

**Comment 1:**

Hey there. Just an observation...I noticed that there is not a collaborative partner that represents investors/landlords. I'd imagine it might be valuable to Fair Housing advocates to have input from that group of people. Again, just an observation.

**Response 1:**

Thank you for your comment on the Assessment of Fair Housing. We appreciate your feedback.

The AFH partnership held a workshop last July titled, "Realities in Housing" which focused on information for realtors, investors, and landlords. We did reach out to regional landlord groups, but acknowledge that some persons may have been missed in this process. In addition we did have some investors and landlords attend our open houses and respond to our Regional Housing Survey.

If you have any contacts you would like to share who might be interested in learning about future opportunities, please let me know.

**Comment 2:**

1. better and more "marketable" explanations/definitions about what affordable housing is may help reduce instant rejection by communities.
2. After looking at the visual tour of the report, I was struck with the absolute necessity of getting people to the jobs that will help them improve their economic situation. I understand that MOBA has hands tied. Is there opportunity for more incentives for industry closer to the populations of people needing jobs? OR would there be incentives or reasons for the employers building in the south west area to help with transportation. For example: shuttles to bus stops. Costs could be offset by reasonable charges to the people using them.
3. Keep the posters from the visual tour. They are enlightening and the lack of change over the decades is somewhat frightening. Perhaps you can engage younger people with them in campus groups, boy scouts or girl scouts, etc. I'm thinking about long term focus on change.
4. I think an east west bus route on dodge is good as having something useful to a larger demographic will help make mass transit feel like a more commonplace thing to us and therefore more important when we are asked as voters to do something about finances for it. North South routes that are fast and economical to reach it will be important. Does the whole fleet need to be big buses? Would it be possible to put smaller vehicles in use for less populous times of routes?
5. I was so excited to hear about real time GPS for the buses. Will help everyone, especially people with visual impairment.

**Response 2:**

Thank you so much for your thoughtful comments regarding the Assessment of Fair Housing. We will incorporate these suggestions into the final copy of the document.

Additionally, I would like to let you know we have already been using the maps and information gained through the AFH in classroom settings. We would like to do more outreach in schools with this information and appreciate your feedback regarding opportunities for education.

**Comment 3:**

Here are some recommendations for creating fair housing in the Omaha area:

Require that any TIF proposal for housing include at least 25% affordable housing.

Rationale: This provides an incentive for affordable housing.

Similarly, require that any new Sanitary and Improvement District (SID) include at least 25% affordable housing.

Rationale: SIDs are structured so as to produce only market-rate and luxury housing. This would require a change in state legislation, something long overdue. Or perhaps just make extending city/county services (police, fire, streetlights) to the SID dependent on the SID providing a certain percentage of affordable housing.

Pass an ordinance requiring all City contractors and subcontractors to pay a living wage.

Rationale: When citizens have the money, they do their own redevelopment/revitalization. Since they live there, they improve neighborhoods rather than gutting or demolishing them. They also tend to keep historic buildings and re-purpose them if necessary. A living wage ordinance has an upward pressure effect on all wages.

Pass an ordinance that City Council and City Planning Board meetings take place after regular working hours during the week.

Rationale: Current meeting times are structured to prevent working people from attending City Council and City Planning Board meetings. This is unethical on its face

Similarly, have long-range planning meetings such as Heartland 2050 meet at times and places accessible to the working public.

Rationale: Same as above.

Schedule local elections on the same day as state and national elections.

Rationale: Increase voter participation and interest.

**Response 3:**

Thank you for your thoughtful comments on the Fair Housing Assessment. These comments/suggestions will be included in the final draft of the document. If you have any further questions regarding fair housing issues, please let us know.

**Comment 4:**

**Date:** June 25, 2018

**To:** City of Omaha Planning Department, Fair Housing 2018

**From:**

Palma Joy Strand

Professor of Law, Negotiation and Conflict Resolution Program, and Director, 2040 Initiative  
Department of Interdisciplinary Studies, Graduate School, Creighton University

I appreciate the opportunity to participate in the Omaha regional AFFH process and to comment on the Regional Assessment of Fair Housing. The background for my comments is my research on the institutional structures through which housing in Omaha was historically and continues to be segregated both by race and by socioeconomics. I have also documented the strong connections generally between housing and racial wealth disparities. Appropriate citations are included below.

**Comments on The Regional Assessment of Fair Housing (AFH), Executive Summary, Part IV, Key Findings:**

AFH:

In the background description of Segregation/Integration in Omaha, the Executive Summary states: "Redlining practices that began in the 1930's shaped Omaha into a city divided by race/ethnicity." (Executive Summary p. 11)

Comment:

Historically, the redlining practices established by the federal government channeled investment away from African-American neighborhoods. Residential segregation by race, however, was already in place in Omaha prior to the drawing of the federal redlining maps by the HOLC in 1935/1936. That pre-existing segregation had been achieved through local actions on the part of the City of Omaha, local banks, and local real estate firms. The documentation accompanying the 1935/1936 HOLC report makes clear that federal redlining followed and solidified local practices that had already created racial segregation.

This documentation is reviewed in Palma Joy Strand, *The Invisible Hands of Structural Racism in Housing: Our Hands, Our Responsibility* (**University of Detroit Mercy Law Review**, forthcoming) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3147196](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3147196). I have in my files copies from the National Archives of the 1935/1936 HOLC reports, which make clear that federal redlining reflected pre-existing local conditions created by local entities, particularly banks and real estate firms. Responsibility

for reversing segregation therefore lies not only with the federal government but with local entities such as the City of Omaha, local banks (especially First National Bank and US Bank, both named in the HOLC redlining report) and local real estate firms.

AFH:

The Executive Summary lists a number of “Contributing factors of segregation” (Executive Summary p. 11).

Comment:

In addition to the contributing factors listed, existing planning and development practices created by the Unicameral and undertaken by private developers acting through SIDs in collaboration with the City of Omaha (the “SID + annexation development regime”) continue to incentivize homogeneous, up-scale housing in new construction. These continuing planning and development practices deflect political accountability for the lack of provision in new construction of affordable housing. The planning and development practices that historically created racial and socioeconomic segregation continue today to perpetuate that segregation.

A fuller discussion of how the SID + annexation development regime causes residential segregation can be found in Palma Joy Strand, “*Mirror, Mirror, On the Wall...*” *Reflections on Fairness and Housing in the Omaha-Council Bluffs Region*, 50 **Creighton Law Review** 183 (2017).

AFH:

The Executive Summary lists a number of “Contributing Factors to R/ECAPs” (Executive Summary p. 12).

Comment:

Concentrations of affordable housing in eastern Omaha and the lack of affordable housing in western Omaha concentrate lower-income residents in eastern Omaha. This phenomenon is encompassed in the general factor “Location and type of affordable housing,” but it is important to be specific as to where affordable housing is within the City and where it is not. The concentration of affordable housing east of 72<sup>nd</sup> Street and the lack of affordable housing west of 72<sup>nd</sup> Street – both of which result from the exclusionary development regime to the west – are the foundation for poor residents living where they do.

In addition, racial wealth disparities are a significant contributor in terms of which households can afford what housing. White households nationally average 10-20 times the wealth of Black households, and Black households were hit particularly hard by the housing crisis of the late 2000’s. Brian Thompson, *The Racial Wealth Gap: Addressing America’s Most Pressing Epidemic*, **Forbes** (Feb. 18, 2018) <https://www.forbes.com/sites/brianthompson1/2018/02/18/the-racial-wealth-gap-addressing-america-s-most-pressing-epidemic/#e4b9a647a48a>. Much of this White wealth has been attained by access to a housing market that was historically segregated. Palma Joy Strand, *Inheriting Inequality: Wealth, Race, and the Laws of Succession*, 89 **Oregon Law Review** 453 (2010). The current lack of Black household wealth in Omaha, which inhibits Black households gaining access to housing in low-poverty areas, is a direct result of past segregation and discrimination practices implemented by the Unicameral, the City, banks and real estate firms, and private developers acting through SIDs.

AFH:

The Executive Summary lists a number of “Disparities in Access to Opportunity” (Education – Executive Summary p. 13).

Comment:

The existing school district boundaries in Douglas County continue to reflect White flight waves to the west outside of the Omaha Public School district boundaries since World War II (for example,

Westside and Millard) and preservation of existing school district boundaries at the time of annexation by the City of Omaha (for example, Millard and Elkhorn). The preservation of these White flight school district boundaries along with disparities in funding and significant demographic differences is a major underlying structural cause of the current and continuing disparities in access to education. Palma Joy Strand, “*Mirror, Mirror, On the Wall...*” *Reflections on Fairness and Housing in the Omaha-Council Bluffs Region*, 50 **Creighton Law Review** 183 (2017).

AFH:

The Executive Summary lists a number of “Disparities in Access to Opportunity” (Employment – Executive Summary p. 14).

Comment:

Continuing racism in the employment market has been well-documented, and there is no reason to believe Omaha is exceptional in this regard. See, e.g., Lincoln Quillian et al, *Meta-analysis of field experiments shows no change in racial discrimination in hiring over time*, **Proceedings of the National Academy of Sciences** (Sept. 12, 2017) <http://www.pnas.org/content/early/2017/09/11/1706255114.full>.

AFH:

The Executive Summary lists a number of “Disparities in Access to Opportunity” (Access to Low-Poverty Neighborhoods – Executive Summary p. 15).

Comment:

As noted previously, racial wealth disparities are a significant contributor in terms of which households can afford what housing. White households nationally average 10-20 times the wealth of Black households, and Black households were hit particularly hard by the housing crisis of the late 2000’s. Brian Thompson, *The Racial Wealth Gap: Addressing America’s Most Pressing Epidemic*, **Forbes** (Feb. 18, 2018) <https://www.forbes.com/sites/brianthompson1/2018/02/18/the-racial-wealth-gap-addressing-americas-most-pressing-epidemic/#e4b9a647a48a>. Much of this White wealth has been attained by access to a housing market that was historically segregated. Palma Joy Strand, *Inheriting Inequality: Wealth, Race, and the Laws of Succession*, 89 **Oregon Law Review** 453 (2010). The current lack of Black household wealth in Omaha, which inhibits Black households gaining access to housing in low-poverty areas, is a direct result of past segregation and discrimination practices implemented by the Unicameral, the City, banks, and private developers acting through SIDs.

AFH:

The Executive Summary lists a number of contributing factors in the “Publicly Supported Housing Analysis” – Executive Summary p. 16.

Comment:

An additional factor is the lack of inclusionary planning criteria, guidelines, and requirements by the City of Omaha. The City has made no policy commitment to providing affordable housing in conjunction with new development. Palma Joy Strand, “*Mirror, Mirror, On the Wall...*” *Reflections on Fairness and Housing in the Omaha-Council Bluffs Region*, 50 **Creighton Law Review** 183 (2017). Absent inclusionary zoning and development practices, exclusionary development is and will continue to be the Omaha norm.

Comment to AFH Overall:

Many of the factors identified in the Regional Assessment of Fair Housing are aspects of institutional, structural, systemic racism. One of the recommendations for the City of Omaha is to “Create opportunities for community-led events focused on stigma and stereotypes about race and

poverty, redlining, and neighborhood revitalization.” While this is an important recommendation, it needs to be much more extensive.

The lack of fair housing in the Omaha metropolitan region, as in most regions around the nation, is a result of longstanding and deep-seating historical practices on the part of local governments, financial and real estate institutions, and developers – as well as individual community members. These actions together have created and continue to create structural advantages for White residents and structural disadvantages for Black (and Latinx) residents in the Omaha metropolitan region. Discussions about the role of institutional, structural, systemic racism in the current absence of fair housing for many community members are foundational in addressing current lack of housing opportunities.

**Response 4:**

Thank you so much for your thoughtful comments. We will be incorporating these into the final copy of the assessment.

**Comment 5:**

*Karen Abrams, MPH Executive Director*

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June 29, 2018

**PUBLIC COMMENT FOR ASSESSMENT OF FAIR HOUSING** *from*

**POLICY RESEARCH & INNOVATION**

We applaud the depth of the Omaha-Council Bluffs Regional Assessment of Fair Housing. Without accurate assessment, effective strategic planning is impossible, so the creation of this document is an essential first step. After assessment, however, comes the real work of strategic planning for change in fair housing: setting goals, identifying strategies to achieve those goals, implementing the strategies, evaluating results, and finally, sustaining desirable outcomes.

In order for long-term, positive change to take place in advancing fair housing practices and achieving fair housing goals in the Omaha-Council Bluffs region, several things have to happen, now that this initial assessment has been completed:

1. The core values of equity, transparency, and accountability must be adopted as the driving principles underlying the fair housing movement in the region.
2. The region's fair housing system must be assessed, and a plan to expand both the readiness and capacity of the system for change, must be implemented.
3. Those most affected by the fair housing issues surfaced through this assessment, must be authentically included in every phase of strategic planning from here on out.

### **Core Values**

Adequate shelter is a human right. But currently, the region's housing system operates without overarching core values. This must change, and the current values vacuum, must be replaced with a declaration of the human right to shelter, along with a clear statement of dedication to the core values of equity, accountability, and transparency.

**Equity:** We noted with profound disappointment the complete absence of any references to race equity and disability equity from the goals laid out in this document (pp. 424- 436), despite the attention paid to equity in the assessment itself. The failure to make race equity and disability equity their own goals is a deficiency of epic proportions in a document that purports to be all about "fair" housing. This is so glaring a deficiency that it makes suspect the entire assessment and future planning process.

**Transparency:** Transparency is about effective public disclosure of who did what, when, where and how. Transparency is closely linked to accountability because a transparent system reveals to the public—as a matter of course—which system members are responsible for what, when and how things are done so that as a result, the public is able to hold the those members accountable if something goes wrong.

**Accountability:** In order to be fully accountable, the fair housing system must implement processes of oversight, monitoring and evaluation as well as appropriate procedures to hold specific institutions, agencies, organizations and/or individuals to account when things go wrong. An accountable system is open, responsible and trustworthy. That requires laws, and system rules and regulations that are clear and unambiguous. Data and other information about the system, its procedures, and its effects, must be freely and easily available and accessible to the public.

### **System Assessment & Planning**

The region's housing infrastructure must evolve in order to produce desired outcomes. Right now, the housing system is a disjointed, messy web of various and sundry government departments and officials, housing authorities, landlords, developers, other private sector companies, nonprofit agencies and organizations, as well as individuals. Frequently, the various players working within that web act in isolation, ignorance, or outright opposition to one another. The reason that housing is neither fair nor

equitable in the Omaha-Council Bluffs Region is in large part due to the labyrinthian havoc and disarray of the system.

An effective strategic planning process requires the active engagement of every layer of the Omaha-Council Bluffs region's fair housing system. The most effective way to make systemic change happen, is to engage all members of the system in intentional, comprehensive, collaborative planning and evaluation (to include monitoring and continuous improvement) through purposeful engagement of the institutions, agencies, organizations and individuals who have a stake in fair housing outcomes.

As the region moves forward in coordinating a comprehensive strategic planning process around fair housing, it is critical to cleave to the principles that (1) local people solve local problems best, and (2) people support what they help create. A good job has been done, so far, of including local people in assessing the current state of fair housing in the region. What is missing from this document is an accurate and in-depth assessment of the region's housing infrastructure—what we call the housing system.

Achieving desired fair housing outcomes and sustaining them over the long term, requires the active engagement of all system players in analyzing and improving the system itself. Without change to the system, the goals presented in this assessment document are not sustainable.

### **Authentic Community Engagement**

Positive, healthy and systemic transformation of our fair housing system requires the active inclusion and authentic engagement of those most vulnerable to unfair housing policies and practices. Intentionally creating opportunities for connectedness and reciprocity includes fostering avenues of communication and simultaneously cultivating and strengthening bonds of trust; and it calls for channeling and transforming apathy and indignation into engagement and positive action.

Mutual respect and appreciation have to be reestablished. Genuine linkages between communities and public policy makers must be nourished. For that to happen, communities must feel safe, heard, appreciated and recognized as the experts they are in the fair housing policies and practices that effect their own well-being. Nurturing authentic community engagement over the long term will help to repair and fortify the social fabric that supports the fair housing system. Those most affected by the fair housing issues surfaced through this assessment, must be authentically included in every phase of strategic planning from here on out, including goal-setting, strategy selection, implementation, evaluation, and sustainability.

Karen Abrams, MPH Executive Director Policy Research & Innovation

**PRI makes change happen! We conduct research, promote policies and engage diverse communities to create the kinds of places we all want to live in. [www.prineb.org](http://www.prineb.org)**



**Response 5:**

We very much appreciate your thoughtful comments. We are currently discussing changing the verbiage of some of our goals to reflect your concern. I will keep you posted as to how exactly they are addressed. We will also incorporate all of your comments into the final draft of the assessment.

**Comment 6:**

**Date:** June 29, 2018

**To:** City of Omaha Planning Department, Fair Housing 2018

**From:**

Joseph Garcia

Program Director, Fair Housing Center of Nebraska and Iowa, a Program of Family Housing Advisory Services, Inc.

I and members of our staff and Family Housing Advisory Services, Inc. were able to participate in the FHA and appreciate this opportunity to further comment. Our organization works daily to address housing issues including issues of housing discrimination principally in the Omaha area. Family Housing Advisory Services, Inc. is a Nebraska not for Profit Corporation founded in 1968. It has become a comprehensive, U.S. Department of Housing and Urban Development certified, housing counseling agency and a Qualified Fair Housing Organization (QFHO). The agency mission is: *To improve the quality of life and eliminate poverty by helping people achieve housing stability and financial security.*

In order to accomplish this mission Family Housing operates a number of programs, including:

**Financial Management** – Providing basic financial management and budgeting skills and promoting understanding of responsible and effective use of credit through workshops and individual credit counseling.

**Earned Income Tax Credit Coalition** – The Omaha Earned Income Tax Credit (EITC) Coalition advances financial empowerment, asset development and community prosperity for low to moderate income families through quality volunteer tax return preparation, community partnerships, and strategies to improve savings.

**Pre-Purchase Homebuyer Education** – Prepares persons to purchase homes by understanding the home buying process through presentation of an intensive, 12 hour workshop and individual credit correction planning.

**Foreclosure Prevention** – Counsels and advocates for persons involved in home foreclosure, negotiating workout agreements with lenders and addressing predatory lending practices when they are present.

**Homeowner Finance** – Provides low cost mortgage lending services including home loans through the not for profit lender affiliate, Omaha 100, Inc., which is certified as a Community Development Financial Institution (CDFI) by the U.S. Department of the Treasury.

**Tenant Services** – Provides homeless prevention counseling, supportive services to persons in transitional housing, and advocacy to assist persons and families avoid homelessness.

**Fair Housing Center of Nebraska and Iowa** – Provides comprehensive fair housing services, including: complaint intake and investigation of housing discrimination complaints as well as consumer and industry education statewide in Nebraska and Iowa. The Center has, on two occasions contracted with the City of Omaha to conduct and Analysis of Impediments to Fair Housing Choice as part of the City’s comprehensive planning process.

These programs utilize both education and advocacy to empower the persons and families we serve. We have been highly effective in providing these services and have quadrupled in size in the last decade to meet a growing demand for our services.

**Comments on The Regional Assessment of Fair Housing (AFH), Executive Summary, Part IV, Key Findings:**

**-Segregation/Integration**

Comment

This section, under Omaha, identifies “contributing factors” of segregation (page 11) but fails to explicitly include the public policy and current practice of the City of Omaha noted by Professor Palma Strand in her comments to FHA and in her research and article “*Mirror, Mirror, On the Wall... Reflections on Fairness and Housing in the Omaha-Council Bluffs Region*, 50 **Creighton Law Review** 183 (2017). We endorse these comments specifically the comment that:

“In addition to the contributing factors listed, existing planning and development practices created by the Unicameral and undertaken by private developers acting through SIDs in collaboration with the City of Omaha (the “SID + annexation development regime”) continue to incentivize homogeneous, up-scale housing in new construction. These continuing planning and development practices deflect political accountability for the lack of provision in new construction of affordable housing. The planning and development practices that historically created racial and socioeconomic segregation continue today to perpetuate that segregation.”

Throughout the FHA high levels of racial and ethnic segregation in the Omaha MSA are noted, underscoring that meaningful action to replace these segregated living patterns with truly integrated and balanced living patterns and maintaining compliance with civil rights and fair housing laws cannot be accomplished without addressing and correcting this policy and practice and its disparate effect of racial and ethnic as well as economic segregation. Likewise, where the issue of “segregation” is noted elsewhere, e.g. as a factor contributing to disparities in education (Executive Summary, Key Findings Page 13), or e.g. where “Location and type of affordable housing” is identified as a contributing factor in

disparities in access to low poverty neighborhoods (see Executive Summary, Key Findings, page 15), meaningful action requires that this current policy and practice be addressed and corrected.

### **-Racially and/or Ethnically Concentrated Areas of Poverty (R/ECAP)**

#### Comment

In this section contributing factors to R/ECAPs should include as a contributing factor the current highly ineffective, complaint-based, policy and practice of the City of Omaha for enforcement of minimum housing health and safety codes in residential housing. Health and safety violations of minimum housing standards are demonstrably concentrated in R/ECAPs and the failure to address this ineffective policy and practice has a decidedly adverse disparate impact on the racial and ethnic minorities in these areas. Meaningful action to maintain compliance with civil rights and fair housing laws cannot be accomplished without addressing and correcting this policy and practice.

### **-Access to Environmentally Healthy Neighborhoods**

#### Comment

In this section contributing factors disparities in access to environmentally healthy neighborhoods (page 15) should include as a contributing factor the current highly ineffective, complaint-based, policy and practice of the City of Omaha for enforcement of minimum housing health and safety codes in residential housing. Health and safety violations of minimum housing standards are demonstrably concentrated in R/ECAPs and the failure to address this ineffective policy and practice has a decidedly adverse disparate impact on the racial and ethnic minorities in these areas. Meaningful action to maintain compliance with civil rights and fair housing laws cannot be accomplished without addressing and correcting this policy and practice.

### **Comments on The Regional Assessment of Fair Housing (AFH), Executive Summary, Part V. Fair Housing Goals - NE-IA Region**

#### **- 2. Expand mobility for housing choice voucher holders in high opportunity areas**

#### Comment

This important goal would be furthered by addressing directly the problem of “source of income discrimination identified as a “contributing factors/barrier[s] to publicly supported housing.” (Key Findings, page 17) Advancing a protection for source of income in the applicable local and/or state fair housing ordinances and statutes would more directly and effectively address this problem. There are many examples of successful ordinances and laws in place across the U.S. that accomplishes this protection effectively. See e.g. the Poverty and Race Research Action Council publication **Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program (February 2013)**. [http://www.prrac.org/full\\_text.php?item\\_id=13718&newsletter\\_id=0&header=Current%20Projects](http://www.prrac.org/full_text.php?item_id=13718&newsletter_id=0&header=Current%20Projects)

**- 5. Improve the environmental health of neighborhoods (with a focus on those in areas identified as meeting the requirements for federal assistance) by addressing deteriorated and abandoned properties, walkability, and transportation options**

Comment

This important goal includes the sub-goal “Research best practices, evaluate programs, and make recommendations to improve the process currently in place to address properties with code violations.” Fundamental to the accomplishment of this goal is the comprehensive identification of properties with code violations. As noted in an earlier comment, the current policy and practice of the City of Omaha, in relying on complaints to identify code violations, is highly ineffective in the identification of such code violations.

**-8. Provide a central fair housing resource to support education and access to opportunities in the region.**

Comment

This important goal would be advanced by incorporating support for fair housing testing. The Fair Housing Center of Nebraska and Iowa have been conducting fair housing tests in Nebraska and Iowa since 1994. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information. Matched pair testing is conducted by the use of at least two persons with substantially the same credentials. One tester has a protected characteristic and the other does not. The Center’s primary focus has been on race, ethnicity, disability and familial status. Testing can be a valuable tool to investigate housing market practices and to document illegal housing discrimination. E.g. see attached [Fair Housing Testing Data - 2011-2016](#), which demonstrate a high degree of discrimination in housing in the Omaha, MSA.

**-Goals City of Omaha 1. Increase the amount of affordable housing stock in high opportunity areas in Omaha**

Comment

See the Comment above regarding Key Findings –Integration/Segregation, referencing the public policy and current practice of the City of Omaha regarding annexation. While the sub-goal here described as “Evaluate current incentives for the development of affordable housing and look for opportunities to expand and increase incentives” is certainly one sensible way to address and correct this problematic policy and practice, a more direct approach would be to include a goal of correcting this by requiring the development of an annexation policy for the City of Omaha that prevents this practice and corrects its effects.

## **Fair Housing Testing Data - 2011-2016**

Between the years of 2011 and 2016 the Fair Housing Center of NE-IA (the Center), conducted a total of 275 “matched pair” fair housing tests in Omaha, Bellevue and Council Bluffs. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information. Matched pair testing is conducted by the use of at least two persons with substantially the same credentials. One tester has a protected characteristic and the other does not. The Center’s primary focus has been on race, ethnicity, disability and familial status. Testing can be a valuable tool to investigate housing market practices and to document illegal housing discrimination. The Center categorizes the results of the tests it conducts as either a) Evidence of discrimination found; b) Inconclusive evidence of discrimination found; and c) No evidence of discrimination.

**Evidence** is determined when there is conclusive evidence from a test that a housing provider:

- Did not make an available unit available to an individual of a protected class
- Refused to sell or rent to a person of a protected class
- Placed different terms or conditions for occupancy on an individual of a protected class
- Would not allow a reasonable accommodation (waiver in policy) to a person with a disability
- Advertised or stated a preference or limitation that discriminates based on a persons protected class
- Offered multi-family housing that failed to provide accessible housing in compliance with the design and construction requirements as set forth in the Fair Housing Act.

Fifty-three (53) of the 275 tests (19.2%) were determined to have Evidence of discriminatory treatment.

**Inconclusive** evidence is determined when a test of a housing provider shows significant evidence of adverse differences in treatment stated above, but not sufficient to conclusively prove that discriminatory treatment occurred. Ninety-four (94) of the 275 tests (34%) were determined to be Inconclusive.

**No Evidence** is determined when a housing provider has treated both fair housing Testers’ substantially equally. One hundred and twenty-eight (128) of the 275 tests (46.5%) showed no evidence of discriminatory treatment.

This result, that fifty-three percent (53.4%) of the 275 tests conducted during this period showed conclusive or significant evidence that a housing provider acted in a discriminatory manner towards persons based on a protected characteristic, provides substantial evidence of discriminatory treatment in the Omaha, Council Bluffs, and Bellevue housing market.

### **Response 6:**

First of all thank you for taking the time to comment and provide information. All comments and information will be incorporated into the final document. I have printed off your comments to incorporate. Again, thank you for all that you do.