

E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

1. List and summarize any of the following that have not been resolved:

- **a charge or letter of finding from HUD concerning a violation of a civil rights-related law**
- **a cause determination from a substantially equivalent state or local fair housing agency concerning**
- **a violation of a state or local fair housing law**
- **a letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law**
- **or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing**
- **a pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination**

TESTING OVERVIEW

The Fair Housing Center of NE-IA (the Center), is a program of Family Housing Advisory Services, Inc. (FHAS) and serves all of Nebraska and Iowa. The Center was established (1994) as a full-service fair housing center under a HUD Fair Housing Initiatives Program (FHIP) grant for three years. The grant was applied for in order to expand the capacity of FHAS to address the problems experienced by its clients who were experiencing discrimination in their attempts to secure housing. Full-service fair housing centers include complaint intake and investigation of fair housing complaints, fair housing testing, education and outreach, and counseling and advocacy on behalf of persons who have experienced discrimination.

The Center operates the only HUD approved testing program in the two states. Testing is a process for gathering information on actual practices in the marketplace. Such information can then be used in measuring any differences in treatment, including the quality, content, and the quantity of information and service, given by real estate firms, rental property managers, private landlords, or other providers of housing including loans to determine if there is a difference in treatment based on race, color, sex, religion, national origin, disability, or familial status.

Testers are trained individuals who pose as home seekers. They visit real estate offices,

apartment complexes, banks etc. and inquire about the availability of housing and or other services that are offered by the entity.

In addition to being funded by HUD, the Center has partnerships and conducted tests at the request of the Nebraska Equal Opportunity Commission, Omaha Human Rights and Relations Department, the Lincoln Commission on Human Rights, the Iowa Civil Rights Commission, Sioux City Human Rights Commission, Davenport Civil Rights Commission, the Des Moines Civil & Human Rights Commission, and for the cities of Fremont NE and Dubuque, Iowa.

TESTING DATA

Between the years of 2011 and 2016 the Fair Housing Center of NE-IA (the Center), conducted a total of 275 tests in Omaha, Bellevue and Council Bluffs. The Center categorizes the results of the tests 3 ways, Evidence, Inconclusive or No Evidence. Evidence is determined when a housing provider:

- Does not make a unit available to an individual of a protected class
- Refuses to sell or rent to a person of a protected class
- Places different terms or conditions for occupancy on an individual of a protected class
- Will not allow a reasonable accommodation (waiver in policy) to a person with a disability
- Advertises or states a preference, limitation or discriminates based on a person's protected class
- Or a multi-family housing complex does not meet the design and construction requirements as set forth in the Fair Housing Act.

Inconclusive is determined when a housing provider shows some differences in treatment stated above, but not quite to the level of “evidence” as stated above.No Evidence is determined when a housing provider has treated both Testers’ equally. Of the 275 tests conducted during 2011-2016:

- 53 tests were determined as evidence
- 94 tests were determined as inconclusive
- 128 tests were determined as no evidence

Therefore, in over half (53%) of the tests conducted showed some type of differential treatment/or does not meet design and construction requirements.

The following is a breakdown by year, city/town, protected class and determination of the tests conducted.

Omaha 2011							
	Race	National Origin	Disability	Familial Status	Sex	Other	Total
Evidence		4	6				10
Inconclusive	9	3					12
No Evidence	14	6	2	1			23
Total	23	13	8	1			45
Bellevue 2011							
Evidence							0
Inconclusive							0
No Evidence							0
Total	0	0	0	0	0	0	0
Council Bluffs 2011							
Evidence							0
Inconclusive	1						1
No Evidence							0
Total	1						1
Omaha 2012							
Evidence			6	1			7
Inconclusive	10	5	1		1		17
No Evidence	10	9	20	1		1	41
Total	20	14	27	2	1	1	65
Bellevue 2012							
Evidence							0
Inconclusive				1			1
No Evidence							0
Total				1			1
Council Bluffs 2012							
Evidence							0
Inconclusive							0
No Evidence	1						1
Total	1						1

Omaha 2013							
	Race	National Origin	Disability	Familial Status	Sex	Other	Total
Evidence		1	3	2	2	1	9
Inconclusive	3	1					4
No Evidence	9		3	1			13
Total	12	2	6	3	2	1	26
Bellevue 2013							
Evidence							0
Inconclusive		3	1				4
No Evidence		2					2
Total		5	1				6
Council Bluffs 2013							
Evidence	2						2
Inconclusive	3						3
No Evidence	3						3
Total	8						8
Omaha 2014							
Evidence	1		16				17
Inconclusive	6	5	24	1			36
No Evidence	2	2	16				20
Total	9	7	56	1			73
Bellevue 2014							
Evidence			1				1
Inconclusive							0
No Evidence		2		1			3
Total		2	1	1			4
Council Bluffs 2014							
Evidence			1				1
Inconclusive							0
No Evidence			1				1
Total			2				2

Omaha 2015							
	Race	National Origin	Disability	Familial Status	Sex	Other	Total
Evidence		1	1				2
Inconclusive		5	3				8
No Evidence	4	2					6
Total	4	8	4				16
Bellevue 2015							
Evidence							0
Inconclusive							0
No Evidence							0
Total							0
Council Bluffs 2015							
Evidence							0
Inconclusive							0
No Evidence							0
Total							0
Omaha 2016							
Evidence		2	2				4
Inconclusive		7					7
No Evidence	3	8	1				12
Total	3	17	3				23
Bellevue 2016							
Evidence							0
Inconclusive	1						1
No Evidence	3						3
Total	4						4
Council Bluffs 2016							
Evidence							0
Inconclusive							0
No Evidence							0
Total							0

COUNCIL BLUFFS

According to the State of Iowa Civil Rights Commission (ICRC), the city has two open cases within Council Bluffs regarding reasonable accommodation for a person/s with disability claim. Both claims originate in the 51501 zip code, which is located in the western portion of the City including the West End, South End and Mid-City neighborhoods. Since 2015, the ICRC has fielded 10 cases regarding fair housing within the City of Council Bluffs. (Attachment M).

BELLEVUE

The Fair Housing Center of Nebraska & Iowa provided information regarding fair housing complaints within the City of Bellevue by year.

Table V-77 Fair Housing Complaints Bellevue

Fair Housing Complaints							
Protected Class	2011	2012	2013	2014	2015	2016	TOTAL
Race	-	-	1	-	1	2	4
Color	-	-	-	-	-	-	-
Sex	-	-	-	-	-	-	-
Religion	-	1	-	-	-	-	1
National Origin	2	-	-	-	2	-	4
Disability	9	8	11	7	6	8	49
Familial Status	-	1	2	-	-	-	3
Other	-	-	-	-	-	-	-
TOTAL	11	10	14	7	9	10	61

SOURCE: Fair Housing Center of Nebraska & Iowa

The City of Bellevue is not party to unresolved legal issues or claims related to fair housing or civil rights.

2. Describe any state or local fair housing laws. What characteristics are protected under each law?

OMAHA

The Nebraska Fair Housing Act can be viewed in full in Attachment N.

COUNCIL BLUFFS

Council Bluffs Municipal Code has the following protected statutes as part of the Council Bluffs Civil Rights Commission (Chapter 1.40) (Attachment O):

- 1.40.030 – Definitions. Definitions of each civil rights phrases
- 1.40.080 – Unfair employment practices. Discrimination laws regarding employment, labor organizations, and hiring practices
- 1.40.090 – Unfair practices: accommodation or services. Regulations regarding accommodations regarding leasing, site management, and rental properties
- 1.40.100 – Unfair or discriminatory practices: Housing. Discrimination laws regarding real estate and rental property for housing activities
- 1.40.110 – Unfair credit practices. Discrimination laws for credit approval, loans, business licenses
- 1.40.120 – Unfair or discriminatory practices: Education. Discrimination of participation in extracurricular activities, programs, or other activities within educational institutions
- 1.40.130 – Aiding or abetting. Intentionally aid, abet, compel or coerce another person to engage in any of the practices declared unfair or discriminatory
- 1.40.200 – City employment. Fair employment practices and recruitment within the City positions.

BELLEVUE

The State of Nebraska Fair Housing Act prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, disability or familial status. Covered entities generally include residential property owners, property managers, realtors and multiple listing services. However, exemptions exist for dwellings owned or operated by religious organization and bona fide private clubs for non-commercial purposes, housing for older persons, and owner-occupied private homes in which no more than three sleeping rooms are rented.

Unlawful housing practices generally include discrimination in the advertisement, acquisition (showing, negotiating for or transmitting offers for sale or rental), financing, or possession and enjoyment (terms, conditions, privileges) of residential property.

The housing law also contains provisions barring retaliation. Anyone who has opposed any practice made unlawful by the statutes or who has participated in any manner in any proceeding to enforce the statutes is protected.

The Nebraska Fair Housing Law does place a deadline on filing. From the date of any alleged harm, the time limit for a housing charge is 1 year.

3. Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.

OMAHA

Many groups are working in Omaha to provide different services and resources regarding fair housing. The following organizations are included in those whose mission includes providing information and outreach and/or enforcement resources:

- Fair Housing Center of NE & IA
- HUD Fair Housing Hotline
- City of Omaha Human Rights and Relations Department
- Mayor's Fair Housing Advisory Committee
- Family Housing Advisory Services
- Metro Area Continuum of Care for the Homeless (MACCH) and partnering organizations

COUNCIL BLUFFS

The City works with a number of agencies to provide fair housing information:

1. Family Housing Advisory Services (regional): housing and financial counseling
2. Iowa Legal Aid (statewide): free civil legal service for income qualified
3. Heartland Family Service (regional): housing counseling and shelter service for homeless
4. League of Human Dignity (regional): assistance with housing modifications for income qualified disabled residents
5. Mosaic (regional): housing assistance for intellectually disabled
6. VODEC (regional): housing assistance for intellectually disabled as well as job assistance
7. Catholic Charities Domestic Violence and Sexual Assault Shelter (regional): housing assistance, financial and housing counseling for victims of domestic violence and sexual assault
8. MICAH House (local): housing counseling and shelter service for homeless families
9. Connections Area Agency on Aging (local): advocacy and assistance for senior and disabled populations regarding housing
10. NeighborWorks Home Solutions (regional): provides down payment assistance to income qualified home buyers purchasing new infill houses.

Resources for the agencies vary based on size and types of programs. The City works with many of the above providers to provide Community Development Block Grant (CDBG) funds to support the organization and its work in Council Bluffs related to housing counseling, shelter service and home modifications.

BELLEVUE

The City of Bellevue has information regarding fair housing available for all residents and distributes the information directly to those who call requesting assistance or ask questions. Information regarding fair housing is also available on the City of Bellevue website. For fair housing concerns and enforcement, the City of Bellevue refers residents to the Fair Housing Center of NE & IA and to HUD Fair Housing hotline.

4. Additional Information

a. Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region.

These charts show the total number of fair housing complaints received and investigated by the Center and are broken down by protected class and year. The first chart reflects the total number while the second chart reflects the numbers for Bellevue, Council Bluffs and Omaha.

Fair Housing Complaints by protected class (#'s include all of NE and all of IA)							
	2011	2012	2013	2014	2015	2016	TOTAL
Race	12	15	18	21	28	57	151
Color	0	0	0	0	0	0	0
Sex	5	6	13	7	3	11	45
Religion	1	1	3	2	0	1	8
National Origin	19	13	16	6	21	32	107
Disability	141	154	159	230	200	270	1,154
Familial Status	12	11	14	13	6	7	63
Other *	12	10	11	5	4	2	38
TOTAL	202	210	234	284	262	380	1,572

FH Complaints by protected class for Bellevue (B), Council Bluffs (CB) and Omaha (O)																			
	2011			2012			2013			2014			2015			2016			
	B	CB	O	B	CB	O	B	CB	O	B	CB	O	B	CB	O	B	CB	O	TOTAL
Race	-	-	5	-	3	3	1	1	7	-	-	8	1	-	10	2	1	23	65
Color	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Sex	-	-	2	-	-	3	-	-	6	-	-	5	-	-	2	-	-	2	20
Religion	-	-	1	1	-	-	-	1	1	-	-	1	-	-	-	-	-	-	5
National Origin	2	-	5	-	-	8	-	-	6	-	1	1	2	-	6	-	1	7	39
Disability	9	14	60	8	9	63	11	20	61	7	25	105	6	16	91	8	10	103	626
Familial Status	-	-	-	1	-	2	2	1	7	-	-	2	-	1	2	-	1	2	21
Other *	-	-	8	-	-	6	-	-	4	-	-	5	-	-	-	-	-	-	23
TOTAL	11	14	81	10	12	85	14	23	92	7	26	127	9	17	111	10	13	137	799

*Other includes Age, Marital Status, and Sexual Orientation

The chart below reflects the total number of complaints received and broken down by industry.

Complaint Type (#'s include all of NE and all of IA)							
	2011	2012	2013	2014	2015	2016	TOTAL
Rental	194	207	233	279	262	373	1,548
Sales	0	1	0	0	0	0	1
Lending	7	1	0	0	0	0	8
Design and Construction	0	0	0	5	0	5	10
Advertising	0	0	1	0	0	0	1
Insurance	0	0	0	0	0	0	0
Other*	1	1	0	0	0	2	4
TOTAL	202	210	234	284	262	380	1,572

*Other includes rent to own and predatory lending

The following is a further breakdown by industry of the charts from the previous pages. In 2011, all of the tests conducted in Omaha, Bellevue and Council Bluffs were rentals.

Omaha 2012 (65)

- 27 Disability, all rentals, **6** evidence, **1** inconclusive, **20** no evidence
- 2 Familial Status, both rentals, **1** evidence and **1** no evidence
- 1 Other (marital status), rental, no evidence
- 14 National Origin, **8** lending (2 inconclusive and 6 no evidence) **6** rentals (3 inconclusive and 3 no evidence)
- 20 Race, all rentals, **10** inconclusive and **10** no evidence
- 1 Sex, rental, inconclusive

Bellevue 2012 (1)

- 1 Familial Status, rental, inconclusive

Council Bluffs 2012 (1)

- 1 Race, sales, no evidence

Omaha 2013 (26)

- 6 Disability, all rentals **3** evidence, **3** no evidence
- 3 Familial Status, all rentals, **2** evidence, **1** no evidence
- 1 Other (Advertisement), evidence
- 2 National Origin, both rentals **1** evidence and **1** inconclusive
- 12 Race, **6** lending (3 inconclusive and 3 no evidence), **6** rentals, all no evidence
- 2 Sex, both rentals, both evidence

Bellevue 2013 (6)

- All rentals

Council Bluffs 2013 (8)

- All rentals

Omaha 2014 (73)

- All rentals

Bellevue 2014 (4)

- 1 Disability, rental, evidence
- 1 Familial Status, rental, no evidence
- 2 National Origin, both sales, both no evidence

Council Bluffs 2014 (2)

- 2 Disability, both rentals, 1 evidence and 1 no evidence

Omaha 2015 (16)

- 4 Disability, all rentals, 1 evidence 3 inconclusive
- 4 Race, all rentals, all no evidence
- 8 National Origin, all rentals, 1 evidence, 5 inconclusive, 2 no evidence

Bellevue 2015 (0)

Council Bluffs 2015 (0)

Omaha 2016 (23)

- 3 Disability, all rentals, 2 evidence and 1 no evidence
- 3 Race, 1 sales, no evidence, 2 rentals, no evidence
- 17 National Origin, 5 sales, no evidence, 12 rentals (2 evidence, 7 inconclusive, 3 no evidence)

Bellevue 2016 (4)

- 4 Race, all sales, 1 inconclusive and 3 no evidence

5. Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors

OMAHA

- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations

COUNCIL BLUFFS

Fair Housing Enforcement, Outreach Capacity and Resources

1. Lack of local public fair housing enforcement
2. Lack of resources for fair housing agencies and organizations

BELLEVUE

Lack of local private fair housing outreach and enforcement

Private industry in Bellevue does not report fair housing outreach efforts. Without the knowledge of fair housing, reports of issues go unreported and then enforcement cannot take place. There is a need for additional awareness and information regarding fair housing for residents, landlords, property managers, realtors, and other housing professionals.

Lack of resources for fair housing agencies and organizations:

Bellevue lacks a site or office for the agencies and organizations supporting fair housing in our community. With limited fair housing services in the community, many complaints are referred to agencies in Omaha and HUD.