

# NORWALK FAIR HOUSING OFFICER'S

## ANNUAL REPORT

FY 2007-2008

To: Hon. Richard A. Moccia, Mayor; and

Timothy T. Sheehan, Executive Director, Norwalk Redevelopment  
Agency/Housing Site Development Agency; and

Norwalk Redevelopment Agency Commission;

Paul Jones, Chairman

Emil Albanese

Randy Napoletano

Felix Serrano

Ellen Gamer Wink

and

Fair Housing Advisory Commission:

Jeffrey A. Ingraham, Chairman

Nancy A. Burke, Esq.

Carol Frank

Barbara Hudgins

Cesar Rameriz

Bernadine Tatem

Lori Torrano

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Fiscal Year 2007-2008

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# NORWALK FAIR HOUSING OFFICER'S ANNUAL REPORT

## Fiscal Year 2007-2008

### INTRODUCTION.

This report is filed in compliance with an amended consent decree entered into in 2004 by the Norwalk branch of the NAACP and the City of Norwalk (the "2004 Consent Decree").<sup>1</sup> The 2004 Consent Decree directs the Fair Housing Officer ("FHO") to

"...file an annual report at the end of the City's fiscal year to the Fair Housing Advisory Commission regarding his/her activities and findings and regarding enforcement and compliance in the City under Title VIII and the City's Housing Equal Opportunity Ordinance, Chapter 59A of the City Code. Upon acceptance by the Fair Housing Advisory Commission, the report shall be submitted to the Mayor, the Housing Site Development Agency and other appropriate city commissions and agencies."

Because housing discrimination complaints often arise in the context of landlord/tenant relationships, Norwalk's FHO serves as the primary resource for Norwalk residents, realtors, bankers, public housing authority and community service providers with questions regarding landlord/tenant law, as well as what conduct constitutes violations of federal, state and municipal Fair Housing laws. The FHO assists residents who believe they have suffered housing discrimination by investigating claims, and, where warranted, filing and advocating complaints with local, state and/or federal enforcement bodies.

This report encompasses from July 1, 2007 through the end of the fiscal year, June 30, 2008. It includes categorization of the types of inquiries received by the FHO, as well as her specific efforts to educate, advocate, advertise and provide services to the residents of Norwalk with regard to the anti-discrimination laws applicable to housing. In addition, this report describes the activities and projects that cross fiscal year boundaries and/or those being undertaken in the current fiscal year (FY 2008-2009).

#### A. FHO's ANNUAL REPORT FOR FY 2005-2006

The FHO's Annual Report for FY2006-2007 was submitted to the Fair Housing Advisory Commission ("FHAC") for its acceptance in December, 2007. The Commission accepted the report in March, 2008. The FHO then distributed it to elected officials and concerned commissions, as mandated by the Consent Decree.

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<sup>1</sup> The original consent decree (which this one replaces) was entered into in 1986 and resulted in the creation of the position of Fair Housing Officer and the Fair Housing Advisory Commission, among other things. The original consent decree also directed the Fair Housing Officer to write an annual report.

**I. Fair Housing Officer's Activities and Findings**

**A. Evaluation and Outreach to Affected Groups**

**1. Clients Served**

The FHO position was staffed on a full-time basis throughout the fiscal year. From July 1, 2007 through June 30, 2008, a total of 1,898 requests for services were received, nearly the same as the previous year.

Of that total, Norwalk tenant inquiries were tracked and categorized as follows:

Discrimination	64
Security Deposits	249
Eviction	296
Lack of Utilities/Repairs	211
<u>Other</u>	<u>88</u>
Total	908

Norwalk landlord inquiries were tabulated using the same criteria, with the following results:

Discrimination	37
Security Deposits	249
Eviction	255
Lack of Utilities/Repairs	131
<u>Other</u>	<u>69</u>
Total	741

In addition, 155 inquiries were received from nonresidents, including people from Stamford, Darien, Bridgeport, Westport, Greenwich, Wilton, Stratford, Fairfield, New Canaan and New Haven.

Further, 95 people were served through seminars and trainings provided by the FHO.

Of particular interest is the breakdown in the types of discrimination complaints made by tenants. Out of the 64 complaints made, the area that received the highest number of claims was legal source of income (in particular, Section 8 and the state's security deposit guaranty program), disability, and familial status. Additionally, claims were made based upon marital status, gender, religion, national origin, age and race. The FHO investigates all claims and complaints are then filed when the investigation yields evidence to support the complaints and attempts to settle them are not fruitful. Most complaints made to the FHO during FY 2007-2008 were resolved by the FHO without the filing of a formal complaint. One unresolved case, where a landlord refused to accept

the state security deposit guaranty, was referred to the Connecticut Fair Housing Center for filing of a claim.

## 2. Outreach

a. Brochures and Flyers. The FHO distributes a fair housing brochure (published in English and Spanish) which summarizes federal, state and local fair housing laws. The FHO also creates flyers for particular purposes which are distributed in various public locations.

In addition, the FHO created and distributed handouts summarizing the roles and functions of the Fair Housing Advisory Commission (the "FHAC") and the FHO on topics such as eviction, source of income, entry, repairs, and security deposits, which packets are regularly distributed. In early FY 2007-2008, the FHO and Director of Human Relations updated these handouts. Finally, during FY 2002-2003, the FHO and FHAC created a flyer warning residents about predatory mortgage lending. This flyer, captioned "Don't Let a Thief Steal Your Home" was distributed door-to-door in Norwalk neighborhoods likely to be targeted by predators as well as in various community centers and other public places. Between 2002 and 2007, approximately 4,500 flyers were distributed door to door and at anti-predatory lending seminars provided by the FHO to various groups within the city, including at the Senior Center, Norwalk Housing Authority and NEON, along with other anti-predatory lending brochures and flyers provided by the State of Connecticut and Fannie Mae.

b. Seminars and Programs. The FHO organizes seminars and participates in events throughout the year targeting landlords, tenants, realtors, and social service providers. The topics include landlord/tenant, Fair Housing laws, and predatory lending. During FY 2007-2008, the FHO participated in approximately 3 such seminars. The FHO also moderated a panel of speakers on predatory lending at the annual, statewide fair housing conference.

The FHO's and FHAC's anti-predatory lending program was part educational and part remedial. The first element was educational and consisted of distributing thousands of flyers in a door-to-door campaign and at educational seminars, as described above. In the case of offers of loans or actual loans themselves that appear suspicious, the FHO was able to refer those loans to the Connecticut Department of Banking and Connecticut Attorney General's office. During FY 2007-2008, the FHO reviewed three (3) suspicious loans, working with Norwalk Redevelopment Agency staff, private counsel in Norwalk and counsel at the Attorney General's Office.

During FY 2006-2007 and continuing on into FY 2007-2008, predatory lending finally came to the forefront of public concern, with record numbers of foreclosures happening all over the country. While no amount of foreclosures is acceptable or good for a community, it would appear that the FHAC's anti-predatory lending campaign may have had a beneficial impact in Norwalk, as we have experienced a smaller increase in foreclosures than other cities in Connecticut.

In early FY 2008-2009 the stock market collapsed, as the predatory lending/housing crisis brought down Wall Street. Major players, like Bear Stearns and Lehmann Brothers, entities that survived the Great Depression, stood on the verge of bankruptcy and collapse. The federal government, in the course of a long weekend, determined to rescue Bear Stearns, and shortly thereafter, left Lehmann Brothers to file for bankruptcy. Congress approved a \$700+ billion rescue fund for banks and other financial institutions, including insurance giants such as A.I.G. But consumers with bad loans, facing foreclosure, were left to pretty much the same small band-aids available last year. The new administration will likely have to face dealing with the foreclosures on Main Street, not just bailing out Wall Street, if the nation's economy is to recover.

In FY 2007-2008, the Fair Housing Officer is functioning as a referral source to reputable programs run by the state and federal governments and approved nonprofits. The predatory lending era is temporarily over: the work that remains to be done is to assist borrowers in need to find available programs (which at the moment are insufficient to meet the need) and work with others to reform federal laws regarding lending so that predatory lending doesn't re-emerge anytime soon. Unfortunately, predatory loans are out there, waiting to re-set their interest rates through and including 2011, and so the trouble is far from over.

c. **Media Coverage.** The Fair Housing Officer enjoys good relations with the press. She has frequent contact with and coverage by the Norwalk Hour, the Stamford Advocate, and the Norwalk Citizen News. During FY 2006-2007, local papers covered the FHAC's annual luncheon event, a design and construction presentation by a nationally recognized consultant, regarding the Fair Housing Act's requirements for accessible building design. The media also frequently sought comment on other housing related issues. During FY 2007-2008, the FHO continued writing a quarterly column in The Hour newspaper regarding various fair housing topics. Copies of these columns are in the appendix to this report. The column continues in FY 2008-2009.

d. **Advertising.** The Fair Housing Officer advertises by way of the aforementioned pamphlets and flyers, educational efforts and newspaper column. No funds have been available since FY 1996-1997 for more than occasional commercial advertising.

## **B. Planning and Analysis of Housing Patterns and Practices.**

### **1. Housing Authority Policies and Practices:**

Prior to FY 2006-2007, the FHO participated in numerous trainings (approximately one every other month) for Section 8 voucher holders and/or new tenants of the Norwalk Housing Authority. During FY 2006-2007, the FHO was invited to participate in only one such training, in August, 2006. During FY 2007-2008, the FHO was not invited to participate in any NHA trainings. This exclusion from new tenant training does not further fair housing, as the NHA is mandated to do. In FY 2008-2009,

the NHA has stated it intends to invite the FHO to participate in new resident trainings again. It remains to be seen if that actually happens.

Two issues arose during the course of FY 2007-2008 with regard to the NHA, which took significant time and which have not yet been fully resolved. The first of these issues is the methodology proscribed by the NHA for tenants to use to remove adult family members (usually adult children) from leases. The problem is that in order to remove that adult family member from the lease, after they have left the abode, the family has to provide proof not in their possession, such as new driver's license, tax returns and the like. When the adult family member has moved away and is uncooperative, it may be impossible to provide said documentation. Without it, the NHA takes the position that the family member who no longer resides in the unit is still on the lease. If someone is on the lease, his or her income is also counted in family income, even though they now longer actually reside in the apartment or contribute to the household income, typically making it difficult for the family to actually pay the rent due. Cases have already arisen of families defaulting on paying the rent because the rent due assumes income from someone who has left the household, but the NHA refuses to count as gone.

If that family member then gets into trouble with the law, the entire family will likely suffer the consequences of eviction, despite the fact that the absent family member should have been off the lease, and had he/she been, the rest of the family would not be evicted. Additionally, HUD requires that tenants immediately advise of a change in family composition. Yet when families try to comply, they are frustrated when they are not allowed to remove the absent person from the lease. This issue is still not resolved.

The second issue arose near the end of FY 2007-2008 and pertains to NHA's implementation of a preference for receiving Section 8. The preference would go to those paying more than fifty (50%) of their income on rent and utilities, a preference that would, by definition, exclude all NHA residents. Initially, there was much confusion as prospective Section 8 tenants began to receive letters which stated that due to the new policy, they were no longer eligible to remain on the waiting list. That mistake was subsequently corrected and residents were next told that they could remain on the waiting list, but would not get the "preference". Still, there was much confusion, as what a preference is was not adequately explained to either prospective Section 8 tenants or indeed, NHA staff. But after a public hearing on the NHA plan containing the preference, as well as a Resident Advisory Board meeting (both of which the FHO attended), the NHA is poised to remove the 50% preference from their policy, which is due to take place after the next public meeting in December, 2008.

During FY 2005-2006, a number of cases against the NHA were referred to cooperating pro bono counsel so that lawsuits or administrative complaints could be filed due to the NHA's failure to properly process, consider and grant reasonable accommodation requests from tenants with disabilities. Those cases are all still pending.

The NHA recently stated that it has implemented a new reasonable accommodation policy and procedure but the FHO has not yet been briefed on this, although a request for same has been pending for quite some time. The NHA's wrongful behavior with regard to reasonable accommodations has been a significant impediment to Fair Housing in Norwalk.

**2. Barriers to Affordable Housing:** Norwalk is located in the Stamford-Norwalk Metropolitan area, which is home to some of the highest fair market rents in the country. During FY 2007-2008, housing sales prices fell. According to The Warren Group, the Median Sales Price of single family homes in Norwalk, between January and September, 2007, was \$530,000, which then dropped to \$510,000 for the same time frame in 2008. For condominiums, the median sales price dropped from \$334,000 in the first 9 months of 2007 to \$311,500 in the first 9 months of 2008. The volume of housing sales slowed dramatically, as credit markets got tighter, as well: in September, 2007, 55 single family homes and 41 condominiums sold in Norwalk, according to The Warren Group, while in 2008, 39 single family homes and 21 condominiums sold during September.

One answer to the affordable housing shortage, albeit too small, is the affordable housing projects which have recently been brought to fruition. One such project, which the FHO assisted in negotiating, is Reed-Putnam's Maritime Yards, where the target family income for either a one or two bedroom condominium unit is \$40,000 – \$61,000, thus reaching down in a significant way (approximately 40% - 60%) below the income needed for market rate housing. In this condo development, ten (10%) percent of the 61 for-sale units are deed restricted as affordable. There are four (4) two-bedroom condominiums and two (2) one-bedroom units. All the condominium units had their initial sales during FY 2005-2006.

During FY 2006-2007, the marketing began of the fourteen (14) affordable rental units at The Jefferson at 55/77 Water Street (negotiated at the same time as the condominiums at Maritime Yards) and representing ten (10%) percent of the total number of units, 136. Of those fourteen (14) affordable units, 11 are one-bedrooms and 3 are two-bedrooms.

In early FY 2007-2008, applications were accepted and leasing was completed. The affordable apartment units are located in the same building as the high end rental units, a building located on the Norwalk River, with high end amenities such as a meeting room, outdoor lap swimming pool, gym, etc. Nonetheless, the affordable units sport an affordable rental price, ranging from approximately \$1,000 - \$1,150 per month for a one bedroom apartment, and from \$1,100 - \$1,596 per month for a two bedroom apartment, for households earning from approximately \$40,000 to \$51,000 respectively. It should be noted that there is a rental range because exact rent amounts are determined based upon the income of the particular household.

At the nine-month mark during the one year lease, tenants are required to submit household income information. For tenants remaining within the affordability guidelines,

renewal leases will likely be offered. For those tenants whose income has exceeded the guidelines, leases will not be renewed and new tenants who qualify for the affordable apartments will be sought for the units

An expensive housing market is a significant economic barrier to affordable housing and is difficult to overcome. In the past, the Norwalk Redevelopment Agency's Homeownership Assistance Program, along with state and nonprofit programs, assisted small numbers of low-moderate income people to become first time homeowners. During FY 2007-2008, North Walke received funds from the State of Connecticut (DECD) in the amount of \$1.1 million to be used by June, 2009, for homeownership assistance.

The Norwalk Redevelopment Agency ("NRA") also rehabilitates residential units owned and/or rented by low-moderate income persons, which helps guard against a diminution in affordable properties. NRA continues to negotiate with private market-rate developers and local non-profit agencies for the creation of new, affordable housing to be included in market rate developments.

Without a continuing infusion of new, affordable units, the stock of affordable housing remains significantly lower than demand. It is estimated by the NRA that if market rate development is consistent from 2000 – 2010, Norwalk will need to add approximately 203 affordable units per year, from 2005-2010, in order to maintain an overall city-wide housing stock that has the minimum ten (10%) percent of housing as "affordable". What we know, to date, is that those units are not being added.

There were, in 2005, 33,753 housing units in Norwalk (the denominator). In FY 2007-2008, there were 3,860 affordable units (the nominator) that meet the state's definition of "affordable". Thus, as of this count, 11.44% of Norwalk's housing is "affordable". The only problem with this count is that it's not actually accurate, as we know that the total number of units, here, 33,753 has grown since 2005, but the state won't re-count the total number of units until 2010. It is likely that once that denominator is updated, Norwalk will fall below the magic ten (10%) percent. What that means is that local zoning will have much less control over local land use, which may not be a bad thing in terms of fair housing concerns.

There is now inclusion of affordable housing in market rate development which has been mandated by the Zoning Commission, but only in certain areas of the city, only in developments of a certain size, and only if the developer doesn't opt out, by contributing money in lieu of housing. As discussed later in this report, zoning's "Workforce Housing Regulation" is legally problematic and practically speaking, unlikely to add much affordable housing to the mix.

Some developers were willing to provide affordable housing opportunities within market rate developments, and they brought proposals to the table via the NRA. Developers in West Avenue and/or Wall Street had previously committed to well in

excess of ten (10%) percent of affordable housing in these Redevelopment areas. Now that the Zoning Commission has mandated less and provided a means of a buyout, it remains to be seen if the developers will scale down to Zoning's requirement, or continue to offer beyond the requirement.

The FHO anticipates a continuing role in the development of affordable housing in Norwalk.

Another barrier to affordable housing in Norwalk also emanates from Zoning, which permits high-density housing only in South Norwalk, Norwalk Center and the two commercial corridors in Norwalk. In FY 2001-2002, the City, the public, the Greater Norwalk Chamber of Commerce and property developers began public discussions of ways in which to include the construction of more affordable housing in Norwalk, including the creation of an affordable housing ordinance. A list of recommendations was created as a result of this process.

A state statute, "Housing for Economic Growth Program", took effect July 1, 2007 and provides incentives to towns with zoning commissions that create "incentive housing zones". Such zones are to be located near transit centers, contain 20% affordable to low-moderate income families, and uses 80% of median area income as the benchmark. The units will have 30 year affordability restrictions, and the people living in them will spend no more than thirty (30%) percent of their income on them. Norwalk's regulation is not in sync with the state's latest incentive for affordable housing, and this adds one more reason to substantially revise and rename Norwalk's regulation. Additionally, the statute provides for funding for planning the creation of new zones to permit this particular kind of housing development. According to the state's "HOMEConnecticut" website, 16 municipalities have been awarded grants under this program, totaling \$780,800. Norwalk's Zoning Commission is not listed as among those who have either applied or been awarded funds.

During FY 2006-2007, the Zoning Commission passed a zoning regulation, which now "sort of" mandates, in the areas previously identified (in other words, not city-wide), the inclusion of ten (10%) percent affordable housing in all complexes of more than twenty (20) units. It is significant to note that this is a regulation, not an ordinance, and as such was never approved by the Common Council, yet sets itself in stone as the policy of the City of Norwalk when it comes to the development of affordable housing in certain areas of the city and in certain larger developments.

The FHO and the FHAC have identified and advised Norwalk's Zoning Commission and its staff of significant fair housing problems with Norwalk's regulation, and have made suggestions for this regulation to be revised. The identification of such problems and advising as to resolution of said problems, is squarely the FHAC's mandate as set forth by a federal court.

The Zoning Commission had stated it was open to “sensible review” of the regulation, but no action was taken after the FHAC first raised this issue. Nearly 1 year later, the FHAC again raised concerns regarding Norwalk’s Workforce Housing Regulation, by letter in July, 2008, asking what actions the Zoning Commission had taken in the interim. As of November, 2008, the Zoning Commission has failed to respond to that letter or address the fair housing concerns in the regulation.

The primary fair housing concern with the regulation is its name: “Workforce Housing regulation”, and its stated purpose and intent, the creation of more affordable housing units for the moderate income “workforce”. In Connecticut, fair housing laws provide a protection against discrimination (or a preference) based upon source of income. Thus, a paycheck cannot be treated more favorably than a social security check (for the retired) or a disability income check (for those with disabilities). On its face, the “Workforce Housing regulation” appears to prefer members of the “workforce”. Further, the minutes of the meeting adopting this regulation make clear that the focus and intent was to provide housing for the workforce, ease commuter highway congestion for Norwalk’s workforce and permit Zoning to get the kind of housing it wants.

In the FHO’s opinion, this zoning regulation discriminates “on its face”. That means the argument is not that its application would lead to discrimination, but rather, that something you can see, i.e. “on its face”, is discriminatory. Here, it’s the use of the term “workforce”.

Legal interpretation mandates that words be given meaning, either as defined or as commonly understood. Courts are usually loath to say a word has no meaning or a strained meaning.

The common understanding or definition of the word “workforce” is people who work. It is not equally reasonable to say that the common understanding or definition of the word “workforce” is anyone with moderate income, whether they work or not. Claiming the word is meaningless, strains reason and if true, would mandate the removal of the word.

The Fair Housing issue becomes obvious: the choice of the word “workforce”, at a minimum, implies that this is housing for households with people who work. That definition necessarily excludes households with people who do not work. Among the various groups of people who do not work are people with disabilities, people who are retired (elderly) and people who have a legal source of income other than work. These three groups – people with disabilities, the elderly and people with a legal source of income other than work, are all protected classifications of people under Fair Housing laws (disability and age protected by Federal Fair Housing Act, 42 U.S.C. Section 3706 *et seq.*, all three groups protected by state fair housing law C.G.S. Section 46a-64b *et seq.*) Thus, in the FHO’s opinion, the zoning regulation illegally discriminates on its face against three (3) protected classifications of people.

The solution proffered by the FHO and FHAC to the Zoning Commission is to remove the word “workforce” from the regulation, whenever it appears, and instead use the term “middle income” or “moderate income” or any other term that pertains to income, rather than working status. Another possible way to address this concern would be for the regulation to specify on the same page as the term “workforce” appears, that the housing created as a result of this regulations will also be for seniors and persons with disabilities, whether they work or not. This is actually what HUD requires housing authorities to state if they provide any programs for “the workforce”.

Initial responses from Zoning included that the term “workforce housing” has gained popularity nationwide, indeed even with the federal government (which ignores that the federal government, through HUD, addressed the fair housing issue as stated above). That would matter if the laws in other states, or even federal law, were the same as Connecticut’s fair housing law. But it’s not. In Connecticut (but not in many other states and not under federal law) it is illegal to discriminate against any legal source of income (and preferring one source over another is a form of discrimination).

Another response has been that the word “workforce” does not mean “people who work”. Rather, it means anyone of moderate income, who falls within the income guidelines of this regulation, whether they work or not.

This regulation clearly states that people must be a member of the workforce and within certain income guidelines. If the true goal is to reach all people within certain income guidelines, regardless of their work status, then the word “workforce” is misleading at best, and should be dropped. Retired people and those with disabilities who are not able to work would logically think they are precluded from “workforce” housing. Failure to correct this problem implies it is not accidental but rather there is an intent to create affordable housing for certain members of the workforce, a potential discrimination claim against the City of Norwalk because of Norwalk’s Zoning Commission’s failure to change the name of a regulation to one that does not imply illegal discrimination.

Second, the regulation allows the development of affordable housing to be physically separate, or “off-site”, from the market rate housing it would accompany. Census data tells us that economic segregation usually also results in significant racial segregation, which is not likely a policy objective, and could result in another fair housing claim. While requiring the building of affordable units is laudable, when developers are given the as-of-right authority (as they are here, since the regulation says the Zoning Commission “shall” approve off-site) to build the affordable component away from the market rate component, the objective of integrating people of varied income levels is lost, the housing is extremely unlikely to be of equal quality in terms of location (at a minimum), and segregation is furthered, rather than remediated. An objective of fair housing (and, therefore, of the FHO and FHAC) is integration, and this provision is likely to have a segregating effect.

Third, the Zoning regulation provides “inclusionary zoning” in certain areas of the city only. Those areas are generally recognized as the core of the city (generally speaking, South Norwalk), Norwalk Center (the Wall Street and West Avenue areas) and along the commercial corridors of Route 1 (Connecticut and Westport Avenue). Those are the areas of the city that are already most economically and racially diverse. The areas of the city not “included” in this inclusionary zoning regulation, are predominantly higher income and white. Thus, the “inclusionary zoning” regulation excludes much of the city. One could accurately call such a regulation “exclusionary zoning”. The generally accepted concept of “inclusionary zoning” is that it includes a whole municipality. As stated in the July 2006 Institute for Community Studies article, “Creative Options for Affordable Housing”, by Jerry Kloby, “Inclusionary zoning can be an important tool for distributing affordable housing throughout a municipality and creating mixed-income communities”. When this “mixing” is restricted to certain portions of the city, there will continue to be economic segregation and such an “inclusionary zoning” plan might contribute to, rather than diminish, racial and ethnic segregation, a concept inimical to fair housing.

The most obvious “barrier” to affordable housing (and, in fact, to all housing) can be a literal barrier. According to 2000 Census, nearly 50 million Americans have either a chronic condition or disability that results in their needing accessible housing. Forty-two (42%) percent of seniors (over age 65) have some kind of disability. According to the RKG study<sup>2</sup>, there were, in Norwalk in 2005, 10,923 seniors, with 9,627 people in the 55-64 age group (some of whom, therefore, are nearly in this senior group). These two age groups, combined, represent the second largest population group in this city (after age 35-54 which has 26,304 people). This is not a small market and will continue to grow each year assuming not many people in this age group leave Norwalk. If history provides any indication of the future, the only age group that has left Norwalk since 1990, is the 25-34 year old group, which is 29.4% smaller in 2005 than it was in 1990. The senior age group and the one just below it have each grown by a little more than 26% in the same time frame.

For people with disabilities, housing constructed without bearing in mind the need of a person with a disability to move in and through the housing can present the most effective barrier of all. The Fair Housing Act (federal law) requires that all new construction (defined as housing built and occupied since 1991) of multifamily housing (four or more units) must provide a minimal degree of physical accessibility as defined under that law. For example, entrances must not include steps, or, if they do, must also include appropriate wheelchair ramps, door jambs must be at least a certain width, thresholds must not be higher than specified – in summary, people with disabilities must be able to get into and through these new housing units, and specific building standards are included in the law to effectuate this goal. This law applies to all new multifamily construction, not just affordable housing. Nonetheless, nationwide, it is estimated that 70% - 80% of “new” multifamily housing construction does not comply with the law. Yet this legal requirement, in effect since 1991, is hardly “new”.

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Beginning in FY 2004-2005 and continuing to date, the FHO is working to address this issue. For housing that is still in the design stages, she began meeting with developers and their architects working in redevelopment project areas, to discuss design plans, as it is her opinion that it is preferable for all concerned to design at least in accordance with the minimum accessibility requirements, rather than bring an enforcement action after a building is already improperly constructed. This work will continue for the foreseeable future. The development and architectural community has been very responsive to this approach. During FY 2005-2006, the Fair Housing Advisory Commission and the Fair Housing Officer provided an educational seminar regarding the accessibility construction standards of the Fair Housing Act, for advocates, developers and architects. As a direct consequence of this seminar, three (3) new construction housing projects were reportedly redesigned prior to construction. Some new construction in Norwalk has gone above and beyond the bare minimums of the law, as a result of this process, and the new construction is both modern in design and accessible to people with disabilities, thus appealing and available to all. This bricks and mortars application of fair housing law in Norwalk is one of the accomplishments of which the FHO is most proud.

In FY2007-2008, because there were several major multifamily development projects moving forward in Norwalk, the FHAC's annual fair housing event again focused on design and construction, and a nationally recognized consultant presented fair housing design and construction issues to the development community, including architects. The event was well attended and it was clear, from the questions asked, that the development community again learned legal requirements that impact their design work. The result will likely be new buildings designed and constructed in compliance with the law, and thereby available to all people, including people with disabilities.

The latest wrinkle in this effort again may be a zoning regulation which mandates that parking be placed behind multifamily buildings. Since a building lot doesn't always physically accommodate parking behind the structure, the parking might need to be placed elsewhere. The only place zoning's parking regulation would permit, other than behind the structure, would be underneath the building. This would result in parking that is not accessible, assuming a building's entrance ways are at grade level and there is no elevator. This may sound like a lot of assumptions, but one architect has already indicated to the FHO that this is exactly the result of the zoning parking regulation in terms of his project. In FY 2008-2009, the FHO will seek from the Zoning Commission an agreement to exempt from the back/underneath parking requirement any units subject to the Fair Housing Act's accessibility guidelines, if placing them behind or underneath would frustrate the ability to get from the parking area to the accessible unit.

In FY 2008-2009, the FHO continues to discuss the issue with developers working in redevelopment project areas of the city, as those development projects advance. At the same time, she recognizes that projects may well slow down, as credit is scarce and the economy is faltering.

3. a. **City Planning/Housing:** The City of Norwalk uses funding from its Capital Budget and from the Community Development Block Grant Program (federal funds) to support the affordable housing initiatives of the Norwalk Redevelopment Agency (NRA) and North Walke Housing Corporation (North Walke). The FHO plays a supporting role in the implementation of these initiatives by (1) advising NRA and North Walke staff regarding the best methods for reducing impediments to fair housing choice in NRA and North Walke-led programs; 2) assisting in designing programs intended to preserve and/or increase the supply of affordable housing in Norwalk.

In FY 07-08 the FHO continued her technical assistance in support of NRA and North Walke-led affordable housing initiatives. One such initiative is North Walke's Homeownership Assistance Program (Homeownership Program). Capitalized with a \$1,100,000 grant from the State of Connecticut's HOME Investments Partnership Program, the Homeownership Program provides income-eligible, first time-homebuyers with up to \$50,000 in down payment and closing cost assistance. The program expects to assist twenty (20) first time homebuyers by the close of FY 2008-2009. To date, this program has assisted four (4) households in achieving homeownership. An additional three (3) households are near closing on homes with assistance of program funds.

Additionally, the FHO has assisted North Walke staff to apply for, and secure, \$715,000 from the State of Connecticut's Housing Trust Fund to capitalize the South Norwalk Targeted Residential Rehabilitation Program (Targeted Rehab Program). The Targeted

The Targeted Rehab Program is designed to provide capital to approximately ten (10) homeowners within economically distressed neighborhoods in South Norwalk so that they may complete necessary code-related improvements to residential structures. By targeting these funds to specific neighborhoods, neighborhoods are improved more dramatically and the improvements are visually appreciable. In FY 08-09, North Walke staff anticipates initiating the Targeted Rehab Program. The closing documents associated with the State's assistance require final approval from the State.

Housing planning continues to be discussed in the City's redevelopment areas including West Avenue and Wall Street. West Avenue is located in Central Norwalk. AvalonBay's development (on the old Pathmark shopping center site in Central Norwalk) was held up for several years by litigation that was resolved in FY 2007-2008. Ground was broken on the AvalonBay project in early FY 2008-2009. This project will not include affordable housing.

During the time period covered by this report the City has proceeded with Master Development Agreement negotiations with the developer team for the implementation of the Redevelopment Plan in the West Avenue project area. That plan provides for up to 350 residential units. Additionally, the developer has committed to fifteen (15%) percent being affordable housing. It is anticipated that a Master Development Agreement will be signed with the developer in 2009 and the specifics of the affordable housing plan will be negotiated therein.

There have been no changes in the zoning laws since 1990 that have lessened the centralization of multi-family housing, or encouraged its development. The demand for affordable housing continues to grow at a higher rate than the supply of affordable housing (which supply has actually been shrinking of late), resulting in an increased gap between supply and demand. In fact, with affordability restrictions on many housing units in Norwalk due to expire over the course of the decade, the number of affordable units in Norwalk will shrink unless other affordable units are added into the mix.

2000 census data indicates that approximately 31% of Hispanic householders in Norwalk are homeowners, almost 45% of Black/African American Norwalk householders are homeowners, approximately 57% of Asian households in Norwalk are owner-occupied, and nearly 78% of Whites (non-Hispanic/Latino) owned their own homes in Norwalk in 2000. Therefore, as of the year 2000, approximately 64% of Norwalk's occupied housing was owner-occupied (not rental properties). Nationwide, owner occupancy was at 66.2% in 2000.

The National Low Income Housing Coalition 2008 "Out of Reach" study indicates, as usual, that the affordable housing problem has continued to worsen.

Norwalk, along with all of Connecticut, has an insufficient supply of affordable housing. We know this based upon the wages it would take to afford a two bedroom apartment, the number of people making less than that target income, and the number of units affordable to our population.

Stamford-Norwalk's housing wage (that hourly amount needed for a two-bedroom apartment to be affordable) is \$31.58. That is the highest housing wage in the country and translates into an annual income of nearly \$66,000.

Not surprisingly, Out of Reach once again concludes that a full-time job is not always enough to be able to afford an apartment, especially in high-cost areas such as Connecticut and further reports that the gap between earnings and costs is ever-widening. For a one bedroom unit to be affordable in Stamford/Norwalk, in 2008, a family needed an annual income of \$52,560 (as compared to \$50,960 in 2006 and \$48,080 in 2005). Similarly, for a two-bedroom in Stamford/Norwalk to be affordable in 2008, an annual income of \$65,680 was required (while an annual income of \$63,680 was needed in 2006 and \$60,080 in 2005). Translated into an hourly wage, in 2006, a worker needed to earn \$24.50 per hour, and in 2008 needed to earn \$25.27 per hour, to afford a one-bedroom unit in Stamford/Norwalk, and \$30.62 per hour in 2006 and \$31.58 per hour in 2008 to be able to afford a two bedroom in Stamford-Norwalk. These amounts are three to four times the minimum wage of \$7.65 that many people are actually earning. Further, \$65,680 is substantially higher than the starting salaries of Norwalk's teachers, fire and police personnel, many office workers, retail employees and hospital workers.<sup>3</sup> These

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<sup>3</sup> According to Out of Reach, other workers who couldn't afford (i.e. spend no more than 30% of income) a two bedroom apartment in Connecticut, let alone in Norwalk, include: Automotive mechanics, bakers, barbers, bookkeepers, bus drivers, childcare workers, computer operators, court and municipal clerks,

workers, who are essential to a thriving business community and a thriving city, must either pay more than the advisable thirty (30%) percent of their income to live in Norwalk, or must live elsewhere. These facts graphically illustrate that it is not an exaggeration to say that the crisis in affordable housing in our region continues unabated growth.

In Norwalk, the estimated Renter Housing Income was \$58,005. To afford a two bedroom apartment, that mean renter family would need to pay 113% of its income on rent.

It is further estimated that 56% of renters in our area are unable to afford a fair market rent two bedroom apartment. For those working at minimum wage, the disparity between income and amount needed for rent are even greater: for a two bedroom apartment in our area, a worker would need to work 165 hours per week at a minimum wage job.

By including affordable housing in market rate development, families<sup>4</sup> will be able to purchase or rent a unit that is not identifiably different from the more expensive market rate units, at rates that will be affordable based upon income and family size guidelines. The housing developments built in Reed-Putnam, Maritime Yards (condominiums) and The Jefferson at 55/77 Water Street (apartments), are successful examples of how affordable housing can be seamlessly integrated into even high end market rate housing. When people say it is impossible to include affordable housing in market rate developments, with the units actually within the market rate development (as opposed to another site) and looking substantially identical to the market rate units, the answer is that it is not impossible at all, as it has been recently done at both Maritime Yards and The Jefferson at 55/77 Water Street.

### **3. b. Current City Development Projects.**

The Reed Putnam Urban Renewal Project is the City's largest urban renewal project encompassing six major development parcels on approximately 70 acres adjacent to I-95 and the Norwalk River and represents over \$500 million of new development. The original Urban Renewal Plan for the Reed Putnam Area was amended and restated in February, 1998. Since that time, the City has executed Land Disposition and Development Agreements (LDA) with two private developers to redevelop these 6 sites in the project area. As currently configured, the project includes approximately 600,000 square feet of Class A office space, 460 residential units, 145,000 square feet of retail/commercial space, a 775 space public parking garage and the adaptive reuse of a former industrial mill building. To date, three of the six redevelopment parcels have

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customer service representatives, dental technicians, EMTs, hairdressers, library assistants, medical secretaries and lab technicians, mental health counselors, painters, pharmacy workers, pre-school teachers, receptionists, salespeople, security guards, bank tellers, waiters.

<sup>4</sup> For purposes of this report, the FHO, when referring to "family", includes households of 1 or more persons, the same way HUD defines "family".

been completed including the adaptive reuse of the former Lock Factory building for 95,000 square feet of office and 5,000 square feet of retail/restaurant space, construction of the 775 space public parking garage and most recently, the development of Maritime Yards for 197 units of housing and 38,000 square feet of commercial space. This project provides for ten (10%) percent of the housing to be deed restricted as affordable housing.

The three remaining parcels have been assembled. The site has since been conveyed from the originally designated developer to a new developer. The new developer proposed a mixed use development on the site, which has now been approved by the city, a significant portion of which will be residential. Under the recent approval, the developer is required to construct affordable housing units equal in number to 15% of the final approved number of market rate units (currently projected at 250 units). Ten percent shall be in compliance with the city's Workforce Housing Regulation, serving households at or below 80% of the State Median income, while the remaining 5% will serve households with incomes between 80% and 100 % of the Area Median income.

The "Wall Street Redevelopment Plan" (2004) and "The West Avenue Corridor Redevelopment Plan" (2006) provide the framework to guide future development in the area north of I-95. The Wall Street Redevelopment Plan provides for approximately 720 new housing units on three redevelopment parcels, and another 350 units are planned under the West Avenue plan. The city has formally designated developers for two redevelopment parcels in the Wall Street project area and a third for the West Avenue project. The inclusion of affordable housing in the Wall Street project areas is a stated priority of both the NRA and the developers, and it is anticipated that there be in excess of ten (10%) percent affordable housing incorporated within these two projects.

Within the past year POKO Partners received Zoning Commission approval of its site plan as well as Redevelopment Agency design approval of its Phase I improvements for Parcel 2a within the Wall Street plan area. Seligson Properties continues its land assemblage for the WayPointe Project along West Avenue and has acquired most of the property required for the project.

While all three of the Redevelopment Agency's major projects continue to advance, the current economic climate and financing constraints make the timing on each of these developments less certain. Any changes to the configuration of the project will require public approval, however thus far only changes in timing and phasing have been impacted by economic conditions.

**4. Anti-Predatory Lending Efforts:** During FY 2000-2001, the FHO, working with the National Community Reinvestment Coalition ("NCRC"), began lobbying our congressional delegation regarding the need for federal anti-predatory lending legislation. It took until mid 2008, with the failure of large brokerage houses and the crash of Wall Street, for Congress and the banking regulators to finally recognize that de-regulation, and the "market will take care of itself" mantra, were disastrous policies. Of course, the horse has long escaped from the barn, as the credit crisis, based in large part upon the subprime meltdown, is fully upon us now. The bailout of banking and perhaps industry is

in full swing, while the assistance to consumers in the subprime market has barely scratched the surface of need. In the FHO's opinion, it was the predatory lending market (and the deregulation which allowed it to flourish beyond reason) which brought on the current economic mess, and the hemorrhaging cannot be controlled until we get at its source, the current mortgage crisis. Once the flood of foreclosures is controlled, the housing market can get back on its feet and the economy can begin to recover.

As a local response to the threat of predatory lending, the FHO and the FHAC created an educational campaign to target the same people the predators target, i.e., Norwalk homeowners who are elderly, and/or low-moderate income, and/or minorities. This project is entitled "Don't let a Thief Steal Your Home!". Thousands of flyers were distributed in a door-to-door campaign, in neighborhoods where lending statistics tell us the predators most actively targeted homeowners.

In FY 2005-2006, the FHAC, FHO and NRA partnered with the State of Connecticut and Bank of America to present an anti-predatory lending program called "Borrow Wise", first to service providers in the community with follow up presentations in early FY 2006-2007 at the Norwalk Housing Authority, Norwalk Senior Center and NEON. Education was the primary method used to combat predatory lending in Norwalk and anecdotally, it seems to have been a successful strategy, as Norwalk currently has fewer foreclosures than in other Connecticut cities.

## **5. Other FHO Activities related to Housing Patterns and Practices:**

The Fair Housing Officer is a member of the Board of Directors of the Fair Housing Association of Connecticut ("FHACt"). The FHO also spent significant time, along with the FHAC, addressing issues arising out of the Zoning Commission's Workforce Housing regulation. In addition, the FHO worked in conjunction with the property manager at 55/77 Water Street, in leasing-up the affordable apartment units. Finally, the FHO, working with NRA's CDBG manager, collaborated to create and implement a pilot wheelchair ramp program whereby low-moderate income residents, needing wheelchair ramp access to their homes, can apply for and receive such a ramp. NRA partnered with Family and Children's Agency on this pilot program in that FCA already has a carpenter program with the expertise to design and build such ramps.

### **C. Monitoring and Advocacy re: Fair Housing Violations.**

1. **Pro Bono Attorney List.** During FY 1996-1997 the Fair Housing Officer issued an RFP in order to create a pro bono attorney list to assist residents with housing matters, particularly fair housing cases. Today, a total of 5 law firms and public interest legal providers continue to offer their invaluable pro bono services to fair housing clients in need.

2. **Complaints.** Out of the 64 discrimination complaints received in FY 2007-2008, the majority of those were claims based upon disability, source of income (especially Section 8 and the state security deposit guaranty program), and family status (i.e., the presence of minor children). In FY 2007-2008, most discrimination claims were resolved by the FHO prior to filing with an enforcement body or in court, with the exception of one (1) case.

In all cases, the FHO expects certain commitments to be included in resultant settlement agreements. These commitments include: (1) that the housing provider agrees not to illegally discriminate in the sale or rental of housing in the future; (2) the housing provider agrees to attend a minimum of one (1) fair housing training, to be provided by the FHO; (3) the housing provider agrees to include in future advertising the words "Section 8 welcome to apply" or "Equal Housing Opportunity Provider", or words of similar ilk; (4) the housing provider agrees to distribute, at its own cost, fair housing flyers to other tenants or customers and/or permit the FHO to distribute such materials on their property, door-to-door; (5) the complainant and respondent exchange full and final releases after they have entered into a settlement agreement, so that neither can ever sue the other regarding this particular incident.

The most significant housing discrimination issues of FY 2007-2008 can be summarized as follows:

- ◆ A tenant tried to rent an apartment, using the state security deposit guaranty. She was also using a real estate agent, as was the landlord. The tenant advised that she intended to use the security deposit guaranty for the security deposit. The landlord's agent, on behalf of the landlord, advised that the landlord preferred a cash deposit, and, when being informed this was illegal, stated that the landlord had the right to decide what kind of deposit she preferred. Attempts to resolve the issue were unsuccessful and so the tenant was referred to the Connecticut Fair Housing Center, where an action was filed against both the landlord and her real estate agent, since licensed real estate agents have a duty not to participate in fair housing discrimination;
- ◆ Several cases of people trying to rent condominiums where outdated bylaws purported to prohibit the rental to these prospective tenants. In one case, the bylaws prohibited three unmarried women from renting. In another, the bylaws prohibited children from being part of a tenant's family. In both cases, illegal bylaws could not be enforced to prohibit otherwise qualified tenants from residing in these housing units;

3. **Advocating for laws and policies:** As discussed previously, the FHO monitors and advocates for both laws (federal reinvestment, state anti-discrimination and local zoning) and policies. Other forms of monitoring and advocacy regarding fair housing in FY 2007-2008 include; continuing to request that Zoning address the fair housing issues in its Workforce Housing Regulation; continuing to refer victims of predatory lending to reputable programs for revising bad mortgages; drafting requests for reasonable accommodation on behalf of disabled tenants. On the state level, continuing to actively

participate in task forces to coordinate responses (education and legal/remedial) to housing discrimination and predatory lending; speaking at two state-wide conferences regarding fair housing and affordable housing; working with the state's Attorney General's office regarding suspected predatory loans. And finally, nationally, working with a national professional organization lobbying to strengthen consumer protections relative to lending, opposing federal usurpation of state laws against predatory lending, and supporting proposals to strengthen federal laws related to lenders' obligation to make responsible loans to low-moderate income borrowers and communities.

**D. Professional activities.**

The Fair Housing Officer is an attorney licensed to practice in Connecticut (as well as other states). She participates on a regular basis in continuing legal education programs. During FY 2007-2008, the FHO attended a state-wide Fair Housing conference sponsored by the Fair Housing Association of Connecticut.

The Fair Housing Officer is a member of the Board of Directors of the Fair Housing Association of Connecticut.

**II. City Enforcement and Compliance.**

**A. Under Title VIII of the Civil Rights Act of 1968.**

1. Were all city programs and activities regarding housing and community development administered in a manner to affirmatively further fair housing?

a. Community Development Block Grants

Community Development Block Grants ("CDBG") are administered by the Norwalk Redevelopment Agency ("NRA"). Of the CDBG expenditures subject to the Low and Moderate Benefit Income (LMI) calculation, 73% were spent on LMI households. Direct benefit recipients of the funds are required to make a non-discrimination commitment in their agreement. In addition, it is the policy of the NRA to refuse to enter into contracts with or provide service monies to developers and service providers who do not have non-discrimination policies. The City and NRA affirmatively further fair housing when they promote the acquisition and/or rehabilitation of affordable housing through the use of CDBG funds.

b. Housing Authority.

Almost all funds and activities are tied to federal or state funding, both of which have strict anti-discrimination requirements. All of the City's housing and community development programs and activities are administered by either the NRA or the Housing Authority. The Norwalk Housing Authority affirmatively furthers fair housing when it

collaborates with the FHO on training sessions, requests for reasonable accommodations and other proactive activities. These efforts ebb and flow and the FHO seeks additional opportunities with the Norwalk Housing Authority to affirmatively further fair housing through outreach, education, and reasonable accommodations for those residents with disabilities. The NHA's wrongful policy and denial of reasonable accommodation requests resulted in the NHA not affirmatively furthering fair housing in a critical way.

2. **Did the city take action to affirmatively further fair housing in:**

**The sale or rental of housing?**

a. **City of Norwalk Plan of Development, 1991-2000.**

The City of Norwalk's former Plan of Development, 1991-2000 began its Housing section with the acknowledgment that in the early 1990s "housing, especially the lack of low cost housing, was one of the most critical planning issues facing Norwalk..." One of the identified policies was to:

"Continue to provide capital budget funds to redevelop the Norwalk Center and Reed-Putnam areas with new housing and mixed-use development. Encourage at least 20 percent of such housing to be affordable to families with incomes at or below the Connecticut Finance Housing Authority's (CHFA) income limits...."<sup>5</sup>

The City furthered fair housing in the sale or rental of housing in the development at Reed-Putnam, which included both sale and residential units. Affordable condominiums and rental units were subsidized by the City through the sale price of the land underlying the development. Two years ago, the condominiums were sold. During FY 2007-2008, the affordable apartments were initially leased. Ten (10%) percent of the units in total were designated affordable and will remain affordable so long as the land use on those parcels is residential.

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<sup>5</sup> Plan of Development for the City of Norwalk, 1990-2000, page 35

b. Funding of the Fair Housing Officer position.

Budget: The Fair Housing budget<sup>6</sup> is funded by the City of Norwalk:

<u>Fiscal Year</u>	<u>Budget</u>	<u>% Increase</u>
2008-2009	\$111,102.00	9.8% <sup>7</sup>
2007-2008	\$101,414.00 <sup>8</sup>	7.5%
2006-2007	\$94,414.00	11.7% <sup>9</sup>
2005-2006	\$84,509.00	4.5%
2004-2005	\$80,847.00	0.0%
2003-2004	\$80,847.00	6.8%
2002-2003	\$75,660.00	5.9%
2001-2002	\$71,452.00	9.1%
2000-2001	\$65,500.00	3.8%
1999-2000	\$63,000.00	4.5%
1998-1999	\$60,215.00	2.5%
1997-1998	\$58,746.00	0.0%
1996-1997	\$58,746.00	3.0%
1995-1996	\$57,035.09	0.0%
1994-1995	\$57,035.09	3.0%
1993-1994	\$55,374.00	2.0%
1992-1993	\$54,219.14	0.4%
1991-1992	\$54,023.00	

Various studies, including the Comprehensive Housing Affordability Study (“CHAS”) published in 1994, and the Mayor’s Blue Ribbon Commission report, also of 1994, support the continuation, expansion, and/or increased funding of fair housing efforts in Norwalk. This has not happened and, in fact, for FY2008-2009, the city’s finance director cut fair housing’s budget below the bone such that there are in fact no operating funds and insufficient funds to cover personnel costs in full, including insurance premiums.

Requests of the Director of Finance, by the FHO and the Executive Director of Redevelopment, to remedy this problem were unsuccessful. The fact that the 2004 Consent Decree (as well as its predecessor) says “...the city shall fund...” the FHO position was unpersuasive.

<sup>6</sup> Under the 2004 Consent Decree, it is now to be called the “Fair Housing Office” budget.

<sup>7</sup> Personnel costs account for the entire budget. In fact, actual personnel costs exceed the entire budgeted amount by several thousand dollars, meaning there is absolutely no money for operations in 2007-2008. Without the infusion of money to make up the shortfall (attributable to health insurance costs being more than expected), the budget will end the fiscal year in the red.

<sup>8</sup> The city originally sought a flat budget, but added \$7,000 as a cost-sharing with NRA on affordable housing work.

<sup>9</sup> Nearly 50% of this increase was attributable to unavoidable group health insurance cost increases.

No program can be run without program funds. And while the FHO has always been mindful of the need to be frugal and run the program on minimal, some would say miniscule, operating funds, and has always done so, her ability to accomplish a lot does not extend to accomplishing a lot without any money at all.

At the time of the writing of this report (November, 2008), a new budget cycle is about to commence for FY2009-2010. The Mayor has requested that budget requests come in at -3% from the prior year, given the significant economic problems facing our nation. Other departments will need to cut operating budgets. Fair Housing's has already been cut to nothing, so further cuts are literally impossible.

In the coming budget cycle, combining FHAC and NRA input, fair housing will request an operating budget of \$7,375, less than ten (10%) percent of total budget, broken down as follows:

- ◆ Office expenses/supplies/postage/copying - \$1,555
- ◆ Dues & Subscriptions and employee training: \$900
- ◆ Seminars - \$900
- ◆ Equipment Purchases (Computer) - \$2,200
- ◆ Commission Fair Housing Activity - \$2,000

What can be cut?

A new computer and necessary software is a substantial investment, but the last one, purchased in 2003, is not likely to last until the end of 2010. During FY 2008-2009, money for the FHAC's annual event was cut, and we will try to have an event in the spring of 2009 for the cost of a fair housing DVD (\$200) plus popcorn. In year's past, we've had one large educational event per year and that must be reinstated. Conferences and subscriptions are the only way the FHO remains current with developments in the field of fair housing. In light of the economic situation, she will not attend the annual out-of-state national fair housing conference this fiscal year.

c. Litigation

There is no litigation pending concerning Norwalk Fair Housing in FY2007-2008.

3. **Did the city take action to affirmatively further fair housing in  
The Financing of Housing?**

Rehabilitation of residential units is the primary method by which the City of Norwalk encourages the development and maintenance of affordable housing.

The city affirmatively furthers fair housing through the financing of housing when it funds the financing of housing rehabilitation and acquisition programs (through its annual budgeting process) at levels that address the need and recognize the level of

expense in Norwalk, and when it maximizes the use of federal CDBG funding (and matching dollars) in the area of affordable housing.

Projects Started and Completed in Fiscal Year (FY) 2007 – 2008

Through the use of CDBG and CDBG leveraged funds, the NRA provided funding as follows:

- ♦ A total of \$1,203,083.00 in CDBG funds was expended in FY 2007 – 2008 to benefit one hundred fifteen (115) housing units. Of these, 95% (109 units) were occupied by extremely low, low and moderate income persons. These figures include multiple programs including the North Walke Housing Corporation’s Residential Rehabilitation Revolving Loan Program (7 projects). In addition, these figures include financial and beneficiary information for the City’s support of the Norwalk Congregate Homes for the Elderly’s Broad River Homes Rehabilitation project and Neighborhood Housing Services (now the Mutual Housing Association of Southwestern Connecticut) Residential Rehabilitation Technical Assistance Program. The housing initiatives of the NRA and North Walke were overseen jointly by the NRA’s Housing Development Project Manager, the NRA’s Senior Community Development Project Manager and the FHO.

Projects Continuing Through FY 2008-2009

For FY 2008-2009, CDBG housing-related funding continues in familiar areas including residential rehabilitation, homelessness, and public housing. The San Vincenzo Renovation Project will continue as NRA staff works to expend remaining contingency funds to complete final renovation activities at the site.

The revolving loan fund for housing rehabilitation and ownership took in \$117,441.76 in repayments which funds are available for new loans during FY 2008-2009. The NRA has received funding in the amount of \$385,565.00 to administer the Rehab Program.

Projects completed in FY 2007-2008

NRA/Residential Rehabilitation Program	114 units
MHA/Residential Rehabilitation Program RLF	1 unit

NRA’s applications to the State of Connecticut DECD, for State HOME Investment Partnership Program funding to capitalize a residential down payment assistance program, were approved. NRA initiated the down payment assistance program in July, 2007. NRA is partnering with the Housing Development Fund of Stamford (“HDF”) who will administer the home ownership program. These grant funds will leverage available CDBG Program funds and assist eligible applicants to enjoy the economic benefits of homeownership.

Projects discontinued in FY 2007-2008

None.

Rehabilitation of residential units is one of two methods (the other being development of new units) by which the City of Norwalk encourages the development and maintenance of affordable housing.

**4. Did the city take action to affirmatively further fair housing in:  
The provision of brokerage services?**

Not applicable except for the services of the NRA and the Housing Authority.

**5. Did the city take action to affirmatively further fair housing in:  
Under Chapter 59A of the City Code (“Housing: Equal Opportunity”).**

The declaration of the City’s policy with regard to Fair Housing is set forth in Chapter 59A of the city code as follows:

“It is the policy of the City of Norwalk to safeguard all individuals from discrimination because of race, color, religious creed, sex, age, national origin, marital status, ancestry or physical disability, including but not limited to blindness, in connection with housing, thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the city their full productive capacities, to secure the city against strife and unrest which would menace its democratic institutions and to preserve the public safety and general welfare.

**a. Fair Housing Activities of the City of Norwalk Human Relations Commission and the Fair Housing Advisory Commission**

**1. Human Relations Commission.**

Norwalk’s Human Relations Commission is the fair housing (and employment discrimination) enforcement body for the City of Norwalk and consists of 11 Commissioners, electors of the City of Norwalk, all appointed by the Mayor and approved by the Common Council.

The Norwalk Human Relations Commission affirmatively furthers Fair Housing in Norwalk by functioning as the city’s anti-discrimination enforcement body. The city affirmatively furthers Fair Housing through the staffing and functioning of this body and office.

## 2. Fair Housing Advisory Commission

The Fair Housing Advisory Commission (“FHAC”), created by virtue of a consent decree entered into in 1986 (and amended in 2004), has eight (8) members. There are 2 mayoral nominees, plus 6 other members appointed by the Mayor (all of whom are approved by the Common Council) and representing various organizations. The organizations are NEON, NAACP, Norwalk Housing Authority, Norwalk Human Relations Commission, Housing Site Development Agency (i.e., Norwalk Redevelopment Agency), and Connecticut Legal Services. In late FY 2006-2007, one of the Mayor’s representatives resigned her seat. The Commission awaits the Common Council’s appointment of a new member to fill that seat.

The 2004 Consent Decree states that the FHAC shall “shall advise and assist in the development of the City’s Fair Housing policy and program” and that:

“The Fair Housing Advisory Commission shall monitor private and public housing practices for compatibility with fair housing objectives, identify problem areas, and make recommendations to the Mayor, Common Council and Housing Site Development Agency and other appropriate City agencies and Commissions.” See, 2004 Consent Decree, page 3, paragraph 8.

The intended interaction between the FHAC and the FHO is stated as follows in the 2004 Consent Decree:

The Fair Housing Officer shall assist the Fair Housing Advisory Committee in developing policy statements, fair housing programs and internal and external communication techniques.... The Fair Housing Officer shall prepare a proposed budget for the Fair Housing Office and submit it to the Fair Housing Advisory Commission... The Fair Housing Advisory Commission shall make any revisions to the budget, and timely submit it through the City budget process for grant agencies...” See, Consent Decree, page 3, paragraph 8, and page 4, paragraph 11.

To these ends, the FHAC sponsored a program regarding design and construction requirements of new, multifamily housing, for architects and developers and the FHAC and FHO continued to work on the issues presented by the Zoning Workforce Housing regulation. Additionally, the FHAC and FHO, with input from the NRA, drafted a budget for FY 2007-2008 (and again, in early FY2008-2009 is doing so for the following fiscal year). The FHO and FHAC will shepherd the budget through the process from approximately November, 2008 through May, 2009.

The FHAC held six (6) regular meetings<sup>10</sup> during FY 2007- 2008.

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<sup>10</sup> The regular meetings took place as follows: Oct. 16, 2007; Jan. 14, 2008; Feb. 12, 2008; March 17, 2008; April 28, 2008 and June 16, 2008.

## CONCLUSION.

Fiscal Year 2007-2008 was a time of continuing growth and expansion in terms of providing Fair Housing services to the people of Norwalk. Public response is excellent and ever increasing, and press relations are good.

Budgetary concerns have been paramount for many years and have become critical in nature. The total cost is modest, and not subject to reduction, as the office has one staff person and absolutely no support staff, even though the 2004 Consent Decree envisioned support staff. The essential costs must be covered in full, going forward, along with a modest operating budget for the program. Reasonable funding needs to be assured, despite difficult economic times, because the budget is already pared down to bare bones. Further, the need for the office increases as economic times get worse, especially now when our difficult times are defined by a housing and lending crisis, and the economy is still heading downward, far from recovery. Clearly, as the housing crisis continues and unemployment begins to rise, Norwalk residents will be in greater need of fair housing and affordable housing services for the foreseeable future.

Fair Housing violations continue in the private real estate market, especially the rental market. It is expected in the coming year that the violations will increase as people are more stressed and pressed by the economic realities. While construction may slow down, planning usually increases during economic downturns, so the ability to work with architects and developers on multifamily housing construction design does not fade with a floundering economy.

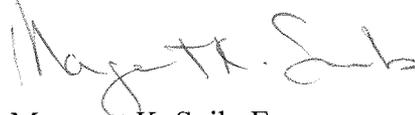
Fair Housing violations only exacerbate the difficulties faced by persons seeking affordable and/or accessible housing in this, one of the most expensive markets in the country. It is anticipated that Fair Housing issues will continue to exist and increase as long as there is a crisis in the availability of affordable housing and as long as there is a housing, credit and economic crisis.

The affordable ownership housing the FHO helped negotiate in Reed-Putnam, Maritime Yards, was purchased and occupied by first time homeowners in early 2007. The affordable apartments in Reed Putnam, The Jefferson at 55/77 Water, were leased during FY2007-2008. There is no doubt that the need for affordable housing will outstrip its supply, but this is a beginning. In FY 2008-2009 and beyond, the FHO anticipates continuing to work on affordable housing issues.

In conclusion, even in the best of economic times, the Fair Housing Officer serves an ever-increasing number of Norwalk residents. It is almost a certainty that the needs of residents will increase with the very difficult economic times we are facing including a credit crunch, rising unemployment and a housing market in crisis. Fair Housing education, advocacy, monitoring and reporting on Fair Housing are expected to increase in tough times. The Fair Housing budget needs modest increases yearly, to guaranty a minimal operating budget and to assure that personnel costs (some of which, like health

insurance, are not subject to our control) are covered. In recognition of the tough economic times, the FHO will not make budgetary requests beyond that which is absolutely necessary to run the office, fulfill the court-ordered mission and serve the residents of the City of Norwalk.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Margaret K. Suib". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Margaret K. Suib, Esq.  
Norwalk Fair Housing Officer  
November 25, 2008

# ATTACHMENTS

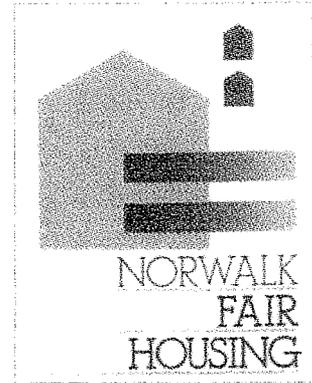
Newspaper Columns FY 07/08  
Anti-Predatory Lending Flyer

# Fair Housing Tutorial

BY MARGARET SUIB

Don't discriminate means treat everyone the same, right? Yes and no.

Most people know it's against the law to refuse to rent (or sell) a housing unit because of race, religion, or disability, to name a few. But did you know that if a resident has a disability, that person may actually have a right to special considerations that residents without disabilities are not entitled to receive? For example, a person who is blind and has a seeing-eye dog can rent an apartment even in a building that has a "no pets" rule. Why? An animal that assists a person with a disability, such as a seeing-eye dog, is not considered a "pet."



The usual fair housing rule is "treat everyone the same" so as to not discriminate. As with all legal concepts, there is an exception to the rule: when a person with a disability, because of the disability, needs something special or different (whether that change is in a rule, policy, practice, procedure, or physical modification of the housing), that request must be granted, unless it would cause an undue administrative and financial burden on the landlord or is outside of the services usually provided by the landlord.

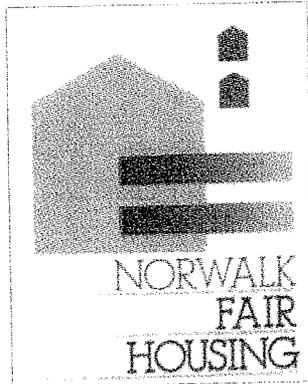
Install an elevator in the building because I have a disability and can't climb stairs? No, this would be unduly financially burdensome. Please get my groceries because I have trouble shopping due to my disability? No, shopping is not usually a service provided by the landlord.

What kind of requests must be granted? Real examples include: A tenant with a disability requests an assigned parking spot close to the unit, but all spots in this complex are first come/first served—the landlord must assign the person with a disability a nearby spot (while non-disabled tenants don't get assigned spots); A tenant asks permission to install a wheelchair ramp in order to have access to the apartment—the landlord cannot say no; A tenant who, because of a heart condition, needs to be transferred from a third floor walk-up apartment to a ground floor apartment cannot be denied the transfer, even if the landlord's usual policy is "no transfers"; A tenant who, because of a disability, needs a live-in home healthcare aide cannot be told by the landlord that the healthcare aide can't live with the tenant (or worse, that the tenant doesn't really need that care); And a landlord cannot decide that instead of having an aide, an elderly tenant should move to a nursing home and then evict that elderly tenant. All these cases have arisen recently in Norwalk, the landlord or condominium association has not properly complied with the requests, and legal actions have been brought against them (yes, these laws apply to condominiums also).

*Fair Housing, continued p. 14*

# Fair Housing Laws Protect Different Sources of Income

BY MARGARET SUIB



An elderly man can't rent an apartment because the landlord requires tenants to have full-time jobs, so that no one is "hanging around" the building. The man is retired, has social security and a pension, can pay the rent, but he is

refused because he doesn't work.

A woman calls about an apartment being advertised for rent. It sounds perfect for her and her children. The landlord asks, "Do you have Section 8." The prospective tenant replies "yes." The landlord says, "Sorry, I don't take Section 8" and hangs up the phone.

These situations arise every day in Norwalk even though Connecticut law prohibits discrimination because of "lawful source of income." What does this mean? It means that all legal sources of income are created equal. It means that his paycheck, her social security check, my disability check, your rent subsidy must be treated as equally acceptable by a prospective landlord.

Section 8, RAP, ShelterPlusCare, the state Security Deposit Guarantee Program, are all examples of lawful income under this law and that means landlords cannot refuse a tenant because they have any of the above types of income. When these tenants are refused, because of these sources of income, landlords are illegally discriminating.

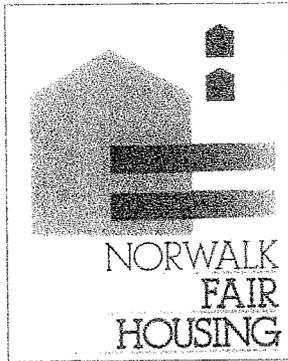
This is one of the most common forms of discrimination, perhaps because of a lack of knowledge of

the law, perhaps because of negative stereotypes. Either way, it's illegal. ■

*About the author: Margaret K. Suib, Norwalk's Fair Housing officer since 1996, is an attorney assisting residents in combating housing discrimination, and is Norwalk Redevelopment Agency's affordable housing coordinator. [msuib@norwalkct.org](mailto:msuib@norwalkct.org)*

# Fair Housing Success Stories

BY MARGARET SUIB



What is a fair housing success story and how do we measure its value? Here are some examples of real cases in Norwalk.

**Number 1:** A young couple wants to rent a one-bedroom apartment in Norwalk.

They are from Kaza-

khstan (part of the former Soviet Union) and are Muslim. They have very good jobs, credit, and can easily afford the apartment. The landlord is nervous because they are Muslim and foreign and decides she would rather rent to an American, and only one person, not a couple. The couple is referred to Fair Housing by their Realtor®—the Fair Housing Officer explains to the landlord that since these prospective tenants can afford the unit and have good credit and references, it would be illegal housing discrimination to refuse to rent to them because of their faith or because of their birthplace. The landlord agrees to rent to these tenants, rather than face a housing discrimination claim. Six months later, the landlord calls the Fair Housing Officer to say what lovely people and tenants they are and how glad the landlord is she rented to them.

**Number 2:** A young woman is assaulted in her apartment. She suffers post traumatic stress. Her psychiatrist says she needs to live in another apartment, not the one where she was attacked. The landlord refuses to allow her to move to another apartment within the complex. Based upon her disability (post traumatic stress), the

Fair Housing Officer explains to the landlord that the tenant has to be allowed to transfer to another unit, as this is her medical need due to her disability, and that if the landlord refuses to allow her to move, the landlord will be committing housing discrimination. The landlord allows her to move and the tenant immediately feels better than she did in the apartment where the assault occurred.

**Number 3:** An elderly woman develops dementia. She needs the help of family members to accomplish daily tasks like bathing, getting dressed, and eating. Family members begin to help and stay with their mother, to take care of her. The landlord says that they are breaking the lease. The family requests the right to have one person stay with mom and take care of her. The landlord refuses the request, decides the lady should be in a nursing home, and evicts her. The Fair Housing Officer assists the family in getting an attorney to fight the eviction and for the right (as the law provides) to have a live-in aide for mom.

What is the value of a home of our choice, free from fear just because we are from a foreign country and a different faith, or a home free from the trauma of assault, or a home in which we are allowed to care for our elderly family member ourselves, instead of being forced to send her to a nursing home where care won't be as good?

Like the commercial says, for everything else there is a credit card. To be free from housing discrimination: *Priceless.* ■

*About the author: Margaret K. Suib, Norwalk's Fair Housing officer since 1996, is an attorney assisting residents in combating housing discrimination, and is Norwalk Redevelopment Agency's affordable housing coordinator.*

# Predatory Subprime Mortgages and Foreclosure Frenzy

BY MARGARET SUIB

How is the subprime mess a fair housing matter? Studies have shown that the “bad” — or predatory — mortgage loans, with excessively high interest rates, disregard for the borrower’s ability to repay, and unwarranted, improper fees, were frequently targeted at minorities, people of lower incomes, and women. This happened nationwide, including in Norwalk.

Beginning in the late 1990s, this form of lending became the rage, for both banks and other lenders. Soon, advocates sounded like Chicken Little, hollering, “The sky will fall,” because these unduly expensive loans were designed to become even more expensive when teaser interest rates reset. There was no concern by the lending institutions if the borrowers would be able to afford these loans upon resetting. In fact, often the borrowers could not even afford the introductory teaser rate.

Advocates testified before Congress and wrote to banking regulators about the likely consequences of these loans: People not being able to afford their homes, losing homes in foreclosure, even more so if the real estate market went south, such that borrowers would not be able to sell to avoid foreclosure. We asked for more regulation, but the prevailing view was that a free market self-regulates (i.e., needs little or no supervision). The water was chummed, the sharks were feeding, there was no political will to protect the consumer. Wall Street was buying and selling these mortgages like penny candy and people were making unimaginable amounts of money. The little chicks who were saying, “The sky is falling,” were scoffed at and ignored.

Like many cons, it was a perfect arrangement: Deceive the consumer in an arena where everything is complicated. Professionals granted mortgage loans to people they knew couldn’t afford to repay them. They assured the customer that he/she could refinance down the road. The lenders banked on the idea that if everything went to heck in a hand-bas-

ket, a house with more equity (read that as “profit”) would become the lender’s property, to sell and lend on again, with more unconscionable rates and fees. As long as the real estate market appreciated, the lenders would win, regardless.

The brokers or loan officers received their money at the moment of closing. If a broker made thousands of dollars at closing, who cared what happened later? Sweet, sweet, sweet for all professionals, from Wall Street to Main Street. *The consumer: Who?*

Recently, a huge investment bank, Bear Stearns, was about to go bankrupt due to, literally, a run on the bank. It was caught holding the paper in the musical chairs game. The music stopped. The real estate market tanked. No one would buy these subprime loans anymore. A financial institution (an investment bank) — central to our economy — was in danger.

Consumers have been in danger for awhile with an ongoing political debate about whether or not government should rescue consumers from bad loans. A few programs have sprouted up this spring to help the consumer, but are much smaller than the demand or the need, and much smaller than the help granted to sophisticated banking institutions.

There was no debate prior to a Bear Stearns rescue, which was accomplished in about four days. The federal government (read “American taxpayers”) will help the sophisticated investment banks out of their knowingly speculative investment, to the tune of \$30 billion for the JPMorgan buyout of Bear Stearns, and approximately \$360 billion through April (with more promised) for commercial banks hurting from the credit crisis [per *Associated Press* on March 28, 2008], and access for all banking institutions to extremely low interest money.

See *Subprime*, page 10

*Subprime, from page 3*

So here's how it shakes out: The consumer was targeted with discriminatory, unaffordable loans, s/he was intentionally and falsely assured it would all work out, s/he trusted the professionals s/he dealt with, and s/he is in foreclosure, losing a home, and usually whatever equity s/he built up and his/her credit. Despite all that, the taxes s/he is still paying on income will bail out Bear Stearns and the next financial sophisticate who, after making hundreds of millions (or was it billions) of dollars on these loans, were caught holding the paper when the music stopped. According to CreditSuisse, the problem isn't over: Billions of dollars in mortgages will continue resetting from now until late 2011.

Today, there are a few places for the consumer to turn to for help in refinancing out of a predatory loan and perhaps keeping his/her home. We need the government to provide something greater, like

it is doing for investment and commercial banks. But here is what is available today: State of Connecticut "CT Families" program (by Connecticut Housing Finance Authority): 1.860.571.3500, HOPE NOW (HUD approved) 1.888.995.4673, and FHA Secure (federal government) 1.800.225.5342.

Maybe we will pass new laws too, regulating banks and other lenders so that this doesn't happen again. Even the chairman of the Federal Reserve Bank of New York testified before Congress, on April 3, 2008, that such regulation is needed. There's no real room for debate since it is now obvious that the lack of regulations wasn't prudent and the free market did not provide the necessary constraints. ■

*About the author: Margaret K. Suib, Norwalk's Fair Housing officer since 1996, is an attorney assisting residents in combating housing discrimination, and is Norwalk Redevelopment Agency's affordable housing coordinator.*

### SONO REDEVELOPMENT "WEST PINE PLACE"



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# DON'T LET A THIEF STEAL YOUR HOME!!!



These are some of the things that should make you suspicious about anyone offering to loan you money. Be careful if you don't have a mortgage on your house anymore (or the balance is very small). If you are elderly, a woman, or a minority, you are a target of these thieves. If you are unsure about the loan you're getting, call Norwalk's Fair Housing Officer at 854-7820 for information before signing anything! If a deal sounds too good to be true, it usually is!

## BEWARE IF:

- **YOU ARE CONTACTED** by door-to-door or phone solicitations offering a new roof, windows, chimney work or siding AND they'll give you a loan to do the work.
- **YOU ARE OFFERED** a loan to do home repairs by the repairman.
- **YOU ARE TOLD** you don't need your own attorney.
- **YOU ARE REQUIRED** to go out-of-state to do the paperwork.
- **YOU ARE PRESSURED** to sign loan papers quickly.
- **YOU ARE PROMISED** this loan will save you from foreclosure, bankruptcy or wipe out your debts.

Some thieves steal more than your money. If you are not careful, they can steal your whole house. They do this by loaning you money to fix up your house, get rid of other debt, or go on vacation but at such a high cost that they know you can't repay. This is called "predatory lending". When you can't pay, the predator ends up owning your home!

**CALL NORWALK'S FAIR HOUSING OFFICER AT 854-7820  
FOR MORE INFORMATION ABOUT PREDATORY LENDING**

## **NO PERMITA QUE UN LADRON LE ROBE SU CASA!**



Estas son algunas de las cosas que deben hacerlo sospechoso de cualquiera que le esté ofreciendo prestarle dinero. Tenga cuidado si usted ya no tiene una hipoteca en su casa (o si el saldo es muy pequeño). Si usted es de mayor edad, una mujer o miembro de un grupo minoritario, usted es un objetivo de estos ladrones. Si usted no está seguro acerca del préstamo que está obteniendo, llame al oficial de la Vivienda Justa de Norwalk al 854-7820 para información antes de firmar cualquier documento! Si un trato parece muy bueno para ser cierto, usualmente lo es!

### **TENGA CUIDADO SI:**

- **A USTED LO VISITAN O LO LLAMAN** ofreciéndole un techo nuevo, ventanas, trabajo de chimenea ó de las paredes exteriores... Y que ellos le darán un préstamo para hacer el trabajo.
- **A USTED LE OFRECEN** un préstamo para hacer reparaciones por el mismo reparador.
- **A USTED LE DICEN** que no necesita su propio abogado.
- **A USTED LE REQUIEREN** salir del estado para hacer los documentos.
- **A USTED LO PRESIONAN** para firmar documentos del préstamo rápidamente.
- **A USTED LE PROMETEN** que este préstamo lo salvará de perder su casa, de bancarrota o cancelará sus deudas.

Algunos ladrones roban más que su dinero. Si usted no tiene cuidado, ellos pueden robarle su casa entera. Ellos hacen esto prestándole dinero para arreglar su casa, librarlo de otras deudas, o para irse de vacaciones pero a un costo tan alto que ellos saben que usted no puede pagar. Eso se llama “préstamo predatorio”. Cuando usted no pueda pagar, el prestamista predatorio termina siendo dueño de su casa!

**LLAME AL OFICIAL DE LA VIVIENDA JUSTA DE NORWALK AL 854-7820  
PARA MAS INFORMACION ACERCA DEL PRESTAMO PREDATORIO**