
Analysis of Impediments to Fair Housing Choice



Davis
C O U N T Y

September 2021



INTRODUCTION AND EXECUTIVE SUMMARY	4
Executive Summary	4
Who Conducted	5
Methodology	5
Funding	6
Conclusions	6
IMPEDIMENT #1 – Limited English Proficiency	6
IMPEDIMENT #2 – Lack Familiarity with Fair Housing Act	7
IMPEDIMENT #3 – Lack of informational and outreach activities	7
IMPEDIMENT #4 – Lack of record maintenance of fair housing activities	8
JURISDICTIONAL BACKGROUND DATA	9
Demographic Data	11
Population Age and Sex	14
Population Race and Ethnicity	16
Special Populations	17
Income Data	19
Employment Data	20
Housing Profile	25
Owner-occupied Housing	28
Rental Housing	29
Rental Housing	31
Housing Affordability	32
Intergenerational Poverty	34
EVALUATION OF DAVIS COUNTY’S CURRENT FAIR HOUSING LEGAL STATUS	36
HUD – Office of Fair Housing and Equal Opportunity (FHEO)	37
A Brief Overview of the Fair Housing Act	38
Civil Rights Obligations of Public Entities and Recipients of Federal Financial Assistance	41
Disability	42
Sexual Harassment	44
Actions for a Violation	44
Fair Housing Assistance Program (FHAP)	46

Fair Housing Initiatives Program (FHIP)	47
Davis County Housing Survey	50
IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE	52
Public Sector	53
Zoning and Site Selection	54
Davis County Housing Authority	55
Sale of Subsidized Housing and Possible Displacement	57
Private Sector	59
Lending Policies and Practices	59
Home Mortgage Disclosure Act	60
High-Cost Originations	62
Public and Private Sector	65
Fair Housing Enforcement	65
Informational Programs	65
ASSESSMENT OF CURRENT PUBLIC AND PRIVATE FAIR HOUSING PROGRAM	66
HUD Five-Year Consolidated Plan	66
CONCLUSIONS AND RECOMMENDATIONS	72
Impediments to Fair Housing Choice and Action Steps	73
IMPEDIMENT #1 – Limited English Proficiency	73
IMPEDIMENT #2 – Lack Familiarity with Fair Housing Act	73
IMPEDIMENT #3 – Lack of informational and outreach activities	74
IMPEDIMENT #4 – Lack of record maintenance of fair housing activities	74
SIGNATURE FOR DAVIS COUNTY	75
APPENDIX B - Housing and Related Laws	76
File a Complaint	76
Statutes	77
Executive Orders	79
Regulations	80

Introduction and Executive Summary

Executive Summary

Davis County receives an annual allocation from the US Department of Housing and Urban Development's Community Development Block Grant (CDBG) program. In fiscal year 2021, the County's CDBG entitlement grant was \$888,009.00. The CDBG program contains a regulatory requirement to affirmatively further fair housing based upon HUD's obligation under Section 808 of the Fair Housing Act.

HUD defines impediments to fair housing choice as:

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

The CDBG regulation also reflects the CDBG statutory requirement that grantees certify that they will affirmatively further fair housing. HUD's goal is to expand mobility and widen a person's freedom of choice.

Davis County is required to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
- Take appropriate actions to overcome the effects of any impediments identified through the analysis
- Maintain records reflecting the analysis and activities taken in this regard.

Davis County is dedicated to implementing these objectives and will:

- Analyze and work to eliminate housing discrimination in the jurisdiction
- Form policy to better support fair and equitable housing
- Promote fair housing for all persons

- Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability, and national origin
- Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities
- Foster compliance with the nondiscrimination provision of the Fair Housing Act.

Although the County’s obligation arises in connection with the receipt of Federal funding, ***its fair housing obligation is not restricted to the design and operation of HUD-funded programs at the local level.*** The fair housing obligation extends to all housing and housing-related activities in Davis County’s jurisdictional area, whether publicly or privately funded.

This report provides Davis County with a roadmap to enable the county to address and remedy any challenges that residents may experience that impact their access to fair and affordable housing.

The goal of the County in conducting the AI is not only to identify and provide solutions to barriers and impediments to fair housing but also to provide a structure for ongoing dialogue, relationships, and greater housing choice throughout the community. Open communication and strong relationships are necessary to ensure a continuous exchange of ideas, concerns, analysis, and evaluation.

Who Conducted

Resource Consultants assisted Davis County with preparing this *Analysis of Impediments to Fair Housing Choice (AI)*.

Methodology

The HUD’s “Fair Housing Planning Guide, Volume 1” was used to direct the AI. The AI is undertaken to determine what types of impediments to fair housing choice may exist within Davis County. The AI provides detailed information for policymakers, administrative staff, housing providers, housing advocates, and civil rights organizations. The AI includes background information, statistical data, and a review of laws, policies, and complaints. It details community perception, identifies available resources, and lists specific impediments to fair housing choice. Also, the AI provides recommendations to address the impediments identified during the AI process.

The purpose of this AI is to:

- Review of the county’s laws, regulations, administrative policies, procedures, and practices concerning fair housing;

- Assess how laws, regulations, policies, and procedures affect the location, availability, and accessibility of housing; and
- Assess public and private sector conditions affecting fair housing choice.

Funding

The county received funding through the HUD Community Development Block Grant (CDBG) program and utilized CDBG administrative funds to pay for the Analysis of Impediments to Fair Housing Choice (AI.) The AI is funded entirely through HUD CDBG allocation that is designated for program administration and studies.

Conclusions

As a recipient of HUD CDBG Entitlement funds, the County is committed to affirmatively furthering fair housing choices for all residents. Although many issues that affect fair housing choice have been identified, the county is limited in resources and ability to impact all areas. Davis County recognizes the following impediments which may have a direct and substantial impact on fair housing choice and are within the County's ability to impact. Furthermore, the county has identified action steps to address the areas of impediments.

IMPEDIMENT #1 – Limited English Proficiency

Fair Housing brochures, web pages, and materials are printed mainly in English, limiting Fair Housing information to non-English speaking persons. There is a need to improve language access for people with limited English-speaking proficiency who seek information regarding Fair Housing.

Goal: Provide consistent and even Fair Housing services, outreach, and support to all citizens and program applicants.

Action Items

- Develop a *Language Assistance Plan (LAP)*. Expand Davis County's HUD-funded programs' outreach to include Spanish translation and outreach to Spanish-speaking citizens, Davis County's largest minority group. Under Title VI of the 1964 Civil Rights Act, federal policies set benchmarks by which jurisdictions like Davis County must assure meaningful access to federally funded services.
- Partner with the Utah Hispanic Chamber to promote the County's HUD-funded programs to the Hispanic community.
- Translate the County's *Community Development Block Grant (CDBG) webpage* and vital HUD-funded program documents in Spanish. Make informational pamphlets and Fair Housing brochures available for LEP individuals.

- Continue to provide citizens with consistent *Spanish translation services*. Utilize a private contractor to test and certify employees so that quality translation services are available to LEP individuals.

IMPEDIMENT #2 – Lack Familiarity with Fair Housing Act

Many landlords are not aware of their responsibilities to provide “reasonable accommodations” as the Fair Housing Act requires. The number of disabled individuals in Davis County is estimated at 23,000 individuals, about 11% of the population. Under the Fair Housing Act, housing providers must make “reasonable accommodations in rules, policies practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.” Currently, over one-third of all rental housing in Davis County is a detached single-family unit. Many landlords renting homes or small “mom and pop” housing providers are not aware of the full implications of the Fair Housing Act and the “reasonable accommodations” provision.

Goal: Increase awareness and compliance with Fair Housing laws.

Action Items:

- Provide internal training to County employees and make Fair Housing a priority throughout the County departments.
- Request fair housing testing results from Utah Disability Center annually.
- Utilize the FHEO logo in County’s documents to raise awareness of Fair Housing.
- Provide information on how to file a fair housing complaint at County offices.

IMPEDIMENT #3 – Lack of informational and outreach activities

Goal: Increase informational and outreach activities in Davis County

Action Items:

- Work with state agencies and Disability Law Center to promote fair housing educational opportunities.
- Work with the Utah Apartment Association to increase attendance at the annual Fair Housing Tradeshow.
- Promote April as Fair Housing Month to increase the public’s awareness of the Fair Housing Act. Display posters at Davis County offices and provide posters to partners.
- Utilize the FHEO logo in County’s documents to raise awareness of Fair Housing.
- Provide citizens with fair housing information utilizing the Fair Housing and Housing Affordability outreach flyers.

- Partner with other municipalities in Davis County and Utah Disability Law Center to provide education on fair housing.
- Promote renters' advocacy groups and, when necessary, refer them to the Disability Law Center and/or Utah Anti-discrimination and Labor Division for legal counsel.

IMPEDIMENT #4 – Lack of record maintenance of fair housing activities

Goal: Improve record keeping and reporting of fair housing activities.

Action Item: Davis County should keep clear records on all fair housing activities undertaken by the County.

A fair housing file should include:

- Actions taken to eliminate identified impediments
- Description of the financial and in-kind support for fair housing projects
- Integration of identified impediments and progress to address impediments into the Annual Action Plan and CAPER process.

Jurisdictional Background Data


Davis County is Utah's smallest county in land area. It is a narrow strip of land only 223 square miles but is the third-largest county in population. An estimated 362,967 residents live in the County's fifteen communities. Frequented by Shoshone Indians during historic times, the area was among the first settled by members of The Church of Jesus Christ of Latter-day Saints who arrived in the Great Salt Lake Valley in 1847. The lush lake-bottom pastures, fertile soils of the bench lands, and streams flowing out of the high Wasatch Mountains on the east attracted early settlers, who established small farms and close-knit communities. These early settlers established schools, built homes and churches, and created productive farms and shops.

Named after the early pioneer leader, Daniel C. Davis, the County was established as a territory in 1850. The territorial legislature created Davis County in 1852 and designated its County seat at Farmington, midway between boundaries at the Weber River on the north and the mouth of the Jordan River on the south. Westward, the County includes a portion of the Great Salt Lake and its largest island, on which Antelope Island State Park is now located.

During its first half-century, Davis County grew slowly. It supported hardy pioneer people engaged in irrigation agriculture and raising livestock. The Utah Central Railroad (now the Union Pacific) crossed the County from Ogden on the north to Salt Lake City on the south in 1870 and offered welcome transportation links to bring in manufactured products. This was the beginning of a transition in the County's history that led to mechanized agriculture and a surge of commerce, banking, and local business, along with improved roads, new water systems, and the electrification of homes and businesses.

After the turn of the century, the County's 8,000 residents joined in a chorus of boosterism that encouraged growth, but by 1940 the population was barely 16,000. The small family farms and local businesses could support no greater increase. Consequently, many of the younger generation left for new settlements in northern Utah and nearby Idaho and Wyoming. As the age of the automobile and interurban railways created greater mobility, many County citizens looked to Ogden and Salt Lake City for employment and cultural enrichment. Market gardens, dairy farms, beef cattle, orchards, and fields of grain and sugar beets continued to sustain local farmers. World War II then introduced a new way of life in Davis County. The establishment of Hill Air Force Base in northern Davis County and other defense installations nearby created a surge of civilian employment. Hill AFB quickly became and remains one of the state's largest employers.

Diversification brought rapid post-war growth. The County doubled in population between 1940 and 1950, and doubled again in the next decade. Between 1960 and 1980, the population more than doubled again, from 65,000 to 147,000. By 1990 the population had reached



188,000 and the 2000 census recorded 238,994. Being the fastest growing of the four major urban communities along the Wasatch Front, Davis County is projected to build out with a population near 390,000 by 2030.

Accompanying this growth has been a diversification of population and new prosperity. Davis County now enjoys a wide mix of people representing many ethnic, cultural, and religious backgrounds. The County has moved from its traditional agricultural dependency to an interlocking network of suburban communities around a core of original towns with proximity to downtown Salt Lake City. The communications age has tied Davis County to the world. Today, its citizens are part of an economic and social pattern that reaches far beyond the County's tiny geographical limits.

Today, many nationally known commercial, industrial, recreational, and service companies provide diversified employment opportunities for residents of Northern Utah. The Freeport Center is the largest distribution center in Utah, with more than seven million square feet of covered storage and five million square feet of open storage occupied by more than 70 renowned companies employing some 7,000 employees.¹

¹ Davis County website. <https://www.daviscountyutah.gov/county-info/county-history>

Demographic Data

As of December 2020, the population of Davis County is estimated at 362,200 an average increase of approximately 5,225, or 1.6 percent, a year since 2010. Net in-migration averaged 1,250 people a year and accounted for approximately one-quarter of the population growth since 2010. The current number of households is estimated at 111,200. The number of households increased by an average of 1,650, or 1.6 percent, a year since 2010, slowing from an increase of 2,225 households, or 2.8 percent, a year from 2000 to 2010.²

	Davis County, Utah	Utah	United States				
<i>Population estimates, July 1, 2019</i>	355,481	3,205,958	328,239,523				
<i>Population estimates base, April 1, 2010</i>	306,492	2,763,891	308,758,105				
<i>Population, percent change - April 1, 2010 (estimates base) to July 1, 2019</i>	16.00%	16.00%	6.30%				
<i>Population, Census, April 1, 2010</i>	306,479	2,763,885	308,745,538				

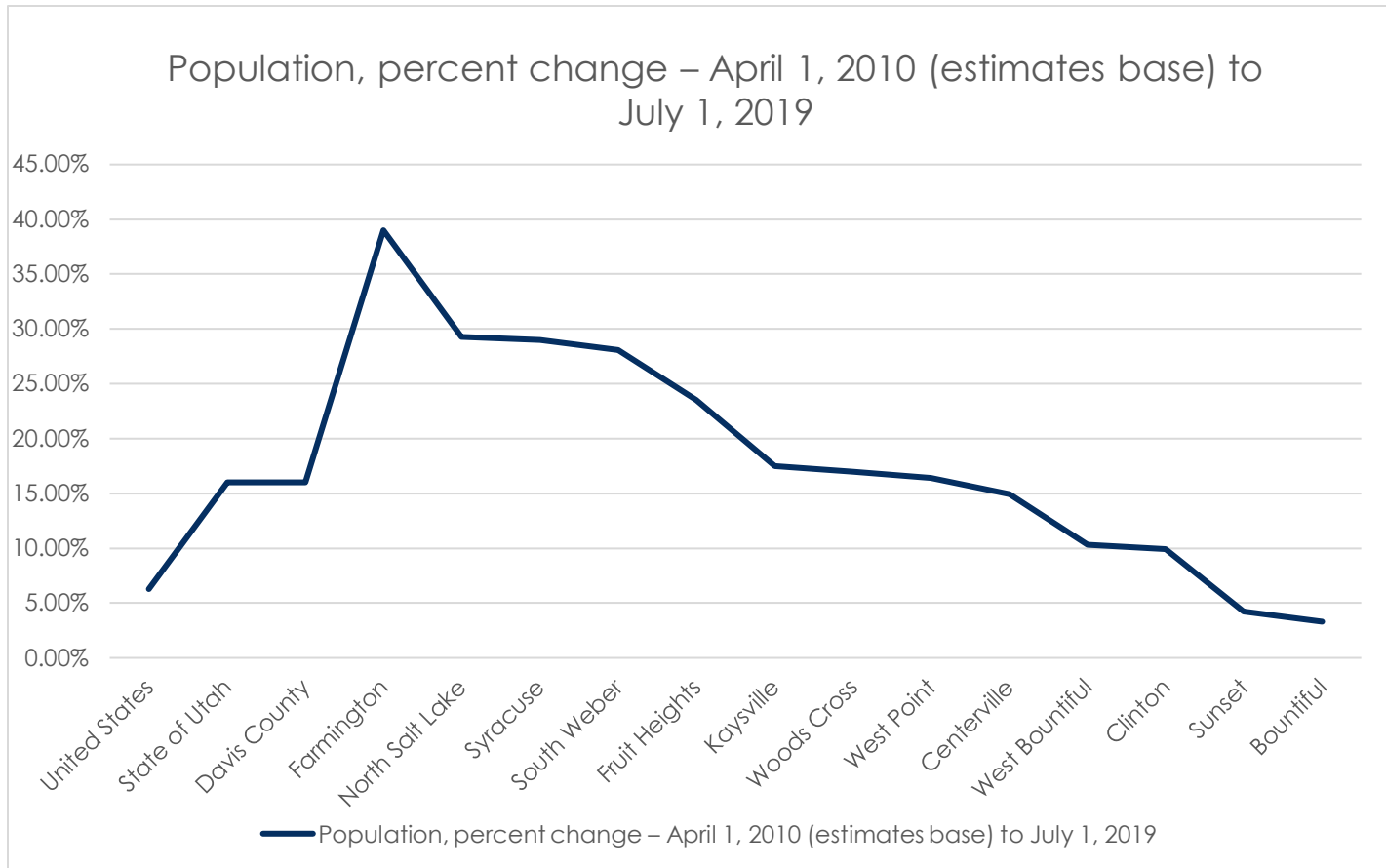
	Bountiful	Centerville	Clinton	Farmington	Fruit Heights	Kaysville	North Salt Lake
<i>Population estimates, July 1, 2019</i>	43,981	17,587	22,499	25,339	6,221	32,390	20,948
<i>Population estimates base, April 1, 2010</i>	42,574	15,304	20,481	18,234	5,036	27,570	16,199
<i>Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)</i>	3.30%	14.90%	9.90%	39.00%	23.50%	17.50%	29.30%
<i>Population, Census, April 1, 2010</i>	42,552	15,335	20,426	18,275	4,987	27,300	16,322

	South Weber	Sunset	Syracuse	West Bountiful	West Point	Woods Cross
<i>Population estimates, July 1, 2019</i>	7,836	5,364	31,458	5,800	10,957	11,431
<i>Population estimates base, April 1, 2010</i>	6,117	5,147	24,377	5,259	9,412	9,767

² HUD Market at a Glance, Davis County Utah, PD7R/Economic & Market Analysis Division (EDMA)

<i>Population, percent change - April 1, 2010 (estimates base) to July 1, 2019</i>	28.10%	4.20%	29.00%	10.30%	16.40%	17.00%
<i>Population, Census, April 1, 2010</i>	6,051	5,122	24,331	5,265	9,511	9,761

Davis County Cities with the Highest Population Growth (2010-2019)

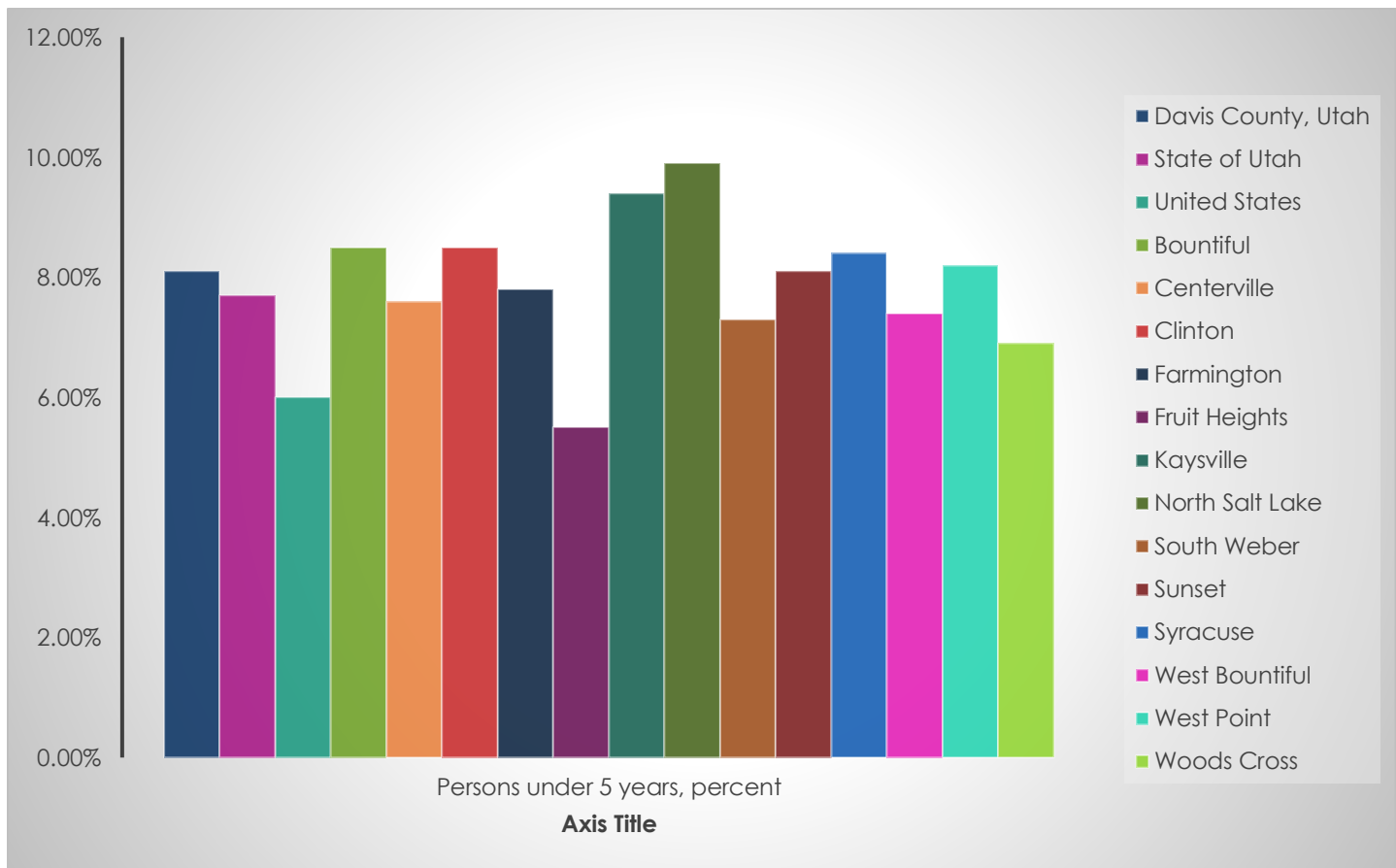


Population Age and Sex

	<i>Davis County, Utah</i>	<i>State of Utah</i>	<i>United States</i>				
<i>Persons under 5 years, percent</i>	8.10%	7.70%	6.00%				
<i>Persons under 18 years, percent</i>	31.70%	29.00%	22.30%				
<i>Persons 65 years and over, percent</i>	10.30%	11.40%	16.50%				
<i>Female persons, percent</i>	49.50%	49.60%	50.80%				

	<i>Bountiful</i>	<i>Centerville</i>	<i>Clinton</i>	<i>Farmington</i>	<i>Fruit Heights</i>	<i>Kaysville</i>	<i>North Salt Lake</i>
<i>Persons under 5 years, percent</i>	8.50%	7.60%	8.50%	7.80%	5.50%	9.40%	9.90%
<i>Persons under 18 years, percent</i>	29.30%	30.00%	33.60%	34.70%	31.20%	36.40%	31.90%
<i>Persons 65 years and over, percent</i>	15.80%	15.90%	8.40%	8.80%	12.50%	9.80%	7.00%
<i>Female persons, percent</i>	50.00%	51.50%	48.90%	48.40%	49.20%	48.50%	50.40%

	<i>South Weber</i>	<i>Sunset</i>	<i>Syracuse</i>	<i>West Bountiful</i>	<i>West Point</i>	<i>Woods Cross</i>
<i>Persons under 5 years, percent</i>	7.30%	8.10%	8.40%	7.40%	8.20%	6.90%
<i>Persons under 18 years, percent</i>	33.90%	29.50%	37.80%	26.80%	32.50%	30.70%
<i>Persons 65 years and over, percent</i>	8.60%	11.10%	7.00%	13.60%	7.60%	6.80%
<i>Female persons, percent</i>	49.30%	52.40%	49.10%	54.40%	47.50%	49.30%



Population Race and Ethnicity

	<i>Davis County, Utah</i>	<i>State of Utah</i>	<i>United States</i>				
<i>White alone</i>	92.10%	90.60%	76.30%				
<i>Black or African American alone</i>	1.40%	1.50%	13.40%				
<i>American Indian and Alaska Native alone</i>	0.80%	1.60%	1.30%				
<i>Asian alone</i>	2.10%	2.70%	5.90%				
<i>Native Hawaiian/ Pacific Islander alone</i>	0.80%	1.10%	0.2				
<i>Two or More Races</i>	2.70%	2.60%	2.80%				
<i>Hispanic or Latino</i>	10.20%	14.40%	18.50%				
<i>White alone, not Hispanic or Latino</i>	83.20%	77.80%	60.10%				

	<i>Bountiful</i>	<i>Centerville</i>	<i>Clinton</i>	<i>Farmington</i>	<i>Fruit Heights</i>	<i>Kaysville</i>
<i>White alone</i>	93.80%	94.30%	91.70%	94.30%	94.40%	95.40%
<i>Black or African American alone</i>	0.40%	0.70%	1.50%	0.80%	0.00%	0.40%
<i>American Indian and Alaska Native alone</i>	0.70%	0.00%	0.60%	0.40%	0.60%	0.50%
<i>Asian alone</i>	1.50%	1.60%	1.80%	1.60%	0.50%	0.90%
<i>Native Hawaiian/ Pacific Islander alone</i>	0.40%	1.90%	0.20%	0.10%	0.60%	0.30%
<i>Two or More Races</i>	1.60%	1.20%	3.30%	2.30%	2.60%	1.80%
<i>Hispanic or Latino</i>	6.00%	4.70%	13.30%	4.50%	2.70%	4.30%
<i>White alone, not Hispanic or Latino</i>	89.70%	90.00%	80.90%	91.00%	94.20%	93.20%

	<i>North Salt Lake</i>	<i>South Weber</i>	<i>Sunset</i>	<i>Syracuse</i>	<i>West Bountiful</i>	<i>West Point</i>	<i>Woods Cross</i>
<i>White alone</i>	86.00%	94.90%	84.40%	90.30%	79.60%	87.50%	91.30%
<i>Black or African American alone</i>	0.40%	0.40%	1.20%	3.40%	1.30%	0.20%	1.80%
<i>American Indian and Alaska Native alone</i>	0.40%	0.00%	0.30%	0.10%	0.00%	1.30%	0.00%
<i>Asian alone</i>	3.00%	1.20%	1.90%	1.40%	1.00%	2.90%	1.30%
<i>Native Hawaiian/ Pacific Islander alone</i>	0.60%	0.00%	2.20%	0.20%	7.70%	0.90%	0.90%
<i>Two or More Races</i>	5.20%	1.20%	2.90%	3.80%	3.10%	3.90%	4.60%

<i>Hispanic or Latino</i>	13.70%	8.70%	19.20%	5.70%	11.00%	7.70%	8.30%
<i>White alone, not Hispanic or Latino</i>	78.00%	88.30%	74.30%	86.70%	76.20%	84.20%	83.50%

Special Populations

	<i>Davis County, Utah</i>	<i>Utah</i>	<i>United States</i>
Veterans, 2015-2019	17,441	120,447	18,230,322
Foreign born persons, percent, 2015-2019	4.70%	8.50%	13.60%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	10.00%	15.40%	21.60%
With a disability, under age 65 years, percent, 2015-2019	6.50%	6.80%	8.60%
Persons without health insurance, under age 65 years, percent	6.90%	10.80%	9.50%

	<i>Bountiful</i>	<i>Centerville</i>	<i>Clinton</i>	<i>Farmington</i>	<i>Fruit Heights</i>	<i>Kaysville</i>
Veterans, 2015-2019	2,083	693	1,272	757	245	1,125
Foreign born persons, percent, 2015-2019	4.90%	3.20%	4.40%	2.50%	2.00%	2.20%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	8.50%	7.40%	9.90%	6.80%	4.10%	6.30%
With a disability, under age 65 years, percent, 2015-2019	6.40%	7.00%	6.40%	5.10%	4.50%	5.00%
Persons without health insurance, under age 65 years, percent	6.80%	6.50%	8.80%	3.40%	3.00%	4.40%

	<i>North Salt Lake</i>	<i>South Weber</i>	<i>Sunset</i>	<i>Syracuse</i>	<i>West Bountiful</i>	<i>West Point</i>	<i>Woods Cross</i>
Veterans, 2015-2019	584	535	422	1,611	176	573	282
Foreign born persons, percent, 2015-2019	9.20%	2.30%	7.90%	2.10%	14.90%	3.40%	3.30%

Language other than English spoken at home, <i>percent of persons age 5 years+, 2015-2019</i>	16.50%	5.40%	20.00%	7.40%	17.20%	7.40%	7.10%
With a disability, under age 65 years, percent, 2015-2019	4.40%	5.30%	8.10%	7.10%	5.30%	4.10%	6.40%
Persons without health insurance, under age 65 years, percent	5.60%	3.40%	11.80%	3.40%	2.20%	4.50%	10.10 %

Income Data

	Davis County, Utah	Utah	United States			
Median household income (in 2019 dollars), 2015-2019	\$83,310	\$71,621	\$62,843			
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$31,205	\$29,775	\$34,103			
Persons in poverty, percent	5.50%	8.90%	10.50%			

	Bountiful	Centerville	Clinton	Farmington	Fruit Heights	Kaysville
Median household income (in 2019 dollars), 2015-2019	\$77,823	\$93,344	\$82,161	\$106,488	\$97,488	\$99,597
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$34,988	\$38,538	\$28,112	\$36,115	\$43,134	\$32,271
Persons in poverty, percent	5.40%	3.00%	2.80%	2.10%	4.80%	3.50%

	North Salt Lake	South Weber	Sunset	Syracuse	West Bountiful	West Point	Woods Cross
Median household income (in 2019 dollars), 2015-2019	\$85,185	\$107,848	\$62,281	\$99,625	\$95,652	\$92,655	\$77,433
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$34,435	\$33,817	\$25,123	\$31,241	\$30,697	\$28,830	\$26,695
Persons in poverty, percent	3.20%	1.70%	11.90%	3.60%	11.80%	2.90%	7.50%

Employment Data

Davis County is part of the Ogden-Clearfield metropolitan area, immediately north of the Salt Lake City. Hill Air Force Base is the largest employer, with 27,650 military and civilian employees and a \$3.7-billion economic impact statewide in 2019, up by approximately \$100 million from 2018. Defense contractors such as ATK Space Systems and Northrop Grumman are also among the largest employers in Davis County.

Resident employment during the 3 months ending October 2020 averaged 173,900, up 1.6 percent from the same period a year earlier, but slowed from an increase of 3.4 percent during the previous 12 months.

Growth in the Federal government subsector supported the recent gain. The unemployment rate averaged 3.6 percent during the 3 months ending October 2020, up from 2.2 percent a year earlier.³

In the face of adverse conditions, the Davis County economy has begun to recover quickly from the initial effects of the pandemic. The unemployment rate dropped from its record spike of 9.0% in April 2020 down to 3.9% in December 2020. First-time unemployment insurance claims have continued to taper down towards lower averages in Q4 after the initial surge earlier in the year. Breaking even with 0.3% job growth in September year-over-year, Davis County saw growth despite the losses in both the nation (6.4% loss) and the State of Utah (1.5% loss). Construction values and permitting are up in 2020 and gross taxable sales revenue have grown significantly throughout the year, a healthy sign for the Davis economy.⁴

³ HUD Market at a Glance, Davis County Utah, PD7R/Economic & Market Analysis Division (EDMA)

⁴ Local Insights – Davis County Snapshot, Utah Department of Workforce Services, updated January 1, 2021



IMAGE 1: Station Park



IMAGE 2: Main Street Businesses

	Davis County, Utah	Utah	United States
High school graduate or higher, percent of persons age 25 years+, 2015-2019	95.60%	92.30%	88.00%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	37.80%	34.00%	32.10%
In civilian labor force, total, percent of population age 16 years+, 2015-2019	68.70%	68.30%	63.00%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	60.20%	60.60%	58.30%

	Bountiful	Centerville	Clinton	Farmington	Fruit Heights	Kaysville	North Salt Lake
High school graduate or higher, percent of persons age 25 years+, 2015-2019	96.60%	98.50%	93.20%	98.20%	97.70%	98.50%	95.20%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	45.30%	47.50%	25.30%	47.50%	51.70%	49.40%	43.80%
In civilian labor force, total, percent of population age 16 years+, 2015-2019	64.20%	65.70%	70.70%	65.50%	62.20%	65.40%	76.50%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	54.50%	55.00%	63.00%	58.10%	51.90%	51.10%	71.50%

	South Weber	Sunset	Syracuse	West Bountiful	West Point	Woods Cross
High school graduate or higher, percent of persons age 25 years+, 2015-2019	99.00%	90.30%	96.50%	97.80%	95.30%	94.60%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	42.00%	17.40%	37.50%	26.70%	26.70%	30.80%
In civilian labor force, total, percent of population age 16 years+, 2015-2019	68.40%	69.40%	72.20%	71.20%	71.70%	76.70%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	59.10%	65.40%	65.30%	65.90%	62.80%	68.90%

Hill Air Force Base

Hill Air Force Base (HAFB) is home to the 75th Air Base Wing and the Ogden Air Logistics Complex, one of three Air Force Sustainment Centers (AFSC) nationwide. Serving as a critical logistics, support, maintenance, and testing center for the Air Force's most advanced aircraft and weapons systems, the base provides Air Force-wide, depot-level overhaul and repair support, which is essential to ensuring the proper execution of Air Force operations. The base is also home to two operational F-35A fighter wings. HAFB owns and operates the Utah Test and Training Range (UTTR), located 100 miles west of the base. This 2.3 million-acre training range and airspace is used by HAFB and other mission partners and range customers. Multiple services, including other Air Force active-duty and reserve combat units, U.S. Army, U.S. Army National Guard, Navy Special Forces, and allied units use the range.

- The total economic impact of the base and the UTTR in the state are estimated at over \$3 billion annually.
- The base is the largest single-site employer in Utah, with more than **22,000 military and civilian employees**.


Freeport Center

Freeport Center plays a key role in the economic growth of Davis County and the surrounding communities. Freeport Center is home to more than 70 national and local companies that have a workforce of over **7,000 employees**. These companies have found that the Freeport Center is in the best location to manufacture and distribute products. Davis County is strategically

located at the crossroads of the West. The Freeport Center benefits from an excellent transportation network of highways, railroads, and is only 20 miles from the Salt Lake International Airport. Freeport Center has more than 7,000,000 square feet in 78 buildings ranging in size from 4,000 to 400,000 square feet on 680 acres. Freeport's buildings have railroad loading docks on one side and truck loading facilities on the other.



IMAGE 3: Freeport Center



A key factor in Utah's favorable business climate is its status as a freeport state. This means no inventory taxes are assessed on any inventory stored within the state. Merchandise can be shipped directly to Freeport Center, stored for any length of time exempt from inventory taxes and then reshipped to the final destination at a continuation of the through rate.

Workforce Development and Education

Educational attainment measures can reflect the quantity (*e.g., average years of schooling*) or educational attainment quality (*e.g., average SAT score*). Educational attainment likely contributes to firm and regional innovation capacity by providing general and specific knowledge and skills that facilitate the creation, diffusion, and adoption of new technologies and other innovations.

Working-age adults need a minimum of a high school diploma to compete in today's workforce. Without it, they face greater employment challenges and economic hardship than those with a high school diploma or higher. Some argue that lacking a high school diploma bars individuals from entering the middle class. Those without a high school diploma are further limited to strictly low-skill jobs. Between the ages of 16 and 24, an estimated 4 in 10 adults without a high school diploma received some form of government assistance in 2001. Studies also reveal that high school dropouts are more likely to engage in criminal activity, use drugs and tobacco, and report poor mental health. The consequences of dropping out of high school do not stop at the individual. Communities and nations suffer from fewer skilled and productive workers to fuel economic activity and innovation. Higher dropout rates correspond to more crime, as well as public health and other social concerns. Government resources may need to be redirected from economic activities to support a growing need for government assistance when unemployment levels are high. *"Driving Regional Innovation: The Innovation Index 2.0"*

The U.S. Department of Commerce’s Economic Development Administration (EDA) awarded a \$718,968 grant to Weber State University in Ogden, Utah, to help develop a new training program for the Ogden-Clearfield Launchpad entrepreneurship center (Center) in Clearfield, Utah. The Center provides critical resources for early-stage entrepreneurs as they move through the startup life cycle. The EDA grant project, located near a Tax Cuts and Jobs Act designated Opportunity Zone, will be matched with \$720,702 in local funds and is expected to help create more than 60 jobs and generate \$2 million in private investment. This project was made possible by the Wasatch Front Economic Development District (WFEDD). EDA funds WFEDD to bring together the public and private sectors to create an economic development roadmap to strengthen the regional economy, support private capital investment, and create jobs.

Housing Profile

	<i>Davis County, Utah</i>	<i>State of Utah</i>	<i>United States</i>
<i>Households, 2014-2018</i>	102,865	957,619	119,730,128
<i>Persons per household, 2014-2018</i>	3.29	3.13	2.63
<i>Living in same house 1 year ago, percent of persons age 1 year+, 2014-2018</i>	84.90%	82.90%	85.50%

The sales housing market in the Ogden-Clearfield Housing Market Area (HMA) is currently slightly tight. The home sales vacancy rate as of April 2017 is estimated at 1.4 percent, down from 1.9 percent in April 2010. A decline in distressed sales (*Real Estate Owned [REO] and short sales*) offset an increase in regular resales during the past year. New home sales remained unchanged from a year earlier. Continued declines in the inventory of existing homes for sale and in distressed sales supported a larger increase in home sales prices during the past 12 months. New home sales have been relatively unchanged since 2013.

	<i>Davis County, Utah</i>	<i>State of Utah</i>	<i>United States</i>
<i>Owner-occupied housing unit rate, 2014-2018</i>	77.60%	69.90%	63.80%
<i>Median value of owner-occupied housing units, 2014-2018</i>	\$265,900	\$256,700	\$204,900
<i>Median selected monthly owner costs -with a mortgage, 2014-2018</i>	\$1,548	\$1,497	\$1,558
<i>Median selected monthly owner costs -without a mortgage, 2014-2018</i>	\$431	\$418	\$490

	Davis County, Utah	Utah	United States
Population estimates, <i>July 1, 2019, (V2019)</i>	355,481	3,205,958	328,239,523
Housing units, <i>July 1, 2019, (V2019)</i>	112,482	1,133,521	139,684,244
Households, <i>2015-2019</i>	104,551	977,313	120,756,048
Persons per household, <i>2015-2019</i>	3.28	3.12	2.62
Living in same house 1 year ago, <i>percent of persons age 1 year+, 2015-2019</i>	85.40%	83.10%	85.80%

	Bountiful	Centerville	Clinton	Farmington	Fruit Heights	Kaysville	North Salt Lake
Population estimates, <i>July 1, 2019, (V2019)</i>	43,981	17,587	22,499	25,339	6,221	32,390	20,948
Housing units, <i>July 1, 2019, (V2019)</i>	14,379	5,632	6,304	6,750	1,887	8,712	6,620
Households, <i>2015-2019</i>	3.02	3.08	3.47	3.4	3.27	3.62	3.08
Persons per household, <i>2015-2019</i>	85.30%	89.50%	88.10%	86.50%	84.90%	90.10%	81.60%

	South Weber	Sunset	Syracuse	West Bountiful	West Point	Woods Cross
Population estimates, <i>July 1, 2019, (V2019)</i>	7,836	5,364	31,458	5,800	10,957	11,431
Households, <i>2015-2019</i>	2,075	1,678	7,799	1,754	2,878	3,460
Persons per household,	3.56	3.15	3.75	3.21	3.69	3.27

2015-2019

Living in same house 1 year ago,
percent of persons age 1 year+, 2015-2019

85.60% 86.60% 87.70% 94.30% 85.10% 86.00%

Owner-occupied Housing

	Davis County, Utah		State of Utah		United States		
Owner-occupied housing unit rate, 2014-2018	77.60%		69.90%		63.80%		
Median value of owner-occupied housing units, 2014-2018	\$265,900		\$256,700		\$204,900		
Median selected monthly owner costs -with a mortgage, 2014-2018	\$1,548		\$1,497		\$1,558		
Median selected monthly owner costs -without a mortgage, 2014-2018	\$431		\$418		\$490		
	Bountiful	Centerville	Clinton	Farmington	Fruit Heights	Kaysville	North Salt Lake
Owner-occupied housing unit rate, 2014-2018	75.10%	84.00%	85.00%	81.50%	90.10%	87.70%	72.60%
Median value of owner-occupied housing units, 2014-2018	\$316,300	\$321,700	\$243,400	\$386,500	\$396,000	\$339,500	\$303,200
Median selected monthly owner costs -with a mortgage, 2014-2018	\$1,673	\$1,723	\$1,395	\$2,052	\$2,095	\$1,761	\$1,683
Median selected monthly owner costs -without a mortgage, 2014-2018	\$471	\$447	\$428	\$513	\$579	\$421	\$497
	South Weber	Sunset	Syracuse	West Bountiful	West Point	Woods Cross	
Owner-occupied housing unit rate, 2014-2018	89.50%	75.10%	92.90%	82.60%	91.30%	73.40%	

**Median value of owner-occupied housing units,
2014-2018**

**Median selected monthly owner costs -with a mortgage,
2014-2018**

**Median selected monthly owner costs -without a
mortgage, 2014-2018**

\$337,800	\$166,700	\$316,200	\$314,500	\$254,500	\$268,700
\$1,808	\$1,117	\$1,705	\$1,788	\$1,620	\$1,516
\$534	\$321	\$428	\$446	\$433	\$401

Rental Housing

	Bountiful	Centerville	Clinton	Farmington	Fruit Heights	Kaysville	North Salt Lake
Median gross rent, 2015-2019	\$1,071	\$1,157	\$1,348	\$1,178	\$1,669	\$948	\$1,158

	South Weber	Sunset	Syracuse	West Bountiful	West Point	Woods Cross
Median gross rent, 2015-2019	\$1,341	\$858	\$1,514	\$1,374	\$1,515	\$1,243

A construction labor shortage limited building new homes in the Ogden-Clearfield HMA and contributed to rising home prices through 2017. New home sales averaged 1,450 homes a year from 2013 through 2016, up from a low of 1,025 during 2011, but well below the average of 3,725 homes sold a year from 2003 through 2007. During the 12 months ending March 2017, 1,525 homes sold, unchanged from the previous 12 months. New home sales prices averaged \$342,400 during the 12 months ending March 2017, up 7 percent from a year earlier. New home sales prices have increased an average of 6 percent a year since the 2009 low of \$230,900. Current new home sales prices are 6 percent above the 2007 peak of \$323,500.

Existing home sales rose from 2012 through 2016, as local economic conditions improved. Existing home sales have increased an average of 10 percent a year since 2012 to a recent high of 14,200 during 2016, up from a low of 9,200 in 2011. Existing home sales during 2016 were below the average of 17,750 homes sold annually from 2004 through 2007. Existing home sales prices have increased an average of 5 percent a year since the 2011 low of \$192,100 and are 3 percent below the 2007 peak of \$251,400. Distressed sales, which have an average sales price 13 percent below the average sales price of regular resales, comprised 6 percent of total existing home sales during the past 12 months, down from 10 percent during the previous 12 months and well below the peak of 30 percent during 2011.

The rate of seriously delinquent loans (90 or more days delinquent or in foreclosure) and REO properties in the HMA peaked at the same time as the nation in 2010 but did not increase as much as the national rate and recovered more rapidly. During 2010, the rate of seriously delinquent properties in the HMA peaked at 4.9 percent, compared with a peak of 8.6 percent for the nation. The rate of seriously delinquent mortgages and REO properties in the HMA was 1.1 percent during March 2017, compared with a 2.4-percent rate for the nation.

As measured by the number of single-family homes permitted, single-family home construction has been above recession-era levels since 2012 but is well below levels from the early to mid-2000s.

Slower population growth since 2010, compared with population growth during the 2000s, has contributed to the lower level of demand for new homes. From 2000 through 2007, a period of job growth in the HMA, single-family homes permitted averaged 4,175 homes a year. As payrolls declined, and into the first year of recovery from the decline, single-family permitting fell to an average of 1,550 homes a year from 2008 through 2011. From 2012 through 2016, single-family permitting averaged 2,200 homes a year, approximately 650 homes a year above average recessionary levels but 1,975 homes below average pre-recessionary levels. New subdivisions tend to be farther from Interstate-15 compared with existing homes because most of the land adjacent to Interstate-15 has already been developed. *HUD Comprehensive Market Analysis Ogden-Clearfield, Utah – 2017*

Rental Housing

The rental housing market in the Ogden-Clearfield Housing Market Area (HMA) is currently balanced but tightening. The overall rental market vacancy rate (including single-family homes, townhomes, mobile homes, and apartments) is currently estimated at 4.9 percent, down from 7.2 percent during 2010. **A tightening home sales market and rising sales prices forced some households that might prefer to own a home to remain renters, contributing to the tighter rental market compared with 2010.** Rental units comprise an increasing share of the overall housing market in the HMA.

The share of renter households increased to 25.3 percent of all households, up from 24.0 percent in 2010. The share of renter households in the HMA is well below the national rate of 36.4 percent. Rental units consist of approximately 35 percent single-family homes, 60 percent multifamily units, including apartments and renter-occupied townhomes and condominiums, and 5 percent mobile homes (*2015 ACS 1-year data*). Apartment communities comprise approximately 30 percent of all rental units in the HMA and tend to have lower average rent compared with nonapartment units (*estimate by the analyst with support from Utah Apartment Association, 2016*).

The apartment market is slightly tight. The current **apartment vacancy rate was 4.0** percent during the first quarter of 2017, down from 4.3 percent during the same quarter a year earlier and 6.0 percent during 2010 (*Reis, Inc.*). *HUD Comprehensive Market Analysis Ogden-Clearfield, Utah – 2017*

<i>Rental Housing</i>	<i>Davis County, Utah</i>	<i>State of Utah</i>	<i>United States</i>
<i>Median gross rent, 2014-2018</i>	\$1,055	\$988	\$1,023

	<i>Base Year: 2009</i>	<i>Most Recent Year: 2015</i>	<i>% Change</i>
<i>Median Home Value</i>	146,100	153,600	5%
<i>Median Contract Rent</i>	721	840	17%

1 2005-2009 ACS (BASE YEAR), 2011-2015 ACS (MOST RECENT YEAR)

As the economy improves, rental prices continue to increase. The trend over the past decade has been a rental increase that is higher than the increase in monthly wages. As this trend continues, it puts a more significant financial pressure on low- and moderate-income families who are spending an ever-increasing percentage of their income on housing costs.

The lack of affordable housing impacts low- and moderate-income residents the most. The steadily increasing rent costs compound the financial struggles that these families are at risk of experiencing. The growing need for new rental housing units and aged housing unit stock results in many renters living in substandard housing conditions.

Housing Affordability HUD Area Median Family Income (HAMFI) is the median family income calculated by HUD for each jurisdiction to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (*such as a simple Census number*) due to a series of adjustments that are made.

The Community Housing Affordability Strategy (CHAS) evaluates the conditions of families in the lower 50% of the Housing Affordability Median Income for the area.

HAMFI Income Category

Extremely low-income	30% HAMFI
Very low-income	>30% - 50% HAMFI
Low-income	>50% - 80% HAMFI
Low- and middle-income	<100% HAMFI
Upper income	>100% HAMFI

The most relevant thresholds are 50% and 80% of HAMFI because most HUD programs base eligibility on these thresholds (which are generally referred to as "very low-income" and "low-income," respectively).

<i>% Units affordable to Households earning</i>	<i>Renter</i>	<i>Owner</i>
30% HAMFI Extremely low-income	225	No Data
50% HAMFI Very low-income	1,270	485
80% HAMFI Low-income	3,290	1,960
100% Low and middle	No Data	2,900
Total	4,785	5,345
<small>Data</small>	<small>2011-2015 CHAS</small>	

<i>Number of Households</i>	<i>0-30% HAMFI</i>	<i>>30-50% HAMFI</i>	<i>>50-80% HAMFI</i>	<i>>80-100% HAMFI</i>	<i>>100% HAMFI</i>
<i>Total Households</i>	1,395	1,625	2,340	1,285	2,970
<i>Small Family Households</i>	745	635	1,065	560	1,690
<i>Large Family Households</i>	75	390	500	225	660

<i>Household contains at least one person 62-74 years of age</i>	230	115	235	175	240
<i>Household contains at least one person age 75 or older</i>	120	120	150	55	125
<i>Households with one or more children 6 years old or younger</i>	385	575	775	400	479

Data 2011-2015 CHAS

	<i>Renter</i>				<i>Owner</i>			
	<i>0-30% AMI</i>	<i>>30-50% AMI</i>	<i>>50-80% AMI</i>	<i>Total</i>	<i>0-30% AMI</i>	<i>>30-50% AMI</i>	<i>>50-80% AMI</i>	<i>Total</i>
NUMBER OF HOUSEHOLDS								
<i>Small Related</i>	565	470	110	1,145	90	65	270	425
<i>Large Related</i>	30	115	15	160	40	135	125	300
<i>Elderly</i>	145	49	45	239	75	34	55	164
<i>Other</i>	185	165	99	449	75	25	50	150
<i>Total need by income</i>	925	799	269	1,993	280	259	500	1,039

Alternate Data Source Name:
2012-2016 ACS

Over 44% of both owner-occupied homes and 31% renter-occupied homes were built before 1980. As these homes continue to age, repair and maintenance costs also increase. **The 2020 Consolidated Plan's identified housing cost burden as the most common housing problem for Davis County's citizens.** Cost burden does not include the cost of repair and maintenance on the home. Consequently, if families struggle financially, they will defer maintenance of their homes, causing a future need for standard and emergency residential rehabilitation.

<i>Year Unit Built</i>	<i>Owner-Occupied</i>		<i>Renter-Occupied</i>	
	Number	%	Number	%
<i>2000 or later</i>	1,230	24%	1,200	27%
<i>1980-1999</i>	1,660	32%	1,845	42%
<i>1950-1979</i>	1,820	35%	1,110	25%
<i>Before 1950</i>	475	9%	275	6%
Total	5,185	100%	4,430	100%

1 2011-2015 CHAS

The number of units built before 1980 occupied by households serves as the baseline of units that contain lead-based paint hazards. The current table Risk of Lead-Based Paint Hazard data lists housing units built before 1980 with children present as 36% for owner-occupied homes and 18% for renter-occupied homes.

Utah Department of Health, Environmental Public Health Tracking (EPHT) reports that confirmed lead-based paint poisoning cases for children under 5 years of age and under are continuing to rise over the past five years. Additionally, in 2017 the Utah Department of Public Health reported that 269 children age 5 and under were tested for LBPP in Davis County and that **99 tested positive**.

<i>Risk of Lead-Based Paint Hazard</i>	<i>Owner-Occupied</i>		<i>Renter-Occupied</i>	
	Number	%	Number	%
<i>Total Number of Units Built Before 1980</i>	2,295	44%	1,385	31%
<i>Housing Units built before 1980 with children present</i>	1,880	36%	800	18%

2011-2015 ACS (TOTAL UNITS) 2011-2015 CHAS (UNITS WITH CHILDREN PRESENT)

Intergenerational Poverty

Intergenerational poverty is poverty in which two or more successive generations of a family continue in the cycle of poverty, as measured through the utilization of public assistance for at least 12 months as an adult and at least 12 months as a child. Situational poverty does not continue to the next generation, is generally traceable to a specific incident, and is typically time-limited.

Utah created its own measurement of intergenerational poverty and is the only state to distinguish between ***intergenerational poverty and situational poverty***.

Utah measures intergenerational poverty based on enrollment in four public assistance programs where eligibility is closely aligned with the federal poverty measure:

1. Supplemental Nutrition Assistance Program (SNAP)
2. Child Care Subsidies
3. Cash Assistance Programs
4. Medicaid and/or CHIP

The state has made progress in addressing intergenerational poverty by creating a collaborative environment to solve this complex issue. It continues to leverage its success in reducing income inequality and moving people out of poverty to ensure families experiencing intergenerational poverty participate in the state's economic gains.

People from various racial and ethnic backgrounds are experiencing intergenerational poverty in every county in the state. Because of this, Utah's data is focused on addressing the economic

situation and state of well-being of those in intergenerational poverty rather than segmenting the issue by their backgrounds.

Utah takes a two-generation approach with families by focusing on the needs of parents and their children simultaneously.

- Education
- Family Economic Stability
- Health
- Early Childhood Development⁵

Intergenerational Poverty in Davis County

- 4% of kids are living in intergenerational poverty.
- 15% of kids are at risk of remaining in poverty as adults.
- 31.2% of 2017 food stamp (SNAP) households experiencing intergenerational poverty in Davis County were paying more than 30% of their income for housing.
- 87% of adults experiencing intergenerational poverty in Davis County lack education beyond high school.
- 2.3% of adults are experiencing intergenerational poverty.⁶

The Intergenerational Poverty Initiative combines resources across systems, including state and local government, business, non-profit organizations, and religious organizations. The involvement of local communities is required to meet the goal of measurably reducing the incidence of intergenerational poverty.

Davis County's strategies to reduce intergenerational poverty include;

- **Increase Family Economic Stability** - refer IGP families to Open Doors Circles Peer Mentoring Program for assistance with employment services
- **Increase School Engagement** – refer IGP youth to Open Doors program as a resource to assist in preparing for post-secondary education or in the alternative as a pathway to obtain job skills⁷

⁵ "Intergenerational Poverty Fact Sheet" Utah Department of Workforce Services

⁶ Intergenerational Poverty (IGP) Davis County Data - Utah Department of Workforce Services

⁷ "Utah's Ninth Annual Report on Intergenerational Poverty, Welfare Dependency and the Use of Public Assistance – 2020" Utah Intergenerational Welfare Commission Annual Report

Evaluation of Davis County's Current Fair Housing Legal Status

It is illegal to discriminate in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance or other housing-related activities. The Fair Housing Act prohibits this discrimination because of race, color, national origin, religion, sex, familial status, and disability. A variety of other federal civil rights laws, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, prohibit discrimination in housing and community development programs and activities, particularly those assisted with HUD funding.

THESE CIVIL RIGHTS LAWS INCLUDE OBLIGATIONS SUCH AS TAKING REASONABLE STEPS TO ENSURE MEANINGFUL ACCESS TO THEIR PROGRAMS AND ACTIVITIES FOR PERSONS WITH



IMAGE 4: "Open Doors" by V.L. Cox

LIMITED ENGLISH PROFICIENCY (LEP) AND TAKING APPROPRIATE STEPS TO ENSURE EFFECTIVE COMMUNICATION WITH INDIVIDUALS WITH DISABILITIES THROUGH THE PROVISION OF APPROPRIATE AUXILIARY AIDS AND SERVICES. VARIOUS FEDERAL FAIR HOUSING AND CIVIL RIGHTS LAWS REQUIRE HUD AND ITS PROGRAM PARTICIPANTS TO AFFIRMATIVELY FURTHER THE PURPOSES OF THE FAIR HOUSING ACT.

Local governments, PHAs, States, and Insular Areas must be involved in fair housing planning to ensure follow through on the obligation to affirmatively further the policies of the Fair Housing Act. These policies include ensuring that persons are not denied equal opportunities in connection with housing because of their race, color, national origin, religion, disability, sex, or familial status. They also include the policy of overcoming patterns of segregation and the denial of access to opportunity that are part of this nation's history. To be effective, fair housing planning must tackle tough issues. Fair housing planning affects the community as a whole, so all people in the community must have the opportunity to be at the table and participate in making those decisions.

Fair housing choice is not only about combating discrimination.

Fair housing choice involves individuals and families having the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to

race, color, religion, sex, familial status, national origin, or disability, and that their choices realistically include housing options in integrated areas with access to opportunity.

Fair housing encompasses;

1. **Actual choice**, which means the existence of realistic housing options;
2. **Protected choice**, which means housing that can be accessed without discrimination; and
3. **Enabled choice**, which means realistic access to sufficient information regarding options so that any choice is informed.

For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual's need.

HUD – Office of Fair Housing and Equal Opportunity (FHEO)

HUD's Office of Fair Housing and Equal Opportunity (FHEO) works to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities. FHEO enforces fair housing laws. One of its roles is to investigate complaints of housing discrimination.

The laws implemented and enforced by FHEO include:

- The Fair Housing Act
- Title VI of the Civil Rights Act of 1964
- Section 109 of the Housing and Community Development Act of 1974
- Section 504 of the Rehabilitation Act of 1973
- Titles II and III of the Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Age Discrimination Act of 1975
- Title IX of the Education Amendments Act of 1972
- Section 3 of the Housing and Urban Development Act of 1968

FHEO investigates complaints, which may be one or both of the following types:

1. Discrimination under the Fair Housing Act (including housing that is privately owned and operated)
2. Discrimination and other civil rights violations in housing and community development programs, including those funded by HUD

A Brief Overview of the Fair Housing Act

The Fair Housing Act protects specified groups from discrimination in obtaining and maintaining housing. The act applies to the rental or sale of dwelling units with exceptions for single-family homes (as long as the owner does not own more than three single-family homes) and dwellings with up to four units where one is owner-occupied.

Discrimination based on the following characteristics is prohibited under the act. The terms race, color, and national origin are not defined in the Fair Housing Act statute.

- Race
- Color
- **Religion**—The statute provides an exemption for religious organizations to rent or sell a property they own or operate to members of the same religion (as long as membership is not restricted based on race, color, or national origin).
- National origin
- **Sex**—In February 2021, HUD released a memo stating that it would begin accepting discrimination complaints based on sexual orientation or gender identity and that FHEO would conduct “all other activities involving the application, interpretation, and enforcement of the Fair Housing Act’s prohibition on sex discrimination to include discrimination because of sexual orientation and gender identity.” HUD issued this guidance in response to the 2020 decision, *Bostock v. Clayton County*. The Supreme Court held that Title VII of the Civil Rights Act of 1964 barred employers from firing an individual for being gay or transgender. HUD’s guidance explains that “the Fair Housing Act’s sex discrimination provisions are comparable to those of Title VII and that they likewise prohibit discrimination because of sexual orientation and gender identity.” Further, courts have found discrimination based on sex to include sexual harassment, and HUD regulations outline quid pro quo and hostile environment sexual harassment that violates the Fair Housing Act. Discrimination based on nonconformity with gender stereotypes may also be unlawful sex-based discrimination under the Fair Housing Act.
- **Familial status**—The statute defines familial status as parents or others having custody of one or more children under age 18. Familial status discrimination does not apply to housing dedicated to older persons.
- **Handicap**—The statute defines handicap as having a physical or mental impairment that substantially limits one or more major life activities, having a record of such impairment, or being regarded as having such an impairment. Regulations provide lists of conditions that may constitute physical or mental impairments.¹⁵ Major life activities means “functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.”

The Fair Housing Act protects individuals in the covered classes from discrimination in various activities involving housing. Some of the specific types of activities that are prohibited include the following:

- Refusing to rent or sell, refusing to negotiate for a rental or sale, or otherwise making a dwelling unavailable based on protected class.
- Discriminating in the terms, conditions, or privileges of sale or rental or in the services and facilities provided in connection with a sale or rental.
- Making, printing, or publishing notices, statements, or advertisements that indicate a preference, limitation, or discrimination in connection with a sale or rental based on a protected class.
- Representing that a dwelling is not available for inspection, sale, or rental based on a protected class.
- Inducing, for-profit, someone to sell or rent based on the representation that members of a protected class are moving to the neighborhood (sometimes referred to as blockbusting).
- Refusing to allow reasonable modifications or reasonable accommodations for persons with a disability. Reasonable modifications involve physical changes to the property, while reasonable accommodations involve changes in rules, policies, practices, or services to accommodate disabilities.
- Discriminating in “residential real estate related transactions,” including the provision of loans and selling, brokering, or appraising property.
- Retaliating (i.e., coercing, intimidating, threatening, or interfering) against anyone attempting to exercise rights under the Fair Housing Act.⁸

In the Sale and Rental of Housing:

It is illegal discrimination to take any of the following actions because of race, color, religion, sex, disability, familial status, or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Otherwise make housing unavailable
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide a person different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental

⁸ “The Fair Housing Act: HUD Oversight, Programs, and Activities” Congressional Research Service, April 7, 2021

- Make, print, or publish any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination
- Impose different sales prices or rental charges for the sale or rental of a dwelling
- Use different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analyses, sale or rental approval procedures, or other requirements
- Evict a tenant or a tenant's guest
- Harass a person
- Fail or delay performance of maintenance or repairs
- Limit privileges, services, or facilities of a dwelling
- Discourage the purchase or rental of a dwelling
- Assign a person to a particular building or neighborhood or section of a building or neighborhood
- For profit, persuade, or try to persuade, homeowners to sell their homes by suggesting that people of a particular protected characteristic are about to move into the neighborhood (blockbusting)
- Refuse to provide or discriminate in the terms or conditions of homeowners' insurance because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling
- Deny access to or membership in any multiple listing service or real estate brokers' organization

Civil Rights Obligations of Public Entities and Recipients of Federal Financial Assistance

Federal laws prohibit discrimination in housing and community development programs and activities because of race, color, religion, sex, national origin, familial status, and disability. These obligations extend to recipients of HUD financial assistance, including subrecipients, as well as the operations of state and local governments and their agencies, and certain private organizations operating housing and community development services, programs, or activities. For example, federal laws prohibit discrimination, including the denial of participation in and benefit of the following examples of programs and activities: homelessness, transitional housing, permanent supportive housing, the operations of social service organizations, public housing, voucher programs, other affordable housing programs, community development funded facilities, etc. Recipients and other covered entities must also take affirmative steps within such programs and activities to provide equal housing opportunities.

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892).



As provided in the rule, AFFH means **"taking meaningful actions, in addition to combating discrimination, that overcomes patterns of**

segregation and fosters inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development."

Image 5: Photo Credit HUD Fair Housing

U.S. Department of Housing and Urban Development (HUD) Secretary Ben Carson announced in July of 2020 that the Department will ultimately terminate the Affirmatively Furthering Fair Housing (AFFH) regulation. HUD's brand-new rule, called Preserving Community and Neighborhood Choice, defines fair housing broadly to mean housing that, among other attributes, is affordable, safe, decent, free of unlawful discrimination, and accessible under civil rights laws. It then defines "affirmatively furthering fair housing" to mean any action rationally related to promoting any of the above attributes of fair housing.

Now, a grantee's certification that it has affirmatively furthered fair housing would be deemed sufficient if it proposes to take any action above what is required by statute related to promoting any of the attributes of fair housing. HUD remains able to terminate funding if it discovers, after an investigation made pursuant to a complaint or by its own volition, that a jurisdiction has not adhered to its commitment to AFFH.

Disability

Federal nondiscrimination laws provide housing protections for individuals with disabilities. These protections apply in most private housing, state and local government housing, public housing, and other federally-assisted housing programs and activities. The Fair Housing Act prohibits discrimination in housing and housing-related transactions because of disability.

Federal nondiscrimination laws define a person with a disability to include any;

1. Individual with a physical or mental impairment that substantially limits one or more major life activities;
2. Individual with a record of such impairment; or
3. Individual who is regarded as having such an impairment.

In general, a physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.

Some impairments are readily observable, while others may be invisible. Observable impairments may include, but are not limited to, blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson's disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.

The term “major life activities” includes those activities that are important to daily life. Major life activities include, for example, walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. There are other major life activities that are not on this list. Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.

Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. Titles II and III of the Americans with Disabilities Act prohibit discrimination on the basis of disability in all programs, services, and activities of public entities and by private entities that own, operate, or lease places of public accommodation.

Section 504 of the Rehabilitation Act provides that no qualified individual with disabilities should, solely by reason of their disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Section 504 covers all programs and activities of recipients of HUD financial assistance, including, for example:

- Outreach and public contact, including contact with program applicants and participants
- Eligibility criteria
- Application process
- Admission to the program
- Tenancy, including eviction
- Service delivery
- Physical accessibility of facilities
- Employment policies and practice

The Americans with Disabilities Act (ADA)

The ADA is a comprehensive civil rights law for persons with disabilities. Title II of the ADA prohibits discrimination on the basis of disability in all programs, services, and activities provided or made available by public entities (state and local governments and special purpose districts). This includes housing when provided or made available by a public entity regardless of whether the entity receives federal financial assistance. For example, housing covered by Title II of the ADA includes housing operated by public housing agencies that meet the ADA’s definition of “public entity,” and housing operated by States or units of local government, such as housing on a State university campus.

Title III of the ADA prohibits private entities that own, lease (to and from), and operate places of public accommodation from discriminating on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in

compliance with established accessibility standards. Public accommodations at housing developments include public areas open to the general public, such as a rental office. Public accommodations would also include, for example, shelters and social service establishments.

Sexual Harassment

Sexual harassment in housing is a form of sex discrimination prohibited by the Fair Housing Act. Sex discrimination is also prohibited by other federal laws, such as Section 109 of the Housing and Community Development Act of 1974 and Title IX of Education Amendments of 1972. There are two main types of sexual harassment: (1) quid pro quo sexual harassment; and (2) hostile environment sexual harassment.

Quid Pro Quo

Quid pro quo harassment occurs when a housing provider requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services.

Hostile Environment

Hostile environment harassment occurs when a housing provider subjects a person to severe or pervasive unwelcome sexual conduct that interferes with the sale, rental, availability, or terms, conditions, or privileges of housing or housing-related services, including financing.

Actions for a Violation

Housing Discrimination Complaints filed with State and Federal Organizations Formal complaints related to housing discrimination in the State of Utah are generally filed with HUD's Office of Fair Housing and Equal Opportunity (FHEO), the Housing and Civil Enforcement Section of the United States Department of Justice, Utah Labor Commission – Antidiscrimination and Labor Division, or Utah Disability Law Center.

A party who believes they have been a victim of illegal discrimination, based on their membership in one of the federally protected classes, during a housing related transaction, may file a complaint with the Department of Housing and Urban Development (HUD). When a complaint is filed, HUD will investigate the complaint and tries to conciliate the matter with both parties. The Office of Fair Housing and Equal Opportunity (FHEO) administers and enforces federal laws and establishes policies that ensure all Americans have equal access to the housing of their choice.

In addition to general fair housing discrimination complaints, HUD accepts specific complaints that violate Section 504 of the Rehabilitation Act of 1973, prohibiting programs or organizations receiving federal funds from discriminating against persons with disabilities. In relation to housing, this means that any housing program that accepts federal funds must promote equal

access of units, regardless of disability status. Both mental and physical disability are included in Section 504.

An example of a Section 504 violation is a public housing manager who demands a higher housing deposit to a person in a wheelchair because of the anticipated damage that a wheelchair may cause. This violates Section 504 in that a person cannot be held to different standards or liabilities due to disability.

Complaints that are in violation of Section 504 are filed and processed in the same manner as general fair housing complaints.

Over the past two years, HUD has received one filing in Davis County, and the basis was disability; this filing remains open at this time. The Housing and Civil Enforcement Section of the Department of Justice works to protect some of the most fundamental rights of individuals, including the right to access housing free from discrimination, the right to access credit on an equal basis, the right to patronize places of business that provide public accommodations and the right to practice one's faith free from discrimination.

HUD – Multifamily Housing Complaint Line

The Multifamily Housing Complaint Line is a service provided by HUD's Multifamily Housing Clearinghouse (MFHC) that enables residents of HUD-insured and -assisted properties and other community members to report complaints with a property's management concerning matters such as poor maintenance, dangers to health and safety, mismanagement, and fraud. It can be accessed by dialing 1-800-MULTI-70 (1-800-685-8470).

Callers to this line can speak to MFHC information specialists in English and Spanish, who will help them resolve their problem. MFHC staff explain how to report problems to building management more effectively, answer questions about residents' rights, and refer callers to local Public Housing Agencies and other organizations, if needed. If a complaint is serious enough to bring to HUD's attention, MFHC information specialists write up a report on the problem and fax or email it to the appropriate HUD Field Office for action.

The Multifamily Housing Complaint Line supports HUD's enforcement efforts by empowering tenants and community residents to act as HUD's eyes and ears to ensure safe, decent, and sanitary housing. Complaints of housing discrimination are handled by the Office of Fair Housing and Equal Opportunity

Fair Housing Assistance Program (FHAP)

Through the Fair Housing Assistance Program (FHAP), HUD funds state and local agencies that administer fair housing laws that HUD has determined to be substantially equivalent to the Fair Housing Act.

The Fair Housing Act contemplates that, across the country, state and local governments will enact and enforce their own statutes and ordinances that are substantially equivalent to the Fair Housing Act. HUD provides FHAP funding annually on a noncompetitive basis to state and local agencies that administer fair housing laws that provide rights and remedies that are substantially equivalent to those provided by the Fair Housing Act.

A state or local agency may be certified as substantially equivalent after it applies for certification. HUD then determines that the agency administers a law that provides substantive rights, procedures, remedies, and judicial review provisions that are substantially equivalent to the Fair Housing Act. Typically, once certified, HUD will refer complaints of housing discrimination that it receives to the state or local agency for investigation.

FHAP is an intergovernmental enforcement partnership between HUD and the state or local agencies. As in any partnership, both parties must contribute to the success of the program.

While HUD provides significant resources to Substantially Equivalent Agencies in the form of training, technical assistance, and funding. The agencies must demonstrate a commitment to thorough and professional complaint processing. This includes all phases of complaint processing, from accurate identification of issues at intake, through complete and sound investigations, to following through on administrative or judicial enforcement to ensure that victims of unlawful housing discrimination obtain full remedies and the public interest is served. The agencies should also work to develop relationships with public, private, and non-profit organizations in a grassroots approach to making fair and open housing a reality.

The Fair Housing Act covers most housing. In very limited circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.

The Utah Antidiscrimination and Labor Division (UALD) is the Fair Housing Assistance Program (FHAP) provided in Utah.

Utah Labor Commission

The Antidiscrimination and Labor Division (UALD) Fair Housing unit administers and enforces the Utah Fair Housing Act, Utah Code Ann. §57-21-101 *et seq.*, which prohibits discrimination based on **race, color, sex, religion, national origin, disability, source of income, familial status,**

sexual orientation, or gender identity. The Act specifically prohibits discrimination against anyone who wants to rent or purchase real property (houses, condos, apartments, etc.) based on the listed categories.

Generally, UALD can only enforce laws that prohibit housing discrimination by:

- Landlords and owners of four or more housing units
- Mortgage lenders
- Insurance agencies
- Realtors and management agencies
- State and local governments, including housing authorities

In most situations, a complaint must be filed within 365 days of the date of the discrimination. UALD will investigate claims that are filed within 180 days of the discrimination. If the complaint is made between 181 days and 365 days, the UALD will process your paperwork and then send your case to the Department of Housing and Urban Development (HUD).

It is not necessary to file a complaint with this Division to preserve a legal right to file a private lawsuit later. The Fair Housing Laws allow complaints to go directly to court within two years of the discriminatory act.

Additionally, based on a cooperative agreement with the US Department of Housing and Urban Development, anyone who files a housing discrimination complaint with the Utah Labor Commission office automatically files with the U.S. Department of Housing and Urban Development (HUD). ***Utah Labor Commission is a dual-filing office.***

Fair Housing Initiatives Program (FHIP)

Fair housing organizations and other non-profits that receive funding through the Fair Housing Initiatives Program (FHIP) assist people who believe they have been victims of housing discrimination.

FHIP organizations partner with HUD to help people identify government agencies that handle complaints of housing discrimination. They also conduct preliminary claims investigations, including sending "testers" to properties suspected of practicing housing discrimination. In addition to funding organizations that provide direct assistance to individuals who feel they have been discriminated against while attempting to purchase or rent housing, FHIP also has initiatives that promote fair housing laws and equal housing opportunity awareness.

The Disability Law Center is the Fair Housing Initiatives (FHIP) provider in Utah.

Disability Law Center

The Disability Law Center (DLC) is a private, non-profit organization designated by the governor as Utah's Protection and Advocacy (P&A) agency.

The Fair Housing Program at the Disability Law Center serves people from **all** protected classes (race, color, ethnicity, sex/gender, religion, disability, familial status), **not just** people with disabilities. Utah law also protects against discrimination based on **the source of income, sexual orientation, and gender identity**. This program serves Salt Lake City and all areas of Utah to ensure that an individual's housing rights are upheld and that micro or systematic discrimination is not present.

The Disability Law Center helps ensure that people who belong to protected classes have equal access and opportunity to rent or own homes and apartments in their communities. This work includes, but is not limited to, the following:

- Ensuring that landlords and property owners do not discriminate in renting or selling property
- Making sure that housing is accessible to people with disabilities to the extent required by law
- Advocating to increase the amount of accessible, affordable, and integrated housing
- Providing fair housing training for providers, landlords, and consumers of housing
- Conducting fair housing testing to ensure that landlords are complying with fair housing laws
- Enforcing fair housing laws through administrative and judicial complaint processes


The DLC Fair Housing Team can provide the following services:

- **Investigation:** Investigative methods vary with each case. Potential methods include witness interviews, public records searches, fair housing testing, canvassing, or legal research.
- **Administrative Representation:** The DLC can help file an administrative complaint and provide representation throughout the process.
- **Legal Representation in Federal Court:** The DLC may represent clients in a Fair Housing Act lawsuit in federal court in very limited circumstances.

Fair Housing Testing

The Disability Law Center (DLC) does testing of fair housing throughout the State of Utah. Testing in Davis County has identified a pattern of fair housing discrimination.

In Utah, the fair housing state laws protect against discrimination based upon source of income. The Disability Law Center reports challenges experienced by people utilizing HUD housing choice vouchers and being turned away from housing. DLC provided fair housing training to



the Davis County Housing Authority in 2021 and reached community members who limited knowledge of fair housing laws.

Residents in Davis County also experience discrimination based upon disability. DLC testers consistently find that rental agencies and property managers turn away applicants who state they have a service animal or tell them that service animals are not accepted at the property.

Disability Law Center offers fair housing training geared to specific audiences. Consistent and community-wide training may help reduce housing discrimination and provide residents with information to understand their fair housing rights better.

- Training can be provided to City planning and zoning employees, elected officials, and community development departments to better understand the impact of zoning regulations on fair housing and the long-term impact of development.
- Training can be provided to developers, builders, and architects to understand the value of building houses that meet the needs of all residents, especially those with mobility challenges.
- Training can be provided to rental agencies, property management companies, and real estate brokers/agents to understand how fair housing intersects with their interactions with the public and how to reduce discrimination.
- Training can be provided to the broader public on their fair housing rights and how to file a complaint if they experience a fair housing violation.

Providing a broad range of training/outreach, coupled with consistent testing, will help Davis County better measure the scope of fair housing discrimination and reduce the amount of discrimination each year.

Davis County Housing Survey

Davis County distributed a housing survey to residents in the Spring of 2021 to assess whether residents were informed about fair housing rights, whether they had experienced discrimination in attaining housing, and how they chose to deal with discriminatory practices.

The County received 787 survey responses.

- 72% of respondents had a primary residence in Davis County. 26% were renters.
- 86% of respondents identified as white. 9% of respondents identified as Hispanic or Latino.
- 38% of respondents listed household income within the low- to moderate-income range.

Generally, residents in Davis County stated that they were aware of fair housing requirements and that housing discrimination is not an issue.


- 84% of respondents answered that they were aware of basic fair housing requirements.
- 755 respondents answered that they do not believe that housing discrimination is an issue in Davis County.

However, a significant portion of respondents reported that housing discrimination was something that they had personally experienced.

- 9% of respondents stated that they had experienced housing discrimination.
- 8% of respondents stated that they knew someone who experienced housing discrimination.

The most common housing discrimination reported in survey results centered around rental housing.

- 14% of respondents stated that rental terms and conditions differed depending on who was applying for housing.
- 7% of respondents stated that the housing provider falsely denied that housing was available.
- 7% of respondents stated that the housing provider refused to make reasonable accommodations for a tenant with disabilities.
- 6% of respondents stated that real estate agents directed people to certain neighborhoods.
- 55 of respondents stated that the housing provider used discriminatory advertising.



The survey responses showed that respondents were unlikely to report housing discrimination because they did not believe it would help or know how to file a complaint.

- Only 12% of respondents who stated they had experienced housing discrimination stated that they reported the incident.
- 45% of respondents who experience fair housing discrimination stated that they did not believe filing a complaint would make a difference.
- 25% of respondents who experience fair housing discrimination stated that they did not know where to file a complaint.
- 20% of respondents who experience fair housing discrimination stated that filing a complaint was too much trouble.
- 10% of respondents who experience fair housing discrimination stated that they were afraid of retaliation if they filed a complaint.

The survey also asked respondents what they would do if they encountered fair housing discrimination. Most respondents stated that they would report it (54%) or tell the person they believe they are discriminating against them (25%). These responses, coupled with 75% of respondents stating that they do not believe housing discrimination in Davis County, alludes to a fair housing problem that is outside the experiences of the majority of Davis County residents but is still a very real concern for a significant, but small percentage, of Davis County residents.

Identification of Impediments to Fair Housing Choice

The AI is a comprehensive review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

The AI is a review of impediments to fair housing choice in the public and private sector. Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions, or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin. Policies, practices, or procedures that appear neutral on their face but operate to deny or adversely affect the housing provision to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments.

Impediments include actions or omissions in the jurisdiction's public or private housing sector that:

- Constitute violations, or potential violations, of the Fair Housing Act
- Are counterproductive to fair housing choice, such as NIMBYism:
- Community resistance when minorities, persons with disabilities, and/or low-income persons first move into White and/or moderate- to high-income areas
- Community resistance to the siting of housing facilities for people with disabilities in residential neighborhoods based on their disabilities
- Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

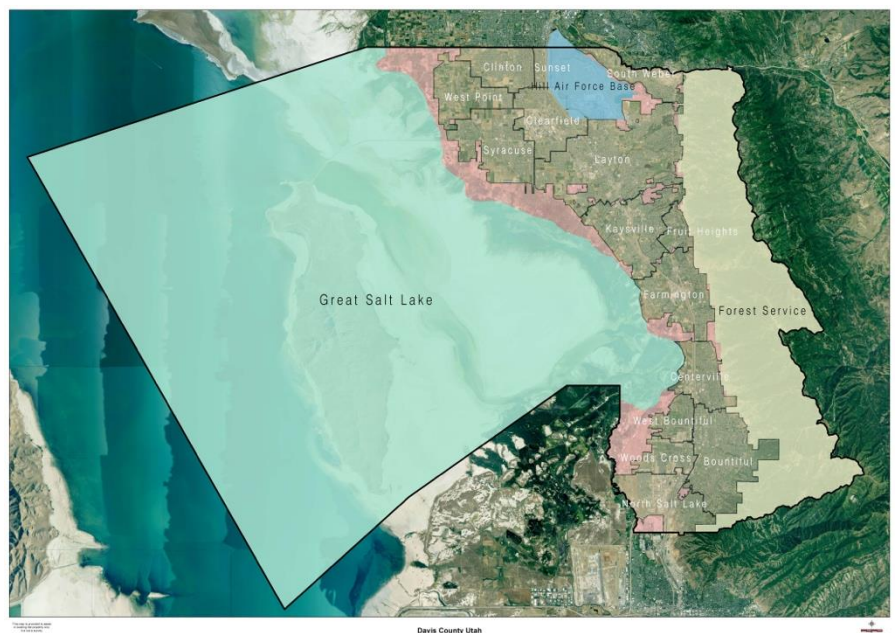
Public Sector

Davis County has the smallest land area of all of Utah's 29 counties, and yet due to its location in the heart of the Wasatch Front, it has the third-largest county population. All of that population is sandwiched into the buildable area between the Wasatch Mountains and the Great Salt Lake. Davis County acknowledges that the main purpose of municipalities is to provide urban services and a public voice in local affairs. The role of the County should be to coordinate and assist the municipalities in addressing issues of regional significance.

Davis County consists of 630 square miles.

- The Great Salt Lake comprises 335 square miles
- US Forest Service manages 42 square miles
- Incorporated municipalities manage 244 square acres
- Davis County manages 13 square acres of unincorporated land

In the past few years, Davis County has shifted the responsibility of land-use planning in unincorporated areas to the adjoining incorporated municipalities because the County does not provide utilities in unincorporated areas. New developments must receive permission to connect to utilities provided by existing municipalities, which in turn require that those developments be annexed into the municipality and/or be consistent with their land-use policies before they permit the connections. As a result, the County acknowledges that the municipalities have de-facto jurisdiction over land-use planning decisions in the unincorporated county's developable areas through their regulation of utility connections and annexation policies.



The only other undeveloped land located within unincorporated Davis County is located in environmentally sensitive areas, such as the foothills and the shores of the Great Salt Lake. The

County does not consider these areas developable and is actively working to preserve them as permanent open spaces.

There are several pockets of completely developed neighborhoods located within unincorporated Davis County. **These areas are being annexed rapidly into the adjoining municipalities, and the County does not foresee any redevelopment opportunities before total annexation occurs.**⁹

Zoning and Site Selection

Local government policies that 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. This is because they may indirectly discriminate against persons with disabilities and minorities, many of whom are homeless. Building codes that require certain amenities or setbacks also affect the feasibility of providing low- and moderate-income housing development.

Even where zoning or other government policies are permissive, neighborhood residents often resist the placement of certain types of housing in their area. The attitude of local government officials, public pronouncements of general policy, and careful planning and implementation of individual housing efforts by providers are key aspects for overcoming resistance of this kind. Placement of new or rehabilitated housing for lower-income people is one of the most controversial issues communities face. If fair housing objectives are to be achieved, the goal must be to avoid high concentrations of low-income housing.

Whether the persons to be served are families with children, persons with disabilities, homeless persons, or lower-income minorities, many communities feel strongly that housing for these persons should be provided but “not in my back yard” (NIMBY). This attitude seriously affects the availability of housing for people in these groups and is one of the most difficult challenges jurisdictions encounter in promoting fair housing objectives.

HUD has regulations governing the selection of sites for certain HUD-assisted housing programs. These regulations are flexible and express the goal previously stated. Jurisdictions should strive to meet the intent and spirit of these regulations in providing or approving sites for all of the low- and moderate-income housing developed in the community.

⁹ *Davis County Resource Management Plan, 2017*

Most developable land in Davis County is privately owned. Zoning within the county is left up to local and municipal governments. Zoning districts, and the regulations established within the zoning districts, are authorized by Utah State Code 17-27a- 505 and municipalities 10-9a-505.

- Davis County does not provide public utility services to unincorporated areas.
- Davis County discourages the establishment or extension of special improvement districts and their utility lines for the primary purpose of opening areas for development.
- Davis County encourages that municipalities annex areas of Unincorporated County where new and/or extended services are needed.
- Davis County seeks to encourage such annexations to maximize urban services available to area residents.¹⁰

Davis County Housing Authority

The Davis Community Housing Authority serves the entire county and many members of protected classes, especially minority, disabled, and single-parent households. They own or manage about 269 units across the county and over 850 Housing Choice Vouchers and location-based vouchers. There are currently over 2,100 families on the waiting list for one of their programs (either Section 8 or public housing). At the time of application, the applicant is informed that the wait will probably be two years long. It's a shorter wait for public housing units (318 on the waiting list) than for the Section 8 vouchers and specifically for Rosewood Housing (658 on the waiting list). The biggest single problem facing Davis County affordable housing is that federal funding is constantly being cut for their programs.

Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high-rise apartments for elderly families.

U.S. Department of Housing and Urban Development (HUD) administers Federal aid to Davis County Housing Authority (DCHA) to help manage the housing for low-income residents at rents they can afford.

Public housing is limited to low-income families and individuals. DCHA determines eligibility based on: 1) annual gross income; 2) whether you qualify as elderly, a person with a disability, or as a family; and 3) U.S. citizenship or eligible immigration status.

Rent, referred to as the Total Tenant Payment (TTP) in this program, is based on a family's anticipated gross annual income less deductions, if any. HUD regulations allow DCHA to exclude from annual income the following allowances: \$480 for each dependent; \$400 for any elderly

¹⁰ *Davis County Resource Management Plan, 2017*

family or a person with a disability; and some medical deductions for families headed by an elderly person or a person with disabilities. DCHA determines if any allowable deductions should be subtracted from the client's annual income based on the application. Annual income is the anticipated total income from all sources received from the family head and spouse, and each additional member of the family 18 years of age or older.

The formula used in determining the TTP is the highest of the following, rounded to the nearest dollar:

1. 30 percent of the monthly adjusted income. (Monthly Adjusted Income is annual income less deductions allowed by the regulations);
2. 10 percent of monthly income;
3. welfare rent, if applicable; or
4. a \$25 minimum rent or higher amount (up to \$50) set by a housing authority.

Housing Choice Vouchers

Section 8 vouchers can be an extremely effective tool in reducing concentrations of low-income households. This was the intent of the voucher choice program when it was introduced in 1974. Sometimes voucher holders are discriminated against by landlords who are unwilling to accept Section 8 vouchers. This is clearly against the law in Utah but is difficult to enforce. Vouchers are used to subsidize a voucher holder's rent. Consequently, voucher holders must be located where rental housing is available. The voucher holder's rental options are limited, in most cases, to rental units priced at or below Fair Market Rent.

The housing choice voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants can find their own housing, including single-family homes, townhouses, and apartments.

The participant is free to choose any housing that meets the program's requirements and is not limited to units located in subsidized housing projects.

Housing choice vouchers are administered locally by public housing agencies (PHAs). Davis County Housing Authority (DCHA) receive federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program.

A family issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum health and safety standards, as determined by the Davis County Housing Authority.

A housing subsidy is paid to the landlord directly by the DCHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Under certain circumstances, if authorized by the DCHA, a family may use its voucher to purchase a modest home.

Eligibility for a housing voucher is determined based on the total annual gross income and family size. It is limited to US citizens and specified categories of non-citizens who have eligible immigration status. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, DCHA must provide 75 percent of its voucher to applicants whose incomes do not exceed 30 percent of the area median income. Median income levels are published by HUD and vary by location.


Since the demand for housing assistance often exceeds the limited resources available to HUD and the local housing agencies, long waiting periods are common. A PHA may close its waiting list when it has more families on the list than can be assisted in the near future. PHAs may establish local preferences for selecting applicants from their waiting list.

The DCHA calculates the maximum amount of housing assistance allowable. The maximum housing assistance is generally the lesser of the payment standard minus 30% of the family's monthly adjusted income or the gross rent for the unit minus 30% of the monthly adjusted income.

For example, PHAs may give a preference to a family who is (1) homeless or living in substandard housing, (2) paying more than 50% of its income for rent, or (3) involuntarily displaced. Families who qualify for such local preferences move ahead of other families on the list who do not qualify for any preference. Each PHA has the discretion to establish local preferences to reflect its particular community's housing needs and priorities.

Sale of Subsidized Housing and Possible Displacement

In the sale of subsidized housing, the objective should be to preserve lower-income housing opportunities to the maximum extent feasible. However, suppose any displacement of a current minority or disabled low-income families occurs. In that case, the objective should be to



provide other housing opportunities to displaced households by giving them a real choice to relocate inside and outside minority neighborhoods or in buildings predominantly occupied by minorities or persons with disabilities. Because a relocation plan often places sole reliance on the provision of certificates or vouchers to displaced households, a good program to promote real choice in the use of certificates and vouchers is essential.

Davis County Housing Authority does not have any properties that would be impacted by the sale of property or would displace tenants.

Private Sector

Under the broad term “private sector” are many specific aspects of the jurisdiction’s housing market that should be examined to determine whether fair housing objectives are being served.

Government policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices can play a significant role in promoting fair housing choice.

Lending Policies and Practices

Government policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices can play a significant role in promoting fair housing choice.

Until very recently, mortgage lending and real estate appraisal policies and practices were openly discriminatory. Decisions as to property values, lending criteria, and related factors frequently rested on the race or ethnicity of the applicant and the racial or ethnic identity of the neighborhood in which the subject property was located. Lending policies and practices also treated applicants differently based on gender. Because of the close relationship between mortgage lending and appraisal activities, the policies and practices in one area significantly impact those in the other area.

Appraisal and lending criteria that look at age, size, or minimum value of a dwelling in light of “stability” factors—such as whether the neighborhood is homogeneous or changing culturally or socially—may be more recent iterations of previous policies and criteria that referred openly to neighborhood stability or change in terms of racial characteristics. Intentional or inadvertent discrimination may result from applying these criteria or various other factors, some of which may be very difficult or impossible to detect in a fair housing review by a regulatory or other agency.

Lending policies and requirements related to credit history, current credit rating, employment history, and general character of applicants permit lenders to use a great deal of discretion and in the process deny loans even though the prospective borrower would have been an acceptable risk. In October 1992, the Federal Reserve Bank of Boston released a study of 131 Boston area lenders that shows that the subjectivity built into the loan process is a principal cause of discrimination in lending. The study is based on the review of 3,062 loan applications. The study concluded that, after controlling for all objective indicators of applicant risk, lenders still rejected members of minority groups 56 percent more often than otherwise identical Whites. For Whites, “compensating factors” are considered that result in loan approval at a much higher rate than for Blacks or Hispanics.

Studies such as this point to the need for affirmative action by lenders themselves to look at their policies and practices and change the manner in which judgments are made by every person who plays a role in the lending process.

Lenders may apply different terms for different applicants or dwellings in different neighborhoods. Frequently, the terms offered to Blacks or other minority borrowers have been less favorable than those offered to nonminority borrowers. However, the less favorable terms have been the only ones available in the neighborhoods where the minority borrowers reside or the dwellings they plan to purchase. These most often have been minority neighborhoods. Often, the limited lending options available in such neighborhoods have been offered by lenders who operate only in such areas.

Because some banks or savings and loan institutions in cities will not make loans in minority neighborhoods, minority borrowers cannot benefit from competitive loan offerings available in the larger market.

Home Mortgage Disclosure Act


The Home Mortgage Disclosure Act (HMDA) was enacted by Congress in 1975 and is implemented by the Federal Reserve Board's Regulation C. The Act was implemented in response to mortgage credit shortages in older urban neighborhoods (particularly those with predominantly minority populations).

On July 21, 2011, the rule-writing authority of Regulation C was transferred to the Consumer Financial Protection Bureau (CFPB). This regulation provides the public loan data that can be used to assist:

- in determining whether financial institutions are serving the housing needs of their communities;
- public officials in distributing public-sector investments to attract private investment to areas where it is needed;
- and in identifying possible discriminatory lending patterns.

The Fair Housing Act applies to mortgage lending just as it does to other aspects of housing. Lenders may not:

- Refuse to make a mortgage loan;
- Refuse to provide information regarding loans,
- Impose different terms or conditions on a loan (such as different interest rates, points, or fees); or
- Discriminate in appraising property based on race, color, national origin, religion, sex, familial status, or handicap.



Most banks and other lending institutions must report to the Federal Financial Institutions Examination Council (FFIEC) on their lending practices. Information from the Federal Financial Institutions Examination Council (FFIEC) is available to the public as Home Mortgage Disclosure Act data (HMDA).

Information reported about the clients and the properties includes data related to such elements as race, gender, marital status, income level of the mortgagee, location of the dwelling by census tract, type of housing, value of housing, etc. The information required and the manner of reporting has been modified several times since the adoption of the HMDA. Collection information requirements continue to be modified to meet the changing needs of those who utilize this information for the purposes intended by Congress. Additionally, the criteria that determine which institutions must report continue to be modified as well.

HMDA data is filed with the regulatory agency given oversight for the particular financial institution performing the reporting. These agencies include the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, or the National Credit Union Association. The Federal Financial Institutions Examination Council (FFIEC) is directed to compile annual data by census tract.

The disparities in homeownership across racial and ethnic lines reflect only the symptoms of underlying impediments in the home mortgage application process. The Home Mortgage Disclosure Act (HMDA) data was compiled for Davis County to better understand the barriers that members of the protected class face in obtaining mortgages.

High-Cost Originations

A loan is considered high cost when a rate spread is reported. In the fourth quarter of 2009, HMDA changed its rules for reporting rate spreads to more accurately capture high-cost lending activity. Therefore, the data shown here separates the first three quarters of 2009 from the last quarter of 2009. The 2010 - 2019 data in the table below represents the rate spread rule change implemented in 2009Q4. Change calculations between 2019 and years previous to 2010 should not be made due to the adjusted reporting rules implemented beginning in the fourth quarter of 2009.

For 2004-2009Q3, the rate spread on a loan was the difference between the Annual Percentage Rate (APR) on the loan and the treasury security yields as of the date of the loan's origination. Financial institutions only reported rate spreads if the APR was three or more percentage points higher for a first lien loan or five or more percentage points higher for a second lien loan. A rate spread of three or more suggested that a loan was of notably higher cost than a typical loan.

For 2009Q4 and 2010 - 2019, the rate spread on a loan is the difference between the Annual Percentage Rate (APR) and the estimated average prime offer rate (APOR). Financial institutions only report rate spreads if the APR is more than 1.5 percentage points higher for a first lien loan or more than 3.5 percentage points higher for a second lien loan.

High-Cost Lending

9.34% of loans originated in this area were high-cost loans in 2019, compared to **9.54%** of loans in Utah.

Of particular note, Hispanic applicants accounted for 17.76% of all home loans and represented 10.97% of high-cost loan originations in 2019 were high-cost loans. While these figures do not directly represent a fair housing violation, they highlight a particular group that may need more assistance with homeownership education and opportunities. High-cost loans can put a household at risk of losing their homeownership investment, place a strain on making other household bills, and ultimately create housing instability.

High-Cost Lending by Race

Looking across high-cost loans originated in 2019 in this area, **88.76%** were to Whites, **0.93%** were to African Americans, **1.99%** were to Asians, and **10.97%** were to Hispanics.

High-Cost	2011	2012	2013	2014	2015	2016	2017	2018	2019
Loans to Whites									
Number of Loans	90	154	309	543	502	421	419	1,086	1,335
Median Loan Amount	\$150,500	\$145,000	\$165,000	\$170,000	\$178,000	\$177,000	\$199,000	\$165,000	\$165,000
Percent of Loans to Whites	1.08%	1.08%	3.11%	7.1%	4.63%	3.22%	4.29%	11.8%	9.84%
Percent of High-Cost Loans	94.74%	91.12%	90.88%	91.72%	93.31%	90.34%	91.09%	88.87%	88.76%
Loans to African Americans									
Number of Loans	2	2	3	7	5	4	6	22	14
Median Loan Amount	N/A	N/A	N/A	\$182,000	\$170,000	N/A	\$209,000	\$200,000	\$65,000
Percent of Loans to African Americans	3.7%	2.33%	3.49%	9.72%	5%	3.64%	6.98%	18.97%	9.15%
Percent of High-Cost Loans	2.11%	1.18%	0.88%	1.18%	0.93%	0.86%	1.3%	1.8%	0.93%
Loans to Asians									
Number of Loans	0	0	4	8	4	9	2	14	30

Median Loan Amount	N/A	N/A	N/A	\$182,500	N/A	\$226,000	N/A	\$127,500	\$70,000
Percent of Loans to Asians	0%	0%	2.38%	5.48%	2.26%	3.63%	1.05%	7.82%	10.71%
Percent of High-Cost Loans	0%	0%	1.18%	1.35%	0.74%	1.93%	0.43%	1.15%	1.99%
Loans to Hispanics									
Number of Loans	4	10	24	41	61	46	57	126	165
Median Loan Amount	N/A	\$99,000	\$158,500	\$147,000	\$162,000	\$177,500	\$184,000	\$185,000	\$165,000
Percent of Loans to Hispanics	1.33%	1.86%	5.56%	10.99%	9.4%	5.94%	8.38%	18.61%	17.76%
Percent of High-Cost Loans	4.21%	5.92%	7.06%	6.93%	11.34%	9.87%	12.39%	10.31%	10.97%
Loans to Non-Hispanics									
Number of Loans	86	148	294	525	458	399	376	1,018	1,220
Median Loan Amount	\$161,000	\$145,000	\$164,500	\$172,000	\$179,500	\$179,000	\$200,000	\$165,000	\$165,000
Percent of Loans to Non-Hispanics	1.04%	1.05%	3%	6.92%	4.33%	3.12%	3.95%	11.46%	9.28%
Percent of High-Cost Loans	90.53%	87.57%	86.47%	88.68%	85.13%	85.62%	81.74%	83.31%	81.12%

Public and Private Sector

Fair Housing Enforcement

Effective fair housing enforcement lies at the heart of a comprehensive program to affirmatively further fair housing. The structure of this program varies among communities based on community size and resources.

To assure good standing for HUD's Community Planning and Development (CPD) programs, the jurisdiction should address any and all concerns expressed by HUD in contract conditions that relate to fair housing and equal opportunity performance as required by the laws and regulations governing these programs. These concerns include any and all court decisions relating to fair housing and other civil rights laws to which the jurisdiction or the PHA is subject.

Davis County can request that all subrecipients who received HUD CDBG funds from the County provide their clients with information on fair housing and the process for filing a complaint. Additionally, the materials should, at a minimum, be available in Spanish.

Informational Programs

Regardless of whether they have completed an AI, all jurisdictions should be conducting fair housing education and outreach activities.

Davis County had a limited amount of fair housing activities. Increasing fair housing activities to occur regularly will help ensure the residents know their rights and reduce housing discrimination. Partnering with the Disability Law Center or the Utah Antidiscrimination and Labor Division to provide training and outreach would result in a more concrete approach for Davis County.

Training, outreach, and informational programs need to be made available in Spanish. Events and should be held in locations comfortable to the target audience and be ADA accessible.

Assessment of Current Public and Private Fair Housing Program

Census data, HMDA data, and state and federal complaints provide a statistical basis for fair housing issues. There may also be situations where discrimination or other unfair housing practices occur but go unreported. To elicit a deeper understanding of fair housing issues within a community, an analysis of Davis County's policies and perspectives can provide a more detailed assessment of the community, extending the analysis beyond just the reported statistics. The key factor in reviewing Davis County's policies is evaluating how the jurisdiction manages the HUD Community Development Block Grant funds and supports fair housing practices.

HUD Five-Year Consolidated Plan

The U.S. Department of Housing and Urban Development (HUD) requires each entitlement jurisdiction to complete a Consolidated Plan and certify compliance with the Consolidated Plan Final Rule.

The Consolidated Plan is intended to:

- Serve as the long-range planning document for affordable housing development and community service funding;
- Provide priorities for funding for HUD programs and strategies for implementing the priorities;
- Be an accessible tool to measure the effect of the local funding strategies

Davis County, Utah, receives an annual entitlement allocation from the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program. The Consolidated Plan provides direction on the investment of CDBG dollars over the next five years, from 2021 – 2025. Additionally, each year, the County will produce an Annual Action Plan that details how the County will carry out the goals and objectives identified in this Plan.

A key feature of these grants is the County's ability to choose how the funds will be used. HUD provides a broad range of eligible activities that can be utilized with CDBG funding. The County must determine which of the eligible activities will best serve the needs of the community. HUD requires grantees to develop a Five-Year Consolidated Plan to determine the most pressing needs and develop effective, place-based market-driven strategies to meet those needs.

When developing a Consolidated Plan, the County must first analyze the needs within Davis County and then propose strategies to meet those needs.

Davis County's 2021- 2025 Five-Year Consolidated Plan establishes the following goals;

1. Public facilities and Improvements
2. Housing
3. Public Services
4. Economic Development
5. Program Administration

Goal: Public Facilities and Improvements

Public Facilities and Improvements are publicly-owned facilities and infrastructure such as streets, playgrounds, underground utilities, and buildings owned by non-profits open to the general public. Safe and accessible infrastructure is essential to the quality of life and building communities that support community diversity and stability. In general, public facilities and public improvements are interpreted to include all facilities and improvements that are publicly owned or owned by a nonprofit and open to the general public. Acquisition, construction, reconstruction, rehabilitation, and installation of public facilities and improvements are eligible activities.

Davis County's goal to improve and expand public facilities may include, but is not limited to:

- ADA Improvements
- Senior Centers
- Homeless and Domestic Violence Facilities
- Neighborhood Facilities
- Emergency Management/Disaster Recovery Facilities
- Street Improvements
- Fire Stations
- Health Facilities

Goal: Housing

Davis County is committed to improving and expanding access to safe and affordable housing for low- and moderate-income (LMI) residents. Affordable and safe housing helps to provide financial stability, reduces the chances of a person becoming homeless, and promotes housing sustainability.

The County currently has a successful down payment assistance program, emergency roof repair program, and emergency rehabilitation program administered through Davis County Housing Authority. Additionally, the County has assisted LMI households who need home repair due to land subsidence.

Davis County's projects to improve housing sustainability may include, but are not limited to:

- Homeownership Assistance
- Rehabilitation (single-unit residential and/or multi-family residential)
- Energy efficiency improvements
- Acquisition
- The administrative cost for rehabilitation activities
- Lead-based paint testing/abatement
- Housing counseling

Goal: Public Services

Public services can strengthen communities by addressing the needs of specific populations. Public services are an integral part of a comprehensive community development strategy. They can address a range of individual needs and increase CDBG dollars' impact by complementing other activities.

Davis County may allocate up to 15% of CDBG funds to public services programs that provide supportive services to low- to moderate-income persons or prevent homelessness.

Davis County projects may include, but are not limited to:

- Employment services (e.g., job training)
- Crime prevention and public safety
- Child care
- Health services
- Substance abuse services (e.g., counseling and treatment)
- Fair housing counseling
- Education programs
- Energy conservation
- Services for senior citizens
- Services for homeless persons
- Welfare services (excluding income payments)
- Recreational services

Goal: Economic Development

Creating economic opportunities and jobs are among the key CDBG activities that help support sustainable and vibrant communities. Davis County may have projects in the 2021-2025 Consolidated Plan that help support microenterprise development for low- and moderate-income residents.

Microenterprise development.

Microenterprises range in type and capacity. They include a range of service providers and retail businesses that typically serve a specific need of their community. Some examples are the home-based daycare provider, the roving automobile mechanic, or the hairdresser who serves the neighborhood. Some microenterprise businesses are operated part-time by owners who want or need to supplement their income.

- These are activities designed to foster the development, support, and expansion of microenterprise businesses owned by low- and moderate-income persons.
- A microenterprise is a commercial enterprise with five or fewer employees, one or more of whom owns the enterprise.
- A “person developing a microenterprise” refers to a person who has expressed an interest and who is, or after an initial screening process is expected to be, actively working toward developing a business that will be a microenterprise at the time it is formed.

Eligible microenterprise activities may include the provision of:

- Grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises
- Technical assistance, advice, and business services to owners of microenterprises and persons developing microenterprises
- General support to owners of microenterprises and persons developing microenterprises, including child care, transportation, counseling, and peer support groups
- Training and technical assistance or other support services to increase the capacity of grantees or subrecipients to carry out microenterprise activities
- Projects may provide financial assistance, technical assistance, or general support services to owners and developers or microenterprises

Goal: Administration

Administering federal funds and ensuring compliance is a critical part of utilizing federal resources. Davis County is committed to using CDBG entitlement funding for administration to help to continue growing a community development program that is efficient, effective, and resourceful.



Davis County may have administration projects that include, but are not limited to:

- General management, oversight, and coordination
- Providing local officials and citizens with information about the CDBG program
- Preparing budgets and schedules
- Preparing reports and other HUD-required documents
- Program planning
- Public Information
- Monitoring program activities
- Fair Housing activities
- Indirect costs
- Submission of applications for Federal programs

Davis County's CDBG program can be improved to serve residents better and address challenges with fair housing.

- The County needs a Language Access Plan to ensure that the information on HUD programs is reaching residents with limited English proficiency.
- The County needs a more robust accounting/file of fair housing activities. At the beginning of each program year, the County needs to evaluate past fair housing activities and determine if those activities were effective and make changes in the approach to fair housing to remain efficient and effective.
- The County should evaluate how to incorporate fair housing activities, outreach, and education into other departments within Davis County.



IMAGE 6: Layton

Conclusions and Recommendations

Davis County is committed to eliminating racial and ethnic segregation, illegal physical and other barriers to persons with disabilities, and other discriminatory practices in housing.

The County works to:

- Analyze and eliminate housing discrimination
- Promote fair housing choice for all persons
- Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability, and national origin
- Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

Impediments to fair housing choice are

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

Policies, practices, or procedures that appear neutral on their face but operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments.

Impediments include actions or omissions in the jurisdiction's public or private housing sector that:

- Constitute violations, or potential violations, of the Fair Housing Act
- Community resistance when minorities, persons with disabilities, and/ or low-income persons first move into white and/or moderate- to high-income areas
- Community resistance to the siting of housing facilities for people with disabilities in residential neighborhoods based on their disabilities
- Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

Impediments to Fair Housing Choice and Action Steps

As a recipient of HUD CDBG Entitlement funds, Davis County is committed to Affirmatively Further Fair Choices for all residents. Although many issues that affect fair housing choice have been identified, the County is limited in resources and ability to impact all areas. Davis County recognizes the following impediments which may have a direct and substantial impact on fair housing choice and are within the County's ability to impact.

IMPEDIMENT #1 – Limited English Proficiency

Fair Housing brochures, web pages, and materials are printed mostly in English, limiting Fair Housing information to non-English speaking persons. There is a need to improve language access for people with limited English-speaking proficiency who seek information regarding Fair Housing.

Goal: Provide consistent and even Fair Housing services, outreach, and support to all citizens and program applicants.

Action Items

- Develop a *Language Assistance Plan (LAP)*. Expand Davis County's HUD-funded programs' outreach to include Spanish translation and outreach to Spanish-speaking citizens, Davis County's largest minority group. Under Title VI of the 1964 Civil Rights Act, federal policies set benchmarks by which jurisdictions like Davis County must assure meaningful access to federally funded services.
- Partner with the Utah Hispanic Chamber to promote the County's HUD-funded programs to the Hispanic community.
- Translate the County's *Community Development Block Grant (CDBG) webpage* and vital HUD-funded program documents in Spanish.
- Continue to provide citizens with consistent *Spanish translation services*. Utilizing a private contractor to test and certify employees so that quality translation services are available to LEP individuals.

IMPEDIMENT #2 – Lack Familiarity with Fair Housing Act

Many landlords are not aware of their responsibilities to provide "reasonable accommodations" as the Fair Housing Act requires. The number of disabled individuals in Davis County is estimated at 23,000 individuals, about 11% of the population. Under the Fair Housing Act, housing providers must make "reasonable accommodations in rules, policies practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling." Currently, over one-third of all rental housing in Davis County is a detached single-family unit. Many landlords renting homes are small "mom

and pop” housing providers who are not aware of the full implications of the Fair Housing Act and the “reasonable accommodations” provision.

Goal: Increase awareness and compliance with Fair Housing laws.

Action Items:

- Provide internal training to County employees and make Fair Housing a priority throughout the County departments.
- Request fair housing testing results from Utah Disability Center annually.
- Utilize the FHEO logo in County’s documents to raise awareness of Fair Housing.
- Provide information on how to file a fair housing complaint at County offices.

IMPEDIMENT #3 – Lack of informational and outreach activities

Goal: Increase informational and outreach activities in Davis County

Action Items:

- Work with state agencies and Disability Law Center to promote fair housing educational opportunities.
- Work with the Utah Apartment Association to increase attendance at the annual Fair Housing Tradeshow.
- Promote April as Fair Housing Month to increase the public’s awareness of the Fair Housing Act. Display posters at Davis County offices and provide posters to partners.
- Utilize the FHEO logo in County’s documents to raise awareness of Fair Housing.
- Provide citizens with fair housing information utilizing the Fair Housing and Housing Affordability outreach flyers.
- Partner with other municipalities in Davis County and Utah Disability Law Center to provide education on fair housing.
- Promote renters’ advocacy groups and when necessary refer them to the Disability Law Center and/or Utah Anti-discrimination and Labor Division for legal counsel.

IMPEDIMENT #4 – Lack of record maintenance of fair housing activities

- Actions taken to eliminate identified impediments
- Description of the financial and in-kind support for fair housing projects
- Integration of identified impediments and progress to address impediments into the Annual Action Plan and CAPER process.



Signature for Davis County

By my signature, I certify that the Analysis of Impediments to Fair Housing Choice for Davis County is in compliance with the intent and directives of the regulations of the Community Development Block Grant Program regulations.

Bob J Stevenson, Commissioner

Date

APPENDIX B - Housing and Related Laws

File a Complaint

HUD Fair Housing and Equal Opportunity (FHEO)

Denver Regional Office of FHEO
U.S. Department of Housing and Urban Development
1670 Broadway
Denver, Colorado 80202-4801
FHEO Intake Specialist 1-800-669-9777 or 1-800-877-8339.

Utah Antidiscrimination & Labor Division (UALD)

<https://laborcommission.utah.gov>
160 East 300 South, 3rd Floor PO Box 146630
Salt Lake City, UT 84114-6630
Phone: 801-530-6801
Fax: 801-530-7609
Email: fh@utah.gov

Disability Law Center

<http://disabilitylawcenter.org>
205 North 400 West
Salt Lake City, Utah 84103
(800) 662-9080 phone
(801) 363-1437 fax

Statutes

Fair Housing Act

42 U.S.C. §§ 3601-19

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

Title VI of the Civil Rights Act of 1964

42 U.S.C. § 2000d-1

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

Section 504 of the Rehabilitation Act of 1973

29 U.S.C. § 794

Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 508 of the Rehabilitation Act of 1973

29 U.S.C. § 794d

Section 508 requires federal agencies to ensure that the electronic and information technology they develop, procure, or use allows individuals with disabilities to have ready access to and use of the information and data that is comparable to that of individuals without disabilities.

Title II of the Americans with Disabilities Act of 1990

42 U.S.C. §§ 12131 – 12165

Title II of the ADA prohibits discrimination based on disability in programs and activities provided or made available by public entities. HUD enforces Title II with respect to housing-related programs and activities of public entities, including public housing, housing assistance and housing referrals.

Title III of the Americans with Disabilities Act of 1990

42 U.S.C. § 12181 – 12189

Title III of the ADA prohibits discrimination based on disability in the goods, services, facilities, privileges, advantages, and accommodations of places of public accommodations owned, leased, or operated by private entities. The Department of Justice enforces Title III of the ADA, but certain HUD recipients and private entities operating housing and community development programs are covered by Title III of the ADA.

Architectural Barriers Act of 1968

42 U.S.C. § 4151 et seq.

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

Section 109 of Title I of the Housing and Community Development Act of 1974

42 U.S.C. § 5309

Section 109 prohibits discrimination on the basis of race, color, national origin, sex, and religion in any program or activity funded in whole or in part under Title I of the Community Development Act of 1974, which includes Community Development Block Grants.

Title IX of the Education Amendments Act of 1972

20 U.S.C. §§ 1681-83, 1685-88

Title IX prohibits discrimination on the basis of sex in any education programs and activities that receive federal financial assistance. HUD enforces Title IX when it relates to housing affiliated with an educational institution.

Violence Against Women Act

42 U.S.C. § 14043e-11

VAWA provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking in many of HUD's housing programs. VAWA also requires the establishment of emergency transfer plans for facilitating the emergency relocation of certain tenants who are victims of domestic violence, dating violence, sexual assault, or stalking.

Age Discrimination Act

42 U.S.C. §§ 6101 – 6107

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

Executive Orders

Executive Order 11063

Equal Opportunity in Housing

Executive Order 11063, issued on November 20, 1962, prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

Executive Order 12892

Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing

Executive Order 12892, issued on January 17, 1994, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort.

Executive Order 12898

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898, issued on February 11, 1994, requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude or otherwise subject persons to discrimination based on race, color, or national origin.

Executive Order 13166

Improving Access to Services for Persons With Limited English Proficiency

Executive Order 13166, issued on August 11, 2000, requires each federal agency to take steps to ensure that eligible persons with limited English proficiency are provided meaningful access to all federally-assisted and federally-conducted programs and activities.

Executive Order 13217

Community Based Alternatives for Individuals With Disabilities

Executive Order 13217, issued on June 18, 2001, requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

Regulations

Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures

24 C.F.R. part 40

Affirmative Fair Housing Marketing

24 C.F.R. part 108

24 C.F.R. part 110

24 C.F.R. part 200, subpart M

24 C.F.R. § 203.12(b)(3)

Affirmatively Furthering Fair Housing

24 C.F.R. §§ 5.150 – 5.168

Certification and Funding of State and Local Fair Housing Enforcement Agencies

24 C.F.R. part 115

Collection of Data

24 C.F.R. part 121

Discriminatory Conduct Under the Fair Housing Act

24 C.F.R. part 100

Equal Access Rule

24 C.F.R. § 5.105

24 C.F.R. § 5.106

Fair Housing Act Complaint Processing

24 C.F.R. part 103

Fair Housing Poster

24 C.F.R. part 110

Fair Housing Initiatives Program

24 C.F.R. part 125

Information and Communication Technology Standards and Guidelines

36 C.F.R. part 1194

Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063

24 C.F.R. part 107

Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development

24 C.F.R. part 8

Nondiscrimination in Federally-Assisted Programs of the Department of Housing and Urban Development – Effectuation of Title VI of the Civil Rights Act of 1964

24 C.F.R. part 1

Nondiscrimination in Programs and Activities Receiving Assistance under Title I of the Housing and Community Development Act of 1974

24 C.F.R. part 6

Nondiscrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance

24 C.F.R. part 146

Nondiscrimination on the Basis of Disability in State and Local Government Services

28 C.F.R. part 35

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

24 C.F.R. part 3



24 C.F.R. §§ 5.2001 – 5.2011

**Protection for Victims of Domestic
Violence, Dating Violence, Sexual Assault,
or Stalking**