San Diego Regional Analysis of Impediments to Fair Housing Choice

SAN DIEGO REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

FEBRUARY 2005

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ACKNOWLEDGMENT

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City of Carlsbad
City of Chula Vista
City of Coronado
City of Del Mar
City of El Cajon
City of Encinitas
City of Escondido
City of Imperial Beach
City of La Mesa
City of Lemon Grove
City of National City
City of Oceanside
City of Poway
City of San Diego
County of San Diego
City of San Marcos
City of Santee
City of Solana Beach
City of Vista

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ES EXECUTIVE SUMMARY

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Equal access to housing for all is a fundamental right protected by both State and federal laws. In recognition of fair housing as an important housing goal for the region, jurisdictions in San Diego County collaborated in conducting an Analysis of Impediments (AI) to Fair Housing Choice.

Defining Fair Housing

Throughout this report, fair housing is defined as:

> *A condition in which individuals of similar income levels in the same housing market having a like range of housing choice available to them regardless of race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.*

Impediments to fair housing choice are:

> *Any actions, omissions, or decisions taken because of race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or*

> *Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.*

Affordability Not a Fair Housing Issue

Neither federal nor State fair housing laws identify low and moderate income households as a protected class. Therefore, the lack of affordable housing though critical, is not considered a fair housing issue. While housing affordability is not a fair housing issue per se, the increased demand for housing and the dwindling supply may create conditions where fair housing violations become a common part of the competition in the housing market. Therefore, this study assesses the impact of high housing costs in the region on low and moderate income households, and households with special housing needs. To the extent that the lack of affordable housing disproportionately impact groups that are protected by fair housing laws, fair housing concerns arise.

Scope of AI Analysis

This AI reviews the laws, regulations, conditions or other possible obstacles that may affect an individual or a household's access to housing. Specifically, the AI contains:

- A comprehensive review of the laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws, regulations, policies, procedures, and practices affect the location, availability, and accessibility of housing; and
- An assessment of conditions, both public and private, affecting fair housing choice.

Impediments and Recommendations

Impediments identified can be grouped into private sector impediments induced by market conditions and socioeconomic characteristics, and public sector impediments resulted from regulations, policies, and procedures. When identifying recommendations, this AI focuses on actions that are directly related to fair housing issues and can be implemented within the resources and authority of the participating jurisdictions, as well as within the five-year timeframe of this AI. General recommendations, such as supporting the efforts of other agencies or enhancing affordability, are not included.

Housing Market

Education and Outreach

Impediment: Educational and outreach literature regarding fair housing issues, rights, and services on websites or at public counters is limited. Approximately 38 percent of the Fair Housing Survey respondents indicated that they had experienced housing discrimination but did not know where to report their complaints.

> **Recommendation:** Jurisdictions should provide links to fair housing and other housing resources with current information on their websites. Public counters should also prominently display fair housing information.

Impediment: As many individual homeowners enter the business of being a landlord by renting out their homes, many may not be aware of current laws.

> **Recommendation:** Jurisdictions should make a concerted effort to identify one- to four-unit residences within their jurisdictions that are used as rentals and target education and outreach materials to this segment of the market population.

Impediment: Many fair housing violations tend to be committed by small "mom and pop" rental operations. These property owners/managers are often not members of the San Diego County Apartments Association. Outreaching to this group is difficult.

> **Recommendation:** Jurisdictions and fair housing service providers should work with the San Diego County Apartments Association (SDCAA) to expand outreach to the "mom and pop" rental properties. Discuss with SDCAA if it is feasible to establish a lower-tier membership for two- to six-unit owners to encourage access to SDCAA education programs.

Lending and Credit Counseling

Impediment: Hispanics and Blacks continue to be under-represented in the homebuyer market, and experienced large disparities in loan approval rates among the 19 jurisdictions.

> **Recommendation:** Provide findings of this AI and other related studies to the Community Reinvestment Initiative (CRI) Task Force to follow up with discussions and actions with lenders.

Impediment: Many of the reasons for application denial, whether in the rental market or in the home purchase market, relate to credit history and financial management factors.

> **Recommendation:** Provide findings of this AI and other related studies to the Community Reinvestment Initiative (CRI) Task Force to follow up with discussions and actions with lenders.

> **Recommendation:** Jurisdictions should collaborate to provide education and outreach on Credit History and Financial Management.

Housing for Persons with Disabilities

Impediment: Housing choices for persons with disabilities are limited.

Recommendation: Jurisdictions should expand the variety of housing types and sizes. In addition to persons with disabilities, senior households can also benefit from a wider range of housing options. To allow seniors to age in place, small one-story homes, townhomes or condominiums, or senior rentals may be needed.

Impediment: Discrimination against people with disabilities has become an increasing fair housing concern, which is supported by general literature, statistical data, cases filed with DFEH, and recent audits conducted in the region.

Recommendation: Jurisdictions should consider promoting universal design principles in new housing developments.

Recommendation: Jurisdictions should consider using CDBG, HOME, and other housing funds available to provide monetary incentives for barrier removal of non-compliant complexes.

Recommendation: Fair housing service providers, supportive housing providers, or other regional agencies as appropriate, should collaborate and develop a list of apartments that are ADA-compliant and provide vacancy information for persons with disabilities.

Lead-Based Paint Hazards

Impediment: Lead-based paint hazards often disproportionately affect minorities and families with children. While lead-based paint issues pose a potential impediment to housing choice, testing of lead hazards is rarely performed when purchasing or renting a unit.

Recommendation: Jurisdictions should consider requiring lead-based paint testing as part of their homebuyer and residential rehabilitation programs.

Regional Collaboration

Impediment: While collaboration was identified in the 2000 AIs, only minimal success has been achieved.

> **Recommendation:** Encourage fair housing service providers to collaborate and support each others' activities, so that similar activities are available to residents across jurisdictions. The Fair Housing Resources Board (FHRB) should continue to function as a collaborative to coordinate fair housing services for the region.
>
> **Recommendation:** Jurisdictions should consider the service gaps identified in this AI and revise work scope with fair housing service providers to ensure equal access to fair housing services.

Reporting

Impediment: Fair housing service providers report accomplishments and statistical data in different formats based on the requirements of each jurisdiction. Inconsistent reporting makes tracking trends difficult.

> **Recommendation:** Jurisdictions should develop a uniform method of reporting to incorporate into each sub-recipient contract to ensure that proper documentation is available regarding ethnicity, income level, and types of calls received based on HUD's reporting categories.

Impediment: While education and outreach efforts are a clear priority of all agencies involved, a review of various documents and reports indicates a lack of quantifiable goals, objectives, and accomplishments to gauge success or progress.

> **Recommendation:** In response to HUD's recent memo on performance measures that should be outcome based, Consolidated Plan, Action Plans, CAPERs, and sub-recipient contracts and annual reporting should identify specific quantifiable objectives and measurable goals related to furthering fair housing.

Fair Housing Services

Impediment: Fair housing services vary across the region based on the agency providing the services and the work scopes of each sub-recipient contract. Differing levels of funding may also be an explanation accounting for variances in services.

> **Recommendation:** Jurisdictions should collaborate with fair housing services providers to ensure an adequate level of service is available to all residents. Some jurisdictions may require additional services due to their special circumstances. However, a basic level of services should be established. Jurisdictions should also consider the appropriate levels of funding for the provision of these services.

Impediment: While a few cities include auditing in the scope of work required by the fair housing services providers, no specific criteria are established to ensure audits are performed on a regular basis. Sales audits and lending audits are rarely performed.

> **Recommendation:** Ensure that audits are conducted within the County on a regular basis.

Impediment: While tenant/landlord disputes are not fair housing issues in general, providing dispute resolution services may prevent certain situations from escalating to discrimination issues.

> **Recommendation:** Incorporate tenant/landlord dispute resolution into fair housing contracts. Encourage mediation services by qualified mediator as part of the fair housing contracts.

Public Policies

Public policies such as land use designation, zoning provisions, and development regulations can be complicated and ambiguous, leading to open interpretation. While most communities generally comply with State laws in practice, clarity in public policies with regard to residential development would help eliminate potential delay or obstruction to housing choice.

Impediments: The most common impediments include:

- Residential project is permitted to be developed at densities much lower than intended for the specific land use designations or zoning districts, compromising a jurisdiction's ability in providing a range of housing choices or meeting the Regional Housing Needs Allocation.

- Single-family homes are permitted uses in areas designated for multi-family housing, also compromising a jurisdiction's ability in providing a range of housing choices or meeting the Regional Housing Needs Allocation.

- Illegal or inappropriate definitions of "family" in zoning ordinances.

- Transitional housing or emergency shelters not expressly permitted.

- Lack of established policies/procedures for obtaining reasonable accommodation pursuant to ADA.

- Density bonus provisions in zoning ordinances are not consistent with State law.

- Zoning ordinances do not expressly address licensed residential care facilities consistent with the Lanterman Developmental Disabilities Services Act.

- Conditional Use Permits (CUPs) required for all multi-family housing developments and/or second units.

Recommendation: Jurisdictions are recommended to amend its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the jurisdictions will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

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CHAPTER 1

INTRODUCTION

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

San Diego County, one of the most populous counties in the nation, is home to 2.8 million residents and an increasingly diverse demographic. The County encompasses 18 incorporated cities and more than 25 rural and urban unincorporated neighborhoods and communities.

Diversity among its residents, in terms of cultural backgrounds and socioeconomic characteristics, makes San Diego County a highly interesting and desirable area to live. To continue nurturing this diversity, civic leaders must ensure that an environment exists where equal access to housing opportunities is treated as a fundamental right.

1.1 Purpose of the Report

In recognition of the importance of equal housing access, fair housing is a right protected by federal and state laws.

Federal Laws

The federal Fair Housing Act of 1968 and Fair Housing Amendments Act of 1988 (42 U.S. Code §§ 3601-3619, 3631) are federal fair housing laws that prohibit discrimination in all aspects of housing, such as the sale, rental, lease or negotiation for real property. The Fair Housing Act prohibits discrimination based on race, color, religion, sex, and national origin. In 1988, the Fair Housing Act was amended to extend protection to familial status and people with disabilities (mental or physical). In addition, the Amendment Act provides for "reasonable accommodations", allowing structural modifications for persons with disabilities, if requested, at their own expense, for multi-family dwellings to accommodate the physically disabled.

California Laws

The State Department of Fair Employment and Housing (DFEH) enforce California laws that provide protection and monetary relief to victims of unlawful housing practices. The Fair Employment and Housing Act (FEHA) (Part 2.8 of the California Government Code, Code Sections 12900-12996) prohibits discrimination and harassment in housing practices, including:

- Advertising
- Application and selection process
- Unlawful evictions
- Terms and conditions of tenancy
- Privileges of occupancy
- Mortgage loans and insurance
- Public and private land use practices (zoning)
- Unlawful restrictive covenants

The following categories are protected by FEHA:

- Race or color
- Ancestry or national origin
- Sex
- Marital status
- Source of income
- Sexual Orientation
- Familial status (households with children under 18 years of age)
- Religion
- Mental/Physical Disability
- Medical Condition
- Age

In addition, the FEHA requires housing providers to make reasonable accommodation in rules, policies, practices and services to permit persons with disabilities to use and enjoy a dwelling. The law also allows persons with disabilities, at their own expense, to make reasonable modifications of the premises.

The Unruh Civil Rights Act provides protection from discrimination by all business establishments in California, including housing and accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, and sexual orientation. While the Unruh Civil Rights Act specifically lists "sex, race, color, religion, ancestry, national origin, disability, or medical condition" as protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics.

Furthermore, the Ralph Civil Rights Act forbids acts of violence or threats of violence because of a person's race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation, or position in a labor dispute (California Civil Code section 51.7). Hate violence can be: verbal or written threats; physical assault or attempted assault; and graffiti, vandalism, or property damage.

Fair Housing Defined

In light of the various pieces of fair housing legislation passed at the federal and state levels, fair housing throughout this report is defined as follows:

> *Fair housing is a condition in which individuals of similar income levels in the same housing market having a like range of housing choice available to them regardless of age, race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.*

Impediments Defined

Within the legal framework of federal and state laws and based on the guidance provided by the U.S. Department of Housing and Urban Development (HUD) Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

> *Any actions, omissions, or decisions taken because of age, race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or*
>
> *Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of age, race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.*

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice. Furthermore, eligibility for certain federal funds requires the compliance with federal fair housing laws. Specifically, to receive HUD Community Planning and Development (CPD) formula grants, a jurisdiction must:

- Certify its commitment to actively further fair housing choice;
- Maintain fair housing records; and
- Conduct an analysis of impediments to fair housing.

Scope of Analysis

This Analysis of Impediments (AI) to Fair Housing Choice provides an overview of laws, regulations, conditions or other possible obstacles that may affect an individual or a household's access to housing. The AI involves:

- A comprehensive review of the laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws, regulations, policies, procedures, and practices affect the location, availability, and accessibility of housing; and
- An assessment of conditions, both public and private, affecting fair housing choice.

1.2 Geographic Areas Covered

This AI covers the entirety of San Diego County, including the 18 incorporated cities and all unincorporated areas. To help with the understanding the organization of some data and discussions in this AI, geographic references are defined as follows (see Figure 1-1 at the end of this Chapter):

Entitlement Jurisdictions

An entitlement jurisdiction is a jurisdiction with a population of over 50,000 residents. An "entitlement" jurisdiction is so defined because it is "entitled", based on its population, to directly receive formula Community Development Block Grant (CDBG) from HUD. Entitlement jurisdictions in the County include:

- City of Carlsbad
- City of Chula Vista
- City of El Cajon
- City of Encinitas
- City of Escondido
- City of La Mesa
- City of National City
- City of Oceanside
- City of San Diego
- City of San Marcos
- City of Santee

- City of Vista
- San Diego Urban County

San Diego Urban County

Cities with a population smaller than 50,000 residents do not directly receive CDBG funds from HUD. Instead, these small cities participate in the Urban County program. The San Diego Urban County includes:

- Unincorporated areas
- City of Coronado
- City of Del Mar
- City of Imperial Beach
- City of Lemon Grove
- City of Poway
- City of Solana Beach

San Diego County Subregions

San Diego County is divided into seven Metropolitan Statistical Areas (MSAs):

- Central
- North City
- South Suburban
- East Suburban
- North County West
- North County East
- East County

Certain housing and demographic data presented in this AI are aggregated at the MSA level.

1.3 Lead Agency and Funding Sources

The San Diego Fair Housing Resources Board (FHRB) is comprised of representatives from the entitlement jurisdictions in the County, as well as organizations with a mission in promoting fair housing. The FHRB oversees the preparation of this AI, which has been funded with CDBG funds contributed by all of entitlement jurisdictions in the County on a pro rata basis.

1.4 Data and Methodology

The following data sources were used to complete this AI. Sources of specific information are identified in the text, tables and figures.

- 1990 and 2000 U.S. Census
- Consolidated Plans
- Housing Authority Agency Plans
- San Diego Association of Governments (SANDAG)
- U.S. Department of Housing and Urban Development (HUD)
- California Department of Social Services Community Care Licensing Division
- Home Mortgage Disclosure Act (HMDA) data regarding lending patterns in 1998 and 2002
- Dataquick housing sales activity data
- Fair Housing Council of San Diego
- Heartland Human Relations and Fair Housing Association
- North County Lifeline
- Local boards of realtors
- Local apartment associations
- Local lenders

1.5 Organization of the Report

The AI is divided into eight chapters:

1. **Introduction** defines “fair housing” and explains the purpose of the report.

2. **Community Participation** describes the community outreach program and summarizes comments from residents and various

agencies on fair housing issues such as discrimination, housing impediments, and housing trends.

3. **Community Profile** presents the demographic, housing, and income characteristics in San Diego County. Major employers and transportation access to job centers are identified. The relationships among these variables are discussed.

4. **Lending Practices** assesses the access to financing for different groups. Predatory and subprime lending issues are discussed.

5. **Public Policies and Practices** analyzes various public policies and actions that may impede fair housing within the County.

6. **Current Fair Housing Profile** evaluates existing public and private programs, services, practices, and activities that assist in providing fair housing in County. This chapter also assesses the nature and extent of fair housing complaints and violations in different areas of the County. Trends and patterns of impediments to fair housing, as identified by public and private agencies, are included.

7. **Achievements of the 2000 Plans** assesses the progress made since the preparation of the 2000 Analysis of Impediments (AI) to Fair Housing Choice.

8. **Conclusions and Recommendations** summarizes the findings regarding fair housing issues in San Diego County and provides recommendations for furthering fair housing practices.

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Figure 1-1: Geographic Areas Covered

Figure 1-1: Geographic Areas Covered
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CHAPTER 2 COMMUNITY PARTICIPATION

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

This Analysis of Impediments Report has been developed to provide an overview of laws, regulations, conditions, or other possible obstacles that may affect an individual's or a household's access to housing. As part of this effort, the report incorporates the issues and concerns of residents, housing professionals, and service providers. To assure the report responds to community needs, a community outreach program consisting of five community workshops and a fair housing survey was conducted in the development of this report. This chapter describes the community outreach program conducted to involve the community.

2.1 Outreach to the Community

To reach the various segments of the community, several methods were used to obtain community input:

- Five community workshops
- Fair housing survey
- Interviews with key agencies

Community Workshops

Five community workshops were held in communities throughout the County to gather input regarding fair housing issues in the region. Four of the workshops were held in November of 2003 and a final workshop in January 2004. The locations and dates of the meetings were as follows:

Community Meeting Locations

Focus Area	Location	Date
North County	Escondido City Hall	November 3, 2003
East County	El Cajon Community Center	November 4, 2003
South County	Martin Luther King Community Center	November 5, 2003
Downtown San Diego	City Administration Building	November 6, 2003
Central County	Linda Vista Recreation Center	January 21, 2004

To encourage attendance and participation, the workshops were publicized through the following methods:

- Flyers publicizing the November, 2003 workshops were mailed to over 800 agencies and interested individuals throughout the County, including a wide range of housing service providers and community organizations such as planning groups, housing development corporations, service providers, housing industry professionals, civic organizations, housing authorities, housing groups, business organizations, religious organizations, and schools.

- Flyers in English and Spanish were posted on the websites of various cities and the County.

- Flyers in English and Spanish were placed at public counters such as city halls, libraries, and community centers.

- The January 21, 2004 workshop was also advertised in the Union Tribune.

Despite extensive outreach efforts, attendance at the November meetings was limited. In general, community workshops on fair housing issues receive little attention from the public, according to fair housing service providers serving various parts of the County. Often, people participate in such workshops only if they are directly impacted by fair housing issues. The workshops that occurred in November of 2003 coincided with the disastrous wildfires that impacted many neighborhoods in the County. As appropriately so, media, public, and personal attention at the time was focused on fighting the fires and assisting those families and individuals impacted by the fires. To expand the outreach effort for this AI study, an additional community workshop was conducted in January, 2004.

Workshop Participants

Aside from interested individuals and staff from the various cities and the County, several service providers and housing professionals participated in the fair housing workshops. These included:

- Access Center
- Bayside Community Center
- Beacon Family Resources Center
- Community Interface
- Fair Housing Council of San Diego County
- Legal Aid Society of San Diego
- Home Start
- Neighborhood House

- North County Lifeline
- United Cerebral Palsy

Key Issues Identified

In reviewing the comments received at these workshops, several key issues are noted:

- Housing discrimination based on race, familial status, and disability are still top issues in the County. While discrimination based on race has decreased over the years, discrimination based on familial status has not seen a significant improvement. Specifically, most people are not aware that familial status is a protected class. Denying requests for reasonable accommodation is the most common form of discrimination against persons with disabilities.

- Occupancy limits present an impediment to many Hispanic households.

- Many seniors, particularly those residing in mobile home parks, and persons with disabilities face eviction issues. An increasing number of residents in board and care facilities (particularly seniors and persons with disabilities) face eviction issues or receive a decreased level of services.

- Small rental properties (with fewer than 16 units) are not required to maintain on-site management. Owners of these small properties commonly are single owners (in contrast to partnerships or corporations) and often are not members of apartment associations. These owners are less aware of fair housing laws.

- Many single-family homes are used as rentals. Owners of these individual homes are often not aware of fair housing laws.

- Low income persons are sometimes discouraged from viewing an apartment or a home, or inquiring about financing options.

- With a large immigrant population in the County, outreach and education efforts are difficult because of the language barriers.

- The process for filing a complaint may appear to be too complicated to many, and affordable legal services are limited compared to the extent of need.

- Affordable legal services are inadequate to address the needs.

The comments received during these community workshops have been incorporated into this AI as appropriate and summarized in Appendix A.

Fair Housing Survey

The Fair Housing Survey sought to gain knowledge about the nature and extent of fair housing issues experienced by County residents. The survey consisted of ten questions designed to gather information on a person's experience with fair housing issues and perception of fair housing issues in his/her neighborhood. A copy of the survey is included as Appendix B.

The survey was available in English, Spanish, and Arabic. The survey was distributed via the following methods:

- Copies of the survey were sent to over 800 agencies and interested individuals, together with the flyers publicizing the community workshops.
- North County Lifeline and Heartland Human Relations helped distribute the survey to their clients.
- The survey was posted on the websites of various cities and the County.
- Copies of the survey were placed at public counters such as city halls, libraries, and community centers.

Because responses to the survey were not controlled[1], results of the survey are used only to provide some insight regarding fair housing issues, but cannot be treated as a statistically valid survey.

Who Responded to the Survey?

A total of 556 persons responded to the fair housing survey. The surveys were from residents representing zip codes across the entire county and were made available in Spanish. Responses were concentrated in three areas:

- North County area, particularly in Carlsbad and Vista
- East Suburban area, particularly in and around El Cajon
- South Bay area

[1] A survey with a "controlled" sample would, through various techniques, "control" the socioeconomic characteristics of the respondents to ensure that the respondents are representative of the general population. This type of survey would provide results that are statistically valid but is much more costly to administer.

Of the 556 responses, approximately 28 percent (153 persons) felt that housing discrimination was an issue in their neighborhood and 24 percent (133 persons) noted that they had experienced housing discrimination.

Who Do You Believe Discriminated Against You?

Among the persons indicating that they had experienced housing discrimination, 85 percent (113 persons) indicated that a landlord or property manager had discriminated against them, while 11 percent (15 persons) of respondents identified a real estate agent, and 8 percent (11 persons) identified a city or county staff person as the source of discrimination. Combined, 5 percent (7 persons) indicated that they had been discriminated against by a mortgage lender or insurer.[2]

	Number	Percent
Landlord/property manager	113	85%
Real estate agent	15	11%
City/County staff	11	8%
Mortgage lender	4	3%
Mortgage insurer	3	2%

Among the persons indicating that they had experienced housing discrimination, more than three-quarters of respondents (76 percent, or 101 persons) indicated that the discrimination they experienced occurred in an apartment complex.

Where Did the Act of Discrimination Occur?

Eleven percent (14 persons) indicated that the discrimination occurred in a single-family home and eight percent (11 persons) indicated that it took place in a public or subsidized housing project.

	Number	Percent
Apartment complex	101	76%
Single-family neighborhood	14	11%
Public/subsidized housing project	11	8%
Condo development	9	7%
When applying to a City/County program	7	5%
Trailer/mobile park	12	2%

[2] Because respondents could indicate multiple answers on a single questions, the percentages on these multiple choice questions do not add up too 100 percent nor do the total number answers add up to the total number of respondents.

On What Basis Do You Believe You Were Discriminated Against?

When asked on what basis they felt they were discriminated against, half (51 percent or 68 persons) indicated that they had experienced housing discrimination and believed the discrimination was based on race, 29 percent (39 persons) believed it was based on their source of income, a quarter (33 persons) believed it was based on their family status, and 20 percent (26 persons) believed it was based on the color of their skin. Other responses included discrimination based on the race of the residents' friends and the size of their family.

	Number	Percent
Race	68	51%
Source of Income	39	29%
Family Status	33	25%
Color	26	20%
Age	14	11%
Gender	12	9%
Marital Status	10	8%
Disability	10	8%
National Origin	9	7%
Religion	4	3%
Sexual Orientation	4	3%
Ancestry	1	1%

Requests for Reasonable Accommodation

Among the persons indicating that they had experienced housing discrimination, 13 percent (17 persons) indicated that they had been denied "reasonable accommodation" in rules, policies or practices for their disability. Requests denied included the use of wheelchairs, cleanup of mold and mildew for persons with asthma, and the use of alternative cleaning products for persons with allergies.

Why Did You not Report the Incident?

Of the 133 persons who indicated they were discriminated against, only 20 percent (26 persons) reported the incidents. Many of the respondents who did not report the incident indicated that they did not know where to report (38 percent or 37 persons) or they did not believe reporting would make a difference (33 percent or 32 persons). Another 14 percent (14 persons) were afraid of retaliation, and 16 percent (16 persons) felt it was too much trouble.

	Number	Percent
Don't know where to report	37	38%
Don't believe it makes a difference	32	33%
No answer	32	33%
Too much trouble	16	16%
Afraid of Retaliation	14	14%

What Was the Basis of the Hate Crime Against You?

Of all respondents completing the survey, 16 percent (88 persons) indicated that they had experienced a hate crime. More than half (64 percent, or 56 persons) indicated the hate crime was based on race, 31 percent (27 persons) stated it was based on color, and 20 percent (18 persons) claimed sexual orientation.

	Number	Percent
Race	56	64%
Color	27	31%
Sexual Orientation	18	20%
National Origin	15	17%
Religion	11	13%
Gender	8	9%
Age	8	9%
Source of Income	8	9%
Family Status	7	8%
Disability	7	8%
Ancestry	6	7%
Marital Status	6	7%

Service Provider Interviews

In addition to the input given by service provider representatives in attendance at the community workshops, informal interviews were conducted via email and telephone to obtain input. The following agencies were interviewed:

- Access Center of San Diego
- Fair Housing Council of San Diego
- Heartland Human Relations and Fair Housing Association
- North County Lifeline
- San Diego Apartment Association
- San Diego Regional Hate Crime Coalition

Key Issues Identified

Interviews with service providers provided insight into the following issues and recent trends that have become more noticeable in the region:

- While hate crimes have declined in recent years due to increased efforts on promoting awareness and education, hate crimes targeting people of Middle-Eastern descent increased 245 percent during the months after 9/11. The recent war on Iraq has also caused some concerns.
- Affordable housing opportunities in the County are limited. Affordable housing that can accommodate persons with disabilities is even harder to find.
- There is a general lack of concern for fair housing issues, particularly in the unincorporated areas.
- Discrimination based on immigration status is an issue in the County, and many persons use linguistic profiling to discriminate against recent and illegal immigrants.
- Unlawful internet advertising concerning residential properties is evident.
- NIMBYism (Not-In-My-Back-Yard) against affordable housing production is widespread.
- Credit scoring disparities and predatory lending abuses are also issues in the ownership housing market.
- Federal, state, and local budget cuts have made it difficult to provide funding for testing discriminatory practices.
- Given the diverse population in the County, multi-lingual information is inadequate, especially in languages other than Spanish.
- Increased discrimination complaints based on familial status and discrimination complaints based on disability and race are also key issues.
- Other than referral of clients based on geographic coverage of each agency, there is no established relationship among the various fair housing service providers to promote fair housing or address fair housing issues from a regional perspective.

Public Review of Draft AI

The Draft AI was available for a 30-day public review. Individual entitlement jurisdictions initiated separate 30-day review and approval processes. Notices of availability of document and/or public hearings were published in newspaper(s) of general circulation.

Jurisdiction	30-Day Review Ended
City of Carlsbad	September 27, 2004
City of Chula Vista	Not yet initiated
City of El Cajon	September 27, 2004
City of Encinitas	October 15, 2004
City of Escondido	September 22, 2004
City of La Mesa	Not yet initiated
City of National City	Not yet initiated
City of Oceanside	October 7, 2004
City of San Diego	October 22, 2004
City of San Marcos	Not yet initiated
City of Santee	September 25, 2004
City of Vista	September 28, 2004
County of San Diego	October 4, 2004

Several comments were received during the public review. These comments are provided in Appendix F. Responses to comments are also included in this Appendix.

CHAPTER 3

COMMUNITY PROFILE

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

San Diego County, the sixth most populous county in the nation, boasts a population of approximately three million residents. (In California, only Los Angeles and Orange counties have larger populations.) Within its borders encompassing 4,200 square miles, San Diego County includes 18 incorporated cities and numerous unincorporated neighborhoods and communities. The County stretches south from Orange County all the way to the U.S.-Mexico border. The Pacific Ocean forms the western boundary, and the county's eastern edge reaches to the Laguna Mountains and the Anza-Borrego Desert. Like many major metropolitan areas in the United States, the minority population in San Diego County has increased significantly in recent years, especially among the Asian and Hispanic groups.

The cost of living in San Diego is higher than in many other regions in the nation, and the main reason is the cost of real estate. Housing prices fluctuate, but the median resale price of a single-family house in the County is over $400,000 (April 2004) and climbing steadily. While housing affordability is not a fair housing issue per se, the increased demand for housing and the dwindling supply may create conditions where fair housing violations become a common part of the competition in the housing market.

This chapter of the AI analyzes the socioeconomic profile of County residents, housing stock characteristics, and employment and transportation conditions that may affect the ability of households in the County with similar income levels to have a like range of housing choices.

3.1 Demographic Profile

Examination of demographic characteristics can indicate the need for and the extent of equal access to housing in a community. Factors such as population growth, age characteristics, and race/ethnicity shape a region's housing needs and play a role in identifying potential impediments to fair housing choice.

Population Growth

Population growth in the County between 1990 and 2000 was moderate, compared to growth during the 1980s, when San Diego gained 70,000 to 80,000 people a year. The level of growth during the 1990s was lower than that in the State and the nation as a whole, possibly because of the recession during the early part of the decade and inflated high housing costs during the latter.

Between 1990 and 2000, San Diego County grew by 10 to 12 percent; only a few cities reported larger increases. Many of the North County cities such as Carlsbad, Escondido, Oceanside, San Marcos, and Vista grew at rates nearly double that of the Countywide rate (Table 3-1). San Marcos, which grew 41.5 percent to 55,160 people, was the fastest growing city in the County. The rest of the County experienced moderate growth, and the populations in Coronado and Del Mar actually decreased. The San Diego Association of Governments (SANDAG) estimates that the County population will increase 14 percent by 2010. North County cities are likely to carry a large share of the increase, given the availability of developable land. In addition, population in the unincorporated areas is projected to increase by 12 percent.

SANDAG projects that the County population will increase 14% by 2010.

Table 3-1
Population Growth

	Total Population 1990	Total Population 2000	Total Population 2010 (Projected)	Percent Change 1990-2000	Projected Percent Change 2000-2010
Urban County					
Coronado	26,540	24,226	24,778	-8.7%	2.3%
Del Mar	4,860	4,389	4,564	-9.7%	4.0%
Imperial Beach	26,512	26,980	27,899	1.8%	3.4%
Lemon Grove	23,984	24,954	26,171	4.0%	4.9%
Poway	43,516	48,295	51,814	11.0%	7.3%
Solana Beach	12,962	12,887	13,450	-0.6%	4.4%
Unincorporated	398,764	441,919	496,623	10.8%	12.4%
Total Urban County	505,738	555,035	645,299	9.7%	16.3%
Entitlement Cities					
Carlsbad	63,126	77,998	107,305	23.6%	37.6%
Chula Vista	135,163	173,860	247,885	28.6%	42.6%
El Cajon	88,693	94,819	98,634	6.9%	4.0%
Encinitas	55,386	58,195	64,904	5.1%	11.5%
Escondido	108,635	133,528	144,657	22.9%	8.3%
La Mesa	52,931	54,751	57,043	3.4%	4.2%
National City	54,249	54,405	56,095	0.3%	3.1%
Oceanside	128,398	160,905	188,974	25.3%	17.4%
San Diego	1,110,549	1,223,341	1,370,728	10.2%	12.1%
San Marcos	38,974	55,160	77,645	41.5%	40.8%
Santee	52,902	53,090	55,340	0.4%	4.2%
Vista	71,872	90,131	97,612	25.4%	8.3%
San Diego County	2,498,016	2,813,833	3,212,121	12.6%	14.2%

Source: Census, 1990 and 2000; SANDAG Data Warehouse, 2001

Age

The age structure of a population points toward current and future demands for housing. The age composition of a community affects housing demand since different age groups have very different housing needs. Typically, young adult households may occupy apartments, condominiums, and smaller single-family homes because of size and/or affordability. Middle-age adults may prefer larger homes as they begin to raise their families, while seniors may prefer apartments, condominiums, mobile homes, or smaller single-family homes that have lower costs and less extensive maintenance needs.

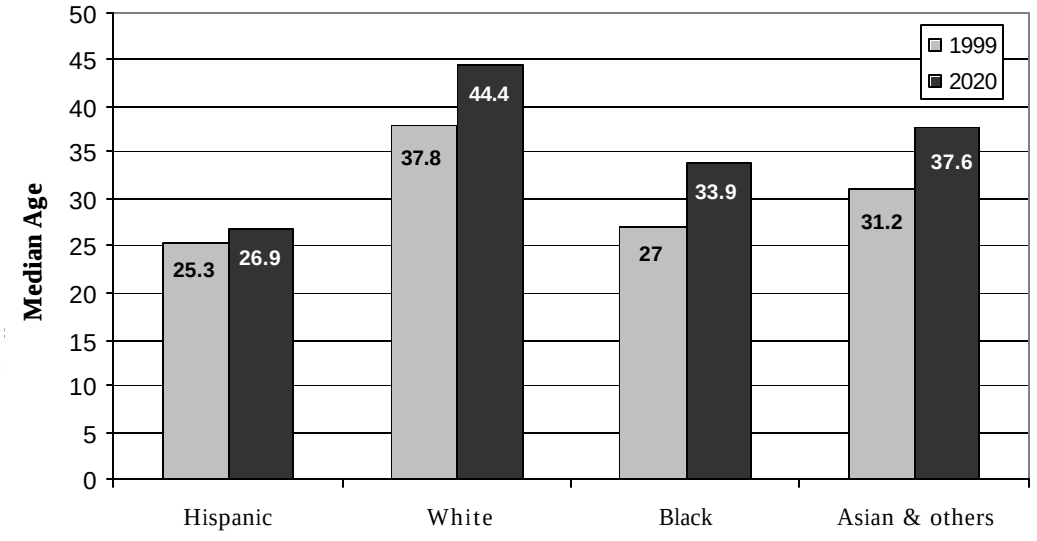
The median age in San Diego County was 33.2 years in 2000. The median age in the various cities ranged from 28.6 years in Imperial Beach to 43.5 years in Del Mar.

A significant presence of children younger than 18 years of age can be an indicator of the need for larger housing units since this characteristic is often tied to families and larger households. People under 18 typically do not work and are dependents of their families. Those who do work generally hold low- paying jobs, and many share housing with others to make housing affordable. While affordability is not a fair housing issue, the relationships among household income, household type, and other factors often create misconceptions and biases that raise fair housing concerns.

The older population is much more White and the young population is much more Latino and Asian.

In San Diego County, a strong correlation exists between ethnicity and age. Specifically, minorities tend to have lower median ages than do Whites (Figure 3-1). The median age for Hispanics in 1999 was 12.5 years younger than that for White residents. The gap lessened with Black and Asian residents. In general, minority households are usually large due to high birthrates and the preference and/or need to live with extended family members.

Figure 3-1
Median Age by Ethnicity
San Diego County 1999 and 2020



Source: SANDAG, 2003

Table 3-2
Age Characteristics

City	Under 18 years 1990	Under 18 years 2000	Over 65 years 1990	Over 65 years 2000	Median Age 2000
Urban County					
Coronado	11.7%	16.1%	13.0%	15.5%	34.2
Del Mar	12.8%	13.7%	11.6%	13.9%	43.5
Imperial Beach	28.9%	29.3%	6.0%	7.8%	28.6
Lemon Grove	26.5%	27.6%	14.1%	12.0%	34.7
Poway	30.0%	30.5%	6.9%	8.5%	36.9
Solana Beach	16.7%	17.6%	14.1%	17.6%	41.6
Unincorporated	26.3%	26.1%	10.3%	11.5%	n/a
Total Urban County	25.6%	26.0%	10.3%	11.4%	n/a
Entitlement Cities					
Carlsbad	21.5%	23.4%	13.0%	14.1%	38.9
Chula Vista	26.2%	28.8%	11.4%	11.2%	33.0
El Cajon	26.3%	27.8%	11.1%	11.3%	31.9
Encinitas	21.9%	23.0%	9.4%	10.2%	37.9
Escondido	26.6%	29.8%	12.9%	11.3%	31.2
La Mesa	17.2%	19.8%	18.2%	17.1%	37.3
National City	27.8%	30.1%	9.3%	11.2%	28.7
Oceanside	26.2%	27.4%	14.1%	13.6%	33.3
San Diego	23.1%	23.9%	10.2%	10.4%	32.5
San Marcos	27.1%	28.8%	14.6%	12.1%	32.1
Santee	29.0%	28.3%	8.4%	8.9%	34.8
Vista	27.0%	29.7%	12.3%	9.9%	30.3
San Diego County	24.5%	25.6%	10.9%	11.1%	33.2

Source: Census 1990 and 2000

Racial/Ethnic Composition

In California, no one ethnic group holds a majority. In San Diego County, however, the White population still constitutes slightly more than half the residents.

The nation's and the County's demographic profiles are becoming increasingly diverse in their race and ethnic compositions. The year 2000 census shows that at least three out of ten U.S. residents are non-Whites. According to Census projections, the Hispanic population will outnumber the Black population in 2006 and in the year 2030, one out of four residents will be either Hispanic or Asian.[1] While San Diego County is still comprised of primarily White residents, the Countywide population already fits the year 2030 national profile, where at least 25 percent of the population is predicted to be either Hispanic or Asian.

The Hispanic population in San Diego County increased by 47 percent in the past decade, and Hispanics now make up 27 percent of the population.

Understanding the region's racial and ethnic composition can assist planners in identifying housing needs and barriers or constraints to addressing those needs. Race and ethnicity have implications on housing choice in that certain demographic and economic variables correlate with race. For example, the average household size for San Diego County was 2.73 in 2000. The average household size for Hispanics was 3.8, while for Whites the average was 2.36. In another example, per capita income is lower for Blacks ($10,388) and Asians ($11,140) than for Whites ($18,424).

White residents comprised the majority of San Diego County residents (54.9 percent), while Hispanic residents made up 26.7 percent. Asians, Blacks, and other groups followed with 9.2 percent, 5.4 percent, and 3.8 percent, respectively (Table 3-3). The cities of Chula Vista, Imperial Beach, National City, and Vista had significant Hispanic concentrations. The largest concentration of Asian populations occurs in Chula Vista, National City, and San Diego. Three cities in the County (Lemon Grove, Oceanside, and San Diego) have Black populations greater than the countywide proportion.

In 2000, for the first time, the Census forms allowed Americans to classify themselves as belonging to more than one race. Sixty-three racial categories were recorded. In San Diego County – as well as in California – 4.7 percent of the people identified themselves as belonging to more than one race.

[1] U.S. Department of State, International Information System, 2000.

Table 3-3
Racial Composition

City	White	Black	Hispanic	Asian / Pacific Islander	Other
Urban County					
Coronado	78.9%	4.7%	9.2%	4.0%	3.1%
Del Mar	89.1%	0.5%	4.3%	3.3%	2.8%
Imperial Beach	43.4%	4.9%	39.8%	7.0%	4.9%
Lemon Grove	47.9%	11.7%	28.5%	6.5%	5.5%
Poway	77.1%	1.7%	10.4%	7.4%	3.4%
Solana Beach	78.6%	0.3%	14.9%	4.0%	2.2%
Unincorporated	68.6%	4.2%	19.6%	3.4%	4.3%
Total Urban County	66.3%	4.4%	19.2%	6.1%	3.9%
Entitlement Cities					
Carlsbad	80.2%	1.1%	11.7%	4.1%	3.0%
Chula Vista	31.5%	4.2%	49.8%	11.0%	3.5%
El Cajon	64.0%	4.8%	22.4%	2.9%	5.9%
Encinitas	79.1%	0.6%	14.8%	3.0%	2.5%
Escondido	52.0%	1.9%	38.7%	4.4%	3.1%
La Mesa	73.3%	4.6%	13.4%	4.5%	4.1%
National City	14.2%	5.3%	59.3%	18.6%	2.6%
Oceanside	53.4%	6.0%	30.3%	6.9%	3.5%
San Diego	49.3%	7.5%	25.4%	13.9%	3.9%
San Marcos	53.7%	2.4%	36.7%	4.5%	2.7%
Santee	80.6%	1.3%	11.3%	2.3%	4.5%
Vista	49.9%	3.6%	39.0%	4.0%	3.5%
San Diego County	54.9%	5.4%	26.7%	9.2%	3.8%

Source: Census 2000

Residential Segregation

Residential segregation refers to the degree to which groups live separately from one another. The term segregation historically has been linked to the forceful separation of racial groups. However, as more minorities move into suburban areas of the County and outside of traditional urban enclaves, segregation is becoming increasingly self imposed. Originally, many ethnic groups gravitated to ethnic enclaves where services catered to them, and not until they reached a certain economic status could they afford to move to the outer areas of the County. Unlike the original enclaves, now living in an ethnic community is often a rational choice many are making. While some people believe that newly arrived immigrants in highly concentrated ethnic communities may resist blending into the mainstream, primarily because of the proliferation of native-language media and retail businesses, others feel that immigrants living with persons of similar heritage create a comfort zone

that may help them transition to the mainstream and improve their economic situation.

The dissimilarity index is the most commonly used measure of segregation between two groups, reflecting their relative distributions across neighborhoods (as defined by census tracts). The index represents the percentage of the minority group that would have to move to new neighborhoods to achieve perfect integration of that group. An index score can range in value from 0 percent, indicating complete integration, to 100 percent, indicating complete segregation. To put the dissimilarity index into context, Gary, Indiana was found to be the nation's most segregated city (between Whites and Blacks), with an 87.9 percent rating, while Jacksonville, North Carolina, had the lowest (31.7 percent).[2]

The degrees of racial segregation in the County among different ethnic groups are presented in Table 3-4. The highest level of segregation exists between Whites and Blacks (56.3 percent) and the lowest between Blacks and Hispanics (41.7 percent). When compared to Hispanic populations, Black and Asian populations were similarly segregated. Asians showed a lower level of segregation with Hispanics than with Whites.

Table 3-4
Dissimilarity Indices for Racial/Ethnic Groups, San Diego County

Race/Ethnic Group	Population	Percent of Total Population	Dissimilarity Index with Whites	Dissimilarity Index with Hispanics
White	1,544,484	54.9%	--	50.9
Minority*	1,269,349	45.1%	44.7	--
Hispanic	750,991	26.7%	50.9	--
Black	152,308	5.4%	56.3	41.7
Asian	257,910	9.2%	50.3	47.1

Source: Census 2000; Cotton/Bridges/Associates.
* Minority = All non-White persons

The dissimilarity indices confirmed findings of another study on residential segregation in the San Diego region. In 2003, the Harvard Civil Rights Project released a report entitled "Race, Place and Opportunity: Racial Change and Segregation in the San Diego Metropolitan Area: 1990-2000."[3] Using Census data, the study concluded that during the 1990s "high levels of segregation for Blacks in the City of San Diego and increasing rates for Latinos metro-wide suggest that much remains to be done to insure that

2 Census Scope. "Segregation: Dissimilarity Indices", 2000. http://www.censusscope.org/segregation.html
3 Emmanuelle Le Texier, La Prensa San Diego, December 5, 2003.

these populations have equal access to all communities." The report also indicated that segregation of children had noticeably increased, especially between Whites and Latinos.

Racial integration is higher for Blacks and Hispanics than for Asians and Whites.

Many factors influence segregation. Individual choices can certainly be a cause of segregation. Many residents choose to live among people of their own race/ethnic group. This does not mean that they prefer ethnically homogeneous neighborhoods, but that they feel more comfortable where members of their group are commonly found. This attitude is widespread and typically more frequently found among recent immigrants, who often depend on nearby relatives, friends, and ethnic institutions to help them in their adjustment.[4] However, individual choices may be constrained by factors outside an individual's control. A large factor in residential segregation is related to housing market dynamics. New housing construction has been found to decrease segregation for all groups but most significantly for Blacks.[5] Availability of affordable housing and discrimination can also affect residential segregation.

Race/Ethnic Concentration

Minorities are highly concentrated in the County's urban core.

The minority population in San Diego County is concentrated in the Central San Diego and the South Bay subregions (Figure 3-2).[6] This pattern can be attributed to the traditional cluster of minorities living in the urban core and near the U.S./Mexican border. Another concentration is visible in the northwestern part of the North Inland subregion just west of the Cleveland National Forest. This area is home to several Native American reservations. A cluster of minority populations is also found in the City of Oceanside adjacent to Camp Pendleton.

The distribution of Hispanic population mirrors that of the minority population, except for the concentration of Hispanics in the Borrego Springs area (Figure 3-3). The Black population is highly concentrated in the Central and South Bay areas as well as in Camp Pendleton (Figure 3-4). A smaller cluster is located between Interstates 15 and 805. This concentration may be attributable to the Marine Corps Air Station Miramar. Asians have the

4 Allen, James P. and Turner, Eugene. *Changing Faces, Changing Places: Mapping Southern California*. California State University, Northridge, 2002.

5 UCLA Lewis Center for Regional Policy Studies. "Metropolitan America in Transition: Segregation and Diversity", 2001. http://www.sppsr.ucla.edu/lewis/metroamerica/seg1.htm

6 An important note on the mapping of racial/ethnic concentrations is that concentration is defined by the proportion of a racial/ethnic group in the total population of a census tract. If a census tract has low population, such as in and near the State and National Parks, the proportion of a racial/ethnic group may appear high even though the number of residents in that group may be limited.

highest concentrations in the Central and Coastal areas (northern San Diego City) and in the South Bay (Figure 3-5).

Certain communities in East County have high concentrations of minority population. El Cajon, Lemon Grove, and Spring Valley are large population centers with concentrations of minorities. However, other parts of East County are less diverse, where there is a large perception that minorities are unwelcome. Regardless of whether this is true, many feel that the perception has contributed to fewer minorities moving to the East County area.[7] Census figures (Table 3-5) confirm that East County has the lowest percentage of minorities than all other subregions and that only 0.5 percent of all minorities in the County reside there.

Throughout the County, a large proportion of new immigrants were from Asian countries. According to the 2000 Census, approximately 61 percent of the foreign-born Asian population came from Iraq, a western Asian country. A majority of this population are Chaldeans, Iraqi Christians. For example, El Cajon has the second largest Chaldean community outside of Iraq (Detroit, Michigan has the largest Chaldean population outside of Iraq).

Table 3-5
Minority Population by Subregion

Name	Minority Population	Total Population	% of region that is minority
Central	398,221	619,527	64.3%
North City	213,863	658,877	32.5%
South Suburban	221,073	307,075	72.0%
East Suburban	138,917	462,492	30.0%
North County West	125,232	364,129	34.4%
North County East	166,060	380,585	43.6%
East County	5,983	21,148	28.3%
San Diego County	1,269,349	2,813,833	45.1%

Source: Census 2000

7 *East County Numbers Show Diversity Lags.* Anne Krueger. Union Tribune, April 5, 2001

Figure 3-2: Minority Population Concentration
(11x17)

Figure 3-2: Minority Population Concentration
(11x17 - Back)

Figure 3-3: Hispanic Population Concentration
(11x17)

Figure 3-3: Hispanic Population Concentration
(11x17 - Back)

Figure 3-4: Black Population Concentration
(11x17)

Figure 3-4: Black Population Concentration
(11x17 - Back)

Figure 3-5: Asian Population Concentration
(11x17)

Figure 3-5: Asian Population Concentration
(11x17 – Back)

3.2 Household Characteristics

A household is defined by the Census as all persons occupying a housing unit. Families are a subset of households and include all persons living together who are related by blood, marriage or adoption. Single households include persons living alone, but do not include persons in group quarters such as convalescent homes or dormitories. "Other" households are unrelated people living together, such as roommates. Household type and size, income level, the presence of persons with special needs, and other household characteristics may affect access to housing. This section details the various household characteristics that may affect equal access to housing.

The number of County households grew 12% in the last decade.

According to the 2000 Census, 994,677 households resided in San Diego County, a 12-percent increase over 1990. According to SANDAG, the number of households is projected to grow by 9.5 percent (to 1,088,702 households) by 2020.[8]

Household Composition and Size

Household composition and size are often two interrelated factors. Communities with a large proportion of families with children tend to have a large average household size. Such communities have a greater need for larger units with adequate open space and recreational opportunities for children.

Table 3-6
Household Type

Household Type	Number of Households	Percent of Households
Family Households	663,170	70.2%
Married with Children	246,762	26.1%
Married – no Children	257,114	27.2%
Other Family with Children	90,063	9.5%
Other Family – no Children	69,231	7.3%
Non-family Households	331,507	35.1%
Single, non-senior	162,247	17.2%
Single, senior	78,509	8.3%
San Diego County	944,677	100.0%

Source: U.S. Census, 2000.

8 2020 Cities/Counties Forecast .SANDAG

Families with Children

According to discussions with many fair housing service providers, many families with children often face housing discrimination by landlords who fear that children will cause property damage, or the landlords have cultural bias against children of the opposite sex sharing a bedroom. Family households comprise the majority of San Diego County households, with a roughly even mix between married-couple households with and without children (Table 3-6). "Other" families, primarily consisting of single-parent households, represent almost 17 percent of all households. Households headed by seniors comprise 8.3 percent. Single-parent households with children and households headed by seniors have unique fair housing issues.

Families with children account for 35.6 percent of all households in the County. The percentage of families with children varies for the individual jurisdictions (see Table 3-7). Among the different jurisdictions, Poway has the highest percentage of families with children (47.8 percent), while Del Mar has the lowest percentage (15.8 percent). The proportion of families with children in the unincorporated areas (38.3 percent) is similar to the countywide proportion. Figure 3-6 shows the concentrations of families with children. Concentrations are found throughout most of the suburban areas, and high concentrations are found in and around Camp Pendleton and Miramar Air Station.

Figure 3-6: Concentration of Families with Children
(11x17)

Figure 3-6: Concentration of Families with Children
(11x17 – Back)

Table 3-7
Household Characteristics

	Average household size	% Families with Children	Large Households		% Female-Headed Households w/ Children
			Owner-Occupied	Renter-Occupied	
Urban County					
Coronado	2.28	28.8%	5.5%	6.3%	4.9%
Del Mar	2.01	15.8%	5.5%	0.6%	1.4%
Imperial Beach	2.84	40.7%	10.1%	15.6%	12.4%
Lemon Grove	2.85	37.8%	13.5%	16.7%	10.7%
Poway	3.07	47.8%	15.9%	14.2%	6.9%
Solana Beach	2.23	21.5%	5.2%	9.0%	3.1%
Unincorporated	2.90	38.3%	13.1%	17.1%	5.7%
Total Urban County	2.87	38.0%	12.8%	15.6%	6.2%
Entitlement Cities					
Carlsbad	2.45	30.9%	7.1%	8.3%	5.1%
Chula Vista	2.99	41.5%	18.6%	15.1%	8.6%
El Cajon	2.7	37.7%	10.9%	14.0%	10.7%
Encinitas	2.52	31.1%	8.2%	8.3%	4.5%
Escondido	3.01	39.8%	15.6%	22.0%	7.4%
La Mesa	2.22	26.1%	6.2%	5.5%	6.5%
National City	3.38	44.9%	31.0%	21.8%	11.8%
Oceanside	2.83	36.3%	14.3%	16.3%	6.4%
San Diego	2.61	31.0%	12.5%	12.4%	6.5%
San Marcos	3.03	40.4%	13.2%	26.4%	4.9%
Santee	2.82	41.5%	11.8%	12.3%	8.1%
Vista	3.03	41.8%	15.3%	22.7%	8.6%
San Diego County	2.73	34.7%	12.9%	14.0%	6.8%

Source: Census 2000

Household Size

The average household size countywide in 2000 was 2.73 persons per household. All jurisdictions had an average household size of more than two persons per household, and five cities had an average household size over three persons. Average household size ranged from a low of 2.01 persons in Del Mar to a high of 3.38 in National City.

Special Needs Group

Certain households, because of their special characteristics and needs, have greater difficulty finding decent and affordable housing. These circumstances may be related to age, family characteristics, or disability. The extent to which special needs groups are present in San Diego County is shown in Table 3-8. The following discussion highlights particular characteristics that may affect access to housing in a community.

Table 3-8
Special Needs Groups

Special Needs Group	Number	Percent of County
Senior Households (65+)	78,509	7.9%
Single-parent Households	137,293	13.8%
Large Households	133,592	13.4%
Disabled Persons	448,590	15.9%
HIV/AIDS	11,529	0.4%
Farm Workers	6,502	0.5%
Homeless Persons	14,900	0.5%

Source: U.S. Census, 2000; SANDAG, *Draft Regional Housing Needs Assessment, 1999*; and County of San Diego Health and Human Services Agency, *HIV/AIDS Epidemiology Report, 2003.*

Senior Citizens

Due to limited income, prevalence of physical or mental disabilities, limited mobility, and high health care costs, seniors are considered a special needs group. Because of their retired status, incomes for senior households may be fixed and limited. Their low-income status limits their ability to balance the need for housing and other necessities such as healthcare. Finding affordable housing and dealing with the eviction of long-term senior tenants are among the most difficult housing problems currently affecting the elderly in California. A senior on a fixed income faces great difficulty finding safe and affordable housing or relocating after an eviction. Subsidized housing and federal housing assistance programs (such as Section 8) are increasingly challenging to secure and often involve a long waiting list.

According to the 2000 Census, over 20,000 senior citizens residing in San Diego County (6.8 percent) lived below the poverty level. Seniors often have self-care or mobility limitations (defined by the Census Bureau as a condition lasting over six months that makes it difficult to leave the home). In 2000, 31 percent of all disabilities tallied were reported by residents 65 years or older.

Large Households

Large households are defined as households with five or more members. These households are usually families with two or more children or families with extended family members such as in-laws or grandparents. Large households are a special needs group because the availability of adequately sized, affordable housing units is often limited. To save for necessities such as food, clothing, and medical care, very low- and low-income large households may reside in smaller units, resulting in overcrowding. Furthermore, families with children, especially those who are renters, may face discrimination or differential treatment in the housing market. For example, some landlords may charge large households a higher rent or security deposit, limit the number of children in a complex, confine them to a specific location, limit the time children can play outdoors, or choose not to rent to families with children altogether.

Approximately 14 percent of households in the County are large renter households (see Table 3-7). This figure is similar for most cities in the county. San Marcos had a significantly larger proportion of large renter-households with over 26 percent being large renter-households. In contrast, Del Mar has the lowest proportion of large renter-households (0.6 percent). The proportion of large households for owner-occupied units also varies for individual jurisdictions. While most cities have a proportion similar to the countywide figure for large owner-households (12.9 percent), National City had the highest proportion (31 percent), while three cities had proportions just slightly above 5 percent (Coronado, Del Mar, and Solana Beach).

Single-Parent Families

Female-headed families may be discriminated against in the rental housing market because some landlords are concerned about the ability of these households to make regular rent payments.

Single-parent families, particularly female-headed families with children, often require special consideration and assistance because of their greater need for affordable housing and accessible day care, health care, and other supportive services. Single-parent families are often the victims of multiple instances of discrimination, including on the bases of race and national origin. Because of their relatively lower income and higher living expenses, female-headed families have comparatively limited opportunities for finding affordable and decent housing. Female-headed families may also be discriminated against in the rental housing market because some landlords are concerned about the ability of these households to make regular rent payments. Consequently, landlords may require more stringent credit checks for female heads of households.

The 2000 Census identified 6.8 percent of households in the County as female-headed households with children (Table 3-7). The proportion of female-headed households with children in cities varies from a high of 12.4 percent in Imperial Beach to just 1.4 percent in Del Mar.

Persons with Disabilities

Fair housing choice for persons with disabilities may be compromised based on the nature of their disability. Persons with physical disabilities may face discrimination in the housing market because of the need for wheelchairs, home modifications to improve accessibility, or other forms of assistance. Landlords/owners sometimes fear that a unit may sustain wheelchair damage or may refuse to exempt disabled tenants with service/guide animals from a no-pet policy. A major barrier to housing for people with mental disabilities is opposition based on the stigma of mental disability. Some landlords may refuse to rent to tenants with a history of mental illness. Also, neighbors sometimes object when a house becomes a group home for persons with mental disabilities. Often jurisdictions apply special-permit requirements and other zoning restrictions to deny housing to people with mental disabilities.

Landlords must allow a tenant with physical disabilities to make "reasonable modifications" to the unit in order to address accessibility issues. However, the tenant is responsible for the costs of modifications. Landlords are also required to make "reasonable accommodations" in rules and policies to accommodate a tenant's disability. A typical example is to waive the "no-pet policy" for a person with visual impairments needing a guide dog.

The U.S. Census Bureau places disabilities (lasting for a period of six or more months) in the following categories:[9]

- **Sensory disability:** blindness, deafness, or a severe vision or hearing impairment
- **Physical disability:** a condition that substantially limits one or more basic physical activities such as walking, climbing stairs, reaching, lifting, or carrying
- **Mental disability:** a physical, mental, or emotional condition lasting six months or more that made it difficult to perform activities such as learning, remembering, or concentrating
- **Self-care disability:** a physical, mental, or emotional condition lasting six months or more that made it difficult to perform certain activities such as dressing, bathing, or getting around inside the home
- **Going-outside-the-home disability (also known as mobility disability):** a physical, mental, or emotional condition lasting six months or more that made it difficult to go outside the home alone to shop or visit a doctor's office (tallied only for residents over 16 years of age).
- **Employment disability (also known as work disability):** a physical, mental, or emotional condition lasting six months or more that made it difficult to work at a job or business (tallied only for residents between 16 and 64 years of age).

According to the 2000 Census, 448,580 persons living in San Diego County had a range of disabilities, comprising 15.9 percent of the total population. Of those disabilities tallied in 2000, 65.5 percent were for residents between the age of 16 and 64. Physical (22.2 percent) and employment (24.8 percent) disabilities accounted for the largest percentage of disabilities tallied for all age groups. Among the working age group (16 to 64), a large proportion of disabilities (39 percent) prevented employment. The elderly population had a significantly larger percentage of physical disabilities than the other age groups, while children (5 to 15 years of age) had the highest percentage of mental disabilities.

Table 3-9
Disability Status, San Diego County

Disability by Age and Type	Percent Disabled

[9] U.S. Census Bureau. 2000 Census.

	5 to 15 years	16 to 64 years	65 years and over	Total
Sensory disability	13.7%	6.5%	17.6%	10.2%
Physical disability	15.0%	17.1%	33.8%	22.2%
Mental disability	57.5%	11.9%	13.7%	14.0%
Self-care disability	13.8%	5.0%	11.1%	7.2%
Go-outside-home disability*	--	21.6%	23.9%	21.6%
Employment disability**	--	37.9%	--	24.8%
San Diego County	3.5%	65.5%	31.0%	100.0%

* tallied only for persons 16 years and over
** tallied only for persons 16 years to 64 years
Source: 2000 Census

Persons with HIV/AIDS[10]

Housing discrimination is not covered by the Americans with Disabilities Act. However, the Fair Housing Act prohibits housing discrimination against persons with disabilities, including persons with HIV/AIDS.

Persons with HIV/AIDS face an array of barriers to obtaining and maintaining affordable, stable housing. For persons living with HIV/AIDS, access to safe, affordable housing is as important to their general health and well-being as access to quality health care. For many, the persistent shortage of stable housing is the primary barrier to consistent medical care and treatment. Despite federal and state anti-discrimination laws, many people face illegal eviction from their homes when their illness is exposed. The Fair Housing Amendments Act of 1988 prohibits housing discrimination against persons with disabilities, including persons with HIV/AIDS.

The State of California has the second highest number of AIDS cases in the nation, and San Diego County has the third highest number of AIDS cases in California. As of December 2002, 11,529 AIDS cases were reported in San Diego County (Table 3-10). Of those cases, 472 were reported in 2002. Among the different jurisdictions, the City of San Diego is home to the majority of residents diagnosed with AIDS (74.5 percent), trailing far behind were the unincorporated areas, where 5.8 percent of the County residents diagnosed with AIDS called home. While White males constitute the largest group of diagnosed cases, 52 percent of the AIDS cases diagnosed in the last 5 years have been among minorities.

Table 3-10
Community of Residence at Time of AIDS Diagnosis*

10 All statistics in Persons with HIV/AIDS section are taken from the *HIV/AIDS Epidemiology Report 2003*. County of San Diego Health and Human Services Agency.

City	Cases	Percent
Urban County		
Coronado	37	0.3%
Del Mar	34	0.3%
Imperial Beach	79	0.7%
Lemon Grove	81	0.7%
Poway	45	0.4%
Solana Beach	16	0.1%
Unincorporated County	665	5.8%
Total Urban County	957	8.3%
Entitlement Cities		
Carlsbad	124	1.1%
Chula Vista	361	3.1%
El Cajon	224	1.9%
Encinitas	83	0.7%
Escondido	223	1.9%
La Mesa	179	1.6%
National City	159	1.4%
Oceanside	329	2.9%
San Diego	8,590	74.5%
San Marcos	65	0.6%
Santee	85	0.7%
Vista	150	1.3%
San Diego County	11,529	100.0%

*Place of residence at time of diagnosis does not represent the place of HIV diagnosis/exposure
Source: *HIV/AIDS Epidemiology Report 2003*. County of San Diego Health and Human Services Agency

County figures show that the declining rate of transmission is being offset by a declining mortality rate. New drugs, better treatment, and preventative education have reduced the number of fatalities. Persons with HIV/AIDS are living longer and require a longer provision of services. Advances in medical treatment of HIV have increased the time from infection to the point at which an individual may meet the criteria for an AIDS diagnosis. To date, approximately 5,112 of the individuals diagnosed with AIDS are living in San Diego County.

Housing resources for persons living with HIV/AIDS is an important component of consistent medical care and treatment. The San Diego Countywide Strategic HIV/AIDS Housing Plan was put into effect to provide a framework for assessing and planning for the housing and housing-related service needs of persons living with HIV/AIDS and their families.

The Housing Plan has established housing priorities for 2003-2004; 40 percent of funding has been prioritized to provide short- and long-term rental assistance.[11]

Homeless

According to HUD, a person is considered homeless if they are not imprisoned and: 1) lack a fixed, regular, and adequate nighttime residence; 2) their primary nighttime residence is a publicly or privately operated shelter designed for temporary living arrangements, an institution that provides a temporary residence for individuals that should otherwise be institutionalized; or 3) a public or private place not designed for or ordinarily used as a regular sleeping accommodation.[12]

Homeless persons often have a difficult time finding housing once they have moved from a transitional housing or other assistance program. Housing affordability for those who are or were formerly homeless is challenging from an economics standpoint, and this demographic group may encounter fair housing issues when landlords refuse to rent to formerly homeless persons. Under California laws, a landlord can deny rental to an applicant based on credit history, employment history, and rental history. However, the perception may be that homeless persons are economically (and sometimes mentally) unstable.

Formerly homeless persons may encounter fair housing issues when landlords refuse to rent to them because of the perception that they may be more economically (and sometimes mentally) unstable.

Assessing a region's homeless population is difficult because of the transient nature of the population. San Diego County's leading authority on the region's homeless population is the Regional Task Force on the Homeless. Based on information provided by individual jurisdictions, the majority of the region's homeless is estimated to be in the urban areas, but a sizeable number of homeless persons make their temporary residence in rural areas (Table 3-11). The unincorporated areas and northern cities of Carlsbad, Encinitas, Escondido, San Marcos, and Oceanside have large numbers of rural homeless, including a large number of farm workers and day laborers in the area. Because of their inability to return to their permanent residence at the end of a workday, many farm workers and day laborers are considered homeless. The majority of the rural homeless is not sheltered.

Table 3-11
Homeless Population by Jurisdiction, 2004

11 San Diego Housing Commission. FY2004 Action Plan
12 Regional Task Force on the Homeless, 2004

	Total Homeless			Total Unsheltered			
	Urban	Farm Workers / Day Laborers	Total	Urban	Farm Workers / Day Laborers	Total	* Unsheltered
Urban County							
Coronado	0	0	0	0	0	0	---
Del Mar	0	30	30	0	30	30	100%
Imperial Beach	12	0	12	12	0	12	100%
Lemon Grove	50	0	50	50	0	50	100%
Poway	8	45	53	8	45	53	100%
Solana Beach	17	0	17	17	0	17	100%
Unincorporated	0	1,037	1,037	0	1,037	1,037	100%
Total Urban County	87	1,112	1,199	87	1,112	1,199	100%
Entitlement Cities							
Carlsbad	73	172	245	52	137	189	77%
Chula Vista	474	0	474	258	0	258	54%
El Cajon	277	0	277	230	0	230	83%
Encinitas	59	125	184	24	125	149	81%
Escondido	762	250	1,012	228	250	478	47%
La Mesa	77	0	77	77	0	77	100%
National City	72	0	72	24	0	34	47%
Oceanside	788	310	1,098	566	310	876	80%
San Diego	4,258	200	4,458	2,239	200	2,439	55%
San Marcos	30	175	205	30	175	205	100%
Santee	33	0	33	33	0	33	100%
Vista	334	0	334	44	0	44	13%
San Diego County	7,323	2,344	9,667	3,901	2,309	6,210	64%

Source: San Diego Regional Homeless Task Force, 2004
*Based upon the number of shelter beds available each night.

According to the Regional Task Force based on information submitted by jurisdictions, the beds in local shelters can house 47 percent of the urban homeless population (3,901 out of 7,323 urban homeless). The majority of resources for homeless persons are located near the downtown area in the City of San Diego (Figure 3-7). Oceanside, Escondido, and El Cajon have smaller clusters of homeless resources. A new 90-room, 360-person transitional shelter is in progress in El Cajon.

Farm Workers

As traditionally defined, farm workers are persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm workers tend to work in fields or processing plants. During harvest periods when workloads increase, and the need to supplement the permanent labor force is satisfied with seasonal workers. Often these seasonal workers are migrant workers, defined by the inability to return to their primary residence at the end of the workday.

Determining the actual number of farm workers in a region is difficult due to the variability of the definitions used by government agencies and other peculiarities endemic to the farming industry. According to the Census,

6,502 residents of San Diego County were employed in farming, fishing, or forestry occupations. In contrast, estimates provided by other governmental agencies include 11,000 (California Employment Development Department)[13] and 19,000 workers (1997 Census of Agriculture).

Although there exists little consensus as to the number of farm workers in San Diego County, analysis reveals that this group has special housing needs. According to the Regional Taskforce on Homelessness, a large portion of the region's homeless population is possibly farm workers or day laborers. This is a combined result of the low paying and seasonal nature of this occupational category. According to the California Employment Development Department (EDD), the average salary for farm workers and laborers working in the San Diego MSA in the year 2001 was $17,769 per year. Housing affordability and overcrowding are critical issues among this special needs group. Hate crimes against migrant farm workers in the County have also made national news recently.

13 California Employment Development Department, *ES202 database, 2001.*

Figure 3-7: Location of Homeless Resources
(11x17)

Figure 3-7: Location of Homeless Resources
(11x17 - Back)

Hate Crimes

Fair housing violations due to hate crimes occur when people will not consider moving into certain neighborhoods, or have been run off from their homes for fear of harassment or physical harm.

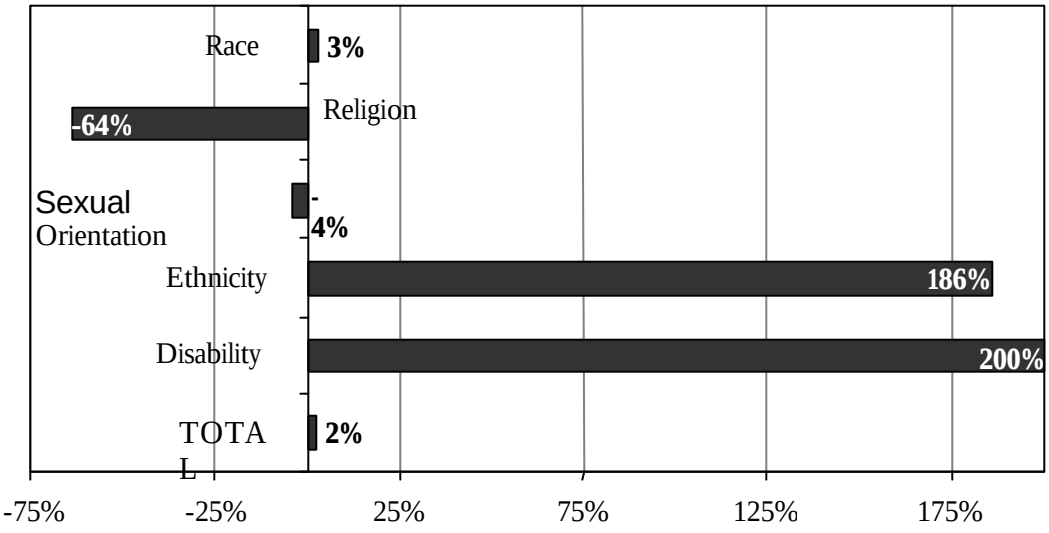
Recently, anti-immigrant hate crimes at or near the U.S./Mexican border and against migrant farm workers throughout the County have made national news headlines. Hate crimes – violent acts against people, property, or organizations because of the group to which they belong or identify with – are a tragic part of American history. However, it was not until early in this decade that the federal government began to collect data on how many and what kind of hate crimes are being committed, and by whom.

Hate crimes become a fair housing concern when residents are intimidated or harassed at their residence or neighborhood. Fair housing violations due to hate crimes also occur when people will not consider moving into certain neighborhoods, or have been run off from their homes for fear of harassment or physical harm. The Federal Fair Housing Act makes it illegal to threaten, harass, intimidate or act violently toward a person who has exercised their right to free housing choice. Persons who break the law have committed a serious crime and can face time in prison, large fines or both, especially for violent acts, serious threats of harm, or injuries to victims. In addition, this same behavior may violate similar state and local laws, leading to more punishment for those who are responsible. Some examples of illegal behavior include threats made in person, writing or by telephone; vandalism of the home or property; rock throwing; suspicious fires, cross-burning or bombing; or unsuccessful attempts at any of these.

San Diego County accounted for 11 percent of hate crimes reported in California while having only 8 percent of the State's population.[14] In San Diego, hate crimes attributed to race, ethnicity and disability have risen. Hate crimes based on religion and sexual orientation has declined (Figure 3-8). While the rise in ethnicity or disability related hate crimes might seem substantial, overall hate crimes have increased only two percent.

[14] *Crime in the San Diego Region: Annual 2002*. SANDAG Criminal Justice Research Division, 2003

Figure 3-8
Change in Hate Crimes between 1999 and 2001



Source: U.S. Federal Bureau of Investigation

Caution should be used when using hate crime statistics. Reporting hate crimes is voluntary on the part of the local jurisdictions. Some states started submitting data only recently, and not all jurisdictions are represented in the reports. Many jurisdictions, including those with well-documented histories of racial prejudice, reported zero hate crimes. Another obstacle to gaining an accurate count of hate crimes is the reluctance of many victims to report such attacks. Between 1991 and 2001, 711 hate crimes were reported in San Diego County. The jurisdictions with the largest number of hate crimes include San Diego (434 cases); Oceanside (56 cases); Santee (31 cases); and Escondido (23 cases).

3.3 Income Profile

While affordability is not a fair housing issue, the relationships between household income and other household characteristics often create misconceptions and biases that raise fair housing concerns.

Household income is the most important factor determining a household's ability to balance housing costs with other basic life necessities. Regular income is the means by which most individuals and families finance current consumption and make provision for the future through saving and investment. The level of cash income can be used as an indicator of the standard of living for most of the population. While economic factors that affect a household's housing choice are not a fair housing issue per se, the relationships among household income, household type, race/ethnicity, and other factors often create misconceptions and biases that raise fair housing concerns.

The 1999 per capita income in San Diego ranked 14th among California Counties, lower than in Orange County and higher than in Los Angeles County.

The 1999 median household income for San Diego County was $47,067. Almost one-fourth (24 percent) of the County households earned less than $25,000 in 1999 (Figure 3-9). In contrast, the top 25 percent of the households earned more than $75,000 during the same period. Based on SANDAG estimates, the income profile of residents varies significantly among the various communities in the County. Estimated 2003 median household income in the County ranged from a low of $34,405 in National City to a high of $89,857 in Del Mar (Table 3-12). Low-and moderate-income areas are concentrated in the central portion of the County near Downtown San Diego and in the eastern portion of the County and in Camp Pendleton (see Figure 3-10).

Figure 3-9
San Diego County Income Distribution
Source: Census 2000

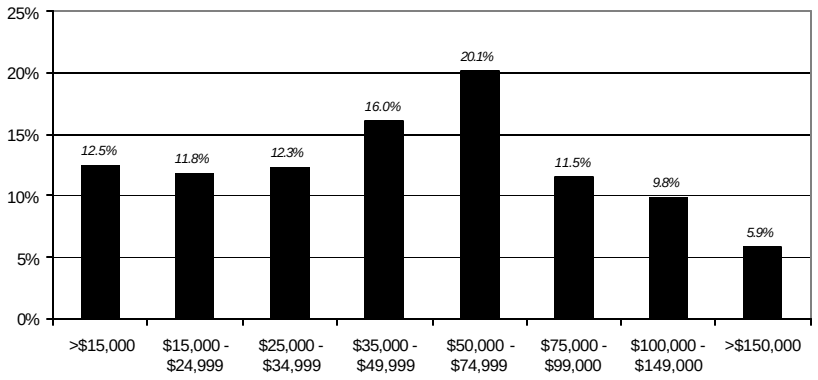


Table 3-12
Median Household Income – 2003

	Median Household Income
Urban County	
Coronado	$ 76,990
Del Mar	$ 89,857
Imperial Beach	$ 40,287
Lemon Grove	$ 47,082
Poway	$ 80,405
Solana Beach	$ 84,611
Unincorporated	$ 61,441
Entitlement Cities	
Carlsbad	$ 75,161
Chula Vista	$ 54,154
El Cajon	$ 40,741
Encinitas	$ 74,609
Escondido	$ 49,390
La Mesa	$ 47,551
National City	$ 34,405
Oceanside	$ 52,105
San Diego	$ 52,838
San Marcos	$ 51,986
Santee	$ 63,145
Vista	$ 50,582

Source: SANDAG, 2004

For planning purposes, special income data based on 2000 Census in the Comprehensive Housing Affordability Strategy (CHAS) are used (see Table 3-13).[15] According to the CHAS, 11 percent of the County's total households in 2000 were Extremely Low Income (0-30 percent of the Area Median Income or AMI), 11 percent Low Income (31-50 percent AMI), and 17 percent were Moderate Income (51-80 percent AMI). Approximately 61 percent of households had incomes above 80 percent of the median in 2000.

15 For planning purposes, HUD uses the Census data to develop special tabulations by HUD income group and special needs category. This dataset is collectively known as the Comprehensive Housing Affordability Strategy (CHAS).

Table 3-13
Household Income Profile

Households	Percent of Total Households	Extremely Low Income (0-30%)	Low Income (31-50%)	Moderate Income (51-80%)	Middle / Upper Income (81%+)
White	67%	8%	9%	15%	68%
Hispanic	18%	18%	19%	23%	40%
Black	5%	16%	14%	21%	48%
San Diego County	100%	11%	11%	17%	61%

Source: Comprehensive Housing Affordability Strategy (CHAS), 2003.

Income by Race / Ethnicity

Overall, low- and moderate-income households comprised 39 percent of all households in 2000. However, certain groups had higher proportions of low- and moderate-income households. Specifically, Hispanic (60 percent) and Black (52 percent) households had a considerably higher percentage of lower income households than the rest of the County (Table 3-14). Proportionally fewer White households (32 percent) fell in the low-income category compared to the County average.

3.4 Housing Profile

A discussion of fair housing choice must be preceded by an assessment of the housing market being analyzed. This section provides an overview of the characteristics of the local and regional housing markets. The Census Bureau defines a housing unit as a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or, if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have direct access from outside the building or through a common hall.

Housing Growth

1990 and 2000 Census data reveal that the San Diego County housing stock increased by almost 10 percent (Table 3-14), 2 percentage points lower than the growth in the number of households during the same period. Among the various jurisdictions in the County, the City of San Marcos experienced a housing growth of 30.3 percent, while Lemon Grove experienced only a one percent increase in its housing stock. In the unincorporated areas, housing growth was slightly higher than countywide figures.

Providing housing for the growing population in the County will become increasingly difficult given that housing growth lagged slightly behind population growth. In cities such as Lemon Grove, Chula Vista, El Cajon, Escondido, and Vista, population growth was between two to four times higher than housing stock increases. Furthermore, in the year 2000, one house was constructed for every 2.8 jobs created in the region.[16] The inability to produce enough housing units to accommodate the increasing number of households reduces vacancy rates and drives up market prices. SANDAG has established a goal of increasing the region's housing stock by 94,369 units (a 9.1-percent increase) by 2004, roughly parallel to the projected increase in households by 2005. However, this increase, if achieved, is still not likely to stabilize the currently inflated housing prices in the region.

[16] Blumen, Michelle. *Housing Affordability: A Study of the Housing Market in San Diego County*. San Diego County Apartment Association. San Diego, 2001.

Figure 3-10: Low and Moderate Income Areas
(11x17)

Figure 3-10: Low and Moderate Income Areas
(11x17 - Back)

Table 3-14
San Diego Regional Housing Stock and Goals

	# of Units 1990	# of Units 2000	Housing Goals 2004	% Change 1990 to 2000
Urban County				
Coronado	9,145	9,494	9,820	3.80%
Del Mar	2,514	2,557	2,577	1.70%
Imperial Beach	9,525	9,739	10,419	2.20%
Lemon Grove	8,638	8,722	9,504	1.00%
Poway	14,386	15,714	15,815	9.20%
Solana Beach	6,346	6,456	6,473	1.70%
Unincorporated	137,589	154,737	175,521	12.50%
Total Urban County	188,143	207,419	230,129	10.25%
Entitlement Cities				
Carlsbad	27,235	33,798	38,715	24.10%
Chula Vista	49,849	57,705	68,671	15.80%
El Cajon	34,453	35,190	35,152	2.10%
Encinitas	22,123	23,843	24,035	7.80%
Escondido	42,040	45,050	50,429	7.20%
La Mesa	24,154	24,943	25,028	3.30%
National City	15,243	15,422	16,174	1.20%
Oceanside	51,109	59,581	63,012	16.60%
San Diego	431,722	469,689	504,014	8.80%
San Marcos	14,476	18,862	26,382	30.30%
Santee	18,275	18,833	20,894	3.10%
Vista	27,418	29,814	31,883	8.70%
San Diego County	946,240	1,040,149	1,134,518	9.90%

Source: U.S. Census, 1990 and 2000; SANDAG, *Draft Regional Housing Needs Assessment, 1999*

Housing Condition

Housing age indicates general conditions within a community. Housing is subject to gradual deterioration over time. Deteriorating housing can depress neighboring property values, discourage reinvestment, and eventually impact the quality of life in a neighborhood. As shown in Table 3-15, nearly 38 percent of San Diego County housing stock was over 30 years of age in 2000. The cities of La Mesa, Lemon Grove, and National City have the largest proportions of housing units potentially in need of rehabilitation. Home rehabilitation can be an obstacle for senior homeowners with fixed incomes and mobility issues.

Table 3-15
Housing Profile

	Tenure Distribution		Household Overcrowding			Housing Units Over 30 Years of Age
	Owners	Renters	Owners	Renters	Total	
Urban County						
Coronado	51.5%	48.5%	0.8%	6.2%	3.4%	50.3%
Del Mar	55.9%	44.1%	1.0%	2.4%	1.6%	52.8%
Imperial Beach	30.0%	70.0%	7.7%	24.1%	19.2%	53.7%
Lemon Grove	56.7%	43.3%	7.8%	17.6%	12.0%	61.1%
Poway	77.6%	22.4%	2.1%	14.9%	4.9%	23.5%
Solana Beach	62.3%	37.7%	1.0%	9.5%	4.2%	27.8%
Unincorporated	70.3%	29.7%	4.2%	17.1%	8.1%	30.9%
Total Urban County	67.2%	32.8%	4.0%	16.6%	8.1%	33.7%
Entitlement Jurisdictions						
Carlsbad	67.3%	32.7%	1.2%	9.6%	3.9%	15.7%
Chula Vista	57.5%	42.5%	8.0%	22.9%	14.3%	40.7%
El Cajon	40.7%	59.3%	4.3%	19.3%	13.2%	45.6%
Encinitas	64.1%	35.9%	2.0%	9.6%	4.7%	27.3%
Escondido	53.3%	46.7%	8.2%	27.6%	17.3%	27.1%
La Mesa	47.1%	52.9%	2.2%	8.0%	5.2%	59.8%
National City	35.0%	65.0%	23.9%	42.4%	35.9%	62.8%
Oceanside	62.1%	37.9%	7.7%	21.8%	13.1%	23.1%
San Diego	49.5%	50.5%	6.5%	18.4%	12.5%	44.1%
San Marcos	66.2%	33.8%	6.5%	32.5%	15.3%	11.0%
Santee	71.0%	29.0%	2.8%	10.2%	4.9%	28.7%
Vista	53.9%	46.1%	8.6%	27.8%	17.5%	27.3%
San Diego County	55.4%	44.6%	5.8%	19.2%	11.8%	38.0%

Source: Census 1990 and 2000

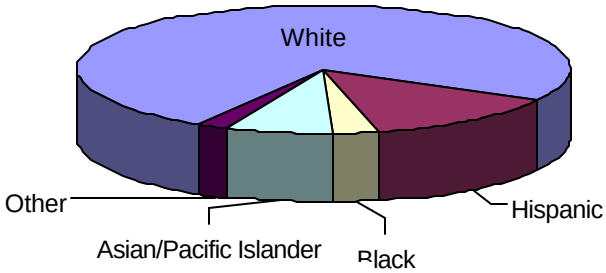
Tenure

Tenure in the housing industry typically refers to the occupancy of a housing unit – whether the unit is owner-occupied or renter-occupied. The tenure distribution (owner versus renter) of a community's housing stock influences several aspects of the local housing market. Residential mobility is influenced by tenure, with ownership housing evidencing a much lower turnover rate than rental housing. Housing cost burden is generally more prevalent among renters than among owners. Tenure preferences are primarily related to household income and composition, and age of the householder.

San Diego County showed a higher proportion of owner-occupied housing (55.4 percent) than renter-occupied housing (44.6 percent). The ownership level rose between 1990 and 2000, but was still well below the national level of 66.2 percent and slightly lower than the 56.9 percent state figure for housing ownership. Most cities in the County had more owner-occupied housing units than renter-occupied units. Exceptions include Poway, where ownership predominates (77.6 percent) and Imperial Beach, with only 30 percent of its housing units being owner-occupied. The areas with the greatest affordability problems also have the lowest rates of homeownership, as ownership is constrained as the shelter cost-to-income ratio rises. Imperial Beach has one of the lowest median incomes in the County while Poway has one of the highest.

Ethnic minority populations in San Diego County have not achieved housing homeownership as readily as the White population. In fact as of 2000, the majority of owner-occupied households are White (Figure 3-11). Of those who owned the housing units they occupied, almost 75 percent were White; Hispanics comprised 13 percent of the homeowners while Blacks comprised only 3 percent and Asian/Pacific Islanders made up 7 percent. Comparing these figures to race data from the 2000 Census demonstrates that minorities in the County are underrepresented in terms of home ownership. By these classification methods, Whites/Caucasians comprise only 54.9 percent of the County's population, Hispanics comprise 26.7 percent while 5.4 percent of the population is Black, 9.2 percent is Asian/Pacific Islander.

Figure 3-11
Home Ownership by Race/Ethnicity



Source: U.S. Census, 2000.

Housing Type

A region's housing stock is comprised of three categories: single-family dwelling units, multi-family dwelling units, and other types of units such as mobile homes.

Single-family units are attached or detached dwelling units usually on individual lots of land. Cities often have zoning districts that specify the provision of single-family housing units with maximum densities. As shown in Table 3-16, over 60 percent of the housing units in the County are single-family dwellings. The cities of Poway, Lemon Grove and Encinitas, as well as the unincorporated County areas, have a much larger proportion of this housing unit type, while El Cajon and Imperial Beach have a much lower proportion.

Multi-family units consist of structures with two or more units. Generally, multi-family units (particularly with five or more units in a structure) are rental units along the lines of those found in a common apartment complex. Land zoned for multi-family dwelling units usually allows medium- to high-density use of land. Multi-family dwelling units comprise 35 percent of County housing stock. The cities of El Cajon, La Mesa, and National City have the greatest proportions of multi-family housing units, while the cities of Poway, Santee, and Encinitas have much lower proportions.

Typically, a community's housing stock correlates highly with the tenure distribution of the occupied housing units. For instance, National City and La Mesa have high proportions of multi-familiy housing and high proportions of renter-households among all County jurisdictions. In comparison, Poway has one of the lowest proportions of multi-family housing and one of the lowest proportions of renter housholds.

Table 3-16
Housing Type and Vacancy

	Single-Family	Multi-Family	Mobile Homes	Percent Vacant
Urban County				
Coronado	55.9%	43.9%	0.2%	18.54%
Del Mar	66.3%	33.7%	0.0%	14.79%
Imperial Beach	48.1%	48.4%	3.5%	4.80%
Lemon Grove	74.2%	24.7%	1.1%	2.67%
Poway	80.2%	15.5%	4.3%	1.58%
Solana Beach	64.9%	34.5%	0.6%	10.86%
Unincorporated	74.6%	15.8%	9.7%	6.46%
Total Urban County	72.5%	19.7%	7.8%	6.64%
Entitlement Cities				
Carlsbad	69.4%	27.3%	3.4%	6.74%
Chula Vista	60.8%	33.5%	5.7%	3.01%
El Cajon	42.7%	51.5%	5.8%	2.82%
Encinitas	74.5%	22.4%	3.1%	4.25%
Escondido	54.9%	36.8%	8.3%	2.74%
La Mesa	52.2%	46.4%	1.4%	3.03%
National City	51.4%	45.7%	2.8%	2.62%
Oceanside	65.3%	29.2%	5.5%	5.19%
San Diego	56.0%	42.6%	1.3%	4.04%
San Marcos	58.6%	24.3%	17.0%	3.98%
Santee	65.1%	21.6%	13.3%	1.93%
Vista	56.7%	36.3%	7.0%	3.14%
San Diego County	60.6%	35.1%	4.4%	4.45%

Source: California Department of Finance, 2003 Housing and Population Estimates

Overcrowding

See also discussions on occupancy standards in Chapter 5, Public Policies, of this AI.

According to the 2000 Census, 19% of renter households were overcrowded, but only 6% of owner-occupied housing was overcrowded.

Overcrowding occurs when housing costs are so high relative to income that families have to live in small units or double up to devote income to other basic needs such as food or medical care. The federal government defines an overcrowded household as one with more than one person per room (excluding bathrooms, kitchens, and hallways).

According to the 2000 Census, almost 12 percent of the County households lived in overcrowded conditions. The prevalence of overcrowding varied significantly among

jurisdictions. As shown in Table 3-17, National City had almost 36 percent of residents living in overcrowded conditions, while the City of Del Mar had under 2 pecent of households living in overcrowded conditions. Generally, low-income families are disproportionately affected by overcrowding. Table 3-17 also shows that since home ownership is out of reach for many low-income families, renter-households are most affected by overcrowding.

Table 3-17
Overcrowding by Tenure

	Owner-occupied	Renter-occupied	Total
Urban County			
Coronado	0.8%	6.2%	3.4%
Del Mar	1.0%	2.4%	1.6%
Imperial Beach	7.7%	24.1%	19.2%
Lemon Grove	7.8%	17.6%	12.0%
Poway	2.1%	14.9%	4.9%
Solana Beach	1.0%	9.5%	4.2%
Unincorporated	4.2%	17.1%	8.1%
Total Urban County	4.0%	16.6%	8.1%
Entitlement Cities			
Carlsbad	1.2%	9.6%	3.9%
Chula Vista	8.0%	22.9%	14.3%
El Cajon	4.3%	19.3%	13.2%
Encinitas	2.0%	9.6%	4.7%
Escondido	8.2%	27.6%	17.3%
La Mesa	2.2%	8.0%	5.2%
National City	23.9%	42.4%	35.9%
Oceanside	7.7%	21.8%	13.1%
San Diego	6.5%	18.4%	12.5%
San Marcos	6.5%	32.5%	15.3%
Santee	2.8%	10.2%	4.9%
Vista	8.6%	27.8%	17.5%
San Diego County	5.8%	19.2%	11.8%

Source: Census 2000

Housing Cost Burden

San Diego County is the seventh most expensive metropolitan area in the State. Workers need to earn $21.06 an hour to afford a modest two-bedroom apartment.

State and federal standards specify that a household experiences housing cost burden if it pays more than 30 percent of its gross income on housing. In the County, housing cost burden is more prevalent among renter-households; a majority of the jurisdictions had over 40 percent of renter-households with housing cost burden (Table 3-18). Housing cost burden among owner-households was less prevalent by comparison. Cost burden by low-income households tends to occur when housing costs increase faster than income. Rates of renter cost burden were high in the cities of Escondido, El Cajon, Lemon Grove, National City, and Vista where median household incomes were lower than the County median.

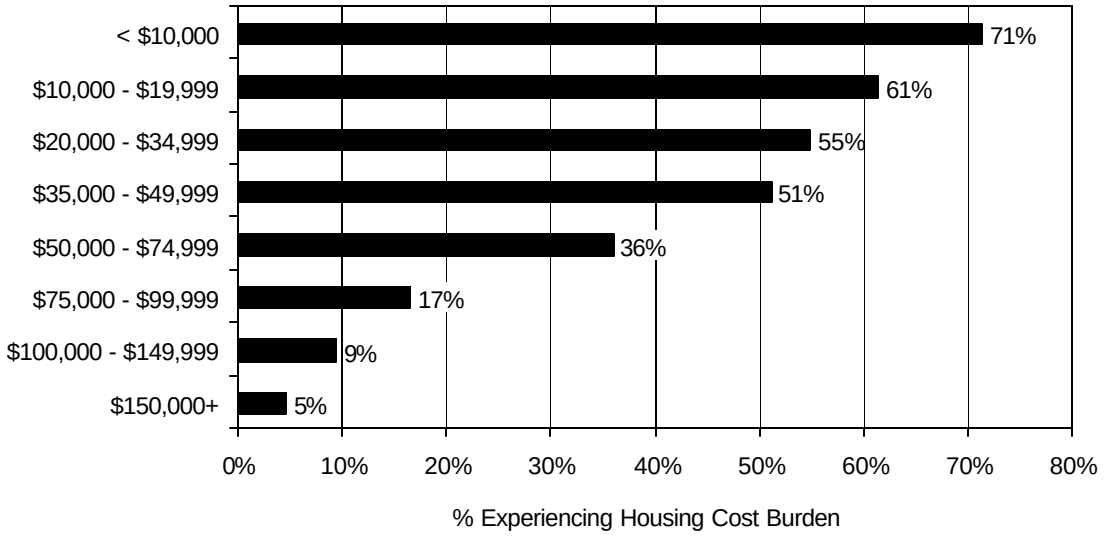
Table 3-18
Housing Cost Burden

	Owners	Renters
Urban County		
Coronado	31.5%	39.3%
Del Mar	38.0%	33.6%
Imperial Beach	28.3%	41.3%
Lemon Grove	31.9%	45.6%
Poway	30.9%	42.6%
Solana Beach	27.6%	39.3%
Unincorporated	32.7%	37.2%
Total Urban County	32.3%	38.6%
Entitlement Cities		
Carlsbad	30.7%	40.7%
Chula Vista	34.4%	41.6%
El Cajon	32.0%	44.9%
Encinitas	33.7%	41.3%
Escondido	31.4%	46.8%
La Mesa	25.2%	42.2%
National City	32.4%	44.7%
Oceanside	33.2%	46.1%
San Diego	31.1%	42.9%
San Marcos	36.0%	42.7%
Santee	32.7%	36.8%
Vista	32.0%	46.2%
San Diego County	31.8%	42.6%

Source: Census 2000

Housing cost burden typically is linked to income levels. The lower the income, the larger percentage of a household's income is allotted to housing costs. While this is a common knowledge, Figure 3-12 shows how dramatically income increases affect housing cost burden.

Figure 3-12
Owner-occupied Housing Cost Burden by Household Income



Source: Census 2000

Housing Cost And Affordability

This section evaluates the affordability of the housing stock in the County to low- and moderate-income households. If housing costs are relatively high in comparison to houshold income, a correspondingly high rate of housing problems occurs. An emphasis must be made that housing affordability alone is not necessarily a fair housing issue. Fair housing concerns may arise only when housing affordability interacts with other factors covered under the fair housing laws, such as houshold type, composition, and race/ethnicity.

Housing Cost

In San Diego County, 1 in every 5 renter households spends at least 50% of its income on housing.

A person earning minimum wage would have to work 135 hours a week to afford a median-priced two-bedroom unit in the County.

Every year, the National Association of Home Builders (NAHB) tracks the ability of households to afford a home in almost 2000 metropolitan areas across the country. NAHB develops an Housing Opportunity Index (HOI) for a given area that is defined as the share of homes sold in that area that would have been affordable to a family earning the median income. The San Diego metropolitan area was the ninth least affordable area in the nation. In 2003, only 21 percent of the homes sold in the San Diego metropolitan area were affordable to the median family. As affordability drops, lower-income families are most acutely affected. The San Diego Housing Federation noted last year that a single parent in the San Diego area making only the minimum wage of $6.75 per hour would have to work 135 hours a week, or more than three full-time jobs, in order to afford a place with two bedrooms.[17] The current prices may be attributable to a housing shortage caused by a continuing decline in housing production during the 1990s, consistently strong demand, and reasonable mortgage rates. Since then, housing construction has not kept pace with the booming population.

According to the California Association of Realtors (CAR), the median price for a home in San Diego County was $420,000 for the first quarter of 2004. This represents an 18 percent increase from the previous year. Half of all cities in the County had higher median price increases. Median home prices varied between a high of $865,750 in Coronado and a low of $327,500 in National City (Table 3-19).

The San Diego County Apartment Association (SDCAA) publishes average rental rate information each year. Table 3-20 displays the average rent by jurisdiction. While the County as a whole experienced rent increases between seven and nine percent, many jusridictions experienced significant jumps in rents between 2002 and 2003. The estimated average rental rates in San Diego County in 2003 were $653 for a studio, $775 for a one-bedroom, $987 for a two-bedroom, and $1,361 for a three-bedroom.

[17] San Diego Housing Federation Press Release September 20, 2002

Table 3-19
Median Home Prices

	First Quarter 2004	First Quarter 2003	% Change 2002-2003
Urban County			
Coronado	$865,750	$795,000	8.9%
Del Mar	$865,000	$700,000	23.6%
Imperial Beach	n/a	n/a	n/a
Lemon Grove	$369,000	$292,000	26.4%
Poway	$525,000	$365,000	43.8%
Solana Beach	n/a	n/a	n/a
Unincorporated Communities			
Fallbrook	$440,000	$379,500	15.9%
Lakeside	$442,500	$312,000	41.8%
Ramona	$431,000	$379,500	13.6%
Spring Valley	$362,500	$298,750	21.3%
Entitlement Cities			
Carlsbad	$550,000	$479,500	14.7%
Chula Vista	$450,500	$344,000	30.1%
El Cajon	$390,000	$325,000	20.0%
Encinitas	$631,000	$540,000	16.9%
Escondido	$380,000	$317,000	19.9%
La Mesa	$398,000	$330,000	20.6%
National City	$327,500	$265,000	23.6%
Oceanside	$385,000	$306,500	25.6%
San Diego	$415,000	$363,000	14.3%
San Marcos	$420,000	$399,000	5.3%
Santee	$348,000	$317,500	9.6%
Vista	$385,000	$321,000	19.9%
San Diego County	$420,000	$355,000	18.3%

Source: California Association of Realtors, 2004

Table 3-20
Average Rental Rates by Jurisdiction 2002, 2003

Jurisdiction	# of Rooms	Spring 2002 Average rents	Fall 2002 Average Rents	Spring 2003 Average Rents	Percent Change 2002 - 2003
Urban County					
Coronado	Studio	$588	$594	$733	25%
	1 BR	$925	$941	$975	5%
	2 Br	$1,084	$1,144	$1,285	19%
	3BR	$1,666	$1,941	$1,989	19%
Del Mar	1 BR	$812	$812	$978	20%
	2 Br	$1,275	$1,368	$1,413	11%
	3BR	$1,300	$1,979	$1,873	44%
Imperial Beach	Studio	$556	$387	$635	14%
	1 BR	$607	$549	$679	12%
	2 Br	$790	$854	$794	1%
	3BR	$933	$1,120	$843	-10%
Lemon Grove	Studio	$400	$435	$435	9%
	1 BR	$667	$606	$647	-3%
	2 Br	$844	$755	$801	-5%
	3BR	$1,175	$1,100	$1,033	-12%
Poway	Studio	N/A	N/A	$650	
	1 BR	$857	$730	$760	-11%
	2 Br	$873	$777	$993	14%
	3BR	N/A	$1,600	$1,625	
Solana Beach	1 BR	$700	$700	$967	38%
	2 BR	$1,368	$1,390	$1,214	-11%
	3 BR	$2,300	N/A	$1,740	-24%
Entitlement Cities					
Carlsbad	Studio	$663	$656	$722	9%
	1 BR	$825	$813	$835	1%
	2 Br	$1,200	$1,191	$1,208	1%
	3BR	$1,753	$2,189	$1,642	-6%
Chula Vista	Studio	$525	$658	$650	24%
	1 BR	$693	$691	$741	7%
	2 Br	$863	$877	$818	-5%
	3BR	$1,058	$1,151	$1,231	16%
El Cajon	Studio	$551	$605	$599	9%
	1 BR	$643	$666	$677	5%
	2 Br	$764	$791	$838	10%
	3BR	$1,010	$1,150	$1,187	18%

Table 3-20
Average Rental Rates by Jurisdiction 2002, 2003

Jurisdiction	# of Rooms	Spring 2002 Average rents	Fall 2002 Average Rents	Spring 2003 Average Rents	Percent Change 2002 - 2003
Encinitas	Studio	$704	$760	$696	-1%
	1 BR	$674	$883	$876	30%
	2 Br	$930	$1,124	$1,413	52%
	3BR	$1,650	$1,687	$1,791	9%
Escondido	Studio	$589	$538	$634	8%
	1 BR	$680	$756	$735	8%
	2 Br	$805	$852	$969	20%
	3BR	$1,060	$1,020	$1,205	14%
La Mesa	Studio	$572	$692	$670	17%
	1 BR	$731	$798	$732	0%
	2 Br	$856	$903	$922	8%
	3BR	$1,099	$1,403	$1,319	20%
National City	Studio	$557	$529	$515	-8%
	1 BR	$555	$579	$521	-6%
	2 Br	$713	$643	$639	-10%
	3BR	$966	$1,000	$1,081	12%
Oceanside	Studio	$467	$373	$661	42%
	1 BR	$701	$727	$804	15%
	2 Br	$884	$951	$971	10%
	3BR	$1,300	$1,167	$1,383	6%
San Diego	Studio	$608	$628	$663	9%
	1 BR	$728	$753	$790	9%
	2 Br	$968	$996	$1,031	7%
	3BR	$1,346	$1,385	$1,452	8%
San Marcos	1 BR	$616	$751	$786	28%
	2 Br	$898	$907	$931	4%
	3BR	$891	$1,212	$1,178	32%
Santee	Studio	$350	$370	$540	54%
	1 BR	$748	$713	$803	7%
	2 Br	$826	$783	$954	15%
	3BR	$1,209	$1,096	$1,165	-4%
Vista	Studio	$654	$648	$589	-10%
	1 BR	$668	$816	$885	32%
	2 Br	$857	$964	$1,042	22%
	3BR	$954	$1,248	$1,264	32%
San Diego County	Studio	$602	$608	$653	8%
	1 BR	$715	$744	$775	8%
	2 Br	$925	$953	$987	7%
	3BR	$1,250	$1,316	$1,361	9%

Source: San Diego County Apartment Association, 2003.

Housing Affordability

Housing affordability can be estimated by comparing the cost of renting or owning a home with the maximum affordable housing costs to households at different income levels. Taken together, this information can generaly indicate the size and type of housing available to each income group and can indicate which households are more susceptible to overcrowding and cost burden.

HUD conducts annual household income surveys nationwide to determine the maximum affordable housing payments of different households and their eligibility for federal housing assistance. In evaluating affordability, the maximum affordable price refers to the maximum amount that could be afforded by households in the upper range of their respective income categories. Table 3-21 shows the annual household income by size and the maximium affordable housing payment based on the federal standard of 30 percent of household income. General cost assumptions for utilities, taxes, and property insurance are also shown.

The countywide median home price ($347,182) places homeownership out of reach for most very-low-, low- and moderate-income households. Even in the jurisdiction with the lowest median home price (National City, at $235,000), home ownership is out of reach for very low- and moderate-income households. Given the high costs of homeownership in the County, lower-income households are usually confined to rental housing but the affordability problem also persists in the rental market. Only a handful of jurisdictions had median gross rents under $711, that is, in the range of affordability for low-income families.

The situation is exacerbated for large households with lower and moderate incomes given that the limited supply of large units, and for seniors with their fixed incomes. When the housing market is tight, with high demand, low vacancies, and rising costs, the potential for discriminatory housing practices also increases.

Table 3-21
Housing Affordability Matrix San Diego County, AMI- $60,100 (2003)

	Income Levels		Housing Costs		Maximum Affordable Price	
Income Group	**Annual Income**	**Affordable Payment**	**Utilities**	**Taxes & Ins.**	**Home**	**Rental**
Low (50% AMI)						
One Person	$22,350	$559	$50	$200	$51,564	$509
Small Family	$28,700	$718	$100	$250	$61,376	$618
Large Family	$34,450	$861	$150	$300	$68,682	$711
Moderate (51-80% AMI)						
One Person	$35,750	$894	$50	$200	$107,512	$844
Small Family	$45,950	$1,149	$100	$250	$133,398	$1,049
Large Family	$55,100	$1,378	$150	$300	$154,900	$1,228
Middle/Above (80%+ AMI)						
One Person	$50,450	$1,261	$50	$200	$168,887	$1,211
Small Family	$64,900	$1,623	$100	$250	$212,518	$1,523
Large Family	$77,850	$1,946	$150	$300	$249,886	$1,796

Source: California Department of Housing and Community Development; Cotton/Bridges/Associates, 2003
Notations:
1. Small Family = 3 persons; Large Families = 5 or more persons
2. Utility costs for renters assumed at $50/$100/$150 per month
3. Monthly affordable rent based on payments of no more than 30% of household income
4. Property taxes and insurance based on averages for the region
5. Calculation of affordable home sales prices based on a down payment of 10%, annual interest rate of 7%, 30-year mortgage, and monthly payment of gross household income

3.5 Public / Affordable Housing

The availability and location of public and assisted housing may be a fair housing concern. If such housing is concentrated in one area of a community or of a region, a household seeking affordable housing is limited to choices within the area. Public/assisted housing and housing assistance must be accessible to qualified households regardless of race/ethnicity, disability, or other special characteristics.

Section 8 Vouchers

Despite popular perception, most of the nation's affordable housing stock is not in public housing projects but in privately owned and operated developments subsidized by the federal government.[18] Section 8 is a rent subsidy program that helps very low-income families and seniors pay rents in private units. Section 8 tenants pay a minimum of 30 percent of their income for rent and the local housing authority pays the difference up to the payment standard established by the housing authority. The program offers very low-income households the opportunity to obtain affordable, privately owned rental housing and to increase their housing choices. The housing authority establishes payment standards based on HUD-established Fair Market Rents. The owner's asking price must be supported by comparable rents in the area. Any amount in excess of the payment standard is paid by the program participant.

Use of Section 8 Vouchers

As of September 2003, 24,740 households received Section 8 Assistance, with 45 percent of all vouchers administered by the City of San Diego Housing Authority (Table 3-22). For housing vouchers administered by the County Housing Commission, 2,830 households are elderly, 4,805 are small families, and 2,507 are large families.[19] Most Section 8 recipients (for vouchers administered by the County) use the vouchers on two-bedroom units, followed by one- and three-bedroom units (Table 3-23).

Since the demand for housing assistance often exceeds the limited resources available, long waiting periods are common. The amount of time spent on the waiting list often varies, but the wait for rental assistance after a family is

18 Forbes, Elaine, "Eroding Neighborhood Integration: The Impact of California's Expiring Section 8 rent Subsidy Contracts on Low Income Family Housing " UCLA Lewis Center for Regional Policy Studies, Working Paper #34, 2000.

19 County of San Diego Department of Housing and Community Development, September 2003.

placed on the waiting list is usually between two and four years. These wait times can disproportionately impact the elderly.

Table 3-22
Section 8 Housing Vouchers

	Households with Section 8 Rental Assistance
Urban County	
Coronado	64
Del Mar	12
Imperial Beach	410
Lemon Grove	327
Poway	89
Solana Beach	34
Unincorporated	3,078
Total Urban County	3,980
Entitlement Jurisdictions	
Carlsbad	703
Chula Vista	1,991
El Cajon	2,037
Encinitas	135
Escondido	1,098
La Mesa	467
National City	1,044
Oceanside	1,300
San Diego	11,100
San Marcos	168
Santee	282
Vista	401
San Diego County	24,740

Source: San Diego County Housing Resources Directory 2002-2003; San Diego County Housing and Community Development Department

Another important issue with the Section 8 program is the decreasing number of landlords willing to accept Section 8 vouchers. In a tight housing market, landlords are typically able to capture high rents for the units and less likely to participate in government programs that place restrictions on rents, policies, and quality standards. Primarily in economically depressed neighborhoods, where the housing and neighborhood conditions are less than ideal, voucher recipients are most likely to find rental units that accept voucher payments. Researchers have also found that owners accepting

Section 8 vouchers prefer senior households to families.[20] This practice creates a potential fair housing concern. A sample of available units at the end of August 2003 for the County-administerd Section 8 program is shown in Table 3-24. In 2002, there were over 16,500 families on the Section 8 waiting list. The few hundred affordable units available in August fell well below the demand in the County.

Due to the geographic disparity in terms of rents, concentrations of Section 8 voucher use resulted. For example, the City of El Cajon represented only about three percent of the County population but eight percent of the Section 8 voucher use. National City also has a relative concentration of Section 8 voucher use. The City represented only about two percent of the total population but four percent of the vouchers issued in San Diego County.

Table 3-23
County-Administered Section 8
Vouchers by Unit Size

Unit size	Section 8 households
0-Bedroom	81
1-Bedroom	3,241
2-Bedroom	4,320
3-Bedroom	2,071
4-Bedroom	374
5-Bedroom	52
6-Bedroom	3
Total	10,142

Source: County of San Diego Department of Housing and Community Development

Table 3-24
County-Administered Section 8 Housing Listings*

Bedrooms	Number of Listings as of August 29, 2003	Rent Ranges
0-1	72	$525 - $1,200
2	114	$715 - $1,300
3+	143	$1,000 - $2,400

Provided by landlords willing to participate in Section 8 program

Source: County of San Diego Department of Housing and Community Development

Section 8 Contracts

[20] Forbes, p. 35

Another form of Section 8 rental assistance is project-based Section 8 contracts which Congress created in 1974 as part of the Housing and Community Development Act. The contracts are agreements between owners of specific properties and HUD to set aside a certain portion or all of the units for income-qualified tenants. The rental assistance is tied to the property, unlike the Section 8 vouchers, which are portable with the tenants. When Congress established the various housing construction programs in the 1970s, 20-year project-based Section 8 contracts were used in conjunction with mortgage financing mechanisms to encourage the construction of affordable housing. Most of the mortgage loans had a 40-year loan term with an option to prepay the mortgage after 20 years. When project owners decide to prepay the remaining mortgage after 20 years (at the same time Section 8 contracts are expiring), the units will convert to market rate housing. Since the 1990s, many affordable housing developments have become eligible to prepay the mortgage and opt out of Section 8 contracts.

As of May 2003, 684 affordable housing units in San Diego County had expiring Section 8 contracts and may be at risk of being converted to market rate housing.[21] Between 1997 and 2002, 719 units were converted to market rate units in the County. With the supply of Section 8 housing already well below the demand, conversion to market rate would exacerbate the problem of long waiting lists for an already vulnerable segment of the population. Recognizing the problems these expiring contracts may cause, HUD has established various initiatives to attempt to stem the tide of conversions. Some initiatives include marking some below-market Section 8 properties up to market rents and permitting non-profit owners of older-assisted properties to raise rents to fund necessary capital improvements. Nevertheless, in a tight housing market, financial incentives offered by HUD are not always competitive to the market rents that owners can capture upon conversion of the units to non-low income uses.

Evidence has shown that the dynamics behind the opt-out or renewal decision are a mixed blessing for Section 8 recipients. Owners opt out of the Section 8 programs for reasons that are financially motivated or merely because of difficulties encountered in dealing with HUD oversight. But researchers have found that owners, whatever their reasons may be, have a stronger tendency to renew Section 8 contracts in more segregated and traditional low-income neighborhoods and are less likely to renew in racially and economically integrated neighborhoods.[22]

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21 California Housing Partnership Corporation, "Summary of Prepayment Eligible and Expiring Section 8 Contracts", 2003.

22 Forbes, p. 22

Section 8 was designed to offer families an alternative to living in conventional public housing developments. While not always true, many public housing projects were located in the "path of least resistance", often in poor minority areas.[23] Section 8 was intended to offer residents a chance to live in higher quality neiborhoods and have access to better schools and jobs. With owners opting out in more integrated neighborhoods, Section 8 recipients will be increasingly confined to low-income areas, defeating the original purpose of the program. While very-low-income households may still be able to find Section 8 housing, their options for moving into better neighborhoods has been greatly compromised in recent years. In order to address this, the San Diego Housing Commission has funded the Fair Housing Council of San Diego (FHCSD) to administer the Community Opportunities Housing Mobility Program to encourage Section 8 participants to increase their options. This program offered incentives to maximize the use of housing assistance vouchers in the low poverty neighborhoods as a means of expanding locational choice for low income households.

Public and Other Affordable Housing Projects

The County of San Diego Department of Housing and Community Development, along with the San Diego Housing Commission, have identified 215 complexes where some or all of the units are affordable for very low to moderate income households. Together these complexes provide 23,689 units with affordable rents. Figure 3-13 shows that on the western/coastal areas, the distribution of these units is similar to the pattern exhibited by the distribution of low- and moderate-income population. There is a lack of affordable housing resources in the desert communities. As more and more people gravitate to San Diego, many have found their way to North County Inland, where housing tends to be more affordable and the traditional neighborhood is more common than it is in San Diego proper. The lack of affordable housing resources may become acute as the population in this area increases.

The County of San Diego Housing Authority owns and administers four public housing rental complexes located in the City of Chula Vista. These rental units are available to low-income families, senior citizens, and disabled persons. Eligible residents must be a senior citizen (62 years of age or older), a disabled individual, or a low-income family and must either live in an unincorporated area of San Diego County, or in the cities of Chula Vista, Coronado, Del Mar, El Cajon, Escondido, Imperial Beach, La Mesa, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, or Vista. The household's

[23] Ibid., p. 3

annual gross income must be at or below 50 percent of the San Diego Area Median Income.

Figure 3-13: Location of Affordable Housing (11x17)

Figure 3-13: Location of Affordable Housing
(11x17 - Back)

3.6 Parks and Recreation Facilities

Parks and recreation activities are important resources within any community. Improving recreational opportunities and expanding a community's park system within underserved areas are important objectives. In a 2001 survey conducted by the U.S. Conference of Mayors and the National Association of Counties, an overwhelming majority (89 percent) of respondents felt that parks and recreation facilities are beneficial to their community. Seventy-four (74) percent of respondents believed parks would help prevent juvenile crime and delinquency. Eighty-six (86) percent felt that parks and open spaces benefit economic stability and property values in their communities. Most importantly, 92 percent thought that all levels of government should take steps to preserve and expand parks and open spaces for future generations.[24]

Families with children and seniors in search of housing often factor in the proximity of parks and recreation facilities (such as a community center with childcare and recreation programs or a senior center with a lunch program and other services). The lack of parks and recreation facilities in some neighborhoods, to some extent, limit the location choices of certain segments of the population when searching for housing.

Although parks are an essential component in transforming and enriching cities, California has the fewest acres of urban parks in the U.S.[25] Many jurisdictions view urban parks are playing a significant role in community development and enhancement. According to city planners, "a park and its surrounding area can be not only a place to understand and relate to nature, but it can also be a place for social and cultural exchange such as physical activities or for simply socializing with friends."[26]

Illustrated on Figure 3-14 are active parks that SANDAG classifies as "recreation areas and centers containing one or more of the following activities: tennis or basketball courts, baseball diamonds, soccer fields, or swings. Examples are Robb Field, Morley Field, Diamond Street Recreation Center, and Presidio Park." Smaller neighborhood parks with a high level of use are also included as active parks. While low- and moderate-income areas near Downtown San Diego seem to have a significant number of parks, outlying communities such as Rainbow and Borrego Springs do not. The

24 National Association of Counties and U.S. Conference of Mayors. *2001 Parks Survey*. Conducted by National Research, LLC. 2001 http://www.naco.org

25 California State Assembly Republican Caucus. Assembly Budget Subcommittee #3: Department of Parks and Recreation. Met Wednesday, April 25, 2001

26 Kent, Fred and Kathy Madden. *Creating Great Urban Parks*. Project for Public Space, Urban Parks Online. 1998. http://www.pps.org/topics/design/CreatingUrbanParks

low- and moderate-income area just east of I-805 in the City of San Diego (Miramar Marine Air Station) and the adjacent Camp Pendleton contain large numbers of military families but have few neighborhood parks. Large portions of the low- and moderate-income areas in El Cajon and the border-adjacent neighborhoods of the City of San Diego also lack park facilities.

Figure 3-14: Location of Parks and Recreation Facilities (11x17)

Figure 3-14: Location of Parks and Recreation Facilities (11x17 - Back)

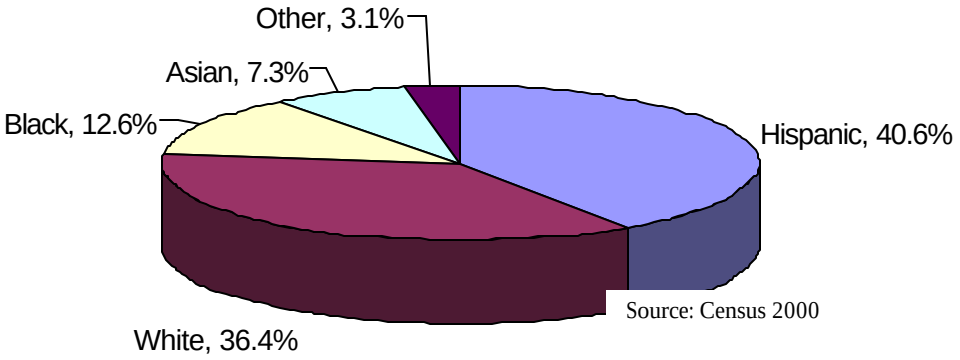
3.7 Accessibility to Public Transit

Access to public transit is of paramount importance to households affected by low incomes and rising housing prices. Public transit should link lower income persons, who are often transit dependent, to major employers where job opportunities exist. Access to employment via public transportation can reduce welfare usage and increase housing mobility, which enables residents to locate housing outside of traditionally low-income neighborhoods.[27] The lack of an integral relationship among public transit, employment opportunities, and affordable housing may impede fair housing choice because persons who depend on public transit will have limited choices regarding places to live.

Specifically, many elderly and disabled persons are very much transit-dependent and rely on public transit to visit doctors, go shopping, and attend activities offered at community facilities. Housing for the elderly and disabled should be located near transit routes, or alternate transit should be made available for persons with special needs.

Figure 3-15 shows the ethnic breakdown of residents commuting to work via public transportation. Hispanic and White workers constitute the largest group of public transportation riders followed by Blacks and Asians. Asian residents had five times less workers using public transportation to get to their place of employment.

Figure 3-15
Residents Using Public Transportation
To Work by Ethnicity



Source: Census 2000

[27] Ong, Paul and Evelyn Blumenberg, "*Job Accessibility and Welfare Usage: Evidence from Los Angeles*". UCLA Department of Policy Studies, 1998.

Major Employers

As one of the major metropolitan areas in the country, San Diego County has a diverse economy. The San Diego County population and employment growth rates typically correlate to national economic cycles and sensitive to military spending. A large part of the County's manufacturing base since World War II has relied on Department of Defense expenditures. As defense expenditures increased during the Korean and Vietnam Wars, the employment base increased and more people moved into the region. At the end of the war, defense spending decreased leading to fewer job opportunities and a reduction in the rate of population growth. The military buildup of the mid-1980s again brought increased employment opportunities to the region, and population growth due to net migration increased. By 1990, it was clear that the military spending would no longer sustain the levels they did in the mid-1980s. In the past few years, employment in defense-related industries decreased dramatically as companies dependent on military expenditures began to downsize and restructure locally. As a result, there has been a major shift nationally and locally from a predominance of manufacturing jobs to retail jobs.

The California EDD predicts that the three largest absolute-growth industries will be services, retail trade and government.

The City of San Diego is still the main employment center in the County, but major employers are located throughout the North Coastal, Central Castal and South Bay subregions. Colleges and university campuses account for over 36,600 jobs in the County. The most signifianct is the University of California at San Diego (UCSD), which employs over 20,000 persons. Hospitals employ over 29,000 persons and are located primarlity within the City of San Diego. Inland/desert areas are still relatively scarce with regard to employment opportunites. The closest major employers are the eight indian casino/gaming/lodging centers. Table 3-25 shows the largest employers in San Diego County.

Like most metropolitan areas in the country, the establishments employing the most residents are in the service sector. San Diego County is considered one of the most desirable year-round vacation spots in the nation; as a result, service industries have seen continued growth in recent years, specifically in areas such as dining, lodging, shopping, and recreation services.

Table 3-25
Largest San Diego Employers

Employer	Employees	Description of employer
Federal Government	406,000	Administration of federal functions, services and agencies
State of California	38,500	Administration of state functions, services and agencies
San Diego Unified School District	24,240	Education
University of California at San Diego	21,266	Higher education, health care, research
County of San Diego	17,222	County services
United States Postal Service, San Diego District	12,336	Collection, transmission, and delivery of messages and merchandise
Sharp Health Care	12,167	Health care, health plans, hospitals
Scripps	8,199	Health care, hospitals, health services
SBC	6,988	Phone service, internet, wireless service
Kaiser Permanente	6,290	Health care, hospitals, health services
San Diego Community College District	5,318	Academic and vocational schools
Qualcomm, Inc.	5,152	Wireless communication products
San Diego State University	4,984	Higher education
Scientific Applications International Corp. (SAIC)	4,672	High-tech research and engineering firm
Sempra Energy	4,323	Energy services
Sony	3,500	Television, computer, and digital technology
Children's Hospital and Health Center	3,360	Pediatric health care
University of San Diego	3,199	Higher education
Grossmont Union High School District	3,148	Public high school education
Barona Valley Ranch Resort and Casino	2,931	Lodging, dining, gaming

Source: San Diego Business Journal, May 19, 2003

Because of its location along the Mexican border and adjacent to the Pacific Ocean, international trade is a major economic strength for the region. The border between San Diego and Mexico already is the busiest in the world. Goods moving through the San Diego customs district totaled $33.6 billion in 2001.[28] In 2002, the San Diego Port contributed over 50,000 jobs to the region.[29]

The California Employment Development Department (EDD) has identified six industry clusters that play a fundamental role in the expansion of the County's economy. Industry clusters are groups of interrelated

[28] San Diego Chamber of Commerce, 2003
[29] Economic and Fiscal Impact of the Port of San Diego. Economic Research Associates, 2003

industries that drive economic growth. In San Diego County, they include firms in biotechnology, software, electronics, communications, and medical services.[30] In 1999, these industry clusters accounted for 40 percent of of the County's private sector jobs.

The income distribution of the County (Figure 3-10 shown earlier) reflects the employment base of the County. While the County has a large number of high-tech industries that tend to pay high wages, it also has a large number of service-related jobs that are ususally low pay. Many of the low-income persons live in communities such as El Cajon, National City, and Vista, where the housing costs are low and rely on public transportation to get around.

Public Transit

The Metropolitan Transit Development Board (MTDB) serves as the policy setting and overall coordinating agency for public transportation in the San Diego Metropolitan area. The fixed-route operating entities have banded together to form a "federation" of transit service providers called the Metropolitan Transit System (MTS). The MTS carries over 84 million riders on 87 routes in its 570-square-mile service area. Table 3-26 lists the major public transit providers in the County, including the MTS fixed route operators.

Ranked by passenger miles, the San Diego Metropolitan Transit System was the 17th largest transit agency nationwide in 2001.

As shown in Figure 3-16, public transit providers serve large portions of the western side of the County. In particular, the north coastal, central and south bay regions of the County are well covered. Only two transit providers offer service into a small part of the North Inland and East County regions. North County Transit serves the cities of Oceanside, Vista, Carlsbad, San Marcos, Escondido and Encinitas. It also offers access into Downtown San Diego. San Diego Transit mostly serves the City of San Diego and the San Diego Trolley offers access to the U.S.-Mexico border. Access to most of the North Inland and East County regions ranges from very limited to non-existent.

Almost all major employers are served by some form of public transit. Only two service providers, North County Transit and County Transit Sytems, travel to four of the eight Indian gaming/casino centers. Having regional access to jobs by means of public transit does not necessarily translate into stable employment. Low-income workers, especially female heads of household with children, have unique travel patterns that may prevent them from obtaining work far from home, regardless of access to public transit.

30 County Snapshot; San Diego 2002; California Employment Development Department, 2002.

Women in general are disproportionately responsible for household-supporting activities such as trips to the grocery store or to accompany young children to and from schools. Women using public transit are often forced to look for employment near home that will allow them time to complete these household-sustaining trips.[31]

In 1999, SANDAG commisioned a study to identify the needs and service gaps for CalWORKS recipients. CalWORKS (California Work Opportunity and Responsibility to KIDS program) was California's response to welfare reform. It imposed new time limits for receiving cash aid. CalWORKs required participation in a combination of approved work activities in exchange for cash assistance and encourages employers to hire CalWORKs recipients through wage reimbursement contracts. Interviews with stakeholdres provided the following suggestions for improving the transit.job link for working families:[32]

- Increased collaboration between welfare agencies, employers, transit providers and community-based organizations
- Transit service improvements, such as extensions of existing routes, longer hours, more frequency, and new routes to employment centers
- Transit and taxi fare subsidies
- Working with neighborhood businesses to find employment close to home

The report found that CalWORKs recipients were better served by public transit near their home than they were near the potential employment locations. These potential employer clusters were located in Chula Vista, National City, Carlsbad, San Marcos, and a few unincorporated areas.

For other low-income workers, long and unreliable commutes on public transit may severely limit their ability to find and sustain work.[33] Finding jobs near their homes may be difficult for many low-income workers since most major employers are not located in low- and moderate-income areas.

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31 Blumenberg, Evelyn, "*Reverse Commute Transit Programs and Single Mothers on Welfare: A Policy Mismatch*?" Institute of Transportation Studies, Volume 1, Number 2: December 2002.

32 *San Diego Regional Welfare to Work Transportation Plan.* SANDAG, 1999

33 Blumenberg, Evelyn and Paul Ong, "*Cars, Buses, and Jobs: Welfare Participants and Employment Access in Los Angeles*". The University of California Transportation Center, Spring 2002.

Table 3-26
Major Public Transit Agencies

Agency	Services
Chula Vista Transit	12 local routes covering 30 square miles, most within Chula Vista city limits, rest within unincorporated areas of the county. (Bonita).
County Transit System	CTS is a collection of miscellaneous local service in Lemon Grove, La Mesa, El Cajon, and Santee that run van services and express buses
Metropolitan Transit System	the MTS carried over 80 million riders on 88 routes over 29 million service miles throughout its 570 square mile area
National City Transit	Three local bus routes, most within limits of National City
San Diego Transit	30 bus routes. Most within City of San Diego, serving 533 one-way route miles.
San Diego Trolley	Two regional light rail transit routes, and one special event LRT line, serving a total of 34 one-way route miles.
Coronado-San Diego Bay Ferry	shuttles tourists and commuters across scenic San Diego Bay from downtown's Broadway Pier to Coronado's Ferry Landing Marketplace
North County Transit District	NCTD BREEZE buses carry passengers in the north San Diego County region from Oceanside to Del Mar, northeast to Escondido, east to Ramona; north to Fallbrook and to San Clemente in Orange County - including service for Camp Pendleton Marine Corps Base
	NCTD COASTER commuter trains link Coastal North County to San Diego
Metrolink	Commuter rail system serving Ventura, LA, San Bernardino, Riverside, and Orange Counties and northern San Diego County

Source: Metropolitan Transit Development Board, 2003;San Diego MTS,Transit-rider.com

Figure 3-16: Public Transit
(11x17)

Figure 3-16: Public Transit
(11x17 - Back)

LENDING PRACTICES

A key aspect of fair housing choice is equal access to credit for the purchase or improvement of a home. This chapter reviews the lending practices of financial institutions and the access to financing for all households, particularly minority households and those with very low- or low- incomes. Lending patterns in low- and moderate-income neighborhoods and areas of minority concentration are also examined.

Lending in the private market is often unable to address the needs of lower and moderate income renters seeking homeownership in a high-cost market. Many jurisdictions offer homeownership assistance to income-qualified households to augmenting their financial capacity when securing a loan. Appendix D summarizes actions by individual jurisdictions in addressing the impediments and recommendations identified in the previous AIs, including promoting homeownership opportunities for lower and moderate income households. Information contained in Appendix D was obtained from a review of Housing Elements, Consolidated Plans, Action Plans, and CAPERs and does not claim to be an all-encompassing list of actions/activities undertaken by individual jurisdictions.

4.1 Legislative Protection

In the past, financial institutions did not always employ fair lending practices. Credit market distortions and other activities such as "redlining" were prevalent and prevented some groups from having equal access to credit. The Community Reinvestment Act (CRA) in 1977 and the subsequent Home Mortgage Disclosure Act were designed to improve access to credit for all members of the community and hold the lender industry responsible for community lending.

Community Reinvestment Act

The Community Reinvestment Act (CRA) is intended to encourage regulated financial institutions to help meet the credit needs of communities, including the needs of very low- and low-income households. Depending on the type of institution and total assets, a lender may be examined by different supervising agencies for its CRA performance.
CRA ratings are provided by the Federal Reserve Board (FRB), Federal Financial Institutions Examination Council (FFIEC), Federal Deposit

Insurance Corporation (FDIC), and Office of the Comptroller of the Currency (OCC). However, the CRA rating is an overall rating for an institution and does not provide insights regarding the lending performance at specific locations by the institution.

Home Mortgage Disclosure Act

In tandem with the CRA, the Home Mortgage Disclosure Act (HMDA) requires lending institutions to make annual public disclosures of their home mortgage lending activity. Under HMDA, lenders are required to disclose information on the disposition of home loan applications and on the race or national origin, gender, and annual income of loan applicants.

This chapter examines detailed 2002 HMDA data for San Diego County. Two types of financing – conventional and government-backed – are discussed. Conventional financing refers to market-rate loans provided by private lending institutions such as banks, mortgage companies, savings and loans, and thrift institutions.

Government-backed financing refers to loans, typically issued by private lenders, that are guaranteed by federal agencies, often at below market interest rates. These loans are offered to lower and moderate-income households who may experience difficulty in obtaining home mortgage financing in the private market due to income and equity issues. Several federal government agencies offer loan products that have below-market interest rates and are insured ("backed") by the agencies. Sources of government-backed financing include the Federal Housing Administration, the Department of Veterans Affairs, and the Rural Housing Services/Farm Service Agency (RHS/FSA). Although government-backed loans are usually offered to consumers through private lending institutions, loans backed by local jurisdictions (such as silent second loans by cities and counties) are not covered under HMDA.

HMDA data can indicate potential problems but cannot conclude definite redlining or discrimination practices.

HMDA data provide some insight into the lending patterns that exist in a community. However, HMDA data are only an indicator of potential problems; the data cannot be used to conclude definite redlining or discrimination practices due to the lack of detailed information on loan terms or specific reasons for denial.

4.2 Conventional Loans

San Diego County has an active housing market, as evidenced by the nearly 94,000 loan applications processed in 2002 (Table 4-1). Countywide, 81 percent of the loan applications were approved, 9 percent were denied, and 10 percent were withdrawn or closed, by the applicant. As the largest jurisdiction in the County, the City of San Diego had the most loan applications, while Del Mar had the fewest.

Loan approvals vary by jurisdiction, with the cities of Poway and Carlsbad exhibiting the highest approval rates (85.9 percent and 85.4 percent, respectively). By comparison, loan applications in the unincorporated community of Bostonia and the City of National City had the lowest, but still relatively high, approval rates (71.5 percent and 72.9 percent, respectively). Among the various cities and unincorporated communities in San Diego County, 10 had approval rates lower than the countywide rate, while 11 had approval rates at or higher than the countywide rate. As explained below, variations in loan approval rates are often associated with the incomes and ethnicity of applicants.

Overall, the major impediment to securing a home loan is insufficient understanding of the homebuying and lending processes. Almost 29 percent of those applicants failing to secure a home loan were due to incomplete information provided or lack of follow-throughs. This pattern may also be a result differential treatment between White and minority loan applicants and has been the basis of successful lending discrimination cases.

Another important impediment to loan approval is credit history. Approximately 28 percent of those applicants denied a home loan, were denied based on insufficient credit history. The next most significant reason for denied applications was income-to-debt ratios (21 percent of denied applications). These statistics suggest the importance of homebuyer education in promoting homeownership.

Table 4-1
Disposition of Conventional Home Purchase Loan Applications in San Diego County by Jurisdiction

	Conventional Home Purchase Loans							
	Approvals[1]		Denials		Other[2]		Total	
Jurisdiction	#	%	#	%	#	%	#	%
Urban County								
Coronado	485	81.9%	42	7.1%	65	10.9%	592	100%
Del Mar	147	76.1%	15	7.8%	31	16.0%	193	100%
Imperial Beach	423	77.8%	57	10.5%	64	11.8%	544	100%
Lemon Grove	606	76.5%	113	14.3%	73	9.2%	792	100%
Poway	1,606	85.9%	115	6.1%	149	7.9%	1,870	100%
San Marcos	2,773	83.0%	243	7.3%	326	9.7%	3,342	100%
Solana Beach	607	81.3%	57	7.6%	83	11.1%	747	100%
Bonita CDP[3]	555	75.5%	81	11.0%	99	13.4%	735	100%
Bostonia CDP[3]	253	71.5%	64	18.1%	37	10.4%	354	100%
Other Unincorporated Areas	11,156	79.4%	1,659	11.8%	1,243	8.8%	14,058	100%
Total Urban County	18,611	80.1%	2,446	10.5%	2,170	9.4%	23,227	100%
Entitlement Cities								
Carlsbad	6,049	85.4%	438	6.2%	600	8.5%	7,087	100%
Chula Vista	8,643	80.7%	948	8.9%	1,117	10.4%	10,708	100%
El Cajon	1,348	80.4%	176	10.5%	152	9.1%	1,676	100%
Encinitas	2,794	83.4%	240	7.2%	316	9.5%	3,350	100%
Escondido	4,427	81.9%	549	10.0%	494	9.0%	5,470	100%
La Mesa	1,409	84.5%	118	7.1%	141	8.5%	1,668	100%
National City	517	72.9%	119	16.8%	84	10.4%	710	100%
Oceanside	5,117	78.9%	616	9.5%	756	11.7%	6,489	100%
San Diego	39,322	82.1%	3,862	8.1%	4,706	9.5%	47,890	100%
Santee	1,557	82.8%	191	10.2%	133	7.1%	1,881	100%
Vista	3,976	81.3%	428	8.7%	491	16.4%	4,895	100%
San Diego County[4]	93,893	81.3%	10,374	8.9%	11,493	9.9%	116,760	100%

Notes:
1. Approved loans include both originated loans and loans approved by the lenders but not accepted by the applicants. Originated loans are those approved by the lenders and purchased by the applicants.
2. Other includes applications withdrawn by applicant or incomplete applications.
3. CDPs (Census Designated Places) that have comparatively significant numbers of lending activities in 2002.
4. County numbers and percentages do not represent the sum of all the individual cities and unincorporated areas due to the fact that areas may share census tracts.

Source: Home Mortgage Disclosure Act (HMDA), 2002.

Disposition of Loan Applications by Race/Ethnicity of Applicant

Countywide, White residents submitted the most home loan applications, accounting for nearly 47 percent of all applications. Hispanic residents accounted for 11 percent of applications, while Asians comprised 7.5 percent. Black applicants accounted for less than two percent of applications, while Native Americans comprised less than one percent. Approximately four percent of the applications were filed by joint applicants; the detailed race information on these applications is not tabulated. Furthermore, 27 percent of the applicants did not provide race data.

Hispanics and Blacks households appear to be under-represented in the homebuyer market.

In terms of population, White households represented the largest racial/ethnic group, 66 percent of all households, followed by Hispanic households at 18 percent, Asian households at 7 percent, and Black households at 5 percent (2000 Census). Native American and other ethnic groups accounted for four percent of all households. White households represent the largest proportion of homeowners in San Diego County, not only due to their majority status in the population, but also due to their substantially higher rate of homeownership than among other racial/ethnic groups. The higher proportion of potential White borrowers due to these factors is important to consider when comparing the racial/ethnic distribution of the loan applicants with that of the total households. Even with these considerations in mind, Hispanics and Blacks appear to be under-represented in the homebuyer market.

The different racial/ethnic groups had varying approval rates within each jurisdiction, and approval rates also varied by race/ethnicity among different jurisdictions (Table 4-2). Among groups, White applicants had the highest approval rate (82.4 percent), followed by Asian applicants (79.9 percent), Hispanic applicants (73.8 percent), and Black applicants (73 percent).

White applicants had the least variation in approval rates among jurisdictions, while Black and Hispanic applicants experienced large disparities in approval rates among jurisdictions.

Black applicants had the highest variation in approval rates among jurisdictions, ranging from 100 percent in Del Mar to 44.4 percent in Coronado. Hispanic applicants also had a significant variation in approval rates, ranging from 100 percent in Del Mar to 46.7 percent in Solana Beach. The high approval rates in Del Mar for Black and Hispanic applicants were skewed due to the small number of applications from these groups. Similarly, the approval rates for Native Americans were also skewed in some communities by the small number of applications. Overall, White applicants had the least variation in approval rates, ranging from 85.3 percent in Coronado to 72.4 percent in Bostonia.

Table 4-2
Approval Rate of Conventional Home Purchase Loan Applications
By Jurisdiction and Race/Ethnicity of Applicant

Jurisdiction	Race of Applicant								Total
	Native Amer.	Asian	Black	Hispanic	White	Joint	Other	N/A	
Urban County									
Coronado	-	88.3%	44.4%	63.0%	85.3%	72.7%	66.7%	79.9%	81.9%
Del Mar	-	60.0%	100.0%	100.0%	77.6%	42.9%	66.7%	78.5%	76.1%
Imperial Beach	50.0%	78.5%	50.0%	73.0%	80.1%	84.2%	83.4%	75.9%	77.8%
Lemon Grove	60.0%	81.2%	61.7%	68.0%	82.6%	78.6%	60.0%	79.2%	76.5%
Poway	100.0%	88.3%	75.0%	69.1%	85.3%	82.6%	86.5%	89.5%	85.9%
San Marcos	50.0%	77.7%	74.5%	74.3%	83.9%	82.9%	76.6%	87.6%	83.0%
Solana Beach	-	68.8%	100.0%	46.7%	81.7%	83.3%	100.0%	82.9%	81.3%
Bonita CDP	66.7%	60.0%	72.8%	71.7%	73.8%	82.0%	91.7%	83.7%	75.5%
Bostonia CDP	100.0%	77.8%	55.6%	62.1%	72.4%	86.7%	100.0%	68.2%	71.5%
Other Unincorp. Areas	66.1%	81.1%	71.0%	70.1%	80.7%	80.9%	71.7%	80.8%	79.4%
Entitlement Cities									
Carlsbad	81.3%	84.7%	72.2%	78.3%	85.1%	87.1%	76.8%	87.3%	85.4%
Chula Vista	65.7%	81.1%	79.4%	77.4%	81.9%	82.0%	75.4%	83.5%	80.7%
El Cajon	100.0%	89.7%	70.6%	73.2%	80.6%	85.6%	70.4%	81.9%	80.4%
Encinitas	66.7%	82.5%	83.4%	67.6%	83.6%	79.2%	73.3%	85.8%	83.4%
Escondido	81.8%	82.6%	88.0%	74.7%	80.4%	83.8%	79.1%	84.8%	81.9%
La Mesa	100.0%	86.2%	80.0%	81.8%	84.3%	87.5%	82.6%	85.1%	84.5%
National City	50.0%	79.2%	90.9%	67.8%	75.9%	92.3%	80.0%	76.2%	72.9%
Oceanside	80.0%	73.8%	63.3%	72.9%	80.1%	81.7%	71.9%	81.4%	78.9%
San Diego	77.1%	80.4%	72.0%	73.7%	83.4%	80.4%	79.9%	84.3%	82.1%
Santee	50.0%	78.4%	100.0%	69.9%	82.9%	84.6%	77.8%	86.0%	82.8%
Vista	45.4%	80.4%	79.1%	75.3%	81.6%	78.0%	80.7%	86.3%	81.3%
San Diego County	70.9%	79.9%	73.0%	73.8%	82.4%	81.5%	77.3%	83.5%	81.3%

Source: Home Mortgage Disclosure Act (HMDA), 2002.

Disposition of Loan Applications by Applicant Income

Income is one of the most important factors for determining access to credit. Therefore, approval rates generally have a positive correlation to income. In San Diego County, this correlation was present among loans processed in 2002, as approval rates were highest among the upper-income applicants and lowest among lower-income applicants (Table 4-3). Among applicants earning less than 50 percent of the County Area Median Income (AMI), only 55 percent of applications were approved. By contrast, 81 percent of applications from households earning more than 120 percent of AMI were approved.

Bonita CDP, Chula Vista, and Imperial Beach had approval rates lower than the countywide rates across all income levels.

The loan approval rates varied by income level across jurisdictions. Many of the smaller jurisdictions had a low number of loans, particularly among lower-income applicants. This contributed to the significant fluctuation in approval rates among households earning less than 80 percent of AMI. However, several jurisdictions/communities – Bonita CDP, Chula Vista, and Imperial Beach – had approval rates lower than the countywide rates across nearly all income levels. In contrast, Carlsbad, La Mesa, San Diego, and San Marcos all had approval rates that exceeded the countywide rates across nearly all income levels. Differences between local and countywide loan approval rates were generally greatest for households earning less than 50 percent of AMI. Among households earning more than AMI, differences between local loan approval rates and the countywide rates were generally small, less than six percentage points.

Table 4-3
Approval Rate by Applicant Income

Jurisdiction	Applicant Income (% AMI) <50%	50-80%	80-100%	100-120%	>120%	Not Available	Total
Urban County							
Coronado	33.3%	100%	70.0%	77.8%	77.8%	93.0%	81.9%
Del Mar	-	100%	100%	60.0%	75.7%	79.1%	66.1%
Imperial Beach	22.2%	66.2%	75.6%	70.8%	77.9%	91.2%	76.8%
Lemon Grove	38.1%	82.4%	78.0%	82.3%	70.6%	89.0%	76.5%
Poway	69.2%	68.6%	76.1%	82.0%	86.8%	93.3%	75.9%
San Marcos	69.5%	76.3%	77.3%	81.9%	82.3%	92.6%	83.0%
Solana Beach	25.0%	38.5%	50.0%	84.0%	80.7%	91.6%	81.3%
Bonita CDP	20.0%	66.6%	77.8%	71.1%	73.1%	88.2%	75.5%
Bostonia CDP	65.2%	56.6%	77.0%	73.7%	69.3%	87.7%	71.5%
Other Unincorporated Areas	55.9%	64.9%	76.8%	79.4%	79.9%	89.6%	79.4%
Entitlement Cities							
Carlsbad	63.5%	79.2%	83.0%	86.5%	84.2%	93.6%	85.4%
Chula Vista	49.5%	73.5%	74.9%	78.7%	80.6%	90.0%	80.7%
El Cajon	45.2%	71.5%	80.7%	75.9%	82.7%	89.7%	80.4%
Encinitas	54.5%	82.7%	77.1%	81.3%	82.0%	92.2%	83.4%
Escondido	53.0%	70.2%	76.0%	80.7%	82.5%	91.1%	80.9%
La Mesa	73.4%	80.6%	81.7%	83.9%	85.1%	88.9%	84.5%
National City	60.7%	70.6%	73.0%	69.2%	82.3%	83.0%	72.9%
Oceanside	57.4%	74.5%	76.2%	80.8%	77.9%	88.3%	78.9%
San Diego	56.5%	76.1%	79.0%	81.3%	81.7%	90.8%	82.1%
Santee	52.5%	74.5%	82.4%	84.5%	82.8%	91.9%	82.8%
Vista	54.8%	78.4%	77.5%	82.9%	80.2%	90.9%	81.3%
San Diego County	55.2%	73.5%	77.8%	80.6%	81.1%	90.5%	81.3%

Source: Home Mortgage Disclosure Act (HMDA), 2002

Race Differences by Income of Applicant

An analysis of differences in loan approval rates by race/ethnicity and income separately does not always reveal important differences among groups. For this reason, an analysis of lending patterns for both race/ethnicity and income together is important in revealing differences among applicants of different races/ethnicities of the same income levels. While this analysis provides a more in-depth look at lending patterns, it still cannot provide a reason for any discrepancy. Aside from income, many other factors can contribute to the availability of financing, including, credit history, the availability of a down payment, and knowledge of the home buying process, among others. The HMDA data does not provide insight into these and many other factors. However, the County and individual jurisdictions should continue to monitor the approval rates among racial and ethnic groups, and continue to take appropriate actions to remove barriers to financing, including credit counseling, down payment assistance, and home buyer education programs.

To identify differences among the various housing submarkets, this analysis uses the seven metropolitan statistical areas identified by SANDAG (refer to Table 3-5 for population in these subregions). The most active subregions in homebuying activities are North City and North County West, where the majority of the loan applications were filed by White applicants, who had the highest loan approval rates. To some extent, the geographic differences in lending patterns are explained by difference in racial and ethnic concentrations (see Chapter 3, Community Profile).

As discussed before, HMDA data offer a glimpse at the irregularities in the lending market but lack the detailed information, particularly on loan terms, for further analysis. Often, discriminatory practices involve offering applicants in the same income bracket but of different racial backgrounds different loan terms (e.g. points and interest rates). No data are available to assess the extent of discriminatory practices in this regard. To gauge the potential extent of differential treatment in loan terms, testing or audits should be performed.

Low- and Moderate-Income Applicants

There is a difference of 23 percentage points in approval rates between low- and moderate-income White applicants and their Black counterparts.

Among applications from low- and moderate-income households, Hispanic applicants had the lowest approval rate among all racial and ethnic groups in five of the seven subregions (North City, South Suburban, East Suburban, North County West, and East County). In contrast, White applicants had the highest approval rate in four subregions (Central, North City, North County West, and East County). In general, Black applicants had the lowest approval rate among all applications from low- and moderate-income households. Specifically, Black applicants had the lowest approval rate among all race groups in two subregions (Central and North County East). The overall approval rates varied significantly. White applicants had an approval rate of 79 percent, while Black applicants had a 56-percent approval rate.

Middle-Income Applicants

Among middle-income applicants, Black applicants had the lowest approval rate in South Suburban, East Suburban, and North County East, while Hispanic applicants had the lowest rate in Central, North City, and East County. In contrast to lending patterns for low- and moderate-income applicants, approval rates were similar among middle-income racial and ethnic groups. White applicants had the highest approval rate, 81 percent. While Black applicants had the lowest approval rate, 72 percent, the discrepancy is not as great as among low- and moderate-income applicants.

The discrepancy in approval rates among the different race groups is less acute among middle-income applicants than among low- and moderate-income

Table 4-4
Approval Rates of Conventional Home Purchase Loan Applications by Applicant Race and Income

District	Ethnicity	Total	Approval Rate by Income		
			Low/Mod (<80% AMI)	Middle (80-120% AMI)	Upper (>120% AMI)
Central	Asian	1,298	68%	78%	73%
	Black	528	56%	75%	73%
	Hispanic	2,521	66%	72%	73%
	White	7,200	79%	81%	83%
	Not Available	4,214	61%	65%	72%
North City	Asian	3,598	80%	83%	83%
	Black	253	73%	80%	72%
	Hispanic	1,058	70%	76%	79%
	White	15,763	81%	87%	85%
	Not Available	8,548	72%	77%	83%
South Suburban	Asian	1,601	73%	82%	82%
	Black	350	79%	76%	82%
	Hispanic	4,514	68%	77%	80%
	White	3,206	77%	81%	82%
	Not Available	3,796	62%	66%	76%
East Suburban	Asian	395	83%	83%	75%
	Black	298	73%	68%	75%
	Hispanic	1,271	62%	75%	74%
	White	8,260	75%	83%	84%
	Not Available	4,193	54%	75%	76%
North County West	Asian	872	67%	73%	80%
	Black	175	63%	79%	67%
	Hispanic	1,393	60%	73%	71%
	White	11,838	78%	84%	83%
	Not Available	5,820	65%	72%	76%
North County East	Asian	548	77%	86%	79%
	Black	156	50%	67%	81%
	Hispanic	2,043	68%	77%	79%
	White	6,516	72%	81%	84%
	Not Available	3,565	65%	74%	78%
East County	Asian	15	-	-	82%
	Black	1	-	-	100%
	Hispanic	49	54%	60%	50%
	White	453	68%	82%	78%
	Not Available	179	76%	70%	73%
San Diego County	Asian	8,806	68%	78%	73%
	Black	1,821	56%	75%	73%
	Hispanic	13,298	66%	72%	73%
	White	54,677	79%	81%	83%
	Not Available	31,928	61%	65%	72%

Source: Home Mortgage Disclosure Act (HMDA), 2002.

Disposition of Loan Applications by Gender

According to the 2002 HMDA data, while female applicants comprised a smaller proportion of loan applicants in all subregions, loans for female applicants were approved at a higher rate than male applicants (Table 4-5). The approval rates by gender differed most in the East County, where female applications had an approval rate 19 percentage points higher than male applicants. In all other areas, the approval rates of males and females were within five percentage points of each other.

Table 4-5
Approval Rates by Gender

Area	Total Applications		Male Applicants		Female Applicants	
	Total	Percent Approved	Total	Percent Approved	Total	Percent Approved
Central	16,566	78.7%	5,285	74.8%	3,012	76.9%
North City	31,086	84.1%	6,871	80.8%	4,602	82.7%
South Suburban	14,424	80.1%	2,997	75.5%	2,047	77.4%
East Suburban	15,424	80.9%	3,355	75.4%	2,300	79.1%
North County West	21,252	81.3%	4,484	77.0%	3,181	79.5%
North County East	13,902	81.4%	2,919	75.8%	2,117	77.3%
East County	737	75.4%	161	64.6%	111	83.8%
San Diego County	116,760	81.3%	26,885	76.7%	17,931	79.1%

Source: Home Mortgage Disclosure Act (HMDA), 2002.

Lending in Low/Moderate Income and Minority Neighborhoods

HMDA data may be used to measure lending activities in low- and moderate-income neighborhoods and in minority concentrated areas (Table 4-6). Countywide, 81 percent of all loan applications were approved. However, 77 percent of applications were approved in low- and moderate-income neighborhoods and neighborhoods with a minority population of more than 50 percent.

Among the areas, the South Suburban area had the highest proportion of minority residents at 72 percent, followed by the Central area at 64 percent (Table 3-5). The South Suburban and Central areas had the highest number of applications from minority neighborhoods, defined as census tracts with more than 50 percent of minority population. The approval rates in minority neighborhoods were lower than the area-wide approval rates.

The Central subregion had the most applications from low- and moderate-income neighborhoods, with more than twice the number of the next closest area (5,466 compared to 2,674 in the South Suburban subregion). In contrast, the East County had only 261 applications from low- and moderate-income neighborhoods and the North City had 384. Overall, approval rates from low- and moderate-income neighborhoods were lower than the area-wide approval rates, with the East County realizing the lowest rate of 72 percent and the North County East realizing the highest rate of 79 percent. The discrepancies among subregions are not significant. Lower approval rates in low- and moderate-income areas can be expected since income is one of the crucial factors in obtaining financing.

Table 4-6
Lending to Low/Moderate Income and Minority Neighborhoods

			Low/Moderate Income Neighborhoods		Minority Neighborhoods (> 50% Minority)	
Area	**#**	**% Approved**	**#**	**% Approved**	**#**	**% Approved**
Central	16,566	79%	5,466	76%	4,787	74%
North City	31,086	84%	384	76%	145	82%
South Suburban	14,424	80%	2,674	78%	7,281	79%
East Suburban	15,424	81%	1,013	75%	-	0%
North County West	21,252	81%	1,703	75%	852	77%
North County East	13,902	82%	2,558	79%	1,336	77%
East County	737	75%	261	72%	-	0%
San Diego County	**116,760**	**81%**	**14,675**	**77%**	**14,627**	**77%**

Source: Home Mortgage Disclosure Act (HMDA), 2002.

4.3 Government-Backed Loans

Government-backed loans offer an alternative to conventional financing. According to HMDA data for San Diego County, government-backed loans were approved at significantly higher rates than conventional loans. Among households earning less than 50 percent of AMI, the approval rate for government-backed loans was over 76 percent, in contrast to the 55 percent approval rate for conventional loans. All other income groups had higher approval rates among government-backed loans, with the difference in approval rates between the conventional and government-backed loans ranging from nine to 11 percentage points.

As with conventional loans, many of the smaller communities had few applications for government-backed loans from households earning less than

80 percent of AMI. Therefore, the approval rates for these groups were skewed. Also, since fewer government-backed loans were processed countywide, the approval rate among all income levels exhibited more fluctuation than conventional loans.

Table 4-7
Disposition of Government-Backed Home Purchase Loan Applications by Applicant Income

	Applicant Income (% AMI)						
Jurisdiction	**<50%**	**50-<80%**	**80-<100%**	**100-<120%**	**<120%**	**Not Available**	**Total**
Urban County							
Coronado	-	100%	100%	100%	100%	-	100%
Del Mar	-	-	-	-	-	-	-
Imperial Beach	0.0%	85.7%	100%	86.7%	71.4%	66.7%	81.5%
Lemon Grove	100%	81.8%	93.5%	94.7%	92.6%	93.8%	91.9%
Poway	100%	100%	85.7%	86.7%	82.3%	85.7%	86.5%
San Marcos	100%	89.1%	83.1%	88.9%	87.1%	80.7%	86.5%
Solana Beach	-	-	100%	50.0%	100%	-	85.7%
Bonita	100%	100%	87.5%	100%	100%	83.4%	95.5%
Bostonia	50.0%	90.0%	86.7%	88.9%	88.0%	100.0%	88.1%
Other Unincorp. Areas	81.5%	84.6%	90.1%	89.0%	89.3%	86.9%	88.1%
Entitlement Cities							
Carlsbad	40.0%	88.5%	87.5%	94.1%	89.8%	90.0%	88.5%
Chula Vista	85.0%	81.4%	85.2%	88.2%	89.7%	85.0%	86.5%
El Cajon	62.5%	82.1%	94.9%	86.5%	90.8%	90.5%	88.1%
Encinitas	33.3%	0.0%	75.0%	50.0%	91.6%	100%	73.9%
Escondido	85.2%	80.0%	87.1%	93.2%	89.7%	85.2%	87.1%
La Mesa	50.0%	92.0%	86.6%	95.5%	96.2%	82.3%	88.9%
National City	66.7%	89.2%	92.7%	72.4%	91.3%	85.0%	86.3%
Oceanside	76.9%	81.8%	87.7%	86.7%	90.7%	82.3%	86.2%
San Diego	75.7%	83.0%	88.8%	88.8%	90.2%	87.8%	87.5%
Santee	100%	87.5%	91.3%	94.7%	92.8%	96.4%	92.5%
Vista	79.2%	83.3%	85.3%	90.3%	92.3%	92.4%	88.0%
San Diego County	76.2%	83.3%	88.4%	89.0%	90.2%	87.2%	87.6%

Source: Home Mortgage Disclosure Act (HMDA), 2002.

Race Differences by Income

As was the case among conventional home loans, approval rates for government-backed loans tend to vary among ethnic groups of similar income levels (Table 4-8). However, the differences in approval rates were not as great as those among conventional loans. Overall, all racial groups in all income levels had approval rates of more than 80 percent. Among low- and moderate-income applicants, Asians had the highest approval rate, while Blacks and Hispanics had the lowest. Among middle- and upper-income households, Whites had the highest approval rate. Hispanics had the lowest approval rate among middle-income households, while Blacks had the lowest approval rate among upper-income households.

The high approval rates for all racial groups across all jurisdictions indicates that government-backed loans are successful in providing financing to both low- and moderate-income households and minority households. However, Black and Hispanic applicants consistently have lower approval rates than White and Asian applicants.

Table 4-8
Approval Rates of Government-Backed Home Purchase Loan Applications by Applicant Race and Income

		Income Level (% of AMI)		
Area	**Race**	**Low/Mod (<80% AMI)**	**Middle (80-120% AMI)**	**Upper (>120% AMI)**
Central	Asian	89%	85%	92%
	Black	76%	85%	85%
	Hispanic	81%	91%	90%
	White	73%	87%	85%
	N/A	83%	84%	72%
North City	Asian	73%	91%	93%
	Black	80%	96%	100%
	Hispanic	89%	89%	94%
	White	91%	91%	94%
	N/A	81%	82%	78%
South Suburban	Asian	85%	88%	88%
	Black	100%	80%	88%
	Hispanic	82%	88%	91%
	White	92%	92%	96%
	N/A	65%	83%	73%
East Suburban	Asian	100%	92%	85%
	Black	87%	90%	82%
	Hispanic	81%	90%	81%
	White	87%	93%	93%
	N/A	78%	83%	87%

Table 4-8
Approval Rates of Government-Backed Home Purchase Loan Applications by Applicant Race and Income

Area	Race	Income Level (% of AMI)		
		Low/Mod (<80% AMI)	Middle (80-120% AMI)	Upper (>120% AMI)
North County West	Asian	100%	90%	100%
	Black	88%	73%	75%
	Hispanic	79%	90%	89%
	White	82%	89%	93%
	N/A	65%	83%	87%
North County East	Asian	57%	83%	82%
	Black	67%	87%	100%
	Hispanic	83%	89%	95%
	White	84%	90%	91%
	N/A	76%	85%	78%
East County	Asian	-	-	-
	Black	100%	100%	-
	Hispanic	67%	100%	0%
	White	84%	77%	94%
	N/A	80%	88%	100%
San Diego County	Asian	86%	88%	90%
	Black	82%	85%	88%
	Hispanic	82%	82%	90%
	White	85%	91%	93%
	N/A	76%	81%	80%

Source: Home Mortgage Disclosure Act (HMDA), 2002.

4.4 Performance by Lender

According to the 2002 HMDA data, the top lenders in the County included the following:

- Countrywide Home Loans
- Washington Mutual Bank
- World Savings Bank
- Wells Fargo Home Mortgage
- First Franklin Financial
- Bank of America
- Greenpoint Mortgage
- National City Mortgage
- Wells Fargo Funding
- ABN AMRO Mortgage Group

These lenders accounted for 44 percent of all loans originated in the County during 2002. The top lender, Countrywide, accounted for approximately nine percent of all loans, followed by Washington Mutual, with eight percent of all loans. Two of the top ten lenders, Wells Fargo and Countrywide, had approval rates of more than 90 percent, with Wells Fargo at 99 percent. Greenpoint Mortgage had the lowest approval rate – 69 percent – followed by World Savings Bank at 75 percent.

Much of the difference in loan approval rates among lenders is due to the percentage of withdrawn or closed loan applications. An understanding of the home buying and loan processes, income/equity requirements, and financial responsibility are important to a successful loan application and home purchase. Many households, particularly those entering the homeownership market the first time, lack financial knowledge to deal with the home buying process.

A high rate of withdrawn or closed applications can be indicative of a lack of knowledge of the loan application and/or homebuying process or a lack of adequate assistance by the lender throughout the process. The lack of lender assistance may be discriminatory in motive or outcome. However, HMDA data is inadequate in proving motive. Among the lenders, Greenpoint Mortgage had the highest percentage (19 percent) of loans withdrawn or closed, followed by World Savings Bank at 17 percent. National City Mortgage, with 11 percent of loans withdrawn or closed, was the only other top lender with over 10 percent of closed or withdrawn files. In further dissecting the HMDA data, minority applicants had disproportionately the high rates of withdrawn/closed applications compared to White applicants for several lenders. Specifically, close to 26 percent of the Asian applicants and 30 percent of applicants of "other races" at World Savings Bank had incomplete or withdrawn applications, compared to 18 percent overall. For Greenpoint Mortgage, 40 percent of the Native American applicants and 24 percent of Asian applicants had incomplete or withdrawn applications, compared to 19 percent overall. For National City Mortgage Company, Black applicants had more problems completing the loan application process, with 23 percent of their applications withdrawn or being incomplete, compared to 11 percent overall. Hispanic applicants experienced a rate of 16 percent withdrawn/incomplete applications, compared to 9 percent overall at ABN AMRO Mortgage Group.

Table 4-9
Disposition of Conventional Home Purchase Loans by Lending Institution

Lender Name	Total Apps.	% of Total	Approved		Denied		Withdrawn or Closed	
			#	%	#	%	#	%
Countrywide Home Loans	11,045	9.4	10,173	92%	131	1%	741	7%
Washington Mutual Bank	9,528	8.1	8,134	85%	689	7%	705	7%
World Savings Bank	5,945	5.0	4,449	75%	456	8%	1,040	17%
Wells Fargo Home Mortgage	5,400	4.6	4,747	88%	402	7%	251	5%
First Franklin Financial	5,272	4.5	4,638	88%	591	11%	43	1%
Bank of America	5,195	4.4	4,489	86%	296	6%	410	8%
Greenpoint Mortgage	3,340	2.8	2,301	69%	398	12%	641	19%
National City Mortgage	2,513	2.1	2,156	86%	79	3%	278	11%
Wells Fargo Funding	2,335	1.9	2,305	99%	23	1%	7	0%
ABN AMRO Mortgage Group	1,845	1.5	1,622	88%	63	3%	160	9%

Source: Home Mortgage Disclosure Act (HMDA), 2002

CRA Rating

CRA performance reviews of financial institutions are conducted by the Federal Reserve Board (FRB), Federal Financial Institutions Examination Council (FFIEC), Federal Deposit Insurance Corporation (FDIC), and Office of the Comptroller of the Currency (OCC). CRA ratings are provided for the main or regional headquarters of the financial institutions. Among the top 10 lenders active in the County, only five received ratings from the FFIEC - Countrywide, Washington Mutual, World Savings Bank, Wells Fargo, and Bank of America. OTS awarded an "outstanding" rating for World Savings Bank and Bank of America, while Washington Mutual and Wells Fargo received satisfactory ratings. However, Countrywide received a "Needs to Improve" CRA rating, though the most recent rating was completed in 1992.

Lending in Low- and Moderate-Income/Minority Neighborhoods

As discussed above, CRA rating does not always reflect a lender's performance in a specific geographic area. In further dissecting the HMDA data, Countrywide Home Loans, First Franklin Financial, and Greenpoint Mortgage showed the strongest presence in low- and moderate-income areas and in minority neighborhoods. By comparison, loan origination in low- and moderate-income and minority neighborhoods did not represent a significant

portion of the lending activities by Washington Mutual Bank and Bank of America.

Table 4-10
Lending in Low- and Moderate-Income/Minority Neighborhoods by Lending Institution

	Low/Moderate Income Areas		Minority Areas (50%+ Minority Population)	
Top Lender	**% of Total Loans Originated**	**Approved Rate**	**% of Total Loans Originated**	**Approved Rate**
Countrywide Home Loans	15.6 %	90.5%	17.0%	92.2%
Washington Mutual Bank	8.8%	100.0%	15.0%	100.0%
World Savings Bank	12.3%	68.9%	17.3%	71.3%
Wells Fargo Home Mortgage	17.2%	84.2%	14.6%	83.0%
First Franklin Financial	18.3%	87.5%	22.2%	89.6%
Bank of America	11.0%	80.6%	9.7%	80.1%
Greenpoint Mortgage	16.0%	65.8%	16.4%	68.5%
National City Mortgage	12.0%	82.9%	11.8%	82.3%
Wells Fargo Funding	14.5%	98.5%	12.1%	99.6%
ABN AMRO Mortgage Group	10.7%	79.7%	5.5%	74.2%
San Diego County	15.3%	76.7%	15.3%	77.1%

Source: Home Mortgage Disclosure Act (HMDA), 2002

4.5 Subprime Lending Market

In general, lending institutions are divided into two categories based on the type of loans or mortgages they offer: *prime* and *subprime*. According to the Federal Reserve, prime mortgages are offered to persons with excellent credit and employment history and income adequate to support the loan amount. Subprime loans are loans to borrowers who have less-than-perfect credit history, poor employment history, or other factors such as limited income. These borrowers typically do not satisfy the standard Fannie Mae or Freddie Mac underwriting guidelines. In general, the quality of the loan defines the loan as subprime. Subprime loans usually have an interest rate of at least one to six percentage points above that of a prime mortgage.

Another important distinction is the lack of regulatory oversight of many lending institutions that originate subprime loans. According to a Federal Reserve report, many subprime lenders are not owned by regulated financial institutions. Unlike banks and savings and loans, which must submit regular regulatory compliance audits and whose activities are overseen by a variety of institutions such as the FDIC and OTS, many subprime lenders are not

subject to rigorous oversight. Independent mortgage companies do most of the subprime lending in the United States, and only the Federal Trade Commission (FTC), which has limited resources for the immense market it monitors, regulates subprime lenders.[1] An important trend to note, however, is that an increasing number of large banks such as Citibank, Countrywide, and Washington Mutual have entered the subprime market either directly or through the acquisition of other financial institutions.

Subprime lenders play an important role in the market by providing financing to those persons who might not otherwise be able to obtain credit from the prime market. The subprime market not only serves those who may have past credit problems or other financial risk factors, but many others as well. For example, the subprime market may be more attractive to a borrower who may have a good credit history but may not have sufficient assets. Similarly, the subprime market may be more attractive to someone who is self-employed, has variable income, or simply wants to limit disclosure of a financial situation. Evidence shows that some subprime lenders, who generally operate outside the federal regulatory structure, engage in abusive practices that strip borrowers' home equity and place them at increased risk of foreclosure.[2]

Though the subprime market usually follows the same guiding principles as the prime market, a number of specific risk factors are associated with this market. According to a joint HUD/Department of the Treasury report, subprime lending generally has the following characteristics:[3]

- **Higher Risk:** Lenders experience higher loan defaults and losses by subprime borrowers than by prime borrowers.

- **Lower Loan Amounts:** On average, loans in the subprime mortgage market are smaller than loans in the prime market. Estimates for average subprime loan size range between $58,000 and $85,000, compared to an average of $133,000 for all mortgages.

- **Higher costs to originate:** Subprime loans may be more costly to originate than prime loans since they often require additional review of credit history, a higher rate of rejected or withdrawn applications, and fixed costs, such as appraisals, that represent a higher percentage of a smaller loan.

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1 Federal Reserve Governor Edward M Gramlich, "Predatory Lending" *Cascade* (Federal Reserve Bank of Philadelphia), Summer/Fall, 2000.

2 U.S. Department of Housing and Urban Development. *Unequal Burden In Los Angeles: Income and Racial Disparities in Subprime Lending*. April 2000.

3 U.S. Department of Housing and Urban Development and the U.S. Department of Treasury, *Curbing Predatory Home Mortgage Lending*. June 2000.

- **Faster prepayments:** Subprime mortgages tend to be prepaid at a much faster rate than prime mortgages.

- **Higher Fees:** Subprime loans tend to have significantly higher fees due to the factors listed above.

The California Reinvestment Committee recently completed a study[4] on subprime lending in several areas throughout the state, including San Diego. The study consisted of interviews with recipients of 125 subprime loans in San Diego, Los Angels, Sacramento, and Oakland. Key findings are summarized below:

- More than one third of borrowers included in the study may have been victimized by predatory lending.

- Nearly three-fourths of borrowers did not approach a bank or thrift for their loan. CRC speculates that banks, thrifts, and other prime lenders are doing a poor job of making loans available to vulnerable communities due to a low number of branches in low-income and minority areas, inadequate outreach efforts, a perceived history of discrimination, and inflexible loan products.

- More than one-third of study participants reported that the idea to take out a loan secured by their home came through aggressive and targeted marketing efforts by subprime lenders.

- Nearly 70 percent of participants reported that key loan terms changed for the worst at closing, including 80 percent of African-American borrowers and 70 percent of borrowers age 55 and over.

- African-American and Latino participants were twice as likely as Whites to have prepayment penalty provisions in their loans

- Approximately half of borrowers had points and fees exceeding five percent of the loan amount.

HMDA data do not include a field that identifies whether an individual loan application was a subprime home loan application. HUD annually identifies a list of lenders that specialize in subprime home lending. According to the 2002 list, two of the top ten lenders in San Diego County – First Franklin Financial and Green Point Mortgage – are subprime lenders. Consistent with

4 *Stolen Wealth, Inequities in California's Subprime Mortgage Market*. California Reinvestment Committee. November 2001.

the lending patterns of subprime lenders in general, Green Point Mortgage had the lowest approval rate and highest rate of closed or withdrawn applications. Both First Franklin and Green Point focused much of their lending practices in low and moderate income and minority concentrated neighborhoods. Specifically, among the top ten lenders, First Franklin originated the largest proportions of its loans in such neighborhoods.

4.6 Predatory Lending

Predatory lending is a growing fair housing issue. The following discussion provides an overview of predatory lending, examples of predatory lending practices, recent trends, and existing and proposed regulations.

Defining Predatory Lending

With an active housing market, potential predatory lending practices by financial institutions may arise. Predatory lending occurs when potential buyers are looking to purchase a new home, or when existing homeowners refinance their home to consolidate current debts such as credit cards and car payments. Predatory lending involves abusive loan practices usually targeting minority and/or low-income homeowners or those with less-than-perfect credit history.

Predatory lending often is difficult to define, since a 15 percent interest rate on a loan to one person could be predatory while it might be appropriate for another, based on the borrower's risk factors. Predatory lending has become a growing issue in California due to the state's tight housing market, high home costs, and large minority population – typical targets for predatory lending practices.

On August 10, 2000, the Federal Home Loan Mortgage Corporation, commonly known as Freddie Mac, announced its campaign to alert Americans of the dangers of predatory lending through its "Don't Borrow Trouble" campaign. The "Don't Borrow Trouble" campaign used the model pioneered in Boston – through ads, Internet websites, public service announcements in English and Spanish, and a toll free number for referrals – to alert the public of predatory lending practices.

The following set of general definitions for predatory lending is provided by the Federal Home Loan Mortgage Corporation (Freddie Mac):

- **High Interest Rates:** Interest rates that are more than seven to eight percentage points above market rates.

- **Excessive Fees:** For example, fees charged up-front without lowering the interest rate; costs and fees above normal.

- **Negative Amortization:** Repayment schedules set up so that the monthly payment fails to pay off accrued interest and actually increases the original amount borrowed.

- **Balloon Payments:** In this payment structure, the balance due on the mortgage must be paid at the end of the loan, usually 15 years. At the end of the loan, the balloon payment that is suddenly due will be a large sum of money, probably beyond one's ability to repay, forcing the borrower to borrow more money to pay back the loan.

- **High Loan-to-Value (LTV) Loans**: Loans that are more than 100 percent LTV may lock the borrower into additional debt.

- **Credit Insurance:** Life, accident, and health insurance should not be included as a condition of a loan. It will increase the total amount the borrower owes.

- **Mandatory Arbitration:** Loan contracts requiring mandatory, binding arbitration instead of the court system. Arbitration is more favorable to lenders than to consumers.

- **High-Pressure Sales Tactics:** Frequent calls and letters asking the borrower to refinance.[5]

[5] "Don't Borrow Trouble" Federal Home Loan Mortgage Corporation. 2002.

Examples of Predatory Lending

As defined above, predatory lending includes a wide variety of improper practices. In fact, over 39 different types of predatory lending have been documented involving all aspects of the lending process, from origination to the collection of the loan.[6] These practices typically target and steer low-income, minorities, or the elderly to high-rate lenders.[7]

In particular, HUD has raised concern about two categories of improper or predatory lending practices. The first type, which generally is easier to identify, involves blatant fraud or acts of deception such as forging signatures or obtaining signatures on blank documents, falsifying loan applicant income or appraised value of the property, or employing bait and switch tactics.

A second type, which is often more difficult to identify, involves various manipulative practices that cause borrowers to enter into abusive loans. Common abusive loans include:

- **Equity Stripping:** This type of practice occurs when a loan is based on the equity of a home rather than the borrower's ability to repay. This type of loan often has high fees, prepayment penalties, and different terms and conditions than a regular home loan.

- **Packing:** This involves the practice of adding credit insurance or other extras into the loan. The supplements to the loan are often very profitable to the lenders and are typically financed in a single up-front or balloon payment.

- **Flipping:** This practice is a form of equity stripping and happens when a lender convinces a borrower to repeatedly refinance a loan within a short period of time. The lender typically charges high points and fees each time as part of the mortgage.[8]

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6 Bill Brennan of Atlanta Legal Aid, Testimony before the U.S. Senate Special Committee on Aging, March 16, 1998.

7 Testimony of Assistant Secretary for Housing/Federal Housing Commissioner William Apgar before the House Committee on Banking and Financial Services, May 24, 2000.

8 Dan Tatar, Community Affairs Office of the Federal Reserve Bank of Richmond, "Predatory Lending: The American Nightmare," *Marketwise*, Winter 2001.

Protections against Predatory Lending

Federal Legislative Changes and Actions

No law currently administered by the Federal Reserve Board contains a statutory or regulatory definition of predatory lending. Predatory lenders who discriminate receive some scrutiny under the Fair Housing Act of 1968, which requires equal treatment in terms and conditions of housing opportunities and credit regardless of race, religion, color, national origin, family status, or disability. This applies to loan originators as well as the secondary market. The Equal Credit Opportunity Act of 1972 requires equal treatment in loan terms and availability of credit for all of the above protected categories, as well as age, sex, and marital status. Lenders that engage in predatory lending would violate these acts, if they target Black, Hispanic or elderly households to buy higher priced and unnecessary loan products; treat loans for protected classes differently than those of comparably credit-worthy applicants; or have policies or practices that have a disproportionate effect on the protected classes.

In addition, the Truth in Lending Act (TILA) promotes the informed use of consumer credit, through disclosure of loan costs and terms. To comply with this act, lenders must disclose information about payment schedules, prepayment penalties, and the total cost of credit. In 1994, Congress amended the TILA in response to abusive lending practices. The new legislation, referred to as the Home Ownership and Equity Protection Act (HOEPA), provides new information to protect borrowers. HOEPA identifies a specific class of high-cost mortgage loans that may put consumers at risk of losing their homes. HOEPA requires disclosure of information if the annual percentage rate (APR) is ten percentage points above the prime or if fees are above eight percent of the loan amount. HOEPA also prohibits balloon payments for short-term loans. In addition, for covered loans, HOEPA provides a warning if the lender has a lien on the borrower's home and the borrower could lose the home if default on the loan payment.[9]

Furthermore, HUD, in conjunction with the U.S. Department of Treasury, formed the Joint-Task Force on Predatory Lending in 2000. The Task Force conducted an in-depth investigation of the problem and issued recommendations to Congress regarding improving consumer literacy and disclosure, reforming sales practices, improving market structure, and restricting abusive terms and conditions.

State of California AB 489 (as amended by AB 344)

[9] Federal Reserve Governor Edward M. Gramlich, "*Pre*datory Lending" *Cascade* (Federal Reserve Bank of Philadelphia), Summer/Fall 2000.

Following North Carolina's lead, in September 2001, California became the second state to pass a law banning predatory lending. The law enables state regulators and the Attorney General to attempt to prevent "predatory" lending practices by authorizing the state to enforce and levy penalties against licensees that do not comply with the provisions of this bill. The law provides protections against predatory lending to consumers across the state as summarized below:

- **Financing of Credit Insurance:** On all home loans, the bill prohibits the financing of single premium credit insurance policies as part of a loan. Credit insurance policies on home loans may still be sold as long as they are paid off monthly like other insurance.

- **Covered loans:** The legislation's other protections apply to home loans with very high fees and rates when the total loan amount is $250,000 or below. For borrowers in these higher-cost home loans, the bill extends additional consumer protections against some of the most abusive practices.

- **Financing of Points and Fees:** The bill prohibits the financing of lender and broker fees beyond six percent of the original loan amount, minus the fees.

- **Steering:** The bill prohibits borrowers in covered loans from being steered or counseled into loans with rates above what is appropriate for their credit risk, according to the lender's classifications.

- **Home Improvement Contracts:** The bill prevents home improvement contractors from getting paid directly out of the proceeds of covered loans. The loan proceeds must go directly to the borrower, or otherwise must be paid out to an escrow account or to the borrower and contractor jointly only in increments with written certification that the work has been finished.

- **Fiduciary Responsibility of Brokers:** The legislation establishes that any mortgage broker providing a covered loan has a responsibility to protect the borrower's financial interests, regardless of any of the broker's other financial relationships (including their status as an agent of the lender), and that any violation of those duties constitutes a violation of the law.

- **Ability to Repay:** The bill prohibits lenders from making a covered loan, knowing that the borrower cannot repay.

- **Loan Flipping:** The bill prohibits covered loans where there is no clear benefit to the borrower, taking into account the costs of the loans, but also the borrower's reasons for seeking it.

- **Prepayment Penalties:** When a prepayment penalty is included in a loan, the borrower must pay a penalty to refinance out of that loan into another loan within a certain time period. In the prime market, prepayment penalties are generally accompanied by a slightly lower interest rate on the loan. But in the subprime market, these penalties are commonly used to trap borrowers at higher interest rates than they should be paying or force them to pay an extra fee to receive a loan with a more reasonable interest rate. The bill sets restrictions on some of the worst abuses - limiting such penalties on covered loans to no longer than three years and requiring the originator to offer a choice of a loan without a prepayment penalty at least three days before closing.

- **Balloon Payments:** No balloon payments are allowed in the first five years of the loan, as in the federal Home Ownership Equity Protection Act (HOEPA).

- **Negative Amortization:** The principal amounts of second mortgages may not increase over the course of a covered loan.

- **Prepaid Payments:** Prepaid installments may not be financed into the loan, resulting in extra interest charges.

- **Call Provisions:** Call provisions, which permit the lender to call in the entire balance of the loan immediately, may not be included in covered loans.

- **Interest Rate Changes upon Default:** The interest rate may not increase as a result of the borrower defaulting.

- **Encouragement of Default:** A lender or broker may not encourage a consumer to default on the consumer's existing home loan when soliciting to refinance the consumer into a new covered loan.

- **Disclosures.** Originators of covered loans are required to provide borrowers with one page of disclosures about the availability of loan counseling services and other information about the loan.

4.7 Purchased Loans

Secondary marketing is the term used for pricing, buying, selling, securitizing and trading residential mortgages. The secondary market is an informal process of different financial institutions buying and selling home mortgages. The secondary market exists to provide a venue for lending institutions to raise the capital required to make additional loans. In the 1960s, as interest rates became unstable, housing starts declined, and the nation faced capital shortages as many regions, including California, had more demand for mortgage credit than the lenders could fund.

The need for new sources of capital prompted Congress to reorganize the Federal National Mortgage Association (FNMA) into two entities: a private corporation (today's FNMA) and a government agency, the Government National Mortgage Association (GNMA). In 1970, Congress chartered the Federal Home Loan Mortgage Corporation (FHLMC) to purchase conventional loans. Both FHLMC and FNMA have the same goals: to increase the liquidity of the mortgage market and make homeownership more widely available to the average citizen. The two organizations work to standardize the documentation, underwriting, and financing of home loans nationwide. They purchased loans from originators, hold them, and issue their own debt to replenish their cash. They are, essentially, very large, massive savings and loan organizations. These two organizations set the standards for the purchase of home loans by private lenders in the U.S.

Fair Housing Concerns

In recent years, the practice of selling mortgage loans by the originators (lenders that initially provided the loans to the borrowers) to other lenders is prevalent. Allegations have been made that predatory lending is more likely to occur with this practice. When a lender can minimize its financial risk with a loan by immediately selling the loan to another lender, it may be more willing to loan to applicants who cannot truly afford the mortgage.

Table 4-10 shows the loans purchased by subregion and race/ethnicity of applicant. Countywide, 27 percent of originated loans were purchased. Within the subregions, the percentage of loans purchased ranged from 23 percent in East County to 28 percent in three subregions. Among the racial groups, Asians had the highest percentage of loans purchased, with 17 percent, followed by Black and Hispanic applicants at 15 percent and White applicants at 14 percent. Compared to other race groups, Asians, particularly in certain subregions (Central, East Suburban, and North County East), tend to have a larger proportion of the loans being purchased by secondary lenders.

Table 4-11
Percent of Loans Purchased by Area and Race of Applicant[1]

Area	Loans Originated	Loans Purchased	Percent of Total	Percent of Loans Purchased			
				Asian	Black	Hispanic	White
Central	11,721	3,184	27%	21%	15%	16%	14%
North City	23,823	6,308	26%	16%	15%	14%	13%
South Suburban	10,426	2,884	28%	17%	15%	14%	14%
East Suburban	11,311	3,163	28%	20%	13%	17%	16%
North County West	15,557	4,184	27%	17%	12%	14%	14%
North County East	10,138	2,840	28%	20%	14%	15%	15%
East County	500	113	23%	0%	0%	8%	15%
San Diego County	85,709	23,304	27%	17%	15%	15%	14%

Note:
1. The total percentage of loans purchased is higher in all cases than for the individual racial/ethnic groups because joint applications and borrowers who declined to state their race/ethnicity are not included in this table.

Source: Home Mortgage Disclosure Act (HMDA), 2002

4.8 Foreclosures and Housing Frauds

While government-backed financing represents an important alternative source of financing to low- and moderate-income households, it is also a market where many borrowers have been abused. The high default rate of FHA loans in the seven Southern California counties -- 50 percent higher than the national rate – prompted HUD to launch a Housing Fraud Initiative.

In 1998, HUD began an initiative to address fraud in programs administered by the federal agency. The "Housing Fraud Initiative" investigation involved the Federal Bureau of Investigation, Internal Revenue Service and U.S. Attorney's Office, and uncovered over $110 million in fraud involving three types of schemes:

- Originating fraudulent loans that allowed unqualified borrowers to obtain mortgages insured by the Federal Housing Administration
- A scam in which real estate professionals obtain mortgages in the names of fictitious borrowers
- Cases of equity skimming, in which an owner sells a property to a so-called "straw buyer" at an inflated price. The straw buyer then defaults, but the seller has already profited

No specific data are available to measure the extent of housing fraud in San Diego County. However, the San Diego County Recorder's Office provides foreclosure data on a monthly basis. In 2002, the County recorded 5,986

Notices of Default (NODs). The number reduced slightly to 5,167 NODs in 2003. With a large number of home sales in 2002 (94,000 home purchase loans approved according to HMDA data), there is also a large number of homeowners facing foreclosure issues. The large number of foreclosures may indicate that some homebuyers are sold loans that they cannot truly afford.

CHAPTER 5

PUBLIC POLICIES

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Public policies established at the regional and local levels can affect housing development and, therefore, may impact the range and location of housing choices available to residents. Fair housing laws are designed to encourage an inclusive living environment, and an assessment of public policies and practices can help determine potential impediments to fair housing opportunity. This section presents an overview of government regulations, policies, and practices enacted by each of the 19 jurisdictions in San Diego County that may impact fair housing choice.

5.1 Development Plans and Policies

The fair housing equation has two parts – housing choice and equal access to housing choice.

The General Plan of a jurisdiction establishes a vision for the community and provides long-range goals and policies to guide the development in achieving that vision. Two of the seven State-mandated General Plan elements – Housing and Land Use Elements – have direct impact on the local housing market in terms of the amount and range of housing choice. The Zoning Ordinance, which implements the Land Use Element, is another important document that influences the amount and type of housing available in a community – the availability of housing choice.

General Plan Housing Element

As one of State-mandated elements of the local General Plan, the Housing Element is the only element with specific statutory requirements and is subject to review by the State Department of Housing and Community Development (HCD) for compliance with State law. Housing Element law recognizes that, for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for and do not unduly constrain housing development. Specifically, the Housing Element must:

- Identify adequate sites which will be made available through appropriate zoning and development standards and with services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels in order to meet the community's housing goals;

- Assist in the development of adequate housing to meet the needs of low- and moderate-income households;

- Address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing;

- Conserve and improve the condition of the existing affordable housing stock; and

- Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

In 1995, the California Legislation approved a pilot program sponsored by the San Diego Association of Governments (SANDAG) that allows jurisdictions in the San Diego region meeting specific criteria to self-certify their Housing Elements. A jurisdiction eligible to self-certify its Housing Element must prepare an updated Element that substantially complies with State law, with the same content and analysis that is required to those that seek a finding of compliance from HCD. To qualify for self-certification, jurisdictions must have met their affordable housing goals as determined by methodology developed by SANDAG and approved by HCD. Eligible jurisdictions that choose the self-certification option are exempt from the HCD review requirement.

Compliance Status

As of December 2003, 11 of the region's 19 jurisdictions have self-certified housing elements for the 1999-2004 housing planning period. These include:

- Chula Vista
- Coronado
- El Cajon
- Escondido
- Imperial Beach
- La Mesa
- National City
- Oceanside
- San Marcos
- Santee
- Vista

As of October 2003, cities with adopted housing elements deemed to be in substantial compliance with State law by HCD include:

- Carlsbad
- Del Mar
- Lemon Grove
- Poway
- San Diego City
- San Diego County[1]
- Solana Beach

The City of Encinitas is not eligible for self-certification and has not yet achieved compliance status with HCD review. Key issues cited by HCD in its review of the draft Housing Element include the need for:

- Adequate vacant and underutilized sites to facilitate and encourage the development of housing affordable to moderate-, low- and very low-income households;

- Potential mobile home park conversion to multi-family uses;

- Efforts to preserve the affordability of units at-risk of converting to market rate;

- Analysis to address constraints to the development of housing for persons with disabilities;

- Permitting requirements for emergency and transitional shelters; and

- Assessment of the need for housing for farmworkers, funds for farmworker housing, and development standards and permit processing procedures affecting farmworker housing.

2005-2010 Housing Element Updates

SANDAG is currently working to adopt a Regional Comprehensive Plan (RCP). The RCP is intended to strengthen the relationship between local and regional planning as well as the relationship between housing, transportation, and land use. While the RCP will not be binding on the local jurisdictions, the intent is to create significant incentives for local communities by linking transportation and other infrastructure funds controlled by the region to local actions that are consistent with the plan. A major focus of the RCP will be addressing the region's housing needs.

[1] While the County was eligible to self-certify the Housing Element, it pursued and received certification with HCD in order to be eligible for housing funds.

SANDAG anticipates releasing the draft RCP in the spring of 2004 and adopting a final plan in June 2004. Since housing is a major element of the RCP, the California Legislature extended the deadline for SANDAG to prepare the Regional Housing Needs Assessment (RHNA) and as a result, cities and the County will begin working on their 2005-2010 housing elements when the RHNA is adopted in 2004.

The State of California has enacted legislation extending the self-certification process in San Diego County until at least June 30, 2009. SANDAG is in the process of compiling information that will be used to determine which jurisdictions will be eligible for self-certification for the 2005-2010 housing element cycle. The criteria for determining eligibility for self-certification are based primarily on affordable housing production. The City of El Cajon has already completed its integrated Housing Element/Consolidated Plan update, expecting the ability to self-certify the Housing Element based on its achievement of affordable housing production.

Land Use Element

The Land Use Element of a General Plan designates the general distribution, location, and extent of uses for land planned for housing, business, industry, open space, and public or community facilities. As it applies to housing, the Land Use Element establishes a range of residential land use categories, specifies densities (typically expressed as dwelling units per acre [du/ac]), and suggests the types of housing appropriate in a community. Residential development is implemented through the zoning districts and development standards specified in the jurisdiction's Zoning Ordinance. By law, the Zoning Ordinance must be consistent with the General Plan.

Residential Densities

Most jurisdictions in the County permit a wide range of residential densities.

A number of factors, governmental and non-governmental, affect the supply and cost of housing in a local housing market. The governmental factor that most directly influences these market conditions is the allowable density range of residentially designated land. In general, higher densities allow developers to take advantage of economies of scale, reduce the per-unit cost of land and improvements, and reduce developments costs associated with new housing construction. Reasonable density standards ensure the opportunity for higher-density residential uses to be developed within a community, increasing the feasibility of producing affordable housing. Minimum required densities in multi-family zones ensure that land zoned for multi-family use, the supply of which is often limited, will be developed as efficiently as possible for multi-family uses.

While most jurisdictions in the San Diego region have Land Use Elements that allow a range of single-family (0-14 du/ac) and multi-family (6-30+ du/ac) residential uses, Del Mar, Poway, and Solana Beach, due to the characteristics of existing residential neighborhoods, do not accommodate multi-family uses at a density greater than 20 du/ac. The City of Del Mar also requires a conditional use permit for projects proposing greater than 8.8 du/ac.

Coronado, Del Mar, Encinitas, Escondido, La Mesa, Lemon Grove, Poway, and San Diego County, either have very low or no minimum density requirements for multi-family-zoned land. The Carlsbad Land Use Element contains a statement if the City Council approves a project at lower than stated minimum density, the project would be considered consistent with the General Plan. Although National City has minimum density requirements for all of its residential dwelling unit categories, the City's highest density residential designation, which permits up to 23 dwelling units per acre, has no minimum density.

Recently enacted legislation (AB 2292) requires a local government to make a finding that a density reduction, rezoning, or downzoning is consistent with its Housing Element prior to requiring or permitting a reduction of density of a parcel below the density used in determining Housing Element compliance. The legislation also provides for courts to award attorneys' fees and costs if the court determines that the density reduction or downzoning was made illegally.

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Table 5-1
Typical Land Use Categories & Permitted Density by Jurisdiction

Generalized Land Use (By Density)	Density Range (du/ac)	Typical Residential Type	Carlsbad*	Chula Vista	Coronado*	Del Mar*	El Cajon	Encinitas*	Escondido*	Imperial Beach	La Mesa	Lemon Grove*	National City	Oceanside	Poway*	San Diego (City)	San Diego (County)*	San Marcos	Santee	Solana Beach	Vista
Single-family																					
Very Low	0-1	Single-family homes on large lots in rural areas	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Low	1-3	Single-family homes on large lots	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Medium	3-6	Single-family homes on medium-sized lots	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
High	6-14	Smaller single-family homes	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
										Multi-family											
Low	6-15	Town homes, duplexes, condominiums, and small single-story apartments	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Medium	15-20	One and two-story apartment complexes	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
High	20-30	Two and three-story apartment complexes	■	■	■		■	■	■	■	■	■	■	■		■	■	■	■		■
Very High	30-50	Large multi-story apartment and condo complexes			■		■				■	■		■		■	■				
Special High	50+	High-rise apartment and condo complexes					■									■					

Source: General Plan Land Use Elements for jurisdictions in San Diego County.
Note: This table represents a summary of typical land use categories, as defined by density. These categories are not necessarily representative of a specific jurisdiction's General Plan Land Use categories. Instead, they are meant to provide an overview of the type of land uses and densities permitted in that jurisdiction. The diamond marks identify a jurisdiction as supporting land use densities within the identified range (according to the General Plan's Land Use Element). However, a jurisdiction's land use category might not include all the densities listed in that range. For example, a jurisdiction's Multi-Family Very High density category might support densities from 21 to 35 du/ac, but the High and Very High categories will be checked since the range covers both categories.
*Indicates jurisdiction with very low, or no minimum density standards in land use or zoning ordinance.

5.2 Zoning Ordinance

The Zoning Ordinance implements the General Plan by establishing zoning districts that correspond with General Plan land use designations. Development standards and permitted uses in each zoning district are specified to govern the density, type, and design of different land uses for the protection of public health, safety, and welfare (Government Code, Sections 65800-65863). Several aspects of the Zoning Ordinance that may affect a person's access to housing or limit the range of housing choices available are described below.

As part of the upcoming Housing Element update, jurisdictions are required to evaluate their land use policies, zoning provisions, and development regulations, and make proactive efforts to mitigate any constraints identified. However, the following review is based on the current zoning ordinances as of the writing of this AI.

Definition of Family

A community's zoning ordinance can potentially restrict access to housing for relations failing to qualify as "family" by the definition specified in the zoning ordinance. For instance, a landlord may refuse to rent to a "nontraditional" family based on the zoning definition of a family.[2] A landlord may also use the definition of a family as an excuse for refusing to rent to a household based on other hidden reasons, such as household size. Even if the code provides a broad definition, deciding what constitutes a "family" should be avoided by jurisdictions to prevent confusion or give the impression of restrictiveness.

California court cases[3] have ruled that an ordinance that defines a "family" as: 1) an individual; 2) two or more persons related by blood, marriage or adoption, or (c) a group of not more than a certain number of unrelated persons as a single housekeeping unit, is invalid. Court rulings stated that defining a family does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of the jurisdiction, and therefore violates rights of privacy under the California Constitution. A zoning ordinance also cannot regulate residency by discrimination between biologically related and unrelated persons. Furthermore, a zoning provision cannot regulate or enforce the number of persons constituting a family.

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2 Most Zoning Ordinances that define families limit the definition to two or more individuals related by kinship, marriage, adoption, or other legally recognized custodial relationship.

3 City of Santa Barbara v. Adamson (1980), City of Chula Vista v. Pagard (1981), among others.

Currently, zoning ordinances for Carlsbad, Del Mar, National City, Oceanside, San Diego (City), San Marcos, Solana Beach, and Vista include definitions of "family" that constitute a potential impediment to fair housing choice.

Density Bonus Ordinance

California Government Code Section 65915 provides that a local government shall grant a density bonus of at least 25 percent (10 percent for condominiums) and an additional incentive, or financially equivalent incentive(s), to a developer of a housing development agreeing to provide at least:

- 20 percent of the units for lower income households; or
- 10 percent of the units for very low income households; or
- 50 percent of the units for senior citizens; or
- 20 percent of the condominium units for moderate income households (recent requirement per AB 1866 described below).

According to HCD, a local ordinance must specify which of the following types of incentives will be provided to the developer:

- Reduced site development standards (e.g. street widths or paving, curbs/gutters, landscaping, location of public works improvements;

- Modified zoning code requirements (e.g. open space, minimum lot size, setbacks, parking standards);

- Reduced or eliminate any design requirements exceeding State building code standards (e.g. restrictions on roofing materials);

- Mixed use zoning within housing developments if the development will result in lower housing costs; and

- Other regulatory incentives, such as an additional density bonus, expedited processing, use of redevelopment funds, or other public financing (direct financial assistance is not required by law).

The Density Bonus Law was amended by the passage of Assembly Bill 1866 (2002). Under AB 1866, local jurisdictions cannot apply any development standard that would have the effect of precluding an affordable housing development from receiving a density bonus and regulatory concessions. Specifically, AB 1866 provides that:

- Local Governments may not apply development standards, such as parking, setbacks, lot coverage, to low- and moderate-income and senior housing that make it impossible to build such housing at the established density.

- If a local government determines that a density bonus is not needed to achieve affordability, this finding must be based on written and objective analysis.

- Developers of common interest subdivisions (condominiums) for moderate-income households may obtain a density bonus.

To ensure compliance with AB 1866, jurisdictions must reevaluate their development standards in relation to the maximum achievable densities for multi-family housing.

Another amendment to density bonus law in 2003 (AB 305) allows developers who provide the minimum specified percentage of affordable housing AND child care facilities on or adjacent to a proposed housing development can qualify for an additional density bonus.

As of October 2003, zoning ordinances for the cities of Chula Vista, Coronado, Oceanside, and Vista did not specify density bonus provisions in accordance with State law. While Lemon Grove has a density bonus ordinance, it does not specify the types of incentives that must be given in addition to the required density bonus. The City of Escondido offers reduced parking requirements and development standards along with density bonus for affordable housing projects. Other jurisdictions also adopted density bonus provisions that are above and beyond State requirements. For example, the City of El Cajon has addition density incentives for affordable housing for seniors and disabled.

Parking Requirements

Communities that require an especially high number of parking spaces per dwelling unit can negatively impact the feasibility of producing affordable housing by reducing the achievable number of dwelling units per acre, increasing development costs, and thus restrict the range of housing types constructed in a community. Typically, the concern for high parking requirements relates only to multi-family, affordable, or senior housing. The basic parking standards for jurisdictions in San Diego County are presented in Table 5-2. Many jurisdictions offer reductions in parking requirements in conjunction with density bonuses for affordable and senior housing.

Table 5-2
Off-Street Parking Requirements

Jurisdictions	SF	MF 1br	MF 2br	MF 3br	MF 4+br	SDU
Carlsbad	2	1.5	2	2	2	1
Chula Vista	2	1.5	2	2	2	
Coronado[1]	2	2	2	2	2	2
Del Mar	2	1	2	2	3	1
El Cajon	2	2	2.25	2.25	2.25	1/br
Encinitas	2-3	1.5-2	2	2.5	2.5	1
Escondido	2	1.5	1.75	2	2	1
Imperial Beach[2]	2	2	2	2	2	
La Mesa	2	2	2	2	2	1
Lemon Grove	2	2	2	2	2	1/br[3]
National City[4]	1[5]	1.3	1.5	1.5	1.5	
Oceanside	2	1	2	2	2	
Poway	2	1.5-1.75	2.25	2.75–3.0	2.75–3.0	1
San Diego City	2	1.25–1.5	2	2.25	2.25	1/br
San Diego County	2	1.5	1.5	2	2	1
San Marcos	2	2	2	2	2	1
Santee	2	1.5	2	2	2	None Required
Solana Beach	2	1-1.5	2	2	2	1
Vista	2	1	2	2	2	1.5

Notes: SDU=second dwelling unit
1 All residential zoning districts require 2 spaces per unit, while the mixed-use zones require 1.5 spaces per unit.
2 Except in the R-5 zone, where 1.5/unit are required regardless of unit size.
3 Up to a maximum of 2 spaces per SDU.
4 All condominiums are required to provide 2 spaces per unit
5 2 spaces per unit are required in the RS-1 zone.

Most jurisdictions in the County have comparable parking requirements. However, Coronado, Imperial Beach, La Mesa, Lemon Grove, and San Marcos have parking standards for multi-family uses that are not based on the number of bedrooms in (or size of) the unit. This can be perceived as a constraint to multi-family development, and therefore a potential impediment to fair housing choice. In addition, given the recent changes in State law regarding secondary units, a zoning ordinance should specify the conditions for approval of secondary units, including the number of parking spaces required. Currently, zoning ordinances for Chula Vista, Imperial Beach, National City, Oceanside, and Santee do not include parking requirements for secondary units.

Variety of Housing Opportunity

To ensure fair housing choice in a community, a zoning ordinance should provide for a range of housing types, including single-family, multi-family, second dwelling units, mobile homes, licensed community care facilities, employee housing for seasonable or migrant workers, assisting living facilities, emergency shelters, and transitional housing. Table 5-3 provides a summary of each jurisdiction's zoning ordinance as it relates to ensuring a variety of housing opportunities.

Single- and Multi-Family Uses

Single- and multi-family housing types include detached and attached single-family homes, duplexes or half-plexes, town homes, condominiums, and rental apartments. Zoning ordinances should specify the zones in which each of these uses would be permitted by right. Most jurisdictions in San Diego County permit the range of residential uses described above, with the exception of Lemon Grove and Del Mar. Lemon Grove requires a conditional use permit (CUP) for multi-family uses, while Del Mar requires a CUP for "clustered" residential projects with a density greater than 8.8 du/ac. This requirement for CUP for all multi-family uses or relatively low density multi-family use may extend the time frame for project review and increase the uncertainty of project approval.

Zoning Ordinances should also avoid "pyramid or cumulative zoning" (e.g. permitting lower-density single-family uses in zones intended for higher density multi-family uses). Pyramid or cumulative zoning schemes could limit the amount of lower-cost multi-family residential uses in a community and be a potential impediment to fair housing choice. With the exception of Chula Vista, El Cajon, Lemon Grove, Oceanside, and Santee, all jurisdictions in the San Diego region currently have pyramid structured zoning ordinances. SB 2292 described earlier addresses this type of zoning structure.

Second Dwelling Units

Given the recent changes in State law, only half of San Diego jurisdictions have revised their zoning ordinances to permit second dwelling in accordance with State law.

Second dwelling units are attached or detached dwelling units that provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation. Second units may be an alternative source of affordable housing for lower-income households and seniors.

California law requires local jurisdictions to adopt ordinances that establish the conditions under which second units are permitted (Government Code, Section 65852.2). A jurisdiction cannot adopt an ordinance that totally precludes the development of second units unless the ordinance contains findings acknowledging that allowing second units may limit housing opportunities of the region and result in adverse impacts on public health, safety, and welfare. An amendment to the State's second unit law in 2002 requires local governments to use a ministerial, rather than discretionary process for approving second units (i.e. second units otherwise compliant with local zoning standards can be approved without a public hearing).

Imperial Beach is the only jurisdiction with adopted findings allowing it to preclude second units. Currently, the cities of Lemon Grove and Poway allow second units through a conditional use permit (CUP) process, and the Vista Zoning Ordinance contains inconsistent provisions regarding second units.[4] The City of National City permits second dwelling units in all residential zones, except for the primary single-family zoning districts.

[4] Section 18.06.160 of Vista's zoning ordinance prohibits second units, while Chapter 18.31 is consistent with State law.

Table 5-3
Variety of Housing Opportunity

Housing Type	Carlsbad	Chula Vista	Coronado	Del Mar	El Cajon	Encinitas	Escondido	Imperial Beach	La Mesa	Lemon Grove	National City	Oceanside	Poway	San Diego (City)	San Diego (County)	San Marcos	Santee	Solana Beach	Vista
Single-family	P	P/C	P	P	P	P	P	P	P	P	P	P/C	P	P	P	P	P	P	P
Multi-family	P	P	P	P/C	P	P	P	P	P	C	P	P	P/C	P	P	P	P/C	P	P
Second Dwelling Units	P	P	P	P	P	P	P/C		P	P	P	P	C	P	P	P	P	P	P
Mobile Homes/ Manufactured Housing	P	P	[1]	P	P	P	P/C	P/C	P		C	P	P	P	P	P	P	P	P
Residential Care Facilities (6 or fewer persons)	P			P	P/C	P	P	P	P	P	P	P	P	P	P	C	P	P	P
Residential Care Facilities (more than 6 persons)	C			C	C	C	C[2]		C	C	P	C		C	P/C	C	C	C	C
Emergency Shelters					C	C	C					C		P/C		[3]	P		
Transitional Housing					C	C	P					C		P/C			P/C		C

Notes: P – permitted by right; C – Conditionally permitted.
___ - Potential impediments.
1. Manufactured homes are only mentioned as permitted uses in multi-family zones.
2. Refer to as "Sanitariums" in the Zoning Ordinance.
3. The Housing Element does permit these uses, but the Zoning Ordinance is silent on the matter.

Manufactured and Mobile Homes

State law requires local governments to permit manufactured or mobile homes meeting federal safety and construction standards on a permanent foundation in all single-family residential zoning districts (Section 65852.3 of the California Government Code). A local jurisdiction's zoning ordinance should be compliant with this law.

Currently, the zoning ordinances for cities of Coronado, Del Mar, Lemon Grove, and National City do not explicitly address manufactured or mobile homes in single-family residential zoning districts. The Coronado Zoning Ordinance permits manufactured housing in R-3 Multi-Family Zone; such uses are not included in the single-family zones, although the City may in practice, consider such uses as regular single-family uses. While not explicitly mentioned in the Zoning Ordinance, the City of Del Mar considers manufactured homes meeting State standards as uses permitted by rights in all residential zones.

Licensed Residential Care Facilities

The Lanterman Developmental Disabilities Services Act (Sections 5115 and 5116) of the California Welfare and Institutions Code declares that mentally and physically disabled persons are entitled to live in normal residential surroundings. The use of property for the care of six or fewer disabled persons is a residential use for the purposes of zoning. A State-authorized, certified or authorized family care home, foster home, or group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is permitted in all residential zones. No local agency can impose stricter zoning or building and safety standards on these homes.

Table 5-4 provides a tabulation of licensed care capacity by jurisdiction and Figure 5-1 illustrates the geographic distribution of these facilities. The ratio of beds per 1,000 persons is used to identify concentration of residential care facilities. These facilities are most concentrated in Carlsbad, El Cajon, Escondido, and Lemon Grove. Licensed care facilities are least concentrated in Santee, Solana Beach, Del Mar, Imperial Beach and the City of San Diego.

Table 5-4
Licensed Community Care Facilities by Jurisdiction

Jurisdiction	Number of Facilities	Capacity		Explicit Provision for Residential Care Facilities in Zoning Ordinance
		Beds	Beds/1,000 Population	
Carlsbad	29	1,401	18.0	No
Chula Vista	78	1,675	9.6	No
Coronado	1	190	7.8	No
Del Mar	3	24	5.5	Yes
El Cajon	118	1,937	20.4	Yes
Encinitas	12	484	8.3	Yes
Escondido	123	2,776	20.8	No
Imperial Beach	5	64	2.4	No
La Mesa	31	1,282	23.4	Yes
Lemon Grove	22	535	21.4	Yes
National City	18	411	7.6	Yes
Oceanside	60	1,170	7.3	Yes
Poway	32	328	6.8	No
San Diego (City)*	428	7,163	5.9	Yes
San Diego (County)	1,299	24,728	8.8	No
San Marcos	39	665	12.1	No
Santee	13	76	1.4	Yes
Solana Beach	2	12	0.9	Yes
Vista	86	1,138	12.6	Yes

* No capacity was provided by the State database for 20 facilities in the City of San Diego, 2 facilities in San Marcos and 1 facility in the cities of Carlsbad, Escondido, and Oceanside.
Source: State of California Department of Social Services, Community Care Licensing Division, 2003

The treatment of residential care facilities varies among the 19 participating jurisdictions. Eleven of the 19 jurisdictions explicitly identify licensed care residential facilities in their zoning ordinance, addressing facilities serving six or fewer persons consistent with Lanterman Act.

Other jurisdictions treat the issue in a more subtle manner. The zoning ordinances for Carlsbad, Imperial Beach, and Poway define “family” to include persons living together in a licensed "residential facility" that services six or fewer persons; such facilities are permitted by right in residential zones even though the zoning ordinances do not explicitly state so.

Figure 5-1: Licensed Care Facilities
(11x17)

Figure 5-1: Licensed Care Facilities
(11x17 - Back)

Other cities such as Del Mar and Escondido, in practice, permit licensed care residential facilities serving six or fewer persons by right in residential zones, defining these uses as a regular residential use. However, the zoning ordinances for these cities do not reference such facilities. Furthermore, the City of Escondido conditionally permits licensed residential care facilities serving more than six persons as "sanitariums." Escondido indicates that revisions to clarify such uses are forthcoming. Only two jurisdictions -- Chula Vista and Coronado – have not identified any specific policies regarding licensed residential care facilities. Zoning revisions may be necessary for those eight jurisdictions that do not explicitly address the siting of licensed residential care facilities in their communities.

It appears that public policies are not responsible for the observed concentration of residential care facilities in some jurisdictions. Among jurisdictions compliant with the Lanterman Act, the average ratio of licensed care beds per 1,000 residents is 8.08, while the average ratio for non-compliant jurisdictions is 10.48. Among jurisdictions without explicit provision for residential care facilities in their zoning ordinances, the average ratio is 10.67, compared to 7.77 for residents with explicit provision for these facilities. The observed concentration can be explained by other factors including, but not limited to, market factors and NIMBY attitudes against facilities for the disabled in some communities.

Public policies are not primarily responsible for the observed concentration of residential care facilities in some jurisdictions.

Emergency Shelters and Transitional Housing

Transitional housing is a type of supportive housing used to facilitate the movement of homeless individuals and families to permanent housing. Transitional housing typically offers case management and support services to return people to independent living, typically between 6 and 24 months. Transitional housing can take several forms, including group quarters with beds, single-family homes, and multi-family apartments. An emergency shelter is a facility that provides shelter to homeless families and/or homeless individuals on a limited short-term basis.

State law requires jurisdictions to identify adequate sites for housing which will be made available through appropriate zoning and development standards to facilitate and encourage the development of a variety of housing types for all income levels, including emergency shelters and transitional housing (Section 65583(c)(1) of the Government Code). State HCD and subsequent court decisions have interpreted this as a requirement for local governments to specify which zone(s) permit such facilities, and implement permit processes that both facilitate and encourage the development of such housing.

Failure to explicitly permit or conditionally permit emergency shelters or transitional housing is prevalent among jurisdictions in San Diego County. Although the Housing Elements identify zones in which these uses are permitted, the Zoning Ordinances often do not explicitly permit or exclude these uses, leaving the decision open to interpretation. Of the 19 jurisdictions in the County, El Cajon, Encinitas, Escondido, Oceanside, and the City of San Diego had explicit provisions for both emergency shelters and transitional housing in their zoning ordinances, while Vista had provisions for transitional housing only.

5.3 Building, Occupancy, Health and Safety Codes

Building codes, such as the California Building Standards Code[5] and the Uniform Housing Code are necessary to protect public health, safety, and welfare. However, local codes that require substantial improvements to a building might not be warranted and deter housing construction and/or neighborhood improvement.

Every jurisdiction in the San Diego region has adopted by reference a variation of the California Building Standards Code, or Uniform Building Code. Other codes commonly adopted by reference within the region include the California Mechanical Code, California Plumbing Code, California or National Electric Code, Uniform Housing Code, and California Fire Code. Less common are the California Uniform Code for the Abatement of Dangerous Buildings, the Urban-Wildland Interface Code, and the Uniform Code for Building Conservation. Most jurisdictions have amended portions of these codes to reflect non-arbitrary local conditions including geographical and topographic conditions unique to each locality.

Disputes over occupancy standards are typical tenant/landlord and fair housing issues. Families with children and large households are often discriminated in the housing market, particularly in the rental housing market, because landlords are reluctant or flatly refuse to rent to such households. Establishing a strict occupancy standard either by the local jurisdictions or by landlords on the rental agreements may be a violation of fair housing practices.

[5] California Building Standards Code, adopted by the a Building Standards Commission, is actually a set of uniform building, electrical, mechanical, and other codes adopted by professional associations such as the International Conference of Building Officials, and amended to include California-specific requirements.

In general, no state or federal regulations govern occupancy standards. The State Department of Fair Employment and Housing (DFEH) uses the "two-plus-one" rule in considering the number of persons per housing unit – two persons per bedroom plus an additional person. Using this rule, a landlord cannot restrict occupancy to fewer than three persons for a one-bedroom unit or five persons for a two-bedroom unit, etc. While DFEH also uses other factors, such as the age of the occupants and size of rooms, to consider the appropriate standard, the two-plus-one rule is generally used. Other guidelines are also used as occupancy standards – the California Fire Code and the Uniform Housing Code. The Fire Code allows one person per 150 square feet of "habitable" space. The Uniform Housing Code (1997 edition) outlines a standard of one person for every 50 square feet of bedroom space. These standards are typically more liberal than the "two-plus-one" rule.

A review of occupancy standards for jurisdictions within the San Diego region revealed that, while most jurisdictions do not overtly limit the number of people who can occupy a housing unit, the definition used by some jurisdictions to define "family" as a household of not more than five individuals could constitute an impediment to fair housing choice. Such a definition of family may be interpreted as an occupancy standard that in some cases could be more restrictive than that established in the Uniform Housing Code, California Fire Code, or DFEH guidelines. Jurisdictions that define "family" as a household of not more than five unrelated individuals include: Del Mar, National City, and San Marcos. As previously discussed, court rulings stated a zoning ordinance cannot regulate residency by discrimination between biologically related and unrelated persons.

5.4 Affordable Housing Development

Roughly 28 percent of the region's affordable housing stock is concentrated in jurisdictions comprising only 13 percent of the region's population.

In general, many minority and special needs households are disproportionately affected by a lack of adequate and affordable housing in a region. While affordability issues are not fair housing issues, expanding access to housing choices for these groups cannot ignore the affordability factor. Insofar as rent-restricted or non-restricted low-cost housing is concentrated in certain geographic locations, access to housing by lower-income and minority groups in other areas is limited.

Siting of Affordable Housing

The San Diego region has a large inventory of rent-restricted multi-family housing units. The distribution of these units is highly uneven throughout the region, however (see Figure 3-13). For example, roughly 28 percent of the region's rent-restricted multi-family housing stock is concentrated in jurisdictions representing only 13 percent of the region's total housing units. Jurisdictions with the highest concentration of rent-restricted multi-family housing units as measured by the ratio of rent restricted units to total housing units include National City (71.93), San Marcos (28.89), and El Cajon (28.59) (see Table 5-5). Jurisdictions with the lowest concentration of rent restricted multi-family units are Del Mar (0.00), Coronado (3.78), and the unincorporated San Diego County (5.12). Although the City of San Diego contains 39.2 percent of these units, its total housing stock represents nearly 46.2 percent of all the housing units in the County.

Table 5-5
Rent Restricted Multi-Family Housing Units by Jurisdiction

Jurisdiction	Rent Restricted Units	Total Housing Units	% of Housing Stock Rent Restricted	% of All Rent Restricted Units in County	Rent Restricted Units per 500 Housing Units
Urban County					
Coronado	72	9,522	0.8%	0.2%	3.78
Del Mar	0	2,557	0.0%	0.0%	0.00
Imperial Beach	115	9,739	1.2%	0.4%	5.90
Lemon Grove	437	8,767	5.0%	1.4%	24.92
Poway	402	15,833	2.5%	1.3%	12.70
San Marcos	1,092	18,902	5.8%	3.5%	28.89
Solana Beach	197	6,449	3.1%	0.6%	15.27
Unincorporated Areas	1,564	152,706	1.0%	5.1%	5.12
Entitlement Cities					
Carlsbad	1,435	33,717	4.3%	4.7%	21.28
Chula Vista	2,761	59,529	4.6%	8.9%	23.19
El Cajon	2,011	35,173	5.7%	6.5%	28.59
Encinitas	330	23,867	1.4%	1.1%	6.91
Escondido	2,055	44,964	4.6%	6.7%	22.85
La Mesa	488	24,902	2.0%	1.6%	9.80
National City	2,233	15,521	14.4%	7.2%	71.93
Oceanside	2,509	59,498	4.2%	8.1%	21.08
San Diego	12,086	469,756	2.6%	39.2%	12.86
Santee	686	18,810	3.6%	2.2%	18.23
Vista	379	29,937	1.3%	1.2%	6.33
San Diego County	30,852	1,040,149	3.0%	100.0%	14.83

Source: Department of Housing and Community Development and San Diego Housing Commission, *Housing Resources Directory 2002-2003*; and Carolyn Lutton, California Debt Limit Allocation Committee, 2003.

Development Impact Fees

Until 1978, property taxes were the primary revenue source for financing the construction of infrastructure and improvements to support new residential development. The passage of Proposition 13 in 1978 has limited a local jurisdiction's ability to raise property taxes and significantly lowered the ad valorem tax rate, increasing reliance on other funding sources to provide infrastructure, public improvements, and public services. An alternative funding source widely used among local governments in California is the development impact fee, which is collected for a variety of improvements including water and sewer facilities, schools, parks, and transportation improvements.

To enact an impact fee, State law requires that the local jurisdiction demonstrate the "nexus" between the type of development in question and the impact being mitigated by the proposed fee. Also, the amount of the fee must be proportional to the impact caused by the development. Nevertheless, development impact fees today have become a significant cost factor in housing development.

The San Diego Building Industry Association (BIA) completed a fee survey of San Diego jurisdictions in 2003. Participating jurisdictions were asked to estimate the permit issuance, capacity and impact fees on a prototype 2,700-square-foot house. Planning and impact fees range from $16,299 in Vista to $34,270 in Chula Vista. The average fees levied on a prototypical housing units in the region is $27,383.

Table 5-6
Permit and Impact/Capacity Fees per Single-Family Prototype

Jurisdiction	Permit Fees	Impact/ Capacity Fees	Total Fees
Carlsbad	$1,910	$25,042	$26,952
Chula Vista	$4,083	$30,187	$34,270
El Cajon	$3,733	$16,574	$20,307
Encinitas	$2,724	$20,924	$23,648
Escondido	$2,654	$19,401	$22,055
Oceanside	$2,314	$30,081	$32,395
Poway	$2,876	$30,931	$33,807
San Diego (City)	$3,500	$30,521	$34,021
San Diego (County)	$2,266	$17,562	$19,828
San Marcos	$1,771	$30,503	$32,274
Santee	$3,553	$29,188	$32,741
Vista	$2,617	$13,682	$16,299

Source: *2003-2004 Fee Survey, San Diego County*, Building Industry Association.

Studies have demonstrated that a developer's ability to pass on fees to homebuyers varies depending on the local housing market. In a study of impact fees in Contra Costa County, developers were able to pass on the full cost of the fees to the homebuyers in the high-demand, high-cost housing market of south central Costa County, but absorbed 75 percent of the impact fees in the low-cost housing market of east Costa County.[6] These findings are expected to be similar in San Diego County. Therefore, development

[6] Marla Dresch and Steve Sheffrin, *Who Pays for Development Fees and Exactions?*, Public Policy Institute of California, June 1997.

impact fees may have a cumulative effect of limiting lower-cost housing options in some portions of the region.

Linkage Fees

A linkage fee is a development impact fee applied to non-residential development that can be used by local governments to support affordable housing construction. The fee is applied in recognition of the housing needs of lower-income workers who often are employed by end users of new development. Linkage fees can facilitate de-concentration of affordable housing development and reduce the negative social and environmental effects of jobs-housing imbalances in a region if the use of this funding is combined with a policy that requires the scattering of affordable units throughout a community and/or require concurrent construction of market-rate and affordable units in new development.

Currently, the City of San Diego is the only jurisdiction that charges a linkage fee to non-residential development to offset the cumulative effects of non-residential development on affordable housing and transportation. The underlying purpose of the City of San Diego's linkage fee is to ensure that new office, retail, research and development, manufacturing, warehouse, and hotel development pay a fair share of the subsidies necessary to house the low- and very-low income employees related to such development. The fees are placed in the San Diego Housing Trust Fund and can be utilized to assist the construction of affordable housing units located anywhere within the boundaries of the City of San Diego, but the Municipal Code establishes a mechanism to ensure a geographic nexus between the location of new jobs and the expenditure of revenue for housing projects.[7]

Other Land Use Policies, Programs, and Controls

Land use policies, programs, and controls can impede or facilitate housing development and can have implications for fair housing choice in a community. Inclusionary housing policies and redevelopment project areas can facilitate new affordable housing projects, while growth management programs and Article 34 of the California Constitution can impede new affordable housing development. Table 5-7 identifies jurisdictions that are affected by or have adopted land use policies, programs, and controls that may affect housing development and fair housing choice in its community.

[7] For more information, see Chapter 9, Article 8, Division 6 of the San Diego Municipal Code.

Table 5-7
Land Use Policies and Controls

Jurisdictions	Article 34	Growth Management	Inclusionary Housing	Redevelopment Project Area
Carlsbad	X	X	X	X
Chula Vista	X	X	X	X
Coronado			X	X
Del Mar			X	
El Cajon	X			X
Encinitas		X	X	
Escondido		X		X
Imperial Beach				X
La Mesa	X			X
Lemon Grove				X
National City				X
Oceanside	X		X	X
Poway		X	X	X
San Diego (City)	X	X	X	X
San Diego (County)		X		X
San Marcos		X	X	X
Santee				X
Solana Beach		X	X	
Vista	X		X	X

Article 34

Article 34 of the State Constitution requires a majority vote of the electorate to approve the development, construction, or acquisition by a public body of any "low rent housing project" within that jurisdiction. In other words, for any projects to be built and/or operated by a public agency where at least 50 percent of the occupants are low income and rents are restricted to affordable levels, the jurisdiction must seek voter approval known as "Article 34 authority" to authorize that number of units. Several jurisdictions within the San Diego region have obtained Article 34 authority to be directly involved in the development, construction, or acquisition of low-rent housing. The City of Encinitas will have an Article 34 measure on the November 2004 ballot.

In the past, Article 34 may have prevented certain projects from being built. In practice, most public agencies have learned how to structure projects to avoid triggering Article 34, such as limiting public assistance to 49 percent of the units in the project. Furthermore, the State legislature has enacted Sections 37001, 37001.3, and 37001.5 of the Health and Safety Code to

clarify ambiguities relating to the scope of the applicability of Article 34 which now exist.

Growth Management Programs

Growth management programs facilitate well-planned development and ensure that the necessary services and facilities for residents are provided. However, a growth management program may act as a constraint if it prevents a jurisdiction from addressing its housing needs, which could indirectly impede fair housing choice. These programs range from general policies that require the expansion of public and facilities and services concurrent with new development, to policies that establish urban growth boundaries (the outermost extent of anticipated urban development), to numerical limitations on the number of dwelling units that may be permitted annually.

Most jurisdictions in San Diego County have adopted Growth Management Programs. While the programs are intended to manage growth, the programs are highly variable in detail. For example, the cities of Carlsbad, Chula Vista, and San Marcos have adopted a public facilities approach to growth management; requiring adequate facilities and service in place prior to new development. In addition Carlsbad's program caps the total number of units that would be allowed at buildout of the City's General Plan. The City of Encinitas restricts the number of residential building permits that can be issued annually. However, affordable housing projects are exempted from these limits and the number of applications received in a given year has never exceeded the available permits.

Escondido, Poway, and Solana Beach require voter approval for all proposals to increase residential density or non-residential intensity (such as through general plan amendments). However, Escondido does not require voter approval for increase in density in cases where affordable housing is involved to ensure compliance with housing law. And in 1979, the City of San Diego implemented a Tier System to manage growth. Under this system, the Urban Core would develop first, then the outlying urban area, and finally the Future Urbanizing Area which is now being developed. Growth is managed in the unincorporated areas of San Diego County through the Multiple Species Conservation Plan (MSCP), and establishment of residential buildout ceilings and large minimum lot sizes (40 acres in some cases) within several community planning areas. The cities of Coronado, Del Mar, El Cajon, La Mesa, Lemon Grove, National City, Oceanside, and Santee have not adopted growth management programs.

State housing law mandates a jurisdiction facilitate the development of a variety of housing to meet the jurisdiction's fair share of regional housing needs. Any growth management measure that would compromise a

jurisdiction's ability to meet its regional housing needs may have an exclusionary effect of limiting housing choices and opportunities of regional residents, or concentrating such opportunities in other areas of the region.

Inclusionary Housing Programs

Inclusionary housing describes a local government requirement that a specified percentage of new housing units be reserved for, and affordable to, lower- and moderate-income households. The goal of inclusionary housing programs is to increase the supply of affordable housing commensurate with new market-rate development in a jurisdiction. This can result in improved regional jobs-housing balances and foster greater economic and racial integration within a community. The policy is most effective in areas experiencing rapid growth and a strong demand for housing.

Inclusionary programs can be voluntary or mandatory. Voluntary programs typically require developers to negotiate with public officials but do not specifically mandate the provision of affordable units. Mandatory programs are usually codified in the Zoning Ordinance, and developers are required to enter into a development agreement specifying the required number of affordable housing units or payment of applicable in-lieu fees[8] prior to obtaining a building permit.

The majority of San Diego jurisdictions have adopted an inclusionary housing policy.

In San Diego County, ten jurisdictions have adopted inclusionary housing programs. All programs in the County can be described as mandatory because they require dedication of a fixed percentage of proposed units affordable to lower- or moderate-income households or payment of a fee in-lieu of dedication that is used to build new affordable housing units in the jurisdiction. Inclusionary housing programs in the County vary considerably by jurisdiction. For example, Vista's program requires six percent of new units be affordable to low-income households, but at its discretion, the City Council can require payment of a fee or dedication of land in-lieu of constructing affordable units. In contrast, Coronado requires 20 percent of all new units to be made affordable for lower- and moderate-income households, but the developer has the option of paying a fee in-lieu of building the inclusionary units. Chula Vista's program only applies to projects with 50 or more units and requires that five percent of units be affordable to low- and moderate-income households and five percent be affordable to very-low income households.

[8] An in-lieu fee is the payment of a specified sum of money instead of constructing the required number of affordable housing units. The fee is used to finance affordable housing elsewhere in a community.

Redevelopment Project Areas

State law requires redevelopment agencies to set-aside 20 percent of tax increment revenue generated from redevelopment projects for activities that increase, improve or preserve the supply of housing affordable to low- and moderate-income households. Affordable housing developed with 20 percent set-aside funds must remain affordable to the targeted income group for at least 55 years for rental housing and 45 years for ownership housing. In addition, not less than 15 percent of all newly constructed or substantially rehabilitated dwelling units within an area under the jurisdiction of a redevelopment agency must be made affordable to households earning low- and moderate-incomes; 40 percent of these units must be affordable to very low-income households.

Redevelopment project areas constitute a significant source of affordable housing resources for local governments and most jurisdictions in San Diego County have established redevelopment project areas. Only Del Mar, Encinitas, and Solana Beach do not currently have redevelopment project areas, although Solana Beach is considering one.

Policies Causing Displacement or Affect Housing Choice of Minorities and Persons with Disabilities

Local government policies could result in displacement or affect representation of minorities or the disabled. Policy areas that could have these effects are summarized accordingly: redevelopment activities, reasonable accommodations, ADA compliant public facilities, and occupancy standards.

Redevelopment Activities

Although construction activities within redevelopment project areas can result in new resources for lower- and moderate-income housing, existing lower- and moderate-income residents and businesses serving traditionally underserved populations can be displaced in the redevelopment process. To carry out redevelopment projects with a minimum of hardship to displaced persons and businesses, the developer must make a reasonable attempt to acquire the necessary properties through voluntary means rather than the redevelopment agency's use of eminent domain. Redevelopment activities are governed by the California Relocation Assistance and Real Property Acquisition Guidelines (Government Code Sections 7260 through 7277) and the California Eminent Domain Law (California Code of Civil Procedure Section 1230.010 *et. seq.*).

Despite laws designed to minimize the hardship to those displaced directly in the redevelopment process, those indirectly gentrified through the redevelopment process have little or no recourse. A lower-income household occupying a low cost rental unit in a complex planned for demolition in a redevelopment project area may be forced to move if a landlord decides not to renew the tenant's lease, or permit the tenant to continue residing in the unit on a month-to-month basis until shortly before the structure is razed. Because of rising land values in areas targeted for redevelopment, existing lower-income renters can be forced out of their communities if they are not able to find adequate and affordable housing nearby. Due to the socioeconomic and demographic factors, gentrification of this type can disproportionately affect minorities and persons with disabilities.

Reasonable Accommodation

Under State and federal law, local governments are required to "reasonably accommodate" housing for persons with disabilities when exercising planning and zoning powers. Jurisdictions must grant variances and zoning changes if necessary to make new construction or rehabilitation of housing for persons with disabilities feasible, but are not required to fundamentally alter their zoning ordinance.

Few jurisdictions have specific accommodations for the disabled in their municipal codes.

Although most local governments are aware of State and federal requirements to allow reasonable accommodations, if specific policies or procedures are not adopted by a jurisdiction, disabled residents may be unintentionally displaced or discriminated against. Among the region's 19 jurisdictions, only Escondido and Santee have explicit recognition of their obligation to reasonably accommodate the housing needs of residents in the Municipal Code. Del Mar and Encinitas are each reviewing an ordinance that would specify procedures and standards for obtaining relief from development standards to accommodate disabled housing needs. El Cajon allows special exemptions for home occupations to the disabled.

ADA Compliant Public Facilities (Section 504 Assessment)

The Americans with Disabilities Act (ADA) of 1990 is federal civil rights legislation which makes it illegal to discriminate against persons with disabilities. Title II of the ADA requires elimination of discrimination in all public services and the elimination of architectural barriers in all publicly owned buildings and facilities. It is important that public facilities are ADA compliant to facilitate participation among disabled residents in the community planning and decision-making processes. In the early 1990s, all local jurisdictions in San Diego County evaluated local public facilities for compliance with the ADA and produced a Section 504 ADA Transition Plan

that identifies necessary improvements and estimates the time frame and cost involved with completion of these improvements.

Section 504 ADA Transition Plans for the jurisdictions identify millions of dollars in improvements needed to ensure all public facilities are ADA compliant. Most of these plans indicate a goal of completion for identified upgrades by the mid-to-late 1990s. However, for most cities, securing funding to pursue improvements is a challenging task. For example, although the City of San Diego has committed 20 percent of its city-wide portion of the annual CDBG allocation, or $1.5 million annually, toward ADA compliance, the City estimates it will take more than 100 years for all facilities to be upgraded. For jurisdictions in a similar situation, upgrades have been prioritized, with facilities most crucial to public participation or improved quality of life receiving funds first, leaving the less imperative improvements for when funds become available.

5.5 Equal Provision of Government Services

It is important that all socioeconomic segments of society are served equally with government services. The provision of adequate parks and recreation opportunities has become a rising concern as it relates to environmental justice.

Active Parkland

Active parkland is deficient in lower- and moderate-income areas throughout much of the San Diego region (see Table 5-8 and Figure 3-14). While 35.2 percent of County residents live in low- and moderate-income areas, only 30.4 percent of the region's active parkland is located in these areas. Similarly, while 64.8 percent of County residents live in upper income areas, 69.6 percent of the region's parkland is located in these areas. While the difference may appear small, when looking at minority areas in the region, the unequal provision of parkland is more apparent.

Table 5-8
Park Acreage in Low and Moderate Income Areas

	% of Park Acreage[1]	% of Total Population
Low and Moderate Income Areas[2]	30.4%	35.2%
Rest of San Diego Region	69.6%	64.8%
Total	100.0%	100.0%

Source: SANDAG 2000

1 Park acreage based on SANDAG 2000 Existing Land Use Data
2 Low and Moderate Income Areas are 2000 Census block groups with more than 51 percent of households earning low and moderate incomes as defined by HUD.

Only 25.6 percent of active parkland is located within census tracts where more than 51 percent of residents are non-White, although 37.6 percent of the County population lives in these areas (see Table 5-9). In contrast, 74.4 percent of the County's active parkland is located in census tracts where more than 51 percent of residents are White, although only 62.4 percent of County residents live in these areas.

Lower income and minority areas in the County are underserved with regard to parks and recreation facilities. While this observation is not the direct result of public policy and can be explained largely by economic and demographic factors, so long as decision makers are aware of the unequal provision of parkland, public policy can work to correct the discrepancy.

Table 5-9
Park Acreage in Minority Areas

	% of Park Acreage[1]	% of Total Population
Minority Areas[2]	25.6%	37.6%
Rest of San Diego Region	74.4%	62.4%
Total	100.0%	100.0%

Source: SANDAG 2000
[1]Park acreage based on SANDAG 2000 Existing Land Use Data
[2]Minority Areas are 2000 Census tracts where more than 51 percent of residents are non-White.

Access to Transit

As outlined in Chapter 3, Community Profile, of this AI, equal provision of transit services is indirectly a fair housing issue if transit-dependent populations are not adequately served by public transit, thereby limiting their housing choice. One way to measure this is to compare the relationship between existing transit routes, employment centers, and areas where the proportion of residents using transit regularly.

As depicted in Figure 3-16 of Chapter 3, Community Profile, of this AI, most transit dependent areas are adequately linked to major employment centers by existing transit service. However, this observation may be explained by the fact that many transit-dependent households tend to concentrate near existing transit lines. Public policies can ensure the transit services to closely align with transit needs of the region. By extending transit service into areas currently unserved, housing choice for transit-dependent households would expand.

5.6 Local Housing Authorities

In the San Diego region, the HUD Section 8 voucher program is administered by six different local housing authorities, two of which also oversee a public housing program. The Section 8-Only housing authorities include: Carlsbad, Encinitas, Oceanside, Poway, and National City. The housing authorities for the City and County of San Diego also own and manage public housing in addition to the Section 8 program. The availability and use of 8 vouchers and public housing units must also adhere to fair housing laws.

Most local housing authorities in the County have adopted priorities or preferences for Section 8 and/or public housing. Typically, families with children, elderly families, disabled families, and veterans are given preferences.

Section 16(a)(3)(B) of the United States Housing Act mandates that public housing authorities adopt an admissions policy that promotes the deconcentration of poverty in public housing. HUD emphasizes that the goal of deconcentration is to foster the development of mixed-income communities within public housing. In mixed-income settings, lower-income residents are provided with working-family role models and greater access to employment and information networks. This goal is accomplished through the policy's income-targeting and deconcentration.

For Section 8 vouchers, the Housing Act mandates that not less than 75 percent of new admissions must have incomes at or below 30 percent of the

Area Median Income. The remaining balance of 25 percent may have incomes up to 50 percent of the Area Median Income.

For public housing, the Housing Act mandates that not less than 40 percent of new admissions must have incomes at or below 30 percent of the Area Median Income. The balance of 60 percent of new admissions may have incomes up to 80 percent of the Area Median Income. Based on the housing needs of families on the public housing waiting list, the Housing Authority of the County of San Diego will exceed the 40 percent cap for families at or below 30 percent of the Area Median Income.

5.7 Community Representation and Participation

Adequate community involvement and representation is important to overcoming and identifying impediments to fair housing. Decisions regarding housing development in a community are typically made by the City Council or Board of Supervisors, and Planning Commission. The Council or Board members are elected officials and answer to the constituents. Planning Commissioners are residents appointed by the Council or Board and often serve an advisory role to the Council.

In addition to the City Council, Board of Supervisors, and Planning Commission, most jurisdictions have appointed commissions, committees, and task forces to address specific issues. Commissions dealing directly with housing issues are most common in the region's 19 jurisdictions; however, few jurisdictions have commissions that specifically address special housing needs and no jurisdiction has a commission specifically addressing the housing needs of the disabled or families with children. These issues are often addressed as part of a standing commission.

Community participation can be limited or enhanced by actions or inaction by a public agency. For example, a broader range of residents may feel more comfortable approaching an agency with concerns or suggestions if that agency offers sensitivity or diversity training to its staff members that typically interface with the public. In addition, if there is a mismatch between the linguistic capabilities of staff members and the native languages of local residents, non-english speaking residents may be unintentionally excluded from the decision making process. Another factor that may affect community participation is the inadequacy of an agency or public facility to accommodate disabled residents.

Most jurisdictions in the San Diego offer periodic sensitivity or diversity training for staff personnel. Del Mar and San Marcos are the only

jurisdictions that do not offer this type of training to its employees. Similarly, most jurisdictions have bi-lingual capabilities to serve Spanish speaking residents, while many have multi-lingual capabilities. For example, La Mesa staff members speak Spanish, French, German, Chinese, Kannada, Hindu, Farsi, and Arabic, while San Marcos staff members speak Spanish, Farsi, Chinese, Vietnamese, French, Chamorro, and Tagalog. In addition, all jurisdictions' City Hall or County Administration Buildings are accessible to the disabled.

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CHAPTER 6 CURRENT FAIR HOUSING PROFILE

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

This chapter provides an overview of the institutional structure of the housing industry in governing fair housing practices of its members. Fair housing services available to residents within the County of San Diego and recent fair housing complaints, violations, and suits to determine trends throughout the County are also assessed.

6.1 Fair Housing Practices in the Ownership Market

On December 5, 1996, HUD and the National Association of Realtors (NAR) entered into a Fair Housing Partnership. Article VII of the HUD/NAR Fair Housing Partnership Resolution provides that HUD and NAR develop a Model Affirmative Fair Housing Marketing Plan for use by members of the NAR to satisfy HUD's Affirmative Fair Housing Marketing regulations. Yet there is still much room for discrimination in the housing market.

The Homeownership Process

One of the main challenges in owning a home versus renting a home is the process. Buying a house takes considerably more time and effort than finding a home to rent. The major legal and financial implications surrounding the process also intimidate potential buyers. Typically, the unique terminology, number of steps required, and financial considerations involved overwhelm people. The process is costly and fair housing issues may surface at anytime during this process.

Advertising

The first thing a potential buyer is likely to do when they consider buying a home is search advertisements either in magazines, newspapers, or the Internet to get a feel for what the market offers. Language in advertising has recently become an issue within the realm of real estate. Advertisements cannot include discriminatory references such as the use of words describing:

- current or potential residents;
- the neighbors or the neighborhood in racial or ethnic terms;
- adults preferred;
- perfect for empty nesters;
- conveniently located by a Catholic Church; or
- ideal for married couples without kids.

The Building Industry Association of San Diego County and the National Association of Home Builders (NAHB) has an extensive Volunteer Affirmative Marketing Agreement (VAMA) with HUD that commits them to using fair housing related principles when advertising.

Advertising has become a sensitive area in real estate. In some instances advertisements published in non-English languages may make those who speak English uncomfortable, yet when ads are only placed in English they place non-English speaking residents at a disadvantage. While real estate advertising can be published in other languages, by law an English version of the ad must also be published, and monitoring this requirement is difficult.

Even the use of models in ads has been questioned, based on the idea that it appears to appeal to a certain race. Additionally, selecting media or locations for advertising that deny information on listings to certain segments of the housing market may also be considered discriminatory. Even if an agent does not intend to discriminate in an ad, it would still be considered a violation to suggest to a reader whether or not a particular group is preferred.

Recent litigation has also set precedence for violations in advertisements that hold publishers, newspapers, Multiple Listing Services, real estate agents, and brokers accountable for discriminatory ads.

Lending

In Los Angeles County, a real estate agent was sued on the basis of racial discrimination for referring to his clients as the "salt and pepper couple;" the landmark case almost set precedent for brokers to be held accountable for discriminatory practices of their agents.

See also Chapter 4, Lending Practices, of this AI.

Initially, buyers must find a lender that will qualify them for a loan. This part of the process entails an application, credit check, ability to repay, amount eligible for, choosing the type and terms of the loan, etc. Applicants are requested to provide a lot of sensitive information including their gender, ethnicity, income level, age, and familial status. Most of this information is used for reporting purposes required of lenders by the Community Reinvestment Act (CRA) and the Home Mortgage Disclosure Act (HMDA); however, it does not guarantee that individual loan officers or underwriters will not misuse the information.

A report on mortgage lending discrimination by the Urban Land Institute illustrates four basic stages in which discrimination can occur:

- advertising/outreach
- pre-application inquiries
- loan approval/denial and terms/conditions
- loan administration

A number of different individuals take part in the various stages of this process and any of them may potentially discriminate. Further areas of potential discrimination include: differences in the level of encouragement, financial assistance, types of loans recommended, amount of down payment required, and level of customer service provided.

In a Fair Housing Consultation Workshop conducted as part of this AI, a participant felt that he had been discouraged by lenders due to his perceived low-income status as a person with disabilities.

Appraisals

Banks order appraisal reports to determine whether or not a property is worth the amount of the loan they will be giving. Generally speaking, appraisals are based on the comparable sales of properties surrounding the neighborhood of the property being appraised. Other factors are taken into consideration, such as the age of the structure, any improvements made, location, etc. Some neighborhoods with higher concentrations of minorities may appraise lower than like properties in neighborhoods with lower concentrations. Unfortunately, this practice is geared toward a neighborhood not an applicant and therefore, not a direct violation of fair housing law that can easily be addressed. One effect of this practice, however, is that it tends to keep property values lower in a given neighborhood, thereby restricting the amount of equity and capital available to those residents. Individual appraisers are the ones making the decisions on the amounts, thus there is room for flexibility in the numbers. As each appraiser is individually licensed, similar to real estate agents, they risk losing their license for unfair practices.

Real Estate Agents

Finding a real estate agent is normally the next step, which can be done by looking in newspapers, searching the Internet, and primarily through referrals. The agent will find the home that fits their needs, desires, and budget based on the amount they are qualified for by the lender.

Real estate agents may act as agents of discrimination. Some unintentionally, or possibly intentionally, may steer a potential buyer to particular neighborhoods by encouraging the buyer to look into certain areas; others may choose not to show the buyer all choices available. Agents may also discriminate by who they agree to represent, who they turn away, and the comments they make about their clients.

The California Association of Realtors (CAR) has included language on many standard forms disclosing fair housing laws to those involved. Many Realtor Associations also host fair housing trainings/seminars to educate members on the provisions and liabilities of fair housing laws, and the Equal Opportunity Housing Symbol is also printed on all CAR forms as a reminder.

Sellers

A seller may not want to sell his/her house to certain purchasers based on classification biases protected by Fair Housing Laws, or they may want to accept offers only from a preferred group. Often times, sellers are home when agents show the properties to potential buyers and they may develop certain biases based upon this contact. The Residential Listing Agreement and Seller's Advisory forms that seller's must sign to disclose their understanding of fair housing laws and practice of nondiscrimination. Yet, enforcement is difficult, because a seller may have multiple offers and choose one based on bias or they may make other excuses for not accepting a particular offer.

Covenants, Conditions, and Restrictions (CC&Rs)

Covenants, Conditions, and Restrictions (CC&Rs), are restrictive covenants that involve voluntary agreements, which run with the land they are associated with. The Statute of Frauds (Civil Code Section 1624) requires them to be in writing, because they involve real property. They must also be recorded in the County where the property is located in order to bind future owners. Owners of parcels may agree amongst themselves as to the restrictions on use, but in order to be enforceable they must be reasonable.

Communities with old subdivisions or condominium developments may still contain CC&Rs that do not comply with the fair housing laws. However, provisions in the CC&Rs that violate the fair housing laws are not enforceable.

In the past, Covenants, Conditions, and Restrictions (CC&Rs) were used to exclude certain groups such as minorities from equal access to housing in a community. Today, the California Department of Real Estate reviews CC&Rs for all subdivisions of five or more lots, or condominiums of five or more units. This review is authorized by the Subdivided Lands Act and mandated by the Business Professions Code, Section 11000. The review includes a wide range of issues, including compliance with fair housing law.

The review must be completed and approved before the Department of Real Estate will issue a final subdivision public report. This report is required before a real estate broker or anyone can sell the units, and each prospective

buyer must be issued a copy of the report. If the CC&Rs are not approved, the Department of Real Estate will issue a "deficiency notice", requiring the CC&Rs be revised.

Insurance

Insurance agents are provided with underwriting guidelines for the companies they work for to determine whether or not a company will sell insurance to a particular applicant. Currently, underwriting guidelines are not public information; however, consumers have begun to seek access to these underwriting guidelines to learn if certain companies have discriminatory policies. Some states are being more responsive than others to this demand and have recently begun to require companies to file the underwriting guidelines with the state department of insurance, which would then make the information public. Texas is one state that has mandated this reporting and its office has made some significant findings regarding discriminatory insurance underwriting guidelines.

The Fair Housing Council of San Diego conducted an audit of insurance companies in the San Diego area that concluded redlining may be an issue/concern.

Many insurance companies have applied strict guidelines, such as not insuring older homes, that disproportionately affect lower income and minority households that can only afford to buy in older neighborhoods. A California Department of Insurance (CDI) survey found that less than one percent of the homeowners insurance available in California is currently offered free from tight restrictions. The CDI has also found that many urban areas are underserved by insurance agencies.

The California Organized Investment Network (COIN) is a collaboration of the California Department of Insurance, the insurance industry, community economic development organizations, and community advocates. This collaboration was formed in 1996 at the request of the insurance industry as an alternative to state legislation that would have required insurance companies to invest in underserved communities, similar to the federal Community Reinvestment Act (CRA) that applies to the banking industry. COIN is a voluntary program that facilitates insurance industry investments, which provide profitable returns to investors, and economic and social benefits to underserved communities.

The California Fair Access to Insurance Requirements (FAIR) Plan was created by the Legislature in 1968 after the brush fires and riots of the 1960's made it difficult for some people to purchase fire insurance due to hazards beyond their control. The FAIR Plan is designed to make property insurance more readily available to people who have difficulty obtaining it from private insurers because their property is considered "high risk."

Credit and FICO Scores

Credit history is one of the most important factors in obtaining a home purchase loan. Credit scores determine loan approval, interest rates associated with the loan, as well as the type of loan an applicant will be given. Applicants with high credit scores are generally given conventional loans, while lower and moderate range scores revert to FHA or other government-backed loans. Applicants with lower scores also receive higher interest rates on the loans as a result of being perceived as a higher risk to the lender, and may even be required to pay points depending on the type of lending institution used.

Fair Isaac and Company (FICO), which is the company used by the Experian (formerly TRW) credit bureau to calculate credit scores, has set the standard for the scoring of credit history. Trans-Union and Equifax are two other credit bureaus that also provide credit scores, though they are typically used to a lesser degree.

In short, points are awarded or deducted based on certain items such as how long one has had credit cards, whether one makes payments on time, if credit balances are near maximum, etc. Typically, the scores range from the 300s to around 850, with higher scores demonstrating lower risk. Lower credit scores require a more thorough review than higher scores and mortgage lenders will often not even consider a score below 600.

FICO scores became more heavily relied on by lenders when studies conducted show that borrowers with scores above 680 almost always make payments on time, while borrowers with scores below 600 seemed fairly certain to develop problems. Credit scores also made it easier to develop computer programs (electronic underwriting) that can make a "yes" decision for loans that should obviously be approved. Some of the factors that affect a FICO score are:

- Delinquencies
- New accounts (opened within the last twelve months)
- Length of credit history (a longer history of established credit is better than a short history)
- Balances on revolving credit accounts
- Public records, such as tax liens, judgments, or bankruptcies
- Credit card balances
- Number of inquiries
- Number and types of revolving accounts

There has been some debate recently regarding the accuracy of the credit scoring software used by lenders. In particular, the *Los Angeles Times Real Estate* section has featured articles suggesting the Next Gen software model, designed by Fair Isaac & Company, is not being used by lenders due to cost even though it is a more fair and accurate version.[1] The new model is said to increase scores by 50 to 100 points and has been on the market for about two years. Lenders are now required to disclose the use of FICO scores to borrowers applying for loans.

National Association of Realtors (NAR)

The National Association of Realtors (NAR) has developed a Fair Housing Program to provide resources and guidance to Realtors in ensuring equal professional services for all people. The term Realtor identifies a licensed professional in real estate who is a member of the NAR; however, not all licensed real estate brokers and salespersons are members of the NAR.

Code of Ethics

Article 10 of the NAR Code of Ethics provides that "Realtors shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin. Realtors shall not be a party to any plan or agreement to discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, or national origin."

A Realtor pledges to conduct business in keeping with the spirit and letter of the Code of Ethics. Article 10 imposes obligations upon Realtors and is also a firm statement of support for equal opportunity in housing. A Realtor who suspects discrimination is instructed to call the local Board of Realtors. Local Boards of Realtors will accept complaints alleging violations of the Code of Ethics filed by a home seeker who alleges discriminatory treatment in the availability, purchase or rental of housing. Local Boards of Realtors have a responsibility to enforce the Code of Ethics through professional standards procedures and corrective action in cases where a violation of the Code of Ethics is proven to have occurred.

Additionally, Standard of Practice Article 10-1 states that "REALTORS® shall not volunteer information regarding the racial, religious or ethnic composition of any neighborhood and shall not engage in any activity which may result in panic selling. REALTORS® shall not print, display or circulate any statement or advertisement with respect to the selling or renting of a

[1] Kenneth Harney, Los Angeles Times Real Estate section, November 24, 2002, page K10 and December 1, 2002, page K6.

property that indicates any preference, limitations or discrimination based on race, color, religion, sex, handicap, familial status, or national origin."

Realtor Fair Housing Declaration

In accordance with the Code of Ethics, each Realtor signs the following pledge, developed in 1996 as a result of the HUD-NAR agreement.

I agree to:

1. Provide equal professional service without regard to race, color, religion, sex, handicap, familial status, or national origin of any prospective client, customer, or of the residents of any community.
2. Keep informed about fair housing law and practices, improving my clients' and customers' opportunities and my business.
3. Develop advertising that indicates that everyone is welcome and no one is excluded, expanding my client's and customer's opportunities to see, buy, or lease property.
4. Inform my clients and customers about their rights and responsibilities under the Fair Housing Laws by providing brochures and other information.
5. Document my efforts to provide professional service, which will assist me in becoming a more responsive and successful Realtor.
6. Refuse to tolerate non-compliance.
7. Learn about those who are different from me, and celebrate those differences.
8. Take a positive approach to fair housing practices and aspire to follow the spirit as well as the letter of the law.
9. Develop and implement fair housing practices for my firm to carry out the spirit of this declaration.

To continue the efforts to ensure equal and professional services, NAR now requires mandatory Code of Ethics instruction for all Realtor members based on the following schedule:

- Continuing members must complete the instruction within the time frame of January 1, 2001 to December 31, 2004, and every 4 years thereafter.

- New members must complete the instruction within 90 days after submitting the application for membership to NAR.

Diversity Certification

NAR has created a diversity certification, "At Home with Diversity: One America" to be granted to licensed real estate professionals who meet eligibility requirements and complete the NAR "At Home with Diversity" course. The certification will signal to customers that the real estate professional has been trained on working with diversity in today's real estate markets. The coursework provides valuable business planning tools to assist real estate professionals in reaching out and marketing to a diverse housing market. The NAR course focuses on diversity awareness, building cross-cultural skills, and developing a business diversity plan.

California Department of Real Estate (DRE)

The California Department of Real Estate (DRE) is the licensing authority for real estate brokers and salespersons. As noted earlier, not all licensed brokers and salespersons are members of the National or California Association of Realtors.

DRE has adopted education requirements that include courses in ethics and in fair housing. To renew a real estate license, each licensee is required to complete 45 hours of continuing education, including three hours in each of the four mandated areas: Agency, Ethics, Trust Fund, and Fair Housing. The fair housing course contains information that will enable an agent to identify and avoid discriminatory practices when providing real estate services to clients.

On or after January 1, 1996, a real estate salesperson renewing the license for the first time must complete separate 3-hour courses in Agency, Ethics, Trust Fund Handling, and Fair Housing to qualify for renewal. All licensees, with the exception of those renewing for the first time, are required to complete a full 45 hours of continuing education for each license renewal.

For the initial renewal on or after January 1, 1996, the law requires, as part of the 45 hours of continuing education, completion of four mandatory 3-hour courses in Agency, Ethics, Trust Fund Handling and Fair Housing. These licensees will also be required to complete a minimum of 18 additional hours of courses related to consumer protection. The remaining hours required to fulfill the 45 hours of continuing education may be related to either consumer service or consumer protection, at the option of the licensee.

The DRE requires all licensees to provide proof of continuing education courses with the following two exceptions:

1. An applicant provides proof that he/she is 70 years of age or older
2. An applicant provides proof that he/she has been licensed for 30 consecutive years

In either of these two cases, the DRE will waive the continuing education requirements for license renewal.

California Association of Realtors (CAR)

The California Association of Realtors (CAR) has recently created the position of Equal Opportunity/Cultural Diversity Coordinator. CAR holds three meetings per year for its general membership, and the meetings typically include sessions on fair housing issues. Current outreach efforts in the Southern California area are directed to underserved communities and state-licensed brokers and sales persons who are not members of the CAR.

Realtor Associations Serving San Diego County

Realtor Associations are generally the first line of contact for real estate agents who need continuing education courses, legal forms, career development, and other daily work necessities. The frequency and availability of courses varies amongst these associations, and local association membership is generally determined by the location of the broker that an agent works for. Complaints involving agents or brokers may be filed with these associations.

Monitoring of services by these associations is difficult as detailed statistics of the education/services the agencies provide or statistical information pertaining to of the members is rarely available. The following associations serve San Diego County:

- Coronado Association of REALTORS®
- The San Diego Association of REALTORS®
- The North San Diego County Association of REALTORS® (operates five MLS (Sandicor) service centers Carmel Valley Service Center, Encinitas Service Center, Escondido Service Center, Fallbrook Service Center, and the Vista Service Center)
- Pacific Southwest Association of REALTORS®
- East San Diego County Association of REALTORS®

Multiple Listing Services

In many counties throughout southern California, individual associations utilize different multiple listing services (MLS's) within their respective jurisdictions. This was also the case in San Diego County until the early 1990's when Sandicor emerged as the single MLS, referred to as TEMPO, covering the whole region.

Sandicor, a California corporation, was founded in 1991 by eleven Associations of REALTORS® in San Diego County, who combined their efforts and merged the data from three different Multiple Listing Services operating in San Diego County into one consolidated database. Launched in January 1992 with its combined database and membership size, it was the largest regional MLS in the Country. To effectively serve the large number of members throughout the County of San Diego, service centers were established in various marketing areas. Today nine Sandicor Service Center locations serve the County of San Diego.

Fair Housing notices appear at the bottom of the screen to remind agents using the MLS system of the legal requirements of fair housing laws. In addition, pop-up reminders are used where property descriptions are entered to further remind agents to refrain from inputting inappropriate remarks.

Over the past eight years, many mergers and consolidations have taken place. Currently Sandicor is owned by the remaining five Associations of REALTORS® serving San Diego County: the Coronado Association of REALTORS®, East San Diego County Association of REALTORS®, North San Diego County Association of REALTORS®, Pacific Southwest Association of REALTORS® and the San Diego Association of REALTORS®.

Other associations also provide access to San Diego; however they are extremely limited in the search results since the majority of agents use Sandicor. For example, Pacific West Association of Realtors uses SoCal MLS, covering Southern California including San Diego, yet the listings that are pulled from the system are limited to the agents who belong to the association and only a handful may result at any given time a search is performed. Many brokers have arrangements that allow their agents to access the MLS's used by other associations, the exclusive use of only one MLS limits the properties an agent will find for his/her clients. Occasionally, an agent may use the wrong MLS and be perceived as steering because the search only pulls up limited results for that area. Recently, SoCal MLS has created an alliance that will allow agents to search various MLS's at one time; however Sandicor requires any agent (regardless of which association they belong to) wishing to utilize their MLS to pay a fee.

6.2 Fair Housing Practices in the Rental Housing Market

A disproportionate number of fair housing complaints are filed by tenants against landlords or property managers. While a potential homebuyer may face discriminatory practices primarily during the process of purchasing a home, a renter may confront housing discrimination not only during the

Landlord/tenant calls comprise the majority of calls received by fair housing service providers, and are often linked to fair housing issues. In a recent case, a policy requiring an applicant's income be three times the monthly rent became a matter of fair housing when the manager refused to waive the requirement for an applicant whose income consisted of a HOPWA subsidy due to his HIV handicap. The refusal to change the so-called economic policy was viewed as a refusal to make a reasonable accommodation; thereby discriminating on the basis disability.

process of renting but throughout the tenancy. Landlord-tenant complaints and educational services are handled by the following agencies:

- Fair Housing Council of San Diego
- North County Lifeline
- Heartland Human Relations and Fair Housing Association
- Legal Aid Society
- San Diego Mediation Center

As appropriate, complaints alleging discrimination are referred to fair housing divisions of these agencies, other fair housing service providers, HUD, and the State DFEH.

The Rental Process

While the process of renting an apartment may be less expensive and burdensome up front than the home-buying process, it may still be just as time-consuming and potential renters may still face discrimination during various stages of the rental process.

Advertising

Like finding a home to purchase, the main sources of information are the classified advertisements in local newspapers, word of mouth, signs, apartment guides, the Internet, and apartment brokers. The same types of discriminatory language previously described under the Homeownership Process may be used by landlords or apartment managers to exclude "undesirable elements."

Furthermore, San Diego, like most parts of California, is facing a housing crisis and a particular shortage of rental housing. Most rental properties have low vacancy rates and do not require published advertising. Often, vacancy is announced either via word of mouth of existing tenants or a for-rent sign outside the property. Unless one happens to drive by the neighborhood or have friends or families currently residing at the property, one may not have access to information regarding vacancy. Furthermore, this practice tends to

intensify segregation of neighborhoods and properties that already have a high concentration of a racial/ethnic group. When advertising is done, no checks-and-balances mechanism exists to ensure English advertising is provided.

Viewing the Unit

Viewing the unit is the most obvious place where the potential renters may encounter discrimination because landlords or managers may discriminate based on race or disability, or judge on appearance whether a potential renter is reliable or may violate any of the rules. For example, there have been cases where Black applicants have tried to view an apartment unit and the landlord refused to answer the door, after looking out the curtain, or, potential renters with an accent may not receive a return phone call from the landlords.

Credit Check

Landlords may ask the potential renters to provide credit references, lists of previous addresses and landlords, and employment history/salary. The criteria for tenant selection, if any, are typically not known to those seeking to rent. Many landlords often use credit history as an excuse when trying to exclude certain groups.

The Lease

Most apartments are rented under either a lease agreement or a month-to-month rental agreement. A lease is favorable from a tenant's point of view for two reasons: the tenant is assured the right to live there for a specific period of time and the tenant has an established rent during that period. Most other provisions of a lease protect the landlord. Information written in a lease or rental agreement includes the rental rate, required deposit, length of occupancy, apartment rules, and termination requirements.

In a tight housing market, when a landlord can “financially afford” to choose tenants, the tendency is to offer shorter lease terms. In this case, a landlord may simply ask the “not-so-desirable” tenant to leave. Short-term lease also allows the landlord to raise the rent more frequently.

Typically, the lease or rental agreement is a standard form completed for all units within the same building. However, the enforcement of the rules contained in the lease or agreement may not be standard for all tenants. A landlord may choose strict enforcement of the rules for certain tenants based on arbitrary factors, such as race, presence of children, or disability. Since the recent escalation of housing prices throughout California, complaints

regarding tenant harassment through strict enforcement of lease agreements as a means of evicting tenants have increased.

Security Deposit

A security deposit is typically required. To deter "less-than-desirable" tenants, a landlord may ask for a security deposit higher than for others. Tenants may also face differential treatment when vacating the units. The landlord may choose to return a smaller portion of the security deposit to some tenants, claiming excessive wear and tear.

During the Tenancy

During tenancy, the most common forms of discrimination a tenant may face are based on familial status, race, national origin, sex, or disability. Usually these types of discrimination appear in differential enforcement of rules, overly strict rules for children, excessive occupancy standards, refusal to make a reasonable accommodation for handicapped access, refusal to make necessary repairs, eviction, notices, illegal entry, rent increases, or harassment. These actions may be used as a way to force undesirable tenants to move on their own without the landlord having to make an eviction.

Apartment Association of California

A potential concern is the tone in which trainings are provided to audiences. For example trainings may be geared towards ensuring their members do not break the laws; however, they do not necessarily focus on the fact that members should be providing equal opportunities because it is the right and fair way to do business. For this reason diversity and sensitivity training may need to be incorporated into the training curriculum.

The California Apartment Association has developed the California Certified Residential Manager (CCRM) program to provide a comprehensive series of courses geared towards improving the approach, attitude and professional skills of on-site property managers and other interested individuals. The CCRM program consists of 31.5 hours of training that includes fair housing and ethics along with the following course topics:

- Preparing the Property for Market
- Professional Leasing Skills and the Application Process
- The Move-in Process, Rent Collection and Notices
- Resident Issues and Ending the Tenancy
- Professional Skills for Supervisors
- Maintenance Management
- Liability and Risk Management
- Fair Housing

- Ethics and Our Industry

The Fair Housing Council of San Diego recommends that additional topic areas may be appropriate. Specifically, training on developing cultural competency for all ethnic/racial/religious/other groups may be necessary for property managers to operate in a diverse region such as San Diego.

San Diego County Apartment Association

The San Diego County Apartment Association (SDCAA) is a non- profit organization serving the needs of persons and companies who own, manage, or provide services and products to over 150,000 rental housing units in San Diego County. SDCAA has a membership of more than 2,700 members and provides education and training, business networking opportunities, and important legislative advocacy. Along with offering the CCRM class, the Association offers a series of workshops that include both a "Fair Housing Series" and a "Legal Issues Series." The Association also provides a monthly magazine, "Rental Owner," to its members, which provides updated information (i.e. laws, issues, new changes) about the housing industry and devotes an entire issue each year on fair housing. SDCAA provides other educational publications such as "Renting to Children," which assist their members with legal compliance.
SDCAA's series of fair housing workshops cover fair housing history, law, and enforcement; protected classes, the leasing process and areas where incidences of discrimination may occur; and fair housing during the tenancy. The series is held three times a year, throughout the year. In addition, SDCAA has a fair housing segment within their Property Management Series titled "Fair Housing; It's the Law." SDCAA offers additional fair housing resources to its members, which include access to their housing counseling service and books and forms, which is offered to members and nonmembers alike.

6.3 Fair Housing Services

While these agencies will not refuse helping a caller that should be served by another service provider, an abundance of calls from areas not funding the agency may pose a potential burden on each of the agencies. An abundance of referrals to agencies that do not receive funding may have the same effect.

In general, fair housing services include investigating and resolving housing discrimination complaints, discrimination auditing and testing, education, and outreach, such as disseminating fair housing information through written material, workshops, and seminars. Landlord/tenant counseling services involve informing landlords and tenants of their rights and responsibilities under fair housing law and other consumer protection

legislations and mediating disputes between landlords and tenants.

Four fair housing service providers serve the San Diego County area, with each being responsible for a portion of the County:

- Fair Housing Council of San Diego (FHCSD)
- Heartland Human Relations and Fair Housing Association (HHR&FHA)
- North County Lifeline (NCL)
- South Bay Community Services

Figure 6-1 delineates the service areas of these agencies as of February 2005. Service areas can change periodically when individual entitlement jurisdictions select different operators for their fair housing programs through a Request for Proposal process.

Figure 6-1: Fair Housing Councils
(11x17)

Figure 6-1: Fair Housing Councils
(11x17 - Back)

In addition to these fair housing agencies, other service agencies also help address fair housing issues in the County. This section reviews the fair housing services available in San Diego County, the nature and extent of fair housing complaints, and results of fair housing testing/audits. Tenant/landlord disputes are typically not related to fair housing issues and are not evaluated in this AI.

Fair Housing Council of San Diego

FHCSD is a private, non-profit and community-based organization that was established in 1989. The mission of FHCSD is to "eliminate unlawful housing discrimination in the housing rental, sales, lending and insurance markets on the basis of race, sex, color, religion, national origin, familial status (presence of children), disability, age, ancestry, marital status, sexual orientation, source of income, or any arbitrary factor."

As of February 2005, the Fair Housing Council of San Diego (FHCSD) sponsors public fair housing educational activities, fair housing outreach activities, and fair housing referral activities for the cities of Chula Vista, National City, and San Diego.[2]

Currently, FHCSD does not have the resources to handle landlord/tenant complaints. FHCSD offers the following fair housing programs and services:

- Advocacy and collaboration in support of housing opportunities for all
- Public outreach and education regarding fair housing rights
- Specialized property owner, management and lender training
- Discrimination complaint processing

Languages offered are English, Spanish, Tagolog, Chinese, Filipino, Hmong, Lao, Samoan, and African. Using Relocation Fund from SDHC, FHCSD also offers a program for Section 8 participants called the Community Opportunities Program to offer incentives for landlords to accept Section 8.

[2] Until September 2004, the FHCSD provided fair housing services within the Urban County area (including the unincorporated areas of San Diego County, as well as in the cities of Coronado, Del Mar, Imperial Beach, Lemon Grove, Poway, and Solana Beach).

North County Lifeline

North County Lifeline (NCL) is a non-profit, human service agency providing a wide variety of services to North San Diego County. NCL's mission is to enhance the positive quality of individual, family and community life. Services are available in English, Spanish, and American Sign Language.

NCL provides a Dispute Resolution Program with the following four components:

- **Mediation** (Offers a free service where trained mediators sit down as a neutral third party with the two disputing parties for a problem-solving session.)
- **Conciliation** (Offer free counseling over the phone)
- **Legal Advice Clinic** (Tuesday and Thursday evenings from 6:00 p.m. to 8:00 p.m. Offers a 20-minute consultation by volunteer attorneys to review legal options.)
- **Mediation Skills Training** (Offer a 40-hour certification training that satisfies requirements of the State of California Dispute Resolution Program Act. The Minimum Continuing Legal Education (MCLE) and Continuing Education Credits (CEU's) are offered for Attorneys and mental health professionals. Training is also provided to students to offer alternatives in resolving conflict.

NCL also serves as the lead agency in the collaboration with Heartland Human Relations and Fair Housing Association (HHR&FHA) and South Bay Community Services (SBCS) to provide fair housing services for the San Diego Urban County. The collaboration is referred to as Lifeline's Fair Housing Collaborative. Within the Urban County, NCL is responsible for the area west of I-15 from the Orange County/Riverside County border south to and including the cities of Solana Beach and Del Mar. In addition, NCL has separate contracts with the cities of Encinitas, San Marcos, and Vista.

Heartland Human Relations and Fair Housing Association

Heartland Human Relations and Fair Housing Association (HHR&FHA) provides various services including: support for victims of racial, ethnic, religious, gender, sexual orientation discrimination, public forums on race relations and cultural pluralism, fair housing advocacy, housing counseling, mediation of disputes, investigation of allegations of discriminatory practices in housing, and community education regarding the rights and responsibilities of tenants and landlords. The agency has also established programs related to human relations in high schools, where scholarships are provided to students showing outstanding achievements in the field of human relations, and offers outreach and education on human relations as a separate component of service. As of February 2005, HHR&FHA serves the cities of La Mesa, Santee, El Cajon, Escondido, and Carlsbad, as well as portions of the Urban County (east of the I-15 from the Riverside County border south to the 94 Freeway, and including the City of Lemon Grove). Languages offered include English and Spanish, and limited Arabic.

South Bay Community Services

South Bay Community Services (SBCS), founded in 1971, began as a treatment center for drug abusing teens and has evolved and expanded in response to the growing needs of the community, and currently provides a range of services. As a partner of Fair Housing Collaborative, SBCS provides fair housing services for the portion of the Urban County south of the 94 Freeway (excluding Lemon Grove), west to the Pacific Coast, and East to the County line, including the cities of Coronado and Imperial Beach.

Fair Housing Resources Board

Fair Housing Resources Board (FHRB) is a collaboration of fair housing non-profits, member cities, and interested citizens seeking to further the cause and the aims of fair housing opportunity. While the Board does not provide services collectively, members meet monthly to discuss relevant issues and act as a collaborative network to address fair housing in the region.

Tenants Legal Center of San Diego

The Tenants Legal Center (TLC) of San Diego is a community law office located and practicing in San Diego. TLC provides legal assistance and offers a wide range of services performed by independent practicing attorneys to residential and commercial tenants. TLC's goal is "to provide an affordable resource for renters to become educated and protected as to their rights under the law." TLC provides recorded information on landlord-tenant laws using a touch-tone phone to access service. Information is provided on subjects such as eviction, security deposits, condition of property, leases, small claims court, privacy, and injuries on premises.

Legal Aid Society of San Diego

Legal Aid Society of San Diego provides the following services: a Hotline for AIDS, HIV, undocumented-persons rights, consumer, criminal, family, and housing law issues. Staff assistance includes form completion, consumer advocacy on health plans rights, and legal counsel for landlord-tenant issues, criminal justice, family law, consumer issues.

San Diego Mediation Center

San Diego Mediation Center (SDMC) is a private, non-profit corporation offering alternative dispute resolution services. It manages over 2,500 cases annually and serves clients from private industry, the courts, the community and local governments. Established in 1983, SDMC's Community Mediation Program provides low and no cost mediation service to assist in resolving a myriad of common disputes, including landlord/tenant issues. Services are generally provided within 14 days of initiation and over 80 percent of the community mediations end with a voluntary agreement between the parties that totally resolves the issues. With four offices and over 20 mediation sites, services are convenient to nearly all County residents. If mediation is not a viable solution, referrals are made to the appropriate agency.

State Department of Fair Employment and Housing

Department of Fair Employment and Housing (DFEH) investigates complaints of employment and housing discrimination based on race, sex, religious creed, color, national origin, medical condition (cured cancer only), ancestry, physical or mental disability, marital status, or age (over 40 only). DFEH also investigates complaints of housing discrimination based on the above classes, as well as children/age, and sexual orientation.

DFEH announced a new program in May of 2003 for mediating housing discrimination complaints, which is a first for the State of California and is the largest fair housing mediation program in the nation to be developed under HUD's Partnership Initiative with state fair housing enforcement agencies. The program provides California's tenants, landlords, and property owners and managers with a means of resolving housing discrimination cases in a fair, confidential, and cost-effective manner.[3] Key features of the program are: 1) program is free of charge to the parties; and 2) mediation takes place within the first 30 days of the filing of the complaint, often avoiding the financial and emotional costs associated with a full DFEH investigation and potential litigation.

One complaint of the DFEH is that the length of time it takes the agency to resolve cases makes it hard to track dispositions of cases referred to the agency.

DFEH cases account for 20 percent of all HUD discrimination cases that are handled by state fair housing agencies. The program's offices will be located in Sacramento and Los Angeles, though mediations will be held throughout the state.

The fair housing service providers work in partnership with HUD and DFEH. After a person calls in for a complaint, an interview takes place, documentation is obtained and issues are discussed to decide on the course to proceed. Mediation/conciliation is offered as a viable alternative to litigation. If the mediation/conciliation is successful, the case is closed after a brief case follow-up. If the mediation/conciliation is unsuccessful, the case is then referred to DFEH or HUD. If during case development further investigation is deemed necessary, testing may be performed. Once the investigation is completed, the complainant is advised of the alternatives available in proceeding with the complaint, which include: mediation/conciliation, administrative filing with HUD or DFEH, referral for consideration to the Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, or referral to a private attorney for possible litigation.

[3] DFEH News Brief, May 29, 2003

6.4 Fair Housing Statistics

As part of the enforcement and tracking services provided by the above mentioned fair housing service providers, intake and documentation of all complaints and inquiries are compiled. Appendix D contains detailed tracking of discrimination complaints and cases over the past three years for each of the jurisdictions within San Diego County.

While there were many complaints in each jurisdiction, few actually became bona fide cases.

Statistics reported throughout the San Diego region indicate that low income people, regardless of race are the most heavily impacted by fair housing issues. The majority of complaints reported by the fair housing councils were based on race, familial status, and disability, though the order varied among jurisdictions. Consistent with the demographics make up of the region, White, Hispanics, and African-Americans reported the majority of complaints.

Fair Housing Council of San Diego[4]

During FY 2000/01 through FY 2002/03, the following complaints were received and reported by FHCSD:

City of San Diego - 816 Complaints

36% Caucasian	21% Race
29% African-American	15% Calls for Info
17% Hispanic	13% Disability
4% Asian	11% Familial Status

San Diego Urban County - 148 Complaints

51% Caucasian	16% Calls for Info
19% African-American	15% Disability
16% Hispanic	11% Familial Status
2% Asian	11% Classes protected by State laws

4 See Tables D-1 and D-2 in the appendix for complete details.

National City - 59 Complaints

63% Hispanic	20% Race
15% African-American	15% Familial Status
15% Caucasian	12% Calls for Info
7% Asian	10% Classes protected by State laws

Chula Vista - 154 Complaints

42% Hispanic	23% Race
28% Caucasian	16% Disability
18% African-American	12% Familial Status
2% Asian	10% Calls for Info

North County Lifeline[5]

During FY 2001/02 through FY 2002/03, the following complaints were received and reported by NCL:

Encinitas - 234 Complaints (62% were calls for information)

56% Caucasian	13% Other
33% Hispanic	11% Disability
6% African-American	9% Race
3% Asian	2% Familial Status

Vista - 173 Complaints (54% were calls for information)

41% Caucasian	11% Race
39% Hispanic	10% Disability
12% African-American	10% Familial Status
2% Asian	9% National Origin

5 See Table D-3 in the appendix for complete details. North County Lifeline has recently developed a database to track complaint intake, which was implemented as of July 2003. As it was not available in the past, tracking and monitoring is limited. In addition, North County Lifeline was not providing services in FY 2000/01, thus only two years are available as opposed to three for the other service providers.

Heartland Human Relations[6]

During FY 2000/01 through FY2002/03, the following complaints were received and cases filed by HHR&FHA.

Carlsbad - 168 Complaints/27 Cases

82% Caucasian
9% Hispanic
7% African-American
2% Asian

37% Familial Status
26 % Disability
19% Other/Arbitrary
15% Race

Escondido - 1,694 Complaints/20 Cases

48% Caucasian
37% Hispanic
13% Asian
2% African American

90% Race
10% Disability

While Escondido has a large number of families with children, alleged discrimination based on familial status is not a common complaint as it is in most other jurisdictions.

Asians, who nearly always represent more of the population (except in Coronado, Lemon Grove, El Cajon, and the unincorporated County) than African Americans, constitute a very low proportion of complaints filed, with the exception of Escondido.

La Mesa - 910 Complaints/30 Cases

81% Caucasian
8% Hispanic
6% African-American
3% Asian

37% Familial Status
30% Disability
23% Race

While La Mesa, National City, and Santee have similar populations (approx. 54,000 people), the number of complaints over a three-year period ranged from 420 complaints in Santee to 910 in La Mesa.

6 See Tables D-4, D-5, and D-6 in the appendix for complete details. Ethnic breakdown is for complaints received, not cases filed.

Lemon Grove - 323 Complaints/13 Cases

68% Caucasian
13% African-American
11% Hispanic
6% Asian

54% Disability
23% Race
23% Other/Arbitrary

While Lemon Grove is part of the Urban County program, it does not use FHCSD to provide services to its residents.

El Cajon - 3,342 Complaints/200 Cases

75% Caucasian
9% African-American
8% Hispanic
6% Asian

32% Familial Status
25% Religion
25% Race
13% Disability

Santee - 420 Complaints/12 Cases

90% Caucasian
4% Hispanic
1% African-American
4% Asian

33% Other/Arbitrary
25% Disability
25% Familial Status

Even though Hispanics represent larger percentages (by at least 10 percentage points) of the populations than African Americans in all of the jurisdictions, their shares of complaints are nearly equal to African Americans, with the exception of Escondido and Santee.

As at least a third of the complaints reported to fair housing service providers came from female-headed households. Special efforts may be needed in the cities of Imperial Beach, Lemon Grove, El Cajon and National City which have slightly over 10% of their households characterized by female-headed families with children.

City of Oceanside

During FY 2000/01 through FY 2002/03, the City of Oceanside was the only jurisdiction that provided services in-house through a fair housing coordinator. While the City did not perform extensive tracking of the types of calls received, the City estimated that 9 to 12 complaints were processed per year and the City relied heavily on referring callers to other agencies to seek assistance. The City does, however, contract with HHR&FHA to provide annual audits to test for discrimination and has decided to contract

for services with FHCSD beginning with FY 2003/04 to provide comprehensive services to residents.

As part of the City's effort to provide education and outreach, the City conducted quarterly staff trainings for the City's Crime Free Multi-Housing Program, provided training to the North County Board of Realtors and first time homebuyers, and distributed fair housing information at four neighborhood resource centers. Developers were also required to sign the Voluntary Affirmative Marketing Agreement with the Builders Industry Association of San Diego County and staff participated in the Fair Housing Resource Board on a monthly basis.

Comparison to National Trends

To provide a comparative context for the fair housing profile in San Diego County, the "2002 Fair Housing Trends Report" by the National Fair Housing Alliance was reviewed. According to that report, race, disability, and familial status (in that order) were the most commonly reported forms of discrimination in the U.S. as recorded by HUD, the Department of Justice, National Fair Housing Alliance member agencies, and more than 70 state and local government agencies.

Conditions in San Diego County are similar to the national finding, as well as many other jurisdictions in Southern California.

The majority of discrimination complaints compiled by the National Fair Housing Alliance came from the rental market, followed by the mortgage lending, ownership market, and home owners insurance sectors. Approximately 75 percent of all inquiries/complaints were resolved, while 22 percent became cases and less than 1 percent was referred to a higher agency.

6.5 Discrimination Cases (Litigation)

According to DFEH, a total of 262 discrimination cases were filed in San Diego County and closed from July 1, 1999 through December 31, 2002. Statewide, 2,613 cases were filed during the same period, showing 10 percent from San Diego County. This level of complaints represents an increase of 38 cases compared to the last three-year period. The basis for discrimination was as follows (complainants are allowed to list up to four categories, so the totals do not equal 262):

- Race/Color - 63
- National Origin/Ancestry - 36
- Religion - 12
- Physical Disability – 101
- Age - 6
- Retaliation - 18
- Association (with another basis) - 7
- Sex (including harassment) - 32
- Marital Status - 18
- Familial Status - 63
- Source of Income - 5

Similar to the statistics received by the fair housing councils and national studies, DFEH cases were based primarily on familial status, disability, and race. While these were also the same protected classes that comprised the majority of cases reported in a three-year period (1996-1999) documented in the 2000 AI, their proportional shares have shifted somewhat, with race slightly decreasing to 17 percent from 23 percent. The largest shift has been in the physical disability category, increased from 19 percent of the cases to 28 percent. All other categories maintained similar proportions. Familial status remained at 17 percent of the cases.

The prohibited acts were as follows (complainants are allowed to list up to four, so the totals do not equal 262):

- Refusal to Rent - 62
- Eviction - 114
- Refusal to Sell - 5
- Loan Withheld- 1
- Unequal Terms - 48
- Harassment - 74
- Unequal Access to Facilities- 21
- Rent Increase - 4
- Occupancy Standards - 3
- Reasonable Modification/Accommodation Denied - 19

While evictions, refusal to rent, harassment, and unequal terms represent the majority of alleged acts in the cases handled by DFEH, these categories do not comprise the majority of complaint categories reported by the service providers.

It is interesting to note that while disability cases represented 28 percent of the cases, only five percent of the alleged acts were related to denying a reasonable accommodation[7] and six percent were related to unequal access to facilities. The majority of alleged acts were related to evictions (32 percent), harassment (21 percent), refusal to rent (18 percent), and unequal terms (14 percent). These percentages are relatively similar to the proportions indicated during the 2000 AI, with a slight decrease in refusal to rents (25 percent in the 2000 AI) and a slight increase in harassment (17 percent in the 2000 AI). Evictions and unequal terms represent nearly the same percentages in both three-year periods.

Of the cases received, 22 percent were successfully conciliated, while 53 percent produced no probable cause to prove a violation, approximately 13 percent withdrew with a resolution, 5 percent withdrew without resolution, and approximately 5 percent indicated that the complainant was unavailable. Compared to the 2000 AI, DFEH disposition results are nearly the same, with slightly less (46 percent) cases having no probable cause to prove a violation.

Demographic data pertaining to the 262 cases indicate that the majority (82 percent) of the complainants were classified as "Other." Approximately four percent of the cases involved African American complainants, four percent Hispanic non-Mexican, four percent Caucasian, and four percent Mexican Americans.

Statistics of DFEH cases by ZIP Codes indicate that 53 cases were filed within the Urban County area (inclusive of 37 cases from unincorporated areas) and 209 cases were filed within the entitlement cities. The majority of the cases filed came from the cities of San Diego City and El Cajon, as well as the unincorporated areas.

- San Diego City 94
- El Cajon 42
- Unincorporated Areas 37
- Carlsbad 16
- Chula Vista 14
- Vista 12
- Oceanside 11
- Escondido 10

[7] This category was not reported in the three-year period analyzed in the 2000 AI, even though 19 percent of the cases were related to disability.

- National City 10
- Santee 10
- Lemon Grove 5
- San Marcos 4
- Encinitas 4
- La Mesa 4
- Solana Beach 3
- Coronado 1
- Del Mar 1
- Imperial Beach 1
- Poway 1

Looking at trends pertaining to race, while the "other races" represented the majority of cases filed in both areas, Hispanics represented a higher proportion of cases within entitlement cities (approximately 9 percent) and represented none of the cases filed in the Urban County area. Caucasians and African Americans represent equal proportions in the Urban County area (6.3 percent each), while slightly less in the entitlement cities (3.8 percent African American and 4.8 percent Caucasian). Comparing the data by discrimination type shows the following trends:

Category/Area	Race	Physical Disability	Familial Status	National Origin
Urban County	30%	25%	5%	25%
Entitlement Cities	23%	40%	24%	12%

Comparing the data by housing issue shows the following trends:

Category/Area	Eviction	Harassment	Refusal to Rent	Unequal Terms	Denied Reason Accommodation	Unequal Access
Urban County	45%	23%	23%	0%	0%	0%
Entitlement Cities	32%	22%	16%	14%	6%	7%

6.6 Education and Outreach Efforts

Education is believed to be one of the most important tools in ensuring that fair housing opportunities are provided and therefore, is one of the most important components of fair housing services. Education gives residents the knowledge to understand their rights and responsibilities, to recognize discrimination, and to locate resources if they need to file a complaint or need general assistance. The following briefly reviews some of the educational outreach efforts provided by the three major service providers.

Fair Housing Council of San Diego

From FY 2000/01 through FY 2002/03, FHCSD provided a variety of outreach efforts including the following annual events:

- UNITY Fest to address hate crimes in housing and neighborhoods
- Fair Housing Laws and Litigation Conference
- Open Doors Awards Luncheon with San Diego Association of Realtors

In addition, FHCSD has:

- Operated and maintained a complaint hotline
- Collaborated with many organizations to produce a both an English and Spanish Language training video for local use
- Conducted mailing campaigns
- Contributed newspaper articles in local papers
- Produced several Public Service Announcements
- Established a student intern program with SDSU and UCSD
- Provided an array of technical assistance to various housing professionals throughout San Diego County
- Conducted various community presentations and workshops

Special Projects and programs that FHCSD is involved with include:

- CommUNITY200, which focuses on raising awareness of reporting hate crimes in housing
- Equal Access to Homeownership Project, which focuses on predatory lending issues
- DRE approved fair housing course as required for continuing education for realtors

The FHCSD provides extensive and comprehensive educational outreach services to residents and housing professionals in the San Diego region in both proactive and reactive manners.

Heartland Human Relations and Fair Housing Association

Heartland Human Relations and Fair Housing Association focuses education and outreach efforts on distributing landlord/tenant and fair housing informational handbooks and conducting meetings and presentations. From FY 2000/01 through FY 2002/03, Heartland Human Relations distributed more than 3,000 pieces of literature:

	Carlsbad	El Cajon	Escondido	La Mesa	Lemon Grove	Santee	Total
2000/01	150	514	94	85	42	63	948
2001/02	285	636	200	151	20	26	1,318
2002/03	218	470	140	70	25	90	1,013
Total	653	1,620	434	306	87	179	3,279

Meetings and presentations were held in a manner that benefited all cities, and are therefore reported as a tally of events for each year as follows:

- 2000/01 202 presentations
- 2001/02 177 presentations
- 2002/03 194 presentations

North County Lifeline

NCL provides education and outreach through presentations, workshops, literature distribution, and media. During FY 2001/02 through FY 2002/03, NCL provided the following education and outreach efforts:

- Staff Presentations
- Realtor Presentations
- Community Presentations
- Community Trainings
- Printed Materials
- Homebuyer workshops
- Media Articles and Interviews

While these educational outreach efforts benefit the North County region as a whole, Vista and Encinitas have particularly benefited by having most of the events held within their jurisdictions. Annual outreach reports indicate

that over 45 presentations were held, benefiting over 912 attendees in Encinitas and 55 presentations were held, benefiting 1,030 attendees in Vista annually. The number of literature pieces distributed was not reported.

City of Oceanside

The City of Oceanside conducts a quarterly training for the "Crime Free Multi-Family Program," which contains a fair housing component. A total of 68 persons received training during FY 02/03. The City also conducts first-time homebuyer classes for applicants of the First-time Homebuyers Program, stressing the need for awareness of potential discriminatory practices and to contact the City's Fair Housing Officer should they have suspicions of any fair housing violations. During FY 2002/03, 11 families received training.

The City of Oceanside requires all developers to sign a Voluntary Affirmative Marketing Agreement (VAMA) with the Building Industry Association of San Diego County. This program requires developers to conduct business in a nondiscriminatory manner in the sale or rental of housing units.

The City of Oceanside administers four neighborhood resource centers. All centers dispense fair housing literature and act as referral stations for fair housing problems. During FY 2002/03, the City assisted four persons in the filing of fair housing complaints.

6.7 HUD Housing Discrimination Study (2000)

In 2000, HUD conducted a study of housing discrimination in 60 major metropolitan areas in the nation, including the San Diego region. The report is referred to as the Housing Discrimination Study 2000 (HDS2000). HDS2000 finds that discrimination still persists in both rental and sales markets of large metropolitan areas nationwide, but that its incidence has generally declined since 1989. Only Hispanic renters face essentially the same incidence of discrimination in 2000 as did in 1989. Otherwise, the incidence of consistent adverse treatment against minority homeseekers had declined over the last decade.

Specifically in the San Diego region, HDS2000 concludes the following:

- Consistent adverse treatment against Hispanic renters compared to non-Hispanic White renters (29 percent of the paired tests)

- Hispanics were less likely to be told the advertised unit was available than similarly qualified non-Hispanic Whites

- Consistent adverse treatment against Hispanic homebuyers compared to non-Hispanic White homebuyers (19 percent of the paired tests)

6.8 Testing and Audits (2000)

At the request of the following jurisdictions, HHR&FHA conducted testing and auditing in the cities of El Cajon, Escondido, and Oceanside in 2000. The purpose of the tests was to determine the extent of discrimination in the rental market in these cities.

The tests were conducted in two rounds, round one to determine differential treatment and round two to follow up and see if the differential treatment occurred again. Those resulting in positive findings of questionable practices in round one were scheduled for a second round of testing. Sites where differential treatment occurred were to be provided with notification regarding the laws and offered continued education and outreach. All tests used the paired testing methodology. The results of these tests are summarized below.

No additional audits or testing have been done since these audits were done in 2000, though many jurisdictions have a provision for testing and auditing to be conducted as necessary within the work scope of their contracts with the various fair housing service providers.

El Cajon: Twenty sites were tested for differential treatment towards families with children, Hispanics, and African Americans. Round one of testing resulted in two complexes needing to be retested for differential treatment to families with children, three complexes for Hispanics, nine complexes for African Americans. Results of round two of the testing indicated more obscure results and did not lead to any definitive findings.

Escondido: Twenty sites were tested for differential treatment towards Hispanics. Results indicated that five sites needed to be retested in round two. Of those that were retested in round two, one showed no differential treatment, two remained problematic, and two still needed retesting; however low vacancy rates did not allow for retesting and the report was turned into the City incomplete until vacancy conditions would allow for retesting.

Oceanside: Eighteen sites were tested for differential treatment towards people with disabilities (physical). Five sites were scheduled for round two

tests, of which two sites showed no differences in treatment, two remained problematic, and one needed to be retested.

6.9 Testing and Audits (2003)[8]

As part of the 2004 AI, CMH Consulting conducted 40 paired audits/tests to determine recent patterns of discrimination in the San Diego region, specifically in the area of familial status (families with children). These are the only tests that have been conducted since 2000.

Methodology

Training

Volunteer testers were recruited, screened, and trained in four-hour training sessions provided by CMH. The training sessions included a practice site visit and/or role-playing, a discussion of the history of fair housing law and the methodology of testing and reinforcement of the qualities needed in a tester: i.e., objectivity, reliability and confidentiality.

Planning

Using Census information and knowledge of rental housing locations, CMH created a plan outlining the number of tests for each geographical area. The project supervisor located apartment vacancies by reviewing newspaper listings as well as the various rental guide magazines. Apartments to be tested were randomly selected. No senior housing was considered for testing. The challenge was having appropriate vacancies in the right area. Locating vacancies in National City, Coronado, and Delmar was particularly a challenge.

A matched pair of testers, one matching the variable being tested and the other as a control, was then assigned to visit the apartment office. Testers were matched in relation to race, gender, age, income, dress and background (employment history and housing needs) for all stages of the study. The testers were assigned "profiles" or identities of a married couple, no pets and no water-filled furniture.

The tester representing the variable being tested was assigned two children (boys at seven and ten years of age) or (one at boy ten years of age). They were all looking for a two-bedroom unfurnished apartment at various rent

8 Testing conducted by CMH between October 2003 and January 2004.

levels. Income was adjusted to accommodate going rate of a particular assignment. The standard test was arranged as follows: The tester (representing the variable being tested) made an appointment for a specified time, or simply "dropped in" if it was determined that the office would be open and appointments would not be necessary. The control tester followed within an hour, making an appointment only if the other tester had made one.

At the Site: Ask and Observe

Each tester asked standard pre-arranged questions and was trained with certain responses, so that the two visits were essentially identical in all ways except for the variable being tested – one tester has children the other does not.

Each tester was instructed to inquire about two-bedroom apartments that would be within a certain price range and available within a certain time frame. In this way, the chance that different information might be obtained due to a particular request or characteristic of the tester (for example, a request to be near the pool or on the first floor) would be eliminated. Testers were instructed to closely follow the guidelines set forth in their training to ask questions a perspective tenant might ask.

Testers were trained to ask about and observe a number of items that are the things any renter would need to know:

- Is there an apartment available and when will it be ready?
- Is some preparation necessary, such as cleaning and painting, or is the apartment ready to be occupied?
- The tester noted which apartment numbers she or he was shown, or whether a model was shown.
- Is the tester offered an application and invited to place a deposit?
- What are the rental terms, amount of security deposit and credit check fees? These expenses are frequently referred to as "move-in costs".
- Are there any moving incentives offered such as rent reductions?
- What types of leases or agreements are available (these can be month-to-month, six month, or one year).

Testers also observed other persons around the complex and in the office, to note the race of tenants, applicants and employees and the presence of children. The tester was asked to report on how she or he was greeted the mechanics of the interview, whether the tester was asked about "good credit" or if there was any discussion of ability to pay.

The items listed above are all important to the comparison since slight variations in any of them can make renting an apartment more attractive to a prospective tenant. For example, a one-year lease protects the tenant from rent increases and provides more stability. Also, it is helpful in analyzing the test results to know the apparent demographics of the complex.

Analysis of Each Visit

Immediately upon leaving the testing site, testers filled out their reports, which consisted of a narrative and a four-page questionnaire. These reports were then returned to the project supervisor and compared for differences. The testers, therefore, were unaware of any difference in results. The comparisons are not revealed to them at any point.

In conclusion, the design of an assessment ensures a high degree of objectivity and eliminates alternative explanations, aside from the variable being tested for observed differences in information and treatment.

Tests and Results

For the purposes of this report, each site was assigned a number and referenced by that number throughout the testing. A total of 41 sites were tested for discrimination against families with children. Only sites where differential treatment was found are listed here. The jurisdiction will also be mentioned in reference to the 8 sites where questionable practices were observed.

Site #13 - San Diego

Tester with children asked if there were other children in complex for hers to play with. Manager replied, "I can't give you that information. It is illegal and we don't keep statistics." She told the tester without children that they were considering putting in a playground.

Site #14 - San Diego

Tester with children steered to another site owned by landlord. Landlord (owner) commented to tester without children that they only had adults in this building.

Site #15 - San Diego

Landlady (owner) showed unit to tester without children and urged her to call back and let her know if she decides she wanted the unit. The tester with children followed 20 minutes later and was told it had been rented.

CMH called to inquire about seeing the unit before the testers went out and the landlady said that the unit was not appropriate for children. The reasons she gave was "not enough room and no place for them to play." She is planning to move into the complex and make it her home.

After the tests were done, CMH called again and were told that the unit was still available. CMH did not schedule a second round on this one. Based on the information from the tests and phone calls, blatant discrimination was evident.

Site #16 - San Diego

Testers were given same information. The tester with children was told that no children were allowed in the courtyard.

Site # 22 - San Diego

Testers were given same information. Manager told tester without children that all the children were in Building # 6.

Site #26 – Carlsbad

Manager commented to tester with children that it was a very quiet complex and that they have a strict policy about noise and "that includes children." No such comment was made to the tester without children. Also, the manager made a follow-up call to the tester without children to encourage her to take the unit after the test. No such call was made to the tester with children.

Site #40 - Poway

Testers experienced differential terms and treatment in several ways at this site. The tester with children was told availability dates were dependent on the movement of the marines while the tester without children was told the first week in December (in 2 two weeks). Manager called her on her cell within 5 minutes of the test and said a two-bedroom unit had become available immediately due to a cancellation of a formerly approved prospective tenant. The tester with children was steered to another site. The manager confided to the tester with children that she was leaving the complex because of the kind of people moving in -- "They" don't speak English - it is part of the "hood." The tester without children observed the manager tell a Hispanic couple who was waiting that there were no available apartments at this time.

Site #41 - Lemon Grove

Terms and treatment of testers were equal. However, comments about the quietness of the complex were made to the tester with children but not to the other tester. When asked by the tester with children if other children resided there, the manager responded, "No." She also seemed hesitant about whether they could play downstairs. CMH decided it should be scrutinized more closely.

There may be some preference for childless families but CMH was unable to verify. Manager returns calls selectively or not at all. Tester went by the site and was told by the manager that they were waiting for a credit check to clear. The testers observed that the "For Rent" signs were gone and the ad is no longer in the newspaper. After several unsuccessful attempts to get a return call, the unit was assumed to be rented.

6.10 Landlord/Tenant Complaints[9]

Looking at each fiscal year, the majority of cities experienced a gradual *decrease* in complaints. Complaints filed by Carlsbad and Vista residents gradually increased, while complaints by Escondido residents doubled in FY 2002/03.

Typically, landlord/tenant issues are separate from fair housing issues. However, both HHR&FHA and NCL also report discrimination complaints as part of their land/landlord program. In reviewing landlord/tenant complaints received by HHR&FHA and NCL, the majority of complaints seemed to revolve around similar issues across the region, with the exception of Carlsbad, where 13 percent of the complaints are discrimination complaints. During the three-year period of FY 2000/01 through FY 2002/03, the following landlord/tenant complaints were reported (only the top four complaints appear):

Carlsbad - 175 Complaints

57% General Info
13% Discrimination
11% Deposits
10% Repairs

Escondido - 1,745 Complaints

40% General Info
38% Rent Increases
13% Repairs
04% Deposits

La Mesa - 1,000 Complaints

52% General Info
11% Repairs
10% Deposits
07% Eviction

9 See Tables 4-7 and 4-8 in the appendix for complete details.

Lemon Grove - 343 Complaints

42% General Info
16% Listings[10]
10% Eviction
09% Rent Increase

El Cajon - 3,639 Complaints

47% General Info
12% Listings
11% Repairs
09% Deposits

Santee - 461 Complaints

49% General Info
13% Listings
10% Deposits
09% Repairs

Vista - 115 Complaints

33% Notices
22% Repairs
20% Eviction
07% General info

Based on the above information, nearly half of all calls received are related to general information, which is a good indication that people know who to call when they have questions. More specifically, housing issues are very similar across jurisdictions, though in various orders. The majority of complaints involve listings, deposits, repairs, and evictions. While repairs and evictions also make up the bulk of complaints in Vista, unlike most of the cities, notices make up one-third of their residents complaints. Also noticeably different than the rest of the region are the high percentages of rent increase complaints in Escondido (38 percent), which comprise fewer than 16 percent of complaints in other neighboring jurisdictions. Carlsbad is also different in that discrimination is the major basis of complaints at 13 percent.

The FHCSD does not process or track landlord/tenant complaints; statistics for the Urban County jurisdictions and the cities of San Diego, National City, and Chula Vista are not included in this discussion.

10 Listings refer to callers wanting information on the low cost housing rental list maintained by Heartland.

6.11 Contractual Obligations of Service Providers

As individual cities have needs of various degrees, contracts with sub-recipient service providers may be written to reflect these differences. On the one hand, such practices would allow the jurisdictions to tailor the services to the specific needs of the communities; on the other hand the varying scopes of work may result in service gaps throughout the County. The following is a review of the contractual obligations of each of the three service providers within the County. While allocation amounts varied along with contractual obligations, the number of residents assisted in each jurisdiction was nearly the same. In addition, presentations have benefited each city due to proximity of location.

Fair Housing Council of San Diego

Provides all of their clients with the following services:

- **Advocacy:** Provide informational support as needed, communicate with government officials annually, collaborate with other groups as needed.

- **Outreach and Education:** Provide outreach at meetings and through mailings ongoing, operate daily telephone hotline daily, prepare and distribute multi-lingual materials 12 monthly mail campaigns, Training video/public service announcements, collaborate with CBO's to provide events, serve as a central resource center for FH info-monthly, media coverage-2 articles per year, 1 workshop per quarter, organize fair housing events annually

- **Technical Assistance and Training:** Assist with fair housing plans, offer DRE accredited training, prepare and disseminate info to members of the housing industry, provide technical information for conciliation, participate in area trade shows, conduct training conference for attorneys and advocates, conduct tests and audits.

- **Enforcement:** Receive and process complaints- daily, investigate and provide supporting evidence for complaints-daily, provide conciliation services-ongoing.

- **Special Events:** San Diego Advertising Task Force – annual; subcommittee on Hate crimes - monthly meetings; fair housing laws and Litigation conference – annually; Unity Fest – annual; National Fair Housing Awards Luncheon - annual.

- **Administrative:** Network and provide staff training

- **Records Maintenance:** Quarterly reports

Chula Vista: FHCSD has been given an allocation of approximately $39,000 per year to provide the above scope of work.

National City: FHCSD has been given an annual allocation to provide the above scope of work.

City of San Diego: FHCSD was provided $44,000 in FY 2003/04 to provide the above scope of work but the funding decreased to $12,000 in FY 2004/05. In addition, the San Diego Housing Commission provides approximately $88,000 per year.

San Diego Urban County: FHCSD received an allocation of approximately $50,000 per year to provide the above scope of work until FY 2004/05.

Heartland Human Relations

El Cajon: HHR&FHA typically serves 900 to 1,200 El Cajon residents each year and the agency is allocated approximately $39,000 annually to provide the following services:

- Serve as a fair housing resource for the area, including implementation of an affirmative action fair housing marketing plan, testing and complaint verification
- Respond to all citizen complaints regarding violation of fair housing laws
- Provide tenant/landlord counseling to all inquiring citizens
- Promote community awareness of tenant/landlord rights and responsibilities
- Monitor housing legislation and reporting to the City
- Report monthly on complaint processing
- Maintain a free rental listing service of affordable housing within the City of El Cajon.

La Mesa: HHR&FHA is allocated approximately $23,000 annually to provide the following services:

- Provide general fair housing services to La Mesa residents and East County
- Respond to 200 inquiries per quarter
- Participate in 15 meetings or seminars per quarter
- Continue to use media for education
- Provide client referrals as needed
- Maintain records for documentation
- Submit Quarterly and Annual Reports

Santee: HHR&FHA is allocated approximately $8,500 per year to provide services equivalent to those listed above for La Mesa.

North County Lifeline

Vista: NCL has been assisting the City of Vista for the past two fiscal years (FY 2001/02 and FY 2002/03). While most of the agency's work scope has been consistent, the FY 2002/03 contract included additional work in regards to testing and assisting with the Weed and Seed landlord training program. The agency has received approximately $15,000 a year to provide for the following services:

- Annual update of Fair Housing Information Pamphlet
- Homebuyer Training in the Vista Home Ownership Programs
- Realtor Training Orientations for the North County Association of Realtors (four per year)
- General Staff Training
- Review, help mediate, and/or assist in filing complaints with DFEH
- Code Enforcement and Housing staff training (twice per year)
- Implement Fair Housing Poster Contest
- Participate in FHRB
- Submit Quarterly and Annual Reports

Currently, the contracts do not include reproduction costs for materials and supplies for literature handouts, which could potentially impact education and outreach efforts.

Encinitas: NCL has assisted the City of Encinitas with fair housing and landlord/tenant services for the past two fiscal years (FY 2001/02 and FY 2002/03). NCL has been allocated approximately $6,000 per year to provide the following services:

- Provide education and outreach to approximately 100 people thorough 10 workshops per year
- Provide quarterly reports utilizing City of Encinitas reporting forms
- Arrange testing as needed when unfair practices are suspected

San Diego Urban County: As of October 2004, the County has contracted with North County LifeLine for fair housing services in the Urban County through a collaborative that includes Heartland Human Relations and Fair Housing Services and South Bay Community Services, each serving a different region.

6.12 Fair Housing since 2000[11]

The climate of fair housing in the San Diego region has somewhat shifted since 2000. The most notable trend would be a general increase of complaints reported by Hispanics and decrease by African Americans. Statistics presented below are based on two three-year period: the 2000 AI covers the period of 1996-1999 and the 2004 AI covers the period of 1999-2002.

Chula Vista

Statistics in the 2000 AIs indicated that African Americans, Whites, and Hispanics filed complaints nearly equal at roughly 30 percent each. However current trends show an increase in the number of complaints filed by Hispanics (42 percent), while complaints from African Americans decreased to 18 percent, and Whites slightly decreased from 35 percent to 28 percent.

While discrimination complaints based on race, disability, and familial status have remained the major complaints, complaints based on national origin and State-protected classes (income and sexual orientation) have decreased to three to four percent. Complaints based on familial status have also decreased from 24 percent in 2000 to 12 percent in the current period. The overall number of complaints filed went from 163 in the last three-year period to 154 in the current.

Encinitas

While complaints from Whites remained the majority (approximately 56 percent), complaints from African-Americans decreased drastically from 24 percent to 6 percent, while complaints from Hispanics increased from 14 percent to 33 percent. In terms of protected class, familial status, disability and race were the major categories reported in the 2000 AI as well as in the current 2004 AI. The overall number of complaints filed went from 21 in the last three-year period to 234 in the current.

[11] See tables 4-1 through 4-12 in the appendix for complete details.

National City

While Hispanics continued to file the most complaints, their percentage share decreased slightly from 71 percent in the 2000 AI to 63 percent in the current 2004 AI. Complaints from African Americans increased slightly from 11 percent to 15 percent and Whites remained nearly the same (16 percent to 15 percent). Discrimination complaints based on familial status decreased drastically from 57 percent in the 2000 AI to 15 percent in the 2004 AI, though the number of overall complaints remained similar (55 in the 2000 AI and 59 in the 2004 AI).

City of San Diego

The overall numbers of complaints reported in both the 2000 AI and the 2004 AI are similar, with a slight increase from 793 to 816. The race and ethnicity of those complaining also remained similar with Whites as the majority (decreasing from 48 percent to 36 percent), followed by African Americans (decreasing 35 percent to 19 percent) and Hispanics (increasing 15 percent to 17 percent). While complaints relating to race remained the top protected class, the percentage share decreased from 24 percent to 21 percent. The other categories of disability and familial status still fell behind race, each slightly decreasing by about eight percentage points each.

San Diego Urban County

Similar to data reported in the 2000 AI, familial status, disability, and race are the major protected classes that were violated in cases filed with DFEH, though the percentages shifted somewhat, with familial status representing 23 percent in the current period compared to 17 percent in the last. Complaints based on race decreased slightly, representing 18 percent in the 2004 AI and 23 percent in the 2000 AI. The largest shift was in the physical disability category, which represented 19 percent of the cases in the 2000 AI and 28 percent in the 2004 AI. All other categories maintained similar proportions.

Of the alleged acts, percentages are relatively similar to the proportions indicated during the 2000 AI, with a slight decrease in refusal to rent (25 percent in the 2000 AI, 18 in the 2004 AI) and a slight increase in harassment (17 percent in the 2000 AI and 20 percent in the 2004 AI). Evictions and unequal terms represented nearly the same percentages in both three-year periods (30 percent and 14 percent, respectively).

PROGRESS SINCE 2000

This chapter summarizes and compares the key findings of the previous two AI documents completed in 2000 – the San Diego Urban County AI (Urban County AI) and the San Diego Regional Area AI (Regional Area AI) – in order to evaluate the progress toward addressing impediments to fair housing choice.

7.1 San Diego Urban County AI

Written in February 2000 by FHCSD, the Urban County AI covered impediments to fair housing choice within the jurisdiction of the Urban County including: the unincorporated areas of San Diego County, and the cities of Coronado, Del Mar, Imperial Beach, Lemon Grove, Poway, Solana Beach ,and San Marcos.

Urban County Issues

The Urban County AI stated that clear concentrations of minorities exist as follows:

- African American populations can be found in the central area of San Diego (City) and in areas near military bases
- Hispanic/Latino populations can be found in the northern and southern areas of the County
- White, non-Hispanic populations can be found in unincorporated areas (Coronado, Del Mar, Poway, and Solana Beach)
- Unincorporated areas have small minority populations except Lincoln Acres, Spring Valley, Ramona, and Fallbrook

In the Urban County AI, FHCSD "used data from sources not limited to the County for the reason that little information exists to substantiate the number or types of complaints alleged in the County's jurisdiction,"[1] further noting the absence of local compilation efforts.

One of the key conclusions was that "the expansion of the Fair Housing Council throughout the County has made education, counseling, testing, and

[1] Urban County AI, SDFHC, 2000. p. 4-1

monitoring more accessible in most parts of the County"[2], but no mention was made of the other agencies, HHR&FHC and NCL having a positive effect. In fact, neither of these agencies was mentioned in the document, though each had been providing services for over 30 years. A possible explanation is that the areas covered (except Lemon Grove) in the Urban County AI were not a part of the other agencies' service areas.

Fair Housing Statistics

In the 2000 Urban County AI, statistics from DFEH showed that during the three-year period of 1996/97 through 1999/00, 229 complaints from the Urban County were filed, 28 percent of which were by African Americans, 21 percent were by Caucasians, 10 percent were from Latinos, and the majority (35 percent) were reported by "others." The alleged acts mainly involved eviction (30 percent), refusal to rent (25 percent), and harassment (17 percent). The protected classifications that were violated the most were familial status (23 percent), race (23 percent), physical disability (19 percent), and national origin (11 percent). Statistics from the 2000 Urban County AI are illustrated in Table 7-1.

[2] Urban County AI, SDFHC, 2000. p. 2-7

Table 7-1
Statistics from the 2000 Urban County AI

	FY 1996/97	FY 1997/98	FY 1998/99	Total	Percent
Race/Ethnicity					
African American	25	19	20	64	27.95%
American Indian	1	4	1	6	2.62%
Asian Pacific Islander	1	0	2	3	1.31%
Caucasian	20	16	11	47	20.52%
Latino	7	8	9	24	10.48%
Other	19	22	38	79	34.50%
Unknown	4	0	0	4	1.75%
Multiple	2	0	0	2	0.87%
Total	**79**	**69**	**81**	**229**	**100.00%**
Alleged acts					
Refusal to Rent	23	26	27	76	25.33%
Eviction	36	27	28	91	30.33%
Refusal to Sell	1	1	4	6	2.00%
Refusal to Show	1	0	1	2	0.67%
Unequal Terms	16	9	14	39	13.00%
Harassment	15	16	19	50	16.67%
Unequal access to facilities	9	11	13	33	11.00%
Occupancy Standards	1	0	2	3	1.00%
Total	**102**	**90**	**108**	**300**	**100.00%**
Protected Classification					
Race	26	17	26	69	22.92%
National Origin	9	11	12	32	10.63%
Religion	1	0	3	4	1.33%
Physical Disability	18	15	25	58	19.27%
Mental Disability	4	1	1	6	1.99%
Retaliation	1	4	5	10	3.32%
Association	6	0	6	12	3.99%
Sex-other	3	4	5	12	3.99%
Sex-Harassment	2	3	0	5	1.66%
Sexual Orientation	1	5	3	9	2.99%
Marital Status	2	6	3	11	3.65%
Familial Status	24	22	24	70	23.26%
Other	2	1	0	3	1.00%
Total	**99**	**89**	**113**	**301**	**100.00%**

Source: SDFHC Urban County AI, 2000 per DFEH

7.2 San Diego Regional Area AI

Completed in October 2000 by FHCSD, the Regional Area AI covered impediments to fair housing choice within the cities of Carlsbad, Chula Vista, El Cajon, Encinitas, Escondido, La Mesa, National City, Oceanside, San Diego, Santee, and Vista. The County of San Diego participated in the regional testing efforts.

Regional Issues

Several potential impediments identified in the Regional Area AI were shared by all jurisdictions:[3]

1. "In the San Diego region, as compared to other jurisdictions, nationally and regionally, litigation, as a response to unlawful housing discrimination, has been an "action of last resort." Fair housing groups located in Orange County, for example have recovered several millions of dollars in damage awards for plaintiffs, as compared to $140,000 in the San Diego region."

   This can be due to several factors. Historically, outreach, education, industry training and collaborative efforts have been the primary enforcement strategies implemented in the region. Heavy emphasis has been placed upon community education. In other cases, consumers chose not to pursue the claim due to various reasons.

2. Although some jurisdictions are projected to grow faster than others, growing populations and housing shortages may present issues of housing discrimination or become barriers to fair housing choice.

3. Each jurisdiction has single parent family households with children and persons with disabilities. These are two special needs groups that are "at-risk" of facing discrimination.

4. Each jurisdiction also lacks public education. Tenants, and some owners, are unaware of legal differences between landlord/tenant issues and fair housing rights.

5. Discrimination in mortgage lending and property insurance marketplace(s) on the basis of race and national origin (Hispanic) is documented through regional audits.

[3] Regional Area AI, FHCSD, 2000.

6. Most discrimination in the region is allegedly on the basis of race, disability, national origin, familial status.

7. The number of hate crimes in the region is increasing; hate crimes involving housing civil rights and fair housing are underreported. Such crimes create barriers to housing choice.

8. A growing number of reported complaints alleging housing discrimination are based upon sexual orientation, sexual harassment, and source of income.

9. All jurisdictions but Carlsbad have little information on the issue of racial credit steering that is available.

The Regional Area AI further analyzed trends as they applied to individual jurisdictions within the region. The following potential impediments were shared by two or more jurisdictions and information contained in Appendix D illustrates which issues are specific to a particular jurisdiction and which jurisdictions share particular issues:

1. **Carlsbad and Chula Vista:** Minority concentrations may be due to income disparity and lower rents.

2. **Chula Vista, El Cajon, Escondido, and La Mesa:** Overcrowded conditions exist for families who rent.

3. **El Cajon and Escondido:** Occupancy standards which are restrictive (allowing less than 2 persons per bedroom, per HUD standards) may pose problem and restrict housing choice.

4. **Encinitas and City of San Diego:** NIMBY attitudes regarding location of affordable housing projects.

5. **Encinitas, La Mesa, and City of San Diego:** There is a limited supply of affordable housing; there is a need for more affordable housing for low-income residents and more housing for all income groups.

6. **La Mesa, National City, and City of San Diego:** Each has a student population which impacts housing demand. There is inadequate housing for students.
7. **National City, City of San Diego, and Vista:** High numbers of Census Tracts containing concentrations of minority populations present a need for deconcentration over time and for pro-integrative move programs such as housing mobility programs.

8. **National City, City of San Diego, and Santee:** Largest household sizes in the region/ or household size continues to grow, large number of families with children.

9. **Oceanside and City of San Diego:** Farm workers – "often receive the least hospitable housing."

10. **Oceanside and City of San Diego:** Presence and/or increase of military population create increased demands for housing.

Potential impediments and market forces that were mentioned in a particular jurisdiction include:

1. **Carlsbad:** Distribution and concentration of Section 8 participant housing in Census Tract 179.000 may become a fair housing problem.

2. **Chula Vista:** City will need to develop new and affordable housing opportunities, in line with the average wages of the growing employment sectors.

3. **El Cajon:** A number of impediments were found:

   - A relatively young age group with lower median incomes and larger proportions of low-income households among ethnic and racial groups face additional barriers to overcome when searching for housing; housing discrimination will exacerbate the problems.
   - Only jurisdiction that has a majority of multi-family units (51 percent). Declining vacancy rate may be a problem.
   - The City has the second highest percentage of single parents in regions, 34 percent are families with children, 42 percent in poverty.

4. **Encinitas:** A number of impediments were found:

   - Wide disparities that exist between income and rental housing costs constitute barriers to housing choice.
   - Rents are 20 percent to 22 percent higher than regional average and present barriers to housing choice.
   - Property owners have increased their standards for tenant selection, turning people away based on number of people in households, which may be unlawful housing discrimination.

5. **La Mesa:** Only 461 of 1,251 of the City's housing stock surveyed had accessible bathrooms and none had roll-in showers to accommodate wheelchairs.

6. **Oceanside:** Renters are more likely to overpay in rents than owners are, this operates as a barrier to housing choice.

7. **City of San Diego:** A number of impediments were found:

   - A very low vacancy rate, 0.85 percent in September 1999, poses a greater possibility of housing discrimination.
   - An aging "baby boom" segment of the population will demand range of housing to meet needs of elderly.

8. **Santee:** A number of impediments were found:

   - Significantly lower rents than surrounding areas may attract applicants seeking lower rents from other jurisdictions.
   - May experience dislocation of families due to construction of State Route 52.
   - Anticipated growth of school district will increase demand for housing.

9. **Vista:** High percentages of Hispanic population in low- to moderate-income census tracts and block groups demonstrate possible impediments to choice based upon income; however, some may have faced discrimination due to source of income or other discriminatory reasons.

Fair Housing Statistics

According to the 2000 Regional Area AI, DFEH case statistics for each jurisdiction in the region from 1996 through 1999 were as follows:

Table 7-2
Number of Complaints from the 2000 Regional Area AI

Jurisdiction	Total Number of Cases
San Diego County	**285**
Carlsbad	10
Chula Vista	17
El Cajon	39
Encinitas	5
Escondido	20
La Mesa	20
National City	3
Oceanside	15
City of San Diego	117
Santee	7
Vista	8
Total	**261 (not including San Diego County)**

Source: SDFHC Regional Area AI, 2000 per DFEH

Race and ethnicity data in the Regional Area AI regarding fair housing complaints were inconsistent. However, the alleged acts mainly involved eviction (32 percent), refusal to rent (24 percent), and harassment (16 percent). The protected classifications that were violated the most were physical disability (25 percent), race (24 percent), familial status (21 percent), and national origin (10 percent). Table 7-3 illustrates these statistics by jurisdiction:

Table 7-3
Characteristics of Complaints from the 2000 Regional Area AI

	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	San Diego City	Santee	Vista	Total	%
Alleged Acts													
Refusal to Rent	3	8	10	3	5	7	3	4	36	3	2	84	24.1%
Eviction	5	6	15	2	9	12	0	6	50	3	5	113	32.4%
Rent Increase	2	0	0	0	0	0	0	0	0	0	1	3	0.9%
Refusal to Sell	0	0	1	0	0	0	0	0	3	0	0	4	1.1%
Refusal to Show	0	1	0	0	0	0	0	0	1	0	0	2	0.6%
Occupancy Standard	0	1	0	0	0	1	0	1	1	0	0	4	1.1%
Unequal Terms	1	4	7	1	6	2	0	4	18	1	0	44	12.6%
Harrass-ment	2	1	11	1	4	2	0	3	28	1	3	56	16.0%
Unequal Access	4	2	9	1	3	3	0	3	13	0	1	39	11.2%
Total	**17**	**23**	**53**	**8**	**27**	**27**	**3**	**21**	**150**	**8**	**12**	**349**	**100%**
Protected Classification													
Familial Status	3	5	12	2	11	3	1	3	26	3	2	71	21.0%
Race	2	2	12	2	3	9	2	7	37	2	2	80	23.7%
Disability	3	10	9	1	4	8	0	7	38	0	3	83	24.6%
National Origin	0	5	8	0	4	0	0	2	13	0	0	32	9.5%
Martial Status	1	1	2	2	0	0	0	0	6	0	2	14	4.1%
Retaliation	2	0	2	2	4	0	0	0	7	0	0	17	5.0%
Sex	3	1	1	0	0	1	0	0	14	0	3	23	6.8%
Sex Orientation	0	0	0	0	0	0	0	0	0	2	0	2	0.6%
Association	0	0	2	0	0	2	0	0	5	0	1	10	3.0%
Religion	0	0	1	0	2	0	0	0	3	0	0	6	1.8%
Total	**14**	**24**	**49**	**9**	**28**	**23**	**3**	**19**	**149**	**7**	**13**	**338**	**100%**

7.3 Summary of Impediments Identified in 2000

The following lists illustrate the impediments identified in the Urban County AI and Regional Area AI, separating into *potential* and *documented* impediments. While listed in different orders in each of the documents, the impediment findings were identical; however, the Regional Area AI listed 12 potential impediments and 6 documented impediments, while the Urban County AI listed 15 potential impediments and 3 documented impediments.

Potential Impediments

The 12 potential impediments contained in both Urban County AI and Regional Area AI were:

1. Language and cultural barriers (Education and Outreach)
2. Affordable Housing Shortage
3. Failure to spend redevelopment funds on housing as mandated by CRL
4. Inadequate supply of affordable and fair housing
5. Economically and racially concentrated areas
6. Transportation that does not facilitate easy access to jobs
7. Preferential or restrictive advertising
8. Failure to make reasonable accommodations/modifications to existing homes or to build new homes according to ADA requirements
9. Discriminatory responses from lenders and home insurance companies
10. Preferences for senior housing instead of housing for families with children
11. Hate crimes
12. Restrictive zoning practices

The three additional *potential* impediments identified in the Urban County AI that were not included in the Regional Area AI were:

1. Predatory lending in the sub-prime market
2. Property insurance redlining
3. Discriminatory responses to renters/buyers seeking housing in a better school district or moving to pursue a job opportunity

Documented Impediments

The six *documented* impediments contained in both Urban County AI and Regional Area AI were:

1. Mortgage lending rejection rates were higher for minorities (especially Hispanics and African Americans) in the pre-application stage of the process
2. Differential treatment of Hispanics, African Americans, and families with children in the rental market
3. Differential treatment of Hispanics and African Americans in the sales market
4. Discrimination more largely impacts single minority female head of households, as well as farm-workers, students, elderly, homeless, and disabled populations
5. Property Insurance redlining (more insurance testing needed)
6. Regional cases recently litigated with violations based on national origin, familial status, disability and advertising.

The two additional *documented* impediments identified in the Regional Area AI but not identified in the Urban County AI were:

1. Discrimination more largely impacting single minority female head of households, as well as farm-workers, students, elderly, homeless, and disabled populations
2. Property insurance redlining
3. Regional cases litigated with violations based on national origin, familial status, disability and advertising.

Instead, the first two impediments were identified as *potential* impediments in the Urban County AI.

Conclusions/Recommendations

Based on the conclusions made in each of the AI's, FHCSD made the following recommendations to further fair housing choice:

Urban County AI

The following conclusions were made:

1. Continue strong and diverse education programs, along with National Fair Housing Month events
2. Continue to support and fund a non-profit capable of receiving, investigating, and resolving housing discrimination complaints, as well as provide other related services
3. Conduct assessments via testing, where needed, to measure and document the presence of illegal housing practices
4. Proceed with testing/audits with emphasis on race, national origin, familial status, disability, and farm-worker housing
5. Participate in mortgage lending and regional insurance testing project
6. Continue to monitor and encourage the activities of area lenders for fair housing compliance and financial investment in the region
7. Continue all programs aimed at achieving racial and ethnic balance in all public housing
8. Continue support of proactive strategies

Strategies and recommendations to address the impediments identified in the AI were as follows:

1. Address Negative Impacts on Housing Choice
2. Increase Available Affordable Housing
3. Provide Outreach, Education, Technical Assistance and Complaint Processing
4. Coordinate with the Private Sector
5. Verify Documented Impediments

Under each of these sub-headings, specific actions were listed as a means of implementing the strategies. Yet, the strategies listed were generally stated without specific objectives/measurements and timeframes. The strategies were basically descriptions of existing programs and procedures used to illustrate that the Urban County, under contract with FHCSD, was addressing the impediments.

Regional Area AI

The following conclusions were made:

1. Impediments to housing choice in each jurisdiction within the region exist based on documentation of unlawful and/or potentially unlawful responses to housing consumers who are seeking to rent, buy, finance, and/or insure housing units
2. Government actions, such as land use and occupancy, are potentially sources of housing impediments
3. Some of the major impediments negatively impact the protected class groups
4. Business practices involving insurance "redlining", mortgage lending denials, advertising and unlawful sub-prime lending practices are barriers to housing choice
5. Most allegations of housing discrimination involve disability, family status, and race and ethnicity. Developing trends involve sexual orientation, sexual harassment, and source of income.
6. The following economic factors present housing choice issues to be overcome: income, education levels, job readiness and affordability.
7. Transportation, housing and job linkages are underdeveloped thereby causing housing choice barriers.

Strategies and recommendations to address the impediments identified in the AI were as follows:

1. A regional approach to solutions be undertaken
2. Increased funding to provide for effective public education through proactive outreach and education throughout the County
3. Support stronger and more persistent enforcement activity
4. Strive for more education and commitment by housing industry professionals, responsible government officials and others involved in fair housing work to the achievement of fair housing goals in the region
5. Continue support of proactive strategies
6. Agreement by all jurisdictions that the FHRB is an acceptable forum for planning and establishing a viable fair housing action plan for the region. Establish and implement a regional Fair Housing Action Plan
7. On a regional and jurisdictional level, conduct follow-up activities as stated in the AI, towards implementing a regional Fair Housing Action Plan

Both the Urban County AI and Regional Area AI also mentioned the following issues related to fair housing choice:

- **Advertising Policies and Practices:** In 1995, the Fair Housing Council of San Diego conducted a survey of real estate publications in San Diego County to determine the level of compliance with federal and state advertising laws from April through August 1995. Survey results show that there is an increase in compliance with mandates of federal and state fair housing laws over previous reports. Did not use photographic models as much and if did they were approaching a proportional relationship to the ethnic diversity of San Diego at the time.

- **Fair Housing Initiatives (FHIP) Program:** Through a Fair Housing Initiatives Program (FHIP) grant from HUD, the council established the San Diego Advertising Task Force to promote equal opportunity housing advertising throughout San Diego County, which is a voluntary coalition made up of thirty six members who meet quarterly to discuss fair housing advertising practices[4]. According to the Council, there has been abatement in discriminatory advertising for housing since the establishment of this Task Force.

  The County of San Diego also has an Affirmative Marketing Program to assure affirmative marketing by area developers that was established by Resolution No. 76 and adopted in 1977. Additionally, the Building Industry Association of San Diego County and the National Association of Home Builders (NAHB) has an extensive Volunteer Affirmative Marketing Agreement (VAMA) with HUD that commits them to using fair housing related principles when advertising.

- **Lending:** Data from 1994 through 1998 showed that denial rates for minority applicants (all non-White) declined.[5] El Cajon was the only city to remain the same or increase. In addition, significant differences were found between the number of loans approved and denied when comparing between White and minority borrowers, low- and moderate- income applicants comparing the same two groups. Reasons cited for denial were mainly due to debit-to-income ratios or credit history reasons. Moreover, the Mortgage Lending Testing Audit found 9 of 13 lenders showed disparate treatment.[6]

- **Insurance:** Data showed that 41 percent of all agents in the County were located in the City of San Diego. Lack of insurance offices located in minority neighborhoods supports findings of questionable

4 Regional Area AI, FHCSD, 2000. P. 131
5 Ibid. p. 140
6 Regional Area AI, FHCSD, 2000. p. 145

and possibly discriminatory actions, there were differential responses, though sample was small.

- **Testing and Auditing:** FHCSD has had extensive training in auditing compared to most fair housing councils in other jurisdictions. Tests and audits conducted by the agency in San Diego County include:

  - A survey of real estate publications to determine compliance with advertising laws in 1995 that indicated most of the advertising was in compliance with the law
  - A property insurance audit of two major insurance companies that revealed inconclusive results based on a low response rate and limited tests
  - Mortgage Lending Testing Audit from 1995-1997, which showed disparate treatment by eleven of thirteen different lenders at the pre-application phase and higher rejection rates for Hispanic and Black minorities
  - An insurance redlining test in conjunction with the San Diego City-County Reinvestment Task Force
  - Familial Status Testing, showing evidence of differential treatment because there was a child in the family (25 percent), pre-application phase, may be greater at end of process
  - Contracted as the testing agency that participated in HUD's Housing Discrimination Study in 2000 (Hispanic & Asian Pacific Islander audits)

In addition, the City Heights Community Development Corporation conducted a study in the neighborhoods of Escondido and City Heights. This study concluded that over four years the top four insurance companies used the earthquake [Northridge] scare to exit from the low income community of City Heights, there was a possible existence of property insurance redlining, and more research was needed.

HHR&FHA had also conducted extensive rental audits in the early 1990s for Chula Vista, Oceanside, and San Diego. City of San Diego had a sales market audit in the early 1990s that documented differential treatment of Hispanics and Blacks in the housing sales market.

Public Comments Received

Three years later, these comments are still relevant to the 2004 AI, and it appears that attitudes have not changed much in the way people view fair housing.

While limited outreach results were described in the Urban County AI, the Regional Area AI incorporated public input gained through workshops and surveys. Comments from the respondents

indicated the following attitudes, ideas, and perceptions in 2000:

- Significant progress has been made, but discrimination still exists
- Discrimination is now more sophisticated and subtle, given that landlords understand it better and know how to go around it and tenants use it against landlords
- Rental and for sale market highly competitive and allows owners to be more selective
- Bankers say their business is driven by numbers; what appears to be discrimination is lack of creditworthiness
- Race, families with children, and disability discrimination are the most severe problems
- Larger management companies ensure proper training of their staff and maintain subjectivity through computer models utilizing credit worthiness
- Discrimination is more likely to occur in smaller units with owners that self manage
- While landlords, realtors and homebuilders are aware of the laws they are often fearful of grey areas
- Recent immigrants are often unaware of the law and create flagrant violations as they seek to create enclaves for their cultures
- While specific areas were not named, it was noted that economic barriers existed that exclude lower income people
- Education has made for greater progress
- Most owners get their education through newspaper articles, Apartment Association Program and Police Programs
- Education Programs should focus on reasonable accommodations, steering, and dealing with other cultures
- Residents need training on their responsibilities as well as landlords
- More education is needed for legislators so they can clarify state laws and provide flexibility

7.4 Local Efforts to Address Impediments Identified in 2000

Efforts by individual jurisdictions to address the impediments described in the previous AIs are contained in the San Diego Regional Issues Matrix located in the Appendix D. The following is a list of regional issues identified in the 2000 Regional Area AI as barriers to housing choice and included recommended actions to overcome them. A review and analysis of CAPERs and Annual Plans from FY 1999/2000 to FY 2003/2004 was conducted to determine if the recommended actions have been implemented.

Jurisdictions included in this analysis include the cities of Carlsbad, Chula Vista, El Cajon, Encinitas, Escondido, La Mesa, National City, Oceanside, San Diego, Santee, Vista, and the County of San Diego.

Issue 1: There is a need for more regional cooperation.
Efforts: All jurisdictions are members of the Fair Housing Resource Board. However, participation and commitment to the Board and fair housing issues vary among the jurisdictions.

Issue 2: Public transportation is not available throughout the region.
Efforts: Most jurisdictions have yet to address this regional transportation issue; however, the City of La Mesa provides funding to the Metropolitan Transit Development Board for regional transit service and the cities of Escondido and Vista indicated that paratransit services are available. The City of Escondido increased transit services for seniors in FY 2000/2001 and expanded its program in FY 2001/2002.

SANDAG, a regional planning organization originally involved in a range of planning activities, including developing the Regional Housing Needs Assessment for County jurisdictions, is undergoing restructuring. The restructured SANDAG will focus much of its resources on coordinating regional transportation.

Issue 3: Illegal housing discrimination limits housing choice.
Efforts: All jurisdictions address illegal housing discrimination by contracting with an agency that provides a wide range of fair housing services such as counseling, tenant/landlord mediation, education seminars, and mitigation and/or prevention of housing discrimination practices. Six cities contract with FHCSD, five cities with HHR&FHA, and two cities with NCL. Fair housing services vary among the jurisdictions due to varying availability and allocation of funding. Ten out of the twelve jurisdictions include testing, where needed, to measure and document illegal housing practices, such as

testing of the rental market or housing for persons with disabilities, or periodic audits depending on funding availability.

Issue 4: There is unequal treatment in the making of mortgage loans especially for African Americans and Hispanics.
Efforts: All jurisdictions address this issue by supporting enforcement of fair housing laws through contracting with an agency that provides fair housing services. Some cities also provide homebuyer education programs and/or pre-purchase counseling. The degree of commitment and involvement in addressing this issue vary among jurisdictions, and is a sensitive issue because local governments have no authority to regulate mortgage lending. The City and County of San Diego monitor lending practices in the region through the Reinvestment Task Force.

Issue 5: Insurance agencies discriminate by race and/or racial or ethnic identity of the neighborhood in the provision of homeowners' insurance.
Efforts: All jurisdictions address this issue by providing support for fair housing enforcement. There has been no specific mention of the topic of homeowner's insurance redlining or efforts to overcome this issue in any of the reporting documents produced by the various cities.

Issue 6: Predatory lending occurs in minority neighborhoods.
Efforts: All jurisdictions have yet to address this issue. However, Chula Vista's CAPERs indicate that according to the 2000 AI, no apparent disparity in lending activity exists between the race categories due to location of the home being on the west side or east side of Chula Vista. In addition, the County of San Diego continues to monitor and encourage the activities of area lenders towards fair housing compliance. In addition, the City and County of San Diego monitor lending practices in the region through the Reinvestment Task Force.

Issue 7: There is a lack of homebuyer education to support the ability of low- and moderate-income individuals and families to purchase homes and become successful homeowners.
Efforts: Four of the twelve jurisdictions, Encinitas, Escondido, Oceanside, and Vista indicated that they provide homebuyers education.

Issue 8: Lack of funds for down payments, security deposits and closing costs limit the ability of many households to purchase or rent the home of their choice.
Efforts: All jurisdictions offer the Mortgage Credit Certificate Program and at least one other First Time Home Buyers Program to assist with down payments and/or closing costs. All jurisdictions have a Section 8 Rental Assistance program.

Issue 9: The existing housing market encourages segregated housing decisions.
Efforts: Some jurisdictions address this issue through inclusionary housing policies and other affordable housing programs. However, many housing segregation decisions are voluntary.

Issue 10: Segregated housing patterns are sometimes confirmed by redevelopment in the City.
Efforts: Most jurisdictions have yet to address this issue. Three jurisdictions Chula Vista, El Cajon, and Oceanside has addressed this issue by requiring that all Community Development Corporations receiving City funds develop and implement affirmative marketing plans which reach and appeal to all segments.

Issue 11: Public and assisted housing may concentrate residents by race and income, depriving lower income families access to the opportunities available in more diverse neighborhoods.
Efforts: Five jurisdictions address this issue. Two jurisdictions require all developments using public funds or tax credits to use a comprehensive affirmative marketing program, while three support local housing mobility programs. Due to the current housing market conditions, use of Section 8 assistance has been concentrated in certain communities. Deconcentration efforts, if any, have little impact so far.

Issue 12: There are severe limitations on where Section 8 certificate holders are able to live.
Efforts: Four jurisdictions have addressed this issue. The cities of Carlsbad and San Diego provide information and/or counseling to current voucher holders of the full range of housing options. The County offers the Community Opportunities program which has a goal to assist Section 8 families move to areas with a low concentration of low income and minority households. Encinitas has a strategy to increase Section 8 lease up rates by marketing the program to owners, particularly those outside of the areas of minority and poverty concentration.

Issue 13: City officials may not be sufficient familiar with the fair housing laws and how those laws affect their responsibilities and decision making.
Efforts: Four jurisdictions -- Carlsbad, Chula Vista, El Cajon, Santee, and Vista -- indicated that fair housing training is provided to appropriate city staff.

Issue 14: There is not enough affordable, accessible housing.
Efforts: All jurisdictions may be addressing this issue by their efforts to develop or encourage development of affordable housing, providing rental assistance, but it is unclear how accessible the housing is. Only two jurisdictions addressed the issue through the recommended action of developing a universal design for affordable housing -- Carlsbad and Vista. Carlsbad indicated that it exercises flexibility in reviewing special design projects for affordable housing on a case-by-case basis, while Vista has developed design standards for affordable housing which has been revised and addressed in their 1999- 24004 Housing Element.

Issue 15: The commonly used income-to-rent ratio excludes many persons with disabilities.
Efforts: All jurisdictions have yet to address this issue.

Issue 16: Economics and political pressures confine group homes for persons with disabilities to a relatively small number of neighborhoods.
Efforts: All jurisdictions have yet to address this issue.

Issue 17: The location of housing for the homeless is severely restricted.
Efforts: A Regional Task Force for the Homeless has been established, which partners with the County, the cities, and homeless service providers to address the problem of homelessness and to coordinate the establishment, delivery, and evaluation of homeless services. All jurisdictions except for Carlsbad and Escondido participate in the Regional Task Force for the Homeless. Carlsbad has been involved in the North County Homeless Task Force and Escondido does not mention involvement in either of these Task Forces.

Issue 18: Local advertising practices do not emphasize diversity or encourage housing choice.
Efforts: Three jurisdictions address this issue. The City of San Diego supports and reviews the activities of the San Diego Advertising Task Force, HHR&FHA performs periodic monitoring of newspaper classified ads in El Cajon, and FHCSD holds discussions with developers and real estate sales

staff on the media and advertising. In addition the County participates in the VAMA

Issue 19: Fair housing enforcement is not adequately funded.
Efforts: All jurisdictions allocate funding to fair housing services and enforcement. The commitment and activities toward fair housing enforcement vary among jurisdictions.

Issue 20: Additional outreach is needed for private enforcement efforts.
Efforts: Only one jurisdiction, National City, has provided additional funding to a private firm, Southwest Center for Asian Pacific American Legal Center, to provide additional fair housing services, mainly in landlord/tenant services.

Impediments Common to Each Jurisdiction that require regional solutions:

Issue 1: Lead-Based paint issues limit housing choice.
Efforts: Jurisdictions present a range of strategies to address the lead-based paint issues. Some cities provide information brochures and pamphlets, some incorporate testing and funding to address lead-based paint issues through Housing Rehabilitation Loan or First Time Home Ownership programs.

Issue 2: Homelessness status, due to inadequacy of housing shelters limits housing choice.
Efforts: All jurisdictions support programs that provide shelter, emergency shelter, transitional housing, and/or permanent housing for the homeless. Jurisdictions vary in the amount of funding allocated for this issue.

Issue 3: Many housing owners currently opt not to rent to families who are receiving HUD housing assistance.
Efforts: All jurisdictions have yet to address this issue.

Issue 4: Lack of minority membership on official and other community planning and zoning boards limits participation of the full community in the decision making process.
Efforts: Most jurisdictions have some form of commissions, committees, and task forces to help decision makers in making plans, policies, and regulations related to housing. However, no specific effort was pursued to ensure the diversity of the appointed members.

Issue 5: Lack of jobs, housing and transportation linkages throughout the jurisdictions.

Efforts: Many jurisdictions are pursuing transit-oriented developments that seek to enhance the linkages between housing, jobs, and transportation.

Issue 6: Affordable and available housing units are currently inadequate in housing type and supply.
Efforts: Through acquisitions, development, rehabilitation, and rental assistance programs, jurisdictions are working to meet housing demands. Many jurisdictions address this issue through CHDO and redevelopment activities, as well as inclusionary housing.

Issue 7: New job development trends are not producing the type of jobs needed which pay enough to afford median priced homes.
Efforts: All jurisdictions have economic development activities to maintain and create/attract jobs for the residents in their jurisdictions. However, it is difficult to determine that the new jobs developed, produce the type of jobs needed to afford median priced homes.

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CHAPTER 8 IMPEDIMENTS AND RECOMMENDATIONS

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

The previous chapters evaluate the conditions in the public and private market that may impede fair housing choice. This chapter presents a list of recommendations to help address the impediments. When identifying recommendations, this AI focuses on actions that are directly related to fair housing issues and can be implemented within the resources and authority of the participating jurisdictions. Existing State, local, and federal requirements, such as Affirmative Marketing Plans, Relocation Plans, deconcentration of Section 8 and public housing, are not re-stated in this AI. General recommendations, such as supporting the efforts of other agencies or enhancing affordability, are also not included.

8.1 Housing Market

Education and Outreach

Impediment: Educational and outreach literature regarding fair housing issues, rights, and services on websites or at public counters is limited. Approximately 38 percent of the Fair Housing Survey respondents indicated that they had been discriminated against did not know where to report their complaints.

> **Recommendation:** Jurisdictions should provide links to fair housing and other housing resources with current information on their websites. Public counters should also prominently display fair housing information.
>
> ***Timeframe:*** By the end of 2005.

Impediment: As many individual homeowners enter the business of being a landlord by renting out their homes, many may not be aware of current laws.

> **Recommendation:** Jurisdictions should make a concerted effort to identify one- to four-unit residences within their jurisdictions that are used as rentals and target education and outreach materials to this segment of the market population.
>
> ***Timeframe:*** Ongoing, consider funding allocations to pursue periodic mailing to owners of small properties.

Impediment: Many fair housing violations tend to be committed by small "mom and pop" rental operations. These property owners/managers are often not members of the San Diego County Apartments Association. Outreaching to this group is difficult.

Recommendation: Jurisdictions and fair housing service providers should work with the San Diego County Apartments Association (SDCAA) to expand outreach to the "mom and pop" rental properties. Discuss with SDCAA if it is feasible to establish a lower-tier membership for two- to six-unit owners to encourage access to SDCAA education programs.

Furthermore, jurisdictions and fair housing service providers should work with SDCAA to expand property manager training courses to include developing the competency of property managers to operate in a diverse region such as San Diego.

Timeframe: To the extent feasible, take proactive efforts to expand outreach to owners of small rental properties. Begin discussion with SDCAA and fair housing service providers in 2005.

Lending and Credit Counseling

Impediment: Hispanics and Blacks continue to be under-represented in the homebuyer market, and experienced large disparities in loan approval rates among the 19 jurisdictions. Specifically, low and moderate income Black loan applicants achieved significantly lower approval rates than White applicants at the same income level. This pattern was also identified in the 2000 AIs. Also, several lenders had high rates of loan applications due to incomplete information, suggesting inadequate follow-up with potential homebuyers.

Recommendation: Provide findings of this AI and other related studies to the Community Reinvestment Initiative (CRI) Task Force to follow up with discussions and actions with lenders.

Timeframe: Upon adoption of this AI in 2004, provide a copy to the CRI Task Force.

Impediment: Many of the reasons for application denial, whether in the rental market or in the home purchase market, relate to credit history and financial management factors.

Recommendation: Provide findings of this AI and other related studies to the Community Reinvestment Initiative (CRI) Task Force to follow up with discussions and actions with lenders.

Timeframe: Upon adoption of this AI in 2004, provide a copy to the CRI Task Force.

Recommendation: Jurisdictions should collaborate to provide education and outreach on Credit History and Financial Management.

Timeframe: By 2005, identify an agency with a capacity and experience in conducting outreach and education on Credit History and Financial Management. Consider funding a regional program using CDBG or other housing funds, as appropriate.

Housing for Persons with Disabilities

Impediment: Housing choices for persons with disabilities are limited.

Recommendation: Jurisdictions should expand the variety of housing types and sizes. In addition to persons with disabilities, senior households can also benefit from a wider range of housing options. To allow seniors to age in place, small one-story homes, townhomes or condominiums, or senior rentals may be needed.

Timeframe: Ongoing effort to promote variety of housing. Re-evaluate housing policies as part of the 2005-2010 Housing Element update.

Impediment: Discrimination against people with disabilities has become an increasing fair housing concern, which is supported by general literature, statistical data, cases filed with DFEH, and recent audits conducted in the region.

Recommendation: Jurisdictions should consider promoting universal design principles in new housing developments.

Timeframe: Ongoing.

Recommendation: Jurisdictions should consider using CDBG, HOME, and other housing funds available to provide monetary incentives for barrier removal of non-compliant complexes.

Timeframe: Develop a realistic strategy to improve housing accessibility and allocate funding in 2005 as part of the five-year Consolidated Plan process.

Recommendation: Fair housing service providers, supportive housing providers, or other regional agencies as appropriate, should collaborate and develop a list of apartments that are ADA-compliant and provide vacancy information for persons with disabilities.

Timeframe: Collaborate to include the development and maintenance of such a database as part of the fair housing services work scope. Seek to launch database in 2006.

Lead-Based Paint Hazards

Impediment: Lead-based paint hazards often disproportionately affect minorities and families with children. While lead-based paint issues pose a potential impediment to housing choice, testing of lead hazards is rarely performed when purchasing or renting a unit.

Recommendation: Jurisdictions should consider requiring lead-based paint testing as part of their homebuyer and residential rehabilitation programs.

Timeframe: Consider expanding lead-based paint testing to homebuying programs as part of the Consolidated Plan process.

Regional Collaboration

Impediment: While collaboration was identified in the 2000 AIs, only minimal success has been achieved.

Recommendation: Encourage fair housing service providers to collaborate and support each others' activities, so that similar activities are available to residents across jurisdictions. The Fair Housing Resources Board (FHRB) should continue to function as a collaborative to coordinate fair housing services for the region.

Timeframe: Ongoing

Recommendation: Jurisdictions should consider the service gaps identified in this AI and revise work scope with fair housing service providers to ensure equal access to fair housing services.

Timeframe: 2005 and annually thereafter.

Reporting

Impediment: Fair housing service providers report accomplishments and statistical data in different formats based on the requirements of each jurisdiction. Ethnicities and income data are also track differently across jurisdictions. Inconsistent reporting makes tracking trends difficult.

> **Recommendation:** Jurisdictions should develop a uniform method of reporting to incorporate into each sub-recipient contract to ensure that proper documentation is available regarding ethnicity, income level, and types of calls received based on HUD's reporting categories.
>
> ***Timeframe:*** Develop reporting format in 2005.

Impediment: While education and outreach efforts are a clear priority of all agencies involved, a review of sub-recipient contracts, Action Plans, CAPER reports, and annual accomplishment reports indicates a lack of quantifiable goals, objectives, and accomplishments to gauge success or progress.

> **Recommendation:** In response to HUD's recent memo on performance measures that should be outcome based, Consolidated Plan, Action Plans, CAPERs, and sub-recipient contracts and annual reporting should identify specific quantifiable objectives and measurable goals related to furthering fair housing.
>
> ***Timeframe:*** Annually, jurisdictions and sub-recipients should work on developing outcome-based performance measures, in addition to statistics on clients served.

Fair Housing Services

Impediment: Fair housing services vary across the region based on the agency providing the services and the work scopes of each sub-recipient contract. Differing levels of funding may also be an explanation accounting for variances in services.

Recommendation: Jurisdictions should collaborate with fair housing services providers to ensure an adequate level of service is available to all residents. Some jurisdictions may require additional services due to their special circumstances. However, a basic level of services should be established. Jurisdictions should also consider the appropriate levels of funding for the provision of these services.

Timeframe: Evaluate service gaps annually and budget as appropriate. Annually update the service area map for use regionally to provide the public with clear information on service providers and types of services available.

Impediment: While a few cities include auditing in the scope of work required by the fair housing services providers, no specific criteria are established to ensure audits are performed on a regular basis. Sales audits and lending audits are rarely performed.

Recommendation: Ensure that audits are conducted within the County on a regular basis.

Timeframe: To the extent feasible, set aside funding for audits in 2006 and every two years thereafter. Specifically, rather than acting individually, consider pooling funds to conduct regional audits and work collaboratively with fair housing service providers to pursue FHIP funds for audits and testing as HUD funding is available.

Impediment: While tenant/landlord disputes are not fair housing issues in general, providing dispute resolution services may prevent certain situations from escalating to discrimination issues.

Recommendation: Incorporate tenant/landlord dispute resolution into fair housing contracts. Encourage mediation services by qualified mediator as part of the fair housing contracts.

Timeframe: To the extent feasible, set aside funding for audits in 2006 and every two years thereafter. Specifically, rather than acting individually, consider pooling funds to conduct regional audits and work

collaboratively with fair housing service providers to pursue FHIP funds for audits and testing as HUD funding is available.

8.2 Public Policies

Public policies such as land use designation, zoning provisions, and development regulations can be complicated and ambiguous, leading to open interpretation. While most communities generally comply with State laws in practice, clarity in public policies with regard to residential development would help eliminate potential delay or obstruction to housing choice. The following is a list of potential areas of improvements with regard to public policies based on a cursory review of local policies.

Carlsbad

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Carlsbad Land Use Element states that if the City Council approves a development project at a density lower than the established minimum for a given land use designation, the project is to be considered consistent with the City's General Plan. This could conflict with AB 2292 that prohibits "downzoning" without making specific findings.

- The Carlsbad General Plan includes a statement if the City Council approves a project at lower than stated minimum density, the project would be considered consistent with the General Plan. This could lead to development of single-family detached homes on land intended for multi-family residential development and limit housing choice and options within Carlsbad.

- The Carlsbad Zoning Ordinance includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- The Carlsbad Zoning Ordinance includes a definition of "family" that may potentially impede fair housing choice.

- The Carlsbad Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- Carlsbad has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: As of the writing of this AI, the City of Carlsbad is pursuing a General Plan Amendment and Zoning Amendment to address the density and "pyramid" zoning issues.

The City has also indicated that as part of the State-mandated revision of the Housing Element, the City will proceed with efforts to identify appropriate and specific zones that would permit or conditionally permit transitional housing and emergency shelters, re-evaluate the definition of family, and address housing for persons with disabilities.

Chula Vista

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Chula Vista Zoning Ordinance does not include a density bonus ordinance consistent with State law.

- The Chula Vista Zoning Ordinance does not expressly address licensed residential care facilities consistent with the Lanterman Developmental Disabilities Services Act.

- Licensed residential care facility serving seven or more persons are not explicitly permitted by right or conditionally permitted in any residential zoning district within Chula Vista.

- The Chula Vista Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- Chula Vista has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Coronado

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Coronado General Plan includes land use designations with no minimum density requirements. The Zoning Ordinance also indicates that single-family homes are permitted in multi-family districts. This could lead to development of single-family detached homes on land intended for multi-family residential development and limit housing choice and options within Coronado. (However, the City indicated that the City is fully developed with only redevelopment opportunities remaining. Property values in the City are too valuable for not building to the maximum.)

- The Coronado Zoning Ordinance does not include a density bonus ordinance consistent with State law.

- The Coronado Zoning Ordinance permits manufactured housing in R-3 Multi-Family Zone; such uses are not mentioned in the single-family zones.

- The Coronado Zoning Ordinance does not expressly address licensed residential care facilities consistent with the Lanterman Developmental Disabilities Services Act.

- The Coronado Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- Coronado has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Del Mar

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Del Mar Zoning Ordinance requires Conditional Use Permits (CUP) for multi-family residential uses proposed at a density greater than 8.8 dwelling units per acre.

- The Del Mar General Plan includes land use designations with either very low, or no minimum density requirements. This could lead to development of single-family detached homes on land intended for multi-family residential development. The Zoning Ordinance also includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- The Del Mar Zoning Ordinance includes a definition of "family" that may impede fair housing choice.

- The Del Mar Zoning Ordinance does not explicitly permit mobile homes or manufactured housing in accordance with State law. (The City indicated that while not explicit in the ordinance, the City reviews all manufactured housing as regular single-family use and is permitted by right.)

- The Del Mar Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- Del Mar has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

El Cajon

Impediment: El Cajon has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City may consider establishing procedures for reasonable accommodation.

Encinitas

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- As of January 1, 2003, Encinitas' Housing Element did not substantially comply with State law.

- The Encinitas General Plan includes land use designations with either very low, or no minimum density requirements. This could lead to development of single-family detached homes on land intended for multi-family residential development. The Zoning Ordinance also includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- Encinitas has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Escondido

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Escondido Zoning Ordinance includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- The Escondido Zoning Ordinance does not expressly address licensed residential care facilities consistent with the Lanterman Developmental Disabilities Services Act. In practice, Escondido has been permitting, by right, licensed residential care facilities for six or fewer persons as a normal residential use. However, clarifications in the Zoning Ordinance may be needed.

- The Escondido Zoning Ordinance conditionally permits licensed residential care facility serving seven or more persons under "sanitarium" uses. Clarifications between licensed care facilities and sanitariums may be needed.

Recommendation: The City has indicated clarifications on licensed residential care uses are anticipated by the fall of 2004. In addition, the City should consider amending its policies and regulations to address the remaining potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Imperial Beach

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Imperial Beach Zoning Ordinance includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- Although the Imperial Beach Zoning Ordinance defines "family" so as to include persons living in a licensed residential care facility serving six or fewer persons, these uses are not explicitly identified among permitted uses in residential districts.

- The Imperial Beach Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- Imperial Beach has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

La Mesa

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The La Mesa General Plan includes land use designations with either very low, or no minimum density requirements. This could lead to development of single-family detached homes on land intended for multi-family residential development. The Zoning Ordinance also includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- The La Mesa Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- La Mesa has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Lemon Grove

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- Lemon Grove's density bonus ordinance does not specify the types of incentives that must be given in addition to the required density bonus, as required by State law.
- The City requires a conditional use permit (CUP) for all multi-family residential uses.
- Lemon Grove requires a conditional use permit for second units; this requirement is not compliant with State law.
- The Lemon Grove Zoning Ordinance does not explicitly permit mobile homes or manufactured housing in accordance with State law.
- The Lemon Grove Zoning Ordinance does not expressly permit transitional housing or emergency shelters.
- Lemon Grove has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

National City

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The National City General Plan land use designations have established minimum densities for each designation, except for the highest density residential designation. This could lead to development of single-family detached homes on land intended for multi-family residential development. The Zoning Ordinance also includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- The National City Zoning Ordinance includes a definition of "family" that may impede fair housing choice.

- National City's Second Dwelling Unit Ordinance is not compliant with State law.

- The National City Zoning Ordinance does not explicitly permit mobile homes or manufactured housing in accordance with State law.

- The National City Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- National City has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Oceanside

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Oceanside Zoning Ordinance includes a definition of "family" that could impede fair housing choice.
- The Oceanside Zoning Ordinance does not include a density bonus ordinance consistent with State law.
- Oceanside has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Poway

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Poway General Plan includes land use designations with either very low, or no minimum density requirements. This could lead to development of single-family detached homes on land intended for multi-family residential development. The Zoning Ordinance also includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.
- Poway's Second Dwelling Unit Ordinance is not compliant with State law. The City requires a conditional use permit for Second Dwelling Units (SDU) contrary to State requirements that SDU permits receive administrative approval.
- Although the Poway Zoning Ordinance defines "family" so as to include persons living in a licensed residential care facility serving six

or fewer persons, these uses are not explicitly identified among permitted uses in residential districts.

- The Poway Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- Poway has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

City of San Diego

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The City of San Diego Zoning Ordinance includes a definition of "family" that could impede fair housing choice.

- The City of San Diego Zoning Ordinance includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation. Most recently, the City amended its policies, requiring discretionary residential projects to be within the minimum and maximum densities established in the community plan density ranges. The City should evaluate if excluding non-discretionary projects from this requirement may compromise the intent of State law (AB 2292).

- San Diego has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard

mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

San Diego County

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The San Diego County General Plan includes land use designations with either very low, or no minimum density requirements. This could lead to development of single-family detached homes on land intended for multi-family residential development. The Zoning Ordinance also includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.

- The San Diego County Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- San Diego County has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The County should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the County will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

San Marcos

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The San Marcos Zoning Ordinance includes a definition of "family" that may impede fair housing choice.

- The San Marcos Zoning Ordinance includes "pyramid zoning," which describes zoning schemes whereby higher density residential

designations permit the range of uses permitted in the preceding, lower density designation.

- The San Marcos Zoning Ordinance does not expressly permit transitional housing or emergency shelters.

- San Marcos has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Santee

Impediments: No specific impediments identified.

Recommendation: As part of the upcoming Housing Element update, the City will be required to conduct detailed assessment of potential impediments to housing development in order to address housing needs of special needs population, and providing for a variety of housing for all income groups.

Solana Beach

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Solana Beach Zoning Ordinance includes a definition of "family" that may impede fair housing choice.
- The Solana Beach Zoning Ordinance includes "pyramid zoning," which describes zoning schemes whereby higher density residential designations permit the range of uses permitted in the preceding, lower density designation.
- Solana Beach has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

Vista

Impediments: Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available. These include:

- The Vista Zoning Ordinance includes a definition of "family" that may impede fair housing choice.
- The Vista Zoning Ordinance does not expressly permit emergency shelters, convalescent centers or hospitals, or non-educational group or boarding homes in any of its zoning districts.
- The Vista Zoning Ordinance does not include a density bonus ordinance consistent with State law.
- The Vista Zoning Ordinance includes "pyramid zoning," which describes zoning schemes whereby higher density residential

designations permit the range of uses permitted in the preceding, lower density designation.

- Although one section of the Vista Zoning Ordinance (Chapter 18.31) permits second dwelling units pursuant State law, another section (18.06.160) prohibits second dwelling units.

- The Vista Zoning Ordinance does not expressly permit emergency shelters.

- Vista has not established procedures for obtaining reasonable accommodation pursuant to ADA.

Recommendation: The City should consider amending its policies and regulations to address the various potential impediments identified. As part of the upcoming Housing Element update, the City will be required to evaluate the above potential impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law regard mitigating constraints to housing development, addressing housing needs of special needs population, and providing for a variety of housing for all income groups.

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APPENDIX A COMMUNITY WORKSHOPS

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Four Fair Housing Community Workshops were conducted to solicit input from residents, housing professionals, and service providers. The following is a summary of comments and input provided by the participants of the Fair Housing Community Workshops.

North County – November 3, 2003

- Willingness of landlords to accept Section 8 has improved recently because landlords want to rent their properties.
- Difficulty with using Section 8 is the bad press and the stigma attached to those who receive this type of federal assistance. They are labeled as "bad tenants."
- Problems with Section 8 are often self-perpetuating. Many Section 8 households are bad tenants. There are programs that educate tenants of their rights, as well as their responsibilities make for a much better tenant and reduce the stigma.
- In terms of de-concentration efforts, National City and City of San Diego do not want Section 8 people to move out of their jurisdiction because they lose funding, so de-concentration is made a little more difficult. Given the size of the City, de-concentrate of Section 8 use in National City may be difficult.
- A story was shared about the new property owner of an apartment complex, who was Vietnamese. Miscommunication occurred between an elderly white woman (tenant) and the new owner due to the strong accent of the new Vietnamese owner.
- Many mom-and-pop type operations are not members of the apartment associations and do not have access to training and information on fair housing. Even as members, many of these small property owners do not attend fair housing meetings.
- Two examples were given: 1) An apartment manager in La Mesa decided she did not want anyone under age 65 living in her complex. When approached by a service provider, she said "You know how those Nigras are." This was a blatant fair housing violation and HUD got involved. The owner ended up selling the property. 2) A Middle Eastern owner decided he only wanted "people like him" in his property. A service provider intervened by sending a letter that fair housing laws require that his property be open to all creeds. The owner responded by indicating that he would run the operation the way he wanted to and that he would not be told by a woman how to run his business.

- When asked, "Is Fair Housing better now than it was 5 years ago?" all attendees responded affirmatively.
- Discrimination based on familial status -- families with children – has not seen significant improvement. The respondent's theory is that demographics change all the time and along with different types of concentrations and gentrification. The focus of fair housing issues changes along with the demographic shifts. San Diego County is fairly progressive and there not have too many problems with race anymore. For example, many landlords have a real problem with undocumented Hispanics, but have no problem with renting to Hispanics who are legal residents. Race is not as serious a problem compared to five years ago.
- When asked about issues relating to disabilities, an attendee indicated that sometimes the issues are not fair housing related. For example, a disabled person under age 65 who wants to live with his/her elderly parents in a seniors-only development is allowed to do so by law, but there are procedures for the reasonable accommodation that have to be followed. Often, the misunderstanding comes down to ignorance of the procedures.
- As far as ADA compliance, it was a surprise to many that although new buildings are required to be ADA compliant, architects and building code enforcers are not held responsible for missing ADA code issues.
- Regarding hate crimes, one service provider noted a few complaints in the first six to nine months after 9/11 where people were served eviction notices or refused rental. Most of these tenants did not contest the eviction and moved.
- Regarding sexual orientation as a basis for discrimination, the service provider noted that some areas in North County where there is a large concentration of the LGBT community and issues occasionally come up. But in follow up, most of the time it turns out the sexual orientation is not really the issue. The service provider indicated that at one fair housing class, a landlord talked about what could be done about "lesbians doing their thing in the car." After finding out "their thing" was just kissing, the landlord was surprised to hear that there was nothing that could, nor should, be done and that the other landlords in the room supported this position.
- Often tenants have problems with retrieving the security deposits after vacating a unit. The best thing that can be done is to teach tenants to document the condition before and after.
- Regarding occupancy standards, a former college student said he had run into problems where landlords would limit the number of renters in the house or charge extra per person. He wondered if there were similar problems with Hispanic renters who often have larger households. There was general agreement that landlord imposed occupancy limits can be an impediment.

East County – November 4, 2003

- Big issues discrimination based on race, familial status, and disability. There appears to be a lot of misunderstanding about familial status. Many do not know familial status a protected class. Regarding disability issues, most are related to reasonable accommodation requests. Parking spaces and service animals are about half of the issues.
- When asked if there has been a rise in discrimination based on religion or hate crimes, the fair housing service provider stated that there have been a few cases since 9/11, but they are classified as national origin, not race (Arab/Palestinian versus Muslim/Islamic). The Fair Housing Council (FHC) of San Diego County outreached to Middle-Eastern communities after 9/11. There have been few fair housing complaints. The non-fair housing hate crimes complaints are referred to the Hate Crimes Coalition.
- In new construction projects, there have been incidents of refusal to sell to certain groups. In one instance it was regarding African Americans, and in another involved Hispanics. The perception is that prices will drop if these groups move into a new subdivision in the early stages. But refusal to sell is less common than refusal to rent.
- Individual cities have unique impediments.

South County – November 5, 2003

- High Concentration of Section 8 vouchers in areas with low rents.
- Many landlords like to rent their properties through the Section 8 program because they can charge higher rents than what they would get in the regular rental market.

Downtown San Diego – November 6, 2003

- Large immigrant populations with limited English speaking skills, make it challenging to communicate in terms of both education on the laws and the rental process in general.
- The legal aspects of filing complaints make it difficult to convince clients to go through with the process.
- Tenants who contest an eviction through the Unlawful Detainer process often find it difficult to find housing in the future because the UD records are kept for ten years.
- Legal services for lower income people are inadequate.
- Many of the apartment complexes are owned by the same major owners, while managed by different on-site managers.
- With the current market, more landlords are evicting tenants to raise the rents.

- Owners of single-family residences have a lack of knowledge of fair housing laws.
- Currently, on-site managers are required for 16 units or more, but it may be helpful to extend this requirement to units with lower number such as 8 or 12.

Central County – January 21, 2004

- Eviction is an common issue among persons with disabilities and requests for reasonable accommodation is often denied.

- Affordable legal services are limited.

FAIR HOUSING SURVEY

A Fair Housing Survey (shown below) was conducted to gauge the nature and extent of fair housing issues in San Diego County. The survey was available in English, Spanish, and Farsi. Copies of the survey were mailed to over 800 agencies and interested individuals. In addition, the survey was available at websites of various jurisdictions participating in this AI study, city halls, libraries, community centers, and other public counters. A total of 556 individuals responded to the survey.

Survey Instrument

The following is the Fair Housing Survey instrument used as part of the AI study. Results of the survey have been summarized in Chapter 2, Community Outreach, of this AI.

Fair housing is a right protected by Federal and State laws. Each resident is entitled to equal access to housing opportunities regardless of race, color, religion, sex, national origin, disability, familial status, marital status, age, ancestry, sexual orientation, source of income, or any other arbitrary reason.

Signs of discrimination include:

- The rent or deposit quoted is higher than advertised
- The manager says the unit is rented but the ad or sign is still posted
- The manager says "You probably won't like it here", "We've rented out the family units", or "There is no place for your children to play"
- A real estate agent keeps "steering" you to look for houses in neighborhoods different than the ones you desire and you think you can afford
- The manager denies your request to make minor modifications to your unit to accommodate your disability

The cities and County of San Diego are conducting an Analysis of Impediments to Fair Housing Choice. They want to hear from you about your experience with fair housing issues and concerns. Please fill in the following survey. Thank you.

1. Please indicate the ZIP Code of your residence _____

2. Do you believe housing discrimination is an issue in your neighborhood?

____ YES ____ NO

3. Have **you** ever experienced discrimination in housing?

____ YES ____ NO
(If YES, please proceed to Questions 4 through 9. If NO, please skip to Question 10)

4. Who do you believe discriminated against you?

___ a landlord/property manager
___ a mortgage lender
___ a city/county staff person
___ a real estate agent
___ a mortgage insurer

5. Where did the act of discrimination occur?

___ an apartment complex
___ a single-family neighborhood
___ a trailer or mobilehome park
___ a condo development
___ a public or subsidized housing project
___ when applying for city/county programs

6. On what basis do you believe you were discriminated against (check all that apply)?

___ Race
___ National Origin
___ Marital Status
___ Family Status
(e.g. single-parent with children, family with children or expecting a child)
___ Color
___ Ancestry
___ Sexual Orientation
___ Source of Income
(e.g. welfare, unemployment insurance)
___ Religion
___ Gender
___ Age
___ Disability
(either you or someone close to you)

___ Other (please elaborate: _____)

7. How were you discriminated against?

_____
_____
_____
_____
_____

8. Have you ever been denied "reasonable accommodation" (flexibility) in rules, policies, or practices to accommodate your disability?

____ YES ____ NO

If YES, what was your request?

_____
_____
_____

9. If you believe you have been discriminated against, have you reported the incident?

____ YES ____ NO

If No – Why? ___ don't know where to report ___ afraid of retaliation
___ don't believe it makes any difference ___ too much trouble

10. Has any hate crime been committed in your neighborhood?

____ YES ____ NO

If YES, what was the basis (check all that apply)

___ Race ___ Color ___ Religion
___ National Origin ___ Ancestry ___ Gender
___ Marital Status ___ Sexual Orientation ___ Age
___ Family Status ___ Source of Income ___ Disability
___ Other (please elaborate: _____)

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APPENDIX C PUBLIC POLICIES

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

The following tables detail research and responses from each of the 19 jurisdictions in the County of San Diego regarding public policies, codes, regulations, and administrative practices.

Table C-1
ADA Transition

Jurisdictions	Progress
Carlsbad	The ADA Transition Plan identified $367,150 of improvements that were proposed to be completed by FY 94-95. All identified improvements have been completed per Public Works Department (10-14). City Hall is ADA compliant.
Chula Vista	The 1994 Transition Plan identified roughly $260,000 in required modifications to City facilities. The staff recommended making a finding that due to "undue burden" (financial), the requirement time should be extended for City on-site facilities. The ADA Plan identified 2,497 individual curbs that needed to be cut for ramps that would cost $2,986,000 to finish. Making existing park facilities and play equipment would cost roughly $3 million. All park retro-fits were planned for completion by January 1996. City Hall is ADA compliant.
Coronado	City Hall is ADA compliant.
Del Mar	City Hall is ADA compliant.
El Cajon	City Hall is ADA compliant. The ADA Transition Plan identified three phases of transition totaling $160,155 to be completed by FY '94-'95.
Encinitas	City Hall is ADA compliant.
Escondido	The City has prioritized the completion of 13 projects to fulfill remaining requirements of its ADA Transition Plan. Completing the projects will cost the City an estimated $126,110. City Hall is compliant.
Imperial Beach	$563,318 of CDBG funds have been spent from 1995-2003 on ADA improvements. City Hall is ADA compliant.
La Mesa	The ADA Transition Plan identified three phases of transition totaling $438,950 to be completed by FY '94-'95. All public areas are accessible to the disabled.
Lemon Grove	City Hall is ADA compliant. $61,193 in CDBG funds have been spent on ADA projects from 1995-2003.
National City	City hasn't sent ADA Transition Plan.
Oceanside	No transition plan supplied – only ADA reasonable accommodation policy directives. City Hall is compliant.
Poway	$680,115 of CDBG funds have been spent on ADA projects from 1995-2003. City Hall is ADA compliant.
San Diego (City)	A comprehensive survey of City facilities has been completed and necessary improvements have been prioritized. The City has implemented a barrier removal program in City-owned facilities where programmatic changes cannot be made to effectively meet ADA requirements. The top priority of the Plan is to make the City-wide facilities accessible first. Approximately 35,520 ramps still need to be installed (61%) that will cost the City an estimated $45,528,000. At the current rate of installation, full compliance with the ADA will extend well into the 22nd century. Ramp installation has been prioritized accordingly: 1) Public Buildings; 2) Transportation Routes; 3) Places of Accommodation; 4) Schools; 5) Shopping Centers; 5) Employers; and 6) Residential Areas. The City Council has committed 20% of the city-wide portion of the annual CDBG allocation, or approximately $1.5 million

Table C-1
ADA Transition

Jurisdictions	Progress
	annually toward ADA compliance projects. Look at the 2004 Con Plan to determine if City Hall is ADA compliant.
San Diego (County)	$1,648,239 of CDBG funds have been spent on ADA projects from 1995-2003. The County Administrative Center is substantially compliant with the ADA.
San Marcos	No transition plan supplied – only ADA reasonable accommodation resolution. $27,000 of CDBG funds were spent on ADA projects in 1995. The City Hall was built after the ADA and is fully compliant with its provisions.
Santee	The ADA Transition Plan identified 7 major projects costing an estimated $180,000 to be completed by FY '94-'95. In addition, $60,000 of CDBG funds have been allocated to construct ADA improvements to sports fields. City Hall is ADA compliant.
Solana Beach	City Hall is ADA compliant. $26,449 of CDBG funds were spent on ADA projects in 2002.
Vista	The ADA Transition Plan identified an estimated $387,700 in improvements to facilities. All improvements were proposed to be completed by 1995. The Plan recommended funding for the projects be budgeted over two fiscal years in the CIP budget from CDBG funds, park fees, redevelopment funds, and fire protection funds. City Hall is ADA compliant and if necessary, equivalent facilitation is provided.

Table C-2
Adopted Codes

Jurisdictions	Adopted Codes
Carlsbad	California Building Code.
Chula Vista	2001 California Building Code 2001 California Mechanical Code 1997 Uniform Code for the Abatement of Dangerous Buildings 1998 California Housing Code 1997 Uniform Housing Code 2001 California Electrical Code 1996 Uniform Administrative Code provisions for the National Electrical Code 2001 California Energy Code 2001 California Plumbing Code 2001 California Fire Code 2000 Urban-Wildland Interface Code
Coronado	2001 California Building Code (Title 24 California Code of Regulations) 2001 California Fire Code (Title 19)
Del Mar	City adopts by reference all applicable State codes
El Cajon	2001 California Building Code 2001 California Plumbing Code 2001 California Electrical Code 2001 California Mechanical Code
Encinitas	2001 California Building Code, which includes the 1997 Uniform Building Code, 2000 Uniform Mechanical Code, 2000 Uniform Plumbing Code, and the 1999 National Electric Code
Escondido	Uniform Building Code
Imperial Beach	2001 California Building Code, which includes the 1997 Uniform Building Code, 199 National Electric Code, 2000 Uniform Plumbing Code, 2000 Uniform Mechanical Code, and the 2000 Uniform Fire Code.
La Mesa	California Building Standards Code as adopted by the State of California
Lemon Grove	Uniform Building Code
National City	
Oceanside	2001 California Building Standards Code
Poway	1997 Uniform Administrative Code 2001 California Building Code 2001 California Electric Code 1999 National Electric Code 2001 California Plumbing Code 2001 California Energy Code 1994 Uniform Fire Code
San Diego (City)	2001 California Building Code 2001 Uniform Fire Code 1997 Uniform Housing Code 2001 California Plumbing Code 2001 California Electrical Code 2001 California Mechanical Code
San Diego (County)	Uniform Plumbing Code Uniform Electrical Code Uniform Building Code Uniform Fire Code (1997 edition) All the above are portions of the California Building Standards Code (Title 24 of the California Code of Regulations)

Table C-2
Adopted Codes

Jurisdictions	Adopted Codes
San Marcos	2001 Uniform Building Standards Code, Volume 1, Volume 2 Design Standards, and Uniform Building Code Standards, 1997 Edition Volume 3, and Appendices 3,4,9,10,11,12,15,31, and 34. 1997 Uniform Housing Code 1997 Uniform Code for the Abatement of Dangerous Buildings 1999 National Electrical Code 2000 Uniform Plumbing Code 2000 Uniform Mechanical Code 1997 Uniform Code for Building Conservation
Santee	Historically, the City adopts all State codes within 2 years.
Solana Beach	1991 California Uniform Administrative Code – sections added and amended by City. 1991 California Uniform Building Code – sections deleted and amended. 1990 California Electrical Code – sections amended and deleted by the City. 1991 California Uniform Plumbing Code – sections deleted and amended by the City. 1991 California Uniform Mechanical Code – sections deleted by the City. 1991 California Uniform Housing Code. 1991 California Uniform Code for the Abatement of Dangerous Buildings. 1994 California Uniform Fire Code – sections added and amended by the City.
Vista	2001 California Building Standards Code, Part 2, Volumes 1&2. 1994 Uniform Housing Code

Table C-3
Opportunities for Community Participation

Jurisdictions	Opportunities for Community Participation
Carlsbad	• Housing Committee: Five members appointed by the Mayor and confirmed by the City Council. The committee is comprised of: two tenants assisted by the Carlsbad Housing Authority, one of which must be at least 62 years old; three general members with experience or expertise in development, housing, advocacy, or planning issues. To the extent possible, the members are representative of all four quadrants of the City. Members serve a four year term, must be a registered voter, and live in Carlsbad. • CDBG Advisory Committee: Seven members appointed by the Mayor and confirmed by the City Council. The committee is comprised of: one member of each quadrant; one senior citizen; one Housing Committee member; and one Planning Commissioner.
Chula Vista	• Housing Advisory Commission: Members are appointed by the City Council and address issues, programs and projects related to affordable housing. • Mobilehome Rent Review Commission: Members are appointed by the City Council and address mobilehome rent increases and other related issues.
Coronado	• Citizens Advisory Committee to the Community Development Agency (CDA): Five members are appointed by the CDA board.
Del Mar	• Del Mar Housing Corporation: The corporation is comprised of community volunteers recruited by sitting members.
El Cajon	• El Cajon Community Development Corporation (CHDO): The corporation is funded in part with HOME and Redevelopment funds. Members are a combination of volunteers; individuals elected by the CDC Board; and appointed individuals.
Encinitas	• Housing Authority: The Authority has two Section 8 tenant commissioners who serve a two year term. All Section 8 clients are asked if they wish to nominate or serve themselves. • Senior Commission: The City Council appoints members to this commission and housing issues are often discussed.
Escondido	• Housing Advisory Commission: Seven members appointed by the Community Development Commission/City Council to offer advice on affordable housing issues as well as housing developments for the homeless and special needs such as seniors and person's with disabilities.
Imperial Beach	Imperial Beach does not have commissions or committees, other than the Planning Commission, which deal with housing issues.
La Mesa	For each of the following commissions/committees, open seats are announced to the public, applications are solicited, and the Mayor and City Council appoint: • Commission on Aging • Human Relations Commission • Real Estate Rehabilitation Loan Committee
Lemon Grove	Lemon Grove does not have commissions or committees, other than the Planning Commission, which deal with housing issues.
National City	The National City Community Development Commission acts as the Housing Authority for the City. A Resident Council is in place to oversee housing matters with regard to the use of Section 8 assistance.
Oceanside	• Oceanside Housing Commission • Section 8 Advisory Committee • Community Relations Committee • Senior Housing Commission

Table C-3
Opportunities for Community Participation

Jurisdictions	Opportunities for Community Participation
	• Community Development Commission
Poway	• Redevelopment and Housing Advisory Committee: The Mayor/Agency Chairperson appoints 11 community members with concurrence of the City Council/Redevelopment Agency. The committee has the goal of having members from all areas of the community. Each Councilmember/Board Member offers two nominations. The Mayor/Agenda Chairperson offers three nominations. • Poway Housing Commission: The Mayor/Chairman appoints seven members with the concurrency of the City Council/Redevelopment Agency. No more than three members are residents of City-owned housing developments. Each Councilmember offers one nomination and the Mayor has three appointments. • Senior Issues Committee: The Mayor appoints six members with the concurrence of the City Council. Two members are City council members, two members are members of the Poway Valley Senior Citizens Board of Directors, and two members are seniors at least 60 years of age and not members of the Poway Valley Senior Citizens Board of Directors.
San Diego (City)	• Several commissions with members appointed by the Mayor's Office including the Housing Commission.
San Diego (County)	• Regional Task Force on the Homeless: The Board of Supervisors approves appointments based on Steering Committee recommendations. • HIV Housing Committee: The Housing and Community Development Director approves appointments based on Committee recommendations. • Mobile Home Advisory Committee: The Board of Supervisors appoints members. One resident member and one park owner is appointed from each supervisorial district. • Upper San Diego River Improvement Area Advisory Committee: The Board of Supervisors appoints members.
San Marcos	San Marcos does not have commissions or committees, other than the Planning Commission and Redevelopment Agency Board (comprised of City Councilmembers), which deal with housing issues.
Santee	• Manufactured Home Fair Practices Commission: Commissioners are appointed by the City Council from applications received. The Commission reviews issues related to its mobilehome rent stabilization ordinance, which regulates the permitted annual increase of space rents in mobilehome parks. • Community Oriented Policing Committee • Human Relations Advisory Board • Library Committee • Santee Parks and Recreation Committee • Trolley Square Amphitheater Activities Committee
Solana Beach	When the City updates its Housing Element and/or General Plan, the City Clerk advertises/announces openings for positions on Citizen Housing/General Plan Committees. Appointments are made by the City Council.
Vista	• CDBG Citizens Advisory Committee: Seven members who serve an unlimited term. Committee members must at least 18 years of age and a resident of the City of Vista. • Mobile Home Review Board: Five board members who each serve a four-year term. Members must be 18 years of age, a resident of Vista, and cannot have property, financial, economic interest as an owner, lessee, or tenant in any mobile home park.

Table C-3
Opportunities for Community Participation

Jurisdictions	Opportunities for Community Participation
	• Senior Citizens' Affairs Committee: The committee is comprised of seven members who serve two-year terms. Three members must represent Lifeline, Vista Senior Citizens' Inco, and Vista Nutrition Program. Members must be a Vista resident, 18 years of age, and three members must be at least 55 years old.

Table C-4
Zoning Ordinance Definition of "Family"

Jurisdiction	Definition of "Family"	Potential Impediment
Carlsbad	"a reasonable number of persons who constitute a bona fide single housekeeping unit. Residents and operators of a residential care facility serving six or fewer persons shall be considered a family for purposes of any zoning regulation relating to residential use of such facilities."	X
Chula Vista	"an individual, or two or more persons, related by blood, marriage or adoption, or a group including unrelated individuals bearing the generic character of and living together as a relatively permanent bona fide housekeeping unit sharing such needs as cooking facilities."	
Coronado	"an individual or two more persons related by blood, marriage or legal adoption, or a group which bears the generic characteristics of a blood-related family, to include but not limited to, a single, nonprofit housekeeping unit and a relatively permanent household membership."	
Del Mar	"An individual, or two or more persons related by blood, marriage, adoption, or guardianship, or a group of not more than 5 persons, excluding servants, who are not so related, living together in a single dwelling unit and maintaining a common household."	X
El Cajon	"an individual, or two or more persons related by blood or marriage, or a group of unrelated individuals living together and bearing the generic character of a relatively permanent housekeeping unit in a dwelling unit."	
Encinitas	"an individual or two or more persons related by blood, marriage or adoption, or a group including unrelated individuals bearing the generic character of and living together as a relatively permanent bona fide housekeeping unit sharing such needs as cooking facilities. Family also means the persons living together in a licensed "residential facility" as that term is defined in California Health and Safety Code Section 1502(a)(1), which services six or fewer persons, including the licensee, the members of the licensee's family, and persons employed as facility staff."	
Escondido	"one or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit."	
Imperial Beach	"an individual, or two or more persons related by blood or marriage, or a group of unrelated individuals living together and bearing the generic character of a relatively permanent bona fide housekeeping unit sharing such needs as cooking facilities. Family also means the persons living together in a licensed "residential facility" as that term is defined in California Health and Safety Code Section 1502(a)C17, which services six or fewer persons, including the licensee."	
La Mesa	No definition of "Family"	
Lemon Grove	"One or more individuals occupying a dwelling unit and living as a single household. The term "family" shall not be construed to include a	

Table C-4
Zoning Ordinance Definition of "Family"

Jurisdiction	Definition of "Family"	Potential Impediment
	fraternity, sorority, club, or other group of persons occupying a hotel, boarding house or institution of any kind."	
National City	"A person or persons, related by blood, marriage, or adoption, living together as a single housekeeping unit in a bachelor apartment or dwelling unit; or a group of not more than five persons, including roomers but not servants, unrelated by blood, marriage, or adoption, when living together as a single housekeeping unit in a dwelling unit; or a family day care home; or a family foster care home."	X
Oceanside	"two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations."	X
Poway	"an individual or two or more persons related by blood, marriage or adoption, or a group including unrelated individuals bearing the generic character of and living together as a relatively permanent bona fide housekeeping unit sharing such needs as cooking facilities. Family also means the persons living together in a licensed "residential facility" as that term is defined in California Health and Safety Code Section 1502(a)(1), which services six or fewer persons, including the licensee, the members of the licensee's family, and persons employed as facility staff."	
San Diego (City)	"two or more persons related through blood, marriage, or legal adoption or joined through a judicial or administrative order of placement of guardianship; or unrelated persons who jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit."	X
San Diego (County)	"An individual, or 2 or more persons (related or unrelated) living together as a single housekeeping unit in a dwelling unit."	
San Marcos	"an individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit."	X
Santee	"one or more individuals occupying a dwelling unit and living as a single household unit."	
Solana Beach	"two or more persons living together as a bona fide single housekeeping unit."	X
Vista	"a reasonable number of persons who constitute a bona fide single housekeeping unit. Residents and operators of a residential care facility serving six or fewer persons shall be considered a family for purposes of any zoning regulation relating to residential use of such facility."	X

Table C-5
Characteristics of Households Receiving
Section 8 Vouchers and on the Waiting List in Carlsbad (10/1/03)

Household Characteristics	Assisted		Waiting List*	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	--	--	--	--
Very Low Income (Between 30% and 50% AMI)	--	--	--	--
Low Income (Between 50% and 80% AMI)	--	--	--	--
Families with Children	155	24.7%	349	--
Elderly Households	200	31.8%	345	--
Households with Disabilities	197	31.4%	600	--
White	522	83.1%	51	--
Black or African American	29	4.6%	9	--
Indian/Alaskan	2	0.3%	28	--
Asian/Pacific Islander	17	2.7%	79	--
Hispanic or Latino	123	19.6%	n.a.	--
TOTAL	628	100%	n.a.	100%

Source: Carlsbad Housing Agency, 2003.
Notes: *Waiting list information is approximate. Based on best data available to the CHA.

Table C-6
Characteristics of Households Receiving
Section 8 Vouchers and on the Waiting List in Oceanside (10/27/03)

Household Characteristics	Assisted		Waiting List	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	--	--	4,349	88.1%
Very Low Income (Between 30% and 50% AMI)	--	--	586	11.9%
Low Income (Between 50% and 80% AMI)	--	--	0	0.0%
Families with Children	747	49.5%	--	--
Elderly Households	298	19.7%	869	17.6%
Households with Disabilities	367	24.3%	1,288	26.1%
White	1,056	69.9%	3,529	71.4%
Black or African American	365	24.2%	962	19.5%
Indian/Alaskan	20	1.3%	89	1.8%
Asian/Pacific Islander	69	4.6%	355	7.2%
Hispanic or Latino	435	28.8%	1,530	31.0%
TOTAL	1,510	100%	4,935	100%

Source: Oceanside Housing Authority, 2003.

Table C-7
Characteristics of Households Receiving
Section 8 Vouchers and on the Waiting List in Encinitas (10/23/03)

Household Characteristics	Assisted		Waiting List	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	--	--	--	--
Very Low Income (Between 30% and 50% AMI)	--	--	--	--
Low Income (Between 50% and 80% AMI)	--	--	--	--
Families with Children	44	33.6%	29	5.1%
Elderly Households	59	45.0%	132	23.3%
Households with Disabilities	28	21.4%	164	38.6%
White	124	94.6%	499	88.0%
Black or African American	5	3.8%	38	6.7%
Indian/Alaskan	1	0.8%	9	1.6%
Asian/Pacific Islander	1	0.8%	21	3.7%
Hispanic or Latino	19	14.5%	95	16.75%
TOTAL	131	100%	567	100%

Source: City of Encinitas, 2003.

Table C-8
Characteristics of Households Receiving
Section 8 Vouchers and on the Waiting List in National City (2003)

Household Characteristics	Assisted		Waiting List	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	--	--	--	--
Very Low Income (Between 30% and 50% AMI)	--	--	--	--
Low Income (Between 50% and 80% AMI)	--	--	--	--
Families with Children	286	28.1%	1,544	68.9%
Elderly Households	354	34.8%	291	13.0%
Households with Disabilities	378	37.1%	405	18.1%
White	59	5.8%	179	8.0%
Black or African American	85	8.3%	240	10.7%
Indian/Alaskan	4	0.4%	19	0.8%
Asian/Pacific Islander	102	10.0%	284	12.7%
Hispanic or Latino	768	75.4%	1,518	67.8%
TOTAL	1,018	100%	2,240	100%

Source: Community Development Commission of National City, 2003.

Table C-9
Characteristics of Households Receiving
Section 8 Vouchers and on the Waiting List in San Diego County (2003)

Household Characteristics	Assisted		Waiting List	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	6,855	67.7%	13,903	69.7%
Very Low Income (Between 30% and 50% AMI)	2,748	27.1%	5,711	28.6%
Low Income (Between 50% and 80% AMI)	523	5.2%	340	1.7%
Families with Children	5,193	51.3%	12,125	60.8%
Elderly Households	2,803	27.7%	2,585	12.9%
Households with Disabilities	2,130	21.0%	5,244	26.3%
White	5,549	54.8%	11,015	55.2%
Black or African American	1,150	11.3%	2,295	11.5%
Indian/Alaskan	72	0.8%	199	1.0%
Asian/Pacific Islander	283	2.8%	898	4.5%
Hispanic or Latino	3,072	30.3%	5,547	27.8%
TOTAL	10,126	100%	19,954	100%

Source: San Diego County, 2003.

Table C-10
Characteristics of Households Receiving
Section 8 Vouchers and on the Waiting List in the City of San Diego (2003)

Household Characteristics	Assisted		Waiting List	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	6,705	55.4%	25,608	76.7%
Very Low Income (Between 30% and 50% AMI)	4,127	34.1%	5,932	17.8%
Low Income (Between 50% and 80% AMI)	1,276	10.5%	517	1.5%
Families with Children	6,494	53.6%	19,247	57.6%
Elderly Households	2,477	20.5%	5,244	15.7%
Households with Disabilities	3,533	29.2%	10,233	30.6%
White	6,054	50.0%	9,332	27.9%
Black or African American	3,754	31.0%	8,089	24.2%
Indian/Alaskan	484	4.0%	322	1.0%
Asian/Pacific Islander	2,179	18.0%	3,436	10.3%
Hispanic or Latino	4,480	37.0%	12,229	36.6%
TOTAL	12,108	100%	33,408	100%

Source: San Diego Housing Commission, 2003.

Table C-11
Characteristics of Households in Public Housing and on the Waiting List in San Diego County (2003)

Household Characteristics	Assisted		Waiting List	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	73	62.4%	3,332	72.2%
Very Low Income (Between 30% and 50% AMI)	34	29.0%	1,190	25.8%
Low Income (Between 50% and 80% AMI)	10	8.6%	90	2.0%
Families with Children	39	33.3%	2,917	63.2%
Elderly Households	58	49.6%	505	11.0%
Households with Disabilities	20	17.1%	1,190	25.8%
White	61	52.1%	2,154	46.7%
Black or African American	8	6.8%	643	13.9%
Indian/Alaskan	0	0.0%	40	0.9%
Asian/Pacific Islander	0	0.0%	173	3.8%
Hispanic or Latino	48	41.1%	1,602	34.7%
TOTAL	117	100%	4,612	100%

Source: San Diego County, 2003.

Table C-12
Characteristics of Households in Public Housing and on the Waiting List in the City of San Diego (2003)

Household Characteristics	Assisted		Waiting List	
	# of Households	% of Total Households	# of Households	% of Total Households
Extremely Low Income <+30% AMI	1,361	98.4%	7,149	78.2%
Very Low Income (Between 30% and 50% AMI)	4	0.3%	1,665	18.2%
Low Income (Between 50% and 80% AMI)	3	0.2%	188	0.2%
Families with Children	885	64.0%	5,688	62.2%
Elderly Households	241	17.4%	1,376	15.0%
Households with Disabilities	418	30.2%	2,929	32.0%
White	813	58.8%	2,480	27.1%
Black or African American	450	32.5%	2,427	26.5%
Indian/Alaskan	6	0.4%	75	0.8%
Asian/Pacific Islander	408	29.5%	930	10.2%
Hispanic or Latino	581	42.0%	3,118	34.1%
TOTAL	1,383	100%	9,146	100%

Source: San Diego Housing Commission, 2003.

Table C-13
Inclusionary Housing Programs

Jurisdictions	Description of Inclusionary Housing Program
Carlsbad	Carlsbad requires that 15 percent of units in projects of 7 or more units be affordable to lower- and moderate-income households. If a project proposes less than seven units, the project applicant must pay $4,515 for each unit.
Chula Vista	For projects proposing more than 50 units in Chula Vista, 10 percent must be restricted for low- and moderate-income households, with at least half (five percent of project total units) for low-income households.
Coronado	Coronado requires 20 percent of proposed rental units be restricted to very low- and low-income households or 20 percent of proposed for sale units be restricted to moderate-income households. Project proponents have the option to pay an in-lieu fee set by City Council.
Del Mar	A project that would create 10 or more single-family residential lots must set-aside 10 percent for lower income residents or the project applicant must pay an unspecified in-lieu fee. Projects proposing one to nine new residential lots are exempt from the Inclusionary requirements. For new condominiums, stock cooperatives, or community apartments, an in-lieu fee for projects involving two units or less is applied. There is no inclusionary requirement for multi-family projects with more than two units. For condominium conversions, 66 percent of converted units must be affordable to lower-income households or the project applicant must pay an in-lieu fee.
El Cajon	El Cajon does not have an inclusionary housing program.
Encinitas	For projects with 10 or more units, 10 percent must be affordable to lower-income households. The project applicant may choose to pay a fee in-lieu of dedication. The amount of the fee is fixed by a schedule adopted periodically by the City Council.
Escondido	Escondido does not have an inclusionary housing program.
Imperial Beach	Imperial Beach does not have an inclusionary housing program.
La Mesa	La Mesa does not have an indusionary housing program.
Lemon Grove	Lemon Grove does not have an inclusionary housing program.
National City	National City does not have an inclusionary housing program.
Oceanside	All projects with a residential component must include 10 percent of units affordable to lower- and moderate-income households. If units are to be offered for-sale, 10 percent must be affordable to low- and moderate-income households. If units are to be offered for-rent, 10 percent must be restricted to prices affordable to low-income households. Project applicants can choose to pay an in-lieu fee of $10,275 per unit non-affordable unit built, or a total of $102,275 to offset the requirement for each affordable unit.
Poway	All projects proposing multi-family units must set aside 15 percent of units for very low-income residents. For single-family projects, 15 percent must be set aside for low-income residents. Units can be provided on- or off-site.
San Diego (City)	Within the City's urbanizing areas and urban core, 10 percent of new units must be made affordable to lower- and moderate-income residents. An fee determined by the square footage of the proposed units may be applied in-lieu of dedication and varies for projects above or below 10 units. Within the future urbanizing area, 20 percent of all newly constructed units must be set aside for households earning at or below 65 percent of the area median income.
San Diego (County)	San Diego County does not have an inclusionary housing program.
San Marcos	All new single-family units must pay an in-lieu fee. Multi-family projects consisting of six or less units must also pay an in-lieu fee, while multi-family projects with more than six units must set aside 15 percent of units for lower- and moderate-income households.
Santee	Santee does not have an Inclusionary housing program.

Table C-13
Inclusionary Housing Programs

Jurisdictions	Description of Inclusionary Housing Program
Solana Beach	Solana Beach has an inclusionary housing program for projects with five or more units. The program includes a sliding scale based on the number of units proposed. If five units are proposed, one unit is required to be affordable (20 percent), but if 42 units are proposed, four units are required to be affordable (9.5 percent). Units must be affordable for 30 years, and the number of bedrooms for these units is regulated to ensure the availability of affordable units in varying sizes.
Vista	Vista requires that six percent of units be set aside for lower-income households. The City may, at its option, require land dedication or assess an in-lieu fee set by the City Council.

Table C-14
Redevelopment Project Areas

Jurisdictions	Redevelopment Project Areas
Carlsbad	Carlsbad has two redevelopment project areas. The first project area does not have eminent domain authority and expires in 2006, but will likely be extended by one year as allowed by recent legislation. The other project area has eminent domain authority and expires in 2045.
Chula Vista	There are five redevelopment project areas in Chula Vista: (1) Town Center I (expires in 2016); (2) Town Center II (expires in 2018); (3) Otay Valley (expires in 2023); (4) Southwest (expires in 2030); and (5) Bayfront (expires in 2014). The City's redevelopment agency has eminent domain authority.
Coronado	A single redevelopment project area covers the entire City, but Coronado does not have eminent domain authority. Agency effectiveness expires in November 2025, but tax increment can be collected until 2035.
Del Mar	Del Mar does not have a redevelopment project area.
El Cajon	El Cajon has one redevelopment project area that will expire in 2011. The redevelopment agency currently has eminent domain authority.
Encinitas	Encinitas does not have a redevelopment project area.
Escondido	Escondido has one redevelopment project area that will expire in 2024.
Imperial Beach	There are two redevelopment project areas in Imperial Beach: (1) the original Palm Avenue/Commercial Redevelopment Project Area adopted on 2/7/96; and (2) Amendment #1 to the Palm Avenue/Commercial Redevelopment Project Area adopted 7/18/01. They will expire on 2/7/26 and the Agency has eminent domain authority for non-residential parcels in the original project area and no eminent domain authority in the amended project area.
La Mesa	There are three redevelopment project areas in La Mesa: (1) Central Area (expires in 2013); (2) Fletcher Parkway (expires in 2024); and (3) Alvarado Creek (expires in 2027). All eminent domain authority has expired.
Lemon Grove	Lemon Grove has one redevelopment project area that expires in 2026. The redevelopment agency has eminent domain authority until 2010.
National City	One large redevelopment area, covering almost 2/3 of city. Different parts of the redevelopment area have eminent domain authority.
Oceanside	Oceanside has one redevelopment project area with eminent domain authority that will expire in 2015.
Poway	Poway has one redevelopment project area with limited eminent domain authority that expires in 2030.
San Diego (City)	There are 15 redevelopment project areas in the City of San Diego. A few of these redevelopment areas have eminent domain authority.
San Diego (County)	There are two redevelopment project areas in the unincorporated San Diego County: (1) Gillespie Field Project Area (expires in 2027); and (2) Upper San Diego River Improvement

	Project Area (expires in 2029). Eminent domain has expired on both project areas.
San Marcos	There are three redevelopment project areas in San Marcos referred to as Project Area 1 (expires in 2023), Project Area 2 (expires in 2025), and Project Area 3 (expires in 2029). The redevelopment agency has eminent domain authority within all three areas.
Santee	Santee has one redevelopment project area with added territory and eminent domain authority that expires in 2011. The original project area expires in 2022 and the added territory expires in 2031.
Solana Beach	Solana Beach currently does not have a redevelopment project area, but is considering one.
Vista	Vista has one redevelopment project area with four parts. The project area expires in 2027 and has eminent domain authority until 2010.

Table C-15
Licensed Community Care Facilities by Jurisdiction

Jurisdiction	Number of Facilities	Capacity	
		Beds	Beds / 1,000 Population
Urban County Cities			
Coronado	1	190	7.8
Del Mar	3	24	5.5
Imperial Beach	5	64	2.4
Lemon Grove	22	535	21.4
Poway	32	328	6.8
San Marcos	39	665	12.1
Solana Beach	2	12	0.9
Entitlement Jurisdictions			
Carlsbad	29	1401	18.0
Chula Vista	78	1675	9.6
El Cajon	118	1937	20.4
Encinitas	12	484	8.3
Escondido	123	2776	20.8
La Mesa	31	1282	23.4
National City	18	411	7.6
Oceanside	60	1170	7.3
San Diego*	428	7163	5.9
Santee	13	76	1.4
Vista	86	1138	12.6
Unincorporated Communities			
Alpine	8	82	6.2
Bonita	10	61	5.1
Bonsall	2	12	3.5
Fallbrook	27	369	12.6
Jamul	1	6	1.0
Julian	1	6	3.5
Lake San Marcos	1	15	3.8
Lakeside	43	609	31.2
Ramona	30	255	16.2
Rancho San Diego	1	149	7.4
Spring Valley	44	861	32.3
Valley Center	7	60	8.3
Other Unincorporated	24	912	3.2
San Diego County Total	*1299*	*24728*	8.8

**No capacity was provided by the State database for 20 facilities in the City of San Diego, 2 facilities in San Marcos and 1 facility in the cities of Carlsbad, Escondido, and Oceanside.*

Source: *State of California Department of Social Services, Community Care Licensing Division, 2003*

Table C-16
Linguistic Versatility and Sensitivity Training of Staff

Jurisdictions	Linguistic Versatility and Sensitivity Training of Staff
Carlsbad	• Spanish speakers are available at City counters. • City sponsors "diversity training" for all staff. No set schedule for training sessions.
Chula Vista	• Spanish • Training is offered on a regular basis for incoming and existing staff.
Coronado	• Spanish • Offers sensitivity training. No specifics offered.
Del Mar	• Staff members are not bilingual • No training offered.
El Cajon	• Spanish and Arabic • Customer Service Academy – Fall 2002; and Sexual Harassment Training – Ongoing (previous 5 years). Frequency varies.
Encinitas	• Limited bilingual staff available in other City departments. • Citywide training on customer service, diversity, dealing with difficult people. Training is conducted as needed.
Escondido	• Spanish • City sponsors diversity training on an annual basis.
Imperial Beach	• Spanish • City sponsors at least six customer service training sessions per year.
La Mesa	• Spanish • French • German • Chinese • Kannada • Hindu • Farsi • Arabic • Initial sensitivity training done in the mid-1990s. More staff training is scheduled for spring of 2004. All new hires receive employee handbook that addresses City's non-discrimination policy.
Lemon Grove	• Spanish • Offers sensitivity training. No specifics offered.
National City	• Spanish, English, Tagalog
Oceanside	• Spanish, Farsi, Samoan • Offers sensitivity training. No specifics offered.
Poway	• There is not a formal or official listing of staff members who have bilingual or multi-lingual capabilities. • The City sponsors sensitivity training for staff members. The content and context of the training is selected often by an expressed need. The goal of the Human Resources Division is to provide training at least once every 3 years, depending on hiring and turnover rates.
San Diego (City)	• At the Housing Commission, there are multi-lingual capabilities (not listed) • Type of training available is in the 2004 Con Plan.

Table C-16
Linguistic Versatility and Sensitivity Training of Staff

Jurisdictions	Linguistic Versatility and Sensitivity Training of Staff
San Diego (County)	• Spanish, Tagalog, Farsi, Pashto, and Polish • Countywide diversity training every two years. HCD has a Diversity Committee that addresses issues within HCD and with clients, and the Committee is currently developing a manual to help HCD employees deal with cultural diversity in our work environment.
San Marcos	• 5 staff members speak Spanish, 3 speak Farsi, 1 Chinese, 1 Vietnamese, 1 French, 1 Chamorro, and 1 Tagalog. • While the City does not offer sensitivity training, the City has a strong tradition of community service, responsive government, and a well-enforced anti-discrimination policy.
Santee	• Most staff members are not multi-lingual. • Human Resources Division provides sensitivity training as needed.
Solana Beach	• Spanish • Generally discussed at citwide staff meetings. Customer service in a small affluent town is MOST important.
Vista	• Spanish • As part of its recently instituted Customer Service Program, the City of Vista plans to have annual training for all personnel who have public contact to refresh customer service skills.

APPENDIX D

FAIR HOUSING PROFILE AND PROGRESS

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

The following tables detail fair housing statistics collected for the 19 jurisdictions in the County of San Diego. Different agencies compile data differently and therefore, the same piece of information may not be available for all jurisdictions. This appendix also includes a summary of efforts by various jurisdictions in addressing fair housing impediments. However, this summary is based on review of the jurisdictions' Housing Elements, Consolidated Plans, Annual Plans, and CAPERs. They may not represent the full range of activities pursued or services offered by the jurisdictions.

Table D-1
Fair Housing Discrimination Cases for San Diego City and Urban County

	City of San Diego					County of San Diego				
	FY 2000-01	FY 2001-02	FY 2002-03	Total	% of Total	FY 2000-01	FY 2001-02	FY 2002-03	Total	% of Total
Race / Ethnicity										
African American	76	92	66	**234**	29%	6	10	12	**28**	19%
Hispanic	41	53	43	**137**	17%	6	9	9	**24**	16%
Asian / Pacific Islander	14	8	7	**29**	4%	-	1	2	**3**	2%
Native	-	3	-	**3**	0%	1	-	-	**1**	1%
Caucasian	76	105	114	**295**	36%	5	27	43	**75**	51%
Other	60	45	13	**118**	14%	9	6	2	**17**	11%
Total	**267**	**306**	**243**	**816**	100%	**27**	**53**	**68**	**148**	100%
Income										
Low	187	235	183	**605**	74%	20	32	53	**105**	71%
Moderate	76	63	54	**193**	24%	7	18	13	**38**	26%
High	4	8	6	**18**	2%	0	3	2	**5**	3%
Special Groups										
Female	41	154	67	**262**	**32%**	13	31	15	**59**	40%
Senior	-	-	-	**-**	**-**	-	-	1	**1**	1%
Protected Class										
Race	88	57	28	**173**	21%	3	6	4	**13**	9%
Color	4	2	-	**6**	1%	-	1	1	**2**	1%
Religion	7	1	-	**8**	1%	-	1	-	**1**	1%
National Origin	6	9	13	**28**	3%	1	1	3	**5**	3%
Sex	10	2	7	**19**	2%	-	-	-	**-**	-
Familial Status	41	20	25	**86**	11%	4	3	10	**17**	11%
Disability	47	34	29	**110**	13%	9	6	7	**22**	15%
State Basis	31	19	13	**63**	8%	4	5	7	**16**	11%
Calls for information	33	65	25	**123**	15%	6	13	5	**23**	16%
Landlord Tenant	-	97	-	**97**	12%	-	-	-	**-**	-
Dispositions										
In-house counseling	76	64	76	**216**	26%	4	12	37	**53**	36%
Successful Conciliation	2	2	6	**10**	1%	1	-	-	**1**	1%
Referred to DFEH	21	11	21	**53**	6%	2	2	2	**6**	4%
Referred to HUD	2	14	2	**18**	2%	2	2	-	**4**	3%
TLC Referral	35	75	62	**172**	21%	5	17	12	**34**	23%
Other Referral	18	42	19	**79**	10%	3	4	3	**10**	7%
Closed Non response	64	6	6	**76**	9%	5	3	1	**9**	6%
Open	49	96	53	**198**	24%	5	16	14	**35**	24%

Source: SDFHC Annual Reports 2000-2003

Table D-2
Fair Housing Discrimination Complaints for National City and Chula Vista

	National City					Chula Vista				
	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total
Race / Ethnicity										
African American	2	-	7	9	15%	11	7	10	**28**	18%
Hispanic	12	11	14	37	63%	26	15	24	**65**	42%
Asian / Pacific Islander	-	3	1	4	7%	2	-	1	**3**	2%
Native	-	-	-	-	-	-	-	-	**-**	-
Caucasian	-	3	6	9	15%	11	14	18	**43**	28%
Other	-	-	-	-	-	6	4	5	**15**	10%
Total	**14**	**17**	**28**	**59**	100%	**56**	**40**	**58**	**154**	**100%**
Income										
Low	12	16	23	51	86%	45	33	50	**128**	83%
Moderate	2	1	5	8	14%	11	7	8	**26**	17%
High	-	-	-	-	-	-	-	-	**-**	-
Special Groups										
Female	-	7	10	17	29%	8	26	22	**56**	36%
Senior	-	-	-	-	-	4	-	-	**4**	3%
Protected Class										
Race	4	2	6	12	20%	17	8	10	**35**	23%
Color	-	-	1	1	2%	-	-	-	**-**	-
Religion	-	-	-	-	-	-	-	-	**-**	-
National Origin	2	3	-	5	8%	-	3	3	**6**	4%
Sex	-	-	-	-	-	4	2	-	**6**	4%
Familial Status	2	2	5	9	15%	13	-	6	**19**	12%
Disability	2	1	1	4	7%	13	5	7	**25**	16%
State Basis	-	2	4	6	10%	-	2	2	**4**	3%
Calls for information	4	2	1	7	12%	9	3	3	**15**	10%
Landlord Tenant	-	5	-	5	8%	-	17	-	**17**	11%
Dispositions										
In-house counseling	-	7	10	17	29%	8	5	20	**33**	21%
Successful Conciliation	-	-	1	1	2%	2	-	-	**2**	1%
Referred to DFEH	2	1	4	7	12%	2	2	3	**7**	5%
Referred to HUD	-	2	-	2	3%	-	-	1	**1**	1%
TLC Referral	2	1	9	12	20%	12	15	16	**43**	28%
Other Referral	4	1	1	6	10%	11	6	4	**21**	14%
Closed Non response	2	-	1	3	5%	18	-	2	**20**	13%
Open	4	5	3	12	20%	3	12	14	**29**	19%

Source: SDFHC Annual Reports 2000-2003

Table D-3
Fair Housing Discrimination Complaints for Encinitas and Vista

	Encinitas				Vista			
	FY 2001-2002	FY 2002-2003	Total	% of Total	FY 2001-2002	FY 2002-2003	Total	% of Total
Race/Ethnicity								
African American	4	11	15	6%		13		
Hispanic	38	40	78	33%		45		
Asian /Pacific Islander	4	3	7	3%		-		
Native	-	-	0	0%		-		
Caucasian	78	53	131	56%		36		
Asian & White	-	2	2	1%		-		
Black & White	-	1	1	0%		-		
Native & White	-	1	1	0%		-		
Hawaiian/Other Pac. Isl.	-	2	2	1%		-		
Other	1	36	37	16%		48		
Total	**125**	**109***	**234**	100%				
Income								
Extremely Low	76	72	148	63%		66		
Very Low	16	20	36	15%		17		
Low	22	10	32	14%		3		
Moderate	1	7**	8	3%		11**		
Middle	5	-	5	2%		-		
Special Groups								
Female	31	45	76	32%		53		
Senior	-	-	0	0%		-		
Disabled	28	32	60	26%		13		
Homeless	1	7	8	3%		12		
Protected Class								
Age					2	-	2	
Arbitrary					4	2	6	
Familial Status					4	3	7	
Gender					-	-	-	
Marital Status					-	-	-	
Mental Disability					2	1	3	
National Origin					-	-	-	
Physical Disability					12	4	16	
Race					7	4	11	
Religion					-	-	-	
Source of Income					-	1	1	
General Info					31	15	46	

Source: NC Lifeline annual reports, 2001-2003. *total does not add up due to nature of counting Hispanics **other above median

Table D-4
Fair Housing Discrimination Complaints for Carlsbad and Escondido

	Carlsbad					Escondido				
	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total
Race/Ethnicity*										
Caucasian	24	54	59	**137**	82%	197	238	382	**817**	48%
African American	3	5	3	**11**	7%	5	7	15	**27**	2%
Asian /Pacific Islander	2	-	1	**3**	2%	200	11	10/4	**225**	13%
Native	-	-	2	**2**	1%	-	4	1	**5**	-
Hispanic	-	7	8	**15**	9%	5	189	426	**620**	37%
Total	**29**	**66**	**73**	**168**	100%	**407**	**449**	**845**	**1,694**	100%
Income*										
Extremely Low	12	38	36	**86**	51%	195	213	368	**776**	46%
Very Low	7	23	31	**61**	36%	127	142	424	**693**	41%
Low	8	2	6	**16**	10%	73	71	39	**183**	11%
Moderate	2	3	-	**5**	3%	12	20	14	**46**	3%
Above Moderate	-	-	-	**-**		0	3	0	**3**	-
Protected Class										
Race/Color	2	1	1	**4**	15%	12	-	6	**18**	90%
Ethnicity/ Nat. Origin	-	-	-	**-**	-	-	-	-	**-**	-
Religion	-	-	-	**-**	-	-	-	-	**-**	-
Marital Status/Sex	-	-	1	**1**	4%	-	-	-	**-**	-
Familial Status	1	7	2	**10**	37%	-	-	-	**-**	-
Disability	4	1	2	**7**	26%	-	1	1	**2**	10%
Age	-	-	-	**-**	-	-	-	-	**-**	-
Source of income	-	-	-	**-**	-	-	-	-	**-**	-
Other/arbitrary	-	-	5	**5**	19%	-	-	-	**-**	-
Total	**7**	**9**	**11**	**27**	100%	**12**	**1**	**7**	**20**	100%
Dispositions										
Resolved	19	48	61	**128**	76%	407	445	841	**1,693**	100%
Pending	8	13	7	**28**	17%	-	4	1	**5**	-
Referred	2	5	5	**12**	7%	-	-	3	**3**	-

Source: Heartland Human Services Annual Reports 2000-2003 *Includes landlord tenant complaints listed in separate section.

Table D-5
Fair Housing Discrimination Complaints for La Mesa and Lemon Grove

	La Mesa					Lemon Grove				
	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total
Race/Ethnicity*										
Caucasian	282	255	203	**740**	81%	78	71	71	220	68%
African American	21	23	15	**59**	6%	20	11	11	42	13%
Asian /Pacific Islander	11	12	5/2	**30**	3%	14	6	-	20	6%
Native	1	0	-	**1**	0%	3	-	4	7	2%
Hispanic	34	19	24	**77**	8%	4	13	17	34	11%
Multi-racial	-	-	3	**3**	0%	-	-	-	-	-
Total	**349**	**309**	**258**	**910**	100%	**119**	**101**	**103**	**323**	100%
Income*										
Extremely Low	163	153	151	**467**	51%	56	57	60	173	54%
Very Low	122	99	88	**309**	34%	39	28	35	102	32%
Low	45	36	19	**100**	11%	18	10	5	33	10%
Moderate	13	21	-	**34**	4%	5	6	3	14	4%
Above Moderate	8	-	-	**8**	1%	1	0	-	1	-
Protected Class										
Race/Color	-	4	3	**7**	23%	1	2	-	3	23%
Ethnicity/ Nat. Origin	-	-	-	**-**	-	-	-	-	-	-
Religion	-	-	-	**-**	-	-	-	1	1	8%
Marital Status/Sex	1	-	2	**3**	10%	-	-	1	1	8%
Familial Status	4	3	4	**11**	37%	-	-	-	-	-
Disability	3	3	3	**9**	30%	2	3	2	7	54%
Age	-	-	-	**-**	-	-	-	-	-	-
Source of income	-	-	-	**-**	-	-	-	-	-	-
Other/arbitrary	-	-	-	**-**	-	1	2	-	3	23%
Total	**8**	**10**	**12**	**30**	100%	**4**	**7**	**4**	**13**	100%
Dispositions										
Resolved	311	267	222	**800**	88%	107	82	80	269	83%
Pending	12	24	-	**36**	4%	4	10	-	14	4%
Referred	34	18	36	**88**	10%	8	9	13	30	9%

Source: Heartland Human Services Annual Reports 2000-2003 *Includes landlord/tenant complaints listed in separate section.

Table D-6
Fair Housing Discrimination Complaints for El Cajon and Santee

	El Cajon					Santee				
	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total
Race/Ethnicity*										
Caucasian	997	848	667	**2,512**	75%	178	110	92	**380**	90%
African American	145	93	65	**303**	9%	3	1	1	**5**	1%
Asian /Pacific Islander	152	47	12/5	**216**	6%	10	4	1	**15**	4%
Native	7	8	27	**42**	1%	2	-	1	**3**	1%
Hispanic	39	98	125	**262**	8%	3	8	6	**17**	4%
Multi-racial	-	-	14	**14**	0%	-	-	-	**-**	-
Total	**1,340**	**1,094**	**908**	**3,342**	100%	**196**	**123**	**101**	**420**	100%
Income*										
Extremely Low	722	675	628	**2,025**	61%	89	66	54	**209**	50%
Very Low	458	283	243	**984**	29%	68	35	40	**143**	34%
Low	108	131	36	**275**	8%	21	15	7	**43**	10%
Moderate	39	5	1	**45**	1%	12	7	-	**19**	5%
Above Moderate	13	-	-	**13**	0%	6	-	-	**6**	1%
Protected Class										
Race/Color	14	11	24	**49**	25%	1	-	-	**1**	8%
Ethnicity/ Nat. Origin	-	-	-	**-**	-	-	-	-	**-**	-
Religion	1	1	48	**50**	25%	-	-	-	**-**	-
Marital Status	3	1	-	**4**	2%	-	-	-	**-**	-
Familial Status	13	29	22	**64**	32%	-	2	1	**3**	25%
Disability	6	10	9	**25**	13%	-	2	1	**3**	25%
Age	-	-	-	**-**	-	-	-	-	**-**	-
Source of income	-	-	-	**-**	-	-	-	-	**-**	-
Other/arbitrary	4	3	1	**8**	4%	3	1	-	**4**	33%
Total	**41**	**55**	**104**	**200**	100%	**4**	**5**	**2**	**12**	100%
Dispositions										
Resolved	1,187	917	755	**2,859**	86%	173	113	72	**358**	85%
Pending	52	92	50	**194**	6%	6	2	10	**18**	4%
Referred	101	85	103	**289**	9%	17	9	19	**45**	11%

Source: Heartland Human Services Annual Reports 2000-2003*Includes landlord/tenant complaints listed in separate section.

Table D-7
Landlord Tenant Complaints NC Lifeline

	Vista			
	FY 2001-2002	**FY 2002-2003**	**Total**	**% of Total**
Issue				
Eviction	7	16	23	20%
Harassment	2	-	2	2%
Illegal Entry	-	1	1	1%
Late Fees	1	-	1	1%
Lease Terms	2	5	7	6%
Lockout	2	-	2	2%
Notices	12	26	38	33%
Parking	1	1	2	2%
Refusal to Rent	-	-	-	
Rent Increase	-	2	2	2%
Security Deposit	4	-	4	3%
Substandard Conditions	1	11		0%
Repairs	6	17	25	22%
General Info	7	1	8	7%
Total	**45**	**80**	**115**	100%
Dispositions				
Resolved	45	82	127	100%
Code Enforcement	-	2	2	-
Mediation	3	9	12	-

Table D-8
Landlord Tenant Complaints Heartland

	Carlsbad					Escondido				
	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total	FY 2000-2001	FY 2001-2002	FY 2002-2003	Total	% of Total
Issue										
Deposits	3	8	8	**19**	11%	11	20	39	**70**	4%
Discrimination	7	9	6	**22**	13%	12	1	7	**20**	1%
Eviction	1	1	3	**5**	3%	9	15	24	**48**	3%
Listings	-	1	-	**1**	1%	2	-	5	**7**	0%
Rent Increase	1	4	1	**6**	3%	138	253	266	**657**	38%
Repairs	3	4	10	**17**	10%	36	43	148	**227**	13%
Substandard Conditions	-	-	8	**8**	5%	-	-	2	**2**	0%
Other/Info	14	44	41	**99**	57%	202	120	382	**704**	40%
Total	**29**	**69**	**77**	**175**	100%	**410**	**462**	**873**	**1,745**	100%
	La Mesa					**Lemon Grove**				
Issue										
Deposits	34	38	29	**101**	10%	11	5	8	**24**	7%
Discrimination	8	10	12	**30**	3%	4	7	4	**15**	4%
Eviction	35	17	21	**73**	7%	16	7	11	**34**	10%
Listings	34	15	10	**59**	6%	27	17	12	**56**	16%
Rent Increase	35	16	18	**69**	7%	9	14	7	**30**	9%
Repairs	41	43	25	**109**	11%	12	11	6	**29**	8%
Substandard Conditions	3	15	20	**38**	4%	2	1	9	**12**	3%
Other/Info	218	164	139	**521**	52%	42	48	53	**143**	42%
Total	**408**	**318**	**274**	**1,000**	100%	**123**	**110**	**110**	**343**	100%
	El Cajon					**Santee**				
Issue										
Deposits	114	121	104	**339**	9%	28	5	12	**45**	10%
Discrimination	41	55	61	**157**	4%	4	5	2	**11**	2%
Eviction	145	72	98	**315**	9%	14	7	13	**34**	7%
Listings	220	132	100	**452**	12%	33	19	7	**59**	13%
Rent Increase	101	55	27	**183**	5%	15	6	3	**24**	5%
Repairs	209	110	89	**408**	11%	17	14	11	**42**	9%
Substandard Conditions	26	17	43	**86**	2%	3	4	13	**20**	4%
Other/Info	656	599	444	**1,699**	47%	108	72	46	**226**	49%
Total	**1,512**	**1,161**	**966**	**3,639**	100%	**222**	**132**	**107**	**461**	100%

Source: Heartland Annual Reports 2000-2003

Table D-9
Chula Vista Statistics in 2000 AI

	1996-1999	Percent
Race/Ethnicity		
African American	49	30%
Hispanic	56	34%
Caucasian	57	35%
Asian	1	1%
Native	0	0%
Other	0	0%
Total	**163**	100%
Protected Class		
Race	33	20%
Religion	0	0%
Color	0	0%
National Origin	28	17%
Sex	1	1%
Handicap	28	17%
Familial Status	38	24%
State	33	20%
Total	**161**	100%

Table D-10
Encinitas Statistics in 2000 AI

	1996-1999	Percent
Race/Ethnicity		
African American	5	24%
Hispanic	3	14%
Caucasian	12	57%
Asian	1	5%
Native	0	0%
Other	0	0%
Total	**21**	100%
Protected Class		
Race	5	19%
Religion	0	0%
Color	0	0%
National Origin	1	4%
Sex	3	11%
Handicap	6	22%
Familial Status	9	33%
State	3	11%
Total	**27**	100%

Table D-11
National City Statistics in 2000 AI

	1996-1999	Percent
Race/Ethnicity		
African American	6	11%
Hispanic	39	71%
Caucasian	9	16%
Asian	1	2%
Native	0	0%
Other	0	0%
Total	**55**	100%
Protected Class		
Race	9	16%
Religion	0	0%
Color	0	0%
National Origin	6	11%
Sex	1	2%
Handicap	6	11%
Familial Status	32	57%
State	2	4%
Total	**56**	100%

Table D-12
City of San Diego Statistics in 2000 AI

	1996-1999	Percent
Race/Ethnicity		
African American	278	35%
Hispanic	120	15%
Caucasian	381	48%
Asian	14	2%
Native	3	0%
Other	19	2%
Total	**793**	100%
Protected Class		
Race	197	24%
Religion	4	0%
Color	7	1%
National Origin	71	9%
Sex	34	4%
Handicap	152	19%
Familial Status	169	21%
State	180	22%
Total	**814**	100%

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
1. Regional cooperation											
Acknowledge need for regional coop to eliminate barriers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Regional public transportation											
Provide adequate regional transit	N	N	N	N	N	Y	N	N	N	N	N
Improve paratransit services (high priority)	N	N	N	N	Y	N	N	N	N	N	Y/N
3. Fair housing enforcement services											
Provide sufficient funding for enforcement services (including testing) to support full investigation of claims and assistance for victims	Y, periodic audits	Y	Y	Y, no testing	Y	Y	Y	Y	Y	Y	Y, no testing
Provide sufficient funding for fair housing education and training of consumers and providers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Provide communication resources, TV, Council meetings, print and distribute info	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y
4. Unequal access to mortgage loans											
Support enforcement of fair housing laws	N	N	N	N	N	N	N	N	N	N	N
Publish and distribute fair housing educational materials to homeowners	N	N	N	N	N	N	N	N	N	N	N

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
Support homebuyer education	N	N	N	Y	N	N	N	N	N	N	N
Support pre-purchase counseling	N	N	N	Y	N	N	N	N	N	N	N
Encourage lenders to undertake programs of self-testing	N	N	N	N	N	N	N	N	N	N	N
5. Unequal access to homeowner's insurance											
Provide adequate support for fair housing enforcement	N	N	N	N	N	N	N	N	N	N	N
Support homebuyer education	N	N	N	N	N	N	N	N	N	N	N
Support federal legislation requiring disclosure of types and locations of insurance policies sold	N	N	N	N	N	N	N	N	N	N	N
Support similar state disclosure laws	N	N	N	N	N	N	N	N	N	N	N
6. Predatory Lending											
Support fair housing enforcement to identify and take action against potentially illegal lending practices	N	*	N	N	N	N	N	N	N	N	N
Support extensive community education programs in targeted neighborhoods	N	*	N	N	N	N	N	N	N	N	N
Print and distribute info to help identify and protect against this	N	*	N	N	N	N	N	N	N	N	N
Support regulatory changes on the state level to increase info	N	*	N	N	N	N	N	N	N	N	N
7. Homebuyer education											
Continue to provide support for pre-purchasing counseling	N	N	N	Y	Y	N	N	Y	N	N	Y

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
Work to develop additional resources to support expansion of counseling programs	N	N	N	N	N	N	N	N	N	N	N
8. Financial support for housing											
Continue financial support for down payment and closing costs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Provide financial support for comprehensive brochure describing financing options available	N	N	N	N	N	N	N	N	N	N	N
9. Segregated housing decisions											
Provide financial incentives to encourage pro-integrative moves, within each jurisdiction and regionally, ie additional funds for down payment assistance etc.	N	N	N	N	N	N	N	N	N	N	N
10. Segregated housing patterns											
Require CDCs receiving city funds to develop and implement affirmative marketing plans which reach and appeal to all segments	N	Y	Y	N	N	N	N	Y	N	N	N
Provide technical assistance and training in affirmative marketing to recipients of City funds	N	N	Y	N	N	N	N	N	N	N	N
Emphasize mixed income housing in all areas targeted for redevelopment	N	N	N	N	N	N	N	N	N	N	N

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
11. Housing concentration of residents by income and race											
Establish a regional housing authority or regionwide practices	N, own HA	Co. for Sect. 8, own HA	Co. via HCD for Sect. 8	N, own HA	N	Co.	N. own HA	Co.	N, own HA	Co.	N
Review zoning ordinances to ensure that multi-family housing is an approved use in a variety of neighborhoods	N	N	N	N	N	N	N	N	N	N	N
Encourage mixed income and mixed tenure developments	N	N	N	N	N	N	N	N	Y	N	N
Support the establishment of a regionwide consolidated waiting list for assisted housing	N	N	N	N	N	N	N	N	N	N	N
Require all developments using public funds or tax credits to use comprehensive affirmative marketing program	N	Y	Y	N	N	N	N	N	N	N	N
Support local housing mobility programs	N	N	N	Y	N	N	N	N	Y	N	N
12. Section 8 limitations											
Develop or continue regionwide mobility program	N	N	N	Y	N	N	N	N	N	N	N
Develop incentives to encourage landlords to accept Section 8	N	N	N	N	N	N	N	N	N	N	N
Provide info and counseling to current voucher holders of full range of housing options	Y	N	N	N	N	N	N	N	Y	N	N

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
13. Fair housing training for city staff											
Identify City staff for mandatory training, design and implement training or attend existing programs	Y	Y	Y	N	N	N	N	N	N	Y/N	Y
Provide optional training for all other staff	N	N	N	N	N	N	N	N	N	N	Y
14. Affordable, accessible housing units											
Make a highly visible public commitment to enhancing accessibility in housing and incorporate goals in regional activities	N	N	N	N	N	N	N	N	N	N	N
Incorporate a review of multi-family accessibility requirements into building permit process	N	N	N	N	N	N	N	N	N	N	N
Develop and distribute info on universal design features	Y	N	N	N	N	N	N	N	N	N	Y
Encourage use of universal design features	N	N	N	N	N	N	N	N	N	N	N
Sponsor fair housing symposium and product showcase on universal design	N	N	N	N	N	N	N	N	N	N	N
15. Income to rent ratios (persons with disabilities)											
Support development of innovative programs to help persons with disabilities guarantee rent payments and/or security deposits	N	N	N	N	N	N	N	N	N	N	N

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
16. Concentration of group homes for persons with disabilities											
Revise zoning ordinance to expand number of neighborhoods in which special needs housing is permitted	N	N	N	N	N	N	N	N	N	N	N
Provide an incentive for service providers to located group homes in neighborhoods where they are not already concentrated	N	N	N	N	N	N	N	N	N	N	N
Develop formal process encouraging use of alternative dispute resolution to help service providers and neighbors reconcile differences over group home issues	N	N	N	N	N	N	N	N	N	N	N
17. Location of housing for homeless restricted											
Revise zoning ordinance to expand number of neighborhoods in which special needs housing is permitted	N	N	N	N	N	N	Y	N	N	N	Y
Work with RTFH to study feasibility of operating smaller facilities in various parts of region	N	N	N	N	N	N	N	N	N	N	N
Provide facilitators to help resolve disputes where transitional housing is planned	N	N	N	N	N	N	N	N	N	N	N
Establish regional task force	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
18. Advertising practices- emphasis on diversity and choice											
Support continued enforcement and education, support SD Advertising Task Force	N	N	N	N	N	N	N	N	Y	N	N
Ensure region's advertising continues to reflect and appeal to diverse community	N	N	Some monit oring	N	N	N	N	N	N	N	N
Work with industry professionals to provide info and training to housing providers and ad agencies on how to increase return and by marketing for diversity	N	N	N	N	N	N	N	N	N	N	N
Institute annual award	N	N	N	N	N	N	N	N	N	N	N
19. Adequate Fair Housing funding											
Provide adequate funding: for enforcement and outreach	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
For maintaining a comprehensive enforcement program	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
To hire fair housing workers to meet needs of population	N	N	N	N	N	N	N	N	N	N	N
Communication resources	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y
20. Outreach for private enforcement efforts											
Develop and/or support efforts to expand outreach to the private bar	N	N	N	N	N	N	Y	N	N	N	N

Table D-13
Actions to Address Potential Impediments Identified in the 2000 AIs

Issue	Carlsbad	Chula Vista	El Cajon	Encinitas	Escondido	La Mesa	National City	Oceanside	City of San Diego	Santee	Vista
Impediments common to each jurisdiction and requiring regional solutions											
Lead based paint											
Informational brochure	Y	N	Y	Y	Y	Y/N	N	Y	Y	Y	Y/N
Housing Rehab program	N	Y	Y	N	Y	Y/N	Y	Y	Y	N	Y
Homebuyers program	N	Y	N	N	N	N	N	N	Y	N	N
Designing program	Y	Y	N	N	N	N	N	N	N	N	N
Housing for Homeless	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Owners opt out of renting to govt. assisted	N	N	N	N	N	N	N	N	N	N	N
Minorities on official/ community planning boards	N	N	N	N	N	Y	Y	N	Y	N	N
Job/housing/transportation linkages	N	**	N	N	N	N	N	N	N	N	N
Adequate housing types	N	N	N	N	N	N	N	N	N	N	N
Jobs & housing	N	N	N	N	N	N	N	N	N	N	N

Source: All information was taken from the individual City's Consolidated Annual Performance Reports (CAPERs) and Annual Action Plans covering FY 99/00 through 02/03
*As indicated in Chula Vista's CAPERs and Annual Plans, according to the 2000 AI, no apparent disparity in lending activity exist within each race category due to location of the home being on the west side or east side of Chula Vista. ** Also the AI indicated that there was a positive relationship between choice of housing location, job location and availability of transportation.

GLOSSARY

The following is a list of acronyms used throughout this Analysis of Impediments for Fair Housing Choice report for the San Diego region.

ADA: Americans with Disabilities Act

AI: Analysis of Impediments to Fair Housing Choice

AMI: Area Median Income as defined by the U.S. Department of Housing and Urban Development (HUD)

CalWORKS: California Work Opportunity and Responsibility to Kids

CAR: California Association of Realtors

CC&R: Covenants, Conditions, and Restrictions

CCRM: California Certified Residential Manager

CDI: California Department of Insurance

COIN: California Organized Investment Network

CRA: Community Reinvestment Act

DFEH: State Department of Fair Employment and Housing

DRE: State Department of Real Estate

EDD: State Employment Development Department

FAIR: California Fair Access to Insurance Requirements

FDIC: Federal Deposit Insurance Corporation

FFIEC: Federal Financial Institutions Examination Council

FHRB: Fair Housing Resources Board

FICO: Fair Isaac and Company
FRB: Federal Reserve Board

FHCSD: Fair Housing Council of San Diego

FSA: Farm Service Agency

HCD: State Department of Housing and Community Development

HHRFHA: Heartland Human Relations and Fair Housing Association

HMDA: Home Mortgage Disclosure Act

HOI: Housing Opportunities Index

HUD: U.S. Department of Housing and Urban Development

MLS: Multiple Listing Services

MTDB: Metropolitan Transit Development Board

NAHB: National Association of Home Builders

NAR: National Association of Realtors

NCL: North County Lifeline

NIMBY: Not-In-My-Back-Yard – a common phrase

NOD: Notice of Default

OCC: Office of the Comptroller of the Currency

RCP: Regional Comprehensive Plan

RHNA: Regional Housing Needs Assessment

RHS: Rural Housing Services

RTFH: Regional Task Force on the Homeless

SANDAG: San Diego Associate of Governments

SDCAA: San Diego County Apartment Association

SDMC: San Diego Mediation Center

TLC: Tenant Legal Center

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APPENDIX F SUMMARY OF PUBLIC COMMENTS

AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

INdividual jurisdictions provided 30-day public review of the Draft AI. Three comment letters were received during the review periods. These letters are attached.

- **Comment Letter #1:** Fair Housing Council of San Diego – Public Comments on the Impediments to Fair Housing (General)
- **Comment Letter #2:** CalHousing Integration Set-Aside (HISA) Task Force
- **Comment Letter #3:** Fair Housing Council of San Diego – Comments on the Analysis of Impediments to Fair Housing: "Familial Status Testing"

Comment Letter #1

The Fair Housing Council of San Diego (FHCSD) provided a list of detailed comments relating to technical corrections, further elaborations of trends and patterns, and recommendations. Every comment in this letter has been addressed through revisions to the AI document.

Comment Letter #2

This letter provided information on the Community Opportunities Housing Mobility Program that is instrumental in assisting with the dispersal of low income households. Discussions on this program have been added in the AI document.

Another major comment relates to the methodology used for the familial status testing (see response below).

Comment Letter #3

The FHCSD voiced concerns over the testing methodology used in conducting the familial status testing. Specifically, FHCSD feels that the study may underestimate the true extent of housing discrimination by "re-testing" a site to confirm discriminatory practices when potential problematic practices are found.

The Fair Housing Resources Board discussed the comments received relating to the methodology used for the testing. The testing report was revised to

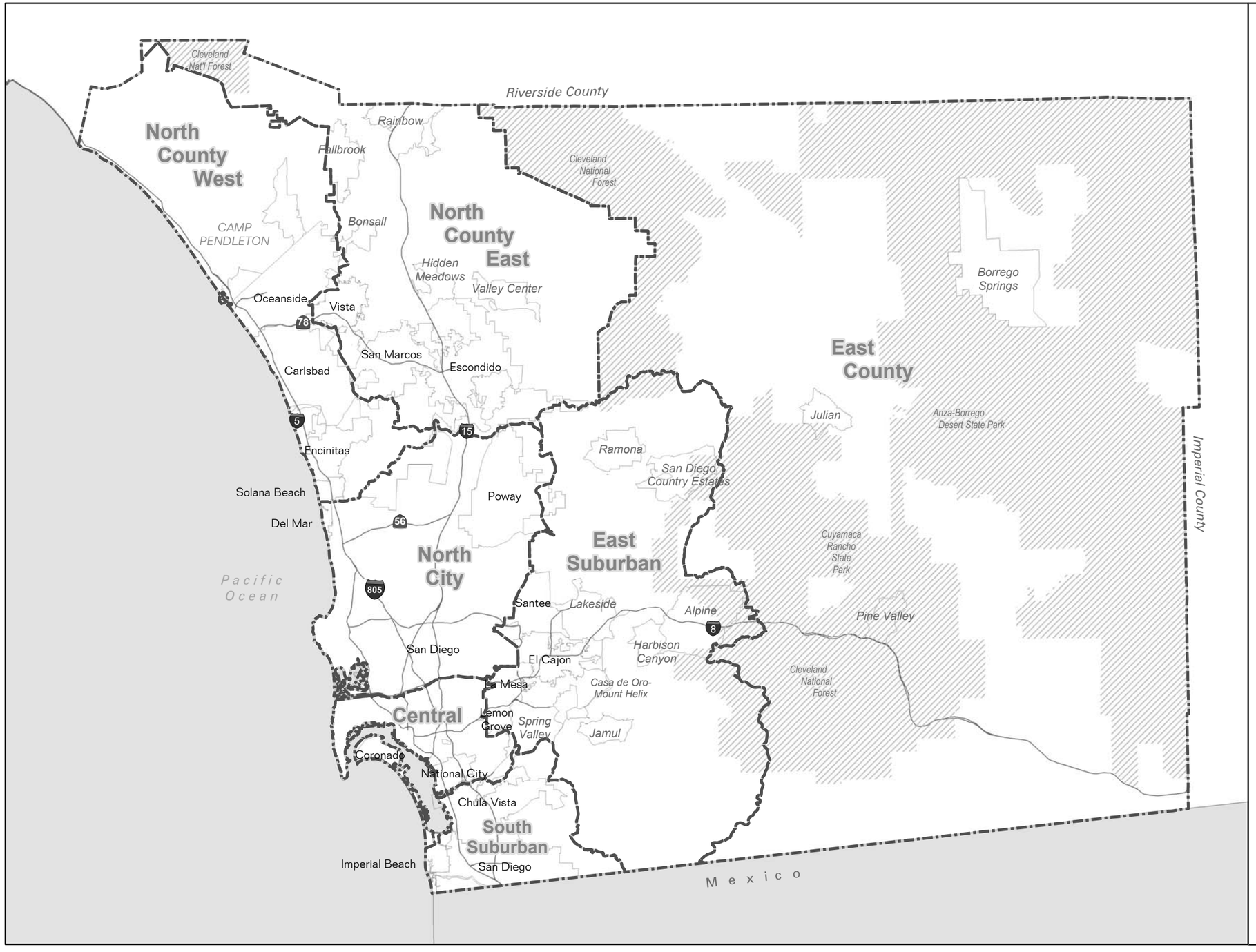
remove the "round 2" tests and reports on all sites found to have potential discriminatory practices. However, this revision does not change the original conclusion of the report.

FHCSD was also concerned with the choice of testers and procedures used for the testing. The report was revised to provide further explanations in response to these comments.

FIGURE 1-1

County of San Diego

GEOGRAPHIC AREAS COVERED



Legend

- Sub-Regions
- Freeway
- State or National Park
- Cities and *Communities*
- County Boundary

north

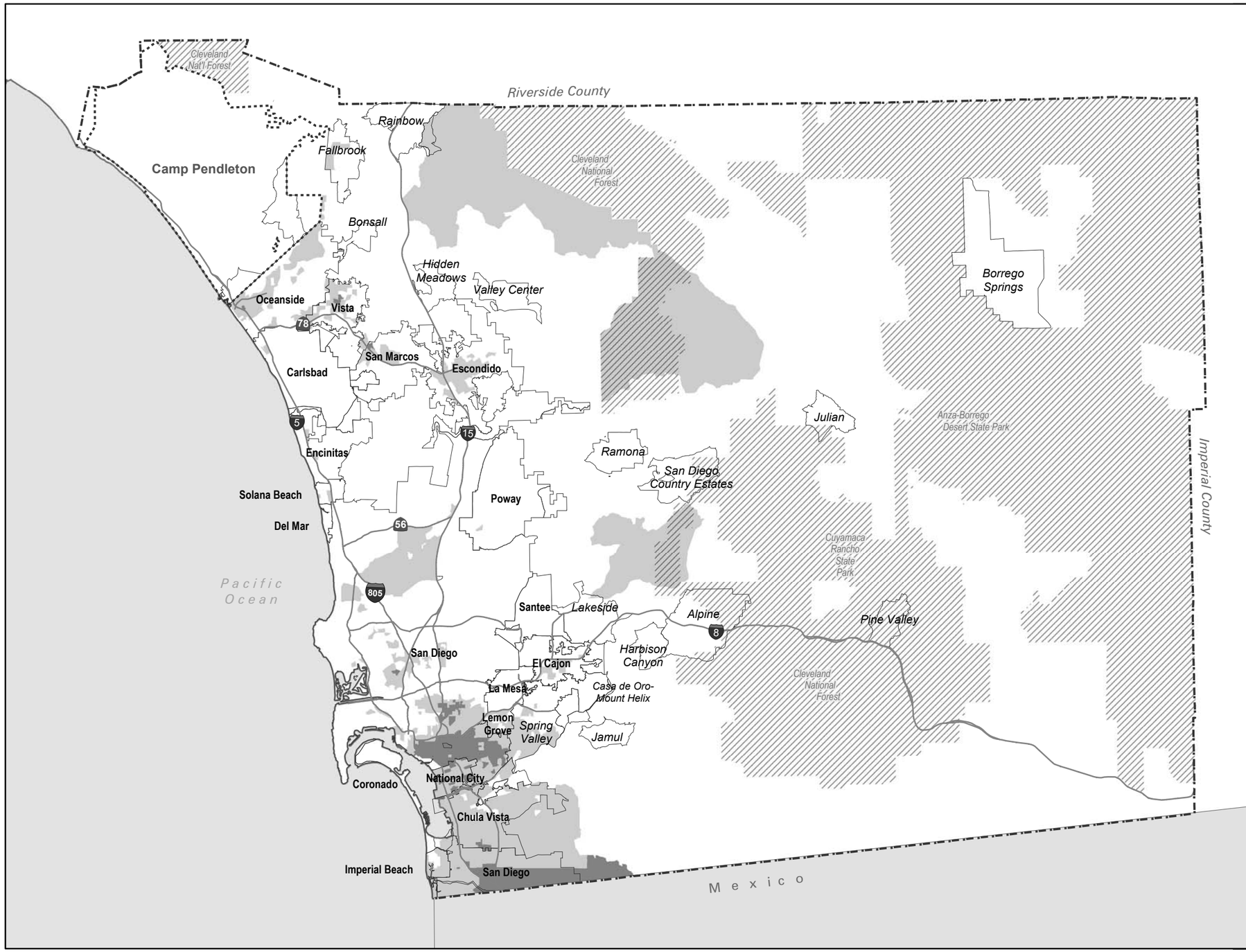
15 Miles

Source:
SANDAG GIS, 2003
Geography Network, 2003

FIGURE 3-2

County of San Diego

MINORITY POPULATION CONCENTRATION



Legend

- Minority Population Concentration
  Minority Population greater than San Diego County average (45.1% - 90.2%)
- Minority Population High Concentration
  Minority Population greater than twice San Diego County average (90.2% and above)
- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

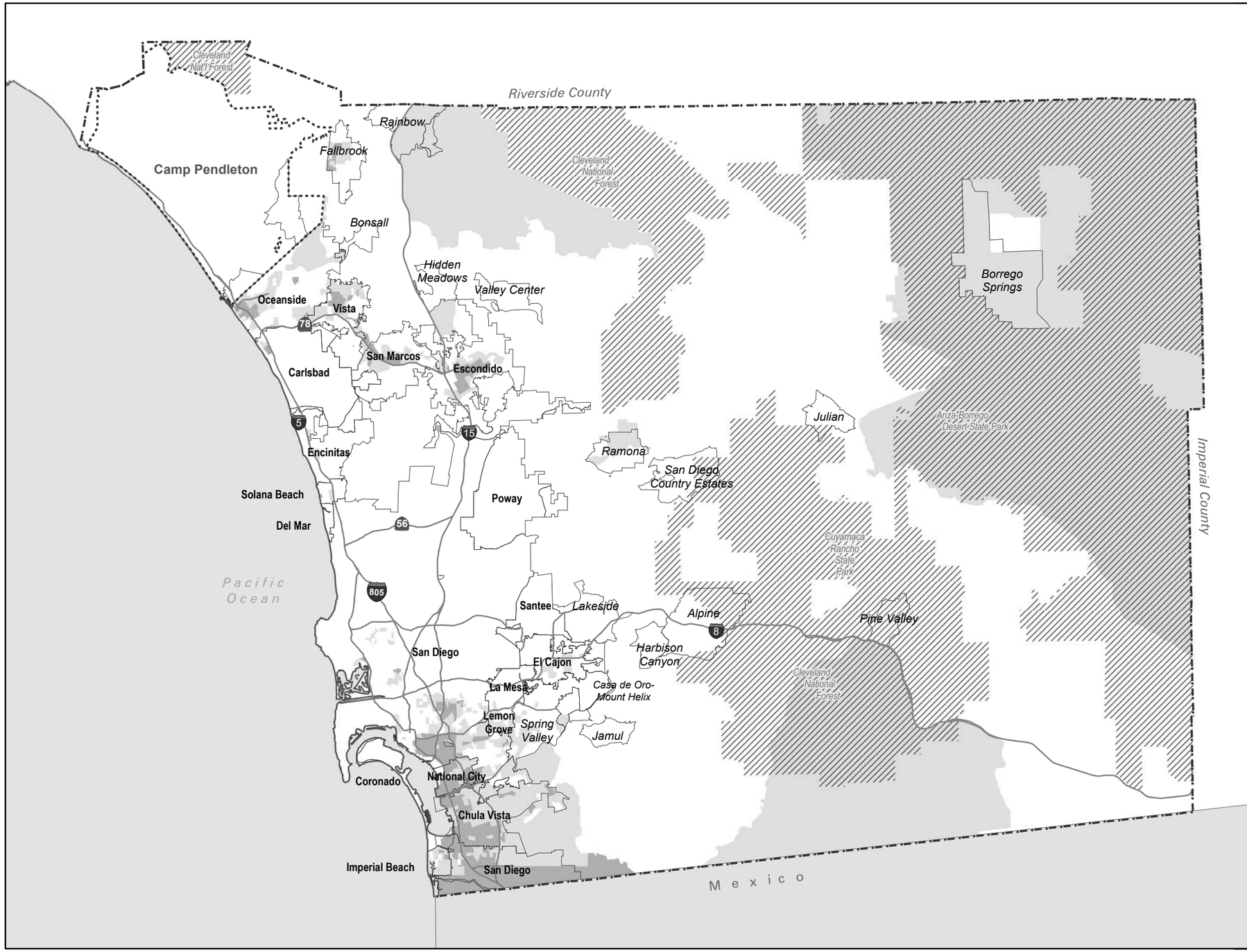
15 Miles

Source:
Census 2000

FIGURE 3-3

County of San Diego

HISPANIC POPULATION CONCENTRATION



Legend

- Hispanic Population Concentration
  Hispanic Population greater than San Diego County average (26.7% - 53.4%)
- Hispanic Population High Concentration
  Hispanic Population greater than twice San Diego County average (53.5% and above)
- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

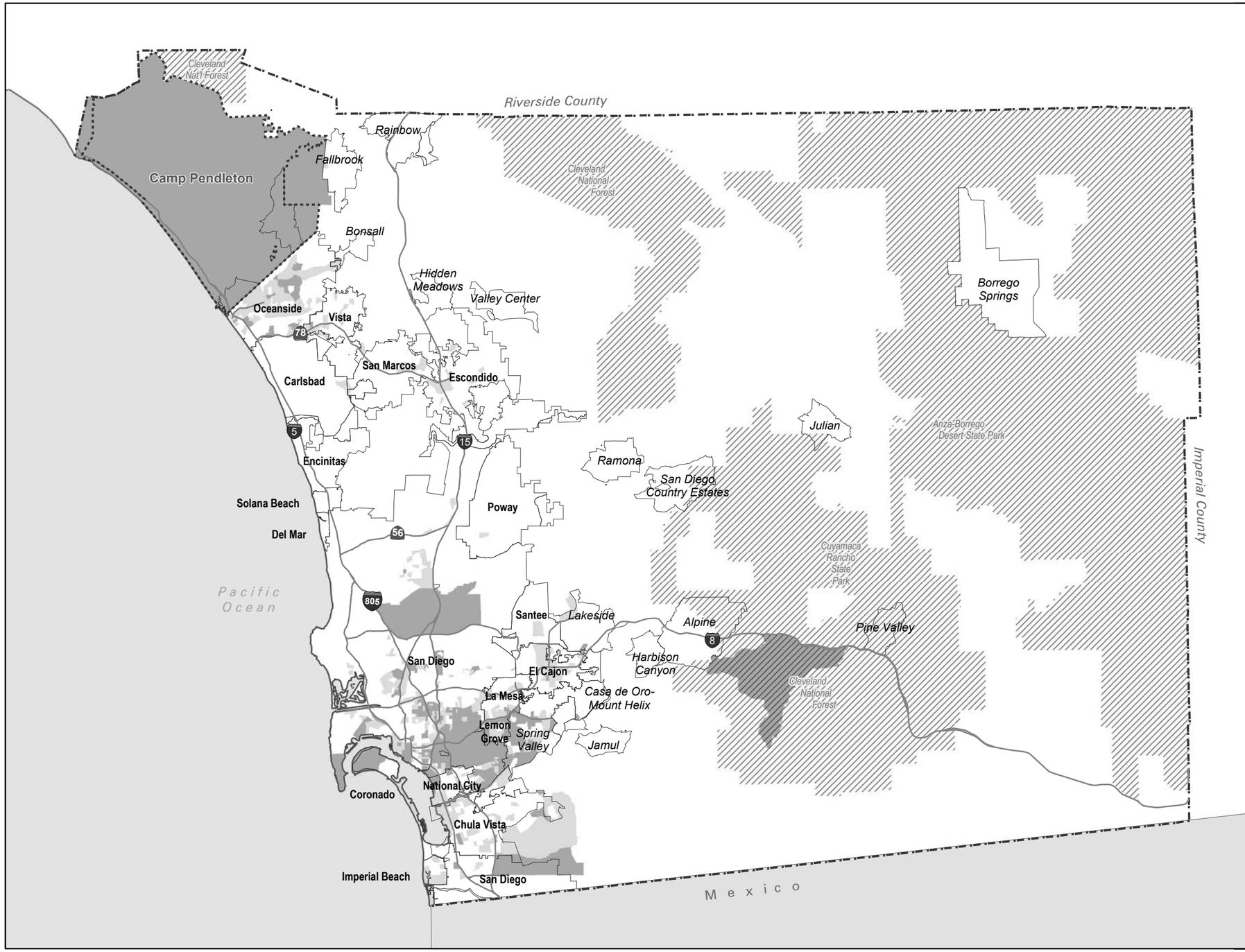
15 Miles

Source:
Census 2000

FIGURE 3-4

County of San Diego

BLACK POPULATION CONCENTRATION



Legend

- Black Population Concentration
  Black Population greater than San Diego County average (5.4% - 10.8%)
- Black Population High Concentration
  Black Population greater than twice San Diego County average (10.8% and above)
- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

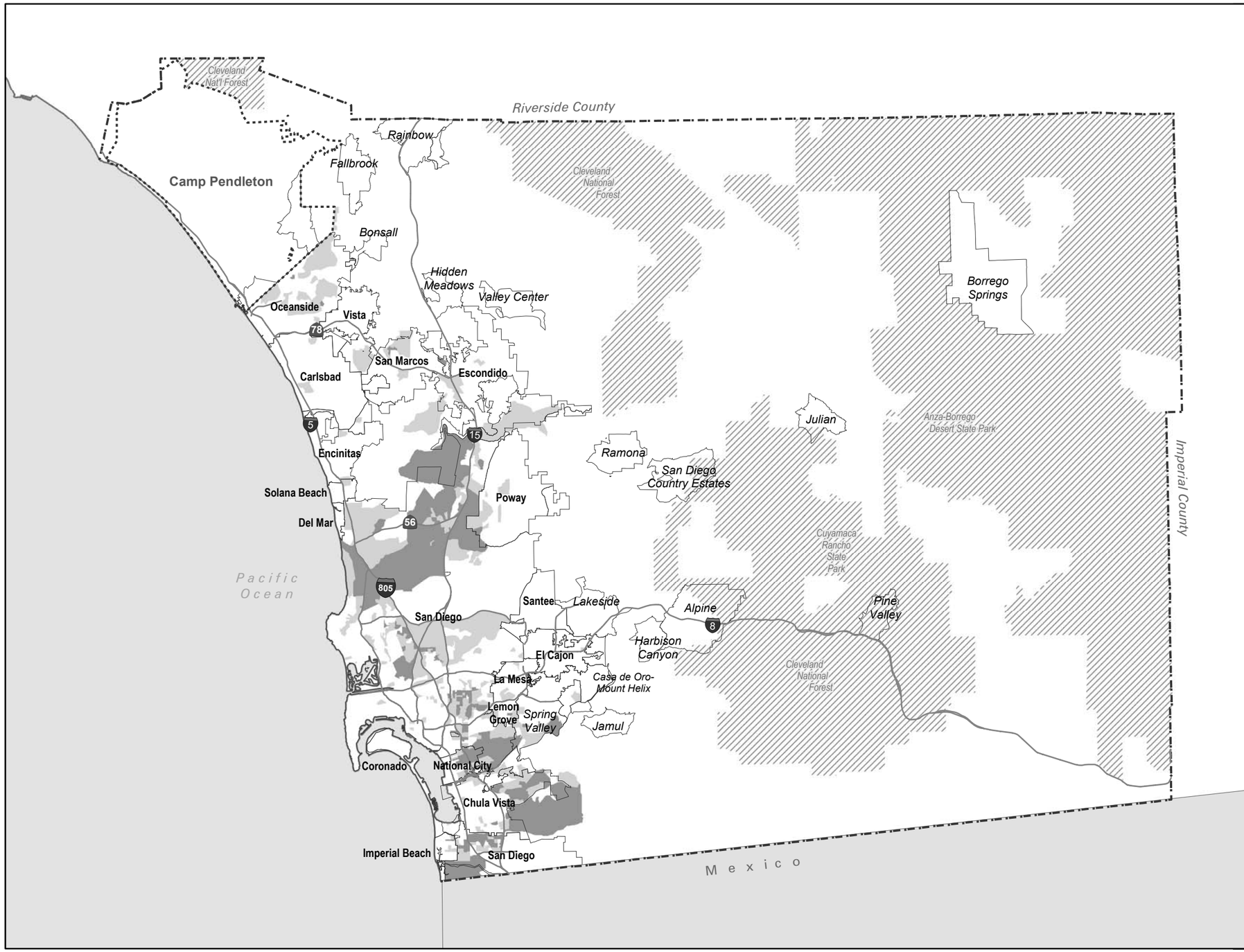
15 Miles

Source:
Census 2000

FIGURE 3-5

County of San Diego

ASIAN POPULATION CONCENTRATION



Legend

- Asian Population Concentration
  Asian Population greater than San Diego County average (9.2% - 18.4%)
- Asian Population High Concentration
  Asian Population greater than twice San Diego County average (18.4% and above)
- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

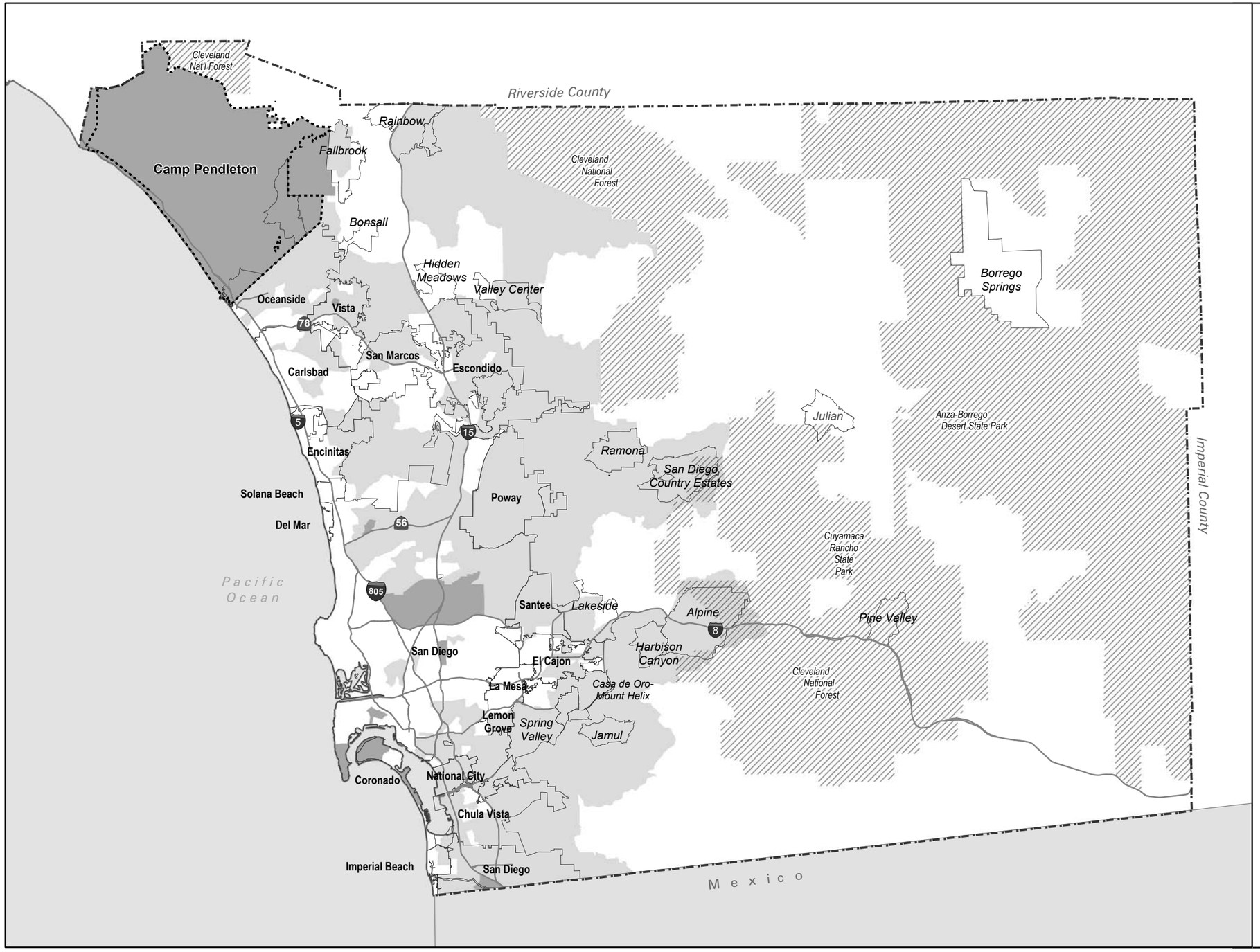
15 Miles

Source:
Census 2000

FIGURE 3-6

County of San Diego

CONCENTRATION of FAMILIES with CHILDREN



Legend

- Concentration of Families with Children
  Proportion of familes with children households greater than San Diego County average (34.6% - 69.2%)
- High Concentration of Families with Children
  Proportion of familes with children households greater than twice San Diego County average (69.2% and above)
- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

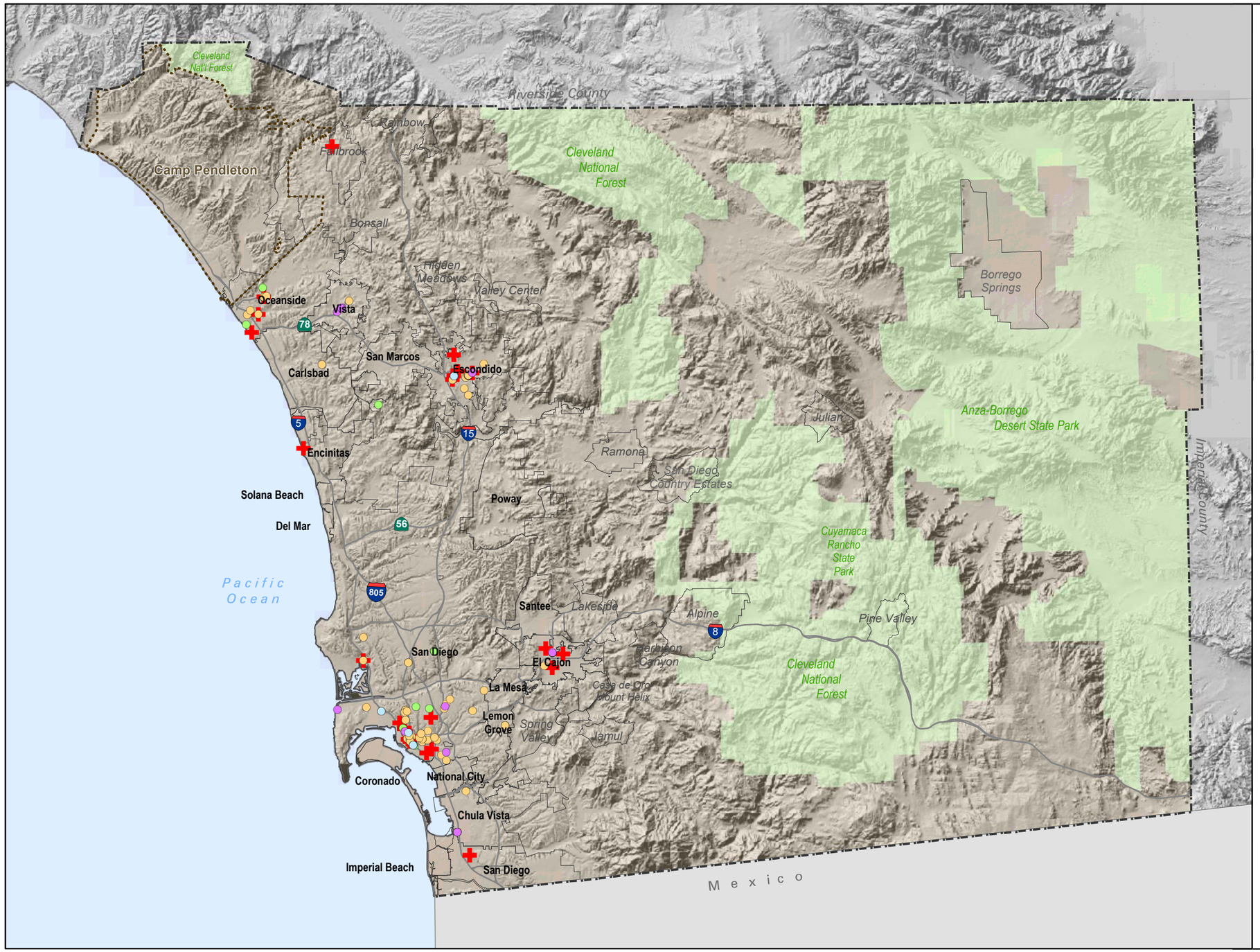
15 Miles

Source:
Census 2000

FIGURE 3-7

County of San Diego

LOCATION OF HOMELESS RESOURCES



Legend

- Emergency Shelter
- Transitional Shelter
- Winter Shelter
- Permanent Supportive Housing
- Hotel Voucher Distribution

- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

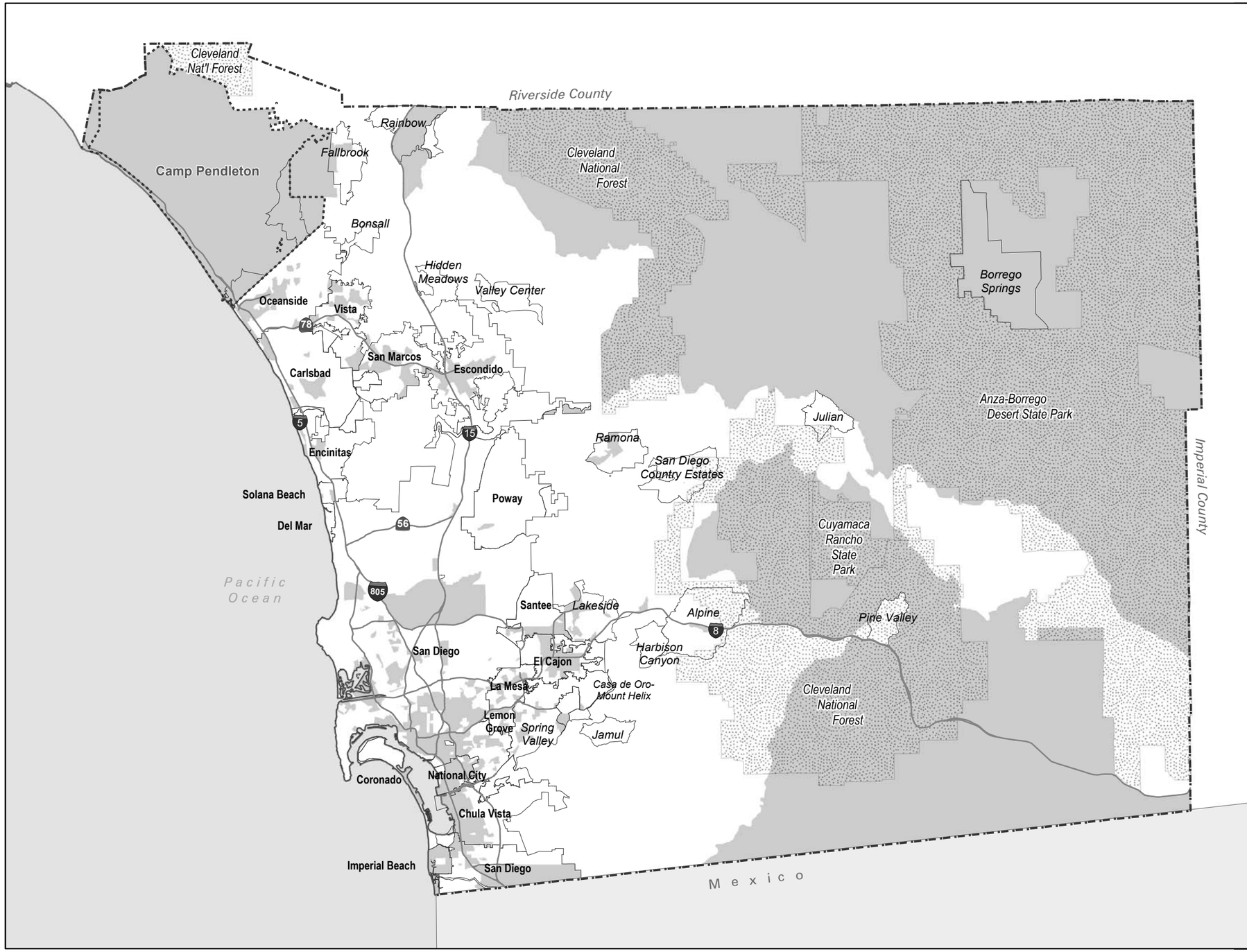
15 Miles

Source:
San Diego Department of Housing and Community Development;
San Diego Housing Commission;
Regional Task Force on the Homeless

FIGURE 3-10

County of San Diego

LOW and MODERATE INCOME AREAS



LOW/MODERATE INCOME BLOCK GROUPS

CDBG law authorizes an exception for grantees with no or very few areas in which 51 percent of the residents are low and moderate income to be able to undertake area benefit activities. Many cities in the County are exception grantees.

San Diego Urban County

Includes the Cities of Coronado, Del Mar, Imperial Beach, Lemon Grove,Poway, Solana Beach, and all unincorporated areas.

Low/Mod = Block Groups with 46.2% or more Low/Mod Income population

Carlsbad

Low/Mod = Block Groups with 33.4% or more Low/Mod Income population

Encinitas

Low/Mod = Block Groups with 35.8% or more Low/Mod Income population

La Mesa

Low/Mod = Block Groups with 46.3% or more Low/Mod Income population

Santee

Low/Mod = Block Groups with 39.0% or more Low/Mod Income population

Remaining Cities

Includes the Cities of Chula Vista, El Cajon, Escondido, National City, Oceanside, San Diego, San Marcos, Vista

These cities are NOT exception grantees and must adhere to the traditional definition of Low/mod inc0me areas: Low/Mod = Block Groups with 51% or more Low/Mod Income population

Cities and *Communities*

Freeway

County Boundary

State or National Park

north

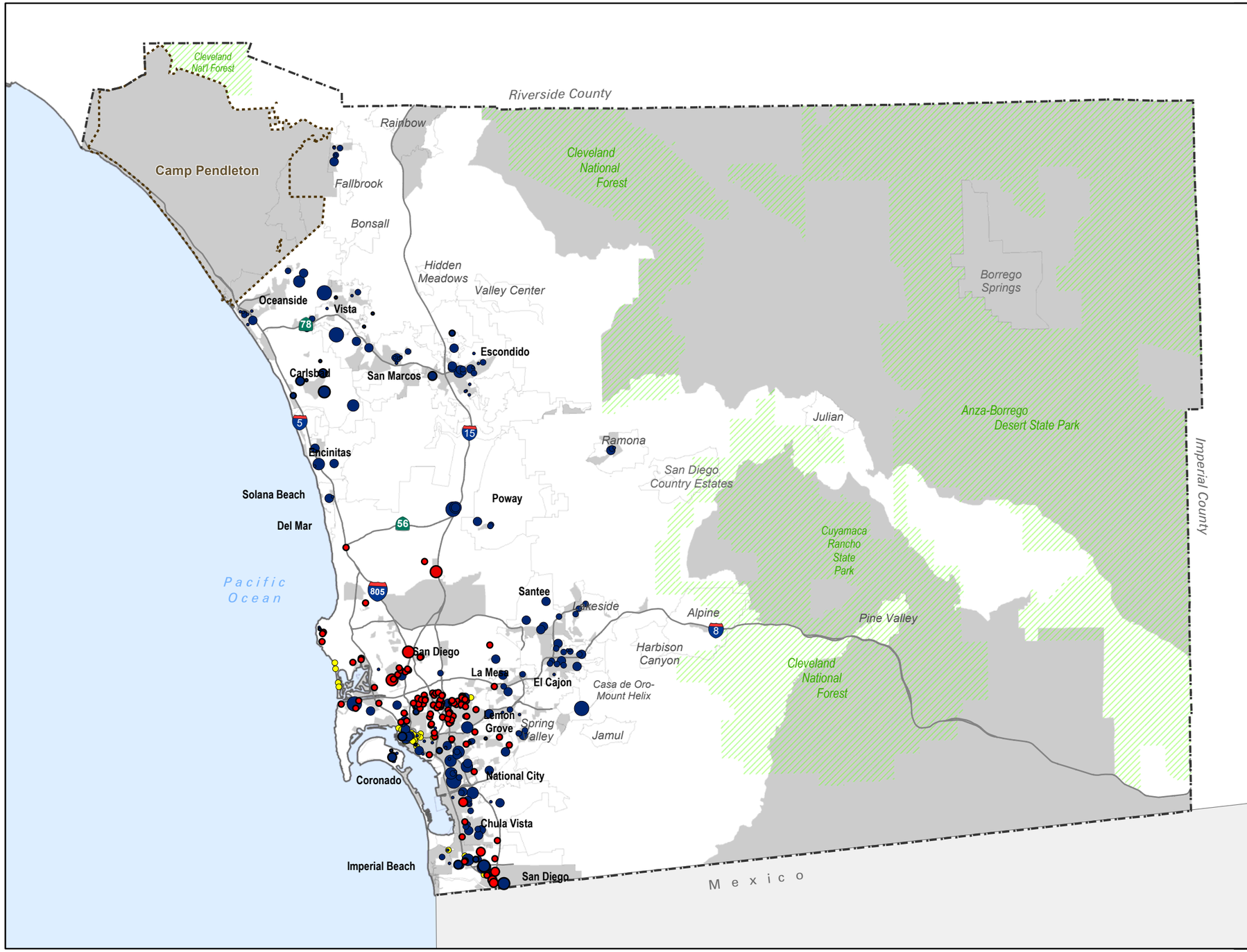
15 Miles

Source:
HUD 2000; Census 2000

FIGURE 3-13

County of San Diego

AFFORDABLE HOUSING RESOURCES



Legend

Affordable Housing Inventory (211)

Inventory includes housing complexes where some or all of the housing units are affordable for very low to moderate income housholds

- 0 - 50 units
- 51 - 100 units
- 101 - 250 units
- 251 - 400 units
- 401 - 676 units

Public Housing Inventory (131)*

Housing developments that are publicly funded and administered for low-income families

- 1 - 50 units
- 51 - 100 units
- 101 - 243 units

** Adjacent developemnts are shown on map as one development*

Single Room Occupancy (SRO) Hotel (97)

SRO Hotels are typically single room units. They can be affordable becuase they offer lower rents, and usually do not require security deposits.

Low/Moderate Income Areas

See Figure 3-10 for low/mod legend.

- Cities and Communities
- State or National Park
- Freeway
- County Boundary

north

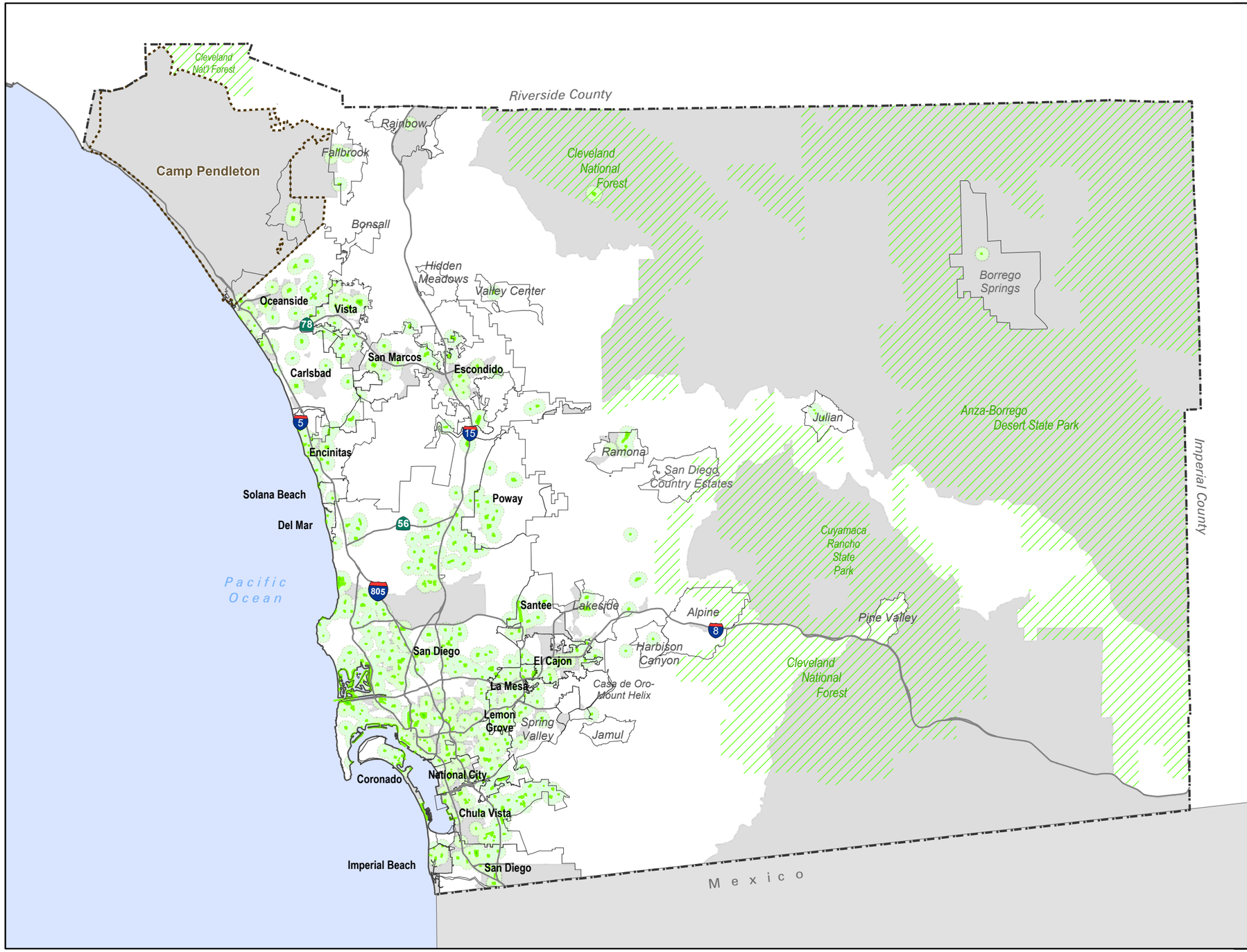
15 Miles

Source:
San Diego Department of Housing and Community Development;
San Diego Housing Commission; HUD 2003

FIGURE 3-14

County of San Diego

LOW and MODERATE INCOME AREAS and PARKS



Legend

- Low and Moderate Income Areas
  See Figure 3-10 for low/mod legend
- Active parks
  Park recreation areas and centers Based on SANDAG's 2000 Existing Land Use Classifications
- Parks service areas
  1/2 mile (10 minute walk) radii
- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

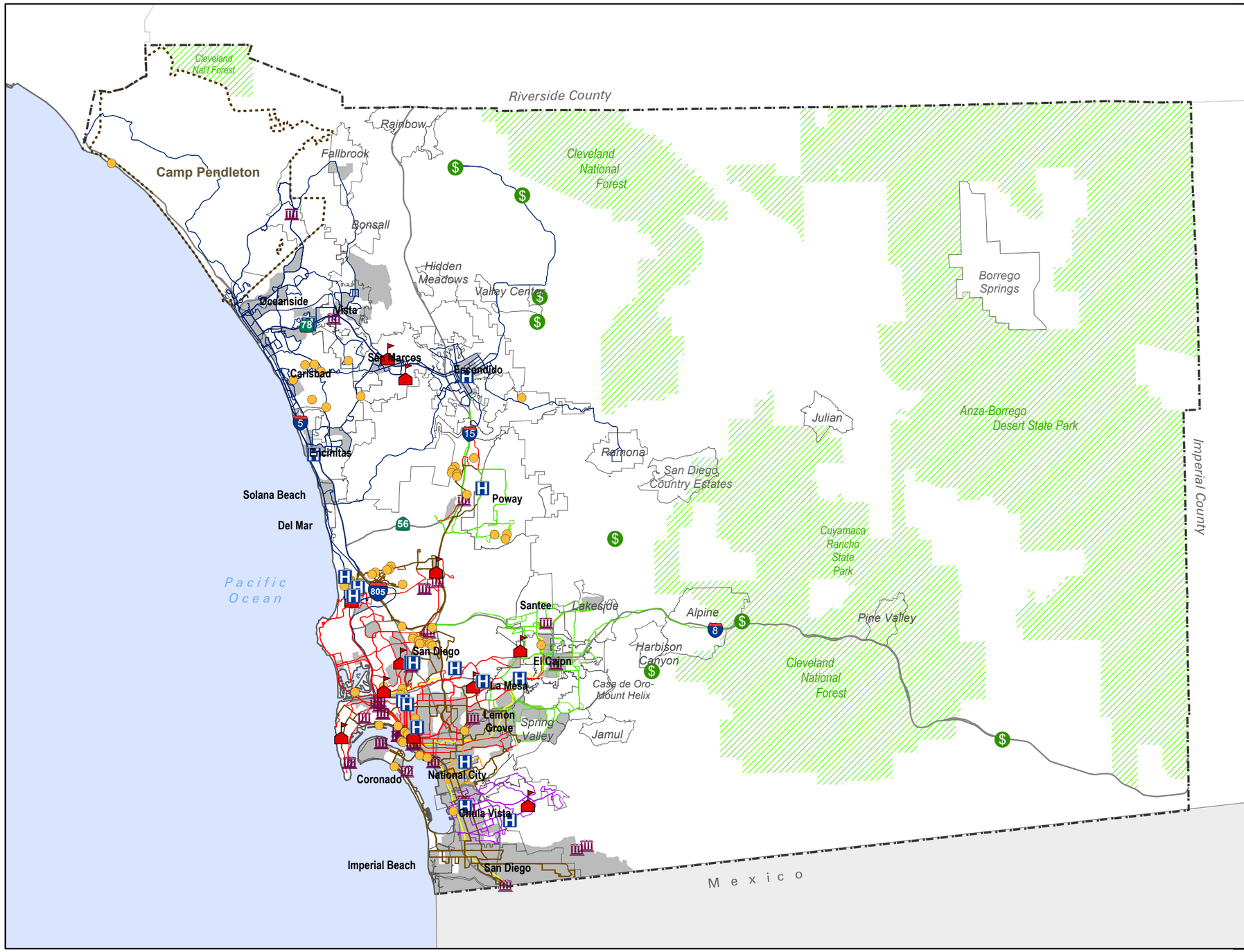
15 Miles

Source:
HUD 2000; Census 2000;SANDAG 2000
Geography Network 2003;
Cotton/Bridges/Associates

FIGURE 3-16

County of San Diego

ACCESS TO MAJOR EMPLOYERS



Legend

MAJOR EMPLOYERS

- Government
- Colleges
- Hospitals
- Casinos/Gaming
- Private Employers

TRANIST ROUTE OPERATORS

- Chula Vista Transit
- Couty Transit System
- MTDB Contract Services
- National City Transit
- North County Transit
- San Diego Transit
- San Diego Trolley

WORKERS COMMUTING TO WORK VIA PUBLIC TRANSPORTATION

- Proportion greater than San Diego County average (3.4%-6.8%)

- **Cities** and *Communities*
- State or National Park
- Freeway
- County Boundary

north

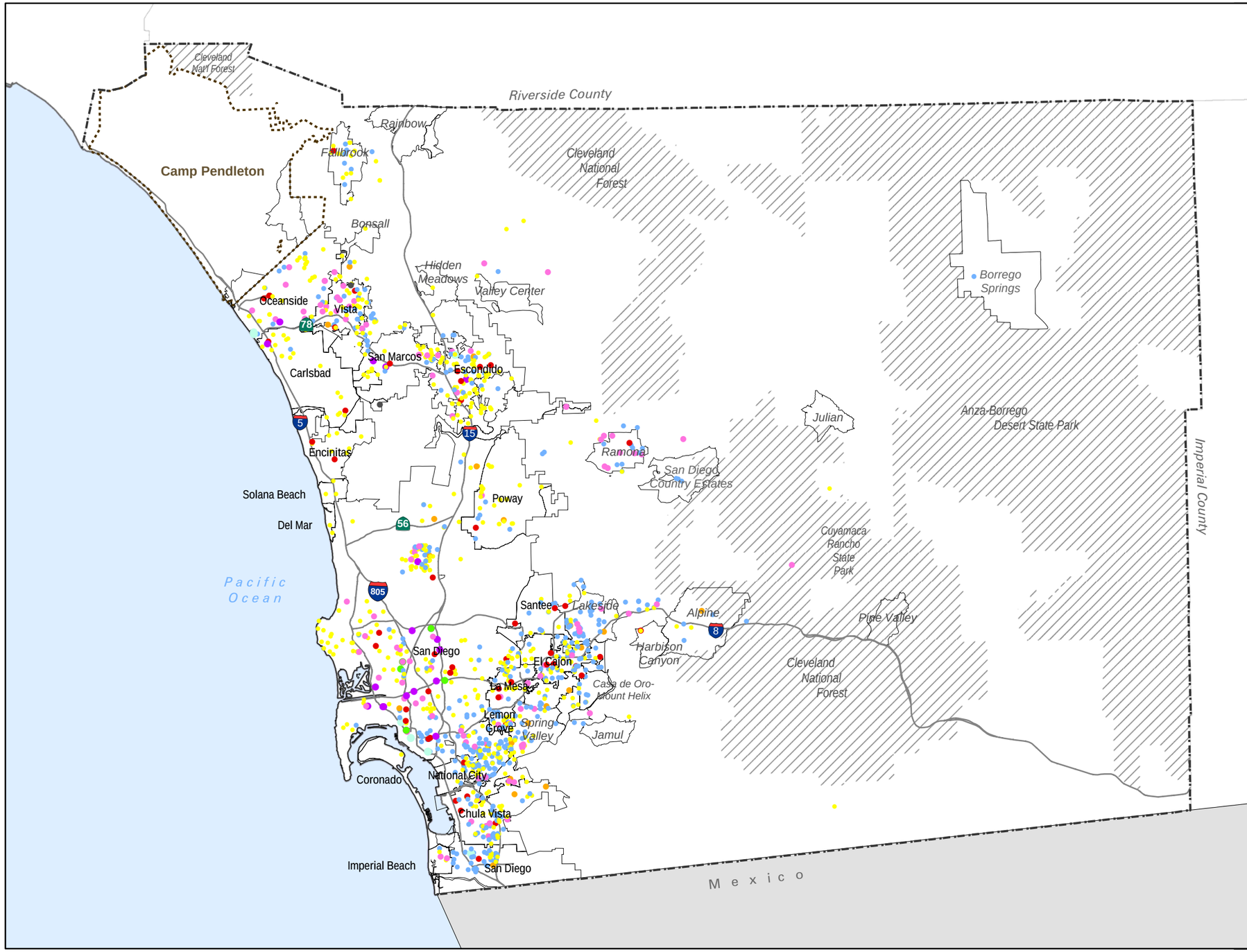
15 Miles

Source:
Census 2000; SANDAG GIS, 2003

FIGURE 5-1

County of San Diego

LICENSED CARE FACILITIES



Legend

- Adoption Agency
- Adult Day Care
- Adult Residential
- Foster Family Agency
- Group Home
- Residential Care-Elderly
- Residential Facility Chronically Ill
- Small Family Home
- Social Rehabilitation Facility

- Cities and *Communities*
- State or National Park
- Freeway
- County Boundary

north

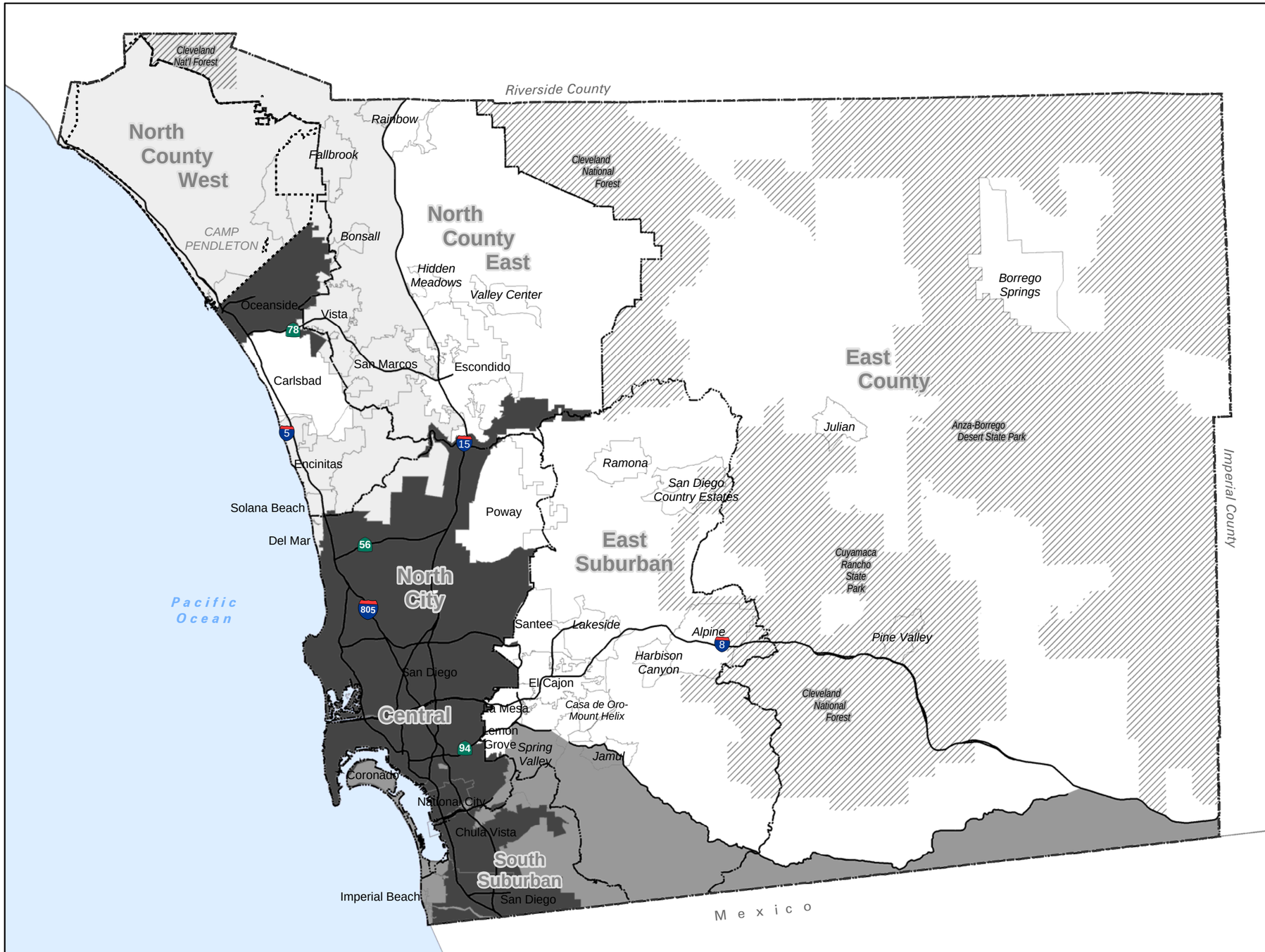
15 Miles

Source:
California Department of Social Services
Community Care Licensing Division, 2003

FIGURE 6-1

County of San Diego

FAIR HOUSING COUNCILS



Legend

Fair Housing Councils

- Heartland
- North County Lifeline
- South Bay Community Services
- Fair Housing Council of San Diego

- Freeway
- State or National Park
- Cities and *Communities*
- Sub Region Boundary
- County Boundary

north

15 Miles

Source: