

# The City of Wichita

2019 – 2023

## Analysis of the Impediments to Fair Housing Choice



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## **Executive Summary**

### **Analysis of Impediments Purpose and Process**

In exchange for federal funds, entitlement jurisdictions including the City of Wichita (the City) is required to submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three elements:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified, and
3. Maintain records reflecting the actions taken in response to the analysis.

In 1996, the U.S. Department of Urban Development Office of Fair Housing and Equal Opportunity produced Fair Housing Planning Guide, Volume 1. On pages 2-8, the Guide provides a definition of impediments to fair housing choice as:

- A comprehensive review of the Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices.
- An assessment of how those laws, etc. affect the location, availability, and accessibility of housing.
- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes.
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.

Impediments to fair housing choice are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices.
- 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, religion, sex, disability, familial status, or national origin.

## **Research Method**

The City's Housing and Community Services Department (HCSD) developed a survey to gather community input for its 2013-2023 Consolidated Plan to prioritize federal spending and its 2019-2023 Analysis of Impediments to Fair Housing Choice (AI). HCSD designed its survey after one the State of Nebraska used when developing its (AI) in 2012. HCSD staff also reviewed local government policies, practices and census data.

## **Consultation**

City staff distributed the survey tool, which was developed using Survey Monkey, via social media formats Next Door, Twitter and Facebook. The Realtors of South Central Kansas included the survey link in their area newsletter to approximately 2000 realtors. The Wichita Area Builders Association agreed to send the link to their membership as well. HCSD mailed paper surveys to the residents living in Wichita Housing Authority Public Housing units. A total of 175 surveys were completed online and on paper. Eighty out of 467 public housing households returned paper surveys.

HCSD staffers engaged citizens at District Advisory Boards and Neighborhood Associations. Staff asked if they knew about Fair Housing issues or had any history of discrimination.

**Survey Questions Pertaining to Fair Housing and Persons with Disabilities**

**Question 7. Please rank the expenditure categories for activities below that the city may undertake during the planning period in order of importance, where 1 is the most important.**

Category	1	2	3	4	5	6	Total	Score
Fair Housing Initiatives	17	20	14	39	25	53	168	2.85
Housing development-Affordable Rental Units	16	33	32	34	35	17	167	3.46
Housing development for increased home ownership in the city's Core Area	29	33	31	21	27	29	170	3.58
Down payment and closing cost assistance loans for qualified home buyers	20	37	33	33	25	25	173	3.53
Housing rehab and critical home repair	49	30	40	21	23	11	174	4.16
Rental assistance for low-income individuals and families	45	20	23	21	33	32	174	3.58

The three highest rated categories are Housing rehabilitation and critical home repair, rental assistance for low-income individuals and families, and developing housing opportunities in the City's core for qualified homebuyers. Survey responders rated developing affordable rental housing last. Seventeen out of 168 persons selected Fair Housing Initiatives as their first choice for priority spending. This seems to indicate the majority of responders have either not experienced housing discrimination or do not know their fair housing rights and how to recognize if their rights were violated.

**Question 8. The availability of affordable housing units in Wichita meets the needs of the population.**

Answer Choices	Number of Responses	Percentage
Strongly Agree	31	15.66
Agree	46	23.33
Neither agree nor disagree	37	18.69
Disagree	54	27.27

Strongly disagree	30	15.15
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Even though nearly 19 percent of the responders replied as “Neither agree nor disagree”, those who either disagreed or strongly disagreed that Wichita had an available supply of affordable units, outnumbered the group that believed there was a sufficient and available supply of affordable housing.

**Question 9. It is important that people who work in Wichita can afford to live in Wichita.**

Answer Choices	Number of Responses	Percentage
Strongly Agree	149	74.87
Agree	39	19.60
Neither agree nor disagree	8	4.02
Disagree	0	0
Strongly disagree	3	1.51

Respondents overwhelmingly believe people who work in Wichita should be able to afford to live in the city. Decent and affordable workforce housing needs to be available close to work centers.

**Question 10. There is sufficient housing in Wichita for households at all income levels.**

	Strongly Agree		Somewhat Agree		Disagree		Strongly Disagree		No Opinion		Total
	#	%	#	%	#	%	#	%	#	%	
All income levels	41	21	61	31	43	22	42	21	9	5	196
Low-income	24	13	58	30	43	23	58	30	14	7	192
Seniors	29	15	44	24	47	24	58	30	14	7	192
Persons with disabilities	24	13	42	22	47	24	58	30	21	11	192

Responders to question 10 indicated an insufficient amount of housing for low-income families, seniors and persons with disabilities. It is worth noting that 30 percent of the survey responders identified themselves as persons with a disability on Question 16.

**Question 14. Private Sector: Are you aware of any barriers to fair housing choice in the following categories?**

Categories	Yes	Percent	No	Don't Know	Total
The Rental Market	50	25%	61	86	197
The Real Estate Industry	35	18%	69	89	193
The mortgage and home lending industry	41	21%	63	88	192
The housing construction or housing design fields	27	14%	68	98	193
The home insurance industry	32	17%	69	91	192
The home appraisal industry	24	12%	72	97	193
Other housing services	24	13%	65	103	192

Even though the respondents answered “No” or “Don’t Know” at a much higher rate than “Yes”, there is still an indication of discrimination in the private housing market. The highest percentage “Yes” answers occurred in the rental market and mortgage and home lending industry.

**Question 15. Public Sector: Are you aware of any barriers to fair housing choice in the following categories?**

Categories	Yes	Percent	No	Don't Know	Total
Land use policies	32	16%	60	103	195
Zoning laws	32	17%	64	97	193
Occupancy standards or health and safety codes	40	21%	57	97	194
Property assessment and tax policies	33	17%	65	96	194
The permitting process	27	14%	60	107	194
Housing construction standards	26	13%	66	103	195
Neighborhood or community development policies	41	21%	58	95	194
Compliance issues with any public housing authority	37	19%	56	100	193

Limited access to government services such as employment services	42	22%	58	93	193	
Other public administration actions or regulations	31	16%	57	103	191	

Again, “No” and “Don’t Know” answers far outnumber the “Yes” answers, but still shows that barriers to fair housing exist and must be alleviated. The highest occurrences of “Yes” were on Occupancy standards or health and safety codes, Neighborhood or community development policies, and Limited access to government services such as employment services.

**Question 16. Please indicate any of the categories below that apply to you.**

Category	Number of Responses	Percentage
Engaged citizen	111	58.73
Developer	4	2.12
Builder	2	1.06
General Contractor	5	2.65
Real Estate Professional	25	13.23
Housing Provider	15	7.94
Lender	15	7.94
Current Sub-recipient	3	1.59
Nonprofit agency	17	8.99
Business	21	11.11
Government	14	7.41
Educator	16	8.47
Faith-based organization	13	6.88
Mental Health provider	4	2.12
Social Services provider	15	7.94
Person with a disability	57	30.16
Student	8	4.23
Other	21	11.11

**Question 17. Please select your race/ethnicity below**

<b>Race/Ethnicity</b>	<b>Number of Responses</b>	<b>Percentage</b>
White or Caucasian	131	66.50
Black or African American	46	23.35
Hispanic	7	3.55
Asian or Asian American	1	.51
American Indian or Alaska Native	2	1.02
Native Hawaiian or other Pacific Islander	0	0
Another Race	10	5.08

## Demographics

Table xxx Demographic Trends

	Wichita, Kansas Region					
Race/Ethnicity	2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%
White, Non-Hispanic	462,297	79.84	467,216	74.05	467,216	74.05
Black, Non-Hispanic	46,001	7.93	54,740	8.68	46,739	7.41
Hispanic	41,388	7.14	72,281	11.46	72,281	11.46
Asian or Pacific Islander, Non-Hispanic	17,892	3.09	24,699	3.91	21,383	3.39
Native American, Non-Hispanic	9,989	1.72	11,141	1.77	5,516	0.87
<b>National Origin</b>						
Foreign-born	32,332	5.58	39,845	6.32	44,912	7.12
<b>LEP</b>						
Limited English Proficiency	23,128	3.99	27,498	4.36	27,866	4.42
<b>Sex</b>						
Male	286,969	48.49	312,094	49.47	312,094	49.47
Female	292,870	50.51	318,825	50.53	318,825	50.53
<b>Age</b>						
Under 18	167,031	28.81	170,194	26.98	170,194	26.98
18-64	342,586	59.08	384,130	60.88	384,130	60.88
65+	70,222	12.11	76,595	12.14	76,595	12.14
<b>Family Type</b>						
Families with Children	65,266	50.65	77,023	47.41	77,023	47.41
Note 1: All % represent a share of the total population within region, except family type, which is out of total families.						
Note 3: Data Source: Decennial Census; ACS						

## Persons with Disabilities

	Wichita, Kansas Region	
Disability Type	Number	Percent
Hearing Difficulty	22,190	3.85
Vision Difficulty	13,405	2.33
Cognitive Difficulty	28,600	4.97
Ambulatory Difficulty	41,500	7.21
Self-Care Difficulty	14,521	2.52
Independent Living Difficulty	25,010	4.34
Note 1: All % represent a share of the total population with in the region.		
Note 1. Data source: ACS		

### Types of Disabilities

	Wichita, Kansas Region	
Age of People with Disabilities	Number	Percent
Age 5-17	6,145	1.07
Age 18-64	41,402	7.19
Age 65+	28,845	5.01
Note 1: All % represent a share of the total population with in the region. Note 1. Data source: ACS		

Disability by Age Group

	Wichita, Kansas Region	
Type of Housing	Number	Percent
Public Housing	179	34.03
Project Based Section 8	401	36.36
Other Multifamily	62	14.87
HCV Program	783	28.31
Note 1: The definition of "disability" used by the Census Bureau may not be comparable to reporting requirements under HUD programs. Note 1. Data source: ACS		

Disability by Publicly Supported Housing Program Type

Wichita, Kansas Region	White		Black		Hispanic		Asian or Pacific Islander	
Income Level	#	%	#	%	#	%	#	%
Total Households in Region	192,587	79	17,930	7	19,745	8	6,323	3
0-30% of AMI	17,323	62	5,103	18	3,323	12	818	3
0-50% of AMI	32,408	57	7,972	14	7,339	13	1,542	3
0-80% of AMI	64,493	65	11,647	12	12,113	12	2,616	3
Note 1: Data source: Decennial Census; APSH; CHAS Note 2: All # presented are numbers of households, not individuals.								

Household Income by Race/Ethnicity – Wichita Kansas Region  
2009-2013 CHAS

## Employment

### Non-Housing Community Development Assets

#### Introduction

Wichita has seen improvement in the unemployment rate since the 2008 recession. Unemployment has improved from a high of nearly 10% to 3.5% in the latest 2018 report. Property taxes, which traditionally lag behind other economic indicators, continue to be comparatively low, however there are signs of progress and an expansion in the local economy. Downtown Wichita, for example, is attracting private investment, with over \$631 million and an additional \$250 million in projects currently under construction or soon to begin. Residential real estate construction permit activity has reached a stabilized growth of around 2%, which is the historical average for Wichita. Other local indicators including the Current Conditions Index compiled by Wichita State University's Center for Business Research and Economic Development, shows improvement in the following measures: employment, unemployment rate, hours worked, and earnings.

#### Economic Development Market Analysis

##### Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	1,520	1,808	1	1	0
Arts, Entertainment, Accommodations	18,119	18,727	10	9	-1
Construction	12,471	14,685	7	7	0
Education and Health Care Services	42,372	49,434	23	24	1
Finance, Insurance, and Real Estate	9,114	11,456	5	6	1
Information	3,448	3,956	2	2	0
Manufacturing	32,450	31,756	18	15	-3
Other Services	8,822	10,222	5	5	0
Professional, Scientific, Management Services	16,841	20,196	9	10	1
Public Administration	5,164	6,425	3	3	0
Retail Trade	21,289	23,910	12	12	0
Transportation and Warehousing	6,679	8,554	4	4	0
Wholesale Trade	4,735	6,556	3	3	0
Total	183,024	207,685	--	--	--

**Table 1 - Business Activity**

**Alternate Data Source Name:**

ACS

**Data Source** U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimate

**Comments:**

**Labor Force**

Total Population in the Civilian Labor Force	299,169
Civilian Employed Population 16 years and over	185,428
Unemployment Rate	6.10
Unemployment Rate for Ages 16-24	11.90
Unemployment Rate for Ages 25-65	5.10

**Table 2 - Labor Force**

**Alternate Data Source Name:**

ACS

**Data Source** 2013-2017 ACS

**Comments:**

Occupations by Sector	Number of People
Management, business and financial	24,035
Farming, fisheries and forestry occupations	256
Service	32,776
Sales and office	43,807
Construction, extraction, maintenance and repair	12,074
Production, transportation and material moving	26,129

**Table 3 – Occupations by Sector**

**Alternate Data Source Name:**

ACS

**Data Source** 2013-2017 ACS

**Comments:**

**Travel Time**

Travel Time	Number	Percentage
< 30 Minutes	154,345	86%
30-59 Minutes	20,286	11%
60 or More Minutes	3,819	2%
<b>Total</b>	<b>178,450</b>	<b>100%</b>

**Table 4 - Travel Time**

**Alternate Data Source Name:**

ACS

**Data Source** 2013-2017 ACS

**Comments:**

## Education

### Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	14,331	1,435	7,983
High school graduate (includes equivalency)	34,503	2,351	13,388
Some college or Associate's degree	49,427	2,942	12,479
Bachelor's degree or higher	50,005	1,316	8,059

**Table 5 - Educational Attainment by Employment Status**

**Alternate Data Source Name:**

ACS

**Data Source** 2013-2017 ACS

**Comments:**

### Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	436	1,877	2,302	4,155	3,190
9th to 12th grade, no diploma	5,374	4,808	3,928	6,679	4,093
High school graduate, GED, or alternative	10,992	12,657	10,935	26,172	15,540
Some college, no degree	15,703	14,892	10,607	23,667	11,680
Associate's degree	2,268	5,405	3,950	6,774	2,301
Bachelor's degree	3,553	13,059	9,431	17,205	8,271
Graduate or professional degree	292	5,362	4,935	9,675	5,912

**Table 6 - Educational Attainment by Age**

**Alternate Data Source Name:**

ACS

**Data Source** 2013-2017 ACS

**Comments:**

### Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	35,238
High school graduate (includes equivalency)	24,365
Some college or Associate's degree	28,219
Bachelor's degree	32,220
Graduate or professional degree	46,705

**Table 7 – Median Earnings in the Past 12 Months**  
2013-2017 ACS

## **Industry**

The city's principal industrial sector continues to be manufacturing, which accounts for 18 percent of area employment. Aircraft manufacturing has long dominated the local economy and, despite the problems caused by the 2008 recession, continues to play an important role in the economic health of the region. The importance of this economic sector is highlighted by the fact that the city and state offers tax breaks and other incentives to attract and retain aircraft manufacturers.

Healthcare is Wichita's second-largest industry, employing approximately 42,372 people locally. Since healthcare needs remain fairly consistent, regardless of the economy, this field was not subject to the same pressures that affected other industries in recent years. The Kansas Spine Hospital opened in 2004, as did a critical care tower at Wesley Medical Center.

The service industry, most notably education and healthcare, is an increasingly important sector of the local economy. With more than 51,000 students, the Wichita Public Schools system is the largest school district in the state. The system's more than 6,000 teachers and support staff educate approximately 11 percent of all public school students in the state.

Wichita also has a number of well-regarded higher education institutions which not only contribute to the education of local and out of state students, but also have a large employee base. With more than 14,500 students and 500 faculty members, Wichita State University is the largest of these institutions. Wichita also boasts two smaller liberal arts universities. Newman and Friends Universities each have between 3,000 and 4,000 students and employ more than 100 faculty members respectively. When combined with students taking its online courses, WSU Tech has approximately 3,000 students with more than 100 faculty and instructors.

In addition to these institutions, Wichita is also home to a branch of the University of Kansas School of Medicine, which trains almost 200 medical students each year and has almost 150 full and part-time faculty members.

In total, the community's institutions of higher education had an enrollment of approximately 28,000 students during the fall 2018 semester. These institutions also employed about 1,400 full, part-time, and adjunct instructors during that period. All figures obtained directly from the institutions during January, 2019.

## **Workforce and infrastructure needs of the business community**

The Greater Wichita Partnership engaged the services of a consultant to identify areas of business need in Wichita. The City of Wichita's membership in this group provided access to the findings which include the following: greater emphasis on regional cooperation and diversification through entrepreneurship; several specific workforce and infrastructure needs, and various economic development funds. Furthermore, there continues to be a need for job training. Although significant strides have been made by Workforce Board and training centers to prepare the area's workers for the technologically demanding jobs of tomorrow, there continues to be a skills gap.

## **Major changes that may have an economic impact**

Over the past two years there have been many public and private sector investments in the local economy, some of which were incentivized through City programs and others which occurred as a result of the positive economic development environment. Investments in downtown redevelopment has been a prominent aspect for the City. During this same period companies such as Spirit Aerosystems, Textron Aviation, and Wesley Medical have moved components of their operations to Wichita.

## **Skills and education of the current workforce**

Wichita has a diverse labor force however many of the training initiatives recognize the need to tailor programs to meet the specific needs of employers. The local Workforce Investment Board is committed to this concept and offers various options for employers and employees to create a workforce with the skills needed to succeed in the local employer environment. In addition the secondary education network in Wichita is also coordinating training and education programs to achieve this goal.

## **Current workforce training initiatives**

Butler County Community College and WSU Tech often collaborate with the Workforce Investment Board to provide training tailored to available jobs. The National Center for Aviation Training is one such collaboration. The Workforce Investment Board has also created a Regional Manufacturing Council on Technical Education which is represented by local employers, is an organized and staff supported forum designed to provide employers a coordinated voice to address the workforce needs in the manufacturing sector and provide workforce development professionals and educational institutions consistent direction toward meeting the talent needs in South Central Kansas.

## **Economic development initiatives**

The City of Wichita is a member of the South Central Kansas Economic Development District (SCKEDD). SCKEDD and its member communities participate in a Comprehensive Economic Development Strategy (CEDS). SCKEDD's Strategic Planning Committee has developed a mission statement and four goals for 2018. The mission and goals were developed to complement the strategic plans of the region's member counties.

In addition to the SCKEDD's Comprehensive Economic Development Strategy, the City of Wichita also participates in the Regional Economic Area Partnership of South Central Kansas (REAP). REAP received a Sustainable Communities Grant in 2013 from the U.S. Department of Housing and Urban Development, in order to create a long-term regional plan for ensuring the health and productivity of the local economy. The City has been extremely active with this group and its various subcommittees in the design of a regional plan which is supportive of economic development initiatives and which will maintain a healthy and productive local economy. The City's participation includes the integration of Consolidated Plan initiatives into the overall regional plan which includes housing, infrastructure and comprehensive planning.

The City of Wichita recognizes the value of a healthy economy in impacting the quality of life for all citizens. For this reason City staff participates in a number of local planning and economic development initiatives many of which are mentioned in this Consolidated Plan. City participation is designed to

incorporate the views and opinions of stakeholders in the economic development arena as well as average citizens who want to see the community thrive. In addition to the findings reported in the Consolidated Plan, staff is developing a comprehensive plan to provide a policy framework that will guide future public investments in municipal buildings and infrastructure (libraries, police stations, streets, parks, water supply, sanitary and storm serve, etc.). These investments will shape the growth and development of Wichita and Sedgwick County out to the year 2035.

## Housing Profile

### Housing Market Analysis: Cost of Housing

Housing costs increased during the period between 2010 and 2018. Affordability determines the area of town families live in, their resources, schools their children attend and where they stake their claim in the community. It can influence how well their children perform in school. Families that have to move frequently often have to change schools. Absenteeism affects learning. Children who miss more than 10 percent of the school year are much more likely to fall behind and not graduate from high school.

### Cost of Housing

	Base Year: 2010	Most Recent Year: 2018	% Change
Median Home Value	111,300	126,600	14%
Median Contract Rent	629	850	35%

**Table 8 – Cost of Housing**

**Data Source** 2010 - ACS 20102018 - Zillow Home Value Index

Rent Paid	Number	%
Less than \$500	2,436	0.0%
\$500-999	2,715	0.0%
\$1,000-1,499	281	0.0%
\$1,500-1,999	0	0.0%
\$2,000 or more	123	0.0%
<b>Total</b>	<b>5,555</b>	<b>0.0%</b>

**Table 9 - Rent Paid**

**Data Source** 2013-2017 ACS 5-Year Estimates B25061 Rent Asked

### Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	3,395	No Data
50% HAMFI	20,595	10,940
80% HAMFI	42,200	26,550
100% HAMFI	No Data	36,565
<b>Total</b>	<b>66,190</b>	<b>74,055</b>

**Table 10 – Housing Affordability**

**Data Source:** 2009-2013 CHAS

## Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	515	609	807	1,103	1,302
High HOME Rent	515	609	807	1,103	1,280
Low HOME Rent	515	609	781	902	1,007

**Table 11 – Monthly Rent**

### Alternate Data Source Name:

Total Number of Unit by Program Type

**Data Source** HUD User FY 2018 Fair Market Rent Documentation System for Wichita Kansas

**Comments:** HUD Exchange FY 2018 HOME Rent Limits for Wichita Kansas

## Insufficient Housing Supply

According to the 2006-2010 (dated) CHAS, there are 3,255 rental units considered affordable to families earning 30 percent of the AMI, however there is more than 19,000 families at that income level. The statistics improve for households at 80 percent of AMI where there are nearly 41,000 rental units available for almost 17,000 households.

## Housing Affordability

Mortgage lenders require higher credit scores to qualify for traditional mortgage loan products and is slowing the pace of middle income homebuyers. Home rents and sale price trends are gaining in value and price. Single family home values have increased 14 percent from 2010 to 2018. The table at the top of this section shows the median home value in 2010 was \$111,300 which rose to \$126,600 in 2018. The median contract rent climbed 35 percent during the same period. In 2010 the amount was \$629 and in 2018 it was \$850. A homebuyer with good credit and resources for a down payment and closing costs could afford to purchase a \$126,600 home easier (\$696 monthly mortgage) than they could afford \$850 contract rent.

## HOME rents / Fair Market Rent compared to Area Median Rent

Fiscal year 2018 Fair Market Rent (FMR) and HOME High Level rents are consistent for housing size until the comparison reaches the 4 bedroom rental units. The HOME low rents match FMRs for one and two-bedroom units, but average about \$200 below FMRs for three and four bedroom units. Fair Market Rent is \$22 above High HOME rents for the same sized unit.

Vacant units depress and stifle efforts to revitalize neighborhoods and to improve property values. This said, while vacant housing units exist, families continue to struggle with the cost of rent. Extremely low and low-income earners bear the most significant financial hardship and often select housing that is less than suitable for the occupancy level. As families grow, there will be a need for three + bedroom units and this, in turn, places an even greater strain on limited funding for housing-related programs. The City will continue to support programs which maintain and/or rehabilitate housing that is affordable for low-to-moderate income households.

## Condition of Housing

### Introduction

The condition of Wichita's housing stock is evaluated based on each unit's physical condition. Housing units need complete plumbing and kitchen facilities for safe, sanitary living conditions. For housing to be affordable persons living in the dwelling should not pay more than 30 percent of their income for rent or mortgage and utilities. In order to avoid crowding people should not have more than one person per room not counting hallways, kitchen, bathrooms, or porches.

### Definitions

**Standard Housing:** Housing which meets the City's Minimum Housing Code. Includes dwellings that are structurally sound, has operable indoor plumbing, electrical, and heating systems.

**Substandard Housing:** Housing that does not meet the City's Minimum Housing Code, which lacks operable and complete plumbing facilities, an operable and complete electrical system, a safe source of heat, kitchen facilities, and/or has been declared unfit for habitation by the City's Metropolitan Area Building and Construction Department (MABCD).

**Substandard Housing but Suitable for rehabilitation:** Housing that meets the "Substandard Housing" definition, but can be rehabilitated in compliance with the City's Minimum Housing Code in compliance with the Housing and Community Services Department's Home Improvement Program, for a cost not to exceed \$35,000.

### Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	16,892	19%	25,282	41%
With two selected Conditions	437	0%	1,430	2%
With three selected Conditions	0	0%	57	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	73,050	81%	34,182	56%
<b>Total</b>	<b>90,379</b>	<b>100%</b>	<b>60,951</b>	<b>99%</b>

**Table 12 - Condition of Units**

**Alternate Data Source Name:**

ACS

**Data Source** Tenure by Physical and Financial Conditions. Universe: Occupied Housing Units.

**Comments:** 2012-2016 ACS 5-Year Estimates

**Year Unit Built**

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	14,858	16%	5,589	9%
1980-1999	25,376	28%	14,351	24%
1950-1979	28,805	32%	26,587	44%
Before 1950	21,619	24%	14,480	24%
<b>Total</b>	<b>90,658</b>	<b>100%</b>	<b>61,007</b>	<b>101%</b>

**Table 13 – Year Unit Built**

**Alternate Data Source Name:**

ACS

**Data Source**

**Comments:**

**Risk of Lead-Based Paint Hazard**

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	50,424	56%	41,067	67%
Housing Units build before 1980 with children present	0	0%	0	0%

**Table 14 – Risk of Lead-Based Paint**

**Alternate Data Source Name:**

ACS

**Data Source**

**Comments:**

**Vacant Units**

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	18,067	0	18,067
Abandoned Vacant Units	0	181	181
REO Properties	259	0	259
Abandoned REO Properties	0	0	0

**Table 15 - Vacant Units**

**Alternate Data Source Name:**

Total Number of Unit by Program Type

**Data Source**

**Comments:**

The number of vacant units was reported in the 2013-2017 ACS. The Sedgwick County Appraiser's Office reported the 181 unsound units. Because unsound is synonymous with uninhabitable staffers assume the units have been abandoned. The number of REO properties came from the HUDCOM website (1/24/2019) and includes only the houses with Wichita addresses. It is assumed that the units can be rehabilitated.

Refine and Save Search

Save This Search

Location

Wichita, KS

Listing Type

Select | Deselect

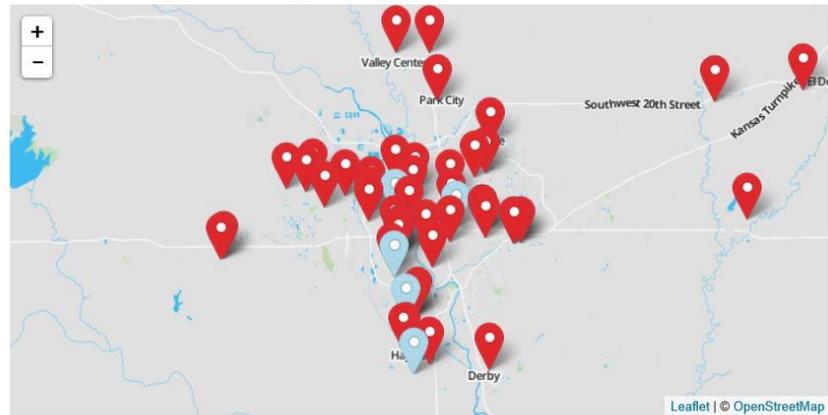
- Foreclosures (235)
- HUD (40)
- Preforeclosures (74)
- Bankruptcies (57)
- Rent to Own (2)
- Sheriff Sales (20)
- Short Sale (4)
- Deals (3)

Listing Results Page 1 - 50 of 384

Display 50 Listings per page

Hide Map

1 2 3 4 5 6 7 8 Next



**HUDCOM**

**Need for Owner and Rental Rehabilitation**

Age often determines the condition of the housing units within a jurisdiction. The older the unit, the greater the probability that maintenance is needed to bring the unit into compliance with the City's Minimum Housing Code. Low-income families often live in older housing units because they can afford what is generally lower rental cost in such units. According to the 2012-2016 American Community Survey, 56% of owner-occupied homes and 68% of renter-occupied homes were built before 1980. The general condition of the City's housing units and the cost burdens imposed upon low and moderate income citizens illustrates the continuing need to fund housing rehabilitation programs.

**Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards**

In order to get this estimate staff in the Metropolitan Area Planning Department pulled the latest HUD numbers for LOW-MOD within Wichita by Block Group and the latest ACS data for year structure built by block group. They joined the data in Microsoft Access and applied the percent LOW-MOD to the number of structures built before 1980. Staff determined that this would yield a more accurate number because it would reflect the fact that most low-mod individuals live where there is a higher percentage of these homes. The number for the estimated number of housing units occupied by low or moderate income families with lead-based paint hazards came to 65,890.

The City will continue to fund and operate improvement programs for owner-occupied and renter-occupied housing. These programs have become increasingly important, given the age of the City's housing stock. In addition, the City was recently awarded \$1,667,173 in grant funding from the U.S. Department of Housing and Urban Development's Office of Lead Hazard Control and Healthy Homes, in order to remediate lead-based paint hazards in as many as 90 to 110 housing units, over the next 42 months. Home Improvement Program inspection staff have received training in the remediation of lead-based paint hazards, and are certified Lead-Based Paint Risk Assessors. All projects are undertaken

in compliance with the applicable State and Federal regulations. Section 8 Housing Choice Voucher staff inspectors are also responsible for enforcing regulations applicable to lead-based paint hazards with respect to units occupied by tenants receiving rent subsidies through the program.

### Housing Profile

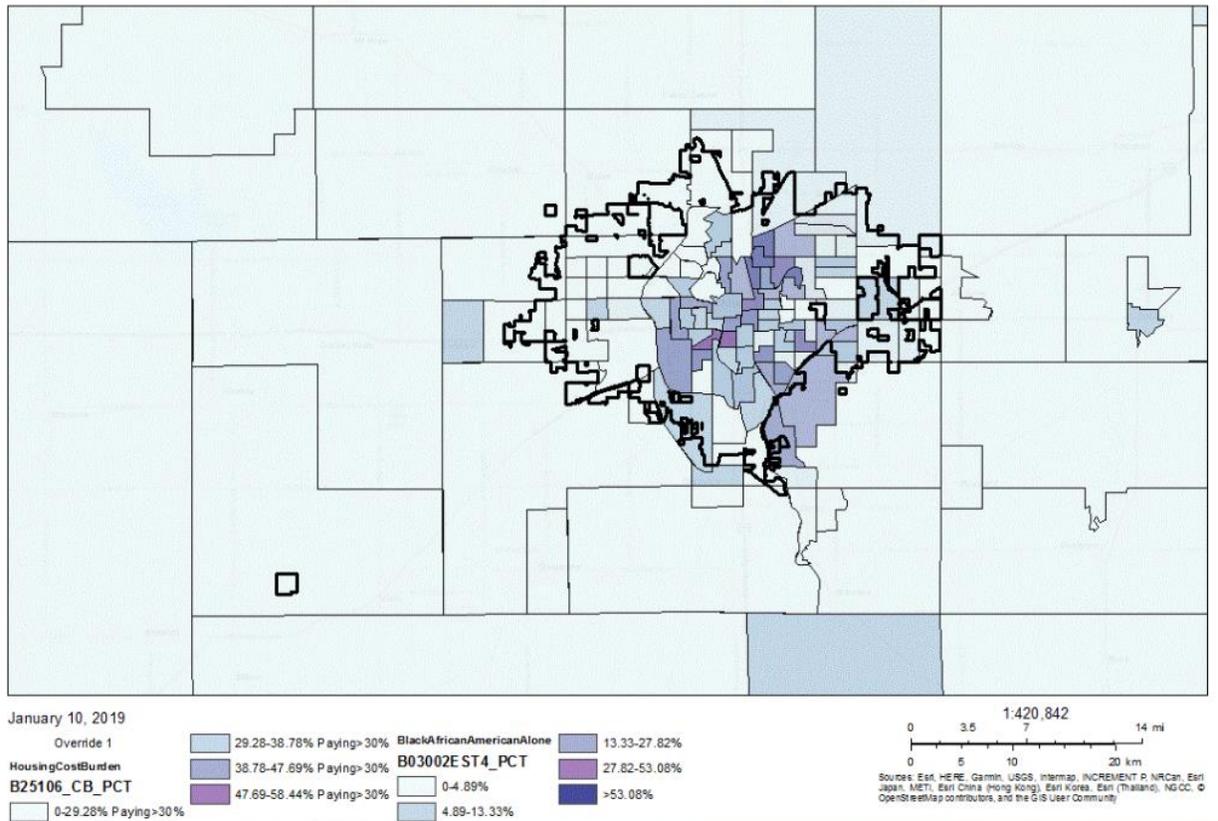
Wichita, Kansas Region			
Race/Ethnicity	# with severe cost burden	#households	% with severe cost burden
White, Non-Hispanic	17,305	192,587	8.99%
Black, Non-Hispanic	4,490	17,930	25.04%
Hispanic	3,254	19,745	16.48%
Asian or Pacific Islander, Non-Hispanic	614	6,323	9.71%
Native American, Non-Hispanic	328	1,482	22.13%
Other, Non-Hispanic	789	4,485	17.59%
Total	26,780	242,545	11.04%
Household Types and Size			
Family Households <5 people	11,222	134,004	8.37%
Family households 5+ people	2,181	25,525	8.54%
Non-family households	13,406	83,204	16.15%
<small>Note 1: Severe housing cost burden is defined as greater than 50% of income.            Note 2: All % represent a share of the total population within the region, except household type and use, which is out of total households.            Note 3: The # households is the denominator for the % with problems, and may differ from the # households for the table on severe housing problems.            Note 4: Data source: CHAS</small>			

### Housing Cost Burden by Race/Ethnicity

The 2016 American Communities Survey showed an area in the southeast quadrant of the City where 15.1 to 17 percent of the housing lacked complete kitchens. Other areas in the core area of the City had areas that ranged from 5.1 to 15 percent of the housing lacked complete kitchen facilities. According to 2010 Census data the core areas of the City had one and a half to two and a half persons per room.

When a housing unit has multiple problems, it usually means that it has two or more of the following conditions present: severe crowding, overcrowding, having a significant cost burden, and the lack of adequate plumbing or kitchen facilities. According to CPD Maps, the areas with low income households that have any of the four aforementioned severe housing problems are spread throughout the City.

### Housing Cost Burden by Race and Ethnicity - CPD Maps



The characteristics of the market in these areas/neighborhoods, which are primarily made up of low-income census tracts, is as follows: Older housing stock; smaller single-family housing structures; a higher incidence of housing code violations and a higher number of housing structures that do not meet the City's Minimum Housing Code requirements; a higher rate non-owner-occupancy in single-family housing; vacant residential lots, and vacant housing structures; higher rates of larceny, theft and vandalism, and a high rate of property tax delinquencies.

	Wichita, Kansas Region			
	Homeowners		Renters	
Race/Ethnicity	#	%	#	%
White, Non-Hispanic	138,165	85.04	54,405	67.95
Black, Non-Hispanic	6,564	4.04	11,370	14.20
Hispanic	10,495	6.46	9,260	11.56
Asian or Pacific Islander, Non-Hispanic	3,964	2.43	2,374	2.96
Native American, Non-Hispanic	845	.52	645	.81
Other Non-Hispanic	2,440	1.50	2,024	2.53
Total Household Units	162,475		80,070	

Note 1. Data source: APSH

Housing Tenure by Race/Ethnicity in Wichita Kansas Region

According to HUD, a "concentration" or "minority concentration" occurs when a percentage of people in a particular race or ethnic group is at least 20 percentage points higher than the percentage of people in the category for the city as a whole. CPD Maps show a concentration of minority groups centrally located between West Street on the west, and Oliver Avenue on the east.

CPD Maps show a concentration of minority groups centrally located between West Street on the west, and Oliver Avenue on the east. This area is primarily comprised of low-income census tract neighborhoods. Within this area, African Americans are concentrated east of Interstate 135, between 29th Street North and East Central Avenue. Persons of Hispanic ethnicity tend to reside in the area located west of Interstate 135, north of West Central Avenue, and south of West 37th Street North. The southeast area of the City has a large population of Asian residents. For further information, see CPD Maps under Needs Assessment 25-Disproportionately Greater Need: Housing Cost Burdens - 91.205(b)(2).

The characteristics of the market in these areas/neighborhoods, which are primarily made up of low-income census tracts, is as follows: Older housing stock; smaller single-family housing structures; a higher incidence of housing code violations and a higher number of housing structures that do not meet the City's Minimum Housing Code requirements; a higher rate non-owner-occupancy in single-family housing; vacant residential lots, and vacant housing structures; higher rates of larceny, theft and vandalism, and a high rate of property tax delinquencies.

### **Evaluation of the Jurisdiction's Current Fair Housing Legal Status**

Fair Housing complaints or compliance reviews where the Secretary has issued a charge of or made a finding of discrimination

In 2017, a client in the WHA's Veteran Affairs Supportive Housing program filed a complaint with HUD alleging the WHA violated several sections of the Fair Housing Act as amended in 1968, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, on the basis of disability by unjustly terminating they're tenancy and by failing to grant they're reasonable accommodation request.

The WHA denied having discriminated against the client, but agreed to settle the claims in a prescribed way and to ensure compliance with its responsibilities under the ADA and Section 504 by entering into a conciliation agreement and a voluntary compliance agreement.

Actions to Remedy. All HCSD and WHA staffers above the level of Clerk, completed a two-day Fair Housing training course presented by the National Association of Housing and Redevelopment Officials.

The WHA modified its policies and procedures for individuals requesting reasonable accommodations/modifications, to include the following:

- Removal of any requirements that requests be made through a written form, thus permitting requests to be made verbally
- Removal of any requirements that verifications sought by the WHA must be provided by disabled individual's licensed physicians, thus permitting the verifications to be provided by physicians, medical providers, or other persons with knowledge of the individual's disability
- Incorporating into the policies and procedures language specifying that individuals can make reasonable accommodation/modification requests at any time, including at the time of all hearings, even if the request is not provided on hearing request forms

- Incorporating into the policies and procedures language specifying that the WHA will consider all requests made by applicants, tenants, and participants of the Section 8 Housing Choice Voucher Program.

The WHA paid \$1,000 by direct deposit into the client's bank account.

No fair housing discrimination suits have been filed by the DOJ or private plaintiffs.

**Home Mortgage Disclosure Act Data** <https://www.consumerfinance.gov/data-research/hmda/>

According to the Consumer Financial Protection Bureau (the Bureau), the Home Mortgage Disclosure Act (HMDA) requires certain institutions to collect, report, and disclose information about their mortgage lending activity. The information is important because it:

- Helps show whether financial institutions are serving the housing needs of their communities;
- Assists public officials in distributing public-sector investment to attract private investment to areas where it is needed; and
- Assists with the identification of potentially discriminatory lending patterns and enforcement of antidiscrimination laws.

Jennifer Paradise, CRCM, in her article Learning from the CFPB's 2018 Lending Report (3/1/2019), stated the most frequently cited violations by the administrative enforcement agencies, which include the Consumer Financial Protection Bureau, Federal Deposit Insurance Corporation, the Federal Reserve Board, the National Credit Union Administration and the Office of the Comptroller of the Currency were:

- Discrimination on prohibited basis in a credit transaction
- Improperly inquiring about the race, color, religion, national origin, or sex of an applicant or any other person.
- Improperly requiring the signature of an applicant's spouse or another person if the applicant qualifies under the creditor's standards of creditworthiness; improperly imposing requirements upon an additional party that the creditor is prohibited from imposing upon an applicant.
- Failure to provide timely notice to the applicant after receiving a completed application concerning the approval of, counteroffer or adverse action on the application; failure to provide appropriate notice to the applicant within 30 days after taking adverse action on an incomplete application; failure to provide sufficient information in an adverse action notification, including the specific reasons for the action taken.
- Failure to preserve records of actions taken on an application or of incompleteness.
- Failure to request an applicant's ethnicity, race, and sex of an applicant on the basis of visual observation or surname if not provided by the applicant when an application relates to a dwelling that is or will be occupied by the applicant as the principal residence.
- Failure to routinely provide an applicant with a copy of all appraisals and other written valuations developed in connection with an application for credit that is to be secured by a first lien on a dwelling; failure to provide an applicant with a copy of an appraisal report upon an applicant's written request.

HCSD staff searched Google for Wichita area HMDA data and found an article titled How Reveal from the Center of Investigative Reporting identified disparities in federal mortgage data, by Emmanuel Martinez and Aaron Glantz. The 2016 HMDA data shows conventional loans made up a majority of the nationwide home purchase market, with FHA loans accounting for a quarter of all loans. White applicants apply for conventional loans at higher rates than FHAs while more black and Latino applicants

apply for FHA loans. The study found that Latino borrowers had the highest likelihood of being denied for a conventional loan in Wichita Kansas.

## **Fair Housing Enforcement**

### **Chronological list of Fair Housing Acts & Orders:**

- 1. Civil Rights Act of 1866 (Codified as 42 U.S.C., Section 1981): Provides that “all persons within the United States shall have the same right to make and enforce contracts as is enjoyed by white persons.” The Act implements the Thirteenth Amendment of the Constitution by providing direct remedy through the federal courts.
- 2. Civil Rights Act of 1871 (Codified as 42 U.S.C., Section 1983): Provides that every person who, under color of any statute (law)...causes...the deprivation of any rights...secured by federal laws, shall be liable to the person injured.
- 3. Executive Order 11063 (Equal Opportunity in Housing): On November 20, 1962, the first Presidential Executive Order, pertaining specifically to fair housing, was signed. It covers all properties owned by the federal government, including properties developed with federal government assistance.
- 4. Title VI of the Civil Rights Act of 1964 (Codified as 42 U.S.C. 2000(d): Prohibits discrimination on the basis of race, color, or national origin under any program or activity receiving Federal financial assistance.
- 5. Title VIII of the Civil Rights Act of 1968: Prohibits discrimination in housing on the basis of race, color, religion, and national origin. Congress amended the law in 1974 to prohibit discrimination on the basis of sex and amended it again in 1988 to prohibit discrimination on the basis of disability and familial status.
- 6. Title IX of the Civil Rights Act of 1968: Prohibits the willful or attempted injury, intimidation or interference with any person because of his or her race, color, religion, sex, or national origin who is involved in a real estate transaction. Please note that this provision is distinguished from Title IX of the Educational Amendments of 1972 (86 Statute 373).
- 7. Kansas Act Against Discrimination (as amended): Following passage of the Federal Fair Housing Act, the Kansas Legislature adopted a fair housing law in 1970. The law prohibits discrimination in housing.
- 8. The Home Mortgage Disclosure Act (HMDA): HMDA was enacted in 1975 and amended in 1988 and 1991. The Act requires lending institutions to report mortgage-lending data to determine if the institutions are serving the housing needs of all community residents. The Act was enacted to assist in identifying possible discriminatory practices in lending and to assist public officials in distributing public sector investments.
- 9. Community Reinvestment Act (CRA): This Act was established in 1977 to encourage financial institutions to help low and moderate families meet their credit needs by requiring federal financial regulatory agencies to monitor lending institutions.
- 10. Executive Order 12259: Signed December 31, 1980 giving the Secretary of the U.S. Department of Housing and Urban Development the responsibility of ensuring all federal programs and activities related to housing and urban development are “administered in a manner to affirmatively further fair housing.”
- 11. Fair Housing Amendments Act of 1988: The Fair Housing Amendments Act was signed on September 13, 1988. The major provisions include:
  - a. Protection against discrimination for persons with disabilities and families with children under the age of 18.

- b. Extension of the time line for filing a complaint from 180 days to two years.
- c. Provides stronger administrative remedies for individuals.
- d. HUD was given greater authority and discretion for administering and resolving complaints.
- e. Removal of restrictions on monetary and punitive damages in civil actions.
- f. Handicapped access must be provided in all new buildings with four or more units.
- g. The right to modify dwellings was guaranteed to disabled tenants.
- h. Housing for the elderly was re-defined to be a facility constituting 80% residency by those 55 years of age or older.
- 12. The Americans with Disabilities Act: The ADA was signed into federal law on July 26, 1990, extending civil rights protection to people who are considered disabled. ADA is modeled after the 1973 Rehabilitation Act, which mandates that accessibility may be extended to any program, service, activity or facility receiving federal money.
- 13. Housing for Older Persons Act (HOPA): HOPA was enacted in December 1995 and basically amended the elderly exception to the familial status protections under the Fair Housing Act. HOPA made it easier for housing developments to qualify as housing for older persons and exclude children.

## **US Department of Justice Cases in Kansas**

### **United States v. Blass (D. Kan.)**

On August 2, 2016, the court entered a consent order in *United States v. Blass* (D. Kan.), a Fair Housing Act election case referred to the Division by the Department of Housing and Urban Development ("HUD"). The complaint, filed on August 1, 2016, alleges that defendants violated the Fair Housing Act on the basis of disability by sending their tenant with a disability a letter strongly suggesting that she move out of their property and into a property better suited to fit her disability. The tenant did not have any problems with the property's accessibility, and she had never complained to defendants about the property's accessibility. The complaint also alleges that defendants coerced and interfered with their tenant because she had previously filed a HUD complaint against defendants asserting her right to keep an assistance animal. The consent order requires defendants to pay \$5,000 to the tenant and to provide her with a letter apologizing for their actions. It also includes standard injunctive relief, requirements that Defendants obtain fair housing training and adopt reasonable accommodation and nondiscrimination policies, and reporting requirements.

### **United States v. Bleakley (D. Kan.)**

On January 6, 2003, the United States submitted a consent decree to the Magistrate Judge in *United States v. Bleakley* (D. Kan.), a case alleging that the developer, architect and the civil engineer involved in building two apartment complexes in Olathe, Kansas had violated the Fair Housing Act by failing to make the complex accessible to persons with disabilities. Under the consent decree, the defendants will spend more than \$350,000 to retrofit the complexes in order to make them accessible, establish a \$214,443 fund that will be available to make accessibility modifications to other housing in the community, pay \$130,000 to a fund for the compensation of persons with disabilities who experienced difficulty living at or visiting the inaccessible apartment complexes, and pay a \$20,000 civil penalty. The total payment of the settlement will therefore exceed \$715,000. The architect and the civil engineer defendants are also defendants in *United States v. LNL Associates/Architects, et al.*, which involves similar issues at two other apartment complexes in Olathe, Kansas, and is still pending. In its complaint, filed on May 10, 2001, the Division alleged that the defendants failed to design and construct 340 covered units at the Homestead Apartment Homes, and 160 covered units at the Wyncroft Apartments, so that they would

be accessible and usable by people with disabilities in accordance with the federal Fair Housing Act. The Division alleged the violations of the accessibility provisions included: doors that are not wide enough for wheelchairs to pass through; kitchens and bathrooms with insufficient space to allow those in wheelchairs to maneuver and use the appliances, sinks, toilets, and bathtubs; failure to provide accessible routes that allow people using wheelchairs to get into and move around apartments and public and common use areas that required persons to go up with steps or travel steeply-sloped sidewalks. The Division also alleged that the rental offices in both offices were inaccessible in violation of the Americans with Disabilities Act (ADA). The consent decree was entered by the court on January 29, 2003, and will remain in effect for five years and nine months. The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint from Legal Aid of Western Missouri, conducted an investigation, and issued a charge of discrimination.

#### **United States v. Brisben (D. Kan.)**

On March 24, 2015, the United States filed a complaint and consent order that resolves *United States v. Brisben* (D. Kan.). The complaint alleged that the property owner and property manager, together with their general partner and agents, discriminated on the basis of familial status by instituting policies at apartment complexes in Kansas and Missouri that unreasonably restricted the activities of children, including a policy that required that anyone under the age of 16 be physically accompanied by an adult at all times. The lawsuit also alleged that a family was forced to leave their home at a Lenexa, Kansas apartment complex after they complained to management about the overly-restrictive policies. The consent order requires the defendants to pay \$60,000 in damages to the family forced to leave their home, \$100,000 to a settlement fund to compensate aggrieved persons, and \$10,000 in a civil penalty. The consent order also requires defendants to attend fair housing training, rescind their overly-restrictive policies, and develop and implement new procedures for enforcing rules against tenants and guests. The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination. The court entered the consent order on March 27, 2015.

#### **United States v. Cao (D. Kan.)**

On March 29, 2018, the United States filed an amended complaint in *United States v. Cao* (D. Kan.), a Fair Housing Act pattern or practice/election case alleging sex discrimination. The original complaint, filed on December 18, 2017, alleged that Thong Cao, Mai Cao, Van T. Lee, and Tong Nguyen engaged in a pattern or practice of discrimination based on sex. Specifically, the complaint alleged that Thong Cao, the manager and owner of multiple residential rental properties in Wichita, Kansas, engaged in sexual harassment and retaliation against female tenants. The amended complaint expands the timeframe of the pattern or practice claim and adds allegations related to harassment at an additional property. The case was referred to the Division after the Department of Housing and Urban Development (HUD) received two complaints from former tenants, conducted an investigation, and issued a charge of discrimination.

#### **United States v. Kansas City, Kansas Housing Authority (D. Kan.)**

On September 29, 2017, the United States executed a settlement agreement resolving *United States v. Kansas City, Kansas Housing Authority* (D. Kan.) a Fair Housing Act sexual harassment election/pattern or practice referral from HUD. The original complaint, filed on October 26, 2015, and amended on September 22, 2016, alleged that three Housing Authority employees engaged in a pattern or practice of sexually harassing female housing applicants and residents, and that some incidents of sexual harassment by employees of the Housing Authority were known to Housing Authority management. Under the settlement, KCKHA, former Administrative Coordinator Victor Hernandez, former Property

Manager Derrick Estelle, Sr., and former Director of Housing Management Ronald Cobb, will pay a total of \$360,000 in monetary damages to 14 current and former KCKHA residents and applicants who were subjected to sexual harassment, as well as \$5,000 to the United States in civil penalties. The settlement also requires KCKHA to conduct training, to adopt new policies and procedures to prevent sexual harassment by its employees, and to provide a mechanism by which tenants and applicants can register complaints about sexual harassment with KCKHA management. The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination.

**United States v. LNL Associates (D. Kan.)**

On November 1, 2006, the United States filed a consent decree resolving *United States v. LNL Associates/Architects, P.A.* (D. Kan.). The complaint, filed April 16, 2002, alleges that the developers, contractors, architect and civil engineer of two apartment complexes in Olathe, Kansas violated the Fair Housing Act by designing and constructing multifamily housing that is not accessible to or adaptable for use by persons with disabilities. The architect and civil engineer in this suit are defendants in *United States v. Bleakley*, a related suit the Division filed last May relating to two other apartment complexes in Olathe. The consent decree requires the owners of the complexes to retrofit parking areas, paths and walkways, public and common-use areas, as well as the interiors of ground-floor units, to enhance the accessibility of the complexes to disabled residents and their guests for an estimated cost of about \$1.2 million. In addition, the defendants are required to establish funds to pay for enhanced accessibility features upon request, for a total of \$200,000, provide \$200,000 in damages for unidentified victims, and pay \$50,000 in civil penalties. The settlement also requires the defendants to obtain training on the requirements of the Fair Housing Act and the Americans with Disabilities Act. The consent decree will remain in effect for four years.

**United States v. Loftus (D. Kan.)**

On September 15, 2006, the court entered a consent order resolving in *United States v. Loftus* (D. Kan.). The complaint, filed, on November 10, 2005, alleged the Defendant violated the Fair Housing Act when she refused to rent an apartment to an African-American man because of race and made statements with respect to the rental of an apartment indicating a preference or limitation based on race. The consent order provides for \$17,500 in monetary damages and injunctive relief and will remain in effect for three years. The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination.

**United States v. Maldonado d/b/a Midway Mobile Home Park (D. Kan.)**

On January 31, 2003, the court entered a consent decree in *United States v. Maldonado* (D. Kan.). The original complaint, filed on February 13, 2002, alleged that Trinidad Maldonado, the owner of the Midway Mobile Home Park in Junction City, Kansas, sexually harassed female tenants, many of whom were the spouses of men stationed at the nearby Ft. Riley army base. The United States alleged that Mr. Maldonado made repeated and unwelcome sexual comments to female tenants, offered female tenants reductions in their rent and other privileges in exchange for sexual acts, entered female tenants' trailers without permission and without a legitimate reason, and inappropriately touched female tenants. The United States amended its complaint on May 30, 2002, to allege that the defendants' actions constituted a pattern or practice of discrimination and a denial of rights to a group of persons. The defendants will pay \$245,000 to nine identified victims of the harassment, \$25,000 to be used as a fund to compensate as-yet unidentified victims, and \$30,000 in civil penalties to the United States. Mr. Maldonado is also required to refrain from future contact with tenants. The Park will also be required

institute a sexual harassment policy and complaint procedure and ensure that all persons who work at the park receive training from a third party in fair housing laws, and to have no further involvement in the management of the park for the five year term of the decree. The case was originally referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination.

#### **United States v. Sturdevant (D. Kan.)**

On February 24, 2010, the court entered a consent order among the AIMCO Defendants and the United States in *United States v. Sturdevant* (D. Kan.). The consent order, resolves all of the United States' claims against the AIMCO Defendants, and provides that the AIMCO Defendants will, in turn, pay \$1,890,000 to compensate aggrieved persons, and \$95,000 in civil penalties to the United States' Treasury. The combined \$2.13 million settlement represents the second largest monetary payment ever obtained by the department in a fair housing case alleging housing discrimination in the rental of apartments. On October 6, 2009, the court entered a consent order with defendant Central Park Towers II. The consent order required standard injunctive relief, \$135,000 to compensate aggrieved persons and a \$10,000 civil penalty to the United States' Treasury. On May 13, 2010, the court issued an order for default judgment against the apartment manager, Stacy Sturdevant. The order is a permanent injunction banning her from working in rental housing and ordered her to pay a \$55,000 civil penalty the United States' Treasury. The original complaint, filed in 2007 and amended in September 2008, alleged a pattern or practice of discrimination in that the defendants created a racially hostile environment in a high-rise apartment building in Kansas City, and retaliated against a former employee when they terminated her employment in response to the complainant's cooperating with the Department of Housing and Urban Development ("HUD") investigators and assisting others to file complaints with HUD. Specifically, the amended complaint alleged that for two-and-a-half years between 2003 and 2005, Stacy Sturdevant, the community manager of the Central Park Towers Apartments (CPT) engaged in discriminatory rental practices on the basis of race. The United States presented evidence in litigation that Sturdevant openly displayed racially hostile materials at CPT, such as hangman's nooses, frequently referred to African Americans with racial epithets and generally treated white residents more favorably than African American residents. The case was referred to the Department of Justice after HUD received a complaint, conducted an investigation, and issued a charge of discrimination.

#### **Informational Programs**

WHA HCV Annual Landlord Fair Housing Training - The WHA HCV program held annual Fair Housing Training events for participating landlords. The trainer was a housing counselor with the Urban League of Kansas and was very knowledgeable with the Kansas Landlord Tenant Act.

City of Wichita Housing and Community Services Department Housing Expo – In April 2017 and 2018, the City's Housing department sponsored a Housing Expo. Housing and supportive service agencies worked out of booths in Century II's exhibition hall to provide the public with information.

#### **Assessment of Current Public and Private Fair Housing programs and Activities in the Jurisdiction**

**Program Purpose** [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHAP](https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP)

The Fair Housing Act contemplates that, across the country, state and local governments will enact and enforce their own statutes and ordinances that are substantially equivalent to the Fair Housing Act. HUD provides FHAP funding annually on a noncompetitive basis to state and local agencies that administer fair housing laws that provide rights and remedies that are substantially equivalent to those provided by the Fair Housing Act.

## **Substantial Equivalence Certification**

A state or local agency may be certified as substantially equivalent after it applies for certification and HUD determines that the agency administers a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the Fair Housing Act. Typically, once certified, HUD will refer complaints of housing discrimination that it receives to the state or local agency for investigation.

There are two phases in determining whether an agency is substantially equivalent. In the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "on its face," the state or local law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the Fair Housing Act. If so, HUD offers the agency interim certification for up to three years. During the three years of interim certification, the agency builds its capacity to operate as a fully certified substantially equivalent agency.

In the second phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "in operation," the state or local law provides rights, procedures, remedies and the availability of judicial review that are substantially equivalent to the Fair Housing Act.

To obtain certification, a state or local agency must have a law that, at a minimum, prohibits discrimination against the same protected classes as the Fair Housing Act (race, color, national origin, religion, sex, disability and familiar status). A substantially equivalent agency's law may include additional protected classes.

An affirmative conclusion that the state or local law is substantially equivalent both on its face and in operation will result in HUD offering the agency certification. Certification is for a term of five years.

During the five years of certification, the agency's ability to maintain certification will be assessed. After the five years of certification, if the Assistant Secretary determines that the agency still qualifies for certification, HUD will renew the agency's certification for another five years.

Substantial equivalence certification presents numerous advantages to state and local governments, parties to housing discrimination complaints, and the general public. These advantages include funding and local complaint processing under a substantially equivalent law.

## **Responsibilities of Fair Housing Assistance Program Recipients**

Fair Housing Assistance Programs (FHAP) are an intergovernmental enforcement partnership between HUD and the state or local agencies. As in any partnership, both parties must contribute to the success of the program.

While HUD provides significant resources to [Substantially Equivalent Agencies](#) in the form of training, technical assistance and funding, the agencies must demonstrate a commitment to thorough and professional complaint processing. This includes all phases of complaint processing, from accurate identification of issues at intake, through complete and sound investigations, to following through on administrative or judicial enforcement to ensure that victims of unlawful housing discrimination obtain full remedies and the public interest is served. The agencies should also work to develop relationships with public, private, and non-profit organizations in a grass roots approach to making fair and open housing a reality.

Of equal importance, the political jurisdictions in which the agencies operate must understand their own commitment and must support the existence and the work of the [Substantially Equivalent Agencies](#). Funding provided by HUD is not intended to cover 100 percent of the costs of the agencies' operations, so local resources must be provided by the jurisdiction to their respective agencies. Resources from the jurisdiction should include both funding and the legal resources necessary to pursue administrative and/or judicial enforcement.

State or local agencies interested in participating in the FHAP should also consult the specific requirements enumerated in [24 C.F.R. part 115](#).

### **Funding Availability**

Through FHAP, HUD reimburses both interim and certified substantially equivalent state and local agencies in their fair housing enforcement efforts, consistent with congressional appropriations.

### **Complaint Processing Under a Substantially Equivalent Law**

Generally, when HUD receives a complaint and the complaint alleges violations of a state or local fair housing law administered by an interim certified or certified agency, it will refer the complaint to the state or local agency for investigation, conciliation and enforcement activities. Having fair housing professionals based in the locality (or the same state, district, possession or territory) where the alleged discrimination occurred benefits all parties to a housing discrimination complaint. These individuals often have a greater familiarity with local housing stock and trends. In addition, the agencies' closer proximity to the site of the alleged discrimination may lead to greater efficiency in case processing.

While certification results in a shift in fair housing enforcement power from the federal government to the state or locality, the substantive and procedural strength of the Fair Housing Act is not compromised. The FHAP is a partnership between the federal government and state and local agencies to provide protection to the public against discrimination in housing.

### **FHAP Agencies in Kansas**

HUD's Fair Housing website listed two FHAP agencies in Kansas:

- Lawrence Human Relations Commission and Human Relations/Resources Department  
947 New Hampshire, Suite 200A | Lawrence KS 66044-3076  
(785) 309-5745
- Salina Human Relations Department  
300 W Ash | Salina KS 67402-0736  
(785) 309-5745

### **Fair Housing Initiative Program Agencies**

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHIP](https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHIP)

Fair housing organizations and other non-profits that receive funding through the Fair Housing Initiatives Program (FHIP) assist people who believe they have been victims of housing discrimination.

FHIP organizations partner with HUD to help people identify government agencies that handle complaints of housing discrimination. They also conduct preliminary investigation of claims, including sending "testers" to properties suspected of practicing housing discrimination.

In addition to funding organizations that provide direct assistance to individuals who feel they have been discriminated against while attempting to purchase or rent housing, FHIP also has initiatives that promote fair housing laws and equal housing opportunity awareness.

### *Initiatives*

FHIP has four initiatives. Three currently provide funds, through competitive grants, to eligible organizations. The initiatives are:

1. **The Fair Housing Organizations Initiative (FHOI)** provides funding that builds the capacity and effectiveness of non-profit fair housing organizations by providing funds to handle fair housing enforcement and education initiatives more effectively. FHOI also strengthens the fair housing movement nationally by encouraging the creation and growth of organizations that focus on the rights and needs of underserved groups, particularly persons with disabilities.
2. **The Private Enforcement Initiative (PEI)** offers a range of assistance to the nationwide network of fair housing groups. This initiative funds non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices.
3. **The Education and Outreach Initiative (EOI)** offers a comprehensive range of support for fair housing activities, providing funding to State and local government agencies and non-profit organizations for initiatives that educate the public and housing providers about equal opportunity in housing and compliance with the fair housing laws.
4. **The Administrative Enforcement Initiative (AEI)** helps state and local governments that administer laws that include rights and remedies similar to those in the Fair Housing Act. This initiative also helps implement specialized projects that broaden an agency's range of enforcement and compliance activities. No funds are available currently for this program.

### *Eligible Grantees:*

- **FHOI:** Applicants must be qualified fair housing enforcement organizations with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and a record of meritorious claims in the three years prior to the filing of their application.
- **PEI:** Applicants must be organizations with experience providing quality fair housing enforcement activities.
- **EOI:** Applicants are state or local governments, qualified fair housing enforcement organizations with at least 2 years of experience, and other public or private nonprofit organizations representing individuals who have been victims of housing discrimination.

### FHIP Agencies in Kansas

Currently there are no funded FHIP agencies in Kansas, however the Urban League of Kansas received an award in 2010.

**Kansas Human Rights Commission** <http://www.khrc.net/complaint.html>

The mission of the Kansas Human Rights Commission (KHRC) is to prevent and eliminate discrimination and assure equal opportunities in all employment relations, to eliminate and prevent discrimination, segregation or separation, and assure opportunities in all places of public accommodations and in housing.

Kansas law provides that any person who claims to be aggrieved by an unlawful practice in the areas of employment, housing, or public accommodations and who can articulate a prima facie case pursuant to a recognized legal theory of discrimination (based on race, religion, color, sex, disability, ancestry, national origin, age, in the area of employment only, familial status in the area of housing only, and retaliation) may file with the KHRC. Genetic screening and testing in the area of employment is prohibited.

A complaint may be filed personally or by an attorney. An individual may write, telephone or come in to one of the Kansas Human Rights Commission's offices to begin the filing process. If the complaint falls within the Commission's jurisdiction, a formal complaint may be submitted. Intake workers are available to assist in drafting a complaint based on information provided by the complainant. The intake department also provides inquirers with referrals to other agencies for issues outside of KHRC's jurisdiction. The complaint must be signed before it can be officially filed with the Commission.

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

During the 2019-2023 period the City and its community partners will address and make measurable strides to alleviate private and public impediments to fair housing that twenty percent or more of the survey respondents identified. This AI will be updated annually and revised as other barriers to fair housing choice are discovered.

#### Impediment 1:

**Housing consumers do not know their fair housing rights, how to recognize if they experience housing discrimination, and how to file a fair housing complaint with HUD.**

The overwhelming majority "Don't Know" answers on the survey questions directly related to fair housing revealed the lack knowledge about the subject and consumer rights.

#### **Action Steps:**

- The city will fund fair housing training events for consumers and service providers
- The city will connect housing consumers, who believe they have been illegally discriminated against, with HUD's Office of FHEO
- The city will continue to post fair housing information on its website, in its Housing lobby, and distribute literature throughout its jurisdiction.

#### Impediment 2:

**Housing industry professionals may not adequately understand fair housing consumer rights, nor their own responsibilities as developers, lenders, or rental agents.**

This impediment includes the barriers 20 percent or more survey respondents answered “Yes” to for rental market and mortgage and home lending. Housing consumers frequently report irregular rental policies to HCSD staff.

**Action Steps:**

- The city will continue to provide instructional fair housing material and media on its website and City7, the City’s cable television channel.
- The city will support fair housing training for housing providers and alert the industry when trainings are scheduled.

Impediment 3:

**There is an insufficient supply of affordable housing:**

There are several indicators that show a lack of affordable housing including survey responses and census data. Responders believe there is not a sufficient supply of affordable housing and/or workforce housing.

**Action Steps:**

- The city will use its HOME Program to continue to increase the number of new single-family housing units for qualified homebuyers.
- The city will continue to use its home repair program to increase the safety and affordability of owner-occupied housing and allow persons to age in place.

Impediment 4:

**There is an inadequate supply of accessible housing for seniors and persons with disabilities.**

As persons age they are more likely to need accessible housing. Housing providers and developers need to see seniors and persons with disabilities as population that could age in place rather than have to move to more accessible housing later in life.

**Action Steps:**

- The City will work with disability advocates, community groups, builders, and developers to encourage universal design housing policy.
- The City will continue to provide ADA accessibility modifications and system repairs through its minor home repair program to allow owner-occupants to age in place.

Impediment 5:

**Poor credit history and inadequate credit scores are a barrier to quality affordable rental or home purchase.**

Housing consumers with poor credit histories/credit scores are limited to lessor rental choices and prevented from qualifying for a home loan. Employment and steady income coupled with financial literacy enables individuals and families to reduce their debt and improve their credit.

**Action Steps:**

- The city will provide financial literacy training to low income persons and families.
- The city will provide soft employment skills training for low-income persons.