of this AI). In addition to the actions suggested by HUD, the City should also carry out the following recommendations #12 and 13 below.

Recommendation #12
Publish additional materials that clarify aspects of the housing provisions of the Immigration Ordinance that remain unclear. Materials should be provided in English and Spanish for Limited English Proficient (LEP) populations. The City should use several methods to disseminate the publications to ensure that lower income populations that may not have access to the internet or newspaper can get the information.

Status: In public meetings and focus groups, it was obvious from discussions that there is still lack of clarity concerning the ordinance. There are many questions and misperceptions about the ordinance and questions that are not answered clearly from the current published materials. For example, opinions expressed include “whites are exempt” or that “these provisions are mainly for Hispanics” or that “we can only rent to whites” or “landlords need to get proof of citizenship” which are all incorrect. Some respondents noted that the use of the police department as the processor of the license adversely affects immigrants from Central America whose experience with the police have been negative. The use of the police to process a routine license and the fact that the police department is not allowed to request verification of legal status or run criminal background checks reinforces the belief that this is meant to intimidate. Key person interviews conducted for this AI also suggests that persons who believe they may be impacted by the Ordinance will not move to Fremont; therefore the Ordinance is an impediment to fair housing choice because it discourages persons from seeking housing in Fremont. It was also noted that many Hispanics are reluctant to report housing discrimination despite fair housing discussion groups as reported by a fair housing agency.

Recommendation#13
Consider establishing fair housing telephone, public television and/or social media access that provides information in multiple languages to provide answers to most frequently asked questions on fair housing, the immigration ordinance, how to file a housing discrimination complaint, and how to locate affordable housing in Fremont.

Status: The City currently has information on its website and in written materials. However, many of the residents of Fremont may not have Internet access but have access to telephone services, television and social media.

H. ***Impediment: The Rental Occupancy Licensing provisions of Ordinance #5165 is an impediment in itself as it adds an additional step to securing housing especially for members of protected classes.***

Action: Assess the impact of the Ordinance especially on members of the protected classes.

Recommendation #14
The City should conduct an assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required.

Status: Since the housing provisions of the Ordinance took effect on April 10, 2014, it is may be too early to determine the impact of the Ordinance. Refer to the City Regulatory Review section of this report on pages 74-75.

I. *Impediment: Lack of or inadequate* fair housing education and enforcement in the rental community, as well as within the minority community

Action: Continue fair housing education and outreach and expand opportunities for fair housing training.

Recommendation #15
The City should specifically target fair housing outreach to minorities and persons with English as a second language when planning to address impediments to fair housing choice.

Recommendation #16
Encourage real estate professionals to seek additional fair housing training to ensure that their clients fully understood fair housing rights. Encourage Realtors to provide fair housing materials as part of their policies and procedures.

Recommendation #17
Hold public forums, roundtable discussions, and/or form a volunteer citizen committee to propose programs, policies, and other changes that would seek to alleviate impediments to fair housing choice through education and outreach.

Status: The City has engaged in several fair housing education and awareness activities over the past two years. However, the AI determined that there is still a lot of gaps in fair housing education among residents. In addition, the housing provisions of the Immigration Ordinance has shown that a high level of misperceptions and negative attitudes still exist in the City of Fremont around fair housing and prejudice.

Recommendation #18
Provide training on fair housing and the rental occupancy provisions of the ordinance to employees of the Police Department.

Status: Since the implementation of the rental occupancy licensing process and considering public misperceptions and fair housing rights of residents of the City, it seems appropriate that employees of the Police Department should receive fair housing training since they are not immune to misperceptions. At a minimum, those employees who are interacting with residents in the application process and related activities should receive that training. The installation of a protected counter for the rental occupancy license process could suggest the need for such training.

Recommendation #19
To adequately perform fair housing enforcement and outreach activities, the City of Fremont should allocate additional funding for fair housing enforcement and outreach from its CDBG grant or its general funds.

Status: Although it carried out some fair housing activities during the review period and in response to HUD recommendations, the City of Fremont did not allocate any direct funding to fair housing enforcement and outreach activities. Fair housing testing is one of the best ways of identifying instances of discrimination in order to obtain sufficient evidence to determine whether or not there is reasonable cause to believe that a violation of the Fair Housing Act has occurred, or is about to occur.

As the population within the City has grown, particularly as the population of protected classes has grown as borne out by the demographics under the Community Profile section of this report, more opportunities exist for discrimination to take place. The City of Fremont shows a lack of adequate funding to carry out needed fair housing enforcement and activities triggered by the population changes.

Recommendation #20
Allocate unspent CDBG grant funds or general funds to an existing fair housing organization to provide specific education and enforcement services such as testing on a unit of service basis if full funding is unavailable.

Status: Since most municipal budgets are shrinking, the City of Fremont may face a challenge in identifying funds. However, a review of current CDBG expenditures and program goals may yield potential areas where funds are not being spent in a timely manner. For example, if the City has timeliness issues with CDBG expenditures, these funds may be a source for fair housing funding. Also, providing funding for specific defined deliverables rather than funding salaries will allow the City to leverage the infrastructure of these agencies.

J. Impediment: Lack of Fair Housing Testing to Determine Where Fair Housing Discrimination Is Taking Place.

Action: Evaluate Existing Testing Data, Determine Prevalence of Housing Discrimination, and Implement/Coordinate Fair Housing Testing as Needed.

Recommendation #21
The City should examine data on regional fair housing testing and trends in housing discrimination, from all sources available, to determine the prevalence of housing discrimination. The City should analyze this data annually or bi-annually to ascertain the need for, and feasibility of, conducting fair housing testing.

Status: According to the current AI, discrimination in rental housing is the main source of housing discrimination. The City has an increased number of protected racial/ethnic classes, and fair housing testing would be a vital tool to determine the prevalence of housing discrimination. As the City assesses the feasibility of conducting testing, review of any available testing data would appropriate.

Recommendation #22
The City should implement a fair housing testing by researching existing HUD, or other funding opportunities, for fair housing testing activities and the training necessary to gain expertise in the oversight of a fair housing testing program.

Status: There currently exists no identified funding for conducting fair housing testing in the City of Fremont. In addition, current City staff does not have the expertise necessary to implement or oversee a fair housing testing program.

Fair Housing Recommendations Table and Timeline

The Fair Housing Recommendations Implementation Timeline table below outlines the above remedial action recommendations to reduce impediments to fair housing choice within the City and some proposed time frames for addressing them. Please note that this should be seen as a framework for a final fair housing action plan to be created and implemented by the City based on resources and priorities. The plan will be carried out with input from City Council, the City's Administrator's office, developers, non-profits, and the community. The City will select from the recommendations below and develop a fair housing action plan which will be submitted to the State of Nebraska and HUD.

Fair Housing Recommendations Implementation Timeline Table 57

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
ACTIONS TO ADDRESS CURRENT IMPEDIMENTS				
Impediment #1: Inadequate supply of affordable housing to meet the needs of low- and moderate-income residents including members of the protected classes. ***Action: Expand strategies to increase the affordable housing stock.***				
Recommendation #1: Develop an Affordable Housing Strategy for the City which may include actions such as adopting an Inclusionary Zoning Ordinance; creating an Affordable Housing Trust Fund from various and diverse funding sources.		X		Developers, Lenders, Housing Providers, City Council, City Administrator's Office
Recommendation #2: The City should seek a balance between the number of single family and multifamily units by encouraging the development of multifamily affordable housing by offering		X		City Administrator's Office, City Council, Housing Providers,

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
incentives to developers.				Housing Authority
Recommendation#3 The City should consider allowing small and substandard lot development in residential districts as a means to increase the supply of affordable housing.		X		City Administrator's Office, City Council, developers
Impediment #2: Shortage of accessible housing units ***Action: Encourage development to meet the needs for senior housing and the provision of an adequate supply of units for persons with disabilities.***				
Recommendation #4: For new multifamily projects, the City should ensure that the minimum accessibility requirements of the building code are being met as well as adopt universal design features.			X	City Administrator's Office, Developers
Recommendation #5: Adopt a definition for disability that is consistent with the FHA and collect and update demographic information for residents with disabilities.	X			City Administrator's Office, City Council, Planning Department
Recommendation #6 The City should consider expanding the Comprehensive Revitalization Program to include funding for accessibility modifications to existing homes.		X		City Administrator's Office, City Council,
Impediment #3: Risk of inadequate planning to meet the needs of residents protected by the FHA. ***Action: Collect demographic data for members of the protected classes utilizing various sources including the U.S. Census as well as local data.***				
Recommendation#7: The City should ensure that it includes more extensive demographic data in its planning documents to ensure that	X			City Administrator's Office, Planning

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
protected persons are not excluded or neglected when communities make plans that involve housing related issues.				Department
Impediment #4: The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together. ***Action: The City should review its zoning ordinance and revise the definition of family.***				
Recommendation #8: Remove the limitation on the number of unrelated persons that may reside in a home and utilize occupancy limits to prevent overcrowding and maintain neighborhood character.		X		City Administrator's Office, Planning Department, City Council
K. ***Impediment #5: Group living facilities are not treated the same as single family residential homes and denies housing opportunities for persons with disabilities*****.** ***Action: Review the current zoning and land use requirements to ensure that housing choices are not restricted for persons with disabilities.***				
Recommendation#9: Consider the implications of accommodating group residences throughout the community under the same standards as any other residential use.	X			City Administrator's Office, Planning Department, City Council
Impediment #6: Discriminatory lending practices disproportionately impact minority census tracts based on loan denial rates. ***Action: The City should work with lenders in Fremont and request that they review their HMDA data to ensure that loan decisions are being made equitably.***				
Recommendation #10: The City should coordinate with lenders and banking associations to ensure that any discriminatory practices are eliminated.	X			City Administrator's Office, Lenders
Impediment #7: The Rental Occupancy Licensing provisions of Ordinance #5165 (the Immigration Ordinance) may discriminate against Hispanics in the rental				

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
market. ***Action: The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.***				
Recommendation#11: Implement HUD's requested actions in order to mitigate against any adverse effects the Immigration Ordinance could have on limiting fair housing choice.	X			City Administrator's Office, City Council, HUD, Fair Housing Agencies
Recommendation #12 Publish additional materials that clarify aspects of the housing provisions of the Immigration Ordinance that remain unclear. Materials should be provided in English and Spanish for Limited English Proficient (LEP) populations.	X			City Administrator's Office, Fair Housing Agencies, City Attorney, City Council
Recommendation #13 Consider establishing fair housing telephone, public television and/or social media access that provides information in multiple languages to provide answers to most frequently asked questions on fair housing, the immigration ordinance, how to file a housing discrimination complaint, and how to locate affordable housing in Fremont.	X			City Administrator's Office, Fair Housing Agencies, City Attorney, City Council
Impediment #8: The Rental Occupancy Licensing provisions of Ordinance #5165 is an impediment in itself as it adds an additional step to securing housing especially for members of protected classes. ***Action: Assess the impact of the Ordinance especially on members of the protected classes.***				
Recommendation #14 The City should conduct an	X			City Administrator's Office, Fair

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required.				Housing Agencies, HUD, City Council
Impediment#9: Lack of or inadequate fair housing education and enforcement in the rental community, as well as within the minority community. ***Action: Continue fair housing education and outreach and expand opportunities for fair housing training.***				
Recommendation #15: The City should specifically target fair housing outreach to minorities and persons with English as a second language when planning to address impediments to fair housing choice.	X			City Administrator's Office, Fair Housing Agencies, HUD,
Recommendation#16: Encourage real estate professionals to seek additional fair housing training to ensure that their clients fully understood fair housing rights. Encourage Realtors to provide fair housing materials as part of their policies and procedures.	X			City Administrator's Office, Fair Housing Agencies, Realtors
Recommendation#17: Hold public forums, roundtable discussions, and/or form a volunteer citizen committee to propose programs, policies, and other changes that would seek to alleviate impediments to fair housing choice through education and outreach.		X		City Administrator's Office, Fair Housing Agencies, HUD, lenders, realtors
Recommendation #18 Provide training on fair housing and the rental occupancy provisions of the ordinance to employees of the Police Department.	X			City Administrator's Office, Fair Housing Agencies
Recommendation #19 To adequately perform fair housing enforcement and outreach activities, the City of Fremont should allocate	X			City Council, City Administrator's Office, Fair

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
additional funding for fair housing enforcement and outreach from its CDBG grant or its general funds.				Housing Agencies, HUD
Recommendation #20 Allocate unspent CDBG grant funds or general funds to an existing fair housing organization to provide specific education and enforcement services such as testing on a unit of service basis if full funding is unavailable.	X			City Council, City Administrator's Office, Fair Housing Agencies, HUD
Impediment #10: Lack of Fair Housing Testing to Determine Where Fair Housing Discrimination Is Taking Place. **Action: Action: Evaluate Existing Testing Data, Determine Prevalence of Housing Discrimination, and Implement/Coordinate Fair Housing Testing as Needed**				
Recommendation #21 The City should examine data on regional fair housing testing and trends in housing discrimination, from all sources available, to determine the prevalence of fair housing discrimination. The City should analyze this data annually or bi-annually to ascertain the need for, and feasibility of, conducting fair housing testing.	X			City Administrator's Office, Fair Housing Agencies, HUD
Recommendation #22 The City should implement a fair housing testing by researching existing HUD, or other funding opportunities, for fair housing testing activities and the training necessary to gain expertise in the oversight of a fair housing testing program.	X			City Council, City Administrator's Office, Fair Housing Agencies, HUD

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Implementation Tracking

The City's Fair Housing Officer is responsible for the oversight and tracking of the implementation of the fair housing action plan. The Fair Housing Officer will track the progress of the actions to address impediments to fair housing choice. The purpose of the implementation tracking is to analyze the impact of the actions taken and demonstrate that the City has met its obligation to affirmatively further fair housing. This section describes the process for tracking the City's progress in carrying out the recommendations to address the impediments to fair housing choice.

Ongoing Self-assessment

It is recommended that the City conduct an ongoing self-assessment at mid-year to determine its progress in addressing the identified impediments and recommendations. The City's fair housing activities will be compared to the timelines stipulated in the fair housing action plan. If the City notices any deviations from the timeline, it should take the necessary steps to address any deficiencies or revise the timeline and document its files. Each recommendation proposed in the AI includes a timeframe for completion in periods of 1-2 years, 3-5 years, or on an ongoing basis.

Recordkeeping

A key element of the monitoring process is recordkeeping. The City should maintain a fair housing file where all actions taken are recorded and updates are made on a regular basis. HUD requires that at a minimum, the file contain:

- A copy of the AI; and
- Records that show the grantee has taken actions to overcome the effects of impediments identified in the AI.

City staff shall maintain information in the fair housing file through the use of the suggested Fair Housing Compliance File Checklist.

Reporting

In addition to the on-going self-assessment, the City will prepare its required Annual Reports to the State of Nebraska under its CDBG agreement, explaining how the jurisdiction is carrying out its housing and community development strategies, projects, and activities. As part of the report, the City must describe how it is carrying out its certification to affirmatively further fair housing by a) identifying the actions taken during the year; b) providing a summary of impediments to fair housing choice in the AI, and c) identifying actions taken to overcome effects of impediments identified in the AI.

Mid-period Assessment

The AI is typically updated every five years. However, much can change within a five year span of time and as such, it is recommended that the City conduct a mid-period assessment. The purpose of the mid-period assessment is to take a

comprehensive look at the community in light of the changes that have been made due to the implementation of the actions outlined in the fair housing action plan and in relation to changes in population, demographics, economy, legislation, or any other factors that may impact fair housing choice. The mid-period assessment should be conducted at the end of the third year of implementation and should include the annual assessment for the year as well as a cumulative review of the actions taken and their impact for the three year period.

The City should compile and include the following in the mid-period assessment:

- Population demographic data relating to race, ethnic group, sex, age, and head of household;
- Characteristics of program beneficiaries;
- Affirmative marketing strategy and actions;
- Discrimination complaints filed and trends;
- Amendments or revisions to policies impacting land development, site selection, and zoning;
- Actions taken to affirmatively further fair housing; and
- Results of any needs assessments or studies for the area impacting fair housing.

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FAIR HOUSING COMPLIANCE FILE CHECKLIST

Grantee: _____ Fiscal Year: _____

DATE	DESCRIPTION
_____	Current Consolidated Plan section applicable to Fair Housing
_____	Analysis of Impediments to Fair Housing Choice
_____	Annual Resolution or Proclamation of Fair Housing Month
_____	A summary report of all activities related to the AI
_____	List of the actions taken during the program year
_____	Notice of public meetings showing the fair housing and equal opportunity logo. Should also include language providing for accommodations for persons with Limited English Proficiency, disabilities including the hearing impaired.
_____	Summary or transcript of all public meetings, hearings, and citizen comments or other public input
_____	Sign-in sheet or list of attendees at public meetings or hearings
_____	Fair housing brochures and publications including subrecipient educational material
_____	Information about housing discrimination complaints and the disposition of each
_____	Notice of training or workshops regarding fair housing and list of attendees
_____	Description of funding or fair housing providers and bi-annual reports from such agencies
_____	Studies or reports evaluating the impact of the actions undertaken including applicable section of its required CDBG Annual Report to the State of Nebraska.
_____	Other:

Appendix 1 - Glossary of Tables, Figures, and Maps

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Appendix 2 – Resident Survey Questionnaire

City of Fremont Resident Survey

City of Fremont Resident Fair Housing Survey

This survey is for the Analysis of Impediments to Fair Housing Choice (A.I.), a document required of the City of Fremont by the U.S. Department of Housing and Urban Development (HUD). The Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, familial status, and disability.

The A.I. seeks to identify impediments to fair housing choice, defined by HUD as:
-Any actions, omissions, or decisions taken because of race, color, national origin, religion, sex, familial status or disability that restrict housing choices or the availability of housing choices.

-Any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, national origin, religion, sex, disability, familial status, or disability.

If you have encountered a barrier/impediment to renting or buying a home because of your race, color, national origin, religion, sex, family status, or disability, you may have experienced housing discrimination.

Examples of Possible Housing Discrimination:
•An agent refusing to sell, rent, or show available housing.
•A person only being shown housing in areas or neighborhoods of minority concentration.
•A landlord providing different housing services, or enforcing different rules, for minority tenants.
•A prospective tenant being told the dwelling is not appropriate for a family.
•A dwelling has an available sign, but prospective tenants are told it is not available.
•The existence of planning and zoning regulations that limit the ability or choices of certain groups to secure decent housing.
•A person being denied a loan, or getting a higher interest rate, because of being a member of a certain group.
•A person being denied a loan, or getting a different interest rate, because of buying in a minority neighborhood.

In addition, the City of Fremont recently approved an Ordinance requiring renters to obtain a license and pay a fee. We would like your input on the impact of this Ordinance on fair housing choice.

THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY AND ALL SURVEY RESPONDENTS IDENTITIES WILL REMAIN ANONYMOUS.

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City of Fremont Resident Survey

***1. Do you live within the limits of the City of Fremont?**

- ◯ Yes
- ◯ No

2. Of which racial, ethnic or cultural group do you consider yourself a member? Please check one:

- ☐ Anglo/White
- ☐ African American/black
- ☐ Hispanic/Chicano/Latino
- ☐ American Indian/Native American
- ☐ Asian/Oriental/Pacific Islander
- ☐ Multi-racial
- ☐ Prefer not to answer
- ☐ Other (please specify)

3. What is your current marital status? Please check one.

- ◯ Married
- ◯ Single head of household
- ◯ Domestic partners
- ◯ Divorced
- ◯ Widowed
- ◯ Prefer not to answer

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City of Fremont Resident Survey

7. Housing discrimination can occur if someone is denied housing or housing financing based on which of the following categories (check all that apply):

- ☐ Race
- ☐ Color
- ☐ Religion
- ☐ Sex
- ☐ Disability/Handicap
- ☐ Familial Status (family with one or more children under 18 years of age)
- ☐ National Origin
- ☐ Age
- ☐ Sexual Orientation
- ☐ Poor English Language Skills
- ☐ Citizenship Status
- ☐ Level of Income
- ☐ Source of Income (public assistance)
- ☐ Other (please list)

8. Have you or anyone you know ever experienced housing discrimination in the City of Fremont?
Please check an answer below.

- ☐ Yes, I have.
- ☐ Yes, a person I know has.
- ☐ No, neither me nor any person I know

City of Fremont Resident Survey

9. If you answered "Yes" to the previous question, please answer the following: Which of the following best describes the person or organization that discriminated against you or the person you know?

- ☐ rental property manager/owner
- ☐ seller of a housing unit
- ☐ condominium or homeowner's association
- ☐ real estate professional
- ☐ loan officer or mortgage broker
- ☐ government employee
- ☐ police officer
- ☐ other (please list)

10. What best describes the location of where the discrimination occurred?

- ☐ a rental apartment complex
- ☐ an individual housing unit for rent
- ☐ an single family housing unit for sale
- ☐ a condominium for sale
- ☐ a real estate office
- ☐ a lending institution
- ☐ a public housing authority
- ☐ a county
- ☐ a city office
- ☐ other (please list)

City of Fremont Resident Survey

11. What do you believe was the basis for the discrimination you or the person you know experienced?
(Check all that apply.)

- ☐ Race
- ☐ Color
- ☐ Religion
- ☐ Sex
- ☐ Disability/Handicap
- ☐ Family Status
- ☐ National Origin
- ☐ Age
- ☐ Sexual Orientation
- ☐ Poor English language skills
- ☐ Citizenship Status
- ☐ Level of Income
- ☐ Source of Income (public assistance)
- ☐ Other (please list)

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City of Fremont Resident Survey

12. What do you see as current impediments to fair housing choice, if any, within the City of Fremont? Impediments are described as:

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

-Any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, national origin, religion, sex, familial status, or disability.
(Check all that apply).

- ☐ Race/Color/Ethnicity/National Origin
- ☐ Sex and/or Sexual Orientation
- ☐ Disability and/or Age
- ☐ Insufficient Income
- ☐ Lack of sufficient quality affordable housing
- ☐ Insufficient public transportation
- ☐ Municipal codes, ordinances, or regulations
- ☐ Other (please list)

13. Do you feel your housing choices are geographically limited to certain areas or neighborhoods in the City of Fremont based on factors such as affordability, nearness to work, transportation options, or any other reason?

- ○ Yes
- ○ No

If yes, state why in the box below. (you can refer to the list of choices from the previous question.)

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City of Fremont Resident Survey

14. When the date of enforcement begins, any person within Fremont city limits who would like to rent, or who moves from one rental unit to another, will need to obtain a license by going to the Police Department, filling out an application form and paying $5.00. Would this requirement prevent you from moving?

- ◯ Yes
- ◯ No

If yes,state why in the box below:

15. Do you think that affordable housing options are located throughout the City of Fremont, or are they concentrated in certain areas/neighborhoods?

- ◯ Spread throughout the City of Fremont
- ◯ Concentrated in certain areas/neighborhoods

Such as:

16. Do you perceive certain geographic areas or neighborhoods within the City of Fremont to be undesirable?

- ◯ Yes
- ◯ No

If yes, please identify the areas:

17. Do you feel that there is an adequate supply of affordable housing that is available to:

- ☐ Residents with disabilities
- ☐ Senior Citizen residents
- ☐ Residents with children

Why/why not?

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City of Fremont Resident Survey

18. What did you do, or would you do, if you were discriminated against in housing choice? (Check all that apply)

- ☐ Nothing
- ☐ I wouldn't know what to do
- ☐ Complain to the individual/organization that discriminated against me
- ☐ Contact City offices
- ☐ Contact my elected municipal representative
- ☐ Contact a local fair housing organization
- ☐ Contact HUD
- ☐ Contact a private attorney
- ☐ Contact the City Attorney
- ☐ Contact the County Attorney
- ☐ Contact the State Attorney General
- ☐ Other (please identify):

19. Are you familiar with housing related or social services provided by the City of Fremont?

- ○ Yes
- ○ No

List the services you know of such as senior services, home repairs, etc. Provide names, if possible.

20. How much do you know about Fair Housing Laws, including State of Nebraska and City of Fremont Fair Housing Law?

- ○ Very Knowledgeable
- ○ Somewhat Knowledgeable
- ○ Not Knowledgeable

City of Fremont Resident Survey

21. What information have you seen/heard regarding fair housing programs, laws, or enforcement within the City of Fremont? (check all apply)

- ☐ Fair housing flyers or pamphlets
- ☐ Fair housing handbook
- ☐ Fair housing public service announcement on the radio
- ☐ Fair housing public service announcement on the television
- ☐ Fair housing information at a public event
- ☐ Fair housing information on the City's website
- ☐ Links on the City's website to other fair Housing agencies
- ☐ None
- ☐ Other (please list):

22. Do you think that adequate fair housing information is available in other language translations?

- ○ Yes
- ○ No

23. In your opinion, how effective are the current fair housing laws, programs, and enforcement mechanisms in reducing housing discrimination?

- ○ Very Effective
- ○ Somewhat Effective
- ○ Not Effective

Please state at least one reason for your response:

City of Fremont Resident Survey

24. What do you feel would be the most effective way to inform the residents of Fremont about their fair housing rights and/or responsibilities? (check all that apply):

- ☐ public meeting(s)
- ☐ fair housing literature/information in public libraries and Municipal Center
- ☐ television advertisements/announcements
- ☐ radio advertisements/announcements
- ☐ bilingual advertisements/announcements
- ☐ information on the City's website
- ☐ Other (please describe)

25. Do you have any suggestions for changes to fair housing laws and practices that would increase fair housing choice and/or remove impediments to fair housing choice? If yes, please list:

26. Please list below what additional actions would you suggest that the City of Fremont could take to address impediments and improve fair housing choice for all residents:

City of Fremont Resident Survey

Thank You!

THANK YOU FOR PARTICIPATING IN THE FAIR HOUSING RESIDENT SURVEY. YOUR RESPONSES WILL INFLUENCE IMPORTANT FAIR HOUSING PLANNING DECISIONS MADE BY THE CITY OF FREMONT.

If you have any questions about the survey or fair housing, please contact Jean Kaup Van Iperen at
Tel:(402) 727-2630 or the website: www.fremontne.gov.

Documents can be translated into other languages for persons with Limited English Proficiency (LEP) upon request and can be made available in alternative formats for persons with disabilities upon request.

Appendix 3 – Publication Notices

Proof of Publication Jean

STATE OF NEBRASKA
County of Dodge
ss.

Tracy Buffington being duly sworn, deposes and says he is Editor of the FREMONT TRIBUNE, a newspaper printed and published daily except Sunday in Dodge County, State of Nebraska, and of general circulation in Dodge County; that said newspaper has a bona fide circulation of more than 300 copies daily, has been published within said County for more than 52 successive weeks immediately prior to the first publication of the annexed notice, and is printed wholly in an office maintained at the place of publication. And that the annexed notice has been published in one issue for one day in said newspaper.

NOTICE: City Clerk of Fremont: Public Hearing (Fair Housing)

ENVELOPE NO.	LINES	RATE	DATE
73942	58	.32727	03/12/14

PAID
APR - 9 2014

Publication Fee 18.98

and said notice was published each week on the same day of the week as the first publication.

Tracy Buff

Subscribed in my presence and sworn before me this 12th day of March, 2014

Notary Public

My commission expires June 1, 2015

NOTICE OF PUBLIC MEETING
Attention: All Fremont Residents

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE. The City of Fremont will hold a Public Meeting on March 20, 2014 at 7:00 P.M. at the Council Chambers at 400 E. Military, second floor. This meeting is intended to inform Fremont residents about the Analysis of Impediments to Fair Housing Choice (AI), as well as provide an opportunity for all to participate in the AI planning process. Fremont is conducting the Analysis of Impediments to Fair Housing Choice to identify impediments within the city and to generate activities to decrease or eliminate the impediments. HUD defines an impediment to fair housing choice as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin. Persons living and working in Fremont are encouraged to attend and provide input. Anyone unable to attend this meeting but wishing to make their views known may do so by submitting written comments to: Jean Kaup-Van Iperen at 400 E. Military, Fremont, NE 68025 or email at jean.kaup@fremontne.gov. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling the following: 402-727-2630.
IF REQUESTED THIS DOCUMENT CAN BE PROVIDED IN AN ALTERNATIVE FORMAT
(3:12)14(73942)

GENERAL NOTARY - State of Nebraska
DEIDRE B. BUCHANAN
My Comm. Exp. June 1, 2015

REC'D 3-21-14
CHARGE
APPROVED

FREMONT TRIBUNE
135 N. Main • Fremont, Nebraska 68025 • (402)721-5000

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Fremont, NE - Official Website - Analysis of Impediments to Fair Housing Draft — Page 1 of 1

CITY OF FREMONT
NEBRASKA PATHFINDERS

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- Analysis of Impediments to Fair Housing Draft
- Housing Discrimination Information Form
- Fair Housing Ordinance
- Fair Housing Public Notice
- Housing Grievance Procedure Resolution 2006-2
- Nebraska Fair Housing Act
- What is Fair Housing
- Fair Housing Resources

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Analysis of Impediments to Fair Housing Draft

Draft Analysis
Chris Plummer of ASK Development Solutions presented the draft copy of the Analysis of Impediments to Fair Housing Choice to the Fremont City Council on Tuesday, June 24, 2014 opening the 30 day comment period for the study.

Comments regarding the study can be made to:
Jean Kaup Van Iperen
Office Services Associate
400 E. Military Ave.
Fremont, NE 68025
email -- jean.kaup@fremontne.gov
phone -- 402-727-2630

Contact Us | Sitemap | Copyright Notices | Accessibility | Employee Webmail | Powered by CivicPlus
City of Fremont 400 E. Military Ave. Fremont, NE 68025 Ph: 402.727.2630 TDD: 402.727.2677

http://fremontne.gov/index.aspx?nid=731 — 8/27/2014

Appendix 4 – Public Comments and City Responses

The City of Fremont encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments.

In addition to citizen participation during the AI research process, City residents were given the opportunity to provide public comment on the draft AI as follows:

- The draft AI and an Executive Summary was presented as a public comment agenda item at the City Council meeting of June 24, 2014. The consultant presented the draft and public comments were solicited. City Council members asked questions and provided comments. However, there were no public comments at that time.

- The draft AI was published for public comments on the City's website with a Facebook and Twitter link to the document. In addition, hard copies of the draft AI was provided at the library and City hall for the public to comment. The draft AI was available for public comments for a period of 30 days from July 7, 2014 to August 7, 2014. Ten (10) public comments were received. The public comments are incorporated as a part of this AI Report. The City responded to each comment.

- The final AI with the inclusion of public comments and the City's responses were presented to the City Council in a public meeting on September 9, 2014. Public comments were also solicited.

Both the public comments and responses are incorporated in the following section of this report.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

Thank you for your input on our 2014 Analysis of Impediments to Fair Housing Choice (AI). The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #1

Comment Received on July 8, 2014 from Gregory Smith:

"In regards to the report impediment #7 If a person is here illegally they don't have any rights period. Who did this study Nancy Pelosi? The courts all upheld the ordinance so don't try and change it again. The People have spoken."

Response to Comment #1

In order to respond to the commenter, Impediment #7, summarized on page 9 of the Draft AI, and its full language which appears on page 137 of said document are presented below:

> Summary of Impediment #7 from page 9
>
> ***Impediment #7:*** *The Rental Occupancy licensing provisions of Ordinance #5165 discriminates against Hispanics in the rental market.*
> ***Action:*** *The City should identify the impact that the Immigration Ordinance is having on minorities including illegal immigrants and work with community groups and partners to address and reduce negative consequences.*
>
> Full Language of Impediment #7 from page137
>
> **G.** ***Impediment:*** *The Rental Occupancy Licensing provisions of Ordinance #5165 (the Immigration Ordinance) may discriminate against Hispanics in the rental market*
> ***Action:*** *The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.*

It is acknowledged that there is a discrepancy in the AI document between the summary of the impediment and the full language concerning the impact the Ordinance will have on minorities including immigrants. Whereas the full text refers to "legal" immigrants and says "may discriminate" the summary refers to illegal immigrants and uses the verb discriminates. This typographical discrepancy will be corrected in the final document to display the correct language in the summary. Nevertheless, according to a Q& A document on HUD's website,

every person in the United States is protected by the Fair Housing Act. A person's immigration status does not affect his or her federal fair housing rights or responsibilities. See below.

> **1. Does immigration status affect whether a person is covered by the Fair Housing Act?**
> No. Every person in the United States is protected by the Fair Housing Act. A person's immigration status does not affect his or her federal fair housing rights or responsibilities. The Act 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, and disability. Such discrimination is illegal regardless of the victim's immigration status.
> Examples:
> - If a landlord refuses to rent to someone because of a person's religion, that is illegal discrimination regardless of immigration status.
> - If a landlord charges a different price or asks for additional identification documents because of a person's national origin that is illegal discrimination regardless of immigration status.
> - If a lender offers different terms on a mortgage to a prospective homebuyer because of the homebuyer's race that is illegal discrimination regardless of immigration status.

For more information on this Frequently Asked Questions, please visit HUD's website at http://portal.hud.gov/hudportal/HUD?src=/states/south_dakota/news/2012-08newsletter scroll down to access the FAQ under Immigration Status and Fair Housing.

Concerning the comment suggesting that the Ordinance was the target of the AI, the AI Report was not a study about the Ordinance, and the Ordinance was not its sole focus. The purpose of the AI document is to gather information to provide a basis for fair housing planning. Preparation of the document involves, in general terms, a review of the City's demographic, economic, and housing characteristics; a review of the City's laws, regulations, and policies concerning housing; assessment of conditions, barriers, or impediments to fair housing choice; gathering of public opinions, thoughts, and feelings via surveys, as well as gathering of public input; to ultimately develop a fair housing action plan to overcome any identified impediments and expand the housing opportunities of those affected by the identified impediments. Of the ten impediments discovered by the AI, two were related to the Rental Occupancy licensing provisions of Ordinance #5165. The Ordinance together with all other relevant City documents was part of the review for the preparation of the AI.

The AI did not question the legality or voter support for the Ordinance. However, history has shown that there have been laws proven over time to be detrimental to society. For example, dogfighting, at one time endorsed as a "sport" by the United Kennel Club, which actually formulated rules and sanctioned referees, as can be verified by the article "Detailed Discussion of Dog Fighting" written in 2005 by Hanna Gibson, of Michigan State University College of Law, now has become a felony in all 50 states.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

Thank you for your input on our 2014 Analysis of Impediments to Fair Housing Choice (AI). The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #2
Comments Received on July 10, 2014 from John Weigert

"ORDINANCE FLIP FLOP"

"HERE WE GO AGAIN! Just when the healing process was beginning and the dust was settling around the SECOND VOTE to retain Ordinance 5165, here comes the City Council's "Plan C." On June 24 the Council opened a 30 day Public Comment Period on the Analysis of Impediments (AI) report dealing with Fair Housing. The Council contracted Chris Plummer with ASK Development Solutions before the February Special Election."

"The latest assault on Ordinance 5165 is contained in the consultant's 147 page AI Report, which is riddled with inferences and innuendo (no real facts) about how the Ordinance has violated HUD's protected class rules and is to blame for Fair Housing discrimination in Fremont."

Chris issued his Report findings in direct opposition to previous statements he made about the Ordinance. When first contracted he stated, "Since the housing provisions are not yet in force, our review is unlikely to glean any empirical data on the effects for the City of Fremont,"; and, "I noted that the ordinance includes language that states that it will be applied uniformly and not enforced based on a person's race, ethnicity, religion, or national origin." Even now in his final AI Report he states: "Since the housing provisions of the Ordinance took effect on April 10, 2014, it may be too early to determine the impact of the Ordinance."

Notwithstanding these statements, Chris FLIP FLOPS by concluding in his Report that "The provisions of the Rental Occupancy Licensing are an impediment in itself as it adds an additional step to securing housing especially for members of protected classes" and, "It can be inferred that the Rental Occupancy Licensing Ordinance is an action or decision which may have the effect of further restricting the availability of housing choices on the basis (of) national origin, race, color, disability or family status and foster segregation based on race."

The $16,000 study is very exasperating and conflicting. According to HUD, there are seven protected classes. "Alienage"(legal versus illegal status) isn't one of them. The Eighth Circuit and Supreme Court have ruled Fremont's Ordinance to be legal and NON-DISCRIMINATORY. Will the Council listen to the will of the people and the highest court in the land, or will they again choose to invalidate an election and go with speculation and opinions of an outside consulting firm?

I urge everyone to go to the City's webpage at www.fremontne.gov and find/read the Report. Don't let HUD's rules/funding, the innuendo by the consultant or future actions by the Council do an end run around the VOTE of the People."

Response to Comment #2

In response to the comment referencing page 147 of the AI, please note that the June 24 AI Report was updated in July 2014 thus automatically renumbering the pages. The Report posted on the City's website was the July 2014 AI Report, and it shows on page 147 a discussion on Implementation Tracking. This needs to be mentioned since some of the comments provided appear to have been based on sections of the report that were already updated.

The purpose of the AI was not to "assault" the Ordinance as stated in your comment and was not a study about the Ordinance. In fact, although the AI addressed the Ordinance, it was not the focus of the AI Report. The purpose of the AI is to gather information to provide a basis for fair housing planning. Of the ten impediments identified by the AI, two were related to the Rental Occupancy licensing provisions of Ordinance #5165. The Ordinance together with all other relevant City documents was part of the review for the preparation of the AI.

The Consultant's statements have not changed, contrary to your comment. The Consultant was correct to state prior to and after preparation of the Report that empirical data is not available on the effects of the Ordinance. It is for this reason that the Consultant recommended that "*the City should conduct an assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required."* This recommendation was inserted precisely because there is not sufficient data available. Setting aside the lack of empirical data, the Ordinance on and in itself adds an additional step to securing housing especially for members of the protected classes. For the group of persons classified as protected classes, compliance with the Ordinance adds an additional step to finding housing. For many this may not be significant for some residents, but for some persons in the protected classes, for example the disabled, that extra step may impede them to secure decent, safe and affordable housing. Based on this potential, a recommendation was made in the report to assess the impact of the Ordinance. Please refer to recommendation14 in the AI for more details.

In the AI, the reader is referred to pages 74-75 of the Report. In these pages the Rental Occupancy Licensing provisions of Ordinance #5165 are briefly described and an analysis of its potential impact is provided. One of the statements declares that:

> *"It can be inferred that the implementation of the Rental Occupancy License Ordinance is an action or decision which may have the effect of further restricting the availability of housing choices on the basis [of] national origin, race, color, disability, or familial status, and fostering segregation based on national origin."*

The empirical data based on the Ordinance was not required to arrive at the above assumption. The same was based on demographic changes recorded by the U.S. Census and insufficient affordable housing within the city revealed by the 2011 AI and the 2014 AI. In addition, studies have shown that population changes tend to impact racial segregation and consequently fair

housing choices. In the case of the City of Fremont, the demographic changes have occurred in populations of different national origin and ethnicity, more specifically Hispanics. The commenter seems to focus on this aspect of the study, and proceeds to emphasize that illegal status is not a protected class and that the Eight Circuit and Supreme Court have ruled Fremont's Ordinance to be legal and non-discriminatory. The 2014 AI Report did not state or imply that aliens or immigrants not lawfully admitted in the U.S.A. are a protected class. The AI also did not infer or state as your comment noted that the *"Ordinance has violated HUD's protected class rules and is to blame for Fair Housing discrimination in Fremont."* The AI was intended to identify "impediments" which are defined as any housing related actions, decisions or omissions that are taken based on someone membership in the "protected classes" or any actions, decisions, or omissions that have the effect of restricting fair housing choices even if the effect is unintentional.

In response to the comment concerning the legality of the Ordinance, the AI Report provided a brief history of the Ordinance from its inception to the date the housing provision of the ordinance went into effect on April 10, 2014. Since the AI Report is not a study about the Ordinance, its legal status was not part of the scope of the AI and the AI did not question in any way, the legality of the Ordinance. Nevertheless, the housing provisions' impact of the Ordinance is a matter of importance to the AI Report. Concerning the observation made by the commenter, history has shown that there have been laws proven over time to be detrimental to society. For example, dogfighting, at one time endorsed as a "sport" by the United Kennel Club, which actually formulated rules and sanctioned referees, as can be verified by the article "Detailed Discussion of Dog Fighting" written in 2005 by Hanna Gibson, of Michigan State University College of Law, now has become a felony in all 50 states. It should be said that it is not uncommon of governments at all levels to assess and re-assess policies, practices, and procedures to make adjustments as necessary for the betterment of society. This is mostly reflected in dynamic, progressive, and advanced societies, where history has shown that outcomes of such adjustments have resulted in the elimination of nefarious behaviors and practices as the aforementioned "sport".

Recommendation #14**,** as described above, which calls for an assessment of the Ordinance within the next 12 months, is intended to provide the necessary input to determine its impact on the protected classes.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

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Comment #3
Comments Received on July 24, 2014 from a Facebook Posting

"Gene Schultz If you listen to the audio file, at about the 4:20 minute mark, Chris Plummer begins to mention HUD's Affirmatively Favoring Fair Housing (AFFH) rule, and at 5:20 minutes, he references Westchester County in New York. This is the "threat" or example of what could happen if HUD is not happy with local decisions. It reminds me of the statement: When the people fear the government, there is tyranny. When the government fears the people, there is liberty."
"If you want to learn more about the controversial HUD AFFH rule, you can Google "HUD's power grab." If you don't get a chance to do that, I will list a few of those articles here. It is quite interesting to see what these different respectable publications have to say about how HUD's new far-reaching rule is attempting to gain control of local zoning laws to remake neighborhoods all across the country. In some cases there is an attempt to turn red voting districts blue."
http://www.weeklystandard.com/.../hud-s-power-grab_759151...
"In the Weekly Standard, after describing the AFFH rule, it's application and effects, it concludes with this paragraph … And what Westchester County has been experiencing in its dealings with HUD is what other housing grantees can expect once the new AFFH policy begins to be enforced. Will that enforcement effort also ignite state and local opposition? Will it lead jurisdictions to consider doing without federal housing money entirely—as is happening now in Westchester County? In three years we'll find out."
http://m.nationalreview.com/.../stopping-obamas-assault...
"In the National Review Online they write … As even outgoing Housing and Urban Development Secretary Shaun Donovan acknowledges, AFFH isn't about blocking actual cases of housing discrimination. Instead, this rule uses the language of fighting discrimination to re-engineer Americans' housing choices. AFFH forces every municipality receiving federal aid to conduct a survey of its neighborhoods by race, ethnicity and income. If the mixture is not to the federal government's liking, changes would have to be made on pain of losing federal funding. This would effectively strip local governments of their zoning powers."
http://www.heritage.org/.../huds-mandatory-minority...
"The Heritage Foundation article concludes with: What to do? For starters, Congress should hold hearings on this new HUD policy and the remedies required to determine whether they are within HUD's statutory authority and whether existing appropriations can be used to enforce such relocation plans. Westchester's robust legal challenge to HUD's vast intrusion into local housing policies should serve as a role model to fighting HUDs promised assault on another 20 communities."
http://gosar.house.gov/.../rep-gosar-passes-amendment...

"On the Website of Congressman Paul Gosar, Arizona, we read … Rep. Gosar Passes Amendment Stopping "Obama's Assault on the Suburbs" … "American citizens should be free to choose where they would like to live and not be subject to neighborhood engineering and gerrymandering at the behest of an overreaching federal government. Local zoning decisions should be made by local communities, not bureaucrats in Washington, D.C.""
"Apparently H.R. 4745 the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for Fiscal Year 2015 is scheduled for a Senate vote in October. Sen. Mike Lee has sponsored a similar Amendment in the Senate that would prohibit funding the AFFH rule."
"This is only a sample of the articles you can find about HUD's AFFH rule, which would go far beyond offering Fair Housing to the citizens of Fremont. Perhaps the Mayor and City Council need to access what they are losing when they decide to line up at the federal trough … especially if that is just an excuse to throw out the Illegal Immigration Ordinance #5165.""

Response to Comment #3

Please note that the mention of "*affirmatively furthering fair housing"* and the Westchester County case were included in the Consultant's presentation not as a "threat" but with the intention to edify those who attended the presentation. The Westchester County case resulted in HUD making several changes to its approach to the AI. Also, HUD issued a Proposed Rule titled Affirmatively Furthering Fair Housing based on Title VIII of the Civil Rights Act of 1968.

Title VIII of the Civil Rights Act, known as the Fair Housing Act (FHA), was amended during 1988. Section 801 [42 U.S.C. 3601] declares that it is the policy of the United States to provide, within constitutional limitation, fair housing throughout the United States. The FHA consists of about twenty sections. Section 802 defines *discriminatory housing practice* as an act that is unlawful under Section 804 (sales or rental of housing), Section 805 (residential real estate-related transactions), Section 806 (provision of brokerage services) or Section 818 (interference, coercion, or intimidation) of the Act. **In addition, Section 808 of the Fair Housing Act states that the authority and responsibility for administering the Act shall be in the Secretary of Housing and Urban Development.** Among the functions of the Secretary are to prepare an annual report to Congress; cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices; administer the programs and activities relating to housing and urban development in a ***manner affirmatively to further the policies*** of this subchapter; and annually report to the Congress, and make available to the public, data on race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such program.

With the Proposed Rule, HUD will provide HUD program participants with more effective means to carry out the purposes and policies of the Fair Housing Act. The proposed rule states that the FHA (and subsequent laws reaffirming its principles) outlawed discrimination and sought to proactively overcome segregation's legacy through affirmatively furthering fair housing (AFFH).

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

Thank you for your input on our 2014 AI. The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #4
Comments Received on July 18, 2014 from Ann Fauss

"I am lodging my opinion per the very difficult to understand letter to the editor of the Fremont Tribune on July 9, 2014."
"I am very upset to believe that $16,000 was spent by the City of Fremont City Council and Mayor on yet another "study" for anything related to the passage -TWICE- of the ILLEGAL IMMIGRANT ordinance."
"I am very upset that the City of Fremont and Mayor seem to pretty much give the finger to the taxpayers and LEGAL citizens of Fremont. Will it take a door-to-door question-and-answer of every individual, maybe like an "audit" to get it through these thick-headed idiots? Understand it, get it, or please excuse yourself from governing the City of Fremont."
"I will support ANY efforts to recall/remove or whatever it takes to be done with this belligerent group of wanna-be monarchs. This is NOT a dictatorship."

Response to Comment #4

The AI Report was not a study about the Ordinance, and the Ordinance was not the focus of the AI Report. The purpose of the AI document is to gather information to provide a basis for fair housing planning. Preparation of the document involves, in general terms, a review of the City's demographic, economic, and housing characteristics; a review of the City's laws, regulations, and policies concerning housing; assessment of conditions, barriers, or impediments to fair housing choice; gathering of public opinions, thoughts, and feelings via surveys, focus groups, public meetings, and key person interviews; to ultimately develop a fair housing action plan to overcome any identified impediments and expand the housing opportunities of those affected by the identified impediments. Of the ten impediments identified by the AI, only two were related to the Rental Occupancy licensing provisions of Ordinance #5165. Survey respondents provided responses and comments on the Ordinance through surveys and meetings. The Ordinance together with all other relevant City documents was part of the review for the preparation of the AI. The study was intended to determine and address any type of housing discrimination within the City of Fremont.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

Thank you for your input on our 2014 AI. The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #5
Comments Received on July 21, 2014 from Doug Wittmann

" Regarding the HUD "social engineering experiment" and the Fremont City Council's refusal to represent the interests of their constituents, in favor of trying to please the Federal Gov't, I say : "Just say NO to the money they dangle in front of the Council's greedy eyes." They don't have the money, obviously being nearly $18 Trillion in debt, and, unless they extort it from hard working taxpayers, who generally don't see things the Gov't's way, their extortion racket is due to implode on them anyway.
It seems to me it is a war on private property rights anyway. Private property, is not the Government's, so they should not have a say regarding to whom it is "rented". If Private Property owners choose not to rent to "illegals", that is their right.....in America...wouldn't you agree?"

Response to Comment #5

The Fair Housing Act is Title VIII of the Civil Rights Act of 1968. The Act was amended during 1988. Section 801 [42 U.S.C. 3601] declares that it is the policy of the United States to provide, within constitutional limitation, fair housing throughout the United States. It adds the following: "No person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions." Hence, the Fair Housing Act will still apply to the City and its residents even if federal CDBG funds are not received by the City.

Concerning the comment that "if private property owners choose not to rent to "illegals", that is their right….in America..." Ordinance #5165 mandates that a landlord may not rent to persons without legal status. According to a Q&A document provided by HUD states "a person's immigration status does not affect his or her federal fair housing rights or responsibilities."

For more information on this Frequently Asked Question, please visit HUD's website at http://portal.hud.gov/hudportal/HUD?src=/states/south_dakota/news/2012-08newsletter scroll down to access the FAQ under Immigration Status and Fair Housing.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

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Comment #6: Commenter – Paul Von Behren Ames
Comments Received on July 19, 2014 via Fremont Tribune - Paul Von Behren Ames

It's time to stop using HUD funds

From our readers

JULY 19, 2014 3:00 AM

Lost in the latest city council discussion, as they heard the "report" on "Impediments To Fair Housing" regarding Fremont's illegal alien ordinance, are the truth and some critical facts. It's disturbing that a consultant can stand in front of the council and state that Fremont's ordinance is legal, will be fairly applied and not in force long enough to have impact – followed by his report describing it as discriminatory.

It is disturbing that the report relies on words like "inferred," "controversial," "analysis (when there is none)," "perception," "concern" in place of facts. There is not a single fact in the entire 147 pages regarding impact. Instead, the classic language of "political correctness" creates a problem that is not there.

The explanation is simple: HUD uses federal funds to force political correctness. Because 5165 can't be refuted legally or practically, HUD uses touchy-feely PC to make it a problem. The city wants HUD funds. To keep the funds flowing, 5165 is in the way. The will of Fremont is in the way. You are the problem.
And it doesn't stop with 5165. The consultant refers to Affirmatively Furthering Fair Housing. That's HUD's next step to literally dictate what entire neighborhoods must look like. How much more do you have to see to understand that keeping our hands out for federal money takes away our right to govern ourselves?

We're back to the need for council leadership. Some thoughts:
1. With their willingness to represent Fremont still un-proven, don't act like your hands are tied.
2. The president said they can not control landlords. Really? They absolutely can and should. Landlords are the risk, but not to a landlord-dominated council. Time to lay aside self-interests and govern on behalf of Fremont's people.
3. Protect Fremont instead of your budget. The big costs of illegals are through schools

and medical facilities, whose budgets are separate from the city's. Your family of four paying $800-plus to support illegals makes no difference to the council "doing their job" to manage their budget and receive HUD funds.

4. "Protected Class," by definition, makes the rest of us -- Fremont -- unprotected. The class with no protection is the majority. HUD funds require discrimination against you. The council message is simple. Your HUD funds come at a huge cost to the Fremont taxpayer. Instead of focusing on protecting those funds, focus on protecting Fremont.

Stop feeding at the federal trough and letting D.C. dictate what happens here. Make your decisions for the people who elected you.

Better speak up, Fremont.

Send your comments now to: Jean Van lperen, Office Services Associate 400 E. Military Ave. Fremont, NE 68025, email: jean.kaup@fremontne.gov.

Paul Von Behren Ames

<u>Response to Comment #6: Paul Von Behren Ames</u>

In response to the opening please note that the AI Report was not a study about the Ordinance. The purpose of the AI document is to gather information to provide a basis for fair housing planning. Preparation of the document involves, in general terms, a review of the City's demographic, economic, and housing characteristics; a review of the City's laws, regulations, and policies concerning housing; assessment of conditions, barriers, or impediments to fair housing choice; gathering of public opinions, thoughts, and feelings via surveys, focus groups, public meetings, and key person interviews; to ultimately develop a fair housing action plan to overcome any identified impediments and expand the housing opportunities of those affected by the identified impediments. Of the ten (10) impediments discovered by the AI, only two (2) were related to the Rental Occupancy licensing provisions of Ordinance #5165. The Ordinance together with all other relevant City documents was part of the review for the preparation of the AI.

Concerning the statement "will be fairly applied" the consultant did not make the statement. The consultant was providing information about the Ordinance's occupancy provisions described at Section 4 E which state that such provisions "shall be applied uniformly and enforcement procedures shall not differ based on a person's race, ethnicity, or national origin".

In response to the comment concerning the legality of the Ordinance, the AI Report provided a brief history of the Ordinance from its inception to the date the housing provision of the ordinance went into effect on April 10, 2014. Since the AI Report is not a study about the Ordinance, its legal status was not part of the scope of the AI. Nevertheless, the housing provisions' impact of the Ordinance is a matter of importance to the AI Report. Concerning the observation made by the commenter that *"5165 can't be refuted legally or practically",* history has shown that there have been laws proven over time to have negative or discriminatory effects, intentional or unintentional. For example, dogfighting, at one time endorsed as a

"sport" by the United Kennel Club, which actually formulated rules and sanctioned referees, as can be verified by the article "Detailed Discussion of Dog Fighting" written in 2005 by Hanna Gibson, of Michigan State University College of Law, now has become a felony in all 50 states. It should be said that it is not uncommon of governments at all levels to assess and re-assess policies, practices, and procedures to make adjustments as necessary for the betterment of society. This is mostly reflected in dynamic, progressive, and advanced societies, where history has shown that outcomes of such adjustments have resulted in the elimination of nefarious behaviors and practices as the aforementioned "sport". Therefore, the AI recommends an assessment of the Ordinance within the next 12 months to determine its impact.

Responses to the comments about the use of terminology such as "inferred", "perception", etc., and references to "political correctness" to create a problem that is not there, are stated below.

The word "inferred" was based on demographic changes recorded by the U.S. Census and insufficient affordable housing within the City revealed by the 2011 AI and the 2014 AI. In addition, studies have shown that population changes tend to impact racial segregation and consequently fair housing choices. In the case of the City of Fremont, the demographic changes have occurred in populations of different national origin and ethnicity, more specifically Hispanics. Direct empirical data from the Ordinance was not required to arrive at this assumption. Nevertheless, the AI Report recommends *"assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required."*

The terminology Affirmatively Furthering Fair Housing has its origin in Title VIII of the Civil Rights Act of 1968, which is known as the Fair Housing Act. The Act was amended during 1988. Section 801 [42 U.S.C. 3601] declares that it is the policy of the United States to provide, within constitutional limitation, fair housing throughout the United States. It adds the following: "No person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions." Hence, the Fair Housing Act will still apply to the City and its residents even if federal CDBG funds are not received by the City.

The surveys conducted by the consultant were used to gather information about the respondents' experiences and perceptions of housing discrimination and their opinions on the fair housing laws and services. The online survey was available to all Fremont residents and industry stakeholders and was precisely to assess the opinion of the residents at the point in time of the survey, to determine understanding of fair housing and if awareness/education efforts are needed in the community. Research and studies are both about data, impressions, and inferences because every person in the population cannot be interviewed. The citizen online survey employed for the AI Report was anonymous. Once the survey is placed online, the respondents are deemed to be randomly selected. Therefore, respondents to the City's fair housing survey are presumed to be a microcosm of the City's population.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

Thank you for your input on our 2014 AI. The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #7
Comments Received on July 23, 2014 from Steven Dahl

"Please review and call if you have any question\s
The housing study does not do a good job of understand the nature of the Rental market in Fremont
I am a landlord herein Fremont and I know that over half of the landlord only rent to white people
The HUD research uses the internet and local newspapers to judge the viability of rent units.
The racist landlord just put a sign in their properties yard to get around being found out by HUD
If they had taken the time to drive around town they would have seen dozen of apartments and homes for rent because of the sigh in the yards and by making phone call to the building would have found out how big a problem there is in Fremont
The report understate the problem, it also do not deal with why should anyone want to build new apartments in a town that never grow. The people of Fremont do not want growth so any one who wanted to build would just lose money"

Response to Comment #7

To obtain a full picture of the rental market in the City of Fremont a more detailed study, with an increased scope of work, would be necessary. Due to limited resources the Study had to accomplish that which is required by the regulations. Nonetheless, based on the Study's findings, the following impediments and actions were formulated:

I. *Impediment:* *Lack of or inadequate* fair housing education and enforcement in the rental community, as well as within the minority community
Action: *Continue fair housing education and outreach and expand opportunities for fair housing training.*

J. Impediment: Lack of Fair Housing Testing to Determine Where Fair Housing Discrimination Is Taking Place.
Action: Evaluate Existing Testing Data, Determine Prevalence of Housing Discrimination, and Implement/Coordinate Fair Housing Testing as Needed.

Please refer to the AI for related recommendations which may assist in addressing your concerns.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #8: Commentator Brad Yerger
Comments Received on July 28, 2014 from Brad Yerger

FAIR HOUSING CHOICE COMMENTS
***RE:* "Analysis of Impediments to Fair Housing Choice" for the City of Fremont, NE June 2014 (Revised July) Draft Prepared by ASK Development Solutions, Inc.**
Overview
At the June 24, 2014 City Council meeting the 2014 Analysis of Impediments to Fair Housing Choice report drafted by ASK Development Solutions, Inc. for Fremont, Nebraska was initially presented and subsequently released for review under a 30-day comment period; this report was later modified by the consultant and reissued as a July 2014 report. These modifications prompted the city to extend the comment period to August 7.
Although the 2014 Analysis of Impediments to Fair Housing Choice report may present some information that could be useful in managing fair housing issues in Fremont, I find this report disconcerting in at least two major areas. First, the report appears to go to great lengths, primarily through inferences and innuendo, to undermine and impugn Fremont's citizen-approved Immigration Ordinance #5165. Second, the report attempts to further the agenda of HUD in its attempt to expand its role and rules in order to achieve newly revised goals for social re-engineering of communities at the local level. Fremont needs to be very wary of both of these efforts.
Illegal immigration and the recent breaches and lack of enforcement of our Nation's borders have created a national crisis. Thankfully Fremont has a court-tested local Ordinance that should help minimize the influx of those who would continue to unlawfully enter our country and potentially look to work/reside unlawfully in Nebraska and/or in our community. However, Fremont's Ordinance #5165 only provides a cornerstone or foundation for the "next steps" that need to be taken in preserving citizens' rights and the furtherance of transparent and representative governance at the local level. Further steps are required to ensure effective implementation and enforcement of Ordinance #5165, and to ensure that agencies like HUD aren't allowed to socially re-engineer or dictate how a local community develops or governs itself.

Recently, HUD has attempted to expand its control of communities by unilaterally modifying and expanding its rules. With their modified rules, the agency plans to implement regulations that would re-engineer local communities under the threat of withholding HUD funding for non-compliance. Sound familiar? Because of this, it may well be time to actively pursue alternate sources for fair housing funds,

rather than capitulate to the over reach and intrusion of HUD into our daily lives through new requirements, such as HUD's redefinition of the term "family" in local municipal and building codes.

As a citizen and life-long resident of Fremont I hope the City Administration and the City Council members will individually and collectively perform the requisite research on HUD and its funding requirements (this includes Nebraska Community Development Block Grants (CDBG), a form of HUD sub-recipient funding) before they take action on the consultant's recommendations. And, I hope that there is a sincere desire and willingness to receive input and consider observations offered by the citizenry and their Ward constituents. City leadership needs to stand firm and defend our city from the ever growing over reach of the federal government, and agencies like HUD, who want to socially reengineer our community. And furthermore, Ward representatives and our city leaders need to stand with the voters in properly addressing those who unlawfully and willfully violate our Nation's immigration laws, while creating burdensome social costs for our local community. Personally, I am concerned that the biases exhibited by the City Council, and my Ward 4 representatives, in attempting to repeal Ordinance #5165 and their bias to retain HUD funding at any cost have, by design, found their way into the consultant's findings in the 2014 Analysis of Impediments to Fair Housing Choice Report. Recently the Mayor was on KHUB radio saying that he and the City Council would be doing all they could to implement and enforce Ordinance #5165. However, it's unclear whether this is really the case. Prior to the special election the City Council openly advocated aggressively against Ordinance #5165, claiming that if it was retained the city would lose all its HUD funding. The Council President was even on record in advance of the special election saying the city needed to spend $16,000 to redo the 2011 Analysis of Impediments (AI) and that it was all because of Ordinance #5165. As a result, the city hired a new consultant in January, 2014 to determine the effects of Ordinance #5165 on fair housing; the Council did so knowing that the Ordinance might be repealed in February at the ballot box. This timing was more than a little curious.

Compounding the hiring of a new consultant and the new study timing issues, it appears that the consultant selection process involved a prescreening of candidates to determine their knowledge and position on Ordinance #5165 and the expected impact on their yet to be prepared AI fair housing study results. Establishing a bias regarding the Ordinance ahead of performing a new study seems highly inappropriate and suspect to say the least. It should also be noted that the original 2011 AI contained many fair housing findings (none specific to Ordinance #5165) that required the city's attention. But rather than focus on addressing and correcting those AI findings, the Council appears to have been solely focused on commissioning another study in order to discredit or blame Ordinance #5165 for the city's fair housing impediments. Only time will tell if the City Administration and the City Council will actually stand with the citizens of Fremont in defending the Ordinance and effectively use it to improve our community. This should be a rather straightforward task now that the Eighth Circuit and the Supreme Court have both ruled in the affirmative regarding Fremont's Immigration Ordinance; something the new AI is remiss in appropriately recognizing.

Timing and Process

As indicated earlier, the timing of this new AI study is suspicious. In February 2014, residents voted to retain Ordinance #5165, but it didn't become effective until April 10, 2014. Under the new January 2014 contract with ASK, their new AI Study was to be conducted between mid-March and June 1, leaving precious little time (less than 50 days) for gathering any empirical evidence on any fair housing ramifications that could be attributed solely to the Ordinance. Even the ASK consultant stated at the time of hiring that the time frame of the study ***would not*** lend itself to gathering enough empirical evidence to draw conclusions about the Ordinance's affect on fair housing choice.

Nonetheless, a read of the new AI report finds it riddled with numerous inferences and innuendo about how the Ordinance *may be*, or *could b*e, or *might be* perceived to be (*not has been*, or *is* responsible for, etc.) an impediment to fair housing choice. Thus, it appears that the processes employed by the city and its new consultant were, at least in part, aimed at finding fault with Ordinance #5165, regardless of whether any actual empirical and statistically valid data could be obtained to show the Ordinance was an impediment as claimed. Actions often speak louder than words. Thus, citizens of Fremont need to be cautious and concerned as to whether this AI Report is just a Council end-run around the city's second vote on Ordinance #5165 and another means to thwart the will of the people. Fremonters also heard the HUD funding saber being rattled before the special election. If you recall, the Mayor was on record and repeatedly on TV stating that repeal of the Ordinance was all about jobs and the HUD funding the city would lose if repeal didn't happen. Just what were the real underlying Council motives for commissioning this new AI? The need for HUD-related funding and that agency's ever expanding rules and regulations should be a major concern for Fremont. The city, the Administration and the City Council should be very wary of new AI recommendations that serve to foster increased federal control over social and economic development matters through agencies such as HUD. Analysts and members of Congress have already debunked HUD's latest pronounced agendas, indicating that the agency obviously has its sights aimed at re-engineering America at the local level. The beginning of this re-engineering effort is cleverly cloaked but evidenced in the 2014 AI's recommendation to change the definition of "family" that would be used in local municipal and building codes. Westchester, NY is one local community (and there are others) that found out the hard way that local communities, like Fremont, need to be extremely cautious about taking any HUD funding if it means letting HUD dictate and control your city's future development and placement of housing. One has to wonder if the citizens and the city's governing officials of Fremont fully comprehend the real intentions of HUD.

Preparation for Comment

In order to have factual data to help prove the Administration's and Council's real motives behind getting a new AI and to develop meaningful/focused AI comments, I submitted a request for public record access documents to the city on July 7. This initial request for information, under the guidance of NE Statute §84-712.03, yielded nothing but a general response from the City Attorney indicating that answering the request would be time consuming unless the scope could be narrowed, but that some information would eventually be provided, but not within the normal 4 days, and probably not until October, 2014.

Per City Attorney directives, on July 14, I revised and resubmitted my public access request for documents in order to reduce the scope and prioritize the data being requested. It would certainly appear that much of this data being sought should be readily available and even something that the City Administrator's staff should have been requesting and reviewing in performing their own assessment of the AI. Thus, a failure to provide meaningful and responsive information in a timely manner could be perceived as merely a standard stalling tactic (e.g. a tactic well known and often used to inhibit discovery; a tactic often observed when dealing with government entities at all levels, whether local, state or federal).

So far, eight documents were provided. Among the claimed 250 pages of provided materials were: meeting agendas, AI consultant application biographies and standard study plan proposals (81 pages), samples of survey questionnaires, in both English and Spanish, and a copy of the 147 page June 2014 AI report under review. Little, if any, of the material provided proved to be meaningful in addressing the underlying issues at the heart of the specific requests listed below. Had the requested information actually been provided, then it could have been attached to these comments and that the evidence could have spoken for itself. Due to absence of responsive data from the city, the public access document requests themselves are listed below for reference and food for thought for those reading and evaluating the 2014 AI Report for themselves.

Public Access Requests for Information Submitted to the City - Please provide:
Top Priority

1. Documents, including emails, to and from City Administration personnel, the Mayor, City Council President, Council Member John Anderson and Analysis of Impediments Study contractor applicants that expressed an opinion regarding Ordinance 5165 prior to a consultant being hired or actually conducting a post April 10, 2014 AI study of Fremont.

2. Documents from City Administration personnel, the Mayor, City Council President and Council Member John Anderson that specifically provided instructions / guidance to Chris Plummer and ASK regarding the city's or the City Council's expectations regarding Ordinance 5165 before, or after being hired to conduct the Fremont AI study.

3. Documents, notes, emails or memos from City Administration personnel, the Mayor, City Council President, Council Member John Anderson dealing with Analysis of Impediments Study questions the city wanted placed on the on-line Survey or used in Study sessions employed by Chris Plummer and ASK relating specifically to Ordinance 5165.

4. Documents or reports portraying the total number of persons who completed an "Application for Occupancy License" Form (1) ***between April 10, 2014 (effective date of Ordinance 5165) and June 1, 2014***, and (2) ***year-to-date*** (which summarizes or lists: (a) the number of persons claiming to be a US citizen or national; (b) number claiming NOT to be a US citizen or national, but having proper federal identification for being lawfully in the US; (c) number of persons failing the federal database verification check.

5. Documents or reports portraying the number of persons denied a renter's permit since April 10, 2014.

6. Documents or reports portraying the number of occupancy permit applications filed by the landlord on behalf of their renters since April 10, 2014.

Certainly, one would think that the Fremont Police Department would be maintaining formal Ordinance #5165-related reports and records, so the materials requested in request #4 – #6 should have been readily available for public access without the need for City Attorney scrutiny and potential redaction, which he claimed was potentially necessary for the emails and other documents being requested. In fact, it appears that the Mayor had access to some of this Ordinance #5165 information in time to prepare his own opinion articles that ran in the local paper on July 26. So why wasn't this readily available statistical information released by the City Attorney in response to my request for public documents? The fact that it wasn't raises considerable question about the city's adherence to mandated public record access response timelines.

Next Level Priority

7. Documents/communications by City Administration personnel or City Council members regarding Ordinance 5165 occurring after the February special election not included in responses to questions 1 – 3 above.

8. Documents or reports detailing how much HUD funding Fremont has, is, and expects to receive annually?

9. Documents or reports demonstrating that the city has investigated what would happen if Fremont chose to reject HUD rules and funding.

10. Documents demonstrating that the city has investigated whether Fair Housing needs could be met, at least in part, by businesses applying for LB 840 funding.

Next Level Priority

11. Documents/communications, sent to ASK /received by the city from ASK, regarding pre-qualifying questions that were to be asked to insure Survey / Study session discrimination claimants/respondents understood Ordinance 5165 before they asserted Ordinance #5165 discrimination.

12. Documents/communications, sent to ASK /received by the city from ASK that provide assurance or evidence that those claiming Ordinance 5165 discrimination were actually one of the individuals who obtained a rental license on or after April 10, 2014.

13. Documents/communications, sent to ASK /received by the city from ASK, to insure that procedures /safeguards were employed to assure that individuals claiming Ordinance 5165 or other discrimination only filed/reported their case only once in the AI surveys.

14. Documents/communications, sent to ASK /received by the city from ASK regarding the final decisions of the Eighth Circuit and US Supreme Court regarding Ordinance 5165.

15. Documents/communications, requested from ASK /received by the city from ASK regarding the term "alienage" (being legal or illegal) and whether this term constitutes a protected class under HUD rules.

Documents/communications, requested from ASK /received by the city from ASK, other than the AI Report itself, that identify and list each and every reason where AI Study "evidence" supports the conclusion that Ordinance 5165 and/or the Application for Occupancy Form discriminates against Hispanics.

17. Documents/communications received by the city from ASK that define how many data points constitute a statistically valid sample for city of Fremont's size and demographics.

18. Documents/communications sent to ASK, or received by the city from ASK, that provided instructive guidance on whether the number of occupancy applications between April 10, 2014 and June 1, 2014, or year-to-date, constituted a statistically valid sample size in order to make factual conclusions regarding Ordinance 5165.
As of the date of writing/filing of these comments, the city has yet to provide any additional or meaningful/useful data in response to the modified and prioritized requests. Thus, the following specific observations and comments on the AI process and the findings contained in the 2014 AI Report are made without the benefit of the public record access information that was sought.

Individual Observations and Comments:
Contract Communications
One of the AI contract applicants, Paul Flogstad, stated that: "Per your request I have reviewed your Ordinance No. 5165 as it pertains to housing" and …. "I conclude that the Ordinance is a significant impediment of fair housing choice." Note, this contractor wasn't even hired, but their company's proposed AI plan, and their study's time-frame, which would have ended before the Ordinance even became effective, indicated a willingness to render a predisposed fact-less pre-judgment and negative "finding" regarding the Ordinance.

Chris Plummer, on behalf of ASK Development Solutions, the contractor selected to perform the new AI study responded that: "Regarding the city's immigration ordinance (ordinance #5165), we would address the ordinance as follows:"…. He then goes on to say that "Since the housing provisions are not yet in force, our review is unlikely to glean any empirical data on the effects for the city of Fremont."; and, "I noted that the ordinance includes language that states that it will be applied uniformly and not enforced based on a person's race, ethnicity, religion, or national origin." Notwithstanding these statements, the ASK AI Report is riddled with findings that attempt to shine a negative light on the Ordinance. I would also note that this contractor's proposed AI study time-frame started before the Ordinance became effective and it only covered 50 days thereafter. Given the brevity of the study time frame, obtaining statistically valid samples would certainly have been a significant challenge, if not impossible.

From the consultant's statements quoted above, it appears that the city was seeking to know in advance how the AI would likely go in regard to Ordinance #5165 before they made a consultant selection. And, although on the surface, and between the two quoted consultants, it would appear that the city chose the consultant who exhibited less upfront bias. However, the 147-163 page (June vs. July) AI drafts, and the numerous non-fact-based inferences to Ordinance #5165's discriminatory affects, speak for themselves.

Surveys and Analytics
As a part of its AI study, ASK Solutions developed fair housing surveys for residents, housing service providers, realtors, and lending institutions. These surveys were taken between March 12, 2014 and June 1, 2014 (roughly 50 days). Given this limited window of opportunity, it would seem very unlikely that Ordinance #5165-related survey questions could have produced a statistically valid number of positive discrimination responses;

certainly none could have been alleged prior to April 10, 2014, since the Ordinance wasn't even effective until then.

Compounding the timing issues, an original city survey, or perhaps an early AI survey question asked "Have you encountered housing discrimination due to Ordinance #5165" (this question was among those found in an on-line survey that I personally reviewed). This was a very leading and vague question and more importantly, there were no prequalifying questions asked to see if the respondent even knew what Ordinance #5165 was or did. Interestingly, this original question appears to have disappeared in the survey sample attached to the July 2014 AI Report and in the samples provided in discovery. It appears that it was replaced by one asking about whether the Ordinance has, or would, impede moving between residential locations because it would require obtaining a renters permit (overwhelmingly, the survey results said - NO). Nevertheless, prior to asking either of these Ordinance #5165 questions, there were no definitional statements made to explain to respondents what Ordinance #5165 is, or what it does, or does not do. Without some explanation, how would every new or existing renter in Fremont even know the details of this Ordinance?

Moreover, it appears that there were no survey controls on who responded to the Ordinance-related survey questions, whether they were even renters, the date of the alleged discrimination or how many times a single individual may have responded to the survey. Without this capability the results obtained
from the online survey should be viewed as statistically weak and highly suspect because they cannot be correlated to the Ordinance start and effective dates.
The AI report also indicates that during group survey meetings the ASK consultant was questioned about Ordinance #5165 and he stated (and recounted his response in this AI Report) I "Clarified that Ordinance does not discriminate". Yet, the AI report that has been prepared by ASK specifically and repeatedly claims and declares that Ordinance #5165 ***is*** discriminatory and responsible for fair housing impediments in Fremont.
A cursory review of the discrimination statistics offered in the AI Report reveals that many of the listed statistics and tables do not support the innuendo that the Ordinance is "in and of itself" discriminatory. For example, the Report states that during the period 2010 - 2013 there were only three complaints filed with HUD – only one was on the basis of race. Five cases of discrimination were filed with the Fair Housing Center of NE/IA – four based on familial status, and one based on disability. None of this data coincides with the Ordinance's effective date. Where are the specific statistics that indicate the number of discrimination complaints made by those who have obtained, or attempted to obtain, renter /occupancy licenses after April 10, 2014? It appears that no empirical or statistically valid evidence was gathered or relied on in declaring the Ordinance to be an impediment to fair housing. No surprise here, given a predisposition to finding fault with the Ordinance.

Conflating of Terms
The AI Report lists the "protected classes" under the Federal Fair Housing Act and State rules. But, the consultant appears to repeatedly confuse "alienage" (being in the United States lawfully versus unlawfully) with "race". These terms *ARE NOT* interchangeable, and "alienage" *IS NOT* a "protected class" under Federal, State or and HUD guidelines. Many of the findings being linked to Ordinance #5165 through race and ethnic background or affiliation are misguided, as the courts have already ruled on whether the Ordinance is

discriminatory. In fact, the Ordinance is blind to HUD's "protected classes"; its provisions apply to all workers/renters regardless of their protected status, if any.

Impediment Findings - General

In reading the AI Report, one has to ask how the consultant purports to reconcile his documented statements about Ordinance #5165. The consultant issued his Report findings in direct opposition to previous statements he made about the Ordinance.

When first contracted he stated***: "Since the housing provisions are not yet in force, our review is unlikely to glean any empirical data on the effects for the City of Fremont."*****;** and, ***"I noted that the ordinance includes language that states that it will be applied uniformly and not enforced based on a person's race, ethnicity, religion, or national origin."***

And, even now in his draft AI Report findings he states: ***"Since the housing provisions of the Ordinance took effect on April 10 2014, it is may be too early to determine the impact of the Ordinance."***

Notwithstanding these statements, the consultant flip flops without a hint of factual evidence, concluding in his Report that "***the provisions of the Rental Occupancy Licensing are an impediment in itself as it adds an additional step to securing housing especially for members of protected classes"*** and, ***"It can be inferred that the Rental Occupancy Licensing Ordinance is an action or decision which may have the effect of further restricting the availability of housing choices on the basis (of) national origin, race, color, disability or familial status and foster segregation based on race."***

What protected classes are being subjected to discrimination? Ordinance #5165 equally applies to all occupants that want to rent in Fremont after April 10, 2104.

I also wonder why the consultant repeatedly relies on innuendo and inferences rather than empirical data and facts to support his AI conclusions and recommendations.

There are multiple times where the consultant uses the phrases "could", "may", or "might" in areas that are short on historical fact or empirical evidence. And, he uses "would" or "will" in drawing conclusions that are devoid of factual foundation. In addition to these "soft" terms he also attempts to rely on AI observations made in other cities; cities that do not even have a renters Ordinance like Fremont's. Empirical evidence is all but non-existent, since Ordinance #5165 didn't go into effect until April 10, 2014 and his study was completed by June 1; this abbreviated timeline afforded very little, if any, meaningful data to be discovered and complied. Nonetheless, the consultant makes repeated accusations that Ordinance #5165 is discriminatory, and to Hispanics in particular. He makes such claims while totally ignoring the interpretive rulings rendered by the Eighth Circuit Court and the United States Supreme Court to the contrary.

Specific Impediments

Impediment #4: Finding: The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together.

Comment: An appropriate definition of "family" is a very basic fundamental of any communities' zoning laws and building codes. Typically and historically zoning regulations have been aimed at achieving homogeneous, traditional single-family neighborhoods where yards are wide, people few, and the land-use addresses family needs. Changing the definition of "family" to meet the new HUD perspective will be a dangerous and slippery slope for the city. Recent policy changes being advocated by HUD, but not supported by

many in Congress, are reflected in the consultant's AI report. These HUD policy changes appear to be aimed at shifting the emphasis *from ensuring that the private sector and participants in federal programs don't unlawfully discriminate* to an emphasis *that attempts to define the existence of racially and ethnically 'segregated' neighborhoods*; the new HUD emphasis would then be used to find that such neighborhoods are "in and of themselves" a violation of fair housing. Under the newest plan, HUD intends to declare neighborhoods that ***are not integrated satisfactorily*** under their expanded tests to be in and of themselves a fair housing issue**.** In essence HUD wants to reorient communities to make them conform to their defined government standards in order to broaden the government's control over integration, and thus make all communities a government controlled incubator of opportunity as they see it. We must resist falling victim to HUD's new vision of America. Therefore great care must be exercised in continuing to take HUD funds and / or considering or making any modifications to the definition of "family" in our local municipal and building codes as suggested by ASK in the AI Report.
Westchester County, NY learned firsthand what HUD really had planned for its community and for other local communities across this Nation. This community finally saw the light and woke up; barely before it was too late. I encourage citizens and the leaders of Fremont to watch the video link below to gain some insight about HUD's new rules and its planned takeover of local communities: https://www.youtube.com/watch?v=-nC30iixX2Y.

Impediment #7: Finding: The Rental Occupancy licensing provisions of Ordinance #5165 (Immigration Ordinance) discriminates against Hispanics in the rental market.
Comment: The finding that the city should identify the impact that the Immigration Ordinance is having on minorities, including illegal immigrants, is misplaced because it wrongly states that Ordinance #5165 ***discriminates against Hispanics*** in the rental market. There is no empirical evidence cited or provided in the AI Report to support this specific finding and such a statement runs counter to the findings of the Eighth Circuit and United States Supreme Court rulings regarding Ordinance #5165.
This Ordinance is applicable to ***all*** renters; it does not discriminate based on any, or against any, protected class. Moreover, determining one's alienage (that is being lawfully or unlawfully in the United States) is not a protected class. Just because the Latino population has been growing faster in Fremont than other national origins, shouldn't lead one to assume that this particular population group is illegally here and thus is somehow adversely or disproportionately affected by the Ordinance; occupancy licenses are equally available to all legal residents under Ordinance #5165 provisions.

Impediment #8: Finding: The Rental Occupancy licensing provisions of Ordinance #5165 adds an additional step to securing housing especially for members of the protected classes.
Comment: This finding states that "protected classes" are subjected to an additional step to secure housing. This is factually incorrect; ***all*** renters, regardless of whether they have "status" under any protected class, are required to fill out the very same occupancy rental forms. So, there is definitely not an additional step for any "protected class" of renter. All renters receive equal treatment under the Ordinance.
AI's Critique of the Rental Occupancy License Ordinance
The AI Report wrongly attributes many of its findings of fair housing impediments to Fremont's Immigration Ordinance #5165 merely because it requires renters to obtain an occupancy license from the city. The AI analysis states that demographic changes recorded

by the 2000 and 2010 census, show an increase in protected classes with the largest increase recorded in the population identified as Latino or of
Hispanic origin. From this the AI asserts that when demographic changes occur these changes tend to impact segregation patterns within a jurisdiction, and thus influence fair housing choices. There is no empirical evidence provided to show that the Ordinance itself has had, or created, any additional or compounding effects on the demographic changes occurring to the city due to population shifts. The AI is also misguided in its attempt to compare and employ the conclusions from a study of the population shifts in the District of Columbia in place of the unmeasured effects of Fremont's Immigration Ordinance, which was just officially enacted on April 10, 2014. The DC study only measured population changes and segregation. The DC has no comparable immigration (renter) ordinance, so even though that study may have been able to measure some sort of "race" impact in DC, it did not, and could not have measured an "alienage" impact or the impact of a Fremont-like renter ordinance because none was in effect in DC. Thus, the DC Study's conclusion that population changes result in racial segregation is misplaced when analyzing Fremont's Ordinance #5165. The terms "race" and "alienage" are not one in the same and they cannot be interchanged at will. And, the statement and inference that demographic changes in the protected classes, particularly in the population of Hispanic origin, tend to impact racial segregation and thus fair housing choices is a conclusion that cannot then be attributed to Ordinance #5165, since the Ordinance is blind as to protected classes. Although the AI *inferred* that the "implementation of the Rental Occupancy License Ordinance is an action or decision which may have the effect of further restricting the availability of housing choices on the basis national origin, race, color, disability, or familial status, and fostering segregation based on race", such *inferences are not rooted in empirical proof.*

The AI goes to state that "at first glance, the Ordinance appears neutral", but that policies, practices or procedures that appear neutral on their face, may operate to deny or adversely affect the availability of housing *to protected classes* regardless of immigration status. But according to the AI and HUD, a person's immigration status does not affect his or her federal fair housing rights or responsibilities. Moreover, immigration status is not a protected class, so why did the consultant attempt to impugn Ordinance #5165 as being a primary impediment to fair housing?
The AI also asserts that because the Ordinance is controversial, it *will have* a disparate impact on Hispanics. There is no evidence that this *has* occurred and it be unlikely that such evidence will obtainable in the future because the Ordinance is totally indifferent as to race or national origin, it applies to all rental applicants equally.

In addition, the AI goes on to assert that a 2013 HUD Civil Rights Compliance Review found the Fremont Ordinance to be an impediment to fair housing, but this statement does not comport to the earlier 2011-12 AI findings, as noted at pages 12 -13 of that report. During this time frame, the Ordinance wasn't even in effect, so there would have been nothing that could have been empirically evaluated or measured.

The AI also states that HUD has stated that if the city implements the housing provisions of the Ordinance, it *"would"* be at risk of being found in violation of the Fair Housing Act and in noncompliance with its civil rights certifications to the State of Nebraska. This statement misquotes the previous AI Report finding and HUD's statement which states "could", not

"would", be at risk. There was no empirical evidence at the time of the previous AI nor has there been any produced for this AI since the Ordinance only went into effect on April 10, 2014.

HUD Rules and Fair Housing Funding After reviewing HUD rules and regulations set forth in the AI Report and discovering the growing over reach sought by HUD via the new authority they desire to have in controlling community development, one has to wonder how far communities like Fremont should go to maintain HUD funding support. If the Westchester, NY experience provides insight, which it should, then perhaps the city is rapidly approaching a tipping point and needs to look long and hard at whether there are viable alternatives to HUD funding. There is no question that future HUD-related funding will come with onerous and intrusive government oversight and rules. Certainly HUD's expanded oversight and rules will lead to far reaching impacts on the city's development, even beyond those governed by the city through its locally developed Municipal and Building Codes.

Thus, careful consideration of ever expanding HUD funding rules is needed in the current situation, since HUD rules could serve as a means to potentially overturn the will of the people when it comes to containing the growth and costs to the community related to those persons that seek to work and live "unlawfully" in our community. Serious thought must be given to the amount of HUD funding that is "expected" to be received versus the costs the community "will continue to bear" on behalf of those "unlawfully" here if they are permitted live and work in the city because the Immigration Ordinance, and its renter provisions, are wrongly impugned or negatively affected by AI reports such this. Hopefully, this was not, and is not, the City Council's ultimate goal.

Concluding Remarks

To be fair, the AI report likely does provide the city with some measure of insight regarding matters that the city should address surrounding affordable fair housing. Therefore, dissecting the report in order to reveal the useful portions that don't subject the city to the intertwined and onerous rules of HUD will be a monumental task. Improvement in fair housing options means proceeding with due diligence and caution. And, it means actively looking for and pursuing innovative solutions that put Fremont, not HUD, in charge of local affairs. In order to address any legitimate housing issues contained in the report, while leaving Fremont in charge of its own future, alternatives to HUD funding should be actively explored by city personnel and members of the Council. Perhaps the recently passed LB 840 Economic Development Plan should be considered as a potential means of replacing HUD funding and a tool for engaging/promoting builders and/or construction companies to further develop affordable fair housing and rental facilities in Fremont. The recent changes to the LB 840 Plan just added additional funding for economic use; if permitted by law, why not see if some of this funding could lawfully be used by builders in making fair housing improvements across the city. If more foresight had been employed, perhaps the newly mandated and "equal" three-way split of the ½% sales tax extension could have yielded the requisite funding needed to address Fremont's fair housing issues without taking HUD (CDBG) funding. Had the economic development fund cap not been raised to $4M, or if the city's Municipal Code fund economic development fund controls been left in place, the more than $300,000 plus per year funds over the next 10 years could have replaced much, if not, all of the future HUD funding at issue.

Where there is a will there's a way, but the way doesn't always require letting the federal government (e.g. HUD) and their intrusive rules dictate local policies. View the AI report with some skepticism, especially the findings dealing with Ordinance #5165. Keeping Fremont in charge of its own future means using the report's findings and recommendations with caution, weeding out those that would lead the city to relinquish local control to the federal government or its agencies. Therein lies the challenge, choose wisely.
Respectfully submitted,
Life-Long Resident & Concerned Citizen
Brad Yerger 2318 East 5th Fremont, NE 68025

Responses to Comment #8: Brad Yerger

Due to the length of Comment #8, its response has been organized by topic closely resembling the headings used by you.

Overview

The Request for Proposals and Scope of Work to complete the AI did not include a request by the City to undermine or in affect the Ordinance #5165 as stated and suggested in the above comments. The AI Report was not a study about the Ordinance, and the Ordinance was not the focus of the AI Report. In fact, the Ordinance was only a minor part of the AI. As clearly stated in the AI and using a methodology recommended by HUD's Fair Housing Planning Guide, the purpose of the AI document is to gather information to provide a basis for fair housing planning. Preparation of the document involves, in general terms, a review of the City's demographic, economic, and housing characteristics; a review of the City's laws, regulations, and policies concerning housing; assessment of conditions, barriers, or impediments to fair housing choice; gathering of public opinions, thoughts, and feelings via surveys, focus groups, public meetings, and key person interviews; to ultimately develop a fair housing action plan to overcome any identified impediments and expand the housing opportunities of those affected by the impediments. Of the ten (10) impediments identified by the AI, only two (2) were related to the Rental Occupancy licensing provisions of Ordinance #5165. The Ordinance together with all other relevant City documents was part of the review for the preparation of the AI.

Concerning the comment on HUD's agenda to expand its role and rules in order to achieve newly revised goals for social re-engineering of communities at the local level, it should be noted that HUD's fair housing role was established during 1968 and 1988. Section 800 [42 U.S.C. 3601] is known as the Fair Housing Act. Section 801 declares that it is the policy of the United States to provide, within constitutional limitation, fair housing throughout the United States. The Fair Housing Act consists of about twenty sections. **Section 808 of the Fair Housing Act states that the authority and responsibility for administering the Act shall be in the Secretary of Housing and Urban Development.** Among the functions of the Secretary are to prepare an annual report to Congress; cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which

are formulating or carrying on programs to prevent or eliminate discriminatory housing practices; administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter; and annually report to the Congress, and make available to the public, data on race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such program.

The purpose of HUD's Proposed Rule titled Affirmatively Furthering Fair Housing is to provide HUD program participants with more effective means to carry out the purposes and policies of the Fair Housing Act. The proposed rule states that from its inception, the Fair Housing Act (and subsequent laws reaffirming its principles) outlawed discrimination and set out steps that needed to be taken proactively to overcome the legacy of segregation through the obligation of affirmatively furthering fair housing (AFFH).

It is not uncommon of governments at all levels to assess and re-assess policies, practices, and procedures to make adjustments as necessary for the betterment of society. This is mostly reflected in dynamic, progressive, and advanced societies, where history has shown that outcomes of such adjustments have resulted in the elimination of nefarious behaviors and practices once consider legal, for instance, dog fighting. At one time dog fighting was endorsed as a "sport" by the United Kennel Club, which actually formulated rules and sanctioned referees, as can be verified by the article "Detailed Discussion of Dog Fighting" written in 2005 by Hanna Gibson, of Michigan State University College of Law. Dog fighting now has become a felony in all 50 states. The fact that voters and the courts support a law and the law is intended to be uniformly applied does not prevent that law from having negative and discriminatory effects.

Therefore **Recommendation #14,** as described later on in this response, which calls for an assessment of the Ordinance within the next 12 months will provide the necessary input to determine its impact on the protected classes.

Timing and Process

Toward the end of your introductory overview, you expressed concerns about the Study being influenced by the City Council in an attempt to retain HUD funding at any cost, and repeal the Ordinance. You devoted an entire portion of the comments to the timing and process of the consultant's hiring, and attempts to present this information as evidence of efforts to eliminate the Ordinance.

Information concerning the procurement aspects of the RFP will be handled by the City, as the Consultant responded to the RFP issued by the City.

The potential impact of the Rental Occupancy Licensing provisions of Ordinance #5165 was provided on Pages 74-75 of the AI Report, which also includes a brief discussion of the rental provisions of the Ordinance. The results of the analysis are provided below:

> *"It can be inferred that the implementation of the Rental Occupancy License Ordinance is an action or decision which may have the effect of further restricting the availability of housing choices on the basis [of] national origin, race, color, disability, or familial status, and fostering segregation based on national origin."*

The above statement was based on demographic changes recorded by the U.S. Census and insufficient affordable housing within the city revealed by the 2011 AI, conducted by another consultant, and the current AI Report. In addition, studies have shown that population changes tend to impact racial segregation and consequently fair housing choices. In the case of the City of Fremont, the demographic changes have occurred in populations of different national origin and ethnicity, more specifically Hispanics. This and other assumptions made in the report were not influenced by the City Council but by data, comments, observations, and resident responses.

Concerning the comment on empirical data on the Ordinance, the Consultant was correct to state prior to and after preparation of the Report that empirical data is not available on the Ordinance. It is for this reason that **Recommendation #14** was introduced. It states the following: "*The City should conduct an <u>assessment</u> of the impact of the Ordinance within the next 12 months and determine if any adjustments are required."* This recommendation was inserted precisely because there is not sufficient data available. Setting aside the lack of empirical data, the Ordinance in and of itself adds an additional step to securing housing especially for members of the protected classes. Based on this, the following language was added to the Report:

> **H. *Impediment:*** *The Rental Occupancy Licensing provisions of Ordinance #5165 is an impediment in itself as it adds an additional step to securing housing especially for members of protected classes.*
> ***Action:*** *Assess the impact of the Ordinance especially on members of the protected classes.*
> *<u>Recommendation #14</u>*
> *The City should conduct an assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required.*
> *<u>Status:</u> Since the housing provisions of the Ordinance took effect on April 10, 2014, it is may be too early to determine the impact of the Ordinance. Refer to the City Regulatory Review section of this report on pages 74-75.*

For the group of persons classified as protected classes, compliance with the Ordinance adds an additional activity to find housing. For many residents this activity of seeking a license may not be significant, but for some members of the protected classes, for example the disabled, that

extra step may impede them in securing decent, safe and affordable housing; thus, this extra step results in an impediment.

Preparation for Comment – Request for Public Record
Information concerning the request for public record will be handled by the City,

Surveys and Analysis

Please note that, contrary to your comments, the surveys were used to gather information about the respondents' experiences and perceptions of housing discrimination and their opinions on the fair housing laws and services. The surveys were not undertaken to measure the impact of the Ordinance. There was only one question regarding the Ordinance in each of the surveys. The online surveys were available to all Fremont residents and industry stakeholders. The idea of conducting the survey at a given point in time is precisely to assess the opinion of the residents at the time the survey is implemented, to determine the impact of what is being measured and if awareness/education efforts are needed in the community. The surveys, focus groups, and key person interviews were done to get resident's and stakeholder's perceptions, impressions and opinions which are often not empirical but personal.

Since information on housing discrimination, fair housing, and the Ordinance has been in the public domain for several years, and residents and stakeholders have formed their opinions about these issues, the City desired to collect that information as part of the AI. The Ordinance and housing discrimination does not affect only renters, it affects, landlords, policy makers, and residents. Your suggestion about assessing the effect on the Ordinance on renters can be done as part of the recommended Ordinance impact assessment.

Preparation and implementation of the citizen online survey was done with the use of an anonymous online survey software. The software assists with survey methods and templates. Once the survey is placed online the respondents are deemed to be randomly selected. Therefore, respondents to the City's fair housing survey are presumed to be a microcosm of the City's population. Development of the survey required reviewed and input by those involved in its development; however, once launched in the internet, no questions were removed. The survey ensured that respondents could provide additional answers under the category "Other". Respondents added comments about the Ordinance and their perception of its discriminatory effects. The AI was intended to ascertain the representative views of all residents.

Conflicting Terms

The 2014 AI Report did not declare that aliens or immigrants not lawfully admitted in the U.S.A. are a protected class. Nonetheless, according to HUD, every person in the United States is protected by the Fair Housing Act. A person's immigration status does not affect his or her federal fair housing rights or responsibilities. HUD provides information on this matter in a question and answer publication as follows:

1. Does immigration status affect whether a person is covered by the Fair Housing Act?

No. Every person in the United States is protected by the Fair Housing Act. A person's immigration status does not affect his or her federal fair housing rights or responsibilities. The Act 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, and disability. Such discrimination is illegal regardless of the victim's immigration status.

Examples:

- If a landlord refuses to rent to someone because of a person's religion, that is illegal discrimination regardless of immigration status.
- If a landlord charges a different price or asks for additional identification documents because of a person's national origin that is illegal discrimination regardless of immigration status.
- If a lender offers different terms on a mortgage to a prospective homebuyer because of the homebuyer's race that is illegal discrimination regardless of immigration status.

For more information on this Frequently Asked Questions, please visit HUD's website at http://portal.hud.gov/hudportal/HUD?src=/states/south_dakota/news/2012-08newsletter scroll down to access FAQ under Immigration Status and Fair Housing.

Impediment Findings

As you correctly stated in the Overview remarks, the June 2014 AI Report was updated and the versions posted for public input in the City's website was the July 2014 AI version. It seems that you opted to use the older version of the AI to generate some of the comments. It is acknowledged that there is a discrepancy in the AI July 2014 version between the summary of the Impediment #7 and the full language concerning the impact the Ordinance will have on minorities including immigrants. Whereas the full text refers to "legal immigrants" and says "may discriminate" the summary refers to "illegal immigrants" and uses the verb "discriminates". This typo will be corrected in the final document to display the correct language in the summary. Please see below the language of Impediment #7, which is summarized on page 9 of the July AI Report, and the full language which appears on page 137 of said document:

Summary of Impediment #7 from page 9

Impediment #7: *The Rental Occupancy licensing provisions of Ordinance #5165 discriminates against Hispanics in the rental market.*

Action: *The City should identify the impact that the Immigration Ordinance is having on minorities including illegal immigrants and work with community groups and partners to address and reduce negative consequences.*

Full Language of Impediment #7 from page137

G. *Impediment:* *The Rental Occupancy licensing provisions of Ordinance #5165 (the Immigration Ordinance) may discriminate against Hispanics in the rental market*

Action: *The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.*

With respect to your comment on Impediment #4, regarding family definition, prior to addressing the comment the same is included below in its full language:

D. *Impediment:* *The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together.*
Action: *The City should review its zoning ordinance and revise the definition of family.*

Recommendation #8
Remove the limitation on the number of unrelated persons that may reside in a home and utilize occupancy limits to prevent overcrowding and maintain neighborhood character.

Status: The City is not precluded from restricting the ability of unrelated persons to live together as long as the restrictions are imposed on all groups. The current definition of family limits the number of unrelated persons in a home to a maximum of four individuals and allows any number of related persons.

In response to your comments, historically communities have utilized land use regulations and zoning codes as regulatory barriers to affordable housing and fair housing. During 1990, the Office of the President asked HUD Secretary to convene an Advisory Commission to identify regulatory barriers to affordable housing and recommend how those barriers could be removed. In 1991 HUD published the Report "Not In My Back Yard" - Removing Barriers to Affordable Housing. Among the regulatory barriers studied was zoning and land use development requirements, which has a direct impact on the location of low cost housing, and, therefore, an impact on residents seeking low cost housing. The 1991 Study stated that development controls and regulations have a direct impact upon where people live, how they manage and use their property, what lifestyle and living arrangements they choose, who their neighbors are, and what their residences cost. If those controls and regulations fail to address equitably the needs of all citizens, if they provide benefits to some while limiting housing choice and opportunity for other, they violate the public purpose in whose name they are enacted.

HUD updated the 1991 Report during February 2005. HUD's updated report "Why Not In Our Community?" - Removing Barriers to Affordable Housing stated that the basic findings of the 1991 Report remained true for the 2005 Update Report: exclusionary, discriminatory, or unnecessary regulation constituted formidable barriers to affordable housing. The Report acknowledged that progress had been made, but that it was difficult to identify when a local policy is a regulatory barrier, and that each policy or rule must be assessed on its own merit.

The 1991 Report determined that perhaps the most potent and intractable cause of regulatory barriers to affordable housing was NIMBY (Not In My Back Yard) sentiment at the individual and community level. The 2005 Update Report announced that it hoped that HUD initiatives will change the NIMBY sentiment to "why not in our community?" The desire for the change was because HUD is aware that the NIMBY sentiment may be expressing opposition to types of housing, changes to the community, to certain levels of growth, to any and all development, or to economic, racial, or ethnic heterogeneity. It can reflect concern about property values, service levels, fiscal impacts, the environment, community ambience, or public health and safety. HUD adds its more perverse manifestations reflect racial or ethnic prejudice masquerade under the guise of these concerns. Most importantly, though, according to HUD's 1991 Report, NIMBY sentiment can easily translate into government action, given the existing system for regulating land use and development, to the exclusion of nonresidents, prospective residents, or for that matter all outsiders.

AI's Critique of the Rental Occupancy License Ordinance

An older version of the AI Report was used to generate this comment. None of the AI Reports state that aliens or immigrants not lawfully admitted in the U.S.A. are a protected class. Additionally, the reference to the Washington DC Study concerning demographic changes and increase in segregation patterns was not to compare Washington DC to Fremont but to demonstrate the potential effects of demographic changes on fair housing issues.

HUD Rules and Funding

Regarding your comment about the City refusing federal funding, please note that the Fair Housing Act will still apply to the City and its residents even if federal funds are not received by the City.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

Thank you for your input on our 2014 Analysis of Impediments to Fair Housing Choice (AI). The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #9: Commentator: Adam Johnson
Comments Received on July 30, 2014 via Fremont Tribune - Adam Johnson

It's time to end the madness
FROM OUR READERS

1
Print Email
July 30, 2014 11:00 am0
After the special election in February, I was hoping that the immigration issue in Fremont would quiet down for the most part and that the community can begin a healing process. Unfortunately, it doesn't look like that is going to happen anytime soon.
On July 5, Bob Warner talked about "Ending the Madness" regarding Ordinance 5165. This is likely one of the few times that I actually agree with Bob.
The reason for this is because on June 24 the City Council opened a 30-day public comment period on the Analysis of Impediments report dealing with fair housing. What the AI does is that it begins the process of addressing some of the unintended consequences of the ordinance and guides us to ensure that no one person or group is experiencing undue hardship.
On July 9, John Wiegert suggested that this is the City Council's "Plan C" to stop the implementation of the ordinance.
I would hope that the supporters of the ordinance understand that the election is over and it is time to move on. This madness has to stop. The ordinance is not going away any time soon. It is being enforced. It has been mentioned several times that the courts have determined that the ordinance is not discriminatory. Although that may be the case, that doesn't mean that discrimination can't or does happen regrettably. To me that is what the supporters of the ordinance are missing. Again, the AI is essentially a guide so that it helps both the landlords and tenants know what to look for to prevent cases of discrimination.

Again, I was really hoping that when the dust finally settled after the February election that we would not have to hear about immigration for a long time. At some point this has to stop.
Ultimately, Ordinance 5165 will continue to be a band aid to a much larger problem. It is important to come together so that we can actually have a real, reasonable and productive conversation on how we address this issue instead of being a divided community.

Adam Johnson
Fremont

Response to Comment #9 – Adam Johnson

As stated in the AI and required by the US. S Department of Housing and Urban Development (HUD), the purpose of the AI document is to gather information to provide a basis for fair housing planning. Preparation of the document involves, in general terms, a review of the City's demographic, economic, and housing characteristics; a review of the City's laws, regulations, and policies concerning housing; assessment of conditions, barriers, or impediments to fair housing choice; gathering of public opinions, thoughts, and feelings via surveys, focus groups, public meetings, and key person interviews; to ultimately develop a fair housing action plan to overcome any identified impediments and expand the housing opportunities of those affected by the impediments. Of the ten (10) impediments identified by the AI, only two (2) were related to the Rental Occupancy licensing provisions of Ordinance #5165. The Ordinance together with all other relevant City documents was part of the review for the preparation of the AI.

In response to your comments about the AI's role "that it begins the process of addressing some of the unintended consequences of the ordinance," the City has been holding meetings not just to discuss the AI but to have conversations about the Ordinance. City staff has also been reviewing the AI recommendations to begin implementing activities that will address potential and current housing discrimination. Some of the recommendations formulated include awareness and educational activities that seek to achieve some of the commenter's recommendations. The City has placed information about the Ordinance, including a question and answer document, on its Website.

CITY OF FREMONT AI
RESPONSE TO PUBLIC COMMENT

The City of Fremont, Nebraska encourages and provides residents the opportunity to comment on the Analysis of Impediments to Fair Housing Choice. As such careful consideration is given to all comments and views expressed by the public. As required, the City must respond to residents' views and comments. The observations you made are duly noted, and will be made part of the AI Report. To facilitate review of the input received, the responses are organized to first display the comment received followed by the response.

Comment #10: Commentator Gene Schultz

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Fremont, NE 68025
email -- jean.kaup@fremontne.gov phone-- 402-727-2630

Comment to Analysis of Impediments — August, 2014

As one of the majority of citizens who voted TWICE for the Illegal Immigration Ordinance #5165, I welcome the opportunity to Comment on the 2014 Analysis of Impediments done by ASK Development Solutions and presented at the City Council meeting by Chris Plummer.

As I read the Analysis of Impediments I couldn't help but notice that Ordinance #5165 was referred to at least 33 times. I might conclude that #5165 has been identified is a prime target of this AI.

On Page 9 of the AI, Impediment #7 reads: The Rental Occupancy licensing provisions of Ordinance #5165 (Immigration Ordinance) *discriminates against Hispanics* in the rental market. The suggested Action: The City should identify the impact that the Immigration Ordinance is having on minorities *including illegal immigrants* and work with the community groups and partners to address and reduce negative consequences.

Perhaps there needs to be a clarification … I don't recall that ILLEGAL immigrants were listed as a 'protected class.' Ordinance #5165 applies to ALL renters. It treats everyone the same. The 8th Circuit Court of Appeals has determined that the Ordinance is NOT in conflict with federal immigration laws and was NOT discriminatory. The U.S. Supreme Court on May 5, 2014 let this ruling stand.

Additionally the 7th Circuit Court of Appeals in 2012 decided that Title VII of the Civil Rights Act does not protect against discrimination based on citizenship or immigration status. Cortezano v. Salin Bank & Trust Co.

Alienage is not a protected classification under Title VII. …

http://laborandemploymentlawupdate.com/2012/06/01/seventh-circuit-among-the-myriad-of-protected-classes-illegal-immigrant-status-is-not-one-of-them/

According to federal law, in spite of the activity currently going on at the border, it is unlawful to harbor illegal aliens who are known to be unlawfully present in the U.S.

For these reasons, any further suggestion (Such as #8 Pg. 9, Pgs. 67, 74, 75, 91 and throughout the AI), that Ordinance #5165 is discriminatory or unfair is not accurate and needs to be corrected. Only unlawful activity is impacted, as it should be. The 8th Circuit Court of Appeals decision isn't

mentioned until Page 88 of the AI. The U.S. Supreme Court isn't mentioned at all.

Increase in Hispanic population

Immigration laws have been enacted to protect the best interests of America and its citizens. These laws limit immigration to levels that protect and enhance the American work force and allow for orderly growth of our society. We currently have a President that does not enforce the laws on illegal immigration. He is currently making a bad situation worse and promises to add to it.

The AI makes a point that Hispanics are the fastest growing population in Fremont. Could that be because for the last few years, the President and some politicians have ignored our immigration laws for their own political interests? They have enacted policies that have reduced security on the southern border and made enforcement of immigration laws impossible except in rare cases. Many people that are in the country did not enter in a legal manner, are not authorized to be here, and are subject to deportation. Others overstayed their visas with whereabouts now unknown. It is my perception this is the reason why the Hispanic population has grown in Fremont.

May I assume that people who have spent the money and time to immigrate here legally are not happy? That is the height of unfairness. They had to endure long waits and follow the rules to get here, while others just crawled under the wire. And they are now all expected to compete for housing, etc.? Those that came here legally had to prove that they had means to provide for their own care. At the same time the U.S.D.A. placed advertisements and had outreach programs, south of the border, that promoted enrollment in the food stamp program. Is it any wonder that the Hispanic population has increased, or that they might be in the lower income category? How do we know if they are even here legally? This is another good reason why Ordinance 5165 needs to be in place.

Affirmatively Favoring Fair Housing

In his 30-minute introduction to the Analysis of Impediments (AI), Chris Plummer briefly mentioned Westchester County, in New York. But he didn't tell the whole story. This is the 'threat' or example of what could happen if HUD is not happy with local decisions in regards to the AI and the Affirmatively Favoring Fair Housing Rule. There is even a claim that HUD is on a power grab. You can already see the tip of it on Page 69 where the AI speaks of the Minimum Lot Sizes, Maximum Structure Size and Density, and changing the meaning of "Family" in the city's zoning ordinance. I wonder if the Mayor and the city planners know what they are getting into when the revamped AFFH rule takes effect in October?

This is what I found out about HUD's AFFH rule, by Googling "HUD's power grab." I will list a few of those articles here. It is quite interesting to see what these different respectable publications have to say about how HUD's new far-reaching rule is attempting to gain control of local zoning laws to remake neighborhoods all across the country. In some cases there is an attempt to turn red voting districts blue.

http://www.weeklystandard.com/articles/hud-s-power-grab_759151.html

In the Weekly Standard, after describing the AFFH rule, it's application and effects, it concludes with this paragraph … *And what Westchester County has been experiencing in its dealings with HUD is what other housing grantees can expect once the new AFFH policy begins to be enforced. Will that enforcement effort also ignite state and local opposition? Will it lead jurisdictions to consider doing without federal housing money entirely—as is happening now in Westchester County? In three years*

we'll find out.

http://m.nationalreview.com/corner/379887/stopping-obamas-assault-suburbs-stanley-kurtz

In the National Review Online they write … *As even outgoing Housing and Urban Development Secretary Shaun Donovan acknowledges, AFFH isn't about blocking actual cases of housing discrimination. Instead, this rule uses the language of fighting discrimination to re-engineer Americans' housing choices. AFFH forces every municipality receiving federal aid to conduct a survey of its neighborhoods by race, ethnicity and income. If the mixture is not to the federal government's liking, changes would have to be made on pain of losing federal funding. This would effectively strip local governments of their zoning powers.*

http://www.heritage.org/research/reports/2012/01/huds-mandatory-minority-relocation-program?utm_source=heritageaction&utm_medium=email&utm_campaign=gr-hill&utm_content=&ac=1

The Heritage Foundation article concludes with … *What to do? For starters, Congress should hold hearings on this new HUD policy and the remedies required to determine whether they are within HUD's statutory authority and whether existing appropriations can be used to enforce such relocation plans. Westchester's robust legal challenge to HUD's vast intrusion into local housing policies should serve as a role model to fighting HUDs promised assault on another 20 communities.*

The Rest of the Westchester County, NY story … If you want to find out the response to HUD's takeover from Westchester County, NY watch this video. Rob Astorino explains how the federal government is attempting to take over housing in the county …

https://www.youtube.com/watch?v=-nC30iixX2Y

Here is the other side of the story, Michael Allen, Lawyer, speaking on the HUD side of the Westchester County case …

https://www.youtube.com/watch?v=yzYSH1KcuAQ

Defunding HUD's AFFH Rule in Congress

http://gosar.house.gov/press-release/rep-gosar-passes-amendment-stopping-obamas-assault-suburbs

On the Website of Congressman Paul Gosar, Arizona, it reads … *Rep. Gosar Passes Amendment Stopping "Obama's Assault on the Suburbs" … "American citizens should be free to choose where they would like to live and not be subject to neighborhood engineering and gerrymandering at the behest of an overreaching federal government. Local zoning decisions should be made by local communities, not bureaucrats in Washington, D.C."*

Apparently H.R. 4745 the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for Fiscal Year 2015 is scheduled for a Senate vote in October. Sen. Mike Lee has sponsored a similar Amendment in the Senate that would prohibit funding for the AFFH rule.

This is only a sample of the articles you can find about HUD's AFFH rule, which goes far beyond offering Fair Housing to the citizens of Fremont. Perhaps the Mayor and City Council need to assess what they are losing when they decide to line up at the federal trough. Especially, if that is just an excuse to throw out the Illegal Immigration Ordinance #5165.

It reminds me of the statement made generations ago: *When the people fear the government, there is tyranny. When the government fears the people, there is liberty.*

On page 69 of the AI, you can see the evidence of HUD's attempt to control local zoning practices by dictating smaller lot sizes to crowd more people on to the land, etc. … This confirms the articles critical of the AFFH rules.

On pages 70-71, the AI is concerned about the definition of "Family" as it relates to national origin, race, color and familial status. What is the significance of that?

On Pages 74-77 concerning Ordinance #5165, as previously stated, the AI fails to acknowledge that the ordinance was determined to not conflict with federal immigration laws and was not discriminatory. According to federal law it is unlawful to harbor individuals who they know are unlawfully present in the U.S. By requiring the renter to obtain the Occupancy License, the rental owner would not be in violation, if the renter were not truthful when filling out the form.

On Pages 90-91 the discussion of court cases, and votes were explained. It says the ordinance went into effect, but there was no mention that MALDEF disputed 8th circuit decision and U.S. Supreme Court let the ruling stand.

On Page 109, survey of neighborhoods that were "perceived" as undesirable, it listed the Washington school area. I grew up there. Our neighbor was a fireman and later became the Fire Chief in Fremont. Back then we didn't perceive it as undesirable.

On page 124, the Fair Housing Center of Nebraska-Iowa has "concerns" about the housing provisions of the Immigration Ordinance. It is no wonder since their representative spoke out against the ordinance at the council meeting, before it was voted on a second time. May I speculate that there might be some biased opinions there?

A few years ago the Community Reinvestment Act was what caused the housing crisis and the economy collapse, from which the country is still trying to recover. I read today that one in three Americans has debt that is in collection. It seems that HUD is promoting programs that will offer more debt to those that may not be able to repay their loans. That doesn't sound like a good thing. Has the government learned their lesson?

'Free money' with a catch

With HUD's new AFFH rule waiting to be funded in October, the stories continue to roll in describing the negative impact on communities across the country. …

http://www.wnd.com/2014/07/new-obama-rule-could-force-cities-to-house-illegals/#mYhWKlpo9VqgeZBV.03

From this WND article …

And it's the federal grants that could be used as a hook in the nose of these cities, forcing them to house illegal immigrants against their will.

City and town councils are already starting to see HUD contracts related to block grants showing up in their agenda packets, most likely as part of the five-year consolidated plan for fair housing, which the

feds require every city to adopt in order to keep getting the block grants. Many of the local councils will rubber stamp the agreements without ever knowing what's in them, said Robert Romano, senior editor at Americans for Limited Government.

"It's free money, right?" Romano said of HUD's community development block grants. "Don't consider what the strings attached are, don't ask questions."

He told WND that, starting in October, the rule will allow HUD "to come in and rezone an entire area" that doesn't include enough affordable housing for a family that falls into any of HUD's protected statuses based on race, religion, or national origin.

One last newspaper article from the Marin Independent Journal in California …

http://www.marinij.com/ci_19116465

From the Marin Independent Journal article …

On Tuesday, the Board of Supervisors approved a housing implementation plan demanded by the U.S. Department of Housing and Urban Development that could significantly change Marin's landscape.

They shouldn't have done it.

In a stealth mode, supervisors approved their "Analysis of Impediment to Fair Housing Choice and Implementation Plan" that binds the county and its cities to a process that irrationally meshes the concepts of "affordable housing" and "fair housing" and sets a slew of vague requirements with the force of law.

Out-of-control HUD staffers have decided that upper-middle class, predominately white suburbs, are their new targets. They started with Westchester County, New York. Now it's Marin's turn.

He had a dream

The Fair Housing Act of 1968 was passed just four days after the death of Martin Luther King, Jr. He had a dream that his four little children would one day live in a nation where they would not be judged by the color of their skin, but by the content of their character. Apparently now, to comply with HUD's AFFH rules, our neighborhoods will be judged by the skin color of the people residing there — based on some bureaucrat's numeric calculation considering race, color, national origin, not to mention religion, sex, disability and familial status.

So there you have it. I hope I was able to sound a warning bell so that the city leaders will know any pitfalls that might lie ahead when they enter into a deal to receive HUD funds. Hopefully they are one step ahead of me and I didn't provide any new information. We will have to watch and see if the amendment to withhold funding for the AFFH rule makes it through the Senate. That would be a good thing for freedom.

Thank you,

Gene Schultz
2306 Jean Drive
Fremont, NE 68025
402-721-4209

Responses to Comment #10: Gene Schultz

Due to length of the letter and much of the commenter's personal commentary, the response only addressed areas that concerned the technical aspects of the AI.

Contrary to your conclusion about the intent of the AI, Ordinance #5165 is not the prime target of the AI. The AI addresses several other issues related to fair housing and housing discrimination. In fact, although the AI addressed the Ordinance, it was not the focus of the AI Report. It was only one of several issues. The purpose of the AI is to gather information to provide a basis for fair housing planning. Of the ten impediments identified by the AI, only two were related to the Rental Occupancy licensing provisions of Ordinance #5165. The Ordinance together with all other relevant City documents was part of the review for the preparation of the AI. Several of the references to the Ordinance were derived from the public's comments in surveys, focus groups, public meetings, and key person interviews which is required to be included in the report. One component of the AI process was to capture the comments and voices of the entire community. The fact that there were two elections on the Ordinance does not negate the first amendment rights of residents including yourself to comment on the Ordinance. The AI collected and reflected those comments.

It is acknowledged that there is a discrepancy in the AI July 2014 version between the summary of the Impediment #7 and the full language concerning the impact the Ordinance will have on minorities including immigrants. Whereas the full text refers to "legal immigrants" and says "may discriminate" the summary refers to "illegal immigrants" and uses the verb "discriminates". This typo will be corrected in the final document to display the correct language in the summary. Please see below the language of Impediment #7, which is summarized on page 9 of the July AI Report, and the full language which appears on page 137 of said document:

Summary of Impediment #7 from page 9

Impediment #7: *The Rental Occupancy licensing provisions of Ordinance #5165 discriminates against Hispanics in the rental market.*
Action: *The City should identify the impact that the Immigration Ordinance is having on minorities including illegal immigrants and work with community groups and partners to address and reduce negative consequences.*

Full Language of Impediment #7 from page137

G. *Impediment:* *The Rental Occupancy licensing provisions of Ordinance #5165 (the Immigration Ordinance) may discriminate against Hispanics in the rental market*

Action: *The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.*

The AI clearly states in several places that an assessment of the impact of the Ordinance must be done to see what, if any, is it impact on the protected classes. Your statement that "only unlawful activity is impacted, as it should be," is a presumption that is not borne out by any factual data since the impact of the ordinance has not been assessed. The AI recommends that the Ordinance's

impact be assessed and only states it potential to be discriminatory. In addition, several other items such as demographics, lending practices, zoning regulations, and housing accessibility were also identified as having a potential or existing impact on fair housing. History has proven and continues to prove that laws supported by the courts and voted on by a majority can have negative and adverse impacts on certain portions of a population.

In addition, the notions of "discriminatory effect" and "disparate impact" establishes that a regulation or law may be neutral but still affects one group more than another without specific malicious intent. The following relates to fair housing:

Subpart G 100.500 (a) of the February 15, 2013 fair housing regulations define discriminatory effect as follows: A practice has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin.
HUD explains that the February 15, 2013 Fair Housing Act's Discriminatory Standard Rule formalizes the longstanding interpretation of the Fair Housing Act to include discriminatory effects liability and establishes a uniform standard of liability for facially neutral practices that have a discriminatory effect. It adds that under this rule liability is determined by a burden-shifting approach. The charging party or plaintiff in an adjudication first must bear the burden of proving its prima facie case of either disparate impact or perpetuation of segregation, after which the burden shift to the defendant or respondent to prove that the challenged practice is necessary to achieve one or more of the defendant's or respondent's substantial, legitimate, nondiscriminatory interests. If the defendant or respondent satisfies its burden, the charging party or plaintiff may still establish liability by demonstrating that this substantial legitimate, nondiscriminatory interest could be served by a practice that has a less discriminatory effect.

Subpart B Section 100.70 (d) adds subsection (5) as other prohibited conduct under discriminatory housing practices – enacting or implementing land-use rules, ordinances, policies, or procedures that restrict or deny housing opportunities or otherwise make unavailable or deny dwelling to persons because of race, color, religion, sex handicap, familiar status, or national origin.

For clarification, the use of the Westchester County example was to underscore the importance of the AI and the Affirmatively Furthering Fair Housing (AFFH) certification. Two of the rulings against Westchester County were that the County made false AFFH certifications and failed to address the substantive requirements of the AFFH certification including an adequate AI.

Regarding the page 69 reference to local zoning practices, the AI does not in any way "dictate" but rather recommends "review," "assessment" and "consideration" to ensure that housing choices are available for all residents. The City has an obligation to provide or facilitate the needs of the entire community and not just the needs of persons who can afford housing on larger lots.

Regarding the pages 70-71 reference to the definition of family, please refer to the detailed discussion in that section of the AI. For example, the definition of family may have an impact on persons with disabilities living in group homes as well as families sharing space to afford housing.

Regarding the reference to the legality of the ordinance and the court's ruling on whether the Ordinance (pages 74-77), the scope of the AI sought only to address the potential or documented impact of the ordinance on fair housing choice. As well, the AI sought to identify the community's perceptions on all fair housing issues including the impact of the ordinance.