

Attachment 11

FY 2010 Analysis of Impediments to Fair Housing Choice

2010

Analysis of Impediments to Fair Housing Choice

**MIAMI-DADE
COUNTY**



Submitted by
Housing Opportunities Project for
Excellence, Inc. (HOPE)

12/31/2010

2010 Analysis of Impediments to Fair Housing Choice Miami-Dade County, Florida

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I. INTRODUCTION

Analysis of Impediments Background

The Federal Fair Housing Act, Section 808(e)(5), requires the Secretary of the United States Department of Housing and Urban Development (HUD) to administer the Department's housing and urban development programs in a manner as to *affirmatively further fair housing* (AFFH). All localities that are direct recipients of Community Development Block Grant (CDBG) funds from the Department are required to conduct an assessment of the barriers to housing choice and to develop a plan for overcoming the impediments identified. Although the grantee's AFFH obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area whether publicly or privately funded.¹

The Consolidated Plan regulations (24CFR 91) require a certification by each jurisdiction that it will affirmatively further fair housing (AFFH), which requires Fair Housing Planning. Fair Housing Planning entails: 1) the completion of an *Analysis of Impediments to Fair Housing Choice*; 2) implementation of action plans to eliminate any identified impediments; and, 3) maintenance of AFFH records, corresponding with implementation of the Consolidated Plan every three to five years.

The *Analysis of Impediments to Fair Housing Choice* (AI) is a HUD mandated review of impediments to fair housing choice in the public and private sector. Its submission is a required component of the County's Consolidated Plan. The AI is required for Miami-Dade County, as with all HUD grant entitlement jurisdictions, by federal regulatory requirements at 24 CFR 91.255(a)(1), 91.325(a)(1), and 91.425(a)(1)(i).

The AI involves:

- A review of a jurisdiction's laws, regulations, and administrative policies, procedures and practices;
- An assessment of how those laws, policies and practices affect the location availability and accessibility of housing;
- An assessment of conditions, both public and private, affecting fair housing choices for all protected classes; and,
- An assessment of the availability of affordable and accessible housing.

¹ U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide*, Chapter 1, Section 1.2, 1-1

The HUD ***Fair Housing Planning Guide*** (March 1996) states that impediments to fair housing choice are:

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

According to HUD, the purposes of the AI are to:

- serve as the substantive, logical basis for the Fair Housing Plan;
- provide essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates; and,
- assist in building public support for fair housing efforts both within an entitlement jurisdiction's boundaries and beyond.

An analysis of impediments to fair housing choice is more than a catalog of prohibitive policies or illegal acts. The study must identify those systemic and structural issues that limit the ability of people to take advantage of the full range of housing which should be available to them. To ensure an accurate evaluation of current fair housing conditions, the AI includes a review of demographic and housing market data, relevant legislation, policies and practices affecting fair housing, public education and outreach efforts and a community fair housing survey. The AI provides the County with a viable tool that identifies any existing barriers to fair housing choice and develops an action plan with realistic strategies for mitigating them. The 2010 AI also includes an assessment of the previous impediments found in the 2004 AI and the status of actions taken since 2004 to address those impediments.

Passed in 1968 and amended in 1988, the Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, national origin, religion, gender, familial status, and disability (seven protected classes). The Fair Housing Act covers most types of housing including rental housing, home sales, mortgage and home improvement lending, land use and zoning, and insuring and advertising of housing. 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/owned by organizations and private clubs that limit occupancy to members, and housing for older persons. The State of Florida has a fair housing law that parallels the Federal Fair Housing Act. Miami-Dade County has a fair housing law similar to the Federal Fair Housing Act with enhanced protections.

Who Conducted the AI

Housing Opportunities Project for Excellence, Inc. (HOPE) is a private fair housing, non-profit, Florida corporation established in 1988, dedicated to eliminating housing discrimination and promoting fair housing. HOPE employs a two-tiered system of Fair Housing (Education & Outreach and Private Enforcement) and Special Housing programs (Group/Individual Mobility Counseling and Relocation Services) to achieve its mission to affirmatively further fair housing. The programs are designed to ensure that people are offered the right to select housing of their choice without discrimination based on race, color, national origin, sex, religion, familial status, disability and such other protected classes as may be conferred by federal, state or local laws. HOPE is the only private, full-service fair housing organization in Miami-Dade and Broward counties engaged in testing for fair housing law violations and pursuing the enforcement of meritorious claims.

HOPE has completed *Analysis of Impediments to Fair Housing Choice* as consultants to more than 18 local jurisdictions and has been instrumental in the recovery of nearly \$10 million in out-of-court settlements for victims of housing discrimination. HOPE conducted the 1996, 2004 and 2010 Miami-Dade County *Analysis of Impediments to Fair Housing Choice* under contract with the Department of Housing and Community Development (DHCD).

Participants in the AI

The Miami-Dade AI includes input from county officials, citizens, and key persons involved in the housing and community development industry, and particularly, fair housing. Surveys were utilized to gather information from housing consumers and from various sectors of the housing industry about their experiences and perceptions of housing discrimination and their knowledge of fair housing laws and services.

Methodology

HOPE's methodology in undertaking the 2010 AI was based on the recommended research and tasks in the *Fair Housing Planning Guide Vol. 1* (HUD Office of Fair Housing and Equal Opportunity); our experience in conducting AIs for this and other jurisdictions; and, the unique requests of the County. The scope of work included, but was not limited to, the following tasks:

Project Implementation - HOPE met with the county project managers to define contractual responsibilities, establish a work schedule, and review public input opportunities; reviewed

impediments found in 2004 study and actions taken addressing impediments from 2004 to 2010; identified candidates for written key person feedback and interviews; created survey instruments.

Community Data Review - HOPE reviewed the most recent data/maps available from the U.S. Census, the *2008 American Community Survey*, the Miami-Dade County Five Year Consolidated Plan (2008-2010), The Lewis Mumford Center for Comparative Urban and Regional Research, University of Albany, SUNY, FIU's Metro Center, others to compile all relevant demographic, economic, employment and housing market information; reviewed lending data from the Home Mortgage Disclosure Act obtained and processed utilizing LendingPatterns™ (a web-based data mining and exploration tool that analyzes millions of records for thousands of lenders to produce executive level reports on numerous aspects of mortgage lending in America), Florida Clearinghouse Database, others; foreclosure data from the County's official website, Realty Trac, others; various data and maps from local transportation and employment studies.

Regulatory Review - HOPE collected information regarding the county's current development regulations, planning and zoning regulations, housing and land use policies, and programs that influence housing choice; designed and distributed revised *Fair Housing Planning Guide* questionnaires to County departments: Housing and Community Development, Office of Human Rights and Fair Employment Practices, Building and Neighborhood Compliance, Public Housing Agency, Planning & Zoning.

Compliance Data Review - HOPE collected and analyzed available data regarding compliance with local, state and federal Fair Housing Law, including the Home Mortgage Disclosure Act (HMDA), the Fair Housing Act, and the Community Reinvestment Act (CRA); analyzed reported fair housing complaints and conducted a review of legal cases involving Fair Housing law.

Direct Surveys - July - October 2010, HOPE directly administered face-to-face surveys with Miami-Dade County residents and industry stakeholders. The surveys were designed to gauge perceptions of housing discrimination, housing issues effecting the jurisdiction, and knowledge of fair housing laws and resolution options.

Identification and Analysis of Impediments - HOPE analyzed its collective findings from the previous project tasks to determine what impediments to fair housing choice currently exist in Miami-Dade County.

Recommendations - HOPE reviewed and updated the previous AI's recommendations and developed a recommended Action Plan for addressing the identified impediments.

Funding

Funding for the AI was provided by HUD entitlement funds 2010 CDBG for administration activities under contract with the Miami-Dade County Department of Housing and Community Development.

Impediments Identified in 2004 AI

The 2004 *Analysis* identified the following impediments to fair housing choice in Miami-Dade County:

- **Discrimination on the basis of race/color, national origin, familial status, and disability:** *Families with children are denied housing through outright refusal to rent or other discriminatory practices. Housing providers are not making the reasonable accommodations/modifications necessary for the use and enjoyment of housing by persons with disabilities.*
- **There is a severe shortage of affordable housing:** *No area-wide cooperative effort to provide affordable housing; Insufficient number of handicap accessible housing units; Insufficient number of affordable housing units for the homeless; A significant need for affordable housing options for persons living with HIV/AIDS in Miami-Dade County; The need for long-term and short-term financial assistance for housing for persons living with HIV/AIDS in Miami-Dade County.*
- **The absence of any formal mechanism for cooperation among jurisdictions that constitute the Miami-Dade Metropolitan Area discourages regional solutions to fair housing problems, which are regional in nature:** *A cooperative County-wide commitment to Affirmatively Further Fair Housing does not exist; County officials may not be sufficiently familiar with the fair housing laws and how those laws affect (or should affect) the performance of their duties.*
- **A strongly segregated housing market in Miami-Dade County:** *Segregated housing patterns are being confirmed, rather than diluted by redevelopment in the County.*
- **The local media contributes to and promotes racial/ethnic division and hinders community cooperation:** *Advertising practices in Miami-Dade County fail to emphasize availability of housing on an equal basis and to encourage housing choice.*
- **Disparities in fair and equal lending in predominantly Hispanic and Non-Hispanic Black minority areas.**
- **Race and ethnically based tensions are increasing with the growing number of new residents of different ethnic groups.**

- The regional transportation system is inadequate to service the needs of the working class.
- Public and Assisted housing residents continue to be segregated by race/ethnicity/income.

Summary of Actions Taken Since Completion of 2004 AI

HOPE conducted and submitted the *Analysis of Impediments to Fair Housing Choice* for Miami-Dade County (and the surrounding jurisdictions of Miami, Hialeah, Miami Beach and North Miami) in May 2004. Miami-Dade County has contracted with HOPE utilizing CDBG funding for six (6) consecutive fiscal years following the completion of the 2004 *Analysis* to conduct fair housing activities and implemented programs designed to address identified impediments and to affirmatively further fair housing.

Aside from innovative approaches to expand the housing choices of its residents through a variety of programs discussed herein, Miami-Dade County funded a **Fair Housing Education & Outreach Initiative**, conducted throughout the jurisdiction and implemented by HOPE, that is designed to inform the general public, including community groups, housing industry, lenders, and special needs populations (such as disability advocacy groups), about the rights conferred by federal, state, and local fair housing laws. Specialized fair housing workshops are designed to educate the participants about fair housing laws, how to recognize discriminatory housing practices, and the avenues of redress available to them. The Initiative benefits persons who are denied access to the housing of their choice because of their race, color, religion, national origin, sex, disability, familial status, ancestry, age, pregnancy, marital status, or sexual orientation.

Specialized workshops for housing providers have been conducted to promote compliance with fair housing laws and affirmative marketing requirements. Through its contracts with HOPE, the County has also provided individualized technical assistance in affirmative marketing and the adoption of fair housing policies to all of its CDBG/HOME funded CDC'S/CHDOS. An ongoing media awareness campaign using Public Service Announcements, feature articles/ad's, community affairs programs and advertising monitoring has also been sponsored by Miami-Dade County in addition to the dissemination of a quarterly fair housing newsletter which highlights national, state, and local fair housing news. Fair housing counseling is provided on the housing discrimination telephone "**HELP LINE**" which handles inquiries related to a myriad of housing discrimination-related issues. Consistent Miami-Dade funding of the E/O Initiative leverages support for HOPE's **Private Enforcement Initiative** which involves testing and

investigation of alleged fair housing violations, pursuing the enforcement of meritorious claims, and the prevention and elimination of discriminatory housing practices throughout the county.

The following table summarizes the funded activities undertaken under the **E/O Initiative** from **January 2004 to September 2010** to assist in addressing impediments to fair housing choice identified in the 2004 AI:

Entitlement Jurisdiction	Community Workshops/ Fairs	Housing Provider Workshops	Media Campaigns	Helpline Inquiries & Referrals	HOPE Forum Newsletter	Fair Housing Brochures
Miami-Dade County	654 Events 17,208 in Attendance	62 Events 1,901 in Attendance	41-Radio 28-TV 35-Print 1-Website	1,445	27 editions *21,747 distributed *4,100 mailed *3,500 emailed	*25,000 distributed 68% English 20% Spanish 12% Creole

* Estimates

From January 2004 through September 30, 2010, HOPE conducted approximately 716 workshops and trainings for 19,109 participants in Miami-Dade County on fair housing laws/rights/responsibilities; how to recognize and report housing discrimination; predatory lending; disability rights/accommodations & modifications; affirmative marketing and related topics. One hundred four media promotions campaigns were conducted through print, radio and television outlets reaching over 4 million people. Additionally, HOPE's official website was launched. Of 1,445 HELP LINE inquiries, 27% were housing discrimination complaints. Twenty-seven editions of the *HOPE Forum* newsletter were published and approximately 25,000 fair housing brochures were distributed in English, Spanish and Creole (see the *Jurisdiction's Fair Housing Profile* for a comprehensive summary of fair housing activities and complaint data).

II. JURISDICTIONAL & COMMUNITY PROFILE

History & Government Structure

Miami-Dade County is located in the southeastern part of the state of Florida. The United States Census Bureau estimates that the county population was 2,478,745 in 2008, making it the most populous county in Florida and the eighth-most populous county in the United States. It is also Florida's second largest county. The county's population makes up approximately half of the South Florida metropolitan area population and holds several of the principal cities of South Florida. The county seat is the city of Miami, the largest city within the county.

According to the U.S. Census Bureau, the county has a total area of 2,431 square miles, of which 1,946 square miles is land and 485 square miles is water, most of which is Biscayne Bay, with another significant portion in the adjacent waters of the Atlantic Ocean. Miami-Dade County is close to sea level in elevation averaging about 6 feet above sea level. Miami is the only metropolitan area in the United States that borders two national parks. Biscayne National Park is located east of the mainland, in Biscayne Bay, and the western third of Miami-Dade County lies within Everglades National Park, while the northwest portion of the county contains a small part of the Big Cypress National Preserve.

The county is home to 35 incorporated cities and 16 unincorporated areas (see following *Miami-Dade Municipalities* map). The northern, central and eastern portions of the county are heavily urbanized with many high rises along the coastline, as well as the location of South Florida's central business district, Downtown Miami. Southern Miami-Dade County includes the Redland and Homestead areas, which make up the agriculture economy of the metropolitan area. The Redland makes up approximately one third of the county's inhabited land area and is sparsely populated in stark contrast to the densely populated, urban northern Miami-Dade County. The western portion of the county extends into the Everglades National Park and is unpopulated.

Along with Miami-Dade County's official website, the works of two noted authors/historians (Arva Moore Parks', *Miami: The Majic City* published in 1991, and Helen Muir's *Miami, U.S.A.* published in 1953) provide valuable insight into the colorful history of the county as we know it today. The earliest evidence of Native American settlement in the Miami region came 12,000 years ago with its first inhabitants settling on the banks of the Miami River. The inhabitants at the time of the first European contact in the 1500's were the Tequesta people who controlled much of southeastern Florida.

Juan Ponce de Leon visited the area in 1513. Two years after founding St. Augustine, Admiral Pedro Menendez de Aviles established the first European mission on the Miami River in 1567. Hostile Native Americans and mosquitoes forced them to leave and the Spanish controlled Florida for the next 250 years, bringing with them weapons and diseases that eventually caused

the Tequestas to vanish. In the early 1800's people came from the Bahamas to South Florida to hunt for treasure for the ships that ran aground on the Great Florida reef. Some accepted land offers along the Miami River. At about the same time the Seminole Indians arrived, along with a group of runaway slaves. Spain sold Florida to the United States for five million dollars in 1821 and by 1830 the Bahamian lands along the river were purchased and became a slave plantation. A series of wars against the Seminoles kept the environment hostile to settlers for several years.

Dade County was created on January 18, 1836 under the Territorial Act of the United States. The county was named after Major Francis L. Dade, a soldier killed in 1835 in the Second Seminole War. At the time of its creation, Dade County included the land that now contains Palm Beach and Broward counties, together with the Florida Keys from Bahia Honda Key north and the land of present day Miami-Dade County. In 1844 the county seat was finally moved to Miami and six years later a census reported 96 residents living in the area. By the late 1890's there were fewer than 1,000 residents in all of Dade County. The modern era began with the arrival of Henry Flagler's railroad in 1896, as the City of Miami was incorporated that same year with 344 voters. The destruction of mangroves and draining swampland created new land for settlers. A real estate boom in the 1920's transformed the area as new subdivisions and tourist resorts were developed. That boom, however, was interrupted by a major hurricane, the stock market crash and the Great Depression. A population surge followed World War II as troops previously trained here returned with their families and tourism increased as advancements in transportation helped the area become a year-round resort. Beginning in the 1960's thousands of refugees from Cuba came to the area, as did Haitians and Nicaraguans beginning in the 1980's, seeking a better quality of life. Emigration accounted for the county's population surpassing one million by 1962. Today's Miami International Airport and Port of Miami help make the county the North American gateway to Latin America and the Caribbean.

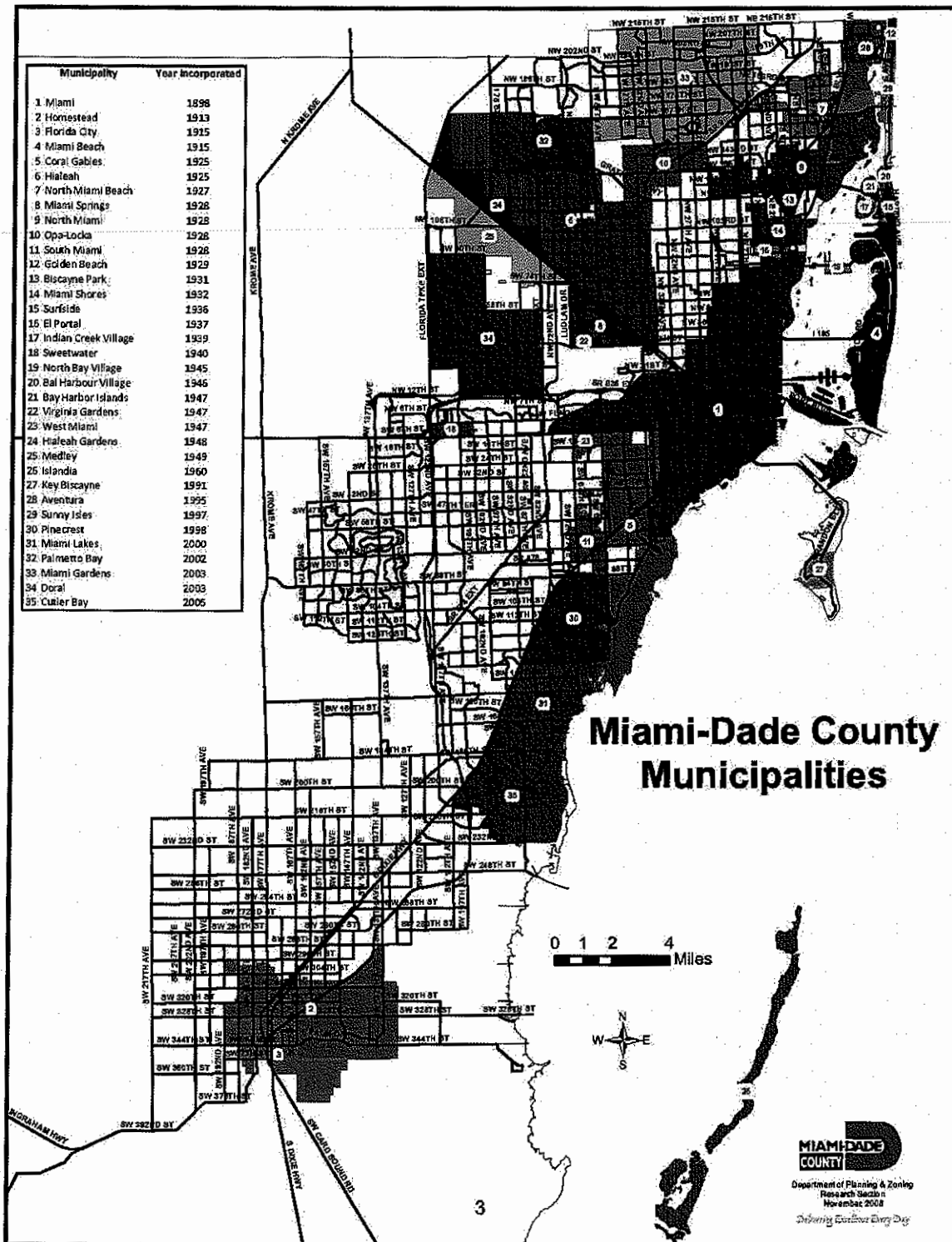
The second-costliest natural disaster to occur in the United States was Hurricane Andrew, which hit Miami on August 24, 1992. Damages numbered over \$20 billion in the county alone, and successful recovery has taken years in areas where the destruction was greatest. On November 13, 1997 voters changed the name of the county from "Dade" to "Miami-Dade" to acknowledge the international name recognition of Miami.

Miami-Dade County has operated under a unique metropolitan system of government, a "two-tier federation," since 1957, made possible when Florida voters approved a constitutional amendment in 1956 that allowed the people of Dade County (as it was known then) to enact a home rule charter. Prior to this year, home rule did not exist in Florida, and all counties were limited to the same set of powers by the Florida Constitution and state law. Unlike a

consolidated city-county, where the city and county governments merge into a single entity, these two entities remain separate. Instead there are two levels of government: city and county. Cities are the "lower tier" of local government, providing police and fire protection, zoning and code enforcement, and other typical city services within their jurisdiction. These services are paid for by city taxes. The County is the "upper tier", and it provides services of a metropolitan nature, such as emergency management, airport and seaport operations, public housing and health care services, transportation, environmental services, solid waste disposal etc. These are funded by county taxes, which are assessed on all incorporated and unincorporated areas.

The Executive Mayor of Miami-Dade County is elected countywide to serve a four-year term. The Mayor is not a member of the County Commission. The Mayor appoints a County Manager, with approval and consent of the Board of County Commissioners, to oversee the operations of the County Departments. The Mayor has veto power over the Commission. The Board of County Commissioners is the legislative body, consisting of 13 members elected from single-member districts. Members are elected to serve four-year terms, and elections of members are staggered. The Board chooses a Chairperson, who presides over the Commission, as well as appoints the members of its legislative committees. The Board has a wide array of powers to enact legislation, create departments, and regulate businesses operating within the County. It also has the power to override the Mayor's veto with a two-thirds vote.

Florida's Constitution provides for four elected officials to oversee executive and administrative functions for each county (called "Constitutional Officers"): Sheriff, Property Appraiser, Supervisor of Elections, and Tax Collector. However, the current Constitution allows voters in home-rule counties (including Miami-Dade) to abolish the offices and reorganize them as subordinate County departments. Miami-Dade voters chose this option. The most visible distinction between Miami-Dade and other Florida counties is the title of its law enforcement agency. It is the only county in Florida that does not have an elected sheriff, or an agency titled "Sheriff's Office." Instead the equivalent agency is known as the Miami-Dade Police Department, and its leader is known as the Metropolitan Sheriff and Director of the Miami-Dade Police Department. The judicial offices of Clerk of the Circuit Court, State Attorney, and Public Defender are still branches of State government and are therefore independently elected and not part of County government.



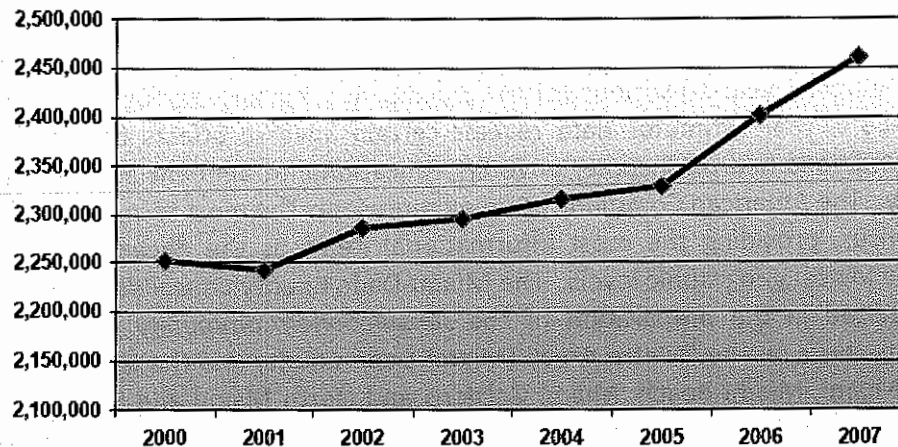
Source: Miami-Dade Department of Planning & Zoning, Research Section

Population, Race, Ethnicity

On September 28, 2010 the U.S. Census Bureau released the results of the 2009 American Community Survey (ACS), a series of data based on survey responses collected over the course of the 2009 calendar year on various socioeconomic, housing and demographic characteristics. The 2009 ACS 1 Year Estimates data reveals certain adverse effects that recent economic recession conditions had on income, poverty, educational attainment and housing in Miami-Dade County. The American Community Survey represents the most recent available data from the U.S. Census, providing the most informational items as the decennial Census, but not always at the lowest geographic levels. The Miami-Dade County *Consolidated Plan 2008 – 2012* is largely utilized in the preparation of the *Jurisdictional/Community and Housing Profiles* because of its focus on the "Metro Area" (Miami-Dade County less the HUD Entitlement Cities of Hialeah, Miami, Miami Beach, Miami Gardens and North Miami and State of Florida Small City recipients, Florida City and Homestead), in addition to a variety of other data sources, including but not limited to, the 2006-2008 ACS (3-Year Estimates), the Metropolitan Center of Florida International University, the University of Florida Shimberg Center, and the official Miami-Dade County Planning and Zoning and other department websites. Overall, the data provides a revealing and updated portrait of the community and housing conditions in the county.

Population, age, race and ethnicity are important demand factors that influence choice and location within local housing markets. According to the Greater Miami Chamber of Commerce's *2008 Miami-Dade Workforce Housing Needs Assessment*, prepared by Florida International University (FIU), comparisons of demographic change show that the County has grown steadily in the seven year period from 2000 to 2007. In 2000 the total population was 2,253,362 persons. In the six year period between 2000 and 2006, the population grew to 2,402,208 persons, an increase of 6.6 percent. In 2007, the resident population of Miami-Dade was estimated at 2,461,577, a 2.5 percent increase from the previous year.

Figure 2.1: Miami-Dade County Population Growth, 2000-2007



Source: 2000 U.S. Census Bureau; 2001-2006 American Community Survey; Miami-Dade Department of Planning & Zoning, 2005. Analyzed by F.I.U. Metropolitan Center, 2008.

According to the Consolidated Plan, Miami-Dade's 2007 population of 2,430,421 is expected to rise by an estimated 1,000,000 people over the next thirty years. Approximately 57% of the county's population resides in the Metro Area. The following table identifies the 2000 census count, 2008 estimate and 2012 projection for the (reduced) Metro Area.

TABLE 24: Population Projections for the Metro Area

METRO AREA	2000 CENSUS	2008 ESTIMATE	2012 PROJECTION
Total Population	1,376,234	1,505,326	1,607,217
Percent Growth		9%▲	7%▲

Source: Carras Community Investment based on data from Claritas, Inc.

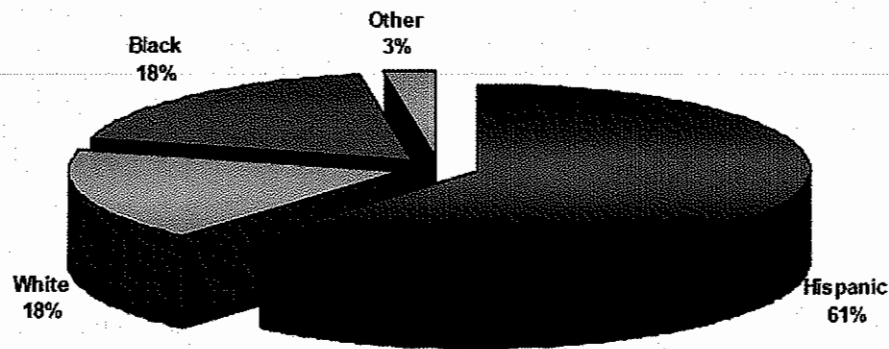
According to the population projections provided by the Miami-Dade County Department of Planning and Zoning, Research Section, 2009, by 2020 the County's total population will have grown to 2,885,439 with 69 percent Hispanic, 20.4 percent non-Hispanic Black and 12.1 percent non-Hispanic White (Hispanic Blacks are double counted, as Black and Hispanic).

According to the 2006-2008 ACS, the median county age was 38.7 years with 23 percent of the population under 18 years and 15 percent 65 years and older; 52 percent were female and 48 percent male.

The following figure shows the racial and ethnic composition of the County's residents. According to the 2006 ACS, 61 percent of the County's population was Hispanic, with both non-Hispanic Blacks and non-Hispanic Whites each constituting approximately one-fifth of the

population. Asians, American Indians and persons of "other" races (two or more races), constitute the remaining 3 percent of the County's residents.

Figure 2.2: Miami-Dade County Residents by Race and Origin, 2006



Source: 2006 American Community Survey. Analyzed by F.I.U. Metropolitan Center, 2008.

A following comparison of 2000 U.S. Census and 2006 ACS data in the FIU *Assessment* regarding racial and ethnic growth in the County shows that Hispanics comprised the most significant growth (13.9 percent) with the total number of Black residents increasing at a slower rate of 2.6 percent. From 2000 to 2006 the number of Whites significantly decreased (7.2 percent), while the number of persons who constitute "Other" races also fell by a significant 12.4 percent.

Table 2.1: Miami-Dade County Residents by Race and Origin, 2006

	2000	2006
Hispanic	1,291,737	1,471,709
White	465,772	432,130
Black	427,140	438,174
American Indian	1,990	3,296
Asian	30,537	33,518
Pacific Islander	524	365
Some other race	4,026	9,295
Two or more races	31,636	13,721
Total Miami-Dade County	2,253,362	2,402,208

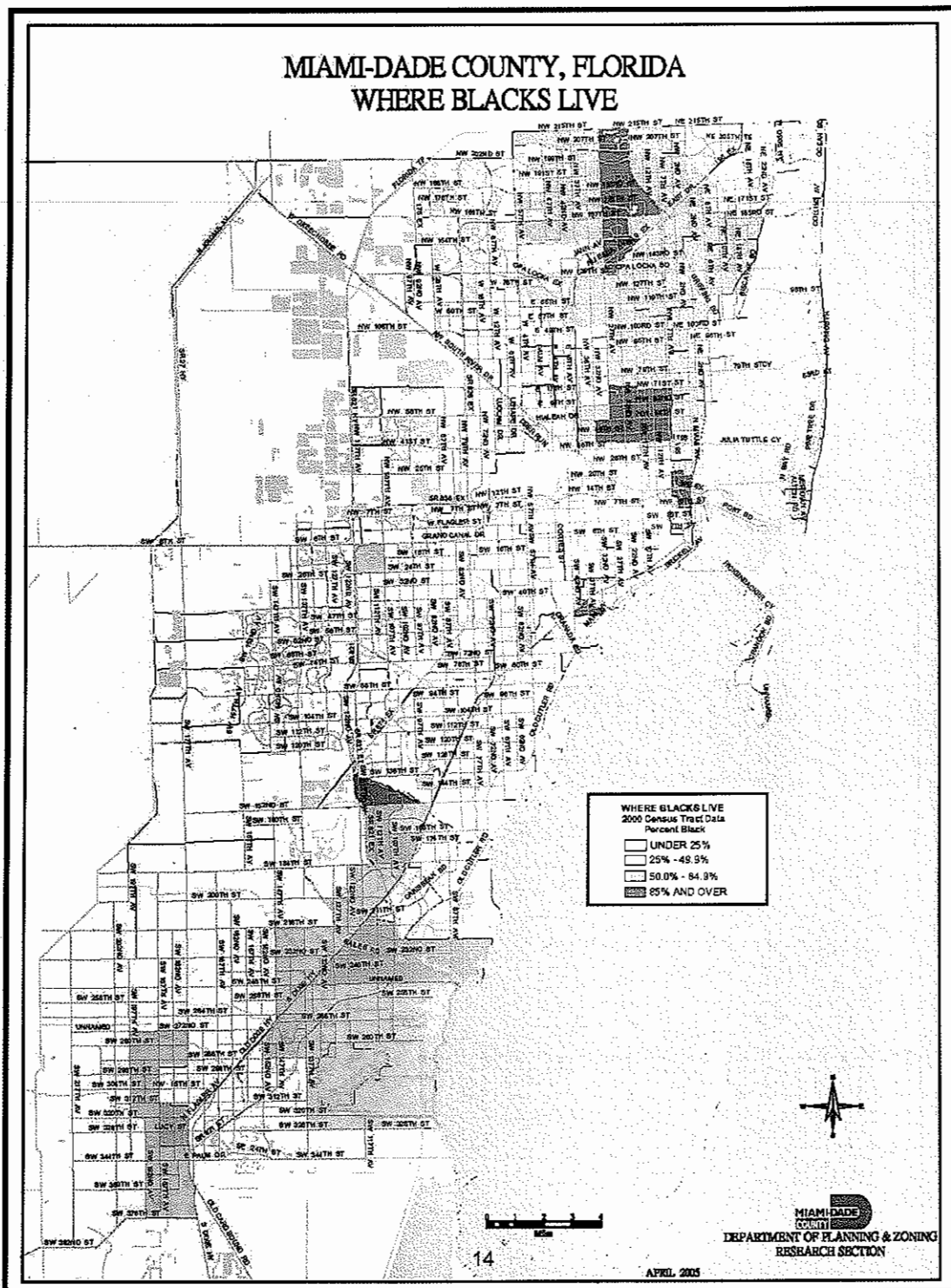
Source: 2000 U.S. Census Bureau; 2006 American Community Survey

The 2009 ACS estimates the Miami-Dade 2009 population at 2,500,625 compared to the state of Florida at 18,537,969, representing an 11 percent increase over the county's 2000 census population, compared to a 16 percent increase over the state's 2000 population of 15,982,839.

Miami-Dade County has one of the highest percentages of immigrants in the world. A total of 49.6 percent of the people living in the County in 2009 were foreign born. Among people at least five years old in the 2006-2008 ACS, 71 percent spoke a language other than English at home, of whom 88 percent spoke Spanish; 12 percent spoke some other language; and, 50 percent reported they did not speak English "very well." In the 2009 ACS the percentage of persons speaking English "less than very well" decreased to 34.9 percent. This often places a large percentage of the immigrant population at a disadvantage when seeking employment, contributing to the disparity in income between minorities and Non-Hispanic Whites, which in turn affects their housing choices.

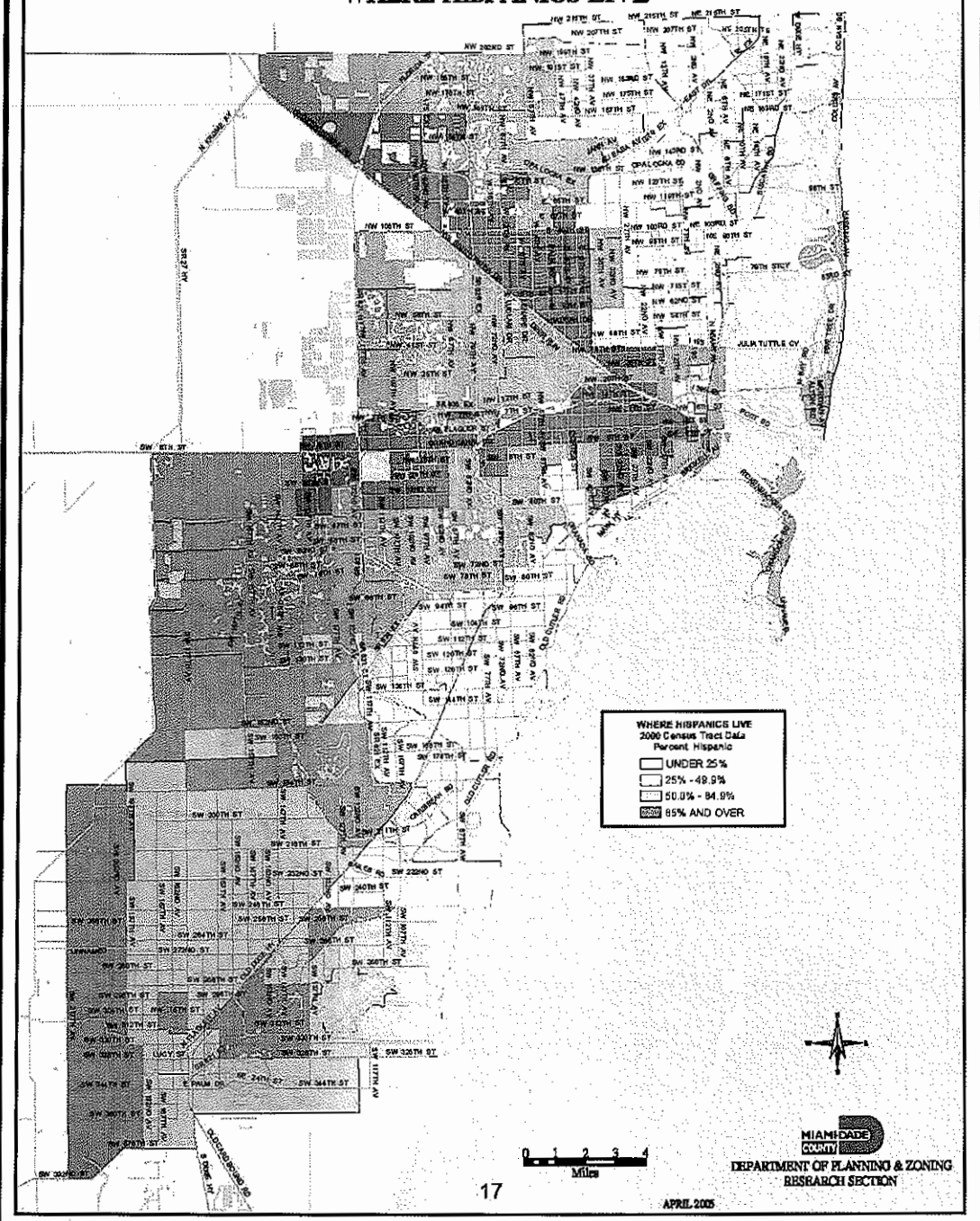
Geographic Segregation of Racial Groups

According to the following maps from the Department of Planning & Zoning, many areas of the County have a diverse representation of races and ethnicities; however, Blacks appear to be clustered in the north- and southeastern portions of the county, with high concentrations in the areas of Liberty City, North Miami, Carol City, Overtown, Miami Gardens. Though well dispersed throughout the county, Hispanics primarily dominate the northwestern, central and southwestern portions with higher concentrations in Hialeah, Little Havana, Kendall.



Source: Miami-Dade Department of Planning & Zoning, Research Section

MIAMI-DADE COUNTY, FLORIDA WHERE HISPANICS LIVE

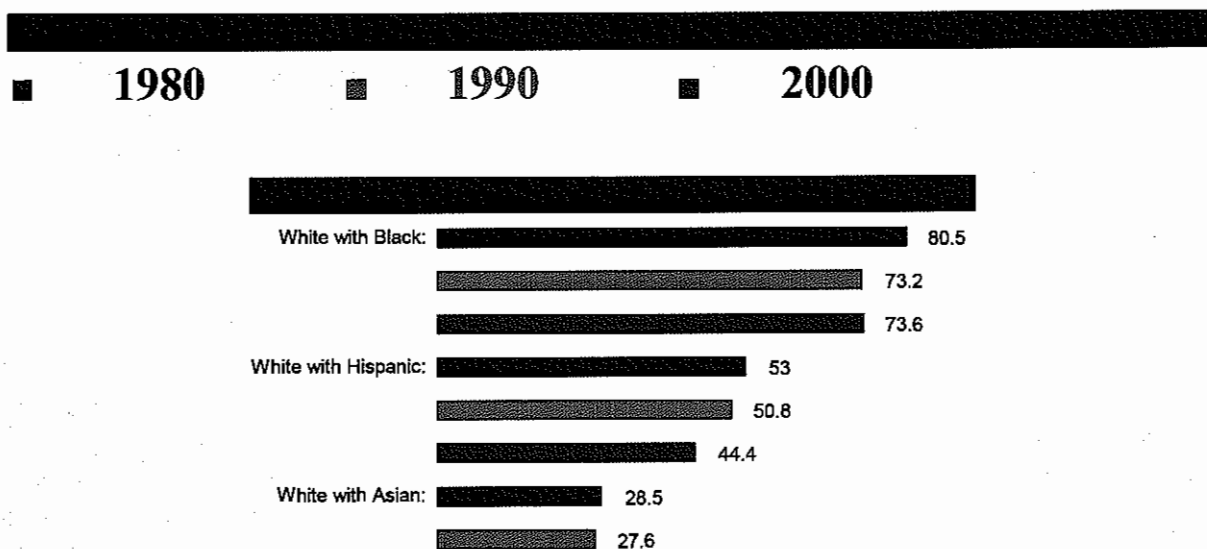


Source: Miami-Dade Department of Planning & Zoning, Research Section

A tool utilized in measuring levels of segregation is the Dissimilarity Index, which indicates whether one particular group is distributed across census tracts in a metropolitan area in the same way as another group. The index assigns values that range from 0 to 100. A high value on an index of dissimilarity indicates that two groups tend to live in different census tracts. A value of 60 or higher is considered very high and that 60% or more of one group would have to move to a different census tract in order for the two groups to be equally distributed. Values of 50 to 40 are typically considered to be a moderate level of segregation. Values of 30 or below are considered to be fairly low levels of segregation.

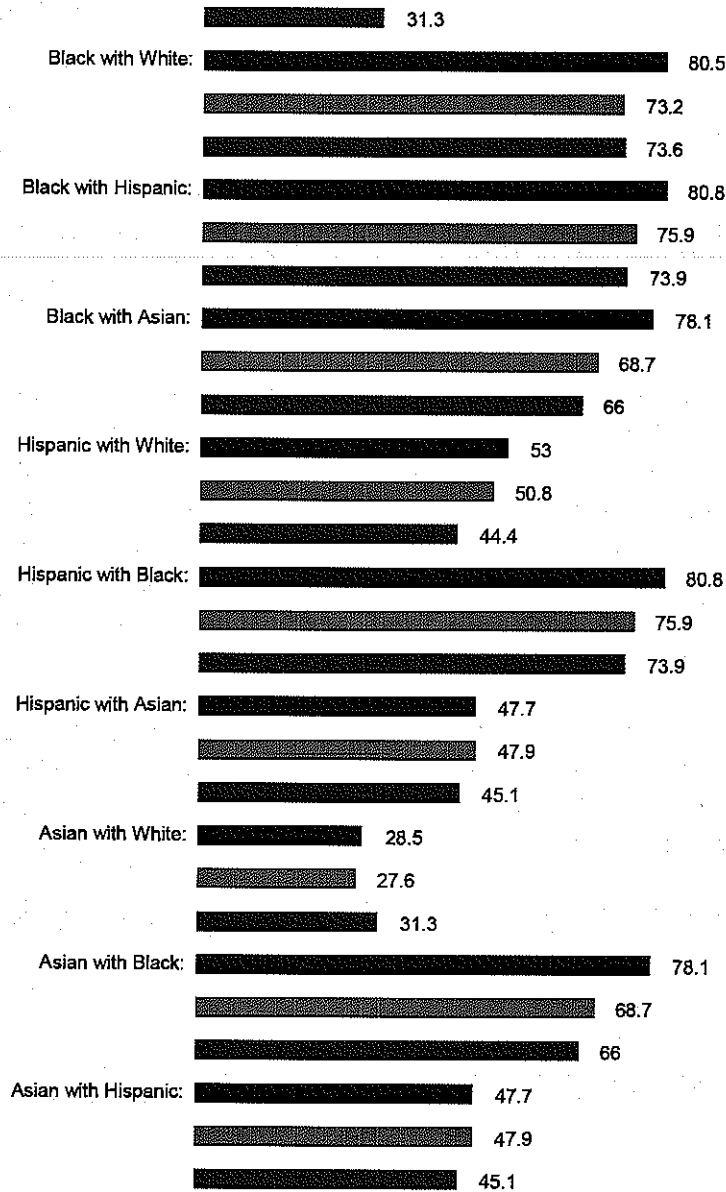
The Lewis Mumford Center for Comparative Urban and Regional Research at the University of Albany provides analysis of how the racial and ethnic compositions of metropolitan areas has shifted in the last ten years, and how increasing diversity is experienced at the local level in many neighborhoods. For example, analysis of available 2000 census data shows very slow change since 1980 in residential segregation for African Americans. In some smaller and newer metropolitan areas, their segregation from Whites has declined markedly, but in the larger places where most African Americans lived, segregation remained higher. Segregation of Hispanics and Asians has not changed in the last two decades overall.²

Based on the Lewis Mumford Report, *Metropolitan Ethnic and Racial Change, 2000 Census*, the dissimilarity index for the Miami-Dade Metropolitan Area shows high levels of segregation for Blacks in the County. In 2000, White with Black groups showed 73.6% dissimilarity in Miami. Black with Hispanic dissimilarity was at 73.9%. White with Hispanic dissimilarity was at 44.4%.³



² Lewis Mumford Center's website: <http://mumford.albany.edu/census/>

³ <http://mumford.albany.edu/census/WholePop/WPSegdata/5000msa.htm>



These local segregation trends were highlighted by digital cartographer Eric Fischer in a recent series of maps that illustrate racial segregation and integration in 100 American cities. Based on the 2000 census, the map shows Hispanics (yellow) clustered in areas like Hialeah, Little Havana, Westchester, and much of Kendall. Whites (red) tend to congregate in both the Northern areas (like Aventura and along the county line) and Southern areas (like Cutler Bay

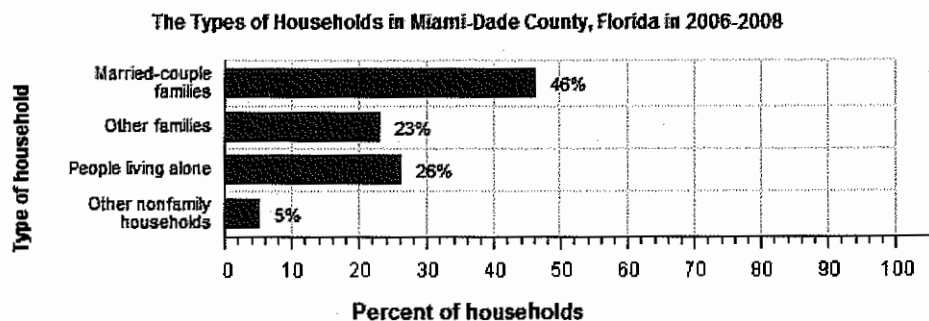
and Homestead), and along the shoreline. Blacks (blue) dominate in areas like Liberty City, North Miami and Carol City.⁴



⁴ <http://newsfeed.time.com/2010/09/23/what-are-americas-most-segregated-cities/>

Household Characteristics

According to the 2006-2008 ACS, there were 829,238 households in Miami-Dade with an average household size of 2.8 people (compared to 776,774 households in 2000 averaging 2.84 people). Among the county's 829,238 households, family households represented 69 percent of all households, including: married-couple families (46 percent) and other families (23 percent, of whom 17 percent were female-headed). Nonfamily households made up 31 percent of all households, including people living alone (26 percent) and those composed of people living in households in which no one was related to the householder (5 percent).



Source: American Community Survey, 2006-2008

According to the 2009 ACS, there were 812,800 households in Miami-Dade with an average household size of 3.08. While the population increased overall, the numbers of households decreased during the three-year period from 2007 to 2009 due primarily to the economic recession, causing a rise in the persons-per-household rate from 2.8 to 3.08.

Fair Housing Implications: The concentration of Blacks, increase in the Hispanic population and significant numbers of families with children indicate the need for fair housing education and outreach efforts in all languages, particularly English and Spanish.

Income, Education, Employment

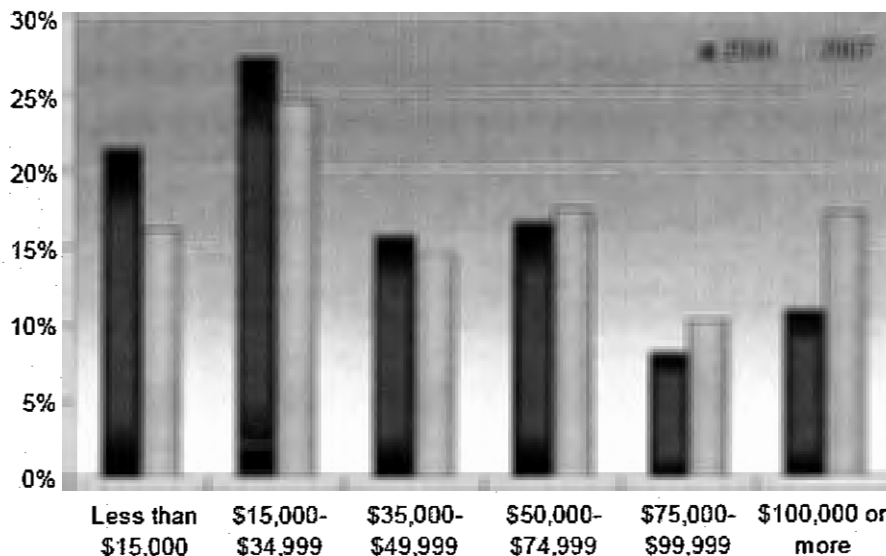
The financial stability and prosperity of Miami-Dade residents is an important factor that affects their ability to provide for their families and have a quality of life commensurate with their aspirations. Despite the fact that Miami-Dade County has had a continuous and vigorous economic growth since 2000, there are still great pockets of poverty and an

increase in income disparity making the cost of living unaffordable for low- and moderate-income earning households.

Income Characteristics

According to the 2008 Miami-Dade Community Action Agency Comprehensive Community Needs Assessment (CAACCNA) conducted by FIU's Metropolitan Center, between 2000 and 2007 there was significant growth in the middle and higher income categories. The percentage of households earning \$100,000 or more increased by 69.1 percent in seven years, while households earning at least \$100,000 constituted 17.1 percent of the total households in Miami-Dade county. Despite this, 40.5 percent of households earned less than \$35,000 in 2007.

Figure 3.5: Miami-Dade Households by Household Income, 2000 & 2007



Source: 2000 U.S. Census; 2007 American Community Survey

The Area Median Income figure (AMI) is released annually by HUD. It represents the estimated median income for a family of four. In 2007 the AMI for Miami-Dade County was \$45,200, representing a 25.6 percent increase over the 2000 median income of \$35,966. According to HUD guidelines, low-income households earn less than 80 percent of the area median income.

- Extremely Low-Income: At or below 30% AMI
- Very Low-Income: Between 31% and 50% AMI

- Low-Income: Between 51% and 80% AMI

FIU's 2008 Miami-Dade County Workforce Housing Needs Assessment reported the number of 2007 Miami-Dade households by income category, defining the income limits for each category as follows: Low-Income - below 50% of the AMI; Moderate-Income - between 51 and 80% of the AMI; Middle/Workforce-income - between 81 and 120% of the AMI.

Of 804,575 households (excluding those without earnings), significantly 346,738 (43 percent) earned less than \$36,160 (<80 percent of the AMI), while an additional 138,552 households (17 percent) earned \$54,240 (between 81 and 120 percent of the AMI). When analyzed by tenure, 63 percent of renter households earn less than 80 percent of AMI compared to 30.4 percent of homeowners. Approximately one in five (17.2) homeowners and renters are categorized as workforce households (earning between 80 and 120 percent of AMI).

Table 3.6: Miami-Dade County Tenure by Household Income as Percent of Area Median Income: Area Median Income (AMI=\$45,200) 2007

Income Thresholds, 2007	Area Median Income Limits	Households	Owner-Occupied Households	Renter-Occupied Households
Low Income: <50% AMI	\$22,600	214,810	81,266	133,544
Moderate Income: 50% to <80%	\$36,160	131,926	68,071	63,855
Workforce Income: 80% to <120%	\$54,240	138,552	84,519	54,033
High Income: 120% to <150%	\$67,800	74,195	53,353	20,842
Very High Income: 150% or More	\$67,800	245,092	204,054	41,038
Total		804,575	491,263	313,312
Zero or negative income		11,870	4,471	7,399
No cash rent		12,350	0	12,350
Total		828,795	495,734	333,061
Low and Moderate Income: <80%	\$36,160	346,736	149,337	197,399
Percent Low and Moderate		43.1%	30.4%	63.0%
Workforce Households: 80% to <120%	\$54,240	138,552	84,519	54,033
Percent Workforce Households		17.2%	17.2%	17.2%

Source: U.S. Census Bureau, 2006 American Community Survey, <http://www.census.gov>; and U.S. Department of Housing and Urban Development, FY 2007 Median Family Income Documentation System, <http://www.huduser.org/datasets>. Analyzed by the Metropolitan Center, F.I.U., 2008.

The table below, from the 2008 CAACCNA, provides the median income comparisons by race and ethnicity in the County for 2000 and 2007. Although median household income increased for all three groups, income for Black households is 46 percent lower than for White households and 15 percent less than Hispanic households.

Table 3.11: Median Household Income by race/Ethnicity in Miami-Dade County, 2000 and 2007.

	2000	2007	% Change
White Non-Hispanic	\$49,673	\$64,602	30.1%
Black Alone	\$28,212	\$35,060	24.3%
Hispanic	\$33,536	\$41,254	23.0%

Source: U.S. Census 2000; ACS, 2007.

The table below shows the poverty rates in the County, the state of Florida and the United States for 1999 and 2006, according to the 2008 CAACCNA. For both the County and State, poverty levels declined for all population groups: by 2.7 and .4 percent for families, respectively; 3 and .5 percent for population under 18, respectively; 2.7 and .4 percent for individuals, respectively. The poverty rate decreases in the County can be attributed to gentrification and displacement of poor families, as well as to the strong economy in that period. Nationally, poverty rates increased slightly for each category: .3 percent for families; 1.5 percent for the population under 18; and, .6 percent for individuals. The poverty rates for all three population groups, however, are much higher in Miami-Dade when compared to Florida and nation.

**Poverty Rates: 1999-2006 for
Miami-Dade County, Florida and United States**

	Miami-Dade		Florida		United States	
	1999	2006	1999	2006	1999	2006
Families below poverty level	14.5%	11.8%	9.0%	8.6%	9.2%	9.5%
Population under 18 below poverty	23.2%	20.2%	17.2%	16.7%	16.1%	17.6%
Individuals below poverty level	18.0%	15.3%	12.5%	12.1%	12.4%	13.0%

Source: U.S. Census, 2000; American Community Survey 2007

The following table compares poverty rates by race and ethnicity in the County for 2000 and 2007. Poverty levels decreased for Whites (.9 percent), Blacks (5.4 percent) and Hispanics (2.4 percent) over the seven year period. Although Blacks had the highest drop in poverty rates, income disparities are evident from the disproportionately higher poverty rates for Blacks in 2000 (19.3 percent higher than Whites and 11.1 percent higher

than Hispanics) and 2007 (14.8 percent higher than Whites and 8.1 percent higher than Hispanics).

Table 3.10: Poverty Rates by Ethnicity in Miami-Dade County, 2000 and 2007.

	2000	2007
White Non-Hispanic	9.3%	8.4%
Black Alone	28.6%	23.2%
Hispanic	17.5%	15.1%

Source: U.S. Census 2000; ACS, 2007.

According to the 2009 ACS – 1 Year Estimates, the median household income for Miami-Dade County was **\$41,533**. According to the Miami-Dade Department of Planning and Zoning website (*Data Flash*), the recent economic recession has adversely affected the County's income levels. After improvement between 2007 and 2008, the real median household income fell markedly between 2008 and 2009, decreasing by 5.8 percent from \$44,068 to \$41, 533 (in 2009 inflation-adjusted dollars) and dropping below the 2007 level. The County's median household income in 2009 was also significantly below the \$50,221 average for the United States. Similarly, the percentage of people with incomes below the poverty level reached **17.7** percent, topping a continuous increase that started at the 15.3 percent level in 2007 and climbed to 16.3 percent in 2008; 19.6 percent of related children under 18 were below the poverty level, compared with 21.1 percent of people 65 years old and over. Fourteen percent of all families and 27.3 percent of families with a female householder and no husband present had incomes below the poverty level.

According to the Department of Planning and Zoning's website, on April 22, 2010, the Bureau of Economic Analysis (BEA), U.S. Department of Commerce released estimates of personal income at the county level for 2008 based on newly available data. *Per capita personal income* (PCPI) represents personal income of all persons from all sources divided by the population. Although its position from ten years ago has improved, Miami-Dade is still behind the first fifteen Florida counties and below the national average for per capita personal income, with the nation at \$40,166; Florida at \$39,064; and, the County at \$35,887. Miami-Dade ranked 20th in the state, or 92 percent of the state average, and 89

percent of the national average, reflecting a 1.5 percent increase from 2007 and a continued improvement from 1998, when the County ranked 23rd in Florida with a PCPI of \$23,680. For the decade from 1998 to 2008, the average annual growth rate of PCPI in the County was 4.2 percent higher than the average rate of 0.4 percent for both Florida and the U.S. Interestingly, Miami-Dade kept its 1st position in the state for total personal income (TPI) over the decade. In 2008 alone, the TPI was \$88,954,732,000 and accounted for 12.4 percent of the state TPI (not adjusted for inflation).

Educational Attainment

One of the most important determinants of financial success and quality of life is educational attainment as it affords residents the likelihood of holding better paying jobs and being able to provide for themselves and their families. Additionally, early education allows for the integration of children and youth into society and provides a pathway for their future development.

According to the ACS 2006-2008, the total school enrollment in Miami-Dade was 618,000 in 2006-2008: nursery school and kindergarten, 74,000; elementary and high school, 367,000; college and graduate school, 177,000.

According to the County's 2008 CAACCNA, the Miami-Dade County school district is the largest school district in Florida and the fourth largest in the nation, with active student enrollment of 339,559 as of September 23, 2008 (Miami-Dade Public Schools). Public schools educate approximately 88 percent of children in the county. While the number of youth under the age of 18 decreased by 2 percent between 2000 and 2007, student enrollment in public schools decreased by almost 8 percent (apart from statistical error in the ACS, the difference may be ascribed either to higher enrollment in private schools or to the fact that the 4 percent figure excludes some high school students aged 18).

MIAMI-DADE PUBLIC SCHOOLS ENROLLMENT BY RACE/ETHNICITY, 1984-2007

Year	White & Other*		Black		Hispanic		TOTAL
	Number	% of Total	Number	% of Total	Number	% of Total	
1984-85	63,068	27.7	73,814	32.4	91,180	39.9	228,062
1989-90	59,006	21.0	92,887	33.0	129,510	46.0	281,403
1994-95	52,842	16.4	109,968	34.2	159,145	49.4	321,955
1999-00	49,245	13.7	115,878	32.2	195,079	54.2	360,202
2006-07	42,175	11.9	94,873	26.9	216,235	61.2	353,283

Source: Miami-Dade Public Schools Statistical Abstracts 1998-99 through 2006-07.

The table above reports school enrollment changes for the last two decades, showing public school enrollment being consistent with general demographic trends: decreasing enrollment numbers for White and Black students accompanied by an increase of Hispanic student enrollment; however, Hispanic enrollment has not offset the significant decline of students from the other groups. White students have been in decline since the 1980's while Black students increase until the end of the 1990's and then decreased by 18 percent from 2000 to 2007. As a result of these trends, White student share of total enrollment (at 42,175) dropped to under 12 percent in 2007, while Black students (at 94,873) decreased to under 27 percent, and Hispanics (at 216,235) increased to 61.2 percent.

According to Miami-Dade School Board, Statistical Abstract, 2001-2007, there are no major differences in attendance rates based on gender, but some differences across ethnic/racial groups exist. Among the three major groups, Black students are slightly more likely not to attend school than White or Hispanic students, while Asian and native American students have the highest attendance rates.

Graduation rates are significantly lower for Black and Hispanic students than those of White students. Additionally, the Black and Hispanic student dropout rates are higher than among Whites students. While the data shows improvement in graduation rates among White (+3.2 percent) and Hispanic students (+1.3 percent) and a decrease in dropout rates in both groups, Black students continue to lag behind as the graduation rate among them increased by 0.6 percent, but dropouts also increase by the same percentage (see table below).

Table 2.5: High School Graduation/Dropout Rates by Ethnicity/Race, 2001-2005 and 2002-2006.

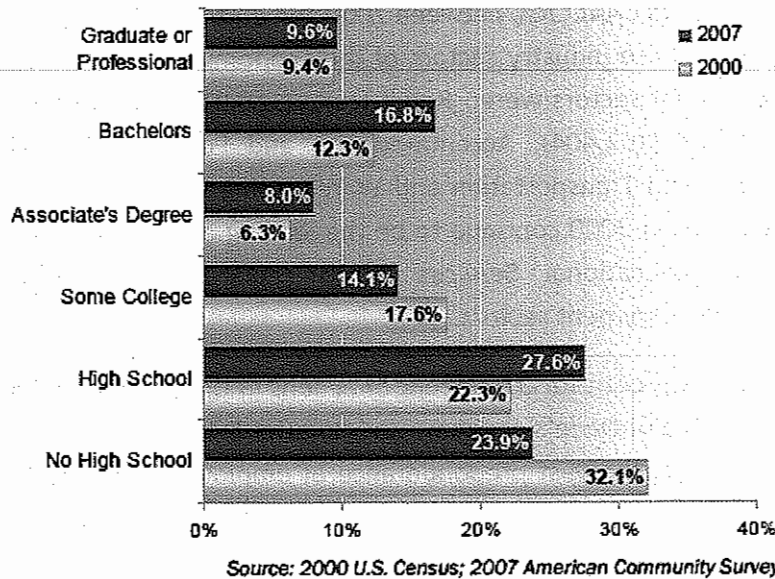
	2001-2005 Dropout Rate	2001-2005 Graduation Rate	2002-2006 Dropout Rate	2002-2006 Graduation Rate	Change In Dropout Rate	Change In Graduation Rate
White, Non Hispanic	12.5%	70.8%	10.8%	72.7%	-1.3%	1.9%
Black, Non Hispanic	13.8%	48.0%	14.4%	48.6%	0.6%	0.6%
Hispanic	14.6%	59.6%	14.1%	60.4%	-0.5%	0.8%

Source: Miami-Dade School Board, Statistical Abstract, 2006-2007.

The seven years between 2000 and 2007 point to a positive trend of increasing numbers of college graduates in the County. In fact, the overall number of high school graduates increased by 23.8 percent, while the number of residents without a high school diploma decreased by 25.5 percent. The number of residents above the age of 25 with a bachelor's degree increased by 36.7 percent (see figure below). Despite these trends, Miami-Dade still lags behind the state wide average. Approximately 20 percent of

Floridians over the age of 25 did not have a high school diploma in 2000 and that percentage further decreased to only 15 percent in 2007.

Figure 2.3: Miami-Dade Residents Ages 25 and Over by Educational Attainment, 2000 & 2007.



Despite the general increase of County residents with postsecondary degrees and given the graduation and dropout rates discussed above, only 22 percent of Black residents had Associate's degrees or above, compared to more than half of White non-Hispanics and a third of Hispanics.

Table 2.7: Population with Postsecondary Degrees by Race/Ethnicity, 2000 and 2007.

	2000	2007
White Non-Hispanic	45.3%	50.9%
Hispanic	24.0%	32.4%
Black	17.7%	21.5%

Source: 2000 U.S. Census; 2007 ACS.

According to the Miami-Dade Department of Planning and Zoning website, Planning Research, *Data Flash*, the recent economic recession has taken its toll on educational achievement as well. After positive change from 2007 to 2008, educational attainment

has worsened with the share of bachelor's and graduate degree holders decreasing to 15.8 percent and 9.5 percent, respectively.

Employment

According to the County's 2008 CAACCNA, between 2000 and 2007 growth in Miami-Dade was largely driven by the service industry sectors of the economy (see table below). In 2000 the top five employment sectors were: Retail Trade (115,010), followed by Health Care and Social Assistance (101,404), Accommodation and Food Services (78,818), Wholesale Trade (74,361), and Transportation and Warehousing (70,327). In 2007 four out of the top five industries in 2000 continue to be the leading employment industries, with the exception of Educational Services which replace Transportation and Warehousing in the top 5 employment sectors.

Service-providing industries account for 91 percent of all jobs in the County. While these industries are essential to Miami-Dade's economy and do offer living wages among many of the associated occupations, the vast preponderance of employment is found in low-wage earning occupations which have not kept up with the high cost of living in Miami-Dade County. In fact, Miami-Dade's 2007 median annual wage for all occupations was only \$26,873.

Table 3.2: Major Employment Sectors, Miami-Dade County, 2000-2007.

2000				2007			
Industry Sector	Total Employees	Total Firms	Payroll (in millions)	Industry Sector	Total Employees	Total Firms	Payroll (in millions)
Retail trade	115,010	9,650	\$2,343	Health Care and Social Assistance	130,522	8,313	\$5,835
Health care and social assistance	101,404	6,450	\$3,193	Retail Trade	126,388	11,111	\$3,502
Accommodation & food services	78,818	3,694	\$1,144	Accommodation and Food Services	89,849	4,656	\$1,989
Wholesale Trade	74,361	8,545	\$2,784	Educational Services	81,397	818	\$3,303
Admin, Support, Waste Mgmt, Remediation Svcs	72,802	3,512	\$1,631	Wholesale Trade	68,486	9,104	\$3,762
Transportation & warehousing	70,327	2,502	\$2,303	Public Administration	65,576	241	\$3,963
Manufacturing	59,555	2,735	\$1,677	Admin, Support, Waste Mgmt, Remediation Svcs.	64,641	4,437	\$1,886
Professional, Scientific and Tech. Services	53,330	8,631	\$2,808	Professional, Scientific and Tech. Services	63,040	12,914	\$4,324
Finance & insurance	43,061	3,766	\$2,319	Transportation and Warehousing	60,565	3,122	\$2,917
Other services (except public administration)	37,538	5,732	\$785	Construction	53,175	6,299	\$2,360

Source: State of Florida Agency for Workforce Innovation, ES-202

Recent employment statistics from the Florida Agency for Workforce Innovation (AWI) for 2007-2008 show a loss in employment among many of the leading industrial sectors, including Construction (4,700 job loss), Administrative and Waste Services (4,500 job loss) and Manufacturing (1,500 job loss). Most of the job loss is directly attributable to the downturn in the housing market and subsequent economic recession. While certain sectors experienced job loss from 2007-2008, notable employment gains occurred in Education and Health Care (6,700 job gain), Wholesale Trade (2,600 job gain), Local Government (2,800 job gain) and Financial Activities (2,600 job gain). The most recent industry employment projections (2007-2015) for Miami-Dade County released by the AWI show continuing growth within the same industries that currently employ the County's workforce. The largest projected annual increases in employment include Professional, Scientific, and Technical Services (2,464 annual growth), Administrative and Support Services (2,089 annual growth), Ambulatory Health Care Services (1,312 annual growth) and Food Services and Drinking Places (1,273 annual growth).

According to the U.S. Census Bureau, 1990 and 2000, there was a substantial decrease in the percentages of total population in Miami-Dade County's labor force since 1990. The percentage of population in the labor force was the highest in 1990 (67.7%) and was followed by a 10.2 percent decline in 2000 (57.4%). There was a significant decrease in unemployment in 2000 (5.0% down from 7.8% in 1990). According to the Miami-Dade Department of Planning and Zoning's website, *Data Flash*, 2010, the adverse effects of the economic recession are most evident in the 2009 unemployment picture. The unemployment rate in the County rose to 7.0 percent in 2009, up nearly three percent from the previous year (see table below). The increase in actual numbers of unemployed 16 years and over was huge – from 79,824 in 2008 to 139,052 in 2009, up by 74.2 percent. At the same time, the labor force participation rate dropped to 55.8 percent from 58.1 percent in 2008 and 58.5 percent in 2007.

MIAMI-DADE COUNTY EMPLOYMENT RATES, 2007, 2008, 2009

Miami-Dade County	2007	2008	2009
Labor Force (Population 16 Years and over)	1,910,219	1,928,267	1,984,223
Employed or in Armed Forces	1,117,631	1,120,496	1,107,109
Employed or in Armed Forces (Percent)	58.5%	58.1%	55.8%
Unemployed (Number)	61,034	79,824	139,052
Unemployment (Percent)	3.2%	4.1%	7.0%

Source: American Community Survey 2007, 2008 and 2009 1-Year Estimates. U.S. Census Bureau.

On September 3, 2010, the AWI released its monthly labor market statistics for the month of August 2010 (not seasonally adjusted) for all state counties. For the twelve months ending in August 2010, the unemployment rate averaged 12.0 percent, an increase of 2.9 percentage points from the same period a year earlier. In August the number of unemployed persons (188,889) and the unemployment rate (**14.4%**) for Miami-Dade was the highest on record posting a rate well above the corresponding rates in Broward (10.7%), Monroe (8.5%), and Palm Beach County (12.5%); however, compared to Florida counties with the highest unemployment rates, Miami-Dade ranked eighth. While the U.S. economy continues its slow path to recovery from the recession that started in December 2007, there are no signs that there will be a significant decrease in the unemployment rate in the near future.

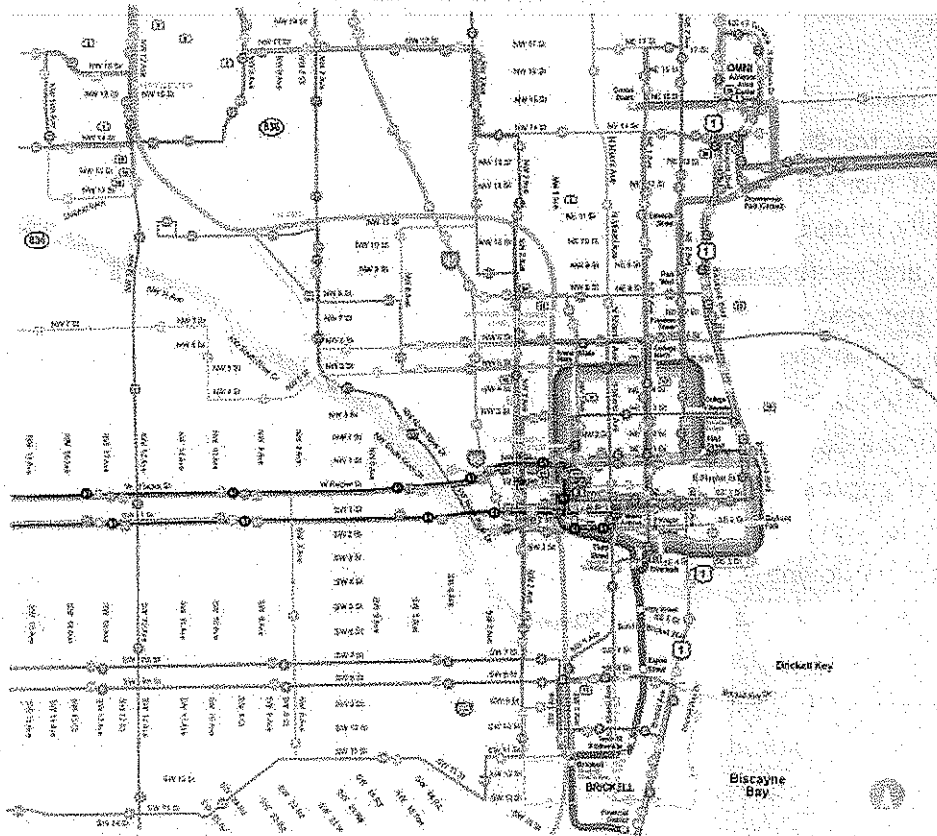
Transportation & Commuting

Transportation into, out of, and throughout Miami-Dade County is primarily achieved through a well-developed network of roadway transportation corridors. Major highways traversing the County include the Florida Turnpike and Interstate 95, 195, 395, along with approximately 20 Florida State Roads, several "expressways" and a grid system of arterial surface streets.

Miami-Dade Transit (MDT), a County department of approximately 4,000 employees, is the 12th largest transit system in the U. S. and the largest transit agency in Florida, accounting for more than half of the trips taken on public transit in the state. The accessible, fully integrated system has 4 transportation modes: Metrobus, Metrorail, Metromover, and Paratransit. With close to 900 buses and 100+ routes travelling over 29 million miles per year, Metrobus connects with Metrorail and Metro Mover with seven routes operating 24 hours a day. The bus network provides service throughout Miami-Dade County 365 days a year, connecting to parts of southern Broward County to the north and Monroe County to the south as well. Metrorail is a 22.6 mile elevated, heavy rail system with approximately 136 vehicles and 22 stations, providing easy access for bus riders, pedestrians and passengers dropped off and picked up. Metrorail runs from Kendall (south) to downtown and northwest through Brownsville, Liberty City, Hialeah and Medley, with connections to Broward and Palm Beach counties at the Tri-Rail/Metrorail transfer station. Metromover, a free downtown people mover system, is a 4.4 mile elevated system via an automated guideway with 21 stations. The Paratransit division's Special Transportation Service (STS) is the County's complimentary service for the disabled per the requirements of the Americans with Disabilities Act (ADA). The service has been offered to residents since 1976, preceding the ADA mandate. STS is available for people with a physical, mental, or intellectual disability who cannot ride Metrobus, Metrorail, or Metromover. Any resident whose disability prevents them from riding regular transit vehicles qualifies for STS. Residents with temporary disabilities may also be eligible for this service. All fares are affordable or at no cost for qualified individuals. Reduced fares are available to Medicare recipients, people with disabilities and Miami-Dade students in grades 1-12. All Miami-Dade senior citizens aged 65 years and older and with Social Security benefits ride free with a *Golden Passport* pass. Veterans residing in Miami-Dade and earning less than \$22,000 annually ride free with the *Patriot Passport* pass. The public transportation system favorably affects mobility throughout the County, especially for low-income persons, enhancing fair housing choice.

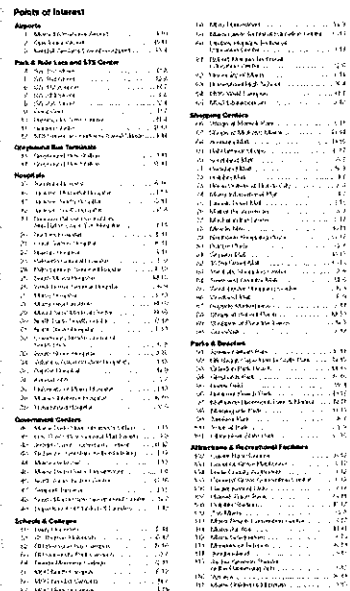
The fully integrated system's annual ridership surpassed 100 million annual boardings for Fiscal Year 2006, according to MDT's *2006-2009 Miami-Dade County Transportation Disadvantaged Service Plan* (see maps on following pages-County transit system/major roadways and enlarged downtown area).

Downtown Miami Enlargement Area



Source: Miami-Dade County Government

State to US Express riders...



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According to the 2006-2008 ACS, 77 percent of the county's workers drove to work alone in 2006-2008; 9 percent carpooled; 6 percent took public transportation; 4 percent used other means; and, the remaining 4 percent worked at home. Among those who commuted to work, it took them on average 30.1 minutes to get to work.

An analysis of commuting costs and trends by (independent researchers) *The Street and Bundle* set out to determine not only what people throughout the U.S. spend each year for transportation, but what cities are the worst off in terms of expenses (http://money.bundle.com/article/the_street-and-bundle-special-report-americas-best-andworstcommutes). The report ranked 90 metropolitan areas using spending and price data that looked at the average length of commute, miles traveled, annual hours delayed, auto and gas expense from July 2009 to June 2010. Additional information was culled from the U.S. Census and research conducted by Texas A & M University's *Texas Transportation Institute*. The weighted categories determined a "score" that was used to rank cities on how good, or bad, their commute was. According to Census data, roughly 76 percent of U.S. workers drive to work alone. Twelve percent carpool; 4.7 percent use public transportation; 3.3 percent work from home; 2.9 percent walk to work and 1.2 percent used other means (including a motorcycle or bicycle). Analysis prepared earlier this year by the *Center for Neighborhood Technology*, a Chicago-based think tank that looks at issues of urban sustainability, illustrates how transportation costs drag down traditional "affordability" assessments. The organization's "Housing + Transportation Affordability Index" examined 337 metro areas across the country, encompassing 80% of the U. S. population. Under the traditional definition of housing affordability (30% or less of household income spent on housing), 7 out of 10 communities are considered "affordable" to the average household; but in almost all metro regions, when the definition of affordability includes housing and transportation – at 45% of income – the number of communities affordable to low- and moderate-income households declines to 4 out of 10. According to Bundle's data, the average American spends more than \$6,000 a year in transportation costs. Those over the age of 65 spent the least this year averaging \$3,820. Those ages 36-40 spent the most: \$6,240 a year.

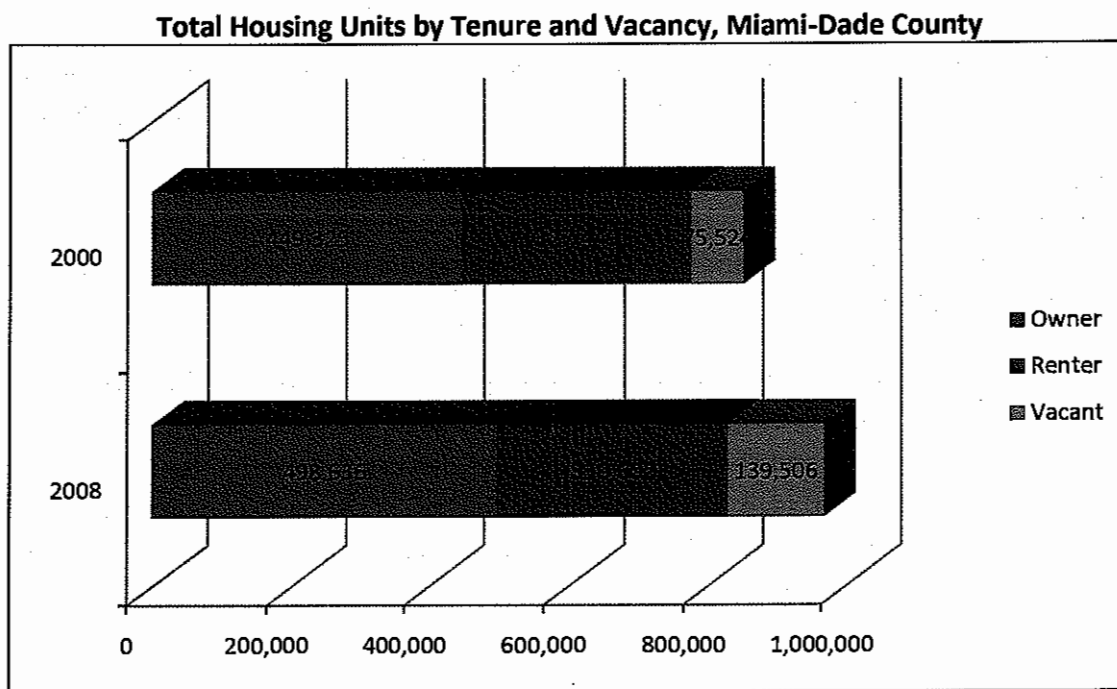
Bundle ranked the Miami metropolitan area among the worst commutes at #87 out of 90:

- 47-hour average annual delay
- \$491 average monthly expense (\$276 auto; \$215 gas)
- 38-minute average commute
- 15.5 mile average distance traveled

III. HOUSING PROFILE

Housing by Tenure

According to the 2000 Census, there were 852,278 housing units in Miami-Dade County. By the time of the 2006-2008 ACS, the number had grown to an estimated 968,744, or by 13.6 percent, (116,466 additional units), reflecting the growth in population. Yet, approximately 14.4 percent of all Miami-Dade's housing units were vacant by 2008, nearly double the vacancy rate at the time of the 2000 Census when 8.8 percent of all units were vacant. Of the 829,238 occupied units, 498,636 were owner-occupied (60.1%) and 330,602 were renter-occupied (39.9%). This reflects a slight increase of the rate of homeownership (up from 57.8% in 2000) and a corresponding decrease in the rental tenure (down from 42.2% in 2000).



Source: U.S. Census Bureau, 2008 American Community Survey (2009)

Housing Affordability

For purposes of this *Analysis*, housing affordability refers to the amount which a household can afford to pay for housing. The standard utilized by most governments and lending institutions is that a household should not spend more than 30% of their gross monthly income on housing costs. Thus, housing affordability is calculated by applying 30% of an individual or family's income towards household expenses.

According to the County's *2008-2012 Consolidated Plan*, for homeownership, standard lending guidelines (housing payment-to-income ratio of 28%-33%) are utilized to arrive at the affordable home price. Conventional financing terms are applied (fixed 30 year mortgage at 6.5 percent interest with a 5 percent down payment) with an estimate of taxes and insurance included. Private mortgage insurance (often required if one's down payment is less than 20 percent of the purchase price) and debt ratios are not factored into the housing affordability calculations. The resulting calculations are as follows:

- A household earning the area median income (\$45,200) in Miami-Dade County can afford \$1,130 in monthly rent or can purchase a house or condominium between \$79,700 and \$111,000 depending on conservative or aggressive loan standards.
- An individual earning the median wage (\$26,300) in Miami-Dade County can only afford to pay \$658 each month in rent and could purchase a home between \$6,400 and \$24,600 depending on conservative or aggressive loan standards.

While the standard rule of thumb used to be that one could afford to purchase a home three times your income, the high price of property tax and insurance has severely limited a homebuyer's capabilities.

More aggressive lending standards or second mortgages could be applied in either scenario to allow the individual or family to qualify for a larger mortgage. However, with the collapse of the subprime lending market and the rise of foreclosures across the nation, lending institutions have tightened their mortgage standards, with the result being less available credit for homeowners. Consequently, all future calculations in this analysis will be based on conservative estimates (housing payment-to-income ratio of 28%). Other variables effecting affordability are interest rates, closing costs, down payment and debt-to-income ratios.

Applying the same methodology as used in the housing affordability analysis, it was determined that:

- A household must earn \$138,000 to afford the median priced single family house (\$382,600) in Miami-Dade County;
- A household must earn \$109,000 to afford the median priced condominium (\$295,100) in Miami-Dade County;

- A household must earn \$47,300 to afford the median rent (\$1,182) in Miami-Dade County.

In order to afford a median priced single family home, a household must have an income of at least \$138,000. In other words, you must earn more than 300% of the County's family median income. This qualifies less than 10% of the populous, pricing out the remaining 90% of households.

Half of the workforce in Miami-Dade earned less than \$26,300 last year. As such, most of the leading occupations in Miami-Dade County would not qualify for a mortgage as a single wage earning household. Further, employees earning the median wage must earn 1.8 times their annual salary to afford the median rent in the County.

Affordability Gap by Housing Type and Income

In today's market, the subsidy needed to move in a family is far above the amount available through traditional government programs. Further, financial support is now needed to move moderate income families - which are not generally covered under government programs - into homes.

Those earning 120% of the County's area median income would require over \$300,000 in homebuyer assistance to afford the median existing single family house; families earning less than 80% of the area median income would not qualify for a standard mortgage. Large gaps also exist in the condominium market. Buyers earning between 80% and 120% AMI would require subsidies ranging from \$210,600 to \$277,400 - almost the full price of the median condominium. Those earning below 80% would most likely not receive a mortgage due to the high cost of taxes and insurance, estimated at \$825 and \$975 each month for the median priced condominium and single family home.

Families earning the area median income cannot afford the market rent for a 2-bedroom apartment in Miami-Dade (\$ 1,182/month). In fact, the market rent is more than double the amount that an extremely low- or very low-income family can afford. In order to make the units affordable, low, very low and extremely low income households would require \$3,300, \$4,400 and \$10,100 in annual subsidies, respectively.

The table below outlines the housing costs and affordability gaps for varying income groups and housing types. While the rule of thumb used to be that one could afford a house three times their income, the increase in housing price has increased taxes and insurance and decreased affordability. The taxes and insurance for a median priced single family house (\$382,600) are

estimated at over \$10,000/year. Further, flexible lending standards previously allowed homebuyers to expend 35%, 40%, 45%, 50% and more of their income on housing costs. However, stricter regulations have brought about a "credit crunch", and most institutions are following the debt-to-income standard of only 28%.

Affordability Gap by Income for Miami-Dade County

INCOME	30% AMI	50% AMI	80% AMI	100% AMI	120% AMI
Income	\$13.500	\$22.600	\$36.160	\$45.200	\$54.240
SINGLE FAMILY					
Median Price	\$382.600	\$382.600	\$382.600	\$382.600	\$382.600
Affordable Mortgage	n/a	n/a	n/a	30.200	63.600
CONDOMINIUM					
Median Price	\$295.100	\$295.100	\$295.100	\$295.100	\$295.100
Affordable Mortgage	n/a	n/a	17.700	51.100	84.500
RENTAL UNIT					
Median Price	\$1182/mo.	\$1182/mo.	\$1182/mo.	\$1182/mo.	\$1182/mo.
Affordable Mortgage	\$338/mo.	\$565/mo.	\$904/mo.	\$1.130/mo.	\$1.356/mo.

SOURCE: Carras Community Investment

Note: The affordability gap is based on the median sales price for a single family home (\$382,600) and condominium (\$295,100) and the median rent for a 2-bedroom apartment (\$1182/month) in Miami-Dade County. Conservative lending guidelines (housing payment-to-income ratio of 28%) and conventional financing terms are applied (fixed 30 year mortgage at 6.5 percent interest with a 5 percent down payment). Estimated property taxes are derived from Miami-Dade Property Appraiser's Home Property Tax Estimator Worksheet; average property insurance rates can be found at www.shopandcomparerates.com.

Household Tenure by Income

Due to the high cost of housing and the extreme affordability gaps, few low-income families can afford to own their home. As a result, middle- to upper-income families make up 73% of the homeownership market, while extremely low-, very low- and low-income families account for 59% of all rental housing in Miami-Dade County. The table below describes the number of households living in owner-occupied and renter-occupied units based on their incomes.

Homeownership/Rental Housing by Income in Miami-Dade County (2005)

INCOME	HOMEOWNERSHIP	RENTAL HOUSING
Extremely Low Income	\$32,740	\$83,718
Very Low Income (<50% AMI)	\$36,076	\$54,294
Low Income (<80% AMI)	\$62,289	\$66,254
Middle to (>80% AMI)	\$357,961	\$144,087
SUBTOTAL	\$489,066	\$148,351

Source: Shimberg Center at the University of Florida

Supply and Demand Assessment

South Florida is one of the least affordable areas of the country -joining the ranks of other high priced markets in California, Hawaii and New York. In Miami-Dade County, the median priced single family home is 8.5 times greater than the median income (a normal median home value to median household income ratio should be closer to 3: 1). The imbalance between the supply and demand has grown substantially since 2000, with housing values increasing by 172% and incomes increasing by only 3% for all of Miami-Dade County.

Normally, households benefit from single-digit appreciation rates on their property. However, from 2000 -2002, annual appreciation rates were 15-16%. The annual appreciation rate jumped to 21 % in 2003 and 23% in 2004. In 2005, the median price of a single family house rose by 25%. The rate of growth returned to normal levels in 2006, as the County only experienced a 7% increase in single family home values.

Median Single Family Value, Miami-Dade County (1996-2006)

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
\$112,700	\$117,800	\$121,800	\$133,800	\$138,200	\$159,600	\$184,700	\$223,100	\$273,900	\$351,200	\$375,800
5%>	5%>	3%>	9%>	3%>	15%>	16%>	21%>	23%>	28%>	7%>

Source: Florida Realtors Association

According to the 2009 ACS, the median value of owner-occupied housing units in the County was \$238,500, a significant 36.5 percent decrease in value from 2006, reflective of the continuing adverse effects of the recent economic recession.

According to the 2006-2008 ACS, the median monthly housing cost for mortgaged owners was

\$1,900; non-mortgaged owners, \$618; and, renters, \$986. Sixty percent of owners with mortgages, 28 percent of owners without mortgages, and 65 percent of renters in Miami-Dade County spent 30 percent or more of household income on housing, or were cost burdened.

Cost Burdened

As a result of the supply and demand imbalance, many potential homeowners have been priced out and few can afford current prices. In order to compensate, households are increasingly spending a disproportionate amount of their income on housing. A household is considered "cost-burdened" if more than 30 percent of their income is spent on housing and extremely cost-burdened if more than 50 percent of their income goes towards housing costs. According to the 2006 American Community Survey, over half of the households in Miami-Dade County are cost-burdened. Applying a similar percentage to the Metro Area, it was anticipated that 281,072 households would spend more than 30 percent of their income on housing in 2008; in 2012, an estimated 293,979 households will be cost-burdened.

Economic Sustainability

According to the *Consolidated Plan*, already one of the least affordable housing markets, South Florida has experienced the country's biggest increase in cost of living over the past year (2007). In order to cope, households are living in substandard conditions, spending a disproportionate amount of their income on housing costs, commuting long distances to and from work. The lack of affordable housing options has forced many families to live in inadequate conditions. Approximately 5 percent of the County's population is living in overcrowded or other substandard housing conditions. Overall, 72 percent of households earning less than 80 percent of the area median income are either living in substandard conditions and/or are cost burdened.

Summary of Barriers to Affordability

According to the *Consolidated Plan*, the following public policies and private market conditions affect affordable housing production in both incorporated and unincorporated areas of Miami-Dade County:

Value to Income Disparity - Already one of the least affordable markets in the country, the imbalance between Miami-Dade County's housing supply and demand has grown substantially since 2000. Housing values increased by 172% and incomes increased by only 3% for all of Miami-Dade County in seven years. The median priced single family home is 8.5 times greater than the median income. As a result, only 10% of the population can afford the median priced

single family home in the County -\$382,600 in the first quarter of 2007. Of the remaining 90% of households, almost half cannot afford the median rent for a 2-bedroom apartment (\$1,182).

Loss of Affordable Units - The inventory of affordable housing is rapidly decreasing - primarily as a result of market appreciation, conversions of rental units to condominiums and deterioration. From 2002-2005, property values increased by 21% -28% each year. As a result, housing costs have increased to the point that once affordable homes are now out of reach for most homebuyers. Without resale restrictions, many of the previously "affordable" units have been flipped and resold at "unaffordable" prices. In addition, thousands of affordable units have been lost to condominium and mobile home park conversions. Since 2000, over 24,000 rental units and 3,500 mobile homes in the County have been converted. Further, damage and deterioration often associated with older or less expensive housing has diminished the stock of safe, decent, affordable housing. A total of 26,637 substandard units in the Metro Area lack heating, plumbing or adequate kitchen facilities. Another 323,777 units in the Metro Area are over 25 years of age, placing them at greater risk of lead paint hazards, deferred maintenance issues, and hurricane damage.

Cost of Development - Land in Miami-Dade is at a premium due to the lack of buildable sites and rising acquisition costs. The escalating cost of real estate makes it difficult to locate affordable sites for development. Further, the high cost of materials and construction make it challenging to build affordable housing without deep government subsidies or profit losses. As a result, developers have primarily built high end, luxury products (which are not affordable to the general population) in recent years.

High Cost of Living - The cost of living in South Florida rose faster than any other major metropolitan area in the country -4.4% according to the Consumer Price Index report in June 2007. In addition to housing costs, expenses for food and beverages and gas and transportation rose significantly as well as property taxes and insurance. As property values increased, so did the property taxes particularly for new home buyers -putting a strain on families who have recently moved or do not qualify for the "Save Our Homes" cap on property tax increases. According to estimates from the state's Shop and Compare website (www.shopandcomparerates.com), the average cost of insurance in Miami-Dade (for a 5-year old, Florida concrete block home, with a current replacement value of \$150,000, a \$500 non-hurricane deductible, a 2% hurricane deductible, no claims, and no wind mitigation discount) is \$3,762.

Lack of Incentives - The subsidies needed in today's marketplace are far above the amount available through traditional government programs. The gap between the actual cost of

housing and the amount that most families in the County can afford is extensive. In fact, most low income families would not qualify to purchase the median priced single family house or condominium. Moderate income households would need subsidies above \$200,000 to afford the median condominium and \$300,000 for the median single family house.

Government Regulations - Government regulations and requirements play a major role in real estate development. Land use policies and zoning provisions dictate the type and density of housing; permit and code approvals direct project time lines; and impact fees and concurrency requirements determine price costs. All play a critical role in the affordability of a development. Each policy can either add significantly to construction costs (and subsequently increase housing values) or if utilized correctly, can provide incentives for certain building types (i.e. affordable housing).

Private Lending - The infusion of credit during the housing boom spurred the subprime lending market and encouraged aggressive and often unscrupulous lending practices. Low-income families who could not qualify for standard mortgages were the primary victims of predatory lending. As the interest rates on adjustable-rate loans reset, many are having difficulty affording the inflated payments. The result has been a significant increase in the number of foreclosures. According to RealtyTrac, nationwide foreclosures rose 55% in the first half of 2007. In Florida, one out of every 81 households is in foreclosure.

Reacting to the rise of foreclosures and the closure of many unregulated mortgage companies, lending institutions have begun to reevaluate risky loans and tighten their lending standards. A July 2007 survey by the Federal Reserve Board noted that over the past three months, 14% of domestic banks tightened their lending standards on prime residential mortgages, 40% increased standards for nontraditional mortgage products and 56% restricted subprime lending. The likely result is less available credit for homeowners. The recent credit squeeze makes it particularly difficult for low-income families to qualify for a mortgage.

Fair Housing Implications: Limited availability of affordable housing allows landlords and owners to be more selective when renting and selling, opening the door to discriminatory housing practices. Publicly funded or subsidized housing opportunities must be affirmatively marketed to ensure availability to residents of all communities.

Housing Needs of Disabled Persons

According to the County's *Consolidated Plan*, in 2006 Miami-Dade County had an estimated 328,044 persons living with disabilities. Individuals with disabilities accounted for 15 percent of the total population, with the highest prevalence of disabilities affecting working age adults and

teenagers (16 to 64 years old) and the greatest percentage affecting elderly persons. These disabilities range in type and severity and may have varying impacts on people's lives. The following table segregates the disabled individuals living in Miami-Dade County by age and identifies the percentage of the disabled and general population which they represent.

TABLE 14: Age of Persons with Disabilities in Miami-Dade County (2006)

AGE	TOTAL POPULATION	% DISABLED
5 to 15 years	347,283	5%
16 to 64 years	1,524,958	11%
65 years and older	334,118	45%

Source: U.S. Census Bureau, 2006 American Community Survey

Types of disabilities registered in the U.S. Census include: sensory, physical, mental and self-care. Among these, physical disabilities ranked among the highest accounting for 63 percent of the disabled population, followed by mental (47%), sensory (33%), and self-care (25%). Many individuals may be afflicted with more than one type of disability, which accounts for the high percentages. In Miami-Dade County, 31 percent of the disabled population lives below the poverty level. These populations may find it extremely difficult to transcend their poverty. Depending on the severity of the disability, certain individuals may have trouble maintaining a steady job or place of residence. According to the 2006 American Community Survey, approximately 65 percent of working age persons with disabilities is unemployed. For those who are working, the median earnings are only \$24,082.

In 2005, 60,065 households were either headed by a disabled individual or contained a disabled family member. Analysis from the Florida Housing Data Clearinghouse at the University of Florida Shimerberg Center for Affordable Housing determined that among households containing a person with a disability, 17,142 are residing in substandard housing and 41,762 are living below the poverty line. In general, it is difficult to quantify the exact housing needs of the disabled population. Many individuals require little or no assistance in maintaining independence. Others require special attention and the care of professionals. Regardless, it is essential to ensure the accessibility and affordability of housing for this special needs population (see discussion under *Public & Assisted Housing* re: units for disabled persons and the county's progress toward compliance with Section 504 requirements).

Fair Housing Implications: The significant numbers of persons with disabilities indicate the need for fair housing education and outreach efforts.

Homelessness

According to the Consolidated Plan, data in the Homeless Trust's HMIS (Homeless Management Information System) reflective of the date of the January 25, 2007, homeless census indicates the following characteristics of homeless individuals and families County-wide.

Homeless Characteristics (2007)

	<u>CHARACTERISTIC</u>	<u>PERCENT</u>
SEX	Male	67%
	Female	33%
AGE	Children (under 18)	20%
	Adults (18 to 60)	76%
	Elderly (60 and older)	4%
RACE	American Indian/Alaskan Native	2%
	Asian	5%
	Black/African American	60%
	Native Hawaiian/Other Pacific Islander	0.5%
	White	33%
	Other/Multi-Racial	4%
Family	Families	31%
	Individuals	69%

Source: Continuum of Care Housing Gaps Analysis and Housing Population, Miami-Dade county: 2007

While the majority of homeless are individuals (72%), a substantial number consist of families. Currently over a quarter (28%) of the homeless population is comprised of families with dependent children. These families present unique challenges as children and minors may need additional support when addressing areas of education, mental health, nutrition, and social needs. The table below summarizes the homeless need in Miami-Dade County.

TABLE 12: Homeless Populations (2007)

Population	Emergency Shelter	Transitional Shelter	Unsheltered	Total
Persons in Homeless Families with Children	474	753	2	1229
Homeless Individuals & Families without Children	830	955	1378	3163

Source: Continuum of Care Housing Gaps Analysis and Housing Population, Miami-Dade County: 2007

Many circumstances force individuals to become homeless. Causes range from substance abuse problems, economic factors, mental illness, domestic violence, unemployment, and numerous other issues. However, those in greatest danger of becoming homeless include extremely low-income households that are already experiencing housing problems. Between 2008 and 2012, it is estimated that this population will grow from 37,376 to 39,093 households for the Metro Area.

Assuring that there are an adequate number of facilities to care for the homeless is vital for any metropolitan area. As a homeless person or families progresses from basic needs (i.e. food, housing, healthcare) they advance into more independent living facilities such as transitional housing and eventually permanent supportive housing. While Homeless shelters have been adding units, unmet need was still 50 percent of the total number of units currently available (2007). Of the three types of shelters (emergency, transitional, and permanent), permanent housing has been the most successful and is in greatest demand. As a result, Miami-Dade County is focusing most new development on permanent housing. The following chart lists the homeless housing inventory and unmet need in Miami-Dade County (2,771 units) by type of assistance.

Type of Shelter, Bed Capacity, & Need Gap in Miami-Dade County (2007)

Type of Housing Assistance	Current Inventory 2007	Under Development 2007	Unmet Need/Gap
Emergency Shelter	786	132	0
Transitional Housing	931	150	24
Permanent Supportive			
Housing	1,012	429	1,509
Subtotal	2,729	711	1,533
Emergency Shelter	616	0	0
Transitional Housing	900	46	86
Permanent Supportive			
Housing	1,251	107	1,152
Subtotal	2,767	153	1,238
TOTAL			2,771

Source: Continuum of Care Housing Gaps Analysis, and Housing Population, Miami-Dade County: 2007

Public & Assisted Housing

The County's *Consolidated Plan* summarizes eligibility guidelines, identifies assisted housing inventory and outlines Miami-Dade Housing Agency's (now Miami-Dade Public Housing Agency, or PHA) public and assisted housing programs as follows.

Eligibility Guidelines

Specific eligibility requirements and/or income restrictions for assisted housing facilities are determined by the program used to fund the project. While some developments target special needs populations such as the elderly, homeless or disabled, most housing programs provide assistance to individuals and families earning below 80% of the area median income. Each year the U.S. Department of Housing and Urban Development (HUD) determines specific income limitations for extremely low, low and moderate income families based on family size. The chart below illustrates the income limits for Miami-Dade County in 2007.

Miami-Dade Income Limits (2007)

FAMILY SIZE	EXTREMELY LOW	VERY LOW	LOW
	(<30% AMI)	(<50% AMI)	(<80% AMI)
1 Person	\$12,450	\$20,750	\$33,200
2 Persons	\$14,250	\$23,700	\$37,950
3 Persons	\$16,000	\$26,700	\$42,700
4 Persons	\$17,800	\$29,650	\$47,450
5 Persons	\$19,200	\$32,000	\$51,250
6 Persons	\$20,650	\$34,400	\$55,050
7 Persons	\$22,050	\$36,750	\$58,850
8 Persons	\$23,500	\$39,150	\$62,650

Source: Department of Housing and Urban Development (Based on the 2007 Median Income for Miami-Dade (\$45,200))

Assisted Rental Housing Inventory

Below is a delineation of housing categories within the assisted housing inventory:

- **Family:** Housing serving the general population (as well as special needs households) with qualifying income.
- **Elderly:** Units designated for those at least 62 years of age (or in some instances, 55 years and older).

- **Disabled:** Housing units servicing households where one or more person maintains a physical or mental disability.
- **Homeless:** Housing assistance for the homeless.

Assisted Housing Unit Inventory in Miami-Dade County

POPULATION	ASSISTED	TOTAL
Elderly	9,601	9,601
Family	25,188	27,698
Homeless	484	496
Disabled	318	325
Other	422	422
TOTAL	36,013	38,542

SOURCE: Shimberg Center at the University of Florida

According to the inventory of assisted rental housing compiled by the Florida Housing Data Clearinghouse, Miami-Dade County has over 36,000 rental units that have received some type of government assistance. While this analysis provides a basis for understanding the extent and diversity of the assisted housing inventory, it underestimates the total number of assisted housing units in Miami-Dade County. First, only rental housing is considered. Second, housing created from local funding sources, such as the Surtax Program, has not been added. These facilities are identified in the review of the Miami-Dade Housing Agency Programs and additional Miami-Dade County Programs. The following programs are included in table above:

- **HUD Rental Assistance:** HUD provides rental subsidies to low-income families through their Section 8 voucher program. Additional rental assistance programs are available for elderly (Section 202) and persons with disabilities (Section 811).
- **Section 8 Non-Insured:** Developments designated 'Section 8 Non-Insured' were originally developed or rehabilitated with any type of financing, including HUD mortgage insurance, and had a Section 8 contract for project-based rental assistance. At some point during the life of the Section 8 contract, the mortgage was paid in full and only the Section 8 contract remains in place for project-based rental assistance.
- **RHS Rental Assistance:** Section 514/516 finances on-farm and off-farm rental housing through loans and grants.
- **Low Income Housing Tax Credits:** Both a non-competitive 4% tax credit and a competitive 9% tax credit program is available through the state for new

construction, acquisition and rehabilitation of affordable rental housing targeted to households earning less than 60% AMI.

- **State and Local Bonds:** Either the state or local housing authority may issue Multifamily Mortgage Revenue Bonds (typically tax-exempt) to finance below market rate units. While there may be set-aside and/or income requirements, there are no rent restrictions.
- **State Apartment Incentive Loan (SAIL):** Funded through Florida's Housing Trust Fund, the program provides low-interest gap financing to affordable housing developers.
- **HOME Investment Partnership Program (HOME):** Projects targeting families earning less than 80% AMI can qualify for non-amortized, low-interest loans from the state for acquisition, construction or rehabilitation costs.
- **Loan Guarantee & Risk Sharing (Section 542):** Both HUD and the FHFC work collaboratively with local governments and finance authorities to offer loan guarantees to increase credit capabilities and lower borrowing costs.

Financial assistance for the aforementioned programs is derived from the U.S. Department of Agriculture Rural Housing Service (RRS), U.S. Department of Housing and Urban Development (HUD), Florida Housing Finance Corporation (FHFC), and the Miami-Dade Housing Finance Authority (MDHFA).

Expiring Uses

Of the 36,013 assisted units, up to 5,342 are in danger of being lost in the next five years to contract expiration and expiring affordability periods. Still, many contracts are renewed on an annual basis and it is likely that some of these affordable units will not actually be lost.

Homeownership Programs

Similar to rental development, there are a wide variety of homeownership programs. Most offer either direct assistance to the homeowner or land and financial contributions to the developer. Assistance can be in the form of a grant or a loan. Some of the more common programs offered in Florida include the State Housing Initiatives Program (SHIP), Florida Housing Ownership Assistance Program (HAP), Predevelopment Loan Program (PLP) and Community Workforce Housing Innovation Program (CWHIP). Additional subsidies are also offered through the private sector and local government entities.

While homeownership programs provide assistance for low, moderate and, in some instances, workforce housing, they are not generally considered part of the assisted housing inventory. This is due to the fact that in the absence of resale restrictions, many of the affordable owner-occupied units are quickly lost to the market.

Miami-Dade Housing Agency Programs

It is the mission of the MDHA to provide decent, affordable housing in the County. In order to accomplish that goal, the MDHA administers several programs:

- **Public Housing:** In Miami-Dade County, public housing is limited to low-income families and individuals, with 40 percent of the units targeting households earning less than 30 percent of the area median income. In all, there are approximately 9,300 family and elderly units.
- **Section 8 Housing Choice Voucher Program:** The Section 8 Housing Choice Voucher allows recipients (restricted to low income households) to choose their unit in the private housing market. Participants typically pay between 30% and 40% of income toward rent; the landlord receives the difference in the form of a housing assistance payment from MDHA. In 2006, the MDHA administered 14,167 vouchers.
- **Section 8 Moderate Rehabilitation Program:** In the Section 8 Moderate Rehabilitation Program, very low-income households are provided affordable rental housing in privately-owned, rehabilitated, multifamily buildings. Unlike the voucher program, assistance is tied to the unit, not the individual. Altogether, there are 2,508 units in 48 locations.
- **Section 8 New Construction & Substantial Rehabilitation Program:** The Section 8 New Construction and Substantial Rehabilitation program offers units in newly constructed or rehabilitated buildings to very low income households. Through the program, approximately 1,300 housing units in 30 locations have provided housing opportunities to very low income families and individuals.
- **Special Needs Programs:** The MDHA, in conjunction with its nonprofit partners, administers numerous programs that target special needs groups, including the Shelter Plus Care Program, Moderate Rehabilitation Single Room Occupancy (SRO) Program, Veterans Assisted Supportive Housing Program, Assisted Living Facilities for the Elderly, and HOPWA-Supported Housing.

- **Family Self-Sufficiency Program:** The Family Self-Sufficiency Program, administered by the MDHA, provides job training, education, employment placement and other supportive services to Section 8 and public housing residents to help them reach and maintain economic independence.

As part of their public housing inventory, Miami-Dade Housing Agency (MDHA) directly maintains and operates over 10,000 units in 100 developments, while administering several other programs. Overall, the agency oversees the administration of over 28,000 housing units. The graph below provides an inventory of the number and type of MDHA Public Housing and Private Rental Housing.

Summary of MDHA Public Housing & Private Rental Housing

PROGRAM	UNITS
Conventional Public Housing	9,277
Assisted Living Facilities	104
Section 8 Housing Choice Voucher	14,167
Section 8 Moderate Rehabilitation	2,508
Section 8 Substantial Rehabilitation	809
Section 8 New Construction	487
Shelter Plus Care	648
Single-Room Occupancy Moderate	290
TOTAL	28,290

SOURCE: Miami-Dade Housing Agency, MDHA Management Assistance Team Progress Report, September 15, 2006

Current Conditions & Improvements to Public Housing

The MDHA is in the process of updating their public housing facilities and improving the living environment for its residents. Currently, the agency is seeking over \$10 million for safety and security improvements and is working with local public safety agencies to reduce crime. In addition, the MDHA has initiated contracts for roof repairs and improved custodial services at its public housing facilities. Finally, the MDHA is improving the accessibility of their public housing facilities in compliance with Section 504.

In an effort to update the information in the County's *Consolidated Plan*, HOPE staff composed and forwarded 45 comprehensive questions from HUD's *Fair Housing Planning Guide* to the County's Public Housing Agency, or PHA, (formerly Miami-Dade Housing Agency, or MDHA). These questions related to specific policies, procedures and practices since completion of the 2004 AI regarding PHA and other assisted/insured housing provider tenant selection procedures and housing choices for certificate and voucher holders. HOPE hereby

acknowledges and appreciates the timeliness of responses provided by Rosa Castro on behalf of the Department Director, Gregg Fortner. The following summarizes the responses obtained from the Department:

- 1) What are the current application and tenant selection and assignment policies of assisted housing providers (including the PHA)?
See Chapters II & III of Admissions & Continued Occupancy Policy (ACOP) and Chapter 2 of Section 8 Administrative Plan (S8 Admin Plan) for MDPHA application & tenant selection procedures. See Chapter 31 of S8 Admin Plan for Special Rules for Moderate Rehabilitation (MODR).
- 2) Is there a pattern in one or more assisted housing developments of concentration of tenants by race or ethnicity? As of September 30, 2010, what is the current racial/ethnic percentage breakdown of all residents in assisted housing developments (the Consolidated Plan provides partial information effective 9/15/2006)?
As of 9/30/10, the current racial/ethnic percentage breakdown of all residents in public housing is: African American 67.48%, Asian .006%, Caucasian 32.39%, Hawaiian Islander .042%, Native American .073%
- 3) Do the tenant selection policies and procedures of HUD-assisted multifamily housing providers, including the PHA, exclude—or limit the participation of—persons with disabilities in housing developments they manage?
No. In fact, MDPHA is increasing availability of units for persons with disabilities within its public housing developments. See ACOP Chapter I section D (Voluntary Compliance Agreement).
- 4) If the answer to either of the two preceding questions is yes, how do these policies and procedures specifically affect the manner in which applications for housing are treated and applicants rejected or selected as tenants?
N/A - MDPHA does not have policies that limit race, ethnicity, or persons with disabilities in its developments.
- 5) Are the policies and procedures consistent with the requirements of Federal, State, and local law and HUD regulations and guidance?
Yes- MDPHA policies and procedures are consistent with Federal, State, Local and HUD requirements.
- 6) If a HUD-assisted (including the PHA) or HUD-insured housing provider has been found in noncompliance with one or more civil rights laws or regulations, has the provider initiated appropriate corrective actions?

Yes, as relates solely to MDPHA. MDPHA does not have information regarding other HUD-assisted or HUD-insured providers.

- 7) Since January 2004 were there newly initiated or pending court suits involving the tenant application, selection, and assignment policies and procedures of any of these providers?

There are no pending court suits involving tenant selection, application and assignment.

- 8) If court orders relate(d) to any of these policies or practices, what is the status of actions to comply with the orders, and what are/were the results?

There is a settlement agreement in the case of Coronado v. Miami-Dade County, which related in part to the processing of appeals, CODs, and RFTAs.

- 9) What is the current racial/ethnic percentage breakdown of all residents in public housing developments (the Consolidated Plan provides partial information effective 9/15/2006)?

See answer to question # 2.

- 10) If there are concentrations of racial or ethnic groups in one or more public housing developments, has the PHA undertaken any efforts designed specifically to desegregate these developments, such as make changes to its tenant selection and assignment plan (TSAP)?

Yes. See Adker Decree follow-up in ACOP Chapter 1 section C and S8 Admin Plan Section 1.6

- 11) If there are racial or ethnic concentrations, does PHA policy permit applicants or transfers to state a preference for one or more projects or developments?

{Yes, to the extent specified by policy.} See ACOP Chapter III (Tenant Selection), and Chapter V (Transfer Policy). Also, see S8 Admin Plan Chapter 31, section 31.1 (Transfer & Waiting List for MODR).

- 12) Does PHA policy permit applicants to reject several unit offers without losing their place on the waiting list? What are the bases for rejecting an offer of a public housing unit? Are they narrowly construed, or so broad that an applicant could easily reject a unit in a project in which his or her race does not predominate?

{Yes, to the extent specified by policy.} See ACOP Chapter III (Tenant Selection) section D (Good Cause for Refusal of Unit Offer) and Section S8 Admin Plan Chapter 31, section 31.3 (Valid Rejections of Offered Units).

- 13) What is the pattern, by location and family type, of minority and nonminority certificate and voucher holders who rent units under the Section 8 certificate and voucher housing assistance program?

MDPHA does not determine the pattern of minority locations for S8 holders.

- 14) Are minorities located primarily in minority neighborhoods and Whites in predominantly White neighborhoods regardless of family type (large, small, or elderly family)?

MDPHA does not determine the pattern of minority or White neighborhoods for S8 holders.

- 15) If the answer to the previous question is yes, what specific steps does the PHA take to promote housing choices for certificate and voucher holders?

N/A

- 16) Is the PHA currently issuing certificates/vouchers? Are certificate and voucher holders using the certificates and vouchers they receive from the PHA outside its geographic jurisdiction?

Some vouchers are used outside of MDPHA jurisdiction; See S8 Admin Plan Chapter 18 page 10 (Portability).

- 17) Are Section 8 certificates and vouchers transportable across PHA and other administering agency boundaries? Does the PHA (or other agency) that administers these programs in the jurisdiction's area actively promote mobility through cooperative efforts with other agencies in the metropolitan area or region?

See S8 Admin Plan Chapter 18 section 18.1 (Moving Out of MDPHA's Jurisdiction).

- 18) What are the results of these efforts?

N/A

- 19) Does the jurisdiction actively support any of the efforts enumerated above? If so, in what ways? Do they include cooperative efforts with surrounding jurisdictions?

See ACOP Chapter II section A (Affirmative Marketing) and S8 Admin Plan Chapter 2 Section 2.1 (Affirmative Marketing).

- 20) Do the policies and procedures of the PHA or other administering agency in the jurisdiction discourage or reject applications from lower-income households that do not reside in its jurisdiction by imposing residency or other local preferences?

Applications are encouraged no matter the applicant's residency or economic condition. Once a waiting list is established from all applications received, preferences and qualifications are applied. See ACOP Chapter II section B (Qualifying for Admission) and section F(7) (Waiting List Admission Preferences). Also, see S8 Admin Plan Chapter 2 section 2.6 (Qualifying for Admission) and section 2.10 (Preferences).

- 21) Does the PHA assist certificate or voucher holders who have received their certificates or vouchers from PHAs in other jurisdictions? In what ways?

{Yes, to the extent specified by policy.} *See S8 Admin Plan Chapter 18 section 18.2 (Absorption of Incoming Portables).*

- 22) Does the PHA assist certificate or voucher holders who are persons with disabilities (HUD regulations implementing Section 504 of the Rehabilitation Act of 1973 at 24 CFR 8.28(a)(3) require PHAs to assist persons with disabilities in locating available accessible dwelling units.)?

{Yes, to the extent specified by policy.} *See S8 Admin Plan Chapter 5 sections 5.4 (Live-in Aide) and 5.5 (Medical Equipment) and Attachment C (Reasonable Accommodations Policies and Procedures).*

- 23) Does the PHA help all certificate and voucher holders find suitable housing?
Residents are referred to an online referral system called "Housing Central" to which a link has been placed on MDPHA's website.

- 24) Does this help include providing up-to-date information—to minority homeseekers in particular—about the various facilities and services that are available in all neighborhoods in which housing suitable to the needs of certificate or voucher holders is available (Facilities and services include schools, day care, health and welfare and other social service agencies, employment centers, and public transportation.)?
All housing choice voucher families are required to attend a voucher issuance briefing when approved to move. During the briefing they receive a packet of information which includes a section titled Expanding Opportunities for Families. This section highlights the following neighborhoods: Doral, Pinecrest, Hialeah Gardens, Coral Gables, Kendall, Westchester and Miami Springs. For each neighborhood clients are provided a map along with information on the economy, education, transportation, community and demographics.

- 25) Does the PHA encourage certificate and voucher holders, particularly minorities, to look for housing in neighborhoods that are not traditional residential areas for the holder in question?

See question 23 and 24.

- 26) Does the PHA assist the search process in any other ways, such as:

- Calling to confirm the availability of units located in nontraditional neighborhoods?
- Helping with transportation costs or providing transportation service for those interested in housing in nontraditional neighborhoods?
- Providing a master list of the names and addresses, number of units, and other data on multifamily developments in a metropolitan or other regional area that makes units available to Section 8 participants?

– Providing clear information to all participants concerning their housing rights and the steps they should take, including requesting assistance from the PHA in the housing search, if they believe they have encountered housing discrimination?

The PHA assists with the search process by providing the client with two websites where they can search for available units. These websites are socialserv.com and gosection8.com both can be accessed via the PHA's website. The PHA also distributes in the lobby area of the office a list of available units on gosection8 which consists of units registered by interested owners who want to participate in the S8 program. The voucher issuance briefing packet includes the HUD publication, "Are You a Victim of Housing Discrimination?" This material is reviewed during the presentation and clients are advised that the form used to file a housing discrimination claim is included in the pamphlet.

- 27) Has the jurisdiction evaluated the performance of the agency that administers the Section 8 certificate and voucher programs in its area to determine what results have been achieved under the equal housing opportunity component of the Administrative Plan?

MDPHA monitors the performance of the contractor administering the Section 8 program. See S8 Admin Plan Section 1.2.

- 28) What steps does the PHA take to promote the availability of accessible housing resources suitable for Section 8 participant families in which one or more persons are mobility impaired?

See ACOP Page 78 Part C: Effective Communication Policy

- 29) What steps does the PHA take to help certificate or voucher holders with other types of disabilities find housing and to promote housing choice for such persons?

Units with accessible features are identified on Social Serv.com and gosection8.

- 30) What are the PHA and other assisted/insured housing provider policies for admitting persons with mental or other nonphysical disabilities? Are these persons restricted to certain projects? Are the policies consistent with HUD guidance and requirements? Does the jurisdiction actively support these steps? In what ways?

Housing Choice Voucher program staff apply eligibility criteria uniformly to all applicants irrespective of whether or not they have a disability. However, applicants that have a disability can request that an exception be made to existing policies by requesting a Reasonable Accommodation. See S8 Admin Plan's Attachment C - Reasonable Accommodation Policies

31) Has the PHA completed its Section 504 (of the Rehabilitation Act of 1973) assessments of need for housing or other assistance among households with members who are disabled and the plans for meeting these needs?

See Amendment to VCA letter Dated 8/19/10

The VCA letter referenced addressed to HUD summarizes the County's progress toward complying with Section 504 requirements and requests an extension in light of current accomplishments and availability of funding in accordance with the following schedule:

- *Group 1 with 80 units (9 of which have been certified) have been completed and the balance will be certified and completed by 2011.*
- *Group 2 with 47 units is under construction and will be completed by 2010.*
- *Group 3 with 27 units is under construction and will be completed by 2011.*
- *Group 4 with 119 units has been partially completed, but requires additional upgrades and will be completed in 2012.*
- *Group 5 with 42 units; design is underway and construction will be completed by 2013.*
- *Group 6 with 73 units; design to be assigned and construction to be completed by 2014.*
- *Group 7 with 90 units; design to be assigned and construction to be completed in 2015.*

TOTAL: 478 units

32) Has the jurisdiction completed its self-evaluation consistent with Section 504 of the Rehabilitation Act of 1973?

N/A

33) Have the PHA and HUD assisted housing providers completed a self-evaluation of their policies, procedures and practices to determine whether they may adversely impact persons with disabilities during the application or tenancing process? If so, has the recipient corrected all identified deficiencies, pursuant to 24 CFR 8.51?

Internal policies and procedures are continuously evaluated and updated as needed

34) Has the PHA conducted a needs assessment to identify the need for accessible units and does it have a transition plan to assure access?

Yes, a needs assessment was conducted and a plan is in place.

35) Have HUD-assisted housing providers reviewed their housing program as required by Section 504 and have they carried out the steps in transition plans to assure full accessibility of the program?

See memo from HUD regarding Accessibility Requirements

36) What steps has the PHA taken to assure that persons with disabilities have access to the same range of housing choices and types as are offered to persons without disabilities?

See appendix A of ACOP and Attachment C of S8 Admin Plan (Reasonable Accommodation Policies)

- 37) What steps has the PHA taken to identify funding resources and develop programs, in partnership with other public or private agencies and with private landlords participating in the Section 8 certificate and voucher program, to provide funds and incentives for making privately-owned housing units accessible to persons with disabilities?

MDPHA does not have any financial incentives or partnerships for the purpose of increasing the availability of accessible privately-owned units for persons with a disability.

- 38) Has the PHA implemented policies and procedures for assuring that Fair Market Rents are adjusted, as permitted by HUD regulations, to allow persons with disabilities to use certificates and vouchers in order to rent accessible, private sector housing units?

Yes, a person with a disability can request that a higher rent amount be considered for a unit with accessible features via a Request for a Reasonable Accommodation. See S8 Admin Plan's Attachment C - Reasonable Accommodation Policies

- 39) How many applications for housing assistance were received by the PHA during opening of the waiting list periods from January 2004 thru September 30, 2010?

During the July 2008 opening of the waiting list, MDPHA received 71,376.

- 40) How many accessible public housing units are currently available/in use? How many accessible assisted housing units are currently available/in use?

There are approximately 410 accessible public housing units and 12 accessible Moderate Rehabilitation units. Information for the Section 8 program is referenced in question # 29.

- 41) If PHA or other HUD-assisted or -insured housing providers (such as Section 8 housing owners) have sold or plan to sell housing projects, what policies and procedures are in place to provide alternative housing to displaced tenant households?

See ACOP page 48, and S8 Admin Plan section 3.2

- 42) Are steps taken to ensure that such households are provided a varied choice of replacement housing, particularly to give minority displaced households an opportunity to select housing outside—not just inside—minority-concentrated areas?

See Adker Decree follow-up in ACOP Chapter 1 section C and S8 Admin Plan Section 1.6

- 43) Does the jurisdiction have a specific displacement policy? Are housing providers required to implement this policy when selling housing? (See Anti-displacement and Relocation Plan requirements in the Consolidated Plan Regulation at 24 CFR 91.255(a)(2))

Yes. See ACOP page 20, and S8 Admin Plan section 3.1

- 44) Are steps taken to ensure that persons with disabilities can choose housing in a wide variety of accessible locations?

See appendix A of ACOP and Attachment C of S8 Admin Plan (Reasonable Accommodation Policies)

- 45) Before and since completion of the last AI in 2004, the South Florida Community Development Coalition made several recommendations to the County in an effort to streamline the policies/procedures that govern the conveyance of county-owned land to private developers for the purpose of building affordable housing, often in distressed neighborhoods. Developers who purchased parcels through tax deed auctions often found the properties infested with County liens generally for code violations imposed against the prior owner. Some time ago, the then-MDHA had an Agreement with Team Metro to take care of "lot clearance" liens with the developer being required to record a Covenant in the title to insure affordability and no County Commission action was required. However, there remained a problem with clearing liens imposed by the Building Department (for the cost of tearing down dilapidated structures prior to the tax deed). MDHA would assist in clearing these types of liens only after the developer finished construction. Once the "CO" had been granted, MDHA would submit the liens to the County Commission for clearance, a process which took a month or more to complete. Meanwhile, the completed house sat vacant.

Is the PHA currently involved in this process? If so, are Building department liens cleared well before construction is completed? Are developers required to record a Covenant in the chain of title to insure affordability? Is County Commission action still required?

If referring to the infill lots, these were transferred to the Housing and Community Development department. Please contact them for further details.

The above referenced documents can be accessed as follows:

The Admissions & Continued Occupancy Policy (ACOP):

<http://www.miamidade.gov/housing/policy-links.asp#ACOP>

Section 8 Administrative Plan:

<http://www.miamidade.gov/housing/policy-links.asp#Admin>

Voluntary Compliance Agreement (VCA):

<http://www.miamidade.gov/housing/library/mdha-vca.pdf>

Achievement in Integration

HUD has undertaken several initiatives to change the manner in which the public housing and Section 8 certificate and voucher programs have operated in providing housing choices to minority homeseekers. HUD encourages jurisdictions to build on initiatives arising out of proposed or final court orders or settlement agreements. As a result of the litigation, *Ann-Marie Adker, et.al., v. United States Department of Housing and Urban Development and Miami-Dade County, Florida*, Miami-Dade County has acted to ensure the County's continued compliance with fair housing laws and the intent of the settlement by:

1. Amending the County's Human Rights Ordinance to change the name of the enforcement agency from the Equal Opportunity Board to the "Commission on Human Rights", ensuring that the quasi-judicial body is not treated like any other advisory board in the County, but given the recognition it deserves in light of their role in civil rights enforcement;;
2. Adding "source of " as a protected class, ensuring that landlords, real estate brokers, home sellers, mortgage companies and banks may not refuse or treat a prospective tenant or buy differently because of their source of income; and,
3. Creating the Miami-Dade Housing Civil Rights Oversight Board to oversee and offer recommendations to the County regarding the efforts of various County departments that administer housing programs to comply with the Fair Housing Act.

In 1987 three (3) public housing tenants filed a class-action lawsuit prepared by Legal Services of Greater Miami against "Metro Dade Housing Department" alleging "racially discriminatory" policies restricting Blacks to dilapidated public housing development while non-blacks were directed to more desirable Section 8 and other housing programs. In 1992 the third amendment complaint was filed adding USHUD as an additional defendant by the Lawyers' Committee for Civil Rights Under the Law, Jenner & Block, and Thompson, Muraro, Razook & Hart. Plaintiffs were Ann-Marie Adker, Toni Flanders, Dorothy Pugh, Joan Robinson, and Renee White. In 1993 a "Blue Ribbon Panel led by Assistant County Manager, Dewey Knight, Jr., was established to study problems raised by the tenants' complaint and propose solutions. In 1995 the Panel report concluded racial segregation existing in County's public housing results in the concentration of Blacks in mostly low-income communities stigmatized on the basis of race, and the exclusion of Blacks from mostly White, income-diverse communities. In 1998 a settlement was reached in the litigation. All parties agreed to establish a Fair Housing Center to help desegregate the County's federally-assisted housing programs and to increase desegregative choices and opportunities for eligible Miami-Dade residents. HUD and Miami-Dade County were to contribute \$5.6 million to fund a 10-year relocation project operated by

HOPE, Inc. and allocate a portion of CDBG funding to neighborhood improvements in areas surrounding public housing developments. In 1999 the Dewey W. Knight, Jr./Ann-Marie Adker Fair Housing Center (FHC) opened three locations countywide.

By *Grand Opening* day of the Knight/Adker Fair Housing Center (FHC), August 2, 1999, the County had made unheralded strides since the 1987 class action complaint was filed: over 1,000 former Black public housing residents held Section 8 vouchers and over \$200 million had been pumped into public housing renovations.

The requirements of the settlement were daunting. The County had to reorder its list of all "past, present and future" Black leaseholders in public housing by date of move-in, find, notify and call in those class members (Mobility Pool Members or MPM's), determine their eligibility and issue them "turnover" Section 8 vouchers. The system of making offers in project-based housing had to be revamped to give priority to non-Blacks (Family Public Housing Applicants or FPHA's) in an effort to achieve racial balance. The new partnership looked for ways to define and measure its "success" and, to its surprise, found that similar settlements were stagnated by repeated trips to court, while overall national results pointed to about 15% of class members moving to desegregated areas. After several initial meetings, there was consensus: the unwritten mission of the new partnership was to "forge ahead and not go back to court--changing lives, transforming communities". The heretofore straightforward FHC mission appeared illusive: *to encourage households offered tenant-based (Section 8) and project-based (family public housing) assistance to explore and accept desegregative housing*. For Black MPM's that meant finding housing in a census tract less than 65% Black and, for non-Black FPHA's, accepting a unit in a development that was predominantly Black. While MPM's were mandated to attend Group Mobility Counseling (GMC) at the FHC as a prerequisite to receiving Section 8 assistance, FPHA's could accept a desegregative offer without being referred to the FHC.

On August 1, 2009, the *Adker consent decree* expired. The County extended the FHC's contract thru December 31, 2009, to ensure the close-out of all relocation activities. The 10-year partnership, and the families it was designed to help, had survived unprecedented increases in property values/associated costs and rents, discrimination complaints, moratoriums on rent increases, massive changes in federal and local housing administration and staff turnover, and the biggest economic meltdown since the Great Depression. The County sent out approximately 15,021 notices of the settlement inviting MPM's to respond regarding their potential eligibility for Section 8 assistance; of those notices 4,574 were returned as undeliverable. Initial interviews were conducted with approximately 6,485 MPM's to determine their eligibility; overall 4,273 MPM's were determined ineligible (failure to return

documents; failed criminal background check; balances owed; no shows, etc.). Vouchers were issued to 3,667 eligible MPM's; 89 MPM's successfully "ported out" to jurisdictions outside of Miami-Dade. Twenty-four (24) MPM's qualified for the County's homeownership programs and closed on their first home!

Of the 3,718 MPM's referred to the FHC for GMC, 3,695 elected to enter Individual Counseling; 347 completed *Homeownership Profiles* and received a personal *Analysis* tailored for them; and, 870 received one-time financial incentives totaling \$725,027.60. Twenty-seven percent (27%), 1,002, made a desegregative move, while 993 (26.7%) made a non-desegregative move, for a total of 1,995 class members relocated (53.6%). By the end of the extended FHC contract period, 1,081 MPM's had made desegregative moves (29.1%), while 1,135 (30.5%) made non-desegregative moves, for a grand total of 2,216 class members relocated (59.5%). Total financial incentives increased to **\$735,688** paid on behalf of 895 MPM's. A total of 4,059 non-Black FPHA's accepted units in public housing developments where their race did not predominate; 2,264 rejected the desegregative units offered to them. Only 1,310 were referred to the FHC, of whom 264 received relocation incentive payments totaling **\$157,429.43**.

Recent Housing Accomplishments

One aspect of fair housing choice is neighborhood revitalization and the provision of good services to areas in which low- and moderate-income families live. Minorities and persons with disabilities (who are generally concentrated in such neighborhoods) will benefit from comprehensive approaches to improving neighborhood environments so critical to good housing. The County entity primarily responsible for addressing the needs of such communities and overseeing the strategies and funding aimed at comprehensive revitalization is the Department of Housing and Community Development (HCD).

HOPE staff composed and forwarded 14 questions from HUD's *Fair Housing Planning Guide* to HCD regarding the "Neighborhood Revitalization, Municipal and Other Services, and the Employment-Housing-Transportation Linkage" in the production of accessible and affordable housing. Some questions focused on the period since completion of the 2004 AI, and requested a summary of recent housing accomplishments through September 2010. No response was received. HOPE welcomes the opportunity to update the AI in this regard. As a result, the following accomplishments were summarized from the *Consolidated Plan*.

Additional Miami-Dade County Programs

- **Documentary Surtax Program:** In Florida, local governments receive an allocation from the State Housing Initiative Program (SHIP) to produce and

preserve affordable housing for very low, low and moderate-income families. Funds are generated from a statewide documentary stamp tax on real estate transfers. Miami-Dade County is the only county in Florida to also have a local Documentary Surtax Program. Established in 1963, the surtax collects \$0.45 on every \$100 of recorded commercial property sales. The funds are used for a wide-range of housing programs that assist both rental and homeownership projects. Over five years (2001-2006), \$99.4 million in SHIP and Surtax funds supported the construction or rehabilitation of 9,442 affordable housing units in 103 projects. An additional 5,197 units are currently under construction.

The table below summarizes the type of housing produced by Surtax and SHIP revenue over the past five years.

Summary of Surtax & SHIP Funding (2001-2006)

PROGRAM	UNITS
Existing Building	419
Faith Based Project	24
Homeownership	729
Homeownership Rehab	103
Rental	6,895
Rental Homeless SRO	105
Rental Homeless Rehab	95
Rental Rehab	978
Small Rental Rehab	94
TOTAL	9,442

SOURCE: Miami-Dade Housing Agency, MDHA Management Assistance Team
Progress Report, September 15, 2006

- **HOPE VI Program:** HOPE VI is a federally funded program that is intended to transform deteriorated, public housing units into high quality, affordable housing. Miami-Dade County received two HOPE VI grants: \$4.6 million in 1998 for the development of Ward Towers Assisted Living Facility (ALF) and \$35 million in 1999 for the redevelopment of Scott-Carver Homes.
- **General Obligation Bond (GOB):** Voters recently approved the Building Better Communities GOB for six new public housing developments; in addition, the GOB earmarked \$137.7 million for preservation and development of affordable

housing units.

- Infill Development: Miami-Dade County's infill program is intended to create homeownership opportunities by replace old, dilapidated structures (with quality housing. Since 2003, approximately 176 new units have been developed and 305 are under construction.

Planning & Zoning/Building Codes (Accessibility)

For metropolitan jurisdictions, serious consideration should be given to ways they can participate in cooperative, inter-jurisdictional planning for construction of assisted housing. Local government policies that, for example, limit or exclude housing facilities for persons with disabilities or other housing for homeless people from certain residential areas may violate the provisions of the Fair Housing Act by indirectly discriminating against persons with disabilities and minorities, many of whom are homeless. Building codes which require certain amenities or setbacks also affect the feasibility of providing low- and moderate-income housing development. Even when zoning other governmental policies are permissive, neighborhood residents often resist placement of certain types of housing in their area.

HOPE staff composed and forwarded 21 comprehensive questions from HUD's *Fair Housing Planning Guide* to the County's Department of Planning & Zoning to assist in determining the effects of zoning and site selection policies on housing choices. No response was received. HOPE welcomes the opportunity to update the AI in this regard.

HOPE staff composed and forwarded 6 questions to the County's Department of Building and Neighborhood Compliance regarding accessibility requirements, timing of plan approval, other barriers to affordable housing development. HOPE hereby acknowledges the assistance and prompt response of Charles Danger, Director. The following summarizes the responses obtained from the Department:

1. What is the current average approval time for a new set of completed building plans submitted by an affordable housing developer who is not building multiple units?

The Building and Neighborhood Compliance Department categorizes affordable housing projects as expedites. It should be noted that it is the responsibility of the permit applicant and/or the Department of Planning and Zoning to advise the department that the project qualifies for expedite so that it can be marked accordingly. During Fiscal Year 2009/10 the average processing time for new residential construction from application acceptance to permit issuance was 158 days. The time that the enforcement agencies (Building and Neighborhood Compliance Department, Department of Planning and

Zoning, Public Works Department, Department of Environmental Resources Management and Water and Sewer Department) involved in the permitting process took to review the plans was 40 days. The time that the plans were with the permit applicant or the design professional of record for required corrections, funding related issues to obtain other governmental approvals was 119 days.

2. Jurisdictions should include their AI a review of the state and local building codes to determine if they have incorporated accessibility requirements of Section 504, the Fair Housing Act, Title II of the Americans with Disabilities Act, etc. for both multifamily and single family housing. Has the County adopted a state or local building code that has incorporated the accessibility provisions of the most recent edition of the American National Standards Institute A117.1 and Usable Building and Facilities or one of the three model building codes (current edition)?

The Building and Neighborhood Compliance Department currently enforces the 2007 edition of the Florida Building Code (FBC), the statewide adopted construction code. FBC Chapter 11 entitled "Florida Accessibility Code for Building Construction", is consistent with the Federal ADA Guidelines adopted by the Department of Justice.

3. What are the policies and procedures for enforcing accessibility requirements? Have those policies changed significantly since 2004?

Permit documents specification and plans are reviewed and inspections performed to ensure compliance with Chapter 11 of the Florida Building Code 2007 edition as noted in question #2.

4. To what extent do developers comply with existing requirements for accessible design in residential housing and public facilities?

Developers are required to comply as noted in question #3 above.

5. Since the completion of the last AI in 2004, the County has worked to remove administrative barriers to affordable housing (and accessible housing). Administrative processes governing development from platting to construction permitting have come under review by the County Executive Offices. Expedited procedures to govern all review and approval stages of affordable housing development were to be refined and piloted by a newly established *GOB Housing Development Team* led by OCED (DHCD) and comprised of the following departments: OCED, GSA, Planning and Zoning, Transit, WASD, DERM, the County's Development Coordinator and Building Department.

- a) Is that process/team currently active? If not, why?

- b) If so, what impact, if any, has it had on building policies and procedures in the production of affordable and accessible housing to date?
- c) On January 25, 2007, the BCC approved an Administrative Order governing the Infill Program. The AO required that County staff identify county-owned properties appropriate for development of up to four homeownership units, resolve zoning and infrastructure impediments to development and clear title prior to release to an infill developer. What is the status of resolving any building department related impediments subsequent to that Order?

The Office of Community and Economic Development was the lead agency responsible for the Housing Development team and will be responsible for providing the response. However, in response to question c, BNC would not be an impediment relating to resolving zoning title or other infrastructure issues. The agencies responsible for providing a status on this matter include, but would not be limited to: Department of Planning and Zoning, Public Works, Water and Sewer Department, etc.

- 6. Does the Building Department allow any participating affordable housing developer to use a variety of designs that have been pre-approved and pre-permitted without charge?

The Building and Neighborhood Compliance Department offers the Cookie Cutter Program which is designed to expedite the plan review process for the construction of a model home that is built repetitively. Once the model is initially approved, subsequent reviews are only required which relate to site location. However, developers are still required to pay fees, in accordance with administrative order, to cover the cost of services which include plan review and inspections.

IV. JURISDICTION'S FAIR HOUSING PROFILE

Fair Housing Laws, Agencies and Enforcement

Federal

The **Federal Fair Housing Act**⁵ prohibits discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability. The U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, is charged with enforcing the Federal Fair Housing Act. The Act contains administrative enforcement mechanisms, with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing

⁵ Title VIII of the Civil Rights Act of 1968, 42 USC 3601.

discrimination, and gives the Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts.

In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multifamily dwellings developed for first occupancy on or after March 13, 1991.

HUD has had a lead role in administering the Fair Housing Act since its adoption in 1968. The 1988 amendments, however, have greatly increased the Department's enforcement role. First, the newly protected classes have proven significant sources of new complaints. Second, HUD's expanded enforcement role took the Department beyond investigation and conciliation into the mandatory enforcement area.

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated, then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party -- complainant or respondent -- may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action -- the ALJ proceeding or the civil action in Federal district court -- is subject to review in the U. S. Court of Appeals.⁶

State of Florida

The **Florida Fair Housing Act**⁷ was passed by the Florida Legislature in 1983, and amended in 1989. The Florida Fair Housing Act parallels the Federal Fair Housing Act. The Florida Commission on Human Relations (FCHR) is a Fair Housing Assistance Program (FHAP) agency and enforces Florida's state fair housing law. Substantial equivalency certification takes place when a State or local agency applies for certification and the U.S. Department of Housing and Urban Development (HUD) determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act.

HUD has a two-phase procedure for the determination of substantial equivalency certification. In the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines

⁶ <http://www.hud.gov/fairhousing>.

⁷ State of Florida, Civil Rights Statutes, Title XLIX, Chapter 760.2.

whether, "on its face," the State or local law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent on its face will result in HUD offering the agency interim certification. Interim certification is for a term of three years. An agency must obtain interim certification prior to obtaining certification.

In the second phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "in operation," the State or local law provides rights, procedures, remedies and the availability of judicial review that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent both on its face and in operation will result in HUD offering the agency certification. Certification is for a term of five years. During the five years of certification, the agency's ability to maintain certification will be assessed. After the five years of certification, if the Assistant Secretary determines that the agency still qualifies for certification, HUD will renew the agency's certification for another five years.

Substantially equivalent agencies are eligible to participate in the Fair Housing Assistance Program (FHAP). FHAP permits HUD to use the services of substantially equivalent State and local agencies in the enforcement of fair housing laws, and to reimburse these agencies for services that assist in carrying out the spirit and letter of the federal Fair Housing Act. While certification results in a shift in fair housing enforcement power from the federal government to the State or locality, the substantive and procedural strength of the federal Fair Housing Act is not compromised. Prior to certification, an agency must demonstrate to HUD that it enforces a law that is substantially equivalent to the federal Fair Housing Act.

When HUD receives a complaint and the complaint alleges violations of a State or local fair housing law administered by an interim certified or certified agency, HUD will generally refer the complaint to the agency for investigation, conciliation and enforcement activities. Fair housing professionals being based in the locality where the alleged discrimination occurred benefits all parties to a housing discrimination complaint. These individuals often have a greater familiarity with local housing stock and are in closer proximity to the site of the alleged discrimination, offering greater efficiency in case processing.

Miami-Dade County

Miami-Dade County's civil and human rights ordinance is codified as Chapter 11A of the Miami-Dade County Code, as amended.⁸ The ordinance prohibits discrimination against any person in Miami-Dade County in the area of employment, public accommodations, credit and financing practices, and housing accommodations on the basis of race, color, religion, ancestry, national

⁸ Miami Dade County Ordinance No.90-32, Chapter 11A, Article II.

origin, age, sex, pregnancy, disability, marital status, familial status or sexual orientation [veteran status and source of income to be added]. The Miami-Dade County Equal Opportunity Board (MDCEOB) was a quasi-judicial as well as an advisory board charged with the enforcement of Miami-Dade County's civil and human rights ordinance. After the filing of a formal complaint of discrimination, the MDCEOB conducted an investigation into the allegations raised in the charge. The investigation may entail the taking of testimony from the parties and witnesses, the inspection of documents, site visitations to the respondent's facilities and fact finding conferences.

During this process, early resolution is encouraged through settlement agreements. If the charge was not settled, the MDCEOB issued a recommended determination of probable cause or no probable cause. Any of the parties to an investigation may appeal the staff's determination to the members of the MDCEOB at a public hearing. The board members, who may meet in hearing panels of three or more, may uphold, modify or overturn the staff's determination. After a finding of discrimination, the chairperson, with the approval of a quorum of the members, issues an adjudicative final order including, but not limited to; 1) hiring, reinstatement or promotion, with accrued seniority and benefits, and with back pay; 2) taking affirmative action and making corrections; 3) requiring reasonable accommodations; 4) awarding costs and attorney's fees to a prevailing party; and 5) awarding and other quantifiable relief to a prevailing complainant for injuries incurred as a result of an act prohibited by Chapter 11A.

Effective February 2010, the responsibilities of the MDCEOB were transferred to the Office of Human Rights and Fair Employment Practices (OHRFEP), created by merger of the Office of Fair Employment Practices and the Office of Human Rights. The OHRFEP promotes fairness and equal opportunity in employment, housing, public accommodations, credit and financing practices, family leave and domestic violence leave in accordance with Chapter 11A of the Miami-Dade County Code.

Unlike the state fair housing law, the Miami-Dade County ordinance currently does not have substantial equivalency certification from U.S. HUD. The ordinance was designated as substantially equivalent in 1983, but has since lost the certification. Substantial equivalency certification results in housing discrimination cases having the benefit of State or local complaint processing. At the same time, the process assures that the substantive and procedural strength of the federal Fair Housing Act will not be compromised.

Private

While there are several housing counseling and other agencies in the jurisdiction who provide fair housing assistance, **HOPE** fills a unique void in this community as it is the only private, non-profit, full service, fair housing organization in Miami-Dade and Broward counties currently engaged in comprehensive education/outreach and enforcement activities.

The overall mission of HOPE is ***to fight housing discrimination in Miami-Dade and Broward counties and to promote equal housing opportunities throughout Florida.*** HOPE envisions continuing to play a major role in bringing housing discrimination to an end by empowering people through education, advocacy, and the enforcement of federal, state and local fair housing laws. HOPE employs a three-tiered strategy of Education & Outreach, Intake & Counseling and Enforcement to accomplish its mission and operates ***Fair Housing and Special Housing Programs*** under three Initiatives:

- The ***Education and Outreach Initiative*** is designed to ensure that the general public and protected classes become knowledgeable concerning fair housing laws and the means available to seek redress for fair housing rights violations, and includes private housing industry provider education programs structured to furnish developers, real estate brokers, property managers, financial institutions, and the media/advertising industry with the most current information necessary to fully comply with federal, state and local fair housing laws.
- The ***Private Enforcement Initiative*** involves testing and investigation of alleged fair housing violations in the South Florida area, the prevention and elimination of discriminatory housing practices, and pursuing the enforcement of meritorious claims. The **Housing Discrimination HELP LINE** provides complaint intake, information and referral services, counseling services, and assistance to South Florida residents seeking housing opportunities in the private housing market.
- The ***Special Housing Initiative*** is responsible for public and private relocation contracts, operates a comprehensive mobility counseling component and complies with court-ordered *consent decree* settlement responsibilities.

HOPE is a preeminent statewide catalyst in advocating fair housing initiatives and has been funded twelve (12) times under the federal (enforcement) Fair Housing Initiatives Program (FHIP) since 1993. Fair Housing enforcement activities are necessary for the intake and investigation of individual housing discrimination complaints, as well as exposing patterns and practices of housing discrimination.

HOPE fair housing specialists investigate complaints through testing, contact, and evaluation of evidence. Trained testers visit local rental and sales offices (identified in either systemic or complaint based evaluations) to obtain information regarding availability of housing, costs, and amenities. The results of these tests are evaluated by trained staff to determine if persons of protected classes are receiving equal housing opportunities.

Fair housing "testing" is a controlled method to determine differential treatment in the quality, content and quantity of information and services given to home seekers by real estate agents, leasing agents, property managers and owners. A "test" is an authentic simulation of a housing transaction used to compare the treatment of one home seeker to another to determine if there are violations of fair housing laws. The technique of "testing" involves the pairing of individuals, similar in relevant respects except for the variable being tested (e.g., race, familial status, disability). After conclusion of the contact or visit, the experiences of the two or more "testers" are compared to determine whether the alleged discrimination against the complainant exists.

Enforcement activities focus on residential housing access by targeting specific policies and practices of selected housing providers and lending institutions. The Initiative has provided an avenue to address and seek resolution of complaints regarding fair housing violations and assisted South Florida residents in achieving equal access to the housing of their choice. Complaint-based testing provides a three-fold result. First, evidence of discrimination may be collected in support of further legal action. Second, housing providers who do not comply with the fair housing laws are identified, penalized, and educated about their rights and responsibilities. Third, the enforcement activities help local jurisdictions to administer housing and community development programs in a manner that affirmatively furthers the purpose of the Fair Housing Act and, monitor their progress toward responsibly assisting all residents to overcome identified impediments to fair housing choice.

In order to be effective, HOPE has developed partnerships that leverage the education, outreach, enforcement and referral capacities of the agency including, but not limited to, the following entities:

- **U. S. Department of Justice** - strong partnership for localized complaint-based and systemic testing and funding
- **U. S. HUD** - 12-year funding for Enforcement activities that allow compliant intake, testing and investigation of allegations of fair housing law violations and the pursuit of meritorious claims through mediation or litigation; co-sponsors of training events

- **National Fair Housing Alliance (NFHA)** - membership provides important information on national fair housing/fair lending trends and issues, fair housing case law updates, access to lawmakers and financial resources to further HOPE's mission
- **NCRC** - membership provides important access to fair lending issues, legislation; provides HMDA data analyses vital to the production of accurate analyses of impediments to fair housing choice for jurisdictions
- **Legal Services of Greater Miami** - numerous two-way client referrals based on the complainant's issue; HOPE's referrals largely for predatory lending complaints
- **Broward County Legal Aid** - partnership that allows for client referrals based on issue
- **Miami-Dade Equal Opportunity Board/OHRFEP** - county organization helped found HOPE; remains a resource for complaints and referrals
- **U.S. Attorney's Office in Miami-Dade** - partnership to enforce fair housing through testing and litigation
- **Universal Truth CDC, Visions to Victory, Centro Campesino, South Florida Board of Realtists, Neighborhood Housing Services of South Florida, New Visions CDC, Urban League of Greater Miami, Brownsville CDC, Housing Foundation of America, Miami-Dade Housing Finance Authority, Miami Beach CDC, MDHA CAA, MDC ADA, Lutheran Services of Florida, Miami-Dade GBLT Chamber of Commerce/Committee, South Florida Diversity Alliance, HOPE Human Resources Development, Miami Beach Disability Access Committee, Women in Distress, Lighthouse for the Blind, Russell Reading Room, Healthy Mothers, Little Haiti Housing Authority, Center for Independent Living, Viernes Culturales/Cultural Fridays, Inc., Miami Jewish Health Systems, NANAY, The Children's Trust, Village South, Abilities United, Lutheran Youth Services;** each of these organizations operates homebuyer/other workshops/fairs with a fair housing requirement, or has a need for fair housing/fair lending education for their constituents; they partner with HOPE directly to provide their fair housing and predatory lending training and presentations to assist them in meeting federal obligations; referrals are made primarily to counseling/legal agencies for HOPE customers facing delinquency and/or foreclosure.

HOPE is contracted as a consultant by Pinellas County, City of Tampa and the City of Tallahassee for the completion of testing projects to be conducted in each jurisdiction. HOPE currently provides contractual assistance to eight (8) local government jurisdictions in meeting their federally mandated responsibilities to *affirmatively further fair housing* (Miami-Dade County, Miami, Miami Beach, North Miami, Ft. Lauderdale, Broward County, Plantation and Davie) and operates a Predatory Lending Initiative funded by Mercantil Commercebank and BankUnited.

To date, HOPE has effectively responded to more than 3,800 fair housing complaints and housing related inquiries and has trained over 2,100 volunteer testers who have effectively and impartially gathered evidence necessary to substantiate allegations of discrimination. The agency successfully enlists private laws firms and legal practitioners to contribute their services on a *pro-bono* basis for litigation or settlement of housing discrimination cases.

Fair Housing Complaint Data

The National Fair Housing Alliance's 2008 *Fair Housing Trends Report* announced that 27,023 fair housing complaints were filed nationwide in 2007.⁹ According to the report, this number represents less than one percent of the estimated incidence of illegal housing discrimination that occurs each year in the United States. Further, the report estimates that private fair housing organizations process approximately 60% more complaints than public entities. The report indicates that for the past few years, disability as a basis for discrimination has dominated the complaint load nationally.

The National Fair Housing Alliance's 2009 *Fair Housing Trends Report* announced that 30,758 complaints were filed in 2008. According to the report, an estimated 4 million violations occur each year, which shows that less than one percent of estimated incidences of illegal housing discrimination were filed. Still, the *Trends Report* notes that 2008 complaint numbers represent the highest total number of complaints ever filed. Private fair housing groups processed 20,173, or 66 percent, of the total complaint load. HUD processed 2,123 complaints and state and local agencies processed 8,429. The Department Of Justice filed 33 fair housing cases. Complaints alleging discrimination on the basis of disability continue to rank as the highest among all protected classes, except for DOJ cases that were predominately race-based.

The chart below shows the number of fair housing complaints filed across the country since 1999. These represent complaints filed by 93 members of the National Fair Housing Alliance, Fair Housing Assistance Program (FHAP) recipients (107 state and local government agencies that receive HUD funding to investigate fair housing complaints), HUD, and DOJ.

⁹ <http://www.nationalfairhousing.org/FairHousingResources/tabid/2555/Default.aspx>

NATIONAL DISCRIMINATION BY PROTECTED CLASS

	NFHA Member Complaints	FHAP Claims and Complaints	HUD Claims and Complaints	DOJ Case Filings	TOTAL
1999	11,531	3,676	2,198	48	17,453
2000	15,131	4,971	1,988	45	22,135
2001	16,550	5,041	1,902	53	23,546
2002	17,543	5,129	2,511	49	25,232
2003	17,022	5,352	2,745	29	25,148
2004	18,094	6,370	2,817	38	27,319
2005	16,789	7,034	2,227	42	26,092
2006	17,347	7,498	2,830	31	27,706
2007	16,834	7,705	2,449	35	27,023
2008	20,173	8,429	2,123	33	30,758

- Ibid. HUD, FHAP and DOJ data are for Fiscal Year 2008. DOJ data represent case filings of HUD Election and Enforcement cases, and Pattern or Practice cases. DOJ's jurisdiction under the Fair Housing Act is limited to pattern or practice cases and cases referred by HUD. HUD, FHAP and NFHA data represent fair housing complaints received and/or processed.

Residents of Miami-Dade County who believe they have experienced housing discrimination may file their complaints through the following entities: HUD's Office of Fair Housing and Equal Opportunity (FHEO), Florida Attorney General/Florida Commission on Human Relations, Miami-Dade Office of Human Rights and Fair Employment Practices, Legal Services of Greater Miami or HOPE, Inc. There is no cost for filing a complaint with any agency; fair housing complaints must be filed within one year after the discriminatory acts. As part of the research conducted for completion of this AI, these entities were contacted and requested to provide summary information regarding fair housing complaints/cases processed involving Miami-Dade residents since completion of the 2004 AI.

U. S. HUD FHEO

HOPE submitted a formal, written correspondence to HUD headquarters (Washington, D.C.) dated July 26, 2010, under the Freedom of Information Act, FOIA Control Nos: 10-F1-HQ-02371 and FI-484073, requesting complaint intake and resolution information for Miami-Dade County. HOPE received a status response dated August 30, 2010, on September 7, 2010, concluding "Any records not subject to an exemption will be forwarded to you promptly upon the completion of HUD's search and review process." To date, HOPE has not received the requested information.

Florida Commission on Human Relations

HOPE reviewed the FCHR's official website, specifically annual reports from 2004 to 2009, and hereby acknowledges the invaluable input of Regina Owens, Housing Investigations Manager.

Ms. Owens provided the following summary of the FCHR's resolution process and case activities from FY 04-05 through FY 09-10:

- The Florida Commission on Human Relations receives Fair Housing Complaints via HUD, in-person as well as on line
- Jurisdiction is established
- The complaint is transferred to one of the Investigators who contacts the parties and explains the process
- Conciliation is attempted between the parties at inception and continues throughout the investigation if not successful.
- Investigation ensues
- Determination of "Cause" or "No Cause" is provided to the parties after the written determination is reviewed and delivered to the Executive Director for signature
- If the complaint is deemed a "No Cause", Complainant has 30 days to file a Petition for Relief which affords Complainant a hearing before an Administrative Law Judge at the Division of Administrative Hearings
- If the complaint is deemed a "Reasonable Cause", Complainant has 30 days to file a Petition for Relief in which Complainant may chose one of three options:
 - (1) The Attorney General's office to pursue their case in court
 - (2) The Florida Commission on Human Relations to represent them
 - (3) Hire a private Attorney

Incoming Fair Housing Cases from Miami-Dade County FY 04-05 - FY 09-10						
	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10
Total Cases Docketed	75	20	43	64	65	64
Basis Filed of Docketed Cases						
Disability	**	**	21	33	45	41
Race	**	**	8	19	16	15
National Origin	**	**	9	9	15	16
Color	**	**	0	0	2	0
Sex	**	**	4	5	6	9
Familial Status	**	**	8	7	8	10
Religion	**	**	0	2	4	4
Retaliation	**	**	4	6	6	6
Total Bases*	**	**	54	81	102	101

*Cases can have multiple bases filed. Therefore, the total number of bases is typically greater than the number of cases filed & docketed.

**Accurate case basis information not recorded in FY 04-05 and FY 05-06.

Resolved Fair Housing Cases from Miami-Dade County FY 04-05 - FY 09-10						
	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10
Total Cases Closed	67	32	43	48	77	67
Basis Filed of Closed Cases						
Disability	**	**	20	25	54	41
Race	**	**	9	13	19	15
National Origin	**	**	8	8	17	17
Color	**	**	0	0	2	0
Sex	**	**	5	2	8	8
Familial Status	**	**	9	3	11	11
Religion	**	**	0	1	5	4
Retaliation	**	**	4	5	5	7
Total Bases*	**	**	55	57	121	103

*Cases can have multiple bases filed. Therefore, the total number of bases is typically greater than the number of cases closed.

**Accurate case basis information not recorded in FY 04-05 and FY 05-06.

A total of 331 incoming fair housing complaints/cases were received/docketed from Miami-Dade County since completion of the 2004 AI, from 04-05 to 09-10, filed on 338 protected class

bases (cases can have multiple bases, or reasons for filing the fair housing complaint; therefore, the total number of bases is typically greater than the number of cases filed and docketed). Following a peak occurring in 04-05 (75), an increasing number of fair housing complaints was filed from 05-06 (20) through 06-07 (43) and 07-08 (64), with 08-09 (65) and 09-10 (64) levels remaining constant. The number/type of bases filed during the six-year period in descending order is as follows:

Disability	140
Race	58
National Origin	49
Familial Status	33
Sex	24
Retaliation	22
Religion	10
Color	8

Disability is the overwhelming reason, with almost two and a half times more filings than the closest category, followed by Race, National Origin, Familial Status (discrimination against families with children), Sex and Retaliation.

A total of 334 cases were resolved during the same six-year period (note that cases resolved were not necessarily the same cases received as some resolved cases could have been received in a previous period, or received in the six-year period and pending resolution in a future period). Following a significant decrease in cases resolved from 04-05 (67) to 05-06 (32), an increasing number of fair housing cases were resolved from 06-07 (43), through 07-08 (48) and 08-09 (77), with a slight decrease to the 04-05 level in 09-10 (67).

The number/type of bases for resolved cases during the six-year period in descending order is as follows:

Disability	140
Race	56
National Origin	50
Familial Status	23
Sex	23
Retaliation	21
Religion	10
Color	2

Disability is the overwhelming reason for filing in resolved cases, with almost two and a half times more resolutions than the closest category, following by Race, National Origin, Familial Status (discrimination against families with children), Sex and Retaliation. Total compensation, closure type and specific litigation information was not readily accessible for Miami-Dade cases.

Miami-Dade County Office of Human Rights and Fair Employment Practices (OHRFEP)

HOPE submitted a formal written request to the OHRFEP (formerly MDCEOB) for its housing discrimination complaint intake and disposition information from 2003 through September 2010, in connection with the completion of the 2010 AI. HOPE hereby acknowledges the timely and efficient response and assistance provided by Lucia Davis-Raiford, Director, and Erin Snitzer, Esq., Legal Liaison {the Director stipulated that her office did not assume administration of the Miami-Dade Commission on Human Rights, CHR, until March 2010 and relied solely upon the data reflected in CHR's electronic case management database to provide the majority of information requested by HOPE, and thus, could not guarantee its accuracy}.

**Housing Discrimination Complaints Received by MDCEOB/Office of Human Rights
from Miami-Dade County Residents
January 1, 2003 - September 30, 2010**

	Federally Protected Classes						Additional Protected Classes by Miami-Dade County						
Year	Race	Color	National Origin	Religion	Sex	Familial Status	Disability	Retaliation	Age	Marital Status	Sexual Orientation	Other	GRAND TOTALS
2003	7	1	5	1		2	12	4		5			37
2004	8		8		1	2	4	8		5		9	45
2005	8		4	1				7		4		15	39
2006	10	2	12	5	1	1	14	10	3	6	3	6	73
2007	9		8		2	2	13	6	1	3	1	1	46
2008	14		8	1	1	2	18	10	3	9	4	1	71
2009	4	1	4				7	1					17
2010	4		18	1	3	6	3	1	2	16	4		58
GRAND TOTALS	64	4	67	9	8	15	71	47	9	48	12	32	386

A total of 386 complaints was received from 2003 to 2010, fluctuating from 37 in 2003, to 45 in 2004 and 39 in 2005. Following an all-time peak of 73 in 2006, complaints dropped significantly to 46 in 2007 and peaked again to 71 in 2008. The lowest intake ever was reached in 2009 at 17, followed by a significant increase through September of 2010 of 58 complaints received. The number of bases filed during the eight-year period in descending order is as follows:

Disability	71
National Origin	67
Race	64
Marital Status	48
Retaliation	47
Other	32
Familial Status	15
Sexual Orientation	12
Religion	9
Age	9
Sex	10
Color	4

Like the State, Disability was the largest basis/reason for complaints (18.3%), followed closely by National Origin, Race, Marital Status, Retaliation and Other (Ancestry, Pregnancy, et.al.). Familial Status, Sexual Orientation, Religion, Age, Sex and Color rounded out the bottom 15 percent of complaints filed. The following chart delineates the resolution/disposition results for all complaints received.

Disposition of Housing Complaints/Cases
Received by MDCEOB/Office of Human Rights and Fair Employment Practices
January 1, 2003 - September 30, 2010

84

	Closure Type														Sum of Total Benefit Amount
Closure Year	Administrative Closure	Conciliation Failure	CP Failed to Cooperate	CP Failed to Responc to 30-Day Letter	CP Withdrawal No Benefit	Failure to Locate Charging Party	Hearings Discrimination Finding	No Cause Finding Issued	No Jurisdiction	NRTS issued at CP Request	Settlement With Benefits	Successful Conciliation	Withdrawal with Benefits	GRAND TOTALS	
2003	2		4		2	3		26			4		3	44	\$2,200
2004	8		6		2			18			7		5	46	\$25,700
2005	7		4			1		12	2		5		6	37	\$9,475
2006	1		1		1			13	1		3	2	3	25	\$13,650
2007	2							22			6		5	35	\$16,847
2008	2	1						14	1	1	3		6	28	\$12,400
2009	3		4	1	1		1	8			1		2	21	\$550
2010	1				2			1			2			6	
GRAND TOTALS	26	1	19	1	8	4	1	114	4	1	31	2	30	242	\$80,822

Final disposition/closure was determined for a total of 242 complaints from January 2003 to September 2010. "No Cause" findings were issued (no evidence of discrimination could be determined) in 47 percent of the cases, while "Settlement with Benefits" was determined in 12.8 percent, compared to "Withdrawal with Benefits" findings in 12.3 percent of the closures. The sum of total benefit amounts determined was \$80,822, with the highest annual benefit amount at \$25,700 in 2004.

Legal Services of Greater Miami

LSGM indicated it does not track housing discrimination complaints per se, and often refers clients alleging fair housing law violations to HUD, the FHRC and HOPE for investigation (see section on litigation filed).

HOPE

The general process for complaint resolution involves, but is not restricted to, the following: (1) Inform complainant whether his/her issue constitutes a violation of fair housing laws; (2) If so, contact all parties/examine documents to gather information; (3) depending on the nature/legality/severity of the violation, HOPE may a) attempt to educate each party, if feasible, to achieve a resolution; b) test the subject property to determine if a provider is, in fact, discriminating in violation of fair housing laws; and/or, c) refer the complainant to pro bono legal assistance, US HUD, others; (4) If the complaint does not constitute a violation of fair housing laws, HOPE staff will provide any relevant information available to assist, and/or refer the person to the appropriate agency/services. HOPE does not provide legal advice.

For the seven calendar years from January 2004 to 2010 (up to September 30th), HOPE's Discrimination **HELP LINE** received 1,445 inquiries/referrals (I & R) of which 391 (or 27%) were fair housing discrimination complaints, an 18 percent increase over FHRC cases for a similar period. Following an all-time peak in 2004 (129), discrimination complaints dropped drastically in 2005 (48), increased significantly in 2006 (73), dropped drastically in 2007 (26), increased significantly in 2008 (43), remained constant in 2009 (45) and reached 27 by September 30, 2010.

HOPE, Inc.
Miami-Dade County
Fair Housing Complaints by Protected Class/Basis
Calendar Years 2004 - 2010

Protected Class/Basis	2004	2005	2006	2007	2008	2009	2010 thru 9/30	TOTALS
Race	69	19	33	9	12	16	7	165
Color				1				1
Disability	18	21	27	7	22	19	7	121
Familial Status	11	3	3	3	5	2	3	30
Sex	3	1	1				1	6
National Origin	25	3	8	3		3	3	45
Religion	1							1
Other Ancestry/Pregnancy, et.al.			1			3	3	7
Age	2				2	2		6
Marital Status				1				1
Sexual Orientation		1		2	2		3	8
TOTALS	129	48	73	26	43	45	27	391

The number of protected class/bases of complaints received during the same period in descending order is as follows:

Race	165
Disability	121
National Origin	45
Familial Status	30
Sexual Orientation	8
Other (Ancestry/Pregnancy)	7
Sex	6
Age	6
Color	1

Religion 1
Marital Status 1

Race (42.1%) and Disability (30.9%) account for the overwhelming majority of complaints, followed by National Origin (11.5%) and Familial Status (7.6%), while Sexual Orientation, Other, Sex and Age together account for 6.9 percent. Color, Religion and Marital Status account for less than one percent of complaints.

The following chart illustrates the types of complaints received as a function of the alleged bases. In accordance with reporting requirements for enforcement funding, six type categories are listed: Rental, Sales, Lending/Appraisal, Insurance, Harassment, and Accommodations/Modifications.

HOPE, Inc.

Miami-Dade County

Fair Housing Complaints by Type January 1, 2004 - September 30, 2010

Protected Class/ Basis	RENTAL	SALES	LENDING/ APPRAISAL	INSURANCE	HARASSMENT	I & R	ACCOMMODATIONS/ MODIFICATIONS	TOTALS
Race	111	24	3		3	4	20	165
Color	1							1
Disability	105	16						121
Familial Status	29	1						30
Sex	6							6
National Origin	25	19	1					45
Religion	1							1
Other (Ancestry/Pregnancy/et.al.)	7							7
Age	6							6
Marital Status		1						1
Sexual Orientation	5				3			8
I & R						1054		1054
TOTALS	296	61	4	0	6	1058	20	1445

The overwhelming majority of complaints were related to Rental transactions (75.7%), followed by Sales (15.6%), Accommodations/Modifications (5.2%), Harassment (1.5%), Lending/Appraisal (1%), and Other (1%).

Fair Housing Implications: Significant numbers of housing discrimination complaints indicate the need for on-going and increased enforcement and educational efforts.

Fair Housing Discrimination Litigation Filed

Legal Services of Greater Miami

The following summary was provided by Jeffrey Hearne, Senior Attorney. HOPE, hereby, acknowledges his time and valued assistance in this regard:

Since 2004, LSGM has filed three federal lawsuits under the Fair Housing Act (against the Hialeah Housing Authority). Two of the lawsuits (*de la Rosa v. HHA* and *Gilchrist v. HHA*) included situations where the housing authority was alleged to have discriminated on the basis of disability. HHA refused to accept medical documentation from disabled tenants which stated that the tenant needed a live-in aide in order to fully use and enjoy their residence. The suits were filed for HHA's discrimination based upon disability and its failure to provide a reasonable accommodation. Both of these cases settled.

Last year LSGMI and the Florida Justice Institute filed suit against HHA for improperly denying Section 8 voucher applicants by requesting unnecessary documentation. For some of the plaintiffs, HHA refused to accept documentation from Social Security indicating that the individual was disabled. Another plaintiff was visually impaired and HHA refused to provide him with an accommodation so he could apply for a Section 8 voucher. The lawsuit seeks systemic changes to the way HHA processes Section 8 applications and treats disabled individuals. The case is still pending.

On a regular basis, LSGM raises fair housing defenses in eviction proceedings. Most cases involve a landlord's failure to provide a reasonable accommodation for a disabled tenant. Many times Miami-Dade County through its Housing Agency is responsible for the discrimination. Below are a few examples of how LSGMI raises fair housing issues in evictions:

- Miami-Dade Public Housing Agency (PHA) refused to allow the adult son of a mentally disabled resident to complete the annual recertification as an accommodation. Instead, the PHA filed an eviction against the family and LSGM raised fair housing as a defense to the eviction. The case was subsequently settled and the family remained residents of public housing.
- Miami -Dade PHA filed an eviction against a disabled public housing resident who got into a fight with another resident. The tenant was diagnosed with schizo-affective disorder which was a significant factor in the altercation. LSGM requested a reasonable accommodation on behalf of the tenant and she remains a tenant in public housing.
- HHA filed an eviction against a public housing tenant because she did not have gas service in her unit. However, the tenant did not have gas service because she was disabled from sinusitis and the gas fumes caused her great discomfort. LSGM asked

HHA to withdraw the eviction as a reasonable accommodation and allow an exception for the gas requirement. The case is still pending.

Cases involving clients who hoard items are typical and difficult to deal. Many times the landlord will file an eviction against the tenant for having too many items in the unit. Frequently, the hoarding is related to a mental disability. While LSGM often requests reasonable accommodations to allow more time to clean the unit, unfortunately, there are few resources in Miami-Dade County to assist an individual who struggles with hoarding and needs both mental health services and social services.

LSGM is vigilant about fair housing violations in homeownership cases and occasionally raises them in court. For example, one such case involved alleging racial discrimination against a company which targeted African-American homeowners in foreclosure. The company would tell the homeowners that it would help them refinance their homes, when in fact, the homeowners would sign the title to the home over to another individual and the company would "cash out" any equity. In another case, LSGM represented a homeowner who fell behind on his mortgage payments and was assisting the homeowner to obtain a modification of his mortgage. The homeowner had Parkinson's disease, which made it difficult for him to sign documents. The bank refused to speak with LSGM because the signature on the release did not match the signature on the mortgage. We explained that client had difficulty signing documents because of his disability. The bank continued to reject the release, even after it was explained that the client suffered from Parkinson's. LSGM filed an administrative fair housing complaint based on disability discrimination with HUD, who referred the complaint to the Florida Commission on Human Relations. The matter was resolved with the client obtaining a loan modification.

HOPE

While HOPE has filed several additional discrimination lawsuits since completion of the 2004, only those filed regarding Miami-Dade properties, or having an impact on Miami-Dade properties/state case law, are included herein.

Milsap, et.al. v. Cornerstone, et.al.

In 2005, HOPE, Inc. was one of five plaintiffs to file a class action lawsuit against Cornerstone, a prominent affordable housing developer and property manager, alleging violations of the Fair Housing Act for denial of rental opportunities, discrimination in the terms, conditions and privileges of a housing opportunity, and disparate impact based on familial status. Cornerstone established occupancy restrictions for all of its properties, most of which limited occupancy to less than two persons per bedroom. Plaintiffs alleged one of Cornerstone's properties enforced a written "one child per bedroom" policy made available at the front desk and given to potential renters prior to being provided an application. AS a result of these occupancy restrictions, families who exceeded them were denied housing or were forced to rent larger units, leading to higher housing costs for these families. While Cornerstone Residential

Management, Inc. denied violating the federal and Florida Fair Housing Acts or engaging in any wrongful conduct, the case settle in early June 2010. The terms of the settlement include undisclosed relief for the individual plaintiffs and implementation of policies that will increase the availability of affordable housing opportunities to families with children at over 7,500 affordable housing units managed by Cornerstone in and out of Miami-Dade and Broward counties. Cornerstone also agreed to ongoing training for its employees, and maintaining occupancy standards that are not less than two persons per bedroom (excluding infants under two years of age). HOPE is responsible for monitoring the company's efforts to promote fair housing and to conduct fair housing training for all employees of the defendant who have a responsibility for showing, renting, or managing dwellings at the residential rental properties in Miami-Dade and Broward counties.

Significant Ruling

In Milsap v. Cornerstone the federal district court rejected a Florida state appellate court decision (Belletete v. Halford) that created case law that requires any person seeking to enforce his/her fair housing rights under the Florida Fair Housing Act (FFHA) to first file an administrative complaint with the Florida Commission on Human Relations. The Court in Milsap was of the opinion that the Florida Supreme Court would not require exhaustion of administrative remedies as a prerequisite to filing a claim under the FFHA in court, further stating that the legislative history, express language, spirit and intent of the FFHA are in direct contradiction to the Belletete ruling.

Gyori, et.al. v. Key Colony Condominium Association, et.al.

On January 18, 2006, HOPE, Inc. joined three families in filing a lawsuit against Key Colony Condominium Association, Inc. (aka Botanica), a luxury condo association located in Key Biscayne, alleging that Botanica had been discriminating against families with children enforcing a four-person occupancy limitation on all new rentals or purchases of property (units priced at more than \$600,000 and large enough to comfortably hold a family of six), denying owners the opportunity to rent to families with more than two children and enforcing rules that deliberately targeted children prohibiting them from making loud noises, playing and loitering in the building, and fining them for acting like children. In August 2007, the several parties of the lawsuit entered into a settlement agreement and consent decree, without any admission of liability by the defendants. The terms of the settlement required amending the condo association rules to allow a) two persons per bedroom; b) new bedrooms may be added to all units as long as such additions comply with applicable zoning and building codes; c) all current occupants will not have to comply with previous occupancy standards; new minor children of current occupants will not be subject to restrictions set forth in a) ; d) future purchasers of named plaintiffs' units shall also be considered to own three-bedroom units; e) no grandfathering in for subsequent sales or transfers of units except to the extent the provisions in d) apply. The \$750,000 settlement was the largest of its kind at the time the consent decree was entered.

Dugoirand v. Alhambra Cove Associates

In June 2005 the plaintiffs alleged that the defendants, Alhambra Cove Associates, LTD and Cornerstone Residential Management, Inc., used a request for a specific identification card as a pretext to deny the Dugoirands an apartment when such requirements are not a demand of the application documentation. The Dugoirands had provided income documentation from the City of Miami's Housing Opportunities for Persons With Aids (HOPWA) program. The housing discrimination case based on disability was filed in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County. The parties were able to reach a confidential settlement agreement.

Significant Ruling

The Dugoirand case is also noteworthy because the court also rejected Belletete; however, more importantly, the court specifically declined to follow the opinion of a higher State court in Florida on this issue.

Bravo v. Eden Isles Condominiums, Inc. and Jonathan Marks

This lawsuit was filed on August 27, 2009, in the U.S. District Court for the Southern District of Florida by HOPE and a single mother of three who was denied the opportunity to rent a condominium because of the presence of children in the family, alleging that the property illegally operates as housing for older persons.

Status: Pending

Notable Resolution-Conciliation Agreement Reached in Miami-Dade County Familial Status Case

The complainant and his 9-year-old son migrated from Cuba to Miami and moved into a mobile home with a relative. The nightmare started when the management of the mobile home park sought to enforce *Rule 16* of the park's regulations requiring the complainants to submit a copy of the 9-year-old's report card, which included a failing conduct grade from the last quarter of the previous school year. In response to this grade, management threatened to evict the family for a negative character reference and required the family to submit a signed letter from the school officials attesting to the child's conduct and behavior. Despite all efforts from the teacher and a glowing recommendation from the teacher, the park management again threatened to evict the family unless all adults inhabiting the unit agreed to sign a notarized letter promising to submit report cards for the child on a quarterly basis for the entire school year. Additionally, if the child did not sustain the grade or conduct, they would be evicted. HOPE immediately referred the case to attorney Matt Dietz. After significant television media coverage, the management company was prompted to finally and fully approve the complainant to live in the park.

Private

Hicks, et al. v. Rebuilding Our Community, et al.¹⁰

Three African-American families, who were first-time home buyers, signed contracts to purchase and had their homes sold to White, Hispanic buyers. The developer was sued for housing discrimination on the basis of race and breach of contract. The homes, subject to the lawsuit, are located in areas neighboring Florida Memorial College which is located in the City of Opa-Locka. It is uncertain as to whether or not the homes are actually located within the City's boundaries. The case settled in mediation. The amount and terms of settlement are confidential.

Guzman, et al v. Raquetclub, LLC., et al.¹¹

A visually impaired woman and companion alleged that a property with a "no pet" policy refused to allow her to apply to rent an apartment because of her guide dog. Twin Lakes Racquet Club Apartments is located just outside of the City of Miami Garden's boundaries. The case settled in mediation. The amount and terms of settlement are confidential.

Bloomberg vs. Tower 41 Association

Plaintiff alleged discrimination based on sexual orientation. The Plaintiff alleges that he was approved to rent a condo until the association's representatives realized that two men would be sharing the unit. A conciliation agreement was reached wherein the Plaintiff was reimbursed for costs and fees associated with the rejection.

Fair Housing Implications: Documented incidents of housing discrimination evidenced by testing/litigation results indicate the need for housing providers geared toward compliance and support of public and private enforcement efforts.

V. Lending Data & Analysis

Introduction

According to the official Miami-Dade County website (*About Miami-Dade County: Statistics*), Miami-Dade is the financial capital of Latin America and the Caribbean with:

¹⁰ Filed in 2005 by the Florida Justice Institute in the United States District Court, Southern District of Florida, Civil Division, Case No. 05-20083-CIV

¹¹ Filed in 2005 by The Law Office of Matthew Dietz in the United States District Court, Southern District of Florida, Civil Division, Case No. 06-24037-CA-08

38 State licensed foreign bank agencies with \$12.5 billion in deposits
13 Edge Act banks with \$7 billion in deposits
59 Commercial banks and 11 thrift institutions with \$38.8 billion in deposits
550+ multinational corporations
61 foreign consulate offices
25 foreign trade offices
40 bi-national chambers of commerce

Barriers to full access to home mortgage lending, however, have historically been encountered by different ethnic and racial groups. These barriers have typically been identified by higher rejection and failure rates for loan applications. In 1975, Congress enacted the Home Mortgage Disclosure Act (HMDA) in response to the widespread practice of mortgage "redlining," the systematic exclusion of minority neighborhoods in the marketing or originating of home loans. HMDA requires that certain financial institutions (banks, savings associations, credit unions, and other mortgage lending institutions) make public a wide range of loan application data on loan approval decisions, borrower demographics, and property characteristics. Home mortgage disclosure information is used in AI's to examine fair lending practices within a jurisdiction. Such information helps to further illustrate the types of fair housing impediments that may exist.

HMDA Data Analysis

HOPE utilizes LendingPatterns™ software¹² in order to obtain HMDA data for specific geographical areas. LendingPatterns™ is a web-based data mining and exploration tool that analyzes millions of records for thousands of lenders to produce reports on numerous aspects of mortgage lending in America. Lending data for a period of six years (2004-2009) for Miami-Dade County was obtained in order to identify patterns and disparities in home mortgage lending since completion of the 2004 AI. This analysis is based on the following parameters:

- All lenders
- Loan Amount: Conforming and Jumbo
- Loan Status: Secured by First Lien
- Loan purpose: Home Purchase and Refinancing loans
- Property Type: 1-4 Unit Family
- Loan Type: Conventional, FHA and VA loans
- Occupancy Type: Owner Occupied and Non-Owner Occupied
- Spread: Reported and Not Reported

LendingPatterns™ allows the user to isolate a specific geographical area by census tract. The census tract locations for the HMDA data are based on the 2000 census and include all loans in the census tracts within the boundaries of Miami-Dade County.

¹² More information about LendingPatterns™ software is available at www.lendingpatterns.com.

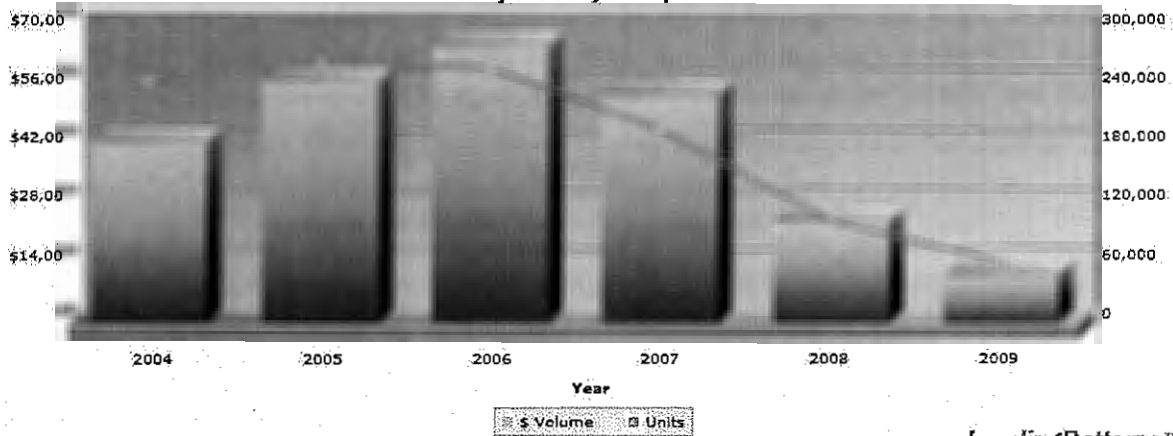
Table 19: Miami-Dade County Census Tracts included in Lending Analysis						
1.06	1.08	1.09	1.10	1.11	1.12	1.13
1.14	1.15	1.16	2.01	2.02	2.03	2.04
2.05	2.06	2.08	2.09	2.10	3.01	3.02
3.04	3.05	3.06	4.01	4.02	4.03	4.04
4.05	4.06	4.07	4.08	5.01	5.02	5.03
6.01	6.02	6.03	6.04	6.05	6.06	7.03
7.04	7.05	7.06	7.07	7.08	8.01	8.03
8.04	9.01	9.02	9.03	10.02	10.03	10.04
10.05	10.06	11.01	11.02	11.03	11.04	12.02
12.03	12.04	13.01	13.02	14.01	14.02	15.01
15.02	16.01	16.02	17.01	17.02	17.03	18.01
18.02	18.03	19.01	19.03	19.04	20.01	20.03
20.04	21	22.01	22.02	23	24.01	24.02
25	26	27.01	27.02	28	29	30.01
30.03	30.04	31	34	36.01	36.02	37.01
37.02	38.01	38.02	39.01	39.04	39.05	39.06
39.07	39.08	40	41.01	41.02	42.01	42.02
43	44.01	44.02	45	46.01	46.02	47.01
47.02	47.03	48	49.01	49.02	50.01	50.02
51	52.01	52.02	53.01	53.02	54.01	54.02
55.01	55.02	56	57.01	57.03	57.04	58.01
58.02	59.01	59.02	59.03	59.04	60.01	60.02
61.01	61.02	62	63.01	63.02	64.01	64.02
64.03	65	66.01	66.02	67.01	67.02	68
69	70.01	70.02	71	72	73	74
75.01	75.02	75.03	76.01	76.02	76.03	76.04
77.01	77.02	77.03	78.01	78.02	78.03	79.01
79.02	80	81	82.01	82.03	82.04	83.03
83.04	83.05	83.06	83.07	84.05	84.07	84.09
84.10	84.11	84.12	84.13	84.14	84.15	85.01
85.02	86.01	86.02	87	88.01	88.03	88.04
89.01	89.02	89.04	89.05	90.06	90.07	90.08
90.09	90.10	90.11	90.12	90.13	90.14	90.15
90.16	90.17	90.18	90.19	91	92	93.04
93.05	93.06	93.07	93.08	93.09	93.10	93.11
94	95.01	95.02	96	97.01	97.02	98.01
98.02	99.01	99.02	99.03	99.04	100.01	100.02
100.05	100.06	100.07	100.09	100.10	101.11	101.14
101.24	101.25	101.29	101.30	101.31	101.32	101.33

101.34	101.35	101.36	101.37	101.38	101.39	101.40
101.41	101.42	101.43	101.44	101.45	101.46	101.47
101.48	101.49	101.50	101.51	101.52	101.53	101.54
101.55	101.56	101.57	101.58	101.59	101.60	101.61
101.62	101.63	101.64	101.65	101.66	101.67	101.68
101.69	101.70	101.71	101.72	101.73	101.74	101.75
101.76	101.77	101.78	102.01	102.03	102.04	102.05
102.06	103	104	105	106.02	106.04	106.05
106.06	106.07	107.02	107.03	107.04	108	109
110.01	110.03	110.04	111	112.01	112.02	113
114.01	114.02	115	4901			

Over the six years from 2004 to 2009, overall lending activity by volume and units rose until it declined in 2007, and has continued to decline since then.

Chart 1

Yearly Activity Comparison

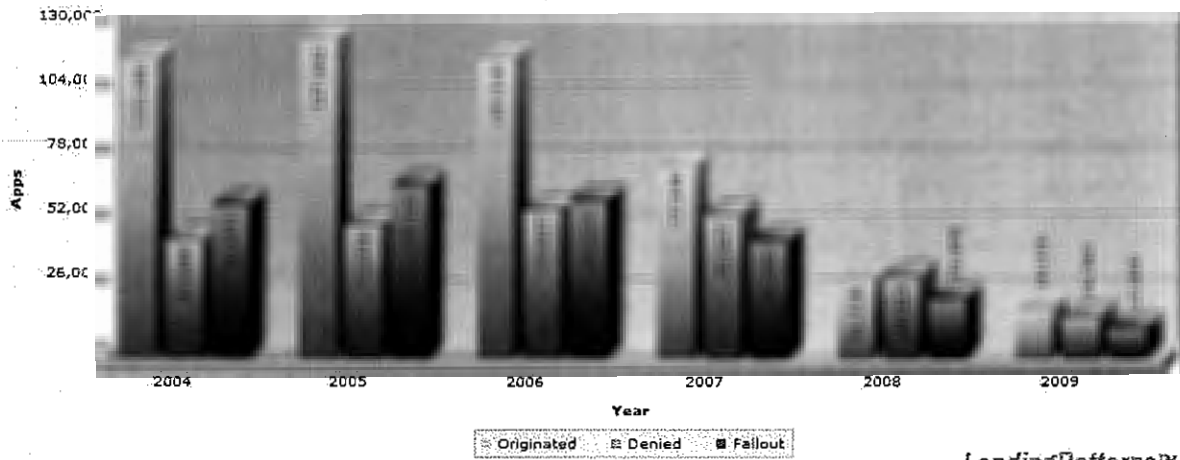


LendingPatterns™

From 2004 to 2009, the number of originated applications rose in 2005 and then declined each following year. The number of denied applications climbed until 2006 and then declined. The number of fallout applications rose in 2005 and then declined each following year.

Chart 2

Origination, Denial and Fallout Distribution
Miami-Dade County, FL

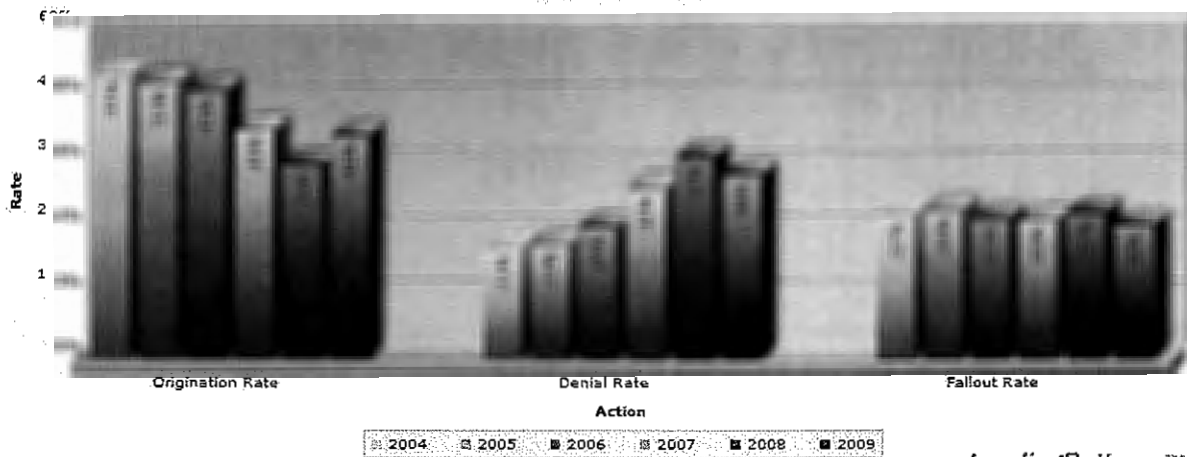


LendingPatterns™

From 2004 to 2009, the origination rate of applications declined until 2009, at which time it increased. The denial rate climbed until 2009, at which time it decreased. The fallout rate fluctuated over the six years, but only in the limited range of 25% to 28%.

Chart 3

Origination, Denial and Fallout Rate Trend
Miami-Dade County, FL

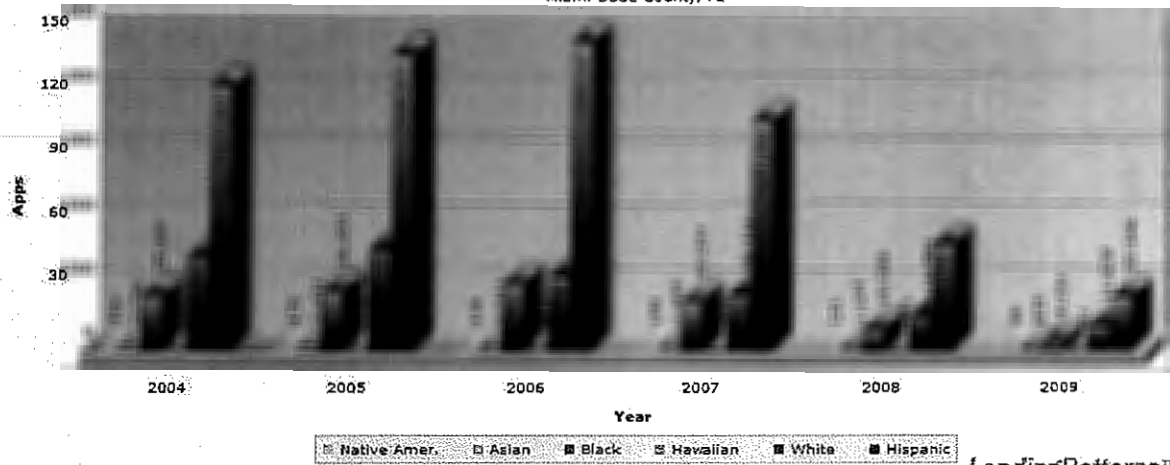


LendingPatterns™

Over the six years from 2004 to 2009, Hispanic applicants consistently submitted the highest numbers of applications, followed by White applicants, then Black applicants.

Chart 4

Applicant Race Distribution
Miami-Dade County, FL

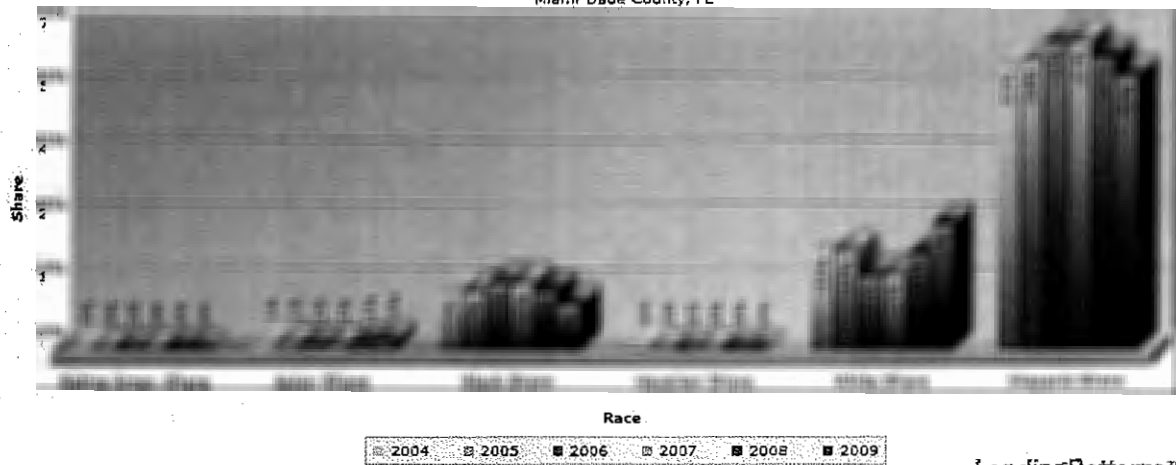


LendingPatterns™

Subsequently, over the six years from 2004 to 2009, Hispanic applicants consistently submitted the largest share of the applications, followed by White applicants, then Black applicants.

Chart 5

Applicant Race Trend
Miami-Dade County, FL



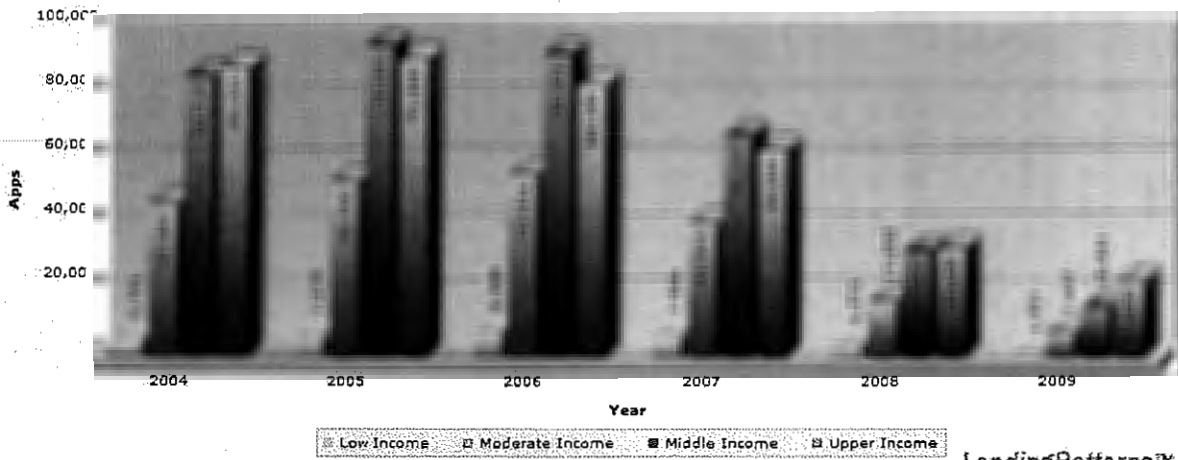
LendingPatterns™

In 2004, 2008, and 2009, upper income tracts had the highest number of applications. From 2005 to 2007, middle income tracts had the highest numbers of applications, followed by upper income tracts, then moderate income tracts.

Chart 6

Tract Income Distribution

Miami-Dade County, FL



LendingPatterns™

Following this trend, in 2004, 2008, and 2009, upper income tracts represented the largest share of applications. From 2005 to 2007, middle income tracts represented the largest share of applications, followed by upper income tracts, then moderate income tracts.

Chart 7

Tract Income Trend

Miami-Dade County, FL



LendingPatterns™

In 2004, there were a total of 229,360 loan applications. Of all the loan applications, 120,280 or 52.44% were originated and 47,649 or 20.77% were denied. With respect to loan decisions by race and ethnicity, Hispanic applicants had the greatest numbers across all the loan decisions, but also represent the largest volume of applications. White (57.76%), Hispanic (57.15%), and

Asian (54.59%) applicants had a greater chance to have a loan originated out of applications than Blacks (45.24%). Black applicants were also more likely to be denied a loan (26.66%) than White (16.59%), Asian (18.61%), and Hispanic (19.37%) applicants.

Table 1: All Loans 2004

Race	Originations		Denial	Total Apps	
White	25,388	57.36	7,290	18.18	45,254
Black	33,706	45.24	6,398	26.66	25,287
Hispanic	70,488	57.15	23,897	19.37	1,235,985
Asian	1,788	54.59	896	18.61	2,398
Native American	253	35.20	108	25.29	588
Hawaiian	315	45.42	136	22.88	487
MultiRace	177	45.58	85	25.45	357
Unk/NA	10,444	30.18	8,718	27.37	30,187
Totals	120,280	52.44	47,649	20.77	229,360

In 2005, there were a total of 250,222 loan applications. Of all the loan applications, 127,662 or 51.02% were originated and 53,538 or 21.40% were denied. With respect to loan decisions by race and ethnicity, Hispanic applicants had the greatest numbers across all the loan decisions, but also represent the largest volume of applications. When the numbers are analyzed individually by race and ethnicity, White (55.49%), Asian (53.21%), and Hispanic (55.66%) applicants had a greater chance to have a loan originated than Blacks (43.81%). White applicants were also less likely to be denied a loan (18.22%) than Black (26.42%), Hispanic (20.33%), and Asian (20.59%), and applicants.

Table 2: All Loans 2005

Race	Originations		Denials	Total Apps	
White	26,308	55.49	8,640	18.22	47,413
Black	12,376	43.81	7,464	26.42	28,251
Hispanic	77,000	55.66	28,131	20.33	138,352
Asian	1,432	53.21	554	20.59	2,691
Native American	153	35.66	67	15.62	429
Hawaiian	315	54.50	105	18.17	578
MultiRace	188	45.52	103	24.94	413
Unk/NA	9,890	30.81	8,474	26.40	32,095
Totals	127,662	51.02	53,538	21.40	250,222

In 2006, there were a total of 243,096 loan applications. Of all the loan applications, 120,316 or 49.49% were originated and 59,657 or 24.54% were denied. With respect to loan decisions by race and ethnicity, Hispanic applicants had the greatest numbers across all the loan decisions, but also represent the largest volume of applications. When the numbers are analyzed individually by race and ethnicity, White (51.48%), Asian (53.30%), and Hispanic (53.96%) applicants had a greater chance to have a loan originated than Blacks (43.54%). White applicants were also less likely to be denied a loan (21.95%) than Black (28.48%) and Hispanic (23.81%) applicants.

Table 3: All Loans 2006

Race	Originations		Denial		Total Apps
White	18,006	51.48	7,678	21.95	34,980
Black	13,743	43.54	8,990	28.48	31,567
Hispanic	77,709	53.96	34,291	23.81	144,017
Asian	1,083	53.30	431	21.21	2,032
Native American	131	41.46	83	26.27	316
Hawaiian	178	44.50	112	28.00	400
MultiRace	175	34.45	76	14.96	508
Unk/NA	9,291	31.74	7,996	27.31	29,276
Totals	120,316	49.49	59,657	24.54	243,096

In 2007, there were a total of 181,986 loan applications. Of all the loan applications, 77,249 or 42.45% were originated and 57,677 or 31.69% were denied. With respect to loan decisions by race and ethnicity, Hispanic applicants had the greatest numbers across all the loan decisions, but also represent the largest volume of applications. When the numbers are analyzed individually by race and ethnicity, White (46.54%), Asian (46.79%), and Hispanic (45.42%) applicants had a greater chance to have a loan originated than Blacks (37.48%). White applicants (27.63%) were also less likely to be denied a loan than Black (36.97%), Hispanic (31.44%), and Asian (29.66%) applicants.

Table 4: All Loans 2007

Race	Originations		Denial		Total Apps
White	12,248	46.54	7,272	27.63	26,317
Black	8,716	37.48	8,599	36.97	23,257
Hispanic	48,751	45.42	33,750	31.44	107,332
Asian	751	46.79	476	29.66	1,605
Native American	70	35.18	67	33.67	199
Hawaiian	111	33.53	114	34.44	331
MultiRace	104	41.43	90	35.86	251
Unk/NA	6,498	28.63	7,309	32.21	22,694
Totals	77,249	42.45	57,677	31.69	181,986

In 2008, there were a total of 88,479 loan applications. Of all the loan applications, 31,728 or 35.86% were originated and 32,913 or 37.20% were denied. With respect to loan decisions by race and ethnicity, White applicants had the greatest numbers across all the loan decisions, but also represent the largest volume of applications. When the numbers are analyzed individually by race and ethnicity, White applicants (41.03%) had a greater chance to have a loan originated than Blacks (30.34%), Hispanic (36.25%), and Asian (36.42%) applicants. White (32.24%) and Asian (35.89%) applicants were less likely to be denied a loan than Black (44.39%) and Hispanic (37.19%) applicants.

Table 5: All Loans 2008

Race	Originations	Denial	Total
-------------	---------------------	---------------	--------------

	Apps				
White	16,782	44.63	3,630	31.08	11,678
Black	1,400	33.09	1,681	39.73	4,231
Hispanic	10,945	43.18	8,444	33.31	25,346
Asian	325	38.92	298	35.69	835
Native American	22	37.29	19	32.20	59
Hawaiian	26	32.10	31	38.27	81
MultiRace	35	29.91	54	46.15	117
Unk/NA	2,055	32.95	2,406	38.58	6,236
Totals	31,728	35.86	32,913	37.20	88,479

In 2009, there were a total of 48,583 loan applications. Of all the loan applications, 20,020 or 41.21% were originated and 16,563 or 34.09% were denied. With respect to loan decisions by race and ethnicity, White applicants had the greatest numbers across all the loan decisions, but also represent the largest volume of applications. When the numbers are analyzed individually by race and ethnicity, White (44.63%), Asian (38.92%), and Hispanic (43.18%) applicants had a greater chance to have a loan originated than Blacks (33.09%). White applicants were also less likely to be denied a loan (31.08%) than Black (39.73%), Hispanic (33.31%), and Asian (35.69%) applicants.

Table 6: All Loans 2009

Race	Originations		Denials		Total Apps
White	5,212	44.63	3,630	31.08	11,678
Black	1,400	33.09	1,681	39.73	4,231
Hispanic	10,945	43.18	8,444	33.31	25,346
Asian	325	38.92	298	35.69	835
Native American	22	37.29	19	32.20	59
Hawaiian	26	32.10	31	38.27	81
MultiRace	35	29.91	54	46.15	117
Unk/NA	2,055	32.95	2,406	38.58	6,236
Totals	20,020	41.21	16,563	34.09	48,583

From 2004 through 2009, Black applicants consistently had the lowest rate of loan origination. During those years, White, Hispanic, and Asian applicants switched frequently as far as having the highest rate. (See Chart 8 below)

For the six-year period examined, Black applicants have consistently had highest rate of denial. White applicants had the lowest rate of denial each year except for 2006, when Asian applicants had the lowest rate. (See Chart 9 below)

Chart 8: Percentage Rate of Loan Origination by Race

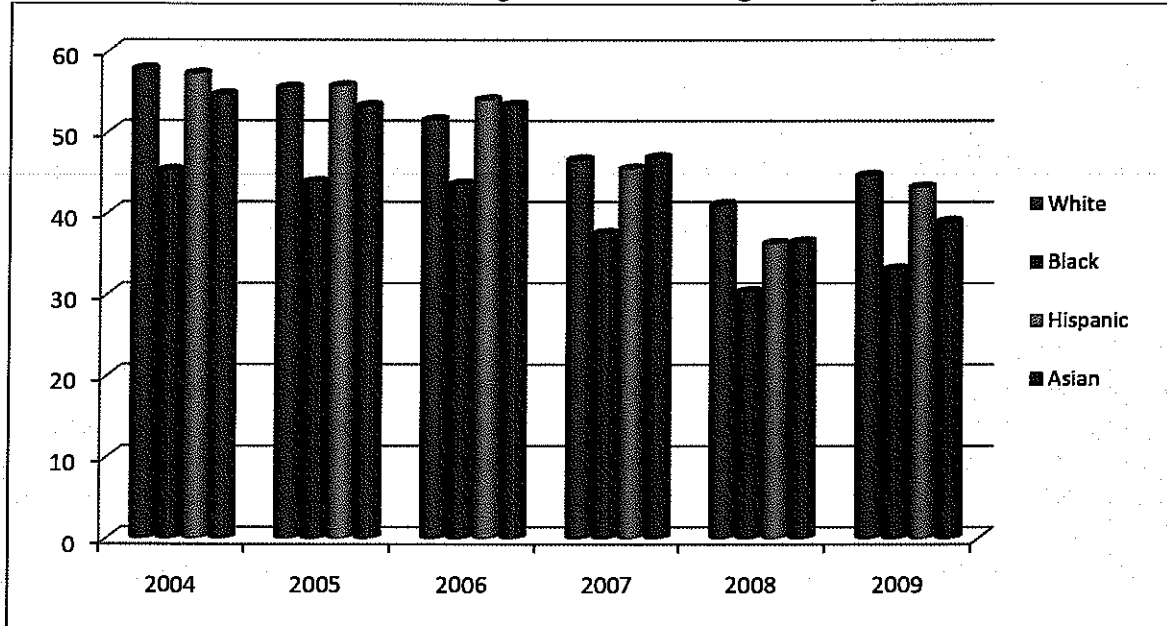
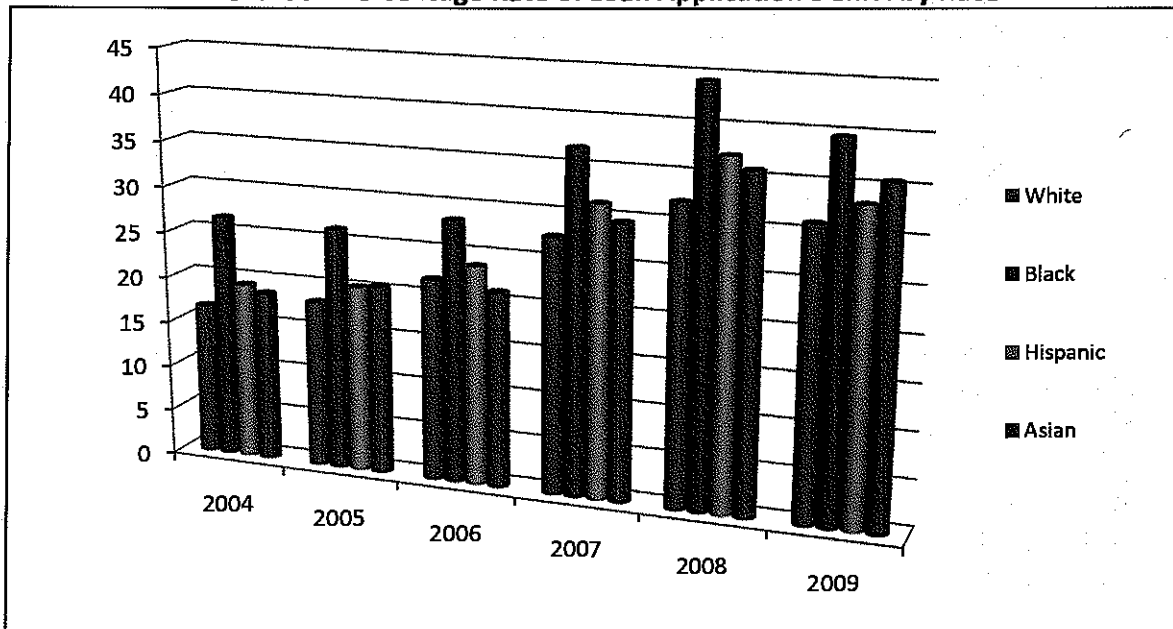


Chart 9: Percentage Rate of Loan Application Denial by Race



Subprime/High-Cost Loans

One of the most important changes to HMDA is the recent inclusion of limited pricing information related to the annual percentage rate (APR) of certain loans. For loans originated in 2004, lenders were required to report the spread between the APR of designated loans and the yield on a U.S. Treasury security of comparable maturity. Specifically, lenders submitted this information on first lien loans if the spread was at or above three percentage points, and they submitted this information on subordinate liens if the spread was at least five points. Loans with APRs high enough to require the disclosure of this spread are referred to as "higher-rate" loans.

Information on higher-rate loans makes it possible to use HMDA data to detect disparities in loan dispositions (i.e., the proportion of loans that were approved or denied) between demographic groups, as well as differences in loan pricing. Since borrowers can be vulnerable to discrimination at both the underwriting and pricing stages of the loan process, the ability to detect discriminatory patterns in both areas is critical for ensuring that all racial and ethnic communities have an equal opportunity to build home equity.

As demonstrated in Chart 10 below, from 2004 through 2009, Black borrowers consistently had the highest rate of high cost loan origination. In 2005 and 2006, over half of the loans made to Black borrowers were high cost loans. Black borrowers also had the highest average loan spread (see Table 8 and Chart 11 below).

Table 7: Percentage of High Cost Loans by Race

	White	Black	Hispanic	Asian
2004	11.34%	37.03%	18.40%	10.86%
2005	21.36%	55.47%	38.90%	21.79%
2006	28.92%	56.35%	45.24%	28.81%
2007	18.80%	41.36%	31.61%	21.84%
2008	8.04%	21.44%	12.65%	5.57%
2009	4.14%	12.43%	7.79%	6.15%

Chart 10: Comparison of Rate of High Cost Loans by Race

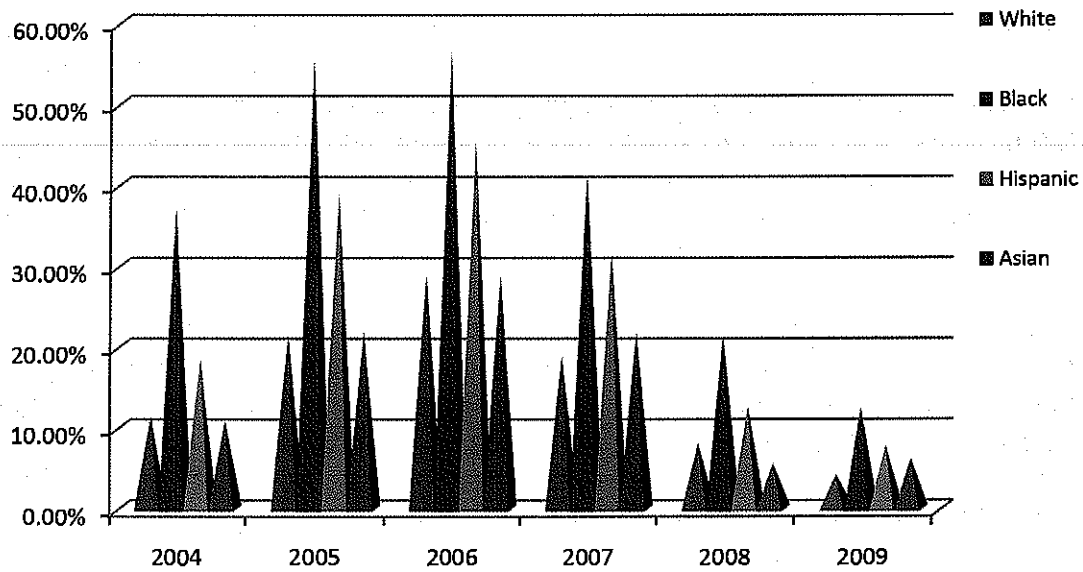
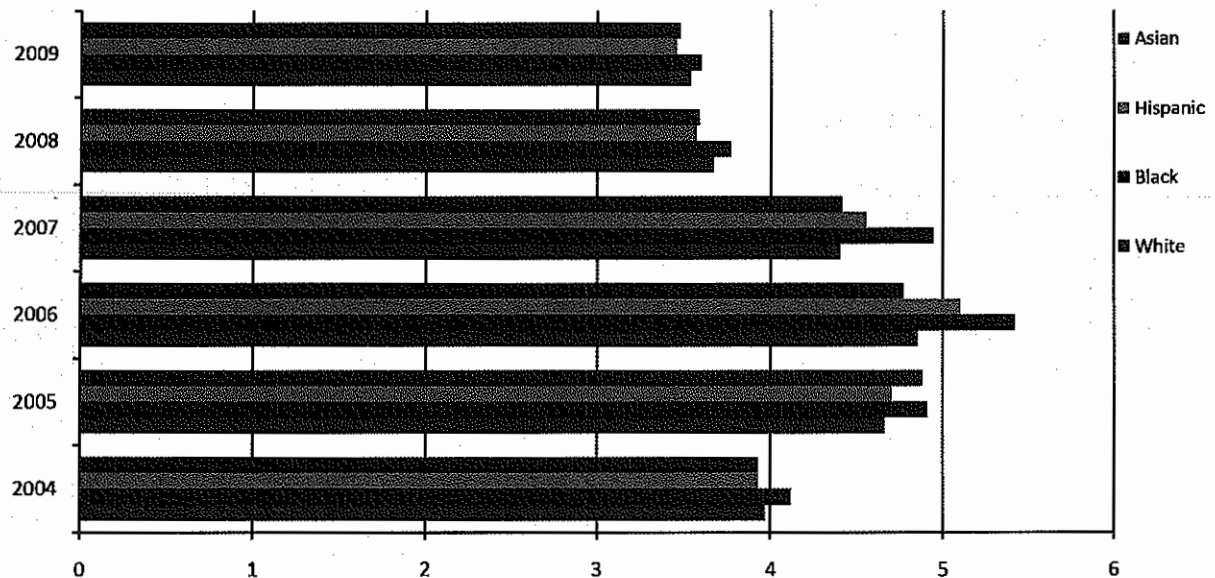


Table 8: Average Loan Spread by Race

	White	Black	Hispanic	Asian
2004	3.97	4.12	3.93	3.93
2005	4.66	4.91	4.70	4.88
2006	4.85	5.42	5.10	4.77
2007	4.40	4.94	4.55	4.41
2008	3.67	3.77	3.57	3.59
2009	3.54	3.60	3.46	3.48

Chart 11: Average Loan Spread by Race



While HMDA is essential in understanding the mortgage climate, it should be noted that HMDA data does have its limitations. In particular, it does not take into consideration how the loan decisions were made. These and other issues must be taken into consideration when drawing conclusions about the findings. The data does, however, provide information about possible trends in the County's mortgage lending. The 2004-2009 HMDA data clearly shows a trend with respect to the high levels of denials of loans to Black and Hispanic applicants. Further, while Black and Hispanic applicants had lower rates of loan origination, they consistently had the highest percentage of high cost loans and the most expensive of high cost loans.

Fair Housing Implications: Significant disparities in lending practices indicate a need for industry training in Fair Housing and Fair Lending laws and consumer protection education regarding lending processes and avoiding abusive practices.

Foreclosure Data

The front page story of the Sunday, October 18, 2009, morning edition of the *Miami Herald*, entitled, "***It's Getting Worse***", said it all. At the time nearly one in four home loans in Florida was delinquent or in foreclosure – the highest rate in the nation, and due to the recession, another wave of foreclosures had begun, according to the Mortgage Bankers Association. The new wave of foreclosures making their way through the courts had nothing to do with exotic sub-prime loans, shoddy real-estate flippers, or people who bought more house than they could afford. Double-digit unemployment, sagging home values and an enduring recession were to blame. And while most delinquent subprime loans have worked through the system, adjustable rate mortgages that began as interest-only payments that will revert to full

payments in the next couple of years (or interest-only and partial interest loans that give borrowers options for repayments) could ultimately lead to foreclosures when new rates take effect. According to First American CoreLogic, of the 1.1 million loans with adjustable rates in south Florida, 53 percent have already reset, but in the beginning of August 2009, another 22 percent were scheduled to reset in the next two years.

According to the official Miami-Dade County Clerk of the Courts website (www.miami-dadeclerk.com), from 2002 to 2006 a total of **53,421** mortgage foreclosures were filed, averaging 10,684 per year for the 5-year period. Signaling the first wave of the crash of the housing market, in 2007 there were **26,391** filings. In 2008 alone, filings more than doubled to **56,656**, while 2009 posted a 12.9 percent increase to a staggering **64,001**. Through November 2010, there have been **33,253** filings, signaling a welcome 43.2 percent reduction over the same period in 2009. October filings (1,720) in the County dropped nearly 50 percent from September's numbers (3,206), and according to RealtyTrac.com, the national plunge in foreclosures is largely the result of the current temporary "freeze" on court foreclosure proceedings spawned by the "robo-signing" controversy surrounding loan servicers' submission of improperly reviewed foreclosure documents. Some of the decrease could also be related to a seasonal drop of 7 to 10 percent that typically occurs at this time.

In the state of Florida, according to RealtyTrac (<http://www.realtytrac.com/states/florida/miami-dade-county.html>), new foreclosure filings totaled 32,938 in November for a YTD total of 568,531, with 4,548 foreclosure sales in November and 104,0084 sales YTD. The average sales price in November was \$172,128, compared to \$169,132 YTD. According to the 2008 FIU *Assessment*, The rise in home foreclosures in Miami-Dade and South Florida is the result of several factors, including the proliferation of the sub-prime lending market during the height of the building boom, speculative investment and predatory lending practices. The negative impact of foreclosures, especially in the hardest hit neighborhoods, has been devastating on property values, abandonment of properties and maintenance, fragmentation of community members and an overall destabilizing and blighting human and economic effect.

VI. Public Outreach

Resident Survey Results

In an effort to gauge the level of housing discrimination, knowledge of Fair Housing laws and remedies, and awareness of rights and responsibilities as perceived by the community-at-large, HOPE developed and conducted three surveys throughout the County, one in the City of Miami Gardens, one in the City of Miami Beach, and one in various locations within the jurisdiction.

MIAMI GARDENS

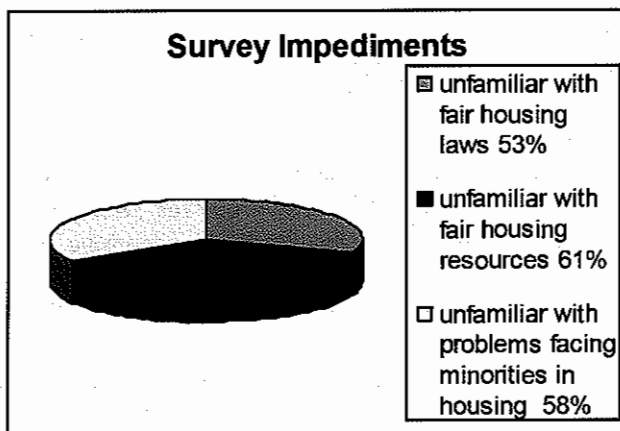
In August and September 2008 HOPE conducted a survey within Miami Gardens that posed a series of questions to local residents regarding housing discrimination, tenant/homeowner

rights, and local fair housing resources. Steps were taken to ensure a random and widespread response from residents within Miami Gardens. Surveys were conducted at local community events, through direct community outreach to local businesses and residential areas, as well as, through phone and fax contacts with local religious organizations. 100 surveys were collected with the following results.

Extent of perceived discrimination and trends in awareness:

In Miami Gardens, thirty-four percent of residents surveyed claimed to have experienced or know someone who has experienced some type of housing discrimination. Yet, only one percent of those believing to have experienced housing discrimination had taken any action in response.

Fifty-three percent of Miami Garden residents admitted to an unfamiliarity with fair housing laws and the individual rights of renters and homeowners. Also, sixty-one percent of those surveyed were unaware of the resources available for filing discrimination complaints.



Trends in home buying practices:

Mortgages

Sixty-two percent of Miami-Garden residents surveyed admitted to being unaware of the problems facing blacks and Hispanics in securing a mortgage. Twenty-two percent of Miami Gardens residents reported that they or someone they knew were offered an overly expensive home loan.

Steering

Nineteen percent of Miami Garden residents experienced steering when purchasing a home.

Residential Segregation

In Miami Gardens, thirty-one percent of surveyors believed that their neighborhoods were segregated by race and ethnic groups.

Generally, it appears that Miami Gardens would benefit from fair housing education and outreach efforts.

Survey/Responses:

1. Are you Familiar with the fair housing laws and your rights as a renter/ homeowner? 47% answered "yes"; 53% answered "No" or "I don't know"
2. Have you are anyone you know ever experienced housing discrimination? 34% answered "yes", 66% answered "No"
3. Do you know what agencies to contact for information on your fair housing rights or assistance in reporting housing discrimination? 39% answered "yes", 61% answered "No" or "I don't know"
4. I have filed a discrimination complaint with an agency or in court: 99% answered "No", 1% answered "Yes"
5. Are neighborhoods segregated by race and ethnic groups within the City of Miami Gardens? 69% answered "No"; 31% answered "Yes"
6. Have you experienced discrimination in getting a mortgage or property insurance? 91% answered "No"; 9% answered "Yes"
7. Have you or anyone you know been denied the opportunity or steered away from buying or renting in a particular neighborhood? 19% answered "Yes"; 81% answered "No"
8. Have you or anyone you know been offered a more expensive home loan than you feel you qualified for? 22% answered "Yes"; 78% answered "No"
9. Are you aware of problems faced by Blacks or Hispanics in securing a mortgage loan? 38% answered "Yes"; 62% answered "No"
10. What would you say is the best thing about living in your neighborhood? 36% answered "Good Mix of People"; 22% answered "Convenience"; 18% answered "Near work"; 8% answered "Scenery"; 8% answered "Family"
11. What would you say is the worst thing about the neighborhood or place that you live? 25% answered "Pollution"; 38% answered "Nothing"; 3% answered "Neighbors"; 4% answered "Scenery"; 4% answered "Crime"; 4% answered "Too many children"; 5% answered "Not convenient"

MIAMI BEACH

In August and September 2009, HOPE conducted a survey that posed a series of questions to 100 Miami Beach residents regarding housing discrimination, tenant/homeowner rights, and local fair housing resources. Steps were taken to ensure a random and widespread response from residents. Surveys were conducted at local community events, through direct community outreach to local businesses, community organizations, and residential areas, as well as, through telephone and facsimile contacts with local religious organizations. One hundred (100) surveys were collected yielding the following results.

Extent of perceived discrimination and trends in awareness:

Forty-one percent of residents surveyed claimed to have experienced or know someone who has experienced some type of housing discrimination. Yet, only one percent of those believing to have experienced housing discrimination had taken any action in response. These are important issues because the Fair Housing Act relies on homebuyers or renters knowing enough to recognize housing discrimination when it occurs and, if experienced, to initiate a response, such as filing a formal complaint for investigation, conciliation, or adjudication with local and national organizations. Education is essential to this process.

Forty-two percent of Miami Beach residents admitted to an unfamiliarity with fair housing laws and the individual rights of renters and homeowners. Also, sixty-four percent of those surveyed were unaware of the resources available for filing discrimination complaints. Education and outreach are the main sources for dispersing such information throughout local communities.

Trends in home buying practices:

Mortgages

Fifty-One percent of Miami Beach residents surveyed admitted to being unaware of the problems facing Blacks and Hispanics in securing a mortgage. This is a major concern for two reasons: predatory lenders historically target minorities and their communities; and the foreclosure crisis has revealed unfair lending practices that have had a disproportionate impact on minority families. The Center for Community Change reported that African Americans are three times as likely as Whites to finance their homes with sub-prime loans; this is true even between upper-income Blacks and Whites. In fact, more than twenty percent of the sub-prime loans given went to people who met the Fannie Mae requirements for a regular loan. *Thirty-Six percent of Miami Beach residents reported that they or someone they knew were offered an overly expensive home loan.*

Steering

Fourteen percent of Miami Beach residents experienced steering when purchasing a home. The National Fair Housing Alliance in cooperation with HUD conducted a two and half year national investigation that revealed a steering rate of 87% for minorities when viewing homes for purchase. Therefore, it is likely that some residents surveyed were unaware of the actual practice of steering. Again, preventative measures must include education.

Residential Segregation

In Miami Beach, *thirty-eight percent of those surveyed believed that their neighborhoods were segregated by race and ethnic groups.* The U.N. Committee on the Elimination of Race Discrimination issued a report in January 2008 that noted:

"[P]ersistence and prevalence of housing segregation throughout the United States...The average white person in metropolitan America lives in a neighborhood that is 80% white and only 7% black. In stark contrast, 'a typical black individual lives in a neighborhood that is only 33% white and as much as 51% black,' making African Americans the most residentially segregated group in the United States."

Generally, it appears that Miami Beach would benefit from fair housing education and outreach efforts.

Survey/Responses:

1. Are you Familiar with the fair housing laws and your rights as a renter/ homeowner? 58% answered "yes"; 42% answered "No" or "I don't know"
2. Have you are anyone you know ever experienced housing discrimination? 41% answered "yes", 59% answered "No"
3. Do you know what agencies to contact for information on your fair housing rights or assistance in reporting housing discrimination? 36% answered "yes", 64% answered "No" or "I don't know"
4. I have filed a discrimination complaint with an agency or in court: 98% answered "No", 2% answered "Yes"
5. Are neighborhoods segregated by race and ethnic groups within the City of Miami Beach? 62% answered "No"; 38% answered "Yes"
6. Have you experienced discrimination in getting a mortgage or property insurance? 93% answered "No"; 7% answered "Yes"
7. Have you or anyone you know been denied the opportunity or steered away from buying or renting in a particular neighborhood? 14% answered "Yes"; 86% answered "No"
8. Have you or anyone you know been offered a more expensive home loan than you feel you qualified for? 36% answered "Yes"; 64% answered "No"
9. Are you aware of problems faced by Blacks or Hispanics in securing a mortgage loan? 51% answered "Yes"; 49% answered "No"
10. What would you say is the best thing about living in your neighborhood? 25% answered "Good Mix of People"; 18% answered "Convenience"; 12% answered "Near work"; 19% answered "Scenery"; 4% answered "Family"
11. What would you say is the worst thing about the neighborhood or place that you live? 22% answered "Pollution"; 38% answered "Nothing"; 12% answered "Neighbors"; 7% answered "Crime"

MIAMI-DADE COUNTY

From July through October 2010 HOPE staff conducted a survey throughout the County designed to gauge what County residents perceive as allowable and prohibited practices by housing providers, realtors, lenders, etc. The 14-question survey was created based on the issues and questions most often encountered by HOPE fair housing staff persons. The survey required respondents to indicate what county they resided in and was conducted face-to-face (providing the opportunity to ask questions about less-straight-forward inquiries) at workshops, trainings and fairs. A total of 276 surveys were collected with the following results.

Survey/Responses (Underlined responses denote correct answer):

Can a landlord/housing provider:

1. Limit families with children to the first floor of an apartment due to noise issues?
1.4% answered Yes 95% answered No 3.6% answered Unsure
2. Charge additional deposits for families with children?
3.6% answered Yes 95% answered No 1.4% answered Unsure
3. Charge pet fees for service animals that live with persons with disabilities?
15.3% answered Yes 78.9% answered No 5.8% answered Unsure
4. Advertise preferences for Christian communities or families?
6.5% answered Yes 92% answered No 1.5% answered Unsure
5. Deny your emotional support/therapeutic animal if he/she has a "no pet" policy?
6.9% answered Yes 85.5% answered No 7.6% answered Unsure
6. Deny your service animal if it is not certified or trained?
22.5% answered Yes 67.4% answered No 10.1% answered Unsure
7. Deny same-sex couples who wish to rent a one-bedroom apartment?
.8% answered Yes 96.7% answered No 2.5% answered Unsure
8. Deny an applicant because they are using a section 8 voucher?
9.4% answered Yes 84.1% answered No 6.5% answered Unsure

Do you think it is illegal discrimination under the fair housing laws:

9. To be denied housing based upon credit/income?
17% answered Yes 82% answered No 1% answered Unsure
- If you are automatically placed near the playground because you have children in your household?
41.3% answered Yes 51.1% answered No 7.6% answered Unsure
11. For a realtor to conduct a home search based upon your race because they think you will be more comfortable in certain neighborhoods?
57.2% answered Yes 41% answered No 1.8% answered Unsure

12. Can homebuyers take race/ethnicity/color into consideration when selling their home?
4.7% answered Yes 93.5% answered No 1.8% answered Unsure
13. Can banks or other lenders use race/ethnicity in determining your home loan interest rate?
2.5% answered Yes 97.5% answered No 0% answered unsure
14. A landlord allows no more than 4 people in a 3 bedroom apartment. Can this violate the fair housing laws?
69.6% answered Yes 25% answered No 5.4% answered Unsure

While the need for fair housing training is evident, these survey results show the positive impact of education and outreach: 78.6 percent of all questions were answered correctly by over 60 percent of the respondents! Only 3 questions (21.4 percent of all questions) were answered incorrectly by less than 60% of respondents: 51.1 percent incorrectly thought it to be legal/ok to be placed near a playground because you have children; 41 percent thought it to be legal/ok for a realtor to conduct a home search based on your race because they think you would be more comfortable in a certain neighborhood; and, 25 percent incorrectly thought it to be legal/ok for a landlord to allow no more than 4 people in a 3-bedroom apartment. Similar surveys conducted in the past by HOPE have yielded far less desirable results, an indication that continuing investing in fair housing training can have the effect of creating a population of persons knowledgeable of their rights and responsibilities afforded under Fair Housing laws.

Key Person/Department Surveys

In conjunction with direct surveys, HOPE staff conducted interviews and requested written responses to questions (*) derived from HUD's *Fair Housing Planning Guide* as follows:

<u>Organization</u>	<u>Key Person</u>
M-DC Office of Housing and Community Development	Shalley Jones Horne, Director
M-DC Office of Housing and Community Development	*Nan Markowitz, Transition Team Leader
M-DC Office of Human Rights & Fair Employment Practices	*Lucia Davis-Raiford, Director
M-DC Office of Human Rights & Fair Employment Practices	Erin Snitzer, Esq.
M-DC Public Housing Agency	*Gregg Fortner, Director
M-DC Public Housing Agency	Rosa Castro, CGAP, SPA1
M-DC Department of Building & Neighborhood Compliance	*Charles Danger, Director
M-DC Department of Planning & Zoning	*Marc C. Ferrier, Director
Florida Commission on Human Relations	Regina Owens, Hous Investigations Mgr
Legal Services of Greater Miami, Inc.	Jeffrey M. Hearne, Sr. Attorney

The full text of request letters and questionnaires sent to each County department head can be found in the Appendix. HOPE appreciates and acknowledges the prompt responses and invaluable cooperation received from Lucia Davis-Raiford, Erin Snitzer, Rosa Castro and Charles Danger. **No responses were received from Nan Markowitz (Housing & Community Development) or Marc Ferrier (Planning & Zoning).** The contributions of Regina Owens and Jeffrey Hearne were acknowledged previously.

VII. Conclusions & Recommendations

Identified Impediments to Fair Housing Choice

1. Violations of Federal, State, and Local Fair Housing Laws
2. The Need for On-Going Fair Housing Education & Outreach Efforts to Reach the County's Growing, Diverse Population
3. Shortage of/Barriers to Affordable Housing & Homeownership
4. Issues Affecting Persons with Disabilities and the Homeless
5. Lack of Knowledge of Fair Housing Protections and Redress under Fair Housing Laws
6. Fair and Equal Lending Disparities

Recommended Fair Housing Action Plan

1. Violations of Federal, State, and Local Fair Housing Laws

Strategy 1: Develop referral process for Fair Housing Complaints that includes contact information to all private and public enforcement agencies.

Strategy 2: Provide fair housing education and training to housing providers (including condominium associations) to foster compliance with federal, state, and local laws.

Strategy 3: Continue to review the County's ordinance for the consideration of enhanced protections under the local law; Take steps to make the local law "substantially equivalent" to the Federal Fair Housing Act.


Strategy 4: Acknowledge the need for county-wide cooperation to eliminate barriers to fair housing choice; provide the leadership for development of specific inter-jurisdictional cooperative mechanisms to make fair and equal access to housing a reality.

Strategy 5: Continue providing fair housing training to all County employees; Develop mandatory fair housing training modules and schedules to ensure the education of new employees and re-training/up-dating of existing employees.

VIII. Signature Page

Reviewed and accepted this 15th day of March, 2010. ~~2011~~.

By:



Miami-Dade County Official

Appendix A

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