

Summary of Public Housing & Assisted Rental Housing	
ATLANTA HOUSING AUTHORITY	
Conventional Public Housing AHA owned	1,943
Mixed-Income (PBRA/Tax Credit supported)	4,087
Mixed-Income (Developments on AHA Property)	4853
Housing Choice Tenant-based Voucher Program	9,277
Supportive Housing (HUD-VASH)	546
CITY OF ATLANTA	
Family Occupancy Moderate Rehab	44
Single-Room Occupancy Moderate Rehab	146
<b>TOTAL</b>	<b>20,896</b>

SOURCE: AHA data drawn from AHA MTW Annual Report FY2012; City data found at atlantaga.gov

## Local Governmental Authorities

### Atlanta Housing Authority

The Atlanta Housing Authority is the largest Atlanta provider in federal assisted housing, both in public housing and Section 8 voucher assistance.<sup>64</sup>

The Atlanta Housing Authority, the HUD-recognized public housing authority, defines itself as a “diversified real estate company with a public mission and purpose.” The Authority’s Board of Commissioners, appointed by the Mayor, contracts with a CEO to manage the Authority’s multi-million dollar annual budget and properties.

AHA manages a multi-million dollar annual budget and oversees management of many properties throughout Atlanta having undergone sweeping changes in the City’s public housing program since the 2003 Move to Work (MTW) Agreement with HUD.<sup>65</sup> In addition to the 13 AHA-owned residential communities<sup>66</sup>, AHA has

<sup>64</sup> City of Atlanta 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009), p. 36

<sup>65</sup> www.atlantahousing.org

<sup>66</sup> Sixteen communities (rather than 13 identified by AHA) were identified in the MTW Annual Report, FY 2012. Of the 13 communities identified by AHA, 11 communities were for the elderly and disabled and 2 communities were for families.

created or entered into profit and non-profit partnerships to provide Mixed-Income, Mixed-Financed Communities.

In compliance with the procedures for conducting an AI detailed in HUD's *Fair Housing Planning Guide*, Metro composed and forwarded 45 comprehensive questions to the Atlanta Housing Authority, or PHA. These questions related to specific policies, procedures and practices since completion of the 2006 AI regarding the PHA and other assisted/insured housing providers, tenant selection procedures and housing choices for certificate and voucher holders. Metro acknowledges and appreciates the timeliness of responses provided by Angela Chadwick on behalf of AHA.

HUD provides rental subsidies to low-income families through the Section 8 voucher program managed by AHA in mixed-income, mixed-financed new developments. AHA initiatives to utilize HOPE VI funds to reposition distressed public housing projects have impacted over 1,000 acres of land and generated over \$3 billion of private economic investment. AHA reports that it now serves more than 21,000 low-income and very low-income families through a variety of housing options.<sup>67</sup> This number also accounts for the additional rental assistance programs available for elderly (Section 202) and persons with disabilities (Section 811) served by 11 AHA-owned high-rises with 106 accessible units. AHA also maintains ownership of two communities serving small families. AHA provided the following information in response to Metro's question on tenant selection and assignment policies:

**Order of Applicant Selection for AHA-owned family communities:**

A. The order of selection of an applicant from a site-based waiting list in an AHA-owned family community will be according to the ranking of the applicant's application by either date-and-time of application or lottery, as applicable.

B. Provided the applicant household is not an elderly family or disabled family in which all adult members are either Elderly or Disabled as defined below, at least one adult member of the applicant household between 18 and 61 years of age must be either legally and gainfully employed on a fulltime basis for at least 30 hours per week or legally and gainfully self-employed in a legitimate business enterprise, appropriately documented, for at least 30 hours per week; and all other members of the household must be either:

- i. legally and gainfully employed or self-employed on a full time basis at least 30 hours per week;
- ii. attending an AHA-recognized school or institution as a full-time student;

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<sup>67</sup> Appendix B, AHA Response Summary dated May 1, 2013, p. 1

- iii. engaged in a combination, totaling at least 30 hours per week, of legal employment (but not self-employment), education (attending an AHA-recognized school or institution) and/or participation in an AHA-approved training program;
- iv. Elderly (62 year of age or older); or
- v. Disabled (in compliance with HUD's definition for program eligibility)

**Order of Applicant Selection for AHA-owned senior highrises:**

A. To be considered for an AHA-owned highrise for Elderly, Almost-Elderly and Non-Elderly Disabled Residents . . . , an Applicant must be a household whose head or spouse (if married) or sole member is:

- i. Elderly (62 years of age or older);
- ii. Almost Elderly (55-61 years of age); or
- iii. Non-Elderly Disabled (persons with a disability under 55 years of age).

B. AHA will strive to achieve an optimal balance of Elderly, Almost Elderly and Non-Elderly Disabled Residents in AHA-owned senior highrises. The management agents of such communities shall be permitted to admit applicants from the waiting list at a ratio of four (4) Elderly and Almost Elderly Applicants to one (1) Non-Elderly Disabled Applicant in order to achieve the optimal balance.<sup>68</sup>

Of the 13 AHA-owned public housing/assisted communities, AHA provided the racial and ethnic percentage breakdown of residents as of June 2012:

<b>RACE</b>	
Black/African American	74.0%
White	19.7%
Asian	5.8%
American Indian/Alaska Native	0.3%
Native Hawaiian/Other Pacific Islander	0.2%
<b>ETHNICITY</b>	
Hispanic or Latino	3.0%
Non-Hispanic or Latino	97.0%

See Appendix B, the AHA response dated May 31, 2013, at p. 6 and Exhibit One to the supplemental response dated August 1, 2013 with data for the 2006-2012 time period. Analysis of this data indicates: a consistent Black population of approximately 75 percent, or less than 1462 households; a consistent White population of 20 percent, or approximately 400 households; a Asian population that has grown from 4 to 6

<sup>68</sup> Appendix B, Response from AHA to Metro (May 31, 2013) at p. 6

percent, or approximately 112 households; and a decreasing Hispanic population from 4 to 3 percent, or approximately 57 households. The maximum occupancy of all AHA- owned property in 2012 was 1931 households.<sup>69</sup>

AHA has transitioned from a centralized management approach. Currently, AHA-owned communities are managed by private management companies that administer separate site-based waiting lists. AHA-partnered communities are established with profit and/or non-profit developers known as the "owner entities" and each community, as well, is managed by the owner entities' selected private management company. AHA demolished its housing projects and leveraged its assets with private sector real estate developers and private investment to create new market-rate quality mixed-use, mixed-income communities with an affordable residential component. Demolitions of the AHA projects were completed by 2011. In the Appendix of the AHA 15 Year Progress Report a complete listing is provided showing:

- 18 mixed income communities with 9 partners
- 23 mixed income/mixed use communities with 9 partners
- 13 AHA owned communities with 3 partners
- 21 mixed income senior communities with 9 partners<sup>70</sup>

The Operating Procedures of each Community governing selection, placement, accommodations and termination are developed by the owner entity and/or its private management company with training and oversight by AHA.<sup>71</sup>

This process of change to the public housing environment in Atlanta began with the MTW Agreement with HUD in 2003, allowing regulatory flexibility in the local administration of federal fiscal programs. AHA used over \$300 million of federal funds (including HOPE VI funds) to reposition the public housing projects and to relocate families to better living conditions and healthier environments. With the successful completion of its Quality of Life Initiative (QLI) and Revitalization Program, residents were provided tenant-based Housing Choice vouchers to relocate from distressed AHA owned properties set for demolition. In the transition, "AHA, partnering with private sector developers, leverages its public housing development funds, its land and its operating subsidies to facilitate for income-eligible households the availability of quality affordable housing opportunities in mixed-use, mixed-income communities."<sup>72</sup>

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<sup>69</sup> Appendix B, Response with supplements from AHA to Metro (Aug. 1, 2013), Ex. 1

<sup>70</sup> AHA 15 Year Progress Report, 1995-2010, Appendix

<sup>71</sup> See discussion in Part IV. Jurisdiction's Policy Analysis

<sup>72</sup> AHA's MTW Annual Report, FY 2012, Comprehensive Annual Financial Report and Independent Auditors'

As set forth in its response dated May 31, 2013, AHA serves low-income and very low-income families through five major vehicles:

1. **Mixed-use, mixed-income communities on AHA-owned land** – Using the HOPE VI and other public housing development funds, regulatory flexibility and in partnership with private sector real estate development partners and other stakeholders, AHA completed demolition of its public housing projects in 2011 and developed 16 mixed-use, mixed-income communities with over 4,800 affordable housing units (including 125 accessible units), supported through public housing, PBRA (project based rental assistance) and tax credit programs.

2. **Mixed-income communities created through the strategic deployment of Project Based Rental Assistance and gap financing** – AHA's Project Based Rental Assistance (PBRA) program is a financial incentive and tool to encourage private sector developers and owners of quality multi-family developments to reserve a percentage of their units as affordable for a minimum of ten years. Through this PBRA program AHA has encouraged development of over 4,000 high-quality affordable housing units throughout the City of Atlanta.

3. **AHA's Housing Choice Voucher Program** – Over 3,000 families relocated from the demolished housing projects received tenant-based Housing Choice vouchers. AHA designed its Housing Choice Voucher Program strategically to offer families a better opportunity to choose neighborhoods they may not have traditionally been able to afford by establishing seven local sub-markets across the metro area to reduce financial barriers during the housing search.<sup>73</sup> This has resulted in 25 percent of the participants in this program currently using their voucher assistance outside of the City of Atlanta.<sup>74</sup>

4. **AHA-Owned Communities** – AHA-owned communities are managed by private management companies that administer separate site-based waiting lists. Of the approximate 1900 units, 106 accessible units are available and in use at AHA-owned communities. In addition, 51 units are equipped with special audio-visual features to assist persons with hearing impairments. Set forth in a supplemental response, AHA stated that the aggregate of 5.4 percent

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Report, Letter from Renee Glover, CEO and Suzi Reddekopp, CFO, to Board of Commissioners, AHA, dated Nov. 30, 2011, pp. 5-6

<sup>73</sup> See Appendix B, Response from AHA to Metro (May 31, 2013) at p. 25 identifying these submarkets with the comparison to HUD-established 2013 Fair Market rent.

<sup>74</sup> Id.

of all AHA owned properties were UFAS compliant and 100 percent of the residents who reside in UFAS units at these properties require the features of the unit.<sup>75</sup>

5. Supportive Housing program – In partnership with private sector developers and owners, AHA develops and funds alternative service-enriched housing opportunities for persons with a variety of special needs – homeless persons, persons with disabilities, U.S. military veterans, at-risk families and youth, and other targeted groups who are enrolled in supportive services programs. AHA also provides supportive housing through the Housing Choice Tenant-Based Voucher program.<sup>76</sup>

The AHA model of public housing is focused on the individual householder's path to self-sufficiency by requiring a minimum of \$125.00 in rent, participation in minimum 30 hours a week to education or employment, supportive staff specialists and required support services for special needs residents, and a strict adherence to a no-criminal past policy. Encouraging self-sufficiency, AHA also makes scholarship awards to students in the Atlanta community, upgrades computer services in AHA-owned residential communities to benefit the elderly and disabled, and provides down payment assistance to low-income, first-time homebuyers.

#### Current Conditions & Improvements to Public Housing

AHA essentially transformed traditional public housing in Atlanta by completing demolition of its last project housing in 2011. Today AHA maintains 13 AHA-owned facilities for which it delegates management to private management companies. Some stakeholders believe in the strength and experience of AHA and the "good job of repositioning public housing and delivering units."<sup>77</sup> The Georgia State University Urban Health Initiative has documented the experiences of public housing residents during relocation/demolition, providing congressional testimony on the Initiative's findings. One report states:

While the overall objective of demolishing public housing developments is to deconcentrate poverty, questions remain as to whether or not this can be achieved. It is possible that *de facto* poverty reconcentration may result." Findings from our six-month post-relocation study reveal that of the 660 census tracts in the Metro-Atlanta region, former public housing residents

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<sup>75</sup> See Appendix B, Response with supplements from AHA to Metro (Aug. 1, 2013) at p. 6.

<sup>76</sup> See Appendix B, Response from AHA to Metro (May 31, 2013).

<sup>77</sup> McFarland & Associates Consulting, *House to Home Consortium, A Study of Atlanta's Affordable Housing Delivery System*, August, 2011

move to only 88, with 68 within the city limits, suggesting a reconcentrating destination pattern rather than one of dispersion.<sup>78</sup>

One concern of this housing model is that expiring use of mixed-income communities for the dedicated number of assisted units are in danger of being lost in as short as the next 10 years due to contract expiration and expiring affordability periods. Still, many contracts are renewed on an annual basis and it is likely that some of these affordable units will not actually be lost.<sup>79</sup> As stated in the 2010-2014 Consolidated Plan, AHA has a waiting list of over 18,000 households, yet each community controls separate waiting lists and authority to determine suitability of applicants.<sup>80</sup> Approximately 406 individuals on the waiting list have need of accessible housing units. The DeKalb Disability Action Center found that many housing units designed to be accessible for a person with a physical disability were occupied by individuals not requiring accessibility. The Consolidated Plan states that this finding is "probably accurate".<sup>81</sup> See Section V. herein for discussion of the Atlanta Legal Aid Society's concern regarding the delegated operations and management of housing delivery to private partners being used to deny accountability.

#### Atlanta Development Authority a/k/a Invest Atlanta

The Atlanta Development Authority d/b/a Invest Atlanta ("Invest Atlanta") is the catalyst for residential and commercial economic vitality in Atlanta. Invest Atlanta was created and exists under, and by virtue of, the Development Authorities Law, by a resolution of the City Council and operates as a public body corporate and politic of the State of Georgia. Invest Atlanta was created to promote the revitalization and growth of the City and serves as the City's economic development agency.

To accomplish this, the authority:

- Coordinates efforts with the City, County, State and other key stakeholders;
- Jumpstarts redevelopment activity within the City's tax allocation districts;
- Provides small business loans for expansion and start-up;
- Supplies mortgage down-payment assistance to low and moderate income families;

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<sup>78</sup> Georgia State Univ. Urban Health Initiative, *Six Months Post-Relocation: Former Atlanta Public Housing Resident Views and Destination Neighborhood Characteristics*, July 29, 2011, accessed at [www.2gsu.edu/~wwwsoc/Files/SOC/RESEARCH-public=housing-sixmontpost.pdf](http://www.2gsu.edu/~wwwsoc/Files/SOC/RESEARCH-public=housing-sixmontpost.pdf)

<sup>79</sup> City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) p.36.

<sup>80</sup> See Appendix B, Response from AHA to Metro (May 31, 2013)

<sup>81</sup> City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) p. 55.

- **Issues bonds to spur residential and commercial development;**
- **Acquires land for green space, residential and commercial development;**
- **Implements quality of life projects in underserved communities; and,**
- **Retains and expands existing businesses, recruits new businesses, promotes the City and available business development incentives.<sup>82</sup>**

The Urban Residential Finance Authority of the City of Atlanta, Georgia ("URFA") was created and exists under the Urban Residential Finance Authorities Act for Large Municipalities. Pursuant to an agreement between URFA and Invest Atlanta, staff of Invest Atlanta performs services for URFA. Invest Atlanta represents a consolidation of the City's economic and community development efforts in real estate, finance, marketing and employment, for the purpose of providing a focal point for improving the City's neighborhoods and the quality of life for all of its citizens. Invest Atlanta is the cornerstone of an overall effort to provide economic and development services in a more effective and efficient manner. By its coordination of efforts with governmental and key stakeholders toward redevelopment activity within the City's tax allocation districts (TADs), Invest Atlanta provides small loans for expansion and start up as well as mortgage down payment assistance to low and moderate income families. The TADs, like the Atlanta Beltline and 9 other approved TADs, are focused to facilitate the mixed use development or redevelopment of an area to improve the environmental climate and connect major activity centers. In addition to its involvement in TADs, Invest Atlanta also offers incentive programs for home ownership.

With its authority to issue bonds and acquire land, Invest Atlanta can implement quality of life projects in underserved communities. The community benefits reported by Invest Atlanta related to housing include:

- **412 supported housing units**
- **328 new assessment beds for the homeless**
- **10,400 housing units created or preserved, and**
- **834 new homeowners.<sup>83</sup>**

Given the reality of the current market conditions, the City is striving to align Invest Atlanta's increasing focus on economic prosperity for its residents and job growth with a strategic plan for workforce housing development within the City.

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<sup>82</sup> Id. at Atlanta Development Authority

<sup>83</sup> Atlanta City Council. *Economic Development Summary, A Decade of Economic Development Results by City Council District 2000 - 2010* at <http://atlantaga.gov>

## The Department of Planning and Community Development (DPCD)

The mission of the City's Department of Planning and Community Development (DPCD) is to plan and implement the future by guiding the physical and economic development of the City while enhancing the quality of life for all through a comprehensive range of planning, design review, construction plan approval, code compliance, and housing preservation and assistance services and programs. The Department's vision is in preserving the City's historical past, maintaining the livability of the present, and transforming its future through the implementation of the highest quality planning, building, code compliance, and housing services and programs to enhance the level of service provided to all people of Atlanta. The Department is comprised of the following three offices: Office of Planning, Office of Building, and Office of Housing.

### Office of Planning

Metro composed and forwarded 23 comprehensive questions from HUD's *Fair Housing Planning Guide* to the City's DPCD, Office of Planning & Zoning to assist in determining the effects of zoning and site selection policies on housing choices. The Office of Planning referred Metro to the City of Atlanta's 2011 Comprehensive Development Plan (CDP) or directed Metro to other offices/agencies.

From the CDP, Metro found there are 123 zoning districts including 17 types of residential zoning districts, 11 quality of life zoning districts (8 mixed residential and 3 commercial districts), 1 live/work zoning district, 20 types of special public interest (SPI) districts, 1 planned development district, 15 landmark/historic districts, 4 districts for office, institutional and industrial use, 15 commercial districts and 1 overlay district. Residential use represents 50 percent of Atlanta's land use with a projected goal of 65.4 percent; the mixed residential zoning is the least utilized at 1/4 percent of the land use but a projected growth of 6.5 percent. The current overall density in Atlanta is 2.74 housing units per acre with 38.7 percent currently low density or single family households.<sup>84</sup> As the Office of Planning stated: The Atlanta Zoning Resolution includes single family (R-1 to R-5) zoning districts that favor traditional neighborhood single family development; various multi-family zoning districts (RG1 to RG6 and MR-1 to MR6) that allow cluster, townhome and multi-family development and other Zoning Districts which allow for mixed use developments that include residential uses. The residential zoning districts have a minimum lot size of 2 acres in the R-1 zoning category to a floor area ratio (FAR) of

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<sup>84</sup>CDP at pp. 321-327



According to the 2010-2014 Consolidated Plan, approximately 2/3 of the City is defined as a CDIA “where at least 50 percent of the population is below 80 percent of the median income and which is eligible for Community Development Block Grant area benefit activities. This area also coincides with where there are majority concentrations of African Americans.”<sup>87</sup>

When asked if the City had adopted incentives to promote mixed-income housing developments, the Office of Planning identified the Atlanta Urban Enterprise Zone Act. Following up on whether the Urban Enterprise Program was the only incentive program, Metro was provided a copy of the Atlanta Urban Enterprise Zone Act and attachment, which allows special powers of tax abatement to declared areas (known as UEZs) that are “economically and socially depressed.” Areas must be eligible by location in one of six commercial corridors adopted as “EDP Priority Areas” (primarily located in the Central Downtown area and east to west along the I-20 divide) or by location not within a tax allocation district and meeting three of five identified criterion based on 1) poverty levels, 2) unemployment, 3) general distress (evidenced by dilapidated structures, deteriorated infrastructure and substantial population decline), 4) underdevelopment and/or 5) general blight (evidenced by location within an identified urban redevelopment area). The report submitted as 2012 data reveals that approximately 144 designations had been approved as of December 31, 2008 which was to produce approximately 10,970 affordable housing units within these UEZs. The following additional incentives or programs are available through the Office of Housing or Invest Atlanta: the Single Family Downpayment Assistance, the Single Family Development Assistance, Multifamily Gap Financing, three CHDO Funds, Land Acquisition, and Owner Occupied Rehabilitation.<sup>88</sup>

When the fair housing questions turned to evaluations that the City may have conducted on management policies and procedures in relation to the provision of supportive or accessible housing, the Office of Planning directed Metro to the Innovation Delivery Team of the Mayor’s Office regarding the Mayor’s initiative “Unsheltered No More” (addressing the homeless population) and to the Office of Grants Services which administers the CDBG grants to the Department of Behavioral Health and Developmental Disabilities (DBHDD).<sup>89</sup> On addressing housing for

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<sup>87</sup> City of Atlanta, 2010-2014 Consolidated Plan, vol. 1 (Nov. 2009) at p. 2

<sup>88</sup> Id.

<sup>89</sup> DBHDD is the responsible department to meet the housing requirement in the State’s agreement with the Department of Justice to deinstitutionalize persons with disabilities. U.S. v. State of Georgia, Civil Action #1:10-CV-249-CAP.

persons with disabilities, Metro requested the written policy and procedures for special use permits and was directed to the on-line application and the Municode. ATLANTA GA CODE PT. 16, CHAP. 25. The referenced Atlanta Ordinances present a system of 3 classes of special permits each requiring a different process/reviewer. ATLANTA GA CODE §16-25.001. Metro found no reference to requirements of accessibility or any process that would expedite review outlined in the referenced Code Chapter.<sup>90</sup>

### **Office of Building**

Metro composed and forwarded 9 questions to the City's DPCD, Office of Building regarding accessibility requirements, timing of plan approval, and other barriers to affordable housing development. The following summarizes the responses obtained from the Office of Building:

The current average time for a new set of completed building plans submitted by an affordable housing developer who is not building multiple units is 10 days for approval or comment for revision.<sup>91</sup>

The accessibility requirements of Section 504 of the Rehabilitation Act of 1973 are incorporated in the state code at O.C.G.A §120-3-20 and the local code at ATLANTA GA CODE § 8-2182. These code requirements are applied to newly constructed single and multi-family residences developed with city and/or federal funds. While state and local building codes did not appear to incorporate the American National Standards Institute A117.1 requirements, Metro found at ATLANTA GA CODE § 8-2182, an ordinance with the purpose to specifically promulgate certain standards less restrictive than ANSI A117.1, while economically providing solutions to accessibility, and applicable to new single-family dwellings, duplexes, and triplexes which receive city assistance.

### **Office of Housing**

Metro composed and forwarded 28 questions from HUD's *Fair Housing Planning Guide* to the Office of Housing within the DPCD regarding the "Neighborhood Revitalization/Municipal and Other Services, and the Employment-Housing-Transportation Linkage", in the production of accessible and affordable housing.

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<sup>90</sup> See Appendix B for the Questionnaires and Responses developed in this AI.

<sup>91</sup> See Appendix B, Response from DPCD, Office of Building to Metro (Aug. 12, 2013)

The Office of Housing promotes the development of affordable workforce housing and community development policies as well as fiscal oversight and management of state and federal development contracts and programs, valued in excess of \$30 million. The Office of Housing encourages partnerships with both public and private developers of workforce affordable housing.<sup>92</sup> The Office responded that:

The City has utilized various funding mechanisms and programs for affordable to include HOME, CDBG, Neighborhood Stabilization Program (NSP), Section 8 Moderate REHAB, Section 108 Loan, HOME Atlanta 4.0, Neighborhood Lift Program (NLP), Atlanta Affordable Homeownership Program (AAHOP), Vine City/English Avenue Trust Fund (HOAP), Affordable Housing Opportunity Bonds, Impact fee waivers, Hope VI projects and utilizing HEZ, TADS and Trust funds. Collectively these programs have produced over 3000 units of housing since 2006 and generated over 300 million in construction development.<sup>93</sup>

The 2011 Comprehensive Development Plan offers more details of the following programs:

#### **HOME**

Under the HOME program, the City offers financial assistance to Community Housing Development Organizations (CHDOs) and for-profit organizations to create affordable single family and multifamily developments. In addition, a portion of the HOME funds are provided to Invest Atlanta for homebuyer down payment assistance.<sup>94</sup> The HOME program targets households at or below 80 percent of the Atlanta Metropolitan Statistical Area Median Income (AMI).<sup>95</sup>

#### **NSP- NEIGHBORHOOD STABILIZATION PROGRAM**

The Office of Housing has direct administrative oversight, management and implementation of the city's NSP. It's designed to help revitalize neighborhoods and address the national foreclosure crisis. NSP grants allow the City to use funds to purchase abandoned, bank-owned foreclosures to help stabilize communities hit hardest by the crisis.<sup>96</sup> According to the Office of Housing, over 400 housing units have been impacted by this program to address foreclosed and/or abandoned properties.

#### **SECTION 8 MODERATE REHAB PROGRAM**

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<sup>92</sup> See Appendix B, Response from DPCD, Office of Housing to Metro (Aug. 12, 2013)

<sup>93</sup> Id

<sup>94</sup> Id

<sup>95</sup> CDP at pp. 126-127

<sup>96</sup> Id.

Under this program, the City of Atlanta operates a Section 8 Housing Assistance Program to provide rental subsidy at four properties<sup>97</sup>:

- Santa Fe Villas - 2370 Metropolitan Pkwy, Atlanta, Georgia, 30315,
- Edgewood Center - 187 Edgewood Avenue, Atlanta, Georgia, 30303,
- Vanira Village - 8-24 Vanira Avenue, Atlanta, Georgia 30315,
- Washington St. Apartments - 949-953 Washington Street, Atlanta, Georgia 30315

The first two of the communities are restricted to single person occupancy and provides 146 units requiring 30 percent of monthly adjusted income for rent (including utilities). The latter two communities are reserved for families and provide 44 units. Each family household pays 30 percent of the household's total adjusted income for rent (not including utilities). This is a Project Based Subsidy program which is not transferable and is not a voucher program.<sup>98</sup>

#### OTHER PROGRAMS

There are a wide variety of homeownership programs. Most offer either direct assistance to the homeowner or land and financial contributions to the developer. Assistance can be in the form of a grant or a loan. Additional subsidies are also offered through the private sector and local county government entities.<sup>99</sup> While a majority of these federal funds are spent in a CDIA, large housing programs are available to low/moderate persons throughout the City.<sup>100</sup>

Additional assistance for housing development may be attained in the form of tax abatements over a ten-year period for housing developed in an Urban Enterprise Zone (UEZ), a designated district that is located within an economically depressed area of the City.<sup>101</sup>

The response from the Office of Housing also added that Community Development Block Grants (CDBGs), HOME, Low-Income Housing Tax Credits (LIHTC) and Livable Centers Initiative (LCI) grants, Tax Allocation Districts, among others, have been instrumental in neighborhood revitalization. The Tax Allocation Districts (TADs) have been instrumental in spurring developments across the City by leveraging private dollars and also acting as community benefits dollars to meet the

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<sup>97</sup> Id.

<sup>98</sup> Id.

<sup>99</sup> Id.

<sup>100</sup> CDP at p.139

<sup>101</sup> See more detailed discussion under Section IV herein on specifics of this program; see also CDP at p.59. NOTE: City records show this type of assistance in its records as HEZ.

demands and needs of underserved communities. These program funds assist in the growth of stronger communities:

- a) CDBG funds and funding from the City's general fund have been used to upgrade community facilities and enhance services.
- b) CDBG funds have been used to assist disadvantaged businesses with business loans, technical assistance for the past 20 years utilizing Business Improvement Loan Funds, Micro Funds and other sources.<sup>102</sup>

### **Recent Housing Accomplishments**

One aspect of fair housing choice is neighborhood revitalization and the provision of services to areas in which low- and moderate-income families live. Minorities and persons with disabilities benefit from comprehensive approaches to improving neighborhood environments so critical to good housing. As part of Metro's questionnaire composed from HUD's *Fair Housing Planning Guide* to the Office of Housing within the DPCD, questions focused on the period since completion of the 2006 AI. Describing how it had worked to remove administrative barriers to affordable housing production, the City set forth the following accomplishments:

- Created an affordable workforce housing plan in 2007;
- Clearly established the current need for affordable workforce housing ;
- Established a "Housing Opportunity Fund" of approximately \$35 million to invest in new affordable housing development and/or subsidy of existing units; leveraged the \$148 million Beltline Housing Trust Fund as well as future revenue sources to expand the impact of the programs;
- Actively enforced barrier free accessibility requirements for all new construction projects; and
- Partnered with Metro to address housing discrimination in the City.<sup>103</sup>

The City completed a Self-Evaluation, consistent with requirements of the Section 504 of the Rehabilitation Act of 1973, in response to a December, 2009 Settlement Agreement with the Department of Justice.

Since 2009, the City of Atlanta has developed written city-wide policies to address its commitment not to discriminate against persons based on their disability. The City's Reasonable Modification Policy states that the City will modify its policies, practices or procedures when necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that making the modification fundamentally alters

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<sup>102</sup> Appendix B, Response from DPCD, Office of Housing to Metro (Aug. 12, 2013)

<sup>103</sup> See Appendix B, Response from DPCD, Office of Housing to Metro (Aug. 12, 2013)

the nature of the service, program or activity. In order to effectively communicate with disabled persons, the City will furnish appropriate auxiliary aids and services as necessary to afford an individual with a disability equal opportunity to participate in and enjoy the benefits of services, programs or activities conducted by the City. The policies provide in detail how to request accommodations, file grievances and file written complaints, if necessary. <sup>104</sup>

The City implemented a data collection system to determine the extent to which information is provided regarding racial and ethnic groups, persons with disabilities and families with children, largely in response to reporting and recordkeeping disparities noted by HUD in a letter of Findings of Noncompliance dated July 9, 2012.<sup>105</sup> This action assists in gathering information to assess the availability of affordable and accessible housing opportunities for protected classes under the Fair Housing Act. The City entered into a Voluntary Compliance Agreement (VCA) with HUD dated October 26, 2012, primarily addressing accessibility requirements and began efforts to meet the terms of the Agreement. To date, the City is in compliance with those terms. See Appendix B, City of Atlanta's Report on Specific Provisions of Remedial Actions dated October 31, 2013.

The Office of Housing, DPCD, provided the total number of affordable and accessible housing units developed since completion of the 2006 AI as follows:

Affordable Housing Units Produced 2006-2013	
Non-Federal Funds* 2006-2013	4,079
Federal Funds** 2006-2013	1,941
Down Payment Assistance (Federal/Non-Federal)***	758
<b>Total Affordable Units</b>	<b>6,778</b>

\*Non-Federal Funds are administered by Invest Atlanta and include: Tax Allocation Districts, Housing Opportunity Bonds, Homeless Opportunity Bonds, Tax Exempt Bonds, Vine City Trust Fund

\*\*Federal funds include HUD HOME funds

\*\*\*Down Payment Assistance includes Federal and Non-Federal funds.

<sup>104</sup> Id. The 2009 Settlement Agreement had a 3 year expiration period but has been restated as needed in a 2012 Voluntary Compliance Agreement between the City and HUD to address, *inter alia*, Sec. 504 compliance.

<sup>105</sup> Id..

Leveraging the resources of the City's public/private partnerships and available funding, a total of 6,778 units of affordable housing were developed city-wide from 2006 through 2012. Of that total, 4,079 were produced with non-federal funds administered by Invest Atlanta and include: Tax Allocation Districts, Housing Opportunity Bonds, Homeless Opportunity Bonds, Tax Exempt Bonds, and the Vine City Trust Fund. Federal funds supported the development of 1,941 residential housing units and an additional 758 housing units were purchased with down payment assistance from both federal and non-federal funds.

#### IV. JURISDICTION'S POLICY ANALYSIS

For metropolitan jurisdictions, serious consideration should be given to participation in cooperative, inter-jurisdictional planning for construction of assisted housing. The City coordinates on planning and zoning issues with several independent special authorities and Districts: the Atlanta Housing Authority (AHA) organized under Georgia Law to manage affordable housing for low-income families; the Atlanta Planning Advisory Board (APAB), a board that advises, inter alia, on comprehensive planning and zoning; the Metropolitan Atlanta Rapid Transit Authority (MARTA); the Atlanta Board of Education; the Urban Design Commission on historic preservation; Community Improvement Districts (CIDs) where local businesses are assessed additional taxes to create livable environments; and the Zoning Review Board that controls zoning amendments and applications.

Local government policies that, for example, limit or exclude housing facilities for persons with disabilities or other housing for homeless people from certain residential areas may violate the provisions of the Fair Housing Act by indirectly discriminating against persons with disabilities and minorities, many of whom are homeless. Building codes which require certain amenities or setbacks also affect the feasibility of providing low- and moderate-income housing development. Even when zoning and other governmental policies are permissive, neighborhood residents often resist placement of certain types of housing in their area.

##### City Revitalization/ Housing

The Comprehensive Development Plan and the Consolidated Plan are the two essential policy documents prepared by the City. The vision as stated by the City consists of revitalized, sustainable, urban village communities, populated with mixed income households within the city's redevelopment areas. City efforts to preserve and revitalize neighborhoods are coupled with its education efforts to

support fair-share housing, a policy that encourages proportionate and equitable distribution of a range of housing choices and types, including low-income housing throughout the City.<sup>106</sup>

The following general housing policies as provided by the Office of Housing are:

- Promote opportunities for mixed-income housing developments throughout the City.
- Focus on rehabilitating and utilizing existing vacant housing stock.
- Increase opportunities for home ownership for low and moderate-income residents.
- Promote housing affordability in order to minimize the number of households that must pay more than 30 percent of their income in rent or mortgage payments.
- Promote the creation of new housing in appropriate locations.
- Increase public, private funds to help construct, acquire and rehabilitate housing.
- Promote full implementation of all fair housing laws.
- Promote a wide range of housing types to meet different housing needs and income levels within the Beltline Corridors and along major employment centers: Downtown, Midtown and Buckhead.
- Promote in-town living for public sector employees and first responders by aggressively marketing down payment assistance programs and acquisition/rehabilitation loans.
- Utilize federal and private dollars to assist in the revitalization of neighborhoods affected by the heightened number of foreclosures.

Addressing the needs of a defined population (low/moderate income individuals, homeless persons, public housing tenants, etc.) the following policies are focused on federally financed housing projects (CDBG, HOME, NSP, HOPWA etc.). The Policies establish priorities based largely on the conditions and needs of the City's housing stock. The Consolidated Plan's housing priorities are as follows:

- Assist "special needs" persons living in substandard apartments and rental units by making low or no cost acquisition and rehabilitation loans available.
- Assist extremely low- and very low-income homeowners living in substandard single- family units by making rehabilitation loans and grants available.
- Assist very low and low-income persons with home ownership by making acquisition and rehabilitation loans available to individuals.
- Promote new housing development through in-fill housing construction.

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<sup>106</sup> CDP at p.550

- Aggressively enforce Housing Code and Demolition to remove slum and blight.
- Encourage development of alternative forms of ownership, including cooperatives, mutual housing and lease purchase programs.
- Support housing opportunities for persons with special needs.
- Develop a program to provide equal access to credit and fair housing opportunities for low to moderate-income people.
- Diversify housing choice for low and moderate income persons by creating areas for targeted investment for affordable housing away from neighborhoods that already have a high concentration of affordable housing.
- Fund down payment assistance programs that serve persons below 80 percent AMI.

These policies set priorities addressing the most serious problems with existing housing stock. The City is focused on rehabilitating and utilizing the existing vacant housing stock [39,431 in 2010], utilizing federal and private dollars to assist in the revitalization of neighborhoods affected by the heightened number of foreclosures.<sup>107</sup> To this end the City has established a vacant property registry effective April, 2012, requiring \$100 per year registration fee with a \$1000 fine for failing to register. Research on the government software found that on September 17, 2013, 2691 properties have registered with a majority of those identified as closed. The City sets forth in the same policy document that it will “aggressively enforce the Housing Code and Demolition to remove slum and blight.”<sup>108</sup> However, the government software identified 10,976 complaints in the time period of March 12, 2012, to September 17, 2013, with only four matters transferred to “In Rem Proceedings” and only one noted as demolished.<sup>109</sup> Later information provided by the Office of Code Compliance demonstrates the City’s efforts more completely as set forth in Section V, Jurisdiction’s Fair Housing Profile, Municipal Action. An “In-Rem proceeding” is a legal action allowable under state law for the jurisdiction to take corrective action on an abandoned or neglected property building by “clean and close” procedures or demolition with the benefit of a valid tax lien for the City to recover its costs or result in title to the property.

### Planning

Zoning policy focuses on environmental concerns in two ways: permitting is based upon the carrying capacity of available infrastructure and the natural environment; and evaluating the use of performance standards is used to address impacts of

<sup>107</sup> Id., p. 550-551.

<sup>108</sup> Id.

<sup>109</sup> [www.aca.accela.com/Atlanta\\_ga](http://www.aca.accela.com/Atlanta_ga)

commercial and industrial uses of the environment. The City's stated effort is to develop a citywide streetscape master plan, including tree planting details and prioritized streetscape projects with a stated goal of maintaining a minimum 40 percent canopy. With its focus on environmental concerns, the City of Atlanta strives to be a top-ten sustainable city while maintaining a comprehensive historic preservation program with 20 percent (17,136 acres) of the City's land area protected as greenspace.<sup>110</sup>

### Building

The City's policy to preserve boundaries and architectural character of Atlanta's existing neighborhoods seeks to promote the nodal form of commercial and multi-family development to relieve pressure on the neighborhoods and avoid development or expansion of strip commercial areas.<sup>111</sup>

Jurisdictions should assess the state and local building codes to determine if they have incorporated accessibility requirements of Section 504, the Fair Housing Act, Title II of the Americans with Disabilities Act, etc. for all housing activities. See Section III above under the Office of Building referencing the state and local code citations and applicability. When asked what policies and procedures were in place to enforce accessibility requirements, The Office of Building replied "The architect is required to show all accessibility requirements on the site plan as well as the building plans and the building inspectors ensures compliance as approved." The responses to the building-related questionnaire further verified that: no policy changes have taken place since 2006; no data on compliance was provided as requested; no expedited reviews are allowed; and that the Office of Building's policy is to rely on plan reviews and site inspections for enforcing accessibility requirements.<sup>112</sup>

When asked to what extent developers comply with existing requirements for accessible design in residential housing and public facilities, the Office of Buildings replied: "Developers are required to comply with any and all accessible design requirements." Further the Office of Buildings stated that it provided for no expedited reviews but works with the designers and developers/builders to educate them through the plan process in an effort to remove administrative barriers to

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<sup>110</sup> CDP at pp.552-564

<sup>111</sup> Id, at p. 574

<sup>112</sup> See Appendix B for Response from the City's Office of Building

affordable housing.<sup>113</sup> The City has been working to enforce the City's 1992 "barrier-free ordinance". This ordinance enacted a policy that requires that all new residential construction, developed with public funds, is designed to provide accessibility & usability for persons with disabilities.<sup>114</sup>

### Public Housing Authority

The Atlanta Housing Authority (AHA) defines itself as a "diversified real estate company with a public mission and purpose." AHA manages a multi-million dollar annual budget and is connected to many properties throughout Atlanta. AHA has undergone sweeping changes in the city's public housing program under a 2003 Move to Work (MTW) Agreement with the HUD. In addition to 13 residential communities<sup>115</sup>, AHA has created or entered into profit and non-profit partnerships to provide Mixed-Income, Mixed-Finance Communities. In its restructuring, AHA has incorporated four additional non-profit corporations and one for-profit corporation which partner in the housing delivery system.<sup>116</sup> Given the tremendous change in the supply and management of public housing by the Atlanta Housing Authority, Metro was unable to access or receive historical documents on policy. AHA provided Metro with the three policy documents adopted by the Board of Commissioners in March, 2012, and March, 2013.

The 2012 Amended and Restated Statement of Corporate Policies Governing the Leasing and Residency of Assisted Apartments is the fifth revision of policy, post - MTW Agreement, which apply to any apartment that receives public housing operating subsidy, regardless of the ownership structure of the community in which the apartment is located. The Commissioners outline a broad set of guidelines for screening, occupancy, accommodations, allowances and charges. This policy sets forth Management and Administration policies that provides, subject to AHA approval, independent operation by "Owner Entities" and their privately-retained Property Management Companies.<sup>117</sup>

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<sup>113</sup> See Appendix B for Questionnaires and Responses

<sup>114</sup> See Appendix B for Response from the City's Office of Housing for a copy of the ordinance and housing reports.

<sup>115</sup> Sixteen communities (rather than 13 identified by AHA) were identified in the MTW Annual Report, FY 2012. Of the 13 communities identified by AHA, 11 communities were for the elderly and disabled and 2 communities were for families.

<sup>116</sup> MTW Annual Report, FY June 30, 2012, Comprehensive Annual Financial Report & Independent Auditors' Report, at pp. 43-44, Note A, Organization and Nature of Operations

<sup>117</sup> 2012 Amended and Restated Statement of Corporate Policies Governing the Leasing and Residency of Assisted Apartments, March 28, 2012

The 2012 Statement of Policies for Supportive Housing, as amended and restated on March 27, 2013, provides the outline of project based rental assistance (PBRA) available for two year periods under Section 8 of the 1937 Housing Act, amended. PBRA "Supportive Housing Participants must qualify as very-low income members of one or more special needs populations such as homeless, persons disabilities, persons with mental health or developmental disabilities, U.S. military veterans, at-risk families and youth and other targeted groups who are enrolled in a supportive services program with a Service Provider and who require a stable housing arrangement to ensure the effectiveness of their respective Service Plans." <sup>118</sup>

The Commissioners outline AHA's Housing Choice Tenant-Based Programs in March, 2013, the eighth revision since the MTW Agreement with HUD. This policy outlines the guiding principles of AHA as a provider or sponsor of quality affordable housing, as a leader in community building initiatives. This policy also delegates the development and implementation of its operational procedures to the AHA Operations Division consistent with the policy outline on organization, maintenance, selection, rent limited to 30 percent or less of household monthly income, payment standards based on submarket rates and a deconcentration strategy. The Housing Choice Tenant-Based Programs are independent, separate from the PBRA program. This policy also identifies a Homeownership Policy, delegating the structure, terms and implementation to an AHA division designated by the President/CEO of AHA.<sup>119</sup>

## V. JURISDICTION'S FAIR HOUSING PROFILE

### Fair Housing Laws, Agencies and Enforcement

#### Federal Law

The federal Fair Housing Act<sup>120</sup> prohibits discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability. The U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, is charged with enforcing the federal Fair Housing Act. The Act contains administrative enforcement mechanisms, with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination, and

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<sup>118</sup> 2012 Statement of Policies for Supportive Housing, as amended and restated on March 27, 2013, p. 7.

<sup>119</sup> Amended and Restated Statement of Policies Governing the Housing Choice Tenant-Based Program, March 27, 2013. All policy documents are provided in Appendix B.

<sup>120</sup> Title VIII of the Civil Rights Act of 1968, 42 U.S.C. § 3601 *et seq.*

gives the Justice Department jurisdiction to bring suit on behalf of victims in federal district courts.

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

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

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated, then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party—complainant or respondent—may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil judicial action. Either form of action—the administrative proceeding or the judicial action—is subject to review in the U. S. Court of Appeals.<sup>121</sup>

In January 2012 HUD announced new regulations intended to ensure that HUD's core housing programs are open to all eligible persons, regardless of sexual orientation or gender identity. The final rule published in the federal register as *Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity*, makes the following general provisions: requires owners and operator of HUD-assisted housing or housing whose financing is insured by HUD, to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling, whether renter- or owner-occupied; prohibits lenders from using sexual orientation or gender identity as a basis to determine a borrower's eligibility for FHA-insured mortgage financing; clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or

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<sup>121</sup> 28 U.S.C. § 2342, see also <http://www.hud.gov/fairhousing>.

gender identity, will have the opportunity to participate in HUD programs; and, prohibits owner and operators of HUD-assisted housing or housing insured by HUD from asking about an applicant or occupant's sexual orientation and gender identity for the purpose of determining eligibility otherwise making housing available.

In July 2013 HUD proposed regulations to help better implement the long-standing *affirmatively furthering fair housing* component of the Fair Housing Act. HUD proposes to provide HUD program participants with more effective means to affirmatively further the purpose and policies of the Fair Housing Act, which is Title VIII of the Civil Rights Act of 1968. The FHA not only prohibits discrimination but, in conjunction with other statutes, directs HUD's program participants to take steps proactively to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities for all. As acknowledged by the U.S. Government Accountability Office (GAO) and many stakeholders, advocates, and program participants, the current practice of affirmatively furthering fair housing carried out by HUD grantees, which involves an *analysis of impediments to fair housing choice* (AI) and a certification that the grantee will affirmatively further fair housing, has not been as effective as had been envisioned. This rule accordingly proposes to refine existing requirements with a *fair housing assessment* and planning process that will better aid HUD program participants fulfill this statutory obligation and address specific comments the GAO raised. To facilitate this approach, HUD will provide states, local governments, insular areas, and public housing agencies (PHAs), as well as the communities they serve, with data on patterns of integration and segregation; racially and ethnically concentrated areas of poverty; access to education, employment, low-poverty, transportation, and environmental health, among other critical assets; disproportionate housing needs based on the classes protected under the Fair Housing Act; data on individuals with disabilities and families with children; and discrimination. From these data program participants will evaluate their present environment to assess fair housing issues, identify the primary determinants that account for those issues, and set forth fair housing priorities and goals. With this new clarity through guidance, a template for the assessment, and a HUD-review process, program participants should achieve more meaningful outcomes that affirmatively further fair housing.

### State Law

The Georgia Fair Housing Act<sup>122</sup> was passed by the Georgia Legislature in 1990, and amended in 1992. The Georgia Fair Housing Act is substantially equivalent to the

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<sup>122</sup> O.C.G.A. §8-3-200 *et seq.*

federal Fair Housing Act. The Georgia Commission on Equal Opportunity (GCEO) was a Fair Housing Assistance Program (FHAP) agency and enforced Georgia's state fair housing law until withdrawal from the program in 2011.<sup>123</sup> Substantial equivalency certification takes place when a State or local agency applies for certification and HUD determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act.

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

HUD has a two-phase procedure for the determination of substantial equivalency certification. In the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "on its face," the State or local law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent on its face will result in HUD offering the agency interim certification. Interim certification is for a term of three years. An agency must obtain interim certification prior to obtaining certification.

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

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<sup>123</sup> See Appendix B, Response with supplements from GCEO to Metro (July 11, 2013)

that the agency still qualifies for certification, HUD will renew the agency's certification for another five years.<sup>124</sup>

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

GCEO currently does not have substantial equivalency certification from HUD. The state fair housing law was previously designated as substantially equivalent, but lost the certification in 2011. Substantial equivalency certification results in housing discrimination cases having the benefit of State or local complaint processing. At the same time, the process assures that the substantive and procedural strength of the federal Fair Housing Act will not be compromised.

### Municipal Law

Atlanta's civil and human rights fair housing ordinance is codified as Chapter 94 of the Atlanta Municipal Code, as amended.<sup>125</sup> The ordinance prohibits discrimination against any person in Atlanta in the area of employment and fair housing on the basis of race, color, creed, religion, national origin, age, sex, disability, familial status, domestic relationship status, parental status, gender identity or sexual orientation.<sup>126</sup> The Mayor's Office of Constituent Services is an administrative commission, known as the Human Relations Commission (HRC), a seven member board appointed by the Mayor and City Council and "serve as the vehicle for addressing illegal discrimination in public accommodations, private employment, and housing within the City."<sup>127</sup> The HRC serves in the Mayor's Office of Constituent Services with the assistance of the City's Law Department. A certified letter of request for housing discrimination complaint data was directed to the Commissioner of the HRC on July

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<sup>124</sup> Id. GCEO's follow-up response confirmed that GCEO was recommended by HUD to "Voluntary Withdraw" from the FHAP Program due to years of noncompliance by previous Investigators.

<sup>125</sup> ATLANTA GA CODE, PT. II, CHAP. 94

<sup>126</sup> Id. § 94-92

<sup>127</sup> Id. § 94-10 to §94.41

26, 2013. Metro was informed by the Office of Constituent Services, (OCS) that no fair housing complaints had been received.

Based on the municipal ordinance, the HRC is vested with the authority to investigate allegations of discrimination and to make recommendations to the mayor and the city's housing agencies and to secure a response within 30 days.<sup>128</sup> Such action does not prevent the aggrieved person(s) from seeking judicial remedies. See the relevant local ordinance at Appendix F.

## Fair Housing Complaint Data

### National Action

The National Fair Housing Alliance's 2013 *Fair Housing Trends Report* announced that 28,519 fair housing complaints were filed nationwide in 2012. According to the report, this number reflects only the reported incidence of housing discrimination and may represent less than one percent of the estimated incidence of illegal housing discrimination that occurs each year in the United States. Private fair housing groups processed 10,680 or 69 percent, of the total complaint load, more than twice as many complaints investigated by public entities. HUD processed 1,817 complaints and state and local agencies processed 6,986. The Department of Justice filed 36 fair housing cases. Complaints alleging discrimination on the basis of disability continue to rank as the highest among all protected classes.<sup>129</sup> It is noted that many cases filed with HUD and FHAP agencies originated with private fair housing organizations.<sup>130</sup>

The chart below shows the number of fair housing complaints filed across the country since 2003. These represent complaints filed by 93 members of the National Fair Housing Alliance, FHAP recipients (107 state and local government agencies that receive HUD funding to investigate fair housing complaints), HUD, and DOJ.

NATIONAL DISCRIMINATION BY PROTECTED CLASS					
	NFHA Member Complaints	FHAP Claims and Complaints	HUD Claims and Complaints	DOJ Case Filings	TOTAL
2003	17,022	5,352	2,745	29	24,148
2004	18,094	6,370	2,817	38	27,319

<sup>128</sup> Id. § 94-92

<sup>129</sup> Natl. Fair Housing Alliance, *Modernizing the Fair Housing Act for the 21<sup>st</sup> Century*, 2103 *Fair Housing Trends Report*, April 11, 2013, at <http://www.nationalfairhousing.org>, at pp.14-16

<sup>130</sup> Id. at p.16

2005	16,789	7,034	2,227	42	26,092
2006	17,347	7,498	2,830	31	27,706
2007	16,834	7,705	2,449	35	27,023
2008	20,173	8,429	2,123	33	30,758
2009	19,924	8,153	2,091	45	30,213
2010	19,665	8,214	1,943	29	28,851
2011	17,701	7,551	1,799	41	27,092
2012	19,680	6,986	1,817	36	28,519

- .... HUD, FHAP and DOJ data are for Fiscal Year 2012. DOJ data represent case filings of HUD Election and Enforcement cases, and Pattern or Practice cases. DOJ's jurisdiction under the Fair Housing Act is limited to pattern or practice cases and cases referred by HUD. HUD, FHAP and NFHA data represent fair housing complaints received and/or investigated.

Atlanta residents who believe they have experienced housing discrimination may file their complaints through the following entities: HUD's Office of Fair Housing and Equal Opportunity (FHEO), Georgia Attorney General/Georgia Commission on Equal Opportunity, Atlanta's Office of Constituent Services, Human Rights Commission, Atlanta Legal Aid Society, Inc. or Metro. There is no cost for filing a complaint with any agency; fair housing complaints must be filed within one year after the discriminatory act(s). As part of the research conducted for completion of this AI, these entities were contacted and requested to provide summary information regarding fair housing complaints/cases processed involving Atlanta residents since completion of the 2006 AI.

#### U. S. HUD FHEO

Metro submitted a formal, written correspondence to HUD headquarters (Washington, D.C.) and Region IV (Atlanta, GA) dated August 1, 2013, under the Freedom of Information Act, FOIA Control No: 13-FI-R04-02059, requesting complaint intake and resolution information for the City of Atlanta, Georgia.

By letter dated September 19, 2013, Metro received the following data on filed cases with complaints in Atlanta or a location of violation in Atlanta, January 1, 2006-June 30, 2013:

A total of 349 incoming fair housing complaints/cases were received/docketed from Atlanta residents since completion of the 2006 AI, for the years 2006 through 2012, filed on 318 protected class bases (cases can have multiple bases, or reasons for filing the fair housing complaint; therefore, the total number of bases is typically greater than the number of cases filed and docketed). The number/type of bases filed during the seven-year period in descending order is as follows:

Race	173
Disability	161
Sex	74
Familial Status	36
National Origin	35
Religion	15
Color	9

Race and Disability rank as the top two bases of complaints for unfair housing practices, with gender discrimination in third place familial status in fourth place. Familial status almost tied with complaints based on National Origin.<sup>131</sup>

The Complainant(s) alleged in most cases that discrimination was based on a refusal to rent (63 claims) or different terms and conditions (206 claims) as a leading indicator of why the aggrieved person(s) did not acquire the necessary housing. Disability claims filed in most cases included the Respondents failure to make reasonable accommodations for the disabled (84 claims) or to permit reasonable modification (19 claims). HUD also filed on four types of claims based on lending patterns resulting in 254 cases filed and within the same time period 209 cases of those types of claims were closed. HUD indicated further, in its response, that during the seven-year documented period the same number of cases filed (349) were closed without details on how the cases were resolved.<sup>132</sup>

#### HUD Office of Policy Development and Research

In a 2012 nation-wide systemic paired testing study, more than 8,000 tests were conducted in a representative sample of 28 metropolitan areas. Atlanta was included in this study. This study focused on differential treatment discrimination - when equally qualified homeseekers receive unequal treatment from housing providers. Therefore, the study reports the share of tests in which the White tester was favored over the minority, the share in which the minority tester was favored over the White, and the difference between the two. This difference -- or net measure -- provides a conservative, lower-bound estimate of systematic discrimination against minority homeseekers. Race was the only basis studied in this test. The following is a brief summary of findings:

<sup>131</sup> Appendix B, Response from Deputy Regional Director, HUD, Region IV to Metro (August 29, 2013)

<sup>132</sup> Id.

- When well-qualified minority homeseekers contact housing providers to inquire about recently advertised housing units, they generally are just as likely as equally qualified White homeseekers to get an appointment and learn about at least one available housing unit. However, when differences in treatment occur, White homeseekers are more likely to be favored than minorities such as being told about and shown more homes than minority homeseekers.
- The most blatant forms of discrimination (refusing to meet with a minority homeseeker or provide information on any available units) have declined since 1977. The forms of discrimination that persist (providing information about fewer units) raise the costs of the housing search for minorities and restrict their housing options.
- Minority renters sometimes experience other forms of discriminatory treatment as well, relating to housing costs and quality and the helpfulness of the rental agent. These differences are less consistent and smaller in magnitude than the differences in numbers of units available and shown.<sup>133</sup>

#### State Administrative Action

##### Georgia Commission on Equal Opportunity (GCEO)

Metro reviewed the GCEO's official website,<sup>134</sup> specifically reviewing the complaint and intake process and procedures under the fair housing division. The following information is available online:

- The GCEO receives Fair Housing Complaints in-person as well as on-line.
- The Georgia Fair Housing Act requires all complaints must be filed in writing, signed and affirmed by the aggrieved person.
- Standing and Jurisdiction must be established before one of two housing investigators serve notice to the Responding Party.
- The investigators are neutral parties throughout the process and have all the tools of discovery under the Georgia Civil Practice Act as well as power to subpoena under the Georgia Fair Housing Act.

Metro requested complaint data by letter to the Executive Director and Administrator dated July 23, 2013. GCEO provided the following summary of its resolution process and case activities from 2006 through 2012:

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<sup>133</sup> HUD Office of Policy Development and Research, *Housing Discrimination Against Racial and Ethnic Minorities 2012* (June 2013), at 2-3, available at <http://www.huduser.org>

<sup>134</sup> <http://www.gceo.state.ga.us>

- The Georgia Fair Housing Law is substantially equivalent to the federal Fair Housing Act.
- The Fair Housing Division of GCEO has been investigating complaints since 1989.

The intake process begins with an intake questionnaire, from which jurisdiction is determined. Non-jurisdictional matters are dismissed with notice and reason provided by letter. Where jurisdiction is found, then a formalized complaint form is sent to complainant. This formal complaint must be signed, notarized and returned/received within ten days for GCEO to assign a case number and investigator.

- GCEO administrative closures are utilized only in limited and appropriate circumstances. A conciliation/settlement between the parties is attempted, to the extent feasible, until a hearing or judicial proceeding has begun.
- The first phase of investigation is review, interview, investigate, interrogate and analyze the facts. Failure of a Respondent to respond by second request results in referral to a Housing Manager for enforcement.
- The second phase is the preparation of the final Investigative Report and Summary of Findings and Determination Report. Then the investigator with the Manager discuss if more information is available or the case is submitted for closure.
- Reasonable cause is found to exist if the evidence gathered during the investigation indicates that it is more likely than not that the alleged discriminatory acts did occur.
- If, after the investigation has been completed, the Administrator of GCEO determines that there is reasonable cause to believe that a discriminatory housing practice has occurred or is occurring, the Administrator will issue a Charge of Discrimination. This Charge will state the facts upon which this determination was made, and the applicable provisions of law. The Complainant(s), Respondent(s) or aggrieved person(s) may then elect to pursue one of the following options:
  - (1) Request, within twenty (20) days of the receipt of the charge, that the Attorney General bring an action in the name of the State of Georgia on behalf of the aggrieved person. If the Executive Director has made a determination of reasonable cause, the Attorney General must file a civil action within thirty (30) days, as long as he/she is satisfied that the facts and the conclusions of law support the Administrator's findings. In an enforcement action, the Court may award equitable relief, compensatory damages, attorney fees and court costs, and a civil penalty (up to \$50,000, depending on circumstances); or
  - (2) If no party files a timely election to have this matter referred to the Attorney General, then an administrative hearing before GCEO's Board of Commissioners shall be conducted to hear evidence and rule upon

the issues and allegations enumerated in the Charge of Discrimination. Upon closing of the record, the Board of Commissioners will issue a Final Order. If the Board finds that any named party has violated one or more provisions of the Georgia Fair Housing Act, the Board may grant equitable relief, compensatory relief and attorney fees to the aggrieved person(s); or

- o (3) The aggrieved person may choose to file a civil action on his or her own, without resorting to the administrative options outlined above. The civil action must be filed in an appropriate Superior Court within two (2) years of the latest occurrence of the alleged discriminatory action. If the aggrieved person prevails in his or her civil action, the court may award: actual and compensatory damages, punitive damages, reasonable attorney's fees and court costs, and equitable relief.

Further, GCEO submitted the following data on complaints received during the analysis period of 2006-2012.

**Number of Incoming Complaints/Cases Received from the Atlanta Metropolitan Area**

NUMBER OF COMPLAINTS FILED BY BASES							
YEAR	RACE	COLOR	DISABILITY	FAMILIAL STATUS	RELIGION	NATIONAL ORIGIN	SEX
2006	96	3	43	20	0	18	30
2007	113	6	65	18	1	24	30
2008	130	19	96	31	4	44	63
2009	66	7	56	18	0	9	28
2010	27	0	28	8	0	3	12
2011	22	0	30	6	0	1	4
2012	20	1	3	2	0	2	0
2013	2	0	3	0	0	3	2

NUMBER OF COMPLAINTS FILED BY COUNTIES						
YEAR	CLAYTON	DEKALB	FAYETTE	FULTON	HENRY	TOTAL
2006	5	14	3	31	4	57
2007	2	10	2	56	3	73
2008	7	16	1	55	4	83
2009	5	4	1	29	1	40

PERCENTAGE OF HOUSING DETERMINATIONS FILED BY YEAR					
Determinations	2006	2007	2008	2009	2010
No cause Determination	64%	43%	51%	43	29%
Reasonable cause Determination	0%	0%	0%	2%	0%
Compl. failed provide Req. Info.	14%	9%	8%	11%	10%
Conciliation	8%	7%	8%	11%	8%
Case Transferred HUD	11%	25%	15%	16%	40%
Withdrawal with Benefits	3%	4%	8%	2%	2%
Chg. Issued	0%	2%	0%	0%	0%
Untimely Filed	0%	2%	0%	0%	0%
Unable to Locate Complainant	0%	4%	2%	2%	4%
Withdrawal	0%	4%	2%	2%	0%
Unable to identify Respondent	0%	2%	2%	2%	0%
Dismissed-Lack of Jurisdiction	0%	0%	4%	9%	6%

"GCEO was recommended by HUD to 'Voluntary Withdraw' from the HUD Fair Housing Assistance Program (FHAP) due to years of noncompliance by previous Investigators", thereafter, GCEO staff no longer entered data or had access to HUD stored data. This explains the differing totals of complaints filed over the years<sup>135</sup> and the reason GCEO did not include the number of cases filed by counties nor the determinations for 2011-2012 at the time of closure.<sup>136</sup>

A total of 1,116 incoming fair housing complaints/cases were received/docketed from Atlanta residents since completion of the 2006 AI, filed on 1,207 protected class bases (cases can have multiple bases, or reasons for filing the fair housing complaint; therefore, the total number of bases is typically greater than the number of cases filed and docketed). Following a peak occurring in 2007-2008 (581 complaints), a decreasing number of fair housing complaints was filed partly due to the withdrawal from the HUD FHAP programs that made referrals to GCEO. The number/type of bases filed during the six-year period in descending order is as follows:

Race	474
Disability	321
Sex	167
Familial Status	103
National Origin	101
Color	36
Religion	5

As GCEO responded: "The basis based on race is heavily skewed for unfair housing discrimination toward the African American Community by greater numbers than any other protected class under the Fair Housing Act." Disability came in second place for unfair housing practices, third place included Sex Discrimination; fourth place consist of the Latino Community based on National Origin and in fifth place where there has been an increase in Familial Status complaints (person under the age of 18 years). Color as a basis came in six place on the chart with an increase in 2008. The category for Religion was one percent (1%) of cases reported or investigated in 2007 with an increase of (4%) in 2008.<sup>137</sup>

The Complainant(s) alleged in most cases that a refusal to rent or different terms and conditions is a leading indicator as to why the aggrieved person(s) did not acquire

<sup>135</sup> Compare 2006- 210 complaints; 2007 - 257 complaints; 2008 - 324 complaints; 2009 - 156 complaints; 2010 - 78 complaints; 2011 - 63 complaints; 2012 -28 complaints.

<sup>136</sup> See Appendix B, Response with supplements from GCEO to Metro (July 11, 2013)

<sup>137</sup> Id.

the necessary housing. Disability claims filed in most cases included the Respondents failure to make reasonable accommodations for the disabled. Families with children (Familial Status) cases mostly involved the number of rooms that house children under the Fair Housing Law requirement. Respondents were very clear on how many individuals they would allow to live in the property."<sup>138</sup>

During the five-year documented period an average of 46 percent of cases were dismissed, an average 21.4 percent were transferred to HUD, and 8.4 percent were resolved by conciliation (note that cases resolved were not necessarily the same cases received as some resolved cases could have been received in a previous period, or received in the six-year period and pending resolution in a future period).

When asked to describe any notable instances of occurring/recurring cases, GCEO responded:

"Based on previous investigations, the Georgia Commission on Equal Opportunity is not aware of any occurring/recurring cases based on bases not currently protected under the State Fair Housing Law such as the (source of income, sexual orientation or gender identification (HUD's LGBT/Equal Access Rule)).

However, the Latino Community in most instances alleged that due to National Origin, Respondents tend to discriminate against them when it comes to disparate treatment. The tragedy of such treatment they feel is linked in part, is due to their citizenship status and the lack of concern for their issues as a protected class under the Fair Housing Act. As a result, the Latino Community tend to shy away from filing unfair housing discrimination claims for fear of retaliation."<sup>139</sup>

#### Municipal Action

Metro's review of the City's website demonstrated the difficulty of finding notice of local fair housing assistance or notice to constituents of fair housing rights/responsibilities and appropriate remedial process. Located on the website, under the Office of Code Compliance/Police, the information of affiliates recommended to assist constituents in addressing housing discrimination complaints was found to be out of date with incorrect contact information.

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<sup>138</sup> Id.  
<sup>139</sup> Id.

Atlanta Office of Constituent Services, Human Rights Commission  
(HRC)

On July 26, 2013, Metro submitted a formal written request to Chief Commissioner of the HRC for its housing discrimination complaint intake and disposition information from 2006 through February 2013, in connection with the completion of the 2013 AI. On September 30, 2013, Metro was informed by the Office of Constituent Services (OCS) with supporting documentation that no fair housing complaints had been received.

The Atlanta City Council assigned the enforcement of the 1977 ordinance, as amended in 1983 and 2000, and known as the Human Relations Code<sup>140</sup> to the HRC as a vehicle for addressing illegal discrimination in public accommodations, private employment and housing. Failure to publicize this responsibility and act under its authority constitutes an obstacle to equal and open access to housing choices.

Office of Code Compliance/Atlanta Police Department

Metro received a very detailed response from the Office of Code Compliance within the Atlanta Police Department, which provided the following tabulations of code enforcement as follows:

**In-Rem Activity:**

2011 -to date

118 Demolitions

128 Clean and Close Actions

2008-2010

91 Demolitions completed  
of 196 ordered

94 Clean and Close Actions  
of 175 ordered

**Code Compliance Inspections**

2009-to date

21,156 Highly Hazardous Category

29,256 Property Maintenance Category

Metro was also advised that City records indicate that, to date, there have been 2,121 registrations of vacant property with the City realizing \$230,000 in registration fees; and further that no fines have been assessed to date for failure to register.<sup>141</sup>

<sup>140</sup> ATLANTA GA. CODE § 94-91, et seq.

<sup>141</sup> Appendix B Response from Compliance Resolution Supervisor, Atlanta Police Dept., Code Enforcement Section to Metro (Oct. 4, 2013)

**Private Action**

**Atlanta Legal Aid Society, Inc. (ALAS)**

Atlanta Legal Aid Society, Inc. (ALAS) provides civil legal services to individuals with low incomes in the five county Atlanta metropolitan area, including substantial assistance to clients with landlord/tenant problems. In ALAS' response to Metro's August 1, 2013 inquiry, Charles R. Bliss, Director of Advocacy, identified several major areas of concern raised by observed trends in legal complaints that signify significant impediments to fair housing. ALAS provided a partial listing of recent resolved or pending cases that exemplify the following issues:<sup>142</sup>

**A. Accommodation of Residents with Disabilities Exempt under the Work Requirements of the Catalyst Program**

**Columbia Residential Mgmt. v. Sharon Seabrum**, Fulton Magistrate Court, File No. 08ED380962. The issue concerned the disability exemption from the Catalyst work requirements. The case was settled and the tenant remained in housing.

**Capitol Gateway v. Janie Williams Smith**, Fulton State Court. File No. 12DD00486. This was a Catalyst related rent calculation issue due to a disability. The case was settled and the tenant remained in housing.

**Villages of Carver v. Clover Allen**, Fulton Magistrate Court, File No. 12ED003878. Issue of sufficient documentation to certify disability. This matter is pending.

**Villages of Carver v. Shaneka Turner**, Fulton Magistrate Court, File No. 12ED599458. Issue of documentation to certify disability. The case is pending.

In 2009, Atlanta Legal Aid complained directly to AHA that its focus on work requirements under the MTW plan could lead to discrimination against disabled residents. Disabled residents are theoretically exempt from the MTW requirements. ALAS' general observation is that tenants who are receiving disability benefits under the Social Security Act are usually recognized as disabled. If, however, a tenant in the process of appealing to obtain benefits or is disabled but does not meet the extremely high requirements for Social Security benefits, AHA and its partners often do not recognize and accommodate the disability according to ALAS. Further complicating the issue is the difficulty in determining the responsible decision-maker, i.e., whether to address the claim to the public housing agency, the owner-entity partner or the private management company.

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<sup>142</sup> See Appendix B, Letter from Charles Bliss, Atlanta Legal Aid, dated October 6, 2013. See the AHA correspondence for rebuttal to the ALAS position also contained in Appendix B.

**B. Accommodation of Residents with Disabilities Who Need Others to Live with Them**

Many disabled people require someone to live with them in order to continue to live independently, even in public or subsidized housing. ALAS asserts that the assisted housing providers have not been flexible in accommodating disabled people who have limited choices about people who might live with and assist them. Examples of how these issues arise are set forth below:

Villages of Carver vs. Estate of Shirley Allen - Fulton Magistrate Court. This is an eviction action currently pending. In this case the custodial adult died leaving a minor and a disabled adult dependent. The provider denied a relative of the disabled adult from entering the lease as a caretaker, based on alleged criminal activity.

Villages of Carver v. Malencia/Marvin Hicks: Fulton Magistrate Court. In this case, ALAS represented a disabled senior who sought the work exemption for his live-in daughter whom he depended on for assistance. The filed action for eviction was withdrawn.

**C. Drug or Alcohol Addiction in the Past**

ALAS sees a number of clients with disabilities whose past history of drug or alcohol use is the basis of denial to public housing. In most cases, these matters are resolved by appeal through the AHA administrative process. These administrative processes do not provide a court record of these instances of alleged discrimination. ALAS' position is that the failure to accommodate problems caused by past drug and alcohol addiction frustrates efforts to rehabilitate and reintegrate these individuals back into society.

ALAS has also represented several individuals with old criminal histories related to drug abuse. In each case, the applicant was denied admission. When ALAS demonstrated evidence of rehabilitation in administrative hearing, the applicants were admitted, or in one case obtained a housing voucher. According to ALAS, without its representation, these applicants would not have been admitted. The ALAS Director of Advocacy is confident that many people with these issues are discouraged from applying, are denied housing and never appeal or simply never find legal representation.

**D. Accommodation of Tenants with Disabilities**

Heritage Station Apt. v. Estate of J.C. Allen, Fulton Magistrate Court, File No. 13ED019987. Issue of level of documentation required to certify a disability exemption from the Catalyst work requirement. The Catalyst issues were deferred for a year.

**E. Other Fair Housing Act Cases with Private Providers Not in Partnership with Public Housing**

Alderwood Trails v. Terrell Blalock. This case involves a counterclaim in a dispossessory for failure to make reasonable accommodation. The client had repeatedly asked to be moved to a first floor apartment since he had a deteriorating disc in his back which made it painful to climb stairs. St. Joseph's Hospital sent a letter to his complex requesting accommodation. The complex never responded and rented out first floor apartments to others. Although client had a handicapped parking permit, his spot was across the street from his complex.

Patsy Brown v. Shannon Villas Condominium Association. Two cases in which the condo association would deny parking or complicate access to the residence because of past due Home Owners Association fees, although client has a handicap sticker and other documentation.

Briarcliff Summit Apts. v. James Bunch. Dispossessory where the client asserted an ADA defense based on mental illness.

**F. Fair Housing Cases Arising from Lending Practices**

The Home Defense Program (HDP) is a program of the Atlanta Legal Aid Society that provides legal advice, referrals, and legal representation to homeowners facing the loss of their homes, who may have been targeted for predatory mortgage lending or servicing practices, and/or who may have been eligible for loan modifications, refinances, mortgage payment assistance, or other foreclosure prevention programs. HDP attorneys have provided advice, referrals, and legal representation to numerous homeowners residing in the City of Atlanta during the time period January 2006 through June 2013.

In the years leading up to the mortgage and foreclosure crisis (2006, 2007, and 2008), ALAS reported a drastic increase in the numbers of mortgage delinquencies and foreclosures, especially involving mortgage loans that contained predatory features or terms. The most pernicious and increasingly prevalent of these practices was

lending without regard to repayment ability. These mortgage loans typically included high interest rates, high closing costs and fees, deceptive teaser rates, interest only features, negative amortization, payments that exploded after a few short years, and/or balloon payments. Underwriting for these loans was extremely flawed when done and often nonexistent - loan applications were not even taken, were blank, were correctly completed but showed the homeowner could not afford the payments, or contained multiple inconsistencies that made clear the person did not qualify for the loan. The vast majority of ALAS clients were low and moderate income African Americans, Latino Americans, seniors, and disabled homeowners.

Between January 2006 and July 2013, the ALAS received 1,599 requests for legal assistance from Atlanta residents in matters concerning home ownership, predatory mortgage lending or servicing practices, and/or foreclosure or post-foreclosure issues. The vast majority of the residents were not provided full legal representation, but were provided advice only regarding their legal rights and options and/or referrals to housing counseling agencies, private attorneys, and other resources. During the same time, ALAS attorneys closed 265 mortgage, and foreclosure-related cases involving Atlanta residents, as a result of negotiating settlements of their legal claims, either with or without litigation. Typical settlements for HDP cases involved saving clients' homes by stopping or rescinding foreclosure sales, negotiating cancellations of mortgage loans, restructuring mortgage loans with lower balances, interest rates, and monthly payments, and negotiating short payoffs of mortgage loans using reverse mortgage proceeds for senior homeowners.

Although most HDP cases were resolved without filing lawsuits, the following cases were litigated in state or federal courts on behalf of homeowners residing in the City of Atlanta during the relevant time period. In each of the cases, the opposing parties disputed the legal claims raised by the homeowners.<sup>143</sup>

Berry v. Beneficial Mortgage Co. of Georgia and Beneficial Financial I Inc., United States District Court, Northern District of Georgia; Civil Action No. 1:10-CV-3259. Claims in this lawsuit included violations of the Truth in Lending Act and Georgia Fair Lending Act. This case has been settled.

Bussie v. SouthTrust Mortgage Corporation, Bank of America, N.A., as Trustee for Certificate Holders of Bear Stearns Asset Backed Securities I LLC, Series 2005-HE10, and CitiBank, N.A., as Trustee for Certificate Holders of Bear Stearns Asset Backed Securities I LLC, Mortgage Backed Certificates, Series 2005-8, Superior Court of Fulton County, Civil Action No. 2009-CV-170520. Claims in this lawsuit included

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<sup>143</sup> See Appendix B, Letter from Karen Brown, Atlanta Legal Aid Society, dated September 10, 2013

violations of the Georgia Fair Lending Act, Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

CitiFinancial Services, Inc. v. Mathies, Magistrate Court of Fulton County, State of Georgia, Civil Action File No. 08m-S086423; State Court of Fulton County, State of Georgia, Civil Action File No. 09vs153392c. The homeowner's claims in this lawsuit included violations of the Georgia Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Davis and Stone v. Chase Bank USA, N.A. and John Doe, United States District Court, Northern District of Georgia, Civil Action No. 1:09-Cv-2358. The homeowners in this lawsuit raised claims for violations of the Truth in Lending Act. This case has been settled.

Deutsche Bank National Trust Company, as Trustee in Trust for the Benefit of the Certificateholders for Ameriquest Mortgage Securities Trust 2005-r11, Asset-Backed Pass-Through Certificates, Series 2005-R11 v. Reid, Superior Court of Fulton County, Civil Action No. 2010-CV-181940. The homeowner in this lawsuit raised claims under the Georgia Fair Lending Act. This case has been settled.

Haley v. CitiMortgage, Inc. and Fannie Mae, United States District Court, Northern District of Georgia, Civil Action No. 1:09-CV-02073. This lawsuit included claims for violations of the Georgia Fair Business Practices Act, Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This lawsuit and the underlying claims have been settled.

Jordan v. NovaStar Mortgage Inc., Bank of New York Mellon Corporation, as Trustee, and JPMorgan Chase Bank, as Trustee, United States District Court, Northern District of Georgia, Civil Action No. 1:08-CV-03587. This lawsuit included claims for violations of the Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This matter has been settled.

Moody v. Wells Fargo Bank, N.A. and Deutsche Bank National Trust Company, as Trustee, United States District Court, Northern District of Georgia, Civil Action No. 1:10-cv-0277. The homeowner in this lawsuit raised claims for violations of the Truth in Lending, Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Reese v. Wachovia Bank, N.A., United States District Court, Northern District of Georgia, Civil Action No. 1:08-Cv-3461. This lawsuit raised claims for violations of the Georgia Fair Business Practices Act, Georgia Unfair or Deceptive Practices

Toward the Elderly Act, Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Scott v. Bank of America, N.A., United States District Court, Northern District of Georgia, Civil Action No. 1:09-cv-02958. This lawsuit brought claims for violations of the Truth in Lending Act, Fair Business Practices Act, Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, fraud, negligent misrepresentation, and negligence. This case has been settled.

Smith v. Wachovia Bank, N.A. and Fannie Mae, United States District Court, Northern District of Georgia, Civil Action No. 1:10-cv-00246. This lawsuit included claims for violations of the Unfair or Deceptive Practices Toward the Elderly Act, breach of duties under the Georgia Residential Mortgage Act, negligence per se, negligence, fraud, and negligent misrepresentation. This case has been resolved between the parties to their mutual satisfaction.

WM Specialty Mortgage, LLC v. Hernandez and Georgia Department of Revenue, Superior Court of Fulton County, Civil Action No. 2008 CV 154198. This lawsuit included claims for violations of the Georgia Fair Lending Act, breach of duties under the Georgia Residential Mortgage Act, fraud, and negligent misrepresentation. This case has been settled.

#### Metro Fair Housing Services, Inc. (Metro)

While there are several housing counseling and other agencies in the jurisdiction who provide fair housing assistance, Metro fills a unique void in this market as it is the only private, non-profit, full service, fair housing organization in Atlanta and the 10-county regional area that is currently engaged in comprehensive education/outreach and enforcement activities.

Metro's overall objective is to fight housing discrimination in metropolitan Atlanta and to promote equal housing opportunities throughout Georgia. Metro envisions continuing to play a major role in bringing housing discrimination to an end by empowering people through education, advocacy, and the enforcement of federal, state and local fair housing laws. Metro employs a three-tiered strategy of Education & Outreach, Intake & Counseling and Enforcement to accomplish its mission:

- The *Education and Outreach Initiative* is designed to ensure that the general public and protected classes become knowledgeable concerning Fair Housing laws and the means available to seek redress for fair housing rights violations, and includes private housing industry provider education programs structured to furnish developers, real estate brokers, property managers, financial

institutions, and the media/advertising industry with the most current information necessary to fully comply with federal, state and local fair housing laws.

- The Intake & Counseling Initiative provides complaint intake and counseling services. The *Housing Discrimination HELP LINE* provides complaint intake, information and referral services, counseling services, and assistance to all residents seeking housing opportunities. Housing Counseling services are designed in compliance with the U. S. Department of Housing and Urban Development's approval criteria for local housing counseling agencies and provides comprehensive homebuyer counseling services free of charge to all participants as follows: Pre-Purchase Homebuyer Certification Workshops; Pre-Purchase Counseling; Mortgage Delinquency and Default Prevention Counseling; Financial Management/Budget Counseling; Home Improvement and Rehabilitation Counseling; Federal, state Fair Housing and Fair Lending Education.
- The Private Enforcement Initiative involves testing and investigation of alleged Fair Housing violations in the State of Georgia, the prevention and elimination of discriminatory housing practices, and pursuing the enforcement of meritorious claims.

In 2011, Metro began providing comprehensive Fair Housing Planning Services to public housing authorities who were defendants in litigation brought by the Department of Justice for alleged violations of the Fair Housing Act, generally around tenant selection and placement practices. Those services include, but are not restricted to: HUD-approved 8-hour Employee Education Programs (curriculum development and training); preparation of *Analysis of Impediments to Fair Housing Choice* studies for the PHA; and fair housing consultant services.

Metro is a 39-year old civil rights organization which serves as a statewide catalyst in advocating fair housing initiatives and has been funded eight times under the federal (enforcement) Fair Housing Initiatives Program (FHIP) since 1993. Fair Housing enforcement activities are necessary for the intake and investigation of individual housing discrimination complaints, as well as exposing systemic patterns and practices of housing discrimination.

Metro Fair Housing Specialists investigate complaints through testing, contact, and evaluation of evidence. Trained testers visit local rental and sales offices (identified in either systemic or complaint based evaluations) to obtain information regarding availability of housing, costs, and amenities. The results of these tests are evaluated

by trained staff to determine if persons of protected characteristics are receiving equal housing opportunities.

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

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

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

- U.S. HUD - funding for education & outreach and enforcement activities that allow complainant intake, testing and investigation of allegations of fair housing violations and the pursuit of meritorious claims through mediation or litigation; co-sponsors of training events
- U.S. Department of Justice - strong partnership for localized complaint-based and systemic testing and funding
- National Fair Housing Alliance (NFHA) - membership provides important information on national fair housing/fair lending trends and issues, fair

housing case law updates, access to lawmakers and financial resources to further Metro's mission

- Georgia Commission on Equal Opportunity (GCEO) - state organization charged with enforcing the fair housing state law; serves as a resource for complaints and referrals
- Atlanta Legal Aid - partnership that allows for client referrals

Metro provides the Fair Housing training during the Homebuyers' Educational seminars for the following partners:

- The Center for Working Families - an organization that works with prospective homebuyers
- CredAbility - a credit and debt management organization
- Resources for Residents and Communities Organization - a Homeownership Center
- Parent AS Partner Academic Center (PAPAC) - a parent community program in the Atlanta Public School System

Metro provides Fair Housing and/or Landlord/Tenant trainings for the following organizations:

- Hands On Atlanta- a School-Based AmeriCorps Program
- GLAHR-Georgia Latino Alliance for Human Rights - an advocacy organization serving the Latino community
- Latin American Association - an organization that serves the Latino community
- Urban League of Greater Atlanta - an organization that assist the community with employment, careers and entrepreneurship
- Bible Way Ministries - a Church organization that assists the community in various outreach programs
- BLOC - a Community Building and Community Organizing Program
- Refugee and Immigrant Affordable Housing Forum (RIAH) - offers various strategies to assist refugees and immigration problems.
- Spelman College, Sociology and Anthropology Department
- Atlanta Regional Housing Forum - housing developers, policy makers and advocates addressing barriers to efficient and responsible housing
- Goodwill Northeast Plaza, Career Center - transforms lives in the community through education and job training
- Youth Connections - a program that assists the youth by placing mentors to assist with the daily activities of youth
- African American Outreach Initiative - an organization that Faculty and Staff members of schools meet to improve the access and success of the Community.

- Stand Up Alliance - an organization that provides information and resources to help create healthy, livable neighborhoods
- Empire Board Of Realist - a National Board of Real Estate Brokers
- The Georgia Law Center For The Homeless - a Law firm that provides free quality, civil legal services to the homeless
- Atlanta Volunteer Lawyers Foundation - develops and coordinates programs that provide legal representation, education and advocacy for at risk, for low income individuals.
- Georgia Legal Services - a non-profit law firm serving rural and small town Georgia
- Travelers Aid - a program that is dedicated to the prevention of homelessness
- The Center for the Visually Impaired (CVI) - empowers people with vision loss to live with independence and dignity
- Salvation Army - an organization that assists people due to financial hardship

In its 39 years of service, Metro has effectively responded to fair housing complaints and housing related inquiries and has trained volunteer testers who have effectively and impartially gathered evidence necessary to substantiate allegations of discrimination. The agency successfully enlists private laws firms to contribute their services on a *pro-bono* or on a contingent basis for litigation and/or settlement of housing discrimination cases.

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

From January 2008 to June 30, 2013, Metro received 1,107 inquiries/referrals of which 204 (or 18.5%) were fair housing discrimination complaints. An all-time low in 2008 (3) was followed by an all-time peak in 2009 (56). Discrimination complaints dropped drastically in 2010 (16), increased significantly in 2011 (47), dropped slightly in 2012 (37) and are on pace for a new level in 2013 with 45 complaints received as of June 30, 2013.

**j All Fair Housing Complaints Received by Protected Class/Basis  
2008 - 2013**

Protected Class/Basis	2008	2009	2010	2011	2012	2013 thru 6/30	TOTALS
Race		22	06	09	06	16	59
Color						2	2
Disability	2	17	07	24	17	18	85
Familial Status	1	6	0	5	4	2	18
Sex	0	4	1	5	2	1	13
National Origin	0	5	2	4	8	6	25
Religion	0	2	0	0	0	0	2
<b>TOTALS</b>	<b>3</b>	<b>56</b>	<b>16</b>	<b>47</b>	<b>37</b>	<b>45</b>	<b>204</b>

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

Disability	85
Race	59
National Origin	25
Familial Status	18
Sex	13
Religion	2
Color	0

Disability (41.6%) and Race (28.9%) accounted for the overwhelming majority of complaints, followed by National Origin (12.2%), while Familial Status, Sex (gender) and Religion together account for 16.1 percent.

From January 2008 to June 30, 2013, Metro received 40 fair housing discrimination complaints from Atlanta residents: one in 2008 (3); 10 in 2009; 4 in 2010; 10 in 2011; 6 in 2012; and, 9 received as of June 30, 2013, an indication that 2013 will outpace precious years.

City of Atlanta Fair Housing Complaints Received by Protected Class/Basis  
2008 - 2013

Protected Class/Base	2008	2009	2010	2011	2012	2013 thru 6/30	TOTAL
Race	0	2	2	1	0	4	9
Color	0	0	0	0	0	1	1
Disability	0	3	2	4	5	2	16
Familial Status	1	2	0	1	0	0	4
Sex	0	1	0	3	0	1	5
National Origin	0	1	0	1	1	1	4
Religion	0	1	0	0	0	0	1
TOTALS	1	10	4	10	6	9	40

Disability	16
Race	9
Sex	5
National Origin	4
Familial Status	4
Religion	1
Color	1

Disability (40%) and Race (22.5%) account for the overwhelming majority of complaints (62.5%) from Atlanta residents, followed by Sex (12.5%), National Origin (10%), and Familial Status (10%), with Religion and Color together making up .05 percent of all complaints.

Fair Housing Testing Data

Metro conducted fifty (50) housing discrimination tests in accordance with the City of Atlanta's AI contractual requirements under the Systemic Audit Phase. The tests were conducted between January and September, 2013. Of the fifty (50) tests, forty (40) were designed to detect differences, if any, in information and treatment afforded to persons who differ in *Race* (10), *Familial Status* (10), *National Origin* (10), and the *presence of a physical Disability* (10) in the search for *rental housing* in the City of Atlanta. The remaining ten (10) Lending tests were designed to detect differences, if any, in information and treatment afforded to persons who differ in *Race* when attempting to secure a pre-qualification determination for a first-time home loan at local *mortgage lending institutions*.

Testing sites were selected from a broad geographical area encompassing all quadrants of the City of Atlanta. For purposes of this study, the intersection of I-20 (East/West) and 75/85 (North/South) was considered the center point. From the center point sites were selected in the Northeast, Northwest, Southeast and Southwest quadrants of the city.

"Tester" is the term used to describe an individual who, with no intent to rent or purchase housing, poses as a home seeker for the purposes of collecting information about the business practices of the entity being tested. Potential testers are carefully screened and submit to a background check. Persons with convictions of crimes involving fraud or perjury are not allowed to become Metro testers. Testers attend an intense 8-hour training session and must complete and be debriefed on a practice test before they are allowed to become a Metro professional tester. In addition, several mandatory "In-Service Training Sessions" are held throughout the year that testers must attend to remain eligible Metro testers.

In matched-paired testing, two testers are deployed to the same entity to inquire about accommodations for rent (or a mortgage in the case of mortgage lending testing). Both testers are similar in every aspect except the variable being tested. With all other things being equal or held constant, the protected class of the tester becomes the isolated variable. The tester holding the variable being tested is the "Protected" tester. For example in a familial status test, the tester with children would be the protected tester in that he/she holds the variable being tested (children). The tester who does not hold the variable being tested is referred to as the "Comparison" tester.

Of the fifty (50) tests conducted, twenty-five (25), or 50 percent, reveal evidence of non-compliance with the protections afforded under the Fair Housing Act. Evidence of non-compliance was revealed in 40 percent of race/rental tests, 60 percent of familial status/rental tests, 90 percent of national origin/rental tests, 40 percent of disability/rental tests and 20 percent of race mortgage lending tests.

### Test Analysis

Each housing discrimination test was analyzed by Metro enforcement staff and was assigned one of three possible determinations:

1. No Significant Difference (NSD)

A test is assessed a determination of no significant difference when testers receive similar or exact treatment and information.

**2. Non-Compliance**

A test is assessed a determination of Non-Compliance when one or more significant differences exist in treatment and information provided to the tester who holds the variable being tested.

**3. Inconclusive**

A test is assessed a determination of inconclusive if the information reported by the tester is not sufficient to draw a reasonable determination. The primary reason for inconclusive tests is generally tester error. No tests in this study received an inconclusive determination.

In order to properly assess the treatment of testers in the analysis process, a five-factor analysis was employed. The five points of analysis considered in each housing discrimination test are as follows:

1. Cost/Price
2. Availability
3. Information
4. Terms and Conditions
5. Service and Treatment

In the case of disability testing, three (3) additional analysis factors apply:

1. Refusal to permit a reasonable accommodation
2. Refusal to permit a reasonable modification
3. Non-Compliant Multi-Family dwelling as promulgated in the Fair Housing Act

**Systemic Audit Results**

Test Type	Basis	Total Tests	Total Non-Compliance	Percent Non-Compliant
Rental	Race	10	4	40%
Rental	Familial Status	10	6	60%
Rental	National origin	10	9	90%
Rental	Disability	10	4	40%
Lending	Race	10	2	20%
		50	25	50%

**Race**

Of the four (4) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Differences in Availability
- Differences in Service and Treatment
- Differences in Terms and Conditions
- Differences in Information

All differences were favorable to the comparison tester.

#### Familial Status

Of the six (6) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Difference in Availability
- Difference in Service and Treatment

All differences were favorable to the comparison tester.

#### National Origin

Of the nine (9) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Differences in Price
- Differences in Availability
- Differences in Service and Treatment
- Differences in Terms and Conditions
- Differences in Information

Differences discovered in seven (7) of the nine (9) tests were favorable to the comparison tester. Differences discovered in two (2) of the nine (9) tests were favorable to the protected tester.

#### Disability

Of the four (4) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Refusal to permit reasonable accommodation
- Non-Compliant Multi-Family dwelling as promulgated in the Fair Housing Act (FHA)

#### Lending

Of the two (2) tests yielding a determination of Non-Compliance, the following differences were revealed during test analysis:

- Differences in Information

All differences were favorable to the comparison tester.

### NHFA Real Estate Sales Testing Results

In the *2007 Fair Housing Trends Report*, The National Fair Housing Alliance (NFHA) discussed real estate sales discrimination revealed during their investigations

conducted in several jurisdictions across the country including the Atlanta Metropolitan area. Section 1 of the report subtitled, "Racial Steering, Closed Doors, and Lost Homes: Documenting Housing Discrimination and its Roots," accurately describes the findings in this investigation. In the report, NFHA describes the results of the investigation as, "reveal[ing] discriminatory steering practices and other illegal behaviors that are both striking and pervasive." The study showed that even some real estate agents that knew the Fair Housing Act still persisted in exhibiting discriminatory behavior:

*"In the Atlanta metro area, some agents said they knew it was against the law, but proceeded to steer and/or make comments about race or national origin."*

In Atlanta three (3) discriminatory patterns were identified in real estate discrimination testing:

1. Outright denial of services to African-Americans and Latinos
2. Offering significant financial incentives to Whites but not to African-Americans or Latinos
3. Steering potential purchasers on the basis of race or national origin

Moreover, two (2) discriminatory patterns were identified with the 3 aforementioned patterns:

1. Illegal comments by real estate agents based on race and religion
2. Use of schools as a proxy for the racial composition of a neighborhood or community

<i>Fair Housing Implications:</i>	<i>Significant numbers of housing discrimination complaints and testing evidence of non-compliance indicate the need for on-going and increased enforcement and educational efforts.</i>
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### **Fair Housing Discrimination Litigation Filed**

The following summary lists relevant fair housing cases litigated in the State since the 2006 AI. Recent litigation filed throughout the State of Georgia indicates the prevalence of violations of the Fair Housing Act by housing providers on the basis of Race or Color, Disability, Familial Status and Sex (gender):

**United States v. Lawrence Properties, Inc., et al. (M.D. Ala.)**

On September 10, 2012, the United States filed a complaint in *United States v. Lawrence Properties, Inc., et al.* (M.D. Ala.) against the owner and operator of the Heritage Point mobile home park in Montgomery, Ala., alleging that the companies and their employees or officers discriminated against African-Americans. The complaint, names several defendants, including Lawrence Properties Inc., which manages Heritage Point, William Bounds, the district supervisor for Lawrence Properties, Lawrence at Lakewood LLC, which owns the property and Michael Lawrence, the president of the Lawrence at Lakewood, LLC. The complaint alleges that Lawrence instructed property managers not to rent to African-American applicants at Heritage Point or other mobile home parks managed by Lakewood throughout Alabama and Georgia. The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination. A pattern or practice claim was later added to the complaint.

**United States v. Genesis Designer Homes, et al. (S.D. Ga.)**

On October 26, 2011, the court entered a partial consent order with Thomas & Hutton Construction Co., the site engineer in *United States v. Genesis Designer Homes, et al.* (S.D. Ga.). The complaint, which was filed on September 26, 2007, and amended on November 12, 2008, was consolidated with private litigation brought by Savannah-Chatham County Fair Housing Council, Inc. The cases challenge the failure to design and construct two multifamily housing developments to be accessible to persons with disabilities under the Fair Housing Act. The partial consent order with Thomas & Hutton requires the defendant to fund and provide an array of services to retrofit the public and common use areas of both properties, including \$2,000 to LIFE, Inc., a non-profit advocacy organization for persons with disabilities, to administer the oversight of the public and common use area retrofits; pay \$227,500 into a retrofit fund to fund selected retrofits for approach walks to units at the two properties; and pay \$50,000 to named aggrieved persons and \$158,375 in monetary damages to SCFHC. In addition, Thomas & Hutton agrees to standard injunctive relief including, non-discrimination in future construction, training and reporting requirements. The consent order is in effect for three years. On June 13, 22 and 30, 2011, the court entered partial consent orders resolving the United States' remaining claims against the three other defendants: Genesis Designer Homes, Inc., Malphrus Construction Co. and Genesis Real Estates Group, LLC, respectively. All three entities are no longer in business. Each of the three prior partial consent orders, which is in effect

for five years, provides that if any defendant re-enters the business of designing and constructing multi-family housing, it agrees to standard injunctive relief and employee training and reporting requirements.

**United States v. Georgian Manor, et al. (N.D. Ga.)**

The case was referred to the Department of Justice after the Department of Housing and Urban Development (HUD) received a complaint from Metro Fair Housing Services, conducted an investigation, and issued a charge of discrimination. The pattern or practice/election lawsuit charged that the realtors advertised a "no-child policy" at a unit for sale in the Georgian Manor Condominiums in Atlanta and that they refused to show the unit to potential buyers with children in violation of the Fair Housing Act. A prior partial consent order entered on April 8, 2010 with the unit owners who followed the discriminatory rules of the condominium association required them to pay \$7,500 to the complainant, \$2,500 civil penalty to the United States and abide by a general injunction. On November 12, 2010, the court entered a partial consent order in *United States v. Georgian Manor, et al.* (N.D. Ga.). The order requires realtors Harry Norman Realtors (HNR) and Jennifer Sherrouse to collectively pay \$5,000 to the complainant fair-housing group, \$30,000 to a settlement fund, and a \$25,000 civil penalty. It also requires injunctive relief, including training and reporting.

**United States v. Housing Authority of the City of Royston (M.D. Ga.)**

On September 27, 2010, the United States filed a complaint and consent decree in *United States v. Housing Authority of the City of Royston* (M.D. Ga.), a Fair Housing Act pattern or practice case. The complaint alleged that the Royston Housing Authority (RHA), a public housing authority that oversees seven housing complexes in Royston, Georgia, violated the Fair Housing Act by maintaining racially segregated housing complexes and steering applicants to housing complexes according to race. The consent decree, which was approved by the court on September 29, 2010, provides for a settlement fund of \$270,000 to compensate victims of the RHA's discriminatory conduct. The consent decree also requires the RHA to develop and implement nondiscriminatory practices and procedures, provide Fair Housing Act training for its employees, ensure that new units are located in areas that do not further racial segregation, provide tenants who have been discriminated against the option to transfer to another unit or complex, and submit to record keeping and reporting requirements. The consent decree was entered on September 29, 2010, and shall remain in effect for five (5) years to September 29, 2015.

**United States v. Housing Authority of the City of Winder (N.D. Ga.)**

On September 26, 2008, the United States filed a lawsuit and consent decree in *United States v. Housing Authority for City of Winder* (N.D. Ga.). The settlement, which was approved by the court on September 29, requires the Housing Authority for the City of Winder, Ga., (WHA) to pay up to \$490,000 to resolve allegations that it engaged in a pattern or practice of discriminating against African-American tenants and housing applicants. The WHA is a public housing authority that provides housing for persons of low income in Barrow County, Ga. Currently, the WHA owns and maintains nine public housing complexes in the city of Winder, and the neighboring towns of Statham and Braselton, Ga. The complaint alleged that the WHA maintained racially segregated housing by assigning applicants to vacant units based on race, rather than in order of their placement on WHA's waiting list. The complaint also alleged that the WHA subjected African-American tenants to inferior terms and conditions of rental.

**United States v. Post Properties (N.D. Ga.)**

On September 23, 2010, the United States filed a complaint in *United States v. Post Properties* (N.D. Ga.), against Post Properties, Inc., Post Apartment Homes, L.P., and Post GP Holdings alleging that defendants failed to provide accessible features required by the Fair Housing Act and the Americans with Disabilities Act at multi-family housing developments in six states. According to the complaint, Post has designed, constructed and developed at least 50 multi-family apartment complexes in Georgia, Texas, Florida, New York, North Carolina, Virginia and the District of Columbia. Nineteen of these properties are in the Atlanta region. All together, the properties constitute more than 17,000 units. At least half of the units have elevators that serve every unit, requiring that each unit comply with the Fair Housing Act's accessibility requirements. Post operates many of these properties as rentals.

**United States v. Housing Authority for the City of Eastman (S.D. Ga.)**

On September 7, 2010, the United States filed a complaint and consent decree in *United States v. Housing Authority of the City of Eastman* (S.D. Ga.), a Fair Housing Act pattern or practice case. The complaint alleges that the Eastman Housing Authority (EHA), a public housing authority that oversees eight housing complexes in Dodge County, Georgia, violated the Fair Housing Act by maintaining racially segregated housing complexes and steering applicants to housing complexes according to race. The consent decree, which was entered by the court on October 18,

2010, provides for a settlement fund of \$320,000 to compensate victims of the EHA's discriminatory conduct. The consent decree also requires the EHA to develop and implement nondiscriminatory practices and procedures, provide Fair Housing Act training for its employees, and submit to record keeping and reporting requirements. The consent decree will remain in effect for five years.

**United States v. Coldwell Banker Joe T. Lane Realty, Inc. (N.D. Ga.)**

On February 9, 2010, the court entered a consent order resolving a lawsuit which originated from a complaint filed by the National Fair Housing Alliance (NFHA) with the U.S. Department of Housing and Urban Development (HUD). The original complaint, filed in February 2008 and amended in January 2009 was developed by testing conducted by NFHA of Coldwell Banker Joe T. Lane Realty Inc. in 2003 and 2004 and revealed that a real estate agent had steered White testers towards areas that are predominately White and away from areas that are predominately African-American because of race or color, in violation of the Fair Housing Act. According to the complaint, before showing the tester any homes, the agent told the tester that he did not know where to take the tester because he could not tell from talking on the telephone whether the tester was White. The agent said words to the effect that "I didn't know if you were a Caucasian or not over the phone." The complaint also alleges that Coldwell Banker Joe T. Bank Realty is vicariously liable for Mr. Foreman's conduct. The consent order requires that the Defendants Coldwell Banker Joe T. Lane Realty Inc., Coldwell Banker Bullard Realty Company Inc. and Rodney Lee Foreman, one of their former real estate agents, pay \$160,000 to settle allegations that they illegally steered prospective homebuyers toward and away from certain neighborhoods based on race and color. The case was referred to the Division after HUD received a complaint, conducted an investigation and issued a charge of discrimination. **United States v. Morgan, et al. (S.D. Ga.)**

The complaint, filed on September 8, 2008, alleged Darwin Kenneth Morgan and his company DK Morgan Consolidated LLC, violated the Fair Housing Act in the rental of mobile homes and mobile home lots at Morgan Mobile Home Park in Bloomingdale, Ga. Specifically, the complaint alleged that Morgan refused to rent to inter-racial couples, made statements indicating a racial preference, and misrepresented the availability of units to African-American prospective tenants. The complaint also alleged that Morgan subjected female tenants and prospective tenants to unwanted verbal and physical sexual advances, granted and denied tangible housing benefits based on sex, and took adverse action against female

tenants when they refused or objected to his sexual advances. On June 23, 2010, the court entered a consent decree resolving *United States v. Morgan, et al.* (S.D. Ga.), a Fair Housing Act case alleging that the Defendants engaged in a pattern or practice of discrimination on the base of race or color and sex. Under the terms of the consent the Defendants are required to pay a total of \$680,000 in monetary damages and civil penalties. The consent decree also includes broad injunctive relief, including an independent manager provision, training and reporting requirements. The government's investigation and lawsuit arose after the Savannah-Chatham County Fair Housing Council alerted the Civil Rights Division to Morgan's discriminatory activities. The consent decree will remain in effect for four years.

**United States v. Herbert Bolt, et al. (S.D. Ga.)**

On September 27, 2007 the United States filed a complaint and a consent decree in *United States v. Bolt* (Hickory Plantation Apartments) (S.D. Ga.), a Fair Housing Act pattern or practice case which was developed through the Division's testing program, alleging discrimination on the basis of disability. The complaint alleges that the defendants violated the Fair Housing Act by refusing to rent an apartment at Hickory Plantation to a visually impaired individual who used a guide dog. Under the consent decree the defendants will pay \$35,000 to compensate any aggrieved victims at Hickory Plantation and Willow Way Apartments, pay a \$20,000 civil penalty to the United States government, establish and follow non-discriminatory tenancy procedures, undergo fair housing training, and file reports with the government. The court entered the consent decree on October 31, 2007.

**Metro Fair Housing Services, Inc.**

While Metro has filed additional discrimination lawsuits since completion of the 2006 AI, only those filed involving City of Atlanta properties, or having an impact on Atlanta properties/state case law, are discussed herein.

*National Fair Housing Alliance, Inc.; Fair Housing of Marin, Inc.; Fair Housing Napa Valley, Inc.; Metro Fair Housing Services, Inc.; and Fair Housing Continuum, Inc.*

*v.*

*A.G. Spanos Construction, Inc.; A.G. Spanos Development, Inc.; A.G. Spanos Land Company, Inc.; and A.G. Spanos Management, Inc.*

On June 21, 2007, the National Fair Housing Alliance (NFHA) and four of its member fair housing organizations filed a federal housing discrimination lawsuit against AG Spanos Companies, a builder and developer of multifamily housing and commercial properties in at least 16 states. In the lawsuit, the plaintiffs alleged that Spanos

failed to comply with federal accessibility standards in the design and construction of their properties in violation of the Fair Housing Act, as amended. AG Spanos Companies is headquartered in Stockton, CA with regional division offices across the country. The fair housing organizations investigated 35 apartment complexes in California, Arizona, Nevada, Texas, Kansas, Georgia and Florida, all of which failed to meet the accessibility requirements of the Fair Housing Act and the Americans with Disabilities Act. These 35 properties, totaling more than 10,000 individual apartment dwelling units, represented only a sample of the at least 84 Spanos properties that are covered by the federal Fair Housing Act. The Fair Housing Act makes it illegal to discriminate based on race, color, national origin, religion, sex, disability or familial status. Since 1991, AG Spanos had engaged in a continuous pattern and practice of discrimination against people with disabilities by designing and/or constructing multifamily dwellings with significant design flaws that render them inaccessible to people with disabilities. Examples of accessibility barriers include no handicap parking spaces, steep slopes, steps instead of ramps, narrow door widths and passageways, insurmountable thresholds, and inaccessible bathrooms and kitchens. Still others place environmental controls and electrical sockets beyond the reach of wheelchair users, and have constructed leasing offices, common restrooms, recreational and entertainment facilities in such a way to make them inaccessible to wheelchair users.

The lawsuit was resolved with Spanos agreeing to pay more than \$12 million to retrofit 13,200 units in 41 developments throughout the country, among other affirmative steps.<sup>144</sup> One stipulation of the settlement was to produce a report on the housing needs of people with disabilities in the state of Georgia that would:

- illustrate the barriers people with disabilities currently face in finding appropriate housing;
- describe best practice models for ways to address these barriers; and,
- offer recommendations for ways to ensure access to appropriate housing.

Spanos agreed to the development of a "white paper" providing full funding to Metro Fair Housing Services, Inc. Metro convened a panel of more than 30 experts to develop the public policy report, *"Shut Out, Priced Out and Segregated: The Need for Fair Housing for People with Disabilities."* The panel consisted of people with disabilities, housing and disability advocates, architects, builders, developers, planners, professors, mortgage brokers, state agency representatives, attorneys, housing organizations, fair housing professionals and others. The housing and disability experts recognized the depth of the issues of discrimination against this

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<sup>144</sup> National Fair Housing Alliance, *Settlement Agreement Summary*, January 13, 2010 at p. 2-3

protected class by the experience of Georgia in two previous legal decisions: Olmstead v. L.C., 527 U.S. 581 (June 22, 1999), establishing the right of individuals with disabilities to choose to live in their communities rather than institutions and the subsequent consent order between the U.S. and the state requiring Georgia to deinstitutionalize persons with disabilities, as appropriate with proper community support and services.

This coalition of experts and advocates have now become known by the acronym of the policy paper name, the SOPOS Coalition, and are continuing to work on several levels in the state, focusing on the three elements seen as essential to providing appropriate housing options to persons with disabilities: accessibility, affordability and integration. The Coalition supports the following two recommendations:

1. Address the three elements of fair housing for people with disabilities by:
  - a. Passing legislation that requires basic access in all new housing not yet covered by current law or policy.
  - b. Enhance opportunities for the education of architects, designers, developers and builders of single-and multi-family housing.
  - c. Commission research to quantify the need for housing that is both accessible and affordable for people with disabilities and creating a comprehensive housing plan that addresses the identified need.
  - d. Increase availability of low-income housing tax credit properties to people with disabilities who have very low incomes (below 30% AMI).
  - e. Pass a state Individual Development Account (IDA) program that mirrors the federal Assets for Independence Act (AFIA) and include provisions that make it easier for individuals with disabilities to participate in these programs.
  - f. Ensure zoning codes allow for a wide range of housing types.
  - g. Pass state-enabling legislation to allow jurisdictions to create local housing trust funds.
  - h. Expand existing mechanisms for pairing people who can share a house and expenses and matching them with appropriate housing.
  - i. Implement recommendations of the national Livable Communities Initiative.
  - j. Provide support services to assist people with disabilities to remain or return to their communities.
  
2. Increase communication and involvement between housing professionals and disability advocates and monitor implementation of the recommendation in the report by:
  - a. Convening a coalition of housing, lending and insurance professionals, fair housing professions and disability advocates that meets on a regular basis to monitor the progress of implementation of this report,

share ideas and expertise, and identify ways to continue to partner to provide accessible, affordable and integrated housing for Georgians with disabilities.

- b. Reestablish the Disability Housing Coalition with the Georgia Department of Community Affairs to provide oversight and advice on the Departments' efforts to provide accessible, affordable and integrated housing for Georgians with disabilities.<sup>145</sup>

The SOPOS Coalition is continuing its work as delineated in recommendation 2.a. above and participated in the public hearing conducted for this AI on September 10, 2013. See Appendix D for public hearing results and summary of 2011 SOPOS study recommendations.

#### **HUD Administrative Compliant/Settlement - Wells Fargo Bank**

On June 6, 2013, the National Fair Housing Alliance (NFHA) and 13 of its member organizations announced a partnership with Wells Fargo Bank, N.A. that will provide funds in 19 cities to foster homeownership, assist with rebuilding neighborhoods of color injured by the foreclosure crisis, and promote diverse, inclusive communities. This is the first-ever settlement regarding the maintenance and marketing of bank-owned homes. With this agreement, Wells Fargo will make important reforms to its maintenance and marketing practices nationwide. The conciliation agreements between Wells Fargo, NFHA, member organizations and the U.S. Department of Housing and Urban Development (HUD) total \$42 million.

NFHA and the following 13 fair housing organizations are party to the settlement: Denver Metro Fair Housing Center, Denver, CO; Fair Housing Center of Central Indiana, Indianapolis, IN; Fair Housing Center of West Michigan, Grand Rapids, MI; Fair Housing Continuum, Inc., Melbourne, FL; Greater New Orleans Fair Housing Action Center, New Orleans, LA; HOPE Fair Housing Center, Wheaton, IL; Housing Opportunities Project for Excellence, Inc., Miami, FL; Metro Fair Housing Services, Inc., Atlanta, GA; Metropolitan Milwaukee Fair Housing Center, Milwaukee, WI; Miami Valley Fair Housing Center, Dayton, OH; North Texas Fair Housing Center, Dallas, TX; South Suburban Housing Center, Homewood, IL; and Toledo Fair Housing Center, Toledo, OH.

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<sup>145</sup> Metro Fair Housing Services, Inc., *Shut Out, Priced Out and Segregated: The Need for Fair Housing for People with Disabilities*, A Public Policy Report and Recommendations, August, 2011, available at <http://metrofairhousing.com/shutout.htm>.

The settlement is the result of a federal housing discrimination complaint filed in April 2012 with HUD. The complaint alleged that Wells Fargo's bank-owned properties in white areas were much better maintained and marketed by Wells Fargo than such properties in African-American and Latino neighborhoods. Wells Fargo will provide \$27 million to NFHA and the fair housing organizations to serve 19 cities to promote home ownership, neighborhood stabilization, property rehabilitation, and development in communities of color. NFHA and the 13 local non-profit fair housing organizations will manage the funds and provide a range of grants including those for down payment assistance to owner-occupants seeking to purchase homes in the targeted neighborhoods and renovation efforts for homes that languished in foreclosure along with creative programs to increase homeownership and neighborhood stabilization. Real-estate owned (REO) properties are homes that have gone through foreclosure and are now owned by banks, Fannie Mae, Freddie Mac, the Federal Housing Administration, or Veterans Affairs.

Under the Conciliation Agreement, Wells Fargo has made a number of very important commitments that will benefit communities throughout the United States, including the following:

- Wells Fargo will implement best practices for the maintenance and marketing of their REO properties. A third party will monitor Wells Fargo's portfolio of REO properties to ensure that Wells Fargo maintains and markets its REO properties according to the standards set forth in the settlement.
- Wells Fargo will enhance its First Look program to give owner-occupants higher priority over investors in purchasing REOs. Wells Fargo will extend its Homeowner Priority period so that owner-occupants will have priority over investors to purchase Wells Fargo REO properties until the fifteenth day a property is on the market, and by creating a five-day Homeowner Priority period every time there is a price reduction on a Wells Fargo REO property.
- Wells Fargo will make it easier to get information about its REO properties. Wells Fargo will improve its web site and toll free numbers to provide more information to prospective purchasers and anyone who wants to tell Wells Fargo about a problem with a REO property or an agent who is selling a Wells Fargo REO property.
- Wells Fargo and NFHA will sponsor two conferences designed to bring together approximately 100 industry and non-profit housing and real estate participants and regulatory agencies to discuss fair housing and its intersection with other current housing issues including short sales, abandoned properties, REO maintenance, and other issues.
- Wells Fargo will develop a fair housing training program on REO issues for its employees who work on REO issues and for agents who sell Wells Fargo REO properties.

Under the agreement, Wells Fargo will provide an additional \$11.5 million to HUD to support neighborhoods in an additional 25 cities. Those cities are Austin, TX, Bakersfield, CA, Detroit, MI, Fort Lauderdale, FL, Fresno, CA, Houston, TX, Kansas City, MO, Las Vegas, NV, Los Angeles, CA, Memphis, TN, Modesto, CA, New York, NY, Phoenix, AZ, Riverside, CA, Sacramento, CA, San Antonio, TX, San Diego, CA, San Jose, CA, Santa Ana, CA, St. Louis, MO-IL, Stockton, CA, Tampa, FL, Vallejo, CA, Virginia Beach, VA, and West Palm Beach, FL. A separate agreement calls for investment of \$450,000 in Jacksonville, Florida to be administered by Jacksonville Area Legal Aid, Inc.

<i>Fair Housing Implications:</i>	<i>Documented incidents of housing discrimination evidenced by testing/litigation results indicate the need for housing providers geared toward compliance and support of public and private enforcement efforts.</i>
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## VI. Lending Data & Analysis

### Introduction

The federal Fair Lending laws - The Equal Credit Opportunity Act (ECOA) and the Fair Housing Act (FHA) - prohibit discrimination in credit transactions, including transactions related to residential real estate. The ECOA, which is implemented by the [Federal Reserve] Board Regulation B (12 C.F.R. § 202), prohibits discrimination in any aspect of a credit transaction based on Race or Color; Religion, National Origin, Sex, Marital Status; Age (provided the applicant has the capacity to contract); the applicant's receipt of income derived from any public assistance program; or, the applicant's exercise, in good faith, of any right under the Consumer Credit Protection Act. The Fair Housing Act, implemented by HUD regulations at 24 C.F.R. § 100, prohibits discrimination based on Race or Color; Religion, National Origin, Sex; Familial Status (discrimination against households having children under the age of 18 living with a parent or legal custodian, pregnant women, or persons with legal custody of children under 18); and, Handicap (disability) in all aspects of residential real estate-related transactions, including, but not limited to:

- Making loans to buy, build, repair, or improve a dwelling;
- Purchasing real estate loans;
- Selling, brokering, or appraising residential real estate; and/or

- Selling or renting a dwelling.

Because both the FHA and the ECOA apply to mortgage lending, lenders may not discriminate in mortgage lending on the basis of any of the prohibited factors listed. Under both laws a lender may not, on the basis of a prohibited factor:

- Fail to provide information or services relating to, or provide different information or services relating to, any aspect of the lending process, including credit availability, application procedures, and lending standards;
- Discourage or selectively encourage applicants with respect to inquiries about or applications for credit;
- Refuse to extend credit, or use different standards in determining whether to extend credit;
- Vary the terms of credit offered, including the amount, interest rate, duration, and type of loan;
- Use different standards to evaluate collateral;
- Treat a borrower differently in servicing a loan or invoking default remedies; and/or
- Use different standards for pooling or packaging a loan in the secondary market.

Barriers to full access to home mortgage lending have historically been encountered by different ethnic and racial groups. These barriers have typically been identified by higher rejection and failure rates for loan applications. In 1975 Congress enacted the Home Mortgage Disclosure Act (HMDA)<sup>146</sup> in response to the widespread practice of mortgage "redlining," the systematic exclusion of minority neighborhoods in the marketing or originating of home loans. HMDA requires that certain financial institutions (banks, savings associations, credit unions, and other mortgage lending institutions) make public a wide range of loan application data on loan approval decisions, borrower demographics, and property characteristics.

Home mortgage disclosure information is used in AI's to examine fair lending practices within a jurisdiction. Such information helps to further illustrate the types of fair housing impediments that may exist.

According to the City of Atlanta website and other web-based sources, Atlanta is the 7<sup>th</sup> largest financial capital in the US with:

**8000 State licensed loan originators**

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<sup>146</sup> 42 U.S.C. § 4511 *et seq.*

800 State licensed non-depository mortgage lenders, brokers, and processors  
1250 multinational corporations  
37 foreign consulate offices  
20 foreign trade offices  
42 bi-national chambers of commerce

The Georgia Department of Banking and Finance currently supervises approximately 800 non-depository mortgage lenders, brokers, processors and 8,000 loan originators. In 2003, due to the volume of mortgage fraud in the state of Georgia, the Department instituted a risk-based examination program, which primarily focuses on investigating reported fraudulent activity. Since the implementation of the risk-based examination program, the number of administrative actions and referrals to law enforcement and other regulatory agencies increased tremendously. Over the past decade, the Department has issued 1,286 Cease and Desist Orders and 446 Intent to Revoke Orders. In addition, the Department has made 154 mortgage fraud referrals to law enforcement and other regulatory agencies totaling more than \$217 million.<sup>147</sup>

#### HMDA Data Analysis

Metro utilizes LendingPatterns™ software<sup>148</sup> in order to obtain HMDA data for specific geographical areas. LendingPatterns™ is a web-based data mining and exploration tool that analyzes massive amount of data, required by law to be reported by all lenders, to produce customized reports on numerous aspects of mortgage lending practices. Lending data for a period of seven years (2006-2012) for the City of Atlanta was obtained in order to identify patterns and disparities in home mortgage lending since completion of the 2006 AI. This analysis is based on the following eight parameters:

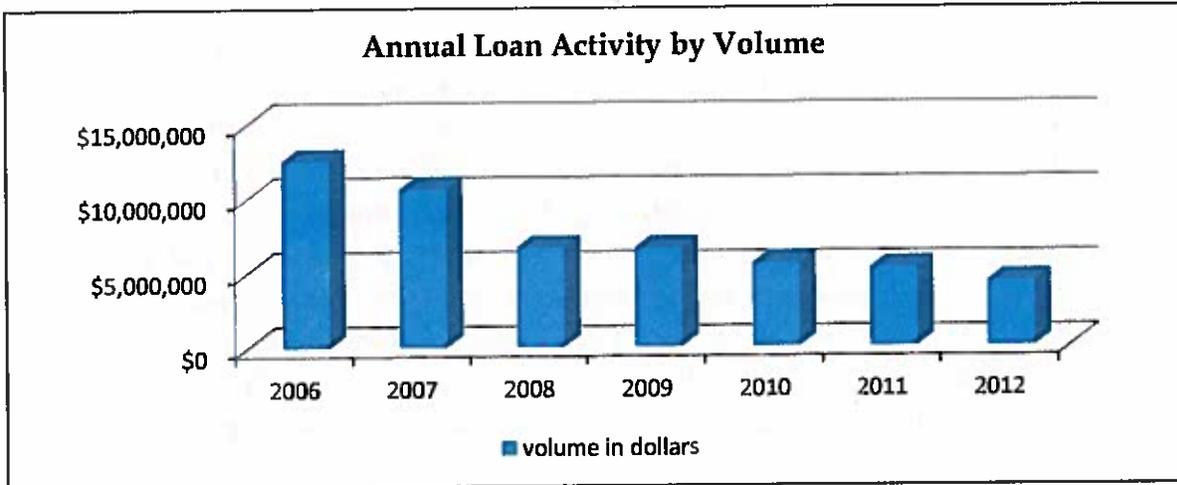
- All lenders
- Loan Amount: Conforming and Jumbo
- Loan Status: Secured by First Lien
- Loan purpose: Home Purchase and Refinancing loans
- Property Type: 1-4 Unit Family
- Loan Type: Conventional, FHA and VA loans
- Occupancy Type: Owner Occupied and Non-Owner Occupied
- Spread: Reported and Not Reported

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<sup>147</sup> <http://www.dbf.georgia.gov/>, Mortgage Fraud Continues to Decline in Georgia, September 17, 2013

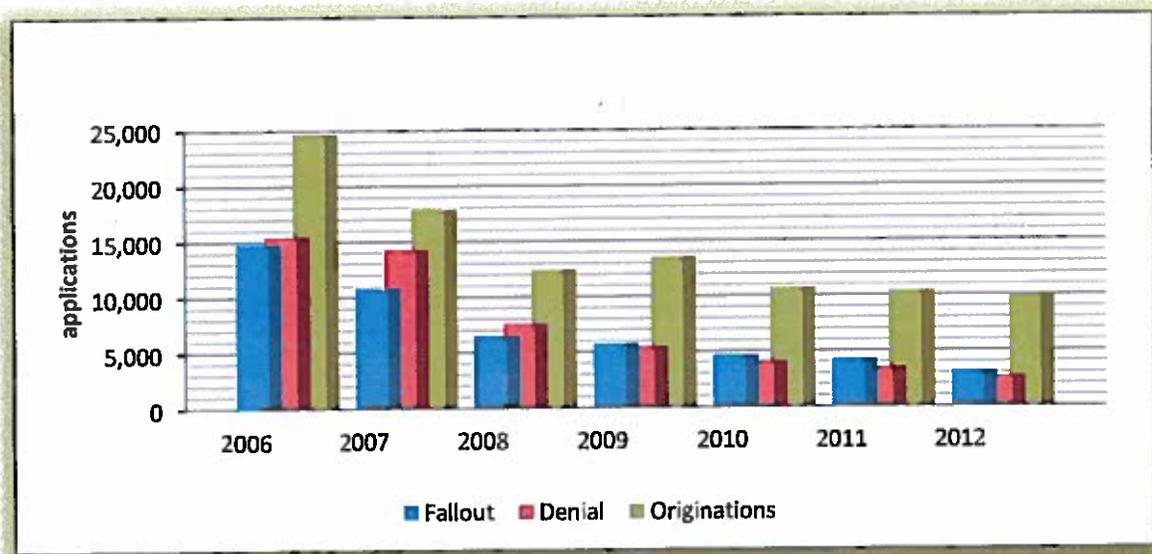
<sup>148</sup> More information about LendingPatterns™ software is available at [www.lendingpatterns.com](http://www.lendingpatterns.com).

Over the seven years from 2006 to 2012, overall lending activity by volume was high the first year and then declined with a significant drop in 2008, and has continued to decline through 2012.



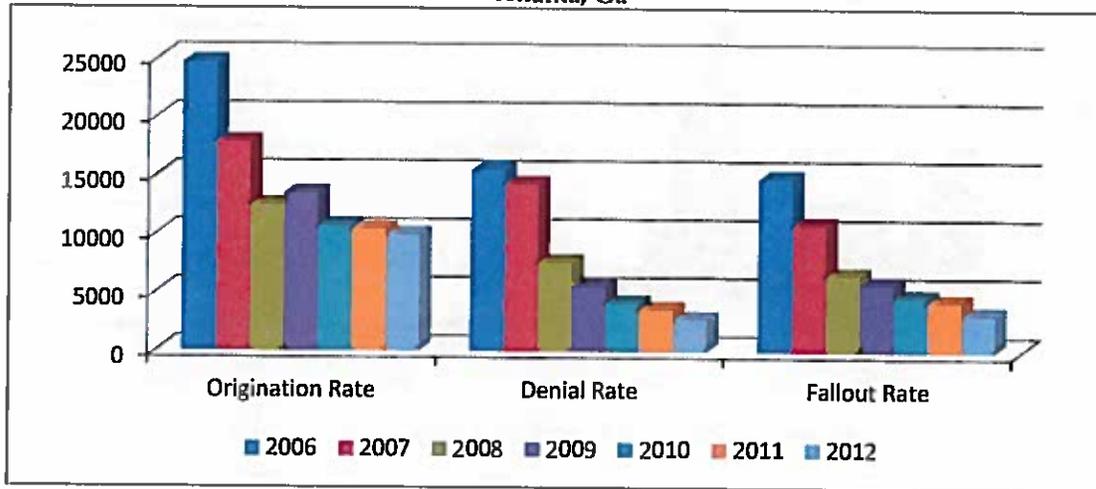
From 2006 to 2012, the number of originated applications declined each following year, except for a slight rise in 2009 originations. The number of denied applications, as well as fallout applicants, declined each year from 2006-2012. In Lending Patterns data, "fallout" indicates an incomplete loan process resulting from withdrawn or incomplete applications.

**Origination, Denial and Fallout Distribution  
Atlanta, Ga.**



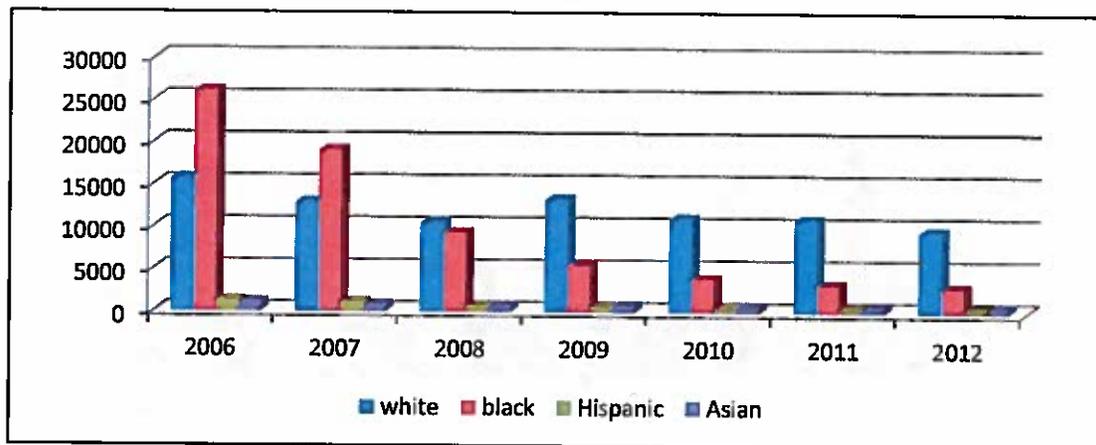
The Distribution Trend of mortgage application decisions indicated below, illustrates the increase of applications taken during the years of known sub-prime and predatory lending activity.

Origination, Denial and Fallout Rate Trend  
Atlanta, Ga

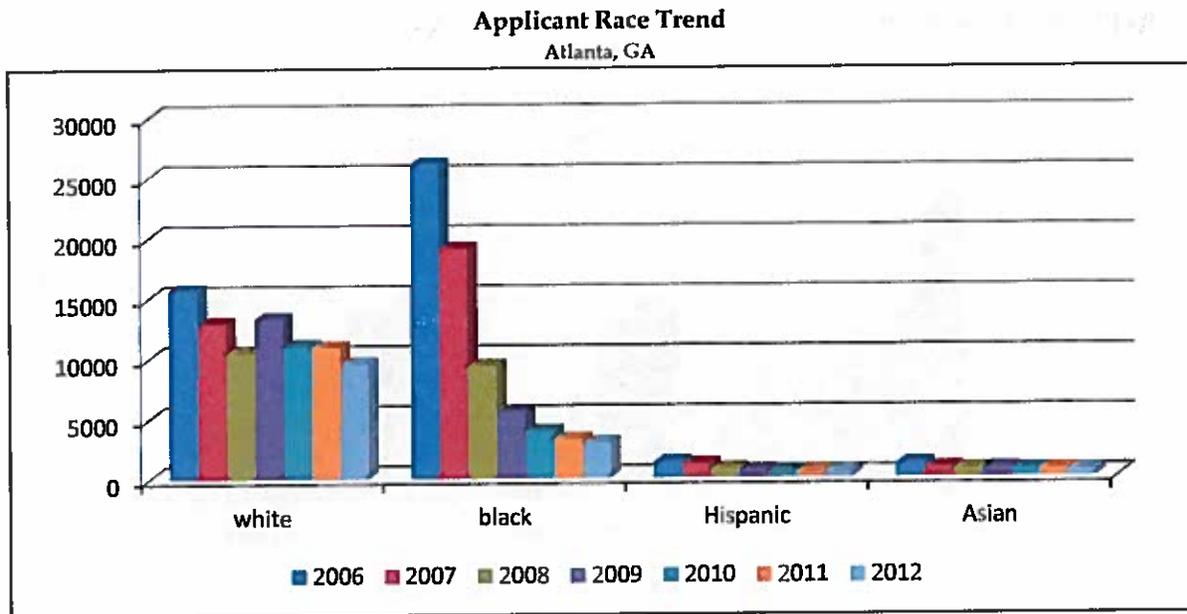


For the years 2006-2007, Black applicants submitted the highest number of applications, followed by White applicants. From 2008-2012, White applicants submitted higher numbers of applications.

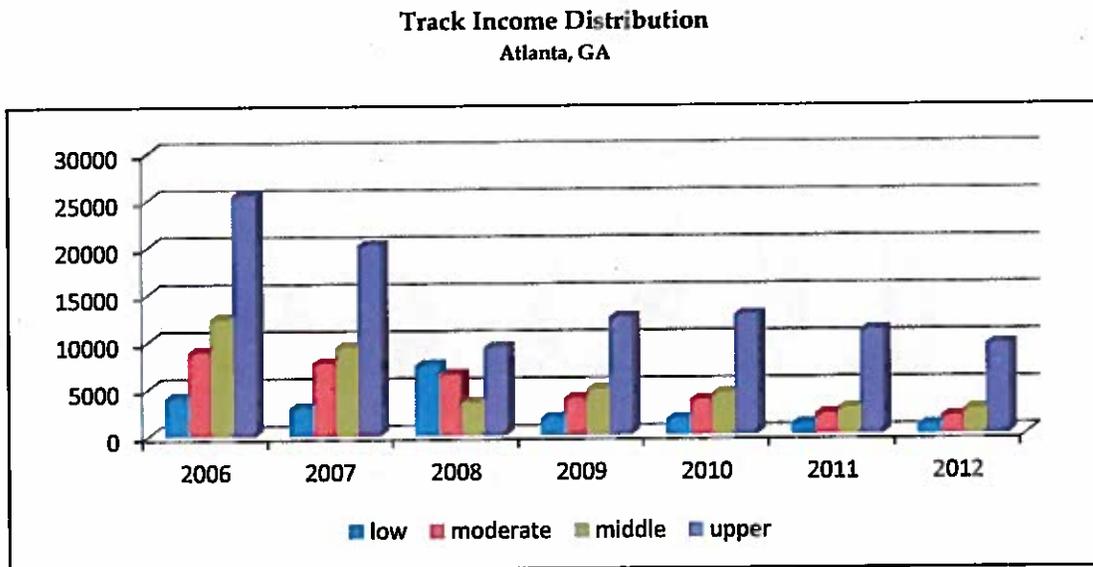
Applicant Race Distribution  
Atlanta, GA



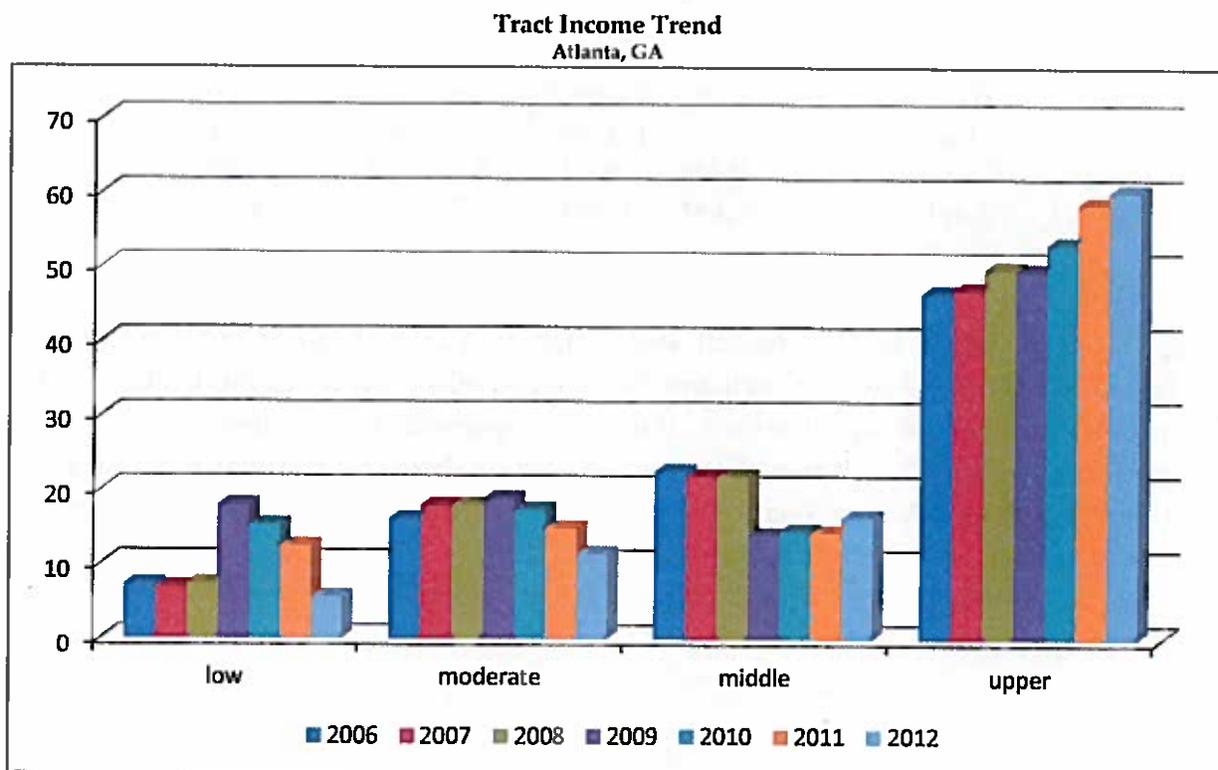
Based on the Applicant Race Trend, during the years known for subprime lending activity (2006-2007), Black applicants submitted the largest share of the applications, followed by White applicants. This trend reverses in the years 2008 - 2012.



In all years, upper income tracts had the highest number of applications. From 2006 and 2007, middle income tracts had the second highest numbers of applications, followed by moderate income tracts.



Following the Tract Income Trend, in all years, upper income tracts represented the largest share of applications. In 2006 and 2007, middle income tracts represented the second largest share of applications until 2008 but regained that position in 2009 through 2012.



In 2006, there were a total of 54,950 loan applications.<sup>149</sup> Of all the completed loan applications, 24,694 or 44.94 percent were originated and 15,471 or 28.15 percent were denied. With respect to loan decisions by race and ethnicity, Black applicants had the greatest number of applications, but also represent the largest percentage of applications denied. White (63.8%), Hispanic (45.9%), and Asian (59%) applicants had a greater chance to have a loan originated out of applications than Blacks (38%). Black applicants were also more likely to be denied a loan (35.8%) than White (15.9%), Asian (17.2%), and Hispanic (29.7%) applicants.

<sup>149</sup> In Lending Patterns data, "fallout" indicates an incomplete loan process resulting from withdrawn or incomplete applications. Thus the total of originations and denials in the following tables will not equal the total applications.

**Table 1: All Loans 2006**

Race	Originations		Denial		Total Apps
White	9,996	63.77%	2,495	15.92%	15,674
Black	9,907	37.96%	9,329	35.75%	26,096
Hispanic	579	45.88%	375	29.71%	1,262
Asian	653	58.99%	190	17.16%	1,107
Native American	34	36.56%	24	25.81%	93
Hawaiian	57	51.82%	27	24.55%	110
MultiRace	67	44.08%	50	32.89%	152
Unk/NA	3,401	32.53%	2,981	28.51%	10,456
<b>Totals</b>	<b>24,694</b>	<b>44.94%</b>	<b>15,471</b>	<b>28.15%</b>	<b>54,950</b>

In 2007, there were a total of 42,939 loan applications. Of all the completed loan applications, 17,851 or 41.6 percent were originated and 14,280 or 33.3 percent were denied. With respect to loan decisions by race and ethnicity, Black applicants had the greatest number of applications, but also represent the largest percentage of applications denied. When the numbers are analyzed individually by race and ethnicity, White (60.3%), Asian (49%), and Hispanic (41%) applicants had a greater chance to have a loan originated than Blacks (32.8%). White applicants were also less likely to be denied a loan (18.7%) than Black (43%), Hispanic (34.5%), and Asian (26.9%) applicants.

**Table 2: All Loans 2007**

Race	Originations		Denials		Total Apps
White	7,775	60.34%	2,403	18.65%	12,886
Black	6,251	32.76%	8,195	42.95%	19,080
Hispanic	453	40.96%	382	34.54%	1,106
Asian	377	48.96%	207	26.88%	770
Native American	33	47.83%	22	31.88%	69
Hawaiian	39	45.35%	17	19.77%	86
MultiRace	60	38.46%	63	40.38%	156
Unk/NA	2,863	32.59%	2,991	34.04%	8,786
<b>Totals</b>	<b>17,851</b>	<b>41.57%</b>	<b>14,280</b>	<b>33.26%</b>	<b>42,939</b>

In 2008 there were a total of 26,495 loan applications. Of all the completed loan applications, 12,436 or 46.9 percent were originated and 7,573 or 28.6 percent were

denied. With respect to loan decisions by race and ethnicity, Black applicants had close to the same number of applications as Whites, but represent the largest percentage of applications denied. When the numbers are analyzed individually by race and ethnicity, White (60.3%), Asian (52.8%), and Hispanic (37.6%) applicants had a greater chance to have a loan originated than Blacks (34%). White applicants were also less likely to be denied a loan (17.6%) than Black (41.1%) and Hispanic (39.04%) applicants.

Table 3: All Loans 2008

Race	Originations		Denial		Total Apps
White	6,291	60.28%	1,832	17.55%	10,437
Black	3,173	33.96%	3,841	41.12%	9,342
Hispanic	257	37.57%	267	39.04%	684
Asian	333	52.77%	140	22.19%	631
Native American	17	34.00%	24	48.00%	50
Hawaiian	20	30.77%	25	38.46%	65
MultiRace	40	34.78%	47	40.87%	115
Unk/NA	2,305	44.58%	1,397	27.02%	5,171
Totals	12,436	46.94%	7,573	28.58%	26,495

In 2009, there were a total of 24,686 loan applications. Of all the completed loan applications, 13,475 or 54.6 percent were originated and 5,480 or 22.2 percent were denied. When the numbers are analyzed individually by race and ethnicity, White (63.7%), Asian (50.8%), and Hispanic (50.3%) applicants had a greater chance to have a loan originated than Blacks (39.1%). White applicants (16.5%) were also less likely to be denied a loan than Black (33.6%), Hispanic (24.7%), and Asian (25.8%) applicants.

Table 4: All Loans 2009

Race	Originations		Denial		Total Apps
White	8,445	63.69%	2,185	16.48%	13,260
Black	2,144	39.05%	1,844	33.59%	5,490
Hispanic	291	50.26%	143	24.70%	579
Asian	345	50.81%	175	25.77%	679
Native American	18	31.03%	15	25.86%	58
Hawaiian	21	47.73%	15	34.09%	44

MultiRace	37	44.58%	23	27.71%	83
Unk/NA	2,174	48.39%	1,080	24.04%	4,493
Totals	13,475	54.59%	5,480	22.20%	24,686

In 2010, there were a total of 19,368 loan applications. Of all the completed loan applications, 10,658 or 55 percent were originated and 4,078 or 21.1 percent were denied. With respect to loan decisions by race and ethnicity, Black applicants had the greater percentage of loan denials, and represented only 20 percent of applications. When the numbers are analyzed individually by race and ethnicity, White applicants (61.9%) had a greater chance to have a loan originated than Blacks (43.6%), Hispanic (52%), and Asian (56.6%) applicants. White (16.8%) and Asian (20.2%) applicants were less likely to be denied a loan than Black (30.4%) and Hispanic (23.1%) applicants.

Table 5: All Loans 2010

Race	Originations		Denial		Total Apps
White	6,810	61.92	1,847	16.79	10,998
Black	1,690	43.61	1,178	30.40	3,875
Hispanic	221	52.00	98	23.06	425
Asian	339	56.59	121	20.20	599
Native American	13	35.14	13	35.14	37
Hawaiian	16	50.00	9	28.13	32
MultiRace	31	46.27	22	32.84	67
Unk/NA	1,538	46.12	790	23.69	3,335
Totals	10,658	55.03	4,078	21.06	19,368

In 2011, there were a total of 18,163 loan applications. Of all the completed loan applications, 10,378 or 57.1 percent were originated and 3,539 or 19.48 percent were denied. When the numbers are analyzed individually by race and ethnicity, White (63.9%), Asian (56.2%), and Hispanic (52.8%) applicants had a greater chance to have a loan originated than Blacks (45.7%). White applicants were also less likely to be denied a loan (15.9%) than Black (28.9%), Hispanic (21.6%), and Asian (22.6%) applicants.

**Table 6: All Loans 2011**

Race	Originations		Denials		Total Apps
White	6,691	63.90%	1,735	15.93%	10,893
Black	1,467	45.72%	927	28.89%	3,209
Hispanic	218	52.78%	89	21.55%	413
Asian	339	56.22%	136	22.55%	603
Native American	18	60.00%	4	13.33%	30
Hawaiian	8	36.36%	8	36.36%	22
MultiRace	15	31.25%	19	39.58%	48
Unk/NA	1,352	45.91%	621	21.09%	2,945
<b>Totals</b>	<b>10,378</b>	<b>57.14%</b>	<b>3,539</b>	<b>19.48%</b>	<b>18,163</b>

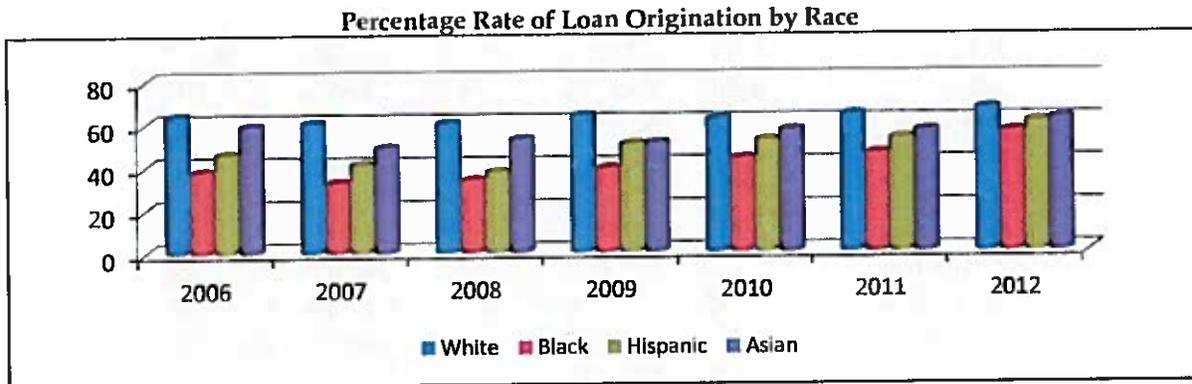
In 2012, an early look at Lending Patterns data indicates a total of 15,750 loan applications. Of all the completed loan applications, 9,892 or 62.81 percent were originated and 2,732 or 17.35 percent were denied. When the numbers are analyzed individually by race and ethnicity, White (66.5%), Asian (61.9%), and Hispanic (60.3%) applicants had a greater chance to have a loan originated than Blacks (45.7%). White applicants were also less likely to be denied a loan (14.9%) than Black (28.9%), Hispanic (19%), and Asian (16.4%) applicants.

**Table 6: All Loans 2012**

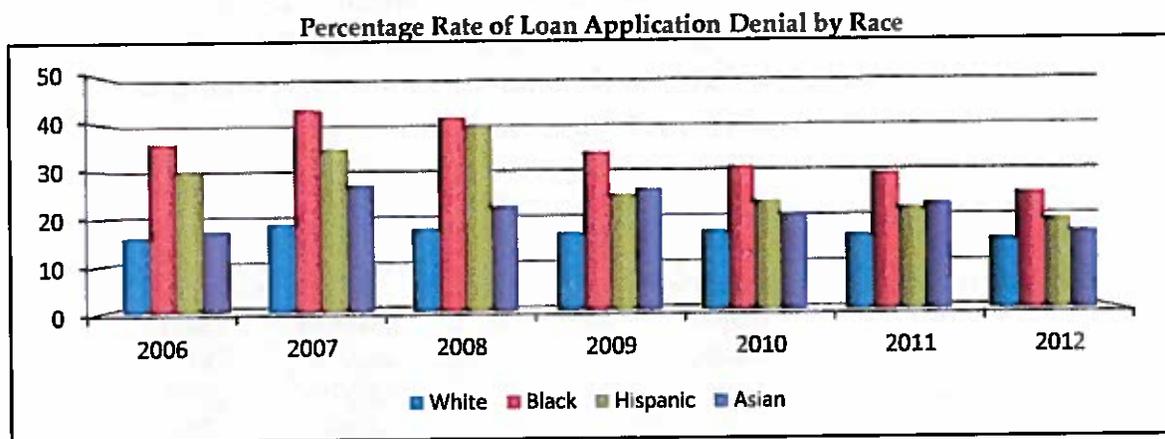
Race	Originations		Denials		Total Apps
White	6,334	66.52%	1,423	14.94%	9,522
Black	1,626	45.72%	722	28.89%	2,917
Hispanic	235	60.26%	74	18.97%	390
Asian	313	61.86%	83	16.40%	506
Native American	12	60.00%	4	20.00%	20
Hawaiian	7	38.89%	6	33.33%	18
MultiRace	42	60.00%	19	27.14%	70
Unk/NA	1,383	57.35%	401	17.38%	2,307
<b>Totals</b>	<b>9,892</b>	<b>62.81%</b>	<b>2,732</b>	<b>17.35%</b>	<b>15,750</b>

From 2006 through 2012, White applicants consistently had the highest rate of loan origination. During those years, Black applicants consistently had the lowest rate

while Asian applicants consistently had slightly higher rate of originations over Hispanics.



For the seven-year period examined, Black applicants have consistently had highest rate of denial. White applicants had the lowest rate of denial each year.



### Subprime/High-Cost Loans

One of the most important changes to HMDA is the recent inclusion of limited pricing information related to the annual percentage rate (APR) of certain loans. For loans originated in 2004, lenders were required to report the spread between the APR of designated loans and the yield on a U.S. Treasury security of comparable maturity. Specifically, lenders submitted this information on first lien loans if the spread was at or above three percentage points, and they submitted this information on

subordinate liens if the spread was at least five points. Loans with APRs high enough to require the disclosure of this spread are referred to as "higher-rate" loans.

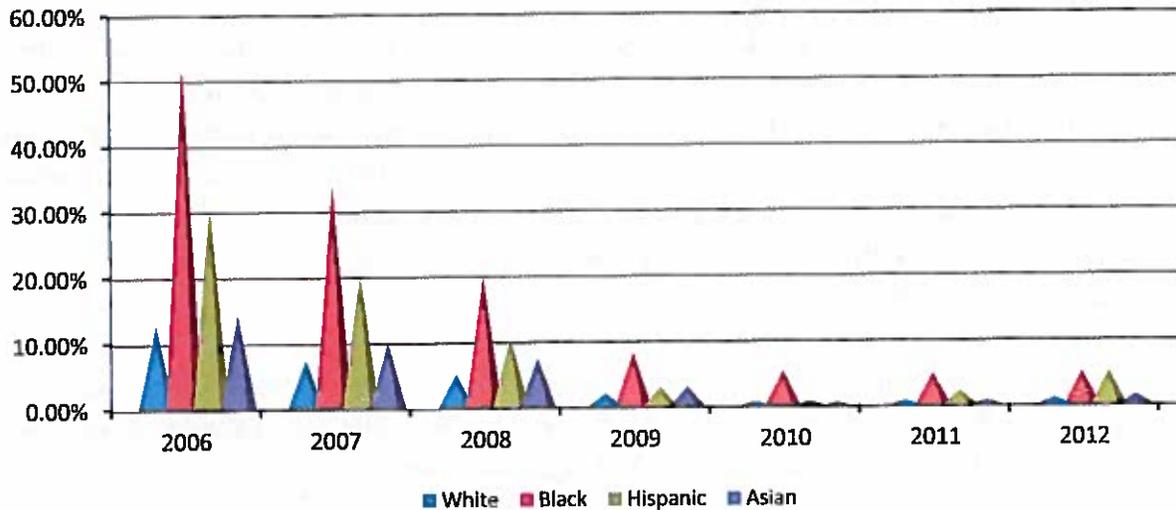
Information on higher-rate loans makes it possible to use HMDA data to detect disparities in loan dispositions (i.e., the proportion of loans that were approved or denied) between demographic groups, as well as differences in loan pricing. Since borrowers can be vulnerable to discrimination at both the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

As demonstrated in the Table below, from 2006 through 2012, Black borrowers consistently had the highest rate of high cost loan origination. In 2006, over half of the loans made to Black borrowers were high cost loans.

**Table 7: Percentage of High Cost Loans by Race**

	White	Black	Hispanic	Asian
2006	12.74%	52.22%	30.74%	14.40%
2007	7.45%	33.90%	20.31%	10.08%
2008	5.26%	20.30%	10.51%	7.51%
2009	2.13%	8.35%	2.99%	3.11%
2010	0.82%	5.44%	0.90%	0.59%
2011	0.89%	4.98%	2.29%	0.88%
2012	1.20%	5.17%	5.11%	1.60%

Comparison of Rate of High Cost Loans by Race

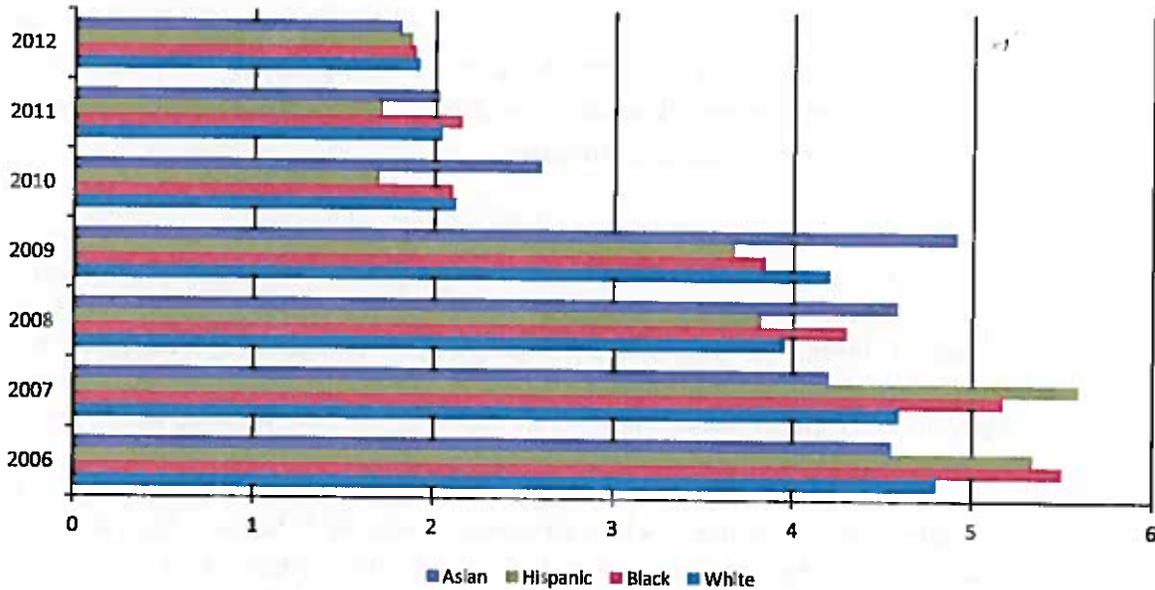


From 2006 to 2012, the race experiencing the largest average loan spread has varied. Blacks had the highest average loan spread in the years 2006 and 2008. Hispanics had the highest loan spread in 2007. In 2009, 2010, and 2012, Whites had the highest average loan spread. In 2011, Asians had the highest loan spread. When the average yearly loan spread is averaged by race over the seven year period, however, Blacks experienced the highest average loan spread (3.56), followed by Asians (3.52), Hispanics (3.38) then Whites (3.37).

Average Loan Spread by Race

	White	Black	Hispanic	Asian
2006	4.80	5.50	5.34	4.55
2007	4.59	5.17	5.59	4.20
2008	3.95	4.30	3.82	4.58
2009	4.20	3.84	3.67	4.91
2010	2.12	2.10	1.69	2.59
2011	2.04	2.15	1.71	2.02
2012	1.91	1.89	1.87	1.81

Average Loan Spread by Race



While HMDA is essential in understanding the mortgage climate, it should be noted that HMDA data does have its limitations. In particular, it does not take into consideration how the loan decisions were made. These and other issues must be taken into consideration when drawing conclusions about the findings. The data does, however, provide information about possible trends in the City's mortgage lending. The 2006-2012 HMDA data clearly shows a trend with respect to the high levels of denials of loans to Black and Hispanic applicants. Further, while Black and Hispanic applicants had lower rates of loan origination, they consistently had the highest percentage of high cost loans and the most expensive of high cost loans.

See Section V. Jurisdiction's Fair Housing Profile above for a review of some of the legal actions resulting from unfair lending practices.

**Fair Housing: Implications**

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

## **Foreclosure Data**

On October 24, 2012, the Center for Responsible Lending issued a report, *Collateral Damage: The Spillover Costs of Foreclosures*, by Debbie Gruenstein Bocian, Peter Smith and Wei Li. This brief is the fourth in a series, updating their last report issued in 2009, estimating not only the total "spillover" cost, but that portion of the cost borne by neighborhoods of color nationally:

The massive number of foreclosures that have occurred during the current economic crisis has undercut the economic progress and security of families across the country. When families lose their homes, the resulting damage is multi-faceted. First, there are the immediate financial consequences for those who lose their houses. These costs include physical displacement, drained savings and retirement accounts and devastated credit. Second, there are the longer-term financial consequences of foreclosure for these families. Families who lose a home cannot tap home equity to start a new business, pay for higher education or secure their retirement. Loss of a home also removes a financial cushion against unexpected financial hardships, such as job loss, divorce or medical expenses, and eliminates the main vehicle for transferring wealth inter-generationally.

In addition, foreclosures have ramifications that extend beyond the families who lose their homes. Communities with high concentrations of foreclosures lose tax revenue and incur the financial and non-financial costs of abandoned properties and neighborhood blight, while homeowners living in close proximity to foreclosures suffer loss of wealth through depreciated home values.

Between 2007 and 2011, 10.9 million homes went into foreclosure. These foreclosures not only have harmed the families that experienced them, they also have had negative effects that extend to the neighborhood, community and wider economy. There are myriad indirect costs of foreclosures, but in this report we focus on one: the economic impact on neighboring homeowners who lose property value as a result of being in close proximity to foreclosures. Our key findings, based on loans that entered foreclosure between 2007 and 2011:

- \$1.95 trillion in property value has been lost or will be lost by residents who live in close proximity to foreclosures. These losses include both the spillover impact of homes that have completed the foreclosure process and future losses that will result from homes that have started but not yet completed the foreclosure process.

- Over one-half of the spillover loss is associated with communities of color. Minority neighborhoods have lost or will lose \$1 trillion in home equity as a result of spillover from homes that have started the foreclosure process, reflecting the high concentrations of foreclosures in neighborhoods of color.

- On average, families affected by nearby foreclosures have already lost or will lose \$21,077 in household wealth, representing 7.2 percent of their home value, by virtue of being in close proximity to foreclosures. Families impacted in minority neighborhoods have lost or will lose, on average, \$37,084 or 13.1 percent of their home value.

Importantly, these losses represent only the wealth that has been lost or will be lost as a direct result of being in close proximity to homes that have begun the foreclosure process. We do not include in our estimate the total loss in home equity that has resulted from the crisis (estimated at \$7 trillion), the negative impact on local governments (from lost tax revenue and increased costs of managing vacant properties) or the non-financial spillover costs, such as increased crime, reduced school performance and neighborhood blight.

Home foreclosures, doubling over the past decade, present the biggest housing issue in the City of Atlanta. Foreclosures occur for many reasons; subprime mortgages result in foreclosures nine times more than prime mortgages and the collapse of the housing market and consequences on ancillary services left many jobless.<sup>150</sup>

The City's Comprehensive Development Plan noted that more recent foreclosed properties can be placed in two categories: 1) due to large concentrations of properties in the north sector an overabundance of units yet to be sold or occupied and 2) foreclosures resulting from financial burdens of the homeowner in the downward economy. Concentrations of empty foreclosed homes have led to a downward cycle of blight, vandalism, abandonment, increased crime, declining property values, shrinking tax bases and community asset deterioration.<sup>151</sup> One of the City's priorities is to support efforts that mitigate foreclosures and to rehabilitate or close properties.<sup>152</sup>

Between 2006 and 2009, 48,584 foreclosure notices were reported in the City of Atlanta, representing 22% of the available housing stock in the City.<sup>153</sup> By 2013, the crisis may be stabilizing yet leaving Atlanta with an 18% vacancy rate. Bank

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<sup>150</sup> CDP at p. 121-122

<sup>151</sup> Id.

<sup>152</sup> Id. at 139

<sup>153</sup> Id. at 124

portfolios of bank-owned properties, and an unstable housing and economic market are contributing factors in the lack of affordable housing lenders. According to RealtyTrac, as of September 2013, there are 4,401 properties in Atlanta that are in some stage of foreclosure (default, auction or bank owned), while the number of homes listed for sale is 4,317. The number of properties that received a foreclosure filing was 28% higher than the previous month and 44% lower than the same time last year.

Foreclosure activity has occurred throughout the housing market and affected homeowners of all income levels and in all sectors throughout the City of Atlanta; however, the highest number of foreclosures is in traditional low-income, minority areas. NPU's J and V had the highest number of both highly hazardous and property maintenance cases.<sup>154</sup> See Section V, Jurisdiction's Fair Housing Profile above, for a review of code compliance showing data from 2009 to August 2013.

A contributing factor to the ongoing foreclosure crisis locally is the prevalence of residential mortgage fraud and misrepresentation involving industry professionals. According to the *LexisNexis 15<sup>th</sup> Annual Mortgage Fraud Report*, Georgia is one of five states that appears on the top 10 lists of both the Investigation and Origination Mortgage Fraud Indices and the newly-established list of Property Default Rankings. The other states that make the Top 10 on both lists are: Florida, Illinois, Nevada and Ohio. On the list of Mortgage Fraud Index by State (all forensic investigations), Georgia was ranked 9<sup>th</sup> in 2012, 6<sup>th</sup> in 2011, and 5<sup>th</sup> from 2008 to 2010. Georgia is ranked 9<sup>th</sup> for 2008-2012 on the list of states with the largest percentage of property in default. While the housing market is showing signs of positive growth, "lenders continue to work through backlogs of loan modifications and short sales - a trend that has made loan modification fraud, short sales schemes, and foreclosure rescue fraud part of the nation's vocabulary."

The Wall Street Journal's September 11, 2012 article entitled, "Firms Flock to Foreclosure Auctions," focused a spotlight on metropolitan Atlanta as a feeding ground for major real estate investment firms (Blackstone, Colony, Waypoint among the largest) amassing thousands of single-family foreclosed homes for rentals from auctions and through brokers who represent banks or homeowners. Big investors continue to be aggressive in Georgia, looking to earn higher yields than other investments until the market fully rebounds and looking to securitize rental payments. Julie Schmit's article in the October 28, 2013, edition of USA TODAY,

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<sup>154</sup> Id.

asserts "Last month institutional investors, who largely buy single-family homes to turn into rentals, accounted for about one in four home sales in Atlanta, Las Vegas, St. Louis and Jacksonville, data from Realtytrac show." (<http://usat.1y/1qWowj>) This trend competes with first-time buyers looking to purchase foreclosed homes needing fewer repairs as investors are cash buyers and successful bidders, reducing the opportunity for owner-occupants to achieve homeownership.

According to Charlene Crowell's November 5, 2013 article (Communications Manager with the Center for Responsible Lending), CoreLogic analyzed foreclosures in metro areas and concluded, "The five highest areas with completed foreclosures - again over the past 12 months - were Atlanta (24,309), Chicago (20,347), Tampa-St. Petersburg (15,754), Phoenix (14,821) and Orlando (12,062)." (<http://www.atlantadailyworld.com/2013110510102/Viewpoints/nation-s-housing-recovery-far-from-equal>)

*Piece by Piece*, a Regional Foreclosure Initiative, is a bold, coordinated effort designed to spur strategic action from regional stakeholders who care passionately about protecting the long-term future of the region's neighborhoods and communities. The Initiative is guided by a leadership team that includes: Atlanta Neighborhood Development Partnership, the Atlanta Regional Commission, CredAbility, Enterprise Community Partners, Federal Reserve Bank, the Greater Atlanta Home Builders Association, The Home Depot Foundation, the National Housing Conference, and NeighborWorks America. This vehicle represents a coordinated effort to take direct action that has revitalized hundreds of distressed properties since its inception. The Initiative includes the following key objectives: 1) provide up-to-date status of Metro Atlanta's foreclosure crisis and ways to take action to help address it; 2) offer opportunities for coordination and best practice sharing; and, 3) encourage public commitments on goals and actions that will be taken over the next three to five years to address the crisis.

In an effort to utilize fair housing enforcement remedies to address the foreclosure crisis, in 2011, Metro began to investigate how banks treat REO's (Real Estate Owned) in different neighborhoods. As one of four private, non-profit fair housing agencies involved in a national investigation of banks' maintenance and marketing practices, Metro and NHFA staff visited 187 REO properties (60% located in Atlanta) and found striking racial disparities across all maintenance categories. Seventy-four percent (74%) of REO's in African-American neighborhoods were documented to have more than 5 maintenance deficits, while this was the case for 57% of REO's in white neighborhoods. This disparity increased substantially when considering

properties with more than 10 problems. Thirty-two percent (32%) of REOs in African American neighborhoods had more than 10 deficits, while not a single property in a White community was subject to such poor maintenance.

At first glance, maintenance scores appeared to be dispersed randomly with African-American, Latino and predominantly non-White areas (neighborhoods of color) having properties graded "A", "B", and "C" (Blue, Green and Yellow dots). A closer look reveals the concentration of Red and Orange dots ("D" and "F" graded properties) in neighborhoods that are over 61% African-American. Of the 66 properties that received "D" and "F" scores, 86% were located in predominantly African-American communities.

REO properties in African-American neighborhoods were nearly 4.65 times more likely than homes in White neighborhoods to be missing a "For Sale" sign on the property. Curb appeal issues were also a huge problem in communities of color: 31% of homes had overgrown lawns, while less than 10% of REOs in white neighborhoods had unmaintained lawns; and, 31% had unsecured or broken doors, while only 14% of REOs in white areas had the same problem.

Metro was not advocating that lenders over-improve foreclosed homes. Metro proposed that lenders abide by the Fair Housing Act and perform routine maintenance, exercising consistent, quality control measures over the entities they hire to maintain properties they own: surveying them often to ensure that they are locked and secure, lawns are mowed, and trash and accumulated mail are removed. Most importantly, perform cost-effective repairs that arrest water damage, detour unauthorized occupancy and prevent the infestation of vermin; ensure that properties are professionally marketed with signage that informs interested buyers of their availability.

While REOs in White neighborhoods were more likely to have well-maintained lawns, secured entrances and professional sales marketing, REO properties in majority non-White neighborhoods were more likely to have poorly maintained yards, unsecured entrances, appear to be vacant and abandoned, and have poor curb appeal. By maintaining properties in neighborhoods of color differently and failing to take the same steps to maintain, market and sell such properties as they would take for properties in an area with largely White populations, banks violate the Fair Housing Act (FHA). The discriminatory treatment of neighborhoods prevents neighborhood stabilization and economic recovery, and harms investors, homeowners and municipalities by unnecessarily depressing the property value of the REO asset - all in violation of the FHA.

## VII. Public Outreach

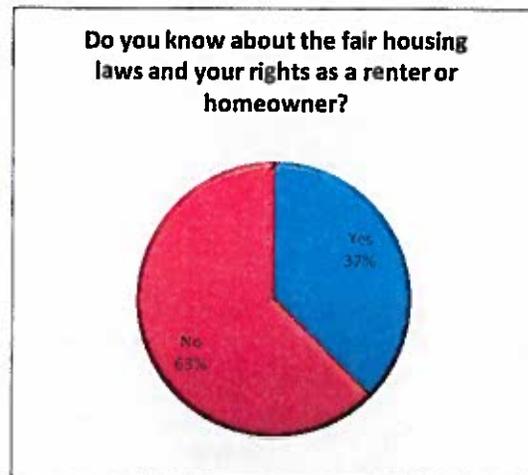
### Resident Survey Results

#### Resident Survey Results

Metro developed a *Fair Housing Opinion Survey* composed of 10 questions designed to gauge perceptions of housing discrimination/resolution options and quality of life issues affecting the jurisdiction's neighborhoods, and 8 questions designed to determine knowledge of prohibited practices by housing providers under fair housing laws. The surveys were posted online at the City's website and conducted by Metro staff during education workshops, partner events and meetings with various groups. From January through September, 2013, Metro directly administered 463 face-to-face surveys in the city, of which 234 (50.5%) were completed by Atlanta residents and analyzed. A total of 57 online surveys were completed, of which 29 (50.8%) were completed by Atlanta residents. Because of the complexity of fair housing issues, face-to-face surveys are the preferred collection method as it provides the opportunity for clarification before responses are recorded.

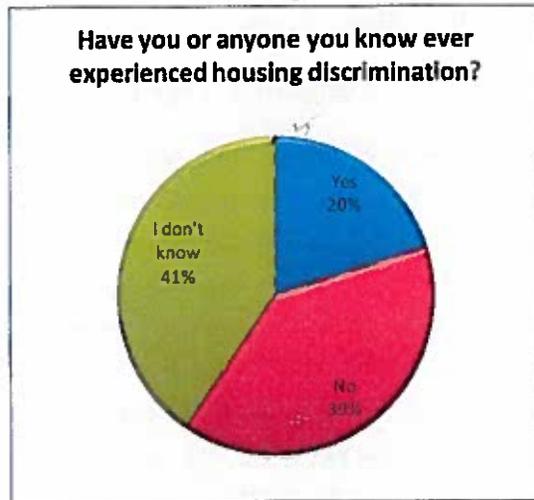
The results for all Atlanta resident surveys are detailed below:

Do you know about the fair housing laws and your rights as a renter or homeowner?		
Answer Options	Response Percent	Response Count
Yes	37.5%	96
No	62.5%	160



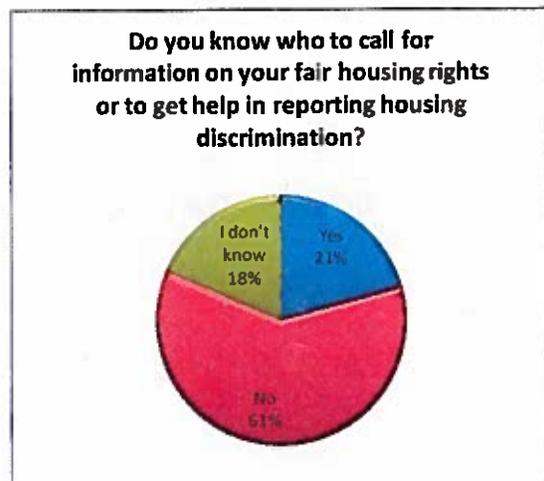
The majority of residents (62.5%) were not aware of their rights as a renter or homeowner under fair housing laws, while 37.5 percent responded positively.

Have you or anyone you know ever experienced housing discrimination?		
Answer Options	Response Percent	Response Count
Yes	20.3%	53
No	39.5%	103
I don't know	40.6%	106



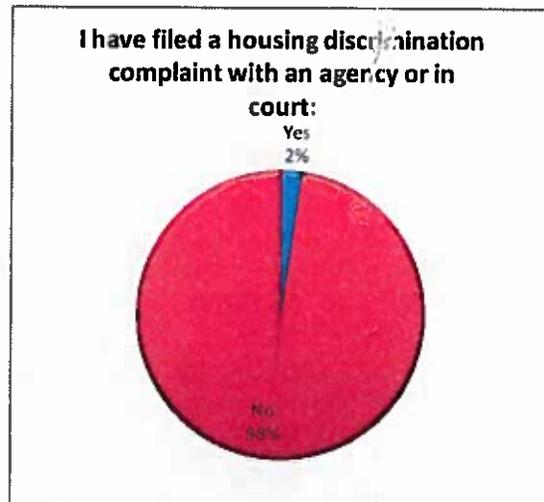
Approximately twenty percent of residents indicated that they, or someone they know, had experienced housing discrimination, while the overwhelming majority (80%) had not experienced discrimination, known anyone who had, or did not know.

Do you know who to call for information on your fair housing rights or to get help in reporting housing discrimination?		
Answer Options	Response Percent	Response Count
Yes	20.8%	54
No	60.6%	157
I don't know	18.5%	48



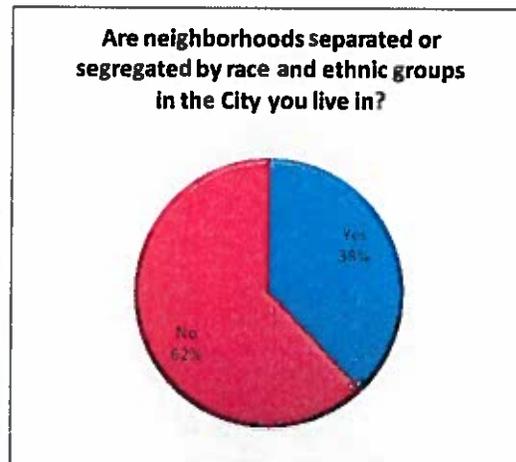
An overwhelming majority of residents (60.6%) indicated they do not know who to call for information on fair housing rights or to get help in reporting discrimination.

I have filed a housing discrimination complaint with an agency or in court:		
Answer Options	Response Percent	Response Count
Yes	2.3%	6
No	97.7%	255



The overwhelming majority of residents (97.7%) have not filed a discrimination complaint, while 2.3 percent indicated that they have filed a complaint.

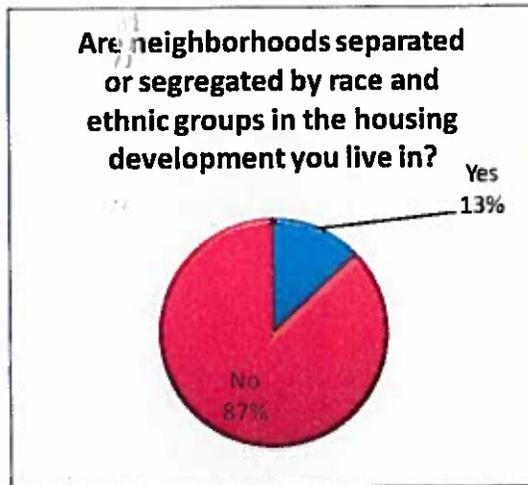
Are neighborhoods separated or segregated by race and ethnic groups in the City you live in?		
Answer Options	Response Percent	Response Count
Yes	37.9%	94
No	62.1%	154



The majority of residents (62.1%) do not perceive the city's neighborhoods as segregated by race or ethnicity, while 37.9 percent do.

Are neighborhoods separated or segregated by race and ethnic groups in the housing development you live in?

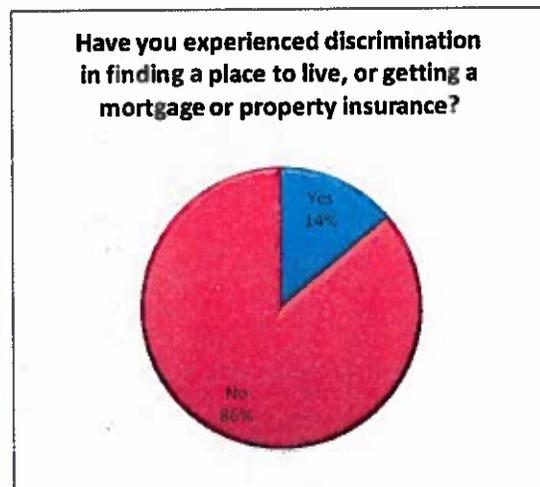
Answer Options	Response Percent	Response Count
Yes	13.1%	25
No	86.9%	166



The overwhelming majority of residents (86.9%) do not perceive their housing developments as being segregated by race/ethnic groups, while 13.1 percent do.

Have you experienced discrimination in finding a place to live, or getting a mortgage or property insurance?

Answer Options	Response Percent	Response Count
Yes	13.9%	36
No	86.1%	223

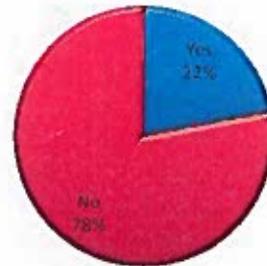


The overwhelming majority (86.1%) of residents indicated they have not experienced discrimination in finding a place to live, or getting a mortgage or insurance, while 13.9 percent responded positively.

Have you or anyone you know been denied the opportunity or steered away from buying or renting in a particular neighborhood?

Answer Options	Response Percent	Response Count
Yes	21.9%	57
No	78.1%	203

Have you or anyone you know been denied the opportunity or steered away from buying or renting in a particular neighborhood?

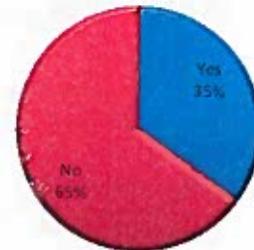


The majority of residents (78.1%) indicated that neither they, nor anyone they know, have been denied the opportunity or steered away from buying or renting in a particular neighborhood, while 21.9 percent responded positively.

Are you aware of problems faced by Blacks or Hispanics in getting a mortgage loan or buying a home in this area?

Answer Options	Response Percent	Response Count
Yes	35.1%	91
No	65.6%	170

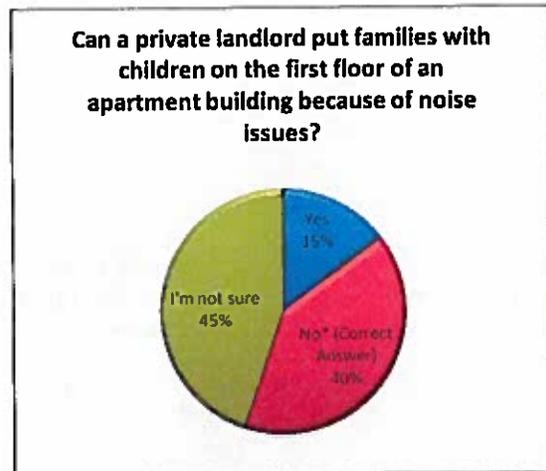
Are you aware of problems faced by Blacks or Hispanics in getting a mortgage loan or buying a home in this area?



The majority of residents (65.6%) were not aware of Blacks or Hispanics facing problems obtaining a mortgage loan or buying a home, while 35.1 percent responded positively.

Can a private landlord put families with children on the first floor of an apartment building because of noise issues?

Answer Options	Response Percent	Response Count
Yes	14.9%	39
No* (Correct Answer)	40.2%	105
I'm not sure	44.8%	117



Forty percent of residents (40.2%) correctly indicated that a private landlord cannot restrict families with children to the first floor of an apartment building because of noise issues, while the overwhelming majority (85%) answered incorrectly or were not sure.

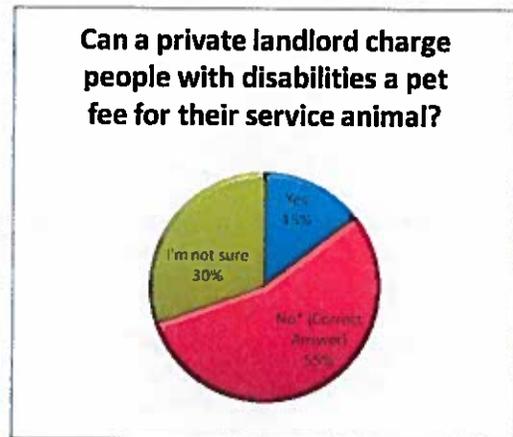
Can a private landlord charge families with children a larger deposit because they may damage the unit?

Answer Options	Response Percent	Response Count
Yes	14.6%	38
No* (Correct Answer)	54.0%	141
I'm not sure	31.4%	82



The majority of residents (54%) correctly indicated that a private landlord cannot charge families with children a larger deposit because they may damage the unit, while 46 percent answered incorrectly or were not sure.

Can a private landlord charge people with disabilities a pet fee for their service animal?		
Answer Options	Response Percent	Response Count
Yes	14.6%	38
No* (Correct Answer)	55.0%	143
I'm not sure	30.4%	79



The majority of residents (55%) correctly responded indicating that a private landlord cannot charge people with disabilities a pet fee for their service animal, while 45 percent answered incorrectly or were not sure.

Can a private landlord advertise an apartment and say they want or prefer Christian families?		
Answer Options	Response Percent	Response Count
Yes	10.0%	26
No* (Correct Answer)	65.9%	172
I'm not sure	24.5%	64



The majority of residents (65.9%) correctly responded indicating that a private landlord cannot advertise an apartment and say they want or prefer Christian families, while 34.5 percent answered incorrectly or were not sure.

Can a private landlord deny your emotional support or therapeutic animal if they have a "No Pets" policy?

Answer Options	Response Percent	Response Count
Yes	16.1%	42
No* (Correct Answer)	40.6%	106
I'm not sure	43.3%	113

Can a private landlord deny your emotional support or therapeutic animal if they have a "No Pets" policy?



Forty-one percent (40.6%) of residents correctly responded indicating that a private landlord cannot deny an emotional support or therapeutic animal if he/she has a "No Pets" policy, while the majority 59.4 percent answered incorrectly or were not sure.

Can a private landlord deny your service animal if it is not certified or trained?

Answer Options	Response Percent	Response Count
Yes	26.6%	69
No* (Correct Answer)	26.3%	68
I'm not sure	47.1%	122

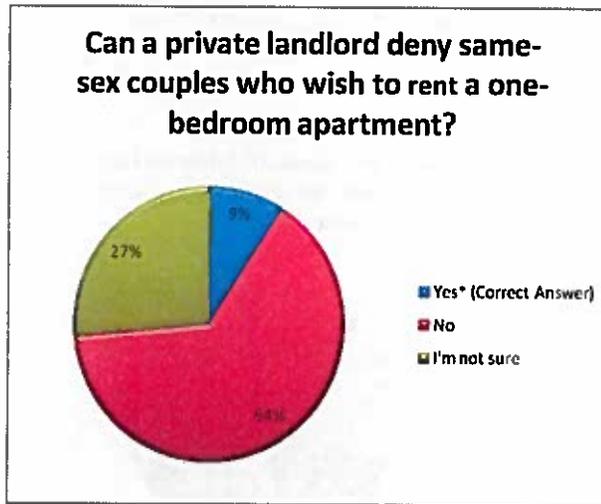
Can a private landlord deny your service animal if it is not certified or trained?



Twenty-six percent (26.3%) of residents correctly responded indicating that a private landlord cannot deny a service animal if it is not certified or trained, while the overwhelming majority (73.7%) answered incorrectly or were not sure.

**Can a private landlord deny same-sex couples who wish to rent a one-bedroom apartment?**

Answer Options	Response Percent	Response Count
Yes* (Correct Answer)	9.1%	24
No	64.6%	170
I'm not sure	26.6%	70

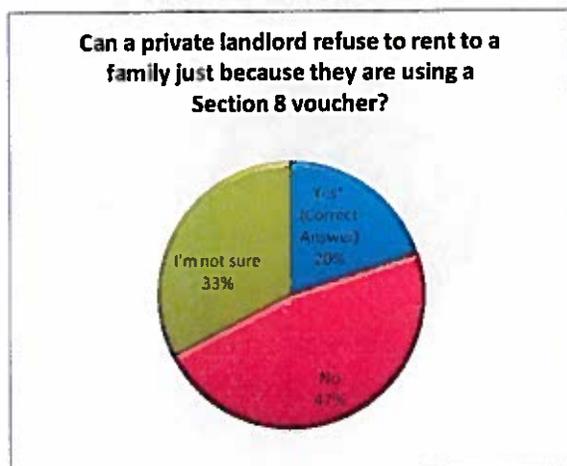


Nine percent (9.1%) of residents responded correctly indicating private landlords can deny same sex couples who wish to rent a one-bedroom apartment, while the overwhelming majority of residents (91.2%) either incorrectly responded or were not sure.

**Note:** Private landlords who do not receive HUD funding can deny housing opportunities to same sex couples; however, pursuant to USHUD's approval of the *Equal Access* regulation in January 2012, all core HUD housing programs are open to all eligible persons, regardless of sexual orientation or gender identity.

**Can a private landlord refuse to rent to a family just because they are using a Section 8 voucher?**

Answer Options	Response Percent	Response Count
Yes* (Correct Answer)	20.2%	52
No	47.5%	122
I'm not sure	32.7%	84



Twenty percent (20.2%) of residents responded correctly indicating private landlords may refuse to rent to a family just because they are using a Section 8 voucher, while the overwhelming majority of residents (80.2%) either incorrectly responded or were not sure.

**Note:** Generally, private landlords who do not receive federal funding or other types of restricted funding have no obligation to accept Section 8 vouchers, as source of income is not a protected class under current federal or state fair housing laws.

**Overall, responses reveal:**

- Approximately 40 percent of residents surveyed have not personally experienced housing discrimination or know anyone who has, or filed a housing discrimination complaint (97%); however,
- 62 percent indicated they do not know their rights as a renter or homeowner under fair housing laws, and 60.6 percent do not know who to call for information on their rights or to get help with reporting housing discrimination;

- Regarding questions about prohibitive actions by private landlords, 38.8 percent answered correctly, 26.1 percent answered incorrectly, and 35.1 percent were not sure; thus, a significant majority of residents (61.2%) answered incorrectly or were not sure; they are not aware of their rights or the providers' responsibilities under fair housing law.

Of the 221 survey responses to the question, What is the best thing about living in your neighborhood? Seventy-six responses ranked Convenience of location (34% of the total responses followed by Neighbors (17%), Diversity (12%) and Quiet (10%) as the most important qualities of their communities. The following qualities received 5 percent or less rankings: Affordability (5%), Secure/Safe/Gated (5%), Revitalization/Development/Transition (4%), Clean (3%), Schools (3%), Services (1%), or Renting/Landlord (1%).

What is the BEST thing about living in your neighborhood?	Number of Responses (Total 221)	Percentage %
Convenient location (MARTA, highway, shopping, walkable etc.)	76	34%
Community/Neighbors	37	17%
Diversity	26	12%
Quiet	21	10%
Affordable	10	5%
Secure/Safe/Gated	10	5%
Revitalization/Development/Transition	8	4%
Clean	7	3%
Schools	7	3%
Services	3	1%
Renting/ the Landlord	3	1%
<b>Other responses:</b>  The View, Small town feel, Apt Size, I like/love it, Kool, None, Nothing, etc.		

Of the 202 survey responses to the question, What is the worst thing about living in your neighborhood?, Fifty-five responses ranked Crime (Prostitution, Drugs, Violence) (27% of total responses), followed by Neighbors/Lack of Community (18%), and Vacant, Abandoned, Foreclosed Homes (10%) as the least appealing characteristics of their communities. The following characteristic received 9 percent or less rankings: Bad Maintenance, Cleanliness, Services, Litter (9%), Condition of Streets, Traffic, Parking (7%), High Cost (Rent or Water Bill) (5%), Needs Better Grocery Store/Retail or Development (5%), Police (1%), or Dogs (1%).

What is the WORST thing about living in your neighborhood?	Number of Responses (Total 202)	Percentage %
Crime (Prostitution, Drugs, Violence)	55	27%
Neighbors/Lack of Community	37	18%
Vacant, Abandoned, or Foreclosed Homes	21	10%
Bad Maintenance, Cleanliness, Services or Litter	18	9%
Condition of Streets, Traffic or Parking	14	7%
High Cost (Rent or Water Bill)	11	5%
Needs Better Grocery Store/Retail or Needs Development	10	5%
Police	3	1%
Dogs	2	1%
Other Responses: Need Jobs, No bus, etc.		

### Public Hearings

A total of four (4) public hearings were held in diverse locations of the City on September 4, 5, 9, and 10, 2013, for the purpose of educating the community-at-large about the AI process and obtaining input from all stakeholders about housing issues that have a fair housing impact. In accordance with the outreach plan agreed upon

with the Office of Housing project manager, each hearing focused on a separate topic of interest to the community in which the hearing was held. Marketing of the hearings was accomplished through notices to all NPU's, postings at community centers, email blasts to all City departments, housing advocacy groups and Metro partners, and by a half-page ad in the *Atlanta Journal & Constitution*. The agenda for the hearings featured knowledgeable speakers on each focus topic with proceedings documented by court reporters, staffed by sign language interpreters, Spanish/English interpreters, photographer, security officer and equipped with PA systems. Following brief presentations by each speaker, the floor was opened to a Public Comment period during which residents were not restricted to the pre-determined 5-minute time limit or to the focus topic of the hearing. See Appendix D, Public Outreach Documents, Hearing Transcripts.

The September 4<sup>th</sup> hearing was held at the Coan Park Center, 1530 Woodbine Street, SE from 6:00 to 8:30 pm and attended by fourteen persons. The focus topic was: How Affordable is Atlanta's Housing?/What Makes Housing Unaffordable? Public comments addressed personal challenges with high housing costs/amenities, the difficulty of finding housing suitable for very low-income disabled persons, and attendees asked questions regarding the development factors that make housing unaffordable.

The September 5<sup>th</sup> hearing was held at the Dunbar Center, 477 Windsor Street, SW from 6:00 to 8:30 pm and attended by seven persons. The focus topic was: Denied a Mortgage Loan to Purchase or Refinance?/Victim of Foreclosure or Denied a Loan Modification? Public comments addressed discrimination against homebuyers, HUD regulations, and failures of code enforcement in the NPU.

The September 9<sup>th</sup> hearing was held at the AGAPE Center, 2353 Bolton Road, NW from 6:30 to 9:00 pm and attended by seven persons. The focus topic was: Denied a Place to Live Because of the Country You are From?/Lost a Housing Opportunity Because You Have Children? Public comments were considerable and addressed landlord/tenant disputes with property managers and Hispanic tenants, national origin/other protections under fair housing law.

The September 10<sup>th</sup> hearing was held at the Freight Room/Blue Room, 65 MLK, Jr. Drive, SE from 6:00 to 8:30 pm and attended by six persons. The focus topic was: How Accessible is Atlanta's Housing?/Denied a Place to Live Because You Use a Wheelchair? Public comments from veteran disability rights advocates addressed the discrepancies between supply and demand for affordable, accessible and integrated housing in the City and metropolitan Atlanta, the lack of public commitment to

funding and policy-making supportive of "visitability", and reporting the findings contained in the white paper, *"Shut Out, Priced Out, and Segregated: The Need for Fair Housing for People with Disabilities - A Public Policy Report and Recommendations, August 2011."*

See the Public Hearing Notice/Schedule and Agendas at Appendix D, Public Outreach Documents.

### **Key Person/Department Surveys**

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

<u>Organization</u>	<u>Key Person</u>
Atlanta, Office of Housing, DPCD	Derrick Jordan, Interim Director
Atlanta Office of Planning, DPCD	Charletta Jack, Director
Atlanta Office of Building, DPCD	Dan Rosenthal, Director
Atlanta Office of Constituent Services, HRC	Andrea Boone, Commissioner
Atlanta Housing Authority	Renee Glover, President/CEO
Georgia Commission on Equal Opportunity	Teresa Chappell, Director Fair Housing Division
Atlanta Legal Aid Society, Inc.	Charles Bliss, Director of Advocacy
Atlanta Legal Aid Society, Inc.	Karen Brown, Director, Home Defense Program
Atlanta Legal Aid Society, Inc	C. Talley Wells, Director Disability Integration Project

The full text of request letters, questionnaires and responses sent and received, regarding each City department and organization noted above can be found in Appendix B.

## **VIII. Conclusions & Recommendations**

### **Identified Impediments to Fair Housing Choice**

- 1. Lack of compliance with Federal, State, and Local Fair Housing Laws within the jurisdiction**
- 2. Lack of Knowledge of Fair Housing Protections and Redress under Fair Housing Laws**
- 3. Issues Affecting Persons with Disabilities and the Homeless**
- 4. Shortage of/Barriers to Affordable Housing & Homeownership**
- 5. Concentrations of Vacant and Abandoned Residential Properties**
- 6. Fair and Equal Lending Disparities**

## Fair Housing Action Plan

### 1. Lack of compliance with Federal, State, and Local Fair Housing Laws within the jurisdiction

**Action 1:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Legal</li> <li>• Office of Constituent Services</li> <li>• Human Relations Commission</li> </ul>	18 months From HUD Approval	Ongoing	Enforce the City's existing 1977 fair housing ordinance, as amended, 1984 and 2000, providing protections to the seven protected classes covered under federal and state fair housing law and extending additional protections to "domestic relationship status, parental status, sexual orientation, gender identity and age." ATLANTA GA CODE § 94-91 <i>et seq.</i> Take steps to make the local law "substantially equivalent" to the Federal Fair Housing Act, or, in the alternative, repeal the local ordinance and enact an ordinance that is substantially equivalent to the federal fair housing law, as proposed in the 2006 AI.

**Action 2:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Office of Constituent Services</li> <li>• Human Relations Commission</li> </ul>	12 months from HUD Approval	N/A	Develop referral process for Fair Housing Complaints that includes contact information to all private and public enforcement agencies.

## 2. Lack of Knowledge of Fair Housing Protections and Redress under Fair Housing Laws

### Action 1 (a-d): Training, on-going education and outreach

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Fair Housing Agency</li> </ul>	12-18 Months from HUD Approval	CDBG	<p>1.a. Conduct a public relations campaign promoting knowledge of fair housing laws and assistance programs including, but not limited to, print ads, public service announcements, and community forums.</p> <p>1.b. Provide fair housing training/materials at all housing-related workshops in English and Spanish to address the need for on-going education and outreach to consumers, advocates and the jurisdiction's growing, diverse population.</p> <p>1.c. Provide comprehensive fair housing education and training to housing providers and funded grant recipients to foster compliance with federal, state, and local laws.</p> <p>1.d. Provide fair housing training to all relevant City employees. Develop mandatory fair housing training modules and schedules to ensure the education of new employees and re-training/updating of existing employees.</p>

### Action 2 (a-b): Web Design

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Mayor's Office of Communications</li> </ul>	9-12 months from HUD Approval	N/A	<p>2.a. Dedicate a portion of the City's website to Fair Housing, with homepage links to websites and information about filing fair housing complaints and compliance (federal, state and local entities).</p> <p>2.b. Continue an online survey to determine the public's knowledge of fair housing laws, means of</p>

			redress, and levels of perceived discriminatory practices by providers.
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**Action 3: Publish Study Results**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>Office of Housing</li> </ul>	Upon HUD Approval	N/A	3.a. Communicate key aspects of the completed, approved AI document, particularly publicizing the conclusions and actions steps to the general public in alternative languages and formats appropriate for persons with disabilities.

**3. Issues Affecting Persons with Disabilities and the Homeless**

**Action 1:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>OEAM</li> </ul>	Concurrent with VCA Terms and Agreements	TBD	Support and monitor on-going efforts/requirements to comply with Section 504 requirements to increase the quality and quantity of accessible facilities and programs receiving federal funding.

**Action 2:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>Mayor's Office</li> </ul>	12 Months from HUD Approval	N/A	Collaborate with surrounding county jurisdictions and advocates in an effort to seek regional solutions and leverage financial resources to eliminate homelessness and increase supportive housing alternatives.

**Action 3:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>Office of Buildings</li> <li>OEAM</li> </ul>	12 Months from HUD Approval	N/A	Research, standardize and reconcile local ordinances and procedures with federal and state laws regarding accessibility in construction, permitting, inspections, code enforcement, etc. of single-family

			and multi-family housing. Establish comprehensive, mandatory accessibility training and monitoring mechanisms for all relevant City employees.
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**Action 4:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Office of Buildings</li> <li>• Office of Housing</li> </ul>	Immediately	N/A	Continue enforcement of the City's existing ordinance, ATLANTA GA CODE § 8-2182, regarding accessibility requirements, particularly for construction of new single-family dwellings receiving city funds. Update the established system to ensure compliance with all applicable federal, state and local accessibility laws.

#### 4. Shortage of/Barriers to Affordable Housing & Homeownership

**Action 1:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Office of Housing</li> </ul>	Currently Underway	HOME /CDBG	Require and monitor affirmative marketing plans for all affordable housing providers.

**Action 2:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Office of Housing</li> <li>• Invest Atlanta (URFA)</li> </ul>	18 months from HUD Approval	N/A	Support and fund down payment and closing cost assistance mechanisms for residents.

**Action 3:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Office of Grants Management</li> <li>• Office of Housing</li> <li>• AHA</li> <li>• Invest Atlanta</li> </ul>	24 months from HUD Approval	N/A	Establish definitive, quantitative goals for increasing the number of affordable housing units in the City.

**Action 4:**

RECOMMEND Responsible Party	Proposed Timeline	Funding	Action Step

<ul style="list-style-type: none"> <li>• Office of Code Compliance</li> <li>• Office of Grants Management</li> </ul>	Ongoing	100,000/yr	Identify funding for the demolition of abandoned/blighted properties. Utilize "in-rem" authority to remove strategically abandoned/neglected properties. To the extent allowable by law, aggressively enforce the vacant property registry requirements, fining owners who fail to register.
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**Action 5:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Office of Housing.</li> <li>• Invest Atlanta (URFA)</li> </ul>	Currently underway	Housing Opportunity Bond	Determine the feasibility of funding the remainder of the original \$70 million Housing Opportunity Fund commitment. Target funding for redevelopment of neighborhoods impacted by the foreclosure crisis, transit-oriented development (TOD) housing investments and preservation of at-risk affordable housing.

**Action 6:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Department of Watershed Management</li> </ul>	18 months from HUD Approval	N/A	Research and implement measures to reduce housing costs that impact housing affordability for renters and homeowners (i.e., providing incentives for low-flow fixtures).

**Action 7:**

Responsible Party	Proposed Timeline	Funding	Action Step
<ul style="list-style-type: none"> <li>• Department of Planning and Community Development</li> </ul>	24 months from HUD Approval	N/A	Establish Inclusionary Housing Policy with zoning and funding mechanisms to encourage the development of affordable housing in high opportunity areas.

## 5. Concentrations of Vacant and Abandoned Residential Properties

**Action 1:**

Responsible Party	Proposed Timeline	Funding	Action Step
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• Office of Code Compliance	18 months From HUD Approval	N/A	Develop a plan to reduce the number of vacant and abandoned residential properties within the jurisdiction.
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## 6. Fair and Equal Lending Disparities

### Action 1:

Responsible Party	Proposed Timeline	Funding	Action Step
• Fair Housing Agency	Currently underway	\$60,000	Educate residents through First-time Homebuyer and other workshops on the identification of predatory lending practices, foreclosure and modification scams, mortgage fraud, etc. and where to receive assistance if victimized by predatory lending/fraudulent practices.

### Action 2:

Responsible Party	Proposed Timeline	Funding	Action Step
• Office of Grants Management • Fair Housing Agency	Currently Underway	N/A	Continue to evolve and require Affirmative Marketing efforts to reach additional residents in various languages.

### Action 3:

Responsible Party	Proposed Timeline	Funding	Action Step
• Fair Housing Agency • Mayor's Office of Communications	12 months from HUD Approval	N/A	Initiate and support mass media campaigns promoting fair lending, including but not limited to, print ads, public service announcements, and community forums on cable TV and the City's website.

**IX. Signature Page**

Reviewed and accepted this 30<sup>th</sup> day of December, 2014.

  
Chief Operating Officer

**CITY OF ATLANTA**

  
MAYOR KASIM REED

*Handwritten text, possibly a signature or name, located in the upper right quadrant of the page.*