

Amendment 1 to Council Resolution No. 47-2018

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No.5
Date: May 7, 2018**

Amendment No. 1

(This amendment adds the Analysis of Impediments to Fair Housing Choice as an appendix to the Annual Action Plan.)

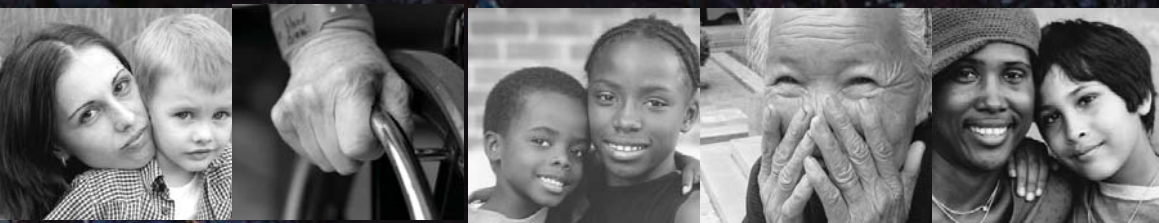
- 1 As referred to on page 56 of the Annual Action Plan, attach the “Analysis of Impediments to Fair
- 2 Housing Choice”, as attached to this Amendment, to the back of the FFY 18 Annual Action Plan,
- 3 as attached to the Resolution as filed.

Analysis of Impediments to Fair Housing Choice

Baltimore Metropolitan Region

Howard County

December 2011



BALTIMORE METRO AREA ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

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1. HOWARD COUNTY

A. Background

Howard County is located in central Maryland between the City of Baltimore and Washington, D.C. Both suburban and rural in nature, 60% of the County is in a rural/preserved area while the remaining 40% is in a designated growth area, delineated by the growth boundary. Within the growth area, the housing mix is approximately 50% single-family detached, 25% apartments, and 25% townhouses. Generally, the housing stock is older and of modest size.

There are no incorporated municipalities in Howard County. However, the County is home to several census-designated places, including Ellicott City (the county seat), Elkridge, North Laurel, Savage-Guilford and Columbia.

Columbia, one of the first major planned communities in the U.S., was designed by The Rouse Company in the 1960s to not only eliminate the inconveniences of then-current subdivision design, but to also eliminate racial, religious and income segregation. Between 1966 and 1990, 10 self-contained villages rose according to the philosophies and direction of James Rouse, who remained involved in the intentional integration of the community. Rouse refused to do business with builders or real estate agents engaged in discrimination or steering, explaining in a memo to all that “It is our hope that Columbia’s policy as to race may be so clear and vivid from the beginning that it will be unmistakable to everyone.”¹ The plan provided concentric circles of single-family homes, townhouses and apartments that shared common amenities within each village, structuring economic integration by clustering a variety of affordable housing types with walkable access to jobs, stores, services and transit connections.

Howard County continues to grow in population, increasing more than 11% since 2000. Household income data reveals that net migration into the County occurred mostly among households earning \$75,000 or more. As a result, new residents tend to be well-educated and employed in higher-skilled, higher wage jobs. Consequently, a less economically diverse population underscores the need for a variety of housing options to provide adequate housing choice for households of all sizes and income levels.

While the County continues to be predominantly White, diversity among the minority population is increasing. In fact, the racial makeup of the County has changed dramatically since 1980. The largest increase in minority population in Howard County is among Asian/ Pacific Islander households, which has grown 1335.8% over the last 30 years. In addition, the Hispanic population has increased significantly, now accounting for over 12,000 residents. Blacks remain the largest racial minority group in the County.

Development patterns have shifted from the western part of the County in the 1960s to the central, southern, and eastern portions, as a result of planning efforts to direct development into urban areas, such as Columbia. The County has undertaken consistent planning efforts since the 1960s to insulate the rural western portion of the County from

¹ Marx, Paul. *Jim Rouse: Capitalist/Idealist*. University Press of America, 2007. p. 133

development pressure. Today, higher concentrations of Black residents are found in Guilford, Waterloo, Savage, Jonestown, Simpsonville, and Ellicott City. Asian residents are concentrated in Pine Orchard and Clarksville, while many Hispanic residents live in or around Columbia.

B. Demographic Profile

i. Population Trends

As is the case in other counties in the Baltimore region, the racial composition of Howard County has increased dramatically since 1980. Total population has surged nearly 132%, although growth appears to have moderated during the most recent decade. Whites now account for 63.7% of the population, down from 85.5%. This has resulted from a nearly fivefold increase in minority residents to almost 100,000 in 2008 compared to 17,218 in 1980. Asian/Pacific Islanders have experienced the largest percentage increase, growing 1335.8% over nearly 30 years. Hispanics have seen their numbers rise to over 12,000 from less than 1,500. Blacks remain the largest racial minority at 47,000 residents.

**Figure 1-1
Population Trends, 1980-2008**

	1980		1990		2000		2008		% Change 1980-2008
	#	%	#	%	#	%	#	%	
Howard County	118,572	100.0%	187,328	100.0%	247,842	100.0%	274,995	100.0%	131.9%
White Population	101,354	85.5%	153,540	82.0%	179,679	72.5%	175,073	63.7%	72.7%
Non-White Population	17,218	14.5%	33,788	18.0%	68,163	27.5%	99,922	36.3%	480.3%
Black	13,899	11.7%	21,982	11.7%	35,412	14.3%	47,001	17.1%	238.2%
Asian/Pacific Islander	2,285	1.9%	8,059	4.3%	18,837	7.6%	32,808	11.9%	1335.8%
All Other Races	1,034	0.9%	488	0.3%	6,596	2.7%	7,657	2.8%	640.5%
Hispanic	1,484	1.3%	3,259	1.7%	7,318	3.0%	12,456	4.5%	739.4%

Source: U.S. Census Bureau, 1980 Census (Table DP-1); 1990 Census (SF1, P008), Census 2000 (SF3, P7), 2008 American Community Survey (B02001, B03002)

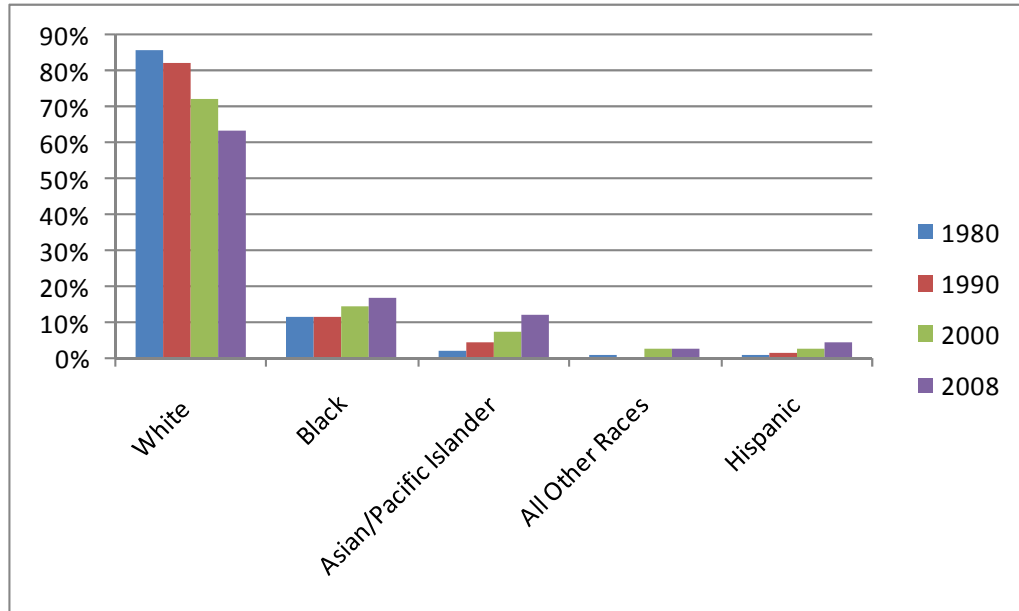
Diversity among the minority population is also increasing. In 1980, there were 17,218 minority residents in Howard County with Black residents accounting for 81% of all minorities. By 2008, Blacks comprised only 47% of the minority population as a result of significant increases in Asian/Pacific Islanders (+1335.8%), Hispanics (+739.4%), and persons of all other races (+640.5%).

OBSERVATION: Howard County has experienced significant growth rates between 1980 and 2008.

For the purposes of this report, detailed analysis is provided for the primary races in Howard County, which include Whites, Blacks, and Asian/Pacific Islanders. Hispanics are included as an ethnic minority. In all other cases,

the sample size of the population of an individual race was identified by the Census Bureau as being too small to analyze.

Figure 1-2
Trends in Racial and Ethnic Characteristics, 1980-2008



OBSERVATION: Since 1990, minorities have increased from 14.5% to 36.3% of the total population in Howard County.

ii. Areas of Racial and Ethnic Minority Concentration

HUD defines areas of racial or ethnic minority concentration as geographical areas where the percentage of a specific minority or ethnic group is 10 percentage points higher than in the County overall. In Howard County, Blacks comprised 18% of the population in 2009. Therefore, an area of racial concentration would include any census tract where the percentage of Black residents is 28% or higher. There are 13 census tracts which meet this criterion, all of which are depicted in the following chart and illustrated in Map 1. These areas include Savage, Columbia, Laurel and Ellicott City.

Asian/Pacific Islanders comprised 12.4% of the population in 2009. Therefore, an area of racial concentration would include any census tract where the percentage of Asian/Pacific Islander residents is 22.4% and higher. There are four tracts that meet this criterion, all of which are depicted on the following chart and illustrated in Map 2. These areas include Columbia and Ellicott City.

Hispanics represent 5.5% of the population. An area of ethnic concentration would include any census tract where the percentage of Hispanics is 15.5% or

higher. One census tract, 6066.03, meets this criterion, and is located in the Columbia area.

The following chart provides a summary of the percent of residents by race and ethnicity in each census tract in Howard County. All impacted areas are highlighted in light blue.

**Figure 1-3
Areas of Racial and Ethnic Concentration in Howard County, 2009**

Neighborhood	Census Tract	Total Population	White %	Minority Residents		
				Black %	Asian/Pacifi %	Hispanic %
Howard County	Total	275,960	64.6%	18.0%	12.4%	5.5%
Clarksville	6051.01	7,745	79.0%	7.7%	10.1%	3.1%
West Friendship	6030	9,935	79.8%	8.4%	8.7%	2.3%
Savage	6067.03	6,466	48.3%	29.6%	14.8%	7.2%
	6069.01	4,552	49.2%	37.8%	7.5%	7.2%
	6069.02	9,153	52.8%	26.3%	13.7%	10.4%
Elkridge	6011.01	7,118	69.1%	13.7%	13.0%	4.0%
	6011.02	10,235	68.9%	13.7%	12.4%	4.7%
	6012.01	5,861	75.5%	11.8%	7.9%	3.6%
	6012.02	4,507	65.5%	24.6%	5.7%	3.9%
Columbia	6051.02	5,394	74.2%	7.9%	14.0%	3.4%
	6054.01	4,895	53.8%	23.9%	12.2%	14.6%
	6054.02	4,948	52.8%	31.8%	8.7%	6.7%
	6055.01	5,617	63.5%	8.4%	24.3%	3.3%
	6055.02	4,992	58.6%	23.9%	12.6%	5.1%
	6055.03	5,808	46.2%	36.2%	9.0%	9.8%
	6056.01	5,608	61.0%	23.3%	10.3%	4.8%
	6056.02	6,793	62.4%	22.0%	11.5%	5.2%
	6066.01	2,788	61.4%	25.6%	8.5%	5.8%
	6066.03	6,945	43.3%	36.2%	9.9%	16.6%
	6066.04	3,449	50.1%	34.0%	9.1%	6.4%
	6066.05	8,648	49.8%	31.7%	11.1%	10.5%
	6067.01	2,578	79.8%	10.6%	6.2%	2.8%
	6067.04	6,513	53.9%	30.4%	8.8%	7.0%
	6067.05	1,907	65.7%	17.9%	10.7%	5.2%
6068.03	5,200	60.1%	21.0%	13.3%	6.2%	
6068.04	3,039	61.3%	20.9%	13.0%	8.2%	
Laurel	6068.02	7,363	74.4%	8.8%	13.3%	4.7%
	6069.03	8,478	46.0%	33.1%	9.7%	13.4%
Lisbon	6040.01	5,481	84.9%	8.4%	4.0%	3.1%
	6040.02	5,417	84.2%	8.4%	4.6%	2.5%
Ellicott City	6021	6,352	74.4%	9.0%	14.2%	2.6%
	6022	7,496	71.4%	9.5%	16.1%	3.4%
	6023.02	4,776	66.3%	16.1%	13.2%	3.2%
	6023.03	3,657	59.5%	5.3%	32.3%	3.0%
	6023.04	4,369	72.6%	5.5%	18.4%	2.3%
	6023.05	3,621	72.8%	7.0%	17.2%	3.1%
	6023.06	4,319	69.6%	8.4%	18.2%	4.1%
	6026	4,262	50.9%	15.2%	27.9%	8.9%
	6027	2,295	80.3%	9.6%	6.9%	3.0%
	6028	4,758	64.6%	13.4%	17.6%	5.5%
6029	3,318	51.8%	16.5%	26.4%	6.0%	

Source: DemographicsNow

OBSERVATION: There are thirteen areas of minority concentration (Black, Asian/Pacific Islander, and/or Hispanic) in Howard County. These areas are located in Savage, Columbia, Laurel and Ellicott City.

The following three maps depict the geographic location of areas of racial and ethnic concentration. In Howard County, the census tracts outlined in *red* are areas of concentration of Black residents, which are also referred to as impacted areas. Census tracts denoted with an *orange* cross-hatch pattern are areas of concentration of Asian/Pacific Islanders, also referred to as impacted areas. The census tracts denoted with a *green* cross-hatch pattern are areas of concentration of ethnic (Hispanic) residents, similarly referred to as impacted areas. It is within these impacted areas that other demographic characteristics—such as income and housing—will be analyzed.

Some context is available to describe racial trends in settlement within Columbia, a community nationally recognized for its progressive means of deliberately encouraging integration of all types. In a series of three articles published in November 2000, the Baltimore Sun studied what it described as “two Columbias”: one “an affluent community with a diverse population, strong schools, escalating property values, 84 miles of bicycle and walking paths, manicured parks and little crime,” and “a disparate collection of stagnating neighborhoods, struggling schools and off-and-on trouble spots.”² The boundaries of the latter were defined to include parts of at least five villages: Wilde Lake and Harper’s Choice, which are west of Route 29, and the eastern villages of Owen Brown, Oakland Mills and Long Reach. These are the five oldest Columbia villages, developed between 1966 and 1972.³

Village design explains some of the disparity, as the earliest Columbia developments contain a greater share of affordable housing types. The newest villages, River Hill and Town Center, do not offer any subsidized housing units, while Harper’s Choice and Long Reach carry the heaviest concentration of project-based Section 8 units.⁴ During the last two decades, Columbia’s oldest neighborhoods have been characterized by rising crime, stunted property values and increasing concentrations of poor families, which has triggered “a new kind of urban flight” that threatens the type of segregation the community was built to avoid.⁵

Some upper-income families from neighborhoods in decline have relocated to areas like River Hill, the least densely developed, most affluent and

² Epstein, Gady A. “Columbia at a Crossroads.” *The Baltimore Sun*, November 26-28, 2000.

³ The Columbia Archives, a service of The Columbia Association. Online: www.columbiaarchives.org

⁴ Miller, Shauna. “Columbia’s Ideals in Question Decades after Town’s Birth.” *News21*, a project of the University of Maryland’s Philip Merrill College of Journalism. August 5, 2009.

⁵ Epstein

ostensibly most exclusive village, built in 1990. The Rouse Company's original plan for River Hill included 90 acres in River Hill for multi-family housing, but following public pressure for lower-density environment, county officials reduced the number of acres dedicated to multi-family housing to 33.⁶

⁶ Marx, Paul. *Jim Rouse: Capitalist/Idealist*. University Press of America, 2007. p. 133

iii. Residential Segregation Patterns

Residential segregation is a measure of the degree of separation of racial or ethnic groups living in a neighborhood or community. Typically, the pattern of residential segregation involves the existence of predominantly homogenous, White suburban communities and lower income minority inner-city neighborhoods. A potential impediment to fair housing is created where either latent factors, such as attitudes, or overt factors, such as real estate practices, limit the range of housing opportunities for minorities. A lack of racial or ethnic integration in a community creates other problems, such as reinforcing prejudicial attitudes and behaviors, narrowing opportunities for interaction, and reducing the degree to which community life is considered harmonious. Areas of extreme minority isolation often experience poverty and social problems at rates that are disproportionately high. Racial segregation has been linked to diminished employment prospects, poor educational attainment, increased infant and adult mortality rates, and increased homicide rates.

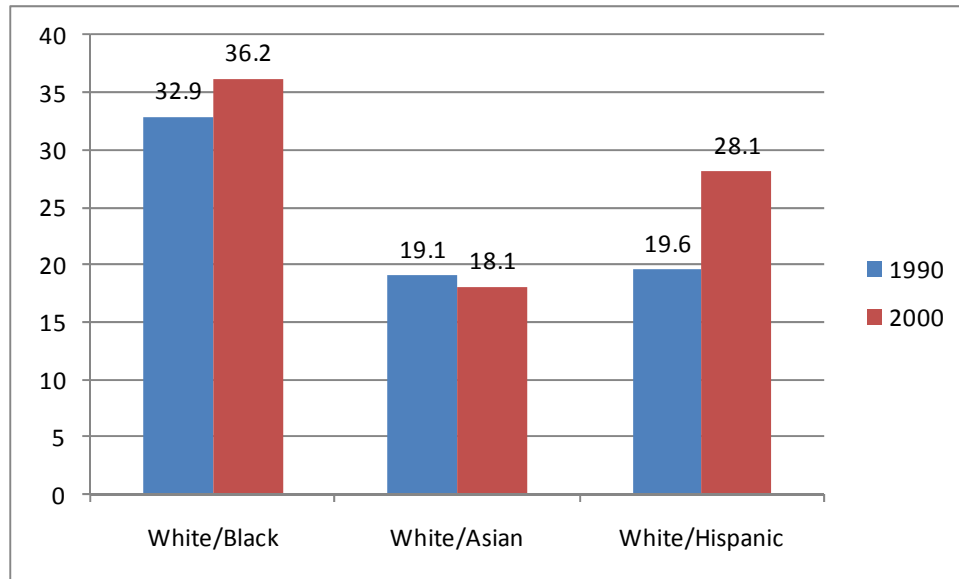
The distribution of racial or ethnic groups across a geographic area can be analyzed using an index of dissimilarity. This method allows for comparisons between subpopulations, indicating how much one group is spatially separated from another within a community. The index is a statistical measure that describes the interaction between two population groups. It does not consider the patterns of segregation (whether, for example, an index of 0.50 means that an area is divided equally into 100% White and 100% Black halves or that every other census tract is 100% White or 100% Black). It also does not consider the reasons for segregation. The index of dissimilarity is rated on a scale from 0 to 100, in which a score of 0 corresponds to perfect integration and a score of 100 represents total segregation.⁷ The index is typically interpreted as the percentage of the minority population that would have to move in order for a community or neighborhood to achieve full integration.⁸

In 1990, Howard County had a White/Black dissimilarity index of 32.9 as illustrated in Figure 1-4. By 2000, CensusScope reported that the index had increased to 36.2 indicating a segregating population. An even sharper increase was noted between Whites and Hispanics with the dissimilarity index rising significantly from 19.6 to 28.1. The White/Asian index decreased from 19.1 to 18.1.

⁷ The index of dissimilarity is a commonly used demographic tool for measuring inequality. For a given geographic area, the index is equal to $1/2 \sum ABS [(b/B)-(a/A)]$, where b is the subgroup population of a census tract, B is the total subgroup population in a city, a is the majority population of a census tract, and A is the total majority population in the city. ABS refers to the absolute value of the calculation that follows.

⁸ According to Douglas S. Massey, an index under 30 is low, between 30 and 60 is moderate, and above 60 is high. See Massey, "Origins of Economic Disparities: The Historical Role of Housing Segregation," in *Segregation: The Rising Costs for America*, edited by James H. Carr and Nandinee K. Kutty (New York: Routledge 2008) p. 41-42.

Figure 1-4
Howard County Dissimilarity Indices, 1990 and 2000



Of the 11 cities (with populations exceeding 25,000) and the counties in Maryland for which dissimilarity indices were determined, Howard County ranks at the lower end of the scale in segregation of the Black population. The County's 2000 dissimilarity index of 36.2 for White persons and Black persons ranked ninth out of 11 on the scale of segregation, and indicated that White persons and Black persons in Howard County were significantly more integrated than other communities across Maryland. Howard County is the most integrated of the five units of government included in this report.

Figure 1-5
Maryland Dissimilarity Index Rankings, 2000

Geography	Rank	Black Population	White Population	Total Population	Dissimilarity Index
Baltimore city	1	418,951	205,982	651,154	71.3
Baltimore County	2	149,976	561,624	754,292	64.9
Annapolis city	3	11,205	21,137	35,838	56.2
Bowie city	4	15,339	30,709	50,269	49.2
Harford County	5	19,831	189,489	218,590	49.1
Anne Arundel County	6	65,280	397,893	489,656	47.6
Rockville city	7	4,200	29,342	47,388	43.6
Gaithersburg city	8	7,457	25,818	52,613	39.6
Howard County	9	35,412	183,886	247,842	36.2
Hagerstown city	10	3,661	31,244	36,687	34.9
Frederick city	11	7,641	39,568	52,767	32.3

Source: 2000 Census, CensusScope, Mullin & Lonergan Associates

OBSERVATION: Howard County had a dissimilarity index of 36.2 for Whites/Blacks in 2000, making it the most integrated of the five units of government included in this report.

Map 4 on the following page compares the percentage of Black residents by census tract in Howard County in 1960, 1980, and 2000. The map shows that Blacks have migrated into the central and eastern portions of the County over the last 50 years.

C. The Relationship between Protected Class Status and Income

i. Race/Ethnicity and Income

Household income is one of several factors used to determine a household's eligibility for a home mortgage loan. A review of median household income reveals a contrast between Whites and minority households in Howard County. Black households, with the lowest median income of \$76,003, had earnings equivalent to only 69% that of White households. Hispanics fared only slightly better with a median income equivalent to 73% of White households. Asians had a median income of \$98,400, which was equivalent to 90% of the income for Whites.

It is worth noting that ACS data, unlike decennial Census data, is based on a sample size commonly prone to considerable error margins when evaluating trends among population categories such as race and ethnicity. In this case, the ACS estimates that 3,212 of the 43,880 Black residents of Howard County were in poverty in 2008 (7.3%) with an error margin of +/- 1,088, or +/- 2.4%. Statistical analysis of the margin of error proves that the poverty rate between Blacks and Asians cannot not be declared to be significantly different at a confidence level of 90%. ACS data is valuable as the most recent source of such information available (and currently the only Census Bureau source for socio-economic data, given the elimination of the Census long form), but it should be considered with this limitation in mind.

Blacks, with the lowest income levels, experienced poverty at more than twice the rate of Whites. Hispanics, however, had the highest poverty rate among all households at more than twice the overall County rate.

**Figure 1-6
Median Household Income and Poverty Rates by Race/Ethnicity, 2008**

	Median Household Income	Poverty Rate
Howard County	\$101,710	4.1%
Whites	\$109,478	3.1%
Blacks	\$76,003	7.3%
Asians	\$98,400	5.3%
Hispanics	\$80,221	8.3%

Source: U.S. Census Bureau, 2006-2008 American Community Survey Three Year Estimates (B19013, B19013A, B19013B, B19013D, B19013I & B17001, B17001A, B17001B, B17001D, B17001I)

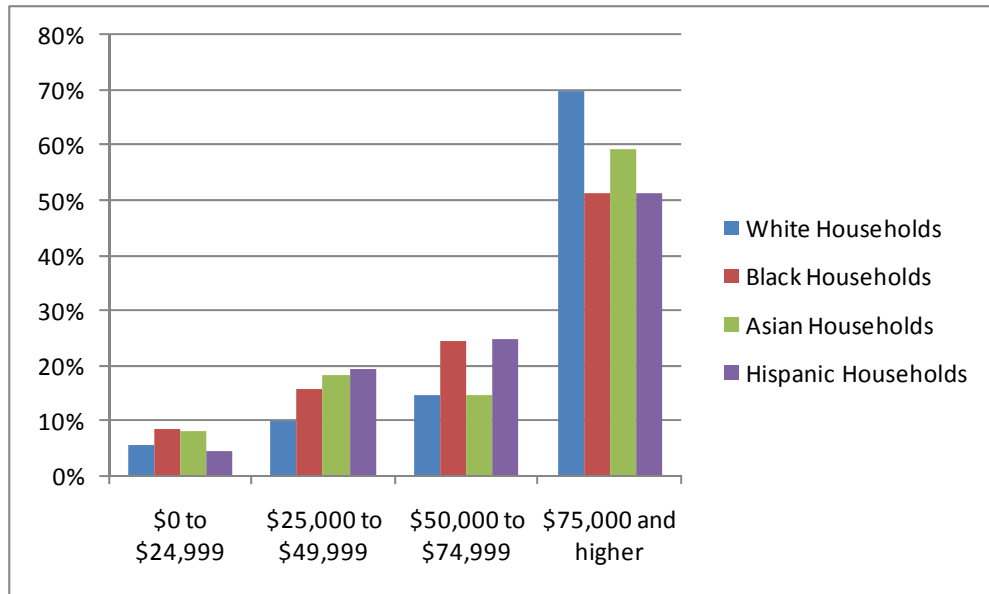
Household income was evenly distributed among Whites, Blacks and Asians below the \$25,000 level, as illustrated in Figure 1-7. Within the \$25,000 to \$49,999 income range, however, slightly more Blacks and twice as many Asians as Whites could be found. Rates also were comparable in the \$50,000 to \$74,999 range between Whites and Asians, while significantly more Black households had incomes within this range. At the upper end of the spectrum, 70% of all White households reported incomes of \$75,000 or higher compared to 59.2% of Asians and slightly more than half of all Black households.

**Figure 1-7
Household Income Distribution by Race/Ethnicity, 2008**

	Total	\$0 to \$24,999		\$25,000 to \$49,999		\$50,000 to \$74,999		\$75,000 and higher	
		#	%	#	%	#	%	#	%
Howard County	99,665	6,490	6.5%	11,783	11.8%	16,298	16.4%	65,094	65.3%
White Households	69,661	4,005	5.7%	6,827	9.8%	10,257	14.7%	48,572	69.7%
Black Households	16,421	1,405	8.6%	2,568	15.6%	4,005	24.4%	8,443	51.4%
Asian Households	10,689	872	8.2%	1,936	18.1%	1,552	14.5%	6,329	59.2%
Hispanic Households	3,730	170	4.6%	720	19.3%	922	24.7%	1,918	51.4%

Source: U.S. Census Bureau, 2006-2008 American Community Survey Three Year Estimates (C19001, C19001A, C19001B, C19001D, C19001I)

**Figure 1-8
Household Income Distribution by Race/Ethnicity, 2008**



OBSERVATION: Median household incomes among Black and Hispanic households in Howard County are significantly less than among White households.

iv. Concentrations of LMI Persons

The CDBG program includes a statutory requirement that 70% of funds invested benefit low and moderate income persons. As a result, HUD provides the percentage of low and moderate income persons in each census block group for entitlements such as Howard County.

HUD data reveals that there are 29 census block groups where at least 29.8% or more of residents (for whom this rate is determined) meet the criterion for low and moderate income status.⁹ These areas include Ellicott City, south of Columbia, and in the Waterloo and Savage areas. The following figure lists the LMI block groups in Howard County.

⁹ The 29.8% threshold is determined by HUD and represents the upper quartile of census block groups having the highest concentration of low and moderate income persons in Howard County.

**Figure 1-9
LMI Block Groups, 2009**

Neighborhood	Census Tract	Block Group	Low/Moderate Income Persons		
			#	Universe	%
Savage	606901	4	340	1,063	32.0%
	606901	2	356	868	41.0%
	606902	5	1,227	4,111	29.8%
	606902	1	1,165	2,091	55.7%
Elkridge	601102	3	1,503	3,840	39.1%
	601201	1	1,133	2,839	39.9%
	601201	3	161	430	37.4%
	601202	1	377	954	39.5%
	601202	2	104	289	36.0%
	601202	4	922	2,651	34.8%
Columbia	605401	1	1,179	3,743	31.5%
	605401	2	190	627	30.3%
	605402	1	629	1,372	45.8%
	605402	2	776	2,461	31.5%
	605503	2	1,112	2,945	37.8%
	605503	3	1,056	2,049	51.5%
	605601	2	611	1,830	33.4%
	606603	1	1,236	2,947	41.9%
	606603	4	859	1,639	52.4%
	606604	1	548	1,663	33.0%
	606605	3	1,184	2,385	49.6%
	606704	2	997	2,450	40.7%
Laurel	606903	3	1,308	3,203	40.8%
	606903	4	966	2,109	45.8%
Lisbon	604002	1	328	1,067	30.7%
	602600	2	1,831	3,484	52.6%
	602800	2	1,047	2,976	35.2%
	602900	1	212	687	30.9%
	602900	2	1,143	2,857	40.0%

Source: U.S. Dept. of Housing & Urban Development

Of the 29 census block groups that qualify as LMI areas, 16 block groups are located within previously identified areas of minority or ethnic concentration. These include block groups in census tracts 6026.00, 6029.00, 6054.02, 6055.03, 6066.03, 6066.04, 6066.05, 6067.04, 6069.01, and 6069.03. Map 5 highlights the LMI block groups in Howard County.

OBSERVATION: Several LMI areas around Ellicott City, Columbia, Waterloo and Savage were noted to also be areas of minority concentration.

v. Disability and Income

The Census Bureau reports disability status for non-institutionalized disabled persons age 5 and over. As defined by the Census Bureau, a disability is a long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

The Fair Housing Act prohibits discrimination based on physical, mental or emotional disability, provided “reasonable accommodation” can be made. Reasonable accommodation may include changes to address the needs of disabled persons, including adaptive structural changes (e.g., constructing an entrance ramp) or administrative changes (e.g., permitting the use of a service animal). In Howard County, 11.7% of the population 5 years and older reported at least one type of disability in 2000.¹⁰

According to the National Organization on Disability, a significant income gap exists for persons with a disability, given their lower rate of employment. In Howard County, persons with a disability were three times more likely to be living in poverty than persons without a disability. In 2000, among persons with a disability, 9.8% lived below the level of poverty. However, among persons without a disability, only 3.1% lived below poverty.¹¹

The Howard County Department of Citizen Services provides services related to disabilities, including information, case management, referral and assistance for housing, transportation, employment and improved access to public facilities. In a questionnaire completed as part of the AI, the Department reported that private landlords, apartment management firms and condominium associations could generally improve their understanding of their responsibilities under state, federal and local fair housing statutes. Particularly, the Department noted that condo associations “tend not to want to provide reasonable accommodations such as curb cuts, adequate number of parking spaces, etc,” while those managing apartment complexes “do not always understand the need” for reasonable accommodations. The primary fair housing need among persons with disabilities, according to this organization, is information regarding the availability of accessible units. There is also a need for more transit options, as persons without their own transportation are constrained to limited areas of Howard County and thusly face limitations in regard to the jobs and services they can access.

OBSERVATION: Persons with disabilities were three times more likely to live in poverty than persons without disabilities. In Howard County, 9.8% of persons with a disability were living in poverty compared to 3.1% of persons without a disability.

¹⁰ U.S. Census Bureau, Census 2000 (SF-3, PCT34)

¹¹ U.S. Census Bureau, Census 2000 (SF-3, PCT34)

vi. Familial Status and Income

The Census Bureau divides households into family and non-family households. Family households are married couple families with or without children, single parent families, and other families made up of related persons. Non-family households are either single persons living alone, or two or more non-related persons living together.

Women have protection under Title VIII of the Civil Rights Act of 1968 against discrimination in housing. Protection for families with children was added in the 1988 amendments to Title VIII. Except in limited circumstances involving elderly housing and owner-occupied buildings of one to four units, it is unlawful to refuse to rent or sell to families with children.

Female-headed households have remained relatively consistent around 9% of all households since 1990; female-headed households with children have increased slightly from 4.6% to 6% in 2000 before falling back to 5.8%. Married couple family households with children have remained stable at around 33% for almost 20 years.

Female-headed households with children often experience difficulty in obtaining housing, primarily as a result of lower incomes and the unwillingness of landlords to rent their units to families with children. In Howard County in 2000, female-headed households with children accounted for 46.9% of all families living in poverty compared to only 7.9% of all families who were living above the level of poverty.¹²

**Figure 1-10
Households by Type and Presence of Children, 1990-2008**

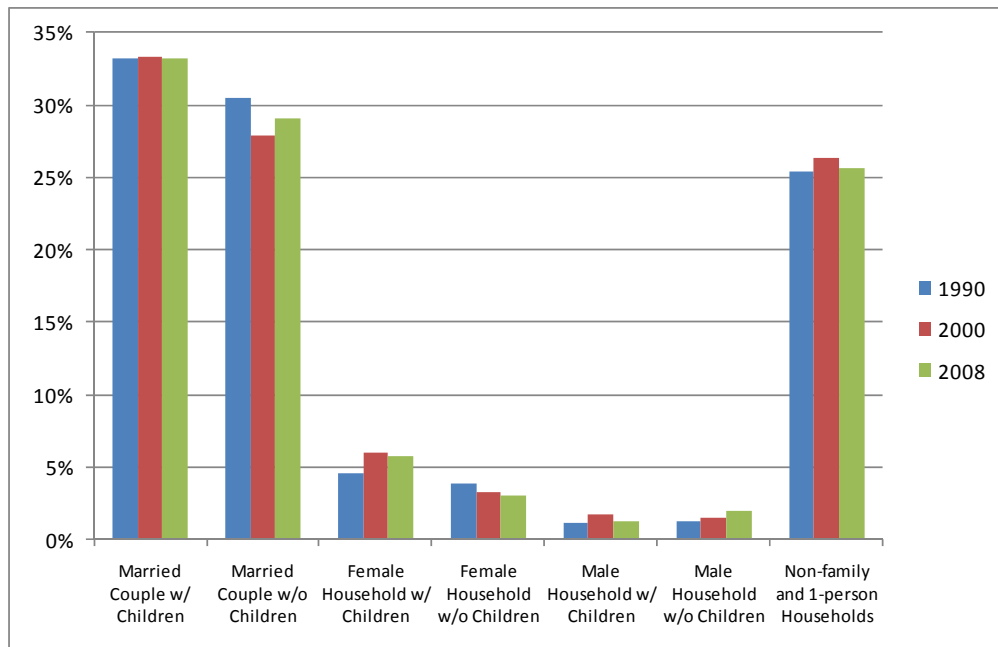
	1990		2000		2008	
	#	%	#	%	#	%
Howard County	68,657	100.0%	90,102	100.0%	99,665	100.0%
Family Households	51,232	74.6%	66,355	73.6%	74,101	74.4%
Married-couple family	43,705	63.7%	55,067	61.1%	62,039	62.2%
With Children	22,802	33.2%	29,981	33.3%	33,110	33.2%
Without Children	20,903	30.4%	25,086	27.8%	28,929	29.0%
Female-Headed Households	5,809	8.5%	8,340	9.3%	8,813	8.8%
With Children	3,178	4.6%	5,415	6.0%	5,791	5.8%
Without Children	2,631	3.8%	2,925	3.2%	3,022	3.0%
Male-Headed Household	1,718	2.5%	2,948	3.3%	3,249	3.3%
With Children	813	1.2%	1,565	1.7%	1,312	1.3%
Without Children	905	1.3%	1,383	1.5%	1,937	1.9%
Non-family and 1-person Households	17,425	25.4%	23,747	26.4%	25,564	25.6%

Sources: U.S. Census Bureau, 1990 (STF3-P019); Census 2000 (SF3-P10); 2008 American Community Survey (B11001 & B11003)

OBSERVATION: Female-headed households with children accounted for 46.9% of all families living in poverty in Howard County.

¹² U.S. Census Bureau, Census 2000 (SF-3, P90)

**Figure 1-11
Households by Type and Presence of Children, 1990-2008**



vii. Ancestry and Income

It is illegal to refuse the right to housing based on place of birth or ancestry. Census data on native and foreign-born populations in Howard County revealed that 16.6% of Howard County residents in 2007 were foreign-born or born outside of the U.S. in Puerto Rico or on U.S. island areas.¹³

Among families with children who were living with foreign-born parents, 14.4% were living in households with incomes *under* 200% of the poverty level.¹⁴

Persons with limited English proficiency (LEP) are defined by the federal government as persons who have a limited ability to read, write, speak or understand English. HUD issued its guidelines on how to address the needs of persons with LEP in January 2007. HUD uses the prevalence of persons with LEP to identify the potential for impediments to fair housing choice due to their inability to comprehend English. Persons with LEP may encounter obstacles to fair housing by virtue of language and cultural barriers within their new environment. To assist these individuals, it is important that a community recognizes their presence and the potential for discrimination, whether intentional or inadvertent, and establishes policies to eliminate barriers.

American Community Survey (ACS) data reports on the non-English language spoken at home for the population five years and older. According to the 2006-2008 reports, the five languages with the highest number of persons who speak English less than “very well” in Howard County are

¹³ U.S. Census Bureau, 2008 American Community Survey (C05002)

¹⁴ U.S. Census Bureau, 2008 American Community Survey (C05010)

Korean, Spanish, Chinese, Urdu (spoken in Pakistan), and Hindi. To determine whether translation of vital documents is required, a HUD entitlement community must calculate the number of LEP persons in a single language group who are likely to qualify for and be served by the Urban County's programs.

Figure 1-12
Language Spoken at Home by Ability to Speak English in Howard County, 2008

Language Group	Number of LEP Persons (% of total population)
Korean	4,566 1.8%
Spanish	4,335 1.7%
Chinese	2,120 0.8%
Urdu	702 0.3%
Hindi	584 0.2%

Source: U.S. Census Bureau, 2006-08 American Community Survey
 Three-Year Estimates (B16001)

In Howard County, Census data revealed there are potentially three languages with significant numbers of native speakers who also speak English less than “very well.” These languages include Korean, Spanish, and Chinese. For each of these languages, the number of LEP persons exceeds 1,000. For this reason, the County should perform a four-factor analysis to determine the extent to which the translation of vital documents is warranted.¹⁵ (The term “vital document” refers generally to any publication that is needed to gain access to the benefits of a program or service.) Although there is no requirement to develop a Language Access Plan, HUD entitlement communities are responsible for serving LEP persons in accordance with Title VI of the Civil Rights Act of 1964. The obligation to translate vital documents would also extend to the Housing Commission and all sub-recipients of the Urban County. The County’s LEP program, reviewed later in the AI, addresses these concerns.

OBSERVATION: There are three language groups – Korean, Spanish, and Chinese – with more than 1,000 persons identified as speaking English less than very well.

¹⁵ The four-factor analysis is detailed in the *Federal Register* dated January 22, 2007.

viii. Protected Class Status and Unemployment

Blacks are twice as likely to be unemployed than Whites in Howard County. Overall unemployment was 3.6% in 2008 for the civilian labor force, a rate significantly lower than the State rate of 5.4%. Unemployment among Whites was 3.1%; among Blacks, the rate was 6.7%. Females were also more likely to be unemployed than males with rates of 4.1% and 3.1%, respectively. Asians experienced an unemployment rate of 3.8%, the lowest among all races analyzed. The population size of Hispanics was too small to calculate this characteristic. Again, it is worth noting that local-level ACS data for individual racial and ethnic categories, even when it is reliable enough to meet Census reporting thresholds, can be subject to wide error margins.

**Figure 1-13
Civilian Labor Force, 2008**

	Maryland Total	%	Howard County Total	%
Total Civilian Labor Force (CLF)	3,118,499	100.0%	159,084	100.0%
Employed	2,951,517	94.6%	153,404	96.4%
Unemployed	166,982	5.4%	5,680	3.6%
Male CLF	1,583,022	50.8%	84,032	52.8%
Employed	1,495,322	94.5%	81,461	96.9%
Unemployed	87,700	5.5%	2,571	3.1%
Female CLF	1,535,477	49.2%	75,052	47.2%
Employed	1,456,195	94.8%	71,943	95.9%
Unemployed	79,282	5.2%	3,109	4.1%
White CLF	1,920,280	61.6%	108,114	68.0%
Employed	1,844,199	96.0%	104,807	96.9%
Unemployed	76,081	4.0%	3,307	3.1%
Black CLF	902,248	28.9%	28,953	18.2%
Employed	826,754	91.6%	27,010	93.3%
Unemployed	75,494	8.4%	1,943	6.7%
Asian CLF	163,472	5.2%	17,653	11.1%
Employed	157,535	96.4%	16,974	96.2%
Unemployed	5,937	3.6%	679	3.8%
Hispanic CLF	203,296	6.5%	---	---
Employed	189,879	93.4%	---	---
Unemployed	13,417	6.6%	---	---

Note: The sample size of the Hispanic population was too small and not provided by Census.

Source: U.S. Census Bureau, 2008 American Community Survey (C23001, C23002A, C23002B, C23002D, C23002I)

OBSERVATION: Unemployment in Howard County was more common among Black residents than White residents.

C. The Housing Market

i. Housing Inventory

Like its neighboring counties in the Baltimore metropolitan area, Howard County has experienced significant new development since 1990. The County's housing inventory has increased 47.5% from 72,583 to 107,038 units. This net increase was equivalent to an annual average increase of 1,914 units over the past 18 years. About 1,800 new housing units have been built annually for the last several decades.

Higher rates of growth occurred in the north central part of the County, in the central area near Clarksville, around Columbia and Guilford, and in western Howard County. Of these areas, only Guilford and Clarksville were previously noted as impacted areas of minority concentrations. Overall, 33.4% of the County's housing growth occurred in areas of racial and/or ethnic concentration. Of the total gain in units across the County, (34,553, a net gain of 34,455), 11,559 units were added in one of the 13 concentrated census tracts. This is on par with the distribution of housing units overall in 2009, as 34.7% of 107,038 total units were located in those 13 tracts.

The distribution of housing development in the County is affected to some extent by policy factors, including the following:

- Columbia was planned in the 1960s by the Rouse Company as a community comprised of 10 self-sustaining villages, each of which contains a variety of housing styles and complementary land uses – shopping centers, recreation and community centers, for example. One intention of Columbia's design was to mitigate segregation. The community is not incorporated, but is overseen by the Columbia Association, which functions similarly to a homeowners' association, and has a zoning ordinance.
- The Adequate Public Facilities Ordinance (APFO), effective since 1992, promotes orderly growth by synchronizing new development with the availability of public roads, schools and other infrastructure. The ordinance requires development projects to pass three tests of adequacy as a condition of subdivision or site development plan approval, unless exempt by law, related to housing allocations, schools and roads. The County Department of Planning and Zoning maintains a housing unit allocation chart, revised annually, to indicate the projected number of housing unit allocations to be granted in each planning area based on longer-range targets in the 2000 General Plan. Once a project passes APFO tests, the Department monitors the processing of all subsequent plans to ensure that the applicant applies with all approval conditions and plan processing deadlines.
- Relative to schools, the APFO requires maintenance of a chart designating schools as open or closed based on school capacities and enrollment projections. The Board of Education of Howard County considers school attendance area adjustments as often as is made

necessary by changes in school facility plans, program capacity, demographic patterns or unforeseen circumstances in which adjustment would promote efficiency or provide for the welfare of students.

The following chart highlights the trends in housing inventory by census tract in Howard County. Map 6 illustrates the net change in housing inventory from 1990 to 2009.

OBSERVATION: The County's housing inventory increased 47.5% between 1990 and 2009, from 72,583 to 107,038 units.

**Figure 1-14
Trends in Housing Inventory, 1990-2009**

Neighborhood	Census Tract	1990		2000		2009		Change 1990-2009	
		#	% of Total Housing Units	#	% of Total Housing Units	#	% of Total Housing Units	#	%
Howard County		72,583	100.0%	92,818	100.0%	107,038	100.0%	34,455	47.5%
Clarksville	6051.01	2,010	2.8%	2,635	2.8%	2,943	2.7%	933	46.4%
West Friendship	6030	2,514	3.5%	3,673	4.0%	5,356	5.0%	2,842	113.0%
Savage	6067.03	1,167	1.6%	2,801	3.0%	3,184	3.0%	2,017	172.8%
	6069.01	1,551	2.1%	1,937	2.1%	1,984	1.9%	433	27.9%
	6069.02	2,659	3.7%	3,849	4.1%	4,400	4.1%	1,741	65.5%
Elkridge	6011.01	753	1.0%	2,660	2.9%	3,653	3.4%	2,900	385.1%
	6011.02	3,068	4.2%	4,741	5.1%	4,987	4.7%	1,919	62.5%
	6012.01	1,631	2.2%	2,561	2.8%	2,764	2.6%	1,133	69.5%
	6012.02	1,592	2.2%	1,945	2.1%	2,790	2.6%	1,198	75.3%
Columbia	6051.02	1,606	2.2%	1,902	2.0%	2,446	2.3%	840	52.3%
	6054.01	2,259	3.1%	2,495	2.7%	2,612	2.4%	353	15.6%
	6054.02	2,351	3.2%	2,657	2.9%	3,731	3.5%	1,380	58.7%
	6055.01	153	0.2%	1,789	1.9%	2,588	2.4%	2,435	1591.5%
	6055.02	1,749	2.4%	2,155	2.3%	2,206	2.1%	457	26.1%
	6055.03	2,391	3.3%	2,537	2.7%	2,879	2.7%	488	20.4%
	6056.01	2,539	3.5%	2,749	3.0%	2,457	2.3%	-82	-3.2%
	6056.02	2,433	3.4%	2,711	2.9%	3,564	3.3%	1,131	46.5%
	6066.01	1,077	1.5%	1,076	1.2%	1,084	1.0%	7	0.6%
	6066.03	3,054	4.2%	3,054	3.3%	3,148	2.9%	94	3.1%
	6066.04	1,473	2.0%	1,521	1.6%	1,594	1.5%	121	8.2%
	6066.05	3,285	4.5%	3,711	4.0%	3,710	3.5%	425	12.9%
	6067.01	940	1.3%	966	1.0%	970	0.9%	30	3.2%
	6067.04	2,550	3.5%	2,746	3.0%	2,973	2.8%	423	16.6%
	6067.05	720	1.0%	771	0.8%	793	0.7%	73	10.1%
6068.03	2,131	2.9%	2,397	2.6%	2,443	2.3%	312	14.6%	
6068.04	1,326	1.8%	1,326	1.4%	1,314	1.2%	-12	-0.9%	
Laurel	6068.02	2,013	2.8%	2,529	2.7%	3,361	3.1%	1,348	67.0%
	6069.03	3,210	4.4%	3,801	4.1%	4,153	3.9%	943	29.4%
Lisbon	6040.01	1,488	2.1%	1,862	2.0%	1,951	1.8%	463	31.1%
	6040.02	1,397	1.9%	1,906	2.1%	2,378	2.2%	981	70.2%
Ellicott City	6021	1,480	2.0%	2,147	2.3%	2,425	2.3%	945	63.9%
	6022	2,286	3.1%	2,879	3.1%	3,074	2.9%	788	34.5%
	6023.02	1,187	1.6%	1,787	1.9%	2,410	2.3%	1,223	103.0%
	6023.03	892	1.2%	1,153	1.2%	1,225	1.1%	333	37.3%
	6023.04	1,397	1.9%	1,494	1.6%	1,545	1.4%	148	10.6%
	6023.05	1,198	1.7%	1,260	1.4%	1,265	1.2%	67	5.6%
	6023.06	1,817	2.5%	1,967	2.1%	2,102	2.0%	285	15.7%
	6026	1,919	2.6%	2,181	2.3%	2,967	2.8%	1,048	54.6%
	6027	549	0.8%	852	0.9%	1,632	1.5%	1,083	197.3%
	6028	1,460	2.0%	1,948	2.1%	2,144	2.0%	684	46.8%
6029	1,304	1.8%	1,687	1.8%	1,833	1.7%	529	40.6%	

Source: DemographicsNow

ii. Types of Housing Units

Of the 92,818 housing structures in 2000, 74.7% were single family units. Most of the remaining units were in multi-family properties of all sizes. Higher concentrations of multi-family units were noted in several minority impacted areas located southwest of Columbia and around Savage. Almost 62% of the multi-family housing units located in Howard County were located in the following ten census tracts: 6011.02, 6026.00, 6029.00, 6054.01, 6054.02, 6056.01, 6066.03, 6066.05, 6069.02, and 6069.03. Six of these census tracts are minority or ethnically impacted areas. In addition, all of these census tracts contain at least one LMI block group within them.

The following chart highlights the trends housing units per structure in Howard County in 2000. Map 7 shows the percentage of multi-family units by census tract in the County.

**Figure 1-15
Housing Units in Structures, 2000**

Neighborhood	Census Tract	Total Units	Single-family units (detached & attached)	Multi-family units				Total	Mobile home	Boat, RV, van, etc.
				2 to 4	5 to 9	10 to 19	20 or more			
Howard County		92,818	69,313	1,527	5,899	9,739	4,499	21,664	1,803	38
Clarksville	6051.01	2,635	2,601	7	0	0	0	7	27	0
West Friendship	6030	3,673	3,535	15	0	115	8	138	0	0
Savage	6067.03	2,801	2,193	23	133	348	104	608	0	0
	6069.01	1,937	1,283	23	43	244	100	410	244	0
	6069.02	3,849	2,440	144	195	843	49	1,231	178	0
Elkridge	6011.01	2,660	2,614	28	0	0	0	28	18	0
	6011.02	4,741	2,441	108	303	931	234	1,576	714	10
	6012.01	2,561	1,775	55	60	465	149	729	57	0
	6012.02	1,945	1,282	0	22	270	32	324	339	0
Columbia	6051.02	1,902	1,889	5	0	0	0	5	4	4
	6054.01	2,495	934	109	598	688	166	1,561	0	0
	6054.02	2,657	1,346	102	383	335	491	1,311	0	0
	6055.01	1,789	1,781	0	0	0	0	0	0	8
	6055.02	2,155	1,672	0	57	381	45	483	0	0
	6055.03	2,537	1,665	66	381	308	117	872	0	0
	6056.01	2,749	1,449	132	136	624	408	1,300	0	0
	6056.02	2,711	2,023	17	77	403	191	688	0	0
	6066.01	1,076	1,076	0	0	0	0	0	0	0
	6066.03	3,054	1,802	91	344	529	288	1,252	0	0
	6066.04	1,521	1,116	16	110	235	44	405	0	0
	6066.05	3,711	2,425	50	417	546	273	1,286	0	0
	6067.01	966	960	6	0	0	0	6	0	0
	6067.04	2,746	2,290	0	157	10	311	478	6	0
	6067.05	771	685	0	17	8	33	58	0	0
6068.03	2,397	1,443	49	325	362	214	950	0	0	
6068.04	1,326	990	0	126	170	44	340	0	0	
Laurel	6068.02	2,529	2,529	0	0	0	0	0	0	0
	6069.03	3,801	2,485	182	241	619	99	1,141	175	0
Lisbon	6040.01	1,862	1,819	0	0	10	0	10	33	0
	6040.02	1,906	1,889	9	0	0	0	9	8	0
Ellicott City	6021	2,147	2,140	0	0	7	0	7	0	0
	6022	2,879	2,228	48	193	340	70	651	0	0
	6023.02	1,787	1,547	11	45	164	20	240	0	0
	6023.03	1,153	1,150	3	0	0	0	3	0	0
	6023.04	1,494	1,487	7	0	0	0	7	0	0
	6023.05	1,260	1,245	0	7	0	0	7	0	8
	6023.06	1,967	1,447	44	130	207	131	512	0	8
	6026	2,181	690	27	857	41	566	1,491	0	0
	6027	852	819	13	0	10	17	40	0	0
	6028	1,948	1,702	104	47	40	48	239	0	0
6029	1,687	426	33	495	486	247	1,261	0	0	

Source: U.S. Census Bureau, Census 2000 (SF3-H30)

According to the 2009 Howard County Rental Survey, the County's rental housing stock includes over 22,000 rental units, including units in both multi-family communities and private homes available for rent.¹⁶ The stock of multi-family housing in the County includes 16,237 market-rate rental units.

Slightly more than half of these units, or 8,258 units, are located in Columbia neighborhoods. Outside of Columbia, the Laurel neighborhood offers the largest number of market-rate multi-family rental units with 2,890 units, followed by Normandy with 2,816 units.

The study states that there are ten affordable housing communities with a total of 1,199 units that are targeted to lower income households earning at or below 30, 40, 50, and 60 percent of the Area Median Gross Income (AMGI). Eighty-two percent (82%) of the subsidized units in the County are located in Columbia.

Updated data available from the 2010 American Community Survey estimates report 27,784 renter-occupied units in Howard County (+/- 2,336), 3,987 of which (14.3%) are in single-family detached structures, 13,975 of which (50.3%) are in buildings containing 10 or more units. ACS calculations do not determine which of these units are affordable at given income levels.

OBSERVATION: Multi-family rental housing in Howard County, both market rate and subsidized units, is located most heavily in and around Columbia.

iii. Protected Class Status and Homeownership

The value in home ownership lies in the accumulation of wealth as the owner's share of equity increases with the property's value. Paying a monthly mortgage instead of rent is an investment in an asset that is likely to appreciate. According to one study, "a family that puts 5 percent down to buy a house will earn a 100 percent return on the investment every time the house appreciates 5 percent."¹⁷

Historically in Howard County, minorities are less likely to own their homes than Whites. Overall, the rate of homeownership in the County was 73.8% in 2000. However, only 57% of Blacks owned their homes compared to 78.2% of Whites. For Hispanics, the rate was even lower at 55.2%. Asian households had the second-highest rate at 66.8%, but this was still lower than Whites. There were six census tracts in which all Black, Asian and Hispanic households achieved a home ownership rate of 100%.

¹⁶ The 2009 Howard County Rental Survey was prepared for the Howard County Department of Housing and Community Development by the Real Property Research Group.

¹⁷ Kathleen C. Engel and Patricia A. McCoy, "From Credit Denial to Predatory Lending: The Challenge of Sustaining Minority Homeownership," in *Segregation: The Rising Costs for America*, edited by James H. Carr and Nandinee K. Kutty (New York: Routledge 2008) p.82.

OBSERVATION: Homeownership rates are lower among Black and Hispanic households than among White households in the County.

The following chart provides information on the number of Black, Asian, Hispanic, and White homeowners by census tract throughout Howard County.

Figure 1-16
Housing Tenure by Race/Ethnicity, 2000

Neighborhood	Census Tract	White homeowners		Black homeowners		API homeowners		Hispanic homeowners	
		#	%	#	%	#	%	#	%
Howard County		54,024	78.2%	7,423	57.0%	3,738	66.8%	1,157	55.2%
Clarksville	6051.01	2,227	94.5%	101	100.0%	105	93.8%	8	53.3%
West Friendship	6030	3,070	95.2%	144	100.0%	127	100.0%	22	100.0%
Savage	6067.03	1,392	85.2%	586	76.7%	170	87.2%	35	52.2%
	6069.01	851	67.9%	402	73.4%	17	58.6%	16	55.2%
	6069.02	1,718	65.0%	289	38.0%	98	47.6%	46	47.4%
Elkridge	6011.01	2,009	94.5%	241	96.4%	185	100.0%	33	76.7%
	6011.02	2,779	75.2%	228	51.7%	168	63.6%	92	83.6%
	6012.01	1,571	74.0%	149	81.4%	46	52.3%	23	53.5%
	6012.02	1,271	82.8%	122	74.4%	11	64.7%	27	67.5%
Columbia	6051.02	1,569	93.9%	79	100.0%	77	100.0%	69	100.0%
	6054.01	782	45.8%	143	32.8%	55	34.4%	49	35.8%
	6054.02	1,183	69.0%	377	60.1%	32	47.8%	11	17.2%
	6055.01	1,311	96.5%	108	100.0%	276	100.0%	40	100.0%
	6055.02	1,139	75.5%	262	63.7%	97	69.3%	50	84.7%
	6055.03	1,080	74.7%	279	39.2%	65	45.1%	19	22.6%
	6056.01	975	49.9%	210	44.2%	72	51.8%	44	44.4%
	6056.02	1,370	70.9%	278	56.4%	85	53.5%	21	45.7%
	6066.01	730	94.2%	221	89.5%	31	100.0%	7	100.0%
	6066.03	1,116	66.8%	411	44.2%	75	50.3%	56	33.9%
	6066.04	776	82.2%	292	67.7%	55	69.6%	27	100.0%
	6066.05	1,479	66.5%	500	51.7%	115	42.9%	37	42.5%
	6067.01	824	95.6%	48	100.0%	14	48.3%	17	100.0%
	6067.04	1,380	73.1%	405	60.3%	77	73.3%	18	75.0%
	6067.05	478	88.2%	84	69.4%	21	61.8%	17	73.9%
	6068.03	1,224	67.5%	147	47.1%	68	48.6%	28	56.0%
	6068.04	724	69.1%	58	34.9%	40	50.6%	17	56.7%
Laurel	6068.02	2,045	95.1%	101	88.6%	194	97.0%	26	78.8%
	6069.03	1,617	66.9%	395	43.0%	100	57.1%	77	47.0%
Lisbon	6040.01	1,607	92.8%	69	87.3%	11	100.0%	19	65.5%
	6040.02	1,653	93.2%	9	100.0%	24	100.0%	39	84.8%
Ellicott City	6021	1,828	98.2%	102	100.0%	153	100.0%	18	100.0%
	6022	1,909	78.4%	87	73.7%	139	54.7%	19	47.5%
	6023.02	1,207	86.5%	105	53.8%	96	81.4%	22	100.0%
	6023.03	808	94.3%	20	100.0%	248	100.0%	7	58.3%
	6023.04	1,231	98.1%	30	66.7%	128	100.0%	8	100.0%
	6023.05	1,042	96.3%	62	100.0%	99	100.0%	9	100.0%
	6023.06	1,301	82.9%	62	74.7%	98	49.5%	25	100.0%
	6026	424	28.9%	51	18.3%	55	17.5%	11	16.4%
	6027	748	95.0%	25	100.0%	15	100.0%	15	100.0%
	6028	1,260	82.5%	82	47.7%	143	88.3%	25	44.6%
6029	316	27.7%	59	27.1%	53	26.2%	8	13.6%	

Source: U.S. Census Bureau, Census 2000 (SF3-H11, H12)

iv. The Tendency of Protected Classes to Live in Larger Households

Larger families may be at risk for housing discrimination on the basis of race and the presence of children (familial status). A larger household, whether or not children are present, can raise fair housing concerns. If there are policies or programs that restrict the number of persons that can live together in a single housing unit, and members of the protected classes need more bedrooms to accommodate their larger household, there is a fair housing concern because the restriction on the size of the unit will have a negative impact on members of the protected classes.

In Howard County, minority households were far more likely than White households to live in families consisting of three or more persons. Over 80% of Hispanic family households reported three or more family members living together. Asian/Pacific Islanders and Blacks also lived in larger families than Whites.

**Figure 1-17
Families with Three or More Persons, 2000**

	Families with Three or More Persons	
	#	%
Howard County	42,397	63.9%
White	31,242	61.8%
Black	6,179	66.2%
Asian/Pacific Islander	3,576	75.8%
Hispanic	1,337	80.2%

Source: U.S. Census Bureau, Census 2000 (SF4-PCT17)

To adequately house larger families, a sufficient supply of larger dwelling units consisting of three or more bedrooms is necessary. According to 2010 American Community Survey estimates, 24.1% of the rental housing stock in Howard County contained three or more bedrooms compared to 87% of the owner housing stock.¹⁸

**Figure 1-18
Housing Units by Number of Bedrooms, 2000**

Size of Housing Units	Renter-Occupied Housing Stock		Owner-Occupied Housing Stock	
	Number of Units	% of Total Housing Units	Number of Units	% of Total Housing Units
0-1 bedroom	8,171	9.1%	1,302	1.4%
2 bedrooms	9,392	10.4%	6,448	7.2%
3 or more bedrooms	6,066	6.7%	58,664	65.2%
Howard County	23,629	26.2%	66,414	73.8%

Source: U.S. Census Bureau, Census 2000 (SF3-H42)

¹⁸ ACS reported that 67,482 of 77,574 total owner units (+/- 2,451) had three or more bedrooms, and that 6,703 of 27,784 rental units (+/- 2,336) had three or more bedrooms.

v. Cost of Housing

Increasing housing costs are not a direct form of housing discrimination. However, a lack of affordable housing does constrain housing choice. Residents may be limited to a smaller selection of neighborhoods because of a lack of affordable housing in those areas.

The median housing value in Howard County increased almost 63% since 1990, after adjusting for inflation.¹⁹ This was in stark contrast to the median gross rent, which increased only 15.3% during the same period. By comparison, real household income increased only 8.7%.

**Figure 1-19
Trends in Median Housing Value, Rent and Household Income, 1990-2008**

Howard County	1990	2000	2008	% Change 1990-2008
Median Owner-Occupied Housing Value				
Actual Dollars	\$165,400	\$206,300	\$467,700	182.8%
2008 Inflation-Adjusted Dollars	\$287,186.00	\$266,608.70	\$467,700.00	62.9%
Median Gross Rent				
Actual Dollars	\$680	\$879	\$1,361	100.1%
2008 Inflation-Adjusted Dollars	\$1,180.69	\$1,135.96	\$1,361.00	15.3%
Median Household Income				
Actual Dollars	\$54,348	\$74,167	\$102,540	88.7%
2008 Inflation-Adjusted Dollars	\$94,365.22	\$95,848.61	\$102,540.00	8.7%

Sources: U.S. Census Bureau, 1990 Census (STF3-P080A, H043A, H061A), Census 2000 (SF3-P53, H63, H76), 2008 American Community Survey (B19013, B25064, B25077); Calculations by Mullin & Lonergan Associates, Inc.

OBSERVATION: Median housing value in Howard County increased 63% between 1990 and 2008 while real household income grew only 8.7%.

a. Rental Housing

In addition to rental rates outpacing gains in income, Howard County experienced a loss of affordable rental housing units between 2000 and 2008, which would include units for which rent costs increased as well as those physically lost from the housing inventory. The number of units renting for less than \$500/month declined by almost 700 (-38.4%). Units renting for \$500 to \$699/month decreased by 2,430 (-80.1%); units renting for \$700 to \$999/month also declined by over 8,700 units (-80.5%). By comparison, units renting for \$1,000/month or more nearly tripled during the same period.

¹⁹ Housing value is the Census respondent’s estimate of how much the property (house and lot, mobile home and lot, or condominium unit) would sell for if it were for sale. This differs from the housing sales price which is the actual price that the house sold for.)

**Figure 1-20
Loss of Affordable Rental Housing Units, 2000-2008**

Units Renting for:	2000	2008	Change 2000-2008	
			#	%
Less than \$500	1,781	1,097	-684	-38.4%
\$500 to \$699	3,032	602	-2,430	-80.1%
\$700 to \$999	10,907	2,122	-8,785	-80.5%
\$1,000 or more	7,687	20,581	12,894	167.7%
Howard County	23,407	24,402	995	4.3%

Sources: U.S. Census Bureau, Census 2000 (SF3-H62), 2008 American Community Survey (B25063)

The National Low Income Housing coalition provides annual information on the Fair Market Rent (FMR) and affordability of rental housing in each county in the U.S. for 2009. In Howard County, the current Fair Market Rent (FMR) for a two-bedroom apartment is \$1,037. In order to afford this level of rent and utilities, without paying more than 30% of income on housing, a household must earn \$3,457 monthly or \$41,480 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a Housing Wage of \$19.94.

In Howard County and across Maryland, a minimum wage worker earns an hourly wage of \$7.25. In order to afford the FMR for a two-bedroom apartment, a minimum wage earner must work 110 hours per week, 52 weeks per year. Or, a household must include 2.75 minimum wage earners working 40 hours per week year-round in order to make the two-bedroom FMR affordable.

In Howard County, the estimated average hourly wage for a renter is \$15.73. In order to afford the FMR for a two-bedroom apartment at this wage, a renter must work 51 hours per week, 52 weeks per year. Or, working 40 hours per week year-round, a household must include 1.3 workers earning the average renter wage in order to make the two-bedroom FMR affordable.

OBSERVATION: To afford a two-bedroom apartment in Howard County at the fair market rent of \$1,037 without spending more than 30% of income on housing, a household would have to earn \$41,480 annually, a housing wage of \$19.94 per hour. The estimated average hourly wage for a Howard County renter is \$15.73.

Monthly Supplemental Security Income (SSI) payments for an individual are \$674 in Howard County and throughout Maryland. If SSI represents an individual's sole source of income, \$202 in monthly rent is affordable, while the FMR for a one-bedroom is \$868.

According to the 2009 Howard County Rental Survey, market rate two-bedroom units in Columbia are renting at a weighted average rate of \$1,310 per month for a 1,036 square-foot unit.²⁰ In areas outside Columbia, the rents are slightly lower for a two-bedroom unit at \$1,260 per month for 1,017 square feet.

On average, one-bedroom subsidized units rent for \$779 versus a two-bedroom subsidized unit which rents for \$1,086.

The median rent for scattered-site rental units in Howard County is \$1,535. The average scattered-site unit rent in Columbia is \$1,578 while for units outside Columbia it was slightly lower at \$1,538.

OBSERVATION: Individuals whose sole source of income is a \$674 monthly SSI check cannot afford to rent a one-bedroom unit in Howard County at the HUD fair market rent of \$868. They would also find the average rent of \$779 for a subsidized one-bedroom unit to be beyond their means.

b. Sales Housing

In April 2008, HUD completed a Comprehensive Housing Market Analysis for the Baltimore MSA. This analysis explored the housing market, including both the rental and owner housing markets, for the City of Baltimore and its surrounding northern and southern suburban submarkets.

The Southern Suburbs submarket includes Anne Arundel and Howard counties. Overall, the sales market in the Southern Suburbs submarket as of April 2008 was balanced, with a vacancy rate of only 1%. However, sales activity has slowed since then. As of the 12-month period ending in March 2008, the average price of a home was \$427,400 in the southern suburbs. During this same period, sales decreased to 8,650 homes, which was 24% less than during the previous 12-month period.

Since 2000, construction activity, as measured by the number of building permits issued, was 3,175 units per year. This was down from 4,250 units permitted annually in the 1990s. As of April 2008, several condominium units, 1,925 total units, were under construction. Thirty-percent (30%) of these units were located in Howard County while the remaining units were to be built in Anne Arundel County. Demand forecasts estimate a need for 8,425 new single-family homes and condos in the Southern Suburbs submarket of Baltimore.

The County has recognized the need to expand the availability of affordable housing, especially in light of the ongoing Base Realignment and Closure (BRAC) process, which will continue to significantly affect

²⁰ The 2009 Howard County Rental Survey was prepared for the Howard County Department of Housing and Community Development by the Real Property Research Group.

housing market dynamics across the state through 2015. As a result of this initiative, 5,400 jobs will be located to Fort George G. Meade, which will result in an estimated new housing demand for 9,793 households, 86% of which earn between \$50,000 and \$150,000.²¹ Approximately 55% of these households are expected to locate in Anne Arundel and Howard counties.

The analysis estimated that 2,700 households – nearly half of those seeking housing in Anne Arundel and Howard counties – would be unable to find affordable housing, winding up effectively priced out of the market. This will include households with members working in professions essential to growing communities, such as teachers, public safety officers, retail workers and others who will be forced to commute to work in the County from locations where housing costs are less burdensome.

BRAC is just part of the projected substantial job growth in both Anne Arundel and Howard counties. The BRAC study threatens that without deliberate efforts on the part of the counties to create more affordable housing, the problem will worsen.

vi. Foreclosure Status

According to the 2010 midyear report from RealtyTrac, an aggregator of nationwide residential foreclosure, loan and property sales data, the state of Maryland had the 10th highest foreclosure rate among all states in June 2010 with 6,304 foreclosure filings, one for every 370 housing units. Filings include default notices, auction sale notices, and bank repossessions. This represents a 7.7% increase from May 2010 and a 103% increase from June 2009. Maryland's recently rising rates are contrary to national patterns, as filings across the U.S. fell 3% between May 2010 and June 2010 and nearly 7% from June 2009.²²

RealtyTrac detected two trends in the national data: Fewer properties entered foreclosure proceedings as lenders exercised more aggressive short sale and loan modification actions, and more properties completed the foreclosure process as lenders worked to clear a backlog of delinquent properties.²³

In general, rates in Maryland are comparatively low due to the survival of a competitive housing market in which those who default on mortgages can still sell properties before foreclosure. The recent surge in Maryland foreclosures follows a lull from 2008 to mid-2009 that can be attributed largely to state law changes intended to delay or prevent foreclosures. The recent increase, which is projected to continue into 2011, reflects a rising

²¹ Estimates calculated by Sage Policy Group in "BRAC Impacts on Fort Meade Area Housing," October 2009.

²² "1.65 Million Properties Receive Foreclosure Filings in First Half of 2010," RealtyTrac press release, July 15, 2010

²³ Ibid.

number of owners becoming unable to meet housing costs due to such factors as unemployment or interest increases on adjustable-rate mortgages.

HUD provides foreclosure data on more granular levels. The agency estimated the incidence of foreclosure across 18 months (January 2007 to June 2008) for counties, cities, and census tracts across the country. The data is not an exact count, but distributes the results of a national survey across geographic areas according to a model considering rates of metropolitan area home value decline, unemployment, and high-cost mortgages.

According to HUD foreclosure data, Howard County's foreclosure rate during the study period was the second lowest in the entire state and the lowest in the Greater Baltimore region. There were an estimated 874 foreclosure filings for 64,302 mortgages, a rate of 1.4%.

Within the County, Columbia was estimated to have the highest number of foreclosure filings (382) during the study period, but North Laurel and Savage-Guilford had the highest estimated rates, at 2.0% each. High-cost loan rates were a strong factor in this determination, as HUD reported that 21.6% and 21.7% of mortgages originated between 2004 and 2006 in North Laurel and Savage-Guilford, respectively, had burdensome interest rates. Similarly, Columbia had a high-cost lending rate of 19% while in Elkridge the rate was 15.7%. Ellicott City, which had the lowest foreclosure rate among communities with more than 500 mortgages during the study period, had a high-cost lending rate of only 9.8%.

**Figure 1-21
Residential Foreclosure Rankings by Municipality, January 2007 – June 2008**

	Foreclosure Filings	Total Mortgages	Foreclosure Rate
North Laurel	134	6,538	2.0%
Savage-Guilford	76	3,720	2.0%
Columbia	382	22,073	1.7%
Elkridge	102	7,609	1.3%
Ellicott City	73	11,601	0.6%
Howard County	874	64,302	1.4%

Source: HUD NSP Foreclosure Estimates, released October 2008

In June 2010 alone, RealtyTrac reported 79 new foreclosure filings in Columbia, 28 in Ellicott City, 23 in Elkridge, and 20 in North Laurel.

Foreclosure activity is related to fair housing to the extent that it is disproportionately dispersed, both geographically and among members of the protected classes. Concentrated foreclosures and residential vacancy threaten the viability of neighborhoods as well as the ability of families to maintain housing and build wealth. As further explained in the private lending section of the AI, the propensity of lenders to target high-risk borrowers for expensive loans has had a larger impact on minority households than on

White households in Howard County. Households carrying heavy cost burdens are prime candidates for mortgage delinquency and foreclosure.

vii. Protected Class Status and Housing Problems

Lower income minority households tend to experience housing problems at a higher rate than lower income White households.²⁴ Among all renter households with incomes below 80% of the median family income in 2000, Hispanic households experienced the highest degree of housing problems when compared to Blacks and Whites, both renters and owners. Among renters, more than 75% of all Hispanic households reported housing problems compared to 68.3% of Whites and 66.4% of Blacks. When analyzed by household type, elderly/small households and family households were more impacted than all other household types.

Among owners, Hispanics were again most likely to live in substandard housing conditions than Blacks and Whites, defined as housing without complete plumbing and/or kitchen facilities. Overall, 86.6% of Hispanic homeowners reported housing problems compared to 75.1% of Blacks and 62.8% of Whites. Rates were comparable among family households and all other household types but lower among elderly/small household types. Although Hispanics were disproportionately affected by housing problems, the rates were high for all lower income households analyzed.

**Figure 1-22
Lower Income Households with Housing Problems, 2000**

	Total Households 0-80% of MFI		Elderly 1 & 2 Person Households 0-80% of MFI		Family Households 0-80% of MFI		All Other Households 0-80% of MFI	
	Total	% with any Housing Problem	Total	% with any Housing Problem	Total	% with any Housing Problem	Total	% with any Housing Problem
Renters								
White Non-Hispanic	5,245	68.3%	1,550	71.3%	1,690	60.1%	2,005	72.8%
Black Non-Hispanic	2,985	66.4%	325	64.6%	1,835	67.9%	825	63.6%
Hispanic	449	75.8%	55	81.8%	249	86.3%	145	55.2%
Howard County Total	8,679	68.0%	1,930	70.6%	3,774	66.3%	2,975	69.8%
Owners								
White Non-Hispanic	6,260	62.8%	2,425	44.9%	2,550	73.9%	1,285	74.3%
Black Non-Hispanic	1,304	75.1%	315	58.7%	700	81.4%	289	77.9%
Hispanic	223	86.6%	10	N/A	175	88.6%	38	100.0%
Howard County Total	7,787	65.5%	2,750	46.9%	3,425	76.4%	1,612	75.8%

Source: HUD Comprehensive Housing Affordability Strategy data

²⁴ HUD defines housing problems as (1) cost burden of 30% or more (i.e. paying more than 30% of gross income on monthly housing expenses), and/or (2) lacking complete kitchen or plumbing facilities, and/or (3) overcrowding of more than 1.01 persons per room.

2. EVALUATION OF CURRENT FAIR HOUSING PROFILE

This section provides a review of the past and current fair housing planning initiatives and the existence of fair housing complaints or compliance reviews where a charge of a finding of discrimination has been made. Additionally, this section will review the existence of any fair housing discrimination suits filed by the United States Department of Justice or private plaintiffs in addition to the identification of other fair housing concerns or problems.

Citizens of Howard County receive fair housing services from a variety of organizations, including but not limited to the Howard County Human Rights Commission, the Howard County Office of Human Rights, the Maryland Commission on Human Relations, and the Greater Baltimore Community Housing Resource Board. These groups provide education and outreach, sponsor community events, process fair housing complaints, and in some cases investigate complaints through testing, and/or work to promote a mutual understanding of diversity among residents. While some offer only referral and educational programs to the community, others concentrate their efforts in tenant/landlord issues and real estate testing.

A. Existence of Fair Housing Complaints

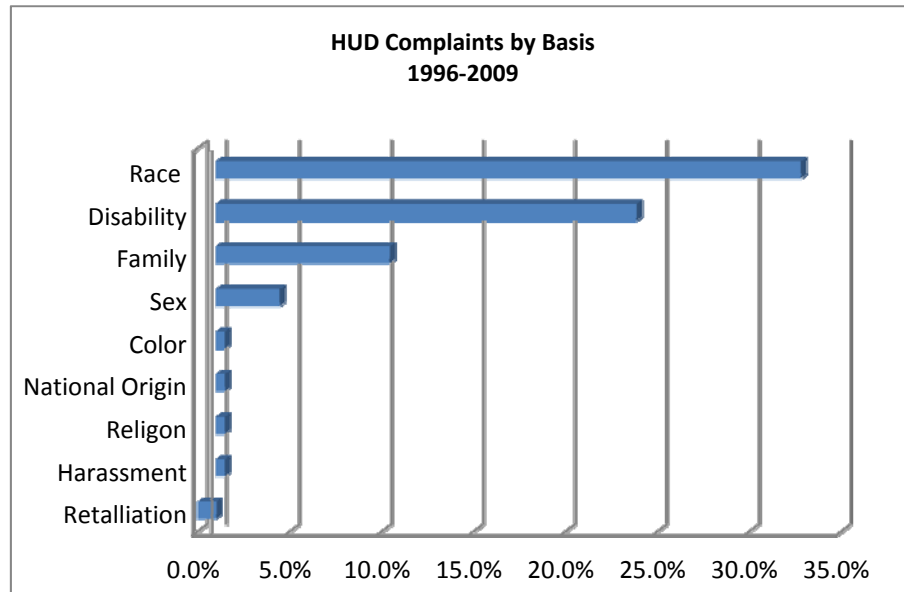
A lack of filed complaints does not necessarily indicate a lack of a problem. Some persons may not file complaints because they are not aware of how to file a complaint or where to go to file a complaint. Discriminatory practices can be subtle and may not be detected by someone who does not have the benefit of comparing his treatment with that of another home seeker. Other times, persons may be aware that they are being discriminated against, but they may not be aware that the discrimination is against the law and that there are legal remedies to address the discrimination. Also, households may be more interested in achieving their first priority of finding decent housing and may prefer to avoid going through the process of filing a complaint and following through with it. According to the Urban Institute, 83% of those who experience housing discrimination do not report it because they feel nothing will be done. Therefore, education, information, and referral regarding fair housing issues remain critical to equip persons with the ability to reduce impediments.

i. U.S. Department of Housing and Urban Development

The Office of Fair Housing and Equal Opportunity (FHEO) at HUD receives complaints from persons regarding alleged violations of the federal Fair Housing Act. Fair housing complaints originating in Howard County were obtained and analyzed for 1996 – 2009. As of September 2009, there were currently four open cases. In total, 67 complaints originating in the County were filed with HUD since 1996, an average of five per year. The volume of cases is steady throughout the years, with most years seeing two cases a year.

Race was the most common basis for complaint, followed by disability and familial status. A summary appears in the following chart. Many complaints were filed on multiple bases, so the chart reflects the percentage of all complaints that involved each basis.

**Figure 2-1
HUD Complaints by Basis of Discrimination, 1996-2009**

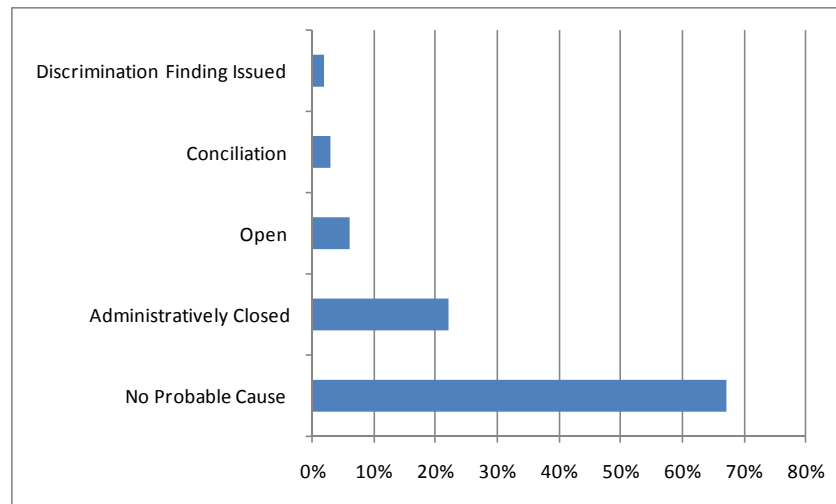


Of the 67 complaints filed since 1999, two (3%) were conciliated with a successful settlement. One of the settled cases involved familial status, while the other is unknown. Of the settled complaints, one case involved the issue of discriminatory advertising, statements, and notices. The second case involved discrimination in services and facilities relating to rental housing.

Discrimination findings were issued in one case. In 2000, a case on the basis of disability, alleging discriminatory terms, conditions, privileges and services and facilities, as well as failure to make reasonable accommodation, resulted in a FHAP judicial consent order.

Of all complaints filed, 45 (67.2%) were found to be without probable cause. This occurs when the preponderance of evidence obtained during the course of the investigation is insufficient to substantiate the charge of discrimination. The remaining 15 cases (23.4%) were administratively closed, often due to complaint withdrawal before or after resolution, judicial dismissal, or the complainant's refusal to cooperate. The following chart provides a summary on how the various complaints were resolved.

**Figure 2-2
Resolution of Complaints, 1996-2009**



ii. Maryland Commission on Human Relations

The Maryland Commission on Human Relations is a state agency empowered to enforce Maryland’s laws against discrimination in employment, housing, and public accommodations. Additionally, the agency provides related educational and outreach services, though this role has been diminished in recent years due to budgetary restrictions. According to its 2009 Annual Report, the Commission relies on more than 130 trained volunteer mediators to resolve cases before they reach the process of investigation and litigation. However, the agency continues to receive and resolve a substantial number of housing discrimination complaints.

On November 4, 2009, a formal request for data on the number and nature of fair housing complaints in Howard County was made to the Maryland Commission on Human Relations. In addition to details on all complaints filed since September 1996, the letter requested fair housing complaints where the Commission or its staff had made a finding of discrimination or probable cause, findings of noncompliance by HUD or the Commission, the number of administrative releases issued for complaints, and any other information relevant to the AI. The letter additionally explained the reason for the request.

In response, the Commission declined to provide the data requested, citing “confidentiality restrictions.” The only information available for review were general statistics provided in recent Annual Reports published publicly by the Commission. According to the latest report, the agency received a total of 834 individual discrimination complaints across the state in FY 2009, 10% of which (82) were related to housing. Of these, five originated in Howard County.

B. Patterns and Trends in Fair Housing Complaints

Race continues to be the primary basis of discriminatory complaint. However, HUD data indicates that more complaints are being filed on the basis of disability. The prevalence of disability complaints, especially in recent years, is evidence that education, information, and referral regarding fair housing issues for persons with disabilities is increasingly critical.

OBSERVATION: Most fair housing complaints filed through HUD in Howard County involved race as the basis for discrimination.

The number of HUD filings has been relatively stable during the past 13 years, from two in 1996, eight in 1997 and five in 1998 to two in 2007, four in 2008 and two through September 2009. However, 1999 was the exception with 23 filings, 22 of which resulted in no cause determination.

i. Testing

Baltimore Neighborhoods, Inc. (BNI) is a nonprofit corporation committed to fighting housing discrimination, supporting integrated communities, improving relations between tenants and landlords, providing community education, and advocating for persons with disabilities on housing accessibility issues.

As part of its mission to fight housing discrimination, BNI contracts with the City of Baltimore, Baltimore County, and Harford County to conduct discrimination testing. Currently, Howard County does not contract with any agency to conduct testing in the County.

OBSERVATION: Currently, the County does not administer or oversee formal testing for housing discrimination.

C. Existence of Fair Housing Discrimination Suit

There are no pending fair housing discrimination suits involving Howard County.

D. Determination of Unlawful Segregation

There are no pending unlawful segregation orders involving Howard County.

3. EVALUATION OF PUBLIC AND PRIVATE SECTOR POLICIES

The analysis of impediments is a review of barriers 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 which 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. In Maryland, protection is also extended to persons based on sexual orientation and marital status.

A. Public Sector

An important element of the analysis includes an examination of public policy in terms of its impact on housing choice. This section evaluates the public policies in Howard County to determine opportunities for furthering the expansion of fair housing choice.

i. Federal Entitlement Programs

From a budgetary standpoint, housing choice can be affected by the allocation of staff and financial resources to housing related programs and initiatives. Disruptions in the private tax credit equity markets and the decline in federal funding opportunities for affordable housing for lower income households has shifted much of the challenge of affordable housing production to state, county, and local government decision makers.

The recent Westchester County, NY settlement also reinforces the concept of creating housing choice in non-impacted areas (i.e., areas outside of concentration of minority and LMI persons) of Urban County entitlements. Westchester County violated its cooperation agreements with local units of government which prohibit expenditures of CDBG funds for activities in communities that do not affirmatively further fair housing within their jurisdiction or otherwise impede the Urban County's action to comply with its fair housing certifications.

The Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) programs are the two primary HUD entitlement funds through which eligible communities can create new affordable housing opportunities in non-impacted areas. CDBG funds are used for a variety of public services, planning, street improvements, clearance, housing rehabilitation, code enforcement, and economic development initiatives. The CDBG program serves to benefit primarily low and moderate income persons in accordance with the statutory requirements of the program. In terms of housing activities, rehabilitation is most commonly financed with CDBG funds.

The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for low and moderate income households. HOME funds can be used for activities that promote affordable rental housing and homeownership by low and moderate income households, including new construction, rehabilitation, homebuyer assistance, and tenant-based rental assistance.

a. Allocation of Funds

Each year, the Howard County Department of Housing and Community Development (DHCD) develops an Annual Action Plan for submission to HUD, outlining proposed activities to be undertaken using Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) entitlement funds.

As a part of the Action Plan development process, DHCD coordinates a formal RFP/open funding cycle to solicit requests for funding and to provide opportunities for the general public, local non-profits, County government agencies, and the business community to review and comment on the proposed activities detailed in the Action Plan.

The RFP/funding cycle process typically begins during the last week in November with a notice of funding availability published in local newspapers. Notices are distributed to interested groups, agencies, and organizations and are posted on human/social service agency websites. A general information session is held and Applications for Funding are distributed at that time. Applications are also made available on the department's web page and at the DHCD office. The deadline for submission of applications for both CDBG and HOME funds is usually due within 30 to 45 days from the release date.

Following the submission of applications, DHCD staff reviews each submission for eligibility and completeness. An internal (county staff) Grant Review Committee (GRC) consisting of three to five reviewers is convened and each reviewer is provided with a copy of each of the funding applications, written review instructions, and a scoring summary packet to be completed for each application reviewed. In general, the GRC is given approximately two to three weeks to review the applications. The application review process is concluded with the GRC collectively reviewing each of the applications, discussing the scoring packets, and crafting recommendations to be submitted to the department's Director and Deputy Director.

The Department's Grants Administrator reviews the GRC recommendations with the Directors as part of the Action Plan budget preparation. Additionally, the recommendations are presented to the Howard County Department of Housing and Community Development Board (HCD Board) for review and consideration. The department's final recommendations are reviewed with County administration and are moved forward as part of the County's annual budget process. During

this time, public hearings are held to receive comments on the proposed Action Plan.

The Action Plan approval process, which includes the awarding of CDBG and HOME funds to selected applicants, generally concludes at the end of April / May with the HCD Board's recommended approval followed by the Howard County Council's adoption of the Action Plan which is submitted to HUD for final approval by July 1.

b. Annual Plans and CAPERs

Entitlement communities are required to prepare Annual Action Plans in which each entity describes the activities to be undertaken with CDBG and HOME funds. At the end of each fiscal year, a Consolidated Annual Performance and Evaluation Report (CAPER) is then developed to report on the progress achieved by each entitlement in its efforts to invest CDBG and HOME funds and affirmatively further fair housing. The following narrative includes an analysis of how Howard County affirmatively furthered fair housing through their investment of these federal funds.

1) Annual Plan (2010)

The Annual Plan for 2010 included the priorities and objectives planned by Howard County in various HUD categories such as housing, homeless prevention, community development, and others. In terms of affirmatively furthering fair housing, one of the best indications of this policy being implemented is the creation of *new* affordable rental and sales housing units for families that are located outside of impacted areas. By creating new affordable family units outside of impacted areas, the County would be providing housing choice for LMI minorities in non-impacted areas, sometimes referred to "communities of opportunity."

Specifically, Howard County's housing objectives in its 2010 Annual Plan included the following:

- Develop four units of affordable for-sale housing under the Community Housing Assistance Initiative Program and the HOME Housing Initiative Loan Program
- Develop Jones Rd/Glens at Guilford II into 20 single-family affordable for-sale units and Glens at Guilford I into 10 single-family affordable for-sale units
- Develop 269 multi-family rental units as part of the Monarch Mills project
- Modify/rehabilitate 13 units for the elderly and disabled populations

2) CAPER (2008)

In its CAPER for 2008, Howard County reported on the activities completed and objectives met for the previous year. In terms of

affirmatively furthering fair housing choice, the following activities were noted:

- Down payment assistance was provided to six households through the County's Settlement Down Payment Loan Program
- The development of 186 affordable rental housing units, including 80 units at Parkview at Emerson in Laurel and 106 units at Ellicott Gardens in Ellicott City

Map 8 on the following page shows the geographic distribution of the County's affordable rental housing investments using CDBG and HOME funds from FY 2007 – 2008. With the exception of one new development in the North Laurel area, the majority of new affordable rental housing development in the County has occurred in areas of Black concentration in and around Waterloo, Savage, and Jonestown. Waterloo and Savage are also LMI areas.

c. Affirmative Marketing Policy

As a recipient of CDBG and HOME funds, Howard County is required to adopt affirmative procedures and requirements for all CDBG- and HOME-assisted housing with five or more units. Such a plan should include:

- Methods of informing the public, owners and potential tenants about fair housing laws and the County's policies
- A description of what the owners and/or sub-recipients will do to affirmatively market housing assisted with CDBG or HOME funds
- A description of what the owners and/or the sub-recipients will do to inform persons of the new housing units who are not likely to apply for housing without special outreach
- Maintenance of records to document actions taken to affirmatively market CDBG- and HOME-assisted units and to assess marketing effectiveness
- A description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

The affirmative marketing policy for Howard County's HOME program requires that all owners submit a marketing plan to the County for the rental of Low-Moderate Income units. The County authorizes the right to require the owner to consult with County officials to revise the marketing plan to attract eligible residents consistent with the requirements of the loan and regulatory agreements. The owner must implement any plan or requirement that the County reasonably requires.

The owners must agree in their marketing of the project to:

- Display the fair housing logo poster in the rental office of the project in a conspicuous location.
- Ensure that any radio, television, newspaper advertisements, signs, pamphlets, or brochures used contain appropriate equal opportunity statements.
- Accept residents without geographic restrictions, except that preference may be given to applicants living or working in the area of the project.
- Forward copies of all written advertisements and transcripts or radio/television advertisements to the County during the initial lease-up.

The County's affirmative marketing policy with area Community Housing Development Organizations (CHDOs) requires the CHDO to adopt an affirmative marketing policy and procedure acceptable to the County to ensure that eligible persons, regardless of age, race, color,

national origin, sex, religion, and familial status, are adequately informed of the services they provide.

For all CDBG sub-recipient agreements, the sub-recipient must carry out its activities in compliance with all federal laws and regulations. The sub-recipient agrees to comply with the Howard County Human Rights Law, the Maryland Human Relations Law, Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act, to name a few. Sub-recipients must also comply with the Fair Housing Act and Title VIII of the Civil Rights Act of 1968, including conducting activities in a manner to affirmatively further the policies of the Fair Housing Act.

Based on the review of the County's policy conducted for this analysis, the affirmative marketing policies for Howard County's HOME and CDBG programs do not address all of the HUD requirements. Items that need to be included are as follows:

- A more detailed description of what actions the owners/grantees will take to affirmatively market housing assisted with CDBG or HOME funds.
- A description of what efforts the owners and/or grantees will take to inform persons not likely to apply for housing without special outreach.
- Information relative to the required maintenance of records to document actions taken to affirmatively market CDBG- and HOME-assisted units or ways to assess the effectiveness of such marketing practices.
- A description of how efforts will be assessed and what corrective measures will be taken when requirements of the affirmative marketing policies are not met.

d. Site and Neighborhood Standards Policy

Recipients of HOME funds are required to administer their program in compliance with the regulations found at 24 CFR 983.6(b), known as the Site and Neighborhood Standards. These standards address the site location requirements for both rehabilitated and newly constructed rental units financed with HOME funds.

Site selection for HOME-assisted rehabilitated units must comply with several standards, including among other things, promoting greater choice of housing opportunities and avoiding undue concentration of assisted persons in areas containing a high concentration of LMI persons. For new construction, an additional standard is added. With few exceptions, site selection must include a location that is not in an area of minority concentration.

Howard County should prepare a written policy that encompasses these standards and that can be incorporated as part of the application review and approval process for all applicable HOME-assisted projects. Such a

policy will facilitate the County's goals toward affirmatively furthering fair housing.

ii. Appointed Citizen Boards and Commissions

A community's sensitivity to housing issues is often determined by people in positions of public leadership. The perception of housing needs and the intensity of a community's commitment to housing related goals and objectives are often measured by board members, directorships and the extent to which these individuals relate within an organized framework of agencies, groups, and individuals involved in housing matters. The expansion of fair housing choice requires a team effort. Public leadership and commitment is a prerequisite to strategic action.

Housing and housing-related issues in Howard County are addressed by a variety of appointed citizen volunteer boards, as described below.

a. Howard County Planning Board

The Planning Board is a five-member board of County residents, nominated by the County Executive and confirmed by the County Council, who serve five-year terms on a volunteer basis. The Planning Board makes recommendations to the Board of Appeals, Zoning Board, or County Council on matters related to planning and zoning, and renders a final decision on selected development proposals. Before making a recommendation or decision, the Planning Board holds a public meeting or public hearing that provides an opportunity for interested persons to provide comments or evidence.

The Zoning Regulations require approval by the Planning Board for certain development plans in districts that allow greater flexibility in site planning or that may have significant development impacts on existing neighborhoods, the environment, roads, and utilities. The Planning Board can approve or deny a proposed plan, or approve a plan subject to modifications.

Of the five members on the Planning Board, four are White and one is Black. Three of the members are males and two are females. None of the members have a disability and two represent households with children. Information on ethnicity of the members was not provided.

b. Howard County Human Rights Commission

The Howard County Human Rights Commission (HRC) was established in 1969. The duties and responsibilities of the HRC are prescribed by law, and include recommending a civil rights policy to the County Executive and the County Council; the authority to make surveys and studies concerning human rights, conditions and problems; and, the authority to file a complaint when there is reason to believe a pattern or practice of

discrimination exists. The HRC handles several categories of complaints, including housing, employment, law enforcement, public accommodations, and financing.

The HRC is composed of 11 members and a non-voting member, who is a student under 18 years of age. Of the 11 voting members, three are White and eight are minorities, including four Blacks, two Asians, one Hispanic, and one Iranian. There are eight males and three females on the HRC. None of the members indicated a disability and three members live in households with children.

c. Howard County Housing Commission

The Howard County Housing Commission (HCHC) is a separate legal entity which serves as the public housing authority for the purpose of developing and managing housing resources for low and moderate income residents of Howard County. The Commission also owns and manages residential property, maintains these properties, and develops affordable housing opportunities through partnerships with area developers and organizations. HCHC also operates the Section 8 Housing Choice Voucher program in the County.

HCHC has a five-member board. Of these five members, three are White and two are Black. Four members are male and one is female. No members of the HCHC indicated a disability and familial status and ethnicity were not provided for any of the five board members.

d. Howard County Housing and Community Development Board

The Housing and Community Development Board (HCDB) serves as an advisory board to the County Department of Housing and Community Development. The Board makes recommendations on funding for housing activities.

e. Howard County Board of Appeals

The Board of Appeals provides citizens with a final administrative review process for appeals relating to a various City determinations. The five-member Board had three White members and two Black members in 2011, all of whom were male.

f. Howard Commission on Disability Issues

The Commission on Disability Issues is a 15-member body appointed by the County Executive and confirmed by County Council to advise County government on the issues affecting disabled community members and matters related to compliance with the Americans with Disabilities Act. In 2011, the Commission had 13 members, seven of whom were female and six of whom were male. There were 10 White

members, two Black members and one Asian member. The Commission included not only persons with disabilities, but also providers of related services, family members of disabled individuals and members of the general public.

g. Howard County Board to Promote Self-Sufficiency

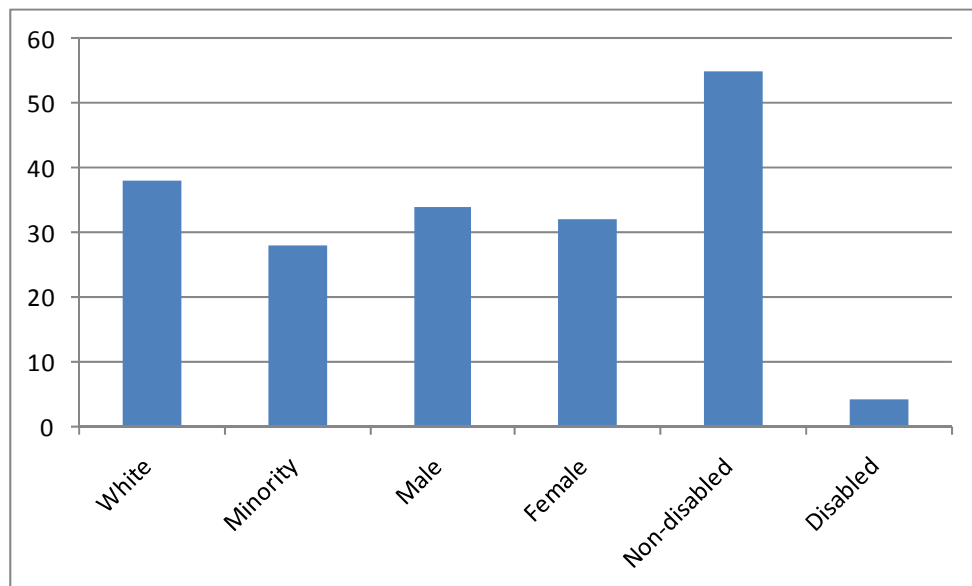
This body was created in 2008 to act as the planning and coordinating mechanism for initiatives to promote the economic stability of individuals and families and reduce the incidence of poverty in the County. The Board had 16 members in 2011, 13 of whom were female. There were 11 White members, three Black members and two members reported as Other.

h. Howard County Commission on Aging

The Commission on Aging's mission is to promote successful aging for older adults in Howard County. As of 2011, this volunteer advisory board had six female members, five males and one member identifying as other-gender. The Commission included six White members, three Black members and three Asian members.

The following chart illustrates the lack of persons with disabilities and Hispanics on selected appointed boards and commissions in Howard County. The experiences and perspectives of members of the protected classes would enhance the decision-making processes in Howard County and offer the opportunity for advancing fair housing choice in all aspects of County government.

**Figure 3-1
Composition of Citizen Boards and Commissions in Howard County, 2011**



iii. **Accessibility of Residential Dwelling Units**

From a regulatory standpoint, local government measures to control land use (such as zoning regulations) define the range and density of housing resources that can be introduced in a community. Housing quality standards are enforced through the local building code and inspections procedures.

a. **Private Housing Stock**

The Maryland Accessibility Code requires accessibility for persons with disabilities in certain new and rehabilitated residential and commercial property.²⁵ In 2004, the Department of Justice certified that Maryland's state code met or exceeded federal standards for accessible design.

Howard County has adopted the state Accessibility Code as well as the 2009 International Building Code and the Maryland Building Rehabilitation Code. In its enforcement activity, the County's Department of Inspections, Licenses, and Permits (DILP) ensures that ADA requirements described on approved building plans are constructed properly.

For new HOME-assisted units, Howard County requires compliance with 24 CFR Part 8 which implements Section 504 of the Rehabilitation Act of 1973. Multi-family development must comply with 24 CFR 100.204, which implements the Fair Housing Act construction requirements. To address the needs of persons with mobility impairments, a minimum of 5% of all units (or at least one unit, whichever is greater) must comply with the Uniform Federal Accessibility Standards (UFAS) required under Section 504. An additional 2% of units (or at least one unit) are required to be accessible for individuals with hearing or vision impairments.

Howard County also enforces Universal Design requirements in age-restricted adult dwelling units. By requiring specific Universal Design features in this type of housing, the County has committed to creating new housing units for seniors with design elements intended to assist aging in-place. Some of the required features include no-step entrances, 36-inch wide front doors and hallways, and a master bedroom and bathroom on the first floor.

b. **Public Housing Stock**

Section 504 of the Rehabilitation Act of 1973 and 24 CFR Part 8 also require that 5% of all public housing units be accessible to persons with mobility impairments. Another 2% of public housing units must be accessible to persons with sensory impairments. In addition, an authority's administrative offices, application offices, and other non-residential facilities must be accessible to persons with disabilities. The Uniform Federal Accessibility Standards (UFAS) is the standard against which residential and non-residential spaces are judged to be accessible.

²⁵ Department of Housing and Community Development: Building and Material Codes, Chapter 2. Article §2-111 and 3-103; Public Safety Article, §12-202; Annotated Code of Maryland

The Howard County Housing Commission owns and manages 24 units of public housing located in Colt's Crossing, a public housing community, and an additional 26 scattered-site units. Reasonable accommodations are made on a case-by-case basis. The Commission has not noted a need to conduct a Section 504 Needs Assessment of those properties. However, the Commission conducted a self-assessment in 1989 of its Section 8 Moderate Rehab Program. The process involved outreach to and involvement from interested persons in the community, including persons with disabilities and organizations representing them. A review of site accessibility and policies regarding persons with disabilities revealed no compliance issues.

iv. Language Access Plan for Persons with Limited English Proficiency

In order to accommodate persons with limited English proficiency (LEP) in the provision of information and services, Howard County advertises means of alternative access to documents, public hearings, and its website. The County formalizes and enhances the services offered to limited-English speakers in a language access plan. The Housing Commission, in particular, has a policy of striving to have bilingual staff or access to people who speak languages other than English to assist non-English-speaking families. To provide access to vital program documents, Howard County engages the services of Language Line, a premier translation service able to process documents in more than 170 languages. The Commission works with County offices to access translators and interpreters in many languages spoken locally. As stated previously, limited-English speakers of Spanish, Korean and Chinese constitute the language groups of greatest prevalence.

v. General Plan

Howard County has experienced significant growth from the Baltimore area as well as from the Washington DC area. In 1965, developer Jim Rouse founded Columbia as an urban area meant to absorb planned growth within the region. It was anticipated that growth in Columbia and the eastern portion of Howard County would insulate the "rural west" from development pressure. The County has undertaken consistent planning efforts since the 1960s to protect and preserve the rural character in the western area of the County by directing development to the eastern portion of the County.

In 1977, the County rezoned the rural west from one acre per dwelling unit to three acres per dwelling unit. The 1982 General Plan dramatically reduced the size of the 1971 planned water and sewer extension area in an attempt to further contain growth and maintain the rural landscape pattern. The 1982 General Plan also identified some areas north, south and east of Columbia for higher density housing and expanded employment corridors along I-95, US 1, US 29, and MD 100.

The 1990 General Plan responded to continued growth by recommending annual housing and employment growth targets, adequate public facilities legislation, a development monitoring system, and rural cluster and density exchange zoning in the rural west. The 1990 General Plan also recommended

the creation of several major mixed use centers in the eastern area of the County to absorb growth on the largest remaining parcels with access to highways.

Howard County's Adequate Public Facilities Act, adopted in 1992, established urban growth boundaries. The urban growth boundary was strengthened by Maryland's 1997 Smart Growth initiative under which most categories of State spending for infrastructure and services were required to be targeted to "Priority Funding Areas." Howard County's Priority Funding Area is the eastern 40% of the County that lies within the Planned Service Area for both public water and sewerage. In 1992, three-acre lot zoning in the rural west was replaced with cluster zoning, with an allowed density of one dwelling unit for 4.25 acres.

Howard County's 2000 General Plan encourages infill development, revitalization, and development of the areas zoned for mixed use development in the east, while protecting and supporting productive farmland and retaining the rural character of the west. The General Plan envisions the purchase of additional preservation easements in western Howard County. The 2000 General Plan establishes a cap of 250 new lots per year in the Rural West.

The present supply of land for housing, based on the latest 1993 Comprehensive Zoning, permits a total build-out of about 121,000 housing units. Of this total, 88,950 units are already built, leaving about 32,000 remaining to be built. In 2000, more than 40% of the remaining units were already committed to development, being either recorded, unbuilt lots, or units currently in the development review process. In 2000, it was estimated that 17,980 units remain to be built on uncommitted land. Of this total, some 5,320 units could be built in the rural west and another 12,660 units could be built in the East.

Of the uncommitted residential land, most of the land is in relatively small, scattered infill parcels within existing developed areas. Since neighbors are likely to resist significant changes to existing zoning, it is likely that most of the remaining residential land will be developed as currently zoned. The potential housing supply under current zoning is expected to be built-out in 2015.

Howard County's 2000 General Plan recognizes the need for additional affordable housing. This need is expressed primarily in terms of anticipated growth in employment and the related demand for low and moderate income workers. The Plan also recognizes the desirability of providing affordable housing for the children and parents of existing County residents, essential community workers (i.e., teachers, firemen and policemen), and affordable sales housing for existing renter households.

The Plan defines affordable housing as that which is affordable to low-income households (i.e., incomes at or below 50% of the median income) and to moderate income households (i.e., incomes up to 80% of the median

income). The Plan concludes that sales housing units in the \$80,000 to \$120,000 price range are affordable to moderate income households. The Plan concedes that housing priced below \$80,000 would be affordable to low income families but is generally unavailable in the unsubsidized sales housing market. Current market data, for comparison, is included in the Cost of Housing section of the AI.

Due primarily to the nature of the local housing market, the County's General Plan does not envision the development of affordable housing to any significant level. High property values and the high proportion of recently-built homes in Howard County cause most market-rate housing to be priced out of reach of low or moderate income households. The supply of affordable housing will not be expanded significantly by new construction. As the supply of residential land diminishes, the price of land and housing is likely to increase. In zoning districts that permit a variety of unit types, builders will, in most instances, choose the most profitable type – higher priced, single-family detached units. There is little undeveloped land in the zoning districts that allow townhouses and apartments. Since much of the remaining land is relatively small infill parcels within single-family detached neighborhoods, rezoning for higher density is unlikely. Some affordable units will be created within the major Mixed Use Districts (MXD), which permit construction of townhouses and apartments, subject to certain limits.

The General Plan devotes discussion to the need for senior housing and housing for persons with disabilities.²⁶ This section of the Plan deals mainly with congregate and group housing options with supportive services, including acute care, congregate assisted living, group homes, congregate independent living, and retirement communities. The Plan states that the number of seniors in Howard County is expected to triple by 2020. However, the growing scarcity of residential land will make it increasingly difficult to find sites for new senior housing. Senior housing can conceivably be built within the County's office/employment districts (Planned Office Research and Planned Employment Center) that permit certain types of congregate and group housing in addition to employment uses. The Plan states that the need for senior housing should be balanced against the County's need to reserve its employment land for economic development.

County zoning regulations permit renovation of owner-occupied, single-family homes on lots of 12,000 square feet or larger to create accessory

²⁶ Since the release of the General Plan in 2000, there has been an expansion in the housing options available to seniors in Howard County, due in large part to policy initiatives that have advanced the development of age-restricted and moderate-income housing units (MIHU). The General Plan established an annual 250-unit allocation for age-restricted units in the eastern part of the County. A comprehensive rezoning in 2004 broadened the zoning districts in which MIHU could be built, and changes to the Adequate Public Facilities Ordinance (AFPO) chart have allocated more MIHU development in recent years. New projects in higher-density and mixed-use zones as well as all age-restricted projects are required to build a certain percentage of affordable units, anywhere from 5% to 20%, depending on particular criteria.

apartments. Accessory apartments also may allow a senior to live independently in the home of an adult child.

The General Plan indicated that many active seniors desire to sell their large family home and yard to purchase a smaller, easier-to-maintain home with a first floor bedroom, though given current market conditions this may no longer be the case. This active senior market was the largest segment of the senior housing market, but the Plan determined that it was not well accommodated in Howard County. Many residents expressed concern about the need to move out of Howard County in order to secure this type of housing. The County anticipated that much of the demand for active senior housing would need to be accommodated through the renovation of existing homes.

In light of the anticipated increase in elderly population, the Plan recognizes the importance of constructing new dwellings using Universal Design standards. The Plan includes several action steps relative to Universal Design:

- Educate builders on the concepts of Universal Design, which incorporates design features that ease use by seniors and persons with disabilities
- Evaluate whether revisions to the Building Code are desirable
- Develop programs that encourage or require builders to use Universal Design concepts in new housing and in substantially renovated housing

Other housing-related policies and actions stated within the Plan include:

- Provide affordable housing for existing low and moderate income residents and for the diverse labor force needed for continuing economic growth. Reaffirm the County's long-standing policies of dispersing affordable housing units and providing housing for people of all income levels throughout the County.
- Develop an effective monitoring and intervention system for Federal and State assisted housing projects to ensure compliance with all requirements concerning conversion of such units to market rental rates.
- Seek funding sources that will enable the Office of Housing and Community Development to expand the supply of affordable housing to serve low or moderate income households, including seniors and persons with disabilities.
- Update the Consolidated Plan to specify the most effective means of using existing older homes as the principal means of addressing affordable housing needs. Increase funding for home ownership programs and provide incentives to convert homes from rental to ownership
- Maintain support for providers of emergency, crisis and transitional shelter and related services

- Ensure an adequate housing supply for the elderly, disabled, and special populations.
- Support expansion of affordable congregate housing arrangements throughout the County for the elderly, the disabled and special populations.
- Amend the Zoning Regulations to better distinguish and accommodate active senior, congregate independent and assisted living developments.
- In terms of senior housing in the rural west, review the elderly housing special exception to determine the most suitable criteria and requirements for this special exception use in the Rural Conservation and Rural Residential Districts and, if necessary, amend regulations as appropriate.
- Encourage the provision of transportation services to better link housing for seniors, the disabled and special populations to services and shopping. To adequately serve the County's senior population, the County Office on Aging maintains a wide variety of programs dedicated to various areas of need, and the Senior Housing Master Plan, released in 2004, outlines the housing and community needs that are anticipated as the County's elderly population grows during the next 25 years.
- Work with the nonprofit and for-profit sectors to assist seniors wishing to remain in their homes by developing programs to assist them with Universal Design renovations, creation of accessory apartments and needed home maintenance (for example, grants, tax credits and assistance with contracting). Nonprofit agencies noted to provide substantial assistance in rehabilitating or creating decent, affordable housing for lower-income families include Rebuilding Together Howard County and Habitat for Humanity.
- Revise the Consolidated Plan to include specific strategies for providing affordable housing by retaining existing assisted housing projects, using the existing housing stock to meet affordable housing needs by expanding programs to promote home ownership and including affordable housing in small mixed use centers.

Howard County's 2000 General Plan is exceptionally thorough in its treatment of residential land use and affordable housing issues. There are many policy statements within the Plan that address the housing needs of members of the protected classes and other lower income households within the context of Howard County's growth control environment. However, the Plan lacks an over-arching statement of policy that reflects the County's commitment to affirmatively further fair housing. In particular, the Plan is silent on the need to diffuse the concentration of lower income households and members of the protected classes in Columbia and its environs. In addition, the Plan places emphasis on congregate care senior developments and the lower-priced sales housing market as the key to meeting the County's affordable housing needs. However, there is no specific strategy to address

the need for affordable rental housing for families currently living in or expected to reside in Howard County.

OBSERVATION: Howard County's General Plan addresses the County's affordable housing needs primarily through facilitating the expansion of age-restricted developments and moderately-priced housing units.

In Maryland, the power behind land development decisions resides with municipal governments through the formulation and administration of local controls. These include comprehensive plans, zoning ordinances and subdivision ordinances, as well as building and development permits.

The analysis of zoning regulations was based on the following five topics raised in HUD's Fair Housing Planning Guide, which include:

- The opportunity to develop various housing types (including apartments, accessory dwelling units and housing at various densities)
- The opportunity to develop alternative designs (cluster developments, planned residential developments, inclusionary zoning and transit-oriented developments)
- Minimum lot size requirements
- Dispersal requirements and regulatory provisions for housing facilities for persons with disabilities (i.e. group homes) in single family zoning districts
- Restrictions on the number of unrelated persons living together in dwelling units.

In addition, regulations governing the use of mobile homes were reviewed as this type of dwelling is an affordable housing option for many lower income households.

a. Date of Ordinance

Generally speaking, the older a zoning ordinance, the less effective it will be. Older zoning ordinances have not evolved to address changing land uses, lifestyles, and demographics. However, the age of the zoning ordinance does not necessarily mean that the regulations impede housing choice by members of the protected classes.

The first Howard County Zoning Ordinance was adopted in 1948. The current Zoning Ordinance was adopted in 2007 with amendments through 2010.

b. Residential Zoning Districts & Permitted Dwelling Types

The number of residential zoning districts is not as significant as the characteristics of each district, including permitted land uses, minimum lot sizes, and the range of permitted housing types. However, the number of residential zoning districts is indicative of the municipality's desire to promote and provide a diverse housing stock for different types of households at a wide range of income levels.

Restrictive forms of land use that exclude any particular form of housing, particularly multi-family housing, discourage the development of affordable housing. Allowing varied residential types reduces potential impediments to housing choice by members of the protected classes.

There are a total of 18 base zoning districts in Howard County where residential uses are permitted by-right. There are an additional three overlay districts where residential uses are also permitted. Most of these zoning districts permit single family *detached* units and many permit single family *attached* units. Zero-lot line dwellings are permitted in the R-ED, R-12, R-SC and MXD districts.

Apartments, which are typically multi-family rental units, are permitted by-right in eight zoning districts. Notably, Housing Commission Housing Developments, a term unique to the Howard County Zoning Ordinance, are clearly distinguished from Apartments. Housing Commission Housing Developments are permitted by-right in only two zoning districts: the POR, Planned Office Research district and the PEC, Planned Employment Center district. In addition, this type of development is permitted in the I, Institutional overlay district. Neither the POR nor the PEC could be considered residential neighborhood districts. The primary purpose of the PEC district, as stated in the zoning ordinance, is to foster the development of attractive, large-scale employment centers.

The definition of Housing Commission Housing Development and the criteria to which such developments must comply were added to the County's zoning regulations in 2008. The purpose for the additions was to expand affordable housing options in certain commercial and industrial zoning districts for projects owned or managed by the Commission, and to ensure that such development is compatible with the surrounding neighborhoods. The objective was ostensibly to increase both housing and job opportunities for the population served by these communities.

Housing Commission Housing Developments are required to submit to a lengthy review and approval process, including a public hearing where the potential for public opposition to publicly financed affordable housing is very high. This, along with the fact that such developments are allowed by right in two districts, while other multi-family residences may locate by right in eight, would suggest that the definition has the effect of limiting opportunities for this type of residential development. However, in keeping with the General Plan's identification of need for affordable housing options, the County intends to use the definition as a way of carving out, or setting aside, areas that would be appropriate for Housing Commission Housing Developments. To the extent that this occurs in areas that are not concentrations of racial/ethnic minorities and low-income residents, thusly directing development can be applied as a means of expanding housing choice for members of the protected

classes, who are heavily represented among Housing Commission residents.

The County zoning ordinance was recently recognized in *Zoning Practice*, a monthly publication of the American Planning Association, for its Universal Design requirements in age-restricted adult dwelling units.²⁷ By requiring specific Universal Design features in this type of housing, Howard County has committed to creating new housing units for seniors with design elements intended to assist aging in-place. Some of the required features include no-step entrances, 36-inch wide front doors, 36-inch wide hallways, and a master bedroom and bathroom on the first floor.

²⁷ Jennifer S. Evans-Cowley, AICP. Zoning for Universal Design and Visitability, *Zoning Practice*, April 2006 (American Planning Association).

**Figure 3-2
Zoning Ordinance Review of Howard County**

Date of Ordinance Amended through	Original in 1948; revised Zoning Ordinance adopted in 2007 2010	Comments
Zoning districts & dwelling types where dwelling units are permitted by-right	RC, Rural Conservation: SFDU	There are 18 base zoning and three overlay zoning districts in which residential uses of some type are permitted by-right. Nearly all of these districts permit single family detached units (SFDU) and many permit single family attached dwelling units (SFADU). Zero-lot line dwelling units are permitted in R-ED, R-12, R-SC, and MXD districts.
	RR, Rural Residential: SFDU	
	R-ED, Residential: Environmental Development: SFDU, Zero-lot line DU	
	R-20, Residential: Single: SFDU	
	R-12, Residential: Single: SFDU, Zero-lot line DU, SFSDU	
	R-SC, Residential: Single Cluster: SFDU, Zero-lot line DU, SFADU	
	R-SA-8, Residential: Single Attached: SFDU, Zero-lot line DU, SFADU, Apartments	Apartments (i.e., multi-family rental units) are permitted by-right in eight districts (R-A-15, R-MH, R-VH, HO, HC, MXD, TOD and CAC).
	R-A-15, Residential: Apartments: SFDU, SFADU, Apartments	
	R-MH, Residential: Mobile Home: Mobile homes in Mobile Home Developments, SFDU, SFADU, Apartments	Housing Commission Housing Developments, which are clearly distinguished from Apartments as a different land use, are permitted in only two districts (POR and PEC), none of which are residential neighborhoods.
	R-SI, Residential: Senior - Institutional: Age-restricted adult housing	
	I, Institutional Overlay: Housing Commission Housing Developments	Housing Commission Housing Developments are also permitted in the I, Institutional Overlay District.
	R-VH, Residential: Village Housing: SFDU, SFADU, Apartments	
	HO, Historic: Office: SFDU, SFADU, Apartments in existing structures	
	HC, Historic: Commercial: SFADU, Apartments	
	POR, Planned Office Research: Housing Commission Housing Developments	
	PEC, Planned Employment Center: Housing Commission Housing Developments	
	MXD, Mixed Use: SFDU, Zero-lot line DU, SFADU, Apartments, Two-family dwellings	
	TOD, Transit Oriented Development: Apartments	
	CAC, Corridor Activity Center: Apartments, SFADU within Rt.1 Corridor Project	
	Smallest permitted minimum residential lot size	RC, Rural Conservation: 33,000 sf w/ septic system in clustered subdivision
RR, Rural Residential: 33,000 sf w/ septic system in clustered		
R-ED, Residential: Environmental Development: SFDU 6,000 sf; Zero-lot line 4,000 sf		
R-20, Residential: Single: SFDU 20,000 sf		
R-12, Residential: Single: SFDU 12,000 sf		Generally, the smallest minimum lot size requirement in most zoning districts is 6,000 square feet, equivalent to about 1/6 of an acre.
R-SC, Residential: Single Cluster: SFDU 6,000 sf; Maximum 8 du/structure; maximum density 4 du/net ac		
R-SA-8, Residential: Single Attached: SFDU 6,000 sf; Maximum units per structure 8-16 du/net ac; Maximum density 8 du/net ac		Maximum units allowed per structure in multi-family developments ranges from 8-16.
R-A-15, Residential: Apartments: SFDU 6,000 sf; Maximum density 15 du/net ac; Maximum units per structure 8-16		Maximum density permitted ranges from 8-25 dwellings per net/gross acre.
R-MH, Residential: Mobile Home: Minimum district size 10 ac with minimum lot size of 2,000-4,000 sf; Maximum density 8 du/net ac		
R-SI, Residential: Senior - Institutional: Maximum density 25 du/net ac		
R-VH, Residential: Village Housing: SFDU 6,000 sf; Maximum density 8 du/net ac		
HO, Historic: Office: SFDU 6,000 sf; Maximum density 15 du/net ac		
HC, Historic: Commercial: FAR 3:1		
POR, Planned Office Research: 2 ac		
PEC, Planned Employment Center: 50 contiguous acres		
MXD, Mixed Use: Maximum density 3-6 du/gross ac		
CAC, Corridor Activity Center: 2 ac; Maximum density 15-25 du/net ac		
TNC, Traditional Neighborhood Center (Overlay): 2 ac; Maximum density 8-20 du/net ac		

Zoning Ordinance Review of Howard County (Continued)

Innovative Concepts	RC, Rural Conservation: Clustered subdivisions	Clustered subdivisions consist of clustered lots located in one area of a large parcel and a preserved area suitable for agricultural use and/or protection of environmental/historic features. Moderate Income Housing Units required of 10% or 15% of units in R-A-15, R-SI, POR, MXD, TOD Housing developed in the R-SI, POR district. PSC overlay permits SFDU and MFDU in conjunction with assisted/nursing facilities. TOD permits Apartments within Rt. 1 Corridor Project with 3-acre minimum. TND permits Age-restricted housing, Apartments within Rt 40 Corridor Project.
	R-A-15, Residential: Apartments: Moderate Income Housing Units	
	R-SI, Residential: Senior - Institutional: Universal design features required	
	POR, Planned Office Research: Universal design features required	
	MXD, Mixed Use: Moderate Income Housing Units	
	PSC, Planned Senior Community (Overlay)	
	TOD, Transit Oriented Development: Apartments, Moderate Income Housing Units	
TNC, Traditional Neighborhood Center (Overlay)	TND permits Age-restricted housing, Apartments within Rt 40 Corridor Project.	
Accessory Uses Permitted	RC, Rural Conservation: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	RR, Rural Residential: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	R-ED, Residential: Environmental Development: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	R-20, Residential: Single: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	R-12, Residential: Single: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	R-SC, Residential: Single Cluster: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	R-SA-8, Residential: Single Attached: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	R-A-15, Residential: Apartments: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	
	R-MH, Residential: Mobile Home: Roomers/boarders, home care for persons with disabilities	
	R-VH, Residential: Village Housing: Roomers/boarders, home care for persons with disabilities	
	MXD, Mixed Use: Farm tenant houses, Accessory apartments, roomers/boarders, home care for persons with disabilities	

Source: Howard County Zoning Ordinance

c. Permitted Residential Lot Sizes

Generally, because members of the protected classes are often also in low income households, a lack of affordable housing may impede housing choice by members of the protected classes. Excessively large lot sizes may deter development of affordable housing. A balance should be struck between areas with larger lots and those for smaller lots that will more easily support creation of affordable housing. Finally, the cost of land is an important factor in assessing affordable housing opportunities. Although small lot sizes of 10,000 square feet or less may be permitted, if the cost to acquire such a lot is prohibitively expensive, then new affordable housing opportunities may be severely limited, if not non-existent.

In Howard County, typical minimum lot size requirements range from 6,000 to 33,000 square feet per dwelling unit in a several single family zoning districts. Lots as small as 4,000 square feet are permitted for zero-lot line dwelling units. The maximum number of units per structure permitted ranges from 8-16. Maximum density permitted ranges from 8-25 dwellings per net/gross acre.

d. Innovative Concepts

Allowing innovative concepts or alternative designs provides opportunities for affordable housing by reducing the cost of infrastructure spread out over a larger parcel of land. Alternative designs may also increase the economies of scale in site development, further supporting the development of lower cost housing. Alternative designs can promote other community development objectives, including agricultural preservation or protection of environmentally sensitive lands, while off-setting large lot zoning and supporting the development of varied residential types. However, in many communities, alternative design developments often include higher-priced homes. Consideration should be given to innovative concepts and alternative design developments that seek to produce and preserve affordable housing options for working and lower income households.

Howard County incorporates several innovative designs in its zoning ordinance. In more than 5 zoning districts where residential uses are permitted by-right, there is a minimum requirement for Moderate Income Housing Units. The County's Moderate Income Housing Unit (MIHU) Program is an inclusionary zoning program that requires developers of new housing in specific zoning districts to sell or rent a portion (generally 10-15%) of the dwelling units to households of moderate income. MIHUs are sold or rented through the Howard County Department of Housing and Community Development (DHCD) at affordable prices and rents set by the Department. Any person or family can apply to buy or rent an MIHU, provided their household income does not exceed the maximum permitted income levels set forth by DHCD.

In townhouse zoning districts, 10% of the units in new developments must be made affordable to lower-income households. In the County's mixed-use zoning districts, 15% of the units in new developments must be made affordable to lower-income households. Most affordable housing development which occurs in Howard County is for households making between 50-80% of the median household income. Few developers are willing to target households making below 50%.

Sales prices for MIHUs range from about \$168,000 for a condominium to about \$230,000 for a single-family home. Prices vary based on the size and amenities of the home. For rental units, rents range from about \$1,154 to \$1,784, including utilities.

An individual wishing to purchase an MIHU in the County must fill out an application form during one of the four enrollment periods held throughout the year. The application requires information on income, assets, household size, and whether the applicant wishes to rent or purchase. Once an application is received and determined to be complete, the applicant's name is placed on a waiting list. As for-sale MIHUs become available, eligible applicants are notified and invited to attend a lottery drawing to select an eligible purchaser for each home. When rental MIHUs become available, eligible renters are chosen based on the date of application.

From May 2007 through December 2009, MIHU agreements were signed with developers for 233 for-sale units. Of those units, 77 new homes were awarded to MIHU applicants who became first-time homeowners in Howard County. In addition, there are currently 74 rental units occupied by MIHU tenants.

MIHU rental units recently completed in Howard County include Ashbury Courts in Laurel, Belmont Station in Elkridge, and Penniman Park in Elkridge. The MIHUs at Ashbury Courts include one- and two-bedroom units ranging from \$983-\$1,175 per month, without utilities. The apartments at Belmont Stations are a mix of one-, two-, and three-bedroom units ranging anywhere from \$1,000 to \$1,391 per month in rent, not including utilities. The apartment homes at Penniman Park are two-bedroom units renting for \$1,175 without utilities.

Another innovative concept used in Howard County is zero-lot line development. Zero-lot line dwelling units are permitted by-right in several zoning districts. This type of housing is developed with one side of the unit sitting on the parcel line; the unit may or may not be attached to another dwelling unit. This type of lot design permits housing development on smaller lots. In Howard County, the minimum lot size for a dwelling unit in most single family zoning districts is 6,000 square feet; for zero-lot line units, where permitted, the minimum lot size is only 4,000 square feet.

Developing affordable housing in close proximity to public transit is one way to affirmatively further fair housing in outlying areas of a county. In Howard County, Apartments are a permitted use in the TOD, Transit Oriented Development districts. According to the zoning ordinance, Apartments are permitted within TOD developments of at least three acres and located within a Route 1 Corridor development project.

e. Definition of "Family"

Restrictive definitions of "family" may impede unrelated individuals from sharing a dwelling unit. The legislative history of the Fair Housing Act recognizes that local zoning ordinances may limit opportunities for persons with disabilities by restricting the number of unrelated persons

who can live together, thus constituting a family.²⁸ To comply with the Act, the definition of “family” should emphasize the functioning of the individuals as a cohesive household and the use of the dwelling unit being compatible with other single family dwellings in a residential zoning district.

In addition, the Fair Housing Act exempts from its coverage reasonable occupancy restrictions on the maximum number of occupants permitted to occupy a dwelling. Maximum occupancy restrictions are permitted if they apply to the occupants of all dwelling units, whether related or unrelated. Caution should be exercised when incorporating maximum occupancy standards so that family composition characteristics are not regulated. For example, a municipality may regulate the maximum number of occupants of a dwelling unit on the basis of available floor space or rooms, and serve to protect health and safety by preventing overcrowding. By comparison, a municipality should not impose occupancy standards based simply on the number of unrelated persons living together as this regulation would discriminate against persons with disabilities who are unrelated and living together in a group home.

The Howard County Zoning Ordinance defines “family” as “*a. a single person occupying a dwelling unit and maintaining a household, or b. two or more persons related by blood, marriage or adoption, occupying a dwelling, living together, and maintaining a common household, or c. not more than eight unrelated individuals occupying a dwelling, living together, and maintaining a common household.*” The definition of family allows up to eight unrelated individuals to live together in a household as a ‘by right’ use in all zoning districts. In all residential zoning districts, up to 16 unrelated individuals may live together in a residential care group home facility via approval of a “conditional use” (Sec 16.131.N.37). By definition, such facilities are to provide housing and supportive services to populations needing services due to age or emotional, mental, physical, familial or social conditions. These provisions are consistent with fair housing standards.

f. Regulation of Group Homes for Persons with Disabilities

Group homes are residential uses that do not adversely impact a community. Efforts should be made to ensure group homes can be easily accommodated throughout the community under the same standards as any other residential use. Of particular concern are those that serve persons with disabilities. Because a group home for the disabled serves to provide a non-institutional experience for its occupants, imposing conditions are contrary to the purpose of a group home. More importantly, the restrictions, unless executed against all residential uses

²⁸ “Fair Housing Issues in Land Use and Zoning: Definitions of Family and Occupancy Standards,” Mental Health Advocacy Services, Inc. (September 1998)

in the zoning district, are an impediment to the siting of group homes in violation of the Fair Housing Act.

Two primary purposes of a group home residence are normalization and community integration. By allowing group residences throughout the community in agreement with the same standards as applied to all other residential uses occupied by a family, the purposes of the use are not hindered and housing choice for the disabled is not impeded. Towards this end, municipalities may not impose distancing requirements on group homes for persons with disabilities. Both HUD and the Department of Justice take the position that density restrictions are generally inconsistent with the Fair Housing Act. However, both federal agencies also believe that if a neighborhood came to be composed largely of group homes, that situation could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. In some cases, a consideration of over-concentration of group homes in an area could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

The Howard County Zoning Ordinance includes two terms that refer to group homes. As previously stated, the definition of “family” includes a provision for not more than eight unrelated persons occupying a dwelling and living together as a cohesive household. Also as previously described, this limit on the number of unrelated individuals living together discriminates against persons with disabilities because it restricts fair housing choice by capping the number of persons at eight.

The ordinance also includes the term “residential care facility” and defines it as *“a residential facility that provides housing and supportive services to at least nine persons who are members of a population needing the services provided due to age, emotional, mental, physical, familial or social conditions. This term includes “assisted living facilities” as defined in these regulations. Residential care facilities provide group housing in which capacity is measured in terms of the number of beds, rather than individual dwelling units equipped with living, sleeping, and full kitchen facilities.”* This land use, as defined, classifies a “residential care facility” as similar to an assisted living facility and determines capacity by the number of beds, which is also comparable to assisted living facilities. As a result, the term “residential care facility” includes a type of residential land use that is more encompassing than a group home for persons with disabilities. Indeed, throughout the zoning ordinance, “residential care facility” is consistently cited in conjunction with “nursing home,” both of which require conditional use permits.

g. Regulation of Mobile Homes

In many communities, mobile homes can offer an affordable housing option where the cost of land and residential construction is high. Zoning ordinances should permit mobile homes and modular homes on individual lots that meet the setback and lot size standards required of conventional site-built, single family detached homes. In addition, sufficient land should be zoned for mobile home parks at affordable densities of 4 to 8 dwelling units per acre.

The Howard County Zoning Ordinance defines “mobile home,” in part, as *“a dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, which... was manufactured prior to the effective date of the National Manufactured Housing Construction and Safety Standards Act of 1974... and is designed to be used as a dwelling.”* The term “manufactured dwelling” is synonymous with “mobile home.”

The ordinance also defines the term “modular dwelling” which is distinguished from “mobile home” as *“a dwelling unit that has a minimum floor area of 900 square feet and a gabled roof... and bears the insignia certifying that it is built in compliance with the standards for industrialized buildings contained in the Industrialized Building and Mobile Homes Act of the Annotated Code of Maryland, Article 83B, Sections 6-201, et. seq.”*

Furthermore, the ordinance defines “single family detached dwelling” as *“a building, including a modular dwelling, arranged or designed for use as a principal dwelling, and entirely separated from any other principal building by open area on all sides.”* As a result, in Howard County, modular dwelling units are permitted by-right wherever single family detached dwellings are permitted.

vii. Public Housing

The Howard County Housing Commission (HCHC) serves as the public housing agency for Howard County. The Commission owns and manages 24 units of public housing located in Colt’s Crossing, a public housing community, and an additional 26 public housing units located at scattered sites throughout the County.

As of August 2010, there were 348 applicant households on the waiting list for a public housing unit. Of these, families with children account for 70.1% and households with a disabled member represent 23.6%. Non-White households represent 87.4% of all waiting list applicants.

**Figure 3-3
Characteristics of Public Housing Households and Waiting List Applicants**

	Current Tenants		Waiting List	
	#	%	#	%
Total Households	48	100.0%	348	100.0%
Income				
Extremely low (<30% MFI)	24	50.0%	284	81.6%
Very low (>30% but <50% MFI)	11	22.9%	53	15.2%
Low (>50% but <80% MFI)	13	27.1%	11	3.2%
Type				
Families with children	33	68.8%	244	70.1%
Individuals/families with disabilities	8	16.7%	82	23.6%
Elderly (one or two persons)	7	14.6%	22	6.3%
Race				
White	6	12.5%	44	12.6%
Black	41	85.4%	216	62.1%
Other	1	2.1%	88	25.3%
In HCHC's jurisdiction			147	42.2%
Characteristics by Bedroom Size				
0 bedroom	0	0.0%	0	0.0%
1 bedroom	0	0.0%	1	0.3%
2 bedrooms	0	0.0%	9	2.6%
3 bedrooms	46	95.8%	272	78.2%
4 bedrooms	2	4.2%	64	18.4%
5+ bedrooms	0	0.0%	0	0.0%

Source: Howard County Housing Commission, August 2010

OBSERVATION: As of August 2010, there were 348 households on the waiting list for public housing in Howard County, of which families with children constituted 70.1%.

Map 9 shows the location of public housing units in Howard County. Colt's Crossing is located in Ellicott City, which is not an area of racial, ethnic, or LMI concentration.

HUD's Picture of Subsidized Households dataset contains records on the number of subsidized units by type for 2000 and 2008. Comparisons between the two years are based on an assumption of consistent data collection and reporting methods. HUD's records show an overall 6.4% increase in subsidized rental units across Howard County. Compared to 2000, 25.8% more Low-Income Housing Tax Credit (LIHTC) projects were on record in 2008. The number of project-based Section 8 vouchers also increased during this period. At the same time, other types of units were lost from the inventory due to the expiration of program provisions, consolidation, or other causes.

**Figure 3-4
Subsidized Units by Type, 2000 and 2008**

	2000	2008	% Change
Public Housing*			
Total project sites	Scattered	Scattered	0.0%
Total units	50	50	
Assisted Housing			
LIHTC			
Project Sites	7	9	25.8%
Units	782	984	
Section 236			
Project Sites	4	2	-56.5%
Units	598	260	
Project-Based Section 8			
Project Sites	11	10	75.6%
Units	717	1,259	
Other Assisted Multifamily			
Project Sites	3	8	-71.8%
Units	344	97	
Total Subsidized Units	2,491	2,650	6.4%

* HUD records classify properties differently than the local Housing Authority, resulting in figures that differ here from the public housing inventory described later in the AI.

Source: HUD Picture of Subsidized Households, 2000 and 2008

Map 10 on the following page illustrates the geographic location of other assisted housing units in Howard County. The majority of assisted housing units are located in impacted areas. Specifically, most of these units are located in areas of Black concentration, areas of Hispanic concentration, and LMI areas.

OBSERVATION: The majority of assisted housing units in Howard County are located in areas of Black concentration, areas of Hispanic concentration, and/or LMI areas.

In addition to public housing, HCHC administers the Housing Choice Voucher Program. Families with children account for 56.7% of all households, while households with a disabled member represent 23% of all voucher holders. Non-White households represent 76% of all voucher holders.

The waiting list for vouchers included 3,190 households as of August 2010. Of those households with applications pending, families with children represent 59%, and households with a disabled member account for 23.4% of all applicants. In addition, elderly households represent 17.6% while non-White household applicants account for 62.8% of the waiting list.

**Figure 3-5
Characteristics of Section 8 Households and Waiting List Applicants**

	Current Tenants		Waiting List	
	#	%	#	%
Total Households	1,073	100.0%	3,190	100.0%
Income				
Extremely low (<30% MFI)	848	79.0%	2,410	75.5%
Very low (>30% but <50% MFI)	167	15.6%	718	22.5%
Low (>50% but <80% MFI)	58	5.4%	28	0.9%
Type				
Families with children	608	56.7%	1,881	59.0%
Individuals/families with disabilities	247	23.0%	747	23.4%
Elderly (one or two persons)	218	20.3%	562	17.6%
Race				
White	258	24.0%	531	16.6%
Black	783	73.0%	1,591	49.9%
Other	32	3.0%	411	12.9%
In HCHC's jurisdiction			2,082	65.3%
Characteristics by Bedroom Size				
0 bedroom	8	0.7%	3	0.1%
1 bedroom	336	31.3%	1,177	36.9%
2 bedrooms	330	30.8%	1,220	38.2%
3 bedrooms	324	30.2%	644	20.2%
4 bedrooms	67	6.2%	125	3.9%
5+ bedrooms	8	0.7%	10	0.3%

Source: Howard County Housing Commission, August 2010

OBSERVATION: Black households represent 85.4% of public housing residents, 73% of voucher holders, and 62.1% and 49.9%, respectively, of applicant households on the waiting lists for the public housing and voucher programs.

Map 11 illustrates the geographic distribution of HCV holders in Howard County. Areas with high numbers of voucher holders also tend to be areas of Black concentration, Hispanic concentration, and/or LMI areas.

During the course of stakeholder interviews held throughout the preparation of this analysis, it was stated that there is resistance on the part of some landlords in Howard County to rent to voucher holders. Allegedly, certain landlords impose higher standards on voucher holders than non-voucher holders, including charging higher-than-normal security deposits and requiring pristine credit references.

In another interview, concerns about the County's HCV payment standards were discussed. Howard County's HCV program utilizes a fixed payment standard that some advocates argued is insufficient to afford the market rent in upper-income areas of the County. The payment standard is adequate to afford rent at many locations in Columbia, advocates said, but in other areas of the County (e.g., Laurel), the payment standard is too low. Laurel is an excellent community for voucher holders due to access to transportation and jobs.

Comments were also made on existing confusion among landlords and property managers relative to the law in Howard County that permits landlords to deny voucher holders once a certain percentage of their units are occupied by voucher holders. Some landlords interpret the percentage as a minimum percentage while other landlords interpret it as a maximum percentage.

The Housing Commission operates a HCVP Homeownership Program through which it provides a purchase subsidy to eligible homebuyers. Thus far, there have been two closings through the program, both by minority households.

HCHC is currently developing mixed-income housing. Typically, these developments consist of 60% market-rate units and 40% tax credit units. In the last three years, the Commission has acquired 360 units. By itself and also in partnership with other organizations, HCHC has developed 266 housing units, and an additional 200 units will be coming online over the next five years. More than 20% of the units developed by the Housing Commission are affordable to lower-income households, as defined by the Commission.

Two policy documents utilized by HCHC were reviewed for this analysis. A summary of the reviews of the administrative plans for both public housing and the Section 8 Housing Choice Voucher Program are included below.

a. Section 8 Housing Choice Voucher Administrative Plan

The Housing Commission's HCVP Administrative Plan, most recently updated in September 2011, contains a detailed Fair Housing Policy to state its intention to comply fully with all federal, state and local non-discrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment. The policy prohibits the Commission from denying any family or individual the equal opportunity to apply for or receive assistance under the voucher program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, source of income, familial or marital status, handicap or disability or sexual orientation. The policy additionally includes statements on education and outreach, training and recourse for persons who believe they have experienced discriminatory acts.

The fair housing policy is followed by the Commission's policy on reasonable accommodations. The Commission's requirements for demonstrating justification for a reasonable accommodation are different from those used by HUD. To be eligible to request a reasonable accommodation from the Commission, the requester must certify that they are a person with a disability under the ADA definition by demonstrating:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual
- A record of such impairment, or
- Being regarded as having such impairment.

In order to be eligible to receive a Housing Choice Voucher, the applicant must qualify as a "family." In Section 4-F of the Admin Plan, HCHC defines a "family" as at least one adult with a child or dependent, a group consisting of two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with live-in aides. Additionally, a "family" can include two or more persons sharing residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship. Further, a family must meet at least one of the following criteria:

- Related by blood, marriage, or adoption
- Have demonstrated a stable family relationship over a 12 month period
- With dependent child under the age of 18
- With child who is currently receiving disability benefits
- With child below age 21 who is a full-time student

HCHC policy also states that single persons may qualify as a family with the same status as a family with two or more persons under the following circumstances: a single and pregnant female with no other children or a single person who is in the process of obtaining legal custody. In addition, eligible single persons also include elderly individuals (age 62 or older) and a disabled person, regardless of their age.

Chapter 6 of the Admin Plan discusses the local waiting list preferences utilized by the Housing Commission to determine the priority for assistance to households listed on the Section 8 waiting list. Currently, assistance is issued based only on the emergency preference, contingent on the availability of funding. Particularly, the preference applies to households that have been involuntarily displaced and those residing in substandard housing.

HCHC's policy allows a HCV participant to be assigned a larger unit than permitted, if the household provides appropriate documentation that a larger unit is required due to medical or health reasons. An exception to the subsidy standards may also be approved when it causes an undue hardship on an over-housed elderly or disabled family to relocate to a smaller sized unit. This exception is granted solely at the discretion of the Commission.

The Commission will honor requests for extensions past the initial 120-day period for finding a suitable housing unit, as a reasonable accommodation for persons with disabilities. However, the Commission may request documentation of the voucher holder's efforts to locate housing as a condition of any extensions past 150 days.

Chapter 15 of the Admin Plan discusses portability options. It is the policy of the Commission to require non-resident applicants to reside in Howard County for a period of at least one year before exercising the provisions of portability.

The Commission provides program participants with prompt written notice of decisions related to change of status. When a decision is made that may have an adverse affect on a program participant, which the Commission deems is subject to appeal, a notice of appeal rights is included in the written transmission of the decision. In addition, HCHC policy states that when a program participant receives a written notice of a change of status decision which indicates that an appeal is allowable, they may request an informal hearing/review within the time period allowed in the notice. The length of the appeal period shall be at least 10 calendar days from receipt of notice. A program participant may request a hearing/review on any other written notice of a PHA decision within 10 days of receipt of the notice.

The Commission conducts an annual rental survey which identifies accessible units in multi-family dwellings throughout the County. This list of accessible units should be shared with area service providers. In addition, HCHC actively partners with various agencies in the County to

assist persons with disabilities. For example, the Commission refers issues dealing with reasonable accommodations to the Howard County Office of Human Rights.

b. Public Housing Admission and Continued Occupancy Plan (ACOP)

The Commission's Admissions and Continued Occupancy Plan (ACOP) was substantially revised in May 2011. At that time, the Commission added detailed statements on fair housing and reasonable accommodation to the beginning of the document, clarifying how the Commission will achieve compliance with all federal, state and local non-discrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment. The ACOP policy prohibits the Commission from excluding anyone from participation in HCHC programs on the basis of race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, personal appearance, familial status or source of income. This collection of protected classes is broader than that in the Admin Plan, which does not explicitly extend to the bases of political opinion, occupation or personal appearance. The policy additionally includes statements on recourse for persons who believe they have experienced discriminatory acts.

The policies of reasonable accommodation included in the ACOP mirror those in the HCVP Admin Plan, requiring a person requesting a reasonable accommodation to meet the ADA definition of a person with a disability. With regard to persons with limited English proficiency, HCHC states an intention to provide access to translators and interpreters as needed.

Sections 6 and 7 define the Commission's admission procedures. All applicants must qualify as a family. The term "family" is defined as an elderly person, two or more elderly persons who will live together as a unit, or two or more persons who are either related by blood, marriage, or adoption. The term "family" also includes a group of persons who are not so related but have demonstrated a stable family relationship over a period of at least 12 months.

Section 8 establishes admissions preferences. HCHC has several local preferences. First preference is given to applicants who live in Howard County. A second preference is given to households with a head, spouse or sole member who works at least 20 hours per week in Howard County. A third preference is afforded to households with a head, spouse or sole member who has a current offer of employment in Howard County. Other preferences include having income which falls within the category required to maintain a broad range of income, being a family with a disabled member when the housing unit available has characteristics that address the needs of the disabled person, and by earliest date of application.

The ACOP states that unless applicants can show that acceptance of a unit offer will result in undue hardship or burden, refusal to accept a unit assignment within fifteen days will cause their name to be placed at the bottom of the list. The hardship or burden must clearly be related to the consequences of accepting the unit offered.

Section 16 outlines the HCHC's extensive pet policy. Pets must be registered with HCHC. Residents must pay a non-refundable "unit depreciation fee" for their pet. This fee is \$300 for dogs and \$150 for cats. Only one pet per unit is allowed which must not exceed more than 20 pounds in weight and 18 inches in height. However, no part of the pet policy applies to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe and sanitary manner and to refrain from disturbing their neighbors.

HCHC's grievance policy is outlined in Appendix C. This section establishes a procedure for residents to present complaints and grievances. Applicants who feel they have been unduly denied admission may request an informal hearing. Residents may file a grievance when they feel that an HCHC action or inaction has adversely affected their rights, duties, welfare, or status.

B. Private Sector

i. Real Estate Practices

Howard County is served by the Howard County Association of Realtors. New members receive instruction in fair housing as part of the licensing requirements of the Maryland Division of Occupational and Professional Licensing. Prior to taking the real estate exam, each applicant is required to accumulate 60 hours of classroom instruction. Additionally, each agent must renew his or her license every two years. Between six and 15 hours of specified continuing education courses are a requirement for license renewal. Fair housing training is required as part of the continuing education coursework. Fair housing classes are taught by education providers licensed through the Maryland Real Estate Commission. There are six such providers in Howard County, including three in Columbia, two in Ellicott City, and one in Marriottsville.

The Association provides fair housing information through monthly newsletters and a regularly updated website. Members of the Association are referred to the Maryland Association of Realtors website and the National Association of Realtors website for additional information related to fair housing.

The Association posts a diversity statement on its website. The diversity statement affirms that the Howard County Association of Realtors values and

seeks diverse and inclusive participation in its real estate practices. In addition, the Association will promote involvement and expand access to leadership opportunity within the Association, regardless of race, ethnicity, gender, religion, age, sexual orientation, nationality, disability, appearance, geographic location, or professional level. The Association is committed to providing leadership, time, and resources to accomplish this objective while serving as a model to other associations engaged in similar endeavors.

The Association offers several education classes for its members on topics such as mortgage financing, renovation financing, reverse mortgages, legislative updates, real estate ethics, legal issues, and fair housing issues. Moreover, the Association has been actively involved in fair housing initiatives throughout Howard County. The Association participates annually in Fair Housing Month (April) through the “Come Home to Howard County” Housing Fair. The Association also has a page on its website devoted to fair housing definitions, including definitions of the various protected classes. Last April, in conjunction with Fair Housing Month, the Association held a fair housing course for continuing education credit for its members.

ii. Home Mortgage Financing

a. Mortgage Lending Practices

Under the terms of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (F.I.R.R.E.A.), any commercial lending institution that makes five or more home mortgage loans must report all residential loan activity to the Federal Reserve Bank under the terms of the Home Mortgage Disclosure Act (HMDA). The HMDA regulations require most institutions involved in lending to comply and report information on loans denied, withdrawn, or incomplete by race, sex, and income of the applicant. The information from the HMDA statements assists in determining whether financial institutions are serving the housing needs of their communities. The data also helps to identify possible discriminatory lending practices and patterns.

The most recent HMDA data available for Howard County is from 2008. Reviewing this data, along with 2007 and 2006 records, helps to determine the need to encourage area lenders, other business lenders, and the community at large to actively promote existing programs and develop new programs to assist residents in securing home mortgage loans for home purchase. The data focuses on the number of homeowner mortgage applications received by lenders for home purchase of one- to four-family dwellings and manufactured housing units in the County. The information provided by race and sex is for the primary applicant only. Co-applicants were not included in the analysis. In addition, where no information is provided or categorized as not applicable, no analysis has been conducted due to the lack of information. The following table summarizes three years of HMDA data by race, ethnicity, and action taken on the application, with detailed information to follow.

**Figure 3-6
Summary of Mortgage Loan Activity in Howard County, 2006-2008**

	2006		2007		2008	
	#	%	#	%	#	%
Total Loans						
Applied for	9,590	100.0%	7,148	100.0%	4,835	100.0%
Black	2,164	22.6%	1,286	18.0%	603	12.5%
White	4,980	51.9%	3,817	53.4%	2,735	56.6%
Asian	1,154	12.0%	1,028	14.4%	726	15.0%
Hispanic*	918	9.6%	359	5.0%	157	3.2%
Other race	100	1.0%	75	1.0%	43	0.9%
No information/NA	1,192	12.4%	942	13.2%	728	15.1%
Originated	7,013	73.1%	5,115	71.6%	3,406	70.4%
Black	1,400	64.7%	770	59.9%	401	66.5%
White	3,947	79.3%	2,943	77.1%	2,022	73.9%
Asian	833	72.2%	728	70.8%	480	66.1%
Hispanic*	668	72.8%	232	64.6%	100	63.7%
Other race	61	61.0%	52	69.3%	25	58.1%
No information/NA	772	64.8%	622	66.0%	478	65.7%
Denied	987	10.3%	807	11.3%	509	10.5%
Black	366	16.9%	250	19.4%	96	15.9%
White	353	7.1%	314	8.2%	230	8.4%
Asian	119	10.3%	111	10.8%	100	13.8%
Hispanic*	123	13.4%	82	22.8%	27	17.2%
Other race	11	11.0%	12	16.0%	10	23.3%
No information/NA	138	11.6%	120	12.7%	73	10.0%

Note: Data is for home purchase loans for owner-occupied one-to-four family and manufactured units. Total applications do not include loans purchased by another institution. Other application outcomes include approved but not accepted, withdrawn and incomplete.

* Hispanic ethnicity is counted independently of race.

Source: Federal Financial Institutions Examination Council, 2006-08

The most obvious trend in 2006-2008 HMDA data for Howard County is the steep drop in the number of loan applications. This can be attributed primarily to stagnating home sales rates in the County that coincided with the national housing market crisis. The number of loan applications dropped by 2,442 (25.5%) from 2006 to 2007, then fell by an additional 2,313 (32.4%) in 2008. At the same time, the share of Black applicants fell even more precipitously, 72.1% overall, suggesting that this protected class became disproportionately less able to afford home ownership.

Over the course of the three years, the overall percentage of applications that resulted in loan originations decreased slightly, although Black households experienced an increase of 1.8 percentage points in the origination rate. Overall, fewer Black households applied, but those that did experienced greater success.

The percentage of applications that were successful decreased for all other racial and ethnic groups: 5.4 percentage points for White applicants, 6.1 points for Asian applicants, 9.1 points for Hispanics

applicants, and 2.9 points for those of Other Races (American Indian/Alaska Native and Hawaiian applicants). The number of overall application denials increased between 2006 and 2008, although Black households experienced a decline of 1.0 percentage point in the denial rate. While Black households were denied less often, the denial rate increased for all other racial and ethnic groups: 1.3 percentage points for White applicants, 3.5 points for Asian applicants, 3.8 points for Hispanic households, and 12.3 points for households of Other Race.

The following sections contain detailed analysis for applications filed in 2008, the latest year for which information is available. Figure 3-7 contains 2008 summary data.

Figure 3-7
2008 Summary Report Based on Action Taken Mortgage Data, 2008

	Total Applications*		Originated		Approved Not Accepted		Denied		Withdrawn/Incomplete	
	#	%	#	%	#	%	#	%	#	%
Loan Type										
Conventional	3,792	78.4%	2,600	52.9%	286	5.8%	421	8.6%	485	12.8%
FHA	819	16.9%	628	49.0%	31	2.4%	75	5.9%	85	10.4%
VA	223	4.6%	177	51.3%	10	2.9%	13	3.8%	23	10.3%
FSA/RHS	1	0.0%	1	50.0%	-	0.0%	-	0.0%	-	0.0%
Loan Purpose: Home Purchase										
One to four-family unit	4,716	97.5%	3,374	52.6%	304	4.7%	447	7.0%	591	12.5%
Manufactured housing unit	119	2.5%	32	25.2%	23	18.1%	62	48.8%	2	1.7%
Applicant Race										
American Indian/Alaska Native	29	0.6%	18	51.4%	1	2.9%	7	20.0%	3	10.3%
Asian/Pacific Islander	726	15.0%	480	53.6%	46	5.1%	100	11.2%	100	13.8%
Hawaiian	14	0.3%	7	46.7%	2	13.3%	3	20.0%	2	14.3%
Black	603	12.5%	401	50.6%	29	3.7%	96	12.1%	77	12.8%
Hispanic**	157	3.2%	100	51.8%	17	8.8%	27	14.0%	13	8.3%
White	2,735	56.6%	2,022	60.8%	192	5.8%	230	6.9%	291	10.6%
No information	727	15.0%	478	58.5%	57	7.0%	72	8.8%	120	16.5%
Not applicable	1	0.0%	-	0.0%	-	0.0%	1	0.2%	-	0.0%
Applicant Sex										
Male	3,056	63.2%	2,183	58.8%	212	5.7%	306	8.2%	355	11.6%
Female	1,386	28.7%	967	55.5%	87	5.0%	161	9.2%	171	12.3%
No information	391	8.1%	255	59.9%	28	6.6%	41	9.6%	67	17.1%
Not applicable	2	0.0%	1	0.2%	-	0.0%	1	0.2%	-	0.0%
Total	4,835	100.0%	3,406	67.0%	327	6.4%	509	10.0%	2,235	46.2%

Source: Federal Financial Institutions Examination Council, 2008

Note: Percentages in the Approved, Approved Not Accepted, Denied, and Withdrawn/Incomplete categories are calculated for each line item with the corresponding Total Applications figures. Percentages in the Total Applications categories are calculated from their respective total figures.

* Total applications do not include loans purchased by another institution.

** Hispanic ethnicity is counted independently of race.

1) Households by Race

In 2008, 4,835 mortgage applications were made for the purchase of either a one- to four-family owner-occupied unit or a manufactured housing unit in Howard County. Of these applications:

- 56.6% (2,735) of the applications were submitted by White households.

- 12.5% (603) were submitted by Black households.
- 3.2% (157) were submitted by Hispanic households. HMDA data classifies Hispanics as an ethnic group and not a race. Therefore, this data overlaps with persons classified under a specified race.
- 15.0% (726) were submitted by Asian/Pacific Islander households.
- 0.9% (43) were submitted by households of other races.

Race/ethnicity data were not included for 728 applications (15.0%).

2) Conventional Loans versus Government Backed Loans

Loan types in 2008 included conventional mortgage loans and a variety of government-backed loans, including FHA, VA, and FSA/RHS. Comparing these loan types helps to determine if the less stringent underwriting standards and lower down payment requirements of government-backed loans expand home ownership opportunities. In Howard County:

- 21.5% (1,043) of the households that applied for a mortgage loan applied for a government-backed loan. This is a large increase from 1.8% in 2006. Of those, the majority (78.6%) applied for FHA loans.
- The denial rate for FHA loans was lower than that of conventional loans.
 - The denial rate for FHA loans was 5.9% (75 of 819), while the denial rate for VA-guaranteed loans was 3.8% (13 of 223).
 - The denial rate for conventional loans was 8.6%.
 - One application was submitted for an FSA/RHS loan. The loan was originated.

3) Denial of Applications

In 2008, the mortgage applications of 509 households in Howard County were denied (10.0%).

Reasons for Loan Denial

Denial reasons were given for 431 of the mortgage applications in 2008. Reasons for denial are included the following chart:

**Figure 3-8
Reasons for Denial, 2008**

Primary Reason for Denial	#	%
Ratio of debt to income	122	28.3%
Collateral	62	14.4%
Other	62	14.4%
Credit application incomplete	57	13.2%
Credit history	50	11.6%
Insufficient cash	34	7.9%
Unverifiable information	28	6.5%
Employment history	12	2.8%
Mortgage insurance denied	4	0.9%
Total	431	100.0%

Unsatisfactory debt-to-income ratios, insufficient collateral, and poor credit history are some of the major reasons for denial of home mortgage applications. Therefore, there may be opportunities for lenders to focus on these problems and work with applicants to address these concerns.

Applications Denied by Race and Ethnicity

Among minority groups with more than 100 total applications, Hispanic households had the highest mortgage denial rate at 17.2%, or 27 of 157 applications submitted. White households were far more likely to receive loans than non-White households, as only 8.4% of applications were denied. Details for 2008 appear in the following table.

**Figure 3-9
Denials by Race/Ethnicity, 2008**

Race/Ethnicity	Total Applications	Number of Denials	Denial Rate
Black	603	96	15.9%
Asian	726	100	13.8%
Not Provided	728	73	10.0%
Am. Indian/Alaska Native	29	7	24.1%
Hispanic*	157	27	17.2%
White	2,735	230	8.4%
Hawaiian	14	3	21.4%

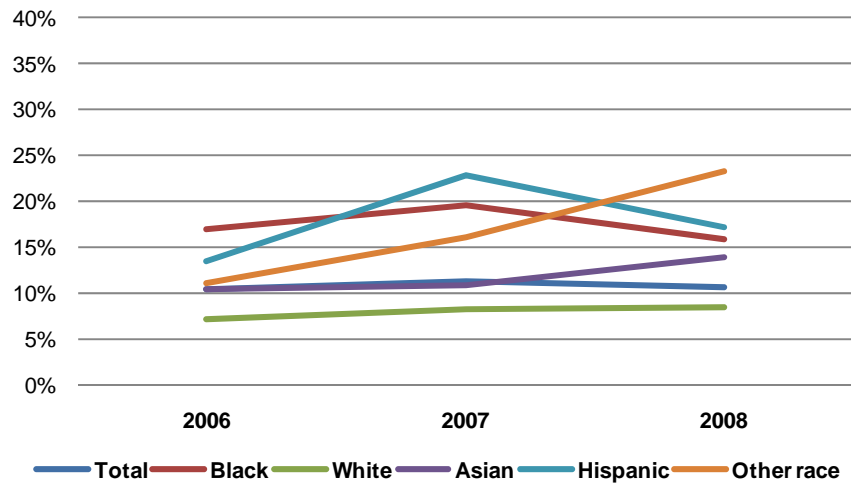
* Hispanic ethnicity is counted independently of race.

Between 2006 and 2008, the distribution of denials by race and ethnicity displayed a number of different patterns, as shown in the following chart. White households consistently had a lower denial rate than all other households.

**Figure 3-10
Denial Rates by Race/Ethnicity, 2006-2008**

	2006	2007	2008
Total	10%	11%	11%
Black	17%	19%	16%
White	7%	8%	8%
Asian	10%	11%	14%
Hispanic	13%	23%	17%
Other race	11%	16%	23%

**Figure 3-11
Denial Rate Trends by Race/Ethnicity, 2006-2008**



Applications Denied by Income

In 2008, the HUD median family income (MFI) in Howard County was \$78,200. For this analysis, lower-income households include those with incomes between 0%-80% of MFI, while upper-income households include households with incomes above 80% MFI.

Applications made by lower-income households accounted for 25.1% of all denials in 2008, though they accounted for only 14.6% of total applications.

**Figure 3-12
Denials by Income, 2008**

Income Level	Total Applications	Denials	Denial Rate
Below 80% MFI	704	128	18.2%
At least 80% MFI	4,095	375	9.2%
No information	36	6	16.7%
Total	4,835	509	10.5%

Denial Data by Income Level and Race

Of the 509 applications that were denied by area lending institutions, 503 reported household income. Among all lower-income households, the denial rate was highest for American Indian/Alaska Native households

(33.3%) and Hawaiian households (33.3%), although it should be noted that their number of total applications was extremely small. White households had by far the lowest denial rate at 14.2%.

**Figure 3-13
Denials for Lower-Income Applicants, 2008**

Race/Ethnicity	Total Applications	Denials	Denial Rate
Black	104	26	25.0%
Asian	92	21	22.8%
Am. Indian/Alaska Native	6	2	33.3%
Hispanic*	48	15	31.3%
White	408	58	14.2%
Hawaiian	3	1	33.3%
Not Provided/NA	91	20	22.0%
Total	704	128	18.2%

* Hispanic ethnicity is counted independently of race.

A similar pattern can be found among applications submitted by upper-income households. Denial rates were highest for American Indian/Alaska Native households (21.7%) and Hawaiian households (18.2%), although once again it should be noted that their number of total applications was small. White households had the lowest denial rate at 7.3%. Notably, upper-income Black households had the same denial rate of about 14% as lower-income White households.

**Figure 3-14
Denials for Upper-Income Applicants, 2008**

Race/Ethnicity	Total Applications	Denials	Denial Rate
Black	498	70	14.1%
Asian	633	79	12.5%
Not Provided/NA	629	52	8.3%
White	2,301	167	7.3%
Hispanic*	108	12	11.1%
Am. Indian/Alaska Native	23	5	21.7%
Hawaiian	11	2	18.2%
Total	4,095	375	9.2%

* Hispanic ethnicity is counted independently of race.

Denial Data by Census Tract

The HMDA data for Howard County was analyzed to determine if a pattern of loan denials exists by census tract. Map 12 provides an overview of the geographic distribution of denial rates. Of all tracts with at least 10 applications in 2008, denial rates exceed 15% in three. Tract 6069.01, which is 37.8% Black, had 28 denials among 114 applications (24.6%); and tract 6069.03, which is 33.1% Black, had 29 denials among 156 applications (18.6%). In addition, tract 6055.03, which is 36.2% Black, had 7 denials in 45 applications (15.6%).

Overall, higher rates of denials were noted in both impacted and non-impacted areas.

iii. High-Cost Lending

The widespread housing finance market crisis of recent years has brought a new level of public attention to lending practices that victimize vulnerable populations. Subprime lending, designed for borrowers who are considered a credit risk, has increased the availability of credit to low-income persons. At the same time, subprime lending has often exploited borrowers, piling on excessive fees, penalties, and interest rates that make financial stability difficult to achieve. Higher monthly mortgage payments make housing less affordable, increasing the risk of mortgage delinquency and foreclosure and the likelihood that properties will fall into disrepair.

Some subprime borrowers have credit scores, income levels and down payments high enough to qualify for conventional, prime loans, but are nonetheless steered toward more expensive subprime mortgages. This is especially true of minority groups, which tend to fall disproportionately into the category of subprime borrowers.²⁹ The practice of targeting minorities for subprime lending qualifies as mortgage discrimination.

Since 2005, Housing Mortgage Disclosure Act data has included price information for loans priced above reporting thresholds set by the Federal Reserve Board. This data is provided by lenders via Loan Application Registers and can be aggregated to complete an analysis of loans by lender or for a specified geographic area. HMDA does not require lenders to report credit scores for applicants, so the data does not indicate which loans are subprime. It does, however, provide price information for loans considered “high-cost.”

²⁹ HMDA analyses in metropolitan areas across the United States have provided conclusive evidence that minority groups pay more for their mortgages. For example, a 2007 analysis by New York University’s Furman Center for Real Estate and Urban Policy found that Black- and Hispanic-majority neighborhoods were more likely to borrow from a subprime lender than White-majority neighborhoods with similar income levels. Also in 2007, the NAACP sued two of the nation’s largest mortgage lenders, HBC and Wells Fargo, for “systematic, institutionalized racism” in lending, including giving subprime rates to Black customers who qualified for better rates while giving better rates to White customers. This type of mortgage discrimination has been alleged in a growing number of cities.

A loan is considered high-cost if it meets one of the following criteria:

- A first-lien loan with an interest rate at least three percentage points higher than the prevailing U.S. Treasury standard at the time the loan application was filed. The standard is equal to the current price of comparable-maturity Treasury securities.
- A second-lien loan with an interest rate at least five percentage points higher than the standard.

Not all loans carrying high APRs are subprime, and not all subprime loans carry high APRs. However, high-cost lending is a strong predictor of subprime lending, and it can also indicate a loan that applies a heavy cost burden on the borrower, increasing the risk of mortgage delinquency.

In 2008, 4.2% (143) of the 3,406 home purchase loans that were originated in Howard County, and for which income information was provided, were high-cost. The following chart shows the distribution of high cost loan originations by race and by income for three years.

Figure 3-15
Distribution of High-Cost Mortgage Loans by Race/Ethnicity and Income, 2006-08

		Lower Income			Upper Income		
		Total Originations	High-Cost	% High-Cost	Total Originations	High-Cost	% High-Cost
2006	Am. Indian/Alaska Native	0	N/A	N/A	19	5	26.3%
	Asian	37	1	2.7%	730	82	11.2%
	Black	131	35	26.7%	1,175	554	47.1%
	Hawaiian	1	0	0.0%	34	10	29.4%
	White	345	26	7.5%	3,357	473	14.1%
	No information/NA	59	11	18.6%	670	134	20.0%
	Hispanic*	45	10	22.2%	538	251	46.7%
Total		573	73	12.7%	5,985	1,258	21.0%
2007	Am. Indian/Alaska Native	5	1	20.0%	19	4	21.1%
	Asian	62	4	6.5%	647	35	5.4%
	Black	136	15	11.0%	600	115	19.2%
	Hawaiian	6	2	33.3%	22	2	9.1%
	White	306	34	11.1%	2,568	151	5.9%
	No information/NA	60	3	5.0%	547	33	6.0%
	Hispanic*	35	6	17.1%	188	43	22.9%
Total		575	59	10.3%	4,403	340	7.7%
2008	Am. Indian/Alaska Native	3	0	0.0%	15	2	13.3%
	Asian	53	2	3.8%	426	13	3.1%
	Black	56	2	3.6%	345	34	9.9%
	Hawaiian	1	0	0.0%	6	0	0.0%
	White	278	19	6.8%	1,726	50	2.9%
	No information/NA	49	2	4.1%	428	19	4.4%
	Hispanic*	24	5	20.8%	75	4	5.3%
Total		440	25	5.7%	2,946	118	4.0%
Three-Year Totals		1,588	157	9.9%	13,334	1,716	12.9%

Note: Does not include loans for which no income data was reported: 455 in 2006, 137 in 2007, and 20 in 2008

* Hispanic ethnicity is counted independently of race.

Of the 15,534 applications for which loans were originated between 2006 and 2008, 14,922 included data on household income. Of this total, 1,588 reported household incomes at or below 80% of the median family income,

and 157 of these lower-income households, 9.9%, had high-cost loans. The rate of high-cost loans for higher-income households is higher, at 12.9%, including 1,716 of 12,334 higher-income households. However, looking at the information for each year reveals a different pattern. In 2006, higher-income households had a higher rate of high cost loans: 21.0% versus 12.7% for lower-income households. In 2007, this trend was reversed, with lower-income households having a higher rate of high-cost loans: 10.3% versus 7.7% for upper-income households. This was true again in 2008, with 5.7% of originations for lower-income households being high-cost versus 4.0% for upper-income households.

Notably, the percentage of high-cost originations declined each year, along with the total number of originations and applications. This could be due to policy changes that have limited subprime lending and/or the necessity for lenders to make rates more competitive as the total number of applications dropped.

As the number of high-cost loans in Howard County declined, the extreme disparities in rates of high-cost lending between different racial and ethnic groups have also declined. In 2006, upper-income Black and Hispanic households had far higher rates of high-cost originations than Whites: 47.1% for upper-income Blacks and 46.7% for upper-income Hispanics versus 14.1% for upper-income Whites. By 2008, the rate of high-cost lending was still higher for upper-income Black and Hispanic households, but the rate was closer to that for White households: 9.9% for upper-income Black households, 5.3% for upper-income Hispanic households, and 2.9% for upper-income White households.

Analyzing high-cost lending by census tract can identify areas where there are disproportionately larger numbers of high-cost loans. Map 13 displays the distribution of high-cost loans across Howard County for 2008. Most census tracts in which mortgages were originated had one to five high-cost loans. The highest high-cost loan percentage among tracts with at least 10 loans was tract 6029 (an area of Asian concentration and an LMI area), in which 5 of 18 loans (27.8%) qualified as high cost. This was the exception, as no other tract with at least 10 loans had a high-cost loan rate higher than 16.2%.

4. ASSESSMENT OF CURRENT FAIR HOUSING POLICY, PROGRAMS AND ACTIVITIES

This section provides a summary of current County policies, programs, and activities that affirmatively further fair housing. In addition, the progress that the County has achieved in affirmatively furthering fair housing since its 1996 AI is summarized. Finally, a discussion of the fair housing advocacy organizations in Howard County is included.

A. Current Fair Housing Policy

i. Howard County Human Rights Law

The Howard County Human Rights Law states that Howard County shall foster and encourage growth and development so that all persons have an equal opportunity to pursue their lives free of discrimination. The ordinance states it is unlawful to discriminate against a person based on: race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, personal appearance, familial status, and source of income. Potential housing, law enforcement, employment, public accommodations, and financing complaints are accepted by the Howard County Office of Human Rights.

The Law describes the roles, duties, and responsibilities of the Office of Human Rights (OHR) and the Human Rights Commission (HRC). The HRC, established in 1969, is composed of 11 members and one non-voting student member. The duties and responsibilities of the HRC include recommending a civil rights policy to the County Executive and County Council. Additionally, the Commission has the authority to administer surveys and studies concerning human rights, conditions, and problems. County Code also grants the HRC the authority to file a complaint when there is reason to believe a pattern or practice of discrimination exists. Furthermore, the HRC can hold immediate hearings regarding patterns of discrimination.

The Office of Human Rights, established in 1975, is an entity of Howard County government that seeks to eradicate discrimination, increase equal opportunity, and protect and promote human rights in the County. The Human Rights Administrator heads OHR and is appointed by the County Executive. OHR is responsible for administering and enforcing the County's Human Rights Law, including but not limited to investigating complaints of discrimination to determine whether a violation of the Law has occurred. In addition, OHR is authorized to attempt to eliminate violations of the Law by conference, conciliation, and persuasion.

Unlawful housing acts and practices cited in the County's Human Rights Law include the following:

- Make, or cause to make, printing or publishing of any notice, statement or advertisement regarding the sale or rental of a dwelling that indicates any preference or limitation.

- Represent to a person that any dwelling is not available for inspection, sale, or rental, when the dwelling is in fact available.
- Refuse to negotiate for the sale or rental of a dwelling.
- Refuse to sell or rent a dwelling after the making of a bona fide offer.
- Refuse to make a dwelling available.
- Restrict the terms, conditions, or privileges of sale or rental of a dwelling.
- Include any discriminatory covenants in the transfer, sale, rental, or lease of housing.
- Honor, exercise, attempt to honor, or attempt to exercise any discriminatory restrictive covenant.
- Refuse to permit, at the expense of a disabled individual, reasonable modification of existing premises occupied or to be occupied by the disabled individual if the modifications may be necessary to afford the disabled individual full enjoyment of the dwelling. For a rental dwelling, the tenant agrees that, upon vacating the dwelling, he or she will restore the interior of the dwelling to the condition that existed before the modification, with reasonable wear and tear expected.

The County's Human Rights Law also covers unlawful acts in relation to multiple listings and broker associations, access to multi-list services, property values and changes in the nature of a neighborhood, solicitation, the accessibility and usability of multi-family dwellings, and coercion.

Procedures and requirements for the process of filing a complaint are also outlined in the Howard County Human Rights Law. A person aggrieved by an alleged unlawful housing practice may file a complaint with OHR within one year of the practice having occurred. All complaints must be filed in writing, either under oath or by affirmation, and should be on a form provided by the Office. Within ten days of the filing of a complaint, OHR will acknowledge receipt of the complaint and advise the complainant of the applicable time limits and options provided by law. The Human Rights Administrator must begin an investigation within 30 days of receiving the complaint. Within 100 days of the filing of the complaint, the Administrator performs an investigation and determines, based on facts, whether probable cause exists to believe that an unlawful housing practice occurred or is about to occur.

If the Administrator determines that probable cause exists to believe that an unlawful housing practice has occurred or is about to occur and no conciliation has been reached within 30 days of notifying the parties, the Administrator notifies the Commission of the finding and the lack of conciliation. The Commission, in turn, can then issue a charge on behalf of the complainant for further proceedings.

B. Progress since the Previous AI

The Howard County Department of Housing and Community Development (DHCD) is a member of the Baltimore Regional Cooperative (BRC), a group of entitlement jurisdictions assembled solely for the purpose of expanding fair housing practices.

The previous Baltimore Regional Analysis of Impediments to Fair Housing Choice (AI) was completed in 1996 and identified the following impediments in the greater Baltimore region:

- Fair housing choices for persons with disabilities
- Lack of affordable housing
- Mortgage and lending practices
- Public and assisted housing
- Sales and rental practices
- Lack of educational and outreach programs
- Lack of zoning and land use policies
- Hate and bias crimes
- Infractions of fair housing law

Howard County is involved in several programs and initiatives designed to expand affordable housing choice for persons with disabilities. For example, DHCD commissions a research group to complete an annual rental housing survey. As part of this survey, accessible rental units in the County are identified. A list of these accessible units is available to program participants with disabilities upon request. In addition, funding to rehabilitate group homes for the disabled has been provided through the County's CDBG and HOME entitlement programs. Staff members from the Office of Human Rights (OHR) continue to participate in Housing Choice Voucher Program briefings to explain the source of income portion of the County Fair Housing Law to program participants and to landlords on an ad hoc basis. OHR also works with the Department of Citizen Services and Disability Services to inform persons with disabilities and landlords of their rights and responsibilities under the law.

The second impediment identified in BRC's 1996 AI was an overall lack of affordable housing. In order to address the growing need for affordable housing in Howard County, the County Executive convened an Affordable Housing Advocates Committee in 2007. The committee is comprised of approximately 30 members representing a diverse group of stakeholders in the County including the business community, County administration, advocacy organizations, community organizations, faith-based groups, and for-profit and non-profit organizations. The committee has worked with the Director of DHCD and the Housing and Community Development Advisory Board to create a strategic action plan to achieve the goal of affordable housing expansion. The following is a list of achievements completed and evidence of groundwork completed towards future successes:

- Completed the acquisition of Columbia Landing by the Housing Commission, which is a 300-unit mixed-income apartment community.
- Commenced the redevelopment of Guilford Gardens, a 100-unit townhouse and apartment complex owned by the County with 52 project-based units which will be converted into a 269-unit mixed-income community with both project-based and tax credit units.
- Completed and fully leased Ellicott Gardens, a 106-unit County-owned affordable apartment community that targets working professionals earning 50-60% of the average median income.
- Completed and fully leased Parkview at Emerson, an 80-unit affordable apartment community targeting seniors earning 0-60% of the average median income.

Howard County has been working to address existing impediments in area mortgage and lending practices. For example, DHCD continues to conduct housing counseling workshops. In response to the foreclosure crisis, the County hosted a three-part education series in conjunction with Consumer Credit Counseling Services (CCCS). The first session, titled “Balancing Act” covered the topics of budgeting, spending, and credit. “Saving – Making a Little into a Lot” involved financial strategies to accrue enough savings to purchase a home. The final session, “Homeownership – Securing Your Most Valuable Asset,” taught about the ins and outs of buying a home and how to prevent foreclosure. DHCD has also teamed up with CCCS to address the barriers to a variety of home mortgage products that exist for area families. CCCS will work with area applicants to create debt management plans and provide case management services.

The Howard County Housing Commission manages a portfolio of affordable housing units and also administers the County’s Housing Choice Voucher Program. To address the issues related to public and assisted housing identified in the 1996 AI, new construction properties and redevelopment projects are now designed as mixed-income communities to limit the concentration of poverty, to ensure financial viability, and to foster optimal maintenance of affordable, safe, decent, and sanitary housing. The Housing Commission has also placed an increased emphasis on self-sufficiency activities and education to help residents remove barriers to fair housing choice. These efforts include individual case management, workshops, and referrals to other agencies and services.

Another impediment identified in the 1996 AI was discriminatory practices in the sale and rental of housing. To address this impediment, Howard County distributed a brochure titled “Fair Housing: Know Your Rights under the Law” in English, Russian, Spanish, Vietnamese, Korean, and Chinese. In order to affirmatively further fair housing, the Office of Human Rights (OHR) briefs persons in the Section 8 Program on Howard County’s Fair Housing Law and in particular the source of income basis, in order to educate participants on how to recognize discrimination and where to seek assistance.

To address the lack of educational and outreach programs, DHCD educates the public about various available housing services by participating in several outreach activities including annual, monthly, and quarterly events. For example, the County was an exhibitor at the 50 Plus Expo, County Councilman Ball’s Money Matters, the Leadership Howard County Resource Fair, the Howard County Public School Teacher’s Expo, and

the Howard County Fair. In addition, the County also hosted or co-hosted several events including the Landlord General Information Meeting, the Moderate Income Housing Unit (MIHU) Program's Open Enrollment Meetings, the Come Home to Howard County Housing Fair, Residential Landlord-Tenant Relationship Fundamentals Workshop, Foreclosure Forums, and public and team member meetings for various programs and developments.

Howard County has created a Hate Bias Incidents (HBIs) Task Force to present victim panels to perpetrators who are sentenced to come before them. The HBI Task Force works to foster awareness, to educate, to promote the understanding of, and to eliminate hate bias incidents and crimes in the community. The Task Force meets monthly and panels are held on an as-needed basis.

In order to address infractions of the County Fair Housing Law, the Office of Human Rights (OHR) continues to investigate complaints in accordance with the County Human Rights Law provided in Section 12.207 and 12.212 Iii(c) of the Howard County Code. In addition, OHR also participates in several educational outreach efforts, including briefing Section 8 voucher holders on their rights, providing a course for continuing education credit for area Realtors on fair housing issues, and participating in area housing fairs.

C. Current Fair Housing Programs and Activities

i. Howard County Human Rights Commission

As part of its fair housing activities, the Human Rights Commission (HRC) sponsors an annual Fair Housing Poster Contest for school children in Howard County. This has resulted in the publication and distribution of calendars from the winning posters, posters being framed and hung in County Offices, an award event for the winners, and posters being displayed at the Columbia Mall. This is a creative and unique way to spread the word on the importance of fair housing issues in the County.

ii. Howard County Office of Human Rights

Each year, the Howard County Office of Human Rights (OHR) hosts an informational booth at the "Come Home to Howard County" Housing Fair. This fair takes place each April. OHR's booth highlights fair housing laws, rights, and responsibilities.

Another one of OHR's publicity efforts is its website, which is part of the larger Howard County website (www.howardcountymd.gov). This website is updated regularly with important fair housing information, including dates for workshops, the process for filing a complaint, etc.

In addition, OHR has developed and implemented a three-hour credit course for Howard County Realtors entitled "Fair Housing in Howard County." This training is done in conjunction with the Howard County Association of Realtors. Participants receive three credit hours of fair housing training for their license renewal through the Maryland Real Estate Commission. This is an annual event and has taken place for the last two years. In 2010, approximately 25 Realtors/brokers attended the course.

HCH & OHR co-sponsored the Annual Residential Workshops – Fair Housing Landlord and Tenant Rights and Responsibilities – which were held at Howard County Community College in July 2010. Additionally, OHR regularly conducts training for respondents as a part of settlement agreements. OHR investigators provide briefings twice a week on the County Fair Housing Law for all Housing Choice Voucher holders so that they can recognize discrimination. Participants are also informed of their rights and responsibilities under the Howard County Fair Housing Law.

D. Fair Housing Advocacy Organizations

Howard County is part of a larger metropolitan region served by a variety of fair housing advocacy organizations. These entities include Baltimore Neighborhoods, Inc., an active office of the American Civil Liberties Union, Legal Aid, the Greater Baltimore Urban League, and Citizens Planning and Housing Association, among others. The activities and impacts of regional advocates are discussed in the regional section of the AI.

i. Howard County Office of Human Rights

The Howard County Office of Human Rights enforces the Howard County Code that prohibits discrimination in employment, housing, public accommodations, financing, and law enforcement on the basis of age, occupation, marital status, political opinion, sexual orientation, personal appearance, and source of income in addition to the federally protected classes. OHR accepts complaints of discrimination and also monitors racial, religious, and ethnic incidents (i.e. hate crimes). When a complaint is filed, an investigation is conducted and conciliation attempted. If conciliation fails and probable cause has been determined, a hearing is held before the Human Rights Commission.

The Office of Human Rights is managed by the Human Rights Administrator, who is appointed by the County Executive. Other staff members at OHR include one full-time compliance officer, one full-time investigator, two full-time secretaries, one full-time community worker, one part-time intake investigator, and one part-time community worker.

According to the Howard County Code, Sections 12.200 through 12.218, the official functions and activities of the Office of Human Rights are as follows:

- Monitor hate bias incidents (HBI)
- Enforce Human Rights Laws of Howard County
- Work to eliminate discrimination in the County
- Investigate complaints and resolve disputes
- Sponsor the annual Human Rights Awards
- Implement the Martin Luther King, Jr. Holiday Celebration

There are currently 75 open cases at OHR. The majority of these cases, 83%, involve potential employment discrimination. Eleven (11) cases, or 15%, involve housing. From the time that the last AI was completed in September of 1996 through March 11, 2010, there have been 1,144 cases filed with

OHR. Of these, 833 cases (73%) involved employment, 162 cases (14%) involved housing, and 129 cases (11%) involved public accommodations. In addition, nine of these cases involved law enforcement while only one involved financing.

OHR does not handle landlord tenant complaints or problems. All landlord-tenant issues are referred to Baltimore Neighborhoods, Inc. (BNI) or the Howard County Office of Consumer Affairs. In addition, OHR refers calls from individuals seeking housing to the Howard County Department of Housing and Community Development. Any issues having to do with rental housing permits are referred to the Howard County Department of Inspection, Licenses, and Permits.

If a resident needed help in resolving a fair housing issue, they might know to contact OHR due to OHR's extensive outreach efforts. OHR has an informative website, is listed in the County telephone directory, and is listed in the Howard County Outreach booklets and website published by Citizen Services and the Association of Community Services. OHR also participates in outreach activities by attending area fairs and workshops and disseminates informational brochures at these functions.

To file a complaint, a resident must contact OHR via phone, email, or a visit into the office. An investigator will then discuss the issues and determine the jurisdiction for the case. Complainants have one year from the date of the alleged violation to file a complaint. The complainant must complete a pre-complaint questionnaire and the case is then assigned to an investigator. The investigator has 15 days to determine if the case will continue or be dismissed. If it is dismissed, the complainant can go the Human Rights Commission. If the case is continued, a Finding of Fact is issued and probable or no probable cause is determined. Mediation is offered immediately.

Complainants have one year from the date of the alleged violation to file a complaint in the area of housing. All other areas (employment, public accommodation, law enforcement and finance) must file within 6 months. The Complainant must complete a pre-complaint questionnaire and the case is then assigned to an investigator. OHR has 15 days to determine if the case will be authorized for investigation or be dismissed. If it is dismissed the complainant can go to the Human Rights Commission to request a reconsideration of the dismissal. If the case is authorized, a Finding of Fact is issued and probable or no cause is determined. If it is probable cause, the OHR attempts conciliation of the matter. Settlement discussions may occur at any time during the investigation and mediation is always offered to the parties.

5. GENERAL FAIR HOUSING OBSERVATIONS

The following observations were noted throughout the previous sections of the AI. These issues are based on the primary research collected and analyzed and the numerous interviews and focus group sessions conducted for this report. They help to establish context for the impediments included in the following section. While none of these observations individually rose to the level of an impediment to fair housing choice in Howard County, the issues remain noteworthy in that they continue the underlying circumstances which define the local fair housing climate.

1. Minorities have continued to increase as a percentage of total population.

The total population in Howard County has surged nearly 132%, although growth appears to have moderated during the most recent decade. Whites now account for 63.7% of the population, down from 85.5%. This has resulted from a nearly fivefold increase in minority residents from 17,218 in 1980 to almost 100,000 in 2008. Asian/Pacific Islanders have experienced the largest percentage increase, growing 1335.8% over nearly 30 years. Hispanics have seen their numbers rise to over 12,000 from less than 1,500. Blacks remain the largest racial minority at 47,000 residents.

The five languages with the highest number of persons who speak English less than “very well” in Howard County are Korean, Spanish, Chinese, Urdu (spoken in Pakistan), and Hindi. To determine whether translation of vital documents is required, a HUD entitlement community must calculate the number of LEP persons in a single language group who are likely to qualify for and be served by the Urban County’s programs. Census data revealed there are potentially three languages with significant numbers of native speakers who also speak English less than “very well.” These languages include Korean, Spanish, and Chinese. For each of these languages, the number of LEP persons exceeds 1,000. For this reason, the County should perform a four-factor analysis to determine the extent to which the translation of vital documents is warranted.

2. There are 13 areas of racial or ethnic concentration in the County.

There are 13 areas of minority concentration (Black, Asian/Pacific Islander, and/or Hispanic) in Howard County. These areas are located in Savage, Columbia, Laurel and Ellicott City.

3. Howard County is moderately segregated, as determined by dissimilarity indexing.

Overall, Howard County is the most integrated of the five units of government included in this report. Achieving full integration among White persons and Black persons in the County would require 36.2% of Black residents moving to a different location within the County. In addition to a White/Black index of 36.2, Howard County has a White/Hispanic index of 28.1 and a White/Asian

index of 18.1. These numbers indicate that Hispanics and Asians are less segregated than Black residents.

4. Members of the protected classes have significantly lower incomes.

Median household income among Blacks was equivalent to only 69% that of Whites in 2000 and poverty among Blacks was more than twice the rate of White households. Hispanics fared only slightly better with a median income equivalent to 73% that of White households. Consequently, Blacks and Hispanics will have greater difficulty finding affordable rental units or homes to purchase.

Persons with disabilities were three times as likely to live in poverty than persons without disabilities. Among all persons with a disability, 9.8% lived in poverty compared to only 3.1% of persons without a disability.

Female-headed households accounted for almost 47% of all families living in poverty in 2000. Consequently, securing affordable housing will be especially difficult for this segment of the population.

Families with at least one foreign-born parent were more likely to have lower incomes than families with native-born parents. Over 14% of families with children and at least one foreign-born parent had incomes of less than 200% of poverty compared to 7% of families with children with native parents.

5. Several areas identified as impacted areas of racial and/or ethnic concentration are also areas of concentration of low and moderate income persons.

Several LMI areas around Ellicott City, Columbia, Waterloo, and Savage were noted to also be areas of minority concentration. Of the 29 low and moderate income census block groups, 16 are located within impacted areas of Black, Asian, and/or Hispanic residents. As a result, areas of racial and ethnic concentration are more likely to also be areas of concentration of low and moderate income persons.

A majority of HCVP voucher holders reside in the central and eastern parts of the County near Columbia, Jonestown, Simpsonville, Guilford, and Savage. Affirmative mobility initiatives are needed to provide LMI minorities with expanded housing choice outside of these areas of concentration.

6. Blacks experienced a higher rate of unemployment than Whites.

Blacks were twice as likely to be unemployed than Whites and had the highest unemployment rate in 2008 at 6.7%, compared to 3.1% among Whites. Higher unemployment, whether temporary or permanent, will mean less disposable income for housing expenses.

7. Minority households were more likely to experience housing problems, compared to White households.

Between January 2007 and June 2008, Columbia was estimated to have the highest number of foreclosure filings in Howard County. However, North Laurel and Savage-Guilford had the highest estimated foreclosure rates at 2%

each. Many of the census tracts in these areas qualify as LMI areas or areas of racial or ethnic concentration.

Among all owner households with incomes below 80% of the median family income in 2000, 62.8% of White households experienced housing problems compared to 75.1% of Blacks and 86.6% of Hispanics.

Among renter households, more than 75% of Hispanic households reported housing problems compared to 68.3% of Whites and 66.4% of Blacks.

8. The public housing inventory maintained by the Howard County Housing Commission (HCHC) is inadequate, especially for members of the protected classes.

Black households constitute the majority of public housing residents, voucher holders and applicant households on the waiting lists for public housing or vouchers.

Households including a person with disabilities constituted 23.6% (82) of the waiting list for public housing and 23.4% (747) of the waiting list for Housing Choice Vouchers.

There are 3,190 households on the waiting list for vouchers. Of these households, 59% are families with children. These applicants compete for over 1,000 available vouchers. Furthermore, the waiting list for public housing has a total of 348 households competing for only 50 units of family public housing. These waiting list characteristics further indicate a high demand for affordable and accessible family rental housing in Howard County.

Notably, limitations in federal funding pose serious limitations on the ways in which the Commission can address the existing need for affordable rental housing. The voucher authority and budget extended to HCHC are limited, so any increase in payment standard would subtract from the resources available to assist the greatest number of households possible. Additionally, HUD no longer provides funds to facilitate the expansion of public housing in its traditional form.

6. POTENTIAL IMPEDIMENTS TO FAIR HOUSING CHOICE

The remaining observations collected during the development of the AI constitute the potential impediments or barriers to fair housing choice listed in this section. These impediments are linked to remedial strategies in the Fair Housing Action Plan.

i. Public Sector – Administrative

a. **The County’s increasingly diverse minority population calls for continued language accommodations to ensure that all residents can access programs and services.**

The increased number of native-speaking Spanish, Korean, and Chinese persons could potentially result in an increasing number of persons who will require translation services in order to access federal programs administered by the County.

Proposed Action I: The County should continue to monitor the language needs of its expanding population, providing the accommodations and services detailed in its Limited English Proficiency Plan, effective September 2007.

Proposed Action II: The County should continue to provide access to written translations via a qualified service provider such as Language Line.

b. **Members of the protected classes could be more fully represented on County boards and commissions dealing with housing issues.**

Women, racial minorities and other members of protected classes are represented on the many housing-related boards and commissions Howard County maintains as an opportunity for citizen engagement. However, Hispanic persons and persons with disabilities are represented at rates below their overall population presence in the County. The experiences and perspectives of individuals in these categories would enhance the decision-making process in Howard County and offer the opportunity for advancing fair housing choice in all aspects of County government.

Proposed Action: Conduct a survey of each of the appointed citizens who are currently members of public boards to identify members of the protected classes. The survey should identify the race, gender, ethnicity and disability status of every board and commission member. Thereafter, each new appointment should be surveyed in a similar manner. Records on the membership of boards and commissions will

assist County officials in making appointments that reflect the County's diversity.

c. Howard County's activities to affirmatively further fair housing have been well documented, but could be strengthened.

The County has many programs and initiatives in place to address previously identified impediments to fair housing choice. In addition to these policies and programs, the County should be conducting frequent and empirical evaluations of the fair housing landscape (i.e. housing market patterns, discrimination complaints data, number of family units developed outside of impacted areas, number of Section 8 households who choose to live outside of impacted areas, etc.).

The fair housing environment has been improved by the County's various outreach and education efforts. However, true progress can be made and measured in expanding enforcement activities while incorporating new policy development initiatives and activities aimed at expanding fair housing choice.

Proposed Action I: Contract with a qualified agency to perform fair housing discrimination testing in Howard County.

Proposed Action II: In evaluating the effectiveness of activities designed to affirmatively further fair housing, the County should rely upon empirical data describing the number of affordable housing opportunities created for members of the protected classes, especially located in non-impacted areas.

ii. Public Sector – Programmatic

a. Minority households have greater difficulty becoming home owners in Howard County because of lower incomes.

The home ownership rate among Hispanic households was 55.2% in 2000, compared to 78.2% of White households. Among Black households, 57% owned their homes. Among the minority population in Howard County, Asian households had the highest rate of homeownership at 66.8%.

Proposed Action I: Continue to strengthen partnerships with local lenders that will offer homebuyer incentives to purchase homes in the County.

Proposed Action II: The County should continue to work collaboratively with fair housing advocates, certified housing counselors and financial lenders to increase equal opportunities for home ownership among members of the protected classes. Such methods may include:

- Increasing sustainable home ownership opportunities through financial literacy education including credit counseling and pre- and post-home purchase education.

- Increasing lending, credit, and banking services in low-moderate income census tracts and minority census tracts.
- Increasing marketing and outreach efforts of affordable mortgage products that are targeted for residents of low-moderate income census tracts, low-moderate income residents, and minorities.

b. Howard County has advanced policy initiatives to expand the housing options affordable to households making up to 80% of the area median income, but the number of households in need of affordable housing continues to grow.

The magnitude of the loss of affordable units and the market competitiveness heightened by increased demand effectively restrict housing choice for minority households, which have significantly lower incomes than White households. These trends are apparent in the following observations:

- Howard County has experienced significant growth rates between 1980 and 2008. Such growth has resulted in a continuous demand for housing units to accommodate the increasing population.
- Multi-family housing in Howard County, both market rate and subsidized units, is concentrated in and around Columbia. However, the once-dominant market emphasis on single-family detached homes has given way to significant growth in townhomes and apartments during the last 10 to 15 years, a trend that is expected to continue.
- Minority households were more likely to live in larger families than White households. For example, 80.2% of Hispanic families and 75.8% of Asian/Pacific Islander families included three or more persons, compared to 63.9% of White families. However, only 6.7% of the rental housing stock in Howard County contains three or more bedrooms, compared to 65.2% of the owner housing stock.
- The median housing value in Howard County increased 63% between 1990 and 2008, while real household income grew only 8.7%.
- Howard County represents an increasingly expensive rental housing market. Between 2000 and 2008, the number of units renting for less than \$500/month declined by more than 700, a decrease of 38.4%, while units renting for \$1,000/month or more nearly tripled during the same period.

- Due to a growing job market and the relocation of jobs to Fort Meade, there is an increasing demand for more affordable housing for working class households throughout the County.
- Minimum wage earners and single-wage earning households cannot afford a housing unit renting for the HUD fair market rent in Howard County. This situation forces these individuals and households to double-up with others, or lease inexpensive, substandard units from unscrupulous landlords. Minorities and female-headed households will be disproportionately impacted because of their lower incomes.
- Persons receiving a monthly SSI check of \$674 as their sole source of income, including persons with disabilities, cannot afford a one-bedroom unit renting at the fair market rent of \$868.
- The County operates the Moderate Income Housing Unit (MIHU) Program, which is an inclusionary zoning program that requires developers of new housing in specific zoning districts to sell or rent a portion (generally 10-15%) of the dwelling units to households of moderate income. While this program has been successful, few developers are willing to target households making below 50% of MHI.

Proposed Action I: Continue to impose affordable unit set-asides through the commendably progressive MIHU program. Explore the feasibility of increasing the percentage of units to be set aside for moderate income households.

Proposed Action II: Expand incentives for property owners and investors to build new apartment buildings or substantially rehabilitate existing buildings for occupancy by lower-income families. Provide tax abatements and financial assistance to affordable housing projects located outside of impacted areas.

Proposed Action III: Partner with regional affordable housing developers to increase the supply of affordable housing throughout the County. Provide land, extend financial assistance, and reduce fees and regulatory requirements that impede the development of affordable rental housing for families in areas outside of impacted areas.

c. The majority of fair housing complaints filed through HUD in Howard County involved race as the basis for discrimination. Disability was the second most common basis.

While over 65% of the complaints filed through HUD in the County were found to be without probable cause, the predominance of complaints on the basis of race and disability is evidence that education,

information and referral regarding fair housing issues for persons with disabilities is increasingly critical.

As of the AI's writing, there were 11 open housing cases at OHR. From the time that the last AI was completed in September of 1996 through March 11, 2010, there have been 1,144 cases filed with OHR, of which 162 cases (14%) involved housing.

Because the Maryland Commission on Human Relations withholds detailed information about the housing discrimination complaints it receives, entitlement communities and fair housing advocates have one less resource upon which to base testing, education, and outreach efforts. Local testing efforts are increasingly important to ensure that education and outreach efforts are focused on the most critical needs in the County.

The County does not engage in routine paired testing for housing discrimination. By establishing a qualified organization to conduct discrimination testing, the County could more effectively focus its education and outreach efforts on the members of the population that are experiencing discrimination in housing practices.

Proposed Action I: Continue to provide fair housing education and outreach efforts to landlords, building owners, rental agents, and Realtors.

Proposed Action II: Continue to investigate complaints in accordance with the County Human Rights Law.

Proposed Action III: Establish a contract with a qualified agency to perform fair housing discrimination testing in Howard County for sales housing, rental housing, and mortgage lending.

d. The housing-related policies in the 2000 General Plan could be expanded to address affordable housing needs for all household types.

Howard County's General Plan lacks an over-arching policy that reflects the County's commitment to affirmatively further fair housing (AFFH). Without a written policy and action directives, it is difficult for the County's AFFH commitment to be reflected in County policies, programs, and practices. Also, the County's General Plan is silent on the need to diffuse the concentration of lower income households, members of the protected classes, and affordable housing resources in Columbia and its environs. Absent a strategy to diffuse racial, ethnic, and economic concentrations, Columbia may become overly impacted.

Finally, the Plan places emphasis on congregate care senior developments and the lower-priced sales housing market as the key to meeting the County's affordable housing needs. However, the County has not defined a specific strategy to address the need for fixed units of affordable rental housing for lower income families (including members

of the protected classes) currently living in or expected to reside in Howard County.

The General Plan is now more than 10 years old. The process to update the plan is forthcoming and provides an opportunity to incorporate fair housing initiatives.

Proposed Action I: Update the County's General Plan to include a stated policy that reflects the County's commitment to affirmatively further fair housing. Take steps to ensure that the County's programs and practices reflect this policy and that County staff members in each department are trained in the aspects of fair housing that relate to their work.

Proposed Action II: Continually monitor racial and ethnic concentrations and concentrations of lower income persons in Columbia. Invest entitlement funds in both the revitalization of this community's older neighborhoods and in the creation of affordable housing opportunities in non-concentrated areas of the County.

Proposed Action III: Define a strategy to address the need for fixed units of affordable rental housing for families in non-concentrated areas of the County. In light of the limited federal entitlement resources at the County's disposal, such a strategy might include facilitating or incentivizing the construction of affordable family rental units by private or nonprofit developers.

- e. **Several of the County's reporting and administrative documents and policies related to its federal entitlement programs should be improved to be more comprehensive and more consistent with HUD regulations involving affirmatively furthering fair housing.**

To meet its fair housing goals, the County must be specific in its investing objectives and state the number of affordable housing units (both rental and sales) to be created outside of impacted areas.

Recipients of HOME funds are required to administer their program in compliance with the regulations found at 24 CFR 983.6(b), known as the Site and Neighborhood Standards. Site selection for HOME-assisted rehabilitated units must comply with several standards, including among other things, promoting greater choice of housing opportunities and avoiding undue concentration of assisted persons in areas containing a high concentration of LMI persons. For new construction, an additional standard is added. With few exceptions, site selection must include a location that is not in an area of minority concentration.

Proposed Action I: Create maps that show the geographic distribution of affordable housing developments in the County financed through the use of CDBG, HOME or other public funds and insert these maps into the County's annual CAPERs.

Proposed Action II: Prepare a written policy that encompasses these standards and that can be incorporated as part of the application review and approval process for all applicable HOME-assisted projects.

f. The Housing Choice Voucher (HCV) Program could be improved to provide greater housing choice to the County's lower income and minority populations.

Based on stakeholder interviews conducted during the preparation of this analysis, the following comments were noted:

- There is resistance on the part of some landlords in Howard County to rent to voucher holders. Allegedly, certain landlords impose higher standards on voucher holders than non-voucher holders, including charging higher-than-normal security deposits and requiring pristine credit references.
- Howard County's HCV program utilizes a fixed payment standard that some advocates argued is insufficient to afford the market rent in upper-income areas of the County. The payment standard is adequate to afford rent at many locations in Columbia, advocates said, but in other areas of the County (e.g., Laurel), the payment standard is too low. Laurel is an excellent community for voucher holders due to access to transportation and jobs. Because the total amount of voucher funds available to the County is limited, increasing payment standards in some cases will mean less available resources to assist the greatest possible number of families. This concern must be balanced with an aim to expand housing choice to the extent reasonable.
- There is confusion relative to the law in Howard County that permits landlords to deny voucher holders once a certain percentage of their units are occupied by voucher holders. Some landlords interpret the percentage as a minimum percentage while other landlords interpret it as a maximum percentage.

From the observations previously mentioned, more educational outreach is needed to area landlords and property management companies that accept housing choice vouchers. In addition, Howard County should conduct discrimination testing that targets rental housing.

Proposed Action I: Work with area landlords and property management companies, in conjunction with the Howard County Housing Commission, to encourage their acceptance of vouchers in non-impacted neighborhoods of the County.

Proposed Action II: Continue to educate landlord and Section 8 voucher holders on their rights and responsibilities, particularly related to source of income discrimination, under the Howard County Human Rights Law.

Proposed Action III: Facilitate fair housing training for Section 8 staff members.

iii. Private Sector

a. Mortgage loan denials and high-cost lending disproportionately affect minority applicants in Howard County, similar to national trends.

Minorities, both lower-income and upper-income households, were denied home mortgages at higher rates than White households. These patterns are consistent with discrimination. Most notably, upper-income Black households had the same denial rate of about 14% as lower-income White households.

Additionally, minorities are over-represented in high-cost mortgage loans. In 2008, the rate of high-cost lending was higher for upper-income Black and Hispanic households than that of White households.

Recent trends in mortgage denial rates and high-cost loans among Black and Hispanic households in Howard County warrant further review as these trends are consistent with discrimination.

Proposed Action I: Continue to engage HUD-certified counselors to target credit repair education through existing advocacy organizations that work with minority populations on a regular basis.

Proposed Action II: Continue to facilitate home ownership workshops and training sessions, with special outreach in impacted neighborhoods, and to engage members of the protected classes.

7. FAIR HOUSING ACTION PLAN

Based on the general observations and potential impediments to fair housing choice included in this report, the following Fair Housing Action Plan is proposed.

	Planned Action Year				
	2012	2013	2014	2015	2016
Goal: Establish an over-arching fair housing policy to establish a foundation for affirmatively furthering fair housing					
Task: Upon the revision of the Master Plan, ensure that there is a statement of policy that clearly articulates the County's commitment to expanding fair housing choice	TBD				
Task: In evaluating the effectiveness of activities designed to affirmatively further fair housing, the County should rely upon empirical data describing the number of affordable housing opportunities created for members of the protected classes, especially those located in non-concentrated areas	•	•	•	•	•
Task: Prepare a written policy that encompasses HUD's Site and Neighborhood Standards and that can be incorporated as part of the application review and approval process for all applicable HOME-assisted projects			•		
Goal: Promote the dispersal of affordable housing opportunities outside of areas of concentration					
Task: Continually monitor racial and ethnic concentrations and concentrations of lower-income persons in Columbia. Invest entitlement funds in both the revitalization of this community's older neighborhoods and in the creation of affordable housing opportunities in non-concentrated areas of the County.	•	•	•	•	•
Task: Define a strategy to address the need for fixed units of affordable rental housing for families in non-concentrated areas of the County. In light of the limited federal entitlement resources at the County's disposal, such a strategy might include facilitating or incentivizing the construction of affordable family rental units by private or nonprofit developers			•		
Task: Work with area landlords and property management companies, in conjunction with HCHC, to encourage acceptance of Housing Choice Vouchers in non-impacted neighborhoods in the County	•	•	•	•	•
Task: Continue to educate landlord and Housing Choice voucher holders on their rights and responsibilities, particularly related to source of income discrimination, under the County Human Rights Law	•	•	•	•	•
Task: Facilitate HCVP training for staff members		•		•	
Goal: Increase access to County programs for persons with limited English proficiency					
Task: Continue to monitor the language needs of the County's expanding population, providing the accommodations and services provided in the Language Access policy	•	•	•	•	•
Task: Continue to provide language services (interpreters, translators, etc.) on an as-needed basis	•	•	•	•	•
Goal: Ensure that members of the protected classes are represented on housing-related boards and commissions					
Task: Survey current board members on a voluntary basis to document race, gender, ethnicity and disability status		•	•	•	•
Task: Affirmatively recruit protected class members to fill vacancies on appointed boards and commissions	•	•	•	•	•

cont'd ...

Goal: Increase the supply of housing affordable to households below 80% MHI, specifically in opportunity areas.					
Task: Continue to impose affordable unit set-asides through the MHU program. Explore the feasibility of increasing the percentage of units to be set aside for moderate-income households	•	•	•	•	•
Task: Expand incentives for property owners and investors to build new apartment buildings or substantially rehabilitate existing buildings for occupancy by lower-income families, specifically in areas of opportunity.	•	•	•	•	•
Task: Partner with regional affordable housing developers to increase the supply of affordable housing throughout the County. Provide land, extend financial assistance, and reduce fees and regulatory requirements that impede the development of affordable rental housing for families in non-concentrated areas.	•	•	•	•	•
Goal: Reduce instances of housing discrimination					
Task: Continue to investigate discrimination complaints in accordance with the County Human Rights Law	•	•	•	•	•
Task: Continue to provide fair housing education and outreach efforts to landlords, building owners, rental agents and real estate agents	•	•	•	•	•
Goal: Mitigate the extent to which minorities are less commonly represented among those able to purchase a home					
Task: Continue to work collaboratively with fair housing advocates, certified housing counselors and lenders to increase homeownership among members of the protected classes	•	•	•	•	•
Task: Continue to strengthen partnerships with local lenders to facilitate homeownership education and outreach with particular attention to members of the protected classes	•	•	•	•	•
Task: Contract with a qualified agency to perform housing discrimination testing in Howard County			•	•	•

8. SIGNATURE PAGE FOR THE URBAN COUNTY OF HOWARD COUNTY

By my signature I certify that this report fulfills the requirement that the County, as part of its certification to affirmatively further fair housing, complete an Analysis of Impediments to Fair Housing Choice. The County intends to take appropriate actions to overcome the effects of the impediments identified through the analysis and to maintain records reflecting actions in this regard.

County Executive _____

Date _____