



**HARRIS COUNTY**  
**Housing and**  
**Community**  
**Development**



*Harris County, Texas*

# **FAIR HOUSING ASSESSMENT**

*July 2024*

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# FAIR HOUSING ASSESSMENT

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For Program Years 2024 to 2028

## HARRIS COUNTY, TEXAS

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Housing and Community Development

July 2024

Prepared for Harris County by  
Mosaic Community Planning, LLC



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# Chapter 1. Introduction

## FAIR HOUSING PLANNING

Equal access to housing choice is crucial to America’s commitment to equality and opportunity for all. Title VIII of the United States Civil Rights Act of 1968, more commonly known as the Fair Housing Act, provides housing opportunity protection by prohibiting discrimination in the sale or rental of housing on the basis of race, color, religion, sex, and national origin. The Act was amended in 1988 to provide stiffer penalties, establish an administrative enforcement mechanism and to expand its coverage to prohibit discrimination on the basis of familial status and disability. The U.S. Department of Housing and Urban Development (HUD), specifically HUD’s Office of Fair Housing and Equal Opportunity (FHEO), is responsible for the administration and enforcement of the Fair Housing Act and other civil rights laws.

Provisions to affirmatively further fair housing (AFFH) are basic long-standing components of HUD’s housing and community development programs. The AFFH requirements are derived from Section 808(e) (5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department’s housing and urban development programs in a manner to affirmatively further fair housing.<sup>1</sup>

Jurisdictions, such as Harris County, that receive grant funds from HUD through its entitlement process have typically satisfied this obligation by performing an “Analysis of Impediments to Fair Housing Choice” (AI). In an AI, grantees evaluate barriers to fair housing choice and develop strategies and actions to overcome identified impediments based on their histories, circumstances, and experiences. Through this process, communities promote fair housing choice for all persons, including classes protected under the Fair Housing Act, and promote racially and ethnically inclusive patterns of housing occupancy, identify structural and systematic barriers to fair housing choice, and promote housing that is physically accessible and usable by persons with disabilities.

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<sup>1</sup> U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 13)*. March 1996.

HUD will presume that a grantee is meeting its obligation and certification to affirmatively further fair housing by taking actions that address the impediments, including:

- Analyzing and eliminating housing discrimination within the jurisdiction.
- Promoting fair housing choice for all persons.
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy.
- Promoting housing that is physically accessible to all persons to include those persons with disabilities.
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

Through its Community Planning and Development (CPD) programs, HUD's goal is to expand mobility and widen a person's freedom of choice. The Department also requires Community Development Block Grant (CDBG) program grantees to document AFFH actions in the annual performance reports that are submitted to HUD.

In 2015, HUD published a final rule on Affirmatively Furthering Fair Housing, which outlines procedures that jurisdictions and public housing authorities who participate in HUD programs must take to promote access to fair housing and equal opportunity. This rule stipulated that grantees and housing authorities take meaningful actions to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected class characteristics. Under HUD's final rule, grantees must take actions to:

- Address disparities in housing need;
- Replace segregated living patterns with integrated and balanced living patterns;
- Transform racially/ethnically concentrated areas of poverty into areas of opportunity; and
- Foster and maintain compliance with civil rights and fair housing laws.

To assist grantees and housing authorities in affirmatively furthering fair housing, HUD provided publicly-available data, maps, and an assessment tool to use to evaluate the state of fair housing within their communities and set locally-determined priorities and goals. HUD's final rule mandated that, beginning in 2017, most grantees would use the new tool to prepare and submit to HUD an Assessment of Fair Housing; however, a 2018 HUD notice withdrew the requirement to prepare such assessments. A subsequent notice further required that grantees instead prepare and keep on file a current Analysis of



Impediments to Fair Housing Choice. In 2020, HUD further relaxed requirements to complete an AI, allowing grantees to instead simply certify that they were affirmatively furthering fair housing, without prescribing any specific method for documenting compliance.

As of the time this report was drafted, HUD had published a new proposed regulation describing yet another new process for grantees to evaluate and document compliance with their obligations to affirmatively further fair housing. Reverting to an approach similar to the Assessment of Fair Housing model that was briefly implemented in 2017, this latest regulatory proposal calls for what will be known as an Equity Plan. Until that new regulation is finalized and phased in, grantees must still affirmatively further fair housing, but are not bound to any particular guidelines for doing so. Given the current regulatory ambiguity, Harris County has opted to develop this Fair Housing Assessment, combining, to the extent practical, elements of the AI, Assessment of Fair Housing, and Equity Plan models.

Mosaic Community Planning assisted the Harris County Housing and Community Development Department with the preparation of this Fair Housing Assessment. This Assessment follows HUD's *Fair Housing Planning Guide* but also incorporates elements of HUD's assessment tool established in the 2015 final rule. In some places, it uses data developed by HUD for use by grantees as part of the Affirmatively Furthering Fair Housing final rule. It covers the Harris County Housing and Community Development Department Service Area, which generally includes unincorporated Harris County and its cooperating cities (Deer Park, Galena Park, Humble, Jacinto City, Katy, La Porte, Morgan's Point, Seabrook, Shoreacres, South Houston, and Webster).<sup>2</sup> Notably, this study area excludes the Cities of Houston, Baytown, and Pasadena as well as some other smaller municipalities that choose not to participate in the County's entitlement grant programs.

## DEFINITIONS

**Affirmatively Further Fair Housing** – In keeping with HUD regulations, Affirmatively Furthering Fair Housing (AFFH) is defined as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive

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<sup>2</sup> For a more detailed view of the Harris County Service Area, please see <https://csd.harriscountytexas.gov/Programs/Service-Area-Maps>

communities free from barriers that restrict access to opportunity based on protected characteristics.” Specifically, this means “taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”<sup>3</sup>

**Affordable** – Though local definitions of the term may vary, the definition used throughout this analysis is congruent with HUD’s definition:

- HUD defines as "affordable" housing that costs no more than 30% of a household's total monthly gross income. For rental housing, the 30% amount would be inclusive of any tenant-paid utility costs. For homeowners, the 30% amount would include the mortgage payment, property taxes, homeowners’ insurance, and any homeowners’ association fees.

**Fair Housing Choice** - This Fair Housing Assessment uses the following definition of Fair Housing Choice:

“Individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or disability. Fair housing choice encompasses:

- Actual choice, which means the existence of realistic housing options;
- Protected choice, which means housing that can be accessed without discrimination; and
- Enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual's needs as required under Federal civil rights law, including disability-related services that an individual needs to live in such housing.”<sup>4</sup>

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<sup>3</sup> 24 CFR Part 5.151.

<sup>4</sup> 24 CFR Part 5.151.

**Impediments to Fair Housing Choice** - As adapted from the HUD *Fair Housing Planning Guide*, impediments to fair housing choice are understood to include:<sup>5</sup>

- 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.

**Protected Classes** – The following definition of federally protected classes is used in this document:

- Title VIII of the Civil Rights Act of 1968 prohibits housing discrimination based on race, color, national origin or ancestry, sex, or religion. The 1988 Fair Housing Amendments Act added familial status and mental and physical handicaps as protected classes.

## DATA SOURCES

**Decennial Census Data** – Data collected by the Decennial Census for 2010 and 2000 is used in this Assessment (older Census data is only used in conjunction with more recent data in order to illustrate trends). The Decennial Census data is used by the U.S. Census Bureau to create several different datasets:

- 2010 and 2000 Census Summary File 1 (SF 1) – This dataset contains what is known as “100% data,” meaning that it contains the data collected from every household that participated in the Census and is not based on a representative sample of the population. Though this dataset is very broad in terms of coverage of the total population, it is limited in the depth of the information collected. Basic characteristics such as age, sex, and race are collected, but not more detailed information such as disability status, occupation, and income. The statistics are available for a variety of

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<sup>5</sup> U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 2: Preparing for Fair Housing Planning, Page 2-17)*. March 1996.

geographic levels with most tables obtainable down to the census tract or block group level.

- 2000 Census Summary File 3 (SF 3) – Containing sample data from approximately one in every six U.S. households, this dataset is compiled from respondents who received the “long form” Census survey. This comprehensive and highly detailed dataset contains information on such topics as ancestry, level of education, occupation, commute time to work, and home value. The SF 3 dataset was discontinued for the 2010 Census, but many of the variables from SF 3 are included in the American Community Survey.

**American Community Survey (ACS)** – The American Community Survey is an ongoing statistical survey that samples a small percentage of the U.S. population every year, thus providing communities with more current population and housing data throughout the 10 years between censuses. This approach trades the accuracy of the Decennial Census Data for the relative immediacy of continuously polled data from every year. ACS data is compiled from an annual sample of approximately 3 million addresses rather than an actual count (like the Decennial Census’s SF 1 data) and therefore is susceptible to sampling errors. This data is released in two different formats: single-year estimates and multi-year estimates.

- ACS Multi-Year Estimates – More current than Census 2010 data, this dataset is one of the most frequently used. Because sampling error is reduced when estimates are collected over a longer period of time, 5-year estimates will be more accurate (but less recent) than 1-year estimates. The 2018-2022 ACS 5-year estimates are used most often in this assessment.

**HUD Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T)** – HUD’s AFFH Data and Mapping Tool provides a series of online, interactive maps and data tables to assist grantees in preparing fair housing analyses. Topics covered include demographics and demographic trends; racial and ethnic segregation; housing problems, affordability, and tenure; locations of subsidized housing and Housing Choice Voucher use; and access to educational, employment, and transportation opportunities. This report uses HUD’s latest data and maps, AFFHT0006, which was released in July 2020. HUD’s source data includes the American Community Survey (ACS), Decennial Census / Brown Longitudinal Tract Database (BLTD), Comprehensive Housing Affordability Strategy (CHAS), Longitudinal Employer-Household Dynamics (LEHD), HUD’s Inventory

Management System (IMS) / Public and Indian Housing (PIH) Information Center (PIC), and others. For a complete list of data sources, please see HUD's Affirmatively Furthering Fair Housing Data and Mapping Tool Data Documentation appended to this report or available online at: <https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf>.

# Chapter 2.

## Community Participation

### COMMUNITY ENGAGEMENT OVERVIEW

An important component of the research process for this Analysis of Impediments to Fair Housing Choice involved gathering input regarding fair and affordable housing conditions, perceptions, and needs in Harris County. The County's project team used a variety of approaches to achieve meaningful public engagement with residents and other stakeholders, including community input sessions, pop ups, stakeholder and resident focus groups, interviews, and a community-wide survey.

#### Open Houses

In March 2024, the County hosted a series of open house sessions to understand local fair and affordable housing issues. All sessions were open to the public, with childcare services and interpretation services for Spanish speakers provided at each event. A total of 15 participants joined the open houses. Open house dates, times, and locations are shown below:



#### Houston Open House – Precinct 1

SHAPE Community Center  
3903 Almeda Rd, Houston, TX 77004  
Thursday, March 28, 2024  
5:00 PM – 7:00 PM

#### Houston Open House – Precinct 2

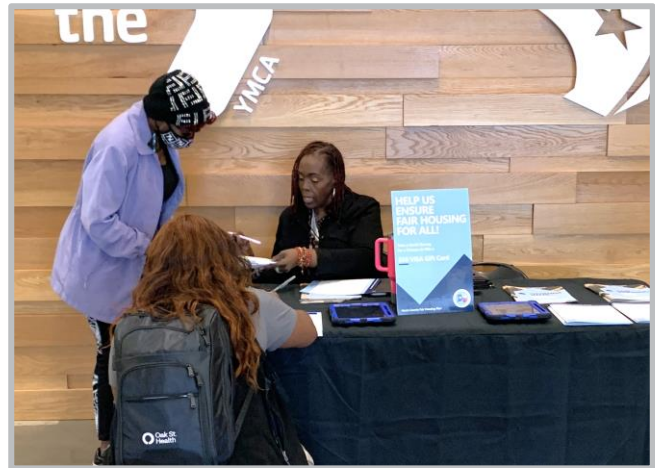
Hardy Senior Center  
11901 W Hardy Rd, Houston, TX 77076  
Tuesday, March 19, 2024  
6:00 PM – 8:00 PM

**Houston Open House – Precinct 3**  
Trini Mendenhall Community Center  
1414 Wirt Rd, Houston, TX 77055  
Tuesday, March 26, 2024  
6:00 PM – 8:00 PM

**Hockley Open House – Precinct 4**  
Hockley Community Center  
28515 Old Washington Rd, Hockley, TX 77447  
Thursday, March 28, 2024  
6:00 PM – 8:00 PM

## Pop Ups

In addition to open house events, pop ups were conducted in spaces of community gathering across Harris County by Satori Marketing to promote awareness of the Fair Housing Study, the survey, and any upcoming opportunities for engagement. A total of 12 pop ups were held from March 8<sup>th</sup> - April 14<sup>th</sup>, with locations set in each of the county's four commission precincts. Combined, these pop ups engaged a total of 280 community members.



## Stakeholder Focus Groups and Interviews

The planning team also engaged with stakeholders representing a variety of perspectives through virtual focus groups and individual interviews. A total of 16 community stakeholders participated in a focus group or interview, representing a range of viewpoints, including affordable housing, fair housing, real estate, community development, education, health services, public services, homelessness, services for people with disabilities, special needs housing, and others. Stakeholder group dates and times are shown below. All were held via Zoom:

### Focus Group 1 – Low/Mod Income Neighborhoods

Friday, March 15, 2024  
11:00 AM

### Focus Group 2 – Builders, Lenders, and Real Estate Professionals

Monday, March 18, 2024  
11:00 AM

### **Focus Group 3 – Housing Advocates**

Thursday, March 21, 2024

12:00 PM

### **Resident Focus Groups**

In addition to virtual stakeholder focus groups, the team also held a series of in-person resident focus groups in partnership with local organizations. Discussion topics included barriers to fair housing, housing discrimination, access to opportunity, and fair housing resources. Resident group dates and times are shown below. A total of 36 residents participated in these focus groups.

#### **Focus Group 1 – Seniors**

Evelyn Kennedy Civic Center

618 San Jacinto St, La Porte, TX 77571

Wednesday, March 27, 2024

11:00 AM

#### **Focus Group 3 – Harris County Housing Authority Voucher Holders**

Evelyn Kennedy Civic Center

Villas at Eastwood

1933 Hussion St, Houston, TX 77003

Wednesday, April 10, 2024

2:00 PM

#### **Focus Group 2 – Persons with Disabilities**

Houston Center for Independent Living

11111 Wilcrest Green Dr Suite 385, Houston, TX 77042

Thursday, April 11, 2024

1:00 PM



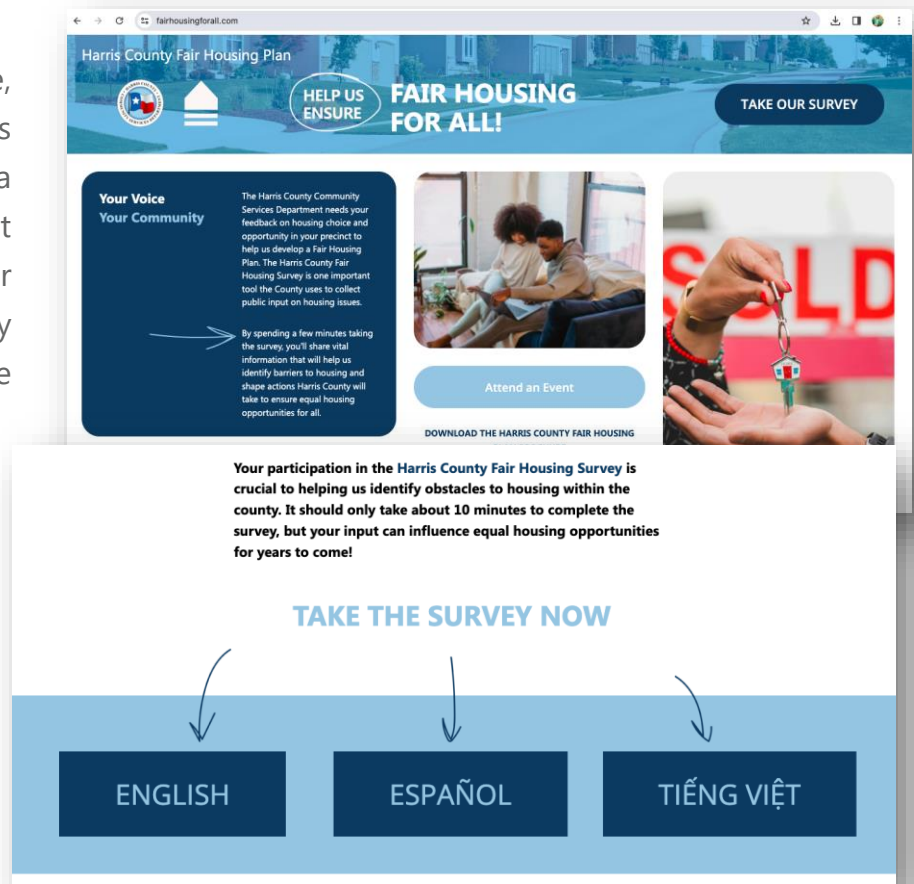
## Website

A public website, [FairHousingForAll.com](https://FairHousingForAll.com), was created to serve as a centralized space to host information about the Fair Housing Plan, community engagement events, and the survey. According to the site's Google Analytics Report, the website received a total of 2,231 views from 1,976 users, with 538 users viewing the survey and 65 users viewing the events page.

## Participating Organizations

One or more representatives from 19 organizations participated in a focus group, interview, or community input session. Organizations from which someone participated in the development of this Fair Housing Assessment include:

- Alliance of Community Assistance Ministries (ACAM)
- Center for Civic and Public Policy Improvement (CCPI)
- Center for Health Equity at the UTHealth Houston School of Public Health
- City of La Porte
- City of Seabrook
- East Harris County Empowerment Council
- Fair Housing Defenders
- Greater Houston Fair Housing Center
- The Harris Center for Mental Health and IDD
- Houston Center for Independent Living (HCIL)



- Harris County Housing Authority (HCHA)
- Harris County Immigration and Legal Services
- Hispanic Mortgage Lenders Organization (HMLO)
- Houston Habitat for Humanity
- Houston Housing Collaborative (HHC)
- La Porte Senior Services Center
- National Association of Hispanic Real Estate Professionals
- Texas Housers
- Valero Title

## Community Survey

A final method for obtaining community input was a 40-question survey available to the public, including people living and/or working in Harris County and other stakeholders. The survey was available from February through April 2024 via an online link. Hard copies, brochures with a QR code leading to the survey, and tablet kiosks were also available at all in-person community engagement events. The survey was available in English, Spanish, and Vietnamese. A total of 324 survey responses were received.

## Publicity for Community Engagement Activities

Advertisement for the community input sessions and survey targeted the general public, as well as nonprofits, service providers, housing providers, and others working with low- and moderate-income households and special needs populations. Public notice of community input opportunities was given to residents through announcements on the respective Precinct's website and social media, as well as a project brochure. Brochures were handed out to contacts at pop up events, focus groups, open houses, and distributed virtually to stakeholders. Meeting advertisements noted that accommodations (including childcare, translation, interpretation, or accessibility needs) were available if needed; no requests for accommodations were received.

**How You Can Help**

Spend a few minutes taking the Harris County Fair Housing Survey, which assesses housing needs and challenges in your community. You can also attend one of our events to:

- Participate in interactive exercises to help us determine needs in your area.
- Speak with precinct officials.
- Ask questions of the planning team.
- Learn more about the survey.

Our events are family friendly and include activities for kids – feel free to bring them along!

**Precinct 2**  
Tue, March 19th, 2024, 6:00pm - 8:00pm  
Hardy Community Center  
11901 W Hardy Rd, Houston, TX 77076

**Precinct 3**  
Tue, March 26th, 2024, 6:00pm - 8:00pm  
Timi Mendelhall Community Center  
1414 Wirt Rd, Houston, TX 77055

**Precinct 4**  
Thu, March 28th, 2024, 6:00pm - 8:00pm  
Hockley Community Center  
28515 Old Washington Rd, Hockley, TX 77447

**Precinct 1**  
Thu, March 28th, 2024, 5:00pm - 7:00pm  
SHAPE Community Center  
3903 Alameda Rd, Houston, TX 77004

**WHY YOU SHOULD HELP:** By taking the survey, you'll share vital input that will help us identify barriers to housing and shape actions Harris County will take to ensure equal housing opportunities for all.

**LET YOUR VOICE BE HEARD**

Scan to Take Survey

**Give Us Your Feedback!**

# COMMUNITY ENGAGEMENT RESULTS

Results from community input sessions, focus groups, and interviews are summarized below. All comments and survey responses were accepted. Public input is summarized in this section, with complete survey results provided as an appendix. Please note that the comments below represent the community input received in the course of developing this plan, and do not necessarily reflect the views of the Harris County Housing and Community Development Department, Mosaic Community Planning, or Satori Marketing Agency.

## Interview, Public Meeting, and Focus Group Results

### **1. What types of housing needs are greatest in the county (e.g., workforce housing, affordable rental housing, housing for people who are homeless, assistance for first-time homebuyers, rehab/repair programs for homeowners, housing for seniors or people with disabilities, etc.)?**

- Affordable housing for persons on fixed incomes, such as SSI, or earning less than 60% AMI
- Affordable housing for purchase, including assistance for first time homebuyers
- Affordable housing that is free from proximity to environmental hazards and increased flooding risk
- Preservation of existing affordable housing
- Eviction assistance
- Transitional housing for homeless individuals with wraparound services
- Permanent housing for people who are homeless and people with mental illness and substance abuse disorders
- Larger incentives for affordable housing
- Senior housing
- Assistance for seniors and people with disabilities for home repairs, retrofitting, and/or accessibility modifications
- Accessible housing for persons with disabilities

- Increase funding to support a larger number of vouchers and increase voucher allocations
- Lowered insurance rates and property taxes, especially for those doing work in affordable housing
- Tangled title issues associated with generational homeownership
- Larger variety of affordable housing unit sizes
- Weatherization efforts to preserve habitability of existing housing

**2. What parts of the county are generally seen as areas of opportunity (i.e., places people aspire to live, places that offer access to good schools, jobs, and other amenities)? What makes them attractive places to live? Are there barriers someone might face in moving to one of these areas?**

- More urban areas where there is easy access to transit and jobs
- There is also a growing trend of people moving to the suburbs for better schools
- River Oaks
- Montrose
- West side of Harris County
- Cypress
- Spring
- Katy
- Pasadena

**3. Are you aware of any housing discrimination that occurs in Harris County? What forms does it commonly take?**

- Racial steering
- Undervaluing the appraised value of homes owned by Black or African American residents
- Source of income discrimination against voucher holders and those on fixed SSI or disability payments
- 3x monthly rent requirement to qualify for housing or put down a deposit is a large barrier for many low-income households

- Discrimination based on sexual orientation and gender identity
- Discriminatory practices by homeowner associations (HOAs) – rules can be applicable to some but not all residents
- Those with criminal histories, poor credit histories, or history of eviction are turned away from most housing
- Landlords will make excuses for refusing accommodations
- Documented instances of discrimination are few, but it still exists

**4. Are people across the county segregated (by race, ethnicity, national origin, family status, religion, or any other factor) in where they live? What causes this segregation to occur?**

- Segregation patterns based on race/ethnicity/national origin/language
- Households congregating in culturally familiar neighborhoods
- Community opposition to affordable housing
- Historical redlining practices
- Housing for low/mod-income households disproportionately sited next to industrial uses and environmental hazards
- Gentrification pressures, especially in neighborhoods with access to transit, jobs, and desirable amenities

**5. Have there been any recent initiatives to expand housing opportunities in the county that were successful? What made them succeed? How/where can they be replicated?**

- Harris County Housing Authority (HCHA) partners with different agencies such as the Coalition for the Homeless of Houston/Harris County to develop local preference policies
- Houston Community Land Trust and Houston Land Bank provide permanent affordable housing but need more funds
- Tejano Center for Community Concerns, Avenue Community Development Corporation (CDC), Fifth Ward Community Redevelopment Corporation all do a good job advocating for their clients
- Project Row Houses and New Hope Housing had a robust community engagement process

**6. Are public resources (e.g. parks, schools, roads, transit, police & fire services, etc.) distributed evenly throughout all communities in the county? Do some communities seem to get more or less than their share of County investment?**

- Investment is not distributed evenly
- Quality of parks, schools, and infrastructure differs greatly across the county
- Overall infrastructure issues are exacerbated by flooding and natural disasters and the constant cycle of having to rebuild after these events
- Public transit system is very limited outside of the City of Houston
- Small cities and rural areas have very few resources and investment
- Precinct 2 in particular lacks adequate infrastructure

**7. What types of fair housing services (education, complaint investigation, testing, etc.) are offered in the area? How well are they coordinated with the work of other organizations in the community?**

- Lone Star Legal Aid
- Real estate agents and loan officers participate in fair housing training and pass this information along to clients
- Lack of coordination between organizations; services are offered in pockets
- Webinars and information on fair housing resources and services are available to residents living in publicly supported housing
- Downpayment assistance and affordable housing opportunities are available, but a large amount of responsibility is on the client
- Need increased communication and collaboration between organizations

## **Community Survey Results**

The community survey, provided in English, Spanish, and Vietnamese, asked residents and stakeholders about barriers to fair housing access, affordable housing needs, and provision of public services in the county. A total of 324 people responded to the survey, representing a range of age groups, income levels, races and ethnicities, and zip codes. Full survey results are included in the appendix.

### **Respondents' Thoughts about Housing Issues**

When asked about housing issues in Harris County, the most commonly identified worries by survey respondents were displacement by rent increases (87% of respondents, see Figure 4) and lack of funds to afford a downpayment on a house (85%), followed by flooding (35%), lack of landlord response to repair requests (35%), eviction (30%), and a need for housing assistance (30%).

### **Respondents' Thoughts about Access to Community Resources**

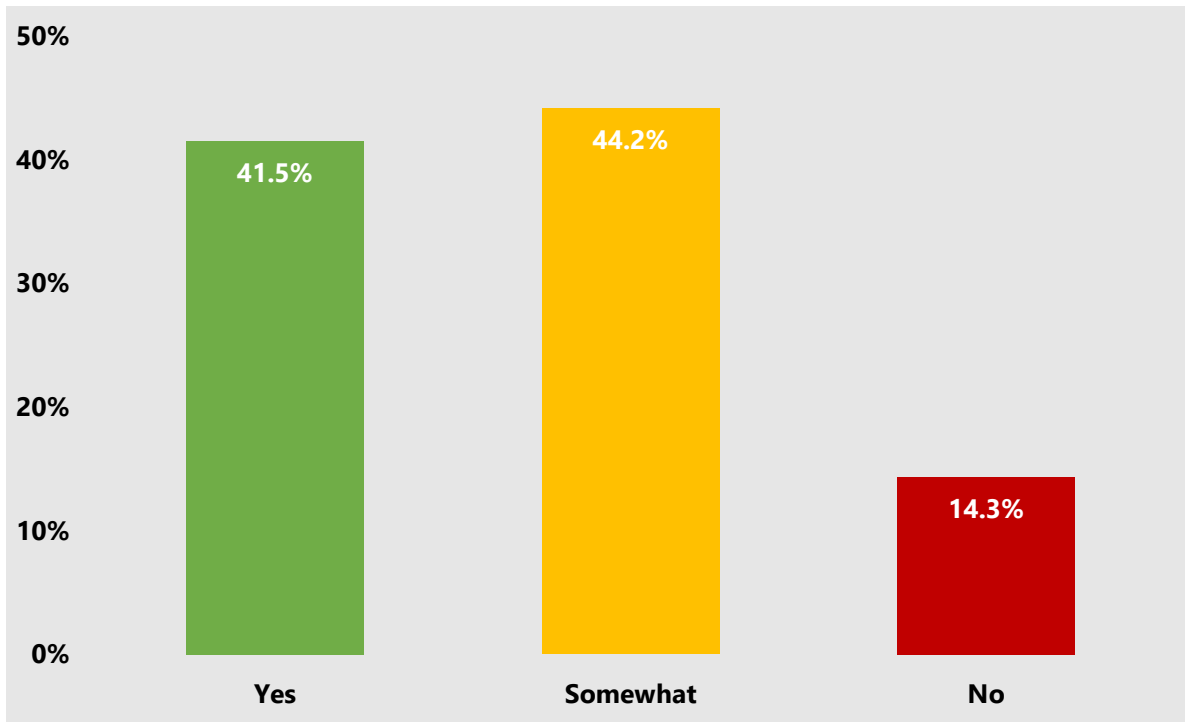
When asked about their neighborhoods' access to community resources in comparison to other neighborhoods, most respondents noted that they had similar access to resources. The most commonly identified resources that survey respondents had lower access to were educational/cultural facilities (37.7% of respondents), social services (36.1%), and trails and/or bike lanes (34.8%).

### **Respondents' Thoughts about Fair Housing**

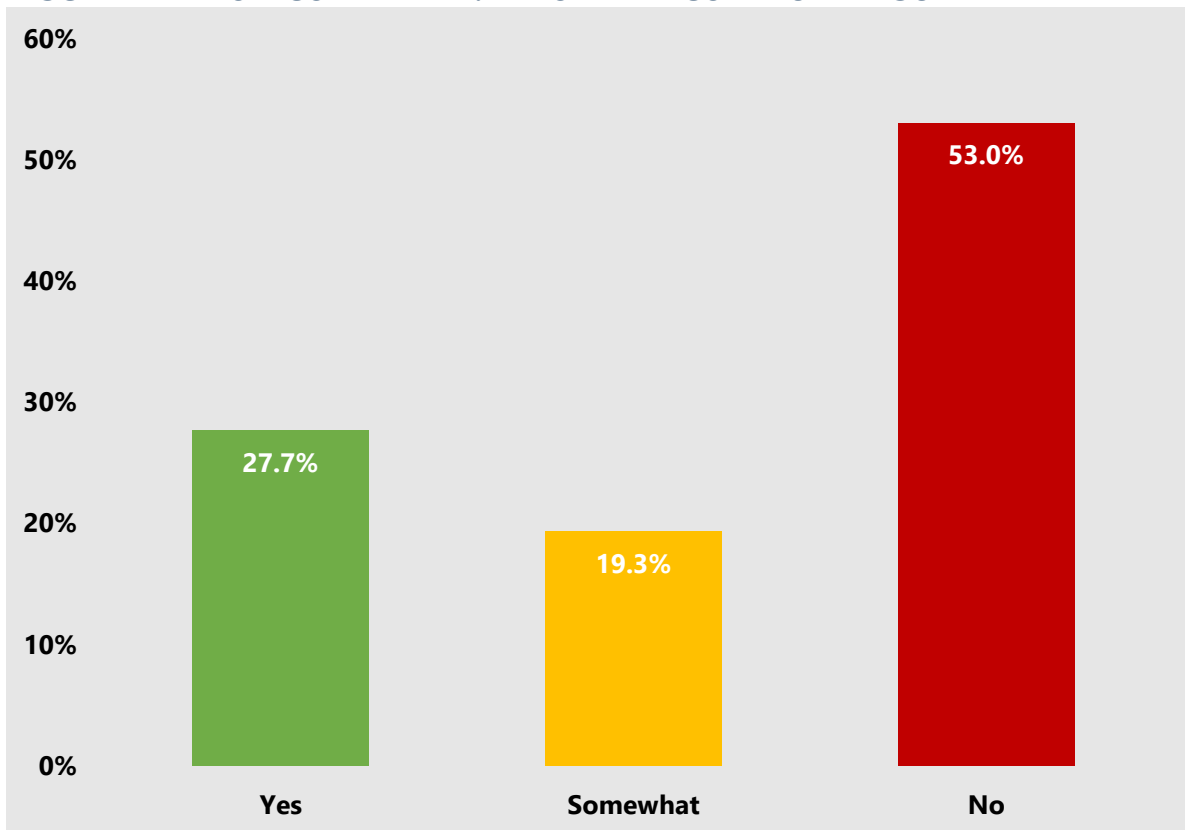
Most survey participants reported understanding or somewhat understanding their fair housing rights (41.5% and 44.2%, see Figure 1). While only 14.3% of respondents said that they did not know their fair housing rights, 53.0% said they would not know how to file a housing discrimination complaint (Figure 2).



**FIGURE 1. RESPONSES TO “DO YOU UNDERSTAND YOUR FAIR HOUSING RIGHTS?” FROM THE COMMUNITY SURVEY**



**FIGURE 2. RESPONSES TO “DO YOU KNOW HOW TO FILE A HOUSING DISCRIMINATION COMPLAINT?” FROM THE COMMUNITY SURVEY**

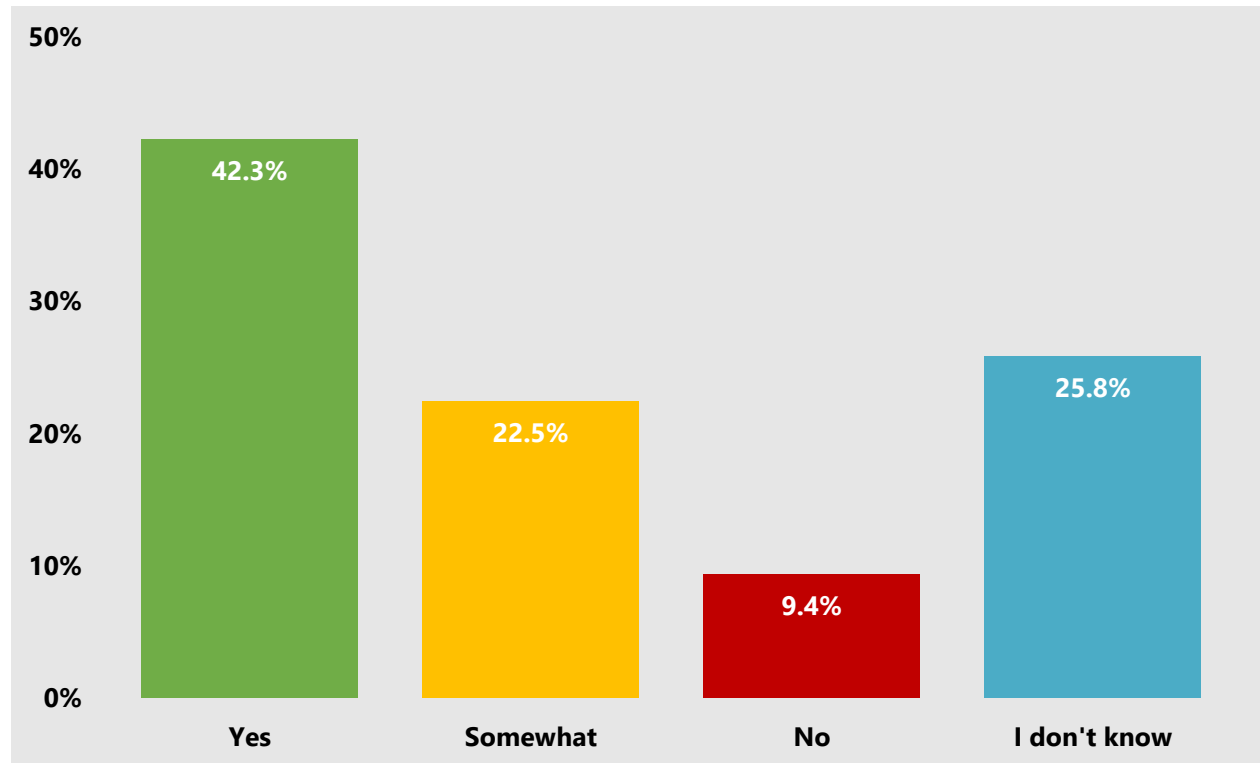


**Forty-six (46) survey participants (17.3%) experienced housing discrimination while living in the city or county. Of those 46 people:**

- 29 respondents noted that they were discriminated against by a landlord or property manager. 12 residents were discriminated against by real estate agents, 8 by a mortgage lender, 3 by a city or county staff person, and 1 noted other sources of discrimination.
- Race was the most common basis for discrimination, cited by 27 people, followed by ethnicity (9 people), families with children (9 people), and sex (5 people).
- Only four people filed a report of discrimination. Reasons for not filing discrimination complaints included not knowing what good it would do (identified by 24 people), not knowing where to file (15 people), not realizing discrimination was against the law (10 people), being afraid of retaliation (5 people) and other reasons (5 people).

**Forty-two percent (42.3%) of survey participants said they believe housing discrimination is an issue in the county, while 9.4% said they do not believe housing discrimination is an issue (see Figure 3).**

**FIGURE 3. RESPONSES TO “DO YOU THINK HOUSING DISCRIMINATION IS AN ISSUE IN HARRIS COUNTY?” FROM THE COMMUNITY SURVEY**



**Of the 25 survey respondents who had a Section 8 voucher, 19 (73.1%) found that it was very difficult to find a landlord that accepted vouchers.**

- Sixteen (16) voucher holders (66.7%) believed that it was difficult to use a voucher because of the following reasons:
  - Landlords had policies of not renting to voucher holders
  - The voucher amount was not sufficient to cover the prices for housing they were interested in
- Fifteen (15) voucher holders believed it was difficult to use a voucher because they had a hard time finding information about landlords that accepted vouchers, 12 voucher holders did not have enough time to find a place to live before the voucher expired, and 8 voucher holders had other difficulties.

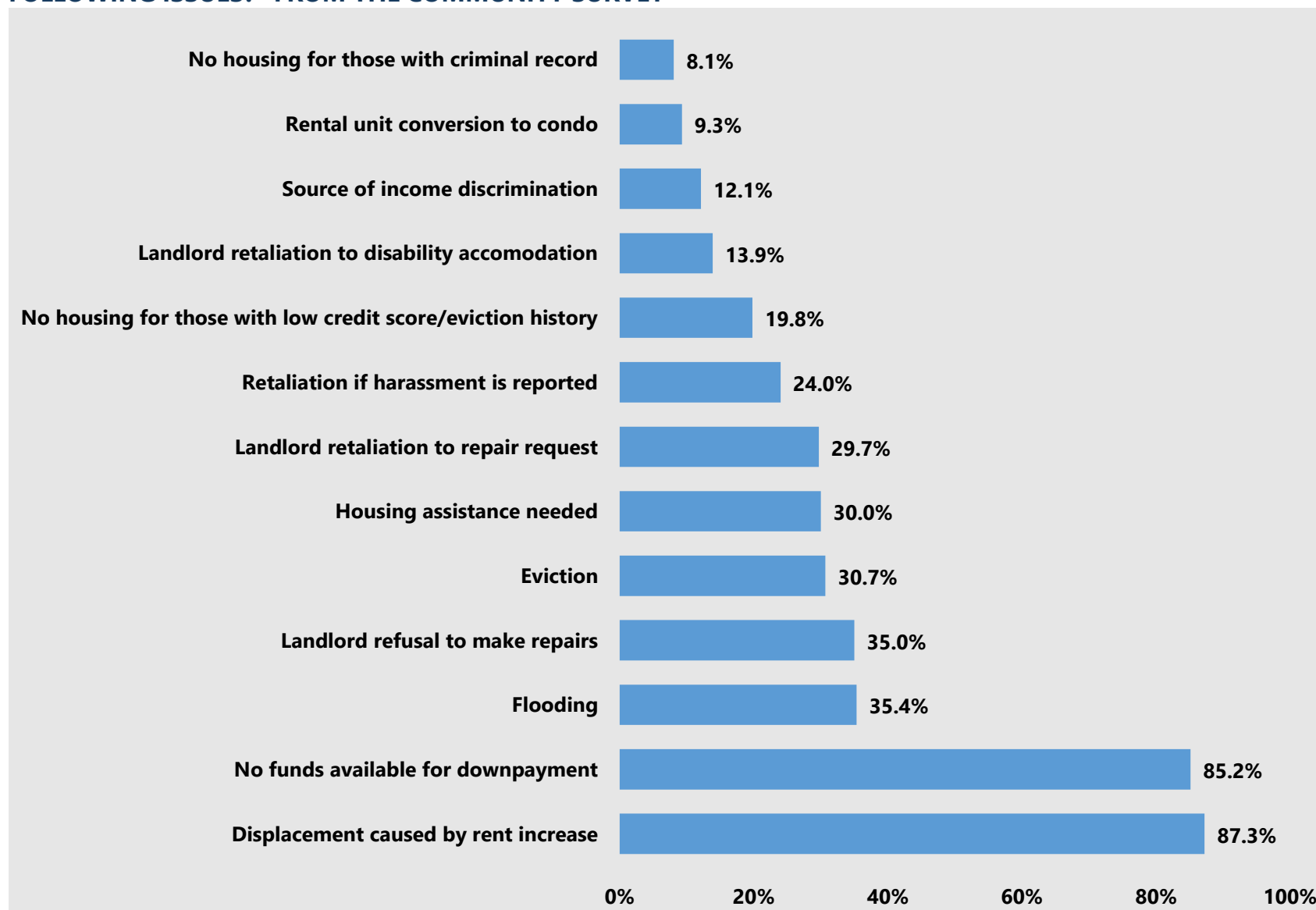
**Of the 81 survey respondents who responded yes to “Do you or any member of your household have a disability of any type—physical, mental, intellectual, developmental?”, the following housing challenges were identified:**

- Difficulties getting around the neighborhood because of broken or missing sidewalks and poor street lighting (20 people)
- Inability to afford the cost of housing with accessibility features (17 people)
- Inability to afford the cost of accessibility modifications (24 people)

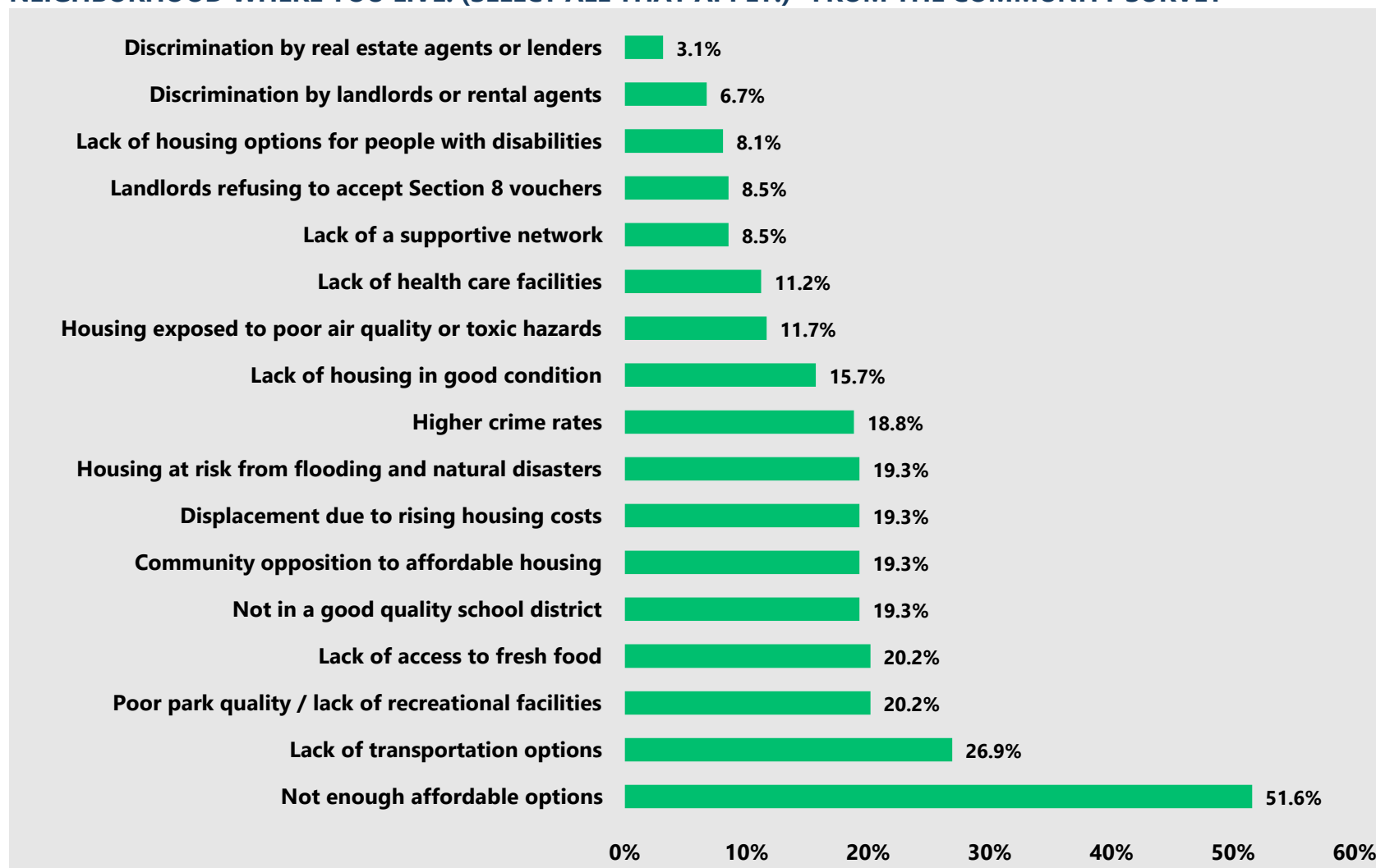
**When asked to identify what factors limited housing options in their neighborhoods, survey respondents most commonly noted a lack of affordable housing (51.6% of respondents, see Figure 5). Other factors indicated were a lack of transportation options (26.9%), lack of recreational facilities or poor access to parks (20.2%), and lack of access to fresh food (20.2%).**

Notably, survey responses focused on the need for increasing the supply of affordable housing available for rent and purchase in a variety of unit sizes — including housing for people with disabilities and seniors — reducing the displacement of residents due to rising housing costs, and downpayment assistance. Other commonly cited issues among stakeholders and survey respondents were flooding and environmental concerns, especially among low-income households; a need for more variety in housing unit sizes, particularly in publicly supported housing; and a need for eviction assistance.

**FIGURE 4. RESPONSES TO “WHEN YOU THINK ABOUT YOUR HOUSING SITUATION, DO YOU WORRY ABOUT THE FOLLOWING ISSUES?” FROM THE COMMUNITY SURVEY**



**FIGURE 5. RESPONSES TO “PLEASE INDICATE WHICH OF THE FOLLOWING LIMIT HOUSING OPTIONS IN THE NEIGHBORHOOD WHERE YOU LIVE. (SELECT ALL THAT APPLY.)” FROM THE COMMUNITY SURVEY**



# Chapter 3.

## Socioeconomic Profile

The Harris County entitlement jurisdiction is home to an estimated 1,631,047 residents according to the 2018-2022 5-Year American Community Survey (ACS).<sup>6</sup> Harris County's population accounts for 27.2% of residents in the Houston-The Woodlands-Sugar Land Metropolitan Statistical Area (MSA) (5,920,416), which includes Austin, Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, Harris, and Waller County. Harris County's population grew significantly between 2000 and 2010 (46.3%), although recent estimates show a slight population loss in recent years (a -1.3% decline between 2010 and 2020). The Houston-The Woodlands-Sugar Land MSA also saw a similar population loss of -1.2% since 2010 and the region grew more slowly in the previous decade (26.4% between 2000 and 2010).

### DEMOGRAPHIC PROFILE

#### Race and Ethnicity

In 2000, the white population had accounted for more than half of the overall population (55.3%). By 2020, while a smaller share than before, White, non-Hispanic residents still comprise the largest racial or ethnic group in Harris County representing more than a third (39.3%) of the county's total population, followed by Hispanic or Latino residents who comprise 36.6% of the total population. Non-Hispanic Black residents, the third largest racial or ethnic group in Harris County, comprise 15.8% of all county residents.

The Black population has maintained a similar share of more than one-tenth of the county's population since 2000 and experienced the fastest growth rate (90.8%) among all racial or ethnic groups between 2000 and 2010. However, the Black or African American

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<sup>6</sup> Demographic data throughout this report estimates the Harris County HUD entitlement geography ("Harris County") as Harris County outside of the city of Houston. Instances in which Harris County data includes the city of Houston are noted.

lost -3.7% of its population between 2010 and 2020. The Hispanic population and the white, non-Hispanic populations have both remained consistent since 2010 to 2020.

Asian or Pacific Islander residents have also maintained a steady population share of around 6% to 7% over the years. The Native American population has held the lowest shares of the overall population in the past two decades with a significant drop in numbers (-2,195 residents or -36.5%) since 2000. Since 2010, Black or African American, Asian or Pacific Islander, and Native American populations have all declined.

At the regional level, population shares of each racial and ethnic group are relatively the same as their shares in Harris County. However, Black or African American residents comprise 16.8% of the MSA's current population which is greater than their share of Harris County's population by 1.01 percentage points. Hispanic or Latino residents comprise a slightly smaller percentage of the MSA population (35.4%) compared to their share of the county's population (36.6%).

Demographic changes among all racial and ethnic groups in the Houston-The Woodlands-Sugar Land MSA between 2000 and 2020 followed the general patterns growth and decline of racial and ethnic groups in Harris County.

## **National Origin**

As of 2020, Harris County is home to 397,32 foreign-born residents. The foreign-born population experienced an increase of 305.9% since 2000 with most of the growth occurring between 2000 and 2010 (126.9% growth rate). The top five countries of origin of the foreign-born population in Harris County are Mexico, El Salvador, Vietnam, Other Central America, and India. The populations originating from Mexico is by far the largest group comprising 10.5% of the total population. Residents from El Salvador comprise the next largest group accounting for 2.1% of the population. Residents from Vietnam and Other Central America comprise 1.9% and 1.5% of the total population, respectively, while residents from India account for 0.9% of the county's population.

In both Harris County and the Houston-The Woodlands-Sugar Land MSA, the most common country of origin for the foreign-born population is Mexico. The population share of Mexican residents in the MSA (10.5%) is relatively the same in the MSA compared to the county. Although slightly less in size and share, residents from El Salvador comprise the next largest groups in both the county and the MSA. Harris County residents from

Other Central America account for a larger share of the population in the county compared to the MSA, ranking as the third most populous country of origin. Similar to the county, the fifth largest foreign-born populations in the MSA are also comprised of residents from India.

## **Limited English Proficiency (LEP)**

In Harris County, about 17.6% of the population has limited English proficiency, compared to about 16.8% in the Houston-The Woodlands-Sugar Land MSA. Similar to the growth in share of foreign-born populations, LEP population shares have consistently increased since 2000 across the county and MSA region. Population dynamics for residents with limited English Proficiency (LEP) often resemble those of foreign-born residents in a community, however, some of the top LEP populations speak Other and Unspecified languages in the county and the MSA. The largest LEP population in both the county and the MSA speak Spanish and account for 30.4% and 13.7% of their populations, respectively. Other common languages spoken by LEP populations in the county include Vietnamese, Other Indo-European Languages, and Other Asian and Pacific Languages.

## **Disability**

Residents with a disability comprise around 18.4% of the population in Harris County and 19.5% in the Houston-The Woodlands-Sugar Land MSA. The county and the MSA closely share similar population shares by disability type. The most common disability type is difficulty with ambulatory movement, comprising around 4.6% and 5.4% of the population in both the county and the MSA, respectively. Disabilities that typically require more extensive assistance such as difficulties with independent living or self-care make up around 2-3% of the population in both the county and the MSA. Approximately 3.4% and 3.8% of the population in the county and MSA have cognitive difficulty. Sensory disabilities such as hearing and vision difficulties impact around 2% of the population in the county and the MSA, with slightly smaller share of residents with vision and hearing difficulties in the county.

## **Age**

The age distribution in Harris County and the Houston-The Woodlands-Sugar Land MSA are very similar and follow normal distribution patterns. The majority of the population, approximately 93.2% in the county and 91.4% in the MSA, are between the ages of 18 and



64. More than one-quarter of the county and the MSA population is under age 18 with the county having a slightly larger share compared to the MSA. The proportions of residents over the age of 65 are also similar between county (6.8%) and MSA (8.6%). The population shares between 2000 and 2020 indicate an aging population in both the county and the MSA. The share of residents over the age of 65 grew from 5.3% to 6.7% of the county's total population. The growth rate of this same age group was similar in the MSA expanding from 7.7% in 2000 to 8.6% in 2020.

## **Sex**

Population shares of male and female residents are virtually even in both Harris County and the Houston-The Woodlands-Sugar Land MSA. Female residents make up the slight majority of the population in the county comprising 50.7% of the population. The difference in gender distribution of the MSA in comparison to the county is minimal, with the MSA's population consisting of 50.3% female residents and 49.7% male residents. There have not been significant fluctuations among these patterns over the past two decades.

## **Family Type**

Recent estimates indicated that 54.6% of family households in Harris County have children. The share of households with children is slightly smaller (51.2%) in the MSA. In the county, the share of families with children declined between 2000 to current levels by -6.7 percentage points while the overall MSA saw slower decline by -3.8 percentage points. The share of non-family households is larger in the county (59.0%) compared to the MSA (29.7%).

**TABLE 1. DEMOGRAPHIC OVERVIEW**

	<b>(Harris County, TX CDBG) Jurisdiction</b>		<b>(Houston-The Woodlands-Sugar Land, TX) Region</b>			
<b>Race/Ethnicity</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>		
White, Non-Hispanic	640,538	39.27%	2,340,268	39.53%		
Black, Non-Hispanic	258,110	15.82%	996,221	16.83%		
Hispanic	596,379	36.56%	2,096,532	35.41%		
Asian or Pacific Islander, Non-Hispanic	107,034	6.56%	387,383	6.54%		
Native American, Non-Hispanic	3,819	0.23%	13,824	0.23%		
Two or More Races, Non-Hispanic	21,982	1.35%	75,165	1.27%		
Other, Non-Hispanic	3,185	0.20%	11,023	0.19%		
<b>National Origin</b>						
#1 country of origin	Mexico	181,340	10.55%	Mexico	613,370	10.46%
#2 country of origin	El Salvador	35,960	2.09%	El Salvador	112,395	1.92%
#3 country of origin	Vietnam	33,830	1.97%	Other Central America	100,928	1.72%
#4 country of origin	Other Central America	26,465	1.54%	Vietnam	80,599	1.37%
#5 country of origin	India	16,580	0.96%	India	74,359	1.27%
#6 country of origin	Philippines	12,562	0.73%	China excl. Taiwan	43,549	0.74%
#7 country of origin	Other South America	12,502	0.73%	Philippines	38,742	0.66%
#8 country of origin	Other South-Central Asia	10,709	0.62%	Other South America	38,450	0.66%

#9 country of origin	Colombia	9,534	0.55%	Other South-Central Asia	36,527	0.62%
#10 country of origin	Western Africa	8,770	0.51%	Western Africa	33,637	0.57%
<b>Limited English Proficiency (LEP) Language</b>						
#1 LEP Language	Spanish	522,185	30.37%	Spanish	801,574	13.66%
#2 LEP Language	Vietnamese	41,339	2.40%	Vietnamese	56,668	0.97%
#3 LEP Language	Other Indo-European Language	34,569	2.01%	Other Indo-European Language	38,872	0.66%
#4 LEP Language	Other & Unspecified Language	15,879	0.92%	Chinese	35,308	0.60%
#5 LEP Language	Other Asian & Pacific Language	13,740	0.80%	Other & Unspecified Language	20,276	0.35%
#6 LEP Language	Chinese	12,639	0.74%	Other Asian & Pacific Language	18,892	0.32%
#7 LEP Language	Tagalog	11,438	0.67%	Tagalog	7,686	0.13%
#8 LEP Language	French	7,552	0.44%	Korean	5,400	0.09%
#9 LEP Language	West Germanic Language	5,150	0.30%	Slavic Language	4,638	0.08%
#10 LEP Language	Slavic Language	3,768	0.22%	French	4,310	0.07%
<b>Disability Type</b>						
Hearing difficulty		41,528	2.42%		160,027	2.75%
Vision difficulty		33,156	1.93%		123,098	2.12%
Cognitive difficulty		57,598	3.36%		221,365	3.81%
Ambulatory difficulty		79,220	4.62%		314,599	5.41%

Self-care difficulty	34,126	1.99%	126,234	2.17%
Independent living difficulty	54,107	3.16%	210,785	3.62%
<b>Sex</b>				
Male	804,225	49.31%	2,944,237	49.73%
Female	826,822	50.69%	2,976,179	50.27%
<b>Age</b>				
Under 18	495,835	30.40%	1,655,964	27.97%
18-64	1,024,457	62.81%	3,757,464	63.47%
65+	110,755	6.79%	506,988	8.56%
<b>Family Type</b>				
Families with children	224,978	54.65%	748,699	51.16%

**TABLE 1. DEMOGRAPHIC OVERVIEW (CONTINUED)**

Demographic Indicator	Harris County		Houston-The Woodlands-Sugar Land	
	#	%	#	%
Female Householder, No Spouse Present	77,166	9.70%	226,191	8.96%
Male Householder, No Spouse Present	26,987	3.39%	78,368	3.10%
Non-Family Households				
Female Householder	220,933	27.78%	377,520	14.95%
Male Householder	248,437	31.24%	372,770	14.77%
<b>Total Households</b>	<b>795,316</b>	<b>100.00%</b>	<b>2,524,403</b>	<b>100.00%</b>

**Note:** All % represent a share of the total population within the jurisdiction or region, except family type, which is out of total families. The most populous places of birth and languages at the city and regional levels may not be the same and are thus labeled separately.

**Data Sources:** AFFH Data, July 2020. ACS 5-Year 2018-2022 Estimates.

**TABLE 2. DEMOGRAPHIC TRENDS**

Race/Ethnicity	(Harris County, TX CDBG) Jurisdiction							
	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
White, Non-Hispanic	583,852	69.64%	617,549	55.30%	640,538	39.27%	640,538	39.27%
Black, Non-Hispanic	85,433	10.19%	140,436	12.58%	268,018	16.43%	258,110	15.82%
Hispanic	133,283	15.90%	284,553	25.48%	596,379	36.56%	596,379	36.56%
Asian or Pacific Islander, Non-Hispanic	31,935	3.81%	63,377	5.68%	114,615	7.03%	107,034	6.56%
Native American, Non-Hispanic	2,149	0.26%	6,014	0.54%	7,512	0.46%	3,819	0.23%
<b>National Origin</b>								
Foreign-born	81,028	9.67%	183,887	16.47%	328,910	20.17%	397,320	24.36%
<b>LEP</b>								
Limited English Proficiency	56,859	6.79%	131,799	11.81%	238,320	14.61%	286,785	17.58%
<b>Sex</b>								
Male	418,134	49.91%	554,012	49.63%	804,225	49.31%	804,225	49.31%
Female	419,672	50.09%	562,320	50.37%	826,822	50.69%	826,822	50.69%
<b>Age</b>								
Under 18	267,177	31.89%	358,250	32.09%	495,835	30.40%	495,835	30.40%
18-64	534,139	63.75%	699,132	62.63%	1,024,457	62.81%	1,024,457	62.81%
65+	36,490	4.36%	58,950	5.28%	110,755	6.79%	110,755	6.79%
<b>Family Type</b>								
Families with children	136,264	61.33%	113,979	57.99%	224,978	54.65%	224,978	54.65%

**Data Sources: AFFH Data, July 2020.**

**TABLE 2. DEMOGRAPHIC TRENDS (CONTINUED)**

Race/Ethnicity	(Houston-The Woodlands-Sugar Land, TX) Region							
	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
White, Non-Hispanic	2,178,626	58.08%	2,256,578	48.08%	2,340,268	39.53%	2,340,268	39.53%
Black, Non-Hispanic	654,258	17.44%	796,852	16.98%	1,027,083	17.35%	996,221	16.83%
Hispanic	775,021	20.66%	1,352,140	28.81%	2,096,532	35.41%	2,096,532	35.41%
Asian or Pacific Islander, Non-Hispanic	126,449	3.37%	246,193	5.25%	415,667	7.02%	387,383	6.54%
Native American, Non-Hispanic	8,276	0.22%	22,273	0.47%	27,269	0.46%	13,824	0.23%
<b>National Origin</b>								
Foreign-born	461,244	12.30%	897,668	19.13%	1,252,509	21.16%	1,438,555	24.30%
<b>LEP</b>								
Limited English Proficiency	359,659	9.59%	666,904	14.21%	908,915	15.35%	995,282	16.81%
<b>Sex</b>								
Male	1,867,652	49.79%	2,334,963	49.75%	2,944,237	49.73%	2,944,237	49.73%
Female	1,883,080	50.21%	2,358,164	50.25%	2,976,179	50.27%	2,976,179	50.27%
<b>Age</b>								
Under 18	1,082,148	28.85%	1,395,692	29.74%	1,655,964	27.97%	1,655,964	27.97%
18-64	2,393,740	63.82%	2,936,781	62.58%	3,757,464	63.47%	3,757,464	63.47%
65+	274,844	7.33%	360,654	7.68%	506,988	8.56%	506,988	8.56%
<b>Family Type</b>								
Families with children	526,380	54.92%	469,397	53.69%	748,699	51.16%	748,699	51.16%

Data Sources: AFFH Data, July 2020.

## RACIALLY AND ETHNICALLY CONCENTRATED AREAS OF POVERTY

This study uses a methodology developed by HUD that combines demographic and economic indicators to identify racially or ethnically concentrated areas of poverty (RECAPs). These areas are defined as census tracts that have an individual poverty rate of 40% or more (or an individual poverty rate that is at least 3 times that of the tract average for the metropolitan area, whichever is lower) and a non-White population of 50% or more. Using a metric that combines demographic and economic indicators helps to identify a jurisdiction's most vulnerable communities.

The racial and ethnic composition of neighborhoods with concentrations of poverty is disproportionate relative to the U.S. population overall. According to the U.S. Department of Health and Human Services, Black and Hispanic populations comprise nearly 80% of the population living in areas of concentrated poverty in metropolitan areas, but only account for 42.6% of the total poverty population in the U.S.<sup>7</sup> Overrepresentation of these groups in areas of concentrated poverty can exacerbate disparities related to safety, employment, access to jobs and quality education, and conditions that lead to poor health.

Identification of RECAPs is significant in determining priority areas for reinvestment and services to ameliorate conditions that negatively impact RECAP residents and the larger region. Since 2000, the prevalence of concentrated poverty has expanded by nearly 75% in both population and number of neighborhoods. The majority of concentration of poverty is within the largest metro areas, but suburban regions have experienced the fastest growth rate.<sup>8</sup>

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7 United States, Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. "Overview of Community Characteristics in Areas with Concentrated Poverty." ASPE Issue Brief, May 2014, [https://aspe.hhs.gov/system/files/pdf/40651/rb\\_concentratedpoverty.pdf](https://aspe.hhs.gov/system/files/pdf/40651/rb_concentratedpoverty.pdf).

8 Kneebone, Elizabeth. "The Growth and Spread of Concentrated Poverty, 2000 to 2008-2012." The Brookings Institution, 29 July 2016, [www.brookings.edu/interactives/the-growth-and-spread-of-concentrated-poverty-2000-to-2008-2012/](http://www.brookings.edu/interactives/the-growth-and-spread-of-concentrated-poverty-2000-to-2008-2012/).

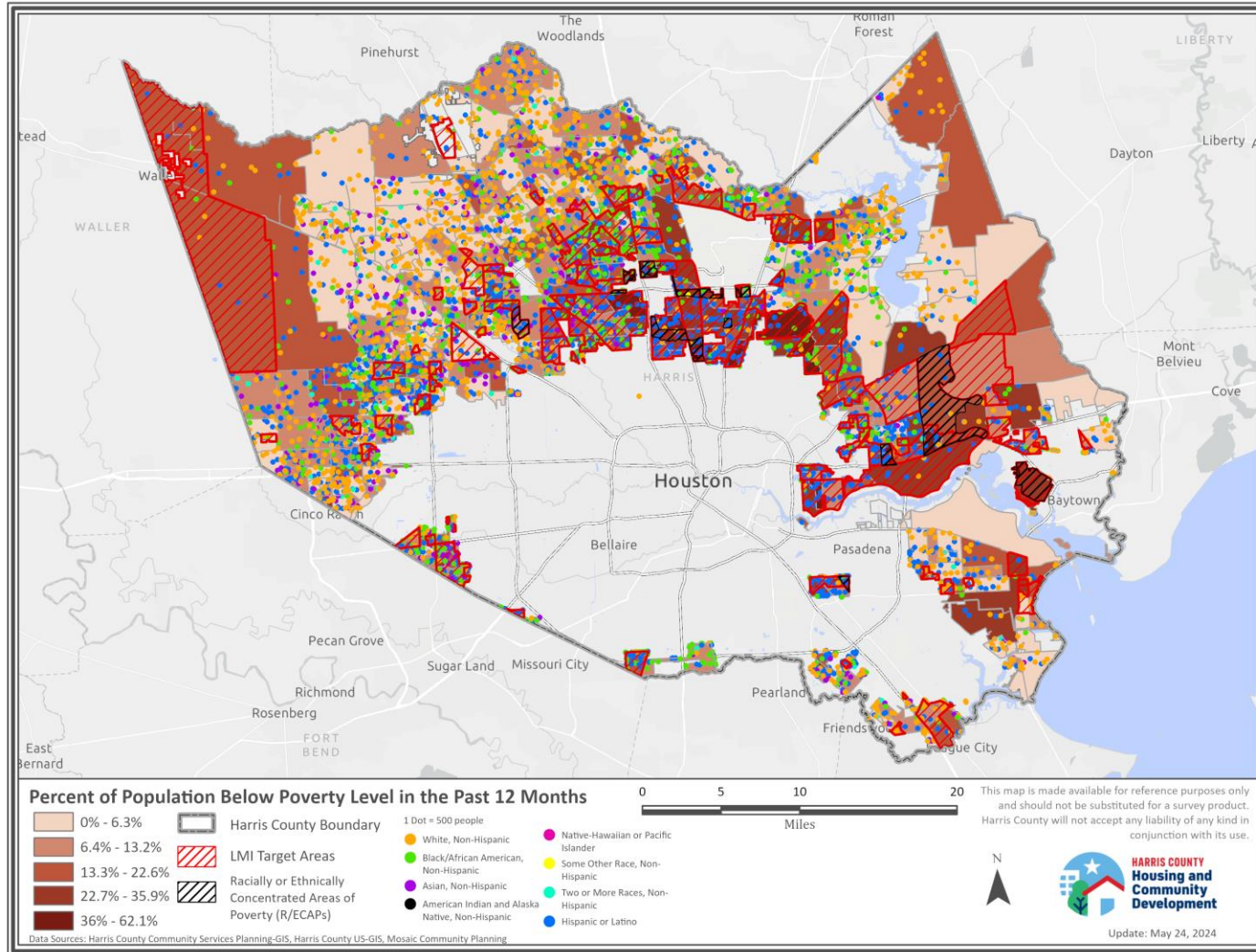


Analysis of 2018-2022 5-Year American Community Survey data indicates that over 15 census tracts in Harris County meet HUD's definition of a RECAP.

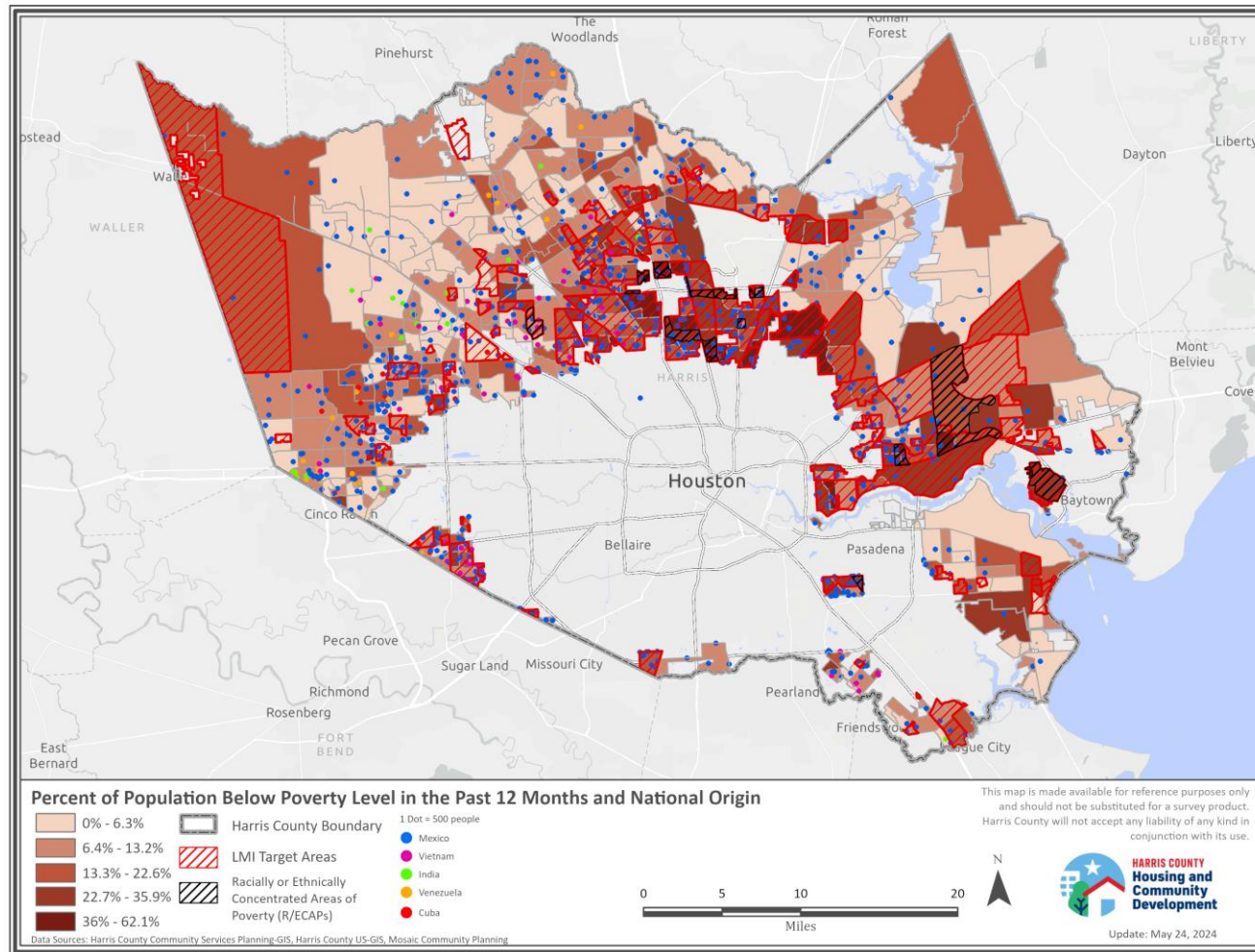
Figure 6 categorizes census tracts by percentage of population below poverty level and population distribution patterns by race and ethnicity throughout Harris County. Census tracts with the highest percentage of residents below the poverty line are located in the eastern-central regions of the county where spatial patterns show predominantly Hispanic or Latino residents. Conversely, census tracts with the lowest percentage of residents below the poverty line are located further from the city of Houston and in the northern-western regions of the county where the racial and ethnic composition is less diverse. Aside from these loose patterns, there are clear indications of racial and ethnic segregation and spatial patterns to suggest white and Asian populations almost exclusively reside in low poverty census tracts.

Foreign-born populations in Harris County are evenly distributed throughout the county. Residents from Mexico are the most widespread throughout the county and have a strong presence in census tracts with the highest poverty levels where there are virtually no other foreign-born populations present (see Figure 7). Spatial patterns also indicate concentrations of residents from India and Vietnam in low poverty census tracts in the western regions of the county.

**FIGURE 6. POVERTY RATES AND POPULATION BY RACE AND ETHNICITY IN HARRIS COUNTY, 2018-2022**



**FIGURE 7. POVERTY RATES AND POPULATION BY NATIONAL ORIGIN IN HARRIS COUNTY, 2018-2022**



# Chapter 4. Segregation and Integration

Communities experience varying levels of segregation between different racial, ethnic, and socioeconomic groups. High levels of residential segregation often lead to conditions that exacerbate inequalities among population groups within a community. Increased concentrations of poverty and unequal access to jobs, education, and other services are some of the consequences of high residential segregation.<sup>9</sup>

Federal housing policies and discriminatory mortgage lending practices prior to the Fair Housing Act of 1968 not only encouraged segregation, but mandated restrictions based on race in specific neighborhoods. The Fair Housing Act of 1968 outlawed discriminatory housing practices but did little to address the existing segregation and inequalities. Other federal housing policies and programs, like Section 8 and HOPE VI, have been implemented in an effort to ameliorate the negative effects of residential segregation and reduce concentrations of poverty. Despite these efforts, the repercussions of the discriminatory policies and practices continue to have a significant impact on residential patterns today.

## RACE AND ETHNICITY

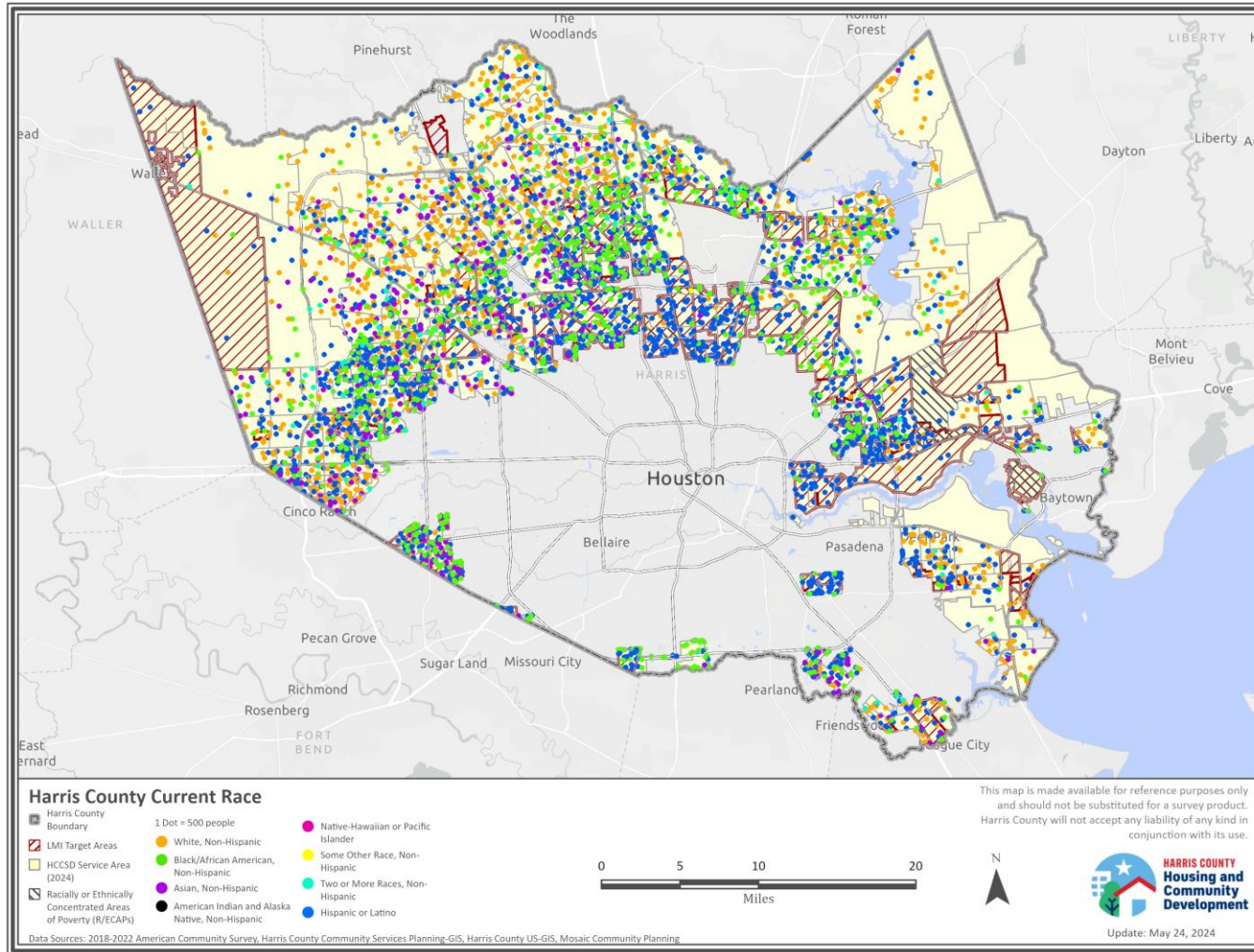
Figures 8 through 10 show Harris County's population by race and ethnicity using 2000 and 2010 Census data and the 2018-2022 5-Year American Community Survey. Overall, population is distributed evenly throughout the county with some higher residential density areas located along the north, east, and west borders of Houston. Population distribution patterns by race and ethnicity throughout the county do not indicate residential segregation among any racial or ethnic groups in 2019 and 2010, however, there is some visual evidence of residential segregation of white populations in 2000. Spatial patterns show minor concentrations of white residents seemingly isolated in

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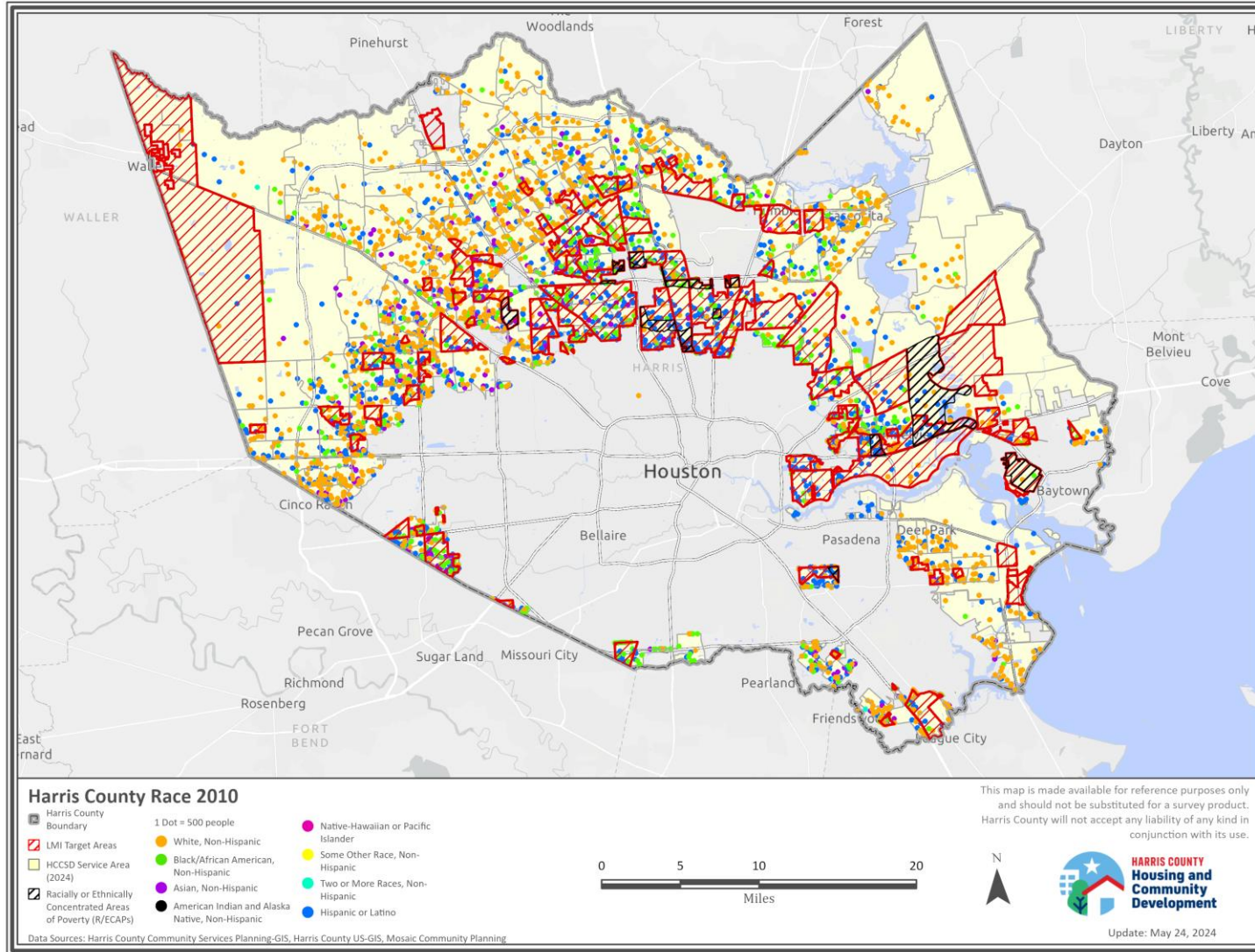
<sup>9</sup> Massey, D. (1990). American Apartheid: Segregation and the Making of the Underclass. *American Journal of Sociology*, 96(2), 329-357. Retrieved from <http://www.jstor.org/stable/2781105>

northern and eastern regions. Spatial patterns over time also suggest significant increases in overall population, but there is no visual evidence of a significant shifts in residential segregation from 2000 to 2022.

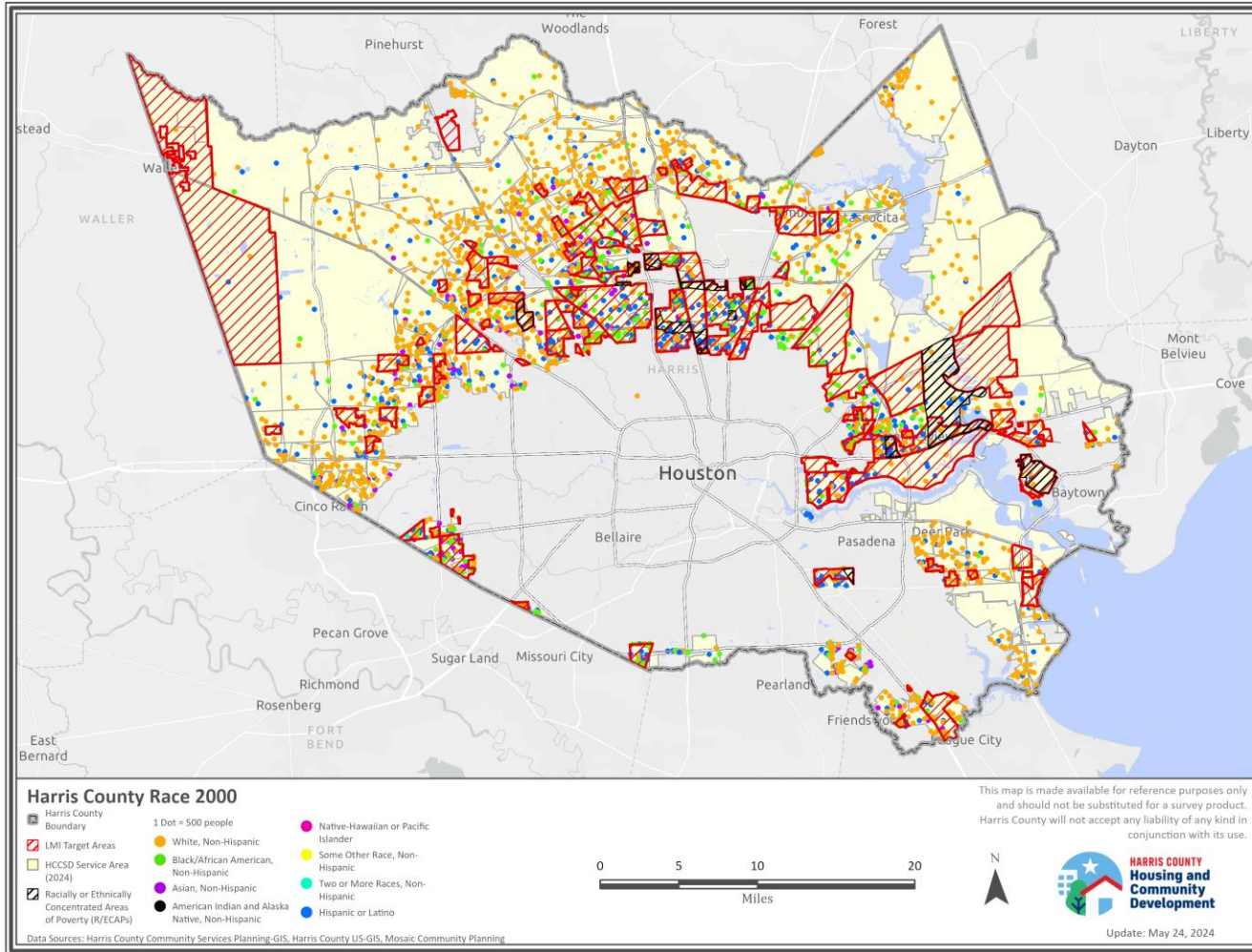
**FIGURE 8. POPULATION BY RACE AND ETHNICITY IN HARRIS COUNTY, 2018-2022**



**FIGURE 9. POPULATION BY RACE AND ETHNICITY IN HARRIS COUNTY, 2010**



**FIGURE 10. POPULATION BY RACE AND ETHNICITY IN HARRIS COUNTY, 2000**





## SEGREGATION LEVELS

In addition to visualizing the racial and ethnic composition of the area with the preceding maps, this study also uses a statistical analysis – referred to as dissimilarity – to evaluate how residential patterns vary by race and ethnicity, and how these patterns have changed since 1990. The Dissimilarity Index (DI) indicates the degree to which two groups living in a region are similarly geographically distributed. Segregation is lowest when the geographic patterns of each group are the same. For example, segregation between two groups in a city or county is minimized when the population distribution by census tract of the first group matches that of the second. Segregation is highest when no members of the two groups occupy a common census tract. The proportion of the minority population group can be small and still not segregated if evenly spread among tracts or block groups.

Evenness is not measured in an absolute sense but is scaled relative to the other group. Dissimilarity Index values range from 0 (complete integration) to 100 (complete segregation). HUD identifies a DI value below 40 as low segregation, a value between 40 and 54 as moderate segregation, and a value of 55 or higher as high segregation. The DI represents the proportion of one group that would have to change their area of residence to match the distribution of the other.

The table below shares the dissimilarity indices for three pairings in Harris County. This table presents values for 1990, 2000, 2010, and 2020 all calculated using census tracts as the area of measurement.

The Dissimilarity Indices calculated for each pairing in Harris County show moderate levels of segregation between Black and White populations throughout the period between 1990 and 2020. DI values increased from 48.9 in 1990 to just below the threshold for high segregation in 2000 before dropping to 51.5 in 2010. As of 2020, the level of segregation between Black and White populations has been the highest in the past three decades and is just below the threshold for high segregation (54.4). Hispanic/White pairings show low segregation in 1990, however, levels of segregation have steadily increased between 1990 and 2020.

**TABLE 3. RACIAL AND ETHNIC DISSIMILARITY INDEX TRENDS IN HARRIS COUNTY**

Racial/Ethnic Dissimilarity Index	(Harris County, TX CDBG) Jurisdiction				(Houston-The Woodlands-Sugar Land, TX) Region			
	1990 Trend	2000 Trend	2010 Trend	Current	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	37.95	43.90	44.59	46.79	49.40	52.20	50.07	52.72
Black/White	48.98	54.05	51.48	54.44	65.17	65.29	60.67	64.21
Hispanic/White	37.48	45.55	47.31	49.11	47.55	53.28	52.45	54.73
Asian or Pacific Islander/White	42.78	43.15	40.30	44.99	47.84	49.94	48.57	52.54

**Data Source:** HUD Affirmatively Furthering Fair Housing Data and Mapping Tool, AFFHT0006, Released July 2020, <https://egis.hud.gov/affht/>

As of 2020, the level of segregation between Hispanic and White populations is at its highest with a score of 49.1. DI values for Asian or Pacific Islander/White have remained in the low to moderate segregation range and currently is also at its highest level of segregation in the past thirty years with a score of 44.9. While the level of segregation is most prominent between Black and White populations, the level of segregation between White populations and all racial and ethnic groups has increased since 2010.

## NATIONAL ORIGIN AND LIMITED ENGLISH PROFICIENCY POPULATION

Settlement patterns of immigrants significantly impact the composition and landscape of communities across the United States. Large central cities have the largest population of foreign-born residents, but suburban areas are experiencing rapid growth of foreign-born populations recently.<sup>10</sup> Clusters of immigrants of the same ethnicity form for a variety of reasons. Social capital in the form of kinship ties, social network connections, and shared cultural experiences often draw new immigrants to existing communities. Settling in neighborhoods with an abundance of social capital is less financially burdensome for

<sup>10</sup> James, F., Romine, J., & Zwanzig, P. (1998). The Effects of Immigration on Urban Communities. *Cityscape*, 3(3), 171-192.

immigrants and provides opportunities to accumulate financial capital through employment and other resources that would otherwise be unattainable.<sup>11</sup>

Populations with limited English proficiency (LEP) are typically composed of foreign-born residents that originate from countries where English is not the primary language, however, a substantial portion (19%) of the national LEP population is born in the United States. Nationally, the LEP population has lower levels of education and is more likely to live in poverty compared to the English proficient population.<sup>12</sup> Recent studies have also found that areas with high concentrations of LEP residents have lower rates of homeownership.<sup>13</sup>

Communities of people sharing the same ethnicity and informal networks are able to provide some resources and opportunities, but numerous barriers and limited financial capital influence residential patterns of foreign-born and LEP populations.

The residential patterns of foreign-born populations in Harris County are shown in Figure 11. Residents from Mexico clearly comprise the largest foreign-born population and are mostly evenly distributed throughout the county. There are no spatial patterns to indicate strong concentrations of Mexican residents in specific geographic areas, however, there seems to be a larger presence in the northern and western region of the county and along the boundaries of the city of Houston. Residents originating from India reside in looser concentrations in the western region of the county.

Typically, the geographic distribution of residents with limited English proficiency (LEP) generally coincides with the locations of the foreign-born population. The Spanish-speaking population is the largest among the LEP population and closely mirror the even distribution patterns of Mexican residents throughout the county. All other LEP

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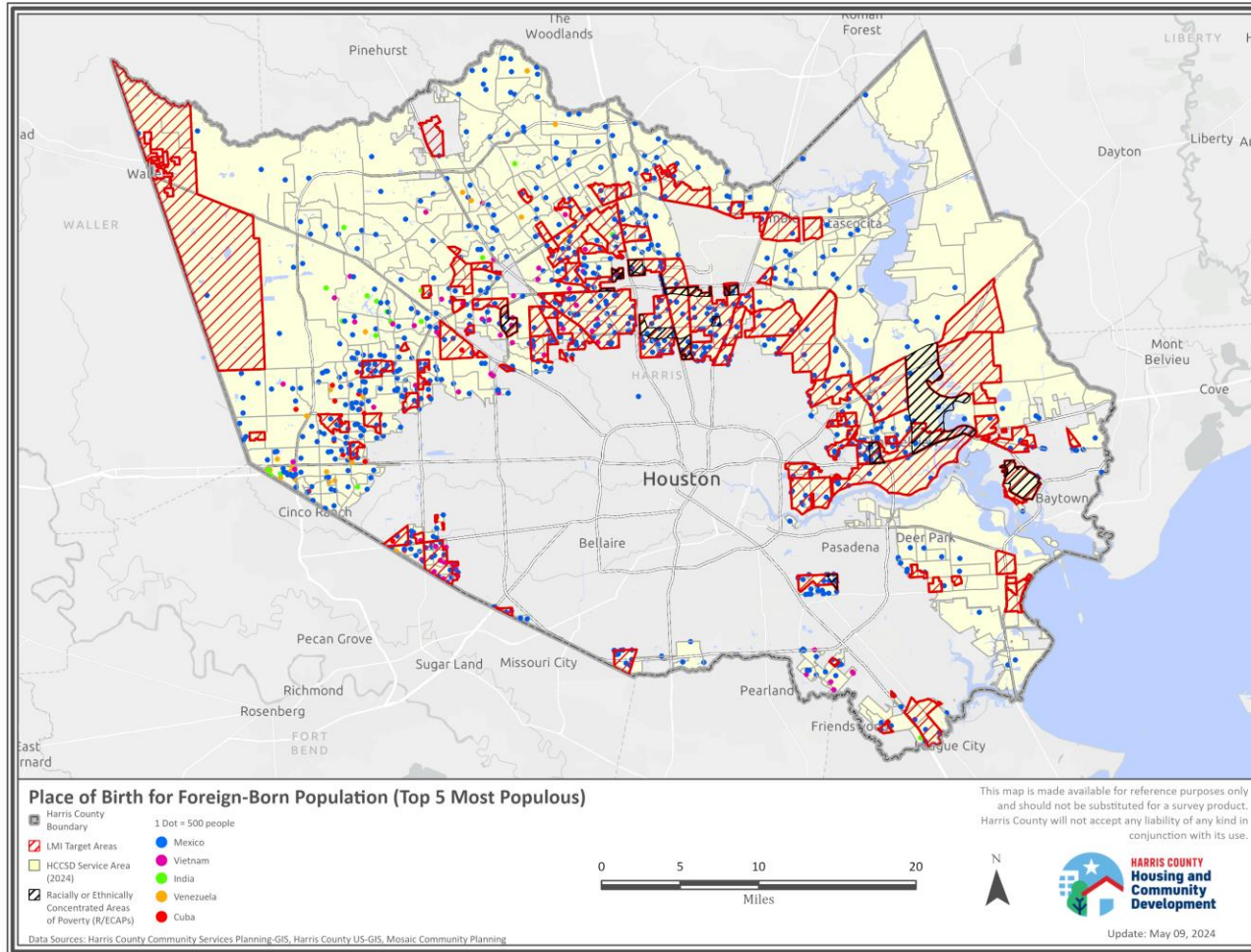
11 Massey, D. (1999). Why Does Immigration Occur?: A Theoretical Synthesis. In Hirschman C., Kasinitz P., & DeWind J. (Eds.), *Handbook of International Migration, The: The American Experience* (pp. 34-52). Russell Sage Foundation.

12 Zong, J. & Batalova, J. (2015). "The Limited English Proficient Population in the United States" Migration Information Source. Retrieved: <http://www.migrationpolicy.org/article/limited-english-proficient-population-united-states>

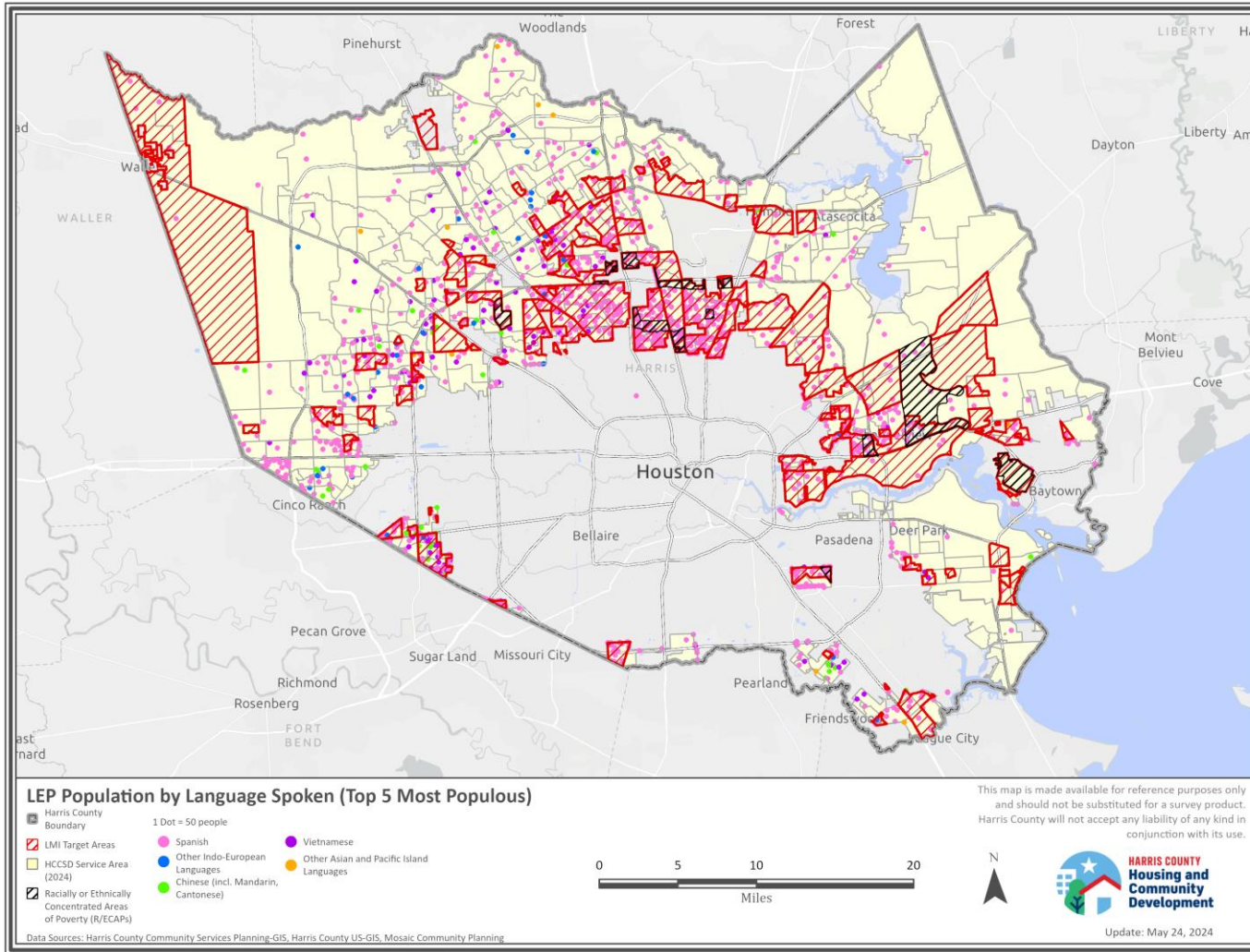
13 Golding, E., Goodman, L., & Stochack, S. (2018). "Is Limited English Proficiency a Barrier to Homeownership." Urban Institute. Retrieved: <https://www.urban.org/research/publication/limited-english-proficiency-barrier-homeownership>

populations are sporadically located throughout the county with small clusters of Other Indo-European Language speaking residents living in the western region of the county.

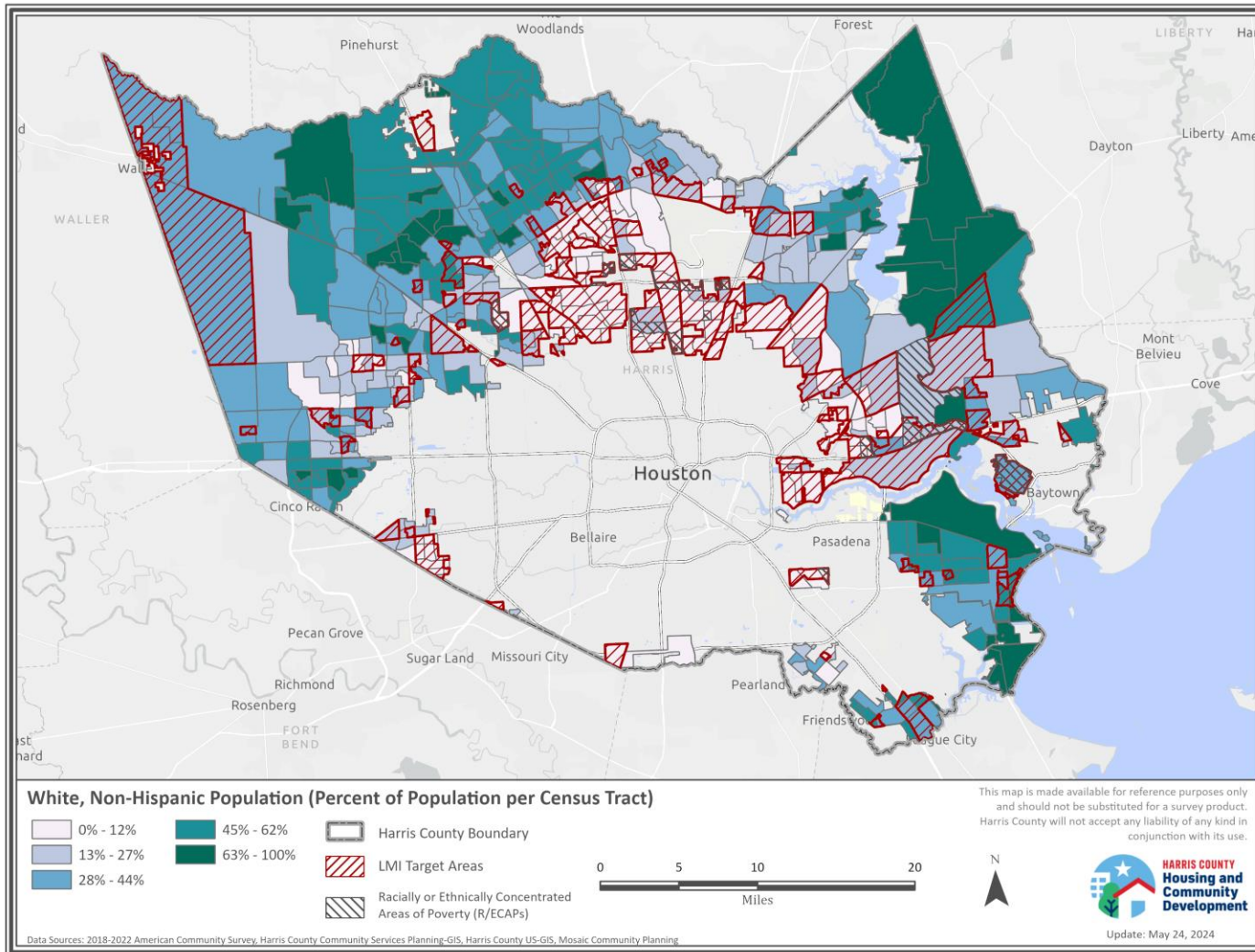
**FIGURE 11. FOREIGN-BORN POPULATION BY NATIONALITY IN HARRIS COUNTY, 2018-2022**



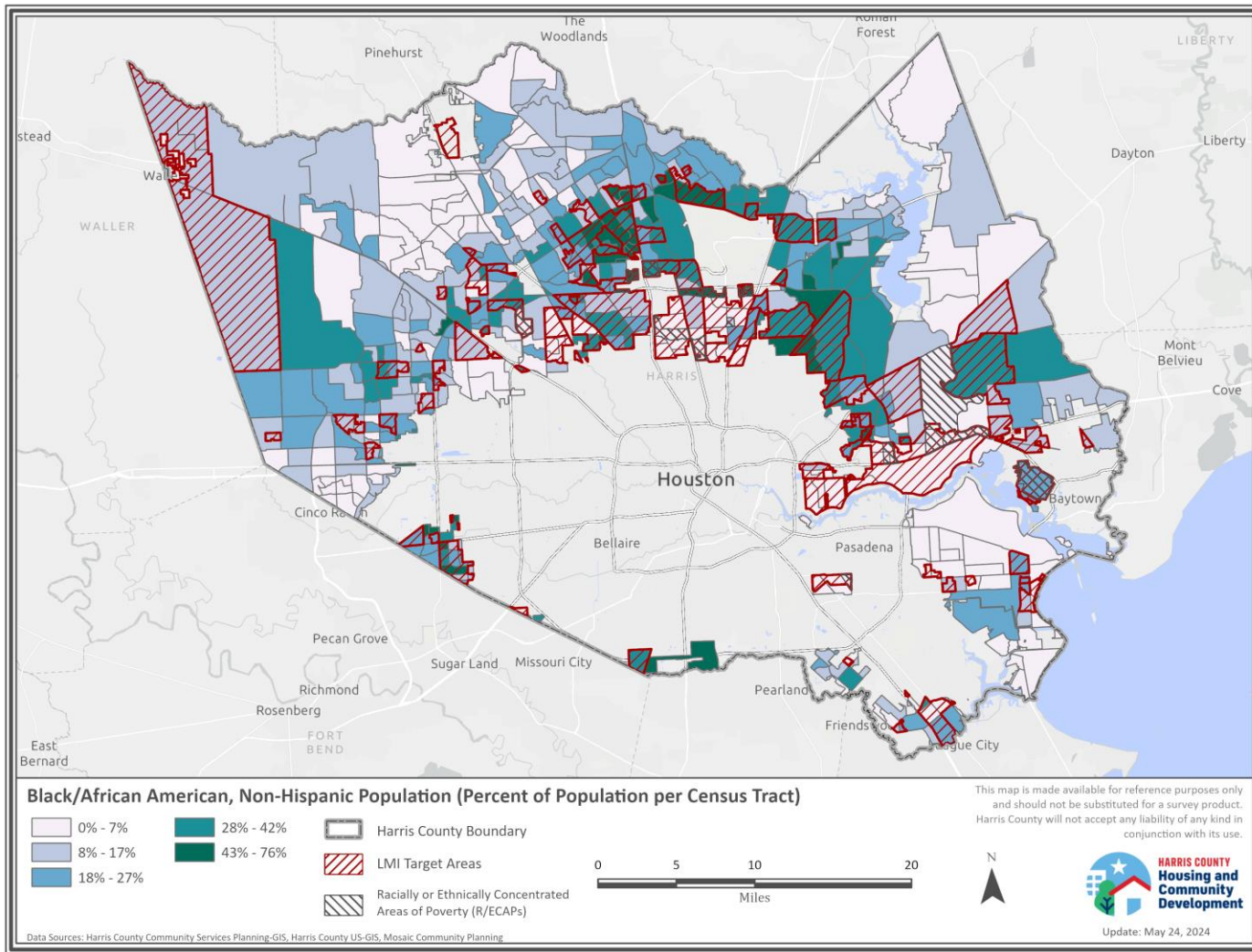
**FIGURE 12. POPULATION WITH LIMITED ENGLISH PROFICIENCY IN HARRIS COUNTY, 2018-2022**



**FIGURE 13. WHITE, NON-HISPANIC POPULATION IN HARRIS COUNTY, 2018-2022**

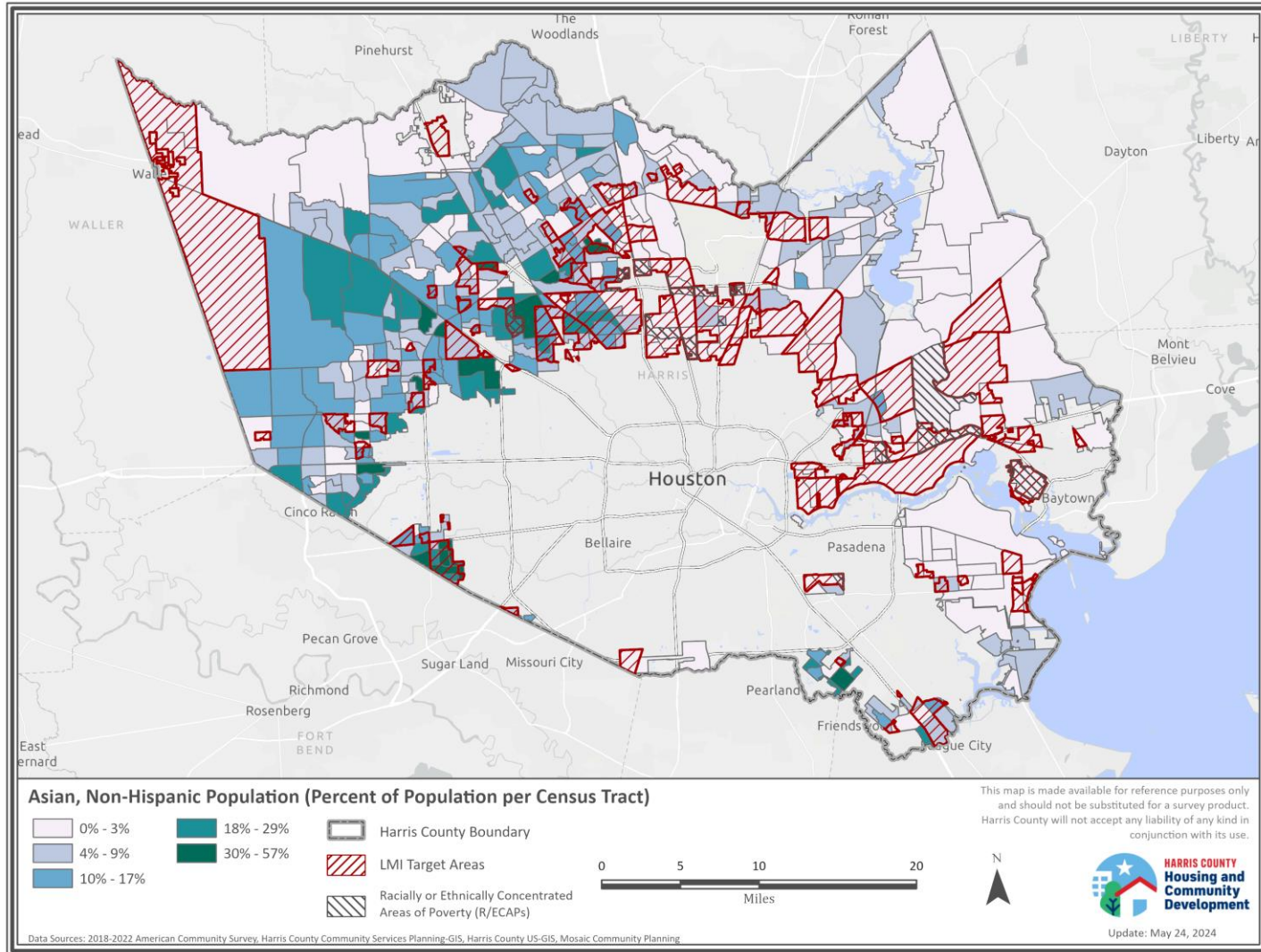


**FIGURE 14. BLACK OR AFRICAN AMERICAN, NON-HISPANIC POPULATION IN HARRIS COUNTY, 2018-2022**

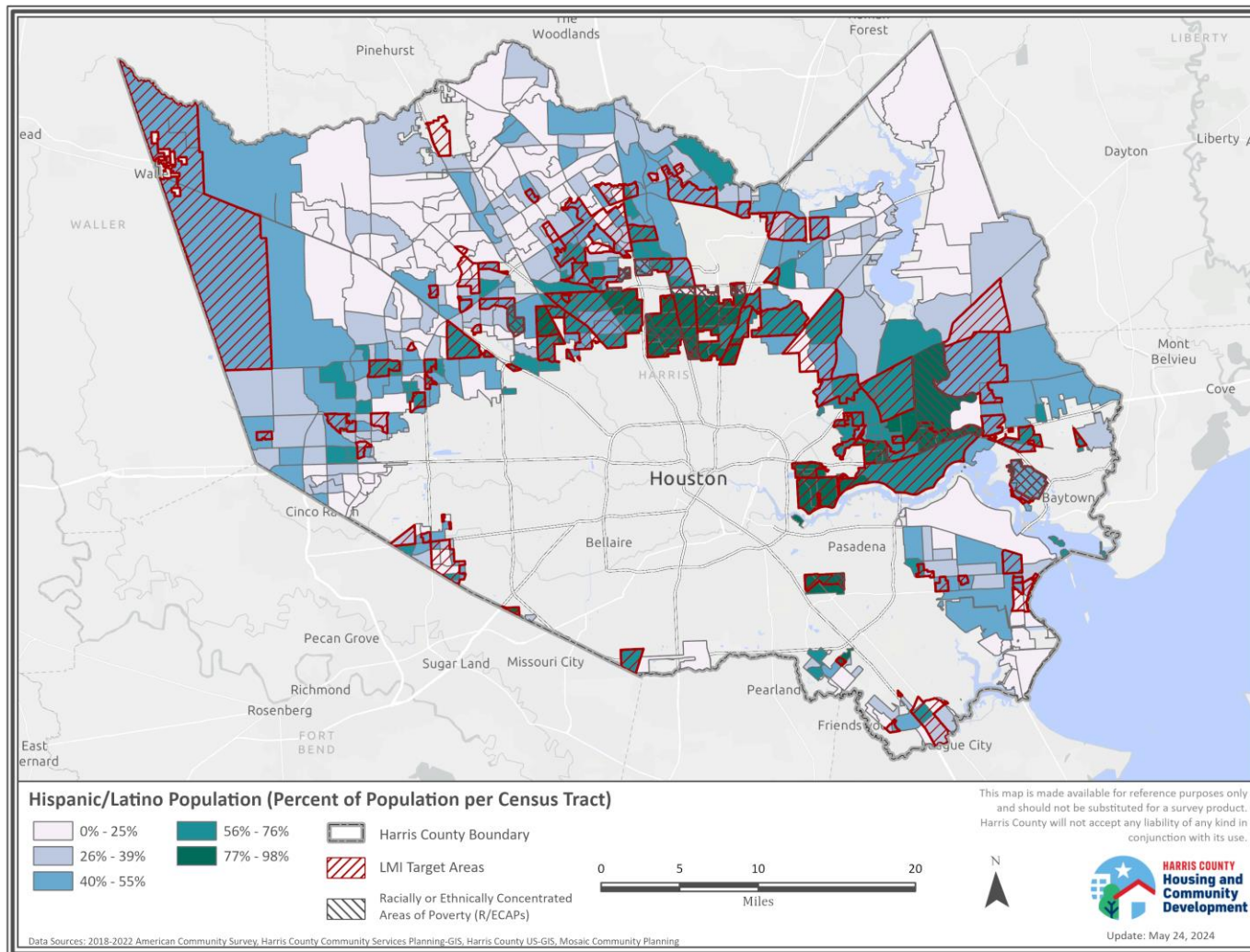




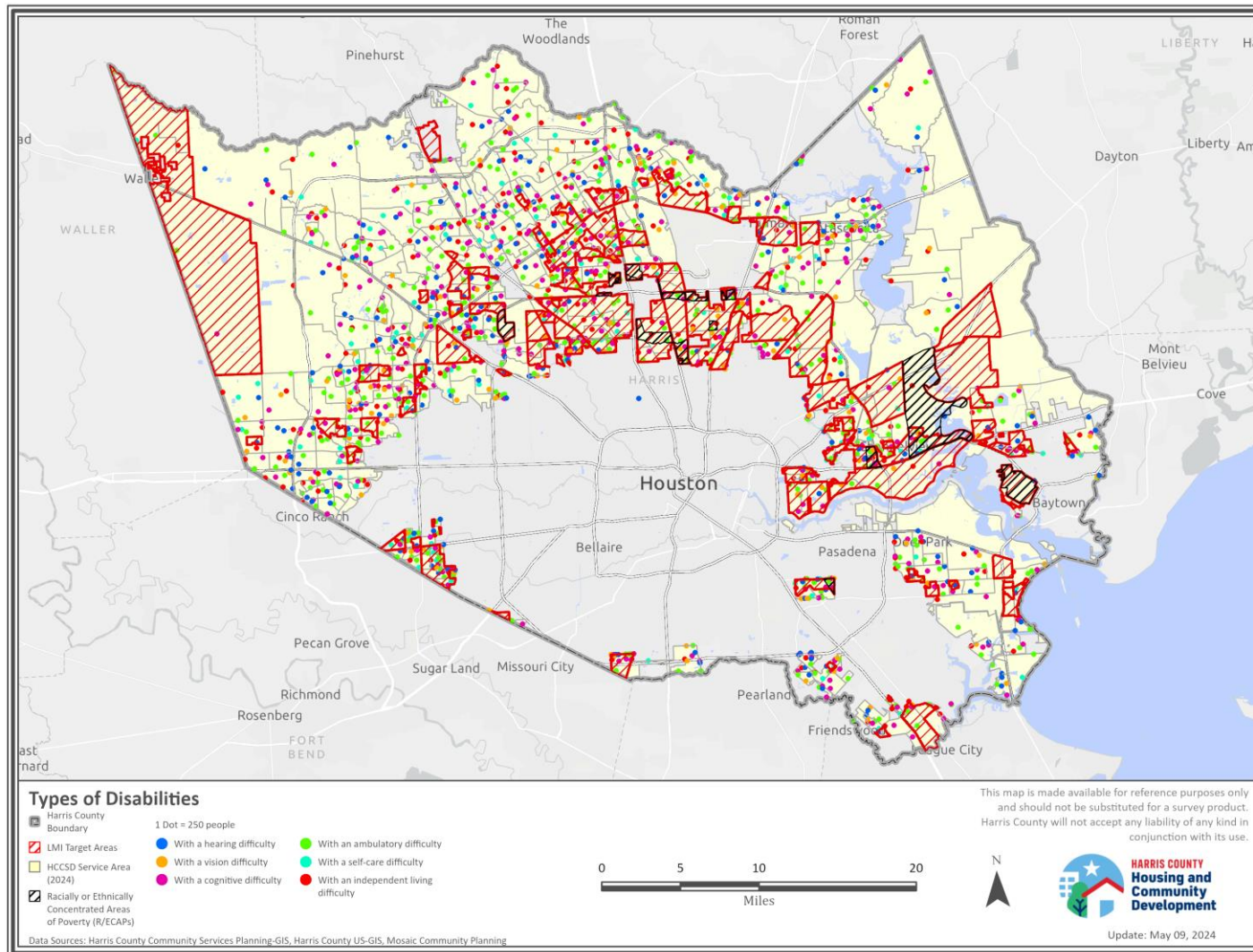
**FIGURE 15. ASIAN, NON-HISPANIC POPULATION IN HARRIS COUNTY, 2018-2022**



**FIGURE 16. HISPANIC OR LATINO POPULATION IN HARRIS COUNTY, 2018-2022**



**FIGURE 17. DISABILITY BY TYPE IN HARRIS COUNTY, 2018-2022**



# Chapter 5. Access to Opportunity

## **BACKGROUND**

Where people live influence opportunities for economic mobility and access to resources and services such as high-quality education; affordable transportation; a healthy environment; fresh, affordable food; and healthcare. However, neighborhood or housing choices are often limited by discrimination in housing markets or public policies that result in concentrated poverty, disinvestment, and a lack of affordable housing in neighborhoods with access to high-performing schools and jobs that pay living wages. In this way, limited housing choices reduce access to opportunity for many protected classes.

In addition to proximity, access to opportunity is also shaped by economic, social, and cultural factors. For example, residents may live in locations with high numbers of jobs but may be unable to obtain them due to gaps in education or skills, a lack of reliable transportation, or childcare needs.

The strategy to improve access to opportunity through housing and community development programs has been two-pronged. Programs such as tenant-based housing vouchers provide recipients with mobility to locate in lower-poverty areas, while programs such as the Community Development Block Grant and Choice Neighborhoods Initiative provide funds to increase opportunities in low- or moderate-income neighborhoods. The following sections access the opportunity in the Harris County Housing and Community Development service area, including employment and workforce development, education, transportation, environmental quality, fresh food, and healthcare.

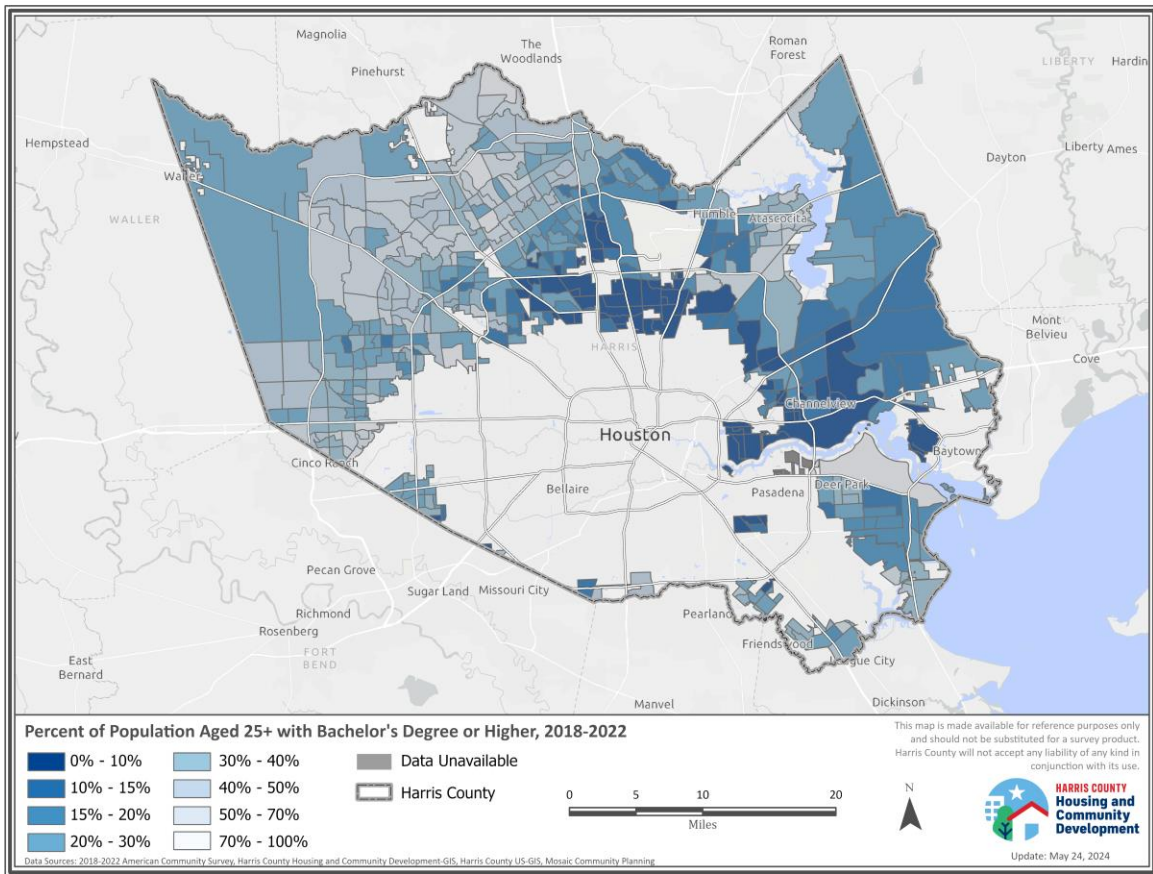
## **EMPLOYMENT AND WORKFORCE DEVELOPMENT**

Neighborhoods with high numbers of jobs nearby are often assumed to have good access to those jobs. However, other factors—transportation options, the types of jobs available in the area, or the education and training necessary to obtain them—may also shape residents' access to available jobs. For example, residents of a neighborhood in close proximity to a high number of living-wage jobs may not have the skills or education required for those jobs, and thus may continue to experience high levels of unemployment, work in low-wage positions, or need to commute long distances to access employment. Labor market engagement and job proximity, when considered together, often offer a better indication of how accessible jobs are for residents.

### **Labor Market Engagement**

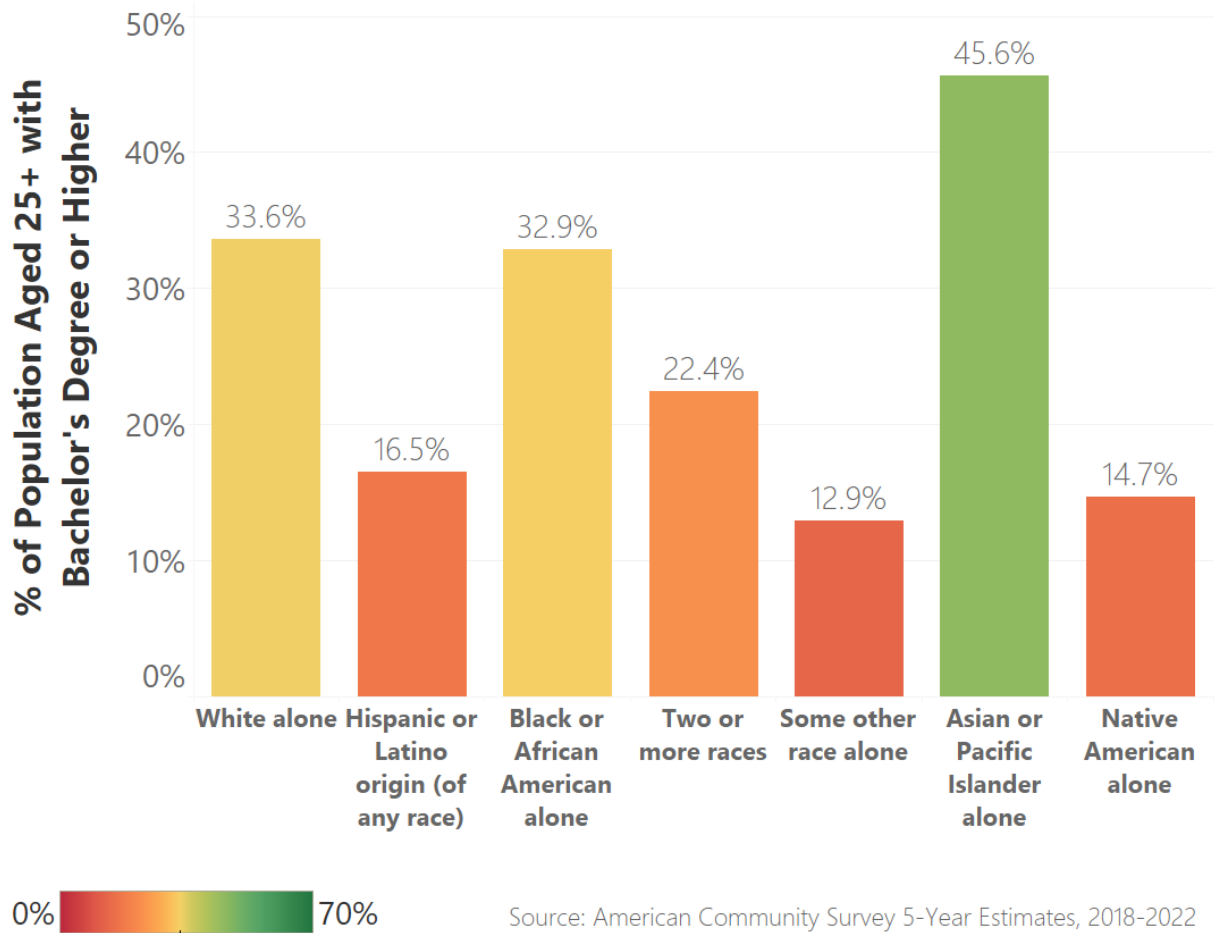
Educational attainment, labor force participation, and unemployment are indicators of residents' engagement within the labor market. In the Harris County Housing and Community Development service area, an estimated 30.9% of residents aged 25 and over hold a bachelor's degree or higher, a share slightly lower than that of Harris County (33.2%), the Houston-The Woodlands-Sugar Land, TX MSA (34.9%), and the state of Texas overall (32.3%). Geographic disparities exist, with the percentage of residents with bachelor's degrees or higher ranging from as low as 0.4% to 100% across the service area's census tracts. Areas of higher educational attainment are clustered in the northwest portion of the service area, an area with a large share of white residents, while areas of lower educational attainment are clustered just north and northeast of the city of Houston in census tracts that are predominantly Hispanic/ Latino (see Figure 18).

**FIGURE 18. EDUCATIONAL ATTAINMENT, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**



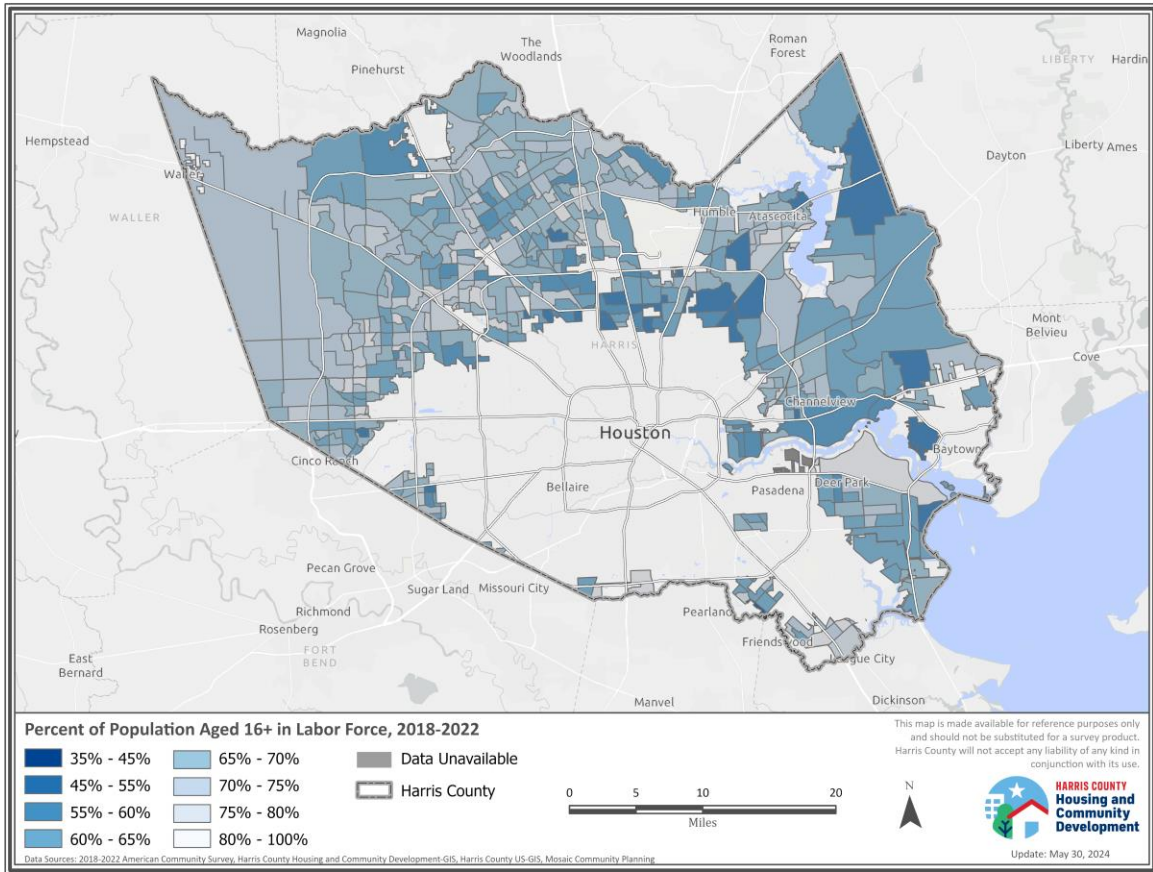
Disparities in educational attainment also exist by race and ethnicity in the service area. Asian residents tend to have the highest levels of educational attainment (an estimated 45.6% of residents aged 25 and over have a bachelor's degree or higher), followed by white and Black residents (33.6% and 32.9%, respectively). Residents who identify as some other race, Native American residents, and Hispanic/Latino residents are least likely to have higher levels of education (12.9%, 14.7%, and 16.5% have a bachelor's degree or higher, respectively; see Figure 19).

**FIGURE 19. EDUCATIONAL ATTAINMENT BY RACE / ETHNICITY, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018 TO 2022**



An estimated 68.3% of the population aged 16 and over in the service area participates in the labor force, a share slightly higher than that of Harris County (67.4%), the Houston-The Woodlands-Sugar Land, TX MSA (66.4%), and of the state of Texas overall (65.1%). As with educational attainment, geographic disparities exist, with labor force participation rates ranging from 35.7% to 100% in census tracts across the city. Areas of low labor force participation are clustered just north of the city of Houston in census tracts with large Hispanic/ Latino populations, while participation tends to be highest in inner-ring suburbs northwest of the city of Houston, areas in which Black residents are overrepresented (see Figure 20).

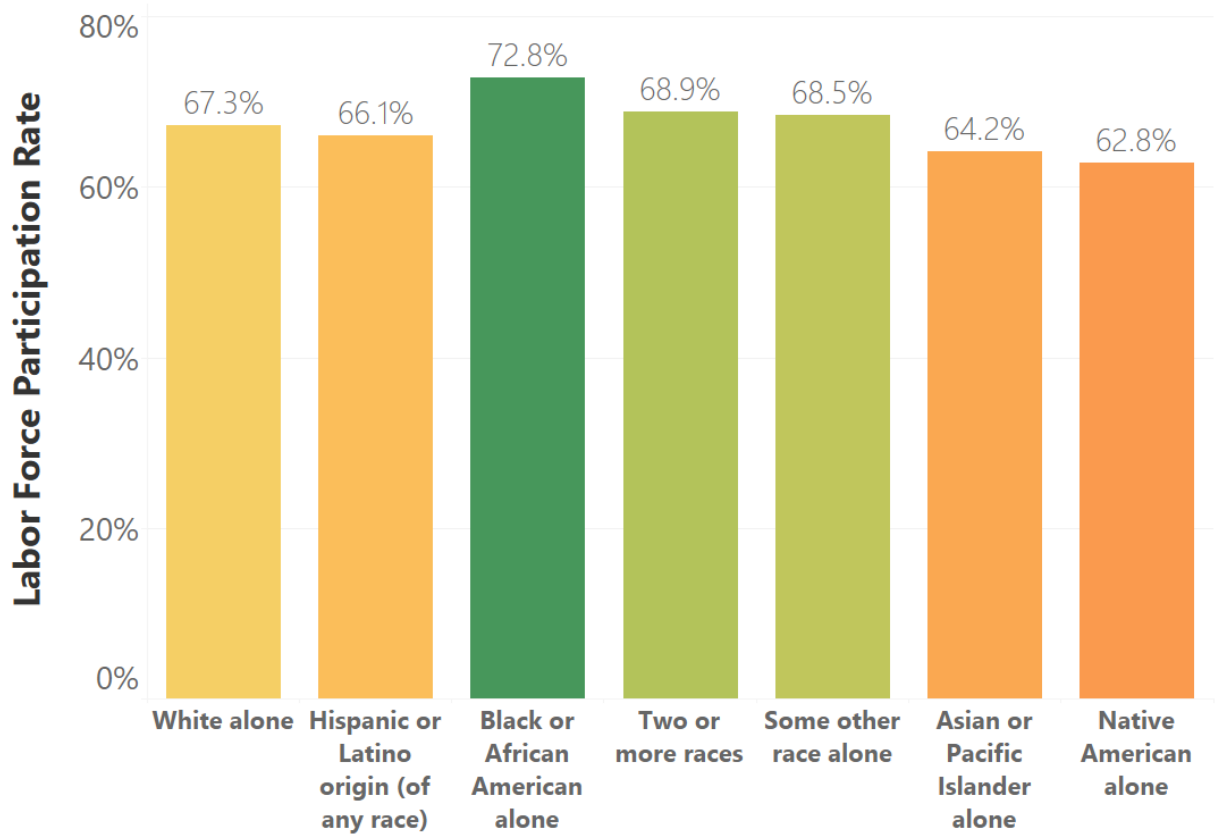
**FIGURE 20. LABOR FORCE PARTICIPATION, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**





Labor force participation is highest among Black residents in the service area (an estimated 72.8% of whom participate in the labor force) and lowest among Native American residents (62.8% of whom participate; see Figure 21).

**FIGURE 21. LABOR FORCE PARTICIPATION BY RACE / ETHNICITY, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018 TO 2022**



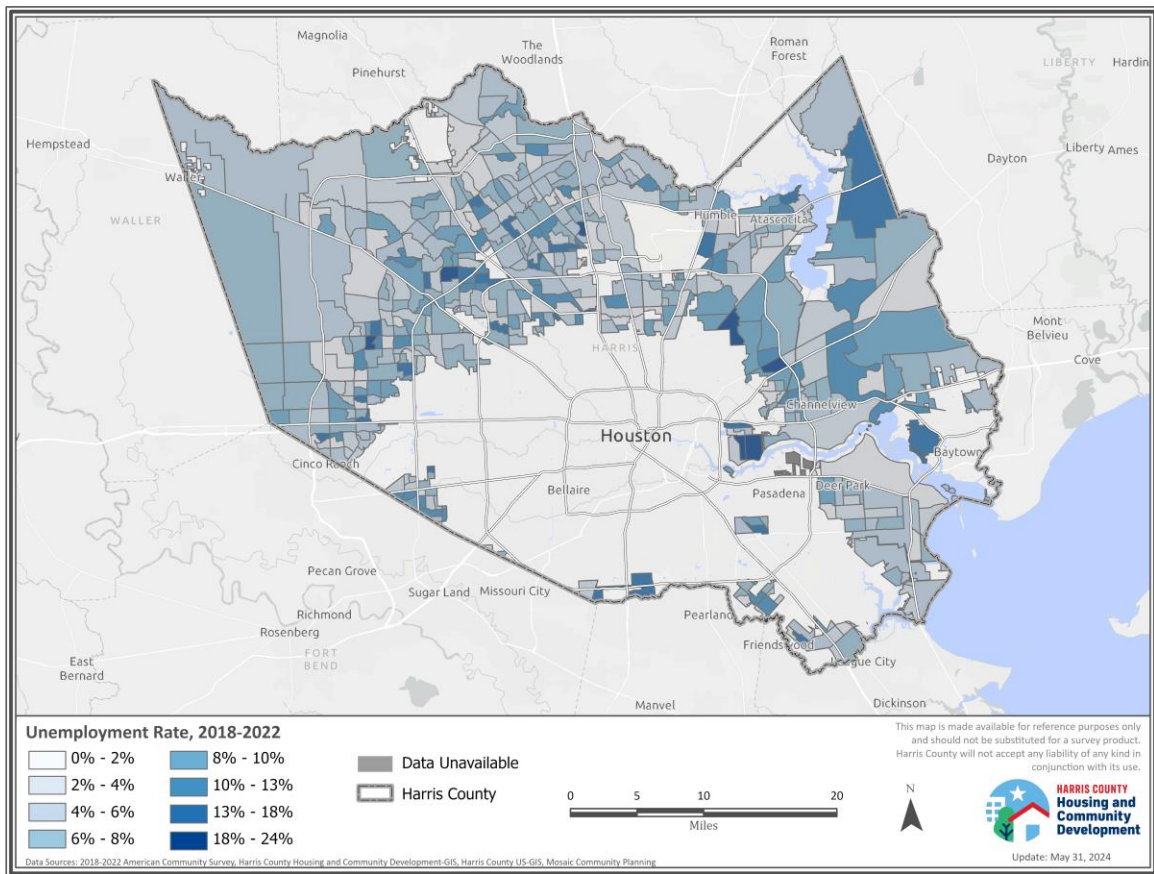
50%  75%

Source: American Community Survey 5-Year Estimates, 2018-2022

An estimated 6.1% of the service area’s residents were unemployed as of the 2018 to 2022 American Community Survey five-year estimates, a rate similar to that of Harris County (6.4%) and the Houston-The Woodlands-Sugar Land, TX MSA (6.0%), and higher than that of the state of Texas overall (5.2%). As with educational attainment and labor force participation, unemployment varies across the service area’s census tracts, ranging from 0% to 23.5% of residents aged 16 and over. Unemployment is highest in census tracts clustered northeast and northwest of the city of Houston, where Black residents are overrepresented relative to their share of the population in the service area overall. Unemployment is above 18% in seven census tracts in these areas (see Figure 22). More

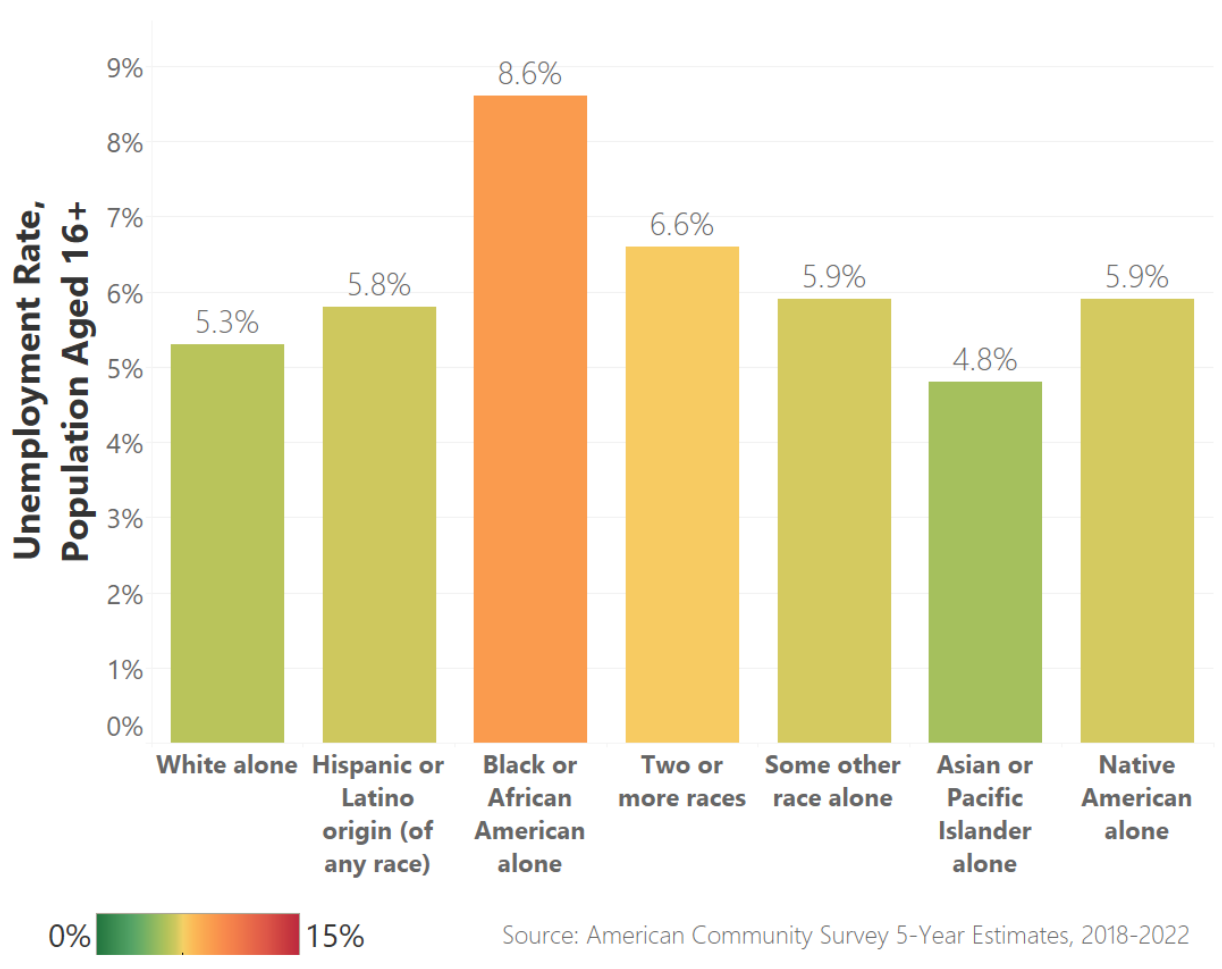
updated data from the Bureau of Labor Statistics shows the unemployment rate in the Houston-The Woodlands-Sugar Land, TX MSA at 4.6% as of February 2024.

**FIGURE 22. UNEMPLOYMENT RATE, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**



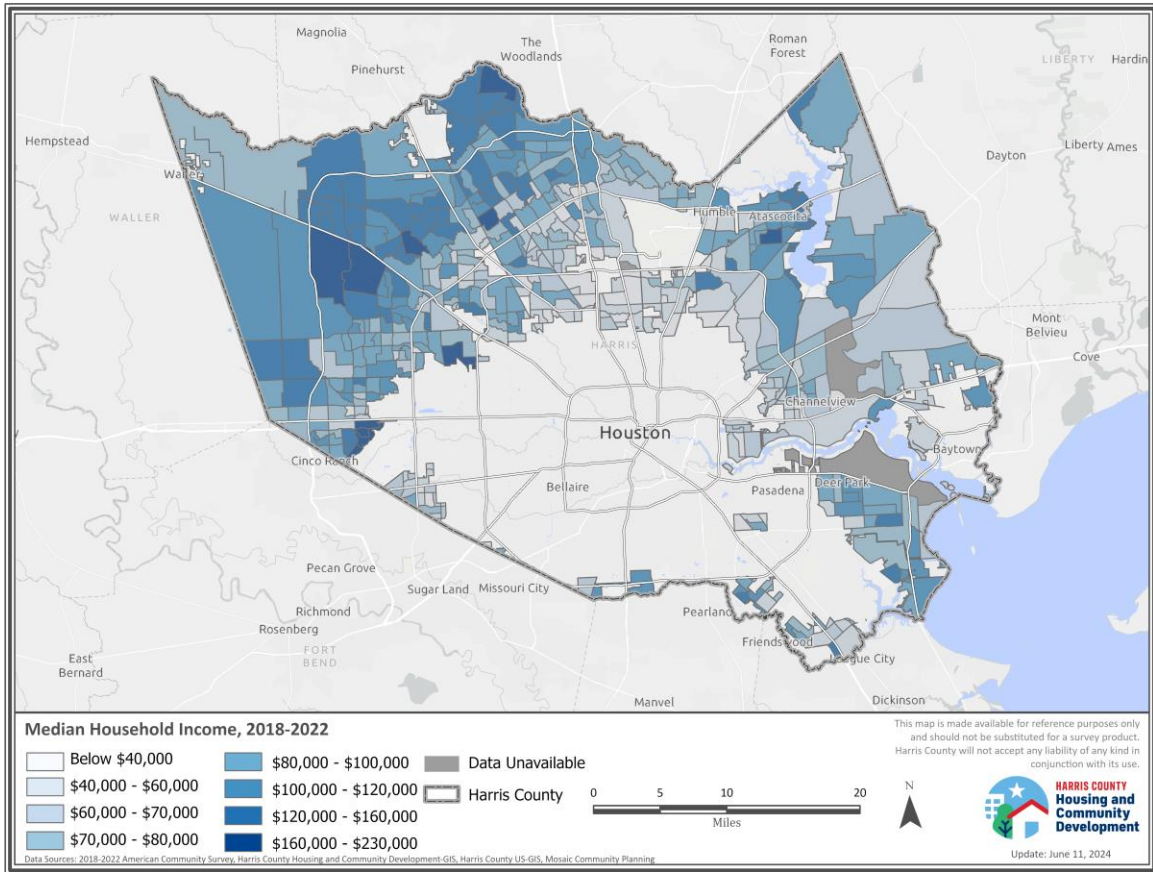
Unemployment is highest among Black residents (8.6%) and lowest among Asian or Pacific Islander residents and white residents (4.8% and 5.3%, respectively; see Figure 23).

**FIGURE 23. UNEMPLOYMENT BY RACE / ETHNICITY, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**

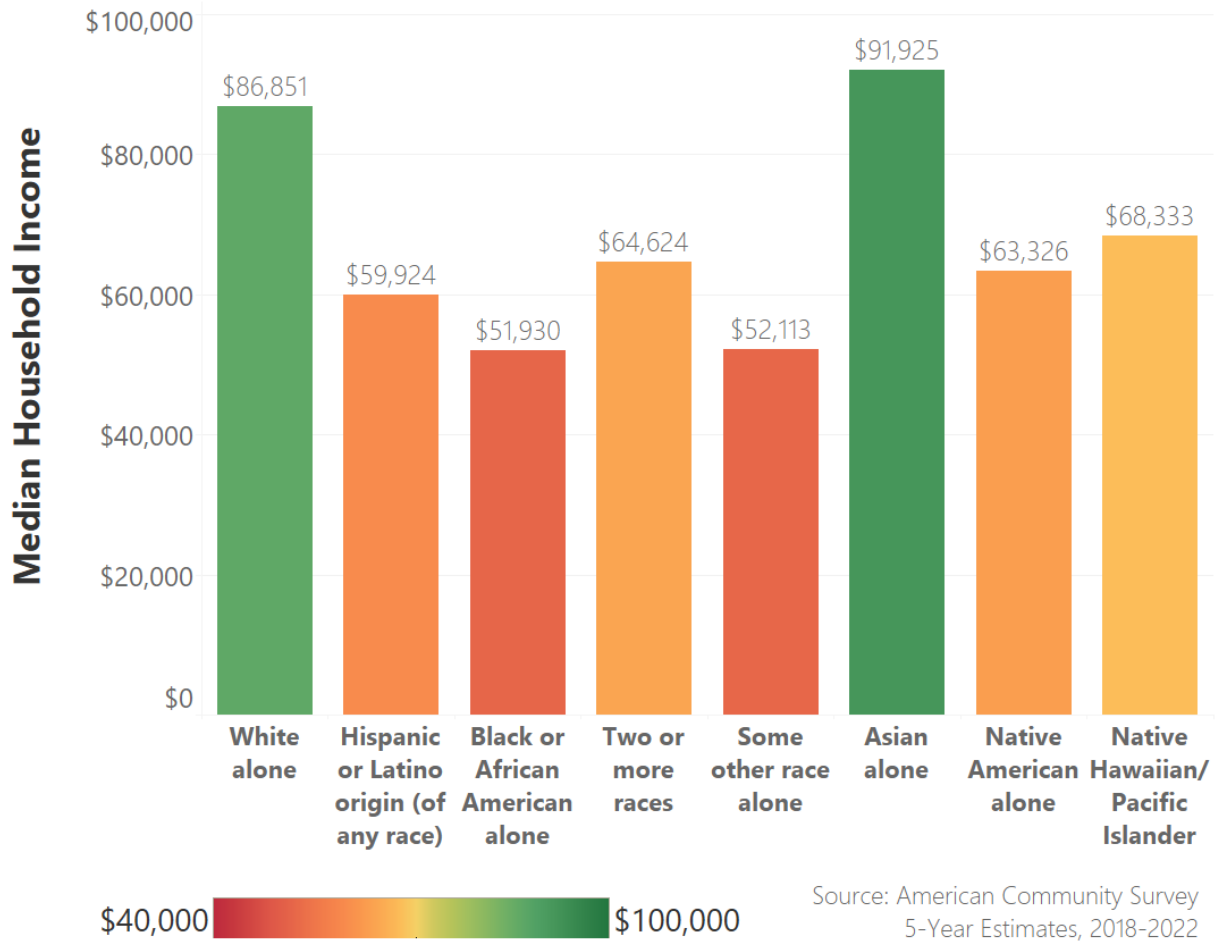


Household income is another indicator of access to employment and jobs that pay living wages. The median household income in Harris County was \$70,789 as of the 2018-2022 American Community Survey five-year estimates, lower than the median household income for the Houston-The Woodlands-Sugar Land, TX MSA (\$78,061) and the state of Texas overall (\$73,035) over the same time period. Median household incomes are lowest in census tracts clustered just north of the city of Houston in areas with predominantly Hispanic/ Latino populations, falling below \$40,000 in 48 census tracts. Median incomes tend to be highest in parts of the northwest and northern portions of the service area with predominantly white populations, topping \$150,000 in 18 census tracts (see Figure 24). Median household incomes are highest for Asian and white residents (\$91,925 and \$86,851, respectively) and lowest for Black residents and residents who identify as some other race alone (\$51,930 and \$52,113; see Figure 25).

**FIGURE 24. MEDIAN HOUSEHOLD INCOME, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**



**FIGURE 25. MEDIAN HOUSEHOLD INCOME BY RACE / ETHNICITY, HARRIS COUNTY, 2018 TO 2022**



Low median household incomes in many of the service area’s census tracts highlight the fact that a high proportion of households do not have sufficient incomes to afford basic needs. The required annual income to afford costs for a family of two working adults and one child in Harris County, including housing, childcare, healthcare, food, transportation, taxes, and other miscellaneous costs, is estimated at \$81,526 before taxes.<sup>14</sup> Yet, an estimated 13.8% of primary jobs held by residents of Harris County pay \$1,250 per month or less (\$15,000 or less per year), and 29.1% of primary jobs pay between \$1,251 and \$3,333 (between \$15,000 and \$39,996 per year).<sup>15</sup>

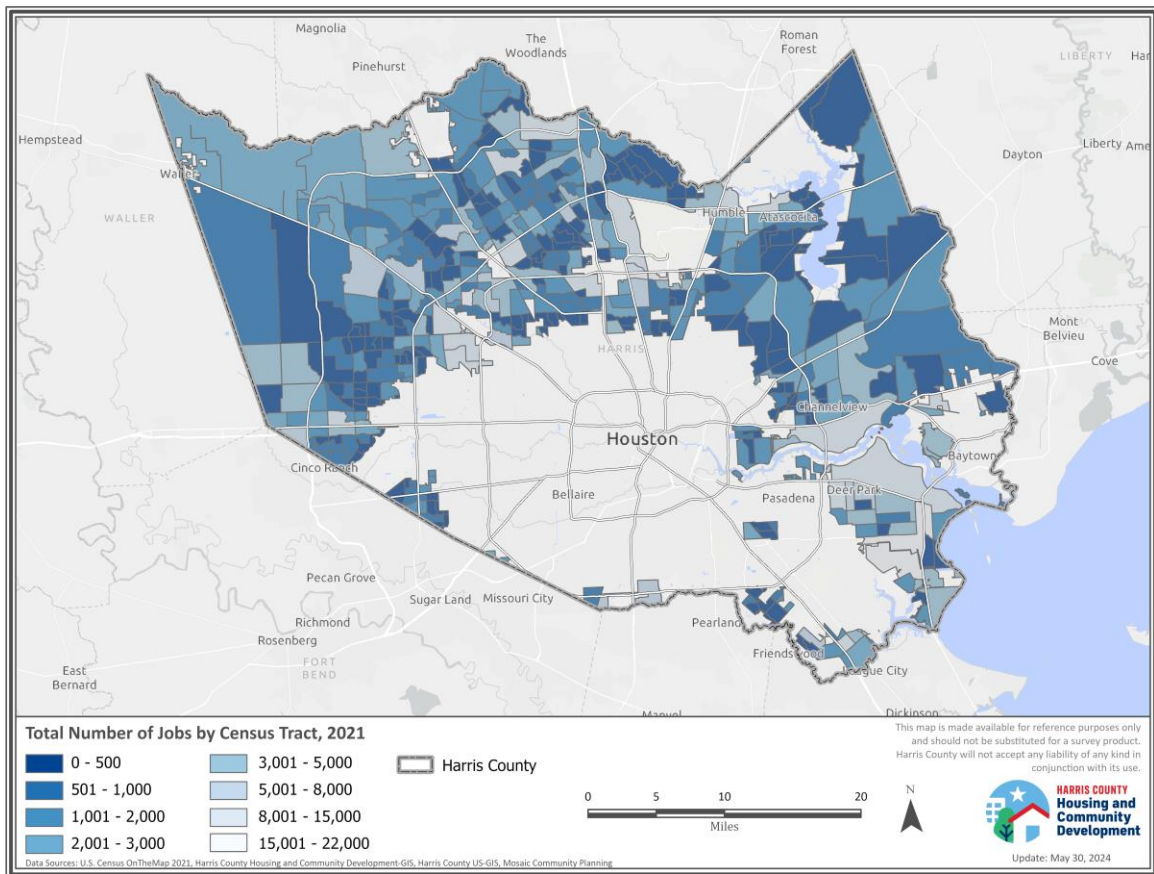
<sup>14</sup> MIT Living Wage Calculator. (2024). Retrieved from: <https://livingwage.mit.edu/counties/48201>

<sup>15</sup> United States Census Bureau. OnTheMap. (2021). Retrieved from: <https://onthemap.ces.census.gov/>.

## Jobs Proximity

Jobs in the service area are clustered north and east of the city of Houston. Census tracts with the fewest jobs are clustered north, northwest, and east of the city of Houston (see Figure 26).

**FIGURE 26. JOBS PROXIMITY, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2021**



Residents and stakeholders who participated in this planning process noted that limited public transportation and low frequency of service in the service area are often barriers to accessing employment for residents who do not have vehicles, particularly in areas that are not well-served by bus routes.

Longitudinal Employer-Household Dynamics data also indicates that a substantial share of workers living in Harris County work outside of the county. Specifically, an estimated

1,758,964 employed residents live in Harris County. These include 1,362,789 residents (77.5%) who both live and work in Harris County and 396,175 residents who live in Harris County but work outside of the county (22.5%). Similarly, of the 2,164,758 residents employed in Harris County, 801,969 (37.0%) live outside of the county. The high level of commuting across jurisdictions indicates that a significant share of residents live in Harris County for reasons other than employment and commute to other regional job centers.

**TABLE 4. INFLOW AND OUTFLOW OF WORKERS (PRIMARY JOBS), HARRIS COUNTY, 2021**

<b>Inflow and Outflow of Workers</b>	<b>#</b>	<b>%</b>
<b>LIVING IN HARRIS COUNTY</b>	<b>1,758,964</b>	<b>100.0%</b>
Living in Harris County but Employed Outside of the County	396,175	22.5%
Living and Employed in Harris County	1,362,789	77.5%
<b>EMPLOYED IN HARRIS COUNTY</b>	<b>2,164,758</b>	<b>100.0%</b>
Employed in Harris County but Living Outside of the County	801,969	37.0%
Employed and Living in Harris County	1,362,789	63.0%

*Data Sources: Longitudinal Employer-Household Dynamics (LODES) data, 2021.*

## EDUCATION

High-quality education is a vital community resource that can improve quality of life and lead to additional opportunities, such as employment and increased earnings. Twenty-five school districts serve students living in Harris County. School proficiency levels and demographics vary across the districts (see Table 5).

Shares of students scoring at grade level or above on the State of Texas Assessments of Academic Readiness (STAAR) range from 29% in the Aldine ISD to 73% in the Tomball ISD, indicating disparities in performance among districts.

Shares of students who are economically disadvantaged vary widely among the districts, ranging from 31.5% in the Tomball ISD to 91.6% in the Aldine ISD. Notably, schools with lower shares of economically disadvantaged students tend to have higher shares of students meeting grade level or above in all subjects, indicating a need for additional student supports in schools with large shares of economically disadvantaged students.

The share of students who are emergent bilingual ranges from 8.7% in the Huffman ISD to 54.0% in the Alief ISD. Schools with lower shares of emergent bilingual students tend to have higher shares of students scoring at grade level and above.

The share of students with disabilities ranges from 2.6% in the Sheldon ISD to 9.3% at the New Caney ISD, indicating a need to provide supportive services and infrastructure for students with disabilities across districts.

The share of students who are counted as homeless ranges from 0.1% in the Tomball ISD to 3.8% in the Houston ISD, indicating a need for additional case management and services for students and families experiencing homelessness, particularly at schools with the highest rates of student homelessness.

The percentage of students who are Hispanic—an indicator of racial and ethnic segregation among schools—ranges from 28.7% in the Huffman ISD to 83.4% in the Channelview ISD, indicating segregation by race and ethnicity across districts. Schools with higher shares of Hispanic students have some of the highest percentages of economically disadvantaged students, indicating associations between race/ethnicity and income.



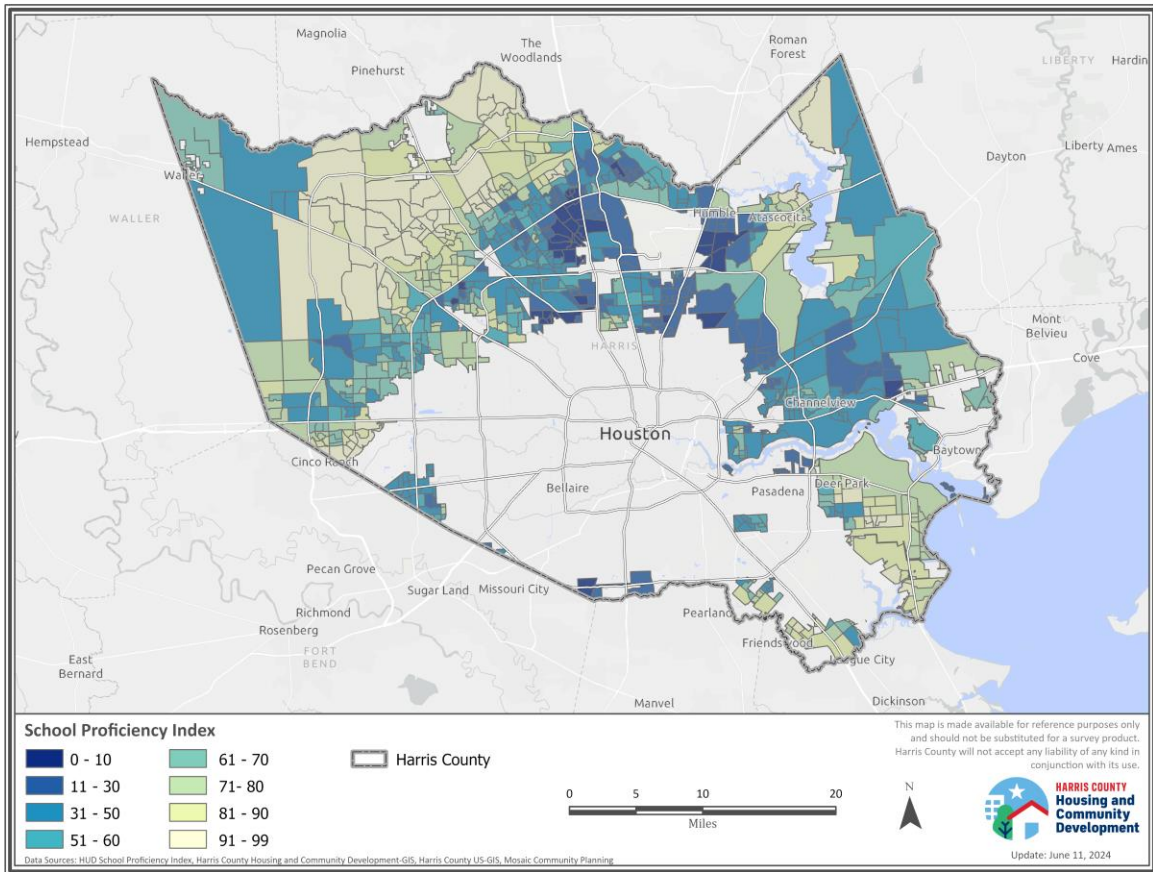
**TABLE 5.**  
**DEMOGRAPHICS AND PERFORMANCE BY REGION AND DISTRICT, 2022-2023**

District	Total Students	Percent Hispanic Students	Percent Economically Disadvantaged	Percent Emergent Bilingual Students	Percent Students with Disabilities (Section 504)	Percent Homeless Students	Percent of Students At Meets Grade Level or Above (All Grades, All Subjects)	Graduation Rate
Houston Region	1,249,648	51.9%	65.4%	27.8%	5.2%	1.5%	50%	89.1%
Aldine ISD	59,960	74.1%	91.6%	44.8%	5.2%	0.4%	29%	81.9%
Alief ISD	40,301	60.3%	86.6%	54.0%	2.7%	2.4%	39%	86.6%
Channelview ISD	9,513	83.4%	84.6%	43.2%	3.1%	0.3%	39%	90.9%
Clear Creek ISD	40,469	34.4%	37.2%	13.2%	5.5%	1.6%	61%	98.4%
Crosby ISD	6,705	49.3%	62.4%	19.3%	6.7%	0.6%	47%	94.7%
Cypress-Fairbanks ISD	117,686	45.2%	58.1%	18.9%	4.3%	0.6%	58%	92.6%
Dayton ISD	5,766	46.6%	71.9%	21.8%	6.1%	0.8%	39%	97.0%
Deer Park ISD	12,233	62.3%	51.5%	14.8%	8.6%	0.7%	59%	90.7%
Galena Park ISD	21,366	80.7%	88.4%	41.5%	3.7%	0.8%	47%	89.2%
Goose Creek CISD	24,316	64.5%	77.7%	21.9%	7.5%	1.0%	43%	94.3%
Houston ISD	189,290	61.8%	79.5%	37.0%	4.0%	3.8%	41%	83.9%
Huffman ISD	3,710	28.7%	43.6%	8.7%	9.3%	0.9%	43%	98.4%
Humble ISD	48,525	38.4%	48.5%	11.6%	8.5%	1.4%	49%	93.9%
Katy ISD	92,431	36.3%	56.6%	23.5%	5.0%	0.8%	69%	94.7%
Klein ISD	53,558	44.9%	53.7%	20.3%	7.1%	0.3%	55%	91.7%
LaPorte ISD	7,085	54.3%	60.2%	12.3%	6.9%	1.6%	51%	90.2%
New Caney ISD	18,315	62.5%	74.2%	34.0%	9.3%	0.8%	41%	95.9%

District	Total Students	Percent Hispanic Students	Percent Economically Disadvantaged	Percent Emergent Bilingual Students	Percent Students with Disabilities (Section 504)	Percent Homeless Students	Percent of Students At Meets Grade Level or Above (All Grades, All Subjects)	Graduation Rate
Pasadena ISD	48,650	82.9%	85.5%	35.0%	5.8%	0.7%	44%	91.3%
Pearland ISD	21,167	38.0%	37.1%	12.7%	8.4%	0.5%	68%	99.5%
Sheldon ISD	10,986	67.1%	87.0%	34.3%	2.6%	0.2%	34%	85.4%
Spring Branch ISD	33,577	56.8%	56.8%	37.7%	6.9%	1.7%	57%	88.0%
Spring ISD	34,076	51.6%	84.3%	31.0%	3.1%	0.7%	33%	82.4%
Stafford ISD	3,640	47.3%	77.1%	24.5%	3.3%	2.1%	42%	93.3%
Tomball ISD	21,335	33.7%	31.5%	13.7%	7.5%	0.1%	73%	98.1%
Waller ISD	8,818	57.4%	66.5%	32.4%	8.3%	0.5%	44%	92.9%

Scores on HUD’s School Proficiency Index,<sup>16</sup> which runs from 0 to 100, range from as low as 0 to as high as 99 across the service area. Census tracts that rank lowest on the index are clustered north of the city of Houston, while those that rank highest on the index are clustered in the northwest portion of the service area (see Figure 27).

**FIGURE 27. SCHOOL PROFICIENCY INDEX BY BLOCK GROUP**



<sup>16</sup> The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The school proficiency index is a function of the percent of 4th grade students proficient in reading and math on state test scores for up to three schools (i=1,2,3) within 1.5 miles of the block-group centroid. Values are percentile ranked and range from 0 to 100. The higher the score, the higher the school system quality is in a neighborhood.

Survey respondents echoed concerns about school quality, with 19.3% of survey respondents noting that housing options in their neighborhood are limited by not being located in a good quality school district.

A lack of affordable housing, low levels of access to transportation, and the limited number of high-performing school districts in the service area contribute to disparities in access to proficient schools among protected classes. Policies, programs, and funding mechanisms to increase the development of affordable housing and to reduce discrimination based on use of Housing Choice Vouchers in the service area's higher-performing school districts can help to reduce disparities in access to proficient schools by income level, which is correlated with race and ethnicity in service area.

In addition to the need for programs, policies, and funding to increase residents' ability to live in areas with proficient schools, there is a high level of need for strategies to meet the needs of students who attend the lower-performing schools in the service area. The community schools model is an example of an approach to education that seeks to meet students' needs, in which families, communities, and schools partner to provide:

- Expanded and enriched learning time, including after-school programs, summer programs, and culturally relevant, real-world learning opportunities;
- Active family and community engagement, including service provision and meaningful partnership with students, families, and community members;
- Collaborative leadership and practices, including coordination of community school services; site-based, cross-stakeholder leadership teams; teacher learning communities; and the ongoing sharing and use of early warning data; and
- Integrated student support, mental and physical health care, nutrition support, and housing assistance, which are often provided through strategic community partnerships.<sup>17</sup>

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<sup>17</sup> Center for Universal Education at Brookings. (2021). Addressing education inequality with a next generation of community schools: A blueprint for mayors, states, and the federal government; Maier, Daniel, Oakes, and Lam. (2017). Community Schools as an Effective School Improvement Strategy: A Review of the Evidence. Learning Policy Institute and National Education Policy Center.

Examples of this approach currently being employed in Harris County include the Communities in Schools program, which offers programming such as academic support, college and career readiness, enrichment activities, parent and family engagement, health and human services, and supportive guidance and counseling. Funding for similar programs that provide collaborative, integrated support for students can help increase access to proficient schools for residents who may lack the opportunity to move to higher-performing school districts.

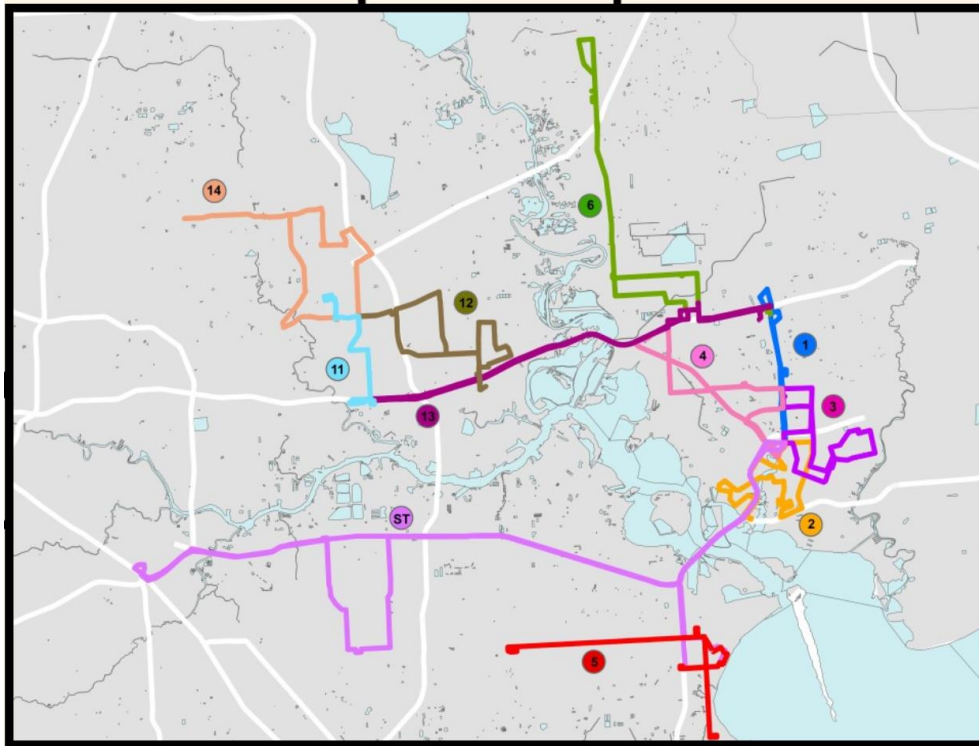
## **TRANSPORTATION**

Affordable, accessible transportation makes it easier for residents to access a range of opportunities—providing connections to employment, education, fresh food, healthcare, and other services. While low-cost public transit can facilitate access to these resources, a lack of access to affordable transportation poses barriers to meeting key needs, particularly in areas with low levels of walkability and a lack of access to vehicles.

### **Access to Affordable Transportation**

The Harris County Community Service Department Office of Transit Services provides fixed route bus transit, park and ride, non-emergency medical transportation, shared ride and taxi services, and ADA paratransit. Fixed routes are offered in Baytown, La Porte, Highlands, Crosby, and east Harris County, where the County partners with Precincts 1, 2, and 3 and the Houston METRO to provide fixed route bus transit services in the Channelview, Cloverleaf and Sheldon (West) areas. The Office of Transit Services also offers a shuttle bus that connects with fixed route services in the Baytown area. The fixed route bus system runs Monday through Friday, 7:00 AM to 6:00 PM and Saturday 8:00 AM to 6:00 PM. Residents can transfer to the Houston METRO fixed route service via the Mesa Transit Center.

**FIGURE 28. HARRIS COUNTY TRANSIT ROUTE SYSTEM**

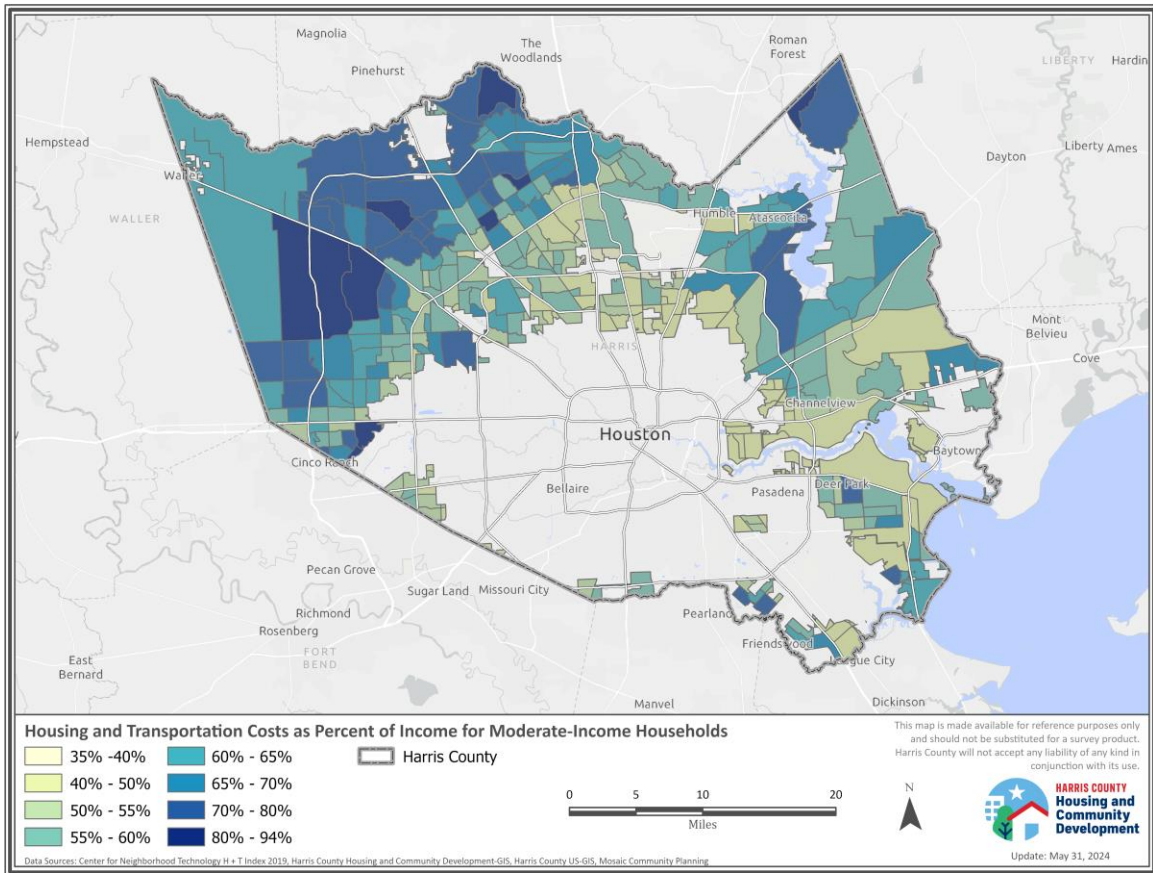


*Source: Harris County Transit*

Residents and stakeholders who participated in this planning process noted a need for greater access to public transit in the county. Survey respondents noted a lack of transportation options as the second aspect that most limits their housing choices, following a lack of affordable housing options. 26.9% of survey respondents indicated that 'lack of transportation options that easily get me to the places I need to go' limits their housing options in their neighborhood.

Households just north of the city of Houston and in east Harris County, which have greater levels of access to the Harris County Transit bus routes and are predominantly Hispanic/Latino, spend the lowest amount on housing and transportation costs relative to household income. Combined housing and transportation costs tend to make up a greater share of income in the northwest portion of the service area, which has lower levels of access to the fixed-route transit system and a greater share of white residents (see Figure 29). In areas outside of east Harris County, the combination of reduced proximity to jobs and high proportions of residents' incomes spent on transportation may present barriers to obtaining and maintaining employment and housing.

**FIGURE 29. HOUSING AND TRANSPORTATION AFFORDABILITY**

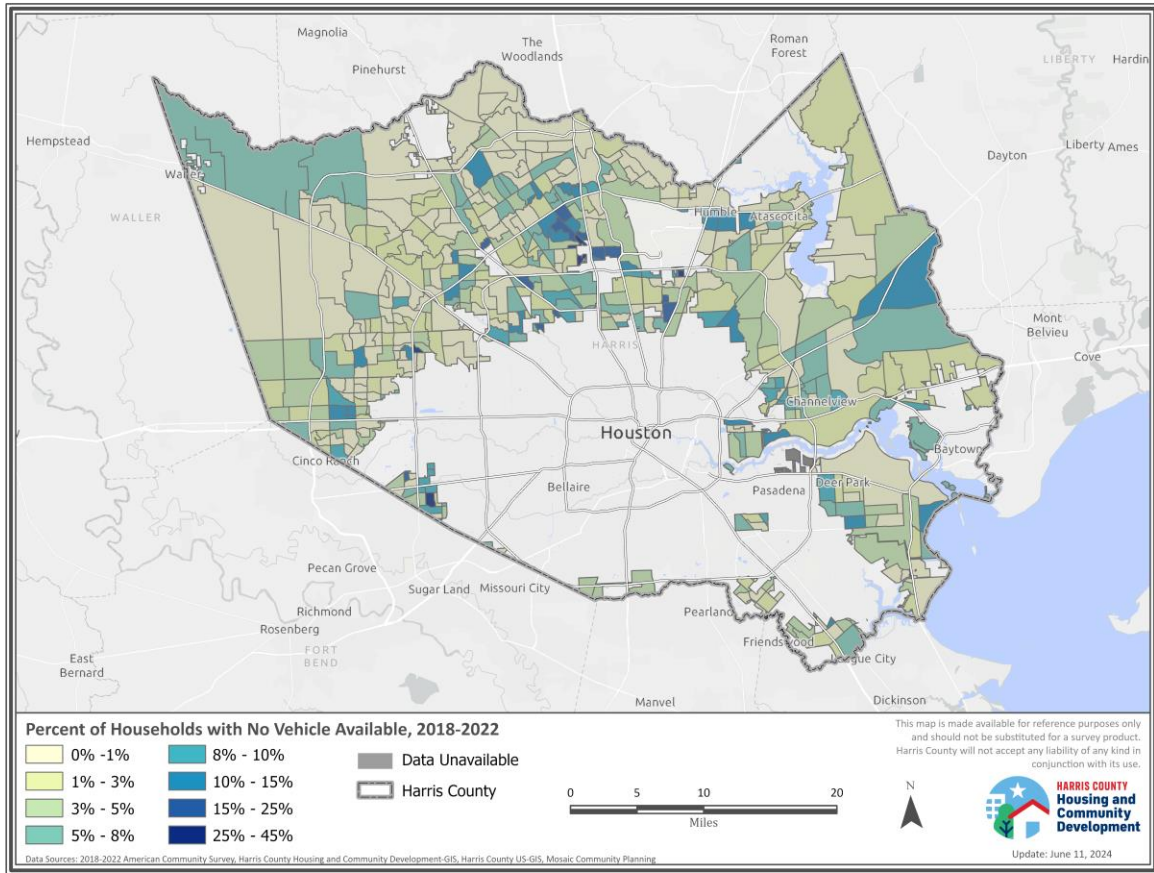




## Vehicle Access

Access to vehicles also shapes residents' ability to connect to employment and education opportunities, resources, and services, particularly in areas with limited access to public transit. An estimated 3.7% of households in the Harris County Housing and Community Development service area do not have access to a vehicle, according to American Community Survey five-year estimates for 2018 to 2022. While vehicle access is high overall, disparities exist by geography and reflect the need for access to public transit in the service area. Residents of census tracts north of Aldine and west and south of the George Bush Intercontinental Airport, in which Hispanic/Latino residents make up the majority of the population, tend to have vehicles at the lowest rates (25% to 45% do not have a vehicle in six census tracts). In contrast, in much of the service area, fewer than 1% of households do not have access to vehicles (see yellow areas in Figure 30). Some areas with lower levels of vehicle access are further from the county's transit system routes, reflecting a need for additional bus routes or alternative transportation services, such as on-demand rides, throughout Harris County.

**FIGURE 30. VEHICLE ACCESS**



Stakeholders who participated in this planning process emphasized that a lack of access to vehicles is often a barrier to employment for residents living in areas with low proximity to jobs and with limited access to public transportation. A lack of access to vehicles also creates barriers to accessing needed services in areas in which those services are not located within walking distance and transit access is limited. In this way, residents without access to vehicles often find their housing choices limited to locations where public transportation is available. Toll roads may constitute an additional economic barrier to the use of vehicles for transportation. The combination of high levels of vehicle ownership and high transportation costs as a percentage of household income in areas that are not well served by public transit reflects a need for transportation options that reduce household transportation costs in these areas.

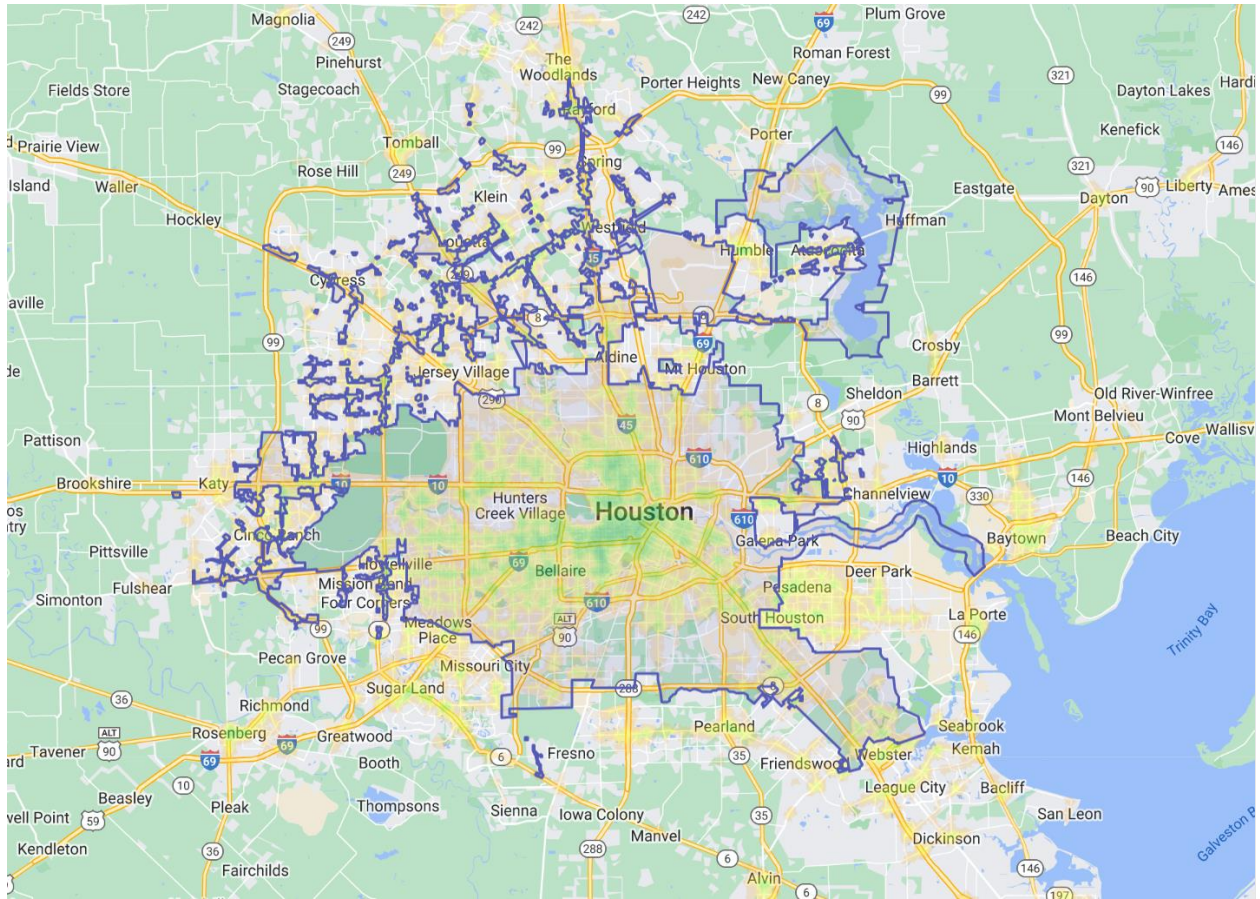
## **Walkability and Bicycle Connections**

Along with access to transit, low-cost transportation, and vehicles, walkability shapes the extent to which residents are able to access employment, resources, and services. While the service area is generally car-dependent, parts of some city centers have moderate to high levels of walkability (shown in yellow and green in Figure 31).

Residents and stakeholders also emphasized that many parts of the service area lack accessible sidewalks, crosswalks, or lighting, making accessing resources and services via walking more difficult and less safe, particularly for residents with disabilities. Of survey respondents who were dissatisfied with their housing situation, 27.3% noted 'inadequate sidewalks, street lights, drainage, or other infrastructure' as a reason.

In this way, low levels of transit and vehicle access may pose a more significant barrier to accessing jobs and services for residents living in areas with low levels of walkability. Overall low levels of walkability in the service area combined with low levels of access to public transit, particularly in west Harris County, point to challenges for residents without access to vehicles in connecting to employment, resources, and services.

**FIGURE 31. WALKABILITY IN HARRIS COUNTY**



Source: Walk Score

**Note:** Map presented as generated by Walk Score using Walk Score’s proprietary data for the City of Houston and surrounding areas; a county-level map is not available.

## LOW-POVERTY NEIGHBORHOODS

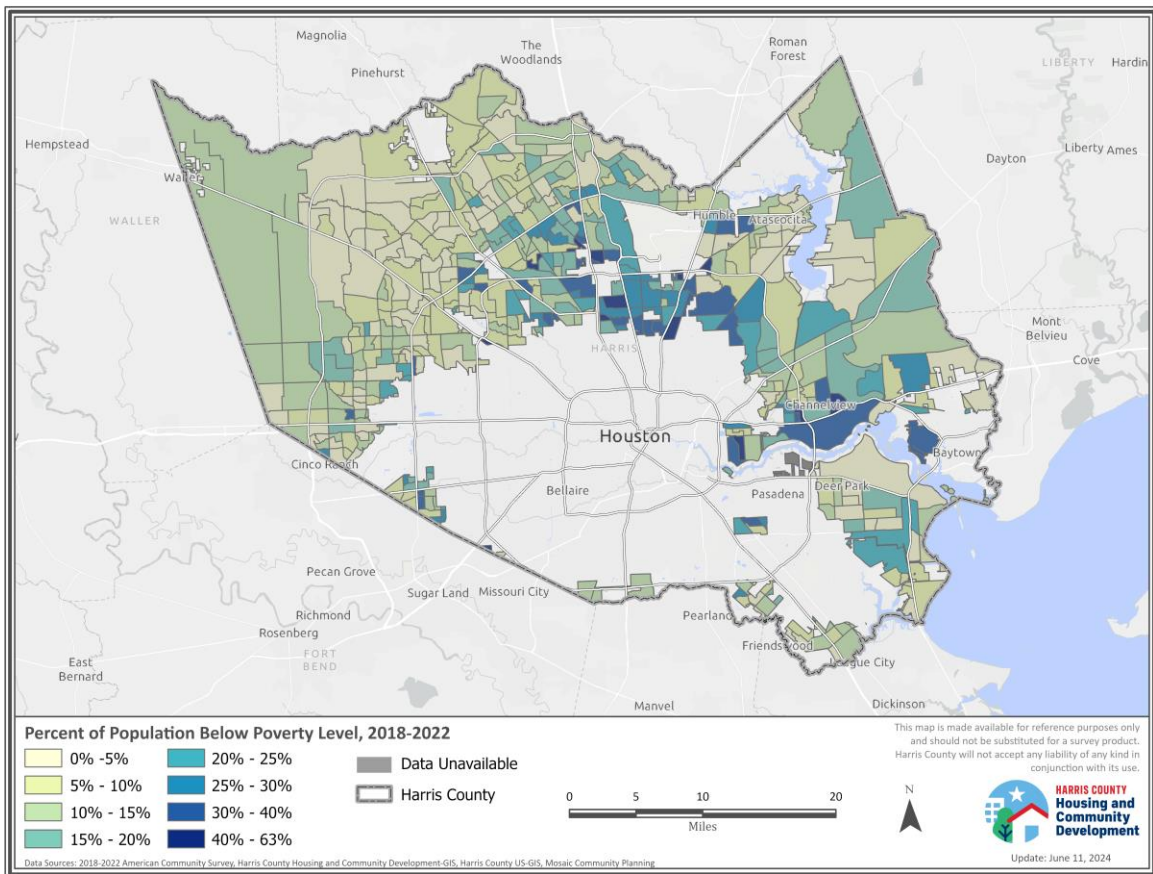
Poverty rates are highest just north and northeast of the city of Houston, areas that include the service area's racially/ ethnically concentrated areas of poverty, defined as census tracts with non-white population of 50% or more and 40% or more of individuals living at or below the poverty line (see Figure 6). Fourteen census tracts in these areas have poverty rates above 40%, and all of them are considered racially/ethnically concentrated areas of poverty (R/ECAPs). Black and Hispanic residents are overrepresented in these high-poverty census tracts relative to their share of the service area's overall population, while white and Asian residents are underrepresented. Census tracts with the lowest poverty rates (0% to 5%) are clustered in the northwest and eastern portions of the service area (see Figure 32).

Residents and stakeholders who participated in this planning process noted that housing choices for low-income residents in the service area are often limited to higher-poverty areas due to:

- A lack of mixed-income communities;
- NIMBYism and state laws that create barriers to development of affordable housing;
- A lack of fair housing testers, local fair housing resources, and enforcement;
- Greater flooding and proximity to environmental hazards in higher-poverty areas;
- A lack of amenities in higher-poverty areas;
- A lack of landlords with housing units in lower-poverty areas who are willing to accept Section 8 vouchers;
- An overall lack of Housing Choice vouchers to meet demand;
- A disconnect between HUD-defined fair market value and the cost of housing that is available;
- Underreporting of discrimination based on national origin due to language barriers;
- A need for education on tenants' rights;
- A need for affordable land on which to develop housing; and
- A lack of connectivity in transit services which may limit residents without personal vehicles to neighborhoods with public transportation options.

A general lack of affordable housing in the service area limits lower-income residents' housing choices to areas with more affordable housing, which often coincide with areas that have higher poverty rates. For residents who do not have access to vehicles in particular, housing choices are also often limited by inadequate transportation access in parts of the service area, infrequent bus service, and travel times to places of employment. In this way, residents who rely on public transportation often must live near the county's limited bus routes or their places of employment, or else face long commutes to jobs.

**FIGURE 32. POVERTY RATES IN THE HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**



## ENVIRONMENTALLY HEALTHY NEIGHBORHOODS

Environmental quality and access to environmental amenities also shape the opportunities available to residents.

### Access to Parks

Access to parks and other green infrastructure in counties, cities, and neighborhoods provides a range of environmental, social, and health benefits, including access to nature and recreation opportunities; cleaner air and water; alternative transportation options (such as greenways); improvements in physical and mental health and wellbeing; and opportunities for food production and other local economic development.

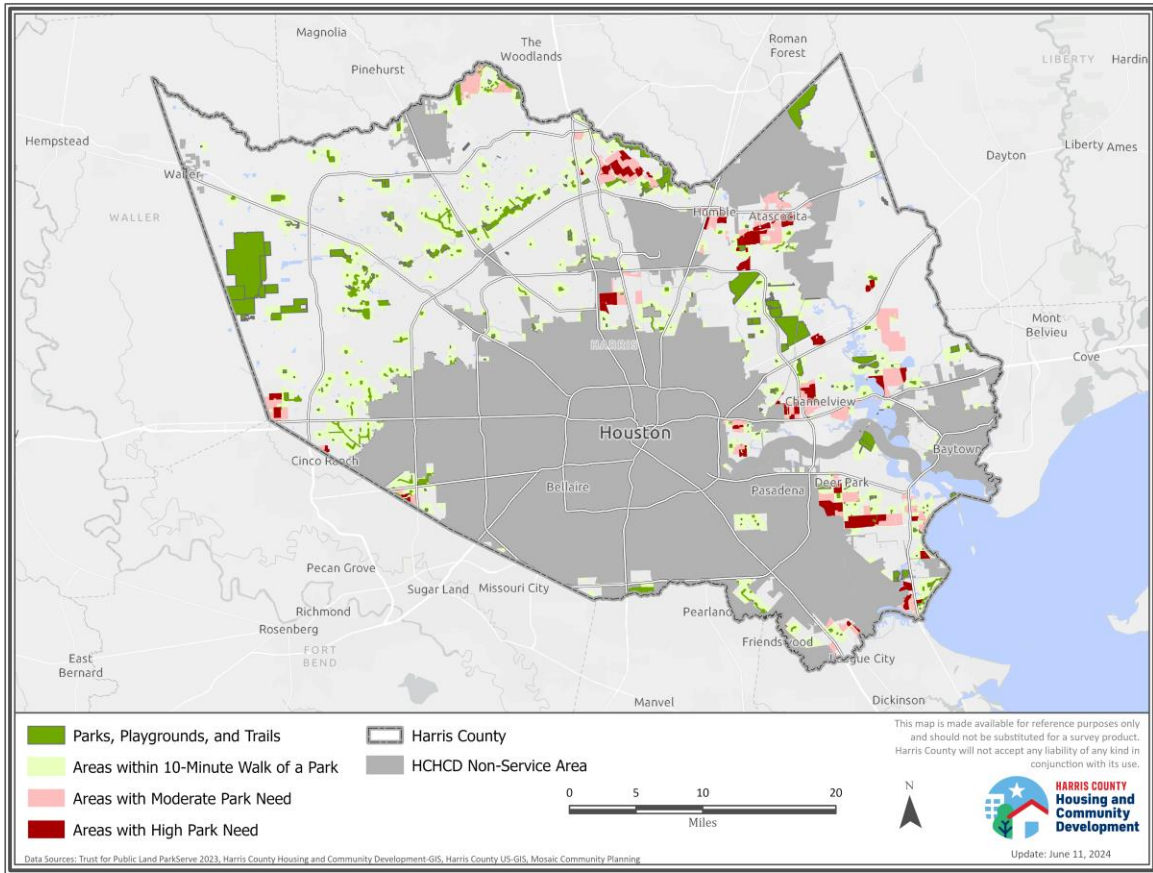
Parks, trails, and greenspace are distributed across the service area, with areas of greatest accessibility clustered in the northeast and northwest portions of the service area. Areas with the greatest need for parks<sup>18</sup> are clustered in the eastern portion of the service area and tend to be relatively densely populated areas with large Hispanic or Latino populations (see Figure 33). 20.2% of survey respondents noted that poor park quality or lack of recreation facilities limits housing options in their neighborhoods.

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<sup>18</sup> The Trust for Public Land calculates six variables for each block group and normalized relative to a given area. These normalized values are then averaged to create the index value for each block group, which is then classified into the 'very high', 'high', and 'moderate' priority groups seen in ParkServe. The six variables are:

- Population density, based on 2022 US Census Block Groups provided by Esri
- Density of low-income households, defined as households with income less than 75% of the urban area median household income, based on 2022 US Census Block Groups provided by Esri
- Density of people of color, based on 2022 US Census Block Groups provided by Esri
- Community health—a combined index based on the rate of poor mental health and low physical activity from the 2022 CDC PLACES census tract dataset
- Urban heat islands—surface temperature relative to the city mean surface temperature from Trust for Public Land, based on summer 2022 Landsat 8 satellite imagery
- Pollution burden—Air toxics respiratory hazard index from 2022 EPA EJScreen

**FIGURE 33. PARK ACCESS**





## Environmental Hazards

Environmental hazards, such as poor air quality, toxic facilities, and flooding, are associated with negative health effects, such as increased respiratory symptoms, hospitalization for heart or lung diseases, cancer and other serious health effects, and even premature death. Certain population groups, such as children, have a greater risk of adverse effects from exposure to pollution.<sup>19</sup> Toxic sites could pose risks to residents living nearby and thus may constitute fair housing concerns if they disproportionately impact protected classes. 13.6% of survey respondents who said they were unsatisfied with their housing situation noted 'too close to industrial uses/ landfill/ other environmental hazards' as a factor in their dissatisfaction, indicating that proximity to toxic sites impacts a substantial share of the service area's residents.

A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the EPA as a candidate for cleanup because it poses a risk to human health and / or the environment. These sites are placed on the National Priorities List (NPL). There are five NPL sites in the Harris County Housing and Community Development service area:

- San Jacinto River Waste Pits, located on the western bank of the San Jacinto River in Channelview;
- French, Ltd., located on 15 acres in the floodplain of the San Jacinto River in Crosby;
- Sikes Disposal Pits, located on a 40-acre site in the floodplain of the San Jacinto River in Crosby;
- Patrick Bayou, located in a portion of the East Fork tributary and associated wetlands in Deer Park; and
- Highlands Acid Pit an 18-acre site located on the bank of the San Jacinto River in Highlands (see Figure 34).

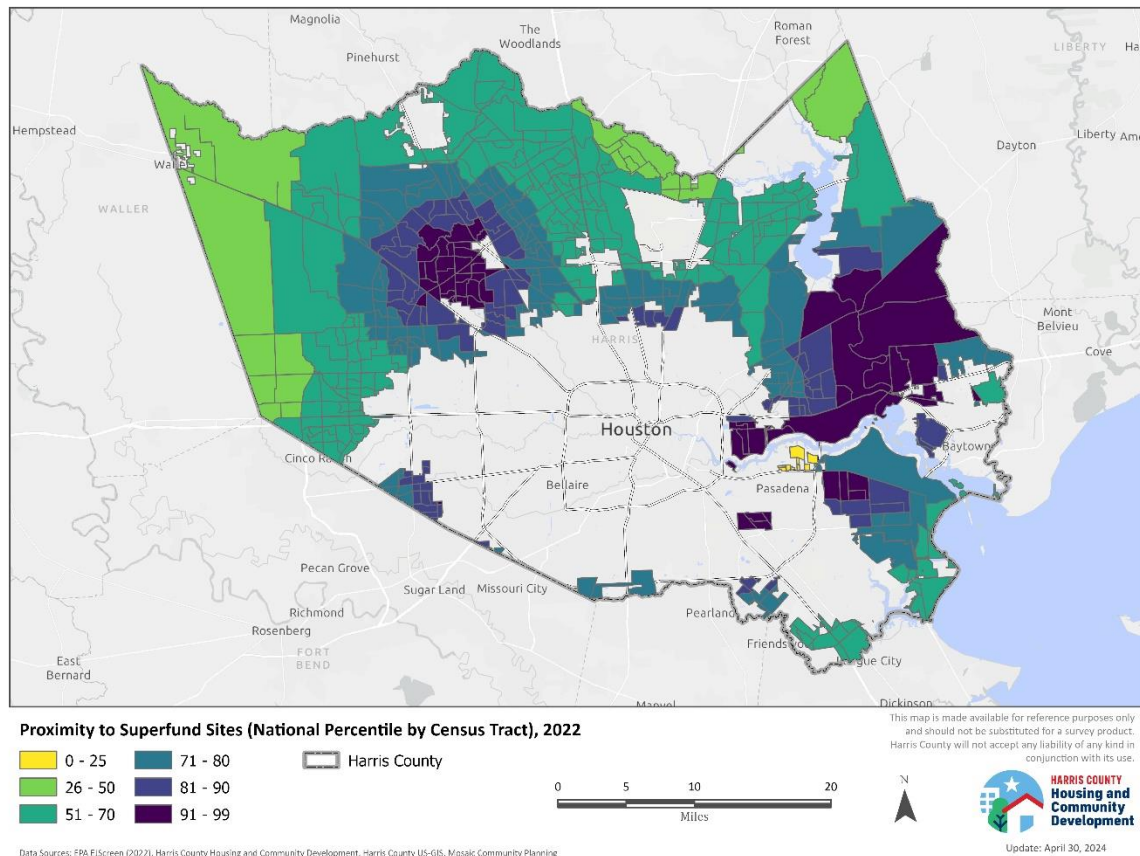
These toxic sites are all clustered in the eastern portion of the service area, areas in which Hispanic and white residents make of the majority of the population. They create concerns

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<sup>19</sup> U.S. Environmental Protection Agency. (n.d.). Managing Air Quality - Human Health, Environmental and Economic Assessments. Retrieved from: <https://www.epa.gov/air-quality-management-process/managing-air-quality-human-health-environmental-and-economic>

related to groundwater quality, the quality of the water in the San Jacinto River, and contamination of fish and wildlife.

**FIGURE 34. PROXIMITY TO SUPERFUND SITES IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2022**

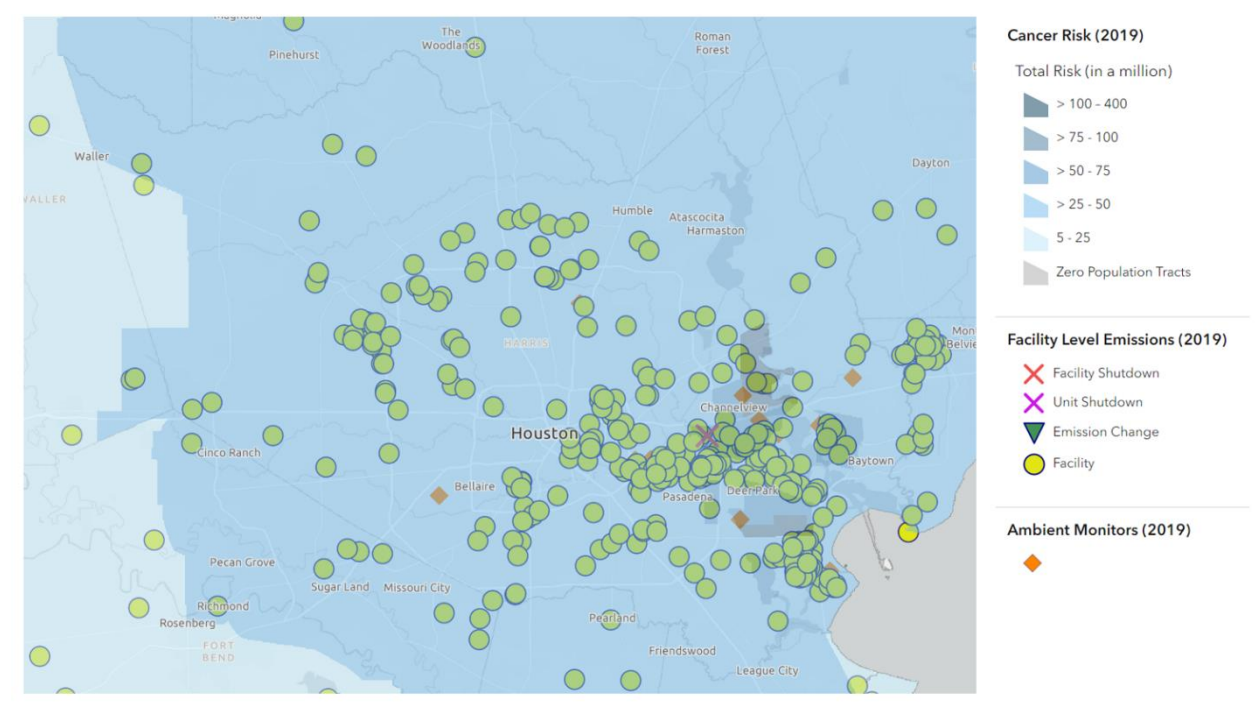


The EPA’s National Air Toxics Assessment (NATA) estimates health risks from air toxics. The most recent assessment uses data from 2017 to examine cancer risk from ambient concentrations of pollutants. Point sources of emissions<sup>20</sup> are clustered in east Harris County (see Figure 35). Most of the county has low levels of cancer risk from air toxins, about 25 to 50 per million. However, areas of higher risk, clustered in east Harris County in areas such as Channelview and Deer Park, have elevated cancer risk levels of about 75

<sup>20</sup> The U.S. Environmental Protection Agency (EPA) defines point source pollution as “any single identifiable source of pollution from which pollutants are discharged, such as a pipe, ditch, ship or factory smokestack.”

to 100 per million (see Figure 36). Hispanic or Latino residents are overrepresented in these areas relative to their share of the population in the service area overall, raising concerns related to disparities in access to a clean and healthy environment by protected class.

**FIGURE 35. NATIONAL AIR TOXICS ASSESSMENT**



*Source: United States Environmental Protection Agency Air Toxics Screening Assessment (2019).*

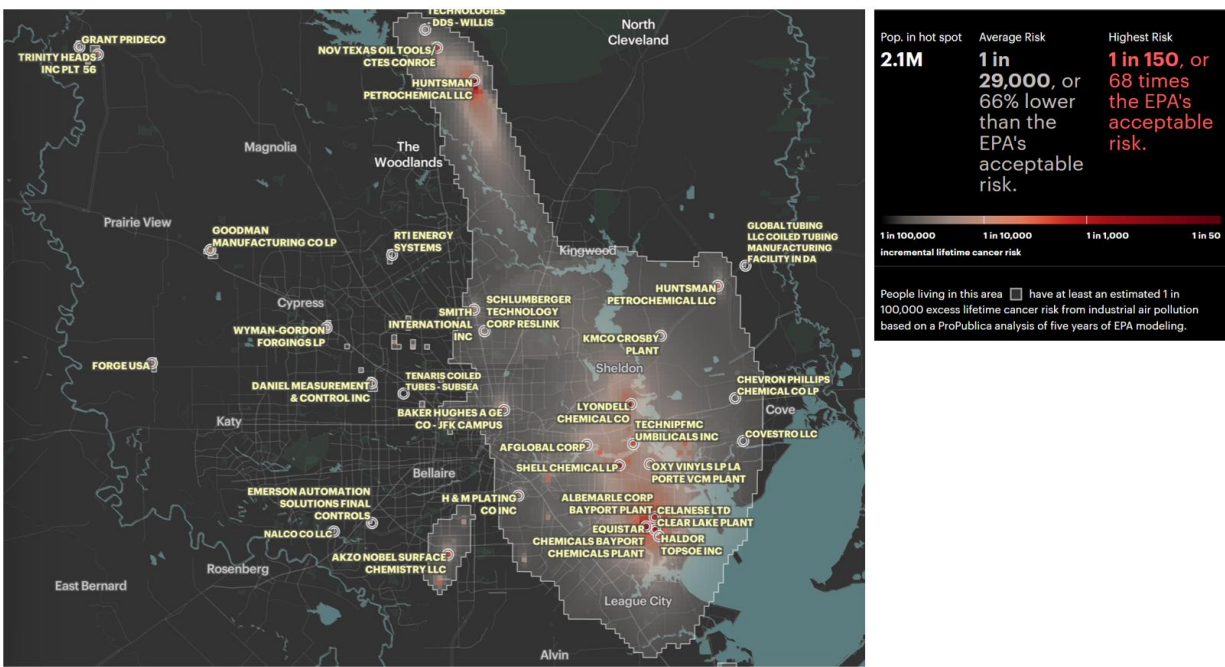
*Note: Green dots in the map above indicate Toxic Release Inventory (TRI) facilities. A facility is required to report to the TRI program if it meets chemical activity thresholds and is either in a covered industry sector and exceeds the employee threshold or is specifically required to report based a determination by the Administrator under EPCRA 313(b)(2).*

The Environmental Protection Agency’s Toxics Release Inventory (TRI) tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. Certain industrial facilities in the U.S. must report annually how much of each chemical is recycled, combusted for energy recovery, treated for destruction, and disposed of or otherwise released on- and off-site. The EPA’s Risk-Screening Environmental Indicators (RSEI) Model analyzes TRI data on the amount of toxic chemicals released, together with risk factors such as the chemical’s fate and transport through the environment, each chemical’s relative toxicity, and the number of people potentially exposed, to calculate a numeric score designed to be compared to other RSEI scores.

Toxic release inventory sites are clustered in east and southeast Harris County. Notably, facilities such as the Equistar Chemicals Bayport Plant, Dixie Chemical Co., Lyondell Chemical Co., and Celanese Ltd Clear Lake Plant in east Harris County exhibit RSEI scores several times higher than those of other nearby facilities, suggesting increased health risks for residents residing nearby. Moreover, many of these sites are clustered around Channelview, Deer Park, and LaPorte, highlighting the disparate access to a clean and healthy environment in these regions.

ProPublica’s analysis of the EPA’s Risk-Screening Environmental Indicators (RSEI) data<sup>21</sup> also indicates that areas of higher cancer risk are clustered in southeast Harris County (see Figure 36). Residents living in the highest risk areas are estimated to have an incremental lifetime cancer risk of 1 in 150, or 68 times the EPA’s acceptable level of risk.

**FIGURE 36. AREA OF INDUSTRIAL CANCER RISK, HARRIS COUNTY**



Source: ProPublica, 2022. Retrieved from: <https://projects.propublica.org/toxmap/>

<sup>21</sup> ProPublica. (2022). Visualizing Toxic Air. Retrieved from: <https://www.propublica.org/nerds/visualizing-toxic-air>

Flood hazard areas identified on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA).<sup>22</sup> SFHAs are defined as the area that will be inundated by a flood event with a 1% chance of occurring or being exceeded in any given year.<sup>23</sup> SFHAs are distributed throughout the service area, indicating that flooding concerns restrict housing choice in the service area (Figure 37). 55.8% of survey respondents noted that they worry about their home being flooded in a natural disaster.

Flooding has greatly impacted the condition of housing in Harris County. Hurricane Harvey caused flooding or damage to approximately 155,000 owner-occupied units and up to 15,000 rental units,<sup>24</sup> deepening the shortage of affordable, accessible housing in good condition. A total of 34,600 homes in unincorporated Harris County flooded because of Hurricane Harvey.<sup>25</sup> Flood-prone communities with majority low- to moderate-income (LMI) populations experienced some of the worst damage. Clear Creek received the highest total rainfall of any location in Harris County at 48.2 inches and experienced the most severe tributary and creek flooding of all unincorporated areas.<sup>26</sup> Majority LMI communities outside of Houston that experienced some of the worst residential flooding included Bear Creek, Addicks, Deer Park, La Porte, South Houston, Sheldon, Cypress, Airline, Aldine, Humble, Katy, South Houston, Pasadena, and Copperfield.<sup>27,28</sup> Following Hurricane Harvey, low-income households were disproportionately denied FEMA individual assistance, further exacerbating existing inequities.

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<sup>22</sup> SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.

<sup>23</sup> Federal Emergency Management Agency. Flood Zones. Retrieved from: <https://www.fema.gov/glossary/flood-zones>

<sup>24</sup> Texas Affiliation of Affordable Housing Providers. (2018). 9 MONTHS LATER – HURRICANE HARVEY'S IMPACT: RESILIENCE & OPPORTUNITY. Retrieved from: <https://taahp.org/9-months-later-hurricane-harveys-impact-resilience-opportunity/>

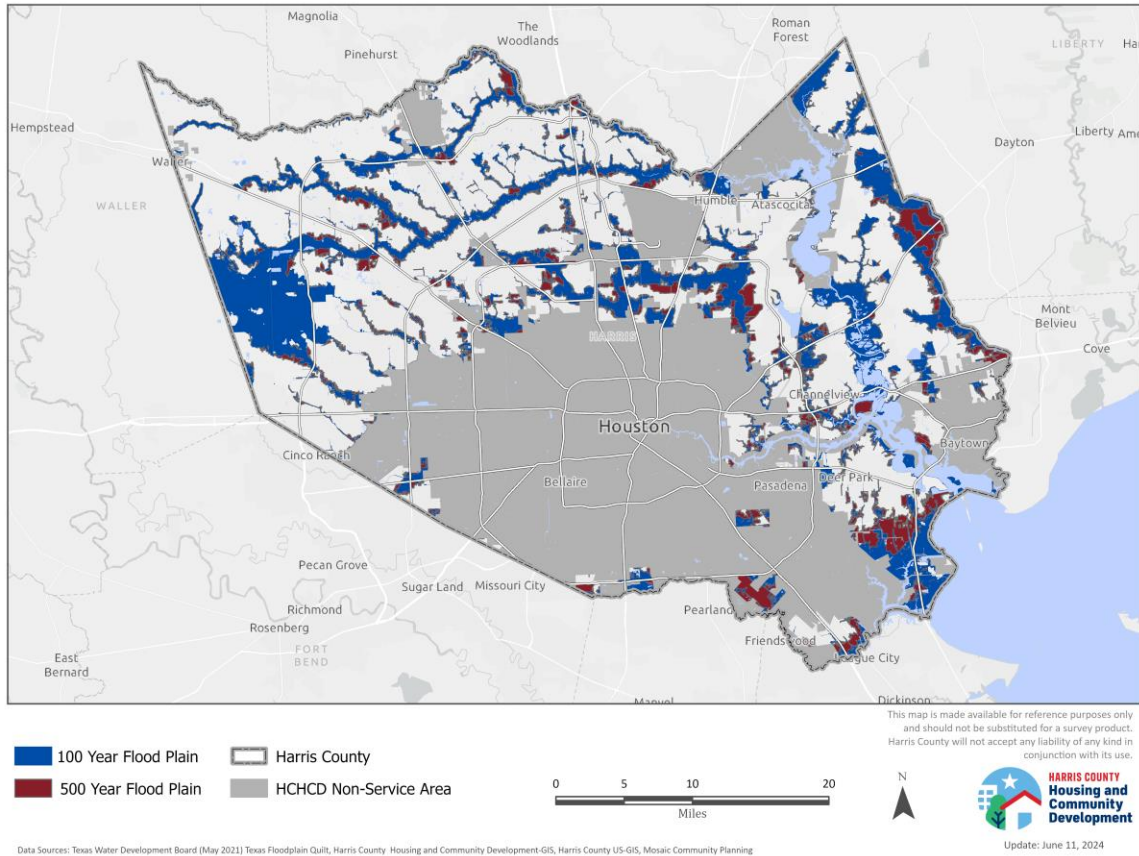
<sup>25</sup> Fernando Alfonso. "[Where the most homes were flooded during Hurricane Harvey \(chron.com\)](#)" Houston Chronicle. (2018).

<sup>26</sup> Harris County Flood Control District, "Impact and Response in Harris County." (May 2018) [harvey-impact-and-response-book-final-re.pdf \(hcfcd.org\)](#)

<sup>27</sup> Texas General Land Office. "State of Texas Plan for Disaster Recovery"

<sup>28</sup> Alfonso, "Where the Most Homes Were Flooded"

**FIGURE 37. SPECIAL FLOOD HAZARD AREAS, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2021**



Data Sources: Texas Water Development Board (May 2021) Texas Floodplain Quilt, Harris County Housing and Community Development-GIS, Harris County US-GIS, Mosaic Community Planning

## FOOD

Many individuals and families face challenges in accessing food that is healthy and affordable. In neighborhoods in which the nearest grocery store is many miles away, transportation costs and lack of access to vehicles may pose particular challenges for low-income households, who may be forced to rely on smaller stores that are often unaffordable and may not offer a full range of healthy food choices. Even in areas with fresh food retailers nearby, the higher cost of healthy foods such as produce often present barriers to accessing healthy food.

An estimated 13.8% of Harris County residents experience food insecurity,<sup>29</sup> according to 2021 data from Feeding America. Among the county's food insecure population, an estimated 38% have incomes above the SNAP threshold of 165% of the federal poverty level.<sup>30</sup>

USDA Food Research Atlas data for Harris County indicates that census tracts with high shares of residents who have low incomes and live further than one-half mile from the nearest supermarket are clustered just north of the city of Houston and in east Harris County (see Figure 38). In 21 of the county's census tracts—mostly clustered in these areas—more than 50% of residents live in low-income households and more than one-half mile from the nearest supermarket.

In contrast, parts of northwest and southeast Harris County tend to have the lowest proportions of residents with low incomes and living more than one-half mile from a supermarket. In 15 census tracts clustered in these areas, fewer than 5% of residents are considered low-income and low-access.

Survey respondents echoed concerns surrounding food access, with 12.1% of residents who said they were dissatisfied with their housing situation noting 'inadequate access to grocery store/ food store' as a factor in their dissatisfaction.

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<sup>29</sup> Food insecurity is defined as occurring when people don't have enough to eat and don't know where their next meal will come from

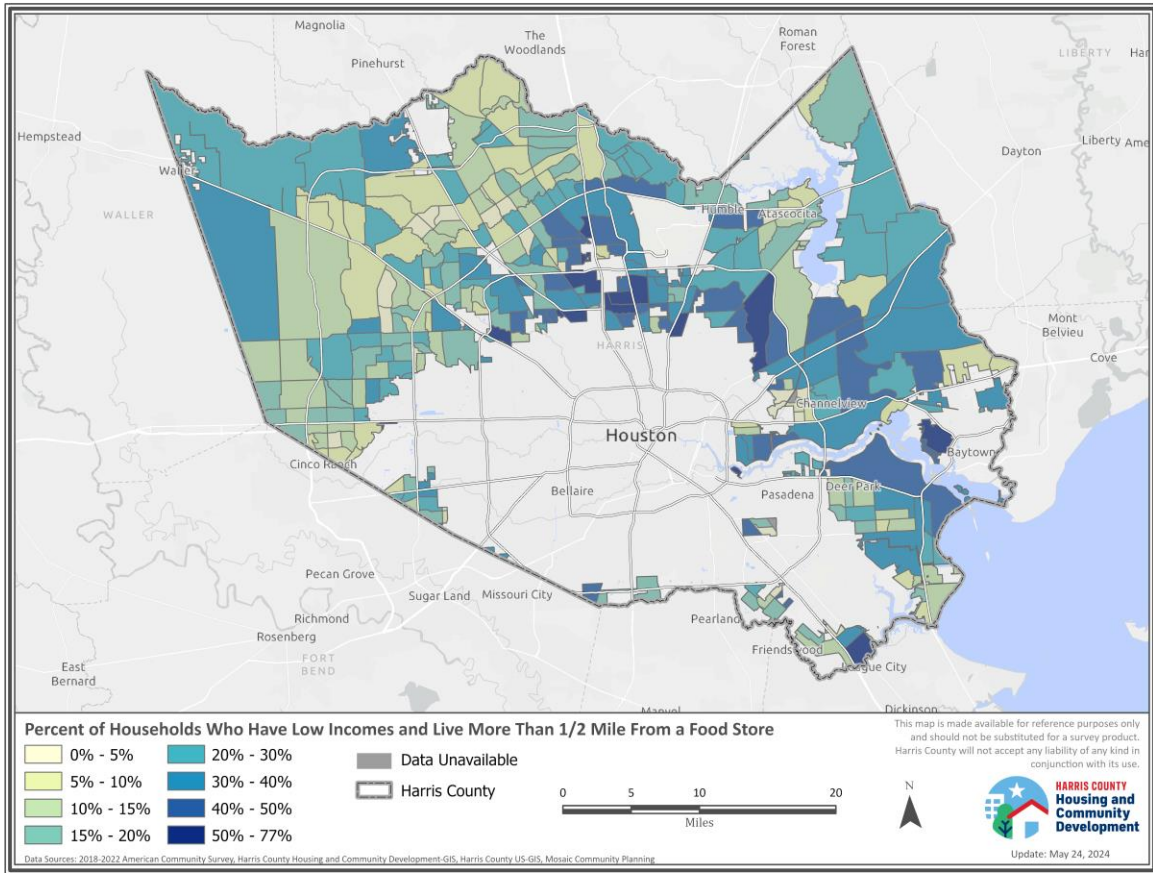
<sup>30</sup> Feeding America. 2021 Food Insecurity In Harris County, Texas.  
<https://map.feedingamerica.org/county/2021/overall/texas/county/harris>

Poverty and limited access to vehicles also contribute to issues of food access and insecurity in the county. An estimated 15.8% of Harris County residents were living below the federal poverty level as of the 2018 to 2022 American Community Survey five-year estimates, indicating that low incomes are a barrier for a substantial portion of residents in accessing fresh food. Disparities in poverty rates exist by race: an estimated 22.3% of residents who identify as 'some other race,' 20.4% of Black/African American residents, and 20.0% of Hispanic or Latino residents were living below the poverty level in the past 12 months from 2018 to 2022, while the share of non-Hispanic white residents living in poverty was 7.3%. Poverty rates are highest just north and northeast of the city of Houston, areas that include the service area's R/ECAPs and in which Hispanic and Black residents are overrepresented.

Further, in many census tracts—particularly in census tracts north of Aldine and west and south of the George Bush Intercontinental Airport— significant shares of households do not have a vehicle. About 25% to 45% of households do not have a vehicle in six census tracts in these parts of the service area. Low levels of vehicle access indicate that food access is particularly challenging for significant proportions of households in areas of the county with limited access to public transportation and low levels of walkability. In this way, the combination of uneven distribution of food outlets across the county, the substantial proportions of households with low incomes, and a lack of access to vehicles create barriers to food access and security.



**FIGURE 38. FOOD ACCESS IN HARRIS COUNTY, 2019**



# HEALTHCARE

Access to high-quality, affordable physical and mental healthcare shapes community health outcomes, including both length of life and quality of life. Sufficient availability of primary care physicians is essential for preventive and primary care, and for referrals to appropriate specialty care when needed. Residents of Harris County have access to healthcare providers at a rate of one primary care physician per 1,700 residents, one dentist per 1,360 residents, and one mental health provider per 660 residents. These figures indicate lower availability of primary care physicians and greater availability of dentists in the county than in the state of Texas and United States overall (see Table 6). Access to mental health providers in the county falls between that of the Texas and the United States overall.

**TABLE 6. RATIO OF POPULATION TO HEALTHCARE PROVIDERS, HARRIS COUNTY, 2020-2022**

Care Provider	Harris County	Texas	United States
Primary Care Physicians	1,700:1	1,640:1	1,310:1
Dentists	1,360:1	1,610:1	1,380:1
Mental Health Providers	660:1	690:1	340:1

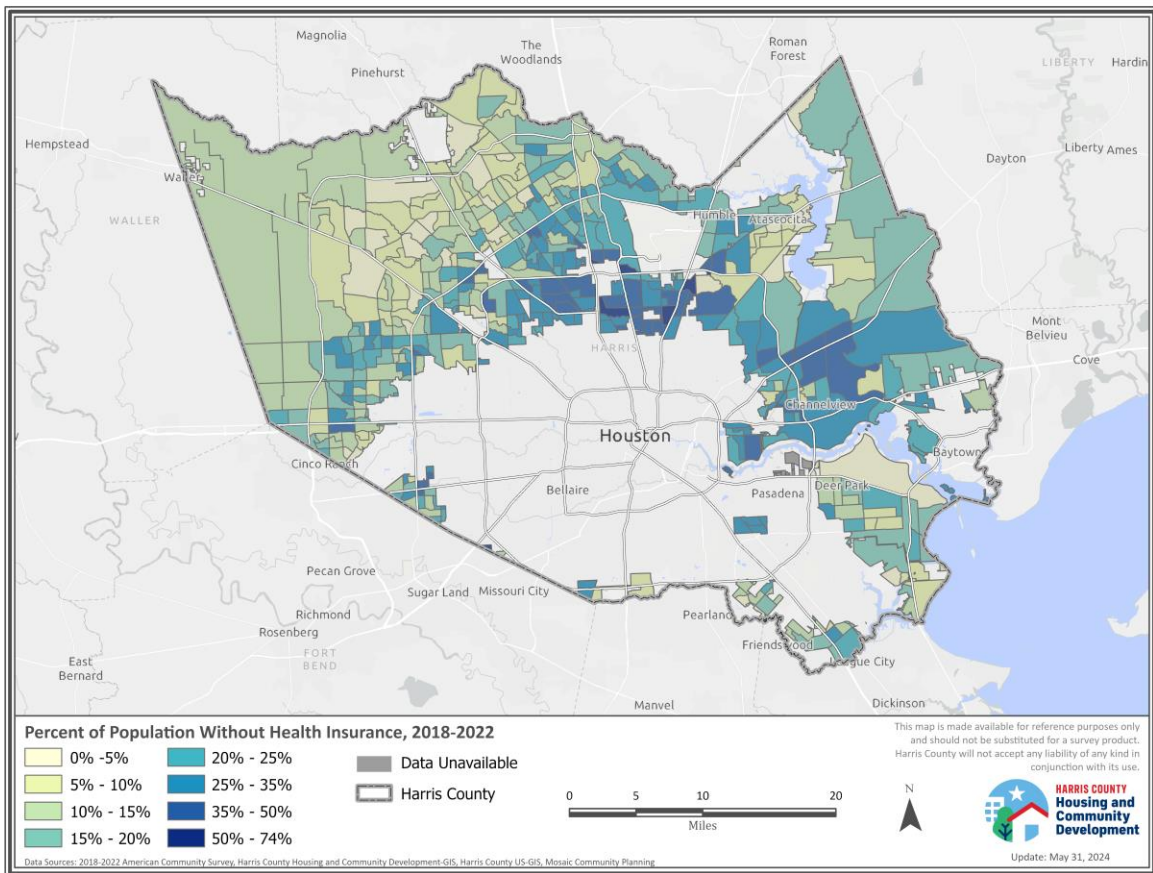
*Data Sources: County Health Rankings, Area Health Resource File / American Medical Association, 2023.*

Lack of health insurance coverage is also a barrier to accessing needed healthcare—including preventive care—and to maintaining financial security. While the share of residents with health insurance in the service area has increased to an estimated 81.8% as of the 2018 to 2022 American Community Survey five-year estimates, shares of uninsured residents continue to vary by location across the service area. Residents of census tracts just north of the city of Houston, in which Hispanic and Black residents are overrepresented, tend to be uninsured at the highest rates (50% to 74% in seven census tracts). Census tracts with high rates of health insurance coverage are clustered in the northwest portion of the service area (fewer than 5% of residents are uninsured in these tracts; see Figure 39).

Overall, healthcare access is shaped by multiple factors, including availability of providers, health insurance coverage, and access to vehicles or other transportation options. Investments in programs designed to increase access to healthcare may help increase

access for underserved residents. Because of geographic disparities in health insurance coverage, efforts such as increasing enrollment in Medicaid and Marketplace health insurance plans and providing access to low-cost health services may most effectively address goals of improving access to healthcare by focusing efforts in census tracts with high proportions of uninsured residents and of residents living below the poverty level, which are clustered north of the city of Houston.

**FIGURE 39. ACCESS TO HEALTH INSURANCE**



# Chapter 6. Housing Profile

The availability of quality affordable housing plays a vital role in ensuring housing opportunities are fairly accessible to all residents. On the surface, high housing costs in certain areas are exclusionary based solely on income. But the disproportionate representation of several protected class groups in low- and middle-income levels can lead to unequal access to housing options and neighborhood opportunity in high-cost housing markets. Black and Hispanic residents, immigrants, people with disabilities, and seniors often experience additional fair housing barriers when affordable housing is scarce.

Beyond providing fair housing options, the social, economic, and health benefits of providing quality affordable housing are well-documented. National studies have shown affordable housing encourages diverse, mixed-income communities, which result in many social benefits.<sup>31</sup> Affordable housing also increases job accessibility for low- and middle-income populations and attracts a diverse labor force critical for industries that provide basic services for the community. Affordable housing is also linked to improvements in mental health, reduction of stress, and decreased cases of illnesses caused by poor-quality housing.<sup>32</sup> Developing affordable housing is also a strategy used to prevent displacement of existing residents when housing costs increase due to economic or migratory shifts.

Conversely, a lack of affordable housing eliminates many of these benefits and increases socioeconomic segregation. High housing costs are linked to displacement of low-income households and an increased risk of homelessness.<sup>33</sup> Often lacking the capital to relocate

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<sup>31</sup> SCHWARTZ, H., BURKHAUSER, S., Griffin, B. A. N. N., Kennedy, D., Green, H., Kennedy-hendricks, A., & Pollack, C. Mixed-income neighborhoods expand social networks and benefit health.

[https://www.macfound.org/media/files/hhm\\_brief\\_-\\_mixed-income\\_neighborhoods\\_expand\\_social\\_networks\\_benefit\\_health.pdf](https://www.macfound.org/media/files/hhm_brief_-_mixed-income_neighborhoods_expand_social_networks_benefit_health.pdf)

<sup>32</sup> Maqbool, Nabihah, et al. "The Impacts of Affordable Housing on Health: A Research Summary." Insights from Housing Policy Research, Center for Housing Policy, [www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf](http://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf).

<sup>33</sup> "State of the Nation's Housing 2015." Joint Center for Housing Studies of Harvard University, <http://www.jchs.harvard.edu/sites/default/files/jchs-sonhr-2015-full.pdf>

to better neighborhoods, displaced residents tend to move to socioeconomically disadvantaged neighborhoods where housing costs are most affordable.<sup>34</sup>

This section discusses the existing supply of housing in Harris County. It also reviews housing costs, including affordability and other housing needs by householder income. Homeownership rates and access to lending for home purchases and mortgage refinancing are also assessed.

## **HOUSING SUPPLY SUMMARY**

The Harris County Housing and Community Development service area includes approximately 754,137 housing units. This accounts for more than 40% of the units within Harris County and about one-fourth (27.3%) of the units in the Houston-The Woodlands-Sugar Land, TX MSA. While the service area, county, and MSA have experienced significant growth in housing units in recent years, the service area's housing stock grew at a rate of 11.3%, while the number of units in the county and MSA expanded at slightly slower rates of 8.0% and 10.5%, respectively, during the time period covered by the 2013-2017 American Community Survey five-year estimates (centered in 2015) to the 2018-2022 estimates (centered in 2020).

The American Community Survey's definition of vacancy includes housing that is available for sale or rent, housing that has been rented or sold but not yet occupied, seasonal housing, and other vacant units. Using this definition, the vacancy rate in the service area was 5.7% as of the 2018-2022 American Community Survey, down from 6.0% in 2013-2017. The vacancy rates of Harris County and the MSA are slightly higher at 8.6%, both down slightly since 2013-2017. Rates for all three areas are lower than that of the state of Texas overall (10.0% as of the 2018-2022 ACS).

Shares of for-sale homeowner units are particularly low, pointing to tight housing markets and high demand for homeownership. The share of owner units that are vacant and for sale (homeowner vacancy rate) is just 1.4% in Harris County and 1.2% in the MSA. The share of renter units that are vacant and for rent (renter vacancy rate) is 8.7% in Harris County and 8.6% in the MSA, indicating greater availability of rental housing than housing for purchase. About 3% of units in the county and MSA are vacant for reasons other than

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<sup>34</sup> Deirdre Oakley & Keri Burchfield (2009) Out of the Projects, Still in the Hood: The Spatial Constraints on Public-Housing Residents' Relocation in Chicago." *Journal of Urban Affairs*, 31:5, 589-614.

being available for sale or rent, being rented or sold but not yet occupied, or use as seasonal housing. These reasons include need for rehabilitation or repair, foreclosure, legal proceedings, abandonment, and other reasons. Both the county and MSA have seen declines in vacant housing units, indicating high demand for housing and increasingly tight housing markets. The following analysis examines several features of housing supply, including structure type, size, tenure, and age of housing.

**TABLE 7. HOUSING UNITS BY OCCUPANCY STATUS**

	2013-2017	2018-2022	% Change
<b>HCHCD SERVICE AREA</b>			
TOTAL HOUSING UNITS	677,716	754,137	11.3%
Occupied Housing Units	636,978	711,359	11.7%
Vacant Housing Units	40,738	42,778	5.0%
Vacancy Rate	6.0%	5.7%	-5.0%
<b>HARRIS COUNTY</b>			
TOTAL HOUSING UNITS	1,714,340	1,851,489	8.0%
Occupied Housing Units	1,562,813	1,692,896	8.3%
Vacant Housing Units	151,527	158,593	4.7%
Vacancy Rate	8.8%	8.6%	-2.3%
<b>HOUSTON-THE WOODLANDS-SUGAR LAND, TX MSA</b>			
TOTAL HOUSING UNITS	2,499,292	2,760,561	10.5%
Occupied Housing Units	2,271,561	2,524,403	11.1%
Vacant Housing Units	227,731	236,158	3.7%
Vacancy Rate	9.1%	8.6%	-5.5%

**Data Sources:** 2013-2017 and 2018-2022 5-Year ACS, Tables B25002, B25004

## Housing Structure

Areas with a variety of housing structure types are better able to meet the varied needs of a wide range of different household types. Multifamily housing, including rental apartments, are often more affordable rental options than single-family homes for low- and moderate-income households, who are disproportionately likely to be non-white households. Multifamily units may also be the preference of some elderly and disabled householders who are unable or do not desire to maintain a single-family home.

Table 8 shows housing units by structure types in the Harris County Housing and Community Development service area, Harris County, and the Houston-The Woodlands-Sugar Land, TX MSA. Single-family detached homes are the predominant housing type,

making up 71.4% of housing units in the service area, 57.0% of units in Harris County, and 62.6% of units in the MSA. Units in small multifamily buildings of 20 or more units are the next most common in the service area, making up 10.4% of units. Housing units in large multifamily buildings of 20 or more units make up 8.7% of housing units in the service area.

In the county and MSA, units in large multifamily buildings are the second most common housing type (17.2% and 13.6% of units in the county and MSA, respectively), followed by units in small multifamily buildings of five to 19 units (14.6% and 12.0% of units in the county and MSA, respectively).

**TABLE 8. HOUSING UNITS BY STRUCTURE TYPE**

Units in Structure	HCHCD SERVICE AREA		HARRIS COUNTY		HOUSTON-THE WOODLANDS-SUGAR LAND, TX MSA	
	#	%	#	%	#	%
1, detached	538,529	71.4%	1,055,575	57.0%	1,729,164	62.6%
1, attached	17,377	2.3%	68,035	3.7%	84,696	3.1%
2 to 4	20,827	2.8%	89,128	4.8%	109,723	4.0%
5 to 19	78,630	10.4%	269,962	14.6%	331,772	12.0%
20 or more	65,797	8.7%	319,230	17.2%	375,172	13.6%
Mobile home	31,904	4.2%	47,734	2.6%	124,473	4.5%
Other (RV, boat, van, etc.)	1,074	0.1%	1,825	0.1%	5,561	0.2%
<b>TOTAL</b>	<b>754,137</b>	<b>100.0%</b>	<b>1,851,489</b>	<b>100.0%</b>	<b>2,760,561</b>	<b>100.0%</b>

**Data Sources:** 2018-2022 5-Year American Community Survey, Table B25024.

All other housing types comprise 5% or fewer of units in the service area, county, and MSA. Relative to the county and MSA, the service area has a larger share of single-family detached units and mobile homes, and smaller shares of the other housing types. Relative to the service area and MSA, Harris County has larger shares of units in ‘missing middle’ housing types of two to 19 units and in large apartment complexes of 20 or more units, and smaller shares of units that are single-family detached homes or mobile homes.



The high shares of single-family-detached structures, particularly in the service area, may pose limitations on residents in obtaining housing in units of other housing types, including 'missing middle' housing, such as duplexes, triplexes, quadruplexes, units in small apartment buildings, or other housing types that may provide opportunities for increased affordability, variety in housing unit size, or specific amenities or opportunities for social connection. When neighborhoods contain a concentration of similar housing types, residents may find it difficult to obtain housing that meets their needs or to remain in their neighborhoods of choice as they experience life changes.

### **Housing Tenure and Size (by Number of Bedrooms)**

The availability of housing in a variety of sizes is important to meet the needs of different demographic groups. Neighborhoods with multi-bedroom detached, single-family homes typically attract larger families, whereas dense residential developments with smaller unit sizes and fewer bedrooms often accommodate single-person households or small families. However, market forces and affordability impact housing choice and the ability to obtain housing of a suitable size. Markets that do not offer a variety of housing sizes at different price points can lead to barriers for some groups. Rising housing costs can, for example, lead to overcrowding as large households with lower incomes are unable to afford pricier, larger homes and are forced to reside in smaller units. On the other hand, people with disabilities or seniors with fixed incomes may not require large units but can be limited by higher housing costs in densely populated areas where most studio or one-bedroom units are located.

Table 9 details housing units by the number of bedrooms and resident tenure (renters or homeowners). In the Harris County Housing and Community Development service area, Harris County, and the Houston-The Woodlands-Sugar Land, TX MSA, the vast majority (88% to 94%) of owner-occupied units have three or more bedrooms. Another 5% to 10% of owner-occupied units have two bedrooms. Studio and one-bedroom units are the least common owner-occupied units in the three areas, comprising about 1% to 2% of units.

Compared to owner-occupied units, rental units tend to have fewer bedrooms. Zero- or one-bedroom units are the most common renter-occupied housing size, comprising 32.1% of units in the service area and 38% to 41% of units in the county and MSA. Two-bedroom units are the next most common, comprising about 32% to 35% of renter-occupied units across the three areas. Three-bedroom units are significantly less common

among renter-occupied units than homeowner units, making up 25.8% of units in the service area and about 18% to 20% of renter-occupied units in the county and MSA. Units with four or more bedrooms make up 10.6% of rented units in the service area and about 6% to 7% of rented units in the county and MSA.

**TABLE 9. HOUSING UNITS BY SIZE AND TENURE**

Number of Bedrooms	HCHCD SERVICE AREA		HARRIS COUNTY		HOUSTON-THE WOODLANDS-SUGAR LAND, TX MSA	
	#	%	#	%	#	%
<b>OWNER-OCCUPIED HOUSING UNITS</b>						
Zero or One	5,766	1.2%	19,423	2.1%	30,886	2.0%
Two	24,507	5.1%	91,056	9.8%	141,255	9.2%
Three	214,182	44.9%	441,898	47.8%	705,788	45.8%
Four +	232,196	48.7%	372,326	40.3%	664,302	43.1%
<b>TOTAL</b>	<b>476,651</b>	<b>100%</b>	<b>924,703</b>	<b>100%</b>	<b>1,542,231</b>	<b>100%</b>
<b>RENTER-OCCUPIED HOUSING UNITS</b>						
Zero or One	75,409	32.1%	316,011	41.1%	376,917	38.4%
Two	73,954	31.5%	266,772	34.7%	336,607	34.3%
Three	60,464	25.8%	140,610	18.3%	198,908	20.3%
Four +	24,881	10.6%	44,800	5.8%	69,740	7.1%
<b>TOTAL</b>	<b>234,708</b>	<b>100%</b>	<b>1,692,896</b>	<b>100%</b>	<b>2,524,403</b>	<b>100%</b>

**Data Sources:** 2018-2022 5-Year American Community Survey, Table B25042.

**NOTE:** Total is the total number of occupied housing units in each geography. Unoccupied units are not included in this table because tenure data is not available for these units.

The low shares of owner-occupied units with zero to two bedrooms across the three areas points to challenges for homebuyers seeking smaller housing units that may provide increased levels of affordability and have lower maintenance costs. Renter households with large families, on the contrary, may experience challenges securing housing with more than three bedrooms.

## Age of Housing

An assessment of the region's housing conditions can provide a basis for developing policies and programs to maintain and preserve the quality of the housing stock. The age of housing can have a substantial impact on housing conditions and costs. As housing ages, maintenance costs rise, which can present significant affordability issues for low- and moderate-income homeowners. Aging rental stock can lead to rental rate increases to address physical issues or deteriorating conditions if building owners defer or ignore maintenance needs. Deteriorating housing can also depress neighboring property values, discourage reinvestment, and eventually impact the quality of life in a neighborhood. Homes built prior to 1950 have a high likelihood of containing lead-based paint. However, the use of lead-based paint did not end until 1978 and may affect an even larger number of households in Harris County.

Development of new market-rate and subsidized housing units can support housing affordability and reduce displacement of lower-income residents. In contrast, areas with growing populations in which few new housing units are built tend to experience housing shortages and reduced affordability. Subsidized units, such as those built with Low-Income Housing Tax Credits (LIHTC) and other federal and state subsidies, have been found to be particularly protective in reducing displacement.<sup>35</sup>

Data on age of housing points to large shares of units built since 1980 and a decline in construction of new units since 2020 in the service area, county, and the region. Housing in the service area tends to be newer, with 77.5% of units built in 1980 and later, compared to 60.8% in the county, 66.4% in the MSA, and 64.4% in the state of Texas overall. An estimated 44.3% of units in the service area, 32.9% of units in Harris County, and 38.1% in the MSA were built in 2000 or later. Similarly, 19.2% of units in the service area (144,634 units) and 18.1% of units in the MSA (499,849 units) were built in 2010 or later, compared to only about 15% of units in the county (277,707 units). Only about 1% of all units (an estimated 9,500 units in the service area, 15,604 units in the county and 31,213 units in the MSA) were built in 2020 or later as of the 2018-2022 American Community Survey five-year estimates.

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<sup>35</sup> Zuk, M. and Chapple, K. (2016). Housing Production, Filtering and Displacement: Untangling the Relationships. Berkeley Institute of Governmental Studies. Retrieved from: [https://www.urbandisplacement.org/wp-content/uploads/2021/08/udp\\_research\\_brief\\_052316.pdf](https://www.urbandisplacement.org/wp-content/uploads/2021/08/udp_research_brief_052316.pdf)

While newer housing units make up the majority of housing in the service area, county and MSA, an estimated 22.5% of units in the service area, 39.1% of units in the county, and 33.5% of units in the MSA were built in 1979 or earlier. Just 1.5% of units in the service area and 5% to 6% of units in Harris County and the MSA are in structures built in 1949 or earlier, and an estimated 21.0% of units in the service area and about 29% to 34% of units in the county and MSA were built between 1950 and 1979. The older housing stock in the service area, Harris County, and the region may pose both economic and public health challenges, particularly for individuals and families living in older housing units.

**TABLE 10. NUMBER OF UNITS BY YEAR STRUCTURE BUILT**

Year Structure Built	HCHCD SERVICE AREA		HARRIS COUNTY		HOUSTON-THE WOODLANDS-SUGAR LAND, TX MSA	
	#	%	#	%	#	%
2010 to 2022	144,634	19.2%	277,707	15.0%	499,849	18.1%
2000 to 2009	189,125	25.1%	331,828	17.9%	551,100	20.0%
1990 to 1999	113,674	15.1%	226,088	12.2%	370,711	13.4%
1980 to 1989	137,079	18.2%	291,495	15.7%	412,349	14.9%
1970 to 1979	109,774	14.6%	322,285	17.4%	425,970	15.4%
1960 to 1969	32,028	4.2%	172,452	9.3%	216,656	7.8%
1950 1959	16,672	2.2%	128,610	6.9%	156,644	5.7%
1949 or earlier	11,151	1.5%	101,024	5.5%	127,282	4.6%
<b>TOTAL</b>	<b>754,137</b>	<b>100.0%</b>	<b>1,851,489</b>	<b>100.0%</b>	<b>2,760,561</b>	<b>100.0%</b>

**Data Sources:** 2018-2022 5-Year American Community Survey, Table B25034.

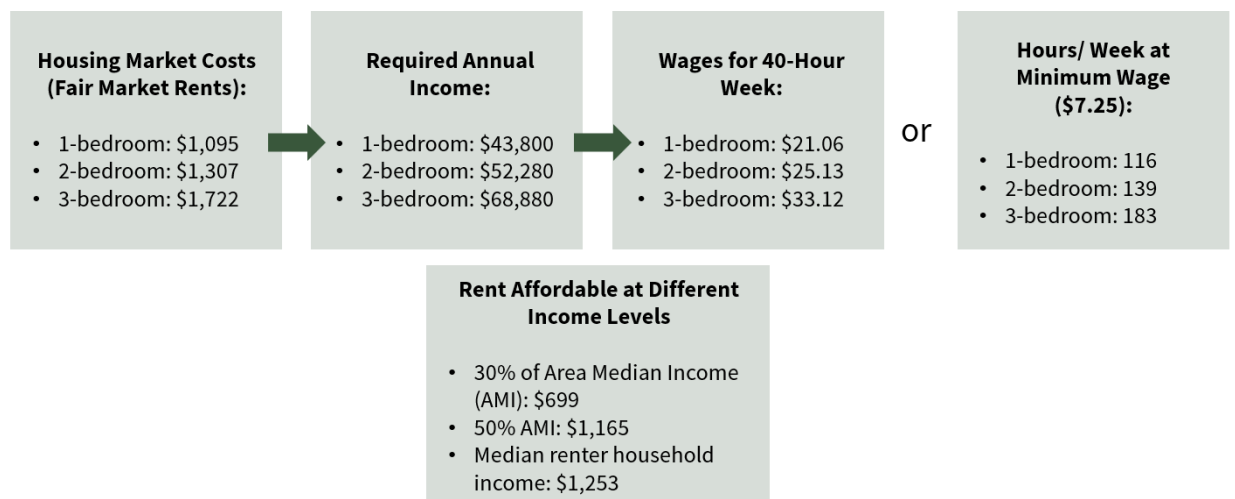
### Other Housing Supply Needs

Residents and stakeholders noted a need for affordable multifamily housing; affordable one- and two-bedroom units; smaller, more affordable homes; affordable housing in good condition; repair of housing units damaged following natural disasters such as Hurricane Harvey and Winter Storm Uri; housing accessible to people with disabilities; independent living housing units for seniors; and larger units for large families.

## Housing Costs and Affordability

Residents and stakeholders who participated in this planning process identified a need for housing that is both affordable and in good condition, particularly for low- and moderate-income households. The National Low Income Housing Coalition’s annual Out of Reach report examines rental housing rates relative to income levels for counties throughout the U.S. The figure below shows annual household income and hourly wages needed to afford Fair Market Rents in Harris County.

**FIGURE 40. REQUIRED INCOME, WAGES, AND HOURS TO AFFORD FAIR MARKET RENTS, HARRIS COUNTY, 2023**



**Source:** National Low Income Housing Coalition Out of Reach 2023 (nlihc.org)

**NOTE:** Required income is the annual income needed to afford Fair Market Rents without spending more than 30% of household income on rent. The minimum wage in Harris County is \$7.25. Median renter household income in Harris County is \$50,111.

To afford a one-bedroom rental unit—the service area’s most common rental type—without being cost burdened, a renter household would need to earn an annual income of \$43,800, which translates to a 40-hour work week at an hourly wage of \$21.06. It would take a 116-hour work week at the minimum wage of \$7.25 to afford the same one-bedroom unit. A two-bedroom unit would require an annual income of \$52,280 (\$25.13 per hour), and a three-bedroom unit would require an annual income of \$68,880 (\$33.1

per hour). The median renter household income is \$50,111, which is lower than the necessary annual income to afford a two-bedroom unit at fair market rent.<sup>36</sup>

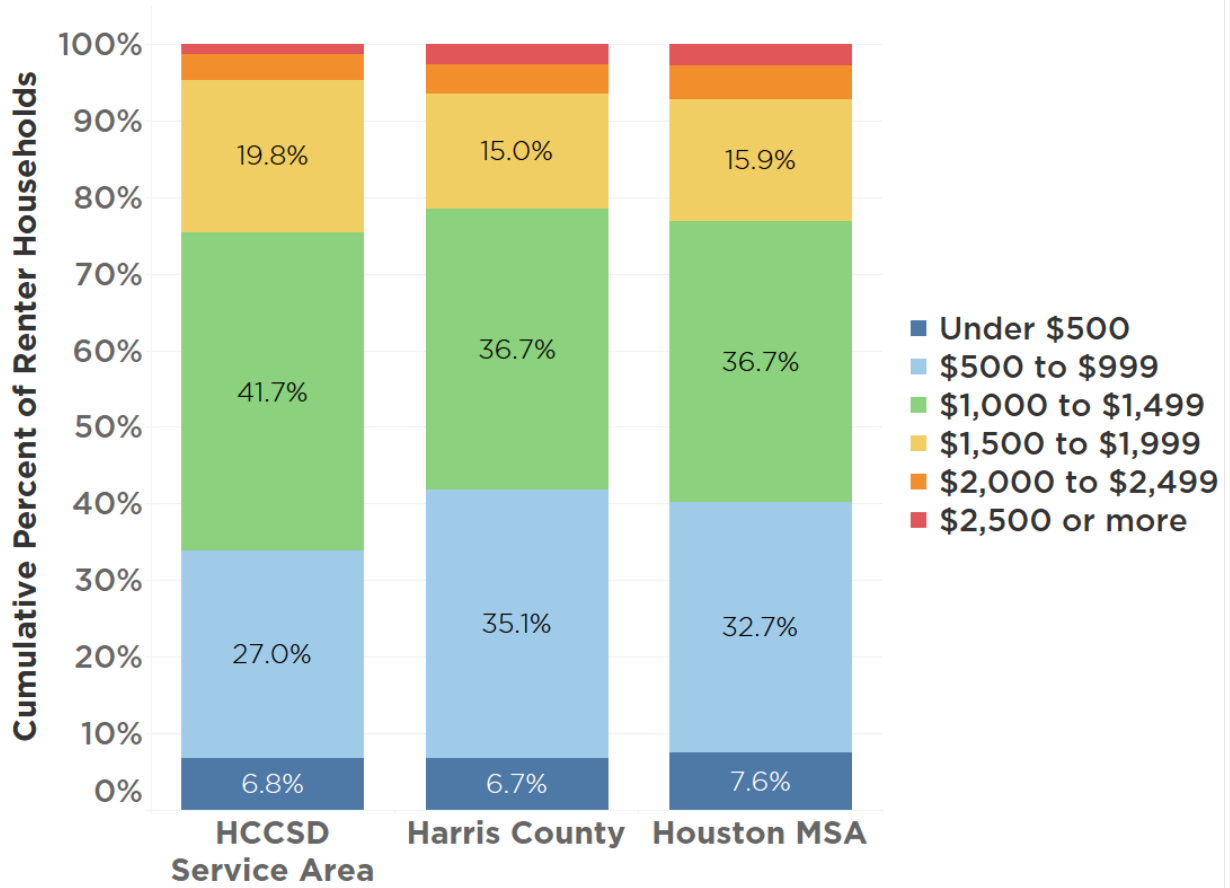
The American Community Survey also provides estimates of monthly renter and homeowner costs. This data indicates that rents and owner costs in the service area, Harris County, and the MSA are similar; yet, home values in the metro area have tended to be higher than those in the county.

As of the 2018-2022 American Community Survey five-year estimates, 33.8% of households in the service area and just over 40% of renter households in the county and MSA spend less than \$1,000 per month on rent, and about 37% to 42% spend \$1,000 to \$1,999 on rent. About 21% to 25% of renter households in the service area, county, and MSA spend \$1,500 or more on rent. More recent data from the Zillow Observed Rental Index (ZORI) shows typical observed market rents in Harris County at \$1,609 as of January 2024, up 22.4% from \$1,315 in January 2019, indicating sharp increases in rental costs in recent years. Typical market rents in the MSA are similar at \$1,644. Renters earning the median renter household income may thus find it difficult to find housing in Harris County at a rate affordable for their income level.

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<sup>36</sup> The median renter wage was derived by the National Low Income Housing Coalition from the Bureau of Labor Statistics' Quarterly Census of Employment and Wages data for the purpose of evaluating local housing affordability.

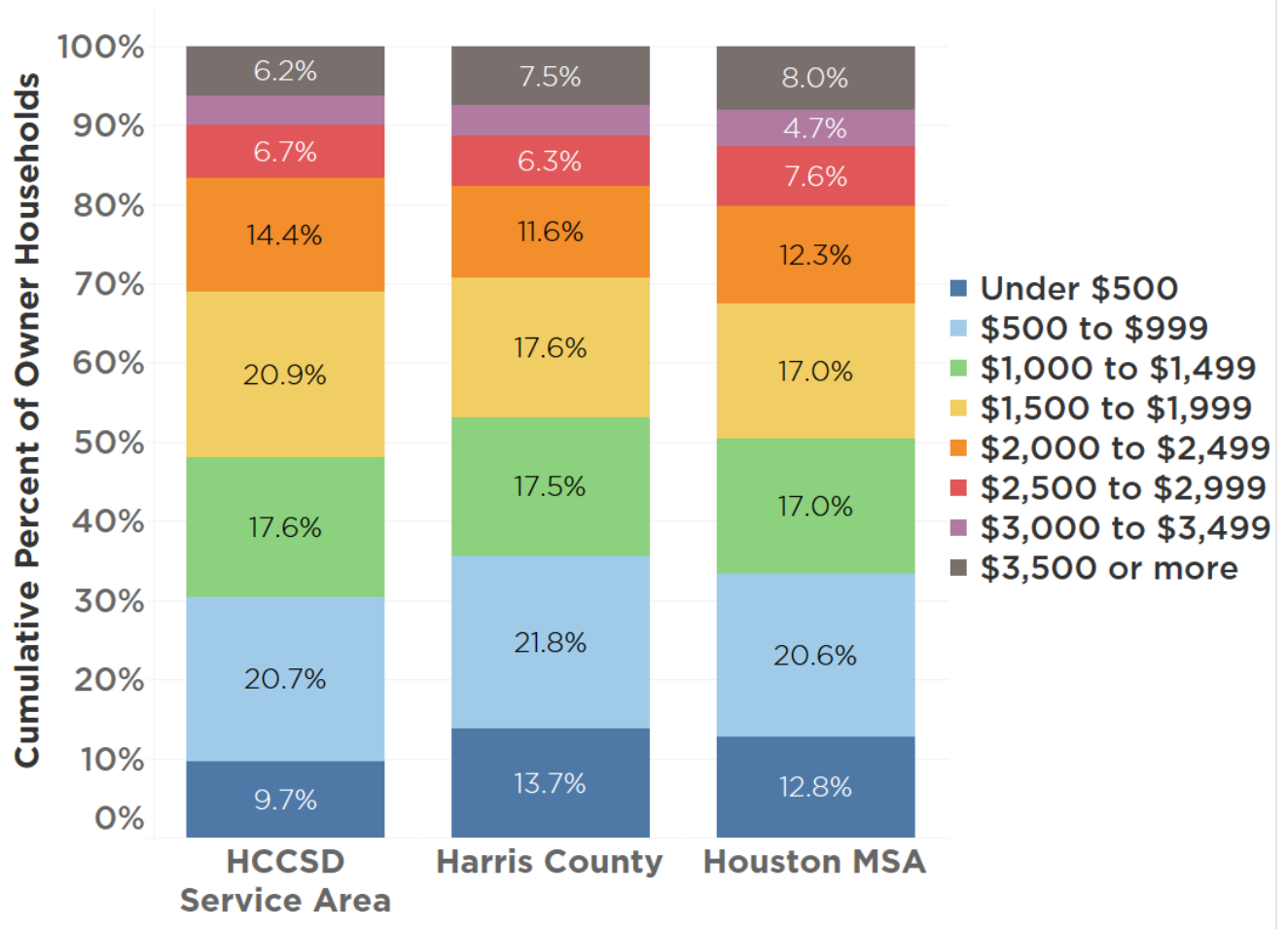
**FIGURE 41. CONTRACT RENT, 2018-2022**



For many households in the area, homeownership is more expensive than renting. As of the American Community Survey five-year estimates for 2018-2022, an estimated 52.0% of homeowners in the service area and about 47% to 50% of county and MSA homeowners spend \$1,500 or more per month on housing—a larger share than the estimated 21% to 25% of renter households spending within this same range. Owner households in the service area, county, and MSA are also significantly more likely to spend \$2,000 or more per month on housing costs than renters (about 29% to 33% of homeowner households, compared to 5% to 7% of renter households). More recent data from Zillow's Home Value Index (ZHVI) estimates the typical home value in Harris County at \$278,541 as of January 2024, a 42.7% increase over the typical home value of \$195,139 in January 2019. While these values indicate greater affordability in county relative to the metro area, where the typical home value was \$300,955 as of January 2024, they indicate steep increases in home prices in recent years and barriers to homeownership for lower-income residents. As home values and interest rates have increased, renting is generally more accessible to low-to-moderate income families than homeownership in Harris County.



**FIGURE 42. MONTHLY OWNER COSTS, 2018-2022**



Residents and stakeholders noted a need for housing affordable to households with incomes of 30% to 50% AMI and below, and for housing affordable to households with incomes of 80% AMI and below, including multifamily housing units, which may be more affordable due to smaller size and reduced land costs.

## HOUSING NEEDS

Housing cost and condition are key components to housing choice. Housing barriers may exist in an area when some protected class groups have greater difficulty accessing housing in good condition and that they can afford. To assess affordability and other types of housing needs, HUD defines four housing problems:

1. A household is **cost burdened** if monthly housing costs (including mortgage payments, property taxes, insurance, and utilities for owners and rent and utilities for renters) exceed 30% of monthly income.
2. A household is **overcrowded** if there is more than one person per room, not including kitchen or bathrooms.
3. A housing unit **lacks complete kitchen facilities** if it lacks one or more of the following: cooking facilities, a refrigerator, or a sink with piped water.
4. A housing unit **lacks complete plumbing facilities** if it lacks one or more of the following: hot and cold piped water, a flush toilet, or a bathtub or shower.

HUD also defines four severe housing problems, including a severe cost burden (more than 50% of monthly housing income is spent on housing costs), severe overcrowding (more than 1.5 people per room, not including kitchens or bathrooms), lack of complete kitchen facilities (as described above), and lack of complete plumbing facilities (also as described above).

To assess housing need, HUD receives a special tabulation of data from the U. S. Census Bureau's American Community Survey that is largely not available through standard Census products. This data, known as Comprehensive Housing Affordability Strategy (CHAS) data, counts the number of households that fit a certain combination of HUD-specified criteria, such as housing needs by race and ethnicity. The following discussion uses CHAS data to estimate housing needs in Harris County. The most recent available data is the 2016-2020 CHAS estimates, which were released by HUD in September 2023.

## **Housing Needs by Race, Ethnicity, and Family Type**

Harris County contains a considerable number of households with one or more HUD-defined housing problems. As shown in Table 11, almost one-third (31.5%) of all households in the Service Area have at least one housing problem. Looking at needs by tenure, 23.2% of owners and 50.0% of renters have at least one housing problem. Cost burdens are the most common type of housing problem, with 19.7% of owner households and 41.2% of renter households experiencing cost burden or severe cost burden. Overcrowding is the second most common type of housing problem, impacting 3.0% of owners and 7.8% of renters. Just 0.5% of owners and 1.0% of renters reported incomplete

kitchen or plumbing facilities. Notably, this table counts households within the most severe need category that they experience (e.g. a household that lacks complete kitchen or plumbing facilities and is cost burdened is reported under the “incomplete kitchen or plumbing facilities” category as that is considered by HUD to be most severe).

**TABLE 11. HOUSEHOLDS WITH HOUSING PROBLEMS BY TYPE IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2016-2020**

Housing Problem	Housing Status			
	Owners		Renters	
	#	%	#	%
Cost Burden	91,170	19.7%	85,021	41.2%
Severe Cost Burden	36,865	8.0%	39,475	19.1%
Overcrowding	13,823	3.0%	16,181	7.8%
Severe Overcrowding	2,947	0.6%	4,620	2.2%
Incomplete Kitchen or Plumbing Facilities	2,127	0.5%	2,065	1.0%
<b>Total Households w/ Problems</b>	<b>107,120</b>	<b>23.2%</b>	<b>103,267</b>	<b>50.0%</b>
<b>Total Households</b>	<b>462,150</b>	<b>100%</b>	<b>206,560</b>	<b>100%</b>

**Source:** 2016-2020 CHAS, Table 3

**Note:** Numbers of cost burdened households include households with severe cost burden, and numbers of households with overcrowding include households with severe overcrowding.

Among households in the service area in which at least one resident has a disability, 37.4% have at least one housing problem, a higher rate than the 31.5% of all households in the service area that experience housing problems. Table 12 shares housing needs by disability type and shows that individuals with cognitive disabilities experience housing problems at the highest rates (40.8%), followed by individuals with independent living or self-care difficulties (39.3%).

**TABLE 12. HOUSEHOLDS WITH HOUSING PROBLEMS BY DISABILITY STATUS IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2016-2020**

Disability Type	Housing Problem Status					
	With Housing Problems		Without Housing Problems		Total	
	Number	Share	Number	Share	Number	Share
Hearing/Vision	22,311	33.7%	43,909	66.3%	66,220	100%
Ambulatory	27,297	36.8%	46,938	63.2%	74,235	100%
Cognitive	23,133	40.8%	33,607	59.2%	56,740	100%
Self-Care/Independent Living	23,149	39.3%	35,826	60.7%	58,975	100%
<b>Total</b>	<b>95,890</b>	<b>37.4%</b>	<b>160,290</b>	<b>62.6%</b>	<b>256,170</b>	<b>100%</b>

**Source:** 2016-2020 CHAS, Table 6.

Cost burden varies by family type in Harris County. Table 13 depicts rates of cost burden by family type by category using the following definitions:

- Elderly family: 2 persons, with one or both age 62 or over
- Small family: 2 persons if neither person is 62 years or over, or 3 or 4 persons
- Large family: 5 or more persons
- Elderly non-family: non-family in which one or more individuals are 62 years or older
- Other: non-family in which no individuals are 62 years or older

Looking at households by type, small family households comprise the largest categories of homeowners and renters. Among both homeowners and renters, elderly non-family and other household types are most likely to experience housing cost burdens. About 28% to 34% of households in these categories experience cost burdens among owners, while 62% to 65% of renter households do. Elderly non-family households were the most likely type to be severely cost burdened among both owner and renter households. These

figures emphasize the severe need for affordable housing among senior residents in the service area. Notably, all household types in the renter category have cost burden rates greater than 40%, indicating high levels of cost burden among renter households regardless of family type.

**TABLE 13. HOUSEHOLDS WITH COST BURDENS BY FAMILY TYPE IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2016-2020**

Family Type	Housing Problem Status					
	Cost Burdened		Severely Cost Burdened		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
<b>Owners</b>						
Elderly Family	11,703	17.9%	4,392	6.7%	65,205	100%
Small Family	43,348	17.8%	16,737	6.9%	243,587	100%
Large Family	14,609	19.9%	5,140	7.0%	73,580	100%
Elderly Non-Family	11,643	33.5%	6,043	17.4%	34,765	100%
Other	12,691	28.2%	5,961	13.2%	45,049	100%
<b>Renters</b>						
Elderly Family	3,537	42.7%	1,691	20.4%	8,280	100%
Small Family	43,634	44.4%	20,172	20.5%	98,371	100%
Large Family	12,261	45.4%	5,425	20.1%	27,017	100%
Elderly Non-Family	8,785	62.7%	5,082	36.3%	14,010	100%
Other	25,879	64.6%	11,323	28.3%	40,044	100%
<b>All Households</b>						
Elderly Family	15,240	20.7%	6,083	8.3%	73,485	100%
Small Family	86,982	25.4%	36,909	10.8%	341,958	100%
Large Family	26,870	26.7%	10,565	10.5%	100,597	100%
Elderly Non-Family	20,428	41.9%	11,125	22.8%	48,775	100%
Other	38,570	45.3%	17,284	20.3%	85,093	100%

Source: 2016-2020 CHAS, Table 7.

**Note:** Numbers of cost burdened households include households with severe cost burden, and numbers of households with overcrowding include households with severe overcrowding.

Cost burdens and other housing needs also vary by race and ethnicity in Harris County. Black or African American, Native American, and Hispanic households have the highest rates of cost burdens of all racial and ethnic groups (37.7%, 35.2%, and 32.2%, respectively; see Table 14). White and Asian/Pacific Islander households are less likely to experience cost burdens (21.0% and 24.3% are cost burdened, respectively). Black or African American and Hispanic or Latino renters are most likely to experience cost burdens, with about 48% to 49% of households spending more than 30% of income on housing. Black or African American households and Hispanic or Latino households experience severe cost burdens at the highest rates (16.5% and 13.9%, respectively). White homeowners experience cost burdens at the lowest rates of all racial and ethnic groups (16.2%).

**TABLE 14. HOUSEHOLDS WITH COST BURDENS BY RACE/ETHNICITY IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2016-2020**

Race/Ethnicity	Housing Problem Status					
	Cost Burdened		Severely Cost Burdened		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
<b>Owners</b>						
Hispanic or Latino	34,587	23.8%	13,493	9.3%	145,040	100%
White	34,115	16.2%	13,805	6.6%	210,310	100%
Black or African American	15,355	25.8%	6,505	10.9%	59,545	100%
Asian or Pacific Islander	7,524	20.1%	3,518	9.4%	37,501	100%
Native American	371	34.3%	100	9.2%	1,082	100%
<b>Renters</b>						
Hispanic or Latino	36,283	48.1%	17,137	22.7%	75,385	100%
White	22,152	38.3%	10,305	17.8%	57,845	100%
Black or African American	29,806	49.4%	13,275	22.0%	60,331	100%
Asian or Pacific Islander	3,688	43.0%	1,991	23.2%	8,580	100%
Native American	80	39.8%	60	29.9%	201	100%
<b>All Households</b>						

Race/Ethnicity	Housing Problem Status					
	Cost Burdened		Severely Cost Burdened		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Hispanic or Latino	70,870	32.2%	30,630	13.9%	220,425	100%
White	56,267	21.0%	24,110	9.0%	268,155	100%
Black or African American	45,161	37.7%	19,780	16.5%	119,876	100%
Asian or Pacific Islander	11,212	24.3%	5,509	12.0%	46,081	100%
Native American	451	35.2%	160	12.5%	1,283	100%

**Source:** 2016-2020 CHAS, Table 9.

**Note:** Numbers of cost burdened households include households with severe cost burden, and numbers of households with overcrowding include households with severe overcrowding.

Looking at housing problems by race and ethnicity in Harris County, Hispanic or Latino, Black or African American, and Asian or Pacific Islander renters experience housing problems at the highest rates (about 52% to 54%). Severe housing problems are most common among Asian or Pacific Islander and Hispanic or Latino renter households (35.3% and 33.3% experience a severe housing problem, respectively). White homeowners in Harris County experience housing problems at the lowest rate of all racial and ethnic groups (17.0%), followed by Asian or Pacific Islander homeowners (24.0%).

**TABLE 15. HOUSING PROBLEMS FOR RENTERS AND OWNERS BY RACE AND ETHNICITY, 2016-2020**

Housing Type & Problems	Race/Ethnicity									
	Hispanic or Latino		White		Black or African American		Asian or Pacific Islander		Native American	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
<b>Renters</b>										
Housing Problem(s)	40,990	54.4%	23,316	40.3%	32,001	53.0%	4,499	52.3%	80	39.8%
Severe Housing Problem(s)	25,123	33.3%	12,029	20.8%	16,215	26.9%	3,041	35.3%	55	27.4%
No Housing Problems	34,391	45.6%	34,537	59.7%	28,331	47.0%	4,107	47.7%	121	60.2%
<b>Total Renters</b>	<b>75,381</b>	<b>100%</b>	<b>57,853</b>	<b>100%</b>	<b>60,332</b>	<b>100.0%</b>	<b>8,606</b>	<b>100%</b>	<b>201</b>	<b>100%</b>
<b>Owners</b>										
Housing Problem(s)	43,499	30.0%	35,830	17.0%	16,256	27.3%	9,007	24.0%	371	34.6%
Severe Housing Problem(s)	23,455	16.2%	15,672	7.5%	7,521	12.6%	5,119	13.7%	110	10.3%
No Housing Problems	101,598	70.0%	174,487	83.0%	43,285	72.7%	28,485	76.0%	701	65.4%
<b>Total Owners</b>	<b>145,097</b>	<b>100%</b>	<b>210,317</b>	<b>100%</b>	<b>59,541</b>	<b>100%</b>	<b>37,492</b>	<b>100%</b>	<b>1,072</b>	<b>100%</b>

**Source:** 2016-2020 CHAS, Table 1 & 2

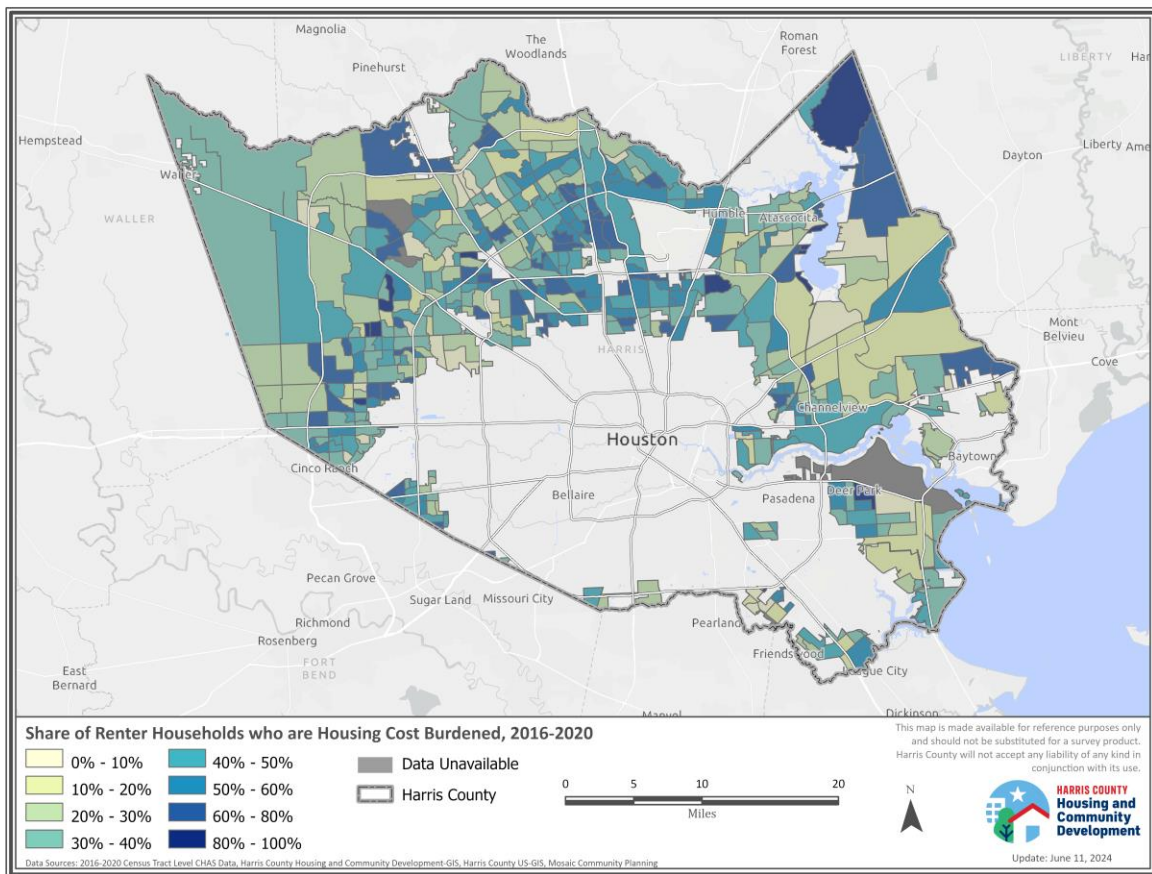
**Note:** Numbers of households with housing problems include households with severe housing problems.



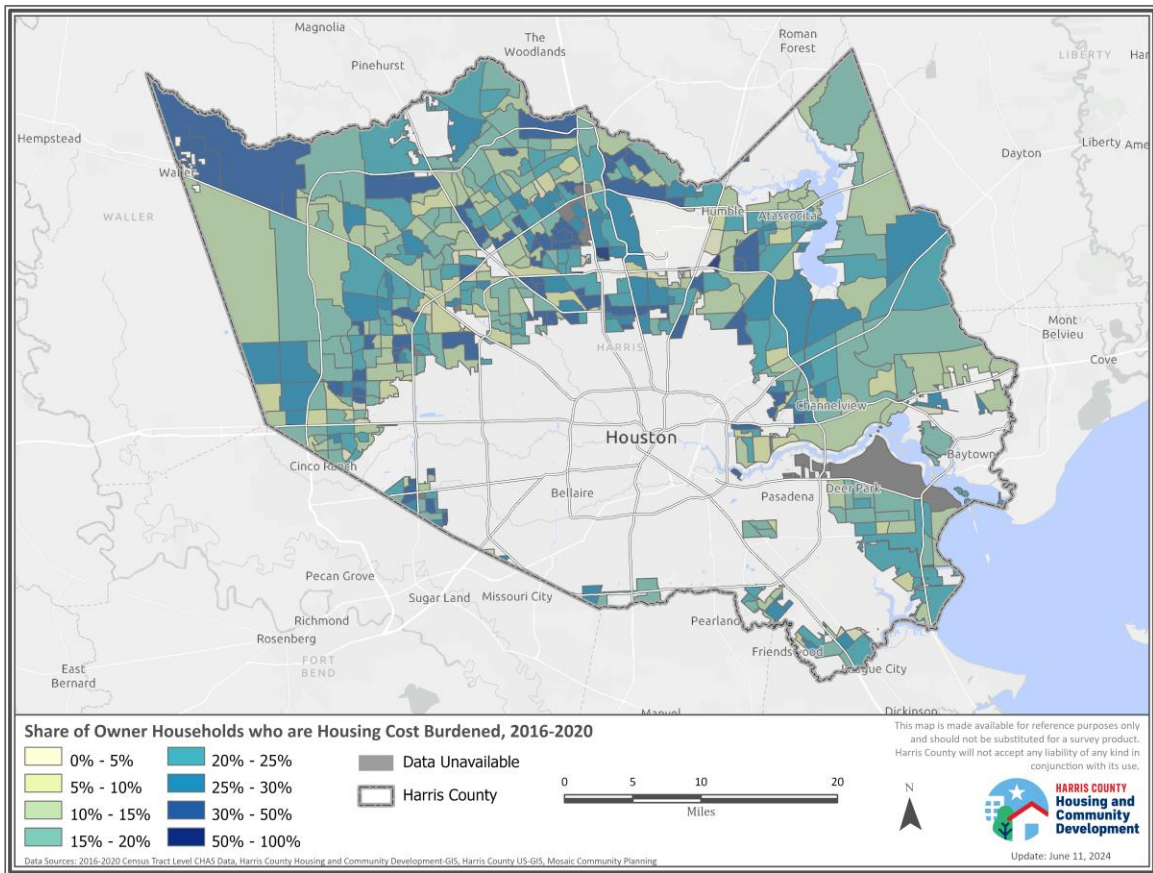
## Housing Needs by Geography

Cost burdens and severe overcrowding vary by geography in the Harris County Housing and Community Development service area (see Figures 43-48). Census tracts with high levels of renter and owner cost burdens are clustered north and northwest of the city of Houston. In 12 census tracts, the share of renter households that are cost burdened is 80% or more (see Figure 43). The share of owner households that are cost burdened tops 40% in 11 census tracts (see Figure 44). Census tracts with high levels of renter and owner cost burdens overlap heavily with the service area’s Low and Moderate-Income (LMI) target areas (see Figure 45 and 46).

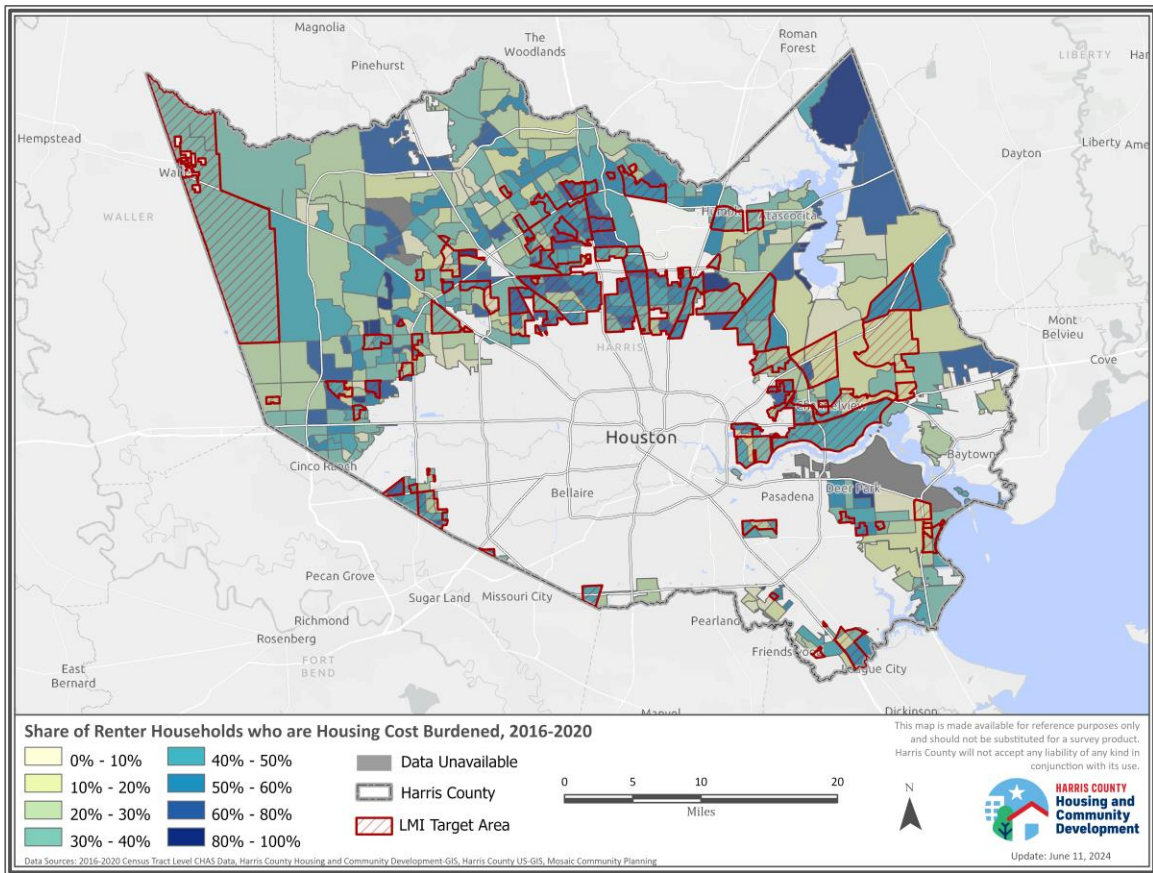
**FIGURE 43. RENTER COST BURDENS IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA**



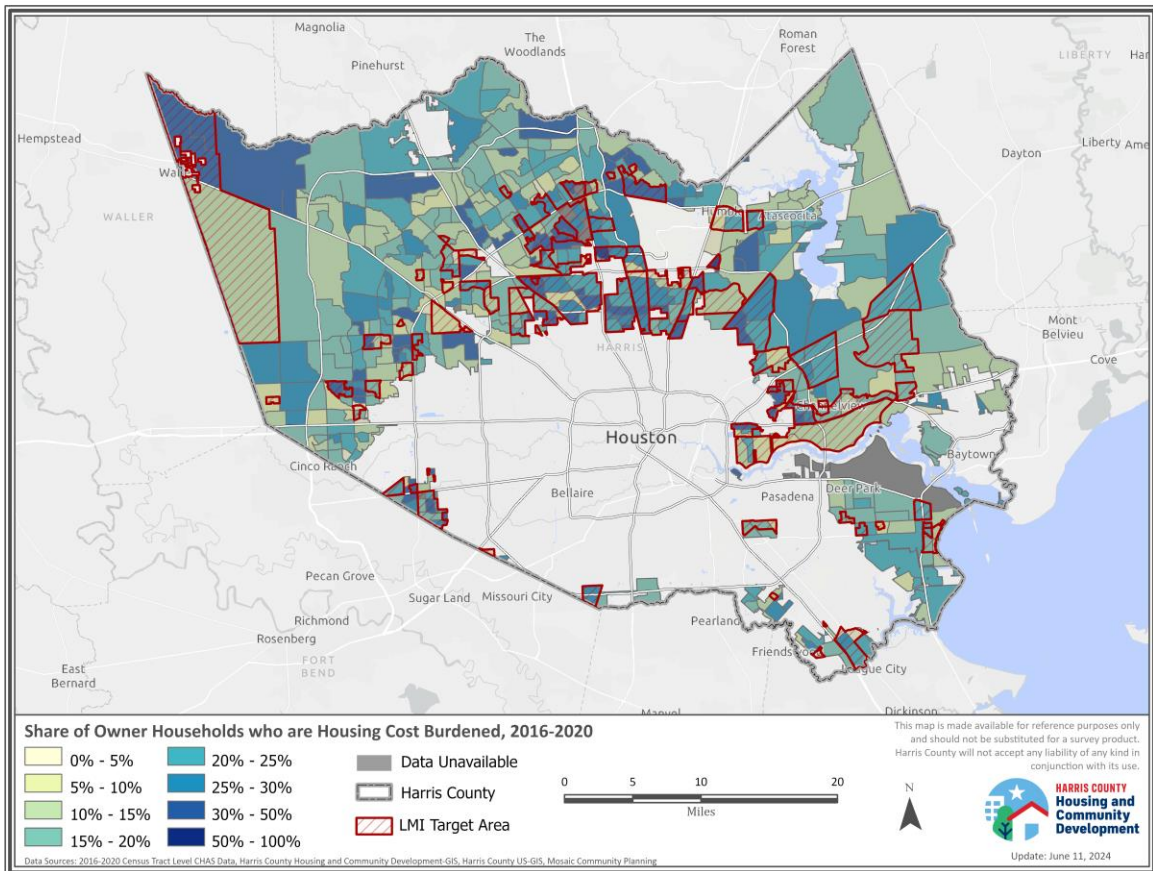
**FIGURE 44. OWNER COST BURDENS IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA**



**FIGURE 45. RENTER COST BURDEN AND LMI TARGET AREAS IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA**

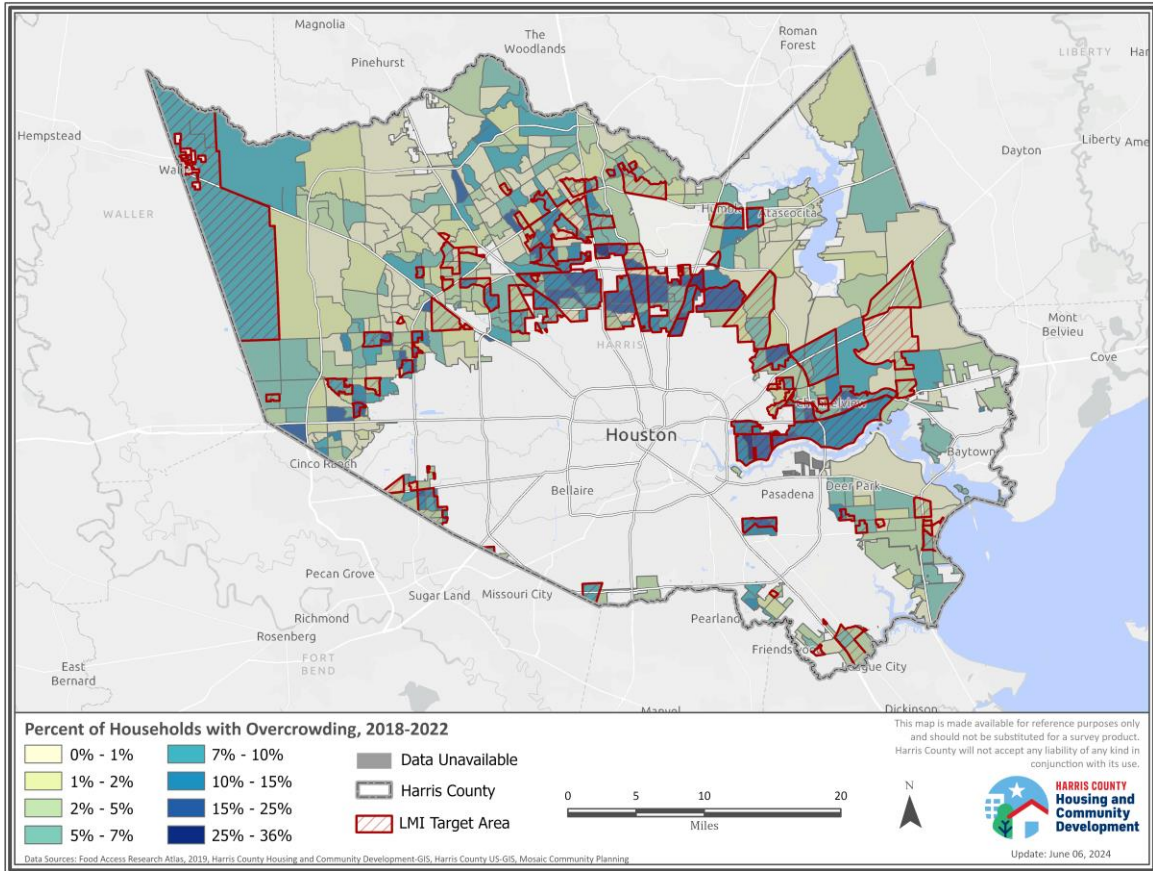


**FIGURE 46. OWNER COST BURDEN AND LMI TARGET AREAS IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA**

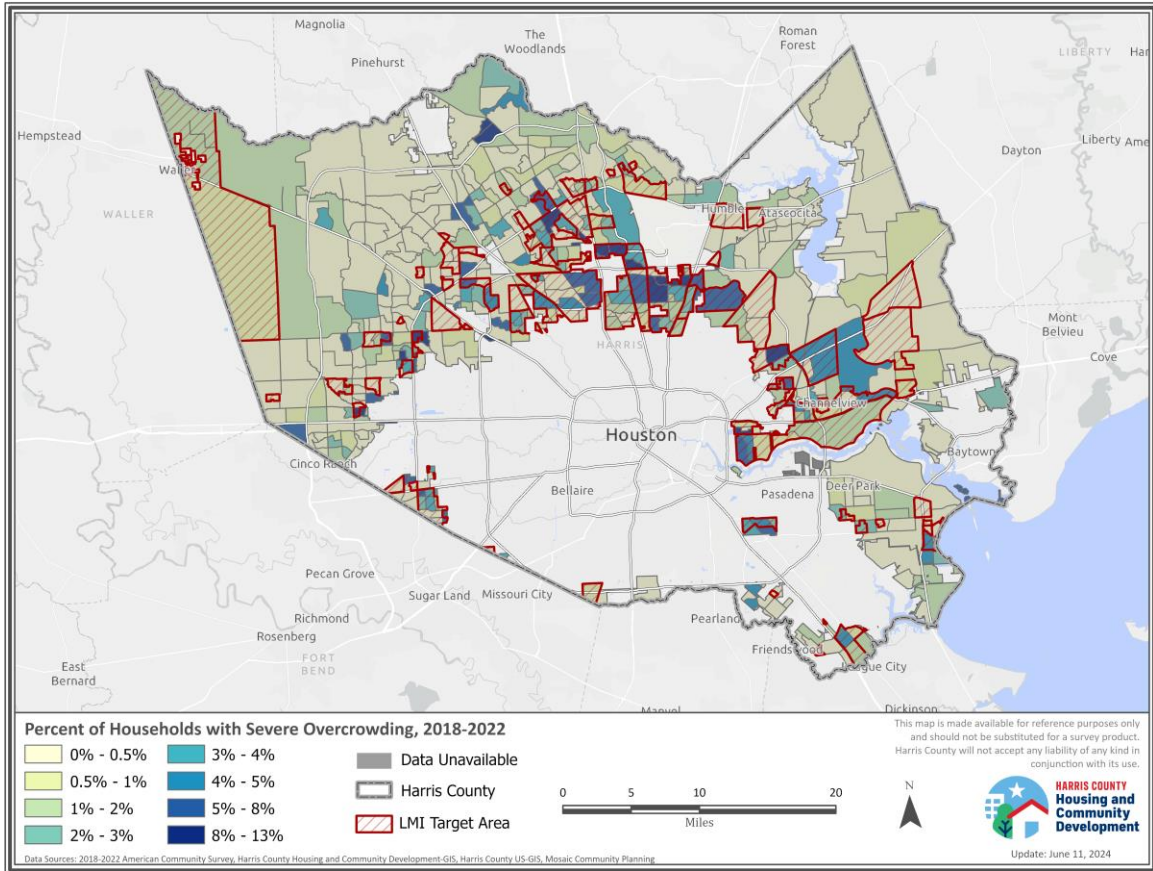


Overcrowding and severe overcrowding are also clustered north and northwest of the city of Houston but are less prevalent than cost burden throughout the service area. In most of the service area’s census tracts, overcrowding occurs in fewer than 5% of households, and severe overcrowding occurs in fewer than 1% of households. Yet, in 16 census tracts, about 8% to 13% of households are severely overcrowded. Fourteen of the 16 census tracts with high levels of severe overcrowding (8% to 13%) are within or intersect the service area’s LMI target areas, including census tracts in Adline, Kings Lake Forest, and Jacinto City (see Figure 48). Fourteen of the 16 census tracts with high levels of severe overcrowding are within or intersect areas with high levels of renter or owner cost burden (in which 30% or more owner households are cost burdened and/or 60% or more renter households are cost burdened), indicating high levels of geographic overlap between areas of high cost burden and areas with high rates of severe overcrowding.

**FIGURE 47. OVERCROWDING (MORE THAN 1 PERSON PER ROOM) AND LMI TARGET AREAS IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA**



**FIGURE 48. SEVERE OVERCROWDING (MORE THAN 1.5 PEOPLE PER ROOM) AND LMI TARGET AREAS IN HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA**



## Evictions

There were 81,513 eviction cases filed in Harris County in 2023, continuing a trend of increases in evictions following the end of pandemic-related policies and assistance.<sup>37</sup> In 2022, Harris County had the third-highest eviction filing rate, relative to pre-pandemic averages, of cities with available data (79,629 cases filed, or 127% of the county's pre-pandemic average).<sup>38</sup> The continued increase in evictions from 2022 to 2023 indicates a need for policies and programs to address the surge of evictions in the county related to

<sup>37</sup> January Advisors. 2023. A scary new era for evictions in Harris County. Retrieved from: <https://www.januaryadvisors.com/a-scary-new-era-for-evictions-in-harris-county/>

<sup>38</sup> January Advisors. 2023. A scary new era for evictions in Harris County. Retrieved from: <https://www.januaryadvisors.com/a-scary-new-era-for-evictions-in-harris-county/>

the COVID-19 pandemic and rising housing costs. Areas with the most evictions are clustered west and north of Houston and include Eldridge/ West Oaks (3,264 cases filed), Spring Southwest (2,728 cases filed), and Katy North (2,046 cases filed).<sup>39</sup>

## HOMEOWNERSHIP AND LENDING

Homeownership is vital to a community's economic well-being. It allows the opportunity to build wealth, is generally associated with higher levels of civic engagement,<sup>40</sup> and is correlated with positive cognitive and behavioral outcomes among children.<sup>41</sup>

Federal housing policies and discriminatory mortgage lending practices prior to the Fair Housing Act of 1968, along with continuing impediments to access, have had significant impacts on the homeownership rates of racial and ethnic minorities, particularly Black and Hispanic populations. The gap between the white and Black homeownership rate is the largest among racial and ethnic groups. In 2022, the U.S. Census Bureau reported a 25.4 percentage point gap in homeownership rate between white and Black households, representing a slight widening of the gap since 2002 (24.3 percentage points). Over the same time period, the gap in the homeownership rate between white and Hispanic households narrowed from 24.7 to 21.8 percentage points.<sup>42</sup>

Homeownership trends have changed in recent years because of significant events in the housing market and labor force. The homeownership rate for Millennials (the generation born between 1981 and 1997) is eight percentage points lower than the two previous generations, controlling for age. This discrepancy can be attributed to a multitude of factors ranging from preference for urban areas, cost of education and associated debt,

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<sup>39</sup> January Advisors. Harris County Evictions Dashboard. (2024). Retrieved from: <https://www.januaryadvisors.com/evictions/>

<sup>40</sup> Manturuk K, Lindblad M, Quercia R. "Homeownership and civic engagement in low-income urban neighborhoods: a longitudinal analysis." *Urban Affairs Review*. 2012;48(5):731–60.

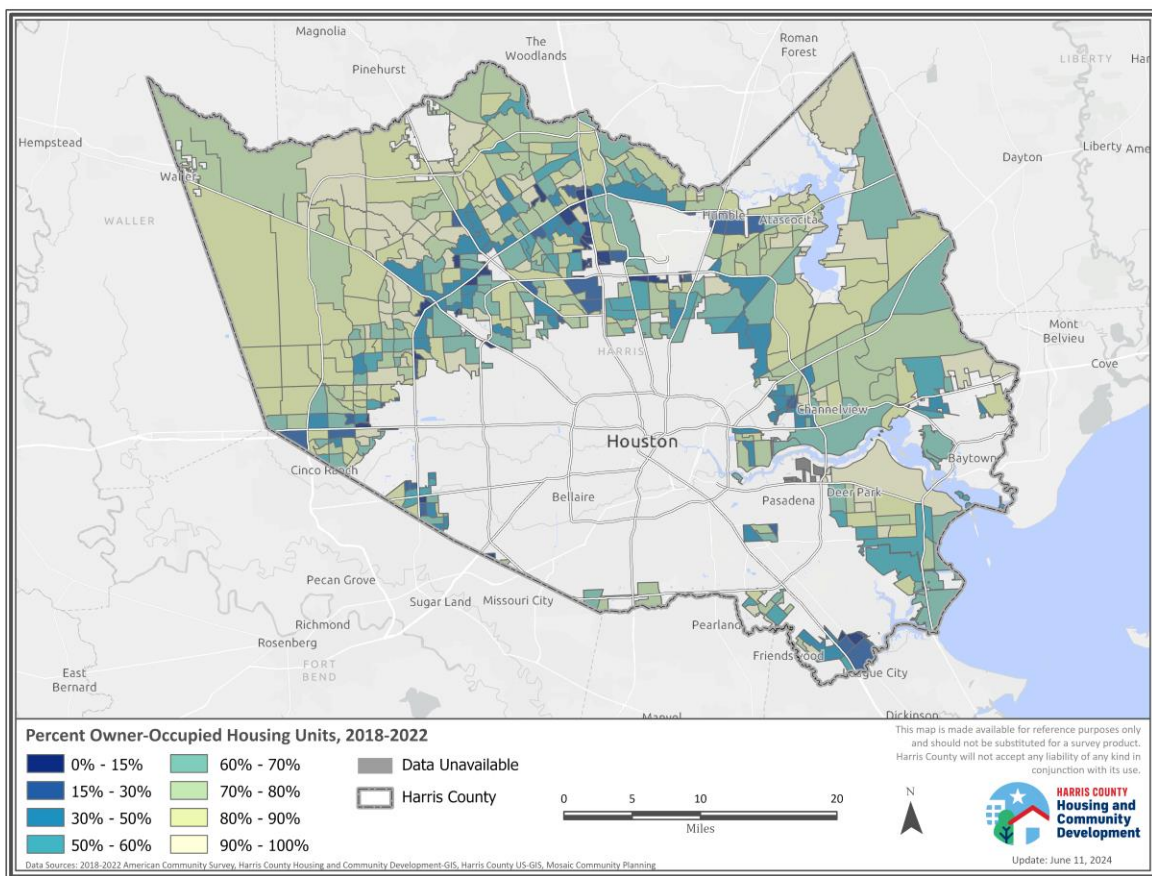
<sup>41</sup> Haurin, Donald R. et al. "The Impact of Homeownership on Child Outcomes." *Low-Income Homeownership Working Paper Series*. Joint Center for Housing Studies of Harvard University. October 2001, <http://www.jchs.harvard.edu/sites/default/files/liho01-14.pdf>.

<sup>42</sup> U.S. Census Bureau. Homeownership Rates by Race and Ethnicity of Householder: 1994 to 2017.

changes in marriage and childbearing patterns, rising housing costs, and the current supply of affordable housing.<sup>43</sup>

The map that follows shows the homeownership rate by census tract in the Harris County Housing and Community Development service area. The homeownership rate is lowest in areas just north and west of the city of Houston, where it falls below 15% in 35 census tracts. Twenty-three (23) of these 35 census tracts are centered in the service area’s LMI target areas, and 32 of the tracts intersect these target areas (see Figure 49).

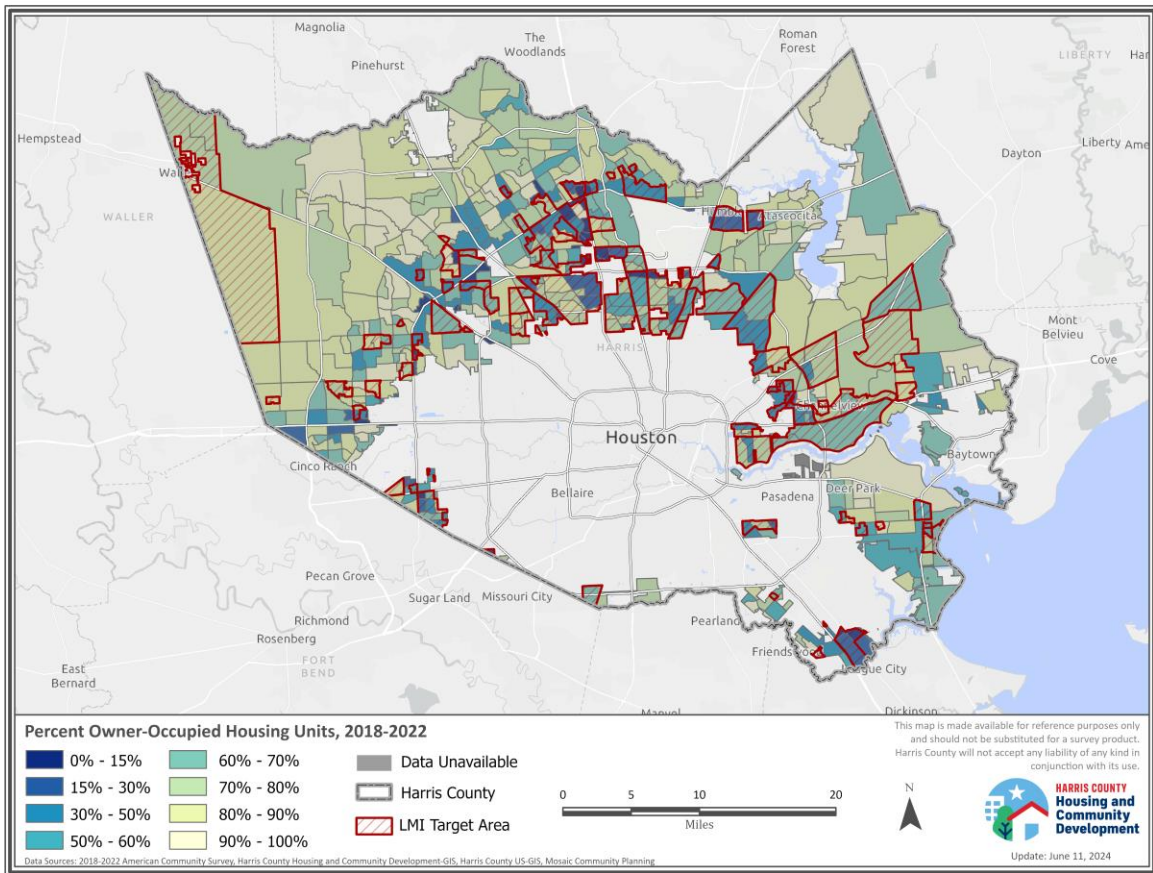
**FIGURE 49. HOMEOWNERSHIP RATE, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**



<sup>43</sup> Choi, Jung et al. "Millennial Homeownership: Why Is It So Low, and How Can We Increase It?" The Urban Institute. July 2018.  
[www.urban.org/sites/default/files/publication/98729/millennial\\_homeownership\\_0.pdf](http://www.urban.org/sites/default/files/publication/98729/millennial_homeownership_0.pdf).



**FIGURE 50. HOMEOWNERSHIP RATE AND LMI TARGET AREAS, HARRIS COUNTY HOUSING AND COMMUNITY DEVELOPMENT SERVICE AREA, 2018-2022**



The table that follows shows numbers of owner and renter households, as well as homeownership rates, by race and ethnicity in the service area, Harris County, and the Houston-The Woodlands-Sugar Land, TX MSA. The homeownership rate in the service area is higher than that of both the county and MSA at 70.6%, compared to just 54.6% in Harris County, and 61.1% in the metro area. Homeownership rates are highest among Asian and white households in all three areas, ranging from about 63% to 83% for Asian households and 64% to 76% for white households. Homeownership rates are lowest among Black households in all three areas, ranging from 36.0% in Harris County to 50.3% in the service area.

**TABLE 16: HOMEOWNERSHIP AND RENTAL RATES BY RACE AND ETHNICITY**

Householder Race / Ethnicity	Harris County Housing and Community Development Service Area			Harris County			Houston-The Woodlands-Sugar Land, TX MSA		
	Owner Occupied	Renter Occupied	Home-ownership Rate	Owner Occupied	Renter Occupied	Home-ownership Rate	Owner Occupied	Renter Occupied	Home-ownership Rate
White	294,323	91,466	76.3%	524,393	297,946	63.7%	929,634	421,580	68.8%
Black or African American	62,078	61,282	50.3%	126,657	225,269	36.0%	198,627	269,190	42.5%
Asian	43,305	9,023	82.8%	73,867	44,218	62.6%	133,480	55,931	70.5%
Pacific Islander	431	203	65.1%	549	469	53.9%	811	706	53.4%
Native American	3,483	1,038	77.0%	6,032	5,141	54.0%	8,453	5,863	59.0%
Other	37,958	20,379	65.1%	75,754	94,290	44.5%	102,694	105,278	49.4%
Hispanic or Latino	163,439	77,836	67.7%	312,143	297,730	51.2%	437,636	351,663	55.4%
<b>Total Households</b>	<b>505,009</b>	<b>210,087</b>	<b>70.6%</b>	<b>924,703</b>	<b>768,193</b>	<b>54.6%</b>	<b>1,542,231</b>	<b>982,172</b>	<b>61.1%</b>

**NOTE:** Data presented are the number of households, not individuals.

**Data Sources:** ACS 2022 5-Year Estimates, S2502

## Mortgage Lending

Prospective homebuyers need access to mortgage credit, and programs that offer homeownership should be available without discrimination. The proceeding data and analysis assesses the degree to which the housing needs of local residents are being met by home loan lenders.

The Home Mortgage Disclosure Act of 1975 (HMDA) requires most mortgage lending institutions to disclose detailed information about their home-lending activities annually. The objectives of the HMDA include ensuring that borrowers and loan applicants are receiving fair treatment in the home loan market.

The national 2022 HMDA data consists of information for 14.3 million home loan applications reported by 4,460 home lenders including banks, savings associations, credit unions, and mortgage companies.<sup>44</sup> HMDA data, which is provided by the Federal Financial Institutions Examination Council (FFIEC), includes the type, purpose, and characteristics of each home mortgage application that lenders receive during the calendar year. It also includes additional data related to those applications including loan pricing information, action taken, property location (by census tract), and information about loan applicants such as sex, race, ethnicity, and income. 986 financial institutions reported HMDA data for Harris County in 2022.

Applicants in Harris County submitted a total of 103,355 home purchase loan application records in 2022. The following analysis looks at 35,937 applications from residents of census tracts in the Housing and Community Development service area in which the mortgage was applied for as a first lien, including conventional, FHA-insured, VA-guaranteed, and FSA / RHS-guaranteed loans for single-family homes. Within each record, some data variables are 100% reported— “Loan Type,” “Loan Amount,” and “Action Taken,” for example—but other data fields are less complete. According to the HMDA data, these records represent applications taken entirely by mail, Internet, or phone in which the applicant may have declined to identify their sex, race and / or ethnicity. Records

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<sup>44</sup> Consumer Financial Protection Bureau. “Press Release: FFIEC Announces Availability of 2022 Data on Mortgage Lending.” June 29, 2023. <https://www.consumerfinance.gov/about-us/newsroom/ffiec-announces-availability-of-2022-data-on-mortgage-lending/>

for applications with missing race and ethnicity data are included in a separate category entitled “No Race or Ethnicity Given.” This data does not include seller-financed loans.

Looking at first-lien applications completed in 2022, just over one third of applications in the service area were completed by Hispanic or Latino applicants (12,072 applications, or 33.6%). White applicants made up just under one-fourth (23.8%) of all completed applications (8,548 applications). Black applicants, applicants for whom no race was given, and Asian or Pacific Islander applicants each submitted about 12% to 15% of applications (5,260, 5,090, and 4,304 applications, respectively). Smaller shares of applications were submitted jointly by applicants of different races, by Native American applicants, and by applicants of two or more minority races (508, 78, and 77 applications, respectively).

The tables that follow shows loan approval rates for completed loan applications by race and ethnicity at various income levels in the Harris County Housing and Community Development service area census tracts.<sup>45</sup> The Median Family Income in the Houston-The Woodlands-Sugar Land, TX HUD Metro FMR Area is \$90,100, according to HUD’s FY 2022 Income Limits. The income tiers below represent low-income applicants earning up to 80% AMI (\$72,080), middle income applicants earning between 80% to 120% AMI (\$72,080 to \$108,120), and high-income applicants earning more than 120% AMI (over \$108,120). In 2022, there were 1,100 applications for which income was not reported. These applications are included in the totals under “all income levels.” Excluded from these figures are applications that were withdrawn or closed due to incompleteness such that no decision was made regarding approval or denial.

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<sup>45</sup> The low-income category includes applicants with a household income at or below 80% of area median family income (MFI). The middle-income range includes applicants with household incomes from 81% to 120% MFI, and the upper income category consists of applicants with a household income above 120% MFI.

**TABLE 17. HOME PURCHASE LOAN DENIAL RATES BY RACE AND ETHNICITY, HCHCD SERVICE AREA, 2022**

Applicant Income	APPLICANT RACE AND ETHNICITY								All Applicants
	NON-LATINO						Latino and Hispanic	No Race or Ethnicity Given	
	White	Black	Asian and Pacific Islander	Native American	Two or More Minority Groups	Joint			
<b>LOW INCOME</b>									
Completed Applications	1,655	1,428	1,008	26	16	43	4,439	1,106	9,721
Denied Applications	203	411	195	9	5	11	789	307	1,930
Denial Rate	12.3%	28.8%	19.3%	34.6%	31.3%	25.6%	17.8%	27.8%	19.9%
<b>MODERATE INCOME</b>									
Completed Applications	2,332	1,766	1,050	23	28	117	3,949	1,259	10,524
Denied Applications	153	310	106	3	3	10	420	185	1,190
Denial Rate	6.6%	17.6%	10.1%	13.0%	10.7%	8.5%	10.6%	15.0%	11.3%
<b>HIGH INCOME</b>									
Completed Applications	4,494	2,013	2,015	29	32	346	3,552	2,111	14,592
Denied Applications	217	282	188	6	3	25	271	228	1,220
Denial Rate	4.8%	14.0%	9.3%	20.7%	9.4%	7.2%	7.6%	10.8%	8.4%
<b>ALL INCOME LEVELS</b>									

Applicant Income	APPLICANT RACE AND ETHNICITY								All Applicants
	NON-LATINO						Latino and Hispanic	No Race or Ethnicity Given	
	White	Black	Asian and Pacific Islander	Native American	Two or More Minority Groups	Joint			
Completed Applications	8,548	5,260	4,304	78	77	508	12,072	5,090	35,937
Denied Applications	580	1,017	503	18	12	46	1,503	784	4,463
Denial Rate	6.8%	19.3%	11.7%	23.1%	15.6%	9.1%	12.5%	15.4%	12.4%

**Data Sources:** FFIEC 2022 Home Mortgage Disclosure Act Data, Accessed via [www.consumerfinance.gov/data-research/hmda](http://www.consumerfinance.gov/data-research/hmda).

**NOTE:** “Completed applications” includes applications that were denied and approved with a loan originated. It does not include applications that were approved but not accepted, applications withdrawn by the applicant, or applications closed for incompleteness.

**TABLE 18. REASONS FOR DENIAL BY RACE AND ETHNICITY, HARRIS COUNTY, 2022**

REASONS FOR DENIAL	APPLICANT RACE AND ETHNICITY								All Applicants
	NON-LATINO						Latino and Hispanic	No Race or Ethnicity Given	
	White	Black	Asian and Pacific Islander	Native American	Two or More	Joint			
1 - Debt-to-Income Ratio	223	478	205	8	6	13	632	316	1,881
2 - Employment History	21	41	16	0	0	2	78	24	182
3 - Credit History	69	146	38	2	3	5	149	71	483
4 – Collateral	69	69	20	2	0	4	132	52	348
5 - Insufficient Cash (down payment, closing costs)	28	54	39	0	0	7	95	43	266
6 - Unverifiable Information	32	64	51	2	2	3	111	57	322
7 - Credit Application Incomplete	93	104	89	4	1	6	168	138	603
8 - Mortgage Insurance Denied	0	0	0	0	0	0	1	1	2
9 – Other	42	57	43	0	0	6	132	76	356
11 – Exempt	3	4	2	0	0	0	5	6	20
<b>TOTAL DENIALS</b>	<b>580</b>	<b>1,017</b>	<b>503</b>	<b>18</b>	<b>12</b>	<b>46</b>	<b>1,503</b>	<b>784</b>	<b>4,463</b>

**Data Sources:** FFIEC 2022 Home Mortgage Disclosure Act Data, Accessed via [www.consumerfinance.gov/data-research/hmda](http://www.consumerfinance.gov/data-research/hmda).

HMDA data indicates that 12.4% of first-lien mortgage applications for single-family homes in the service area were denied in 2022. 19.9% of all applications from low-income earners were denied. Among middle-income earners, 11.3% of applicants were denied a loan, and 8.4% of applications from high-income earners were denied. Looking at these figures by race and ethnicity, Native American and Black applicants and applicants of two or more minority groups were denied mortgages at significantly higher rates (23.1%, 19.3%, and 15.6%, respectively) than the service area's average rate of 12.4%. Hispanic or Latino applicants and Asian or Pacific Islander applicants also experienced slightly higher rates of mortgage denial (12.5% and 11.7%, respectively) than white applicants in the service, 6.8% of whom were denied a loan. Overall, Native American and Black applicants in the service area were about three times as likely to be denied a loan as white applicants. Hispanic or Latino and Asian or Pacific Islander applicants were almost two times as likely to be denied as white applicants.

19.9% of low-income mortgage loan applicants were denied a mortgage loan. Low-income applicants identifying as Native American, of two or more minority groups, or Black experienced the highest rates of mortgage denial (34.6%, 31.3%, and 28.8%, respectively). White applicants were denied a mortgage at the lowest rate of all low-income applicants (12.3%).

Middle-income applicants, earning between 80% to 120% MFI, were denied mortgages at a rate of 11.3%. At this income level, Black and Native American applicants were denied at higher rates (17.6% and 13.0%), while white households were least likely to be denied (6.6%).

At high incomes, 8.4% of applicants experienced a mortgage loan denial. At this income level, Native American and Black applicants experienced denial at the highest rates (20.7% and 14.0%), while white applicants had the lowest rate of denial (4.8%).

Reasons for denial are shown in Table 18. Hispanic and Black households had the largest numbers of denials. The primary reason for mortgage loan denial was debt-to-income ratio. Other frequent reasons for loan denial include incomplete credit application, credit history, collateral, and other reasons.

These findings indicate disparities in access to mortgage loans in the service area, particularly for Black and Native American applicants. Denials based on high debt-to-income ratio and poor credit history indicate that many applicants struggle with long-



term financial instability, which creates additional barriers to accessing a mortgage. Denials based on collateral indicate that the value of a requested loan is high relative to the appraised value of a home, creating loan-to-value ratios that fall above lenders' thresholds. The data suggests that additional resources are needed to stabilize the path to homeownership, including support for homebuyer readiness classes or other pre-application assistance, down payment assistance programs, and wider ranging social supports for households to improve their chances of securing mortgage loans.

## **ZONING, AFFORDABILITY, AND HOUSING CHOICE**

From a regulatory standpoint, local government measures to control land use typically rely upon zoning codes, subdivision codes, and housing and building codes, in conjunction with comprehensive plans. (Municipalities in Texas *may* but are not required to adopt comprehensive plans for the long-range development planning of the municipality; but if the city enacts zoning, it must be in accordance with a comprehensive plan. LOCAL GOV'T CODE § 213.002; 211.004.) Through zoning and comprehensive land use planning communities address a myriad of public policy issues such as housing, transportation, health, recreation, environmental protection, job centers, commercial and retail services, and land values, and address how these connect to ultimately impact the quality of life for residents and the community's potential diversity, growth, and opportunity for all. A total lack of zoning controls and long-range comprehensive planning makes aligning sustainable development with flood, wildfire, and other environmental disaster mitigation more difficult; contributes to sprawl; and leads to incompatible uses abutting each other, creating negative and costly quality of life issues for communities.<sup>46</sup> For example, fair housing advocates interviewed for this Fair Housing Assessment reported that in Harris County, with less restrictive zoning controls industrial and noxious uses are disproportionately sited close to low-income Black and Hispanic communities. Further, without development controls that can grant preferential terms and incentives, the private market is less likely to provide income-restricted housing. So at its

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<sup>46</sup> According to data published by the National Oceanic and Atmospheric Administration's National Centers for Environmental Information, Texas now ranks as the state with the most billion-dollar disasters in terms of both the most frequent severe weather events and the most expensive. Compared to the next closest state on the list, Louisiana, Texas had 77% more billion-dollar weather events from 1980-2023. Lauren Leining, Texas Has the Most Billion-Dollar Weather Events Nationwide, Texas 2036, available at <https://texas2036.org/posts/texas-has-the-most-billion-dollar-disasters-nationwide>.

best, zoning both protects residents' health and safety—by, for instance, separating residential uses from dangerous or incompatible land uses such as flood-prone areas, industrial factories, slaughterhouses, landfills, and adult-oriented businesses—and enriches residents' lives by organizing housing and the built environment around access to public recreation and cultural spaces, transportation options, schools and job centers, and other features that serve the public good. The history of zoning controls shows, however, that at its worst zoning can be a tool for segregation and inequitable distribution of public services and resources. Data about quality of life measures like health and life expectancy, lifetime earnings, and educational attainment is connected to zoning that is unreasonably restrictive and exclusionary.

Zoning decides where housing can be built, the type of housing that is allowed, and the amount and density of housing that can be provided. Zoning also can directly or indirectly affect the cost of developing housing, making it harder or easier to accommodate affordable housing, and thus impacting who can afford to live in a certain zoning district.

Local governments exercise broad discretion in zoning matters from a due process and equal protection standpoint. As long as the notice and hearing provisions of the state's enabling statute are followed, local government discretion will not be overruled. Zoning ordinances have been judged unconstitutional only if clearly arbitrary and capricious with no rational basis connection to the government's legitimate interest in securing the health, safety, or general welfare of the public. However, land use and zoning decisions also must meet fair housing standards under state and federal laws (e.g., the TEXAS FAIR HOUSING ACT, the federal FHA, the AMERICANS WITH DISABILITIES ACT, and the REHABILITATION ACT, among others). As explored more fully in Chapter 9, the FAIR HOUSING AMENDMENTS ACT ("FHA") prohibits discrimination by direct providers of housing, such as landlords, developers, public housing authorities, and real estate companies, based on a person's protected class status (race, color, sex, national origin, religion, familial status, or disability). But the FHA also applies to local governments and their planning officials and zoning authorities (and quasi-government entities such as homeowners' association boards and special purpose districts with land use and taxing authority like Municipal Utility Districts, Tax Increment Reinvestment Zones, Municipal Management Districts, and

the like) whose rules, regulations, decisions, and practices may “otherwise make housing unavailable” for protected class persons. FHA, 42 U.S.C. § 3604(a), (f)(1).<sup>47</sup>

Zoning and fair housing intersect where local land use rules and decisions affect the location, availability, and accessibility of affordable housing for protected classes, whether intentionally or as a consequence of seemingly facially-neutral regulations. See H.R. Rep. No. 100–711, at 24 (1988), reprinted in 1988 U.S.C. C.A.N. 2173, 2185 (showing that Congress’ intent was that the fair housing amendments “would also apply to state or local land use and health and safety laws, regulations, practices or decisions which discriminate against individuals with handicaps”).

As zoning became a more common tool of local governments across the country, exclusionary zoning regulations that favored large lot, single-family detached housing only and blocked multifamily and other affordable housing types were upheld under early judicial review because fair housing laws did not expressly protect against class/socioeconomic-based discrimination. Consequently, exclusionary zoning practices by local zoning authorities and private restrictive covenants continued even after explicitly discriminatory zoning and private deed restrictions were ruled unlawful and unenforceable by the Supreme Court in 1948 in *Shelley v. Kraemer* and by the FHA in 1968 and its amendments in 1988. Exclusionary zoning had its origins in maintaining racial and economic segregation but by the time facially discriminatory zoning regulations and covenants were nullified, the segregative effects had already impacted economic and job opportunities, housing diversity and choice, home equity wealth-building opportunities, educational attainment, and health and life outcomes of generations of families who were victims of public and private exclusion. Although income/socioeconomic status is not a protected class, low-income persons in Texas are disproportionately Black and Hispanic/Latino and/or disabled. Because these groups have been disproportionately more likely to earn lower wages and historically have had less access to private capital and financing, the income/socioeconomic-based discrimination underlying exclusionary

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<sup>47</sup> Joint Statement of the Dept. of Housing and Urban Development and Dept. of Justice, State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, Nov. 10, 2016, available at [www.justice.gov/opa/file/912366/dl](http://www.justice.gov/opa/file/912366/dl) (listing examples of regulations without legally sufficient justifications in FHA disparate impact cases, including minimum floor space or minimum lot size requirements or prohibitions on low-income or multifamily housing where such regulations have the effect of excluding protected classes).

zoning and restrictive covenants in private developments also acts as de facto racial, national origin, and disability discrimination.<sup>48</sup>

A shift is taking place, however, through legal challenges to the class-based or socioeconomic impact of zoning. In a recent landmark disparate impact case under the FHA, the Supreme Court affirmed that part of the FHA's central purpose is to eradicate discriminatory housing practices, including specifically unlawful zoning laws and other housing restrictions that have a disproportionate impact on protected classes. *Texas Dep't of Housing & Community Affairs v. Inclusive Communities Project, Inc.*, 135 S.Ct. 2507, 2521-2522 (2015) (citing multiple published court opinions involving challenges to local zoning and land use decisions and stating: "Suits targeting such practices reside at the heartland of disparate-impact liability.").

Besides intentional discrimination and disparate treatment, discrimination under the FHA also includes: A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling. FHA § 804(f)(3)(b). Reasonable accommodations and accessible housing for persons with disabilities are covered more specifically in Chapters 8 and 9 below.

## **State Law Barriers to Affordable Housing & Inclusive Zoning**

Courts have long recognized the power of state governments to grant land use and zoning control to local jurisdictions, and Title 7, Chapter 211 of the Texas LOCAL GOVERNMENT CODE authorizes incorporated cities in Texas to manage land use through zoning regulations and comprehensive planning. (See LOCAL GOVERNMENT CODE § 211.001 et seq.) Chapter 232 of the CODE allows counties to regulate the subdivision of property (platting) located outside a municipality in unincorporated areas; however, the State has withheld zoning power from the counties and county governments are thus much more limited in their land use authority than home-rule municipalities. Generally Texas counties cannot regulate where certain uses are sited (except certain commercial uses related to alcohol sales, sexually-oriented businesses, wrecking and salvage yards, or keeping of wild

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<sup>48</sup> In Texas, private restrictive covenants are not preempted by zoning and can be enforced by the courts (except provisions that explicitly restrict the sale, rental, or use of the real property on the basis of race, color, religion, or national origin) even though they may be exclusionary for lower-income households or counter to affordable housing production goals. Texas Local Government Code Ch. 212; Property Code § 5.026.

animals) or use standards related to aesthetics, density, lot size minimums, height maximums (except in public airport zones), minimum or maximum building sizes or floor area ratios (except as regulated by the state building code), lot coverage maximums, setbacks (except as related to transportation/street codes), or landscaping.

Cities on the other hand may regulate the height, number of stories, and size of buildings; lot coverage; the size of yards, setbacks, and open space of lots; population density; the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and historic, cultural, or architectural designations. To implement zoning, a Texas city must appoint a zoning commission to make recommendations to the city council on zoning districts and uses and rezoning requests. The city council, after the public hearing process, may approve or deny recommended zoning actions. A local Board of Adjustment (“BOA”) is the body that may decide appeals from administrative decisions made by zoning enforcement officials, and hear and decide applications for special exceptions, variances, and other matters authorized by ordinance.

The grant of home-rule authority to Texas cities is limited, however, by other state code sections—including e.g., the LOCAL GOVERNMENT CODE, HEALTH AND SAFETY CODE, PROPERTY CODE, AND SPECIAL DISTRICT LOCAL LAWS CODE—related to public hearings and procedures; maximum home sales price limits and incentives; permitting; fees; transportation management; regulation of manufactured homes; subdivision of land; supportive housing and residential care homes, among others. Below is a description of Texas state laws identified for their potential to curb local city and county regulatory power to protect fair housing or affirmatively further affordable housing production within their jurisdictions:

**HB 2127** (effective Sept. 1, 2023): The TEXAS REGULATORY CONSISTENCY ACT, known pejoratively as the “Death Star” bill, is a landmark preemption statute that prohibits home rule cities and counties from adopting or enforcing an ordinance in a field already regulated by the state under one of nine specific statutory codes unless explicitly authorized by state statute. HB 2127 is a paradigm shift in how home-rule governance has historically worked in the state. Whereas before this bill, it was understood that if Texas state law was silent on an issue or did not expressly prohibit local regulation on the issue, then municipal and county governments could regulate that issue. But under HB 2127, if it is a field of regulation related to the state AGRICULTURE CODE, BUSINESS & COMMERCE CODE, FINANCE CODE, INSURANCE CODE, LABOR CODE, OCCUPATIONS CODE, NATURAL RESOURCES CODE, and for purposes of this review the LOCAL GOVERNMENT CODE and PROPERTY CODE, a

local government may only adopt an ordinance regulating that issue if given explicit authority by state statute to do so. It is a far-reaching bill that may impact local governments' abilities to regulate and influence various housing priorities, landlord-tenant rights, and fair housing rights. If a local government tries to pass or enforce an ordinance preempted by one of these state Codes without express authority from a state statute, then they may be sued by an individual or trade association.

The original version of HB 2127 did not include preemption in the fields of the PROPERTY CODE or the LOCAL GOVERNMENT CODE, but these were added to the final version of the bill which passed. A separate bill, HB 2035, also had been introduced during the 88th legislative session which sought to roll back pandemic-era tenant protections meant to slow down evictions and displacements. Between 2020-2023, the Texas Eviction Diversion Program and some local ordinances and programs had provided additional funding and tenant protections to help keep low-income renters stably housed during the economic downturn and skyrocketing housing prices exacerbated by the pandemic.<sup>49</sup> When the Texas Eviction Diversion Program expired in July 2023, housing advocates hoped that state and local leaders would see that targeted eviction reduction programs had been successful and worthwhile and make stronger tenant rights and eviction-prevention funding permanent. Instead, HB 2035 would have barred city and county governments from extending the length of eviction notices (to give tenants more time to cure or mediate a settlement before eviction) in favor of requiring adherence to the state's unusually short 3-day notice period (or less if specified in the lease). HB 2035 failed to pass after strong advocacy by housing rights groups. As a work around, the state legislature appears to have secured eviction preemption by way of the field preemption bill when it added in the PROPERTY CODE (which addresses evictions and local fair housing) to the final version of HB 2127. Evictions disproportionately impact low-income and protected classes in Texas, so this issue is relevant from both an affordable housing and fair housing perspective.

In 2023, the City of Houston, joined by the cities of San Antonio and El Paso, sued to block HB 2127. The Travis County district court ruled in favor of the cities and declared HB 2127 is unconstitutionally vague but did not issue an injunction stopping its implementation

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<sup>49</sup> Temporary tenant protections during the COVID-19 pandemic included moratoriums on evictions for non-payment of rent, extended notice periods to give tenants more time to respond and find alternative housing, and a pause on eviction cases while applying for state or federal rental assistance.

pending appeal.<sup>50</sup> Texas immediately appealed, and it could be 2025 or later before the state supreme court rules on the validity of HB 2127. In the meantime, the law is in effect and leaves in question whether local governments can pass or enforce ordinances in the fields of tenant rights—like right to cure ordinances, right to organize, right to mediation and diversion, right to legal representation, etc.—or expanding fair housing protected classes beyond those enumerated in the TEXAS FAIR HOUSING ACT. During floor debate, the bill’s sponsor asserted that HB 2127 would not preempt local fair housing and yet HB 2127 is criticized as being overly broad and could be read to apply to fair housing because this is an area where local governments do not have explicit authorization from the TFHA to broaden fair housing protections beyond the state statute. If HB 2127 is upheld by the state supreme court, it is not clear what the threshold of preemption will be for other regulatory issues not explicitly authorized nor prohibited by current state statutes.

**SB 267** (effective Sept. 1, 2015): This bill added Sec. 250.007 to the LOCAL GOVERNMENT CODE to effectively prohibit cities and counties from adopting local ordinances that would provide prospective tenants with source of income protection (or prohibit discrimination based on source of income), especially for those seeking to use a Housing Choice Voucher or other government subsidy to apply towards rental payments and deposits. Data shows that persons using Housing Choice Vouchers or other unearned income such as veterans’ benefits, child support and/or alimony support, or disability or Social Security Insurance payments are more likely to be denied housing opportunities from private landlords and management companies. This discrimination can show up in a number of ways including a refusal to rent to an otherwise qualified individual based on their source of income; offering different terms or conditions to rent to tenants using a voucher or other lawful source of unearned income; limiting access to facilities, services, repairs, or improvements because of a tenant’s status as a voucher holder; or advertising preferences or limitations based on prospective tenants’ source of income. Source of income is not a protected class under the FHA or TFHA, however, these practices may be pretext for discrimination based on other protected demographics such as race, disability, or familial status. Some local governments, such as Austin, had sought to add source of income protection to their fair housing or antidiscrimination ordinances, and in reaction the state legislature passed SB 267 to prevent municipalities and counties from adopting ordinances that restrict

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<sup>50</sup> *City of Houston v. State of Texas*, Cause No. D-1-GN-23-003474 (D. Travis County) (judgment Aug. 30, 2023). *City of Houston v. State of Texas*, Case No. 03-23-00531-CV (Tex. 3rd Ct. Appeal) available at <https://search.txcourts.gov/Case.aspx?cn=03-23-00531-CV&coa=coa03>.

landlords' rights to refuse to rent to voucher program participants.<sup>51</sup> One exception is that SB 267/LOCAL GOVERNMENT CODE § 250.007 does not prevent a local government from adopting an ordinance to explicitly protect military veterans' lawful source of income such as from the Veterans Affairs Supportive Housing voucher program (VASH). The statute also does not prevent local governments from offering voluntary incentives to housing providers to encourage them to accept subsidized vouchers as rental payment.

**HB 1193** (effective Sept. 1, 2023): As somewhat of a counterweight to SB 267, this bill—codified in TEXAS PROPERTY CODE §202.024—bans property owners associations (POAs/HOAs) from prohibiting a member property owner within the POA from renting a dwelling to a person based on the person's method of payment including explicitly a Housing Choice Voucher, other federal, state or local housing assistance, or nongovernmental rental assistance. Landlords within an HOA/POA are not required to rent to voucher holders but also cannot be prohibited from renting to voucher holders. Similarly, **HB 2071** (effective Sept. 1, 2023), which significantly reformed regulations regarding Public Facility Corporations (LOCAL GOVERNMENT CODE Chap. 303) to correct perceived abuses of property tax incentives related to PFCs, included strengthened tenants' rights requiring PFCs to accept Housing Choice Vouchers and to affirmatively market to voucher holders.

**TEXAS LOCAL GOVERNMENT CODE §§ 214.902; 214.905**: Texas state law limits local governments from enacting mandatory inclusionary zoning that would set a maximum sale price for for-sale housing (with exceptions) and prohibits fixed rent control for rental units (except with the approval of the Governor in the case of a declared emergency). For example, cities cannot require new multifamily developments to set aside a certain portion of units for qualifying low-income households or seniors.

**TEXAS LOCAL GOVERNMENT CODE § 211.006(d)** (1987). A provision known as the "valid petition" or protest petition tool in Texas's zoning enabling statute may be a barrier to exclusionary zoning reform in places where NIMBY attitudes are strong and a supermajority of the local government council lacks the political will to make comprehensive zoning reform. Under this state code section, if 20% of property owners

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<sup>51</sup> A city sued the state attorney general and Texas Workforce Commission seeking to enjoin the statute based on federal preemption, but the 5th Circuit on appeal dismissed the action finding the state defendants had sovereign immunity. *City of Austin v. Paxton*, Civil Action No. 1:17-cv-00843 (W.D. Tx.), Case No:18-50646 (5th Cir., Feb. 11, 2020).



within 200 feet of a proposed rezoning sign a petition protesting the zoning change, the city council can only then approve the rezoning by a three-fourths (75%) majority vote. Critics of this rule say it shows the power of NIMBYism to stop development and the need for more by-right zoning permissions for missing middle and affordable housing.<sup>52</sup> A bill was introduced in the last legislative session (HB 4637 2023) to raise the threshold from 20% to 50% for a protest petition but the bill did not advance out of its first committee.

**TEXAS GOV. CODE § 2306.6710** (2001). The Texas Department of Housing and Community Affairs administers federally funded tax incentives to private developers who develop income-restricted affordable housing units under the Low Income Housing Tax Credit program (LIHTC). Because LIHTC awards are limited and thus competitive, the state uses a point system in deciding which projects to approve. Part of that point system gives the state legislator who represents the district containing the proposed development site, power to add, subtract, or withhold points from the proposal through a written statement in favor of or opposed to the project. Fair housing advocates argue the state law essentially gives one person, a state representative, veto power over LIHTC projects as those “community support” points have ended up as the deciding factor in whether projects get funded. It politicizes a scoring system that should be based on objective criteria. LIHTC projects may be subject to NIMBY attitudes of people who oppose low-income families living in their communities who may then lobby their state representative to withhold support.<sup>53</sup> In 2013, the Texas Sunset Advisory Commission recommended eliminating letters of support from state senators and representatives because the commission believed the letters gave too much power to officials far removed from the process. Similarly, HUD reported in a U.S. Government Accountability Office study its concerns that requiring local letters of support “could have a discriminatory influence on the location of affordable housing.”<sup>54</sup> Section 6710 has been amended multiple times,

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52 In a case decided in 2022, protest petitioners blocked the City of Austin from overhauling its land development code. *City of Austin v. Acuña*, Civil Action No. 14-20-00356-CV, 1 (Tex. App. Mar. 17, 2022) (concluding that a comprehensive revision changes existing zoning ordinances, and thus, the statute's written-notice and protest provisions apply).

53 Erin Mulvaney, Houston Chronicle, City, Advocates Grapple Over Where to Build Affordable Housing, Aug. 13, 2016, available at <https://www.houstonchronicle.com/business/real-estate/article/City-advocates-grapple-over-where-to-build-9139373.php>.

54 GOA Report, GAO-16-360, Low-Income Housing Tax Credits: Some Agency Practices Raise Concerns, May 2016, available at [gao.gov/assets/gao-16-360.pdf](https://gao.gov/assets/gao-16-360.pdf).

including as recently as September 2023, but this provision has remained intact as part of the scoring criteria for LIHTC projects.

## **Local Zoning Ordinance Review**

Although zoning and land use codes play an important role in regulating the health and safety of the structural environment, overly restrictive codes can negatively impact housing affordability and fair housing choice within a jurisdiction. Exclusionary zoning can take different forms but is understood to mean zoning regulations which impose unreasonable residential design regulations that are not congruent with the actual standards necessary to protect the health and safety of residents and prevent overcrowding. Exclusionary zoning plays a significant role in artificially limiting the production of housing, especially “missing middle” and affordable housing, and contributing to homelessness. Missing middle housing refers to housing like duplexes, fourplexes, townhomes, and small apartment buildings that falls between large-lot single family detached homes and mid/high rise multifamily *or* housing for middle income earners who are cost burdened with the current housing stock but don’t qualify for government housing assistance or subsidies. Exclusionary zoning also has been linked to racial and economic exclusion and segregation by raising the barriers to entry into the housing market for people with less means who, in Harris County, are disproportionately Black, Hispanic/Latino, or disabled. Zoning policies that impose barriers to housing choice by making developable land and construction costlier than they are inherently most commonly include:

- Restrictive use provisions that exclude any specific form of housing, particularly medium density “missing middle” attached housing or higher density multi-family housing;
- Site and building requirements that mandate large minimum lot sizes, low-density allowances, large setbacks, wide street frontages, low floor area ratios, large minimum building square footage or large livable floor areas, restrictions on the number of bedrooms per unit, onerous minimum off-street parking requirements; or low maximum building heights that deter affordable housing development by limiting its economic feasibility;
- Arbitrary or antiquated historic preservation standards that limit conversion, reuse, or rehab of properties;

- Restrictions against residential conversions to multi-unit buildings;
- Lengthy and costly permitting processes;
- Excessive development impact or infrastructure fees;
- Restrictive definitions of family that impede unrelated individuals from sharing a dwelling unit;
- Administrative and siting constraints on group homes for persons with disabilities or restrictions making it difficult for residents with disabilities to locate housing in certain neighborhoods or to modify their housing to accommodate a disability;
- Restrictions on occupancy of alternative sources of affordable housing such as accessory dwellings, mobile homes, and mixed-use structures.

Because zoning codes present a crucial area of analysis for a study of impediments to fair housing choice, the latest available code of ordinances—specifically zoning, building, subdivision, and other land use related ordinances—for Harris County and the HCHCD Service Area cities of Deer Park, Humble, Katy, La Porte, Seabrook, and South Houston (cities with populations over 13,000) were reviewed and evaluated against a list of ten common fair housing issues to identify potential barriers to fair housing choice. HUD’s Fair Housing Planning Guide, Chapter 5, helped inform the code review. Taken together, these issues give a picture of:

- i. The degree to which exclusionary zoning provisions may impact affordable housing opportunities within those jurisdictions.
- ii. The degree to which the zoning code may impact housing opportunities and accessibility for persons with disabilities (or other protected classes).

Local zoning’s impact on accessibility for persons with disabilities is more specifically reviewed in Chapter 8.

The respective jurisdictions’ codes were assigned a risk score of either 1, 2, or 3 for each of the ten issues and were then given an aggregate score calculated by averaging the individual scores, with the possible scores defined as follows:

1 = Low Risk:	The provision poses little risk for discrimination or limitation of fair housing choice, or is an affirmative action that intentionally promotes and / or protects affordable housing and fair housing choice.
2 = Medium Risk:	The provision is neither among the most permissive nor most restrictive; while it could complicate fair housing choice, its effect is not likely to be widespread.
3 = High Risk:	The provision causes or has potential to result in systematic and widespread housing discrimination or the limitation of fair housing choice, or is an issue where the jurisdiction could take affirmative action to further affordable housing or fair housing choice but has not.

The following two tables list the ten issues reviewed and Harris County’s and the HCHCD Service Area cities’ respective scores for each issue. Complete reports, including citations to relevant statutes, code sections, and explanatory comments, are included as an appendix to this document.

**TABLE 19. ZONING & ORDINANCE REVIEW MATRIX**

Issue	Risk Score Harris County
1a. Does the jurisdiction’s definition of “family” have the effect of preventing unrelated individuals from sharing the same residence? Is the definition unreasonably restrictive? 1b. Does the definition of “family” discriminate against or treat differently unrelated individuals with disabilities (or members of any other protected class)?	1
2a. Does the code treat housing for individuals with disabilities (e.g. group homes, congregate living homes, supportive services housing, personal care homes, etc.) differently from other single family residential and multifamily residential uses? For example, is such housing only allowed in certain residential districts, must a special or conditional use permit be granted before siting such housing in certain residential districts, etc.? 2b. Does the code unreasonably restrict housing opportunities for individuals with disabilities who require onsite supportive services? Or is housing for individuals with disabilities allowed in the same manner as other housing in residential districts?	1
3. Does the ordinance impose spacing or dispersion requirements on certain protected housing types?	1

Issue	Risk Score Harris County
<p>4a. Do the jurisdiction’s policies, regulations, and/or zoning ordinances provide a process for persons with disabilities to seek reasonable modifications or reasonable accommodations to zoning, land use, or other regulatory requirements?</p> <p>4b. Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for applicants with disabilities? If so, is the public hearing process only required for applicants seeking housing for persons with disabilities or required for all applicants?</p>	2
<p>5. Does the jurisdiction restrict any inherently residential uses protected by fair housing laws (such as residential substance abuse treatment facilities) only to non-residential zones?</p>	1
<p>6. Does the jurisdiction’s zoning and land use rules constitute exclusionary zoning that precludes development of affordable or low-income housing by imposing unreasonable residential design regulations (such as high minimum lot sizes, wide street frontages, large setbacks, low FARs, large minimum building square footage or large livable floor areas, restrictions on number of bedrooms per unit, and/or low maximum building heights)?</p>	1
<p>7a. Does the code fail to provide residential districts where multi-family housing is permitted as of right? Are multifamily dwellings excluded from all single family dwelling districts?</p> <p>7b. Do multi-family districts restrict development only to low-density housing types?</p>	1
<p>8. Are unreasonable restrictions placed on the construction, rental, or occupancy of alternative types of affordable or low-income housing (for example, accessory dwellings or mobile/manufactured homes)?</p>	1
<p>9a. Are the jurisdiction’s design and construction requirements (as contained in the zoning ordinance or building code) congruent with the Fair Housing Amendments Act’s accessibility standards for design and construction?</p> <p>9b. Is there any provision for monitoring compliance?</p>	3
<p>10. Does the ordinance include an inclusionary zoning provision or provide any incentives for the development of affordable housing or housing for protected classes?</p>	3
<b>Average Risk Score</b>	<b>1.5</b>

**TABLE 20. ZONING & ORDINANCE REVIEW MATRIX**

Issue	Score					
	Deer Park	Humble	Katy	La Porte	Seabrook	South Houston
1. "Family" definition	2	1	2	2	2	2
2. Supportive housing for persons with disabilities	3	2	1	2	2	1
3. Spacing & dispersal requirements	2	3	1	3	2	1
4. Reasonable Accommodation Policy	2	2	2	2	2	2
5. Other protected residential uses	1	1	3	3	3	1
6. Exclusionary zoning provisions	2	1	3	2	3	1
7. Multifamily housing	2	2	2	1	2	1
8. ADUs and manufactured housing	2	2	2	1	2	3
9. Building codes & accessibility	1	1	1	1	1	1
10. Inclusionary or incentive zoning	3	3	3	2	3	3
<b>Total Avg. Risk Score</b>	<b>2.0</b>	<b>1.8</b>	<b>2.0</b>	<b>1.9</b>	<b>2.2</b>	<b>1.6</b>

The total average risk scores (calculated by taking the average of the 10 individual issue scores) for the County and selected jurisdictions range from 1.5 to 2.2, indicating that each of the jurisdictions have regulations with the potential to negatively impact fair and affordable housing, even if facially neutral, and showing there is opportunity to remove regulatory barriers and incentivize more affordable housing or fair housing choice. Medium and high-risk scores could indicate the local governments may be vulnerable to fair housing complaints where the ordinance is applied in a way that impacts a protected class of persons. In such cases, regulation and policy reforms should be made to more fully protect fair housing rights and to better fulfill the mandate to affirmatively further fair housing.

The restriction of housing choice for certain historically, socio-economically disadvantaged groups and protected classes can happen in any number of ways and should be viewed on a continuum. The zoning and ordinance review matrix developed for

this report and the narrative below are not designed to assert whether the analyzed jurisdiction's codes create a per se violation of the FAIR HOUSING ACT or HUD regulations but are meant as a tool to highlight significant areas where zoning and land use ordinances may otherwise jeopardize the spirit and intent of fair housing protections and HUD's AFFH standards for its entitlement communities and contribute to barriers to fair housing choice for lower income families.

The issues chosen for discussion show where local ordinances and policies could further protect fair housing choice for protected and disadvantaged classes, and yet still fulfill the zoning objective of protecting the public's health, safety, and general welfare. Specifically, the issues highlighted by the review inform, first, the degree to which the zoning or other ordinances may be overly restrictive and exclusionary to the point of artificially limiting the affordable housing inventory and directly contributing to higher homebuilding and rental costs (Issues 6, 7, 8, and 10). And secondly, the review, in Chapter 8, helps inform the impact local regulations may have on housing opportunities for persons with disabilities, a protected class under state and federal fair housing law (Issues 1, 2, 3, 4, 5, and 9). Recommendations for ordinance amendments or affirmative actions are included in this Chapter and in Chapter 8.

### **Exclusionary Zoning**

A growing body of academic and market research demonstrates what is intuitive: land use regulations can directly and artificially limit the supply of housing units in urban core and suburban areas and contribute to making housing more expensive, i.e. less affordable. Zoning ordinances that tightly regulate minimum lot sizes, lot dimensions and setbacks, height allowances, density (number of dwelling units per acre or in a given area), low floor area ratios, use and permitted housing type allowances, large minimum building square footage or large livable floor areas, restrictions on number of bedrooms per unit, arbitrary or antiquated historic preservation standards, minimum off-street parking requirements, restrictions against infill development or adaptive reuse or residential conversions to multi-unit housing, and/or restrictions on accessory dwelling units, costly impact fees, along with lengthy and costly permitting and development review processes are the hallmarks of exclusionary zoning. Though not facially discriminatory, exclusionary zoning regulations have the effect of artificially suppressing the supply of housing in a given area, preventing more affordable housing types, and thus low and/or moderate income groups, from being integrated into higher opportunity neighborhoods; contribute to sprawl and

more car dependency; and lead to deficits in new housing units relative to population growth and demand, ultimately contributing to the increased cost of rental and owner-occupied housing and disproportionately impacting housing choice and availability for protected classes.

The HCHCD Service Area cities reviewed generally operate under conventional, Euclidean zoning frameworks separating districts by broad use categories and favoring low density, single-family only zoning of residential districts. Residential subdistricts share uniform minimum lot sizes, lot widths or frontages, setbacks, lot coverage maximums, off-street parking minimums, and allowed housing types with some related recreational, religious, and educational accessory uses also permitted. Many of the jurisdictions have minimum floor/living area square footage for dwellings beyond what would be required by safety and building code standards. These regulations generally limit housing diversity within the majority of neighborhoods; limit the potential for the market to respond to demand for more modest-sized, modest-priced homes; and limit conversion of large single-family homes or lots to more affordable multi-unit or clustered housing types compatible in scale with single-family neighborhoods. All of the municipal jurisdictions reviewed permit two-family, triplex, townhome, and multifamily uses in limited residential subdistricts, and some jurisdictions also have incorporated limited areas of mixed-use zoning; but single-family only, uniform lots are the predominate residential land use.

Recent research published by the Texas Public Policy Foundation has found that raw land costs can be up to 20% or more of the development cost of housing. Thus, higher minimum lot size requirements in zoning correlate with higher median home prices, and the converse is true that the lower the minimum lot size requirement, the lower (i.e. more affordable) the median home price for the area and the more resilient to price changes.<sup>55</sup> Lowering minimum lot sizes and increasing density can unlock more affordable housing and have the added benefit of increasing the property tax base which can be reinvested into services, infrastructure, transportation, and more affordable housing. Researchers analyzed Houston's land use reforms that relaxed building setbacks, height restrictions, and minimum lot-size requirements from 5,000 sq. ft. to eventually 1,400 sq. ft. for most lots and found that these reforms resulted in over 34,000 moderately priced, family-sized

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<sup>55</sup> John Bonura, *Unlocking Affordability: The Impact of Lot Size Regulations on Housing Costs*, Texas Public Policy Foundation, Jan. 2024, available at <https://www.texaspolicy.com/wp-content/uploads/2024/01/2024-01-TPP-Impact-of-Lot-Size-Regulation-Bonura.pdf>.



townhomes being added to the housing stock from 2007 to 2020. They demonstrated that more than 80% of the houses were constructed on previously commercial, industrial, or multifamily lots and suggested that even where a single-family dwelling was converted to townhomes or multiunit dwellings, the reforms did not have widespread, adverse effects as is often feared with debates about development changing the “character” of established neighborhoods; creating only expensive, luxury units; or leading to gentrification of neighborhoods and displacement of lower-income people of color.<sup>56</sup>

Many of the jurisdictions reviewed have across-the-board minimum off-street parking and even covered or garage parking mandates. Parking adds significant costs to development and results in projects with more space for vehicles than necessary. Developers may be better able to target the amount to the market demands and location (i.e. less need with closer proximity to transportation and mixed-use areas) instead of being forced to overbuild. Many HCHCD Service Area jurisdictions also require minimum living areas or minimum floor areas for dwelling units. Minimum living areas that are more restrictive than standard building code requirements for safety may not serve a legitimate government interest, can increase the cost of home construction, and are generally incongruent with housing choice for starter homes, patio/cottage homes, tiny homes, and other alternative housing types.

As mentioned, Harris County (like all other counties in Texas) does not have zoning regulations, and thus little regulatory influence on the common exclusionary zoning provisions identified above. Without zoning regulations like use-based districts and rigid dimensional and lot requirements, exclusionary factors do not get entrenched in the development environment by county action (though are still an issue from private planned communities and deed restrictions). As a result, the County scored a “1” on both Issues 6 and 7 of the zoning and ordinance review matrix. On the other hand, with no zoning power the County cannot designate zoning districts that explicitly permit and preserve multifamily or mixed-use housing by right or set minimum densities for new development, and it is more challenging to utilize development incentives like density bonuses or reduced lot restrictions to influence the type of housing built. Also, it must be acknowledged that de facto zoning does exist in the unincorporated areas of the County

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<sup>56</sup> Pew Charitable Trust Research, *Lot-Size Reform Unlocks Affordable Homeownership in Houston*, Sept. 14, 2023, available at <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/09/lot-size-reform-unlocks-affordable-homeownership-in-houston>.

in the form of property owners' associations, restrictive deeds, municipal utility district development rules, and other planned development districts that control the housing types, lot size and setbacks, and density that may be built within a particular subdivision or development. The County Attorney is authorized (but not required) to enforce private restrictions on property—other than any restriction related to race or explicitly prohibited by the federal or state constitutions—even if the deed restriction is exclusionary and runs counter to affordable and fair housing goals. TEX. PROP. CODE § 203.003.

In South Houston, the zoning ordinance divides the city's residential districts into R1A (single family), R1B (single family), R2 (single family and two-family), R3 (up to four-family), R4 (multifamily), and R5C (oil field combination) permitting a range of single family, duplex, triplex, and fourplex housing types. Although the zoning ordinance does not explicitly permit or regulate patio homes, townhomes, or other housing types, the off-street parking regulations do specifically plan for these uses (and require 2 off-street parking spaces for most residential uses). The zoning ordinance and permitted use table could more clearly define and allow these missing middle housing types. Generally, the lot regulations in South Houston are not overly restrictive. Minimum lot sizes for single family lots range from 6,600 sq. ft. in R1A; 5,000 sq. ft. in R1B, R3, and R4; 2,000 sq. ft. in R2; and have no minimum in the C1 and C2 districts. Duplexes require 2,000 sq. ft. per unit in R2, R3, and R4, with no minimum requirements in C1 and C2. Multifamily development is permitted by right in the R4 district and in the commercial districts C1 and C2. The minimum lot size is 750 sq. ft. per unit in R4 with no maximum height restrictions. Multifamily also is permitted in the C1 and C2 commercial districts with no minimum lot sizes or maximum height allowances. (It was not assessed whether enough land is zoned for the more permissive R4, C1, and C2 district regulations to meet demand.) However, the code imposes minimum living areas ranging from 550 sq. ft. for multifamily units and 950 sq. ft. for single family dwellings in the R4 district to 1,500 sq. ft. for single family dwellings in the R1A district. South Houston received a "1" on Issues 6 and 7 as having low risk of the zoning and dimensional standards being the cause of disparate treatment or unreasonably affecting affordable housing development when compared to other HCHCD Service Area jurisdictions. Nonetheless, the recommendations and best practices in the section below apply also to South Houston and should be considered as affirmative actions that could be taken to increase fair and affordable housing choice.

Humble regulates certain subdivision, lot, and property maintenance criteria of residential uses but does not divide the city via zoning ordinance or zoning map into use districts.

The subdivision code provides that in general, the minimum lot size for dwelling units is 7,150 sq. ft., minimum lot depth is 110 feet and width 65 ft., and minimum off-street parking requirements start at two per dwelling unit. The development regulations accommodate townhomes, duplexes, patio homes, courtyard homes, planned developments, cluster homes and other housing types with reduced dimensional lot requirements through a special conditions provision. Special condition lots may have a gross area as small as 1,400 sq. ft. with a minimum width not less than 18 feet and two off-street parking spaces provided. But lots less than 7,000 sq. ft. must compensate by providing common open spaces, scenic and recreational areas, and other spaces within the plat boundary. The city created an historic preservation district and then made the boundaries of the district the entire corporate limits of the city. Under Humble's zoning code, multifamily dwelling means any building containing 2 or more residential dwelling units (so duplex, triplex, quadplex, and so on). Multifamily housing is permitted without special or conditional use approval. Density, however, is limited to not more than 10 units per acre with a maximum site size of 10 acres, minimum lot area per development of 12,000 sq. ft., minimum lot depth of 120 ft., and maximum building height of 35 ft. Minimum off-street parking is one spot per 1-bedroom unit, 2 per 2-bedroom unit, and 2.5 per 3+ bedroom units. Reasonable reforms could be made—especially regarding smaller lots by right, reduced parking requirements, and greater density allowances for multifamily—but compared to other area jurisdictions, the land use rules are not overly restrictive or unreasonably exclusionary for developing affordable housing. Humble received a "1" on Issue 6 and a "2" on Issue 7.

For residential uses in the city of La Porte, the zoning ordinance and map divide the city into LL (large lot), R-1 (low density), R-2 (medium density), R-3 (high density), MH (manufactured housing), MU (mixed use), and PUD (planned unit development) districts. The majority of residential land is zoned for 1-acre large lots or low-density R-1 single family. However, the zoning code also contemplates missing middle and higher density multifamily and limited areas of mixed-use zones. Single-family detached housing is permitted in all residential districts with minimum lot sizes of 6,000 sq. ft. and a maximum site area density of 4.8 u/a., except in the LL district where minimum lot size is 1 acre per unit. Special lot single-family detached units are permitted in the R-2, R-3, and MH districts. Zero lot line single-family (patio homes) and duplexes (including conversions of single family to two-family dwelling units) are permitted in R-2 and R-3. Special and zero lot line developments require a minimum lot size of 4,500 sq. ft. and maximum density of

6 u/a. Single family dwellings require an attached or detached garage for a minimum of two off-street parking spaces. Duplexes and single-family conversions require minimum lot sizes of 6,000 sq. ft. and maximum density of 8 u/a. Townhomes/condos, triplexes, and quadplexes are permitted in R-2 and R-3, subject to additional performance standards. Townhomes require minimum lot sizes of 2,000 sq. ft. and maximum densities of 10 u/a. PUDs are a conditional use in the R-2, R-3, and MH districts. Although less land area is zoned for medium density R-2 and higher density R-3 districts, these do permit by right greater diversity of housing choice including multifamily dwellings, garden apartments, condominiums, and townhouses. 3-4 unit multifamily is permitted by right in the R-2 and R-3 districts, multifamily of 4 units or more is permitted by right with certain performance standards in the R-3 district. The minimum lot size for multifamily is 2,000 sq. ft. per unit with a maximum density of 20 u/a and maximum height of 45 ft. Multifamily residential developments must contain a minimum of 100 units with a maximum of 300 units, which limits smaller scale multifamily as infill development. All residential uses other than multifamily require two off-street parking spaces per unit; multifamily units must include 1.5 off-street parking spaces per bedroom. These use and lot regulations are not the most restrictive, but also could be loosened to give opportunity for more affordable housing and infill development. La Porte received a "2" on Issue 6 and a "1" on Issue 7.

In Deer Park, the bulk and area standards for single-family only districts range from: a minimum lot size of 6,900 sq. ft in the SF1 subdistrict; a minimum lot size of 5,000 sq. ft in the SF2 subdistrict; and a minimum lot size of 5,000 sq. ft in the SF3 subdistrict. The code requires a 1,000 sq. ft. minimum living area for single-family dwellings when constructed in any single-family district. The zoning code contemplates some "missing middle" type housing products such as duplexes, patio homes, and townhouses. One-family and two-family (duplex) dwellings are permitted in the 2F districts and duplex units by specific use permit in the MX (mixed-use district). Three off-street parking spaces are required in the SF1 and SF2 districts. In the SF3 district, four off-street spaces are required per dwelling unit, two of which must be covered and enclosed. Two-family lots require a minimum lot size of 3,500 sq. ft. per unit, 70 ft. width, 9 ft. side yards, and two-story maximum height. The minimum living area is 1,000 per unit. The PH (patio home) district is meant to accommodate zero lot line neighborhoods and cluster developments with shared open space with an HOA to enforce design standards. The TH district standards contemplate 3-8 townhome units per structure on a minimum site of 15,000 sq. ft. It is not clear from the currently published zoning map that any municipal land is zoned TH;

low-density, single family lots dominate. Townhomes also are permitted in the multifamily and mixed-use districts. Duplex and townhomes require 2 off-street parking spaces per dwelling unit. While not the most restrictive, the code does include features that artificially increase the cost of housing development, may not be related to legitimate government interests, and could impact the feasibility of constructing affordable housing. Deer Park received a "2" on Issue 6.

Multifamily housing is allowed by right in Deer Park in the MF1, MF2, MH, and MX districts. In the MF1 district, townhomes and multifamily housing (3 units or more) require a minimum lot area per unit of 4,000 sq. ft. Potential density is limited by a maximum height allowance of one story. In the MF2 district, multifamily housing (3 units or more) requires a minimum lot area per unit of 2,000 sq. ft. But again, potential density is limited due to a maximum height allowance of 2 stories/35 ft. Within a 300-foot transitional zone between a lower density residential district and the MF2 district, the minimum lot area per dwelling unit is 4,000 sq. ft. and the maximum height allowance is one story. The zoning code also dictates a minimum living area of 1,000 sq. ft. for single and two-family dwellings, and 650 sq. ft. per unit for townhome and multifamily units in both the MF1 and MF2 districts. However, higher densities may be possible in the MX (mixed use) district, which generally requires a minimum density of 40 dwelling units per acre for multifamily or a minimum 20 u/a in mixed use developments primarily of multifamily residential with secondary office and/or other commercial uses. Proposed developments require at least a minimum 2-acre site size but no minimum lot size for the dwelling units. The zoning code also contemplates Planned Unit Developments (PUD) with greater flexibility in site and design standards than the underlying zoning would allow but must be at least 10 acres for solely residential developments or 25 acres for a site that provides a mix of commercial and residential which limits the use for infill redevelopment. Deer Park received a "2" on Issue 7.

Seabrook also divides the city into zoning districts based on use and density, with residential districts being R-LD (single family low density), R-1 (single family detached), R-2 (single family small lot), and R-3 (medium density). Most residential land is zoned for low density, large lots permitting only single-family detached dwellings in R-LD and R-1. R-2 permits zero lot line/patio homes and the zoning ordinance contemplates attached units, duplexes, townhomes, mixed-use dwelling developments, and multifamily developments in the R-3 and some mixed-use districts. Minimum lot sizes for detached single family range from 14,000 sq. ft. in RLD, 7,500 sq. ft. in R-1, 6,000 sq. ft. in R-2 (with

1,000 sq. ft. open space for patio home/zero lot line developments up to 7 u/a). Generally, detached and attached single family dwellings require two off-street parking spaces per unit. Two-car or larger garages are required for patio home developments.

The R-3 district is intended for multifamily dwellings including duplexes, townhouses, row houses, apartments, condominiums, and other similar medium density designs. Duplexes in R-3 must be on minimum 8,000 sq. ft. lots of which 4,000 sq. ft. must be common open space. Townhomes require 3,000 sq. ft. per unit with a minimum project site size of 12,000 sq. ft. Multifamily apartments and condos are permitted by right up to 20 u/a with a total project area minimum of 12,000 sq. ft. and compensating open space of 600 sq. ft. per unit. The zoning ordinance also allows for residential uses in some mixed-use zones. Duplexes are permitted in the OS district (Old Seabrook). Townhomes are a conditional use in the marine oriented mixed-use district (MMU). Condos, but not apartments, are a conditional use in the MMU and WAD districts. Generally, maximum building height for all residential buildings including multifamily is 40 ft. which limits potential density. Off-street parking requirements are generally 1.33 spaces/each 1-bdrm. unit, 1.66 spaces/each 2-bdrm. unit, and 2 spaces/each 3-bdrm. unit. High rise buildings (over 40 ft.) along the waterfront areas of the MMU and WAD mixed-use districts may be constructed with conditional use permit approval following site plan review and the public hearing process. To be compatible with neighboring districts and prevent adverse impacts, height maximums are determined by the site size and setbacks from other land uses. The zoning ordinance also contemplates Planned Unit Developments (PUD) with greater flexibility in lot sizes, dimensions, setbacks, yards, and design standards than the underlying base zoning may allow. PUDs are meant to facilitate more creative urban design and relate the type, design, and layout of urban development to the respective site and the particular demand for land uses. PUD designation may be applied to property located within any zoning district and the regulations do not set a minimum site size. Under the PUD regulations, mixed-use projects involving both residential and commercial land use activities may be approved in any zoning district. There is no affordable housing goal or incentive attached to the PUD regulations, however. Seabrook reports that it is "built out" with not much available land for more housing development or housing types. To address this, the zoning ordinance and map may need to be amended to support more density and mixed-income development in infill areas, conversion of large lot single family homes to duplex or multi-unit housing compatible in scale with the existing neighborhood, and increased height allowances and smaller setback and yard

requirements. These recommendations follow what is in the Recommended Zoning Tools section below. Seabrook received a “3” on Issue 6 and a “2” on Issue 7 as one of the more restrictive zoning codes in the service area.

Although PUDs may offer more flexibility in housing design, they often require large site acreage which doesn’t work for infill development and a long regulatory review and compliance process, which increases costs and uncertainty. Reducing as-of-right minimum lot sizes and other requirements is more sustainable and efficient.

Katy’s residential regulations are more exclusionary than the other Harris County municipalities reviewed. Under the zoning ordinance, residential land uses are divided into the R-1 (single family low density), R-2 (medium density), R-3 (multifamily), PDD (planned development), MH (mobile housing), and MPD (master planned) zoning districts, but according to the GIS zoning map, little if any land is zoned for uses other than R-1. Katy’s lot and dimensional requirements could artificially inflate the cost of housing. The minimum lot size in R-1 is 8,625 sq. ft., with minimum width of 70-75 ft., minimum depth of 115 ft., and a minimum living floor area of 1,200 sq. ft. excluding porches, basements, and garages. The R-2 district regulations are missing from the online source of the code of ordinances, so it is not clear what housing types or density allowances are permitted under this district classification. The definitions section of the zoning ordinance and the fire code contemplate townhouse developments, but the performance standards for this housing type, presumably allowed in R-2, are missing from the code. A minimum of two off-street parking spaces are required for single family dwellings. Some single-family infill or adaptive reuse development may be possible in the Old Katy District which includes some original small lots. Single-family constructed in the C-2 commercial district must comply with R-1 lot regulations. Single-family developments under the PDD district require either that the smallest lot is at least 12% greater than R-1 standards or contains at least 100 acres and maximum heights, lot width, lot depth, floor area, lot area, and off-street parking standards must comply with or be more restrictive than the underlying zoning district standards, so the PDD is not any less exclusionary. The zoning ordinance also contemplates master planned community zoning on a minimum 800-acre site but only permits single-family dwellings within these communities, again limiting housing choice.

For multifamily housing in Katy, R-3 zoning allows any uses permitted in the R-1 (single family) and R-2 (ambiguous) districts as well as multifamily dwellings and apartment

houses by right. The ordinance limits density and imposes regulations that can increase the cost of housing by limiting the maximum height of multifamily to 45 ft.; requiring minimum floor area sizes of 800 sq. ft., 1,100 sq. ft., and 1,400 sq. ft. for 1-, 2-, and 3-bedroom units respectively; and requiring 1,850 sq. ft. lot area per unit. For two-family and multifamily units, the code requires a minimum of 2.5 off-street parking spaces per dwelling unit or 1 per bedroom, whichever is greater. Katy received a "3" on Issue 6 and a "2" on Issue 7.

In jurisdictions where only a modest percentage of parcels and land is currently zoned for smaller lot, missing middle, or medium and higher density residential uses, development requires rezoning or planned rezoning (if first conforming lots can be located and/or assembled and the application can survive a valid/protest petition). This adds risk, time, uncertainty, and cost to developers, with a high burden of proof for the rezoning applicant and can significantly deter affordable housing development. The rezoning process impacts the feasibility and ultimate affordability of developing multifamily or missing middle housing.

### **Alternative Housing Types: ADUs and Manufactured Housing**

In Texas and across the U.S., manufactured housing units are the largest source of unsubsidized affordable housing. Manufactured housing refers to factory-built housing after June 15, 1976, constructed in accordance with HUD's Manufactured Home Construction and Safety Standards code ("HUD-code"), which sets minimum standards for size and quality of construction. The housing is then transported to be affixed to a permanent foundation on a parcel of land either rented separately or owned by the housing unit owner. HUD-code standards for manufactured housing have led to increased quality, safety, energy efficiency, and longevity of this affordable housing type. Factory-built housing also may refer to modular or other industrialized housing governed by state building code standards. Manufactured housing has not been immune to the supply-chain delays and inflation forces that have affected site-built housing costs, but because of the controlled manufacturing environment, shorter production time, and uniform HUD standards, certified manufactured housing still has significant costs savings over traditional, site-built housing and can be of more consistent quality. Data from the U.S. Census Bureau, which tracks manufactured home sales and shipments, shows the average



cost per square foot of a manufactured home to be roughly half the cost per square foot of a site-built home.<sup>57</sup>

However, there are multiple barriers to utilizing manufactured home units as a source of affordable housing in many communities. Outdated misconceptions about the quality of manufactured housing often perpetuate stigma. Also, many local zoning codes block more widespread access and housing choice for this inventory of affordable housing. In recent years, fewer new pad sites in manufactured home communities have been constructed and demolition/conversion of existing communities (either from rezoning or redevelopment) have contributed to low vacancy rates and increased rent prices for pad sites.<sup>58</sup>

The federal HUD-code preempts local building codes as far as safety and construction standards for manufactured housing.<sup>59</sup> However, local zoning regulations which determine where manufactured homes may be sited within the jurisdiction and design regulations which control the home's exterior aesthetics—but which do not affect safety and construction standards—have been upheld by court review as within the power of local government discretion even where these regulations are exclusionary.<sup>60</sup> Local zoning also may draw a distinction between HUD-code manufactured homes and modular or other industrialized homes governed by state law building standards. As long as the jurisdiction's reasons for the restrictions are not arbitrary or unreasonable, the regulations should survive a constitutional challenge. However, even though local jurisdictions can severely limit use and placement of manufactured or other factory-built housing, in accordance with their AFFH obligations, it does not mean that they should be

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57 Manufactured Housing Survey (MHS), sponsored by HUD and collected by the U.S. Census Bureau, Cost & Size Comparison: New Manufactured Homes and New Single-Family Site-Built Homes, 2014-2021, available at <https://www.census.gov/data/tables/time-series/econ/mhs/annual-data.html>.

58 Fannie Mae, Lack of Communities Leaves Fundamentals at MHCs Tight, Sept. 18, 2023, available at <https://multifamily.fanniemae.com/news-insights/multifamily-market-commentary/lack-communities-leaves-fundamentals-mhcs-tight>.

59 The National Manufactured Housing and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq. (the "HUD code") provides a national set of uniform safety standards and building codes for manufactured housing in the U.S. and contains detailed construction standards regarding building materials, wind loads, utilities and systems, etc.

60 See, e.g., *Texas Manufactured Housing Association, Inc. v. City of Nederland*, 101 F.3d 1095 (5th Cir. 1996) (approving a local ordinance that prohibited all manufactured homes in any residential districts within the city, other than in permitted trailer parks).

so restrictive especially as local governments look for ways to expand affordable housing options.

A number of states have “equal treatment” or uniform treatment laws that require HUD-code manufactured housing be equally permitted as other site-built housing, but Texas gives discretion to local governments to determine where manufactured housing is appropriate. Under Texas state law, municipalities should provide an application process to permit installation of a HUD-code manufactured home for use as a dwelling “in any area determined appropriate by the municipality, including a subdivision, planned unit development, single lot, and rental community or park.” Upon application, the municipality would have no more than 45 days to deny the application in writing stating the reason for the denial, otherwise the application to install a new HUD-code manufactured home is considered to be granted. TEXAS OCCUPATIONS CODE § 1201.008(b), effective 2003. It is not clear from the codes of ordinances reviewed for the HCHCD Service Area that any jurisdiction provides a clear, objective application process to permit HUD-code homes outside designated Manufactured Housing zoning districts or permitted home parks. Even where manufactured home parks or subdivisions are permitted, not all purchasers of manufactured homes can afford to purchase the land needed to situate their new home and this becomes a barrier to accessing this type of affordable housing and an opportunity for supportive local government programs and funding.

The use of accessory dwellings, either attached or detached, as an alternative housing type provides private market opportunities to incorporate smaller, more affordable housing units with “gentle density” and low impact to neighborhood infrastructure or traffic, as infill housing in neighborhoods of opportunity that otherwise would be too expensive. ADUs create opportunities for intergenerational shared housing and income streams for homeowners. During the 2023 legislative session, two similar bills were proposed to expand ADU opportunities and preempt local zoning control: SB 1412 / HB 2789 would have made Texas the fifth western state to legalize ADUs, prohibiting local zoning ordinances from blocking ADUs (popularly known as in-law suites, garage apartments, casitas, and granny flats) in single-family districts. Homeowners’ associations, historical districts, and deed restrictions that disallow or regulate accessory dwellings would have still superseded these bills. Although the bills died in committee without passing, local jurisdictions can on their own amend their codes to expressly permit ADUs, especially in low density areas where large lot sizes would easily accommodate accessory dwellings with other lot coverage and setback requirements. To make ADUs more feasible,

the zoning authorities should adjust regulations so that a variance is not routinely needed for ingress/egress, parking, lot coverage, etc.

In unincorporated Harris County, alternative housing types like accessory dwelling units; cottage court or cluster developments; and mobile, modular, or manufactured housing developments are not separately regulated uses under the current County subdivision code or other County regulations for unincorporated areas. Like all residential buildings, these would require a permit from the Engineering Department (foundation, frame, and final inspection). However, even where regulatory barriers regarding placement don't exist, experience in other communities shows that affirmative measures are needed to boost production of alternative types into the housing supply.

La Porte was the only other local jurisdiction reviewed to receive a "1" on Issue 8 for making progress in expanding opportunity for alternative housing types. The zoning code distinguishes between various types of factory-built housing. Under the zoning ordinance's residential use table, "industrialized housing on a permanent foundation" and modular housing are permitted in all residential districts and in commercial districts that also permit R-3 uses. However, these housing types are not specifically defined (with reference to state building regulations or otherwise), whereas "manufactured housing" is only permitted in the MH district. Manufactured housing subdivisions restricted to HUD-code dwelling units, with minimum widths of 20 feet, minimum shingled roof pitch ratios of 3:12, permanent foundation systems, and siding similar to surrounding dwellings are a conditional use in the R-2 and R-3 districts and a permitted use in the MH district with a minimum home park/subdivision size of 5 acres.<sup>61</sup> The zoning code explicitly excludes manufactured housing from the definition of a "dwelling" so manufactured housing is not granted equal treatment with site-built housing. The minimum lot size for manufactured housing is 4,500 sq. ft. with a maximum density of 6 u/a.

La Porte's code also contemplates secondary (accessory) dwelling units. ADUs are a conditional use in the R-1 and LL districts and permitted by right in the R-2 and R-3 districts. Boarding/renting up to one room also may be approved as an accessory use in all residential districts. Single-family homes comprised and/or constructed of one or more

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<sup>61</sup> Courts have found that "aesthetic compatibility" is a legitimate goal of a local government, including as here specifications like roof pitch and siding for manufactured home units, as long as it is not incompatible with the HUD Code. *Georgia Manufactured Housing Association, Inc. v. Spalding County*, 148 F.3d 1304 (11th Cir. 1998).

shipping containers are permitted within all residential zoning districts (but not the Main St. or Main St. overlay). The exterior of the shipping container must be fully covered by an approved material so that none of the exterior of the shipping container is visible.

Humble received a "2" on Issue 8 regarding alternative housing types. The zoning ordinance contemplates mobile homes (constructed prior to HUD's 1976 Manufactured Home Construction and Safety Standards code) as a permitted use only within licensed mobile home parks. The Planning and Development Regulations do not specifically provide for HUD-code compliant manufactured homes other than that the building regulations prohibit manufactured homes in RV (recreational vehicle) parks but otherwise do not specify siting. The flood code promulgates specific regulations for manufactured homes within and outside of manufactured home parks to mitigate against flood damage. The city's zoning code does not expressly prohibit nor permit accessory or secondary dwelling units. The Code of Ordinances could be strengthened, and ambiguity resolved by explicitly allowing manufactured housing where safe to do so outside of flood zones and permitting ADUs on all single family or low-density residential lots.

According to Deer Park's zoning code and permitted use table, manufactured homes are permitted only in a licensed manufactured home park within the Manufactured Housing (MH) district. Manufactured home parks require a minimum park size of 40,000 sq. ft., minimum 4,000 sq. ft. per housing unit, minimum open space, and two off-street parking spaces per unit. Deer Park does not explicitly permit any other factory-built housing types nor accessory dwelling units, cottage courts, tiny homes, or other alternative affordable housing types. Deer Park received a "2" on Issue 8.

In Katy, the MH (mobile home) district permits mobile and manufactured homes and mobile home parks of at least 20 home spaces and an average density of no more than 8 units per acre. The zoning ordinance contemplates accessory dwelling units in the R-1 district for use only by family members, guests, or employees working within the residence for the family of the primary dwelling, but may not be rented out commercially, limiting the potential for ADUs to create more affordable housing options in the city. The limited rights for manufactured homes, ADUs, or other alternative housing types resulted in a "2" on Issue 8.

Seabrook's zoning ordinance and zoning map provide for a mobile home/manufactured housing district (MH) which permits mobile and manufactured homes in an approved

mobile home park at a maximum density of 8 mobile home pads per acre. Manufactured homes are only allowed in an approved mobile home park and even in the MH district, mobile home parks require conditional use permit approval.

The zoning code defines “accessory apartment” (as “a single dwelling unit which is clearly secondary and accessory to the main dwelling unit on a residential lot and containing not more than 1,000 square feet of habitable floor area”) but does not explicitly permit or regulate accessory apartments in any zoning district. More clarity in the zoning ordinance is needed regulating where and to what extent accessory apartments may be sited. Seabrook also received a “2” on Issue 8.

South Houston’s Flood Prevention article of its Building Regulations, Ch. 6 Article 4, contemplates existing and new manufactured homes and manufactured home parks and has specific regulations for areas of special flood hazards and floodplain development permit requirements. However, the zoning code does not otherwise provide for the placement of HUD-code manufactured homes or explicitly permit them in any zoning district. Mobile homes are defined differently than HUD-code manufactured homes and are permitted only within an authorized mobile home park in the R4 district. The zoning ordinance does not otherwise plan for other factory-built housing types (manufactured housing, modular housing, etc.). The zoning ordinance explicitly prohibits accessory dwelling units: “accessory buildings may not be used for dwelling purposes.” The limited permissions for mobile homes but no other factory-built housing, accessory dwellings, or other alternative affordable housing resulted in a “3” score on Issue 8 for the City of South Houston.

### **Incentivizing Affordable and Fair Housing**

Inclusionary zoning is a catch-all term for a set of policies or tools that a growing number of local jurisdictions have adopted in various forms to boost the production of affordable housing by requiring (mandatory) or encouraging (voluntary) housing developers to set aside a certain percentage of newly constructed market-rate dwelling units to be affordable to low- or moderate-income households (or other special needs populations such as seniors or persons with disabilities). Inclusionary zoning can be applied jurisdiction-wide or in certain neighborhoods or corridors where more affordable housing is needed and would be advantageous to fair housing planning goals. When it works well, inclusionary zoning increases the total supply of affordable housing while equitably

dispersing those affordable units into mixed-income, higher opportunity communities rather than concentrating lower-income housing in underinvested communities with entrenched poverty, low-performing schools, and fewer job, transportation, and commercial services, which historically has been a struggle for state and federal housing programs like the Housing Choice Voucher Program and LIHTC program. In exchange for setting aside units for low- or moderate-income qualifying families and capping their rent or sale price below market, the developer may receive an increase in density above local zoning limits, concessions related to height allowance, floor area ratios, reduced lot coverage limits or setbacks, reduced off-street parking minimums, etc. without triggering discretionary review or having to apply for variances or special/conditional use permits. When effective, inclusionary zoning can both help boost the aggregate number of affordable units and act as a desegregation tool and help keep high-opportunity areas affordable for a greater socioeconomic swath of the population, including workforce and moderate-income teachers, public safety workers, healthcare workers, and the like.

As mentioned previously, Texas state law limits mandatory inclusionary zoning ordinances or rent control. TEXAS LOCAL GOVERNMENT CODE § 214.902; 214.905. However, it is a misconception that inclusionary zoning is wholly illegal in Texas. State law does authorize municipalities to “create incentives, contract commitments, density bonuses, or other voluntary programs designed to increase the supply of moderate or lower-cost housing units” where the developer can opt-in to accept the offered incentives in exchange for including income-restricted affordable housing units. The statute also has exceptions for community land bank programs and homestead preservation districts. There is not a similar provision related to counties because counties have no zoning authority, but they may implement other voluntary programs designed to incentivize affordable housing set-asides.

With no zoning power, Harris County has not adopted an inclusionary housing program. However, there are tools the County could consider that are within its authority to incentive and encourage affordable housing set-asides, especially related to community benefits agreements for development on county-owned land, tax abatements, infrastructure incentives, and other land permits.

Neither Deer Park, Humble, Katy, Seabrook, nor South Houston have adopted an ordinance or program related to incentivizing affordable housing development through development concessions, fee or permit waivers, density bonuses, expedited reviews, or

other inclusionary zoning type incentives, though they could do so within state limits as an actionable step toward affirmatively furthering fair housing. Each of these jurisdictions received a “3” on Issue 10 because this is an area where the jurisdiction could take affirmative action to further affordable housing or fair housing choice but has not.

La Porte received a “2” on Issue 10 concerning presence of inclusionary zoning provisions. The city’s code permits city-owned land to be conveyed to nonprofit affordable housing organizations for the purpose of providing housing for low-income families. Additionally, the city may waive water and sewer development fees, residential home construction (building, plumbing, electrical, mechanical) permit fees, permit plan review fees, field re-inspection fees, and parkland development fees in exchange for construction of single-family housing for low-income families by non-profit corporations and/or for low-income housing programs initiated by the City of La Porte. Deed restrictions and other measures to protect the long-term affordability of for-rent and for-sale properties would be an important measure to add.

### **Recommended Zoning Tools to Promote Fair and Affordable Housing**

As Harris County’s population is projected to continue growing and competition for the current housing stock increases, the dominance of low-density, single-family detached land designations—through municipal zoning or private deed restrictions in planned communities—limits the supply of housing overall causing an increase in costs for renters and homebuyers, disproportionately reducing housing choice for moderate to low-income families, minorities, persons with disabilities on fixed incomes, families with children, and other protected classes. There are some development costs that local governments simply cannot control, such as materials and labor costs. However, there are other costs which zoning regulations directly impact—like raw land costs (via minimum lot size requirements) and rezoning and permitting costs. Zoning reforms can play a meaningful, if incremental, role over time in increasing housing supply and reducing housing production costs. Zoning reforms—reducing regulatory barriers and upzoning to allow more density and diversity of housing types—allow for the potential for a more diverse and affordable housing supply but cannot guarantee outcomes. Zoning reforms must be done in tandem with other programs and funding to produce, protect, and incentivize affordable housing.

Part of zoning reform must be anticipating and addressing opposition from existing property owners concerned with growth, density, or changing the “character” of their

neighborhoods—concerns that may not necessarily be due to prejudice but because of a perceived threat to property values and home equity, a strain on infrastructure and the power grid and water systems, and increased traffic. Coordinated outreach and education (in multiple languages for LEP populations) and public engagement should be part of any reforms or new programs.

In 2021, the Kinder Institute for Urban Research at Rice University published *My Home is Here: Harris County's Housing Needs Assessment and 10-Year Strategy*, a comprehensive report analyzing housing and demographic data with input from thousands of county residents.<sup>62</sup> The priorities identified in *My Home is Here*, help inform some of the following recommended policies and practices, along with insights from stakeholder interviews conducted for this Fair Housing Assessment HUD Exchange land use and zoning resources, and industry best practices.

### **Zoning Reforms to Reduce Exclusionary Zoning Barriers**

For decades, sprawl (low density, primarily single-family-zoned residential uses) has been the solution for affordability. But as available land within reasonable commuting distances to jobs, schools, and services is built out and the cost of vehicle transportation increases, affordability depends on increasing density and infill redevelopment on smaller lots closer to economic centers. Rather than putting the onus of costly rezoning for specific parcels on affordable housing developers, each HCHCD Co-operative City should address how their respective zoning regulations limit missing middle and multifamily housing types and implement reforms, such as:

- Upzone more corridors and acreage to zoning districts that allow a greater diversity of housing types by-right such as duplex, multiplex, townhome, rowhome, cottage courts, etc. in areas currently limited to single-family detached homes on large lots or underutilized commercial and office zones. By-right permissions create a faster, more predictable process than discretionary reviews.
- Reduce minimum lot sizes, setbacks, and lot coverage maximums.

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62 *My Home is Here: Harris County's Housing Needs Assessment and 10-Year Strategy*, October 2021, available at [www.myhomeishere.org/Portals/myhomeishere/Documents/Resources/-48034192993MHIH\\_Final\\_Report\\_10292021\\_compressed.pdf](http://www.myhomeishere.org/Portals/myhomeishere/Documents/Resources/-48034192993MHIH_Final_Report_10292021_compressed.pdf).



- Upzone more acreage to medium and high density multifamily and mixed-use zones with increased height allowances.
- Adopt *minimum density* requirements especially in transit-oriented corridors.
- Rezone underutilized and vacant commercial and office areas for adaptive residential use. (Allowing commercial areas to become mixed-use or primarily residential does not carry the same concerns about gentrification and displacement connected with new development in established neighborhoods.)
- Reduce or eliminate off-street parking requirements (especially near transit) and allow developers to incorporate off-street parking based on their own assessment of market demand to reduce artificially adding to housing costs unnecessarily.
- Permit by-right conversion of large, single-family detached dwellings in high opportunity neighborhoods to 2-family, 3-family, or multifamily dwellings compatible with the character of surrounding homes. Neighborhood compatibility can be addressed with regulations focused on form and scale such as floor area ratio and/or maximum width and depth rather than density alone.
- Remove minimum living area/floor areas for residential uses from zoning regulations and leave this to the building codes to regulate based on safety standards to allow more modest sized affordable homes and alternative housing like tiny homes, modular and factory-built homes, and accessory dwelling units.
- Allow accessory dwelling units by right (but restricted to affordable rental housing rather than use as short-term vacation rental properties like Airbnb or VRBO) and incentivize their development with programs that offer construction grants or low interest/no interest loans; technical assistance with the design, construction, and permitting process; and fee waivers.

In the *My Home is Here* report produced by the Kinder Institute for Urban Research, Harris County was found to have suitable (i.e. hazard free) areas to target for infill development in the centrally located areas (near higher performing schools, transportation, job centers, and minimal flood risk) and for new growth in the outer edges of the County where land prices are more affordable.<sup>63</sup> Because the County does not have a zoning code for unincorporated areas to reform, its land use strategies will focus on both setting development priorities and policies for County-owned land and otherwise incentivizing

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<sup>63</sup> My Home is Here, pages 28-29.

affordable housing development in exchange for tax abatements, public investments in aging or constrained infrastructure, and fee waivers and expedited permitting on privately-owned land, within special purpose districts, and within the cooperating municipalities.

### **Utilize County-owned and Municipal-owned Land for Affordable Housing Development**

While the constitutionality and breadth of the state’s preemption powers via the Texas Regulatory Consistency Act get worked out on appeals in the courts, local governments may be more limited in the types of affordability controls they can mandate on private land. But for county- or municipal-owned lands, local governments can set affordability priorities and implement them through ordinances, deed restrictions, and development agreements.

- Give first right-of-refusal to purchase real property that the County or a city in the HCHCD Service Area owns or has acquired through escheatment or foreclosure to affordable housing developers or to the public housing authority before public sale.
- Redevelop surplus public land with specific goals for the minimum level of affordable housing that must be included and with zoning-like conditions that dictate qualifying household incomes (mixed moderate and low income), housing types, minimum densities, lot standards, and long-term affordability protections allowed.
- Purchase underutilized and vacant land and reserve it for future affordable housing development (i.e., through a community land trust or similar mechanism).

### **Adopt Voluntary Inclusionary Zoning and Development Incentives**

As discussed previously, Texas jurisdictions cannot mandate affordable housing development, but they can incentivize it and partner with private and nonprofit developers to make affordable development more feasible and sustainable long-term. Additionally, where County or city funding, subsidies, tax abatements, approvals, benefits, or zoning changes are needed by a developer, the local government can better leverage their position and require more robust tenant protections and eviction mitigation measures.

- Target incentives to the environmentally safe, low-hazard, high opportunity areas identified in the County's *My Home is Here* report.
- Adopt standardized (administrative rather than discretionary) and expedited design, permitting, and platting review processes for affordable housing proposals. Relevant planning and engineering departments may provide technical assistance and an outreach strategy to promote it among developers and affordable housing nonprofits.<sup>64</sup> Expedited permitting and zoning approvals can be tier-based with priority given to infill housing projects or developments that serve , persons with disabilities or seniors, extremely low-income, etc.
- An inclusionary zoning ordinance may offer a scale of incentives or concessions based on a specified number or percentage of affordable units developed; or, as an alternative, allow a developer to contribute to a housing trust fund or other in lieu payments. Besides expedited reviews, there is a menu of other incentives and development concessions that local jurisdictions can offer in exchange for income-restricted or special needs units that are substantially greater than what developers could achieve by-right under the applicable zoning district regulations: density bonus; flexibility in site development standards related to setbacks, lot coverage, minimum lot size, and maximum building height; reduced parking requirements; municipal loans; tax abatements/exemptions; and variances for other development or design standards that reduce construction costs and increase efficiencies in the development of multifamily units.
- Affordable housing approvals and inclusionary zoning programs should include mechanisms to protect the long-term affordability of the designated units such as deed restrictions or covenants; ground leases; first-right-of-refusal to purchase to an affordable housing nonprofit, the County or city, local land bank, or public housing authority; and shared equity resale formulas.
- Although state law prevents Texas cities and counties from adopting source of income protection ordinances that would require all landlords to accept Housing

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<sup>64</sup> HCHCD Service Area jurisdictions should be mindful of HB 14, effective September 1, 2023 (Local Gov't Code § 247.001 et seq.) which allows licensed third-party review of plats and property development plans, permits, and similar documents, when cities fail to timely issue permits to compliant projects. The bill's aim is to help speed up housing production and prevent projects from being tied up in months of permitting delay, NIMBY protests, and multiple rounds of review.

Choice Vouchers or other subsidized rental assistance, the local government can include in development or community benefits agreement or other incentives offered a condition that the approved properties may not refuse to rent to voucher holders and units must be offered to potential residents regardless of source of income.

- For competitive LIHTC (or other government subsidized program) projects seeking county/city approval as part of its potential scoring credits, HCHCD Service Area jurisdictions can condition approval (or other benefits) on the applicant committing to a longer affordability term (e.g. 45-55 years for example) than that required by the LIHTC regulations (30 years) and on agreement to provide advance notice to the County/City (not only to tenants) when the owner intends to sell the property or convert the property to market-rate rents giving right of first refusal to the local government or an affordable housing organization to purchase the units and/or assist with locating alternative housing for tenants.
- In 2022, Harris County adopted new tenant protection rules for new developments using county funds: landlords must guarantee renters the right to timely repairs, must provide alternative housing when a tenant's unit is unsafe or unsanitary, must safeguard against unjustified evictions and housing discrimination, must give renters the right to form tenant unions without fear of retaliation, and must inform each new tenant of their rights. HCHCD Service Area Cities should adopt the same policies to help stem evictions and keep people stably housed. Although HB 2127 puts into question local governments' ability to adopt comprehensive tenant protections such as a tenants' bill of rights ordinance, they can follow the County's lead and apply stronger tenant protections (such as longer notice requirements, relocation assistance for no-cause evictions or non-renewals, right to cure, and right to organize) as a condition on projects receiving municipal funds or benefits.

### **Remove Barriers to Manufactured, Modular, and Industrialized Housing Types**

Manufactured and other prefabricated, factory-built housing has been identified as an important source of unsubsidized affordable housing in Texas communities. Public policies to support preservation of manufactured home sites typically include a right of first refusal to purchase when the park site is put on the market, rezoned, or up for redevelopment; funding and technical assistance for resident organizing; and funding

programs to help manufactured home buyers purchase the land needed to permanently site their home. Regulatory actions may also include:

- Conduct a survey of existing manufactured home parks/subdivisions and rezone them to a zoning district that restricts the property to use only as a manufactured home park/subdivision to reduce redevelopment and displacement risk.
- Adopt a relocation assistance ordinance which requires a longer notice period before shutting down a mobile/manufactured home park, with funding to support tenant acquisition of the subdivision or funding for resident relocation assistance to help move units and tenants to new sites within the jurisdiction.
- Promote collective ownership of mobile home parks through resident cooperatives, community land trusts, or public ownership.
- Adopt an equal use ordinance to allow HUD-code manufactured homes that are compatible in exterior aesthetics with the surrounding neighborhood to be permitted equally with site-built single-family homes.
- For cities within the HCHCD Service Area, designate new sites for rezoning to permit manufactured home parks and permit manufactured housing by-right at greater densities in these areas.

The Uprooted Project, a joint initiative of faculty with the University of Texas School of Law and the Community and Regional Planning Program at the University of Texas at Austin, developed a tool-kit of best policy interventions local governments can take to help preserve existing manufactured housing stock and to address underlying issues leading to evictions. The full list of the Uprooted Project's recommendations is available at <https://sites.utexas.edu/gentrificationproject/8-tools-for-preserving-mobile-home-parks/>.

# Chapter 7. Publicly Supported Housing

Publicly supported housing encompasses several strategies and programs developed since the 1930s by the federal government to ameliorate housing hardships that exist in neighborhoods throughout the country. The introduction and mass implementation of slum clearance to construct public housing projects during the mid-1900s signified the beginning of publicly supported housing programs. Government-owned and managed public housing was an attempt to alleviate problems found in low-income neighborhoods such as overcrowding, substandard housing, and unsanitary conditions. Once thought of as a solution, the intense concentration of poverty in public housing projects often exacerbated negative conditions that would have lasting and profound impact on their communities.

Improving on public housing's model of high-density, fixed-site dwellings for very low-income households, publicly supported housing programs have since evolved into a more multi-faceted approach overseen by local housing agencies. The Housing and Community Development Act of 1974 created Section 8 rental assistance programs. Section 8, also referred to as the Housing Choice Voucher (HCV) program, provides two types of housing vouchers to subsidize rent for low-income households: project-based and tenant-based. Project-based vouchers can be applied to fixed housing units in scattered site locations while tenant-based vouchers allow recipients the opportunity to find and help pay for available rental housing on the private market.

The Tax Reform Act of 1986 created the Low-Income Housing Tax Credit (LIHTC) program to incentivize development of affordable, rental-housing development. Funds are distributed to state housing finance agencies that award tax credits to qualified projects to subsidize development costs. Other HUD Programs including Section 811 and Section 202 also provide funding to develop multifamily rental housing specifically for disabled and elderly populations.

The now-defunct HOPE VI program was introduced in the early 1990s to revitalize and rebuild dilapidated public housing projects and create mixed-income communities. Although HOPE VI achieved some important successes, the Choice Neighborhoods Initiative program was developed to improve on the lessons learned from HOPE VI. The scope of Choice Neighborhoods spans beyond housing and addresses employment access, education quality, public safety, health, and recreation.<sup>65</sup>

Current publicly supported housing programs signify a general shift in ideology toward more comprehensive community investment and de-concentration of poverty. However, studies have shown a tendency for subsidized low-income housing developments and residents utilizing housing vouchers to continue to cluster in disadvantaged, low-income neighborhoods. Programmatic rules and the point allocation systems for LIHTC are thought to play a role in this clustering and recent years have seen many states revising their allocation formulas to discourage this pattern in new developments.<sup>66</sup> The reasons for clustering of HCVs is more complicated since factors in decision-making vary greatly by individual household. However, there are indications that proximity to social networks, difficulties searching for housing, and perceived or actual discrimination contribute to clustering.<sup>67</sup> This section will review the current supply and occupancy characteristics of publicly supported housing types and its geographic distribution within Harris County.

## **SUPPLY AND OCCUPANCY**

Residents of Harris County receive publicly supported housing through the Harris County Housing Authority (HCHA), which serves Harris County excluding the cities of Houston, Baytown, and Pasadena. The HCHA administers housing choice vouchers (HCVs) to residents and does not maintain any public housing units in its inventory. According to its

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<sup>65</sup> Department of Housing and Urban Development. *Evidence Matters: Transforming Knowledge Into Housing and Community Development Policy*. 2011. [www.huduser.gov/portal/periodicals/em/EM-newsletter\\_FNL\\_web.pdf](http://www.huduser.gov/portal/periodicals/em/EM-newsletter_FNL_web.pdf).

<sup>66</sup> Dawkins, Casey J. *Exploring the Spatial Distribution of Low Income Housing Tax Credit Properties*. US Department of Housing and Urban Development, [www.huduser.gov/publications/pdf/dawkins\\_exploringliht\\_assistedhousingrcr04.pdf](http://www.huduser.gov/publications/pdf/dawkins_exploringliht_assistedhousingrcr04.pdf).

<sup>67</sup> Galvez, Martha M. *What Do We Know About Housing Choice Voucher Program Location Outcomes? A Review of Recent Literature*. What Works Collaborative, 2010. [www.urban.org/sites/default/files/publication/29176/412218-What-Do-We-Know-About-Housing-Choice-Voucher-Program-Location-Outcomes-.PDF](http://www.urban.org/sites/default/files/publication/29176/412218-What-Do-We-Know-About-Housing-Choice-Voucher-Program-Location-Outcomes-.PDF).

most recent 2021-2026 PHA plan, the HCHA has 4,576 HCVs and 673 Veterans Affairs Supportive Housing (VASH) vouchers for a total of 5,249 vouchers in its inventory. The HCHA also owns and/or manages twelve (12) developments located in Harris County, with another four (4) currently under construction.

The HUD LIHTC database also indicates that there are approximately 7,687 LIHTC units in the Harris County service area. Of these units, approximately 6,142 remain set aside for low-income households. Combined, publicly supported housing units make up figures represented by HUD make up an estimated 1.6% of the housing units in the Harris County service area. In broader Harris County, publicly supported housing makes up 2.0% of all housing units.

**TABLE 21. PUBLICLY SUPPORTED HOUSING UNITS BY PROGRAM CATEGORY**

Housing Units	Harris County Service Area		Harris County	
	#	%	#	%
Total housing units	751,855		1,842,683	
Public housing	0	0.0%	2,415	0.1%
HCV program	4,576	0.6%	24,095	1.7%
LIHTC program	7,687	1.0%	60,246	3.3%

**Source:** Decennial Census; 2021-2026 HCHA 5-Year PHA Plan; 2023 APSH; HUD User LIHTC Database

Table 22 shows the racial and ethnic composition of publicly supported housing units, as well as estimates for the numbers of low-to-moderate income households in the county’s service area. Data provided in the table portrays how closely the publicly supported housing residency rate of several racial and ethnic groups compares to their share of the general population.

In the Harris County Service Area, Hispanic households make up the largest share of low-income households. Approximately 43% of all very low-income households, 44% of low-income households, and 43% of moderate-income households are Hispanic. The percentage of low-to-moderate income Hispanic households in the county’s service area exceeds their share of the overall population (32%). However, Hispanic households are underrepresented in publicly supported housing, comprising 16% of project-based Section 8 housing, 27% of other multifamily housing (such as senior housing and housing for persons with disabilities), and 6% of Housing Choice Voucher holders.



While white households make up the largest share of households in the county's service area (approximately 42%), they make up only the second largest group of low-to-moderate income households. Twenty-five percent of the county's very low-income households are white, while 29% of low income and moderate income are white. Across all publicly supported housing types, White households are underrepresented, with the largest percentage found in other types of multifamily housing at 22%. Only 4% of all HCV holders and 8% of project-based Section 8 residents are white.

Black households in the county service area comprise approximately 17% of the area's total population and 20% of the county's low-to-moderate income households. The percentage of Black households living in other multifamily housing is similar to their overall share of the population at 17%. However, they are significantly overrepresented in the project-based Section 8 program (75%) and the HCV program (89%).

Asian and Pacific Islander households have similar shares in the general population (7%) and all low-to-moderate income households (6%). APSH data indicates that Asian and Pacific Islander households are underrepresented in the HCV program (1%) and in project-based Section 8 housing (0.5%). However, these households are slightly overrepresented in other multifamily housing types (34%).

In Harris County, including the Cities of Houston, Baytown, and Pasadena, Hispanic households make up a slightly larger share of the population (35%), and the share of low-to-moderate income Hispanic households is also slightly larger (44%). Hispanic households are significantly underrepresented in the region's public housing (13%), project-based Section 8 (18%), and HCV program (8%). Their share in other types of multifamily housing (34%) is similar to their share of the region's overall population.

The share of Black households in the county (20%) is higher than their share in the service area. In accordance with this pattern, the share of low-to-moderate income Black households is also higher (26%). Again, Black households are significantly overrepresented in project-based section 8 housing (66%) and the HCV program (85%). The county's supply of public housing is also majority Black (79%). The percentage of Black households in other types of multifamily housing (17%) is the only category of publicly supported housing where the concentration of Black households is similar to their share of the region's overall population.

The share of white households in the county (36%) is smaller than that found in the county service area, as is the share of low-to-moderate income white households (23%). White households also make up smaller shares of publicly supported housing in the county: 3% of public housing households, 5% of HCV households, 8% of project-based Section 8 and 11% of other multifamily.

The share of Asian and Pacific Islander households in the county's general population (7%) and low-to-moderate income households (5%) is similar to that found in the service area. Asian and Pacific Islander households also make up similar shares in the county's public housing (4%) and project-based Section 8 housing (5%). However, they are underrepresented in the county's HCV program (1%), while being overrepresented in other multifamily housing (33%).

**TABLE 22. PUBLICLY SUPPORTED HOUSING RESIDENTS BY RACE/ETHNICITY**

Housing Type	Race/Ethnicity							
	White		Black		Hispanic		Asian or Pacific Islander	
	#	%	#	%	#	%	#	%
<b>Harris County Service Area</b>								
Public Housing	-	-	-	-	-	-	-	-
Project-Based Section 8	150	8.4%	1,339	74.7%	287	16.2%	9	0.5%
Other Multifamily	130	22.2%	97	16.6%	156	26.7%	201	34.4%
HCV Program	299	3.8%	6,966	88.7%	475	6.1%	104	1.3%
<b>Total Households</b>	<b>287,295</b>	<b>42.1%</b>	<b>113,260</b>	<b>16.6%</b>	<b>219,440</b>	<b>32.1%</b>	<b>48,350</b>	<b>7.1%</b>
<b>0-30% AMI</b>	15,816	24.7%	13,840	21.6%	27,301	42.7%	5,001	7.8%
<b>0-50% AMI</b>	36,066	26.2%	28,120	20.4%	60,376	43.9%	9,516	6.9%
<b>0-80% AMI</b>	72,531	29.2%	48,395	19.5%	105,931	42.6%	15,926	6.4%
<b>Harris County</b>								
Public Housing	69	3.0%	1,823	79.0%	300	13.0%	92	4.0%
Project-Based Section 8	641	8.0%	5,287	66.0%	1,442	18.0%	401	5.0%
Other Multifamily	212	11.0%	324	16.8%	649	33.8%	631	32.8%
HCV Program	1,178	5.0%	20,029	85.0%	1,885	8.0%	236	1.0%
<b>Total Households</b>	<b>587,520</b>	<b>35.9%</b>	<b>331,250</b>	<b>20.3%</b>	<b>571,155</b>	<b>34.9%</b>	<b>111,190</b>	<b>6.8%</b>
<b>0-30% AMI</b>	46,095	19.8%	68,200	29.3%	98,305	42.2%	8,525	3.7%
<b>0-50% AMI</b>	90,805	20.4%	120,535	27.1%	198,095	44.5%	19,520	4.4%
<b>0-80% AMI</b>	164,685	22.5%	186,720	25.5%	323,660	44.3%	34,585	4.7%

**Note:** Data presented are number of households, not individuals. Percentages associated with each income bracket are out of total households.

**Source:** 2016-2020 CHAS, Tables 1 and 9; 2023 APSH

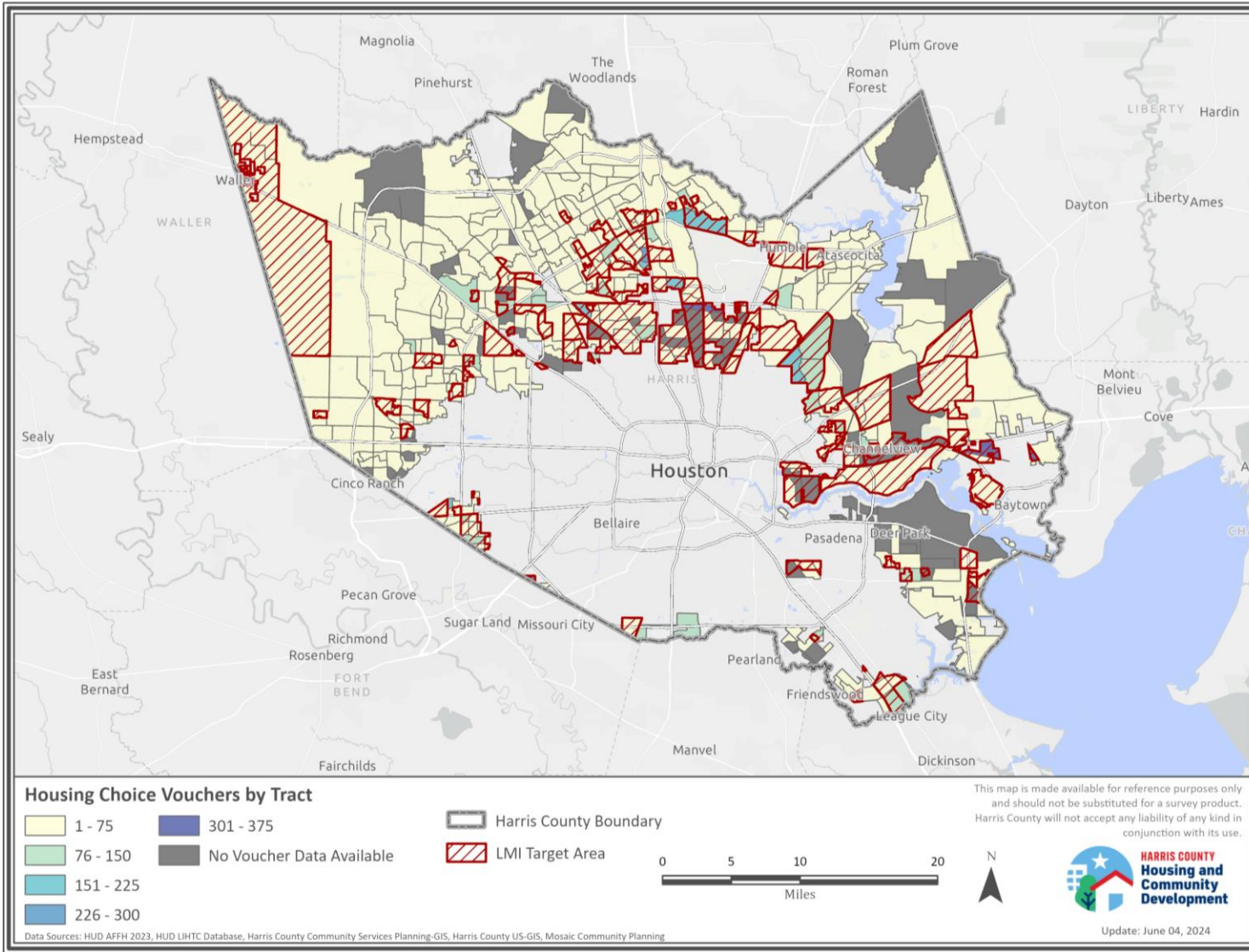
## **GEOGRAPHY OF SUPPORTED HOUSING**

The number of Housing Choice Vouchers (HCVs) in use per census tract is represented by the shading on the map below (Figure 51). HCVs are issued to households and may be used at a rental unit of the tenant's choosing to reduce the tenant's share of rent payments to an affordable level. HCVs are portable and their distribution throughout the city is subject to fluctuate based on location preferences of individual voucher households and the participation of landlords in the HCV program. Data from the Picture of Subsidized Housing indicates that the greatest number of housing choice vouchers can be found in Census Tract 2532.02, located in unincorporated Harris County, near the City of Baytown, alongside W Cedar Bayou Lynchburg Rd. Here, APSH estimates that 375 housing choice vouchers are in use. The population in tract 2532.02 is approximately 47% Hispanic, similar to the Hispanic share of the county service area's overall population. Voucher use is also high in tract 2227.02, located in unincorporated Harris County near Aldine, a census-designated place (CDP). The tract is situated directly south of Beltway 8, the Sam Houston Parkway, and southwest of the George Bush Intercontinental Airport. Here, there are approximately 328 housing choice vouchers in use. However, the share of Hispanic households is much lower in this tract at only 20%.

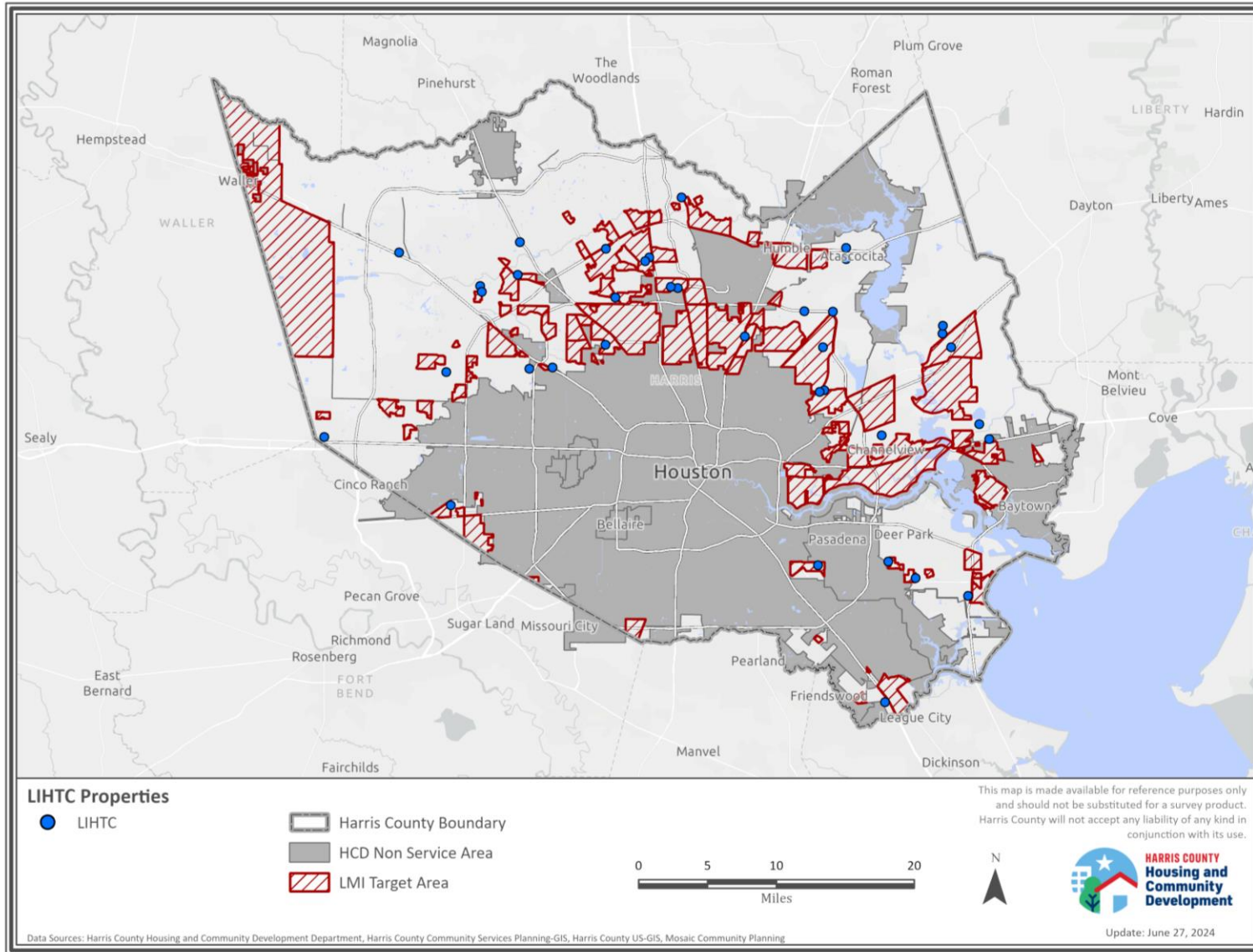
Figure 52 indicates the location of low-income housing tax credit (LIHTC) properties using blue markers. LIHTC units are relatively dispersed throughout the county's service area with slight clustering around the northern region of the county's service area. Near Aldine, there are two LIHTC properties located within a mile of each other: Richcrest Apartments and Arbor at Wayforest. Northwest of this area, two additional LIHTC properties are within 0.5 miles of each other: Quail Chase Apartments and Villa Springs. Other LIHTC properties located within the same area include the Vireo and Rutherford Park, near Kings Lake Forest.

Multifamily affordable housing funded by Community Development Block Grant (CDBG) funds are shown in Figure 53, designated by yellow markers. The spatial distribution of these properties is similar to those of HCVs and LIHTC units, with a concentration in north Harris County. Several affordable housing developments are located near Aldine and the George Bush Intercontinental Airport.

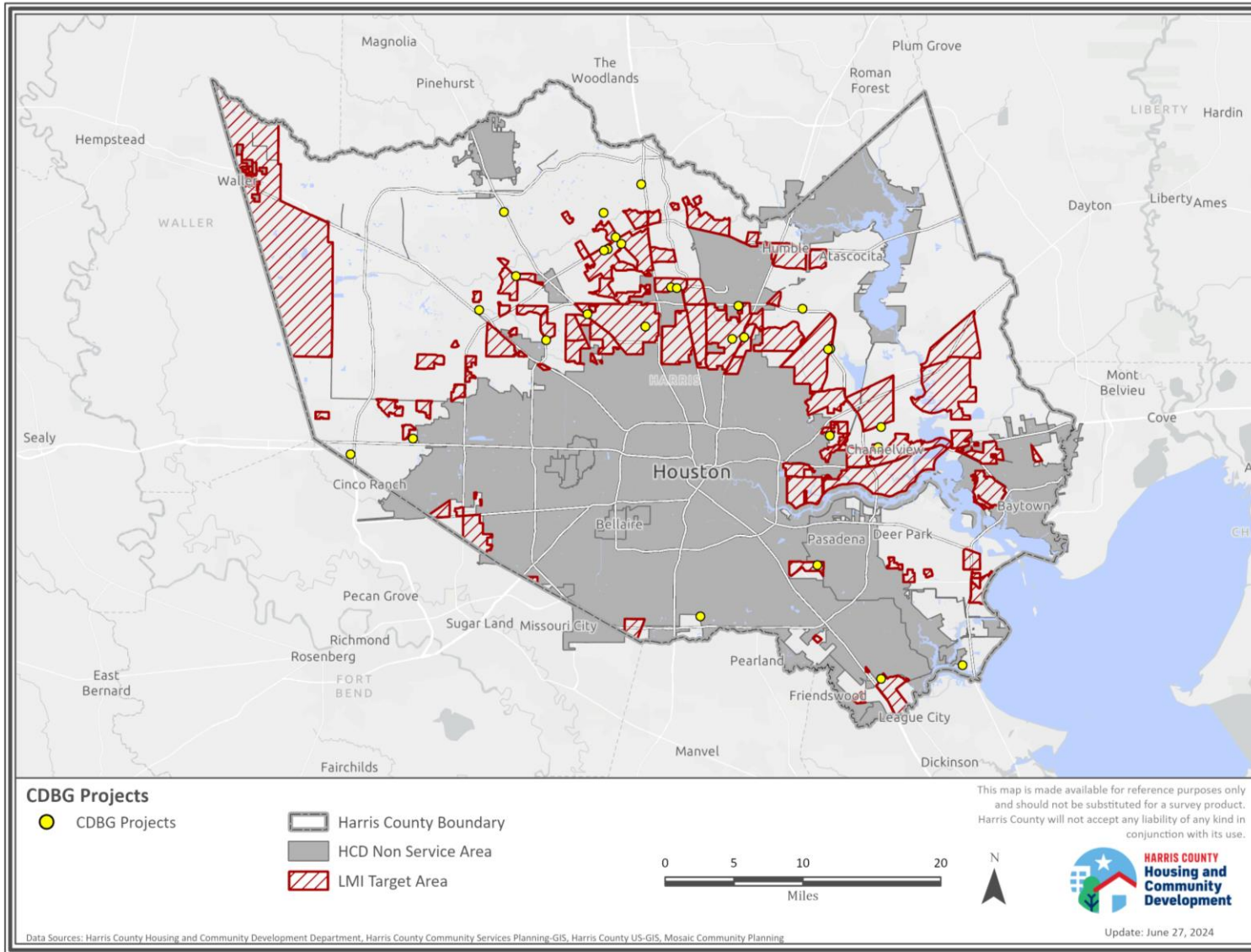
**FIGURE 51. PUBLICLY SUPPORTED HOUSING IN HARRIS COUNTY**



**FIGURE 52. LIHTC PROPERTIES IN HARRIS COUNTY**



**FIGURE 53. CDBG MULTIFAMILY AFFORDABLE HOUSING IN HARRIS COUNTY**



## POLICY REVIEW

The Harris County Housing Authority (HCHA) is required by HUD to fulfill the Five-Year PHA Plans with annual plan updates as required by HUD for non-qualified PHAs. The HCHA maintains an Administrative Plan to set policy for who may be housed by the housing authority and how those tenant households are selected. Four aspects of the Admin Plan are examined here: tenant selection, local preference, tenant screening, and subsidy standards. The following review will also describe the HCHA'S reasonable accommodation policy. These policy types allow local determination by the HCHA and are among the most central to matters of fair housing choice.

The HCHA begins its tenant selection for the HCV program by determining eligibility for the program. Applicants are considered eligible for a housing choice voucher if they meet the following criteria:

- Qualify as a family:
  - "Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
    - (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
    - (2) A group of persons residing together, and such group includes, but is not limited to:
      - (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
      - (b) An elderly family;
      - (c) A near-elderly family;
      - (d) A disabled family;
      - (e) A displaced family;
      - (f) The remaining member of a tenant family."<sup>68</sup>
- Have income at or below HUD-specified income limits
- Qualify on basis of citizenship or eligible immigrant status of family members

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<sup>68</sup> HCHA. (2021). "Housing Choice Voucher Program Section 8 Administrative Plan." p. 3-2



- Provide social security number information for household members as required
- Consent to the PHA's collection and use of family information as provided for in PHA-provided consent forms
- The PHA must determine that the current or past behavior of household members does not include activities prohibited by HUD or the PHA (ex. drug-related criminal activity or violent criminal activity)

Housing choice voucher applicants complete an application to be placed on the HCHA waiting list. The HCHA also uses a local preference system to sort incoming applications. The HCHA has the following local preferences for families that applied after 2016: families who have been terminated from the HCV program due to insufficient funding; families that include victims of domestic violence, dating violence, sexual assault, or stalking who are seeking an emergency transfer under the Violence Against Women Act (VAWA) from other covered housing program operated by the HCHA. The HCHA also states that it will:

- House up to 100 families who are referred to the HCHA through the Judge Ed Emmett Mental Health Diversion Program
- Issue up to 125 vouchers to families who are referred by Coordinated Access under the Harris County Community Services Program
- Issue up to 25 youth(s) Foster Youth to Independence (FYI) Tenant Protection Vouchers (TPV) each year
- Issue vouchers to up to 20 families that qualify for HCHA's Shelter Plus Care program preference

The HCHA will first select applicants that applied in 2008 from the waiting list. For these families, families that claim the residency preference will be selected by date and time of application. Then, families that do not claim the residency preference will be selected by date and time of application. Once the 2008 waiting list is depleted, the PHA will select families in the preference order listed above for the first four preferences. These families will be selected by date and time of application, within each preference category:

- 1) Families terminated due to insufficient funding
- 2) VAWA emergency transfers (Active HCHA PBV participants)

- 3) The Harris County Center for Mental Health and Judge Ed Emmett Mental Health Diversion Program
- 4) Shelter-Plus Care referrals

If the PHA reopens the waiting list before all the families that claim a preference are selected, then the PHA will first select all families from the existing waiting list that claim a preference before selecting from the newer waiting list. Once all families claiming a preference have been selected, those families from the older waiting list (2016 and later) that do not claim a preference, or who failed to verify for a claimed preference, will be assigned new lottery numbers, along with the applicant families for the newer waiting list.

Tenant screening is conducted by the landlord, not the HAHC. In its Admin Plan, the HCHA states that it is not liable for tenant behavior or suitability for the unit. However, the HCHA will deny applicants based on the following standards required by HUD: currently engaging in illegal use of a drug; subject to a lifetime registration requirement under a State sex offender registration program; conviction of drug-related criminal activity for manufacture of methamphetamine on the premises of federally assisted housing; or alcohol abuse which would interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.<sup>69</sup> The HCHA may also deny admission to applicants evicted from federally assisted housing for drug related criminal activity within the past 5 years. However, the Admin Plan notes that it will admit an otherwise-eligible family if the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the HCHA or if the person is who committed the crime is no longer living in the household.

When a family has been selected from the waiting list, HCHA will notify the family by first class mail or email. The notice will inform the family of: (1) date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview; (2) who is required to attend the interview; and (3) all documents that must be provided.

When vouchers are available, the HCHA mails a full application to applicants on the waiting list. At the time of formal application, HCHA staff verify the local preferences identified in the application. The head of household and spouse/cohead must attend an interview together unless a waiver is provided. Once the HCHA confirms the applicants'

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<sup>69</sup> [https://www.hud.gov/sites/documents/DOC\\_10760.PDF](https://www.hud.gov/sites/documents/DOC_10760.PDF)

eligibility and verifies all documentation, the applicant is invited to a program briefing to learn about the HCV program and receive their voucher.

The HCHA also maintains a Reasonable Accommodation policy in the Admin Plan, which allows an applicant or resident with a disability to request a change to one of the HCHA's policies or procedures to accommodate a disability. Examples of accommodations might include allowing applications to be completed by mail, increasing payment standards to help a person with a disability find a suitable home, or extending time for voucher holders to find an accessible unit. Individuals wishing to obtain reasonable accommodations are encouraged to make their requests in writing using a reasonable accommodation request form. However, the HCHA notes that it will consider all accommodations needed whether or not a formal written request is submitted. The HCHA will respond to reasonable accommodation requests in writing within 10 business days.

# Chapter 8. Housing for People with Disabilities

An estimated 12.9% of the U.S. population was disabled as of the American Community Survey Five-Year Estimates for 2018-2022. Research has found an inadequate supply of housing that meets the needs of people with disabilities and allows for independent living. The U.S. Department of Housing and Urban Development identified that approximately one third of the nation's housing stock can be modified to accommodate people with disabilities, but less than 1% is currently accessible by wheelchair users.<sup>70</sup>

Identifying and quantifying existing accessible housing for all disabilities is a difficult task because of varying needs associated with each disability type. Unique housing requirements for people with mobility impairments may include accessibility improvements such as ramps, widened hallways and doorways, and installation of grab bars, along with access to community services such as transit. People with hearing difficulty require modifications to auditory notifications such as fire alarms and telecommunication systems while visually impaired individuals require tactile components in design and elimination of trip hazards. Housing for people that have difficulty with cognitive functions, self-care, and independent living often require assisted living facilities, services, and staff to be accessible. For low- and moderate-income households, the costs of these types of home modifications can be prohibitive. Renters may face particular hardships, as they could be required to pay the costs to install such modifications, as well as the costs of removing the modifications at the end of the rental period. Re-installing the necessary modifications can cause further cost burden if they choose to relocate. Modifications and assisted living arrangements tend to pose significant costs for people with disabilities, who already experience more difficulty affording housing compared to populations with no disability. Studies have found that

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<sup>70</sup> Chan, S., Boshier, L., Ellen, I., Karfunkel, B., & Liao, H. . L. (2015). Accessibility of America's Housing Stock: Analysis of the 2011 American Housing Survey. U.S. Department of Housing and Urban Development: Office of Policy Development and Research.

55% of renter households that have a member with a disability have housing cost burdens, compared with 45% of those with no disabilities.<sup>71</sup>

In Harris County (excluding the city of Houston), an estimated 156,835 individuals have a disability, representing 9.2% of the total population. Adults aged 18 to 64 have the highest disability rate at 5.2%, followed by seniors aged 65 and older at 2.9%, and children under age 18 at 1.0%. These rates are slightly lower than those of the Houston-The Woodlands-Sugar Land region, where 10.3% of residents have a disability, including 5.6% of seniors and 0.98% of youth.

Ambulatory disabilities are the most common type in both Harris County and the Houston region, affecting 4.6% of county residents and 5.4% of the region's population. Cognitive, independent living, and hearing disabilities are the next most common, affecting approximately 2% to 3% of the population in both areas. Vision and self-care difficulties are the least common disabilities, each affecting about 2% or fewer of the county's and region's residents.

**TABLE 23. DISABILITY BY TYPE**

Disability Type	(Harris County, TX CDBG) Jurisdiction		(Houston-The Woodlands-Sugar Land, TX) Region	
	#	%	#	%
Hearing difficulty	41,528	2.42%	160,027	2.75%
Vision difficulty	33,156	1.93%	123,098	2.12%
Cognitive difficulty	57,598	3.36%	221,365	3.81%
Ambulatory difficulty	79,220	4.62%	314,599	5.41%
Self-care difficulty	34,126	1.99%	126,234	2.17%
Independent living difficulty	54,107	3.16%	210,785	3.62%

**Note:** All % represent a share of the total population within the jurisdiction or region.

**Source:** AFFH Data, July 2020

<sup>71</sup> America's Rental Housing 2017. (2017). Joint Center for Housing Studies of Harvard University.

**TABLE 24. DISABILITY BY AGE GROUP**

Age of People with Disabilities	(Harris County, TX CDBG) Jurisdiction		(Houston-The Woodlands-Sugar Land, TX) Region	
	#	%	#	%
age 5-17 with Disabilities	17,322	1.01%	56,833	0.98%
age 18-64 with Disabilities	88,846	5.18%	327,304	5.63%
age 65+ with Disabilities	50,667	2.96%	217,889	3.75%

**Note:** All % represent a share of the total population within the jurisdiction or region within the jurisdiction or region.

**Source:** AFFH Data, July 2020

## ACCESSIBLE HOUSING SUPPLY AND AFFORDABILITY

Any new multifamily housing with five or more units constructed after 1988 using federal subsidies must include a minimum of 5% of units accessible to persons with mobility impairments and an additional 2% of units accessible to persons with vision/hearing impairments (or one unit of each type, whichever is greater). Additionally, HUD provides support for accessible housing through its Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities programs.

A search for affordable elderly and special needs housing using HUD’s Resource Locator tool was conducted to identify affordable rental properties in Harris County designed to serve people with disabilities. The search returned several dozen results located in Harris County outside of the city of Houston. For example, two multifamily properties provide housing for low income, elderly, and special needs residents in the City of Humble. Colony of Humble Apartments has 101 one-bedroom units and 74 two-bedroom units. Countryside Village Apartment Homes in Humble has 58 one-bedroom units, 114 two-bedroom units, and 10 three-bedroom units. Both properties provide these units through the Section 811 Supportive Housing for Persons with Disabilities program.

Harris County has a Directory of Accessible Housing—a directory of accessible rental housing and other housing resources in Houston and Harris County developed by the Care Connection Aging and Disability Resource Center<sup>72</sup>. While rent estimates are not provided, additional income restrictions are listed for participating rental properties. For example, tenants residing in Colony of Humble Apartments must provide proof of income in order to qualify. Their monthly rent depends on their household income considering the presence of children.

Additionally, the Harris County Housing and Community Resource Center provides information on Specialized Housing for people with disabilities and seniors<sup>73</sup>. Magnificat Houses, Inc., provides safe and secure low-cost housing for men and women with special needs as well as meals and laundry services. For seniors, there are eight properties that provide affordable housing opportunities in the cities of Houston, Spring, Webster, and Humble.

Based on a standard Supplemental Security Income (SSI) payment of \$943 per month<sup>74</sup> (equating to an affordable rent of \$314.33 or less), it is highly likely that people with disabilities who are unable to work and rely on SSI as their sole source of income face substantial cost burdens and difficulty locating affordable housing. Publicly supported housing is often a key source of accessible and affordable housing for people with disabilities. According to the Harris County Housing Authority’s most recent 2021-2026 PHA plan, there are 4,576 Housing Choice Voucher (HCV) units in the Harris County Service Area and no public housing units (the County ended its public housing program in 2020). The share of residents with a disability in various types of publicly subsidized

**-Survey Respondents**

**"Rent is too high and not affordable."**

**"There is an automatic negative stigma placed on Section 8 tenants."**

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<sup>72</sup> Care Connection. Affordable, Accessible, and Integrated Housing Options in Harris County. Retrieved from:

<https://www.careconnection.org/Data/Sites/1/media/Resource%20Directory/Housing%20Resources%20PDF/HARRISCOUNTY.pdf>

<sup>73</sup> Harris County Housing and Community Resource Center. Specialized Housing.

<https://housingandcommunityresources.net/emergency-assistance/specialized-housing/>

<sup>74</sup> Social Security Administration. Supplemental Security Income (SSI).

<https://www.ssa.gov/ssi/amount#:~:text=The%20maximum%20monthly%20SSI%20payment,living%20situation%2C%20and%20other%20factors.>

housing in Harris County and the Houston-Woodlands-Sugar Land region are shown in Table 25. In both the county and region, the share of residents with a disability living in Housing Choice Voucher units (29.1% and 25.9%, respectively) is much greater than the share of the population with a disability (9.1% in the county and 10.4% in the region). Project-based Section 8 units housed people with disabilities at a slightly higher rate than their share of the population in the county and region. Data on the disability status of Section 202 and 811 households was not available.

**TABLE 25. DISABILITY BY PUBLICLY SUPPORTED HOUSING PROGRAM CATEGORY**

Housing Type	Share of Residents with a Disability	
	Harris County Service Area	Houston-The Woodlands-Sugar Land, TX Region
Public Housing	N/A	30.78%
Project-Based Section 8	10.75%	17.38%
Section 811 Housing	N/A	N/A
Section 202 Housing	N/A	N/A
Other Multifamily	11.46%	15.79%
HCV Program	29.10%	25.90%

**Note:** The definition of "disability" used by the Census Bureau may not be comparable to reporting requirements under HUD programs.

**Source:** AFFH data, July 2020

The outsized shares of public housing and HCV households with people with disabilities suggests that these programs are a significant component of the area’s supply of affordable and accessible housing. The lack of accessible units available in the private rental market and the high utilization of publicly supported programs for affordable and accessible units demonstrate that the need for accessible housing options in Harris County is not met by the current supply.

Stakeholders who participated in this planning process also noted a need to increase housing options for people with disabilities, emphasizing that housing with supportive services for people with intellectual and developmental disabilities and affordable housing near public transportation are top needs. Further, 8.07% of the respondents to the Harris County Fair Housing Survey indicated that the lack of housing options available for people with disabilities poses a barrier to fair housing, and 51.57% noted a high level



of need for affordable housing options while 19.28% noted there was community opposition to affordable housing in Harris County.

## ZONING AND ACCESSIBILITY

Amid a pervasive housing shortage, many individuals with disabilities—who also are more likely to be low-income and cost-burdened—face a twofold challenge of securing housing that is both affordable and accessible. Accessible housing encompasses housing that is designed, constructed, modified, or retrofitted with a range of usable and adaptable features to enable more independent living for persons with disabilities, with supportive in-home care and available community services where needed. Under the federal Fair Housing Act (FHA), discrimination in housing against persons with disabilities includes a failure “to design and construct” qualifying multifamily dwellings so that they are accessible to and usable by persons with disabilities, in particular persons who rely on wheelchairs or mobility supports.

There are multiple federal and state laws and policies that can impact minimum accessibility standards for qualifying dwellings. These include for-rent apartments, for-sale condominiums, cooperatives, assisted living facilities, continuing care facilities, nursing homes, public housing developments, HOPE VI projects, projects funded with HOME or other federal funds, transitional housing, permanent supportive housing, dormitories, hospices, extended stay or residential hotels, and more. The FHA only imposes initial design and construction accessibility and adaptability requirements on “covered multifamily”<sup>75</sup> housing (both for-rent and owner-occupied) built for first occupancy after March 13, 1991. Developers, builders, owners, engineers, and architects responsible for the design or construction may be liable if covered housing fails to provide, at minimum:

- An accessible entrance on an accessible route.
- Accessible common and public use areas.
- Doors sufficiently wide to accommodate wheelchairs.
- Accessible routes into and through each dwelling.
- Light switches, electrical outlets, and thermostats in accessible locations.

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<sup>75</sup> The term “covered multifamily dwellings” as used in the statute means (i) all ground floor units and public and common use areas in buildings with four or more dwelling units and no elevator access and (ii) all dwelling units and all public and common use areas in buildings with four or more dwelling units and at least one elevator.

- Reinforcements in bathroom walls to accommodate grab bar installations.
- Usable kitchens and bathrooms configured so that a wheelchair can maneuver throughout the space.

The technical specifications for these seven criteria are not detailed in the FHA. Besides creating safety and hardship issues, when minimum standards are not met, some people with disabilities may be entirely excluded from those housing options.

More broadly, accessible housing under the FHA includes the opportunity for a person with a disability to be granted a reasonable accommodation. This refers to a change, exception, or adjustment to a rule, policy, practice, or service. Additionally, it may involve a "reasonable modification," which is a physical change or adaptation to the structure, premises, dwelling, or facilities. These measures enable equal opportunity for individuals with disabilities to use and enjoy housing.

Besides FHA standards, accessibility to public spaces related to housing (parking lots, leasing offices, mailboxes, amenities, etc.) and reasonable accommodations or modifications to many affordable and multifamily housing projects also may be subject to more than one federal accessibility law and architectural standard, specifically the Americans with Disabilities Act<sup>76</sup> and Section 504 of the Rehabilitation Act.<sup>77</sup> Other housing types besides 4+ unit multifamily, including townhomes and single family detached units, that are subsidized by federal, state, or local funding also will have accessibility, adaptability, or visiting ability requirements for public/common spaces and certain dwelling units.<sup>78</sup> For example, single-family construction funded by the Texas Department of Community Affairs must comply with accessibility requirements related to accessible entrances, doors, hallways, bathroom walls, environmental controls, and

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76 42 U.S.C. §§ 12131-12165; 12181-12189. Title II of the ADA prohibits discrimination based on disability in programs and activities provided or made available by public entities (state and local governments and special purpose districts) and Title III applies to private entities that own, lease, and operate places of public accommodation.

77 29 U.S.C. § 794. Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance, such as public housing or other affordable housing. Properties monitored, developed with, or funded through the Texas Department of Housing and Community Affairs also are subject to Section 504, FHA, and ADA requirements by Texas Government Code § 2306.6722.

78 See, e.g., the Architectural Barriers Act, 42 U.S.C. § 4151 et seq., which requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds must be accessible to and useable by persons with disabilities in compliance with the Uniform Federal Accessibility Standards.

breaker boxes. Properties subject to Section 504, like Low-Income Housing Tax Credit (LIHTC) properties, with 5 or more units currently must design and construct 5% of the dwelling units (or at least one unit, whichever is greater) to be accessible for persons with mobility disabilities, in compliance with the Uniform Federal Accessibility Standards (UFAS)<sup>79</sup> or a standard that is equivalent or stricter. An additional 2% of the dwelling units (or at least one unit, whichever is greater) must be accessible for persons with hearing or visual disabilities.<sup>80</sup>

Zoning, land development, fire, property maintenance, and building codes affect all of these issues—from where accessible, affordable housing can be built, to what type and size of housing for persons with disabilities can exist, to the minimum accessible, adaptable, and/or visitable technical standards that apply to public and private housing in the jurisdiction. Fair housing laws do not preempt local zoning laws but do apply to municipalities and local government units and prohibit them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons. Even where a specific zoning ordinance or housing code does not expressly violate fair housing law, local jurisdictions have an affirmative duty under the FHA and HUD rulemaking to mitigate the disparate impacts its regulations, ordinances, and policies as applied and enforced have on housing choice for people with disabilities, and to grant reasonable accommodations to land use or zoning rules when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy housing. HUD entitlement jurisdictions have an affirmative obligation to advance fair housing choices for persons with disabilities and not artificially limit or segregate housing for persons with disabilities through exclusionary zoning or comprehensive planning that limits people to lower-opportunity, less desirable, or isolated areas cut off from services. This could mean ensuring more than just the minimum accessibility units and features required under various fair housing laws, but also incentivizing or developing accessible housing that comes closer to meeting the actual supply needs in the jurisdiction.

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79 UFAS, available at: <https://www.access-board.gov/aba/ufas.html#4.34-dwelling-units>.

80 Examples of accessibility technologies for persons with vision or hearing disabilities include text/vision and auditory notification and alarm systems, smart home controls, and unobstructed and accessible routes.

Because zoning codes present a crucial area of analysis for a study of impediments to fair housing choice, the latest available code of ordinances—specifically zoning, building, subdivision, and other land use related ordinances—for Harris County and the HCHCD Service Area cities of Deer Park, Humble, Katy, La Porte, Seabrook, and South Houston (cities with populations over 13,000) were reviewed and evaluated against a list of ten common fair housing issues to identify potential barriers to fair housing choice.

Zoning ordinances and land use provisions for Harris County and the HCHCD Service Area cities of Deer Park, Humble, Katy, La Porte, Seabrook, and South Houston (cities with populations over 13,000) were reviewed to identify potential barriers to fair housing choice that may impact accessibility and housing choice for persons with disabilities. The respective jurisdictions’ codes were assigned a risk score of either 1, 2, or 3 for each of the issues, with the possible scores defined as follows:

1 = Low Risk:	The provision poses little risk for discrimination or limitation of fair housing choice, or is an affirmative action that intentionally promotes and / or protects affordable housing and fair housing choice.
2 = Medium Risk:	The provision is neither among the most permissive nor most restrictive; while it could complicate fair housing choice, its effect is not likely to be widespread.
3 = High Risk:	The provision causes or has potential to result in systematic and widespread housing discrimination or the limitation of fair housing choice, or is an issue where the jurisdiction could take affirmative action to further affordable housing or fair housing choice but has not.

The results of this review are assessed below. Several elements of the following analysis refer back to the scored zoning code reviews initially presented in Chapter 6.

### **Definition of “Family”**

A hallmark purpose of zoning is to designate “districts in which only compatible uses are allowed and incompatible uses are excluded.”<sup>81</sup> Thus, for there to be designated single-family residential zones with compatible uses, local ordinances will often define the term “family.” It is common for local governments to use their zoning code’s definition of “family” to limit the number of unrelated persons who may live together in a single

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<sup>81</sup> D. Mandelker, Land Use Law § 4.16, pp. 113-114 (3d ed.1993) cited by the Supreme Court in City of Edmonds v. Oxford House Inc., 514 U.S. 725 (1995).

dwelling, purportedly as a means of preserving the stable, traditional, and residential character of their neighborhoods. And while the Supreme Court has recognized a local municipality's right to limit the number of unrelated individuals who may live together as constitutionally permissible, the restriction must be reasonable, equally applied, and not targeted towards protected class groups. Unreasonably or arbitrarily restrictive definitions may limit housing for nontraditional households who, in every sense but a biological one, share the characteristics of a traditional family related by blood or marriage. Restrictive definitions of family also may have the effect of limiting fair housing choice for persons with disabilities who reside together in supportive or congregate living situations. Definitions of "family" that limit the number of unrelated persons who may reside together in single-family neighborhoods while theoretically permitting an unlimited number of persons related by blood or marriage may be subject to FHA liability. The Supreme Court has distinguished between local occupancy standards that "cap the total number of occupants [of a dwelling] in order to prevent overcrowding" as permissible and exempted from FHA scrutiny by Section 3607(b)(1), as opposed to local "family composition rules typically tied to land-use restrictions" which are not exempt from FHA scrutiny or its reasonable accommodation protections.<sup>82</sup>

With no zoning regulations and limited development or building codes, Harris County does not explicitly define family composition or household size for its unincorporated areas. However, for the HCD Service Area Cities studied, their zoning codes define "family" or household unit to varying degrees of restrictiveness or permissiveness. Like Harris County, Humble does not define family for purposes of single-family housing, and received a "1" on Issue 1 of the Zoning and Ordinance Review matrix. South Houston, La Porte, and Deer Park limit the definition of "family" to not more than four unrelated persons residing together. Katy's and Seabrook's definitions are more permissive, permitting up to 5 unrelated persons to live together as a single "family" or housekeeping unit. While not the most restrictive, all of these do limit household compositions in a way not related to the safety standards of occupancy limits. Accordingly, each of these jurisdictions received a "2" on Issue 1.

A more equitable approach is to define a single family or household not in terms of blood, marriage, or adoption or an arbitrary number of unrelated persons but in terms of a

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<sup>82</sup> City of Edmonds v. Oxford House Inc., 514 U.S. 725 (1995).

“functional family” or common household sharing common space, meals, and household responsibilities. Another option is to allow an administrative process for rebutting the presumption that a group exceeding the permitted maximum number of unrelated persons is not otherwise residing together as a single housekeeping unit and functional family. Better still, a more progressive land use and housing planning strategy is to leave maximum occupancy per dwelling as a matter of health and safety regulated by the building code rather than the zoning regulations just as the zoning code does not limit the number of related household members residing together. For example, the IBC’s International Property Maintenance Code (which has not been adopted by the County) bases residential occupancy maximums on a formula using square footage of living spaces and number of bedrooms (ICC IPMC 2021 ed., § 404.5 Overcrowding). The Texas Property Code § 92.010 guides landlords to allow the maximum number of adults to occupy a dwelling at three times the number of bedrooms in the dwelling.

Preventing overcrowding is a legitimate governmental interest, but limiting a family to no more than four or five unrelated individuals for all residential housing may fail to treat nontraditional, but functionally equivalent household relationships equal with those related by blood or marriage and may violate fair housing, privacy, and due process protections if challenged. Amending the definition of family to make it more inclusive of nontraditional living arrangements or eliminating “family” definitions altogether and basing maximum household size on building code occupancy limits also allows for lower-cost co-housing opportunities, where individuals may rent private bedrooms while sharing common spaces and household responsibilities with other tenants.

Of the zoning codes evaluated, none of the local definitions of “family” distinguish between or treat persons with disabilities differently *because of* their disability, rather supportive housing services for persons with disabilities are regulated under the term “residential care facility” and discussed below.

## **Group Housing for People with Disabilities and Spacing Requirements**

Group living arrangements for persons with disabilities may be known by various names in different jurisdictions including licensed or unlicensed group homes, congregate living homes, supportive services housing, personal care homes, assisted living, residential care facilities, community care homes, or under Texas state law as a “community home.” Regardless of the name designation the housing, the Fair Housing Act makes it unlawful

to utilize land use policies or actions that treat groups of persons with disabilities less favorably than similarly situated groups of non-disabled persons. Thus, housing for people with disabilities that otherwise meets the respective jurisdiction’s definition of “family” (for those with zoning or land use codes that explicitly define permissible family compositions and regulate the number of unrelated persons residing together) and maximum occupancy limits should be permitted in all residential districts equally with other housing.

Although licensing procedures and regulations imposing standards on the housing, health care, and support services required for de-institutionalization and integration into the community can serve to protect the health and safety of group home residents, such regulations are subject to scrutiny under the FHA. Regulations must be neutrally applied, must not be based on stereotypes or target specific disabilities for differing treatment, and must not have an unjustified discriminatory effect. Regulations that disproportionately impact housing for a protected class must be necessary to achieve a substantial, legitimate, nondiscriminatory interest (like the individualized health and safety needs of the specific residents affected).

Texas state law protects licensed “community homes” for six or fewer residents with disabilities from local exclusionary zoning and private deeds/restrictive covenants. As long as a community home is acting within the licensing requirements—providing food and shelter, care, supervision, and habilitation services to residents—it must be “authorized in any district zoned as residential.”<sup>83</sup>

Harris County and the cities of Katy and South Houston do not explicitly regulate community homes or other supportive housing for persons with disabilities as permitted uses or otherwise in their respective codes. Accordingly, as long as the dwelling otherwise meets the definition of “family” and other residential district standards, such housing should be permitted by right in residential zoning districts equal with other housing. These jurisdictions received a “1” on Issue 2 of the matrix.

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83 A community home broadly encompasses homes operated by or certified by the Department of Aging and Disability Services; community centers for persons with intellectual disabilities; nonprofit business organizations; and assisted living facilities compatible in scale with surrounding residential dwellings. Texas Human Resources Code § 123.004.



Deer Park also does not explicitly regulate community homes or other supportive housing for persons with disabilities, however age-restricted retirement housing designed to provide meals and nursing care is permitted by right only in certain zoning districts (generally multifamily and mixed use districts) but not the single-family districts. Age-restricted housing that otherwise meets the city's definition of "family" (i.e. up to 4 unrelated residents or up to 6 residents if meeting the state's definition of a community home) should be permitted in single family districts equally with other housing and not excluded based on the residents' ages and need for in-home supportive services. As it's not clear from Deer Park's ordinance how this standard would be applied to age-restricted retirement housing for up to 4-6 persons, Deer Park received a "3" on Issue 2.

Seabrook's code creates some ambiguity about whether all housing for persons with disabilities will be treated equally. While the code explicitly permits by right in all residential districts group homes shared by six or fewer handicapped persons and their caregivers who live together as a single housekeeping unit, the code's permitted use table limits "personal care homes" to the R-3 and the commercial and light industrial districts and "assisted living facilities" to the R-3, C-1, and C-2 districts without defining or distinguishing those uses from permitted group homes for persons with disabilities or community homes under the State's regulations. Thus, Seabrook received a "2" on Issue 2 because of this ambiguity and potential for disparate treatment.

In 2022, the city of Humble adopted an ordinance to regulate housing for persons with disabilities "who wish to share residential living arrangements in a family-type environment." A permit issued by the building official is required for a family-type or Texas Human Resources Code § 123 "community home" for less than four persons with disabilities plus one caregiver or for five but no more than six persons with disabilities plus up to two caregivers. Permits must be renewed annually. These homes are subject to inspection by the building official and fire marshal and subject to rules not otherwise applied to other single-family housing—e.g. the number of vehicles that may be parked at the home, the minimum floor area of rooms, and occupancy limits. The policy statement for the ordinance provides that: "Nothing in this article shall be construed as attempting to regulate the right of persons with disabilities to purchase single-family residences or to affect the right of individuals to care for family members who are disabled. Nothing in this article shall be applied to "community homes" contrary to chapter 123 of the Texas Human Resources Code." However, imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other

groups of unrelated individuals, is discriminatory on its face and certainly could be challenged as impeding the fair housing rights of people with disabilities and the city may be required to show the regulations uphold substantial, legitimate, nondiscriminatory interests. Humble received a “2” on Issue 2.

Similarly, La Porte’s code of ordinances requires additional performance standards for group care facilities not applied to similarly situated housing for nondisabled persons and classifies “Residential Intellectual and Developmental Disability Facilities,” “Residential Mental Health and Substance Abuse Facilities” and other residential care facilities as commercial and industrial uses, permitted only in designated commercial and industrial zoning districts without defining or distinguishing these uses from family-type community homes. Group care facilities of 3 or less residents require a minimum lot size of 6,000 sq. ft. and a maximum site density of 4.8 units per acre (u/a), which may be more restrictive than for other housing in the same zoning district (such as special and zero lot line developments, duplexes, and townhomes). Facilities for 3 or fewer residents also must register annually with the city and the city asserts a right of entry to be allowed inside the residence (for safety and habitability checks), and the fire marshal’s office is directed by ordinance to make at least one inspection of each care facility annually. These additional requirements treat persons with disabilities less favorably because of their disability and may very well violate the FHA if as applied they are not reasonable, individualized, and specifically tailored to a legitimate government interest. La Porte received a “2” on Issue 2 of the zoning and ordinance review matrix.

## **Spacing and Dispersal Requirements**

A spacing, dispersal, or maximum quota requirement generally refers to state or local location rules preventing the establishment of a new group home for persons with disabilities from being located within a specific minimum distance of another group home. Where enforced, these rules can limit housing choice for a protected class and with an overly broad distance requirement can have the effect of excluding group homes and supportive housing from entire neighborhoods. Moreover, in a jurisdiction that also regulates the maximum number of unrelated persons permitted to reside together, an ordinance that imposes a spacing requirement on housing for persons with disabilities that otherwise meets the “family” definition/unrelated residents maximum further violates the FHA because the spacing requirement would be a condition that treats persons with disabilities less favorably than similarly situated persons without disabilities. The U. S.

Department of Justice (DOJ), HUD, and many courts that have adjudicated the issue, take the position that spacing and dispersal requirements are generally inconsistent with the FHA.<sup>84</sup>

Nonetheless, Texas Human Resources Code § 123.008 prohibits community homes for persons with disabilities from locating within one-half mile of an existing community home. No justification or purpose statement is incorporated into the statute, nor a means of seeking an exception or waiver of the spacing limit.

Harris County's, Katy's, and South Houston's codes are silent on the issue and therefore presumably would not actively enforce the state provision in their respective jurisdictions. Thus, they each received a "1" on Issue 3 of the zoning and ordinance review matrix. Deer Park does not explicitly address spacing requirements or housing for persons with disabilities except by reference to Texas Human Resources Code § 123 in the definition of "community group home" in its definitions section of the zoning code. This ambiguity led to a "2" score on Issue 3.

Humble, La Porte, and Seabrook all have incorporated into their local ordinances some form of spacing requirements for certain group housing for persons with disabilities. In accordance with the state's community home location requirements, Humble's ordinance does not allow a family-type or community home for persons with disabilities to be established closer than one-half mile (2,640 ft.) to an existing family or community home.

The zoning ordinance for La Porte prohibits group care facilities (e.g., community homes, residential personal care homes, living centers, assisted living centers and similar uses) from being sited closer than 1,000 feet to a similar use. Under Seabrook's code, with the exception of group homes located in the R-3 district, group home lots must be at least 400 feet apart. While La Porte's and Seabrook's spacing requirements are less restrictive

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<sup>84</sup> See Joint Statement of the Dept. of Housing and Urban Development and Dept. of Justice, State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, Nov. 10, 2016. See, e.g., *The Children's Alliance v. City of Bellevue*, 950 F. Supp. 1491 (W.D. Wash. 1997) (striking down a 1,000-foot dispersal requirement for group homes); *Horizon House Developmental Services, Inc. v. Township of Upper Southampton*, 804 F.Supp. 683, 693, aff'd 995 F.2d 217 (3rd. Cir. 1993) (same). Cf with *Familystyle of St. Paul v. City of St. Paul*, 923 F.2d 91 (8th Cir. 1991) (The court upheld application of a dispersal requirement to prevent a cluster of 21 group homes within a one-and-a-half block area, noting that nondiscrimination and dispersal requirements can be compatible where they uphold the goal of de-institutionalization and integrating persons in mainstream community settings.)

than the state's one-half mile (2,640 ft.) spacing requirement, these nonetheless impose a limit on housing choice for persons with disabilities because of their disability that is not imposed on similarly situated housing for persons who are not disabled and may have the effect of limiting the overall aggregate capacity of housing for persons with disabilities even if the need in the community or region is greater than the thresholds permit. Humble and La Porte each received a "3" on Issue 3 and Seabrook received a "2" on Issue 3.

Federal civil rights laws such as the Fair Housing Act take precedence over conflicting state and local laws.<sup>85</sup> If challenged under a theory of (i) discriminatory intent (such as appeasing NIMBY neighbors' stereotypical fears about living near persons with disabilities), (ii) discriminatory effect (limiting housing choice for persons with disabilities but not similar groups of unrelated persons living together as a family or single household), or (iii) failure to grant a reasonable accommodation, the jurisdiction would have to make a showing that the ordinance was enforced to protect a compelling governmental interest and that the spacing requirement is the least restrictive means of protecting that interest.. A compelling government interest that has passed court review is evidence that over-concentration of residential community homes could adversely affect individuals with disabilities and would be inconsistent with the goal of integrating persons with disabilities into the wider community, and there could be other persuasive justifications. The DOJ and HUD acknowledge that the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes and that compliance with the integration mandates of the ADA and *Olmstead v. L.C.*, 527 U.S. 581 (1999), also may require licensing and zoning officials to consider the location of other group homes when determining the most integrated living and community setting appropriate to meet the needs of the persons being served. However, this determination should be on a case-by-case basis and not a blanket dispersal or residential quota system.

In fact, the DOJ has brought a "pattern or practice" case against at least one Texas municipality over a spacing requirement and additional regulations alleging that the City of Beaumont violated the FHA and the ADA by 1) imposing a one-half mile spacing requirement on small group homes for persons with intellectual or developmental

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85 Section 3615 of the Fair Housing Act invalidates "any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter." 42 U.S.C. § 3615.

disabilities, and 2) imposing unjustified, heightened fire code requirements on such homes. *United States v. City of Beaumont*, Civil Action. No. 1:15-cv-00201 (E.D. Tex.). The complaint and intervenor pleadings alleged the City's restrictions prohibited numerous persons with intellectual or developmental disabilities from living in Beaumont and resulted in the institutionalization in a nursing home of a woman who was forced to move out of her home. The City denied that its ordinance or actions were discriminatory and took the position that its one-half mile spacing rule was based on state law (Tex. Hum. Res. Code § 123.008). The City sought to bring the State into the action by filing a third-party complaint against the State of Texas. In a motion to dismiss the third-party complaint, the State took the position that the spacing requirement was not compulsory, asserting (i) "the state statutes at issue do not require the City to take the measures challenged by the United States and the plaintiff intervenors," (ii) the City is not compelled by state law to take actions that would exclude community-based group homes, and (iii) the State would not take action against the City for failing to enforce a one-half mile spacing requirement or fire code requirements. Ultimately, before adjudication on the merits of the DOJ's claims or the City's defenses, the parties settled.

By Consent Order, the City agreed to cease to enforce its one-half mile spacing rule for small group homes for persons with intellectual or developmental disabilities and to permit such homes to operate as a permitted use in any zoning district where families may reside in single or multi-family dwellings. Any new policy or ordinance Beaumont adopts regarding small group homes shall not contain a specific geographic limit on their location and cannot require such homes to comply with any fire code or fire safety requirements that are not imposed on dwellings with the same or greater number of residents without disabilities. Other remedial measures required by the settlement included implementing a comprehensive reasonable accommodation policy, requiring city officials to attend fair housing training, and appointing a fair housing compliance officer. The City also was required to pay a damages award of \$435,000 to persons harmed, a civil penalty of \$15,000 to the United States, and \$25,000 to Disability Rights Texas.

The HCD Service Area Cities that impose spacing requirements and other supplementary regulations on supportive housing for people with disabilities should be mindful of the *Beaumont* case. Because the spacing regulations are facially discriminatory, the burden should be on the local government to consider the least restrictive means of achieving a justified interest in protecting persons with disabilities. Persons impacted by these

ordinances (and their housing providers) should be given an opportunity to rebut any presumption of overconcentration and show the significant need for more housing for persons with disabilities through an administrative reasonable accommodation process.

## **Reasonable Accommodations**

Even where a regulation has no discriminatory intent or discriminatory effect, the FHA requires local governments, zoning authorities, homeowner's associations, landlords and other housing providers to make "reasonable accommodation" in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B). (The requirements for reasonable accommodation under the Americans with Disabilities Act are the same as those under the FHA, 42 U.S.C. § 12131(2).) Federal and state fair housing laws require that municipalities provide individuals with disabilities or developers of housing for people with disabilities flexibility in the application of land use and zoning and building regulations, practices, and procedures or even waive certain requirements, when it is reasonable and necessary to eliminate barriers to housing opportunities. However, merely providing a reasonable accommodation or waiver process does not justify a discriminatory rule nor absolve a jurisdiction from implementing a discriminatory rule in the first place. In general, a requested accommodation is reasonable and therefore required, if (i) it is necessary for the person's equal opportunity to use and enjoy a dwelling and (ii) it does not impose undue administrative or financial burdens or require a fundamental alteration in the nature of the housing program. The spirit of the FHA requires that reasonable accommodation requests be generously resolved.

How much accommodation is "reasonable" usually depends on the individual facts of the case, including the impact on both the residents seeking housing and on the community at large. Examples of a reasonable accommodation request could be for a modification of the setback or lot coverage requirements to allow an external mobility ramp; to modify existing indoor space for accessible design features; parking changes; to waive or adjust the spacing requirement for community homes; to make an exception for the maximum number of unrelated persons allowed to reside together; etc. A jurisdiction's special use or variance process is not interchangeable with an administrative reasonable accommodation review process.

Even though persons with disabilities have the right to request a reasonable accommodation under federal and state law, burdensome or discriminatory regulations can have a chilling effect on utilizing the right to a reasonable accommodation or modification where there is not a clear, objective local process for doing so. Having to figure out how to request a change, waiver, or exception can be difficult in and of itself for some vulnerable persons and could be its own impediment, especially if the process for requesting a reasonable accommodation is not accessible. None of the HCD Service Area jurisdictions have adopted a clear and objective process by which persons with disabilities may request a reasonable accommodation to zoning, land use, and other regulatory requirements. Residents needing a variance or special exception from the land use and zoning regulations due to a disability must go through the formal board of zoning adjustment review process. (This is required for any applicant seeking a special exception or variance and is not limited to housing for persons with disabilities.) Whereas simple administrative procedures may be adequate for the granting of a reasonable accommodation, the variance or special permit procedures subject the applicant to the public hearing process, with its costs and delays, and the potential that community opposition based on stereotypical assumptions about people with disabilities and unfounded speculations about the impact on neighborhoods or threats to safety may impact the outcome.<sup>86</sup> Accordingly, each jurisdiction received a “2” on Issue 4 of the zoning and ordinance review matrix.

Although the FHA does not require a specific process for receiving and deciding requests for reasonable accommodation, as a matter of equity, transparency, and uniformity, it is advisable that local jurisdictions adopt a reasonable accommodation ordinance and a standardized process to address land use regulations’ impact on housing for persons with disabilities. Model ordinances are available that have been approved by HUD or the DOJ as part of fair housing settlement or conciliation agreements (including for example in the *U.S. v. City of Beaumont* case).<sup>87</sup> These model ordinances include a standardized process, including information and forms at relevant public-facing departments such as the

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86 Courts considering the issue have previously stated that a variance is not in and of itself a reasonable accommodation. See, e.g., *Oconomowoc Residential Programs v. City of Milwaukee*, 300 F.3d 775, 785 (7th Cir. 2002).

87 *United States v. City of Beaumont*, Civil Action. No. 1:15-cv-00201 (E.D. Tex.) (Reasonable Accommodation Policy, Attachment A to Consent Decree), available at <https://www.justice.gov/crt/file/873611/dl>.

planning, building inspections, and community development departments and online on the jurisdiction's website, so that there is transparency and equality in how requests are treated. Model ordinances give the director of planning or zoning administrator, or their designee, the authority to grant or deny reasonable accommodation requests without the applicant having to submit to a public hearing process. Relevant officials and decision-makers should be routinely trained regarding fair housing rights and the reasonable accommodation process. The evaluation and decision-making process should include safeguards to protect confidential information regarding a person's disabilities.

## **Residential Treatment Facilities**

Under the FHA, a qualifying disability includes drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. Therefore, all of the discussion above regarding protections for group living situations for persons with disabilities includes dwellings occupied by persons in recovery from alcohol or substance abuse, and it is discriminatory to deny the right to site a residential treatment program in a residential zone because it will serve individuals with alcohol or other drug problems. Texas state law distinguishes regulation of "chemical dependency treatment facilities" from other care facilities and community homes for persons with disabilities in terms of licensing but does not specifically address zoning and siting of recovery homes in local residential zoning districts. Harris County, South Houston, Deer Park, and Humble do not explicitly regulate "chemical dependency treatment facilities" under their respective land use or zoning regulations or distinguish residential drug and alcohol treatment facilities from other group housing. But some of the other HCD Service Area jurisdictions have ordinances with problematic or discriminatory provisions under the FHA.

Some of Katy's zoning ordinance's language used to regulate residential housing for persons with FHA-protected disabilities is outdated. Specifically, in the R-3 district where homes for "convalescence or aged" are permitted but dwellings for "the insane or feeble-minded or alcoholics" are excluded. (Code of Ordinances, Ch. 14A, § 8.1-5.) It is unlawful under the FHA for local land use and zoning laws to exclude or limit housing for individuals with specific types of disabilities. Also, expressly excluding these categories of housing in the R-3 district regulations but not referencing or clearly permitting them in the other residential zoning districts creates ambiguity about whether or not these uses would be permitted in any residential district. Katy received a "3" on this issue.



Under La Porte’s zoning ordinance, “Residential Mental Health and Substance Abuse Facilities” are treated as a commercial and industrial use without defining or distinguishing these uses from family-type community homes for persons with disabilities. (Code of Ordinances, Zoning Chapter 106, §106-310). This creates ambiguity about whether these uses are limited to designated commercial and industrial zoning districts even if they otherwise meet the definition of single-family, Texas’s “community home” regulations, or otherwise serve FHA-protected persons with disabilities.

Seabrook’s zoning regulations explicitly exclude alcohol and drug treatment housing from the “group homes” classification which otherwise serves six or fewer persons with disabilities and their caregivers who live together as a single housekeeping unit and are permitted by right in the residential districts.

As a cautionary example, these jurisdictions should consider the DOJ’s FHA/ADA action against the City of Fort Worth based on the City’s failure to grant a reasonable accommodation to permit a group home for persons recovering from drug and alcohol addiction in a residential district. *United States v. City of Fort Worth*, Civil Action No. 4:15-cv-00304 (N.D. Tex.). Residents of the four-bedroom home at issue were prohibited from using drugs or alcohol, agreed to mandatory drug testing, and agreed to work, seek employment, or attend school, while engaging with sponsors and housemates to maintain their sobriety. On March 7, 2016, the parties agreed to a Consent Decree resolving the claims of discrimination and requiring the City to pay \$135,000 to the sober home and a \$10,000 civil penalty. The City also agreed to permit the sober home for up to 7 residents, provide fair housing training to City officials and employees, and adopt a reasonable accommodation policy.

While housing for persons with disabilities, including residential treatment and support for persons recovering from alcohol or drug dependency, may be subject to state and local regulations related to health and safety, they cannot be excluded from residential districts altogether, and such regulations must not be based on stereotypes or presumptions about specific types of disabilities. Accordingly, for residential treatment facilities which house up to the maximum limit of unrelated persons recovering from drug or alcohol addiction or a mental health disability, disparate treatment may raise an FHA claim, and these jurisdictions received a “3” high risk score on Issue #5.

## THE INTERSECTION OF BUILDING CODES, ACCESSIBILITY STANDARDS, AND ENFORCEMENT

The Fair Housing Act’s design and construction requirements and the ADA’s and Section 504’s accessibility standards are separate from and independent of state and local building code requirements. State or local codes may require greater accessibility than the FHA or other federal law; but, if a building code requires less accessibility, the federal standards still apply and prevail.

Compliance with the FHA’s seven design and construction requirements (enumerated earlier in this chapter) can be achieved using:

- a. the *scoping provisions* (the where, when, and to what extent criteria will apply to the built environment of a covered site) and
- b. the *technical specification* (detailed measurements, diagrams, illustrations, examples, and other specialized information)

found in one of 15 recognized “safe harbors”<sup>88</sup> or other comparable, objective measures of accessibility. Likewise, compliance with state or local building codes that incorporate the accessibility standards of the FHA can satisfy the statute’s design and construction obligations.

Effective January 1, 2022, Texas adopted the International Code Council's 2012 International Residential Code (IRC) as the municipal residential code (detached one-

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<sup>88</sup> There are currently 15 HUD-approved safe harbors, ten of which were established before 2021 and five have been approved since March 2021. If followed without deviation, the 15 HUD-recognized safe harbors can be used to ensure compliance with the FHA’s seven design and construction elements for multifamily covered dwellings: (1) HUD Fair Housing Accessibility Guidelines (FHAG) and the Supplemental Notice; (2) ANSI A117.1 (1986) used with the FHA, HUD’s regulations, and the FHAG; (3) CABO/ANSI A117.1 (1992) used with the FHA, HUD’s regulations, and the FHAG; (4) ICC/ANSI A117.1 (1998) used with the FHA, HUD’s regulations, and the FHAG; (5) ICC/ANSI A117.1 (2003) ) used with the FHA, HUD’s regulations, and the FHAG; (6) The Fair Housing Act Design Manual (1998); (7) Code Requirements for Housing Accessibility 2000 (ICC/CRHA); (8) IBC 2000 with 2001 Supplement; (9) IBC 2003, with one condition; (10) IBC 2006; (11) ICC A117.1-2009 used with the FHA, HUD’s regulations, and the FHAG; (12) IBC 2009; (13) IBC 2012; (14) IBC 2015; (15) IBC 2018. The design specifications of ICC A117.1 – 2009 are referenced in the four most recent IBCs.

family and two-family dwellings) for the state, and it empowers municipalities to adopt local amendments to the code and any amendments made by the ICC. (Texas Local Government Code § 214.212). Similarly, the state has adopted the 2012 International Building Code (IBC) as the municipal commercial building code and granted local governments the authority to add, modify, or remove requirements or adopt more stringent requirements. (Texas Local Government Code § 214.216). The 2012 IBC applies to all commercial buildings in a municipality (which includes multifamily housing except townhomes not more than 3 stories in height) and to any alteration, remodeling, enlargement, or repair of those commercial buildings. Chapter 11 of the 2012 IBC incorporates the technical requirements and design specifications for residential accessible design from ICC A117.1 – 2009 (International Code Council Accessible and Usable Building and Facilities), and thus can be used independently as a HUD-sanctioned safe harbor for ensuring compliance with the FHA.

Counties, however, have not been granted with the authority to adopt and enforce updated code standards. Since 2009, Texas has permitted counties to adopt local resolutions requiring all new (or significant renovations/additions to) single-family and duplex construction begun after September 1, 2009, to be built to either the 2008 edition of the IRC or the IRC version applicable in the County Seat. (Texas Property Code § 233.153). However, the IRC doesn't directly address the FHA's accessibility standards for covered multifamily dwellings and there is currently no authority for unincorporated counties to adopt a version of the International Building Code or any other code to regulate multifamily housing in unincorporated areas.<sup>89</sup>

In unincorporated Harris County, the 2008 IRC currently applies to single family and duplex units constructed after Sept. 1, 2009. But the 2008 IRC does not include separate accessibility provisions and though it references Ch. 11 (Accessibility) of the International Building Code, that chapter makes exceptions for detached one- and two-family dwellings and their accessory structures and sites. As of September 1, 2019, the current Harris

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<sup>89</sup> In 2023, a bill was introduced in the Texas Legislature to adopt the most current version of the International Building Code and to update to the newest version of the IRC to apply to new construction in unincorporated areas of counties. It would have given the commissioners courts of counties authority to establish standards for new construction in the county via adoption of the IBC and updated IRC or to adopt standards that exceed the standards of those codes, effective January 1, 2024. However, the bill died in committee and did not advance. See Texas HB 2408 (2023), available at <https://legiscan.com/TX/text/HB2408/id/2703442>.

County Fire Code incorporates Chapters 2-10 of the 2018 International Building Code. By excluding adoption of Chapter 11 of the IBC, which references the ICC/ANSI A117.1 technical standards for the design of facilities that are accessible to persons with disabilities, it is not clear that there is any County-level infrastructure or authority for monitoring, investigating, or enforcing compliance with FHA/ADA accessibility standards for design and construction of multifamily housing. Accordingly, the County received a "3" on issue 9 of the zoning and ordinance review matrix.

However, all of the HCD Service Area cities reviewed for this study have adopted local building codes that incorporate a HUD-recognized safe harbor for accessible design and construction of covered housing, and accordingly all these jurisdictions received a "1" on Issue 9 of the zoning and ordinance review matrix. South Houston has adopted the 2015 International Residential Code, the 2015 Property Maintenance Code, and the 2015 International Building Code. South Houston's Division of Building Inspections and Building Inspector are tasked with monitoring compliance and issuing permits. The cities of Humble, La Porte, and Deer Park follow the 2018 IBC. In Humble, the building official is authorized to implement and enforce the city's building codes. In La Porte, the building official and building code appeals board are authorized to oversee compliance and enforcement of the adopted building codes. In Deer Park, the Building Official is authorized to enforce the adopted building code and all other laws relating to the construction, alteration, removal and demolition of buildings and structures.

The cities of Katy and Seabrook have each adopted the ICC's 2021 International Residential Code and the 2021 International Building Code. Katy included adoption of Ch. 11 Accessibility Standards for buildings and their associated sites and facilities for people with disabilities. While the 2021 ICC codes have not yet been formally accepted by HUD as an FHA safe harbor, the 2021 IBC includes by reference the ICC A117.1 scoping and technical requirements and the updated international codes are intended to meet or exceed the accessible design and construction standards found in the FHA and ADA. Seabrook chose to omit adoption of Ch. 11 of the IBC and instead incorporated by reference the Texas Architectural Barriers Act (TABAA) with its accessibility standards. (Texas Government Code § 469.001 et seq.). While not a HUD-recognized safe harbor, the TABAA requires that public and private buildings and facilities in Texas comply with accessibility standards that are consistent with the ADA and the American National Standards Institute (ANSI) standards. Seabrook's Building and Standards Commission has the authority to determine and enforce the building, fire, and safety codes of the city.

Covered residential/multifamily developments that are *built to the adopted* IBC/ANSI specifications referenced in the HCD Service Area cities' respective building codes should be designed and constructed in accordance with the FHA and ADA. However, despite layers of federal, state, and local regulations, disability and fair housing rights advocates consulted for this report assert that covered multifamily housing production in the HCD Service Area is not adequately complying with the safe harbor accessibility minimums nor the region's level of demand for accessible housing. Federal and state level enforcement authorities—HUD and the DOJ or the TWCCRD and state attorney general—typically do not initiate and investigate a design and construction enforcement action, especially at the pre-occupancy stage, unless they see a significant, broad-reaching pattern or practice of noncompliance. The onus is most often on the individual with a disability seeking housing to discover the accessibility barrier and then initiate an administrative or civil enforcement action against a noncompliant housing development. Enforcement is difficult for individual victims because it takes a lot of financial resources and sophistication to hire an expert inspector to prepare an inspection report and cooperate with litigation. Moreover, if a challenge isn't brought within the statute of limitations, the only avenue then is for the person with a disability to request a reasonable modification to the premises to accommodate the disability, which often must be done at the prospective tenant's own expense. In many cases, navigating the enforcement system or paying for the modification may be too onerous or impossible for many people and thus result in protected class persons being excluded from housing.

Stakeholders helped identify three priorities to address this impediment: (1) more training for and oversight from local planning, building, inspection, and permitting officials; (2) more education and incentives across the housing industry (developers and owners of multifamily housing and the builders, architects, and engineers they contract) regarding fair housing accessibility obligations; and (3) more funding and training for testers post-construction.

HCD Service Area jurisdictions have adopted building codes which in one way or another incorporate accessibility requirements that parallel or even exceed the requirements of the FHA and ADA. Disability and fair housing advocates assert, however, that developers, owners, and property managers often seem to lack education and understanding about their obligations to design, construct, and maintain accessible and adaptable dwelling units (or, more cynically, lack the will or financial incentive to comply). Developers and property owners may have the false sense that being issued a development permit or

certificate of occupancy means their building meets FHA/ADA standards or that they are protected from litigation over the issue. However, being issued a permit by a local building official is neither proof of compliance nor a defense in litigation. Likewise, lack of intent to discriminate or ignorance of the law's requirements are not viable defenses in an enforcement action. Advocates perceive that a lack of local government oversight and enforcement focused on accessibility standards at the pre-construction/site plan stage, during construction, and at the final permitting stage are common shortcomings in the HCD Service Area. While local permitting authorities may be doing certain safety, fire, and operability checks, accessibility standards are often being missed.

The Fair Housing Act provides that a municipality *may* review and approve building plans and new construction for compliance with the Act, but the HUD Secretary may only encourage but not require that state and local permitting agencies do so. 42 U.S.C. § 3604(f)(5)(B) and (C).<sup>90</sup> Site plan approval and permitting does not prevent later enforcement of design and construction requirements. Nonetheless, although not compulsory under the FHA, as part of their obligation to affirmatively further fair housing, local governments—particularly the building, permitting, and inspection officials—have an important oversight role in ensuring developers are educated about and meeting accessibility standards for covered multifamily housing throughout the pre-construction planning stage, during construction, and before final certificates of occupancy are issued. HCD Service Area jurisdictions could put into place more robust training for their respective planning, permitting, building inspections, and code compliance departments; adopt accessibility checklists; and build a culture of compliance with and advocacy for the design and construction accessibility standards. Addressing accessibility on the front end is important for increasing the accessible housing stock as post-construction retrofits and corrective actions are more costly and burdensome to both people with disabilities seeking housing and to the building industry, and post-construction enforcement diverts resources from other fair housing priorities. While a HUD-led investigation or private civil litigation may act as an education process for the developer and owner being sued, the ultimate AFFH goal is not to be punitive but to increase the accessible housing stock.

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<sup>90</sup> See *United States v. Boote*, Civil Action No. 9:13-cv-00005 (D. Mont. Apr. 3, 2014) (holding the local jurisdiction did not violate the Fair Housing Act by failing to review or approve the subject property for compliance with the FHA's accessibility standards as the FHA does not require it to do so).

Even where there is strict compliance with accessibility standards, housing advocates make the point that it does not necessarily translate to there being enough accessible housing production to meet community needs. Local governments can work collaboratively with the building industry to increase and protect the accessible housing stock. Besides more education, training, and oversight, as part of AFFH strategies, local governments could also offer incentives to developers who build more accessible units or features (and reserve or give first priority to people with disabilities who truly need those units) than the minimum requirements. Voluntary incentives could include fee waivers, expedited plan and permit reviews, density bonuses, or other development concessions.

HUD's Fair Housing Accessibility FIRST program is designed to promote compliance with the FHA's design and construction requirements through comprehensive training sessions, useful online web resources, and a free information line for technical guidance and support. Resources, a training calendar with registration details, and contact information are available at: <http://www.fairhousingfirst.org>.

# Chapter 9. Fair Housing Activities

## FAIR HOUSING RIGHTS AND RESOURCES

Fair housing laws may be enacted and enforced at the local, state, and federal level. Texas’s counterpart to the text of the Federal Fair Housing Act—Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 et seq. (the “FHA” or “FHAA”)—is codified as the Texas Fair Housing Act (TEXAS PROPERTY CODE § 301.001 et seq., as amended). The Texas Fair Housing Act (“TFHA”) was passed in 1989 and then amended in 2015 to transfer the powers and duties of oversight and enforcement from the state’s Commission on Human Rights to the Texas Workforce Commission. Both the federal FHA and the TFHA prohibit discrimination in the sale, rental, and financing of dwellings, or to otherwise deny or make housing unavailable, based on a person’s race, color, disability<sup>91</sup>, sex, religion, national origin, or familial status.<sup>92</sup> The state and federal acts contain similar exemptions for certain single family home sales by owner, religious and private clubs, and qualifying age-restricted housing for older persons. As with the FHA, the TFHA requires “covered multifamily housing” (generally

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91 The TFHA specifically excludes from the definition of disability an individual's sexual orientation or “because that individual is a transvestite.” Texas Property Code § Sec. 301.003(6). But see, *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020) ((in which the Supreme Court analyzed sex discrimination in an employment case under Title VII of the Civil Rights Act and found an individual’s sex as a protected status is inclusive of the person’s sexual orientation or gender identity, reasoning, “[I]t is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.”). Title VII precedent has been used by the courts to inform and analyze discrimination under the FHA. Dep’t of Hous. and Urban Devel., Memorandum from Jeanine Worden, Acting Assistant Secretary for Fair Housing and Equal Opportunity (Feb. 11, 2021) (“HUD’s Office of General Counsel has concluded that the Fair Housing Act’s sex discrimination provisions are comparable to those of Title VII and that they likewise prohibit discrimination because of sexual orientation and gender identity.”).

92 Familial status protection under the FHA and TFHA extends to legal custodians or persons in the process of becoming legal custodians of children 18 years of age or younger, persons who are pregnant, or the designee of a parent.



meaning ground floor units in buildings with four or more units or all units in buildings of four or more units serviced by an elevator and constructed after March 13, 1991) to meet minimum standards of accessible design and construction.

Although federal law sets the minimum standards for fair housing rights and enforcement, it does not preclude local and state legislatures from expanding on those protected classes and fair housing rights. The TFHA does not extend protections to any other class of persons outside of those seven protected by the FHA, but effective September 1, 2023, explicitly includes as unlawful race-based discrimination that is “because of or on the basis of a person's hair texture or protective hairstyle commonly or historically associated with race.” TEXAS PROPERTY CODE § 301.003(6). Besides the potential for civil liability, intimidation or interference with fair housing rights are a misdemeanor criminal offense in Texas. *Id.* at § 301.171.

The TFHA is currently certified by HUD as “substantially equivalent” to the federal FHA, with parallel provisions regarding rights, procedures, remedies, and judicial review and enforcement. Courts generally do not give the two statutes different treatment when adjudicating discrimination complaints brought under both the state and federal laws.

### **Administrative Complaint Process and Procedures**

State and local fair housing laws deemed substantially equivalent to the FHA may qualify the state or local agency for HUD-subsidized enforcement activities through HUD’s Fair Housing Assistance Program (FHAP). The Texas Workforce Commission’s Civil Rights Division is a certified FHAP agency, with the authority and responsibility to administer and enforce the TFHA, including to receive or initiate complaints alleging a discriminatory housing practice; investigate claims and issue subpoenas; conduct informal methods of conference, conciliation, and mediation; initiate an administrative enforcement proceeding before the commission; file a civil action to seek a temporary restraining order or other order granting preliminary or temporary relief pending the final disposition of an administrative complaint; or refer a case to the state attorney general to file a civil action in district court to seek relief on behalf of an aggrieved complainant or to vindicate the public interest where it is unable to obtain voluntary compliance with the TFHA/FHA.

Harris County has not adopted its own fair housing regulations and does not have jurisdiction to enforce fair housing laws and accordingly would refer any questions or complaints from residents about discriminatory housing practices to HUD, the Texas

Workforce Commission's Civil Rights Division (TWCCRD), or a local fair housing advocacy nonprofit. Two HCHCD Service Area cities, City of Seabrook and City of South Houston, have adopted local fair housing ordinances but are currently not actively engaged in staffing or conducting enforcement activities under these local powers.

Accordingly a resident in the HCHCD Service Area who believes he/she has been the victim of an illegal housing practice has multiple channels under federal and state fair housing laws to seek administrative redress, either through the local HUD Fair Housing and Equal Opportunity (FHEO) Houston Field Office or the State's TWCCRD. Housing discrimination claims may be brought against private housing providers, landlords, owners/managers of housing, mortgage lenders, or real estate brokers and against local governments and zoning authorities. HUD refers matters involving the legality of state or local zoning or other land use law or ordinance to the Department of Justice for further enforcement. *See* 42 U.S.C. 3610(g)(2)(C)). The TWC refers land use and zoning matters to the state attorney general.

Typically, once certified, HUD will refer complaints of housing discrimination that it receives back to the state or local FHAP agency for investigation, conciliation, and enforcement activities. HUD policy favors having fair housing professionals based locally where the alleged discrimination occurred because it has found that a state or local agency's closer proximity to the site of the alleged discrimination provides greater familiarity with local housing stock and trends and may lead to greater efficiency in case processing. Because the Texas Workforce Commission is a certified FHAP agency, most complaints filed with the HUD/FHEO office will be referred back to the Commission for investigation and enforcement.

The investigation, conciliation, reasonable/no reasonable cause findings, and charge procedures under the Texas Fair Housing Act are substantially similar to HUD's administrative process, including the availability of compensatory and injunctive relief for the aggrieved complainant with a finding of liability. To pursue administrative enforcement, aggrieved parties must file their complaint within one year of the alleged discriminatory housing practice. After HUD/FHEO or the FHAP/TWCCRD receives a complaint and confirms it has jurisdiction, the respective agency will notify the alleged discriminator (respondent) and begin an investigation. During the investigation period, the FHEO or TWC will attempt through mediation to reach conciliation between the parties. If no conciliation agreement can be reached, the investigative authority must

make a finding of either “reasonable cause” to believe that a discriminatory act has occurred or that there is no reasonable cause. If the FHEO/TWC finds “reasonable cause,” it may issue a Charge of Discrimination and institute an administrative proceeding or civil action. The parties also may elect to have the claims decided in a civil action in district court. If the FHEO/TWC makes a “no cause” finding, the case is dismissed. (The complainant would still have the opportunity to file a complaint in civil court and pursue remedies through the judicial process within two years of the last alleged discriminatory act.) If a charge is issued, a hearing/trial will be scheduled before the Commission or an administrative law judge, which may award the aggrieved party injunctive relief, actual damages, and also impose civil penalties; but unlike federal district court, may not impose punitive damages.

The advantages of seeking redress through the administrative complaint process are that administrative proceedings are generally more expedited than the federal court trial process as the regulations put time constraints upon the investigation and final administrative disposition of a complaint; the enforcement agency takes on the duty, time, and cost of investigating the matter; and conciliation may result in a binding settlement. However, the complainant also gives up control of the investigation and ultimate findings, and potential remedies are more limited.

### **Complaints filed with HUD**

The Fort Worth Regional Office of Region VI of the FHEO receives complaints regarding alleged violations of the Fair Housing Act for cities and counties throughout Texas (as well as Arkansas, Louisiana, New Mexico, and Oklahoma). The Houston field office serves a 35-county area including Harris County, and can receive and investigate complaints or partner with the FHAP/TWCCRD to investigate and resolve local housing discrimination complaints:

The Regional Office maintains county-level data reflecting the number of housing discrimination complaints received by HUD, their status and closure reasons, the basis/bases of discrimination and discriminatory issues identified in each case, and settlement/conciliation amounts, if any, awarded for each case. The regional director responded to a request for data regarding complaints received which concern alleged discriminatory housing practices having occurred in Harris County for the previous five-

year period from January 1, 2019, through December 31, 2023<sup>93</sup> HUD’s data set identifies the “violation city” and zip code corresponding to the property address where the alleged discriminatory action occurred, but as produced, does not include a way to more precisely filter out or distinguish only those cases that occurred at properties within the unincorporated county or HCHCD Service Area versus within the jurisdictional limits of the City of Houston or other incorporated cities not part of the HCHCD Service Area.

HUD reported the filing of **373** formal complaints alleging housing discrimination in Harris County. Of these, 336 cases were referred to the FHAP/TWC for investigation and processing and 37 cases were retained by HUD. Again, it is not discernible from the macro data exactly how many of the 373 cases occurred in unincorporated Harris County or the HCHCD Service Area specifically. Although “violation city” is one of the data points provided in HUD’s disclosure (with Houston being identified as the violation city in 294 complaints), it could not be determined from the tables provided whether the violation city for each case referred merely to the mailing address of the subject property, which may be within or outside the city limits of the named city. Subject property address information was redacted (FOIA Exemption 6) from the disclosure to protect complainants’ personal privacy and thus could not be mapped. Although imperfect for making absolute conclusions, the macro County-wide data can be informative of the fair housing issues likely also affecting the residents of the HCHCD Service Area.

The “violation city” information does show that at least one of the 37 cases retained by HUD occurred in Katy, part of the HCHCD Service Area—a race- and disability-based complaint filed in March 2023 against a master planned community in Katy. HUD facilitated a successful settlement and conciliation between the parties. Also, of the 336 cases handled by the FHAP/TWC, the “violation city” shows that 35 of those cases arose from HCHCD Service Area cities—16 originating in Katy, 10 in Humble, 6 in Webster, 2 in Deer Park, and 1 case occurring in La Porte.

The following table shows the basis of discrimination, also understood as the protected class status, alleged in the 373 total Harris County cases, inclusive of the data related to

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<sup>93</sup> The FHEO also produced copies of two conciliation agreements (one affecting subject property in the City of Pasadena and the Pasadena Housing Services and one affecting property in and owned by the City of Houston) and one charging document related to a complaint against the Houston Housing Authority. As these do not relate to parties or properties in the HCHCD Service Area, they are not further discussed in this report.

known HCHCD Service Area Cities cases, and the basis details for those HCHCD Service Area Cities.

**TABLE 26. BASIS / PROTECTED CLASS STATUS OF DISCRIMINATION COMPLAINTS**

Basis of Discrimination Reported	County-Wide Total	HCHCD Service Area Cities					HCHCD Total
		Deer Park	Humble	Katy	La Porte	Webster	
<b>Disability</b>	<b>207</b>	2	3	10	1	5	<b>21</b>
<b>Race</b>	<b>147</b>		7	7			<b>14</b>
<b>National Origin</b>	<b>51</b>			1			<b>1</b>
<b>Sex</b>	<b>34</b>		3	1			<b>4</b>
<b>Familial Status</b>	<b>30</b>	1		1			<b>2</b>
<b>Retaliation</b>	<b>20</b>	1	1	2		3	<b>7</b>
<b>Color</b>	<b>16</b>			1			<b>1</b>
<b>Religion</b>	<b>4</b>						<b>0</b>
<b>Total</b>	<b>509</b>						<b>50</b>

More than one basis of discrimination may be cited in a single complaint, thus why there were 509 identified bases of discrimination alleged in the 373 complaints filed (which includes 50 bases of discrimination counts from the 36 complaints originating from HCHCD Service Area Cities). Disability was the most often cited basis of discrimination, alleged by complainants to have occurred in approximately 55% of County-wide reported cases, followed by race in approximately 39% of cases, national origin in approximately 14% of cases, sex in approximately 9% of cases, and familial status in approximately 8% of cases. Data for the HCHCD Service Area Cities shows similar statistics: discrimination based on disability was alleged in approximately 58% of cases, race in approximately 39% of cases, then retaliation in approximately 19% of cases.

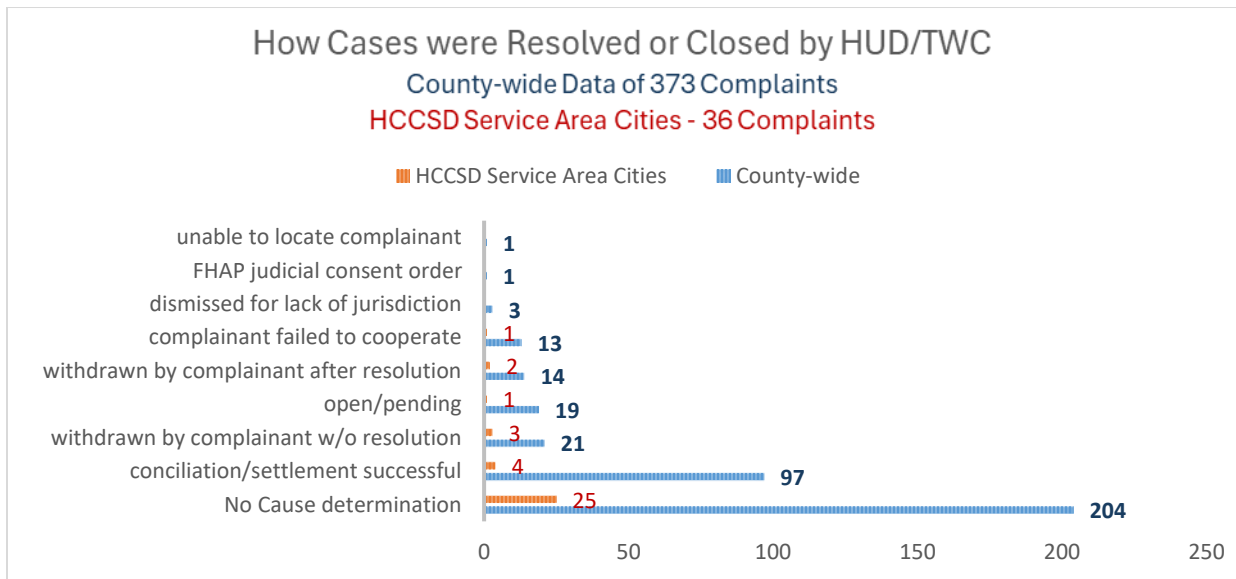
Complainants also may cite more than one discriminatory act or practice, recorded as the discriminatory "issue." From the County-wide data, HUD reported that the complaints filed identified the following discriminatory issues: discriminatory terms, conditions, privileges, or services and facilities (211 cases); failure to make a reasonable accommodation (172 cases); discrimination in terms/conditions/privileges relating to

rental (116 cases); discriminatory acts under Section 818 (coercion, etc.) (82 cases); discriminatory refusal to rent and negotiate for rental (28 cases); discriminatory advertising, statements and notices (27 cases); otherwise deny or make housing unavailable (15 cases); failure to permit reasonable modification (12 cases); discrimination in services and facilities relating to rental (11 cases); other discriminatory acts (9 cases); steering (7 cases); discriminatory financing, including real estate transactions (7 cases); discriminatory refusal to negotiate for rental (5 case); discrimination in the terms/conditions for making loans (4 cases); false denial or representation of availability (4 cases); discrimination in the appraising of residential real property (4 cases); discrimination in terms/conditions/privileges relating to sale (3 cases); and discriminatory refusal to negotiate for sale (2 cases).

Of the 373 cases opened between 2019-2023, 19 cases were still pending/under investigation (as of 2/29/24); 204 cases/55% were closed by the FHEO/FHAP agency for “no cause”—i.e. after a full investigation was conducted, evidence did not support reasonable cause to believe that an unlawful act had occurred; 97 cases (26%) were resolved through conciliation and a settlement agreement negotiated between the parties; 21 cases were withdrawn by complainant without resolution of the claim; 14 cases were withdrawn by complainant after resolution of the claims; 13 cases were closed because the complainant failed to cooperate; 3 cases were dismissed for lack of jurisdiction; 1 case was closed by judicial consent order; and 1 case was closed because the complainant could not be located. In 53 cases resolved through conciliation/settlement and one case withdrawn after resolution by the complainant, respondents paid damages to the aggrieved party and/or into a victims’ fund in amounts ranging from \$35 to \$19,500 and totaling \$170,435. Details regarding whether and what form of equitable or injunctive remedies were also approved and required as part of case settlements was not disclosed in HUD’s data. In cases resolved by settlement/conciliation, the respondents did not necessarily admit liability, but may have settled to avoid further expense, time, and the uncertainty of litigation.

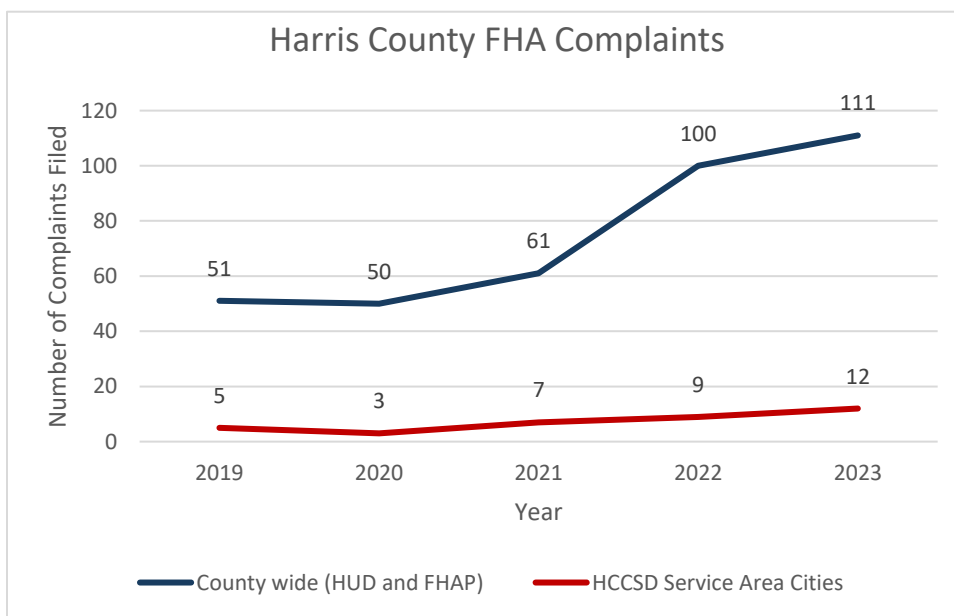
Narrowing in on the identifiable HCHCD Service Area cases, 25 cases/69% were closed following a no cause determination, 4 cases (11%) were resolved through conciliation/settlement; 3 cases were withdrawn by complainant without resolution; 2 cases were withdrawn by complainant after resolution; 1 case was closed due to lack of cooperation of the complainant; and 1 case was still open/unresolved.

**FIGURE 54. CLOSURE REASON**



County-wide data (information including all 373 complaints) and more narrowly the HCHCD Service Area Cities data (36 cases), shows the number of complaints filed with and processed by HUD and/or the FHAP/TWC has trended up over the five-year period, more than doubling from 2019 to 2023. This could be due to more tenant and homebuyer education and outreach about fair housing rights, or an actual increase in incidences of discrimination, or some combination of the two.

**FIGURE 55. NUMBER OF COMPLAINTS PER YEAR**



The percentage of cases that were opened in a given year and subsequently closed after investigation and a no cause determination went from 59% of the complaints filed in 2019 to 49% of the complaints filed in 2023 for the County-wide data. For the HCHCD Service Area Cities, the number of cases filed and ultimately dismissed after a no cause determination rose between 2019 and 2023, from 2 out of 5 cases filed in 2019 (40%) to 7 out of 12 cases filed in 2023 (58%).

### **Complaints filed with the Texas Workforce Commission Civil Rights Division**

The Civil Rights Division of the Texas Workforce Commission is charged with enforcing the Texas Fair Housing Act. As a certified FHAP agency, TWCCRD enters into cooperative work share agreements with HUD and receives annual funding to receive, investigate, process, and close out Texas-related housing discrimination complaints either through referral of cases from HUD or directly from complainants.<sup>94</sup> A request for the TWCCRD's housing discrimination complaint data was made to the Director of the CRD, who responded that the agency did not have any data beyond that already provided by HUD. Even the cases that are initially filed with TWCCRD are dual-filed with HUD and the database system containing responsive data is updated and maintained by HUD and TWC purportedly does not have possession, control, or access to that information.

The TWC website provides an online submission form to begin the administrative investigation and enforcement process: <https://apps.twc.texas.gov/HDISS/>

Besides enforcement activities, the TWCCRD also provides virtual and in-person trainings—including a monthly webinar regarding fair housing and housing accommodation issues—for housing providers, property managers, and others involved in related housing services.

### **Local FHIP Grantee: Greater Houston Fair Housing Center**

Under its Fair Housing Initiatives Program (FHIP), HUD administers several grant categories to award money to local fair housing advocacy organizations who assist persons believed to have been harmed by discriminatory housing practices; to help people identify government agencies that handle complaints of housing discrimination;

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<sup>94</sup> TWCCRD will not accept complaints arising out of properties in Austin, Corpus Christi, Dallas, and Fort Worth as these are under the enforcement jurisdiction of local FHAP agencies.



to conduct preliminary investigation of claims; to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices; and to educate the public and housing providers about equal opportunity in housing and compliance with the fair housing laws.

The [Greater Houston Fair Housing Center \(GHFHC\)](#) is consistently a FHIP Private Enforcement Initiative (PEI) grantee, which is GHFHC's primary source of funding: For FY2019, GHFHC was awarded a \$300,000 multiyear PEI grant; \$360,000 for FY2020; \$375,000 for FY2021; \$425,000 for FY2022, and \$425,000 for FY2023. The PEI grant is meant to fund non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices. Additionally, GHFHC received a \$20,000 EOI CARES Act grant, which came through supplemental funding in FY2020 as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116-136, approved March 27, 2020), to support fair housing education and outreach activities during the COVID-19 national emergency.

Since 1999, Greater Houston Fair Housing Center has been providing fair housing enforcement services to the metropolitan Houston area. GHFHC's grant activities include: (bilingual) complaint intake, investigations, and mediation; testing and investigations; recruitment and training of testers; accessibility and design audits; conducting Affirmatively Furthering Fair Housing (AFFH) capacity building programs for local partners (local jurisdictions, nonprofit, and faith based organizations); conducting bilingual news media campaigns; referral of appropriate cases to HUD for further enforcement; and referral of matters outside its capacity or services to other social services organizations (especially women with children, domestic violence victims, and persons experiencing homelessness).

GHFHC is currently staffed by the executive director plus four other support staff. While the executive director reports that the organization has not yet turned away any client for lack of capacity, as the population of the region increases along with a growing shortfall of quality, affordable housing, GHFHC finds it more and more challenging to meet the growing needs for their services.

GHFHC keeps annual inventory records of the number of complaints of housing discrimination it processes and the number of FHIP tests conducted, the basis/protected class category alleged in those, and the type of complaint or issues identified. Over the

previous five-year period, GHFHC reports that, as with HUD’s complaint intake experience, race and disability are the most often reported bases of discrimination followed by familial status. Examples given of disability-based discrimination included nonfunctioning elevators that aren’t serviced quickly leaving residents with mobility disabilities stranded; inadequate supply of accessible parking accommodations; and multifamily dwellings that don’t meet the FHA/ADA accessibility standards. For familial status, the organization reported incidents of discrimination perpetuated by local housing authorities—which typically involve a reasonable accommodation request by a public housing resident needing a larger unit based on family size changes and who is denied or not fully accommodated. GHFHC attempts to mediate a resolution between the aggrieved party and the housing provider or other offending party and then will refer unresolved cases to HUD or the TWCCRD. GHFHC provided the following data:

**TABLE 27. COMPLAINTS PROCESSED BY GHFHC**

Basis of Discrimination	3/21/18-3/20/19	3/21/19-3/20/20	5/1/20-4/30/21	5/1/21-4/30/22	5/2/22-5/1/23
<b>Race</b>	176	176	119	100	108
<b>Disability</b>	167	179	102	79	112
<b>Familial Status</b>	7	16	32	26	19
<b>Nat'l Origin</b>	22	20	11	8	4
<b>Sex</b>	14	8	9	7	15
<b>Religion</b>	1	1	3	3	2
<b>Color</b>	1				
Type of Complaint/Issues	3/21/18-3/20/19	3/21/19-3/20/20	5/1/20-4/30/21	5/1/21-4/30/22	5/2/22-5/1/23
<b>Rental</b>	307	315	252	213	255
<b>Sales</b>	6	10	6	2	5
<b>Advertising</b>					
<b>Lending (incl. Redlining)</b>	1	2		5	
<b>Interference, Coercion</b>	1	2		1	
<b>Zoning: disability</b>					
<b>Zonin: Other issues</b>					

A complaint or test may involve more than one basis of discrimination or discriminatory issue.

**TABLE 28. TESTS CONDUCTED BY GHFHC**

Basis of Discrimination	3/21/18-3/20/19	3/21/19-3/20/20	5/1/20-4/30/21	5/1/21-4/30/22	5/2/22-5/1/23
<b>Race</b>	86	93	58	65	63
<b>Disability</b>	32	27	33	26	28
<b>Familial Status</b>	3	3		1	
<b>Nat'l Origin</b>	3	3		1	
<b>Sex</b>					
<b>Religion</b>					
<b>Color</b>					
Type of Complaint/Issues	3/21/18-3/20/19	3/21/19-3/20/20	5/1/20-4/30/21	5/1/21-4/30/22	5/2/22-5/1/23
<b>Rental</b>	120	120	90	87	86
<b>Sales</b>	1	1	1	5	5
<b>Advertising</b>					5
<b>Lending (incl. redlining)</b>					
<b>Insurance</b>					
<b>Zoning: disability</b>					
<b>Zoning: other issues</b>					

GHFHC also identified limited English proficiency (LEP) as a barrier to fair housing where notices, leases, and statements aren't provided in a language the tenant can understand.

GHFHC collects data on complaints that may be based on a status that is not explicitly protected by federal or Texas fair housing laws. For instance, clients frequently report trouble finding housing or being denied housing due to their source of income—housing choice voucher, social security, or veterans benefits. GHFHC also has seen an increase in reports of discrimination based on sexual orientation or gender identity (particularly by faith-based/religious organizations that may provide housing for seniors or families but exclude people based on sexual orientation or gender identity). Though these aren't FHA protected classes, GHFHC collects data on those to document the need.

GHFHC identified the following strategies, policy solutions, and priorities to help combat systemic fair housing issues in Harris County:

- Local government level fair housing enforcement (in addition to HUD and the TWCCRD avenues) would provide more resources and serve more people. It may

even eventually allow for possible additional protected classes like source of income.

- Address systemic issues with equity for the Hurricane Harvey relief. Displacement was a major issue after Hurricane Harvey and a too slow process for relief money getting to the families that needed the most.
- More education for judges, justices of the peace, city councils, law schools/law students, and other groups about fair housing and tenants' rights (habitability and eviction) and how these impact segregation and entrench problems;
- More resources and training for inspectors to discover accessibility and habitability issues early;
- More robust tenants' rights; and
- More cooperation regionally among fair housing advocates and local governments as these are regional issues.

#### **FHIP Grantee: Disability Rights Texas**

Disability Rights Texas, headquartered in Austin, is a disability protection and advocacy agency serving clients across Texas. DRTx attorneys and advocates provide direct legal assistance to people with disabilities whose rights are threatened or violated; protect the rights of individuals and groups of people with disabilities through the courts and justice system; educate and inform policymakers, people with disabilities, and family members about rights and services for people with disabilities; and make referrals to other programs and services. In FY2022, DRTx was awarded a FHIP Education and Outreach Initiative Grant from HUD of \$124,958 and in FY2023, the organization was awarded an additional \$124,988 EOI grant. The EOI program is meant to support fair housing activities that educate the public and housing providers about fair housing rights and compliance with fair housing laws.

Multiple requests were made via phone and email to DRTx for an interview to discuss its FHIP activities, fair housing services capacity and resources, housing discrimination complaints and cases received and processed or referred, impediments to fair housing faced by their clients, recommendations and priorities for fair housing education and enforcement in the Harris County Service Area, etc. However, as of the writing of this report, the housing team advocate supervisor had not followed up concerning this request.

## **Fair Housing Lawsuits and Litigation**

Under the FHA and TFHA, in addition to or as an alternative to filing an administrative complaint, an aggrieved person may commence a civil action in an appropriate United States district court or state district court not later than two years after the occurrence or the termination of an alleged discriminatory housing practice, thus maintaining control of the case and the potential to collect punitive damages. If an administrative action has already commenced, the parties may still elect to move the case to an appropriate court for adjudication as long as the parties have not already entered into a conciliation agreement to resolve the alleged discriminatory housing practices or, following a charge of discrimination, an administrative hearing has not already commenced. Under the TFHA, the parties have up until 20 days after service of a reasonable cause determination charge to elect to move the case to civil court. An aggrieved party does not first have to exhaust administrative remedies before seeking redress through the court. The filing of a complaint with the TWCCRD or FHEO/HUD office does not invalidate, restrict, or deny any right or remedy a person may have under state or federal law or preclude any cause of action in court for the violation of civil rights. Where an administrative action also has been filed, the two-year statute of limitations for filing a civil lawsuit is tolled during the period when HUD or the “substantially equivalent” agency is evaluating the complaint. Intimidation, interference, retaliation, or coercion against a person exercising their fair housing rights is a misdemeanor offense.

Fair housing lawsuits may be filed against local governments and zoning authorities and against private housing providers, mortgage lenders, developers, or real estate brokers.

Under both the FHA and TFHA, a plaintiff may request a court-appointed attorney for assistance with litigating the case. In an election case, the Department of Justice or state attorney general may prosecute the case on behalf of the aggrieved party. Additionally, the DOJ or attorney general may bring suit on behalf of individuals based on referrals from HUD in the case of a “pattern or practice” of discriminatory actions, a case of particular importance to the public interest, or when there has been a breach of a conciliation agreement. In a pattern or practice case, the court may award preventative relief (permanent or temporary injunction, restraining order, or other order) and/or a civil penalty up to \$50,000 for a first violation and up to \$100,000 for a second or subsequent violation. An aggrieved party may intervene in any action filed by the DOJ.

By pursuing judicial remedies, an individual aggrieved by housing discrimination has the potential to collect punitive damages in addition to compensatory damages, injunctive relief, and attorneys' fees. Settlement amounts or jury awards often are much larger for cases prosecuted in court than victim compensation awards through the administrative process.

Below is a summary of the nature, extent, and disposition of significant housing discrimination lawsuits filed and/or adjudicated between January 2019 and December 2023 involving or affecting parties and properties within the HCHCD Service Area, and which may impact fair housing choice within the study area. Neither Harris County nor any of the HCHCD Service Area municipalities are currently involved as a party to any fair housing lawsuits or subject to monitoring under a consent order or conciliation agreement with HUD or the DOJ. The cases chosen for discussion fall into three main fair housing issues and illustrate how discrimination can show up in a variety of ways that negatively impact housing choice for persons identified by a protected class: 1) discrimination based on disability for failure to design and construct multifamily dwellings that are accessible and usable to persons with disabilities; 2) lending discrimination by "redlining" predominantly Black and Hispanic neighborhoods; and 3) race-based discrimination in negotiating for sale housing.

### **Issue 1: Discrimination based on disability for failure to design and construct accessible multifamily dwellings**

People with disabilities have a constitutional right to live in the community but physical barriers in the built residential environment pose an ongoing impediment for persons with disabilities to have fair access to housing and be fully integrated into society. Under the FHA, discrimination in housing includes a failure "to design and construct" covered multi-family dwellings so that they are accessible to and usable by persons with disabilities, particularly for people who rely on wheelchairs or mobility devices. Developers, builders, owners, engineers, and architects responsible for the design or construction of multifamily developments of four or more units (intended for first occupancy after March 13, 1991) may be liable if all ground floor units and units serviced by an elevator fail to meet baseline accessibility design features: 1) an accessible entrance on an accessible route; 2) accessible common and public use areas; 3) doors sufficiently wide to accommodate wheelchairs; 4) accessible routes into and through each dwelling; 5) light switches, electrical outlets, and thermostats in accessible locations; 6)

reinforcements in bathroom walls to accommodate grab bar installations; and 7) usable kitchens and bathrooms configured so that a wheelchair can maneuver throughout the space. 42 U.S.C. § 3604(f)(3)(C).

The state of Texas and most of the local jurisdictions in the HCHCD Service Area incorporate minimum FHA accessible design and construction requirements for multifamily housing into their adopted building codes, which should be monitored and enforced by local building and permitting officials.

In a series of cases filed in the last five years against various developers, owners, and property managers of multifamily housing complexes in Harris County, Plaintiff Dana Bowman—a veteran with physical handicaps and advocate for veterans with disabilities—alleged that while searching for new housing, he visited the subject properties and observed accessibility barriers that would interfere with his ability to access and use the dwellings and related facilities in violation of the FHA and ADA.

- Bowman v. 20330 Whitewood, LLC, Civil Action No. Case 4:21-cv-03226 (S.D. Tx.) (complaint filed Oct. 4, 2021; dismissed following settlement Oct. 19, 2023).

The complaint cited alleged violations of the FHA's design and construction requirements at the Park45 Apartment, a 180-unit multifamily housing complex in Spring, TX outside of Houston, including inaccessible routes to and through public and common use areas; inaccessible routes to some amenities, facilities, and parking and transportation areas; inaccessible routes to first floor units; inaccessible doorways and thresholds; and lack of clear maneuvering space in kitchens and bathrooms, among others.

The parties entered a settlement and stipulated to dismissal of the case which was granted by the court. The terms of the settlement were not disclosed in the pleadings.

- Bowman v. Cardiff Property, LLC, Civil Action No. 4:22-cv-00106 (S.D. Tx.) (complaint filed 1/11/2022; settlement agreement and final judgement Sept. 19, 2022).

This complaint alleged Defendants failed to design and/or construct the 168-unit Cardiff at Louetta Lakes Apartments in Spring in compliance with FHA/ADA accessibility standards, as allegedly evidenced by inaccessible routes to and through public and common use areas; inaccessible routes to some amenities, facilities, and parking and



transportation areas; inaccessible routes to first floor units; inadequate clearance space at gates; inaccessible doorways and thresholds, among others.

After a successful Settlement Conference conducted by the court, the parties agreed to a Final Judgement requiring Defendants to make 88 alterations or modifications to the property as identified in Plaintiff's expert inspector report to ensure compliance with both the ADA and FHA in all 56 ground floor units within 18 months of the judgment. The parties agreed to a follow-up inspection by a third-party FHA and ADA accessibility specialist and also agreed to a confidential damages award to be paid to the Plaintiff.

- Bowman v. Ibiza Magnolia Park Apartments, Civil Action No. 4:21-cv-00688 (S.D. TX) (filed 3/3/2021; stipulation of dismissal and case terminated 10/13/2021).

Plaintiff filed this case based on the Defendants' alleged failure to design and construct the 160-unit Magnolia Park Apartments in Houston with accessible features for people with disabilities, citing the following deficiencies: a lack of clear space for maneuvering at unit doors; inaccessible routes between buildings or to facilities or amenities; and vehicles blocking accessible routes throughout the complex, among others.

Before adjudication on the merits, the parties exchanged expert inspection reports and subsequently agreed to terms of settlement and a dismissal of the case.

- Bowman v. Houston REH, LLC, Civil Action No. 4:20-cv-03774 (S.D. TX) (filed 11/5/2020; stipulation of dismissal and case closed 11/17/21).

The violations allegedly observed at the 81-unit Aria at Wilcrest Apartments in downtown Houston included lack of accessible routes between buildings and to all facilities/amenities; routes with excessive slopes; excessively high entrance thresholds; inaccessible thermostats in some units; and inadequate clear floor space in unit kitchens, among others. Plaintiff submitted an inspector's expert report identifying 75 violations and moved for summary judgement. The parties subsequently reached a settlement addressing remediation of the accessibility violations and the case was dismissed.

- Bowman v. SG@Queenston, LLC, Civil Action No. 4:22-cv-00467 (S.D. Tx.) (filed 02/11/22; stipulation of dismissal and case closed 03/19/24).

The 168-unit Esperanza at Queenston Apartments is located in Houston. Plaintiff's complaint against the owner and manager of the property alleged the property lacked accessible routes between buildings and to all facilities/amenities; presented excessively

high entrance thresholds to some covered units; inaccessible thermostats in some covered units; bathrooms lacked clear floor space for maneuverability. Upon receiving Plaintiff's expert report identifying violations of the FHA's minimum accessibility requirements, the Defendants' own expert confirmed that at least portions of the architect's stamped plans and specifications failed to meet the minimum accessibility requirements. The parties participated in a mediation and Plaintiff and Defendants reached a settlement agreement providing for remediation of certain barriers and other relief, and jointly moved to have the case dismissed.

- Bowman v. Shadowbriar Apartments, LLC, Civil Action No. 4:22-cv-02106 (S.D. Tx.) (filed 06/28/22; still pending as of 4/15/24).

In this case concerning FHA accessibility violations at the 83-unit Briar Apartments complex in Houston, the Plaintiff alleged: some units had excessively high thresholds; some interior doors did not allow for enough clearance; inaccessible thermostats in some covered units; bathrooms lacked clear floor space for maneuverability, among others. Plaintiff's expert identified 169 categories of FHA violations. The parties participated in court-ordered mediation on December 19, 2023, but as of April 2024, the case had not settled nor been decided on the merits.

A failure to design and construct covered multifamily dwellings to be readily accessible to and usable by persons with disabilities gives rise to a private right of action under the FHA to enforce the statute's requirements. However, these cases also raise the question of why so many multifamily developments are issued building permits and certificates of occupancy and come to market with dwelling units and common amenities, spaces, and facilities that are not in compliance with the minimum accessibility standards of the FHA and ADA, which standards are commonly incorporated into the local building code.

## **Issue 2: Discriminatory lending and redlining based on race, color, and national origin**

Modern redlining is a practice whereby lenders, mortgage insurers, brokers or others in housing-related industries withhold or deny credit and mortgage services to individuals and communities because of the race, color, or national origin of the people who live in those communities, or deny offering lending services on equal terms as offered to non-minority borrowers. Though common for decades, redlining was made illegal by the FHA, the Equal Credit Opportunity Act (15 U.S.C. § 1691 *et seq.*) (prohibits creditors from discriminating against credit applicants), and the Community Reinvestment Act (12 U.S.C.

§ 2901 *et seq.*) (requires most national banks to offer and advertise banking and lending products across their entire service areas), but nonetheless has been linked to entrenched residential segregation and the persistence of the racial wealth gap and is still an impediment to fair housing choice today.

- U.S. v. Cadence Bank, N.A., Civil Action No. 1:21-cv-03586 (N.D. Ga.) (complaint and proposed consent order filed 8/30/21; case dismissed 8/31/21).

In 2021, the Justice Department together with the Office of the Comptroller of the Currency, filed a federal lawsuit against Cadence Bank, which is headquartered in Atlanta, GA but has dozens of branches in Texas including in Katy, Webster, and in and around the Houston metro. The government alleged the bank engaged in a pattern or practice of redlining predominantly Black and Hispanic neighborhoods in the Houston metro area from at least 2013 to 2017 and that Cadence avoided providing home loan and other home mortgage services, avoided outreach opportunities, and avoided marketing in predominantly Black and Hispanic neighborhoods. The complaint also alleged that Cadence intentionally concentrated its branches and services in majority-white neighborhoods to the exclusion of Black and Hispanic neighborhoods, locating all but one of 13 metro bank branches in majority-white census tracts even though 56 percent of census tracts in the Houston metro area were majority-Black and majority-Hispanic during the relevant time of the investigation. Unlike its other branches, the sole bank branch in a majority-Black neighborhood did not have an assigned loan officer.

Cadence denied liability and noncompliance with federal law but agreed to a settlement of the DOJ's claims shortly before it completed a merger with BancorpSouth Bank. Under the terms of the settlement, Cadence agreed to invest a minimum of \$5.5 million to increase credit opportunities for residents of the redlined neighborhoods in Harris County (as well as Fort Bend and Montgomery Counties): of which \$4.17 million would be used to create a loan subsidy fund for residents of predominantly Black and Hispanic neighborhoods in the Houston area, \$750,000 allocated for development of community partnerships to provide services that increase access to residential mortgage credit in those neighborhoods, and \$625,000 allocated to advertising outreach, consumer financial education, and credit repair initiatives. The bank also agreed to provide fair housing and fair lending training to employees engaged in mortgage lending, marketing, or fair lending or CRA compliance. Under the settlement, the bank was required to dedicate at least four mortgage loan officers to previously neglected neighborhoods and open a new

branch in one of those neighborhoods Separately, the OCC assessed penalties against the bank in the amount of \$3 million related to the violations alleged in the complaint.

### **Issue 3: Race-based discrimination in negotiating housing sales**

Combatting discrimination in housing sales and rentals based on race or color was a central priority for Congress passing the Fair Housing Act in 1968. Yet, as the local complaint data and nationwide DOJ pattern or practice civil cases show, race-based discrimination continues to be one of the most commonly reported bases of discrimination even 40 years later.

- Ra-Amari v. RE/MAX, LLC, Civil Action No. 4:22-cv-03171) (S.D. Tex.) (complaint filed 9/16/22; judgment on the pleadings and case dismissed 2/27/24).

The plaintiffs' complaint, filed by a black husband and wife couple and another family member against two real estate brokerages and a real estate agent, alleges that the real estate agent, who is Asian-American, refused to negotiate to sell one or more units in the Grand West Condominium development in Katy, TX to the plaintiffs. The 50-unit Grand West Condos was the only condominium property within the business district of Katy's University Center at the time. The agent reportedly told the plaintiffs she could not sell to them because she did not think she would get along with them. Additionally, plaintiffs allege that marketing materials for the subject property, which advertised the development as a "new option for Chinese and Asian communities" and "a new option for a safe and simple Asian life," indicated "a preference or limitation based on race, color, ... [or] national origin ... or an intention to make any such preference, limitation, or discrimination" in violation of the FHA.

The defendants filed a motion for judgment on the pleadings but the plaintiffs missed the filing deadline to respond. Without the plaintiffs' response, the court found the plaintiffs' pleadings/complaint in the record lacked enough evidence to dispute defendants' arguments that plaintiffs had never made a bona fide offer on the units<sup>95</sup> and that they

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95 A video recording of the plaintiffs' conversation with the real estate agent was shared with the Houston Chronicle and the paper reported that Plaintiff James Ra-Amari can be heard telling the agent, "The price is fine. We would like to purchase it." Schuetz, R.A. (2024, March 1) "Katy family's racial discrimination lawsuit dismissed," Houston Chronicle, Retrieved 3/30/2024, from <https://www.houstonchronicle.com/news/houston-texas/housing/article/black-family-fair-housing-act-dismissed-asian-town-18693549.php>.

intended to buy the units for investment purposes only rather than for use as a “dwelling.” The FHA only applies to dwellings—meaning a building intended for occupancy as a residence—and not to purely investment assets. The court issued judgment in favor of the defendants and dismissed the case without the option to refile.

Although ultimately the aggrieved parties did not prevail in proving unlawful housing discrimination had occurred, the case is noteworthy because it echoes perceptions reported by stakeholders in this study—that race, color, and national origin-based discrimination are happening in the HCHCD Study Area between minority and historically victimized groups. The executive director of Greater Houston Fair Housing Center identified as a factor in segregation that it is not only income that segregates different racial and ethnic groups, but some level of self-segregation exists as well. He stated that more fair housing education is needed so that, in attempting to care for and protect their communities, historically marginalized groups don’t then unlawfully discriminate against other groups based on race, color, or national origin.

## **PAST FAIR HOUSING GOALS AND RELATED ACTIVITIES**

In 2017, Harris County partnered with the City of Pasadena, City of Missouri City, City of Galveston, Harris County Housing Authority, and the Galveston Housing Authority to develop the 2019-2023 Regional Analysis of Impediments to Fair Housing Choice (AI). The strategies and goals of this AI are incorporated into the 2019-2023 Consolidated Plan.

Table below is a reproduction of the goals presented in the 2019-2023 AI, along with an updated column detailing what progress has been made on each goal since the implementation of the previous AI.

**TABLE 29. ACTIONS TAKEN TO ADDRESS PREVIOUSLY IDENTIFIED FAIR HOUSING ISSUES**

Fair Housing Goal	Actions Taken
<p>Improve regional collaboration in fair and affordable housing planning:</p> <ul style="list-style-type: none"> <li>• Consider a regional housing strategy</li> <li>• Increase communication around priorities and developer incentives</li> <li>• Coordinated approach for promoting inclusivity and diversity of housing stock in all communities</li> </ul>	<p>According to their Annual Action Plans, Harris County regularly collaborates with other counties in the region through the Houston-Galveston Area Council (H-GAC). The H-GAC produced developed the first phase of the Regional Housing Plan in 2020, stating that the next iteration would include the housing initiatives of the City of Houston, Harris County, and the cities contained therein beginning in 2020. Harris County also participates in the Way Home Continuum of Care (CoC), a collaborative model to address homelessness in the region.</p>
<p>Boost residents access to residential capital through partnerships with local lenders and by providing credit counseling and financial literacy classes.</p>	<p>Those participating in the Harris County Housing and Community Development Down Payment Assistance Program (DAP) are required to take an 8-hour homeownership education course from a HUD approved provider before applying for assistance.</p>
<p>Continue to support fair housing outreach and education through:</p> <ul style="list-style-type: none"> <li>• Fair housing training events and training</li> <li>• Fair housing materials in multiple languages and mediums</li> <li>• Landlord/tenant resources</li> <li>• Enhanced media outreach especially during Fair Housing Month each year</li> <li>• Materials available in languages other than English</li> </ul>	<p>The Harris County Housing and Community Resources webpage serves as a centralized resource for information regarding fair housing services and programs. HCD Materials are consistently available in languages other than English, including Spanish and Vietnamese, and other language accommodations are available upon request for other materials, events, and resources.</p>
<p>Collaborate with local fair housing organizations to conduct regional fair housing testing as a tool for fair housing enforcement and to better understand private discrimination in the housing market.</p>	<p>No regional fair housing testing has occurred, however, H-GAC developed a Fair Housing Equity Assessment to examine fair housing, equity, and opportunity across the Houston-Galveston region</p>
<p>Continue and strengthen regional transportation planning</p> <ul style="list-style-type: none"> <li>• Promote the benefits of transit to help reduce NIMBYism in outlying communities.</li> <li>• Conduct further study and outreach to understand transit needs and potential strategies. Use this strategy to inform regional engagement.</li> <li>• Increase access to transit resources for residents with disabilities with local service provider partnerships.</li> </ul>	<p>Along with Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery and Waller counties, Harris County participated in the development of the H-GAC's 2040 Regional Transportation Plan.</p>

Fair Housing Goal	Actions Taken
<p>Increase access to job training resources for residents with disabilities through existing partnerships with regional and local service providers and employers.</p>	<p>Accessing Coordinated Care and Empowering Self Sufficiency (ACCESS) Harris County and The Harris Center for Mental Health and IDD provide comprehensive case management and wraparound services for persons with disabilities in the region.</p>
<p>Expand the supply of affordable housing options, with a focus on extremely low-income households and on larger affordable housing units (2- and 3-bedroom units or larger), and/or express support of affordable development (e.g., LIHTC).</p>	<p>As of 2023, the Harris County Housing Authority (HCHA), in partnership with several developers and HCD, is currently in the process of constructing six new developments that will provide a total of 1,368 new affordable housing units across the county.</p>
<p>Continue to assist low-income homeowners, improve housing quality, and increase housing accessibility through housing rehabilitation, repair and accessibility grant programs.</p>	<p>The Harris County Housing and Community Development Department continues to support its Home Repair Program, Single Family Reconstruction Program, and Lead Hazard Control Program to improve the quality and habitability of existing housing.</p>
<p>Develop community priorities for siting LIHTC developments (and/or other publicly assisted housing) and work to promote community support of such developments in high opportunity areas.</p>	<p>In 2023, HCD released updated criteria regarding the construction of subsidized multifamily and senior developments to ensure that these properties are dispersed throughout the county's service area in a way that eliminates slum/blight conditions and is sustainable in the long-term, particularly in response to flooding and natural disasters.</p>
<p>Develop policies and procedures that support balanced housing opportunities, including affordable/workforce housing (e.g., adopt an anti-NIMBY policy).</p>	<p>In 2023, HCD released updated criteria regarding the construction of subsidized multifamily and senior developments to ensure that these properties are dispersed throughout the county's service area in a way that eliminates slum/blight conditions and is sustainable in the long-term, particularly in response to flooding and natural disasters.</p>



## Fair Housing Goal

## Actions Taken

Promote economic investment (public and private) in distressed areas that have high minority concentrations:

- Explore partnerships with lenders such as community development financial institutions (CDFIs) that serve the region to discuss potential partnership opportunities for 1) Developing the capacity of small businesses in distressed areas and 2) Are committed to helping transform distressed communities.
- Identify areas where new construction of affordable housing could serve as an economic catalyst for revitalization. Use land banking as allowed under law to acquire such parcels for affordable housing development and/or advocate for the use of TRZ dollars for affordable housing in improvement districts.
- Include affordable housing as a component of revitalization efforts and consider implementation of neighborhood-specific plans or a Comprehensive Plan that incorporates affordability planning
- Prioritize City development incentives to support infrastructure upgrades, blight reduction efforts, and commercial development in underserved neighborhoods.

Harris County commonly leverages its public funds from multiple sources with private dollars to maximize their impact in community development with a focus on revitalizing distressed areas. As a part of HCD's Needs Assessment Plan, several areas across the county were designated as concerted revitalization areas (CRAs). Affordable housing development is considered a large component of these revitalization efforts, and the affordable housing criteria mentioned above work in tandem with these CRAs to improve the supply of affordable housing in these distressed areas.

Continue to encourage housing choice voucher participants to use vouchers in high opportunity areas

HCHA encourages voucher holders to seek housing in high opportunity areas by maintaining data on areas with these characteristics and developing affordable housing in these areas.

Incentivize landlord participation in HCV and other affordable housing programs through a multifamily rehabilitation and accessibility improvement program using HUD and other affordable housing and community development funds.

HCHA continues to sponsor quarterly landlord meetings to educate current participating landlords and attract new landlords to their voucher program.

Review city/county policies for requesting a reasonable accommodation for fair housing compliance and evaluate improvements that could help affirmatively further fair housing for people with disabilities.

Review zoning/land use/development regulations to ensure that a diversity of housing choices is allowable throughout residential districts.

Review zoning/land/development regulations use to improve consistency between local codes and state regulations of specific housing types impacting protected class populations.

Consider incentives to promote accessibility and universal design to improve accessibility/adaptability in new construction.

# Chapter 10. Identification of Impediments

Described below are the fair housing impediments identified in this Fair Housing Assessment, along with associated contributing factors. Contributing factors are issues leading to an impediment that are likely to limit or deny fair housing choice or access to opportunity. Recommended activities to address the contributing factors are provided in Table 30, along with implementation timeframes and responsible parties.

## **Impediment #1: Limited Incomes and Lack of Access to Resources Restrict Housing Choice Among Protected Classes**

Disparities in access to opportunity exist by geography, race, and ethnicity in Harris County. Poverty rates are highest just north and northeast of the city of Houston, areas that include the service area's racially/ ethnically concentrated areas of poverty, defined as census tracts with non-white population of 50% or more and 40% or more of individuals living at or below the poverty line. Fourteen census tracts in these areas have poverty rates above 40%, and all of them are considered racially/ethnically concentrated areas of poverty (R/ECAPs). Black and Hispanic residents are overrepresented in these high-poverty census tracts relative to their share of the service area's overall population, while white and Asian residents are underrepresented. Higher-poverty areas of the county also tend to be areas of lower labor market engagement, with lower levels of educational attainment, labor force participation rates, and median household incomes.

Residents and stakeholders noted that in addition to labor market engagement and income, residents' housing choices are shaped by a variety of factors, including access to quality schools, grocery stores, healthcare, and other needed resources; access to public transportation; and availability of public infrastructure such as sidewalks. While access to jobs and affordable transportation is relatively high in the county's R/ECAPs and surrounding areas, these parts of the county tend to have reduced access to other resources and services, including proficient schools, grocery stores, and healthcare.

Place-based strategies allow for the targeting of resources and outreach efforts to areas with high proportions of residents whose housing choices may be limited by low earnings or unemployment. These strategies can be combined with other approaches focused on closing skills gaps and developing career pathways, increasing job creation and quality standards, and raising the wage floor. Examples of place-based strategies to increase labor market engagement include increasing awareness of high-growth jobs that pay family-sustaining wages and connections to the training necessary to obtain them, and targeting neighborhoods with high proportions of low-earning workers as priorities for interventions that increase awareness of available subsidies and resources.

In addition to investing in workforce development, the County can continue to use the CDBG or HOME programs, bond referendum, or other funding to collaborate on projects that develop, expand, or improve community spaces and programming, increase access to fresh food retailers, provide access to health and wellness resources and services, improve housing condition, and support development of needed retail and services in low- and moderate-income census tracts.

As the County looks to identify areas for investment, it should prioritize expanding community engagement efforts focused on community needs and priorities in low- and moderate-income census tracts, including working with residents and community groups to shape the County's approach to community engagement. Targeted outreach to engage with residents in identifying areas for investment could include strategies such as partnering with community-based organizations, civic clubs, commissioners' offices, neighborhood groups, food banks, and faith-based groups; going door-to-door to engage with residents; sending paper invitations to meetings and events; and including engagement materials in existing forms of communication, such as school mailers.

## **Impediment #2: Limited Supply of Affordable Housing for Low/Mod Income Households**

A general lack of affordable housing options available to low- and moderate-income households was one of the most frequently cited issues identified in our conversations with Harris County community stakeholders. This shortage has become increasingly dire over the past few years as housing costs in the area have dramatically increased and wages have remained comparatively stagnant. Additionally, there is limited public housing assistance, and existing resources are often coupled with waitlist periods of 1

year or more, source of income discrimination by area landlords, and housing quality issues. There is a great need for increased numbers of affordable multifamily units and assistance for low-income homebuyers.

According to 2022 ACS data, housing in the Harris County service area and the Houston-The Woodlands-Sugar Land area is predominantly comprised of single-family detached structures (around 71.4% and 62.6% respectively, See Table 8: Housing Units by Structure Type). The lack of structures with multiple units decreases the availability of housing affordable for low-moderate income earning households who cannot afford to purchase single family homes. Apartments and smaller units are also essential for many seniors and residents with disabilities.

Affordability is a problem affecting both owner and renter households in Harris County. The 2023 Fair Market Rent for a 1-bedroom unit in Harris County is \$1,095 (See Figure 40). To afford a \$1,095 1-bedroom unit, a household would need to work a 40-hour week with an hourly wage of \$21.06. However, the minimum wage in Harris County is only \$7.25, which would require a 116-hour work week to afford a \$1,095 lease. Based on these estimates, no units in the County would be considered affordable for an individual working 40 hours per week at minimum wage.

An estimated 8.0% of owner households and 19.1% of renter households in Harris County are severely cost-burdened, spending over 50% of income on housing, (See Table 11: Households with Housing Problems by Type in Harris County Housing and Community Development Service Area). Black households are the most impacted by severe cost burdens (16.5%, or 19,780 of 119,876 Black households). Hispanic households are the second group most impacted by severe cost burdens with a rate of 13.9% (30,630 of 220,425 Hispanic households). Additionally, 17.4% of elderly, non-family households and 13.2% of other households are severely cost burdened in Harris County.

Insurance premiums have been steadily increasing across the country including states like Texas that have been susceptible to high-risk climate-related disasters. While Houston has a high rate of uninsured homes, it has seen an increase in insurance rates given that Texas has had the highest increase compared to all states<sup>96</sup> (an increase of over 23%). A

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<sup>96</sup> Houston Chronicle. "Texas Home Insurance Premiums Climb as Climate Risks Rise", retrieved from: <https://www.houstonchronicle.com/business/article/home-insurance-texas-storms-inflation-19467739.php>

study conducted by NBC News analyzing data from First Street Foundation found that 97.7% of properties in Houston are at risk of dramatic changes in their insurance coverage<sup>97</sup>.

Participants repeatedly described a housing market where units that are most affordable to low- and moderate-income households are also most likely to have serious issues related to housing quality, deferred maintenance, and code violations. Issues related to housing condition are also common throughout the county. Rental inspections programs attempt to ensure upkeep of properties by landlords but often fall short of adequately protecting tenants. Further, tenants may not report code enforcement or other violations to the County for fear of retribution by their landlord or of displacement in cases where a unit is considered by inspectors to be unsuitable for habitation.

### **Impediment #3: Limited Housing Opportunities and Barriers to Homeownership Predominantly Impacting Households of Color**

The most common issue identified by stakeholders in public meetings, focus groups, and interviews was the need for decent, safe, affordable housing for households of color. Data about housing problems presented in Chapter 6 of this report (see pages 100 through 173) shows that affordability issues are more acute for households of color than for white households. In Harris County, only 9.0% of white households are severely cost-burdened, compared to Black households (16.5%) followed by Hispanic households (13.9%). Around 12% of Asian/Pacific Islander and Native American households are also severely cost burdened. Together with input regarding housing condition, these rates show a continued need to expand the supply of affordable housing available throughout the county, along with improving and/or maintaining existing affordable housing. This may include development and preservation of affordable for-sale and rental product. Homeownership is considered out of reach for many low to moderate income households, particularly impacting Black residents. The homeownership rate in the service area is higher than that of both the county and MSA at 70.6%, compared to just 54.6% in Harris County, and 61.1% in the metro area. Homeownership rates are highest among Asian and white households in all three areas, ranging from about 63% to 83% for Asian households and 64% to 76%

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<sup>97</sup> NBC News. "Map: The unexpected places where extreme weather threatens homeowners' pocketbooks", retrieved from: <https://www.nbcnews.com/data-graphics/map-new-data-climate-change-homeowners-insurance-rcna105632>

for white households. Homeownership rates are lowest among Black households in all three areas, ranging from 36.0% in Harris County to 50.3% in the service area.

Additionally, HMDA data findings indicate disparities in access to mortgage loans in the service area, particularly for Black and Native American applicants. Denials based on high debt-to-income ratio and poor credit history indicate that many applicants struggle with long-term financial instability, which creates additional barriers to accessing a mortgage. Denials based on collateral indicate that the value of a requested loan is high relative to the appraised value of a home, creating loan-to-value ratios that fall above lenders' thresholds. The data suggests that additional resources are needed to stabilize the path to homeownership, including support for homebuyer readiness classes or other pre-application assistance, down payment assistance programs, and wider ranging social supports for households to improve their chances of securing mortgage loans. Further, several stakeholders note the specific need for housing assistance directed toward lowest income groups (households with incomes under 30% of area median income) and people experiencing or at risk for homelessness.

#### **Impediment #4: Limited Accessible and Affordable Housing for People with Disabilities**

Stakeholders who participated in this planning process also noted a need to increase housing options for people with disabilities, emphasizing that housing with supportive services for people with intellectual and developmental disabilities and affordable housing near public transportation are top needs. Further, 8.07% of the respondents to the Harris County Fair Housing Survey indicated that the lack of housing options available for people with disabilities poses a barrier to fair housing, and 51.57% noted a high level of need for affordable housing options while 19.28% noted there was community opposition to affordable housing in Harris County. In both the county and region, the share of residents with a disability living in Housing Choice Voucher units (29.1% and 25.9%, respectively) is much greater than the share of the population with a disability (9.1% in the county and 10.4% in the region). Project-based Section 8 units housed people with disabilities at a slightly higher rate than their share of the population in the county and region. Data on the disability status of Section 202 and 811 households was not available. The outsized shares of public housing and HCV households with people with disabilities suggests that these programs are a significant component of the area's supply of affordable and accessible housing.

The lack of accessible units available in the private rental market and the high utilization of publicly supported programs for affordable and accessible units demonstrate that the need for accessible housing options in Harris County is not met by the current supply. Even where there is strict compliance with accessibility standards, housing advocates make the point that it does not necessarily translate to there being enough accessible housing production to meet community needs. Local governments can work collaboratively with the building industry to increase and protect the accessible housing stock. Besides more education, training, and oversight, as part of AFFH strategies, local governments could also offer incentives to developers who build more accessible units or features (and reserve or give first priority to people with disabilities who truly need those units) than the minimum requirements. Voluntary incentives could include fee waivers, expedited plan and permit reviews, density bonuses, or other development concessions.

### **Impediment #5: Environmental Justice Issues Disproportionately Impact Low-Income Communities and Protected Classes**

Toxic release inventory industrial sites and Superfund sites cluster in east and southeast Harris County, areas in which Hispanic and white residents make up the majority of the population. Many of these sites accumulated around Channelview, Deer Park, and LaPorte, highlighting the disparate access to a clean and healthy environment in these regions. Higher levels of air toxicity led to incremental lifetime cancer risk of up to 1 in 150—68 times the EPA’s acceptable level of risk— for residents in the highest-risk areas of the county, limiting access to a clean and healthy environment in a large area of east Harris County.

Flooding is another environmental justice issue that shapes fair access to housing. In addition to driving a high level of need for housing rehabilitation and weatherization in the county, flood events have tended to further exacerbate existing inequities, as low-income households have been disproportionately denied FEMA individual assistance following recent flood events such as Hurricane Harvey.

There is a need to put systems in place to examine and address disparities in access to clean and healthy environments and to ensure equal access to assistance following natural disasters. To address poor air quality and exposure to toxics for residents of east Harris County, the County can implement recommendations put forth by Air Alliance Houston, including the development of an Environmental Justice Committee with roles such as

engaging impacted communities and prioritizing communities for funding to mitigate air pollution. To reduce disparities in impacts of flood events and in access to disaster assistance, the County can implement strategies such as continuing to support the Greater Houston Disaster Alliance, expanding the Harris County Buyout Program, investing Community Development Block Grant-Disaster Recovery (CDBG-DR) funding in infrastructure to reduce the vulnerability of households to future flooding events, and investing in green infrastructure in neighborhoods and communities most impacted by flooding and extreme heat events.

## **Impediment #6: Inequitable Disaster Mitigation and Recovery Efforts**

Due to a myriad of factors including its geographic location and existing infrastructure network, the Harris County area is uniquely susceptible to natural hazards, such as floods, hurricanes, and heatwaves. Low-income households of color in Harris County are disproportionately likely to be negatively impacted by these events in terms of both immediate impact and recovery response. This vulnerability, combined with long-term changes in the Earth's climate that have and will continue to increase the severity and frequency of natural disasters, emphasize the pressing need for a more equitable approach to disaster mitigation and recovery efforts.<sup>98</sup> After Hurricane Harvey made landfall in 2017, the U.S. Department of Housing and Urban Development (HUD) found that Harris County's and the City of Houston's disaster recovery funds were distributed in a discriminatory matter that resulted in negative outcomes for minority residents, particularly among the Black population.<sup>99</sup> Multiple community members and stakeholders mentioned these findings in our engagement activities, pointing out the symbiotic nature of the county's disparities in exposure to environmental hazards and disparities in disaster recovery efforts by race, ethnicity, and income.

As such, there is a need to develop a more equitable framework of distributing disaster recovery funds so that the area's most vulnerable populations receive the assistance that they need. There also needs to be a more targeted, robust approach to engaging low-income households in disaster mitigation efforts that include home repair, retrofitting,

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<sup>98</sup> EPA. "Climate Change Indicators: Weather and Climate." Climate Change Indicators, July 23, 2023. <https://www.epa.gov/climate-indicators/weather-climate>.

<sup>99</sup> Zhang, Andrew, and Joshua Fechter. "Feds Say Texas Discriminated against Communities of Color When It Denied Houston Flood Aid." The Texas Tribune, March 8, 2022. <https://www.texastribune.org/2022/03/08/texas-houston-harris-HUD-harvey-flood-aid/>.



weatherization, and relocation assistance when it is applicable. Planning for future disaster events with proactive measures such as these will help prevent and reduce the damage from hazards when they do arrive, ultimately resulting in long-term cost savings by improving and/or preserving the quality of existing affordable housing.

Addressing these issues will require the county to create and maintain meaningful partnerships with community-based organizations that have experience working closely with residents, including, but not limited to long-term recovery groups (LTRGs), voluntary organizations active in disaster (VOADs), and more. This could be accomplished through the creation of a disaster recovery task force that the county participates in along with other agencies involved in disaster recovery. Resident involvement could also be encouraged by allowing community members to assist others in completing recovery funding applications in lieu of outside agency employees. Such efforts would create employment opportunities and incorporate local knowledge of the region.

It also calls for an overall paradigm shift in the way the region approaches disasters in general, with a concerted focus on directing more resources to mitigation, so that vulnerable residents and structures can be better protected from future disaster events. There is a need for an increase in education and outreach on the long-term social, environmental, and financial benefits of mitigation and resiliency projects, contrasted against the extent of loss associated with the region's current modes of operation.

### **Impediment #7: Need for Improved Coordination and Collaboration Between Institutions**

A common issue brought up in multiple discussions with stakeholders and residents was a lack of coordination and collaboration amongst Harris County departments, local jurisdictions within the county (including the City of Houston), community organizations, housing professionals, and other service providers within the area. There is a disjointed, piecemeal network of housing institutions working towards many of the same goals in the region without resource collaboration or information sharing, which has resulted in duplication of efforts, missed opportunities to maximize limited funds and other resources, and complexities in navigating affordable housing development and assistance programs.

There is a pressing need for Harris County to collaborate with the City of Houston and other local jurisdictions to produce a comprehensive housing plan, which the region

currently lacks. The Houston Housing Collaborative, a membership organization comprised of stakeholders representing a variety of perspectives in the housing industry, released a framework for a comprehensive housing plan for the City of Houston in May 2024.<sup>100</sup> This framework may be utilized as a guide to foster the development of such a plan. Doing so will require the county to share its knowledge and resources both within and across departments, between multiple institutions, and regularly collaborate with key stakeholders and community members.

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<sup>100</sup> Houston Housing Collaborative, "Press Release: Comprehensive Housing Plan Framework for the City of Houston," Houston Housing Collaborative, May 16, 2024, <https://www.houstonhousingcollaborative.org/news/framework>.

**TABLE 30. FAIR HOUSING GOALS AND ACTIVITIES**

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<p><b>Impediment #1: Limited Incomes and Lack of Access to Resources Restrict Housing Choice Among Protected Classes</b></p>		
<p>Continued need for neighborhood investment in areas with high poverty rates and low levels of access to resources and services.</p>	<ul style="list-style-type: none"> <li>• Continue to use CDBG, bond referendum, or other funding to collaborate on projects that develop, expand, or improve community spaces and programming, increase access to fresh food retailers, address blight, and support development of needed retail and services in low- and moderate-income census tracts, and particularly in R/ECAP census tracts, to address needs and opportunities identified in the Harris County Housing and Community Development Community Plans and other local plans. Partner with community organizations and residents to further understand neighborhood funding needs and opportunities.</li> <li>• Partner with developers and community-based organizations to support investments in needed retail and services, such as fresh food retailers, in low- and moderate-income census tracts. Partner with the Harris County Community Land Trust to support neighborhood retail and services along with the development of permanently affordable housing. Explore the potential for partnerships with local land banks and Tax Increment Reinvestment Zones to support development of affordable housing and resources.</li> <li>• Investigate whether the Biden administration’s Community Revitalization Fund has the potential to provide additional financial resources to support investments in the county’s R/ECAPs and, if so, encourage and assist local Community Development Corporations in the application process.</li> <li>• Partner with local school districts, community stakeholders, and others to provide facilities, resources, and services to students attending lower-performing schools. These may include basic school resources and supplies, school readiness, mentoring and tutoring, family engagement and literacy, health services, behavioral and social supports, enrichment programs, programs to increase food security and access, support for ESL students and students with disabilities, resources for students experiencing homelessness, and other resources and services.</li> <li>• Collaborate with County and municipality leadership in investigating additional potential funding sources to support investments in public infrastructure improvements, public facilities, public transportation, and services in low- and moderate-income census tracts.</li> <li>• Use tools to limit gentrification impacts of investments in R/ECAPs, such as partnering with the Harris County Community Land Trust and local land banks to prioritize securing land for development of permanently affordable housing.</li> <li>• Expand community engagement efforts focused on community needs and priorities in low- and moderate-income census tracts, including working with residents and community groups to shape the County’s approach to community engagement. Implement targeted outreach to engage with residents to identify areas for investment.</li> </ul>	<ul style="list-style-type: none"> <li>• Harris County Housing and Community Development</li> <li>• School Districts</li> <li>• Community-Based Organizations</li> <li>• Harris County Community Land Trust</li> <li>• Land Bank</li> <li>• Developers</li> <li>• Residents</li> </ul>

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<p>High unemployment rates and low labor market engagement in R/ECAPs and low- and moderate-income neighborhoods</p>	<ul style="list-style-type: none"> <li>• Collaborate with community development organizations on efforts to bring new development to high-poverty neighborhoods to create jobs and provide needed resources and services, such as grocery stores.</li> <li>• Continue to utilize Tax Increment Reinvestment Zones to attract developers who want to invest long-term in the local economy and community.</li> <li>• Explore ways to partner with and fund community organizations that have implemented workforce development and employment programs in areas of the county with the lowest levels of educational attainment and labor force participation and the highest levels of unemployment.</li> <li>• Continue to build relationships with employers and workforce development programs to provide workforce development opportunities and career pathways. Marketing for workforce development programs and related resources should target areas of the county with the lowest levels of educational attainment and labor force participation and the highest levels of unemployment.</li> <li>• Collaborate with residents to understand barriers to accessing workforce development, employment, and education programs, and develop strategies to address these barriers.</li> <li>• Develop affordable housing in high-opportunity neighborhoods with access to jobs and public transportation.</li> <li>• Include residents, business owners, industry representatives, and representatives from neighborhood groups in planning processes for workforce development programs.</li> </ul>	<ul style="list-style-type: none"> <li>• Harris County Housing and Community Development</li> <li>• Community-Based Organizations</li> <li>• Developers</li> <li>• Residents</li> </ul>

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<b>Impediment #2: Limited Supply of Affordable Housing for Low/Mod Income Households</b>		
Overall lack of affordable housing (for sale and for rent), including a lack of variety of housing sizes for large families with multiple children. The housing stock is predominantly single-family housing types.	<ul style="list-style-type: none"> <li>Consider and adopt zoning code amendments that could increase possibilities for development of affordable housing.</li> <li>Convene a focus group of local affordable housing developers to identify challenges to working in the region and develop strategies to address these barriers.</li> <li>Assess the need for publicly supported housing and opportunities to expand housing options.</li> <li>Provide additional subsidies to support acquisition of the land or, when land is acquired, provide subsidies for infrastructure needs (sidewalk, lights, etc.).</li> <li>The County should leverage its strength to work with the healthcare industry for more investment in the housing industry. Emphasize the intersection between homelessness and housing and the health-related impacts caused through housing insecurity.</li> <li>As recommended in MHIH, HCD should prioritize the involvement of residents that live in subsidized properties and tax credit properties to understand their barriers and lived experience in subsidized housing. Provide affordable and adequate housing units that are dignified for the people that will occupy those units.</li> </ul>	<ul style="list-style-type: none"> <li>Harris County</li> <li>Harris County Housing Authority (HCHA)</li> <li>Area affordable housing developers</li> </ul>
Renters are especially cost-burdened, particularly impacting elderly, non-family, and Hispanic/Black households.	<ul style="list-style-type: none"> <li>In the routine monitoring of subrecipient organizations and CHDOs, ensure that affirmative marketing plans are in place, are adhered to, and are effective in promoting affordable housing opportunities to diverse groups of residents, including people of color. Target all cultures and languages and ensure they are well informed and have access to resources.</li> </ul>	<ul style="list-style-type: none"> <li>Harris County</li> <li>Harris County Housing Authority (HCHA)</li> </ul>
Insurance rates impact affordability and further increase cost burdens.	<ul style="list-style-type: none"> <li>Conduct a study analyzing data related to the increase in home insurance across the county. Assess the cause or trends behind price adjustments and where premiums are increasing.</li> <li>Create a focus group with a diverse set of homeowners and assess how unreliable coverage or expensive coverage have disrupted their ability to pay bills or afford their homes. Assess whether this has resulted in a mortgage default or foreclosure.</li> </ul>	<ul style="list-style-type: none"> <li>Harris County</li> <li>Harris County Housing Authority (HCHA)</li> </ul>
Housing stock is in need of repair, weatherization and retrofitting as a climate mitigation strategy, but also to preserve affordable units in good condition.	<ul style="list-style-type: none"> <li>Gather data and produce a report on factors impacting the lack of new housing built in Harris County in the past twenty years. Using this report, create a plan to encourage the development of new housing within the jurisdiction.</li> <li>Continue to support the rehabilitation of existing affordable housing options through the county's rehabilitation programs, providing outreach to affected homeowners.</li> </ul>	<ul style="list-style-type: none"> <li>Harris County</li> <li>Harris County Housing Authority (HCHA)</li> </ul>

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
	<ul style="list-style-type: none"> <li>• Create or expand rehab and repair programs targeting traditionally Black and Hispanic communities, as well as neighborhoods with low median household incomes.</li> <li>• Organize a networking meeting between local government inspection staff and nonprofit housing assistance organizations to develop a referral protocol for situations where a tenant household may have to be displaced due to substandard housing conditions discovered in the course of an inspection.</li> <li>• Advocate for policies to change at the federal level for funding allocations, particularly in areas that are prone to disasters, so the County is best prepared and has the funding and partnerships available when needed.</li> </ul>	

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<b>Impediment #3: Limited Housing Opportunities and Barriers to Homeownership Predominantly Impacting Households of Color</b>		
<p>Black and Native American households experience the highest mortgage loan denial rates.</p>	<ul style="list-style-type: none"> <li>• Fund agencies that provide homeownership education and financial counseling for moderate-income and first-time homebuyers. Work with local organizations to market these services to communities of color.</li> <li>• Develop partnerships with credit counseling agencies to reach communities of color and build a pipeline of potential homebuyers.</li> <li>• Promote programs that provide financial empowerment skills and pathways to homeownership to young students and their families. Partner with existing organizations working with schools in targeted low-income areas such as East Harris County Empowerment Council.</li> <li>• Meet with lenders and/or appraisers to inform them of goals for furthering fair housing and discuss lending barriers related to homeownership and community reinvestment in low-income neighborhoods.</li> <li>• Increasing taxes have impacted many low-income households who see high appraisals after a few years of owning their homes. The County should explore local policies that can support homeowners to be self-sustaining and retain their homes long-term.</li> </ul>	<ul style="list-style-type: none"> <li>• Harris County</li> <li>• Harris County Housing Authority (HCHA)</li> <li>• East Harris County Empowerment Council</li> </ul>
<p>Subsidized housing tenants are disproportionately Black, even when adjusted for their share of LMI population. Meanwhile, Hispanic/Latino households are underrepresented in subsidized housing.</p>	<ul style="list-style-type: none"> <li>• Explore options for a communitywide event or events that encourage interaction among diverse participants in neighborhoods throughout the region. Other events can also be promoted to highlight underestimated neighborhoods within the county.</li> <li>• Empower and encourage voucher holders to use their vouchers for homeownership.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Harris County</li> <li>• Harris County Housing Authority (HCHA)</li> </ul>

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<b>Impediment #4: Limited Accessible and Affordable Housing for People with Disabilities</b>		
<p>Difficulties in finding affordable and accessible housing for people with disabilities.</p>	<ul style="list-style-type: none"> <li>• Partner with the Harris County Housing Authority to explore potential funding opportunities for affordable, accessible housing that meets the needs of persons with disabilities, such as the Section 811 program.</li> <li>• Consider opportunities to encourage or incentivize the construction of new accessible housing units for people with disabilities:               <ul style="list-style-type: none"> <li>– When new accessible housing is proposed by a developer, organization, or agency, express support (through letters of support and/or certifications of consistency with the Consolidated Plan) wherever possible.</li> <li>– Review local funding mechanisms and federal grant sources for opportunities to incentivize development of new accessible housing units.</li> <li>– Meet with local providers of accessible housing and permanent supportive housing to discuss resources available and potential for collaboration on future proposed housing developments.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Harris County</li> <li>• Harris County Housing Authority (HCHA)</li> </ul>
<p>The private rental market is difficult to navigate for people with disabilities, landlords are difficult to work with and are reluctant to offer housing.</p>	<ul style="list-style-type: none"> <li>• Convene a focus group comprised of local disability advocacy and supportive service providers to gain a deeper understanding of how to educate landlords/property managers on how to prevent the unique challenges and issues that residents with disabilities face in Harris County's housing landscape.</li> <li>• Ensure enforcement is prioritized and address residents' concerns over retaliation when filing complaints. While some people know their rights, many still cannot act against their landlords. The County should focus on promoting action and accountability.</li> <li>• The County should collaborate and partner with existing organizations involved in disability advocacy work such as Disability Rights Texas. Local law school programs may also provide pro-bono services or educational resources on rights and enforcement.</li> <li>• Either using in-house staff or through a contracted provider, the county should annually design and/or update and coordinate delivery of a regional fair housing education program that reaches the public with information about fair housing rights and responsibilities, how to recognize discrimination, and how and where to file a complaint.</li> </ul>	<ul style="list-style-type: none"> <li>• Local disability advocacy and supportive service providers</li> <li>• Disability Rights Texas</li> <li>• Local law school programs</li> </ul>



Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<b>Impediment #5: Environmental Justice Issues Disproportionately Impact Low-Income Communities and Protected Classes</b>		
<p>Poor air quality and exposure to toxics in east Harris County creates disparities in access to clean and healthy environments.</p>	<ul style="list-style-type: none"> <li>• Follow recommendations to advance environmental justice and improve air quality adapted from those detailed by Air Alliance Houston,<sup>101</sup> including but not limited to:               <ul style="list-style-type: none"> <li>- Establish an Environmental Justice Advisory Committee made up of a diverse body of members from the scientific community, local environmental nonprofits, neighborhood and community organizations, and County agencies. The committee's functions may include developing a local definition of an environmental justice (EJ) community that would serve to trigger a health impact assessment if a permit meets certain criteria (to be determined in coordination with relevant County agencies); community engagement of residents who would be impacted by proposed developments; prioritizing communities for funding to mitigate air pollution; providing guidance to County staff regarding EJ issues; informing the development of a county-wide environmental justice plan; establishing an air quality fund to ensure that resources are set aside to develop and implement a community air protection program.</li> <li>- Identify a source of funding or other support to enable the County to strengthen proactive inspections of air polluting facilities and initiate enforcement actions following the procedures established by the TCAA.</li> <li>- Consider adopting local regulations or a program that uses incentives such as expedited permitting or tax incentives to encourage businesses to adopt cleaner practices.</li> <li>- Develop a program to address illegal dumping, or fund organizations working to address the issue. Develop a public dashboard that allows residents to report illegal dumping and keep track of clean-up efforts.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Harris County</li> <li>• Air Alliance Houston</li> <li>• Community stakeholders</li> </ul>
<p>Disparate impacts of flood events and disparities in access to assistance for low-income households following natural disasters further exacerbates existing inequities.</p>	<ul style="list-style-type: none"> <li>• Support efforts to increase timely access to disaster assistance following natural disasters, such as through the Greater Houston Disaster Alliance (Ongoing, 2024).</li> <li>• Continue to expand the Harris County Buyout Program to support residents of flood-prone areas in relocating to safer locations. Ensure high levels of coordination with participating communities and neighborhoods in running the program and determining buyout properties, and support</li> </ul>	<ul style="list-style-type: none"> <li>• Harris County</li> <li>• Harris County Post Disaster Relocation Buyout Program</li> </ul>

<sup>101</sup> Air Alliance Houston. (2019). Local Policy Recommendations Addressing Environmental Hazards and Inequitable Health Risks in Houston's Complete Communities. Retrieved from: <https://airalliancehouston.org/wp-content/uploads/2019/12/AAH-Executive-Summary.pdf>

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
	<p>transparency in the program by sharing data in real time. Buyouts should be voluntary (Ongoing, 2024).</p> <ul style="list-style-type: none"> <li>• Invest Community Development Block Grant-Disaster Recovery (CDBG-DR) funding in infrastructure to reduce the vulnerability of households to future flooding events, particularly in low- and moderate-income areas that experience frequent flooding (Ongoing, 2024).</li> <li>• Invest in green infrastructure, including improving tree canopy and stormwater management, in low- and moderate-income communities and neighborhoods that experience the greatest impacts from flooding and extreme heat events.</li> </ul>	<ul style="list-style-type: none"> <li>• Greater Houston Disaster Alliance</li> </ul>

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<b>Impediment #6: Inequitable Disaster Mitigation and Recovery Efforts</b>		
<p>Disparities in disaster recovery fund distribution by geography, race, and ethnicity</p> <p>Housing stock in need of repair, retrofitting, and weatherization</p>	<ul style="list-style-type: none"> <li>Establish a disaster recovery task force comprised of the county, residents, and other regional recovery organizations to increase coordination in recovery response</li> <li>Allow opportunities for residents to assist fellow community members in completing funding applications, creating employment opportunities and utilizing local knowledge</li> <li>Identify and pursue funding opportunities that support the development or expansion of green/stormwater infrastructure projects, particularly in vulnerable areas that are at high risk of flooding</li> <li>Conduct education and outreach on the long-term social, environmental, and financial benefits of climate resiliency projects, and contrast these with the losses associated with a “business as usual” or “do nothing” approach</li> <li>In addition to connecting residents to existing sources of disaster relief funds such as FEMA and CDBG-DR, consider the creation and/or support of programs that encourage low-income households to set aside funds for disaster preparedness (e.g. Catalyst Miami’s Disaster Preparedness Savings Program)</li> </ul>	<ul style="list-style-type: none"> <li>Harris County</li> <li>Harris County Long Term Recovery Committee</li> <li>Greater Houston Disaster Alliance</li> <li>Voluntary Organizations Active in Disaster (VOAD)</li> <li>Texas General Land Office (GLO)</li> <li>City of Houston</li> <li>Harris County Community Flood Resilience Task Force (CFRTF)</li> </ul>

Contributing Factors	Recommended Activities and Timeframes	Responsible Parties and Partners
<b>Impediment #7: Need for Improved Coordination and Collaboration Between Institutions</b>		
<p>Disjointed nature of service provision in the county is a barrier to accessing assistance, resources, and services</p>	<ul style="list-style-type: none"> <li>Collaborate with the City of Houston, other local jurisdictions, and community organizations to produce a comprehensive housing plan that identifies regional housing needs and maps out the funds, resources, responsible parties, and actions needed to address these housing needs (e.g. the Houston Housing Collaborative’s Comprehensive Housing Plan Framework)</li> <li>Develop networks of knowledge sharing, organizational learning, and trust through meaningful institutional partnerships that convene on a regular basis to discuss regional housing issues</li> </ul>	<ul style="list-style-type: none"> <li>Harris County</li> <li>Local jurisdictions within Harris County including the City of Houston</li> <li>Houston Housing Collaborative</li> </ul>